

## COMMISSIONERS PROCEEDINGS

City Commission Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, June 27, 2005, 5:30 p.m., Joint City/County meeting of the Board of Commissioners, Mayor Levsen presiding. Present at roll call were Commissioners Hodgkin, Klabo, Omland and McQuillen.

County Commissioners present were Fischbach, Wiese and Hansen. Commissioners Knecht and Feickert were absent.

### ORDINANCE NO. 05-06-02-311

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 701 (A-1) to Section 704 (R-2) property described as: Smith's Lot 1 in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec. 20, T123N, R63 W of the 5<sup>th</sup> P.M., Brown County, South Dakota was presented. Commissioner McQuillen moved, Commissioner Klabo seconded to approve first reading of Ordinance No. 05-06-02. Upon roll call, all voting aye, motion carried.

Commissioner Wiese moved, Commissioner Hansen seconded to approve first reading of Ordinance No. 05-06-02-311. All present voting aye, motion carried.

### ORDINANCE NO. 05-06-03-312

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 710 (I-2) to Section 714 (M-AG) property described as: West 150' of Lot 7, except Lot 7A, Evelo's Subdivision in the NE  $\frac{1}{4}$  of Sec. 21, T123N, R64W and the East 150' of Lot 7, except Lot 7A, Evelo's Subdivision in the NE  $\frac{1}{4}$  of Sec. 21, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota was presented. Commissioner Hodgkin moved, Commissioner Omland seconded to approve first reading of Ordinance No. 05-06-03. Upon roll call, all voting aye, motion carried.

Commissioner Hansen moved, Commissioner Wiese seconded to approve first reading of Ordinance No. 05-06-03-312. All present voting aye, motion carried.

There being no further business before the Joint Commission, Commissioner Wiese moved, Commissioner Hansen 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

## COMMISSIONERS PROCEEDINGS

City Commission Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, June 27, 2005, 5:30 p.m., regular meeting of the Board of Commissioners, Mayor Levsen presiding. Present at roll call were Commissioners Hodgkin, Klabo, Omland and McQuillen.

Mayor Levsen led the Pledge of Allegiance.

### MINUTES

Commissioner Omland moved, Commissioner Hodgkin seconded to approve the minutes of June 30, 2005 as circulated. All voting aye, motion carried.

### ORDINANCE NO. 05-06-04

Commissioner Klabo moved, Commissioner McQuillen seconded to approve second reading and final adoption of Ordinance No. 05-06-04. Upon roll call, all voting aye, motion carried.

### ORDINANCE NO. 05-06-05

Commissioner McQuillen moved, Commissioner Omland seconded to approve to amend as recommended Ordinance No. 05-06-05. All voting aye, motion carried.

Commissioner Hodgkin moved, Commissioner McQuillen seconded to approve second reading as amended and final adoption. Upon roll call, all voting aye, motion carried.

### ORDINANCE NO. 05-06-06

Commissioner McQuillen moved, Commissioner Klabo seconded to approve second reading and final adoption of Ordinance No. 05-06-06. Upon roll call, all voting aye, motion carried.

### ORDINANCE NO. 05-06-07

Commissioner McQuillen moved, Commissioner Hodgkin seconded to approve second reading and final adoption of Ordinance No. 05-06-07. Upon roll call, all voting aye, motion carried.

### ORDINANCE NO. 05-06-08

Commissioner Omland moved, Commissioner Klabo seconded to approve second reading and final adoption of Ordinance No. 05-06-08. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 05-06-09

Commissioner McQuillen moved, Commissioner Klabo seconded to approve to amend Ordinance No. 05-06-09 as recommended. All voting aye, motion carried.

Commissioner Omland moved, Commissioner Hodgkin seconded to approve second reading as amended and final adoption of Ordinance No. 05-06-09. Upon roll call, all voting aye, motion carried.

Commissioner Omland moved, Commissioner Hodgkin seconded to approve second reading as amended and final adoption. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 05-06-10

Commissioner McQuillen moved, Commissioner Hodgkin seconded to approve to amend Ordinance No. 05-06-10 as recommended. All voting aye, motion carried.

Commissioner McQuillen moved, Commissioner Hodgkin seconded to approve second reading as amended and final adoption of Ordinance No. 05-06-10. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 05-06-11

Commissioner McQuillen moved, Commissioner Omland seconded to approve second reading and final adoption of Ordinance No. 05-06-11. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 05-06-12

Commissioner McQuillen moved, Commissioner Klabo seconded to approve second reading and final adoption of Ordinance No. 05-06-12. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 05-06-1

Ordinance No. 05-06-01 – An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 707 (C-2) to Section 704 (R-2) and

Section 711 (R-4) property described as: Lot 1 of Thares-Hedger Subdivision in the SW ¼ of Sec. 12, T123N, R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota was presented. Upon roll call, Mayor Levsen, Commissioner Klabo, McQuillen and Omland voting aye, Commissioner Hodgkin abstain, 4 ayes, 1 abstain, motion carried.

#### RESOLUTION NO. 05-06-03 R

Commissioner McQuillen moved, Commissioner Hodgkin seconded to approve the following resolution:

#### RESOLUTION OF ACCEPTANCE OF UTILITY IMPROVEMENTS

WHEREAS, there has been filed with the City of Aberdeen, South Dakota, a Petition by the Developer to accept the operation and maintenance of a Sanitary Sewer, and;

WHEREAS, said improvements have been inspected by the City and find them to meet the minimum City Standards, and;

BE IT RESOLVED by the Aberdeen City Commission, Aberdeen, Brown County, South Dakota that the improvements were made on legally platted Right-of-Way known as a portion of 2<sup>nd</sup> Ave. NW more particularly described as follows:

Sanitary Sewer on 2<sup>nd</sup> Ave NW from 4<sup>th</sup> St to East Drive located in the NW ¼ of Section 13, T123N, R64W and the NE ¼ of Section 14, T123N, R64W in Aberdeen, Brown County, South Dakota

BE IT FURTHER RESOLVED that the City of Aberdeen will accept the operation and maintenance of this sanitary sewer from this date.

All voting aye, motion carried.

#### HEARING

Commissioner Klabo moved, Commissioner McQuillen seconded to continue for one week, per Fire Prevention the hearing on application for alcoholic beverage licenses: RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSES – Jeff Severson dba Last Chance Bar, 1023 S. Main Street. All voting aye, motion carried.

This being the time and place set for a hearing on RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSES – Guadalajara III Inc. dba

Guadalajara Mexican Restaurant, 3015 6<sup>th</sup> Avenue SE #3; and SPECIAL ONE-DAY RETAIL ON-OFF SALE MALT BEVERAGE LICENSE FOR JULY 9, 2005 – Aberdeen Downtown Association dba Aberdeen Downtown Association – Pig Out, South Main Street and 3<sup>rd</sup> Avenue, no one was present to testify, Commissioner Omland moved, Commissioner Hodgkin seconded to approve and authorize the Mayor to sign above licenses. All voting aye, motion carried.

#### SET HEARING DATES

Commissioner McQuillen moved, Commissioner Klabo seconded to set a hearing date of July 11, 2005 at 5:30 p.m., for applications for Alcoholic Beverage Licenses: SPECIAL ONE-DAY RETAIL ON-OFF SALE MALT BEVERAGE LICENSES – Aberdeen Jazz Soc. Db a Centennial Homes Summer Jam July 23, 2005, Circle of Flags at Wylie and Aberdeen Area Chamber of Commerce db a Aberdeen Area Chamber of Commerce, July 14, 2005 at Wylie Park Pavilion. All voting aye, motion carried.

Commissioner Hodgkin moved, Commissioner Omland seconded to set a hearing date of July 18, 2005 at 5:30 p.m. for Notice of Hearing – Vacate Public Right-of-Way West 16' of Lots 1-4, Professional Group's 1<sup>st</sup> Addition to Aberdeen. All voting aye, motion carried.

#### PLATS

Commissioner Hodgkin moved, Commissioner Klabo seconded to approve the following plat, as stipulated: Be it resolved by the City Commission of Aberdeen, South Dakota, that the plat showing "Mitzel Subdivision in the NW ¼ of Section 21, T123N R64W of the 5<sup>th</sup> P.M., Brown County, South Dakota", having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof. All voting aye, motion carried.

Commissioner Hodgkin moved, Commissioner McQuillen seconded to approve the following plats: Be it resolved by the city Commission of Aberdeen, South Dakota, that the plat showing "Smith Lot 1 in NE ¼ SE ¼ Sec. 20-T123N-R63W of 5<sup>th</sup> P.M., Brown County, South Dakota" having been examined, is hereby approved in accordance with provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

Be it resolved by the City Commission of Aberdeen, South Dakota, that the plat showing "Group's Second Addition to the City of Aberdeen, Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendment's thereof.

Be it resolved by the City Commission of Aberdeen, South Dakota, that the Plat showing Mutual of Omaha Second Addition to Aberdeen in the SW ¼ of Section 17-T123N-R63W of the 5<sup>th</sup> P.M., Brown County, South Dakota, having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

Be it resolved by the City Commission of Aberdeen, South Dakota, that the plat showing "Klebsch First Subdivision in Aberdeen, South Dakota", having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof.

Be it resolved by the City Commission of Aberdeen, South Dakota, that the plat showing Hedgers Second Subdivision in the NW ¼ of Section 18-T123N-R63W of the 5<sup>th</sup> P.M., Aberdeen, South Dakota having been examined, is hereby approved in accordance with the provisions of SDCL 11-3, and any amendments thereof.

All present voting aye, motion carried.

#### SPECIAL WATER EXCEPTIONS

Commissioner Hodgkin moved, Commissioner Klabo seconded to approve the following applications for special exception for water usage for two weeks: Deb Mielke, 1001 South McCoy Street and Joel Weig, 2026 Ashwood Drive. All voting aye, motion carried.

#### CONTRACTS AND BONDS

Commissioner Hodgkin moved, Commissioner McQuillen seconded to approve and authorize the Mayor to sign contracts and bonds for WWTP Improvements – PKG Contracting Inc., contingent on City Attorney review. All voting aye, motion carried.

#### AGREEMENT

Commissioner Omland moved, Commissioner McQuillen seconded to approve and authorize the Mayor to sign agreement with South Dakota Department of Environment and Natural Resources for Water Quality Improvement Project. All voting aye, motion carried.

#### STREET USE REQUESTS

Commissioner Hodgkin moved, Commissioner McQuillen seconded to approve requests for street use for Neighborhood Luau – 1400 Block of 4<sup>th</sup> Avenue SW. All voting aye, motion carried.

#### PAY ESTIMATES

Commissioner Hodgkin moved, Commissioner McQuillen seconded to approve and authorize the Mayor to sign and approve payment for Pay Est. #6 – WWTP Scada System – Design Solution & Integration in the amount of \$19,899.42. Upon roll call, all voting aye, motion carried.

Commissioner McQuillen moved, Commissioner Hodgkin seconded to approve and authorize the Mayor to sign and approve payment of Pay Est. #5 – WS-2005-1 – 6<sup>th</sup> Avenue – 5<sup>th</sup> Street South to Penn Street in the amount of \$52,196.60. Upon roll call, all voting aye, motion carried.

#### REQUEST TO SERVE

Commissioner Hodgkin moved, Commissioner McQuillen seconded to approve a request to serve alcoholic beverages for a Moose Picnic at Wylie Park Pavilion on July 17, 2005. All voting aye, motion carried.

#### LOTTERY

Commissioner Klabo moved, Commissioner Omland seconded to receive and place on file a lottery notice for Fraternal Order of Eagles Dakota State Auxiliary. All voting aye, motion carried. A lottery notice for Ray Huber Benefit was withdrawn.

#### DEPARTMENT REPORTS

Commissioner McQuillen moved, Commissioner Hodgkin seconded to receive and place on file the department reports for Aberdeen Regional Airport Board Minutes; Alexander Mitchell Library Minutes; Park & Recreation Board Minutes;

Aberdeen Parking Board Minutes and Board of Zoning Adjustment Minutes. All voting aye, motion carried.

#### BILLS

Commissioner Klabo moved, Commissioner Omland seconded to approve the following audited claims for services, supplies, repairs and maintenance: Cellularone 10,996.76; Northern Electric Coop 562.87; United Parcel Service 68.74; Pitney Bowes 372.00; Minnesota Twins Baseball Club 826.00; YMCA 5,442.00; First Administrators 18,586.85; Rick Wahlen 46.00. Upon roll call, all voting aye, motion carried.

#### PAYROLL

Commissioner Omland moved, Commissioner Klabo seconded to approve payroll for the period June 12 – 25, 2005 and city share of social security, old age and survivor's insurance, retirement and health and life insurances: Governing Body 6,108.86; Finance 10,531.20; HR 5,648.00; Building 179.27; Computer 2,795.20; Planning/Zoning 7,535.20; Engineer 8,134.46; Police 65,162.51; Fire 63,174.96; Fire Prevention 1,987.20, Housing/Building 2,775.67; Street 18,798.41; Traffic 3,667.84; Utility/Pipe 18,103.22; Solid Waste 18,708.80; Transportation 7,722.30; Library 19,651.89, Hannah Lagerquist 11.67/hr, Jessica Scoular 7.50/hr; Parks, Recreation & Forestry 129,614.18, Joshua Frock 6.75/hr, Tyler Fuller 6.50/hr, Alex Hanson 6.50/hr or 38/team, Larry Heidt 12-17/game, Caroline King 6.75/hr, Megan Marske 6.75/hr, Karissa Salwei 6.50/hr, Jeffrey Seiler 12-17/game; Airport 8,772.35; Water Treatment 15,882.79; Utility/Meter 4,824.74; Wastewater 14,062.45; Utility/Pump 4,592.93; Wells Fargo 97,837.08. Upon roll call, all voting aye, motion carried.

#### OTHER

Dan Ostrander, City Forester, spoke about the city's efforts on mosquito control and what citizens can do to help. No action was taken.

#### GRANT

Commissioner McQuillen moved, Commissioner Omland seconded to move the 2005 Safer Grant from the table. All voting aye, motion carried.

Commissioner McQuillen moved, Commissioner Hodgkin seconded to approve the request for the Aberdeen Fire Department to apply for the 2005 Safer Grant. All voting aye, motion carried.

THANK YOU

Mayor Levsen thanked Commissioners Klabo and Omland for their many years of service to the Commission and the City.

There being no further business before the Board, Commissioner Omland moved, Commissioner Klabo 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