

MILBANK CITY COUNCIL PROCEEDINGS
DECEMBER 14, 2009

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, Scott Hoeke, Joel Foster, Mike Mach, Steve Wiener and Lane Lindquist. Absent: none. Present from the staff were Craig Ash, Tim Kwasniewski, Boyd VanVooren, Dick Poppen, Cynthia Schumacher, Don Settje and Bryan Lambrechts. Present from the public: Jeff Natalie-Lees, Holly Hilbrands, Mike Doran, Wyatt Kurtz, Sam Grorud, Devin Bagaus, Susan Oslund, Dale Rethke and Nick Wright.

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

A motion was made and seconded to approve the minutes of the November 9, 2009 meeting. Motion carried 6-0.

Don Larson, member of the Snowmobile Association, noted that there are 1,600 miles of snowmobile trails east river South Dakota and three hundred fifty miles within the Black Hills area. Maintenance of the trails is from the sales tax of snowmobile purchases, license fees, and gas tax.

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

1. Approve the Combined Election Agreement with Grant County, Milbank School District 25-4 and the City of Milbank.
2. Appoint Planning & Zoning members, 1/1/2010-12/31/2014: Pat Raffety, Angela Lambrechts, Dick Schmeichel and Pat Bue.
3. Approve the transfer of Don Settje to Water Manager Position, grade 6B, \$15.88, effective 12/14/09.
4. Approve temporary salary increase for Cynthia Schumacher during City Administrator's military absence, \$3,714.54, effective 12/14/09.
5. Approve Change Order 2, + \$4,600.00, Ronglien Excavating, Inc., Airport Improvement Project, AIP #3-46-0034-010-2009.
6. Approve Change Order 2, + \$850.00, Dallas I. Hanson Construction Inc., Airport Improvement Project, AIP #3-46-0034-010-2009.

DEPARTMENT REPORTS

Water – A motion was made and seconded to accept the resignation of Larry Tietjen, Water Superintendent, effective December 26, 2009.

Wiener reported the meters were read for the quarter. Surveying for the 2010 projects is complete and a meeting was held with SD DOT on Hwy 12. The I.O.C. and nitrite samples results were good. The city is utilizing 100% spring water.

Wastewater – Larson reported the plant is running good and routine maintenance continues.

Larson stated five bids were received for the Wastewater Treatment Facility Phase II Improvements, Bid Schedule 1. A motion was made and seconded to approve the bid submitted by PKG Contracting, Inc. in the amount of \$2,748,900, including all alternates, contingent upon the review of the SD DENR and funding agencies. Other bids received were Gridor Const. - \$2,795,900; KHC Const. - \$2,796,000; John T. Jones Co. - \$3,120,000; Hasslen Const. - \$3,199,000. Motion carried 6-0.

Larson stated Bid Schedule two will not be awarded at this time.

Rubble Site – No report.

Park & Cemetery – Hoeke reported Ben Hassett was on site and completed Phase II of the project and winter maintenance. Hoeke thanked LeAnn Kuper, Window World, for her donation of window coverings at the Mill Visitors' building.

A motion was made and seconded to approve Change Order #1, Eastside Trail Project, + \$2,739.00, Ronglien Excavating, Inc. Motion carried 6-0.

Streets – Hoeke stated the department has been busy with plowing and sanding. Upon review of existing handicapped parking spots on the Main Street area, two additional spots were added. No bids were received for 2009-2010 snow removal.

Hoeke reported two bids were received for the 2000 Komatsu loader; Fargo Parts & Equipment \$22,100 and Hostetler Ranches \$18,221. A motion was made and seconded to reject all bids and utilize the trade-in option of \$30,000. The loader will be purchased off a bid from the City of Tea, RDO Equipment, 2009 John Deere 544K loader, \$83,600. Motion carried 6-0.

A motion was made and seconded to approve Change Order #2, Second Street Project, + \$14,606.03, Ronglien Excavating, Inc. Motion carried 6-0.

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

A motion was made and seconded to approve the bills list in the amount of \$562,371.03. Motion carried 6-0.

A public hearing was held for the transfer of the liquor and malt beverage licenses for Shenanigans from Mason Foods, Inc., to Shamrock Foods, Inc. With no one present to speak for or against, a motion was made and seconded to approve the transfer. Motion carried 6-0.

A motion was made and seconded to approve the first reading of Ordinance 763, 2009 Supplemental Budget. Motion carried by roll call vote, 6-0.

A motion was made and seconded to approve Resolution 9-14-09A. Motion carried 6-0.

RESOLUTION 12-14-09A, CONTINGENCY RESOLUTION

BE IT RESOLVED by the City Council of the City of Milbank, South Dakota will transfer the appropriated amount of \$14,100.00 from the Contingency account of \$32,960.00 in General Fund to the below listed accounts with an insufficient appropriation amount as follows:

| | |
|--------------------------|-------------|
| Park Capital Improvement | |
| 101-45200-43000 | \$14,100.00 |
| Contingency | |
| 101-41100-41150 | \$14,100.00 |

Dated this 14th day of December, 2009

Aye: 6 Nay: 0 Absent: none

Dale Aesoph, Mayor

ATTEST:
Cynthia Schumacher, Finance Officer

November Salaries: Finance \$11,745; Rubble Site \$722; Mayor/Council \$1,600; P&Z \$150; Police \$18,460; Street \$9,242; Wastewater \$12,558; Water \$6,282.

Attorney – Condemnation procedures on 708 E 4th Avenue were discussed. Ash stated he is working with the property owner to resolve the issue.

Police – Lindquist reported three Officers will attend DUI refresher training in Sisseton, December 16, 2009. The new vehicle has been shipped and will arrive soon. With the first snow of the season, ten snow alert tickets were issued and one vehicle towed.

A motion was made and seconded to approve the first reading of Ordinance 762-prohibit dynamic engine braking. Motion carried by roll call vote 5-1, Wiener voting against.

Fire – Mach reported the department continues doing fire inspections on area businesses.

Airport – No report.

Planning & Zoning – A motion was made and seconded to approve Resolution 12-14-09. Motion carried 5-0, Larson abstained.

Resolution 12-14-09 – Resolution to Approve Plat

WHEREAS, the City Planning Commission of the City of Milbank, South Dakota, has progressed in its master planning to the stage of making and adoption of a major street plan, and has filed a certified copy of the Comprehensive Plan of the City of Milbank, which includes a major street plan, in the Office of the Register of Deeds of Grant County, South Dakota, thereby acquiring platting jurisdiction of land within the City of Milbank and adjacent to the corporate limits thereof; pursuant to the statutes in which such cases made and provided; and,

WHEREAS, Wendland Enterprises, Inc., has applied for the approval of the Plat hereinafter described and the City Planning Commission of the City of Milbank having by resolution reported to the City Council on said Plat recommending approval thereof; and,

WHEREAS, the land surveyed and platted on said Plat is designated as:

“Lots 101 and 102, Hurley’s Addition to the
City of Milbank, South Dakota”

BE IT HEREBY RESOLVED by the City Council of the City of Milbank, South Dakota that the Plat of:

“Lots 101 and 102, Hurley’s Addition to the
City of Milbank, South Dakota”

has been submitted for examination, and the Plat and survey thereof having been found to have been executed according to law, is hereby approved, and the Mayor is hereby authorized to endorse on such Plat a copy of this Resolution and to certify the same.

The above foregoing Resolution was adopted upon roll call vote at a regular meeting held on the 14th day of December 2009.

Dated at Milbank South Dakota this 14th day of December 2009.

Dale Aesoph, Mayor

ATTEST: Cynthia Schumacher, City Finance Officer

I, Cynthia Schumacher, the duly appointed, qualified and acting 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.

Dated this 14th day of December 2009.

Cynthia Schumacher, City of Milbank, South Dakota
Finance Officer

A motion was made and seconded to approve the second reading of Ordinance 760 – Flood Damage Prevention Regulations. Motion carried by roll call vote 6-0.

November building permits: ER Staff, Inc. – 603 S Dakota St – storage shed.

The Mayor called a special meeting, 12:00 pm, December 30, 2009.

Adjourn – The next regular meeting will be January 11, 2010, 7:00 pm. A motion was made and seconded to adjourn at 7:40 pm. Motion carried 6-0.

Dale Aesoph, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Submitted: 12-18-09

Publish: 12-23-09

Publish once at the approximate cost of \$_____.

CITY OF MILBANK
CLAIM REGISTER
December 14, 2009

| | | | |
|-----------------------------------|----------------------|----|------------|
| Alco | supplies | \$ | 18.48 |
| Al's Body Shop | repairs/serv. Call | \$ | 90.00 |
| American Family Ins | insurance | \$ | 643.44 |
| American News | publications | \$ | 420.00 |
| Ameripride & Linen | rugs/coveralls | \$ | 145.23 |
| Ash, Craig | retainer fee | \$ | 650.00 |
| B.E. Hassett Millwright | mill.project | \$ | 2,384.00 |
| Banner Associates | engineering | \$ | 109,349.22 |
| Barrs Ortonville Elec | install/supplies | \$ | 342.41 |
| Berkner Exc. & Gravel | misc repairs | \$ | 4,767.93 |
| Bierschbach Equip & Supply | hoses | \$ | 190.14 |
| Bill's Super Valu | supplies | \$ | 22.47 |
| Bituminous Paving, Inc. | asphalt | \$ | 25,345.07 |
| Border States Coop | gas | \$ | 1,618.29 |
| Bray, Theodore | travel expense | \$ | 1,087.80 |
| City of Milbank | deposit refund | \$ | 220.75 |
| Cummins Central Power, LLC | parts | \$ | 132.67 |
| Dakota Ammo | ammo | \$ | 220.80 |
| Dallas I. Hanson Const. | airport improvements | \$ | 15,032.00 |
| Division of Agricultural Services | recertification | \$ | 40.00 |
| Durick Fire Extinguishers | service | \$ | 31.50 |
| Ek, Brian | deposit refund | \$ | 8.92 |
| Electric Pump | parts | \$ | 431.99 |
| Energy Laboratories, Inc. | testing | \$ | 2,026.50 |
| Fire Safety USA, Inc. | parts/supplies | \$ | 824.95 |
| Food-N-Fuel | gas | \$ | 71.46 |
| FSH Communications | phone service | \$ | 60.00 |
| GCC Ready Mix | bench forms | \$ | 300.00 |
| GR Auto | maintenance | \$ | 30.45 |
| Grant County Auditor | services | \$ | 1,000.00 |
| Grant County Review | publications | \$ | 413.50 |
| Haag, Donna | pu/transport strays | \$ | 263.40 |
| Hach Co. | supplies/testing | \$ | 461.07 |
| Hardware Hank | supplies | \$ | 56.49 |
| Hedahls Auto Parts | supplies | \$ | 120.51 |
| Heiman Fire | parts | \$ | 451.46 |
| Helms & Associates | engineering | \$ | 23,072.18 |
| ITC | telephone | \$ | 460.52 |
| Johnson Automotive | radio | \$ | 201.82 |
| Krech Dakota Airspray | FBO Contract | \$ | 1,200.00 |
| Kuddlee Kennels | board strays | \$ | 112.00 |
| Lacal Equipment | parts | \$ | 2,070.44 |
| Malloy Electric | parts | \$ | 70.65 |
| Milbank Communications | equipment repair | \$ | 224.62 |
| Milbank Community Foundation | mill donation | \$ | 16,000.00 |
| Milbank Glass & More | repair door | \$ | 97.50 |
| Milbank Lumber | supplies/misc lumber | \$ | 423.52 |
| Milbank Winwater | parts | \$ | 257.71 |
| Millstone Family Restaurant | supplies | \$ | 19.49 |

| | | | |
|---------------------------|-------------------------------------|----|------------|
| Mill-Valley Industries | equipment repair | \$ | 28.06 |
| New Beginnings | patches | \$ | 12.00 |
| New York Life Ins | insurance | \$ | 20.00 |
| Norm's Auto | vehicle maintenance | \$ | 743.48 |
| NW Energy | natural gas | \$ | 761.28 |
| One Call Systems, Inc. | one calls | \$ | 85.05 |
| Otter Tail Power | electric | \$ | 13,695.39 |
| Peter's Gravel | base material | \$ | 1,036.36 |
| Petty Cash | postage/supplies | \$ | 35.69 |
| Praxair Distribution Inc. | air system | \$ | 10.77 |
| Professional Mailing | postage | \$ | 200.00 |
| Quartermaster Uniforms | uniforms | \$ | 117.86 |
| Quick Pro Lube | vehicle maint. | \$ | 33.07 |
| Radio Shack | supplies | \$ | 8.96 |
| RC Technologies Inc. | services | \$ | 39.95 |
| Redlinger Brothers | repairs | \$ | 515.30 |
| Ronglien Excavating, Inc. | Second St/Ninth St/Airport projects | \$ | 312,401.58 |
| Runnings | supplies | \$ | 177.53 |
| Rural Development | bond payment | \$ | 14,156.00 |
| Schuneman Equipment | parts | \$ | 82.49 |
| SD Dept of Revenue | taxes | \$ | 66.80 |
| SD Dept of Revenue | testing | \$ | 87.00 |
| SDWWA | membership | \$ | 40.00 |
| Seehafer Do It Best | supplies | \$ | 304.72 |
| Share Corp | supplies | \$ | 640.86 |
| Southern Police Equipment | supplies | \$ | 51.00 |
| Star Laundry & Cleaners | rugs | \$ | 44.06 |
| Street Graphex | supplies | \$ | 31.26 |
| Sunset Graphics | lettering | \$ | 45.83 |
| Taser International | supplies | \$ | 192.55 |
| Tetra Tech, Inc | testing | \$ | 246.85 |
| Thomson West | SDCL updates | \$ | 30.50 |
| Tostenson, Ginny | deposit refund | \$ | 20.33 |
| Trav's Outfitter | uniforms | \$ | 418.93 |
| Twin Valley Tire | tires service | \$ | 222.34 |
| Tyler Computer Service | equipment/supplies | \$ | 94.09 |
| Unity Square | membership | \$ | 600.00 |
| UPI | gas | \$ | 298.67 |
| Valley Office Products | supplies | \$ | 291.55 |
| VanVooren, Boyd | travel expense | \$ | 111.00 |
| Version | cell phone | \$ | 177.32 |
| Whetstone Valley Electric | electric | \$ | 268.67 |
| Wiseman, Donald | repairs | \$ | 285.60 |
| Xerox | copier lease | \$ | 156.93 |
| Total | | \$ | 562,371.03 |