

AGENDA  
CITY OF MILLER  
TUESDAY, SEPTEMBER 3, 2013  
7:00 P.M.

Call to Order  
Pledge of Allegiance  
Approval of Minutes *pages 1-5, 6*  
Approval of Agenda  
Public Input

Department Head Report

7:15-7:25 Fire Department

Public Hearing

8:00 Variance Hearing – Brett Engelmann

New Business

1. Airport Runway Repair
2. Code Enforcement – Highmore Ordinance *page 7*
3. Rental Property - Utility responsibilities *pages 8-9*
4. Building Permits
  - John Beaner – Add porch
  - Rhonda Hasart – Build house
  - Evert Comstock – ADA ramp
  - Brett Engelmann – Attach garage
5. First reading of Ordinance #643 *pages 10-11*
6. Disgruntled clients
7. Sheila Coss – Probationary Raise

Adjourn

**CITY OF MILLER  
CITY COUNCIL MEETING  
AUGUST 19, 2013**

The City Council met in regular session at City Hall at 7:00 p.m. on Monday, August 19, 2013.

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

**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 Alderman Rangel, seconded by Alderwoman Hargens to approve the agenda. All members voted aye. Motion carried.

**MINUTES:** Motion by Alderwoman Johnson, seconded by Alderman Zeller to approve the minutes for the regular meeting held on August 5, 2013. All members voted aye. Motion carried.

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

**PUBLIC INPUT:** Kortney Jungemann was present to ask for a special meeting to discuss closing East 1<sup>st</sup> Street on Saturday, August 24, 2013. Motion by Alderwoman Hargens, seconded by Alderwoman Johnson to hold a special meeting August 21, 2013, at 12:10 p.m. All members voted aye. Motion carried.

**Department Head Reports**

**Street Department:** Ron Hoftiezer, street superintendent, stated that he checked on drainage issues on Vista Drive. His readings were not the same as Steve Resel's readings. His aging transit is not accurate and he sent it in for repairs. It is too old to get fixed so he researched the cost of a new transit. Motion by Alderman Rangel, seconded by Alderman Odegaard to purchase a new laser transit with tripod for approximately \$750.00. All members voted aye. Motion carried. Ron ordered some of the signs to be placed around the new elementary but will order the remaining signs depending on decisions made regarding the speed limit. The drain tile project on First Street between Dwane Chipman's and the pool is now complete. Motion by Alderman Rangel, seconded by Alderwoman Hargens to order additional drain tile to fix First Street between Rick Norton and Shane Sporrer. All members voted aye. Motion carried.

**Water/Sewer:** Jim Bonebright, water/sewer superintendent, stated that there is a water leak near the new school. They are requesting a pressure test of the new line. MinWater is having a school at the fire hall to explain the mechanics of a fire hydrant. MN Wireless requested a key to the water tower to access their equipment. Council recommended that we do not lend out any keys and that someone from the water department be available to let them in.

**Police Department:** Shannon Speck, police chief, has asked for a permit from the Department of Transportation to move one of the speed monitors from the old school to near the

Armory parking lot. The police department is participating in the Highway Safety Campaign "Drive Sober or Get Pulled Over." They will be participating in a mock disaster planned by Hand County Emergency Management in late September. Chief Speck presented a map to the council with his recommendations for speed limit changes around the new school.

**Finance Office:** Sheila Coss, finance officer, showed an increase of sales tax. They are working on questionnaires from Data Technologies for the software upgrade. Motion by Alderwoman Johnson, seconded by Alderman Rangel for Bill Lewellen, Ron Hoftiezer, Jim Bonebright and Sheila Coss to attend the annual conference in Aberdeen, October 8-11, 2013. Motion carried.

**Helms & Associates – Soil Boring Proposals:** Motion by Alderman Rangel, seconded by Alderwoman Hargens to accept the proposal from Core Engineering & Consulting, LLC out of Chamberlain to do the soil boring at the airport per the recommendation from Helms & Associates. All members voted aye. Motion carried. Motion by Alderwoman Hargens, seconded by Alderwoman Johnson to allow Mayor Blachford to sign the proposal on behalf of the City of Miller. All members voted aye. Motion carried.

**Old Elementary School Building:** Mike Ruth, School Superintendent and Bryan Brietling and John Carr, On Hand Economic Development, were present to give a brief overview of plans for the old elementary school building. They would like the city to eventually take over the property and the maintenance. They need to see if the water and electricity can be shut off to the main building while keeping the restrooms and gym available to be used. The property is prime location for a Community Center. They will present more concrete plans in a couple of months.

**Senior Parents – Street Closing:** Kim Blackwell and Nancy Lewellen were present to ask permission to close the street for a dance. Motion by Alderman Rangel, seconded by Alderman Odegaard to close East 4<sup>th</sup> Street in front of the Armory, from 5:00 p.m. September 13, 2013 until 1:30 a.m. September 14, 2013 for the homecoming dance. All members voted aye. Motion carried.

**Amanda Taylor – Pool Summary:** 197 children participated in swim lessons for levels 1-6. Five adults and five children participated in a total of 14 private swim lessons this summer. Amanda would like to consider adding Water Babies and Aqua Tots to the schedule for next year, these classes require a parent to be in the pool with their children. The beginning of the pool year was a little tough with three returning guards and six new guards. She is hoping that the majority will return next year. She would like to consider seven full time and three part time (for those that want to do lessons or fill in while working at another job) positions. She is hoping that more hours will entice them to return. She would also like permission to interview applicants next year. There are a few things that need repaired at the pool: the slide needs painted as it is starting to burn shoulder blades, the pool needs painted as it is chipping badly, and a gasket needs replaced at the top of the slide to prevent the dripping underneath. She would like to request a garbage dumpster near the pool so the lifeguards do not need to haul garbage home and the street department doesn't have to come pick it up. The last day of the pool is August 20, 2013.

**Building Permits:** Motion by Alderman Odegaard, seconded by Alderman Winsell to approve a building permit for Andrew Roeber to remove a deck. All members voted aye. Motion carried.

**Elementary School Street signs and 15 mph speed limit:** Motion by Alderwoman Hargens, seconded by Alderwoman Johnson to remove speed limit signs with “Children Present”, designate East 5<sup>th</sup> Street as a one-way street from Donlin Street to the parking lot in front of the new school, and to approve the following street speed limit changes to 15 mph at all times: East 5<sup>th</sup> Street from East 4<sup>th</sup> Avenue to East 5<sup>th</sup> Avenue and the one-way portion between East 7<sup>th</sup> Avenue and Donlin Street, East 4<sup>th</sup> Street from East 4<sup>th</sup> Avenue to East 8<sup>th</sup> Avenue, East 5<sup>th</sup> Avenue from East 3<sup>rd</sup> Street to East 7<sup>th</sup> Street, East 6<sup>th</sup> Avenue from East 3<sup>rd</sup> Street to East 4<sup>th</sup> Street, East 7<sup>th</sup> Avenue from East 3<sup>rd</sup> Street to the end of the one-way at the parking lot in front of the new school, East 8<sup>th</sup> Avenue from East 3<sup>rd</sup> Street to East 5<sup>th</sup> Street. All members voted aye. Motion carried. Ron Hoftiezer will order the necessary signs.

**Resolution #2013-9:** Motion by Alderman Winsell, seconded by Alderwoman Hargens to approve Resolution #2013-9. All members voted aye. Motion carried.

**RESOLUTION #2013-9**

WHEREAS, The City Council has deemed it necessary to raise the debt service charge for the electric project, and has approved the same by a motion dated May 6, 2013, effective June 1, 2013.

THEREFORE, be it resolved the following electric debt service increase will be effective with the June 2013 usage:

	<u>Current Rate w/Debt Service</u>	<u>Total Rate</u>
<u>Residential Rate</u>		
\$15.00 per meter plus:		
Energy Charge		
All kWh	.0543	
Plus		.0696
Debt Service Surcharge		
All kWh	.0153	
<u>Commercial Rate</u>		
\$5.00 per meter plus:		
Energy Charge		
All kWh	.0675	
Plus		.0906
Debt Service Surcharge		
All kWh	.0231	
<u>Large Power</u>		
\$8.00 per meter plus:		
Energy Charge		
All kWh	.0308	.0308
Plus		
Demand Charge		
All kWh	\$8.91	
Plus		13.53
Debt Service Surcharge		
All kWh	\$4.62	
<u>Municipal Electric Service</u>		
\$1.00 per meter plus:		

Energy Charge		
All kWh	.0769	
Plus		.0974
Debt Service Surcharge		
All kWh	.0205	
<u>Street lighting</u>		
Energy Charge		
All kWh	.027	
Plus		.0402
Debt Service Surcharge		
All kWh	.0132	
<u>Security Lights</u>		
Customer Meter		6.00
City Meter		10.00

Dated this 19<sup>th</sup> day of August, 2013.

**Resolution #2013-10:** Motion by Alderwoman Johnson, seconded by Alderman Odegaard to approve Resolution #2013-10. All members voted aye. Motion carried.

### RESOLUTION #2013-10

**WHEREAS,** The City Council has deemed it necessary to raise the sewer rates,

**THEREFORE, BE IT RESOLVED** that the following sewer rate increase will be effective with the September 2013 usage:

Minimum monthly sewer rate: \$27.00

Commercial Accounts using over 6,000 gallons of water per month, add \$1.00/1,000 gallons.

Dated this 19<sup>th</sup> day of August, 2013.

**Electric Project Pay Request:** Motion by Alderwoman Johnson, seconded by Alderman Rangel to approve the following pay requests: Strata Corporation - \$393,359.27 and Thompson Electric - \$17,802.14. All members voted aye. Motion carried.

**Utility Committee Meeting Recommendations:** Motion by Alderman Rangel, seconded by Alderwoman Johnson to approve the following utility committee recommendations effective January 1, 2014: change electric deposits to \$150.00/residential, \$200.00/commercial and \$400.00/large power, reconnect fees to: residential & commercial \$50.00/business hours, \$100.00/after business hours, reconnection fees will be applied at 8:00 a.m. on the first Tuesday of the month. Current balance plus reconnection fees must be paid prior to connection. Non-sufficient fund checks must be paid in full with cash. It was recommended to have a meeting

with local landlords to discuss rental property utility bills. All members voted aye. Motion carried.

**Change September Meeting Date:** Motion by Alderwoman Hargens, seconded by Alderman Odegaard to move the first meeting in September to Tuesday, September 3, 2013 due to the Labor Day holiday. All members voted aye. Motion carried.

**Airport Liability Insurance:** Motion by Alderman Rangel, seconded by Alderwoman Johnson to approve purchasing \$2,000,000.00 airport liability insurance from QBE for \$1551.00. All members voted aye. Motion carried.

**2014 Budget Review:** Motion by Alderman Odegaard, seconded by Alderman Zeller to approve the budget as presented with transfers from the electric fund to the general fund and from the water and sewer funds to the airport fund. All members voted aye. Motion carried. Dave Blachford was present to request that the fireworks donation return to \$1500.00. That donation will be determined based upon the available funds in the fire department budget at the time.

**Correspondence:** Mid-Dakota has stated that there will be no water rate increase for 2014.

Motion by Alderman Zeller, seconded by Alderwoman Hargens to adjourn the meeting. All members voted aye. Motion carried. There being no further business, the meeting was adjourned at 9:55 p.m.

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Sheila Coss, Finance Officer

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Ronald Blachford, Mayor

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**CITY OF MILLER  
CITY COUNCIL SPECIAL MEETING  
AUGUST 21, 2013**

The City Council met in special session at City Hall on Wednesday, August 24, 2013.

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

**CALL TO ORDER:** Mayor Blachford called the meeting to order at 12:22 p.m.

The Pledge of Allegiance was said.

**ADOPT AGENDA:** Motion by Alderman Rangel, seconded by Alderman Odegaard to approve the agenda. Motion carried.

Motion by Alderman Rangel, seconded by Alderman Zeller to approve the Hondah Lounge to close East 1<sup>st</sup> Street from Broadway to East 1<sup>st</sup> Avenue from 5:30 p.m. on Saturday August 24, 2013, until 2:00 a.m. on Sunday, August 25, 2013 for a street dance.

Motion by Alderman Zeller, seconded by Alderman Odegaard to adjourn the meeting. Motion carried. There being no further business, the meeting was adjourned at 12:27 p.m.

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

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

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# Highmore Ordinance

## **3-4-2 REGULATIONS FOR FIRE, DECAY OR OTHERWISE DAMAGED BUILDINGS**

Section 1. It is the purpose of the Ordinance to provide a just, equitable and practical method, in addition to any other remedy provided by law, whereby buildings or structures which have been damaged by fire, decay or otherwise to an extent of fifty percent (50%) of their value shall be torn down or removed.

Provisions of this Ordinance shall apply to all buildings which are now in existence or which may hereafter be located in the City of Highmore.

Section 2. The building official and his respective authorized representative or any other person designated by the City Council are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this ordinance. Such officials will hereinafter be collectively referred to as the "Building Official".

Section 3. Whenever necessary to make an investigation, enforce any provisions of this ordinance, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, damage by fire, decay, or otherwise to the extent of fifty percent (50%) of its value, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Building Official by this Ordinance provided that if such building or premises be occupied, he shall first present proper credentials and give notice of intent to enter and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or the persons who have charge or control of the buildings and give notice of intent to enter.

If the owner cannot be located, the Building Official will send, by first class mail, to the owner as shown by the records of the Hyde County Treasurer, to the last known address of said owner, a copy of a notice of intent to enter the premises for purpose of inspection or performance of duty by the Building Official. Such notice shall be mailed seven (7) days prior to the day of entry by the Building Official.

Section 4. All buildings or portions thereof, which are determined after inspection by the Building Official to be damaged by fire, decay or otherwise to an extent of fifty percent (50%) of its value; the same shall be reported to the City Council at their next regular or special meeting.

Section 5. The City Council, after having examined the report of the Building Official, may pass a resolution declaring the building to have been damaged to the extent of fifty percent (50%) of its value and to recommend that it be torn down within a fixed time and directing also that a copy of such Resolution be served upon the owner.

Section 6. If the owner shall fail to tear down or remove any building after being notified to do so as provided in this Ordinance; then, the City may proceed to tear down or remove any such building. The cost of such work, including administrative costs and legal fees shall be the personal obligation of the property owner and the City may institute legal action to recover such costs from said property owner. If the owner shall refuse to pay for said costs, within thirty (30) days after written notice, the costs shall bear interest at the rate of twelve percent (12%) per annum from and after the date of said notice.



### **City of Avon**

Section 3: Owner responsibility for payment of water/sewer and garbage bill. The owner of any property where city services are supplied by the City of Avon will be held responsible for the payment of all City bills. When a property is rented the new renter is required to make a \$50.00 deposit to the City. At which time the occupant leaves any amount due over the deposit amount is passed on to the property owner.

### **Deadwood**

Deadwood requires that utility bills are only sent to the owner of the property, not the renter. Owners, lessees, or other users of premises located within the corporate limits of the city of Deadwood, whose premises are served either directly or indirectly by a connection to any town service, shall be jointly and severally liable for payment of charges or rentals for all town services, including but not limited to charges or rental for water, sewer and garbage charge.

### **City of Ipswich**

Our ordinance states the following:

Responsibility for Payment: The owner of the property where water service is supplied by the City will be held responsible for the payment of all water bills.

### **City of Aberdeen**

We hold the landlord responsible by ordinance.

### **City of Letcher**

Letcher does – however, we make sure to turn the water off ASAP. Our ordinance states that it can't be turned on until the account is paid in full.

### **City of Redfield**

In Redfield the owner is ultimately responsible. The water is shut off and it does not go back on for anyone, even if the property is sold.

### **City of Elkton**

We also make the landlord responsible if the renter skips town. I presented this to the council several years ago.

### **City of Bison**

Bison's ordinance says that the landlord will pay if the renter skips. I've had to enforce the ordinance and they've also paid because the other alternative is that we turn the water off until the bill is paid in full plus a \$75 reconnect charge.

### **City of Viborg**

Viborg does the same as Aberdeen

### **City of Martin**

In Martin the land owner is responsible if renter doesn't pay. The water doesn't get turned back on until the old bill is paid up.

### **City of Groton**

Groton makes the landlord pay—yes we do take the renter to collections, but if it is not paid in 6 months – the landlord pays or it goes on the property tax. Groton started charging landlord for renter's bills in the late 1980s.

**8-1-8 Owner, Lessee Liable.** The owner of property, which is serviced by municipal utilities from the city, shall, as well as the lessee or occupant of the property, be liable to the city for the utility bills set forth in 8-1-5, which may be recovered in an action against such owner, lessee or occupant or against any or all of them, jointly or severally. The provisions contained in 8-1-5 and 8-1-7 shall equally apply to the owner of the property as they do to the consumer/lessee or occupant.

### **City of Selby**

Selby can't collect from the property owner. Our lawyer told me the owners wouldn't want us to pass such an ordinance. Luckily we don't have very many renters who stuck us. We take to small claims. Some pay when they receive that letter.

### **City of Conde**

Conde dealt with this a couple years ago and passed an ordinance to make landlords responsible for their tenant's unpaid utilities. We do, however, try to collect first from the renter before putting this on the landlord.

### **City of Onida**

Should a tenant vacate a premise without paying the utility, the landlord shall be liable to the city for all charges or rates as they apply to electricity, water, sewer and garbage fees. City services will not be restored to those premises until all charges or rates are paid in full.

### **City of Hurley**

In addition to the tenant or occupant of the premises, the landlord or property owner shall be liable to the City for all rents, charges or rates as they apply to water and sewer furnished by the City of the premises. In the event the tenant or occupant vacates the property without final payment to the City, and the security deposit does not cover payment in full, service will not be restored to those premises until all charges, rates or rents are paid in full by the landlord or property owner.

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.

<u>GENERAL FUND</u>	<u>DEPARTMENT</u>	<u>AMOUNT</u>	
101-410	Mayor/Council	30,270.00	
101-412	Attorney	16,000.00	
101-413	Elections	1,500.00	
101-414	Finance Office	123,919.00	
101-416	Zoning	400.00	
101-417	Miller Housing	15,000.00	
101-419	Building	27,300.00	
101-420	Civil Defense	1,000.00	
101-421	Police	286,620.00	
101-422	Fire	31,050.00	
101-424	Court	500.00	
101-431	Street	340,590.00	
101-435	Airport	129,175.00	
101-441	Health & Welfare (Mini Bus)	2,000.00	
101-451	Park	29,550.00	
101-452	Ballpark	16,525.00	
101-453	Pool	56,350.00	
101-458	Museum	1,600.00	
101-465	Industrial Development	132,000.00	
101-470	Debt Service	192,800.00	
101-999	Contingency	<u>10,000.00</u>	
TOTAL GENERAL FUND			1,444,149.00
ENTERPRISE FUNDS			
601-433	Water	492,416.00	
602-438	Sewer	205,702.00	
603-434	Electric	2,262,469.00	
TOTAL ENTERPRISES			2,960,587.00
TOTAL APPROPRIATIONS		4,404,736.00	

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

GENERAL FUND  
TOTAL APPROPRIATIONS: 1,444,149.00

MEANS OF FINANCE:

Current Tax Levy	320,000.00
Taxes other than current tax levy	3,350.00
Muni. Sales Tax	760,000.00
License & Permits	21,925.00
Intergov. Revenue	80,700.00
Charges for Goods and Services	22,800.00
Fines & Forfeiture	250.00
Misc. Revenue	29,200.00
Transfer from other Funds	96,860.00
Industrial Development	100,000.00
Rent	9,064.00

GENERAL FUND  
 TOTAL MEANS OF FINANCE 1,444,149.00  
 LESS: Appropriations. (1,444,149.00)

	<u>WATER FUND</u>	<u>SEWER FUND</u>	<u>ELECTRIC FUND</u>
Appropriations	491,416.00	204,202.00	2,262,469.00
Means of Finance: Estimated Revenue	<u>492,956.00</u>	<u>244,857.00</u>	<u>2,283,980.00</u>
TOTAL MEANS OF FINANCE	492,956.00	244,857.00	2,283,980.00
LESS: Appropriations	<u>(491,416.00)</u>	<u>(204,202.00)</u>	<u>(2,262,469.00)</u>
	1,540.00	40,655.00	21,511.00

SECTION 3: That the Finance Officer is directed to certify the following dollar amount of the Tax Levy in this Ordinance to the Hand County Auditor.

General Tax Levy	327,245.00
CPI Increase (3.76%)	12,304.00
Growth (1.32%)	<u>4,320.00</u>
	343,869.00

(SEAL)

ATTEST: \_\_\_\_\_  
 Sheila Coss, Finance Officer Ronald Blachford, Mayor

Record of Votes: Alderman K. Hargens-	Alderman T. Rangel-
Alderman M. Johnson-	Alderman T. Winsell-
Alderman J. Odegaard-	Alderman J. Zeller-

1st Reading	September 3, 2013	Adoption	September 16, 2013
2nd Reading	September 16, 2013	Publication	September 25, 2013

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