

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

A regular meeting of the Philip City Council was held on Monday, March 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, Marion Matt, Marty Gartner 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, City Attorney Stephanie Trask, Virgil and Carla Smith; and, Del Bartels with the Pioneer Review.

Absent: Council Member Jennifer Henrie.

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

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

Gross Salaries – February 28, 2018: Adm. - \$6583.18; Public Works - \$3553.33; Police - \$6229.59; Street - \$6219.20; Water - \$2920.66

Colonial Life	Employee Supplemental Ins 2/18	237.08
EFTPS	S.S., Medicare, Withholding 2/18	5664.97
NE Child Support Pay Ctr	Garnishment 2/18	659.18
SDRS	Employee Retirement 2/18	3359.27

Sunshine Drive Overlay:

SPN & Assoc.	Prelim Design (Completion) 2/18	2400.00
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SW Philip Improv Project

SPN & Assoc.	Final Design Eng thru 2/18	38360.00
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This Month's Bills:

A – Z Shredding	1128 lbs Shredding 2/18	225.60
Bad River Law Prof LLC	Atty/Legal Fees 2/18	155.64
By The Yard Inc	Garden Club Benches 2/18	2041.00
Cenex Harvest States	Fuel/Supplies 2/18	1532.71
CNH Productivity Plus Acct	Supplies/Repairs 2/18	267.46
D&T Auto Parts	Supplies 2/18	234.39
Delta Dental	Dental Ins 3/18	713.00
1 st Nat'l Bank – Philip	UB Postage 2/18	123.93
Golden West	Telephone 1-2/18	571.66
Haakon Co. Treasurer	Office Rent 3/18	500.00
Hanson Oil	Fuel/LP 1-2/18	2474.90
Health Pool of SD	Health Ins 3/18	9465.62
Hellekson, Dane/Ashley	Cust Deposit Refund 3/18	100.00
Intoximeters, Inc	PBT Repair Estimate 2/18	63.50

MG Oil Co	Fuel 1/18	532.08
NASASP	2018 Membership Dues	39.00
Office Depot	Supplies 2/18	76.49
Optilegra	Vision Ins 3/18	95.70
Overhead Door Co – Rapid	Mun Bldg Openers 2/18	137.50
Petersen’s Variety	Supplies 12/17	4.99
Philip Hardware	Supplies 2/18	65.05
Philip Standard Service	PD Oil Chg 2/18	75.95
Pioneer Review	Publishing 2/18	575.76
Sanford Laboratories	Random Testing 2/18	75.00
Schofield Welding Co	Mun Bldg Door Repairs 2/18	75.00
Shipp, Robert	Mileage Reimb 2/18	141.78
SD Dept. of Revenue	Sales Tax 2/18	401.03
	Water Coliform Testing 1-2/18	60.00
SD Municipal League	District Mtg Reg 3/18	175.00
SD Police Chiefs Assoc	Butler Mtg Reg 3/18	85.00
The Park & Facilities Catalog	Baseball Assoc Bleachers 2/18	6771.12
Twilight 1 st Aid & Safety	Supplies 2/18	44.83
Verizon Wireless	Cell Phone 1-2/18	163.77
VISA – UMB Bank	Supplies/Travel 2/18	161.38
Walker Refuse	368 Residential Collections 2/18	4857.60
West Central Electric	Electric Chgs 12/29/17-1/29/18	3434.62
WR/LJ Rural Water Systems	2,147,000 gals 2/18	2683.75
	Contract Min 2/18	2500.00
	Airport Water 2/18	62.50
	South Shop Water 2/18	20.00
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Total Expenditures – 3/5/18		\$82,544.31

Old Business:

Barry Knutson will meet with the Council to review his continued concerns with his 100 N. Center Ave. property during the Apr. 2nd meeting.

Motion was made by Matt, seconded by Gartner to approve the second 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 5th day of March 2018.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

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

Motion was then made by Miller, seconded by Gartner to approve the second 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 5th day of March 2018.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

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

Motion was then made by Gartner, seconded by Pinney to approve the second 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 5th day of March 2018.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

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

New Business:

Southwest Philip Improv. Project:

Mayor Vetter updated the Council on the City's request submitted to the Haakon County Commission for an easement or the purchase of right-of-way to accommodate widening that portion of E. Oak Street, south of the courthouse. The Mayor, Street Committee Members and DFO Smith met with the Commission during their Feb. 6th meeting. Unfortunately, the Commission denied the City's request. Their reasoning's varied from why the City does not enforce the current parking ordinance to the trees that could be impacted as well as some commissioners were uninformed of the project as a whole.

Vetter went on to state that he has since been in contact with the Commissioner's to determine if they would reconsider. They are willing to meet with the City again, but it is his understanding that their position has not changed.

Vetter then inquired if the Council would like to proceed forward with another option or meet with the Commission again to see if they will reconsider?

Following discussion, motion was made by Matt, seconded by Gartner to proceed with another option for that block of E. Oak St. from Larimer Ave. to S. Howard Ave. More specifically, install a seven foot sidewalk at the back of the curb and widening the street three feet from the alley west to S. Howard Ave. All construction will be in the City's right-of-way and traffic on this block will park parallel on the south side and angled on the north (only south of the county property) which will be consistent with the remainder of Oak St. in the business district. In addition, parking will not be allowed on the north side of E. Oak St. between Larimer Ave. and the alley. Motion carried with all members voting aye.

Council Member Miller stressed that the parking regulations will be enforced once the project is completed and the parking spaces are painted. He noted that by not allowing any parking on the north side between Larimer Ave. and alley will help address the ongoing concerns at this intersection.

Council went on to review the project design plans completed by SPN & Assoc. These are on file in the finance office for review.

DFO Smith advised that there will be updates to the plans prior to going to bid. For instance, they will reflect the changes approved above for that block of E. Oak St. from Larimer Ave. to S. Howard Ave. as well as the ADA landings will all be five foot by five foot.

Smith also mentioned that the plans reflect replacing everything currently in place in the boulevard areas such as carriage walks and driveway approaches. If any of them no longer serve a purpose (i.e. the house was removed from the lot or the driveway approach does not extend on to the property), the property owner can request that these improvements not be replaced. It was the Street Committee's recommendation to keep them in the plans to guarantee the 60% discount and leave the decision to that of the property owners.

Following, motion was made by Miller, seconded by Pinney to approve the following Resolution #2018-05 as presented below. Motion carried with all members voting aye.

**CITY OF PHILIP
PROPOSED RESOLUTION OF NECESSITY
RESOLUTION #2018-05**

BE IT RESOLVED by the Common Council of the City of Philip, South Dakota, at a regular meeting thereof, held in the Community Room of the Haakon County Courthouse in the City of Philip at 7:00 p.m. on the 5th day of March, 2018, that the convenience and necessity has arisen to improve substantially the following in the City of Philip, Haakon County, South Dakota, by the addition of the curb, gutter, driveway, sidewalk, landscape rock and sidewalk trench drain improvements where needed in the Southwest Philip Improvement Project. Such properties affected being hereinafter named on the attached list marked "Exhibit A" with the projected location being as follows:

City of Philip encompassing Oak Street (east from Larimer Avenue to Philip Avenue); S. Howard Avenue (south from Pine Street to Ash Street); S. West Avenue (south from Pine Street to Ash Street); and, Philip Ave. (intersection of Oak Street).

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to the plans and specifications as prepared by the City's engineering firm, Schmucker, Paul, Nohr and Associates, in and for the City of Philip, South Dakota, and are on file in the office of the City Finance Officer and open for the public's review during regular office hours.

BE IT FURTHER RESOLVED that the cost of the curb, gutter, and sidewalk improvements shall be assessed against all assessable lots and tracts of land fronting or abutting thereon, according to the provisions of SDCL 9-43-76 as to each of such lots and tracts above stated. The total cost of the improvements shall include the total contract price and shall be assessed according to SDCL 9-43-78. This includes, on a lineal foot basis, **Type B66 Concrete Curb and Gutter** installation at an ESTIMATED construction cost of \$20.00 per lineal foot; on a lineal foot basis, **Type P6 Concrete Gutter** installation at an ESTIMATED construction cost of \$20.00 per lineal foot; on a lineal foot basis, **Type B68 Concrete Curb and Gutter** installation at an ESTIMATED construction cost of \$25.00 per lineal foot; on a lineal foot basis, **Type P8 Concrete Gutter** installation at an ESTIMATED construction cost of \$25.00 per lineal foot; on a lineal foot basis, **Barrier Curb** installation at an ESTIMATED construction cost of \$40.00 per lineal foot; on a square yard basis, for **Residential Driveway Approach** installation at an ESTIMATED construction cost of \$70.00 per square yard; on square yard basis, for **Commercial Driveway Approach** installation at an ESTIMATED construction cost of \$75.00 per square yard; on a square footage basis, for **Sidewalk** installation at an ESTIMATED construction cost of \$6.50 per square foot; on a cubic yard basis, for **Landscape Rock** installation at an ESTIMATED construction cost of \$170.00 per cubic yard, and, on a unit basis, for **Sidewalk Trench Drain** installation at an ESTIMATED construction cost of \$1,150.00 per unit.

BE IT FURTHER RESOLVED that the City of Philip will cover the expenses for those improvements in the street and alley intersections, removals, gravel base course, engineering as well as the specific costs associated with the narrowing of the street width. The specific costs include those incurred from extending the existing driveway approaches and carriage walks as well as leveling/seeding the land through the current boulevard areas where the street width was narrowed.

BE IT FURTHER RESOLVED that the City of Philip has established a policy to cover 60% of the eligible assessment costs in order to be consistent with past projects wherein the City was the recipient of grant funds that covered 60% of the eligible costs. The City has determined that the following improvements as shown in the Final Plans dated March 2, 2018, are eligible assessment costs subject to the 60% discount: curb and gutter; barrier curb, residential driveway approaches; commercial driveway approaches; and, sidewalks. Those costs associated with landscape rock in the boulevard areas will be assessed at the cost difference between the seeding and rock installation. In addition, those costs associated with a sidewalk drain and any additional improvements requested by the property owner will be assessed at 100% of the eligible costs per City policy.

BE IT FURTHER RESOLVED that the assessments will be divided into ten (10) equal annual installments, which shall be payable under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43-102, and that all deferred installments shall bear interest at such rate as shall be determined by the City Council.

BE IT FURTHER RESOLVED that the above resolution shall be published once in the official newspaper of the City, with an appended notice stating the place and time, at least two weeks after such publication, at which the Common Council will meet for the consideration of any objections to

the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution.

BE IT FURTHER RESOLVED that the City of Philip shall cause personal notice to be sent by first-class mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied that has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

Dated this 5th day of March 2018.

THE COMMON COUNCIL OF
THE CITY OF PHILIP, SOUTH DAKOTA

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer
(Published: March 15, 2018)

“Exhibit A”

Name	Legal Description	100% TOTAL ESTIMATED ASSESSED COST	TOTAL ESTIMATED ASSESSED COST (Reflects Discounts)
Dakota Auto Supply, Inc.	Lots 6, 7, 8, 9, 10 & N2 Lot 11, Blk 8 Original Town, City of Philip	\$9,370.00	\$3,748.00
Dakota Auto Supply, Inc.	S2 Lot 11, Blk 8 Original Town, City of Philip	\$1,675.00	\$670.00
Haakon County	Lots 12 thru 22, Blk 8 Original Town, City of Philip	\$25,301.50	\$10,120.60
Dakota Auto Supply, Inc.	Lots 1 thru 9, Blk 9 Original Town, City of Philip	\$7,800.00	\$3,120.00
West Central Electric	Lots 10-11 & 12, Blk 9 Original Town, City of Philip	\$7,045.00	\$2,818.00
Presbyterian Church	Lot 1, Blk 22 Original Town, City of Philip	\$3,805.50	\$1,522.20
First Presbyterian	Lot 2, Blk 22 Original Town, City of Philip	\$2,949.00	\$1,179.60

James D. Osburn	Lot 3, Blk 22 Original Town, City of Philip	\$1,000.00	\$400.00
John Sandal	Lot 4, Blk 22 Original Town, City of Philip	\$1,000.00	\$400.00
John Sandal	Lot 5 & N20' of W2 Lot 6, Blk 22 Original Town, City of Philip	\$2,828.00	\$1,131.20
Rita & Douglas Ramsey	S30' of W2 Lot 6 & W2 Lot 7, Blk 22 Original Town, City of Philip	\$2,778.00	\$1,046.20
Lois A. Porch	E2 Lots 6 & 7, Blk 22 Original Town, City of Philip	\$6,079.00	\$2,431.60
Lou Ann Reckling	E70' Lots 8 & 9, Blk 22 Original Town, City of Philip	\$2,316.50	\$861.60
Thomas E. Lesselyoung	W70' Lot 8 & S15' of W70' Lot 9, Blk 22, Original Town, City of Philip	\$3,720.50	\$1,353.80
Raymond & Karen Gibson	N35' of W70' Lot 9 & All Lot 10, Blk 22, Original Town, City of Philip	\$4,010.00	\$1,312.80
Donald & Deloris Poss	Lot 11, Blk 22 Original Town, City of Philip	\$1,286.00	\$475.40
Dorothy Stickler	Lot 12, Blk 22 Original Town, City of Philip	\$2,056.00	\$702.20
Dorothy Stickler	W2 Lots 13 & 14, Blk 22 Original Town, City of Philip	\$6,137.50	\$2,329.20
JTK Business Group LLC	N115' Lot 1, Blk 23 Original Town, City of Philip	\$5,804.00	\$2,148.40
Donald & Kerry Burns	S50' Lot 1, Blk 23 Original Town, City of Philip	\$2,566.50	\$987.60
Donald & Carmen Fees	Lot 7, Blk 23 Original Town, City of Philip	\$1,517.00	\$541.80
Donald & Carmen Fees	Lot 8, Blk 23 Original Town, City of Philip	\$3,598.50	\$1,147.60
Terry & Jennifer Henrie	Lot 9, Blk 23 Original Town, City of Philip	\$2,803.00	\$893.80
Cindy Pfeifle	Lots 10 & 11, Blk 23 Original Town, City of Philip	\$6,711.50	\$2,175.00

Cindy Pfeifle	S82.5' Lot 12, Blk 23 Original Town, City of Philip	\$4,473.00	\$1,666.20
Fay Hauk	N82.5' Lot 12, Blk 23 Original Town, City of Philip	\$2,657.50	\$956.60
Charles & Ruth Ann Carstensen	Lot 1, Blk 24 Original Town, City of Philip	\$8,021.50	\$2,998.00
Gene Rock	Lot 2, Blk 24 Original Town, City of Philip	\$3,421.00	\$1,250.20
Lee I Neville	Lot 3, Blk 24 Original Town, City of Philip	\$2,288.00	\$729.80
Colton Mayer	Lot 4 & E2 Lot 5, Blk 24 Original Town, City of Philip	\$3,494.00	\$1,150.60
Jack & Susan Heinz	W2 Lot 5, Blk 24 Original Town, City of Philip	\$667.50	\$267.00
Jack & Susan Heinz	Lot 6, Blk 24 Original Town, City of Philip	\$624.00	\$184.60
Rick & Selma Thorson	N60' Lots 11 & 12, Blk 24 Original Town, City of Philip	\$1,304.00	\$521.60
Harry Wade Schofield	S80' Lots 11 & 12, Blk 24 Original Town, City of Philip	\$4,077.00	\$1,535.60
Ann Fees	W2 Lots 1, 2 & 3, Blk 25 Original Town, City of Philip	\$4,919.50	\$1,701.20
Virgil & Carla Smith	E2 Lots 1 & 2 EX E2 of S20' of Lot 2, Blk 25, Original Town, City of Philip	\$4,220.00	\$1,688.00
Virgil & Carla Smith	E2 Lots 2 & 3, Blk 25 Original Town, City of Philip	\$2,700.00	\$1,080.00
Virgil & Carla Smith	All Lots 4 & 5, Blk 25 Original Town, City of Philip	\$1,000.00	\$400.00
George Lee & Nicole Dennis	Lots 6-7, Blk 25 Original Town, City of Philip	\$2,000.00	\$800.00
Redeemer Lutheran Church	Lots 8, 9 & 10, Blk 25 Original Town, City of Philip	\$4,468.50	\$1,700.04
KAMO Properties LLC	E70' Lot 11, Blk 25 Original Town, City of Philip	\$3,156.00	\$1,058.00

Jody Pease	W70' Lot 11, Blk 25 Original Town, City of Philip	\$5,590.00	\$1,935.80
Luke & Tiana Weber	Lot 8, Blk 1 Russells Addition, City of Philip	\$1,507.00	\$537.80
Steven McDaniel	Lot 9, Blk 1 Russells Addition, City of Philip	\$1,305.50	\$522.20
KAMO Properties LLC	Lot 10, Blk 1 Russells Addition, City of Philip	\$1,357.50	\$478.00
Daniel & Theresa Walker	Lot 11, Blk 1 Russells Addition, City of Philip	\$1,513.50	\$540.40
Norman Payne	Lot 12, Blk 1 Russells Addition, City of Philip	\$1,364.00	\$480.60
Michael Schultz	Lot 13, Blk 1 Russells Addition, City of Philip	\$2,190.00	\$691.20
Thelma Heltzel	Lot 14, Blk 1 Russells Addition, City of Philip	\$1,508.00	\$603.20
Hazel Rowcliffe	Lot 1, Blk 2 Russells Addition, City of Philip	\$878.00	\$286.20
Lee Wentz & Laurie Wentz c/o Terry & Barbara Wentz	Lot 2, Blk 2 Russells Addition, City of Philip	\$2,707.00	\$855.40
Ralph & Denise Simons	Lot 3, Blk 2 Russells Addition, City of Philip	\$2,733.00	\$868.60
Sara Pfeifle	Lot 4, Blk 2 Russells Addition, City of Philip	\$3,858.50	\$1322.20
Martin & Vera Nelson	Lot 5, Blk 2 Russells Addition, City of Philip	\$1,766.50	\$639.40
James & Connie Sandstrom	Lot 6, Blk 2 Russells Addition, City of Philip	\$3,556.50	\$1,226.00
Patrick & Mary Lou Gupstill	N67' Lot 7, Blk 2 Russells Addition, City of Philip	\$1,481.00	\$527.40
Truett & Daniella Fitch	Lot 7, Blk 3 Russells Addition, City of Philip	\$693.50	\$277.40

Truett & Daniella Fitch	Lot 8, Blk 3 Russells Addition, City of Philip	\$2,094.00	\$837.60
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\$203,753.00 \$75,833.44

APPENDED NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY

NOTICE IS HEREBY GIVEN that on the 2nd day of April 2018, at the hour of 7:10 p.m., in the Community Room, located on first floor of the Haakon County Courthouse in Philip, South Dakota, has been fixed by the City of Philip Common Council as the time and place for the hearing upon the Proposed Resolution of Necessity, at which time the Common Council shall consider any objections to the proposed resolution by owners of property liable to be assessed for the improvements.

THE COMMON COUNCIL OF THE CITY OF PHILIP

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF HAAKON)

I, the undersigned, being the duly qualified and acting Finance Officer of the City of Philip, South Dakota, do hereby certify that the attached and foregoing is a full, true and complete transcript of the minutes of the meeting of the City Council of said City, held on March 5, 2018, insofar as the original minutes relate to proceedings for the Special Assessment Project of said City.

WITNESS my hand and official seal of said City this 5th day of March 2018.

SEAL

/s/ Monna Van Lint, Finance Officer
City of Philip, South Dakota

Motion was then made by Gartner, seconded by Larson to approve the following Resolution #2018-07 as presented. Motion carried with all members voting aye.

**RESOLUTION #2018-07
INTER FUND LOAN TRANSFER
SOUTHWEST PHILIP IMPROVEMENT PROJECT**

BE IT RESOLVED by the City Council of the City of Philip, South Dakota, that the Finance Officer is hereby authorized and directed to transfer \$100,000.00 as an inter fund loan from the general fund to the capital project fund. Said funds shall be transferred back to the general fund once grants and/or loans for the Southwest Philip Improvement Project are received.

This resolution is effective upon passage.

Dated this 5th day of March 2018.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Council was reminded 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. Property owners shall contact the finance office to schedule a time. It was also noted that if a property owner does not contact the office, the City will assume that they are satisfied with the designed plans abutting their individual properties

Sunshine Drive Overlay Project:

Council reviewed the project design plans as completed by SPN & Assoc. It was reported that the scope of the project has expanded beyond just that of an overlay. More specifically, SPN & Assoc. has recommended the need to replace portions of curb and gutter as well as driveway approaches or gutters along Sunshine Drive to address the drainage issues. It is of their professional opinion that if, the drainage is not addressed, the asphalt overlay will not withstand its expected useful life. (The plans are on file in the finance office for review.)

Following, motion was then made by Matt, seconded by Miller to approve the following Resolution #2018-06 as presented below. Motion carried with all members voting aye.

**CITY OF PHILIP
PROPOSED RESOLUTION OF NECESSITY
RESOLUTION #2018-06**

BE IT RESOLVED by the Common Council of the City of Philip, South Dakota, at a regular meeting thereof, held in the Community Room of the Haakon County Courthouse in the City of Philip at 7:00 p.m. on the 5th day of March, 2018, that the convenience and necessity has arisen to improve substantially the following in the City of Philip, Haakon County, South Dakota, by the addition of the curb, gutter and driveway improvements where needed in the Sunshine Drive Overlay Project. Such properties affected being hereinafter named on the attached list marked “Exhibit A” with the projected location being as follows:

City of Philip encompassing all of Sunshine Drive.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to the plans and specifications as prepared by the City’s engineering firm, Schmucker, Paul, Nohr and Associates, in and for the City of Philip, South Dakota, and are on file in the office of the City Finance Officer and open for the public’s review during regular office hours.

BE IT FURTHER RESOLVED that the cost of the curb and gutter improvements shall be assessed against all assessable lots and tracts of land fronting or abutting thereon, according to the provisions of SDCL 9-43-76 as to each of such lots and tracts above stated. The total cost of the improvements shall include the total contract price and shall be assessed according to SDCL 9-43-78. This includes, on a lineal foot basis, **Type B66 Concrete Curb and Gutter** installation at an ESTIMATED construction cost of \$30.00 per lineal foot; on a lineal foot basis, **Type P6 Concrete Gutter** installation at an ESTIMATED construction cost of \$30.00 per lineal foot; and, on a square yard basis, for **Residential Concrete Driveway** installation at an ESTIMATED construction cost of \$70.00 per square yard.

BE IT FURTHER RESOLVED that the City of Philip will cover the expenses for those improvements in the street intersections, removals, gravel base course and engineering.

BE IT FURTHER RESOLVED that the City of Philip has established a policy to cover 60% of the eligible assessment costs in order to be consistent with past projects wherein the City was the recipient of grant funds that covered 60% of the eligible costs. The City has determined that the curb and gutter and driveway approach improvements as shown in the Final Plans dated March 2, 2018, are eligible assessment costs subject to the 60% discount. Those costs associated with any additional improvements requested by the property owner will be assessed at 100% of the eligible costs per City policy.

BE IT FURTHER RESOLVED that the assessments will be divided into ten (10) equal annual installments, which shall be payable under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43-102, and that all deferred installments shall bear interest at such rate as shall be determined by the City Council.

BE IT FURTHER RESOLVED that the above resolution shall be published once in the official newspaper of the City, with an appended notice stating the place and time, at least two weeks after such publication, at which the Common Council will meet for the consideration of any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution.

BE IT FURTHER RESOLVED that the City of Philip shall cause personal notice to be sent by first-class mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied that has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

Dated this 5th day of March 2018.

THE COMMON COUNCIL OF
THE CITY OF PHILIP, SOUTH DAKOTA

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer
(Published: March 15, 2018)

“Exhibit A”

Name	Legal Description	100% TOTAL ESTIMATED ASSESSED COST	40% TOTAL ESTIMATED ASSESSED COST
Ardis Ladely & Kyla Medley	Lot 1, Blk 1, Stoesser’s Addition, City of Philip	\$0.00	\$0.00
John Hart	Lot 2, Blk 1, Stoesser’s Addition, City of Philip	\$480.00	\$192.00

Kyle Bachand	Lot 3, Blk 1, Stoesser's Addition, City of Philip	\$0.00	\$0.00
Tate & Marla Guptill	Lot 4, Blk 1, Stoesser's Addition, City of Philip	\$0.00	\$0.00
Lacy Puhlman	Lot 5, Blk 1, Stoesser's Addition, City of Philip	\$0.00	\$0.00
Ernest & Debra Clements	Lot 6A, Blk 1, Stoesser's Addition, City of Philip	\$120.00	\$48.00
Delayne & Carlyn Williams	Lot 6 Blk 1 Stoesser's Addition, City of Philip	\$0.00	\$0.00
David Burnett & Mary Pfeifer Burnett	Lot 7, Blk 1, Stoesser's Addition, City of Philip	\$7,500.00	\$3,000.00
Darin Naescher	Lot 8, Blk 1, Stoesser's Addition, City of Philip	\$2,130.00	\$852.00
John & Jamie Dolezal	Lot 9, Blk 1, Stoesser's Addition, City of Philip	\$570.00	\$228.00
Ralph & Julianne Kemnitz	Lot 10, Blk 1, Stoesser's Addition, City of Philip	\$930.00	\$372.00
Ralph & Julianne Kemnitz	Lot 11, Blk 1, Stoesser's Addition, City of Philip	\$930.00	\$372.00
Bradley & Jackie Heltzel	Lot 12, Blk 1, Stoesser's Addition, City of Philip	\$960.00	\$384.00
Scott & Stacy Pinney	Lot 13, Blk 1, Stoesser's Addition, City of Philip	\$1,110.00	\$444.00

\$14,730.00

\$5,892.00

APPENDED NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY

NOTICE IS HEREBY GIVEN that on the 2nd day of April 2018, at the hour of 7:20 p.m., in the Community Room, located on first floor of the Haakon County Courthouse in Philip, South Dakota, has been fixed by the City of Philip Common Council as the time and place for the hearing upon the Proposed Resolution of Necessity, at which time the Common Council shall consider any objections to the proposed resolution by owners of property liable to be assessed for the improvements.

THE COMMON COUNCIL OF THE CITY OF PHILIP

STATE OF SOUTH DAKOTA

)
:SS

COUNTY OF HAAKON)

I, the undersigned, being the duly qualified and acting Finance Officer of the City of Philip, South Dakota, do hereby certify that the attached and foregoing is a full, true and complete transcript of the minutes of the meeting of the City Council of said City, held on March 5, 2018, insofar as the original minutes relate to proceedings for the Special Assessment Project of said City.

WITNESS my hand and official seal of said City this 5th day of March 2018.

SEAL

/s/ Monna Van Lint, Finance Officer
City of Philip, South Dakota

A public meeting with the Sunshine Drive property owners will be held on the Thursday, Mar. 22nd at 6:00 p.m. in the Community Room. The City's Engineer as well as the Mayor, Street Committee and City Personnel will be in attendance to review the project and answer any questions. DFO Smith will be sending out correspondence about the changes to the project as well as inviting the property owners to the meeting.

Homeland Security Grants:

Council was informed that the grant application for a new warning siren has been submitted.

DFO Smith then updated the Council on the Threat and Hazard Identification Assessment (THIRA) plan as previously discussed. According to the State Office of Homeland Security, the County is responsible for completing the THIRA. She has made initial contact with Lori Quinn, Haakon County Emergency Manager, to inquire about addressing the City's needs in the plan.

Philip Charities Housing Project – Assistance Request:

Motion was made by Miller, seconded by Matt to approve Philip Charities demolition permits as well as their request for the City to demolish and remove the structures on the following properties: 106 N. Wood Avenue; and, 108 N. Stewart Avenue. Philip Charities will be billed for these services per the agreement between the City and Philip Charities. Motion carried.

Building/Flood Plain Dev. Permits:

Jared Rutherford – renew deck & shed permit approved 9/6/16.

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

Council reviewed a Release of Easement and Perpetual Easement prepared by Bad River Law for Floren and Debbie Falzone. It was noted the Release of Easement is required as the initial easement was filed in error with Falzones' as the grantor and the City as the grantee. (Copies of the easements are on file in the finance office.)

Following, motion was made by Gartner, seconded by Pinney to approve and authorize the Mayor's signature on the Release of Easement for Document #18-047. Motion carried with all members voting aye.

Motion was then made by Matt, seconded by Gartner to approve and authorize the Mayor's signature on the Perpetual Easement presented by Floren and Debbie Falzone for the placement of an underground electrical line in Block 4, Original Town. Motion carried with all members voting aye.

Council then went to review the results from the 10 o'clock whistle survey. There were a total of 63 participants with 51 in favor of keeping the whistle; 9 were in favor of doing away with the whistle; and, 3 were neutral.

By general consensus, the 10 o'clock will remain.

Council discussed options for a City flag branding the new logo. Display Sales Co. had provided two different examples with one being an orange flag to match the inside of the logo with the other one placing the logo on a white flag. The cost for one flag including a one-time set up and art fee is \$223.50.

Following, motion was made by Matt, seconded by Gartner to order two (2) of the flags in the orange color as presented by Display Sales Co. Motion carried.

Council considered an opportunity to sponsor the Badlands Bad River Regional Economic Development Partnership Career Expo on Mar. 29th in Wall. The sponsorship fee for the event is \$35.

It was mentioned that since it is being located in Wall this year, the City may not see any benefit. (For the record, the City had budgeted to sponsor such event, but it was contingent upon being held in Philip.)

No action was taken.

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

	<u>Feb. 2, 2018</u>	<u>Feb. 15, 2018</u>	<u>Feb. 23, 2018</u>
Hansen Oil Company	\$1.45/gal.	\$1.45/gal.	\$1.45/gal.
Midwest Cooperatives	\$1.49/gal.	\$1.49/gal.	\$1.49/gal.

Departmental Reports:

The quarterly Administrative report was presented and reviewed with FO Van Lint.

Council reviewed the City's year-to-date revenues and expenditures; investment report which includes the City's Cash Management Account interest revenue; and, sales tax revenues through Mar. 5th were reported at \$103,660.65.

Mayor Vetter expressed his continued appreciation for the local business being here and the community members for shopping locally.

Council then reviewed the City's Depository Disclosure for the account balances ending Dec. 31, 2017, as follows.

**DEPOSITORY DISCLOSURE - CITY OF PHILIP, SD
FIRST NATIONAL BANK OF PHILIP, SOUTH DAKOTA**

	December 31, 2016	December 31, 2017
GENERAL		
Checking Account	\$794.59	\$2,434.43
Petty Cash (Finance Office)	\$50.00	\$50.00
Savings/Cash Mgmt Acct.	\$1,275,611.72	\$1,347,797.05

Committed Cash - 2nd Penny	\$225,831.55	\$411,111.55
Assigned Cash	\$223,915.06	\$281,591.06
Assigned Cash - Rubble Site	\$82,932.92	\$89,011.92
	\$1,809,135.84	\$2,131,996.01
WATER		
Checking Account	\$323.60	\$115.32
Savings/Cash Mgmt Acct.	\$123,531.94	\$170,204.87
Assigned - Depreciation Reserve	\$125,063.00	\$201,893.00
	\$248,918.54	\$372,213.19
SEWER		
Checking Account	\$5.19	\$60.80
Savings/Cash Mgmt Acct.	\$97,746.77	\$101,968.24
Assigned - Depreciation Reserve	\$173,900.00	\$182,150.00
Restricted Cash – Surcharge - SRF	\$216,566.89	\$203,033.95
	\$488,218.85	\$487,592.03
GARBAGE		
Checking Account	\$2.59	\$46.28
Savings/Cash Mgmt Acct.	\$40,439.11	\$41,305.19
Undesignated - Rubble Site	\$34,650.00	\$37,300.00
	\$75,091.70	\$78,651.47
Total Checking	\$1,125.97	\$2,656.83
Total Petty Cash	\$50.00	\$50.00
Total Savings/Cash Mgmt. Acct.	\$1,537,329.54	\$1,629,654.39
Total Commit/Assign/Rest/Deprec/Undesig.	\$1,082,859.42	\$1,438,091.48
Total Cash	\$2,621,364.93	\$3,070,452.70

The airport quarterly report included the following items.

The year-to-date fuel revenues were reported at \$860.53. This included fuel sales through the end of Jan. 2018.

Helms & Assoc. will be performing a Pavement Condition Index (PCI) survey at the airport this spring.

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

Council reviewed correspondence from Fred Koester, Haakon Co. Sheriff, regarding a Homeland Security Grant the County has been awarded in the amount of \$32,995 to purchase Zuercher Software for the Sheriff's Office/City Police Department. This software is used by many law enforcement offices and divisions throughout the State. It will replace their current outdated File Maker software.

Koester has provided that the final cost for the software is \$24,022. This amount will need to be paid by April 1st--prior to receiving any grant fund reimbursement. He mentioned that Chief Butler had previously agreed to cover half of the expenses for the software and therefore requests the City submit \$12,011 to the County.

Council Member Miller questioned why the County is requesting funding from the City when their grant award covers above and beyond the actual costs? In addition, the County was awarded the grant—not the City. He stated that he has no concerns with contributing half of the annual maintenance fees, but does not understand the reasoning for the request to purchase half of the software bill.

It was noted that this was the first time the Council has been apprised of the grant and the new software for the Police Dept. These expenses were also not included in the 2018 budget. If the City were to agree to cover half of the software costs, a supplement to the budget would be required.

Carla Smith, County Auditor, explained that she has visited briefly with Koester on this matter. The County did approve budgeting for the software, but she is not aware of the cost sharing agreement between the Sheriff's Office and Philip Police Dept.

Chief Butler also mentioned that he is uncertain as to why the City needs to cover half of the software costs considering that the County received the grant award above the actual costs for the software. He did state that the City and County will split the annual maintenance fees 50/50 starting in 2019. The first year is included with the purchase; and, years two thru five range between \$939.50 and \$1088.00 per entity.

Following discussion, motion was made by Gartner, seconded by Miller to table any action on the City's involvement with the Zuercher Software until more information is available from Koester. Koester will be invited to the Mar. 19th meeting. Motion carried.

The monthly Street Dept. report was reviewed.

The street personnel were recognized and thanked for all their efforts with the snow removal this year.

The monthly Swimming Pool report included the following items.

Motion was made by Gartner, seconded by Larson to hire Tristen Rush as the Manager/Lifeguard/WSI for the 2018 season at \$13.50/hr. Motion carried with all members voting aye.

Motion was made by Pinney, seconded by Miller to authorize advertising for Lifeguards, WSI & Water Aerobics Instructor for the 2018 season. Motion carried.

Motion was made by Gartner, seconded by Matt to authorize Cylver Lurz & Jewel Jones to paint the pool bathrooms as a project for their Service Learning Class. They painted the boys' bathroom last year and this year they plan to paint the girls' bathroom as well as the office if time allows. Motion carried.

The monthly Water Dept. report was reviewed. The water loss for the month of February 2018 was reported at 9.14%.

Training/Travel:

Chief Butler will be attending the SD Police Chiefs'/Sheriffs' Assoc. meeting, Apr. 17-19th in Deadwood.

Officer Van Der Linden will also be attending the Drug Interdiction Patrol Tactics in Rural Areas on March 28-30 in Mobridge. For the record, Butler was originally planning to attend, but due to scheduling conflicts, Van Der Linden will represent the City at this training.

Mayor, Council and City Staff will be attending the SDML District 8 meeting on March 27th in Ft. Pierre.

At 7:40 p.m., motion was made by Matt, seconded by Gartner to enter into executive session per SDCL 1-25-2(1) for personnel and 1-25-2(5) for political subdivisions. Attorney Trask was requested during the entire session while DFO Smith was only requested during political subdivision matters. Motion carried.

At 8:36 p.m., motion was made by Miller, seconded by Gartner to come out of executive session with the following action:

Motion was made by Gartner, seconded by Pinney to hire Brittany Smith as the City Administrator, effective April 1, 2018. Motion carried with all members voting aye.

Motion was then made by Gartner, seconded by Miller to approve Brittany Smith's annual salary at \$42,000 with 8 hours of sick leave per month and 20 days of annual leave per year, effective Apr. 1, 2018. Motion carried with all members voting aye.

Public Comments: None.

In Other Business:

The municipal election scheduled for April 10th has been cancelled. The following petitions have been filed without opposition: Ward I – Brit Miller; Ward II – Marty Gartner; and, Ward III – Trisha Larson.

The SD Housing Development Authority is accepting applications for the 2018 Paint SD Program.

The SD Game, Fish & Parks Recreational Trails Program is accepting applications through Apr. 27th, 2018.

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. 15th, 2018.

The next regular meeting will be held on Monday, Apr. 2nd 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 8:39 p.m.

/s/ Michael Vetter, Mayor

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer
(Published once on March 15, 2018, at approximate cost of \$_____)