

MILBANK CITY COUNCIL PROCEEDINGS

April 19, 2021

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: John Forman, Boyd VanVooren, Cynthia Schumacher, Don Settje, Dick Poppen, Scott Meyer, Ron Krause, Dan Keyes, Kevin Schuelke and Darin Thiele. Present from the public: Holli Seehafer, Scott Wiese, Keith Weber, Darin Mertens, Ronnie Krause Jr, Kathy Ward, Jesse Krause, Laurie Folk, Cuck Foss, Bobbie Bohlen, Krista Atyeo-Gortmaker, Marylynn Fields.

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

Public Comment –

City Administrator Forman introduced Dan Johnson with Climate Systems who discussed the benefits of installing an ionization system to the Visitor Center. Mr. Johnson explained the building's system, what the ionization addition would do, how it works and the installation process. Mayor Raffety asked Mr. Johnson to work with and provide Administrator Forman with a quote for the systems so the Council can review it at the May meeting.

Krista Atyeo-Gortmaker, GCDC, reviewed events of the last 6 months. Gortmaker stated they are again pursuing grants for the Industrial Park-River Street expansion. The Council is invited to the GCDC annual meeting, May 11, 2020.

Bobbie Bohlen with HME Management presented the proposal SLH/HME submitted for the land use currently occupied by Koch School on Tenth Avenue. The proposal is for the construction of a senior living community development which would include senior living units, assisted senior living and memory care. Soon Bohlen will be requesting the development of a TIF district and working with the Planning & Zoning Commission regarding zoning and building regulations.

Marylynn Fields shared with the Council a Care Call System which she is hoping to implement state-wide. The Care Call System would add a level of security to anyone, at any age, living alone by having a daily call partner to check on their safety and well-being. If you live alone and would benefit from a call partner or if you are interested in being a call partner, contact Marylynn Fields.

Minutes – A motion was made and seconded to approve the minutes of the March 8, 2021 meeting. Motion carried 6-0.

Consent Agenda – A motion was made and seconded to approve the amended Consent Agenda as follows. Motion carried 5-0, Hoeke abstained.

1. Approve Agreement for professional services with Banner Associates for the design (\$24,900) and construction services (\$18,500 maximum) for the Twelfth Avenue Water & Sewer Extension Project, not to exceed \$43,400.
2. Approve advertisement for part-time Unity staff and full-time Unity custodian.
3. Accept the resignation of Katrina Weber, part-time Unity staff, effective 5/21/21.
4. Accept the resignation of Wesley Bowsher, police officer, effective 4/15/21. Advertise for replacement.
5. Approve hiring park & recreation staff:
 Brianna Hermans, part-time personal trainer, \$14.00/hr, effective 4/20/21.
 David Heidemann, seasonal park maintenance, \$14.00/hr, effective 4/20/21.
 Taylor Thue, seasonal recreation supervisor, \$12.20/hr, effective 5/17/21.
 Riley Gauer, seasonal park maintenance, \$10.75/hr, effective 5/24/21.
 Kellen Hoeke, seasonal park maintenance, \$10.00/hr, effective 6/16/21.
6. Approve lifeguard wages: William Karels, Savanna Osowski, Isaac Schulte, Amaya Street. \$13.81/hr, effective 4/20/21.
7. Authorize advertisement for bids for an electronic message board sign for Unity Health & Fitness.
8. Authorize the Mayor to sign the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) application for the airport funding.
9. Authorize the Mayor to sign the Youth Program Partnership Agreement with the Milbank Tennis Association.
10. Authorize the Mayor to sign the Golf Facility Use Agreement with the Whetstone Creek Golf Course.
11. Approve the 2021 Lake Farley Campground Policy

DEPARTMENT REPORTS

Fire – Councilman Hanson reported four new sets of bunker gear and two SCBA units were put into service. Eight members attended the NE District Fire School. The National Weather Service will be instructing a weather spotter class at the fire hall, April 29, 2021. March training included drone operation, pre-fire planning/inspections of CHS fuel bulk plant and propane facility and the Milbank airport. Recent rains have eliminated a need for a temporary burning ban.

Planning & Zoning – Councilman Hanson stated a conditional use permit requested by Heather & Cody Storm for a commercial machine shop, 222 W 2nd Ave, was approved. A conditional use permit requested by Tom Schuneman, JSW LLC for a commercial rental storage building, 404 W 12th Ave, was approved.

Upon recommendation of the Planning & Zoning Commission a motion was made and seconded to approve Resolution 3-19-21, Resolution to approve Plat of Lot 1 of Lake Farley Park Addition. Motion carried 6-0.

Resolution 4-19-21

Resolution to approve Plat

Whereas, the City of Milbank, Owner(s) of the hereinafter described real property has submitted to the governing board a proposed plat of Lot 1 of Lake Farley Park 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 its appearing that all municipal taxes and special assessments, in any, upon said plat and survey have been excluded according to law.

Robert Frink, Planning Commission,
Chairman, Planning Commission

Now Therefore, Be It Resolved that said plat and survey be and are hereby in all things accepted and approved.

Pat Raffety, Mayor

Dated this 19th day of April 2021.

ATTEST: Cynthia Schumacher, City Finance Officer

March Permits: Special Event Permits – Milbank Area Chamber-Farmers Appreciation-Visitor Center-3/3/2021. It Only Takes a Spark-cancer walk fundraiser-Lake Farley-6/11/21 – 6/12/21. Milbank Area Hospital-5k/5-mile run-7/31/21.

Police – The department will be working with the City Administrator on property standard issues. Please utilize the city dump for yard waste and tree limbs. All vehicles must be operable and up to date with registration. Residents are reminded, per city ordinance, all dogs must be registered and have up to date shots.

Unity Health & Fitness – Dan Keyes reported Integrated Technology & Security has been contracted to upgrade the surveillance system and electronic door access moving towards a possible 24/7 operation at Unity. In the hopes of installing an electronic sign at Unity, Daktronics sales reps presented an on-site demo of electronic sign types. Keyes has been developing job descriptions for Unity staff. Push-Pedal-Pull of Sioux Falls conducted an on-site assessment of the fitness equipment. A contract, \$7,045, was approved to move forward with the necessary repairs.

An agreement has been reached with Tivity Health. The Silver Sneakers Program is a product of Tivity Health and is very popular with the active seniors. Personal training hours and attendance at classes continues to rise. The maintenance staff have replaced the flusher kits on all fixtures to contain leaking. Parts to update the UV disinfection system have been ordered. Most of the emergency lights are non-functional; Replacement units arrived, and installation has begun.

Park & Cemetery – All ice rink equipment has been stored for the season. Parks are being prepped for the season, inventoried ballfield equipment, painted picnic tables, park benches, and placed garbage cans at the parks. Completed exterior clean up at Unity.

A motion was made and seconded to approve the Milbank Area Chamber's annual fireworks display. The event will be held July 4, 2021 at Farley Park. Motion carried 6-0.

A motion was made and seconded to approve Farley Fest sponsored by Milbank Area Chamber. The event will be July 30-31, 2021. Activities will include a cornhole tournament, vendors, monster truck, dog show, Q-Fest, car show, parade, and concert. Motion carried 6-0.

A public hearing was held for a temporary malt beverage license requested by Milbank Area Chamber in conjunction with 2021 Farley Fest. No one present spoke against the request. Executive Director Laurie Folk was present to answer questions. A motion was made and seconded to approve the temporary malt beverage license for July 30, 4:00 pm to 11:30 pm; July 31, 11:00 am to 11:30 pm. Motion carried 6-0.

Mayor Raffety asked the Council their thoughts on other options in the city cemetery for cremains. Currently cremains are handled as burials. The addition of a columbarium was discussed.

Baseball Complex – At the March council meeting a motion was made and passed to approve the Letter of Intent with Mammoth Sports Construction. The following day Mayor Raffety filed a veto on the motion.

Council Members,

Consider this official notice of my veto on the Council action taken at the Monday, March 8th meeting concerning the Council's decision to authorize the signing of the LOI agreement with Mammoth Sports on behalf of the Milbank Ball Diamond Association.

My objections:

1. The entering into this contract gives the appearance that this is a City of Milbank project. From the very beginning it has been a Milbank Ball Diamond Association project. It is the duty of the City to offer areas of recreation such as a baseball field, however to the extent of a \$1,000,000.00 to \$7,000,000.00 field is deemed excessive.
2. Concern for the long-term support of the facility. The City can be promised that the venue will host many events, however, this is uncertain, and if this does not materialize there will be a financial burden placed on the taxpayers of the City.
3. Future support of the facility by the local community. With no local fundraising taking place up to this point how can there be a guaranteed local buy in for the success of the project. Given the size/potential size of the project there is a need for out of area

support. If all money is raised from out of area, it will be difficult to garner long term local support for a facility that they were not involved in from the beginning.

4. Timeframe. While continuing to attempt to raise funds for the desired complex, what will happen when the Letter of Intent is fulfilled? Will the City then be required to finance the next step to execute the plan? Given the goal of 2025 for a completion, there is the potential to not be any further than we are at this time. There is not money in the budget at this time for any Council action, and if the window is missed this year and not budgeted until 2022 for a 2023 expenditure the likely of completion in an acceptable manner is greatly reduced.

Respectfully,
Pat Raffety, Mayor
City of Milbank

In addition to the reasons stated in the veto, Mayor Raffety stated entering this contract would be a violation of bid laws.

No action was taken by the Council to override the veto.

Mayor Raffety stated he has discussed the project with the MBDA and with Banner Associates regarding the baseball field location. Banner proposed partnering with Confluence Landscape Architecture to develop a plan for the baseball field at Lake Farley Park. The Mayor stated the City will provide the field, lights, dugouts. Enhancements such as press box, enhanced dugouts, turf field, meeting room, display room, etc. would need to be fund through other resources. Mayor Raffety stated he would consider using third penny sales tax proceeds for marketing.

The proposed engineering agreement with Banner Associates and Confluence would include 1. Project kick-off meeting-review of project site, review existing plan, confirm project goals, and timeline. 2. Development of preliminary concept options. 3. Development of final concept plan. 4. 2D graphic plan of final concept illustrations, estimates of cost and phased plan. 5. 3D illustrations – “birds-eye” illustration of the overall concept plan.

These preliminary planning services to be completed for a lump sum of \$15,200 plus reimbursement for allowable expenses not to exceed \$650.

A motion was made and seconded to approve the agreement with Banner Associates as stated. Motion carried 6-0.

Councilman Hanson stated he wants transparency and to have a plan to present to the community.

Councilman Karels stated with the original plan was to provide the best for all programs, the biggest need being the baseball fields. With other sections of the park already started, how has that impacted the layout and infrastructure of the entire park. Mayor Raffety and City Administrator reassured the Council that nothing has changed. There is plenty of room for the baseball field(s).

Personnel – A motion was made and seconded to approve the personnel policies handbook as presented. Motion carried 6-0.

A new salary grid was presented by Administrator Forman. The new grid incorporates many of the new positions created at Unity and allows for more flexibility. A motion was made and seconded to approve the Step and Grade System Grid effective 2022. Motion carried 6-0.

A motion was made and seconded to approve contracting with Alternative HRD, LLC to conduct a risk assessment of the city's Human Resource procedures and to retain the company for human services issues. Motion carried 6-0.

The policy and procedures of filling open job vacancies at Unity was discussed. A motion was made and seconded to 1. Give the City Administrator the authority to approve the advertisement for and the hiring of persons for part-time positions. 2. Lower the minimum age for hiring of lifeguards from age 16 to 15. Motion carried 6-0.

Attorney – No report.

Finance – A motion was made and seconded to approve the second reading of Ordinance 833, 2021 Supplemental Appropriations. A motion carried by roll call, 6-0.

A motion was made and seconded to approve the bills list, \$503,351.51. Motion carried 6-0.

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

A motion was made and seconded to approve the 2020 Annual Report as presented. Motion carried 6-0.

The marketing contract with The Original Marketing Group has expired. Mayor Raffety's recommendation was to not renew, rather to utilize the firm on an as needed basis.

March Salaries: Mayor/Council \$1,600; Finance \$14,907; Police \$26,752; Fire \$1,671; Street \$11,673; Rubble Site \$760; Park \$9,272; Recreation \$19,621; Water \$5,333; Wastewater \$14,621.

Airport – The bid opening for the AWOS III project is April 21, 2021. Still awaiting signatures on the final easement to complete the runway protection zone and departure surface land acquisition project.

Water – Councilman Wiener reported a water break on Seventh Avenue was repaired. The new water main is being installed at Lake Farley. The Golden Anderson pressure sustaining valve was repaired. There were 10 on the monthly shut-off list. The City is utilizing 70% spring water.

Rubble Site – A motion was made and seconded to approve the annual springtime “Shape Up Milbank”, scheduled for April 30 thru May 8, 2021. Motion carried 6-0. The city rubble site will be open extended hours for Milbank residents to bring acceptable waste and approved items.

Street – A motion was made and seconded to approve the bids for street materials as listed:

BS 1-hot mix/picked up: \$64/ton Bituminous Paving Inc. (only bid)

BS 2-asphalt machine laid: \$66/ton Bituminous Paving Inc. (only bid)

BS 3-aggregate base course delivered: \$6.75/ton J&J Earthworks (only bid)

BS 4-aggregate base course delivered, end dump: \$6.95/ton J&J Earthworks (only bid)

BS 5-asphalt milling 2-inch: \$1.80, 4-inch: \$3.75 Bituminous Paving Inc. (only bid)

Motion carried 6-0. The 2021 mill and overlay plan was reviewed.

Two bids were received for the West 7th Avenue reconstruction project. A motion was made and seconded to approve and award the bid to J&J EarthWorks, Inc. - \$543,430.80. The only other bid was submitted by Duininck, Inc. - \$633,575.50. The engineers estimate was \$486,086. Motion carried 6-0.

A motion was made and seconded to approve the Highway-Rail Grade Crossing Closure Agreement with BNSF Railway Company for the permanent closure of the Eastman Street crossing. The City shall 1. Permanently close and vacate the Eastman Street crossing over BNSF’s property. Remove both roadway approaches and install end-of-road signage and treatments. 2. BNSF agrees to pay the City \$50,000 upon completing the requirements. 3. BNSF agrees to remove the railroad crossing signs. 4. The City agrees to own and maintain their end-of-road treatment. 5. The City agrees that this crossing will remain closed and will not be re-opened by the City. Motion carried 6-0.

A motion was made and seconded to approve Ordinance 834-An Ordinance calling for the closing of the railroad crossing located on Eastman Street, Railroad milepost 610.67. Motion carried by roll call vote, 6-0.

A motion was made and seconded to approve the request submitted by Valley Queen Cheese for the closure of 3rd Avenue during their construction. The section west of 1st Street will be closed May 18-21, 2021. The section east of 1st Street will be closed May 31-June 30, 2021. Motion carried 6-0.

A motion was made and seconded to approve the request of Valley Queen Cheese to release any easements on Railway Avenue. Administrator Forman stated the easement is for a water main and storm sewer main, both utilized solely by Valley Queen Cheese. Motion carried 6-0.

Wastewater – Councilman Karels reported Ryan Hilbrands passed the Class I treatment certification test. Completed the first quarter test well sampling. The chlorine contact basin is prepped to begin disinfection on May 1.

Adjourn –The next regular meeting will be May 10, 2021, at 7:00 PM. A motion was made and seconded to adjourn at 9:20 pm. Motion carried 6-0.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Publish: 5-5-21

Publish once at the approximate cost of \$_____

CLAIMS

4/19/2021

Adler Feed & Seed	parts	\$67.95
Advanced Technologies Inc.	shipping/equipment/installs	\$738.36
All Flags, LLC	flags	\$326.33
American Engineering Testing	testing	\$219.95
American Solutions for Businesses	office furniture	\$5,000.25
American Waterworks Association	membership fees	\$344.00
Associated Supply Company	supplies	\$4,086.80
AT&T Mobility	cell phone	\$543.86
Auto Value Parts Store	parts/supplies	\$163.27
Ban-Koe Systems, Inc.	repair alarm wiring	\$716.00
Banner Associates, Inc.	engineering	\$18,216.20
Berkner Excavating & Gravel Inc.	snow removal/repair mains	\$2,129.97

Black Mountain Software Inc.	software purchase	\$1,840.00
BSN Sports Inc.	base plates	\$380.00
Card Pointe	card fees	\$204.15
CHS	gas	\$3,469.15
Climate Systems Inc	PM contract	\$1,095.50
Cole Papers Inc.	supplies	\$947.77
Companion Insurance	admin fee	\$10.00
Corporate Technology	service agree/install/equipment	\$5,380.50
Design Electronics	supplies	\$49.99
Eastside Car Wash	rental/truck wash usage	\$322.67
Engelstad Electric Co. Inc.	repairs	\$825.37
Fastenal Company	parts/supplies	\$310.18
Feld Fire	SCBA units	\$16,514.00
Ferguson Waterworks	meters	\$4,897.20
First Bank & Trust	supplies/equipment	\$1,742.23
Food-N-Fuel	gas	\$445.16
Gall's LLC	uniforms	\$30.53
Gesswein Motors	vehicle repairs	\$647.18
Grant County Review	publications	\$802.18
Hach Co.	supplies/parts	\$2,133.75
Hartman's Family Foods	supplies	\$36.07
Hawkins, Inc.	chemicals	\$8,544.17
Heiman Fire Equipment	supplies/parts/equipment	\$1,544.64
Helms & Associates	engineering	\$16,468.44
Hilbrands, Ryan	travel expense	\$52.00
Hillyard	supplies	\$290.00
Inland Truck Parts & Service	parts	\$551.40
ITC	telephone/internet service	\$1,599.64
ITS	hosted usage agreement	\$234.00
J&J Earthworks Inc.	Lake Farley projects	\$258,631.43
Jankord, Trey	travel expense	\$10.00
Jim Jolly Sales, Inc.	repair kits	\$2,386.73
John Deere Financial	parts/oil	\$720.35
Keyes, Dan	supplies	\$8.51
Lacal Equipment Inc.	parts	\$720.30
Lewis Drug Stores	supplies	\$50.47
Michael Todd & Co. Inc.	parts	\$785.74
Midwest Mechanical Inc.	building repairs	\$390.31
Milbank Winwater	parts	\$628.89
Modern Marketing	test kits	\$173.58
Money Movers	NIHCA membership	\$9.00
NAPA Auto Parts	parts	\$487.15
National Outdoor Furniture, Inc.	park benches	\$3,673.00

Nelson Electric, Inc.	building repairs	\$1,712.30
Northern Truck Equipment	parts	\$732.31
NW Energy	natural gas	\$3,067.15
Otter Tail Power	electric	\$21,376.94
Petty Cash	postage/supplies	\$21.15
Praxair Distribution Inc.	service air system	\$44.42
Purchase Power	postage/equipment fees	\$127.08
Real Tuff	oxygen/acetylene	\$107.07
Reedstrom, Mark	retainer fee	\$1,000.00
Roger's Electric Motor	parts	\$850.45
Running's Supply, Inc.	supplies/parts	\$1,416.92
SD Assoc of Code Enforcement	registration fee	\$50.00
SD Dept of Revenue & Regulation	sales tax	\$1,502.98
SD Public Health Lab	testing	\$86.00
SDPRA	membership fees	\$40.00
Share Corp	supplies	\$518.24
Sioux Valley Equipment	fuel tank	\$18,163.03
South Dakota 811	one calls	\$48.30
Star Laundry	laundry service	\$185.15
Stoney Brook Ent. Inc.	repairs/calibrate	\$597.02
Sturdevants Auto Parts	supplies	\$533.48
Sweeney Controls Co.	system repairs	\$1,030.98
T&T Heating & AC	repairs	\$3,892.63
Tacony Corporation	supplies	\$22.84
The Original Marketing Group	marketing agreement	\$650.00
The Valley Shopper	help wanted ads	\$446.46
Thiele, Darin	clothing allowance	\$100.00
Time Clock Plus	license update	\$99.99
Trapp Plumbing Co Inc.	repairs	\$603.84
Twin Valley Tire	tires/tire service	\$3,077.36
Two Way Solutions, Inc.	programming	\$1,105.00
UPI Petroleum	gas	\$1,409.47
US Bank	bond payment	\$52,951.51
US Postal Service	postage	\$360.00
USA Bluebook	supplies/parts	\$537.85
Valley Office Products	supplies	\$193.24
Valley Rental & Recycling	recycling agreement	\$650.00
VanVooren, Boyd	supplies	\$61.96
Vessco, Inc.	parts	\$2,714.75
Wherry Snow Removal	snow removal	\$105.00
Whetstone Home Center Inc.	lumber/supplies/tiles	\$2,996.78
Whetstone Sanitation	clean portable restrooms	\$25.00
Whetstone Valley Electric	electric	\$891.81

Wilbur Ellis	FBO Contract	\$1,200.00
WM Corporate Services Inc.	garbage service	\$1,575.00
Xerox Corporation	copier lease	\$648.78
Zem's Carpet Cleaning	carpet cleaning	\$1,225.00

\$503,351.51