

MILBANK CITY COUNCIL PROCEEDINGS
May 13, 2024, 7:00 pm

Call to Order - The City Council met in regular session on May 13, 2024, at 7:00 pm in the Visitor Center, 1001 East Fourth Avenue, Mayor Raffety presiding.

Roll Call - Mayor Raffety. Councilmembers: Roger Briggs, Josh Karels, Mindy Rogers, John Weyh, and Craig Weinberg. Absent: Mike Hanson. Staff Present: Mark Reedstrom, Steve Pendergrass, Cynthia Schumacher, Corey Hooth, Bill Newstrand, Darin Thiele, Dick Poppen, Cody Pohlen, and Don Settje. Public Present: Nathan Watson, Holli Seehafer, Traci Stein and Kathy Ward.

Mayor Raffety acknowledged the years of service with the City of Milbank; Ron Krause - 23 years. Corey Hooth - 22 years. Dennis Lesnar- 3 years. Cody Pohlen thanked all departments for their assistance with the construction of the skate park and fence installation at the splash pad. Officers Folk and Bakeberg were thanked for their work at the school and their positive impact.

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

Consent Agenda

1. Approve minutes from the April 8, 2024, meeting.
2. Approve claims list, \$460,885.27.
3. Approve March, April Treasurers Report.
4. Approve Legion Field Kickoff Event, May 23, 2024, community meal, Post 9 American Legion vs. VFW Teeners baseball game, fireworks.
5. Approve Main Street kickoff to Farley Fest, Main Street closed July 18, 2024, 4:00 to 8:00 pm. Carnival games, food trucks, ping-pong ball drop giveaway, music, stores open to 8:00 pm. Main Street parade, July 20, 2024, 10:30 am. Main Street closed.
6. Approve the transition of Officer Braden Johnson to full time effective 5-11-24, \$26.00/hour.
7. Accept the resignation of Dennis Lesnar, Unity custodian, effective 6/30/24.
8. Accept resignation of Gene Mattice, Unity maintenance, effective 6/21/24.
9. Approve hire of Ethan Owen and Ryan Keeton, building attendants, \$12.55/hour.
10. Approve Otter Tail Power Easements
11. Approve rate increase for Judy Frink, class instructor, \$15.50/hour.
12. Accept resignation of Abby Larson, Unity part-time maintenance staff, effective 4/30/24.
13. Authorize the Mayor to sign the engineering agreement with Helms & Associates, for AIP #3-46-0034-021-2024, Amendment #1, Runway 13 turnaround, Milbank municipal Airport, \$88,078.27.
14. Accept the annual report and submit it to the Department of Legislative Audit.
15. Approve base material bids: Peters-Kranz Gravel, 2000 ton @\$11.75/ton. J&J Earthworks 4,100 to 5th Street project, \$14.90/ton.
16. Approve Resolution 5-13-24 - Lot Merger, Lots 9 & 10, Block 4 West End Addition

RESOLUTION 5-13-24
LOT MERGER AGREEMENT

THIS LOT MERGER AGREEMENT, is made this 13 day of May 2024 by and between Richard Poppen (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 2024-10 to construct a Garage; 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 17.09.

The City and Property Owner agree as follows:

1. Property Owner and City do hereby agree that the lots described as West End Addition Lot 10 Block 4 the plat for which is recorded in the Register of Deeds of Grant County in Book PE, Page 52, and as more fully described in a deed from Melissa M Poppen to Richard P Poppen dated 11/16/2004 and recorded at the Register of Deeds of Grant County in Book 110, Page 393 ("the Lots) and lots described as West End Addition Lot 10 Block 4 and West End Addition Lot 9 Block 4 the plat for which is recorded in the Register of Deeds of Grant County in Book PE, Page 52, and as more fully described in a deed from SD Housing Development Authority to Richard Paul Poppen dated 4/23/2014 and recorded at the Register of Deeds of Grant County in Book 117, Page 089 ("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 17.09.
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.

Richard Poppen, 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 13th day of the month of May, in the year 2024.

ATTEST

THE CITY OF MILBANK, Grant County,
South Dakota, a municipal corporation,

Cynthia Schumacher, City Finance Officer

BY: Pat Raffety, Mayor

Action Items –

1. A motion was made and seconded to approve the malt beverage & SD wine license renewal applications. Motion carried 5-0.
 - Triple C Bar, 220 East Second Avenue, Lot 18, Block 6, Original Townsite of Milbank, Retail (on-off) malt beverage & SD farm wine.
 - Comes Investments Inc., Pizza Hut, 1201 East Milbank Avenue, Lot 3, Eslinger’s Addition, City of Milbank, Retail (on-off) malt beverage & SD farm wine.
 - The Pump 2.0 LLC, 205 South Main Street, Lots 15 and 16, Block 6, Original Townsite of Milbank, Retail (on-off) malt beverage & SD farm wine.
 - DCDS LLC, Top Hat Lanes, 314 West Fourth Avenue, Lots 3-6, Block 4, West End Addition to the City of Milbank, Retail (on-off) malt beverage & SD farm wine.
 - Berens Market, LLC, 1612 Morningside Drive, Lots 5 & 6, Block 1, Berens Commercial Addition to the City of Milbank, Retail (on-off) malt beverage & SD farm wine, approved for Off sale only.
 - 15 Hotel Group Inc., Grandstay Hotel & Suites, 1005 S Dakota St, Lot 1 of Grandstay Addition to the City of Milbank, Retail (on-off) malt beverage & SD farm wine.

2. A motion was made and seconded to approve the sale of Lot 8, Block 59, Original Townsite to Mike Schell for \$8,600. A second bid for \$6,000 was submitted by Gerald Lewno. Motion carried 5-0.

3. The bids for the tennis court expansion project were reviewed;
 - Bid Schedule 1, Excavation & Concrete: Beyond Concrete, \$174,778.88.
 - Bid Schedule 2, Lighting: Nelsons Electric, \$55,550.77 Additional Bid: Conroy electric, Inc., \$57,879.34.
 - Bid Schedule 3, Surfacing: Pro Track & Tennis, \$105,900. (Base bid-\$86,900. Color coat new courts-\$17,000. Pickleball Game Lines-\$2,000.)The total of Bid Schedules 1-3 is: \$336,229.65. The project cost will include \$49,000 for fencing. A motion was made and seconded to accept the bids as listed and authorize the signing of the MOU with the school district and Valley Queen. Motion carried. A motion was made and seconded to rescind the previous motion. Motion carried 5-0.
 - A motion was made and seconded to approve the bids as listed for bid schedules 1, 2 and 3, in the amount of \$336,229.65. Motion carried 5-0.
 - A motion was made to amend the MOU to reflect the final bid amounts, splitting the project cost between the city, school district and Valley Queen not to exceed \$145,000 per entity. Motion carried 5-0.

4. A motion was made and seconded to decline the Flood Mitigation Assistance (FMA) grant awarded for property located at 1007 Vista Drive. Motion carried 5-0.

5. A motion was made and seconded to call for bids on Lot 17, Block 59, Original Townsite with the stipulation that a single-family dwelling shall be constructed on the property within four years or the property will revert back to the city. Motion carried 5-0.

Discussion Items –

1. Administrator Pendergrass informed the Council that the State and Local Fiscal Recovery Funds (SLFRF) received in 2021 were initially allocated for the underground storage tank rehabilitation project. Fortunately, the project was completed under budget, leaving approximately \$300,000 unspent. It is planned to utilize the remaining funds by the end of the year for a stormwater plan. The Council agreed and instructed Pendergrass to proceed with the plan.

2. Administrator Pendergrass announced that the city had received a hazard mitigation grant for building a storm shelter at Lake Farley. Pendergrass pointed out that due to ongoing development in the park, the original location of the storm shelter might not be the best anymore. He asked if anyone objected to relocating the shelter closer to the campground area. The council members had no objections and instructed Pendergrass to proceed with the new location. Additional city funds will be needed to expand the shelter to include restrooms and showers for the campground.

3. The water department is asking residents to help identify lead service lines by taking a quick survey. Please visit survey, SDWaterPipes.com.

4. Pendergrass sought direction for streamlining fees into a citywide master fee schedule. Council supported the concept with each section being brought back for approval before implementations.

Department reports –

On May 23, 2024, we will kick off the new Legion Baseball Field with a day full of exciting events. The day will begin with youth baseball camps, followed by a community meal, field ceremony, and an exhibition baseball game between the Milbank VFW Teeners vs. Milbank Post #9 Legion teams. The night will finish with a fireworks display.

April Salaries: Mayor/Council \$1,600; Finance \$20,772; Police \$30,803; Fire \$1,798; Street \$18,572; Rubble Site \$910; Recreation \$22,183; Park \$13,281; Water \$7,213; Wastewater \$18,332.

April Permits: Building: Galen Zemlicka-407 S 7th St-deck. Gary & Buffie Ruh-221 N Lloyd St-house. Horizons Properties-1103 Industrial Dr #1, 2, 3-shop. Richard Poppen-313 W 5th Ave-accessory structure. Luis Jimenez-516 S 4th St-patio addition.

Sign: SLB Milbank, LLC-107 Flynn Dr-sign.

Roof: Lyle Moser-213 N Grant St-steel.

Fence: Robert Frink-401 S 6th St.

Demo: Joe Zagami-310 E 10th Ave-shed.

Adjourn – The next regular meeting is scheduled for June 10, 2024, at 7:00 pm. A motion was made and seconded to adjourn at 8:07 pm. Motion carried 5-0.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Publish 5/22/24

Vendor Name		5/13/2024 Amount
4Most Sport Group	consulting retainer	3,125.00
Advanced Technologies Inc.	shipping, supplies, repairs	432.11
All Flags	flags	283.65
Amazon	supplies, equipment, parts	1,401.61
American Engineering Testing	testing	257.50
American Solutions	storage cabinet	650.00
Associated Supply Co.	supplies, parts	2,819.78
AT&T Mobile	cell phone	624.82
Auto Value Parts Store	parts, supplies	725.71
AutoMaxx CDJR Inc.	fob battery	29.90
Avera Occupational Medicine	CDL testing	87.00
Banner Associates Inc.	engineering	113,202.22
Berens Market	supplies	20.97
BIB	background checks	14.42
Booking Service	travel expense	15.99
Bounce Around Inflatables	inflatable unit/unit rental	2,093.99
Brewster Building Center	misc. lumber/screws	1,912.63
Bronco Services LLC	scoreboard	13,838.00
Card Pointe	card fees	630.86
Carquest of Ortonville	parts	377.95
Cedar Shores	travel expense	259.92
CHS	gas	2,112.10

City of Milbank	deposits to final bill	116.14
Climate Systems	system repairs	1,196.75
Cole Papers Inc.	supplies	1,875.28
Colombe, Sara	deposit refund	83.86
Corporate Technologies	IT support	4,100.00
Creative Product Sourcing, Inc	supplies	116.59
Dakota Oil	bulk oil, grease, fluid	2,655.65
Dakota Supply Group	repair clamps	1,328.69
East Side Car Wash	truck wash usage/man lift rental	312.48
Electric Pump Inc.	lift stations repairs	2,087.50
Everbrite	membership/registration fee	125.00
Ferguson Waterworks	parts	1,164.96
Food-N-Fuel	gas	423.52
Freemotion Fitness	equipment parts	43.15
GCC Consolidated Ready Mix	class 5	1,059.04
Genie	repair parts	57.98
Google	YouTube subscription	14.86
Grant County Auditor	county services	1,000.00
Grant County Development Corp	housing agreement	64,636.00
Grant County Development Corp	allocation	15,500.00
Grant County Review	publications	634.54
Grant Roberts Rural Water	water service	66.80
Hach Company	supplies/parts	1,541.85
Hawkins, Inc.	chemicals	10,559.59
Heiman Fire Equipment	helmet	863.36
Hilbrands, Ryan	clothing allowance	63.71
Inland Truck Parts & Services	International truck repair parts	678.87
ISG Inc.	infrastructure planning	4,750.00
ITC	phone, internet	1,839.09
J&J Earthworks	5th Street project	100,958.49
Jankord, Trey	clothing allowance	102.40
JanMark LLC	rent	825.00
John Deere Financial	parts	42.97
Johnson Fitness & Wellness	equipment parts	460.28
Jolliff, Melissa	room rental refund	70.00
Jugs Sports	batting cage wheel & cover	70.75
Lacal Equipment Inc	parts	1,601.64
Lewis Drug Stores	supplies	53.68
Linde Gas & Equipment Inc.	air system	52.26
Mac Tools	parts	260.00
Mattice, Gene	insurance deductible	2,500.00

Milbank Area Chamber of Commerce	allocation	15,500.00
Milbank Winwater Co.	parts	4,253.18
MnB Cleaning Services LLC	cleaning service	3,800.00
Money Movers	NIHCA membership fee	11.50
Morton, Jesse	travel expense	48.00
NAPA Auto Parts	parts, supplies	499.39
NW Energy	natural gas	2,363.53
On Deck Sports	artificial turf	1,937.35
O'Reilly	auto parts	14.86
Otter Tail Power Co.	electric	18,803.40
PC Micro Store	cables	36.24
Pendergrass, Steve	clothing allowance	94.20
Peterson, Connie	sew patches	16.00
Petty Cash	postage, copy fees	68.81
Pitney Bowes	meter lease	186.54
Quick Pro Lube	tires	967.96
Racarie	HR application support	105.00
Reedstrom, Mark	retainer fee	1,000.00
Reimche Airspray LLC	FBO Contract	750.00
Rockbot		31.86
Roger's Electric Motor	repairs	212.45
Runnings Supply Inc.	supplies, parts	1,110.72
Rush Order Tees	program shirts	1,188.97
Ryhti, Scott	insurance deductible	2,500.00
SD Dept of Revenue	sales tax	2,884.90
SD Public Assurance Alliance	insurance amendment	358.12
SD Public Health Lab	testing	86.00
SDML	registration fees	175.00
Site One Landscape Supply LLC	chemicals	10,434.98
South Dakota 811	one calls	35.70
Star Laundry & Cleaners	laundry service	846.76
Stengel Repair	truck repairs	180.00
Street Graphex	name tags/plates	52.59
Stuntcams	remote program support	75.00
The Ortonville Independent	schedule advertising	50.00
Thiele, Darin	clothing allowance/travel expense	448.00
Tillman, Duane	CPR/AED training	65.00
Titan Machinery	parts	151.28
Triple Dip	meeting expense	64.05
Twin Valley Tire	tires, tire service	656.73
UPI Petroleum	gas	2,223.21

US Postal Service	marketing permit/postage	770.00
USA Bluebook	meter/parts/supplies	3,163.73
Valley Office Products	supplies	133.75
Valley Rental & Recycling	recycling agreement	650.00
Vista Print	supplies	119.98
West Central Communications	program radios, repairs	3,454.32
Whetstone Home Center	supplies, parts	1,268.88
Whetstone Sanitation	garbage service/clean portables	972.00
Whetstone Valley Electric	electric, repairs	2,295.38
WM Corporate Services, Inc.	garbage service	2,073.90
Xerox Corp.	copier lease	870.21
Zoom Video Communications	Zoom video subscription	16.98

460,885.27