

AVON, SOUTH DAKOTA - MAY 4, 1998

The regular meeting of the newly elected City Council was held on the above date at 7:35 p.m. at the Avon Public Library. Roll Call: Mayor VanGerpen, Finance Officer Haenfler, and Alderman: Oster, Reister, VanGerpen, Einrem, Knoll and Deurmier. Also present: Allen Kocmich, Roland Luke, Sharon VanGerpen, Jack Brodeen, Glen Janssen, Louise Koopman, Duane Stimpson, Ray Weber, Laval Haenfler, Lewis Bertsch, Scott VanGerpen, and Orval Elliott.

Mayor VanGerpen calls the meeting to order.

Finance Officer Haenfler administers the Oath of Office to Edward VanGerpen, as Mayor for a term of two years and declares him duly installed as the Mayor of the City of Avon. Mayor VanGerpen administers the Oath of Office to Bob Reister as Alderman of Ward II for a term of three (3) years, to Dan Knoll as Alderman of Ward I for a term of three (3) years and declares them duly installed as Alderman in their respective wards.

Mayor VanGerpen calls for nominations for the Council President and Vice President. Motion by VanGerpen and seconded by Reister to nominate Alderman Einrem for President of the City Council. Deurmier moved that nomination cease and that a unanimous ballot be cast for Einrem, seconded by VanGerpen. All voted "aye". Motion carried.

Motion by VanGerpen and seconded by Knoll to nominate Alderman Reister for Vice President of the City Council. Deurmier moved the nomination cease and that a unanimous ballot be cast for Reister, seconded by Oster. All voted "aye". Motion carried.

Mayor VanGerpen makes the following committee appointments to serve for the coming year:

**STREETS AND ALLEYS**

EINREM-CHAIRMAN-3625  
REISTER  
VANGERPEN

**SEWER AND WATER**

REISTER-CHAIRMAN-3539  
EINREM  
KNOLL

**BUILDINGS, PARK, LAND**

KNOLL-CHAIRMAN-3465  
OSTER  
DEURMIER

**BOARD OF HEALTH AND POOL**

OSTER-CHAIRMAN-3496  
REISTER  
KNOLL

**NUISANCE AND DUMP**

DEURMIER-CHAIRMAN-3262  
EINREM  
VANGERPN

**FINANCE AND PURCHASING**

VANGERPEN-CHAIRMAN-3531  
OSTER  
DEURMEIR

Motion by Reister and seconded by Einrem to approve the foregoing committee appointments made by Mayor VanGerpen. All voted "aye". Motion carried.

Mayor VanGerpen appoints Larry Hento to the City Park Board for a term of three years. Motion by Knoll and seconded by Deurmier to approve said appointments. All voted "aye". Motion carried.

Mayor VanGerpen read Carol Frey's resignation from the City Library Board. Mayor VanGerpen appointed Joanne Bryan to fill the remainder of the term on the City Library Board. Motion by Oster and seconded by Deurmier to approve said appointment. All voted "aye". Motion carried.

Mayor VanGerpen appointed Mary Borin, Lisa Einrem, and Shyne Thaler to the Library Board for a term of three years. Motion by Reister and seconded by Oster to approve the said appointments. All voted "aye". Motion carried.

Mayor VanGerpen appoints Allen Kocmich as Street and Water Commissioner. Motion by Einrem and seconded by Deurmier to approve appointment. All voted "aye". Motion carried.

Mayor VanGerpen appoints Peg Haenfler as City Finance Officer. Motion by VanGerpen and seconded by Reister to approve said appointment. All voted "aye". Motion carried.

Mayor VanGerpen appoints Roland Luke as Police Chief. Motion by Knoll and seconded by Oster to approve said appointment. All voted "aye". Motion carried.

Mayor VanGerpen then swears in the Street and Water Commissioner, Finance Officer, and Police Chief and declares them duly installed for a one year term.

As advertised, a Public Hearing for the renewal of Malt Beverage License for Dutch's Corner was held. Motion by Reister and seconded by Oster to approve the application of Michael Carr, dba Dutch's Corner, located on Lot 9, Block 6, Milwaukee 1<sup>st</sup>, Avon, SD, for retail (on-off sale) malt beverage license. Roll Call vote: Oster, Reister, VanGerpen, Einrem, Knoll and Deurmier all voted "aye". None voted "naye". Motion carried.

As advertised, a Public Hearing for the renewal of Malt Beverage License for North Vue Café & Quick Stop was held. Motion by Reister and seconded by Deurmier to

approve the application of Ray Voigt, dba North Vue Café & Quick Stop, located on Lot 14, Block 11, Schroeder 2<sup>nd</sup>, Avon, SD, for a package (off-sale) malt beverage license. Roll Call: Oster, Reister, VanGerpen, Einrem, Knoll and Deurmier all voted "aye". None voted "naye". Motion carried.

Les Labon from Randall RC & D informed the Council about projects that Randall RC & D are involved in. It started in the 60's. They work on erosion control projects, cedar tree problems, multi-community projects, and many other things. They helped with a project to restore a fire hall for a museum. The Council took no action at this time to become members. It will be discussed at the next meeting in June.

Microfilm is available for all the Clarion's published since 1900. The Clarion will donate the microfilms through 1984 to the City. The City can purchase the addition 7 rolls at the cost of \$25.00 per roll. No action was taken at this time.

Mayor VanGerpen read a complaint received from 9 business people to the Council about monitoring the speeding, illegal U-turns, and the painting of the parking lines.

Donna Reister arrived at 8:10 p.m.

Donna Reister on behalf of the Avon Ambulance spoke to the Council about the need to raise the ambulance charges. Compared to all the other towns Avon is much lower than them. The ambulance crew would like to be paid for the ambulance runs. The Council agreed that that would only be fair. Finance Officer Haenfler will look into the effect it will have on insurance. Reister informed the Council a new ambulance is needed and some new beepers for the ambulance crew. The ambulance crew has found an ambulance in Humboldt and will look into the condition of it. Reister is offering a First Responders course sometime this summer if anyone is interested. The Council did not make any decision at this time on the pay for the ambulance crew.

Mayor VanGerpen informed that Council that he would like to see Hickory Street have first priority when tearing up the streets. A motion was asked for and not received do to the fact that Hickory Street is on the street plan to be tore up this year. Mayor VanGerpen addressed the Council about the curb & gutter put in on 1<sup>st</sup> Avenue between Pine & Birch Street. Deurmier Construction has a claim for this at the cost of \$2641.80.

At the time of the work the Council was unaware that an elected official could not receive pay from the City over \$1000.00. Mayor VanGerpen informed the Council he had turned the matter over to the State's Attorney. The Council would like to see the bill paid because the work was done and completed. Next, Mayor VanGerpen read a prepared statement to the Council. The statement stated that the work on the new development will cease and no checks relating to the project would be signed and that the matter is being discussed with the Auditor General's office.

Alderman VanGerpen commented on what Mayor VanGerpen was doing and did not feel that common sense was being used in the situation. At that time Alderman VanGerpen gave a verbal resignation and left the meeting. The Council did not accept Alderman VanGerpen's resignation.

The following claims were presented for payment:

GENERAL FUND:

Avon Clarion--publication	\$ 463.78
Blue Cross of SD--health insurance	\$ 1,040.13
Bon Homme Family Practice--physical	\$ 79.00
Chemsearch--pool chemicals	\$ 680.97
Coast to Coast--misc supplies	\$ 168.42
Community Bank--ss & wh	\$ 733.22
Cover to Cover--books	\$ 42.84
D & L Oil--gasohol, diesel	\$ 777.29
Dept of Revenue--malt beverage license renewal	\$ 200.00
Deurmier Construction--curb & gutter	\$ 2,641.80
Eisenbraun & Associates--maps	\$ 114.00
Gall's Inc.--uniform shirts	\$ 153.95
Golden West Co.--telephone	\$ 156.44
Grosz Construction--pea rock	\$ 129.72
Jebro Inc.--CRS2	\$ 183.75
Jurren's Repair--parts & labor	\$ 98.61
Myra Klock--election clerk	\$ 66.95
Roland Luke--digging curb & gutter	\$ 400.00
McLeod's--election supplies	\$ 14.62
Myers Sanitation--dumpster	\$ 20.00
Myers Dray--garbage collection	\$ 2,750.00
Northwestern Public Service--electricity	\$ 980.55
One Call System--locate fee	\$ 1.80
Office Plus--file folders, printer cartridge	\$ 116.22
Postmaster--stamps	\$ 32.00
Reta Ridgway--election clerk	\$ 64.38
RDO Equipment--tooth, spring pin	\$ 76.40
Ron's Small Engine Repair--mower repair	\$ 11.75
Schultz Building Center--gravel, radius	\$ 5,488.69
Lois Simek--election clerk	\$ 64.38

SD Retirement—retirement	\$ 363.00
State Treasurer--sales tax	\$ 251.71
Tractor Salvage & Welding--mold board repair,blades	\$ 1,357.50
Stephanie Turner—historical survey	\$ 1,474.00
Walmart—books	\$ 17.48
Clayton Wittmeier--fill sand	\$ 36.00
Salaries—sanitation	\$ 55.41
Salaries—councilman	\$ 2,742.78
Salaries—library	\$ 396.18
Salaries—streets	\$ 733.28
Salaries—office	\$ 527.62
Salaries—mayor	\$ 1,108.20
Salaries—police	\$ 1,774.04

WATER AND SEWER FUND

APH Wholesale Supply--sewer pipe	\$ 389.20
B-Y Water—water	\$ 2,481.50
Blue Cross of SD—health insurance	\$ 432.83
Community Bank-- ss & wh	\$ 361.68
D & L Oil--heating fuel shop	\$ 137.35
Dept of Revenue--water & lagoon sample	\$ 225.00
Golden West Co.—telephone	\$ 56.59
Halsey Construction—sewer digging	\$ 10,871.01
Allen Kocmich--wage 1560.00 less 449.52	\$ 1,110.48
Plainsco--water & sewer line	\$ 3,274.29
Revenue & Reserve—transfer	\$ 374.17
SD Retirement—retirement	\$ 167.00
Yankton Winnelson Co.--sewer caps	\$ 78.11

AMBULANCE FUND:

A-OX Welding—oxygen	\$ 10.30
Commnet Cellular—telephone	\$ 21.70
D & L Oil—gasohol	\$ 22.49
Golden West Co.—telephone	\$ 61.90

Motion by Einrem and seconded by Knoll to pay the foregoing claims. All voted “aye”. Motion carried. Alderman Deurmier abstained.

Alderman Reister left at 9:00 p.m.

Alderman Knoll informed the Council he had received a letter from Beth Dykstra. Beth is interested in being a substitute lifeguard for the summer. She has the lifeguard training and is certified in CPR and first aid.

Motion by Einrem and seconded by Oster to authorize Alderman Knoll to contact the Park Board on the matter and to inform Dystra of the decision made by the Park Board. All voted “aye”. Motion carried.

Alderman Einrem reported that the City is working aggressively on the streets and that 1<sup>st</sup> & Pine Street are graveled.

Alderman Oster informed the Council that H & H is moving right along on the pool. There is some trouble keeping the water pumped out of the pool.

Connie VanGerpen has been hired as the Head Swim Team Coach and Jenny Muller will assist.

Motion by Deurmier and seconded by Knoll to pay the Head Swim Team Coach \$1000.00, this is \$500.00 per team (boy's team, girl's team) and that the Head Swim Team Coach pay the assist. All voted "aye". Motion carried.

Finance Officer Haenfler on behalf of Eric Odens, requested a dance permit for August 15, 1998. Alderman Einrem introduced the following resolution and moved it's adoption:


**RESOLUTION PERMITTING USE OF ALCOHOLIC BEVERAGES**

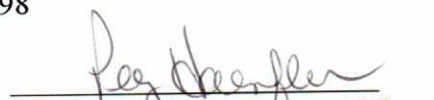
WHEREAS, SDCL 35-1-5.3, as amended, authorizes and permits the governing body of the City of Avon, Bon Homme County, South Dakota, to grant prior authorization for persons to consume or blend alcoholic beverages upon certain property which is owned by the public or non-profit corporation within the jurisdiction 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 Eric Odens for permissioner 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 Eric Odens for the use of the Avon Legion Hall and to mix or blend and consume alcoholic beverage upon and with in the aforesaid premises on the 15<sup>th</sup> day of August, 1998 between the hours of 9:00 p.m. and 1:00 a.m.

Passed and approved this 4<sup>th</sup> day of May, 1998

  
Edward VanGerpen - Mayor

  
Peg Haenfler - Finance Officer

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

Mayor VanGerpen presented Carol Frey's resignation from the Avon Historical Society to the Council. Finance Officer Haenfler suggested that someone be appointed to work closely with the Historical Society and report things to the City.

Motion by Deurmier and seconded by Oster to appoint Mayor VanGerpen to find someone to work with the Historical Society and the City of Avon. All voted "aye".

Motion carried.

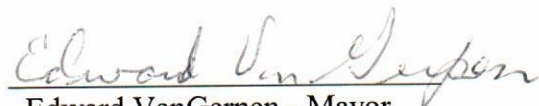
Motion by Oster and seconded by Knoll to have Shelly Poppe run the softball field concession stand. She will keep all the profits and pay the electric bill for the stand. All voted "aye". Motion carried.

Street and Water Commissioner Kocmich informed the Council that a special gear broke on the payloader. The part is coming from Tennessee at the cost of about \$600.00. Kocmich also informed the Council that the cog on the tractor needs to be fixed and the tractor will have to be split. Council recommended Kocmich get some estimates and consult with Alderman Einrem on who will repair it.

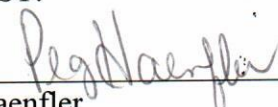
Alderman Deurmier explained to the Council that he felt the City should still pursue a zoning ordinance. A long discussion was held on the pros and cons of a zoning ordinance. The Council felt that a zoning committee should be appointed as soon as possible to get things rolling. The Council thought there should be more than 5 people on the committee. The Mayor & Council will talk to people about being part of the committee.

Motion by Einrem and seconded by Deurmier to appoint Alderman Knoll and Alderman Reister to be part of the zoning committee. All voted "aye". Motion carried.

There being no further business to come before the Council at this time, a motion by Einrem and seconded by Oster to adjourn at 10:24 p.m. All voted "aye". Motion carried.

  
Edward VanGerpen - Mayor

ATTEST:

  
Peg Haenfler  
City Finance Officer  
(SEAL)