

COUNCIL PROCEEDINGS
REGULAR MEETING
JULY 01, 2013

A regular meeting of the Philip City Council was held on Monday, July 1, 2013, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Michael Vetter, Finance Officer Monna Van Lint, Council Members Greg Arthur, Jason Harry, Marty Gartner, Trisha Larson, and Marion Matt. Also present were Deputy Finance Officer Brittany Smith, Police Officer David Butler, Jeff McCormick with SPN & Assoc., Del Bartels with the Pioneer Review, Charles Allen; and later, Council Member Jennifer Henrie, City Attorney Tollefson, Public Works Director Matt Reckling, and Jay Baxter with CHS, Inc.

Absent: None

Motion was made by Arthur, seconded by Gartner to approve the agenda as presented. Motion carried.

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

FO Van Lint reported that the Pioneer Review submitted an invoice for the Match Bronc Ride advertising in the amount of \$2000.00. She reminded the Council that the City had only appropriated \$1,500 for this expenditure in 2013 and would recommend they clarify the amount of the City's contribution to the event. She also noted that the sales tax payable has been prepared and is included in the bills.

Motion was made by Arthur, seconded by Harry to contribute \$1,500 as appropriated for the Match Bronc Ride and authorized FO Van Lint to adjust the Pioneer Review's payable to reflect said amount. Motion carried with all members voting aye.

Council Member Gartner questioned the payment of the 1998 dump truck to the State Property Management, inquiring if the City has received the truck? It was noted that once payment is issued, the State will release the truck to the City.

Council Member Larson questioned the June 30, 2013, expenditure's report provided by FO Van Lint. More specifically, the economic development engineering expenses and the golf course account?

FO Van Lint advised that the economic engineering expenses were incurred during the engineer's review of Dale Morrison's road access permit through the drainage area. The golf course account is a trust account held by the City, but not financed by the City. This allows the golf course to accept tax deductible donations.

Motion was made by Harry, seconded by Gartner to approve the payment of the bills from the appropriated funds with the exception of the Pioneer Review's as approved above with an adjustment. Motion carried.

Gross Salaries – June 28, 2013: Mayor & Council - \$3740.00; Adm. - \$2965.73; Police - \$6220.73; Public Works - \$3187.59; Street - \$4945.19; Swimming Pool - \$7818.55; Water - \$2308.80

Colonial Life	Employee Supplemental Ins.- 06/13	372.25
EFTPS	S.S., Medicare, Withholding- 06/13	6693.02
Office of Child Support Enf.	Garnishment – 06/13	266.00
SDRS	Employee Retirement- 06/13	2884.59

Lift Station Rehabilitation:

SPN & Assoc.	Design Eng. thru 06/15/13	2600.00
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Wood/Walden Ave. Improv. Project:

Haakon Co. Register of Deeds	Plat/Inst. Copies – 06/13	5.00
Rosebud Concrete, Inc.	Pay Req. #03 thru 06/22/13	222119.26
SPN & Assoc.	Const. Eng. 05/26-06/15/13	35852.65

This Month's Bills:

AT&T Mobility	Cell Phone 06-06/13	81.87
Best Western Ramkota – Pierre	HR/FO School Rooms – 06/13	527.94
Boyd, Brandon	Mileage Reimb. – 06/13	64.38
Cenex Harvest States	Fuel – 05/13	349.76
Commercial Pool	Pool Test Tablets – 06/13	124.78
Coyle’s Super Valu	Pool Supplies/Resale – 05/13	414.89
CRA Payment Center	Mower Supplies - 06/13	31.88
D&T Auto Parts	Supplies – 05/13	68.13
Dakotacare Health Ins.	Employee Health Premium – 07/13	9790.11
Delta Dental Ins.	Employee Dental Premium – 07/13	688.90
1 st Nat’l Agency	2013 JD Lease Tractor Ins. – 2013	430.00
1 st Nat’l Bank – Philip	Utility Billing – 06/13	120.74
1 st Nat’l Bank – S.F.	SRF Loan #02 Pay #176 – 07/13	2163.90
	SRF Loan #03 Pay #79 – 07/13	2223.41
Fitzgerald Oil Co.	Fuel/LP - 06/13	1906.52
Galls/Quartermaster	P. Dept. Supplies – 06/13	70.48
George’s Welding & Repair	Pool Railing Iron – 05/13	94.48
Golden West	Telephone/Internet 05-06/13	686.33
Haakon Co. Treasurer	Office Rent– 07/13	500.00
Haakon School Dist. 27-1	Open Gym Approp – 2013	750.00
Hach Co.	Water Supplies – 06/13	53.05
Hawkins, Inc.	Pool Chemical – 06/13	363.50
Hills Material Co.	30.72 T Cold Mix – 06/13	3324.82
MG Oil Co.	Fuel – 05/13	1231.34
Moses Building Center	Pool Supplies/Railing – 05/13	85.20
Northwest Pipe Fittings, Inc.	Sewer Supplies/Pipe – 06/13	547.12
Petty Cash	Postage 04-06/13	40.05
Philip Health Services, Inc.	Pre-Employment Testing – 05/13	190.00
Pioneer Review	Publishing – 06/13	746.70
	Bronc Ride Adv. – 06/13	1500.00
Quill Corp.	Supplies – 05/13	455.02
Sanford Laboratories	Random Testing – 05/13	348.00
SD DENR	Drinking Water Fee FY2014	600.00

SD Dept. of Revenue	Pool/Water Coliform Testing – 06/13	39.00
	Sales Tax Payable – 06/13	869.50
SD Federal Property Agency	Fire Dept. Tool Box – 05/13	225.00
Sensus USA	Software Support – 06/13	250.00
Smith, Brittany	Mileage Reimb. – 06/13	64.38
State Property Management	1998 IH Tandem Axle Truck – 06/13	20800.00
The Lifeguard Store	Guard Attire – 06/13	24.25
Tollefson, Gay	Attorney Retainer – 07/13	200.00
USDA	RD Loan Pay #102 – 07/13	3069.00
VISA-UMB Bank	Travel Exp./Postage 05-06/13	273.18
Walker Refuse, Inc.	370 Residential Garbage – 06/13	4884.00
West Central Electric	Electric 05/01-06/01/13	3066.00
WR/LJ Rural Water	4,423,000 gals. – 06/13	5528.75
	Contract Min. – 06/13	2500.00
	Airport Water – 06/13	67.50
	South Shop Water – 06/13	20.00
Zeeb Pharmacy	Pool Supplies – 06/13	42.76
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Total Expenditures – 07/01/13		\$333,073.53

Old Business:

Mayor Vetter updated the Council on his inquiry with Nels Crowser following review of Mr. Crowser's request to graze sheep at the rubble site. According to Mr. Crowser, he has located other land to graze the sheep and if the City would like to purchase land, we are to contact the property owner, Rae Crowser. Vetter stated that Mr. Crowser indicated the selling price would be around \$1 million.

New Business:

US Hwy 14/SD Hwy 73 Drainage:

Council was informed that the West River Water Development District has awarded the City up to \$10,000 in grant funds to assist with completing the hydraulic study for this area. Since neither this revenue nor the expense for the study was appropriated for in 2013, a supplement to the budget was asked to be approved.

Motion was made by Harry, seconded by Arthur to approve the 1st reading of the following Ordinance #2013-12. Motion carried.

**ORDINANCE #2013-12
CITY OF PHILIP, SD
SUPPLEMENTAL APPROPRIATION
WEST RIVER WATER DEVELOPMENT DISTRICT
GRANT TO ASSIST WITH HYDRAULIC STUDY**

WHEREAS, the City of Philip, South Dakota was, on or about June 20, 2013, awarded a grant from the West River Water Development District Board in the amount of \$10,000, and;

WHEREAS, the City of Philip, South Dakota will utilize said funds to conduct a hydraulic study of property currently under easement with the State of South Dakota, and;

WHEREAS, this hydraulic study is being required by the State in order to explore and determine storm water drainage and its potential impact on the City of Philip from drainage areas located north and west of the City of Philip - more specifically; an area north and west of the City on which are currently located two stock dams; a retention pond located just south of US Highway 14 located on property legally described as Tracts A & B of Section 13-1-20; a W.P.A. dam constructed in 1936 directly south of the aforementioned retention pond located on Lot 01, Block 01 of Kurka Addition to the City of Philip, and a drainage area located on Tract C of Section 13-1-20 of the City of Philip, and;

WHEREAS, once the aforementioned hydraulic study is complete, its findings will be reviewed by the State of South Dakota and the City of Philip to determine if the drainage easements issued in 1936 can and should be released either back to the City of Philip and/or the current property owners impacted by said easements, and;

WHEREAS, this is an unanticipated grant award as well as an unanticipated expenditure and was therefore not appropriated for within the 2013 budget;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Philip, South Dakota, does hereby authorize the Finance Officer to Supplement the City's 2013 Municipal Appropriations to accurately reflect the grant award as well as the expenditures associated with the hydraulic study to be conducted.

FROM: 101-00000-36700 Cont. and Donations/Private Sources \$ 10,000.00

TO: 101-43150 -42220 Storm Drainage Engineering \$ 10,000.00

Approved this _____ day of _____ 2013.

/s/Michael Vetter,
Mayor, City of Philip

ATTEST:

/s/Monna Van Lint, Finance Officer

Passed First Reading: July 01, 2013

Passed Second Reading:

Ayes: 06 Nays: 00

Council then reviewed the engineering proposal from SPN & Assoc. to complete the hydraulic study. It was noted that depending on the depth of the study, it is estimated to cost between \$7,500 and \$10,000.

Council Member Larson questioned if the study will be done in stages as previously discussed with Harlan Quenzer, Engineer with SPN & Assoc.?

Jeff McCormick, Engineer with SPN & Assoc., advised that the plan includes starting on a small scale prior to extending further. The depth of the study is dependent on what the State

will require in order to make their determination relative to the water retention easements and permitting in the drainage area.

Following review, motion was made by Gartner, seconded by Matt to approve the engineering proposal from SPN & Assoc. to complete the hydraulic study for the SD Hwy 14/SD Hwy 73 Drainage area which is estimated between \$7,500 and \$10,500. Motion carried with all members voting aye.

Wood/Walden Ave. Utility and Street Improv. Project:

Mr. McCormick briefed the Council on the project's progress, noting that the project is moving forward without concerns. The contractor's are currently finishing up the sanitary sewer on the north end of N. Wood Ave. They also plan to finish the gravel base up to the High St. intersection on N. Wood Ave. prior to the 4th of July. The concrete crews are expected to arrive next week to start on the driveways and curb and gutter from the Pine St. intersection to the High St. intersection and Walden Ave. Once the southern portion of concrete is in place - that crew will move to the north and begin concrete from High to US Hwy. 14. Asphalt crews will move in and place the first of two lifts of asphalt on the southern portion of the project including Walden Ave. Once the first lift is complete on the south and the concrete is complete on the north - the first lift of asphalt will be laid on the north section. He estimates that there is still approximately 85 to 90 days of construction work left.

Mr. McCormick went on to note that the original construction plans included that of lining the storm sewer that crosses N. Wood Ave. into the draw area on Charles "Chuck" Allen's property. Recently, Mr. Allen approached the City, agreeing to provide a temporary construction easement in order for the City to replace storm sewer with an open cut versus the planned lining. By allowing an open cut and access to his private property, the City will see an estimated savings of \$8,000 in construction costs. McCormick has drafted a change order to this effect, noting the estimated savings of \$8,235.00 to the City.

FO Van Lint reported that Mr. Allen has signed the temporary easement today that includes property, legally described as Lots 01 and 02, Block 08, Highland Addition, City of Philip, SD.

Motion was made by Matt, seconded by Arthur to approve the temporary construction easement with Mr. Allen and authorize the Mayor's signature thereon. Motion carried. Mr. Allen was thanked for his cooperation and generosity in agreeing to this easement.

Motion was then made by Arthur, seconded by Matt to approve Change Order #01 reflecting the reduction in the contract price of \$8,235.00 for the storm sewer crossing (open cut) contingent upon the contractor's approval. Motion carried.

Mr. McCormick then went on to advise the Council that the contractor has recommended the City televise the new sanitary sewer mains in lieu of them performing the displacement and deflection sanitary sewer test per contract specifications. In turn, they have agreed to pay half of the televising expenses as they feel the televising will be more beneficial to both them and

the City, more specifically if there is a problem in the main, it can be repaired immediately to keep the project moving forward.

Mr. McCormick noted that the construction contract supports televising with the condition that the City reserves the right to hire the contractor for this service. He stressed that this protects the City by ensuring that it will be done to our specifications. In his opinion, the televising would be more beneficial to the City as it will provide a visual of the sewer mains, footages, and connections. An actual estimate for this service is not available at this time, but McCormick estimates the expense at \$1.00 to \$1.50 per lineal foot of sewer main.

By general consensus of the Council, Mr. McCormick will obtain quotes for the sewer main televising for their consideration.

Council reviewed the SD Dept. of Environment and Natural Resources (DENR) initial inspection report of the project which indicated that no discrepancies have been noted to date.

Motion was made by Matt, seconded by Arthur to approve Rosebud Concrete, Inc.'s pay request #03 in the amount of \$222,119.26 contingent upon receipt of all appropriate paperwork required for the funding agency's approval through the SRF program and authorize the Mayor's signature on the SRF drawdown #3. Motion carried with all members voting aye.

E. Pine St./Wray Ave. Overlay Project:

The pre-construction meeting scheduled for today was postponed until next Monday, July 8th at 3:30 p.m. in the Community Room of the Haakon Co. Courthouse.

Mr. McCormick stated that the contractor, J&J Asphalt, is planning to start the project on July 9th. They are estimating their work schedule at five to seven days, but possibly longer for the concrete portion of the project. He also noted that he will be meeting with PWD Reckling prior to the pre-construction meeting to review the area and determine those areas that will be patched by J&J Asphalt prior to the overlay. It was noted that the contract provides a certain dollar amount for patching and rut repairs.

It was questioned if the patching amount exceeds the contract allotment, could the City personnel perform some of the work? PWD confirmed that they will look into this further once the needed amount of patching is determined.

FO Van Lint reported that a pedestrian called today and reported a sink hole on the south side of the intersection of Stewart Ave. and E. Pine St. Street Dept. personnel, Jason Petersen, has barricaded and filled in the area for the time being, but it is assumed that the culvert is caving. In addition, Officer Butler has taken photographs.

PWD mentioned the possibility of extending the culvert out. It will be reviewed prior to J&J Asphalt starting on the overlay as it will extend along E. Pine St. from the N. Wood Ave. intersection up Wray Ave. to SD Hwy 14.

Council Member Matt questioned the access to properties throughout the construction areas with both projects being relatively close in area. He noted that E. Pine St. provides access to some of the roads for those along the current construction on N. Wood Ave. In addition, E. Pine St. is the only access to properties for a number of residents.

McCormick noted that access will be reviewed and discussed during the pre-construction meeting next Monday. He stressed that they are going to work with both contractors to ensure that residents have minimal interruptions with access.

Matt also questioned PWD Reckling relative to obtaining hot mix from J&J Asphalt to patch other areas in town? PWD Reckling noted that he is planning to visit with Hills Material as they will be in the area longer, providing the City more options for patching.

Council reviewed the following Building/Flood Plain Development Permits: Barry & Edna Knutson – fence; Rene Konst – replace basement wall; Marion & Darlene Matt – remove/replace concrete driveway; Donald & Delores Poss – fence replacement; Jared Rutherford – decks, demolish & replace shed; and, Michael Vetter – concrete pad.

Motion was made by Arthur, seconded by Gartner to approve the permits as presented above. Motion carried with Council Member Matt abstaining.

At 7:30 p.m., as previously advertised, a public hearing was held on the application of Norma Oldenberg for a variance to the building regulations ordinance #11-601(a), side yard requirements. Application has been made for a variance on the north property line of Lot 07, Sunny Acres Addition, City of Philip, Haakon Co., South Dakota, to occupy the north five feet (5') by one-hundred four feet (104') for the placement of a shed.

It was noted that the abutting property owner, Phyllis Hanrahan, has submitted a written statement expressing no concerns for the requested variance.

In addition, James & Norma Oldenberg have filed a building permit for an 8' by 16' shed which is dependent on the approval of the requested variance; and, the repair &/or replacement of the retaining wall. The retaining wall will more than likely occupy a portion of public right-of-way.

Council Member Arthur reported that Oldenberg's are planning to repair the retaining wall that is currently there. They have also recognized that, if and when the City does the Pine St. Phase III project, it will more than likely be removed.

With no one appearing for or against the variance request, motion was made by Harry, seconded by Arthur to approve the variance as stated above along with their building permit as presented. Motion carried with all members voting aye.

CHS, Inc. DBA Midwest Cooperatives Improvement Plans:

Jay Baxter, local manager with CHS, Inc., addressed the concerns noted by the Council during their June 3rd meeting. The first concern was that of the Road Maintenance Agreement

between the City and CHS. He noted that as requested, the additional verbiage has been added and approved by CHS. The second concern was that of the proposed location for the storm sewer inlets. Baxter advised that this location is the lowest point in the area which has been reviewed and approved by Council Member Gartner and PWD Reckling. The third concern was regarding the proposed E. Cherry St. boulevard area. This was an error in the design plans and is being corrected by their engineer's to reflect a ten foot boulevard between the south edge of E. Cherry St. and the abutting property owners. The north edge of E. Cherry St. will abut CHS's property. Lastly, the fourth concern was the water main and hydrant relocation, which he would like further clarification on from the Council.

Mr. Baxter noted that during the initial planning stages of the project, CHS agreed to take responsibility for the water main that would need to be moved from its current location as it will run under their proposed fertilizer plant. His concern is that the water main extension that the City proposed will only service the hydrant that was also recommended to be relocated north of the Hansen's Hide & Fur building. He noted that the neighborhood already has a hydrant and this would only serve as a secondary source for an elevator fire. They are estimating this expense at \$12,000 and in Mr. Baxter's opinion; it is not cost beneficial to CHS.

Mr. Baxter went on to say that during the project site review with Gartner and Matt, they considered CHS's location for the water main and hydrant as proposed in the engineer's design. The current water main that would extend under their building to the current hydrant location will be abandoned. In turn, they would maintain the water main to the proposed hydrant location, which is on the north side of E. Cherry St., just west of the S. Auto Ave. intersection and to their fertilizer plant. (Copies of their plans are on file in the Finance Office.)

PWD Reckling confirmed that their plans are satisfactory regarding the water main and hydrant location. The concern for protecting the hydrant from traffic was mentioned and CHS has agreed to install bollards as a protection barrier.

Council Member Arthur stated that in his opinion, the hydrant is a benefit to both the neighborhood and CHS as it protects their neighbors.

By general consensus of the Council, the plans presented by Mr. Baxter for the storm sewer, boulevard area, water main and hydrant are satisfactory.

It was noted that the City has not received a copy of the updated engineer's design plans with the changes noted by Mr. Baxter. Mr. Baxter confirmed that they are still in the process of being updating and will forward a copy to the City once they are finalized.

Motion was then made by Matt, seconded by Gartner to approve the Relocated East Cherry Street Road Maintenance Agreement with CHS, Inc. Motion carried with all members voting aye.

Mayor, Council and those in attendance thanked Mr. Baxter as he left the meeting at this time.

Airport:

Council reviewed the project status update for the Land Acquisition and Environmental Assessment (LA/EA); and, both the project and construction status updates for the Medium Intensity Runway Lighting (MIRL) project as prepared by Rod Senn, Airport Engineer with Kadrmass, Lee and Jackson (KLJ).

Motion was made by Arthur, seconded by Henrie to approve the 1st reading of the following Ordinance #2013-11. Motion carried with all members voting aye.

**ORDINANCE #2013-11
SUPPLEMENTAL APPROPRIATION
AIRPORT MIRL LIGHTING PROJECT
GRANT AND EXPENSES 2013**

WHEREAS, the City of Philip, South Dakota was awarded a Federal Aviation Administration Grant for the design and replacement of the Municipal Airport's Medium Intensity Runway Lighting on July 30, 2012 in the amount of \$307,000, and;

WHEREAS, the City of Philip, South Dakota hosted a bid letting and opening for said improvements on July 02, 2012 and awarded said bid to Muth Electric on September 13, 2012, and;

WHEREAS, Muth Electric began the replacement of the Medium Intensity Runway lighting on or about September 17, 2012 and all construction and installations were completed on December 13, 2012; and,

WHEREAS, the City of Philip, South Dakota had budgeted for all construction and engineering expenses associated with this project within the 2012 Municipal Appropriations Ordinance, but;

WHEREAS, a large portion of the actual pay requests, engineering fees and grant dollars awarded for this project were not received by the City until after January 01, 2013;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Philip, South Dakota, does hereby authorize the Finance Officer to Supplement the City's Airport Department engineering and contract services budget to cover the expenses that were incurred in 2012, but reimbursed and booked against the 2013 budget.

FROM:	101-00000-33170 Federal Airport Improvement Grant	\$ 92,150.00
TO:	101-43500-42220 Airport Engineering	\$ 9,200.00
	101-43500-42230 Airport Contract Services	\$ 82,950.00

Approved this _____ day of _____ 2013.

/s/Michael Vetter,
Mayor, City of Philip

ATTEST:

/s/Monna Van Lint, Finance Officer

Passed First Reading: July 01, 2013

Passed Second Reading:

Ayes: 06 Nays: 00

Philip Trails Project:

Council Member Larson updated the Council on the progress of the trails project. She reported that during her visit with the Haakon County Conservation District, they offered to donate to the project and will work with the landscape architect. Mike, Engineer with Kadrmas, Lee & Jackson (KLJ) and also the representative from the American Society of Landscape Architects, visited the site. It has been determined that they will wait on the design until following the Transportation Alternative Program (TAP) grant application funding decision. If the grant is approved, this service will be considered at \$10,000 in-kind donation to the project.

Larson is also planning a presentation for the TAP application hearing scheduled for July 10th in Pierre. The grant award notification date is July 15th.

It was also reported that Phase I of the project was denied funding through the SD Game, Fish and Parks Recreational Trails Program (RTP). Larson noted that Philip's project is considerably larger than the trails that have been funded through the RTP.

PWD Reckling advised the Council of a sewer main back up on June 21, 2013, that was reported at 8:00 a.m. that morning by property owner, Barry Knutson. City personnel responded to the area with the sewer truck and located the manhole that was blocked. The on-site engineer for the Wood/Walden Ave. project was consulted and they determined to set up a bypass pump to go between the two manholes. The by-pass pumping was not keeping up with the amount of raw sewage that they need to remove, so they contacted The Septic Guys to assist and finally around noon, they had pumped it down to the point that they were able to locate and remove the blockage, which was reported as a piece of wood lathe and a concrete stake. Once they were removed, the sewer appeared to be flowing normally again.

McCormick stated that, in his opinion, the lathe and stake have been lodged in the manhole for some time especially, considering that there has not been any recent concrete work down in the area.

PWD Reckling also reported that he removed a piece of wood lathe from a manhole on the west side of town a few weeks back.

FO Van Lint noted that to date, two insurance claims have been filed with the City's insurance provider as a result of this sewer back up.

Council went on to review a request from Golden West Telecommunications for an easement for the installation of fiber optic cable. The easement is for a portion of the airport property, on the access road to Peterson's, in the northwest corner of the airport property. Since this

will be located in the runway protection zone (RPZ) area, the City's Airport Engineer Rod Senn was consulted and his recommendations are as follows: (1) issue a Notice to Airmen (NOTAM) during construction and verify that the equipment will meet the appropriate air spacing requirements; and (2) notify and request approval from the City prior to any maintenance work in the RPZ other than that of driving through the zone.

Following review, motion was made by Matt, seconded by Arthur to approve Golden West's easement contingent upon them meeting the conditions outlined above as recommended by the City's Engineer. Motion carried.

Motion was made by Harry, seconded by Arthur to approve the Joint Cooperative Agreement with Central SD Enhancement (CSDED) for fiscal year 2014. Motion carried.

Mayor Vetter informed the Council of an inquiry from a citizen regarding the noon and ten o'clock whistle as it causes dogs to bark. It was noted that the whistle has blown at these times for many years and the ten o'clock whistle is the curfew signal as outlined in City Ordinance #9-1401 and 9-1402.

Vetter stated that in his opinion, this should be a decision referred by the public. There are factions of the public both for and against the whistles. He doesn't feel that this is a decision the Council should make, but rather one made by the public at large.

City Attorney Tollefson also noted that the recent complaints have been of dogs barking at 3:00 a.m. when the whistle was not blowing.

By general consensus of the Council, no action was taken on this proposal.

Council reviewed the following L/P Propane bids received this month:

	<u>June 5, 2013</u>	<u>June 10, 2013</u>	<u>June 26, 2013</u>
Fitzgerald Oil Company	\$1.25/gal.	\$1.25/gal.	\$1.19/gal.
Midwest Cooperatives	\$1.35/gal.	\$1.35/gal.	\$1.35/gal.

The SD Dept. of Transportation is accepting applications for its Community Access, Industrial Park and Agri-Business Grant program.

Departmental Reports:

The quarterly Administrative report will be presented during the Aug. 5, 2013, meeting.

The 2014 budget meetings have been scheduled for the week of Aug. 5, 2013.

Motion was made by Harry, seconded by Gartner to approve the following Resolution #2013-10. Motion carried with all members voting aye.

**RESOLUTION #2013-10
SUPPLEMENTAL APPROPRIATIONS**

**CONTINGENCY TRANSFER
2013 FISCAL BUDGET**

WHEREAS, it appears that there will be insufficient funds in the 2013 General Fund Budget to carry out the indispensable functions of government. It is proposed that the following Supplemental Contingency Transfer Appropriations be adopted.

FROM: 101-41100-41150 Contingency – \$15,850.00

TO: 101-41100-42100 Legislative Insurance - \$4,000.00
101-41100-42300 Legislative Publishing - \$4,000.00
101-41400-42700 Adm. Travel/Dues - \$1,000.00
101-41400-43411 Adm. Mach. & Equip. Non-Cap. - \$700.00
101-41920-42230 Muni. Bldg. Contract Services - \$3,000.00
101-43100-42220 Street Engineering - \$1,800.00
101-43120-42210 2nd Penny Street & Roads Legal Fees - \$150.00
101-45100-42500 Swimming Pool Repairs - \$500.00
101-46500-42220 Economic Develop. Engineering - \$700.00

Dated this 1st day of July 2013.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Motion was made by Matt, seconded by Arthur to approve the Utility Account Application for Landlords in accordance with Ordinance #5-001(b). (A copy of the application is on file in the Finance Office.) Motion carried.

The quarterly Airport report was reviewed. The fuel revenues through June 15, 2013, were reported at \$4,431.32.

The monthly Police Dept. was reviewed with Officer Butler.

The monthly Street Dept. report was reviewed.

Motion was made by Gartner, seconded by Matt to authorize the purchase of a surplus 1998 IH F2554 tandem axle dump truck from the State of South Dakota for \$20,800.00. Motion carried.

Motion was made by Harry, seconded by Gartner to approve the 1st reading of the following Ordinance #2013-09. Motion carried with all members voting aye.

**ORDINANCE #2013-09
SUPPLEMENTAL APPROPRIATION TO**

**FINANCE STREET DEPARTMENT MACHINERY &
EQUIPMENT PURCHASE - DUMP TRUCK 2013**

WHEREAS, the City of Philip, South Dakota was presented with the opportunity to purchase a much need, used 1998 IH F2554 Tandem Dump Truck from the State of South Dakota Surplus Property, Division of Property Management; and,

WHEREAS, the City of Philip, South Dakota had budgeted for such a purchase in 2012 in anticipation of the State of South Dakota surplusing this machinery in 2012. Unfortunately, the State did not surplus this machinery as anticipated and budgeted for in the City's 2012 appropriations; and,

WHEREAS, by the time the City of Philip became aware of the fact that this particular machinery and equipment would not be offered for sale until 2013, the City had already adopted its 2013 Appropriations Ordinance; and,

WHEREAS, the City of Philip, South Dakota does maintain a street equipment reserve account for said capital purchases and has maintained a sufficient balance within said account to finance the purchase of this used dump truck;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Philip, South Dakota, does hereby authorize the Finance Officer to Supplement the City's Street Department capitalized machinery and equipment budget to cover the expenses that will be incurred to purchase the 1998 IH F2554 Tandem Dump truck from the State of South Dakota Property Management office.

FROM: 101-00000-10410 General Fund - Street Equip. Assigned Cash \$ 20,800.00

TO: 101-43100-43400 Street Dept. Mach. & Equip. - Capitalized \$ 20,800.00

Approved this _____ day of _____ 2013.

/s/Michael Vetter,
Mayor, City of Philip

ATTEST:

/s/Monna Van Lint, Finance Officer

Passed First Reading: July 01, 2013

Passed Second Reading:

Ayes: 06 Nays: 00

PWD Reckling was questioned about the plans for the old dump truck and how the patching of potholes is coming along. Reckling stated that he would recommend surplusing and selling the truck at the next Philip Livestock Machinery Auction. As for patching, they are still working on them.

Council Member Larson questioned if there is a process for repairing potholes? Reckling stated, "When they show up, we try to get them fixed." This is all dependent on time and if they have hot or cold mix on hand.

Council reviewed a quote from Moses Building Center for the materials to replace the municipal building office roof in the amount of \$2,523.87. It was noted that the City only appropriated \$3,500 for contract services in the municipal building budget. This amount will cover the materials, but not the labor. In turn, the supplement previously approved will assist in covering the total expenses for the improvement.

It was questioned who the City will hire as a contractor to install the roof? PWD Reckling mentioned contacting Tom Swift and Branden West for quotes. Should the labor exceed the budget, the City personnel may be able to install the steel if the contractor sets the rafters.

By general consensus of the Council, the quote presented by Moses Building Center was tabled until quotes are obtained from contractors for the installation of the roof.

Council reviewed a request to publish a tree maintenance reminder in the newspaper. It was noted that the City has received various complaints of trees overhanging sidewalks, alleys and streets which interfere with pedestrian traffic and damage city equipment and therefore are in violation of Ord. #7-107.2.

DFO Smith advised the Council that the process utilized in the past is similar to that for publishing the property maintenance reminder for mowing. She stated that this is a cumbersome task as with the tree maintenance, the entire town is inspected for trees in violation and those properties that fail to comply following the deadline stated in the public reminder are personally contacted. She also mentioned the possibility of addressing the individual complaints as they are received like other nuisances.

It was mentioned that it may be cost prohibitive to forego the notice this year and address them on a complaint basis only. Council Member Gartner also suggested publishing this in the spring along with the property maintenance notice.

By general consensus of the Council, the notice will not be published and overhanging trees in violation of Ord. #7-107.2 will be addressed on a complaint basis only.

The swimming pool report was reviewed.

It was reported that registration for swim lessons has exceeded years past. The pool revenue through June 30, 2013, was reported at \$1,133.42 for concession sales and \$10,980.68 for daily admittance, passes, swim lessons and aerobics.

The monthly Water Dept. report was reviewed. The water loss for the month of June was reported at 7%.

Council addressed the 7:10 p.m. scheduled agenda item at this time as Mary Kay Lusk was not present during the course of the meeting. Ms. Lusk has presented a request to place her single bungee jump trampoline business on City property, more specifically in the north parking lot of the Kiddie Park.

FO Van Lint advised that according to Ms. Lusk, this will be a traveling business so they would only set it up during various events, i.e. during “Hot Summer Nights.”

Discussion ensued regarding the request. Recommendations from Attorney Tollefson were reviewed as well as additional recommendations from the Council.

Following review, motion was made by Gartner, seconded by Henrie to approve Ms. Lusk’s request to place the single bungee jump trampoline on City property contingent upon the following: provide proof of insurance that names the City as additional insured; post a warning sign that states, “this is not a City sponsored event”; notify the City when the equipment will be set up; and, that the equipment cannot be stored on City property when not in use. Motion carried.

Public Comments:

Del Bartels stated, as a citizen, he is in favor of the noon and ten o’clock whistles.

In Other Business:

In observance of the 4th of July Holiday, City offices will be closed on Thursday, July 4th, but residential garbage collection will still take place. It was also noted and determined that the offices will remain open on July 5th as well as the Rubble Site will be open on July 6th.

The Statewide Transportation Improvement Program (STIP) Hearings are scheduled for July 23rd in Pierre & July 24th in Rapid City. Mayor Vetter plans to attend the hearing in Rapid City.

The SDML Elected Officials workshop is July 24th in Pierre.

Motion was made by Matt, seconded by Gartner to authorize DFO Smith’s attendance at the SDML Policy Meeting on Aug. 15th in Pierre. Motion carried.

The next regular Council Meeting will be held on Monday, August 5, 2013, at 7:00 p.m. in the Community Rm.

With no further business to come before the Council, Mayor Vetter declared the meeting adjourned at 8:29 p.m.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer
(Published once on July 13, 2013, at approximate cost of \$_____)