

AGENDA
CITY OF MILLER
MONDAY, DECEMBER 2, 2013
7:00 P.M.

Call to Order
Pledge of Allegiance
Approval of Minutes Pg. 1-2
Approval of Agenda
Public Input

Department Head Report
7:15-7:25 Fire Department

New Business

1. Phil Gerard – Miller Livestock Security Lights
2. NECOG Agreement Pg. 3-7
3. Appraisal of Lot 5, Block 4, Mitcheltree Addition
4. Ordinance #649 – First Reading, 2014 Appropriations Pg. 8-9
5. Ordinance #650 – First Reading, Municipal Utility Rates Pg. 10-11

Adjourn

**CITY OF MILLER
CITY COUNCIL MEETING
NOVEMBER 18, 2013**

The City Council met in regular session at City Hall at 7:00 p.m. on Monday, November 18, 2013.

MEMBERS PRESENT: Mayor Ron Blachford, Aldermen Tony Rangel, Joe Zeller, Jim Odegaard, Tom Winsell and Alderwomen Kristin Hargens and Mary Johnson.

CALL TO ORDER: Mayor Blachford called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said by all present.

ADOPT AGENDA: Motion by Alderwoman Hargens, seconded by Alderman Zeller to approve the agenda. All members voted aye. Motion carried.

MINUTES: Motion by Alderwoman Johnson, seconded by Alderwoman Hargens to approve the minutes for the regular meeting held on November 4, 2013. All members voted aye. Motion carried.

APPROVAL OF BILLS: Motion by Alderman Rangel, seconded by Alderman Winsell to approve the bills. All members voted aye. Motion carried.

Department Head Reports

Water/Sewer Department: Jim Bonebright, superintendent, stated that they are going to park the sewer truck in the fire hall and park the airport tractor in the water shop with approval from Steve Resel.

Street Department: Ron Hoftiezer, street superintendent, stated that they have been busy sucking the leaves out of the storm drop inlets. Alderwoman Johnson expressed concern about the condition of some of the alleys in town. Ron stated that they have been blading them regularly and that the large ruts near the post office and Midwest Supply are necessary for water drainage.

Electric Department: Bill Lewellen, electric superintendent, stated that Jim Thomson's six month probation is over. Motion by Alderman Winsell, seconded by Alderwoman Johnson to approve a \$1.00/hour raise for Jim Thomson. All members voted aye. Motion carried. The electric project is nearing the end. There will be one more power outage at the substation near the football field.

Police Department: Wayne Ames, deputy police chief, reported that a \$1263.00 grant was received for 50% of the cost of bullet proof vests. The patrol car should be finished this week after an unfortunate accident with a deer. The police department recently had an audit that went well.

Finance Office: Sheila Coss, finance officer, showed an increase of 3.51% in sales tax from the same time last year. They have completed training for accounts payable and are currently training for payroll. They hope to convert the utility billing portion in March.

National Guard Cleanup Day: Dean Simons was present to ask permission to join the city for a cleanup day on June 7, 2014. They would like the city's assistance with a pay loader and will talk to the county about having a free dump day. He also introduced Heath Smith as the new National Guard recruiter for the Miller area. Smith is currently setting up an office in the Armory.

On Hand Economic Development – Old Elementary School Building: Amy Howard, director, was present along with several board members and community members to ask that the city take possession of the old elementary building to be converted to a community center. Economic Development will help with expenses such as utilities, insurance and maintenance for the first year. They city did not budget any funds for a community center. Joe Beranek read a letter from his family stating that they will be donating the memorials from their father Leo to the community center. John Carr stated that they are looking for leadership from the council to take a leap of faith to make the community center a reality. Motion by Alderman Rangel, seconded by Alderwoman Hargens to accept the generous donation of the old elementary building from the Miller School District. Roll call vote: Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderwoman Hargens – aye. Motion carried. On Hand would like an appointment of council members on a subcommittee that would be part of the community center planning committee.

Ordinance #648: Motion by Alderwoman Hargens, seconded by Alderman Odegaard to approve the second reading of Ordinance #648, electric rates. Roll call vote: Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderwoman Hargens – aye. Motion carried.

Pay Estimate #5, Thompson Electric: Motion by Alderwoman Johnson, seconded by Alderman Zeller to approve a pay request in the amount of \$18,497.71 for Thompson Electric. All members voted aye. Motion carried.

Resolution #2013-13: Motion by Alderman Rangel, seconded by Alderwoman Hargens to approve Resolution #2013-13, application for financial assistance from SD Board of Water and National Resources. Alderman Rangel – aye, Alderman Odegaard – aye, Alderman Zeller – aye, Alderwoman Johnson – aye, Alderman Winsell – aye, Alderwoman Hargens – aye. Motion carried.

Motion by Alderman Zeller, seconded by Alderman Winsell to adjourn the meeting. All members voted aye. Motion carried. There being no further business, the meeting was adjourned at 8:46 p.m.

Sheila Coss, Finance Officer

Ronald Blachford, Mayor

LEGAL NOTICE OF RECEIPT

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

**JOINT COOPERATIVE AGREEMENT
FOR 2014**

Article I

Section 1. Authority.

Pursuant to the Constitution of South Dakota and as provided in Chapter 1-24-1 to 1-24-10 of the SDCL, 1992 Revision, entitled "The Joint Exercise of Governmental Powers," the undersigned units of local governments hereby organize, form, and maintain the Northeast Council of Governments. As referenced in SDCL 1-24-1 to 1-24-10, in the event that the joint agreement financing of the Council be terminated due to lack of support by the governmental units within the area served, all equipment and supplies owned by the Council shall be sold by sealed bids to local units of government within the area boundaries or according to applicable Federal guidelines. The Chairperson, Vice Chairperson, and Secretary/Treasurer of the Council shall oversee the advertisement, receiving the bids, and opening the bids. Money received from the sale of Council equipment and supplies will be divided in the same manner as contributed by member counties and cities that financed the Council operations within the last year.

Section 2. Duration of the Agreement.

The joint agreement represents a voluntary association of general purpose units of local governments providing planning, technical aid, and assistance capabilities to its membership and other units of local governments. This agreement shall remain in effect as long as five counties representing 60 percent of the area population continue membership and financial support.

Annual reaffirmation of commitment to this agreement by each member government shall take place prior to the beginning of the Council's fiscal year.

Section 3. Governing Body.

The governing body of the area served shall be the Northeast Council of Governments.

Section 4. Fiscal Year.

The fiscal year of the Council shall begin on the first day of January and terminate on the thirty-first day of December and the term of this JCA covers the entire fiscal period referenced.

Section 5. Bylaws.

The Council shall create and provide for bylaws detailing activities and procedures of the Council. The formation of or amendments to such bylaws shall take the affirmative vote of two-thirds of the members present.

Article II

Section 1. Members.

Membership shall consist of 1) two county commissioners from each county, selected by the respective county commission, 2) in member counties, one mayor or city council member from each city of at least 950 population or from the largest city in the county if no cities are at least 950 population. 3) one representative of non-governmental or private sector interests from each member county, and 4) one representative from the tribal council in a member dues-paying county.

Section 2. Ex-Officio Membership.

The Chairperson of all Council subcommittees shall serve as nonvoting members of the Council. In addition, the Council may, when deemed advisable by the majority of the Council members, appoint nonvoting

members in an advisory capacity or appoint additional voting members not to exceed one-half of the regular membership.

Section 3. Proxies.

Each Council member, with the approval of his respective governing board, may appoint a temporary representative to serve in his absence. The appointed individual assumes all rights and privileges of the Council member.

Article III

Section 1. Regular Meetings.

The Council shall establish a schedule of regular meetings at such place and time within the area as it may designate.

Section 2. Meetings--Special.

Upon the written request of eight members of the Council or when deemed expedient, the Chairperson shall call a special meeting of the Council for the purpose of transacting business designated in the call. The call for such special meeting shall be delivered to each member or may be mailed to each member not later than three days before the meeting. At such special meeting, no business shall be considered other than is designated in the call.

Section 3. Quorum.

A majority of members of the Council shall constitute a quorum for the purpose of conducting business. When a quorum is present, a majority of those present will decide all issues presented.

Section 4. Rules--Action of the Council.

The rules contained in the last revised edition of Robert's "Rules of Order" shall apply in all meetings of the Council to the extent that such rules are not in conflict with the agreement or its bylaws. In the conduct of all business by the Council, the following is set forth as a guiding principle.

1. It is the basic objective of this Council to unite all beliefs and interests in the fulfillment of a sound program for the development of the area served.
2. This objective can only be obtained by the use of the best techniques of group thinking and by minimizing any elements of force in the action of the group.
3. It is the guiding policy of this Council that in all of its activities, every reasonable effort shall be made to attain the closest possible approach to unanimous consent.

Article IV

Section 1. Officers.

The Council shall elect officers for the position of Chairperson, Vice Chairperson, and Secretary/Treasurer.

Section 2. Subcommittees.

The Council may form subcommittees to serve at the pleasure of the Council and to carry out its work.

Section 3. Executive Board.

Additionally, the Council may create, through bylaws, an Executive Board with delegated powers as specified in those bylaws.

Article V

Section 1. Powers of the Council.

1. To prepare broad modular planning units of development for the area served, including, but not limited to population, economy, governmental services, utilities, education, housing, transportation, recreation, health, natural resources, manpower, law enforcement, social services, poverty, and economic development.
2. To assist individual counties and municipalities in the area to participate more effectively in State and Federal funding programs.
3. To review and make recommendations on projects which will affect the development of the area in accordance with the various plans and programs of the area served.
4. To recommend projects which will enhance the development of all resources to be carried out through existing governmental units or through a combination of these as applicable under State laws.
5. To compile, prepare, publish, and disseminate information about the various resources of the area served and subareas.
6. To cooperate and coordinate the activities of local grants with organizations similar to the council, State, and Federal agencies.
7. To analyze existing Federal and State legislation and programs to determine its affect on local governments.
8. To promote local decision making and local control of those projects and programs affecting the constituency of the area.

Section 2. Limitation of Powers.

In the carrying out of its purpose, powers, and functions, the Council, its members, and the Council staff shall remain within these guidelines or limitations:

1. All plans shall be advisory only.
2. No zoning ordinances or subdivision standards regulating land use may be enacted by the Council.
3. The Council is to have no authority that would supplant or in any way interfere with or supersede the planning and development authority granted cities, counties, or tribal governments under other applicable State or Federal statutes.
4. Plans are to reflect goals and objectives for harmonious development of the area.
5. Plans prepared by or for the Council shall be transmitted to all affected governmental bodies which are members of the Council. It will be for these governmental bodies to adopt them as their own for purposes of planning and development.
6. No power of eminent domain is to be exercised.
7. The Council cannot engage in construction projects.
8. The Council cannot regulate the agricultural or other use of the land.

Section 3. Staff.

For the purpose of this agreement, the Council is authorized to hire staff and provide all necessary support services to carry out the intent of this agreement.

Article VI

Section 1. Finance.

The Council shall determine the amount of local matching money that will be requested from the boards of county commissioners and member cities for each fiscal year of the Council's operation. This amount will be determined after the Executive Director presents his/her proposed budget to the Council listing possible sources of Federal, State, local, and private funds available on a matching basis to operate the Council during each specific fiscal year.

Section 2. Local Share.

The local share for the next fiscal year shall not exceed the following amounts, with actual allocations determined by vote of the Council.

<u>Unit of Government</u>	<u>Maximum Local Share</u>
Beadle County	\$14,227.62
Huron	2,968.98
Brown County	22,801.76
Aberdeen	6,084.95
Groton	1,484.50
Campbell County	6,168.06
Herreid	1,484.50
Day County	8,648.39
Webster	1,484.50
Edmunds County	7,350.71
Ipswich	1,484.50
Faulk County	6,554.05
Faulkton	1,484.50
Hand	7,167.60
Miller	1,484.50
McPherson County	6,792.78
Eureka	1,484.50
Marshall County	7,593.16

Britton	1,484.50
Potter County	6,774.22
Gettysburg	1,484.50
Spink County	9,144.46
Redfield	1,484.50
Walworth County	8,207.98
Mobridge	1,484.50

Article VII

Section 1. Amendments.

Amendments to this agreement may only be made with the full concurrence of two-thirds majority of those present of the member governments.

Section 2. Termination of this Joint Cooperative Agreement.

With mutual written agreement from both parties, a member county may terminate the agreement for services. During the period of service under this JCA, the termination notice is to be provided in writing with six months notice prior to the end of each fiscal year to receive any dues reimbursement. The NECOG Executive Board has the authority to approve or deny the reimbursement request.

Adopted on the _____ day of _____, 201__.

Chairperson

ATTEST:

Unit of Government

ORDINANCE #649
TO AMEND ORDINANCE #643
ANNUAL APPROPRIATIONS ORDINANCE FOR 2014

SECTION 1. BE IT ORDAINED by the City of Miller, South Dakota, that the following sums are appropriated to meet the obligations of the municipality for the year 2014. These funds have been reallocated due to a correction in our chart of accounts. Total funds appropriated remain the same.

<u>GENERAL FUND</u>	<u>DEPARTMENT</u>	<u>AMOUNT</u>	
101-4111	Mayor/Council	30,270.00	
101-4115	Contingency	25,000.00	
101-4131	Elections	1,500.00	
101-4141	Attorney	16,500.00	
101-4142	Finance Office	123,919.00	
101-4192	Building	27,300.00	
101-4211	Police	286,620.00	
101-4221	Fire	31,050.00	
101-4291	Civil Defense	1,000.00	
101-4311	Street	340,590.00	
101-4351	Airport	29,175.00	
101-4511	Ballpark	12,025.00	
101-4521	Park	29,550.00	
101-4531	Pool	56,350.00	
101-4633	Zoning	400.00	
101-4651	Economic Development	132,000.00	
101-4654	Donations	8,100.00	
101-4701	Debt Service	<u>192,800.00</u>	
TOTAL GENERAL FUND	APPROPRIATIONS		1,344,149.00
CAPITAL IMPROVEMENT FUND			
501-435	Capital Improvement Airport		2,000,000.00
ENTERPRISE FUNDS			
601-433	Water	491,416.00	
602-438	Sewer	204,202.00	
603-434	Electric	<u>2,262,469.00</u>	
TOTAL ENTERPRISES			2,958,087.00
TOTAL APPROPRIATIONS		6,302,236.00	

SECTION 2. That the following is a summary of the appropriated amounts and the means of financing each:

MEANS OF FINANCE:	
Current Tax Levy	320,000.00
Taxes other than current tax levy	3,350.00
Municipal Sales Tax	760,000.00
License & Permits	10,425.00
Intergovernment Revenue	80,700.00
Charges for Goods and Services	22,800.00
Fines & Forfeiture	250.00
Miscellaneous Revenue	38,850.00
Transfer from other Funds	96,860.00
Rent	<u>10,914.00</u>

Ordinance #650

AN ORDINANCE FOR THE PURPOSE OF AMENDING THE REVISED ORDINANCE OF THE CITY OF MILLER, SOUTH DAKOTA, NO. 648 TO PROVIDE FOR AMENDING THE ELECTRICAL RATE TO BE CHARGED BY THE MILLER MUNICIPAL ELECTRIC SYSTEM.

Be it ordained by the Common Council of the City of Miller, South Dakota that Revised Ordinance No. 648, Title XIII, Section 13.12.140, establishing electrical rates be amended as follows:

1. Rates. Rate to be charged to customers be amended as follows:

	<u>Current Rate w/Debt Service</u>	<u>Total Rate</u>
<u>Residential Rate</u>		
\$15.00 per meter plus:		
Energy Charge		
All kWh	.0587	
(Plus)		.0745
Debt Service Surcharge		
All kWh	.0158	
<u>Commercial Rate</u>		
\$5.00 per meter plus:		
Energy Charge		
All kWh	.0731	
(Plus)		.0969
Debt Service Surcharge		
All kWh	.0238	
<u>Large Power</u>		
\$8.00 per meter plus:		
Energy Charge		
All kWh	.0330	.0330
Plus		
Demand Charge		
All KW	9.72	
(Plus)		14.48
Debt Service Surcharge		
All KW	4.76	
<u>Municipal Electric</u>		
\$1.00 per meter plus:		
Energy Charge		

All kWh	.0435	
(Plus)		.0646
Debt Service Surcharge	.0211	

Street Lighting

Energy Charge		
All kWh	.0294	
(Plus)		.0430
Debt Service Surcharge	.0136	

Security Lights

Customer Meter		6.00
City Meter		10.00

This Ordinance should be in full force and effect so as to commence and include all electrical billings after the billing is made for electric usage for the month of January, 2014.

Ron Blachford, Mayor

ATTEST:

Finance Officer

Record of Votes:

Alderman Rangel
Alderman Odegaard
Alderman Winsell
Alderman Johnson
Alderman Zeller
Alderman Hargens

First Reading: December 2, 2013

Second Reading: December 16, 2013

Passed:

Publication: