

AVON, SOUTH DAKOTA - MARCH 6, 2000

The 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 Bryan, Finance Officer Haenfler, and Alderman: Dertien, Den Ouden, Reister and Fathke. Absent Alderman: Einrem and Kuhlman. Also present were Orval Elliott and Jack Brodeen.

Meeting called to order by Mayor Bryan.

Motion by Reister and seconded by Fathke to approve the agenda with the addition of Angie Martin and Doug Kafka. All voted "aye". Motion carried.

Motion by Fathke and seconded by Reister to approve the minutes of the February 7, 16, & 28, 2000 meetings with the addition to the February 7 meeting on the bottom of page 6 should state after "of the school" or two blocks on 1<sup>st</sup> street. All voted "aye". Motion carried.

The following claims were presented for payment:

GENERAL FUND:

Avon Clarion—publication	\$ 310.55
Blue Cross of SD--health insurance	\$ 1,583.04
Cahoy Gas & Service--gasohol, diesel,battery	\$ 521.45
Chemsearch--deox	\$ 534.25
Coast to Coast--misc supplies	\$ 218.10
Community Bank--ss & wh	\$ 1,163.02
Cover to Cover--books	\$ 49.23
Extension Revolving - P.A.T.--recertification training fee	\$ 40.00
Golden West Co.--telephone	\$ 134.70
Jurren's Repair--heater core, muffler, transmisson fluid exchange	\$ 265.68
Myers Dray--dumpster	\$ 20.00
Myers Dray--garbage collection	\$ 2,462.50
Northwestern Public Service--electricity	\$ 976.55
One Call System--locate fee	\$ 7.70
Postmaster--stamps	\$ 33.00
Praire Pump & Equipment-- repair trash pump	\$ 636.50
Schultz Building Center--gravel, supplies	\$ 4,112.88
SD Retirement--retirement	\$ 635.12
State Treasurer--sales tax	\$ 109.00
Walmart--books	\$ 22.74
Salaries—office	\$ 540.48
Salaries—streets	\$ 724.56
Salaries—library	\$ 415.57
Salaries—police	\$ 2,040.47

WATER AND SEWER FUND

B-Y Water--water	\$ 2,220.50
Blue Cross of SD--health insurance	\$ 527.68

Community Bank--ss & wh	\$ 420.92
Dept of Revenue--water samples	\$ 12.00
Golden West Co.--telephone	\$ 60.80
Allen Kocmich--wage 1653.00 less 534.60	\$ 1,118.40
Plainsco--sewr pipe, water meters	\$ 1,654.38
Revenue & Reserve--transfer	\$ 374.17
Schultz Building Center--backhoe at lagoon	\$ 51.00
SD Concrete Products--manhole rings	\$ 337.00
SD Retirement--retirement	\$ 176.30

**AMBULANCE FUND:**

Cahoy Gas & Service--diesel	\$ 39.10
Commnet Cellular--telephone	\$ 21.70
Golden West Co.--telephone	\$ 61.90
Dave Brandt--reimbursement	\$ 20.00
Louis Dykstra--reimbursement	\$ 30.00
Robert Dykstra--reimbursement	\$ 20.00
Jay Mudder--reimbursement	\$ 20.00
Donna Reister--reimbursement	\$ 50.00
Carol Tolsma--reimbursement	\$ 70.00

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

The following receipts were presented for approval:

**RECEIPTS FOR FEBRUARY 2000**

City of Avon—water	\$ 4,259.11
City of Avon—sewer	2,128.00
City of Avon—garbage	2,725.00
City of Avon—tax	108.64
Revenue & Reserve—transfer	374.17
Clerk of Court—fines	32.50
Dept. of Revenue—sales tax (1 <sup>st</sup> -2284.17, 2 <sup>nd</sup> -1630.67)	3,914.84
Linda Broecher-Pfiefer—ambulance service	130.00
Brian Jones—water deposit	25.00
Melinda Kerbel—water deposit	25.00
Medicare, Wellmark(John Kocmich)—ambulance service	80.00
Bon Homme Co. Treasurer—general	10,602.68
bank franchise	569.77
12% Municipal	<u>930.50</u>

Motion by Reister and seconded by Fathke to accept the foregoing receipts. All voted "aye". Motion carried.

Mayor Bryan gives Ordinance #265 entitled "Supplemental Appropriation Ordinance" it's 2<sup>nd</sup> reading. Motion by Reister and seconded by Den Ouden to approve the 2<sup>nd</sup> reading of Ordinance #265 as read. Roll Call: Den Ouden, Dertien, Reister and Fathke all voted "aye". None voted "naye". Motion carried. Absent Alderman Einrem and Kuhlman.

As advertised the following pasture rent bids were opened. The following bids were received:

Bill Nelson--\$525.00

Mark Tolsma--\$933.17

Motion by Den Ouden and seconded by Fathke to accept the bid of Mark Tolsma. All voted "aye". Motion carried.

It was discussed to next year to advertise the pasture rent bid for three years rather than one year. Finance Officer Haenfler will note this for next year.

No bids were received for the softball and baseball field concession stand. Lori Kocmich is willing to run the stands under the same agreement as last year.

Motion by Reister and seconded by Den Ouden to allow Lori Kocmich to run the softball and baseball field concession stands. She will keep all the profits and pay the electric bills for the stands. All voted "aye". Motion carried.

As advertised the following truck bids were opened. The following bid was received:

Erickson Truck & Parts – 1986 IHC Truck \$20,000

Motion by Reister and seconded by Den Ouden to accept the bid of Erickson Truck & Parts. All voted "aye". Motion carried.

Appraisal of surplus items will be done after the city police car is declared surplus.

7:20 p.m. Angie Martin and Doug Kafka arrived.

The annual City Election is to be held on April 11, 2000. The term of office expire for Alderman Einrem, Ward Two; Alderman Fathke, Ward One; and Mayor. Nominating petitions are to be filed by March 10, 2000. Alderman Fathke introduced the following resolution and moved it's 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 form 8:00 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 6<sup>th</sup> day of March, 2000.

  
Charles Bryan - Mayor

ATTEST:

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Peg Haenfler, City Finance Officer  
(SEAL)

Motion to adopt the foregoing resolution was seconded by Den Ouden. Roll Call: Den Ouden, Dertien, Fathke and Reister all voted "aye". None voted "naye". Motion carried. Absent Alderman Einrem and Kuhlman.

Motion by Fathke and seconded by Den Ouden to set the dates for the Board of Equalization meetings for March 20 at 7:00 p.m. and March 22 at 7:00 p.m. There will also be a special meeting to discuss a resolution for a Trust Fund for the Missouri River on March 20 at 6:30 p.m. All voted "aye". Motion carried.

EASEMENT FOR CONSTRUCTION  
OF VETERANS' MEMORIAL

(see attachment)

**EASEMENT FOR CONSTRUCTION  
OF VETERANS' MEMORIAL**

For and in consideration of the mutual covenants made and agreed upon by and between the parties hereinafter designated, this Easement agreement is hereby made by and between the City of Avon, a South Dakota Municipal Corporation, Avon, South Dakota, hereinafter referred to as "Grantor," and the Arthur Wiesman American legion Post #150, Avon, South Dakota, hereinafter referred to as "Grantee," WITNESSETH:

1. Grantor does hereby grant to Grantee an Easement for Grantee to use for the hereinafter designated purposes and subject to the hereinafter designated terms and agreements for and during a term and period of ninety-nine (99) years so much of that portion of the west end of Lots 20 and 21 in Block 2, Original Townsite, City of Avon, Bon Homme County, South Dakota, which is owned by the Grantor; and
- ~~2. Grantee specifically understands and acknowledges that Grantor does not own all of Lots 20 and 21 in Block 2, Original Townsite, City of Avon, Bon Homme county, South Dakota, and Grantee specifically understands and acknowledges and agrees that Grantee will not be able to use or occupy the area which is six feet (6') from the edge of the existing buildings which are located either upon or near the hereinabove described tract of land; and~~
- ~~3. Grantee specifically understands and agrees that no structure or item of any type will be built above ground which would in any way interfere with or block the view from any direction of the existing Avon Centennial mural which is painted on one of the walls of the buildings on the south edge of the property hereinabove described; and~~
4. In the event either Grantor or grantee requests a formal survey by an engineer to locate the existing property lines of the above-described real property, then and in that event, Grantee specifically agrees to pay the cost thereof immediately upon the completion of any survey; and
5. Grantee and its assigns specifically agree to hold Grantor harmless from any and all damages and claims as a result of Grantee's use of the above-described premises; and

Handwritten initials: "AB" and "AJH" appear next to the crossed-out items 2 and 3.

- 6. Grantee specifically agrees to maintain the above-described premises an attractive condition during Grantee's occupancy of the premises; and
- 7. Grantee specifically understands and agrees that this Easement does not prevent Grantor, as the owner of the property, from use of that portion of the property not used by Grantee; and
- 8. Grantor and grantee specifically understand and agree that in the event of any disputes regarding Grantee's use of the above-described premises, then and in that event, Grantor will be the exclusive entity which determines the resolution of any questions or disputes regarding Grantee's use of the above-described premises.

Dated this 21st day of March, 2000.

CITY OF AVON, SOUTH DAKOTA

By: Charles Bryan  
 Mayor  
 and Peg Haefler  
 Finance Officer

ARTHUR WIESMAN AMERICAN LEGION  
 POST #150

By: Louis J. Dykstra  
 Its Commander  
 and Kevin D. Deen  
 Its Vice-Commander

Subscribed and sworn to before me this day 21st of March, 2000.

Carol A. Eggers  
~~Thomas E. Alberts~~ Carol A. Eggers  
 Notary Public South Dakota

(SEAL)

My Commission Expires: ~~May 21, 2004~~ July 5, 2001.

Motion by Dertien and seconded by Den Ouden to delete all of item 2 and 3 of the easement for construction of veterans' memorial and approve the easement as changed. All voted "aye". Motion carried.

7:30 p.m. Ray Weber and Wayne Scherr arrived.

Angie Martin and Doug Kakfa addressed the Council about getting a one day license to be open on Sunday during the Centennial. The bars are interested in being open from around 11:00 a.m. til 10:00 p.m. or 11:00 p.m. on that Sunday, July 2, 2000. Finance Officer Haenfler will look into the matter and it will be discussed at the April City Council meeting.

Wayne Scherr informed the Council that he would like to get permission to sell malt beverage off sale on Sunday. Scherr stated that there have been several requests to purchase beer on Sunday. Scherr is also interested in a one day license to sell on the Sunday of the Centennial. Scherr was informed that the ordinance would need to be changed to allow off sale malt beverage sales on Sunday. This matter will be decided at the April City Council meeting.

Finance Officer Haenfler presented the Annual Statement of Financial Affairs to the Council. Motion by Fathke and seconded by Dertien to accept said report. Roll Call: Dertien, Den Ouden, Fathke and Reister all voted "aye". None voted "naye". Motion carried. Absent Alderman Einrem and Kuhlman.

Motion by Fathke and seconded by Reister to advertise for bids to asphalt streets this year. All voted "aye". Motion carried.

Alderman Reister reported that a sewer line by 2<sup>nd</sup> Street and Birch Street needed to be jetted. Motion by Reister and seconded by Den Ouden to jet stated sewer line. All voted "aye". Motion carried.

Alderman Dertien asked the Council if the dump could be opened on Saturdays from 2-4, weather permitting. All were in favor of the dump opening on Saturday starting March 11 from 2-4, weather permitting.

Council discussed that the estimate for the sewer line to Jurren's Repair was misread at the last meeting. The estimate was \$3418.00 not \$2500.00.

Motion by Fathke and seconded by Dertien to pay 1/3 of the estimate, with total of the estimate being \$3418.00, as long as an agreement is signed by Dennis Jurens that the line is a private owned line and the city does not repair and maintain that sewer line. All voted "aye". Motion carried.

The Centennial Committee is purchasing centennial banners. The present brackets will not work for these banners. The Chamber of Commerce is willing to pay for half of the cost of the brackets and would like the City to pay half. The total cost of the bracket is \$1350.00. These brackets are a universal bracket. Many different banners could be hung on them.

Motion by Den Ouden and seconded by Fathke to pay half the cost of the brackets. All voted "aye". Motion carried.

Mayor Bryan informed the Council that the City had 13 picnic tables and that the City could use more for the Centennial. The Council would like approximate cost to build the table and cost to buy tables. This will be discussed at the April meeting.

Mayor Bryan informed the Council he had received a 10 year lease agreement from Village Cable for the property that the satellite disks are presently located.

Motion by Dertien and seconded by Den Ouden to authorize Mayor Bryan to sign 10 year lease agreement with Village Cable for the property that the satellite disks are located at the present time. All voted "aye". Motion carried.

Alderman Den Ouden discussed with the Council that the alley between Walnut Street and Ash Street needs to be cut down about 1 foot. Council agreed that before the alley is cut, Street Commissioner Kocmich should look into the how things will work for the concrete slab that is located by the alley.


Tom Serie from Community Housing presented a housing program to the Council. The Community Housing works with the City in building four-plex townhouses. First step for the City would be to appoint a Housing Redevelopment Commission. The commission would decide if it was feasible for the City to build townhouses. The commission could have up to two Councilmen on the committee. Taxes that are paid on the townhouses are in lieu of taxes. The units are 1160 feet square. Each unit features a kitchen, dining room, living room, one bath and two bedrooms and walk-in closets. Each




unit has an attached single garage of 300 square feet. Appliances are furnished and units feature centralized heating and cooling along with washer and dryer hookups. Rent for the unit would be \$550.00 per month with utilities on top of that. No action was taken at this time.

Alderman Reister needed to leave at 8:30 p.m. Therefore there would be no quorum present for the Council to take any action.

Motion by Reister and seconded by Fathke to adjourn at 8:30 p.m. All voted "aye". Motion carried.

  
Charles Bryan - Mayor

ATTEST:

  
Peg Haenfler - City Finance Officer  
(SEAL)