

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, May 4, 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 and Clint Rux. Jeff Mitchell was absent.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Aman moved, Agnitsch seconded to approve the minutes of April 27, 2009 as circulated. All present voting aye, motion carried.

PRESENTATION TO COUNCIL

Dr. Laurie Nichols was present to speak as Chair of South Dakota Voices for Children. No action was taken.

PROCLAMATION

Mark Joseph from the United States Post Office was present to discuss the NALC National Food Drive Day.

OLD BUSINESS

CONTINUED – HEARING ON PETITION TO REZONE

This being the time and place set for the continued hearing on petition to rezone – Proposed Ordinance No. 09-04-01, Mayor Levsen opened the hearing for comments. Brett Bill discussed the proposal. Hodgin moved, Rux seconded to continue for two weeks (5/18/09). All present voting aye, motion carried.

ORDINANCE NO. 09-04-02

Rux moved, Aman seconded to approve second reading and final adoption of Ordinance No. 09-04-02. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 09-04-03

Campbell moved, Kraft seconded to approve second reading and final adoption of Ordinance No. 09-04-03. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 09-04-04

Rux moved, Hodgin seconded to approve second reading as amended and final adoption. Upon roll call, all present voting aye, motion carried.

CONSENT CALENDAR

Aman moved, Hodgins seconded to discuss Special One-Day Retail On-Off Sale Malt Beverage License for August 29, 2009 separately. All present voting aye, motion carried.

Bunness moved, Rux seconded to approve remainder of consent calendar as follows:
SET HEARING DATE – May 18, 2009 at 5:30 p.m. for the following applications for alcoholic beverage licenses – RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSE – Matheus JCM Zomers dba The Drink, 420 S. Main Street (w/video lottery); Rolling Hills Golf Club LLC dba Rolling Hills Golf Club, 546 Palmer Cr (w/video lottery); Loeb Investments Inc dba Gas N Goodies, 1106 S. 5th Street (w/video lottery); Karla K Stangl dba Palm Garden, 602 S. 3rd Street; Dom Inc dba Moccasin Creek Casino, 1711 4th Avenue SE (w/video lottery); 3 C's Inc dba Schwan's Recreation, 714 1st Avenue NE (w/video lottery); NPC International Inc dba Pizza Hut #2767, 3311 6th Avenue SE; Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE (w/video lottery); RENEWAL OF PACKAGE OFF-SALE MALT BEVERAGE LICENSE – Kessler's Inc dba Kesslers Liquor, 621 6th Avenue SE; Miller & Holmes Inc dba M & H Gas Food Store, 202 6th Avenue SW.

COMMUNITY EVENT PERMITS – Sizzlin Summer Nights – Aberdeen Downtown Association; Graduation Party – Renee Forred.

SET JOINT HEARING – May 26, 2009 at 8:45 a.m. for amendment to Zoning Ordinance concerning co-location of Telecommunications Towers.

PETITION TO REZONE – from Section 707 (C-2) to Section 705 (R-3) for Proposed Lot 2 of Plat of Highland Park Second Subdivision in the NW ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Br Co, SD – set hearing date of May 26, 2009 at 9:00 a.m.

PETITIONS TO VACATE PUBLIC RIGHT-OF-WAY – refer the following petitions to City Attorney, City Engineer & Planning/Zoning Director for recommendations: 1) vacate First Avenue NE between Block 46 and Block 53, Northwestern Addition except railroad right-of-way. Jones Avenue NE between Lot 6, Block 53 and Lot 7, Block 53, Northwestern Addition. Harrison Avenue North between Block 52 and Block 53, Northwestern Addition except Railroad right-of-way. 2) N. 300' of S. Park Street within Eisenbeis Mobile Home Court adjacent to Lots 1 and 2, Pierson's Subdivision.

LICENSES – Home Day Care – Laurie Black; Sidewalk Contractor – Ed Grote dba Grote Construction; Journeyman Electrician – Aaron Dosch, James Kramp, William Martyn, Walt

Jensen; Residential Building Contractor – Fettig Construction, Wally Albrecht, Gordon Schmidt Construction Inc; MHM Contracting Ltd; Jake Bierman dba JB Construction.

DECLARE SURPLUS – additional items to be sold at City Auction on May 8, 2009,

LOTTERY NOTICE – Wyndham Hotel Group/Relay for Life – receive and place on file.

Hodgin moved, Kraft seconded to continue Special One-Day Retail On-Off Sale Malt Beverage License for August 29, 2009 for Aberdeen Downtown Association dba Sizzlin Summer Nights. All present voting aye, motion carried.

NEW BUSINESS

RESOLUTION NO. 09-05-01 R

Rux moved, Campbell seconded to approve the following resolution:

WHEREAS, the City of Aberdeen proposes to construct a walking/biking trail and to rehabilitate a walking trail in Aberdeen; and

WHEREAS, the City of Aberdeen now requests financial assistance to complete the proposed project; and

WHEREAS, the project is eligible for the Transportation Enhancement Stimulus Program Funds under the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the proposed project will meet all local planning, zoning and City Ordinance requirements; and

NOW, THEREFORE BE IT RESOLVED that the City of Aberdeen supports the project and the submittal of a Transportation Enhancement Stimulus Program application; and

THEREFORE, BE IT ALSO RESOLVED that, if funded, the City of Aberdeen will pay for the required local match for the project.

THEREFORE, BE IT ALSO RESOLVED that the City of Aberdeen agrees to maintain the project, if funded, throughout its useful life and that the City understands that a project maintenance agreement will be required by the South Dakota Department of Transportation and the Federal Highway Administration; and

THEREFORE, BE IT ALSO RESOLVED that the City of Aberdeen authorizes the Mayor to execute the Transportation Enhancement Stimulus Program application.

6 ayes, 1 nay, motion carried.

RECOMMENDATION ON BIDS

Bids for Fairgrounds Road Reconstruction Project were opened and publicly read. A detailed list is on file in the Finance Office. Bunsness moved, Aman seconded to accept low bid from Upper Plains Contracting in the amount of \$2,138,700.90. All present voting aye, motion carried.

Bids for 9th Avenue NE Street Improvements (ST-2009-3) were opened and publicly read. A detailed list is on file in the Finance Office. Rux moved, Agnitsch seconded to accept low bid from Dahme Construction in the amount of \$51,385.59. All present voting aye, motion carried.

Bids for Fire Station #1 Site Work (BLDG-2009-1) were opened and publicly read. A detailed list is on file in the Finance Office. Bunsness moved, Hodgkin seconded to accept low bid from B & B Contracting in the amount of \$45,349.60. All present voting aye, motion carried.

REQUEST TO PURCHASE

Rux moved, Bunsness seconded to approve a request to purchase a HP Design Jet Scanner for the Planning and Zoning Department in the amount of \$16,871.00. All present voting aye, motion carried.

Aman moved, Campbell seconded to approve a request to purchase a maintenance vehicle for the Airport from Pierson Ford in the amount of \$20,701.00. All present voting aye, motion carried.

CONTRACT & BOND

Bunsness moved, Hodgkin seconded to approve and authorize the Mayor to sign contract and bonds for T'NT Concrete Inc. All present voting aye, motion carried.

PAY REQUEST

Rux moved, Agnitsch seconded to approve pay request for new asphalt distributor from JD Evans in the amount of \$120,000.00. Upon roll call, all present voting aye, motion carried.

PAY ESTIMATES

Campbell moved, Bunsness seconded to approve and authorize the Mayor to sign the following pay estimates: Pay Est #1 – concrete street rehab – Wright & Sudlow - \$46,363.14 and Pay Est #1 – Fire & Rescue Facility #1 – Huff Construction - \$43,301.11. Upon roll call, all present voting aye, motion carried.

BILLS

Hodgin moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 28.65; Aberdeen Housing Authority 18,686.00; Fleet Services 356.61; Brick Markers USA 2,160.60; US Bank 26,750.35; Pierson Ford Lincoln 20,862.00; Rob Aldinger 33.39; Randy Swenson 12.72; Sharon Lust 12.72; Barbara Schwan 14.31; Gary Harms 22.26; Harry Preston 15.90; Patty Wiedmeier 17.49; Linda Van Scoy 22.26; James Keswick 28.54; H Schultz 35.29; Elizabeth Sullivan 48.38; Gary Holler 35.47; Margareth Bunsness 30.68; Steve Smiley 50.70. Upon roll call, all present voting aye, motion carried.

OTHER

Rux moved, Aman seconded to approve Dredging Contract with Graham Construction. All present voting aye, motion carried.

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

Prepared by Cathy Feickert
For the Finance Office

Finance Officer