

## JOINT CITY/COUNTY PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, April 25, 2011, 5:30 p.m., Joint City/County meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members David Bunsness, Todd Campbell, Jim Kraft, Jeff Mitchell, Clint Rux, Jennifer Slaughter-Hansen, and Laure Swanson. Tom Agnitsch was absent. County Commissioners present were Mike Wiese, Duane Sutton, and Burt Elliot. Tom Fischbach and Nancy Hansen were absent. City staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, and Karl Alberts.  
 ORDINANCE NO. 11-04-01 (395)

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 701 (A-1) to Section 714 (M-AG) Lot 1, Hinz Subdivision in the NE ¼ of Section 7, T122N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota was presented. Bunsness moved, Campbell seconded to approve first reading of Ordinance No. 11-04-01. Upon roll call, all present voting aye with Rux abstaining, motion carried.

Wiese moved, Elliot seconded to approve first reading of Ordinance No. 11-04-01 (395) as presented. All present voting aye, motion carried.

There being no further business before the Joint Council, Wiese moved, Elliot 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, April 25, 2011, 5:30 p.m., regular meeting of the Board of Council Members, Mayor Levsen presiding. Present at roll call were Council Members David Bunsness, Todd Campbell, Jim Kraft, Jeff Mitchell, Clint Rux, Jennifer Slaughter-Hansen, and Laure Swanson.

Tom Agnitsch was absent. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, Chief Don Lanpher, and Mike Thompson.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Mitchell moved, Rux seconded to approve the minutes of April 18, 2011, as circulated. All present voting aye, motion carried.

OPEN FORUM – no one was present.

OLD BUSINESS

## ORDINANCE NO. 11-04-06 - FIREWORKS

Bunsness moved, Rux seconded to amend Section 14-38 of Ordinance No. 11-04-06 to add to (b) No individual, firm, partnership or corporation shall sell at retail or possess for sale at retail any fireworks (as defined in the International Fire Code, as adopted by this article) of any description whatsoever within the corporate limits, in any public ground, in any park belonging to the city, or within any area not annexed into the corporate limits but surrounded, on at least three or more sides, by corporate limits. All present voting aye to amend Section 14-38 of Ordinance dealing with fireworks. Bunsness moved, Swanson seconded to approve the second reading and final adoption of Ordinance No. 11-04-06. Upon roll call, Rux, Swanson, Bunsness, Slaughter-Hansen, Campbell, Kraft, and Levsen voting aye, Mitchell voting nay, motion carried.

## CONTINUED – HEARING

Bunsness moved, Swanson seconded to continue for one more week the hearing on an application for a New Retail On-Off Sale Wine License for Jonah LLC dba Gallery Pub, 20 6<sup>th</sup> Avenue, SE All present voting aye, motion carried.

CONSENT CALENDAR

Rux moved, Kraft seconded to approve the following items on the consent calendar:

SET HEARING DATE – May 9, 2011 at 5:30 p.m. for the following: Retail On-Off Sale Malt Beverage Licenses: BPO Elks Lodge dba Elks Lodge #1046, 705 Circle Drive, Saguirre Inc. dba Mazatlan Mexican Restaurant, 1 S. 1<sup>st</sup> Street w/ Video Lottery, Emerald Pub LLC dba Emerald Pub, 121 N. Roosevelt Street (Inactive w/Video Lottery), E-Z Stop Food Marts Inc. dba E-Z Stop Food Mart, 421 S. Roosevelt Street w/Video Lottery, Kusler Standard Service Inc. dba Kusler's, 602 S. Main Street w/Video Lottery, DOM Inc. dba Moccasin Creek Casino, 1711 4<sup>th</sup> Avenue, SE w/Video Lottery, Ron and Patricia Fischer dba South C Store, 1020 S. Main Street w/Video Lottery, Rolling Hills Golf Club LLC dba Rolling Hills Golf Club, 546 Palmer Circle w/Video Lottery, RONCO Foods Inc. dba Shenanigan's, 3315 6<sup>th</sup> Avenue, SE #68 w/Video Lottery; Package Off-Sale Malt Beverage Licenses: Mercedes De Loero Pinon dba La Monarca Mexican Store, 3015 6<sup>th</sup> Avenue, SE #9, Kesslers Inc. dba Kessler's Liquor, 621 6<sup>th</sup> Avenue, SE.

PLATS – 1) Arbor Springs Addition to the City of Aberdeen in the SW ¼ of Section 7, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota; 2) K. O. Lee Second Subdivision to Aberdeen in the SW ¼ of Section 18, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota, 3) Rolling Hills Village Sixteenth Addition to the City of Aberdeen in the NW ¼ of Section 14, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota, 4) Meadow Wood Addition to the City of Aberdeen in the SW ¼ of Section 17, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota, 5) Schumaker Second Subdivision in the SW ¼ of Section 26, T123N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota, 6) Hinz Subdivision in the NE ¼ of Section 7, T122N, R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota.

SET HEARING DATE – May 16, 2011 at 5:30 p.m. for a petition to vacate public right-of-way in the entire 60' wide McDowell Circle Right-Of-Way and 52' Radius Cul-De-Sac located within proposed Lot 1 of Meadow Wood Addition of Aberdeen, Brown County, South Dakota.

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

DECLARE SURPLUS PROPERTY – a 520 kw generator from Wastewater Treatment Plant.

All present voting aye, with Mitchell abstaining, motion carried.

#### NEW BUSINESS

##### ORDINANCE NO. 11-04-02

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 712 (R-5) to Section (R-3) Lot 1 and Lot 2, Arbor Springs Addition to the City of Aberdeen in the SW ¼ of Section 7, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota was presented. Bunsness moved, Rux seconded to approve first reading of Ordinance No. 11-04-02. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 11-04-04

Ordinance setting the fees and charges for certain services provided by the City of Aberdeen for 2011 was presented. Mitchell moved, Slight-Hansen seconded to approve first reading of Ordinance No. 11-04-04. Upon roll call, all present voting aye, motion carried.

##### ORDINANCE NO. 11-04-07

Ordinance supplementing the annual appropriation as made for the year 2011 by Ordinance No. 10-09-05 to appropriate funds for various unanticipated projects and

activities was presented. Bunsness moved, Mitchell seconded to approve first reading of Ordinance No. 11-04-07. Upon roll call, all present voting aye, motion carried.

#### REQUEST TO OPERATE IN NEIGHBORHOOD COMMERCIAL DISTRICT

Bunsness moved, Kraft seconded to approve a request by Cory Johnson and Ron Wagner to open a Laundromat/Pub in a (C-1) Neighborhood Commercial District located at 120 North State Street. Motion carries by voice vote. Roll call requested. Rux, Swanson, Bunsness, Slight-Hansen, Campbell, Kraft, and Levsen voting aye, Mitchell voting nay, request was approved.

#### AGREEMENT TO PURCHASE LAND

Bunsness moved, Rux seconded to approve an agreement to purchase land for stormwater storage at Lot 12, Rolling Hills 16<sup>th</sup> Addition and authorize the City Manager and Finance Officer to execute purchase agreement. All present voting aye, motion carried.

#### COST SHARE AGREEMENT WITH BROWN COUNTY

Mitchell moved, Rux seconded to approve a cost share agreement with Brown County in the amount of \$20,625.00 and a budget supplement to the City Engineering Department in the same amount for a share of the cost relating to a Lidar Map for Brown County. All present voting aye, motion carried.

#### BILLS

Bunsness moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: Aberdeen Business Improvement District 3,342.13; Northwestern Energy 28,924.79; Dakotacare Administrative Services 61,611.17; Guardian 187.87; United Parcel Services 97.57. Upon roll call, all present voting aye, motion carried.

#### PAYROLL

Mitchell moved, Bunsness seconded to approve payroll for the period April 10, 2011 through April 23, 2011 and city share of social security, old age & survivor's insurance, retirement and health and life insurance: Governing Body 3,192.28; City Manager 6,084.24; Attorney 4,469.60; Finance 12,923.20; HR 6,655.20; Building 225.48; Computer 3,400.80; Planning/Zoning 11,802.95; Engineer 9,760.00; Police 87,447.04, Amanda Buck 18.28/hr; Fire 81,435.50; Fire Prevention 3,813.60; Housing/Building 4,812.00; Street 22,997.31; Traffic 3,965.92; Solid Waste 17,720.80; Transportation 12,902.97; Library 21,102.32; Parks, Recreation & Forestry 70,626.13; Christian Christianson 9.50/hr, Levi Drube 9.00/hr, Doreen Erhart 8.75/hr, Robb Erickson 9.25/hr, Arlen Heupel 10.25/hr, William Keller 10.25/hr, Evan Ormand 8.50/hr, Galen Swanson 9.50/hr, Phillip VanDover 9.50/hr; Airport 11,553.67; Pipe 18,559.77; Water Treatment 16,484.72; Meter 4,970.12; Wastewater 15,922.79; Pump 4,604.88; Wells Fargo 100,001.82; SD Retirement System 57,204.44. Upon roll call, all present voting aye, motion carried.

There being no further business, Bunsness moved, Rux 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.

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