

MILBANK CITY COUNCIL PROCEEDINGS

April 13, 2020

PURSUANT TO DUE CALL AND NOTICE THEREOF, a regular meeting of the City Council was duly held via teleconference at 7:00 PM. The following members were present: Mayor Pat Raffety, Councilmen Steve Wiener, Mike Hanson, Evan Grong, Joel Foster, James Johnson and Scott Hoeke. Absent: none. Present from the staff: Attorney Mark Reedstrom, John Forman, Boyd VanVooren, Cynthia Schumacher, Scott Meyer, Ron Krause, Dick Poppen and Kevin Schuelke. Public present to address the Council: Lynn Welker, Luvern Hanson, Bobbie Bohlen, Russell Jury, Calvin Schulte.

Mayor Raffety called the meeting to order, and the roll call was taken.

Lynn Welker from ICON Architectural Group gave a brief update on the fundraising for the baseball complex. Welter recommended putting the project on pause until May or June. Stating it is a difficult time to reach out with fundraising requests. The Council was in agreement.

A motion was made and seconded to approve the minutes of the March 9, March 23, and March 24, 2020 meetings. Motion carried 6-0.

Mayor Raffety introduced Resolution 4-13-20, which extends the closures of said businesses until May 31, 2020.

Luvern Hanson, owner of the Back-Door Pub, requested the restrictions be relaxed to allow patrons in while still following social distancing requirements.

Councilman Wiener expressed concerns of removing the restrictions could result in an outbreak, which would delay the opening of businesses even longer.

Kevin Schuelke recommended following the DOH recommendations. He stated we don't have any cases and social distancing is working. Now is not the time to become lax.

Mayor Raffety stated this time line is out of our control. Relaxing the restrictions would send the wrong message.

Several members felt lessening our restrictions would attract surrounding communities into our area, therefore increasing the risk of the virus in Grant County.

A motion was made and seconded to approve Resolution 4-13-20 as presented, extending the closure period through May 31, 2020. Motion carried 6-0.

Resolution 4-13-20

An Emergency Resolution to Address a Public Health Crisis by Implementing
Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of
Coronavirus (COVID-19).

Whereas, the City of Milbank has the authority pursuant to SDCL 9-29-1 and SDCL 9-32-1 to pass ordinances or resolutions for the purpose of promoting the health, safety, morals, and general welfare of the community, and to do what may be necessary for the promotion of health or the suppression of diseases; and

Whereas, the City of Milbank City Council previously passed Resolution 3-24-20 restricting on-site consumption of food or beverages at various establishments, and closed other public venues or gathering places to enforce social distancing in our community;

Now, Therefore, Be It Ordained, by the City Council of Milbank that:

1. The aforementioned closure period be extended through May 31, 2020, as per Gov. Neme's recommendations.
2. Any violation of this resolution is subject to the general penalty provision in the Revised Milbank Municipal Code, Chapter 1.16, Section 1.16.010. Each day a violation of this resolution is allowed to occur is considered a separate offense.

Be It Further Ordained, that, pursuant to SDCL 9-19-13, this resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

Dated this 13 day of April, 2020.

Vote of the Milbank City Council: AYE: 6 NAYS: 0

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

A motion was made and seconded to approve the Consent Agenda. Motion carried 6-0.

CONSENT AGENDA

1. Approve the resignation of Councilman Evan Grong.
2. Approve part-time police officers: Alex Goergen (Ortonville PD), Wesley Bowsher (Hand County Deputy), Zachary Angerhofer (Roberts County Deputy). \$18/hour.

DEPARTMENT REPORTS

Water – No report.

Grant County Development Corporation – Developers Agreement. Bobbie Bohlen stated the developer's agreement is the last step for the TIF. Once approved construction can begin. Attorney Mark Reedstrom approved the document as presented. A motion was made and seconded to approve the Developer's Agreement between the City and Rosewood Apartments LLC. Motion carried by roll call vote, 6-0.

Chamber of Commerce – Mayor Raffety thanked Laurie Folk for distributing hand sanitizer and guidelines to high traffic businesses.

Street – Residential streets sweeping has begun. The blade is repaired and pothole patching continues. The equipment is ready for mosquito spraying.

Currently Seventh Street is a collector street. The Council discussed directing traffic and changing Viola Street to a collector street. Mayor Raffety requested review of current and proposed sign locations be discussed at the May meeting.

Rubble Site – Usage has picked up at the rubble site. J&J Earthworks began ground work on the Rosewood Apartments, resulting in several loads of trees and concrete to the rubble site. The free spring cleanup will be coordinated with the fall leaf disposal.

Baseball Complex – No additional report.

Finance – A motion was made and seconded to approve the March Treasurer's Report. Motion carried by vote, 6-0.

A motion was made and seconded to approve the bills list, \$214,895.06. Motion carried 6-0.

A public hearing was held for the transfer of liquor license from Jac's Pub Inc. to American Legion Birch-Miller Post #9. No one spoke in favor or against the transfer. Motion was made and seconded to approve the liquor license transfer. Motion carried by roll call vote, 6-0.

A motion was made and seconded to write off and remove Property #4-US Bank; 502 S 6th St, Lot 1, Block 40, Original Townsite from the special assessment public hearing notice. Motion carried by roll call vote, 6-0.

A motion was made and seconded to approve Resolution 4-13-20C. Motion carried by roll call vote, 6-0.

Resolution 4-13-20C
City of Milbank Special Assessments

Whereas, the City Council, City of Milbank, Grant County, South Dakota, will put a special assessment against the property as hereinafter set out for the collection of outstanding bills which included the expenses of levying such special assessment against said property.

Owner: Debbie Whitlow, c/o Strain Merman Law Firm, PO Box 729, Sturgis, SD 57785.
Property: 903 E Park Ave, West 55-feet of Lot 2 of Karel's OL C-1, Milbank, Grant County
Amount: \$300.00 lot cleanup + \$20.00 handling = \$320.00

Owner: Tri State Properties LLC, PO Box 266, Milbank, SD 57252
Great Western Bank, PO Box 550, Milbank, SD 57252
Property: 301 S 4th St, the N ½ of Lot 10 & all of Lots 11 & 12, Block 33, Original
Townsite to the City of Milbank, Grant County
Amount: \$150.00 lot cleanup + \$20.00 handling = \$170.00

Owner: Peggy Newman, 228 Stoddert Ave, Graceville, MN 56240
Property: 705 E 3rd Ave, Lot 1, except the West 100-feet, Block 1, Bartlett's First Addition,
City of Milbank, Grant County
Amount: \$150.00 lot cleanup + \$20.00 handling = \$170.00

Therefore, be it resolved that the City Council of the City of Milbank, Grant County, South Dakota hereby authorized the Finance Officer to file special assessments against these properties at the Grant County Auditor's Office for outstanding bills.

Dated this 13th day of April, 2020.

Aye: 6 Nay: 0 Absent: none.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

A motion was made and seconded to approve the 2019 annual report and forward it to the SD Department of Legislative Audit. Motion carried by roll call vote, 6-0.

The Council discussed the 2020 budget emphasizing they must remain mindful of the anticipated drop in sales tax revenue.

March Salaries: Mayor/Council \$1,600; Finance \$15,440; Police \$25,769; Fire \$1,627; Street \$8,148; Rubble Site \$805; Park \$3,889; Water \$4,722; Wastewater \$11,589.

Planning & Zoning – The P&Z Board of Adjustment approved a conditional use permit requested by Lisa Schmitt for the operation of a home-based daycare at 1101 Washington Dr, Lot 1, Block 9, Hurley's Addition to the City of Milbank.

A conditional use permit was approved for Grant County Development Corporation allowing for the construction of two multiple family dwelling structures. Each structure would contain a maximum of 38 living units. This request supersedes the previous request for the construction of one structure with 24 units and one structure with 32 units. Lots 2 & 3, Block 1, Leo P. Flynn's Third Addition to the City of Milbank.

A variance requested by Grant County Development Corporation for fewer parking spaces required at the Rosewood Apartments. Lots 2 & 3, Block 1, Leo P. Flynn's Third Addition to the City of Milbank.

Upon recommendation of the P&Z commission, a motion was made and seconded to approve Resolution 4-13-20A – A Plat of Block 1; and Lots 1, 1A, 2, 2A, 3, 3A, 4, 4A and 5 in Block 1 of Milbank Home Condos Addition. Calvin Schulte addressed the Council explaining the lots on the plat represents each living unit and its detached garage. Motion carried by roll call vote 6-0.

Resolution 4-13-20A
Resolution to Approve Plat

Whereas, Milbank Homes LLC Owner(s) of the hereinafter described real property has submitted to the governing board a proposed plat of Block 1; and Lots 1, 1A, 2, 2A, 3, 3A, 4, 4A and 5 in Block 1 of Milbank Home Condos Addition to the City of Milbank, Grant County, South Dakota, and the Board of City Council of said City having examined the proposed plat and it appearing that all municipal taxes and special assessments, if any, upon said plat and survey, have been executed according to law.

Now therefore, be it resolved that said plat and survey be and are hereby in all things accepted and approved.

Dated this 13th day of April, 2020.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

I, Cynthia Schumacher, the duly appointed, qualified and acting City Finance Officer of the City of Milbank, do certify that the Resolution approving the plat of the above described property is a true and exact copy of said Resolution as passed and approved by the Milbank City Council.

Cynthia Schumacher, Finance Officer, City of Milbank, SD

Upon the recommendation of the Planning and Zoning Commission, a motion was made and seconded to approve Resolution 4-13-20B. Motion carried by roll call vote, 6-0.

RESOLUTION 4-13-20B
LOT MERGER AGREEMENT

This Lot Merger Agreement is made this 13th day of April, 2020 by and between Russell G. Jury (hereinafter called "Property Owner"), and the CITY OF MILBANK, SOUTH DAKOTA, (hereinafter called "City").

Whereas, Property Owner owns two or more contiguous lots located in a residential zoning district of the City; and

Whereas, Property Owner has applied for Building Permit Number 2020-13 to construct a house; and

Whereas, Property Owner desires to use the above described lots in service of a single principal residence; and

Whereas, merger of the lots is required by Section 17.09.

The City and Property Owner agree as follows:

1. Property Owner and City do hereby agree that the lots described as Lots 1 & 2, Block 20, Original Townsite, City of Milbank, Grant County, South Dakota (201 & 203 East Milbank Avenue, the plat for which is recorded in the Register of Deeds of Grant County in Plat Envelope 54B, and as more fully described in a deed from Kevin Buck to Russell G. Jury dated December 12, 2020 and recorded at the Register of Deeds of Grant County in Book 122, Page 208 ("the Lots") are subject to the terms and conditions of this agreement.
2. Upon execution of this Agreement by all parties, the Lots shall be merged for the purpose of serving a single principle use as described by and under the conditions imposed by Section 17.09.
3. This agreement shall be recorded at the Register of Deeds of Grant County at the expense of the Property Owner.
4. For the purposes of complying with City of Milbank zoning and subdivision codes, lot lines separating the Lots, as shown on the referenced subdivision plat, shall no longer be considered as lot lines for any zoning or subdivision purpose, and the Lots shall, for building and development purposes be considered as a single lot.

5. The parties hereby agree that the Lots shall not be unmerged or re-subdivided except in compliance with the ordinances of the City of Milbank.
6. The parties further agree that this Agreement is intended to bind future use and development of the lots and shall survive any conveyance of the individual lots merged by this Agreement.
7. Property Owner and City agree and understand that this Agreement shall not affect the legal description or title to the Lots.
8. The obligations and benefits of this Agreement shall be binding upon and inure to the parties to the Agreement, their legal representatives, successors, and assigns.

The parties do here unto set their hands and seals on the date and year first above written.

Russell G. Jury, Property Owner

On this 13th day of the month of April, in the year 2020 before me, a Notary Public, personally appeared Russell G. Jury known to me (or proved to me on the oath of Russell G. Jury), to be the person who is described in, and who executed the within instrument and acknowledged to me that he (or they) executed the same.

Brandy Blauert, Notary Public
Roberts County, South Dakota

seal

My commission expires: November 11, 2023

In Testimony Whereof, the said grantor has caused these presents to be executed in its corporate name, by the Mayor and the City Finance Officer of the said City of Milbank, Grant County, South Dakota, this 13th day of the month of April, in the year 2020.

ATTEST

THE CITY OF MILBANK, Grant County,
South Dakota, a municipal corporation,

Cynthia Schumacher, Finance Officer

By: Pat Raffety, Mayor

State of South Dakota
County of Grant

On this 13th day of the month of April, in the year 2020 before me, a Notary Public within and for the said County and State, personally appeared Pat Raffety and Cynthia Schumacher known to me to be, respectively, the Mayor and the City Finance Officer of the said City of Milbank, Grant

County, South Dakota, named in the foregoing instrument, and acknowledged to me that the said City of Milbank, a municipal corporation, executed the same.

Seal

Brandy Blauert, Notary Public
Roberts County, South Dakota
My commission expires: November 11, 2023

March Permits:

Building Permits: Verizon Wireless-1303 E 4th Ave, #4-commercial sign. Rupe Helmer Group – 1400 Morningside Dr #1-commercial sign. Midwest Power Sports – 1608 Morningside Dr-commercial addition.

Special Event Permits: Milbank Area Chamber-Farley Park-Farley Fest, Q-Fest, parade, car show, arts in the park-7/31/20 through 8/1/20.

Milbank Area Chamber – Farley Park – fireworks, kids coin dig & fishing, 7/4/20.

Whetstone Valley Snowmobile Association – Farley Park – vintage snowmobile and swap meet, 6/4/20 through 6/7/20.

Fire – Councilman Grong gave the monthly report.

Unity Square – The Council reviewed a marketing agreement presented by Anne Hanson, The Original Marketing Group. The agreement outlined a proposal to develop and execute a 12-month marketing plan for fundraising and membership campaigns. The Council felt the need but agreed this was not the time to start the campaigns. Following discussion, motion was made and seconded to approve the marketing agreement with The Original Marketing Group, \$650/month, with a start date to be determined. Motion carried by roll call vote, 5-0. Hanson abstained.

Personnel – No report.

Housing – No report.

Attorney – Mark Reedstrom discussed the status of the property know as 208 ½ N 1st St. The property has no value due to the condition and numerous liens in the thousands of dollars. The County has begun the tax deed process. Due to the condition, a motion was made and seconded to declare the property as a public nuisance and abate. Administrator Forman was requested to obtain two quotes to have the structure razed. Motion carried by roll call vote, 6-0.

Airport – Administrator Forman reported a state inspection was done; zero deficiencies were found.

Wastewater – Residents were reminded to remove sump pump discharge from the sanitary sewer system. A generator was installed at the 4-H lift station.

Park – Ordinance 829, and ordinance to acknowledge and create the Milbank Park and Recreation Board was introduced. A motion was made and seconded to approve the first reading of Ordinance 829. Motion carried by roll call vote, 6-0.

A motion was made and seconded to approve hiring seasonal help; Riley Gauer, Jacob Karges, Alec Bien and Charles Schamber, \$10.00/hour effective immediately. Motion carried by roll call, 6-0.

Police – All officers have received training from the Milbank hospital – best practices with PPE and first responders.

Councilman Evan Grong was thanked for his service on the Council.

Adjourn –The next regular meeting will be May 11, 2020, at 7:00 PM. A motion was made and seconded to adjourn. Motion carried 6-0.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Publish: 4-23-20

Publish once at the approximate cost of \$_____

Claims:

3-D Specialties Inc.	parts	\$	290.36
Advanced Technologies Inc.	shipping/equipment	\$	231.37
Al's Body Shop	repairs	\$	846.00
American Engineering Testing	testing	\$	123.85
American Water Works Association	membership fee	\$	334.00
Apex Iron Works	tanks	\$	1,100.00
AT&T Mobility	cell phone	\$	413.45
Auto Value Parts Store	parts	\$	182.75

Banner Associates, Inc.	engineering	\$ 9,420.00
Brewster Bldg Center	refund-permit fees	\$ 1,057.50
CHS	gas	\$ 3,181.53
Climate Systems, Inc.	system repairs	\$ 1,868.30
Companion Life Ins	admin fee	\$ 10.00
Corporate Technologies	service agreement	\$ 584.00
Dakota Fence	picnic tables	\$ 5,702.00
Design Electronics	supplies	\$ 39.99
Eastside Car Wash	truck wash usage/vehicle detail	\$ 108.92
Energy Laboratories, Inc.	testing	\$ 2,346.00
Era A Waters Co.	testing	\$ 1,084.30
Feld Fire	parts/tools	\$ 1,817.25
Ferguson Waterworks #2516	meters	\$ 10,245.45
First Bank & Trust	supplies/travel expense	\$ 659.60
Food-N-Fuel	gas	\$ 142.52
Gesswein Motors	service 28 ram	\$ 33.42
Grant County Auditor	services	\$ 2,525.00
Grant County Review	publications	\$ 702.20
Grant County Treasurer	property tax	\$ 841.76
Hartman's Family Foods	supplies	\$ 27.79
Hawkins, Inc.	chemicals	\$ 8,448.93
Heiman Fire Equipment	parts	\$ 655.65
Helms & Associates	engineering	\$ 1,820.00
Hilbrands, Ryan	clothing allowance	\$ 63.88
Hillyard-Sioux Falls	supplies	\$ 251.04
ITC	telephone/internet service	\$ 1,089.61
ITS	security maint. Agreement	\$ 234.00
J&J Earthworks Inc.	Main Street Project	\$ 56,606.47
John Deere Financial	parts	\$ 46.41
Krause Sr, Ron	clothing allowance/supplies	\$ 111.77
Lewis Drug	supplies	\$ 43.37
Martin Sprocket & Gear	liner	\$ 1,990.38
Michael-Todd & Co	parts	\$ 2,262.30
Midwest Powersports Inc.	parts	\$ 1,399.99
Milbank Communications	supplies	\$ 423.40
Milbank School District	DARE supplies	\$ 37.68
Milbank Winwater	parts	\$ 382.24
NAPA Auto Parts	parts/supplies	\$ 499.01
NW Energy	natural gas	\$ 1,171.80
Otter Tail Power Co.	electric	\$ 16,599.04
Peterson, Connie	uniform repairs	\$ 4.00
Petty Cash	supplies/postage	\$ 79.83

Poppen, Dick	clothing allowance	\$ 15.96
Praxair Distribution Inc.	service air system	\$ 25.79
Purchase Power	supplies	\$ 144.96
RC Technologies Inc.	services	\$ 45.95
RDO Equipment Co	loader repairs	\$ 2,418.10
Roger's Electric Motor	parts/supplies	\$ 881.75
Running's Supply, Inc.	parts/supplies	\$ 1,247.24
SD Dept of Revenue & Regulation	sales tax	\$ 95.55
SD One Call	one calls	\$ 2.10
SD Public Health Lab	testing	\$ 108.00
Share Corp	supplies	\$ 1,456.44
Star Laundry & Cleaners	rugs	\$ 103.73
Sturdevants Auto	parts	\$ 293.19
Sweeney Controls Co.	repairs	\$ 6,762.99
Twin Valley Tire	tires/tire service	\$ 1,046.93
UPI	gas	\$ 987.17
US Bank	bond payment	\$ 52,951.51
US Postal Service	postage	\$ 360.00
Valley Office Products	supplies	\$ 23.26
Valley Rental & Recycling LLC	recycling agreement	\$ 650.00
VanVooren, Boyd	supplies/travel expense	\$ 45.73
Wherry Snow Removal	sweeping	\$ 360.00
Whetstone Home Center	supplies	\$ 8.99
Whetstone Valley Electric	electric/repairs	\$ 4,294.46
Wilbur Ellis	FBO Contract	\$ 1,200.00
Wittrock & Sons	metal pickup	\$ 1,425.00
Xerox	copier lease	\$ 225.61
Zinter, Kiel	travel expense	\$ 53.69
		\$ 217,374.21