

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, Tuesday, May 29, 2012, 5:30 p.m., regular meeting of the Board of Council Members, Mayor Mike Levsen presiding. Present at roll call were Council Members David Bunsness, Todd Campbell, Jim Kraft, Jeff Mitchell, Clint Rux, and Laure Swanson. Council Members Tom Agnitsch and Jennifer Slight-Hansen were absent. City staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, and Mike Wilson.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Rux seconded to approve the minutes of May 21, 2012, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

Slight-Hansen arrived at 5:31 p.m.

OLD BUSINESS

ORDINANCE NO. 12-05-01

Mitchell moved, Swanson seconded to approve second reading and final adoption of Ordinance No. 12-05-01 to rezone Lot 1, Apartment Addition from Section 706 (C-1) to Section 705(R-3)/Section 711 (R-4). Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 12-05-02

Bunsness moved, Rux seconded to approve second reading and final adoption of Ordinance No. 12-05-02 to rezone Lot 2, McGregor's Subdivision of Lots 1 – 3, Block 15, Thomas Addition from Section 707 (C-2) to Section 705 (R-3). Upon roll call, all present voting aye, motion carried.

CONTINUED – PURCHASE AGREEMENT FOR FRY PROPERTY

Mitchell moved, Bunsness seconded to continue for one week the discussion of the purchase agreement for the Bill Fry Property located at Lot 2, Hagerty and Lloyd's 2nd Subdivision (213 3rd Ave., SE). All present voting aye, motion carried.

CONSENT CALENDAR

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

SET HEARING DATE – of June 11, 2012 at 5:30 p.m. for application for new Retail On-Off Sale Wine License – Heartland Casino LLC dba Heartland Players Club, 1923 6th Ave., SE #102.

ACCEPTANCE OF AWARD – of allocation of \$2,959.85 for Historical Preservation to the City of Aberdeen and Brown County Landmarks Commission.

RECEIVE AND PLACE ON FILE – Notice of permanent closing and layoffs at Verifications, Inc., 516 Production Street.

SET BID DATE – of June 12, 2012 at 2:00 p.m. for advertisements for bids for Hanger Access Road Improvements (Project ST-2012-2); Roosevelt & Milwaukee Traffic Signal Improvements (Project ST-2012-3).

PETITION TO VACATE – The N ½ of remaining 11th Avenue, SW Public Right-Of-Way adjacent to the South property line of Lot 7A, First Replat of Lots 5 – 8, Block 13, Garden Park Addition – Refer petition to City Attorney, City Engineer, and Planning/Zoning Director for review and recommendations.

LICENSES – Home Day Care – Danielle K. Carlson, Michelle Erdmann, Melinda Robertson; Private Security – Juan Chavez.

REQUEST FOR PERMISSION TO SERVE AND PERMIT – the consumption of alcoholic beverages at Wylie Park Pavilion on June 7, 2012 for an Investment Centers of America Customer Appreciation Picnic.

REQUEST FOR PERMISSION TO SERVE AND PERMIT – the consumption of alcoholic beverages at Wylie Park Pavilion on June 16, 2012 for a 3M Club Picnic.

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

All present voting aye, motion carried.

NEW BUSINESS

RESOLUTION NO. 12-05-02 R

Business moved, Rux seconded to approve the following Resolution No. 12-05-02R:

A RESOLUTION APPROVING THE ABERDEEN-BROWN COUNTY REGIONAL RAILROAD AUTHORITY TO LEVY TAXES IN RELATION TO RAIL PROJECT IN BROWN COUNTY, SOUTH DAKOTA

WHEREAS, the Aberdeen-Brown County Regional Railroad Authority has authorized applying for a loan, and has received approval from the South Dakota State Railroad Board, in the amount of One Million Four Hundred Forty Thousand Dollars (\$1,440,000.00) amortized over fifteen (15) years at the annual rate of two (2) percent per year, with a balloon payment at the end of seven years for the remaining loan balance and accrued interest to fund the construction of a 10,620 foot loop track to facilitate rail car storage and loading for an elevator facility in Brown County, South Dakota; and

WHEREAS, the South Dakota State Railroad Board will require a resolution from the Brown, Beadle, Edmunds and Spink County Commissioners and Aberdeen City Council, acknowledging the authority of the Aberdeen-Brown County Regional Railroad Authority to certify any tax levy as allowed by SDCL 49-17A-21 to be used in the event of default to pay such annual payments as may be required to service the project debt arising from the construction of the siding extension project;

NOW, THEREFORE, BE IT RESOLVED that the City of Aberdeen, South Dakota, hereby grants approval for the Aberdeen-Brown County Regional Railroad Authority to certify the amount of tax to be levied as allowed by SDCL 49-17A-21 or repayment of said loan, plus interest, at the rate specified above, in the event of default by Aberdeen-Brown County Regional Railroad Authority and Ochsner Real Estate Limited Partnerships.

All present voting aye, motion carried.

HEARING – TRANSFER OF ALCOHOLIC BEVERAGES

This being the time and place set for a hearing on applications for the transfer of alcoholic beverages, recommendations for approval were received, Swanson moved, Slight-Hansen seconded to approve the transfers of Retail On-Sale Liquor and Retail On-Off Sale Wine Licenses from HAYJON Inc. dba Daddy's Bar & Grill, 719 N. Main Street to SUDAN LLC dba Daddy's Bar & Grill, 719 N. Main Street. All present voting aye, motion carried.

PROPOSAL – ASPHALT TESTING

Campbell moved, Kraft seconded to accept the proposal from Aaron Swan & Associates in the amount of \$3,975.00 for Asphalt Testing on the AIP #3-46-0001-31-2011 Ag Sprayer Taxiway Project and authorize the City Manager to sign the acceptance document. All present voting aye, motion carried.

PAYMENT REQUEST – ELM INTAKE STUDY

Rux moved, Business seconded to approve payment request #4 in the amount of \$1,795.00 to Clark Engineering for Joint Engineering Services as part of the Elm River Intake Study. Upon roll call, all present voting aye, motion carried.

BILLS

Mitchell moved, Slaight-Hansen seconded to approve the following audited bills for services, supplies, repairs and maintenance: Dakotacare 138,300.67; Flex One 268.00; Guardian 480.70; United Parcel Service 106.25; CVB 25,058.60; Fleet Services 434.24; Jefferson Partners LP 1,019.03; Aaron Newman 60.66; James Lutgen 31.61; Aberdeen Business Improvement District 23,447.55. Upon roll call, all present voting aye, motion carried.

EXECUTIVE SESSION

Bunsness moved, Mitchell seconded to move into executive session to discuss contract matters under SDCL Section 1-25-2 and review trade secrets under SDCL Section 9-34-19. All present voting aye, motion carried.

Mitchell moved, Rux seconded to move out of executive session. All present voting aye, motion carried.

There being no further business, Rux moved, Kraft 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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