

Unapproved Minutes
 Gettysburg, South Dakota
 July 3, 2006

Pursuant to the due call and notice thereof, the City Council met in regular session on July 3 2006 at 7:00 PM at the City Finance Office. Those present included Mayor Jerald A. Bown, Finance Officer Sharleen Eliason and Council members Bill Wuttke Pat Everson, Jack Axsom , David Kilian and absent Bobbie Potts. Also present was Cheryl Sautner, Mark Schmidt, and Don Tanner.

Motioned by Wuttke seconded by Madsen, motion carried to approve the minutes from June 5th, 2006 , June 22 and June 27th meetings.

Motioned by Wuttke, seconded by Axsom, motion carried (Madsen-nay) for approval of the following accounts payable.

VOUCHERS PAYABLE

Payroll Expense by Department:

Total Payroll Expense by Department

Mayor & Council	June Payroll	00.00
Finance Office	June Payroll	3,932.20
Police	June Payroll	4,253.12
Streets	June Payroll	7,477.13
Snow Removal	June Payroll	00.00
Garbage	June Payroll	416.00
Airport	June Payroll	92.40
Swimming Pool	June Payroll	2,853.41
Parks	June Payroll	564.57
Water	June Payroll	535.03
Sewer	June Payroll	622.29
Ambulance	June Payroll	3,529.15
Auditorium	June Payroll	.00
Total Payroll Expense by Department		24,275.30

Net Payroll	20,761.47
ALLTEL	AMBULANCE CELL PHONE 42.13
AVERA QUEEN OF PEACE	TESTING 63.50
BANK OF THE WEST	WITHHOLDING 5,582.63
BECK MOTORS	POLICE REPAIR 128.00
BEST BUSINESS PRODUCTS	COPIER & MAINT 159.91
BEST WESTERN RAMKOTA	FINANCE SCHOOL 118.00
BLIESE MACHINE SHOP	SUPPLIES 133.40
CAPMARK FINANCE	(GMC WATER PAYMENT) 38,650.00

CEDAR SHORE	WORKSHOP-ANDERSON	74.95
CENEX FLEET FUELING	AMBULANCE FUEL	143.98
CHAMBER OF COMMERCE	WEB SITE	500.00
COMMUNICATIONS CENTER	AMBULANCE SUPPLIES	262.00
DAKOTA FARM & RANCH	SUPPLIES	1,108.42
DAKOTACARE INS.	INSURANCE	3,839.66
DUCKWALLS	SUPPLIES	109.93
ELIASON,SHARLEEN	MEALS	18.00
FIRST NATIONAL BANK	WATER MAIN PAYMENT	10,748.12
FISCHER, VICKI	MILEAGE & MEALS	66.00
GALL'S	POLICE SUPPLIES	102.91
GETTYSBURG DEVELOPMENT	TRIPLE B TAX	2,030.41
GETTYSBURG MEMORIAL HOSPITAL	RN-AMBULANCE FEES	195.00
GOLDSMITH & HECK	ENGINEERING FEES	12,000.00
HASCO	ANIMAL CONTROL	80.76
HAWKINS, INC.	SUPPLIES	674.50
HAWKINS, INC	SUPPLIES	2,464.65
HEARTLAND WASTE	GARBAGE	2,749.15
HANSEN PLUMBING	SUPPLIES	120.00
IN STITCHES	SUPPLIES	226.50
LOGAN INC.	BATHHOUSE	67,451.00
LAMB MOTOR CO	POLICE SUPPLIES	42.67
MAXINE POTTS	WATER DEP REFUND	65.00
MIDWAY PARTS	MISC SUPPLIES	168.20
MID DAKOTA	WATER	11,201.63
MONTANA-DAKOTA	MISC. ELECTRIC DEPTS	3,384.50
ONE CALL	LOCATE TICKETS	36.00
PEPSI COLA	POOL SUPPLIES	212.50
PIONEER RESEARCH CORP	SEAL FOR STREETS	5,102.24
POTTER CO NEWS	PUBLICATIONS	280.51
POTTER CO LAND & ABSTRACT	TITLE INS	628.75
RYANS CANDY	CONCESSIONS	851.75
SCHATZ ELECTRIC	AIRPORT BEACON	475.50
SCHLACHTER LUMBER	SUPPLIES	1127.46
SD MUNICIPAL LEAGUE	WORKSHOP	40.00
SD PUBLIC ASSURANCE	INS-BATH HOUSE	49.00
SD DEPT OF PUBLIC SAFETY	BOILER INS.	50.00
SD DEPT OF REVENUE	MALT BEVERAGE-LICENSES	575.00
SD DEPT OF REVENUE	SALES TAX GARBAGE	415.07
SD DEPT OF REVENUE	FEES	24.00
SD RETIREMENT	RETIREMENT	2,207.40
SERVALL	FINANCE OFFICE RUGS	21.64
SOVELL, EMILY	LEGAL FEES	237.11
TRUE VALUE	SUPPLIES	52.86
TRUE VALUE	SUPPLIES	138.61
VENTURE	PHONES	622.88

he would be willing to pay \$150.00. Motioned by Axsom, seconded by Everson, motion carried to approve Don Tanner mowing the Civil War Site, the ditches at the airport and a strip by the trees for \$150.00 and with payment due within 10 days for the year 2006.

Cheryl Sautner applied for a 30-day extension for cleaning up their lots with the extension needed due to health reasons. She stated the house lot should be done within two weeks but the other lots need more time to be in compliance. Motioned by Wuttke, seconded by Everson, motion carried to approve a 30-day extension due to health reasons.

Louie Genzler Jr applied for an extension. Finance Officer Eliason did schedule an appointment for 7:15PM tonight for him but in his absence the council granted an extension for 30 days. Motioned by Axsom, seconded by Wuttke, motion carried to approve this 30-day extension.

The Council was given their monthly police report. At a prior meeting one of the Council Members mentioned that the speed limits are different through town and asked that Joe Senyak research this. Joe Senyak did give the council a map detailing of what the speed limits are now and a proposed limit. Joe Senyak was not present for the meeting but stated that the City will have to contact the state regarding this. Motioned by Madsen seconded by Axsom, motion carried (Wuttke-nay) to approve a letter of support of the proposed speed limits to Darin Griese at the State Department for the change of the speed limits on Highway 212 from 40 to 35 for three more blocks.

Russell Anderson, Maintenance Supervisor was on vacation but he gave a listing of his maintenance report to the Council.

The following building permit were presented to the council for their review:

Don Quiett Block 2 Lot 1 Fairview Addn Fence

Motioned by Wuttke, seconded by Madsen. Council discussed if this would also need approval by the State since the fence will be on property on Highway 212. Motion carried.

Motioned by Madsen, seconded by Axsom to amend the motion to building permit pending approval of Russell Anderson and the State Department since the fence will be by Highway 212. Motion carried as amended.

There was a concern regarding the Moving permit of Donna Davis who is moving in a trailer from the former Larrington property. It was mentioned that they are putting in a septic tank. The sewer line quits at the Burg and according to City code there is no stipulations regarding septic tanks in our ordinance book. Council member Axsom stated that a licensed plumber would still have to use the guidelines set by the State for installing a septic tank. The Council stated that a building permit would be needed for this just to make sure everything is correct.

There was a question regarding rubble site usage at a previous meeting. Committee members Wuttke and Kilian did review usage at the rubble site. In checking it has been in the past that those on City water have access to the City rubble site. Motioned by Wuttke, seconded by Kilian to leave the policy that all those on City Water can use the city rubble site and pay the fees according to the fee schedule. Council Madsen made a motion that we charge double fees for the rubble site those that are on City water but not in City limits. In hearing no second to the motion, motion fails for lack of a second.

There being no other bid received, motioned by Axsom seconded by Madsen, motion carried to accept the following fuel bid from Northern Plains Coop:SNL--\$ 3.01, no lead \$ 2.96 ,# 1--\$ 2.67 ,# 2—2.64 , LP—1.45.

Code enforcement was discussed. Council member Axsom gave a review of how the system of code enforcement works.

Summary of process for abatement of nuisances

Municipality receives nuisance complaint

Municipality inspector investigates and orders action for any ordinance violation

Property owner voluntarily fixes or removes the nuisance at owners expense or municipality funds the cost of abatement out of existing budget.

Property owner pays cost to the municipality or municipality uses special assessment procedures and/or civil procedures to recover cost.

Nuisance complaint can be anonymous. If the investigating person can get pictures from outside the property line to prove that a nuisance exists. A complaint can come from the City employees from their observations while on duty or off. Council members from your ward or some other ward. All we need is the address of the complaint; we can then take pictures for documentation and start the paper work. Health and safety should be our first concern, then the devaluation of the surrounding properties. At this time Council member Axsom suggested Council member Madsen to help check into the van –storage units and report back to the Council regarding this for City code violations. Mayor Bown asked if

the City does go through the abatement process if the City crew would be doing this or if there are plans to hire some one to help clean up the City. Council member Axsom stated that he felt the City could do checking into hiring someone to help as the City crew is busy

with the street project right now.

South Dakota Municipal league sent out information regarding Amendment E. The South Dakota Municipal league has voted to oppose Amendment E and they are asking each City to pass an Amendment E resolution. Motioned by Axsom, seconded by Wuttke, motion carried (Madsen-nay) to approve the following resolution:

RESOLUTION 2006-9

WHEREAS, an initiated measure self-titled as “The J.A.I.L. Amendment” has been designated as Amendment E by the Secretary of State and will appear on the November, 2006 general election ballot; and

WHEREAS, Amendment E would abolish the doctrine of judicial immunity, create a special grand jury with an annual budget of over two million dollars, allow for the creation of special court under the jurisdiction of the special grand jury apart from the Unified Judicial System and would allow for jury nullification (a measure previously submitted to and rejected by the electorate); and

WHEREAS, the stated purpose of Amendment E is to correct the abuse of judicial power; and

WHEREAS, the South Dakota and the United States Constitutions and the laws made pursuant to these Constitutions by publicly elected officials currently provide remedies for the correction of any abuse of the judicial power; and

WHEREAS, Amendment E would subject any person or group of persons who exercise judicial authority, including quasi-judicial actions such as members of zoning boards of adjustment, planning commissions, and municipal governing bodies, to limitless liability; and

WHEREAS, Amendment E prevents public money from being used to defend a public official from a claim brought by the special grand jury, subjecting the official to massive personal liability; and

WHEREAS, a number of groups including the South Dakota Municipal League, the South Dakota Republican and Democratic parties, the South Dakota State Bar, and many others have voiced opposition to Amendment E because of the threat it poses to the judicial system and to public officials; and

WHEREAS, the Legislature of the State of South Dakota has unanimously approved House Concurrent Resolution 1004 strongly urging the voters of South Dakota to defeat Amendment E “to protect our system of justice, to protect economic development” and “to protect citizens from frivolous lawsuits”; and

WHEREAS, the Gettysburg City Council has determined that Amendment E would be contrary to the best interests of the City of Gettysburg because of the potential damage Amendment E could do to South Dakota’s judicial system and the threat it poses to public servants who serve on many municipal boards, such as the Zoning Board of Adjustment, the Planning Commission, as well as the Gettysburg City Council.

NOW THEREFORE BE IT RESOLVED by the City of Gettysburg that the Gettysburg City Council joins with the South Dakota Legislature, the South Dakota

Municipal League, and other groups and strongly urges the voters of South Dakota to reject Amendment E when voting at the 2006 general election.

Dated this 3rd day of July, 2006.

CITY OF GETTYSBURG

Jerald A. Bown
Mayor

ATTEST:

Sharleen Eliason
Finance Officer

(SEAL)

First reading of Ordinance 2006-7 was presented to the Council. Motioned by Wuttke, Seconded by Kilian , motion carried to approve Ordinance 2006-7-12 for the first reading.

This is to take the monies that were placed in reserves for the street project and to supplement this year's budget with this amount.

The airport beacon was not working properly. Schatz repair did work on the beacon but suggested that the City check into purchasing a new one. Wayne Nelson was called and it can be purchased through a grant. Most of the cost would come from federal funds but the

City would have to have it installed. Motioned by Axsom, seconded by Everson, motion carried to apply for the federal funds for this.

Correspondence included the State Highway meeting in Pierre on July 20th regarding the 5 year program for highway repairs. The City also received notice that the Chamber has the City of Gettysburg web site started and it can be reached at gettysburgsd.govoffice2.com.

Round table discussion Council member Axsom asked that the Finance Officer check into

the cost of having the Municipal Code books reprinted as the City has had several ordinance changes. There was also discussion regarding cable users not being able to participate in cable if they have no telephone service in Gettysburg. A number of residents

only use cell phones. Venture was contacted and they will discuss this at their next board meeting. Council member Axsom stated they have new EMT's on board and at next Council meeting he will present the list to the Council for approval. Council member Everson stated that there is a need at the City ballpark for a sprinkler system. The new

fire hall site has had complaints regarding the weeds. There will be a ground-breaking ceremony Friday at 2:00 PM for the new fire hall at the location across from Cenex.

There being no further business Council member Wuttke, seconded by Axsom, motion carried to adjourn at 8:45 PM.

ATTEST:

WITNESS:

Sharleen Eliason, Finance Officer

Jerald A Bown, Mayor