

**COUNCIL PROCEEDINGS  
REGULAR MEETING  
JUNE 07, 2021**

A regular meeting of the Philip City Council was held on Monday, June 7, 2021, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Michael Vetter, Council Members Trisha Larson, Marion Matt, Terri Pelle, 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 Nate Jordan, City Attorney Stephanie Trask, Stacy Pinney and Brad Heltzel.

Absent: Marty Gartner and Brit Miller.

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 Matt, seconded by Pelle 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 Pinney, seconded by Matt to approve the payment of the bills from the appropriated funds as listed below. Motion carried.

**Gross Salaries – May 28, 2021:** Admin - \$4052.10; Finance - \$3688.53; Police - \$6011.19; Sewer - \$14,575.58

Colonial Life	Employee Supplemental Ins 5/21	196.60
Credit Collections Bureau	Garnishment 5/21	261.36
EFTPS	SS/Medicare/Withholding 5/21	6374.20
NE Child Support	Garnishment 5/21	659.18
SDRS	Employee Retirement 5/21	3695.07
SDSRP	Sup Retirement 5/21	100.00

**This Month's Bills:**

3 B's Heating & Air Conditioning	Pool Repairs 5/21	289.59
AT&T Mobility	Cell Phone 4-5/21	222.10
Associated Supply Co. LLC	Pool Chemical 4/21	3569.94
Bad River Law Prof LLC	Legal/Atty 5/21	305.00
Century Business Products	Copier Maint 5/21	74.82
CHS River Plains	ST Fuel 4-5/21	330.59
Coyles Super Valu	Supplies/Resale 5/21	233.81
D & T Auto Parts	Supplies 4/21	12.40
Delta Dental	Dental Ins 6/21	776.90
1 <sup>st</sup> Nat'l Bank – Philip	UB Postage 5/21	130.89
Fitch Trucking	Deliver Truck for Repairs 5/21	550.00
Golden West Telecom	Telephone/Internet 4-5/21	603.55
Haakon Co Treasurer	Office Rent 5/21	500.00
Haakon Co Young Women	UB Advertising 2021/2022	9.60
Haakon School 27-1	2021 Open Gym Approp	750.00
Hanson Oil	Fuel 4-5/21	637.80
Health Pool of SD	Health Ins 6/21	11236.29

Hometown Computer Service LLC	AIR IT 5/21	70.00
Ingram Pest Service Inc	RS Pest Control 5/21	60.00
Intoximeters Inc	(2) PBT's 5/21	650.00
Kennedy Implement Inc	Supplies 4-5/21	199.76
Kieffer Sanitation	369 Residential Collections 5/21	4726.89
M.G. Oil Co	PD Fuel 4/21	140.79
Matting Experts.com	Pool Mats 5/21	1513.00
Morrison's Pit Stop	ST Tire/Repair 4-5/21	2313.74
Office Depot	FO/Pool Supplies 5/21	244.40
Optilegra	Vision Ins 6/21	116.14
Petty Cash	Supplies 3-5/21	39.65
Philip Chamber of Commerce	2021 Approp/Dues	2000.00
Philip Hardware	Supplies 4/21	134.67
	Supplies 5/21	481.96
Philip Motor Inc	ST Supplies 4-5/21	90.00
Pioneer Review	Publishing 5/21	1183.04
Quill Corp	Supplies 5/21	180.96
Recreation Supply Co In	Pool Supplies 5/21	95.12
Recreonics Inc	Pool Supplies 5/21	49.12
SD Dept of Revenue	Sales Tax Payable 5/21	538.78
	Excise Tax Payable 5/21	33.93
	W Testing 5/21	15.00
Smith, Brittany	Mileage Reimb 5/21	96.32
US Postal Service	PO Box Fees 2021	198.00
Vadim Municipal Software Inc	UB Supplies 5/21	366.00
Verizon Wireless	W AMR Internet 4-6/21	138.72
VISA – UMB Bank	Supplies/Travel/Uniforms 4-5/21	676.77
West Central Electric	Electric 4/1-5/1/21	3212.22
	Electric 5/1-6/1/21	3297.60
WR/LJ Rural Water Systems	3,314,000 gals 5/21	4142.50
	Contract Min. 5/21	2500.00
	AIR Water 5/21	40.00
	South Shop Water 5/21	22.50
Wohlenberg Ritzman & Co LLC	2020 Annual Report Prep	3250.00
<hr/>		
Total Expenditures – 06/07/21		\$53,050.86

### **Old Business:**

Council reviewed an updated quote from Gibson Concrete to repair Brad Heltzel's gutter in the amount of \$2908.17. This would include replacing his gutter and that portion of sidewalk/approach directly behind the gutter. By doing so, it will provide the required slope to minimize holding water.

Following, motion was made by Matt, seconded by Larson to approve the quote as presented above with the city covering 100% of said expense. Motion carried.

### **New Business:**

Ordinance #2021-05, A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses.

It was reported that during the joint public meeting with the Planning Commission held on June 7<sup>th</sup> at 6:45 p.m., the Commission made a recommendation for the City Council to approve the following Ordinance #2021-05.

Motion was then made by Matt, seconded by Pinney to approve the first reading of Ordinance #2021-05 as presented below and recommended by the Planning Commission. Motion carried with all members voting aye.

#### **ORDINANCE # 2021-05**

### **A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.**

**WHEREAS**, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

**WHEREAS**, the Municipality of Philip, SD (“Municipality”), makes a preliminary finding that the Municipality’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1.

**WHEREAS**, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021, and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

**WHEREAS**, the Municipality makes a preliminary finding that the Municipality needs further study of the relationship of medical cannabis establishments to the City of Philip Comprehensive Plan and Zoning Ordinance. The public interest requires that the Municipality study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments.

**WHEREAS**, the Municipality makes a preliminary finding that it would be inappropriate for the Municipality to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

**WHEREAS**, the Municipality hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13 to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Municipality;

**WHEREAS**, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Municipality's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

**WHEREAS**, the Municipality finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

**WHEREAS**, the Municipality finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PHILIP, SD:**

*Section 1. Temporary Ordinance – Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the Municipality shall be required to apply for a permit and/or license from the Municipality. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

*Section 2. Immediate Effect.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Michael Vetter, Mayor

ATTEST:

\_\_\_\_\_  
Monna Van Lint, Finance Officer

Passed First Reading: June 7, 2021

Passed Second Reading:

Yeas: 6 Nays: 0

(Published: June 17, 2021)

Mayor Vetter advised that the second reading of the above Ordinance #2021-05 will be held during the next meeting on July 8<sup>th</sup>, 2021.

Airport Hangar / Apron Reconstruction Projects:

Council reviewed correspondence from Charlie Baker, Engineer with KLJ, regarding the hangar building repairs. According to Baker, KLJ has hired Kinsley Construction to replace the entire ridge cap and vent with a low-profile ridge cap and vent. The work is anticipated to be completed by the end of the month, and all expenses will be paid directly by KLJ.

Building/Flood Plain Dev. Permits:

Mike & Hallie Albrecht – replace front step; Marion Matt – fence replacement; Glenn & Diane Parsons – garage, deck, driveway, sidewalk, egress windows, siding & windows; Robert & Monna Van Lint – concrete pad.

Motion was made by Pelle, seconded by Pinney to approve the above permits. Motion carried.

Special Event Application:

Motion was made by Pelle, seconded by Matt to approve Branden West’s application to host a street dance on June 12<sup>th</sup> as proposed. It was noted that S&T Security has been hired to cover the Match Bronc Ride and the street dance, and they will be wrist banding attendees. The abutting property owners, Don Carley and Brock Slovek, have also provided their consent to close the alley. Motion carried contingent upon the alcoholic licensed establishments only serving to those at least 21 years of age—no parental/spouse to minor purchase.

Motion was made by Matt, seconded by Larson to approve the 2022 Joint Cooperative Agreement with the Central SD Enhancement District (CSDED) in the amount of \$1,100.13. Motion carried.

The City Council will meet in open discussion on July 8<sup>th</sup> at 5:30 p.m. to review the zoning ordinance revision. No action will be taken.

Council reviewed the following L/P Propane bids received during May 2021.

	<u>May 26<sup>th</sup></u>
Hanson Oil	\$1.29/gal.
Midwest Cooperatives	\$1.50/gal.

Departmental Reports:

Administration

The 2022 budget planning session will be held on July 22<sup>nd</sup> at 4:00 p.m. at the ambulance building.

Airport

Motion was made by Pinney, seconded by Matt to approve the Airport Coronavirus Response Grant Program (ACRGP) Grant Offer from the Federal Aviation Administration along with the Grant Agreement with the SD Dept. of Transportation for project #3-46-0043-014-2021. The Mayor and Attorney are further authorized to sign and execute said documents. Motion carried with all members voting aye.

The Peterson Family has renewed airport pastureland lease for an addition five years per section two of the lease.

Fire Dept.

PWD briefed the Council on the recent improvements to the hot water pond.

### Police

The quarterly report was reviewed with Chief Buls.

The following bids from Philip Motor for a new police vehicle as appropriated in 2021 were reviewed in detail. The budget includes \$40,000 for said purchase to replace the 2011 Chevy Tahoe.

2021 Ford F150 4X4 Police Responder Supercrew Pickup - \$39,385

2021 Ford Police Interceptor Utility 4WD (3.0L V6 Ecoboost) - \$41,980

\*Bids do not include lights, sirens, cage, etc. and installation – Estimated at \$9,000

Discussion ensued. It was reported that the Ford Interceptor is the department's vehicle preference, but the pickup is also a great option. Comments for the pickup having a higher resale value and/or possibly phasing out the pickup to the maintenance department in five to six years were also mentioned. The future of the 2011 Chevy Tahoe (sell or trade) will also be determined at a later date—once the delivery date is known for the new vehicle.

Following, motion was made by Pelle, seconded by Pinney to approve the bid submitted by Philip Motor for the 2021 Ford F150 pickup as presented above in the amount of \$39,385. For the record, this amount does not include any lights, sirens, cage, etc. and installation as noted above. Motion carried with all members voting aye.

### Street Dept.

The monthly report was reviewed. It was mentioned that a hot mix plant is in the area and PWD Reckling will be contacting the State about an option to purchase some to repair potholes.

### Swimming Pool

Motion was made by Matt, seconded by Pinney to recognize Copper Lurz for becoming WSI certified and amend her hourly wage to \$11.25 for the 2021 season. Motion carried.

Motion was made by Matt, seconded by Pinney to approve Josie Rush as a volunteer WSI, and Doreen Vetter as a volunteer lifeguard. Motion carried.

### Water Dept.

The monthly report was reviewed which noted a 6.71% water loss for the month of May. An error on the sewer charges billed this month was reported which reflected a total monthly minimum charge of \$57.41 instead of \$58.51. This will be corrected before next month's billing.

### Training/Travel:

CA Smith will be attending a SDML Board meeting on June 16<sup>th</sup>-17<sup>th</sup> in Lake Andes.

No executive session was called.

### **Public Comments:**

None.

### **In Other Business:**

The City Office may have reduced hours between June 8<sup>th</sup> and 11<sup>th</sup> as staff will be attending training.

Due to the holiday, the next Regular Council Meeting will be held on Thursday, July 8<sup>th</sup> 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 7:28 p.m.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Brittany Smith, City Administrator

(Published once on June 17, 2021, at approximate cost of \$\_\_\_\_\_)