

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, November 2, 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 Slaughter-Hansen. Mayor Levsen led the Pledge of Allegiance.

### MINUTES

Hodgins moved, Rux seconded to approve the minutes of October 26 and 27, 2009, as circulated. All voting aye, motion carried.

OPEN FORUM – No one was present.

### **OLD BUSINESS**

#### ORDINANCE NO. 09-10-01

Bunsness moved, Agnitsch seconded to approve second reading and final adoption of Ordinance No. 09-10-01. Upon roll call, all voting aye, motion carried.

### **CONSENT CALENDAR**

Hodgins moved, Slaughter-Hansen seconded to approve the following items on the consent calendar:

SET HEARING DATE – November 16, 2009 at 5:30 p.m. for the following applications for Alcoholic Beverage Licenses – RENEWAL OF RETAIL ON-SALE LIQUOR LICENSES – City of Aberdeen dba Aberdeen Airport Terminal, 4740 – 6<sup>th</sup> Avenue SE; HayJon Inc dba Daddy's, 719 N Main Street (w/video lottery & Sunday sales); HayJon Inc dba Rohly's Bar, 1524 – 6<sup>th</sup> Avenue SW (w/video lottery & Sunday sales); Ronco Foods Inc dba Shenanigan's, 3315 – 6<sup>th</sup> Avenue SE #68 (w/video lottery & Sunday sales); Rolling Hills Golf Club LLC dba Rolling Hills Golf, 546 Palmer Cr (w/video lottery & Sunday sales); Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 – 6<sup>th</sup> Avenue SE (w/Sunday sales) Fraternal Order of Eagles dba The Eagles, 316 S 2<sup>nd</sup> Street (w/video lottery & Sunday sales); RENEWAL OF PACKAGE OFF-SALE LIQUOR LICENSES – E-Z Stop Food Marts Inc dba E-Z Stop Food Mart, 421 S Roosevelt Street; Kessler's Inc dba Kessler's Liquor, 621 – 6<sup>th</sup> Avenue SE; HayJon Inc dba Rohly's Bar, 1524 – 6<sup>th</sup> Avenue SW; Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 – 6<sup>th</sup> Avenue SE; RENEWAL OF RETAIL ON-OFF SALE WINE LICENSES – HayJon Inc dba Daddy's,

719 N Main Street; Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 6<sup>th</sup> Avenue SE; TRANSFER OF RETAIL ON-SALE LIQUOR LICENSE – From Nelson Auto Electric Inc dba New York New York Bar, 208 South Main Street to JT Restaurants, LLC dba Max & Erma's, 715 North 10<sup>th</sup> Street; TRANSFER OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSE W/VIDEO LOTTERY – From HayJon Inc dba Scotty's Drive Inn, 719 North Main Street to GPM Enterprise, Inc dba 4 Aces Casino, 901 6<sup>th</sup> Avenue SE, Suite C.

ADVERTISEMENT FOR BIDS – Automated Meter Reading System for Public Works Department – Utility Division – set bid date of November 25, 2009 at 2:00 p.m.

PETITIONS TO REZONE – set hearing date of November 23, 2009 at 5:30 p.m. for the following: 1) Rezone from Section 708 (C-3) to Section 705 (R-3) property described as Lots 15 and 16, Block 40, Thomas Addition in the NW ¼ of Section 24, T123N, R64W, Aberdeen, Brown county, South Dakota; 2) Rezone from Section 708 (C-3) and Section 711 (R-4) to Section 705 (R-3) property described as proposed Lot 2, Emerald Ridge Addition to the City of Aberdeen, South Dakota in the NW ¼ of Section 24, T123N, R64W.

PETITION – to vacate Public Right-of-Way – 50' of Public Right-of-Way extending 297' East of 385<sup>th</sup> Avenue between Chandler's Outlots 22 and 23 North of 131<sup>st</sup> Street located in the SW ¼ of section 3, T123N, R64W, Brown County, South Dakota – refer to City Attorney, City Engineer, and Planning/Zoning Director for review.

LICENSES – Residential Building Contractors – Brian Kendall dba Kendall's and Gene Jerke; Master Plumber – Robert C Wyllie; Master Plumber/Special Limited – Robert F Hillman.

LOTTERY NOTICE – Junior Achievement of Aberdeen – receive and place on file.

All voting aye, motion carried.

### **NEW BUSINESS**

#### **PROPOSED AMENDMENT – RESIDENTIAL CONTRACTOR LICENSE**

Discussion was held on proposed amendment to the Residential Contractors License Ordinance. After considerable discussion, no action was taken.

#### **R-O-W EASEMENT**

Bunsness moved, Agnitsch seconded to approve request for Right-of-Way Easement for Tom Kessler at 612 South 12<sup>th</sup> Street. All voting aye, motion carried.

## BILLS

Mitchell moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 29.96; Fleet Services 345.64; US Bank 17,270.81; Cardinal Tracking Inc 2,445.30; Wegner Auto 18,447.00. Upon roll call, all voting aye, motion carried.

## OTHER

City Planning and Zoning Director Brett Bill introduced the new Planner Rob Baumgartner.

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

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Finance Officer

## JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, November 3, 2009, 8:45 a.m., Joint City/County Meeting, Mayor Mike Levsen presiding. Present at roll call were Tom Agnitsch, David Bunsness, Todd Campbell and Jeff Mitchell. Lloyd Hodgins, Jim Kraft, Clint Rux and Jennifer Slight-Hansen were absent.

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

### ORDINANCE NO. 09-10-02-379

Mitchell moved, Campbell seconded to approve second reading and final adoption of Ordinance No. 09-10-02. Upon roll call, all present voting aye, motion carried.

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

### PETITION TO REZONE

Mitchell moved, Agnitsch seconded to set a joint hearing date of November 24, 2009 at 8:45 a.m. for Petition to Rezone from Section 701 (A-1) to Section 714 (M-AG) property described as Lot 1, except the N. 105' thereof, Block 1, Moulton's First Subdivision in the

SE ¼ of Section 2, T122N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota. All present voting aye, motion carried.

Commissioner Wiese moved, Commissioner Sutton seconded to set a joint hearing date of November 24, 2009 at 8:45 a.m. for the above Petition to Rezone. All voting aye, motion carried.

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

Prepared by Cathy Feickert  
For the Finance Office

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Finance Officer