

AVON, SOUTH DAKOTA - MARCH 5, 2001

A regular meeting of the Avon City Council was held on the above date at the Avon Public Library at 7:00 p.m. Roll Call: Mayor Frey, Finance Officer Berndt, and Alderman: Tjeerdsma, Reister, Tolsma, and Dertien. Aldermen Kuhlman and DenOuden were absent. Also present were Lawrence Hille and Jack Brodeen.

Meeting called to order by Mayor Frey at 7:10.

Motion by Reister and seconded by Tolsma to approve the agenda. All voted "aye". Motion carried.

Motion by Reister and seconded by Tjeerdsma to approve the minutes of the February 5, 2001 meeting with the following additions and corrections: The mayor brought to the attention of the council that there are some 2-3 dozen outstanding water bills with a total of over \$10,000. Carol Berndt and the mayor have been working on collecting the balances and will present something further at the March meeting. Regarding policies, those with no changes were adopted at the Feb. meeting. Those needing revision (overtime, vacation, and sick leave/bereavement), will be reviewed at the March meeting. All voted "aye". Motion carried.

Motion by Reister and seconded by Tjeerdsma to approve the minutes of the Special Meeting on February 7. All voted "aye". Motion carried.

The following claims were presented for payment:

GENERAL FUND:

A1 Gas & Go—gasohol	\$	387.73
Avon Swim Team - 2000 dues	\$	355.25
Avon Clarion—publication	\$	273.83
Blue Cross of SD—health insurance	\$	612.50
Bon Homme County Auditor	\$	739.98
Cahoy Gas and Service	\$	29.00
Coast to Coast—misc. supplies	\$	74.04
Community Bank—ss & wh	\$	1,009.64
Community Bank safety deposit box	\$	12.00
Cover to Cover—library books	\$	120.39
D & L Oil - diesel, heating fuel	\$	746.99
Farm Plan - Bon Homme Imp.	\$	147.00
Golden West Co.—telephone	\$	131.33
Myers Dray—garbage collection	\$	2,750.00
Northwestern Public Service—elec.	\$	2,020.52
Ron's Small Engine - snow removal	\$	25.00
Schultz Building Center—lumber	\$	73.60
State of SD-inmate workers in BJ's	\$	45.00
SD Retirement—retirement	\$	402.58
State Treasurer—sales tax	\$	143.60

Ven Osdel Heating - furnace BJ's	\$	168.30
Salaries—office	\$	1,043.58
Salaries—streets	\$	707.43
Salaries—police	\$	1,813.52
Salaries—library	\$	530.09
Election Workers Myra Klock	\$	61.80
Reta Ridgeway	\$	61.80
Laval Haenfler	\$	61.80

WATER AND SEWER FUND

B-Y Water—water	\$	2,300.00
Blue Cross-health insurance	\$	612.50
Community Bank - ss & wh	\$	434.92
Dept. of Revenue - water samples	\$	94.00
Golden West Co.—telephone	\$	46.41
Revenue & Reserve-transfer	\$	74.17
SBC - remover beaver dam at lagoon	\$	75.00
SD Retirement—retirement	\$	88.00
William's Septic-jetter service	\$	240.00
Salaries— water and sewer	\$	1,125.84

AMBULANCE FUND:

A1 Gas & Go—diesel	\$	55.44
Golden West Co.—telephone	\$	61.90
Verizon Wireless—telephone	\$	22.03
Dave Brandt—reimbursement	\$	30.00
Robert Dykstra—reimbursement	\$	50.00
Donna Reister - reimbursement	\$	40.00
Albert Simek - reimbursement	\$	10.00
Charlene Tjeerdsma—reimbursement	\$	50.00
Kevin Tjeerdsma—reimbursement	\$	50.00
Carol Tolsma—reimbursement	\$	40.00

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

The following receipts were presented for approval:

RECEIPTS FOR FEBRUARY 2001

City of Avon—water	\$	5,361.93
City of Avon—sewer	\$	2,576.00
City of Avon—garbage	\$	3,590.00
City of Avon—tax	\$	143.57
Revenue & Reserve—transfer	\$	374.17
Dept. of Revenue—sales tax (1 st -3782.23, 2 nd -4454.53)	\$	8,236.76
Ambulance - John C Kocmich	\$	200.00
S. D. Unified Judicial System - fines	\$	24.70
Bon Homme County Treasurer - general	\$	10,706.94

Motion by Tjeerdsma and seconded by Tolsma to accept the foregoing receipts. All voted "aye". Motion carried.

Police Chief Luke arrived at 7:25.

Mayor's Comments: Mayor Frey began with a discussion of the major fund balances. It was his opinion that some of the items charged to certain funds should have been recorded differently, and more attention should be paid to proper allocation of costs between funds. After reviewing some of the major expenditures of the recent past, he recommended charging a portion of the red dump truck to the water and sewer fund instead of all to the general fund. After some discussion, the council concurred. Motion by Dertien and seconded by Reister to reclassify, \$15,334.85 expenses from the General Fund to the Water and Sewer Fund.

The second penny sales tax was discussed. The mayor said that the second penny was originally intended for the re-asphalt of streets. It was not meant for minor street repairs such as gravel, pot hole repair, or chip sealing. After discussion regarding the intent behind the second penny, the council agreed.

The mayor suggested closing the Centennial Savings account. Motion by Tolsma and seconded by Tjeerdsma to close out the Centennial Savings account at the end of the month and give the balance to the Centennial Committee. All voted "aye". Motion carried.

The mayor presented a request from the Legion asking the city to pay for the monthly light charge for the Veteran's Memorial. The cost runs about \$15 a monthly. No action was taken at this time.

The mayor presented revised and/or clarified policies regarding sick/bereavement leave, holidays, and overtime. Motion by Reister and seconded by Tolsma to approve and adopt the policies retroactive to January 1, 2001. All voted "aye". Motion carried.

The mayor passed out worksheets to the Council showing information on delinquent water bills. (The worksheet were prepared by C. Berndt.) An unaudited grand total of \$15,000.00 in delinquent water bills existed prior to the commencement of collection. The worksheet showed each account's past due total, the amount collected thus far, and the arrangements made with the delinquent account holder to pay off the balance. It was noted that \$3,546.00 in delinquent water bills have been collected so far.

Finance Officer Berndt has sent out letters to most delinquent account. The remaining accounts will be contacted in March. Berndt indicated some people have not responded to her letter requesting payment. The council indicated that if no response is forthcoming, the water should be turned off at customer sites.

The mayor pointed out that the water bills include a sewer usage fee, and in most cases, a garbage pick up fee for the customer. So, the customers were not only getting "free" water, but were getting the city to pick up their garbage without paying for it and using the sewer system, too.

There was a significant amount of discussion regarding the delinquent water bills and possible remedies to the situation. It was agreed that the City has been very lax in collecting delinquent water bills and should have been disconnecting the customer's service for non-payment.

The finance officer and the mayor will continue to work on this problem. They also have full authority to order the disconnection of service for non-payment.

The mayor pointed out that in the event water service is shut off, Myers Garbage Service should be instructed to cease garbage pick up for the same customer. The council concurred.

The council gave permission for Finance Officer Berndt to gather prices for a new computer and an accounting program system.

Finance Officer Berndt presented the Annual Statement of Financial Affairs to the Council. Motion by Reister and seconded by Tolsma to accept said report. Roll Call: Tjeerdsma, Reister, Tolsma, and Dertien. All voted "aye". None voted "naye". Motion carried. Absent Alderman Kuhlman and DenOuden.

The annual City Election is to be held on April 10, 2001. The term of office will expire for Alderman Dertien, Ward Two; and Alderman Reister, Ward One. Alderman Tolsma introduced the following resolution and moved for adoption:

RESOLUTION

WHEREAS, it is necessary to hold an annual election for the election of certain municipal officers, it is therefore

RESOLVED THAT WHEREAS, pursuant to the law of the State of South Dakota, an annual election for the election of Municipal Officers is required to be held on the second Tuesday of April each year, the City Finance Officer be, and she is hereby

authorized and directed and is required to give notice of such election by publication being not less than ten days prior to such election, and the officers to be voted for thereat.

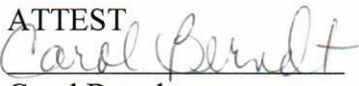
That the polling place for all Wards shall be at the Avon Fire Hall of Avon, South Dakota in accordance with Ordinance of Record, and the polls at such election shall be open continuously from 7:00 a.m. to 7:00 p.m. of said day, that the City Finance Officer be authorized and directed to prepare office ballots for said election.

The following persons by and they are hereby appointed Municipal Election Clerks: Reta Ridgway, Myra Klock, Shirley Yonkers.

Passed and approved this 5th day of March, 2001.



James Frey, Mayor

ATTEST


Carol Berndt
City Finance Officer
(SEAL)

Motion to adopt the foregoing resolution was seconded by Tjeerdsma. Roll Call: Tjeerdsma, Reister, Tolsma, and Dertien. All voted "aye". None voted "naye". Motion carried. Absent Alderman Kuhlman and DenOuden.

As advertised, the only pasture rental bid was opened. A bid of \$901.13 for the next three years was received from Mark and Julie Tolsma. Motion by Dertien and seconded by Tjeerdsma to accept the pasture bid. All voted "aye". Motion carried.

Motion by Reister and seconded by Tolsma to set a public hearing for a liquor transfer from Yonkers to Whiteley for the 19th of March at 7:00 p.m. All voted "aye". Motion carried.

Motion by Reister and seconded by Tolsma to set March and 19th and 22nd at 7:15 and 7:00 respectively for the board of equalization meetings. All voted "aye". Motion carried.

Motion by Reister and seconded by Dertien to set the 2001 City Wide Clean-up for the week of April 23 to April 27. All voted "aye". Motion carried.

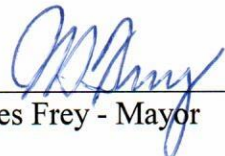
Mayor Frey appointed Joan Hento to the library board. Motion by Tolsma and seconded by Reister to approve Hento's appointment to the Library Board. All voted "aye". Motion carried.

Police Chief Luke presented the monthly police report. He also shared with the council that Avon was awarded a grant for portable digital breath testing equipment. The grant total \$671.84 which includes the cost of the unit and overtime hours for underage drinking enforcement.


There was a discussion held on the water drainage problem at the corner of Pine and 3rd. Street committee chairman Tolsma related the committee's suggestion regarding possibly draining the water eastward. The council instructed Tolsma to obtain cost estimates for the various alternatives discussed.

Angie Martin requested a Sunday malt liquor license similar to the one A-1 Gas & Go has. Mayor Frey informed her that Ordinance #271 included Sunday sales of malt liquor, and, because the ordinance was referred to a vote of the people and defeated in the election of February 6, 2001, it was no longer in the hands of the City Council; a year waiting period was required. Citing State Law 9-20-17 (waiting period for new action after a referendum election). "No referred ordinance or resolution may be again voted upon by the government of any municipality within one year from the date of the election thereon." Martin repeated her request to sell beer on Sunday. The mayor again stated it was out of the council's hands, we'd have to wait a year. Martin asked if her request was being refused. The mayor told her she'd have to wait the year. After a few more verbal exchanges between Martin and the mayor, Martin informed the group that she felt this was unfair and would be checking into the matter with her attorney. Mayor Frey suggested Martin speak to the city's attorney for clarification. Martin left the building.

Motion by Reister and seconded by Tjeerdsma to adjourn at 8:40p.m. All voted "aye". Motion carried.


James Frey - Mayor

ATTEST:


Carol Berndt
City Finance Officer
(SEAL)