

CITY OF MILLER
CITY COUNCIL MEETING
AUGUST 5, 2024

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, August 5, 2024.

MEMBERS PRESENT: Mayor Tom McGough, Aldermen: Dale Hargens, Will Jones, Patrick Price, Gale Auch, and Landon Gab and Alderwoman Susan Hargens.

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

Pledge of Allegiance was said by all present.

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

MINUTES: Motion by Alderman Price, seconded by Alderman Jones to approve the minutes as printed for the regular meeting held on July 15, 2024, and the special work session held on July 24, 2024. All members voted aye. Motion carried.

Public Input: Pastor Will Page stated that the Pastor's Party in the Park will be held Sunday, August 25, not Saturday, August 24. The council members accepted the date change.

Department Head Reports

Ron Hoftiezer has been cutting dead trees and tree limbs. Clearing hanging limbs clears the right of way for dump trucks before streets get oiled for the season. Mosquitos continue to be sent in for testing; so far, Hand County has not had any positive results for West Nile.

NEW BUSINESS

Baseball Association: Joe Beranek would like to see the city apply for the FEMA grant again to build the storm shelter at the ball fields. He would also like to discuss a plan B if FEMA funding is not awarded soon. He has been in contact with Mike Werdel, Legion Post 38, about installing permanent sunshades above the bleachers behind home plate on each softball field. Joe commended Roger Haberling for his time and effort in keeping the fields well-maintained. The weed control by Andy Canham and John Fanning has been exceptional as well.

Miller Ace Hardware Event: No one was present to address this item.

Code Enforcement/Building Permits: Alderman Jones wants the city to enforce the regulations in its ordinances pertaining to the requirements for obtaining a building permit before construction or relocation happens. Alderman Price referenced Section 40-33 in Miller's Code of Ordinances. The city can impose a fine "up to \$25.00 per day for each and every day during which such illegal locating, erection, construction, reconstruction, enlargement, change, maintenance or use continues." Price also referenced the statement to which applicants sign on the building permit application, "...I understand that work shall not begin until the permit is issued by the Miller City Council..." Alderman Hargens is in favor of sending the message that the council shall uphold the laws and policies of the city. Alderman Price still wants to address issues on a case-by-case basis anytime a fine is levied.

Building Permits: Motion by Alderman Hargens, seconded by Alderman Jones to deny Elizabeth Olson's building permit application for mobile homes, to ascertain a date for when the homes were moved onto the location, and assess a fine of \$25.00 per day; once the fine is paid, the council will review their permit application again. Alderman Price discussed clarification on the end date for charging the fine. Alderman Hargens revised his motion to add an end date of August 5, Alderman Jones concurred. Alderman Auch mentioned portable structures and if this could potentially fall under such. Alderman Hargens clarified that for the purpose of imposing the fine, the council will treat this as 1 violation even though there are 2 mobile homes in violation on the property. Alderman Jones accepted. All members voted aye. Motion carried.

Motion by Alderman Price, seconded by Alderman Auch to approve building permits for Super 8 hotel to build and shed and for Ethan Cramer to install a fence. All members voted aye. Motion carried.

PUBLIC HEARING

7:30 p.m. Board of Adjustments – Variance: Mayor McGough adjourned the board as the common council and convened as the Board of Adjustments at 7:30 p.m. Adam Seeklander was present to request a variance on the front side of his house to build a fence. The fence will not obstruct view in the right of way. Motion by Alderman Price, seconded by Alderman Gab to approve a variance to allow Seeklander to build a fence closer to the front lot line than allowed by City Code. No opponents to the request were present. All members voted aye. Motion carried. Mayor McGough reconvened the board back to the common council.

Building Permits *cont’d.*:

Motion by Alderman Price, seconded by Alderman Jones to approve a building permit for Adam and Christina Seeklander to build a fence. All members voted aye. Motion carried.

Resolution No. 2024-8: Mayor McGough read Resolution No. 2024-8: A Resolution Opposing Initiated Measure 28. If passed, the City of Miller estimates annual lost revenue of \$159,000 unless the measure is rejected by voters in South Dakota. Motion by Alderman Hargens, seconded by Alderwoman Hargens to approved Resolution No. 2024-8. Five members voted aye. One member voted nay. Motion carried.

Phase IV Water Utility Project: Motion by Alderwoman Hargens, seconded by Alderman Gab to approve payment of **SPN Invoices 34218-34223** for a total of \$21,275.35. All members voted aye. Motion carried. Motion by Alderman Price, seconded by Alderman Jones to approve payment of **TLC Olson Pay App. No. 1** for \$789,314.15 contingent upon receiving funds from DANR. All members voted aye. Motion carried. Motion by Alderman Price, seconded by Alderman Auch to approve **TLC Change Order No. 2**. It revises the scope of the wastewater portion of the project on Donlin Street resulting in an increase of \$40,375.75 which is still within budget of the project. All members voted aye. Motion carried.

EXECUTIVE SESSION

Motion by Alderman Price, seconded by Alderwoman Hargens to go into executive session pursuant to SDCL 1-25-2(1) at 7:48 p.m. Mayor McGough brought the council out of executive session at 8:26 p.m. No action taken.

Approval of Bills: Motion by Alderman Price, seconded by Alderman Gab to pay the bills. All members voted aye. Motion carried.

Motion by Alderman Price, seconded by Alderman Auch to adjourn the meeting. There being no further business, the meeting was adjourned at 8:28 p.m. All members voted aye. Motion carried.

Tom McGough, Mayor

Cindy Deuter, Finance Officer

LEGAL NOTICE OF RECEIPT

Copy of the official proceedings

was received on: _____

Published once at the

approximate cost of: _____

Bills August 2024 (1)

3D Communications	Supplies	502.50
A-Ox Welding	Supplies	31.42
American Solutions	Supplies	118.92
Bobs Disposal	Garbage	350.00
Border States	Supplies	604.52
Builders Solutions	Supplies	81.62
Burbach Aquatics Inc	Prof Fees	10,001.41
City Utilities	Utilities	7,459.95
Civic Plus	Prof Fees	2,290.89
CES	Code Enforcement	724.26
Creative Printing	Supplies	65.42
Dakota Land Mgmt	Spraying	550.72
Gindy Deuter	Reimb	96.75
DG	Supplies	28.30
Hawkins	Chemical	2,568.16
Ron Hoftiezer	Reimb	15.00
Hughes Electric	Supplies	78.93
Inland Truck	Supplies	290.71
I & SGroup	Prof Fees	1,500.00
Landis+Gyr	Prof Fees	5,035.00
Locators & Supplies	Supplies	239.86
Milbank Winwater	Supplies	587.32
Miller Rexall	Supplies	34.58
MMUA	Prof Fees	662.00
Morris	Supplies	6,750.90
NAPA	Parts	641.09
Dave Nelson	Solar Sellback	150.29
Oakley Farm & Ranch	Supplies	90.68
OHED	80% Bbb	5,592.06
Oswald Trucking	City Pile	4,350.58
Petty Cash	Reimb	62.03
USPS	Postage	350.00
Postmaster Trust	Postage	425.00
SD DANR	Prof Fees	250.00
SD DOR	Excise Tax	443.63
SD PHL	Water Samples	30.00
SPN	Prof Fees	21,275.35
TLC Olson Const.	PH.IV Project	789,314.15
Truenorth Steel	Supplies	1,108.80
USBNA	Loan	22,547.06
USBNA	Loan	22,611.64
USBNA	Loan	12,775.27
USBNA	Loan	4,640.84
Vandiest	Supplies	2,406.50
Wesco	Supplies	26,007.00
	Accounts Payable Total	955,741.11

Payroll Salary plus		7/25/2024 & 7/31/2024 & 8/1/2024 &		
Benefits by Department:		8/8/2024		
Department		w/o OT	OT	Total
41101	COUNCIL	3,331.79	0.00	3,331.79
41402	FINANCE OFFICE	2,921.50	11.70	2,933.20
41902	BUILDING	309.23	0.00	309.23
42101	POLICE	12,397.73	370.83	12,768.56
43101	STREET	8,904.48	1,000.10	9,904.58
43201	SEWER	5,960.59	718.26	6,678.85
43305	WATER	5,960.52	718.25	6,678.77
43403	ELECTRIC	13,502.38	74.10	13,576.48
45101	BALLPARK	1,180.38	0.00	1,180.38
45202	PARK	1,244.43	0.00	1,244.43
45103	POOL	19,047.28	797.60	19,844.88
		\$74,760.31	\$3,690.84	\$78,451.15