

FORT PIERRE CITY COUNCIL
APPROVED MINUTES
REGULAR MEETING
Monday, May 1, 2023

The regular meeting of the Fort Pierre City Council was held at the SD Municipal League conference room and called to order by Mayor Hanson at 6:30 pm. Members in attendance for Roll Call were Bernhard, L Cronin, R Cronin, Deal, Iversen, and Kenzy. Officials in attendance were Cromwell, Hahn, Heezen, and Tibbs. Meeting was also held via Zoom.

Approval of Agenda. Kenzy moved and L Cronin seconded to approve the agenda. Motion passed on Voice Vote.

Conflict of Interest Declarations. Deal declared a Conflict of Interest on the Temporary Liquor Licenses for the Silver Spur on 5/10/23, 5/20/23, and 5/21/23.

Reports. 1.) Hanson informed council that, as an ambassador for MRES, she will be attending their annual meeting next week. 2.) Hanson reported to council she has been selected to be a breakout session speaker for the Energize Conference in May. 3.) Hanson reminded council of the joint meeting with City, County, School and SD Department of Revenue Division of Property Taxes at 5:30 pm on 5/4 at the SD Municipal League conference room. 4.) Hanson informed council that work on the CIP is currently focused on information gathering and then there will be a site visit. 5.) Heezen reported to council that the auditors will be here in late June. 6.) Hahn informed council of the temporary lights for bridge construction and that the detour for oversize loads begins 5/15. 7.) Hahn reported that the contractor for the Lagoons has been making the repairs needed to complete the project. Kenzy asked about the algae issue. Hahn informed him that screens have been added and will hopefully help that and the salamander issue.

Consent Calendar: Iversen moved and Kenzy seconded to approve the Consent Calendar: Minutes 4/17/23 Council Meeting; Raffle Permits: Gayle Stover-Medical Raffle-Derek Boes; Chase Auto & RV-Suicide Prevention Awareness Raffle-Pierre/Fort Pierre School Districts. Motion passed on Voice Vote.

Public Hearing. Mayor Hanson called a public hearing at 6:43 pm to get public input on the Temporary Liquor License for the Pat Duffy Community Center on 5/6/23 at the Stanley County Fairgrounds. She asked for proponents to the license. She heard none. She asked for opponents to the Temporary License. She heard none. Hanson declared an end to the public hearing at 6:44 pm

Temp Liquor License-Pat Duffy Community Center. L Cronin moved and Bernhard seconded to approve the Temporary Liquor License for the Pat Duffy Community Center on 5/6/23 at the Stanley County Fairgrounds. Motion passed on Voice Vote.

Public Hearing. Mayor Hanson called a public hearing at 6:44 pm to get public input on the Temporary Liquor License for the Casey Tibbs Rodeo Center at the Stanley County Fairgrounds on 6/3/23. She asked for proponents to the license. She heard none. She asked for opponents to the Temporary License. She heard none. Hanson declared an end to the public hearing at 6:45 pm.

Temp Liquor License-Casey Tibbs Rodeo Center. R Cronin moved and Iversen seconded to approve the Temporary Liquor License for the Casey Tibbs Rodeo Center on 6/3/23 at the Stanley County Fairgrounds. Motion passed on Voice Vote.

Public Hearing. Mayor Hanson called a public hearing at 6:45 pm to get public input on the Transfer of a Retail (on-off sale) Malt Beverage & SD Farm Wine License to JFL Enterprises Inc DBA Dakotamart. She asked for proponents to the license. She heard none. She asked for opponents to the license. She heard none. Hanson declared an end to the public hearing at 6:46 pm.

Transfer-Retail Malt Beverage & SD Farm Wine License-JFL Enterprises Inc -Dakotamart. Bernhard moved and Deal seconded to approve the transfer of the Retail (on-off sale) Malt Beverage & SD Farm Wine License to JFL Enterprises Inc DBA Dakotamart. Motion passed on Voice Vote.

Public Hearing. Mayor Hanson called a public hearing at 6:46 pm to get public input on the Transfer of the Retail (on-off sale) Wine License to JFL Enterprises Inc DBA as Dakotamart. She asked for proponents to the license. She heard none. She asked for opponents to the license. She heard none. Hanson declared an end to the public hearing at 6:47 pm.

Transfer-Retail Wine License. Kenzy moved and R Cronin seconded to approve the transfer of the Retail (on-off sale) Wine License to JFL Enterprises DBA as Dakotamart. Motion passed on Voice Vote.

Poppy Proclamation. Hanson read a Poppy Proclamation to the council and presented it to Post 20 Secretary/Treasurer, Gayle Stover. Stover thanked the council and the Fort Pierre Community for their continued generous support of the Veterans and Post 20.

Oath of Office-Council Members. Heezen recited the Oath of Office and handed out the Oath to council members Kenzy, Iversen, and Bernhard to be signed.

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Appointment of FO, PWD, City Attorney, Official Newspaper, Official Depositor, Committees/Boards. Mayor Hanson appointed the following: Roxanne Heezen as Finance Officer; Rick Hahn as Director of Public Works; Tieszen Law Office as Legal Counsel; Capital Journal as Official Newspaper; American Bank & Trust as Official Depository, along with First National Bank, Fort Pierre, Wells Fargo Bank, Bank West, South Dakota FIT, US Bancorp, Reinke Gray Wealth Management, Dakota Prairie Bank; Finance Committee: Todd Bernhard, Callie Iversen, Larry Cronin; Park Committee: Todd Bernhard, Rick Cronin, Larry Cronin; Personnel Committee: Todd Bernhard, Callie Iversen, Greg Kenzy; Utility Committee: Greg Kenzy, Scott Deal, Rick Cronin; Ambulance Committee: Scott Deal; Transit Board: Greg Kenzy; Expo Steering Committee: Rick Cronin; Law Enforcement: Callie Iversen and Todd Bernhard; BID Board: Callie Iversen; Fort Pierre Economic Development Corp Representative: Greg Kenzy; Teton Island Business Park Association Representative: Gloria Hanson; Verendrye Museum Board: Larry Cronin; BAA: Mike Jacobson, Barb Bonhorst, Britt Williams, Doug Day, Chris Carter; P&Z: Jaci Keller, Tiffany Sanchez, Jay Tople, Mike Durick, Diane Deis, Terry Kvislen; BID Board: Callie Iversen, Kalyn Eulberg, Scott Deal, Mike Weisgram, Emily Steber, Karen Kern, Dylan Geuther, and Casey Cowan; Pierre/Fort Pierre Historic Preservation: Don Zeller, Sunny Hannum, Deb Gates, Kelli Buscher, Robert Kean, Alan Haarstad, Donna Leslie; Arber Board: Ron Schreiner, Dan McCormick, Peggy Laurenz, Lori Jacobson, Aaron Semmler; Cedar Hill Cemetery: Doug Mortenson, Jeff Mortenson, Steve Likeness, Ken Stewart, Carl Rathbun, Jody Heemstra, Jim Carlisle. R Cronin moved and Bernhard seconded to accept the Appointment of FO, PWD, City Attorney, Official Newspaper, Official Depository, and Committees/Boards as presented. Motion passed on Voice Vote.

Council Pres/Vice Pres. Iversen moved and L Cronin seconded to nominate Bernhard for Council President. Motion passed on Voice Vote. R Cronin moved and Kenzy seconded nominations cease. Motion passed on Voice Vote. By unanimous vote Bernhard is Council President. Iversen moved and L Cronin seconded to nominate R Cronin for Council Vice President. Motion passed on Voice Vote. Bernhard moved and Iversen seconded to cease nominations. Motion passed on Voice Vote. By unanimous vote R Cronin is Council Vice President.

Approval of Legal Services Agreement-Tieszen Law Office. L Cronin moved and Deal seconded to approve the Legal Services Agreement, rate change to \$175/hour, with Tieszen Law Office as presented. Motion passed on Voice Vote.

Rental Agreement-Grossenburg-2023 Tractor for mowing. Kenzy moved and R Cronin seconded to approve the rental agreement with Grossenburg Implement Inc in the amount of \$.25/hp per hour for the mowing tractor. Motion passed on Voice Vote.

Memorandum of Agreement-SD Historic Preservation & Pierre/Fort Pierre Historic Preservation. Iversen moved and R Cronin seconded to approve the Memorandum of Agreement with SD Historic Preservation and the Pierre/Fort Pierre Historic Preservation for \$7,000/year for five years for the upkeep of the Verendrye and Fort Chouteau Sites. Motion passed on Voice Vote.

Res 2023-06 Bond Issue Clean Water SRF-Water Storage. The following was presented:

RESOLUTION NO. 2023-06

RESOLUTION GIVING APPROVAL TO CERTAIN DRINKING WATER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING PROJECT REVENUES AND COLLATERAL TO SECURE THE PAYMENT OF THE REVENUE BOND; AND CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF FUNDS FOR OPERATION OF THE SYSTEM AND RETIREMENT OF THE REVENUE BOND AND PROVIDING FOR A SEGREGATED SPECIAL CHARGE OR SURCHARGE FOR THE PAYMENT OF THE BONDS.

WHEREAS, one of the purposes of SDCL Chapter 9-40 (the "Act") as found and determined by the Legislature is to provide for financing the acquisition, maintenance, operation, extension or improvement of any system or part of any system of waterworks for the purpose of providing water and water supply for domestic, municipal, together with extensions, additions, and necessary appurtenances; and,

WHEREAS, a municipality is authorized by Section 6 of the Act to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned without pledging its credit and is authorized to pledge the net income or revenues from the Project in accordance with Section 15 of the Act; and,

WHEREAS, the City of Fort Pierre (the "City") currently operates a water distribution system to supply municipal, industrial and domestic water to its inhabitants and has determined that improvements to the drinking water facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its drinking water system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes (the "System") and has applied to the South Dakota Conservancy District (the "District") for a Drinking Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt special rates or surcharges for the improvements to be pledged, segregated and used for the payment of the Bonds.

NOW THEREFORE BE IT RESOLVED by the City as follows:

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SECTION 1. Definitions. The terms when used in this Resolution shall have the following meanings set forth in this section unless the context clearly requires otherwise. All terms used in this Resolution which are not defined herein shall have the meanings assigned to them in the Loan Agreement unless the context clearly otherwise requires.

“**Act**” means South Dakota Codified Laws Chapter 9-40.

“**Loan**” means the Loan made by the South Dakota Conservancy District to the City pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

“**Project**” means the City of Fort Pierre Drinking Water Treatment and Storage Project.

“**Revenue Bond**” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“**System**” means the City’s system of waterworks used for the purpose of providing water and water supply for domestic, municipal, and industrial purposes.

SECTION 2. Declaration of Necessity and Findings.

2.1. Declaration of Necessity. The City hereby declares and determines it is necessary to construct and finance improvements to its drinking water facilities within its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-3A, and the federal Safe Drinking Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, that only the net income from the Project financed by the Revenue Bond be pledged for its payment.

Authorization of Loan, Pledge of Revenue and Security.

2.3. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$4,230,684 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the City. The City hereby determines that because the Revenue Bond is issued in connection with a financing agreement described in SDCL 46A-1-49, pursuant to Section 15 of the Act no election is required to issue the Revenue Bond.

2.4. Approval of Loan Agreement. The execution and delivery of the Revenue Obligation Loan Agreement (the “Loan Agreement”), the form of which is on file with the City Finance Officer (the “Finance Officer”) and open to public inspection, between the City as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the Mayor and Finance Officer are hereby authorized and directed to execute and deliver the Loan Agreement in the form and content attached hereto, with such changes as the Attorney for the City deems appropriate and approves, for and on behalf of the City. The Mayor and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the City set forth in or required by the Loan Agreement. The Loan Agreement herein referred to and made a part of this Resolution is on file in the office of the Finance Officer and is available for inspection by any interested party.

2.5. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$4,230,684 as determined according to the Loan Agreement in the form and content set forth in Appendix B attached to the form of Loan Agreement (the “Revenue Bond”) shall be and the same is, in all respects, hereby authorized, approved, and confirmed and the Mayor, Finance Officer, and other appropriate officials shall be and are hereby authorized and directed to execute and seal the Revenue Bond and deliver the Revenue Bond to the District, for and on behalf of the City, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The Mayor and Finance Officer are hereby authorized to approve the final terms of the Revenue Bond and their execution and delivery thereof shall evidence that approval. The Revenue Bond shall be issued under the authority of SDCL Chapter 9-40 and SDCL Chapter 6-8B, and the provisions of the Act are hereby expressly incorporated herein as provided in Section 19 of the Act.

2.6. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the City's general credit or taxing power, but shall be a limited obligation of the City payable solely out of the Project Debt Service Account, which payments, revenues and receipts are hereby and in the Loan Agreement pledged and assigned for the equal and ratable payments of the Revenue Bond and shall be used for no other purpose than to pay the principal, interest and Administrative Surcharge on the Revenue Bond, except as may be otherwise expressly authorized in the Loan Agreement (including the purpose of securing Additional Bonds issued as permitted by the terms thereof). The City covenants and agrees to charge rates for all services from the Project or establish special charges or surcharges which will be sufficient to provide for the payments upon the Revenue Bond issued hereunder as and when the same become due, and as may be necessary to provide for the operation and maintenance and repairs of the Project, and depreciation, and the Rate Resolution shall be revised from time to time so as to produce these amounts. The City hereby reserves the right to determine on a periodic basis the

appropriate allocation of operation and maintenance expenses, depreciation, repair and reserves associated with the facilities financed with the Revenue Bond, provided that such determination of allocable operation and maintenance expenses shall in no event abrogate, abridge or otherwise contravene the covenant of the City set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

SECTION 3. Special Charge or Surcharge for Revenue Bond. The City does hereby create the Revenue Bond Special-Surcharge District (the “Surcharge District”) which shall include all users which benefit from the Project. There shall be charged a special charge or surcharge pursuant to Section 15 of the Act for the services provided by Project financed by the Revenue Bond. The special charge or surcharge shall be segregated from other revenues of the System and shall be used for the payment of the Revenue Bond. The special charge or surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements and shall be 110% of the debt service requirements on the Revenue Bond.

3.1. Rates and collection. The rate herein specific will be collected as a special charge or surcharge for the Project. This special charge or surcharge shall remain in effect until such time as the Revenue Bond is defeased or paid in full.

3.2. Initial Surcharge. The initial special charge or surcharge shall be set by resolution and collected at the same time as other charges of the utility. All users within the Surcharge District which benefit from the Project, current and future, shall be charged the special charge or surcharge. The special charge or surcharge is found to be equitable for the services provided by the Project. The special charge or surcharge shall begin at such time as will produce sufficient revenue to pay principal, interest and Administrative Surcharge on the Revenue Bond when due.

3.3. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue, special charges and surcharges.

3.4. Periodic review. The amount of the surcharge shall be reviewed from time to time, not less than yearly, and shall be modified in order to produce such funds as are necessary and required to comply with the Loan Agreement’s rate covenant and to pay principal of, interest and Administrative Surcharge on the Revenue Bond when due. The surcharge may be set by resolution in accordance with this Section. The rate resolution shall be necessary for the support of government and shall be effective upon passage.

SECTION 4. Additional Bonds. As permitted by Sections 8 and 9 of the Act, Additional Bonds payable from revenues and income of the System or Project may be issued, as permitted in the Loan Agreement, and no provision of this Resolution shall have the effect of restricting the issuance of, or impairing the lien of, such additional parity bonds with respect to the net revenues or income from the extensions, additions or improvements. The City shall have the right to issue additional bonds secured by a lien subordinate to the lien from the Revenue Bond pursuant to the Loan Agreement.

SECTION 5. Project Fund Accounts. For the purpose of application and proper allocation of the income of the Project and to secure the payment of principal, Administrative Surcharge and interest on the Revenue Bond, the following mandatory asset segregations shall be included in the water system account of the City and shall be used solely for the following respective purposes until payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond:

5.1. Project Revenue Account. There shall be deposited periodically into the Project Revenue Account the net revenues as defined in Section 17 of the Act derived from the operation of the Project collected pursuant to the resolutions and ordinances of the City of Fort Pierre, South Dakota (collectively the “Rate Resolution”). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

5.2. Project Debt Service Account. Out of the revenues in the Project Revenue Account, there shall be set aside no later than the 25th day of each month into the account designated Project Debt Service Account, a sum sufficient to provide for the payment as the same become due of the next maturing principal of, interest and Administrative Surcharge on the Revenue Bonds and any reserve determined by the City’s governing body to be necessary. The amount set aside monthly shall be not less than one-third of the total principal, interest, and Administrative Surcharge payable on the following February 15, May 15, August 15 or November 15 and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement.

5.3. Depreciation Account. There shall be established a General Depreciation Account. Out of the revenues of the Project Revenue Account there shall be set aside each month into the General Depreciation Account an amount determined by the Common Council to be a proper and adequate amount for repair and depreciation of the Project.

5.4. Project Surplus Account. There shall be established the Project Surplus Account. Revenues remaining in the Project Revenue Account at the end of any fiscal year after all periodic transfers have been made therefrom as above required, shall be deemed to be surplus and shall be transferred to the Project Surplus Account. If at any time there shall exist any default in making any periodic transfer to the Project Debt Service Account, the Common Council shall authorize the City Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:

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- (c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- (d) To be used for any other authorized municipal purpose designated by the Common Council.
- (e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 6. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 7. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 8. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (“the Code”) and applicable Treasury Regulations (the “Regulations”).

SECTION 9. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

9.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

9.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

9.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

9.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 10. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City’s governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 11. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 12. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 13. Repeal of Resolution. At such time as the Project Revenue Bond is defeased or paid in full, this Resolution and the special charge or surcharge shall automatically be repealed without any further action of the City.

SECTION 14. Authorization of City Officials. The Mayor, Finance Officer, City Attorney and City officials shall be and they are hereby authorized to execute and deliver for and on behalf of the City any and all other certificates, documents or other papers and to perform such other acts as they may deem necessary or appropriate in order to implement and carry out the actions authorized herein.

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SECTION 15. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Bernhard moved and Iversen seconded to approve Resolution 2023-06 Bond Issue Clean Water SRF for Water Storage as presented. Motion passed on Voice Vote.

Temp Liquor License-Silver Spur-5/20 & 5/21-Fairgrounds event. L Cronin moved and Kenzy seconded to approve a Temporary Liquor License for the Silver Spur on 5/20 & 5/21 at the Stanley County Fairgrounds for an event. Motion passed on Voice Vote. Deal abstained.

Temp Liquor License-Silver Spur-5/10-Parking Lot by Fish Cleaning Station. Bernhard moved and R Cronin seconded to approve a Temporary Liquor License for the Silver Spur on 5/10 for an event in the parking lot by the Fish Cleaning Station. Motion passed on Voice Vote. Deal abstained.

Personnel-General Maintenance Superintendent/Assistant Public Works/Parks/Street. Heezen recommended the following: General Maintenance Superintendent: Brett Fergen at \$30/hour; Parks: Lee Thorson at \$18/hour with 6 months to obtain a CDL and applicators license with a \$1.50/hour raise for CDL certification and \$.50/hour for Applicator license; Street: Edwin Pope at \$22/hour; and the Assistant Public Works position wasn't filled at this time. The hiring bonus will be paid a \$1000 after their probationary period and \$1000 after completion of their first year of employment. Bernhard moved and R Cronin seconded to approve hiring Brett Fergen at \$30/hour for General Maintenance Superintendent. Motion passed on Voice Vote. R Cronin moved and Iversen seconded to approve hiring Lee Thorson at \$18/hour for Parks Maintenance. Motion passed on Voice Vote. Bernhard moved and R Cronin seconded to approve hiring Edwin Pope at \$22/hour for Street Maintenance. Motion passed on Voice Vote.

Personnel-Part-Time/Summer Staff. The following list was presented:

<u>Park (start @ \$12.80, + .50 return in 2023)</u>	Rate
Marco Wisespirit	13.55
Mario Wisespirit	13.30
Kaden Montana	13.30
<u>Street (start @ \$14.80, plus .50 return in 2023)</u>	
Kevin Rose	14.80
<u>Swimming Pool (start @ \$12.80, .50 extra for WSI, .50 return in 2023)</u>	
Dylan Blumer	12.80
Brianna Uecker	13.80
Alivia Klemann	13.55
Nevaeh Karber	13.55
Nicole Weiss	13.30
Riley Berg	12.80
Mason Berg	13.30
Jaycee Bauer	13.30
Alexis Schlekeway	12.80
Avery Lisburg	13.30
<u>Museum (start @ \$12.80, plus .50 return in 2023)</u>	
Connie Carlisle	16.10
Jordyn Sosa	14.30
Daysen Titze	13.55
Breckyn Huebner	12.80

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Iversen moved and L Cronin seconded to hire the Part-Time/Summer Staff as presented. Motion passed on Voice Vote.

Bids 2023 Street Projects. Hahn informed council that low bid was Quality Construction on the Yellowstone Street project. There were no asphalt bids submitted. He recommended accepting low bid on Yellowstone Street and rebidding the other street projects in the fall for a fall of 2024 completion date. L Cronin moved and Kenzy seconded to approve Quality Construction bid for reinforced 6” concrete in the amount of \$581,013.00 for Yellowstone Street. Motion passed on Voice Vote. Kenzy moved and Deal seconded to reject all other bids on the following projects: W Main Ave, N 7th Street, Dupree Trail, and Benjamin Street. Motion passed on Voice Vote.

2022 Annual Report. Iversen moved and Kenzy seconded to accept the 2022 Annual Report as presented. Motion passed on Voice Vote.

MRES Reserved Capacity Agreement. Bernhard moved and Iverson seconded to approve the MRES Reserved Capacity Agreement as presented. Motion passed on Voice Vote.

Claims.

AMERICAN MEDICAL RESPONSE	MONTHLY SUBSIDY - 4/23	4,495.83	JENNER EQUIPMENT CO	BELT DRIVE, TENSIONER	458.28
AT&T MOBILITY	ACCT #287250329802	298.84	LYLE SIGNS INC	TELESPAR SURF MNT BASE	633.06
AVERA OCC MED MITCHELL	DRUG TESTING	114	MENARDS INC	ACCT #33210287 - SUPPLIES	1,093.63
BALLEW CONSTRUCTION INC	DIR BORE - WALDRON R & W	865.64	NORTHWEST PIPE FITTINGS	ACCT #28668 - PRIMER, CEMENT	103.91
BARTLETT & WEST	LAGOONS 2/25/23-3/31/23	1,037.00	PAT DUFFY COMMUNITY CTR RAMKOTA HOTEL WATERTOWN	MONTHLY SUBSIDY - 5/23	3,000.00
BIERSCHBACH EQUIP & SUPP	CUST #C003763 - SAW BLADES	10,027.00	REES COMMUNICATIONS	CONF #180378 - TERRY SCHROER	103.84
BORDER STATES ELEC SUPPL	ACCT #5495 - SPLICES, UTILCOS	1,383.27	RESCO	RENEW FCC LIC WPK788	250
BOTTOMLINE WELDING LLC	MESH	24	ROBINS WATER CONDITIONING	CUST #80138 - STRANDED ELBOWS	1,092.30
CAPITAL JOURNAL	ACCT #400202 - LEGAL ADV	1,660.79	RUNNINGS SUPPLY INC	ACCT #94441 - WATER	44
CARLSON SOFTWARE INC	CARLSON 2022 MAINTENANCE	395	SD DEPT OF HEALTH	ACCT #2610162 - SUPPLIES	61.42
CENTURY BUSINESS PROD	ACCT #PR0062 - LEASE, COPIES	398.04	SD MUNICIPAL LEAGUE.	WASTEWATER TESTING	783
CENTURYLINK INC	ACCT #605-223-7690 B008195	134.02	SERVALL UNIFORM & LINEN	DIST MTG 8 - GLORIA HANSON	25
CITY OF FORT PIERRE	PETTY CASH - POSTAGE	689.09	SMALL ENGINE HOUSE	ACCT #182406-00001 - TP, PT	546.8
CITY OF PIERRE	2015 FORD F350 SERV TRUCK	42,000.00	STANLEY COUNTY	MIX-OIL, BLADES, BOLTS	230.58
DAVID VOGEL	MONTHLY MAINT - 5/23, HMI SOFT	3,225.00	TERRY SCHROER	COURTHOUSE RENT - 5/23	1,000.00
DGR ENGINEERING	ELECTRIC SYSTEM MAPPING	4,470.50	TIESZEN LAW OFF PROF LLC	FLEX SPENDING - BAL 456.21	127.37
DOUBLE B ENTERPRISES LLC	SPRAY AT LAGOONS	1,615.00	TRANSOURCE TRUCK & EQUIP	LEGAL SERV 3/20/23-4/14/23	3,162.50
ELDON R BECKER	RENT, UTILITIES - 5/23	2,700.00	WESCO	CUST #10590 - V-BELT, BEARING	421.5
FLOYDS TRUCK CENTER	ACCT #20638 - FILTERS	281.8	WILL CLARK ELECTRIC	CUST #26900-01 - TRANSFORMER	30,240.00
FORT PIERRE BID BOARD	OCC TAX - 3/23	8,320.20	WW TIRE SERVICE INC	BOND SERVER RACK TO BUILDING	121.12
INLAND TRUCK PARTS	ACCT #014716 - FRONT DRIVELINE	958.61	ZANDER AUTO PARTS	CUST #52620 - TIRE REPAIR	122.12
JC OFFICE SUPPLY	ACCT #6124 - POCKETS, LABELS,	306.96	TOTAL	ACCT #14500131 - BATTERY	162.99
					129,184.01

L Cronin moved and Kenzy seconded to pay the claims as presented. Motion passed on Voice Vote.

5/1/2023

Other. L Cronin asked about the Bad River Boat dock having the mud cleaned out to make it easier to launch a boat. 2.) Deal asked if it would be possible to get some adjustments to the temporary traffic lights that are being used for the Missouri River bridge construction.

Adjournment. Mayor Hanson adjourned the meeting at 7:39 pm.

Gloria Hanson, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Office