

AGENDA
CITY OF MILLER
MONDAY, JUNE 3, 2013
7:00 P.M.

Call to Order
Pledge of Allegiance
Approval of Minutes Pg. 1 - 4
Approval of Agenda
Public Input

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

Outstanding Business

1. Deputy Finance Officer, Administrative Assistant – wages
2. Second reading of Ordinance #642

New Business

1. Building Permits
 - Marlin Auch – Remove shed, build garage
 - Ralph Johnson – Modular home
 - Gale Auch – Remove 2 houses, build garage, addition to existing garage
2. Sewer project bids Pg. 5 - 6
3. Pool – Lifeguard chair & electrical box
4. Electric Project pay requests Pg. 7 - 9
5. City Hall Cleaning
6. Noise Ordinance Pg. 10 - 16
7. Jim Henson – probationary raise

Correspondence

1. SDML – elected officials training July 24, 2013

Adjourn

**CITY OF MILLER
CITY COUNCIL MEETING
May 20, 2013**

The City Council met in regular session at City Hall at 7:00 p.m. on Monday, May 20, 2013.

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

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

ADOPT AGENDA: Motion by Alderman Odegaard, seconded by Alderman Zeller to approve the agenda with one amendment. All members voted aye. Motion carried.

MINUTES: Motion by Alderwoman Hargens, seconded by Alderman Winsell to approve the minutes for the regular meeting held on May 6, 2013. All members voted aye. Motion carried.

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

PUBLIC INPUT: Wayne Ames appeared as a private citizen with concerns about the intersection of West Seventh Street and West First Avenue. The trees on the southeast corner create a blind spot, and he has personally had several near misses at that corner. Mr. Ames would like the city to look into the possibility of installing stop signs in place of the current yield signs. Police Chief Speck and the safety committee will meet to make recommendations for the council meeting on June 3rd. Officer Ames would like to have the city do something to commemorate Officer William J. Stender, who was killed in the line of duty on May 15, 1963.

Department Head Reports

Water/Sewer – Jim Bonebright, water/sewer superintendent, stated that the SD DOT will be doing a pavement deflection test on the runway to record the base. The gate for the pool slide is rusted out and being replaced. The control box for the slide is also rusted and needs to be replaced. They cannot find a waterproof box that meets the current requirements at this time. They are contacting Miracle Recreation to see if they have something that will work. The pool is ready for the lifeguards to begin working on the bathhouse and to get ready for their open house on May 23rd. Certificates were presented to Terry Manning and Jim Bonebright for meeting the DENR requirements for Safe Drinking Water Act; Tony Rangel also accepted a certificate for the City for its compliance with the DENR's Surface Water Discharge permit.

Street Department – Ron Hoftiezer, street superintendent, commented that there is at least one more beaver in the storm sewer near the park. He will be attending a meeting in Deadwood May 22nd and 23rd that was postponed due to weather. They are trying to control the dust on East Third Avenue that has more truck traffic due to the new state shop and the county shop in the old state shop building. The summer employees have started and are working on mowing, spraying and filling potholes. The John Deere mower works great. He gave the Aldermen a map of the streets to be oiled and the storm sewers to be worked on this summer.

Police Department – Shannon Speck, Police Chief, stated that Officer Henrickson had his 5th grade D.A.R.E. graduation on May 9th. He received generous donations from local businesses to help pay the cost of t-shirts and certificates. There is a training set up for the officers on June 5th with the South Dakota Domestic Violence Coalition. The Police Department will be participating in the Department of Highway Safety’s Seatbelt Campaign from May 19th to June 1st.

Finance Office – Sheila Coss, finance officer, showed a comparison of sales tax between 2012 and 2013. The majority of cell phones have been switched from the City account to personal accounts. The water surcharge was itemized on the current utility bill, and the goal is to have the electric surcharge split out on the July statement. She gave a tentative schedule of when she will be out of the office to train the new Register of Deeds.

Public Hearing - At the advertised time of 8:00 p.m., Mayor Blachford adjourned as the Common Council to reconvene as the Board of Adjustment for the hearing on the annexation request of Mike and Rita Beaner. There were no opponents present for the hearing. Motion by Alderman Rangel, seconded by Alderwoman Hargens with all voting aye to approve Resolution No. 2013-8.

RESOLUTION #2013-8

WHEREAS, Michael L. and Rita J. Beaner, husband and wife, owners, have petitioned the Common council of the City of Miller to annex certain real property, contiguous to the City of Miller and described as follows:

Lots ten (10) through seventeen (17) inclusive, Block One (1), and Lots six (6) through ten (10) inclusive, Block Two (2), Prairie Vista Third Addition in the Northwest Quarter (NW ¼) of Section Eleven (11), in Township One Hundred Twelve (112) North, Range Sixty-eight (68) West of the 5th P.M., County of Hand, State of South Dakota.

This annexation was previously considered and approved by the Common Council on October 19, 2009. However, a resolution approving the annexation was not recorded.

WHEREAS, the City of Miller did publish notice of public hearing and did hold a public hearing on the 20th day of May, 2013, to consider annexation of said real property.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MILLER, SOUTH DAKOTA, that the above described real property hereby be annexed.

Dated this 20th day of May, 2013.

Mayor Blachford adjourned as the Board of Adjustments and reconvened as the Common Council.

Hondah outdoor music – Kortney Hastings was present to ask permission to have live music outside the Hondah on July 6, 2013. A motion by Alderman Zeller and seconded by Alderwoman Hargens to approve outdoor music behind the Hondah. All members voted aye. Motion carried.

Ordinance #642 – Travis Stevens was present to explain his plan to have a gunsmith shop in his father's existing shop and requested that it be zoned commercial. Motion by Alderman Zeller, seconded by Alderwoman Hargens to approve the first reading of Ordinance #642 (Conditional rezone of property as residential/commercial). Roll call vote: Hargens, aye; Winsell, aye; Zeller, aye; Odegaard, aye; Rangel, aye. Motion carried.

City Hall Bathrooms – A requirement of our Rural Development loans is that the City Hall Bathrooms be ADA accessible. SPN & Associates have provided plans that are available at City Hall. Motion by Alderwoman Hargens, seconded by Alderman Zeller to advertise for bids to make the City Hall bathrooms ADA accessible. All members voted aye. Motion carried.

City Lineman – Motion by Alderman Rangel, seconded by Alderman Zeller to approve hiring James Thomson as journeyman at \$24.75/hour during probation, \$25.75 after 6 months. All members voted aye. Motion carried.

Building Permits – Motion by Alderman Odegaard, seconded by Alderman Rangel to approve the following building permits: Roger Zens, remove house; Gary Davis, build lawn shed. All members voted aye. Motion carried.

Pre-Disaster Mitigation Planning meeting – Mayor Blachford, Chief Speck, Jim Bonebright, Ron Hofstiezer and Sheila Coss plan to attend the PDMP meeting on Tuesday, May 21st at 9:00 a.m. at the Fire Hall.

Destruction Manual – Motion by Alderman Rangel, seconded by Alderman Odegaard to adopt the Records Management Policy provided by the State Archives. All members voted aye. Motion carried.

Malt Beverage Licenses – Motion by Alderman Winsell, seconded by Alderman Zeller to approve malt beverage licenses for the following: Tucker's Super Valu, Alco Stores, Inc., Highway 14 Fuel Services, LLC, Milan Inc., and Redneck Paradise, Inc. All members voted aye. Motion carried.

Housing meeting – Motion by Alderman Rangel, seconded by Alderman Odegaard to approve the use of the City dump trucks to haul rubble from certain dilapidated houses that are destroyed per the Housing Committee in conjunction with On Hand Economic Development. All members voted aye. Motion carried.

CD Interest – Motion by Alderwoman Hargens, seconded by Alderman Rangel to roll interest accrued for our Electric CD at Quoin Bank back into the CD. All members voted aye. Motion carried.

Wheels and Meals – Motion by Alderman Rangel, seconded by Alderman Odegaard to approve a \$2000.00 donation to Wheels and Meals Corporation. All members voted aye. Motion carried.

Old Business – Finance Office Committee, Mary Johnson and Tony Rangel, met to discuss a raise for Deputy Finance Officer, Rachel Heezen and Administrative Assistant, Cindy Deuter. Recommendations will be discussed June 3, 2013.

Motion by Alderman Zeller, seconded by Alderman Winsell to adjourn the meeting. All members voted aye. Motion carried. There being no further business, the meeting was adjourned at 9:06 p.m.

Sheila Coss, Finance Officer

LEGAL NOTICE OF RECEIPT

Copy of the official proceedings
was received on: _____

Published once at the
approximate cost of: _____



OLSON CONSTRUCTION

PO BOX 928
HURON, SD 57350
352-7894

Date May 29 20 13

Name City of Miller - Miller S.D. attn: Megan Bernebright
Address ph: 853 2705 fax 853 3617

Subject - excavate, install, compact and backfill
300' of 8" 3034 perme pipe and related tie ins
and manhole work - from west 3rd Ave
and west 7th St. - running 300' east

includes 1 cleanouts and tie ins to (3) three
existing homes, break out and tie in of (1) one ex.
manhole, and complete installation of (1)
one ex. new man hole

Bid estimate includes all material, equip, labor & taxes # 19,750.50

note city will replace asphalt as required

Thank You for allowing Olson Construction to bid your work

Lenny Olson



OLSON CONSTRUCTION

PO BOX 928
HURON, SD 57350
352-7894

Date May 29 20 13

Name City of Miller - Miller S.D. attn Mad Jim Bonebricht

Address Sh 853 2705 Sp 853 3617

Subject - excavate, remove / replace, compact
and back fill new manhole @ west
7th St and west 7th Ave

job includes (4) manholes and manhole
penetrations (1) one of which is a force
main line with extreme water flow

Bid estimate includes all material, equip, labor and taxes 10,913.25

Thank you for allowing Olson Construction to bid your work.

Lanny Olson

Unit No.	Name and Description of Construction Unit	No. of Units	UNIT PRICE				Ext. Price L & M	WORK COMPLETED TO DATE (Including this Pay Period)				WORK COMPLETED THIS PERIOD			
			Labor	Material	L & M	Value of Comp. Work		Units Comp.	%	Value of Comp. Work	Units Comp.	%	Value of Comp. Work		
UD-1/0	1,000' 1/0 AL., 15 KV Cable	162.765	\$800.00	\$200.00	\$1,000.00	\$162,765.00	118.499	73%	\$118,499.00	15.499	10%	\$15,499.00			
UD-4/0	1,000' 4/0 AL., 15KV Cable	95.295	950.00	200.00	1,150.00	109,580.25	76.836	81%	88,361.40	6.228	7%	7,162.20			
UD-4/0 TPLX	1,000' 4/0-2/0 AL., 600 V, Triplex Cable	73.759	1,900.00	2,500.00	4,400.00	324,539.60	41.551	56%	182,824.40	1.787	2%	7,862.80			
UD-350 TPLX	1,000' 350-4/0 AL., 600 V, Triplex Cable	2.913	1,900.00	4,700.00	6,600.00	19,225.80	3.345	115%	22,077.00	0.231	8%	1,524.60			
UD-4/0 QUAD	1,000' 4/0-2/0 AL., 600 V, Quadruplex Cable	5.410	1,900.00	3,750.00	5,650.00	30,566.50	3.484	64%	19,684.60	0.863	16%	4,875.95			
UD-350 QUAD	1,000' 350-4/0 AL., 600 V, Quadruplex Cable	1.002	1,900.00	5,000.00	6,900.00	6,913.80	0.504	50%	3,477.60	0	0%	0.00			
UD-10-2	1,000' 10-2 UF w/ Gnd, 600V Cable	20.611	800.00	1,000.00	1,800.00	37,099.80	13.132	64%	23,637.60	1.861	9%	3,349.80			
UG-15	15 KVA, 1Ø Pad Mounted Xfmr and Box Pad	14	500.00	450.00	950.00	13,300.00	12	86%	11,400.00	2	14%	1,900.00			
UG-25	25 KVA, 1Ø Pad Mounted Xfmr and Box Pad	26	500.00	450.00	950.00	24,700.00	23	88%	21,850.00	2	8%	1,900.00			
UG-37.5	37.5 KVA, 1Ø Pad Mounted Xfmr and Box Pad	46	500.00	450.00	950.00	43,700.00	31	67%	29,450.00	0	0%	0.00			
UG-50	50 KVA, 1Ø Pad Mounted Xfmr and Box Pad	52	500.00	450.00	950.00	49,400.00	34	65%	32,300.00	0	0%	0.00			
UG-75	75 KVA, 1Ø Pad Mounted Xfmr and Box Pad	9	500.00	450.00	950.00	950.00	1	100%	950.00	0	0%	0.00			
UG-45(208)	45 KVA, Pad Mount Xfmr and BP, 3Ø, 208 V	1	700.00	1,750.00	2,450.00	22,050.00	6	67%	14,700.00	1	11%	2,450.00			
UG-45(240)	45 KVA, Pad Mount Xfmr and BP, 3Ø, 240 V	17	700.00	1,750.00	2,450.00	41,650.00	10	59%	24,500.00	2	12%	4,900.00			
UG-75(208)	75 KVA, Pad Mount Xfmr and BP, 3Ø, 208 V	6	700.00	1,750.00	2,450.00	17,150.00	5	71%	12,250.00	0	0%	0.00			
UG-112.5(208)	112.5 KVA, Pad Mt Xfmr and BP, 3Ø, 208 V	3	700.00	1,750.00	2,450.00	14,700.00	2	67%	4,900.00	1	17%	2,450.00			
UG-112.5(240)	112.5 KVA, Pad Mt Xfmr and BP, 3Ø, 240 V	7	700.00	1,750.00	2,450.00	17,150.00	4	57%	9,800.00	0	0%	0.00			
UG-150(208)	150 KVA, Pad Mt Xfmr and BP, 3Ø, 208 V	3	700.00	1,750.00	2,450.00	7,350.00	3	100%	7,350.00	0	0%	0.00			
UG-150(240)	150 KVA, Pad Mt Xfmr and BP, 3Ø, 240 V	3	700.00	1,750.00	2,450.00	7,350.00	2	67%	4,900.00	0	0%	0.00			
UG-150(480/277)	150 KVA, Pad Mt Xfmr & BP, 3Ø, 480/277 V	1	700.00	1,750.00	2,450.00	2,450.00	0	0%	0.00	0	0%	0.00			
UG-225(480)	225 KVA, Pad Mt Xfmr and BP, 3Ø, 480 V	1	700.00	1,750.00	2,450.00	2,450.00	1	100%	2,450.00	0	0%	0.00			
UG-300(208)	300 KVA, Pad Mt Xfmr and BP, 3Ø, 208 V	1	700.00	1,750.00	2,450.00	2,450.00	0	0%	0.00	0	0%	0.00			
UG-300(240)	300 KVA, Pad Mt Xfmr and BP, 3Ø, 240 V	1	700.00	1,750.00	2,450.00	2,450.00	0	0%	0.00	0	0%	0.00			
LJS-F(20)	Street Light Fuses, 20 Amp	106	45.00	91.00	136.00	14,416.00	54	51%	7,344.00	2	2%	272.00			
LJS-R	Underground Feed to Existing Street Light	98	50.00	150.00	200.00	19,600.00	48	49%	9,600.00	8	8%	1,600.00			
UK5	Secondary Pedestal, 1-ph	17	200.00	200.00	400.00	6,800.00	17	100%	6,800.00	3	18%	1,200.00			
UM3-1T (1Ø)	Londbrook Elbow, #1/0, 200 Amp, test point	693	80.00	60.00	140.00	97,020.00	470	68%	65,800.00	49	7%	6,860.00			
UM3-4	Insulating Receptacle	31	50.00	40.00	90.00	2,790.00	39	126%	3,510.00	5	16%	450.00			
UM3-30	Primary Sectionalizing Assembly, 1-ph	6	300.00	700.00	1,000.00	6,000.00	8	133%	8,000.00	0	0%	0.00			
UM6-4 (1Ø)	Cable Terminator, #1/0	69	180.00	60.00	240.00	16,560.00	60	87%	14,400.00	9	13%	2,160.00			
UM6-4 (4Ø)	Cable Termination, #4/0	138	180.00	75.00	255.00	35,190.00	123	89%	31,365.00	15	11%	3,825.00			
UM6-4S (4Ø)	Cable Termination, Substation, #4/0	12	180.00	95.00	275.00	3,300.00	12	100%	3,300.00	0	0%	0.00			
UM6-34 EA	Lightning Arrester, Elbow	52	50.00	120.00	170.00	8,840.00	34	65%	5,780.00	5	10%	850.00			
UM6-35 TSA	Lightning Arrester, Parking Stand	29	45.00	220.00	265.00	7,685.00	17	59%	4,505.00	3	10%	795.00			
UM14-1	Neutral Connection Unit	32	225.00	75.00	300.00	9,600.00	14	44%	4,200.00	0	0%	0.00			
UM33-60	Sectionalizing Assembly, 69" W	17	300.00	1,800.00	2,100.00	30,600.00	15	88%	27,000.00	2	12%	3,600.00			
UM40-4	Multi-Point Junction (4 point)	34	45.00	225.00	270.00	9,180.00	32	94%	8,640.00	6	18%	1,620.00			
UM45-1 (1Ø)	Primary Splice, 1Ø, #1/0	2	165.00	100.00	265.00	530.00	6	300%	1,590.00	0	0%	0.00			
UM45-1 (4Ø)	Primary Splice, 1Ø, #4/0	30	165.00	110.00	275.00	8,250.00	27	90%	7,425.00	0	0%	0.00			
UM45-ARC 3	Arc-Proof Tripping, per foot	175	25.00	12.00	37.00	6,475.00	175	100%	6,475.00	0	0%	0.00			
UNI	Meter Pedestal, single, double, or triple	6	25.00	50.00	75.00	450.00	10	167%	750.00	0	0%	0.00			
UPS-(42)	Padmount Switching Equipment (PMH-9)	11	750.00	1,100.00	1,850.00	20,350.00	8	73%	14,800.00	1	9%	1,850.00			
UPS-(43)	Padmount Switching Equipment (PMH-11)	7	800.00	1,100.00	1,900.00	13,300.00	7	100%	13,300.00	1	14%	1,900.00			
UPS-(44)	Padmount Switching Equipment (PMH-16)	2	850.00	1,100.00	1,950.00	3,900.00	2	100%	3,900.00	0	0%	0.00			
UR2-24	1,000' Trenching, 24" Deep	50.966	3,000.00	50.00	3,050.00	155,446.30	23.91	47%	72,925.50	2.689	5%	8,201.45			
UR2-24J	1,000' Trenching, 24" Deep, Joint	0.030	4,500.00	50.00	4,550.00	1,365.00	0.193	64%	136.50	0.000	0%	0.00			
UR2-42	1,000' Trenching, 42" Deep	73.165	5,500.00	50.00	5,550.00	406,065.75	35.496	49%	197,002.80	5.373	7%	29,820.15			
UR2-42J	1,000' Trenching, 42" Deep, Joint	0.030	7,000.00	100.00	7,100.00	213.00	20.471	68237%	145,344.10	0.000	0%	0.00			
UR3-24	1,000' Trenching, 24" Deep, Spec. Backfill	0.030	6,900.00	1,500.00	8,400.00	252.00	0.000	0.00	0.00	0.000	0%	0.00			
UR3-24J	1,000' Trenching, 24" Deep, Spec. Backfill, Joint	0.030	7,250.00	2,000.00	9,250.00	277.50	0.000	0.00	0.00	0.000	0%	0.00			
UR3-42	1,000' Trenching, 42" Deep, Spec. Backfill	0.030	8,000.00	1,500.00	9,500.00	315.00	0.000	0.00	0.00	0.000	0%	0.00			
UR3-42J	1,000' Trenching, 42" Deep, Spec. Backfill, Joint	0.030	8,500.00	2,000.00	10,500.00	385.00	0.000	0.00	0.00	0.000	0%	0.00			
UR3R-24	1,000' Trenching, 24" Deep, Rock or Shale	0.030	15,000.00	2,000.00	17,000.00	510.00	0.304	1013%	5,168.00	0	0%	0.00			
UR3R-24J	1,000' Trenching, 24" Deep, Rock or Shale, Joint	0.030	20,000.00	2,000.00	22,000.00	660.00	0.000	0.00	0.00	0.000	0%	0.00			
UR3R-42	1,000' Trenching, 42" Deep, Rock or Shale	0.030	22,000.00	20,000.00	42,000.00	1,260.00	0.409	1363%	17,178.00	0.088	293%	3,696.00			
UR3R-42J	1,000' Trenching, 42" Deep, Rock or Shale, Joint	0.030	25,000.00	20,000.00	45,000.00	1,350.00	0.000	0.00	0.00	0.000	0%	0.00			



Unit No.	Name and Description of Construction Unit	No. of Units	UNIT PRICE					Ext. Price L. & M.	WORK COMPLETED TO DATE (including this Pay Period)			WORK COMPLETED THIS PERIOD		
			Labor	Material	L. & M.	Units Comp.	% Comp.		Value of Comp. Work	Units Comp.	% Comp.	Value of Comp. Work		
UR5-2P	1,000' Conduit in Bore, 2" Plastic	1,910	8,000.00	875.00	8,875.00	16,951.25	0.785	41%	6,966.88	0.060	3%	532.50		
UR5-2PJ	1,000' Conduit in Bore, 2" Plastic, Joint	0.030	8,750.00	9,625.00	16,375.00	288.75	0.988	3293%	9,509.50	0.000	0%	0.00		
UR5-2(2)P	1,000' Conduit in Bore, (2)2" Plastic	0.645	10,000.00	1,600.00	11,600.00	7,482.00	0.127	20%	1,473.20	0	0%	0.00		
UR5-2(2)PJ	1,000' Conduit in Bore, (2)2" Plastic, Joint	0.030	10,750.00	1,600.00	12,350.00	370.50	0.134	447%	1,654.90	0	0%	0.00		
UR5-3(2)P	1,000' Conduit in Bore, (3)2" Plastic	3,160	15,000.00	2,700.00	17,700.00	55,932.00	2,470	78%	43,719.00	0.307	10%	5,433.90		
UR5-3(2)PJ	1,000' Conduit in Bore, (3)2" Plastic, Joint	0.030	16,000.00	2,700.00	18,700.00	561.00	0.269	897%	5,030.30	0	0%	0.00		
UR5-4(2)P	1,000' Conduit in Bore, (4)2" Plastic	0.765	17,000.00	2,500.00	19,500.00	14,917.50	0.533	70%	10,393.50	0.070	9%	1,365.00		
UR5-4(2)PJ	1,000' Conduit in Bore, (4)2" Plastic, Joint	0.030	17,500.00	2,500.00	20,000.00	600.00	0.120	400%	2,400.00	0.000	0%	0.00		
UR5-5(2)P	1,000' Conduit in Bore, (5)2" Plastic	0.045	25,000.00	4,000.00	29,000.00	1,305.00	0.000	0%	0.00	0	0%	0.00		
UR5-5(2)PJ	1,000' Conduit in Bore, (5)2" Plastic, Joint	0.030	30,000.00	4,000.00	34,000.00	1,020.00	0.048	160%	1,632.00	0.000	0%	0.00		
UR5-6(2)P	1,000' Conduit in Bore, (6)2" Plastic	0.410	37,500.00	7,000.00	44,500.00	18,245.00	0.177	43%	7,876.50	0.177	43%	7,876.50		
UR5-6(2)PJ	1,000' Conduit in Bore, (6)2" Plastic, Joint	0.030	38,500.00	7,000.00	45,500.00	1,365.00	0.181	603%	8,235.50	0	0%	0.00		
UR5-7(2)P	1,000' Conduit in Bore, (7)2" Plastic	0.090	40,000.00	8,000.00	48,000.00	4,320.00	0.049	54%	2,352.00	0	0%	0.00		
UR5-7(2)PJ	1,000' Conduit in Bore, (7)2" Plastic, Joint	0.030	41,000.00	8,000.00	49,000.00	1,470.00	0.059	197%	2,891.00	0	0%	0.00		
UR5-8(2)P	1,000' Conduit in Bore, (8)2" Plastic	0.045	41,000.00	8,750.00	49,750.00	2,238.75	0.000	0%	0.00	0	0%	0.00		
UR5-8(2)PJ	1,000' Conduit in Bore, (8)2" Plastic, Joint	0.030	41,500.00	8,750.00	50,250.00	1,507.50	0.050	167%	2,512.50	0.000	0%	0.00		
UR5-9(2)P	1,000' Conduit in Bore, (9)2" Plastic	0.215	42,000.00	10,000.00	52,000.00	11,180.00	0.000	0%	0.00	0	0%	0.00		
UR5-9(2)PJ	1,000' Conduit in Bore, (9)2" Plastic, Joint	0.030	42,500.00	10,000.00	52,500.00	1,575.00	0.122	407%	6,403.50	0	0%	0.00		
UR6-24	1,000' Bore without Conduit, 24" deep	4,710	8,000.00	50.00	8,050.00	37,915.50	7,973	169%	64,182.65	0.241	5%	1,940.05		
UR6-24J	1,000' Bore without Conduit, 24" deep, Joint	0.030	9,000.00	50.00	9,050.00	271.50	0.000	0%	0.00	0	0%	0.00		
UR6-42	1,000' Bore without Conduit, 42" deep	5,345	10,000.00	50.00	10,050.00	53,717.25	4,47	84%	44,923.50	0.566	11%	5,688.30		
UR6-42J	1,000' Bore without Conduit, 42" deep, Joint	0.030	11,500.00	50.00	11,550.00	346.50	1.796	5987%	20,743.80	0.000	0%	0.00		
UR-8	Core Drill	60	400.00	50.00	450.00	27,000.00	35	58%	15,750.00	1	2%	450.00		
UR10	Barricade	26	100.00	500.00	600.00	15,600.00	0	0%	0.00	0	0%	0.00		
UR12-45-36-4S	Conduit Elbow, Steel, 45°, 36"R, 4" D	8	85.00	200.00	285.00	2,280.00	8	100%	2,280.00	0	0%	0.00		
UR12-90-36-4S	Conduit Elbow, Steel, 90°, 36"R, 4" D	4	85.00	200.00	285.00	1,140.00	4	100%	1,140.00	0	0%	0.00		
UR9-D	1,000' Deep Crossing	0.030	12,000.00	200.00	12,200.00	366.00	0.000	0%	0.00	0	0%	0.00		
UR9-S	1,000' Shallow Crossing	0.030	11,500.00	200.00	11,700.00	351.00	0.000	0%	0.00	0	0%	0.00		
UR-LDS	1,000' Lawn Damage Restoration and Seeding	85,713	400.00	100.00	500.00	42,856.50	48,409	56%	24,204.50	1,819	2%	909.50		
UR-WD	Wood Deck Removal and Replacement	13	800.00	500.00	1,300.00	16,900.00	13	100%	16,900.00	7	54%	9,100.00		
PCC-REM	Concrete Removal, square yard	24	100.00	200.00	300.00	7,200.00	33.3	139%	9,990.00	0.0	0%	0.00		
PCC-REPL	Concrete Replacement, cubic yard	5.4	85.00	0.00	85.00	459.00	8.8	163%	748.00	0.0	0%	0.00		
ASP-REM	Asphalt Removal, square yard	8.5	85.00	0.00	85.00	722.50	31.8	374%	2,703.00	0	0%	0.00		
ASP-REPL	Asphalt Replacement, square yard	1	500.00	100.00	600.00	600.00	0	0%	0.00	0	0%	0.00		
DB-MM	1000' Duct Bank, 4-4" Conduits, Concrete Enc.	0.080	30,000.00	33,500.00	63,500.00	5,080.00	0.068	85%	4,318.00	0	0%	0.00		
DB-NN	1000' Duct Bank, 5-4" Conduits, Concrete Enc.	0.270	32,000.00	34,000.00	66,000.00	17,820.00	0.259	96%	17,094.00	0	0%	0.00		
DB-OO	1000' Duct Bank, 6-4" Conduits, Concrete Enc.	0.330	34,000.00	35,000.00	69,000.00	22,770.00	0.359	109%	24,771.00	0	0%	0.00		
JUG	Transformer Removal, 1Ø	1	800.00	0.00	800.00	800.00	1	100%	800.00	0	0%	0.00		
JUG-3	Transformer Removal, 3Ø	2	1,000.00	0.00	1,000.00	2,000.00	3	150%	3,000.00	0	0%	0.00		
JUM2	Primary Riser Removal	1	1200	0.00	1200.00	1200.00	0	0%	0.00	0.00	0%	0.00		
JUM40	Multi-Point Junction Removal	9	300	0.00	300.00	2700.00	0	0%	0.00	0	0%	0.00		
TI	Taxes on Owner-Furnished Materials	1	110060.26	110060.26	110060.26	110060.26	0	0%	0.00	0	0%	0.00		

TOTAL TO DATE: \$2,366,392.06
TOTAL CONTRACT PRICE: \$1,691,392.38
CONTRACT TOTAL THIS PERIOD: \$155,869.70

SUMMARY

VALUE OF WORK COMPLETED TO DATE.....	\$1,691,392.38	ORIGINAL CONTRACT PRICE.....	\$2,366,392.06
LESS RETAINAGE...(10%).....	\$169,139.24	EXPECTED FINAL CONTRACT COST (w/C.O.s, Additions & Deletions).....	\$2,366,392.06
TOTAL AMOUNT DUE INCLUDING THIS PAYMENT.....	\$1,522,253.14	LESS TOTAL PAYMENTS, INCLUDING THIS PAYMENT.....	\$1,522,253.14
LESS ESTIMATES PREVIOUSLY APPROVED.....		EXPECTED CONTRACT BALANCE AFTER THIS PAYMENT.....	\$844,138.92
Pay Estimate No. 1.....	\$186,597.63	% OF EXPECTED FINAL CONTRACT PRICE PAID, INCL. THIS PAYMENT.....	64%
Pay Estimate No. 2.....	\$312,095.82		
Pay Estimate No. 3.....	\$616,042.44		
Pay Estimate No. 4.....	\$267,234.52		
Pay Estimate No. 5.....	NA		
Pay Estimate No. 6.....	NA		
Pay Estimate No. 7.....	NA		
Pay Estimate No. 8.....	NA		

TOTAL AMOUNT DUE THIS ESTIMATE..... **\$140,282.73**

The undersigned Contractor hereby certifies that payment has been made in full for all labor and materials incorporated in the project to date, in accordance with the terms of the Construction Contract.

Prepared by Strata Corporation, Contractor

By _____ Date _____

CERTIFICATE

THE AMOUNT OF \$ 140,282.73 IS APPROVED FOR PAYMENT ACCORDING TO THE TERMS OF THE CONTRACT.


CITY OF MILLER, SOUTH DAKOTA, Owner

By _____

Title _____

Date _____

DEWILD GRANT RECKERT, AS SOC. CO, Engineer

By 

Date 5-31-13

Chapter 9.16

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.16.010** Assembly for purpose of riot.
- 9.16.020** Unlawful to remain present at riot.
- 9.16.030** Public intoxication.
- 9.16.040** Disturbing the peace.

9.16.010 Assembly for purpose of riot.

Whenever three or more persons assemble with intent or with means and preparation to do an unlawful act which would be riot if actually committed, but do no act toward the commission thereof, or whenever such persons assemble without authority of law and in such a manner as is adapted to disturb the public peace or excite public alarm, such assembly is an unlawful assembly. (Amended during 1989 codification; prior code § 6.105)

9.16.020 Unlawful to remain present at riot.

Every person present at the place of any riot, rout, or unlawful assembly after

the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor. (Prior code § 6.108)

9.16.030 Public intoxication.

No person shall be or remain in a state of intoxication, drunkenness or under the influence of intoxicating liquor in any public place. (Amended during 1989 codification; prior code § 6.101)

9.16.040 Disturbing the peace.

Any person who intentionally causes serious public inconvenience, annoyance, or alarm to any other person, or creates a risk thereof by:

- A. Engaging in fighting or in violent or threatening behavior;
- B. Making unreasonable noise;
- C. Disturbing any lawful assembly or meeting of persons without lawful authority;
- D. Obstructing vehicular or pedestrian traffic;

is guilty of disorderly conduct. (Added during 1989 codification)

ORDINANCE 09-13

AN ORDINANCE REGULATING NOISE - REPLACING SECTION 9.04.070 OF CHAPTER 9.04

BE IT ORDAINED by the City of Wall, South Dakota to establish standards to control noise.

Section 1 – Definitions.

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

Daytime means 6:00 a.m. to 10:00 p.m. the same day.

District means a part, zone, or geographic area of the City within which certain zoning or development regulations apply.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which necessitates immediate action. Economic loss shall not be the sole determining factor in the determination of an emergency. It shall be the burden of an alleged violator to prove an "emergency."

Emergency work means any work made necessary to restore property to a safe condition following an emergency, or to protect property threatened by an imminent emergency, to the extent such work is necessary to protect persons or property from exposure to imminent danger or damage.

Nighttime means 10:00 p.m. to 6:00 a.m. the following day.

Noise means any sound which disturbs humans, which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound which:

1. Disturbs a reasonable person of normal sensitivities; or
2. Is plainly audible as defined in this section.

Person means any person, person's firm, association, co-partnership, joint venture, corporation, or any entity public or private in nature.

Plainly audible means any sound or noise produced by any source, or reproduced by a radio, tape player, television, CD player, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic sound making device, or non-amplified human voice that can be clearly heard by a person using his/her normal hearing faculties.

Property boundary means any imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

Public right-of-way means any street, avenue, boulevard, sidewalk, bike path or alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Reasonable time for a radio, music or sound player or other mechanical sound making device or instrument within a motor vehicle is instantly. Otherwise, absent special circumstances,

"reasonable time" is 15 minutes in the case of non-vehicular sound emitters and two calendar days for vehicular sound emitters.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Weekday means any day Monday through Friday.

Section 2 - Prohibited acts.

- A. General prohibition. It shall be unlawful and a violation of this chapter to make, cause or allow the making of any sound that causes a noise disturbance, as defined in Section 1.
- B. Specific prohibitions. In addition to the general prohibitions set out in subsection (A), and unless otherwise exempted by this chapter, the following specific acts, or the causing or permitting thereof, are hereby regulated as follows:
 1. Radios, television sets, musical instruments and similar devices.
 - a. Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in subsection (B)(2) of this section, in such a manner as to cause a noise disturbance.
 - b. The operating of any such device between the hours of 10:00 p.m. and 6:00 a.m. the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at 50 feet from such device when operated within a vehicle parked on a public right-of-way or plainly audible at 100 feet from such device when operated within a moving vehicle.
 2. Loudspeakers and public address systems.
 - a. No person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any commercial purpose:
 - i. Which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance; or
 - ii. During nighttime hours on a public right-of-way.
 - b. No person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any noncommercial purpose, except those used for emergency systems or devices, during nighttime hours in such a manner as to create a noise disturbance.
 3. Defect in vehicle. Operating or permitting to be operated or used any truck, automobile, motorcycle, or other motor vehicle which, by virtue of disrepair or manner of operation, causes a noise disturbance

4. Standing motor vehicles. The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to cause a noise disturbance for a consecutive period longer than 15 minutes during which such vehicle is stationary in a residential zoning district.
 5. Recreational vehicles and snowmobiles. Operating a recreational vehicle or snowmobile in a manner which causes a noise disturbance.
- C. Exemptions. The following uses and activities shall be exempt from the sound level regulations:
1. Non-amplified human voice, except yelling, shouting, whistling, hooting, or generally creating a racket such that it creates a noise disturbance during the nighttime hours in a residential area in other than time of emergency.
 2. Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 3. Sounds resulting from emergency work as defined in Section 1.
 4. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
 5. All sounds coming from the normal operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
 6. School outdoor concerts and music activities including marching band activities, sporting activities with musical components, art festivals, and student fund-raisers.
 7. Religious organizations conducting worship services outdoors with musical components.
 8. The City of Wall, including, but not limited to, parks and recreation unit sponsored activities with musical components.
 9. Permits issued by the City.
 10. Any non-amplified noise generated by noncommercial public speaking activities conducted on any public property or public right-of-way pursuant to legal authority.
 11. Sounds produced at organized sporting events, by fireworks and by permitted parades on public property or public right-of-way.

Section 3 - Special permits.

A. Permit process.

1. Applications for a special permit for relief from the noise restrictions in this chapter may be made in writing to the Finance Officer; and approved by the mayor and two council members.
2. The permit application shall include the name, address and telephone number of the permit applicant; the date, hours and location for which the permit is requested; and the nature of the event or activity. If the proposed activity or event will involve entertainment, the City may also request the name and contact information for such individual(s). The application must be submitted at least ten days in advance of the event, not including holidays and weekends.
3. Payment of a fee of \$50.00.
4. Any permit granted must be in writing and shall contain all conditions upon which the permit shall be effective.
5. The Finance Officer may prescribe any reasonable conditions or requirements he/she deems necessary to minimize noise disturbances upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
6. The permit shall be posted at the activity.

B. Permits may be granted under the following conditions:

1. The permit shall be limited to a single day unless an established time frame is approved by the city council and shall be so stated on the permit.
2. Permits shall be effective only between the hours of 6:00 a.m. and 1:00 a.m.
3. No permit shall be issued to any applicant or any activity convicted of a violation or if pending conviction of this chapter within the same calendar year.

C. Upon receipt of a properly executed and signed application, the City of Wall shall issue a special noise permit to the applicant, which permit shall exempt the premises specified in the permit from the provisions of this chapter for the date specified in the permit, except that sound emitted from the premises shall in no way be plainly audible 1,000 feet from the property boundary.

Section 4 - Measurement or assessment of sound.

A. Any police officer or other official designated by the City Council who hears a noise or sound that is plainly audible, as defined in Section 1, in violation of this chapter, shall assess the noise or sound according to the following standards:

1. The primary means of detection shall be by means of the official's normal hearing faculties, so long as the official's hearing is not enhanced by any mechanical device, such as a hearing aid.

2. The official must have a direct line of sight and hearing to the real property of the source of the sound or noise so that the official can readily identify the offending source of the sound or noise and the distance involved. If the official is unable to have a direct line of sight and hearing to the real property of the source of the sound or noise, then the official shall confirm the source of the sound or noise by approaching the suspected real property source of the sound or noise until the official is able to obtain a direct line of sight and hearing, and identify the identical or same sound or noise that was heard at the place of original assessment of the sound or noise.
3. The official need not determine the particular words or phrases being said or produced or the name of any song or artist producing the noise or sound. The detection of a rhythmic bass reverberating type of noise or sound is sufficient to constitute a plainly audible noise or sound.
4. If noise is measured by a db measuring device it shall not exceed a level of 80db at property boundary.

Section 5 - Violation procedures.

A. Violation of sound level limits.

1. Warnings:
 - a. When a designated official of the City determines that there is a violation of Section 2, the official shall issue a written warning to the person or persons responsible for the sound. The warning shall advise the person of the violation and of the possible penalty if the person fails to eliminate the sound or reduce the sound so that it is within permitted limits.
 - b. The person or persons receiving the warning shall have a reasonable time, as defined in Section 1, to comply with the warning.
 - c. For the purposes of this section, it is sufficient warning for all prohibited sounds if the person or persons responsible for any succeeding sounds are warned of, or cited for, one or more offending sounds of the same type in the same calendar year. In the situation of a business with current ownership less than one year, current ownership would not be responsible for violations prior to ownership of the business.
2. Citation.
 - a. If the sound is not eliminated or is not reduced to allowable limits within a reasonable time after the warning, or if the noise or sound is abated after warning and then reoccurs, the person so warned and not complying shall be cited for a violation of this chapter.

B. Other limits; complaint procedure.

1. Any complaint regarding a sound or noise disturbance based solely on its disturbing a reasonable person of normal sensitivities must be filed by a person who is disturbed by the sound or noise. The burden of proof of this complaint will be on the complainant if the complaint results in a hearing before a judge.

The complaint may be filed at the time of the disturbance or within a reasonable period of time after the fact.

2. When a complaint has been received, a designated official shall investigate the charges. If the official finds probable cause to believe the owner/operator is in violation of this chapter, the official shall issue a warning to cease the violation.
 3. If the owner/operator does not take corrective action within a reasonable time as defined in Section 1 or if the noise or sound is abated after warning and then reoccurs, the official may issue a citation or file a sworn complaint with the City and/or the police department.
- C. Joint and several responsibilities. The owner, tenant or lessee of property, or a manager, overseer or agent, or any other person lawfully entitled to possess the property from which the offending sound is emitted at the time the offending sound is emitted, shall be responsible for compliance with this chapter. It shall not be a lawful defense to assert that some other person caused the sound. The lawful possessor or operator of the premises shall be responsible for operating or maintaining the premises in compliance with this chapter and shall be punished whether or not the person actually causing the sound is also punished.
- D. Any person who violates any provision of this ordinance shall be subject to a fine for each offense of one hundred twenty-five dollars (\$125.00) plus court costs, and each subsequent violation in the same calendar year shall result in an increase in the fine of twenty-five dollars (\$25.00) per subsequent violation (i.e. one hundred twenty-five dollars [\$125.00] for the first offense, one hundred fifty dollars [\$150.00] for the second offense, one hundred seventy-five dollars [\$175.00] for the third offense, etc. plus court costs). If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

Dated at Wall, South Dakota this 5th day of October, 2009.

David L Hahn, Mayor

ATTEST:

Carolynn M. Anderson, Finance Officer

First Reading: October 5, 2009

Second Reading: November 5, 2009

Publish: November 17, 2009

Effective: December 7, 2009

Published once at the approximate cost of _____.