

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 18, 2009, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, Nancy Aman, David Bunsness, Todd Campbell, Lloyd Hodgin, Jim Kraft, Jeff Mitchell and Clint Rux.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Aman seconded to approve the minutes of May 11, 2009 as circulated. All voting aye, motion carried.

OLD BUSINESS

CONTINUED – HEARING ON PETITION TO REZONE

This being the time and place set for a continued hearing on petition to rezone (Proposed Ordinance No. 09-04-01) to rezone certain described property from Section 707 (C-2) to Section 705 (R-3) Lots 19 and 20, Pierce's Subdivision of Block 103, Hagerty and Lloyd's Addition in the SE ¼ of Section 13, T123N, R64W, no one was present to testify, hearing was closed. There being no motion to approve first reading, no action was taken.

CONTINUED – APPLICATION FOR ONE DAY RETAIL ON-OFF SALE LICENSE

Hodgin moved, Mitchell seconded to set a hearing date of June 8, 2009 at 5:30 p.m. for continued application for Special One-Day Retail On-Off Sale Malt Beverage License for August 29, 2009 for Aberdeen Downtown Association dba Sizzlin Summer Nights, First Avenue SE between Main Street and Market Street. Upon roll call, 7 ayes, 1 nay (Bunsness), motion carried.

CONSENT CALENDAR

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

SET HEARING DATE – June 1, 2009 at 5:30 p.m. for the following applications for alcoholic beverage licenses: SPECIAL ONE-DAY RETAIL ON-OFF SALE LICENSE ON JUNE 11, 2009 – Aberdeen Area Chamber of Commerce dba Jones Drug, 802 6th Avenue SE; RENEWAL OF RETAIL ON-OFF SALE MALT

BEVERAGE LICENSE – Fraternal Order of Eagles Aerie 632 dba Eagles, 316 S. 2nd Street (w/video lottery); Mark Johnson dba Heartland Café & Casino, 1923 6th Avenue SE (w/video lottery); Mark Johnson dba Heartland Players Club, 1923 6th Avenue SE #102 (w/video lottery); Treinta Inc dba C-Express, 2303 6th Avenue SE (w/video lottery); Ochenta Inc dba The Wolf Stop, 524 6th Avenue SE (w/video lottery); Munchies Inc dba Munchies, 2301 6th Avenue SE (w/video lottery); TOM Inc dba Wild Card Casino, 416 S Dakota Street (w/video lottery); Midwestern-Flack LLC dba 1715 6th Avenue SE, Suite A (w/video lottery); Buffet China Inc dba Buffet China Restaurant, 1721 6th Avenue SE; Skyline Recreation Inc dba Village Bowl, 8th Avenue & North Hwy 281 (w/video lottery); Len Scherr dba Sammy’s Restaurant & Omelete Shop, 212 South Main Street; Aberdeen Ventures LLC dba AmericInn, 301 Centennial Street (w/video lottery).

LICENSES – Home Day Care – Marie Lipp, Kathy Barr; Master Plumber – Brian Boock; Residential Building Contractor – Michael McKay dba McKay Construction, KOS Concrete Inc., Thomas Barondeau dba Barondeau Construction Inc.

All voting aye, motion carried.

NEW BUSINESS

RESOLUTION NO. 09-05-02 R

Rux moved, Mitchell seconded to approve the following resolution:

WHEREAS, the City Finance Officer has informed the Aberdeen City Council that the following described checks issued by the City of Aberdeen, to wit:

Wells Fargo Bank

| <u>DATE</u> | <u>CHECK#</u> | <u>AMOUNT</u> |
|-------------|---------------|---------------|
| 01/09/2007 | 58209 | \$401.95 |
| 04/10/2007 | 59903 | 29.00 |
| 08/14/2007 | 62462 | 22.26 |
| 08/21/2007 | 62631 | 50.00 |
| 09/14/2007 | 63381 | 23.25 |
| 10/12/2007 | 63681 | 17.19 |
| 10/12/2007 | 63682 | 7.76 |
| 11/06/2007 | 64011 | 29.76 |
| 11/20/2007 | 64369 | 21.00 |
| 11/23/2007 | 64483 | 38.00 |
| 12/18/2007 | 64729 | 20.00 |
| 04/01/2008 | 66622 | 30.98 |

| | | |
|------------|-------|--------|
| 04/01/2008 | 66661 | 326.82 |
| 05/13/2008 | 67355 | 40.00 |

have not been presented for payment at any time within one hundred eighty days of the date on which the check was issued, and that it is desirable that the governing body, by resolution, cancel said checks as provided by SDCL 9-23-21.

NOW, THEREFORE, BE IT RESOLVED, that the above described checks which have not been presented for payment at any time within one hundred eighty days of date on which they were issued, be canceled, and the City Finance Officer is directed to note said cancellation in the check register upon this resolution becoming effective.

All voting aye, motion carried.

HEARING – APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES

This being the time and place set for a hearing, recommendations for approval were received from the Police, Fire and Health Departments, no one was present to testify, Campbell moved, Agnitsch seconded to approve and authorize the Mayor to sign the following: RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSE – Matheus JCM Zomers dba The Drink, 420 South Main Street (w/video lottery); Rolling Hills Golf Club LLC dba Rolling Hills Golf Club, 546 Palmer Cr (w/video lottery); Loeb's Investments Inc dba Gas N Goodies, 1106 S 5th Street (w/video lottery); Karla K Stangl dba Palm Garden, 602 S 3rd Street; DOM Inc dba Moccasin Creek Casino, 1711 4th Avenue SE (w/video lottery); 3 C's Inc dba Schwan's Recreation, 714 1st Avenue NE (w/video lottery); NPC International Inc dba Pizza Hut #2767, 3311 6th Avenue SE; Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE (w/video lottery); RENEWAL OF PACKAGE OFF-SALE MALT BEVERAGE LICENSE – Kessler's Inc dba Kesslers Liquor, 621 6th Avenue SE; Miller & Holmes Inc dba M & H Gas Food Store, 202 6th Avenue SW. All voting aye, motion carried.

CANCEL HEARING

Hearing on May 26, 2009 – application for Special One-Day Retail On-Off Sale Malt Beverage License for SD Total Combat LLC dba S. Main Street from 2nd Avenue to 3rd Avenue – application withdrawn – applicant does not meet requirement. No action taken.

DISCUSSION ON APPLICATION

Jason Ehresmann was present to ask for consideration of allowing closure of Main Street for a SD Total Combat event. No action was taken.

RECOMMENDATION ON QUOTES

Quotes were received for road oils for the Public Works Department. Mitchell moved, Aman seconded to accept the following quote as recommended by the Assistant Public Works Director – Flint Hills Resources – 500 tons @ \$577.29/ton for a total of \$288,645.00. All voting aye, motion carried.

PAY ESTIMATES

Campbell moved, Aman seconded to approve pay estimate #6 – Fire & Rescue Facility #2 site work – Dahme Construction in the amount of \$21,769.09. Upon roll call, all voting aye, motion carried.

Rux moved, Agnitsch seconded to approve pay estimate #8 – WWT Improvement Phase 2B – PKG Contracting Inc in the amount of \$863,483.30. Upon roll call, all voting aye, motion carried.

BILLS

Bunsness moved, Hodgins seconded to approve the following audited claims for services, supplies, repairs and maintenance: Allied Specialty Insurance Inc

6,050.00; Convention Visitors Bureau 19,619.60; DTC – TIF #2 71,817.50; Business Improvement District 25,000.00; Dakotacare Admin Service 31,010.00; United Parcel Service 24.31; P & H Investments 82.51; Hava Java 36.94; Mary Kamen 20.89; Rob Pfaff 21.72; Larry Duffy 14.05; Don Fauss 14.31; Mary Ewing 47.70; Clara Nolz 14.31; Linda Rauscher 11.13; City Treasurer 208.29; American News 2,439.97; Aberdeen Chamber of Commerce 120.00; Adjustment Training Center 2,972.93; Animal Health Clinic 25.00; Beadle Floral 14,127.25; Helms & Associates 845.15; Best Business Products 275.74; RDO Equipment 547.65; Brown County Landfill 19,055.00; Clark Engineering 37,234.26; Dahme Construction 4,520.00; Hawkins Inc 205.69; Dakota Electronics 1,224.05; Don's Builders Hardware 164.00; Evergreen Supply 366.67; Cole Papers 1,033.00; Farm Power Mfg 185.95; Carquest Auto 1,650.32; Graham Tire 790.97; Hach Co 619.37; Tim Medenwald 21.00; Hedahl's Inc 522.57; CWD Aberdeen 12,178.47; Lyle Signs 970.41; House of Glass 113.67; Joel Weig 21.00; HF Jacobs & Son 368.00; Johnson Controls 430.00; Ken's Alignment 160.16; Kessler's 198.30; K-Mart Shopping Center 6.33; Automatic Building Controls 420.00; Aberdeen Taxi Service 280.00; Lawson Products 134.60; Steven Lust Auto 94.98; Mac's Inc 117.14; McFarland Supply 28.11; Aberdeen Ride Line 45.23; Dale Jorgenson 59.98; Farnams Genuine Parts 130.26; Northern Electric 4,339.71; Qwest Seattle 3,547.63; Office Equipment 144.24; Overhead Door Company 1,124.07; Dakota Supply Group 1,583.05; Graymont Capital Inc 17,620.00; Midstates Printing 3,034.30; Roto Rooter Sewer 90.00; Avera St Luke's Hospital 1,099.74; Light & Siren 32.72; Eric Red Hill 135.00; Share Corp 631.80; Sheehan Mack Sales

241.69; Sherwin Williams Co 281.92; Ditch Witch of SD 80.59; HD Supply Waterworks 246.61; Crawford Truck Sales 7,455.11; Government Finance Officer Assn 150.00; Darin Swanston 53.00; Trent Anderson 21.00; Universal Inc 2,208.00; Town & Country Lumber 14.97; Public Safety Center 103.65; Department of Energy 4,452.80; Don Lanpher 62.00; Woodman Refrigeration 78.57; Wright & Sudlow 12,341.51; Scott Jensen 21.00; Diesel Machinery Inc 399.32; Rob Johnsen 21.00; Fastenal Company 551.81; Rob Senger 21.00; Brooks Kleffman 21.00; SD Dept of Health 948.00; Dependable Sanitation 18,113.57; New Trends 698.09; Eric Duven 89.00; Tanner Jondahl 89.00; Elizabeth Andres 19.99; American Technical Svc Inc 4,690.00; Taylor Laundry 61.00; Performance Ag Services 45.00; Fordham Signs 150.00; Cartney Bearing 33.46; SD Human Resource Assoc 50.00; Energy Lab Inc 835.00; JD Evans Inc 1,620.45; Physio-Control Inc 121.55; Titan Access 835.01; Mark Hoven 81.00; Executive Management 366.36; Dakota Outdoors 155.80; Pierson Ford Lincoln 47.11; Northern Dewatering Inc 914.14; West Payment Center 326.03; Stacy Vrchota 21.00; Traffic Control Corp 820.00; Erdmann Oil 599.90; Active Data Systems 7,504.79; Northwestern Energy 20,388.02; Aosnc, LLC 796.18; The Sewing Shoppe 69.50; Ken Hubbart 148.00; Neil Bittner 136.00; Northern Valley Communications 535.50; Grant Schnabel 144.00; Poet Ethanol Products 3,213.54; Shopko LLC 33.69; McMaster-Carr Supply Co 695.29; Medcenter One OCC Health Clinic 240.00; Dr Steve Redmond 500.00; Hewlett-Packard Company 9,138.00; Abra Auto Body 150.00; Northwestern Energy 141.01; East Coast Automation 2,018.00; Fire Safety First 434.93; Lutheran Social Services 420.00; Dale Jensen's Plumbing 120.50; Florida Micro LLC 2,854.77; SD Secretary

of State 25.00; Ibis Tek 2,765.00; Kiesler's Police Supply 237.00; Hub Area Technical School 650.00; Botach Tactical 98.99; Noah's Critters 7.18; Kory Pickrel 100.00; Armstrong Medical 128.53; AmericInn Duluth South 854.15; Roger's Auto Sales 1,100.00; Fairway Manufacturing 89.25; Comfort King 2,385.95; Sanford Health 2,948.00; Menard's Aberdeen 691.69; NASRO 80.00; Bound Tree Medical LLC 877.98; Douglas Kenny 9.00; SD Building Officials 270.00; Water & Environmental Engineering 38.00; Michael Roemmich 21.00; Dakota Fluid Power 662.80; Infratech 1,488.00; Professional Mailing Aberdeen 1,249.84; Engineering America 125.00; NCL of Wisconsin 214.46; Tyler Technologies 3,576.00; Mike Eliason 21.00; Dr Thomas Flamboe 1,180.00; Racom Corp 485.10; Animal Care Equipment 103.82; Aberdeen Shuttle 439.75; Diamond Vogel Paints 24,784.70; Pomp's Tire 962.94; Locators & Supplies 484.16; Michael Law 100.00; Galls Inc 195.46; Plushland Inc 6,518.37; Soil Testing Lab 11.00; Dakota Oil 465.48; Pristine Water Solutions 2,249.75; John Weaver 75.00; Brett Bill 154.00; DSS Image Apparel 204.50; Sid Gonsor 80.00; Best Western Ramkota Pierre 171.98; Stuart Nelson 23.00; Howe's Oil Co 26,713.10; Howard's Service 175.00; Battery Zone Inc 468.66; Christopher Gross 136.00; Tom Tarnowski 136.00; Lake Superior College 3,300.00; Lynn Hovel 21.00; Wayne Krysowaty 21.00; Wade Douglas 200.00; Ann Taecker 366.25; Central States Fire 24.89; Aberdeen Chrysler Center 3,753.97; Tractor Supply Co 42.98; Thatcher Co of Montana 8,129.74; Newman Traffic Signs 168.80; Area IV Senior Nutrition 880.00; Alan Ruhlman 145.29; Butler Machinery 8,503.00; L & O Acres Transport 1,327.61; C & S Motor Sports 274.95; Grainger 1,535.59; Sanitation Products 99.26; Darcy Schock 64.69; Ameripride

Services 2,151.89; Matt Leidholt 21.00; Warne Chemical 191.94; Crescent Electric 525.26; Mario Gourde 105.00; Lois Beckner 224.00; Midwest Pump & Tank 457.08; Accurint 50.00; A-1 Sanitation 156.73; Environmental Toxicity Control 275.00; Tri-State Water 96.00; Bonn Express LLC 100.00; Domino's Pizza 66.22; Swanson Electric 1,167.14; SD Planners Assoc 100.00; Glock Professional Inc 150.00; SD Dept of Health Br Co 287.00; Runnings Supply 2,382.49; Interstate Battery System 376.80; Gary's Engine 3,233.27; Woodall's 1,639.20; Eide Bailly LLP 24,000.00; SDRA 40.00; Tim Martin 500.00; Gellhaus & Gellhaus 763.00; Crime Victims Compensation Program 687.50. Upon roll call, all voting aye, motion carried.

OTHER

Aman moved, Rux seconded to approve Department of Transportation Contract with Rideline for new vans and garage expansion. 7 ayes, 1 nay (Hodgin), motion carried.

Robin Bobzien updated the council on dredging at the Water Treatment Plant.

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

Prepared by Cathy Feickert
For the Finance Office

Finance Officer