

**COUNCIL PROCEEDINGS
REGULAR MEETING
JANUARY 08, 2018**

A regular meeting of the Philip City Council was held on Monday, January 8, 2018, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Michael Vetter, Council Members Brit Miller, Marty Gartner, Trisha Larson, Jennifer Henrie 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, Street/Sewer Supt. Rick Coyle, Virgil & Carla Smith, Del Bartels with the Pioneer Review, Casey Bulyca & Seth Green with Waste Connections of SD dba Walker Refuse; and later, City Attorney Stephanie Trask and Joe Woitte with Grossenburg Implement.

Absent: Council Member Marion Matt.

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

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

This Month's Bills:

AVENET, LLC (GovOffice)	Website Dues/Contract 2018	995.00
Bad River Law Prof LLC	2018 SDML Atty Assoc Dues	20.00
Cenex Harvest States	Propane 01/18	658.36
Central SD Enhancement District	2018 Membership Dues	914.09
CNH Productivity Plus Acct	Airport Tractor Repairs 12/17	325.85
Corporate Trust – US Bank	SRF #4 Pay #14 01/18	11326.05
	SRF #5 Pay #14 01/18	7905.24
Delta Dental	Employee Dental Ins 01/18	713.00
1 st Nat'l Agency	Com Prop/Liab/Umbrella Ins 2018	18964.35
	Baseball Ins Approp 2018	283.65
	Ambulance Ins Approp 2018	2849.00
	Fire Dept Ins Approp 2018	5552.00
1 st Nat'l Bank – Philip	Safe Deposit Box Rent 2018	12.00
	Philip Bucks – Logo Winner	200.00
Golden West Companies	Telephone 11-12/17	596.31
Haakon Co Treasurer	Office Rent 01/18	500.00
Health Pool of SD	Employee Health Ins 01/18	9465.62
Ingram Pest Service, Inc	R Site Pest Control 01/18	60.00
Optilegra	Employee Vision Ins. 01/18	95.70
Pioneer Review	Add'l Publishing 12/17	11.44
SD Airport Mgmt Assoc	2018 Membership Dues	25.00
SD Assoc Code Enforcement	2018 Membership Dues	40.00
SD Building Officials Assoc	2018 Membership Dues	50.00
SD Gov't Finance Officers Assoc	2018 Membership Dues	70.00
SD Gov't Human Resource Assoc	2018 Membership Dues	50.00
SD DENR	Wastewater Fees 2018	1500.00
	Operator Cert Renewals 2018	36.00
	Shipp Water Dist Exam Fee 01/18	10.00

SD Dept. of Revenue	Sales Tax Payable 12/17	431.03
SDML	2018 Membership Dues	1002.71
SDML Workers Comp Fund	Work Comp Ins 2018	9397.00
SD Municipal Street Maint Assoc	2018 Membership Dues	35.00
SD Police Chiefs Assoc	2018 Membership Dues	96.09
VISA-UMB Bank	Supplies/Fuel/Travel/Supplies 11-12/17	351.05
West Central Electric	Electric 12/01-12/29/17	3369.90
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Total Expenditures – 01/08/18		\$77,911.44

Old Business:

Mayor Vetter updated the Council on the 10 O’clock whistle survey. The survey will run from Feb. 1st through Mar. 1st, 2018. Residential utility customers were reminded that they can call in their opinion to the Finance Office; or, enter it through the on-line survey that will be posted on the City’s website.

New Business:

Casey Bulyca and Seth Green with Waste Connections of SD dba Walker Refuse addressed the Council.

Bulyca expressed his appreciation to the City for their business over the years. He then inquired if there were any concerns or questions with regard to the residential garbage collection.

Green added that they have not met with the Council since the contract was awarded. In turn, they wanted to follow-up to make sure everything was going smoothly.

It was noted that the City has not received any concerns from the public regarding garbage collection.

With nothing further, the Mayor and Council thanked Bulyca and Green as they left the meeting at this time.

Motion was made by Miller, seconded by Pinney to approve the following 2018 resolutions as follows and outlined below: Non-Discrimination Resolution; Official Depository; Official Newspaper; Dismissal & Snow Procedures—Holidays for City Employees; Purchase of CD’s; CMA Interest Allocation; and, Fire Department Volunteers. Motion carried with all members voting aye.

Non –Discrimination Resolution

“It is hereby provided that no person in the United States shall, on the basis of Race, Color, Sex, Age, Handicapped, Religion, or National Origin be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity in whole or in part which is conducted under the auspices of the City of Philip, South Dakota.”

Official Depository

To name the First National Bank in Philip, South Dakota as the official depository for the City of Philip, South Dakota.

Official Newspaper

To name the Pioneer Review as the official newspaper for the City of Philip, South Dakota.

Dismissal & Snow Procedures – Holidays for City Employees

To establish that the City of Philip recognizes the following holidays in 2018 plus any other day proclaimed as a holiday by the Mayor, Governor of South Dakota, or the President of the United States. In addition, the City Finance Office will be closed if and when the County Courthouse is closed due to weather.

HOLIDAY	DAY OBSERVED*
New Year’s Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President’s Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran’s Day	November 11
Thanksgiving	Fourth Thursday in November
Thanksgiving Bonus (in exchange for Native American Day)	Friday after Thanksgiving
Christmas	December 25
Christmas Bonus	December 24 or 26 (as decided by a majority of the employees)

*If a holiday from the list above falls on a Saturday, the preceding Friday is observed as a City holiday. If a holiday falls on a Sunday, it is observed on the following Monday.

Purchase of CD’s

To authorize the City Finance Officer and/or the Deputy Finance Officer to purchase Certificates of Deposit as he/she/they deem appropriate. Said Certificates of Deposit are to be maintained for safe keeping in the First National Bank of Philip’s vault.

CMA Interest Allocation

To approve the 2018 Cash Management Account Interest Allocation to the following: General Fund – 68.29559%; Water Fund – 11.14135%; Sewer Fund – 17.66128%; and, Garbage Fund – 2.90178%.

2018 Volunteer Fire Fighters:

- | | | |
|-----------------|------------------|---------------------|
| Curt Arthur | Brian Hanson | Jason Petersen |
| Greg Arthur | Brock Hanson | Neal Petersen |
| Del Bartels | Brice Hanson | Beau Ravellette |
| Ryon Berry | Tyler Hauk | Matt Reckling |
| David Butler | Jacob Jedlicka | Jason Sampson |
| Nathan Drury | Joe Millage | Mike Schultz |
| Rich Foley | Brit Miller | Brock Slovek |
| Coddy Gartner | Brandon Moos | Zach Thomsen |
| Katrina Gartner | Harlan Moos | Eric Van Der Linden |
| David Gay | Branden Morrison | Timothy White |
| Mike M Gebes | Mike Moses | Roger Williams |
| Ralph Gebes | Trace O’Connell | Ron Williams |
| Marty Hansen | Brian Pearson | |

Mayor Vetter then reviewed a proposed resolution that will authorize travel and training for the various city departments. He explained that this will alleviate the need to approve individual trainings throughout the course of the year. The training will still need to be approved by the employee's direct supervisor and within budget. He voiced his consent of the proposal, but also recommended the Council be advised when travel is taking place—who and what training is being attended.

Following, motion was made by Gartner, seconded by Henrie to approve the following Travel Resolution for Departments in 2018. Department personnel shall notify the Finance Office prior to said travel and trainings so it can be noted on the agenda for informational purposes. Motion carried.

2018 TRAVEL RESOLUTION FOR DEPARTMENTS

MAYOR & CITY COUNCIL: District Meeting; Elected Officials Workshop; SDML Annual Conference; and, any other meetings related to City business as allowed through the budget.

ADMINISTRATION/FINANCE OFFICE: District Meeting; SD City Management Association Meetings; SD Human Resource School; SD Governmental Finance Officers School; Budget Training; SDML Policy/Board Meetings; SDML Annual Conference, Election School, Safety Conference; and, any other meetings or trainings related to City business as allowed through the budget.

POLICE DEPARTMENT: Police Chiefs; Peace Officers; SDML Annual Conference; Certification/Recertification Trainings; and, any other meetings related or trainings related to City business as allowed through the budget.

CODE ENFORCEMENT: SD Association of Code Enforcement Training; SD Building Officials Conference; SDML Annual Conference; and, any other meetings related or trainings related to City business as allowed through the budget.

STREET: MSHA Training; Pesticide Certification/Recertification; Street Maintenance Conference; Safety Conference; and, any other meetings related or trainings related to City business as allowed through the budget.

AIRPORT: SD Airport Conference; and, any other meetings related or trainings related to City business as allowed through the budget.

WEST NILE/MOSQUITO CONTROL: Mosquito Control Training; Mosquito Calibration; and, any other related to City business as allowed through the budget.

SWIMMING POOL: Certified Pool Operators Training; and, any other related to City business as allowed through the budget.

WATER: MSHA Training; SD Assoc. of Rural Water Systems Conference; Water Certification/Recertification Trainings; and, any other related to City business as allowed through the budget.

SEWER: MSHA Training; SD Water & Wastewater Association Conferences; Wastewater Certification/Recertification Trainings; and, any other related to City business as allowed through the budget.

Motion was then made by Miller, seconded by Gartner to approve Resolution #2001-02 as amended, Establishing City Rates and Fees for 2018. All rates and fees identified therein will remain the same as those adopted in 2017. (A copy of the Resolution is on file in the Finance Office.) Motion carried with all members voting aye.

Motion was made by Miller, seconded by Pinney to approve Resolution #2001-03 as amended, Establishing Penalties, Fines and Fees for violation of City Ordinance for 2018. All penalties, fines and fees will remain the same as those adopted in 2017. (A copy of the Resolution is on file in the Finance Office.) Motion carried with all members voting aye.

Motion was made by Gartner, seconded by Henrie to approve the 2018 Payroll Resolution as follows. This reflects the 2018 raises approved during the Council Meeting on Dec. 28, 2017. Motion carried with all members voting aye.

David A. Butler, Chief of Police	\$18.94/hr. - \$3,282.93 Gross/Month
Rickie L. Coyle, Street/Sewer Superintendent	\$19.73/hr. - \$3,419.87 Gross/Month
Brian S. Pearson, General Maintenance/Utility Billing	\$16.85/hr. - \$2,920.67 Gross/Month
Matthew D. Reckling, Public Works Director	\$20.50/hr. - \$3,553.33 Gross/Month
Robert Shipp, General Maintenance	\$16.15/hr. - \$2,799.33 Gross/Month
Brittany L. Smith, Deputy Finance Officer	\$18.99/hr. - \$3,291.60 Gross/Month
Eric Van Der Linden, Police Officer	\$17.00/hr. - \$2,946.67 Gross/Month
Monna F. Van Lint, Finance Officer	\$18.99/hr. - \$3,291.60 Gross/Month
Mayor	\$100.00/Mtg. and \$550.00/Qtr.
Council Members	\$65.00/Mtg. and \$400.00/Qtr.

Southwest Philip Improv. Project:

DFO Smith reported that the project is moving along. The engineers were in Philip today to assess the sidewalks in the project area to determine if they meet the ADA and PROWAG requirements. A report of their findings should be available for review in the near future.

Mayor Vetter also reported that the City has been awarded a Community Development Block Grant (CDBG) in the amount of \$765,000 to assist with the improvement project. He mentioned that the total estimated cost of the project is \$2,446,565.05. In considering the CDBG award as well as the Community Access and West River Water Development District grant awards, the local estimated share is \$1,273,565.05. He expressed his sincere appreciation to all of those entities for their financial support of the project.

It was also noted that the State Revolving Fund (SRF) loan application notification is expected in March.

Motion was then made by Miller, seconded by Gartner to present the Proposed Resolution of Necessity for the project during the Feb. 5th meeting; and, to schedule the public hearing on the Resolution of Necessity during the Mar. 19th special meeting. Property owners will be notified after the Feb. 5th meeting and will have an opportunity to meet with the engineers prior to the public hearing. Motion carried.

At 7:10 p.m., as previously advertised, a public hearing was held on the request of the following establishment for a Retail On/Off Sale Malt Beverage License.

MG Oil Company – Homestead Casino: 101 W. Pine St., Ste 2; Located at Lots 05, 06 & 07, Block 01, Original Town, City of Philip, SD (parcel #8853 & #8854) - Retail On/Off Sale Malt Beverage

It was noted that the property taxes are paid to date. In addition, Chief Butler confirmed that the Police Dept. has no concerns regarding the above license request.

Following review, motion was made by Henrie, seconded by Pinney to approve the above Retail On/Off Sale Malt Beverage License for MG Oil Company, Homestead Casino. Motion carried with all members voting aye.

Council reviewed the proposed amendment to City Ordinance Chapter 2, Officers and Employees. It was noted that the amendment was developed to create the City Administrator position as previously authorized and to clean up the remainder of Chapter 2.

Following review, motion was made by Miller, seconded by Gartner to approve the first 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 ____ day of _____.

Michael Vetter, Mayor

ATTEST:

Monna Van Lint, Finance Officer
Passed First Reading: Jan. 8, 2018
Passed Second Reading:
Yeas: 05 Nays: 00
(Published: Jan. 18, 2018)

Departmental Reports:

The monthly Airport report included an update on the Homeland Security Grant application for airport security cameras.

DFO Smith advised that the application is in process. One of the application questions is regarding if the applicant is willing to accept partial funding for the project. She reported that the updated cost estimate for five cameras along with installation and point of access from the airport to the courthouse is \$9295.40. The City also has over \$2000.00 available in fuel tax revenue that could possibly be utilized to supplement the project.

Mayor Vetter questioned if the City is obligated to accept the grant if sufficient funding is not received?

DFO Smith confirmed that the grant can be declined if the City is not satisfied with the award amount.

Following, motion was made by Pinney, seconded by Miller to submit the Homeland Security Grant application noting that the City will accept partial funding for the airport security camera project. Motion carried.

The monthly Police Dept. report was reviewed with Chief Butler.

Council Member Miller mentioned concerns that he has received against the 103 Hone St. property; and, requested this be monitored.

Chief Butler confirmed that they have received one complaint and will continue to monitor the property. He also stressed that the public needs to call the Police Dept. at any time they have concerns.

The quarterly Street Dept. report was reviewed with Rick Coyle.

Council Member Gartner updated the Council on the tractor purchase. He advised that the Street Committee Members, Gartner and Miller, along with PWD Reckling reviewed the following tractor options with the dealerships earlier today. The costs noted below reflect the trade in offer as stated for the City's 1980 John Deere 2440.

Kennedy Implement (trade in offer \$6,000)
New Holland Workmaster 70 - \$23,029.18
New Holland Powerstar 75 - \$28,898.99

Grossenburg Implement (trade in offer \$3,500):
John Deere 5075E - \$26,500

Gartner went on to explain that the New Holland Workmaster and John Deere 5075E are very comparable in horsepower, weight and other specifications. They also come with the same warranty. He then recommended the purchase of the New Holland Workmaster.

It was also noted that the purchase of the tractor is only being pursued at this time to ensure it is delivered in late spring or early summer.

Mayor Vetter addressed Joe Woitte with Grossenburg Implement. He questioned if he had anything to add to their proposal; or, if he had any input on the recommended tractor purchase?

Woitte advised that, "He is only here to see what was decided."

Following, motion was made by Gartner, seconded by Miller to authorize the purchase of the New Holland Workmaster 75 from Kennedy Implement at the cost of \$23,029.18. This reflects the trade-in of the City's 1980 John Deere 2440. Motion carried with all members voting aye.

Council reviewed correspondence from the SD Dept. of Transportation's (DOT) regarding an update to the unidentified section of the W. Pine St. spur line. More specifically, W. Pine St. from the city limit line to Henry Ave. According to their legal counsel, the State's intent had originally been to transfer all of W. Pine St., from the city limit line to US Hwy 14. In turn, they will prepare a deed for the transfer of the identified section if the City is in agreement.

Attorney Trask questioned if there were any questions or concerns with the State's findings.

With none forthcoming and by general consensus of the Council, Attorney Trask was authorized to work with the State on finalizing a deed to transfer that portion of W. Pine St. from the city limit line to Henry Ave. to the City.

The monthly water report was reviewed. The monthly water loss for December 2017 was reported 5.91%.

PWD Reckling advised the Council of a recent water break at Midwest Cooperative's Fertilizer Plant. Midwest has reported the incident to the SD Dept. of Environment and Natural Resources. To date, no concerns with contaminating the City's storm sewer have been found.

Trainings/Travel:

PWD Reckling and Street/Sewer Supt. Coyle will be attending the Commercial Pesticide Recertification on Feb. 14th in Rapid City.

PWD Reckling, Street/Sewer Supt. Coyle, Gen. Maint. Shipp and Gen. Maint. Pearson will be attending the MSHA training on Feb. 15th in Wall.

Gen. Maint. Shipp will be attending the Water Distribution Class and Certification on Feb. 27th – Mar. 1st in Spearfish.

PWD Reckling will be attending the 2018 Airport Conference on, Apr. 11th-12th in Deadwood.

At 7:28 p.m., motion was made by Miller, seconded by Henrie to enter into executive session per SDCL 1-25-2(3) for legal matters. Atty Trask was requested in the session. Motion carried.

At 7:34 p.m., motion was made by Gartner, seconded by Henrie to come out of executive session with no action.

Public Comments:

Virgil Smith expressed his appreciation to all of those involved with the CDBG application.

Other Business:

City Council petitions can begin circulating no earlier than Jan. 26th and must be filed with the Finance Office by Feb. 23rd.

City Offices will be closed Jan. 15th in observance of legal holiday.

The next Regular Council Meeting will be held on Monday, Feb. 5th at 7:00 p.m. in the Community Rm.

With no further business to come before the Council, Mayor Vetter declared the meeting adjourned at 7:35 p.m.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer

(Published once on January 18, 2018, at approximate cost of \$_____)