

Unapproved Minutes
Gettysburg, South Dakota
August 9, 2010

Pursuant to the due call and notice thereof, the City Council met in regular session on August 9, 2010 at 7:00 PM at the City Finance Office. Those present Mayor Gerald Knox, Council members Bill Wuttke, Pat Everson, Josh Bausch, Nathanael Williams ,Fran VanBockel and Peggy Lehman.

Also present was Russell Anderson, Maintenance Supervisor, Sharleen Eliason, Finance Officer, Gayle Kludt, Police Chief, , Bryan Hause, Colby Kaup, Duane Quiett , Florian Drexler, Erving Potts, Larry Madsen, Corey Brown, Mark Schmidt, Bill Hall ,Merlyn Schutterle , Todd Goldsmith and Molly McRoberts.

Mayor Gerald Knox led the pledge of Allegiance.

Motioned by Wuttke seconded by Bausch, motion carried to approve the minutes from June 7th and June 10, 2010

Motioned by Everson seconded by VanBockel motion carried to approve the vouchers payable and to pay the following bills in that arrived later: USDA for loan payment of \$567.00 and 567.00 for loan payments for June and July, City of Pierre \$50,000.00 used fire truck, Goldsmith & Heck-engineering for sewer project 3,562.50, LaQua Logics Inc-relining of sewer \$462,294.70, Schlachters—supplies 163.05, Gayle Kludt-supplies 39.95, Dakota Backup 78.29 for a total of...517,272.49.

VOUCHERS PAYABLE

Payroll Expense by Department:

Total Payroll Expense by Department		
Mayor & Council	July Payroll	4,612.50
Finance Office	July Payroll	
3,658.66		
Police	July Payroll	6,118.31
Streets	July Payroll	5,195.93
Snow Removal	July Payroll	
00.00		
Garbage	July Payroll	973.58
Airport	July Payroll	316.24
Swimming Pool	July Payroll	8,431.05
Parks	July Payroll	1,045.90
Water	July Payroll	1,289.24
Sewer	July Payroll	1,928.78
Ambulance	July Payroll	112.42
West Nile	July Payroll	91.35

Total Payroll Expense by Department		33,773.96
NET PAYROLL		28,238.18
ADOLPH KIEFER	POOL SUPPLIES	108.89
AFLAC	EMPLOYEE DEDUCTION	103.25
AMERICAN RED CROSS	POOL	120.00
BANK OF THE WEST	WITHHOLDING TAXES	3,429.74
BANK OF THE WEST	WITHHOLDING TAXES	4,158.20
BANK OF THE WEST	SAFETY DEPOSIT	12.00
BEST BUSINESS	COPIER MAINT	28.78
BLIESE MACHINE SHOP	SUPPLIES-PARK	244.73
CAM WALL ELECTRIC	WELCOME SIGN	10.00
CAPITAL SPORTS	BASEBALL SUPPLIES	321.85
CENEX FLEET	FUEL-AMBULANCE	72.85
CITY OF GETTYSBURG	PETTY CASH	129.07
COMMUNITY CARE CLINIC	HEP B SHOTS	88.00
DAKOTA BACKUP	COMPUTER BACKUPS	77.84
DAKOTACARE INS.	EMPLOYEE INS	3,959.97
DAKOTA FARM & RANCH	SUPPLIES	846.36
DAKOTA FIRE EQUIPMENT	FIRE EX INSPECTIONS	191.95
DUCKWALLS	SUPPLIES	135.11
FARM PLAN	REPAIR & SUPPLIES	650.20
FROST, DON	LABOR-TREES	1,850.00
GAS N GOODIES	CAR WASHES-POLICE	14.00
GETTYSBURG BAKERY	SUPPLIES	43.68
GETTYSBURG COLLISION CENT	SUPPLIES	30.00
GETTYSBURG DEVELOPMENT	TRIPLE B	1,950.31
GETTYSBURG INN & SUITES	POLICE	70.00
HAWKINS	POOL SUPPLIES	2,164.64
HEARTLAND WASTE	GARBAGE	4,003.55
HOLZWARTH SALES	LUMBER	70.76
HOLZWARTH SALES	SUPPLIES	2,024.28
INTOXIMETERS	SUPPLIES FOR POLICE	70.00
JENSEN ROCK & SAND	CONCRETE	5,060.70
JOYS FLOWERS	SUPPLIES	45.58
MID DAKOTA WATER	WATER	13,176.00
MIDWAY PARTS	PARTS	47.10
MIEREHENRY SARGENT LLP	BOND CONSEL	1,520.00
MIKE VARILCK	POLICE	241.00
MIKES REPAIR	REPAIRS	352.88
MONTANA DAKOTA UTILITES	ELECTRICITY	3,905.78
NAEVES UNIFORMS	SUPPLIES	40.40
MN WIRELESS	WIRELESS	69.00
NEW CREATIONS	SUPPLIES	61.91
NORTHERN PLAINS COOP	FUEL	1,840.88
NORTHWEST PIPE	SUPPLIES	390.53
ONE CALL	WATER LOCATES	18.08

PILOT ROCK	FIREGRATES	550.53
POTTER COUNTY NEWS	PUBLICATIONS	449.33
PRAXAIR	SUPPLIES	93.50
RED RIVER GRAIN CO	SUPPLIES	50.65
SCHATZ ELECTRIC	LABOR	1322.38
SCHLACHTER LUMBER	SUPPLIES	73.22
SD DEPT OF REVENUE	WATER CKS	72.00
SD DEPT OF REVENUE	GARBAGE TAX	488.37
SD RETIREMENT	RETIREMENT	2,598.71
SERVALL	FO RUGS	64.59
STROUP, DAVID	FUEL=AMBULANCE	25.00
THOMPSON WEST	POLICE SUPPLIES	78.00
TRUE VALUE	SUPPLIES	105.11
US POSTMASTER	POST CARDS	171.64
VENTURE COMMUNICATIONS	PHONES	583.68
VERIZON WIRELESS	CELL PHONES	194.32
WUTTKE, BILL	CANDY POOL	153.38
WUTTKE, BILL	CANDY POOL	264.79
TOTAL CHECKS		89,328.23

At this appointed time Ted Dickey, NECOG called in via telephone to conduct the public meeting Progress report for the Sewer relining Project. Ted asked for a motion to open the meeting, motioned by Lehman, seconded by Wuttke motion carried to open this meeting for public comments or complaints, Hearing none meeting was adjourned.

Payment # 3 request for the sewer relining project for LaQua Logics (A-tech) 462,294.70, Mierhenry for bond assist \$1520.00 and Goldsmith & Heck –Engineering \$3,562.50 was sent to Ted Dickey for reimbursement. All disbursements were approved with vouchers.

Colby Kaup, manager of Red River Grain supplied the Council with supporting documents that was requested previously from the Council from MDU and Venture that they support the closing of this alley and that Red River Grain will be billed for the moving of all the utilities that are now in this alley. Motioned Bausch, seconded by VanBockel, motion carried for the following Resolution 2010-7

RESOLUTION 2010-7

The following Resolution was offered by Councilman Bausch, who moved its adaption:

WHEREAS, Red River Grain Company, a Minnesota corporation, of 412 N. East St. Gettysburg, South Dakota 57442, has heretofore filed with the Finance Officer of the City of Gettysburg, South Dakota 57442, has heretofore filed with the Finance Officer of the City of Gettysburg, Potter County, South Dakota, a Municipal Corporation, their verified Petition and Affidavit to Vacate an alley, and

WHEREAS, Red River Grain Company, a Minnesota corporation, is the owner in fee of the following described property in Gettysburg, Potter County, South Dakota, to-wit: Lots one (1), Two (2), Three (3) Four (4), Five (5) and Six (6), Seven (7) Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Fifty Six (56). Western Town Lot Company's Addition to the City of Gettysburg, Potter County, South Dakota, and that the alley runs north and south between the above described lots.

That the petitioner is the owner of all the property, as set out in the above paragraph, abutting and adjoining said alley on the east side and the west side thereof;

That said Petition and Affidavit to Vacate Alley having come on 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 Alley 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 Alley 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 Alley, and from the evidence submitted in support thereof, that said alley as shown on the Plat of Western Town Lot Company's Addition to the City of Gettysburg, South Dakota, has not been used as a public alley or right of way by the public for more than twenty (20) years; and that said alley will never be used or needed as a public alley or right-of-way at any time within the foreseeable future; and that said alley 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 Alley should be granted;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and the Common Council of the City of Gettysburg, Potter County, South Dakota, a Municipal Corporation, hereby officially close and vacate that alley which runs north and south between Lots One(1), Two (2), Three (3), Four (4) Five (5),Six (6),Seven, (7) Eight, Nine(9), Ten (10), Eleven (11), and Twelve (12), Block 56 (56) Western Town Lot Company's Addition to the City of Gettysburg, Potter County, South Dakota, and that said alley be declared officially closed and vacated all in conformity to the requirements of SDCL 9-45-10;

AND BE IT FURTHER RESOLVED THAT THE Finance Office 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 Resolution was seconded by Councilman VanBockel, upon roll call vote, the following Councilmen voted "Aye", Bausch, Everson, VanBockel, Lehman, Wuttke, and the following Councilmen voted "nay" none, the following Councilmen was absent or not

voting, Williams-absent at this time.

The Resolution was declared adapted.

APPROVED

Gerald Knox, Mayor
City of Gettysburg, SD
A Municipal Corporation

ATTEST:

Sharleen Eliason, Finance Officer

Colby Kaup asked the Council regarding having North Exene Street changed for weight restrictions to allow truck traffic. Kyle Hawkinson, Gayle Kludt, Chief of Police and Council members Williams and Everson met before to discuss all options and it was determined the present ordinances on weight restrictions should not be changed . Mayor Knox asked for a motion to change the weight restrictions for trucks hearing no motion he again called for a motion and hearing none this died for lack of a motion. The Ordinance on Weight Restrictions does not change and our Chief of Police will enforce the ordinance.

Irving Potts wanted to know what plans are for his ditch at 1000 East Logan and wanted to know why he was not consulted for these plans. Council member Wuttke stated that there has been a problem in that area for years and that the City is trying to alleviate all the water issues for all that live in that area. It was decided that the maintenance department will put in a larger culvert and cut down the high spots and possibly lower the ditch to see if that helps.

Corey Brown and Mark Schmidt representing Gettysburg-Whitlock Bay Development Corporation gave the Council a budget request and highlighted all of their accomplishments

for the past three years and listed their goals for the future which are:

Help establish a 501 (C) 3 Foundation for the purpose of obtaining grants for community projects, continue working with local groups to determine the viability of a Community Facility, continue to identify long-term strategies and opportunities for the future success of Gettysburg, offset inflationary increases and a lack of relative growth in BBB taxes, find avenues to re-capitalize our local RLF, and to continue to provide technical assistance and financing options to potential businesses.

Financial reports were also given to the Council for the period of April through June 2010.

Corey asked the Council's direction for applying for a 501-c 3. The projected costs would

run about two to three thousand per year because it will have to be audited ,set up fees and a 990 form completed each year. Motioned by VanBockel, seconded by Bausch, motion carried to have Corey Brown start the process.

The Community Facility building was briefly discussed.

Duane Quiett appeared before the Council regarding closing part of Custer Avenue where Duane Quiett has grain bins. It is not a maintained street in fact Duane stated that he put gravel on this part so he could get to his grain bins. Motioned by Wuttke seconded by VanBockel, motion carried for the following resolution:

RESOLUTION 2010-8

RESOLUTION TO VACATE PART OF CUSTER AVENUE

WHEREAS Duane K. Quiett and Janel K. Quiett, husband and wife, have presented a petition to the Mayor and Common Council of the City of Gettysburg, Potter County, South Dakota, a Municipal Corporation, alleging as follows:

THAT the Petitioners, Duane K. Quiett and Janel K. Quiett, husband and wife, are the owners of Block Twelve (12) and that vacated portion of Elm Street situate between Blocks 11 and 12, both in Original Town to the City of Gettysburg, South Dakota, and Lot 18-B, Bartel's Addition to the City of Gettysburg, South Dakota, less the South 350 Feet;

THAT the Petitioner, Michael J. Bohnenkamp, is the owner of Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) of Block Thirteen (13), Original Town to the City of Gettysburg, South Dakota, and the South 350 Feet of Lot 18-B, Bartels Addition to the City of Gettysburg, South Dakota.

THAT Custer Avenue runs between the above described Blocks 12 and 13 and the vacated and unvacated portion of Elm Street as fully set forth in the Petition; that the petitioners are the sole owners of all of the property abutting and adjoining said street on the north and south sides thereof, that said street has no residential housing on the above described premises, the closing of the north 25 feet of Custer Avenue adjacent to Blocks 12 and 13 and that portion of vacated Elm Street situate between Blocks 11 and 12, Original Town, will not hinder traffic on said street, that there will be access to the building located on Block 13, Original Town, via the remaining 75 feet of said Custer Avenue, the street is a dead end street terminating at the west boundary of Blocks 12 and 13, and there are no utilities on the north 25 feet of said Custer Avenue along the approximate 192.20 feet petitioners are requesting to be vacated insofar as can be determined by the petitioners herein.

WHEREAS, the said Petition has been duly examined, and the matter investigated by the Mayor and the City Council of the City of Gettysburg, and it appearing that said Petition should be granted and said Custer Avenue be vacated as described in the Petition in conformity to the requirements of statute.

THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Gettysburg, Potter County, South Dakota hereby officially close and vacate the north twenty-five feet (N 25') of Custer Avenue adjacent to Block Twelve (12), Original Town to the City of Gettysburg, South Dakota, and vacated Elm Street between Blocks 11 and 12, Original Town to the City of Gettysburg, South Dakota, being approximately 192.20 feet east and west, bounded by Lot 18-B on the west and bounded by Block 11 on the east.

BE IT FURTHER RESOLVED, that the finance officer shall be, and hereby is, directed to file in the office of the Register of Deeds of Potter County, South Dakota, a transcript of this Resolution, duly certified.

The question being upon the adoption of the Resolution, the roll was called, and the following votes were recorded:

Ayes: Wuttke- aye, Lehman-aye, VanBockel-aye, Everson-aye- Bausch-aye

Nays: none

Absent: Williams

WHEREUPON the Mayor declared the motion to adopt the Resolution be carried.

Dated this 9th day of August, 2010.

ATTEST:

APPROVED:

Sharlene Eliason, Finance Officer

Gerald Knox, Mayor

Bill Hall stated that he will have RPM building down by October 31, 2010. With all the moisture that we have received it was hard to coordinate the storage pods that he is putting in to store all the items left in the building for the building to be tore down. But he assured the council that he should have the building demolished by Oct 2010

Gayle Kludt asked the council to change Curtis Hamburger City Patrolman from hourly to salary. Motioned by Wuttke, seconded by VanBockel, motion carried to approve Curtis Hamburger \$30,160.00 per year or 1256.67 per pay period effective August 1,2010.

Safe Harbor approached Gayle Kludt regarding having a place for a satellite office in our community. Safe Harbor deals with domestic violence, dating violence, sexual assault and stalking shelter that serves Brown, Campbell, Day, Edmunds, Marshall, McPherson and Potter Counties. Council member Lehman suggested they call and see if they can use the Oahe Villa and if not they could possibly use the Fire Hall.

Gayle Kludt presented the Council a letter from Dustin Perman, Brian Quiett, Justin Smith, Jayden Hansen and Kassie Brandt stating that they wanted to apologize for swimming in the swimming pool after hours. They wanted to publically apologize for

disturbing the neighbors and the police department and to state that they have learned their lesson and will obey the rules in the future.

Gayle Kludt would like Yield or stop signs placed at the east end of King at Ellsworth and the North end of Elm at Sunset Drive(behind Goebel's and between Hilltop). Council stated to place the appropriate signs where law enforcement felt it was necessary for the safety of the community.

Previously the City was presented an Ordinance 2010-5-3 regarding golf carts to operate in the City of Gettysburg. There was some confusion on this ordinance and Gayle stated that without the City imposing an Ordinance allowing golf carts they would not be able to operate in the City Limits and would have to be on a trailer on city streets. Motioned by VanBockel, seconded by Lehman to approve this reading with the following roll call vote taken: Wuttke-yea, Lehman-yea, VanBockel-yea, Everson-yea, Bausch- yea and Williams-absent. Gayle will also put an article in the Potter County News regarding the golf cart ordinance. This ordinance will be effective January 1, 2011 as the golfing season is just about over for this year.

The bids for the Airport project were opened on July 22, 2010 and our Mark Wiederrich from Goldsmith & Heck engineering wanted to tabulate the bids and check into funding since all bids were over the engineers estimate .

The following bids were received for the airport:

1. Morris from Fort Pierre \$ 695,344.65
2. Kerud from Dell Rapids 774,150.30
3. Anderson from Pierre 729,375.55

So the low bidder was Morris Inc. Our engineering firm recommend that the bid should be awarded to Morris Inc. Motioned by Lehman, seconded by VanBockel, motion carried to award the bid to Morris Inc.

Also the material testing contract from AET in the amount of \$ 15,155.00 for all the testing of materials for the airport project. Our engineers sent out letters to two testing firms AET from Pierre and Midwest Testing from Bismarck. Mark Wiederrich only received a bid from AET. Motioned by Lehman, seconded by Bausch, motion carried to approve this. Also the Construction Engineering contract with Goldsmith Heck Inc. was presented to the council in the amount of \$44,693.84 Motioned by Lehman, seconded by Bausch, motion carried to approve this contract.

Russell Anderson Maintenance Supervisor stated that the sewer relining project is now completed. They do have to come back and do two patches and then Russell Anderson and our Engineer will have a final inspection. Payment number 3 had been presented to the council for payment with Accounts payable and approved. Russell Anderson stated that previously he asked for council's approval to redo the old sewer lift station and when the supplies come in they will start. The cost should be around \$13,000.00 this will also include a new control box and all new parts.

Brett Bauer approached a Council member concerning his property to obtain water and sewer. Since there was some boring involved the council went by their policies and will pay up to \$1000.00 towards this cost. Motioned by Wuttke, seconded by Everson, motion carried to approve this cost.

City baseball program projects were discussed. At this time we are going to try and do the large diamond with agri lime but even with Bryan Hause's generous donation and the Twins donation we are still short of monies for this project. In order to complete the project the City will have to supplement the budget with hopes of future donations to this worthwhile project. Ordinance # 2010 8-6 was presented to the council for the first reading for budget supplements to show grants and to take 10,000.00 from the general cash and put to the park diamond project with hopes that there will be future donations for this project. Motioned by Bausch, seconded by Everson, motion carried to approve this first reading.

Dedication of the small diamond will be done in conjunction with the larger diamond next year.

There being no other fuel bid the one bid from Northern Plains was presented to the Council for the following: super unleaded \$2.74, no lead 2.83, # 2-2.58 and # 1—2.66. Motioned by Wuttke, seconded by Lehman, motion carried to approve this fuel bid.

The following building permits were presented to the Council for their review:
Ron Ford—breezeway W 20ft of Lot 5, lot 6 Crandall Addition
Kyle Schrempp fence Lots 3 and 4 Block 86 Western Town Lot Co Addn
Motioned by Everson seconded by Lehman motion carried.

The building permits of the following were presented later for review:
Dan Beringer addition to deck Lots 1 & 2 Block 1 O'Leary's addition
Gerald Knox pole storage building S 15 ft Lot 14, all lots 15,16,17,18,19 Block 9
Original Town Addn

Motioned by Wuttke and seconded by Bausch, motion carried to approve

Demolition permits were presented to the Council:

Linda Johnson house at 304 S Exene St
Angela Freidel house at 403 East Blaine

Motioned by Lehman, seconded Everson motion carried to approve permits.

The following moving permits were presented to the Council:

Angela Freidel mobile home to 403 East Blaine
Gayle Kludt garage to 101 S. Harrison

Motioned by Wuttke, seconded by Everson, motion carried to approve.

Mayor Knox asked for volunteer Council members to meet with Matt Cronin to discuss legal issues. Council members Wuttke and Bausch along with

Mayor Knox will meet with Cronin in the near future.

Nathanael Williams entered the meeting at this time.

The Finance windows will be replaced sometime in August and this was approved at a previous meeting but the roof was also discussed at that meeting. DJ Fischer was approached about redoing the roof but he states at this time he is too busy to get it done. He could do a repair patch on it when he is doing another main st business roof. Council stated to get quotes from Chad Griese as the roof does have problems.

The next scheduled council meeting on the 1st Monday of the month in September would be on Labor Day. Motioned by VanBockel, seconded by Bausch, motion carried to change the meeting date to Wednesday September 8th.

The official closing date for the Swimming pool will be September 19. There was and inquiry from a group that will be taking scuba lessons and wondered if they could use the pool after its official closed for one week. Motioned by VanBockel seconded by Williams, motion carried to allow this as long as they hire a lifeguard to be present for liability reasons.

Elm tree project was completed for this year and a total of ten trees were removed.

Curb stops was discussed and the Ordinance that is in place will be enforced. Michael Larson, City Attorney will look at current curb stop ordinances.

Correspondence included a letter from Venture that they will be increasing their rates in September.

There being no other business to come before the Council. Motioned by Bausch seconded by Williams to adjourn at 10:00 PM.

ATTEST:

WITNESS:

Sharleen Eliason, Finance Officer

Gerald Knox, Mayor

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