

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, October 25, 2010, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jim Kraft, Jeff Mitchell, Clint Rux, and Laure Swanson. Jennifer Slight-Hansen was absent. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill and Karl Alberts.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Mitchell moved, Agnitsch seconded to approve the minutes of October 18, 2010 as circulated. All present voting aye, motion carried.

OPEN FORUM – no one was present.

**CONSENT CALENDAR**

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

AWARD – Loss Control/Safety Achievement Award (Platinum) from the South Dakota Municipal League Work Comp Fund and SDPAA.

APPLICATION – New Retail On-Off Sale Malt Beverage License for Twin Dragon Buffet Huang, Inc. dba Twin Dragon Buffet, 3711 7<sup>th</sup> Avenue SE – set hearing date of November 8, 2010 at 5:30 p.m.

PETITION TO VACATE – Public Right-of-Way – the West 18’ of South Jay Street Right-of-Way between First Avenue SE and alley adjacent to 224 First Avenue SE – set hearing date of November 15, 2010 at 5:30 p.m.

LICENSES – Taxi Cab Drivers – Roberta Stoops and Frank Cascio; Sidewalk Contractors – Brooks Kleffman dba Kleffman Construction and Eugene F. Hanisch.

PLATS – 1) Plat of Siebrecht Substation Addition in the NW ¼ of Section 36, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota; 2) Plat of Carrel’s Second Subdivision in the NW ¼ of Section 12, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, South Dakota; 3) Plat of Aberdeen City Substation Addition to the City of Aberdeen in the SE ¼ of Section 14, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, South Dakota; 4) Plat of HAPI 2010-1 Subdivision in the NW ¼ of Section 24, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, South Dakota; 5) Plat of Hale’s First Subdivision in the SW ¼ of Section 26, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

DEPARTMENT REPORTS – Aberdeen Regional Airport Board Minutes; Parks & Recreation Board Minutes; Aberdeen City Planning Commission Minutes; Brown County/Aberdeen City Planning Commission Minutes.

All present voting aye, motion carried.

**NEW BUSINESS****ORDINANCE NO. 10-09-02**

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 705 (R-3) and Section 710 (I-2) to Section 705 (R-3) Lot 1, Plat of Aberdeen Public Schools First Addition located in the NE ¼ of Section 23, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD was presented. Rux moved, Kraft seconded to approve first reading of Ordinance No. 10-09-02. Upon roll call, all present voting aye, motion carried.

**ORDINANCE NO. 10-10-01**

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 704 (R-2) to Section 707 (C-2) Lots 2 and 3, Skywag Addition in the SW ¼ of Section 11, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD was presented.

Bunsness moved, Agnitsch seconded to approve first reading of Ordinance No. 10-10-01. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 10-10-02

Ordinance supplementing the 2010 Budget for various unanticipated projects, activities and expenses was presented. Bunsness moved, Mitchell seconded to approve first reading of Ordinance No. 10-10-02. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 10-10-03

Ordinance amending Sections 22-102 through 22-103 of the Municipal Code regarding display of merchandise on public sidewalks was presented. Rux moved, Swanson seconded to approve first reading of Ordinance No. 10-10-03 and refer to Planning Commission with second reading scheduled for November 22, 2010, Council Meeting. Upon roll call, all present voting aye, motion carried.

RESOLUTION NO. 10-10-04 R

Bunsness moved, Mitchell seconded to approve the following resolution:

RESOLUTION LEVYING AN ANNUAL SPECIAL  
ASSESSMENT FOR PARKING FACILITIES

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-seven Thousand Five Hundred Three Dollars (\$77,503) to operate said parking facilities for the year 2011 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 2010 (collectible in 2011) levied an annual special assessment (collectible in 2011) 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 2011, 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 2010 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-seven Thousand Five Hundred Three Dollars (\$77,503) to be used during the year 2011, 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 Council Members 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.

#### HEARING ON APPLICATION

This being the time and place set for a hearing, no one was present to testify, recommendation for approval was received, Rux moved, Campbell seconded to approve application for Special One-Day Retail On-Off Sale Malt Beverage License on October 30, 2010 for NESD Celtic Faire and Games, Inc. dba SD Total Combat Event, Civic Arena, 203 South Washington Street. All present voting aye, motion carried.

#### LIBRARY CONTRACT

Bunsness moved, Agnitsch seconded to approve Alexander Mitchell Library Contract with Brown County in the amount of \$20,000.00 and authorize the City Manager to sign contract. All present voting aye, motion carried.

#### RECOMMENDATION FOR AWARD

Recommendation for award of Flakoll Land Wetland Mitigation quotes to install clay liner for dam site was presented. Rux moved, Kraft seconded to award project to low quote by Pies Blade and Dozer in the amount of \$16,507.26. All present voting aye, motion carried.

#### AUTOMATED METER READING SYSTEM PROJECT

Bunsness moved, Agnitsch seconded to approve the following: Change Order #1 – additional meter heads – Dakota Supply Group – an increase in the amount of \$14,606.47 and Pay Est. #5 – meter heads and installations – Dakota Supply Group in the amount of \$138,227.34 and authorize the City Manager to sign documents. Upon roll call, all present voting aye, motion carried.

#### BILLS

Mitchell moved, Bunsness seconded to approve the following audited claims for services, supplies, repairs and maintenance: Business Improvement District 25,000.00; Professional Mailing 2,632.53; Northwestern Energy 11,662.25; Dakotacare Administrative Service 85,650.80; Guardian 161.94; Sanford Health 365.00; Medicare Part B 530.39; Robert Ogletree 15.00; United Parcel Service 94.43; Aberdeen Housing 24.77; Laura Stokke 34.51; Elmer Feiock 23.94; Aberdeen Housing 24.72; Daniel Prevo 63.30; Crompton Construction 26.08; Mark Lane 79.65; Elsie Moslander 29.15; Doug Kolb 37.43. Upon roll call, all present voting aye, motion carried.

#### PAYROLL

Rux moved, Bunsness seconded to approve payroll for the period from October 10 through 23, 2010 and city share of social security, old age & survivor's insurance, retirement: Governing Body 4,698.68; City Manager 4,707.51; Attorney 3,401.60; Finance 12,709.75; HR 6,524.00; Building 175.38; Computer 3,687.51; Planning/Zoning 11,025.60; Engineer 10,084.01; Police 92,886.94, Trent Lunstrom 19.78/hr; Fire 81,951.33; Fire Prevention 2,408.00; Housing/Building 4,717.60; Street 22,519.47; Traffic 3,752.80; Solid Waste 17,334.23; Transportation 12,283.28; Library 20,489.38; Parks, Recreation & Forestry 74,616.49, Brittany Belden 7.50/hr, Sarah Curley 8.00/hr, Kevin Gross 9.00/hr, Brittany Huback 7.75/hr, Travis Kamm 7.75/hr, Kimberly Klostergaard 8.00/hr, Brittany Lenander 7.50/hr, Tara Lyke 9.00/hr, Rochele Moser 8.25/hr, Blair Scoular 8.00/hr, Trisha Strohfus 7.50/hr, Allyson Teclaw 7.75/hr, Catherine Zimmerman 7.50/hr ; Airport 17,681.92; Pipe 18,492.56; Water Treatment 16,045.32; Meter 4,929.46; Wastewater 16,311.82; Pump 4,796.91; Wells Fargo 105,908.27; SD Retirement System 57,577.91;

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

Prepared by Cathy Feickert For the Finance Office. /s/ Karl Alberts, Finance Officer.