

# Meeting Location: MILLER COMMUNITY CENTER

AGENDA  
CITY OF MILLER  
WEDNESDAY, APRIL 4, 2018  
7:00 P.M.

## Call to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes *pgs. 1 - 3*

Approval of Bills

## Public Input

Department Head Reports: *pgs. 4 - 6*

## Public Hearing

7:30 Package Liquor License Transfer - Tucker's SuperValu, Inc. to KR Miller LLC DBA Kesslers  
New Retail (on-off sale) Malt Beverage & SD Farm Wine - KR Miller LLC DBA Kesslers

## Unfinished Business

1. 3<sup>rd</sup> Reading of Ordinance 690 – Storm Sewer Utility Fee *pg. 7*
2. Hire Summer Help

## New Business

1. John Deere Tractor Lease *pg. 8*
2. Water & Sewer Project Invoices *pgs. 9 - 10*  
SPN Phase II Invoices #17037-17038; Total = \$25,700
3. Electric Project Invoices *pgs. 11 - 14*  
DGR Engineering Invoices #228418 – 228421; Total = \$22,209
4. Suhn Air, LLC *pgs. 11 - 13*  
Collateral Assignment of Leasehold Interest with BankWest, Inc.  
Collateral Assignment of Leasehold Interest with Governor's Office of Economic Development  
Severance Agreement with Governor's Office of Economic Development
5. Policy Manual – Inclement Weather *pg. 14*
6. Legion Lease *pgs. 15 - 16*
7. Housing Development Discussion

## Adjourn

**CITY OF MILLER  
CITY COUNCIL MEETING  
MARCH 19, 2018**

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

The City Council met in regular session at the community center at 7:00 p.m. on Monday, March 19, 2018.

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

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

Pledge of Allegiance was said by all present.

**AGENDA:** Motion by Alderman Odegaard, 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 March 2, 2018, and March 7, 2018. All members voted aye. Motion carried.

**APPROVAL OF BILLS:** Motion by Alderman Zeller seconded by Alderman Odegaard to approve the bills. All members voted aye. Motion carried.

**PUBLIC INPUT:** Alderman Steers asked that *The Miller Press* clarify that his statement regarding the snow removal should have read, "we should *not* make a big deal about this."

**UNFINISHED BUSINESS**

**Council Room Table:** Motion by Alderman Rangel, seconded by Alderman Steers to accept Mike Beaner's quote for \$5,216.00 to build a council room table. All members voted aye. Motion carried. Bill Speirs put in a quote for a similar table for \$7,043.74.

**2<sup>nd</sup> Reading of Ordinance No. 690:** Motion by Alderman Steers, seconded by Alderman Odegaard to approve the second reading of Ordinance No. 690 – Storm Sewer Fees. Roll call vote: Alderman Swartz – aye, Alderman Zeller – aye, Alderman Odegaard – aye, Alderman Rangel – aye, Alderwoman Meyer – aye, Alderman Steers – aye. Motion carried.

**PUBLIC HEARING:**

**7:15 Special Event Liquor License:** The council held a public hearing at 7:15 p.m. for a Special Event Liquor License. Motion by Alderman Zeller, seconded by Alderman Odegaard to allow Willie's Bar & Grill to serve alcohol at the community center on Friday, March 23, 2018. All members voted aye. Motion carried.

**NEW BUSINESS**

**Dougherty & Company – Placement Agent Agreement:** Motion by Alderman Swartz, seconded by Alderman Rangel to accept the Placement Agent Agreement with Dougherty & Company for the Electric Revenue Bonds, Series 2018. All members voted aye. Motion carried.

**Resolution 2018-4 – SD FIT:** Motion by Alderman Rangel, seconded by Alderwoman Meyer to approve Resolution 2018-4 to deposit our Electric Revenue Bonds into SD FIT (South Dakota Public Funds Investment Trust) for investment. All members voted aye. Motion carried.

**Hire Summer Help:** Motion by Alderwoman Meyer, seconded by Alderman Odegaard to table hiring additional summer help until April 4, 2018. Sheila Coss forgot the applications at city hall. All members voted aye. Motion carried.

**Website Quotes:** Motion by Alderwoman Meyer, seconded by Alderman Swartz to have CivicPlus administer our website for \$3,250/year for the first 4 years. This includes the initial setup fee of \$7,000. All members voted aye. Motion carried. GovOffice also submitted a proposal.

**Building Permits:** Motion by Alderman Rangel, seconded by Alderman Steers to extend Casey's General Store's building permit for another year at no additional cost. The delay in building is due to the city water/sewer project. All members voted aye. Motion carried. Motion by Alderwoman Meyer, seconded by Alderman Swartz to approve the building permit for Tony Kludt to place an addition on his house. Five members voted aye, Alderman Zeller abstained. Motion carried.

**Utility Committee Water/Sewer Phase I & II Plans:** The utility committee, Tony Rangel, and Jeff Swartz, met with Terry Manning and Camden Hofer, SPN project engineer, to discuss the timing and location schedule of Phase I & Phase II water and sewer projects that are set to begin as soon as the weather permits.

**Council Room Remodel – Carpet Quotes:** Motion by Alderman Zeller, seconded by Alderwoman Meyer to accept the proposal from Carpet Center for commercial carpet squares, installation, adhesive and mileage for approximately \$3,000.00. The other bid received was Duane's Carpet Outlet for approximately \$3,970.00. All members voted aye. Motion carried.

**Electric Loan Closing:** Motion by Alderman Zeller, seconded by Alderman Odegaard to have Mayor Ronald Blachford and Finance Officer Sheila Coss sign the closing documents for the Electric Revenue Bonds, Series 2018. Roll call vote: Alderman Swartz – aye, Alderman Zeller – aye, Alderman Odegaard – aye, Alderman Rangel – aye, Alderwoman Meyer – aye, Alderman Steers – aye. Motion carried.

**Easter Monday Holiday:** The Governor declared Monday, April 2<sup>nd</sup> as an administrative leave day. Motion by Alderwoman Meyer, seconded by Alderman Steers to close the city office on Monday, April 2, 2018, and reschedule the council meeting to Wednesday, April 4, 2018. 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 8:18 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 March 2018 (2)**

A & B Business Solutions	Supplies	272.44
CNH Industrial Capital	Fittings	205.51
Elan	Supplies	879.73
Brandon Hammill	Reimb	79.48
Hand County Publishing	Publications	175.81
HCPD	Power	97,029.28
Inland Truck Parts	Parts	197.56
Intoximeters Inc	Mouthpieces	240.00
KBA	Prof Fees	1,800.00
Lamb Motor Co	Vehicle	32,607.00
MARC	Supplies	329.09
Midco	Telephones	446.83
Miller Ace	Supplies	680.88
Oakley Farm & Ranch Supply	Supplies	172.92
OHED	Industry	4,592.88
Overhead Door Co	Repairs	1,608.17
Petty Cash	Postage	27.16
Prairieland Collections Inc	Prof Fees	14.00
Rural Development	Loans	16,403.00
SD Attorney General	24/7 Program	143.00
SD Dept Of Revenue	Sales Tax	13,268.62
SD Federal Property Agency	Supplies	256.50
SDML	Registration	135.00
Sturdevant's Auto Parts	Parts	289.77
Taylor Construction	Construction	4,165.77
Tony's Repair	Parts	145.32
WAPA	Power	43,222.94
Wilbur-Ellis	Fuel	892.48
**** Paid Total ****		<u>\$220,281.14</u>

<b>Payroll by Department:</b>		<b>3/20/2018</b>		
	Department	w/o OT	OT	Total
41110	COUNCIL	2,395.22		2,395.22
41410	FINANCE OFFICE	1,206.30		1,206.30
41910	BUILDING	594.87		594.87
42110	POLICE	9,722.36	1,298.97	11,021.33
43110	STREET	4,933.96	585.34	5,519.30
43210	SEWER	4,864.91	240.22	5,105.13
43310	WATER	4,864.77	240.20	5,104.97
43410	ELECTRIC	10,473.74		10,473.74
		<u>\$39,056.13</u>	<u>\$2,364.73</u>	<u>\$41,420.86</u>

**City Council Meeting  
Department Head Reports  
April 4, 2018**

**Police Department Report**

1. I attended a Highway Safety Meeting in Pierre on March 26, 2018. Attending this meeting is mandatory in order to secure a grant for FFY 2019.
2. Officer Henson attended a "Train the Trainer-State Radio" meeting in Pierre on March 22, 2018. Officer Henson attended this meeting with EM Alex Roeber and Sheriff Doug DeBoer.
3. The officers attended a Taser recertification class on March 28, 2018. Officer Wayne Ames was the instructor. Personnel from Hyde County Sheriff's Office and the Hand County Sheriff's Office also attended the training.

**Street Department Report**

1. We have been cleaning snow and ice around storm drains.
2. I finished the 2,000 hour service on the Dresser Blade. Several fluid changes along with a few adjustments.
3. David worked on the Sewer Jet (clutch work).
4. David helped cut trees in a few alleys and streets.
5. We bladed MOST of the alleys (a few were toooooo muddy)
6. we also bladed several roads.
7. We worked on the #3 truck Tailgate. The pins on it were broken away from the welds.
8. We finished fixing the lights on all of the dump trucks. 1 truck required quite a bit of rewiring on the back end.

**Water Department Report**

1. Menning Backhoe will start moving equipment back here this week to get started on the Water/Wastewater Project again weather permitting.

**Electric Department Report**

**Finance Office Report**

1. Sales Tax Report – see attachment
2. Windows are scheduled to be installed the week of April 16<sup>th</sup>.
3. Water/Wastewater Phase II bid opening is scheduled for April 12<sup>th</sup> at 3:33 p.m.
4. I have attached the revenues and expenses for 1<sup>st</sup> quarter.

<b>Sales Tax Comparison</b>			
	<b>2018</b>	<b>2017</b>	15% to On Hand
January	\$23,299.28	\$28,271.75	\$9,553.43
	\$40,390.23	\$38,297.36	
February	\$30,619.20	\$18,302.51	\$4,592.88
		<del>\$46,394.38</del>	
March	\$36,729.22		\$14,015.56
	\$9,159.84	\$17,918.19	
	\$47,548.01	\$38,845.19	
April			\$0.00
May			\$0.00
June			\$0.00
July			\$0.00
August			\$0.00
September			\$0.00
October			\$0.00
November			\$0.00
December			\$0.00
<b>Total</b>	<b>\$187,745.78</b>	<b>\$188,029.38</b>	<b>-0.15%</b>
	up/down from last year		<b>-\$283.60</b>

**Received \$9,079.92 due to an audit.**

## Gross Receipts Tax - Split Fund 211

Month	Current Year		
	Total	City 20%	OHED 80%
JAN	\$3,066.71 \$980.65	\$613.34 \$196.13	\$2,453.37 \$784.52
FEB	\$2,367.74	\$473.55 \$0.00	\$1,894.19 \$0.00
MAR	\$1,414.71 \$955.73 \$1,937.96	\$282.94 \$191.15 \$387.59	\$1,131.77 \$764.58 \$1,550.37
APR		\$0.00 \$0.00	\$0.00 \$0.00
MAY		\$0.00 \$0.00 \$0.00	\$0.00 \$0.00 \$0.00
JUN		\$0.00 \$0.00	\$0.00 \$0.00
JUL		\$0.00 \$0.00	\$0.00 \$0.00
AUG		\$0.00 \$0.00 \$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 \$0.00 \$0.00
NOV		\$0.00 \$0.00	\$0.00 \$0.00
DEC		\$0.00 \$0.00 \$0.00	\$0.00 \$0.00 \$0.00
	<b>\$10,723.50</b>	<b>\$2,144.70</b>	<b>\$8,578.80</b>

Month	Previous Year		
	Total	City 20%	OHED 80%
JAN	\$2,280.06 \$1,413.45	\$456.01 \$282.69	\$1,824.05 \$1,130.76
FEB	\$1,928.34 \$1,355.06	\$385.67 \$271.01	\$1,542.67 \$1,084.05
MAR	\$1,262.77 \$1,250.08	\$252.55 \$250.02	\$1,010.22 \$1,000.06
APR	\$2,344.50	\$468.90	\$1,875.60
MAY	\$1,533.92 \$1,294.53	\$306.78 \$258.91	\$1,227.14 \$1,035.62
JUN	\$1,588.83 \$1,665.77	\$317.77 \$333.15	\$1,271.06 \$1,332.62
JUL	\$1,287.10 \$2,307.14	\$257.42 \$461.43	\$1,029.68 \$1,845.71
AUG	\$2,254.33 \$1,432.90	\$450.87 \$286.58	\$1,803.46 \$1,146.32
SEP	\$1,923.60 \$1,843.67	\$384.72 \$368.73	\$1,538.88 \$1,474.94
OCT	\$2,892.01 \$576.75 \$1,452.73	\$578.40 \$115.35 \$290.55	\$2,313.61 \$461.40 \$1,162.18
NOV	\$1,797.07 \$1,429.41	\$359.41 \$285.88	\$1,437.66 \$1,143.53
DEC	\$2,364.16 \$1,563.89	\$472.83 \$312.78	\$1,891.33 \$1,251.11
	<b>\$41,042.07</b>	<b>\$8,208.41</b>	<b>\$32,833.66</b>

up/down from previous year		
Total	1,233.74	13.00%
City	246.75	13.00%
OHED	986.99	13.00%

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

OHED 80%

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

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

FEB	1,131.77
MAR	\$764.58
MAR	\$1,550.37
	<b><del>\$2,314.95</del></b>

ORDINANCE #690

AN ORDINANCE FOR THE PURPOSE OF AMENDING ORDINANCE #673 TO RESTRICT THE STORM SEWER UTILITY FEE FOR THE CITY OF MILLER, SOUTH DAKOTA, TO DEFRAY THE COST OF THE SEWER PROJECT REVENUE BOND, SERIES 2016.

This Ordinance shall be in full force and effect so as to commence and include all utility billings from January 1, 2018, and forward for the life of the loan for debt service for the Sewer Project Revenue Bond, Series 2016.

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Ronald Blachford, Mayor

ATTEST:

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Sheila Coss, Finance Officer

(SEAL)

Record of Votes:

- Alderman Steers –
- Alderman Swartz –
- Alderman Meyer –
- Alderman Zeller –
- Alderman Odegaard –
- Alderman Rangel –

First Reading: March 5, 2018  
Second Reading: March 19, 2018  
Third Reading: April 2, 2018

Adoption: April 2, 2018  
Publication: April 11, 2018

Published once at the  
approximate cost of: \_\_\_\_\_





**JOHN DEERE**

**RENTAL AGREEMENT**

Rental #

U555151

Original

Name	LESSEE CITY OF MILLER	DATE	Mar 12, 2018	RENTAL TERM	BEGINS Apr 02, 2018	ENDS Nov 30, 2018
Street or RFD	120 W 2ND ST	Purchaser Acct No		Customer P.O. NO.	ACCOUNT NO. 087550	Government Bid No.
City, ST Zip Code	MILLER, SD 57362	LESSOR NAME AND ADDRESS GREEN LINE IMP OF HAND CTY				
Telephone Number	605-853-2400	1810 N Broadway				
Contact	RON HOFTIEZER	Miller, SD 57362				
Percentage of Rental Payments Applied to		= Estimated Rental Charge (Rental Rate x Estimated Rental Period)		\$ 3,750.00		
Purchase Option: 0.00 %		+ Itemized Fees		\$ 0.00		
Security Deposit : \$ 0.00		+ Taxes		\$ 0.00		
Maximum Hours No More Than : Per Day		+ Service Charge		\$ 0.00		
Maximum Hours No More Than : Per Week		+ Additional Charges		\$ 0.00		
Maximum Hours No More Than : Per Month		= Additional Charges Subtotal		\$ 0.00		
		<b>Total Rental Charge</b>		<b>\$ 3,750.00</b>		

**Notes**

EQUIPMENT WILL BE USED AT: (Name)		(Address)	Lessee will not remove the Equipment from this Location without written permission from Lessor.
(City)	State/Province	(ZIP Code)	County (Phone Number)

Doc Ref No.	Qty	Model	Size & Description of Equipment (Give Product Identification No.)	Hour Meter Reading	Min. Rental Guaranteed By Lessee	Present Value	%
08892912	1	6120R	2017 JOHN DEERE 6120R Cab Tractor ( 1L06120RPHK890417 ) Stock # 215460 Rental Rate Per Hour 15.00 Est. Rental Period 250.00	2	\$ 1,500.00	\$ 139,767 01	0.00
Primary Insurance Name and Address						\$ 139,767 01 <b>TOTAL PRESENT VALUE</b>	
Additional Insured Name and Address							
Insurance Loss Payee Name and Address GREEN LINE IMP OF HAND CTY 1810 N Broadway Miller, SD US							
PURCHASER TYPE		MARKET USE					
1 Commercial		17 General Utility					

LESSEE(Customer) CITY OF MILLER	LESSOR(Dealer) PAUL,CLINTON
	BY
THIS RENTAL AGREEMENT IS SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET OUT ON THE FOLLOWING PAGES HEREOF, ALL OF WHICH ARE HEREBY MADE A PART OF THIS RENTAL AGREEMENT.	



INVOICE

Schmucker, Paul, Nohr and Associates

2100 North Sanborn Blvd. – PO Box 398

Mitchell, SD 57301-0398

Phone (605) 996-7761

Wats (800) 952-3598

Fax (605) 996-0015

CITY OF MILLER  
120 WEST 2ND  
MILLER, SD 57362

Invoice Date	Invoice Num
Mar 27, 2018	17037
Billing Through Mar 24, 2018	

Final plans and specifications have been reviewed and approved by DENR

Billing period: 2/24/18 through 3/24/18

Project ID	Project Name	Contract Amount	% Complete	Previously Billed	Amount Due
M14842:03W	MILLER WATER PHASE 2-PREI	\$52,100.00	100.00	\$41,680.00	\$10,420.00

Total Amount Due: \$10,420.00

*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 28<sup>th</sup> day of March 2018

SCHMUCKER, PAUL, NOHR  
& ASSOCIATES

*[Signature]*  
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.



**Schmucker, Paul, Nohr and Associates**

2100 North Sanborn Blvd. – PO Box 398  
Mitchell, SD 57301-0398  
Phone (605) 996-7761  
Wats (800) 952-3598  
Fax (605) 996-0015

**INVOICE**

CITY OF MILLER  
120 WEST 2ND  
MILLER, SD 57362

<b>Invoice Date</b>	<b>Invoice Num</b>
Mar 27, 2018	17038
<b>Billing Through</b> Mar 24, 2018	

Final plans and specifications have been reviewed and approved by DENR.

Billing period: 2/24/18 through 3/24/18

Project ID	Project Name	Contract Amount	% Complete	Previously Billed	Amount Due
M14842:03WW	MILLER WASTEWATER PHASE	\$76,400.00	100.00	\$61,120.00	\$15,280.00

**Total Amount Due: \$15,280.00**

*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.

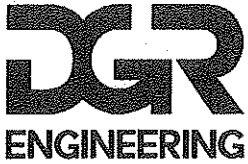
Dated this 28<sup>th</sup> day of March 20 18

**SCHMUCKER, PAUL, NOHR  
& ASSOCIATES**

*Terry J. Nohr*  
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.

10



1302 South Union Street  
 P.O. Box 511  
 Rock Rapids, IA 51246  
 phone: 712.472.2531 - fax: 712.472.2710

**Invoice**

City of Miller  
 Mr. Bill Lewellen, Electric Department  
 120 West 2nd Street  
 Miller, SD 57362

March 15, 2018  
 Project No: 420610.00  
 Invoice No: 00228418  
 Project Manager: Andrew Koob

**Invoice Total \$5,177.00**

Project 420610.00 Financial Planning & Electric Retail Rate Study  
**Professional Services through February 28, 2018**

Task 0200 Rate Study Phase

**Lump Sum Portion**

Total Fee 17,500.00

Percent Complete	35.00	Total Earned	6,125.00
		Previous Fee Billing	1,050.00
		Current Fee Billing	5,075.00

**Total Fee 5,075.00**

**Total this Task \$5,075.00**

Task X100 Initial Financial Planning

**Professional Personnel**

	Hours	Rate	Amount
Engineer 14	.50	204.00	102.00
Totals	.50		102.00
<b>Total Labor</b>			<b>102.00</b>

**Total this Task \$102.00**

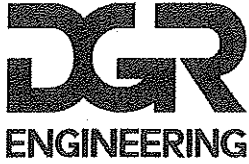
**AMOUNT DUE THIS INVOICE \$5,177.00**

Respectfully Submitted:

  
 \_\_\_\_\_  
 Andrew Koob

*Prof fees  
 Financial Planning/Rate Study*

*-4221*



1302 South Union Street  
 P.O. Box 511  
 Rock Rapids, IA 51246  
 phone: 712.472.2531 - fax: 712.472.2710

**Invoice**

City of Miller  
 Mr. Bill Lewellen, Electric Department  
 120 West 2nd Street  
 Miller, SD 57362

March 15, 2018  
 Project No: 420611.00  
 Invoice No: 00228419  
 Project Manager Andrew Koob

**Invoice Total \$2,461.00**

Project 420611.00 Substation No. 4 Construction  
 Task Order No. 5

**Professional Services through February 28, 2018**

Task 0000 Lump Sum  
**Lump Sum Portion**

Billing Phase	Fee Authorized	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Site Survey	2,500.00	100.00	2,500.00	2,500.00	0.00
Total Fee	2,500.00		2,500.00	2,500.00	0.00
<b>Total Fee</b>					<b>0.00</b>
<b>Total this Portion</b>					<b>0.00</b>

Task X100 Preliminary Design Phase  
**Professional Personnel**

	Hours	Rate	Amount
Engineer 11	1.50	174.00	261.00
Engineer 7	15.50	132.00	2,046.00
Technician 7	2.00	77.00	154.00
Totals	19.00		2,461.00
<b>Total Labor</b>			<b>2,461.00</b>
<b>Total this Portion</b>			<b>\$2,461.00</b>

**AMOUNT DUE THIS INVOICE \$2,461.00**

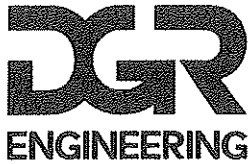
*cap imp  
 Substation No. 4 construction*

Respectfully Submitted:

\_\_\_\_\_

Andrew Koob

-1330



1302 South Union Street  
 P.O. Box 511  
 Rock Rapids, IA 51246  
 phone: 712.472.2531 - fax: 712.472.2710

**Invoice**

City of Miller  
 Mr. Bill Lewellen, Electric Department  
 120 West 2nd Street  
 Miller, SD 57362

March 15, 2018  
 Project No: 420612.00  
 Invoice No: 00228420  
 Project Manager: Andrew Koob

**Invoice Total** **\$2,118.00**

Project 420612.00 69 kV Transmission Improvements  
 Task Order No. 6

**Professional Services through February 28, 2018**

Task 0000 Lump Sum  
**Lump Sum Portion**

Billing Phase	Fee Authorized	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Ground Survey	1,200.00	100.00	1,200.00	1,200.00	0.00
Total Fee	1,200.00		1,200.00	1,200.00	0.00
<b>Total Fee</b>					<b>0.00</b>
<b>Total this Portion</b>					<b>0.00</b>

Task X100 Preliminary Design Phase  
**Professional Personnel**

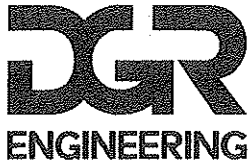
	Hours	Rate	Amount
Engineer 11	1.00	174.00	174.00
Engineer 7	8.00	132.00	1,056.00
Totals	9.00		1,230.00
<b>Total Labor</b>			<b>1,230.00</b>
<b>Total this Portion</b>			<b>\$1,230.00</b>

Task X110 NWE Asset Purchase Assistance  
**Professional Personnel**

	Hours	Rate	Amount
Engineer 14	3.50	204.00	714.00
Engineer 11	1.00	174.00	174.00
Totals	4.50		888.00
<b>Total Labor</b>			<b>888.00</b>
<b>Total this Portion</b>			<b>\$888.00</b>

**AMOUNT DUE THIS INVOICE** **\$2,118.00**

CAP imp  
 69kV Transmission Improvements  
 -4330  
13



1302 South Union Street  
 P.O. Box 511  
 Rock Rapids, IA 51246  
 phone: 712.472.2531 - fax: 712.472.2710

**Invoice**

City of Miller  
 Mr. Bill Lewellen, Electric Department  
 120 West 2nd Street  
 Miller, SD 57362

March 15, 2018  
 Project No: 420613.00  
 Invoice No: 00228421  
 Project Manager: Andrew Koob

**Invoice Total \$12,453.00**

Project 420613.00 Distribution Improvements  
 Task Order No. 7

**Professional Services through February 28, 2018**

Task 0000 Lump Sum  
**Lump Sum Portion**

Billing Phase	Fee Authorized	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Final Design Phase	177,900.00	15.00	26,685.00	14,232.00	12,453.00
Bidding Phase	22,000.00	0.00	0.00	0.00	0.00
<b>Total Fee</b>	<b>199,900.00</b>		<b>26,685.00</b>	<b>14,232.00</b>	<b>12,453.00</b>
	<b>Total Fee</b>				<b>12,453.00</b>

**Total this Portion \$12,453.00**

**AMOUNT DUE THIS INVOICE \$12,453.00**

Respectfully Submitted:

\_\_\_\_\_

Andrew Koob

*cap imp  
 Distribution Improvements  
 -4330*

PREPARED BY:  
Timothy M. Engel  
May, Adam, Gerdes & Thompson LLP  
PO Box 160  
Pierre, SD 57501-0160  
(605) 224-8803

*Full Agreements  
will be available  
for review.*

**COLLATERAL ASSIGNMENT OF  
LEASEHOLD INTEREST**

COLLATERAL ASSIGNMENT OF LEASEHOLD INTEREST, made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Suhm Air, LLC, a South Dakota limited liability company having its chief executive offices at 5104 S. Culbert Ave., Sioux Falls, SD (the "Assignor"), to BankWest, Inc., a South Dakota banking corporation organized under the laws of the State of South Dakota with an address of 420 South Pierre Street, Pierre, South Dakota 57501, for itself, as Lender (the "Assignee").

1. Assignment of Leasehold Interest. For value received, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor hereby grants, transfers and assigns to the Assignee, its successors and assigns, all right, title and interest of the Assignor, as Lessee, in and to those certain Lease described on Schedule A hereto, together with the leasehold estate created thereby and any modifications, extensions or renewals thereof, and all benefits accruing to the Assignor thereunder, including any purchase options thereunder (said Lease, together with the leasehold estate created thereby, and all such modifications, extensions, renewals and benefits being hereinafter referred to collectively as the "Lease"). The within assignment is for the purpose of securing payment and performance of all debts, liabilities and obligations of the Assignor to the Assignee of every kind and description, direct or indirect, absolute or contingent, due or to become due, now existing or hereafter arising (all hereinafter referred to collectively as the "Obligations") pursuant to the Promissory Note in the original principal amount of \$ 260,000.00 of even date herewith ("Note").

The Assignee, by acceptance hereof, agrees:

- a. Not to take any action to assert its rights to possession of the premises demised under the Lease (the "Premises") unless and until there shall exist or occur an event of default (as defined in the Note and related loan documents).
- b. Upon payment and performance in full of all Obligations, this Assignment shall be void and of no effect. However, the affidavit, certificate, or other written statement of any officer of the Assignee indicating that any of the Obligations remain unpaid or unperformed shall be and constitute conclusive evidence of the continuing validity and effectiveness of this Assignment, and any person may, and is hereby authorized to, rely thereon.



This document has been prepared by:  
Governor's Office of Economic Development  
711 East Wells Avenue  
Pierre, SD 57501  
605/773-5196  
Attn: LaJena R. Gruis

**STATE OF SOUTH DAKOTA  
GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT**

**ASSIGNMENT OF LEASE & RENTS**

**SD Works Loan #17-W-4**

**COLLATERAL ASSIGNMENT OF  
LEASEHOLD INTEREST**

This COLLATERAL ASSIGNMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 2018, by and among the Governor's Office of Economic Development, 711 East Wells Avenue, Pierre, South Dakota 57501 (herein "GOED"), Sunn Air LLC, 5104 S Culbert Avenue, Sioux Falls, SD 57106 (herein the "Borrower"); and City of Miller 120 West 2<sup>nd</sup> Street Miller, SD 57362 (herein the "Lessor").

WHEREAS, the Borrower made an application (the "Application") dated the \_\_\_ day of \_\_\_\_\_, 2018, for a loan from the South Dakota Works Loan Program (SD Works), for the purposes of Borrower's business expansion or relocation in the State of South Dakota (the "Project"), as described with particularity in the Application and in the Loan Documents, which are by this reference incorporated herein; and,

WHEREAS, the Application was approved by GOED and the Borrower and GOED entered into a certain South Dakota Works Loan Program (SD Works) Loan Agreement dated the \_\_\_ day of \_\_\_\_\_, 2018, (the "Loan Agreement"), whereby GOED loaned to Borrower the sum of \$208,000.00 together with interest thereon at 4.25% per annum, due and payable as set forth in the Promissory Note of even date, and pursuant to the terms and conditions of the other Loan Documents executed by Borrower and GOED in connection with this Loan and Project, all pursuant to SDCL Chapter 1-53 and 1-16G, as amended, and ARSD Article 68:02 (the "Works Loan"); and,

This document has been prepared by:  
Governor's Office of Economic Development  
C/O LaJena R. Gruis  
711 East Wells Avenue  
Pierre, SD 57501  
605-773-3301

SD Works Number 17-W-04

**STATE OF SOUTH DAKOTA  
GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT  
SEVERANCE AGREEMENT**

This Agreement is made and entered into this \_\_\_ day of \_\_\_\_\_, 2018, by and among Suhn Air LLC of 5104 S Culbert Avenue, Sioux Falls, SD ("Borrower"), City of Miller, 120 West 2<sup>nd</sup> Street Miller, SD 57362, ("Lessor") and the South Dakota Governor's Office of Economic Development, 711 Wells Avenue, Pierre, South Dakota, 57501 ("GOED").

WHEREAS, GOED, has extended or intends to extend credit to Borrower in the original principal amount of \$208,000.00 pursuant to a Promissory Note dated \_\_\_\_\_, 2018 and related loan documents (the "Works Loan"); and

WHEREAS, in connection with the Works Loan, Borrower desires to grant to GOED, and GOED desires to accept, a valid, perfected second security interest in and to certain property which may, when installed, constitute a fixture or other form of real property under South Dakota law. Said property, which is or will become GOED's collateral (the Collateral), is described on the attached Exhibit A, which is incorporated herein by this reference;

WHEREAS, Lessor is the owner of the real property which is or will be the location of the Collateral, which real property ("the Real Property") is described as follows:

Hanger Areas 9 and 10 of the Miller Airport, located on Miller Airport Outlot and Miller Airport Outlot 2, in the W1/2 of Section 12, Township 112 North, Range 68, West of the 5<sup>th</sup> P.M., EXCEPT Lot H1.  
Not to include the land upon which said building and appurtenances are situated.

## Policy #5: Hours of Work

5.1	General Policy	p. 14
5.2	Standard Work Week	p. 14
5.3	Standard Work Day	p. 14
5.4	Call Back Pay	p. 14
5.5	Flex Time	p. 14
5.6	Overtime	p. 15
5.7	Exemptions to Overtime	p. 15
5.8	Compensatory Time (Comp Time)	p. 15
* 5.9	Inclement Weather	p. 15
5.10	Attendance	p. 16
5.11	Time Sheets or Cards	p. 16

### 5.9 Inclement Weather

All closures proclaimed as weather related or acts of God by the Governor of South Dakota will be paid as standard work days. No overtime will be paid to employees who are required to work unless the employees work over the number of hours in a standard work day (12 hours for police officers).

Employees designated as essential, e.g. street department, electric department, and police department, will work a standard work day if possible.

Employees not scheduled will not receive any pay for such proclaimed closures.

LEASE

THIS INDENTURE, made this 16<sup>th</sup> day of April, 2018 by and between Hand County Post #38 Building Corporation, a corporation, lessors, and the City of Miller, South Dakota, a public corporation, lessees.

WITNESSETH, that the lessors in consideration of the rents and covenants hereinafter mentioned, leases and rents to the lessees the following described premises, situated in the County of Hand and State of South Dakota:

Part of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Fifteen (15) in Township One Hundred Twelve (112) North of Range Sixty-eight (68), described as follows: a tract of land commencing at a point 40 feet South of the Southwest Corner of Block 20 of the vacated plat of South Miller as shown on the plat of said South Miller, recorded in the Office of the Register of Deeds of Hand County, at the center of the street named Douglas Avenue on said plat, and on the East line of Broadway Street, running thence East along the center of said Douglas Avenue and extending on due East from the East and thereof to the Section Line between Sections Fourteen (14) and Fifteen (15) in Township One Hundred Twelve (112) North of Range Sixty-eight (68), thence South along the Section Line between Sections Fourteen (14) and Fifteen (15) in Township One Hundred Twelve (112) North of Range Sixty-eight (68) to a point 24 rods North of the Southeast Corner of Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Fifteen (15), thence West on the North line of the GAR Cemetery grounds to a point 17 feet East of Highway 45 on the West side of said Cemetery Grounds and thence North to the place of beginning. Excluding the Legion Building and the parking lot west of the current building.

The term of this lease shall be 5 years from the 16<sup>th</sup> day of April, 2018.

The lessees agree with the lessors to pay 50% of the electric utility bill for the American Legion building up to \$750.00 per year.

The lessees agree with the lessors to provide the following services for the term of this lease: snow removal, mowing, and maintenance and insurance on all structures (except the Legion building).

It is agreed between the parties as follows: the lessees also covenant and agree with the lessors not to assign this lease, or underlet the above described premises or any part thereof, without first obtaining the written consent of the lessors, and that they will at the expiration of the time as herein recited, quietly yield and surrender the aforesaid premises to the lessors, their heirs, and assigns, in as good condition and repair as when they took them, reasonable wear and tear and damage by the elements alone excepted.

The lessors covenant with the lessees that lessees, on performing the covenants aforesaid, shall and may peacefully and quietly have, hold, and enjoy the premises for the term as aforesaid.

The lessors shall have access to the premises at all reasonable times to view, examine, and show the same and for all purposes as shall be necessary to perform and assure performance of this lease.

It is further agreed by the parties hereto that the lessees shall use the premises exclusively for recreational purposes during the term herein and said lessees shall have the right to construct or improve facilities and use an area of the premises for city snow removal and dump.

Upon termination of this lease the title to all improvements constructed by lessees shall revert to lessors.

IN TESTIMONY WHEREOF, both parties have hereunto set their hand the day and year first above written.

Attest:

HAND COUNTY POST #38 Building Corporation,  
Lessor

\_\_\_\_\_  
(name), Secretary

(Seal)

By \_\_\_\_\_  
Its President

Attest:

CITY OF MILLER, SOUTH DAKOTA  
Lessee

\_\_\_\_\_  
Sheila Coss, Finance Officer

(Seal)

By \_\_\_\_\_  
Ronald Blachford, Mayor