

Unapproved Minutes  
 Gettysburg, South Dakota  
 May 2, 2005

Pursuant to the due call and notice thereof, the City Council met in regular session on May 2, 2005 at 7:00 PM at the City Finance Office. Those present included Mayor Jerald A. Bown, Finance Officer Sharleen Eliason and Council members Bobbie Potts, Bill Wuttke Pat Everson, Tonya Tanner, Larry Madsen and Jack Axsom. Also present was Chief of Police, Joe Senyak, Assistant Maintenance Supervisor Greg Gerber, Maintenance Supervisor Russell Anderson, Chuck Willey, David Nusz, Hazel Langer, Diane Bender, Gettysburg Whitlock Bay Director, Elmer Nitzchke, Kevin Bain, NECOG and City Attorney Emily Sovell.

Motioned by Wuttke seconded by Madsen, motion carried to approve the minutes from April 4<sup>th</sup> and 18th with no corrections noted.

Motioned by Wuttke seconded by Axsom motion carried ( Madsen-nay) to approve vouchers payable. Finance Officer Eliason also asked the Councils approval to pay the following vendors in May: Helms & Associates \$5,323.29, Schlachter Lumber \$74.85, Share Corporation \$373.20 and Emily Sovell for \$ 518.00.

VOUCHERS PAYABLE

Payroll Expense by Department:

Total Payroll Expense by Department

Mayor & Council	April Payroll	4,532.50
Finance Office	April Payroll	2,848.66
Police	April Payroll	3,868.82
Streets	April Payroll	1,587.35
Snow Removal	April Payroll	527.00
Garbage	April Payroll	647.50
Airport	April Payroll	75.50
Swimming Pool	April Payroll	00.00
Parks	April Payroll	289.50
Water	April Payroll	2,188.75
Sewer	April Payroll	522.00
Ambulance	April Payroll	00

Total Payroll Expense by Department	17,087.58
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Net Payroll		13,152.43
BANK OF THE WEST	WITHHOLDING	2,009.03
BANK OF THE WEST	WITHHOLDING	1,472.79
BEST BUSINESS PRODUCTS	MAINT COPIER	77.42
BROSZ ENGINEERING	CHIP SEAL	3,000.00
BUHL'S LAUNDRY	F O RUGS	21.60
CAMBELL, LILLIAN	½ MILEAGE	41.60
CELLULAR ONE	AMBULANCE PHONE	42.35
CENEX FLEET FUELING	AMBULANCE FUEL	227.93
CITY OF GETTYSBURG	PETTY CASH	32.39
CORDELL, APRIL	LIFEGUARD TRAINING	150.00
DAKOTA FARM & RANCH	SUPPLIES	17.75
DAKOTACARE INS.	INSURANCE	2,823.96
DENR	TRAINING	20.00
DRIVERS LICENSE GUIDE	SUPPLIES	39.00
DUCKWALLS	SUPPLIES	28.66
ELIASON, SHAR	MEAL-WORKSHOP	9.00
FARM PLAN	SUPPLIES	207.13
GAS N GOODIES	CAR WASHES	24.00
GERBER, GREG	PHONE REIMB	6.30
GETTYSBURG DEVELOPMENT	TRIPLE B TAX	952.39
GETTYSBURG TV & APPLIANCE	POLICE SUPPLIES	115.98
HANSEN PLUMBING	WATER HEATER	402.59
HEARTLAND WASTE	GARBAGE	3,050.95
JACK AXSOM	MILEAGE	94.80
JOST, TYLER	LABOR	375.00
LARRY MADSEN	MILEAGE	38.40
LOGAN ELECTRIC	STREET LIGHTS	269.18
MANHARTH,DUANE	WATER DEP REFUND	65.00
MIDWAY PARTS	MISC SUPPLIES	232.75
MID DAKOTA	WATER	10,262.90
MILLBORN SEED INC	AIRPORT	675.00
MONTANA-DAKOTA	MISC. ELECTRIC DEPTS	3,042.74
NEW CREATIONS	SUPPLIES	378.95
NEW CREATIONS	SUPPLIES	121.16
NEFOG	DUES	16.00
NORTHERN PLAINS COOP	FUEL	2,595.22
NORTHWEST PIPE	SUPPLIES	6.58
OAHE YOUTH CENTER	SUMMER REC	4,000.00
ONE CALL	WATER LOCATES	6.93
POTTER CO NEWS	PUBLICATIONS	566.91
SCHLACHTER LUMBER	SUPPLIES	58.24
SCHATZ ELECTRIC	TENNIS COURTS	87.89
SD DEPT OF REVENUE	WATER SAMPLES	132.00
SD DEPT OF REVENUE	SALES TAX GARBAGE	157.95
SD RETIREMENT	RETIREMENT	1,586.52

SD RURAL WATER	DUES	285.00
SHIELDS	SUPPLIES	12.00
SOPERS	FILTERS	16.50
SD ASSN CODE ENFORCEMENT	WORKSHOP	50.00
SD PILOTS ASSOC	AIRPORT DEDICATION	250.00
TRUE VALUE	SUPPLIES	179.62
VENTURE	PHONES	382.38
VENTURE COMMUNICATIONS	PHONES	79.90
VERIZONE WIRELESS	CELL PHONES	169.39
WESTERN COMMUNICATIONS	SUPPLIES	439.30
WILLEY, CHARLES	AMBULANCE GAS	98.51
ZUBER REFRIGERATION	PROFF SERVICE	308.75
TOTAL CHECKS		54,966.72

At this appointed time a public hearing was held for Malt Beverage Licenses to operate within the City for the 2005-2006 licensing period, which was presented to the City Council and filed in the Finance office. The following licenses were for renewal:

The Burg's Gas & Etc. Inc.	800 E. Highway 212	Retailer (On-Off Sale)
Liberty Lanes	107 N. Exene	Retailer ( On-Off Sale)
Gas N' Goodies	106 E. Garfield	Retailer ( On-Off Sale)
Medicine Rock Café	801 E. Highway 212	Retailer (On-Off Sale)
Cenex Harvest States Coop	410 W Garfield	Package (Off-Sale)

Motioned by Potts, seconded by Axsom, motion carried to approve the above Malt Beverage licenses.

At this appointed time a public hearing was held for the Fire hall Grant. The City is applying for funds from Community Development Block Grant in the amount of \$250,000.00 plus administration funds of \$ 7,500.00 for a total grant amount of \$ 257,750.00. Gettysburg Whitlock Bay Development Corporation has been instrumental in the grant process with help from NECOG. Kevin Bain representing NECOG answered questions regarding the grant. Gettysburg's total obligation for this project could reach as high as \$350,000.00 . Mayor Bown stated that this project would have to be a community effort to raise the necessary funds to build the new building. The City would need a generous commitment from the community for this to happen. The question arose regarding the need to combine the firehall and ambulance together or if the project could be downsized to just the fire hall. Council member Axsom stated that in combining the two services it would be more cost effective as you are only heating and maintaining one building instead of two separate buildings and the old firehall could possibly be sold or used for cold storage of maintenance equipment. Council member Tanner was assured by Kevin Bain if the City does not secure the funding needed that the grant could be waived at any time. Resolution for this grant was presented to the Council. Motioned by Axsom, seconded by Tanner, motion carried to approve the following resolution:

RESOLUTION 2005-2

Authorizing Community Development Block Grant Application To Assist in Construction of a fire hall in Gettysburg, South Dakota.

WHEREAS, the City of Gettysburg proposes to execute an application for \$ 257,500 Community Development Block Grant funds to construct the fire hall; and

WHEREAS, the City of Gettysburg is eligible for Federal assistance for the proposed project; and

WHEREAS, with the submission of the Community Development Block Grant application, the City of Gettysburg assures and certifies that all Community Development Block Grant program requirements will be fulfilled; and

WHEREAS, the City of Gettysburg has held the required public hearing on Monday, May 2, 2005, for the Community Development Block Grant;

WHEREAS, the City of Gettysburg is required to designate a certifying officer for the purpose of signing documents pertaining to this grant;

WHEREAS, the City of Gettysburg is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant;

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Gettysburg, will be authorized to execute the Community Development Block Grant application for the City of Gettysburg; and

AND BE IT FURTHER RESOLVED, that the Mayor of the City of Gettysburg, be hereby designated as the City's certifying officer for the purpose of signing correspondence, pay requests, and other required documents;

AND BE IT FURTHER RESOLVED, that the Mayor of the City of Gettysburg, hereby designated as the City's environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Signed this 2<sup>nd</sup> day of May 2005.

ATTEST: \_\_\_\_\_  
Sharleen Eliason, Finance Officer

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Jerald A. Bown, Mayor

Elmer Nitzschke, Special Counsel for the City of Gettysburg updated the Council regarding the litigation against the Corps of Engineers on behalf of the City. The court did not rule in favor of the City. In its decision the Court of Claims exercised the legal concept of equitable estoppels. In this suit Gettysburg requested dismissal of debt and to recover the value of the system assets, which were then valued at approximately \$

1 million. Nitzchke explained that the cost to appeal would be approximately \$25,000 plus some travel expenses. Nitzschke explained that Gettysburg has between a 25% to 50% chance of being successful in this claim. Should Gettysburg win this appeal the Corps of

Engineers has the option of appealing that decision to the Supreme Court. Mayor Bown advised the Counsel that Gettysburg still owes \$290,000 for the abandoned water system. Under the terms of the Court papers the City was required to notify the appellate court of its intent by May 13<sup>th</sup>. Motioned by Potts, seconded by Wuttke, motion carried to pursue the appeal process. Motioned by Potts, seconded by Wuttke, motion carried to approve Elmer Nitzschke as special counsel.

Council member Axsom stated he had been contacted by Mick Bliese regarding drainage issues by his business. Council member Axsom, Potts and Maintenance supervisor Russ Anderson will inspect the area on Tuesday morning.

There being no further business Council member Madsen, seconded by Axsom, motion carried to adjourn the 97<sup>th</sup> City Council session at 7:58 PM.

Attest:

Witness:

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Sharleen Eliason, Finance Officer

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Jerald A Bown, Mayor

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**98<sup>th</sup> Council**

Mayor Bown called the first meeting of the 98<sup>th</sup> Council to order. Nominations were opened for the President of the Council. Council member Everson nominated Jack Axsom.

seconded by Tanner. Madsen motioned seconded by Potts, motion carried to cast an unanimous vote and to have nominations cease. Bobbie Potts motioned, seconded by Axsom, motion carried to nominate Bill Wuttke as Vice President of the Counsel. Motioned by Potts, seconded by Everson, motion carried to cast an unanimous vote and to have nominations cease.

Motioned by Wuttke, seconded by Madsen, motion carried to approve the following **appointments:**

Finance Officer-Sharleen Eliason  
Chief of Police-Joseph Senyak

City Attorney-Emily Sovell  
Special Counsel-Elmer Nitzchke  
Health Officer-Mark Schmidt  
Airport Manager-Lonnie Burnham  
Official Newspaper-Potter County News  
Official Depositories- Bank of the West and Great Western

Council member Tanner at this time wanted to assure that the responsibility as Airport Manager duties are kept separate from his business concerns.

Motioned by Wuttke, seconded by Madsen, motion carried to approve the following

**Committee Assignments:**

AIRPORT-EVERSON & POTTS  
ANIMAL CONTROL-TANNER  
AUDITORIUM & FIRE DEPT: TANNER AND WUTTKE  
DRUG POLICY-AXSOM  
ECON DEVELOPMENT-BOWN  
FINANCE OFFICE AND MAINT BLDG: BOWN  
HEALTH-AXSOM AND EVERSON  
LAW ENFORCEMENT-MADSEN & WUTTKE  
PARKS AND RECREATION- EVERSON & TANNER  
RUBBLE SITE-AXSOM AND WUTTKE  
STREETS-MADSEN, POTTS AND AXSOM  
WATER AND WASTEWATER-BOWN, MADSEN AND POTTS  
BUILDING PERMITS-WUTTKE AND EVERSON

Joe Senyak, Chief of Police presented his monthly report to the Council. He stated that he does need to be re-certified in firearms training. He asked Councils approval to send officer King to certification school in the near future. Motioned by Axsom, seconded by Everson, motion carried to approve sending Officer King to Certification School in Pierre. Joe Senyak stated that the City police will be responding to ambulance calls they have to legally be there for domestic calls and if a crime is not involved then they will leave the scene. Animal control was discussed; signs will be placed in the City Park requesting pet owners to clean up deposits made by their pets.

Greg Gerber, Assistant Maintenance Supervisor gave the Council an update regarding Maintenance. There has been a request to put up the Tennis court nets. There was a problem with a sewer on Blaine to Exene and this sewer will be added to the listing for A-tech to clean. Maintenance was notified from the State that they will be replacing the mosquito spraying unit that was defective that was purchased with Grant Funds. Motioned by Wuttke, seconded by Madsen, motion carried to set Russell Anderson, Maintenance Supervisor at a salary of \$ 28,500.00 per year. Russell Anderson stated that he looks forward to meeting with all Council members and discuss concerns. Clean up week will be scheduled May 9<sup>th</sup> through May 14<sup>th</sup>, 2005. Motioned by Potts seconded by Axsom, motion carried to approve clean up week. This will be published

in the Potter County News with the rules published of what can be taken to the rubble site. Received a confirmation from Highway Improvement, Inc with a quote of \$4999.68 for an Asphalt Concrete Crack Sealing project for 2005. Motioned by Potts, seconded by Axsom, motion carried to approve this project. A change order # 2 Morris Inc. for Asphalt Concrete Improvements project was presented to the Council for signatures.

This is to discontinue asphalt for prime and surface treatment from this project. Morris In. will complete the finish blading, shaping and compacting of the streets for the 2004-1 contract. Total amount for asphalt & surface treatment -27,781.85 but for blading and shaping of streets +10,000.00 for a total change order of (-17,781.85). Total contract was 362,304.08 with addition of 10,000.00 and now deduction of -27,781.85 for new total of 344,522.23. Also presented to the Council was a change order # 1 for Jensen Rock and Sand to add to this project for the completion of last years project to this new contract. Original contract price was 30,285.60 plus \$31,095.03 which brings total to \$ 61,380.63. Council member Potts stated that A & G salvage does have a car crusher there right now and they will accept old cars anytime.

There being no other bid received, Council member Potts, seconded by Madsen, motion carried to accept the following fuel bid from Northern Plains Coop: SNL-2.09 # 2-1.85 # 1—1.90 and LP 1.05.

Emily Sovell, City Attorney, was authorized by the Council to negotiate a contract with CellularOne to install a repeater on Gettysburg's water tower.

Motioned by Potts, seconded by Everson, motion carried to have NECOG reapply for the Community Access Grant for Main St improvements. The City of Gettysburg was approved for the State Energy Grant in the amount of \$ 2700.00 total project cost of \$5400.00 for re-insulation of the City Auditorium. Weather all roofing will be doing the project. Motioned by Wuttke, seconded by Tanner, motion carried to accept the Energy Grant.

The following building permits were submitted to the Council for their approval:

James & LaDonna Schneider SW ¼ SW ¼ T 118 N. R 76 W Home & Garage  
Bob Goebel E 75' of Lot 1 Blk 1 Maltavern's addition Fence

Motioned by Wuttke, seconded by Madsen, motion carried to approve the above building permits.

The City of Gettysburg will be scheduling a Pet day in the future. The City will have a Vet present to administer vaccinations and rabies shots and the Deputy Finance Officer will be on hand to register your pets.

Council member Axsom is working on protocols for the ambulance. There will be a training session (mock drowning victim) later this summer at the pool for the EMT's and Fireman.

Council member Everson presented a request from Kelly Hegerle (American Legion baseball) for funds for a batting cage and posts at a cost of \$ 744.20. Motioned by Everson, seconded by Madsen, motion carried to approve this funding.

Tap Tool Company applied for a one day peddlers permit for a tool sale to be held at a later date at the VFW. Motioned by Axsom, seconded by Madsen, motion carried to approve this permit.

Ordinance 2005-4-3 was presented to the Council for the second reading. This supplements the budget for the mower that will be purchased for the airport. Roll call vote with the following results: Wuttke-yea, Madsen-yea, Potts-yea, Tanner-yea, Everson-yea, and Axsom-yea motion carried.

American Legion asked the Council for a special one day permit for June 25,2005 Motioned by Wuttke, seconded by Tanner, motion carried to approve this permit.

The Council wanted to express their gratitude to Greg Gerber for his dedication to the Maintenance Department with a bonus of \$100.00. Motioned by Madsen, seconded by Axsom, motion carried.

Motioned by Potts, seconded by Axsom, motion carried to go into executive session for personnel reasons at 9:42 PM. Council reconvened at 10:01 PM. Motioned by Everson, seconded by Axsom, motion carried to hire Jamie Cronin as Swimming pool manager at a salary rate of \$ 7.75 per hour.

Correspondence included a one day seminar for Banyon Training in Pierre on May 25,2005. Finance Officers School will be on June 15,16<sup>th</sup> and 17<sup>th</sup> in Pierre.

In Round table discussion Council member Axsom thanked the Council for letting him attend the Code Enforcement seminar in Pierre. The City needs to set up a new contact person. Council member Madsen stated that the articles of By Laws for Economic Development should be reviewed. Bill Wuttke stated that they are going to serve breakfast on June 15<sup>th</sup> at Nagel Motors and would like to use the picnic tables for this.

There being no further business. Council member Potts motioned, Everson seconded and motion carried to adjourn at 10:06 PM.

Attest:

Witness:

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Sharleen Eliason, Finance Officer

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Jerald A Bown, Mayor