

**AGENDA
CITY OF MILLER
MONDAY, MAY 16, 2022
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

Unfinished Business

1. Crystal Park – Extended Stay
2. Camden Hofer, SPN, Phase III Update & Phase IV Questions
3. Rural Development Application

New Business

1. DANR Grant Agreement pg. 4
2. Pool Manager, Sydney Jessen – pool start-up
3. Nan Donlin – PEO Free Library
4. Mike Werdel – Legion
5. Outlaw Ball Associations – Scoreboards
6. Pool Fundraising Committee
7. Quoin Bank – Claim pgs. 5 - 7
8. MicroComm Service Contract pgs. 8 - 9
9. Fireworks Permit pg. 10
10. Building Permits: Carol Winsell – remove garage, Trudy Stevens – add trailer
11. Work Session – Budgets

Approval of Bills

Adjourn

Council members:

Please bring your green Code of Ordinances of the City of Miller code books to the meeting for Supplement No. 7 updates.

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
MAY 2, 2022

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, May 2, 2022.

MEMBERS PRESENT: Mayor Ron Blachford, Aldermen: Jim Odegaard, Jeff Swartz, Mike Wetz, Joe Zeller, and Alderwomen: Susan Hargens and Tammy Lichty. Absent: Aldermen: Tony Rangel and Bob Steers.

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

Pledge of Allegiance was said by all present.

AGENDA: Motion by Alderwoman Lichty, seconded by Alderman Odegaard to approve the agenda. All members voted aye. Motion carried.

MINUTES: Motion by Alderman Swartz, seconded by Alderman Zeller to approve the minutes for the regular meeting held on April 18, 2022, and the special meeting held April 25, 2022. All members voted aye. Motion carried.

Motion by Alderman Odegaard, seconded by Alderwoman Lichty to adjourn as the old council and reconvene as the new council. All members voted aye. Motion carried.

Oath of Office: Mayor Blachford gave the oath of office to Alderwomen Tammy Lichty and Susan Hargens and Alderman Mike Wetz.

Election of Officers: Motion by Alderman Odegaard, seconded by Alderwoman Lichty to nominate Jeff Swartz as President. All members voted aye. Motion carried. Motion by Alderwoman Lichty, seconded by Alderman Zeller to cease nominations and cast a unanimous ballot for Jeff Swartz as President. All members voted aye. Motion carried. Motion by Alderman Odegaard, seconded by Alderman Zeller to elect Tammy Lichty as Vice President. All members voted aye. Motion carried. Motion by Alderman Zeller, seconded by Alderwoman Hargens to cease nominations and cast a unanimous ballot for Tammy Lichty as Vice President. All members voted aye. Motion carried.

Mayoral Appointments: Motion by Alderman Swartz, seconded by Alderman Odegaard, to approve the following Mayoral Appointments. All members voted aye. Motion carried.

2022 Committee Assignments **Mayoral Appointments** (Committee Chair is first person listed; Alternate is 3rd person listed) **FINANCE OFFICE:** Zeller, Wetz, Lichty; **PUBLIC SAFETY** Police, Fire, Civil Defense, Emergency Warning System, Emergency Management: Zeller, Wetz, Odegaard; **STREETS, PARK, BALLPARK** Streets, Alleys, Sidewalks, Park, Ballpark, City Hall Mowing, Storm Sewer, Street Equipment: Swartz, Odegaard, Lichty; **UTILITIES** Lights and Power, Water, Sewer, Pool, City Hall Snow Removal, Utility Equipment: Zeller, Hargens, Swartz; **AIRPORT, CITY PLANNING & ZONING:** Lichty, Wetz, Swartz; **BUILDINGS MAINTENANCE:** Hargens, Zeller, Swartz; **PERSONNEL:** Odegaard, Lichty, Hargens; **BEAUTIFICATION:** Hargens, Odegaard; **WORKPLACE SAFETY:** Wetz, Hargens, Odegaard; **ON HAND EC. DEV. DELEGATE:** Zeller; **HOUSING:** Swartz, Wetz; *The Mayor is a member of each committee as ex-officio. (By virtue of his title.)* **Mayoral Appointments:** **CITY ATTORNEY:** Riter, Rogers, Watier & Northrup, LLP; **OFFICIAL NEWSPAPER:** "The Miller Press"; **OFFICIAL DEPOSITORS:** American Bank & Trust – Miller, Quoin Financial Bank – Miller; **PUBLIC HEALTH OFFICER:** Dr. John Hopkins; **LEPC LIAISON:** Ronald Hoffstetzer; **NECOG LIAISON:** Susan Hargens; **AMERICANS WITH DISABILITIES REPRESENTATIVES:** Jeff Swartz, Tammy Lichty; **TREE CITY USA:** Jim Odegaard; **CONSOLIDATED EQUALIZATION:** Tammy Lichty; **NATURAL GAS EXPANSION BOARD:** Joe Zeller.

PUBLIC INPUT

Mayor Blachford welcomed Susan & Mike to the council. There is a lot going on and adjustments will be made going forward.

DEPARTMENT HEAD REPORTS

Ron Hoffiezer stated that there was no flooding with the recent rains as a result of the work done near Stobbs. There were sticks plugging the inlets. There was no water in the storm sewer inlets near the pool after the construction last year. That is usually a problem area. Brandon Hammill stated that the new grinders are working well. Jan Kittleson asked if the road near The Miller Press would be paved or chip sealed. Ron Hoffiezer thought it would be chip sealed.

NEW BUSINESS

Peterka Plat: Motion by Alderman Zeller, seconded by Alderwoman Lichty to approve the revised Peterka Plat. All members voted aye. Motion carried.

DANR and RD Phase IV Funding: Motion by Alderman Zeller, seconded by Alderwoman Lichty to table a decision until Camden Hofer, SPN engineer, is present to answer questions regarding Phase IV. (Possible special meeting on May 9th.) All members voted aye. Motion carried.

Peterka Water Service Permit: Motion by Alderwoman Lichty, seconded by Alderwoman Hargens to have the City of Miller fill out the DOT permit to provide water service under Highway 45 to Peterka Tract 2 and to maintain the waterline after it is installed by the new owner. Roll call vote: Alderman Swartz -- aye, Alderman Zeller -- aye, Alderman Odagaard -- aye, Alderman Wetz -- aye, Alderwoman Lichty -- aye, Alderwoman Hargens -- aye. Motion carried.

SPN Invoices: Motion by Alderman Odagaard, seconded by Alderman Wetz to approve SPN Invoices 25929-25931 for a total of \$10,307.64. All members voted aye. Motion carried.

Malt Beverage Renewals: Motion by Alderwoman Hargens, seconded by Alderman Zeller to approve the following malt beverage license renewals: 4 Amigos, LLC -- Cowboy Country Store, DOLGEN Midwest, LLC -- Dollar General, MILLAN, INC. -- Pump 'N Pak, and Turtle Creek Steakhouse, LLC. All members voted aye. Motion carried.

Crystal Park Extended Stay: Motion by Alderman Zeller, seconded by Alderman Wetz to continue with Ron Hoffiezer and Shannon Speck monitoring the campground usage. All members voted aye. Motion carried.

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

Motion by Alderwoman Lichty, seconded by Alderman Zeller to adjourn the meeting. There being no further business, the meeting was adjourned at 8:33 p.m. All members voted aye. Motion carried.

Ronald Blachford, Mayor

Sheila Coss, Finance Officer

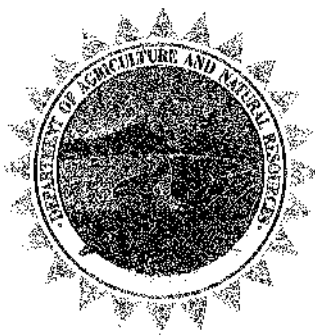
LEGAL NOTICE OF RECEIPT

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

Bills May 2022 (1)

BDS	Garbage	179.00
Brueggeman, Susan	Election Worker	250.00
Builders Cashway	Supplies	27.45
Bushfield, Debra	Election Worker	250.00
City Utilities	Utilities	10,289.86
CNH Industrial	Supplies	107.20
Hand County Publishing	Publications	471.00
Helms & Associates	Prof Fees	332.87
Hoftiezer, Ron	Reimb	36.00
John Deere Financial	Supplies	400.70
Manning, Terry	Reimb	262.44
Rexall	Supplies	4.99
MMUA	Shipping	14.00
Nelson, Dave	Solar Sellback	83.72
Oakley Farm & Ranch	Supplies	28.63
OHED	80% BBB	3,575.08
Postmaster	Postage	350.00
Ramkota Hotel	Lodging	96.99
SD Fed Property	Supplies	13.00
Servall	Service	109.51
SD 811	Locates	23.52
SPN	Prof Fees	10,307.64
Steptoe, Karen	Election Worker	250.00
Storey Kenworthy	Supplies	1,355.01
Fruenorth Steel	Supplies	2,325.60
Twin Valley Tire	Repairs	99.00
US Bank	Loans	48,279.18
Wipf Radiator Repair	Repairs	50.00
	Accounts Payable Total	<u>\$79,572.39</u>

Payroll Salary plus		4/28/2022 &		
Benefits by Department:		4/29/2022		
	Department	w/o OT	OT	Total
41101	COUNCIL	3,724.70	0.00	3,724.70
41402	FINANCE OFFICE	3,149.41	0.00	3,149.41
41902	BUILDING	441.02	0.00	441.02
42101	POLICE	11,303.04	1,112.29	12,415.33
43101	STREET	5,629.10	161.22	5,790.32
43201	SEWER	5,459.01	72.43	5,531.44
43305	WATER	5,655.65	72.41	5,728.06
43403	ELECTRIC	10,604.03	87.17	10,691.20
45101	BALLPARK	662.05	0.00	662.05
		<u>\$46,628.01</u>	<u>\$1,505.52</u>	<u>\$48,133.53</u>



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
dann.sd.gov

May 11, 2022

Re: City of Miller, ARPA 2022G-ARP-166 & 2022G-ARP-167
Phase IV Utilities Project *C.M.H.* *DW-05*

The Honorable Ron Blachford
Mayor of Miller
120 West 2nd Street
Miller, SD 57362-1316

Dear Mayor Blachford:

I would like to congratulate the City of Miller for obtaining American Rescue Plan Act grants for the Phase IV Utilities project. The 2022G-ARP-166 grant is for \$113,421 of eligible wastewater costs and the 2022G-ARP-167 grant is for \$2,733,245 of eligible drinking water costs.

Enclosed are the grant agreements for your projects. Please have the authorized signatory sign and date the agreements, make a copy for your files, and return the originals to our office. Also enclosed is a Payment Provisions Checklist related to the grant agreements. You cannot draw grant funds until the items listed on the checklist are submitted.

Please take note of the audit requirements outlined in item #7 of the grant agreement. Notification of total federal fund expenditures for this grant will be sent annually. It is your responsibility as a subrecipient to determine if the total federal fund expenditure amount requires a federal Single Audit and submit necessary information accordingly.

In addition, the enclosed W-9 form must be fully completed, signed, and the original returned to this department.

Ensure that your entity's registration in the System for Award Management is current and unexpired and send a printout of the entity registration from sam.gov to this department.

I look forward to working with your system on this project. Please contact me at 605.773.4216 or via email at drew.huisken@state.sd.us if you have any questions.

Sincerely,

Drew Huisken, P.E.
Natural Resources Engineer IV
Environmental Funding Program

Enclosures

cc: Ted Dickey, Northeast Council of Governments, Aberdeen
Camden Hofer, SPN & Associates, Mitchell



Claims ASSOCIATES

www.claimsassoc.com

4901 Isabel Place, Suite 100
P.O. Box 1898
Sioux Falls, South Dakota 57101
Phone: (605) 333-9810
Fax: (605) 333-9835

February 25, 2022

Quoin Financial Bank
201 N Broadway
Miller SD 57362

RE: Member: City of Miller
 Claimant: Quoin Financial Bank
 Date of Loss: 07/01/2018
 Claim No: GC2018108460

Dear Quoin Financial Bank:

Claims Associates, Inc. is the claims administrator for the South Dakota Public Assurance Alliance (SDPAA), of which City of Miller is a member.

We have given careful consideration to your claim. However, as the facts have been presented, we find no negligence or legal liability on the part of our member.

Absent liability, we must respectfully decline any and all claims asserted against City of Miller and the SDPAA.

Thank you for your cooperation and we regret we could not be of more assistance to you.

Sincerely,

Mike Weckman
Claims Adjuster

cc: SDPAA

Sheila Coss
City of Miller
120 W 2nd St
Miller SD 57362

Sheila Coss

From: Mike Weckman <mweckman@claimsassoc.com>
Sent: Thursday, May 12, 2022 3:07 PM
To: 'Sheila Coss'
Subject: SDPAA 108460 Quoin Financial Bank

Sheila,

Chris and I reviewed this email by Gary below, please review the highlighted section and confirmed this happened and is true. Also was it the contractor from Mitchell who was putting dyes down drains to find out what line was which or was it the city or both. Who disconnected the original lines (contractor? City employees?) into the new ones prior to use digging up and find the roof drain? Do we know who the liability insurance/carrier was for the contractor and the engineers? Do we have that on file?

Please let me know that information and let me know if you have any questions or concerns.

Thank you,

Mike

From: Garry Peterka [mailto:gpeterka@quoinbank.com]
Sent: Tuesday, March 8, 2022 8:06 AM
To: Mike Weckman <mweckman@claimsassoc.com>
Subject: Claim No: GC2018108460

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

Mike

This email is in reference to the letter dated February 25, 2022 denying the Quoin Financial Bank water claim against the City of Miller. We are requesting you reconsider this claim as we feel there is sufficient information that shows the City of Miller was negligent when replacing the sewer lines in the road next to the bank.

Quoin Financial Bank building was built in 1968 and has not experienced any water issues in the basement until the City of Miller replaced the sewer lines on the south side of the bank. A short time after the sewer lines were replaced, Miller received several inches of rain. The large amount rain from the roof, drained underneath the sidewalks and caused so much pressure the sidewalks around the bank began to bubble. This is also when moisture on the walls and floor of the basement started to appear which created deterioration of the brick, block walls and sheet rock. The City of Miller was contacted and after further investigation, it was determined the drain line from our roof was not reconnected into either the sewer line or the storm sewer when the new lines were installed. Terry Manning, City of Miller Water Department, indicated the original drain line was connected into the sewer line (since 1968) and could not be reinstalled into the sewer line so instead of connecting into the storm sewer, they did not reconnect the drain line anywhere which lead the water to backup into the basement causing all the damage. Several Council Members completed a walk-through of the damages and bank management met with the City Council in October of 2021 at their monthly meeting. The Council accepted fault and agreed to file against their insurance to cover the damages.

The City of Miller neglected to reconnect all active lines into the new sewer lines. If the City of Miller would have completed their due diligence and reconnected all active lines, we would not be in the situation we are today.

Also, I am requesting a copy of Claims Associates investigation report along with all supporting documentation obtained to make your decision to decline the claim. If you have any questions, please feel free to reach out. Thank you.

Executive Vice President
Quoin Financial Bank
201 North Broadway
Miller SD 57362
Office: (605)853-2473
Fax: (605)853-2884
gpeterka@quoinbank.com



"The Cornerstone of Quality Banking"

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5/3/22

Attn: Terry Manning
Miller SD City of
120 West 2nd Street
Miller SD 57362

15895 S. Pflumm Rd.
Olathe, KS 66062
(913) 390-4500
FAX: (913) 390-4550
www.micro-comm-inc.com

Extended Service Warranty Proposal

Dear Terry:

According to our records, your Micro-Comm telemetry system service contract number(s) SC0529 will expire on 7/13/22. For \$4500.00 which includes damage caused by lightning, Micro-Comm will provide part replacement, phone support, and internet troubleshooting, for job number(s) 10004, 10019, 17059.

Please read and review the following:

Terms and Conditions of the Service Plan:

1. Micro-Comm, Inc. shall be liable only for the cost or repair of any Micro-Comm manufactured equipment including radio, power supply, batteries, RTU and CTU Battery backup units, relays, phone dialers, light bulbs, external modems, MC LSA and Keller Well Transducers, Minco sensors, relays, and associated equipment required for system operation as designed (see below #6).
2. In the event of equipment failures or equipment damaged by lightning, Micro-Comm will supply troubleshooting, using phone and internet log in to determine parts necessary to complete repairs and return system to previous level of operation. Parts will be shipped by the quickest method available to job site. Customer shall supply labor for removal and installation of equipment at customer's premises. Return of defective equipment to Micro-Comm is customer responsibility.
3. In the event exact replacement parts are no longer available, Micro-Comm will (at its discretion) replace the existing equipment or components with similar or "current production" materials to restore the control system back to its original level of operation. Prior to replacement, Micro-Comm will identify the materials to be used, estimate labor to update software, records, drawings and software documentation. Update labor rate of \$90 hour will apply, any new or additional features that are available with this replacement equipment will be offered to the customer for an additional expense, parts plus labor to be quoted upon request.
4. This plan is void and does not apply if damage to equipment is caused by: flooding, high winds, tornado, hurricanes, freezing, fire, chemical damage, vandalism, improper installation, improper maintenance, accident, alteration, abuse, or misuse, (by other than Micro-Comm, Inc. or it's designates).
5. Micro-Comm's sole obligation in case of its equipment failure will be to provide the service specified above. Micro-Comm will not be liable for any consequential or incidental damage to system failures. Micro-Comm will not be liable for downtime, i.e. Overtime labor and travel to and from sites.
6. The plan is for Micro-Comm manufactured parts only. The following list is an example of items not covered: Non-Micro Comm PLC's, VFD's, BW probes, Omega sensors, chart recorders, chart pens, and paper, phase monitors, pump alternators, flow meters, flow sensors, chemical feed and chemical monitoring equipment, computers, keyboards, monitors, Computer battery backup units, printers, routers, switches, external wiring, and cabling.

- 7 The Service Plan coverage provided by Micro-Comm, Inc. begins when current system warranty ends and provides coverage for one calendar year from warranty end date. Warranty end date will be extended when a signed copy of Service Plan and payment are received. Non-Warranty Customer warranty date will be assigned when a signed copy of Service Plan and payment has been received.

Micro-Comm's normal service rates are \$125/hour with a four-hour minimum on site service, plus \$50/hour travel time to and from job site, expenses (airfare, car rental, parking + 10%), \$200 overnight (meals and lodging), or \$50-day meals and expenses charge.

Software changes and remote site modifications can be purchased for \$750 per modification, plus \$125 per hour to bring drawings, records, and software up to date for requested changes, quotes will be supplied for requested changes. System upgrades and expansion work can be requested through our sales department.

Under the terms of this service plan, a reduced service rate is provided as part of coverage. \$90/hour with a four-hour minimum, plus \$40/hour travel time, expenses (airfare, car rental, parking + 10%), and \$200 overnight (meals and lodging), or \$50-day meals and expenses charge for onsite service. ISP router assistance, internet configuration, network router/switch assistance, and new or backup computer setup of equipment not provided by Micro-Comm will be billed at \$90/hour with a four-hour minimum will apply.

Software changes (adding outputs, inputs, flow meter change out, chemical pumps, control group modifications, station type changes) and remote site modifications will be included as part of service contract coverage. Customer will be charged \$90 per hour (4-hour minimum) to bring drawings, records, and software up to date for requested changes. Service Contract customers will receive a discount on new computers, software additions, and same version software updates completed by a Micro-Comm technician.

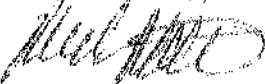
System upgrades and expansion work will receive a 10% cost savings through system service contract coverage. Discussion of these options and all service matters is available by contacting Mark Stockton, Service Manager, Micro-Comm, Inc. or our sales department at any time, convenient for you.

Should you choose to purchase/renew this service plan YOU MUST complete the form below, and return this letter to us with a check payable to Micro-Comm, Inc.

Customers that require an invoice number, please indicate requirement on the returned proposal with a P.O. Number and you will be invoiced as requested. Please write Service Plan number on your check and P.O. If you have any questions, feel free to contact me at any time.

Sincerely,

MICRO-COMM, INC.



Mark Stockton
Service Manager

15895 S. Plum Rd.
Olathe, Kansas 66062
913-390-4500 office
913-909-3195 cell
mstockton@mc-mail.com

Enclosure

May 15th, 2022

Miller City Council Board Members
123 East 2nd St
Miller, South Dakota 57362

Re: Public Display of Fireworks

Dear Board Members:

As specified in SDCL: 34-37-13, I am requesting permission to have a public display of fireworks on July 2, 2022 in conjunction with the Miller holiday celebration.

The display will last up to 1 hour and will take place from about 9:30 P.M. and up and until 11:00 P.M.

The display, if permitted, will occur upon the property of:

The pasture ground, owned by Miller School District located between the Miller High School Football complex and St. Ann's Cemetery. Assessable off East 7th Street, Miller, SD

The property will be protected from uncontrolled fire by the Miller Fire Department who will be present prior to, during and after the display is conducted. Trained technicians of the Miller Fire Department will manage the display.

Sincerely,



Jaime Russell
Miller Civic & Commerce Association

34-37-13. Public display of fireworks. Nothing in this chapter prohibits the use of public display of fireworks. However, any person, association, organization, municipality, county, firm, partnership, or corporation, before making such public display of fireworks shall secure a written permit from the governing board of the municipality, township, or county where the public display is to be fired, and shall have purchased fireworks for the display from a licensed wholesaler under this chapter. Any public display shall comply with the National Fire Protection Association Standard 1123, 1995 edition.

Upon due consideration the City Council of Miller does hereby grant permission to the Miller Civic & Commerce Association to have a public display of fireworks to take place on July 2, 2022 upon the described property. This permission is contingent upon the approval of the property owners.

Granted this _____ day of _____, 2022

Ron Blachford-Mayor