

Regular Meeting, Ethan Town Board, 8-9-10

The Town of Ethan board met in regular session on August 9, 2010 at the Town Hall at 7:00 pm. Members present were Nancy Schoenfelder, Robert Fitzgerald, Josh Franks, Chad McGuire and Kim Sinkie. City personnel present were Sonya Hespe and Brett Scott. Others present were Doug Dailey, Tim Bottum, Dale Meinke, George Puetz and Randy Schoenfelder.

Chairman Schoenfelder called the meeting to order and led the pledge of allegiance.  
All motions were unanimously voted as aye unless stated otherwise.

Motion Fitzgerald, second McGuire to approve the agenda.

#### EXECUTIVE SESSION

Motion McGuire, second Sinkie to enter into executive session at 7:08 pm for personnel pursuant to SDCL 1-25-2.1  
Schoenfelder declared executive session over at 7:36 pm.

Dailey and Bottum left the meeting during executive session.  
Motion McGuire, second Fitzgerald to have Morgan Theeler LLP be the legal council for the Town of Ethan.

#### APPROVAL OF MINUTES

Motion Fitzgerald, second Franks to approve the minutes from the July 12, 2010 regular meeting.

#### APPROVAL OF CLAIMS

Motion Fitzgerald, second Franks to approve the claims as presented.

#### GENERAL FUND

Brett Scott	salary for August 1 paycheck	\$1,454.97
Chad McGuire	wages	\$41.56
Josh Franks	wages	\$41.56
Kim Sinkie	wages	\$41.56
Nancy Schoenfelder	wages	\$41.56
Robert Fitzgerald	wages	\$41.56
Sonya Hespe	wages	\$576.21
Aflac	employee insurance	\$77.06
Agland Coop	fuel & supplies	\$272.08
Campbell Supply	supplies	\$224.47
Circle H Trading Etc	street repairs	\$360.00
Commercial Asphalt	street repairs	\$16,239.31
Daily Republic	publishing	\$376.47
Farmers State Bank	payroll taxes	\$405.14
Lyle Signs	street signs	\$343.03
Menards	supplies	\$141.72
Miller Gravel	gravel	\$1,080.00
Mitchell Iron	supplies	\$12.43
Morgan Theeler LLP	legal	\$378.00
NorthWestern Energy	utilities	\$507.81
One Call	bi-annual billing	\$14.70
RBS WorldPay	credit card machine usage charges	\$0.81
Santel	telephone	\$90.09
SD Municipal League	conference registration	\$100.00
SD Retirement	retirement	\$263.74
Sonya Hespe	mileage	\$31.20
Spencer Quarries	street repairs	\$672.62
Topkote	street repairs	\$14,747.20
UMB Card Services	postage & supplies	\$40.00
USDA-RD	loan payment	\$654.72
Weber Sanitation	garbage service	\$1,250.00

#### PARK FUND

Ethan Coop Lumber	repairs	\$37.96
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#### SEWER FUND

Brett Scott	salary for August 1 paycheck	\$484.98
Sonya Hespe	wages	\$192.07
Aflac	employee insurance	\$25.68
Farmers State Bank	payroll tax	\$125.86
Menards	supplies	\$45.74
Miller Gravel	gravel	\$660.00
NorthWestern Energy	utilities	\$207.60
RBS WorldPay	credit card machine usage charges	\$2.34
Santel	telephone	\$30.39
SD Retirement	retirement	\$87.92
UMB Card Services	postage & supplies	\$43.95
USDA-RD	loan payment	\$368.28

WATER FUND

Brett Scott	salary for August 1 paycheck	\$484.98
Sonya Hesppe	wages	\$192.07
Aflac	employee insurance	\$25.68
Farmers State Bank	payroll tax	\$125.86
Hanson Rural Water	bulk water	\$2,775.80
HD Supply Waterworks	supplies	\$77.17
NorthWestern Energy	utilities	\$23.15
RBS WorldPay	credit card machine usage charges	\$3.99
SD Assoc of Rural Water Systems	annual dues	\$310.00
SD Dept of Revenue	water testing	\$12.00
SD Retirement	retirement	\$87.92
USDA—RD	loan payment	\$368.27

OLD BUSINESS

A second reading of the 2010 supplemental budget was read. Motion Schoenfelder, second Franks to approve the following resolution:

Be it resolved that in order to meet the financial obligations of the 2010 budget the following transfers of funds shall occur:

Need of Funds:

423	Protective Service	\$ 700.00
432	Sanitation	\$5,000.00
452	Parks	\$ 400.00

Source of Funds:

412	Contingency	\$9,100.00
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In addition to the above transfer in the General Fund, an agency fund was established for the park.

Need of Funds:

425	Repairs & Maintenance	\$ 200.00
434	Equipment	\$ 5,800.00
452.2	Park Areas	\$ 8,000.00
452.4	Forestry & Nursery	\$ 2,500.00

Source of Funds:

391.01	Cash on hand	\$16,500.00
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Roll call vote: Schoenfelder, aye; Fitzgerald, aye; Franks, aye; McGuire, aye; Sinkie, aye.

Second reading of the addition of Ordinance 10.1.14 was read. This added ordinance will be adopted 30 days after publication. Motion Franks, second McGuire to approve the second reading of the added ordinance.

AN ADDITION TO CHAPTER 10.1 TO ADD THIS SECTION TO READ AS FOLLOWS:

**Section 10.1.14 Running at Large Prohibited**

No owner of any dog, cat, or other animal held as a domestic pet in the City shall permit such animal to run at large at any time, and any such animal found at large may be impounded as hereinafter provided. An owner reclaiming an impounded animal shall pay the actual cost of impoundment plus the following fee: First impoundment shall be \$25.00; second impoundment within a twelve month period shall be \$50.00; any subsequent impoundment within a twelve month period shall be \$100.00. Upon impounding, the owner of such animal may at any time within three (3) days after the same shall have been impounded, reclaim the animal by paying the expense of keeping such animal, in addition to the fee prescribed by this Section. If any animal so impounded shall not be reclaimed within three (3) days and reasonable efforts to locate the owner have failed, the City is authorized to destroy, sell, or otherwise dispose of such animal.

Any domestic animal shall be required to wear a tag, when so given by the veterinarian, when such animal is off the premises of the owner as defined in Section 10.1.9.

Allowing an animal to run at large as defined in the provisions of this section, shall also constitute a misdemeanor. Notwithstanding any other provision, any animal not having a visible tag and running at large may be deemed a stray and destroyed immediately.

First Reading: July 12, 2010  
 Second Reading: August 9, 2010

Second reading of the addition of Ordinance 10.1.15 was read. This added ordinance will be adopted 30 days after publication. Motion McGuire, second Sinkie to approve the second reading of the added ordinance.

AN ADDITION TO CHAPTER 10:1 TO ADD THIS SECTION TO READ AS FOLLOWS:

**Section 10.1.15 Disturbance of Peace by Animals**

The owner of an animal shall not allow such animal to disturb the peace and quiet of the neighborhood, through barking or any other manner. Upon filing a complaint with the city Finance Officer or Animal Control Officer, and notification given to owner by such officer, the owner shall abate such nuisance. If convicted, upon failure to abate such nuisance, said owner may be fined a sum of fifty (\$50.00) dollars by the city for the first violation. If a second violation occurs within a twelve (12) month period, said owner may be fined a sum of seventy-five (\$75.00) dollars. If a third violation occurs within a twelve (12) month period, said owner may be fined a sum of one hundred (\$100.00) dollars.

First Reading: July 12, 2010  
 Second Reading: August 9, 2010

Second reading of the revision to Ordinance 8.2.3 was read. This revised ordinance will be adopted 20 days after publication. Motion Schoenfelder, second Franks to approve the second reading of the revised ordinance.

A REVISION TO CHAPTER 8:2.3 TO AMEND THIS SECTION TO READ AS FOLLOWS:

**Section 8.2.3 Stairs, Railings and Grates**

Is hereby repealed.

First Reading: July 12, 2010  
Second Reading: August 9, 2010

Second reading of the addition of Ordinance 8.2.4 was read. This added ordinance will be adopted 20 days after publication. Motion Fitzgerald, second Franks to approve the second reading of the added ordinance.

AN ADDITION TO CHAPTER 8:2 TO ADD THIS SECTION TO READ AS FOLLOWS:

**Section 8.2.4 Adoption of the Property Maintenance Code**

That the *International Property Maintenance Code*, 2009 edition in its entirety, and all acts amendatory thereto, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Town of Ethan, in the State of South Dakota for regulating and governing the conditions and maintenance of all property, buildings and structures within the town. A printed copy of such Code shall be on file in the office of the Municipal Finance Officer.

First Reading: July 12, 2010  
Second Reading: August 9, 2010

Second reading of the addition of Ordinance 8.2.5 was read. This added ordinance will be adopted 20 days after publication. Motion McGuire, second Fitzgerald to approve the second reading of the added ordinance.

AN ADDITION TO CHAPTER 8:2 TO ADD THIS SECTION TO READ AS FOLLOWS:

**Section 8.2.5 Nuisance Buildings**

Any building or portion thereof that is determined to be an unsafe building under the Property Maintenance Code, including any dwelling unit, guest room or group of rooms or the premises on which the same is located, in which there exists any of the conditions referred to in the Property Maintenance Code to the extent that it endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be nuisances as defined in Section 7.2.1 of the Ethan Municipal Ordinances adopted July 21, 2008, and all acts amendatory thereto.

First Reading: July 12, 2010  
Second Reading: August 9, 2010

Second reading of the addition of Ordinance 8.2.6 was read. This added ordinance will be adopted 20 days after publication. Motion Franks, second Fitzgerald to approve the second reading of the added ordinance.

AN ADDITION TO CHAPTER 8:2 TO ADD THIS SECTION TO READ AS FOLLOWS:

**Section 8.2.6 Right of Entry**

When it is necessary to make an inspection to enforce the provisions of these ordinances, or when the Town or its representative(s) inspecting on behalf of the Town, hereinafter referred to collectively as "Town" has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to and in violation of these ordinances that makes the building or premises unsafe, dangerous or hazardous, the Town may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Town shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Town shall have recourse to the remedies provided by law to secure entry.

First Reading: July 12, 2010  
Second Reading: August 9, 2010

Second reading of the addition of Ordinance 8.2.7 was read. This added ordinance will be adopted 20 days after publication. Motion Fitzgerald, second McGuire to approve the second reading of the added ordinance.

AN ADDITION TO CHAPTER 8:2 TO ADD THIS SECTION TO READ AS FOLLOWS:

**Section 8.2.7 Abatement**

Any building or premises, or portions thereof, that are determined to be a nuisance under this Chapter shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Section 7.2.3 of the Ethan Municipal Ordinances and any acts amendatory thereto.

First Reading: July 12, 2010  
Second Reading: August 9, 2010

Second reading of the addition of Ordinance 8.2.8 was read. This added ordinance will be adopted 20 days after publication. Motion McGuire, second Fitzgerald to approve the second reading of the added ordinance.

AN ADDITION TO CHAPTER 8:2 TO ADD THIS SECTION TO READ AS FOLLOWS:

**Section 8.2.8 Conflict of Ordinances**

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

These ordinances and the rules, regulations, provisions, requirement, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of adoption and publication.

First Reading: July 12, 2010  
Second Reading: August 9, 2010

Hespe informed the board that John Irvine was in town on Saturday, August 7<sup>th</sup> to do the building inspections. There are 8 locations in town that he looked at and will send a report on. Hespe also informed the board that she will be sending letters to anyone needing to mow or take care of noxious weeds on their property.

The removal of the old water tower was revisited. Once the tower is no longer in use it will be declared as surplus and advertised for bids. Hanson Rural Water had previously presented an offer to remove the tower which would be added to the cost of the new tower.

The wastewater project was briefly brought up again. Hespe and Schoenfelder met with Camden and Terry from SPN to look at the new proposed discharge route. He will take this information back and draw up a new estimate. While SPN was here they also informed Hespe that the state will not even consider any funding help unless our minimum sewer charge is \$22 per household. This will be added to the September agenda.

The street project on 6<sup>th</sup> Street and Ash Street were discussed. When Commercial Asphalt was working on the project a problem with the soil arose. This caused for an emergency decision to either leave the problem and proceed with the project as originally planned, or correct the problem now to avoid future problems and more repairs later. If the problem was corrected now there would be an increase in the cost upwards of \$6,000. Two board members were contacted and the decision was to correct the problem. At that time the thought was to hold off on the paving to let the rocks settle. The board could later decide to pave the street yet in 2010 or wait until 2011. Hespe informed the board there is enough in the street repair budget to do the paving yet in 2010 but it was decided to wait until 2011 to allow for more settling. During this discussion board member Sinkie became frustrated and exited the meeting (9:30 pm).

None of the board members or employees found any other grants that would qualify for the new city building. The board will have a special meeting on Monday, August 23 to interview architects.

**NEW BUSINESS**

There was a first reading of a new ordinance allowing golf carts to be permissible in town. This is due to the state House passing a bill to let municipalities allow golf carts if they choose.

The first reading of the 2011 budget was reviewed in great detail.

**REPORTS**

Scott informed the board that the stop signs are in and will be put up soon for the 2 intersections that will become 4-way stops. Scott received one estimate for the concrete work to install sidewalks at the drainage project site. He said most companies were too busy and said they wouldn't have time to get the job done. The quote was from Hank Bartscher for \$5610. Motion McGuire, second Franks to go ahead and have Bartscher do the work. Dale Meinke worked at the dump for Scott on Aug 5<sup>th</sup>. The town will give him \$20 in Ethan Bucks for his time. Traps have been set at the lagoon to trap the muskrats. The board will offer Kenny Pollreisz Ethan Bucks to pay for the use of his traps.

Hespe asked permission to attend the SD Municipal League annual conference in Rapid City in October.

Next regular board meeting is being moved to Wednesday, September 8 at 7:00 pm due to the Labor Day holiday.

Motion McGuire, second Franks to adjourn at 12:54 am.

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Sonya Hespe  
Finance Officer

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Nancy Schoenfelder  
Chairman

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