

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, June 1, 2009, 5:30 p.m., Joint City/County meeting, 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.

County Commissioners present were Tom Fischbach, Mike Wiese, and Duane Sutton. Commissioners Nancy Hansen and Burt Elliot were absent.

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

Mitchell moved, Aman seconded to approve second reading and final adoption of Ordinance No. 09-05-01. Upon roll call, all voting aye, motion carried.

Commissioner Sutton moved, Commissioner Wiese seconded to approve second reading and final adoption 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 Wiese seconded that the meeting be adjourned. All present voting aye, motion carried.

Prepared by Mary Campton

For the Finance Office

/s/ Jerry L. Kost, Deputy Finance Officer

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, June 1, 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.

## SPECIAL RECOGNITION

Dr. Becky Guffin of Aberdeen Central introduced Andy Cahoy recently honored as valedictorian of his class at the United States Military Academy at West Point. Andy Cahoy spoke of his experiences at West Point and his preparedness gained at Aberdeen Central. Andy's parents were also present.

Andy Cahoy led the Pledge of Allegiance

## MINUTES

Mitchell moved, Rux seconded to approve the minutes of May 26, 2009 as circulated. All voting aye, motion carried.

## PROCLAMATION

Mayor Levsen proclaimed June 5 and 6 as "The American Cancer Society's Relay For Life Brown County Days" and presented proclamation to Brenda Glasford.

OLD BUSINESS

## ORDINANCE NO. 09-05-02

Hodgin moved, Mitchell seconded to approve second reading and final adoption of Ordinance No. 09-05-02. Upon roll call, all voting aye, motion carried.

**CONTINUED HEARING – RETAIL ON-OFF SALE MALT BEVERAGE LICENSE**

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

**CONSENT CALENDAR**

Aman moved, Bunsness seconded to approve the following items on the consent calendar:

SET BID DATE – June 24, 2009 at 2:00 p.m. for advertisement for bids – Aberdeen Ride Line Bus Barn Addition.

SET HEARING DATE – June 15, 2009 at 5:30 p.m. for the following applications for renewal of alcoholic beverage licenses: RETAIL ON-OFF SALE MALT BEVERAGE LICENSE – West Hill Inc. dba Sooper Stop West, 802 6<sup>th</sup> Avenue, SW (w/video lottery); Sooper Stop Inc. dba Sooper Stop, 19 N. Dakota Street (w/video lottery); A & T Partnership dba Moccasin Creek Concessions, 1202 10<sup>th</sup> Avenue, SE; JCW Investments LLC dba Aberdeen East Super 8 Motel, 2405 6<sup>th</sup> Avenue, SE (w/video lottery); Arment Investments LLC dba Rainforest Casino, 3001 6<sup>th</sup> Avenue, SE #4 (w/video lottery); Guadalajara III, Inc. dba Guadalajara Mexican Restaurant, 3015 6<sup>th</sup> Avenue, SE #3; PACKAGE OFF-SALE MALT BEVERAGE LICENSE – Eduardo I. Reyes dba LaMonarca Mexican Store, 3015 6<sup>th</sup> Avenue, SE #9; Wal-Mart Stores Inc. dba Wal-Mart Supercenter, 3820 7<sup>th</sup> Avenue, SE; Nash Finch Company dba EconoFoods, 2424 6<sup>th</sup> Avenue, SE.

LICENSES – Residential Building Contractor – Brian Vidlock dba K-Designers; Master Plumber – Noel Snare, Scott Snare; Taxi Cab Driver – Amy Mathiason, Jason Crowe; Private Security – Mitchell Aman, Kimberly Moewes Horejsi, Jeffrey Purdon, Anthony Thiry; Journeyman Plumber – Ryan Albertson.

PETITIONS TO REZONE – set hearing date of June 22, 2009 at 5:30 p.m. for the following:

1) Rezone from Section 710 (I-2) to Section 704 (R-2) property described as Lot 2, Bakken First Subdivision in the NW ¼ of Section 18, T123N, R63W; 2) Rezone from Section 708 (C-3) to Section 705 (R-3) property described as Lot 10, Block 42, Second Addition in the NW ¼ of Section 24, T123N, R64W, Aberdeen, SD.

REQUEST FOR STREET USE – J & J Properties/Barton Heating & AC.

All voting aye, motion carried.

**NEW BUSINESS**

**DISCUSSION - HOME DAY CARE LICENSE**

Bunsness moved, Agnitsch seconded to continue for one week the discussion on Home Day Care Operator License Application for Tina Hopfinger as requested by City Attorney Adam

Altman and Tina Hopfinger. 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, Mitchell moved, Campbell seconded to approve and authorize the Mayor to sign the following applications: SPECIAL ONE-DAY RETAIL ON-OFF SALE MALT BEVERAGE LICENSE ON JUNE 11, 2009 – Aberdeen Area Chamber of Commerce dba Jones Drug, 802 6<sup>th</sup> Avenue, SE; RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSE – Fraternal Order of Eagles Aerie 632 dba Eagles, 316 S. 2<sup>nd</sup> Street (w/video lottery); Mark Johnson dba Heartland Café & Casino, 1923 6<sup>th</sup> Avenue, SE (w/video lottery); Mark Johnson dba Heartland Players Club, 1923 6<sup>th</sup> Avenue, SE #102 (w/video lottery); Treinta Inc. dba C-Express, 2303 6<sup>th</sup> Avenue, SE (w/video lottery); Ochenta Inc. dba The Wolf Stop, 524 6<sup>th</sup> Avenue, SE (w/video lottery); Munchies Inc. dba Munchies, 2301 6<sup>th</sup> Avenue, SE (w/video lottery); TOM Inc. dba Wild Card Casino, 416 S. Dakota Street (w/video lottery); Midwestern-Flack LLC dba 1715 6<sup>th</sup> Avenue, SE, Suite A (w/video lottery); Buffet China Inc. dba Buffet China Restaurant, 1721 6<sup>th</sup> Avenue, SE; Skyline Recreation Inc. dba Village Bowl, 8<sup>th</sup> Ave & N Hwy 281 (w/video lottery); Len Scherr dba Sammy's Restaurant & Omelet Shop, 212 S. Main Street; Aberdeen Ventures LLC dba AmericInn, 301 Centennial Street (w/video lottery). All voting aye, motion carried.

#### RECOMMENDATION ON BIDS – TV CAMERA AND TRANSPORTER

Bids for a Single Conductor Color TV Camera and Transporter for the Public Works-Utility Division were opened and publicly read. A detailed list is on file in the Finance Office. Aman moved, Bunsness seconded to accept the low bid from ELXSI dba Cues in the amount of \$24,400.00 as recommended by the Assistant Public Works Director. All voting aye, motion carried.

#### PAY REQUEST WITH SUPPLEMENT

Campbell moved, Rux seconded to approve payment for a Mini Van for Ride Line – Wegner Auto Co. Inc. in the amount of \$4,375.20 with a \$3,263.00 supplement. Upon roll call, all voting aye, motion carried.

#### RIGHT OF WAY ACQUISITION FOR FAIRGROUNDS ROAD PROJECT

Agnitsch moved, Aman seconded to approve acceptance of permanent right of way of Parcel P1 for Fairgrounds Road Project and payment of acquisition fees for easements and right-of-way to the following: Chad & Mechelle Lang \$1,795.00; Larry & Janice Inches \$2,095.00; Orville & Judith Gruebele \$2,095.00; Kraig Schlaht \$2,095.00; Elmo & Myra Feiock \$2,900.00; Gabe & Kristi Dutenhoeffer \$2,900.00; Kirby & Trisha Goettsch \$1,440.00; Randy & Donna Lechner \$1,320.00; Chuck & Kay Moffenbier \$1,320.00; Gary & Elaine Scherbenski \$1,320.00; Bob & Maureen Schuchardt \$1,020.00; Kevin & Lori Tiede \$1,320.00; Nick Rayman \$1,320.00; Janet Miller \$1,320.00; Daren & Abbie Ward \$1,320.00; Bob & Brenda Bernhardt

\$1,260.00; Bart Walker \$900.00; Lonnie & Judith Anderson \$600.00; Jeanette Anderson \$15,000.00. Upon roll call, all voting aye, motion carried.

**PAY ESTIMATE**

Kraft moved, Aman seconded to approve and authorize the Mayor to sign Pay Estimate #3 – Engineering Services for Water Treatment Plant Intake Dredging on Elm River – Banner Associates in the amount of \$7,910.94. Upon roll call, all voting aye, motion carried.

**BILLS**

Bunsness moved, Agnitsch seconded to approve the following audited claims and services, supplies, repairs and maintenance: United Parcel Service 39.15; US Bank 27,997.46; Aberdeen Development Corp. 14,166.67; Verizon Wireless 58.20; Fleet Services 426.82; Sun Life 508.00; SD Dept of Revenue 265.00; Northwestern 7,202.36; City Treasurer 206.70. Upon roll call, all voting aye, motion carried.

**OTHER**

Roger Dummer of 823 South Lawson Street appeared with the following issues: a) Drainage problem in front of his house on South Lawson Street; b) South Lawson Street has some potholes to be fixed; c) Speeding on South Lawson from 6<sup>th</sup> Ave to Melgaard; d) Would like to see lower rent of buildings to start a business. No action taken.

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

Prepared by Mary Campton

For the Finance Office

/s/ Jerry L. Kost, Deputy Finance Officer