

Unapproved Minutes
Gettysburg, South Dakota
June 16, 2008

Pursuant to the due call and notice thereof, the City Council met in special session on June 16 2008 at 7:00 PM at the City Finance Office. Those present included Mayor Jack Axsom, Council members Pat Everson, Natalie Harer , Bill Wuttke, Frances VanBockel ,Sandra Ackerman and Philip Nagel. Also present was Russell Anderson, Maintenance Supervisor, Sharleen Eliason, Finance Officer, Joe Senyak, Chief of Police, Bob Houck and James R. Brown.

At this appointed time the public meeting for the vacating part of Harrison Street was opened for public comments. Mayor Jack Axsom stated that the City did not receive any comments regarding this. Bob Houck stated that all adjoining property owners did sign the petition to vacate and by vacating this portion it would be placed back on the tax polls. Motioned by Wuttke, seconded by Everson, motion carried with all ayes (Natalie Harer-council was not present yet) and motion carried to approve the following resolution.

RESOLUTION 2008-3

The following resolution was offered by Council Wuttke, who moved it's adoption:

WHEREAS, James R. Brown and Judy Brown, husband and wife and Michael J. Brown and Kerrie Brown, husband and wife, and Edgar Benz, have heretofore filed with the Finance Officer of the City of Gettysburg, Potter County, South Dakota, a municipal Corporation, its verified Petition and Affidavit to Vacate a Portion of Harrison Street, and

WHEREAS, James R. Brown, and Judy Brown, husband and wife and Michael J Brown and Kerrie Brown, husband and wife and Edgar Benz, are the owners in fee of the following described property in Gettysburg, Potter County, South Dakota, to-wit: James R. Brown and Judy Brown are the fee owners of Lot 1 and Lot 2, Block 2, Jones Addition to the City of Gettysburg, South Dakota, and that Michael J. Brown and Kerrie Brown, husband and wife are the owners of Lot 3, and Lot 4, Block 1, Jones Addition to the City of Gettysburg, South Dakota, and that Harrison Street runs north and south between the above described parcels and Edgar Benz is the owner of that tract of land described as follows; Beginning at the southwest corner of the Northeast Quarter (NE1/4) of Section 25, Township 118 North, Range 76, and thence north 241.3 feet; thence east a distance of 746 feet; and thence south a distance of 241 feet; and thence, west a distance of 746 feet to the point of beginning, and this tract is abutting the south end of Harrison Street.

That the petitioners are the owners of all the property, as set out in the above paragraph,

abutting and adjoining said Harrison Street on the east side, west side and south side thereof; that the said petitioners are the owners in fee of the land abutting and adjoining the said Harrison Street;

That said Petition and Affidavit to Vacate a Portion of Harrison Street having come on or before the Common Council for hearing at the time and place set forth for hearing and hearing was given by publication of the Notice of Hearing Petition to Vacate a Portion of Harrison Street in the Potter County News, the official Newspaper of the City of Gettysburg, Potter County, South Dakota, a Municipal Corporation, once each week, for two (2) successive weeks, the first publication being made more than thirty (30) days prior to the date set for hearing in said notice;

WHEREAS, said Petition to Vacate a Portion of Harrison Street having been examined and investigated by the Common Council of the City of Gettysburg, Potter County, South Dakota, and no objections having been made or filed thereto with the Finance Officer, Mayor, or Common Council, and it appearing from said Petition to Vacate a Portion of Harrison Street, and from the evidence submitted in support thereof, that said portion of Harrison Street as shown on the Plat of the City of Gettysburg, South Dakota, has not been used as a public street or right of way by the public for more than twenty (20) years; and that said street will never be used or needed as a public street or right-of-way at any time within the foreseeable future; and that said street will serve no useful purpose as a public street or right-of-way at anytime in the foreseeable future, as far as can be determined, and it appearing to the Mayor and Common Council that said Petition and Affidavit to Vacate a Portion of Harrison Street should be granted;

NOW THEREFORE, BE IT RESOLVED, That the Mayor and Common Council of the City of Gettysburg, South Dakota, a Municipal Corporation, hereby officially close and vacate that portion of Harrison Street which begins at a point on the west side of Harrison Street on the northeast corner of Lot 3, Block 1, Jones Addition to the City of Gettysburg, thence south along the east line of Lot 3, for a distance of 120 feet, to the southeast corner of said Lot 3, Block 1, Jones Addition to the City of Gettysburg, South Dakota, and from that point extended east a distance of 80 feet to the southwest corner of Lot 2, Block 2, Jones Addition to the City of Gettysburg, South Dakota and from that point north a distance of 120 feet to the northwest corner of said Lot 2, Block 2, Jones Addition to the City of Gettysburg, and then west a distance of 80 feet to the place of beginning, and that said street be declared officially closed and vacated all in conformity to the requirements of SDCL 9-45-10;

AND BE IT FURTHER RESOLVE, THAT THE Finance Officer shall be, and hereby is, directed to file in the Office of the Register of Deeds, Potter County, South Dakota, a transcript of this Resolution, duly certified.

The foregoing Resolution was seconded by Council member Pat Everson. Upon roll call vote, the following voted AYE: Wuttke, Everson, Ackerman, VanBockel, Nagel and

absent and not voting: Harer.

The Resolution was declared adapted:

APPROVED

Jack Axsom, Mayor
A Municipal Corporation

ATTEST:

Sharleen Eliason, Finance Officer

Council member Harer entered the meeting at 7:07 PM.

First reading of Ordinance # 2008-6-8 was presented to the Council for the first reading. This amends chapter 8.12.020 to change the delivery by certified mail to other means for weed and grass violations. Motioned by Nagel, seconded by Ackerman, motion carried to accept this first reading.

It was mentioned by Steve Buechler that the park would be closed to campers due to the fact the car show might need all the space. And that the campers might have to leave the park area during the car show. The City was under the assumption that there will be camping allowed in the park on a first come basis with by the bathhouse and it would cause disruption if they had to leave the area and then try and get their space back.

Motioned by Nagel, seconded by VanBockel, motion carried to allow parking at the park by the bathhouse or areas not roped off and we will try and designate areas where campers are allowed to park for the celebration. Joe Senyak is also putting his notices in the Potter County News regarding what is allowable during the celebration.

Joshua Schmidt has passed his WSI as water safety instructor for the City pool. Motioned by Wuttke, seconded by VanBockel, motion carried to pay up to \$150.00 for the WSI training and to increase his hourly wage from 7.50 to 8.00 per hour effective June 1, 2008.

The following moving permit was presented to the Council. Motioned by Wuttke, seconded by Ackerman, motion carried to approve the following moving permit:

Myrna Freese single wide trailer to 603 East Lincoln Ave

The following building permits were presented to the Council for their approval. Motioned Wuttke, seconded by Ackerman, motion carried to approve the following:

Alice Schekel	Lot 1 Larsons Addition	railing on front porch
Mike Brown	Lot 3 Block 1 Jones Addition	garage (this was pended previously until the petition to close Harrison passed)

One day malt beverage for Gettysburg AAU Wrestling for Friday June 27th was presented to the Council for their review. This is a fundraiser for the AAU wrestling during flag football they will be selling concessions and beer. Motioned by Wuttke, seconded by Nagel motion carried.

Council member Wuttke asked if the EMT's would be in golf carts if medical help is needed during the centennial. Harer and Nagel will attend the EMT's meeting Tuesday night and check with the EMT's .

It was discussed that it would be nice for the Mayor and council members to have shirts with the City Logo on them when they attend meetings. Finance Officer will obtain a catalog and Wuttke and VanBockel will check into a catalog and bring back suggestions. It was mentioned buying shirts with the centennial logo but since the celebration is just next week it was decided to go with the City logo on the shirts.

Motioned by Wuttke, seconded by Everson to adjourn into executive session for legal purposes at 7:30 PM. Council reconvened at 7:40 PM.

Mayor Axsom and Council members received a letter from Joan Powell in regards to the demolition of the Oddfellows Hall. Joan Powell owns 10 feet of the property and the

United Sioux Tribe from Pierre is the owner of the rest of the property. In the letter Joan Powell stated that she is willing to work with the City in our desire to tear down the Oddfellows Hall. She owns a house in Gettysburg that needs a new curb stop and she was inquiring if the City is willing to trade fixing the curb stop repair in lieu of the property that she owns of

the Oddfellows Hall. Motioned by VanBockel and seconded by Harer, motion carried to accept this offer. To fix the curb stop the sidewalk by New Creations will have to be dug up and the City will wait till after the celebration to accomplish this and Mayor Axsom will notify Joan Powell .South Dakota Codified Law states 14.105 Acquisition of real property: The governing body of any municipality is authorized to acquire by lease, purchase, gift, condemnation or other lawful means, real and personal property, easements and right of way

within or without its corporate limits for all authorized purposes.

Mayor Axsom stated that Gettysburg Whitlock Development Corporation is planning on a promotion for the City of Gettysburg. They will be sending out promotion letters and was wondering if the City would be able to have free swimming for out of town children for this promotion .This will also promote our new water slide that has been installed at the City pool. Motioned by Nagel, seconded by Harer, motion carried to have free swimming for this promotion.

The City of Gettysburg received a nomination form to nominate an outstanding woman from our community for South Dakota "Spirit of Dakota Award. Motioned by Ackerman seconded by Nagel, motion carried to nominate Ellen Logan from our community. She

does an awesome job with the youth, helps with the Cancer walk and rummage sale, and devotes countless hours to make Gettysburg a special community and is very deserving of this nomination from our City. Nominations from Cities across South Dakota close August 1st and the person selected will be announced in Huron at the Spirit of Dakota Award event being held on October 4, 2008.

Mayor Axsom stated that he has finished the mosquito grant application for the City to receive \$1941.00 and after they receive the form we shall receive the grant monies.

In round table discussion Fire Chief Dale Nauman's letter was discussed. It was felt that his letter was misleading and one sided. It was discussed that there are 45 to 50 keys for the new Firehall and Rescue unit out to EMT's and fireman and most of the other members of the non profit groups that would like to have a meeting either have either a fireman or EMT on their boards and probably wouldn't even need a key to get in. It was also stated from day one that part of the grant stipulation was to be able to have non profit groups be able to use the meeting room. There will be guidelines on who can use the room and for what purpose and if anything is abused the City Council has the changing the requirements.

There being no other business motioned by Wuttke, seconded by Harer motion carried to adjourn at 8:13 PM.

Attest:

Witness:

Sharleen Eliason, Finance Officer

Jack Axsom, Mayor