

City of Milbank

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MILBANK CITY COUNCIL PROCEEDINGS APRIL 12, 2010

PURSUANT TO DUE CALL AND NOTICE THEREOF, a regular meeting of the City Council was duly held at City Hall at 7:00 PM. Following members were present: Mayor Dale Aesoph, Councilmen Don Larson, Joel Foster, Steve Wiener, Scott Hoeke, Mike Mach and Lane Lindquist. Absent: none. Present from the staff were Tim Kwasniewski, Boyd VanVooren, Dick Poppen, Cynthia Schumacher, Don Settje and Bryan Lambrechts. Present from the public: Frieda Ehlebracht, Jeff Ehlebracht, Vera Ehlebracht, Cheryl Veen, Rachel Richardt, Kendra Snaza, Amanda Stone, Isaac Lindquist, Brandon Folk, Taylor Boerger, Chris Block, Austin Berens, Brandi Buescher, Tayla Schulte, Laura Foss, Vicki Nelson, Dawn Stone, Ken Wiseman, Ben Forrett, Taylor Wellberg, Tori Hopkins, Courtney Trapp, and Susan Oslund.

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

A motion was made and seconded to approve the minutes of March 8, 2010 meeting. Motion carried 6-0.

Open Session – Several residents from the North Grant and First Street area were present to discuss the condition of properties in their neighborhood. The Mayor stated the City Administrator and Police Chief would review the complaints and do what they could to resolve the issues.

A Public Hearing was held for the Special Malt Beverage License request by the Chamber of Commerce. No one spoke against the request. A motion was made and seconded to approve the license as requested. Motion carried 6-0.

A motion was made and seconded to approve the Consent Agenda as presented. A motion was made and seconded to amend the motion excluding the item pertaining to the 4-H malt wagon. Motion carried 6-0 to approve the Consent Agenda as amended.

Consent Agenda

1. Write-off utility account for Manor Motel, \$3,515.96. Jonsdottier/Asgrimsson bankruptcy.
2. Write-offs: Cris Cordell-fire call-\$250.00-small claims filed. Andre Lawrence-parking ticket-\$102.10-dismissed by court.
3. Approve hiring of summer help: Dennis Murphy \$8.25/hr; Ryan Conrad \$8.00; Chase Breske \$7.50; Alex DeFea \$7.25; Jeremy Tostenson \$9.00.
4. Declare the following items surplus: center console from Crown Victoria, light bar from Crown Victoria, 1992 Honda Accord, and radar unit.

A motion was made and seconded to approve the 4-H malt wagon to be located at the City Office parking lot, June 7-9, 2010. Hoeke expressed concerns regarding the appropriateness of the City sponsoring fundraisers, incurring expense for additional electricity and water. He felt it would be more appropriate if a local business sponsored the event. Following discussion, the motion carried to approve the request, 5-1, Hoeke voting against.

DEPARTMENT REPORTS

Water – Wiener reported the Consumer Confidence Reports are being printed and will be mailed out soon. Fire Hydrant flow tests were done around the St William's Home. Spring water main flushing will begin this week. The city is utilizing 100% spring water.

Wastewater – Larson reported the plant is running well. The Department is doing toxicity tests this week. The Auger Monster was sent in for repairs. The six-inch pump has been repaired. Flows increased immensely, residents were reminded to remove sump pump discharge from the sanitary sewer system.

A motion was made and seconded to approve the Sanitary Sewer Improvements 2010 bid submitted by States Borders Construction, Inc., \$75,647.50. Motion carried 6-0. Four additional bids were received. They are as follows: Quam Construction \$93,970.50; Ronglien & Sons Excavating, Inc. \$95,394.50; Kuechle Underground, Inc. \$96,712.00; A.P. & Sons Construction Inc. \$102,696.00.

Rubble Site – Milbank Clean-Up Days are April 24 - May 1, 2010.

Park & Cemetery – Two seasonal employees will start this week.

A motion was made and seconded to approve Resolution 4-12-10. Motion carried 6-0.

Resolution 4-12-10

BE IT RESOLVED that the City Council of the City of Milbank does hereby adopt the "Lake Farley Campground Policy" dated 4-12-10, as attached.

LAKE FARLEY CAMPGROUND CAMPING AGREEMENT

1. **CAMPGROUND:** The campground is open from May 1 to September 31. Daily camping rates are \$15/per night which includes water, sewer and electric. Campsites must be vacated or re-registered by 3:00 pm.
2. **CAMPING PERMITS/RESERVATIONS:** Camping permits shall be obtained at the City Office, 1001 E. 4th Ave. during normal business hours. (Monday-Friday, 8:30 am – 5:00 pm.) Payment is due in full at this time.
After hours a self-registration permit system will be used. Signs with instructions and necessary materials are located at the entrance. The permit must be placed in clear view at

the campsite. Failure to comply with the self-registration entrance permit requirement will result in additional fees or fines.

Reservations will be taken no more than 30 days prior to arrival. Payment must be received no less than three days prior to the date requested. If payment is not received, the date will be released from the calendar for another booking. Make checks payable to the City of Milbank and return with a signed contract. Keep one copy for your records.

3. **RENTERS RESPONSIBILITIES:** Please clean up any debris left at your camping location.

4. **SAFETY:** No obstructions shall be permitted in exits such as would hinder entering or exiting the camping areas.

5. **PETS:** Pets must be on a leash no longer than 10 feet. Owners must immediately and thoroughly clean up after their pets.

6. **ACTIVITIES:** The City of Milbank reserves the right to control all activities and to eject any person(s) disregarding the rules and regulations of the facility. This includes but not limited to loud music or disorderly conduct. In such case, fees will not be refunded.

7. **DAMAGE:** Campers shall be financially responsible for any and all damage to facilities and grounds as a result of their use. Please respect your camping location.

8. **LAWS:** The camper shall abide by all local ordinances as well as state and federal laws.

9. **LOSS OR DAMAGE:** In making available a camping location, the City of Milbank assumes no responsibility for: a. Loss or damage to any property placed on the premises by the camper. b. Loss or damage to any property or personal effect, including motor vehicles and their contents of the renter, its members, employees, agents, participants, guests, or attendees.

10. **HOLD HARMLESS AGREEMENT:** The renter, lesser, or user indemnifies and holds harmless the City of Milbank, all its officers, employees, volunteers, and agents against all claims, losses, or liabilities arising from the use of said areas arising from but not limited to, the actions of the activity but also from the general use of the camping site.

11. **INSURANCE:** The City of Milbank may require an applicant to show proof of insurance to protect the City of Milbank against liability as may be associated with usage. The absence of such requirement being applied to any use shall not negate responsibility as stipulated above.

12. **QUESTIONS:** All questions regarding this document should be directed to the City Office at (605) 432-9575.

Attachments: Grounds Layout, Reservation Request, Camping Permit

The above foregoing Resolution was adopted at a meeting held on the 12th day of April, 2010.

Aye: 6 Nay 0

Dale Aesoph, Mayor

Attest: Cynthia Schumacher, Finance Officer

Streets – The Department has been busy patching potholes. Frost boils will be repaired as soon as the ground firms up. They have begun to sweep the highways and Main Street area and will start residential areas next week. Snow equipment has been cleaned and stored for the season.

A motion was made and seconded to approve the West Sixth Avenue and Short Street Reconstruction bid submitted by Ronglien & Sons Excavating, Inc, \$197,576.90.00. Motion carried 6-0. Four other bids were received as follows: Kuechle Underground, Inc. \$239,363.60; States Borders Construction, Inc. \$260,339.45; Quam Construction \$274,052.90; A.P. & Sons Construction Inc. \$240,608.20.

The Ordinance pertaining to Golf Carts was discussed and a motion was made and seconded to approve the first reading as amended to include a \$50.00 registration fee. Motion carried by roll call vote, 6-0.

Finance – 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 bills list in the amount of \$231,665.78. Motion carried 6-0.

March Salaries: Finance \$9,536; Rubble Site \$672; Mayor/Council \$1,600; P&Z \$150; Police \$17,530.48; Street \$9,197; Wastewater \$13,494; Water \$2,984.

The Council discussed the proposals submitted by the three local banks. Following discussion a motion was made and seconded to accept the proposal submitted by First Bank & Trust. Motion carried 6-0.

The number of malt beverage licenses was discussed. The ordinance currently provides for four on/off sale malt beverage license. The Mayor directed Kwasniewski to draft an ordinance increasing that number to eight. Motion carried 6-0.

Attorney – No report.

Police – Lindquist reminded residents that the FOP "Tips for Kids" fundraiser will be held Wednesday at the Millstone. All tips will go to the FOP and used locally for youth projects.

A speed meter was placed on Hwy 12; the data will be used to determine patrols, number of vehicles and average speed. Two rifles were purchased and training will be held this week. Officer

Newstrand and Columbus Heights management attended training for Crime Free housing. All officers are trained as terminal operators for the squad laptop.

A motion was made and seconded to authorize the advertising for surplus property in excess of \$500. Items under \$500 will be sold or destroyed. Motion carried 6-0. Tim Jurgens, Paul Saylor and John Gesswein were appointed to appraise the property.

Fire – Several members will be attending the NE District and State Fire Schools.

Airport – A motion was made and seconded to approve Change Order #3 for AIP#3-46-0034-010-2009, an increase of \$3,740.00. Motion carried 6-0.

Planning & Zoning – Foster reported that the Board of Adjustments approved a conditional use permit for Tanya Jones for the operation of a home based daycare at 401 South Second Street. A variance was approved for Alvin Angerhofer for the use of steel roofing material at 147 East Diggs Avenue.

March building permits: VFW, 209 S. 3rd Street, Storage Shed.
Fence Permit: Tanya Jones 401 S 2nd St; Elias Quintanilla 201 Aspen Dr.

Adjourn – The next regular meeting will be May 10, 2010, 7:00 pm. With no additional business, a motion was made and seconded to adjourn at 7:55 pm. Motion carried 6-0.

Dale Aesoph, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Publish: 4/28/10

Publish once at the approximate cost of \$_____.

CITY OF MILBANK
 CLAIM REGISTER
 April 12, 2010

American Family Ins	insurance	\$	596.24
Ameripride & Linen	rugs/coveralls	\$	229.74
Ash, Craig	retainer fee	\$	650.00
Banner Associates	engineering	\$	16,652.00
Berkner Exc & Gravel	snow removal/repairs	\$	20,982.17
Bill's Super Valu	supplies	\$	60.23
Border States Coop	gas	\$	1,350.41
City of Milbank	deposit refund	\$	200.00
Climate Systems	annual inspection	\$	1,606.00
D & S Firearms	firearms	\$	1,574.00
Dakota Supply	parts	\$	906.05
Energy Laboratiroies	testing	\$	1,940.00
Engelstad Electric	repairs	\$	74.64
Engineering America	parts	\$	3,750.94
F.J. McLaughlin	cold mix	\$	1,372.00
Fire Safety USA	supplies	\$	25.00
First National Bank	bond payment	\$	52,951.51
Food-N-Fuel	gas	\$	201.26
FSH Communications	phone service	\$	60.00
GCC	gravel	\$	506.43
General Traffic Controls	parts	\$	127.89
Gesswein Motors	vehicle maint.	\$	30.95
Grant County Auditor	services	\$	1,000.00
Grant County Development	allocation	\$	5,000.00
Grant County Hwy Dept	cutting edge	\$	226.80
Grant County Review	publications	\$	431.35
Haag, Donna	pu/transport strays	\$	203.40
Hanson Furniture	supplies	\$	11.99
Hardware Hank	supplies	\$	30.98
Hawkins	chemicals	\$	5,324.15
Hedahls Auto Parts	parts	\$	140.00
Heiman Fire Equipment	supplies	\$	551.28
Helms & Associates	engineering	\$	2,906.37
ITC	telephone	\$	457.72
Johnson Feed	road salt	\$	4,020.46
Krech Dakota Airspray	FBO Contract	\$	1,200.00
Kwasniewski, Tim	travel expense	\$	497.50
Lacal Equipment	parts	\$	929.86
McLeod's Printing	supplies	\$	176.04
MES-Midam	repairs	\$	150.82
Michael Todd	parts	\$	2,228.06
Midland Publishing & Printing	supplies	\$	204.00
Milbank Chamber of Commerce	allocation	\$	7,250.00
Milbank Communications	equipment repair	\$	770.24
Milbank Fire Dept	rent	\$	3,750.00
Milbank Lumber	supplies	\$	33.20
Milbank Winwater	parts	\$	1,500.23
Mill-Valley Industries	equipment repair	\$	607.77
New York Life Ins	insurance	\$	20.00

Norm's Auto	vehicle maintenance	\$	361.48
NW Energy	natural gas	\$	2,566.71
One Call Systems, Inc.	one calls	\$	15.75
Otter Tail Power	electric	\$	15,970.37
Petty Cash	postage	\$	23.71
Praxair Distribution Inc.	air system	\$	11.11
Professional Mailing	postage	\$	250.00
Quick Pro Lube	vehicle maint.	\$	33.07
Radio Shack Dealer	supplies	\$	33.98
RC Technologies Inc.	services	\$	431.55
Roger Oehler & Assoc	extinguisher maint.	\$	244.82
Roger's Electric Motor	parts	\$	7.50
Ronglien Excavating	airport project	\$	43,251.60
Royal Towel	supplies	\$	239.47
Running's	supplies	\$	234.98
Rural Development	bond payment	\$	14,156.00
SD Dept of Revenue	taxes	\$	28.99
SD Dept of Revenue	testing	\$	74.00
SD Government Finance	registration fee	\$	75.00
Seehafer Do It Best	supplies	\$	124.36
Star Laundry & Cleaners	rugs	\$	23.58
Sturdevants Auto Parts	supplies	\$	404.07
Sunset Graphics	supplies	\$	15.20
T & T Heating	repairs	\$	63.24
Tee's Plus	supplies	\$	466.56
Tetra Tech	testing	\$	265.65
Twin Valley Tire	tires	\$	266.95
Tyler Computer Service	equipment/supplies	\$	1,506.26
Unity Square	membership	\$	200.00
Universal	supplies	\$	100.78
UPI	gas	\$	1,535.16
US Postal Service	postage	\$	271.05
Valley Office Products	supplies	\$	370.51
VanVooren, Boyd	supplies	\$	105.89
Version	cell phone	\$	266.16
Wherry Snow Removal	snow removal	\$	10.00
Whetstone Valley Electric	electric	\$	829.44
Winter Equipment Co.	parts	\$	116.68
Wittrock & Sons	garbage service	\$	1,005.00
Xerox	copier lease	\$	225.07
Zem's	supplies	\$	14.40
Total		\$	231,665.78