

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, December 14, 2009, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell, Clint Rux and Jennifer Slight-Hansen. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, Don Lanpher, Bill Winter, Mark Hoven, Janel Ellingson and Ryan Soye.

Mayor Levsen led the Pledge of Allegiance.

### MINUTES

Mitchell moved, Kraft seconded to approve the minutes of December 7, 2009 as circulated. All voting aye, motion carried.

OPEN FORUM – no one was present.

### **OLD BUSINESS**

#### ORDINANCE NO. 09-12-02

Hodgin moved, Rux seconded to approve second reading and final adoption of Ordinance No. 09-12-02. Upon roll call, all voting aye, motion carried.

#### ORDINANCE NO. 09-12-03

Mitchell moved, Campbell seconded to approve second reading and final adoption of Ordinance No. 09-12-03. Upon roll call, all voting aye, motion carried.

#### ORDINANCE NO. 09-12-04

Campbell moved, Agnitsch seconded to approve second reading and final adoption of Ordinance No. 09-12-04. Upon roll call, all voting aye, motion carried.

#### ORDINANCE NO. 09-12-05

Campbell moved, Rux seconded to approve second reading and final adoption of Ordinance No. 09-12-05. Hodgins moved, Rux seconded to amend 8-521 to strike “three” and strike 8-522 6 (b) in its entirety. Upon roll call, all voting aye except Mitchell voting nay, motion carried.

### CONTINUED – HEARING

This being the time and place set for a continued hearing on Special Two-Day Retail On-Off Sale Malt Beverage License on July 9 and 10, 2010 for

Aberdeen Downtown Association dba Great Aberdeen Pigout, Central Park, 2<sup>nd</sup> Avenue SE and South Kline Street, no one was present to testify, Hodgkin moved, Agnitsch seconded to approve application. After discussion, Kraft moved, Rux seconded to table this item. Upon roll call, Rux, Hodgkin, Bunsness, Campbell and Kraft voting aye, Agnitsch, Slight-Hansen, Mitchell and Mayor Levsen voting nay, motion carried.

#### CONTINUED – HEARING

This being the time and place set for a continued hearing on Renewal of Retail On-Sale Liquor and Package Off-Sale Liquor Licenses for Pirates Cove Inc dba Pirates Cove, 337 North Roosevelt (w/video lottery), no one was present to testify, Campbell moved, Rux seconded to approve above licenses. All voting aye except Hodgkin voting nay, motion carried.

#### **CONSENT CALENDAR**

Mitchell moved, Slight-Hansen seconded to approve the following items on the consent calendar:

PROGRAMMING SURVEY – Building Space Use for City Hall conducted by HKG Architects.

SET HEARING DATE – December 28, 2009 at 5:30 p.m. for the following applications for alcoholic beverage licenses: RENEWAL OF RETAIL ON-SALE LIQUOR AND NEW PACKAGE OFF-SALE LIQUOR LICENSES - Aberdeen Mavericks, LLC dba Maverick's, 720 Lamont Street; RENEWAL OF RETAIL ON-SALE LIQUOR LICENSES – Ward Plaza Bar & Grill LLC dba Ward Plaza Bar & Grill, 104 South Main (w/video lottery & Sunday sales); JT Restaurants, LLC dba Max & Erma's, 715 North 10<sup>th</sup> Street; Regency Midwest Ventures LP dba Ramkota Hotel, 1400 8<sup>th</sup> Avenue NW (w/video lottery & Sunday sales); RENEWAL OF PACKAGE ON-OFF SALE WINE LICENSE – Regency Midwest Ventures LP dba Ramkota Hotel, 1400 8<sup>th</sup> Avenue NW; NEW PACKAGE OFF-SALE MALT BEVERAGE LICENSE – Mercedes De Loero Pinon dba Monarca Mexican Store, 3015 6<sup>th</sup> Avenue SE, Suite #9.

LICENSE – Home Day Care – Linda Jundt.

LOTTERY NOTICE – Bethlehem Lutheran Piecemakers – receive and place on file.

GRANT AGREEMENT – Preventative Maintenance and Automated Date Processing for Aberdeen Ride Line.

All voting aye, motion carried.

### **NEW BUSINESS**

#### ORDINANCE NO. 09-12-06

Ordinance supplementing the Annual Appropriations as made for the year 2009 by Ordinance No. 08-08-05 to appropriate funds for various unanticipated projects and activities was presented. Rux moved, Campbell seconded to approve first reading of Ordinance No. 09-12-06. Upon roll call, all voting aye, motion carried.

#### HEARING – APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES

This being the time and place set for a hearing on applications for alcoholic beverage licenses, no one was present to testify, recommendations for approval were received. RENEWAL OF RETAIL ON-SALE LIQUOR LICENSES: Campbell moved, Kraft seconded to approve renewal for Aberdeen Ventures LLC dba AmericInn, 301 Centennial Street (w/video lottery and Sunday sales). All voting aye, motion carried. Mitchell moved, Campbell seconded to continue application for Ronald Erickson dba Airport Café & Lounge, 4707 E Hwy 12 (w/video lottery & Sunday sales). All voting aye, motion carried. Rux moved, Campbell seconded to approve renewal for Randy Tewksbury dba Silver Dollar Bar, 119 South Main Street (w/video lottery and Sunday sales). Upon roll call, all voting aye except Hodgins and Bunsness voting nay, motion carried. Mitchell moved, Campbell seconded to approve renewal for P-M Enterprises Inc. dba R & A Bar, 5 South Main Street (w/video lottery and Sunday sales). All voting aye, motion carried. RENEWAL OF PACKAGE OFF-SALE LIQUOR LICENSES: Mitchell moved, Kraft seconded to continue application for Ronald Erickson dba Airport Café & Lounge, 4707 E Hwy 12. All voting aye, motion carried. Rux moved, Campbell seconded to approve renewal for Randy Tewksbury dba Silver Dollar Bar, 119 South Main Street. Passed by voice vote.

#### RECOMMENDATION ON BIDS – CHEMICALS

Bunsness moved, Hodgins seconded to award bids for 2010 Water Treatment Chemicals and authorize the City Manager and City Finance Officer to sign all necessary documents after the approval of the City Attorney, as recommended by the Water Treatment Superintendent: A detailed list is on file at the Finance Office – All amounts are by the pound unless otherwise noted – Ammonium Sulfate Dry/.4975 – Hawkins; Ammonium Sulfate Liq/.29/Hawkins; Carbon Dioxide/.0575/Carbonic; Chlorine/.3235 – DPC; Lime/.0895 – Graymont; Polyphosphate/.995 – Hawkins; Powdered Activated Carbon /.5922 – Thatcher; 1A Soda Ash-DENSE/.14392 – Thatcher; 1B Soda Ash-LIGHT/.195 – Hawkins; Sodium Silicofluoride/.55 – Hawkins; PAM-drum/1.74 – Pristine; PACI Actiflo-drum/.755 – Pristine; PACI Actiflo-bulk/.675 – Pristine; PACI Filter aid-drum/.80 – Pristine; PACI Filter aid-bulk/.72 – Pristine; Monthly Technical Support - \$400.00 – Pristine. All voting aye, motion carried.

#### RECOMMENDATION ON BIDS – AERIAL APPLICATION

Bunsness moved, Rux seconded to award the bid for aerial application of mosquito control chemicals to Airborne Custom Spraying and authorize the City Manager and City Finance Officer to sign all necessary documents after the approval of the City Attorney. All voting aye, motion carried.

#### FAIRGROUNDS ROAD RECONSTRUCTION

Mitchell moved, Kraft seconded to approve and authorize the City Manager to sign Change Order #2 – additional changes & materials – Upper Plains Contracting – increase of \$54,002.90; and approve payment and authorize the City Manager to sign Pay Est. #6 – work completed on project – Upper Plains Contracting - \$41,752.97. Upon roll call, all voting aye, motion carried.

#### PAY REQUEST

Hodgins moved, Bunsness seconded to approve payment for pay request for one 2009 Ford Ambulance – Premier Specialty Vehicles in the amount of \$124,950.00. Upon roll call, all voting aye, motion carried.

#### PAY ESTIMATES

Campbell moved, Kraft seconded to approve payment and authorize the City Manager to sign the following pay estimates: Pay Est #15 – WWTP Improvements Phase 2B – PKG Construction - \$90,181.00; Pay Est #6 – WWTP Improvements Phase 2B – Lien Transportation - \$129,010.77; and Pay Est #4 – 8<sup>th</sup> Avenue NE Street Improvements – Upper plains Contracting - \$385,121.68. Upon roll call, all voting aye, motion carried.

#### BILLS

Rux moved, Hodgin seconded to approve the following audited claims for services, supplies, repairs and maintenance: Dakotacare Admin Services 36,389.11; Clark Engineering Corp 4,903.72; Clark Engineering Corp 4,083.12; Clark Engineering Corp 7,034.96; Clark Engineering Corp 1,007.20; United Parcel Service 51.22; Jerry Marnette 40.41; Jeremy Atkins 53.25; Todd Lamont 68.50; Gary Holler 18.68; Adolfo Diaz 5.58; Lee Borns 4.17; Rozella Parrow 22.58; Julie Mayo 45.52; Frank Craycroft 73.85; Jamie Dinger 63.12; Everett Smith 5.82; Lucas Hilgeman 55.87; Randall Callesen 24.41; American News 2,522.76; Mettler Sichmeller Engineering 8,356.50; Praxair Distribution Inc 88.21; Adjustment Training Center 4,904.70; Best Business Products 609.12; Brick Propane Inc 117.28; SD Municipal Attorney Assn 35.00; Br Co Landfill 17,030.44; MES-Midam 250.27; City Treasurer 294.46; HC Clark Implement 3,895.00; Hawkins Inc 9,448.12; Dakota Electronics 3,131.90; Quality Welding 115.17; Evergreen Supply 404.65; Cole Papers Inc 1,186.74; Wells Fargo Bank 8,790.10; Fisher Scientific 229.42; Carquest Auto 598.78; Hedahl's Inc 399.91; Lyle Signs Inc 3,564.50; DOI-USGS 20,000.00; Keeleys Inc 321.44; Kesslers Inc 198.09; K-Mart Shopping Center 67.09; CDW Government Inc 2,910.97; Aberdeen Taxi Service 373.00; Lawson Products 213.49; Steven Lust Auto 154.01; Mac's Inc 107.48; Michael Todd & Co 2,173.81; Aberdeen Ride Line 11.92; Mohrs Fencing 1,606.05; Farnams Genuine Parts 82.24; Qwest Seattle 3,802.57; Office Equipment 91.62; Mardian Scrap Recycling 15.40; Dakota Supply Group 3,557.94; Graymont Capital Inc 8,829.52; Midstates Printing 4,370.50; Safety Service 65.70; Avera St Luke's Hospital 925.14; Share Corp 673.15; Sheehan Mack Sales 300.06; Sherwin-Williams 27.60; Crawford Truck Sales 1,655.81; River Cities Public Transit 224.00;

SD Dept Revenue & Regulation 10.00; SD Dept of Transportation 1,659.80; SD Municipal League 30.00; SD Police Chiefs' Assoc 390.00; Sound Decisions 59.99; Universal Inc 1,656.00; Western Printing 493.10; Wright & Sudlow 865.20; First Line Gloves 80.30; Fastenal Company 727.21; Haldeman Homme 316,531.23; Electric Co of SD 387.76; North Wind Machine 60.00; Ramada Inn Aberdeen 1,008.40; Cellebrite USA Corp 4,064.00; Macdoctors 3,872.00; Days Inn Sioux Falls 282.00; Aaron Heiser 88.00; Northern Truck Equipment 12,383.00; Dustin Griese 113.00; Ingersoll Rand Company 653.96; ICMA 960.00; Ryan Soye 13.77; Plywood & Door Mfrs Corp 1,362.00; Swanston Equipment Corp 2,301.43; Lewis Cattle Oilers 1,100.00; Dependable Sanitation 18,127.07; New Trends 44.28; Aberdeen Community Theatre 10,000.00; Taylor Laundry 16.00; First National Bank 200,718.75; Trenton Lunstrom 33.00; Ron Evenson 18.00; Cartney Bearing 109.45; Energy Lab Inc 885.00; Bierschbach Equipment 120.36; Physio-Control Inc 168.30; Titan 46.40; Executive Management 250.75; Amy Lebeau 15.00; Mark Berg/Parts Unlimited 1,077.00; Pierson Ford Lincoln 155.90; Visible Moore Wallace 258.33; Austin Vaughn 11.55; West Payment Center 326.03; Traffic Control Corp 2,215.50; Carolyn L Trautman 1,017.46; SD Dept of Revenue 7,945.87; Rick's Heating/AC 62.25; Erdmann Oil 2,006.70; AT&T 3.25; Northwestern Energy 1,524.96; Top Quality Sharpening Service 20.00; Mariah Mougey 9.00; Streicher's 115.95; Northern Valley Communications 1,751.90; Lien Transportation 10,651.15; Quest Construction 194.67; Aberdeen Police Dept 1.88; Poet Ethanol Products 2,455.80; McMaster-Carr Supply 65.80; Medcenter One OCC Health Clinic 60.00; Dr Steve Redmond 500.00; Hewlett-Packard Company 37,326.00; WW Goetsch Associates 270.04; Dave Usselman 11.00; Hobbs Inc 728.07; Northwestern Energy 966.28; Lutheran Social Services 120.00; Ken's Superfair Foods 644.17; One Call Systems 287.10; SD Secretary of State 40.00; Software House International 8,487.08; Mass Marketing Inc 270.00; Sanford Health 542.00; Border States Electric 1,257.40; Foreman Sales & Service 182.52; Northern Escrow Inc 95,630.60; Menards Aberdeen 2,603.28; SD Solid Waste Management Assn 28.08; Enck Resources 8,965.47; Bexar County Criminal Inv Lab 37.00; Bound Tree Medical LLC 602.11; Water & Environmental Engineering 76.00; Michael

Roemmich 9.00; Convention Visitors Bureau 30,707.32; Dakota Fluid Power 430.19; Dakota Ammo Inc 925.50; Professional Mailing Aberdeen 942.39; Modern Marketing 73.09; FSH Communications 60.00; Aberdeen Shuttle 633.75; Cheri Lien 45.00; Pomp's Tire Service 1,678.89; Soil Testing Lab 33.00; Dakota Oil 1,233.99; T'NT Concrete 7,991.74; Pristine Water Solutions 400.00; Vessco Inc 303.34; Dakota Brush 222.00; DSS Image Apparel 276.00; Hase Plumbing & Heating 161.73; Tim Blue 11.00; Best Western Ramkota Watertown 405.00; Cedar Shore Resort 245.85; Baldwin Supply 1,117.95; Howes Oil Co 17,853.50; Hub City Rents LLC 62.40; Carmike Cinemas Inc 1,410.00; 3D Specialties 5,300.72; Palmer Distributing 128.25; State Bar of SD 415.00; Aberdeen Chrysler Center 2,307.73; John Henry Forster Mn Inc 178.26; Newman Traffic Signs 808.74; Environmental Resource 301.53; Grainger 3,185.82; Jefferson Partners LP 2,608.82; Robin Hornseth 11.00; Ameripride Services Inc 448.58; Crescent Electric Supply 849.73; Ban-Koe Companies 1,430.00; Lois Beckner 26.25; Accurint 50.00; A-1 Sanitation 156.73; Tri State Water 29.60; Municipal Service & Supply 4,460.48; Bonn Express LLC 100.00; Malloy Electric 849.15; Haar Plumbing & Heating 108.40; Donald Fogle 18.00; Runnings Supply 3,266.00; Interstate Battery System SD 532.75; Fisher's Cleaning Service 150.00; GCC Ready Mix North Central Region 97.00; Eide Bailly LLP 11,170.00; Darwin Vetch 9.97; Cheryl Olson 288.75; Stacy Anderson-Baadte 137.25; State of South Dakota 411.75; TNT Construction Inc 599.31. Upon roll call, all voting aye, motion carried.

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

Prepared by Cathy Feickert  
For the Finance Office

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Finance Officer

#### JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, December 15, 2009, 8:45 a.m., Joint City/County Meeting, Mayor Mike Levsen presiding. Present at roll call were Campbell, Hodgin, Mitchell and Rux.

Agnitsch, Bunsness, Kraft and Slight-Hansen were absent. Staff members present were Lynn Lander, Brett Bill and Karl Alberts.

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

RESOLUTION NO. 09-12-01 R (380)

Rux moved, Hodgkin seconded to approve Resolution No. 09-12-01 R – Resolution to Vacate Public Right-of-Way. All present voting aye, motion carried.

Sutton moved, Wiese seconded to approve Resolution No. 09-12-01 R (380). All voting aye, motion carried.

There being no further business before the Joint Council, Campbell moved, Hodgkin 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