

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 26, 2009, 8:45 a.m., Joint City/County meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Nancy Aman, David Bunsness, Todd Campbell, Lloyd Hodgins and Clint Rux. Tom Agnitsch, Jim Kraft and Jeff Mitchell were absent.

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

Council Member Mitchell arrived at 8:46 a.m. and Council Member Kraft arrived at 8:48 a.m.

### ORDINANCE NO. 09-05-01-375

An Ordinance amending the Zoning Ordinance concerning co-location of Telecommunications Towers was presented. Rux moved, Bunsness seconded to approve first reading of Ordinance No. 09-05-01. Upon roll call, all present voting aye, motion carried.

Commissioner Sutton moved, Commissioner Hansen seconded to approve first reading of Ordinance No. 09-05-01-375. All present voting aye, motion carried.

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

Prepared by Cathy Feickert  
For the Finance Council

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Finance Officer

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 26, 2009, 9:00 a.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Nancy Aman, David

Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell and Clint Rux. Tom Agnitsch was absent.

Mayor Levensen led the Pledge of Allegiance.

## MINUTES

Mitchell moved, Hodgins seconded to approve the minutes of May 18, 2009 as circulated. All present voting aye, motion carried.

## **CONSENT CALENDAR**

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

SET HEARING DATE – June 8, 2009 at 5:30 p.m. for the following applications for alcoholic beverage licenses: RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSE – Jeffrey J Eil dba Jackpot Casino, 1111 6<sup>th</sup> Avenue SW (w/video lottery); Jason J Miller dba Jake's Pub, 105 N Lincoln Street (w/video lottery); Randall E Weber dba Eddie's Northside Sinclair, 208 N 2<sup>nd</sup> Street (w/video lottery); Regency Midwest Ventures LP dba Ramkota Inn, 1400 8<sup>th</sup> Avenue NW (w/video lottery); Ken's Supermarket Inc dba Ken's Bottle Shop, 2105 6<sup>th</sup> Avenue SE (w/video lottery); Larry & Sheryl Franklin dba AJ's Casino, 624 6<sup>th</sup> Avenue SW (w/video lottery); Donna & Lyle Hopfinger dba Golden Aces Casino, 614 6<sup>th</sup> Avenue SW (w/video lottery); Larry Franklin dba Pirates Cove, 337 N Roosevelt Street (w/video lottery); Ronald Erickson dba Airport Café, 4707 E Hwy 12 (w/video lottery); Bonn Express LLC dba Lucky Spot Casino, 801 N Hwy 281 (w/video lottery); HayJon Inc dba Scotty's Drive Inn, 719 N Main Street (w/video lottery); HayJon Inc dba Rohly's Bar, 1524 6<sup>th</sup> Avenue SW (w/video lottery); P & M Enterprises Inc dba R & A Bar, 5 S Main Street (w/video lottery); I-90 Fuel Services Inc dba Starlite Truckstop, 602 S Hwy 281 (w/video lottery).

SET BID DATE – June 17, 2009 at 2:00 p.m. for advertisement for bids for Riverside Lift Station Pump Renovations for Public Works Department – Utility Division.

LICENSES - Home Day Care – Terri Peters; Sidewalk Contractor – AAA Contractors; Residential Building Contractor – Jon Malsam Construction, Chad Harvey (MJF Construction), Justin D Shultis, Louis Schmidt – TNT Services.

SET HEARING DATE – June 22, 2009 at 5:30 p.m. for Petition to Vacate Public Right-of-Way – N. 300' of S Park Street within Eisenbeis Mobile Home Court adjacent to Lots 1 and 2, Pierson's Subdivision in the SE ¼ of Section 18, T123N, R63W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD.

PLATS – 1) Martin's 1<sup>st</sup> Consolidation Subdivision in Morning Heights Subdivision, Aberdeen, SD, located in the NW ¼ of Section 19, T123N, R63W of the 5<sup>th</sup> P.M., Aberdeen, SD; 2) Park Ridge Estates Fifth Addition to Aberdeen in the NE ¼ of Section 10, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, SD; 3) Highland park Second Subdivision in the NW ¼ of Section 23, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD; 4) Meadows on Dakota Second Subdivision in the SW ¼ of Section 6, T123N, R63W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD; 5) Eisenbeisz-Kulm Addition to the City of Aberdeen, SD, located in the NE ¼ of Section 19, T123N, R63W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, SD.

COMMUNITY EVENT PERMIT – Farmer's Market – Aberdeen Downtown Association.

LOTTERY NOTICE – Make a Wish Foundation of SD – receive and place on file.

DEPARTMENT REPORTS – Aberdeen Regional Airport Board Meeting Minutes; Parks & Recreation Board Meeting Minutes; Alexander Mitchell Library Board Meeting Minutes; Board of Zoning Adjustment Meeting Minutes; Aberdeen City Planning Commission Meeting Minutes; Brown County/Aberdeen City Planning Commission Meeting Minutes – receive and place on file.

All present voting aye, motion carried.

### **NEW BUSINESS**

ORDINANCE NO. 09-05-02

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 707 (C-2) to Section 705 (R-3) Lot 2 of Plat of Highland Park Second Subdivision in the NW ¼ of Section 23, T123N, R64W of the 5<sup>th</sup> P.M., Aberdeen, Brown County, South Dakota was presented. Mitchell moved, Aman seconded to approve first reading of Ordinance No. 09-05-02. Upon roll call, all present voting aye, motion carried.

HEARING – RENEWAL OF ALCOHOLIC BEVERAGE LICENSES

This being the time and place set for a hearing, recommendations for approval were received, no one was present to testify, Campbell moved, Aman seconded to approve and authorize the Mayor to sign the following: RETAIL ON-OFF SALE MALT BEVERAGE LICENSE – BPO Elks Lodge dba Elks Lodge, 705 Circle Drive; Double Up Inc dba Dakota Prairie Casino, 524 S. 1<sup>st</sup> Street (w/video lottery); CCK Inc dba CK's East, 1202 8<sup>th</sup> Avenue NE (w/video lottery); CCK Inc dba Casino Korner, 707 N. 2<sup>nd</sup> Street (w/video lottery); CC & K Inc dba CK's C-Store, 711 N. 2<sup>nd</sup> Street (w/video lottery); R & F Enterprises LLC dba White House Inn, 500 6<sup>th</sup> Avenue SW (w/video lottery); D & G Investments Inc dba Grande Casino, 913 6<sup>th</sup> Avenue SE (w/video lottery); GPM Enterprise Inc dba Deuces Wild Casino, 915 6<sup>th</sup> Avenue SE (w/video lottery); D & G Investments Inc dba Royale Casino, 202 6<sup>th</sup> Avenue SE (w/video lottery); Hungry's Restaurant Inc dba Marlins Family Restaurant, 604 S. Hwy #281; PACKAGE OFF-SALE MALT BEVERAGE LICENSE – Ron Guthmiller dba Louie's Service, 2323 8<sup>th</sup> Avenue NE. All present voting aye, motion carried.

Rux moved, Mitchell seconded to continue one week to allow for final inspection by Fire Department Retail On-Off Sale Malt Beverage License – Aberdeen Hardball Association dba 1225 Brown County 19. All present voting aye, motion carried.

#### RECOMMENDATION ON BID

Rux moved, Campbell seconded to accept the lone bid for new police building equipment from Haldeman-Homme, Inc., Minneapolis, MN in the amount of \$307,350.00. All present voting aye, motion carried.

#### CHANGE ORDER

Bunsness moved, Mitchell seconded to approve and authorize the Mayor to sign Change Order #1 – Public Safety Bldg Site Work – Parking Lot – Dahme Construction – an increase in the amount of \$7,995.23. All present voting aye, motion carried.

#### CONTRACTS AND BONDS

Kraft moved, Bunsness seconded to approve and authorize the Mayor to sign contracts and bonds for Aberdeen Fire Station #1 Site Work – B & B Contracting;

and Fairgrounds Road Reconstruction – Upper Plains Contracting Inc. All present voting aye, motion carried.

#### PAY ESTIMATES

Aman moved, Bunsness seconded to approve and authorize the Mayor to sign the following pay estimates: #26 – Engineering for WWTPF Improvements – Banner Associates - \$11,067.75; #11 (Final) Fire & Rescue Facility #2 – Kyburz Carlson Construction - \$53,346.00; #2 – Concrete Street Rehabilitation – Wright & Sudlow Inc. - \$73,282.73. Upon roll call, all present voting aye, motion carried.

#### BILLS

Aman moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 76.20; Dakotacare Administrative 199,830.26; Aberdeen Business Improvement District 20,002.24; Northwestern Energy 9,758.13; Alltel 1,603.18; City Treasurer 162.18; Glenn Wegehaupt 85.86; US Bank Commercial Loans 57,606.51; SD Dept of Environment/Natural Resources 10,000.00; US Geological Survey 25,725.00; Dakota Supply Group 10,068.00. Upon roll call, all present voting aye with Mitchell abstaining, motion carried.

#### PAYROLL

Rux moved, Bunsness seconded to approve payroll for period May 10 through 23, 2009 and city share of social security, old age and survivor's insurance, retirement and health and life insurance: Governing Body 6,185.94; Attorney 3,285.60; Finance 13,618.41; HR 6,712.80; Building 261.46; Computer 3,258.40; Planning/Zoning 10,756.00; Engineering 10,374.84, Kristi Brosz 10.50/hr, John Schinkel 10.50/hr; Police 87,913.45, Wesley Graff 17.31/hr, Eric Paul 17.31/hr; Fire 77,581.77; Fire Prevention 2,325.60; Housing/Building 4,592.80; Street 21,877.12; Traffic 4,165.76; Solid Waste 18,675.09; Transportation 11,998.58, Roxane Moss 9.75/hr; Library 20,971.82, Jenna Trumm 8.00/hr; Parks, Recreation & Forestry 107,939.11, Eric Aas 7.00/hr, Julie Adams 8.25/hr, Amy Albrecht 9.00/hr or 310/wk, Cassidy Anderson 8.25/hr, Allison Appletoft 8.50/hr, Alec Bader 8.25/hr, Andrew Bauer 9.50/hr, Eric Bengs 9.50/hr, Rachel Boone 8.75/hr, Tyler Brown 8.50/hr, Josh Carlson 8.75/hr, Allyssa Christensen 8.00/hr, Tara Cook 8.00/hr, Angela Cornelius

8.00/hr, Nicole Deurmier 8.00/hr, Mary Eisenbeisz 9.00/hr, Tiffany Eldevik 8.25/hr, Ryan Ellingson 9.75/hr, Robb Erickson 8.75/hr, Jennifer Fischbach 9.75/hr, Amanda Flint 8.50/hr, Raymond Gallagher 8.50/hr, Marilyn Gibbs 8.00/hr, Jessica Greger 8.25/hr, Sheldon Gross 9.25/hr, Alicia Guthmiller 8.25/hr, Abigail Hall 8.00/hr, Jessica Hammer 8.00/hr, Tyler Hanson 9.50/hr, Nichole Harrison 8.25/hr, Lindsey Hay 8.25/hr, Sarah Heilman 8.50/hr, Christine Hodny 8.50/hr, Mary Holm 9.25/hr, Jerzy Horst 8.75/hr, Abby Hoven 8.25/hr, Rebecca Hubsch 8.00/hr, Jeanna Jerde 8.25/hr, Jordan Keahey 8.25/hr, Marissa Keahey 9.75; Brandon Kinder 7.50/hr or 40-52/team/wk, Jessie Krueger 8.00/hr, Leslie Lanz 8.50/hr, Mitchell Lippert 8.50/hr, Christopher Maier 8.75/hr, Ashley Martel 8.25, Thomas McGarry 8.75/hr, Jerry McNearly 9.25/hr, Jordan McQuillen 9.00/hr, Michael Merkel 8.50/hr, Hannah Mettler 8.75/hr, Stephanie Palmer 8.25/hr, Brock Pashen 9.00/hr, Logan Penfield 8.75/hr, Grace Peterson 10.00/hr, Lexi Peterson 8.00/hr, Amber Reis 8.50/hr, Kelsey Reis 8.00/hr, Kelli Pfister 8.50/hr, Jessica Rappe 8.00/hr, Sean Rasmussen 9.50/hr, Deborah Rieck 10.00/hr, Shawn Schnabel 8.25/hr, Jeremy Simon 9.25/hr, Jessica Simon 8.00/hr, Ben Smith 10.25; Kaite Spicer 8.25/hr, Joseph Thome 8.50/hr, Katharina Tinglund 8.25/hr, David Vick 8.00/hr, David Vilhauer 200/wk or 325/wk, Jessica Walworth 8.00/hr, Alyssa Weber 8.25/hr, Taryn West 8.75/hr, Tyler West 8.50/hr, Hannah Wickard 9.50/hr, Michael Zerr 9.75/hr, Jessa Zimmer 9.25/hr,; Airport 11,079.22; Pipe 22,656.97; Water Treatment 16,232.20 Walter Bauer 16.00/hr; Meter 3,781.76, Lucien Fontenelle 13.52/hr; Wastewater 17,296.82; Pump 5,517.02; Wells Fargo 106,936.38; SD Retirement System 55,496.36. Upon roll call, all present voting aye, motion carried.

#### OTHER

Dan Cleberg and Char Cornelius were present to discuss affects of entrance fees for the Annual Pig Out. No action was taken.

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

Prepared by Cathy Feickert  
For the Finance Office

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Finance Officer