

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, December 10, 2012, 5:30 p.m., regular meeting of the Board of Council Members, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Jeff Mitchell, Mark Remily, Clint Rux, Jennifer Slight-Hansen, and Laure Swanson. Council Member Todd Campbell was absent. City staff present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, Don Lanpher, Doug Johnson, Dave McNeil, Neil Bittner, Aaron Kiesz, and Mike Wilson. Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Mitchell moved, Rux seconded to approve the minutes of December 3 and 4, 2012, as circulated. All present voting aye, motion carried.

OPEN FORUM – City Engineer Robin Bobzien discussed snow removal efforts. Melissa Murray, Amanda Boulais, Brandon Black, Brooke Meyers, and Barb Dryer were present regarding the Pit Bull Ordinance.

Council Member Campbell arrived at 5:52 p.m.

OLD BUSINESS

## ORDINANCE NO. 12-12-01

Swanson moved, Slight-Hansen seconded the second reading and final adoption of Ordinance No. 12-12-01 establishing the number of regular full-time positions, their position titles, and fix the bonds of city officials and employees for the upcoming year. Upon roll call, all voting aye, motion carried.

## ORDINANCE NO. 12-11-07

On the continued motion by Rux, seconded by Slight-Hansen to approve first reading of Ordinance No. 12-11-07, Campbell moved, Rux seconded to amend Sec. 56-210 (c) by adding “Except pursuant to subsection (d) below, where” at the beginning of subsection (c) and adding subsection (d) “Where twenty percent (20%) or more of an improved lot or parcel has been landscaped, such lot or parcel shall be exempt from the requirements of subsection (c) above. For purposes of this exception: (1) “landscaped” shall mean land which has been altered from its natural state to improve its aesthetic appearance by changing its contours, adding ornamental features and plantings. Only pervious land may be considered to be landscaped. (2) The landscaped area must be installed and properly maintained as of the date of this ordinance.” Motion by Slight-Hansen, seconded by Mitchell to amend Sec. 56-117 by adding after “shrubs” “and shall have the ability to waive numerical requirements, including islands, where a minimum of twenty percent (20%) of an improved lot or parcel has been landscaped as of the date of this ordinance. The waiver of island requirements shall apply only to lots with contiguous hard-surfaced area totaling 35,000 square feet or less.” and deleting “but shall not have the authority to waive any numerical requirement of this article.” All voting aye on the Slight-Hansen amendment, motion carries. On the Campbell amendment as amended, all voting aye, motion carried. Rux moved, Mitchell seconded to amend Sec. 56-210 (c) to read “Where more than 15,000 contiguous square feet of asphalt, concrete, or gravel are located on any lot, required trees and shrubs shall be located in one or more planting islands arranged so that the required trees and shrubs are located throughout the hard-surfaced area utilized for parking and maneuvering purposes, and shall meet the following requirements.” Upon voice vote, motion fails. Motion by Campbell, seconded by Swanson to amend Sec. 56-113 (a) (2) by adding “and exceeds \$100,000” at the end of the subsection. All voting aye, motion carries. Slight-Hansen moved, Agnitsch seconded to amend Sec. 56-210 (c) to change “15,000” to “10,000”. Upon roll call, Rux, Agnitsch, Slight-Hansen and Mitchell voting aye, Swanson, Bunsness, Campbell, Remily and

Mayor Levensen voting nay, motion fails. Upon roll call of first reading as amended, all voting aye, motion carries.

CONSENT CALENDAR

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

RENEWAL OF ALCOHOLIC BEVERAGE LICENSES FOR 2013: Retail On-Sale Liquor Licenses – Aberdeen Regional Airport, 4740 6<sup>th</sup> Avenue, SE, Ronald Erickson dba Airport Café, 4707 E. Hwy #12, Aberdeen Ventures LLC dba AmericInn, 301 Centennial Street, BPO Elks Lodge No. 1046 Inc. dba Elks Lodge, 705 Circle Drive, ELF, Inc. dba Circus Sports Bar & Grill, 14 3<sup>rd</sup> Avenue, SE, SUDAN LLC dba Daddy's Bar & Grill, 719 N. Main Street, Skyline Recreation Inc. dba Firehouse Lounge, 1314 8<sup>th</sup> Avenue, NW, Flame Inc. dba Flame Café-Lounge, 2 S. Main Street, Fraternal Order of Eagles dba Eagles, 316 S. 2<sup>nd</sup> Street, GPHC LLC dba 420 S. Main Street, WMMW Inc. dba Lager's Inn, 20 3<sup>rd</sup> Avenue, SW, Loyal Order of Moose dba 410 9<sup>th</sup> Avenue, SW, Aberdeen Maverick's LLC dba Maverick's, 720 Lamont Street, KayDee Enterprises, Inc dba Maverick's Steak & Cocktails, 1702 6<sup>th</sup> Avenue, SE, JT Restaurant, LLC dba Max & Erma's, 715 N. 10<sup>th</sup> Street, Saguirre, Inc. dba Mazatlan Mexican Restaurant, 1 S. First Street, P & M Enterprises Inc. dba R & A Bar, 5 S. Main Street, Dakota Lodging Ltd dba Ramada Inn, 2727 6<sup>th</sup> Avenue, SE, Regency Midwest Ventures LP dba Ramkota Inn, 1400 8<sup>th</sup> Avenue, NW, HAYJON Inc. dba Rohly's Bar, 1524 6<sup>th</sup> Avenue, SW, Rolling Hills Golf Club, LLC dba Rolling Hills Golf Club, 546 Palmer Circle, Aberdeen Cuisine Inc dba Ruby Tuesday, 3125 6<sup>th</sup> Avenue, SE (Inactive Status), Two Cs Inc. dba Schwan's Recreation, 714 1<sup>st</sup> Avenue, NE, RONCO FOOD Inc. dba Shenanigan's, 3315 6<sup>th</sup> Avenue, SE #68, JOHDAHL Inc. dba Silver Dollar Bar, 119 S. Main Street, Larry and Sheryl Franklin, dba 105 N. Lincoln Street, Veterans Foreign Wars dba VFW Club, 821 Circle Drive, Wild Oats, LLC dba Wild Oats Sports Bar, 322 S. Main Street, Aberdeen Zoo Inc. dba The Zoo, 1017 S. Main Street. Package Off-Sale Liquor Licenses

Erickson & Meier, Inc. dba Airport Travel Center, 4707 E. Hwy #12, TREINTA Inc, dba C-Express, 2303 6<sup>th</sup> Avenue, SE, NUEVE Inc. dba C-Express 8<sup>th</sup> Ave., 1202 8<sup>th</sup> Avenue, NE, OCHO, Inc. dba C-Express North Second, 711 N. 2<sup>nd</sup> Street, E-Z Stop Food Marts Inc. dba E-S Stop Food Marts, 421 S. Roosevelt Street, Ken's Supermarket Inc. dba Ken's Bottle Shop, 2105 6<sup>th</sup> Avenue, SE, Kessler's Inc. dba Kessler's Liquor, 621 6<sup>th</sup> Avenue, SE, WMMW Inc. dba Lager's Inn, 20 3<sup>rd</sup> Avenue, SW, Miller & Holmes Inc. dba M & H Gas, 202 6<sup>th</sup> Avenue, SW, Aberdeen Maverick's. LLC dba Maverick's, 720 Lamont Street, KayDee Enterprises, Inc. dba Maverick's Steak & Cocktails, 1702 6<sup>th</sup> Avenue, SE, Dakota Lodging Ltd dba Ramada Inn, 2727 6<sup>th</sup> Avenue, SE, HAYJON Inc. dba Rohly's Bar, 1524 6<sup>th</sup> Avenue, SW, TWO C's Inc. dba Schwan's Recreation, 714 1<sup>st</sup> Avenue, NE, JOHDAHL, Inc, dba Silver Dollar Bar, 119 S. Main Street, Sooper Stop Inc. dba Sooper Stop, 19 N. Dakota Street, West Hill, Inc. dba Sooper Stop West, 802 6<sup>th</sup> Avenue, SW, Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #1520, 3820 7<sup>th</sup> Avenue, SE, Wild Oats, LLC dba Wild Oats Sports Bar, 322 S. Main Street, OCHENTA Inc. dba Wolf Stop, 524 6<sup>th</sup> Avenue, SE. Retail On-Off Sale Wine Licenses SUDAN LLC dba Daddy's Bar & Grill, 719 N. Main Street, Guadalajara III Inc. dba Guadalajara Mexican Restaurant, 3015 6<sup>th</sup> Avenue, SE #3, Heartland Casino, LLC dba Heartland Players Club, 1923 6<sup>th</sup> Avenue, SE #102, Ken's Supermarket Inc. dba Ken's Bottle Shop, 2105 6<sup>th</sup> Avenue, SE, Kessler's Inc. dba Kessler's Liquor, 621 6<sup>th</sup> Avenue, SE, KayDee Enterprises, Inc. dba Maverick's Steak & Cocktails, 1702 6<sup>th</sup> Avenue, SE, Karla K. Stangl dba The Palm Garden, 602 S. 3<sup>rd</sup> Street, Dakota Lodging Ltd dba Ramada Inn, 2727 6<sup>th</sup> Avenue, SE, Regency Midwest Ventures LP dba Ramkota Inn, 1400 8<sup>th</sup> Avenue, NW, Jonathon Hepola and A. Lamar Marshal dba Slacker's, 115 ½ S. Main Street, Wal-Mart Stores, Inc. dba Wal-Mart

Supercenter, #1520, 3820 7<sup>th</sup> Avenue, SE, Wild Oats, LLC dba Wild Oats Sports Bar, 322 S. Main Street.

TRANSFER OF AIRPORT LEASE #37 – from Dr. Mark Harlow to Aberdeen Flying Service.

LOTTERY NOTICE – Aberdeen Hockey Association – receive and place on file.

All voting aye, motion carried.

#### NEW BUSINESS

##### ORDINANCE NO. 12-12-02

Ordinance No. 12-12-02 creating a new Article IV of the Aberdeen Municipal Code dealing with Pit Bulls was presented. Bunsness moved, Swanson seconded to approve first reading of Ordinance No. 12-12-02. Upon roll call, Agnitsch, Campbell, Remily, Mitchell, Rux, Slight-Hansen voting nay, Bunsness, Swanson, and Mayor Levsen voting aye, 6 nays and 3 ayes, motion fails.

##### ORDINANCE NO. 12-12-03

Ordinance supplementing the annual appropriation as made for the year 2012 by Ordinance No. 11-09-02 to appropriate funds for various unanticipated projects and activities was presented. Mitchell moved, Rux seconded to approve first reading of Ordinance No. 12-12-03. Upon roll call, all voting aye, motion carried.

#### TRANSFER OF FUNDS

Rux moved, Slight-Hansen seconded to approve of the transfer of \$40,000.00 to TIF #3 Debt Service Fund from Sales Tax Fund. All voting aye, motion carried.

#### PAYMENT REQUESTS – AIRPORT PROJECTS

Campbell moved, Swanson seconded to approve and authorize the City Manager to sign the following payment requests for AIP #3-46-0001-32-2012: Pay Estimate #2 for Airport Approach Survey – Helms & Associates in the amount of \$5,233.98; Pay Estimate #4 for Airport Terminal Renovations – Helms & Associates in the amount of \$22,817.57; Pay Estimate #3 for Airport Terminal Renovations – JDH Construction in the amount of \$105,089.15. Upon roll call, all voting aye, motion carried.

#### BILLS

Bunsness moved, Slight-Hansen seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 60,308.36; Aberdeen Equipment 125.70; MBC, LLC 21.82; Thomas Koerner 26.12; John Stoll 39.13; Carolyn Brockel 4.39; Don Jakober 56.40; Marvin E. Tebben 33.59; Benjamin DeGroot 39.59; H O Schumacher 38.01; Margaret Descamps 24.77; Robert Mattern 18.25; Alejandro Reyes 24.61; Kevin Rath 77.94; Jodene Moench 51.49; James Wessel 25.00; Bryan Gerhardt 66.73; Johanna Davis 52.26; NVC 398.01; SD Dept of Revenue 8,957.04; United Parcel Service 67.18; Ryan Contracting Co 30,426.41; Design Solutions & Integration 77,011.16; Clark Engineering Corp 4,557.99; American News 1,545.80; Aberdeen Development Corp 39,166.67; Praxair Distribution Inc 244.08; Beadle Floral & Nursery 2,025.90; MARCO Inc 206.32; Bonnie Bitz 3,440.00; Jordon Moench 135.00; KONE Inc 1,785.00; Visitor Industry Alliance 30.00; Anne Jensen 40.50; Molly Taylor 123.75; Dakota Electronics 260.75; Indian Country Today 19.97; People Books 41.90; Don's Builders Hardware 98.00; Dennis Gavin 2,500.00; C J Huber 90.00; Cole Papers Inc 1,100.06; Farm Power Mfg Inc 992.58; GCR Tire Centers 2,152.11; Jensen Rock & Sand Inc 143.83; Carquest Auto 407.82; Graham Tire Co 1,106.93; Lucas Leshar 26.00; Hedahls Inc 560.36; CASH-WA Distributing 32.41; House of Glass 148.03; Inman & McDowell Inc 172.50; H F Jacobs & Son 2,025.00; Kesslers Inc 80.16; KLEINS 39.54; Scott Tindoll 18.00; Steven Lust Automotive 24.18; MAC's Inc 6.70; Robin O'Neill 189.64; VanMeter Facility Maintenance LLC 455.00; Revolution Dancewear 117.30; RDO Equipment 446.68; Kaitlyn Sturlaugson 242.00; Craig Underwood 286.00; Alexandria

Webster 165.00; Farnums Genuine Parts 255.06; Aaron Kjenstad 135.00; Jesse Cantalope 30.00; Global Specialty Contractors, Inc 14,450.00; James Johnson & Assoc 2,230.00; Dacotah Weisenburger 52.00; A & B Business Solutions 30.07; Overhead Door Company 88.78; Pantorium 42.86; Dakota Supply Group 2,781.17; Midstates Printing 242.97; Gwyn Fischbach 52.00; Avera St Luke's Hospital 320.00; Sanders Sew-N-Vac Inc 623.99; SHARE Corp 3,133.97; Sheehan Mack Sales & Equipment Inc 233.39; Crawford Trucks & Equipment 404.12; Town & Country Lumber Inc 73.98; Academy Trophy Co 108.00; Pro-Build 280.27; Western Printing 958.95; Wright & Sudlow 38,056.85; Hannah Lagerquist 29.60; Diesel Machinery Inc 23.82; Gayle Neuhardt 650.00; MAC's Electric 46.63; Baker & Taylor Inc 2,452.96; DEMCO Inc 46.88; Gaylord Brothers Inc 174.55; Spaans Babcock Inc 7,326.00; Fastenal Co 229.44; Quality Books Inc 83.46; Chris Heier 243.00; Mitch Johnson 192.00; Jerke Irrigation 897.62; Scott Kusler 140.00; Ray Payer 318.75; Aberdeen Interiors 6,185.70; Daren Lorenz 87.50; Tim Reed 200.00; Charlene Blondo 123.75; Dependable Sanitation 1,163.50; Amy Scepaniak 42.00; Taylor Laundry 94.50; Fordham Signs 17.00; Titan Access Acct 152.22; Hub City Radio 140.00; Executive Management 27.80; EBSCO Subscription Service 8,259.86; Dakota Outdoors 149.95; West Payment Center 551.44; North Central Farmers Elevator 6,114.22; SD Dept of Revenue 520.00; Dakota Broadcasting LLC 560.00; Downie's Piano Tuning & Repr 420.00; MTI Distributing 861.16; Lien Transportation 4,658.00; Dakota Fence Co 3,559.00; Br Co Bar Association 50.00; Mitch Hanson 26.00; Quill Corp 750.48; SD Wheat Growers 29.22; Ken's Superfair Foods 610.71; Sertoma Club 60,000.00; Travis Lemer 26.00; Bookpage 282.00; Dawn Sahli Photography 250.00; Kenny Pulling Frame Repr 100.00; Midcontinent Business Solutions 393.00; West River Beverage Inc 149.95; Menards Aberdeen 1,733.57; Shannon Broderson 168.00; Ray Studnicka 134.00; Marcia Sveen 127.50; Convention Visitors Bureau 29,993.88; Dakota Fluid Power Inc 1,046.61; Turfwerks 1,592.43; Redlinger Bros Plbg & Htg 805.61; Renaissance Artist 1,650.00; Borns Group 750.00; OCLC, Inc 728.02; Rod Kurtz 120.00; Britlyn Sturlaugson 180.00; SD Arborists Assn 407.00; Ferguson Waterworks 4,068.74; Oxmoor House 42.91; Steve Westby 169.50; Aaron Kiesz 26.00; Van Diest Supply Co 275.63; SD Dept of Tourism 350.00; Camby's Pass Inc 1,795.01; Business Improvement Dist 27,500.00; Dakota Oil 352.50; ZIMCO Supply Co 2,317.70; Grey House Publishing Inc 1,272.15; Advance Auto Parts 5.99; Absolutely Aberdeen 12,000.00; Genesis Lamp Corp 495.70; Gene Morsching 26.00; R & R Specialties Inc 118.37; Steve Markley 120.00; SD State Treasurer 240.00; Plunkett's Pest Control 341.80; Aberdeen Plumbing & Heating 223.77; Patricia Brosz 405.00; Amy Woods 70.31; 3D Specialties Inc 248.51; John Kersten 382.50; Palmer Distributing 58.90; State Bar of SD 415.00; Randy Murphy 578.00; Tom Suedmeier 459.00; Golden Horse Ltd 13.86; Midcontinent Communications 418.40; Wausau Tile Inc 1,614.00; Butler Machinery 471.65; GRAINGER 1,612.01; Ameripride Services Inc 462.05; Crescent Electric Supply 66.71; Treeline Tree Service Inc 7,035.00; Northern Wireless Communications 79.90; Weissmans Designs for Dance 1,406.95; Domino's Pizza 186.52; Swanson Electric 776.35; Aberdeen Senior Center 800.00; Runnings Supply Inc 1,998.64; Interstate Battery Sys 369.90; Verizon Wireless 66.01; Gary's Engine & Repair 23.21; Amanda Taylor 48.00; Cameron Wyly 705.00; Nick Jensen 53.00; John Flemmer 150.00. Upon roll call, all voting aye with Mitchell abstaining, motion carried.

There being no further business, Bunsness moved, Slight-Hansen seconded that the meeting be adjourned. All voting aye, motion carried. Prepared by Mary Campton for the Finance Office. /s/ Karl Alberts, Finance Officer.