

MILBANK CITY COUNCIL PROCEEDINGS
October 11, 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 and Mindy Rogers. Absent: Scott Hoeke. Present from the staff: Attorney Mark Reedstrom, Boyd VanVooren, Cynthia Schumacher, Darin Thiele, Don Settje, Dan Keyes, Ron Krause, Scott Meyer, and Kevin Schuelke. Public present: Holli Seehafer, Derrick Wixon, Kate Wixon, Regina Wixon, and Darin Wixon.

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

Public Input – none.

A motion was made and seconded to approve the minutes from the September 13, 2021 meeting. Motion carried 5-0.

A motion was made and seconded to approve the Consent Agenda as follows. Motion carried 5-0.

CONSENT AGENDA

1. Approve the quote for tree removal at the airport, submitted by Swenson Tree Service, \$38,850. (J&J Earthworks-\$39,600.)
2. Approve Resolution 10-11-21A – Fees.

Resolution 10-11-21A

WHEREAS, the City Council, City of Milbank, Grant County, South Dakota, desires to update and set new fees for services provided by the City; and,

WHEREAS, the City Council has agreed that services provided by the City should maintain a fee structure that is adequate to cover all expenses for these services;

THEREFORE, BE IT RESOLVED that the City of Milbank does hereby revise and set new fee structures to cover the expenses for services provided by the City of Milbank, such that:

- | | |
|---|----------|
| 1) Re-Zoning | \$ 70.00 |
| 2) Variance | \$ 50.00 |
| 3) Vacating | \$ 60.00 |
| 4) Conditional Use Permit | \$ 30.00 |
| 5) Submittal of Proposed Development Plat | \$100.00 |
| 6) Peddler license – daily | \$ 10.00 |

7) Peddler license – yearly	\$ 50.00
8) Transient Merchants – daily	\$250.00
9) Transient Merchants – bond	\$500.00
10) Nuisances – grass/weeds, snow and trees	\$150.00 min. or \$150.00/hr.
11) Water shut off requested by customer	\$ 10.00
12) Water turn on requested by owner	\$ 10.00
13) Street sweeper	\$ 80.00 min. or \$80.00/hr.
14) Jet rodding	\$ 80.00 min. or \$80.00/hr.
15) Flags	Our cost
16) Maps – small	\$ 5.00
17) Maps – large	\$ 7.00
18) Photo Copies – regular	\$.50
19) Photo Copies – Legal	\$.75
20) Handling Fee charges to Assessments	\$ 20.00
21) Clay	\$ 3.25/cu. yd. we load
22) Clay	\$ 3.00/cu. yd. they load
23) Crushed Concrete	\$ 11.00/ton
24) Contaminated Soil	\$ 10.00/cu. yd.
25) Contaminated Liquid	\$.50/gal
26) Apply salt/sand	\$ 80.00 min. or \$80.00/hr.

Aye: 5

Nay: 0

Absent: Scott Hoeke

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

3. Approve Resolution 10-11-21– Stop & Yield Signs.

Resolution 10-11-21

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:

- 3rd Avenue and Grant Street, erect stop signs, both Northbound and Southbound on Grant Street at 3rd Avenue.

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

Aye: 5

Nay: 0

Absent: Scott Hoeke

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

4. Approve Change Order #1 - W 7th Ave Project - +7,225.00, additional pavement & retaining wall.
5. Approve Resolution 10-11-21D Consolidated Board of Equalization.

RESOLUTION 10-11-21D

City of Milbank Combined Board of Equalization

WHEREAS, the City of Milbank Board of Equalization, Grant County, South Dakota, does desire to consolidate local board of equalization with the County Board of Equalization for 2021 tax year, payable 2022, as permitted in SDCL 10-11-68, and

WHEREAS, the City of Milbank Board of Equalization also believes the consolidation of the two boards would promote efficiency and equity of the equalization procedures. THEREFORE, BE IT RESOLVED that there be formed a Consolidated Board of Equalization in accordance with SDCL 10-11-68 for real property within the County of Grant.

BE IT FURTHER RESOLVED that the City of Milbank Board of Equalization will have a member sit on the Consolidated Board of Equalization as designated by SDCL 10-11-68.

BE IT FURTHER RESOLVED that the City of Milbank Board of Equalization will compensate any expenses for their member that is on the County Board of Equalization.

Adopted and approved the 11 day of October, 2021.

Aye: 5 Nay: 0 Absent: Scott Hoeke

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

CC: Karen Layher, Grant County Auditor

6. Approve advertising for snow removal bids.

DEPARTMENT REPORTS

Water – Councilman Wiener reported two new service lines were installed. The department has been flushing hydrants, winterizing the sprinklers at the ball fields, and changing out old meters. Maguire Iron power washed the outside of the water tower. There were seven on the monthly shut off list. The city is utilizing 50% spring water.

Mayor Raffety stated the City had received the first payment of the Coronavirus Local Fiscal Recovery Fund. The planned use for the funds is to repaint/rehab the water storage facilities.

Property Standards – No report.

Rubble Site – Scott Meyer reported the staff has been at the site nearly full time to handle the debris coming in from large demolition projects and the ongoing demolition of Koch School. Bates Construction began digging the new pit; however, the heavy rains have caused the sides to collapse.

Street – Routine mowing, street sweeping, alley blading, pothole patching, and mosquito spraying continues. Several new traffic signs were installed.

Housing & Redevelopment – No report.

Police – Councilman Karels reported officers attended a crisis training. The officers have been back in school doing talks. DARE classes have started. Junior Achievement classes will start soon. The GF&P are looking into grants to assist with a pistol range.

Personnel – The Mayor explained he is working with Administrator Forman to update the organizational chart into an accountability chart.

Attorney – No report.

Finance – A motion was made and seconded to approve the September Treasurer's report. Motion carried 5-0.

A motion was made and seconded to approve the claims list as amended, \$356,544.44. Motion carried 5-0.

A motion was made and seconded to approve the IntraFi Network Deposits DDA-MMDA, Deposit Placement Agreement. Motion carried by roll call vote 5-0.

Mayor Raffety explained, with the current low interest rates, he is considering a bond to complete several projects such as, Lake Farley bathhouse, playground equipment, River Street, First Street, fire truck. He is reviewing several projects and prices to propose to the Council at the November meeting.

September salaries: Mayor/Council \$1,600; Finance \$14,750; Police \$28,333; Fire \$1,671; Street \$10,769; Rubble Site \$730; Recreation \$20,496; Park \$13,022; Water \$6,002; Wastewater \$14,214.

Airport – Councilman Briggs reported Faeth Fencing is doing extensive repairs to the fence.

Wastewater – Councilman Briggs reported HydroKlean completed the annual main cleaning and televising. Issues on First Street were identified and will need repairs. All tests came back with passing results.

Park – Councilwoman Rogers reported the pickle ball courts have been surfaced and reopened. Seasonal maintenance works continues.

Planning & Zoning – Councilwoman Rogers stated a variance requested by Cal Schulte for an oversized (36' x 56') accessory structure at 506 S 3rd St was approved.

Upon the recommendation of the Commission, a motion was made and seconded to approve Resolution 10-11-21B. Motion carried 5-0.

Resolution 10-11-21B

Lot Merger Agreement

This lot merger agreement is made this 4th day of October, 2021 by and between Arvid Liebe (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 desires to use the above described lots in service of a single principal structure; and

Whereas, merger of the lots is required by Section 17.09.06.

The City and Property Owner agree as follows:

1. Property Owner and City do hereby agree that the lots described as Lots 3 & 4, Block 43, Original Townsite to the City of Milbank, Grant County, South Dakota, the plat for which is recorded in the Register of Deeds of Grant County in Book PE, Page 56A, and as more fully described in a deed from Wells Fargo to Arvid Liebe dated 9/25/2017 and recorded at the Register of Deeds of Grant County in Book 119, Page 642 (the Lots) are subject to the terms and conditions of this agreement.
2. Upon execution of the 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 17.09.03.
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 the 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 ordinance 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 the Agreement, their legal representatives, successors, and assigns.

Arvid Liebe, Property Owner

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 11th day of the month of October, in the year 2021.

The City of Milbank, Grant County, SD, a municipal corporation
Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

A motion was made and seconded to approve Resolution 10-11-21 C. Motion carried 5-0.
Resolution 10-11-21C

Whereas, Derrico Properties, LLC, owners of the hereinafter described real property has submitted to the governing board a proposed plat of Block 1 of Wixon Addition 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, of 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 11th day of October 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.

September Permits:

Building Permits:

David Frerichs-306 E 10th Ave-deck. Duane Tillman-204 Track Ave-accessory structure. Derrico Properties, LLC-213 N Dakota Ave-commercial storage units.

Demolition Permits: HME Management-410 E 10th Ave-school.

Sign Permits: Taco Johns-219 W 4th Ave.

Roofing Permits: none

Fence Permits: none

Special Event Permits: Milbank School District-homecoming parade-9/24/21. KMSD-City Goes Country-Lake Farley-10/2/21. Milbank Chamber-Treat Street-Main Street-10/31/31. Milbank Chamber-Lighted Holiday Parade-Main Street-11/27/21.

Unity Health & Fitness – Dan Keyes explained he has coordinated with the High School and is teaching an American Red Cross, Lifeguard Training Program as an elective the first semester. Seven students are in the class.

Keyes met with the Valley Queen IMPACT Committee to discuss the possibility and location of a splash park. Youth flag football wrapped up and adult pickleball, volleyball and basketball will start mid-October. Staff is evaluating feedback received from a general customer satisfaction survey for Unity operations.

Work is ongoing to resolve the elevator issues. Staff was informed of delays with the completion of the Unity HVAC replacement project due to supply chain issues.

Fire – Councilman Hanson stated the department visited the school last week during Fire Prevention Week.

Lake Farley Projects – No report.

Adjourn – The next regular meeting will be November 8, 2021, at 7:00 PM. A motion was made and seconded to adjourn. Motion carried 5-0.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Publish: 10/20/21

Publish at an approximate cost of: \$ _____

CLAIMS

10/11/2021

Advanced Technologies Inc.	shipping/equipment/supplies	\$	306.52
Al's Body Shop	supplies	\$	54.00
American Engineering Testing	testing	\$	247.90
Apex Iron Works	ss tanks	\$	3,900.00
AT&T	cell phone	\$	466.99
Auto Value Parts Store	parts/supplies	\$	117.95
B&H Photo	pa system	\$	1,052.17
Banner Associates, Inc.	engineering services	\$	9,798.25
Bituminous Paving Inc	asphalt paving	\$	68,636.04
Black Hills Ammunition	ammo	\$	308.50

Black Mountain Software	annual agreement	\$	12,500.00
Card Pointe	card fees	\$	254.87
CHS	gas	\$	2,469.44
City of Milbank	deposit to final bill	\$	168.57
Cole Papers Inc.	supplies	\$	379.15
Companion Life Ins.	admin fee	\$	10.00
Corporate Technology	service agreement	\$	1,769.50
Dewey's Lawn Care	tree	\$	86.79
Doheny's	paint	\$	3,300.00
Eastside Car Wash	truck wash usage	\$	27.30
Faeth Fencing	install fence	\$	8,190.60
Ferguson Waterworks #2516	meters/parts	\$	15,632.61
First Bank & Trust credit card	supplies/parts/equipment	\$	1,222.58
Flexible Pipe Tool Co.	parts/supplies	\$	32.00
Folk, Jake	notary bond renewal	\$	30.00
Folk, Jake	clothing allowance	\$	100.00
Food-N-Fuel	gas	\$	450.69
Fraasch, LaVonne	refund	\$	116.00
GCC Consolidated Ready Mix	sand	\$	2,036.17
Gesswein Motors	vehicle repairs	\$	65.44
Grant County Auditor	county services	\$	1,675.00
Grant County Review	publications	\$	1,003.69
Hawkins Inc.	chemicals	\$	3,666.19
Heiman Fire Equipment	helmets/parts	\$	918.90
Helms & Associates	engineering services	\$	3,167.79
Highland Products Group	receptacles	\$	3,136.94
Hooth, Corey	notary bond renewal	\$	90.00
Interstate All Battery Center	batteries	\$	179.70
ITC	telephone/internet service	\$	1,419.14
J & J Earthworks	w 7th Ave project	\$	81,742.76
John Deere Financial	parts/repairs	\$	2,027.43
Kelly Kutters	mowing contract	\$	12,725.00
Markve Insurance	notary bond renewal	\$	60.00
Mattice, Gillian	deposit refund	\$	23.39
Milbank Ford & Mercury	vehicle service	\$	51.64
Milbank Winwater	parts/supplies	\$	321.23
Money Movers	NIHCA fees	\$	9.00
NAPA Auto Parts	parts/supplies	\$	3,629.15
Nick's Repair	equipment repairs	\$	35.00
NW Energy	natural gas	\$	564.64
Otter Tail Power	electric	\$	18,907.98
Peak Software Systems	key fobs	\$	504.40
Petty Cash	postage/supplies	\$	64.13

Poppen, Dick	travel expense	\$	1,000.78
Praxair Distribution Inc.	service air system	\$	47.12
Purchase Power	postage	\$	1,000.00
RCX Sports LLC	supplies	\$	5,400.00
RDO Equipment, Co	parts	\$	162.11
RDR Welding & Machining	valves	\$	960.00
Reedstrom, Mark	retainer fee	\$	1,000.00
Roger's Electric Motor	parts	\$	59.40
Running's Supply, Inc.	supplies/parts	\$	1,647.47
Schumacher, Cynthia	supplies	\$	50.00
SD Dept of Revenue & Regulation	sales tax	\$	3,223.08
SD Public Health Lab	testing	\$	267.00
Settje, Donald	clothing allowance	\$	55.35
Share Corp	supplies	\$	534.37
South Dakota 811	one calls	\$	98.70
Star Laundry & Cleaners	laundry service	\$	163.74
Stengel, Tim	mill operation/maintenance	\$	530.00
Street Graphex Inc.	name plates	\$	77.30
The Original Marketing Group	marketing/website service	\$	650.00
The Valley Shopper	help wanted ad	\$	85.04
Transource	gutter brooms	\$	394.46
Trapp Plumbing Co Inc.	repairs	\$	456.75
Twin Valley Tire	tires/tire service	\$	808.08
Unity Health & Fitness	membership	\$	200.00
Unzen Motors	battery	\$	178.95
UP North Concrete	concrete work	\$	3,700.00
UPI Petroleum	gas	\$	2,482.86
US Bank	bond payment	\$	52,951.51
US Postal Service	postage	\$	400.00
USA Bluebook	supplies	\$	605.66
Valley Office Products	supplies	\$	371.96
Valley Rental & Recycling	recycling agreement	\$	650.00
Van Diest Supply Co	mosquito chemicals	\$	1,414.25
VanLith, Val	deposit refund	\$	49.67
Whetstone Home Center Inc.	supplies/misc lumber	\$	709.21
Whetstone Sanitation	rental portable restrooms	\$	475.00
Whetstone Valley Electric	electric/repairs	\$	920.48
Wilbur Ellis	FBO Contract	\$	1,200.00
Wilmot Veterinary Clinic	animal control	\$	96.92
Window Pros	window wash	\$	490.00
Wiseman, Brent	deposit refund	\$	58.37
WM Corporate Services Inc.	garbage service	\$	210.30

Xerox	copier lease	\$	490.31
Yoder's Contracting	repair door	\$	459.18
Zee Medical Service	supplies	\$	105.93
		\$	356,544.44