

**AGENDA  
CITY OF MILLER  
MONDAY DECEMBER 21, 2015  
7:00 P.M.**

**Call to Order  
Pledge of Allegiance  
Approval of Agenda  
Approval of Minutes pgs. 1-5  
Approval of Bills**

**Public Input**

**Public Hearing**

7:30 Rezoning – Karen Evans

**New Business**

1. 1<sup>st</sup> Reading of Ordinance #667 – Recodification pgs. 6-7
2. 1<sup>st</sup> Reading of Ordinance #668 – Electric Utility Due Dates pg. 8
3. 1<sup>st</sup> Reading of Ordinance #669 – Water Utility Due Dates pg. 9
4. 1<sup>st</sup> Reading of Ordinance #670 – Fee Schedule Update pg. 10
5. Shannon Speck – Police Officer Position
6. Building Permit – David Johnson – Pole Building
7. Audio/ Visual of Public Meetings
8. Water/Sewer Billing from Street Department pg. 11
9. Karen Evans & David Johnson – Rate Increase Opposition

**Adjourn**



**UNAPPROVED  
CITY OF MILLER  
CITY COUNCIL MEETING  
DECEMBER 8, 2015**

The City Council met in regular session at City Hall at 7:00 p.m. on Tuesday, December 8, 2015.

**MEMBERS PRESENT:** Mayor Ron Blachford, Aldermen Gale Auch, Jim Odegaard, Tony Rangel, Tom Winsell, Joe Zeller (arrived at 8:00), and Alderwoman Mary Johnson.

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

**MINUTES:** Motion by Alderwoman Johnson, seconded by Alderman Auch to approve the minutes for the regular meeting held on November 16, 2015, and the special meeting held on November 17, 2015. All members voted aye. Motion carried.

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

**PUBLIC INPUT:** Karen Evans was present to state that the public needs a chance to dispute the rate increases as many people cannot afford their utilities. She was informed that the agendas are posted and that the ordinances must be read at two separate meetings. She also stated that the city should be paying the American Legion for use of their land instead of paying a code enforcer and that the rate increases are to pay raises for the employees. Alderman Rangel stated that utility increases are to cover the rate increases incurred by the city and that everyone on the council also has to pay the same rates. Ms. Evans feels that the general public is intimidated by the council and afraid to speak up, and the council is supposed to be here to help the people. Mayor Blachford stated that no action can be taken and that she is welcome to get on the agenda so that the council can take action if possible.

**NEW BUSINESS**

**Farm & Home Show:** Motion by Alderman Rangel, seconded by Alderman Odegaard to have a booth at the Farm & Home Show January 15-16, 2016. Aldermen Auch and Rangel and Alderwoman Johnson will work at the booth. All members voted aye. Motion carried.

**Fire Department Workers' Comp:** Motion by Alderwoman Johnson, seconded by Alderman Rangel to add Matthew Moller, Isaac Sauder and Seth Allen to the fire department roster and to remove Joseph Raleigh. All members voted aye. Motion carried.

**Year End Meeting Date:** Motion by Alderman Odegaard, seconded by Alderwoman Johnson to set the year end meeting on December 29 at 12:05 p.m. All members voted aye. Motion carried.

**Rural Water Conference:** Motion by Alderwoman Johnson, seconded by Alderman Auch to have Jim Bonebright attend the 2016 South Dakota Rural Water's Annual Technical Conference January 12-14 in Pierre. All members voted aye. Motion carried.

**Annual Report Workshop:** Motion by Alderwoman Johnson, seconded by Alderman Auch to have Cindy Deuter and Sheila Coss attend the 2016 Annual Report Workshop January 13 in Huron. All members voted aye. Motion carried.

**Midwest Assistance Program:** Motion by Alderwoman Johnson, seconded by Alderman Auch to have Sheila Coss attend the Midwest Assistance Program's Rural Development Annual Report Training January 5 in Watertown. All members voted aye. Motion carried.

**Correspondence:** The Department of Agriculture has a 2015 Urban and Community Forestry Comprehensive Challenge Grant available. No action will be taken at this time.

### **PUBLIC HEARINGS**

**Johnson – Zoning Hearing:** Motion by Alderman Odegaard, seconded by Alderman Rangel to adjourn as the common council and reconvene as the Board of Adjustments at 7:30 p.m. All members voted aye. Motion carried. Code Enforcer, Mike Olson, explained that the commercial zoning needs to have special exceptions reviewed by the Board of Adjustments just the same as variances are heard. The City of Miller has a Comprehensive Plan for future development of the city. David Johnson has asked for exceptions to park his U-Haul trailers, tow trucks, tractors and his cemetery truck on Lots 1-3 and N 12 feet of Lot 4, William H. Miller's Addition and the S 13 feet of Lot 4, Lots 5-6, Eudell J. Miller's Addition to the City of Miller. Motion by Alderman Rangel, seconded by Alderman Odegaard to allow these exceptions as long as there are no vehicles parked that will obstruct traffic visibility at the corner and towed vehicles are removed within 7 to 30 days. These exceptions are valid only for the current property/business owners. David and Jean Johnson felt that the city should have handled the complaints differently. The City will not go back to change any previous business changes; however, we will enforce the code from this time forward. Roll Call vote: Alderman Rangel – aye; Alderman Odegaard – aye; Alderman Zeller – absent; Alderwoman Johnson – aye; Alderman Winsell – aye; Alderman Auch – aye. Motion carried. Motion by Alderman Rangel, seconded Alderwoman Johnson to adjourn as the Board of Adjustments and reconvene as the common council at 7:54 p.m. All members voted aye. Motion carried.

**Hi-Lite – Special Event Liquor License:** Motion by Alderwoman Johnson, seconded by Alderman Odegaard to approve the following special event liquor licenses for Hi-Lite: December 18, Christmas party at the community center; December 20, Christmas party at the fire hall and December 30-31, wedding at the community center. All members voted aye. Motion carried.

Joe Zeller arrived.

**Terry Aaker - SPN:** Terry Aaker, SPN, was present to show the three phases planned to fix the water, sewer and storm sewer throughout the city. He also showed the cost estimates and possible rate increases depending on funding packages received from the DENR and Rural Development. Phase one is estimated to cost \$4,799,180 for wastewater, \$2,204,509 for water and \$1,958,000 for the storm sewer. Phase one will not show a dramatic improvement in the storm sewer as phase two is necessary to get the water to the creek. Motion by Alderwoman Johnson, seconded by Alderman Odegaard to have Terry Aaker, SPN, create the necessary reports and send them to Ted Dickey at NECOG to request funding for phase one and let the funding agencies know about phases two and three. Roll Call

vote: Alderman Rangel – aye; Alderman Odegaard – aye; Alderman Zeller – aye; Alderwoman Johnson – aye; Alderman Winsell – aye; Alderman Auch – aye. Motion carried.

**Helms & Associates Pay Request:** Mike Schmit, Helms & Associates engineer, was present to give an overview of the airport project. The project will come in below budget even with the two change orders. The final inspection is tentatively planned for next week but the project cannot be closed until the FAA does a fly by to test the PAPI lights. They were scheduled to be here the first week of December; however, it may be January before the PAPI light check is rescheduled. Motion by Alderman Rangel, seconded by Alderman Winsell to approve a pay request in the amount of \$5,901.01 for Helms & Associates. All members voted aye. Motion carried.

**T & R Contracting Pay Request:** Motion by Alderman Odegaard, seconded by Alderman Rangel to approve a pay request from T & R Contracting for \$87,809.30. All members voted aye. Motion carried.

**T & R Contracting Change Order:** Motion by Alderwoman Johnson, seconded by Alderman Zeller to approve Changer Order Two from T & R Contracting for trenching, conduit and wire to the wind cone and for pavement coring. All members voted aye. Motion carried.

**Johnson Jet-Line Pay Request:** Motion by Alderman Rangel seconded by Alderwoman Johnson to approve a pay request from Johnson Jet-Line for \$18,998.03. All members voted aye. Motion carried.

**Bushfield/Airport Agreement:** Motion by Alderman Auch, seconded by Alderman Zeller to approve the exchange agreement with John and Debra Bushfield. Lot 5, Block 4, Mitcheltree Addition to the City of Miller will be exchanged for Outlot 2, Miller Airport Addition in the SW ¼ of Section 12-T112N-R68W of the 5<sup>th</sup> P.M. Mayor Blachford would like to thank the Bushfield's for their generous donation. All members voted aye. Motion carried.

**Airport CIP:** Motion by Alderman Auch, seconded by Alderman Winsell to approve the 2016 Miller Municipal Airport Capital Improvement Plan that was prepared by Helms & Associates. All members voted aye. Motion carried.

**NECOG Agreement:** Motion by Alderman Zeller, seconded by Alderwoman Johnson to approve the 2016 Joint Cooperative Agreement with Northeast Council of Governments and to pay \$4,000.00 towards the Miller and Hand County dues. All members voted aye. Motion carried.

**Second Reading of Ordinance #666:** Motion by Alderman Rangel, seconded by Alderman Odegaard to approve the second reading of Ordinance #666 - Budget Supplement. Roll Call vote: Alderman Rangel – aye; Alderman Odegaard – aye; Alderman Zeller – aye; Alderwoman Johnson – aye; Alderman Winsell – aye; Alderman Auch – aye. Motion carried.

**Shannon Speck – Taser Purchase:** Motion by Alderman Auch, seconded by Alderwoman Johnson to have Chief Speck add the Taser Assurance Plan (TAP) to the Taser that will be purchased this year. All members voted aye. Motion carried. Motion by Alderman Rangel, seconded by Alderman Zeller to purchase a second Taser and Taser Assurance Plan in 2016. All members voted aye. Motion carried.

### Executive Session

Motion by Alderman Rangel, seconded by Alderman Odegaard to go into executive session pursuant to SDCL 1-25-2 (1) for personnel matters at 9:27. All members voted aye. Motion carried. Motion by Alderwoman Johnson, seconded by Alderman Zeller to return to regular session at 10:02. All members voted aye. Motion carried. Motion by Alderman Rangel, seconded by Alderman Odegaard to accept Wayne Ames's resignation with commendation for time served. All members voted aye. Motion carried.

Motion by Alderman Zeller, seconded by Alderman Winsell to adjourn the meeting. There being no further business, the meeting was adjourned at 9:18 p.m. All members voted aye. Motion carried.

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Ronald Blachford, Mayor

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Sheila Coss, Finance Officer

**LEGAL NOTICE OF RECEIPT**

Copy of the official proceedings  
was received on: \_\_\_\_\_  
Published once at the  
approximate cost of: \_\_\_\_\_

**Bills December 2015 (1)**

3D Communications	Radio/Battery	\$606.00
A & B Business Solutions	Battery Backup	\$302.34
AlcoPro, Inc.	Supplies	\$259.00
Arbor Day Foundation	Membership	\$15.00
AT&T Mobility	Cell Phone	\$47.39
Builders Cashway Inc	Boards/Screws	\$12.96
Cedar Shore Resort	Lodging	\$407.80
Sheila Coss	Reimb	\$221.68
Data Technologies Inc	2016 ALF/PSA	\$3,624.60
Cindy Deuter	Reimb	\$22.00
DGR Engineering	Cap Imp	\$859.50
Diesel Machinery, Inc.	Heater Core	\$239.86
Dollar General	Supplies	\$28.35
Farnam's Genuine Parts Inc	Fuel/Oil Filters	\$216.25
Fastenal Company	Supplies	\$92.22
Galls/Quartermaster	Supplies	\$354.91
Hand County Title Company Inc	Prof Fees	\$550.00
Helms & Associates	Prof Fees	\$5,901.01
Industrial Test System, Inc.	Supplies	\$43.33
Intoximeters Inc	Breathalyzer Supplies	\$373.00
Johnson Jet-Line Inc	Cap Imp	\$26,733.92
Main Street Lunch Box	Reimb	\$45.30

Mid Dakota Vegetation Mgmt	Spraying	\$312.52
Mid-Dakota Rural Water System	Water	\$14,877.56
Midwest Glass, Inc.	5 New Windows	\$7,173.48
Miller Concrete Products Inc	Concrete	\$150.00
Miller School District 29-4	Theater Rent	\$50.00
MMUA	Membership Dues	\$350.00
Municipal Code Corporation	Recodification	\$3,720.00
NASASP	2016 Dues	\$39.00
NCFE - Miller Branch	Fuel	\$39.75
Northwest Pipe Fittings	Supplies	\$84.08
Oakley Farm & Ranch Supply	Supplies	\$77.79
Olson Construction	Excavation	\$1,084.19
OHED	80% BBB Nov	\$1,861.10
Overhead Door Company - Pierre	Replace Cable	\$244.90
David Phinney	Reimb	\$82.65
Resco	Transformers	\$12,585.76
Rural Development	Loans	\$4,514.00
SD Dept of Environment	FY2016 Wastewater Fee	\$1,500.00
SD Dept of Health	Tests	\$60.00
SD Dept of Revenue	Sales Tax	\$7,822.43
SD Dept of Transportation	Rock Salt	\$726.00
Stuart C Irby Co	Supplies/Credit	\$64.27
T & R Contracting Inc	Cap Imp	\$87,809.30
Tucker's SuperValu Foods	Supplies	\$23.17
Wells Fargo Bank, N.A.	Bond Pymt	\$32,590.84
Wipf Radiator Repair	Repair Heater	\$40.00
**** Paid Total ****		<u>\$218,839.21</u>

Payroll by Department:		12/1/2015		
	Department	w/o OT	OT	Total
41410	FINANCE OFFICE	1,065.10		1,065.10
42110	POLICE	10,059.93	56.19	10,116.12
43110	STREET	4,406.96		4,406.96
43210	SEWER	4,789.24	36.22	4,825.46
43310	WATER	4,789.17	36.22	4,825.39
43410	ELECTRIC	7,832.21		7,832.21
45210	PARK	201.02		201.02
		<u>\$33,143.63</u>	<u>\$128.63</u>	<u>\$33,272.26</u>

**ORDINANCE NO. #667**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF MILLER, SOUTH DAKOTA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL:

Section 1. The Code entitled the "Code of Ordinances of the City of Miller, South Dakota," published by Municipal Code Corporation, consisting of chapters 1 through 40, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before December 1, 2015, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine in the maximum amount permitted or required by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the

city council may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the city council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after December 1, 2015, which amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective January 1, 2016.

Passed and adopted by the Miller City Council this 29<sup>th</sup> day of December, 2015.

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Ronald Blachford, Mayor

(SEAL)

ATTEST:

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Sheila Coss, Finance Officer

Record of Votes:

Alderman Rangel –

Alderman Odegaard –

Alderman Zeller –

Alderwoman Johnson –

Alderman Winsell –

Alderman Auch –

1<sup>st</sup> Reading – December 21, 2015

2<sup>nd</sup> Reading – December 29, 2015

Adoption – December 29, 2015

Publication – January 6, 2016



**ORDINANCE #668**

**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 first day of the month and deliver the readings to the city finance officer. (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 20<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. 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 the 15<sup>th</sup> of the following month and shall become delinquent on the 16<sup>th</sup> day of that same month. In the event that the 15<sup>th</sup> day of the month falls on a Saturday, Sunday or holiday, the consumer shall have until the next business day to pay due bill. All delinquent consumer bills shall be assessed a five percent penalty on the unpaid balance. (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 bill must be paid by the first of the following month. If said bill is still unpaid by the first of the month or following business day in the event the first 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. 636 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0205(d))

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Ronald Blachford, Mayor

**ORDINANCE #669**

**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 twenty-fifth day of the month and deliver the readings to the city finance officer. (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 20<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. 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 the 15<sup>th</sup> of the following month and shall become delinquent on the 16<sup>th</sup> day of that same month. In the event that the 15<sup>th</sup> day of the month falls on a Saturday, Sunday or holiday, the consumer shall have until the next business day to pay due bill. All delinquent consumer bills shall be assessed a five percent penalty on the unpaid balance. (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 bill must be paid by the first of the following month. If said bill is still unpaid by the first of the month or following business day in the event the first falls on a Saturday, Sunday or 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. 635 (part), 2012: Ord. 534 (part), 1996: Ord. 474 (part), 1986: prior code 4.0106(d))

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Ronald Blachford, Mayor

**ORDINANCE #670**

**AN ORDINANCE AMENDING APPENDIX A - CITY FEE SCHEDULE OF THE ORDINANCES OF THE CITY OF MILLER, SOUTH DAKOTA.**

**BE IT ORDAINED** by the City of Miller, South Dakota, Appendix A – City Fee Schedule be hereby amended to add the following fees:

Utilities

Water/sewer department

Delinquent Fine	\$25.00 during the business day
	\$50.00 after hours

Utilities

Electric department

Delinquent Fine	\$25.00 during the business day
	\$50.00 after hours

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Ronald Blachford, Mayor

(SEAL)

ATTEST:

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Sheila Coss, Finance Officer

Record of votes:

Alderman Rangel –  
Alderman Odegaard –  
Alderman Zeller –  
Alderwoman Johnson –  
Alderman Winsell –  
Alderman Auch –

1<sup>st</sup> Reading –  
2<sup>nd</sup> Reading –  
Adoption –  
Publication –

Billed from ST to WAT/SWK

Water Dept	Gravel Used	Date	Crushed	Pea Rock	Oil Cost	Other Costs
				\$20.84	\$ 1.92	
S	Gibby & Ralph Zigger (Sewer)	8/26/2014	25 ✓			9'X42'
W	J & J Auto (Curb Stop)	9/5/2014	6 ✓			
S	Sue Ann Meyer (Sewer)	9/8/2014	8 ✓			
W	Rusty VanDerwerff (Service Line)	9/18/2014	11 ✓			
W	Virginia Jenner (Water Leak)	11/4/2014	12 ✓			
W	Robert Miller <i>Water</i>	1/27/2015	10 ✓			
W	Josh Keock New House Water Line	15-Jun	24 ✓			
W	Ernest Dick Lead Line Corp. Shutoff <i>Water</i>	15-Jun	5 ✓			
S	New Manhole by Steve Peters <i>Sewer</i> (X)	7/22/2015	50 ✓			
W	West 1st Ave. (Clark, Moser, Koth) <i>Water</i>	8/4/815	12 ✓			
W	Raise area by Gnat 3 quansets Fire Hyrd.	8/27/2015	15 ✓			
W	Oiling all Patches (Water-Sewer)	8/27/2015		20	440	440 Gallons
W	Curt Manning Valve	9/3/2015	5 ✓			
S	E 5th Ave. Sewer	10/6/2015	50 ✓			
W	By Jim Hillmer's (Water Leak)	10/12/2015	18 ✓			
W	E 5th Ave. Water Main (X)	10/15/2015	73 $\frac{1}{2}$ ✓			
W $\frac{1}{2}$ 5/2	East 5th Ave. <i>Water</i> (X)	11/4/2015	1,025 $\frac{1}{2}$ ✓			\$ X 735.00 Fabric
Total			1,349.00	Tons		
Total			\$ 15,958.67	\$416.80 ✓	\$844.80 ✓	\$735.00
Total						\$ 17,955.27

Water Dept + Sewer Dept  
 \$ 8,888.91 \$ 9,066.36

X - Projects East 5th Ave