

**COUNCIL PROCEEDINGS
SPECIAL MEETING
December 28, 2017**

A special meeting of the Philip City Council was held on Thursday, December 28, 2017, at 4:00 p.m. in the Commissioner’s Room of the Haakon Co. Courthouse. Present were Mayor Michael Vetter and Council Members Marion Matt, Marty Gartner, Brit Miller and Scott Pinney. Also present were Finance Officer Monna Van Lint, Deputy Finance Officer Brittany Smith, Public Works Director Matt Reckling, Chief of Police David Butler, Police Officer Eric Van Der Linden, Del Bartels with the Pioneer Review; and later, Council Member Jennifer Henrie, City Attorney Trask, Colt & Erin Fitzgerald with Philip Hardware.

Absent: Council Member Trisha Larson.

Mayor Vetter called the meeting to order stating that the purpose of this meeting was to clear up year-end business for 2017.

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

Motion was made by Matt, seconded by Pinney to approve the minutes of the last meeting as published by the Pioneer Review. Motion carried.

Mayor Vetter inquired about the payable presented by Core & Main for the bill acceptor for the bulk water system. He questioned if we just received this or if it was purchased for a backup.

DFO Smith confirmed that this bill acceptor was purchased as a backup since there were sufficient funds remaining in the 2017 water department budget. A new one was purchased and installed earlier in 2017 as well.

Following, motion was made by Matt, seconded by Gartner to approve payment of the bills from the appropriated funds. Motion carried.

Gross Salaries – December 29, 2017 (Including Professional Incentive & Longevity Pay:

Mayor & Council - \$5140.00; Adm. - \$8534.92; Public Works - \$4253.99; Police - \$7525.45; Street - \$7390.12; Water - \$3855.73; Sewer - \$1820.00

Colonial Life	Employee Supplemental Ins 12/17	237.08
EFTPS	S.S., Medicare, Withholding 12/17	9115.98
NE Child Support Pay Ctr	Garnishment 12/17	659.18
SDRS	Employee Retirement 12/17	4372.90

Shared Use Path Project:

State of SD	City Share Eng/Const–Final Pay Req	25133.62
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Southwest Philip Improv Project

SPN & Assoc.	Eng Design 11/26-12/16/17	24660.00
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This Month's Bills:

Bad River Law Prof LLC	Atty/Legal Fees 12/17	585.00
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Brant's Electric	Street Light/Airport Door Repairs 12/17	202.43
	SD Hwy 73 Light Pole Wiring 12/17	379.82
City of Philip	City Dept Water Use 2017	923.06
	Reimb Unused Park/Rec Water 2017	606.43
Cenex Harvest States	Fuel/Supplies 12/17	259.14
CNH Productivity Plus Acct	Supplies 12/17	15.81
Core & Main	Bulk Water Bill Acceptor 12/17	1375.00
D&T Auto Parts	Repairs/Supplies 12/17	161.01
Dakotacare Flex	Ded Buy Down 12/17	169.62
Display Sales	State Flags 12/17	112.00
1 st Nat'l Bank – Philip	UB Postage 12/17	123.03
Hanson Oil Co	Fuel/LP 11-12/17	1410.96
Moses Building Center	Supplies/Repairs 12/17	107.34
Petersen's Variety	Supplies 12-11/17	10.22
Petty Cash	Supplies 12/17	15.20
Philip Hardware	Supplies 12/17	87.57
Philip Standard	Fuel 12/17	869.75
Pioneer Review	Publishing 12/17	635.82
Quill Corp	Supplies 11-12/17	300.92
Sanford Laboratories	Testing 11/17	150.00
SD Dept. of Revenue	Water Testing 12/17	15.00
The Philip Pit Stop	Fuel 11-12/17	105.01
Twilight 1 st Aid & Safety	Eye Wash Srv/Supplies 12/17	140.23
USPS – Postmaster	Stamps 12/17	196.00
USTI	2017 Tax Forms 12/17	127.00
Verizon Wireless	Cell Phone 11-12/17	162.97
Walker Refuse	369 Residential Collections 12/17	4870.80
West Central Electric	Electric 11/01-12/01/17	3222.65
	SD Hwy 73 Light Pole Replac 12/17	2241.59
WR/LJ Rural Water Systems	2,497,000 gals 12/17	3121.25
	Contract Min. 12/17	2500.00
	Airport Water 12/17	40.00
	South Shop Water 12/17	22.50

Total Expenditures w/ Payroll AP – 12/28/17 \$89,443.89

Old Business:

DFO Smith updated the Council on the logo contest. To date, 34 logo designs have been submitted and more are anticipated by the Dec. 31st deadline. She then inquired about scheduling a meeting with the committee to review the entries.

By general consensus, DFO Smith will coordinate a meeting with the logo committee in early to mid-January 2018.

Motion was made by Miller, seconded by Gartner to approve the second reading of the following Ordinance #2017-15 as presented. Motion carried with all members voting aye.

**ORDINANCE #2017-15
2017 SUPPLEMENTAL APPROPRIATIONS ORDINANCE
SHARED USE PATH PROJECT – WELLMARK COMMUNITY KICKSTARTER
GRANT**

WHEREAS, the City of Philip, South Dakota, was awarded grant funds in 2016 from the Wellmark Community Kickstarter Grant program in the amount of \$10,000.00 for the City's Shared Use Path Project: and

WHEREAS, the City received said grant funds on December 5, 2016, but was unsuccessful in completing the project until 2017;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Philip, South Dakota, does hereby authorize the Finance Officer to Supplement the City's 2017 Municipal Appropriations to accurately reflect the City's Shared Use Path Project being completed in 2017 with assistance of the Wellmark Community Kickstarter Grant award of \$10,000.00 received in 2016.

	<u>GENERAL FUND</u>
43102 SIDEWALKS	
42220 Engineering Fees	\$ 5,000.00
42230 Contract Services	\$ 5,000.00
<u>TOTAL SIDEWALKS</u>	<u>\$ 10,000.00</u>
<u>TOTAL APPROP. & ACCUM.</u>	<u>\$ 10,000.00</u>

MEANS OF FINANCE

The following designates the fund or funds that money derived from the following sources is applied to.

	<u>GENERAL FUND</u>
10400 UNASSIGNED CASH BALANCE	
10400 Unassigned Cash	\$ 10,000.00
<u>TOTAL UNASSIGNED CASH</u>	<u>\$ 10,000.00</u>
<u>TOTAL MEANS OF FINANCE</u>	<u>\$ 10,000.00</u>

Dated this 28th day of December 2017.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Passed First Reading: Dec. 4, 2017

Passed Second Reading: Dec. 28, 2017

Yeas: 05 Nays: 00

(Published: Dec. 14, 2017 & Jan. 11, 2018)

New Business:

Council reviewed a request from Colt & Erin Fitzgerald with Philip Hardware regarding their recent purchase of the following described real property: N126' of Lot 23, Block 6, Original

Town, City of Philip, SD (Parcel #8918); and, All Except the N126' of Lot 23, Block 6, Original Town, City of Philip, SD (Parcel #8919). More specifically, they have requested that the City consider abating the past due taxes owed to the City in the amount of \$626.88; and, void/cancel the past due and future special assessments in the amount of \$9825.16 (including penalties and interest).

It was noted that they recently purchased the properties through the Haakon County Tax Deed sale. The County has abated all of the past due taxes owed with the exception of the city taxes as those have to be approved by the City. The special assessments include the costs incurred by the City in 2012 during the removal of the unsafe structures and abandoned vehicles from the property.

Mayor Vetter stated in his opinion, "He is in favor of approving their request as the property is not doing the City any good as is—it would be good business as well as good for the community."

Council Member Matt agreed with Mayor Vetter and further noted that the Fitzgerald's are allowing others to park on the property. This benefits both the downtown businesses and customers as it opens up more parking space on Center Ave.

Following discussion, motion was made by Matt, seconded by Gartner to approve the following items with regard to the real properties legally described as the N126' of Lot 23, Block 6, Original Town, City of Philip, SD (Parcel #8918); and, All Except the N126' of Lot 23, Block 6, Original Town, City of Philip, SD (Parcel #8919): (1) abatement of the past due taxes in the amount of \$626.88; and, (2) cancellation of the past due and future special assessments in the amount of \$9825.16. Motion carried with all members voting aye.

Mayor and Council thanked the Fitzgerald's as they left the meeting at this time.

Airport Improv. Projects:

Mayor Vetter updated the Council on the Airport Engineer Selection for 2018 thru 2022. He reported that the Airport Committee interviewed the following three firms who submitted proposals: West Plains Engineering (with DOWL Engineering); KLJ Engineering; and, Helms & Associates. All of the firms provided excellent presentations, but the Airport Committee has recommended KLJ Engineering to continue as the City's airport engineer. This is due to their familiarity with our airport and future airport projects as well as the excellent established working relationship with KLJ.

Motion was then made by Pinney, seconded by Henrie to approve KLJ Engineering as the airport engineers for 2018 thru 2022. Motion carried with all members voting aye.

Motion was made by Miller, seconded by Pinney to authorize the Civil Air Patrol to host the 2018 Aerospace Day at the airport on July 12-15, 2018. City personnel will file a NOTAM during the event. Motion carried with all members voting aye.

Council reviewed the following building permits: Kevin & Cindy Pfeifle – sewer line repair/replacement; and, Branden West – new water & sewer line to the shop at 421 N. Auto Ave.

Motion was made by Matt, seconded by Pinney to approve the above building permit as presented. Motion carried.

Special Event Application:

Council reviewed a special event application presented by Trisha Burns to host the “Old Fashion Christmas” on Dec. 8, 2017. Positive comments for the event were shared by many. (For the record, the Street Committee had previously authorized the event.)

Motion was made by Matt, seconded by Gartner to approve the following Resolution #2017-17 as presented. Motion carried with all members voting aye.

**RESOLUTION #2017-17
AUTHORIZING USE OF SEWER DEPARTMENT
DEPRECIATION RESERVE FUNDS
SOUTHWEST PHILIP ENGINEERING DESIGN IN 2017**

BE IT RESOLVED by the City Council of the City of Philip, South Dakota, that the Finance Officer is hereby authorized and directed to utilize \$30,000.00 in the sewer department depreciation reserve funds, which was reserved in the 2017 Annual Appropriations Budget (Ord. #2016-09) for engineering design services incurred with the Southwest Philip Improvement Project.

This resolution is effective upon passage.

Dated this 28th day of December 2017.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Motion was made by Miller, seconded by Gartner to approve the following Resolution #2017-18 as presented. Motion carried with all members voting aye.

**RESOLUTION #2017-18
AUTHORIZING USE OF GENERAL FUND
COMMITTED SECOND PENNY FUNDS
SOUTHWEST PHILIP ENGINEERING DESIGN IN 2017**

BE IT RESOLVED by the City Council of the City of Philip, South Dakota, that the Finance Officer is hereby authorized and directed to utilize \$19,320.00 in the committed second penny funds, which was reserved in the 2017 Annual Appropriations Budget (Ord. #2016-09) for engineering design services incurred with the Southwest Philip Improvement Project.

This resolution is effective upon passage.

Dated this 28th day of December 2017.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Motion was made by Gartner, seconded by Pinney to approve the following Resolution #2017-19 as presented. Motion carried with all members voting aye.

**RESOLUTION #2017-19
AUTOMATIC SUPPLEMENTAL APPROPRIATION**

WHEREAS, the City of Philip has incurred expenses to replace a street light pole along SD Highway 73 that was damaged during an accident in April 2017. The street light pole was recently replaced and all expenses will be reimbursed with insurance proceeds. In order to account for these additional expenditures and funds that were not previously appropriated for in 2017, it is proposed that the following automatic supplemental appropriations be and hereby is adopted in accordance with SDCL 9-21-9.2.

FROM:	101-00000-39140 Insurance Proceeds	\$ 2,625.00
TO:	101-43160-42230 Street Lights - Contract Services	\$ 2,625.00

This resolution is effective upon passage.

Approved this 28th day of December 2017.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Mayor Vetter advised that Council Member Miller had requested a discussion of the 10 o'clock whistle on the agenda. It was noted that the whistle was last reviewed in 2013 when a resident inquired about disabling them as they cause dogs to bark. At that time, no action was taken as it was the consensus of the City Council that this should be a public decision.

Miller stressed, "He does not want to make a fuss as he is aware that there are some people in favor of the whistle and others not." He agrees that the noon whistle needs to stay so that we know the whistle works, but personally, he is not in favor of the 10 o'clock whistle. He mentioned the possibility of conducting a survey in lieu of an election to gain the public's input on the 10 o'clock whistle.

It was noted that the 10 o'clock whistle has been known as a reminder for curfew. City Ordinance does regulate curfew times (Sunday thru Thursday – 10:00 p.m.; and, Friday and Saturday -11:00 p.m.), but it does not regulate the whistle.

Comments for how to conduct a survey were mentioned. These ranged from utilizing the back of the utility bill cards, sending out postcards with the utility bills and/or doing an on-line survey that could be posted on the City's website. Other ideas mentioned included disabling the 10 o'clock whistle for a time period—see how many phone calls are received. Some concerns were mentioned as far as not all community members receive a utility bill as they may live in a multi-unit. In addition, they may not see the survey and/or have access to the internet. It was also questioned what percentage of response for or against the 10 o'clock whistle would be the determining factor?

Matt advised that he is not in favor of spending city tax dollars on postcards to conduct the survey. In his opinion, “that is ridiculous.”

Gartner reiterated Matt’s comments, stating that it could be costly for the amount of responses that could be received.

Attorney Trask then inquired if the 10 o’clock whistle is useful for law enforcement personnel?

Officer Van Der Linden stated that when he first started in Philip, he would reference the 10 o’clock whistle when reminding members of the youth that they were supposed to be home as it was past curfew.

Chief Butler also mentioned that according to ordinance, curfew is at 11:00 p.m. during the weekends—not 10:00 p.m. when the whistle blows.

Following, motion was made by Matt, seconded by Henrie to not disable the 10 o’clock whistle or pursue a public survey on the matter—leave as is.

Discussion ensued. The idea to place a notice on the back of the utility bill cards to call the city office or post their opinion through an on-line survey was suggested. It was noted that this method would give the public two options to express their opinion on the 10 o’clock whistle at a cost effective way.

Matt then motioned to rescind his previous motion. This was seconded by Henrie.

Motion was then made by Gartner, seconded by Pinney to authorize conducting a public survey on the 10 o’clock whistle. The survey notice will be posted on the back of the utility bill cards—the public can call in their opinion to the city office; or, post their opinion through an on-line survey. The survey link will be posted on the city’s website. This will start in February or March 2018. Motion carried with all members voting aye.

Council reviewed the 2017 year-end sales tax revenues reported at \$529,740.05. It was noted that the sales tax collections are down 4.83% or \$25,604.56 from 2016.

Mayor and Council expressed their sincere appreciation and gratitude to the local businesses as well as the community for their continued support of the local economy.

Council reviewed the following L/P Propane bids received this month. It was noted that due to the tied bids, Mayor Vetter authorized purchasing propane from Hanson Oil Company both times in December as they have been the constant low bidders.

	<u>Dec. 15, 2017</u>	<u>Dec. 27, 2017</u>
Hanson Oil Company	\$1.39/gal.	\$1.39/gal.
Midwest Cooperatives	\$1.39/gal.	\$1.39/gal.

Motion was made by Matt, seconded by Miller to approve Heartland Waste Management’s and Waste Connections of S.D. dba Walker Refuse’s Commercial Garbage Hauler’s permits for 2018. Permits are approved contingent upon receiving their application and licensing requirements. Motion carried.

Motion was made by Henrie, seconded by Gartner to approve the election agreement and the following resolution combining the municipal election with the school election on April 10, 2018, with the only polling place at the school. Motion carried with all members voting aye.

Resolution to Hold a Joint Election with the School

WHEREAS, it appears to the governing body of the City of Philip that combining the municipal and school election would result in a reduction in cost to both governmental entities and,

WHEREAS, such a combined election would result in increased public interest and participation,

BE IT THEREFORE RESOLVED, that subject to the approval of the governing body of Haakon County School District 27-1, the municipal election normally scheduled for April 10, 2018, be held in conjunction with the school election scheduled for April 10, 2018, upon such agreement for cost sharing as may be mutually agreed.

Dated this 28th day of December 2017.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

The following positions that will be up for election in 2018: Ward I (currently held by Brit Miller) – 2 Year Term; Ward I (currently held by Marty Gartner) – 2 Year Term; and, Ward III (currently held by Trisha Larson) – 2 Year Term.

Nominating petitions for these positions may begin circulation no earlier than the 26th day of January 2018 and must be filed with the Finance Office no later than the 23rd day of February 2018. Petitions are available in the City Finance Office.

At 4:30 p.m., motion was made by Matt, seconded by Gartner to enter into executive session per SDCL 1-25-2(1), personnel. Attorney Trask’s presence was requested during the session. Motion carried.

At 4:51 p.m., motion was made by Pinney, seconded by Gartner to come out of executive session with the following action:

Motion was made by Matt, seconded by Pinney to authorize establishing an ordinance for the City Administrator position. The first reading will take place during the Jan. 8th meeting. Motion carried with all members voting aye.

Motion was then made by Gartner, seconded by Miller to approve the following employee salary increases for 2018: David Butler – 2%; Rick Coyle – 2%; Brian Pearson – 3%; Matt Reckling – 2%; Robert “Robbie” Shipp – 3%; Brittany Smith – 2%; Eric Van Der Linden - \$1.50/hr.; and, Monna Van Lint – 2%. Motion carried with all members voting aye.

Public Comments:

None.

Other Business:

Citizens in need of disposing of real Christmas trees are encouraged to contact the City Finance Office.

Departmental Inventories for 2017 need to be completed and returned to the Finance Office by no later than Jan. 10, 2018.

City Offices will be closed Jan. 1 and 15, 2018, in observance of the legal holidays.

The next Regular Council Meeting will be held on Monday, Jan. 8, 2018, at 7:00 p.m. in the Community Rm.

With nothing further to come before the Council, Mayor Vetter declared the meeting adjourned at 4:54 p.m.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer

(Published once on January 11, 2018, at approximate cost of \$_____)