

**AGENDA  
CITY OF MILLER  
MONDAY, JULY 6, 2026  
7:00 P.M.**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Approval of Minutes** .....pgs. 1 - 4

**Public Input**

**Department Head Reports**.....pgs. 5 - 7

**Unfinished Business**

1. Update bank signature cards: remove Alderman Price, add Alderman Gab

**New Business**

1. Review of the South Dakota Open Meetings Laws Brochure (per 2025 SB 74) .....pgs. 8 - 15
2. 1<sup>st</sup> Reading Ordinance #769 – electric billing cycle..... pg. 16
3. 1<sup>st</sup> Reading Ordinance #770 – water billing cycle ..... pg. 17
4. 1<sup>st</sup> Reading Ordinance #771 – rezone 316 S Broadway Ave ..... pg. 18
5. gWorks ACH payment processing fees: Will city continue to absorb the fee or pass it on to the customer?
  - Currently, city absorbs \$0.55/transaction.
  - gWorks will increase the fee to \$3.00/transaction effective Aug. 9, 2026.
6. Building Permits:
  - a. Paul Coss – porch @ 608 E 1<sup>st</sup> Ave.
  - b. David Vitters – carport @ 804 E 3<sup>rd</sup> St.
  - c. Eli & Macy Jones – fence @ 218 W 6<sup>th</sup> St.
7. Phase IV Water Project – SPN invoices 38809-38812 Total: \$8,157.60.....pgs. 19 - 20
8. Helms & Associates Invoices 38698 & 38703 Total: \$4,334.43 .....pgs. 21 - 22
9. Swimming pool project – advertise to re-bid
10. Airport Capital Improvement Project: AWOS III-P
  - amendment #2 (Exhibit A Update) to SPN agreement.....pgs. 23 - 24
  - Exhibit A Update cost - \$59,172.19 (city share \$1,250.00)
11. Employee Policy Manual
  - clarify policy number 6.5.2 Life Insurance ..... pg. 25
12. Electric Department Wages:
  - compensation for completion of NWLC final exam – fully certified
  - set appropriate wages for Andrew Knox

**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.

**UNAPPROVED  
CITY OF MILLER  
CITY COUNCIL MEETING  
JUNE 15, 2026**

*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, June 15, 2026.

**MEMBERS PRESENT:** Mayor Tom McGough, Aldermen: Dale Hargens, Will Jones, Patrick Price, Gale Auch, 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 Price, seconded by Alderman Jones to approve the agenda. All members voted aye. Motion carried.

**MINUTES:** Motion by Alderman Hargens, seconded by Alderman Gab to approve the minutes for the regular meeting held June 1, 2026. All members voted aye. Motion carried.

**PUBLIC INPUT:** Mayor McGough appreciates drivers who watch for young children on bicycles during the out-of-school summer months. He reminded drivers to slow down and be aware.

**Oath of Office:** Mayor McGough gave the oath of office to the following unopposed incumbents: Gale Auch – Alderman Ward I, Landon Gab – Alderman Ward II, and Susan Hargens – Alderwoman Ward III.

**Election of Officers:** Motion by Alderman Hargens, seconded by Alderwoman Hargens to nominate Landon Gab as President. Alderman Hargens moved to cease nominations and cast a unanimous ballot for Landon Gab as President. All members voted aye. Alderman Gab abstained. Motion carried. Motion by Alderman Gab, seconded by Alderwoman Hargens to nominate Patrick Price as Vice President. Mayor McGough moved to cease nominations and cast a unanimous ballot for Patrick Price as Vice President. All members voted aye. Alderman Price abstained. Motion carried.

The Board Conduct and Obligations policy was signed previously by each incumbent upon taking office and is still in effect for each member's new term.

**NEW BUSINESS**

**Outlaw Ball Association – improvements:** Jarod Raethz, Miller High School baseball coach, and Cory Flor, board member for the Outlaw Ball Association, were present to ask permission from and inform the council of their plans to improve the home-team dugout for the baseball field on the Legion grounds at J.C. Terry Complex. Permission has been granted by the Legion and is funded by private donations and the association. City staff have been included in the planning process. The association plans to improve the other dugouts later. Alderman Gab agreed that all the dugouts are due for an upgrade. Motion by Alderman Price, seconded by Alderman Gab to give the council's blessing to the ball association to upgrade the dugout. All members voted aye. Motion carried.

**Ron Hoftiezer – DOT 1995 dump truck:** Ron Hoftiezer requested council approval to purchase a 1995 single-axle dump truck from SD DOT surplus to replace the City's 1979 truck, which has already been approved for surplus. While a tandem-axle truck would be preferred, availability is limited. The DOT truck includes snowplow mounts that can be adapted for the City's plows. The plow from the 1979 truck will be retained. Motion by Alderwoman Hargens, seconded by Alderman Jones to purchase the DOT's 1995 International single-axle truck for \$8,000.00. All members voted aye. Motion carried.

**Resolution No. 2026-10:** Mayor McGough read Resolution No. 2026-10 to surplus a pickup box and retired electric meters. Motion by Alderman Jones, seconded by Alderman Gab to approve Resolution No. 2026-10. All members voted aye. Motion carried.

**SPN Agreement – water main relocation:** Due to the South Dakota Department of Transportation Highway 45 project scheduled for 2027, the City must relocate a water main located beneath the highway. SPN provided estimated construction costs of \$56,775 plus a 15% contingency of \$8,500, for a total of \$65,275. Terry Manning and SPN engineer Camden Hofer are working to reduce project costs. The relocation must be completed this year, and \$50,000 is budgeted for water capital improvements. The SPN professional services agreement includes design engineering (\$5,000), proposal engineering (\$2,500), and estimated construction engineering and expenses (\$13,500), for total estimated engineering costs of \$21,000. Motion by Alderman Price, seconded by Alderwoman Hargens to approve the agreement with SPN & Associates for professional services related to the water main relocation necessitated by the SDDOT Highway 45 project. All members voted aye. Alderman Jones – abstained. Motion carried.

**Building Permits:** Motion by Alderman Hargens, seconded by Alderman Gab to approve the following building permit applications: Levi Stoddard – fence at 305 W 5<sup>th</sup> Ave contingent upon the easement agreement being signed and Carol Harvey – deck at 826 E 3<sup>rd</sup> Ave. All members voted aye. Motion carried.

**EXECUTIVE SESSION:** Motion by Alderwoman Hargens, seconded by Alderman Auch to go into executive session for personnel matters pursuant to SDCL 1-25-2(1) at 7:19 p.m. All members voted aye. Motion carried. Mayor McGough returned the meeting to regular session at 7:27 p.m.

**NEW BUSINESS cont'd.**

**Hire lifeguard:** Motion by Alderman Gab, seconded by Alderman Auch to hire Aubrey DeHaai at \$14.58/hour as lifeguard on an as needed basis. All members voted aye. Motion carried.

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

Motion by Alderman Price, seconded by Alderman Jones to adjourn the meeting. There being no further business, the meeting was adjourned at 7:28 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 June 2026 (2)**

44i	Prof Fees	249.00
A & B Business	Supplies	248.60
American Solutions	Supplies	17.24
Bob's Gas	Fuel	1,762.20
Border States	Supplies	1,835.49
Cedar Shore Resort	Lodging	729.42
Christi Danburg	Reimb	57.00
Cindy Deuter	Reimb	184.24
Dakota Energy	On-Call	1,235.00
Erfman, Janice	Retire Cake	30.00
First Bank & Trust	Power	9,309.51
Infotech	Prof Fees	1,531.94
Jdf	Supplies	17.73
Kessler's	Fuel/Supplies	340.52
Landis+Gyr	Prof Fees	1,444.83
Miller Ace	Supplies	1,693.74
Miller Fire Department	Prof Fees	241.30
Napa	Parts	485.76
Northwest Pipe	Supplies	219.49
Ohed	Industry	5,500.00
Prairie Wind Promotions	Supplies	70.00
Prairieland Collections	Prof Fees	18.68
Runnings	Supplies	421.67
Rural Development	Loan	16,403.00
Sanitation Products	Supplies	2,244.14
Sd Assn Of Rws	Prof Fees	615.00
Sd Danr - Fo	Prof Fees	655.00
Sd Dor	Sales Tax	10,172.44
Sturdevant's	Supplies	56.29
Tony's Repair	Oil Change	66.90
Twin Valley Tire	Supplies	733.22
Visa	Supp./Wtr Purchased/Fuel/Etc	26,097.88
Wesco	Led Street Light	2,580.00
Wapa	Power	46,083.18
Zeller	Prof Fees	479.67
	Accounts Payable Total	<u>\$133,830.08</u>

**UNAPPROVED  
CITY OF MILLER  
CITY COUNCIL MEETING  
JUNE 29, 2026**

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

The City Council met in special session at city hall on Monday, June 29, 2026, at 7:00 p.m.

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

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

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

**NEW BUSINESS:**

**Swimming Pool Project – consider bids:** The bid opening for the swimming pool project was held as advertised on Tuesday, June 16, at 2:00 p.m. Although additional bids had been anticipated, only two bids were received for the full project, with costs exceeding the engineer's estimate by \$1.5 million and \$5.7 million, respectively. One additional bid was submitted for Contract #2 – Pool Mechanical Construction only.

Council discussed two addenda that were issued after the original bid advertisement. The first addendum revised the bid specifications, making it difficult for contractors to prepare clear and complete bids within the available timeframe. The second addendum extended the substantial completion date but may not have reached all prospective bidders. As a result, the compressed bidding timeline may have discouraged participation and contributed to the limited number of bids received. Jordan Wiegand, engineer for Burbach Aquatics anticipates a more favorable outcome by rebidding the project.

Motion by Alderman Price, seconded by Alderman Gab to reject all bids with the intent to rebid with a revised advertisement to bidders and clearer bid specifications. All members voted aye. Motion carried. Burbach Aquatics engineers will provide the city with a revised project timeline later this week. The rebid process will not result in any additional engineering costs to the city.

**Update Bank Signatories:** Motion by Alderman Price, seconded by Alderman Jones, to table this item until the next regular meeting. A quorum was not available to take action on the appointment of bank signatories because the aldermen under consideration would abstain from voting and Alderman Hargens and Alderwoman Hargens were absent. All members voted aye. Motion carried.

Motion by Alderman Price, seconded by Alderman Gab to adjourn the meeting. There being no further business, the meeting was adjourned at 7:08 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: \_\_\_\_\_

**City Council Meeting**  
**Department Head Reports**  
**July 6, 2026**

**Police Department Report**

June 2026 Stats:

1. Traffic Warnings (62): Speeding = 40, Other = 22
2. Traffic & Criminal Citations (8): Speeding = 2, DUI = 2, Other = 4, Total Fines = \$1,045.00
1. Felony Arrests: 0
2. Misdemeanor Arrests: DUI = 2
3. Agency Assists: Fire = 0, Ambulance = 1, Careflight = 1, Assist LEO = 3
4. 911 Misdial = 4
5. Funeral Escorts = 1
6. Fingerprints = 1
7. 24/7 = 1
8. Total Calls for Service (CFS) = 37

**Street Department Report**

- i. A bearing failed on the conveyor belt of the street sweeper. Due to the location, all four were replaced while repairs were being completed.
- ii. Dan has been sweeping the town since the street sweeper was repaired and returned to service.
- iii. I swept Main Street in preparation for the Fourth of July and to assist with parking stripe painting.
- iv. We added the final lift of base course to the Super 8 road project.
- v. We placed gravel on the Legion Road and the east end of the Rainbow Bridge.
- vi. During the City-Wide Cleanup, we serviced approximately 50 different stops. Most of the cleanup was completed in one day, with only a few remaining locations where residents had not initially placed items out for collection.
- vii. I have been spraying dandelions, thistle, and leafy spurge throughout the community.
- viii. David sprayed weeds along city streets and avenues.
- ix. We assisted the Electric Department with trimming trees away from electrical boxes, and they assisted us with removing several dead or dying trees.
- x. We completed maintenance and repairs on several mowers.
- xi. We painted the parking stripes on Main Street.
- xii. We assisted Highmore and Ree Heights with storm damage cleanup efforts.

**Water/Sewer/Airport Department Report**

- a) Brandon, Trey, and I assisted with disaster recovery efforts in Highmore following the recent storm.
- b) Helm's Engineering has been at the airport completing staking work for the upcoming airport project. The project, originally scheduled to begin in May, has been delayed until August–September. The next construction meeting is tentatively scheduled for August 12 at 11:00 a.m. at City Hall via Microsoft Teams.
- c) Mayor McGough, Councilman Auch, Price (via phone), Shelly Naber from the Pool Committee, and I met with Burbach Aquatics to discuss the pool project bids and potential next steps moving forward.

**Electric Department Report**

- I. Completed utility locates as requested throughout the month.
- II. Processed and reviewed building permits.
- III. Continued organizing and cleaning up old electric meters in the shop and prepared them for shipment.
- IV. Installed new light poles as needed.
- V. Relocated existing light poles to accommodate project and service needs.
- VI. Cut and trimmed trees within the City of Miller to maintain clearances and improve safety.
- VII. Switched out seasonal and promotional banners throughout the community.
- VIII. Assisted with storm cleanup efforts in Highmore following recent weather events.

**Finance Office Report**

1. Sales Tax Comparison Report – see attachment.
2. The Q2 financials will be reviewed at the next city meeting on July 20 after June bank statements have been reconciled and year-to-date reports and budgets have been reviewed.
3. The new digitized zoning map is coming along. Allison has been working hard to create a spreadsheet to track ordinances, resolutions, minutes, easements, variances, building permits, etc. to reference during the update process.
4. Christi and I attended HR/FO School in Oacoma on June 9-12.
5. Kelly Everson, Safety Benefits, Inc. was on-site to perform the 3-year audit. Minor recommendations were made and resolved.
6. The cyber insurance renewal application with CFC has been submitted. The renewal date is 09/09/2026.
7. Department Heads reviewed their current processes for keeping inventory listings per KBA's recommendation.

## Gross Receipts Tax - Split Fund 211

Month	Current Year		
	Total	City 20%	OHED 80%
JAN	\$1,377.62	\$275.52	\$1,102.10
	\$3,723.34	\$744.67	\$2,978.67
FEB	\$156.22	\$31.24	\$124.98
	\$2,540.40	\$508.08	\$2,032.32
MAR	\$745.81	\$149.16	\$596.65
	\$2,141.50	\$428.30	\$1,713.20
APR	\$1,056.63	\$211.33	\$845.30
	\$2,287.60	\$457.52	\$1,830.08
MAY	\$1,237.40	\$247.48	\$989.92
	\$2,699.82	\$539.96	\$2,159.86
JUN	\$1,001.43	\$200.29	\$801.14
	\$1,520.53	\$304.11	\$1,216.42
JUL		\$0.00	\$0.00
		\$0.00	\$0.00
AUG		\$0.00	\$0.00
		\$0.00	\$0.00
SEP		\$0.00	\$0.00
		\$0.00	\$0.00
OCT		\$0.00	\$0.00
		\$0.00	\$0.00
NOV		\$0.00	\$0.00
		\$0.00	\$0.00
DEC		\$0.00	\$0.00
		\$0.00	\$0.00
	<b>\$20,488.30</b>	<b>\$4,097.66</b>	<b>\$16,390.64</b>

\$3,414.72  
average/month

Month	Previous Year		
	Total	City 20%	OHED 80%
JAN	\$1,387.66	\$277.53	\$1,110.13
	\$3,542.27	\$708.45	\$2,833.82
FEB	\$849.95	\$169.99	\$679.96
	\$2,770.60	\$554.12	\$2,216.48
MAR	\$799.64	\$159.93	\$639.71
	\$2,698.71	\$539.74	\$2,158.97
APR	\$660.24	\$132.05	\$528.19
	\$2,896.51	\$579.30	\$2,317.21
MAY	\$1,105.25	\$221.05	\$884.20
	\$2,891.75	\$578.35	\$2,313.40
JUN	\$1,024.63	\$204.93	\$819.70
	\$1,131.15	\$226.23	\$904.92
JUL	\$4,263.47	\$852.69	\$3,410.78
	\$2,994.31	\$598.86	\$2,395.45
AUG	\$2,372.86	\$474.57	\$1,898.29
	\$4,124.67	\$824.93	\$3,299.74
SEP	\$1,371.07	\$274.21	\$1,096.86
	\$2,907.81	\$581.56	\$2,326.25
OCT	\$2,145.84	\$429.17	\$1,716.67
	\$2,778.52	\$555.70	\$2,222.82
NOV	\$1,302.84	\$260.57	\$1,042.27
	\$2,618.76	\$523.75	\$2,095.01
DEC	\$1,873.20	\$374.64	\$1,498.56
	\$4,048.04	\$809.61	\$3,238.43
	<b>\$54,559.75</b>	<b>\$10,911.95</b>	<b>\$43,647.80</b>

\$4,546.65  
average/month

up/down from previous year		
<b>Total</b>	<b>-1,270.06</b>	<b>-2.33%</b>
<b>City</b>	<b>-254.01</b>	<b>-2.33%</b>
<b>OHED</b>	<b>-1,016.05</b>	<b>-2.33%</b>

Pay OHED through AP using expense code: 211-4651-4510

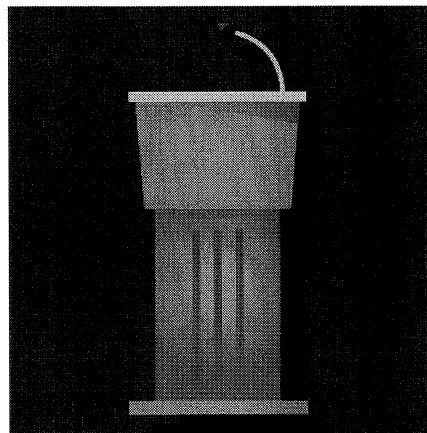
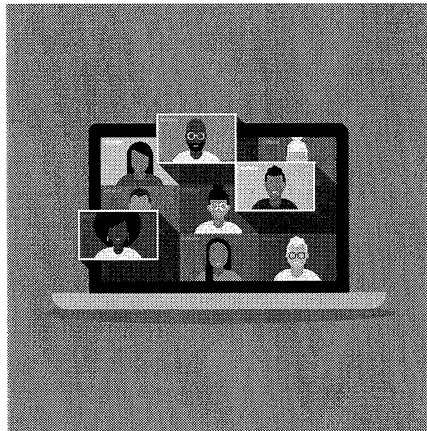
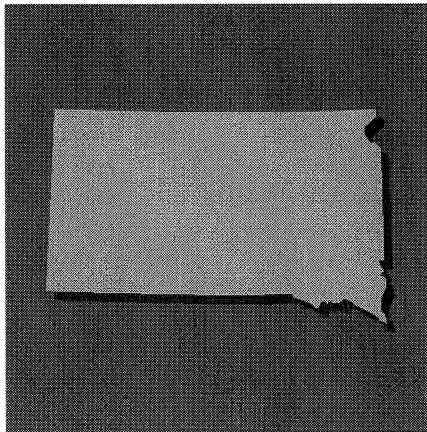
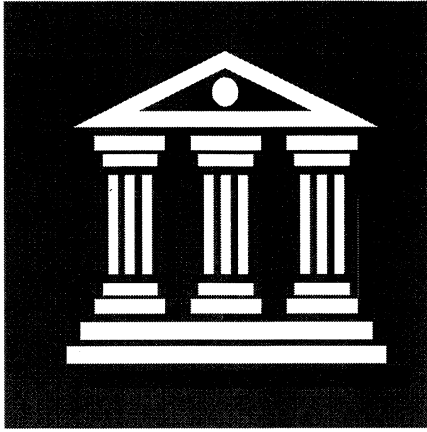
**OHED 80%**

Check # \_\_\_\_\_

Check Date \_\_\_\_\_

JUNE	801.14
JUNE	1,216.42
	<b>\$2,017.56</b>





# Conducting the Public's Business in Public

A guide to South Dakota's  
Open Meetings Laws  
*(Revised 2025)*

Prepared by:  
S.D. Attorney General's Office  
*in partnership with the*  
S.D. NewsMedia Association

Published by:  
South Dakota NewsMedia Association  
1125 32nd Ave. Brookings, SD 57006

**Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?**

**A:** South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

**Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?**

**A:** The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

**Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?**

**A:** Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

**Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?**

**A:** SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

**Q: WHO ARE LOCAL NEWS MEDIA?**

**A:** There is no definition of “local news media” in SDCL ch. 1-25. “News media” is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that “local news media” is all news media – broadcast and print – that regularly carry news to the community.

**Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?**

**A:** Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

**Q: CAN PUBLIC MEETINGS BE RECORDED?**

**A:** Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

**Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?**

**A:** SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student’s participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

**Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?**

**A:** Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. “pursuant to SDCL 1-25-2(3).” Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state “motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter,” or “motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

**Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?**

**A:** Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission (“OMC”). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

**Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION (“OMC”)?**

**A:** Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State’s Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State’s Attorneys or Deputy State’s Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General’s Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

**Q: WHAT DOES THE TERM “SOVEREIGN POWER” MEAN?**

**A:** The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising “sovereign power” it should consult with legal counsel.

**Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?**

**A:** Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body’s anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03, December 31, 2020*. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours’ notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

**Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?**

**A:** The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

**Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?**

**A:** SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

**Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?**

**A:** Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

**Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?**

**A:** Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

## PERTINENT S.D. OPEN MEETINGS STATUTES

(other specific provisions may apply depending on the public body involved)

**1-25-1. OPEN MEETINGS.** An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

**1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS.** Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

**1-25-1.3. PUBLIC NOTICE OF STATE.** The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

**1-25-1.5. TELECONFERENCE MEETING.** Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

**1-25-1.6. TELECONFERENCE PARTICIPATION.** At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

**1-25-2. EXECUTIVE SESSION.** Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

**1-25-6. DUTY OF STATE'S ATTORNEY.** If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

**1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES).** If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

**1-25-7. REFERRAL TO OMC.** Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

**1-25-8. OMC Members.** The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

**1-25-12. DEFINITIONS.** Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

**1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS.** Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

**1-27-1.16. MEETING PACKETS AND MATERIALS.**

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

**1-27-1.17. DRAFT MINUTES.** The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

**1-27-1.18. WORKING GROUP REPORTS.** Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.

**ORDINANCE #769**

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

**AN ORDINANCE AMENDING SECTIONS 38-361, 38-362, 38-363 AND 38-364 OF THE ORDINANCES OF THE CITY OF MILLER, SOUTH DAKOTA.**

**BE IT ORDAINED** by the City of Miller, South Dakota, that Sections 38-361, 38-362, 38-363 and 38-364 are hereby amended to read as follows:

38-361 Date of monthly meter readings.

City personnel, as directed by the city electric department, shall read the electrical meters every month on or about the 1<sup>st</sup> day of the month and deliver the readings to the city finance officer. (Ord. 668 (part), 2015: Ord. 636 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0205(a))

38-362 Computation and mailing of bills.

The city finance officer shall compute the bills and mail the same to the consumers monthly on or about the 5<sup>th</sup> day of the month following the meter reading. In the event a consumer requests that electric service be discontinued, the meter shall be read at that time and billed accordingly. (Ord. 668 (part), 2015: Ord. 636 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0205(b))

38-363 Payment due date.

All consumer bills shall be due on the 25th day of the following month and shall become delinquent on the 26th day of that same month. All delinquent consumer bills shall be assessed a five percent penalty on the unpaid balance. Customers enrolled in automatic payment (autopay) shall have payments processed on the 20th day of each month or the next business day if the 20th falls on a Saturday, Sunday, or holiday. (Ord. 668 (part), 2015: Ord. 636 (part), 2012: Ord. 534 (part), 1996: Ord. 484 (part), 1988: Ord. 474 (part), 1986: prior code 4.0205(c))

38-364 Delinquent notice for non-payment.

When a consumer bill becomes delinquent, a delinquent notice will be included on the utility bill informing them that the delinquent balance must be paid by the 1<sup>st</sup> day of the following month. If said bill is still unpaid by the 1<sup>st</sup> day of the month or the next business day in the event the 1<sup>st</sup> falls on a Saturday, Sunday or holiday, the city electric department shall be instructed and authorized to disconnect the electric service to said consumer. Fees and charges required under this chapter shall be in the amount provided in the city fee schedule. (Ord. 668 (part), 2015: Ord. 636 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0205(d))

This Ordinance should be in full force and effect so as to commence and include all electrical billings beginning with electric usage for the month of October 2026.

**ORDINANCE #770**

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

**AN ORDINANCE AMENDING SECTIONS 38-35, 38-36, 38-37 AND 38-38 OF THE ORDINANCES OF THE CITY OF MILLER, SOUTH DAKOTA.**

BE IT ORDAINED by the City of Miller, South Dakota, that Sections 38-35, 38-36, 38-37 and 38-38 are hereby amended to read as follows:

38-35            Date of monthly meter readings.

City personnel, as directed by the city water department, shall read the water meters every month on or about the 20<sup>th</sup> day of the month and deliver the readings to the city finance officer. (Ord. 668 (part), 2015: Ord. 635 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0106(a))

38-36            Computation and mailing of bills.

The city finance officer shall compute the bills and mail the same to the consumers monthly on or about the 5<sup>th</sup> day of the month following the meter reading. In the event a consumer requests that water service be discontinued, the meter shall be read at that time and billed accordingly. (Ord. 668 (part), 2015: Ord. 635 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0106(b))

38-37            Payment due date.

All consumer bills shall be due on the 25<sup>th</sup> day of the following month and shall become delinquent on the 26<sup>th</sup> day of that same month. All delinquent consumer bills shall be assessed a five percent penalty on the unpaid balance. Customers enrolled in automatic payment (autopay) shall have payments processed on the 20<sup>th</sup> day of each month or the next business day if the 20<sup>th</sup> falls on a Saturday, Sunday, or holiday. (Ord. 668 (part), 2015: Ord. 635 (part), 2012: Ord. 534 (part), 1996: Ord. 484 (part), 1988: Ord. 474 (part), 1986: prior code 4.0106(c))

38-38            Delinquent notice for non-payment.

When a consumer bill becomes delinquent, a delinquent notice will be included on the utility bill informing them that the delinquent balance must be paid by the 1<sup>st</sup> day of the following month. If said bill is still unpaid by the 1<sup>st</sup> day of the month or the next business day in the event the 1<sup>st</sup> falls on a Saturday, Sunday or a holiday, the city water department shall be instructed and authorized to disconnect the water service to said consumer. Fees and charges required under this chapter shall be in the amount provided in the city fee schedule. (Ord. 668 (part), 2015: Ord. 635 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0106(d))

This Ordinance should be in full force and effect so as to commence and include all water billings beginning with water usage for the month of October 2026.

**ORDINANCE #771**

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

**AN ORDINANCE TO AMEND ORDINANCE NO 448 OF THE CITY OF MILLER, AMENDING THE OFFICIAL ZONING MAP TO INCLUDE CERTAIN PROPERTY IN THE LIGHT COMMERCIAL ZONED DISTRICT.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MILLER, SOUTH DAKOTA:**

The Official Zoning Map of the City of Miller, South Dakota, be amended to include the part of the NE1/4 NE1/4 15-112-68, formally described as lots 10, 11, 12 & the S1/2 of Lot 13, Block 20, South Miller, now vacated, City of Miller, County of Hand, State of South Dakota, also known as 316 South Broadway Avenue and be designated in the Light Commercial Zoned District. This amendment to zone the described property from a Residential District to a Light Commercial District is conditional upon the property continuing to be used as an office space for selling insurance and investments and as an Airbnb as a secondary use.

Dated this 6<sup>th</sup> day of July 2026.

---

Tom McGough, Mayor

(SEAL)

ATTEST:

---

Cindy Deuter, Finance Officer

# SPN Helms

## ENGINEERS & SURVEYORS

Mitchell Office:  
2100 N. Sanborn Blvd  
Mitchell, SD 57301  
Phone (605) 996-7761

Aberdeen Office:  
416 Production St. N.  
Aberdeen SD 57401  
Phone (605) 225-1212

CITY OF MILLER  
120 WEST 2ND  
MILLER, SD 57362

### INVOICE

INVOICE DATE: 6/29/2026  
INVOICE NO: 38809  
BILLING THROUGH: 6/27/2026

#### M16085 | MILLER PHASE IV UTILITY IMPROVEMENTS

Managed By: CAMDEN A. HOFER

Miller Phase IV - Final project close-out  
Billing Period: 11/23/25 thru 6/27/26

DESCRIPTION	CONTRACT AMOUNT	% COMPLETE	BILLED TO DATE	PREVIOUSLY BILLED	CURRENT AMOUNT
M16085050X1 MILLER PHASE IV UTILITY IMPROVEMENTS - WATER MAIN - CONST ADMIN	\$113,000.00	100.00	\$113,000.00	\$107,350.00	\$5,650.00
<b>TOTAL</b>	<b>\$113,000.00</b>		<b>\$113,000.00</b>	<b>\$107,350.00</b>	<b>\$5,650.00</b>

**SUBTOTAL** \$5,650.00  
**AMOUNT DUE THIS INVOICE** \$5,650.00


This invoice is due upon receipt

Please remit payment to:  
SPN & Associates  
2100 N Sanborn Blvd.  
Mitchell SD 57301

**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 29th day of June, 2026.

  
Schmucker, Paul, Nohr & Associates  
Signed

Due upon receipt. Overdue accounts will be assessed a 1.5% monthly finance charge from the date of billing until the account is paid in full.

# SPN Helms

## ENGINEERS & SURVEYORS

Mitchell Office:  
2100 N. Sanborn Blvd  
Mitchell, SD 57301  
Phone (605) 996-7761

Aberdeen Office:  
416 Production St. N.  
Aberdeen SD 57401  
Phone (605) 225-1212

CITY OF MILLER  
120 WEST 2ND  
MILLER, SD 57362

### INVOICE

INVOICE DATE: 6/29/2026  
INVOICE NO: 38810  
BILLING THROUGH: 6/27/2026

#### M16085 | MILLER PHASE IV UTILITY IMPROVEMENTS

Managed By: CAMDEN A. HOFER

Miller Phase IV - Final project close-out  
Billing Period: 11/23/25 thru 6/27/26

DESCRIPTION	CONTRACT AMOUNT	% COMPLETE	BILLED TO DATE	PREVIOUSLY BILLED	CURRENT AMOUNT
M16085050X1 MILLER PHASE IV UTILITY IMPROVEMENTS- SANITARY SEWER - CONST ADMIN	\$28,800.00	100.00	\$28,800.00	\$27,350.00	\$1,440.00
<b>TOTAL</b>	<b>\$28,800.00</b>		<b>\$28,800.00</b>	<b>\$27,350.00</b>	<b>\$1,440.00</b>

**SUBTOTAL** \$1,440.00  
**AMOUNT DUE THIS INVOICE** \$1,440.00


This invoice is due upon receipt

Please remit payment to:  
SPN & Associates  
2100 N Sanborn Blvd.  
Mitchell SD 57301

**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 29th day of June, 2026.

  
Schmucker, Paul, Nohr & Associates  
Signed

Due upon receipt. Overdue accounts will be assessed a 1.5% monthly finance charge from the date of billing until the account is paid in full.

# SPN Helms

## ENGINEERS & SURVEYORS

Mitchell Office:  
2100 N. Sanborn Blvd  
Mitchell SD 57301  
Phone (605) 996-7761

Aberdeen Office:  
416 Production St. N.  
Aberdeen SD 57401  
Phone (605) 225-1212

### INVOICE

INVOICE DATE: 6/29/2026  
INVOICE NO: 38811  
BILLING THROUGH: 6/27/2026

CITY OF MILLER  
120 WEST 2ND  
MILLER, SD 57362

#### M16085:06W | MILLER PHASE IV UTILITY IMPROVEMENTS - WATER MAIN - RPR

Managed By: CAMDEN A. HOFER

Miller Phase IV - Water - Review project punch list  
Billing Period: 4/26/26 thru 6/27/26

#### PROFESSIONAL SERVICES

TITLE	HOURS	RATE	AMOUNT
TECHNICIAN I	1.00	\$170.0000	\$170.00
TOTAL SERVICES	1.00		\$170.00

SUBTOTAL \$170.00  
AMOUNT DUE THIS INVOICE \$170.00

This invoice is due upon receipt

Please remit payment to:  
SPN & Associates  
2100 N Sanborn Blvd.  
Mitchell SD 57301

**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 29th day of June, 2026.  
*Paul Nohr*  
Schmucker, Paul, Nohr & Associates  
Signed

Due upon receipt. Overdue accounts will be assessed a 1.5% monthly finance charge from the date of billing until the account is paid in full.

# SPN Helms

## ENGINEERS & SURVEYORS

Mitchell Office:  
2100 N. Sanborn Blvd  
Mitchell SD 57301  
Phone (605) 996-7761

Aberdeen Office:  
416 Production St. N.  
Aberdeen SD 57401  
Phone (605) 225-1212

### INVOICE

INVOICE DATE: 6/29/2026  
INVOICE NO: 38812  
BILLING THROUGH: 6/27/2026

#### M16085:06WW | MILLER PHASE IV UTILITY IMPROVEMENTS - SANITARY SEWER - RPR

Managed By: CAMDEN A. HOFER

Miller Phase IV - Wastewater - Review project punch list  
Billing Period: 11/22/25 thru 6/27/26

#### PROFESSIONAL SERVICES

TITLE	HOURS	RATE	AMOUNT
TECHNICIAN I	5.00	\$170.0000	\$850.00
TOTAL SERVICES	5.00		\$850.00

EXPENSES  
DESCRIPTION  
MEALS-ON EMPLOYEE REIMBURSE (PROJ)  
MILEAGE (PROJECT)  
SUBTOTAL \$897.60  
AMOUNT DUE THIS INVOICE \$897.60

This invoice is due upon receipt

Please remit payment to:  
SPN & Associates  
2100 N Sanborn Blvd.  
Mitchell SD 57301

**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 29th day of June, 2026.  
*Paul Nohr*  
Schmucker, Paul, Nohr & Associates  
Signed

Due upon receipt. Overdue accounts will be assessed a 1.5% monthly finance charge from the date of billing until the account is paid in full.



**INVOICE**  
 INVOICE DATE: 6/19/2026  
 INVOICE NO: 38698  
 BILLING THROUGH: 6/13/2026

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

**A8867 | MILLER AIRPORT TAXIWAY RECONSTRUCTION & ACCESS ROAD**

Managed By: COREY T HELMS

AIP #3-46-0035-017-2025  
 INVOICE FIFTEEN  
 SEE ATTACHED

A8867:05 | MILLER AIRPORT TAXIWAY RECONSTRUCTION & ACCESS ROAD ADMIN

DESCRIPTION	TOTAL SERVICES	TOTAL (ADMINISTRATION)
FAA QTRLY REPORTS & MISC. CORRESPONDENCE	\$803.67	\$803.67
PROJECT COORDINATION		
WORD PROCESSING/GENERAL CORRESPONDENCE		
<b>SUBTOTAL</b>	<b>\$803.67</b>	<b>\$803.67</b>
<b>AMOUNT DUE THIS INVOICE</b>	<b>\$803.67</b>	

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 19 day of JULY, 2026.

HELMs AND ASSOCIATES *[Signature]*

APPROVAL:  
 BY: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

PROJECT: MILLER MUNICIPAL AIRPORT  
 CONNECTOR TAXIWAY & ACCESS ROAD CONSTRUCTION  
 AIP # 3-46-0035-017-2025  
 A-8867  
 CONTRACT DATE: AGREEMENT DATED 12/6/23 & AMENDMENT #1 DATED 4/8/25  
 INVOICE DATE: 6/19/2026  
 INVOICE NUMBER: FIFTEEN  
 INVOICE PERIOD: 5/17/2026 THROUGH 6/13/2026  
 NEW OVERHEADS APPROVED BY SDDOT 06/18/2025

CONSTRUCTION ADMINISTRATION SERVICES		
	CURRENT INVOICE	TOTAL TO DATE
LABOR COSTS:	\$244.97	\$3,658.89
OVERHEADS @ 1.84604	\$452.22	\$6,753.91
<b>LABOR SUB-TOTAL</b>	<b>\$697.19</b>	<b>\$10,412.80</b>
COST OF MONEY @ 3.621%	\$8.87	\$132.49
FIXED FEE: @ 14%	\$87.61	\$1,457.76
EXPENSES @ COST:		
MILEAGE:	\$0.00	\$26.38
MEALS:	\$0.00	\$0.00
LODGING:	\$0.00	\$0.00
OUTSIDE CONSULTANT (DGR) @ COST	\$0.00	\$8,036.79
	\$0.00	\$0.00
<b>TOTAL</b>	<b>\$803.67</b>	<b>\$20,065.92</b>

RESIDENT ENGINEERING SERVICES		
	CURRENT INVOICE	TOTAL TO DATE
LABOR COSTS:	\$0.00	\$253.96
OVERHEADS @ 1.84604	\$0.00	\$468.82
<b>LABOR SUB-TOTAL</b>	<b>\$0.00</b>	<b>\$722.78</b>
COST OF MONEY @ 3.621%	\$0.00	\$9.20
FIXED FEE: @ 14%	\$0.00	\$101.19
EXPENSES @ COST:		
MILEAGE:	\$0.00	\$0.00
MEALS:	\$0.00	\$0.00
LODGING:	\$0.00	\$0.00
OUTSIDE CONSULTANT (DGR) @ COST	\$0.00	\$0.00
	\$0.00	\$0.00
<b>TOTAL</b>	<b>\$0.00</b>	<b>\$833.17</b>



# Helms & Associates

416 Production Street N.  
Aberdeen, SD 57401, United States  
Tel: 605-225-1212  
bobb@helmsengineering.com

## INVOICE

INVOICE DATE: 6/19/2026  
INVOICE NO: 38703  
BILLING THROUGH: 6/13/2026

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

### A9924 | MILLER AIRPORT AWOS III

Managed By: COREY T HELMS

AIP #3-46-0035-018-2026 IIJA  
PER AMENDMENT #1 DATED 03/04/2026  
INVOICE THREE

DESCRIPTION	% OF TOTAL FEE	CONTRACT AMOUNT	% COMPLETE	BILLED TO DATE	PREVIOUSLY BILLED	CURRENT AMOUNT
A9924:04   MILLER AIRPORT AWOS III BIDDING	100	\$12,839.14	97.50	\$12,518.16	\$8,987.40	\$3,530.76
<b>TOTAL</b>		<b>\$12,839.14</b>		<b>\$12,518.16</b>	<b>\$8,987.40</b>	<b>\$3,530.76</b>

**SUBTOTAL \$3,530.76**

**AMOUNT DUE THIS INVOICE \$3,530.76**

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 19 day of June 2026.

HELMS AND ASSOCIATES *Corey T Helms*

APPROVAL:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

City

**AMENDMENT NUMBER 2  
TO  
AGREEMENT FOR PROFESSIONAL SERVICES  
FOR AIP# 3-46-0035-018-2026**

AGREEMENT FOR PROFESSIONAL SERVICES, dated April 8, 2025 by and between the **City of Miller**, South Dakota as OWNER and **Helms and Associates**, a division of Schmucker, Paul, Nohr and Associates, Inc. as ENGINEER, hereinafter referred to as the Agreement for Professional Services, for improvements known as MILLER MUNICIPAL AIRPORT AWOS III-P, hereinafter referred to as the PROJECT, is hereby amended as follows:

A. Whereas, the OWNER requests the ENGINEER to provide the following services for the PROJECT.

1. Updated Airport Property Inventory Maps services as described in Exhibit A of Amendment #2.

B. The OWNER and the ENGINEER agree that the ENGINEER shall be paid as described in Attachment "B", Section 5 of Amendment #2, LUMP SUM COMPENSATION, with the following costs to be added to the PROJECT:

1. Exhibit A Update.

Costs	\$ 59,172.19
-------	--------------

These costs are summarized in Attachment "B", page B-7.

Therefore, the Agreement for Professional Services is hereby amended to add the FEES listed in paragraph B of the amendment to those in the agreement. The new totals for all services are itemized on Amendment #2, Attachment "B".



6.5.2 Life Insurance:

City provides a group life insurance policy in the amount of \$20,000.00 life and \$20,000.00 Accidental Death & Dismemberment. No child or spouse benefits. The City pays 100% of the policy premium.

City provides **an additional** group life insurance policy in the amount of \$10,000.00 life. The City pays 100% of the policy premium. The employee has the option to “buy-up” and/or purchase coverage for their spouse and/or their dependent children.