

**COUNCIL PROCEEDINGS
REGULAR MEETING
MAY 03, 2010**

A regular meeting of the Philip City Council was held on Monday, May 3, 2010, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor John F. Hart, Finance Officer Monna Van Lint, Council Members Tom Struble, Monte Palecek, Mike Vetter, Greg Arthur, John Kangas and later, Shirley Chin. Also present were Deputy Finance Officer Brittany Smith, Public Works Director Matt Reckling, Chief of Police Kit Graham, Utility Coord. Carol Schofield, Street/Sewer Supt. Rick Coyle, General Maintenance Brian Pearson, and Del Bartels with the Pioneer Review, Absent: None.

Motion was made by Kangas, seconded by Arthur to approve the agenda with the addition of a request from the Civil Air Patrol for use of the Airport facilities in June 2010. Motion carried.

Motion was made by Vetter, seconded by Palecek to approve the minutes of the last meeting as published in the Pioneer Review. Motion carried.

Motion was then made by Palecek, seconded by Arthur to approve payment of the bills from the appropriated funds. Motion carried.

Gross Salaries – Apr. 30, 2010:

Gross Salaries: Adm. - \$4685.19; Police - \$5622.92; Public Works - \$2917.20; Sewer - \$800.64; Street - \$4411.49; Water - \$2154.53

| | | |
|-------|------------------------------------|---------|
| AFLAC | Employee Supplemental Ins.- 04/10 | 205.18 |
| EFTPS | S.S., Medicare, Withholding- 04/10 | 4379.70 |
| SDRS | Employee Retirement- 04/10 | 2443.44 |

Swimming Pool Improv. Project:

| | | |
|-------------------|---------------------------------|---------|
| G&G Excavation | Pool Demolition – 04/10 | 5287.68 |
| Pool & Spa Center | Pool Lighting – 04/10 | 2145.48 |
| SPN & Assoc. | Deck Redesign Eng. thru 4/24/10 | 7941.25 |
| | Pool Design Eng. thru 4/24/10 | 2407.05 |

Walden/Wood Ave. Project:

| | | |
|--------------|--------------------------|----------|
| SPN & Assoc. | Design Eng. thru 4/24/10 | 3,000.00 |
|--------------|--------------------------|----------|

This Month's Bills:

| | | |
|------------------------|---------------------------------|---------|
| Alltel | Cell Phone 03-04/10 | 78.87 |
| Bad River Rural Water | City Shop Water 03-04/10 | 28.30 |
| CRA Payment Center | Supplies 04/10 | 62.21 |
| Dakotacare Health Ins. | Employee Health Premium – 05/10 | 7296.71 |
| Delta Dental Ins. | Employee Dental Premium – 05/10 | 532.50 |
| Farm Plan | Supplies – 03/10 | 29.97 |

| | | |
|-------------------------------------|----------------------------------|--------------|
| 1 st Nat'l Agency | FO Bond 5/1/10-5/1/11 | 567.25 |
| | Smith Notary Bond/Fees 2010-2016 | 80.00 |
| 1 st Nat'l Bank – Philip | Utility Postage – 05/10 | 105.56 |
| 1 st Nat'l Bank – S.F. | SRF Loan #01 Pay #162 - 05/10 | 3591.18 |
| | SRF Loan #02 Pay #138 – 05/10 | 2163.90 |
| | SRF Loan #03 Pay #41 – 05/10 | 2223.41 |
| Fitzgerald Oil Co. | Fuel 03-04/10 | 264.90 |
| Golden West | Telephone/Internet 03-04/10 | 588.08 |
| Grossenburg Implement | Supplies – 04/10 | 10.71 |
| Haakon Co. Treasurer | Office Rent – 05/10 | 60.00 |
| Haakon Co. Young Women | 2010-2011 Calendar | 8.60 |
| Ingram Hardware | Supplies – 04/10 | 449.11 |
| Ingram Pest Service | R.Site Pest Control – 04/10 | 77.00 |
| Morrison's Pit Stop | Fuel/Supplies/Repairs – 04/10 | 85.08 |
| NAPA Auto Parts | Supplies – 04/10 | 89.16 |
| One Call Systems, Inc. | Locates 02-03/10 | 7.35 |
| Petersen's Variety | Supplies – 04/10 | 21.90 |
| Petty Cash | Postage - 04/10 | 32.38 |
| Philip Motor, Inc. | Supplies – 04/10 | 7.18 |
| Pioneer Review | Publishing – 04/10 | 514.94 |
| Quill Corp. | Supplies – 04/10 | 197.96 |
| Reckling, Randy | FO Carpet & Install – 04/10 | 2800.00 |
| RVS Software | Billing Cards – 04/10 | 388.14 |
| SD Dept. of Revenue | Sales Tax Payable – 04/10 | 331.11 |
| | Water/Sewer Testing 03-04/10 | 592.00 |
| SD Gov't Human Resource Assoc. | (2) Reg. Fees – 05/10 | 50.00 |
| SD Gov't Finance Officers' Assoc. | (2) Reg. Fees – 05/10 | 150.00 |
| Sheehan Mack Sales & Equip | Supplies – 04/10 | 106.45 |
| Tollefson, Gay | Attorney Retainer – 05/10 | 150.00 |
| Triple XXX Spraying, LLC | Lagoon – 04/10 | 392.00 |
| USDA | RD Loan Pay #65 – 05/10 | 3069.00 |
| VISA – UMB Bank | Travel/Supplies 03-04/10 | 308.11 |
| Waste Connections dba Walker Refuse | Residential Collection – 04/10 | 4286.25 |
| | Dumpsters – 04/10 | 166.40 |
| West Central Electric | Electric Charges 03-04/10 | 2973.82 |
| West Central Machine & Auto | '04 Chevy Repairs – 04/10 | 741.23 |
| WR/LJ Rural Water | 3,493,000 gals - 04/10 | 4366.25 |
| | Contract Min - 04/10 | 3000.00 |
| | Airport Water – 04/10 | 40.00 |
| Zeeb Pharmacy | Supplies – 04/10 | 18.53 |
| <hr/> | | |
| Total Expenditures – 05/03/10 | | \$ 63,884.96 |

Old Business:

Motion was made by Palecek, seconded by Struble to approve the Philip Chamber of Commerce's Special Events License Application with its amendment which includes activities at the the Dakota Bar. The Chamber will host Philip Festival Days June 18 to

20, 2010. The permit is approved contingent upon the Chamber providing the City with proof of current insurance. Motion carried with all Council members voting aye.

As directed by the City Council last month, PWD Reckling obtained price quotes and more information relative to the trench box and shoring safety equipment. Reckling and Council reviewed the following quotes from United Rentals Trench Safety "Speed Shore" and Empire Shoring, Inc.

*United Rentals Trench Safety quoted the following trench safety equipment:

6' x 6' Aluminum Panel Shield with 26" to 36" Adj. Spreaders - \$4,870.00

6'x 6' Aluminum Panel Shield with 32" to 48" Adj. Spreaders - \$4,905.00

*Optional Equipment included:

2' Adjustable Leg Kit - \$355.00

4' x 8' Form (Used to shore off ends of shield) - \$125.00

*Empire Shoring, Inc. quoted the following trench safety equipment:

Basic 3 6' x 6' with 30" Spreaders (Steel) - \$2,925.00

ShoreLite Modular 6' x 6' with 30" Spreaders and Adjusters w/4 leg kit included (Aluminum w/steel tamping pads) - \$3,600.00

TuffGuy 6' x 6' with 30" Spreaders and Adjusters w/2 sets of panel spacers Included (Aluminum and Steel Hybrid) - \$4,485.00

Shipping - \$450.00

Following a review of the quotes, Council asked Reckling his preference of the two units quoted? Reckling advised that of the two and the literature provided, he prefers the Empire Shoring unit.

He has been advised that whaling units are not recommended for water-breaks, trench boxes are more in-line with what is needed for use in these situations. The trench box comes with 30" to 50" spreaders that are pinnable every 6".

Regardless of which unit the Council decides to purchase, the trench box will have to be lifted with the City loader. The United Rental trench box weighs approximately 1100 lbs. vs. the Empire Shoring unit, which weighs 660 lbs.

Reckling further advised that the City will need to obtain a trailer to haul the unit on from the City Shop to the water-break site. He would like to explore purchasing a trailer that will serve to haul the City's skid steer as well as the trench box.

Reckling was advised by Arthur and Vetter that whichever unit the City crew will use and prefers is the unit they would like to see purchased.

Motion was made by Kangas, seconded by Struble to approve the purchase of the Empire Shoring "ShoreLite" trench box module for \$3,600.00 plus \$450.00 shipping charges. Motion carried with all voting aye.

PHS Geo-Thermal Heating Upgrade:

The City has been notified by the SD Bureau of Administration that the State Energy Office has completed the review of applications submitted for the Local Government Grant portion of the Energy Efficiency and Conservation Block Grant program. The Energy Office received \$12.9 million in requests with only \$5,562,460 million available.

The City of Philip on behalf of Philip Health Services, Inc. has been awarded \$295,000 in EECBG funds to defray some of the \$1.5 million dollar estimated expenses related to their geo-thermal heating system retro-fit and upgrade.

By general consensus, the Mayor is authorized to sign the grant agreement on behalf of PHS.

New Business:

Oaths of Office were taken by Council members Michael Vetter, Shirley Chin and John Kangas. These Council members have maintained their positions on the City Council due to the fact that they had no opposition for their respective positions in the 2010 election process.

Mayor Hart then opened the floor for nominations for Council President for 2010.

Motion was made by Vetter, seconded by Palecek to nominate Tom Struble to the position of Council President. Motion carried.

Motion was then made by Palecek, seconded by Vetter that nominations cease. Motion carried. A unanimous ballot was cast for Struble. Motion carried.

Motion was then made by Struble, seconded by Arthur to nominate Vetter to the position of Council Vice President for 2010.

Motion was made by Kangas, seconded by Arthur that nominations cease. A unanimous ballot was then cast to elect Vetter as Council Vice-President. Motion carried.

The Council Committee appointments were presented by Mayor Hart. No changes were made to the appointments from the previous year. The Committees will stand as previously appointed.

Council reviewed the following building and flood plain development permits as presented: Tiffanee Morrison - 10' x 12' storage shed; Mike Moses - move 12' x 12' storage shed off premises and construct a 20' x 20' storage shed on site; Willard & Beth Murray - install 4' tall chain link fencing w/gates; Shirley O'Connor - move existing shed 5' to the west on lot; James Oldenberg - extend shed on north side of house and enclose carport; Philip Pearson - remove existing shed and replace with 12' x 20' shed on concrete slab; Mel Smith on behalf of Dugan Stewart - 18' x 30' garage (replaces previously submitted permit for a 18' x 32' garage and withdraw request for variance for previously submitted garage permit), and Delayne Williams - install storm door, railing, new soffits on house & garage, replace patio door and replace concrete cutout to driveway.

Motion was made Palecek, seconded by Arthur to approve the above permits as presented. Motion carried.

Swimming Pool Replacement Project:

PWD Reckling reported demolition of the swimming pool is complete. His staff is currently awaiting the arrival of Assoc. Pool and SPN staff to stake the pool area so that the City crew can begin backfilling the excavated pool area with the required bedding material. Assoc. Pools will also be installing and/or supervising the installation of drain tile and mesh material. Until he gets confirmation from these two firms, the City crew can go no further with the swimming pool construction.

The City is also awaiting approval from the Dept. of Env. & Natural Resources on the approved reconstruction plans for the swimming pool. The plans were submitted to DENR on April 21, 2010.

Two Special Events License Applications were presented to Council for review and approval by the Philip Volunteer Fire Dept.; one permit for the Demolition Derby to be held on June 19th and the other for the Annual Fireman's Ball to be held on July 03, 2010.

With no concerns voiced by Chief Graham, motion was made by Vetter, seconded by Palecek to approve both permits contingent upon the Fire Dept. providing proof of current insurance to the City Finance Office. Motion carried with all members voting aye with the exception of Council member Arthur who abstained from the vote.

At this time, FO Van Lint publically thanked Matt Reckling, Jason Petersen, Rick Coyle and Brian Pearson for all of their hard work and assistance during the reconstruction, carpeting and painting in the City Offices. Van Lint noted that it would not have been possible to complete the projects without their assistance and it is greatly appreciated.

Airport Land Acquisition/Environmental Assessment Project: Nothing new to report.

The Airport Committee will be conducting engineering interviews on May 5th, 2010 in the Finance Office. The Committee will interview three firms; Helms & Assoc., Broz Engineering and Kadrmas, Lee & Jackson. The interviews will start at 4:00 p.m. in the Finance Office.

A "Letter of Commitment" was presented to the Council from Lola Roseth, Haakon County Emergency Manager, asking Philip to commit to participating in the Haakon County Multi-Jurisdictional Local Hazard Mitigation Planning. Motion was made by Kangas, seconded by Palecek to authorize the Mayor's signature on this letter of commitment and to enter into a multi-jurisdictional Hazard Mitigation Plan. Motion carried.

Motion was then made by Kangas, seconded by Arthur to authorize the Civil Air Patrol's use of the municipal airport on June 4 to 6, 2010. Lee Vaughan and the local CAP will

be hosting the Wings Aerospace Weekend here. CAP will be providing rides for CAP students in two gliders. Vaughan also requested the use of the orange hangar building to house the gliders in during their stay. Motion carried to allow CAP to utilize the airport and hangar.

Governor Rounds has declared 2010 as the Year of Unity - a year to renew South Dakota's dedication to multicultural understanding and acceptance.

Governor Rounds has asked all communities in South Dakota to get actively involved in this statewide effort to foster relations among South Dakota's diverse cultures.

As noted in the Governor's letter the goals for 2010 Year of Unity are to:

- *Promote interaction of all races and cultures in South Dakota.
- *Provide education and historical perspective on the state's racial and cultural diversity.
- *Improve the channels of communication and coordination among all South Dakotans to address shared challenges and opportunities.

In order to reach these goals, Gov. Rounds further outlined several simple steps that he encourages communities to take to increase this multicultural awareness. (Letter of invitation from Rounds is on file in the City Office for review.)

No formal action was taken by the City Council on this request at this time.

Deetta Terkildsen, representing the local Farmer's Market group, has again requested the use of the Fire Hall Park for the summer to sell their locally raised and/or made products.

Motion was made by Palecek, seconded by Struble to approve the use of the park by the Farmer's Market organization. Motion carried.

Departmental Reports:

Chief Graham reported that the SD DOT has installed a new stop sign at the intersection of Hwys. 73 & 14. In addition to the stop sign and barricades installed, new "Right Turn Only" signs have also been installed in order to help end the confusion with the turning lanes on Hwy. 14. Unfortunately, too many motorists assume these turning lanes are additional lanes on the highway creating traffic hazards.

Graham and the City Council expressed their appreciation to the SD DOT for their efforts in attempting to clarify and correct traffic problems that the residents of this community, and City and County law enforcement have noted in the past with this intersection. It is hoped that this intersection will be safer for everyone.

Graham noted that law enforcement will continue to monitor this intersection to insure that the traffic signs are being obeyed.

A brief discussion followed relative to City law enforcement's ability to ticket motorist on State Highways. It was clarified that City law enforcement does have the authority to

ticket on State Highways within their jurisdiction. There is an Attorney-General's opinion that all tickets issued on State Highways should be written under State statute and not under City Ordinances. This matter is being taken before the Supreme Court by another SD community.

Chief Graham then reported that he has not secured any additional law enforcement officers to assist with Philip Festival Days as of yet. He has contacted two of our past employees, but due to some changes within their own Department, they have not been able to commit to Festival Days at this time. Graham assured Council he will continue to solicit for the additional help.

The monthly Street Dept. report was reviewed.

PWD Reckling advised Council that he is aware that there will be a hot mix plant located near Nowlin this summer, but as of yet, no one has been able to tell him exactly when the batch plant and mix will be available.

Once he can determine who to contact and when the hot mix might be available, he will make every effort to obtain mix to patch several areas in desperate need. Those areas include the ditch on E. Oak St.

Reckling and Council reviewed the following areas in need of attention:

The intersection of N. Wood Ave. and Hwy. 14 (this will require digging up the valve boxes and repairing them or replacing them as they have collapsed).

Coyle continues to utilize gravel to fill the pot holes up at the intersection of E. Pine and Wray Ave. (Coyle explained that due to the constant turning that occurs here from cattle trucks, that gravel is the best option. He feels that due to the current condition of the road any cold or hot mix that he puts here will only be torn out in a short period of time.).

Arthur noted that there appears to be a large chip and now cracking in the concrete on Cherry St. by Cenex. Reckling advised that he was aware of large chip in the roadbed, but was unaware that there was any cracking. He will contact Gibson have him estimate what needs to happen to repair the crack.

Reckling advised that he is waiting to repair some more potholes as the the small amount of cold mix on hand is not good quality anymore due to its age. It is too dry to be of any good in most of the potholes that need repairing. He will obtain new mix as soon as they batch it and it is ready.

Reckling then noted that he has sold some of the older cold mix to Doug West. West tore out some concrete sidewalk at Motel West and rather than replace with concrete has decided to utilize asphalt instead. The area he intends to cover is approximately 100' x 30'. He has requested more from the City, and Reckling intends to sell the mix to Mr. West along with any labor costs that are incurred on behalf of the City.

At this time, Kangas brought to Council's attention the fact that the M.C. Johnson property is being cleared. Kangas asked if a building permit had been filed for this demolition. He was advised that there has been no permit filed to date.

Kangas was advised that all records in the City and County Offices indicate that a large portion of this property is within City limits, therefore the property falls within our jurisdiction and should be required to file all applicable permits.

Council discussed the fact that the property is being improved immensely through the clearing and clean-up efforts being made, but do they ignore the fact that no demolition permit has been filed.

Mayor Hart suggested that the Building Committee visit with the current property owners and discuss the matter with them and make a decision about failure to file a permit.

Fines for failure to file building permits are set at \$100.00/owner and \$100.00/contractor.

Motion was made by Arthur, seconded by Vetter to authorize PWD Reckling to purchase neon safety T-shirts for the maintenance personnel to wear. Each employee will be provided with 3 to 4 T-shirts. These shirts will be worn when crews are working in construction situations. The shirts are approximately \$10.00 each.

The monthly water report was reviewed.

Congratulations were given to Brian Pearson, Rick Coyle and the City of Philip Water System for all having been awarded Drinking Water Certificates of Achievement for 2009 by DENR. These awards were presented for outstanding water operations and environmental compliance with state drinking water standards by these employees, which is a direct result of the City of Philip obtaining its Certificate of Achievement.

The Police Committee and Health/Rec. Committee will meet with insurance agent, Joe Gittings, on Friday, May 7, 2010 beginning at 4:00 p.m. in the Finance Office. Gittings has requested clarification from the City relative to the liability insurance we carry; more specifically the liability insurance for Lake Waggoner. They will also be reviewing Police Department policies. The Police Committee will meet at 4:00 p.m. and the Health/Rec. Committee will meet at 4:30 p.m.

Residents are reminded that effective June 01, 2010, Heartland Waste Management will be taking over the residential garbage collection contract for the City of Philip, SD. Heartland Waste is anxious to work with the City of Philip to provide us with garbage collection services. They intend to maintain the Thursday garbage collection date for the City.

Heartland has requested that City personnel ride with the garbage trucks initially in order to insure accurate routes and collections. PWD Reckling has agreed to this request.

At this time, a letter of resignation was received from Carol Schofield, Utilities Coordinator for the City of Philip for the last eighteen years. Schofield's last day of employment with the City will be Thursday, May 6, 2010. She will be available for part-time on-call assistance if she is needed.

Motion was made by Palecek, seconded by Vetter to accept Schofield's resignation, with much regret. Motion carried.

A Mayoral Proclamation was then read declaring May 06, 2010 as "Carol A. Schofield" day in the City of Philip.

Executive Session:

Mayor Hart declared he would entertain a motion to go into Executive Session.

Motion was made by Kangas, seconded by Vetter to go into Executive Session at 7:50 p.m. for personnel reasons. Motion carried.

Council came out of Executive Session at 8:12 p.m. with no action being taken.

Public Comments: None.

In Other Business:

An open-house is being hosted in the Finance Office on May 4, 2010 to honor Carol Schofield for her years of service to the community. All are invited to attend and wish her well.

A thank-you note was received from the SDML. They extend their gratitude to the City of Philip for hosting the District 8 meeting.

Motion was made by Vetter, seconded by Palecek to authorize Coyle and Petersen to attend the mosquito spraying calibration workshop being hosted by Van Deist on May 04, 2010 in Rapid City, SD. Motion carried.

Motion was made by Chin, seconded by Arthur to authorize Van Lint and Smith to attend SDML's annual Human Resources and Finance Officers School in Mitchell, SD June 15 to 18, 2010. Motion carried.

DFO Smith will attend Code Enforcement training in Chamberlain on May 5 & 6, 2010.

Free Dump Weekend is scheduled for Friday, May 14th and Saturday, May 15th, 2010. The Rubble Site will be open from 9 a.m. to 4 p.m. on both days. No tires, construction materials, plastic, cardboard or household waste will be accepted. Rain date weekend is May 21st – 22nd, 2010.

The Senior Citizen/Disabled Persons pick-up is Monday, May 17th, 2010. Residents are asked to contact the City Finance Office by 5:00 p.m. on Friday, May 14th to have their items picked up.

The public and Council were advised that City Offices will be closed on Monday, May 31, 2010 in observance of the Memorial Day Holiday.

The next regular Council meeting will be held on Monday, June 7th, 2010 at 7:00 p.m. in the Community Room.

With no further business to come before the Council, Mayor Hart declared the meeting adjourned at 8:14 p.m.

/s/ John F. Hart, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

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