

JOINT CITY/COUNTY PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, June 24, 2013, 5:30 p.m., Joint City/County Meeting. Mayor Mike Levsen presiding. Present at roll call were City Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jeff Mitchell, Mark Remily, Clint Rux, Jennifer Slaughter-Hansen, and Laure Swanson. City staff present were Lynn Lander, Adam Altman, Robin Bobzien, Karl Alberts, Ken Hubbart, and Kevin VanMeter. County Commissioners present were Tom Fischbach, Mike Wiese, and Duane Sutton. County Commissioners Nancy Hansen and Rachel Kippley were absent.

ORDINANCE NO.13-06-01

Ordinance No. 13-06-01 amending Ordinance No. 1164 to rezone certain described property from (C-2) District and (R-2) District to (C-2) District – Lot 1, Raderschadt Addition in the NE ¼ of Section 22, T123N, R64W of the 5th P.M., Brown County, South Dakota was presented. Bunsness moved, Swanson seconded to approve first reading of Ordinance No. 13-06-01. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 13-06-02

Ordinance No. 13-06-02 amending Ordinance No. 1164 to rezone certain described property from (A-1) District to (M-AG) District – Jett Tract 1 in the NW ¼ of Section 32, T124N, R64W of the 5th P.M., Brown County, South Dakota was presented. Mitchell moved, Agnitsch seconded to approve first reading of Ordinance No. 13-06-02. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 13-06-03

Ordinance No. 13-06-03 amending Ordinance No. 1164 to rezone certain described property from (A-1) District to (C-2) District – Outlot A in the SE ¼ of Section 15, T123N, R63W of the 5th P.M., Brown County, South Dakota was presented. Remily moved, Rux seconded to approve first reading of Ordinance No. 13-06-03. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 13-06-04

Ordinance No. 13-06-04 amending Ordinance No. 1164 to rezone certain described property from (A-1) District to (M-AG) District – Peck-Feickert Outlot 2 in the NE ¼ of Section 16, T123N, R64W of the 5th P.M., Brown County, South Dakota was presented. Mitchell moved, Bunsness seconded to approve first reading of Ordinance No. 13-06-04. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 13-06-06

Ordinance No. 13-06-06 amending Ordinance No. 1164 to rezone certain described property from (A-1) District to (M-AG) District – L. Habeck Addition to the City of Aberdeen in the NE ¼ of Section 34, T123N, R64W of the 5th P.M., Brown County, South Dakota was presented. Agnitsch moved, Swanson seconded to approve first reading of Ordinance No. 13-06-06. Upon roll call, all voting aye, motion carried.

Wiese moved, Fischbach seconded to approve first reading of Ordinance No. 13-06-01-417, Ordinance No. 13-06-02-418, Ordinance No. 13-06-03-419, Ordinance No. 13-06-04-420, and Ordinance No. 13-06-06-421 as presented. All present voting aye, motion carried.

There being no further business before the Joint Council, Wiese moved, Fischbach 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.

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, June 24, 2013, 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 Tom Agnitsch, David Bunsness, Todd Campbell, Jeff Mitchell, Mark Remily, Clint Rux, Jennifer Slight-Hansen, and Laure Swanson. City staff present were Lynn Lander, Adam Altman, Robin Bobzien, Karl Alberts, Ken Hubbart, Don Lanpher, Kevin VanMeter, and Mike Wilson.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Slight-Hansen seconded to approve the minutes of June 17, 2013, as circulated. All voting aye, motion carried.

OPEN FORUM – No one was present.

OLD BUSINESS

ORDINANCE NO. 13-06-08

Bunsness moved, Rux seconded to remove Ordinance 13-06-08 from the table. Swanson withdrew the motion to amend Section 24-113 (b) by deleting “15 feet” and adding “a safe distance”. Bunsness withdrew the motion to amend Section 24-113 (b) by deleting “20 feet” and adding “15 feet”. Bunsness moved, Swanson seconded to offer a substitute ordinance as presented by City Attorney Altman. All voting aye, motion carried. Campbell moved, Rux seconded to amend by deleting Section 24-113 (b). Swanson moved, Remily seconded to amend the Campbell amendment by adding Section 24-113 (b) “Distance”. The fire must be in an approved container located not less than 15 feet from any adjacent property structure not constructed entirely of non-combustible material”. Motion carries by voice vote. On the Campbell amended motion, motion carries by voice vote. Campbell moved, Rux seconded to amend first reading by adding a section to require a city burn ban when the Brown County Commission enacts a county burn ban. Motion carries by voice vote. Upon roll call on the motion to pass first reading as amended, Agnitsch, Campbell, Remily, Rux and Levsen voting aye, Bunsness, Mitchell, Slight-Hansen and Swanson voting nay, motion carries.

CONSENT CALENDAR

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

LICENSES – Home Day Care – Alicia Garrett; Taxi Cab Driver – Berdene Hansen.

2012 CITY OF ABERDEEN AUDITED FINANCIAL STATEMENTS – by EideBailly were received and placed on file.

REQUESTS FOR STREET USE – Block Party on 1st Avenue, SE and Hamilton Street; Block Party on 15th Avenue, SE and South Grant Street.

PLATS – 1) Budget Furniture-Schumaker Subdivision in the NW ¼ of Section 22, T123N, R63W of the 5th P.M., Brown County, South Dakota; 2) Imberi First Consolidation Subdivision in Aberdeen, South Dakota in the SW ¼ of Section 12, T123N, R64W of the 5th P.M., Brown County, South Dakota; 3) HAPI 2013-1 Subdivision in Aberdeen, South Dakota in the NW ¼ of Section 19, T123N, R63W of the 5th P.M., Brown County, South Dakota; 4) GPHC Corner Subdivision in Aberdeen, South Dakota in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., Brown County, South Dakota; 5) C & S Lehr First Subdivision in the NE ¼ of Section 32, T124N, R64W of the 5th P.M., Brown County, South Dakota; 6) Lots 144 – 149 and 152 – 158 of Garden of Devotion of Sunset Memorial Gardens to the City of Aberdeen in the SE ¼ of Section 15, T123N, R63W of the 5th P.M., Brown County, South Dakota with stipulation that petition to rezone the cemetery to Mini-Agricultural District and a Special Exception be submitted to the Planning and Zoning Department prior to plat being filed with the Brown County Register of Deeds; 7) Foss’s First Subdivision in the NE ¼ of Section 33, T124N, R64W of the 5th P.M., Brown County, South Dakota; 8) Lots 100 – 132 of Garden of the Last Supper of

Sunset Memorial Gardens to the City of Aberdeen in the SE ¼ of Section 15, T123N, R63W of the 5th P.M., Brown County, South Dakota with stipulation that petition to rezone the cemetery to Mini-Agricultural District and a Special Exception be submitted to the Planning and Zoning Department prior to plat being filed with the Brown County Register of Deeds; 9) L. Habeck Addition to the City of Aberdeen in the NE ¼ of Section 34, T123N, R64W of the 5th P.M., Brown County, South Dakota with stipulation that property be rezoned from Agricultural District to Mini-Agricultural District; 10) Peck-Feickert Outlots in the NE ¼ of Section 16, T123N, R64W of the 5th P.M., Brown County, South Dakota with stipulation that Outlot 2 be rezoned to Mini-Agricultural District; 11) Jett Tract 1 in the NW ¼ of Section 32, T124N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota with stipulation that property be rezoned to Mini-Agricultural District; 12) Kiesz 1st Consolidation Subdivision in Aberdeen, South Dakota in the NW ¼ of Section 24, T123N, R64W of the 5th P.M., Brown County, South Dakota with stipulation that the development meet the zoning requirements; 13) Lots 106 - 147 of Garden of Good Shepherd of Sunset Memorial Gardens to the City of Aberdeen in the SE ¼ of Section 15, T123N, R63W of the 5th P.M., Brown County, South Dakota with stipulation that petition to rezone to Mini-Agricultural District and a Special Exception be submitted to the Planning and Zoning Department prior to plat being filed with Brown County Register of Deeds; 14) Lots 154 – 173 of Garden of Gethsemane Subdivision of Lot 1, First Addition to Sunset Memorial Gardens to the City of Aberdeen in the SE ¼ of Section 15, T123N, R63W of the 5th P.M., Brown County, South Dakota with stipulation that petition to rezone to Mini-Agricultural District and a Special Exception be submitted to the Planning and Zoning Department prior to plat being filed with the Brown County Register of Deeds.

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

COMMUNITY EVENT PERMIT – for Make A With Poker Run and Charity Drive on July 27, 2013.

All voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 13-06-05

Ordinance No. 13-06-05 amending Ordinance No. 1164 to rezone certain described property from (R-3) District and (C-2) District to (R-3) District – Lots 1 – 24, Block 48 and Lots 1 – 14, Block 51, West Aberdeen Addition and vacated alley and vacated street in the SE ¼ of Section 14, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota was presented. Bunsness moved, Slight-Hansen seconded to approve first reading of Ordinance No. 13-06-05. Upon roll call, all voting aye, motion carried.

HEARING – LIQUOR LICENSES

This being the time and place set for a hearing on applications for transfers of Retail On-Sale Liquor and Package Off-Sale Liquor Licenses, recommendations for approval were received, Mitchell moved, Remily seconded to approve the transfers of Retail On-Sale Liquor and Package Off-Sale Liquor Licenses from Kay Dee Enterprises Inc. to Pounders Inc. at 1702 6th Avenue, SE contingent upon a final inspection of the business by City Departments.

BILLS

Bunsness moved, Agnitsch seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 18,073.79; Dakotacare 42,930.33; United Parcel Service 90.91; Dakota Pump Inc 15,420.00; HD Supply

Waterworks 93,803.02; Aberdeen Business Improvement District 4,802.60; J & K Mowing Service 2,144.30; John Meyer 26.87; Kellen Willert 23.87; Denise Holler 22.30; Todd Cunningham 29.04; Eddie's Northside Sinclair 52.67; Mark Gilroy 29.23; Mark Rich 15.39; FBINAA NW Chapter 350.00; MN Bureau of Criminal Apprehension 22.00. Upon roll call, all voting aye, motion carried.

CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report to the City Council.

Mayor Levsen presented Council Members Agnitsch and Mitchell plaques for serving on the Council.

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

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