

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, March 7, 2011, 5:30 p.m., regular meeting of the Board of Council Members, Mayor Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Jim Kraft, Jeff Mitchell, Clint Rux, Jennifer Slaight-Hansen, and Laure Swanson. City staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Chief Don Lanpher, and Karl Alberts.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Rux moved, Mitchell seconded to approve the minutes of February 28, 2011, as circulated. All voting aye, motion carried.

OPEN FORUM

No one was present.

Campbell moved, Kraft seconded the motion to move Item 4B Recommendation to revoke the Home Day Care License of Michelle Knebel to the end of the agenda. All voting aye, motion carried.

OLD BUSINESS

ORDINANCE NO. 11-02-02

Swanson moved, Mitchell seconded the motion to table Ordinance No. 11-02-02 changing spending authority of Business Improvement District No. 2 funds by amending Section 23-413 of the Aberdeen, SD City Municipal Code. All voting aye, motion carried.

CONSENT CALENDAR

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

APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES – Set hearing date of March 21, 2011 at 5:30 p.m. for 1) Transfer of Retail On-Off Sale Malt Beverage License w/Video Lottery from Jason J. Miller dba Jake’s Pub, 105 N. Lincoln Street to Emerald Pub LLC dba Emerald Pub, 121 N. Roosevelt Street (Inactive status); 2) Transfer of Retail On-Sale Liquor License from RDA LLC dba RDA-Rhine Lounge, 210 N. Roosevelt Street (Inactive status) to Larry and Sheryl Franklin dba The Pub, 105 N. Lincoln Street (active status).

ADVERTISEMENT FOR BIDS – Set bid date of March 22, 2011 at 2:00 p.m. for 2011 Watermains & Fittings, Manhole Covers & Inlet Frames & Grates, PVC Sewer Pipe.

LICENSES – Private Security – Tyler Bauman, William Merritt, Darin Vilhauer.

AIRPORT LEASE AGREEMENT #7 – Extension of Lease with Quest Aviation, Inc. to April 1, 2016.

LOTTERY NOTICE – Youth Trapshooting Grand American Fund – receive and place on file.

All voting aye, motion carried.

NEW BUSINESS

HEARING

This being the time and place set for a hearing on an application for Special One-Day Retail On-Off Sale Malt Beverage License on March 10, 2011 for Aberdeen Area Chamber of Commerce dba Presentation College Strode Center, 1500 N. Main Street, no one was present to testify, recommendations for approval were received, Campbell moved, Kraft seconded to approve the application for Special One-Day Malt Beverage License for Aberdeen Area Chamber of Commerce. All voting aye, motion carried.

REQUEST TO PURCHASE GPS UNIT

Rux moved, Swanson seconded to approve a request to purchase a survey grade GPS unit for the Engineering Department at a cost of \$23,219.00 off the State Bid from Frontier Precision, Inc. All voting aye, motion carried.

BILLS

Bunsness moved, Agnitsch seconded to approve the following audited claims for services, supplies, repairs and maintenance: US Bank 26,961.09; Rhodes/Anderson Insurance 6,600.00; JP Construction 1,125.00; Pierson, Ford-Linc-Mercury Mazda 21,299.00; United Parcel Service 52.00; Aberdeen Business Improvements District 4,449.19; American News 2,412.76; Aberdeen Chamber of Commerce 60.00; Praxair Distribution Inc 36.43; American Assn Airport Execs 275.00; DIGI Photo Inc 68.00; Helms & Associates 331.75; Best Business Products 92.09; Bonnie Bitz 2,680.00; Brick Propane Inc 66.78; RDO Equipment Co 288.75; A M Leonard Inc 68.95 Chris & Dons Tarp & Canvas Repr 64.00; City Treasurer 5,500.00; Dakota Electronics 460.03; People Books 41.90; The Penworthy Company 232.82; Vosika Fencing 5,919.10; Don's Builders Hardware 29.95; Quality Welding Inc 25.00; Evergreen Supply 99.53; Cole Papers Inc 5,493.77; Farm Power Mfg Inc 505.00; GCR Tire Centers 82.98; Carquest Auto 969.15; Graham Tire Co 589.26; Hedahls Inc 302.41; CWD-Aberdeen 345.60; House of Glass 560.11; DOI-USGS 20,000.00; Nelson Sales & Service, LLC 250.34; Kesslers Inc 107.86; Automatic Building Controls 1,335.44; Steven Lust Automotive 466.19; M-B Companies Inc 153.79; MAC's Inc 166.04; Avera Home Medical Equip 211.00; Farnams Genuine Parts 24.49; NSU Workstudy 681.08; Office Equipment 425.60; Pantorium 377.90; Dakota Supply Group 2,304.47; Midstates Printing 282.88; Ringgenberg Electric Inc 1,561.23; Avera St Luke's Hospital 320.00; Schwan Electric Inc 1,447.08; Sheehan Mack Sales & Equipment Inc 689.00; Crawford Truck Sales 34.04; Town & County Lumber Inc 1,295.68; Academy Trophy Co 60.00; Airbourne Custom Spraying Inc 4,100.00; Weismantel Rent-All 200.00; Western Area Power Adm 5,842.40; Hannah Lagerquist 27.38; Diesel Machinery Inc 16.86; Gayle Neuhardt 630.00; MAC's Electric 587.89; Baker & Taylor Inc 2,596.86; Gaylord Brothers Inc 138.00; Highsmith Co Inc 90.24; Illinois Theatrical Co 295.00; Fastenal Company 693.29; Quality Books Inc

5,841.50; ADAPCO Inc 7,355.00; Westcoast Sales/Marketing Inc 514.92; Chris Heier 360.00; Mitch Johnson 412.00; Gumdrop Books 1,324.93; Scott Kusler 80.00; Tyler Gurney 298.00; Daren Lorenz 300.00; Northern Truck Equipment 990.36; Dependable Sanitation 183.00; Dan Feist 84.00; Eric Pederson 84.00; Amy Scepaniak 108.00; Taylor Lauandry 84.00; Time Books 46.90; Chris Jung 120.00; Minnesota Clay USA 504.86; Theatre House Inc 485.17; Coca-Cola Refreshments 1,049.44; Kaye Weber 144.00; Curtain Call Costumes 581.71; Titan Access Account 1,006.90; Hub City Radio 590.00; Bohlmann Inc 22.05; Executive Management 13.55; Dakota Outdoors 50.00; North Central Farmers Elevator 18,391.14; SD Department of Revenue 14,309.91; Rick's Heating/Air Condition 1,683.38; Mid-Am Research Chemical 3,714.32; Dakota Broadcasting LLC 200.00; Northwestern Energy 67,204.93; Jarman's Water Systems 75.00; Northern Valley Communications 215.00; MTI Distributing 441.64; SHOPKO LLC 95.10; FAST Corp 7,230.00; Michelle Bacon 449.50; Fleet Services 67.55; Ruth Wegehaupt 75.00; Ciavarella Design Inc 187.50; Quill Corporation 9.98; Lynn Lander 119.66; Luann Hintz 187.00; Julie O'Donnell 154.00; John Hepperle 135.00; TSP Inc 281.25; Jerome Wild 96.00; Printiss Sizer 75.00; Jordan Foster 225.00; Century Business Products 13.14; Menards Aberdeen 2,423.70; Pfeifer's 405.76; Shannon Broderson 96.00; Walter A Stevenson 120.00; Brittany Belden 187.00; Gregory J Murley 143.00; Miranda Rook 165.00; Philip Mittleider 197.50; Reuers Auto Service 499.19; Allegiant Emergency Services 15.06; SD Pilots Association 20.00; Adam Buckhouse 100.00; Takach Press Corporation 315.00; Int'l Wizard of Oz Club 25.00; SD State Poetry Society 12.00; Jared Mittleider 262.50; Matt Sisk 60.00; Western Finance & Lease Inc 30,000.00; Sayre Associates Inc 3,185.30; Ray Studnicka 100.00; Convention Visitors Bureau 23,259.88; Mike Levsen 205.20; Rod Kurtz 160.00; Sheryl Erickson 157.50; Sleepy Eye Industrial 245.00; Steve Westby 350.00; Pomp's Tire Service 752.28; Van Diest Supply Co 8,995.00; Bob Pagel 8.54; Spotslam 132.00; Camby's Pass Inc 2,920.51; Carlson & Stewart Refrigeration Inc 507.81; Custom Sheet Metal Inc 30.00; Dakota Oil 703.32; Dakota Brush 236.90; Advance Auto Parts 109.87; Genesis Lamp Corporation 432.62; Tim Blue 25.00; Learning Opportunities 1,958.54; Research Technology International 44.95; R & R Specialties Inc 72.40; Plunkett's Pest Control 234.00; Hub City Rents LLC 165.00; Aberdeen Plumbing & Heating Inc 2,451.80; Patricia Brosz 375.00; John Kersten 300.00; Palmer Distributing 14.50; Randy Murphy 391.00; Rose Mullner 170.00; EDC Educational Services 201.80; West Sioux Ceramics & DPS 285.70; Grainger 548.60; Farm Forum 332.00; Ameripride Services Inc 590.20; Janel Ellingson 78.00; Crescent Electric Supply 78.15; Northern Wireless Communications 319.60; Kelly Knispel 72.00; Ollis Book Corporation 477.12; A-1 Sanitation 712.74; Muth Electric 117.56; Domino's Pizza 189.61; Costume Gallery 188.87; Aberdeen Senior Center 390.00; Runnings Supply Inc 971.16; Verizon Wireless 79.67; Blackstone Developers LLC 1,000.00; Nancy Flint 53.00; Ashli Griffith 40.00; Dolores Kushman 900.00; Bill Hoffman 53.00; Melgaard Baptist Church 750.00.

Upon roll call, all voting aye, motion carried.

POSSIBLE REVOCATION OF HOME DAY CARE LICENSE OF MICHELLE KNEBEL

Bunsness moved, Mitchell seconded the motion to move into Executive Session to discuss legal matters under the SDCL 1-25-2 (3) at 5:40 p.m. All voting aye, motion carried.

At 5:55 p.m., Bunsness moved, Swanson seconded the motion to come out of Executive Session. Mitchell moved, Bunsness seconded the motion to not allow television or audio recordings. All voting aye, motion carried.

Attorney Scott Kuck spoke representing Michelle Knebel. City Attorney Adam Altman spoke as the complainant. Bunsness moved, Mitchell seconded the motion to deny defendant's objection to adequacy of complaint. All voting aye, motion carried.

Bunsness moved, Rux seconded the motion to grant defendant's request to refuse to hear (2) two incidents that did not involve arrest. All voting aye, motion carried.

Bunsness moved, Agnitsch seconded the motion to allow complainant's use of domestic violence incident in which there was an arrest. Motion passed by voice vote.

Rux moved, Kraft seconded the motion to not allow discussion involving death of child at daycare. All voting aye, motion carried.

Bunsness moved, Swanson seconded the motion to allow discussion on incident involving fracture of a minor's bone at the daycare. Motion fails by voice vote.

Bunsness moved, Rux seconded the motion to move to Executive Session when listening to video and audio evidence that include minor's names. All voting aye, motion carried.

Mitchell moved, Rux seconded the motion for a five minute recess at 7:25 p.m. All voting aye, motion carried.

Bunsness moved, Rux seconded the motion to not allow evidence from video disk 10-002634. All voting aye, motion carried.

Sergeant Angela Senger responded to questions from Altman and Kuck.

Bunsness moved, Agnitsch seconded the motion to allow video 10-002634. All voting aye, motion carried.

Sergeant Eric Duven responded to questions from Altman and Kuck.

Audio disk 11-00056 allowed as evidence.

Bunsness moved, Rux seconded the motion to allow Sergeant Duven to reference transcript from 11-00056. Motion passed by voice vote.

Bunsness moved, Campbell seconded the motion to allow written statements from parents of daycare children. All voting aye, motion carried.

Bunsness moved, Campbell seconded the motion to move to Executive Session for legal matters at 8:40 p.m. All voting aye, motion carried.

Kraft moved, Swanson seconded the motion to come out of Executive Session at 9:18 p.m. All voting aye, motion carried.

Troy Knebel responded to questions from Altman and Kuck. Michelle Knebel responded to questions from Altman and Kuck.

Altman presented his closing arguments. Kuck presented his closing arguments.

Mitchell moved, Bunsness seconded the motion to move to Executive Session for legal matters at 10:02 p.m. All voting aye, motion carried.

Rux moved, Mitchell seconded the motion to move out of Executive Session at 10:25 p.m. All voting aye, motion carried.

Bunsness moved, Slight-Hansen seconded the motion to not revoke the daycare license of Michelle Knebel. All voting aye, motion carried.

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

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