

**CITY OF PHILIP COUNCIL PROCEEDINGS
REGULAR MEETING
OCTOBER 3, 2022**

A regular meeting of the Philip City Council was held on Monday, October 3, 2022, 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, Joni Parsons, Marion Matt, Marty Gartner, and Scott Pinney. 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 Haakon School District Superintendent Jeff Rieckman.

Absent: None

The meeting was opened with the Pledge of Allegiance.

Absent: None.

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

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

Gross Salaries – Sept. 30, 2022: Mayor/Council - \$4845.00; Admin - \$4463.79; Finance - \$3889.59; Public Works - \$11411.44; Police - \$6895.20

Colonial Life	Employee Supplemental Ins 9/22	129.13
Credit Collections Bureau	Garnishment 9/22	200.86
EFTPS	SS/Medicare/Withholding 9/22	6685.08
NE Child Support	Garnishment 9/22	469.18
SDRS	Employee Retirement 9/22	3515.38
SDSRP	Sup Retirement 9/22	100.00

Infrastructure Projects:

SPN & Assoc	NE Sewer Final Design 9/24/22	1640.00
	Stewart Ave Design 9/24/22	7800.00

Water Meter Project:

Core & Main LP	Meters 9/222	9758.73
----------------	--------------	---------

This Month's Bills:

A&B Welding Supply Co Inc	Cylinder Contract 9/22-9/27	78.25
Ameriforms	AP Checks 9/22	270.00
AT&T Mobility	Cell Phone 9/22	223.21
Automated Fuel Systems	2500 Gal Fuel 9/22	15629.00
Bad River Law Prof LLC	Legal/Atty 9/22	155.00
Buls, William	Travel Reimb 9/22	27.69
Century Business Products	Copier Maint 8-9/22	46.57
Corporate Trust – US Bank	SRF #4 Pay #33 10/22	11326.05

	SRF #5 Pay #33 10/22	7905.24
Delta Dental	Dental Ins 10/22	695.50
Golden West Telecom	Telephone/Internet 8-9/22	599.00
Haakon Co Treasurer	Office Rent 10/22	500.00
Hanson Oil	Fuel 8-9/22	391.50
Health Pool of SD	Health Ins 10/22	10455.29
Kieffer Sanitation	381 Residential Collections 9/22	5227.32
Les' Body Shop	'13 Ford Repairs 9/22	284.99
McLeod's	Supplies 9/22	272.39
McQuirk Ditching	Backhoe 603 W Pine St 8/22	729.59
Midwest Radar & Equipment	PD Radar Cert 9/22	82.00
Moses Building Center	P Repairs 9/22	92.10
Optilegra	Vision Ins 10/22	101.51
Philip Hardware	Supplies/Repairs 9/22	576.24
Philip Standard	Fuel 9/22	1031.70
Pioneer Review	Publishing/Supplies 9/22	936.58
Qualified Presort Service LLC	Billing/Postage 8/22	302.05
Quill Corp	Supplies 9/22	165.92
Safety Benefits Inc	PWD Conf Reg 10/22	75.00
Sanford Laboratories	Testing 5/22	533.00
SD Dept of Revenue	Sales Tax Payable 9/22	677.83
Smith, Brittany	Travel Reimb 9/22	121.01
The Philip Pit Stop	Fuel 8-9/22	769.16
USPS	Stamps 10/22	116.00
Verizon Wireless	W AMR Internet 9-10/22	80.02
Vetter, Mallory	LG Recert Reimb 2022	140.00
VISA – UMB Bank	Supplies/Travel/Equip 8-9/22	1666.59
West Central Electric Coop	Electric 8/1-9/1/22	3517.64
WR/LJ Rural Water Systems	4,280,000 gals 9/22	5350.00
	Contract Min. 9/22	2500.00
	AIR Water 9/22	52.50
	South Shop Water 9/22	22.50
<hr/>		
Total Bills		92,924.67

Old Business: None.

New Business:

Jeff Rieckman, Haakon School District Superintendent, provided an overview of the school's project to replace the steps on the south end of their property, north of the Catholic Church. They are currently planning to bid the project this winter with construction next summer.

Northeast Philip Wastewater System Improvement Project:

Council was advised that the consolidated loan documents will be closed on Oct. 4, 2022.

Motion was made by Matt, seconded by Gartner to approve all the necessary utility and access easements, both perpetual and temporary, upon consent of the property owner(s). Motion carried.

It was also noted that the project's bid opening is scheduled for Oct. 27th at 4:00 p.m.

At 7:10 p.m. as advertised, a public hearing was held on the following variance request presented by Raymond Formanek for the property legally described as Lot 6, Sunny Acres, City of Philip, Haakon County, SD.

City Ordinance #11-601(a), Side Yard Requirement - Application has been made to occupy all five feet (5') of the required north side yard for a concrete driveway.

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 Gartner, seconded by Pinney to approve the requested variance as presented above along with Formanek's building permit for a concrete driveway. Motion carried with all members voting aye.

Vivian Hansen Subdivision:

It was reported that SPN & Associates are finalizing the topography and boundary surveys. They also plan to have layout options for the subdivision available within the next few weeks.

The personal representative's deed transferring Outlot 2 property (also known as N. Wood Ave.) to the city is completed and will be filed this week with an ownership date of Oct. 31, 2022.

At 7:15 p.m. as advertised, a public hearing was held on the following variance request presented by Theo Fitch for the property legally described as Lots 1, 2 and 3, Hoags Valley Addition, City of Philip, Haakon County, SD.

City Ordinance #11-1902.4, Manufactured Home Lots, Prohibited Uses - Application has been made to occupy property with a storage unit.

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 Matt seconded by Arthur to approve the requested variance as presented above along with Fitch's building permit to construct a storage unit. Motion carried with all members voting aye.

Artesian Well Project:

It was mentioned that no correspondence or evidence of completing the project by the Oct. 15th deadline has been received since mid-September.

Motion was made by Pelle, seconded by Matt to approve the second reading of the following Ordinance #2022-22 as presented. Motion carried with all members voting aye.

**ORDINANCE #2022-22
2022 SUPPLEMENTAL APPROPRIATIONS ORDINANCE
ARTESIAN WELL REPAIRS**

WHEREAS, the City of Philip, South Dakota, approved supplemental ordinances in anticipation of the Artesian Well emergent repairs being completed prior to 2022; and,

WHEREAS, the Artesian Well repairs have been postponed due to the contractor; and,

WHEREAS, the City of Philip did not anticipate nor budget for the continued postponement of completing the emergent repairs to the Artesian Well along with the anticipated contributions and donations when preparing the fiscal year 2020 through 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 artesian well repairs.

<u>GENERAL FUND</u>	
43310 LAKE WAGGONER/ARTESIAN WELL	
42230 Contract Services	\$ 210,000.00
<u>TOTAL LAKE / WELL DEPT</u>	<u>\$ 210,000.00</u>
<u>TOTAL APPROP. & ACCUM.</u>	<u>\$ 210,000.00</u>

MEANS OF FINANCE

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

<u>GENERAL FUND</u>	
10400 CMA – UNASSIGNED FUND BALANCE	
10400 Unassigned Fund Balance	\$ 120,000.00
36700 CONTRIBUTIONS/DONATIONS	
36710 Contributions & Donations	\$ 90,000.00
<u>TOTAL CONTRIBUTIONS/DONATIONS</u>	<u>\$ 210,000.00</u>
<u>TOTAL MEANS OF FINANCE</u>	<u>\$ 210,000.00</u>

Dated this 3rd day of October 2022.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Passed First Reading: Sept. 6, 2022
Passed Second Reading: Oct. 3, 2022
Yeas: 6 Nays: 0
(Published: Sept. 15 & Oct. 13, 2022)

Meter Project:

The project is continuing forward with 227 of the 450 meters on the AMR system.

Motion was made by Gartner, seconded by Pinney to approve the following Resolution #2022-25 as presented. Motion carried.

RESOLUTION #2022-25
AUTHORIZING TRANSFER OF WATER DEPRECIATION RESERVE FUNDS
TO WATER FUND CASH MANAGEMENT ACCOUNT

BE IT RESOLVED by the City Council of the City of Philip, South Dakota, that the Finance Officer is hereby authorized and directed to transfer \$50,000.00 from the water depreciation reserve funds to the water cash management account for the Automatic Meter Reading Project.

Dated this 3rd day of October 2022.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Insurance Claims:

Council reviewed the Building Committee's recommended repairs to city buildings and property in relation to the insurance claimed for the June storm damages.

Following, motion was made by Pinney, seconded by Parsons to authorize the Building Committee to solicit quotes for the repairs as recommended. Motion carried.

Council was also advised that the debris cleanup expenses incurred by the City during the June storm event have been submitted to the Federal Emergency Management Agency per Disaster Declaration 4664.

Philip Charities / Chamber of Commerce:

Council was informed that the Joint Agreement for a Community Development Director has been finalized by all entities, and applications are being accepted for the position.

Building/Flood Plain Dev. Permits:

Elton & CoraJo Barber – house with attached garage and patio (tabled 9/6/2022); Mitzi Boyd – concrete replacement; Kerry Burns – fence repair/replacement; Jon Dearmond – enclosed carport; Kenneth Drury – garage & demolish shed; Nathan Drury – renew retaining wall permit issued 3/2011; Tanya Haynes – concrete pad; Brian Jankord – fence; Gilbert “Sonny” LaBeau – shed and move other sheds; Mike Moses – garage addition.

Motion was made by Matt, seconded by Gartner to approve the above permits as presented with the exception of Jon Dearmond's permit being tabled as the construction will require a variance. Motion carried.

Motion was made by Pinney, seconded by Parsons to approve the Delta Dental's insurance renewal for the policy period of Jan. 1 to Dec. 31, 2023. Said renewal reflects a monthly premium increase of 4.44% for single plans and 4.415% for family plans. (For the record, a 5% increase was appropriated for in 2023.) Motion carried.

Departmental Reports:

Administration

Motion was made by Arthur, seconded by Gartner to approve the following Resolution #2022-24 as presented. Motion carried.

**RESOLUTION #2022-24
SUPPLEMENTAL APPROPRIATIONS
CONTINGENCY TRANSFER**

WHEREAS, insufficient appropriation was made in the 2022 adopted budget for the following departments to discharge just obligations of said appropriations; and,

WHEREAS, SDCL 9-21-6.1 provides that transfers be made by resolution of the board from the contingency appropriation established pursuant to SDCL 9-21-6.1 to other appropriations;

NOW THEREFORE BE IT RESOLVED that the appropriation be transferred from the contingency budget to the following department budgets:

FROM:	101-41100-41150 Contingency	\$ 34200.00
TO:	101-41100-42100 Legis Insurance	\$ 9465.00
	101-41100-42300 Legis Publishing	\$ 2900.00
	101-41220-41100 Admin Salary	\$ 1570.00
	101-41220-41200 Admin FICA/Med	\$ 115.00
	101-41220-41300 Admin Retmt	\$ 90.00
	101-41220-42700 Admin Travel	\$ 300.00
	101-41400-42300 Finance Contract Svcs	\$ 7000.00
	101-42100-41100 Police Salary	\$ 2150.00
	101-42100-41200 Police FICA/Med	\$ 155.00
	101-42100-41300 Police Retmt	\$ 175.00
	101-43310-42220 Lake Wag/Well Eng Fees	\$ 900.00
	101-43500-42620 Airport Fuel	\$ 5400.00
	101-45100-42250 Pool Lifeguard Cert	\$ 335.00
	101-45100-42660 Pool Uniforms	\$ 50.00
	101-45100-42660 Pool Materials for Resale	\$ 685.00
	101-45100-42850 Pool Propane	\$ 2910.00

This resolution is effective upon passage.

Dated this 3rd day of October 2022.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Monna Van Lint, Finance Officer

Motion was made by Pelle, seconded by Arthur to approve an amendment to the City Dismissal & Snow Procedures – Holiday Policy, effective immediately. The amendment includes adding Native America Day as an observed holiday for the city and clarifying that only Dec. 24th and/or 26th will be observed when it's during the workweek. A copy is on file in the city office. Motion carried.

Motion was made by Pinney, seconded by Matt solicit property and liability insurance proposals for the upcoming renewal on Jan. 1, 2023, and authorize the Budget Committee to review. Motion carried.

Council was notified that the short term rentals listed on Airbnb in the City have not obtained an annual license. Per those property owners, they have elected to rent their properties long term for the time being.

Airport

Motion was made by Arthur, seconded by Gartner to approve the 2023 FAA Grant Initiation Request for Federal Assistance including the Capital Improvement Plan, and authorize the mayor's signature thereon. Motion carried.

Fire

Motion was made by Gartner, seconded by Matt to approve Matt Arthur and Jordan Hauk as volunteer fire fighters. Motion carried.

Police

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

Council reviewed the 2011 Chevy Tahoe insurance claim estimate in the amount of \$3682.50. It was noted that if the repairs are not completed, the cash settlement amount is \$3182.50 (reflects the \$500 deductible).

Following, motion was made by Gartner, seconded by Arthur to accept the cash settlement offer for the 2011 Chevy Tahoe insurance claim. Motion carried.

Rubble Site

It was noted that the schedule for winter hours starts on Nov. 1, 2022.

Street

The monthly report was reviewed.

Water

The monthly report was reviewed and noted the water loss for the month of September 2022 at 7.51%.

Training/Travel:

CA Smith and PWD Reckling will be attending the Safety & Loss Control Conference on Nov. 2nd - 3rd in Pierre. CA Smith will also be attending a SDML Work Comp Board meeting on Nov. 3rd in Pierre.

At 7:37 p.m., motion was made by Arthur, seconded by Gartner to enter into executive session per SDCL 1-25-2(3), legal matters. Motion carried.

At 7:54 p.m., motion was made by Matt, seconded by Arthur to come out of executive session with the following action.

Motion was made by Pinney, seconded by Gartner to authorize taking any and all necessary action with insurance to resolve and compensate for the vehicular damage to the streetlight along SD Hwy 73 aka Larimer Ave. back in May 2022. Motion carried.

Public Comments: None.

In Other Business:

The next Regular Council Meeting will be held on Tuesday, Nov. 1st 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 7:55 p.m.

/s/ Brit Miller, Mayor

ATTEST:

/s/ Brittany Smith, City Administrator
(Published once on Oct. 13, 2022, at approximate cost of \$_____)