

## CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen, South Dakota, March 14, 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, Jim Kraft, Jeff Mitchell, Clint Rux, Jennifer Slight-Hansen, and Laure Swanson. Council Member Todd Campbell was absent. City staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, and Chief Don Lanpher.

Mayor Levsen led the Pledge of Allegiance.

## MINUTES

Mitchell moved, Rux seconded to approve the minutes of March 7, 2011, as circulated. All present voting aye, motion carried.

## OPEN FORUM

No one was present.

Bunsness moved, Mitchell seconded to move Item 6A Changes to the City's Animal Control Ordinances to the end of the agenda. All present voting aye, motion carried.

## PROCLAMATION

Mayor Levsen read and proclaimed March 14 through March 20, 2011 as "Multiple Sclerosis Awareness Week". Lois Flanagan was present to accept the proclamation.

## CONSENT CALENDAR

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

ADVERTISEMENT FOR BIDS – set bid date of March 29, 2011 at 2:00 p.m. for 2011 Building Lighting Materials and 2011 LED Traffic Signals.

All present voting aye, motion carried.

NEW BUSINESS

## RESOLUTION NO. 11-03-01 R

Bunsness moved, Kraft seconded to approve the following resolution:

RESOLUTION AUTHORIZING THE MAYOR ACQUISITION OF RIGHT OF WAY  
FOR PROJECT NO. P2209(2), COUNTY 19 RECONSTRUCTION

WHEREAS the City of Aberdeen is reconstructing County Road 19 in 2011, which reconstruction is numbered P2209(2); and

WHEREAS the City finds it necessary to acquire certain real property interests in connection with the project.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Mayor and Finance Officer are authorized to sign the agreements necessary for the acquisition of the following properties, and that payment therefor is hereby authorized:

Parcel No. 13, Lot No. H5, Sq. Ft. Perm. 2840, Price \$1,500.00, Sq. Ft. Temp 0, Price 0, Total Payment \$1,500.00, PMM.

All present voting aye, motion carried.

## FILING OF RESOLUTION AND DECLARATION OF TAKING FOR BNSF

Bunsness moved, Kraft seconded the approval to authorize the City Attorney to initiate "quick take" action by filing Resolution of Necessity No. 11-02-03 R and Declaration of Taking documents to obtain right of way from BNSF. All present voting aye, motion carried.

## HEARING

This being the time and place set for a hearing on application for new Package Off-Sale Liquor License for Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #1520, 3820 7<sup>th</sup>

Avenue, SE, no one was present to testify, recommendations for approval were received, Rux moved, Swanson seconded to approve the application for Package Liquor License for Wal-Mart Stores, Inc. All present voting aye, motion carried.

#### BILLS

Bunsness moved, Mitchell seconded to approve the following audited claims for services, supplies, repairs and maintenance: FSH Communications 60.00; Qwest 4,484.11; Dakotacare Administrative Services 56,288.65; Larson Enterprise LLC 150.00; United Parcel Services 53.24; Midwest Alarm Company 258.00; Aberdeen Chamber of Commerce 92.00; Aberdeen Development Corp 14,166.67; Aspire Inc 7,831.76; APWA 595.00; Rhodes Anderson Agency 60.00; Best Business Products 477.17; Brick Propane Inc 244.50; RDO Equipment Co 1,988.20; Brown County Landfill 12,124.26; Brown County Treasurer 1,300.00; Lout Construction 2,223.00; HC Clark Implement 15,900.00; Dakota Electronics 6,597.97; Don's Builders Hardware 520.00; Eddie's Northside 1,113.00; Quality Welding Inc 30.03; Evergreen Supply 202.07; Cole Papers Inc 3,033.68; Farm Power Mfg Inc 55.30; GCR Tire Centers 206.95; Jensen Rock & Sand Inc 39,648.60; Carquest Auto 2,067.36; Graham Tire Co 63.92; Grote Roofing Co Inc 3,469.36; HACH Co 6,049.22; Tim Medenwald 9.00; Hedahls Inc 712.77; Lyle Signs Inc 650.11; House of Glass 1,592.90; DOI-USGS 10,543.00; Nelson Sales & Service, LLC 69.14; Kesslers Inc 23.43; CDW Government Inc 92.28; Aberdeen Taxi Service 480.50; Lawson Products Inc 105.23; Steven Lust Automotive 453.62; MAC's Inc 100.00; Mathisons 54.83; Labsource Inc 86.02; Michael Todd & Co Inc 135.79; Grote Sheet Metal Inc 2,547.00; Farnams Genuine Parts 737.34; Northern Electric 2,976.54; Office Equipment 180.60; Pantorium 23.22; Mardian Scrap Recycling Inc 236.50; Dakota Supply Group 3,920.65; Graymont Capital Inc 17,496.95; Midstates Printing 1,058.12; Safety Service Inc 183.40; Avera St Luke's Hospital 1,445.32; Schwan Welding & Boiler 120.00; Share Corp 936.50; Sheehan Mack Sales & Equipment Inc 72.26; Sherwin-Williams Co 88.38; Crawford Truck Sales 590.88; River Cities Public Transit 1,823.00; SD Dept Revenue & Regulation 93.00; Corey Reszler 114.00; SD Retirement System 818.10; Keith Sharisky 18.00; Don Lanpher 64.97; Woodman Refrigeration Co 83.67; Diesel Machinery Inc 3,378.69; Aberdeen Area Arts Council 2,100.00; Grabar Voice & Data 1,919.00; Fastenal Company 358.30; Days Inn Pierre 263.96; American Planning Assn 90.00; Digital Ally 3,625.00; NEWARK 47.83; Tony Bisbee 354.00; Dependable Sanitation 18,164.00; Dakota Ink & Toner 451.90; Tanner Jondahl 9.00; S&W Healthcare Corp 406.55; Western State Fire Protection Co 195.00; Aberdeen Community Theatre 9,500.00; Taylor Laundry 37.00; Karst Car Care 909.00; Flsmidth Krebs Inc 1,582.85; Continental Carbonic Products Inc 2,351.75; USA Blue Book 36.07; Cartney Bearing Co 15.96; Stop Tech, Ltd 819.20; SD Human Resource Association 199.00; SD Department Health Lab 352.00; Bierschbach Equipment 19.62; Todd Campbell 111.00; Physio-Control Inc 1,351.50; Titan Access Account 333.35; Executive Management 346.18; Aberdeen Area Human Resource Assn 30.00; ALADTEC Inc 1,247.50; Metro Fire 2,394.48; Stacy Vrchota 288.00; North Central Farmers Elevator 6,757.32; AT & T 2.08; Northwestern Energy 10,162.25; Mariah Mougey 532.00; Streicher's Inc 36.98; Neil Bittner 546.24; Northern Valley Communications 360.32; Grant Schnabel 21.00; Lien Transportation Co 67,833.14; Aberdeen Police Dept 49.54; McMaster-Carr Supply Co 278.32; Medcenter One OCC Health Clinic 120.00; Dr Steve Redmond 500.00; Hewlett-Packard Company 37,845.00; Northwestern Energy 1,641.05; SD Assn Rural Water Systems 465.00; Towing Plus 260.50; South Dakota One Call 22.26; Lutheran Social Services 120.00; Ken's SuperFair Foods 253.21; IA NE SD Prima Chapter 40.00; Galetton Gloves 168.94; Snobear UAG, LLC 106.42; Hartford Steam Boiler 90.00; Brick Markers USA 440.00; Kory Pickrel 30.00; Sanford Health 120.00; Border States Electric Supply 1,663.52; Joshua Ochsner 9.00;

Menards Aberdeen 949.60; Fred Ludwig Trucking 8,611.83; Bound Tree Medical LLC 1,598.45; Pheasant County Express 12,403.47; SD Building Officials 200.00; PDA, Inc 330.80; Water & Environmental Engineering 38.00; Diamond Vogel 797.88; SD Sheriff's Association 60.00; River Lodge 445.00; Gemplers 70.70; Aberdeen Job Fair 75.00; Convention Visitors Bureau 16,977.52; Professional Mailing Aberdeen 1,058.94; Dan Kaiser 9.00; Double D Body Shop 1,247.07; NCL of Wisconsin 179.46; Kevin Bourdon 2,448.77; Ferguson Waterworks 167.73; Aberdeen Shuttle 474.25; Gardner Locksmith 45.00; Molecular Repr Concepts 1,446.30; Pomp's Tire Service 1,719.00; SD Assoc Code Enforcement 150.00; Locators & Supplies Inc 331.91; Treatment Resources Inc 871.05; GALLS Inc 125.48; Business Improvement District 110,000.00; Dakota Oil 1,238.63; Dakota Transit Association 200.00; DLT Solutions Inc 4,683.70; DSS Image Apparel 247.50; Best Western Ramkota Hotel 158.00; North Central Rental/Leasing 19,534.94; Howes Oil Co 21,253.55; RDR Plumbing & Heating 1,843.50; Aberdeen Plumbing & Heating Inc 262.00; Advanced Public Safety Inc 322.56; David Poor 30.21; Aberdeen Chrysler Center 2,605.90; John Henry Foster MN Inc 100.86; Nielsen's 42.00; Thatcher Company of Montana 5,376.00; Midco Communications 17.32; Dave McNeil 51.00; Newman Traffic Signs 1,416.20; Environmental Resource 350.06; Jerry Ochsner 18.00; Keith Theroux 9.00; Butler Machinery Co 5,445.62; Grainger 544.38; Geffdog Designs 14,897.66; Farm Forum 24.00; Jefferson Partners LP 1,263.16; Ameripride Services Inc 478.03; Lexisnexis Risk Data Mgmt 50.00; Knight Towing 5,525.75; Design Solution & Integration Inc 180.00; Harlow's Bus Sales 235.64; A-1 Sanitation 3,856.73; G & R Controls Inc 1,140.56; Tri-State Water 45.50; Municipal Service & Supply Co 2,432.53; Bonn Express LLC 100.00; Haar Plumbing & Heating 266.92; Jeffrey Carlson 12.00; Runnings Supply Inc 1,465.73; Interstate Battery System SD 407.75; Aberdeen Machine Tool 73.10; Sean Ramalho 25.00; Amy Paczkowski 15.00. Upon roll call, all present voting aye, motion carried.

#### PAYROLL

Rux moved, Kraft seconded to approve payroll February 27, 2011 through March 12, 2011 and city share of social security, old age & survivor's insurance and retirement: Governing Body 3,192.28; City Manager 6,084.24; Attorney 4,469.60; Finance 12,928.42; HR 6,655.20; Building 241.03; Computer 3,400.80; Planning/Zoning 11,246.40; Engineer 9,760.00; Police 90,178.39, Matthew Olson 20.18/hr; Fire 79,826.84, Brad Janecke 1,574.33/bw, Kyle Moser 1,535.93/bw; Fire Prevention 2,456.00; Housing/Building 4,812.00; Street 23,811.83; Traffic 4,045.76; Solid Waste 17,221.69; Transportation 13,229.84; Library 20,832.08; Parks, Recreation & Forestry 71,952.70, Megan Case 10.00/hr, Kelsey Hoven 12.50/hr, Dale Mork 11.50/hr, Dennis White 11.00/hr, John Young 11.00/hr; Airport 11,346.44; Pipe 18,574.89; Water Treatment 15,868.23; Meter 4,833.46; Wastewater 16,804.52; Pump 4,718.61; Wells Fargo 95,743.70; SD Retirement System 57,685.01. Upon roll call, all present voting aye, motion carried.

#### ORDINANCE NO. 11-03-01

Ordinance No. 11-03-01 amending Chapter Six of the Aberdeen Municipal Code dealing with animals was presented for possible first reading. Bunsness moved, Slight-Hansen seconded to approve an amendment to add: It is unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city any pit bull. A pit bull is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. Existing owners of the above described breeds licensed within 60 days of this ordinance effective date could

keep their dogs only under restricted conditions, including: If the dog is licensed, spay/neutered, and is vaccinated against rabies; The owner is at least 21 years old; Has \$100,000 US in liability insurance; Did not sell or otherwise transfer the dog to anyone except someone in the owner's immediate family; The owner must notify the City immediately if the dog is loose, stolen, at-large, unconfined, has mauled, bitten, attacked, or threatened another animal or human; Abide by all existing and amended animal ordinances. Upon roll call, Swanson, Bunsness, Agnitsch, Levsen voting aye, Rux, Slaughter-Hansen, Mitchell and Kraft voting nay, motion failed for lack of majority vote. Kraft moved, Mitchell seconded to approve an amendment to Section 6-32 to require 6 foot leash when walking a dog. All present voting aye, motion carried. Rux moved, Mitchell seconded to approve the first reading of Ordinance No. 11-03-01 as amended. Upon roll call, all present voting aye, motion carried.

#### OTHER

On March 28, 2011 at 4:00 p.m., the city council will meet for a work session on conflict of interest.

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

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