

City of Gregory
City Council Meeting Minutes
Monday, October 7, 2024 | 6:00 PM
Gregory City Hall, 120 W 6th St, Gregory, SD 57533

The Gregory City Council met in regular session on Monday, October 7, 2024, at 6:00 pm with Mayor Al Cerny presiding. The following City Council members were present: Ashley Lozano, Kristi Drey Guhner Kepler, and Laura Petersen. Cory Graber and Maurice Schlaht were absent. Also present were News Reporter Patty Connealy, City Attorney Amy Bartling, Library Director Tara Engel, P&Z Board Member Samuel Flakus, and Finance Officer Trudy Waterman. Rachelle Bloom and Dave Neuharth were visitors.

6:00 Pledge of Allegiance

Agenda Corrections/Additions/Approval Motion to add the Rosebud Farmers Union Coop Permit to the agenda made by Laura Petersen, seconded by Guhner Kepler. All ayes. Motion carried.

Approval of Minutes for Meeting October 16, 2024. Motion to approve the minutes made by Kristi Drey, seconded by Ashley Lozano. All ayes. Motion carried.

Public Forum – None

Department Head Reports – Library Director Tara Engel reported that she was on a discussion panel of veteran librarians in Aberdeen on September 26. Ms. Engel also announced that due to the work put in by her and her board members, the Gregory Public Library has received a Certificate of Accreditation for 2024-2027. The library has closed out the Stephanie Miller Summer Reading Program Grant, is working on the Christmas Tree Program, purging old computer user listings, and broadening the Afterschool Lego Program. The library also gained five new patrons in September. Finance Officer Trudy Waterman presented the Council with the monthly financial report including YTD sales tax receipts. Ms. Waterman also asked the Council for permission to proceed with a tree agreement for Dr. and Mrs. Fogel like the agreement with Larry and Kim Nordsiden. The Council gave permission to proceed.

Conflict of Interest – None

Old Business

- A. Abatement Update** – An abatement clean-up was conducted Friday October 4 at 909 Rice St. The clean-up lasted 3-4 hours and two items remain with a 3-week deadline to use or remove.
- B. Library Cameras** – The camera installation is set to begin Tuesday October 5, 2024.
- C. Library A/C Quote** – Council moved to put the A/C quote and decision on the next meeting agenda.
- D. Alley Update** – Mayor Cerny and Finance Officer Waterman reported that they had received an opinion on Friday October 4th, but there was not enough time to notify everyone for the meeting October 7th. The Council agreed to add the alley issue to the agenda for October 21, 2024.

ADDENDUM: The Alley Issue will be on the **November 4, 2024**, Agenda, **NOT** the October 21, 2024, Agenda as originally planned.

New Business

A. Building Permits Motion to enter Board of Adjustment made by Kristi Drey, seconded by Guhner Kepler. All ayes. Motion carried.

Mr. Samuel Flakus addressed the Council with the P&Z Board's recommendations.

Kaupp/Stephen's fence is approved by the P&Z Board, the contractor will have to find the half-way point. The Rosebud Farmer's Cooperative permit is approved by the P&Z Board to move a building, but they pointed out that the application missed the Ordinance deadline. The Connot variance is not approved by the P&Z Board as the Board prefers not to approve variances to put structures on residential property lines. The prior permit approval for the structure remains in place for the original location. Mr. Flakus also reported that a P&Z Board member caused property damage by driving on freshly installed sod and seed in a yard in the same area as the permit residence. Mr. Flakus stated that the contractor and real estate agent are notified.

Motion to approve the Stephens fence made by Ashley Lozano, seconded by Kristi Drey. All ayes. Motion carried.

Motion to approve the Kaupp fence made by Ashley Lozano, seconded by Kristi Drey. All ayes. Motion carried.

Motion to deny the Connot variance made by Guhner Kepler, seconded by Kristi Drey. All ayes. Motion carried.

Motion to table the Rosebud permit until October 21 made by Guhner Kepler, seconded by Kristi Drey. All ayes. Motion carried.

Motion to exit Board of Adjustment made by Kristi Drey, seconded by Guhner Kepler. All ayes. Motion carried.

B. IM28 Resolution -

RESOLUTION 2024-02 CITY OF GREGORY, SOUTH DAKOTA

WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State;

WHEREAS Initiated Measure 28, if passed, would remove state, municipal and tribal taxes on all items sold for human consumption except alcohol and prepared food;

WHEREAS "human consumption" is undefined in South Dakota Codified Law or the South Dakota Constitution. Black's Law Dictionary defines "consumption" as "the act of destroying a thing by using it; the use of a thing in a way that exhausts it.";

WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as "any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20.";

WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage and consumption of items that conform in all respects to the state tax on such items up to two percent;

WHEREAS the Attorney General’s explanation of the measure states legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Gregory levies a two-percent sales tax and collected \$134,000.00 in the 2023 fiscal year and \$87,930.00 year-to-date in the 2024 fiscal year;

WHEREAS The City of Gregory estimates annual lost revenue of \$135,000.00 unless Initiated Measure 28 is rejected by voters in South Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Gregory, that Initiated Measure 28 would negatively impact the municipal budget in our community.

Dated this 7th day of October 2024.

Al Cerny, Mayor

ATTEST:

Trudy Waterman, Finance Officer

Motion to approve the Resolution **against** IM28 made by Laura Petersen, seconded by Guhner Kepler. 4 ayes. 0 Nays. Motion carried.

C. City Park Sprinkler Bill- Discussion of the repair invoice, the original conversation with the Sunshine Club and agreement regarding the invoice, and the annual sprinkler contract going forward. Motion to reimburse the Sunshine Park Club for the invoice dated 8/29/2024 in the amount of \$1,471.08 made by Laura Petersen, seconded by Ashley Lozano. All ayes. Motion carried.

D. Sleeping Cots for the City Shop- Discussion of a solution for accommodating city employees that travel during inclement weather. FO Waterman presented the Council with a quote for two cots recommended by Kim Bruns of the Gregory Ambulance Service. Motion to purchase two cots to be available at the City Shop at the cost of \$178.98 made by Guhner Kepler, seconded by Ashley Lozano. All ayes. Motion carried.

E. Alice Slade Sewer Damage/Claim Report – FO Waterman reported that on September 29 Alice Slade’s basement had flooded with raw sewage and that Water Supervisor Marty Jung and Damon Eagle Star had addressed the problem immediately Monday morning. Waterman also reported that Mr. Jung and herself had contacted Mustang Disaster Clean-Up and the city’s insurance company. Ms. Waterman reported that Mustang hoped to have the cleaning completed on Tuesday October 8 and that the estimate and pictures have been submitted to the insurance company. There was no action required by the Council at this time.

F. Pay Claims –

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
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AFLAC	AFLAC INSURANCE	801.40
APPEARA	SUPPLIES/MATERIALS	134.85
BANKWEST	RDC FEE	90.00
CODE ENFORCEMENT SPECIALISTS	CODE ENFORCE 9/1-30/2024	1126.87
CYBERTEK SYSTEMS	IT/BACKUP/SECURITY	551.71
DAKOTA AUTO CARE LLC	PD-2017 FORD SENSOR	141.60
DIVISION OF CHILD SUPPORT	CHILD SUPPORT	517.46
EFTPS	FED/FICA TAX	5010.88
EMMETT KOTRBA	SURVEY ALLEY ISSUE	400.00
GOLDEN WEST	PHONE/INTERNET SERVICE	887.98
GREGORY/DALLAS CHAMBER OF	MONTHLY STIPEND	3125.00
GREGORY ECONOMIC DEVELOPMENT	MONTHLY STIPEND	2267.37
GREGORY FIRE DEPT	PASS THRU-INS REIMB	500.00
GREGORY PUBLIC LIBRARY	BOOKS/SUPPLIES	1264.31
GREGORY SCHOOL DISTRICT	ANNUAL FIRE/REPAIRS	704.85
GREGORY TIMES-ADVOCATE	COUNCIL PUBLISHING	391.91
HAWKINS INC	CHLORINE CYCLS	90.00
HEALTH POOL OF SD	HEALTH INSURANCE	6714.50
JERRY'S ELECTRIC & SERVICES LLC	AUDI-NEW ROOF TOP UNIT	11163.13
KIM'S CLEANING SERVICE	CITY HALL CLEANING	600.00
KLEIN'S HOUSEMOVING	LIB-REPAIR WATER ISSUE	5000.00
KLEIN'S TRUE VALUE	SUPPLIES	118.97
L & D CONSTRUCTION	REPAIR AUDI ROOF	14971.00
MR. AUTOMOTIVE	REPAIRS/MAINTENANCE	189.00
OFFICE PRODUCTS CENTER	SERVICE CONTRACT	70.00
PETTY CASH	POSTAGE REIMB	10.77
PUBLIC HEALTH LABORATORY	WATER TESTING	237.00
ROSEBUD ELECTRIC COOP INC	ELECTRIC PAYMENT	5288.13
RUNNINGS SUPPLY INC.	REPAIRS/MAINTENANCE	1787.06
RURAL DEVELOPMENT	PHASE 1 LOAN PAYMENT	10795.00
SD DEPARTMENT OF REVENUE	POOL SALES TAX	228.95
SDRS	SD RETIREMENT	4745.70
SDRS SUPPLEMENTAL RETIREMENT	SUPPLEMENTAL RETIREMENT	750.00
TARA ENGEL	MILEAGE REIMB	288.20
TRIPP COUNTY WATER USER DIST	2 MONTHS WATER SERVICE	6000.00
US POSTAL SERVICE	WATER BILLING POSTAGE	330.40
USDA RURAL DEVELOPMENT	FIREHALL	6647.00
Accounts Payable Total		93941.00

Motion to pay claims made by Ashley Lozano, seconded by Guhner Kepler. All ayes. Motion carried.

G. Executive Session

6:55 Motion to enter Executive Session to discuss personnel made by Laura Petersen, seconded by Kristi Drey. All ayes. Motion carried.

7:12 Mayor Cerny removed the Council from Executive Session. No action taken.

Request and decision to hold the **October 21, 2024**, meeting at **5:00** pm due to conflict with school activity.

H. Adjourn Motion to adjourn made by Laura Petersen, seconded by Kristi Drey. All ayes.
Motion carried.

Mayor Al Cerny

ATTEST: _____
Finance Officer Trudy Waterman