

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

The City of Miller is an equal opportunity employer.

Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutespgs. 1 -3

Public Input

Public Hearing

7:30 Yearous Variance

- Resolution No. 2020-14pg. 4
- Building Permit - garage

New Business

1. County Incineratorpg. 5
2. Upgrade Transformer for Bird Seed Plant
3. Code Enforcement Plans
4. Set Special Meetings:
 - a. Electric Fund Refinance
 - b. Budget Meeting
5. Bulls at N. Broadway & East 3rd Street
 - Agreements – Kessler’s & Coss Agencypgs. 6 - 10
6. Ordinance No. 711 – Budget Supplementpg. 11
7. Building Permits:
 - a. Kessler’s Holiday Station - pumps & canopy
 - b. Kathy and Rich Skorheim - fence & shed
 - c. Steve and Cindy Ford - covered porch/deck

Approval of Bills

Correspondence

Midcopg. 12

Adjourn

**CITY OF MILLER
CITY COUNCIL MEETING
AUGUST 3, 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, August 3, 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 Swartz, seconded by Alderman Zeller to approve the agenda as amended. All members voted aye. Motion carried.

MINUTES: Motion by Alderman Rangel, seconded by Alderwoman Meyer to approve the minutes for the regular meeting held on July 20, 2020. All members voted aye. Motion carried.

DEPARTMENT HEAD REPORTS

Alderman Rangel asked Terry Manning about John Beaner's sewer that backed up into his basement. Terry Manning cleared the storm sewer next to Randy Bertsch after the last rain. Ron Hoffiezer had Andy Canham spray the pond in the park. Sales Tax is up \$32,048.52 from 2019.

NEW BUSINESS

Sydney Jessen – Pool Overview: Sydney Jessen, pool manager, gave a brief overview of the 2020 pool year. They had an average of 25-30 daily pool attendees. They have only had one complaint about the change in hours to facilitate additional cleaning due to COVID-19. There have been 2914 people (122 adults) that have enjoyed the pool to date. August 11th will be the last date that the pool will be open with cleaning on the 12th and college-age lifeguards heading to school on the 13th. Thank you for your hard work to get the pool open and running smoothly, Sydney.

Pool Committee – New Pool Status: Alderwoman Meyer gave an overview of the pool committee's meeting with Burbach Aquatics on July 27th. Josh Layer, Burbach Aquatics presented the first drawing of a potential layout of the new pool to the committee for review and discussion. The existing bathhouse and slide will be reused for the new pool. The committee gave additional suggestions and will receive at least 2 new drawings at the next meeting on August 24th.

Terry Manning – Sewer Truck Hoses: Motion by Alderman Steers, seconded by Alderman Rangel to have Terry Manning purchase new hoses for the sewer truck. All members voted aye. Motion carried.

Terry Manning – Midco Water Tank Cleaning: Motion by Alderman Swartz, seconded by Alderman Zeller to sign agreements with Midco Diving & Marine Services, Inc. to clean and inspect the water tower and the ground storage tank. All members voted aye. Motion carried.

Helms – Request for Qualifications – Miller Municipal Airport: Motion by Alderwoman Meyer, seconded by Alderman Steers to accept the Request for Qualification from Quality Services, Inc. to perform the Cultural Survey at the airport. All members voted aye. Motion carried.

Helms – Invoice #21950: Motion by Alderman Rangel, seconded by Alderwoman Meyer to pay Helms & Associates invoice #21950 for \$958.13. All members voted aye. Motion carried.

East 4th Street Repair: Mayor Blachford wanted to discuss the project on East 4th Street in front of the school and armory. The project will be budgeted for in 2021 and revisited if the community access grant is not received.

West 1st Avenue Water Line Replacement: Mayor Blachford asked what the plans are for the water replacement along West 1st Avenue if there are not enough funds left in Phase II. This issue will be revisited closer to the end of the project.

Elected Officials Workshop: Alderwoman Meyer stated that she will be available to attend the Elected Officials Workshop to be held in Pierre on September 2nd. Cindy Deuter plans to attend, and Alderman Swartz contacted Sheila Coss after the meeting to state that he will also be able to attend.

Electric Project: DGR Invoices Motion by Alderman Steers, seconded by Alderman Zeller to pay **DGR Engineering** \$18,533.85 for invoices 241751-241754. All members voted aye. Motion carried. Motion by Alderman Swartz, seconded by Alderman Rangel to pay **Efraimson Electric, Inc.** \$71,034.95 for their Final Pay Request. All members voted aye. Motion carried. Motion by Alderwoman Meyer, seconded by Alderman Swartz to have Mayor Blachford sign the final documents for **Efraimson Electric, Inc.** All members voted aye. Motion carried.

Water & Sewer Project – SPN Invoices: Motion by Alderman Swartz, seconded by Alderman Rangel to approve SPN Phase II invoices 21869-21872 for a total of \$31,035.10. All members voted aye. Motion carried. Motion by Alderwoman Meyer, seconded by Alderman Zeller to approve Dahme Pay Request No. 19 for \$82,543.39. All members voted aye. Motion carried.

Resolution No. 2020-13 CARES Act: Motion by Alderman Zeller, seconded by Alderwoman Meyer to approve the reading of Resolution No. 2020-13 CARES Act. Roll call vote: Alderman Steers – aye, Alderwoman Meyer – aye, Alderman Rangel – aye, Alderman Zeller – aye, Alderman Swartz – aye, Alderman Odegaard – absent. Motion carried.

Safehouse Final Inspection: The final construction inspection for the safehouse in Crystal Park will be on Tuesday, August 11th at 10:00 a.m. Council members are invited to attend.

Safehouse Maintenance: Daily maintenance of the safehouse in Crystal Park will be performed by the staff in the street/parks and recreation departments upon opening.

Building Permits: Motion by Alderman Rangel, seconded by Alderman Zeller to approve the following building permits: Kessler's – sign, Wayne Ruhnke – front steps. All members voted aye. Motion carried.

Removal Permits: Motion by Alderman Steers, seconded by Alderman Swartz to approve the following removal permits: Ron & Juli Hofstiezer – house, Tim Zacher – house, Diane Goetz – house, David Harvey – house, Bill Lewellen – mobile home and fence. All members voted aye. Motion carried.

APPROVAL OF BILLS: Motion by Alderwoman Meyer, seconded by Alderman Zeller to approve the bills. 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 8:35 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 August 2020 (1)

3D Specialties	"STOP" sign	679.99
A-Ox Welding	Supplies	14.98
American Solutions	Supplies	210.90
BDS	Garbage	179.00
Builders Cashway	Supplies	193.59
City Utilities	Utilities	7,600.96
Dahme Construction	Ph. II Const.	82,543.39
Dehaai, Aubrey	Lifeguard Cert.	121.73
DGR	Prof Fees	18,533.85
Efraimson Electric	Cap Imp	71,034.95
Fastenal	Supplies	212.87
Fischer Plumbing	Service	143.13
Ford, Cynthia	Lifeguard Cert.	121.73
Ford, Kaliopie	WSI Cert.	152.35
Hand County Publishing	Publications/supplies	837.76
Hawkins	Chemical	1,787.23
Heilman, Kaia	Lifeguard Cert.	110.99
Helms & Associates	Prof Fees	958.13
JDH Construction	Safehouse Const.	25,670.48
Jessen, Sydney	WSI Cert.	269.41
John Deere Financial	Supplies	1,011.71
Larry's Repair	Repairs	378.40
MDRWS	Water	18,078.75
Milbank WinWater	Supplies	1,162.88
Miller Rexall Drug	Supplies	44.27
MMUA	Masks	400.00
Muefeler Co	Annual Fees	1,008.00
Nelson, Dave	Solar Sellback	105.92
Nolz, Blair	Refund	75.00
Oakley Farm & Ranch	Supplies	171.83
OHED	80% BBB	5,575.50
On Sight	Cameras/install	10,289.16
Postmaster	Postage	620.00
Russell, Preslie	Lifeguard Cert.	118.30
SD DOH	Tests	72.00
SDML	Registration	25.00
Sivertsen, Kaden	WSI Cert.	152.35
SPN	Prof Fees	31,035.10
Stuart C Irby	Supplies	855.00
T & R Service Co.	Prof Fees	3,041.00
Twin Valley Tire	Repairs	100.35
US Bank	Loans	22,510.09
VanDiest Supply	Chemical	1,250.00
	Accounts Payable Total	<u>\$309,438.03</u>

**Payroll Salary plus Benefits
by Department:**7/28/2020 & 7/31/2020
& 8/04/2020

Department	w/o OT	OT	Total
41110 COUNCIL	2,233.75	0.00	2,233.75
41410 FINANCE OFFICE	1,288.59	0.00	1,288.59
41910 BUILDING	350.70	0.00	350.70
42110 POLICE	10,755.32	2,014.08	12,769.40
43110 STREET	7,482.00	288.24	7,770.24
43210 SEWER	5,091.06	554.00	5,645.06
43310 WATER	5,090.98	553.99	5,644.97
43410 ELECTRIC	8,364.57	201.00	8,565.57
45110 BALL PARK	211.94	0.00	211.94
45210 PARK	938.36	0.00	938.36
45310 POOL	7,302.63	0.00	7,302.63
	<u>\$49,109.90</u>	<u>\$3,611.31</u>	<u>\$52,721.21</u>

RESOLUTION NO. 2020-14

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, Steve & Bonnie Yearous own the property described as the North 65' of Lots 6 & 7, Block 5, John W. Coquellette's 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 North 65' of Lots 6 & 7, Block 5, John W. Coquellette's Addition to the City of Miller have applied for a variance on said property. The variance will allow for the placement of a garage that would enter 12 feet into the side setback (this property is a corner lot and requires a 20-foot set back on both the front and the side of the building) on said property as set forth in the zoning regulations.
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 17th day of August 2020.

Ronald Blachford, Mayor

(SEAL)

ATTEST:

Sheila Coss, Finance Officer

Published once at the
approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 5, 2020

Doug DeBoer, Auditor
County of Hand
1208 East 3rd Ave.
Miller, SD 57362

Dear Mr. DeBoer:

The South Dakota Department of Environment and Natural Resources (DENR) is in receipt of information about an incinerator purchased by Hand County for the purposes of destroying confidential paperwork. You have asked about DENR regulatory requirements related to use of the incinerator.

You have indicated that the incinerator does not have an alternative fuel source and likely has an incineration capacity of less than 500 pounds/hour. Based on these two factors, we have determined that Air Quality regulatory requirements and Solid Waste permitting requirements will not apply.

DENR is hereby granting approval for Hand County to use the incinerator for the destruction of confidential paperwork. Our approval is conditioned on the following requirements.

1. Only confidential paperwork will be burned in the incinerator. No other waste material of any kind (cardboard, garbage, plastic, etc.) may be placed in the incinerator for burning.
2. No more than 500 pounds/hour of paper will be burned at any one time.
3. A lock will be placed on the incinerator to prevent unauthorized use.
4. Ash removed from the incinerator can be managed for disposal at the Hand County Restricted Use (RU) site provided the ash is adequately cooled prior to delivery to the RU site.
5. The city of Miller will be granted access to use the incinerator occasionally for the same purpose of destroying confidential paperwork.

Please understand that DENR reserves the right to revoke this approval if Hand County fails to comply with the conditions outlined above. In addition, our office requests the right to inspect the incinerator after receiving permission from county officials to access the property.

We look forward to the county's compliance with the requirements stated above. Do not hesitate to contact our office at 605-773-3153 if you have questions about this approval letter.

Sincerely,

Jim Wendte, P.E.
Waste Management Program

cc: Sheila Coss, Finance Officer, City of Miller

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

AGREEMENT

AGREEMENT, made this _____ day of July, 2020,

between On Hand Development Corporation, a South Dakota non-profit corporation, of 526 North Broadway Avenue, Miller, South Dakota 57362, (herein called On Hand), and KR Miller, LLC, of 308 North Broadway Avenue, Miller, South Dakota 57362 (herein called Kessler's),

WITNESSETH:

The parties hereto agree that Kessler's own the following described real estate:

Lot Eight (8). Block Eleven (11) of William H. Miller's Addition to the City of Miller, County of Hand, State of South Dakota.

The parties further agree that Kessler's have a pylon and sign located in the southwest corner of the above described Lot Eight (8) which Kessler's are replacing with a new pylon and sign.

6

The parties also agree and understand that there was also an Angus bull sculpture located on its own pylon in the southwest corner of the described Lot Eight (8) which was temporarily removed the first part of July, 2020 to be repaired and maintained by On Hand with approval from the City of Miller.

The parties acknowledge and understand that the Angus bull sculpture (as well as the Hereford bull sculpture across the street/highway (to the south) have been located at those two street/highway corners for decades. As a result, Kessler's propose to have the described Angus bull sculpture placed on their new pylon and sign as shown in the attached drawing of said pylon and sign.

The parties hereto agree that the Angus bull sculpture shall continue to be the property of the City of Miller and On Hand and the bull sculpture shall be maintained by On Hand.

On Hand and the City of Miller shall have no right or title to Kessler's pylon and sign nor any responsibility for said pylon and sign.

This Agreement shall be governed as to validity, interpretation, construction, effect, and in all other respects by the laws and decisions of the State of South Dakota.

This Agreement applies to and binds the heirs, successors, personal representatives, and assigns of the parties.

IN WITNESS WHEREOF, we have set our hands the day and
year first above written.

ON HAND DEVELOPMENT
CORPORATION:

KR MILLER, LLC:

BY: _____
Laine Warkenthien
Its President
(CORPORATE SEAL)

BY: _____
Reed T. Kessler
Manager

CONSENT AND APPROVAL

The City of Miller hereby consents and approves of this
Agreement between On Hand Development Corporation and KT Miller, LLC,
(also known as Kessler's) as to the described Angus bull sculpture.

CITY OF MILLER

BY: _____
Its Mayor

ATTEST:

BY: _____
Its Finance Officer

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

On this _____ day of July, 2020, before me, the undersigned officer, personally appeared Laine Warkenthien, who acknowledged himself to be the President of On Hand Development Corporation, a South Dakota non-profit corporation, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

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 July, 2020, before me, the undersigned officer, personally appeared Reed T. Kessler, who acknowledged himself to be the Manager of KR Miller, LLC, a South Dakota limited liability company, and that he, as such Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Manager.

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

Notary Public

My Commission Expires:
(SEAL)

Call 916-437-3161



HOLIDAY STATIONS

5127120

KH/KR

[illegible]

MILLER, SD

Figure 1

170737 - R2 - SITE 3623 - MILLER, SD

pets only
signs lighting image

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 700 2nd Street, South West
 P.O. Box 270
 Wausau, WI 54981-0270
 715/843-2445 • www.hughes.com

ORDINANCE #711

The City of Miller is an equal opportunity employer.

BE IT ORDAINED BY THE CITY OF MILLER that the following sum is supplementary appropriated to meet the obligation of the municipality.

101 - General Fund

4521	Park	
4321	Building	\$30,000.00
		<u>\$30,000.00</u>

Source of Funding

101-General Fund

0003	2670	Unassigned Funds	\$30,000.00
			<u>\$30,000.00</u>

Ronald Blachford, Mayor

ATTEST:

Sheila Coss, Finance Officer

(SEAL)

Record of Votes:

Alderman Steers –
Aldерwoman Meyer –
Alderman Rangel –
Alderman Odegard –
Alderman Zeller –
Alderman Swartz –

First Reading: August 17, 2020

Second Reading: September 9, 2020

Adoption: September 9, 2020

Publication: September 19, 2020



August 5, 2020



*****AUTO**ALL FOR AADC 570 22 4995
CITY OF MILLER AIRPORT
120 W 2ND ST
MILLER, SD 57362-1316

Midco is serious about protecting you from robocalls and other nuisance callers.

Dear Valued Midco® Business Customer:

We're pleased to inform you that Midco recently implemented new caller ID technology to alert you when an incoming call is potential spam. With more than 2,000 robocalls happening every second, all of us need to be aware of fraudulent callers and inappropriately spoofed numbers.1

Moving forward, you will now see "Potential Spam" on your caller ID when a suspected robocall is coming in.

FAQ

How does Midco identify a call as spam?

Midco is implementing a robust robocalling solution that uses a combination of advanced analytics, overwriting of a caller ID name and STIR/SHAKEN technology to evaluate inbound/outbound calls – and compare data with other phone carriers.

What if a call is flagged incorrectly?

Reach out to our business customer care team, so we can fix it. An inbound calling number to a Midco customer can be added to our safelist once it is verified as a friendly caller.

I've had a spam call get through without being flagged. What do I do?

Jot down the number that called you and reach out to our business customer care team – they'll be able to assist you.

If you have any additional questions, don't hesitate to contact us at **1.800.888.1300** or **Midco.com/Business/Contact**.

Thank you,

Midco Business