

**AGENDA
CITY OF MILLER
MONDAY, APRIL 19, 2021
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 - 3**

Public Input

Public Hearing

7:30 Board of Adjustments

- a. Resolution 2021-7 Variance for Dwight & Connie Aymanpg. 4
 - Building Permit - garage

New Business

- 1. C&C Fireworks
- 2. Building Permit: Heather Hill (Odden) – amend house plan
- 3. Ball Fields -- Roger Haberling
- 4. Easement -- Wayne Ruhnke pgs. 5 - 9
- 5. Purchase Mower -- Ron Hoftiezer, Street Supt. pgs. 10 - 11
- 6. 2015 Ford Explorer Police Car
- 7. Dustin Graham, Electric Supt.
 - a. Electric Locates
 - b. Truck Inspections
 - c. Old Transformers -- T&R Electric
 - d. South Side of Electric Building
 - e. Hire summer help
- 8. Personnel Committee -- Flex Meeting Time, Sick Payout
- 9. Heater for the Bathhouse
- 10. DENR Grant Agreements..... pgs. 12 - 13
- 11. Canvas Votes - April 13, 2021 Election

Approval of Bills

Adjourn

**CITY OF MILLER
CITY COUNCIL MEETING
APRIL 5, 2021**

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, April 5, 2021.

MEMBERS PRESENT: Mayor Ron Blachford, Aldermen: Jim Odegaard, Tony Rangel, Bob Steers, Jeff Swartz, Joe Zeller, and Alderwoman Tammy Lichty.

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 Steers to approve the agenda. All members voted aye. Motion carried.

MINUTES: Motion by Alderman Rangel, seconded by Alderwoman Lichty to approve the minutes for the regular meeting held on March 15, 2021. All members voted aye. Motion carried.

DEPARTMENT HEAD REPORTS

Ron Hofstiezer stated that he needs a value on the street sweeper. Motion by Alderman Rangel, seconded by Alderman Zeller to have the street committee research and give a written statement of the value of the 2003 Elgin Street Sweeper to surplus. All members voted aye. Motion carried. Deputy Police Chief Ames stated that all officers were recertified in firearms this morning by John Dunlap. They will be hosting a baton training and invite the sheriff's department to participate.

UNFINISHED BUSINESS

Hire Electric Superintendent and Lineman: Motion by Alderman Steers, seconded by Alderwoman Lichty to hire Dustin Graham as the electric superintendent for \$35.00/hour and Zach Reber as a lineman apprentice for \$25.00/hour. Roll call vote: Alderman Steers -- aye, Alderwoman Lichty -- aye, Alderman Rangel -- aye, Alderman Odegaard -- nay, Alderman Zeller -- aye, Alderman Swartz -- aye. Motion carried.

Wage -- Josh Koeck: Josh Koeck was present to state that his wage as an as needed employee was incorrect. Motion by Alderman Rangel, seconded by Alderman Swartz to pay Josh Koeck \$50.00/hour for an as needed employee retroactive to January 1st. All members voted aye. Motion carried.

Dakota Energy Agreement: Motion by Alderman Swartz, seconded by Alderman Zeller to send a letter to Dakota Energy to request an annual agreement for on-call and emergency assistance. Roll call vote: Alderman Swartz -- aye, Alderman Zeller -- aye, Alderman Odegaard -- aye, Alderman Rangel -- aye, Alderwoman Lichty -- aye, Alderman Steers -- aye. Motion carried.

NEW BUSINESS

Bathhouse Removal: Ron Hofstiezer stated that he can take the roof from the old park bathhouse to the county rubble site and the bricks will be crushed. They hope to start on the demolition tomorrow, weather permitting.

Orv's Yard Service: Motion by Alderman Odegaard, seconded by Alderman Rangel to hire Orville Kleinsasser, Orv's Yard Service, to spray the city hall, water tower, pool, and tennis courts with fertilizer and weed killer for \$250.00 per application. All members voted aye. Motion carried.

Wages for Aaron Zeller: Motion by Alderman Steers, seconded by Alderman Rangel to give Aaron Zeller a 4% cost of living increase as he did not receive an increase in 2020. All members voted aye; Alderman Zeller abstained. Motion carried.

Public Hearing 7:30 Board of Adjustments

Motion by Alderman Odegaard, seconded by Alderman Swartz to adjourn as the common council and reconvene as the board of adjustments at 7:30 p.m. All members voted aye. Motion

carried. Tony Olson of TLC Olson Construction, LLC was present to ask for a variance to place a carport in front of their property located at 207 W 2nd Street and add a front, side, and back deck closer to the lot lines. The council approved the variance for the decks, but the carport sticks out too far in front of the house. Motion by Alderman Swartz, seconded by Alderman Zeller to approve Resolution 2021-6 – Variance with two changes. Roll call vote: Alderman Steers – aye, Alderwoman Lichty – aye, Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderman Swartz – aye. Motion carried. Motion by Alderman Rangel, seconded by Alderman Odegaard to adjourn as the board of adjustments and reconvene as the common council at 7:52 p.m. All members voted aye. Motion carried.

Building Permits: Motion by Alderman Zeller, seconded by Alderwoman Lichty to approve the following building permits: TLC Olson Construction, LLC – decks, Mike Beaner – amend previous permit for garage size, Carolyn Hargens – replace front step. All members voted aye. Motion carried.

MMUA Training: Motion by Alderman Rangel, seconded by Alderman Steers to hire MMUA to train Dustin Graham and Zach Reber through their four-year apprentice lineworker program and to come to Miller for a three-day hands-on training next week. All members voted aye. Motion carried.

Advertise for Taxi Lane Improvements: Motion by Alderman Swartz, seconded by Alderman Odegaard to approve Helm's and Associates advertising for bids for the taxi lane improvements at the airport. All members voted aye. Motion carried.

Helms & Associates Invoice: Motion by Alderman Rangel, seconded by Alderwoman Lichty to pay Helms & Associates \$34,770.43 for invoice number 23451. All members voted aye. Motion carried.

Annual Report Review: Motion by Alderman Swartz, seconded by Alderman Steers to approve the annual report prepared by Kohlman, Bierschbach and Anderson, LLP. All members voted aye. Motion carried.

Civil Air Patrol Magazine Advertisement: Motion by Alderman Steers, seconded by Alderman Swartz to purchase a 1/12-page airport advertisement in the Civil Air Patrol Magazine for \$195.00. All members voted aye. Motion carried.

Hire Summer Help: Motion by Alderwoman Lichty, seconded by Alderman Odegaard to hire Luke Johnson – ballpark and Abbi Blake – lifeguard for \$10.50/hour. All members voted aye. Motion carried.

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

Motion by Alderman Zeller, seconded by Alderwoman Lichty to adjourn the meeting. There being no further business, the meeting was adjourned at 8:17 p.m. All members voted aye. Motion carried.

Ronald Blachford, Mayor

Sheila Coss, Finance Officer

LEGAL NOTICE OF RECEIPT

Copy of the official proceedings
was received on: _____
Published once at the
approximate cost of: _____

Bills April 2021 (1)

3D Specialties	Sign	57.33
Advanced Collision & Repair	Install Stripes	350.00
American Solutions	Supplies	364.16
AT&T	Cell Phone	45.39
BDS	Garbage	179.00
Bronco Blades	Blades	600.00
Builders Caslway	Supplies	17.43
City Utilities	Utilities	13,557.18
Civic Plus	Website	3,250.00
DGR Engineering	Cap Imp	2,165.00
Fastenal	Supplies	97.03
Hand County Publishing	Supplies	1,065.24
Helmis & Associates	Prof Fees	34,770.43
Hughes Electric	Repairs	700.00
Jazzy's Repair	Parts	155.00
Jim's Auto Repair	Repairs	519.79
KBA	Prof Fees	1,975.00
Lumacurve Airfield Signs	Stakes	319.20
Main Street Lunch Box	Pizzas-District Mtg	64.00
McLeod's	Election Kits	83.83
MDRWS	Water	16,296.75
MMUA	Safety Mgmt Program	2,306.25
Northwest Pipe Fittings	Supplies	1,363.10
Oakley Farm & Ranch	Supplies	193.02
OHED	80% BBB	1,975.25
Outdoor Supply	Supplies	17.95
Postmaster	Postage	325.00
Preferred Transmissions	Repairs	817.20
Premier Equipment	Antenna	35.34
Riter Rogers Law	Prof Fees	3,080.00
SD DENR	Fee	10.00
SD DOH	Tests	30.00
SD DOT	Salt	1,014.00
SDMI, Work Comp Fund	Work Comp	728.00
Share Corp	Supplies	858.79
Streicher's	Supplies	204.96
US Bank	Loan	18,165.39
Wesco	Supplies	171.36
Wilbur-Ellis	Fuel	173.63
	Accounts Payable Total	<u>\$108,051.00</u>

Payroll Salary plus		3/30/2021 &		
Benefits by Department:		3/31/2021		
Department		w/o OT	OT	Total
41101	COUNCIL	3,154.13	0.00	3,154.13
41402	FINANCE OFFICE	1,193.10	0.00	1,193.10
41902	BUILDING	491.21	0.00	491.21
42101	POLICE	9,900.82	2,168.36	12,069.18
43101	STREET	4,622.94	98.78	4,721.72
43201	SEWER	4,923.67	355.85	5,279.52
43305	WATER	4,923.60	355.82	5,279.42
43403	ELECTRIC	6,475.42	18.27	6,493.69
		<u>\$35,684.89</u>	<u>\$2,997.08</u>	<u>\$38,681.97</u>

RESOLUTION NO. 2021-7

The City of Miller is an equal opportunity employer.

A RESOLUTION AUTHORIZING A VARIANCE

WHEREAS, Chapter 40-31 of the Municipal Zoning Regulations of the City of Miller authorizes a variance for property in the residential district; and

WHEREAS, Dwight & Connie Aymar own the property described as the E 10' of the vacated alley, the W 15' of Lot 5, all of Lot 6, Block 3, Original Miller Resurvey; the W 10' of the vacated alley, the E 5' of Lot 25, Block 3, E.J. Miller's Resurvey Addition to the City of Miller and have applied for a variance on said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miller, that a variance is hereby granted for the above-described property under the following conditions:

1. The owners of the property described as the E 10' of the vacated alley, the W 15' of Lot 5, all of Lot 6, Block 3, Original Miller Resurvey; the W 10' of the vacated alley, the E 5' of Lot 25, Block 3, E.J. Miller's Resurvey Addition to the City of Miller have applied for a variance on said property. The variance will allow for the placement of a garage to be placed closer to the west lot line on said property as set forth in the zoning regulations. The existing garage is 1½ feet from the west lot line.
2. Any other ordinances or sections of the Municipal Code of the City of Miller that may apply will be complied with.
3. This variance will apply to any subsequent owner as it relates to said construction permitted by this resolution.

Adopted this 19th day of April 2021.

Ronald Blachford, Mayor

(SEAL)

ATTEST:

Sheila Coss, Finance Officer

Prepared by:
Gregory G. Rediger
Attorney at Law
117 East Third Street
P.O. Box 12
Miller, South Dakota 57362
(605) 853-2125

EASEMENT AGREEMENT

THIS AGREEMENT made and entered into this _____ day of April, 2021, between the City of Miller, a South Dakota municipal corporation, of 120 West Second Street, Miller, South Dakota 57362, (hereinafter referred to as "City"), and Wayne A. Ruhnke and Sharleen Ruhnke, husband and wife, of 117½ North Broadway Avenue, Miller, South Dakota 57362 (hereinafter referred to as "Ruhnkes"), their successors and assigns, WITNESSETH:

WHEREAS, City is the owner of the following described real property located in the City of Miller, Hand County, South Dakota, referred to as:

East Second Avenue Right of Way, in Miller, Hand County,
South Dakota; and

WHEREAS, Ruhnkes are the owners of the following described real property in Miller, Hand County, South Dakota:

The South 70 feet of Lot 6, Block 1, Garlick's Addition
to the City of Miller,
according to the recorded plat thereof.

Whereas, a residential home has heretofore been constructed so that it encroaches on the above described right of way of East Second Avenue along the west lot line of Lot 6 by approximately 3 feet in addition to two concrete driveways and stairs, and any other encroachment as shown on the Inspection Certificate prepared by Michael R. Ortbahn and dated March 22, 2021, a copy of which is attached hereto and incorporated herein by this reference; and

Whereas, Ruhnkes desire to have an easement for the use of the portion of said East Second Avenue right of way as described above and on said Inspection Certificate, for the purpose of using, maintaining and repairing said residential structure; and

Whereas, the City desires to grant such as easement to Ruhnkes.

Now, therefore, in consideration of the premises and covenants herein contained, City and Ruhnkes hereby agree as follows:

1. City hereby grants to the Ruhnkes, their heirs, successors and assigns, an easement to the right of using and allowing all of the encroachments on the portion of East Second Avenue right of way as described herein and shown on the Inspection Certificate attached hereto and incorporated herein, and the right of ingress and egress upon said portion of East Second Avenue right of way for the purposes of maintaining and repairing the residential structure and premises.
2. City and Ruhnkes agree that in the event the residential structure is destroyed or removed, this easement shall terminate.
3. This grant of easement shall run with the land and shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

CITY OF MILLER:

BY: _____

Ronald Blachford
Mayor

Wayne A. Ruhnke

Sharleen Ruhnke

ATTEST:

Sheila Coss
City Finance Officer
(SEAL)

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF HAND)

On this the _____ day of April, 2021, before me, the undersigned officer, personally appeared Ronald Blachford, Mayor of the City of Miller, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:
(SEAL)

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF HAND)

On this the _____ day of April, 2021, before me, the undersigned officer, personally appeared Wayne A. Ruhnke and Sharleen Ruhnke, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

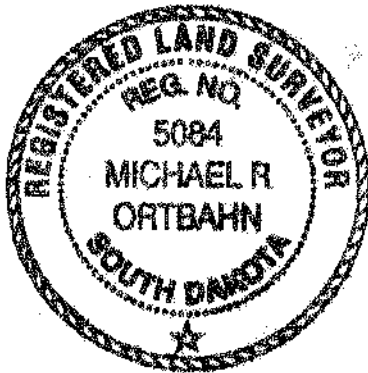
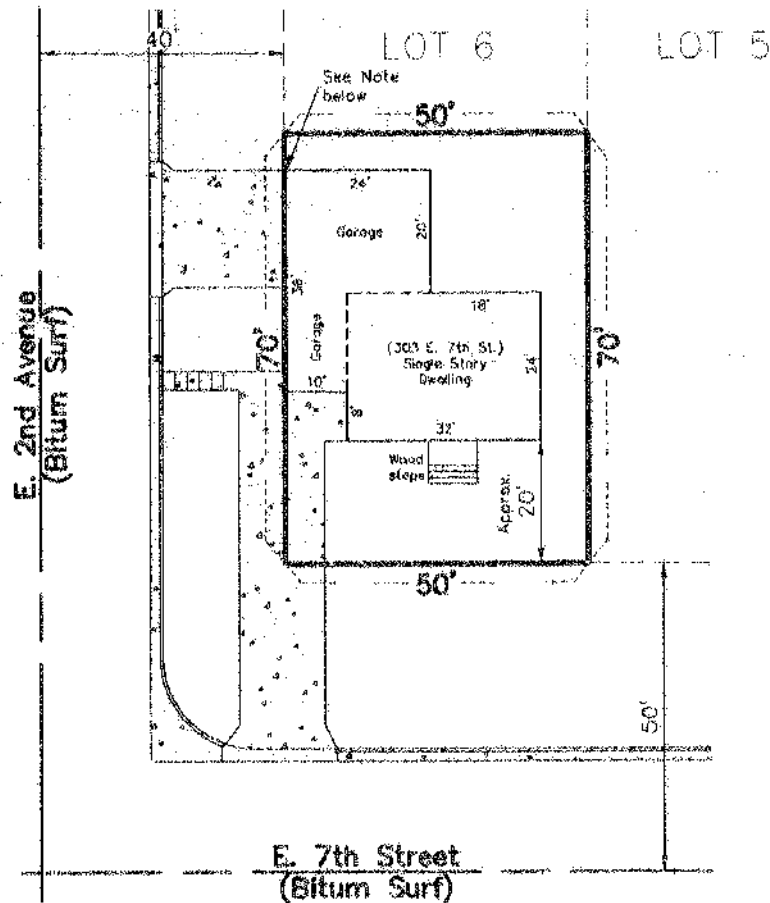
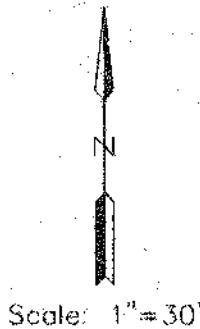
My Commission Expires:
(SEAL)

IMPROVEMENT LOCATION EXHIBIT

(See "Note Regarding Improvement Location Exhibit" on reverse side)

LEGAL DESCRIPTION:

The South 70' of Lot 6, Block 1,
Garlick's Addition to the City of Miller



On March 22, 2021, at the request of Zachary Reber, a field investigation of the property described as the South 70 feet of Lot 6, Block 1, Garlick's Addition to the City of Miller, Hand County, South Dakota was conducted by me, Michael R. Ortbahn, a Registered Land Surveyor in the State of South Dakota. Property address known as 303 E. 7th Street, Miller, South Dakota. This dwelling is a single story structure with a setback of approximately 20 feet from the front property line (See Note below). This lot fronts on E. 7th Street and the West line of the property is the East line of E. 2nd Avenue. The West wall of the structure is close to the West property line, possibly on it or slightly over it (See Note below). The roof overhang along with rain gutter could or would encroach onto the street right of way. No part of any building on adjoining lot or lots encroach on this property. Witness my hand and seal this 7th day of April, 2021, at Huron, South Dakota.

Michael R. Ortbahn

Michael R. Ortbahn
Reg. Land Surveyor No. 5084

NOTE: No property corners were found within a reasonable distance to this property. Without a full boundary survey the true relationship of the building to the property lines cannot properly be determined.

Michael R. Ortbahn
4681 Dakota Ave. S.
Huron, SD 57350-8541
Fax/Message (605) 352-5977

⬮ Denotes Pin Found

"NOTE REGARDING IMPROVEMENT LOCATION EXHIBIT"

The accompanying drawing is a representation of the conditions that were found at the time the field investigation of the property was made and was prepared for mortgagee title insurance only. This document does not constitute a boundary survey and is subject to any discrepancies that a subsequent boundary survey may disclose. No property corners were set. The dimensions shown from the buildings to the deed lines should not be used to establish the true boundary nor should they be used to establish any fence, structure or other improvements.

Only with a "full boundary survey" will all of the property pins be relocated or reestablished and verified, thus physically showing the property lines in the field. It is from these pins which improvements such as fences, sidewalks, driveways, landscaping and new construction such as additions and garages should be based upon. No warranty of any kind is extended therein to the present or future owner or occupant.

Easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

All linear values shown on the drawing are based on record or deed information and have not been verified unless noted.

TITAN **MACHINERY**

1410 N BROADWAY AVE, MILLER, SD | 605-937-5267

Quotation # 304833

Quote Date: 4/7/2021

Quote Valid Until:

KEEVEN LONG 712-298-2347

CUSTOMER: CITY OF MILLER
RON HOFTIEZER
120 W 2ND ST
MILLER SD 57362-1316

Telephone: 605-853-2705

Cell Phone: -

PURCHASED EQUIPMENT:

(1) NEW 1105059 QUICK QUOTE QQAG, Serial # QQ *Grassy Mower 532* \$9,450.00

Total Delivery Charge: \$0.00

Total Price: \$9,450.00

TRADE-IN EQUIPMENT:

Total Trade-In Allowance:

QUOTE SUMMARY:

RETAIL FINANCE TERMS:

Finance Company:

Total Equipment/Trade Difference: \$9,450.00

Other Options/Fees:

Sales Tax: \$0.00

Total Balance Due: \$9,450.00

Payment Schedule

EST. NO. OF PAYMENTS	EST. PERIOD OF PAYMENTS	EST. BEGINNING MM/DD/YYYY	EST. AMOUNT OF EACH PAYMENT
	0 months		\$0.00

ID

See Us For All of Your Equipment Solutions

Quote Subject to Availability

1 of 2



JOHN DEERE



Quote Summary

Prepared For:
CITY OF MILLER
120 W 2ND ST
MILLER, SD 57362
Business: 605-853-2705
CINDY.DEUTER@CITYOFMILLER.COM

Prepared By:
Dylan Templeton
C & B Operations, LLC
1810 N Broadway
Miller, SD 57362
Phone: 605-853-2482
Mobile: 605-769-0598
templetond@deereequipment.com

Quote Id: 24107430
Created On: 08 April 2021
Last Modified On: 12 April 2021
Expiration Date: 15 April 2021

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE Z950M ZTrak	\$ 9,500.00 X	1 =	\$ 9,500.00
Equipment Total			\$ 9,500.00

Quote Summary

Equipment Total	\$ 9,500.00
SubTotal	\$ 9,500.00
Est. Service Agreement Tax	\$ 0.00
Total	\$ 9,500.00
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 9,500.00

Salesperson : X

Accepted By : X

**South Dakota
Consolidated Water Facilities Construction Program
Grant Agreement**

Recipient	City of Miller	Award Type	ID Number
Address	120 W 2nd St Miller, SD 57362	Grant	2022G-107
Certifying Officer (name, title)		Date of Award	Type of Action
		March 25, 2021	NEW
		Total Project Cost	CWFCP Amount
	Ron Blachford, Mayor (605) 853-2705	\$207,935	\$112,700

Project Title/Description Water Distribution Phase II - Additional Funding

Replacement of approximately 13,500 of 6-inch water main, 1,650 feet of 8-inch water main, and other necessary appurtenances.

Award Conditions

General: The grantee covenants and agrees that it will expeditiously initiate and timely complete the project above described in accordance with this agreement in four years or less from the date of award. The grantee warrants, represents, and agrees that it will comply: (1) with all applicable provisions of SDCL Chapter 46A-1-63.1 and ARSD 74:05:07; (2) with any special conditions set forth in this agreement; and (3) with the attached Assurances, Terms, and Conditions.

Special: None

Offer

The State of South Dakota hereby offers assistance to the city of Miller for up to 54.2% of all approved total project costs not to exceed \$112,700 for the support of the approved project as described above (including all application modifications).

Signature of Award Official

Typed Name and Title

Date

Jerry Soholt, Chairman

Board of Water and Natural Resources

March 25, 2021

Acceptance

In accepting this award or amendment and any payment made pursuant thereto, (1) the undersigned represents that he/she is duly authorized to act on behalf of the recipient, and (2) the recipient agrees (a) to comply with the provisions of this agreement, and (b) any payments found by the State of South Dakota to have been overpaid will be refunded or credited in full to the State. To the best of my knowledge and belief, data in this agreement are true and correct.

By and On Behalf of The Recipient

Signature of Designated Official

Typed Name and Title

Date

[12]

**South Dakota
Consolidated Water Facilities Construction Program
Grant Agreement**

Recipient	City of Miller	Award Type	ID Number
Address	120 W 2nd St Miller, SD 57362	Grant	2022G-101
Certifying Officer (name, title)		Date of Award	Type of Action
		March 25, 2021	NEW
		Total Project Cost	CWFCP Amount
	Ron Blackford, Mayor (605) 853-2705	\$263,080	\$135,750

Project Title/Description Wastewater Collection - Phase II - Additional Funding

Replacement of approximately 9,740 feet of 8-inch sewer main, 2,320 feet of 12-inch sewer main, and 420 feet of 18-inch sewer main, as well as several manholes and other necessary appurtenances.

Award Conditions

General: The grantee covenants and agrees that it will expeditiously initiate and timely complete the project above described in accordance with this agreement in four years or less from the date of award. The grantee warrants, represents, and agrees that it will comply: (1) with all applicable provisions of SDCL Chapter 46A-1-63.1 and ARSD 74:05-07; (2) with any special conditions set forth in this agreement; and (3) with the attached Assurances, Terms, and Conditions.

Special: None

Offer

The State of South Dakota hereby offers assistance to the city of Miller for up to 51.6% of all approved total project costs not to exceed \$134,750 for the support of the approved project as described above (including all application modifications).

Signature of Award Official

Typed Name and Title

Date

Jerry Soholt, Chairman

Board of Water and Natural Resources

March 25, 2021

Acceptance

In accepting this award or amendment and any payment made pursuant thereto, (1) the undersigned represents that he/she is duly authorized to act on behalf of the recipient, and (2) the recipient agrees (a) to comply with the provisions of this agreement, and (b) any payments found by the State of South Dakota to have been overpaid will be refunded or credited in full to the State. To the best of my knowledge and belief, data in this agreement are true and correct.

By and On Behalf of The Recipient

Signature of Designated Official

Typed Name and Title

Date

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