TOWN OF MIDLAND

REGULAR MEETING MINUTES

March 10, 2020

The Town Board of the Town of Midland met in regular session on Tuesday, March 10, 2020 at 7:00 pm in the Town Hall with the following members present: President Jared Fosheim, Trent Manecke, Don Cooper, Utility Operator Lawrence Stroppel and Finance Officer Michelle Meinzer.

Also Present: Attorney Stephanie Trask, Cam Meinzer, Anthony Ellis, Laurie Cox, Joe Woitte, Marinda Parks, Mike Stroppel, Jenna Finn, Jen Jones, Beth Flom, Sheriff Koester, Reuben Vollmer, Jr., Angie Doolittle, Clint Jensen and Mike Lindstedt.

The meeting was called to order by President Fosheim followed by the Pledge of Allegiance.

Order of Business for Emergencies: none

Manecke made a motion, second by Cooper to approve the agenda.

Manecke made a motion, second by Cooper to approve the minutes for February 11, 2020.

Public comments: Residents came to this month’s Town Board meeting to state their concerns regarding the recent assessments in Midland. The Board of Equalization will meet on Tuesday, March 17, 2020 at 4:00 pm in the Town Hall to go over assessment of properties with Rose Bennett, Haakon County Director of Equalization.

Vollmer met with the Board to discuss painting the overhead doors of the fire truck area and replacing lights in the firehall. LED lights would be installed at the expense of the Town and then the Town would give a donation to the department for installing them. A motion was made by Manecke, second by Cooper to approve this request. Motion passed unanimously.

Finn and Jones met with the Board to discuss the Midland Library. According to SDCL 14-2-35, the Town Board of Midland needs to appoint 5 members for their Board of Public Library Trustees. One citizen shall be appointed for one year, two citizens for two years, and two for three years and annually thereafter reappointments or new appointments shall be for a term of three years or to complete an unexpired term. The Board appointed Barb Jones for the one-year term, Carol Hunt and Jessica McKinley for the two-year terms, and Jen Jones and Jenna Finn for the three-year terms.

Also mentioned repairing the parking space at the Library which the Town needs to work on soon.

Board had second reading of Ordinance # 152 regarding fines within our Ordinances. A motion was made by Manecke, second by Cooper to adopt Ordinance # 152. Motion passed unanimously.

**ORDINANCE # 152**

**Amendment to Chapter 10.01 – GENERAL PROVISIONS:**

**(Strike all of 10.0101 except number) Replace with:**

10.0101 Penalties in General. Any person who violates an ordinance of the Town of Midland shall be fined in accordance with the Town’s Fine Schedule, in addition to such prosecution and costs as may be imposed for a Class 2 Misdemeanor under South Dakota Codified Law.

[**TITLE 10 – GENERAL PROVISIONS**](https://www.blogger.com/blogger.g?blogID=4112132689606526472)

**Chapter 10.01 – Penalties and Repealing Clause**

**[CHAPTER 10.01 – PENALTIES AND REPEALING CLAUSE](https://www.blogger.com/blogger.g?blogID=4112132689606526472)**

~~10.0101  Penalty in General. Except in cases where a different or additional penalty is imposed by this ordinance or by some existing provisions of law, every violation of any of the provisions of this ordinance shall be punishable as a Class 2 Misdemeanor under South Dakota statures, and shall be subject to the maximum fines and imprisonment provided for Class 2 misdemeanor violations.~~

10.0102  Conflicting Ordinances Repealed. All ordinances and parts of ordinances in conflict with the provisions of this ordinance, or relating to the subject matter of this ordinance and not re-enacted as part of this ordinance, are hereby repealed; special ordinances, appropriation ordinances, levying ordinances for the issuance of bonds, or other special ordinances of like character, nor shall this ordinance repeal or modify the provisions of any ordinance heretofore adopted by the Town unless provisions of this ordinance in effect, either modify, repeal or amend such ordinances.

10.0103  Unconstitutionality. Should any Section, Sub-section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of this ordinance shall not be affected thereby.

10.0104  Publication and Effect. The ordinance shall take effect upon its adoption and publication of the notice of such adoption as provided by SDCL 9-19-17.

**Amendment to Chapter 3.01 - NUISANCES:**

**(Strike all of 3.0114 except number) Replace with:**

3.0114    Public Nuisance Penalties and Remedies. Any person who creates, commits, maintains or fails to abate a public nuisance as required under the provisions of this Chapter shall be fined in accordance with the Town’s Fine Schedule, in addition to such prosecution and costs as may be imposed for a Class 2 Misdemeanor under South Dakota Codified Law.

Each day during or on which a violation occurs or continues may be deemed a separate offense under this Chapter. In addition, the Town may also use the remedies of civil action and abatement as set forth in SDCL 21-10-5 through 21-10-9.

**Amendment to Chapter 5.02 - ANIMALS:**

**(Strike all of 5.0203 except number) Replace with:**

5.0203    Running at Large Prohibited. It shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or under his or their control to be at large and to go in or upon the private premises of others or upon any public property. The fine for an animal running at large is established under the Town Fine Schedule.

**(Strike 5.0212 as indicated) Replace with:**

5.0212 Disturbing the Peace. It shall be unlawful for any person to keep any animal, which by causing frequent loud, or long continuous, or unusual noise during any time of the night or day shall disturbs the quiet, or comfort, or repose of any person(s) of the vicinity for a period of Ten (10) continuous minutes or more.

Upon receipt of Two (2) a signed complaints, submitted within the same 48 hour period by separate individual citizens to the City Finance Office, asserting that any person is keeping or harboring any animal which disturbs the peace as set forth in this section, it shall be the duty of the Haakon County Sheriff or any other South Dakota certified law officer to notify the animal owner/keeper of such complaints. After the animal owner/keeper has been given forty-eight (48) hours’ notice of such complaints being filed concerning the animal, and the animal is still disturbing the peace, a fine shall be levied as established under the Town Fine Schedule ~~Fine of Twenty-Five Dollars ($25.00) shall be imposed against the owner/keeper of the animal. Such $25.00 Dollar Fine shall be imposed per 2-complaint incident filed, provided such 2-complaint incident is not within the same month. Such $25.00 Dollar Fine shall be increased by Ten Dollars ($10.00) per each additional 2-complaint incident filed within the same month as follows:~~

~~Month A:~~

~~First 2- Complaint Incident: $25.00~~

~~Second 2- Complaint Incident: $35.00~~

~~Third 2- Complaint Incident: $45.00~~

~~Month B:~~

~~First 2- Complaint Incident: $25.00~~

~~Second 2- Complaint Incident: $35.00~~

**Amendment to Chapter 5.505 – INDECENCY/PUBLIC NUDITY:**

**(Strike all of 5.509 except number) Replace with:**

5.509     Penalty. The penalty for a violation of this Chapter shall be established under the Town’s Fine Schedule, in addition to such prosecution and costs as may be imposed for a Class 2 Misdemeanor under South Dakota Codified Law.

**Amendment to Chapter 7.05 – PARKING/STOPPING:**

**(Strike all of 7.0502 except number) Replace with:**

7.0502    Parking in Streets During Snow Removal. Whenever there is an accumulation of two (2) inches or more of snow on the streets in Midland, a snow removal emergency shall be declared, and street parking shall be prohibited. Parking on any public street shall be completely prohibited, on both sides and regardless of the directional run of that street, during the existence of a snow removal emergency. The snow removal emergency shall terminate, and parking may resume whenever such street has been cleared of snow completely, until the next snow removal alert is declared. The fine for a violation of this Chapter shall be established under the Town’s Fine Schedule.

**Amendment to Chapter 7.02 – TRUCKS: (Strike all of 7.0607 except number) Replace with:**

7.0607    Fines. The fine(s) for violation of this Chapter shall be established under the Town’s Fine Schedule.

**Amendment to Chapter 8.02 – WATERWORKS “POTABLE”:**

**(Strike the following of 8.0202 as indicated) Replace with:**

8.0202  Application for Service. Any person, corporation or firm desiring the use of water from the Town of Midland shall make application to the Finance Officer on a form to be supplied by the Town of Midland. The application shall be signed by the applicants, and shall contain, among other information requested, the purpose for which the water is desired, a description and address of the premises to which the water is to service, the name of the owner of said property, and if the applicant is not the owner, then the written consent of the owner shall accompany such application. Any person who shall turn on the supply of water to a service pipe from which the same has been turned-off by the Town of Midland due to non-payment of water charges or for any other reason, without having first obtained permission to do so from the proper Town officials, shall be subject to a fine ~~of not less than $200.00~~ as established under the Town Fine Schedule. A deposit fee shall be required before service is provided—refer to Section 8.0207. Any individual/business connecting to the municipal water supply, will also be required to utilize municipal wastewater and garbage services. In extenuating circumstances wastewater services may be waived if the municipality is not able to provide said service without incurring excessive expense.

**(Strike the following of 8.0209 as indicated) Replace with:**

8.0209    Water Meter Policy.   Any person, user, and/or business who tampers with, bypasses, or otherwise causes a false or inaccurate reading of a water meter, or who interferes with or refuses access to the Town of Midland employee to said property for the purpose of inspecting or reading the water meter, shall be subject to the immediate termination of water service, and further, shall be subject to a fine ~~of up to $500~~ as established under the Town Fine Schedule.

First Reading February 11, 2020

Second Reading and Adoption ­ March 10, 2020

Publication Date (s): ­­­­­­­­­­­­­­­­­­­­­March 19, 2020

Effective Date: April 7, 2020

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**Jared Fosheim, President**

**Attest:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Michelle Meinzer, Finance Officer**

Agenda was amended to change Ordinance # 153 to Resolution 2020-01 which pertains to penalties, fines and fees for violation of Town Ordinances. A motion was made by Manecke, second by Cooper to adopt this Resolution. Motion passed unanimously.

RESOLUTION 2020-01

ESTABLISHING PENALTIES, FINES AND FEES

FOR VIOLATION OF TOWN ORDINANCES

**WHEREAS**, the Town Board of the Town of Midland, South Dakota, establishes the following penalties, fines and fees for violations of Ordinances as listed below; and

**NOW THEREFORE BE IT RESOLVED**, that the following fines and penalties be and hereby are established:

Any person who violates the Ordinances of the Town of Midland, SD as listed below shall be fined/penalized in the following manner and/or sums.

**Violation: Penalty/Fine**

Fine for animals running at large $50.00 first offense,

$100.00 each additional offense

Fine for exceeding number of pets $50.00 First Offense

Fine for parking – snow removal Warning – First Offense;

Second Offense, To Be Determined

Fine for turning on water (8.0202) $ 200.00

Fine for tampering with meter (8.0208/8.0209) up to $ 500.00

Sales Tax Penalty (9.0106) fine no more than $ 500.00

Fines for Disturbing the Peace (5.0212) Month A: First 2 complaints: $25.00

Second 2 complaints: $ 35.00

Third 2 complaints: $45.00

Month B: First 2 complaints: $25.00

Second 2 complaints: $35.00

Insufficient Funds $ 40.00

Approved and adopted by the Town Board of the Town of Midland, SD this 10th day of March, 2020.

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Jared Fosheim, President

ATTEST:

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Michelle M. Meinzer, Finance Officer

No Election will be held as no petitions were turned in for 3-year term for Trustee.

Utility Operator gave his report: Discussed sewer pump, back-flow preventer, street sign grant and lawn mower upgrade.

Haakon County Emergency Manager Lori Quinn met with the Board last month and we discussed our participation in the Pre-Disaster Hazard Mitigation Plan. A motion was made by Manecke, second by Cooper to send a letter of commitment from the Town of Midland to the Haakon County Multi-Jurisdictional Hazard Mitigation Planning Effort.

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SD Municipal League will hold their Annual District 8 meeting in Philip on March 31, 2020 at the Steakhouse. Cooper and Meinzer plan to attend.

A motion was made by Manecke, second by Cooper to approve the following claims:

SD Retirement Retirement $ 412.60

Bad River Law Prof. LLC Legal Fees 986.25

Delta Dental of SD Insurance 51.70

Electronic Fed. Tax Payment System Employee Tax 1061.26

Lawrence Stroppel Wages 2480.81

Lawrence Stroppel Vehicle/phone/mileage 250.40

Michelle Meinzer Wages 778.24

Michelle Meinzer Phone/mileage/notary 102.68

Golden West Phone/Internet 152.97

Health Pool of South Dakota Employee Insurance 707.28

Heartland Waste Refuse Service 1407.00

Kadoka Oil LLC Propane 372.00

Mid-American Research Chemical Supplies 682.33

Midland Food & Fuel Fuel 206.74

Pioneer Review Publications 50.48

Quill Corporation Office Supplies 124.91

SD Dept. of Revenue Lab Fees 15.00

SD State Treasurer Sales Tax 114.08

West Central Electric Electric Supply 1247.38

WR/LJ Rural Water Water Supply 1415.00

SD Municipal League Registration 104.00

There being no further business to come before the Board, the meeting adjourned.

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Michelle Meinzer, Finance Officer Jared Fosheim, President

Published once at the approximate cost of \_\_\_\_\_\_\_\_\_\_\_\_\_\_.