

**AGENDA  
CITY OF MILLER  
TUESDAY, FEBRUARY 21, 2023  
7:00 P.M.**

*The City of Miller is an equal opportunity employer.*

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of Minutes .....pgs. 1 - 4**

**Public Input**

**Unfinished Business**

1. Code Enforcement Agreement .....pg. 5

**New Business**

2. John Dunlop, GF&P – Pond
3. Dan Fritzsche – 6-month Probation
4. Hire Summer Help
- a. Ballpark Manager
  - b. Park Manager
  - c. Pool Manager
  - d. Lifeguards
5. Resolution 2023-3 – Family Crisis Center .....pg. 6

**Approval of Bills**

**Correspondence**

Family Crisis Center .....pg. 7

**Adjourn**

Public comments are welcomed during public input, but no action can be taken by the Council on comments received at this meeting. Anyone wishing to have the Council vote on an item should call the Finance Office at 853-2705 by 5:00 p.m. on the Wednesday preceding the next scheduled meeting to be placed on the agenda.

**CITY OF MILLER**  
**CITY COUNCIL MEETING**  
**FEBRUARY 6, 2023**

*The City of Miller is an equal opportunity employer.*

The City Council met in regular session at city hall at 7:00 p.m. on Monday, February 6, 2023.

**MEMBERS PRESENT:** Mayor Ron Blachford, Aldermen: Jim Odegaard, Mike Wetz, Tom McGough, Joe Zeller, and Alderwomen Susan Hargens, Tammy Lichty joined via phone call.

**CALL TO ORDER:** Mayor Blachford called the meeting to order.

Pledge of Allegiance was said by all present.

**AGENDA:** Motion by Alderman Odegaard, seconded by Alderman Wetz to approve the agenda as amended. All members voted aye. Motion carried.

**MINUTES:** Motion by Alderwoman Hargens, seconded by Alderman Wetz to approve the minutes with wording changes made by Alderwoman Lichty under "Police Chief Benefits" for the regular meeting held on January 17, 2023. All members voted aye. Motion carried.

**PUBLIC INPUT**

Alderwoman Hargens gave a quick overview of the Farm & Home Show held January 20 and 21. People who visited the city's booth were most interested in the plans for the new municipal swimming pool. The toilet dye tablets used to test for leaks were a popular handout.

**DEPARTMENT HEAD REPORTS**

Mayor Ron Blachford thanked the street department for clearing away accumulated ice away from City Hall.

Alderman McGough asked for clarification on the police report. It stated, "wages budget did not account for \$1.50 raises." Chief Huss explained he was reviewing the budget and found that it is short in the salary line item. Deputy Finance Officer Cindy Deuter further explained that cost-of-living increases were discussed and accounted for when the 2023 budget was approved in November. 2022 was an unusual year for the police department due to the lack of a fourth officer over a period of 6 months which resulted in several more hours of overtime paid.

**UNFINISHED BUSINESS**

**2<sup>nd</sup> Reading of Ordinance #743 – Fee Schedule:** Motion by Alderwoman Hargens, seconded by Alderman McGough to approve the second reading of Ordinance #743. Roll call vote: Alderman McGough – aye, Alderman Zeller – aye, Alderman Odegaard – aye, Alderman Wetz – aye, Alderwoman Lichty – aye, Alderwoman Hargens – aye. Motion carried. Alderman McGough thanked the staff on the nice design for the campground signs.

**2<sup>nd</sup> Reading of Ordinance #744 – Electric Rates:** Motion by Alderman Zeller, seconded by Alderman Wetz to approve the second reading of Ordinance #744. Roll call vote: Alderwoman Hargens – aye, Alderwoman Lichty – aye, Alderman Wetz – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderman McGough – aye. Motion carried.

**2<sup>nd</sup> Reading of Ordinance #745 – Electric Base Rates:** Motion by Alderman McGough, seconded by Alderman Odegaard to approve the second reading of Ordinance #745. Roll call vote: Alderman McGough – aye, Alderman Zeller – aye, Alderman Odegaard – aye, Alderman Wetz – aye, Alderwoman Lichty – aye, Alderwoman Hargens – aye. Motion carried.

**Electric Department On-call Pay:** Motion by Alderman McGough, seconded by Alderman Zeller to pay employees in the electrical department on-call pay at one hour of the employee's regular hourly wage. Lengthy discussion was held. On-call compensation by other entities was reviewed. Qualifications, certifications, job expectations, and the budgeting process of employee salaries were also discussed. Roll call vote: Alderman McGough – aye, Alderman Zeller – aye, Alderman Odegaard – nay, Alderman Wetz – nay, Alderwoman Lichty – nay, Alderwoman Hargens – aye. Mayor Blachford broke the 3-to-3 tie by voting aye. Motion carried. *A full recording of the meeting can be viewed by going to the city's website at [www.cityofmiller.com](http://www.cityofmiller.com) and clicking on the link to the city's YouTube Channel.*

## **NEW BUSINESS**

**Dakota Energy Agreement:** Motion by Alderman McGough, seconded by Alderwoman Hargens to approve the agreement. The city electric department and Dakota Energy have formed a good working relationship. All members voted aye. Motion carried.

**Milbank WinWater Meters:** Terry Manning, water superintendent explained to the council that the old water meters are quitting, losing about 10 meters per month. The current proposal for 250 replacement meters is only good until the end of the month. Due to supply issues, it's difficult to determine when the meters will arrive but necessary to have them on hand. Motion by Alderman Zeller, seconded by Alderman Odegaard to order the meters as quoted. All members voted aye. Motion carried.

**Special Event Liquor Licenses:** Motion by Alderman Wetz, seconded by Alderman Odegaard to approve special event liquor licenses for Turtle Creek Saloon on February 10 and for Willie's Bar & Grill on February 15, both to be held at the community center. All members voted aye. Motion carried.

**Plat of East 4<sup>th</sup> Street:** Motion by Alderwoman Hargens, seconded by Alderman Wetz to approve the plat for a portion of East 4<sup>th</sup> Street as requested by Miller School District No. 29-4. All members voted aye. Motion carried.

**Advertise for Bids – East 4<sup>th</sup> Street Project:** Motion by Alderman McGough, seconded by Alderman Wetz to advertise for bid for the East 4<sup>th</sup> Street Project. All members voted aye. Motion carried. After meeting with the utilities committee and city department heads, the engineers have made the required changes. The bid documents are ready for bid.

**Employee Policy Revisions:** Motion by Alderman McGough, seconded by Alderwoman Hargens to approve clarifications on the following policies:

**3.1 Definitions:**

*Regular Full-Time Employee:* An employee who is employed by the municipality to work a predetermined schedule of an average of at least 40 hours per week (80 hours per pay period as defined in Policy #6) and has completed their employee-in-training period.

**5.3 Standard Work Day**

Employees have the option of working beyond the 8:00 a.m. – 5:00 p.m. hour day or ending their work day after 8 hours worked, upon department head approval and providing they comply with the CDL provisions. A one hour break for noon lunch and a 15 minute break period in both the morning and afternoon will be permitted. Break periods may not be accumulated for time off.

Emergencies may require that employees work more than eight hours in a day but shall be compensated through the accumulation of overtime if over 40 actual worked hours are worked in the week. (Employees have the option to earn comp time – see 5.8 – **Compensatory Time (Comp Time)** below.) Vacation days or sick days in the work week are not included in actual worked hours worked for that week. Holidays in the work week are included in actual worked hours worked for that week (Excluding Police as they are required to work on the holiday).

**7.11.1 Work on a Holiday**

An employee (including police officers) required to work on a paid holiday observed by the municipality will receive time and one-half pay for hours worked in addition to holiday pay. Vacation and sick leave will not be honored on any paid holiday.

When a paid holiday falls on a Saturday or Sunday, police officers will receive time and one-half pay for hours worked on the actual holiday, not on the observed holiday.

All members voted aye. Motion carried.

**Credit Card Policy:** Motion by Alderwoman Hargens, seconded by Alderman Odegaard to approve the credit card policy. All members voted aye. Motion carried. A copy of the policy is on file in the finance office.

**Procurement Policy:** Motion by Alderman Wetz, seconded by Alderman McGough to approve the procurement policy. All members voted aye. Motion carried. A copy of the policy is on file in the finance office.

**Code Enforcement Specialists Agreement:** Motion by Alderwoman Hargens, seconded by Alderman Odegaard to table the agreement. The council asked Chief Huss to research code enforcement and let them know by the next meeting if he can enforce the International Property Maintenance Code. All members voted aye. Motion carried.

**District 5 Meeting:** Employees and council members are to let the office staff know by the registration deadline if they wish to attend the district meeting.

**Change Meeting Date:** Motion by Alderman Wetz, seconded by Alderman Odegaard to change the next meeting date to March 21 due to the SDML District 5 Meeting being scheduled in Onida on Monday, March 20. All members voted aye. Motion carried.

**GOED – Capital Improvement First:** Motion by Alderwoman Hargens, seconded by Alderman McGough to provide the \$15,000 match if the city's application is accepted. If Miller is one of the 16 municipalities chosen, the city will have the opportunity to have the State's contracted engineers devise a 5-year capital improvement plan for the City of Miller. All members voted aye. Motion carried.

**KBA Annual Report Agreement:** Motion by Alderman McGough, seconded by Alderwoman Hargens to approve the agreement to have KBA do the annual report for year ended December 31, 2022. All members voted aye. Motion carried.

**Municode Supplement #8:** Motion by Alderwoman Hargens, seconded by Alderman Wetz to approve the estimate from Municode for Supplement No. 8 to the city's Code of Ordinances in the amount of \$1,431.00. All members voted aye. Motion carried.

**NECOG Performance Report:** The council reviewed NECOG's performance report and noted the number of projects going on in Hand County.

**Approval of the Bills:** Motion by Alderman Odegaard, seconded by Alderman Wetz to approve the bills. All members voted aye. Motion carried.

Motion by Alderman McGough, seconded by Alderman Wetz to adjourn the meeting. There being no further business, the meeting was adjourned at 8:40 p.m. All members voted aye. Motion carried.

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Ronald Blachford, Mayor

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Cindy Deuter, Deputy Finance Officer

**LEGAL NOTICE OF RECEIPT**

Copy of the official proceedings

was received on: \_\_\_\_\_

Published once at the

approximate cost of: \_\_\_\_\_

**Bills February 2023 (1)**

3E Electrical Engineering	Annual Inspect.	1,125.00
American Solutions	Supplies	296.29
Avera Occ. Med.	Prof Fees	54.00
BDS	Garbage	350.00
Bob's Gas	Propane	19.00
Builder's Cashway	Gutters	299.43
City Utilities	Utilities	15,738.31
Dakota Energy	Service	320.00
Family Crisis Center	Donation	1,500.00
Fastenal	Supplies	135.03
Graham, Dustin	Reimb	56.00
Hand County Publishing	Publications	439.17
Hoftiezer, Ron	Reimb	41.00
Hughes Electric	Supplies	1,141.02
Pioneer Garage	Repairs	246.75
John Deere Financial	Supplies	51.15
Letsche, Devin	Reimb	56.00
Make It Mine Designs	Cutting Edges	438.00
NAPA	Parts	644.30
Nelson, Dave	Solar Sellback	55.18
Oakley Farm & Ranch	Supplies	57.97
OHED	80% BBB	2,895.76
Postmaster	Postage	450.00
Ramkota Hotel	Lodging	544.00
SDWWA	Regist.	75.00
Servall	Service	224.02
Share Corp	Supplies	554.98
South Dakota 811	Locates	44.80
SPN	Prof Fees	3,800.00
Stuart C Irby	Supplies	1,075.00
Twin Valley Tire	Tires	2,375.00
US Bank	Loans	55,969.92
Wesco	Supplies	551.26
	Accounts Payable Total	<u>\$91,623.34</u>

**Payroll Salary plus**

Benefits by Department:		1/31/2023 & 2/02/2023		
Department		w/o OT	OT	Total
41101	COUNCIL	3,493.26	0.00	3,493.26
41402	FINANCE OFFICE	3,248.83	0.00	3,248.83
41902	BUILDING	482.96	0.00	482.96
42101	POLICE	13,022.36	1,756.65	14,779.01
43101	STREET	8,252.80	641.83	8,894.63
43201	SEWER	5,595.28	192.65	5,787.93
43305	WATER	5,595.17	192.63	5,787.80
43403	ELECTRIC	9,254.29	0.00	9,254.29
		<u>\$48,944.95</u>	<u>\$2,783.76</u>	<u>\$51,728.71</u>



Police Department  
120 W 1<sup>st</sup> Street  
Miller, SD 57362  
605-853-2400

2/21/23

To: Mayor Blachford  
Re: Code Enforcement

I have reviewed the proposed contract with Code Enforcement Specialists, as well as reviewed literature I have found on Code Enforcement.

I found Code Enforcement is setup in numerous different ways by municipalities in South Dakota. Some place Code Enforcement under Planning & Zoning or Community Development or the Police Department. I believe each municipality could organize their Code Enforcement however works best for them.

Code Enforcement is a civil process. When a violation is discovered, the civil process is often started with a Letter of Notice and if the owner does not comply the City (and/or Contractor) can follow an abatement process; an escalation beyond the Letter of Notice.

While many municipalities enforce Codes through the Police Department, it is my opinion, that blurs the line between civil and criminal processes by the mere fact the Police Department is comprised of certified Law Enforcement Officers.

There are very few circumstances in which Law Enforcement has any authority over a Civil issue. Some common examples when the public seeks Law Enforcement intervention, in which Law Enforcement has zero authority include child custody agreements, property line disputes, personal property disputes, etc.

I believe the use of Certified Law Enforcement Officers to enforce lawn mowing for example, is outside the scope of being a Police Officer. I also believe a uniformed Officer approaching a citizen about tall grass or noxious weeds would cause extra stress on that citizen by the simple fact of Officer's wearing a badge and firearm.

A great advantage of using an outside contractor, is that the Police Dept can't be accused of favoritism.

However, I can think of a couple examples in which immediate resolution is in the best interest of the City. For example, a vehicle or trailer parked on a street during snow removal. In this example, I believe the Police Department can and should assist in addressing this issue as a public safety matter.

In summary, it is my opinion that Code Enforcement authority continue with Code Enforcement Specialist, LLC.

Ted Huss  
Chief of Police

**RESOLUTION NO. 2023-3**

*The City of Miller is an equal opportunity employer.*

**WHEREAS**, the City of Miller desires to ensure that the citizens of the City of Miller have a locally managed entity to assist families in need of assistance and victims of domestic violence/sexual assault;

**WHEREAS**, the Family Crisis Center, Inc., DBA Ginny's Safe House, is a locally controlled entity.

**THEREFORE, BE IT RESOLVED** that the City of Miller hereby endorses the Family Crisis Center, Inc., DBA Ginny's Safe House, as the official entity of choice to provide assistance to victims of domestic violence/sexual assault in the City of Miller.

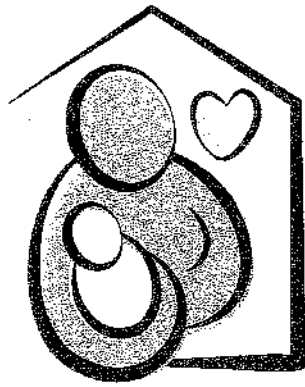
Adopted this 21<sup>st</sup> day of February 2023.

(SEAL)

\_\_\_\_\_  
Ronald Blachford, Mayor

ATTEST:

\_\_\_\_\_  
Sheila Coss, Finance Officer



# Thank you

for your generosity  
and support of

**FAMILY CRISIS  
CENTER, INC.**

*Family Crisis Center  
DBA, Ginny's Safe House Redfield*

*City of Miller*

*Thank you for your donation  
of \$1500 to the Center for January '23  
This is greatly appreciated & again  
thank you.*

*The Board of Directors*