

**COUNCIL PROCEEDINGS
REGULAR MEETING
JANUARY 04, 2010**

A regular meeting of the Philip City Council was held on Monday, January 4, 2010, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor John F. Hart, Finance Officer Monna Van Lint, Council Members Tom Struble, Monte Palecek, Mike Vetter, John Kangas and Greg Arthur. Also present were Deputy Finance Officer Brittany Smith, Public Works Director Matt Reckling, Chief of Police Kit Graham, Utility Coord. Carol Schofield, Street/Sewer Supt. Rick Coyle, Haakon Co. Commissioner Nick Konst, Del Bartels with the Pioneer Review; and later, Council Member Shirley Chin.

Absent: None.

Motion was made by Kangas, seconded by Struble to approve the agenda with the addition of discussing the County's request to review and possibly pursue County-wide law enforcement. Motion carried.

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

This Month's Bills:

A & B Welding Supply, Inc.	Cylinder Deposit 2010-2015	51.00
CSDED	2010 Membership Dues	875.00
Cenex Harvest States	Fuel/Propane – 12/09	2242.04
Dakotacare Health Ins.	Employee Health Premium – 01/10	7296.71
Delta Dental Ins.	Employee Dental Premium – 01/10	532.50
Farm Plan	Step Ladder - Shop – 12/09	149.99
1 st Nat'l Bank – Philip	Utility Billing Postage – 01/10	107.08
	Safe Dep. Box Rent – 2010	12.00
1 st Nat'l Bank – S.F.	SRF Loan #01 Pay #158 - 01/10	3591.18
	SRF Loan #02 Pay #134 – 01/10	2163.90
	SRF Loan #03 Pay #37 – 01/10	2223.41
Golden West Companies	Telephone/Internet 12/09	584.38
Haakon Co. Treasurer	Office Rent – 01/10	60.00
Ingram Hardware	Supplies – 12/09	71.66
Morrison's Pit Stop	Fuel/Additive – 12/09	301.42
O'Connell Construction, Inc.	Snow Removal/Dozer – 12/09	8175.00
SD Airport Mgmt Assoc.	2010 Membership Dues	25.00
SD Assoc. of Rural Water Systems	Pearson Conf. Reg. – 01/10	130.00
SD Assoc. of Code Enforcement	2010 Membership Dues	40.00
SD Building Officials' Assoc.	2010 Membership Dues	50.00
SD DENR	2010 Wastewater Permit Fee	1500.00
	2010 Operator Cert. Renewals	30.00
SD Dept. of Revenue	Sales Tax Payable – 12/09	325.92
SD Gov't Finance Officers' Assoc.	2010 Membership Dues	70.00

SD Gov't Human Resource Assoc.	2010 Membership Dues	25.00
SD Municipal Attorney's Assoc.	2010 Membership Dues	20.00
SD Municipal League	2010 Membership Dues	792.02
SD Police Chief's Assoc.	2010 Membership Dues	96.24
SD Mun. Street Maint. Assoc.	2010 Membership Dues	35.00
SD Water & Wastewater Assoc.	2010 Membership Dues	20.00
SD Workers' Comp. Fund	2010 Work Comp Ins.	6321.00
Tollefson, Gay	Attorney Retainer – 01/10	150.00
USDA	RD Loan Pay #61 – 01/10	3069.00
<hr/>		
Total Expenditures – 01/04/10		\$ 41,136.45

Old Business:

FO Van Lint reviewed Ord. #2009-20, Supplemental Appropriations for Emergency Snow Removal with the Council. She noted that with determining the final expenditures for the street dept. in 2009 and receiving the final statement for the 2009 snow removal, the overall street dept. has sufficient funds to cover the recent snow removal expenses. The ordinance in other words could or could not be approved. The main concern with the budget is to ensure that the overall budget for the department is sufficient and in this case, the street dept. will have funds remaining at the year-end. She then requested the Council's direction as to the supplemental appropriations

Motion was made by Vetter, seconded by Palecek to reject Ord. #2009-20, Supplemental Appropriations for Emergency Snow Removal due to the fact that the overall street dept. budget is sufficient to cover all of its expenses incurred in 2009. Motion carried with all members voting aye.

New Business:

Motion was made by Chin, seconded by Struble to approve the following annual resolutions: Resolution of Non-Discrimination, Naming the Official Depository and Newspaper for 2010, Establishing Legally Observed Holidays for City Employees, and Authorizing the Purchase of Certificates of Deposits for the year. Motion carried.

Non –Discrimination Resolution

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

Official Depository

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

Official Newspaper

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

Legal Holidays for City Employees

- New Year’s Day – January 01
- Memorial Day – the last Monday in May
- July 4th
- Labor Day – the 1st Monday in September
- Veteran’s Day – in November
- Thanksgiving Day – 4th Thursday in November
- Friday after Thanksgiving
- Christmas Day – December 25th
- December 24th or 26th – as decided by majority vote of employees

If the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December falls upon a Sunday, the Monday following is a legal holiday and shall be so observed; and, if any such day falls upon a Saturday, the preceding Friday is a legal holiday and shall be so observed.

PURCHASE OF CD’S

To authorize the City Finance Officer and/or the Deputy Finance Officer to purchase Certificates of Deposit as he/she/they deem appropriate.

Motion was made by Palecek, seconded by Arthur to approve the 2010 Cash Management Account Interest Allocation to the following: General Fund – 63.0886%; Special Revenue Fund – 0.0000%; Water Fund – 16.29641%; Sewer Fund – 16.72954%; and, Garbage Fund – 3.8855%. Motion carried.

Motion was made by Arthur, seconded by Vetter to approve Resolution #2001-02 as amended, Establishing Rates and Fee Schedules for the City of Philip, SD, for 2010 with no changes noted. Motion carried.

Motion was made by Kangas, seconded by Vetter to approve Resolution #2001-03 as amended, Establishing Penalties, Fines and Fees for Violation of City Ordinances for 2010 with no changes noted. Motion carried.

(Both Resolutions #2001-02 and #2001-03 are on file in the Finance Office.)

Council reviewed the rubble site hours for 2010. It was noted that the main concern with the current schedule is hours the site is open on Friday’s during the summer months. The other concern is that the site is not open on the 5th Saturday when there is one. No concerns were voiced regarding the winter months' schedule.

Council Member Kangas stated that he would like to see the site open over the noon hour on Fridays to accommodate those working during the day that could still utilize the site during the lunch hour.

Council Member Vetter stated that the way the hours are currently, we are causing citizens of our community to be in violation of our own nuisance ordinances. For

instance, if someone mows their yard and piles their grass clippings in their backyard as the rubble site is not open for them to dispose of them, we send them a letter advising them that it is against City nuisance ordinance.

Following discussion, motion was made by Palecek, seconded by Arthur to establish the 2010 rubble site hours for the summer months (May 1st – Oct. 31st) as follows: 1st, 3rd and 5th Saturdays; and, 2nd and 4th Fridays from 9:00 a.m. to 1:00 p.m. The winter months (Nov. 1st – Apr. 30th) schedule will remain the same. Motion carried with all members voting aye.

Motion was made by Chin, seconded by Palecek to authorize the Finance Office to solicit proposals to determine the location and caterer for the 2010 SDML District 8 meeting to be held in Philip on Apr. 22, 2010. Proposals must be submitted to SDML by Jan. 28, 2010. Motion carried.

The Finance Office was directed to contact all local businesses that can host the catered event for an estimated number of fifty attendees.

Swimming Pool Replacement Project:

Motion was made by Vetter, seconded by Arthur to approve an alternate bid for a cast-in-place pool construction option to the pool construction bid. The potential bidders will be notified of this option, but will not be required to include it in their bid(s). Motion carried with all members voting aye.

The pool bid proposal opening is scheduled for Jan. 20, 2010, at 3:00 p.m. in the community room.

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

	<u>Dec. 31, 2009</u>
Fitzgerald Oil Company	\$1.72/gal.
Midwest Cooperatives	\$1.59/gal.

Motion was made by Arthur, seconded by Palecek to accept Midwest Cooperatives low bid. Motion carried.

Airport Improvement Projects:

Council reviewed updates for the SRE / Wind cone project and the Environmental Assessment / Land Acquisition projects from Rod Senn, engineer with Kadrmas, Lee and Jackson. The SRE / Windcone project closeout documents have been submitted to the Federal Aviation Association for their approval.

Departmental Reports:

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

Nick Konst, Haakon Co. Commissioner, addressed the Council asking the Council to consider reviewing county-wide law enforcement as an option or the County and City. He

noted that with the current Haakon Co. Sheriff, Larry Hanes, deciding not to run for re-election, the County is considering different possibilities for the sheriff's office as well as trying to determine if there is a need to purchase another patrol vehicle. He asked for the Council's initial thoughts on the idea of combining law enforcement between the City and County.

Vetter questioned if there are any known disadvantages to county-wide law enforcement?

Chief Graham stated that the County and City had looked into this several years ago and it was determined that it would not be financially beneficial to either entity.

FO Van Lint advised that she had visited with Haakon Co. Commissioner, Rita O'Connell, this morning. Van Lint noted that during previous investigation into county-wide law enforcement, the contracts generally require the establishment of a Law Enforcement Board, which consists of three Co. Commissioners and two City Officials. This, in her opinion, would not be an advantage to the City or its taxpayers. Furthermore, a contract between the two entities would need to be established outlining the services, expectations and costs for each entity. She stressed that she is not familiar with all of the laws, but is aware of many communities in South Dakota that have county-wide law enforcement.

Some other questions posed included that of the citizens' thoughts and concerns for this type of law enforcement. Mr. Konst was also questioned if the Town of Midland contracts with the County for law enforcement?

Council Member Chin commented she has heard individuals comment that they felt Midland is ignored when it comes to law enforcement. In her opinion a law enforcement contract might alleviate some of those concerns.

Chief Graham stated that to his knowledge, Midland does not have any contract with the County. The County responds on an "on-call" basis since they are located within the County's jurisdiction.

Mayor Hart voiced his concerns as they would relate to the number of law enforcement officers that would cover Haakon County and the City of Philip. What would happen to our current law enforcement officers? Furthermore, what would happen during the Festival Days celebration when the City usually hires additional officers for the safety of our community?

Vetter then questioned if the County could contract with the City? It was noted that by State law, it is believed that the County must have a Sheriff.

Mr. Konst stressed that the County is just reviewing different options.

Mayor Hart then polled the Council as to their thoughts on reviewing county-wide law enforcement with the County Commissioners. Those voting aye included Vetter, Struble and Chin. Those voting nay included Kangas, Palecek, and Arthur. With it being a tied

vote, Mayor Hart stated that he sees no harm in reviewing the option and appointed the Police Committee and Chief Graham to review county-wide law enforcement with the County Commissioners appointed board.

Mayor, Council and those in attendance thanked Mr. Konst as he left the meeting at this time.

The quarterly Street Dept. report was reviewed with Street/Sewer Supt. Rick Coyle.

Mayor and Council expressed their appreciation to City personnel and to O'Connell Construction, who assisted them, on a job well done with the snow removal following the Christmas blizzard.

Council then reviewed City Ordinance #2010-01, Establishing an Emergency Snow Removal policy.

PWD Reckling stated that following the recent snow, it was difficult to clear the streets of snow with cars parked along the street curbs. He stated that it would take less time and reduce some of the expense if they were able to move snow from curb to curb with a windrow in the middle of the street.

Street/Sewer Supt. Coyle also stated that when cars are parked along the street curb, it is more difficult for traffic to flow when they windrow the snow to the middle of the street. Currently, they do as much as possible this way as it cuts their workload in half. When they are not able to move snow from curb to curb with a windrow, they are doubling their work by moving the snow twice.

It was noted that this ordinance is only a sample that was developed from reviewing other community's ordinances regarding emergency snow removal. Some of the items stated need to be addressed and clarified, more specifically what would constitute an emergency for snow removal? For example, so many inches of snow, the weather forecast, etc. Would the area included be all or a portion of the streets and what would happen if a property does not have off-street parking? What would be the notification system to the public that the emergency snow alert is in effect?

FO Van Lint expressed her concerns for enforcement of this ordinance especially if all of the streets are identified. She questioned if all of the streets would have to be signed such as those that are currently signed in the downtown area? Furthermore, what would happen if a property does not have a driveway to park in? She then suggested that the ordinance identify the specific streets that are necessary for maintaining through traffic during a snow storm.

Council Member Vetter questioned Street/Sewer Supt. Coyle's snow removal process? Coyle stated that he starts downtown, which is already signed as a no-parking zone during the early morning hours and then clears Pine St., Wray Ave. and Wood Ave. He noted that if an ordinance needs to be specific, those would be the streets that should be declared as emergency snow routes and signed as such. This would restrict parking on

these streets during a declared snow emergency. In turn, it would allow a more efficient way of clearing those main thoroughfares throughout town.

By general consensus, the Council tabled the ordinance until next month when it can be revised to identify the main thoroughfare streets as well as determining if those streets will need to be signed as emergency snow routes.

The monthly Water Dept. report was reviewed.

Executive Session:

At 7:45 p.m., motion was made by Kangas, seconded by Vetter to go into executive session for personnel reasons to include the 2010 salaries. Motion carried.

Council came out of executive session at 7:56 p.m. with the following action:

Motion was made by Vetter, seconded by Palecek to approve employee salary increases for 2010 wages at 2% for all employees' and remove the seasonal employee, Jason Petersen, from the wage increase. It was further approved to leave the Mayor and Council Members meeting and quarterly salaries the same. Motion carried.

Employee Salaries for 2010 are as follows:

Butler, David A., Police Officer	\$13.64/hr. - \$2,364.27 Gross/Month
Coyle, Rickie L., Street/Sewer Supt.	\$16.35/hr. - \$2,834.00 Gross/Month
Graham, Kit W., Police Chief	\$18.80/hr. - \$3,258.67 Gross/Month
Pearson, Brian S., General Maintenance	\$12.43/hr. - \$2,154.53 Gross/Month
Reckling, Matthew D., Public Works Director	\$16.83/hr. - \$2,917.20 Gross/Month
Schofield, Carol A., Utility Coordinator	\$11.12/hr. - Part-time
Smith, Brittany L., Deputy Finance Officer	\$11.22/hr. - \$1,944.80 Gross/Month
Van Lint, Monna F., Finance Officer	\$15.81/hr. - \$2,740.40 Gross/Month
Mayor	\$85.00/mtg and \$450.00/Qtr.
Council Members	\$50.00/mtg and \$300.00/Qtr.

Public Comments: None.

In Other Business:

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

The SD Dept. of Legislative Audit has not scheduled the City of Philip for an audit in 2009. The City has a contract in place with Wohlenberg, Ritzman & Co. to conduct the 2009 audit.

The Council was questioned as to who might be interested in attending the SDML Day at the Legislature Feb. 2-3, 2010 in Pierre to discuss Lake Waggoner with the legislators. No one was interested at this time.

With no further business to come before the Council, the Mayor declared the meeting adjourned at 7:58 p.m.

/s/ John F. Hart, Mayor

ATTEST:

/s/ Brittany Smith, Deputy Finance Officer

(Published once on January 14, 2009, at approximate cost of \$_____)