

City Council met in an open work session at 4:30 p.m., October 26 to discuss the Alexander Mitchell Library Facilities Task Force Report.

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, October 26, 2009, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell, Clint Rux and Jennifer Slight-Hansen. Mayor Levsen led the Pledge of Allegiance.

OPEN FORUM – Kathy Griffin was present to support the new library project.

OLD BUSINESS

ORDINANCE NO. 09-10-03

Bunsness moved, Agnitsch seconded to approve second reading as amended and final adoption of Ordinance No. 09-10-03. Upon roll call, all voting aye, motion carried.

CONSENT CALENDAR

Mitchell moved, Kraft seconded to approve the following items on the consent calendar:

SET HEARING DATE – November 9, 2009 at 5:30 p.m. for application for Special One-Day Retail On-Off Sale Malt Beverage Licenses for the following: November 14, 2009 – Yelduz Shrine Provost dba Yelduz Shrine Turkey Shoot, 802 South Main Street and November 19, 2009 – Aberdeen Area Chamber of Commerce dba Sanford Clinic, 3015 3rd Avenue SE.

LICENSES – Home Day Care – Ashley L Patterson and Shelly R Barr; Residential Building Contractor – Richard P Thomas, and Todd Rohr dba Rohrco Construction; Sewer Builder – Randall Henriksen; Taxi Cab Drivers – Albert J Schnaidt, Wendy Droppers, and Allan D Engel.

PLATS – 1) Prairie Springs First Addition to Aberdeen in the SW ¼ of Section 18, T123N, R63W of the 5th P.M., Brown County, SD; 2) Premier Auto Addition to the City of Aberdeen, South Dakota, located in the SE ¼ of Section 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD; 3) Liebe Addition in the NE ¼, Section 22, T123N, R64W of the 5th P.M., Brown County, SD; 4) Kornmann

Subdivision of Lot 2 in Kornmann – Ivey 1st Subdivision in Aberdeen, SD, located in the SW ¼ of Section 12, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD w/stipulation that variances for lot width, depth, and setbacks are obtained from Aberdeen Board of Zoning Adjustment prior to plat being filed with Brown County Register of Deeds; 5) Bud Smith First Addition in the SE ¼ of Section 20, T123N, R63W of the 5th P.M., Brown County, SD w/stipulation that petition to rezone to medium density residential district is approved.

DEPARTMENT REPORTS – Aberdeen Regional Airport Board Minutes; Alexander Mitchell Library Board Minutes; Aberdeen City Planning Commission Minutes; Brown County/Aberdeen City Planning Commission Minutes; Board of Zoning Adjustment Minutes – receive and place on file.

All voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 09-10-01

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 708 (C-3) and Section 711 (R-4) to Section 705 (R-3) the E. 38' of the S. 100' of Lot 14, Block 40, Second Addition in the NW ¼ of Section 24, T123N, R64W, Aberdeen, Brown County, South Dakota was presented. Hodgins moved, Bunsness seconded to approve first reading of Ordinance No. 09-10-01. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 09-10-04 R – RESOLUTION LEVYING AN ANNUAL SPECIAL ASSESSMENT FOR PARKING FACILITIES

Bunsness moved, Slaight-Hansen seconded to approve Resolution No. 09-10-04 R. After discussion, Hodgins moved, Rux seconded to move to the end of the agenda. All voting aye, motion carried.

HEARING – ALCOHOLIC BEVERAGE LICENSES #RL-5406 AND PL-4425 FOR SILVER DOLLAR BAR, INC AT 119 SOUTH MAIN STREET

This being the time and place set for a hearing on Alcoholic Beverage Licenses #RL-5406 and PL-4425 for Silver Dollar Bar, Inc. at 119 South Main Street, Mayor Levsen opened the hearing. City Attorney Adam Altman discussed the reasons to deny said licenses. Sgt Angela Senger testified on events during

2009 at the Silver Dollar Bar. Officer Barb Reifenrath also testified. Janet Iverson was present as owner of the Silver Dollar Bar. Troy Iverson was present as owner of the building where the Silver Dollar is located. There was no one else present to testify, Mayor Levsen closed the hearing. Bunsness moved, Agnitsch seconded to revoke the aforesaid licenses. All voting aye with Hodgins abstaining, motion carried.

GRANT AGREEMENT

Bunsness moved, Mitchell seconded to approve and authorize the City Manager to sign Grant Agreement with SD Department of Transportation for Aberdeen Ride Line. All voting aye, motion carried.

FOP LABOR AGREEMENT

Bunsness moved, Rux seconded to receive and place on file the ratified FOP Lodge #4 Labor Council Agreement. All voting aye, motion carried.

2010 ELECTION AGREEMENT

Bunsness moved, Agnitsch seconded to approve and authorize the Mayor to sign 2010 Combined Election Agreement with Brown County, Aberdeen School District 6-1 and City of Aberdeen. All voting aye, motion carried.

CHANGE ORDER

Bunsness moved, Campbell seconded to approve and authorize the City Manager to sign Change Order #12 – modifying/adding items to Public Safety Building – Kyburz Carlson Construction – an increase in the amount of \$7,360.00. All voting aye, motion carried.

BILLS

Bunsness moved, Slaight-Hansen seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 112.00; Dakotacare Administration 41,163.47; Alltel 1,545.05; Aberdeen Business Improvement District 1,896.31; Sun Life Insurance 510.00; Charles Beaner 36.11; Bab Mgmt, LLC 27.07; Scott Anderson 21.92; Glenn Goodall 19.22; Mike Holsten 55.55; Tony Grohs 67.20; Jamie Dinger 63.12; Gary Sieber 45.62; Jeff Joachim 22.49; Kathy Krank 17.18. Upon roll call, all voting aye, motion carried.

PAYROLL

Kraft moved, Agnitsch seconded to approve payroll for the period from October 11 through October 24, 2009 and city share of social security, old age & survivor's insurance, retirement and health/life insurance: Governing Body 4,647.48; City Manager 4,707.51; Attorney 4,285.60, Ryan Soye 500.00/week; Finance 13,591.36; HR 6,712.80; Building 235.68; Computer 3,258.40; Planning/Zoning 9,483.19; Engineer 9,635.36; Police 89,151.37; Fire 89,403.53; Fire Prevention 3,511.44, Brett Stulken 16.47/hr; Housing/Building 4,592.80; Street 21,788.97; Traffic 4,315.04; Solid Waste 16,010.13, Patrick Schock 12.87/hr; Transportation 11,842.64, Michael Moss 9.75/hr; Library 21,231.84, Timothy Rogers 12.25/hr; Parks, Recreation & Forestry 72,557.30, Betty Arndt 11.25/hr, Scott Bishop 8.25/hr, Shelby Braun 7.25/hr, Lindsey Cegla 7.50/hr, Sarah Curley 7.75/hr, Dixie Daly 10.50/hr, Tara Geffre 8.50/hr, Brandon Heim 7.50/hr, Brittany Huback 7.50/hr, Travis Kamm 7.50/hr, Whitney Luhring 7.50/hr, Cody Marks 7.50/hr, Elizabeth Maursetter 8.00/hr, Taylor Morsching 8.00/hr, Rochelle Moser 8.00/hr, Kayleigh Ott 7.50/hr, Blair Scoular 7.75/hr, Michelle Stratton 7.50/hr, Kelley Suggs 7.75/hr, Derek White 7.75/hr; Airport 11,105.23; Pipe 18,482.78; Water Treatment 15,110.62; Meter 4,749.13; Wastewater 16,904.34; Pump 4,317.82; Wells Fargo 100,870.11; SD Retirement System 58,270.16. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 09-10-04 R

After further discussion on Resolution No. 09-10-04 R – Resolution levying an annual special assessment on parking facilities, Bunsness moved, Slaight-Hansen seconded to approve the following resolution:

WHEREAS, the City of Aberdeen did adopt an ordinance creating an appointive board to manage public parking facilities, and

WHEREAS, the board appointed to manage said parking facilities has determined that there is needed the total sum of Seventy-eight Thousand Nine Hundred Forty-seven Dollars (\$78,947) to operate said parking facilities for the year 2010 and have recommended to the Aberdeen City Council that they cause to be levied a special assessment in the parking district sufficient to raise said sum to be used for the purpose of operating, maintaining and repairing the public parking facilities to be managed by the board so appointed, and

WHEREAS, the Board so appointed is to manage and operate all City-owned parking lots and facilities, except on-street parking, in the area defined in the Revised Ordinances of Aberdeen, South Dakota, and

WHEREAS, the governing body of the City of Aberdeen has determined that there is to be during the year 2009 (collectible in 2010) levied an annual special assessment (collectible in 2010) against all real property in the parking district the amount as recommended for the purpose of operating, maintaining and repairing said public parking facilities for the year 2010, and

WHEREAS, it has been determined that the annual special assessment shall be apportioned against the real property within the boundaries of the area designated according to the benefits to accrue to said property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNCIL MEMBERS, and they hereby find, determine and declare that it is necessary to levy during the year 2009 a total annual special assessment for the purpose of operating, maintaining and repairing the public parking facilities managed by the board the sum of Seventy-eight Thousand Nine Hundred Forty-seven Dollars (\$78,947) to be used during the year 2010, and that said sum shall be assessed against all assessable lots and tracts of land within the boundaries of the areas so designated, according to the benefits to accrue to said property, and said Board of Councilmember's hereby determine that the benefit formula to be used in said district shall be arrived at by determining the total value of all assessable property in said district, and to make a determination as to real property that is used 100% as residential property, and that property used 100% for residential purposes is only to be assessed at 25% of its total assessed value for the purpose of this special assessment, and that based upon said assessable value determine a levy sufficient to raise the total sum required for operation of said parking district, and that the amount of assessed valuation of real property will be the same as the amount shown on the Notice of Assessed Valuation. Each lot shall be assessed the pro rata share of the total sum of the special assessment per its assessed valuation.

BE IT FURTHER RESOLVED that the City of Aberdeen hereby directs that the amount of assessment above described to the general assessment to the County Auditor to be collected as municipal taxes for general purposes, and the property owners are to be notified of said special assessment in the same manner that they are notified of general assessment, and the assessment shall be subject to review and equalization in the same manner as assessments or taxes for general purposes.

Motion carries by voice vote, 1 nay (Campbell).

There being no further business before the Council, Bunsness moved, Hodgins seconded that the meeting be adjourned. All voting aye, motion carried.

Prepared by Cathy Feickert
For the Finance Office

Finance Officer

JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, 8:45 a.m., October 27, 2009, Joint City/County Meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, Todd Campbell, Lloyd Hodgins and Clint Rux. David Bunsness, Jim Kraft, Jeff Mitchell and Jennifer Slight-Hansen were absent.

County Commissioners present were Fischbach, Wiese, Hansen, Sutton and Elliot.

ORDINANCE NO. 09-10-02-379

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 714 (M-AG) and Section 70-4 (R-2) to Section 704 (R-2) – Lot 1, Bud Smith First Addition in the SE ¼ of Section 20, T123N, R63W of the 5th P.M., Brown County, South Dakota was presented. Rux moved, Agnitsch seconded to approve first reading of Ordinance No. 09-10-02. Upon roll call, all present voting aye, motion carried.

Commissioner Sutton moved, Commissioner Hansen seconded to approve first reading of Ordinance No. 09-10-02-379. All voting aye, motion carried.

There being no further business before the Joint Council, Campbell moved, Agnitsch seconded that the meeting be adjourned. All present voting aye, motion carried.

Prepared by Cathy Feickert
For the Finance Office

Finance Officer