

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, November 8, 2010, 5:30 p.m., regular meeting, Mayor Mike Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jim Kraft, Jeff Mitchell, Clint Rux, Jennifer Slight-Hansen and Laure Swanson. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Bob King, Neil Bittner and Karl Alberts.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Rux seconded to approve the minutes of November 1, 2010 as circulated. All voting aye, motion carried.

OPEN FORUM – no one was present.

OLD BUSINESS**ORDINANCE NO. 10-11-01**

Bunsness moved, Agnitsch seconded to approve second reading and final adoption of Ordinance No. 10-11-01. Upon roll call, all voting aye, motion carried.

CONSENT CALENDAR

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

SET HEARING DATE – November 22, 2010 at 5:30 p.m. for applications for Renewal of Alcoholic Beverage Licenses – RETAIL ON-SALE LIQUOR LICENSES – Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 6th Avenue SE; Aberdeen Ventures LLC dba AmericInn of Aberdeen, 301 Centennial Street w/video lottery; Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE w/video lottery; Rolling Hills Golf Club LLC dba Rolling Hills Golf Club, 546 Palmer Cr w/video lottery; Fraternal Order of Eagles dba James River Valley FOE, 316 South 2nd Street w/video lottery; Aberdeen Mavericks LLC dba Maverick's, 720 Lamont Street w/video lottery; PACKAGE OFF-SALE LIQUOR LICENSES – Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 6th Avenue SE; Miller & Holmes Inc dba M & H Gas, 202 6th Avenue SW; Dakota Lodging Ltd dba Ramada Inn, 2727 6th Avenue SE; Aberdeen Mavericks LLC dba Maverick's, 720 Lamont Street; WMMW Inc dba Lagers Inn, 20 3rd Avenue SW; RETAIL ON-OFF SALE WINE LICENSES – Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 6th Avenue SE; Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #1520, 3820 7th Avenue SE; Dakota Lodging LTD dba Ramada Inn, 2727 6th Avenue SE.

NOTICE OF HEARING – Regarding the 2011 Capital Improvement Program at 5:30 p.m. on November 29, 2010 in City Council Chambers, 123 South Lincoln Street.

SET BID DATE – November 23, 2010 at 2:00 p.m. for the sale of one 2000 Ford Type III Wheeled Coach Ambulance.

ADVERTISEMENT FOR BIDS – 2011 chemicals – Water Treatment Plant – set bid date of November 30, 2010 at 2:00 p.m.

COMMUNITY EVENT APPLICATION – Downtown Parade of Lights on November 26, 2010 – Aberdeen Downtown Association.

LICENSE – Taxi Cab Driver – Ryan Norton.

All voting aye, motion carried.

NEW BUSINESS**HEARING – NEW RETAIL LICENSE**

This being the time and place set for a hearing on application for New Retail On-Off Sale Malt Beverage License for Twin Dragon Buffet Huang, Inc dba Twin Dragon Buffet,

3711 – 7th Avenue SE, no one was present to testify, Rux moved, Slight-Hansen seconded to approve license contingent upon obtaining a certificate of occupancy after final inspections by city departments. All voting aye, motion carried.

ABERDEEN REGIONAL AIRPORT

Mitchell moved, Bunsness seconded to approve payment and authorize the City Manager to sign documents for AIP #3-46-0001-29-2009 Hangar Taxilane Improvements – Change Order #4 – adjust quantities and add item for furnishing the stencils used for painted hold signs – Dakota Contracting Corporation – increase in the amount of \$3,510.04 and Pay Est. #7 (Final) – work on AIP Project – Dakota Contracting Corp. in the amount of \$60,967.57. Upon roll call, all voting aye, motion carried.

JOINT FUNDING AGREEMENT

Bunsness moved, Rux seconded to approve and authorize the City Manager to sign Joint Funding Agreement for Stream Gaging Stations with US Geological Survey in the amount of \$17,790.00. All voting aye, motion carried.

PROFESSIONAL AGREEMENT

Rux moved, Swanson seconded to approve professional agreement for Geographical Information System (GIS) Implementation Phases 1 and 2 with AE2S not to exceed \$128,000.00 for GIS services. All voting aye, motion carried.

8TH AVENUE NE INTERSECTION PROJECT

Bunsness moved, Slight-Hansen seconded to approve and authorize the City Manager to sign: Change Order #4 – quantities installed in field – Ringgenberg Electric – an increase in the amount of \$201,232.86; and Pay Est. #6 (Final) work on project – Ringgenberg Electric - \$209,796.65. Upon roll call, all voting aye, motion carried.

PAY ESTIMATE

Bunsness moved, Campbell seconded to approve payment and authorize the City Manager to sign Pay Est. #9 – WWTP Improvements, Phase 2B – Lien Transportation in the amount of \$34,282.85. Upon roll call, all voting aye with Swanson abstaining, motion carried.

BILLS

Bunsness moved, Agnitsch seconded to approve the following audited claims for services, supplies, repairs and maintenance: Dakotacare Administrative Services 37,045.43; McGillvrey Oil Co 7.61; Stan Vinson 5.81; Danne Inc 1,188.29; Aberdeen Housing 3.20; Aberdeen Housing 22.33; Bruce Boschee 159.54; HAPI 117.30; HAPI 32.31; HAPI 11.54; HAPI 8.98; Linda Warren 26.55; Clayton Randall 52.69; American News 2,631.11; Mettler Sichmeller Engineering 100.00; Aberdeen Chamber of Commerce 12.00; Aberdeen Development Corp 14,166.67; Praxair Distribution 97.46; Rhodes Anderson Agency 624.00; Beadle Floral & Nursery 385.00; Helms & Associates 87.50; Best Business Products 103.61; Bonnie Bitz 2,940.00; RDO Equipment Co 508.26; Chris & Dons Tarp 12.00; The Penworthy Company 499.47; Vosika Fencing 236.04; Don's Builders Hardware 48.00; Evergreen Supply 28.27; Cole Papers 1,185.69; Jensen Rock & Sand 202.00; Carquest Auto Parts 882.08; Graham Tire Co 318.92; Hedahl's 341.82; Herges, Kirchgasser & Geisler 1,257.50; House of Glass 600.20; Inman & McDowell Inc 25.72; Nelson Sales & Service 67.81; HF Jacobs & Son 3,876.52; Cartegraph Systems 1,050.00; Kesslers Inc 268.08; K-Mart Shopping Center 109.20; Larson's Blacksmith Shop 60.00; Steven Lust Auto 115.72; Mac's Inc 97.45; Cara Romeo 63.55; Robin O'Neill 191.12; B & B Contracting 215,896.10; Office Equipment 447.99; Pantorium 14.88; Dakota Supply Group 543.70; Lorie Johnson 250.00; Midstates Printing 319.10; Larry's Tool Sales 93.92; Share Corp 849.80; Sheehan Mack Sales 145.29; Sherwin Williams Co 58.58; Sherwin Industries Inc 376.18; Crawford Truck Sales 36.73; Sixel Consulting Group 5,000.00; J & K Mowing Service 100.00;

Academy Trophy Co 68.00; Hannah Lagerquist 25.16; Aberdeen Lawn Care 74.20; Gayle Neuhardt 630.00; Mac's Electric 40.82; Baker & Taylor Inc 1,314.83; Highsmith Co Inc 103.66; Illinois Theatrical Co 654.23; Fastenal Company 34.06; Quality Books Inc 235.18; Dan Pirlet 5.00; Sun Life 4,325.79; Meyers Auto 65.00; Dependable Sanitation 183.00; New Trends 13.25; Ashley Geist 52.00; Kris Orr 52.00; Bryan Rock Products 875.33; Dan Feist 120.00; Eric Pederson 240.00; Amy Scepaniak 60.00; Taylor Laundry 92.00; Time Books 46.90; Fordham Signs 984.00; First National Bank 982,743.75; Dex Media East 142.20; Pepsi-Americas Inc 243.76; Cartney Bearing 4.73; Kaye Weber 108.00; Gary Nelson Reimburse 440.00; Titan Access 187.66; Hub City Radio 140.00; Executive Management 17.47; Ebsco Subscription Service 106.63; Pierson Ford Lincoln 4.08; Toysmith 64.80; North Central Farmers Elevator 8,539.03; Parkview Nursery 139.99; Nancy Eckert 145.41; SD Dept of Revenue 9,670.82; AT&T 5.63; Dakota Broadcasting LLC 496.00; Northwestern Energy 55,604.45; MTI Distributing 352.95; SD Park & Recreation 500.00; Lien Transportation 20,930.40; Quest Development & Construction 34,419.53; Shopko LLC 16.29; Tori Heier 100.00; Ciavarella Design 950.00; Quill Corporation 59.95; Luann Hintz 110.00; Julie O'Donnell 22.00; SD Wheat Growers 420.00; Claims Associates 250.00; SD Dance Network 300.00; Kirsten Shishnia 52.00; American Red Cross 25.00; Opperman Inc 1,560.87; Stonehouse Stained Glass 8,055.00; Jason Schaunaman 30.00; TSP 4,634.50; Dakota Carding & Wool 27.00; O'Reilly Auto Parts 11.02; Bookpage 270.00; Hub Area Technical School 650.00; Century Business Products 41.26; Combined Pool & Spa 93.98; Menards Aberdeen 2,035.48; Taste of Home Books 29.98; Shannon Broderon 108.00; Matthew Bender 58.41; Ray Studnicka 100.00; Convention Visitors Bureau 28,816.89; Dakota Fluid Power 61.01; Turfwerks 264.50; Francotyp-Postalia Inc 101.85; Dakota Mailing 119.05; Raco Stained Glass 552.00; Sleepy Eye Industrial 245.00; Shirley Arment 31.78; Pomp's Tire Service 25.50; Carlson & Stewart Refrigeration 4,185.48; Custom Sheet Metal 62.00; Journey Works 880.00; Dakota Oil 39.95; Aberdeen Pro Clean 600.00; DSS Image Apparel 954.00; Advance Auto Parts 78.76; Genesis Lamp Corp 787.67; Gene Morsching 14.00; Learning Opportunities 37.50; R & R Specialties 160.02; Plunkett's Pest Control 167.00; Randy Murphy 459.00; Tom Suedmeier 799.00; Rose Mullner 170.00; Midwest Tape 13.64; Midco Communications 128.97; West Sioux Ceramics 140.59; L & O Acres Transport 2,427.12; Grainger 228.19; Ameripride Services 275.45; Crescent Electric Supply 229.76; Treeline Tree Service 2,020.00; A-1 Sanitation 505.81; United Parcel Service 91.49; Swanson Electric 587.43; NSU Foundation 25.00; Insurance Plus 970.68; Hillyard Sioux Falls 81.51; Aberdeen Senior Center 818.14; Wyss Associates 4,763.60; Runnings Supply 652.77; Gary's Engine & Repair 223.59; Christine Sanchez 28.92; Vernon Jensen 41.34; Ricardo E Rojas 17.36. Upon roll call, all voting aye, motion carried.

PAYROLL

Mitchell moved, Kraft seconded to approve payroll for the period October 24 through November 6, 2010 and city share of social security, old age & survivors insurance, retirement and health/life insurance: Governing Body 4,698.68; City Manager 4,707.51; Attorney 3,401.60; Finance 12,668.80; HR 6,524.00; Building 163.94; Computer 3,334.40; Planning/Zoning 11,025.60; Engineer 9,569.60; Police 86,471.98, Arika Dingman 19.29/hr; Fire 78,326.76; Fire Prevention 2,408.00; Housing 4,717.60; Street 22,956.45; Traffic 4,061.25; Solid Waste 17,370.90; Transportation 12,787.30; Library 20,714.17; Parks, Recreation & Forestry 76,620.62, Nicole Mayer 7.75/hr, Jordan Seidel 10.00/hr; Airport 7,852.78; Pipe 18,910.07; Water Treatment 17,198.82; Meter 4,846.40; Wastewater 16,335.28; Pump 5,419.59; Wells Fargo 97,945.31; SD Retirement System 55,661.83. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 10-11-02 R

A RESOLUTION PLACING A MORATORIUM ON NEW CONSTRUCTION ON PREMISES LICENSED FOR ON-SALE ALCOHOLIC BEVERAGE CONSUMPTION

WHEREAS, South Dakota Referred Law 12 upheld at the South Dakota general election held on November 2, 2010; and

WHEREAS, HB1240 will take effect on November 10, 2010, prohibiting the carrying of a lighted tobacco product in public places and places of employment; and

WHEREAS, the City has begun receiving inquiries from owners/operators of on-sale alcoholic beverage establishments concerning construction of additions to existing buildings, or construction of accessory structures, the purpose of which is to provide a non-enclosed area in which patrons can carry lighted tobacco products; and

WHEREAS, given the newness of the smoking ban, the City does not have in place adequate building and/or zoning requirements to regulate the construction of such additions or accessory structures.

NOW, THEREFORE, BE IT HEREBY RESOLVED that no building permits shall be issued for any premises licensed for the sale of on-sale alcoholic beverages for any addition or new construction until the earlier of (a) explicit repeal of this moratorium by the City Council; or (b) sixty (60) days from the date of passage hereof.

BE IT FURTHER RESOLVED that this moratorium in no way applies to the remodeling, reconstruction, or new construction of a licensed premise that consists entirely of "enclosed areas."

BE IT FURTHER RESOLVED that this Resolution is necessary for the immediate preservation of the public peace, health, or safety of the community and therefore shall become effective immediately upon its passage.

All voting aye, motion carried.

There being no further business, Business moved, Swanson seconded that the meeting be adjourned. All voting aye, motion carried.

Prepared by Cathy Feickert For the Finance Office. /s/ Karl Alberts, Finance Officer.