

Memorandum #08-39

TO: Mayor and City Commissioners
FROM: Al Viereck, Finance Officer
DATE: February 21, 2008
SUBJECT: Resolution #08-09, rescinding Resolution #08-04

Commissioner Dave Knoff has requested that the City Commission reconsider the tax opt out resolution (Resolution #08-04) passed at the January 28th City Commission meeting. The original memorandum (Memorandum #08-21) and resolution are attached for reference. As you recall, at that Commission meeting it was discussed that if the direction, later, was to not have this issue on the April ballot, the Commission would have to pass a resolution rescinding the previous resolution and that would have to be considered by the February 25th meeting. Attached is Resolution #08-09 rescinding Resolution #08-04.

It is recommended that the Commission consider the proposed Resolution #08-09.

Sincerely:

Al Viereck
Finance Officer

RESOLUTION #08-09

WHEREAS, Resolution #08-04, a proposed twenty (20) year tax opt out authorizing an annual City property tax opt out of up to \$190,232.28 to fund debt service for proposed Memorial Park Swimming Pool improvements was passed at the January 28th City Commission meeting; and

WHEREAS, Resolution #08-04, also authorized this tax opt out to be included as a ballot item on the proposed April 8th Municipal Election; and

WHEREAS, the City Commission now wishes to rescind Resolution #08-04 and not have this opt out issue on the proposed April 8th Municipal Election ballot;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Yankton, South Dakota, that Resolution #08-09 be adopted rescinding Resolution #08-04 and removing this issue from the proposed April 8th Municipal Election.

Adopted:

C. N. Gross
Mayor

ATTEST:

Al Viereck
Finance Officer

Memorandum #08-21

TO: Mayor and City Commissioners
FROM: Al Viereck, Finance Officer
RE: Recommendation for Property Tax Opt Out for Proposed Memorial Park
Swimming Pool Improvements
DATE: January 24, 2008

While the City Commission does not yet have a proposal identifying any of the specific swimming pool improvements, staff was authorized to contract with Banner and Associates to have that firm draft a proposal for possible improvements up to \$2.5 million. Banner and Associates made their first visit to our community earlier today to begin their process. In order to give staff the time to provide public notice and prepare for an April 8, 2008 election, the attached resolution would need to be acted on at this same City Commission meeting. Previous direction had been given to city staff to have this proposed property tax opt out on the same ballot as the preceding agenda item.

Attached to this memorandum is Resolution #08-04 establishing an additional annual opt out of \$190,232.28 to fund the estimated debt service of the proposed Memorial Park swimming pool improvements. This annual opt out would be for a period of twenty years. The resolution also sets an election date for Tuesday, April 8, 2008, in which the citizens of Yankton can directly approve or disapprove the proposed tax levy opt out pursuant to SDCL 10-13-36.

This date meets the legal requirements of having the election prior to October 1, 2008 for taxes payable in 2009, and to allow the City to give the proper notice to the State of South Dakota and to the County Auditor. This date also gives staff the required amount of time to provide public notice and prepare for the April 8, 2008 election.

If estimates for pool improvements are less than the proposed \$2.5 million, the actual amount levied for the debt service can and will be less than \$190,232.28. If estimates are more than \$2.5 million, additional funds for annual debt service will have to be identified in the summer budgeting process.

It is recommended that the City Commission approve Resolution #08-04 and set April 8th, 2008 as the election date for the citizens to approve or disapprove the proposed property tax opt out.

Sincerely:

Al Viereck
Finance Officer

RESOLUTION #08-04

ATTENTION TAXPAYERS: NOTICE OF PROPERTY TAX INCREASE OF \$190,232.28

RESOLUTION FOR OPT OUT AND VOTE TO BE HELD

THE CITY COMMISSION OF THE CITY OF YANKTON do state that the above said Commission is unable to operate under the tax limitation measure currently in statute. We therefore OPT OUT of such tax limitation in the amount of \$190,232.28 starting with calendar year 2008 taxes payable in the calendar year 2009. This opt out is for the annual debt service for the proposed construction of the Memorial Park Swimming Pool improvements. This opt out will be for twenty (20) years, which will be through taxes payable in the calendar year 2028. This action has been taken by the Commission and approved by at least a two-thirds vote of the Commission.

Also, be it resolved that the CITY COMMISSION OF THE CITY OF YANTON will conduct an election to approve or disapprove the tax levy opt out pursuant to SDCL 10-13-36. The election will be held on April 8, 2008.

Signed _____	Mayor Gross
_____	Commissioner Lowrie
_____	Commissioner Murphy
_____	Commissioner Vanderhule
_____	Commissioner Carda
_____	Commissioner Knoff
_____	Commissioner Ellingson
_____	Commissioner Specht
_____	Commissioner Wenande
_____	Attest: Finance Officer Viereck

Adopted: January 28, 2008