

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

November 1, 2021
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: S. Cross, R. Crum, D. Gustin, S. LaFleur-Sayler, 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 K. Bogenreif. Motion carried. Motion to approve the minutes of the October 4, 2021, regular City Council meeting by Whitlock second by Stokely. Motion carried.

Actual Bank Balances:

Checking: \$ 6,765.31

Savings: \$259,605.38

C.D.: \$17,855.00

Petty Cash: \$100.00

TOTAL FUND BALANCE AS of 10-31-2021: **\$ 284,325.69**

Motion to approve the financial statement by K. Bogenreif second by Whitlock. Motion carried.

UNFINISHED BUSINESS:

Fencing at the former JHS has been installed. The fence covers the windows and the doors. There is one gate for access and it is locked. Motion by Whitlock to move into Executive session at 7:01 p.m. to discuss a legal matter with the Mayor, City Council, City Attorney, Police Chief, PO and FO present second by Lokhorst. Motion carried. The regular meeting reconvened at 7:03 p.m. with all members present.

The rental property at 113 North 3rd Street was next on the agenda. The South Dakota Electrical Commission sent the results of the inspection and outlined areas cited for repair. The FO reported she has sent the results of the inspection to the property owner.

Mayor Bogenreif recognized Don Gustin; Mr. Gustin stated he has a water line issue on his property at 303 E. Dakota Avenue. Mr. Gustin had a map of the properties at E. Dakota. Mr. Gustin stated the fire hydrant is 20' off the property line into his yard. The electrical box is 8' off the line. Mr. Gustin was advised, by the utility owner, the electrical box cannot be moved into the ditch. A 1 1/2" water line runs across the Gustin property to the rear East corner of the Cross house. The Cross home is on the end of the line. Mr. Gustin stated his water shut off is by the fire hydrant and Mr. Gustin buried the Cross home's shut off when he poured his driveway. When SDARWS was helping WS Crum locate service lines they could not find the water shut off for Mr. Gustin's property. WS Crum stated the fire hydrant's proximity to the shut off affected the locator's ability to find it. A discussion followed. Mr. Gustin is desirous of the City running a new water service line in the ROW to the property lines, running the water line West to Main Street eliminating the dead end line, relocate the fire hydrant, abandon the existing water line and not dig up their yards. A

discussion followed. The City Council will look over the documents provided in their folders prior to deciding if a course of action is warranted.

CA LaFleur-Sayler presented:

AN ORDINANCE OF THE CITY OF JEFFERSON, S.D., AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF JEFFERSON BY ADDING TITLE 5; BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.20: MEDICAL CANNABIS.

AN ORDINANCE OF THE CITY OF JEFFERSON, S.D., AMENDING THE 2016 REVISED JEFFERSON ZONING REGULATIONS OF THE CITY OF JEFFERSON, S.D. BY AMENDING CHAPTER 7, CB: CENTRAL BUSINESS DISTRICT, PERMITTED USES; AND CHAPTER 19.02, DEFINITIONS.

AN ORDINANCE PROHIBITING THE CONSUMPTION OR SMOKING OF CANNABIS IN PUBLIC PLACES.

Fees proposed by various municipalities was also included in the paperwork.

A discussion followed and the City Council will review their copies of the ORDINANCES and hold their first reading December 6, 2021.

RESOLUTION 2021-R04 was tabled last month. Motion by Schaeffer to move into Executive session at 7:54 p.m. to discuss a legal matter with the Mayor, City Council, City Attorney and FO second by Stokely. Motion carried. The regular meeting reconvened at 7:58 p.m. with all members present.

RESOLUTION 2021-R04

A RESOLUTION AUTHORIZING THE CITY OF JEFFERSON TO MAKE AN INITIAL DONATION TO BE REVIEWED ANNUALLY TO THE CITY OF ELK POINT AND/OR THE ELK POINT FOUNDATION TOWARDS FUNDRAISING FOR A NEW POOL/BATHHOUSE AT THE FUNDING A NEW BATHHOUSE AT THE ELK POINT COMMUNITY POOL

WHEREAS, the City of Elk Point has recently constructed a new community pool for the Elk Point-Jefferson area; and

WHEREAS, the Elk Point Municipal Pool Committee is requesting monetary donations from the City of Jefferson for construction of the bathhouse located at the new community pool; and

WHEREAS, the Jefferson City Council would like to contribute initial funds in the amount of \$3,000.00 for the bathhouse to be constructed at the new community pool; and

WHEREAS, the Jefferson City Council will thereafter review their budget each year to determine if an additional contribution is feasible for that year; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSON, SOUTH DAKOTA;

THAT, the City of Jefferson elects to make an initial donation to the City of Elk Point and/or the Elk Point Foundation in the amount of \$3,000.00 and thereafter to review their budget each year to determine if an additional contribution is feasible for that year towards the funding of a bathhouse at the new Elk Point Community Pool; and

The above Resolution was moved by Councilmember Stokely and seconded by Councilmember Whitlock and was approved by a unanimous vote at a meeting duly called and held on November 1, 2021.

Dated this 1ST day of November 2021

Joe Bogenrief, Mayor

ATTEST:

Michaeleen Roark, Finance Officer

NEW BUSINESS:

The FO reported the Workers Compensation Renewal was submitted in a timely manner so the City received a \$1,938.00 credit on their renewal.

Motion to approve the liquor license application for BFC, Inc. dba Bud's Bar for retail on-sale with Sunday permit for 2022 by Stokely second by Schaeffer. Motion carried.

Motion to approve the liquor license application for DJVM, LLC dba Jefferson BP for retail on-sale for 2022 by K. Bogenrief second by Lokhorst. Motion carried.

Copies of the City Employee job descriptions and City Ordinances were supplied. CM Boulware asked about special meetings and who can call them. CA LaFleur-Sayler stated the statutory requirement states the Mayor may call special meetings and in his absence the Board President. A 24 hour notice to the City designated newspaper, post the notice, notify your Attorney and contact all members is required. Emergency meetings may be held with a 1 hour notice.

The City Council is looking to update their Ordinances. The building permit and plumbing Ordinances were discussed. CM Boulware stated he has been told by some people they were denied building permits by the Finance Officer. A discussion followed as to who and the circumstances. Motion by Boulware that all permits issued by the City be signed off on by the City Council second by Whitlock. A poll of the board was taken.

Stokely- Yes

K. Bogenrief- No

Boulware- Yes

Schaeffer- No

Lokhorst- No

Whitlock- Yes

In the light of a tie the Mayor is called upon to cast a vote to break the tie.

Mayor Bogenrief - No

Motion failed

Motion by Boulware anytime City property is going to be worked on or damaged the City Council must review the matter and approve it unless it is an emergency. SS Crum asked for clarification on what CM Boulware means by his motion and if it includes everything that is City property and all scopes of work. A discussion followed. CM Boulware rescinded his motion.

When discussing the Ordinances some City Council members expressed their reaction to Main Street being cut for a water tap. CM Stokely stated had Ms. Werner asked, the City would have paid for part of the costs to have the water line bored under the road. SS/WS Crum advised the City

Council the Ordinance states the property owner is responsible for all costs associated with the water supply line.

Motion by Boulware before any public way is tore up, cut out for plumbing issues unless it is an emergency it must come before the City Council second by Whitlock. Motion carried.

CM Boulware stated he received several complaints about 4 wheelers running around town and tearing up the streets. CM Schaeffer stated they took off before he could catch them. The 4-wheelers came from 482nd South. PC Crum stated that was the first he has heard of this complaint. CM Boulware asked PC Crum about how much time is spent on duty and suggested utilizing a time clock. PC Crum was asked if UC Dispatch is notified of their arrival via radio. PC Crum stated he notifies dispatch if he is coming to patrol. CM Whitlock stated he had contacted the Union County dispatcher about how many 911 calls are made for Jefferson and how many are responded to by the Jefferson PD. CM Whitlock stated Sarah Beaty with the Union County Dispatch asked if she could come and address the City Council about the Jefferson Police Department. CM Whitlock was told to invite Ms. Beaty to the December meeting. Mayor Bogenreif thanked PC Crum and PO Manger for their work.

Police Department:

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

Domestic Dispute- Arrest made

Simple Assault- B. Manger made contact and arrest

Dispute between persons

Aggravated Assault/Burglary (charges requested)

Welfare Check- Main Street

Remove Subject- Subject left prior to PD arrival

Street Department:

Resurfacing project- Shannon Drive estimate to repair with asphalt \$5,000.00 to \$6,000.00. SS Crum discussed the area with Justin Campbell and was told the area was never surfaced it was just gravel. A discussion followed. SS Crum said the County has crushed asphalt and they would sell the City some. CM Boulware would prefer asphalt in the alleys and on the streets as opposed to the dirt and rocks placed there now.

Dump Truck is here- blade and dump body done

Streets to be swept later this week.

Water/Wastewater Departments:

Water- All media is here for the filtration system

Quotes for the generators were reviewed.

Todd's Electric Service:	Lift Station	\$50,275.00
	Water Plant	\$73,250.00

Metro Electric:	Lift Station	\$30,500.00
	Water Plant	\$52,750.00

Kevin O'Dell Electric	Lift Station	\$34,430.00
	Water Plant	\$59,970.00

A discussion followed.

Motion by Lokhorst to hire Metro-Electric to install generators as outlined in their quote second by Boulware. Motion carried.

Informational Items:

FO Roark advised the City Council she will reimburse the City, like every year, for the bus plug-in. The FO checks with Mid-American Energy for the estimated costs associated with a block heater. CM Boulware thank the FO for the information as several people have asked him who pays to plug the school bus in.

Mayor Bogenreif recognized Nicki Werner Ms. Werner was present to address the City Council concerning the water main tap at 202 Main Street and how it was handled by certain members of the City Council. Ms. Werner stated she did not appreciate how her business, or she herself was treated. Ms. Werner stated she followed the City Ordinances, as they are presently written. Some City Council members failed to follow the Ordinances and illegally held up the ongoing work at 202 Main Street plus a Council Member contacted OSHA about the plumber, thus creating another delay. Ms. Werner stated she did not know that was how businesses were treated in this town. CM Stokely asked what she meant and she stated she was yelled at; secret meetings were held and no one came to her or called her about any issues. CM Stokely said she called him at work and yelled at him. He did not know how to contact her plus she should have told them what she was doing. Ms. Werner stated she brought a packet of information to a City Council meeting earlier this year and has been present at several City Council meetings where she could have been asked questions. Ms. Werner feels the City Council should be respectful, show a little dignity and be transparent. Jefferson Beer Supply paid \$350.00 to tap the water, \$350.00 to tap the sewer and the fees for their Malt Beverage license. In her visits to previous Council meetings Ms. Werner gave the Council 3 separate ways they could have an economic impact by helping all Jefferson businesses instead they chose to block her project. Ms. Werner stated she was disappointed in the City Council. When they look at budgetary items, they need to consider the bigger picture asking themselves how they can utilize their power to positively change things, did anyone look into why Wynstone wanted to remove themselves from Jefferson or what impact that could have on sales tax revenues? Ms. Werner stated her plumber is a member of a family business and was adversely affected by the anti-business and retaliatory mind set because a local contractor was not used. Ms. Werner offered the job to the local contractor first he chose not to take it. The plumber will be appealing the OSHA ruling so that he will be given the name of the person who called them. CM Schaeffer stated he took pride in Main Street and was upset it was cut. CM Lokhorst asked the City Council to address this issue, discuss it like adults, and treat Ms. Werner with respect. CM Boulware asked who stopped her plumber as he felt the City Council did not. SS/WS Crum stated he was told by CM Boulware and CM Stokely that the plumber was not allowed to dig on Monday September 27, 2021. Some City Council members felt they had a legitimate concern about their infrastructure. Ms. Werner stated she followed the Ordinances as they are written, followed proper procedures paying the required fees for her business and filing sales tax remittances as required.

Claims:

Motion to pay the audited, approved warrants by Schaeffer second by Lokhorst. Motion carried. Monthly payroll: General Fund: \$10,248.15, Enterprise Fund-Water: \$1,255.74, EPF-Sewer: \$1,255.74, Joe Bogenreif, cell phone, \$100.00, Randy Crum, cell phone-November, \$100.00, Bill Manger, cell phone- November, \$100.00, Bentson Pest Control, city hall/garage, \$55.00, Bomgaars, supplies, \$65.55, Cardis, fence, \$5,941.50, Conoco, fuel, \$365.58, Crary Huff Law Firm, legal fees, \$189.75, Crum, Randy, cameras/LED lights, \$422.85, Crum, Randy, Steel elec box, \$162.93, DPC Industries, chemicals, \$550.97, EFTPS-IRS, oasi/med/wh, \$7,117.83, Hovorka, Joe, WSG depre fund, \$50.00, Kastner, Michael, WSG depre fund, \$50.00, Longlines, phone- \$171.61, Loren Fischer Disposal, October service, \$3,795.00, Menards, supplies, \$303.56, MAE, utilities, \$1,488.67, Mid-West Ready Mix, concrete block, \$150.00, Northern Truck Equipment, Dump Body, \$16,452.00, Northern Truck Equipment, camera, \$266.61, Siouxland Trailer Sales,

Western V-Plow, \$7,280.89, SC Journal, web-ad, \$99.00, SVEN, water plant media, \$18,660.00, SVEN, chemicals-water, \$1,244.88, Sam's Club, supplies, \$364.19, SD Department of Revenue, sales tax, \$250.50, SD 811, locates, \$12.32, SD Public Health Lab, tests-water, \$15.00, SDRS, October retire, \$2,058.58, SDRS, September retire balance, \$567.78, SDRS, Retire Supplemental, \$150.00, Staples. Supplies, \$132.62, Sundheim Well Repair, curb shut offs clean out, \$551.02, US Bank, lagoon pyt., \$2,895.46, Verizon, cell phone, \$40.03.

Adjournment:

Motion to adjourn regular session at 9:37 p.m. by Boulware second by K. Bogenreif. Motion carried. The next regular meeting of the Jefferson City Council will be December 6, 2021.

Joe Bogenreif
Mayor
Jefferson, South Dakota

ATTEST:

Michaelleen Roark
City Finance Officer
Publish: November 11, 2021

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