

MINUTES

The Board of Trustees, Town of Harrold, met in special session on June 20, 2024 at City Hall. President Becker called the meeting to order at 5:59 p.m. with Dean Becker, Marty Winckler, and Mike Bartels, Trustees, and Sarah Rheinbolt, Finance Officer in attendance. Aaron Schiebe was also present.

NOTE: All motions are unanimous unless otherwise noted.

MOTION by Becker to approve the Agenda for the June 20th meeting. Second by Bartels. Motion carried.

MOTION by Bartels to enter executive session for legal and contractual matters. Second by Becker. Motion carried.

Board resumed regular session at 6:13 pm.

MOTION to adopt Resolution 2024-01 Designation of Public Nuisance Property by Winckler. Second by Bartels. Motion carried.

Town of Harrold Resolution No. 2024-01

DESIGNATION OF PUBLIC NUISANCE PROPERTY

WHEREAS, Aaron Greene (“Owner”) currently owns certain real property at 200 South Wyman Avenue, Harrold, legally described as follows: Lot 1 of Block 1 and the North 10 feet of Lot 2, Block 1, Original Plat of Harrold, Hughes County, South Dakota (the “Property”); *and*

WHEREAS, Owner has repeatedly failed to perform routine maintenance on the Property, causing it to fall into disrepair, which disrepair most recently resulted in the partial collapse of the Property during the May-June 2024 timeframe; *and*

WHEREAS, the Property’s partial collapse has exposed the interior structure to the elements and left the Property in a structurally compromised state, such that its total collapse appears likely at any time; *and*

WHEREAS, debris from the Property’s partial collapse has already collected in the road and in areas through which vehicular and pedestrian traffic travels; *and*

WHEREAS, members of the town board have personally viewed the Property’s condition, viewed photographs, and discussed the potential risks to, among other things, town electrical service from further collapse; *and*

WHEREAS, following the collapse access to the Property remains open and accessible to the general public, who have been observed by town board members entering the structure and its curtilage for play, or to observe the situation or to retrieve debris or artifacts as souvenirs; *and*

WHEREAS, Owner has failed to take any action to abate the dangerous condition of the Property following the partial collapse, and has failed to acknowledge the town’s request he provide a plan to remedy such condition; *and*

WHEREAS, SDCL § 21-10-1 allows the Town of Harrold to identify a public nuisance when an activity annoys, injures, or endangers the comfort, repose, health, or safety of others; or unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any public sidewalk or street.

NOW, THEREFORE, BE IT RESOLVED, that Town Board of Harrold finds the Property at 200 South Wayman Street, described more fully above, based on its presently collapsed condition, (1) constitutes a threat to the comfort, repose, health, and safety of the residents of Harrold and the public; and (2) unlawfully interferes with, obstructs, and renders dangerous for passage, the public sidewalk and street in its immediate vicinity; *and*

BE IT FURTHER RESOLVED, that the above-described Property therefore constitutes a public nuisance within the meaning of SDCL § 21-10-1, such that immediate use of the Town of Harrold’s abatement powers under SDCL §21-10-6 is necessary to address the urgent threat to public safety; *and*

BE IT FURTHER RESOLVED, that the Property is hereby ordered demolished at the earliest possible opportunity; *and*

BE IT FURTHER RESOLVED, that town finance officer shall ensure the costs incurred for abatement of the Property under SDCL § 21-10-6 are taxed to the owner by assessment against the real property described above.

Passed and approved this the 20th day of June, 2024.

By: Dean Becker

Board Chair

Attest:
Sarah Rheinbolt

Finance Officer

MOTION by Bartels to adopt Resolution 2024-02 Emergency Procurement For Nuisance Property Abatement. Second by Winckler. Motion carried.

Town of Harrold Resolution No. 2024-02

EMERGENCY PROCUREMENT FOR NUISANCE PROPERTY ABATEMENT

WHEREAS, the Town of Harrold has, by resolution, declared as a public nuisance that certain real property at 200 South Wyman Avenue, Harrold, legally described as follows: Lot 1 of Block 1 and the North 10 feet of Lot 2, Block 1, Original Plat of Harrold, Hughes County, South Dakota (the "Property"); *and*

WHEREAS, the Town of Harrold has, by resolution, ordered the demolition of the Property under its authority to abate public nuisances in SDCL § 21-10-6; *and*

WHEREAS, the finance officer has requested three vendor quotes for the cost of demolition on an urgent basis, the lowest and most responsive of which (\$3,500.00) was received from Morris, Inc. of Pierre; *and*

WHEREAS, the Town of Harrold is empowered by SDCL § 5-18A-11 to make procurements of services under \$50,000.00 in accordance with its own internal procedures, and under SDCL §5-18A-9 may make emergency procurements of services necessary for the protection of public safety without advertisement.

NOW, THEREFORE, BE IT RESOLVED, that the contract with Morris, Inc. for demolition of the Property is accepted as of June 25, 2024;

BE IT FURTHER RESOLVED, that if, following consultation with legal counsel, the board chair finds the Property owner has submitted a full and responsive plan for abatement of the nuisance property at his own expense by close of business on June 24, 2024, the board chair may defer signing the abatement services contract pending discussion of the Property owner's plan at the next regularly scheduled town board meeting in July 2024.

Passed and approved this the 20th day of June, 2024.

By: Dean Becker
Board Chair

Attest:

Sarah Rheinbolt
Finance Officer

Discussion was held on the railroad crossing and rip wrapping the other sewer lagoon. No action taken at this time.

The following bills were approved for payment: Northwestern Energy \$28.06, power; Venture Communications \$169.84, phone.

President Becker declared the meeting adjourned at 6:37 pm. The next regular meeting will be held on Monday, July 8th at 7 pm.

Sarah Rheinbolt, Finance Officer