

AVON, SOUTH DAKOTA – December 6, 2004

As posted the regular meeting of the Avon City Council was held on the above date at the Avon City Building at 7:00 p.m. Roll Call: Mayor Bechtold, and Aldermen: Tjeerdsma, Kuhlman, Beeson, Tolsma, Cihak, Dykstra and Finance Officer Berndt. Also present Orval Elliott, Roger Frey, Don Sattler and Allen Kocmich.

Meeting called to order by Mayor Bechtold at 7:00p.m.

Motion by Tolsma seconded by Tjeerdsma to approve the agenda. All voted "aye".

Motion carried.

Motion by Beeson and seconded by Cihak to approve the minutes of the November 2, 2004 meetings. All voted "aye". Motion carried.

Jack Brodeen arrived at 7:05 p.m.

The following claims were presented for payment:

DECEMBER CLAIMS (For Month Ending November 30, 2004)

General Fund				
A-1 Gas	Gas			\$ 555.12
Allen Kocmich	Meals while at school			\$ 36.00
Avon Clarion	Publishing			\$ 230.45
Bon Homme County	Deed			\$ 12.00
Cahoy's	Oil and wipers			\$ 78.00
Cellular one	Police cell phone			\$ 22.33
Community Bank	Withholding and social security			\$ 1,332.38
Community Bank	Payment			\$ 1,655.14
Commercial Asphalt	Patch mix			\$ 340.87
Citi Business	Park supplies and motel for class			\$ 208.53
Farmers Coop Fuel	Heating fuel			\$ 468.89
Golden West	Monthly bill			\$ 217.28
Jurrens Repair				\$ 254.61
Lyle Signs	Street signs			\$ 1,780.30
Michael Todd	Bindings			\$ 230.84
Myers Dray	Collections and dumpster			\$ 2,973.00
NWPS	Monthly billing			\$ 1,038.93
Petty Cash	Ron's cleaning supplies			\$ 8.18
Readers Den	Books			\$ 60.00
SBC	Supplies 396.25, Drainage Ditch 880.00			\$ 1,176.25
SDML Work Comp Fund	2005 Fee			\$ 4,374.00
SD Dept. of Revenue	Sales tax			\$ 120.20
SD Retirement	Payroll contribution			\$ 1,179.10
Tractor Salvage	Grader blades			\$ 1,109.90
True Value	Misc Supplies			\$ 194.50
Wal-Mart	Books			\$ 65.31
Wellmark	Insurance			\$ 1,180.95
Office	Wages			\$ 1,237.78
Police	Wages			\$ 2,703.15
Street Dept.	Wages			\$ 2,721.42
Sanitation Dept.	Wages			\$ 110.82
Library	Wages			\$ 629.18
TOTAL				\$ 28,359.41

Water Deposit Returns			
Cindy Jager	Deposit less final bill		\$ 12.51
Jana Sattler	Deposit		\$ 25.00
Helen Krug	Deposit		\$ 25.00
Janet Rauch	Deposit		\$ 25.00
			\$ 87.51
WATER/SEWER			
BY Water	Monthly bill		\$ 2,472.91
State Lab -	Water test		\$ 12.00
Petty Cash	Stamps		\$ 37.00
Farmers Fuel	Shop fuel		\$ 175.00
Golden West	Monthly bill		\$ 43.01
Storm Drain	Payment		\$ 1,140.00
		Water Total	\$ 2,696.91
		Sewer Total	\$ 1,183.01
TOTAL			\$ 3,879.92
AMBULANCE			
A-1	Gas		\$ 147.40
Petty Cash	Stamps		\$ 37.00
Crew	Oct-Nov		\$ 535.00
Jurrens Repair	Oil change		\$ 26.15
Golden West	Monthly bill		\$ 72.67
TOTAL			\$ 818.22
TOTAL EXPENSES			\$ 33,145.06

Motion by Tolsma and seconded by Kuhlman to accept the foregoing claims, there was one question regarding a labor charge on the carburetor in the Blue dump truck. All voted "aye". Motion carried.

The following receipts were presented for approval:
RECEIPTS FOR NOVEMBER 2004

City of Avon—water	\$ 7,169.87
City of Avon—late fees	\$ 414.72
City of Avon—sewer	\$ 2,176.00
City of Avon—sewer \$3 charges	\$ 813.00
City of Avon—garbage	\$ 3,005.00
City of Avon—tax	\$ 120.53
Ambulance - Medicare -	\$ 875.33
Workman's Comp -Jewett	\$ 1,403.10
Supplement - Spitzer	\$ 56.45
Dept. of Revenue— 1st Penney sales tax	\$ 3,508.50
2nd Penney sales tax	\$ 3,508.48
SD Fines	\$ 23.40
Dog Tags	\$ 22.00
Storm Drain Transfer	\$ 1,140.00
Corner Bar License Fee	\$ 1,000.00
Bon Homme Co. Treasurer—General	\$ 42,337.34

Mobile Home Tax	\$	39.34
Penalties and Interest	\$	36.75
Federal Payment in Lieu	\$	494.57
Motor Vehicle	\$	104.47
	\$	68,248.85

Motion by Tolsma and seconded by Beeson accept the foregoing receipts, and to approve the transfer of \$975 from water deposits to general/water/sewer, these are old deposit that people either have left and we applied to outstanding old bills or never requested the money be returned. All voted "aye". Motion carried.

Mayor Bechtold opened the floor for public time.

Don Sattler addressed the Council regarding several issues. First, he had wanted to circulate a petition to reduce the number of members on the council from 6 to 4. He asked if there were any members who would be interested in helping with the petition, it would require 110 signatures.

Second, he asked that the city make curb and gutter mandatory before streets would be constructed. Stating that 50 to 60% already have existing curb, and why should the minority of the people hold up the orderly process of construction. Sattler stated that legally an ordinance is not required and the Council can do this by special assessment. (Which would require the city to pay up front and then be paid back over a period with the property taxes.)?

Third, he again felt that the city through state nuisance laws could force people to remove junk cars, unsafe building and other general junk.

Forth, he also felt that the city could force individuals to concrete or mat their share of an alley if the majority of the others along the block wanted to make the improvements. He asked that the Council use this to force the landowner to complete the alley between Pine and Birch.

Finally, he also felt that the Council should do something with the sidewalks in town. He ended with a request the 300 block of birch were to be done. He would donate \$2,500.00 to the project.

Dave Brandt arrived at 7:35 p.m.

Jack Brodeen stated that it was his understanding that the city would need to be zoned in order to require curb and gutter or sidewalks. Sattler stated that several attorneys had told him otherwise.

The Council directed Finance Officer Berndt to check into the matter with the Municipal League. No other action was taken on the matters brought by Mr. Sattler.

Don Sattler left at 7:40 p.m.

The issue of the Ludd and Son building on Main Street was opened for discussion. As the council had talked unofficially last month that the county may deed the building over to the city and the possibility, that Terry Schultz would demolish it for the lots.

Since then the city has received the deed for the building and it would become ours once the city registers the deed. Finance Officer Berndt check with the insurance company on cost of adding it to the city policy. There would be no additional cost for the liability since the plan is to get rid of the building as quickly as possible. However, the city insurance will not cover the liability when the building is being demolished, Terry will need to cover that cost.

The city has filed with the state to get permission to dispose of the rubble at the landfill, it is hoped that will be approved within 60 days. In addition, we were informed that the site would need to be inspected. The Mayor read a letter from Doug Schladweiler that he had inspected the building and found no known or suspect asbestos.

Motion by Tolsma and seconded by Kuhlman to table accepting of the building until which time we know if the county will provide trucks and drivers to help haul away rubble. All voted "aye". Motion carried.

The Mayor signed the 2005 SDML Worker's Comp. Fund Agreement.

Dave Brandt left at 8:10 p.m.

Motion by Kuhlman and seconded by Dykstra to allow mileage and meal for Berndt to attend a one day workshop in Sioux Falls dealing with annual reports. All voted "aye". Motion carried.

Orval Elliott left at 8:15 p.m.

Motion by Kuhlman and seconded by Cihak to make the transfer of \$10,000 from General Fund to Capital Outlay. All voted "aye". Motion carried.

Jack Brodeen left at 8:25 p.m.

The siren was discussed Tjeerdsma explained that the NWPS truck needed is not in the area and he wondered if we wanted to contact B-Y Electric. It was decided since it was not an emergency to just wait until the truck is around and they can do it then.

Roger Frey left at 8:35 p.m.

Alderman Beeson wondered if the city could add a crosswalk by Ron's to the Corner with the added number of kids going to the Girls and Boys Club. After some discussion, it will be suggested that the kids take a general route up 1st Ave. to Main and not use Railway by the Lumberyard and Elevators.

Alderwoman Dykstra would like the city to arrange for the lifeguards to be trained on the Defibrillator and see if the school and city could work out something that the guards would be able to gain access to the building to get the machine. The Council thought that it was a good idea and possible arrangement will be looked into. The training would be mandatory for the girls but provided by the city.

Alderwoman Cihak suggested that the city and the school look into offering a joint in-service on Meth labs, and what to look for. This will also be checked into, she suggested that Council members as well as city employees and business owners all could benefit from the lecture.

Motion by Kuhlman and seconded by Tjeerdsma to have Commissioner Kocmich check into the posthole digger at Federal Surplus. All voted "aye". Motion carried.

Berndt also reported that the recommendation letter from South Dakota Public Assurance Alliance, Liability Pool was received on Friday the 3rd. As explained these are corrective measures the city is asked to make. A 9% credit can be earned if the improvements are made. Copies will be made and shared with the Council. The Council also received a sample of a personnel manual which is suggested be adopted.

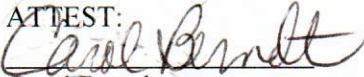
Some general notes after the inspection are some of the current park equipment needs to be removed or replaced, an old car need to be removed from city property, and well as a list of other improvements or changes need to be made.

Alderman Beeson suggested that the City do some checking on possible grants for help with Main Street and Railway. The Finance Officer will check with District III on the procedure to apply for a possible grant, and report back next month.

Motion by Beeson and seconded by Tjeerdsma to adjourn at 9:05 p.m. All voted "aye". Motion carried.


Russell Bechtold - Mayor

ATTEST:


Carol Berndt
City Finance Officer
(SEAL)