

AVON, SOUTH DAKOTA - April 1, 1996

The regular scheduled meeting of the Avon City Council was held on the above date at 6:30 P.M. at the Avon Public Library. Roll call: Mayor Brodeen, Auditor Haenfler, and Alderman: Oster, Reister, VanGerpen, Einrem and Knoll. Also present was Waldo Becker, Nancy Becker, Vern Wynia, Bryan McGinnis-District III, and representatives from RDO, JD Evans, and Swaney.

Meeting call to order by Mayor Brodeen.

Motion by Oster and seconded by VanGerpen to approve the agenda as presented. All voted "aye". Motion carried.

Motion by Einrem and seconded by Reister to approve the minutes of the March 4, 18, 20, 1996 meetings. All voted "aye". Motion carried.

The following claims were presented for payment:

CLAIMS FOR MARCH

GENERAL FUND:

Avon Clarion--publication	\$	728.86
BJ's--staples, film, pictures		7.97
Blue Cross of SD--health insurance		805.11
Coast to Coast--antifreeze, steel rod, etc.		98.97
Community Bank--ss & wh		932.78
D & L Oil--diesel		55.38
Farmers Coop Elevator--grass seed, fertilizer		122.46
Ferrellgas--propane		390.45
Golden West Communications--telephone		134.61
Allen Kocmich--gas, meals		26.72
McLeod's--election supplies		23.14
Mersman Farm Supply--repair heater, water pump		261.71
Myers Dray--garbage collection	1,248.50	
North Vue Quick Stop--gasohol		302.13
Northwestern Public Service--electricity		945.09
Postmaster--box rent, stamps		45.00
Ron's Market--paper towels		19.23
Schultz Building Center--spray paint, saw blades		19.21
Scoblic Stationer--typewriter ribbon, copy paper		30.45
SD Retirement--retirement		561.02
Brian's Service--steering rod, mufflers		311.42
Salaries--office		503.29
Salaries--library		276.08
Salaries--police	2,180.76	
Salaries--park, sanitation		375.73

WATER AND SEWER FUND:

B-Y Water--water	2,790.50
Blue Cross of SD--health insurance	335.04
Dept. of Env. & Nat'l Res.--exam fee	5.00
Dept. of Env. & Nat'l Res.--registration fee	20.00
Community Bank--ss & wh	327.94
Community Bank--lagoon payment	8,859.38
D & L Oil--fuel oil	153.50
Dakota Chemical--container rental	10.00

Dept of Revenue--water sample	10.00
Ferrellgas--propane	204.12
Golden West Communications--telephone	59.86
Allen Kcomich--wage	960.55
Maxim Technologies inc--asbestos sampling	150.00
Revenue & Reserve--transfer	374.17
SD Retirement--retirement	146.26

AMBULANCE FUND:

Commnet Cellular--telephone	20.95
Golden West Communications--telephone	70.94
North Vue Quick Stop--gasohol	28.86

Motion by Knoll and seconded by Einrem to pay the foregoing claims. All voted "aye". Motion carried.

RECEIPTS FOR MARCH, 1996

City of Avon--water	\$ 5,422.57
City of Avon--sewer	2,145.00
City of Avon--garbage	1,731.05
City of Avon--tax	68.81
Dept of Revenue--sales tax	4,049.83
Revenue & Reserve--transfer	374.17
US Treasury--gas tax refund	602.04
Clerk of Courts--fines	30.55
Amy Beeson--water deposit	25.00
Loren Jurrens--water deposit	25.00
Connie Thompson--ambulance service	110.00
City of Avon--dog tags	12.50
Ludwig Bertsch--accident report	4.00
City of Avon--sale of surplus property	206.98
Bon Homme County Treasurer--general	4,186.56
25% HBR	71.70
12% Municipal	176.78

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

As advertised, the following motor grader bids were opened. The following bids were received:

Swaney - 1980 JD770A	\$26,000.00
Swaney - 1977 JD770	\$21,900.00
JD Evans - 1978 Champion 740	\$24,500.00
JD Evans - 1984 Fiatalis FG 95	\$35,000.00
JD Evans - 1995 Champion C86	\$82,500.00
RDO Equip. - 1968 JD 570	\$22,500.00
RDO Equip. - 1977 JD 570A	\$32,500.00
RDO Equip. - 1979 JD 570A	\$35,500.00
RDO Equip. - 1980 JD 770A	\$41,500.00
RDO Equip. - 1975 Champion	\$19,500.00
Butler - 1973 Cat 12G	\$42,500.00
Butler - 1989 Champion 730A	\$32,500.00
Butler - JD 670A	\$25,000.00
Butler - 1984 Cat 140G	\$72,000.00

Motion by Einrem and seconded by Oster to table for further review. All voted "aye". Motion carried.

Mayor Brodeen administers the Oath of Office to Dennis Deurmier, as Alderman of Ward Two for a term of one month and declares him duly installed as Alderman.

The Council will hold a special meeting on Wednesday, April 10, 1996 at 7:00 P.M. to canvass the votes and discuss the purchase of a motor grader.

Waldo Becker's daughter Nancy on behalf of Waldo read to the Council Waldo's resignation. Motion by Oster and seconded by Reister to regretfully accept Waldo Becker's resignation. All voted "aye". Motion carried.

As advertised, a public hearing to transfer a liquor license and a malt beverage license was held at this time. Motion by Einrem and seconded by Knoll to approve the transfers to Vern Wynia and Doug Kafka, dba Corner Bar, located on Lot E $\frac{1}{2}$ 16, Block 3, Original Townsite, Avon, S.D. for Retail (on sale) Liquor and for Package (off-sale) Malt Beverage. Roll Call Vote: Oster, Reister, VanGerpen, Einrem, Knoll, Deurmier all voted "aye". None voted "naye". Motion carried.

Motion by Einrem and seconded by VanGerpen to hire Matt Eggers, per recommendation by the park board, for Head Lifeguard for this summer. All voted "aye". Motion carried.

Motion by Knoll and seconded by VanGerpen to pay Karen Meyer \$3.25 per hour for cleaning the bath house and for being in charge of the gate receipts at the pool. All voted "aye". Motion carried.

Mayor Brodeen gave Ordinance #250 entitled "AN ORDINANCE IMPOSING A MUNICIPAL SALES AND SERVICE TAX AND A USE TAX FOR THE CITY OF AVON, BON HOMME COUNTY, SOUTH DAKOTA AND AMENDING ORDINANCE NO. 200." it's second reading. Motion by Oster and seconded by Reister to approve the second reading of Ordinance #250 as read. Roll Call Vote: Oster, Reister, VanGerpen, Einrem and Knoll all voted "aye". Deurmier abstained. None voted "naye". Motion carried.

Bryan McGinnis from District III discussed with the Council zoning. Bryan handed out a zoning booklet to the Council which covered the zoning preparation. No decision~~s~~ was made at this time. The Council will look into zoning further.

Police Chief Luke arrived at 8:05 P.M.

Luke on behalf of Lenny Gramkow asked the Council if mileage would be paid to Gramkow for traveling to certification training. Motion by Deurmier and seconded by Einrem to not pay Gramkow mileage. All voted "aye". Motion carried.

The council discussed some guideline for street improvements and decided to meet with Tom Alberts to discuss some legal aspects.

Mayor Brodeen informed the Council that a refrigerator was needed for the softball field concession stand. It was decided to purchase a used one from Power's Furniture.

Motion by Reister and seconded by Oster to purchase a stainless steel pump for the swimming pool. All voted "aye". Motion carried.

Mayor Brodeen present a claim from Ludwig Bertsch for damages done to his van as of a result of an accident with Street and Water Commissioner Kocmich. Motion by Einrem and seconded by Reister to reject the claim. All voted "aye". Motion carried.

Auditor Haenfler, on behalf of Tina Pelton, requested a dance permit for June 22, 1996. Alderman Oster introduced the following resolution:

RESOLUTION PERMITTING USE OF ALCOHOLIC BEVERAGES

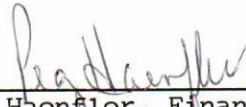
WHEREAS, SDCL 35-1-5.3, as amended, authorizes and permits the governing body of the City of Avon, Bon Homme County, South Dakota, to grant prior authorization for persons to consume or blend alcoholic beverages upon certain property which is owned by the public or a non-profit corporation within the jurisdiction of the governing municipality and,

WHEREAS, THE City Council of and for the City of Avon, Bon Homme County, South Dakota, has duly considered the request of Tina Pelton for permission in accordance with the above said statue,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that in accordance with SDCL 35-1-5.3, as amended, authorization is hereby given to Tina Pelton for the use of the Avon Legion Hall and to mix or blend and consume alcoholic beverages upon and within the aforesaid premises on the 22nd day of June, 1996 between the hours of 9:00 P.M. and 1:00 A.M.

Passed and approved this 1st day of April, 1996.

Jackson Brodeen, Mayor



Peg Haenfler, Finance Officer

Motion by Oster and seconded by Einrem to adopt the foregoing resolution. Roll call vote: Oster, Reister, VanGerpen, Einrem, Knoll and Deurmier all voted "aye". None voted "naye". Motion carried.

Auditor Haenfler on behalf of Bill Rauch, requested a dance permit for August 24, 1996. Alderman Knoll introduced the following resolution and moved it's adoption:

RESOLUTION PERMITTING USE OF ALCOHOLIC BEVERAGES

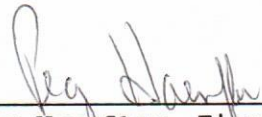
WHEREAS, SDCL 35-1-5.3, as amended, authorizes and permits the governing body of the City of Avon, Bon Homme County, South Dakota, to grant prior authorization for persons to consume or blend alcoholic beverages upon certain property which is owned by the public or a non-profit corporation within the jurisdiction of the governing municipality and,

WHEREAS, The City Council of and for the City of Avon, Bon Homme County, South Dakota, has duly considered the request of Bill Rauch for permission in accordance with the above said statue,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that in accordance with SDCL 35-1-5.3, as amended, authorization is hereby given to Bill Rauch for the use of the Avon Legion Hall and to mix or blend and consume alcoholic beverages upon and within the aforesaid premises on the 24th day of August, 1996 between the hours of 9:00 P.M. and 1:00 A.M.

Passed and approved this 1st day of April, 1996.

Jackson Brodeen, Mayor



Peg Haenfler, Finance Office

Motion to adopt the foregoing resolution was seconded by Einrem. Roll call

voted: Oster, Reister, VanGerpen, Einrem, Knoll and Deurmier all voted "aye". None voted "naye". Motion carried.

Motion by Einrem and seconded by Knoll to advertise for a part time City employee. All voted "aye". Motion carried.

Alderman Oster introduced the following resolution and moved it's adoption:

RESOLUTION

WHEREAS, Pursuant to the laws of the State of South Dakota, an Annual Election for the election of officers is required to be held on the second Tuesday of April each year, and

WHEREAS, only one certificate of nomination for the office of Alderman of Ward Two for a one year term has been filed according to law, and

WHEREAS, no certificate of nomination for the offices of Alderman Ward One for a three year term and Alderman Ward Two for a three year term has been filed, and

WHEREAS, the certificate of nomination for Tom Oster as Alderman of Ward Two for one year term has been filed according to law,

NOW THEREFORE BE IT RESOLVED that pursuant to the provision of the law of the state of South Dakota in such case made and provided that the Annual City Election for Alderman of Ward One and Two be, and the same is hereby dispensed with, and the City Finance Officer is hereby instructed and directed to issue Certificates of Election to the foregoing named candidate of the respective position and term filed for.

Passed and approved this 1st day of April, 1996.

Jackson Brodeen, Mayor




Peg Haenfler, Finance Officer

Motion to adopt the foregoing resolution was seconded by Reister. Roll Call vote: Oster, Reister, VanGerpen, Einrem, Knoll and Deurmier all voted "aye". None voted "naye". Motion carried.

Alderman Knoll discussed with the Council that Ron's Market will be putting in a new sidewalk and they wanted to be sure that there would be no problem with the water drainage. The Council ask Deurmier to talk to Ron Pelton about the sidewalk.

There being no further business to come before the Council at this time, a motion by Einrem and seconded by Oster to adjourn at 9:15 P.M. All voted "aye". Motion carried.

ATTEST:



Peg Haenfler, City Finance Officer
(SEAL)

Jackson Brodeen, Mayor