

AVON, SOUTH DAKOTA - April 9, 1997

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 Frey, Finance Officer Haenfler, and Alderman: Oster, Einrem, Knoll and Deurmier. Also present was Allen Kocmich. Absent Alderman VanGerpen.

Meeting call to order by Mayor Frey.

Motion by Einrem and seconded by Knoll to approve the agenda with the addition of Vern Wynia on behalf of bar owners at 7:30 P.M. All voted "aye". Motion carried.

Motion by Oster and seconded by Einrem to approve the minutes of the March 3, 17 & 20, 1997 meetings. All voted "aye". Motion carried.

The following claims were presented for payment:

CLAIMS FOR APRIL

GENERAL FUND:

Avon Clarion--publication	\$ 435.00
Blue Cross of SD--health insurance	893.83
Bon Homme Co. Implement--parts	141.03
Brian's Service--heater core	226.89
Chemsearch--deox	598.76
Coast to Coast--misc supplies	40.78
Community Bank--ss & wh	954.26
Cover to Cover--books	28.07
D & L Oil--gasohol, diesel, heating fuel	508.86
Ferrellgas--propane	328.99
Golden West Co.--telephone	129.54
Jurren's Repair--parts, labor	320.56
Myers Dray--garbage collection	1,248.50
Northwestern Public Service--electricity	873.78
Postmaster--stamps, box rent	45.00
S & S Machine--weld socket	16.20
Schultz Building Center--gravel	2,533.64
SD Federal Property Agency--misc supplies	29.37
SD Retirement--retirement	583.14
Salaries--office	529.95
Salaries--library	315.14
Salaries--police	2,240.61
Salaries--streets	50.91
Myra Klock -- election desk	57.00
Reta Ridgway -- " "	57.00
Oris Smith -- " "	57.00

WATER AND SEWER FUND:

B-Y Water--water	\$ 2,790.50
Blue Cross of SD--health insurance	371.95
Community Bank--ss & wh	373.50
Community Bank--lagoon payment	8,587.50
Dave's Welding & Repair--culvert cover	57.00
Dept of Revenue--lagoon & water samples	419.00
Golden West Co.--telephone	47.00
Salary--water and sewer	1,055.24
Revenue & Reserve--transfer	374.17
SD Retirement--retirement	161.00
Avon Enterprise--shipping fee	26.82

AMBULANCE FUND:

Brian's Service--shocks	183.18
Commnet Cellular--telephone	23.54
D & L Oil--gasohol	95.67
Golden West Co.--telephone	61.90
Reach Electronics--batteries	59.50

Motion by Knoll and seconded by Deurmier to pay the foregoing claims. All voted

"aye". Motion carried.

The following receipts were presented for approval:

RECEIPTS FOR MARCH 1997

City of Avon--water	4,851.27
City of Avon--sewer	1,911.00
City of Avon--garbage	1,544.36
City of Avon--tax	62.19
Revenue & Reserve--transfer	374.17
Dept of Revenue--sales tax	8,965.60
Farmer Coop elevator--overpayment	17.40
Fran Mensch--use of equipment	80.00
Mary Borin--ambulance service	74.00
Stella Jurczewsky--ambulance service	83.50
Patsy Ridgway--ambulance service	38.00
Anne Hento--ambulance service	110.00
Medicare--ambulance service	152.80
Tri State Insurance Co.--accident report	4.00
Vera Uherka --ambulance service	65.00
William Jonkers--ambulance service	131.96
U.S. Treasury--gas tax refund	525.29

Community Bank--interest	2,084.46
Bon Homme Co. Treasurer--general	4,382.09
25% HBR	80.57
12% Municipality	210.87

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

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

- Black Top - \$38.80/ton
- TopKote - \$47.00/ton
- Commercial Asphalt - \$32.00/ton

Motion by Deurmier and seconded by Knoll to accept the bid to mat the streets from Commercial Asphalt. All voted "aye". Motion carried.

Motion by Knoll and seconded by Oster to make a \$50.00 donation to Green Thumb. All voted "aye". Motion carried.

Alderman Knoll, Council representative for Park Board, presented the following summer program for approval.

SWIMMING PROGRAM

Head Lifeguard: Angie Cameron	\$5.25 per hr
Asst. Lifeguard: Gayle Thompson	\$4.65 per hr
Tera Williams	\$4.50 per hr
Jeri Lyn Mudder	\$4.50 per hr

Swimming Lesson Instructor: Gayle Thompson	\$5.25 per hr
Assistant Instructor: Angie Cameron (if class is over 10 students)	\$4.00 per hr

Private Swim Parties: \$25.00 must have head lifeguard or assistant that has been hired by City, plus pay lifeguard..

Swim Lessons: \$11.00 per session and NO REFUNDS

Pool Season Tickets: Family	\$35.00
Family(weekly)	\$10.00
Adult Single	\$20.00
Student Single	\$20.00
Individual (weekly)	\$ 5.00

Pool Admission: (daily) Adult	\$ 2.00
High School	\$ 1.50
Completed Kindergarten through 8th grade	\$ 1.00

Pool Hours: 1:00 to 5:00 PM, Monday thru Friday
7:00 to 9:00 PM, Monday thru Friday
1:00 to 5:30 PM, Saturday & Sunday

BASEBALL PROGRAM

Head Coach Wee Pees, Pee Wees, and Midgets: Brett Sime
\$500.00 per team. State league rules to apply concerning age of players.

GIRLS SOFTBALL PROGRAM

Head Coach Pee Wees, Grade School and High School: Jennifer Finck
\$500.00 per team. State league rules to apply concerning age.

PARTICIPATION FEES:

A participant fee will be charged to those boys and girls playing ball. The fee will be \$10.00 per participant for the summer. This must be paid immediately otherwise, no practice, no game and no refund.

USER FEE:

The user fee will be \$30.00 per team for the summer. This is for any organized baseball or softball teams that will be using the ball parks.

EMPLOYMENT CONTRACTS:

Contracts will be signed by Head Lifeguard, Assistant Lifeguards, Baseball, and Softball Coaches, with a \$50.00 penalty clause.

UMPIRES:

The parents are responsible for umpiring the baseball and softball games and if they are not able to, they must make arrangements for someone else to umpire for them.

Motion by Einrem and seconded by Oster to approve the summer recreation program as presented. All voted "aye". Motion carried.

Police Chief Roland Luke arrived at 7:05 P.M.

Applications for the pool concession stand workers were opened. Six applications were received. The Council determined the top applicants and requested Finance Officer Haenfler to contact them.

Bob Hille and Vern Wynia arrived at 7:15 P.M.

Vern Wynia on behalf of Corner Bar and Martin's Bar addressed the Council about extending bar hours on Friday & Saturday to 1:00 A.M. The Council will amend the existing ordinance and have its first reading at the May meeting to allow the bars to stay open on Friday and Saturday until 1:00 A.M. Council encourages public input on this, for or against.

Bob Reister arrived at 7:30 P.M.

Bob Hille from H & H Water Tower, discussed with the Council the repairs needed on the water tower. Hille took pictures of the inside and outside of things that need to be repaired on the tank. The tank needs the exterior sandblasted & repainted, inside of tank roof sandblasted & painted, and some OSHA upgrades.

Motion by Deurmier and seconded by Oster to advertise for bids to repair and upgrade water tower. All voted "aye". Motion carried.

Terry Schultz arrived at 8:15 P.M.

Terry Schultz discussed with the Council the street project and when the radiuses will be put in on the streets to be matted. Council informed him that the radiuses will go in as soon as possible. It was also discussed that the city might want to consider purchasing string line for a guide when cutting the roads.

The following resolution was introduced by Einrem and seconded by Reister (see attached) Roll Call vote: Oster, Reister, Einrem, Knoll, and Deurmier all voted "aye". None voted "nay". Absent Alderman VanGerpen.

Police Chief Luke discussed with the Council Lenny Gramkow's contract. The Council requested that Lenny come to next meeting and discuss the situation with the Council.

Motion by Oster and seconded by Reister to send Police Chief Luke to a meeting in Pierre on May 14 & 15. All voted "aye". Motion carried.

Street & Water Commissioner Kocmich informed the Council that Tuffy Halsey does not have time to repair the 10 feet of sewer line that needs repair. Kocmich received an estimate from Slowey Construction to repair it would cost \$15,000.00 to \$18,000.00. Council requested Kocmich to contact Halsey and the City will wait until he has time.

The appraisals of the surplus property was presented as follows:

- 1 propane furnace \$50.00
- 3" hose - \$50.00
- baseball fence - \$1.00 a standing foot
- 1 1989 Ford Crown Victoria Cop Car - \$2000.00
- 1 1956 #12 Caterpillar Motorgrader - \$2500.00

Motion by Oster and seconded by Reister to sell Cop Car and Motorgrader on the county public auction on May 8, 1997 for not less than 90% of appraised value and to sell all other surplus items on the first come first served bases since that surplus property is appraised at less than \$500.00. All voted "aye". Motion carried.

Alderman Oster would like to contact the Housing Development Corp about getting some housing in the City, Oster would like the Councils support. The Council agreed it was a good idea.

Alderman Einrem presented a letter of complaint to the Council from S & S Machine. The complaint was about the snow removal and need of gravel on road to the business. The Council felt the snow removal was handled properly. Finance Officer Haenfler will contact Attorney Alberts to inquire if the road is a city street beyond the alley by S & S Machine, until then no action will be taken on the gravel.

Kocmich presented an estimate on the cost to remove electric service from pump house and reinstall electric service to the white shop.

Motion by Deurmier and seconded by Einrem to have NWPS remove and reinstall electric service. All voted "aye". Motion carried.

Kocmich informed the Council that the broom is ready for operating.

Motion by Deurmier and seconded by Einrem to place broom on rental list at \$30.00 per hour with tractor and operator and it must stay in the city limits. All voted "aye".

Motion carried.

The City Finance Officer presented to the Council the official returns of the Annual City Election held in and for the City of Avon, on April 8, 1997, which returns were duly canvassed. The vote cast and count showed the following results:

WARD I

Ronald Dertien	<u>58</u>
Rodney VanGerpen	<u>62</u>
Spoiled or blank ballots	<u>1</u>
Total votes cast	<u>121</u>

WARD II - THREE YEAR TERM

Tom Oster	<u>95</u>
Edward VanGerpen	<u>54</u>
Spoiled or blank ballots	<u>0</u>
Total votes cast	<u>149</u>

WARD II TWO YEAR TERM

Dennis Deurmier	<u>116</u>
Crystal Rucktaeschell	<u>30</u>
Spoiled or blank ballots	<u>0</u>
Total votes cast	<u>146</u>

Motion by Einrem and seconded by Reister that the foregoing tabulation of the Annual City election be approved and that Rodney VanGerpen, Tom Oster, and Dennis Deurmier are hereby declared as the elected Alderman of the City of Avon. Roll call vote: Oster, Reister, Einrem, Knoll and Deurmier all voted "aye". None voted "nay".

Motion carried. Absent Alderman VanGerpen.

There being no further business to come before the Council at this time, a motion was made by Einrem and seconded by Oster to adjourn at 11:00 P.M. All voted "aye".

Motion carried.

**SAMPLE RESOLUTION TO BE USED
WHEN APPLYING FOR FLOOD INSURANCE**

WHEREAS, certain areas of Avon are subject
(Name of Community)

to periodic flooding, mudslides (i.e., mudflows), or
flood-related erosion, causing serious damages to properties
within these areas; and

WHEREAS, relief is available in the form of Federally subsidized
flood insurance as authorized by the National Flood Insurance
Act of 1968; and

WHEREAS, it is the intent of this Council
(Board, Legislature, Council)

to require the recognition and evaluation of flood, mudslide
(i.e., mudflow), or flood-related erosion hazards in all official
actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and
control measures to reduce future flood losses pursuant to

SDCL 9.12-1, 9.32.1, 9.36, & 9.31.17
(Cite appropriate section of State law and other relevant
authority)

Resolution

NOW, THEREFORE, BE IT RESOLVED, that this Council
(Board, Legislature,

_____ hereby:
Council)

1. Assures the Federal Emergency Management Agency that it will enact, as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with effective enforcement provisions consistent with the criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations; and
2. Vests City Finance Officer with the
(Official, Office or Agency)
responsibility, authority, and means to:
 - (a) Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow), or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

- (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce

(e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

3. Appoints City Finance Officer to
 (Official, Office or Agency)
 maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of floodproofing and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Date of Adoption: 4-9-97

Certification:

Peg Haenfler Finance Officer
 (Signature)

 (Signature)