

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, June 10, 2013, 5:30 p.m., regular meeting of the Board of City Council Members, Mayor Mike Levsen presiding. Present at roll call were City Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jeff Mitchell, Mark Remily, Clint Rux, Jennifer Slight-Hansen, and Laure Swanson. City staff present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, Don Lanpher, Kevin VanMeter, and Mike Wilson.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Remily moved, Rux seconded to approve the minutes of June 3 and June 6, 2013, as circulated. All voting aye, motion carried.

OPEN FORUM – Alfred Marshall was present to discuss the prohibition of rollerblades and skateboards in the downtown core area.

CONSENT CALENDAR

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

SET HEARING DATE – of June 24, 2013 at 5:30 p.m. for applications for transfers of Retail On-Sale Liquor License and Package Off-Sale Liquor License from Kay Dee Enterprises, Inc. dba Maverick's Steak & Cocktails, 1702 6<sup>th</sup> Avenue, SE to Pounders Inc. dba Pounders, 1702 6<sup>th</sup> Avenue, SE.

RENEWAL OF MALT BEVERAGE LICENSES FOR 2013-2014 – GPM Enterprise, LLC dba 4 Aces Casino, 915 6<sup>th</sup> Ave., SE; JCW Investments LLC dba Aberdeen East Super 8 Motel, 2401 6<sup>th</sup> Avenue, SE; Aberdeen Hardball Association dba 1225 Brown County #19; Aberdeen Pit Stop Inc. dba Aberdeen Pit Stop, 2323 8<sup>th</sup> Avenue, NE; Erickson & Meier, Inc. dba Airport Travel Center, 4707 E. Hwy #12; Aberdeen Ventures LLC dba AmericInn of Aberdeen, 301 Centennial Street; BPO Elk Lodge dba Elks Lodge, 705 Circle Drive; Bargain Mart Inc. dba Bargain Mart, 115 N. Main Street; Casey's Retail Company dba Casey's General Store, 224 S. Dakota Street; OCHO Inc. dba Casino Korner, 707 N. 2<sup>nd</sup> Street; 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 N. Second, 711 N. 2<sup>nd</sup> Street; Midwestern-Flack LLC dba Dakota Players Club, 1715 6<sup>th</sup> Avenue, SE, Suite #A; Double-Up Inc. dba Dakota Prairie Casino, 524 S. 1<sup>st</sup> Street; GPM Enterprises Inc. dba Deuces Wild Casino, 915 6<sup>th</sup> Avenue, SE; Randall Weber dba Eddie's Northside Sinclair, 208 N. 2<sup>nd</sup> Street; ASC Inc. dba 23 6<sup>th</sup> Avenue, SW (Inactive); E-Z Stop Food Marts Inc. dba E-Z Stop Food Marts, 421 S. Roosevelt Street; Fraternal Order of Eagles dba Eagles, 316 S. 2<sup>nd</sup> Street; Loeb's Investments dba Gas-N Goodies, 1106 S. 5<sup>th</sup> Street; Jesse Nelson dba Golden Aces Casino, 614 6<sup>th</sup> Avenue, SW; Front Stop Inc. dba Erika's, 420 S. Main Street; D & G Investments Inc. dba Grande Casino, 913 6<sup>th</sup> Avenue, SE; Guadalajara III Inc. dba Guadalajara Mexican Restaurant, 3015 6<sup>th</sup> Avenue, SE #3; Heartland Casino LLC dba Heartland Café & Casino, 1923 6<sup>th</sup> Avenue, SE; Heartland Casino LLC dba Heartland Players Club, 1923 6<sup>th</sup> Avenue, SE #102; Heartland Casino LLC dba Heartland Players Club 2, 1923 6<sup>th</sup> Avenue, SE #100; Midwestern-Flack LLC dba Jokers Wild Casino, 1715 6<sup>th</sup> Avenue, SE #B; 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; Kusler's Standard dba Kusler's Standard Service, 602 S. Main Street; Lafayette Casino Corp dba Lafayette Casino, 3015 6<sup>th</sup> Avenue, SE #1; Dennis Nelson dba Lee Park Pro Shop, 1300 N. Hwy #281; Bonn Express LLC dba Lucky Spot Casino, 801 N. Hwy #281; M & H Gas dba M & H, 202 6<sup>th</sup> Avenue, SW; Hungry's Restaurant Inc. dba Marlins

Family Restaurant, 604 S. Hwy #281; Saguirre Inc. dba Mazatlan Mexican Restaurant, 1 S. First Street; DOM Inc. dba Moccasin Creek Casino, 1711 4<sup>th</sup> Avenue, SE; Ace Boschee dba Moccasin Creek Concessions, 1202 10<sup>th</sup> Avenue, SE; Munchies Inc. dba Munchies, 2301 6<sup>th</sup> Avenue, SE; Karla Stangl dba Palm Garden, 602 S. 3<sup>rd</sup> Street; NPC International Inc. dba Pizza Hut, 3311 6<sup>th</sup> Avenue, SE; Aberdeen QMG LLC dba Qdoba Mexican Grill, 3828 6<sup>th</sup> Avenue, SE, Suite H; P & M Enterprises Inc. dba R & A Bar, 5 S. Main Street; Arment Investments dba Rainforest Casino, 416 S. Dakota Street #3; Dakota Lodging dba Ramada Inn, 2727 6<sup>th</sup> Avenue, SE; Regency Midwest Ventures 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 Hill Golf Club, 546 Palmer Circle; Jeton Avidiu dba Roma Ristorante Italiano, 104 S. Main Street; D & G Investments dba Royale Casino, 202 6<sup>th</sup> Avenue, SE; 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; JONDAHL Inc. dba Silver Dollar Bar, 119 S. Main Street; Slackers Bar LLC dba Slackers, 115 ½ 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; South C Store Inc. dba South C Store, 1020 S. Main Street; I-90 Fuel Services dba Starlite Truckstop, 602 S. Hwy #281; Cory Johnson dba State Street Pub & Laundry Mat, 120 N. State Street; Target Stores dba Target, 3316 7<sup>th</sup> Avenue, SE; Twin Dragon Buffet Huang, Inc. dba Twin Dragon, 3711 7<sup>th</sup> Avenue, SE; Skyline Recreation dba Village Bowl, 1314 8<sup>th</sup> Avenue, NW; Wal-Mart Supercenter dba Wal-Mart, 3820 7<sup>th</sup> Avenue, SE; R & F Enterprises LLC dba White House Inn, 500 6<sup>th</sup> Avenue, SW; TOM Inc. dba Wild Card Casino, 206 S. Dakota Street; OCHENTA Inc. dba The Wolf Stop, 524 6<sup>th</sup> Avenue, SE.

LICENSE – Residential Building Contractor – American Remodeling Inc.

REQUEST FOR STREET USE – on 17<sup>th</sup> Avenue, SE from S. State Street to Herret Street for Arts in the Park on June 16, 2013.

All voting aye, motion carried.

#### NEW BUSINESS

##### ORDINANCE NO. 13-06-07

Ordinance No. 13-06-07 creating Section 52-157 of the Aberdeen Municipal Code prohibiting texting while driving was presented. Slight-Hansen moved, Campbell seconded to approve first reading of Ordinance No. 13-06-07 with second reading scheduled for July 1, 2013. Upon roll call, all voting aye, motion carried.

##### ORDINANCE NO. 13-06-08

Ordinance No. 13-06-08 amending parts of Chapter 24 dealing with fire prevention and protection was presented. Motion by Slight-Hansen, second by Campbell for first reading of Ordinance No. 13-06-08. Motion by Bunsness, second by Mitchell to amend 24 -113 (2) by changing “20 Feet” to “15 feet”. Motion by Swanson, second by Slight-Hansen to amend the Bunsness amendment by changing “15 feet” to “a safe distance”. Motion by Bunsness, second by Agnitsch to continue one week. Motion carries by voice vote.

#### TEMPORARY EASEMENT

Mitchell moved, Rux seconded to approve a temporary easement for Chuck Hodges to install a wheel chair accessible ramp extending up to the sidewalk located within the public right-of-way at 624 N. Washington Street. All voting aye, motion carried.

#### PAYMENT REQUESTS – ABERDEEN REGIONAL AIRPORT

Bunsness moved, Mitchell seconded to approve and authorize the City Manager to sign the following payment requests: Pay Estimate #6 – AIP #3-46-0001-33-2013 Wetland Removal and Storm Water Improvements – Helms & Associates in the amount of

\$11,319.35; Pay Estimate #8 – AIP #3-46-0001-32-2012 Terminal Renovations – Helms & Associates in the amount of \$5,289.63; and Pay Estimate #9 – AIP #3-46-0001-32-2012 Terminal Renovations – JDH Construction in the amount of \$26,850.60. Upon roll call, all voting aye, motion carried.

#### CHANGE ORDER/PAYMENT REQUEST

Bunsness moved, Rux seconded to approve of Change Order #1, a decrease of \$24,887.00 and Payment Request #1 in the amount of \$4,465.00 to JDH Construction for work performed on the Renovations at the ARCC Project. Upon roll call, all voting aye, motion carried.

#### BILLS

Rux moved, Remily seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 62,222.46; US Bank 41,148.74; Great Western Bank 61,207.67; Gellhaus & Gellhaus Client 84,279.82; Great Western Bank 51,789.68; United Parcel Service 103.84; At & T Cell Phones 2,505.83; NVC 80.97; Government Finance Officer 75.00; Boyer Trucks Sioux Falls, Inc. 93,644.00; Sanitation Products Inc. 56,339.00; Northern Truck Equipment 13,775.00; Clark Engineering Corp. 20,819.56; Absolutely Aberdeen 10,425.00; Eric Hanson 164.33; Farook Kidwai 38.17; Adam Burgard 12.80; Midwest Alarm Co 522.96; American News 3,297.25; Aberdeen Chamber of Commerce 10.00; Aberdeen Development Corp 14,166.67; Beadle Floral & Nursery 9,252.38; Helms & Associates 2,160.00; MARCO Inc 208.07; Bonnie Bitz 3,180.00; Tessman Co 3,324.00; RDO Equipment Co 144.85; Brown County Landfill 196.34; Larsen Design 3,200.00; Northern Plains Animal Health 237.34; City Treasurer 3,000.00; R & K Computers 7,606.50; Dakota Electronics 24.00; Don's Builders Hardware 617.80; Dennis Gavin 2,500.00; Engel Music Store 75.00; Cole Papers Inc 2,064.04; Farm Power Mfg Inc 178.02; GCR Tire Centers 875.60; Qdoba Mexican Grill 163.18; Jensen Rock & Sand Inc 260.10; Carquest Auto 596.33; Graham Tire Co 794.29; South Brown Conservation Dist. 193.00; Education Outdoors 169.12; Hedahls Inc 567.27; CASH-WA Distributing 3,312.78; Krames Staywell LLC 869.40; Lyle Signs Inc 405.84; House of Glass 1,214.67; Nelson Sales & Service, LLC 57.58; H F Jacobs & Son 879.00; Kesslers Inc 1,084.70; Kleins 5.74; K-Mart Shopping Center 20.03; Automatic Building Controls 275.00; New Dimensions 1,640.46; MAC's Inc 595.62; VanMeter Facility Maintenance LLC 455.00; NB Golf LLC 5,200.00; Midwest Rubber Stamp Co 35.00; Grote Sheet Metal Inc 281.71; Aberdeen School & Office Supplies 202.29; Farnums Genuine Parts 33.05; NSU Workstudy 203.20; A & B Business Solutions 168.56; Pantorium 21.43; Dakota Supply Group 958.70; Lorie Johnson 260.00; Midstates Printing 4,641.86; CI Sport Inc 6,107.49; Sanders Sew-N-Vac Inc 36.50; Schwan Welding & Boiler 269.25; SHARE Corp 1,056.00; Sherwin-Williams Co 392.52; Crawford Trucks & Equipment 5.01; Sodak Sport & Bait 179.99; Town & Country Lumber Inc 727.85; Academy Trophy Co 153.00; Pro-Build 473.22; Western Printing 2,209.82; Hannah Lagerquist 27.01; Gayle Neuhardt 650.00; MAC's Electric 289.06; Baker & Taylor Inc 2,536.24; DEMCO Inc 162.99; Fastenal Co 61.53; Dan Pirllet 125.58; Upstart 7.50; Dustin Griese 225.48; Dependable Sanitation 1,051.50; Taylor Laundry 123.50; Fordham Signs 3,143.68; Pepsi-Cola 722.70; The Wolf Stop 10.00; Minnesota Clay USA 3,225.67; Cartney Bearing Co 171.30; CoCa-Cola Refreshments 1,276.37; Titan Access Acct 1,620.58; Hub City Radio 1,140.00; Executive Management 32.45; Beacon Athletics 8,273.84; Pierson Ford-Lincoln-Mercury 29.26; Toysmith 81.00; Environmental System Research Institute 1,200.00; Trisha Waldron Designs 846.00; Paper House Productions 155.60; North Central Farmers Elevator 5,894.09; Parkview Nursery Inc 11,372.87; Rick's Heating/Air Condition 344.76; AT & T Modem .73; Dakota Broadcasting LLC 655.00; Vermont Systems Inc 2,152.00; MTI Distributing 2,059.63; SHOPKO LLC 131.90; Sioux Falls Shopping News 274.00;

Firewood & Co 760.00; Bismarck Tribune 202.00; Gift Emporium Distributors 307.20; Barb Reifenrath 127.00; Michelle Bacon 146.25; Jacobson Hat Co. Inc 209.15; Fire Safety First 245.75; Action Pest Control 300.00; Prairie Tool Co 535.00; Quill Corp 455.50; Ken's Superfair Foods 3,716.42; Claims Associates Inc 250.00; O'Reilly Auto Parts 6.58; Sanford Health 855.00; Double L Ice 86.50; West River Beverage Inc 743.00; Melissa & Doug, LLC 2,134.68; Menards Aberdeen 3,178.93; Bound Tree Medical LLC 1,050.01; Ray Studnicka 100.00; Electronic Data Solutions 2,561.65; Dakota Fluid Power Inc 5.23; McQuillen Creative Group Inc 520.00; Midwest Mini Melts 3,403.00; Grand Forks Herald 80.00; Turfwerks 367.39; Spectrum Promotional Products 6,047.95; OCLC, Inc 675.34; Dan Kaiser 45.00; Ferguson Waterworks 1,446.58; Recreation Supply Co 945.65; Helena Chemical Co 16,637.50; Matheson Tri-Gas Inc 28.66; Quality Services, Inc 12,600.00; Boys & Girls Club of Aberdeen Area 10,000.00; Van Diest Supply Co 10,430.63; Carlson & Stewart Refrigeration Inc 1,520.31; Photo-X-Press 489.00; Dakota Oil 149.71; The Finals 1,630.49; A M Best 1,220.95; Zimco Supply Co 2,874.38; Plaques & Engraving 63.50; Nationwide Mutual Fire Insurance Co 4,325.00; Plunkett's Pest Control 167.00; Aberdeen Plumbing & Heating Inc 77.18; Baum's Dancewear Inc 67.48; Midwest Tape 145.83; Midcontinent Communications 418.40; West Sioux Ceramics & DPS 198.63; Keith Theroux 45.00; SD Parks & Rec Assoc 200.00; Ameripride Services Inc 969.36; Crescent Electric Supply 45.31; G & R Controls Inc 8,541.90; Swanson Electric 10,571.13; Chance Rides Manufacturing Inc 97.17; Hillyard Sioux Falls 1,085.49; Aberdeen Senior Center 824.00; Specialty MFG Co 112.61; Running Supply Inc 3,660.34; Cabinets Dakotah 2,263.27; Cass Clay Creamery Inc 531.82; Tom Schinderling 67.50; Christina Hanagan 1,075.25. Upon roll call, all voting aye, motion carried.

#### CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report to the City Council. Buxton/Transportation Reports were also presented.

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

Prepared by Mary Campton for the Finance Office. /s/ Karl Alberts, Finance Officer.