

July 24th, 2017

Mayor Frank Finney called a meeting of the Winner City Council to order at 6:30 PM, July 24, 2017 at the Council Chambers at 325 S. Monroe St. Councilmen attending were Meyer left at 6:53pm for a fire call, Brozik, Schramm, Curtis, and Sherman. Baker was absent. Also attending were City Attorney Paul Jensen, Police Chief Paul Schueth, Brent Gill and Finance Officer Rhonda Augspurger.

The meeting was opened with the Pledge of Allegiance.

Motion by Schramm, second by Brozik to approve the minutes of the previous meeting; motion carried.

Motion by Meyer, second by Schramm to approve the meeting agenda with additions; motion carried.

Bid results for the East 8th Street project on July 13th are as follows: Northern Plains, LLC-\$714,320.10; Premier Contracting-\$745,998.60; Haarsma Construction- \$873,227.79.

Motion by Schramm, second by Brozik to award the bid from Northern Plains, LLC in the amount of \$714,320.10 which includes bid schedules A, B, and C with alternates for the East 8th Street Improvement project providing funding with Rural Development is approved; motion carried.

A public hearing was held for an application from Runnings Supply Inc. at 326 S Hwy 18 to sell off-sale liquor; Motion by Meyer, second by Sherman to approve this application; motion carried.

Brad Watzel from the Tripp County Fair board presented his report and requested funding for the 2018 budget year.

Police Chief Schueth gave monthly reports on the Law enforcement center 124 in jail and all departments have been extremely busy.

Public Works Director Brent Gill gave his bi-weekly report.

Motion by Brozik, second by Schramm to approve the June 2017 financial statement showing \$231,532.63 in restrictive funds and \$4,206,543.07 in the bank; motion carried.

Motion by Meyer, second by Curtis to set a public hearing on August 7th 2017 at 6:40 pm for the application to transfer the on sale liquor license from Sargent's to St. Mary's Hall for wedding receptions and dances on August 12th 2017; motion carried.

Motion by Schramm, second by Brozik to set a public hearing on August 7th 2017 at 6:45 pm for the application to transfer the on sale liquor license from Wing's N More to St. Mary's Hall for wedding reception and dance on August 19th 2017; motion carried.

Motion by Schramm, second by Curtis to set a public hearing on August 7th 2017 at 6:50 pm for the application to transfer the on sale liquor license from Wing's N More to St. Mary's Hall for wedding reception and dance on August 26th 2017; motion carried.

Motion by Schramm, second by Curtis to set a public hearing on August 7th 2017 at 6:55 pm for the application to transfer the on sale liquor license from Wing's N More to St. Mary's Hall for wedding reception and dance on September 23rd 2017; motion carried.

Motion by Schramm, second by Curtis to set a public hearing on August 7th, 2017 at 7:00pm for the application of a retail on-off sale package of malt beverages for West River Tap; motion carried.

Motion by Schramm, second by Curtis to set a public hearing for the August 7th at 7:05 pm for the application for temporary malt beverage license for the Chamber of Commerce for the Ranch Bronc & Bull ride on September 2nd 2017 at the Tripp Co. Fairgrounds; motion carried.

Motion by Schramm, second by Meyer to adopt the following resolution;

RESOLUTION AMENDING RESOLUTION

PASSED JUNE 1, 2017

RECITALS

WHEREAS, the City has passed on July 24th, 2017 Resolution Amending the Resolution which was passed June 1, 2017 authorizing a loan with the Rural Development;

BE IT RESOLVED as follows:

Section 8 will be amended to correct typographical errors as follows:

8. Security Provisions; Funds and Accounts and Other Covenants and Determinations.

8.1. Assignment and Pledge of Revenue. The Bonds hereby authorized to be incurred, together with the interest thereon, shall be payable solely from the collections of Sales Tax, a sufficient portion of which will be sufficient to pay the principal and interest as and when the same shall become due, is hereby assigned, and pledged and shall be set aside for that purpose.

8.2. Protection and Disposition of Funds. The City shall be the custodian of all funds of the City. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. The Finance Officer is hereby directed to establish the following accounts into which the current funds of the City, Bond proceeds, the revenues from the Sales Tax and any other income shall be deposited, which accounts shall be continually maintained, except as otherwise provided, so long as the indebtedness hereby authorized remains unpaid:

8.2.1. Construction Account. The proceeds of the Bonds hereby authorized not disbursed contemporaneously with loan closing for incurred costs, and amounts contributed by the city for the Project, shall be deposited in the Construction Account which shall be established as required by the Government. Withdrawals from the Construction Account shall be made by the City as authorized by the governing body from time to time, and with prior concurrence of the Government. The City's share of any insurance or liquidated damages and other monies paid by defaulting contractors or their sureties will be deposited in the Construction Account to assure completion of the Project. When all construction costs have been paid in full, any balance remaining in the Construction Account may be applied on to the Bond or used for other authorized purposes that have been approved by the Government and the Construction Account shall be closed.

8.2.2. Sales Tax Fund. All Sales Tax receipts received shall be set aside in the fund required by South Dakota Legislative Audit (the "General Account"), and disbursements and transfers from this account shall be in the following priority: Debt Service, Operations and Maintenance, transfers to Reserve Account. Any income from these accounts will be considered as revenues of the Debt Service Account.

Monies deposited in the General Account shall be used only in the manner and order as follows:

(a) The City making monthly Debt Service Payments shall use the General Account for making such payments plus operating and maintenance expenses. Also, funds will be transferred from this account to the Reserve Account in accordance with (d) below.

(b) The City making other than monthly Debt Service Payments shall use the General Account to pay operating and maintenance expenses. Other transfers from this account will be made in the following order:

(1) Transfers to the Debt Service Account will be made in accordance with (c) below,

(2) Transfers to the Reserve Account will be made in accordance with (d) below.

(c) Debt Service Account. For the City's Debt Service Payments, transfers shall be made from the General Account and set aside in the account designated as the Debt Service Account, in amounts sufficient to pay principal and interest of the next installment on the Bond.

(d) Reserve Account From the remaining funds in the General Account, after transfers and payments required in (b)(1) or (b)(2) and (c), there shall be set aside into an account designated as the Reserve Account the sum of \$155.10 each month until the sum of \$18,612 is reached. With the prior written approval of the Government, funds may be withdrawn and used for such things as bond principal and/or interest payments, emergency maintenance, extensions to facilities and replacement of short-lived assets, subject to conditions established by the Government. The Reserve Account shall be a subaccount with in the Debt Service Account.

(e) Whenever there shall accumulate in the General Account amounts in excess of those required in subsections (b)(1) and (2), (c), and (d), such excess will be used by the organization to make prepayments on the loan or retained in the General Account.

(f) The accounts required in subsections (b)(1) and (2), (c), and (d) may be established and maintained as bookkeeping accounts or as separate bank accounts at the election of the City, unless otherwise directed by the Government.

8.2.3. Other Covenants and Agreements of the City. The City covenants and agrees that so long as the indebtedness hereby authorized remains unpaid;

(a) It will indemnify the Government for any payments made or losses suffered by the Government.

(b) It will comply with applicable State laws and regulations and continually operate and maintain the Project in good condition.

(c) It will impose and collect such rates and charges that gross revenues will be sufficient at all times to provide for payment of the operation and maintenance thereof; the installment payments on the note; and the maintenance of the various funds herein created. All service rendered by or use of the Project shall be subject

to the full rates prescribed in the rules and regulations of the City; no free service by or use of the Project will be permitted.

(d) It will cause to be levied and collected such assessments as may be necessary to operate and maintain the Project in good condition and meet installment payments on the note when the same become due if, for any reason, gross revenues are insufficient.

(e) It will establish and maintain such books and records relating to the its financial affairs, and will provide for the annual audit thereof, in such manner as may be required by the Government; will provide the Government without its request a copy of each such audit; and will make and forward to the Government such additional information and reports as it may from time to time require.

(f) It will provide the Government, at all reasonable times, access to all books and records relating to the Project and access to the property of the Project so that the Government may ascertain that the City is complying with the provisions hereof and with the provisions of other instruments incident to the making or insuring of the loan.

(g) It will maintain at least such insurance and fidelity bond coverage as may be required by the Government.

(h) It will not borrow any money from any source or enter into any contract or agreement or incur any other liabilities in connection with making extensions or improvements to the Project, exclusive of normal maintenance, without obtaining the prior written consent of the Government. All other provisions of the resolution shall remain in force and effect as passed.

Finance Officer

Mayor

The motion for the adoption of the foregoing Resolution was duly seconded by Council member Meyer, and upon vote being taken thereon the following voted in favor thereof: Baker absent; Brozik aye; Meyer aye; Curtis aye; Sherman aye; Schramm aye;

and the following voted against the same: none

Motion by Curtis, second by Schramm to set the lease rates for rooms in City-Hall to be rented at \$9.00 per square foot per year; motion carried.

Motion by Schramm, second by Sherman to adopt the following policy for selection of lease tenants: It is the policy of the City of Winner that it will offer to lease space within the Administration Building to only Governmental, Non-Profit and Fraternal entities. Space will NOT be leased or offered for lease to private commercial businesses, entities or individuals whose income, sales or other business activities are subject to taxation by state and/or federal taxing authorities; Motion carried.

Motion by Schramm, second by Curtis to place on first reading supplemental Budget #882 for the Administration Building, Light Department and Airport 2017; motion carried.

Motion by Schramm, second by Curtis to order and purchase replacement lighting fixtures for the gym and administration building in the form of LED from Energy Solutions International, Inc. in the amount of \$20,815.12; motion carried.

Discussion was held on the altitude value at the silver water tank and Public Works Director Brent Gill will get quotes for a replacement.

Motion by Brozik, second by Schramm to authorize Mayor Finney to sign the owners certification and dedication on the plat of tracts 20-A and 20-B; motion carried.

Motion by Sherman, second by Curtis to pass the following resolution for water restrictions; motion carried.

RESOLUTION OF WATERING RESTRICTIONS

WHEREAS, the City Council of the City of Winner, has adopted the following watering restrictions; and

WHEREAS, the purpose of these restrictions is to protect and maintain the water levels at the City Wells, in order to have an adequate supply of water for the use of citizens and businesses within the City of Winner;

THEREFORE, BE IT RESOLVED by the City Council of the City of Winner, South Dakota, that the following lawn watering restrictions shall be implemented immediately:

- A). Hours for watering** - 6:00pm to Midnight
5:00am to 10:00 am
No lawn watering during any other time of day/night.
- B). Days for watering-** Houses and businesses with uneven address numbers may only water on uneven numbered calendar days.

Houses and businesses with even address numbers may only water on even numbered calendar days; and

BE IT FURTHER RESOLVED that this Resolution and the restrictions set forth herein are in effect immediately upon its passage, and will remain in effect until such time it is decided by the Winner City Council to modify or remove these restrictions.

Dated this 24th day of July, 2017.

City of Winner

Frank Finney, Mayor City of Winner

Rhonda Augspurger – City Finance Officer

Motion by Sherman, second by Brozik to accept and pay claims as presented and to instruct Finance Officer to issue warrants on the respective funds; motion carried.

Finance Office-5,084.02; Police-19,279.18; Jail-54,068.88; Street-7,775.24; Parks-9,530.37; Pool-11,772.04; Planning & Zoning-1,926.00; 911-17,970.68; Water-7,117.10; Light-18,193.06; Sewer-3,750.40; Sanitation-1,922.21; 24/7-1448.94; Taxes on payroll-41,162.25

Claims: Altec Industries-444.70-Repairs, freight, supplies; B&L Communications-227.50-Service Call; Cash-Wa Distributing-Aberdeen-3,631.38-Dishwasher; CBM Managed Services-8,711.50-Food services; Century Link-643.12-911; Century Link Business Services-21.04-911; City of Winner-38.79-Postage, meeting supplies, meal reimbursement; Community Connections-58.19-June jail janitorial; Craig Vogt-171.00-Uniform allowance-boots; DENR-10.00-Examination fee; Department of Revenue-191.00-State lab fees; Gerald Bachmann & Sons-2,000.00-2 portable toilets; H&O Electric-113.4-Water meter load management at Dairy Queen; Hughes Brothers 2-117.51-Jail vehicle maint and oil changes; Intoximeters-682.50-PBT machines; Jensen & Massa-4,370.00-Legal services; John Deere Financial-579.90-Blades, hose, throttle cable, fuel gauge; Kennebec Telephone Co-298.74-911; Maximum Promotions-214.00-2 flags 6x10; McCready Construction-200.00-Alley permit reimbursement; Northwest Pipe-38.47-Drinking fountain part; Pitney Bowes-180.00-Postage equipment lease; Purchase Power-800.00-Postage; REA-2,417.96-Power; Schaeffer & Company-858.86-Kitchen and D block repairs; Schoenfish & Co, Inc.-9,250.00-Annual audit; Schweiss Doors-10,469.48-Replace door at airport; South Dakota One Call-68.25-Locates; Tri State Turf & Irrigation-729.01-Sprinkler heads; Tripp & Todd Title Company-275.00-Search fees; Weathercraft Companies-7,036.00-Insulation and skylights repairs at jail; Zep-956.98-Shop supplies

Motion by Sherman, second by Brozik to enter in to executive session for a contract issue at 7:15 pm; motion carried.

Motion by Sherman, second by Curtis to exit executive session at 7:30 pm and re-enter regular council meeting; motion carried.

Motion by Schramm second by Brozik to adjourn at 7:35 P.M.; motion carried.

Meeting adjourned.

Frank Finney, Mayor

ATTEST:

Rhonda Augspurger, Finance Officer

For any public notice that is published one time:

Published once at the approximate cost of _____.