

**CITY OF PHILIP COUNCIL PROCEEDINGS  
REGULAR MEETING  
JULY 10, 2023**

A regular meeting of the Philip City Council was held on Monday, July 10, 2023, at 8:04 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Brit Miller, Council Members Terri Pelle, Greg Arthur, Joni Parsons, Marion Matt, Marty Gartner, and Scott Pinney. Also present were City Administrator Brittany Smith, Finance Officer Monna Van Lint, Chief of Police Ben Buls, Police Officer AJ Bartlett, City Attorney Stephanie Trask, Rob Book with the Pioneer Review, Doreen Vetter, Community Development Director, and Tricia Burns, Philip Chamber of Commerce President.

Absent: None.

The meeting was opened with the Pledge of Allegiance.

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

Motion was made by Pelle, seconded by Gartner to approve the minutes of the last regular meeting as published. Motion carried.

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

**Gross Salaries – June 30, 2023:** Mayor & Council - \$4355.00; Admin - \$4853.33; Finance - \$4064.66; Public Works - \$12003.3; Police - \$8146.66; Rubble Site - \$192.00; Swimming Pool - \$11313.08; Econ Develop - \$1260.00

Colonial Life	Employee Supplemental Ins 6/23	88.65
Credit Collections Bureau	Garnishment 6/23	200.86
EFTPS	SS/Med/WH 6/23	9664.10
NE Child Support	Garnishment 6/23	469.18
SDRS	Employee Retirement 6/23	3875.01
SDSRP	Sup Retirement 6/23	100.00

**Infrastructure Projects:**

Haakon Co Register of Deeds	Plat Filing 6/23	60.00
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**This Month's Bills:**

4E Foods	Supplies/Resale 6/23	747.67
Associated Supply Co Inc	Pool Pump/Repairs 6/23	7636.42
AT&T Mobility	Cell Phone 6/23	222.85
Brant's Electric	Pool Pump Conv/Install 6/23	5751.07
Century Business Products	Copier Maint 5-6/23	46.12
CHS River Plains	Supplies/LP 5-6/23	777.70
Clubhouse Hotel	HR/FO School Room 6/23	521.16
Corporate Trust TFM – US Bank	SRF #4 Pay #36 7/23	11326.05
	SRF #5 Pay #36 7/23	7905.24
D&T Auto Parts	Supplies 6/23	278.16
Delta Dental	Dental Ins 7/23	726.30
Golden West Telecom	Telephone/Internet 5-6/23	636.67
Haakon Co Treasurer	Office Rent 7/23	500.00

	Library Approp 2023	2550.00
Haakon School District 27-1	Open Gym Approp 2023	750.00
Hanson Oil	Fuel/LP 5-6/23	606.60
Hawkins Inc	Pool Chemical 6-7/23	1564.50
Health Pool of SD	Health Ins 7/23	10871.93
Kennedy Implement	Repairs/Supplies 5-6/23	2005.00
Kieffer Sanitation	376 Residential Collections 6/23	5260.24
	RS Roll Off Disposal 5/23	560.00
Les' Body Shop	'23 Chip Repair 6/23	50.00
McLeod's Printing & Office Supply	PD Supplies 6/23	92.23
Optilegra	Vision Ins 7/23	101.51
Philip Building Center	Supplies 6/23	513.86
Philip Hardware	Supplies 6/23	258.22
Philip Standard	Fuel 6/23	746.70
Pioneer Review	Publishing 6/23	1072.56
Qualified Presort Service LLC	Billing/Postage 6/23	294.30
	Billing/Postage 7/23	302.30
Rushmore Communications Inc	PD Radio Prog 5/23	460.00
SD 811	Locates 4-6/23	17.85
SD Dept of Revenue	Sales Tax Payable 6/23	1161.04
	Water/Pool Testing 6/23	45.00
SD Drug & Alcohol Consortium	Pre-Employ Testing 6/23	1235.00
Smith, Brittany	Mileage Reimb 6/23	112.66
The Lifeguard Store	Supplies 7/23	85.95
The Philip Pit Stop	Fuel 5-6/23	837.87
US Bank	Supplies/Repairs/Travel 5-6/23	479.86
VanDiest Supply Co	WNV Chemical 6/23	1919.00
Verizon Wireless	W AMR Internet 6-7/23	80.08
West Central Electric Coop	Electric 5/1-6/1/23	3264.39
	Electric 6/1-7/1/23	3836.52
WR/LJ Rural Water Systems	3,739,000 gals 6/23	5047.65
	Contract Min. 6/23	2500.00
	AIR Water 6/23	141.40
	South Shop Water 6/23	22.60
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Total Bills		85,982.23

**Old Business:**

None.

**New Business:**

At 8:05 p.m. as advertised, a public hearing was held on the petition presented by Brian Jankord and Katherine Andrews on the following portions of streets as described below.

That portion of Pleasant Street running east and west, bounded on the east by E. Pine Street and bounded on the west by Lot 2 of Sunny Acres and Lot 7R, Block 2 of Eastern Acres (previously vacated portion of Pleasant Drive); and,

That portion of White Avenue running north and south, bounded on the north by Pleasant Street and bounded on the south by E. Pine Street.

Both the above described street portions are located south of Outlot 1 of Patterson’s Addition and east of Sunny Acres, City of Philip, Haakon County, South Dakota.

Brian Jankord and Katherine Andrews further petitions that if vacation is approved, they are granted possession and responsibility for all vacated property as described above.

Mayor Miller called for any comments from the floor, either for or against, said petition.

Following review and with no objections, motion was made by Arthur, seconded by Matt to approve the perpetual easement between the City of Philip and West Central Electric as presented for their utilities located in the above described area to be vacated. Motion carried.

Motion was then made by Pinney, seconded by Matt to approve the requested vacate through the passage of the following Resolution #2023-09, contingent upon securing any additional needed utility easements. Motion carried.

**RESOLUTION #2023-09  
VACATION OF A PORTIONS OF STREETS**

**WHEREAS**, a petition has been presented by Brian Jankord and Katherine Andrews to the City Council of the City of Philip, South Dakota, requesting vacation of portions of streets in accordance with SDCL 9-45; and,

**WHEREAS**, the street portions are not developed for public access nor is its physical layout such that it is needed for public access; and,

**WHEREAS**, a public hearing was duly advertised and held on the tenth day of July 2023; and,

**WHEREAS**, with no one appearing at said public hearing to speak against said vacation;

**NOW THEREFORE BE IT RESOLVED**, that the following described vacation be approved by the City Council of the City of Philip, South Dakota.

That portion of Pleasant Street running east and west, bounded on the east by E. Pine Street and bounded on the west by Lot 2 of Sunny Acres and Lot 7R, Block 2 of Eastern Acres (previously vacated portion of Pleasant Drive); and,

That portion of White Avenue running north and south, bounded on the north by Pleasant Street and bounded on the south by E. Pine Street.

Both the above described street portions are located south of Outlot 1 of Patterson’s Addition and east of Sunny Acres, City of Philip, Haakon County, South Dakota.

**BE IT FURTHER RESOLVED**, that Brian Jankord and Katherine Andrews is hereby granted possession and full responsibility for all vacated property as described above and identified in Exhibit “A” with the stipulation that perpetual utility easements be entered into with utility providers for the maintenance of the existing utilities located on said property.

Approved this 10<sup>th</sup> day of July 2023.

Brit Miller, Mayor

SEAL

ATTEST:

/s/ Monna Van Lint, Finance Officer

At 8:10 p.m. as advertised, a public hearing was held on the following variance request presented by Theo Fitch for property legally described as Lot 21, Hoags Valley Addition, City of Philip, Haakon County, SD.

City Ordinance #11-1902, Manufacture Home Lots – Type I Manufactured Homes: Application has been made to occupy property with two (2) Type IA Manufactured Homes (stick built kits).

Mayor Miller called for any comments from the floor, either for or against, said variance request.

Following review and with no comments forthcoming, motion was made by Arthur, seconded by Matt to approve the requested variance as presented above contingent upon a survey of the property and compliance with city ordinances and all regulations set forth by Building Consultant Tom Paisley. Motion carried.

Motion was then made by Matt, seconded by Pelle to approve Fitch's permit as presented contingent upon a survey of the property and compliance with city ordinances and all regulations set forth by Building Consultant Tom Paisley. Motion carried.

Special Event Application:

Doreen Vetter, Community Development Director, and Tricia Burns, Philip Chamber of Commerce President, presented and reviewed the plans for Scotty Philip Days, scheduled for Aug. 11<sup>th</sup>-13<sup>th</sup>, 2023.

Following, motion was made by Gartner, seconded by Parsons to approve the event application for Scotty Philip Days as presented contingent upon receiving written permission from Mike Moses and proof of insurance. Motion carried.

Northeast Sewer & Stewart Ave. Infrastructure Improvements:

Council was advised that the city has been awarded Community Development Block Grant (CDBG) funds in the amount of \$770,000 for the projects. In addition, the SD Dept. of Ag and Natural Resources (DANR) have approved the following State Revolving Fund (SRF) loans: Wastewater - \$1,040,830; and Storm Sewer - \$800,342. The loan terms are 3.25% for 30 years and do not reflect the CDBG funding award.

Motion was made by Pinney, seconded by Arthur to approve the Administrative Assistance Agreement with Central SD Enhancement District (CSDED) for the CDBG. Motion carried.

Motion was made by Arthur, seconded by Gartner to authorize submitting a funding request to West River Water Development District (WRWDD) for the engineering expenses incurred and to be incurred with both projects. Motion carried with Matt abstaining.

Motion was made by Pelle, seconded by Pinney to approve the engineering agreement with SPN & Associates for the bidding and construction engineering services involved with the Stewart Ave. project as presented. This includes bidding - \$6,000; construction administration - \$35,000; and construction observation - \$75,000. Motion carried.

Kroetch Addition:

The SD Board of Water & Natural Resources approved to place the project on the State Water Plan through 2024.

City Property at 410 US Hwy 14:

The Building Committee reported on their walkthrough of the property last week, following the departure of the renter. It was mentioned that they found all buildings and contents to be dilapidated and unsafe.

Following, motion was made by Gartner, seconded by Matt to declare all the buildings and contents surplus, and have them destroyed by the Philip Volunteer Fire Department per SDCL 6-13-3. Motion carried.

Motion was then made by Matt, seconded by Parsons to authorize terminating all existing electrical lines and services located on Kroetch Addition. Any future lines and services will be considered new by West Central Electric. Motion carried.

Airport Runway Design Project:

Motion was made by Pinney, seconded by Arthur to approve the grant agreement with the Federal Aviation Administration (FAA) for the project (AIP #3-46-0043-016-2023) and authorize the mayor's signature thereon. Motion carried.

Airport Building Repairs:

The following bids were received and opened on July 10<sup>th</sup> at 3:00 p.m., as previously advertised. It was noted that these repairs include the damaged tin sheeting, trim, and gutter/downspout from both insurance claims in 2023. Said work is to also be coordinated with the door company, Midland Doors, and completed by Dec. 1, 2023.

RainTite Roofing & Construction: Claim #1 - \$79,812.00, Claim #2 - \$39,916.00, Total - \$119,728.00

First Dakota Enterprises: Claim #1 - \$87,903.00, Claim #2 - \$79,791.00, Total - \$167,694.00

American Contracting & Consulting, LLC: Claim #1 - \$67,347.06, Claim #2 - \$29,836.79, Total - \$97,183.85

Badlands Exteriors: Claim #1 - \$62,880.40, Claim #2 - \$6,212.00, Total - \$69,092.40

Following, motion was made by Pinney, seconded by Pelle to authorize the building committee to review the bids and award based on compliance with the necessary repairs and State Bid Laws. The committee shall consult with Attorney Trask during said process. Motion carried.

Artesian Well Project:

No update has been provided by the contractor, Jerry Hunt with Weston Engineering, recently. (For the record, the contractor has incurred penalties of \$80,400 through today for noncompletion--leaving a remaining contract balance of \$23,614.92 upon completion.)

Meter Project:

Council was advised that more progress has been made, and there are currently 302 meters active on the AMR.

Building Code:

Motion was made by Arthur, seconded by Matt to approve the amended Building Permit Application form as presented. Motion carried.

Council reviewed the following L/P Propane bids received during June 2023.

	<u>June 23rd</u>
Hanson Oil	\$1.69/gal
CHS River Plains	\$1.59/gal

Departmental Reports:

Administration

The quarterly report included a review of the City's year-to-date financials, investments, and sales tax revenues.

The 2024 budget planning session will be held on Tuesday, July 25<sup>th</sup> at 3:30 p.m. at the ambulance building.

Motion was made by Pinney, seconded by Gartner to authorize cancelling check #34637, issued to William Harrell on Dec. 5, 2022, and not presented for payment per SDCL 9-23-21. Motion carried.

Motion was made by Gartner, seconded by Parsons to approve the following Resolution #2023-10 as presented. Motion carried.

**RESOLUTION #2023-10  
AUTHORIZING USE OF SWIMMING POOL ASSIGNED CASH FOR EQUIPMENT**

**BE IT RESOLVED** by the City Council of the City of Philip, South Dakota, that the Finance Officer is hereby authorized and directed to utilize \$7,000.00 in the swimming pool assigned cash funds, which was reserved for the 2023 Annual Appropriations Budget (Ord. #2022-19) to purchase a new pump for the pool.

Dated this 10<sup>th</sup> day of July 2023.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Airport

The quarterly report was reviewed. The airport fuel revenue collections through the month of June 2023 were reported at \$12,708.08.

The annual airport capital improvement plan meeting with the engineers, SD Dept. of Transportation and Federal Aviation Administration will be held on July 19<sup>th</sup> in Pierre. Those planning to attend are as follows: Arthur, Pinney and CA Smith.

Fire Department

Motion was made by Arthur, seconded by Matt to approve Colton Crimmins and Josh Cook (junior) as volunteers. Motion carried.

Police Department

The monthly report was reviewed.

Chief Buls will provide options for more secure evidence storage in the future.

Street Department

The monthly report was reviewed.

Motion was made by Pinney, seconded Pelle by to authorize the street committee to interview and offer employment to fill the open public works maintenance position. Motion carried.

Swimming Pool

The final day of operation for the season is Aug. 10, 2023, which will be a free swim day hosted by First National Bank of Philip.

Water Department

The monthly report was reviewed which noted a 6.91% water loss for the month of June.

West Nile

The city has been awarded \$2,500 from the SD Dept. of Health for mosquito control. The grant agreement will be submitted upon receipt.

Training/Travel:

CA Smith will be attending the SDML Work Comp Board meeting on July 13<sup>th</sup>-14<sup>th</sup> in Deadwood.

No executive session was called.

**Public Comments:**

None.

**In Other Business:**

The next Regular Council Meeting will be held on Monday, Aug. 7<sup>th</sup> at 7:00 p.m. in the Community Room.

With no further business to come before the Council, Mayor Miller declared the meeting adjourned at 8:46 p.m.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Brittany Smith, City Administrator

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