

UNAPPROVED MINUTES OF THE
REGULAR MEETING OF THE
JEFFERSON CITY COUNCIL
JEFFERSON, SOUTH DAKOTA

March 7, 2022
Jefferson City Hall
7:00 p.m.

Members present: J. Bogenreif, K. Bogenreif, T. Boulware, J. Lokhorst, G. Schaeffer, M. Stokely and L. Whitlock

Others present: A. Bottger, N. Christiansen, R. Crum, T. Elledge, R. Geary, M. Hollingshead, S LaFleur-Sayler, M. Lokhorst, B Manger, M. Roark and N. Werner.

Mayor Bogenreif called the Regular meeting of the City Council of Jefferson, South Dakota, to order. Motion to approve the agenda by Schaeffer second by Lokhorst. Motion carried. Motion to approve the minutes of the February 7, 2022, regular City Council meeting by K. Bogenreif second by Stokely. Motion carried.

Actual Bank Balances:

Checking: \$ 43,964.09

Savings: \$ 249,682.84

C.D.: \$17,863.90

Petty Cash: \$100.00

TOTAL FUND BALANCE AS of 2-28-2022: **\$ 311,610.83**

Motion to approve the financial statement by Stokely second by Whitlock. Motion carried.

UNFINISHED BUSINESS:

The tabled second reading of Ordinance #9.24 took place.

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS WITH REGARD TO STREET AND SIDEWALK EXCAVATION IN THE CITY OF JEFFERSON, SOUTH DAKOTA.

A discussion followed. SS Crum pointed out the Ordinance calls for the City Engineer to be on site to supervise, review and direct all the work called for in Ordinance Chapter #9.24. SS Crum asked the City Council the identity of the City Engineer. CA LaFleur-Sayler stated the City Council may designate an acting City Engineer. Motion by Schaeffer to amend Ordinance #9.24 to read Street Superintendent instead of City Engineer second by Lokhorst. Motion carried.

ORDINANCE Chapter #9.24

TITLE 9. AN ORDINANCE ESTABLISHING RULES AND REGULATIONS WITH REGARD TO STREET AND SIDEWALK EXCAVATION IN THE CITY OF JEFFERSON, SOUTH DAKOTA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF JEFFERSON, SOUTH DAKOTA:

§ 9.24 will be added to the Jefferson City Municipal Code to read as follows:

Sections:

- 9.24.010 Permit required.**
- 9.24.020 Permit application.**
- 9.24.030 Existing concrete.**
- 9.24.040 Asphalt streets.**
- 9.24.050 Graveled streets.**
- 9.24.060 Seeding or sodding area.**
- 9.24.070 Responsible for roadway.**
- 9.24.080 Unsatisfactory work.**
- 9.24.090 Excavation supervision.**
- 9.24.100 Excavation protection.**
- 9.24.110 Filling of trenches.**
- 9.24.120 Violations--Penalty.**

9.24.010 Permit required.

No person shall make or cause to be made, any excavation or cut in or under any street, parking, sidewalk, alley or other public property in the city or remove any earth, soil, paving, gravel or other material therefrom without first having obtained a permit therefore from the city. Such permit shall be approved by the city council prior to the commencement of the work if the work to be done involves a cut to a paved municipal street. A permit is not required under this ordinance if the work to be done is located entirely on private property.

9.24.020 Permit application.

No person shall obtain a permit to make such an excavation or cut without first filing an application which application shall provide:

- A. A statement of where the excavation is to be made along with a drawing showing the location and the area of the proposed excavation or cut along with the location of all existing and proposed facilities and underground facilities, demonstrating the extent thereof, the names of the adjacent property owners and the purpose of the excavation or cut and the anticipated completion date;
- B. An agreement that the boring pit (if applicable) shall be dug to a depth sufficient to maintain a minimum boring depth of 24 inches below the traffic surface.
- C. An agreement that the excavation or cut shall be repaired or replaced according to the specifications set out in this chapter and as specified or directed by the street superintendent;
- D. An agreement to reimburse the city for the actual cost of all supervision or inspection by the designated street superintendent;
- E. An agreement providing a date certain by which time the excavation or cut shall be completed and all required or directed repairs shall be made. This date may be extended upon a showing of good cause, by the city council;
- F. A bond in the amount of ten thousand dollars (\$10,000.00) per cut or excavation, to be approved by the mayor of the city guaranteeing the reimbursement of the expenses as provided above, guaranteeing the completion of the work by the date specified, and guaranteeing any repairs or replacement of the city streets, curbs and gutters or sidewalks necessitated by unsatisfactory work for

a period of three years, as provided below;

G. Proof of liability insurance which shall save harmless the city and protect the public and any person from injury or damage sustained by reason of the excavation or cutting or the handling or storing of materials therefore. The minimum protections shall be as follows:

1. Public liability insurance and vehicle liability insurance:

a. Each person	\$1,000,000.00
b. Each accident	\$1,000,000.00

2. Property damage, general liability insurance:

a. Each person	\$1,000,000.00
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9.24.030 Emergency Action.

In the event of any emergency in which a sewer, main, conduit, or utility in or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling such sewer, main, conduit, or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health, and safety of individuals. Such person owning or controlling such facility involved in an emergency action shall first notify the State "One-Call" system and then apply for an excavation permit not later than the end of the next succeeding business day, and shall not proceed with permanent repairs without first obtaining a permit hereunder.

9.24.040 Existing concrete.

All existing concrete that is to be broken out, shall be sawed where indicated by the street superintendent or his or her authorized representative so as to form a smooth, straight joint at the junction of the new and old concrete. The sawed joint shall be at least one and one-half inches deep. Further, the concrete shall be tested by an independent testing company and the results provided to the city.

All Portland cement concrete that is to be replaced shall be constructed and conform with the specifications of the street superintendent. All concrete replaced shall be a minimum of six inches of thickness and be high-early strength concrete.

9.24.050 Asphalt streets.

All asphalt streets shall be restored to a minimum of three inches and replaced according the street superintendent's specifications. The sub-base shall have a minimum of twelve inches of crushed gravel. The asphalt used must be a hot mix and must be approved by the street superintendent's office. All asphalt streets must be sawcut or cut with a pneumatic spade or blade just prior to placing new asphalt. All concrete streets with asphalt overlays shall be cut, excavated and patched according to the street superintendent's specification.

9.24.060 Graveled streets.

All graveled streets shall be restored with a minimum of six inches of crushed gravel

furnished and compacted in place by the contractor.

9.24.070 Seeding or sodding area.

Contractors who perform work in the parking shall seed or sod the construction area. They shall restore the area back to original condition as determined by the street superintendent.

9.24.080 Responsible for roadway.

The contractor will be responsible for the roadway that the backhoe pads are set on. Any damage done to the existing roadway will be repaired by the contractor to the street superintendent's specifications.

9.24.090 Unsatisfactory work.

If at any time within three years after the issuance of the permit the street superintendent shall find that the work has not been satisfactorily done, or has not been properly backfilled, he or she shall notify the person, who has taken out the permit, in writing, that the work must be put in satisfactory condition in one week or the bonding company will be notified.

9.24.100 Excavation supervision.

The street superintendent or his or her authorized representative shall supervise all excavations made for any purpose in the streets, parking, sidewalks, alleys or other public property, and he or she shall require all excavations to be backfilled in a good and workmanlike manner and as herein specified.

9.24.110 Excavation protection.

Any person receiving a permit to make excavations in or upon any street, parking, sidewalk, alley or other public property shall erect and maintain, around the same both day and night, during the continuance of the work and until the street superintendent permits traffic over the excavation, suitable and adequate guards, fences, flares, and signals so as to prevent injury to persons or property because of such excavations. Such protection is to be approved by the street superintendent.

9.24.120 Filling of trenches.

All native material or sand used for backfill shall be free from frozen materials, rocks, foreign material that may decompose, and other materials that may affect the stability of the backfill. All trenches and structure excavations shall be backfilled as soon as the jointing compound, mortar, concrete, etc., has attained a suitable degree of hardness, and this work shall be prosecuted expeditiously until completed.

In the case of excavations for any kind of pipe or conduit, the space between the pipe and conduit and the bottom and sides of the trench shall be packed and compacted as fast as placed, up to the level of the top of the pipe or conduit. The material shall be deposited carefully in the trench to avoid injuring the pipe or conduit and shall be placed in layers not more than six inches thickness, and each layer shall be solidly and carefully tamped with appropriate tools. The filling shall be carried up evenly on both sides. The above method shall be used to cover the pipe or conduit to at least one foot above its top.

All tamping above an elevation of one foot above the crown of the pipe or conduit shall be done with pneumatically operated tampers in layers not more than six inches in thickness, or mechanical tampers in layers not more than twelve (12) inches in thickness, or mobile trench compactors in layers not more than thirty-six (36) inches in thickness. Other tampers may be approved for use by the street superintendent. Tamping with the side or the bottom of an excavating bucket shall not be acceptable. Flushing will not be allowed unless specifically authorized by the street superintendent.

When the trench is filled the contractor shall remove all surplus material leaving the street or alley clean and in good order. If so directed by the street superintendent, the surplus material shall be spread over the street; the person making the excavation shall not dispose of it until this matter is determined.

9.24.130 Violations--Penalty.

In addition to the civil liability under their bond as provided above, any person convicted of a violation of this chapter shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00).

On a motion by Schaeffer to accept and adopt Ordinance Chapter #9.24 second by Lokhorst. Motion carried.

Dated this 7th day of March, 2022.

Joseph Bogenrief, Mayor

ATTEST:

Michaeleen Roark, City Finance Officer

First Reading: December 6, 2022

Second Reading: January 5, 2022

Third Reading: February 7, 2022

Final Reading: March 7, 2022

Publication: March 17, 2022

Effective Date: April 6, 2022

300 Main Street was next on the agenda. Motion by Stokely to move into Executive Session to discuss a legal matter at 7:06 p.m. with the Mayor, City Council, City Attorney, PC Crum, PO Manger and FO Roark second by Whitlock. Motion carried. The Regular City Council meeting reconvened at 7:11 p.m. with all members present.

NEW BUSINESS:

Mayor Bogenreif recognized Andy Bottger with the Days of '59 committee. Mr. Bottger stated the Days of '59 committee discussed meeting with the City Council to keep them apprised of the plans being made for July. The Days of '59 committee discussed holding a street dance on Main Street. A discussion followed. The Days of '59 committee are committed to making this a community event, affordable for everyone with their goal of bringing everyone together. Closing Main Street off for the week-end was discussed. The Days of '59 committee will work with the City employees and discuss their plans with Main

Street homeowners. So far, the proposed schedule is Fireworks for Friday, a Softball Tournament, Street Dance and the Sunday Car Show.

Robert Geary was next on the agenda. Mr. Geary was present asking the City Council why they felt they had a right to complain to the Union County Commissioners about his property at 48240 County Road 1B. The FO read the front page of the Leader Courier, which pertained to the property in question, to the City Council. The Jefferson City Council advised Mr. Geary they did not contact the UC Commissioners nor did they complain about Mr. Geary's property. Mr. Geary said the newspaper made it sound like the City complained. A discussion followed. Mr. Geary said he burned the brush piles and the house remains due to its historical designation. Mr. Geary complained about dead pine trees that are on the North property line of his farm field. Mr. Geary asked where the fireworks for the Days of '59 would be set off. Mr. Geary was advised that if we do not receive rain and the burn ban is still in effect there will not be any fireworks. Mr. Geary then asked about the house built on Lot 7, Outlots, Jefferson City by Tom Johnson. Mr. Geary stated the house is too close to the property line. FO Roark stated a side yard can be 7 foot off the property line and Mr. Johnson is 8 feet off the property line with the side of his house. The front yard of said house faces Main Street and his rear yard is adjacent to Kirk Corio's house. Mr. Geary then produced a list of areas the City needs to address:

Weeds along the ball field fence. The seeds are getting into the farm field.

Cookers building and shed

The hole in the roof of the house at 206 North 3rd Street

Various properties with junk, cars with expired license plates, etc.

The FO advised the City Council there is to be a City election April 12, 2022, in all 3 Wards for City Council members.

Mr. Geary returned to ask that the City post No Passing signs on Main Street South at First Street. Mr. Geary stated he was struck by someone trying to pass him as he was turning left into his field. Mr. Geary said he felt it was a safety issue and someone is going to get in a wreck and seriously hurt down there. SS Crum advised the double yellow line on the road designates a no passing zone.

The FO requested the City Council appoint the Election Board for April 12, 2022.

Susan Collins, Precinct Superintendent

Debra Harding, Precinct Deputy

Molly Lokhorst, Precinct Deputy

Motion by K. Bogenreif to approve the appointment of the election board second by Schaeffer. Motion carried. The FO stated the Precinct Superintendent will receive \$200.00, the Precinct Deputies \$175.00 plus \$25.00 each for training and lunch will be provided for the election workers. CM Boulware asked if there were going to be absentee ballots available and if anyone can watch the vote count. The FO stated absentee ballots are to be made available no later than 15 days prior to the election SDCL 9-13-21. The votes are counted publicly but no one may interfere with the election workers. The FO will be in City Hall from the opening of the polls to the counting of ballots as the election official.

Motion by Stokely to approve the application from St. Peter's for a One Day Malt Beverage license for March 19, 2022, second by Schaeffer. Motion carried.

Police Department:

PC Crum's report was reviewed and discussed. A copy is kept on file at City Hall.

Speeding tickets issued

No through truck ticket issued

Suspicious Activity- Conoco complaint of a drug deal. Unfounded

Vehicle burglaries- Appear to be random. Nothing stolen from one but 2 windows were broken. CM Stokely asked if anything was being done to catch the person(s) PC varying times on patrol. CM Stokely's truck was entered. He stated it was unlocked and his GPS was stolen along with a gun.

Intentional damage to property

Check area request- Dog barking on Division Street

Motorist Assist- a stalled vehicle on the I-29 ramp. PC helped push vehicle out of the way

Suspicious person- noticed a suspicious person and called 1 ½ hour later

Dispute between person- Alcohol involved

Fight- Buds parking lot over who was driving home

Suspicious person

Traffic stop- complaint of being forced into a vehicle by 2 guys who had a gun. Came from out in the County contacted SO for a Deputy

Tannerite being set off Sunday evening was discussed.

Sent out expired license plate letters

Sent out junk clean up letters

Street Department:

Cracks to be sealed this Spring

Refurbishing the street flag poles to keep them from getting tangled up

City garage heater is acting up- fan works off and on. Fixing it or replacing it can wait with the weather getting warmer.

Water Department:

Media is working well. Back wash was done 3 times a week and now it has been cut back to 2 times a week.

Wastewater Department:

No items to discuss

Informational Items/Public Input:

CM Boulware asked about a Spring clean-up and having dumpsters brought in so residents can dispose of junk and yard waste. CM Lokhorst volunteered to help CM Boulware man the dumpsters on a Saturday to check residency and the loads being brought in. The FO will check with the Hauler as to feasibility and a timeline.

The Boards of Equalization will be held during the week of March 21 through 25, 2022.

Residents wishing to be heard may send their letters to City Hall P.O. Box 276, Jefferson, S.D. 57038 on or before March 17, 2022. The Board will meet starting at 6:30 p.m. appointments will be scheduled and everyone given 15 minutes to discuss their grievance.

The FO was asked who is running for election April 12, 2022.

Ward 1: Nicole Werner
Mark LaFleur

Ward 2: Paddy Rigg
Gary Schaeffer
Ward 3: Jason Casper
Larry Whitlock

The FO was contacted by Rural Economic Electric Development. Grant money for housing projects in Union County is available. The City would need to obtain a housing study to qualify. Money is also available to be used towards the demolition of dilapidated houses. A discussion followed.

A Thank you was read from Dakota Valley After Prom Committee for the safety donation.

CM/FM Schaeffer advised the City Council the radios ordered by the Fire Department should be here yet this week. VFW Bingo here in Jefferson is also sponsoring a 50/50 Bingo game. The recipients will be the Elk Point Ambulance, Jefferson Ambulance, Elk Point Fire Department and Jefferson Fire Department. Each entity will be given their own week for the 50/50 Bingo.

Posting No Through Truck signs by AT Strong's elevator was discussed. A GPS system will direct a truck driver to take Division Street. When the trucks are leaving the elevator, they need to be reminded there is no left turn or through traffic for trucks. PC Crum set blocks at the vacated area on 2nd Street but alley access is still open.

CM Stokely asked that a letter be sent to the property owner at 214 North 3rd Street addressing the dilapidated condition of the property. The building can only be used for dry storage as all utilities are disconnected. The holes in the roof and other issues need to be addressed.

The Tannerite explosion on Sunday March 6, 2022, was discussed. The City of Jefferson has no jurisdiction in the County so there is little we can do. A County Noise Ordinance might help but Tannerite is not illegal to possess.

FO Roark advised the bus was plugged in 20 times in February for a total due of \$10.00. A donation was dropped off at City Hall of \$20.00 for the bus plug in in January. The FO deposited that money into the City account. The FO will keep track of March and settle the final bill when the weather turns warmer and the cord removed.

Claims:

Motion to pay the audited, approved warrants by Schaeffer second by K. Bogenreif. Motion carried.

Monthly payroll/insurance benefits: General Fund: \$11,309.63, Enterprise Fund: \$1,654.92, Joe Bogenreif, cell phone, \$100.00, Randy Crum, cell phone, \$100.00, William Manger, cell phone, \$100.00, Axon Enterprise Inc., Taser Holster., \$71.08, CW Suter, Furnace Code #276, \$226.05, Carrot Top Industries, flags, \$1,995.00, Conoco, fuel, \$271.09, Crary Huff Law Firm, legal fees, \$798.25, DPC Industries, chemicals, \$653.11, EFTPS-IRS, 941 taxes, \$3,670.38 Jacks Uniforms, PD supplies, \$146.85, Jefferson Volunteer Fire Department, Sales Tax monies/Annual Appro., \$16,208.81, Leader Courier, publishing, \$156.29, Longlines, phone service, \$169.75, Loren Fischer, refuse collection-February, \$3,795.00, Main Street Checks, check order, \$141.73, MidAmerican Energy, utilities, \$1,913.88, Rarrat, Kyle, WSG refund deposit, \$65.00, Roark, Michaeleen, postage, \$10.44, SC Journal, webpage, \$ 174.00, SVEN Water Plant Media, \$45,688.00, SD DOR, sales tax, \$266.50, SD Public Health Lab, water tests, \$15.00, SDRS, SD Retirement, \$1,697.80, SDRS, Retirement supplement,

\$150.00, Verizon, hotspot, \$40.01, Watch Guard, Software Warranty, \$775.00, Werner, Nicole, \$125.00.

Adjournment:

Motion to adjourn regular session at 8:20 p.m. until the April 4, 2022, regular meeting by Boulware second by Lokhorst. Motion carried.

Joe Bogenreif
Mayor
Jefferson, South Dakota

ATTEST:

Michaeleen Roark
City Finance Officer
Publish: March 17, 2022

Published once at the total approximate cost of: \$_____