

Avon City Council Meeting

February 5, 2024

Mayor Kevin Tjeerdsma called the meeting to order at 7:00 p.m. with Alderman Muller, Berndt, Petrik present; Alderman Dodge by zoom answering roll call. Also, present finance officer Tina Gramkow, Police Officer Ted Smith, Bridget Muller, Brad Voigt. By Zoom April Powers, Dennis Powers, Tyler Tjeerdsma, Charlene Tjeerdsma, Matt Tjeerdsma

All present recited the Pledge of Allegiance.

Moved by Berndt second by Dodge to approve the agenda with additions of Safe Route to School, Summer Employees, Taser & AED for Police Department & Gravel Bids. Motion carried

Moved by Dodge second by Berndt to approve the minutes of January 3, 2024 with addition of bill to Reemployment Assistance. Motion carried

Moved by Petrik, second by Muller to approve the claims. All voting aye. Motion carried.

A-1 GAS AND GO	138.03	Dec Fuel Ambulance
APPEARA	52.26	Jan bill
CITY OF AVON	135.18	Jan water bills
BEST PROPANE LLC	569.90	Jan propane
BON HOMME COUNTY PEACE OFFICER	50.00	2024 Peace Officer Dues
BH COUNTY SHERIFF'S OFFICE	60.00	Papers Service
BOUND TREE MEDICAL LLC	137.29	Amb supplies 85228097
BY WATER DISTRICT	3690.20	Jan bill
CABELAS CAPITAL ONE	2017.65	Jan credit card bill
EQUIPMENT BLADES	2148.74	Plow blade
AVON FARMERS COOP	1762.81	Jan Fuel
GOLDEN WEST TELECOMMUNICATIONS	184.37	Jan Bill
HORNSTRA HEATING & COOLING	371.70	Furnance Repair
JOE PAULSEN	202.22	Mileage
MCLEOD'S PRINTING	220.24	Checks/paper
MYERS SANITATION	4404.00	Jan garbage
TYNDALL NAPA AUTO PARTS	58.57	Supplies Shop
NORTHWESTERN ENERGY	2272.20	Jan Bill
OVERDRIVE INC	600.00	Consortium supscription
PECOUS PUBLICATIONS LLC	532.28	Dec bill
RON'S AUTO GLASS INC	260.00	Truck window repair
RON'S MARKET	21.17	supplies
USDA-RURAL DEVELOPMENT	1403.00	Jan loan payment
SOUTH DAKOTA DEPT. OF REVENUE	317.69	Jan sales tax
SD PUBLIC ASSURANCE ALLIANCE	955.84	Increase in property insurnace
TYNDALL MOTORS INC.	189.43	Tahoe Repair
TYNDALL ACE HARDWARE	39.54	Shop supplies
US POST OFFICE	227.00	Stamps
VERIZON WIRELESS	304.99	Jan cell bill

Added to January bills

Reemployment Assistance Division 40.82 Reemployment

December payroll: Mayor/council, \$500.00; Library \$1664.39; Finance Office \$3358.22; Street Department \$3100.48; Water Department \$2263.88; Sewer Department \$2263.88; Police \$3520.00; Ambulance, 0; SDRS, \$2041.00; Health Pool of SD, \$5241.72; AFLAC, \$262.58; Beam Dental/Vision, \$303.67; IRS, \$3037.54

Motion by Berndt second by Petrik to approve the receipts. Motion carried.

Water sales-\$11983.59; Sewer sales-\$5060.11; Garbage receipts-\$5540.30; Ambulance-\$4728.00; Dog & Cat Licenses-\$230.00; Building Permits- \$20.00; Property Tax-\$5763.91; Penalty/Interest Property Tax-\$957.14; Sales Tax-\$19030.47; 5% Motor Vehicle-\$330.08; State Grant-\$32500.00; Liquor Tax-\$1062.16; Gov't Hwy & Bridge-\$3491.26; Interest CD-\$6000.00; other fees \$964.86

Library: financial report given

Streets: had compliments on plowing of snow; concern of crosswalk at 2nd & Pine
Recreation: Summer Help
Dump: burning of tree pile

OLD BUSINESS

Nuisance Property 60 days have not passed

Motion by Petrik second by Muller to accept lower bid for awning from Walters Construction at \$4937.54 other bid from Sandven \$5524.50. Motion carried.

Motion by Berndt, second by Petrik to partake in Community Chipseal. All voting aye. Motion carried.

Motion by Petrik second by Muller to amend & correct December minutes in regards to Cat Ordinance #354 (see below)

NEW BUSINESS

17 Delinquent Notice Sent/2 door hangers with shut off

Police Officer Report given

Motion by Berndt second by Dodge for Officer Smith to attend Sheriff's Convention in April and Handgun Training in May. Motion Carried

Motion by Muller second by Berndt to donate \$1000.00 to Post Prom. Motion carried.

Motion by Petrik, second by Berndt to allow Finance officer to pay bills prior to meeting (automatic payments) Motion carried.

Motion by Berndt second by Petrkl to bid/purchase 10-foot bat wing mower on Purple Wave if under \$2700.00. Motion carried

Motion by Dodge second by Petrik to purchase Taser, AED Battery & radio battery for Police Department. Motion carried

8:38 Motion by Muller, second by Berndt to go into executive session.

9:12 Out of executive session.

No action taken

9:25 Motion by Muller second by Berndt to Adjourn.

Next meeting February 5, 2024 at 7:00 pm

Avon City Council Meeting

Amended/Corrected December 4 2023 Minutes

Mayor Kevin Tjeerdsma called the meeting to order at 7:00 p.m. with Alderman Muller. Berndt present; Alderman Dodge by phone answering roll call. Also, present finance officer Tina Gramkow, Police Officer Ted Smith, Brad Voigt, Jim Toupal; 7:10 Matt Tjeerdsma & Dennis Powers entered; 7:58 Joe Paulsen City Maintenance entered

All present recited the Pledge of Allegiance.

Moved by Muller second by Dodge to approve the agenda with additions of 4- way stop; pool update; wage increase for next year; lagoon maintenance & purchase of a leaf blower. All voting aye. Motion carried

Moved by Muller, second by Berndt to approve the minutes of November 6, 2023. All voting aye. Motion carried

Moved by Berndt, second by Dodge to approve the claims. All voting aye. Motion carried.

APPEARA	NOV BILL	70.50
AVERA OCCUPATIONAL MEDICINE	TEST	96.00
AVON CHAMBER OF COMMERCE	Christmas bucks for employees	450.00
CITY OF AVON	Deposit #116	773.33
BEST PROPANE LLC	PROPANE	97.30
BY WATER DISTRICT	NOV BILL	3,770.80
CABELAS CAPITAL ONE	SUPPLIES	1,330.36
CAHOY SERVICE	SERVICES	83.50
DENR	YEARLY FEES	550.00
AVON FARMERS COOP	NOV BILL	888.13
GOLDEN WEST TELECOMMUNICATIONS	NOV BILL	184.36
J.P. COOKE CO	DOG TAGS	112.35
KAISER HEATING AND COOLING	THERMOSTAT	352.39
KENT LEHR	NOV BILL	405.00
LAKEN DESIGN	YEARLY RENEWAL	650.00
MYERS SANITATION	NOV GARBAGE	4,367.30
NORTHWESTERN ENERGY	NOV BILL	2,006.39
PECOUS PUBLICATIONS LLC	NOV BILL	365.89
ELECTAIR, INC. DBA	FURNACE REPAIR	403.70
SD DEPT. OF HEALTH	NOV BILL	712.00
SCHULTZ REDI-MIX LLC	SUPPLIES	31.69
RON'S MARKET	Nov bill	3.58
USDA-RURAL DEVELOPMENT	DEC LOAN PAYMENT	1,403.00
S & K TRUCK REPAIR	REPAIRS 99 INTERNATIONAL	490.85
SOUTH DAKOTA DEPT. OF REVENUE	NOV SALES TAX	316.44
SD FINANCE OFFICERS' ASSOCIATI	YEARLY RENEWAL	40.00
SD HUMAN RESOURCE ASSOCIATION	YEARLY RENEWAL	25.00
SD POLICE CHIEFS' ASSOCIATION	YEARLY RENEWAL	200.00
SD MUNICIPAL STREET MAINTENANC	YEARLY RENEWAL	35.00
SDML WORKERS' COMP FUND	WORK COMP RENEWAL	297.00
CITY OF TYNDALL	CRACK SEAL	2,100.00
REEMPLOYMENT ASSISTANCE DIVISI	PENALTY/LATE FEE	25.00
US POST OFFICE	POSTAGE	219.00
VERIZON WIRELESS	Nov bill	363.66
WESLEY VIS	REMAINING DEPOST	34.80
YANKTON FIRE AND SAFETY	YEARLY RENEWAL	52.50
Chamber of Commerce (Nov)	Chamber drawing	25.00

November payroll: Mayor/council, \$500.00; Library \$1317.75; Finance Office \$3059.00; Street Department \$2055.52; Water Department \$1878.32; Sewer Department \$1878.32; Police \$3377.00; SDRS, \$1763.00; Health Pool of SD, \$4,831.08; AFLAC, \$262.58; Beam Dental/Vision, \$303.67; IRS, \$2524.03

Moved by Muller second by Dodge to approve the receipts. All voting aye. Motion carried.

Water sales \$12516.20; Sewer sales \$5095.80; Garbage receipts \$5518.47; Ambulance \$575.16; Building Permits \$0; Property Tax \$76723.32; Sales Tax \$17064.45; 5% Motor Vehicle \$552.44; Liquor License fee \$1,000.00; Federal PILT, \$391.33; other fees \$406.00

Brad Voigt voice concerns of animals living in lumber building.

Matt Tjeerdsma asked about Abate Notices. Informed not picking on anyone as more than 1 notice was delivered. Further decision to be held in executive session.

Dennis Powers and Matt Tjeerdsma asked about zoom meetings. Informed council was not in favor at this time as there is a cost. Facebook Live was mentioned. FO will do further checking.

Committee reports:

Library: will be moving things around on Saturday December 9 & financial report given

Streets: crack sealing done

Recreation: pool filters to be installed

Dump: will be burning trees once get good snow fall & Schutz asked by dumping house that will he will be tearing down

OLD BUSINESS

Nuisance Property: Abatement Letters are being served

Awning tabled

Second Reading Cat Ordinance #354 Motion by Berndt Second by Dodge. All voting aye. Motion carried

Motion by Berndt, second by Muller to make changes to property insurance. All voting aye. Motion carried.

Motion by Dodge, seconded by Berndt to go with Light to Go Inc in amount of \$2129.17 for flashing red light at 4- way stop on Main Street & Second Avenue. All voting aye. Motion carried.

NEW BUSINESS

8 Delinquent Notice Sent/4 door hanger with shut off

Police Officer Report given

Shop report given

Motion by Muller, seconded by Berndt to accept only bid for curb and gutter to Masonry Components. All voting aye. Motion carried

Motion by Muller, seconded by Berndt to allow bars to stay open December 31, 2023 until 2 am. All voting aye. Motion carried.

Sheriff's contract was tabled until January meeting as council wants more information

Motion by Berndt, second by Dodge to give full time employees \$100.00 Chamber buck and part time employee \$50.00 chamber buck for the holidays. All voting aye. Motion carried.

Shop would like cameras at park is tabled until March or April.

City in in need of Lagoon Maintenance in spring, Joe is to get quotes.

Motion by Berndt, seconded by Dodge to purchase leaf blower to be used at City Office in winter and Shop in summer. All voting aye. Motion carried.

8:42 Motion by Berndt, second by Dodge to go into executive session.

9:41 Out of executive session.

Motion by Berndt, second by Dodge to increase salaries for January payroll as follows: Twila Lukkes \$13.00; Joe Paulsen \$19.30; Dan Knoll \$17.91, Tina Gramkow \$19.95. All voting aye. Motion carried.

Motion by Dodge, second by Muller to pay for pool filters once done so we can get grant paper work done. All voting aye. Motion carried.

Discussed Holiday Closure's. City Finance Officer & City Shop will be closed Friday, December 22 & Monday, December 25, 2023, and January 1, 2024. Avon City Library will be closed Monday December 25, 2023 & January 1, 2024

Nuisance Property will send question to attorney. Waiting on response

Dated December 4 2023

Attest _____

Kevin Tjeerdsma, Mayor

Attest _____

Tina Gramkow, Finance Officer

ORDINANCE NO. 354

AN ORDINANCE ADOPTING REGULATIONS FOR CATS WITHIN THE MUNICIPALITY OF AVON, BON HOMME COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE MUNICIPALITY OF AVON, BON HOMME COUNTY, SOUTH DAKOTA AS FOLLOWS:

REGULATION OF CATS WITHIN CITY

1). General Definitions. Words when used in this Chapter unless the text otherwise plainly refers, shall have the meaning indicated:

- A. At Large. Off or outside of the premises belonging to the owner or keeper of such cat and not under the control of such owner or keeper, or the agent or servant member of his immediate family, by means of a leash, cord, rope or chain not to exceed ten (10) feet in length.
- B. Leash. A cord, rope, chain, device or physical restraint not more than ten (10) feet in length by which a cat is controlled by the person accompanying it sufficient in nature to restrain cats.
- D. Owner. A person owning, keeping or harboring a cat; the occupant of any premises to which a cat customarily returns is presumed to be the owner or person responsible for such cat.
- E. Domestic Cat. Any cat domesticated by humans so as to live and breed in a tame condition.
- F. Cat. Any member of the feline family, both male and female. For the purposes of this Ordinance, "cat" is meant to include only common domesticated cats, and not any wild species of cat.
- G. Premises. The dwelling house and outbuildings and the lot or tract of land on which the same are situated and shall include an automobile or other vehicle in which the owner of the cat shall be an occupant or of which he shall have control, or in which any cat shall be situated with the consent of the owner of the vehicle.
- H. Vaccination. The injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with, the provisions of this Chapter and resolutions of the governing body of the City.

1. Veterinarian. A licensed practitioner of veterinary medicine licensed to practice such profession in the state.

2). Limit in number of cats. It shall be unlawful for any person or persons, or household, within the City of Avon to have, keep, or possess more than three (3) adult cats. It is the intent of this Ordinance to set an aggregate limit to the number of cats that may be legally owned by one family, household, or co-habitants of any kind. The provisions of this paragraph shall not apply to litters of kittens from the time of their birth until they are six months old.

3.) **License, Application and Fee for Cats.**

A. **License: It shall be unlawful for any person, residing within the City of Avon, to have an unlicensed cat. The owner of a licensed cat shall securely fasten the City of Avon Cat License tag to a collar around the licensed cat's neck.**

B. **Application: Any person, residing in the City of City, desiring to have in their custody any cat, shall on or before January 31 each year make application to the City Finance Officer for a City of Avon Cat License to keep such cat. Any cat in the City of Avon acquired by an owner after January 31 shall be licensed within thirty (30) days. The application for a cat license shall be made on a form furnished by the City of Avon and shall be filed with the City Finance Officer. In addition, at the time of application, the applicant shall furnish proof from a licensed veterinarian that the cat has been immunized for rabies within the last 24 months.**

C. **License Fee: A fee of Ten dollars (\$10.00) is due from the Applicant for each City of Avon Cat License issued. An additional late fee of Five dollars (\$5.00) shall be imposed for failing to license any cat by the January 31, or within thirty (30) days after acquiring a cat if after the January 31 due deadline imposed by this ordinance. Upon satisfactory proof that a City of Avon Cat License tag has been lost, a fee of Two dollars (\$2.00) shall be paid for a replacement tag.**

4). Cats at Large. It shall be unlawful for any cat within the City of Avon to run at large. An owner or keeper of any cat(s) within the City of Avon is deemed responsible for securing their cat(s) and preventing their cat(s) from running at large.

5). Prohibited Behavior. It shall be unlawful for any owner or keeper of a cat within the City of Avon, to permit their cat to engage in prohibited behavior. Prohibited behavior shall mean digging in garbage, destroying or depositing bodily waste on shrubbery, lawns, flowers or gardens.

6). Capture/Impoundment of Cats in violation. The person designated by the City Council as the City Animal Control Officer is hereby authorized to employ reasonable methods, whenever he/she may deem it necessary, to capture, seize and impound any cats running at large or engaging in prohibited behavior contrary to the provisions of this chapter. It shall be the duty of the designated City Animal Control Officer to live-trap and humanely remove any domesticated cats running at large or engaging in prohibited behavior. Any non-domesticated or feral cats may be trapped and impounded at the discretion of the City Animal Control Officer and after reasonable period of time, such non-domesticated or feral cats may be euthanized and properly buried.

7). Rabies or Hydrophobia. Any person who shall suspect that any cat in the City is infected with rabies or hydrophobia shall report his/her suspicion to the local police or health authorities, describing the cat and giving the name of the owner, if known. If upon examination of health authorities, the cat shall prove in fact to be infected with said disease, the cat may be euthanized by the person designated as the City Animal Control Officer.

Should any disease be found prevalent among cats in the City or should any condition of such disease warrant, the City Mayor may in the interest of the general welfare, order, by proclamation, the impound and examination of all cats until the same condition is arrested, taking such measures as may, in the interest of the general welfare, be necessary to arrest the disease.

8). Penalty. Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a minimum amount of twenty-five dollars (\$25.00) plus costs, and each subsequent violation in the same year shall result in a

