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CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, April 27, 2009, 5:30 p.m., regular meeting of the Board of Council Members, Mayor 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 Mike Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Aman seconded to approve the minutes of April 20, 2009 as circulated. All voting aye, motion carried.

CONSENT CALENDAR

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

SET HEARING DATE – May 11, 2009 at 5:30 p.m. for the following applications for renewal of alcoholic beverage licenses: RETAIL ON-OFF SALE MALT BEVERAGE LICENSES – Gary L. Nelson dba Lee Park Pro Shop; 1300 N. Hwy #281, Ron and Patricia Fischer dba South C Store, 1020 S. Main Street (w/Video Lottery); RONCO Foods Inc. dba Shenanigans, 3315 6th Avenue, SE #68 (w/Video Lottery); Yong Chen dba Imperial Buffet, 311 S. Main Street; Saguirre Inc. dba Mazatlan Mexican Restaurant, 1 S. First Street (w/Video Lottery); Kusler's Standard Service Inc. dba Kusler's, 602 S. Main Street (w/Video Lottery); LaFayette Casino Corp. dba LaFayette Casino, 3015 6th Avenue, SE #1 (w/Video Lottery); Aberdeen QMG LLC dba Qdoba Mexican Grill, 3828 6th Avenue, SE #H; E-Z Stop Food Marts Inc. dba E-Z Stop Food Mart, 421 S. Roosevelt Street (w/Video Lottery); PACKAGE OFF-SALE MALT BEVERAGE LICENSE – Casey's Retail Company dba Casey's General Store, 224 S. Dakota Street.

LICENSES – Home Day Care – Amanda Holland; Transient Merchant – Daniel J. Fabian dba Fabian Seafood Co. and TAP Enterprises Inc.; Residential Building Contractor – Blackburn Basement Repair, Thomas Pitz dba Roof Pros, and Thares Construction; Journeyman Electrician – Leon Heyd; Sidewalk Contractor – TROBLO Enterprise.

PLATS – 1) HAPI 2009-2 Subdivision in Aberdeen, South Dakota, located in the NW ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota; 2) D-N-D Subdivision in Block 48, Bennett & Thomas Addition, Aberdeen, South Dakota, located in the NW ¼ of Section 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota; 3) K & R Braun 1st Consolidation Addition in Aberdeen, South Dakota, located in the NE ¼ of Section 13, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota; 4) Hanley 1st Improvement Subdivision in Aberdeen, South Dakota, located in the NW ¼ of Section 24, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South

Dakota; 5) Lamont Companies First Addition to Aberdeen in the SW ¼ of Section 18, T123N, R63W of the 5th P.M., Brown County, South Dakota; 6) HAPI 2009-1 Subdivision in Aberdeen, South Dakota, located in the NE ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota; 7) J Gross Addition in the NW ¼ of Section 34, T124N, R64W of the 5th P.M., Brown County, South Dakota.

LOTTERY NOTICE - Northeastern Mental Health Center – receive and place on file.

DEPARTMENTS' REPORT – Alexander Mitchell Library Board Meeting Minutes; Aberdeen Regional Airport Board Meeting Minutes; Park & Recreation Board Meeting Minutes; Brown County/Aberdeen City Planning Commission Meeting Minutes; Aberdeen City Planning Commission Meeting Minutes; Board of Zoning Adjustment Meeting Minutes – receive and place on file. All voting aye, (Mitchell abstaining), motion carried.

NEW BUSINESS

HEARING – PETITION TO REZONE (PROPOSED ORDINANCE NO. 09-04-01)

Bunsness moved, Hodgin seconded to continue for one week the hearing on a petition 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. All voting aye, motion carried.

ORDINANCE NO. 09-04-02

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 708 (C-3) to Section 705 (R-3) Lot 11, Block 51, Second Addition in the NW ¼ of Section 24, T123N, R64W was presented. Mitchell moved, Rux seconded to approve first reading of Ordinance No. 09-04-02. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 09-04-03

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 707 (C-2) and Section 710 (I-2) to Section 707 (C-2) N. 123' of Lots 1-4, Block 56, Bennett & Thomas Addition in the NW ¼ of Section 13, T123N, R64W was presented. Aman moved, Kraft seconded to approve first reading of Ordinance No. 09-04-03. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 09-04-04

An Ordinance supplementing the annual appropriation as made for the year 2009 by Ordinance No. 08-08-05 to appropriate funds for various unanticipated projects and activities was presented. Campbell moved, Mitchell seconded to approve first reading of Ordinance No. 09-04-04. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 09-04-03 R

Aman moved, Rux seconded to approve the following resolution:

A RESOLUTION CERTIFYING SUPPORT OF THE RESTORATION OF THE HISTORIC
BURLINGTON NORTHERN SANTA FE RAILROAD DEPOT BUILDING AND COMPLIANCE
WITH LOCAL ZONING AND PLANNING REGULATIONS

WHEREAS, the Milwaukee Road Depot (now known as the Burlington Northern Santa Fe Railroad

Depot), constructed in 1911, is one of Aberdeen's most significant historical and urban symbols, and

WHEREAS, the Depot served as the center for the regional rail network, providing the only transcontinental passenger service available in South Dakota with up to fourteen scheduled passenger trains per day, and

WHEREAS, the Depot building has been certified to contribute to the significance of the historic district for the purpose of rehabilitation by the United States Department of the Interior National Park Service "Historic Preservation Certification", and

WHEREAS, the Depot building was placed on the National Register of Historic Places on September 20, 1977, and

WHEREAS, the Tom and Danielle Aman Foundation plans a complete and comprehensive restoration of the historic Depot to include the Native American Cultural and Community Center, James Valley Railroad Model Railroad Club, tourist information center, Wells Fargo Express Station display, and a gift shop, and

WHEREAS, an application for a federal stimulus fund grant will be made to the South Dakota Department of Transportation for the Restoration Project,

NOW, THEREFORE BE IT RESOLVED by the Aberdeen City Council, Brown County, South Dakota, that the Aberdeen City Council does support the Restoration Project and will act as sponsor of the Restoration Project to certify compliance with local zoning and planning regulations, maintenance of the project and payment of any required local match for the federal stimulus fund grant.

All voting aye, motion carried.

HEARING ON APPLICATION FOR MALT BEVERAGE LICENSE

This being the time and place set for a hearing, no one was present to testify, recommendations for approval were received, Hodgkin moved, Agnitsch seconded to approve the application for a new Package Off-Sale Malt Beverage License for Edwardo I. Reyes dba La Monarca Mexican Store, 3015 6th Avenue, SE, Suite #9. All voting aye, motion carried.

JOINT FUNDING CONTRACT

Aman moved, Kraft seconded to approve and authorize the Mayor to sign a joint funding contract with US Geological Survey for Phase 3 of the ground water resource investigation project for a three year period from April 1, 2009 through March 31, 2012. All voting aye, motion carried.

RECOMMENDATION ON PROPOSALS

Proposals for Aerial Photography/Photogrammetry from Aero-Metric and Fugro Horizons were presented. Rux moved, Hodgkin seconded to approve the recommendation by the Engineering Department to accept the proposal from Aero-Metric in the amount of \$19,740.00. All voting aye, motion carried.

A proposal from Clark Engineering for consulting services for historic street lighting, traffic signals & street scape of the downtown core area was presented. Hodgkin moved, Bunsness seconded to approve the proposal at an estimated cost of \$107,539.11 as recommended by the Engineering Department. All voting aye, motion carried.

A proposal from Clark Engineering for engineering fees for the 15th Avenue NE project was presented. Rux moved, Aman seconded to approve the proposal as recommended by the Engineering Department. All voting aye, motion carried.

PAY ESTIMATE

Mitchell moved, Campbell seconded to approve and authorize the Mayor to sign pay estimate #7 – Wastewater Treatment Improvements, Phase 2B – PKG Contracting Inc. in the amount of \$484,344.25. Upon roll call, all voting aye, motion carried.

BILLS

Hodgin moved, Mitchell seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 39.03; Dakotacare Admin Services 39,959.23; Sun Life 506.00; Northwestern Energy 11,803.82; Jefferson Partners LP 805.12; Aberdeen Business Improvement District 1,633.00; City Treasurer 159.34; City Treasurer 260.76; Dick Cozart 19.08; David Flinn 11.13; Muriel Vehe 19.08; Marlene Welsh 12.72; Sondra Faeth 147.87; Betty Bzeski 9.54; Krissanne Stevens 15.90; Sandy Walker 17.49; Pat Gillick 73.14; Jean Deline 7.95; Pam Linder 11.13; Dick Kraft 15.90; Donna Davis 15.90; Kathy Dennert 22.26; Martha Mullner 15.90; Sheila Trierweiler 14.31; Lisa Bloom 15.90. Upon roll call, all voting aye, motion carried.

PAYROLL

Rux moved, Kraft seconded to approve payroll for the period from April 12, 2009 through April 25, 2009 and city share of social security, old age and survivors insurance and retirement. Governing Body 6,185.94; Attorney 3,285.60; Finance 13,633.70; HR 6,712.80; Building 246.73; Computer 3,258.40; Planning/Zoning 10,756.00; Engineer 9,317.82; Police 80,813.41; Fire 78,331.21, Brett Goodwin 1,528.18/bw, David Koch 1,528.18/bw; Fire Prevention 2,325.60; Housing/Building 4,592.80; Street 25,666.69, Michael Abu-Sirriya 9.50/hr; Traffic 4,338.05, Steven Devoe 9.50/hr; Solid Waste 19,137.44, Sean Crawford 9.50/hr, Mathew DeVine 9.50/hr, Taylor Ormand 9.50/hr, John Wegehaupt 9.50/hr; Transportation 12,310.08; Library 20,532.48; Parks, Recreation & Forestry 68,079.42, Douglas Benson 9.50/hr, Andrew Feiock 10.50/hr, Kelsey Hoven 12.00/hr, Derek Larson 9.75/hr, Janice Reich 13.50/hr, Owen Swanson 9.50/hr; Airport 10,903.85; Pipe 19,643.41, Lucas Jung 9.50/hr, Cole Lemke 9.50/hr, Jamie Link 9.50/hr, Austin Simons 9.50/hr, Derek White 9.50/hr; Water Treatment 14,822.47; Meter 8,316.04; Wastewater 16,864.27; Pump 4,421.68, Corbin Surat 9.50/hr; Wells Fargo 95,673.24; SD Retirement 55,100.52. Upon roll call, all voting aye, motion carried.

OTHER

Rich Rouleau from Hase Plumbing & Heating was present to discuss backflow protectors for certain sewer applications. No action taken.

BID APPROVAL

Bunsness moved, Hodgin seconded to approve the bid for Elm River Dredging-Water

15080

Treatment Plant Improvements Project from Graham Construction of Eagan, MN in the amount of \$41,900.00. All voting aye, motion carried.

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

Prepared by Mary Campton

For the Finance Office

/s/ Karl Alberts, Finance Officer