

AVON, SOUTH DAKOTA - JANUARY 4, 1999

The regular meeting of the Avon City Council was held on the above date at the Avon Legion Hall at 4:00 p.m. Roll Call: Mayor Ed VanGerpen, Finance Officer Haenfler, and Alderman: Reister, VanGerpen, Einrem, Oster, and Deurmier. Also present were City Attorney Tom Alberts, Steve Bublitz - Legislative Audit, and several people from the community.

Meeting called to order by Mayor VanGerpen.

Steve Bublitz reported to the Council that at the request of the Mayor of Avon, he performed procedures deemed relevant to transactions involving city officials doing business with the City of Avon. Bublitz reported information to the Attorney General. A report was then drafted by Bublitz of the findings. Copy of the report was presented to each Council member.

Motion by VanGerpen and seconded by Reister for the Avon City Council to acknowledge receipt of the report requested by Mayor Ed VanGerpen from the office of the Department of Legislative Audit dated October 27, 1998. Roll Call Vote: Reister, VanGerpen, Einrem, Oster and Deurmier all voted "aye". None voted "naye". Motion carried.

Bublitz informed the Council that to comply with requirements of SDCL 4-11-14, the City would have to take legal action against the councilmen. The City has 60 days from this day to get this rolling.

Motion by Oster and seconded by Reister, in accordance with SDCL 4-11-14, to retain the services of Attorney Thomas E. Alberts to act under the supervision of the South Dakota Attorney General to represent the City of Avon, South Dakota, and to comply with the requirements of SDCL 4-11-14 to institute a civil action on behalf of the City of Avon, South Dakota, against Councilman Dennis Deurmier for the subject matter contained in the report from the State of South Dakota Legislative Audit dated October 27, 1998 and to compensate Attorney Alberts at the rate of \$95.00 per hour and to authorize Attorney Alberts to expend the time he deems necessary in this matter and the City of Avon specifically waives any claim of any conflict of interest on behalf of

Attorney Alberts. Roll Call Vote: Reister, VanGerpen, Einrem, and Oster all voted "aye". None voted "naye". Alderman Deurmier abstained. Motion carried.

Motion by VanGerpen and seconded by Reister, in accordance with SDCL 4-11-14, to retain the services of Attorney Thomas E. Alberts to act under the supervision of the South Dakota Attorney General to represent the City of Avon, South Dakota, and to comply with the requirements of SDCL 4-11-14 to institute a civil action on behalf of the City of Avon, South Dakota, against Councilman Tom Oster for the subject matter contained in the report from the State of South Dakota Legislative Audit dated October 27, 1998 and to compensate Attorney Alberts at the rate of \$95.00 per hour and to authorize Attorney Alberts to expend the time he deems necessary in this matter and the City of Avon specifically waives any claim of any conflict of interest on behalf of Attorney Alberts. Roll Call Vote: Reister, VanGerpen, Einrem, and Deurmier all voted "aye". None voted "naye". Alderman Oster abstained. Motion carried.

Motion by VanGerpen and seconded by Deurmier to approve the minutes of the December 9, 10 and 16 meetings. All voted "aye". Motion carried.

The following claims were presented for payment:

CLAIMS FOR JANUARY 1999

GENERAL FUND:

| | |
|---|-------------|
| Blue Cross of SD--health insurance | \$ 1,220.88 |
| Brian's Service--tire repairs | \$ 17.65 |
| Coast to Coast--misc supplies | \$ 188.25 |
| Community Bank--ss & wh | \$ 1,454.80 |
| D & L Oil--oil, diesel | \$ 418.84 |
| Dave's Radiator--radiator repairs | \$ 62.50 |
| District III--membership | \$ 350.00 |
| Golden West Co.--telephone | \$ 123.88 |
| Jurren's Repair--parts | \$ 186.15 |
| Myra Klock--election clerk | \$ 61.80 |
| Myers Dray--garbage collection | \$ 2,750.00 |
| Northwestern Public Service--electricity | \$ 979.83 |
| One Call System--locate fee | \$ 7.50 |
| Reta Ridgway--election clerk | \$ 61.80 |
| Schultz Building Center--gravel,misc supplies | \$ 3,011.64 |
| SD Retirement--retirement | \$ 599.00 |
| St. Paul Stamp Works--dog tags | \$ 53.93 |
| State Treasurer--sales tax | \$ 420.94 |
| Connie VanGerpen--election clerk | \$ 61.80 |
| Walmart--book | \$ 18.16 |
| Clayton Wittmeier--fill sand | \$ 105.00 |
| Salaries--office | \$ 535.21 |

| | |
|---------------------|------------|
| Salaries—library | \$ 365.71 |
| Salaries—sanitation | \$ 36.94 |
| Salaries—streets | \$ 794.06 |
| Salaries—police | \$2,222.93 |

WATER AND SEWER FUND

| | |
|---|-------------|
| Avon Enterprise--UPS | \$ 4.03 |
| B-Y Water--water | \$ 2,291.00 |
| Blue Cross of SD--health insurance | \$ 406.96 |
| D & L Oil--heat fuel | \$ 114.08 |
| DENR--certificate renewal | \$ 9.00 |
| DENR--wastewater annual fee | \$ 550.00 |
| Dept of Revenue--water & lagoon sample | \$ 182.00 |
| Golden West Co.--telephone | \$ 38.90 |
| Allen Kocmich--wage 1560.00 less 441.93 | \$ 1,118.07 |
| Revenue & Reserve--transfer | \$ 374.17 |
| South Dakota Retirement--retirement | \$ 167.00 |

AMBULANCE FUND:

| | |
|-----------------------------------|-----------|
| A-Ox Welding--oxygen | \$ 194.00 |
| Jason Bechtold--reimbursement | \$ 20.00 |
| Commnet Cellular--telephone | \$ 21.70 |
| D & L Oil--gasohol | \$ 15.04 |
| Golden West Co.--telephone | \$ 61.90 |
| Roland Luke--reimbursement | \$ 20.00 |
| Donna Reister--reimbursement | \$ 20.00 |
| Charlene Tjeerdsma--reimbursement | \$ 20.00 |
| Carol Tolsma--reimbursement | \$ 40.00 |

Motion by Oster and seconded by Reister to pay the foregoing claims. All voted "aye". Motion carried.

The following receipts were presented for approval:

RECEIPTS FOR DECEMBER 1998

| | |
|---|-------------|
| City of Avon—water | \$ 4,549.53 |
| City of Avon—sewer | 1,781.00 |
| City of Avon—garbage | 2924,10 |
| City of Avon—tax | 117.34 |
| Revenue & Reserve—transfer | 374.17 |
| Linda Kelley—water deposit | 25.00 |
| Jodie Frick—water deposit | 25.00 |
| Dept. of Revenue—sales tax (1 st -3278.47, 2 nd -2757.61) | 6,036.08 |
| Herbert Voigt—ambulance | 139.00 |
| Village Cable—franchise | 1,633.24 |
| Community Bank—interest | 1,897.79 |

| | |
|---------------------------------|---------------|
| Bon Homme Co. Treasurer—general | 18,474.27 |
| 12% Municipal | <u>207.59</u> |

Motion by Reister and seconded by VanGerpen to accept the foregoing receipts. All voted “aye”. Motion carried.

Motion by Reister and seconded by Oster to declare the Avon Clarion, a newspaper published and printed in Avon, SD, to be the official newspaper for the coming year for publications of City proceedings and notices. All voted “aye”. Motion carried.

Motion by VanGerpen and seconded by Reister to declare the Community Bank of Avon, SD the official depository for the coming year. All voted “aye”. Motion carried.

Finance Officer Haenfler gives Ordinance No. 263 entitled “An Ordinance amending Ordinance No. 234 and Establishing Water and Sewer Rates and Providing the Procedure For Discontinuance of Water Service for Nonpayment of Water and Sewer Rates and for Nonpayment of Municipal Garbage Collection Fee” it’s first reading. Motion by VanGerpen and seconded by Deurmier to approve the first reading of Ordinance No. 263 as read. Roll Call: Reister, VanGerpen, Einrem, Oster and Deurmier all voted “aye”. None voted “naye”. Motion carried.

Discussion of wages was presented. The Council decided to discuss wages at the end of the meeting to discuss personnel matters in executive session.

Gerald Hayward spoke to the Council about the Wesleyan Church. The Historical Society is in the process of working on getting things lined up so they can take over the Wesleyan Church .

Short discussion was held on the County posting the county roads south of Avon with “no through trucks”. Some of the Council felt that the City should make it known that the City doesn’t support this do to the fact that in doesn’t allow the truck traffic to come through Avon and do business with Avon businesses.

Motion by Oster and seconded by Deurmier that the Avon City Council supports allowing all traffic to be able to use the county roads south of Avon from and to the new bridge. Roll Call: Reister, VanGerpen, Oster and Deurmier all voted “aye”. None voted “naye”. Alderman Einrem abstained. Motion carried.

Mayor VanGerpen informed the Council that he did not like the way the Enterprise Fund budget is being handled. Mayor VanGerpen would like a supplemental ordinance done for each line item that is over spent. Alderman Oster and Finance Officer Haenfler explained that Enterprise Funds are self-supporting and do not need supplemental ordinances done, as long as the fund balance is not over spent.

Laval Haenfler asked the Council why the vacant position was not filled on the Council. Mayor VanGerpen informed her that the Council had decided at the December meeting to leave the position vacant until the April Election.

Motion by Oster and seconded by Reister to allow Finance Officer Haenfler to attend an Annual Report Workshop in Sioux Falls on January 28, 1999. All voted "aye". Motion carried.

Motion by Deurmier and seconded by Reister to go into executive session at 4:50 p.m. to discuss personnel matters. All voted "aye". Motion carried.

Motion by Einrem and seconded by Reister to come out of executive session at 5:20 p.m. All voted "aye". Motion carried.

The following schedule of wages were presented:

Street Labor - \$6.00/hr
Relief Police - \$7.10/hr
Police Chief - \$1700.00/month
Assistant Police Officer - \$1475.00/month
Street & Water Commissioner - \$1560.00/month
Finance Officer - \$800.00/month
Librarian - \$5.50/hr
Dump Site - \$10.00/hr
City Mayor - \$1200.00/yr
City Council - under 1 hour \$20.00 a meeting
 over 1 hour \$30.00 a meeting
City Attorney - on per job basis
City Plumber - on per job basis

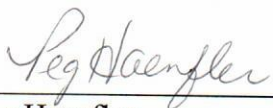
Motion by Einrem and seconded by VanGerpen to change the salary of street labor from \$6.00/hr. to \$6.25/hr, the salary of police chief from \$1700/mo. to \$1750/mo., the salary of street and water commissioner from \$1560/mo. to \$1575/mo., the salary of finance officer from \$800/mo. to \$830/mo., the salary of librarian from \$5.50/hr. to \$6.00/hr., the salary of councilmen from under 1 hour \$20.00/meeting and over 1 hour

\$30.00/meeting to \$50.00/month, with all other salaries to remain the same. All voted "aye". Motion carried.

There being no further business to come before the Council at this time, a motion by Einrem and seconded by Reister to adjourn at 5:24 p.m. All voted "aye". Motion carried.


Edward VanGerpen - Mayor

ATTEST:


Peg Haenfler
Finance Officer
(SEAL)