

Gregory City Council Meeting
August 18, 2008

The Gregory City Council met in regular session at the Gregory City Hall on Monday, August 18, 2008 at 7:30 p.m. The following members were present: Mayor Wade Juracek; Council Members, Tim Mills, Gerrie Soper, Maurice Schlaht, Dan DeSmet and Chad Peck. Absent was Council Member Kevin Mikkelsen. Others present were Finance Officer Al Cerny, Public Works Supt. Mark Fortuna and News Reporter Colleen Flynn.

AGENDA:

The following items were added to the agenda: BID Loan; Michael Jacobsen ambulance driving and; executive session to discuss personnel. Motion was made by Council Member Soper to approve the agenda with the noted additions. All members voted aye.

APPROVAL OF MINUTES:

Motion was made by Council Member Mills to approve as written the August 4, 2008 minutes. All members voted aye.

PUBLIC FORUM:

Gregory Fire Dept. Chief Lyle Haney and Brad Christensen met with the council to discuss an insurance coverage issue with the fire department. The city's pool insurance can only insure government entities. The insurance agent was not aware of the fire dept.'s 501(c)4 status, which makes the fire dept. ineligible for coverage, and the city personnel were not aware that the fire dept.'s 501(c)4 status would make a difference. Some options were discussed. One solution was to get outside insurance for the fire dept. The quote was \$4,655 per year. The council agreed to table the issue until they can talk to the city attorney and the city's insurance agent.

BID LOAN:

Ron Kyburz, representing the BID Group, met with the council to seek council approval for a low interest loan for Y and Chuc Nguyen to help in opening the Homesteader. The loan had already been approved by the BID members. Terms of the loan are: \$25,000 at 3% interest amortized over 10 years with a balloon payment at the end of 5 years. The BID group will hold the first position on their inventory if they should default. Motion was made by Council Member DeSmet to approve of the loan to Y and Chuc Nguyen. All members vote aye.

AMBULANCE DRIVING:

Michael Jacobsen met with the council to ask what he could do with helping out the ambulance driving. The council indicated that he would have to check with Mark

Fortuna on any transfer runs and if he was on water duty, he would have to get someone to fill in for him on transfers.

DEPT HEAD/MARK FORTUNA:

Mark Fortuna reported that they were doing some street patch work and cleaning ditches. He mentioned that there were a lot of junk vehicles around the town.

CLEAN-UP COMMITTEE:

Mayor Juracek talked about the need to get the junk items cleaned up in Gregory. He would like to appoint three people to a "clean-up committee". This committee will look at some junk areas and notices will be sent out to the people responsible for the junk. He will make his committee appointments at the next meeting.

AIRPORT/AWOS:

Ken Adams met with the council to discuss the idea of purchasing an AWOS (Automatic Weather Observing System) system for the Gregory Airport. If Gregory qualifies, most of the \$70,000 cost would be paid by federal grant dollars. Adams will pursue getting qualified for the AWOS system.

WATER LINE:

Maurice Schlaht had a question about getting three curb stops being located in a person's driveway. The person would like to get them removed. After some discussion, the council was informed that the curb stops are part of an individual's private water line and the city does not pay to move or put in private water lines, according to past city policies and procedures.

AUDITORIUM:

Mayor Juracek reported on the meeting with the school board over the re-payment of the heating and cooling system at the auditorium. The school can pay \$30,000 upfront and pay the remainder in July of 2009. They do not want to pay any interest. Motion was made by Council Member Schlaht to accept the school's re-payment terms. Ayes, DeSmet & Schlaht; Nays, Mills, Peck & Soper. Motion was defeated. Upon further discussion, motion was made by Council Member Mills to reconsider the original motion of accepting the payment plan of \$30,000 upfront, with the remaining balance being paid in July of 2009 with no interest charged. Ayes, DeSmet, Schlaht, Peck & Mills; Nays, Soper. Motion carried.

BID OPENING/CITY LOT:

Sealed bids were opened for the purchase of a city-owned lot with the legal description of Lot 6 of Block 73, Original Town of Gregory. One bid was received. The bid came from Rick and Anita Messerschmidt for \$2,000. Motion was made by Council Member Mills to accept the bid amount of \$2,000, which is at least 90% of the total

appraised price of \$2,200 from Rick and Anita Messerschmidt for property described as Lot 6 of Block 73, Original Town of Gregory. All members voted aye.

BID/AIR CONDITIONER:

The council did not receive a bid on the split type air conditioner. The item is appraised at \$1,000.00.

QUOTE/COUNCIL ROOM:

The council received one sealed quote to re-model the city council room. The bid was for \$1,200 from Steve McDowell. Motion was made by Council Member Peck to accept the bid of Steve McDowell's for \$1,200 to help remodel parts of the council room. All members voted aye.

BUILDING PERMIT:

The city council approved building permits for Darrell Jones and Knights of Columbus. Both parties are building sheds.

PETITION FOR ASSESSMENT:

The council received the following petition for assessment from Marlene Rezac:

PETITION FOR IMPROVEMENTS

To: City Council of Gregory, South Dakota

Petitioner respectfully shows:

1. The petitioner owns a parcel of real property within the proposed special assessment improvement described below.
2. The assessed values of the real property owned by petitioner in the proposed special assessment improvement comprises more than 55% of the total assessed value of all real property located in such district.
3. Pursuant to SDCL 9-45-23, petitioner request that the following local improvement be undertaken: construction of concrete sidewalks along the corner of Spencer Avenue and 5th street according to the general plans and specifications previously adopted for such sidewalks within the City of Gregory, Gregory County, South Dakota, on file in the office of the City Finance Officer.
4. Petitioner further represent that all provisions of SDCL 9-45 have been met and that the City Finance Officer and City Council take such action as is necessary to proceed with the special assessment process.

Wherefore, petitioner request that the City Council of Gregory, South Dakota, by resolution declare its intention to make such local improvement after public notice and

hearing, as provided by 9-45. Petitioner further requests that after all appropriate proceedings, the City Council make the proposed local improvement, and provide for the assessment of the parcel of real property within the improvement.

Dated this 18th day of August, 2008.

Marlene Rezac 222 E. 5th St. East 30' of East 80' of Lot 5; East 80' of Lot 6,
Gregory, SD 57533 of Block 59, Original Town of Gregory

PROPOSED RESOLUTION OF NECESSITY:

Motion was made by Council Member Peck to accept the petition for assessment and accept the following resolution of necessity. All members voted aye with Chad Peck abstaining.

RESOLUTION OF PROPOSED RESOLUTION OF NECESSITY

BE IT RESOLVED by the City Common Council of the City of Gregory, South Dakota, at a regular meeting thereof, held in the meeting room of the City Common Council in the City of Gregory at 7:30 o'clock p.m. on the 18th day of August, 2008, that the convenience and necessity has arisen to improve substantially the following in the City of Gregory, Gregory County, South Dakota, by the addition of sidewalk improvements where needed, such properties affected being hereinafter named on attached list marked Exhibit "A" and affecting such streets named on the attached list marked Exhibit "B".

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by engineers for the City of Gregory, and on file in the office of the Municipal Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that the cost of said project shall be assessed against all assessable lots and tracts of land fronting or abutting thereon, according to the provisions of SDCL 9-45-30 as to each of such lots or tracts above stated. The total cost of the project shall include the contract price. After determining the amount of the total cost of said project, the same shall be made on a per-foot basis, as provided by SDCL 9-45-30. The estimated cost as to sidewalk improvements is \$ 16.37 per assessable foot. The lots shall be classified as lots.

BE IT FURTHER RESOLVED that the assessments will be divided into 5 equal annual installments, which shall be payable under plan one, collection by the County Treasurer, as set forth in SDCL 9-43-30, and that all deferred installments shall bear interest at such rate as shall be determined by the City Council, but not in excess of eight (8) percent per annum.

BE IT FURTHER RESOLVED, that the above resolution shall be published once in the official newspaper of the City, with an appended notice stating the place and time, at least two weeks after such publication, at which the Common Council will meet for

consideration any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution. However, if such improvement be petitioned for by the owners of more than fifty-five percent of the frontage of the property to be assessed therefore, it may be provided for by resolution without publication.

BE IT FURTHER RESOLVED, that notice of shall cause personal notice to be sent by first class, certified mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied and has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner. Notice shall not be required to be sent to any person who shall have petitioned in writing or consented in writing to such improvement.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

THE COMMON COUNCIL OF THE CITY
OF GREGORY, SOUTH DAKOTA

Wade Juracek, Mayor

ATTEST: _____

Al Cerny, Municipal Finance Officer

BULL RIDING:

Motion was made by Council Member Mills to allow the use of the available industrial park land for a bull riding event during the 4th of July Celebration in 2009. All members voted aye.

JULY FINANCIAL REPORT:

The council reviewed the July financial report.

2009 BUDGET:

The council reviewed the preliminary budget for 2009 and agreed to have it put in final form. The first reading of the budget ordinance will be held at the next council meeting.

COUNCIL MEETING DATE:

The council agreed to change the next council meeting date to Tuesday, September 2, 2008 due the Labor Day holiday.

CLAIMS:

Motion was made by Council Member Soper to pay the following claims. All council members voted aye.

GENERAL FUND:

Appera, towels/mats/hand soap/coveralls	60.67
Buche Foods, airport air show meeting/refreshments.....	152.33
Gregory Athletic Club, activity calendar	6.00
Gregory Building Center, lumber	8.00
Gregory County Hwy Dept, road maintenance.....	75.00
Gregory Drug, photofinishing/batteries	71.02
Hawkins Inc., caustic acid/chlorine/reagents/container demurrage...	1,137.14
Hollis Haisch, 126.25 ton gravel.....	1,527.62
Louie's Grocery, pool concessions/cleaning supplies	888.87
Office Depot, binders/paper.....	59.87
Office Products Center, copy machine toner	35.00
Rosebud Auto Parts, thermometer tester/belts/bearings/fittings/filters starter/torx socket/spark plug/bulb/deodorizer/hose/nuts & bolts	402.02
Rosebud Electric Cooperative Inc., electricity	3,066.90
Rosebud Farmers Union, gasoline/diesel fuel/chain/propane/weed killer	3,259.41
Verizon Wireless, cell phone service.....	234.23
Total \$	10,984.08

ECONOMIC DEVELOPMENT FUND:

Y & Chuc Nguyen, revolving loan	25,000.00
Total \$	25,000.00

FIRE HALL DEBT SERVICE:

USDA Rural Development, fire hall payment #5	6,647.00
Total \$	6,647.00

WATER FUND:

Appera, coveralls.....	12.50
Hawkins Inc., chlorine/hydrofluosilicic acid	484.24
Office Depot, paper.....	30.28
One Call Systems Inc., locate tickets.....	15.00
Rosebud Electric Cooperative Inc., electricity	1,674.60
Rosebud Farmers Union, gasoline/weed killer	387.32
Verizon Wireless, cell phone service.....	74.10

	Total \$	2,678.04
SEWER FUND:		
Rosebud Electric Cooperative, Inc., electricity		46.08
Rosebud Farmers Union, gasoline		274.36
	Total \$	320.44
	Grand Total \$	45,629.56

PAYROLL OVERTIME APPROVED:

Michael Jacobsen, weekend water duty 8/16-17/08
 Jack Wenger, weekend water duty 7/19-20/08; 3.5 hrs overtime

8-5-08 PAYROLL (Sally Whiting):

BankWest, withholdings	89.62
Pool	394.48

8-6-08 PAYROLL:

BankWest, withholdings	3,884.60
SDRS, retirement	1,515.90
Aflac, insurance	78.04
Office of Child Support Enforcement, child support payment	219.23
City of Gregory, water/sewer payment	41.00
City of Gregory, extra cell phone charges	9.99
Finance Officer	1,587.20
Police Dept	4,822.13
Street Dept	3,156.80
Airport	289.00
Pool	2,683.75
Park	1,128.38
Library	762.83
Water Dept	2,280.00

8-13-08 PAYROLL (Missed on 8-6-08 Payroll):

BankWest, withholdings	118.35
Pool	16.88
Park	400.00
Library	135.00
Economic Development	200.00

AMBULANCE PAYROLL July 2008:

Ambulance, withholdings	1,518.32
Ambulance	6,331.75

EXECUTIVE SESSION:

Motion was made by Council Member Mills to go into executive session to discuss personnel. All members voted aye. Council went into executive session at 9:23.p.m. At 9:37 p.m., Mayor Juracek took the council out of executive session.

ACTION TAKEN:

Steve McDowell received a \$1.00 per hour increase in pay from \$10.50 per hour to \$11.50 per hour.

TIME CLOCK:

The council members want to get some prices on replacing the time clock that is broken and start having the city employees use a time clock.

POLICE INVENTORY:

The council wanted a police inventory done to account for the police department equipment that the police officers may have or use to insure that when an officer leaves employment with the city, all of the equipment is accounted for.

ADJOURN:

Motion was made by Council Member Schlaht to adjourn. All members voted aye.

Wade Juracek, Mayor

ATTEST: _____
Al Cerny, City Finance Officer