

The City Council met for a Work Session at 4:00 p.m. for a presentation by Northwestern Public Service on past and future plans and at 4:30 p.m. to discuss a proposed Merchandising Ordinance.

#### CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, October 4, 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, Jennifer Slight-Hansen and Laure Swanson. Staff members present were Lynn Lander, Robin Bobzien, Brett Bill; Al Ruhlman, Dave Osborn and Karl Alberts.

Mayor Levsen led the Pledge of Allegiance.

#### MINUTES

Mitchell moved, Agnitsch seconded to approve the minutes of September 27 and 28, 2010 as circulated. All voting aye, motion carried.

OPEN FORUM – Jim Gabriel was present to propose amendments to the snow removal process to eliminate snow stockpiles in private lots. No action was taken.

Mayor Levsen presented Dave Osborn, Transportation Director, with a plaque for his 15 years of service to the City.

#### OLD BUSINESS

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

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

##### ORDINANCE NO. 10-09-06

Campbell moved, Rux seconded to continue for one week Ordinance No. 10-09-06 – Snow Removal Ordinance. All voting aye, motion carried.

#### CONSENT CALENDAR

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

SET HEARING DATE – October 18, 2010 at 5:30 p.m. for the following applications for alcoholic beverage licenses: NEW RETAIL ON-OFF SALE WINE LICENSE – Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #1520, 3820 7<sup>th</sup> Avenue SE; TRANSFER OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSE W/VIDEO LOTTERY from TOM Inc dba Wild Card Casino, 416 South Dakota Street to TOM Inc dba Wild Card Casino, 206 South Dakota Street; TRANSFER OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSE W/VIDEO LOTTERY from Randall E Weber dba Eddie’s Northside Sinclair, 208 North 2<sup>nd</sup> Street to Midwestern-Flack, LLC dba Jokers Wild Casino, 416 South Dakota Street, Suite #3.

LICENSES – Advertising/Sign Hanging – Elite Signs & Graphix; Sidewalk Contractor – Travis Struss.

BOARD APPOINTMENT – Heath Johnson – Aberdeen Planning Commission.

PETITION TO VACATE – Public right-of-way – West 18’ of South Jay Street right-of-way between First Avenue SE and alley adjacent to 224 First Avenue SE – refer to City Attorney, City Engineer and Planning/Zoning Director for recommendations.

PETITION TO REZONE – from Section 704 (R-2) to Section 707 (C-2) property described as 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, South Dakota – set hearing date of October 25, 2010 at 5:30 p.m.

All voting aye, motion carried.

#### NEW BUSINESS

RESOLUTION NO. 10-10-03 R

Mitchell moved, Rux seconded to approve the following resolution:

A RESOLUTION TO ESTABLISH CONSOLIDATED BOARD  
OF EQUALIZATION PURSUANT TO SDCL 10-11-66  
THROUGH SDCL 10-11-77

BE IT RESOLVED that a consolidated Board of Equalization as authorized by SDCL 10-11-66 shall be established pursuant to the Resolution of the governing Boards of Brown County, City of Aberdeen, and the Aberdeen School District 6-1. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11.

BE IT RESOLVED that three members from the Brown County Commission, one member of the Aberdeen City Council and one member of the Aberdeen School District 6-1 School Board shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66

BE IT FURTHER RESOLVED that the Aberdeen City Council, Brown County Commission and the Aberdeen School District 6-1 shall be responsible for the per diem, salary, and mileage costs of the respective members that serve on the consolidated Board of Equalization. Brown County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State Board of Equalization. The financial responsibilities contained in this resolution shall remain unless either the Aberdeen City Council, Brown County Commission, or the Aberdeen School District 6-1 shall request that they be modified prior to December 1<sup>st</sup> of each year.

THIS RESOLUTION shall be binding upon the Aberdeen City Council, Aberdeen, South Dakota and upon each governing body adopting this Resolution according to law.

All voting aye, motion carried.

HEARING

This being the time and place set for a hearing on application for Special One-Day Retail On-Off Sale Malt Beverage License on October 14, 2010 for Aberdeen Area Chamber of Commerce dba SD Wheat Growers, 908 South Lamont Street, no one was present to testify, recommendations for approval were received, Swanson moved, Mitchell seconded to approve application. All voting aye, motion carried.

2010 BUDGET TRANSFERS

Bunsness moved, Agnitsch seconded to authorize the City Finance Department to do the 2010 Budgeted Transfers between the Debt Service Funds and the Special Sales Tax Fund as provided in the 2010 Annual Appropriation Ordinance No. 09-08-05. All voting aye, motion carried.

WASHINGTON WATER TOWER

Bunsness moved, Rux seconded to approve installation of a Prefabricated Communication Building at the Washington Street Water Tower to house cellular communication equipment. All voting aye, motion carried.

BILLS

Mitchell moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: Fleet Services 274.65; Dakota Pump & Control 55,350.00; US Bank 18,824.82. Upon roll call, all voting aye, motion carried.

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

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

JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, October 5, 2010, 8:45 a.m., Joint City/County meeting, Mayor Mike Levsen presiding. Present at roll call were David Bunsness, Todd Campbell, Clint Rux and Laure Swanson. Tom Agnitsch, Jim Kraft, Jeff Mitchell and Jennifer Slaughter-Hansen were absent. Staff members Brett Bill and Jerry Kost were present.

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

**ORDINANCE NO. 10-09-03-389**

Rux moved, Bunsness seconded to approve second reading and final adoption of Ordinance No. 10-09-03. Upon roll call, all present voting aye, motion carried.

Commissioner Sutton moved, Commissioner Elliot seconded to approve second reading and final adoption of Ordinance No. 10-09-03-389. All present voting aye, motion carried.

**ORDINANCE NO. 10-09-04-390**

Bunsness moved, Campbell seconded to approve second reading and final adoption of Ordinance No. 10-09-04. Upon roll call, all present voting aye, motion carried.

Commissioner Hansen moved, Commissioner Sutton seconded to approve second reading and final adoption of Ordinance No. 10-09-04-390. All present voting aye, motion carried.

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

Prepared by Cathy Feickert For the Finance Office. /s/ Jerry L. Kost, Deputy Finance Officer.