

MILBANK CITY COUNCIL PROCEEDINGS
September 13, 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 Roger Briggs, Steve Wiener, Mike Hanson, Josh Karels, Mindy Rogers, and Scott Hoeke. Absent: none. Present from the staff: Attorney Mark Reedstrom, John Forman, Boyd VanVooren, Cynthia Schumacher, Brandy Blauert, Darin Thiele, Don Settje, Dan Keyes, Ron Krause, and Kevin Schuelke. Public present: Laurie Folk, Wally Hamman, Holly Folk, Holli Seehafer, Sara Osterloh, Angie Weber, Keith Weber, Kari Untalan, Steve Swaney, Anna Swaney, Laurinda Pribyl, Dan Sorenson, Brandon Berens, Gary Mohs, Val Waletich, Karla Kastrup, Troy Kastrup, Blake Swanson, Jamie Pekelder, Kathy Ward, and Renee Osborne.

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

Public Input – Walley Hamman addressed the Council concerning the removal of the playground equipment at Koch School. His frustrations included the lack of communication with the entire council, park board and residents. The equipment was still in very good condition and could have been relocated. The playground was utilized by many children and the area needs a playground. Other residents reiterated Hamman's comments.

Mayor Raffety stated some equipment was salvaged to be relocated. The age, difficulty in relocating and liability were among the reasons the decision was made. The decision was made prior to the development of the park board.

Public Hearing for the transfer for Retail (on-off sale) Malt Beverage & SD Farm Wine license from Habanero's LLC to Berens Market LLC was held. Kari Untalan and others spoke against the transfer. Concerns of future requests by convenience stores was brought up. Mark Reedstrom stated the council needs to determine if the applicant is of good moral character and if the location is suitable. Councilman Wiener believed if those items were met, there was no room to deny the application. Upon discussion a motion was made and seconded to approve the transfer. A motion was then made and seconded to rescind the motion, carried 5-0, Hoeke abstained.

A motion was made and seconded to approve the transfer for off-sale only, inside sales only and ineligible for video lottery. A motion was made and seconded to rescind the motion, carried 5-0, Hoeke abstained. Additional discussion was held.

A motion was made and seconded to approve the transfer with the following conditions:
1. Off-sale only. 2. No outside sales. 3. No video lottery. Motion carried 5-0, Hoeke abstained.

A motion was made and seconded to approve the minutes from the August 9, August 23, and August 30, 2021, meetings. Motion carried 6-0.

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

CONSENT AGENDA

1. Declare listed items at Unity Health & Fitness surplus. Sell or discard. (List available at the city office or Unity.)
2. Approve request of Milbank Chamber, Treat Street – October 31, 2021 – 3-6 PM, Main Street, between 4th Ave and Railway Ave.
3. Approve request of Milbank Area Chamber, Holiday Lighted Parade – November 27, 2021 – 5-7 PM, Main Street between Park Ave and Railway Ave.
4. Approve request of Big Stone Radio/KMSD, City Goes Country – October 2, 2021 – 12-2:00 PM – Lake Farley Park.
5. Approve request of Milbank School District homecoming parade – September 24, 2021 – 2 PM – parade route: Flynn Dr west on 7th Ave, north on 5th St, west on 5th Ave, north on Main St.
6. Accept the resignation of Cathy Schuelke effective 9/23/21, Unity Health & Fitness front desk, part-time.
7. Approve Resolution 9-13-21, Contingency Resolution

Contingency Resolution

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.

Rubble Site – Maintenance, Grounds	101-43240-42540	\$35,000.00
Street – Highway/Streets	101-43100-43120	80,000.00
Park – Capital	101-45200-43000	-80,000.00
Gift Fund – Miscellaneous	222-48500-42900	500.00

Source of Funding – Contingency Fund	101-41150-41150	\$35,500.00
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Recreation Gift Fund	222-10100	500.00
General Fund	101-10100	500.00

Dated this 13th day of September 2021.

Aye: 6 Nay: 0 Absent: none

This Resolution is effective upon passage.

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

DEPARTMENT REPORTS

Water – Councilman Wiener stated a new water service was installed. The THM/HAA water samples received passing results. Water mains in the Milbank Avenue and Sixth Street area were

flushed to elevate rusty water issues. There were 12 on the monthly shut off list. The city is utilizing 40% spring water.

A motion was made and seconded to remove water restrictions. Motion carried 6-0.

Property Standards – Councilman Wiener reported to date 61 property standard letters have been sent out this year as compared to 135 in 2019 and 52 in 2020. Currently two properties are in disrepair, currently circumstances do not allow for action until the county moves for back taxes. Some properties are continual nuisances over the past few years. In the past, the city has not gone to the extent of issuing tickets as allowed by city code. The consensus of the council was to continue with notices without issuing tickets if possible.

Rubble Site – Councilman Hoeke stated the site has been extremely busy and nearing capacity due to the demolition debris brought in from Clinton Care Center, Big Stone City Motel, Grant County 4-H grounds and Koch School.

Street – Councilman Hoeke reported the department has been busy with routine equipment maintenance, street sweeping, mowing, and blading alleys. Road salt and sand has arrived in preparation for winter. Overhanging trees were trimmed. Mosquito spraying continues as weather permits.

A motion was made and seconded to pursue street lighting on Fourth Avenue (Highway 12) west to Farwell Drive (477 Avenue). Motion carried 6-0.

A motion was made and second to approve Resolution 9-13-21B. Motion carried 6-0.

Resolution 9-13-21B

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 south side of Third Avenue between Second Street and the alley immediately to the east.

Be It Further Resolved that appropriate traffic control signs shall be erected in accordance with the provisions of this resolution.

Aye: 6 Nay: 0 Absent: none

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

A motion was made and seconded to approve Resolution 9-13-21A. Motion carried 6-0.

Resolution 9-13-21A

A resolution to amend certain provisions of Table II of the Milbank Municipal Code regarding the location of stop or yield signs on streets and avenues.

Therefore, Be It Resolved that Table II of the Milbank Municipal Code shall be amended to include the following:

Stop Intersections: Third Avenue and Seventh Street, remove westbound, and erect a stop sign southbound at same intersection.

Be It Further Resolved that appropriate traffic control signs shall be erected in accordance with the provisions of this resolution.

Aye: 6 Nay: 0 Absent: none

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

Housing & Redevelopment – No report.

Police – Councilman Karels reported the Chief has been working with the State on the reciprocity exam and training for Officer Weinkauff. Officers have been patrolling the school zones before and after school.

Personnel – A motion was made and seconded to approve updates to the Personnel Policy Handbook. The updates include changes to Sections 2.6 Smoking and 9.1 City's Commitment to Drug and Alcohol-Free Workplace. Appendix F-Media Policy was added. The COVID-19 Administrative Leave policy was updated. Motion carried 6-0.

Attorney – No report.

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

A motion was made and seconded to add an invoice for Brent Powers Striping, \$2,441.60, and approve the claims list as amended, \$422,704.51. Motion carried 6-0.

A motion was made and seconded to approve the second reading of Ordinance 837, 2022 Appropriations. Motion carried by roll call vote 6-0.

Administrator Forman explained the City's insurance carrier inspects our properties every three years to assist in our loss control efforts. We have received and are addressing the list of improvement recommendations.

August salaries: Mayor/Council \$1,600; Finance \$14,349; Police \$27,025; Fire \$1,671; Street \$10,723; Rubble Site \$760; Recreation \$21,573; Park \$14,453; Water \$5,821; Wastewater \$13,528.

Airport – Councilman Briggs reported the dirt work and footings for the new AWOS system has been completed. The FAA is requiring trees southeast of the airport be removed.

Wastewater – Councilman Briggs reported the plant is running better with increased flows from the rains. The department has been modifying the new jet truck and vac trailer. The sludge loadout building was insulated.

Park – Councilwoman Rogers reported the flag football fields were measured and painted. Stump grindings were cleaned up and trees planted in the cemetery. The pickle ball court nets were repaired after vandalism.

Jamie Pekelder and Blake Swanson, SD GFP, stated they have received several complaints from residents in the Lakeview Addition. Pekelder stated he felt there were safety concerns, and the setback was too close to residences. As a matter of safety Pekelder and Swanson would like to see the setback pushed west to the West ½ Section line of Section 1 of Grant Center. With landowner permission, hunters could hunt up to that point, alleviating some safety concerns of residents in the Lakeview Addition. A motion was made and seconded to allow discharge of shotguns no closer to city limits than the ½ section line in Section 1, Grant Center Township. Motion carried 6-0.

Planning & Zoning – Councilwoman Rogers stated the Commission recommended the approval of three plats. A motion was made and seconded to approve Resolution 9-13-21D. Motion carried 6-0.

Resolution 9-13-21D

Whereas, Paul and Dawn Vanderwal, owners of the hereinafter described real property has submitted to the governing board a proposed plat of Lots 1 and 2 of Vanderwal 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, up 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 September 2021.

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.

A motion was made and seconded to approve Resolution 9-13-21C.

Resolution 9-13-21C

Whereas, Larry L. Hurley Trustee, Hurley and Sons Family Trust, owners of the hereinafter described real property has submitted to the governing board a proposed plat of Block 29 of Hurley's Addition located in the NE 1/4SE1/4 of Section 7, Township 120 North, Range 48 West of the 5th P.M., 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, up 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 September 2021.

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.

A motion was made and seconded to approve Resolution 9-13-21E. Motion carried 6-0.

Resolution 9-13-21E

Whereas, Arvid and Janet Liebe, owners of the hereinafter described real property has submitted to the governing board a proposed plat of Lot 2 of Twin Valley Tire Addition located in the SE ¼ of Section 12, Township 120 north, Range 49 west of the 5th P.M. 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, up 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 September 2021.

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.

August Permits:

Building Permits: James Christenson-209 N McBride St-garage. KO Storage of Milbank LLC-104 W 12th Ave-commercial storage units. Jacob Ebsen-402 W 4th Ave-commercial building. Steve Bogenrief-808 E Park Ave-accessory structure. Ryan Waldner-317 S Main St-commercial addition.

Demolition Permits: Steve Nelson-222 N 2nd St-house.

Sign Permits: Valley Liquor-1406 Morningside Dr. Valley Queen Cheese Factory-200 E Railway-temporary sign.

Roofing Permits: none

Fence Permits: none

Special Event Permits: Lance Hamman-Lake Farley-wedding-8/21/21. Speedway-Lake Farley-temp license by license holder-8/21/21.

Unity Health & Fitness – Councilwoman Rogers stated Dan Keyes completed an American Red Cross Lifeguard Instructors Course. This certification will enable him to provide lifeguard certification courses and not have to rely on out of are third party providers. Youth flag football started with 180 participants.

The summer celebration event was held on 8/21/21 with events for everyone. The staff reported nearly 400 attendees. New and renewal memberships received one extra month free.

The second and final phase of the aquatic HVAC upgrade project is underway. The pool will be closed 9-3-21 to 9-24-21.

A motion was made and seconded to approve the Joint Use Facility Agreement between the Milbank School District and the City of Milbank Parks & Recreation Department. Motion carried 6-0. The agreement will be effective for five years. With all stipulations met the shared facilities will include Unity Health and Fitness facility, softball and baseball fields and Pribyl Park, soccer field at Hurley Park and Cantine Tennis Courts, AB Campbell Stadium, high school and elementary gymnasiums, auditorium, kitchen, classrooms, and parking facilities.

Fire – Councilman Hanson read the monthly report. October 3-9, 2021 is Fire Prevention Week.

Lake Farley Projects – J&J Earthworks is finishing punch list items. Wiese Electric is waiting for the electrical pedestals to complete the electrical wiring. Soccer field irrigation is scheduled to be installed.

Adjourn – The next regular meeting will be October 11, 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: 8/18/21

Publish at an approximate cost of: \$_____

CLAIMS

9/13/2021

Advanced Technologies Inc.	shipping/equipment/supplies	\$	263.91
Alexis Andrews	refund	\$	40.00
All Flags, LLC	flags	\$	150.93
American Engineering Testing	testing	\$	424.05
Associated Supply Co.	pool chemicals/supplies	\$	2,350.13
Auto Value Parts Store	parts/supplies	\$	578.78
Avera Medical Group	exam	\$	138.00
Banner Associates, Inc.	engineering services	\$	7,301.50
Berkner Excavating & Gravel	clear culverts	\$	714.29
Beth Bohlen	refund	\$	40.00
Big Stone Broadcasting	Unity event ads	\$	700.00
Bituminous Paving Inc	asphalt	\$	482.56
Brent Power Striping	road striping	\$	2,441.60
Brewster Building Center	misc lumber	\$	88.77
BSN Sports	equipment/supplies	\$	1,181.09
Card Pointe	card fees	\$	376.63
Central Salt	deicing salt	\$	3,664.57
CHS	gas	\$	3,587.18
City of Milbank	deposit to final bill	\$	200.00
Cole Papers Inc.	supplies	\$	896.27
Companion Life Ins.	admin fee	\$	10.00
Connie Peterson	sew patches	\$	16.00
Corporate Technology	service agreement	\$	1,489.50
Crescent Electric Supply Co.	equipment	\$	317.28
Dan Keyes	travel expense	\$	114.24
Eastside Car Wash	truck wash usage	\$	8.40
Efraimson Electric LLC	AWOS III project	\$	20,878.03
Energy Laboratories, Inc.	testing	\$	2,346.00
Engelstad Electric	electrical repairs	\$	190.82
FACe-propay	transaction fee	\$	0.73
Ferguson Waterworks #2516	meters/parts	\$	1,713.05
First Bank & Trust credit card	supplies/parts/equipment	\$	5,902.25
Flexible Pipe Tool Co.	parts/supplies	\$	1,210.30
Food-N-Fuel	gas	\$	613.66
FOP NE Lodge	registraion fee	\$	1,300.00
Gall's LLC	uniforms/accessories	\$	498.42

Gesswein Motors	vehicle service	\$	482.55
Grant County Auditor	county services	\$	13,400.00
Grant County Development Corp	allocation	\$	17,500.00
Grant County Review	publications	\$	1,131.78
Hartmans Family Foods	supplies	\$	19.83
Hawkins Inc.	chemicals	\$	8,600.57
Heiman Fire Equipment	helmets/parts	\$	562.13
Helms & Associates	engineering services	\$	4,434.34
Independent/Northern Star	inserts/table cover/signs	\$	4,674.81
ITC	telephone/internet service	\$	1,451.26
J & J Earthworks	base material	\$	5,650.35
Jamie DeVaal	certification fee	\$	150.05
Jeff Loutsch	clothing allowance	\$	100.00
Jeffifer Nordly	refund	\$	80.00
John Deere Financial	parts/repairs	\$	629.58
Kelly Kutters	mowing contract	\$	12,725.00
Kiefer Aquatics	equipment	\$	100.20
Lewis Drug Stores	supplies	\$	75.56
Lynnette Arens	refund	\$	40.00
Macsteel Warehouse	storage unit	\$	3,800.00
McLeod's Printing	supplies	\$	210.58
Midwestern Mechanical, Inc.	sprinkler inspection	\$	525.00
Mike's Stump Grinding	stump grinding	\$	200.00
Milbank Area Chamber of Commerce	allocation	\$	14,500.00
Milbank Fire Department	rent/allocation	\$	15,500.00
Milbank Winwater	parts/supplies	\$	857.78
Money Movers	NIHCA fees	\$	9.50
Moro USA Inc.	parts	\$	37.32
NAPA Auto Parts	parts/supplies	\$	838.38
Nelson Electric Inc.	system repairs	\$	1,636.74
Newman Traffic Signs	signs	\$	1,550.82
Northern Truck Equip Corp	parts	\$	902.70
NW Energy	natural gas	\$	787.63
Otter Tail Power	electric	\$	22,750.89
Petty Cash	postage/supplies	\$	21.04
Praxair Distribution Inc.	service air system	\$	47.12
Reedstrom, Mark	retainer fee	\$	1,000.00

Roger's Electric Motor	parts	\$	764.01
Running's Supply, Inc.	supplies/parts	\$	1,038.61
Schmidt Spray Foam	spray insulation	\$	9,918.39
SCR	system repairs	\$	19,646.23
SD Dept of Revenue & Regulation	sales tax	\$	1,811.41
SD Public Health Lab	testing	\$	195.00
SDML	handbooks	\$	110.00
Share Corp	supplies	\$	1,443.99
South Dakota 811	one calls	\$	55.65
Star Laundry & Cleaners	laundry service	\$	149.31
Stoney Brook Ent Inc.	supplies	\$	2,699.95
Street Graphex Inc.	shirts/name plates	\$	121.60
Sturdevants Auto Parts	parts	\$	222.29
Swenson Tree Service	trim branches	\$	200.00
The Original Marketing Group	marketing/website service	\$	1,950.00
TK Elevator Corp	service elevator	\$	3,078.20
Trapp Plumbing Co Inc.	repairs	\$	79.82
Twin Valley Tire	tires/tire service	\$	823.83
UPI Petroleum	gas	\$	1,858.98
US Bank	bond payment	\$	164,360.00
US Postal Service	postage	\$	360.00
USA Bluebook	supplies	\$	1,849.37
Valley Office Products	supplies	\$	712.86
Valley Rental & Recycling	recycling agreement	\$	650.00
Western Consolidated Coop	lawn spray/fertilizer	\$	864.25
Whetstone Home Center Inc.	supplies/misc lumber	\$	1,901.71
Whetstone Sanitation	rental portable restrooms	\$	475.00
Whetstone Valley Electric	electric/repairs	\$	2,405.48
Wilbur Ellis	FBO Contract	\$	1,200.00
Winter Equipment Co Inc.	parts	\$	397.82
WM Corporate Services Inc.	garbage service	\$	210.30
Xerox	copier lease	\$	1,938.00
		\$	422,704.51