

Gregory City Council Meeting
November 2, 2009

The Gregory City Council met in regular session at the Gregory City Hall on Monday, November 2, 2009 at 7:30 p.m. The following members were present: Council Members, Gerrie Soper, Tim Mills, Chad Peck, and Blane Bartling and Kevin Mikkelsen. Absent were Mayor Dan DeSmet and Council Member Maurice Schlaht. Others present were Finance Officer Al Cerny, Public Works Supt. Mark Fortuna and News Reporter Colleen Flynn. Council President Tim Mills chaired the meeting in the mayor's absence.

AGENDA:

The following items were added to the agenda: vehicle loss statement, dog grooming business change of address, airport comprehensive improvement plan meeting set for Nov. 3rd. Motion was made by Council Member Mikkelsen to approve the agenda with the additions. All members voted aye.

APPROVAL OF MINUTES:

Motion was made by Council Member Soper to approve the minutes of October 19, 2009 as written. All members voted aye.

BIKE PATH:

The following people met with the council to discuss the proposed bike path route: Allen and Kim Veskrna, Ron and Darlene Shattuck, Ken and Lee Schmitz, and Brian Allmendinger. The group voiced several concerns including the closeness of the bike path to their property. There was discussion of moving the bike path farther out to the street and putting in curb and gutter. Motion was made by Council Member Mikkelsen to talk to the engineers about moving the bike path closer to the street and if possible to reduce the size from 8' wide to 6' wide and still be grant eligible. All members voted aye.

DEPT. HEAD REPORTS:

Chief of Police Dwight Ellwanger met with the council to give an update on the police department. The department has received two more grants. The first grant is for \$800 and is a 50/50 grant for body armor. The second is a \$4,600 grant with no city match for security cameras.

Public Works Supt. Mark Fortuna gave a short report and had a cost estimate for materials only to replace the old block storage building. The material cost was \$16,459.49. The council did not take any action because of budget and financial concerns.

VEHICLE LOSS STATEMENT:

The council agreed to sign the vehicle loss damage sheet submitted by the city's insurance carrier. The city will receive \$12,544.94 from hail damage.

DOG GROOMING BUSINESS:

The council received a request to move Shaggy Dog Grooming business to a residential area located at 115 W 8th Street. The business is open once a week. Motion was made by Council Member Peck to allow the use of the house to be used as a dog grooming business place. All members voted aye.

ORDINANCE #211 – BUDGET SUPPLEMENT:

Motion was made by Council Member Soper to approve the second reading of Ordinance #211 that would supplement the 2009 city budget. All members voted aye.

ALLEY ENTRANCE:

The gutter portion along the alley entrance to Kotrba Funeral Home is sunk and vehicles are having a tough time driving through it. The cost to fix would be \$20.00 per foot. Motion was made by Council Member Peck to fix the alley gutter by Kotrba Funeral Home at a cost of \$400.00. All members voted aye.

SIDEWALK PROPOSED RESOLUTION OF NECESSITY:

Motion was made by Council Member Bartling to approve of the following proposed resolution of necessity. All members voted aye.

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 2nd day of November, 2009, 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 the 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 of the project. 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 sidewalks is \$ 16.00 per assessable foot. The lots shall be classified as lots.

BE IT FURTHER RESOLVED that the assessments will be divided into five (5) equal annual installments, which shall be payable under Plan One, collection by the

County Treasurer, as set forth in SDCL 9-43-30, et seq., and that all deferred installments shall bear interest as 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 the consideration any objections to the proposed resolution by owners of property liable to be assessed for the improvement and adoption of the resolution. However, if such improvement were 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 actions as is necessary to carry out the intent of the resolution.

THE COMMON COUNCIL OF THE CITY
OF GREGORY, SOUTH DAKOTA

Dan Desmet, Mayor

ATTEST:

Al Cerny, Municipal Finance Officer

APPENDED NOTICE OF HEARING ON PROPOSED RESOLUTION OF
NECESSITY

NOTICE IS HEREBY GIVEN that on the 7th day of December 2009, at the hour of 7:30 o'clock p.m., at the Gregory City Council meeting room in the City of Gregory, South Dakota, has been fixed by the Gregory Common Council as the time and place for the hearing upon the Proposed Resolution of Necessity, at which time the Common Council shall consider any objections to the proposed resolution by owners of property liable to be assessed for the improvement.

THE COMMON COUNCIL OF THE
CITY OF GREGORY

STATE OF SOUTH DAKOTA)

: SS

COUNTY OF GREGORY)

I, the undersigned, being the duly qualified and acting Municipal Finance Officer of the City of Gregory, South Dakota, do hereby certify that the attached and foregoing is a full, and true and complete transcript of the minutes of a meeting of the City Council of said City, held on November 2, 2009, insofar as the original minutes relate to proceedings for the Special Assessment Project of said City.

WITNESS my hand and official seal of said City this 2nd day of November 2009.

Municipal Finance Officer
City of Gregory, South Dakota

WATER LOSS REPORT:

The council reviewed the yearly water loss report. The report shows the water loss has dropped to 14%.

FLU POLICY:

The council will review the proposed policy that handles employees and customers with flu symptoms. The policy will be looked at during the next council meeting.

WILDLIFE ASSESSMENT REPORT:

The wildlife assessment report for the land around the Gregory Airport was passed out to the council. The engineers will use the report to help the city buy some land to protect the flight zones areas.

CLAIMS:

Motion was made by Council Member Mikkelsen to pay the following claims as presented. All members voted aye.

GENERAL FUND:

Appera, towels/hand cleaner/coveralls/mats.....	40.89
Barco Municipal Products, 10-stop signs/school zone sign	356.86
Darcy Rolf Construction, caulk auditorium windows	100.00
Golden West, November phone service.....	866.54
Gregory Iron Works, iron work/snow plow pin	73.77
Gregory Times Advocate, council publishing	579.95
Jeff Althoff, setup computers at library	240.00
Klein's True Value, towels/bulbs/vac belt.....	16.86
Mr. Automotive, hose clamps/filter/hose/fittings/acetyl/headlight cap	90.85
Office Products Center, ink cartridge	15.99

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Petty cash, postage reimbursement	5.76
Rosebud Electric Cooperative Inc., electricity	2,889.42
Rosebud Farmers Union, diesel fuel/gasoline/tire repair/oil	1,652.90
Runnings Supply Inc., stop & tail lights/antifreeze/salt mix/fittings/oil	413.90
Sioux Empire American Red Cross, swim certificates	59.00
SD Dept. of Labor, ambulance unemployment claim.....	284.93
The Health Pool of SD, November health insurance.....	2,205.45
USDA APHIS Wildlife Services, airport wildlife hazard review	1,480.00
Wm. Krotter Co., shop towels/plexiglass/caulk	226.78
Total \$	11,599.85

3RD CENT SALES TAX:

Gregory Community Services Inc., % Lyle Martin, fundraiser advertising	500.00
Total \$	500.00

BIKE PATH PROJECT:

Schmucker, Paul, Nohr and Associates, bike path design	4,800.00
Total \$	4,800.00

WATER FUND:

Appeara, coveralls	6.34
Department of Revenue, water testing.....	74.00
Golden West, November phone service.....	81.67
Peck Construction & Excavation, 6 hours backhoe rent	360.00
Petty cash, postage reimbursement	2.18
Rosebud Electric Cooperative Inc., electricity	1,539.94
Rosebud Farmers Union, gasoline	110.02
The Health Pool of SD, November health insurance.....	882.18
Tripp County Water User District, water service	3,000.00
Wm. Krotter Co., concrete mix/concrete blocks.....	35.71
US Postal Service, water billing postage	196.28
Total \$	6,288.32

SEWER FUND:

Rosebud Electric Cooperative Inc., electricity	51.95
Rosebud Farmers Union, gasoline	94.30
Runnings Supply Inc., plug/connectors	63.48
Rural Development, November loan payment.....	4,285.00
Waylor Enterprises, lift station repair work.....	1,099.77
Total \$	5,594.50

WATER DEPOSIT:

Sonia Poessnecker, water deposit refund.....	6.12
Total \$	6.12
Grand Total \$	28,788.79

PAYROLL OVERTIME APPROVED:

Mark Fortuna, weekend water duty 10/17-18/09
Michael Jacobsen, weekend water duty 10/24-25/09
Jack Wenger, weekend water duty 10/31/09 & 11/1/09; 1 hr overtime

10-28-09 PAYROLL:

BankWest, withholdings.....	3,034.08
SDRS, retirement.....	1,644.88
Aflac, insurance.....	122.48
Office of Child Support Enforcement, child support payment.....	219.23
Finance Officer.....	1,635.20
Police Dept.....	5,513.87
Street Dept.....	3,221.28
Airport.....	297.84
Library.....	720.50
Water Dept.....	2,688.81
Economic Development.....	200.00
General Government Building.....	250.00

ADJOURN:

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

Tim Mills, Council President

ATTEST: _____
Al Cerny, Finance Officer