

**COUNCIL PROCEEDINGS
SPECIAL MEETING
December 29, 2009**

A special meeting of the Philip City Council was held on December 29, 2009 at 5:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor John F. Hart, Finance Officer Monna Van Lint, Council Members Monte Palecek, Greg Arthur, Shirley Chin, Tom Struble, John Kangas and Mike Vetter. Also present were Deputy Finance Officer Brittany Smith, Utilities Coordinator Carol Schofield, Chief of Police Kit Graham; and later, Del Bartels with the Pioneer Review.

Absent: None

Mayor Hart called the meeting to order stating that the purpose of this meeting was to clear up year-end business for 2009.

Motion was made by Palecek, seconded by Struble to approve the agenda with the addition of discussing the 2009 snow removal expenses and hiring O’Connell Construction to doze the snow piles at the arena. Motion carried.

Motion was made by Kangas, seconded by Arthur to approve the minutes of the last meeting as published by the Pioneer Review. Motion carried.

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

Gross Salaries - Dec. 31, 2009 Including Professional Incentives for 2009:

Gross Salaries: Mayor & Council - \$3975.00; Adm. - \$4326.67; Garbage - \$2811.89; Police - \$6751.99; Public Works - \$350.00; Rubble Site - \$250.00; Sewer - \$6218.52; Street - \$2713.75; Water - \$2797.93

AFLAC	Employee Supplemental Ins.- 12/09	205.18
EFTPS	S.S., Medicare, Withholding- 12/09	6557.66
SDRS	Employee Retirement- 12/09	3154.22

Swimming Pool Improv. Project:

SPN & Assoc.	Design Eng. thru 12/19/09	7555.79
Tetra Tech	Geo-Exploration Services – 12/09	3350.00

Customer Deposit Refunds in Accordance w/ Ord. #5-104(c):

Alfaro, Jill	40.00
Bainbridge, John	90.00
Baldys, Ron/Eva	100.00
Baxter, Jay	100.00
Philip Health Services (407 W. Oak St.)	100.00
Dennis, Lee/Nicole (503 Valley Dr.)	100.00

Fitzgerald, Dean/Janice (108 High St.)	100.00
Gartner, Marty/Debbie	100.00
Gibson, Ray/Karen	25.00
Jeska, Bernard	100.00
Johnson, Phyllis	100.00
Kanable, Jim/Kim	90.00
Lang, William E. Jr.	100.00
Larson, Ron/Trisha	100.00
Millage, Joe	100.00
Naescher, Darin	100.00
Nelson, Dane/Amanda	100.00
Nelson, Dennis	100.00
Pfeifer, Margaret (111 N. Wood Ave.)	100.00
PLA Café	100.00
Pugh, Victor/Allison	100.00
Radway, Tom/Marie (303 Hone St.)	100.00
Schoenthal, Peggy	100.00
Tollefson, Gay	90.00
Vetter, Mike/Doreen (109 N. Stewart Ave.)	100.00
Whistle Hill Flower Shop	100.00

This Month's Bills:

Alltel	Cell Phone 11-12/09	80.80
Bad River Rural Water	City Shop Water 11-12/09	25.60
City of Philip	“Free Water/Sewer” Parks – 2009	1623.93
	Water/Sewer Streets – 2009	64.45
	Water/Sewer Pool – 2009	407.65
	Water/Sewer Fire Dept. – 2009	293.62
CRA Payment Center	Parts – 12/09	104.96
CSDDED	Comprehensive Plan Prep. – 12/09	1100.00
Fitzgerald Oil Co.	Fuel/Supplies 11-12/09	488.50
HD Supply Waterworks	Meters/Locator/Resale – 12/09	1670.67
Jenner Equipment	Supplies – 12/09	154.44
Konst Machine & Welding	Supplies – 12/09	17.50
Morrison’s Pit Stop	P.D. Fuel – 12/09	20.70
NAPA Auto Parts	Supplies – 12/09	37.21
O’Connell Construction, Inc.	Reimb. Mirror – 12/09	144.48
Philip Standard	Fuel/Supplies/Oil Chg – 12/09	789.95
Pioneer Review	Publishing – 12/09	869.53
Quill	Supplies – 12/09	448.77
SD Dept. of Revenue	Water Testing - 12/09	364.00
Uline	Adm. Shelving – 12/09	1384.39
US Postal Service	Stamps – 12/09	88.00
U.S.T.I.	2009 Tax Forms	110.00
VISA – UMB Bank	Adm/PD Software – 12/09	323.99
Waste Connections dba Walker Refuse	Residential Collection – 12/09	4320.54

	Dumpsters – 12/09	166.40
West Central Electric	Electric Charges 11-12/09	2435.70
WR/LJ Rural Water	3,195,000 gals – 12/09	3993.75
	Contract Min – 12/09	3000.00
	Airport Water – 12/09	40.00

Total Expenditures – 12/29/09 \$ 47,827.38

Old Business:

Motion was then made by Arthur, seconded by Palecek to approve the second reading of Ordinance #2009-16, Establishing a Planning & Zoning Commission for the City of Philip, S.D. Motion carried with all members aye.

ORDINANCE #2009-16

AN ORDINANCE ESTABLISHING A PLANNING AND ZONING COMMISSION FOR THE CITY OF PHILIP, HAAKON COUNTY, SOUTH DAKOTA.

BE IT ORDAINED by the City Council of the City of Philip, South Dakota, that the following section be established as part of Chapter 11 to read as follows

- 11-000 PLANNING AND ZONING COMMISSION ESTABLISHED.**
There is hereby established a Planning and Zoning Commission for the City of Philip, South Dakota and for land within its corporate city limits.
- 11-001 MEMBERSHIP**
The membership of the Planning and Zoning Commission shall consist of the Mayor and City Council. The members of the Planning and Zoning Commission shall be resident electors of Philip, South Dakota qualified by knowledge or experience to act in matters pertaining to the development and administration of the Comprehensive Land Use Plan. The Mayor may appoint administrative officials of the City as ex-officio members of the Commission.
- 11-002 TERMS OF MEMBERS**
Elected Members: The term of each member of the Planning and Zoning Commission shall coincide with the respective terms of office held by the Mayor and City Council.
- 11-003 DUTIES OF PLANNING AND ZONING COMMISSION**
It shall be a function and duty of the Planning and Zoning Commission to propose a plan for the physical development of the City, within its planning jurisdiction which, in the commission's judgment bears relation to the planning of the municipality. It shall also be a function and duty of the Planning and Zoning Commission to develop and adopt a zoning ordinance for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and of population density as may be provided by law may be included as an adjunct to the

comprehensive plan. It is also the function and duty of the Planning and Zoning Commission to adopt regulations governing the subdivision of land within its jurisdiction. The Planning and Zoning Commission may from time to time propose amendments, extensions, or additions to the comprehensive plan, zoning ordinance, and subdivision regulations. It shall also be a function and duty of the Planning and Zoning Commission to act as the Board of Adjustment. Said board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions, conditional uses permits or grant variances to the terms of the ordinance with general or specific rules therein contained.

11-004 COMPENSATION

All members of the Planning and Zoning Commission shall serve as such without compensation.

11-005 ORGANIZATION, RULES, STAFF AND FINANCES.

The City Council shall elect its chairman from its membership for a term of one year with eligibility for re-election, and may fill such other offices as it may create in a manner prescribed by the rules of such Commission. The Commission shall meet during the regular City Council meetings and/or as needed. During said meetings, they shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, and findings and determinations which shall be a public record as recorded and maintained within the City Council proceedings. The Planning and Zoning Commission may contract with planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of those made from funds by gift, shall be within the amount appropriated for the purpose by the City Council which shall provide funds, equipment and accommodations necessary for the Commission's work.

BE IT FURTHER RESOLVED THAT, Resolution #2009-15, Adopting a Comprehensive Plan for the City of Philip, Haakon County, South Dakota, as provided for in SDCL 11-6 is inclusive with said Ordinance and a copy of the Comprehensive Plan shall be attached.

All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

Dated this 29th day of December 2009.

/s/ John F. Hart, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

First Reading: December 8, 2009
Second Reading: December 29, 2009
Yeas: 06 Nays: 00
Published: December 17, 2009 and January 14, 2010

Council was advised that the City's Shell Fleet credit card has been cancelled as of December 20, 2009. The City Office had also contacted Mr. Tom Howe with I-90 Fuel Services, Inc. regarding the possibility of the City obtaining a local charge account at The Gas Stop in Philip. To date, the City has not been contacted.

Council Member Arthur advised that he has spoken with Terri Pelle, Manager of The Gas Stop. According to her, she is pursuing different possibilities to maintain the City's continued business. To date, nothing has been proposed.

Following review, motion was made by Arthur, seconded by Kangas to amend the City's fuel rotation policy by removing The Gas Stop. City vehicles will no longer be allowed to purchase gas and/or supplies at The Gas Stop in Philip as we do not hold a charge account there. Motion carried with all members voting aye.

The Finance Office was directed to contact the City departments advising them of this change. Furthermore, the Council will revisit the policy if and when The Gas Stop should offer a local charge account to the City.

New Business:

Motion was made by Vetter, seconded by Kangas to approve Resolution #2009-19, Establishing On-Call Personnel Policy. Motion carried with all members voting aye.

**RESOLUTION #2009-19
ESTABLISHING ON-CALL PERSONNEL POLICY
FOR CITY OF PHILIP
EMPLOYEES**

WHEREAS, the City of Philip City Council has determined that it is in the best interest of the City to designate a specific City employee each weekend as an "on-call" person to handle emergency situations that may arise during the weekend "off" hours; and,

WHEREAS, in order to effectively outline the duties of the designated "on-call" employee, a personnel policy shall be adopted to guide and outline the expectations of City employees designated to "on-call" status and its scheduling;

NOW THEREFORE BE IT RESOLVED, that the following is and shall be adopted as the City of Philip's official personnel policy for "On-Call" status employees.

5.4 On Call Status: The public works department employees will alternate work schedules in order to provide coverage on weekends. To clarify the understanding of being "on-call" during the weekend means simply that you shall

be available in a reasonable amount of time to respond to any emergency or to conduct regular duties such as checking wastewater lift stations. The City expects the "on-call" duty person to be physically able and mentally alert to respond to any call. The time period that an individual shall be "on-call" shall be from four (4:00) p.m. on Friday until seven (7:00) a.m. the following Monday.

Any or all public works employees may be designated as "on-call" by the public works director, supervisor in the absence of the department head, when the possibility of snow removal exists as dictated by weather forecasts.

The "on-call" employee shall conduct him/herself in a manner as though he/she were on regular duty. The "on-call" employee shall be responsible for advising the public works director or supervisor if an emergency situation arises which necessitates his/her replacement during the "on-call" status. His/her notification shall include the amount of time he/she will need to be replaced. In the event the public works director and/or the supervisor is not available or unable to be contacted, it is the "on-call" employee's duty to notify the mayor, or in the mayor's absence, the president of the council, of the emergency situation and need for replacement.

Dated this 29th day of December 2009.

/s/ John F. Hart, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

(Published: January 14th, 2010)

Philip School Drainage Project:

FO Van Lint advised the Council of her visit with Mr. Keven Morehart, Haakon School Superintendent, regarding the geo-thermal repair bill. According to Mr. Morehart, the School is still unsure of their responsibility for the repairs, but has proposed to cover half of the repair expenses in the amount of \$3,103.22. Following their visit, FO contacted the Council with the School's proposal. By a straw poll of the Council, the majority approved the school's proposal with the understanding that this was the better solution than further pursuit of legal intervention that would cost the taxpayers more than the initial repair expenses. Furthermore, the Council stressed that this will only be acceptable this time and in future, the School is solely responsible for repairing their geo-thermal lines that are not properly located through the SD One Call notification system.

Following review, motion was made by Palecek, seconded by Struble to formally approve the Council's action to accept the School's proposal to cover half of the geo-thermal repair expenses in the amount of \$3,103.22 with the City absorbing the other half. Motion carried with all members voting aye.

Airport Improvement Projects:

Council reviewed the final SRE and Windcone improvement project financials.

The Environmental Assessment and Land Acquisition evaluation has been submitted to the Federal Aviation Administration for their review and comments. Once this is approved, the engineer's will proceed with the project which includes contacting the landowners and scheduling a public hearing.

The SD Dept. of Military and Veterans Affairs have denied the City's application for the Lake Waggoner project to be assisted by the SD National Guard. Accordingly, the project does not meet the training objectives of the state's engineer units.

Mayor Hart expressed his concerns as to the City's next step for the needed repairs to Lake Waggoner. He noted that with the upcoming pool replacement project, he does not foresee any additional funds for the City to repair the lake at this time.

Motion was made by Arthur, seconded by Kangas to approve Waste Connections of S.D. dba Walker Refuse's Commercial Garbage Hauler's permit for 2010. Motion carried.

The Mayor and Council expressed their sincere appreciation to the community for supporting the local economy by shopping in town. With the failing economy in 2009, the year-end sales tax revenues were optimistic with a reported amount of \$350,579.46. This amount is down by 1.98% from 2008.

FO Van Lint advised the Council that a Supplemental Appropriations for 2009 will be presented for a first reading at the Jan. 4, 2010, Council meeting. This is due to the recent snow removal expenses incurred in 2009.

Motion was then made by Palecek, seconded by Arthur to authorize PWD Reckling to hire O'Connell Construction to doze the snow piles at the arena to gain more area for snow removal. Motion carried.

Motion was made by Kangas, seconded by Palecek to approve the following resolution to combine the municipal election with the school election on April 13th, 2010, with the only polling place at the school. Motion carried with all members voting aye.

Resolution to Hold a Joint Election with the School

WHEREAS, it appears to the governing body of the City of Philip that combining the municipal and school election would result in a reduction in cost to both governmental entities and,

WHEREAS, such a combined election would result in increased public interest and participation,

BE IT THEREFORE RESOLVED, that subject to the approval of the governing body of Haakon County School District 27-1, the municipal election normally scheduled for April 13, 2010, be held in conjunction with the school election scheduled for April 13, 2010, upon such agreement for cost sharing as may be mutually agreed.

Dated this 29th day of December 2009.

/s/John F. Hart, Mayor

ATTEST:

/s/Monna Van Lint, Finance Officer

Council was then informed of the following positions that will be up for election this year. Ward I (currently held by Mike Vetter) – 2 Year Term; Ward II (currently held by John Kangas) – 2 Year Term; Ward III (currently held by Shirley Chin) – 2 Year Term.

Nominating petitions for these positions may begin circulation no earlier than the 29th day of January 2010 and must be filed with the Finance Office no later than the 26th day of February 2010. Petitions are available in the City Finance Office.

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

	<u>Dec. 11, 2009</u>
Fitzgerald Oil Company	\$1.58/gal.
Midwest Cooperatives	\$1.49/gal.

City propane was supplied by Midwest Cooperatives as they were the low bidder.

Executive Session: None.

Public Comments: None.

Other Business:

Departmental Inventories for 2009 need to be completed & returned to the Finance Office by no later than January 10th, 2010.

Motion was made by Arthur, seconded by Palecek to authorize B. Pearson to attend the SD Assoc. of Rural Water Meeting Jan. 12-14th, 2010 in Pierre. Motion carried.

Motion was made by Arthur, seconded by Vetter to authorize FO Van Lint to attend the SDML Day at the Legislature Feb. 2-3, 2010 in Pierre. Motion carried.

City Offices will be closed Jan. 1st in observance of the New Year's holiday.

Residents were advised to contact the City Office to dispose of Christmas Trees or drop them off at the south City shop.

The Council will meet in regular session on Jan. 04, 2010, in the Haakon Co. Courthouse Community Room at 7:00 p.m.

With nothing further to come before the Council, Mayor Hart declared the meeting adjourned at 5:15 p.m.

/s/ John F. Hart, Mayor

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer

(Published once on Jan. 14, 2010, at an approximate cost of \$_____)