

**COUNCIL PROCEEDINGS
REGULAR MEETING
February 5, 2018**

A regular meeting of the Philip City Council was held on Monday, February 5, 2018, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Michael Vetter, Council Members Trisha Larson, Brit Miller, Marty Gartner, Scott Pinney and Jennifer Henrie. 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, Virgil and Carla Smith, Chip & Jonna King, Del Bartels with the Pioneer Review; and later, City Attorney Stephanie Trask and Council Member Marion Matt.

Absent: None.

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

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

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

Gross Salaries – January 31, 2018: Adm. - \$6583.18; Public Works - \$3553.33; Police - \$6229.59; Street - \$6219.20; Water - \$2920.66

Colonial Life	Employee Supplemental Ins 1/18	237.08
EFTPS	S.S., Medicare, Withholding 1/18	5780.42
NE Child Support Pay Ctr	Garnishment 1/18	659.18
SDRS	Employee Retirement 1/18	3359.27

Sunshine Drive Overlay:

SPN & Assoc.	Prelim Design 8/17-1/18	1680.00
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SW Philip Improv Project

SPN & Assoc.	Prelim Design (Completion) 1/18	32880.00
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This Month's Bills:

Bad River Law Prof LLC	Atty/Legal Fees 1/18	936.85
Cenex Harvest States	Fuel 1/18	68.40
City of Philip	Parks/Rec Free Water Approp 2018	1876.58
D&T Auto Parts	Supplies 1/18	293.46
Delta Dental	Dental Ins 2/18	713.00
1 st Nat'l Bank – Philip	UB Postage 1/18	120.95
Golden West	Telephone 12/17-1/18	590.21
Grossenburg Implement	Supplies 1/18	4.99
Haakon Co. Abstract	Code Enf Title Search 01/18	150.00
Haakon Co. Treasurer	Office Rent 2/18	500.00
Hach Co	Test Reagents 1/18	54.97
Hanson Oil	Fuel/LP 12/17-1/18	1644.60
Health Pool of SD	Health Ins 2/18	9465.62
Int'l Assoc of Chiefs of Police	Butler Membership Dues 2018	170.00

Intoximeters, Inc	Supplies 1/18	32.00
Lazaga, Luke	Cust Deposit Refund 2/18	100.00
Logan, Tammy	Cust Deposit/Overpayment Refund 2/18	100.98
Office Depot	Supplies 1/18	100.78
Optilegra	Vision Ins 2/18	95.70
Petty Cash	Supplies/Fuel 1/18	37.28
Philip Hardware	Supplies 1/18	6.48
Pioneer Review	Publishing 1/18	843.28
Quill Corp	Supplies 1/18	123.99
SD Airports Conference	PWD Conf Reg 2/18	75.00
SD Community Foundation	Refund Unspent Grant (Chamber) 2/18	5018.00
SD Dept. of Revenue	Sales Tax 1/18	403.82
	Excise Tax 1/18	20.91
SD One Call	Locates 10-12/17	17.85
SD Water & Wastewater Assoc	Coyle Membership Dues 2018	10.00
Dempsey-Smith, Jimie	Cust Deposit Refund 2/18	100.00
USTI	UB Cards/AP Checks 1/18	506.00
	Asyst Annual Maint 2018	3282.18
Verizon Wireless	Cell Phone 12/17-1/18	162.96
VISA – UMB Bank	Pesticide Trng Reg Dues 1/18	100.00
Walker Refuse	369 Residential Collections 1/18	4870.80
WR/LJ Rural Water Systems	2,566,000 gals 1/18	3207.50
	Contract Min 1/18	2500.00
	Airport Water 1/18	40.00
	South Shop Water 1/18	25.00
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Total Expenditures – 2/5/18		\$72,930.14

Old Business:

Motion was made by Pinney, seconded by Henrie to approve the second reading of the following Ordinance #2018-01. Motion carried with all members voting aye.

ORDINANCE #2018-01

AN ORDINANCE AMENDING AND ESTABLISHING CHAPTER TWO (02), OFFICERS AND EMPLOYEES, OF THE REVISED ORDINANCES OF THE CITY OF PHILIP, SOUTH DAKOTA

BE IT ORDAINED by the City Council of the City of Philip, South Dakota, that Chapter 02, Officers and Employees, of the revised ordinances of the City of Philip, be established to read as follows.

2-101 OFFICERS

The officers of the City shall include the following: City Attorney, City Administrator, Public Works Director, Finance Officer, Chief of Police, and such additional officers as may be deemed necessary for the proper administration of municipal business. Such officers shall be hired by the Mayor and Council Members and shall hold office until their successors are duly hired and qualified.

- a) Oath of Office: Each officer and such other officers as may be required shall take an oath of office before entering upon the discharge of duties. The oath shall be

subscribed by the person taking it and shall be filed and preserved in the Finance Office.

- b) Removal of Officials: The Mayor shall have the power to remove any official whenever he/she shall be of the opinion that the interest of the City demands a removal. The Mayor shall report the reason for such removal to the Council at a regular or special meeting to be held not less than five (05) nor more than fifteen (15) days after such removal. If the Mayor shall fail or refuse to file with the Finance Officer a statement of the reason for the removal or if the Council by a two-thirds vote of all its members as authorized by law, disapproves the removal, the official shall thereupon become restored to said office. No official shall be removed a second time for the same incident.

2-201

CITY ADMINISTRATOR

- a) Creation of Office. The office of the City Administrator is hereby created.
- b) Powers and Duties of City Administrator. The City Administrator shall be the chief administrative officer of the City and shall be responsible to the Mayor and City Council for the proper administration, coordination and delegation of all affairs of the City. The City Administrator shall have the powers and shall be required to perform the duties as set forth from time to time by the City Council by resolution. The City Administrator may also hold more than one office including that of the Finance Officer.
- c) Bond. The City Administrator shall furnish a surety bond in such amount as is approved by the Mayor and City Council, said bond to be conditioned on the faithful performance of all the City Administrator's duties. The premium of the bond shall be paid by the City.
- d) Compensation. The annual salary of the City Administrator is to be fixed by resolution and to be paid monthly by warrants.

2-202

CITY FINANCE OFFICER

- a) Duties of the Finance Officer. The Finance Officer shall in all things perform any duties required by state law to be performed by the city finance officer, city auditor or the city treasurer. Any references in state law to duties, obligations or requirements of the city finance officer, city auditor or city treasurer shall be deemed as reference to and duties of the Finance Officer.
- b) Revenues and Special Funds. All money belonging to the City from taxation, licenses, fines, permits, the operation of utilities, or from any other source, shall be paid into the City treasury, and the City Council shall designate by ordinance to what fund or funds such money shall be applied. The Finance Officer shall keep full, true and just accounts of all financial affairs of such form and in such manner from time to time as required by the South Dakota Department of Revenue. (SDCL 9-14-18)
- c) Bond. The Finance Officer shall furnish a surety bond in such amount as is approved by the Mayor and City Council, said bond to be conditioned on the faithful performance of the Finance Officer's duties. The premium of the bond shall be paid by the City.

- d) Compensation. The annual salary of the City Finance Officer is to be fixed by resolution and to be paid monthly by warrants.

2-203 CITY ATTORNEY

- a) Duties. The City Attorney shall draft all legal documents required of him/her and act as the legal advisor to the city. The City Attorney shall furnish opinions, on request, of the Mayor or Council, prosecute violations of city ordinances, represent the city in any court action, and perform other services required by nature of the office.
- b) Compensation. The salary of the City Attorney is to be determined by and set by an employment contract between the governing board of this city and City Attorney, which contract and the resulting salary shall be negotiated between them.

2-204 CHIEF OF POLICE

- a) Duties and responsibilities. The Chief of Police shall have charge of all members of the police force, subject to the powers of the Mayor. All Police Officers shall possess the power of constables and shall enforce the laws of the state and ordinances of the city. While on duty each police officer shall display the insignia of his office, except when otherwise required and he shall be orderly in conduct, refrain from violent and insolent language, and shall abstain from intoxication or other dereliction of duty.
- b) Compensation. The annual salary of the Chief of Police is to be fixed by resolution and to be paid monthly by warrants.

2-205 PUBLIC WORKS DIRECTOR

- a) Duties. The Director of Public Works performs supervisory duties in administering the maintenance and repair activities on streets, wastewater, water, airport, rubble site, swimming pool, parks and related public works. Duties involve organizing, assigning, and reviewing the operations.
- b) Compensation. The annual salary of the Public Works Director is to be fixed by resolution and is to be paid monthly by warrants.

Dated this 5th day of February 2018.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer
Passed First Reading: Jan. 8, 2018
Passed Second Reading: Feb. 5, 2018
Yeas: 06 Nays: 00
(Published: Jan. 18 & Feb. 15, 2018)

New Business:

Mayor Vetter announced that the logo contest winner is Jonna King.

Vetter shared the logo with those present and stated, “We issued a challenge to the community and the results were outstanding. There is so much talent in our community! A total of 42 logos were submitted and it was a difficult decision for the committee to choose. Some would be beautiful murals

on a wall, but we needed something simple to include on vehicle decals, letterhead, etc. In the end, the committee liked the concepts in two different designs and luckily they were designed by the same person--Ms. King. She worked with us and it is the committee's understanding that it fits Philip best with a western and agricultural theme."

Vetter thanked Ms. King for all her time and efforts on the logo while presenting her with the \$200 Philip Bucks award.

Ms. King explained that she provided the logo with a colored and non-colored background. This will allow the City more diverse options with the logo.

Mayor, Council and those in attendance expressed their gratitude and congratulations to Ms. King.

Southwest Philip Improv. Project:

Council reviewed the Notice of Possible Use of Community Development Block Grant (CDBG) In and Adjacent to Flood Plain as advertised in the local newspaper on Jan. 18, 2018. It was noted that the City intends to utilize CDBG funds to make necessary improvements to the wastewater system in this area. While the project is located in the flood plain, all work involving the sanitary sewer will be completed underground, except for related appurtenance such as street reconstruction.

Mayor Vetter reported that no comments were received.

By general consensus of the Council, it was determined that as construction will not affect the existing floodplain, the City will proceed with the project as proposed.

Motion was made by Miller, seconded by Gartner to approve the Community Access Grant Agreement and authorize the Mayor's signature thereon. It was noted that the completion date is Feb. 1, 2020. Motion carried with all members voting aye.

Motion was made by Henrie, seconded by Gartner to authorize Mayor Vetter and DFO Smith's attendance at the SD Board of Water and Natural Resources meeting on March 27th when the City's Clean Water State Revolving Fund (CWSRF) applications will be reviewed. Motion carried.

Motion was made by Miller, seconded by Gartner to authorize SPN & Assoc. to proceed with the final design of the project. Motion carried with all members voting aye.

Motion was made by Gartner, seconded by Henrie to authorize the Mayor and Street Committee to negotiate with Haakon County for an easement or the purchase of right-of-way to accommodate widening that portion of E. Oak Street, south of the courthouse. Motion carried.

The Proposed Resolution of Necessity will be presented at the Mar. 5th meeting with the public hearing to be held during the Apr. 2nd meeting.

Council was advised that SPN & Assoc. will be in Philip on Mar. 22nd and 23rd to meet with individual property owners regarding the designed plans abutting their properties.

Airport Improv. Projects:

There was no update on the RPZ easement amendments.

Grant Administration Requests:

Motion was made by Miller, seconded by Larson to authorize administering the Philip Area Community Foundation grants for the Philip Garden Club and Philip Baseball Association. Motion carried with all members voting aye.

Motion was then made by Gartner, seconded by Henrie to approve the first reading of the following Ordinance #2018-03. Motion carried with all members voting aye.

ORDINANCE #2018-03
2018 SUPPLEMENTAL APPROPRIATIONS ORDINANCE
PHILIP GARDEN CLUB – SENECHAL PARK BENCHES

WHEREAS, the City of Philip, South Dakota, will act on behalf of and as the fiscal agent for the Philip Garden Club who has recently been awarded grant funds from the Philip Area Community Foundation to purchase benches for the Senechal Park; and,

WHEREAS, the City of Philip, did not anticipate this responsibility when preparing the 2018 Municipal Appropriations budget;

NOW, THEREFORE, BE IT ORDAINED, that the following Supplemental Appropriations Ordinance be and hereby is adopted in order to recognize the grant fund revenue and expenses that will be forthcoming in order to purchase benches for the Senechal Park that is maintained by the Philip Garden Club .

	<u>GENERAL FUND</u>
45220 RECREATION	
43311 Parks Improv. Other – Non Cap.	\$ 2,250.00
<u>TOTAL ECONOMIC DEVELOPMENT</u>	<u>\$ 2,250.00</u>
<u>TOTAL APPROP. & ACCUM.</u>	<u>\$ 2,250.00</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>
36700 CONTRIBUTIONS/DONATIONS	
36700 Contributions & Donations	\$ 2,250.00
<u>TOTAL CONTRIBUTIONS/DONATIONS</u>	<u>\$ 2,250.00</u>
<u>TOTAL MEANS OF FINANCE</u>	<u>\$ 2,250.00</u>

Dated this ____ day of _____ 2018.

Michael Vetter, Mayor

ATTEST:

Monna Van Lint, Finance Officer

Passed First Reading: Feb. 5, 2018
Passed Second Reading:
Yeas: 6 Nays: 0
(Published: Feb. 15, 2018)

Motion was then made by Miller, seconded by Matt to approve the first reading of the following Ordinance #2018-04. Motion carried with all members voting aye.

**ORDINANCE #2018-04
2018 SUPPLEMENTAL APPROPRIATIONS ORDINANCE
PHILIP BASEBALL ASSOCIATION – BLEACHER PROJECT**

WHEREAS, the City of Philip, South Dakota, will act on behalf of and as the fiscal agent for the Philip Baseball Association who has recently been awarded grant funds from the Philip Area Community Foundation to purchase and install new bleachers at the baseball field; and,

WHEREAS, the City of Philip, did not anticipate this responsibility when preparing the 2018 Municipal Appropriations budget;

NOW, THEREFORE, BE IT ORDAINED, that the following Supplemental Appropriations Ordinance be and hereby is adopted in order to recognize the grant fund revenue and expenses that will be forthcoming in order to purchase and install new bleachers at the baseball field for the Philip Baseball Association.

	<u>GENERAL FUND</u>
45220 RECREATION	
43350 Youth Projects	\$ 5,250.00
<u>TOTAL ECONOMIC DEVELOPMENT</u>	<u>\$ 5,250.00</u>
<u>TOTAL APPROP. & ACCUM.</u>	<u>\$ 5,250.00</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>
36700 CONTRIBUTIONS/DONATIONS	
36700 Contributions & Donations	\$ 5,250.00
<u>TOTAL CONTRIBUTIONS/DONATIONS</u>	<u>\$ 5,250.00</u>
<u>TOTAL MEANS OF FINANCE</u>	<u>\$ 5,250.00</u>

Dated this ____ day of _____ 2018.

Michael Vetter, Mayor

ATTEST:

Monna Van Lint, Finance Officer

Passed First Reading: Feb. 5, 2018
Passed Second Reading:
Yeas: 6 Nays: 0
(Published: Feb. 15, 2018)

Homeland Security Grants:

Council was informed that the City is unable to submit an application to install security cameras at the airport. Unfortunately, homeland security does not consider security cameras an allowable project.

Motion was then made by Gartner, seconded by Matt to submit an application for a new warning siren again. The application will reflect the same as that submitted in 2017, but will only be for one siren. Motion carried.

Council went on to review correspondence from Lori Quinn, Haakon Co. Emergency Manager, regarding the future of homeland security grants. According to Quinn, the City will be required to have a Threat and Hazard Identification Assessment (THIRA) plan in order to apply for grant funds after this year. Only those items identified in the plan as well as on their allowable list will be eligible for funding.

It was noted that the State Office of Emergency Management will be offering courses on how to prepare a THIRA. These are two-day courses and will be offered in Pierre, Rapid City and Sioux Falls during the month of April.

Discussion ensued on the importance of attending the course as well as future City projects that will be grant eligible.

DFO Smith offered to contact the State Office of Emergency Management to gather more input before the City commits to sending an individual to the training.

Following, motion was made by Matt, seconded by Pinney to authorize DFO Smith's attendance at one of the trainings per the Budget Committee's recommendation after more information is available. Motion carried.

Parks/Rec Free Water Users:

Motion was made by Matt, seconded by Gartner to establish the 2018 water and sewer rates charged to the parks/recreational areas for any overages above the amount of free water allocated as follows: water rate at \$3.02 per 1,000 gallons; and, the sewer rate at \$1.70 per 1,000 gallons based on the water usage. For the record, the rates are the same as those adopted in 2017. Motion carried.

Motion was then made by Gartner, seconded by Pinney to authorize issuing a payment credit from the general fund to the water fund for the Park/Recreational Free Water Users allocated amount of free water and sewer for 2018 based on the City's purchase rate of water and sewer. Motion carried.

Philip Charities Housing Project – Assistance Request:

Motion was made by Pinney, seconded by Henrie to approve Philip Charities demolition permit as well as their request for the City to demolish and remove the structure on the following property: 508 W. Pine Street. Philip Charities will be billed for these services per the agreement between the City and Philip Charities. Motion carried.

An easement anticipated from Floren and Debbie Falzone for the placement of an underground electrical line in the public right-of-way was not presented at this time. No action was taken.

Building/Flood Plain Dev. Permits:

Floren Falzone – underground electrical line; and, Judy Goldhammer – emergency sewer line replacement.

Motion was made by Matt, seconded by Pinney to approve the above permits as presented with the exception of Falzone's permit being approved contingent upon obtaining an easement from the City. Motion carried.

Council reviewed the following L/P Propane bids received in January:

	<u>Jan. 4, 2018</u>	<u>Jan. 18, 2018</u>
Hansen Oil Company	\$1.45/gal.	\$1.45/gal.

Midwest Cooperatives \$1.39/gal. \$1.49/gal.

Departmental Reports:

The monthly Administration report included the following items.

Motion was made by Miller, seconded by Matt to approve the 1st Reading of Ord. #2018-02 as presented below. Motion carried with all members voting aye.

**ORDINANCE #2018-02
2018 SUPPLEMENTAL APPROPRIATIONS ORDINANCE
CHAMBER OF COMMERCE – REFUND UNSPENT GRANT FUNDS**

WHEREAS, the City of Philip, South Dakota, agreed to act on behalf of and as the fiscal agent for the Philip Chamber of Commerce’s grant award from the Philip Area Community Foundation to purchase new street light pole decorations; and,

WHEREAS, the City of Philip received and deposited the Philip Chamber of Commerce’s grant award in the amount of \$11,000.00 in 2017; and,

WHEREAS, the City of Philip expended \$5,982.00 of said grant funds for the purchase of the Philip Chamber of Commerce’s new street light pole decorations in 2017; and,

WHEREAS, it is the policy of the Philip Area Community Foundation that all grant awards must be expended within the year of the award and are therefore requiring the remaining unspent funds of \$5,018.00 be refunded to their endowment fund administrator, South Dakota Community Foundation.

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 2018 Municipal Appropriations to accurately reflect the expense to refund the Philip Chamber of Commerce’s unspent grant funds received in 2017.

	<u>GENERAL FUND</u>
46500 ECONOMIC DEVELOPMENT	
42920 Chamber of Commerce	\$ 5,018.00
<u>TOTAL ECONOMIC DEVELOPMENT</u>	<u>\$ 5,018.00</u>
<u>TOTAL APPROP. & ACCUM.</u>	<u>\$ 5,018.00</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>
CMA - UNASSIGNED CASH BALANCE	
10400 Unassigned Cash	\$ 5,018.00
<u>TOTAL UNASSIGNED CASH</u>	<u>\$ 5,018.00</u>
<u>TOTAL MEANS OF FINANCE</u>	<u>\$ 5,018.00</u>

Dated this ____ day of _____ 2018.

Michael Vetter, Mayor

ATTEST:

Monna Van Lint, Finance Officer

Passed First Reading: Feb. 5, 2018
Passed Second Reading:
Yeas: 6 Nays: 0
(Published: Feb. 15, 2018)

The quarterly police dept. report was reviewed with Chief Butler and Officer Van Der Linden.

The monthly Street Dept. report was reviewed.

Council reviewed the following tractor rental agreements as presented:

Grossenburg Implement:	John Deere 6155R Tractor Rental Fee: \$31.00 per hour
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Kennedy Implement:	New Holland T6.180 Rental Fee: \$3.00 per hour
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Following, motion was made by Miller, seconded by Gartner to approve the 2018 tractor rental agreement as presented by Kennedy Implement. Motion carried.

The monthly Water Dept. report was reviewed. The water loss for the month of January 2018 was reported at 8.08%.

Mayor Vetter updated the Council on the previous concerns reported by Barry Knutson at his 100 N. Center Ave. property. He advised that Knutson is still experiencing water in the basement of the building. City personnel recently put dye down the storm inlets and evidentially it showed up in his basement.

Vetter explained that this information has been reviewed by the City's Engineer, Jeff McCormick with SPN & Assoc. According to McCormick, the storm sewer is in good condition and is doing what it was designed for—not air tight. Water will also follow along the pipe to the path of least resistance which in this case is the hole in Knutson's basement. Vetter stressed that the City cannot financially inspect and seal the storm sewer so the recommended option would be for Knutson to install a sump pump. He then questioned if the Council would be willing to purchase a sump pump to resolve this issue?

Council Member Gartner reminded everyone that no issues were reported with this property until Knutson dug a hole in the basement. He also voiced concern for future problems if and when Knutson installs egress windows on the south side of his building.

PWD Reckling then reported that a sump pump is estimated to cost around \$600.00.

By general consensus, DFO Smith will visit with Knutson and send him a follow up letter with a final offer from the City. This shall include no more than the purchase of a sump pump. Knutson will be responsible for its installation.

Training/Travel:

Motion was made by Pinney, seconded by Matt to authorize Chief Butler's attendance at a Drug Interdiction Patrol Tactics in Rural Areas, March 28-30 in Mobridge. Motion carried.

Public Comments:

None.

In Other Business:

The 10 o'clock whistle survey is open until Mar. 1, 2018.

Council petitions must be filed in the Finance Office by Feb. 23, 2018.

City offices will be closed Feb. 19th in observance of the legal holiday.

Council will meet in special session on Monday, Mar. 19th at 4:00 p.m. in the Commissioner's Room to sit as Board of Equalization. Citizens are advised that the official PT-17 Form must be filed with the Finance Office by no later than 5:00 p.m. on Mar. 15, 2018.

The next regular meeting will be held on Monday, Mar. 5th 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 7:36 p.m.

/s/ Michael Vetter, Mayor

ATTEST:

/s/Brittany Smith, Deputy Finance Officer

(Published once on February 15, 2018, at approximate cost of \$_____)