

**COUNCIL PROCEEDINGS  
REGULAR MEETING  
FEBRUARY 01, 2010**

A regular meeting of the Philip City Council was held on Monday, February 1, 2010, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Finance Officer Monna Van Lint, Council Members Tom Struble, Monte Palecek, Mike Vetter, John Kangas and Shirley Chin. Also present were Deputy Finance Officer Brittany Smith, Public Works Director Matt Reckling, Chief of Police Kit Graham, Utility Coord. Carol Schofield, City Attorney Gay Tollefson and Del Bartels with the Pioneer Review.

Absent: Mayor John F. Hart and Council Member Greg Arthur.

In Mayor Hart's absence, Council President Mike Vetter called the meeting to order and presided over the meeting.

Motion was made by Kangas, seconded by Palecek to approve the agenda as presented. Motion carried.

Motion was made by Palecek, seconded by Struble to approve the minutes of the last meeting as published in the Pioneer Review. Motion carried.

Council Member Palecek questioned the bill presented from the Pool & Spa Center for pool lighting? PWD Reckling advised that the bill is for the underwater lights and assembly for the pool. They were ordered last summer as it was planned to replace them prior to the pool wall emergency. Instead of returning them, it was determined that the City would provide them as part of the construction project.

Motion was then made by Struble, seconded by Palecek to approve payment of the bills from the appropriated funds. Motion carried.

**Gross Salaries – Jan. 29, 2010:**

Gross Salaries: Adm. - \$4685.20; Police - \$5622.92; Public Works - \$2917.19; Street - \$4456.49; Water - \$2982.97

AFLAC	Employee Supplemental Ins.- 01/10	205.18
EFTPS	S.S., Medicare, Withholding- 01/10	4395.34
SDRS	Employee Retirement- 01/10	2443.44

**Airport EA/LA Project:**

Kadrmass, Lee & Jackson, Inc.	Env. Doc. thru 01/02/10	10802.55
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**Swimming Pool Improv. Project:**

Pioneer Review	Pool Bid Adv. – 01/10	64.33
Pool & Spa Center	Pool Lighting – 01/10	2094.79
Scotchman Industries	UPS Chgs – Proposals to SPN & Assoc.	15.64
SPN & Assoc.	Eng. Design thru 01/23/10	1653.75

**This Month's Bills:**

Alltel	Cell Phone 12/09-01/10	81.00
Bad River Rural Water	City Shop Water 12/09-01/10	22.30
Black Hills Ammunition	P.D. Ammunition – 01/10	249.50
Brant's Electric	Airport Weather Timer – 01/10	30.89
Cenex Harvest States	Fuel 12/09	55.81
CRA Payment Center	Loader Parts – 01/10	48.90
Dakotacare Health Ins.	Employee Health Premium – 02/10	7296.71
Delta Dental Ins.	Employee Dental Premium – 02/10	532.50
1 <sup>st</sup> Nat'l Agency	Umb/Pkg Ins. Policies 01/10-01/11	15445.00
	Fire Dept. Ins. 01/10-01/11	1846.00
1 <sup>st</sup> Nat'l Bank - Philip	Utility Postage – 02/10	105.80
1 <sup>st</sup> Nat'l Bank – S.F.	SRF Loan #01 Pay #159 - 02/10	3591.18
	SRF Loan #02 Pay #135 – 02/10	2163.90
	SRF Loan #03 Pay #38 – 02/10	2223.41
Fitzgerald Oil Co.	Fuel/Oil – 01/10	152.10
Golden West	Telephone/Internet 12/09-01/10	603.79
Haakon Co. Treasurer	Office Rent – 02/10	60.00
Ingram Hardware	Supplies – 01/10	7.99
Kennedy, Ty	Cust. Deposit Refund – 02/10	100.00
Ken's Refrigeration, Inc.	South Shop Heater Repairs – 12/09	511.98
Morrison's Pit Stop	Fuel/Supplies – 01/10	142.73
Occupational Health Network	Random Testing – 12/09	154.00
One Call Systems, Inc.	Locates 10-11/09	7.35
Petersen's Variety	Supplies 11/09-01/10	41.24
Philip Standard	Fuel – 12/09	36.00
Pioneer Review	Publishing – 01/10	557.52
Roseth, Jodi	Cust. Deposit Refund – 02/10	100.00
RVS Software	Supplies – 01/10	372.00
SD Dept. of Revenue	Sales Tax Payable – 01/10	321.86
	Water Testing - 01/10	12.00
SD Federal Property Agency	Fire Dept. Supplies – 12/09	42.00
Tollefson, Gay	Attorney Retainer – 02/10	150.00
USDA	RD Loan Pay #62 – 02/10	3069.00
USTI	AP Checks - 12/09	256.95
US Postal Service	Stamps – 02/10	264.00
VISA – UMB Bank	Trng Dues/Meals/Lodging – 01/10	240.37
Waste Connections dba Walker Refuse	Residential Collection – 01/10	4274.82
	Dumpsters – 01/10	166.40
West Central Electric	Electric Charges 12/09-01/10	3220.13
WR/LJ Rural Water	4,121,000 gals - 01/10	5151.25
	Contract Min - 01/10	3000.00
	Airport Water – 01/10	40.00

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Total Expenditures – 02/01/10

\$ 71,379.44

**Old Business:**

Council once again discussed the possibility of implementing an emergency snow removal policy. Previously, it was determined to revise the proposed Ord. #2010-01, Establishing Snow Removal Parking Regulations to identify specific streets that will have parking restrictions during a snow emergency.

PWD Reckling questioned if the Council would like to pursue this further and if so, he would appreciate input as to how to implement the policy. He voiced concerns for what would constitute an emergency snow removal, i.e. inches of snow, blowing and drifting snow, weather report, posting of the emergency. He also questioned the variation of snow accumulation throughout the community as well as those properties that do not have access to off-street parking.

Council Member Kangas mentioned the current condition of Pine Street as the City crew was not able to plow the snow from curb to curb due to the vehicles parked along the street. He noted that it is now compacted in the gutters and they will have to wait for a thaw to remove it.

Council Member Vetter questioned City Attorney Tollefson regarding the City's obligation to post those streets as being snow routes? Tollefson stated that the City should be able to advise the community of the snow routes through the local newspaper and back of the utility bills. Her concern is for those visiting our community that are unfamiliar with our rules and regulations.

It was then questioned about enforcing the policy and imposing a fine for noncompliance? Tollefson stated that a fine could be imposed for those not complying with the ordinance. She then stressed that the City would need to promote the advantages of implementing the snow routes.

Council Member Chin questioned if this would reduce the labor hours during snow removal? PWD Reckling confirmed that it would take the City crew less time to remove the snow from curb to curb by windrowing it to the middle. Furthermore, it would reduce the equipment hours as they would only be handling the snow once.

PWD Reckling was then questioned about parking along the streets once the snow has been windrowed to the middle? He noted that in some areas, parking would be available, but could not guarantee that every street would allow this.

FO Van Lint then reviewed policies from other communities and questioned the length of time parking would be restricted along the street. For example, no parking for 24 hours after a snow fall or until the snow is removed. Furthermore, the downtown area is already posted as "No Parking" so it will need to be referenced in the Ordinance.

The concern was also mentioned as to posting the street as a snow route and then the City crews are not able to clean the street till later in the day.

It was then questioned how long it would take to clean those main thoroughfares as well as the entire town if it was posted as a snow route? PWD Reckling advised that

depending on the snow, it would take approximately half a day to clear the main thoroughfares. As for the entire town being posted as a snow route, it could take them anywhere from one to three days. He stressed that these are only predictions as it would depend on the amount of snow.

Palecek stated that in his opinion, four inches of snow would be a sufficient amount to qualify as a snow emergency.

Following a lengthy discussion, motion was made by Palecek, seconded by Kangas to revise the proposed Ord. #2010-01 to reflect those main thoroughfares of Pine Street, Wood Ave. and Wray Ave. and identify an emergency snow removal as four inches or more of straight fall or blowing/drifting snow. Motion carried.

Council was advised that only one establishment, The Steakhouse, submitted a proposal to cater and host the SD Municipal League (SDML) District 8 meeting in Philip on April 22, 2010.

PWD Reckling updated the Council on Philip Health Services, Inc. (PHSI) geo-thermal line project. He noted that he and FO Van Lint attended a Geo-thermal organization meeting last week with PHSI's engineers to review their project. Their engineers have completed a study in which they are predicting PHSI's plan will not affect the other users on the line as they will be supplied after the other users. Their plan includes connecting onto the current geo-thermal line before it goes to the barium treatment plant. The concern noted was that the geo-thermal water line will be gravity flow and the line could experience some back pressure.

FO Van Lint advised that ultimately, the Geo-thermal group will need to approve PHSI's proposal and become a member of the group. This will entail voting on the decision and to her knowledge this has not occurred as it would include a vote of the City Council due to their membership with the Fire Hall building. She noted that according to the other members, they are in favor of PHSI's plans, but have reservations with regard to their supply of the geo-thermal heat.

Council was also advised that the City's Energy Grant application has been submitted on behalf of PHSI's geo-thermal line project.

**New Business:**

FO Van Lint presented Resolution #2010-02 for the Council's approval noting that this revision will alleviate any potential misunderstandings of the current policy.

Motion was made by Kangas, seconded by Struble to approve Resolution #2010-02, Amending Section 5.2, Hours of Work, Standard Work Day in the City's Personnel Policy Handbook. Motion carried with all members voting aye.

**RESOLUTION #2010-02**  
**A RESOLUTION AMENDING CHAPTER #05, HOURS OF WORK,**  
**IN THE PERSONNEL POLICY HANDBOOK**  
**FOR THE CITY OF PHILIP, SOUTH DAKOTA**

**BE IT RESOLVED** by the City Council of the City of Philip, South Dakota, that the following section 5.2 in the Personnel Policy Handbook for the City of Philip be and hereby is adopted to read as follows:

**5.2 Standard Work Day:**

**Regular Full Time Employees** – Shall normally include eight (8) hours a day or forty (40) hours in a standard work week of seven (7) days.

**Regular Part-Time Employees** – Shall normally include no more than twenty (20) hours per week. Scheduled hours shall be assigned by direct supervisor.

**Temporary or Seasonal Employees** – Shall normally include hours of a Regular Full Time Employee if hired for less than six months or the hours of a Regular Part-Time Employee. Scheduled hours shall be assigned by direct supervisor.

**Break policy** – Shall normally include thirty (30) minutes of break time to be divided equally between the morning and afternoon plus one (1) hour of uncompensated time for lunch.

Dated this 1<sup>st</sup> day of February 2010.

/s/ Mike Vetter, Council President

ATTEST:

/s/ Monna Van Lint, Finance Officer

(Published: Feb. 11, 2010)

Swimming Pool Replacement Project:

The City received four design-build proposals for the pool construction. It was noted that they have been initially reviewed for compliance with the bid specifications by Harlan Quenzer with SPN & Assoc. and Larry Jirsa, the project Performance Criteria Developer. Mr. Quenzer then met last week with the Health/Rec. Committee, Mayor Hart, PWD Reckling, FO Van Lint and Utility Coord. Schofield to review their initial findings. Two of the four plans did not meet the specifications and criteria to be considered for the project and in turn, those were rejected.

FO Van Lint noted that the City has until Feb. 20, 2010, to act on the plans and specifications and award or reject a contract. She then requested that Council authorize the following individuals be named as a selection committee to grade the two proposals and award the contract based on their recommendations. Those appointed to this selection

committee are as follows: Health/Rec. Committee, Mayor Hart, PWD Reckling and Utility Coord. Schofield. The review and approval process will be held on Feb. 16, 2010 at 1:00 p.m. with Quenzer and Jirsa.

Following review, motion was made by Struble, seconded by Palecek to appoint and authorize those named above to the pool project selection committee to review and award the pool contract based on their recommendations. Motion carried with all members voting aye.

Council reviewed the proposed bid specifications for the residential and City garbage collection services. The current contract with Waste Connections dba Walker Refuse will expire on May 31, 2010.

By general consensus of the Council, an alternate bid proposal regarding garbage totes will be available to bidders.

The Finance Office is directed to advertise for bids to be opened at the March 1, 2010, Council meeting.

Council President Vetter reviewed legislation that the SDML is supporting and requesting the City of Philip's support in their efforts. This legislation would allow municipalities the local option to implement an additional penny of sales tax. He stressed that this would only support the legislation as the City would not be required to implement the additional tax even if the legislature approves the bill.

FO Van Lint noted that there are regulations for the additional penny of sales tax noting that it would only be available for capital improvement projects and for a specified time period. Furthermore, if a project already has designated funding sources, it would not qualify. She gave the example of street improvement projects not qualifying as the City already designates the 2<sup>nd</sup> penny of sales tax to these. Some potential projects would have been the pool or possible future building projects.

It was questioned as to whether the additional tax could be utilized as a funding source to pay off loans? FO Van Lint stated that she was not familiar with all of the regulations.

Following review, motion was made by Palecek, seconded by Kangas to support the SDML efforts in supporting the additional penny of sales tax legislation. Motion carried.

Airport Land Acquisition/Environmental Assessment Project: No update.

The SD Dept. of Transportation, Office of Aeronautics, have approved the City's 2010 Airport Operating license.

Council reviewed information regarding a security update required on the Airport fueling system. It was noted that the deadline to have the update installed is July 2010 and the City has not appropriated any funds for this expenditure that is estimated to cost around \$6,000.

DFO Smith advised the Council that she has spoken with Tim from Petro-Tech with regard to the update. He anticipates the deadline being extended and suggested the expense be included in the 2011 appropriations. Furthermore, he noted that in order for the City to continue contracting with Petro-Tech to maintain the fuel system, the City must comply with this update.

Departmental Reports:

The quarterly Police Dept. report was presented and reviewed with Police Chief Graham.

The monthly Street Dept. report was reviewed.

PWD Reckling was questioned as to the potential problems that may arise when the snow and ice melts? He stated that there could be problems, especially with Lake Waggoner. He then advised the Council of Council Member Arthur's proposal to rid the emergency spillway of any items that may hinder water flow. He noted that last year, they mowed the area and it will be sprayed with aquatic round-up this spring. Unfortunately, following the mowing, the reeds came back and could restrict any water flow. Arthur has suggested the removal of the reeds as well as the trees in that area with the skid loader to provide a less restricted water flow down the emergency spillway.

By general consensus of the Council, PWD Reckling was directed to remove the trees and reeds from the emergency spillway as a means to allow a less restricted water flow.

City Attorney Tollefson advised the Council of her concerns relative to the handicap parking space located on Pine St. in front of the Senechal building. She noted that this concern is a result of her observations of individuals with walkers. It is difficult for these individuals to get over the curb with their walkers, so they are going around their vehicle out into the traffic on Pine St. to access the sidewalk ramp. In her opinion, this is very dangerous as they are going out into Pine St. which is a high trafficked street. She fears that an accident is going to happen and would appreciate the Council's consideration to remove that particular handicap space as a means to reduce the City's liability.

She also mentioned the extent of time and effort that the City Council has gone through to get the handicap spaces identified and feels that this particular one is not safe. She then questioned about making the sidewalk ramps accessible to the driver side of vehicles.

It was noted that the handicap parking spaces have to comply with the Americans with Disabilities Act (ADA) and there is another handicap parking space on the east side of the Senechal building that is accessible to the driver side of a vehicle.

Council Member Struble also questioned the handicap parking space on the eastside of the U.S. Post Office. He mentioned that this space is also unsafe as individuals are getting out of their vehicles into the direct traffic flow area.

FO Van Lint advised that the U.S. Postal Service installed that particular space and the City did not have any involvement in its location.

It was questioned as to where individuals would park if all of the handicap spaces are occupied? City Attorney Tollefson advised that if they park in a non-handicap space, they would be doing so at their own risk. She personally does not want the City to identify a parking space as handicap that does not provide a safe access to the sidewalk.

FO Van Lint reminded the Council that one of the reasons they opted to install a handicap parking space in that area was for the Prairie Transportation bus. It would utilize that area for loading and unloading citizens as well as meals for the Senechal.

City Attorney Tollefson advised that the bus is no longer utilizing that space as they are accessing the Senechal building from the north side. She again stressed that she is concerned about the identified handicap parking space on Pine St. and our citizens' safety.

Council Member Palecek questioned the other businesses that would be affected if there was an additional handicap parking space identified on the east side of Senechal on Center Ave.? It was noted that that area serves many other businesses and there is also additional parking for Senechal residents in that area north of the Senechal.

Council Member Vetter mentioned the possibility of installing two handicap parking spaces on the north side of Senechal building. He noted that with that area having minimal traffic flow, it may provide an option for additional handicapped spaces for those accessing the Senechal.

FO Van Lint stated that the area north of Senechal is not a designated alley as it privately owned. In other words, the Council would need to discuss this possibility with the said property owner.

By general consensus of the Council, the Street Cmt. will review the area in concern and present their recommendations at the March Council meeting.

The monthly Water Dept. report was reviewed.

Council reviewed the following L/P Propane bids received this month:

	<u>Jan. 25, 2010</u>
Fitzgerald Oil Company	\$1.69/gal.
Midwest Cooperatives	\$1.74/gal.

Propane was supplied by Fitzgerald Oil Company as they were the low bidder.

Wohlenberg, Ritzman & Co. will be preparing the FY2009 annual report as previously approved.

The Governor's Office of Economic Development has audited the School Drainage project and approved a final closeout of the Community Development Block Grant for the project.

**Executive Session:** None.

**Public Comments:** None.

**In Other Business:**

Motion was made by Palecek, seconded by Chin to authorize PWD Reckling, Street/Sewer Coyle and Gen. Maint. Pearson to attend the SDML Work Comp Safety Training on Feb. 18<sup>th</sup> in Wall. Motion carried.

The SD Pipeline Assoc. is hosting a pipeline safety emergency response program in Pierre on Feb. 17<sup>th</sup> or Rapid City on Feb. 18<sup>th</sup>. No one will be attending.

Motion was made by Vetter, seconded by Palecek to authorize PWD Reckling, FO Van Lint and Airport Cmt. Member Kangas to attend the Annual Airports Conference on Mar. 31<sup>st</sup> - Apr. 1<sup>st</sup> in Deadwood. Motion carried.

Council will meet in Special Session on March 15<sup>th</sup>, 2010, at 3:30 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 Officer no later than 5:00 p.m. on March 11<sup>th</sup>, 2010, in order to have your equalization issues addressed at this meeting.

The next regular Council meeting will be held on Monday, Mar. 1, 2010 at 7:00 p.m. in the Community Room.

With no further business to come before the Council, President Vetter declared the meeting adjourned at 7:51 p.m.

/s/ Mike Vetter, Council President

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer

(Published once on February 11, 2010, at approximate cost of \$\_\_\_\_\_)