

MILBANK CITY COUNCIL PROCEEDINGS

March 14, 2022

PURSUANT TO DUE CALL AND NOTICE THEREOF, a regular meeting of the City Council was duly held at City Hall at 7:00 PM, March 14, 2022. 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, Kevin Schuelke, Ron Krause, Dan Keyes, Dick Poppen, Darin Thiele, Don Settje, and Scott Meyer. Public present: Holli Seehafer, Amanda Thronson, Ashley Frerichs, Ken Follman, Laurie Folk, Krista Atyeo-Gortmaker, Mike Mach, Bill Tostenson, Stacy Anderson, and Kathy Ward.

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

Public Input – Krista Atyeo-Gortmaker with Grant County Economic Development gave a quarterly update.

Minutes – A motion was made and seconded to approve the minutes from the February 14 and February 28, 2022, meetings. Motion carried 6-0.

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

CONSENT AGENDA

1. Ratify hiring: Benett Street, Unity-Lifeguard, \$14.23, 2/26/22.
2. Approve Abby Larson, Unity substitute trainer, \$13.42, 1/25/22.
3. Approve the transfer of \$180.00 from HOM fund to General Fund invoices, Grant County Review-\$180.00.
4. Approve appointment of Hans Sacrison to the Planning Commission, March 2022 – December 2026.
5. Approve hiring David Heidemann, seasonal staff, \$15.15, 3/14/22.
6. Approve the audit engagement letter with Eide Bailly for audit year ending 2021.
7. Approve advertising for Ground Storage Reservoir Coatings.
8. Authorize to advertise for bids – street materials.
9. Authorize to advertise for bids – 1st Street/Virgil Avenue (1st St between Park Ave and 5th Ave) (Virgil Ave east of Flynn Parkway).
10. Approve program agreements for youth baseball/MBDA, tennis, swim team.
11. Approve Unity dress code policy.
12. Transfer CLFRF NEU funds from general fund to water fund for water tower rehab \$277,449.51.
13. Approve adverting for Phase I - baseball field construction.

14. Approve advertising for baseball materials.
15. Approve advertising for part-time police officer.
16. Approve Resolution 3-14-22, Bridge Reinspection.

RESOLUTION 3-14-22
BRIDGE INSPECTIONPROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS

WHEREAS, 23 CFR 650, Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of Milbank is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire Banner Associates, Inc. for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.

Dated this 14th day of March 2022, at Milbank, South Dakota.

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

DEPARTMENT REPORTS

Park – Councilwoman Rogers gave the park report, citing the ice rink has been closed for the season.

Proposals for Pribyl Park playground equipment were submitted to the Council. Upon the recommendation of the Park Board, a motion was made and seconded to approve option three and award the bid to Landscape Structures in the amount of \$258,993 (Sourcewell Contract No. 010521-LSI) which includes the equipment and installation. Option three provides options for a greater age range than option one. Motion carried 6-0.

The Council reviewed plans for a splash park at Hurley Park. The project was initiated by the Valley Queen Charitable Foundation (VQCF). Amanda Thronson and Ashley Frerichs addressed questions on behalf of VQCF. The project will be funded with donated monies. A motion was made and seconded to approve the construction of the splash park at Hurley Park. Motion carried 6-0. The motion was rescinded. A new motion was made and seconded to approve the construction of the splash park at Hurley Park with donated funds. Motion carried 6-0.

A motion was made and seconded to approve the improvements at Jack & Jill Park. The improvements would include the reconstruction of the basketball court and new sandbox with three integrated sand play toys. The estimated cost is \$52,630. Motion carried 6-0.

A motion was made and seconded to approve the 3-year ground maintenance bid to Kelly Kutters in the amount of \$302,126.00 (\$100,708 annually). Only one bid was received. Motion carried 6-0.

A motion was made and seconded to approve the Milbank Area Chamber Event requests as follows: 1. Cinco De Mayo-Mexican Heritage Day at Lake Farley, May 7, 2022. 2. Fourth of July fireworks at Lake Farley, July 4, 2022. 3. Fairly Fest, July 29-31, 2022. Motion carried 6-0.

Water – Councilman Wiener reported there was a major water break at the water tower which required the tower to be taken out of service and drained. The city is utilizing 77% spring water.

Property Standards – No report.

Rubble Site – Councilman Hoeke read the monthly report.

Street – Councilman Hoeke reported equipment was repaired and seasonal equipment is being prepped for the summer.

The committee requested additional time before making recommendations pertaining to parking on Second and Third Avenues a half block east of Main Street.

A drainage permit submitted to the county by Michael Schneck was discussed. The drainage would flow into the city's drainage ditch on the south end of town. A motion was made and seconded to direct Administrator Forman to attend the drainage board meeting to express the city's desire that a gate valve be installed, to be controlled by the Emergency Manager. Motion carried 5-1, Hanson voting against.

Police – Councilman Karels gave the monthly report.

Personnel – No report.

Attorney – No report.

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

A motion was made and seconded to approve the bills list, \$353,133.41. Motion carried 6-0.

A motion was made and seconded to approve the second reading of Ordinance 841- Establishing a schedule for introduction and adoption of the annual municipal budget. Motion carried by roll call vote 6-0.

A motion was made and seconded to add \$17,709 to Ordinance 843 for the mowing contract. Motion carried 6-0.

A motion was made and seconded to approve the first reading of Ordinance 843-2022 Supplemental Appropriation Ordinance. Motion carried by roll call vote, 6-0.

February salaries: Mayor/Council \$1,600; Finance \$15,068; Police \$29,344 Fire \$1,716; Street \$13,261; Rubble Site \$793; Recreation \$24,262; Park \$10,127; Water \$6,675; Wastewater \$15,254.

Airport – No report.

Wastewater – Councilman Briggs read the monthly report.

Unity Health & Fitness – Councilwoman Rogers gave the monthly report. Applications for seasonal park staff and summer recreation staff is ongoing. Registration is open for summer activities.

Planning & Zoning – Mayor Raffety appointed Councilman Steve Wiener to the Consolidated Board of Equalization, April 12, 2022.

A motion was made and seconded to approve the second reading of Ordinance 842, Chapter 17, Zoning. Motion carried by roll call vote 6-0.

Councilwoman Rogers reported a conditional use permit was approved for Tuny's LLC, Mike Tunnissen and Cherry Brockway for the operation of a food truck located at 406 West 4th Avenue. A Lot merger and variance was approved for Austin and Cydney Hunt for the construction of a second detached accessory structure located at 1014 Adams Drive.

A motion was made and seconded to approve Resolution 3-14-22A-Lot Merger Agreement.

RESOLUTION 4-13-20B

THIS LOT MERGER AGREEMENT, is made this 11th day of February 2022 by and between Austin & Cydney Hunt (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 has applied for Building Permit Number 2022-02 to construct an accessory structure; and

WHEREAS, Property Owner desires to use the above described lots in service of a single principal use; and

WHEREAS, merger of the lots is required by Section 17.24.

The City and Property Owner agree as follows:

1. Property Owner and City do hereby agree that the lots described as Lot 8, Block 10 Hurleys Addition and Lot 9, Block 10, Hurley's Addition, the plat for which is recorded in the Register of Deeds of Grant County in Book 3, Page 52, and as more fully described in a deed from Eric Brewster/Wendland Ent. to Austin & Cydney Hunt dated and recorded at the Register of Deeds of Grant County in Book 117, Page 67 and Book 117, Page 219 ("the Lots") are subject to the terms and conditions of this agreement.
2. Upon execution of this 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 17.24.
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 with 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 resubdivided, except in compliance with the ordinances 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 to the Agreement, their legal representatives, successors, and assigns.

The parties do here unto set their hands and seals on the date and year first above written.

Austin Hunt, 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 14th day of the month of March, in the year 2022.

By: Pat Raffety, Mayor

ATTEST Cynthia Schumacher, Finance Officer

February Permits: Nick Frerichs-205 Track Ave-accessory structure. Randy Stucky-111 S Viola St-moved in accessory structure.

Lake Farley Projects – No report.

Fire – Councilman Hanson gave the monthly report. Chief Schuelke reported three of the outdoor sirens are scheduled for repairs.

Adjourn – The next regular meeting will be April 11, 2022, at 7:00 PM. A motion was made and seconded to adjourn 8:30 pm. Motion carried 6-0.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Publish: March 23, 2022

CLAIMS

3/14/2022

Adobe	subscription	\$	50.86
Advanced Technologies Inc.	shipping/supplies	\$	2,351.74
Al's Body Shop	supplies	\$	54.00
Alternative HR, LLC	HR support	\$	72.50
Amazon	supplies	\$	247.03

American Red Cross	training	\$	625.00
Associated Supply Co.	parts, supplies	\$	863.56
AT&T	cell phone	\$	465.67
Auto Value Parts Store	parts/supplies	\$	1,640.11
Banner Associates, Inc.	engineering services	\$	21,093.70
Berens, Brandon	reimbursement-sewer main	\$	398.31
Berkner Excavating & Gravel	snow removal/repairs	\$	4,819.76
Best Buy	supplies	\$	63.89
BIB	background checks	\$	122.00
BSN Sports Inc.	exercise tubes/whistles	\$	403.79
Butler Machinery Co	parts	\$	315.88
Card Pointe	card fees	\$	350.97
CHS	gas	\$	3,854.89
City of Milbank	deposit refund	\$	100.00
Cole Papers Inc.	supplies	\$	904.56
Companion Life Ins.	admin fee	\$	10.00
Corporate Technology	service agreement	\$	1,632.00
Crescent Electric Supply Co	parts	\$	412.30
Eastside Car Wash	truck wash usage	\$	18.06
Energy Lab	testing	\$	2,621.00
Engelstad Electric Co. Inc.	blades	\$	342.16
FACe-Propay	transaction fees	\$	51.26
Feld Fire	parts	\$	1,629.70
Forman, John	travel expense	\$	247.92
Grant County Auditor	county services	\$	1,675.00
Grant County Development Corp	allocation	\$	17,500.00
Grant County Review	publications	\$	838.52
Great Northern Environmental	parts	\$	6,548.05
Hawkins	chemicals	\$	8,191.98
Heiman Fire	supplies	\$	58.00
Helms & Associates	engineering services	\$	136.59
Inland Truck & Parts	parts	\$	1,961.64
Interstate All Battery Center	batteries	\$	249.50
ITC	telephone/internet service	\$	1,489.31
Jefferson Lines	shipping	\$	107.80
Jim Jolly Sales	parts	\$	1,429.68
John Deere Financial	parts	\$	1,377.29
Lewis Drug	supplies	\$	18.69
Linde Gas & Equipment	service air system	\$	48.87
MC&R Pools, Inc.	parts	\$	241.95
Meierhenry Sargent LLP	bond counsel	\$	9,800.00
Midwestern Mechanical, Inc.	repr fire alarm panel	\$	1,096.11

Milbank Area Chamber of Commerce	allocation	\$	14,500.00
Milbank Fire Department	building rent	\$	7,500.00
Milbank Ford-Mercury	vehicle repairs	\$	8,531.44
Milbank Winwater Co.	parts	\$	247.28
Money Movers	NIHCA membership fee	\$	11.50
Morton, Linda	replace mailbox	\$	175.54
NAPA Auto Parts	parts/supplies	\$	1,188.82
Nelson Electric, Inc.	repairs	\$	153.06
Nova Fitness Equipment	equipment repairs	\$	421.75
NW Energy	natural gas	\$	21,411.53
Otter Tail Power	electric	\$	20,650.92
Petty Cash	supplies/postage	\$	10.34
Purchase Power	postage	\$	2,000.00
Quill	supplies	\$	257.75
Ramkota Hotel-Pierre	travel expense	\$	96.00
RDO Equipment Co.	parts	\$	429.50
Reedstrom, Mark	retainer fee	\$	1,000.00
Reimche Airspray LLC	FBO Contract	\$	1,200.00
Ricarie Software	applicant stack subscription	\$	99.00
Roger's Electric	parts	\$	464.59
Running's Supply, Inc.	supplies/parts	\$	977.04
Sanitation Products, Inc.	parts	\$	119.33
SD Department of Health	inspection fee	\$	150.00
SD Department of Revenue	sales tax	\$	2,507.23
SD Public Assurance Alliance	property/liability insurance	\$	148,458.18
SD Public Health Lab	testing	\$	86.00
Share Corp	supplies	\$	231.51
South Dakota 811	one calls	\$	5.25
Spotify	subscription	\$	10.64
Star Laundry & Cleaners	laundry service	\$	195.20
Street Graphix	staff shirts	\$	26.98
The Lodge @ Deadwood	travel expense	\$	231.78
The Valley Shopper	job ads	\$	382.68
Thiele, Darin	clothing allowance	\$	100.00
Twin Valley Tire	tires/tire service	\$	53.95
UPI	gas	\$	3,289.03
US Bank - St Paul	bond fees	\$	13,272.50
US Postal Service	postage	\$	420.00
Valley Office Products	supplies	\$	45.01
Valley Rental & Recycling	recycling agreement	\$	650.00
West Central Communications	antenna	\$	35.00
Wherry Snow Removal	snow removal	\$	175.00

Whetstone Home Center Inc.	supplies/misc. lumber	\$	577.40
Whetstone Sanitation	garbage service	\$	85.00
Whetstone Valley Electric	electric/repairs	\$	1,199.39
WM Corporate Services Inc.	garbage service	\$	295.05
Xerox Corporation	copier leases	\$	561.83
Zoom Video Communications Inc	subscription	\$	111.81
		\$	353,133.41