

**COUNCIL PROCEEDINGS
REGULAR MEETING
JUNE 06, 2022**

A regular meeting of the Philip City Council was held on Monday, June 6, 2022, at 7:00 p.m. in the Community Room of the Haakon Co. Courthouse. Present were Mayor Brit Miller, Council Members Joni Parsons, Marion Matt, Marty Gartner, Terri Pelle, Greg Arthur, and Scott Pinney. Also, present were City Administrator Brittany Smith, Finance Officer Monna Van Lint, Chief of Police Ben Bults, Police Officer AJ Bartlett, City Attorney Stephanie Trask, and Jordan Bailey.

Absent: None.

The meeting was opened with the Pledge of Allegiance.

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

Motion was made by Pinney, seconded by Pelle to approve the minutes of the last meeting as published in The Pioneer Review and on the City’s website. Motion carried.

Motion was made by Matt, seconded by Gartner to approve the payment of the bills from the appropriated funds as listed below except for Weston Engineering’s payment request. Motion carried.

Motion was then made by Matt, seconded by Gartner to table the payment request #2 submitted by Weston Engineering Inc. for the artesian well repairs through May 31, 2022, at a cost of \$191,395.02. Said amount reflects a credit of \$52.48 for expenses paid by the city on behalf of the contractor. Payment will be reconsidered when project is completed in full. (Said payment is not reflected below.) Motion carried.

Gross Salaries – May 31, 2022: Admin - \$4376.27; Finance - \$3813.33; Police - \$6586.65; Sewer - \$11041.31

Colonial Life	Employee Supplemental Ins 5/22	129.13
Credit Collections Bureau	Garnishment 5/22	200.86
EFTPS	SS/Medicare/Withholding 5/22	5720.70
NE Child Support	Garnishment 5/22	659.18
SDRS	Employee Retirement 5/22	3418.78
SDSRP	Sup Retirement 5/22	100.00

Additional Bills – May 2022:

Automated Fuel Systems Inc	3,000 gal 100 LL 5/22	19765.13
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Infrastructure Projects:

SPN & Assoc	NE Sewer Design 5/21/22	3690.00
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Water Meter Project:

Core & Main LP	(30) 1” Meters 4/22	6602.40
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This Month's Bills:

All-Around Graphix	Uniforms 5/22	105.96
Associated Supply Co Inc	Pool Repairs 5/22	165.91
AT&T Mobility	Cell Phone 5/22	222.37

Bad River Law Prof LLC	Legal/Atty 5/22	390.00
Century Business Products	Copier Maint 4-5/22	54.09
CHS River Plains	Supplies 5/22	87.90
Coyles Super Valu	Pool Resale 5/22	97.46
D&T Auto Parts	Supplies 5/22	24.06
Delta Dental	Dental Ins 6/22	695.50
Golden West Telecom	Telephone/Internet 4-5/22	603.17
Haakon Co Treasurer	Office Rent 6/22	500.00
Haakon School District 27-1	2022 Open Gym Approp	750.00
Hansen, MR	Outlot 2 (N Wood Ave) 6/22	1500.00
Hanson Oil	Fuel 5/22	501.42
Health Pool of SD	Health Ins 6/22	10455.29
Holiday Inn – Spearfish	GOSMA Room 5/22	245.97
Ingram Pest Service Inc	RS Pest Control 5/22	60.00
Kennedy Implement	ST Equip Repairs 4-5/22	297.56
Kieffer Sanitation	374 Residential Collections 5/22	5030.30
	RS Roll Off 4/22	550.00
Lakota Contracting Inc	PD Supplies 5/22	274.62
MG Oil Co	Fuel 4/22	405.60
Moos, Daesha	Deposit Refund 6/22	100.00
Moses Building Center	Repairs 5/22	11.25
On-Site First Aid & Safety	Service/Supplies 6/22	385.24
Optilegra	Vision Ins 5/22	101.51
Petersen’s Variety	Supplies 5/22	4.77
Petty Cash	Postage/Copies 3-5/22	21.80
Philip Hardware	Supplies 4/22	159.00
	Supplies/Repairs 5/22	440.55
Philip Health Services	Deposit Refund 6/22	100.00
Philip Motor Inc	'13 Ford Repairs 5/22	674.18
Pioneer Review	Publishing/Supplies 5/22	1676.57
Procom LLC	Testing 3/22	31.00
Quality Presort Service LLC	Billing/Postage 5/22	274.64
Quill Corp	Supplies 5/22	11.28
Radarsign LLC	(2) Batteries 5/22	950.00
Sanford Laboratories	Testing 3/22	75.00
Schumacher, Judy	Deposit Refund 6/22	100.00
SD Dept of Revenue	Sales Tax Payable 5/22	589.98
	W Testing 5/22	15.00
Smith, Brittany	GOSMA Mileage Reimb 5/22	132.21
The Lifeguard Store	LG Uniforms 5-6/22	649.88
The Lodge at Deadwood	Chiefs Conf Room 4/22	188.00
The Philip Pit Stop	Fuel 4-5/22	1041.73
Transource Truck & Equipment	Gutter Brooms 4/22	1217.92
US Postal Service	PO Box Rent 2022/2023	214.00
Vadim Municipal Software	Connect Annual Fees 5/22	2520.00
Verizon Wireless	W AMR Internet 5-6/22	80.08
VISA – UMB Bank	Supplies/Travel/Dues 4-5/22	625.81
West Central Electric Coop	Electric 4/1-5/1/22	3084.84
	Electric 5/1-6/1/22	3253.33
WR/LJ Rural Water Systems	3,418,000 gals 5/22	4272.50
	Contract Min. 5/22	2500.00

	AIR Water 5/22	52.50
	South Shop Water 5/22	22.50
Wohlenberg, Ritzman & Co LLC	FY2021 Annual Report	3400.00
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Total Expenditures – 06/06/22		\$62,286.65

Old Business: None.

New Business:

Council discussed City Ordinances #15-505 and #15-508, regarding chicken coops and prohibiting the keeping of chickens (Galliformes). It was noted that chickens have been reported in the city, and additional inquiries about having chickens have been received.

Discussion ensued. It was noted that several cities allow chickens with restrictions while concerns about them attracting predators were mentioned. Some of the restrictions reviewed included the following: maximum of six laying hens, no roosters, only allowed on owner occupied property, maintained chicken coop not to exceed four feet by eight feet in size and not visible to the public, one time license, etc.

Following by general consensus of the council, an amendment to the above City Ordinances to allow chickens with restrictions will be considered at the next meeting.

Vivian Hansen Subdivision Property:

Motion was made by Gartner, seconded by Arthur to authorize prepayment to M.R. Hansen for the real property legally described as Outlot 2 in the E1/2 SW1/4 NW1/4, Section 13, T1N, R20 E.B.H.M. (also known as N. Wood Ave, north of US Hwy 14). Motion carried.

Motion was then made by Pinney, seconded by Matt to approve the first reading of Ordinance #2022-07 as presented below. Motion carried.

**ORDINANCE #2022-07
2022 SUPPLEMENTAL APPROPRIATIONS ORDINANCE
PURCHASE OF REAL PROPERTY**

WHEREAS, the City of Philip, South Dakota, has been presented with an opportunity to purchase real property to expand the city limits and street infrastructure; and,

WHEREAS, the property is contiguous with the city limits and legally described as Outlot 2 in the E1/2 SW1/4 NW 1/4, Section 13, T1N, R20 E.B.H.M; and,

WHEREAS, the property has been utilized as an access road, also known as N. Wood Avenue, but never platted as such since at least 1971; and,

WHEREAS, the City of Philip did not anticipate the purchase of said property when preparing the fiscal year 2022 appropriations.

NOW, THEREFORE, BE IT ORDAINED, that the following Supplemental Appropriations Ordinance be and hereby is adopted in order to recognize the revenues and expenses that will be forthcoming for the purchase of the above-described real property.

	<u>GENERAL FUND</u>
43100 STREET	
43100 Land	\$ 1,500.00

TOTAL STREET DEPT. **\$ 1,500.00**

TOTAL APPROP. & ACCUM. **\$ 1,500.00**

MEANS OF FINANCE

The following designates the fund or funds that money derived from the following sources is applied to.

GENERAL FUND

10400 CMA - UNASSIGNED
10400 CMA Unassigned \$ 1,500.00
TOTAL CMA UNASSIGNED **\$ 1,500.00**

TOTAL MEANS OF FINANCE **\$ 1,500.00**

Dated this ____ day of _____ 2022.

Brit Miller, Mayor

ATTEST:

Monna Van Lint, Finance Officer

Passed First Reading: June 6, 2022

Passed Second Reading:

Yeas: 6 Nays:

(Published: June 16, 2022)

Motion was made by Pelle, seconded by Parsons to authorize soliciting for Request for Proposals (RFP) for engineering services relating to the platting, design, bidding, testing, construction, and observation of the residential infrastructure development on Vivian Hansen Subdivision. Motion carried.

Annexation:

Motion was then made by Arthur, seconded by Matt to approve Resolution #2022-05 as presented below. Motion carried.

**RESOLUTION #2022-05
ANNEXATION OF PROPERTY INTO THE CITY LIMITS OF THE
CITY OF PHILIP, SOUTH DAKOTA**

WHEREAS, in accordance with SDCL 9-4-1, the City of Philip petitioned to extend its boundaries on the north and west side of the current City limits; and,

WHEREAS, the city is the said owner of the following real property included in the proposed annexation: Vivian Hansen Subdivision, West Pine Street and Stanley Avenue; and,

WHEREAS, a portion of the Vivian Hansen Subdivision property is currently located in the corporate limits of the city, and the remaining portion along with the other described real property is adjacent to and contiguous with the exterior boundaries of the city; and,

WHEREAS, the city provides water service to the Vivian Hansen Subdivision and agrees to exempt this property from City Ordinance #5-204.r, prohibiting septic tanks, unless otherwise determined upon development; and,

WHEREAS, there are no exclusions or irregularities in the proposed annexed boundary lines; and,

WHEREAS, this is a special opportunity for the city to expand its corporate limits for future growth; and,

WHEREAS, the city further petitions that according to City Ordinance #11-201-E, the proposed property be placed in the “NU”, No Use District and within thirty days of the passage of said Resolution be rezoned to the Residential District, as stated in Ordinance #11-201-A.5, and outlined in the property deed.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Philip, South Dakota, that the tracts of land described as:

Vivian Hansen Subdivision:

Vivian Hansen Subdivision located in the S1/2N1/4 of Section 13, T1N, R20E, B.H.M., Haakon County, South Dakota, as Shown on Plat Cabinet A, Page 63.

W. Pine Street also known as the “Spur Line” to U.S. Highway 14:

A roughly 500 foot by 70 foot stretch of Pine Street running from Jim Avenue to Henry Avenue, in the SW1/4 SE1/4, Section 14, T1N, R20E, B.H.M., Haakon County, South Dakota, and lying East of the quarter line of the SE1/4, Section 14, T1N, R20E, B.H.M., West of the corporate limits of the City of Philip, North of Lots 1 – 7, Block 1, Mann Addition to Philip, SD, North of Lot H3, in the SW1/4 SE1/4, Section 14, T1N, R20E, B.H.M., and South of Lot H2, in the SW1/4 SE1/4, Section 14, T1N, R20E, B.H.M. as Recorded in Document 18-143.

Lot H3 in the SW1/4 SE1/4 of Section 14, T1N, R20E, B.H.M., Haakon County, South Dakota as Shown on Plat R-2, Page 100.

Lot A, a portion of Lots H1 & H2 in the S1/2 SW1/4 of Section 14, T1N, R20E, B.H.M., Haakon County, South Dakota as Shown on Plat Cabinet A, Page R-278.

Stanley Avenue also known as the “Spur Line” to U.S. Highway 14:

Lot H1 in Lot 20, Block 4, Russell’s Addition to the City of Philip in the SW1/4 SE1/4 of Section 14, T1N, R20E, B.H.M., Haakon County, South Dakota as Shown on Plat R-2, Page 7.

Lots H1 and H2 in the SW1/4 SE1/4 of Section 14, T1N, R20E, B.H.M., Haakon County, South Dakota as Shown on Plat R-2, Page 101.

Lots H3 in the NW1/4 SE1/4 of Section 14, T1N, R20E, B.H.M., Haakon County, South Dakota as Shown on Plat R-2, Page 102.

Lot A, a portion of Lot H1 in the NW1/4 SE1/4 of Section 14, T1N, R20E, B.H.M., Haakon County, South Dakota as Shown on Plat Cabinet A, Page R-277.

Be, and the same is hereby annexed to and hereafter a part of the City of Philip South Dakota.

Approved and effective this 6th day of June 2022.

/s/ Brit Miller, Mayor

SEAL

ATTEST:

/s/ Monna Van Lint, Finance Officer
(Published: June 16, 2022)

Northeast Philip Wastewater System Improvement Project:

Motion was made by Pinney, seconded by Gartner to approve the Sub-Recipient Grant Agreement with the State of SD for the ARPA funding award of \$160,771, and authorize the mayor's signature thereon. Motion carried.

Motion was made by Arthur, seconded by Gartner to approve Resolution #2022-09 as presented below. Motion carried.

RESOLUTION #2022-09

WHEREAS, the City of Philip is a recipient of an American Rescue Plan Act (ARPA) grant in the amount of \$160,771 from and administered by the State of South Dakota to undertake the Northeast Philip Wastewater System Improvement project; and,

WHEREAS, the City of Philip is required to designate a certifying officer for the purpose of signing required documents pertaining to this grant;

NOW, THEREFORE BE IT RESOLVED, the Mayor and/or the City Administrator of the City of Philip is hereby designated as the city official for the purpose of signing the ARPA grant agreement, contracts, correspondence, pay requests, and other required documents.

This resolution is effective upon passage.

Dated this 6th day of June 2022.

By: /s/ Brit Miller, Mayor
City of Philip

SEAL

Attest: /s/ Monna Van Lint, Finance Officer
City of Philip

Water Meter Project:

The project is continuing forward with 168 of the 450 meters on the AMR system.

A request has been submitted to West River Water Development District (WRWDD) for an extension on the city's grant funding award that will expire on July 15, 2022 (remaining grant funds are \$15,500).

Airbnb/VRBO Properties:

Motion was made by Arthur, seconded by Pelle to approve the first reading of Ordinance #2022-08 as presented below. The application form and annual license fees (currently considering \$1,000) will be determined following the second reading that is scheduled during the July 5th meeting. Motion carried.

ORDINANCE #2022-08

AN ORDINANCE ESTABLISHING SECTION 600 IN CHAPTER TEN (10), LICENSES, OF THE REVISED ORDINANCES OF THE CITY OF PHILIP, SOUTH DAKOTA

BE IT ORDAINED by the City Council of the City of Philip, South Dakota, that Section 600 in Chapter 10, Licenses, of the revised ordinances of the City of Philip, be established to read as follows.

10-600 SHORT TERM RENTALS

10-601 DEFINITIONS

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for lodging related terms which are defined by SDCL 34-18-1.

Bed and Breakfast Facility - A small lodging establishment that offers overnight accommodation and breakfast.

Department – The South Dakota Department of Health.

License Holder – The property owner of a short term rental property that possesses a license under this article to operate the short term rental for which the license was issued.

Property Owner - The individual, individuals or company that has proprietors' rights to the property.

Short Term Rental - Bed and breakfast facilities and vacation home rentals that are available for rental to the same guest(s) for a period not exceeding thirty consecutive days. A short term rental does not include a bed and breakfast facility or a vacation home rental that is available for rent for fourteen or fewer days in a calendar year. Any short term rental which may be used occasionally as a bed and breakfast facility and at other times be used as a vacation home rental shall be reviewed as a vacation home rental.

Transfer - The grant or conveyance of an ownership interest in the short term rental property from an entity, trust, person, or combination thereof to another entity, trust, person, or combination thereof. The grant or conveyance of an ownership interest in the short term rental property from one spouse to his or her respective spouse by lawful marriage shall not be considered a transfer.

Vacation Home Rental (VHR) - A short term rental in which a private dwelling is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for a charge, and where the dwelling is not also occupied by an owner or manager during the time of rental.

10-602 GENERAL PROVISIONS

- (a) Occupancy of recreational vehicles (RVs), camper trailers and tents shall not be allowed as a VHR. Cross reference ordinance 11.1901.1.
- (b) The minimum age allowed for the principal renter of a VHR is 21 years of age.
- (c) The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices (as applicable) shall not be allowed without permission from the owner, property manager or local contact. The owner, property manager or local contact must comply with all federal, state and/or local laws, ordinances, or rules regarding open burning, burn barrels, fire pits, fireworks, fireplace, or the burning of any flammable material.

10-603 LICENSE REQUIRED

No short term rental may be operated in the city without the appropriate valid and current

license issued by the city pursuant to this article. A violation of this provision is subject to a penalty of \$500. Each day of the violation constitutes a separate offense.

No short term rental may be operated in the city without the appropriate valid and current license issued by the Department pursuant to rules promulgated under SDCL 34-18. A violation of this provision is subject to a penalty of \$500. Each day of the violation constitutes a separate offense.

10-604 LICENSE APPLICATION

An application for a short term rental license must be made on a form provided by the city. No other application form will be considered.

The applicant must submit the following:

- (1) Application fee as contained within the Rates and Fee Schedule, which is set and amended by resolution.
- (2) An application that will include, but is not limited to, the following:
 - a) Each property owners name, permanent address, and phone number.
 - b) The legal description and physical address of the property to be used as a short term rental.
 - b) A description of the proposed use (including any outdoor use), the maximum number of rooms and occupancy available, and the anticipated dates the short term rental will be available for overnight accommodations.
 - c) Contact information for the property manager or local contact individual to comply with the requirements of this Section, and to be contacted in case of complaint or emergency.
 - d) Any additional information requested by the city.
- (3) A copy of the Lodging License issued by the Department.
- (4) A copy of the owner's South Dakota Sales Tax License issued by the South Dakota Department of Revenue.
- (5) A copy of the property's insurance coverage reflecting the endorsement for the short term rental.

10-605 ISSUANCE OF LICENSE

Once an application is filed, the application will be referred to the appropriate city departments for an investigation into the applicant's eligibility for a license. If applicant meets the requirements in 10-604, the City Council shall consider the application.

- (a) The City Council may issue a license unless:
 - (1) The owner has made a false statement on the application or submits false records or documentation; or
 - (2) The property is not in compliance with the Department.
 - (3) The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
 - (4) Any applicant or property owner has had a short term rental license revoked by the city or a lodging license revoked by the state; or
 - (5) Any property owner of the property is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any short rental property; or
 - (6) The applicant will not be operating the business for which the license would be issued.

- (b) The city will reject any application if the limit on the number of short term rentals has been reached.
- (c) If applicant requests the City Council hold a special meeting to consider the application for new license, the applicant requesting said meeting shall pay all costs associated with the meeting.

10-606 NUMBER OF LICENSES

No more than one (1) bed and breakfast facility; and, no more than four (4) vacation home rentals shall be allowed to operate in the City at any given time.

The two (2) vacation home rentals already existing on Airbnb at the time of the passage of this ordinance shall be considered grandfathered in if fully compliant within sixty of passage of this ordinance, including annual renewal.

10-607 EXPIRATION OF LICENSE AND RENEWAL

- (a) Each license shall be for a calendar year. A license holder must renew the license on an annual basis in order to continue the short term rental operation. Renewal applications shall include the following:
 - (1) The annual application fee as contained within the Rates and Fee Schedule, which is set and amended by resolution.
 - (2) A copy of the current Lodging License issued by the Department.
 - (3) A copy of the property's insurance coverage reflecting the endorsement for the short term rental.
 - (4) Contact information for the property manager or local contact individual to comply with the requirements of this Section, and to be contacted in case of complaint or emergency.
- (b) It may be renewed within thirty (30) days of its expiration, but if a license holder fails to renew the permit within thirty (30) days of expirations, he or she must submit a new license application. The license holder must continue to meet the license requirements to be eligible for a renewal.
- (c) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the city may order closure of the short term rental.
- (d) If a license holder has not operated a short term rental for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

10-608 SUSPENSION OR REVOCATION OF LICENSE

The City may suspend or revoke any short term rental license, or refuse to issue a license, for any of the following grounds:

- (a) Failure to adhere to applicable regulations or laws.
- (b) Concerns expressed to the City about the operation of the short term rental, including nuisance issues, noise complaints, safety concerns, calls for service to the Police department, or similar complaints.
- (c) Commission of fraud or willful misrepresentation in the application for or in obtaining a license.
- (d) Commission, or permitting, aiding, or abetting in the commission of any unlawful act in

- the short term rental.
- (e) Conduct or practices detrimental to the public health, safety, or welfare.
 - (f) Any property owner is delinquent in payment to the city, county, or state for any taxes or fees related to the short term rental.
 - (g) The Department issued registration is suspended, revoked, or not renewed or the registration certificate is expired.

10-610 SUSPENSION AND REVOCATION PROCESS

- (a) The license holder will be issued a notice of intent to suspend or revoke a short term rental license and the reasons for the suspension or revocation by first class mail to the license holder's address on record.
- (b) If the license holder disputes the suspension or revocation, the owner has ten (10) days from the postmark date on the notice to request a hearing before a hearing panel, which will consist of the Mayor, Building Committee, and City Administrator.
- (c) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (d) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the owner appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (e) Any property owner who has had a license revoked may not be issued a short term rental license for one year from the date the revocation became effective.

10-611 APPEAL

A property owner who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the City Council by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to City Administrator's Office. The appeal will be considered by the City Council at a regularly scheduled meeting within one month of the receipt of the appeal.

10-612 LICENSES NOT TRANSFERABLE

A short term rental license may not be transferred to a different location or to a different property owner.

10-613 LIABILITY FOR VIOLATIONS

Notwithstanding anything to the contrary, for the purposes of this article, an act by any property owner, manager or local contact of a short term rental that constitutes grounds for suspension or revocation will be imputed to the short term rental property owner for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if a property owner or a person who managed, supervised or controlled the operation of the short term rental, knowingly allowed such act to occur on the premises.

10-614 PENALTIES

Any person who operates or causes to be operated a short term rental without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a short term rental so operates is a separate offense or violation.

Upon the passage of this ordinance, an existing short term rental shall have sixty days to come into compliance with this Code, or it will be out of compliance and subject to the general penalty provision in Section 10-614.

Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Dated this ____ day of _____ 2022.

Brit Miller, Mayor

ATTEST:

Monna Van Lint, Finance Officer

First Reading: June 6, 2022

Second Reading:

Yeas: 6 Nays: 0

(Published: June 16, 2022)

Council went on to discuss the camper located at 502 Valley Dr. in Philip. The camper is listed and rented as an Airbnb as well as connected illegally to city utilities.

Following, motion was made by Gartner, seconded by Parsons to declare the camper prohibited in the city through various utility and zoning ordinances. Said camper shall be disconnected from city utilities and removed as an Airbnb/Vrbo rental within 30 days. CA Smith and Attorney Trask were directed to contact the property owner regarding this decision. Motion carried.

Airport:

Motion was made by Matt, seconded by Gartner to approve Resolution #2022-07 as presented below. Motion carried.

RESOLUTION #2022-07

A RESOLUTION OF INTENT TO OFFER LEASE FOR AIRPORT FARM GROUND

WHEREAS, the City of Philip, South Dakota, owns the airport property legally described the NW ¼, N ½ NE ¼, SW ¼ NE ¼, NE ¼ SW ¼, and NW ¼ SE ¼, in Section 16, Township 01 North, Range 21 East, Black Hills Meridian, Haakon County, South Dakota; and,

WHEREAS, SDCL 9-12-5.2 authorizes the City of Philip to lease municipally owned property to a private person; and,

WHEREAS, the City of Philip intends to offer a lease for the 216.3 acres, more or less, of farm ground located within the airport property as described above to a private person for a term of five (5) years with

option to renew this lease upon similar terms and conditions, excluding consideration, for an additional five (5) years, not to exceed ten (10) years total; and,

WHEREAS, a copy of such lease agreement is on file in the City Office and available for public inspection.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Philip, South Dakota, that the Council intends to offer such lease for the airport farm ground as described above through the sealed bid process. The hearing to open bids for said lease will be held in the Community Room of the Haakon County Courthouse in Philip, South Dakota, at 8:10 p.m. on July 5, 2022, or as soon thereafter as practical.

Dated this 6th day of June 2022.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Building/Flood Plain Dev. Permits:

Mark Coyle – fence; Raymond Formanek – sidewalk; Brock Hanson – demolish garage & replace retaining walls; and, Virgil Wells – sidewalk & driveway replacement.

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

The city has been awarded \$2,500 in matching grant funds from the SD Housing Development Authority to update the housing study.

Motion was made by Pinney, seconded by Parsons to designate CA Smith as the city representative for the Central SD Enhancement District board. Motion carried.

Departmental Reports:

Administration

The 2021 Annual Financial Report was presented to the council. It has been submitted to the SD Dept. of Legislative Audit and scheduled for publication this week.

The 2023 budget planning session will be held on July 21st at 3:30 p.m. at the ambulance building.

Parks/Recreation

Council was advised that an insurance claim has been filed for the wind damages to the baseball field backstop and bleachers.

Police

The quarterly report was reviewed with Chief Buls and Officer Bartlett. It was noted that Officer Bartlett graduated from Law Enforcement Training on June 3, 2022.

Street Dept.

The monthly report was reviewed.

Water Dept.

The monthly report was reviewed which noted an 8.6% water loss for the month of May.

Training/Travel:

CA Smith will be attending a SDML Board meeting on June 16th-17th in Rapid City.

At 7:51 p.m., motion was made by Matt, seconded by Gartner to enter into executive session per SDCL 1-25-2(1), personnel. Motion carried.

At 7:59 p.m., motion was made by Gartner, seconded by Arthur to come out of executive session with the following action.

Motion was made by Matt, seconded to Gartner to recognize Officer Andrew “AJ” Bartlett for obtaining his law enforcement certification with a \$1.00 per hour increase, effective June 1, 2022. Motion carried.

Motion was made by Pinney, seconded by Gartner to authorize advertising for a general public works maintenance employee to operate the rubble site and assist with street repairs. Motion carried.

Public Comments:

None.

In Other Business:

Due to the holiday, the next Regular Council Meeting will be held on Monday, July 5th at 8:00 p.m. in the Community Rm.

With no further business to come before the Council, Mayor Miller declared the meeting adjourned at 8:01 p.m.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Brittany Smith, City Administrator

(Published once on June 16, 2022, at approximate cost of \$_____)