

**AGENDA  
CITY OF MILLER  
MONDAY, JULY 17, 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 - 3**

**Public Input**

**Public Hearing**

7:30 – Liquor License Transfer - Redneck Paradise

**New Business**

1. SD TA Grant Termination ..... pg. 4
2. Ordinance #746 – Chickens ..... pg. 5
3. Resolution 2023-5 – Contingency Transfer ..... pg. 6
4. American Bank & Trust – IntraFi Network Deposits
5. Building Permits
  - Dustin Graham – fence
  - Marita Coyle – remove garage

**Approval of Bills**

**Executive Session**

Personnel Pursuant to SDCL 1-25-2(1)

**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  
JULY 5, 2023**

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

The City Council met in regular session at city hall on Wednesday, July 5, 2023, at 7:00 p.m.

**MEMBERS PRESENT:** Mayor Tom McGough, Aldermen: Dale Hargens, Will Jones, Patrick Price, and Mike Wetz and Alderwomen: Susan Hargens and Tammy Lichty.

**CALL TO ORDER:** Mayor McGough called the meeting to order. Pledge of Allegiance was said by all present.

**AGENDA:** Motion by Alderwoman Hargens, seconded by Alderman Wetz to approve the agenda. All members voted aye. Motion carried.

**MINUTES:** Motion by Alderman Hargens, seconded by Alderman Wetz to approve the minutes for the regular meeting held on June 20, 2023. All members voted aye. Motion carried.

**Public Input:** Dustin Graham asked if anyone was interested in attending the Heartland Summer Conference. Registration is July 7<sup>th</sup>. Alderwoman Lichty apologized to Tanner DeHaai for not getting the chicken ordinance prepared to put on the agenda.

**Department Head Reports** Terry Manning stated that Morris is scheduled to pave East 4<sup>th</sup> Street tomorrow. Mayor McGough asked Ted about accidental 911 calls. 911 calls go to Huron dispatch and are then sent to the sheriff's office or the police department. Alderman Price stated that the police department was challenged to get out more. Police stops are up, so thank you to the police department. Alderwoman Lichty asked about the street pavement plans. Manning stated that any streets that were paved prior to the project will return to asphalt. Ron Hoftiezer plans to begin chip sealing some of the current gravel streets. Mayor McGough mentioned the sewer line that was missed in Phase I. The cost will be slightly more than \$4,000 to fix the missed sewer line. The missed line was an oversight between the city, SPN, and the contractor. SPN has agreed to pay \$2,000 towards the repair. Dustin Graham currently has approximately 15 meters that he can install. The remaining meters should be here in August.

**UNFINISHED BUSINESS**

**Ted Huss – Tasers:** Ted Huss has requested a 5-year plan to replace the 4 tasers for the police department. Motion by Alderman Jones, seconded by Alderwoman Lichty to have Ted order the tasers with a 5-year payment plan. All members voted aye. Motion carried.

**Swim Club – Triathlon:** Mayor McGough inadvertently missed the vote for the triathlon at the previous meeting. Motion by Alderman Wetz, seconded by Alderman Price to allow the swim club to use the pool in August for a triathlon. All members voted aye. Motion carried.

**NEW BUSINESS**

**Electric Department – Completion of Year Two:** Motion by Alderman Wetz, seconded by Alderman Hargens to give Dustin Graham a \$1.00/hour pay increase retroactive to June 22 for completing Year 2 of the MMUA lineman classes. All members voted aye. Motion carried. Motion by Alderman Wetz, seconded by Alderman Jones to give Devin Letsche a \$1.00/hour pay increase effective July 26 for completing Year 2 of the MMUA lineman classes. All members voted aye. Motion carried.

**Christmas Lights at the 4-Way:** Dustin Graham asked if the Beautification Committee would like to pick out some new decorations for the 4-Way. The current decorations need repair or replacement. Alderman Price expressed an interest in assisting Alderwomen Lichty and Hargens in researching replacement decorations.

**American Bank & Trust – IntraFi Network Deposits:** Tim Bode, ABT visited with Mayor McGough and Sheila Coss about the IntraFi Network Deposit program through American Bank & Trust. According to Bode, there will be no change in what the city does as the change will be behind the scenes at the bank. The bank will offer additional interest if we sign up with IntraFi and the city funds will be available for local loans. Motion by Alderman Wetz, seconded by Alderwoman Hargens to have Sheila Coss sign the agreement with IntraFi. All members voted aye. Motion carried.

**Water/Sewer Project:** Motion by Alderman Price, seconded by Alderman Wetz to approve **TLC Olson Construction Pay Request No. 22** for \$940,216.27 contingent upon receipt of state funds. All members voted aye. Motion carried. Motion by Alderman Price, seconded by Alderwoman Lichty to approve **TLC Olson Change Order # 10**. All members voted aye. Motion carried. Motion by Alderwoman Hargens, seconded by Alderman Wetz to accept the **TLC Olson Construction Certificate of Substantial Completion**. All members voted aye. Motion carried. Motion by Alderwoman Hargens, seconded by Alderman Hargens to approve **SPN invoices 31604 and 31606-31609** for a total of \$50,419.37. All members voted aye. Motion carried.

**National Fire Safety Fire Pup Program:** Motion by Alderwoman Lichty, seconded by Alderwoman Hargens to donate \$150.00 to the National Fire Safety Fire Pup Program. All members voted aye. Motion carried.

**Building Permits:** Motion by Alderman Hargens, seconded by Alderwoman Hargens to approve the following building permits: Doyle Foreman - deck, Greg Palmer - fence, and Audrey & Brandon Peschong - deck/porch. All members voted aye. Motion carried.

**4<sup>th</sup> Street Project:** Motion by Alderwoman Lichty, seconded by Alderwoman Hargens to pay **TLC Olson Construction Pay Request 1** for \$63,977.62. All members voted aye. Motion carried. Motion by Alderman Price, seconded by Alderman Wetz to pay **TLC Olson Construction Pay Request 2** for \$177,050.89 contingent upon receipt of state funds. All members voted aye. Motion carried.

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

Motion by Alderwoman Lichty, seconded by Alderman Price to adjourn the meeting. There being no further business, the meeting was adjourned at 7:42 p.m. All members voted aye. Motion carried.

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Tom McGough, Mayor

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Sheila Coss, Finance Officer

**LEGAL NOTICE OF RECEIPT**

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

**Bills July 2023 (1)**

3D Communications	Radio/Setup	150.00
American Solutions	Supplies	14.53
BDS	Garbage	350.00
Builders Solutions	Supplies	177.45
City Utilities	Utilities	5,437.59
Dakota Land Manage.	Spraying	3,839.30
Dollar General	Supplies	13.00
Fritzsche, Dan	Reimb.	13.00
Graham, Dustin	Reimb.	13.00
Hand Co. Reg. Of Deeds	Fee	30.00
Hughes Electric	Service/Supplies	3,910.53
Kessler's	Supplies	143.80
Letsche, Devin	Reimb.	13.00
Millbank WinWater	Meters	2,322.10
Rexall	Supplies	13.19
National Fire Safety	Firepup Program	150.00
Oakley Farm & Ranch	Supplies	635.09
OHED	80% BBB	3,915.91
Petty Cash	Postage	12.74
Postmaster	Postage	375.00
Price, Craig	Supplies	123.54
Qualification Targets	Supplies	83.58
SDML	Regist.	130.00
SPN	Prof Fees	50,419.37
Stobbs	Parts	81.60
TLC Olson Construction	Ph.III Const./E 4th St/Sewer Dev.	1,185,326.42
US Bank	Loan	18,165.39
	Accounts Payable Total	<u>1,275,859.13</u>

**Payroll Salary plus  
Benefits by Department:**6/29/2023, 6/30/2023,  
7/06/2023

Department	w/o OT	OT	Total
41101 COUNCIL	3,331.78	0.00	3,331.78
41402 FINANCE OFFICE	3,248.84	0.00	3,248.84
41902 BUILDING	418.22	0.00	418.22
42101 POLICE	11,578.46	844.38	12,422.84
43101 STREET	7,357.79	287.25	7,645.04
43201 SEWER	5,557.05	439.44	5,996.49
43305 WATER	5,060.76	439.42	5,500.18
43403 ELECTRIC	10,789.39	715.74	11,505.13
45101 BALLPARK	1,736.67	0.00	1,736.67
45202 PARK	970.36	0.00	970.36
45103 POOL	9,649.55	174.04	9,823.59
	<u>\$60,698.87</u>	<u>\$2,900.27</u>	<u>\$63,599.14</u>

**Agreement to Terminate Agreement Number 717168  
Between the South Dakota Department of Transportation  
and City of Miller, South Dakota**

**BACKGROUND:**

- A. On June 15, 2020, the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and City of Miller, South Dakota, referred to in this Agreement as the "CITY," entered into a Transportation Alternatives (TA) agreement, (referred to as the "AGREEMENT"). The AGREEMENT was signed by representatives of each party and assigned agreement number 717168 by the STATE.
- B. The parties partially performed under the AGREEMENT, but the CITY now wants to terminate the AGREEMENT.

**THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

1. The CITY owes the STATE reimbursement of Five Hundred Fifty-Nine and 45/100 Dollars (\$559.45) for payments made by the STATE pursuant to the AGREEMENT. The CITY will pay this reimbursement in full within thirty days of full execution of this Agreement. If the full payment is not received by this deadline, simple interest will accrue on the unpaid balance at the rate of ten percent (10%) per year. Upon the STATE'S receipt of the full reimbursement amount and any accrued interest, the AGREEMENT will be terminated and of no further force and effect whatsoever.
2. The CITY has designated its Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to sign this Termination of Agreement on behalf of the CITY. A copy of the CITY'S Commission minutes or resolution, authorizing the execution of this Termination of Agreement by the CITY'S authorized representative, is attached to this Termination of Agreement as **Exhibit A**.

This Termination of Agreement is binding upon the parties, their successors, and assigns.

City of Miller, South Dakota

State of South Dakota  
Department of Transportation

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: Joel M. Jundt

Its: Mayor

Its: Department Secretary

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

Approved as-to Form:

By: \_\_\_\_\_

By: 

Printed Name: \_\_\_\_\_

Printed Name: Karla L. Egle

CITY Auditor/Clerk

Special Assistant Attorney General

(CITY SEAL)

## **ORDINANCE #746**

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

### **AN ORDINANCE AMENDING CHAPTER 4, ARTICLE IV, DIVISION 2 OF THE ORDINANCES OF THE CITY OF MILLER, SOUTH DAKOTA.**

**BE IT ORDAINED** by the City of Miller, South Dakota, that Article 4, Division 2. Livestock is hereby amended to read as follows:

#### **Article IV. CARE AND CONTROL**

##### **DIVISION 2. LIVESTOCK**

###### **4-151. Livestock defined.**

1. The term "livestock" shall mean any animal which is raised for normal agricultural purpose. The term does not include rabbits ~~or chickens~~, but does include, although not exclusively, hogs, cattle, sheep, horses, chickens, etc.

###### **4-157. Chickens.**

1. City residents shall be allowed to have up to six (6) chicken hens. No roosters shall be allowed. Said chickens shall be appropriately housed and caged with the premises kept in a clean and orderly manner to prevent a nuisance from occurring through odor, noise, or other means.

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Tom McGough, Mayor

(SEAL)

ATTEST:

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Sheila Coss, Finance Officer

Record of votes:

Alderman Jones -  
Alderman Price -  
Alderman Hargens -  
Alderman Wetz -  
Alderwoman Lichty -  
Alderwoman Hargens -

1<sup>st</sup> Reading – July 17, 2023  
2<sup>nd</sup> Reading – August 7, 2023  
Adoption – August 7, 2023  
Publication – August 12, 2023

**RESOLUTION NO. 2023-5**

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**WHEREAS** insufficient appropriation was made in the 2023 adopted budget for the following departments to discharge just obligations of said appropriations; and

**WHEREAS** SDCL 9-21-6.1 provides transfers be made by resolution of the board from the contingency appropriation established pursuant to SDCL 9-21-6.1 to other appropriations;

**THEREFORE, BE IT RESOLVED** that the following appropriations be transferred from the contingency budget to the department budgets:

**101 - General Fund**

41301 42304 Publishing

\$425.00 Elections

Adopted the 17th day of July, 2023

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Tom McGough, Mayor

(SEAL)

ATTEST:

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Sheila Coss, Finance Officer