

CITY COUNCIL PROCEEDINGS

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, June 24, 2019 at 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, Alan Johnson, Dave Lunzman, Dennis “Mike” Olson, Mark Remily, Rob Ronayne, Clint Rux, and Jennifer Slight-Hansen. City Staff present were Lynn Lander, Robin Bobzien, Brett Bill, Jordan McQuillen, Dave McNeil, and Rich Krokkel.

Mayor Levsen led the Pledge of Allegiance.

MINUTES

Motion by Johnson, second by Rux to approve the minutes of the City Council Meeting of June 17, 2019, as circulated. All voting aye, motion carried.

PROCLAMATION

Mayor Levsen read and proclaimed June 24, 2019 as “Dr. Mark Hedges Day”.

OPEN FORUM – No one was present.

OLD BUSINESS

ORDINANCE NO. 19-05-04

Motion by Bunsness, second by Rux to approve second reading and final adoption of Ordinance No. 19-05-04 repealing the extraterritorial zoning jurisdiction of the City of Aberdeen and amending the Aberdeen City Code. Upon roll call, all voting aye, motion carried.

CONSENT CALENDAR

Motion by Remily, second by Slight-Hansen to approve the following items on the consent calendar:

RENEWAL OF MALT BEVERAGE & SD FARM WINE LICENSES – for City Businesses as listed for July 1, 2019 to June 30, 2020: GPM Enterprises, LLC dba 4 ACES Casino, 202 – 6th Avenue, SE Suite B; Heartland Casino LLC dba 6th Ave. Casino, 1923 – 6th Ave., SE #103; 6th Avenue Pit Stop Inc. dba 6th Avenue Pit Stop, 802 – 6th Avenue, SW; Aberdeen Cue Club dba 1603 – 6th Ave., SW; Aberdeen Pit Stop Inc. dba Aberdeen Pit Stop, 2323 – 8th Ave., NE; Rivett Lodging dba Aberdeen Super 8 East Motel, 2401 – 6th Ave., SE; Erickson & Meier, Inc. dba Airport Travel Center, 4707 E. Hwy #12; Aberdeen Ventures LLC dba AmericInn, 301 Centennial Street; APEX Events, LLC dba NSU Barnett Center, 1302 South State Street; BPO Elks Lodge dba 705 Circle Drive; Veinte Inc. dba Black Diamond Casino Suite 1, 102 – 6th Ave., SW; Veinte Inc. dba Black Diamond Casino Suite 2, 102 – 6th Ave., SW; Casey’s Retail Company dba Casey’s General Store, 224 S. Dakota Street; DOM Inc. dba Casino Bleu, 316 S. Wilson Street Suite B; OCHO Inc. dba Casino Korner, 707 N. 2nd Street; NUEVE Inc. dba C-Express 8th Ave., 1202 – 8th Ave., NE; OCHO Inc. dba C-Express N. Second, 711 N. 2nd Street; OCHENTA Inc. dba C-Express State, 524 – 6th Ave., SE; TREINTA Inc. dba C-Express Suite 1, 2303 – 6th Ave., SE; TREINTA Inc. dba C-Express Suite 2, 2303 – 6th Ave., SE; TREINTA Inc. dba C-Express Suite 3, 2303 – 6th Ave., SE; Midwestern-Flack LLC dba Dakota Players

Club, 1715 – 6th Ave., SE Suite A; GPM Enterprises Inc. dba Deuces Wild Casino, 915 – 6th Avenue, SE; Randall Weber dba Eddie’s Northside Sinclair, 208 N. 2nd Street; E-Z Stop Food Marts Inc. dba 421 S. Roosevelt Street; Loeb’s Investments dba Gas-N Goodies, 1106 S. 5th Street; D & G Investments Inc. dba Grande Casino, 913 – 6th Ave., SE; Guadalajara III Inc. dba Guadalajara Mexican Restaurant, 3015 – 6th Ave., SE #3; Heartland Casino LLC dba Heartland Café & Casino, 1923 – 6th Ave., SE; Heartland Casino LLC dba Heartland Players Club, 1923 – 6th Ave., SE #102; Heartland Casino LLC dba Heartland Players Club 2, 1923 – 6th Ave., SE #100; China Ginger Inc. dba Imperial Buffet, 311 S. Main Street; Midwestern-Flack LLC dba Jokers Wild Casino, 1715 – 6th Ave., SE #B; Ken’s Supermarket Inc. dba Ken’s Bottle Shop, 2105 – 6th Ave., SE; Kessler’s Fuel LLC dba Kessler’s Holiday, 702 – 6th Ave., SE; Kessler’s Inc. dba Kessler’s Liquor, 621 – 6th Ave., SE; Kusler’s C Store dba 602 S. Main Street; Lafayette Casino Corp. dba Lafayette Casino, 3015 – 6th Ave., SE #1; Lafayette Casino Corp. dba Lafayette Casino #2, 3015 – 6th Ave., SE #2; JLM Golf LLC dba Lee Park Pro Shop, 1028 – 8th Ave., NW; ZBC Inc. dba Lucky’s Drinkery, 420 S. Main Street; BONN Express LLC dba Lucky Spot Casino, 801 N. Hwy #281; M & H Gas dba 202 – 6th Ave., SW; Hungry’s Restaurant Inc. dba Marlins Family Restaurant, 604 S. Hwy #281; HUASTEALLC dba Mazatlan Mexican Restaurant, 1 S. First Street; DOM Inc. dba Moccasin Creek Casino, 1711 – 4th Ave., SE; Ace Boschee dba Moccasin Creek Concessions, 1202 – 10th Ave., SE; Natural Abundance Food Coop dba Natural Abundance, 112 N. Main St. Suite 2; Karla Stangl dba Palm Garden, 602 S. 3rd Street; Melynda Sletten dba Platinum Salon & Spa, 714 S. Main Street; P & M Enterprises Inc. dba R & A Bar, 5 S. Main Street; Arment Investments dba RainForest Casino, 416 S. Dakota St. #3; Regency Midwest Ventures dba Ramkota Inn, 1400 – 8th Ave., NW; HAYJON Inc. dba Rohly’s Bar, 1524 – 6th Ave., SW; Rolling Hills Golf Club LLC dba Rolling Hill Golf Club, 546 Palmer Circle; D & G Investments dba Royale Casino, 202 – 6th Ave., SE; TWO CS Inc. dba Schwan’s Recreation, 714 – 1st Ave., NE; Stacy Gossman dba Scotty’s Bar and Grill, 719 N. Main Street; Slackers Bar LLC dba Slackers, 319 S. Main Street; Sooper Stop Inc. dba Sooper Stop, 19 N. Dakota Street; South C Store Inc. dba South C Store, 1020 S. Main Street; I-90 Fuel Services dba Starlite Truckstop, 602 S. Hwy #281; Target Stores dba Target, 3316 – 7th Ave., SE; Brass Kettle LLC dba The Brass Kettle, 322 S. Main Street; R & F Inc. dba White House Inn, 500 – 6th Ave., SW.

SET HEARING DATE – of July 8, 2019 at 5:30 p.m. for the following applications: Special Retail On-Sale Liquor Licenses for Aberdeen Downtown Association on July 11th for Summer Concert Series, S. Main Street from Railroad Ave. to 1st Ave.; August 2nd for Summer Concert Series, S. Main Street from Railroad Ave. to 1st Ave.; August 23rd and August 24th for Sizzlin Summer Nights, S. Main Street from Railroad Ave. to 6th Ave.; Retail On-Off Sale Malt Beverage & SD Farm Wine License and Retail On-Off Sale Wine & Cider License for Family Dollar Store of South Dakota, LLC dba Family Dollar, 412 – 6th Ave., SW.

SET HEARING DATE – of July 15, 2019 at 5:30 p.m. for a petition to vacate public right-of-

way for 16' wide public alley right-of-way within Block 27, First Addition to Aberdeen, commencing at the South side of 4th Ave., SE public right-of-way and continuing South 300' to 5th Ave., SE public right-of-way (403, 413, 419, and 423 S. Main St., 12 – 4th Ave., SE, and 408, 410, and 420 S. Lincoln St.)

PLATS – 1) Verne Little Subdivision in the City of Aberdeen, in the NW ¼ of Sec. 13, T123N, R64W of the 5th P.M., Brown County, SD (510 N. Main St.); 2) HAPI 2019-2 Subdivision to the City of Aberdeen, in the N ½ of Sec. 13, T123N, R64W of the 5th P.M., Brown County, SD (324 N. Washington St.); Mestas Addition, in the SW ¼ of Sec. 26, T124N, R64W of the 5th P.M., Brown County, SD (12888 and 12892 Laura Lane); Meadowlark Acres Second Addition to Aberdeen, in the NW ¼ of Sec. 22, T123N, R63W of the 5th P.M., Brown County, SD (5206 and 5210 Kingfisher Ave., NE) with the stipulation that one of the two water/sewer services is retired from service; 5) B and P Holm Addition to the City of Aberdeen, in the SE ¼ of Sec. 7, T123N, R63W of the 5th P.M., Brown County, SD (1003 N. Roosevelt St.) with the stipulation that the petitioners have sidewalk installed, where missing, along all the platted rights-of-way within five years of the plat filing date; 6) HAPI 2019-1 Subdivision to the City of Aberdeen, in the SW ¼ of Sec. 13, T123N, R64W of the 5th P.M., Brown County, SD (411 S. 3rd St.) with the stipulation that the accompanying petition to rezone is also accepted.

LICENSE – Motor Bus Driver – Mark Christianson

DEPARTMENTS' BOARD REPORTS AND MINUTES – Aberdeen City Planning Commission Meeting Minutes; Board of Zoning Adjustment Meeting Minutes; Brown County/Aberdeen City Planning Commission Meeting Minutes; K.O. Lee Aberdeen Public Library Board of Trustees Meeting – receive and place on file.

All voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 19-06-01

City Planning/Zoning Director Brett Bill presented a petition to rezone the property described as Lot 2, Brown County Commissioner's Third Subdivision (1019 – 1st Ave., SE) from (M) Municipal, State, and County Use District to (I-2) Unrestricted Industrial District. Motion by Rux, second by Johnson to approve first reading of Ordinance No. 19-06-01 to rezone the property as requested. Upon roll call, all voting aye, motion carried.

ORDINANCE NO. 19-06-02

City Planning/Zoning Director Brett Bill presented a petition to rezone the property described as Lot 9 and the S. 47' of Lot 10, Block 24, First Addition to Aberdeen (411 and 413 S. 3rd Street) from (C-3 Central Business District/R-4 Special Density Residential District) to (R-3) High Density Residential District. Motion by Johnson, second by Lunzman to approve first reading of Ordinance No. 19-06-02 to rezone the property as requested. Upon roll call, all voting aye with Ronayne abstaining, motion carried.

ORDINANCE NO. 19-06-03

Transportation Director Rich Krokkel asked the Council to approve first reading of Ordinance No. 19-06-03 to lease Airport property to AGTEGRA Cooperative for an aerial agricultural spraying operation. Motion by Bunsness, second by Johnson to approve first reading of Ordinance No. 19-06-03 as requested. Upon roll call, all voting aye, motion carried.

PUBLIC HEARING ON SALE OF FEDERAL BUILDING PROPERTY

Mayor Levsen opened the hearing for questions or comments on the sale of the Old Federal Building surplus property at 102 – 4th Avenue, SE. City Manager Lynn Lander explained the sale of the property to Kiefer Enterprises, LLC for the purchase price of \$850,000.

Mayor Levsen closed the hearing. Motion by Rux, second by Bunsness to approve the sale to Kiefer Enterprises, LLC, or its assignee, APO, LLC, for the purchase price of \$850,000, less closing costs, of the real property declared surplus by the Council by Resolution No. 18-07-03R and described as Lots 3 and 10, Block 28, First Addition to Aberdeen, Lots 1, 2, 3, 4, 5, and 6, Hagerty's Subdivision of Lots 1 and 2, Block 28, First Addition to Aberdeen, and Lots 7, 8, 9, 10, 11, and 12, Hagerty's Subdivision of Lots 11 and 12, Block 28, First Addition to Aberdeen, together with all of the vacated alley lying adjacent to said Lots, all according to the plats thereof of record, Brown County, South Dakota, and to authorize the Mayor and City Manager to execute documents necessary to conclude the sale of the real property. All voting aye, motion carried.

HEARING ON TRANSFER OF MALT BEVERAGE LICENSE

Mayor Levsen opened the hearing on a transfer of Retail On-Off Sale Malt Beverage & SD Farm Wine License with Video Lottery from Veinte Inc. dba Black Diamond Casino at 120 – 6th Ave., SW Suite 2 to 1202 – 8th Ave., NE Suite 2. No one was present to testify in opposition to the transfer of the malt beverage license so Mayor Levsen closed the hearing. Motion by Ronayne, second by Remily to approve the location transfer of the Malt Beverage & SD Farm Wine License with Video Lottery for Veinte Inc. dba Black Diamond Casino from 120 – 6th Ave., SW Suite 2 to 1202 – 8th Ave., NE Suite 2. All voting aye, motion carried.

HEARING ON SPECIAL LIQUOR LICENSES

Mayor Levsen opened the hearing on requests for Special One-Day Retail On-Sale Liquor Licenses for Aberdeen Area Chamber of Commerce's Business After Hours Events on July 11th at 1st Ave., SE between S. Main Street and Market Street including a Community Event Permit application; August 8th at Aberdeen Flying Service, 4400 – 6th Ave., SE #AA; Sept. 12th at NSU Science Center, 1200 S. Jay Street; Oct. 10th at Pierson Ford Show Room, 701 Auto Plaza Drive; and Nov. 14th at Aberdeen Civic Arena, 203 S. Washington Street. No one was present to testify in opposition to the requests for special liquor licenses so Mayor Levsen closed the hearing. Motion by Olson, second by Remily to approve the Special One-Day Liquor Licenses and the Community Event Permit for Aberdeen Area Chamber of Commerce's Business After Hours Events as requested. All voting aye, motion carried.

COMMUNITY EVENT PERMIT

Motion by Ronayne, second by Rux to approve a Community Event Permit for the Yelduz Shriners Midwest Shrine Association Summer Parades on August 1st and August 3rd including street closures from Presentation College going South on Main Street to Railroad Avenue and from 24th Avenue, NE to North Dakota Street to 22nd Avenue NE to 24th Avenue, NE during the parades. All voting aye, motion carried.

SUBMISSION OF PROPOSALS FOR 2020 PROMOTION FUND BUDGET

City Manager Lynn Lander explained the document prepared of proposals submitted by the City Council for the 2020 Promotion Fund Budget in the amount totaling \$1,213,000. Lander asked the Council for preliminary approval of the 2020 Promotion Fund Budget median calculations as presented for inclusion in the 2020 Budget Proposal. Motion by Ronayne, second by Rux to approve of the 2020 Promotion Fund Budget median calculations for inclusion in the 2020 Budget Proposal. Bunsness questioned the ordinance passed previously regarding the 100% sales tax rebate and refund from the Promotion Fund. The second 50% of the rebate was to come from the 3rd penny and Bunsness reminded the Council of the obligation. Motion by Bunsness, second by Ronayne to amend the Promotion Fund Budget calculation proposals moving \$18,000 from unexpended fund balance to Aberdeen Development Corporation Sales Tax Rebate. All voting aye, motion carried. On the original motion to approve the 2020 Promotion Fund Budget median calculations as amended for inclusion in the 2020 Budget Proposal to be delivered by the City Manager on July 29, 2019, all voting aye, motion carried.

REAPPOINTMENTS TO LIBRARY BOARD

Motion by Rux, second by Johnson to reappoint Troy McQuillen to the K.O. Lee Aberdeen Public Library Board of Trustees for another three-years ending June 30, 2022. All voting aye, motion carried.

Motion Slaight-Hansen, second by Ronayne to reappoint Peter Ramey to the K.O. Lee Aberdeen Public Library Board of Trustees for another three-years ending June 30, 2022. All voting aye, motion carried.

CHANGE ORDER/PAYMENT FOR ACCESSIBLE QUADRANT IMPROVEMENTS

City Engineer Robin Bobzien presented Change Order #2 in the amount of \$46,275.90 and Payment Request #2 in the amount of \$75,690.24 to Wright & Sudlow for work on the Accessible Quadrant Improvements Project. Motion by Olson, second by Ronayne to approve Change Order #2 in the amount of \$46,275.90 and Payment Request #2 in the amount of \$75,690.24 to Wright & Sudlow as requested. Upon roll call, all voting aye, motion carried.

PAYMENT FOR STREET MAINTENANCE CONCRETE REPAIR

City Engineer Robin Bobzien presented Payment Request #3 in the amount of \$45,738.99 to CWF Masonry & Construction for work on the Street Maintenance Concrete Repair Project. Motion by Ronayne, second by Bunsness to approve Payment #3 in the amount of \$45,738.99 to CWF Masonry & Construction as requested. Upon roll call, all voting aye, motion carried.

BILLS

Motion by Slaight-Hansen, second by Lunzman to approve payment of the bills listed for June 24, 2019, and any additions thereto, such bills having been audited by the Finance Officer and fully itemized and authorize the Mayor or City Manager to sign, and the Finance Officer to countersign, all warrants for payment of the following approved bills: Northwestern Energy 23,434.63; Nationwide Employee Benefits 470.88; Neil & Joan Bellikka 30,713.19; Verizon Wireless 31.89; J & K Mowing Service 512.50; LTK Heating & Cooling 3,206.64; CVB 28,870.80; Business Improvement Dist. 9,120.37; UPS 227.75; Brian Jarvis 155.40; Jordan Kruthoff 21.00; Kevin Vandarwarka 193.20; Baymont Inn & Suites 139.98; B & B Contracting 107,431.82; DeGroot Concrete & Construction, LLC 9,537.35; First Premier Bank 21.16; Vic Fischbach 41.31; Jean Speidel 40.58; Dean Kiefer 37.86; Jon Malsam 65.87; Wayne Pitz 25.11; Norm Fjelstad 40.18; Mary Job 44.47. Upon roll call, all voting aye, motion carried.

PAYROLL

Motion by Rux, second by Olson to approve the payroll for the period from June 9, 2019 through June 22, 2019 and city share of social security, old age & survivor's insurance, retirement, health and life insurance: Wells Fargo 165,974.15; SD Retirement 75,977.05; Governing Body 3,192.28; City Manager 8,313.35; City Attorney 6,873.75; Finance 14,130.07; HR 7,643.83, Building 1,711.35; Computer 4,530.70; Planning/Zoning 14,905.27, Chris Brick 23.97 hr; Engineering 13,601.20; Police 133,719.19, Jordan Lemke 26.46 hr, Jordan Majeske 26.46 hr, Fire 106,822.35, Housing/Building 6,395.35; Street 28,828.61; Traffic 11,492.08; Solid Waste 25,516.90; Transportation/Ride Line 17,448.32, Library 27,003.35; Parks, Rec & Forestry 229,586.50, Ellen Dinger 12.75 hr, Alex Harper 10.25 hr, Linda Heiser 12.25 hr, Cynthia Jones 12.75 hr, John Litwiller III 10.50 hr, Catherine Tramonte 12.00 hr, Airport 18,644.17; Pipe 31,592.35; Water Treatment 17,639.25, David Flanigan 13.00 hr; Meter 1,574.40; Water Reclamation 21,818.46, Christopher Holmes 19.68 hr; Pump 17,346.61, Old Federal Crths Bldg 1,619.60. Upon roll call, all voting aye, motion carried.

CITY MANAGER'S REPORT

Lynn Lander gave the City Manager's Report and announced upgrades to the City Council Meeting live on TV, Midco Channels 9 and 589, and on NVC, Channel 7, and a farewell event on Thursday, June 27th, at the Library in recognition of Mayor Levsen's and Slaight-Hansen's years of service to the community.

There being no further business, motion by Ronayne, second by Bunsness to adjourn the meeting. All voting aye, motion carried.

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