

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, April 6, 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.

Mayor Levsen led the Pledge of Allegiance.

### MINUTES

Mitchell moved, Aman seconded to approve the minutes of March 30, 2009 as circulated. All voting aye, motion carried.

### **CONSENT CALENDAR**

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

NOMINATING PETITIONS – Mike Levsen – Mayor; NW District Council – Roland Walter; Jennifer Slaight-Hansen and Heath Johnson – receive and place on file.

PETITIONS TO REZONE – set hearing date of April 27, 2009 at 5:30 p.m. for the following: 1) Rezone from Section 707 (C-2) to Section 705 (R-3) property described as Lots 19 and 20, Pierce's Subdivision of Block 103, Hagerty and Lloyd Addition in the SE ¼ of Section 13, T123N, R64W; 2) Rezone from Section 708 (C-3) to Section 705 (R-3) property described as Lot 11, Block 51, Second Addition in the NW ¼ of Section 24, T123N, R62W; 3) Rezone from Section 707 (C-2) and Section 710 (I-2) to Section 707 (C-2) property described as N. 123' of Lots 1-4, Block 56, Bennett & Thomas Addition in the NW ¼ of Section 13, T123N, R64W.

LICENSES – Taxi Cab Driver – Alan Kaplan; Journeyman Electrician – Anthony Roehrich, Kelly Pappas, Richard Huettl, Fred Fischbach; Master Electrician – Pat McGarry.

LOTTERY NOTICE – Rocky Mountain Elk Foundation – Dakota Plains Chapter – receive and place on file.

All voting aye, motion carried.

### **NEW BUSINESS**

RESOLUTION NO. 09-04-01 R

Campbell moved, Agnitsch seconded to approve the following resolution:

WHEREAS, Section 114 of the Fair and Accurate Credit Transactions Act of 2003 requires that all municipalities that operate utilities to develop an Identity Theft Prevention Program; and,

WHEREAS, the City of Aberdeen operates a water, wastewater, and solid waste utility system; and,

WHEREAS, a Program Administrator shall be named with authority to develop, approve and implement an Identity Theft Prevention Program;

NOW, THEREFORE BE IT RESOLVED THAT the City of Aberdeen hereby appoints Karl Alberts, Finance Officer, as Program Administrator, with authority to develop, approve and implement an Identity Theft Prevention Program.

All voting aye, motion carried.

#### HEARING ON APPLICATION

This being the time and place set for a hearing on Application for Transfer of Retail On-Off Sale Malt Beverage License with Video Lottery from G & T Gaming Inc dba G & T Gaming, 102 ½ 6<sup>th</sup> Avenue SW to Midwestern-Flack, LLC dba Midwestern-Flack Casino, 1715 6<sup>th</sup> Avenue SE Suite A, no one was present to testify, Kraft moved, Mitchell seconded to approve contingent upon final inspection by the Fire Department. All voting aye, motion carried.

#### REQUEST FOR AUTHORIZATION

Mitchell moved, Rux seconded to approve a request for authorization to apply for a Cops Grant to hire up to four additional police officers. 6 voting aye, 2 nays, motion carried.

#### WAIVING FEES

A request to consider waiving the fees for building permit for Aberdeen Community Theatre at 415 South Main Street was presented. Campbell moved, Aman seconded to approve the request. All voting aye, motion carried.

#### DAYCARE LICENSING

The status of day care licensing was discussed with the City Attorney, Fire Chief and City Planner. No action was taken.

#### REQUEST TO SERVE

A request for permission to serve and permit consumption of alcoholic beverages at the Wylie Park Pavilion for the Kary Wedding Reception to be held on May 9, 2009 was presented. Mitchell moved, Hodgin seconded to approve the request. All voting aye, motion carried.

#### REQUEST FOR SUPPLEMENT

A request for budget supplement in the amount of \$131,460.00 for Allianz Street Sweeper and pay request for the same amount to Sheehan Equipment was presented. Upon roll call, all voting aye, motion carried.

#### PAY ESTIMATES

Bunsness moved, Agnitsch seconded to approve the following pay estimates for payment: #1 – Public Safety Bldg – Kyburz-Carlson Construction - \$136,692.00 and #12 – Public Safety Bldg – Kyburz-Carlson Construction - \$340,151.00. Upon roll call, all voting aye, motion carried.

#### BILLS

Mitchell moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: SD Municipal League 117.00; US Bank 30,972.45; CVB 21,820.68; Robert Braun 216.00; Darcy Shock 216.00; Dave Volek 216.00; First National Bank Corp Trust 465,154.16; Dependable Sanitation 17,848.32; Petty Cash 226.25; Compost Sticker Refunds 159.00. Upon roll call, all voting aye, motion carried.

There being no further business before the Council, Mitchell 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