

MILBANK CITY COUNCIL PROCEEDINGS
December 14, 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 Joel Foster, Mike Hanson, Scott Hoeke, James Johnson, Josh Karels and Steve Wiener. Absent: None. Present from the staff: Attorney Mark Reedstrom, John Forman, Boyd VanVooren, Cynthia Schumacher, Scott Meyer, Dick Poppen, Don Settje, Dan Keyes, and Kevin Schuelke. Public present: Holli Seehafer, Jason Sackreiter, Mark Junker, Katie Heller, Kathy Ward, Krista Atyeo-Gortmaker.

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

During the open session, Jason Sackreiter addressed the council requesting additional support to continue city recycling. Sackreiter provided the poundage of recycling collected during 2019 and 2020. In addition to Milbank, Sackeriter has a contract with Grant County, Sisseton, and Big Stone Cheese Factory. The current contract is \$650/month and will expire in February 2021. Sackeriter requested a two-year contract at the same amount. Councilman Wiener questioned if this should be a one-time startup contract rather than continual. The Council discussed the contract, and a motion was made and seconded to approve a two year, \$650/month contract effective March 2021-February 2023. Motion carried 5-1, Councilman Wiener voting against.

Krista Atyeo-Gortmaker, Grant County Development Corporation Executive Director updated the council on the industrial park expansion and funding. Atyeo-Gortmaker stated GCDC received the Local Infrastructure Improvement Program (LIIP) grant. Receiving the LIIP grant made them ineligible for DOT funds. Atyeo-Gortmaker stated they are exploring other funding options with DENR and the EPA, which includes a 30-year low interest loan. She inquired about additional funding from the City.

Mayor Raffety stated the city would not commit any funding at this time. However, would entertain future requests when GCDC can provide a finalized project plan and funding sources.

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

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

Consent Agenda

1. Approve the combined election agreement with the School District.
2. Declare surplus: 4-Good Year P285/70r17 tires & cage from the 2013 patrol car.
3. Approve the updated employee COVID-19 administrative leave policy.

DEPARTMENT REPORTS

Water – Councilman Wiener reported there has been issues with the Golden Anderson valve. The city passed the inorganic chemical panel test and received a waiver setting the next required test date to 2030. The water meters were read for the quarter. The City is utilizing 33% spring water.

Rubble Site – Routine maintenance continues.

Street – Hoeke reported all residential street sweeping was completed, and seasonal equipment was winterized. Jesse Morton passed the class 4 and class 9 applicators license. General equipment and building maintenance continue.

Mark Junker, Banner Associates, reviewed the bridge construction reports. The bridges are inspected every two-years. Junker stated the bridge on Milbank Avenue was built in 1984 with a life expectancy of 50 years. There is rotting to the south pile but does not appear to be affecting the strength at the current time. Continued monitoring in this area is recommended. Installation of a box culvert in the future was discussed.

The Eastman Avenue bridge was built in 1990. The bridge is in good condition, no repairs needed. Junker expects this bridge to exceed the 50-year life expectancy due to low truck traffic.

Park – Councilman Karels reported the park department has been busy with routine items and repairs. The shrubs have been trimmed in the parks, markers installed for snow removal and the tractor and bobcat serviced for winter. Benches and tables have been painted and ready for spring.

Katie Heller inquired about the plans for the ice skate park. Administrator Forman stated as soon as weather is consistently below freezing, they will begin to fill the rink.

A motion was made and seconded to approve a change order to the Farley Park project. The change order, an increase of \$56,560, is for installation of sanitary sewer from Milbank Avenue to the park property. Motion carried 6-0.

Wastewater – Councilman Karels reported 2020 flows are low making sludge control difficult. One aeration basin was eliminated to reduce detention time and over aeration. Biosolids were land applied, the sludge tank was emptied and cleaned.

Personnel – No report.

Attorney – Attorney Reedstrom stated effective January 2021 he will no longer be the States Attorney and the current fee agreement with Grant County will no longer be in force. A new retainer agreement was submitted as Resolution 12-14-20. A motion was made and seconded to approve Resolution 12-14-20. Motion carried 6-0.

Resolution 12-14-20
Attorney Retainer Agreement.

WHEREAS, the City of Milbank, a political subdivision of the State of South Dakota, has the authority to contract for legal services pursuant to South Dakota Codified Laws, Section 9-14-23, and

WHEREAS, the City of Milbank has need of legal advice and council concerning the operation of the city, and

WHEREAS the City of Milbank desires to contract for legal services with an attorney, and

IT IS THEREFORE RESOLVED that the City of Milbank, Grant County, State of South Dakota, does hereby accept the following contract for legal services:

CITY OF MILBANK RETAINER FOR LEGAL SERVICES

Mark A. Reedstrom for a retainer of one-thousand dollars (\$1,000) per month shall be retained as general counsel to render legal services until termination of appointment in writing is given and shall not take or handle any matters adverse to the City of Milbank.

Services include in the aforesaid retainer fee, without additional charge, said attorney shall render legal services and general advice to the city council of the City of Milbank as pertains to the city business and municipal matters, draft ordinances and contracts as needed in the normal course of city business, prosecution of city ordinance violations, and shall attend meetings of the city council and the Planning and Zoning Commission on a regular basis.

For all services not above me enumerated, specifically including research, civil litigation, collections, recodification, public finance and bond issues, extensive travel time, mortgages, security interests, and only other services not mentioned in the preceding paragraph of this agreement, the City of Milbank agrees to pay Mark A. Reedstrom the hourly rate of \$120 for said services when billed. The City of Milbank agrees to reimburse Mark A. Reedstrom for all out-of-town travel when billed at the rate of thirty-one cents (\$.31) per mile.

The City, or Attorney Reedstrom may terminate this agreement upon the giving of thirty (30) days written notice. Upon termination of this agreement, Mark A. Reedstrom agrees to return all City of Milbank files transferred to him by the previous City of Milbank attorney, as well as all new

City of Milbank files opened by Attorney Reedstrom, to the City of Milbank Administrator, including all documents in said files relating to the City of Milbank, except Attorney Reedstrom's personal handwritten or typed notes and personal memorandums to said files. The City agrees to allow Mark A. Reedstrom to copy any documents at the City's expense for his document retention obligations required by any statutory or ethical laws. The City further agrees to allow Mark A. Reedstrom access to the aforesaid files at any time after his termination in the event any issue is raised relating to Mark A. Reedstrom's activities as City of Milbank attorney.

This agreement will remain in full force and effect, as aforesaid, except upon thirty (30) days written notice of termination by either party.

Dated this 14th day of December 2020.

Mark A. Reedstrom, Attorney

CITY OF MILBANK

BY: Pat Raffety, Mayor

Finance – A motion was made and seconded to amend and approve the bills list, \$209,802.83. Motion carried 6-0.

A motion was made and seconded to approve the November Treasurer's report. Motion carried 6-0.

A motion was made and seconded to approve the first reading of Ordinance 831-Corrected. Ordinance 831 is a supplemental budget ordinance. The correction emends the coding but does not change any amounts. Motion carried by roll call vote, 6-0.

Mayor Raffety stated rather than utilize an endowment fund thru the South Dakota Community Foundation, rather donations would be handled inhouse.

A motion was made and seconded to approve the liquor license renewal application for the American Legion, Retail (On-Sale) Liquor. The license is currently inactive. A motion was made and seconded 5-0, Hoeke abstained.

November Salaries: Mayor/Council \$1,600; Finance \$16,338; Police \$26,530; Fire \$1,627; Street \$11,485; Rubble Site \$420; Park \$8,541; Water \$4,792; Wastewater \$14,777.

Airport – The quarterly pilots meeting is scheduled for Thursday. The new beacon was installed. Reedstrom continues to secure the final land easement.

Unity Square – Administrator Forman stated the Park & Recreation Board completed a 2021 capital asset list for Unity Square. Dan Keyes, the new Park & Recreation Manager began work on December 7, 2020.

Fire – Councilman Hanson reported the drainage ditch along the south end of town was burned off. The annual pump test was completed for the ISO survey ratings. Blaine Schell, Marshall Greiner, Taran Mogard, Justin Gingerich and Kirby Weets completed training for the Certified Firefighter Course.

A motion was made and seconded to approve the first reading of Ordinance 832-Key Boxes. Fire Chief Schuelke stated the key boxes will provide quicker entrance to the building's necessary access points. Motion carried by roll call vote, 6-0.

Planning & Zoning –A conditional use permit requested by James Schuelke for the placement of an accessory structure without a primary structure was approved, Lot 45 & S ½ of Lot 46, Eastman's Second Addition, R-3 Multi-Family Residential District.

November Permits:

Building Permits: Heilman Homes-715 Valley View Circle-house/garage.

Demolition Permits: None.

Sign Permits: Sinclair/UPI-313 W 4th Ave.

Roofing Permits: None.

Fence Permits: None.

Special Event Permits: None.

Police – Councilman Hanson reported the department is back to full staff after several absences due to COVID-19.

A motion was made and seconded to enter Executive Session pursuant to 1-25-2(1), personnel. Motion carried 6-0. The Mayor declared the council out of Executive Session. A motion was made and seconded to pay Boyd VanVooren a one-time bonus \$(1,040) for additional services and recognition for his dedication during department quarantines.

A special year-end council meeting will be held on December 28, 2020 at 7:00 AM.

Adjourn – The next regular meeting will be January 9, 2021, 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: 12-23-20

Publish at an approximate cost of: \$ _____

CLAIMS

12/14/2020

Adelman Construction	building repairs	\$	100.00
Advanced Technologies Inc.	shipping/equipment/supplies	\$	468.22
Allegiant Emergency Services	gear sets	\$	8,882.20
Al's Body Shop	supplies	\$	54.00
American Structures	parts	\$	179.98
Anderson, Aaron	repairs/install springs	\$	306.13
AT&T Mobility	cell phone	\$	415.36
Auto Value Parts Store	parts/supplies	\$	194.97
Banner Associates, Inc.	engineering services	\$	8,236.25
Beacon Center	donation	\$	200.00
Berkner Excavating & Gravel	black dirt	\$	255.10
Bituminous Paving, Inc	finer	\$	896.00
Black Mountain Software Inc	TCP interface	\$	88.00
Bray, Ted	deductible/clothing allowance	\$	2,595.83
Bryan Rock Products	ball diamond agg	\$	493.31
Ehlebracht, Sharon	building-painting	\$	323.30
CHS	gas	\$	2,115.75
City of Milbank	deposit to final bill	\$	50.00
Glacial Lakes Humane Society	animal control	\$	150.00
Colonial Life & Accident	admin fee	\$	10.00
Corporate Technology	service agreement	\$	834.00
Creative Product Sourcing	DARE supplies	\$	131.23
Crimestar Corporation	annual system support	\$	300.00
Cummins, Sharon	animal control	\$	250.00
DeVries, Miles	building repairs	\$	255.00
Eastside Car Wash	truck wash usage/rentals	\$	396.16

Energy Laboratories	testing	\$	2,346.00
Equipment Blades	cutting edges	\$	772.68
Feld Fire	UEBSS Paks/cylinders	\$	16,514.00
First Bank & Trust	uniform/testing	\$	1,069.99
Gall's LLC	uniform equipment	\$	51.45
Gesswein Motors, Inc.	vehicle repairs	\$	64.29
Grant County Auditor	services	\$	2,525.00
Grant County Historical Society	building displays	\$	2,000.00
Grant County Review	publications	\$	267.26
Great Northern Environmental	parts	\$	1,166.68
Hawkins	chemicals	\$	7,909.31
Heiman Fire Equipment	parts	\$	15,091.52
Helms & Associates	engineering services	\$	187.50
Hicks Construction	building repairs	\$	13,533.80
Hillyard	supplies	\$	177.34
Hydro Klean	televise/clean mains	\$	26,811.36
ITC	telephone/internet service	\$	978.50
J & J Earthworks	Lake Farley Project	\$	45,692.64
John Deere Financial	parts	\$	48.58
Lewis Drug Stores	supplies	\$	54.13
Loutsch, Jeff	clothing allowance	\$	100.00
Meyer, Scott	clothing allowance	\$	95.73
Midwest Power Sports	parts	\$	85.00
Milbank Communications	radios/supplies	\$	1,014.50
Milbank Ford-Mercury	service vehicle	\$	345.40
Milbank Winwater	parts	\$	84.91
Mill Transfer Co	transport agg	\$	473.20
Minn-Dak Fire & Safety	recharge extinguishers	\$	145.45
NAPA Auto Parts	parts	\$	138.77
Newman Traffic Signs	signs/posts	\$	605.78
NW Energy	natural gas	\$	470.35
O'Farrell, Joyleen	building-painting	\$	553.80
Otter Tail Power	electric	\$	15,167.30
Petty Cash	postage/supplies	\$	83.51
Praxair Distribution Inc.	service air system	\$	45.37
Purchase Power	postage	\$	144.96
Quick Pro Lube	service vehicle	\$	76.66
RDO Equipment Co	parts	\$	82.54
Roger's Electric Motor	supplies	\$	1,781.30
Running's Supply, Inc.	supplies/parts	\$	697.51
Schumacher, Cynthia	deductible	\$	397.74
SD Dept of Revenue & Regulation	sales tax	\$	130.35

SD Public Health Lab	testing	\$	116.00
Settje, Don	clothing allowance	\$	44.73
Share Corp	supplies	\$	132.92
South Dakota 811	one calls	\$	36.75
Star Laundry & Cleaners	laundry service	\$	99.51
Sturdevants Auto Parts	supplies	\$	239.81
T&T Heating & AC	system repairs	\$	96.90
The Original Marketing Group	marketing agreement	\$	650.00
Twin Valley Farms	sludge application	\$	9,180.00
Twin Valley Tire	tires/tire service	\$	461.22
UPI Petroleum	gas	\$	1,437.24
US Postal Service	postage/permit fee	\$	430.00
USA Bluebook	supplies/parts	\$	1,260.22
Utility Logic	locator/repairs	\$	2,418.80
Valley Office Products	supplies	\$	30.50
Valley Rental & Recycling	recycling agreement	\$	650.00
Vessco Inc.	parts	\$	61.85
VPD Studios	supplies	\$	60.00
Whetstone Home Center Inc.	lumber/supplies	\$	856.65
Whetstone Valley Electric	electric/repairs	\$	1,537.50
Wilbur Ellis	FBO Contract	\$	1,200.00
Xerox	copier lease	\$	458.28
Northern Balance & Scale	service/calibrate scale	\$	181.00
		\$	209,802.83