

MILBANK CITY COUNCIL PROCEEDINGS
SEPTEMBER 12, 2011

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, Mike Mach, Joel Foster, Lane Lindquist and Scott Hoeke. Absent: Steve Wiener. Present from the staff were Jason Kettwig, Craig Ash, Dick Poppen, Bryan Lambrechts, Cynthia Schumacher, Donny Settje, Boyd VanVooren and Ashley Giessinger. Present from the public: Holli Seehafer, Laura Foss, Andy Kelly, Delores Kelly, Isaiah Thyne, Taryn Schneck, Kirsten Biersbach, Alysha Madsen, Devyn Madsen, Cole Adelman, Cassie Stengel, Courtney Gertsema, Abby Kluksdahl and Mark Veen.

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

A motion was made and seconded to approve the minutes of the August 8, 2011 meeting. Motion carried 5-0, Wiener absent.

A motion was made and seconded to approve the consent agenda as amended. Motion carried 5-0, Wiener absent.

CONSENT AGENDA

1. Authorize the use of Lake Farley, requested by KMSD, for their annual “City Goes Country” event. September 24, 2011, 11 am – 5 pm.
2. Authorize the use of the Tennis Courts, requested by Parent Communication Network, for the annual tennis court dance. Saturday, September 17, 2011; 9:00 pm – 12:00 am.
3. Authorize the Mayor to sign the Letter of Commitment as participating jurisdiction in Grant County Multi-Jurisdictional Hazard Mitigation Planning.
4. Authorize the Mayor to sign the amendment to the engineering agreement with Helms for the Phase II – apron & Taxiway Reconstruction Project, AIP #3-46-0034-013-011, \$58,114.27.
5. Approve change order for Dallas I. Hanson Const, Lake Farley Bathhouse, +\$4,215.00.
6. Approve the sale of the 2000 police blazer to Don Aesoph, \$1,200.

DEPARTMENT REPORTS

Water – Settje reported the lead/copper samples were collected and sent into the lab. Two water main breaks were repaired; Eastman Street and Ninth Avenue. Quarterly meter readings were done. There were 10 delinquent shutoffs this month. The city is utilizing 100% spring water.

A motion was made and seconded to approve the renewal lease option for the Milbank springs; Mark Schuler, \$27.40/acre. Motion carried 5-0, Wiener absent.

Wastewater – Councilman Larson stated the plant is running well. Toxicity tests have passed at 100%. Upon the completion of the rehab project, we can petition to reduce the testing. A new gas detector was ordered. DENR inspection went well.

Plant Improvement Project – Work continues, nearing completion.

Rubble Site – The new pit is ready for use, only minor finish work remains.

Park & Cemetery – Councilman Hoeke reported the storm sewer catch basins were cleaned. The radiuses downtown and by the schools were repainted. They have been trimming and removing dead trees in the parks and cemetery.

A motion was made and seconded to award the ground maintenance contract to Cody Kelly, \$224,500. Only one bid was received. Motion carried 5-0, Wiener absent.

Streets – Councilman Hoeke reported gutters were replaced on 10th Avenue, 8th Avenue and Aspen Drive. The site for the salt/sand structure is ready. Hot mix patching continues.

A motion was made and seconded to award the snow removal bid to J & J Earthworks Inc., one bid was received; 320 loader-\$125/hr, 380 loader-\$130/hr, loader/blower-\$185/hr, Tri-axle truck-\$95/hr, tractor/side dump-\$115/hr. Motion carried 5-0, Wiener absent.

Finance – A motion was made and seconded to approve the August Treasurer’s report. Motion carried 5-0, Wiener absent.

A motion was made and seconded to approve the bills list, \$609,664.05. Motion carried 5-0, Wiener absent

A motion was made and seconded to approve the second reading of Ordinance 777-2012 Appropriations ordinance as amended. Motion carried by roll call vote 5-0, Wiener absent.

A motion was made and seconded to approve the first reading of Ordinance 779-2011 Supplemental Budget ordinance. Motion carried by roll call vote 5-0, Wiener absent.

A motion was made and seconded to approve Resolution 9-12-11A, Sale of Bonds. Motion carried 5-0, Wiener absent.

RESOLUTION 9-12-11A

RESOLUTION RATIFYING SALE OF \$3,080,000

SALES TAX REVENUE BONDS, SERIES 2011

BE IT RESOLVED by the Common Council of the City of Milbank, South Dakota, as follows:

1. Sale. The award of sale to Northland Securities, Inc. of the City’s Sales Tax Revenue Bonds, Series 2011 (the “Series 2011 Bonds”) in the amount of \$3,080,000 pursuant to a resolution adopted August 8, 2011, is hereby ratified and confirmed.

2. Terms of Series 2011 Bonds. The Series 2011 Bonds shall be dated the date of delivery, shall be issued in denominations of \$5,000 each or any integral multiple thereof not

exceeding the principal amount of Series 2011 Bonds maturing in any year, shall be numbered from R-1 upwards in order of issuance or such other order as the Bond Registrar shall determine and shall bear interest at the rates set forth above, payable April 1, 2012, and semiannually thereafter on April 1 and October 1 of each year, and shall mature serially on October 1 of each year in the years and bear interest according to year of maturity as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2012	\$120,000	1.875%
2013	125,000	1.875
2014	130,000	1.875
2015	130,000	1.875
2016	135,000	1.875
2017	135,000	1.875
2019	280,000	1.875
2022	440,000	2.500
2023	155,000	3.000
2025	325,000	3.250
2027	345,000	3.500
2029	365,000	3.650
2031	395,000	3.900

all Series 2011 Bonds maturing or after October 1, 2021, being subject to optional redemption and prior payment on October 1, 2020, and any date thereafter at par plus accrued interest.

In the event of redemption by lot of Bonds of like maturity, the Bond Registrar shall assign to each Bond of such maturity then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of like maturity. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. The Bonds shall be numbered R-1 upwards in order of issuance or in such other order as the Registrar may determine and shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the amount maturing in any year.

The Bonds maturing on October 1 in the years 2019, 2022, 2025, 2027, 2029 and 2031 are subject to mandatory sinking fund redemption and shall be redeemed in part at par plus accrued interest on the mandatory redemption dates and in the principal amounts as follows:

<u>October 1, 2019 Term Bonds</u>	
<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
October 1, 2018	\$140,000
October 1, 2019*	140,000

**Final Maturity*

October 1, 2022 Term Bonds

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
October 1, 2020	\$145,000
October 1, 2021	145,000
October 1, 2022*	150,000

**Final Maturity*

October 1, 2025 Term Bonds

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
October 1, 2024	\$160,000
October 1, 2025*	165,000

**Final Maturity*

October 1, 2027 Term Bonds

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
October 1, 2026	\$170,000
October 1, 2027*	175,000

**Final Maturity*

October 1, 2029 Term Bonds

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
October 1, 2028	\$180,000
October 1, 2029*	185,000

**Final Maturity*

October 1, 2031 Term Bonds

<u>Mandatory Redemption Date</u>	<u>Principal Amount</u>
October 1, 2030	\$195,000
October 1, 2031*	200,000

**Final Maturity*

In addition, on or prior to the 60th day preceding any mandatory redemption date, the Registrar and Paying Agent may, and if directed by the City shall, purchase the Bonds maturing on October 1 in the years 2019, 2022, 2025, 2027, 2029 and 2031 in an amount not exceeding the amount of the Bonds of such maturity required to be redeemed on such date and at a price not exceeding the principal amount thereof plus accrued interest. Any Bonds so purchased shall be canceled and the redemption thereof

shall be credited against the principal amount of Bonds of such maturity required to be redeemed on the next mandatory redemption date.

Approved Dale Aesoph, Mayor

Attest Cynthia Schumacher, Finance Officer

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Don Larson and upon vote being taken thereon the following voted in favor thereof: Joel Foster, Scott Hoeke, Don Larson, Lane Lindquist, Mike Mack. Absent: Steve Wiener.

And the following voted against the same: none.

Whereupon said resolution was declared duly passed and adopted.

STATE OF SOUTH DAKOTA)
COUNTY OF GRANT) SS
CITY OF MILBANK)

I, the undersigned, being the duly qualified and acting Finance Officer of the City of Milbank, South Dakota, hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of the City Council of said City held September 12, 2011, with the original thereof on file and of record in my office, and the same is a full, true and complete transcript there from insofar as the same relates to the issuance and sale of \$3,080,000 Sales Tax Revenue Bonds of 2011, of the City.

WITNESS my hand officially as such Finance Officer and the seal of the City this 12th day of September 2011.

Finance Officer
City of Milbank, South Dakota

(SEAL)

August Salaries: Finance \$11,043; Rubble Site \$687; Mayor/Council \$1,600; P&Z \$175; Park \$4,467; Police \$18,768; Street \$10,666; Wastewater \$12,068; Water \$2,807.

Attorney – A motion was made and seconded to approve the second reading of Ordinance 778, ITC Franchise Agreement. Motion carried by roll call vote, 5-0, Wiener absent.

Police – Councilman Lindquist reported the department received a grant for two permanent speed boards to be placed on US Hwy 12. DARE classes have started at Koch School. The annual rabies clinic was held Sept 10th at Prairie Hills pet clinic. Citizens are reminded to get their pets registered with the city; all licenses expire December 31 of each year.

A motion was made and seconded to approve Resolution 9-12-11, Fines Schedule. Motion carried 5-0, Wiener absent.

Resolution Number: 9-12-11

A resolution setting forth a schedule of proposed fines for violations of the Milbank Municipal Code of the City of Milbank, South Dakota.

BE IT RESOLVED by the City Council for the City of Milbank, SD, that the following schedule of proposed fines shall be effective as of the date of this resolution for all the first violations of ordinances set forth herein and supersedes all resolutions adopted earlier regarding a schedule for proposed fines for violations of Milbank Municipal ordinances for the City of Milbank, South Dakota.

<u>Ordinance</u>	<u>Offense</u>	<u>Fine</u>	<u>Costs</u>	<u>Total</u>
8.04.020	Animal not licensed	\$60.00	\$60.00	\$120.00
8.04.030	Animal at Large	\$60.00	\$60.00	\$120.00
8.04.051	Disturbing the Peace	\$60.00	\$60.00	\$120.00
8.04.056	Animal Waste	\$60.00	\$60.00	\$120.00
9.32.020	Open Cont. in Public	\$60.00	\$60.00	\$120.00
9.48.010	Discharge of Fireworks	\$60.00	\$60.00	\$120.00
9.52.010	Disorderly Conduct	\$60.00	\$60.00	\$120.00
Ord. 737	Dep. Snow on Street	\$60.00	\$60.00	\$120.00
10.20.030	Stop Light/Sign	\$60.00	\$60.00	\$120.00
10.36.010	Wrong Side of Road	\$60.00	\$60.00	\$120.00
10.36.020	Illegal Passing	\$60.00	\$60.00	\$120.00
10.36.060	Illegal U-Turn	\$60.00	\$60.00	\$120.00
10.66.030	Snowmobile Acts	\$60.00	\$60.00	\$120.00
10.24.010	Speeding	1-5 over	\$19.00 \$60.00	\$79.00
		6-10 over	\$39.00 \$60.00	\$99.00
		11-15 over	\$59.00 \$60.00	\$119.00
		16-25 over	\$79.00 \$60.00	\$139.00
		26-over	\$99.00 \$60.00	\$159.00
Ord. 741	Trespass Private Property (Petty Offense)			\$29.00
11.17.040	Nuisance Violation	\$40.00	\$60.00	\$100.00
	(Penalties for Property Standards and City Nuisances as described by City Code)			

Dated this 12th day of September, 2011

(Seal)

Dale Aesoph, MAYOR

ATTEST:

Cynthia Schumacher, Finance Officer

Fire – Councilman Mach reported that next month is Fire Prevention month. The department will be conducting inspections at area businesses.

Airport – Councilman Mach reported an AIP meeting is scheduled for September 13, 2011.

Planning & Zoning – Councilman Foster reported a conditional use permit was approved for Samantha Zahn, 704 E 3rd Ave, for the operation of a home-based daycare.

A variance was approved for Steve Huizenga, 106 Aspen Court, for the use of steel roofing material.

A conditional use permit was approved for John Trevett, 112 Diggs Ave, to permit a multi-family structure with more than two dwelling units.

A motion was made and seconded to approve the second reading of Ordinance 776, Rezoning. Motion carried by roll call vote, 5-0, Wiener absent.

August permits: Roger Hoff-305 S 6th St-garage. Steve Wenzl-312 Highland Dr-accessory structure. Brent Determan-911 S 4th St-privacy fence. Darin & Beth Snaza-905 Jefferson Drive-privacy fence. Samantha Zahn-704 E 3rd Ave-chain link fence.

Demolition: Roger Hoff-305 S 6th St-garage.

Additional business. Kettwig reminded residents that Gold Star Mother's Day will be observed on September 25, 2011. Gold Star Mother's Day is observed on the last Sunday of September each year as a day for people to recognize and honor those who have lost a son or daughter while serving the United States Armed Forces.

Adjourn – The next regular meeting will be October 10, 2011, 7:00 pm. A motion was made and seconded to adjourn at 7:25 pm. Motion carried 5-0, Wiener absent.

Dale Aesoph, Mayor

ATTEST:

Cynthia Schumacher, Finance Officer

Publish: 8/21/11

Publish once at the approximate cost of \$_____

The City of Milbank is an equal opportunity provider and employer. ♿