

**AGENDA
CITY OF MILLER
MONDAY, JULY 20, 2020
7:00 P.M.**

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes pgs. 1 - 4

Public Input

Unfinished Business

1. Rem & Marla McGeorge – Mobile Home/Camper pgs. 5 - 6

New Business

1. Steve Yearous – Building Permit Questions
2. Kecia Beranek – OHED Quarterly Review
3. Patrick Price – C&C Christmas Light Show
4. Arlen Gortmaker – PDM – Flooding pgs. 7 - 11
5. FEMA Hazard Mitigation Grant Program Application
 - SPN – Flood Mitigation Study proposal - \$72,500 pgs. 12 - 14
6. Resolution No. 2020-11 – Contingency Transfer pg. 15
7. Resolution No. 2020-12 – Hazard Mitigation..... pg. 16
8. Ash Tree Replacement
9. Special Event Liquor License – Turtle Creek
10. Helms & Associates – Invoice 21715 \$958.12 pg. 17
11. Terry Manning – DENR Awards
12. Cultural Survey Statement pgs. 18 - 19
13. Building Permits:
 - a. Steve Yearous - garage
 - b. Craig Price - deck
 - c. Gale Auch - pavilion

Approval of Bills

Correspondence

SDPAA Election Notice pg. 20

Adjourn

Please bring green Code Book for updates. Thanks.

**CITY OF MILLER
CITY COUNCIL MEETING
JULY 6, 2020**

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, July 6, 2020.

MEMBERS PRESENT: Mayor Ron Blachford, Aldermen: Tony Rangel, Bob Steers, Jeff Swartz and Joe Zeller. Alderwoman SuAnne Meyer. Absent: Alderman Jim Odegaard.

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

Pledge of Allegiance was said by all present.

AGENDA: Motion by Alderwoman Meyer, seconded by Alderman Swartz to approve the agenda as amended. All members voted aye. Motion carried.

MINUTES: Motion by Alderman Rangel, seconded by Alderman Zeller to approve the minutes for the regular meeting held on June 15, 2020. All members voted aye. Motion carried.

PUBLIC INPUT

Mayor Blachford thanked all of the volunteers for the 4th of July parade and other festivities. He also asked that the only talking during the meeting pertain to agenda items. Rem & Marla McGeorge were present to request permission to put a camper instead of a trailer home on their son's property. This will be added to Wednesday's special meeting agenda.

UNFINISHED BUSINESS

Boney Memorial Accounting: Motion by Alderwoman Meyer, seconded by Alderman Steers to have Boney's memorial expenses split between all departments of the city. All members voted aye. Motion carried.

NEW BUSINESS

Resolution 2020-10 – Community Access Grant: Motion by Alderman Rangel, seconded by Alderman Swartz to approve Resolution 2020-10 – Community Access Grant. Roll call vote: Alderman Steers – aye, Alderwoman Meyer – aye, Alderman Rangel – aye, Alderman Odegaard – absent, Alderman Zeller – aye, Alderman Swartz – aye. Motion carried.

Community Access Grant Application: Motion by Alderman Zeller, seconded by Alderman Rangel to have Mayor Blachford sign the Community Access Grant application to improve East 4th Street south of the Miller High School and Armory. All members voted aye. Motion carried.

CARES Grant: Motion by Alderman Steers, seconded by Alderman Rangel to have Mayor Blachford sign the CARES Grant Agreement. All members voted aye. Motion carried.

Easement – Garage Encroachment: Motion by Alderwoman Meyer, seconded by Alderman Zeller to approve an easement for a garage located 1 ½ feet onto the city boulevard at 225 West 2nd Street. All members voted aye. Motion carried.

Maguire Iron Maintenance Contract: Motion by Alderman Rangel, seconded by Alderman Swartz to approve the maintenance contract with Maguire Iron to clean the water tower. All members voted aye. Motion carried.

Willie's Bar & Grill Special Event Liquor Licenses: Motion by Alderman Swartz, seconded by Alderman Zeller to approve the special event liquor licenses for Willie's Bar & Grill to serve alcohol at the community center on July 11th and July 25th. All members voted aye. Motion carried.

TAP Design Consultant: Motion by Alderman Zeller, seconded by Alderman Swartz to contract with Brosz Engineering for the design phase of the bike path along East 5th Street. Brosz will hire a subcontractor for the environmental study. All members voted aye. Motion carried.

Keck Tract 1 Plat: Motion by Alderman Zeller, seconded by Alderwoman Meyer to approve a plat for Keck Tract 1. All members voted aye. Motion carried.

Electric Project: DGR Invoices Motion by Alderwoman Meyer, seconded by Alderman Steers to pay **DGR Engineering** \$7,487.00 for invoices 214215-214217, 241230. All members voted aye. Motion carried. Motion by Alderman Zeller, seconded by Alderman Swartz to pay **Harold K. Scholtz** \$89,734.86 for Pay Request No. 3. All members voted aye. Motion carried. Motion by Alderman Steers, seconded by Alderman Zeller to make the final payment of \$15,921.56 to **Swanson Electric** on Pay Estimate #7. All members voted aye. Motion carried. Motion by Alderman Rangel, seconded by Alderman Swartz to have Mayor Blachford sign the final documents for **Swanson Electric**. All members voted aye. Motion carried.

Water & Sewer Project – SPN Invoices: Motion by Alderman Swartz, seconded by Alderwoman Meyer to approve SPN Phase II invoices 21641-21644 and SPN Phase III invoices 21689-21694 for a total of \$53,080.65. All members voted aye. Motion carried.

Civil Design – Storm Shelter Change Order: Motion by Alderman Steers, seconded by Alderman Rangel to approve Change Order #2 for Civil Design/JDH Construction for the storm shelter. All members voted aye. Motion carried.

Norm Weaver – Park Donation: Norm Weaver, on behalf of the Weaver family, requested to put trees and 2 benches in the park in memory of his grandparents and their children as SD Pioneers. Motion by Alderman Swartz, seconded by Alderman Zeller to approve the generous donation of trees and benches by the Weaver family. All members voted aye. Motion carried.

Department Head Meeting: Motion by Alderwoman Meyer seconded by Alderman Zeller to schedule a department head meeting regarding budgets with the Wednesday special meeting. All members voted aye. Motion carried.

Building Permit: Motion by Alderman Swartz, seconded by Alderman Zeller to approve the following building permit: Vicki Lettau – utility shed. All members voted aye. Motion carried.

APPROVAL OF BILLS: Motion by Alderwoman Meyer, seconded by Alderman Swartz to approve the bills. All members voted aye. Motion carried.

EXECUTIVE SESSION: Motion by Alderman Swartz, seconded by Alderman Zeller to go into executive session for personnel matters pursuant to SDCL 1-25-2(1) at 8:19 p.m. All members voted aye. Motion carried. Motion by Alderman Zeller, seconded by Alderman Rangel to come out of executive session at 8:31 p.m.

Motion by Alderman Zeller, seconded by Alderman Steers to adjourn the meeting. There being no further business, the meeting was adjourned at 8:34 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 July 2020 (1)

A & B Business	Copier Meter	148.36
A-Ox Welding	CO2	47.59
American Solutions	Supplies	352.16
AT&T Mobility	Cell Phone	45.09
Bob's Disposal	Garbage	179.00
Builders Cashway	Supplies	154.83
City Utilities	Utilities	5,713.33
CK Welding	Supplies	11.57
Dakota Land Mgmt	Spraying	2,644.85
Dale Lichty Construction	Curb & Gutter	1,989.80
DBS Home Improvement	Reshingle Bus Barn	3,696.00
DGR Engineering	Cap Imp	7,487.00
Diesel Machinery	Supplies	57.02
Dollar General	Supplies	20.50
Dustin McFarlane	Repair Concrete	1,122.44
Farnam's	Parts	317.42
Hand County Publishing	Publications	1,046.85
Harold K Scholz	Substation No.4 Construction	89,734.86
Jazzy's Repair	Starter	25.00
JDH Construction	Prof Fees	110,153.16
KBA	Prof Fees	14,580.00
Larry's Repair	Parts	497.39
Maguire Iron	Services Contract	6,500.00
MD Industries	Swing Assembly-"Boney" Memorial	1,550.00
MDRWS	Water	18,078.75
Miller Ace	Supplies	1,206.07
Miller Concrete	Service	406.50
Miller Rexall Drug	Supplies	86.93
Northwest Pipe Fittings	Cleanout Frames/Covers	1,244.46
OHED	80% BBB	343.65
Overhead Door Company	Service	212.25
Petty Cash	Postage	43.60
Postmaster	Postage	325.00
Resel Construction	Curb & Gutter	1,989.80
SD DENR	Stormwater Permit	250.00
SD DOH	Tests	350.00
SPN	Prof Fees	53,080.65
Stuart C Irby	Glove Testing	73.46
Swanson Electric	Electric Meter Cutover 2019	15,921.56
US National Bank	Loan	18,165.39
VanDiest Supply	Supplies	1,219.00
Wilbur-Ellis	Fuel	723.06
	Accounts Payable Total	<u>\$361,794.35</u>

**Payroll Salary plus Benefits
by Department:**6/23/2020 & 6/30/2020
& 7/07/2020

Department	w/o OT	OT	Total
41110 COUNCIL	2,879.65		2,879.65
41410 FINANCE OFFICE	2,608.60		2,608.60
41910 BUILDING	337.21		337.21
42110 POLICE	21,571.68	2,828.02	24,399.70
43110 STREET	15,278.49	303.73	15,582.22
43210 SEWER	10,376.27	1,259.41	11,635.68
43310 WATER	10,376.12	1,259.40	11,635.52
43410 ELECTRIC	17,080.94	276.38	17,357.32
45210 PARK	2,191.96		2,191.96
45310 POOL	4,197.32		4,197.32
	<u>\$86,898.24</u>	<u>\$5,926.94</u>	<u>\$92,825.18</u>

**CITY OF MILLER
CITY COUNCIL MEETING
JULY 8, 2020**

The City of Miller is an equal opportunity employer.

The City Council met in regular session at city hall at 8:00 a.m. on Wednesday, July 8, 2020.

MEMBERS PRESENT: Mayor Ron Blachford, Aldermen: Tony Rangel, Bob Steers, Jeff Swartz and Joe Zeller. Alderwoman SuAnne Meyer. Absent: Alderman Jim Odegaard.

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

Pledge of Allegiance was said by all present.

AGENDA: Motion by Alderman Steers, seconded by Alderwoman Meyer to approve the agenda as amended. All members voted aye. Motion carried.

PUBLIC INPUT

The Mayor asked, again, that only one person talk at a time during the meetings.

NEW BUSINESS

Department Head Meeting on Budgets: Mayor Blachford presented a capital improvement plan for budgeting purposes. It will lay out plans for 5 years of improvements or equipment purchases for each department.

Dahme Construction Pay Request: Motion by Alderman Swartz seconded by Alderman Steers, to pay Dahme Pay Request #18 for \$382,769.13. All members voted aye. Motion carried.

UNFINISHED BUSINESS

Micro-Comm Extended Warranty: Motion by Alderman Steers seconded by Alderman Zeller to purchase the Micro-Comm Extended Warranty - \$4,000.00. All members voted aye. Motion carried.

McGeorge – Camper: Rem McGeorge asked permission to live in a camper permanently on his son's property. Alderman Steers expressed his concern regarding campers for permanent living. The city does not collect any property taxes. There are other campers that are used on a temporary basis mainly for construction purposes. Motion by Alderman Steers, seconded by Alderman Zeller to table any decision regarding camper or trailer house placement until direction is received from the city attorney. All members voted aye. Motion carried.

TAP Design Consultant: Motion by Alderwoman Meyer, seconded by Alderman Zeller to hire Brosz Engineering for the TAP Design Engineer for the bike path along East 5th Street. Brosz will then subcontract another engineer of their choosing for the environmental portion of the project. All members voted aye. Motion carried.

Motion by Alderman Zeller, seconded by Alderman Steers to adjourn the meeting. There being no further business, the meeting was adjourned at 8:53 a.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 July 2020 (1b)

Dahme Construction
Micro-Comm

Phase II Construction
Service Warranty
Accounts Payable Total

382,769.13
4,000.00
\$386,769.13

Miller City Code – Zoning
Residential District
Sections pertaining to: Mobile Home/Camper

Sec. 40-3. - Definitions.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings and open spaces and parking spaces required by this chapter, and having its principal frontage upon a street. The term "lot" includes the terms plot and parcel.

ARTICLE V. - R RESIDENTIAL DISTRICT^[2]

Footnotes:

— (2) —

Editor's note— For supplementary regulations concerning this article, see article XII of this chapter.

Sec. 40-111. - Permitted uses.

In the R Residential District, buildings, structures, and land shall be used only for the following purposes:

- (1) One-family dwelling;
- (2) Parks and recreational areas;
- (3) Home occupations and accessory uses.

(Code 1989, § 17.28.010; Ord. No. 448, § 401, 6-21-1982)

Sec. 40-112. - Special exceptions.

The board of adjustment may authorize the following exceptions in the R Residential District:

- (1) Churches, hospitals, nursing homes and schools;
- (2) Two-family and multifamily dwellings;
- (3) Mortuary or funeral homes;
- (4) Public utility;
- (5) Modular homes which have wooden plates designed to be located on a permanent foundation and having a pitched roof of at least two inches in 12 feet;
- (6) Mobile home dwellings by variance in the following legally described areas of the city:
 - a. Lots 3 through 6, Block 13, South Addition;
 - b. Lots 7 through 16, Block 2, Atlantic Addition;
 - c. Blocks 4 and 14, Atlantic-Park Resurvey;
 - d. The south one-half of Block 16, Wyland's Addition;
 - e. West one-half of Lot 3, Block 4, McWhorters Addition;
 - f. Blocks 3 and 4, Butlers Plat;
 - g. Gortmakers Addition;
 - h. Parcel 10; and
 - i. East 200 feet of Lot 1, Speirs 2nd Addition;
- (7) Lawful occupations may be allowed in unattached structures as long as all such activity is contained within such structures.

(Code 1989, § 17.28.020; Ord. No. 448, § 402, 6-21-1982; Ord. No. 483, 12-21-1987; Ord. No. 486, 5-16-1988; Ord. No. 494, 2-1-1989; Ord. No. 512, 5-20-1991; Ord. No. 590, 7-18-2005)

Miller City Code – Zoning

Residential District

Sections pertaining to: Mobile Home/Camper

Secs. 40-113—40-137. - Reserved.

ARTICLE VI. - MP MOBILE HOME PARK DISTRICT[3]

Footnotes:

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Editor's note— For supplementary regulations concerning this article, see article XII of this chapter.

Sec. 40-138. - Permitted uses.

In the MP Mobile Home Park District, buildings, structures, and land shall be used only for the following purposes:

- (1) Mobile home dwellings;
- (2) Laundromats including facilities for coin-operated dry cleaning machines;
- (3) Parks and playgrounds.

(Code 1989, § 17.32.010; Ord. No. 448, § 501, 6-21-1982)

Sec. 40-139. - Special exceptions.

The board of adjustment may authorize the following exceptions in the MP Mobile Home Park District: Accessory uses and structures customarily incidental to principal uses and structures.

(Code 1989, § 17.32.020; Ord. No. 448, § 502, 6-21-1982)

Secs. 40-140—40-161. - Reserved.

ARTICLE XII. - SUPPLEMENTARY REGULATIONS

Sec. 40-296. - Location of residential dwellings.

Where a block is improved with dwellings any new dwelling shall be located on the lot so that its front is in line with existing dwellings. In cases where existing dwellings are staggered in location on lots, any new dwelling will be required to be located so that its front shall be the average of the adjacent dwellings. A dwelling shall be located on a lot so that its sides shall be at least six feet from adjoining property lines. The rear of any dwelling shall be at least 20 feet from the rear property line. Any accessory building constructed shall be at least five feet from the rear lot line and six feet from any side lot line. An accessory building which extends beyond the front of any dwelling will not be permitted. Where a block is not improved with dwellings, the front of a new structure shall be set back at least 20 feet from the front property line.

(Code 1989, § 17.52.020; Ord. No. 448, § 1001.1, 6-21-1982)

TITLE 46AWATER MANAGEMENT

Chapter

- 01. State Water Resources Management
 - 02. South Dakota Conservancy District
 - 03. Subdistricts Of South Dakota Conservancy District [Repealed]
 - 03A. Water Development Districts--Establishment
 - 03B. Water Development Districts--Board Of Directors
 - 03C. Water Development Districts--Dissolution
 - 03D. Water Development Districts--Powers And Duties
 - 03E. Water Development Districts--Tax Levies And Special Assessments
 - 04. Organization, Boundaries And Dissolution Of Irrigation Districts
 - 05. Irrigation District Projects And Operations
 - 06. Irrigation District Contracts And Financing
 - 07. Irrigation District Assessments And Levies
 - 07A. Cendak Irrigation District [Repealed]
 - 08. Water Users' Associations
 - 09. Water User Districts
 - 10. Intrastate Drainage Projects [Repealed]
 - 10A. County Drainage
 - 10B. Drainage Basin Utility Districts
 - 11. Drainage Assessments And Bonds
 - 11A. Mediation Of Drainage Disputes
 - 12. Trustee Management Of Drainage Districts [Repealed]
 - 13. Interstate Drainage Districts
 - 14. Watershed Districts
 - 15. Missouri River Development
 - 16. Minnesota Boundary Waters
 - 17. Belle Fourche River Compact
 - 18. Water Project Districts
 - 19. River Basin Natural Resource Districts
-



CHAPTER 46A-10A COUNTY DRAINAGE

- 46A-10A-1 Definitions.
- 46A-10A-2 County drainage commission--Appointment--Filing vacancies--Majority required to act--Ex officio members.
- 46A-10A-3 Term and removal of members.
- 46A-10A-4 Meetings.
- 46A-10A-5 Compensation of members.
- 46A-10A-6 Employment of personnel.
- 46A-10A-7 Assistance by units of state government--Expense reimbursement.
- 46A-10A-7.1 Maintenance of correspondence file--Correspondence marked with date of receipt--Term of retention.
- 46A-10A-8 State Water Management Board, districts, and existing water rights unaffected--Effect on drainage districts.
- 46A-10A-9 Joint drainage efforts by counties.
- 46A-10A-9.1 Petition for assistance in development of intercounty drainage plan--Board defined.
- 46A-10A-9.2 Meeting to develop mutually acceptable joint county drainage activities.
- 46A-10A-9.3 Recommendation, notice, and hearing before Water Management Board--Cost of publication--Implementation.
- 46A-10A-9.4 Limitation on effectiveness of action required by Water Management Board.
- 46A-10A-9.5 Action required by board to be included in county drainage plan--Not subject to referendum procedure.
- 46A-10A-10 Joint powers agreements by local units of government as to drainage.
- 46A-10A-11 Agreements for receipt of federal or state funds for drainage.
- 46A-10A-12 Municipality contracting with county for services--Fees.
- 46A-10A-13 Joint county-municipal drainage activities.
- 46A-10A-14 Board to provide funds, equipment, and accommodations for county drainage activity.
- 46A-10A-15 Adoption of emergency drainage measures--Hearing--Notice--Limited term--Renewal.
- 46A-10A-16 County drainage plan--Preparation--Adjuncts--Considerations.
- 46A-10A-17 Purposes of drainage plan.
- 46A-10A-18 Drainage projects and coordinated drainage areas authorized.
- 46A-10A-19 Maps authorized.
- 46A-10A-20 Legal controls for drainage management--Right to continue existing drainage.
- 46A-10A-21 Official controls not limited.
- 46A-10A-22 Publication of notice of hearing on proposed drainage plan.
- 46A-10A-23 Board action on plan by ordinance or resolution.
- 46A-10A-24 Filing and publication of board action on plan--Effective date of plan--Public inspection.
- 46A-10A-25 Petition for election on adoption of plan--Notice of election--Ballots--Suspension of effective date--Inconsistent drainage efforts prohibited.
- 46A-10A-26 Rejection of plan by voters--Revision, filing, and publication.
- 46A-10A-27 Filing copy of adopted official control.
- 46A-10A-28 Approval required for rehabilitation or construction of drain covered by plan--Board review of commission decision.
- 46A-10A-29 Failure of commission to act as approval--Extension of period by board.
- 46A-10A-30 Permit system for drainage--Fee--Modification of drain or use of unrecorded right--Drainage without permit as misdemeanor--Civil penalty.

- 46A-10A-31 Recording existing drainage rights--Information required--Disputing rights--Appeals--Recording final decision.
- 46A-10A-31.1 Notice of recording requirements.

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- 46A-10A-31.2 Local governments exempt from recording requirements.
- 46A-10A-32 Copy of recorded vested right to department.
- 46A-10A-33 Enforcement of chapter and official controls.
- 46A-10A-34 Adjudication functions of commission or board.
- 46A-10A-34.1 Board of adjudication by mutual agreement--Jurisdiction.
- 46A-10A-35 Appeals from commission and board--Time allowed--Commencing action in circuit court.
- 46A-10A-36 Regulation and elimination of nonconforming drains.
- 46A-10A-37 Amendment and repeal of drainage plan--Request by petition.
- 46A-10A-38 Petition by landowner for change of drainage restrictions--Notice to directly affected persons.
- 46A-10A-39 Hearing on petition--Commission recommendation to board.
- 46A-10A-40 Affected person's right to be heard--Resolution adopting or rejecting proposal--Review, publication, and effective date of adoption--Election.
- 46A-10A-41 Drainage plan or official controls for municipality--Approval or contract by municipality required for effectiveness.
- 46A-10A-42 Jurisdiction of incorporated municipality.
- 46A-10A-43 Drainage district continuation and dissolution--County plan to include districts, vested rights and plans or projects of local government units and coordinated drainage areas.
- 46A-10A-43.1 Petition for future maintenance of drain jointly and voluntarily maintained by landowners within ten years of July 1, 1985.
- 46A-10A-43.2 Signing of petition--Contents.
- 46A-10A-43.3 Presentation of petition--Filing--Transmittal to Department of Environment and Natural Resources--Hearing.
- 46A-10A-43.4 Opportunity to appear at hearing--When granted--Resolution by board as to maintenance of drain.
- 46A-10A-44 Recommendation that state's attorney seek injunction or other court action to prevent or abate violation.
- 46A-10A-45 Mandamus proceedings authorized.
- 46A-10A-46 Control of drainage construction, rehabilitation, or methods--Approval of board.
- 46A-10A-47 Coordinated drainage area--Application for establishment--Inconsistency with county plan or controls bearing formation--Validity of information in county in process of adopting plan or controls.
- 46A-10A-48 Survey and map of proposed coordinated drainage area required--Availability for examination.
- 46A-10A-49 Form, verification, signatures, filing, and presentation of application for establishment of area.
- 46A-10A-50 Order establishing area subject to voters' approval--Notice of election--Exemption from election requirement.
- 46A-10A-51 Publication of election notice.
- 46A-10A-52 Hours polls open--Costs of election.
- 46A-10A-53 Establishment of area effective on voters' approval--Waiting period after rejection by voters.
- 46A-10A-54 Appointment and duties of election officers--Order declaring area established--Conclusiveness of order.
- 46A-10A-55 Expenditure of county funds for application for coordinated drainage area--Assessment of costs from benefiting landowners.
- 46A-10A-56 Public lands subject to drainage laws--Service of notices--Appearance by board or officer in charge.
- 46A-10A-57 Responsibilities for drainage projects.
- 46A-10A-58 Signatures required for board action on drainage project petition.
- 46A-10A-59 Contents of drainage project petition.
- 46A-10A-60 Presentation and filing of petition--Time for board action--Copy to department.
- 46A-10A-61 Survey and report contracted by board--Contents--Right of entry--Copy to department.
- 46A-10A-62 Survey report to be written--Inspection--Scheduling hearing--Notice requirements.
- 46A-10A-63 Appearances at hearing--Establishment of project--Variation from report--Adjournment of hearing--Notices.
- 46A-10A-64 Assistance by department--Reimbursement of expenses.
- 46A-10A-65 Denial of petition or establishment of project--Findings required.
- 46A-10A-66 Assessments authorized--Expenses paid.

46A-10A-67 Acquisition of easements.
 46A-10A-68 Damages due to project--Determination--Hearing--Appeal.
 46A-10A-69 Naming project--Record of proceedings.
 46A-10A-70 Permissible drainage of land.
 46A-10A-71 Drains along or across highways.
 46A-10A-72 Open ditches established along highways.
 46A-10A-73 Drains along and across railroads--Costs.
 46A-10A-74 Construction of drainage facilities across railroads--Costs.
 46A-10A-75 Construction contracts--Bids--Preference of landowners--Bond of contractor--Construction without contract.

46A-10A-76 Highway bridges and culverts--Construction--Maintenance--Modification--Costs.
 46A-10A-77 Construction and contracting powers of board.
 46A-10A-78 Maintenance and improvement of existing drains, watercourses, and levees.
 46A-10A-79 Apportionment of original cost to annexed area when project extended.
 46A-10A-80 Maintenance of drains--Assessment of costs.
 46A-10A-81 Jurisdiction of improved existing drain--Maintenance--Assessments.
 46A-10A-82 Maintenance without notice--Actions authorized.
 46A-10A-83 Petition for repair or improvement of drain.
 46A-10A-84 Repairs without contract--Cost reimbursement.
 46A-10A-85 Replacing drain as repair.
 46A-10A-86 Improvements--Survey and cost estimate--Ordering without notice.
 46A-10A-87 Improvements requiring notice and hearing--Reclassification of benefits--Appeal.
 46A-10A-88 Assessment of maintenance and improvement costs.
 46A-10A-89 Maintenance and assessments for drainage work in more than one county.
 46A-10A-90 Injury or obstruction of drainage as nuisance--Civil liability.
 46A-10A-91 Drain or watercourse constructed to prevent entry of water as nuisance--Exception.
 46A-10A-92 Abandonment of project--Procedure.
 46A-10A-93 Approval required to alter drainage rights established with federal or state funds.
 46A-10A-94 Accounts of expenditures maintained--Inspection.
 46A-10A-95 Appeal by state as to public lands.
 46A-10A-96 Stay of proceedings on appeal--Bond--Damages.
 46A-10A-97 Costs on appeal.
 46A-10A-98 Drainage district management by Board of Trustees.
 46A-10A-99 Petition for election.
 46A-10A-100 Election meeting--Appointments.

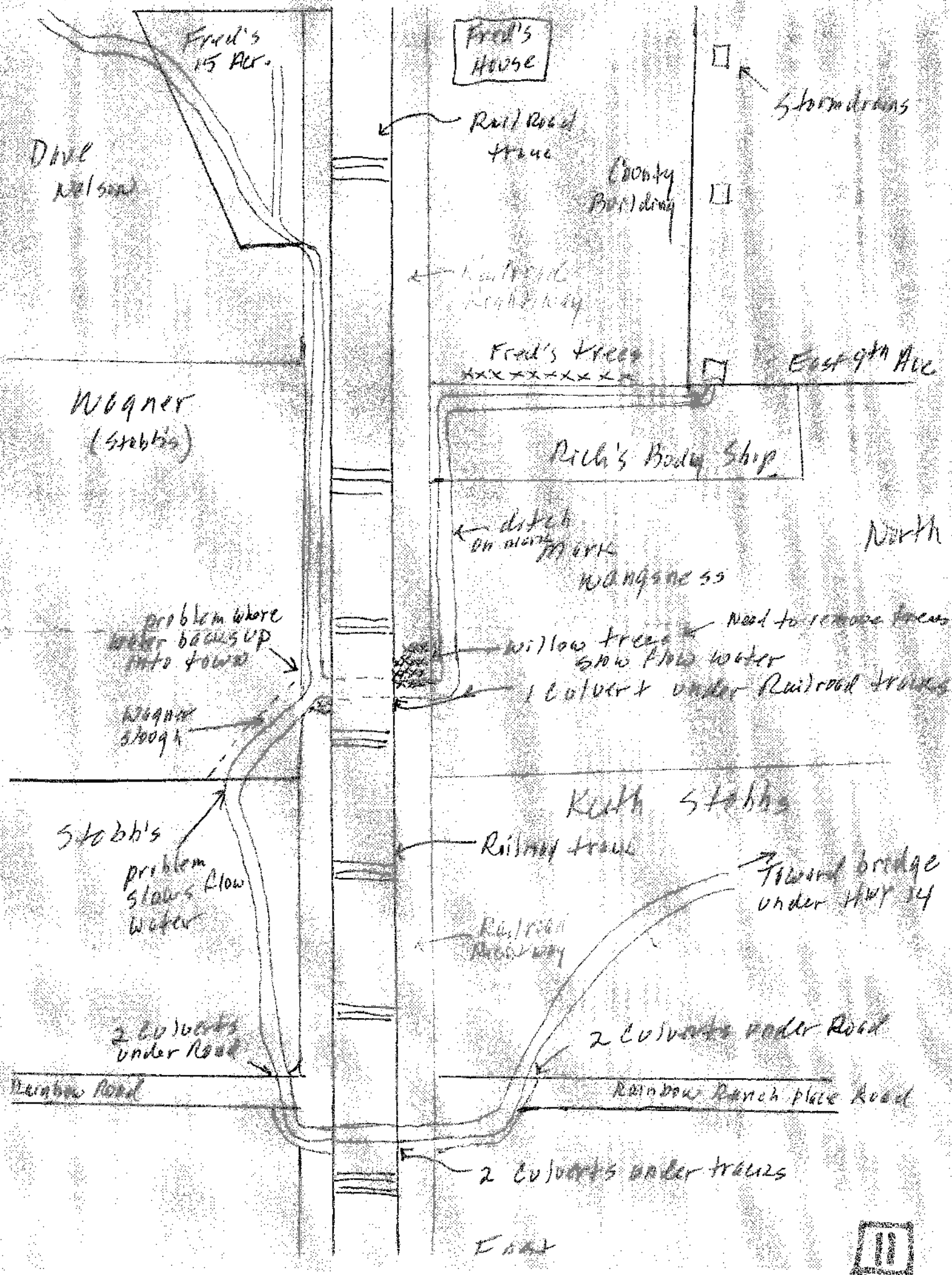
46A-10A-101 Publication of notice of election--Votes by proxy.
 46A-10A-102 Election board to procure district records preceding election--Elected trustees to act as record custodians--Updates to district records.
 46A-10A-103 Voting rights of title holder.
 46A-10A-104 Landowner or joint landowners entitled to one vote collectively--Voting rights of minor or protected person.
 46A-10A-105 Voting through agent or proxy--Power of attorney to specify election for which it is used--Delivery of power of attorney.
 46A-10A-106 Superintendent's responsibilities--Manner and purpose of elections.
 46A-10A-107 Ballots and poll list--Ballot delivery.
 46A-10A-108 Vote count--Determination of election results--Election materials to be retained for sixty days.
 46A-10A-109 Results of election to determine length of term.
 46A-10A-110 Trustees to appoint superintendent and clerks for subsequent election board--Determination of compensation of election board.
 46A-10A-111 Succeeding annual trustee elections.
 46A-10A-112 Trustee qualifications.
 46A-10A-113 Appointment to fill vacancy.
 46A-10A-114 Compensation of trustees and clerk of board--Filing requirements.

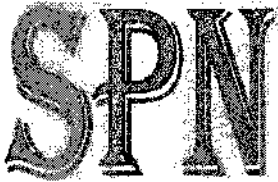
46A-10A-115 Election of chair and clerk of board.
 46A-10A-116 Powers and duties of board of trustees.
 46A-10A-117 Costs and expenses--Levy.
 46A-10A-118 Assessment on real property.
 46A-10A-119 Tax--Tax fund.
 46A-10A-120 Issuance of improvement certificates and drainage bonds.
 46A-10A-121 Record of official acts and proceedings--Filing of financial report--Examination of report.
 46A-10A-122 Grievances--Mediation.
 46A-10A-123 Special election--Notice.

46A-10A-73. Drains along and across railroads--Costs.

A drain may be constructed along a rail line, if necessary, if no damage is done to the rail line. If it is necessary to cross a railroad right-of-way, the railroad company, if so ordered by the board, shall make necessary openings through the right-of-way and construct and maintain culverts or bridges to permit free and unobstructed flow of water across the right-of-way. The cost of such construction and maintenance, except the cost of excavating the ditch across the right-of-way, shall be borne as outlined in § 46A-10A-74. Service of such order shall be made upon the railroad company in the manner provided for the service of summons in a civil action. An order directing construction of a drainage bridge or culvert shall be served upon the railroad company. The railroad company shall have sixty days after the service of an order to construct the bridge or culvert.

Source: SL 1985, ch 362, § 74; SL 1986, ch 379, § 9.





Schmucker, Paul, Nohr and Associates
2100 North Sanborn Blvd — PO Box 398
Mitchell SD 57301-0398
Phone (605) 996-7761
Wats (800) 952-3598
Fax (605) 996-0015
www.spn-assoc.com

July 17, 2020

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

RE: Proposal for Pre-Mitigation Flood Study

Dear Mayor Blachford:

Over the past few years, precipitation events have occurred that have resulted in storm water's entering the southeast portion of the City and flooding areas in this portion of the City. This flooding has caused basements to flood, roads to be unusable, sewage backups in basements and damage to electrical systems within the City. As such, the City has requested a proposal to conduct an evaluation of the drainages flowing through and adjacent to the southeast portion of the City of Miller and alternatives that would mitigate any future flooding due to future precipitation events. The following will serve as a proposal for engineering services associated with conducting a study to evaluate the drainages and alternatives to mitigate future flooding.

Scope of Work: SPN will perform professional engineering services, serve as the Client's professional engineering representative and provide professional engineering consultation and advice as directed (verbally or in writing) by the designated representative in connection with the Project. Specifically, the Scope of Work to be completed is as follows:

Collection of Data

1. The study and evaluation that is to be completed will rely on topographic data that is readily available and shown on USGS quadrangle maps for the area to define the drainage areas; lidar map information that is available for the area; and a topographic survey completed by SPN to obtain critical cross sections of the flow paths and establish areas of flooding. SPN anticipates collecting 75 cross sections of the flow path as well as other critical elevation points and surveyed areas where flooding is expected. This data will be entered into CADD software and drawn to accurately depict the existing features and layout of the existing drainage.

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Set-up of Model

2. The data that has been collected will be entered in Autodesk Storm and Sewer Analysis 2019 (SSA) which utilizes the Environmental Protection Agency's Storm Water Management Model (EPA SWMM). The SWMM computation model is used to develop the continuous simulation of surface runoff and routing for large drainage basins. The model will be used to evaluate the drainage system with the results being compared to those experienced within the City. Any discrepancies will be evaluated and the model will be adjusted as necessary to ensure the model replicates the system as closely as possible.

Evaluation of Alternatives

3. Based on the results of the evaluation of the drainage system, SPN will develop up to four alternatives to improve the existing drainage system. These alternatives will be reviewed with the City and completed as approved by the City. The model will be modified to include the proposed improvements and used to determine impacts the improvements have on reducing the flooding. Costs and benefits associated with each of the alternatives will be evaluated.

Compiling a Report

4. SPN will prepare a written report including, but not limited to, maps showing the existing drainage system; noted problem areas along the existing drainage found during the evaluation of the system; extent of flooding that has occurred; proposed improvements and the anticipated reduction in flooding following the implementation of the improvements; cost estimates and related information to the findings and recommendations of the Preliminary Study. SPN will provide ten (10) copies of said report to the Client. SPN will attend not more than one (1) meeting with the Client to review said report.

Compensation: By authorizing SPN to proceed with the Project, the City agrees to compensate SPN for the services provided on the following:

1. The amount of compensation for the services as described in the **Collection of Data** of the Scope of Work shall be a lump sum fee of **\$19,000**.
2. The amount of compensation for the services as described in the **Set-up of Model** of the Scope of Work shall be a lump sum fee of **\$19,000**.
3. The amount of compensation for the services as described in the **Evaluation of Alternatives** of the Scope of Work shall be a lump sum fee of **\$22,500**.
4. The amount of compensation for the services as described in the **Compiling a Report** of the Scope of Work shall be a lump sum fee of **\$12,000**.

Ron Blachford, Mayor
July 17, 2020
Page 3

5. The total compensation for the above scope of work and services amounts to \$72,500.

If you have any questions, don't hesitate to give me a call.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES



Terry L. Aaker, P.E.
Principal/Project Manager

TLA:rh

cc: Ted Dickey, NECOG

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RESOLUTION NO. 2020-11
TRANSFER FROM CONTINGENCY FUND

The City of Miller is an equal opportunity employer.

WHEREAS insufficient appropriation was made in the 2020 adopted budget for the following department 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 appropriation be transferred from the contingency budget to the following department budget:

101-4490-4251	Health & Welfare Repairs & Maintenance	\$196.00
101-4490-4281	Health & Welfare Utilities	\$1,500.00
101-4291-4290	Civil Defense	\$500.00

Adopted this 20th day of July 2020.

APPROVED:

Ronald Blachford, Mayor

(SEAL)

ATTEST:

Sheila Coss, Finance Officer

RESOLUTION NO. 2020-12
APPOINTMENT OF APPLICANT AGENT
for the Hazard Mitigation Grant Program (HMGP)

The City of Miller is an equal opportunity employer.

WHEREAS, City of Miller is submitting a Hazard Mitigation Grant application to the South Dakota Division of Emergency Management and the Federal Emergency Management Agency; and

WHEREAS, City of Miller is required to appoint an Applicant Agent for the purpose of signing documents and assuring the completion of all application documents;

NOW THEREFORE BE IT RESOLVED that City of Miller appoints the City Mayor as the authorized Applicant Agent.

Dated this 20th day of July 2020.

Mayor, City of Miller

ATTEST:

Finance Officer

Helms & Associates

PO Box 111

Aberdeen, SD 57402-

Tel: (605) 225-1212 Fax: (605) 225-3189

BOBB@HELMSENGINEERING.COM

City
Agenda
Copy

CITY OF MILLER
120 West 2nd Street
MILLER, SD 57362-

Invoice

Invoice Date: Jun 30, 2020

Invoice Num: 21715

Billing Through: Jun 27, 2020

MILLER AIRPORT ALP & NARRATIVE REPORT (A7138:01) - Managed by (205)

AIP # 3-46-0035-010-2019

PER AGREEMENT DATED 4/16/19

Project ID	Project Name	Contract Amount	% Comp.	Previously Billed	Amount Due
A7138:01	MILLER AIRPORT ALP & NARRATIVE REPORT	\$191,624.25	62.00	\$117,848.91	\$958.12

Total Amount Due: **\$958.12**

This invoice is due upon receipt

VERIFICATION OF CLAIM I declare and affirm under the penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief, is in all things true and correct. Dated this 30th day of June 2020.
HELMS AND ASSOCIATES *[Signature]*

APPROVAL:

BY: _____

TITLE: _____

DATE: _____

Account Summary

Services BTD	Expenses BTD	Billed To Date	Paid To Date	Balance Due
\$ 118,807.03	\$ 0.00	\$ 118,807.03	\$ 117,848.91	\$ 958.12

NOTICE TO AIRPORT CONSULTANTS

The City of Miller, South Dakota (Sponsor) is hereby soliciting Statement of Qualifications from consultants for a Level III on-ground archeological survey of the current airport property including all structures (approximately 250 acres) anticipated to occur prior to September 2020 pending TCS availability at the Miller Municipal Airport (MKA) located near Miller, South Dakota.

This project has been developed from the Sponsor's Airport Capital Improvement Plan (CIP) prepared with assistance from Helms and Associates.

The services to be provided may include, but are not limited to, the requirements of a Level III Cultural Resources Inventory. This includes the evaluation of existing structures within the project area. Through the FAA's coordination with Tribal Historic Preservation Officers (THPOs), it has been noted that there is interest from 1 Tribe in being involved in the survey. Therefore, coordination and inclusion of Tribal Cultural Specialists (TCS) will be included. Once the FAA has identified the representative Tribe(s), the selected consultant will then begin the coordination and scheduling of the daily operations on-site with the Tribe(s).

A qualification based selection process conforming to FAA Advisory Circular 150/5100-14E *Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects* will be utilized to select a consultant. Fee information will not be considered in the selection process and shall not be submitted with the Statement. Fees will be negotiated for the project upon selection. The agreement(s) between the Sponsor and the selected consultant will be subject to all applicable Federal Rules and Regulations as identified in AC 150/5100-14E.

Consultants will be rated by a selection committee according to the following selection criteria and the weight given to each:

1. Capability to complete an aeronautical survey to AC 150/5300-16A- 17C and 18B standards. (30%) – qualifications of prime firm and the relevant experience of key personnel from prime firm (and subconsultants, if any) and role;
2. Knowledge of FAA standards, policies, and procedures (20%);
3. Recent experience with comparable projects at similarly-sized airports (10%);
4. Current availability, history of meeting schedules and staying within budget (30%); and
5. Understanding of the project's potential challenges and Sponsor's concerns (10%)

The Sponsor intends to select the highest rated firm based on the submittals and does not plan to conduct phone, informal, and/or formal interviews.

Statements must be concise and contain no more than twelve (12) pages of material (6 sheets of paper, double sided). This excludes the front and back covers, the two-page cover letter (1 sheet of paper, double sided), table of contents, section dividers, and resumes. Consultants must submit a PDF of their Statement (submitted via email) to the following persons:

sheila.coss@cityofmiller.com

brookee@helmsengineering.com

All statements must be received by 3:00 p.m. on July 21, 2020. Statements received after this deadline will not be considered. The Sponsor reserves the right to reject any and/or all Statements. Submittals will become property of the Sponsor.

The area to be surveyed on the enclosed aerial image is located in Sections 1 and 12 of T112N, R68W. This survey is required for a Section 106 review. The FAA is in contact with local tribes and will designate if and which tribes are to be present during the survey. If your firm is selected, please assume the FAA will designate which Tribe will provide the TCS that need to be present during the survey.

Statements are to be provided in an email titled "City of Miller Cultural Survey Statement of Qualifications" and request delivery/read receipts to confirm it was received on time.

Inquiries

All questions must be submitted via email to the above contact by 5:00 p.m. on July 14, 2020. Answers will be sent via reply email no later than 5:00 p.m. on July 15, 2020. For more information, please contact Brooke at brooke@helmsengineering.com or Sheila at sheila.coss@cityofmiller.com.

Enclosures:

Federal Contract Provisions for A/E Agreements
Aerial of Airport Property



Election Notice

The South Dakota Public Assurance Alliance (SDPAA) Board of Directors election will be held Wednesday, October 7, 2020 at 11:00 a.m. CST remotely via zoom. Instructions for participating in this meeting are listed below and also will be emailed to all members two weeks prior to the meeting. The election shall be determined by a majority of those SDPAA Member entities participating and voting with each Member entity having one vote. Election winners will be seated on the Board of Directors starting January 1, 2021 to serve a three year term. A copy of the Board of Directors Election Policy Resolution is available upon request.

If you are interested in a position on the SDPAA Board of Directors, you must meet the following qualifications:

Article V – Paragraph 2 - Qualifications of Members of the Board.

Members of the Board shall be either:

- a. Elected officials of an Alliance Member, provided the governing Board of the Member in question has supported their appointment or candidacy by Resolution; or
- b. Representatives, employees or appointed officials of an Alliance Member, provided the governing Board of the Member in question has supported their appointment or candidacy by Resolution.

SDPAA Board of Directors positions up for election are currently held by:

- Tracy Turbak, Director of Finance, retired, Sioux Falls
- Kathy Glines, Harding County Auditor, Buffalo
- Becky Brunsing, City Administrator/Finance Officer, Wagner

Please send a letter of application and supporting Resolution by the deadline date of August 31, 2020 to:

Lisa Nold, SDML Office Manager
208 Island Drive
Ft. Pierre, South Dakota 57532
Phone: 1-800-658-3633
Email: Lisa@sdmunicipalleague.org

All applications will be forwarded to the SDPAA Nominating Committee.

Join Zoom Meeting on October 7:

<https://us02web.zoom.us/j/83914537720?pwd=WTVrYzVTQ3QzajFaSWhmdkh4V3dpZz09>

Meeting ID: 839 1453 7720
Password: 008902