

Rosholt Town Board
Minutes
9/13/17

President Brandenburger called regular meeting to order at 7:00 PM. Members present: Jack Brandenburger, Dennis Wieser, Keith Falken & Lisa Braun. Members absent: Lynn Pistorius. Also present: Randy Braun, Justin Rikimoto, Al Melcher, Tom Vergeldt & Andrea Fritz.

Motion by Wieser; seconded by Braun, to approve the agenda. All aye & motion carried.

Motion by Wieser; seconded by Falken, to approve the 8/23/17 minutes. All aye & motion carried.

Motion by L. Braun; seconded by Wieser, to approve the bills & financials. All aye & motion carried.

Maintenance

- Fire Hydrants – Winwater Rep assessed hydrants and made recommendations.
- Motion by L. Braun; seconded by Wieser, to name the City Street that runs parallel with the railroad “Market Place”. All aye & motion carried. A street sign will be put up as part of the Signing Project.
- Maguire Iron Bill- Brandenburger reports that he left a message with Maguire Iron to call him back regarding the bill. He has not received a return call yet.
- R. Braun passed the water distribution class.
- Restricted Dump’s last open day for the season is Oct. 21st.

Motion L. Braun; seconded by Brandenburger to enter into executive session in pursuant to SDCL 1-25-2 (1). President Brandenburger dismissed executive session at 8:38 PM.

Police

- Nuisance Properties: Extension granted to May 1, 2018 for demo of a garage. 1st notice will be sent regarding appliances, furniture & garbage in a yard.
- Defibrillator- L. Braun applied for a grant & was approved for 50% of the cost of an AED. L. Braun is looking into other financial resources to assist with the other 50% cost.
- Discussed issues with underage children drinking with parents in bar. State law requires underage children to be within arm’s reach while in the bar. Melcher will review law with bartenders. If issue continues that underage children do not remain within arm’s reach of their parent in the bar, a city ordinance may be enacted to NOT allow underage children to drink in the bar even if their parents are present.

Corner Bar

- Inventory fix progress- continues.
- Bar Cleaning- Discussed having bartenders do the daily cleaning instead of paying someone else. Will come up with extensive cleaning schedule for Joelle to do monthly or bi-weekly.
- BBQ & Threshing Bee Weekend- Melcher & Vergeldt report that the bar had a successful weekend.
- All bartenders who have not completed liquor liability training by Oct 1st will no longer be allowed to work at the bar.
- Motion by L. Braun; seconded by Falken, to approve the bar manager monthly bonuses based on \$25.00 per category in meeting sales margin (max of \$125.00) and annual bonus of 5% of total profit before lottery, ATM earnings & loan payments. All aye & motion carried.

Old Business

- Motion by Wieser; seconded by Falken, to adopt Cellular Phone Use policy into the personnel handbook. All aye & motion carried.

- Motion by Wieser, seconded by L. Braun, to approve Chlorine Leak Emergency procedure. All aye & motion carried.
- 2nd Reading & adoption of Ordinance 208:

AN ORDINANCE IMPOSING A MUNICIPAL SALES AND SERVICE TAX AND A USE TAX FOR THE MUNICIPALITY OF ROSHOLT, ROBERTS COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE MUNICIPALITY OF ROSHOLT, ROBERTS COUNTY, SOUTH DAKOTA.

Section 1. PURPOSE. The purpose of this ordinance is to provide additional needed revenue for the Municipality of Rosholt, Roberts County, South Dakota, by imposing a municipal retail sales and use tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52 entitled Uniform Municipal Non-Ad Valorem Tax Law, and acts amendatory thereto.

Section 2. EFFECTIVE DATE AND ENACTMENT OF TAX. From and after the first day of January, 2018 there is hereby imposed as a municipal retail occupational sales and service tax upon the privilege of engaging in business a tax measured by two percent (2%) on the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Rosholt, Roberts County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

Section 3. USE TAX. In addition there is hereby imposed an excise tax on the privilege of use, storage and consumption within the jurisdiction of the municipality of items purchased from and after the first of January, 2018, at the same rate as the municipal sales and service tax upon all transactions or use, storage and consumption which are subject to the South Dakota Use Tax, SDCL 10-46, and acts amendatory thereto.

Section 4. COLLECTION. Such tax is levied pursuant to authorization granted by SDCL 10-52 and acts amendatory thereto, and shall be collected by the South Dakota Department of Revenue in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue of the Stat of South Dakota shall lawfully prescribe.

Section 5. INTERPRETATION. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto and the South Dakota Use Tax, SDCL 10-46 and acts amendatory hereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Section 6. PENALTY. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$2,000 or imprisoned in the county jail for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, and SDCL 10-46, and acts amendatory thereto, are hereby authorized for the collection of these excise taxes by the Department of Revenue.

Section 7. SEPARABILITY. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

This ordinance was passed on a Motion by Lisa Braun; seconded by Keith Falken.

Voted aye: 4

Voted nay: 0

- 2nd Reading & Adoption of Ordinance 209:

(Insert 2018 Appropriation Ordinance here)

- Abated property – Discussed options to finish exterior of building. Letter to be sent to property owner

advising no progress on building so Town will move forward to complete the project.

- Town Revenue Rates: Discussion that Water, Sewer & Garage expenses exceed their department's revenue and the need to raise rates. Tabled until next regular meeting.

New Business

- Motion by Wieser; seconded by L. Braun, to appoint Lisa Meyen and Sheri Johnson as alternates on the Zoning Commission. All aye & motion carried.
- The Town Board decided not to participate in the 2020 Census LUCA.
- Reviewed SD Code on Parades & Special Events for municipalities. Parades & Special Events are required to apply for a permit & provide proof of insurance to a municipality at least 72 hours prior to the event. Board decided on no permit application fee and that the Finance Officer will have the authority to approve/deny permits.
- Discussion of topics to meet with the Community Center Board on.
- Correspondence – Reviewed & no action taken.

Motion by L. Braun; seconded by Falken, to adjourn at 11:20 PM. All aye and motion carried. There will be a Special Meeting held on Sept 25, 2017 at 8:00 PM at City Hall. Next regular meeting is scheduled for Oct 11th at 7:00 PM at City Hall.