

**CITY OF PHILIP COUNCIL PROCEEDINGS
REGULAR MEETING
AUGUST 7, 2023**

A regular meeting of the Philip City Council was held on Monday, August 7, 2023, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Brit Miller, Council Members Greg Arthur, Terri Pelle, Marion Matt, Marty Gartner, Scott Pinney, and Joni Parsons. Also present were City Administrator Brittany Smith, Finance Officer Monna Van Lint, Public Works Director Matt Reckling, Chief of Police Ben Buls, Police Officer AJ Bartlett, City Attorney Stephanie Trask, and Robert Book with Pioneer Review.

Absent: None.

The meeting was opened with the Pledge of Allegiance.

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

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

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

Gross Salaries – July 31, 2023: Admin - \$4853.33; Finance - \$4064.66; Public Works - \$12003.31; Police - \$8146.66; Rubble Site - \$160.00; Swimming Pool - \$17161.58; Econ Develop - \$1740.00

Colonial Life	Employee Supplemental Ins 6/23	88.65
Credit Collections Bureau	Garnishment 6/23	200.86
EFTPS	SS/Med/WH 6/23	10369.70
NE Child Support	Garnishment 6/23	469.18
SDRS	Employee Retirement 6/23	3875.01
SDSRP	Sup Retirement 6/23	100.00

Airport Runway Rehab Design:

Helms & Assoc	Eng Design thru 7/29/23	4489.71
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Infrastructure Projects:

SPN & Assoc.	Stewart Ave Final Eng Design 7/23	4160.00
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This Month's Bills:

4E Foods	Supplies/Resale 7/23	632.51
Armour, Dillon	Cust Dep Refund 8/23	46.05
AT&T Mobility	Cell Phone 7/23	222.76
Bad River Law Prof LLC	Atty/Legal 6-7/23	870.00
Century Business Products	Copier Maint 6-7/23	37.42
CHS River Plains	Supplies/LP 7/23	1119.50
Corporate Trust TFM – US Bank	SRF #6 Pay #13 8/23	4917.84
	SRF #7 Pay #13 8/23	5766.78
D&T Auto Parts	Supplies/Repairs 7/23	3054.62
Delta Dental	Dental Ins 8/23	726.30
1 st Nat'l Agency	AIR Fuel Ins 8/23-8/24	1304.00

Golden West Telecom	Telephone/Internet 6-7/23	678.75
Haakon Co Treasurer	Office Rent 8/23	500.00
Hanson Oil	Fuel/LP 6-7/23	1302.05
Health Pool of SD	Health Ins 8/23	10871.93
Ingram Pest Service Inc	RS Pest Control 7/23	70.00
J & J Asphalt Co	Asphalt 7/23	1024.25
Jorgensen, Ryan	Cust Dep Refund 8/23	100.00
Kennedy Implement	Repairs 6-7/23	918.50
Kieffer Sanitation	377 Residential Collections/Tote 7/23	5314.23
	RS Roll Off Disposal 7/23	560.00
Morrison's Pit Stop	PD Tires 7/23	811.68
MP Nexlevel LLC	Cust Dep Refund 8/23	125.00
Northwest Pipe Fittings Inc	Water Resale 7/23	198.40
O'Connell, Rita	Lesson Reimb 8/23	40.00
O'Connell Construction Inc	Base Course 7/23	132.03
Optilegra	Vision Ins 8/23	101.51
Philip Garden Club	Ins Reimb Supp 7/23	158.61
Philip Hardware	Supplies/Resale/Repairs 7/23	1147.51
Philip Matched Bronc Ride	2023 Adv Approp	1500.00
Philip Standard	Fuel 7/23	252.50
Pioneer Review	Publishing 7/23	331.72
Qualified Presort Service LLC	Billing/Postage 8/23	320.37
Rhodes, Jason or Tammy	Cust Dep Refund 8/23	33.35
Sanitation Products	Sewer Repairs 5/23	392.77
SD Assoc of Rural Water Systems Inc	Annual Dues 23/24	500.00
SD Dept of Revenue	Sales Tax Payable 7/23	905.61
	Water/Pool Testing 7/23	45.00
SD Federal Property Agency	FD Supplies 7/23	365.00
Smith, Brittany	Mileage Reimb 6/23	112.66
The Philip Pit Stop	Fuel 6-7/23	963.88
Thomson Reuters – West	2023 SDCL Updates	24.99
US Bank	Supplies/Travel 6-7/23	446.65
VanDiest Supply Co	WNV Chemical 7/23	3838.00
Verizon Wireless	W AMR Internet 7-8/23	80.04
West Central Electric Coop	Electric 7/1-8/1/23	4073.82
WR/LJ Rural Water Systems	4,096,000 gals 7/23	5529.60
	Contract Min. 7/23	2500.00
	AIR Water 7/23	86.80
	South Shop Water 7/23	22.60

Total Bills 73,727.30

Old Business: None.

New Business:

Northeast Sewer & Stewart Ave. Infrastructure Improvements:

Council was advised that the city has been awarded \$45,000 in grant funding from West River Water Development District (WRWDD) to assist with the project engineering costs.

The final engineering plans and specifications have been submitted to the SD Dept. of Agriculture and Natural Resources for review.

Council then discussed special assessments and the related policy for applying a 60% discount on the improvements included in the project design. More specifically, would the discount apply to the retaining wall improvements since it is part of the overall designed project and located in the public right-of-way.

Following, motion was made by Pinney, seconded by Matt to approve the following Resolution #2023-11, Proposed Resolution of Necessity as presented. The 60% discount will apply to all planned improvements as designed: curb and gutter, sidewalk, driveway and retaining wall. This also includes setting the public hearing date on said Resolution during the next regular meeting on Sept. 5, 2023. Motion carried.

**RESOLUTION #2023-11
CITY OF PHILIP
PROPOSED RESOLUTION OF NECESSITY**

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 7th day of August 2023, 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 and gutter, driveway, sidewalk and retaining wall improvements where needed in the Stewart Avenue 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 Stewart Avenue (north from Oak Street to Elm Street); Elm Street (east from N. Wood Avenue to N. Stewart Avenue); and, E. Pine Street (from N. Wood Ave. intersection, east passed Stewart Avenue intersection).

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 Administrator and open for the public's review during regular office hours.

BE IT FURTHER RESOLVED that the cost of the curb and gutter, sidewalk, approach pavement, and retaining wall 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, **Concrete Curb and Gutter** installation at an ESTIMATED construction cost of \$34.00 per lineal foot; on a square yard basis, **6” Concrete Approach Pavement** installation at an ESTIMATED construction cost of \$100.00 per square yard; on square foot basis, **4” Concrete Sidewalk** installation at an ESTIMATED construction cost of \$8.50 per square foot; on a square foot basis, **Retaining Wall** installation at an ESTIMATED construction cost of \$70.00 per square foot.

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, 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 following improvements as shown in the Final Plans dated August 4, 2023, are eligible assessment costs subject to the 60% discount:

curb and gutter; approach pavements; 4” concrete sidewalk; and, retaining wall. The 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 7th day of August, 2023.

THE COMMON COUNCIL OF
THE CITY OF PHILIP, SOUTH DAKOTA

/s/ Brit Miller, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer
(Published: August 17, 2023)

“Exhibit A”

Name	Legal Description	100% Total Estimated Assessed Cost	Total Estimated Assessed Cost (60% Discount on Eligible Items)
Michael & Doreen Vetter JT	All Lot 1 & N2 Lot 2, Block 4, Original Town, City of Philip	\$8,542.50	\$3,417.00
Michael & Doreen Vetter JT	S2 Lot 2 & N10' Lot 3, Block 4, Original Town, City of Philip	\$1,368.50	\$547.40
Colton K / Erin L Fitzgerald JT Ten	S40' Lot 3, Block 4, Original Town, City of Philip	\$1,360.00	\$544.00

Colton K / Erin L Fitzgerald JT Ten	Lot 4 & N15' Lot 5, Block 4, Original Town, City of Philip	\$2,346.00	\$938.40
Mitzi Boyd	E70' of S35' Lot 5 & E70' of N27.5' Lot 6, Block 4, Original Town, City of Philip	\$4,045.50	\$1,618.20
Mitzi Boyd	S22' EX W70' Lot 6 & ALL EX W70' Lot 7, Block 4, Original Town, City of Philip	\$7,959.50	\$3,183.80
Floren and Deborah Falzone	W70' Lot 7 & W70' of S22.5' Lot 6, Block 4, Original Town, City of Philip	\$2,592.50	\$1,037.00
First Lutheran Church	ALL EX W50' Lot 8, All EX W50' Lot 9 & W50' Lot 8 & 9, Block 4, Original Town, City of Philip	\$15,878.00	\$6,351.20
First Lutheran Church	W23' Lot 7, E30' Lot 7 & ALL Lot 8, Block 16, Original Town, City of Philip	\$4,904.00	\$1,961.60
Jeffery Jelinek	Lot 14, Block 4, Original Town, City of Philip	\$6,170.50	\$2,468.20
Masonic Lodge #153	W100' Lot 1, Block 5, Original Town, City of Philip	\$4,190.50	\$1,676.20
Riverview Townhomes LLC	ALL EX W100' Lot 1, Block 5, Original Town, City of Philip	\$10,870.40	\$4,348.16
Michael & Tina Noteboom	Lots 2 & 3, Block 5, Original Town, Philip, SD	\$2,697.78	\$1,079.11
Jade Berry	Lot 4, Block 5, Original Town, City of Philip	\$0.00	\$0.00
Brock Slovek	S8' of W110' Lot 5 & W110' Lot 6, Block 16, Original Town, City of Philip	\$6,240.00	\$2,496.00
David and Mary Burnett JT	Lots 4 & 5 EX TR & E30' Lot 6, Block 16, Original Town, City of Philip	\$2,420.00	\$968.00
Dustin & Carrie Lurz JT	Lot 9, Block 16, Original Town, City of Philip	\$49,476.00	\$19,790.40
T & A Rental Properties LLC	Lots 1 & 2, Block 17, Original Town, City of Philip	\$10,260.00	\$4,140.00

T & A Rental Properties LLC	Lot 3, Block 17, Original Town, City of Philip	\$2,827.50	\$1,131.00
Ryan Seager (C); Tena Slovek (D)	BEG NW Corn Lot 1, Block 18, N to SW Corn Lot 3, Block 17 T H. S to NE Corn Lot 1, Block 18, W to point of BEG, Original Town, City of Philip	\$1,827.50	\$731.00
Ryan Seager (C); Tena Slovek (D)	Lots 1 & 2, That Portion of Lot 2 Lying Across E Pine St, Block 18, Original Town, City of Philip	\$5,900.00	\$2,360.00
City of Philip	Lot 3, Block 18, Original Town, City of Philip	\$1,705.78	\$682.31
Mark and Denise Coyle JT	N61.4' of W90' Lot 5, Block 18, Original Town, City of Philip	\$986.00	\$394.40
Fred and Michelle Koester JT	Lot 6, Hoags Addition, City of Philip	\$0.00	\$0.00

Total \$154,568.46 \$61,837.38

APPENDED NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY

NOTICE IS HEREBY GIVEN that on the 5th day of September 2023, 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 A)
 :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 August 7, 2023, 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 7th day of August 2023.

SEAL

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

Kroetch Addition:

The Housing Infrastructure Financing Program (HIFP) application was submitted on July 24, 2023. Notice of grant awards are anticipated following the SD Housing Development Authority’s next meeting on Sept. 11, 2023.

Airport Runway Design Project:

Motion was made by Arthur, seconded by Gartner to approve the financial agreement with the SD Dept. of Transportation for the project (AIP #3-46-0043-016-2023) and authorize the mayor’s signature thereon. Motion carried.

Airport Building Repairs:

The Building Committee reported that the bid was awarded to American Contracting and Consulting, LLC for a total amount of \$97,183.85. The signed contract along with a performance bond and payment bond have been received. They are also planning to complete the work in mid-September 2023 contingent upon Midland Doors schedule. (For the record, Badlands Exterior withdrew their bid prior to the award for insufficiencies.)

Artesian Well Project:

It was mentioned that no progress nor minimal contact has been made with the contractor, Jerry Hunt with Weston Engineering. (For the record, the contractor has incurred penalties of \$88,800 through today for noncompletion--leaving a remaining contract balance of \$15,214.92 upon completion.)

Discussion ensued. It was mentioned that the funding will be exhausted if the project is not completed by Sept. 27, 2023. This also does not reflect any potential expenses with cleaning up the fuel spill from the June 2022 storm event. It was recommended that the Building Committee contact Keller Drilling and Water Systems Drilling Inc. for current quotes on finishing the well repairs.

Meter Project:

Council was advised that more progress has been made, and there are currently 307 meters active on the AMR.

Special Event Application:

First Lutheran Church’s Bike Rally on Aug. 3, 2023 – no action taken as the event was cancelled due to weather.

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

	<u>July 6th</u>	<u>July 17th</u>
Hanson Oil	\$1.59/gal	\$1.59/gal
CHS River Plains	No Bid	\$1.59/gal *Awarded on rotational basis due to tied bids.

Building/Flood Plain Dev. Permits:

AJ Bartlett – concrete pad & carport; and, Blackburn Foundation Repair for Philip Health Services – foundation repair at 103 Philip Ave.

Motion was made by Gartner, seconded by Matt to approve the above permits as presented. Motion carried.

Departmental Reports:

Administration

Motion was made by Pinney, seconded by Gartner to approve the first reading of Ordinance #2023-16, 2024 Municipal Appropriations. This reflects taking only that of the available growth of 0.6% in property taxes and, banking 7.2% of CPI (loss of 1.7% CPI from 2020). Motion carried with all members voting aye.

Airport

Council was informed that the 2023 pavement maintenance project is complete. This included crack sealing the main apron and taxiway as well as seal coating the orange hangar apron and adjacent taxiway.

Fire

Motion was made by Matt, seconded by Parsons to approve Cohen Reckling and Riley Schofield as volunteers. Motion carried.

Police

The monthly report was reviewed with Chief Buls and Officer Bartlett.

Rubble Site

No report was available.

Street

The monthly report was reviewed.

Council reviewed the following quote from Grossenburg Implement to purchase a utility vehicle (UTV) for spraying and other maintenance:

2023 John Deere Gator XUV835R	\$31,475.02
<u>2023 Western Plows Impact</u>	<u>\$5,595.95</u>
Total	\$37,070.97

Following discussion, motion was made by Gartner, seconded by Arthur to approve the above quote from Grossenburg Implement as presented plus a sprayer from Warne Chemical up to the amount of \$3,000. (Copy is on file in the city office.) Motion carried.

Swimming Pool

The quarterly report noted that the last operational day for the pool is Thursday, Aug. 10, 2023.

Concerns about vehicles driving on the track after a rain event were mentioned. It was reported that they are accessing it via the pool parking lot and causing damage. It was recommended that a barricade(s) be placed on the south side of the pool to prevent access to the track from the parking lot.

It was also mentioned that the public is utilizing the tennis court as a pickle ball court on a regular basis in the evenings. PWD Reckling was asked to investigate upgrading the lights and associated costs in the tennis court.

Water

The quarterly report was reviewed. The water loss for the month of July 2023 was reported at 6.97%.

The water system inspection report completed by SD Dept. of Agriculture and Natural Resources on July 21st was reviewed.

Training/Travel Requests:

CA Smith will be attending the SDML Policy Meetings on Aug. 17th in Pierre.

Public Comments: None.

In Other Business:

City Offices will be closed on Monday, Sept. 4th in observance of the legal holiday.

The next Regular Council Meeting will be held on Tuesday, Sept. 5th 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 7:32 p.m.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Brittany Smith, City Administrator

(Published once on Aug. 17, 2023, at approximate cost of \$_____)