

**COUNCIL PROCEEDINGS
REGULAR MEETING
DECEMBER 6, 2021**

A regular meeting of the Philip City Council was held on Monday, December 6, 2021, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Michael Vetter, Council Members Marion Matt, Terri Pelle, Brit Miller, Marty Gartner, Trisha Larson, and Scott Pinney. Also present were City Administrator Brittany Smith, Finance Officer Monna Van Lint, Public Works Director Matt Reckling, Chief of Police Ben Buls, Police Officer AJ Bartlett and Jerry and Karen Kroetch.

Absent: None.

The meeting was opened with the Pledge of Allegiance.

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

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

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

Gross Salaries – November 30, 2021: Admin - \$4052.10; Finance - \$3688.53; Public Works - \$14575.58; Police - \$5979.99

Colonial Life	Employee Supplemental Ins 11/21	196.60
Credit Collections Bureau	Garnishment 11/21	200.86
EFTPS	SS/Medicare/Withholding 11/21	6366.25
NE Child Support	Garnishment 11/21	659.18
SDRS	Employee Retirement 11/21	3690.07
SDSRP	Sup Retirement 11/21	100.00

Add'l Bills – Nov. 2021:

Philip Motor Inc	2018 Ford F350 Super Cab / Flat Bed	28995.00
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This Month's Bills:

Advanced Graphix Inc	PD Vehicle Decals 11/21	772.00
AT&T Mobility	Cell Phone 10-11/21	222.88
Century Business Products	Copier Maint 10-11/21	64.53
ClubHouse Hotel	TAP Mtg Room 11/21	179.12
Coyle, Rickie	Uniform Reimb 11/21	104.86
D&T Auto Parts	Supplies 11/21	41.07
Delta Dental	Dental Ins 11/21	776.90
Display Sales	Bulbs 11/21	131.00
1 st Nat'l Bank – Philip	UB Postage 11/21	143.83
Golden West Telecom	Telephone/Internet 10-11/21	598.64
Haakon Co Treasurer	Office Rent 12/21	500.00
	2018 Ford Title/Plates 12/21	15.00
Hanson Oil	Fuel/Supplies/LP 10-11/21	767.24
Health Pool of SD	Health Ins 11/21	11236.29
Kennedy Implement	ST Equip Repairs/Supplies 9-11/21	595.95

Kieffer Sanitation	375 Residential Collections 11/21	5043.75
	Rental Tote 11/21	40.00
Les' Body Shop	PD '15 Decals 11/21	176.56
MG Oil Co	Fuel 10/21	905.02
Morrison's Pit Stop	Tire Repair 11/21	208.00
Moses Building Center	FD Pond Improv 11/21	354.00
Office Depot	Supplies 12/21	434.20
Optilegra	Vision Ins 12/21	116.14
Philip Hardware	Supplies 11/21	63.53
Pioneer Review	Publishing 11/21	1325.69
Ramkota Hotel	Safety Conf Rooms 11/21	196.00
SD Dept of Revenue	Sales Tax Payable 11/21	422.22
	Excise Tax Payable 11/21	60.45
	W Testing 11/21	15.00
SD State Plumbing Com	License Renewals 12/21	220.00
Shipp, Robert	Mileage Reimb 11/21	126.56
Smith, Brittany	Mileage Reimb 11/21	96.32
Tamarack Inc	1 st Aid Supplies/Srv 12/21	193.30
The Philip Pit Stop	Fuel 11/21	852.97
Verizon Wireless	W AMR Internet 11-12/21	80.06
VISA – UMB Bank	Supplies/Travel/Misc 10-11/21	1588.22
West Central Electric Coop	Electric 11/1-12/1/21	3130.74
WR/LJ Rural Water Systems	3,174,000 gals 11/21	3967.50
	Contract Min. 11/21	2500.00
	AIR Water 11/21	40.00
	South Shop Water 11/21	20.00
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Total Bills		38,325.54

Old Business:

Fundraiser/Lottery Request (SDCL 22-25-25):

Council reviewed information from Attorney Trask relative to Philip Scotties Booster Club's request for their "Chase the Ace" fundraiser.

Following, motion was made by Miller, seconded by Matt to approve the request retroactive to Sept. 29, 2021. Motion carried.

New Business:

Northeast Philip Wastewater System Improvements:

The SD Dept. of Agriculture and Natural Resources (DANR) have approved the placement of the project on the State Water Plan through 2023.

Council reviewed financing options for the project expenses above the city's Coronavirus Local Fiscal Recovery Fund (CLFRF) allocation of \$136,802. More specifically, which of the following loan terms and their respective rate is preferred to be submitted with the \$217,000 State Revolving Fund (SRF) loan application. It was also noted that funding through the State could be in the form of grant and/or loan forgiveness.

<u>Term</u>	<u>Rate</u>	<u>Total Interest Paid</u>	<u>Monthly Payment</u>	<u>Per User</u>	<u>Annual Payment</u>	<u>Quarterly Payment</u>
10 years	1.875%	\$21,118.68	\$1,981.81	\$4.98	\$23,781.72	\$5,945.43
20 years	2.000%	\$46,399.38	\$1,096.24	\$2.75	\$13,154.88	\$3,288.72
30 years	2.125%	\$76,547.66	\$814.57	\$2.05	\$9,774.84	\$2,443.71

Following, motion was made by Matt, seconded by Gartner to recommend submitting the SRF application reflecting the 20-year loan at an interest of two percent (2%). A public hearing will be held on the project during the Dec. 29th meeting. Motion carried.

Future Infrastructure Projects:

Council reviewed SD DANR’s proposed distribution of the State’s American Rescue Plan Act (ARPA) funds for water and sewer infrastructure projects. Currently, \$600,000,000 is proposed to be distributed across the state in which the city could receive a minimum of 30% in ARPA grant dollars and/or matching funds when the city’s ARPA funds are applied to a project. It was stressed that these are only recommendations at this time and will need to be approved by the legislature.

Discussion ensued on prioritizing the future infrastructure projects planned in the city. This includes the following projects budgeted for design engineering in 2022 and incorporated in the recently amended facility plan: Philip Ave. Improvements; Myrtle Ave., Hone St., High St., and Dupree St. Improvements; and Stewart Ave., Pine St., and E. Elm St. Improvements. The future development of Hansen Subdivision was also briefly discussed.

By general consensus of the Council, the above improvement projects slated for design in 2022 will be completed as budgeted.

Motion was then made by Pinney, seconded by Miller to authorize submitting a State Water Plan application for the above improvement projects budgeted for design in 2022. Motion carried.

Property Development – Hansen Subdivision:

Jerry Kroetch reported that they have leased the house located on the property on a month-by-month basis through May 2022.

Discussion ensued regarding the property and future development.

By general consensus of the Council, the possibility of leasing the house between obtaining the property from Kroetch’s and developing the land will be considered.

Meter Project:

Council was updated on the progress of the project. Currently, 120 meters are on the new system and reading automatically.

Artesian Well Project:

Council reviewed Attorney Trask’s correspondence mailed and emailed to the contractor, Jerry Hunt with Weston Engineering, on Dec. 6, 2021.

Discussion ensued. Concerns for the continued lack of work, response and updates from Hunt were mentioned. It was noted that to date, \$36,755.10 has been paid to the contractor. Comments regarding completion of the project and the potential need to locate a different contractor were made.

By general consensus of the Council, other contractors may be solicited for the project should Hunt fail to respond to the Attorney's letter by the Dec. 20th deadline.

Building/Flood Plain Dev. Permits:

Dennis Nelson – shed; and NV Petersen Inc - fence

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

Motion was made by Matt, seconded by Gartner to approve the first reading of the following Ordinance #2021-16 which reflects option #1 of the census redistricting approved during the Nov. 8, 2021, meeting.
Motion carried.

**ORDINANCE #2021-16
AMENDING SECTIONS IN CHAPTER ONE (01) OF THE REVISED
ORDINANCES OF THE CITY OF PHILIP, SD**

BE IT ORDAINED by the City Council of the City of Philip, South Dakota, that the following section 1-101 be amended in Chapter 01, Municipal Organization, of the revised ordinances of the City of Philip and read as follows:

1-101 ALDERMANIC WARDS

The City shall be divided into three wards, which shall be combined and consolidated into one election precinct, and shall be designated respectively as Wards One, Two and Three. The wards shall be described by setting for the certain street or avenue designations or other landmarks that divide and border the wards. Any reference to street or avenue below shall mean an imaginary line running down the approximate middle of each street or avenue. The wards of the City of Philip are as set forth below and the map thereof. Any discrepancies shall be resolved by reference to the map rather than the physical descriptions set forth herein.

- a) **WARD ONE:** All of that portion of the City of Philip, South Dakota lying east and north of the line running due south from the north limits of the City following US Highway 73, a.k.a. North Larimer Avenue to its intersection with Pine Street; then running east along East Pine Street to its intersection with North Stewart Avenue; then north along North Stewart Avenue to its intersection with East Elm Street; then west along East Elm Street to its intersection with North Wood Avenue; then following North Wood Avenue to its intersection with East Hone Street; then following East Hone Street in an easterly direction to the eastern limits of the City.

- b) **WARD TWO:** All that portion of the City of Philip, South Dakota lying south and east of the line following Bridge Street to the southern limits of the City, then following Bridge Street east to its intersection with Philip Avenue; then running north along Philip Avenue to its intersection with West Oak Street; then east following West Oak Street to its intersection with South West Avenue; then north following South West Avenue to its intersection with West Pine Street; then east following West Pine Street and then East Pine Street to its intersection with South Stewart Avenue; then north following North Stewart Avenue to its intersection with East Elm Street; then west following East Elm Street to its intersection with North Wood Avenue; then north following North Wood Avenue to its intersection with East Hone Street; then following East Hone Street in an easterly direction to the eastern limits of the City.

- c) **WARD THREE:** All that portion of the City of Philip, South Dakota lying west and north of a line running due south from the north limits of the City following US Highway 73, a.k.a. North Larimer Avenue, to its intersection with West Pine Street; then running west along West Pine Street to its intersection with South West Avenue; then south following South West Avenue to its intersection with West Oak Street; then following West Oak Street to its intersection with Philip Avenue; then south following Philip Avenue to its intersection with Bridge Street; then following Bridge Street in a south western direction to the western limits of the City.

Dated this ____ day of _____ 2021.

Michael Vetter, Mayor

ATTEST:

Monna Van Lint, Finance Officer

Passed First Reading: Dec. 6, 2021
 Passed Second Reading:
 Yeas: 6 Nays: 0
 (Published: Dec. 16, 2021)

Departmental Reports:

Administration

Motion was made by Miller, seconded by Matt to approve the following Resolution #2021-18 as presented. Motion carried.

**RESOLUTION #2021-18
 SUPPLEMENTAL APPROPRIATIONS
 CONTINGENCY TRANSFER**

WHEREAS, insufficient appropriation was made in the 2021 adopted budget for the following departments to discharge just obligations of said appropriations; and,

WHEREAS, SDCL 9-21-6.1 provides that transfers be made by resolution of the board from the contingency appropriation established pursuant to SDCL 9-21-6.1 to other appropriations;

NOW THEREFORE BE IT RESOLVED that the appropriation be transferred from the contingency budget to the following department budgets:

FROM:	101-41100-41150 Contingency	\$15000.00
TO:	101-41100-42100 Legis Insurance	\$ 1880.00
	101-41100-42300 Legis Publishing	\$ 1000.00
	101-41400-42700 Finance Travel	\$ 60.00
	101-41900-41100 P Works Salaries	\$ 2500.00
	101-41900-41200 P Works FICA/Med	\$ 300.00
	101-41900-41300 P Works Retirement	\$ 100.00
	101-42100-42610 Police Uniforms	\$ 500.00
	101-42100-43411 Police Mach & Equip Non Cap	\$ 650.00

101-43100-42600	Street Supplies	\$ 500.00
101-43100-42620	Street Fuel	\$ 1000.00
101-43100-43400	Street Mach & Equip Cap	\$ 4000.00
101-43500-42230	Airport Contract Srv	\$ 950.00
101-43500-42500	Airport Repair & Maint	\$ 1300.00
101-45100-42630	Pool Chemicals	\$ 150.00
101-46500-42600	Supplies – City Promo	\$ 110.00

This resolution is effective upon passage.

Dated this 6th day of December 2021.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Motion was made by Miller, seconded by Matt approve the Security Assessment Agreement with Project Boundary Fence to complete a cybersecurity assessment to identify network vulnerabilities while also validating current security defenses. The assessment will be completed in 2022 at no cost to the city. Motion carried.

Airport

Motion was made by Matt, seconded by Miller to approve the following policy as recommended by the Federal Aviation Administration (FAA). Motion carried.

**Philip Municipal Airport
Bid Protest Procedures**

1. Any bidder may protest the award of a contract. The protest must be submitted in writing to the City Administrator within five calendar days after the bids are read.
2. If a contract has been awarded, the City Administrator shall give notice of such protest within 24 hours to the awarded contractor. In the case of a pending award, a stay of award may be requested. A stay may be granted unless a written determination is made that the award of the contract without delay is necessary to protect the interests of the Owner.
3. The protest must contain the following:
 - Name, address, phone number and email of the protestor.
 - A concise statement of all the material facts alleged and of all of the rules, regulations, statutes, and legal provisions entitling the protestor relief.
 - A statement indicating the relief to which the protestor deems they are entitled.
 - All other information as the protestor deems to be material to the issue.
4. If the protest cannot be resolved by mutual agreement within seven calendar days after receipt, the City Administrator shall within 24 hours, send by certified mail the final decision and the basis for the decision to the protestor.
5. Any bidder who is aggrieved in connection with the award of a contract may appeal the decision. Venue and jurisdiction for any appeals of the final decision are in the South Dakota Circuit Court in Haakon County. Such protests and appeals regarding the request for bids and bid proposals are governed by and must be construed with South Dakota Law.
6. Failure to follow the bid protest procedures constitutes a waiver of protest and resulting claims.

Police

The monthly Police Dept. report was reviewed with Chief Buls and Officer Bartlett.

It was reported that the department’s 2021 Ford pickup was recently cancelled by the manufacture but will be replaced with their 2022 model. The expected delivery date has been extended to March or April 2022.

Rubble Site

No report was available.

Street

The monthly Street Dept. report was reviewed.

Motion was made by Pinney, seconded by Miller to approve the first reading of the following Ordinance #2021-17 which reflects an amendment to City Ordinance 8-801.e as recommended during the Nov. 8, 2021, meeting. Motion carried.

**ORDINANCE #2021-17
AMENDING SECTIONS IN CHAPTER EIGHT (08) OF THE REVISED
ORDINANCES OF THE CITY OF PHILIP, SD**

BE IT ORDAINED by the City Council of the City of Philip, South Dakota, that the following section 8-801.e be amended in Chapter 08, Traffic Regulations, of the revised ordinances of the City of Philip and read as follows:

8-801 TRUCK TRAFFIC PROHIBITED EXCEPT ON DESIGNATED TRUCK ROUTE – EXCEPTION - PENALTY

e. The weight limitation provided for in this section shall not apply to emergency vehicles, public utility service provider vehicles, contracted mail route carrier vehicles, contractor vehicles accessing property with a valid permit issued by the city, city vehicles; or, city contractors performing maintenance, repair or road construction to city roadways.

Dated this ____ day of _____ 2021.

Michael Vetter, Mayor

ATTEST:

Monna Van Lint, Finance Officer

Passed First Reading: Dec. 6, 2021
Passed Second Reading:
Yeas: 6 Nays: 0
(Published: Dec. 16, 2021)

Water

The quarterly report was presented which reported a water loss for the month of November at 7.32%.

Training/Travel:

CA Smith will be attending the SDML Board Meeting on Dec. 8th-9th in Pierre.

At 7:38 p.m., motion was made by Matt, seconded by Gartner to enter into executive session per SDCL 1-25-2(1), personnel. Motion carried.

At 7:48 p.m., motion was made by Gartner, seconded by Miller to come out of executive session with the following action.

Motion was made by Matt, seconded by Gartner to recognize Andrew “AJ” Bartlett’s probationary completion with a \$0.50 per hour increase, effective Dec. 1, 2021. Motion carried.

Public Comments: None.

In Other Business:

An open house will be held in honor of Rick Coyle’s retirement from the City on Dec. 29th from 2:00 – 4:00 p.m. at the ambulance building.

City offices will be closed on Dec. 23rd-24th and 31st in observance of the legal/approved holidays.

The year-end Council Meeting will be held on Dec. 29th at 4:30 p.m. in the Community Room of the Haakon Co. Courthouse.

The next Regular Council Meeting will be held on Monday, Jan. 3rd 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 7:52 p.m.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Brittany Smith, City Administrator

(Published once on Dec. 16, 2021, at approximate cost of \$_____)