

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 24, 2010, 5:30 p.m., Joint City/County meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell, Clint Rux, and Jennifer Slaughter-Hansen. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Ken Hubbart, Karl Alberts, Dave Osborn, Shirley Arment, Neil Bittner and Ryan Soye.

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

ORDINANCE NO. 10-05-03-385

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 701 (A-1) to Section 714 (M-AG) Gary Dahme Addition in the NW ¼ of Section 35, T123N, R64W of the 5th P.M., Brown County, South Dakota was presented. Hodgins moved, Rux seconded to approve first reading of Ordinance No. 10-05-03. Upon roll call, all voting aye, motion carried.

Commissioner Sutton moved, Commissioner Wiese seconded to approve first reading on Ordinance No. 10-05-03-385. All present voting aye, motion carried.

There being no further business before the Joint Council, Commissioner Wiese moved, Commissioner Sutton seconded that the meeting be adjourned. All voting aye, motion carried.

Prepared by Cathy Feickert
For the Finance Office

Finance Officer

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 24, 2010, 5:30 p.m., regular meeting, Mayor Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell, Clint Rux and Jennifer Slaughter-Hansen. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Ken Hubbart, Karl Alberts, Ryan Soye, Shirley Arment, Dave Osborn and Neil Bittner.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Bunsness seconded to approve the minutes of May 17, 2010, as circulated.
All voting aye, motion carried.

OPEN FORUM – no one was present.

CONSENT CALENDAR

Rux moved, Kraft seconded to approve the following items on the consent calendar:
SET HEARING DATE – June 7, 2010 at 5:30 p.m. for the following applications for alcoholic beverage licenses: RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSES – Fraternal Order of Eagles dba Eagles #632, 316 South 2nd Street; Aberdeen Hardball Association dba Legion Baseball, 1225 Br. Co. #19; Hungry's Restaurant Inc dba Marlins Family Restaurant, 604 S. Hwy #281; Sooper Stop Inc dba Sooper Stop, 19 North Dakota Street (w/video lottery); West Hill Inc dba Sooper Stop West, 802 6th Avenue SW (w/video lottery); GPM Enterprise Inc dba Deuces Wild Casino, 915 6th Avenue SE (w/video lottery); D & G Investments Inc dba Grande Casino, 913 6th Avenue SE (w/video lottery); D & G Investments Inc dba Royale Casino, 202 6th Avenue SE (w/video lottery); Randall E Weber dba Eddie's Northside Sinclair, 208 North 2nd Street (w/video lottery); Treinta Inc dba C-Express, 2303 6th Avenue SE (w/video lottery); Munchies Inc dba Munchies, 2301 6th Avenue SE (w/video lottery); Ochenta Inc dba The Wolf Stop, 524 6th Avenue SE (w/video lottery); SPECIAL THREE-DAY RETAIL ON-OFF SALE MALT BEVERAGE LICENSE ON JUNE 18, 19 AND 20, 2010 – Yelduz Shrine Wrecking Crew dba Yelduz Shrine Center, 802 South Main Street.

ADVERTISEMENT FOR BIDS – Asphalt Repair Services – set bid date of June 8, 2010 at 2:00 p.m.

LICENSE – Motor Bus Driver – Aaron Scott Jacobson.

PETITION TO VACATE – 12th Avenue SW, public right-of-way from Highway #281 South extending 1309' East to point of termination located in the NW ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD – set hearing date of June 14, 2010 at 5:30 p.m.

PLAT – Mutual of Omaha Fifth Addition to Aberdeen in Section 17, T123N, R63W of the 5th P.M., Brown County, SD.

DEPARTMENT REPORTS – Aberdeen Regional Airport Board Minutes; Alexander Mitchell Library Board Minutes; Brown County/Aberdeen City Planning Commission Minutes; Aberdeen

City Planning Commission Minutes; Board of Zoning Adjustment Minutes and Park & Recreation Board Minutes – receive and place on file.

All voting aye, motion carried.

NEW BUSINESS

SDDOT AMENDMENT AGREEMENT

Mitchell moved, Kraft seconded to approve and authorize the Mayor to sign the amendment to the agreement with South Dakota Department of Transportation Enhancement Stimulus funds for Railroad Depot Restoration Project. All voting aye, motion carried.

ORDINANCE NO. 10-05-01

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 708 (C-3) and Section 711 (R-4) to Section 705 (R-3) Lot 10, Block 21, First Addition in the SW ¼, Section 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota was presented. Bunsness moved, Agnitsch seconded to approve first reading of Ordinance No. 10-05-01. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 10-05-02

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 706 (C-1) and Section 711 (R-4) to Section 705 (R-3) and Section 711 (R-4), Lots 8, 9, and 10, Block 23, Thomas Addition in the NE ¼ of Section 24, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota was presented. Bunsness moved, Hodgkin seconded to approve first reading of Ordinance No. 10-05-02. Upon roll call, all voting aye except Rux abstained, motion carried.

ORDINANCE NO. 10-05-04

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 707 (C-2) to Section 713 (M), Lot B of Lot 1 of Howards Outlot B in the NE ¼ of Section 14, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota was presented. Agnitsch moved, Bunsness seconded to approve first reading on Ordinance No. 10-05-04. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 10-05-05

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 704 (R-2) to Section 713 (M), Outlot A, Homes Are Possible 2nd Subdivision in the SW ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota was presented.

Agnitsch moved, Bunsness seconded to approve first reading of Ordinance No. 10-05-05. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 10-05-06

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 707 (C-2) to Section 713 (M), Lot 2, Northwest Pond Addition (PT L32, Auto Plaza) in the NE ¼ of Section 14, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota was presented.

Campbell moved, Mitchell seconded to approve first reading of Ordinance No. 10-05-06. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 10-05-02 R

Hodgin moved, Rux seconded to approve the following resolution. Hodgin moved, Slight-Hansen seconded to amend “AVAILABLE FOR” to “COMMITTED TO”, in the last paragraph. Motion failed by voice vote.

A RESOLUTION BY THE CITY COUNCIL SUPPORTING CONSTRUCTION OF A NEW
LIBRARY FOR THE CITY OF ABERDEEN

WHEREAS, the citizens of Aberdeen have long benefited from public library services supported by the city of Aberdeen through the Alexander Mitchell Library; and

WHEREAS, the library is a center for educational, cultural, and recreational activities for people of all ages in the community and provides services to the residents of Brown County and surrounding areas; and

WHEREAS, in 2009 a task force was formed by the Alexander Mitchell Library Foundation to assess the condition of the existing building and determine if the current building can fulfill the needs for the city of Aberdeen in the future; and

WHEREAS, this task force determined that the current facility was inadequate and that a new building should be built to provide for the future library services for the community and count; and

WHEREAS, the current facility limits the programs and services that the library can provide the citizens of the community, the county, and surrounding area because of size, configuration, inadequate parking, lack of available land for expansion and structural deficiencies; and

WHEREAS, the library board of trustees, the Alexander Mitchell Library Foundation, and the patrons and users believe that a new library is needed for the city of Aberdeen; and

WHEREAS, the City Council of Aberdeen has identified the construction of a new library as a community priority within its strategic plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABERDEEN THAT CONSTRUCTION OF A NEW LIBRARY FACILITY IS A PRIORITY FOR THE COMMUNITY, COUNTY, AND FOR THE PATRONS WHO LIVE IN THE SURROUNDING AREA. THE CITY, BOARD OF TRUSTEES AND THE ALEXANDER MITCHELL LIBRARY FOUNDATION SHOULD COMMENCE EFFORTS TO LOCATE, PLAN AND DESIGN A NEW LIBRARY SO THAT CONSTRUCTION CAN BEGIN AS SOON AS FUNDING IS AVAILABLE FOR THIS PROJECT.

All voting aye, motion carried.

RESOLUTION NO. 10-05-03 R

Bunsness moved, Campbell seconded to approve the following resolution:

RESOLUTION NO. 10-05-03 R

RESOLUTION DECLARING REAL ESTATE SURPLUS PROPERTY

BE IT RESOLVED by the Aberdeen City Council, that the following described real property is declared surplus property and may be disposed of according to law, said property to be described as follows:

All of the City of Aberdeen's right, title, and interest in:

That Portion of Lots Six (6), of B.B. Ward's First Subdivision of Lots One (1), Two (2), and Three (3), Block Six (6), Original Plat of Aberdeen, Aberdeen, Brown County, South Dakota, currently occupied by the Andrew's patio.

The property being declared surplus is shown on the map attached hereto.

BE IT FURTHER RESOLVED by the Aberdeen City Council that the Finance Office shall dispose of the said surplus property in accordance with the laws of the State of South Dakota.

Upon roll call, Bunsness, Agnitsch, Slaughter-Hansen, Campbell, Mitchell, Kraft and Levsen voting aye, Rux and Hodgins voting nay, motion carried.

HEARING - APPLICATIONS - RENEWAL OF ALCOHOLIC BEVERAGE LICENSES

This being the time and place set for hearing on applications for renewal of alcoholic beverage licenses, recommendations for approval were received, no one was present to testify, Mitchell moved, Kraft seconded to approve the following applications: RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSES – Rolling Hills Golf Club LLC dba Rolling Hills Golf Club, 546 Palmer Circle; Two C's Inc. dba Schwan's Recreation, 714 1st Avenue NE; Dom Inc. dba Moccasin Creek Casino, 1711 4th Avenue SE (w/video lottery); Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE; Double Up Inc dba Dakota Prairie Casino, 524 South 1st Street

(w/video lottery); R & F Enterprises LLC dba White House Inn, 500 6th Avenue SW (w/video lottery); Regency Midwest Ventures LP dba Ramkota Inn, 1400 8th Avenue NW; Aberdeen Ventures LLC dba AmericInn of Aberdeen, 301 Centennial Street; RENEWAL OF PACKAGE OFF-SALE MALT BEVERAGE LICENSES – Casey’s Retail Company dba Casey’s General Store #2176, 224 South Dakota Street; Miller & Holmes Inc dba M & H Gas Food Store, 202 6th Avenue SW; Nash Finch Company dba Econofoods #487, 2424 6th Avenue SE. All voting aye, motion carried.

AIRPORT LEASE

Mitchell moved, Campbell seconded to approve and authorize the City Manager to sign Airport Lease #72 Agreement with Jon Swenson, Performance Ag Services dba Performance Aerial. All voting aye with Hodgkin abstaining, motion carried.

PAY ESTIMATE

Rux moved, Slight-Hansen seconded to approve payment and authorize the City Manager to sign Pay Estimate #2 – Northwest Holding Pond Project – B & B Contracting in the amount of \$56,183.40. Upon roll call, all voting aye, motion carried.

BILLS

Campbell moved, Bunsness seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 112.20; Northwestern Energy 14,766.65; Aberdeen Business Improvement District 25,691.62; Guardian 161.94; Dakotacare Admin 18,389.37; SD Human Resource Assoc 75.00; SD Governmental Finance Officers Assoc 150.00; DTC 68,550.00; Clark Engineering Corp 12,383.12; Clark Engineering Corp 463.11; Clark Engineering Corp 2,666.81; Clark Engineering Corp 1,507.20; Helms & Associates 18,186.10; Butler Machinery Co 29,826.00; Fleet Services 503.53; Postmaster 1,494.23. Upon roll call, all voting aye, motion carried.

PAYROLL

Bunsness moved, Kraft seconded to approve payroll for the period May 9 through May 22, 2010 and city share of social security, old age & survivor’s insurance, retirement and health/life insurance: Governing Body 4,698.68; City Manager 4,707.51; Attorney 4,401.60; Finance 14,072.00; HR 6,948.00; Building 240.19; Computer 3,450.20; Planning/Zoning 11,025.60; Engineer 10,409.83, Matthew Huettl 10.50/hr; Police 87,425.35, Eric Paul 17.92/hr; Fire 77,300.94; Fire Prevention 3,295.41; Housing/Building 4,717.60; Street 22,692.65; Traffic 5,009.16; Solid

Waste 20,400.40, Jeremy Holder 9.75/hr; Transportation 12,081.03; Library 21,846.89, Megan O'Malley 8.00/hr; Parks, Recreation & Forestry 113,584.50, (all hourly unless otherwise noted) Bailey Aman 7.75, Cassidy Anderson 8.50, Logan Anderson 9.00 or 9.25, Sarah Arthurs 8.00, Shyla Balo 7.75, Brittany Bauer 12.00, Tyler Bierman 8.50, Jessica Bitz 8.75, Kemari Blumhardt 7.50, Rachel Boone 9.00, Kassie Brandt 7.50, Shelby Braun 7.75, Barry Davis 8.50, Richard Faflak 9.25, Amanda Flint 8.75, Sheldon Gross 9.50, Tyler Gurney 7.50, Lindsey Hahler 7.50, Andrew Hansen 7.50 or 42-52/team, Brittany Hanson 7.50 or 14.50-30/wk, Amy Harr 8.75, Elissa Heidenreich 9.50, Katie Heller 8.25, Justin Heyd 9.00, Christine Hodny 9.00, Olivia Hollan 7.50 or 11.50-27/wk, Mary Holm 9.50, Jonathon Horner 8.50, Abby Hoven 9.00, Tiffany Lundberg 8.00, Christopher Maier 9.00, Keith Mayer 9.50, Thomas McGarry 9.00, Jerald McNeary 9.50, Hanna Mettler 9.50, Amber Moran 8.00, Taylor Morsching 8.25, Barbara Nelson 13.25, Taylor Ogdahl 8.00, Jared Opp 9.00, Stephanie Palmer 9.00, Vicki Peck 8.50, Molly Pengilly 8.75, Teresa Pengilly 9.50, Rachel Peterson 8.00, Kelli Pfister 8.75, Kate Rasmussen 7.50 or 12.50-28/wk, Amber Reis 8.75, Courtney Rieck 8.00, Mairghread Rigg 7.75, John D. Rohrbach 7.50, 44/team/wk or 13-21/game, John M Rohrbach 7.50, 44/team/wk/ 13-21/game, Jordan Rohrbach 8.00, Denae Schatz 8.25, Tyler Severson 7.50 or 46/team/wk, Brittany Simon 8.00, Jessica Simon 8.25, Christopher Sommers 8.00, Morgan Stahl 9.00, Chelsey Stanley 9.25, Mariah Stolle 7.50, Joseph Thome 8.75, Reid Turner 8.75, Lindsey Varnell 8.50, Jordan Voss 7.50, Taryn West 10.00, Tyler West 8.75, Mariah Woods 8.50, Jessa Zimmer 9.50; Airport 9,577.70; Pipe 20,073.47; Water Treatment 17,202.16, Robert J Braun 15.07/hr; Meter 4,821.28; Wastewater 17,031.94, Jacob Hamik 14.00/hr; Pump 5,352.58; Wells Fargo 109,069.57; SD Retirement System 56,057.24. Upon roll call, all voting aye, motion carried.

EXECUTIVE SESSION

Bunsness moved, Hodgins seconded to move into executive session for contract discussions. All voting aye, motion carried.

Bunsness moved, Campbell seconded to move out of executive session. All voting aye, motion carried.

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

Prepared by Cathy Feickert
For the Finance Office

Finance Officer