

CITY COUNCIL PROCEEDINGS

City Council Chambers, Municipal Building, 123 South Lincoln, Aberdeen, South Dakota, October 27, 2008, 5:30 p.m., regular meeting, Mayor Mike Levensen presiding. Present at roll call were Council Members Tom Agnitsch, Nancy Aman, David Bunsness, Todd Campbell, Lloyd Hodgins, Jim Kraft, Jeff Mitchell and Clint Rux.

Mayor Levensen led the Pledge of Allegiance.

MINUTES

Mitchell moved, Aman seconded to approve the minutes of October 20, 2008 as circulated. All voting aye, motion carried.

OLD BUSINESS

ORDINANCE NO. 08-10-02

Hodgins moved, Aman seconded to approve second reading and final adoption of Ordinance No. 08-10-02. All voting aye, motion carried.

CONSENT CALENDAR

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

SET HEARING DATE – November 10, 2008 at 5:30 p.m. for the following applications for Renewal of Alcoholic Beverage Licenses: Renewal of Retail On-Sale Liquor License – Saguirre Inc dba Mazatlan Mexican Restaurant, 1 S. 1st St. (w/Sunday sales & video lottery); City of Aberdeen dba Aberdeen Airport Terminal, 4740 6th Avenue SE; Wild Oats LLC dba Wild Oats Sports Bar, 322 S. Main St. (w/Sunday sales & video lottery); Kay Dee Enterprises Inc Maverick's Steak & Cocktails, 1702 6th Avenue SE (w/Sunday sales); Ronco Foods Inc dba Shenanigans, 3315 6th Avenue SE #68 (w/Sunday sales & video lottery); Renewal of Package Off-Sale Liquor License – Wild Oats LLC dba Wild Oats Sports Bar, 322 S. Main St.; Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 6th Avenue SE; CC&K Inc dba CK's C-Store, 711 N. 2nd St.; CCK Inc dba CK's East, 1202 8th Avenue NE; Kessler's Inc dba Kesslers Liquor, 621 6th Avenue SE; Ochenta Inc dba The Wolf Stop, 524 6th Avenue SE; Treinta Inc dba C-Express, 2303 6th Avenue SE; E-Z Stop Food Marts Inc dba E-Z Stop

Food Mart, 421 S. Roosevelt St.; Renewal of Retail On-Off Wine License – Wild Oats LC dba Wild Oats Sports Bar, 322 S. Main St.; Kay Dee Enterprises Inc dba Maverick's Steak & Cocktails, 1702 6th Avenue SE.

NOTICE OF HEARING – Revocation of Alcoholic Beverage License No. RB-3355 – Jerry J. Brooks/Generations, 22 2nd Avenue SE – set hearing for December 1, 2008.

PETITION TO VACATE – Right-of-Way – East/West Alley adjacent to Lots 1, 2, 3, 4, 9, 10, 11, 12, Block 19, Highland Park Addition and Lots 1 and 2, Railroad Subd. Of Block 19, Highland Park Addition, all located in the NW ¼ of Section 23, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD – set hearing date of November 17, 2008 at 5:30 p.m.

PLATS – 1) Menards AmericInn Second Subdivision in the SE ¼ of Section 17, T123N, R63W of the 5th P.M., Brown County, SD; 2) Harr Motors Subdivision in the SW ¼ of Section 16, T123N, R63W of the 5th P.M., Brown County, SD; 3) Haug and King First Addition to the City of Aberdeen, SD, located in the NW ¼ of Section 24, T123N, R64W of the 5th P.M., Aberdeen, Brown County, SD; 4) Johnson's 1st Consolidation Subdivision in Aberdeen, SD, located in the NW ¼ of Section 25, T123N, R64W of the 5th P.M., Aberdeen, SD.

LICENSES – Residential Building Contractors – Terry L. White, Mike Dutenhoffer Construction, Mike Grieben, Stephen J. Darling.

REFUND – Taxes for George Jundt at 119 Railroad Avenue SE.

DEPARTMENT REPORTS – Parks & Recreation Board Minutes; Aberdeen Regional Airport Board Minutes; Aberdeen City Planning Commission Minutes; Brown County/Aberdeen City Planning Commission Minutes; Board of Zoning Adjustment Minutes – receive and place on file.

LOTTERY NOTICE – Aberdeen Swim Club – receive and place on file.

All voting aye, motion carried.

NEW BUSINESS

ORDINANCE NO. 08-10-01

An Ordinance amending Ordinance No. 1164 to rezone certain described property from Section 701 (A-1) to Section 704 (R-2) Lots 3, 4, and 5, Gugel's 2nd

Subdivision in the SW ¼ of Section 6, T123N, R63W of the 5th P.M., Aberdeen, Brown County, SD was presented. Mitchell moved, Bunsness seconded to approve first reading of Ordinance No. 08-10-01. Upon roll call, all voting aye, motion carried.

RESOLUTION NO. 08-10-03R

Aman moved, Mitchell seconded to approve the following resolution:

RESOLUTION LEVYING AN ANNUAL SPECIAL
ASSESSMENT FOR PARKING FACILITIES

WHEREAS, the City of Aberdeen did on June 24, 1980, adopt an ordinance creating an appointive board to manage public parking facilities, and

WHEREAS, the board appointed to manage said parking facilities has determined that there is needed the total sum of Seventy-eight Thousand Six Hundred Thirty-eight Dollars (\$78,638) to operate said parking facilities for the year 2009 and have recommended to the Aberdeen City Council that they cause to be levied a special assessment in the parking district sufficient to raise said sum to be used for the purpose of operating, maintaining and repairing the public parking facilities to be managed by the board so appointed, and

WHEREAS, the Board so appointed is to manage and operate all City-owned parking lots and facilities, except on-street parking, in the area defined in the Revised Ordinances of Aberdeen, South Dakota, and

WHEREAS, the governing body of the City of Aberdeen has determined that there is to be during the year 2008 (collectible in 2009) levied an annual special assessment (collectible in 2009) against all real property in the parking district the amount as recommended for the purpose of operating, maintaining and repairing said public parking facilities for the year 2009, and

WHEREAS, it has been determined that the annual special assessment shall be apportioned against the real property within the boundaries of the area designated according to the benefits to accrue to said property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNCILMEMBER'S, and they hereby find, determine and declare that it is necessary to levy during the year 2008 a total annual special assessment for the purpose of operating, maintaining and repairing the public parking facilities managed by the board the sum of Seventy-eight Thousand Six Hundred Thirty-eight Dollars (\$78,638) to be used during the year 2009, and that said sum shall be assessed against all assessable lots and tracts of land within the boundaries of the areas so designated, according to the benefits to accrue to said property, and said Board of Councilmember's hereby determine that the benefit formula to

be used in said district shall be arrived at by determining the total value of all assessable property in said district, and to make a determination as to real property that is used 100% as residential property, and that property used 100% for residential purposes is only to be assessed at 25% of its total assessed value for the purpose of this special assessment, and that based upon said assessable value determine a levy sufficient to raise the total sum required for operation of said parking district, and that the amount of assessed valuation of real property will be the same as the amount shown on the Notice of Assessed Valuation. Each lot shall be assessed the pro rata share of the total sum of the special assessment per its assessed valuation.

BE IT FURTHER RESOLVED that the City of Aberdeen hereby directs that the amount of assessment above described to the general assessment to the County Auditor to be collected as municipal taxes for general purposes, and the property owners are to be notified of said special assessment in the same manner that they are notified of general assessment, and the assessment shall be subject to review and equalization in the same manner as assessments or taxes for general purposes.

All voting aye, motion carried.

HEARING – SPECIAL ONE DAY

This being the time and place set for a hearing on application for a Special One-Day Retail On-Off Sale Malt Beverage license on November 7, 2008 for Aberdeen Downtown Association dba Brews and Blues, 10 2nd Avenue SW, no one was present to testify, recommendation for approval was received, Kraft moved, Agnitsch seconded to approve and authorize the Mayor to sign application. All voting aye, motion carried.

TERMINATION OF LEASE

Aman moved, Campbell seconded to approve termination of lease with Blackstone, LLC for Roosevelt and Washington Buildings. 6 ayes, 1 nay (Hodgin), Bunsness abstained, motion carried.

CONTRACTS – SNOW REMOVAL OPERATIONS

Bunsness moved, Mitchell seconded to approve and authorize the Mayor to sign contracts for snow removal operations: plowing snow – Lout Construction; plowing and hauling snow – Lien Transportation, Jacobs & Son Construction; wrecker service – Eddie's Northside 66, Habeck Garage dba Towing Plus. All voting aye, motion carried.

PAY ESTIMATE

Bunsness moved, Mitchell seconded to approve and authorize the Mayor to sign pay est. #8 – AIP #3-46-0001-027-2007 Taxiway 'D' – Upper Plains Contracting in the amount of \$964,529.90. Upon roll call, all voting aye, motion carried.

EAST FAIRGROUNDS ROAD RECONSTRUCTION PROJECT

Bunsness moved, Agnitsch seconded to approve and authorize the Mayor to sign Change Order #5 – adjust quantities & changes made in field – Upper Plains Contracting – a decrease in the amount of \$54,515.42; and Pay Est. #15 (Final) – work completed – Upper Plains Contracting in the amount of \$97,080.50. Upon roll call, all voting aye, motion carried.

BILLS

Mitchell moved, Kraft seconded to approve the following audited claims for services, supplies, repairs and maintenance: United Parcel Service 39.57; Dakotacare Administrative 74,622.36; Sun Life 486.00; Fleet Services 394.24; Aberdeen Business Improvement District 2,156.69; Aberdeen Development Corp 13,333.33; Northwest Engine 5.76; Travis Borns 41.47; Shandy Hanley 11.45; Vernon Bunsness 22.32; Terry Carlson 28.00; Midstates Printing Inc 34.03; Tim Murray 22.40; Delaine Klabo 46.88; Frances Little 47.27. Upon roll call, all voting aye, motion carried.

PAYROLL

Hodgin moved, Rux seconded to approve payroll for the period October 12 through 25, 2008 and city share of social security, old age and survivors insurance, retirement and health/life insurance: Governing Body 6,143.54; Attorney 3,190.40; Finance 12,173.60; HR 6,516.80; Building 171.60; Computer 1,679.20; Planning/Zoning 10,444.00; Engineer 8,975.20; Police 80,161.67, Trenton Lunstrum 18.55/hr, Erik RedHill 18.55/hr; Fire 76,566.81; Fire Prevention 2,257.60; Housing/Building 4,540.32; Street 21,112.71; Traffic 3,960.00; Solid Waste 15,812.20; Transportation 11,008.60; Library 18,991.68, Colleen Dawn 12.50/hr, Cindie Stoebner 8.00/hr; Parks, Recreation & Forestry 67,200.73, Bridgette Bauer 7.00/hr, Scott Bishop 7.50/hr, Tara Bruns 7.50/hr, Sarah Curley

7.00/hr, Tara Geffre 7.75/hr, Kevin Gross 9.00/hr, Brian Hanegan 7.25/hr, Nathan Kleinschmit 9.25/hr, Tina Konechne 8.25/hr, Monica Mandernach 7.75/hr, Elizabeth Maursetter 7.25/hr, Briana Mann 7.25/hr, Kyle Meier 7.00/hr, Breanna Milnes 7.75/hr, Rochele Moser 7.25/hr, Mackenzie Musel 7.00/hr, Stephanie Nygaard 7.25/hr, Jared Opp 8.25 or 10.25/hr, Blair Scoular 7.00/hr, Jill Sjoerdsma 7.00/hr, Kelley Suggs 7.00/hr, Amanda Truebenbach 8.00/hr, ; Airport 10,723.24, Robert Brown 11.90/hr; Pipe 16,958.71; Water Treatment 15,738.62; Meter 5,499.20; Wastewater 16,253.62; Pump 4,343.20; Wells Fargo 98,049.98; SD Retirement System 52,867.31. Upon roll call, all voting aye, motion carried.

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

Prepared by Cathy Feickert
For the Finance Office

Finance Officer