

**COUNCIL PROCEEDINGS  
REGULAR MEETING  
May 3, 2021**

A regular meeting of the Philip City Council was held on Monday, May 3, 2021, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse and via Zoom (Meeting ID: 814 3787 0735). Present were Mayor Michael Vetter, Council Members Marion Matt, Brit Miller, Marty Gartner, Trisha Larson, Scott Pinney and Terri Pelle. Also present were City Administrator Brittany Smith, Finance Officer Monna Van Lint, Public Works Maintenance I Rick Coyle, Chief of Police Ben Buls, City Attorney Stephanie Trask, Chelsea Tobin with The Pioneer Review and Gavin Brucklacher.

Absent: None.

The meeting was opened with the Pledge of Allegiance.

Motion was made by Matt, seconded by Pinney to approve the agenda as presented. Motion carried.

Motion was made by Pinney, seconded by Gartner to approve the minutes of the last meeting as published in The Pioneer Review and on the City’s website. Motion carried.

Motion was then made by Matt, seconded by Miller to approve the payment of the bills from the appropriated funds as listed below. Motion carried.

**Gross Salaries – April 30, 2021:** Admin - \$4052.10; Finance - \$3688.53; Police - \$6011.19; Sewer - \$14,575.57

Colonial Life	Employee Supplemental Ins 4/21	196.60
Credit Collections Bureau	Garnishment 4/21	261.36
EFTPS	SS/Medicare/Withholding 4/21	6374.20
NE Child Support	Garnishment 4/21	659.18
SDRS	Employee Retirement 4/21	3695.07
SDSRP	Sup Retirement 4/21	100.00

**This Month's Bills:**

AT&T Mobility	Cell Phone 3-4/21	216.31
American Red Cross	2021 LTS Fees	300.00
American Water Works Assoc	Pearson Dues 2021/2022	79.00
Associated Supply Co. LLC	Pool Acid Rite System 3/21	2512.50
Bad River Law Prof LLC	Legal/Atty 4/21	357.50
Brant’s Electric	M4000 Electric 4/21	138.72
Buls, William	Meal/Fuel Reimb 4/21	141.39
Century Business Products	Copier Maint 4/21	91.89
Corporate Trust – US Bank	SRF #6 Pay #4 5/21	4917.84
	SRF #7 Pay #4 5/21	5766.78
Delta Dental	Dental Ins 5/21	776.90
Denke, Jared	Cust Dep Refund 5/21	100.00
1 <sup>st</sup> Nat’l Bank – Philip	UB Postage 4/21	129.96
Golden West Telecom	Telephone/Internet 3-4/21	566.22
Haakon Co Register of Deeds	Fees 4/21	30.00
Haakon Co Treasurer	Office Rent 4/21	500.00
Hanson Oil	Fuel/LP 3-4/21	894.86

Health Pool of SD	Health Ins 5/21	11236.29
Kieffer Sanitation	370 Residential Collections 4/21	4739.70
	RS Roll Off 3/21	550.00
Lyle Signs Inc	Signs 4/20	189.93
McQuirk Ditching	W/S Backhoe (N Center Ave) 4/21	2120.47
Michael Todd & Co Inc	Grader Blades 4/21	2048.21
Moses Building Center	RS Sign Supplies 4/21	96.53
Office Depot	Supplies/W Tablet 4/21	178.58
Optilegra	Vision Ins 5/21	116.14
Pena, Josephine	Cust Dep Refund 5/21	100.00
Petty Cash	Pool 5/21	75.00
Philip Standard Service	Fuel 4/21	584.95
Pioneer Review	Publishing 4/21	800.27
QT Pod	AIR M4000 Support 5/21-4/22	945.00
SD 811	Locates 1-3/21	10.50
SD Dept of Revenue	Sales Tax Payable 4/21	418.01
	W Testing 4/21	15.00
SD Gov't Finance Officers Assoc	Smith/Van Lint Conf Reg 6/21	150.00
SD Gov't Human Resource Assoc	Smith/Van Lint Conf Reg 6/21	100.00
The Lodge at Deadwood	PD Conf Room 4/21	162.00
The Philip Pit Stop	Fuel 3/21	524.81
TranSource Truck & Equipment Inc	Sweeper Supplies 4/21	1648.98
VISA – UMB Bank	Supplies/Uniforms 3-4/21	274.61
West Central Electric	Electric 3/1-4/1/21	3321.79
WR/LJ Rural Water Systems	2,366,000 gals 4/21	2957.50
	Contract Min. 4/21	2500.00
	AIR Water 4/21	40.00
	South Shop Water 4/21	20.00
Western 1 <sup>st</sup> Aid & Safety LLC	Eye Wash/Supplies 4/21	299.82
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Total Expenditures – 5/3/2021		\$53,743.96

**Old Business:**

An updated quote from Gibson Concrete to repair Brad Heltzel's gutter was not available.

**New Business:**

Council convened as the new Council for 2021/2022.

Certificates of Election were presented to the following: Council Members: Scott Pinney in Ward I, Marion Matt in Ward II and Terri Pelle in Ward III.

Oaths of Office were then taken by the above officials.

Mayor Vetter then opened the floor for nominations for the Council President and Vice President for 2021/2022.

Motion was made by Pinney, seconded by Miller to nominate Matt to the position of Council President and cease nominations. A unanimous ballot was cast to elect Matt as Council President for 2021/2022. Motion carried.

Motion was made by Pelle, seconded by Pinney to nominate Miller to the position of Council Vice President and cease nominations. A unanimous ballot was cast to elect Miller as Council Vice President for 2021/2022. Motion carried.

Vetter then presented the following Council Committee Appointments for 2021/2022. It was noted that the first person listed is the head of the committee.

<u>AIRPORT</u>	<u>BUDGET</u>	<u>BUILDING</u>	<u>GARBAGE</u>	<u>HEALTH/REC</u>	<u>NUISANCE</u>
Pinney	Matt	Matt	Miller	Larson	Pelle
Miller	Miller	Gartner	Matt	Pinney	Pinney
Pelle	Larson	Pinney	Pelle	Pelle	Matt
<u>POLICE</u>	<u>SAFETY</u>	<u>STREET</u>	<u>WATER/SEWER</u>		
Miller	Gartner	Gartner	Pinney		
Larson	Pelle	Miller	Gartner		
Gartner	Larson	Matt	Larson		

Artesian Well Relining Project:

Council was advised that the contractor is onsite and working on the needed repairs.

Philip Charities Housing Demolition Request:

Motion was made by Pinney, seconded by Gartner to approve the demolition permits and requests submitted by Philip Charities for the City to remove the house structures at 109 N. Larimer Ave. and 102 S. West Ave. Motion carried with Matt abstaining.

Building/Flood Plain Dev. Permits:

Allen & Andrea Aaberg – concrete pad; Vicki Day – renew fence permit issued 8/6/2019; Anthony & Rebecca Essen – garage, concrete apron, egress windows & removal of sheds; Dusty & Brooke Formanek – fence, concrete pad & landscaping; Brian Jankord & Katherine Andrews – fence; Heather Olney – concrete pad; Roy & Margaret Pfeifer – sidewalk replacement; and, Jay Welk – shed & tree removal, sidewalk replacement.

Motion was made by Pinney, seconded by Matt to approve the above permits as presented contingent upon compliance with Chapter 11 of the City Ordinances. Motion carried.

Tax Abatement Requests Presented by Haakon County:

Motion was made by Miller, seconded by Matt to approve the following abatement requests for prior year taxes. Motion carried.

<u>Parcel Number</u>	<u>Name / Tax Year</u>	<u>City Amount</u>
9913	Robert Fite - 2019 Pay 2020	\$56.17
9212	Gail Neumann (Haakon County) - 2018 pay 2019	\$26.17
9212	Gail Neumann (Haakon County) - 2019 pay 2020	\$52.53
	<b>Total</b>	<b>\$134.87</b>

Motion was made by Miller, seconded by Pinney to approve the following current year tax abatements (2020 pay 2021). Motion carried.

<u>Parcel Number</u>	<u>Name</u>	<u>City Amount</u>
10009	Masonic Lodge	\$1,484.06

9186	US of America Dept of Energy	\$187.50
8942	Philip Ambulance Service	\$69.23
8943	Philip Ambulance Service	\$1,634.93
8925	Bad River Senior Citizens	\$695.59
10008	Philip Fire Dept.	\$1,406.77
9317	Community Free Evangelical Church	\$587.72
9856	Alano Society of Philip	\$368.75
9287	Philip Health Services	\$223.75
9385	Philip Health Services	\$40.32
9388	Philip Health Services	\$6,709.81
9384	Philip Health Services	\$787.88
9356	Philip Health Services	\$296.67
9943	Cassidy Schnabel	\$189.24
9212	Gail Neumann (Haakon County)	\$75.45
	<b>Total</b>	<b>\$14,757.67</b>

Motion was made by Matt, seconded by Gartner to approve the following tax freeze abatements for the current year (2020 pay 2021). Motion carried.

<u>Parcel Number</u>	<u>City Amount</u>
9358	\$133.66
9417	\$33.72
9418	\$1.80
<b>Total</b>	<b>\$169.18</b>

Motion was made by Matt, seconded by Gartner to approve the Plat of 3B-R and Lot 4-R of Outlot R located in the City of Philip, Haakon County, SD as presented by Forty-Three North, LLC. This is formally the E ½ of Lots 3B and Lot 3c, Lot 4, Lot 7 and Lot 7a, All of Outlot R, City of Philip, Haakon County, SD. Motion carried with all members voting aye.

Motion was made by Miller, seconded by Matt to authorize submitting a grant application to the SD Dept. of Health for mosquito control chemical in the amount of \$3,000.00. Motion carried with all members voting aye.

At 7:15 p.m., as previously advertised, a public hearing was held on the request of the following establishments for Malt Beverage Licenses for 2021/2022:

BMT, Inc., 73 Bar & Lounge - On/Off Sale & SD Farm Wine (RB); Ginnys, LLC, ginnys – On/Off Sale & SD Farm Wine (RB); Janet Theye LLC, Pizza Etc. – On/Off Sale & SD Farm Wine (RB); MG Oil Company - Corner Pantry #20 Philip – 101 W. Pine St., Ste 1 - On/Off Sale & SD Farm Wine (RB); MG Oil Company – Homestead Casino – 101 W. Pine St., Ste 2 - On/Off Sale & SD Farm Wine (RB); Rock & Roll Lanes, Inc., Rock & Roll Lanes – On/Off Sale & SD Farm Wine (RB); Retail Management Systems, Inc., The Philip Pit Stop - On/Off Sale & SD Farm Wine (RB); and, The Incorporated Steakhouse & Lounge – On/Off Sale & SD Farm Wine (RB).

It was reported that all the property taxes are current to date, and Chief Bulls voiced no concerns with the above license renewals.

With no one appearing for or against the requested licenses, motion was made by Miller, seconded by Pinney to approve the above Malt Beverage Licenses for 2021/2022 contingent upon all application fees and property taxes being paid. Motion carried with Larson abstaining.

Council reviewed Initiated Measure (IM) 26 which legalizes the use of medical marijuana on July 1, 2021. It was noted that the SD Dept. of Revenue will be issuing rules and regulations by Oct. 29<sup>th</sup> and medical cards by Nov. 18, 2021. The SD Municipal League has also provided a draft temporary ordinance to address the timeframe between July 1<sup>st</sup> and the implementation of the SD Dept. of Health regulations for local medical cannabis establishments.

Discussion ensued. It was mentioned that if the City is interested in regulating local medical cannabis establishments as allowed by the law, the temporary ordinance would provide more time to develop local regulations and licensing procedures. In addition, the attorney's review along with a public hearing would be required before approving the first reading of said ordinance.

By general consensus of the Council, a public hearing will be held during the June 7<sup>th</sup> meeting to consider the temporary ordinance regarding the issuance of local medical cannabis establishment licenses in the City.

At 7:20 p.m. as advertised, a public hearing was held on the following variance request presented by Gavin Brucklacher for the property legally described as Lot 1, Block 1, Original Town, City of Philip, Haakon County, SD.

City Ordinance #11-201(b)(8), Accessory Buildings - Application has been made to occupy property with an existing 16' by 24' garage.

Mayor Vetter called for any comments from the floor, either for or against, said variance request.

Brucklacher was questioned about his future plans for the property. According to Brucklacher, he is hoping to construct or place a new permanent structure on the property within the next five to seven years.

Following review and with no further comments forthcoming, motion was made by Miller seconded by Pelle to approve the requested variance as presented above. Motion carried with all members voting aye.

Departmental Reports:

Administration

Motion was made by Miller, seconded by Matt to approve the 2020 annual financial report as presented. (For the record, the report has been submitted to the SD Dept. of Legislative Audit.) Motion carried.

Council was advised that the City's anticipated funding through the American Rescue Plan (ARP) is \$130,085.72.

Mayor Vetter mentioned the increase in sales tax revenues through the month of April 2021 compared to previous years. He expressed his sincere appreciation to the community for shopping local and the local businesses.

Garbage Dept.

It was noted that the City's contract price with Kieffer Sanitation for residential garbage collection will increase to \$13.45 per residence on June 1, 2021.

Police Dept.

The monthly report was reviewed with Chief Buls.

Rubble Site

The City will be hosting Spring Clean Up Days at the rubble site on May 7<sup>th</sup> and 8<sup>th</sup> with pickup day on May 10, 2021.

Mayor Vetter referenced the new composite (yard waste) site and reminded the public that only grass clippings and leaves are acceptable.

Street Dept.

The quarterly report was reviewed with PWMI Coyle.

Swimming Pool

Motion was made by Gartner, seconded by Matt to approve the 2021 pool hours, swimming lesson schedule, rates and policies. Motion carried. (A copy of this information is on file in the Finance Office.)

Motion was then made by Pinney, seconded by Matt to approve the following as the 2021 swimming pool personnel and salaries per the Health/Rec. Committee's recommendation. Employment offer is contingent upon passing lifeguard certification and pre-employment screening. Motion carried.

Wakely Burns, Lifeguard - \$10.50/hr  
Debbie Hansen, Volunteer Lifeguard  
Jaida Haynes, Lifeguard/WSI - \$12.75/hr  
Corbin Kramer, Lifeguard/WSI - \$12.00/hr  
Copper Lurz, Lifeguard - \$11.00/hr  
Cylver Lurz, Manager/Lifeguard/WSI - \$14.50/hr  
Mary "Gayle" Rush, Paid Volunteer Lifeguard/WSI - \$575.00/season  
Ali Schofield, Lifeguard - \$10.50/hr  
Tara Schofield, Lifeguard - \$10.00/hr  
Layton Terkildsen, Lifeguard - \$10.50/hr  
Mallory Vetter, Lifeguard/WSI - \$12.75/hr

The pool is scheduled to open for the season on June 1, 2021.

Water Dept.

The monthly report was reviewed which noted a water loss of 9.27% for the month of April.

Training/Travel:

CA Smith will be attending a SDML WC Fund Board meeting on May 6<sup>th</sup> – 7<sup>th</sup> in Pierre.

CA Smith will be attending the SD Assoc. of Code Enforcement Training on May 12<sup>th</sup> – 13<sup>th</sup> in Pierre.

CA Smith and FO Van Lint will be attending the 2021 SDML Human Resource and Finance Officer School on June 8<sup>th</sup> – 11<sup>th</sup> in Pierre.

**Public Comments:**

None.

**In Other Business:**

The City Finance Office will be closed May 31<sup>st</sup> in observance of the legal holiday.

The next regular meeting will be held on Monday, June 7<sup>th</sup> at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse.

With no further business to come before the Council, Mayor Vetter declared the meeting adjourned at 7:43 p.m.

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Michael Vetter, Mayor

ATTEST:

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Brittany Smith, City Administrator

(Published once on May 13, 2021, at approximate cost of \$\_\_\_\_\_)