

**COUNCIL PROCEEDINGS
REGULAR MEETING
DECEMBER 08, 2009**

A regular meeting of the Philip City Council was held on Tuesday, December 8, 2009, at 4:30 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor John F. Hart, Finance Officer Monna Van Lint, Council Members Shirley Chin, Tom Struble, Monte Palecek, Mike Vetter and Greg Arthur. Also present were Deputy Finance Officer Brittany Smith, Public Works Director Matt Reckling, Chief of Police Kit Graham, Utility Coord. Carol Schofield, General Maint. Brian Pearson, Seth Hyberger with the Central SD Enhancement District, Harlan Quenzer with SPN & Assoc., Kent Olson with Philip Health Services, Inc. and Del Bartels with the Pioneer Review.

Absent: John Kangas

Motion was made by Vetter, seconded by Chin to approve the agenda with the addition of discussing the City's Shell credit card with the bills. Motion carried.

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

FO Van Lint advised the Council of her concerns regarding the City's Shell credit card that is utilized for fuel purchases at The Gas Stop. She noted that last spring, the City was advised that I-90 Fuel Services would no longer allow charging and if the City wished to continue purchasing at The Gas Stop, a Shell credit card would need to be obtained. Accordingly, the Finance Office had reservations at the beginning with receiving the statement on time as well as all of the purchase receipts.

Recently, she has been contacted on three different occasions by the credit card company inquiring about the City's account. As anticipated, it is delinquent due to the fact that the October statement was not received until after the November Council meeting. They have been advised of the City's payment schedule and process. Furthermore, they have been requested to note this information on our account, but they keep calling. The City has also had problems obtaining all of the necessary receipts to verify purchases made on our card.

Suggestions from the Council included discontinuing the Shell card, visiting with I-90 Fuel Services regarding a local charge account and if that is not possible, take them off of the monthly fuel purchase rotation schedule.

Following discussion, motion was made by Palecek, seconded by Arthur to discontinue the City's Shell credit card and visit with I-90 Fuel Services about a local charge account. If a local charge account is not available to the City, The Gas Stop is to be removed from the City's fuel purchase rotation schedule. Motion carried with all members voting aye.

Motion was made by Vetter, seconded by Chin to approve payment of the bills from the appropriated funds. Motion carried.

Gross Salaries – November 30, 2009:

Gross Salaries: Adm. - \$2686.66; Garbage - \$667.63; Police - \$5511.99; Sewer - \$7545.18; Street - \$1200.00; Water - \$2112.93

AFLAC	Employee Supplemental Ins.- 11/09	205.18
EFTPS	S.S., Medicare, Withholding- 11/09	4049.39
SDRS	Employee Retirement- 11/09	2395.54

Philip School Drainage Project – Additional Bills – November 2009:

Merchant's Bonding Co. Mutual	Final Pay Req #03 06/21-07/17/09	33000.87
-------------------------------	----------------------------------	----------

Airport Improv. Project:

Kadrmass, Lee & Jackson, Inc.	Enviro. Assess. Eng. – thru 10/24/09	3600.85
	SRE/Windcone Eng. Final	219.32

Philip School Drainage Project:

SPN & Assoc.	Claims Against Contractor Consult Work 09/09-11/09	875.00
--------------	---	--------

This Month's Bills:

Alltel	Cell Phone 10-11/09	78.96
Bad River Rural Water	City Shop Water 10-11/09	26.50
CRA Payment Center	Supplies 10/09	724.51
Cenex Harvest States	Fuel - 10/09	113.51
	Fuel – 11/09	139.10
	Propane – 11/09	1133.63
Coyle's Super Valu	Shop Supplies – 11/09	6.99
Dakota Care Ins.	Employee Health Ins. - 12/09	7296.71
Delta Dental Ins.	Employee Dental Ins. - 12/09	512.70
1 st Nat'l Bank – Philip	Utility Postage – 12/09	105.36
1 st Nat'l Bank – S.F.	SRF Loan #01 Pay #157 - 12/09	3591.18
	SRF Loan #02 Pay #133 – 12/09	2163.90
	SRF Loan #03 Pay #36 – 12/09	2223.41
Fitzgerald Oil Co.	Fuel 10-11/09	140.03
Golden West	Telephone/Internet 11-12/09	590.52
Haakon Co. Treasurer	Office Rent – 12/09	60.00
Ingram Hardware	Supplies 10-12/09	28.60
Jenner Equipment	Supplies – 11/09	118.66
Konst Machine & Welding	Supplies – 10/09	32.45
Morrison's Pit Stop	Fuel/Supplies 11/09	1162.15
NAPA Auto Parts	Supplies – 11/09	26.24
O'Connell Construction, Inc.	Gravel/Rocks/Donated Loader – 11/09	320.58
Petty Cash	Postage/Supplies 09-12/09	33.28
Philip Motor, Inc.	Freight Chgs – 10/09	15.00
Philip Standard Service	Fuel/Oil Change – 11/09	70.15
Pioneer Review	Publishing – 11/09	221.65

	Subscription 2009/2010	35.00
SD Dept. of Revenue	Sales Tax Payable – 11/09	306.05
	Water Testing - 11/09	12.00
SD Dept. of Transportation	166 T Asphalt Millings – 11/09	498.00
SD State Plumbing Commission	Sewer/Water Licenses – 2010	240.00
Sensus Metering Systems	Software Support – 11/09	36.00
Sheehan Mack Sales & Equip.	Sweeper Brooms – 11/09	854.03
Shell Fleet Plus	Fuel – 10/09	519.88
	Fuel – 11/09	251.50
Technology Center	Adm. Supplies – 10/09	25.00
Tollefson, Gay	Attorney Retainer – 12/09	150.00
Triple XXX Spraying, LLC	Air. Prairie Dog Control – 10/09	179.95
USDA	RD Loan Pay #60 – 12/09	3069.00
Waste Connections dba Walker Refuse	Residential Collection – 11/09	4309.11
	Dumpsters – 11/09	166.40
West Central Electric	Electric Charges 10-11/09	2588.12
WR/LJ Rural Water	3,953,000 gals – 11/09	4316.25
	Contract Min – 11/09	3000.00
	Airport Water – 11/09	40.00
<hr/>		
Total Expenditures – 12/08/09		\$ 46,227.23

Old Business:

Council reviewed the updated information from the Technology Center to provide off-site data vault storage to the City for \$660 per year for unlimited data storage for the Finance Office and Police Dept. computers. The set up fees will be covered under the City's support contract.

It was noted that this quote was considerably cheaper than that provided from Golden West of \$1080 - \$1440 per year.

Following review, motion was made by Palecek, seconded by Struble to approve the off-site data vault storage as presented by the Technology Center. Motion carried.

Council reviewed various on-call policies from other communities as the City's on-call trial period expired Aug. 1, 2009.

Council Member Vetter questioned if there have been any problems with the current rotation schedule? PWD Reckling stated that they work out their schedules. For instance, he took call all of October since he was going to be gone all of November. He expressed his appreciation to Gen. Maint., Brian Pearson, for covering during the month of November due to the hunting season.

FO Van Lint stressed that she is not concerned with how the on-call duties are currently being handled; a formal policy will assist if the City personnel would change in the future. This policy would formally outline the employee's responsibilities when on-call.

By general consensus, the Finance Office was requested to present a policy similar to that of the City of Custer's for action at that January Council meeting.

New Business:

Comprehensive Plan Update:

Seth Hyberger with the Central SD Enhancement District (CSDED) reviewed the updated Comprehensive Plan with the Council. He noted that the plan has been updated with the Council's recommendations following the public hearing. This included the removal of the extraterritorial jurisdiction information; updating the transportation and drainage projects; and, changing the future land use map to state that this is merely for reference purposes only. Furthermore, it was stressed that the plan only applies to those areas within the City's corporate limits.

Motion was then made by Vetter, seconded by Arthur to approve Resolution #2009-15, Adopting a Comprehensive Plan for the City of Philip as provided for in SDCL 11-6. Motion carried with all members voting aye.

**RESOLUTION #2009-15
A RESOLUTION ADOPTING A COMPREHENSIVE PLAN FOR THE CITY OF
PHILIP AS PROVIDED FOR IN SDCL 11-6**

WHEREAS, 11-6-14 of South Dakota Codified Law has empowered the City Council of Philip to prepare a Comprehensive Plan for the development of the City; and,

WHEREAS, the City Council of Philip has developed a Comprehensive Plan through the year 2034, has held the required Public Hearing, and has made a recommendation for adoption of the Plan; and,

WHEREAS, the adoption of the Comprehensive Plan would guide the future development of Philip;

NOW THEREFORE, BE IT RESOLVED, by the Philip City Council, that the Comprehensive Plan for Philip through the year 2034 be adopted and effective 20 days after publication of this resolution.

Approved and adopted this 8th day of December 2009.

/s/ John F. Hart, Mayor
City of Philip, South Dakota

ATTEST:

/s/Monna Van Lint, Finance Officer

(Published: December 17, 2009)

Motion was then made by Vetter, seconded by Arthur to approve the first reading of Ordinance #2009-16, Establishing a Planning & Zoning Commission for the City of Philip, S.D. Motion carried with all members aye.

ORDINANCE #2009-16
AN ORDINANCE ESTABLISHING A PLANNING AND ZONING COMMISSION FOR THE CITY OF PHILIP, HAAKON COUNTY, SOUTH DAKOTA.

BE IT ORDAINED by the City Council of the City of Philip, South Dakota, that the following section be established as part of Chapter 11 to read as follows

- 11-000 PLANNING AND ZONING COMMISSION ESTABLISHED.**
There is hereby established a Planning and Zoning Commission for the City of Philip, South Dakota and for land within its corporate city limits.
- 11-001 MEMBERSHIP**
The membership of the Planning and Zoning Commission shall consist of the Mayor and City Council. The members of the Planning and Zoning Commission shall be resident electors of Philip, South Dakota qualified by knowledge or experience to act in matters pertaining to the development and administration of the Comprehensive Land Use Plan. The Mayor may appoint administrative officials of the City as ex-officio members of the Commission.
- 11-002 TERMS OF MEMBERS**
Elected Members: The term of each member of the Planning and Zoning Commission shall coincide with the respective terms of office held by the Mayor and City Council.
- 11-003 DUTIES OF PLANNING AND ZONING COMMISSION**
It shall be a function and duty of the Planning and Zoning Commission to propose a plan for the physical development of the City, within its planning jurisdiction which, in the commission's judgment bears relation to the planning of the municipality. It shall also be a function and duty of the Planning and Zoning Commission to develop and adopt a zoning ordinance for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density as may be provided by law may be included as an adjunct to the comprehensive plan. It is also the function and duty of the Planning and Zoning Commission to adopt regulations governing the subdivision of land within its jurisdiction. The Planning and Zoning Commission may from time to time propose amendments, extensions, or additions to the comprehensive plan, zoning ordinance, and subdivision regulations. It shall also be a function and duty of the Planning and Zoning Commission to act as the Board of Adjustment. Said board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards,

make special exceptions, conditional uses permits or grant variances to the terms of the ordinance with general or specific rules therein contained.

11-004 COMPENSATION

All members of the Planning and Zoning Commission shall serve as such without compensation.

11-005 ORGANIZATION, RULES, STAFF AND FINANCES.

The City Council shall elect its chairman from its membership for a term of one year with eligibility for re-election, and may fill such other offices as it may create in a manner prescribed by the rules of such Commission. The Commission shall meet during the regular City Council meetings and/or as needed. During said meetings, they shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, and findings and determinations which shall be a public record as recorded and maintained within the City Council proceedings. The Planning and Zoning Commission may contract with planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of those made from funds by gift, shall be within the amount appropriated for the purpose by the City Council which shall provide funds, equipment and accommodations necessary for the Commission's work.

BE IT FURTHER RESOLVED THAT, Resolution #2009-15, Adopting a Comprehensive Plan for the City of Philip, Haakon County, South Dakota, as provided for in SDCL 11-6 is inclusive with said Ordinance and a copy of the Comprehensive Plan shall be attached.

All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

Dated this ____ day of _____ 2009.

John F. Hart, Mayor

ATTEST:

Monna Van Lint, Finance Officer

First Reading: December 8, 2009
Second Reading:
Yeas: 05 Nays: 00
Published: December 17, 2009

Swimming Pool Replacement Project:

Harlan Quenzer with SPN & Assoc. presented and reviewed the draft design/build construction plans for the swimming pool. He noted that due to State law, various design criteria must be met by the contractors. They are outlined in the plan as well as those items that will be the responsibility of Lester-Robbins Construction, Inc. and the City.

The plan includes the construction of a zero-entry pool that starts where the current kiddie pool is located. It will then have a gradual decline to the three and one-half foot area, then to five feet before it enters the nine feet diving area.

Mr. Quenzer noted that a change will need to be made to the advertisement notice. Once that is done, it can be published in the newspaper as required by State law. He then recommended the Council's authorize the advertisement for bids for construction to commence in April 2010.

Motion was then made by Vetter, seconded by Palecek to authorize FO Van Lint to advertise for the Swimming Pool Design/Build project on Jan. 7th and 14th with bid opening to be held the afternoon of Jan. 20th, 2009 at 3:00 p.m. Motion carried.

Furthermore, the information requested shall be consistently provided by all contractors bidding the project. The City Council will compare and score the bids based on the contractor's qualifications only, not marketing. The bid proposals will also be reviewed by Mr. Quenzer or Larry Jirsa, the project Performance Criteria Developer prior to awarding the contract. Once these are approved, they will also be submitted to the State for their approval prior to commencing any construction work.

As far as the proposed project schedule, Mr. Quenzer anticipates that it will not be finished until Nov. 1st, 2010. This will allow sufficient time for the new pool to open for the 2011 pool season.

Mr. Quenzer then reviewed some of the items that needed attention at this time. This included the City being named as an additional insured on the contractor's insurance policy. The City will back-fill and reinstall the fence. The City will hire an electrical contractor for any and all electrical work. Lester-Robbins Construction, Inc. will complete the pool deck portion of the project as well as install the diving board already purchased by the City and the ladders purchased by the contractor. The contractor is in charge of determining if the new pool will need additional or new filters as well as if there will need to be an addition to the bathhouse to house additional equipment. A propane pool heater will also be installed by the contractor. He then questioned if the City has purchased the pool lights and if not, the contractor shall purchase and install them with the City's electrical contractor wiring them.

PWD Reckling advised that he will contact The Pool and Spa Center with regard to the status of the City's pool lights that were ordered this fall prior to the pool wall emergency.

Mr. Quenzer then advised the Council that he has had comments of apprehension from contractors regarding a stainless steel pool liner. In turn, he is offering contractor's the ability to provide a bid for a stainless steel pool liner as the base with a shotcrete type pool as an optional bid.

Council Member Vetter questioned if a line item requesting the contractor's recommendation for the pool either stainless steel or shotcrete could be added on the bid proposals? Mr. Quenzer confirmed that it would be beneficial to the City in reviewing the bids and will add a recommendation section for the contractor to complete.

The geotechnical report is also inclusive of the plan as it provides the contractor with the soil type that the pool will be built upon. Furthermore, engineer grade fill will need to be utilized.

Mr. Quenzer then requested the Council review the draft plans in depth. Any changes shall be reported to FO Van Lint by Friday, Dec. 11th, 2009.

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

At 5:15 p.m., as previously advertised, a Public Hearing was held on the renewal of the following establishments Liquor Licenses for the year 2010.

BMT, Inc., 73 Bar & Lounge - On Sale Liquor & Sunday On Sale privilege; Jason or Marlis Petersen, Dakota Bar, - On Sale Liquor; Irvin or Alice Jones, Jones' Saddlery, Bottle & Vet - Off Sale Liquor; Don & Debbie Carley, The Steakhouse - On Sale Liquor, Off Sale Liquor & Sunday On Sale privilege; Milo Zeeb, Zeeb Pharmacy, Inc. - Off Sale Liquor.

With no one appearing for or against the requested license renewals, Mayor Hart noted that the property taxes are paid to date and asked Chief Graham if he had any comments relative to renewing the above licenses. Graham advised that they had no problems to note regarding the above licenses.

Following discussion, motion was made by Arthur, seconded by Palecek to approve the above Liquor License renewals for 2010 contingent upon all appropriate fees and applications being submitted. Motion carried with all members voting aye.

Seth Hyberger with the CSDED then reviewed the Energy Efficiency and Conservation Block Grant Program (EECBG) with the Council. The program will provide \$5.6 million dollars in grants for projects that will increase energy efficiency and reduce energy costs. This amount is only allocated to counties and cities in which they can administer the grant on behalf of non-profit organizations within their jurisdiction.

According to FO Van Lint the only known project in our community is that of Philip Health Services, Inc. (PHS) Geo-thermal project. In turn, she had advised Kent Olson, Administrator for PHS, with the information as well as CSDED contact information.

Kent Olson then addressed the Council on behalf of PHS. He noted that their proposed project includes adding the hospital, clinic and nursing home onto the geo-thermal line that currently serves the downtown businesses from the school. They have completed a study on their proposed plan and accordingly, it could take anywhere from 7-13 years to receive a return on their energy efficiency investment.

Furthermore, they have been pursuing various funding sources such as USDA and trying to locate grants which have been rather tedious. It is their understanding that they will be required to utilize various funding sources such as loans and would be honored to receive grant money to assist with the project.

He then expressed his appreciation to FO Van Lint for contacting him with this grant information as well as Mayor Hart's letter of support for their project.

FO Van Lint then advised the Council that this project would be administered by the City with PHS being the designated funding source for any expenditures such as those funds required for a matching grant. Furthermore, this is similar to the grant administered for PHS when the new hospital was constructed. The only costs to the City would be that of FO Van Lint's time in which she would be happy to provide for the good of the community and viability of our healthcare system.

Following discussion, motion was made by Vetter, seconded by Chin to approve Resolution #2009-18, Authorizing Application for Energy Efficiency and Conservation Block Grants by the City of Philip on behalf of Philip Health Services, Inc. Geo-thermal Project. Motion carried with all members voting.

**RESOLUTION #2009-18
AUTHORIZING APPLICATION FOR ENERGY EFFICIENCY
AND CONSERVATION BLOCK GRANTS
BY CITY OF PHILIP
ON BEHALF OF PHILIP HEALTH SERVICES, INC.
GEO-THERMAL PROJECT**

WHEREAS, the City of Philip, South Dakota on behalf of Philip Health Services, Inc. (a non-profit organization) has identified the need for the implementation of energy conservation measures, and;

WHEREAS, the City of Philip, South Dakota on behalf of Philip Health Services, Inc., proposes to undertake the following project: *Philip Health Services, Inc. Geo-Thermal Heating System*

WHEREAS, the City of Philip, South Dakota is eligible to apply to the State of South Dakota for Energy Efficiency and Conservation Block Grant (EECBG) assistance for the proposed Philip Health Services' geo-thermal heating project as

- 1) The City of Philip, South Dakota is included in the latest Census of Governments (2007) as an incorporated municipality; and
- 2) The City of Philip, South Dakota has a governance structure with an elected official and governing body; and
- 3) The City of Philip, South Dakota was not eligible for a direct allocation of EECBG under the ARRA program; and,

WHEREAS, with the submission of the EECBG application, the City of Philip, South Dakota assures and certifies that all EECBG program requirements will be fulfilled,

THEREFORE, BE IT RESOLVED, that the governing body of the City of Philip, South Dakota duly authorizes the Mayor of the City of Philip, South Dakota to sign and submit all necessary paperwork for the EECBG application on behalf of Philip Health Services, Inc.

This resolution is effective immediately upon passage.

Adopted this 8th day of December 2009.

/s/ John F. Hart, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

(Published: December 17, 2009)

Mayor, Council and those in attendance thanked Mr. Hyberger and Mr. Olson as they left the meeting at this time.

Airport Improvement Projects:

The SRE/Windcone project final closeout documents have been submitted to the SD Department of Transportation (DOT).

There is no update for the Environmental Assessment project.

Motion was made by Vetter, seconded by Arthur to approve and validate the 2010 design grant for lighting system upgrades at the Airport. Motion carried.

Council was advised that the City's five-year Airport Engineering agreement with Kadrmas, Lee and Jackson, Inc. is up in 2010. According to the Federal Aviation Administration, the City shall solicit for engineers in 2010 for the next five years.

Motion was then made by Palecek, seconded by Struble to authorize FO Van Lint to begin soliciting Airport Engineers in 2010 for a five year contract, 2010 - 2014. Motion carried.

Council was also advised that the City's NOTAM list has been updated with additional contact people as recommended by the SD DOT. This will allow sufficient contact people to issue a NOTAM for the City's Airport.

Philip School Drainage Project:

Council reviewed the Final Inspection and Acceptance documents for the project. It was noted that Merchant's Bonding Co. issued the last payment today to Grizzly Excavating's sub-contractor, Buskerud Construction. To date, all sub-contractor claims have been paid by their bonding company.

Motion was made by Vetter, seconded by Arthur to approve the Final Inspection and Notice of Acceptability to finalize the project documents for the School Drainage project. Motion carried with all members voting aye.

Mayor Hart advised the Council that the City has still not received any response from the Haakon School District's attorney regarding the Geo-thermal line repair bill.

Council Member Vetter then mentioned the Geo-thermal group's meeting today that FO Van Lint and PWD Reckling attended. He questioned if they had discussed their responsibility for being on the SD One Call notification list?

FO Van Lint stated that she received the impression from a portion of the group's members that the lines belong to the City and are our responsibility since they are located in the public rights-of-way. Both FO Van Lint and PWD Reckling advised them that they are responsible for the lines even though they are located in the City's public rights-of-way. In turn, FO Van Lint has provided the SD One Call information to some of their board members.

PWD Reckling also advised that according to those present at the meeting, the School is responsible for the line from the School to Coyle's Super Valu and then again from the Fire Hall to the barium treatment plant. The local Geo-thermal organization is responsible for the line that serves the downtown businesses in from Coyle's Super Valu to the Fire Hall.

He stated that he expressed his concerns to them relative to future problems that could occur to their line during excavations in those right-of-way areas where their line is located. For instance, if their line is hit during an excavation, it could possibly be covered up and not repaired since the contractor was not aware of the line as it is the utility's responsibility to locate all of their lines.

By general consensus of the Council, the Geo-thermal group as well as the School needs to be a part of the SD One Call notification system as it is their responsibility and will provide protection to them in the case that their line(s) is damaged during an excavation.

At 5:30 p.m., as previously advertised, a public hearing was held on a variance request for Mel Smith on behalf of Dugan and Charmaine Stewart to Ordinance #11-201(a)-8,

accessory building lot line requirements. The variance is to occupy the north five feet (5') by twenty-six feet (26') and the east five feet (5') by thirty-eight (38') of Lot 06, Block 05, Michael McLaine Addition, City of Philip, SD, for the construction of a garage.

It was noted that the abutting neighbor, Jay Baxter, has provided written permission with regard to the requested variance.

Council Member Arthur questioned if Stewart's property pins have been located or if a property survey has been completed? According to the permit, nothing indicates that the property pins have been or could be located or if a survey has been completed.

Arthur recommended with the garage construction being located that close to the lot lines, the property pins and/or a survey needs to be completed to ensure that the construction is occurring on Stewart's property, not on his neighbor's or the City's property.

Following discussion, motion was made by Palecek, seconded by Struble to approve the variance as requested contingent upon Stewart's locating their property pins and/or completing a survey. This will verify the exact location of the garage and ensure that the garage is located on their property, not Mr. Baxter's or the City's. Motion carried.

Council reviewed the following building/flood plain development permits as presented: Miguel Rodriguez – 12' x 18' carport; Mel Smith on behalf of Dugan & Charmaine Stewart – 26' x 38' garage; Duane/Joan Bessette – Emergency Sewer Service Line Replacement.

Council Member Palecek questioned the location of Mr. Rodriguez's carport? PWD Reckling stated that he has no problem with the carport at this time since it a moveable structure. Should he make it permanent, it needs to be moved back at least ten feet (10') behind the back of the curb to be in compliance with City Ordinance #7-101(b).

Following review, motion was made by Arthur, seconded by Struble to approve the above permits as presented with Mel Smith's on behalf of Dugan& Charmaine Stewart's being approved contingent upon location of their property pin as a requirement. Motion carried.

Motion was made by Arthur, seconded by Struble to approve Resolution #2009-17, Supplemental Appropriations Contingency Transfer. Motion carried with all members voting aye.

**RESOLUTION #2009-17
SUPPLEMENTAL APPROPRIATIONS
CONTINGENCY TRANSFER
2009 FISCAL BUDGET**

WHEREAS, it appears that there will be insufficient funds in the 2009 General Fund Budget to carry out the indispensable functions of government. It is proposed that the following Supplemental Contingency Transfer Appropriations be adopted.

FROM: 101-41400-41150 Contingency – \$46,195.00

TO: 101-41400-42300 Adm. Publishing - \$2,500.00
101-42100-42600 Police Dept. Supplies - \$1,075.00
101-43100-42600 Street Dept. Supplies - \$3,000.00
101-43100-42820 Street Dept. - Street Lights - \$1,200.00
101-43100-43300 Street Dept. - Improv. Other - \$3,400.00
101-43120-42230 2nd Cent Contract Services - \$33,110.00
101-43500-42500 Airport Repairs - \$500.00
101-43500-42830 Airport Electric - \$1,000.00
101-43500-42860 Airport Water - \$160.00
101-43500-43300 Airport Improv. Other - \$150.00
101-46500-42830 Community Sign Electric - \$100.00

Dated this 8th day of December 2009.

/s/John F. Hart, Mayor

ATTEST:

/s/Monna Van Lint, Finance Officer

(Published: December 17, 2009)

Motion was made by Vetter, seconded by Arthur to approve Heartland Waste Management’s Commercial Garbage Hauler’s permit for 2010. Motion carried.

Motion was made by Palecek, seconded by Arthur to approve the 2010 Dental Insurance premiums increase of 3.8% for single and 3.9% for family coverage per month, effective Jan. 2010. Motion carried.

Departmental Reports:

The SD Dept. of Legislative Audit has accepted the City’s 2008 audit report.

The monthly Police Dept. report was presented and reviewed with Police Chief Graham.

Graham reviewed the following quotes for a new computer server for the Police Dept. and Sheriff’s Office. The costs will be shared between both entities.

Hometown Computer Service (HCS) - Dell Optiplex 760 - \$1134.36
State Bid – Dell Optiplex 760 - \$1493.27
The Technology Center – HP Business Desktop dx7500 - \$1291.11

Graham further noted that they will also be purchasing two copies of File Maker Pro software for each entity at \$300 each. He then recommended the Council approve the low bid from our local business, Hometown Computer Service, with the File Maker Pro software for a total cost per entity of \$867.18.

Motion was made by Chin, seconded by Palecek to approve the computer quote from Hometown Computer Service for a Dell Optiplex 760 and File Maker Pro software for a total cost to the City of \$867.18. Motion carried.

Motion was then made by Struble, seconded by Arthur to approve Resolution #2009-14, Supporting Efforts to Improve the Safety of SD Highway 73 and SD Highway 14 Intersection. This is a joint effort between the City and County and will be submitted to the State of SD to advise them of our concerns and possible corrections to the busy intersection. Motion carried with all members voting aye.

RESOLUTION #2009-14
A RESOLUTION SUPPORTING EFFORTS TO IMPROVE
THE SAFETY OF S.D. HIGHWAY 73 AND S.D. HIGHWAY 14 INTERSECTION

WHEREAS, the intersection of S.D. Highway 73 and S.D. Highway 14 is a main thoroughfare in our community; and,

WHEREAS, said intersection only requires those travelers on S.D. Highway 73 to stop at the intersection. Those travelers on S.D. Highway 14 going through the intersection are travelling at a speed limit established by the State of South Dakota of forty-five (45) miles per hour; and,

WHEREAS, it is apparent that travelers on S.D. Highway 73 and S.D. Highway 14 are not informed nor well aware of this major intersection as travelers are travelling at high-speeds and failing to stop and/or yield at said intersection; and,

WHEREAS, the stop signs for those travelers on S.D. Highway 73 are located on the right hand side of the right turning lane of the north and south bound traffic. In many cases, those travelers fail to stop or perceive the intersection as a four-way stop; and,

WHEREAS, the right-turn only lanes at said intersection are continuously mistaken for passing lanes which have caused accidents as well as many close calls for travelers. The right turn only lanes are only for those vehicles entering Hwy 14 from Hwy 73 as well as those vehicles entering Hwy 73 from Hwy 14. Said travelers on Hwy 14 are passing vehicles in these right turn only lanes as they are not properly identified with signage stating, "right turn only lanes"; and,

WHEREAS, accidents have occurred at this intersection which we strongly feel could be avoided with additional signage and/or warning signals on both S.D. Hwy 14 and S.D. Hwy 73 advising travelers of this busy intersection; and,

NOW, THEREFORE, BE IT RESOLVED, that the following undersigned County Commission Board and County Sheriff for the County of Haakon, South Dakota, and the Mayor, Council Members and Chief of Police of the City of Philip, County of Haakon, South Dakota, do hereby strongly support additional efforts to improve the safety of S.D. Highway 73 and S.D. Highway 14 intersection with additional signage and/or warning signals.

Dated this 1st day of December 2009.

/s Rita O’Connell, Commission Chairman /s/Obie Brunskill, Commission V. Chairman

/s Donald Eymer, Commission Member /s/Gary Snook, Commission Member

/s Nick Konst, Commission Member /s/Larry Hanes, County Sheriff

ATTEST:

/s/Patricia Freeman, County Auditor

Dated this 8th day of December 2009.

/s/Greg Arthur, City Council Member /s/Shirley Chin, City Council Member

/s/John Kangas, City Council Member /s/Monte Palecek, City Council Member

/s/Tom Struble, City Council Member /s/Mike Vetter, City Council Member

/s/Kit Graham, Chief of Police /s/John F. Hart, Mayor

ATTEST:

/s/Monna Van Lint, City Finance Officer
(Publish: December 17, 2009)

Council then discussed the complaints received relative to dogs defecating on public sidewalks. According to City Ordinance #15-508, no person shall allow their animal to defecate on public or private property other than his/her own. Public property means streets and sidewalks.

It was noted that in order for the Police Dept. to issue a citation to those community members allowing their dogs to defecate on public property, a complaint must be filed with the Police Dept. and signed by the person witnessing the dog defecating.

Chief Graham stated that the Police Dept. is currently stopping and advising those people walking their dogs of City Ordinance as well as the \$101.00 fine that they will be charged if they do not pick up after their dogs.

Council was then questioned as to how they would like to address the complaint, i.e. posters, public notice, etc. The Finance Office has published a reminder on the back of the bill cards already, but feels that more notification to the public and those witnessing the acts needs to be done. This is problem and the City needs to do something to curtail it. Another suggestion was that of educating the business owners that have to deal with the dog waste on the sidewalks in front of their businesses. It is the dog keepers responsible to clean up after them.

Council Member Chin stressed that she carries bags with her when she walks her dogs. This allows her the means to clean up after them as it is her responsibility.

Following discussion, motion was made by Arthur, seconded by Vetter to publish a public notice for two weeks advising the community of City Ordinance #15-508 outlining an animal owner's responsibility of not allowing them to defecate on public property nor private property other than their own. Motion carried.

The monthly Street Dept. report was reviewed.

PWD Reckling advised the Council that the South City Shop heating system does not have an outside vent. The condensation is building up and causing electrical problems in the building. He noted that previously, it was not a problem as someone was there on a regular basis allowing air flow in and out of the building. Recently, the heating system went out and had to be fixed temporarily by Ken's Refrigeration.

Mayor Hart questioned if the South Shop needs to be heated? PWD Reckling stated that it does need to be heated as it houses the sewer truck and other equipment. He noted that the outside vent could be purchased from Ken's Refrigeration and installed by City personnel if Council approves.

By general consensus of the Council, an outside vent for the South Shop needs to be installed in the very near future.

Council Member Arthur went on to request that the City personnel make sure that the fence stays up around the swimming pool for liability reasons.

PWD Reckling noted that they will be finishing the pool demolition since they have the draft plans from our engineer, Harlan Quenzer with SPN & Assoc. He will also be in contact with Mr. Quenzer regarding the backfill material.

The quarterly Rubble Site report was reviewed with Gen. Maint. Pearson.

Pearson noted that residents utilizing the site have been very cooperative and the dumpster is very useful for those items not allowed to be deposited at the site. Recently with the colder temperatures, the loads have reduced.

It was noted that the City has responded to the SD DENR's inspection report following the completion of the requests and recommendations noted. The majority of the metal

items were removed to Les' Salvage Yard, a total of thirty and one-half tons. A berm around the burial pit has been constructed and Gen. Maint. Pearson will be completing weekly inspections as well as recording tonnages delivered to the site.

The quarterly Water Dept. report was presented and reviewed with Gen. Maint. Pearson.

Pearson noted that Utility Coord. Schofield advised him of a large water loss (26%) at the end of November. City personnel responded by walking the main from the tank to town and then visited with the WR/LJ Rural Water Systems Foreman, Mike Vetter.

According to Vetter, there were approximately six days from the end of October to the beginning of November that reported a large water usage during the night. Following their review, it was determined that there must have been some air in their lines to cause this spike in water usage and in turn, WR/LJ adjusted the City's actual water usage.

There were no L/P Propane bids during the month of November 2009.

Executive Session: None.

Public Comments: None.

In Other Business:

City Offices will be closed in observance of legal holidays on Dec. 24th - 25th, 2009 & Jan. 1st, 2010.

Final Year-End Meeting is Tuesday, Dec. 29th at 5:00 p.m.

The next regular Council meeting will be held on Monday, Jan. 4, 2010, at 7:00 p.m. in the Community Room.

With no further business to come before the Council, the Mayor declared the meeting adjourned at 6:03 p.m.

/s/ John F. Hart, Mayor

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer

(Published once on December 17, 2009, at approximate cost of \$_____)