

FORT PIERRE CITY COUNCIL
APPROVED MINUTES
REGULAR MEETING
Monday, December 7, 2020

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, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram. Officials in attendance were Cromwell, Hahn, Heezen, Thorson, and Tibbs. Meeting was held via Zoom and in-person all motions are recorded as roll call votes.

Approval of Agenda. Weisgram moved and Kenzy seconded to approve the agenda. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Conflict of Interest Declarations. Cronin declared a conflict of interest on the 2021 Electric, Plumbing, and Dray licenses. Bernhard declared a conflict of interest on Res 2020-23 Bond Authorization Clean Water SRF for the lagoons.

Reports. 1.) Hanson reported to council of the Christmas tree lighting and the Bad River Pedestrian Bridge lighting held on 12/4/20. She wanted to thank everyone that contributed to the lighting project as it was 100% funded by members of the community. She was proud of the community pride shown for this project. 2.) Heezen informed council of the CARES Funding claims that will have to be turned in by 12/30/20 and how the funds can be used. 3.) Heezen handed out a sheet with the years of service for the full-time staff. 4.) Cronin asked about the Bad River Pedestrian Bridge being lit from 6 to 8 am.

Consent Calendar. Cronin moved and Kenzy seconded to approve the Consent Calendar: Minutes-11/16/20; Special Meeting Minutes-11/23/20. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Verendrye Museum. Heezen gave council an overview of funding that went into the Verendrye Museum renovations, along with the costs to operate the museum yearly. Deb Schiefelbein, Connie Carlisle, and Darby Nutter were all present from the Museum board. Schiefelbein explained the flooring estimates in the museum that they would like the City to fund. Hanson expressed her appreciation for the Verendrye board and the many hours of volunteer work for the preservation of our history. She explained to council that the lease agreement between the two entities requires prior approval of any repairs and maintenance which isn't always done. Hanson recommended postponing any decisions on additional expenditures until there was a chance for the City and Museum board to meet and develop a greater understanding and plan for expenditures going forward. Cronin moved and Ricketts seconded to approve the flooring estimates in the amount of \$7,513.81. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Intro to Ord #1046 Utility Budget 2021. Bernhard moved to introduce Ordinance #1046 Utility Budget 2021.

Intro to Ord #1047 Utility Rates 2021. Weisgram moved to introduce Ordinance #1047 Utility Rates 2021.

Res 2020-23 Bond Authorization Clean Water SRF- Lagoons. The following resolution was presented:
RESOLUTION 2020-23

RESOLUTION GIVING APPROVAL TO CERTAIN SEWER 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 for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; or any system for the control of floods and drainage; or any combination thereof, 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 sewer system for the collection, treatment and disposal of sewage and other domestic, commercial and industrial wastes; and for the control of floods and drainage and has determined that improvements to the sewer facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its sewer system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its sewer system for the purpose of collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes (the "System") and has applied to the South Dakota Conservancy District (the "District") for a Clean 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.

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NOW THEREFORE BE IT RESOLVED by the City as follows:

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 Wastewater Improvement 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 collecting, treating and disposing of sewage and other domestic, commercial and industrial wastes.

SECTION 2. Declaration of Necessity and Findings.

2.1.1. Declaration of Necessity. The City hereby determines and declares it is necessary to construct and finance improvements to 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-2, and the federal Clean 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, only the net income from the Project financed by the Revenue Bond be pledged for its payment.

SECTION 3. Authorization of Loan, Pledge of Revenue and Security.

3.1. Authorization of Loan. The City hereby determines and declares it necessary to finance up to \$3,701,000 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.

3.2. 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 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.

3.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$3,701,000 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.

3.4. 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 of, 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 4. Special Charge or Surcharge for Revenue Bond.

4.1. 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.

4.2. 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.

4.3. 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 of, interest and Administrative Surcharge on the Revenue Bond when due.

4.4. 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.

4.5. 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 5. 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 6. 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 sewer system account of the City and shall be used solely for the following respective purposes until payment in full of the principal of and interest on the Revenue Bond:

6.1. 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.

6.2. 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.

6.3. 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.

6.4. 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 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:

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- (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:
- (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 7. 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 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. 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 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. 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.

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

10.3. 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 and interest 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.

10.4. 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 11. 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 12. 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 13. 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 14. Repeal of Resolution. At such time as the 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 15. 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.

SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Rathbun moved and Kenzy seconded to approve Res 2020-23 Bond Authorization Clean Water SRF for the lagoons. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye. Bernhard abstained.

Solar Bee Mixers at Lagoons. Hahn presented the purchase of two refurbished Solar Bee mixers for cells 3 & 4. He explained these are ten times larger than the current ones and solar powered with battery backup to help improve the functions at the lagoons with more movement during winter to reduce the ammonia amounts and were recommended by the Utility Committee. Ricketts moved and Cronin seconded to approve the purchase of the refurbished Solar Bee Mixers from IXOM Watercare Inc. in the amount of \$49,500. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Res 2020-24 Equipment Procurement for Wastewater Treatment Facility. The following resolution was presented:
RESOLUTION 2020-24

A RESOLUTION DECLARING IT IS IN THE PUBLIC INTEREST TO SOLICIT PROPOSALS FOR THE PROCUREMENT OF TREATMENT EQUIPMENT FOR THE CONSTRUCTION OF A WASTEWATER LAGOON TREATMENT IMPROVEMENTS AND TO ESTABLISH PROCEDURES FOR THE SOLICITATION AND AWARD OF THE EQUIPMENT CONTRACT

WHEREAS, the City of Fort Pierre, South Dakota (the "City"), through its City Council (the "Council") has applied for financing for the construction of wastewater lagoon treatment improvements to serve the City of Fort Pierre (the "Lagoon Treatment Improvements");

WHEREAS, the Council has determined it is the public interest to solicit proposals for the procurement of equipment (the "Equipment RFP") for the final design as well as procure the equipment for the construction phase of the Wastewater Lagoon Treatment Improvements project;

WHEREAS, the Council has determined that the RFP is for specialized equipment therefore the use of competitive sealed bids for this procurement is either not practicable or not advantageous in accordance with SDCL 5-18A-6;

WHEREAS, the Council has determined that the Equipment RFP services will not unreasonably duplicate and are in addition to the normal scope of separate engineer and construction contracts; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FORT PIERRE, SOUTH DAKOTA:

1. **City Determinations.** The Council hereby has determined that it is the public interest to solicit proposals for the procurement of treatment equipment for the construction of the Wastewater Lagoon Treatment Improvements for the final design as well as to procure the equipment for the construction of the Wastewater Lagoon Treatment Improvements and that the RFP process will not unreasonably duplicate the normal scope of separate engineer and construction contracts.
2. **Procedures for Solicitation and Award of the Equipment Contract.**
 - a. **Request for Proposals.** The City's Public Works Director shall prepare a Request for Proposals (the "RFP") for procurement of equipment. The RFP shall contain, at a minimum, the following elements:
 - i. Identify the City of Fort Pierre as the purchasing and contracting agency;
 - ii. A description of the purpose of the proposed treatment equipment;
 - iii. A description of the required qualifications of the equipment firm;
 - iv. An outline of the submittal procedure, proposal, and evaluation criteria including relative weights, and procedures for making award;
 - v. The proposed terms and conditions for the Equipment contract, and
 - vi. The RFP shall indicate that a registry of all submitted proposals will be maintained containing the names of submitting firms and the name of the firm awarded the contract. Proposals of firms did not award the contract are nonpublic records and will remain confidential.
 - b. **Advertisement.** Notice of any request for proposals shall be advertised in accordance with the provisions of SDCL 5-18A-7 and SDCL 5-18A-14.
 - c. **Submittal and Evaluation of Proposals.**
 - i. The RFP shall have, at a minimum, the following submittal requirements:
 1. Introduction that summarizes the proposal;
 2. Relevant company experience with projects of similar type and scale;
 3. Familiarity with the project area and current system operations.
 4. Cost proposal for treatment equipment;

- 5. Statement of financial strength/stability, bonding capacity, and insurance coverage.
- ii. The RFP submittals will be evaluated based on the following criteria:
 - 1. 40%--Experience and Qualifications
 - 2. 40%--Familiarity with Project Area and Project Approach
 - 3. 20%--Cost Proposal
- iii. The RFP shall list the relative weight given to each criteria.
- iv. Interview responses will be evaluated by City staff and the City’s Public Works Director on the above criteria:

d. Acceptance of Proposal.

- i. After obtaining and evaluating proposals, City staff and City’s Public Works Director shall make a recommendation to the Council of the proposal it considers the most advantageous to the City. Upon approval of a proposal by the Council, acceptance of a proposal shall be by written notice to the firm submitting the accepted proposal and by simultaneously notifying in writing the other firms that their proposals were not accepted.
 - ii. If all proposals are rejected, the City shall enter into a contract for treatment equipment based on the amount of the cost proposal and issue a separate Notice to Proceed for the design phase and equipment procurement phase of the project.

e. Rejection of Proposals. The Council reserves the right to reject any or all proposals submitted. The RFP shall include this clause.

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

Bernhard moved and Ricketts seconded to approve Resolution 2020-24 Equipment Procurement for Wastewater Treatment Facility. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Pay App #1 (Final) Bad River Bridge Lighting-Will Clark Electric. Hanson explained the Bad River Bridge Lighting was funded through donations that have completely reimbursed the cost of the project. Weisgram moved and Kenzy seconded to approve Pay App #1 (Final) for the Bad River Bridge Lighting to Will Clark Electric in the amount of \$72,588. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Pay App #7 (Final) Verendrye Museum-Mechanical-Allied Plumbing. Cronin moved and Ricketts seconded to approve Pay App #7 (Final) Verendrye Museum Mechanical project to Allied Plumbing in the amount of \$4725.01. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Property Tax Abatement-Prater. Heezen explained a trailer was moved out and was still taxed. Rathbun moved and Kenzy seconded to approve the 2020 Property Tax abatement parcel #9909 for Prater in the amount of \$23.51. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Council Vacancy/Appointment Ward 3. Hanson recommended appointing Randy Seiler to the council to fill the vacancy in Ward 3 effective starting 1/1/2021. He will replace Weisgram who was elected to the House of Representatives. Cronin moved and Bernhard seconded to appoint Randy Seiler to fill the vacancy created by Weisgram’s resignation effective 12/31/2020. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

2021 Liquor Licenses. The following list was presented:

Family Dollar	Retail On-Off Sale Wine	Legal: located on Block 60, Lots 8-15 plus Lot H1; Less Lot H2 in Lot 8, City of Fort Pierre, Stanley County, SD
Loyal Order of Moose	Retail On-Sale Liquor	Legal: Outlot 1, Thomas Acres Subdivision, City of Ft Pierre, Stanley County, SD
Chuckwagon	Package Off-Sale Liquor	Legal: N 15.5’ Lot 4, All of Lots 5-7 and a fractional part of Lot 8, & Lot C of block 15, City of Fort Pierre, Stanley County, SD

Weisgram moved and Kenzy seconded to approve the 2021 Liquor Licenses as presented. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voted aye.

2021 Electric, Plumbing, and Dray Licenses. The following list was presented:

Dray	Electrical	Plumbing
River Bottom Sanitation	Tibbs Electric	Olson Plumbing
Capital Area Refuse LLC	Muth Electric	Larry's Plumbing
Envirotech Waste Services	Will Clark Electric	Allied Plumbing & Heating
	Nystrom Electrical	Smith Plumbing
	Riverside Electric	Wheelhouse Plumbing
	Todd's Electric Service	Mattheis Plumbing
	John Hoffman Electric	A-1 Plumbing & Drain Service
	Keller Electric	Karber's Plumbing
	Tieszen Electrical Contracting	

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Bernhard moved and Ricketts seconded to approve the 2021 Electric, Plumbing, and Dray licenses as presented. Motion passed on roll call vote with Bernhard, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye. Cronin abstained.

Acceptance of 2019 Audit Report. Heezen informed council she had also received the letter of acceptance from the SD Department of Legislative Audit. Kenzy moved and Bernhard seconded to accept the 2019 Audit Report as presented. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Intro Ord #1048 Supplemental Budget 2020. Bernhard moved to introduce Ord #1048 Supplemental Budget 2020.

2020-2021 Mobile Home Court Licenses. Cromwell updated council on the court closure process for DJK Mobile Home Court. Cronin moved and Kenzy seconded to approve the 2020-2021 for Riverside Mobile Home Court. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Ricketts, and Weisgram all voting aye. Rathbun abstained.

Claims.

Advance Auto Parts	16.29	Lynn's Dakotamart	275.87
Airtech Heating and Cooling	100.00	Lynn's Dakotamart	8.99
Altec Industries	1,273.84	Menard	18.24
American Medical Response	1,462.50	MicroFix	995.00
Anderson Contractors	1,998.00	MicroFix	80.00
Animal Clinic of Pierre	75.00	MicroFix	1,990.00
Animal Clinic of Pierre	225.00	MMUA	450.00
AT&T Mobility	310.04	Morris	369.60
Black Hills Chemical & Janitorial	171.06	Morris	345.60
Border States Electric Supply	826.72	Northwest Pipe Fittings	2,391.84
Capital Journal	127.77	Northwest Pipe Fittings	72.00
Century Business Products	309.90	Northwest Pipe Fittings	78.72
CenturyLink	306.79	Northwest Pipe Fittings	683.37
Christy Lumber	36.00	Pat Duffy Community Center	3,000.00
Christy Lumber	8.00	Paul Karst	119.16
Christy Lumber	150.00	Peitz Service Experts	100.00
Christy Lumber	27.50	Pitney Bowes	444.36
City of Fort Pierre	202.60	Resco	147.92
City of Fort Pierre	437.42	Resco	493.50
Dakota Supply Company	303.40	Robins Water Conditioning	12.00
Ditch Witch of South Dakota	171.86	S.D. Department of Health	248.00
Ed M. Feld Equip. Co.	6,375.00	Shawn Demarrias	14.00
EDM International	290.00	Sioux Nation of Fort Pierre	180.00
ELO Prof LLC	(1,025.00)	Stanley County	1,000.00
ELO Prof LLC	5,625.00	T&R Electric Supply Company	3,865.00
ELO Prof LLC	2,812.50	Terry Schroer	161.32
ELO Prof LLC	3,006.73	The Right Turn	250.00
Floyd's Truck Center	19.50	Tieszen Law Office	8,706.25

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Fort Pierre BID Board	9,927.40	Tim & Juanita Hughes	1,500.00
Grossenburg Implement	693.00	Tim & Juanita Hughes	600.00
Grossenburg Implement	1,883.40	USA BlueBook	491.84
Inland Truck Parts	1,699.25	Van Diest Supply Company	582.00
Jim Beckwith	6.93	West River/Lyman Jones Rural Water	13,354.95
Karl's	154.00	Wheelhouse Plumbing	285.00
Kelly Tibbs	312.00	WW Tire Service	378.95
Louis Young	23.12	Zander Auto Parts & Machine Shop	194.07
Lynn's Dakotamart	5.95	Zander Auto Parts & Machine Shop	207.07
Lynn's Dakotamart	32.25	Zep Sales & Service	1,861.95
Lynn's Dakotamart	5.38		
Lynn's Dakotamart	11.99	Total	86,354.66

Cronin moved and Weisgram seconded to pay the claims as presented along with the invoice for Danko Emergency Equipment in the amount of \$5,102. Motion passed on roll call vote with Bernhard, Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

Adjournment. Mayor Hanson adjourned the meeting at 8:01 pm.

Gloria Hanson, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer