

Gregory City Council Meeting  
November 5, 2012

The Gregory City Council met in regular session at the Gregory City Hall on Monday, November 15, 2012 at 7:30 p.m. The following members were present: Mayor Maurice Schlaht; Council Members, Tim Mills, Chad Peck, Seymour Studenberg, Kevin Mikkelsen, and Blane Bartling. Council Member Shana Flakus was absent. Others present were Public Works Supt. Mark Fortuna, Finance Officer Al Cerny, and News Reporter Colleen Flynn.

AGENDA:

Two items were added to the agenda for discussion: 1) change order on 6<sup>th</sup> & Logan Street Improvements Project and Water Improvements Project, and 2) ROCS request for additional funds for new van available to Gregory. Motion was made by Council Member Bartling to adopt the agenda as posted with the two additions. All members voted aye.

APPROVAL OF MINUTES:

Motion was made by Council Member Mills to approve, as written, the regular minutes of October 15, 2012. All members voted aye.

DEPT. HEAD REPORTS:

Public Works Supt. Mark Fortuna reported that the concrete dip had been replaced at 5<sup>th</sup> & Whittecar Avenue. Asphalt still needs to be put in around the sides of the dip. A sewer cleaning company will be in Gregory on Tuesday to camera portions of sewer line on Felton Avenue to make sure the line can be re-lined. He commented that the airport had been busy.

7<sup>TH</sup> STREET RESOLUTION TO VACATE:

The council held a hearing on vacating 10' of the Seventh Street right of way that is adjacent to the south side of the Andy and Renee Thomas's property. Nobody was present at the hearing. Council Member Mikkelsen made the motion to approve the following resolution vacating 10' of 7<sup>th</sup> Street right of way. All members voted aye.

RESOLUTION TO VACATE

Andy and Renee Thomas are the property owners of Lots 7 and 8 of Block 8, Gregory Heights Addition to City of Gregory. Adjacent to Andy and Renee Thomas's property is Seventh (7<sup>th</sup>) street which is platted, but portions of the street are unimproved, including the North 10' of the platted street as it abuts Andy and Renee Thomas's property as described above. Pursuant to SDCL 9-45-10, Andy and Renee Thomas have submitted to the City Council a verified "Petition to Vacate a Portion of a Street Right of Way" which is form described as follows, to-wit:

The North 10' of the platted Seventh (7<sup>th</sup>) Street right of way, adjacent to Lots 7 and 8 of Block 8, Gregory Heights Addition to City of Gregory.

WHEREAS, that the City Council, pursuant to SDCL 9-45-11, caused to be published once each week, for two consecutive weeks, the "Notice of Hearing" upon said petition:

WHEREAS, the City Council, pursuant to SDCL, held a hearing on said Petition on November 5, 2012 at 7:30 p.m. at the Gregory City Hall:

WHEREAS, the City Council has deemed it expedient that said matters should be proceeded with:

IT BEING RESOLVED AND ORDERED that the unimproved North 10' of platted Seventh (7<sup>th</sup>) Street that is adjacent to Lots 7 and 8 of Block 8, Gregory Heights Addition to Gregory, be vacated.

BE IT FURTHER RESOLVED that the Gregory City Finance Officer shall cause notice of this Resolution to Vacate be published and the same filed with the Gregory County Register of Deeds pursuant to SDCL 9-45-12.

City Council Member Kevin Mikkelsen offered the forgoing resolution. Upon roll call vote, the resolution carried by the following vote: Ayes, 5; Nays, 0.

Dated this 5<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Maurice Schlaht, Mayor  
City of Gregory

ATTEST: \_\_\_\_\_  
Al Cerny, City Finance Officer

PETITION TO VACATE:

The council received a petition from Marlene Miles to vacate 10' of the Seventh Street right of way as it adjoins her property. The council agreed to advertise for a hearing to vacate the requested 10' of 7<sup>th</sup> Street right of way.

PETITION TO VACATE  
A PORTION OF A STREET RIGHT OF WAY

I, the undersigned property owner of Lot 1; Lot 2; N16' of Lot 3 of Block 10, Gregory Heights Addition to City of Gregory, that is adjacent to the platted street right of way of Seventh (7<sup>th</sup>) Street, hereby petitions the City Council for the City of Gregory, South Dakota to vacate ten (10) feet of the platted Seventh (7<sup>th</sup>) street right of way that is adjacent to Lot 1 of Block 10, Gregory Heights Addition to Gregory.

The reasons for this vacation are as follows:

1. This portion of the 7<sup>th</sup> street right of way is unimproved.
2. There are no plans to use this portion of the street right of way.
3. At this time, there are no future plans for street development that would use this portion of the right of way.
4. This vacation would not affect the current use of 7<sup>th</sup> street.

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Marlene Miles, Owner of Lot 1 of Block 10,  
Gregory Heights Addition to Gregory

ATTEST: \_\_\_\_\_  
Al Cerny, City Finance Officer

#### HOLIDAYS FOR CITY EMPLOYEES:

The council agreed to change the city's policy on paid number of holidays for fulltime employees. The city will now follow the state's policy on granting paid holidays. The new policy will be effective January 1, 2013.

#### HEAD LIBRARIAN BENEFITS:

The council discussed giving the head librarian some benefits. The current city personnel handbook states that an employee has to work 40 hours a week to be considered full time and only full time employees receive city benefits. Currently the librarian works less than 40 hours a week so the position is not qualified for benefits. The council agreed to talk to the library board and the librarian about making this position full-time.

#### AIRPORT HANGAR GRANT AGREEMENT:

Motion was made by Council Member Mills to authorize Mayor Maurice Schlaht to sign the Financial Assistance Agreement (Project No. 3-46-0018-10-2012) for construction of a hangar. All members voted aye.

#### CREDIT CARD APPLICATION:

The city received a credit card application from BankWest to obtain a city credit card with no annual fees. Motion was made by Council Member Bartling to approve applying for a city credit card. All members voted aye.

#### OCTOBER FINANCIAL REPORT:

The members reviewed the October financial report, which included the balance sheet and revenue and expense report. Sales tax collected was up over last year.

#### PUBLIC NUISANCE REPORT:

The council received a report on items, including vehicles, houses and other public nuisance items that have been taken care of within the last year. In addition, a list of new items to be addressed was included. The new list of items will be handled

according to city policy on eliminating nuisances. There was discussion on drafting a new ordinance that would include an age limit on mobile homes. This was tabled until more information is gathered.

#### ROCS VAN:

The council agreed to give the ROCS agency a dollar match of \$7,600 to get a new van for the public transit program in the Gregory area.

#### CHANGE ORDER:

Motion was made by Council Member Peck to approve the change order that would take \$35,677.60 from the 6<sup>th</sup> & Logan Street Improvements Project and add it to the Water Improvements Project. All members voted aye.

#### EQUIPMENT PURCHASE:

The council had discussion on city purchases. It was agreed that any capitol assets purchase over \$2,000, would need prior council approval.

#### CLAIMS:

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

##### **General**

Appearra, utilities, \$49.57; Bartling Welding & Machine, iron, \$578.98; Burke Oil Company, airport fuel purchases, \$26,079.00; Commercial Asphalt, excise tax, \$72.50; Dockendorf Equipment Co., Inc., airport electric hose reel, nozzle & hose, \$3,787.18; FedEx, services, \$11.50; Galls LLC, tactical pants, \$99.98; Golden West, utilities, \$924.89; Gregory School District, reimb. for aud. light bulbs/repair fixture; \$213.88; Gregory Times Advocate, council publishing, \$216.03; Harrison Plumbing & Heating, aud. repairs, supplies, \$295.79; Health Pool of SD, health ins., \$2,612.85; Karl's TV, vacuum for city hall, \$248.88; Klein's True Value, chain links, \$4.58; Meyerink Farm Service, Inc., Volvo loader mounts, \$300.00; Mr. Automotive, oxygen refill, \$15.95; Office Products Center, supplies, service contract, \$137.41; Petty cash, car wash, postage, \$17.01; Plains Printing Co., stamped envelopes, \$287.87; Rosebud Auto Parts, supplies, \$44.21; Rosebud Electric Cooperative Inc., utilities, \$2,812.25; Rosebud Farmers Union, supplies, repair/maint., \$2,276.09; Runnings Supply Inc., supplies, \$385.30; Wm. Krotter Co., supplies, \$20.97 – **Total \$41,492.67**

##### **Water**

Ace's Backhoe Service, supplies, \$67.86; Appearra, utilities, \$7.11; Dakota Auto Care, repair/maint., \$58.61; Dept. of Revenue, prof. fees, \$52.00; Golden West, utilities, \$43.72; Harrison Plumbing & Heating, supplies, \$21.80; HD Supply Waterworks Ltd., supplies, \$646.84; Health Pool of SD, health ins., \$1,045.14; Menning Backhoe, trench water to Park Ave. residences, \$3,317.32; Office Products Center, \$18.50; Petty cash, \$2.90; Plains Printing Co., stamped envelopes, \$575.73; Rosebud Electric Cooperative Inc., utilities, \$1,996.08; Rosebud Farmers Union, gas, \$517.56; Runnings Supply Inc., fittings, \$10.10; Tripp County Water User District, utilities, \$3,000.00; US Postal Service, \$228.80 – **Total \$11,591.57**

**Sewer**

Ace’s Backhoe Service, repairs at 5<sup>th</sup> & Felton, supplies; \$2,169.86; Harrison Plumbing & Heating, supplies, \$11.35; Rosebud Auto Parts, \$394.15; Rosebud Electric Cooperative Inc., \$56.15; Rosebud Farmers Union, gas, \$109.02; Runnings Supply Inc., sand mix, \$16.36; Rural Development, \$4,285.00 (automatic pmt) – **Total \$7,041.89**

**Water Improvements 2011**

Menning Backhoe, payment #7, \$66,202.55; Schmucker, Paul, Nohr & Associates, engineering, \$3,901.65 – **Total \$70,104.20**

**6<sup>th</sup>/Logan Street Improvements**

Rosebud Farmers Union, grass seed, \$572.00; Schmucker, Paul, Nohr & Associates, engineering, \$957.50 – **Total \$1,529.50**

**Airport Hangar Capitol Project**

Helms & Associates, engineering, \$2,836.85; Sharpe Enterprises Inc., payment #1, \$27,478.65 – **Total \$30,315.50**

**Water Deposit**

Bridget Carlson, refund, \$20.00; Claude Labahn, refund, \$25.00; Ruth Myers, refund, \$5.00 – **Total \$50.00**

**Community Foundation**

Gregory Cinema Inc., \$2,500.00 – **Total \$2,500.00**

**Grand Total \$164,625.33**

**PAYROLL OVERTIME APPROVED:**

Mark Fortuna, weekend water duty, 10/13-14/12

Jack Wenger, weekend water duty, 10/20-21/12

**10-24-12 PAYROLL:**

BankWest, federal withholding, \$1,105.23; BankWest, FICA, \$1,475.80; BankWest, Medicare, \$411.54; SDRS, retirement, \$1,598.02; Aflac, employee deductions, \$158.26; Office of Child Support Enforcement, employee deduction, \$219.23; City of Gregory, employee deductions (cell phone), \$83.33; Finance Officer, \$1,728.00; Police Dept., \$4,635.14; Street Dept., \$3,396.70; Airport, \$495.95; Library, \$996.41; Economic Development, \$200.00; Water Dept., \$2,867.20

**ADJOURN:**

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

ATTEST: \_\_\_\_\_  
Al Cerny, Finance Officer

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Maurice Schlaht, Mayor