

Unapproved Minutes  
Gettysburg, South Dakota  
July 17, 2006

Pursuant to the due call and notice thereof, the City Council met in special session on July 17, 2006 at 7:00pm at the City Finance Office. Those present included Mayor Jerald A. Bown, Finance Officer Sharleen Eliason and Council members Bobbie Potts, Bill Wuttke Pat Everson, Larry Madsen, Jack Axsom and David Kilian. Also present was Gene King, Russell Anderson, and Donna Davis.

Resolution # 2006-8 was presented to the Council for their review. This is the loan for the new Fire and Rescue Hall for a 10-year loan payment. Motioned by Axsom, seconded by Kilian, motion carried.

LOAN RESOLUTION  
# 2006-8

A RESOLUTION OF THE GETTYSBURG COUNCIL OF THE CITY OF GETTYSBURG AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS GETTYSBURG FIRE AND RESCUE HALL FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Gettysburg (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its notes in the principal amount of \$200,000.00 pursuant to the provision of South Dakota Codified Law; and

WHEREAS, the association intends to obtain assistance from the Rural Housing Service, Rural Business- Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association.

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adapt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333 ( c ) of said Consolidated Farm and Rural Development Act ( 7 U.S.C. 1983 ( c))
3. To provide for, execute, and comply with Form RD 400-4, “ Assurance Agreement, and Form RD 400-1, “ Equal Opportunity Agreement,” including an “ Equal Opportunity Clause, “ which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.00
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source) incur and pay reasonable expenses for repair, maintenance and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and /or ( c ) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. 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. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate reserves to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan.

Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
  - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
  - (b) Repairing or replacing short-lived assets.
  - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Governments concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$           N/A           under the terms offered by the Government; that the           N/A           and                           N/A           of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement (s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in or more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas \_\_\_\_\_ 6 \_\_\_\_\_ Nays \_\_\_\_\_ 0 \_\_\_\_\_ Absent \_\_\_\_\_ 0

IN WITNESS WHEREOF, the \_\_\_\_\_ Mayor \_\_\_\_\_ of the  
City of Gettysburg \_\_\_\_\_ has duly adopted this resolution and caused it  
to be executed by the officers below in duplicate on this \_\_\_\_\_ 17<sup>th</sup> day of July, 2006

Seal

\_\_\_\_\_  
By Jerald A. Bown

Attest:

Title \_\_\_\_\_ Mayor \_\_\_\_\_

\_\_\_\_\_  
Sharleen Eliason, City Finance Officer

Gene King, City patrolman, discussed with the council a schedule conflict for one day. He would like Council permission to have the Sheriff cover the City for 5 hrs on one day. Motioned by Wuttke, seconded by Madsen, motion carried to approve this.

Building permits were presented to the Council for their review:

Nick Westphal	Lots 1,2 Block 30 Bryson's addition	fence
Donna Davis	That part of outlot 15 N of Highway 212 Browers Addn	septic tank
Dan Zweber	Lot 9,10,11 Block 9 Original Town	fence

Motioned by Potts, seconded by Wuttke motion carried (Madsen-nay) to approve Nick Westphals and Donna Davis's building permit. Motioned by Potts, seconded by Axsom, motion carried to table the building permit of Dan Zweber's pending more information.

There was discussion with Donna Davis regarding the septic tank that will be installed on the property where she placed her trailer; the septic tank will have to meet all guidelines from the State for installation. There was discussion regarding obtaining a water line to Donna Davis trailer that she is moving to the east of the Burg. Donna Davis stated that she does have an agreement with the Potter County Fairgrounds, but that she plans on having Hansen Plumbing connect to the Burg with a separate curb stop. Mayor Bown wanted it noted that if Donna Davis does connect with the Fairgrounds and change the pit with curb stops that she will be responsible for the extended water line if any problems do occur either now or in the future.

The City should have in place a policy regarding heat related emergencies. Mark Schmidt stated that the Gettysburg Medical Center is listed as an emergency storm shelter if anyone needs to utilize it they are advised to contact the police department for help. It would also be helpful if neighbors and friends check on others and help monitor if help is needed during hot days.

Wayne Nelson, SDDOT notified the City that we would be receiving a grant of around \$250,000.00 for the rest of the airport wildlife-fencing project. The Grant is paid 96% by the Federal Government and the City of Gettysburg is responsible for 4%. The grant was signed by the Mayor and it had to be in Pierre by the 17<sup>th</sup> of this month and the project will be completed this year. Letters were sent out by the recommendation of Helms& Assoc regarding the removal of the old fence at the airport with quotes being received in the Finance Office by the 24<sup>th</sup> of July with completion date of September 2006.

Dennis Lenz contacted the Finance Office regarding a sewer problem. He felt the City should pay \$200.00 for his sewer backup expenses. Motioned by Axsom, seconded by Kilian motion carried to deny any payment for these expenses and the finance office was directed to give Dennis Lenz the City of Gettysburg liability ins. information for him to contact. It was felt that in the past the City has not paid others for sewer cleanup and we should observe the same policy for all and have them contact our insurance.

Mark McIntyre from the State of SD DENR completed the water survey for the City of Gettysburg. He stated that those residences with lead lines (from their homes to the City main) must be changed to copper lines and that a deadline letter should be sent. In those residences that do have lead lines they will have to replace those lines at their cost and if not done in a timely manner the City shall hire a plumber and assess the cost to the home owner with an added administrative fee. Residents that do have lead lines received a second letter stating that their lines do contain lead and needed to be replaced but no deadline was given at that time and Mark McIntyre stated that a third letter should be sent with a completion date as the City has to be in compliance by 2007.

Ordinance #2006-7-12 was presented to the Council for the second reading. This takes the monies that was placed in reserve for the street project to the current budget. Motioned by Wuttke, seconded by Potts, motion carried to approve the second reading and roll call vote was taken with the following results: Wuttke-yea, Madsen-yea, Potts-yea, Kilian-yea, Everson-yea and Axsom-yea.

Motioned by Everson, seconded by Kilian, motion carried to increase the swimming pool wages of April Cordell from \$6.25 per hour to \$6.75 per hour due to WSI training as of June 1, 2006.

Correspondence included notification from Mid Dakota that Dean Goebel has applied for Mid Dakota water and that the City has 60 days to respond. Since this is out of the City of Gettysburg limits Mid Dakota will supply them with water.

In round table discussion Council member Wuttke asked if a safety cage has been ordered for when our City crew is working in ditches. Council member Madsen stated that he received correspondence from Dennis Todey, SD Extension State Climatologist regarding a weather station tower in Gettysburg possibly at the City airport. Council member Everson stated that he has been checking into a sprinkler system at the City park for the ball and football field and will bring estimates to the next meeting for the budget year of 2007. Council member Axsom stated that the City of Gettysburg does have the power to enforce code requirements per our ordinances.

Motioned to adjourn at 8:10 PM by Council member Potts seconded by Wuttke, motion carried.

Attest:

Witness:

\_\_\_\_\_  
Sharleen Eliason, Finance Officer

\_\_\_\_\_  
Jerald A Bown, Mayor