

MILBANK CITY COUNCIL PROCEEDINGS  
July 13, 2020

PURSUANT TO DUE CALL AND NOTICE THEREOF, a regular meeting of the City Council was duly held at City Hall at 7:00 PM. The following members were present: Mayor Pat Raffety, Councilmen Steve Wiener, Mike Hanson, James Johnson, and Scott Hoeke. Absent: Joel Foster. Present from the staff: Attorney Mark Reedstrom, John Forman, Boyd VanVooren, Cynthia Schumacher, Dick Poppen, Scott Meyer, Darin Thiele, Don Settje, and Ron Krause. Public present: Laurie Folk, Holli Seehafer, Josh Karels, Renee Osborne, Kathy Ward, Lance Hamman, Steve and Vicki Strege.

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

A motion was made and seconded to approve the minutes from the June 8 and June 10, 2020 meetings. Motion carried 4-0.

A motion was made and seconded to accept the resignation of Officer Paige Zempel effective June 27, 2020. Motion carried 4-0.

A motion was made and seconded to approve the June Treasurer's report. Motion carried 4-0.

A motion was made and seconded to approve the claims list, \$356,468.68. Motion carried 4-0.

A motion was made and seconded to approve Resolution 7-13-20A. Motion carried 4-0.

RESOLUTION 7-13-20A

BE IT RESOLVED by the City Council of the City of Milbank, South Dakota that the following sum is transferred from the contingency fund to the following departments to meet the obligations of the city.

Council – Proceedings	101-41100-42310	1,000.00
Source of Funding – Contingency Fund		
	101-41150-41150	1,000.00

Dated this 13<sup>th</sup> day of July 2020.

Aye: 4    Nay: 0    Absent: Foster

This Resolution is effective upon passage.

Pat Raffety, Mayor

ATTEST:

Cynthia Schumacher, Finance Officer

Attorney Mark Reedstrom reported the City was granted and awarded a civil judgment against Rick Hanson, dba Hanson Salvage, in the form of an Abatement authorizing the City to abate the public nuisance from the Hanson's property by removing all items to a distance of not less than fifty feet from the street line. The cost of abating the public nuisance shall be recovered by special assessment against said property. Furthermore, this judgement and order for abatement shall have continuing effect.

A motion was made and seconded to recess. Motion carried 4-0.

The Mayor called the meeting to order. Following a unanimous vote to approve the Mayor's Appointment of Josh Karels as Ward 3 Councilman, Attorney Reedstrom administered the Oath of Office. Councilman Karels took his seat at the table.

A nomination was made for Scott Hoeke as Council President. Nominations ceased, and a unanimous ballot was cast for Scott Hoeke as Council President.

A nomination was made for Mike Hanson as Vice-President. A nomination was made for Steve Wiener as Vice-President. Councilman Wiener declined the nomination. Nominations ceased, and a unanimous ballot was cast for Mike Hanson as Vice-President.

A motion was made and seconded to approve the Mayor's employee appointments. Motion carried 5-0.

City Administrator – John Forman

Finance Officer – Cynthia Schumacher

Police Chief – Boyd VanVooren

Fire Chief – Kevin Schuelke

Asst Fire Chief – David Giesen, Justin Mathiason

City Attorney – Mark Reedstrom

A motion was made and seconded to approve the Mayor's Committee Appointments. Motion carried 5-0.

Joel Foster – Airport, Finance

Mike Hanson – Fire, Park/Cemetery, Planning & Zoning, Police

James Johnson – Property Standards, Unity Square  
Scott Hoeke – Baseball Complex, Rubble Site, Streets, Unity Square  
Josh Karels – Park & Cemetery, Wastewater  
Steve Wiener – Water, GCDC and Chamber Liaison  
Pat Raffety – Finance, Housing, Personnel

A motion was made and seconded to approve the Reserve Police Officer Roster as placed on file in the office. Motion Carried 5-0.

A motion was made and seconded to approve the Fire Department Roster as placed on file in the office. Motion Carried 5-0.

Mayor Raffety read the Proclamation proclaiming July 28, 2020 as Alphonse Joseph Holtzmann Day.

EXECUTIVE PROCLAMATION  
CITY OF MILBANK - OFFICE OF THE MAYOR

WHEREAS, the quality of life in any community is directly reflective of the time, commitment, and dedication shown by its citizens; and

WHEREAS, Alphonse Joseph Holtzmann was born on July 28, 1920 in Highmore, SD; and

WHEREAS, Alphonse Joseph Holtzmann enlisted and served in the Coast Guard, from April 1942, until he was discharged in January 1946. His military job classification was radioman. His rank at the time of discharge was E-7 or Chief Petty Officer; and

WHEREAS, Alphonse married his beautiful bride, Alice, and they were married for 70 years. Together they had 9 children, 22 grandchildren, and 21 great-grandchildren: and

WHEREAS, Alphonse LOVES: Donuts, ice cream, popcorn, vegetables, and fruits fresh from the garden, telling others to live with integrity and commitment to faith, family, and community; and

WHEREAS, it is fitting and proper as Mayor to recognize the contributions and tenure of this fine individual, who is celebrating his 100<sup>th</sup> birthday on July 28, 2020,

NOW THEREFORE, I, Pat Raffety, Mayor of the City of Milbank, South Dakota, do hereby proclaim Tuesday, July 28, 2020 as

## ALPHONSE JOSEPH HOLTZMANN DAY

In Milbank, and I join his family and friends in relaying the community's best wishes for a wonderful 100<sup>th</sup> birthday to one of our community's finest.

IN WITNESS WHEREOF, I have hereunto set my hand.

Pat Raffety, Mayor

ATTEST:

Cynthia Schumacher, Finance Officer

Public Comments – Steve and Vicki Strege addressed the council regarding drainage issues around their house.

Lance Hamman requested the Council review the need for two handicapped parking spots in front of his place of business, leaving him with only regular parking spot. Councilman Hoeke stated they would review the plans and would take his request under consideration.

### DEPARTMENT REPORTS

Water – Councilman Wiener reported the nitrate, SOC and VOC test samples were sent in, all passed. Work continues on the Golden Anderson valve which caused red water issues in the distribution system. There were 15 on the monthly shut off list. The city is utilizing 50% spring water.

Mayor Raffety stated the proposed long-term contract with Maguire Iron is not a viable option. Maintenance will be handled by prioritizing needs and handling one project at a time.

The South Dakota Department of Environment and Natural Resources announced that the City of Milbank public water system has been awarded a Drinking Water Certificate of Achievement Award. Mayor Raffety congratulated and thanked the department.

Street – The monthly report was given. Resolution 7-13-20B was introduced which addresses traffic flow and parking in the new elementary school area. A motion was made and seconded to approve Resolution 7-13-20B. Motion carried 3-2; Aye-Hanson, Johnson, Wiener. Nay-Karels, Hoeke.

### Resolution 7-13-20B

A resolution to amend certain provisions of Table I of the Milbank Municipal Code regarding areas where parking is prohibited.

THEREFORE, BE IT RESOLVED that Table I of the Milbank Municipal Code shall be amended to include the following:

No Parking at any time:

- The west side of 9<sup>th</sup> Street between 4<sup>th</sup> Ave (US HWY 12) and 7<sup>th</sup> Ave.
- The north side of Summit Ave between 7<sup>th</sup> St and 9<sup>th</sup> St.
- The south side of 5<sup>th</sup> Ave between 7<sup>th</sup> St and 9<sup>th</sup> St.

THEREFORE, BE IT RESOLVED that in accordance with Chapter 10.20 of the Milbank Municipal Code, a No Right Turn sign will be placed at the intersection of the Milbank Elementary School Exit and 9<sup>th</sup> St, directly across from 5<sup>th</sup> Avenue.

BE IT FURTHER RESOLVED that appropriate traffic control signs shall be erected in accordance with the provisions of this resolution.

Aye: 3- Hanson, Johnson, Wiener      Nay: 2- Hoeke, Karels      Absent: Foster

Pat Raffety, Mayor

ATTEST:

Cynthia Schumacher, Finance Officer

Rubble Site – The monthly report was given.

Baseball Complex – No report.

Finance – A motion was made and seconded to approve Resolution 7-13-20. Motion carried 5-0.

#### City of Milbank Resolution Number 7-13-20

#### A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS WITH THE STATE OF SOUTH DAKOTA FOR THE RECEIPT OF CARES ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the “CARES Act”), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the City of Milbank acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, the City of Milbank acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, the City of Milbank seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, the City of Milbank acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for the City of Milbank most recently approved as of March 27, 2020; and

WHEREAS, the City of Milbank acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

NOW, THEREFORE BE IT RESOLVED by the City [Council/Commission] of the City of Milbank that the Mayor of Milbank may execute any and all documents as required by the State in order to receive CARES Act funds.

It is further

RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the City budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

It is further

RESOLVED that the City will not request reimbursement from the State under the CARES Act for costs for which the City previously received reimbursement, or for which the City has a reimbursement request pending before another source.

Approved and adopted this 13<sup>th</sup> day of June 2020.

Pat Raffety, Mayor  
City of Milbank, South Dakota

ATTEST:

Cynthia Schumacher, Finance Officer  
City of Milbank, South Dakota

SDCF – Mayor Raffety explained that due to non-profit regulations and their potential of losing the 501(c)(3) status, the Milbank Community Foundation could not continue to handle the donations anticipated for Unity Square. Mayor Raffety explained he had visited with the South Dakota Community Foundation. They would be able to administer the donations for a Unity Square endowment as well as a short-term pass thru account for immediate repairs.

The Sales Tax Revenue Bond of 2011 is in the process of being refinanced. Due to the lower interest rates, over a \$200,000 interest savings will be realized.

Laurie Folk, Milbank Area Chamber, addressed the Council to inquiring about a donation to help defray cost of this year's Chamber fireworks display. Due to this year's COVID pandemic, sponsorships from the local businesses were not sought. Councilman Wiener stated he would like to consider the request at the next meeting.

June Salaries: Mayor/Council \$1,400; Finance \$15,525; Police \$26,988; Fire \$1,627; Street \$9,819; Rubble Site \$940; Park \$8,531; Water \$4,451; Wastewater \$12,431.28.

Planning & Zoning – Administrator Forman reported a variance requested by Anthony Vojta, 303 Highland Drive, for the placement of a detached accessory structure within the required rear and side yard setbacks, was denied.

Review of the zoning ordinances continues under the direction of First District Association of Local Governments.

June Permits:

Building Permits: Ted Bray-305 Lakeview Dr-accessory structure. Valley Queen Cheese Factory – 200 E Railway Ave-commercial addn. Henry Harms-1005 S Viola St-addition. Ryan Dunnihoo-1109 S 7<sup>th</sup> St-Accessory Structure. Andrea Hagen-104 Aspen Ct-deck.

Demolition Permits: none.

Sign Permits: none.

Roofing Permits: none.

Fence Permits: none.

Special Event Permits: It Only Takes a Spark-Farley Park-luminary drive-thru-7/24/20. Milbank Area Hospital-Race for Hope Run-8/1/20. Kiwanis Club of Milbank-Lake Farley Park- Tommy's Popcorn Stand-7/4/20 to 10/30/20.

Fire – Councilman Hanson stated drills and meetings are returning to normal.

Unity Square – Mayor Raffety reviewed the stats submitted by The Original Marketing Group.

Attorney – No report.

Airport – No report.

Wastewater – Maintenance was done on the digester compressor, the vac trailer, the pretreat electric room AC and the report program.

Park – Several trees were removed, other trees trimmed and low areas filled in the cemetery. The fence was reset at the softball fields. Berkner has been contacted to repair the path in Pribyl Park.

Administrator Forman reported he has not heard back from the state regarding the Land Water Conservation Fund, (LWCF).

Police – Councilman Hanson stated Officer Kiel Zinter has completed the academy and is certified. The officers have completed several training courses.

Executive Session – A motion was made and seconded to go into Executive Session pursuant to SDCL 1-25-2(3). Motion carried 5-0. The Mayor called the Council out of Executive Session.

A motion was made and seconded to direct City Attorney Reedstrom to contact the Attorney representing the City in the Mogard case and inform her that the City does not wish to settle the lawsuit. Motion passed 4-1. Councilman Hanson voting against.

Adjourn – The next regular meeting will be August 10, 2020, at 7:00 PM. A motion was made and seconded to adjourn. Motion carried 5-0.

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Pat Raffety, Mayor

ATTEST

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Cynthia Schumacher, Finance Officer

Publish:

Publish at an approximate cost of: \$\_\_\_\_\_



## CLAIMS

7/13/2020

Advanced Technologies Inc.	shipping/printing/supplies	\$	771.43
American Engineering Testing	testing	\$	141.70
Anderson Chemical Co	sanitizer/dispensers	\$	1,337.88
AT&T Mobility	cell phone	\$	411.91
Auto Value Parts Store	parts	\$	155.88
Banner Associates, Inc.	engineering	\$	10,448.45
Berkner Excavating & Gravel	street repairs	\$	1,139.78
Bituminous Paving Inc.	asphalt	\$	41,328.36
BNS Sports	equipment	\$	185.00
Brent Powers Striping	street striping	\$	3,949.20
CHS	gas	\$	1,624.02
Climate Systems	PM Contract	\$	1,063.75
Colonial Research	supplies	\$	149.72
Companion Life Ins	admin fee	\$	10.00
Dakota Fence Co.	parts	\$	83.67
Deere Credit Inc.	lease	\$	8,816.73
Denny's Septic Service	service tank	\$	130.63
Dewey's Lawn Care	plantings	\$	30.00
Eastside Car Wash	truck wash usage	\$	34.02
EideBailly LLP	audit	\$	2,850.00
Engelstad Electric Co.	electrical repairs	\$	1,906.94
Fastenal Co.	parts	\$	172.18
Ferguson Waterworks #2516	software update/batteries	\$	2,206.27
First Bank & Trust	supplies/fees/equipment	\$	706.91
Food-N-Fuel	gas	\$	377.61
Galeton	gloves	\$	65.85
Gall's LLC	uniforms	\$	214.25
Gesswein Motors	vehicle repairs	\$	241.27
Grant County Auditor	services	\$	2,525.00
Grant County Historical Society	building displays	\$	2,000.00
Grant County Review	publications	\$	305.18
Hawkins Inc.	chemicals	\$	10,401.52
Helms & Associates	engineering	\$	5,397.50
Intoximeters	supplies	\$	357.00
ITC	telephone/internet service	\$	978.50
J&J Earthworks Inc.	Main Street Project	\$	116,511.66
John Henry Foster Mn Inc.	repairs	\$	1,176.40
Kelly Kutters LLC	mowing contract/spraying	\$	13,316.67

Kibble Equipment	parts	\$	72.09
Lewis Drug Stores	supplies	\$	70.57
Markve Insurance Solutions	insurance	\$	662.65
Milbank Communications Inc.	repairs/supplies	\$	284.50
Milbank Ford -Mercury	vehicle repairs	\$	122.56
Milbank Winwater	parts	\$	464.89
Municipay LLC	software update	\$	125.00
NAPA Auto Parts	parts	\$	10.74
NW Energy	natural gas	\$	89.61
Otter Tail Power Co.	electric	\$	14,448.22
P&H Construction	repair cemetery stones	\$	5,235.00
Peter's Gravel	gravel	\$	3,027.88
Peterson, Connie	uniform patch	\$	4.00
Petty Cash	postage/fees	\$	56.82
Praxair Distribution Inc.	service air system	\$	26.71
Quill Corporation	supplies	\$	227.91
Rausch, Elizabeth	deposit refund	\$	100.00
RDO Equipment	parts	\$	238.28
Roger's Electric Motor	supplies/parts	\$	313.92
Running's Supply, Inc.	parts/supplies	\$	576.26
SD Assn of Rural Water Systems	dues	\$	850.00
SD Dept of Revenue & Regulation	sales tax	\$	412.12
SD One Call	one calls	\$	68.25
SD Public Health Lab	testing	\$	187.00
SDML	supplies	\$	60.00
Seehafer Hardware	supplies	\$	5.99
Share Corp	supplies	\$	924.15
Star Laundry & Cleaners	rugs	\$	99.51
Stoney Brook Ent. Inc.	supplies	\$	207.00
Stryker	supplies	\$	91.35
Sturdevants Auto	parts	\$	339.87
Sweeney Controls	system repairs	\$	402.00
The Original Marketing Group	marketing agreement	\$	1,300.00
The Valley Shopper	help wanted ad	\$	85.04
Trapp Plumbing Co. Inc.	clear mains/drains	\$	190.74
Twin Valley Tire	tires/tire service	\$	181.60
Up North Concere Paving	concrete repairs	\$	26,492.00
UPI	gas	\$	1,176.44
US Bank	bond payment	\$	52,951.51
US Postal Service	postage	\$	360.00
Valley Office Products	supplies	\$	479.82

Valley Queen Cheese Factory	dispensers	\$	230.00
Valley Rental & Recycling LLC	recycling agreement/rentals	\$	730.00
Vanorny Tree Service	tree removal	\$	675.00
Whetstone Home Center Inc.	lumber/supplies	\$	62.53
Whetstone Valley Electric	electric/supplies/repairs	\$	2,260.83
Wilbur Ellis	FBO Contract	\$	1,200.00
Wittrock & Sons	garbage service	\$	4,130.00
Xerox	copier lease	\$	267.98
Zems Carpet Cleaining	strip/wax floors	\$	367.50

\$  
356,468.68