

City of Gregory
Regular Council Meeting
May 18, 2015

The Gregory City Council met in regular session at the Gregory City Hall on Monday, May 18, 2015 at the time of 7:00 p.m. The following members were present: Mayor Maurice Schlaht; Council Members: Tim Mills, Chad Peck, Shana Flakus, Seymour Studenberg, Blane Bartling and Stacey Boes. Also present were News Reporter Collen Flynn and Finance Officer Al Cerny.

Agenda

Motion was made by Blane Bartling and seconded by Stacey Boes to add the following items to the agenda: Set an assessment roll hearing date, discuss lifeguard salaries, and to approve the rest of the agenda as posted. All members voted aye.

Approve Minutes

Seymour Studenberg made the motion to approve the minutes as written for the May 5, 2015 regular council meeting, seconded by Stacey Boes. All members voted aye.

Public Forum: Holly Glover/Gregory-Dallas Chamber

Holly gave the council a financial report for the chamber and went thru a variety of activities and fundraisers that the Chamber has planned for the remainder of the year. There was also some discussion on how the council felt about the BID group applying for non-profit status and getting their own ID number. The council members were all right with the BID getting their own ID number and applying for non-profit status. Holly also asked for the 2nd quarter stipend for the chamber. This will be put in the claims for the June 1 meeting.

Tom Glover/SCWDD

Tom Glover, representing the South Central Water Development District (SCWDD), presented the council with a \$20,000 check for a grant to the City to help with the purchase of the updated water controls for the East well system. The council members thanked Mr. Glover for the SCWDD grant.

Committee Reports

Shana Flakus reported that she was going to have a nuisance committee report after the Memorial Day Holiday. She wants to get a system down for nuisance abatement and talk about some other ideas to help with nuisance buildings. Al Cerny gave a brief report on recent code enforcement activities. Two vehicle nuisances were abated and three letters on houses were mailed. In addition, the notice to mow lawns was sent to the paper for publication. It was acknowledged that there is a lot more to do and the code enforcement work will continue on.

New Business

Report on Grandview Addition

The bid opening for work on the Grandview Addition infrastructure that includes water, sewer, drainage, streets and curb and gutter, will be held on Wed., June 3, 2015. The council agreed to meet in special session on Thurs., June 4, 2015 at 7:00 p.m. to award the bid.

Rural Development Loans

Motion was made by Chad Peck to approve the following Rural Development acceptance loan resolutions for both the \$582,000 and the \$1,131,000 amounts to be used for the Grandview Addition Project that would pay for certain infrastructure improvements to the area, seconded by Seymour Studenberg. All members voted aye.

Position 5

USDAForm RD 1942-47
(Rev. 12-97)**LOAN RESOLUTION**
(Public Bodies)FORM APPROVED
OMB NO. 0575-0015

A RESOLUTION OF THE City Council
OF THE Gregory, City of Gregory County
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION
OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Grandview Addition - 2015
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Gregory, City Of Gregory County
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

582,000.00

pursuant to the provisions of SDCL; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

Position 5

RUS BULLETIN 1780-27

LOAN RESOLUTION
(Public Bodies)

APPROVED
OMB NO. 0572-0121

City Council

A RESOLUTION OF THE

Gregory, City of

OF THE

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water and Sewer System

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

Gregory, City Of

WHEREAS, it is necessary for the

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of One Million One Hundred Thirty-One Thousand & 00/100

SDCL-9-48-2

pursuant to the provisions of _____; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.

Proposed Resolution of Necessity

The council held the hearing on the Proposed Resolution of Necessity for the Grandview Addition project. Nobody was present to give testimony on the resolution. Motion was made by Chad Peck to approve of the Resolution of Necessity for the Grandview Addition project, seconded by Stacey Boes. All members voted aye.

RESOLUTION OF NECESSITY

BE IT RESOLVED THAT the City Common Council as follows:

Section 1. Declaration of Necessity. The City Common Council does hereby deem it necessary to construct water and sewer mains with individual hookups to the lots; asphalt streets with curb and gutter and grading work for proper drainage, to be financed, in total or in part, by special assessments in accordance with the plans and specifications on file with the finance officer and open to public inspection during regular business hours.

Section 2. General Nature of Improvement. The proposed improvements shall consist of shall consist of water and sewer mains to be extended thru the area to be assessed along with individual hookups to each lot. Logan avenue to be extended thru the area to first street; Grande Circle to have street extended along with water and sewer service; all streets to be asphalt with curb and gutter.

Section 3. Materials to be used. The materials to be used or material from which a choice may be made are as follows: plastic pipe for water and sewer mains and hookups; asphalt for the streets and concrete for the curb and gutter.

Section 4. Estimated Cost. The estimated total cost is \$1,713,000 which is estimated to be spread over 3,761 linear feet or the estimated cost per linear foot is \$455.

Section 5. Classes of Lots to Be Assessed. The classes of lots to be assessed are as follows:

There shall only be one class of lots. Each lot will be assessed the same amount.

Section 6. Method of Apportioning Benefits. The method of apportioning the benefits to the lots is as follows:

All lots shall share equally in the apportioning of the benefits to the area to be assessed.

Section 7. City Assumption of Costs. The City may, if it determines necessary, to assume a portion of the cost which shall be made by a subsequent resolution.

Section 8. Corner Lots. A portion of the costs for corner lots shall be paid as follows:

The total cost of the improvements will be spread over the entire area. Each lot shall share equally the cost of improvements.

Section 9. Plan of File with Finance Officer. The details, plans, and specifications may be reviewed at the finance office during regular office hours.

Section 10. Effective Date. This resolution shall become effective twenty days after publication upon which the City may cause the improvements to be made, may contract for the improvements, and may levy and collect special assessments as provided in SDCL Chapter 9-43.

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.

Dated this 18th day of May 2015.

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, true and complete transcript of the minutes of a meeting of the City Council of said City, held on May 18, 2015 insofar as the original minutes relate to proceedings for the Special Assessment Project of said City.

WITNESS my hand and official seal of the City of Gregory this 18th day of May 2015.

Al Cerny, Municipal Finance Officer
City of Gregory, South Dakota

Grandview Addition Assessment Roll Hearing

Motion was made by Blane Bartling to set June 15, 2015 as the date to hold the assessment roll hearing for the Grandview Addition project, seconded by Tim Mills. All members voted aye.

RESOLUTION PROVIDING FOR HEARING ON ASSESSMENT ROLL

IT IS RESOLVED, pursuant to SDCL 9-43-90, that the City of Gregory on the 15th of June 2015 at the hour of 7:30 o'clock p.m. in 120 W 6th Street, Gregory, South Dakota of the City Council in the City of Gregory, Gregory County, South Dakota, be and the same is hereby fixed as the time and place for hearing upon the Special Assessment Roll for Water, Sewer, Street, Curb and Gutter Improvements in the City of Gregory when and where any person interested may appear and show cause, if any he has, why the Governing Body of the said City of Gregory South Dakota should not approve and levy said assessments against the respective premises as set forth in said assessment roll, to defray the costs of the construction of said improvements.

BE IT FURTHER RESOLVED that the Municipal Finance Officer of the City of Gregory South Dakota shall be and she is hereby authorized and directed to cause notice of the time and place for hearing upon said special assessment roll to be published in the Gregory the official newspaper in the City of Gregory, South Dakota, for one week prior to the date set for such hearing, which Notice in general terms shall describe the improvement for which said special assessment is levied, the date of filing of the assessment roll, the time and place for hearing thereon, and that said roll will be open for public inspection at the office of the Municipal Finance Officer of the City of Gregory South Dakota; and said Notice shall refer to said assessment roll for further particulars.

BE IT FURTHER RESOLVED that the said Municipal Finance Officer of the City of Gregory, South Dakota shall mail a copy of said Notice, by first class mail with postage thereon fully paid, addressed to the owner(s) of any property to be assessed for such improvement at his or their mailing address as shown by the records of the Director of Equalization, and that such mailing shall be done at least one (1) week prior to the date set for said hearing.

GOVERNING BODY OF THE CITY
OF GREGORY, SOUTH DAKOTA

ATTEST:

Maurice Schlaht, Mayor

Al Cerny, Finance Officer

Ordinance No. 2015-04

Ordinance No. 2015-04, an ordinance that would make it mandatory for all residents of Gregory to be hooked up to city water service, if possible, was put on its second reading. Motion was made by Tim Mills to approve the second reading of Ordinance No. 2015-04, seconded by Chad Peck. All members voted aye.

Ordinance No. 2015-05

Ordinance No. 2015-05, an ordinance that would make it mandatory for all residents of Gregory to be hooked up to city sewer service, if possible, was placed on its second reading. Motion was made by Blane Bartling to approve of the second reading of Ordinance No.2015-05, seconded by Shana Flakus. All members voted aye.

Building Permit

The council reviewed a building permit submitted by Vic Schmitz for a house addition. The planning commission had previously approved the permit. Motion was made by Chad Peck to approve the building permit for Vic Schmitz, seconded by Seymour Studenberg. All members voted aye.

Lifeguard Salaries

The council members agreed that the new lifeguards will be paid at the state minimum wage of \$8.50 and second year lifeguards will be paid \$8.75 per hour. The pool manager will receive \$10.50 per hour. At the next meeting, names and salaries for all lifeguards/summer help will be posted in the minutes.

Claims

The following claims were approved for payment upon a motion by Chad Peck and a seconded by Blane Bartling. All members voted aye.

| | | |
|------------------------|--|----------|
| Appeara | Mats/Dust Mop/Towels/Hand Cleaner/Coveralls | 61.52 |
| B & F Variety | 4 Flower Pots For Buttes/Cd-R Discs/Batteries/Legal Pads | 135.90 |
| Bartling Welding & Mac | Iron | 31.34 |
| Buche Foods | City Hall Garbage Bags | 32.29 |
| Cardmember Service | Fireworks Class Lodging-Flandreau/Antivirus/Surveillance Cam | 423.01 |
| Clark Mosquito Control | Strainer For Mosquito Fogger | 28.67 |
| Gregory Times-Advocate | Council Publishing | 823.70 |
| Hawkins Inc | Chlorine Cylinder Fee | 15.00 |
| Helms & Associates | Engineering/Airport Fuel System (Apron Exp Phase I) | 5,969.04 |
| Jim's Garbage Service | Garbage Pickup Service | 260.00 |
| Ken's Body Shop | Repair PD Blazer Door | 65.96 |
| Mr Automotive | Wiring Extender/ Cleaners/Oxygen/Screwdriver | 92.96 |
| Plains Printing Co | Envelopes | 935.10 |
| Rosebud Auto Parts | Disposable Gloves/Filters/Battery/Oil/Airport Car Sensor | 230.40 |

| | | |
|--------------------------|---|-------------|
| Rosebud Electric Coop | Electric Payment | 5,067.67 |
| Rosebud Farmers Union | Diesel/Gas/Oil/Hydraulic Oil | 2,922.28 |
| Runnings | Grease/Hydraulic Oil/Towels/Fittings/Switch/Pump/Fertilizer | 895.54 |
| Van Diest Supply Co | Mosquito Control Supplies | 1,182.40 |
| Verizon Wireless | Cell Phone Service | 463.78 |
| Wilson Heating & Cooling | Change Filters At Auditorium | 65.00 |
| Total | | \$19,701.56 |

Small Community Transportation Planning Study Grant

There was a short discussion on the City getting picked for a transportation planning study. A list of names of business owners, people who walk a lot in the town, school, ambulance, fire dept., hospital, police, city officials and others was compiled and given to the State. A lot of these people will be contacted for their input. In addition, a public meeting will be held to get input from other citizens. A person will be in Gregory this summer doing an inventory of the existing sidewalks and streets, studying traffic flow and looking at the signage. When completed, the city should have a plan that can be used to help better the city's transportation needs.

5-5-2015 Payroll: Finance Officer, \$1,980.80; General Government Building, \$297.09; Police Dept., \$4,200.75; Street Dept., \$3,701.51; Water Dept., \$2,575.07; Sewer, \$351.68; Airport, \$300.00; Ambulance, \$8,960.30; Library, \$1,339.51; Economic Dev., \$200.00; Total Gross Amt, \$23,906.71; Child Support, \$219.23; City of Gregory, \$60.00; EFTPS, \$5,491.43

Adjourn

Motion was made by Stacey Boes to adjourn, seconded by Chad Peck. All members voted aye.

Maurice Schlaht, Mayor

ATTEST: _____
Al Cerny, City Finance Officer