

**AGENDA  
CITY OF MILLER  
MONDAY, SEPTEMBER 18, 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 - 2**

**Public Input**

**Public Hearing**

7:30 – Variance Hearing  
James Daley – deck

**Unfinished Business**

1. Law Enforcement

**New Business**

2. Pool Review..... pg. 3
3. ATI Insurance Premium ..... pgs. 4 - 6
4. Water/Sewer Project
  - a. Olson Pay Request #23 (final pay) for \$169,473.26 ..... pg. 7
  - b. Olson Change Order #11 ..... pg. 8

**Executive Session**

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

**Approval of Bills**

**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**  
**SEPTEMBER 5, 2023**

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

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

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

**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 Alderwoman Hargens to approve the agenda. All members voted aye. Motion carried.

**MINUTES:** Motion by Alderwoman Hargens, seconded by Alderman Price to approve the minutes for the regular meeting held on August 21, 2023. All members voted aye. Motion carried.

**Public Input:** Mayor McGough commented that Alderman Jones received a scam email from him asking for gift cards. His email was not hacked, just his name and title were used. Alderman Price spoke on behalf of Dave Nelson; the weed problem needs readdressed, and he would like action taken as there has been no improvements on the properties previously mentioned. Ron Hoftiezer stated that his priority is oiling roads at this time, not weed control. SuAnne Meyer stated that having council members speak closer to the microphone has been a big improvement for online listeners.

**Department Head Reports:** Mayor McGough commented that he was impressed with the relatively even split between citations and warnings in the police report. Alderman Hargens asked that people be aware of the "Children at Play" signs and slow down. Ron Hoftiezer thought he would be finished with the oiling of roads with another day or two of nice weather. Terry Manning stated that the airport inspection went well, Alderman Hargens asked about hangars to rent. He stated that he knows someone who would like to have his airplane in Miller permanently. Manning stated that it should be a goal of the city to build a hangar for daily rentals. There are several pilots that ask for hangar space when spending a night or weekend. Dustin Graham stated that they are working through some bugs with the new meter installations. Mayor McGough thanked Hoftiezer for the mosquito control prior to the church party in the park. Manning stated that the boiler at the pool is getting rusty and the wiring gets hot. He hopes it will last another year. Mayor McGough clarified that SD codified law states that a quorum is the majority of the voting board members; since he does not vote, he is allowed to attend committee meetings with 3 additional council members.

**NEW BUSINESS**

**Camden Hofer, SPN – Project Review:** The City started televising the sanitary system in 2014. There was a lawsuit with Infra-Track, Inc., and Johnson Jet-Line ended up finishing the project. The televising showed some missing sewer pipes which raised the subject of closing roads to prevent sink holes. Phase I was completed by Menning Backhoe at a total cost of \$6.2 million for construction costs, Phase II was completed by Dahme Construction at a total cost of \$5.4 million construction costs, and Phase III was completed by Olson Construction for a total cost of \$6.4 million construction costs. Phase IV estimate is \$7.2 million. These costs do not include engineering fees. These projects were funded with grant and loan packages from SD DANR (Department of Agriculture and Natural Resources) and US Rural Development (USDA).

**SPN Street Engineering Agreement:** Motion by Alderman Price to approve the SPN engineering contract, died from lack of second. Motion by Alderman Price, seconded by Alderwoman Hargens to approve the design phase of the engineering agreement. All members voted aye. Motion carried. (After the council meeting, Camden Hofer explained to Sheila Coss that the engineering agreement requires additional signatures to go forward with the bidding and construction phases of the same contract.)

**Ron Hoftiezer – State Auction for Truck or Pickup:** Motion by Alderman Price, seconded by Alderwoman Hargens to allow Ron Hoftiezer, at his discretion, to bid up to \$25,000 on a new oil truck and/or other vehicles at the state auction. All members voted aye. Motion carried.

**Law Enforcement:** Alderman Price stated that he has had several people approach him regarding countywide law enforcement. Mary Jo Gortmaker stated that she was the one to present the original petition and that the city did one community meeting and promised another that has not happened. Price presented city and county law enforcement budgets and an overview of what Sheriff Shane Croeni sees as a possibility for unified law enforcement. Alderwoman Lichy stated that she feels it is necessary to have another public meeting prior to voting on countywide law enforcement. Alderman Price will contact the county commissioners about a joint meeting. This topic will be on the September 18, 2023, agenda.

**SDML Conference:** The SDML Annual Conference will be held in Rapid City, October 3-6. Alderman Hargens and Alderwoman Hargens plan to attend. Terry Manning, Ron Hoftiezer, Dustin Graham, and Sheila Coss plan to attend. Ted Huss, police department, has not indicated his intentions at this time.

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

Motion by Alderwoman Lichy, seconded by Alderwoman Hargens to adjourn the meeting. There being no further business, the meeting was adjourned at 8:19 p.m. All members voted aye. Motion carried.

\_\_\_\_\_  
Tom McGough, 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 September 2023 (1)**

American Solutions	Supplies	12.08
BDS	Garbage	350.00
BSE	Supplies	1,510.21
Builders Solutions	Supplies	58.23
City Utilities	Utilities	9,738.82
Civic Plus	Prof Fees	2,181.80
Hoftiezer, Ron	Reimb	15.00
Inland Truck Parts	Parts	407.64
Milbank WinWater	Supplies	1,433.72
Northwest Pipe	Supplies	1,201.15
OHED	80% BBB	5,076.24
Postmaster	Postage	420.00
Price, Craig	Reimb	146.89
SPN	Prof Fees	8,750.00
Stuart C Irby	Supplies	124,974.85
T & R Electric	Prof Fees	825.00
Vision Care	Supplies	496.00
Wesco	Supplies	543.00
	Accounts Payable Total	<u>\$158,140.63</u>

**Payroll Salary plus**

<b>Benefits by Department:</b>		8/31/2023		
Department		w/o OT	OT	Total
41101	COUNCIL	2,831.22	0.00	2,831.22
41402	FINANCE OFFICE	2,768.63	0.00	2,768.63
41902	BUILDING	562.61	0.00	562.61
42101	POLICE	9,825.36	368.46	10,193.82
43101	STREET	7,108.06	898.52	8,006.58
43201	SEWER	5,097.40	88.98	5,186.38
43305	WATER	5,092.64	54.48	5,147.12
43403	ELECTRIC	9,447.21	340.23	9,787.44
45202	PARK	857.92	0.00	857.92
		<u>\$43,591.05</u>	<u>\$1,750.67</u>	<u>\$45,341.72</u>

September 5, 2023

Miller City Council Meeting

Summer 2023 was an amazing season for the Miller Pool! We had 13 lifeguards, which went extremely well! We never had to close due to lack of staff. We sold approximately 98 season passes, 73 private lessons, 12 pool parties, and 161 regular lessons. We also sold many water aerobics and lap swim punch cards. For regular swimming lessons, we had 3 sessions. Session 1 had 29 kids, session 2 had 44, session 3 had 56, and session 4 had 32. For water aerobics, we had a total of 196 people for the summer, and for lap swim we had a total of 43 for the summer. Lap swim numbers were way down this summer and I may look into not doing morning lap swim next year. Our pool attendance was very good! We opened on June 7<sup>th</sup> and for the month of June we had 1,676 swimmers. For the month of July, we had 2,162 swimmers. And for the month of August up until closing day on the 12<sup>th</sup>, we had 811 swimmers. That comes to a total of 4,649 swimmers for the summer! Which is about the same as last summer. One thing that will probably need to be looked into for next year is the heater. We had a lot of issues with the heater this year with it shutting off constantly which made the pool really cold. Other than that, it was a great summer! I had a busy, fun-filled summer, and am looking forward to next summer!

Thank you for all you do!

Sydney Jessen

2023 Pool Manager



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# INVOICE

DATE: 8/30/2023

RE: 2023-2024 Insurance Premiums

DESCRIPTION	AMOUNT
Property	\$41,518.00
General Liability	\$ 4,887.00
Business Auto	\$11,783.00
Inland Marine	\$ 3,748.00
Crime	\$ 1,384.00
Professional Liability	\$10,833.00
Umbrella	\$ 5,994.00
Cyber Liability	\$ 2,094.57
REMIT PAYMENT TO: AMERICAN TRUST INSURANCE, LLC PO BOX 1657 • WATERTOWN, SD 57201	
If you have any questions concerning this invoice, please call 605.886.9719.	<b>TOTAL \$ 82,241.57</b>

Thank you,



PERSONAL



HEALTH & LIFE



AGRI-BUSINESS



COMMERCIAL



RISK MANAGEMENT



BROOKINGS

DE SMET

HURON

MELLETTE

MILLER

PTERRE

STOUX FALLS

WATERTOWN

WESINGTON SPRINGS

# AMERICAN TRUST INSURANCE

Council Finance Office

	Buildings	Police	Fire Hall	Street	Airport	Health	Ballpark	Pool	Park	Water	Electric	Sewer
<b>Property</b>												
Buildings & BPP Premium	\$37,841.00											
Business Income	2,303.00											
Additional Coverage Endorsement	50.00											
Utility Services - Business Income & Extra Expense	41.00											
Utility Services - Direct Damage	71.00											
Terrorism	1,212.00											
<b>Property Premium</b>	<b>\$41,518.00</b>											
<b>Auto</b>												
Autos	\$10,861.00	2,910.00	3,498.00	169.00	1,176.00	1,814.50	1,030.50					
Hired Auto Liability	400.00											
Non-Owned Auto Liability	272.00											
Broad Form Endorsement	250.00											
<b>Total Premium</b>	<b>\$11,783.00</b>											
<b>Inland Marine Total</b>	<b>\$3,748.00</b>	107.81	126.88	2,222.27	288.30	331.03	140.42	44.46				
<b>Liability</b>												
General Liability	4,666.00											
Cemetery Liability	79.00											
Terrorism	142.00											
<b>Total Premium</b>	<b>\$4,887.00</b>											
<b>Crime</b>												
Employee Theft - Per Loss	534.00											
Forgery or Alteration	145.00											
Inside the Premises - Theft of Money & Securities	341.00											
Outside the Premises	41.00											
Computer & Funds Transfer	112.00											
Fraud												
Money Orders & Counterfeit	77.00											
Money												
Minimum Premium	134.00											
<b>Crime Total</b>	<b>\$1,384.00</b>											
<b>Professional Errors &amp; Omissions</b>	<b>778.00</b>											
<b>Grand Total</b>	<b>\$37,841.00</b>											





# Contractor's Application For Payment No. 23

Application Period: June 25, 2023	TO	September 7, 2023	Application Date: September 8, 2023
From (Contractor): TLC Olson Const LLC		Via (Engineer): SPN & Associates	
City of Miller		Engineer's Project No.: 15318	
Contract: Bid Schedules A			
Project: Phase 3 Utility Improvements			

### APPLICATION FOR PAYMENT

#### Change Order Summary

Approved Change Orders		Change Order Summary	
Number	Additions	Deductions	
One	\$ 1,110.91	\$ 296.57	
Two	\$ 158,189.90		
Three			
Four		\$ 17,098.76	
Five		\$ 15,344.79	
Six		\$ 122,910.00	
Seven		\$ 62,383.05	
Eight	\$ 23,160.00		
Nine	\$ 51,627.57		
Ten	\$ 2,145.00		
Eleven	\$ 236,233.38		
<b>TOTALS</b>	<b>\$ 347,040.00</b>		
<b>NET CHANGE BY CHANGE ORDERS</b>	<b>\$ (110,806.62)</b>		

#### CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment.

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

1. ORIGINAL CONTRACT PRICE.....	\$ 6,474,735.40
2. Net change by Change Orders.....	\$ -110,806.62
3. Current Contract Price (Line 1 ± 2).....	\$ 6,363,928.78
4 a. Total Completed to Date.....	\$ 6,363,928.78
b. Total Material Remaining in Storage.....	\$
c. Value of Non-Conforming Work.....	\$
d. (Total Value of Work completed and Material Stored to Date).....	\$ 6,363,928.78
5. RETAINAGE:	
a. % x \$ 6,363,928.78 Work & Materials .....	\$
b. % x \$ Work & Materials .....	\$
c. Total Retainage (Line 5a + Line 5b).....	\$
6. AMOUNT ELIGIBLE TO DATE (Line 4d - Line 5c).....	\$ 6,363,928.78
7. PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 6,194,455.52
8. AMOUNT DUE THIS APPLICATION.....	\$ 169,473.26
9. BALANCE TO FINISH, PLUS RETAINAGE (Total Contract Price Less Line 5c above).....	\$ 0.00

Payment of: \$ 169,473.26  
(Line 8 or other-attach explanation of other amount)

is recommended by: \_\_\_\_\_  
(Engineer)

Payment of: \$ 169,473.26  
(Line 8 or other-attach explanation of other amount)

is approved by: \_\_\_\_\_  
(Owner)

Approved by: \_\_\_\_\_  
Funding Agency (if applicable)

(Date) (Date) (Date)



Date of Issuance: **9/8/2023**                      Effective Date: **9/8/2023**  
 Owner: **City of Miller**                      Engineer's Project No.: **15318**  
 Contractor: **TLC Olson Const LLC**  
 Engineer: **SPN and Associates**  
 Project: **Phase 3 Utility Impr.**

The Contract is modified as follows upon execution of this Change Order:

**Description:**

The Contract costs are adjusted to include a sewer service that was not connected at 404 E 6th Street.

Attachments: None

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
<b>Original Contract Price:</b>  <div style="text-align: right; border-bottom: 1px solid black; width: 150px; margin-left: auto;">\$6,474,735.40</div>	<b>Original Contract Times:</b> Substantial Completion: <u>7/15/2022</u> Ready for Final Payment: <u>8/14/2022</u>
<b>Previously approved Increase:</b> Order No. <u>1</u> to <u>10</u> :  <div style="text-align: right; border-bottom: 1px solid black; width: 150px; margin-left: auto;">-\$112,951.62</div>	<b>Previously approved Increase:</b> Order No. <u>1</u> to <u>10</u> : Substantial Completion: <u>361</u> Ready for Final Payment: <u>361</u>
<b>Previous Contract Price:</b>  <div style="text-align: right; border-bottom: 1px solid black; width: 150px; margin-left: auto;">\$6,361,783.78</div>	<b>Contract Times prior to this Change Order:</b> Substantial Completion: <u>7/11/2023</u> Ready for Final Payment: <u>8/10/2023</u>
<b>Increase of this Change Order:</b>  <div style="text-align: right; border-bottom: 1px solid black; width: 150px; margin-left: auto;">\$2,145.00</div>	<b>Increase of this Change Order:</b> Substantial Completion: _____ Ready for Final Payment: _____
<b>Contract Price for Change Order:</b>  <div style="text-align: right; border-bottom: 1px solid black; width: 150px; margin-left: auto;">\$6,363,928.78</div>	<b>Contract Times with all approved Change Orders:</b> Substantial Completion: <u>7/11/2023</u> Ready for Final Payment: <u>8/10/2023</u>

<b>RECOMMENDED:</b> By: _____ Engineer Title: <u>Project Engineer</u> Date: _____	<b>ACCEPTED:</b> By: _____ Owner (Authorized Signature) Title: <u>Mayor</u> Date: _____	<b>ACCEPTED:</b> By: _____ Contractor (Authorized Signature) Title: _____ Date: _____
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Approved by Funding Agency (if applicable)  
 By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_