

## CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, August 24, 2015, 5:30 p.m., regular meeting of the Board of City Council Members, Mayor Mike Levsen presiding. Present at roll call were City Council Members David Bunsness, Todd Campbell, Alan Johnson, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slight-Hansen. City Council Member Laure Swanson was absent. City staff present were Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, and Dave McNeil.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Campbell moved, Rux seconded to approve the minutes of August 17, 2015, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

CONSENT CALENDAR

Johnson moved, Slight-Hansen seconded to approve the following items on the consent calendar:

COMMUNITY EVENT PERMIT – for South Dakota State Senior Games on September 4 and September 5, 2015 in the City.

SET HEARING DATE – of September 8, 2015 at 5:30 p.m. for application for Special One-Day Retail Wine License and Retail Malt Beverage License on September 10, 2015 for Aberdeen Area Chamber of Commerce dba Business After Hours, Steven Lust Automotive Showroom, 1314 – 6<sup>th</sup> Ave., SW.

LICENSES – Home Day Care – Chelsea Brown; Residential Building Contractor – Jeremy Holtey; Residential Building Contractor – Mark Rauscher.

SET HEARING DATE – of September 14, 2015 at 5:30 p.m. for Petition to Vacate Public Right-Of-Way for the entire 16' x 300' Public Alley Right-Of-Way located between Block 36, Second Addition and Lot 1, St. Paul's Subdivision in the NW ¼ of Section 24, T123N, R64W (223, 219, 215, 211, 207, 201 – 6<sup>th</sup> Avenue, SW, 609 South 3<sup>rd</sup> Street, and 218 – 7<sup>th</sup> Avenue, SW).

PLATS – 1) HHS Properties Second Addition to Aberdeen in the W ½ of NE ¼ of Section 30, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota; 2) Lot 1, St. Paul's Second Subdivision of Block 36, Second Addition to Aberdeen in the NW ¼ of Section 24, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota; 3) Mary Cutler's First Subdivision in the SW ¼ of Section 10, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota; 4) Plat of Menzia Second Subdivision in the NE ¼ of Section 23, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota; 5) P and L Aman Addition in the SE ¼ of Section 2, T122N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota with stipulation that property be rezoned and the variance for lot size be approved.

REQUEST FOR PERMISSION – to serve and permit the consumption of alcoholic beverages at the Wylie Park Pavilion on September 19, 2015 for a Christianson and Knigge Wedding Reception.

REQUEST FOR STREET USE – Janice Miller for “Mike Miller Relay For Life Run” on September 19, 2015. Route Change to block part of 3<sup>rd</sup> Avenue, SW.

LOTTERY NOTICES – Exchange Club and American Legion Post 24 – receive and place on file.

All present voting aye, motion carried.

NEW BUSINESS

## ORDINANCE NO. 15-08-01

Ordinance No. 15-08-01 to rezone property from (C-1)/(R-4) Districts to (C-3) District described as Lot 2A, Block 43 of Thomas Addition in the NW ¼ of Section 24,

T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, South Dakota (1108 South Main Street) was presented. Upon roll call, all present voting aye, motion carried.

**AMENDMENT TO TAX INCREMENT FINANCE DISTRICT NO. 24**

A Project Plan Amendment to Tax Increment Finance District No. 24 for JN Development LLC for 2914 North Dakota Street was presented. Ronayne moved, Campbell seconded to approve Resolution No. 15-08-04R as follows:

**RESOLUTION APPROVING CREATION OF TAX INCREMENTAL DISTRICT NO. 24 AND ADOPTING AMENDED REVISED PROJECT PLAN**

WHEREAS, a public hearing was held before the Planning Commission of the City of Aberdeen, South Dakota, on August 18, 2015 at 7:00 p.m. in the Courthouse basement in the Brown County Courthouse at 25 Market Street, Aberdeen, South Dakota, pursuant to notice of such hearing for the purpose of considering the creation of Tax Incremental District No. 24 and its proposed boundaries; and

WHEREAS, the Planning Commission, at its regular meeting on August 18, 2015, held in the Courthouse basement in the Brown County Courthouse at 25 Market Street, Aberdeen, South Dakota, did pass a resolution establishing the boundaries of such Tax Incremental District and did submit a recommendation to the City Council of the City of Aberdeen, South Dakota, recommending the creation of the said Tax Incremental District No. 24; and

WHEREAS, the Planning Commission, at its regular meeting on August 18, 2015, did pass a Resolution adopting the Amended Revised Project Plan for the proposed Tax Incremental District No. 24 and did recommend to the City Council that it approve and adopt the project plan; and

WHEREAS, such action by the Planning Commission was done in accordance with SDCL Ch. 11-9 and such action by the Planning Commission was done at a regular meeting of the said Planning Commission after notice properly given and after due hearing and being appropriately and properly advised:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota, that the boundaries of the proposed Tax Incremental District No. 24 be and the same are hereby designated as:

Lots 1 – 11, Block 8; Lots 4 – 7, Block 7; and Lots 9 – 16, Block 6; and Lot 1, Block 9, of Meadows on Dakota Fifth Subdivision in the Southwest Quarter (SW ¼) of Section 6, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M., Brown County, South Dakota, and any replat thereof; and

All of the Lots located in Blocks 6 and 7, of Meadows on Dakota Fourth Subdivision in the Southwest Quarter (SW ¼) of Section 6, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M., Brown County, South Dakota, and any replat thereof; and

All of the Lots located in Blocks 4 and 5, of Meadows on Dakota Third Subdivision in the Southwest Quarter (SW ¼) of Section 6, Township 123 North, Range 63 West of the 5<sup>th</sup> P.M., Brown County, South Dakota, and any replat thereof; and

All of the Lots located in Blocks 1, 2 and 3, of Meadows on Dakota Second Subdivision in the Southwest Quarter (SW ¼) of Section 6, Township 123 North,

Range 63 West of the 5<sup>th</sup> P.M., Brown County, South Dakota, and any replat thereof;

and that specific lots to be included in said Tax Incremental District No. 24 are as set forth and identified in the Amended Revised Project Plan For Tax Incremental District No. 24 on file in the office of the Finance Officer of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota, and in the office of the Planning and Zoning of the City of Aberdeen, South Dakota, located at 123 South Lincoln Street, Aberdeen, South Dakota 57401; and

BE IT FURTHER RESOLVED that such Tax Incremental District No. 24 contains property not less than 25% by area of which is unique; nature and design of the property limits restricts the useful purpose; defective or inadequate street layout; lack of attention and general unrepaired and unattended lack of usage in relationship to size, adequacy, accessibility, and usefulness in that such area significantly and substantially impairs or arrests the solid growth of that area of the City of Aberdeen, South Dakota and constitutes an economic liability in its general present condition and use and that further, the improvement of the area is likely to enhance significantly the value of substantially all other real property within the area and immediately adjacent thereto, and if such Tax Incremental District is created that there is a likelihood that there will be residential homes in the proposed Tax Incremental District No. 24 enhancing the area and improving the tax base of the City of Aberdeen; and

BE IT FURTHER RESOLVED that the tax incremental district is hereby created with an effective date of August 24, 2015;

BE IT FURTHER RESOLVED that the tax incremental district shall be named and designated as Tax Incremental District No. 24 of the City of Aberdeen, South Dakota; and

BE IT FURTHER RESOLVED that the Amended Revised Project Plan approved by the Planning Commission at its regular meeting held on August 18, 2015, be and the same is hereby approved and adopted; and

BE IT FURTHER RESOLVED that the Amended Revised Project Plan for Tax Incremental District No. 24 is feasible and in conformity with the master plan of the City of Aberdeen, South Dakota, a municipal corporation of the State of South Dakota; and

BE IT FURTHER RESOLVED that the City of Aberdeen has prepared a Development Agreement setting forth terms, conditions, and responsibilities of the developer of the Amended Revised Project Plan to be executed by the City of Aberdeen and the developer upon the City of Aberdeen's creation of Tax Incremental District No. 24; and

BE IT FURTHER RESOLVED that the aggregate assessed valuation of the taxable property in the district plus the tax incremental base of the all other existing districts does not exceed 10% of the total assessed value of taxable property in the City of Aberdeen, South Dakota.

All present voting aye, motion carried.

#### BILLS

Bunsness moved, Remily seconded to approve the following audited bills for services, supplies, repairs, and maintenance: Northwestern Energy 22,290.66; CenturyLink 98.80; DEX Media East 122.10; Rhodes Anderson Agency 30.00; SD Secretary of State 30.00; Huff Construction 16,968.00; Dakotacare 42,963.92; Wageworks 444.00; United Parcel Service 79.74; Mosley Fabrication & Welding 48,775.00; J & K Mowing Service 337.35; Quantum Properties 2,500.00; Northern Lake Service, Inc. 852.60; Morrison Construction 12,906.76. Upon roll call, all present voting aye, motion carried.

#### PAYROLL

Bunsness moved, Johnson seconded to approve the payroll for the period from August 9, 2015 through August 22, 2015 and city share of social security, old age and survivor's insurance, retirement, health and life insurance. Wells Fargo 130,348.31; SD Retirement System 63,194.93; Governing Body 3,192.28; City Manager 6,926.85; City Attorney 5,875.05; Finance 12,051.64; HR 7,667.20; Building 352.55; Computer 3,956.44; Planning/Zoning 12,573.60; Engineering 11,908.77; Police 104,897.24, Michaele Bunke 22.82/hr, Fire 87,582.99, Rob Johnsen 16.71/hr; Fire Prevention 4,383.20; Housing/Building 5,578.40; Street 26,876.23; Traffic 4,819.16; Solid Waste 19,008.80; Transportation 11,925.41, Diana Daly 17.83/hr ; Library 22,276.48, JoAnne Freitag 14.64/hr, Melissa

Kienow 8.50/hr, Michael Lee 8.50/hr, Elizabeth Leonhardt 8.50/hr; Parks, Rec & Forestry 144,084.18, Cassidy Anderson 11.75/hr, Maleah Eschenbaum 8.50/hr, Elizabeth Heindenreich 8.50/hr, Lauren McCafferty 9.75/hr, Barbara Newman 9.00/hr or 15.50/class, Jaclyn Opp 9.50/hr, Airport 15,903.49; Pipe 21,446.39; Water Treatment 14,864.42; Meter 3,177.97; Wastewater 16,818.64; Pump 5,548.74, Old Federal Crt Bldg 1,580.00. Upon roll call, all present voting aye, motion carried.

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

Prepared by Mary Campton for the Finance Office. /s/ Karl Alberts, Finance Officer.

#### JOINT CITY/COUNTY PROCEEDINGS

Brown County Chambers, 25 Market Street, County Courthouse Building, Aberdeen, South Dakota, August 25, 2015, 8:45 a.m., Joint City/County Meeting. Mayor Mike Levsen presiding. Present at roll call were City Council Members David Bunsness, Mark Remily, Rob Ronayne, and Clint Rux. City Council Members Todd Campbell, Alan Johnson, Jennifer Slight-Hansen, and Laure Swanson were absent. Brown County Commissioners Tom Fischbach, Doug Fjeldheim, Nancy Hansen, Duane Sutton, and Rachel Kippley were present. City Staff present were Brett Bill and Karl Alberts.

#### ORDINANCE NO. 15-08-02

Ordinance No. 15-08-02 to rezone property from (A-1) District to (R-2) District described as Lot H, Pendroy's Green Acres Subdivision in the SW ¼ of Section 21, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota (1635 Melgaard Road South) was presented. Bunsness moved, Rux seconded to approve first reading of Ordinance No. 15-08-02. Upon roll call, all present voting aye, motion carried.

Hansen moved, Kippley seconded to approve first reading of Ordinance No. 15-08-02-446 as presented. All voting aye, motion carried.

#### ORDINANCE NO. 15-08-03

Ordinance No. 15-08-03 to rezone property from (A-1) District to (M-AG) District described as Lot 26, Evelo's Outlot in the NE ¼ of Section 2, T122N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota (13645 Pontiac Drive) was presented. Bunsness moved, Remily seconded to approve first reading of Ordinance No. 15-08-03. Upon roll call, all present voting aye, motion carried.

Fischbach moved, Fjeldheim seconded to approve first reading of Ordinance No. 15-08-03-447 as presented. All voting aye, motion carried.

#### SET HEARING FOR VACATION OF PUBLIC RIGHT-OF-WAY

A Petition to Vacate Public Right-Of-Way described as the entire 100' Cul-De-Sac Public Right-Of-Way located 337' North of Eighth Avenue, NE at the North End of Cutler Road (824 Cutler Road) was presented. Ronayne moved, Rux seconded to set a joint hearing date of September 22, 2015 at 8:45 a.m. for the petition to vacate public right-of-way. All present voting aye, motion carried.

Kippley moved, Fjeldheim seconded to set a joint hearing date of September 22, 2015 at 8:45 a.m. for the petition to vacate public right-of-way as presented. All voting aye, motion carried.

There being no further business, Rux moved, Ronayne seconded that the meeting be adjourned. All present voting aye, motion carried.

Prepared by Mary Campton for the Finance Office. /s/ Karl Alberts, Finance Officer.