

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Aberdeen Recreation and Cultural Center, 225 Third Avenue, SE Alumni Room #101, Aberdeen, South Dakota, November 17, 2014, 5:30 p.m., Regular Meeting of the Board of City Council Members, Mayor Mike Levsen presiding. Present at roll call were City Council Members David Bunsness, Todd Campbell, Alan Johnson, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slight-Hansen. City Council Member Laure Swanson was absent. City staff present were Lynn Lander, Ron Wager, Robin Bobzien, Brett Bill, Karl Alberts, Dave McNeil, Cody Roggatz, Al Ruhlman, Kevin VanMeter, David Dosch, and Robert Grant, Jr.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Johnson moved, Ronayne seconded to approve the minutes of November 10, 2014, as circulated. All present voting aye, motion carried.

OPEN FORUM – No one was present.

CONSENT CALENDAR

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

SET BID DATE – of December 2, 2014 at 2:00 p.m. for the following advertisements for bids – One Double Drum Vibratory Roller for the Public Works Department – Street Division; One New Refuse Collection Unit for the Public Works Department – Solid Waste Division; a Truck Mounted High Pressure Hydraulic Sewer Cleaner for the Public Works Department – Utility Division.

SET BID DATE – of December 9, 2014 at 2:00 p.m. for the advertisement for bids for the Federal Courthouse Renovations Project BLDG-2014-1.

BOARD APPOINTMENTS – Thomas Cogley to the Aberdeen Planning Commission and Jeff Mitchell to the Residential Contractor Board.

LOTTERY NOTICE – James Valley Model Railroad Association – receive and place on file.

All present voting aye with Ronayne abstaining, motion carried.

NEW BUSINESS

## RESOLUTION NO. 14-11-01R

Ronayne moved, Remily seconded to approve Resolution No. 14-11-01R to vacate public right-of-way described as the 16' Wide x 50' Long Alley lying East and adjacent to Lot 23 and Lot 24, Block 38, Hagerty & Lloyd's Addition to Aberdeen in the NE ¼ of Section 13, T123N, R64W. All present voting aye, motion carried.

## BID FOR SCBA

A Bid was received and publicly opened for SCBA (Self-Contained Breathing Apparatus) for the Aberdeen Fire and Rescue Department. Bunsness moved, Johnson seconded to award the SCBA Bid to Allegiant Emergency Service in the amount of \$35,515.00 for the Aberdeen Fire and Rescue Department. The funding for the SCBA will be coming from grants received by the department. All present voting aye, motion carried.

## REQUEST TO PURCHASE DEFIBRILLATOR

Bunsness moved, Johnson seconded to approve the request to purchase a Physio Control Defibrillator in the amount of \$32,811.40 from Physio Control for the Aberdeen Fire and Rescue Department. All present voting aye, motion carried.

## REQUEST TO PURCHASE PICKUP

Bunsness moved, Rux seconded to approve the purchase of a 2015 Chevrolet Pickup under the State Bid Contract #16673 from Beck Motors of Pierre, SD in the base amount of \$27,044.00 for the Engineering Department. All present voting aye, motion carried.

## PAYMENT REQUESTS FOR AIRPORT PROJECTS

Bunsness moved, Ronayne seconded to approve and authorize the City Manager to sign Payment Request #1 in the amount of \$695,190.20 to B & B Contracting for work performed on the Airport AIP #3-46-0001-34-2014 Wetland Mitigation and Stormwater Improvements, Phase I Project. Upon roll call, all present voting aye, motion carried.

Campbell moved, Rux seconded to approve and authorize the City Manager to sign Payment Request #18 in the amount of \$16,170.50 to Helms & Associates for work performed on Airport AIP #3-46-0001-33-2013 Wetland Removal and Stormwater Improvements Project. Upon roll call, all present voting aye, motion carried.

#### BILLS

Ronayne moved, Johnson seconded to approve the following audited bills for services, supplies, repairs and maintenance: Northwestern Energy 3,117.41; DTC 144,297.50; CenturyLink 3,892.85; Dex Media East 122.10; Northern Electric 6,935.35; Cody Roggatz 171.14; American News 2,520.91; Aberdeen Chamber of Commerce 14.00; Aberdeen Development Corp 300.00; Praxair Distribution Inc 42.34; ASPIRE Inc 1,876.60; Rhodes Anderson Agency 2,724.20; Beadle Floral & Nursery 2,190.95; MARCO Inc 525.02; Tom Barstad 220.00; SD Municipal Attorney Assn 35.00; RDO Equipment Co 2,536.20; Brown County Landfill 20,023.94; Brown County Treasurer 27,199.19; Jordon Moench 80.00; KONE Inc 716.52; Anne Jensen 30.00; NDSU Soil Testing Lab 47.80; R & K Computers 15,416.00; Hawkins Inc 1,355.83; Dakota Electronics 1,271.65; Dakota Pump & Control 15,402.85; Dennis Gavin 1,904.51; Heartland Paper Co 394.72; Quality Welding Inc 257.04; Entenmann-Rovin Co 72.50; Cole Papers Inc 496.81; Farm Power Mfg Inc 178.13; GCR Tires & Service 124.50; OfficeMax Inc 126.92; Flexible Pipe Tool Co 120.95; Carquest Auto 907.66; Graham Tire Co 910.80; HACH Co 2,238.79; Lucas Leshner 17.00; Direct Automation LLC 705.00; Hedahls Inc 2,436.41; Thersia Cox 87.50; House of Glass 107.31; Nelson Sales & Service, LLC 67.59; Kesslers Inc 29.94; Aberdeen Taxi Service 261.25; Lawson Products Inc 401.18; Dale Farmen 38.00; Steven Lust Automotive 89.70; MAC's Inc 31.31; Mattern Diesel Service 175.25; Sanford Health Occupational Medicine Clinic 210.00; Farnums Genuine Parts 572.95; Richard Allan Ward III 115.00; Jesse Cantalope 168.00; Northern Electric 392.25; Sean Spencer 55.65; A & B Business Solutions 243.34; Nathan Sturgeon 12.00; Parcel Erickson Texaco 200.00; Dakota Supply Group 1,585.05; Graymont Capital Inc 9,348.81; Midstates Group 984.60; Cross Country Freight Solutions, Inc 146.81; Ringgenberg Electric Inc 91.84; Rockmount/Nassau 277.57; Avera St Luke's Hospital 359.13; SHARE CORP 2,295.35; Fay's Refrigeration Service 145.41; Sherwin-Williams Co 193.00; Crawford Trucks & Equipment 480.38; SD Div of Motor Vehicles 10.00; SD Dept of Transportation 668.00; Stan Houston Equipment 726.00; Trent Anderson 17.00; Town & Country Lumber Inc 17.99; Pro-Build 669.60; Public Safety Center Inc 62.00; Western Area Power Adm 9,035.21; Western Printing 459.80; Woodman Refrigeration Co 1,545.29; Wright & Sudlow 1,137.50; Diesel Machinery Inc 1,282.44; Fastenal Co 419.13; Tanner White 80.00; Shane Franks 160.00; John David Rohrbach 156.00; Praxair, Inc 2,483.91; SPRINT 20.00; Chris Heier 810.00; BRITE 13,280.64; Mitchell A Johnson 333.00; Universal Acoustic & Emission Technologies 2,323.99; Rob Senger 14.00; Standard Purification 32,320.00; Haztech Systems, Inc 137.00; Dependable Sanitation 382.10; Ashley Geist 161.52; Ben Buisker 17.00; Tanner Jondahl 48.00; SD Wheat Growers Bath 196.08; Taylor Laundry 16.00; Bantz, Gosch & Cremer, LLC 15,000.00; First National Bank 413,217.84; M & T Fire & Safety Inc 2,526.20; SD Dept Health Lab 1,097.00; Titan Access Acct 268.75; Automationdirect.com Inc 177.00; Executive Management 234.90; Schonstedt Instruments Co 304.37; Aberdeen Area Human Resource Assn 50.00; Mark Berg/Parts Unlimited 97.00; Pierson Ford-Lincoln-Mercury 714.50; US Bank 242,626.08; North Central Farmers Elevator 12,010.86; Traffic Control

Corp 555.00; SD Dept of Revenue 11,965.58; The Sewing Shoppe 44.50; Ken Hubbart 12.00; Northern Valley Communications 2,355.11; Dwayne Schueller 35.00; Lien Transportation Co 6,933.16; Aberdeen Police Dept 10.00; McMaster-Carr Supply Co 402.33; India Aderhold 161.52; Dr Steve Redmond; 500.00; BENCO Equipment 433.43; Northwestern Energy 1,331.36; Michelle Bacon 708.00; SD One Call 357.42; Quill Corp. 193.55; Ken's SuperFair Foods 110.93; Laura Millett 188.90; Kirsten Shishnia 52.00; Kustom Signals Inc 597.46; Galeton Gloves 779.76; Flint Hills Resources LP 10,924.50; Maloney & Maloney 125.00; Sanford Health 621.00; Menards Aberdeen 363.28; Bound Tree Medical LLC 852.56; Thompson Information Services 429.00; Water & Environmental Engineering 40.00; Allegiant Emergency Services 1,013.26; Adam Buckhouse 39.00; Aqua Pure Inc 3,369.00; Marcia Sveen 224.99; Convention Visitors Bureau 33,279.14; Dakota Fluid Power Inc 751.02; Borns Group 1,691.75; Killoran Trucking & Brokerage Inc 9,816.17; Jesse Rystrom 12.00; CO2 Systems Inc 695.00; AT & T Cell 54.79; Rod Kurtz 126.00; NCL of Wisconsin 2,755.58; Swede's Body Shop 3,536.00; US Plastic Corp 78.58; Dr Thomas Flamboe 64.00; Aaron Kiesz 17.00; Matheson Tri-Gas Inc 448.01; Chris Reder 75.00; Aberdeen Shuttle 162.00; Rackspace Hosting 1,303.80; POMP's Tire Service 6,638.99; Joshua Poppen 17.00; Forest Rux 1,967.30; R B Upholstery 160.00; GALLS Inc 6.00; Kevin Roseland 860.00; Anthony Morrissey 128.00; Premier Specialty Vehicles 51.75; Darren Cleveland 17.00; Zones 3,364.80; VESSCO Inc 1,524.29; Brett Bill 91.92; DSS Image Apparel 255.85; MVTL Lab Inc 423.00; Howes Oil Co 8,919.30; Christopher Gross 59.95; Steve Markley 386.50; Kerry Wenbourne 105.00; Holiday Inn Spearfish 2,909.70; John Kersten 285.00; Palmer Distributing 25.00; Aberdeen Chrysler Center 565.86; Midcontinent Communications 220.00; SD Newspaper Association 405.00; ICMA 1,070.00; KOMLINE-Sanderson 116.56; Citigraph Int'l Theme Park Graphics 3,581.47; Mark Lovrien 80.00; Ava Solberg 275.00; William Bowen 731.25; Christian Witzel 12.00; Allyssa Koeplin 12.00; Keith Theroux 72.00; Butler Machinery Co 1,190.67; GRAINGER 509.95; Sanitation Products Inc 811.39; Geffdog Designs 6,562.42; Ameripride Services Inc 774.22; Janel Ellingson 47.23; Crescent Electric Supply 153.20; International Code Council 125.00; Midwest Pump & Tank 686.88; LexisNexis Risk Data Mgmt 59.10; G & R Controls Inc 266.82; Environmental Toxicity Control 450.00; Tri-State Water 39.29; Bonn Express LLC 100.00; Haar Plumbing & Heating 537.28; Specialty Mfg Co 6.59; Runnings Supply Inc 1,575.45; Interstate Battery Arlington 284.85; Kevin VanMeter 49.38; Uniform Center 26.70; Sentry Security Inc 64.20; Karen Kinder 63.60; Lou Ludwig 180.00. Upon roll call, all present voting aye, motion carried.

#### PAYROLL

Remily moved, Rux seconded to approve the payroll for period from November 2, 2014 through November 15, 2014 and City's share of social security, old age & survivor's insurance, retirement, health & life insurance: Wells Fargo 118,967.66; SD Retirement System 64,713.12; Governing Body 3,192.28; City Manager 6,641.88; Finance 13,532.62; HR 7,408.00; Building 269.12; Computer 3,809.60; Planning/Zoning 11,979.05, David Dosch 17.22/hr; Engineering 10,460.80, Police 102,407.02; Fire 92,381.89; Fire Prevention 4,235.20; Housing/Building 5,390.40; Street 29,987.76; Traffic 5,236.26; Solid Waste 24,742.94, John Hettich 19.01/hr; Transportation 14,062.90, Curtis Bierman 11.00/hr, Roxane Moss 11.00/hr, Coni Stoner 11.00/hr, Don Thomas 11.00/hr; Library 22,145.23; Parks, Rec & Forestry 82,739.73, Julia Barnett 8.25/hr, Christian Berbos 8.00/hr, Jessica Bitz 8.00/hr, Emily Davis 9.50/hr, Kelsey Gaulrapp 8.25/hr, Amanda Hogg 8.50/hr, Ciara Murtagh 8.00/hr, Madeline Scarlett 8.50/hr; Airport 14,751.40; Pipe 20,746.62; Water Treatment 16,659.10; Meter 4,261.75; Wastewater 19,926.20, Pump 6,111.22. Upon roll call, all present voting aye, motion carried.

## CITY MANAGER'S REPORT

Lynn Lander presented the City Manager's Report.

Planning/Zoning Director Brett Bill introduced David Dosch and Robert Grant, Jr. as the new Code Enforcement Officers.

## EXECUTIVE SESSION

Ronayne moved, Bunsness seconded to move into executive session to discuss litigation and contract matters per SDCL 1-25-2(3). All present voting aye, motion carried.

Remily moved, Slaight-Hansen seconded to move out of executive session. All present voting aye, motion carried.

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

Prepared by Mary Campton for the Finance Office. /s/ Karls Alberts, Finance Officer.

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Aberdeen Recreation and Cultural Center, 225 Third Avenue, SE Alumni Room #101, Aberdeen, South Dakota, November 19, 2014, 5:00 p.m., Special Meeting of the Board of City Council Members, Mayor Mike Levsen presiding. Present at roll call were City Council Members Todd Campbell, Alan Johnson, Mark Remily, Rob Ronayne, Jennifer Slaight-Hansen, and Laure Swanson. City Council Member Clint Rux was absent. City Council Member David Busness arrived at 5:01 p.m. City staff present were Lynn Lander, Jordan McQuillen, Cody Roggatz, Robin Bobzien, and Brett Bill.

Mayor Levsen led the Pledge of Allegiance.

## CITY ATTORNEY SERVICES AGREEMENT

Discussions concerning City Attorney Services Agreement with Bantz, Gosch and Cremer, LLC were held. Remily moved, Johnson seconded to authorize the City Manager to send notification to terminate the interim legal services agreement with Bantz, Gosch, and Cremer, LLC effective 30 days from November 20, 2014. All present voting aye, motion carried.

## RESOLUTION NO. 14-11-02R

Bunsness moved, Ronayne seconded to approve the following Resolution No. 14-11-02R:

## RESOLUTION EMPLOYING CITY ATTORNEY

BE IT RESOLVED by the City Council of the City of Aberdeen, South Dakota, as follows:

WHEREAS, the City deems it necessary to employ a full-time City Attorney to furnish opinions upon matters relating to the affairs of the City or the official duties of any such officer; conduct the prosecution of all actions or proceedings arising out of the violation of any ordinance; and perform such other legal services as may be required by ordinance or directed by the City.

WHEREAS, SDCL §9-14-23 provides that the governing body of any municipal corporation may employ a City Attorney under such terms and conditions as the governing body shall deem proper. Any contract for legal services with an attorney shall be made by ordinance or resolution. Such contract shall set forth the compensation to be paid and the specific services to be rendered. This Resolution is adopted pursuant to such authority.

WHEREAS, the City desires to employ Ronald A. Wager as City Attorney beginning December 18, 2014, or such other date as the City and Mr. Wager may agree.

WHEREAS, the City shall enter into an employment agreement to compensate Mr. Wager an annual salary of \$126,211.24 with periodic grid adjustments and step increases thereafter beginning January 1, 2015.

WHEREAS, Mr. Wager as City Attorney shall serve as chief legal adviser to the City

Council, the City Manager, and the City departments, offices, and agencies, shall represent the City in all legal proceedings, and shall perform any other duties prescribed by state law, by the Aberdeen Home Rule Charter, or by the Aberdeen City Code.

NOW, THEREFORE, BE IT RESOLVED, that the City of Aberdeen hereby employs Ronald A. Wager as City Attorney upon the terms and conditions set forth above.

All present voting aye, motion carried.

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

Prepared by Mary Campton for the Finance Office. /s/ Jordan McQuillen, Deputy Finance Officer.