

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, November 23, 2009, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell, Clint Rux and Jennifer Slight-Hansen. Tom Agnitsch was absent. Also present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill and Karl Alberts.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Rux seconded to approve the minutes of November 16, 2009 as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

OLD BUSINESS

CONTINUED – HEARING – THE EAGLES

This being the time and place set for a hearing, no one was present to testify, recommendations for approval were received, Mitchell moved, Slight-Hansen seconded to approve renewal of Retail On-Sale Liquor License for Fraternal Order of Eagles dba The Eagles, 316 South 2nd Street (w/video lottery and Sunday sales). All present voting aye, motion carried.

RESIDENTIAL CONTRACTORS LICENSE ORDINANCE

Campbell moved, Bunsness seconded to table the discussion on proposed amendment to the Residential Contractors License Ordinance. All present voting aye, motion carried.

CONSENT CALENDAR

Mitchell moved, Campbell seconded to approve the following items on the consent calendar:

SET HEARING DATE – December 7, 2009 at 5:30 p.m. for the following :
TRANSFER OF RETAIL ON-SALE LIQUOR LICENSE – from Lamont Companies Inc dba Lamont Companies, 3310 7th Avenue SE to Aberdeen Mavericks LLC dba Maverick's, 720 Lamont Street; 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, 2nd Avenue SE and South Kline Street; RENEWAL OF RETAIL ON-SALE LIQUOR LICENSES – Pirates Cove Inc dba Pirates Cove, 337 North Roosevelt Street (w/video lottery); Elf Inc dba Circus Sports Bar & Grill, 14 3rd Avenue SE (w/video lottery & Sunday sales); Flame Inc dba Flame Café-Lounge, 2 South Main Street (w/video lottery & Sunday sales); RENEWAL OF PACKAGE OFF-SALE LIQUOR LICENSES – Pirates Cove Inc dba Pirates Cove, 337 North Roosevelt Street; Treinta Inc dba C-Express, 2303 6th Avenue SE; Ochenta Inc dba The Wolf Stop, 524 6th Avenue SE; West Hill Inc dba Sooper Stop West, 802 6th Avenue SW; Sooper Stop Inc dba Sooper Stop, 19 North Dakota Street.

LICENSES – Residential Building Contractors – Russell D Holtey dba Holtey Construction and Paul Lundstrom; Taxi Cab Driver – Cory Goodfellow.

PLATS – 1) Mehlhoff's Fifteenth Addition to North Plains Subdivision to the City of Aberdeen, Brown County, SD, located in the NW ¼ of Section 7, T123N, R63W of the 5th P.M., Aberdeen, Brown County, SD; 2) Replat of Cambridge Second Addition to the City of Aberdeen, Brown County, SD, located in the SW ¼ of Section 7, T123N, R63W of the 5th P.M., Aberdeen, Brown County, SD; 3) Emerald Ridge Addition to the City of Aberdeen, SD, located in the NW ¼ of Section 24, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD; 4) Wagners 2nd Subdivision in the SE ¼ of Section 35, T124N, R64W of the 5th P.M., Brown County, SD; 5) Hub City Livestock Third Subdivision in the E ½ of Section 26, T123N, R64W of the 5th P.M., Brown County, SD; 6) Industrial Addition to the City of Aberdeen, Brown County, SD, located in the NE ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD with the stipulation that lot frontage variances are obtained for Lot 4 from Board of Zoning Adjustment prior to plat being filed at Brown County Register of Deeds.

LOTTERY NOTICE – Aberdeen Ducks Unlimited – receive and place on file.

All present voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 09-11-01

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 708 (C-3) to Section 705 (R-3), Lots 15 and 16, Block 40, Thomas Addition in the NW ¼ of Section 24, T123N, R64W, Aberdeen, Brown County, SD, was presented. Campbell moved, Bunsness seconded to approve first reading of Ordinance No. 09-11-01. Upon roll call, all present voting aye, motion carried.

ORDINANCE NO. 09-11-02

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 708 (C-3) and Section 711 (R-4) to Section 705 (R-3) Lot 2, Emerald Ridge Addition to the City of Aberdeen, SD, in the NW ¼ of Section 24, T123N, R64W, Aberdeen, Brown County, SD, was presented. Rux moved, Hodgkin seconded to approve first reading of Ordinance No. 09-11-02. Upon roll call, all present voting aye, motion carried.

PUBLIC HEARING – 5 YR CAPITAL IMPROVEMENT PROGRAM

This being the time and place set for a public hearing on the 5 Year Capital Improvement Program, Mayor Levsen opened the hearing for comments. No one was present to testify and the hearing was closed.

Campbell moved, Kraft seconded to approve Resolution No. 09-11-01 R approving the 2010 Five Year Capital Program.

Bunsness moved, Mitchell seconded to move Parking District allocation of \$42,800.00 from the contingency account to the Parking Traffic account. All voting aye, motion carried.

Bunsness moved, Hodgkin seconded to strike “to” from Parking District line item. All present voting aye, motion carried.

Bunsness moved, Slight-Hansen seconded to add \$40,000 for Parking District for years 2011 to 2014 from grants share. Motion failed by roll call vote.

RESOLUTION NO. 09-11-01 R

WHEREAS, the Aberdeen Home Rule Charter provides for the submission of a Five Year Capital Program to be proposed no later than the final date for submission of the budget, and

WHEREAS, the City Manager has presented a capital program as required by his duties as City Manager with a public hearing being held on November 23,

2009 with the published notice on November 9, 2009, stating the meeting time and place, and

WHEREAS, the City Council is required to adopt the capital program by resolution after the public hearing with or without amendment to the capital program.

NOW, THEREFORE BE IT RESOLVED, that the City Council approves the attached capital program as presented by the City Manager and proposed at the public hearing held on November 23, 2009, without any amendments.

All present voting aye, motion carried.

HEARING ON 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, Rux seconded to approve the following applications: RENEWAL OF RETAIL ON-SALE LIQUOR LICENSES – 3 C's Inc dba Schwan's Recreation, 714 1st Avenue NE (w/video lottery & Sunday sales); BPO Elks Lodge 1046 Inc dba Elks Lodge, 705 Circle Drive; Veterans of Foreign Wars dba VFW Club, 821 Circle Drive (w/video lottery & Sunday sales); Wild Oats LLC dba Wild Oats Sports Bar, 322 South Main Street (w/video lottery & Sunday sales); Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE (w/video lottery & Sunday sales); WMMW Inc dba Lagers Inn, 20 3rd Avenue SW (w/video lottery & Sunday sales); Aberdeen Zoo Inc dba The Zoo, 1017 South Main Street (w/video lottery & Sunday sales); Skyline Recreation Inc dba Firehouse Lounge, 8th Avenue North & Hwy 281 (w/Sunday sales); RENEWAL OF PACKAGE OFF-SALE LIQUOR LICENSES – 3 C's Inc dba Schwan's Recreation, 714 1st Avenue NE; Nash Finch Company dba Econofoods #487, 2424 6th Avenue SE; Miller & Holmes Inc dba M & H Gas, 202 6th Avenue SW; Wild Oats LLC dba Wild Oats Sports Bar, 322 South Main Street; Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE; WMMW Inc dba Lagers Inn, 20 3rd Avenue SW; RENEWAL OF RETAIL ON-OFF SALE WINE LICENSES – Karla K Stangl dba Palm Garden, 602 South 3rd Street; Wild Oats LLC dba Wild Oats Sports Bar, 322 South Main Street; Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE; SPECIAL ONE-DAY RETAIL ON-OFF

SALE MALT BEVERAGE LICENSE ON NOVEMBER 28, 2009 – for Aberdeen Area Chamber of Commerce dba SD Total Combat Event, Civic Arena, 203 South Washington Street. All present voting aye, motion carried.

Mitchell moved, Campbell seconded to approve TRANSFER OF RETAIL ON-SALE LIQUOR AND PACKAGE OFF-SALE LIQUOR LICENSES from Silver Dollar Inc dba Silver Dollar Bar, 119 South Main Street (w/video lottery) to Randy Tewksbury dba Silver Dollar Bar, 119 South Main Street (w/video lottery). All present voting aye, motion carried.

LIBRARY CONTRACT

Bunsness moved, Mitchell seconded to approve and authorize the City Manager to sign Alexander Mitchell Library Contract with Brown County. All present voting aye, motion carried.

UNION FIRE CONTRACT

Place on file the ratified Local 446 of the International Association of Firefighters Agreement.

FAIRGROUNDS ROAD RECONSTRUCTION

Rux moved, Bunsness seconded to approve and authorize the City Manager to sign Change Order #2 – quantities actually installed in field – Terin Corporation – decrease in the amount of \$36,746.67 and Pay Estimate #7 (Final) – work completed on project – Terin Corporation in the amount of \$66,759.74. Upon roll call, all present voting aye, motion carried.

ACCESSIBLE SIDEWALK QUADRANT IMPROVEMENTS

Mitchell moved, Bunsness seconded to approve and authorize the City Manager to sign Change Order #1 – quantities actually installed in field – B & B Contracting – decrease in the amount of \$17,119.87 and Pay Estimate #2 (Final) – work completed on project – B & B Contracting in the amount of \$12,287.07. Upon roll call, all present voting aye, motion carried.

PAY ESTIMATES

Campbell moved, Hodgin seconded to approve payment Pay Estimate #7 – Fire Station #1 Remodel – Huff Construction in the amount of \$40,644.28. Upon roll call, all present voting aye, motion carried.

Slaight-Hansen moved, Bunsness seconded to approve payment of Pay Estimate #20 – Public Safety Building – Kyburz Carlson Construction in the amount of \$62,094.00. Upon roll call, all present voting aye, motion carried.

BILLS

Bunsness moved, Hodgkin seconded to approve the following audited claims for services, supplies, repairs and maintenance: Soil Technologies Inc 8,578.00; James River Water Development 112.64; Aberdeen School District 16,647.74; Brown County Treasurer 5,091.19; Aberdeen Improvement District 22,820.22; Dakotacare Admin Services 81,220.16; Dept of Energy 8,024.73; Northwestern Energy 12,940.78; United Parcel Service 35.00. Upon roll call, all present voting aye, motion carried.

PAYROLL

Bunsness moved, Kraft seconded to approve payroll for the period November 8 through 21, 2009 and city share of social security, old age & survivors insurance, retirement: Governing Body 4,647.48; City Manager 4,707.51; Attorney 4,285.60; Finance 13,618.40; HR 6,712.80; Building 209.90; Computer 3,547.28; Planning/Zoning 9,189.60; Engineer 9,349.45; Police 89,254.17; Fire 81,037.51; Fire Prevention 3,643.20; Housing/Building 4,592.80; Street 21,749.09; Traffic 4,130.33; Solid Waste 16,102.55; Transportation 11,890.08; Library 20,610.75; Parks, Recreation & Forestry 70,447.29, Lori Doerr 7.75/hr, Elizabeth Goltz 8.25/hr, Amanda Hogg 7.50/hr, Scott Iano 9.50/hr, Harley Manus 8.50/hr, James Paul 9.50/hr, Katelyn Pietz 9.25/hr, Alisha Rhyner 7.50/hr, Janis Zerbel 7.75/hr; Airport 11,105.23; Pipe 18,638.66; Water Treatment 14,982.62; Meter 4,683.68; Wastewater 16,367.78, Jason Gonsor 14.92/hr; Pump 4,358.38; Wells Fargo 95,504.48; SD Retirement System 56,690.61. Upon roll call, all present voting aye, motion carried.

OTHER

City Engineer Robin Bobzien updated the Council on the 8th Avenue Project.

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

Prepared by Cathy Feickert
For the Finance Officer

Finance Officer

JOINT CITY/COUNTY PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, November 24, 2009, 8:45 a.m., Joint City/County meeting, Mayor Levsen presiding. Present at roll call were David Bunsness, Todd Campbell, Lloyd Hodgins and Jeff Mitchell. Tom Agnitsch, Jim Kraft, Clint Rux and Jennifer Slight-Hansen were absent. Also present were Lynn Lander, Brett Bill and Karl Alberts.

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

ORDINANCE NO. 09-11-03 (381)

Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 701 (A-1) to Section 714 (M-AG) Lot 1, except the N. 105' thereof, Block 1, Moulton's First Subdivision in the SE ¼ of Section 2, T122N, R64W of the 5th P.M., Brown County, South Dakota was presented. Bunsness moved, Mitchell seconded to approve first reading of Ordinance No. 09-11-03. Upon roll call, all present voting aye, motion carried.

Commissioner Sutton moved, Commissioner Elliot seconded to approve first reading of Ordinance No. 09-11-03-381. All present voting aye, motion carried.

SET JOINT HEARING DATE

Hodgins moved, Bunsness seconded to set a joint hearing date of December 15, 2009 at 8:45 a.m. for Petition to Vacate – 50' of public right-of-way extending 297' east of 385th Avenue between Chandler's Outlots 22 and 23 North of 131st Street located in the SW ¼ of Section 3, T123N, R64W, Brown County, South Dakota. All present voting aye, motion carried.

Commissioner Wiese moved, Commissioner Sutton seconded to set a joint hearing date of December 15, 2009 at 8:45 a.m., on the above Petition to Vacate. All present voting aye, motion carried.

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

Prepared by Cathy Feickert
For the Finance Office

Finance Officer