

CITY COUNCIL PROCEEDINGS

Brown County Commission Chambers, 25 Market Street, Aberdeen, South Dakota, June 10, 2010, 4:00 p.m., Special City Council Meeting to canvas election results. Council Member/President David Bunsness presiding. Present at roll call were Council Members Tom Agnitsch, Todd Campbell, Clint Rux, Jennifer Slight-Hansen. Mayor Mike Levsen and Council Members Lloyd Hodgins, Jim Kraft, and Jeff Mitchell were absent.

RESOLUTION NO. 10-06-02 R

Campbell moved, Rux seconded to approve the following resolution:

WHEREAS, by Ordinance No. 10-01-02 passed and adopted on January 11, 2010, the City Council of the City of Aberdeen set the time and date for the Annual Municipal Election to be held in the City with the regular June Primary Election on June 8, 2010 for the purpose of electing a City Council Alderman for the SE District and a City Council Alderman for the SW District and

WHEREAS, at the Annual Municipal Election held in the several polling places in the City of Aberdeen, South Dakota on Tuesday, June 8, 2010, there was cast the following votes for Offices of City Council Alderman, to wit: Alderman for SE District five-year term: Laure C. Swanson – 706 votes, Lloyd D. Hodgins – 553 votes, there being a total of 1,259 legal votes cast for City Council Alderman, SE District; Alderman for SW District, five-year term: David Bunsness – 644 votes, Sea Atwood – 218 votes, there being a total of 862 legal votes cast for City Council Alderman, SW District and

WHEREAS, the returns of said election have been delivered and canvassed by the City Council, and

WHEREAS, Laure C. Swanson and David Bunsness received a plurality of the legal votes cast,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABERDEEN, that Laure C. Swanson is hereby elected City Council Alderman, SE District for a term of five years, David Bunsness is hereby elected City Council Alderman, SW District for a term of five years, and the City Finance Officer is hereby directed to issue the proper Certificates of Election.

All present voting aye, motion carried.

There being no further business before the Council, Slight-Hansen moved, Agnitsch 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

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln Street, Aberdeen,

South Dakota, June 14, 2010, 5:30 p.m., regular meeting, Mayor Levsen presiding. Present at roll call were Council Members Tom Agnitsch, David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell, Clint Rux and Jennifer Slight-Hansen. Staff members present were Lynn Lander, Adam Altman, Robin Bobzien, Brett Bill, Karl Alberts, and Al Ruhlman.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Bunsness moved, Agnitsch seconded to approve the minutes of June 7, 2010 as circulated. All voting aye, motion carried.

OPEN FORUM – no one was present.

OLD BUSINESS

ORDINANCE 10-06-08 – PERMITTING SOFTSCAPE IN DOWNTOWN BID

Diane Bjordahl was present to discuss the impact of the ordinance on her business. Bunsness moved, Hodgins seconded to approve second reading as amended and final adoption of Ordinance No. 10-06-08. Campbell moved, Bunsness seconded the motion to continue the discussion of the ordinance for two weeks.

All voting aye, motion carried.

CONSENT CALENDAR

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

SET HEARING DATE – June 28, 2010 at 5:30 p.m. for Renewal of Package Off-Sale Malt Beverage License for Target Corporation dba Target Store T-0848, 3316 6th Avenue, SE.

SET BID DATE – June 29, 2010 at 2:00 p.m. for advertisement for bids for Water Treatment Plant Bank Stabilization.

LICENSES – Jennifer Rathert, Home Day Care; Perry A. LaClaire, Transient Merchant.

FIREWORKS DISPLAY PERMIT – July 4th for Aberdeen Parks & Recreation Department.

LOTTERY NOTICE – Loving, Caring, Sharing Precious Moments Club – receive and place on file. All voting aye, motion carried.

NEW BUSINESS

DISCUSSION – DEMOLITION OF PROPERTY

Justin D. Shultis, owner of 517 North Dakota Street, withdrew his request to halt the demolition of his property on Dakota Street. No action was taken.

RESOLUTION NO. 10-06-01 R

Hodgins moved, Rux seconded to approve the following resolution:

RESOLUTION TO VACATE PUBLIC RIGHT-OF-WAY

BE IT RESOLVED by the Aberdeen City Council, Brown County, Aberdeen, South Dakota that the Petition to Vacate the Public Right-of-Way filed by Geff Gunsalus, Manager for Palm Drive, LLC, is hereby granted and the public right-of-way is hereby vacated for the

following described areas: 12th Avenue, SW Public Right-of-Way from Highway 281 South extending 1309' East to point of termination, located in the NW ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, South Dakota.

BE IT FURTHER RESOLVED by the Aberdeen City Council, Brown County, Aberdeen, South Dakota, that a certified copy of this Resolution shall be filed for record and duly recorded in the Office of the Register of Deeds in Brown County.

All voting aye, motion carried.

RESOLUTION NO. 10-06-03 R

Bunsness moved, Mitchell seconded to approve the following resolution:

RESOLUTION TO AUTHORIZE THE FILING OF AN APPLICATION FOR A GRANT UNDER SECTION 5311 OF THE SURFACE TRANSPORTATION ASSISTANCE ACT

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support capital and operating assistance projects for nonurbanized public transportation systems Section 5311 of the Surface Transportation Assistance Act, and

WHEREAS, the South Dakota Department of Transportation, Division of Finance and Management, Office of Local Transportation Programs has been designated by the Governor to administer Section 5311; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including provision by it of the local share of project costs;

NOW, THEREFORE, BE IT RESOLVED BY Aberdeen City Council:

That David Osborn is authorized to execute and file an application on behalf of the City of Aberdeen with the South Dakota Department of Transportation to aid in the financing of capital and/or operating assistance projects pursuant to Section 5311 of the Surface Transportation Assistance Act.

That David Osborn, is authorized to furnish such additional information as SDDOT may require in connection with the application or the project.

All voting aye, motion carried.

HEARING ON APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES

This being the time and place set for a hearing on applications for alcoholic beverage licenses, no one was present to testify, recommendations for approval were received, Agnitsch moved, Kraft seconded to approve the following applications: RENEWAL OF RETAIL ON-OFF SALE MALT BEVERAGE LICENSES – Guadalajara III Inc. dba Guadalajara Mexican Restaurant, 3015 6th Avenue, SE #3, BONN Express LLC dba Lucky Spot Casino, 801 N. Hwy 281 (w/video lottery), Skyline Recreation dba Village Bowl, 8th Ave & N Hwy 281 (w/video lottery), GPM Enterprise Inc. dba 4 Aces Casino, 901 6th Avenue, Suite C (w/video lottery), Buffet China Inc. dba Buffet China Restaurant, 1721 6th Avenue, SE, Midwestern-Flack LLC dba Midwestern-Flack Casino, 1715 6th Avenue, SE #A

(w/video lottery), Ken's Supermarket Inc. dba Ken's Bottle Shop, 2105 6th Avenue, SE (w/video lottery), Len Scherr & Emma Scherr dba Sammy's Restaurant & Omelete Shop, 212 S. Main Street; RENEWAL OF PACKAGE OFF-SALE MALT BEVERAGE LICENSES – Mercedes De Loero Pinon dba LaMonarca Mexican Store, 3015 6th Avenue, SE #9, Wal-Mart Stores Inc. dba Wal-Mart Supercenter #1520, 3820 7th Avenue, SE; TRANSFER OF RETAIL ON-OFF SALE MALT BEVERAGE AND PACKAGE OFF-SALE LIQUOR LICENSES – from Ronald Erickson dba Airport Café & Lounge, 4707 E Hwy 12 to Erickson & Meier Inc. dba Airport Travel Center, 4707 E Hwy 12. All voting aye, motion carried.

8TH AVENUE NE – DAKOTA STREET TO JACKSON STREET PROJECT

Mitchell moved, Bunsness seconded to authorize the Engineering Department to construct 8th Avenue NE From Dakota Street to Jackson Street to include water, sanitary sewer, and storm sewer through the contract with Ringgenberg Electric for the intersection improvements. All voting aye, motion carried.

RECOMMENDATION ON BIDS – ASPHALT REPAIR

Bids for asphalt repair services were opened and read. A detailed list is on file at the Finance Office. Bunsness moved, Rux seconded to award the bid to Aberdeen Asphalt in the amount of \$131,650.00 and authorize the City Manager and Finance Officer to sign all necessary documents after the approval by the City Attorney. All voting aye, motion carried.

8TH AVENUE NORTH INTERSECTION PROJECT

Bunsness moved, Agnitsch seconded to approve change order, pay estimate, and authorize the City Manager to sign the following: Change Order #2 – additional pipe and asphalt milling – Ringgenberg Electric, an increase in the amount of \$10,970.20; and Pay Estimate #3 – work on project – Ringgenberg Electric in the amount of \$174,850.85. Upon roll call, all voting aye, motion carried.

PAY ESTIMATES

Mitchell moved, Kraft seconded to approve payment and authorize the City Manager to sign Pay Estimate #1 – Automated Meter Reading System – Dakota Supply Group in the amount of \$152,066.61. Upon roll call, all voting aye, motion carried.

Bunsness moved, Hodgins seconded to approve payment and authorize the City Manager to sign Pay Estimate #2 – Accessible Quadrant Improvements – Wright & Sudlow in the amount of \$19,788.06. Upon roll call, all voting aye, motion carried.

BILLS

Rux moved, Agnitsch seconded to approve the following audited claims for services, supplies, repairs and maintenance: American News 3,446.05; Praxair Distribution Inc 140.18; Adjustment Training Center 4,904.70; Beadle Floral & Nursery 57.13; Best Business Products 464.91; Brick Propane Inc 379.25; Brown County Landfill 16,583.36; J P Cooke Co 90.80; Hawkins Inc 2,985.00; Dakota Electronics 6,460.88; Dakota Pump & Control 2,308.24; Don's Builders Hardware 117.30; Evergreen Supply 392.83; Cole Papers Inc

655.68; Farm Power Mfg Inc 306.11; Jensen Rock & Sand Inc 202.20; Carquest Auto Parts 925.19; Graham Tire Co 42.87; Hedahls Inc 978.40; CWD-Aberdeen 114.90; House of Glass 372.63; DOI-USGS 40,000.00; Nelson Sales & Service 134.95; Janitor Supply Co 23.00; Midcontinent Testing Lab 1,209.60; Keeleys Inc 12.76; Kesslers inc 71.50; CDW Government Inc 1,339.28; Aberdeen Taxi Service 403.00; Steven Lust Automotive 797.11; MAC's Inc 78.09; B & B Contracting 1,728.75; Farnams Genuine Parts 119.78; Northern Electric 3,838.38; Qwest-Phoenix 3,957.84; Office Equipment 95.25; Mardian Scrap Recycling Inc 13.50; Dakota Supply Group 1,407.43; Graymont Capital Inc 22,570.11; Midstates Printing 1,201.04; Cross Country Courier 33.31; Safety Service Inc 89.95; Avera St Luke's Hospital 1,252.41; Share Corp 951.80; Sheehan Mack Sales & Equipment Inc 2,902.24; Sherwin-Williams Co 1,254.82; Crawford Truck Sales 514.47; River Cities Public Transit 112.00; SD Dept Revenue & Regulation 14.00; Keith Sharisky 9.00; Hefty Seed Co 356.25; Universal Inc 2,070.00; Town & Country Lumber Inc 668.57; Twin City Roofing Co Inc 1,300.00; Western Area Power Adm 8,978.96; Western Printing 968.30; Don Lanpher 105.88; Wright & Sudlow 76,006.60; Diesel Machinery Inc 495.68; Fastenal Company 435.77; North Central Farmers Elevator-Ipswich 2,940.80; National Assoc of Town Watch 25.00; North Wind Machine 137.30; Jerke Irrigation 1,584.63; Michael Bunke 125.00; Brooks Kleffman 38.00; Northern Truck Equipment 327.37; Dependable Sanitation 18,266.51; Dakota Ink & Toner 42.46; New Trends 88.18; S & W Healthcare Corp 181.28; D & S Service 110.06; Aberdeen Community Theatre 9,250.00; JCL Solutions 126.00; Taylor Laundry 16.00; First National Bank 53,500.00; Sioux Valley Environmental Inc 3,482.95; Trenton Lunstrom 47.00; M & T Fire & Safety Inc 348.05; USA Blue Book 66.50; Cartney Bearing Co 75.60; Todd Salfrank 9.00; Physio-Control Inc 398.26; Automationdirect.com Inc 357.00; Executive Management 392.60; Postmaster 110.00; Pierson Ford-Linc-Mercury Mazda 278.90; Parkview Nursery Inc 468.39; Traffic Control Corp 4,705.00; SD Department of Revenue 13,446.97; Allied Affiliated Funding LP 825.80; AT & T 3.79; Lily's Floral Design & Gifts 187.68; The Northland Inn 1,521.84; Northwestern Energy 8,045.82; ARFF Specialists, LLC 2,500.00; The Sewing Shoppe 9.00; Cross Company 562.45; Moore Industrial Hardware 96.27; Capital Journal 98.32; Mariah Mougey 12.00; Kyle Fadness 56.52; SDRMCA 65.00; Richardson, Wylly, Wise, Sauck & Hieb 6,447.00; BRY-AIR Inc 243.25; SD Real Estate Commission 225.00; DCI 43.25; Dinger Flooring 984.00; Cornerstones Career Learning Ctr 2,000.00; Neil Bittner 619.52; Northern Valley Communications 876.48; Lien Transportation Co 43,677.82; Aberdeen Police Dept 9.54; McMaster-Carr Supply Co 258.78; Medcenter one OCC Health Clinic 180.00; Dr Steve Redmond 500.00; Randy Meister 9.00; ABRA Auto Body & Glass 180.00; Loren Beitelspacher Trucking 656.50; William Winter 9.00; Northwestern Energy 1,414.46; Fire Safety First 732.43; Lutheran Social Services 180.00; Claims Associates Inc 250.00; John Quinn 12.00; Galetton Gloves 304.66; One Call Systems Inc 588.73; PC Mall Gov 2,863.98;

Maloney & Maloney 593.75; Sanford Health 5,385.00; Kim Wahlen 37.90; Allmax Software 945.00; Nat'l Law Enforcement Supply 1,152.61; Menards Aberdeen 434.70; Jack Riley 500.00; NASRO 80.00; Bound Tree Medical LLC 1,316.35; LOGIN/IACP NET 800.00; Water & Environmental Engineering 38.00; Reuers Auto Service 129.45; Dakota Fluid Power Inc 943.17; Professional Mailing Aberdeen 4,150.84; Modern Marketing 408.32; FSH Communications 60.00; Engineering America Inc 2,842.75; NCL of Wisconsin 705.73; Lauren Stearns 9.00; RACO Stained Glass 1,916.50; Mike Eliason 38.00; Aberdeen Shuttle 424.25; Gardner Locksmith 85.95; Pomp's Tire Service 18.87; Wallwork Truck Center 424.53; Allied Specialty Insurance Inc 4,501.00; Journey Works 1,771.93; R B Upholstery 65.00; Soil Testing Laboratory 33.00; Dakota Oil 3,107.49; The Finals 1,852.00; T'NT Concrete Inc 6,720.20; DPC Industries Inc 647.00; Pristine Water Solutions 3,062.40; VESSCO Inc 3,195.30; Advance Auto Parts 5.98; General Traffic Controls 54.36; MVTL Laboratories Inc 195.00; Howes Oil Co 17,894.30; J R Huebner 47.00; Aberdeen Plumbing & Heating Inc 339.09; 3D Specialties Inc 5,544.40; Palmer Distributing 858.60; Ed M Feld Equipment Co 80.00; Central States Fire 79.23; Aberdeen Chrysler Center 25,418.83; Aberdeen Asphalt Inc 21,149.43; California Contractor Supplies 238.80; Thatcher Company of Montana 6,919.67; Environmental Resource 331.65; Wausau Tile Inc 4,913.24; Butler Machinery Co 45.00; Grainger 283.27; Sanitation Products Inc 793.51; Geffdog Designs 2,074.50; Jefferson Partners LP 1,975.42; Ameripride Services Inc 473.93; Crescent Electric Supply 366.28; Mario Gourde 12.00; Country Concrete/Landscaping 1,760.00; Lab Safety Supply 883.05; Midwest Pump & Tank 413.19; Lexisnexis Risk Data Mgmt 50.00; Harlow's Bus Sales 151.82; A-1 Sanitation 156.73; Tri-State Water 44.00; HERC-U-LIFT Inc 163.72; Haar Plumbing & Hearing 986.00; Jeffrey Carlson 63.00; Runnings Supply Inc #14 2,005.05; Interstate Battery System SD 195.90; Julie Torrence 20.88; Barb Laur 140.00; Marv Dombrowe 70.00; Patty Simon 280.00; Chad Schuldt 143.40; Richard Jensen 301.69; Darcey Leshner 19.00; Barb Wollman 32.00; Jacob Bosmoe 75.00; Dakotacare Administrative Services 19,930.67; United Parcel Service 28.24; J & K Mowing Service 2,299.99. Upon roll call, all voting aye, motion carried.

EXECUTIVE SESSION

Mitchell moved, Bunsness seconded to move into executive session to discuss personnel matters. All voting aye, motion carried.

Mitchell moved, Kraft seconded to move out of executive session. All voting aye, motion carried.

There being no further business before the Council, Mitchell moved, Kraft seconded that the meeting be adjourned. All voting aye, motion carried.

Prepared by Mary Campton for the Finance Office.

/s/ Karl Alberts, Finance Officer