

MILBANK CITY COUNCIL PROCEEDINGS
September 9, 2024, 7:00 pm

Call to Order - The City Council met in a regular session on September 9, 2024, at 7:00 pm in the Visitor Center, 1001 East Fourth Avenue, with Mayor Raffety presiding.

Roll Call - Mayor Raffety. Councilmembers: Roger Briggs, Mindy Rogers, Mike Hanson, Josh Karels, John Weyh, and Craig Weinberg. Absent: none. Staff Present: Mark Reedstrom, Steve Pendergrass, Cynthia Schumacher, Corey Hooth, Julie Landmark, Jessica Hanson, Darin Theile, and Don Settje. Public Present: Traci Stein, Holli Seehafer, Bob Frink, Steve Strege, Vicki Strege, Mick Mach, Ryan Kohl, Justin Eccles, Matt Scott, and Jada Schmieg.

Acknowledgments – Chief Hooth thanked the street department for the quick response in setting up traffic control devices during the power outage.

Public Comment – Ryan Kohl thanked the collaboration between the police department and school for improving the safety traffic areas around the schools. October 9, 2024, is National Bike to School Day. The school will be participating in events October 7-11. Kohl challenged the council members to take time to ride bikes from their residents to the school to help identify any additional safety issues.

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

1. Consent Agenda Approve minutes from the August 12, and August 30, 2024, meetings.
2. Approve the claims list, \$1,780,703.38.
3. Advertise for snow removal bids.
4. Approve Chamber of Commerce request for Treat Street, October 31, 2024, Main Street closed 4:30-7:30 pm.
5. Approve School District Homecoming Parade Permit, September 13, 2024, Main Street closed 1:30-3:00 p.m.
6. Approve Avera Milbank Glow Run Permit, October 5, 2024, 7:30 pm.
7. Approve Arborist License: Milbank House Movers, Inc, Jacobsen Tree Experts, Vanorny Tree Service.
8. Approve Hauling Recyclable Materials License: Waste Management Inc.
9. Approve Garbage Hauler's License: Waste Management Inc.
10. Approve the hire of Zulmarie Vega DeJesus, full-time Unity janitor, effective 8/26/24, \$17.00. Makennah Callow, full-time Unity reception, effective 8/27/28, \$15.15. Brady Femling-Unity reception, \$12.50. Jeanine Dashiell fitness instructor, \$14.10. Melissa Schuneman, fitness instructor, \$14.10.
11. Approve removal from staff roster the following seasonal and part-time staff: James Batchelor, Nicholas Batchelor, Karson Weber, Jenna Dexter, Averie Engebretson, Kaden Krause, Tyra Berry, Jodi DeVaal, Merik Junker, Hope Karels, Abby Larson, Mason Meister, Charlie Peery, Zachariah Ringsaker, and Brianna Hermans.

12. Authorize the Mayor to sign the Airport Grant Pre-application Checklist, Reconstruction of Runway 13 Turnaround. Bid Schedule A; \$667,000; federal funds-\$633,650, state funds-\$16,675, local funds-\$16,675. Bid Schedule B; \$393,000; federal funds-\$353,700, state funds-\$19,650, local funds-\$19,650.

Action Items –

1. A motion was made and seconded to approve the tax call. The CPI and growth both came in at 3%. The growth increased from last year's 1.65% , making the levy less than last year's 4.28. A motion was made and seconded to certify the tax call at \$1,014,070. Motion carried 6-0.
2. Three bids were submitted for the ditch maintenance project;
 - J&J Earth Works: \$331,100. BS 1-\$108,800. BS 2- \$54,400. BS 3 - \$64,600. BS 4-\$74,800 + mobilization \$28,500.
 - Sitter Excavating LLC: \$355,000. BS 1 \$76,500. BS 2 \$48,500. BS 3 \$107,500. BS 4 \$122,500.
 - A.P. & Sons Construction, Inc.: \$468,000. BS 1 \$240,000. BS 2 \$64,000. BS 3 \$76,000. BS 4 \$88,000.

The Council discussed that the funding for the project is with SLFR funds requiring them to be expended by November 1, 2024. This deadline was mistakenly omitted from the bid specs. Councilmember Rogers proposed that individual bid schedules be awarded, as it would lead to getting the lowest price. Additionally, having two contractors could ensure the faster completion of the project.

Administrator Pendergrass mentioned that J&J Earth Works was only interested if they were awarded all bid schedules. However, A.P. & Sons had the low bid for bid schedules 3 & 4, \$164,000 and were willing waive mobilization fees and could meet the November 1 deadline.

A motion was made and seconded to approve bid award for schedules 1 and 2 to Sitter Excavating LLC, \$125,000. The award being contingent on Sitter agreeing to only Bid Schedules 1 & 2 with a completion date of November 1, 2024. Motion carried 5-1, Karels voting nay.

A motion was made and seconded to approve the bid award to schedules 3 & 4, \$164,000 to A.P. & Sons Construction with a completion date of November 1, 2024. Justin Eccles, representing A.P. & Sons, would accept the award for Bid Schedules 3 & 4, waiving mobilization fees. Motion carried 6-0.

3. A motion was made and seconded to approve Water Supply Improvement, Change Order #2. The change order adds an 18" AIS steel casing on the new well #3 for an increase of \$11,169. Motion carried 6-0.

A motion was made and seconded to approve Water Supply Improvement, Change Order #3. The change order is for the addition of a glass bead filter pack on the new well #3 for an increase of \$58,794 and added three days to the completion date. Motion carried 6-0.
4. A motion was made and seconded to approve the engineering agreement with Banner Associates for Seventh Avenue Project not to exceed \$76,000. Motion carried 6-0.
5. A motion was made and seconded to approve the engineering agreement with Banner Associates for the Industrial Park Expansion Project not to exceed \$381,000. The city will be reimbursed with EDA grant funds. Motion carried 6-0.
6. A motion was made and seconded to approve Resolution 9-9-24. Councilmember Weinberg questioned the accuracy of the estimated tax dollars that would be lost. Motion carried 5-0, Weinberg abstained.

**RESOLUTION 9-9-24
CITY OF MILBANK, SOUTH DAKOTA**

WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State;

WHEREAS Initiated Measure 28, if passed, would remove state, municipal, and tribal taxes on all items sold for human consumption except alcohol and prepared food;

WHEREAS “human consumption” is undefined in South Dakota Codified Law or the South Dakota Constitution. Black’s Law Dictionary defines “consumption” as “the act of destroying a thing by using it; the use of a thing in a way that exhausts it.”;

WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as “any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20.”;

WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage, and consumption of items that conform in all respects to the state tax on such items up to two percent;

WHEREAS the Attorney General’s explanation of the measure states legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Milbank levies a two-percent sales tax and collected \$456,000 in the 2023 fiscal year and \$239,400.00 year-to-date in the 2024 fiscal year;

WHEREAS The City of Milbank estimates annual lost revenue of \$478,800 unless Initiated Measure 28 is rejected by voters in South Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Milbank, which Initiated Measure 28 would negatively impact the municipal budget in our community.

Dated this 9th day of September 2024

Pat Raffety, Mayor

ATTEST: Cynthia Schumacher, Finance Officer

7. The repair quote for the beams at the Milbank Visitor Center was double the amount that was budgeted. A motion was made and seconded to table action until available funds could be secured. Motion carried 6-0.
8. A motion was made and seconded to approve the agreement with AMack Consulting, \$9,500, for a council and staff leadership training and development workshops. Motion carried 6-0.
9. Two bids were received for the reconstruction of the Unity parking lot and sidewalk expansion;
 - MHM Contracting, LTD. \$55,000
 - Beyond Concrete Inc. \$58,512.A motion was made and seconded to approve the bid submitted by MHM Contracting, LTD for \$55,000. Motion carried 5-0, Councilman Karels abstained.

10. Two quotes were received for tree removal at the Millbank cemetery;

- Nick’s Tree Service \$11,250.
- Tip Top Tree Service \$11,500.

Jada Athey with Tip Top Tree Service raised concerns about the project’s specifications being unclear, pertaining to the number of trees, how the trees were identified, and which trees were included in the project.

A motion was made and seconded to reject all quotes and request new quotes with clarification to the specifications. Upon receiving the new quotes, the City Administrator was instructed to proceed with the contractor offering the lowest quote. Motion carried 6-0.

Discussion Items –

1. Draft Ordinance 855, Alcohol Beverages was reviewed. The first reading will be on the agenda at the October meeting.
2. The wastewater department requested to purchase a new water trailer. The existing truck is old and dangerous to operate. PWD Thiele presented the proposed replacement.
3. No discussion was held on draft ordinance 854-Park Board.
4. It was noted that members are needed for the Planning & Zoning Commission.

Department reports –

The department reports were reviewed.

August Salaries: Mayor/Council \$1,600; Finance \$19,549; Police \$37,691; Fire \$1,798; Street \$19,056; Rubble Site \$925; Recreation \$18,382; Park \$17,447896; Water \$8,073; Wastewater \$19,141.

Executive Session –

A motion was made and seconded to go into Executive Session. Motion carried. The Mayor called the Council out of the Executive Session.

A motion was made and seconded to approve Julie Landmark as the Recreation Lead, effective immediately, \$24.32/hour. Motion carried 6-0.

Adjourn –

The next regular meeting is scheduled for October 14, 2024, at 7:00 pm. A motion was made and seconded to adjourn at 10:03 pm. Motion carried 5-0.

Pat Raffety, Mayor

ATTEST

Cynthia Schumacher, Finance Officer

Publish: 9/18/24

9/13/2024
Amount

Advanced Technologies Inc.	shipping	366.70
Amazon	supplies, equipment, parts	1,908.98
American Engineering Testing	testing	730.00
Anderson Garage Doors	replace doors	5,000.00
ANOVA	supplies	575.37
Apple Store	programs fee	5.30
Associated Pool Builders, Inc.	consulting fee	1,430.00
Associated Supply Co.	supplies, parts	2,130.02
AT&T Mobile	cell phone	711.18
Auto Value Parts Store	parts, supplies	205.72
BIB	background checks	14.42
Brewster Building Center	garage doors	23,095.44
Bryan Rock Products	red ball diamond agg	1,672.76
Butler Machinery Co.	parts	101.98
Carquest of Ortonville	parts	360.10
Chappell Central Inc.	service air handler	527.50
CHS	gas	1,510.88
City of Milbank	deposits to final bill	129.46
Climate Systems	system repairs	307.50
Cole Papers Inc.	supplies	1,384.16
Corporate Technologies	IT support/annual renewals	11,470.43
Dakota Fence Co.	fence-tennis court project	36,903.75
Dakota Oil	bulk oil	1,368.55
Dewey's Lawn Care	system repairs	377.00
East Side Car Wash	truck wash usage	56.72
Ferguson Waterworks	meters	1,740.00
First Bank & Trust	travel expense	1,183.91
Flexible Pipe Tools & Equipment	parts	400.70
Folk, Holly	deposit refund	70.54
Food-N-Fuel	gas	110.55
Google/YouTube fee	subscription	14.86
Grant County Auditor	county services	1,000.00
Grant County Development Corp	housing agreement	835,131.00
Grant County Development Corp	allocation	15,500.00
Grant County Review	publications	617.76
Grant Roberts Rural Water	water service	342.60
Hanson, Jessica	certification expense	429.00

Harbor Freight	floor jacks	403.55
Hawkins, Inc.	chemicals	7,167.26
ITC	phone, internet	1,867.37
J&J Earthworks	5th Street project	100,091.25
Jacobson, Barb	Fit-4-you refund	195.00
Jefferson Lines	testing	165.00
John Deere Financial	parts & repairs	1,412.37
Johnson-Nelson Masonry, Inc.	masonry work-dugouts	20,000.00
Kelly Cutters	mowing contract	17,384.13
Linde Gas & Equipment Inc.	air system	51.70
M&T Fire & Safety Inc.	parts	400.08
Midwest Power Sports	parts	89.01
Milbank Area Chamber of Commerce	allocation	15,500.00
Milbank Fire Department	bldg. rent/education expense	11,500.00
Milbank Ford-Mercury	vehicle repairs	72.90
Milbank Winwater Co.	parts	3,742.44
Minnesota Sodding Co.	fieldwork	15,363.01
MnB Cleaning Services LLC	cleaning service	3,800.00
NAPA Auto Parts	parts, supplies	341.95
NW Energy	natural gas	886.52
O'Reilly	auto parts	121.12
Otter Tail Power Co.	electric	20,711.89
Parents Promoting Education	color run	100.00
Petty Cash	postage, supplies	81.89
Plunkett's Pest Control	pest control	606.00
Pro Image Partners	signage	3,480.00
Pro Track & Tennis, Inc.	color coat courts	105,900.00
Quill Corp.	supplies	1,119.94
Racarie	HR application support	105.00
RCX Sports LLC	program jerseys	429.75
Real Tuff	OX M tank	50.00
Reedstrom, Mark	retainer fee	1,000.00
Reimche Airspray LLC	FBO Contract	750.00
Roger's Electric Motor	repairs	1,587.89
Roof Shield	roof repairs	9,275.00
Runnings Supply Inc.	supplies, parts	2,294.78
Sanstead Excavating LLC	replace main	3,112.50
SD Dept of Public Safety	teletype service	3,090.00
SD Public Health Lab	testing	86.00
SD Solid Waste Management	registration fee/membership fee	375.00

SDML	conference fee	257.38
SDWWA	registration fee	155.00
Share Corp.	supplies	825.90
Spartan Athletic Co.	wind panels	6,684.59
Star Laundry & Cleaners	laundry service	370.76
Stoney Brook Ent. Inc.	parts	872.35
The Bank	meeting expense	95.76
Trapp Plumbing	repairs	2,010.17
Trav's Outfitter	uniform vest	915.83
Twin Valley Tire	tires, tire service	1,360.81
UPI Petroleum	gas	3,605.96
US Bank	bond payments	420,640.00
US Postal Service	postage	450.00
USA Bluebook	parts	2,678.42
Valley Office Products	supplies	70.23
Valley Rental & Recycling	recycling agreement	650.00
West Central Communications	radio repairs	275.71
Whetstone Home Center	supplies, parts	381.72
Whetstone Sanitation	garbage service/clean portables	1,549.00
Whetstone Valley Electric	electric	1,841.33
Wiese Electric	install soccer lights	30,981.37
Xerox Corp.	copier lease	379.06
Zoom Video Communications	Zoom video subscription	56.89
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