

MINUTES

The Brandon City Council met in regular session at 6:00 p.m. on July 20, 2020 in the Council Chambers at 308 S. Main Avenue, Brandon, South Dakota. Present were Dana Clark, Vickie David, Barb Fish, David Kull, Jack Parliament and Mayor Paul Lundberg. Others present were: City Administrator, Bryan H. Read; Finance Officer, Christina Smith; City Attorney, Lisa Marso; City Engineer, Tami Jansma, Police Chief, Joe Weir; Park Superintendent, Devin Coughlin; Golf Course Manager, Andrew Bauer and Public Works Director, Rollie Hoeke. Absent: Tim Jorgenson.

Alderman Fish moved Alderman Kull seconded to approve the agenda as revised. Motion carried.

Alderman Clark moved Alderman David seconded to approve the minutes of the July 2, 2020 briefing meeting and the minutes of the July 6, 2020 regular meeting. Motion carried.

Alderman Kull moved Alderman Parliament seconded to approve the following claims. Motion carried.

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A-1 Septic Tank	Professional Services	300.00
Allegiant Emergency Services, Inc.	Hired Repairs	324.18
Alliance Communications	Utilities	2,511.74
Alternative HR Development	Professional Services	3,294.89
Beal Distributing, Inc.	GC Resale	1,642.30
Bioverse, Inc.	Supplies	3200.00
Blaine's Service	Hired Repairs	477.20
Border States Electric	Supplies	84.59
Boyce Law Firm, LLP	Professional Services	2,889.50
Brandon Ace Hardware	Supplies	2,467.54
Brandon Fire Dept.	Professional Services	115,684.00
Brandon Lumber Co., Inc.	Supplies	1,146.02
Brock White Co., LLC	Repairs	168.00
Builders Supply Company	Repairs	85.50
Butler Machinery Co.	Repairs	1,134.04
BV School District	Fuel	2,654.50
Cardmember Services	Supplies	2,701.35
Carlson & Stewart Refrigeration, Inc.	Repairs	581.71
Century Business Products	Supplies	226.79
Cintas	Supplies	309.13
Coca-Cola/Chesterman Co.	GC Resale	428.81
Coffee Cup	Fuel	364.78
Concrete Materials	Supplies	209.00
Construction Products & Consultants, Inc.	Equipment	3,004.00
Core & Main LP	Supplies	282.74
Culligan Water Conditioning	Utilities	99.60

Dakota Beverage	GC Resale	2,818.60
Dakota Data Shred	Supplies	32.00
Dakota Fluid Power, Inc.	Repairs	48.18
Daniel Francis Jr	Travel	533.60
Direct Automation	Hired Repairs	1,229.35
Direct Technologies	Software	602.00
DirecTV	Utilities	83.65
EnviroMaster, Inc.	Supplies	71.25
Geotek Engineering & Testing Services	Improvements	1,996.00
Gillespie Outdoor Power Equipment	Repairs	90.32
Girton Adams Company	Supplies	48.75
H & W Contracting LLC	Improvements	388,726.47
Hach Company	Supplies	1,130.15
Hawkins Water Treatment	Chemicals	3,914.55
Innovative Office Solutions, Inc.	Supplies	154.52
Inter-lakes Community Action, Inc.	Transit	9,314.81
Interstate Office Products	Supplies	162.45
IS Restaurant Design	Hired Repairs	404.82
Jack's Uniforms & Equipment	Clothing	128.89
Johnson Brothers Famous Brands	GC Resale	483.67
Lamb Motor Company	Police Vehicle	37,952.00
Locators & Supplies, Inc.	Supplies	375.97
Marv's Sanitary Service	Utilities	566.75
Metro Construction	Improvements	386,244.55
MidAmerican Energy	Utilities	243.66
Midwest Alarm Company, Inc.	Professional Services	86.52
Minnehaha County Register of Deeds	Supplies	1.00
Minnehaha County Treasurer	Fees	107,329.91
Myrl & Roy's Paving, Inc.	Repairs	6,135.48
Newman Traffic Signs	Supplies	147.07
Oakridge Nursery	Supplies	68.56
Orkin	Professional Services	120.00
P & W Golf Supply, Inc.	Equipment	637.08
Palisades Oil Co.	Fuel	1,285.62
Pepsi-Cola	GC Resale	201.14
Performance Press	Supplies	118.00
Petty Cash	Repairs	28.08
Pheasantland Industries	Supplies	24.64
Pizza Ranch - East	GC Resale	140.00
Precision Small Engine Co., Inc.	Supplies	95.65
Productivity Plus	Supplies	87.53
Reiter Enterprises	Improvements	2,197.50
Rent-All, Inc.	Safety Equipment	6,719.00
Sam's Club	GC Resale & Supplies	1,171.55
SD Dept. of Revenue	Sales Tax	8,732.98
SD Municipal League	Supplies	60.00
SD One Call	Utilities	309.12
Sioux Falls Networks	Software	355.00

Sioux Falls Utilities	Utilities	101,818.98
Soukup Construction Inc	Improvements	429,698.28
Staples Advantage	Supplies	731.23
Sturdevant's Auto Parts	Supplies	498.57
Summit Companies	Rental	50.00
Sunshine	Supplies	383.18
Sysco	GC Resale	1,597.31
Thomson Reuters - West	Books	219.26
Titleist	GC Resale	2,520.43
Tony's Catering	GC Resale	3,154.74
Toro NSN	GC Irrigation	155.00
USA Blue Book	Supplies	254.55
Vogel Motors	Hired Repairs	177.00
Wells Fargo Financial Leasing, Inc.	GC-Equipment	37,449.42
Xcel Energy	Utilities	2,702.39
Zabel Steel	Supplies	50.50
Zimco Supply Co.	Supplies	11,261.72
City Administration	July 9, 2020 Payroll	3,397.32
Finance Office	July 9, 2020 Payroll	4,251.07
Government Buildings	July 9, 2020 Payroll	138.52
Engineer	July 9, 2020 Payroll	2,315.04
Police	July 9, 2020 Payroll	24,229.56
Building Inspections	July 9, 2020 Payroll	3,388.84
Street Department	July 9, 2020 Payroll	7,236.21
Park Department	July 9, 2020 Payroll	8,710.98
Economic Development	July 9, 2020 Payroll	674.36
Water Department	July 9, 2020 Payroll	8,515.70
Sewer Department	July 9, 2020 Payroll	3,630.96
Golf Course Grounds	July 9, 2020 Payroll	9,252.46
Golf Course Lounge	July 9, 2020 Payroll	5,286.98
Golf Course Pro Shop	July 9, 2020 Payroll	5,054.49
Golf Course Community Room	July 9, 2020 Payroll	1,089.46
941 Payroll Taxes	July 9, 2020 Payroll	24,929.98
SD Retirement System Supplemental	July 9, 2020 Payroll	712.50
TASC Flex Plan	July 9, 2020 Payroll	624.96
Accounts Management	July 9, 2020 Payroll	75.00

Alderman Fish moved Alderman David seconded to approve the consent calendar which contained the following items: a plat of Lot 8 in Block 2 of Twin Rivers Crossing Addition; a plat of Lot 10A Graff's Subdivision; a plat of Tract 1, Tract 2 & Tract 3 of Gehrke Addition and a plat of Lot 8A & Lot 10 in Block 3 of Heartland Business Park Addition. Motion carried.

CHAMBER REQUEST TO WAIVE CATERING FEE

The Golf Course Committee report was heard. Alderman Clark moved Alderman David seconded to approve the request from the Brandon Valley Chamber of Commerce to waive the catering fee for their golf outing on July 30, 2020. Motion carried.

WEST NILE GRANT AGREEMENT

The Park & Recreation Committee report was heard. Alderwoman Fish moved Alderwoman Clark seconded to approve the West Nile grant agreement with the State for \$2,415.00. Motion carried.

MEDSTAR QUARTERLY REPORT

The Public Safety Committee report was heard. The MedStar quarterly report was presented. It was the consensus of the Council to ask Jay Masur to be present at the next regular meeting to further discuss the quarterly report.

SALARY REVIEW AND ADJUSTMENT

Alderwoman Clark moved Alderwoman David seconded to approve the annual salary adjustment for Anthony Lingen, to step 27-10 on the wage scale, \$23.90 per hour, effective August 1, 2020. Motion carried.

SALARY REVIEW AND ADJUSTMENT

Alderwoman Clark moved Alderwoman David seconded to approve the annual salary adjustment for Zach Hagstrom, to step 27-10 on the wage scale, \$23.90 per hour, effective August 1, 2020. Motion carried.

RESOLUTION #17-20

The Administration Committee report was heard. Alderman Kull moved Alderwoman David seconded to approve Resolution #17-20. A roll call vote showed Clark, David, Fish, Kull, Parliament. Motion carried.

RESOLUTION NO. 17-20

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 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.

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 system of waterworks for the purpose of providing water and water supply for municipal, industrial, and domestic purposes; and,

WHEREAS, a municipality is authorized to issue revenue bonds to defray the cost of extensions, additions and improvements to any utility previously owned and is authorized to pledge the net income or revenues from the system in accordance with Section 15 of the Act; and,

WHEREAS, the City of Brandon (the “City”) currently operates a system of waterworks for the purpose of providing water and water supply for municipal, industrial, and domestic purposes and has determined that improvements to the waterworks are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its waterworks system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its waterworks system (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 rates and charges to be pledged, segregated and used for the payment of the Revenue Bond.

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 City of Brandon Drinking Water System Improvements.

“**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 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-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 system as improved, 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 \$5,687,000 of the costs of the Project through the issuance of bonds payable from net revenues of the system 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 City Finance Officer (the “Finance Officer”) and open to public inspection, between the City as Borrower and the District, are 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 \$5,687,000 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 hereby irrevocably pledges to the South Dakota Conservancy District all income and revenues of the System, including, without limitation, fees, charges to users of the System, penalties and hook-up fees, sign-up fees, proceeds of business interruption insurance, proceeds from the sale of property constituting part of the System and investment income on all such revenues, but only to the extent that the revenues exceed the amounts necessary to operate and maintain the System, provided there shall be excluded from this pledge the proceeds of any federal or state grant or loan, and the investment income therefrom, to the extent such exclusion is a condition of such grant or loan. The City covenants and agrees to charge rates for all services from the System or establish charges or rates 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 System, and depreciation, and the Rate Ordinance 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. Rates, Certification, Segregation and Review.

4.1. Rates and collection There shall be charged rates for each fiscal year which shall ensure that its Net Revenues Available for Debt Service will equal at least 110% of its System Debt Service for such fiscal year.

4.2. Certification. In each fiscal year, or as soon as practicable, and in any event by the date of the delivery of the unaudited financial statements required in the Loan Agreement, the City shall (a) calculate its Net Revenues Available for Debt Service and System Debt Service for the fiscal year, and (b) certify such figures to the South Dakota Conservancy District. The certification described in clause (b) of the preceding sentence shall be substantially in the form of the certificate attached as Appendix E to the Loan Agreement. If the City fails to meet the Rate Covenant set forth in Section 6.4 of the Loan Agreement, the City shall supply the District with quarterly reports on the

actions it is taking to correct its coverage deficiency until it delivers an annual coverage certificate showing compliance with the first sentence of this Section.

4.3. Segregation. The Finance Officer shall set up bookkeeping accounts in accordance with South Dakota Legislative Audit guidelines for the segregation of the revenue.

4.4. Periodic review. The water rates 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 rates may be set by ordinance or resolution in accordance with this Section. The rate ordinance or 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 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 net income of the System 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 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 ordinances and resolutions of the City of Brandon, South Dakota (collectively the "Rate Ordinance"). 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 and 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 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;
- (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, 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.

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

Adopted at Brandon, South Dakota, this 20th day of July 2020.

APPROVED:

**CITY OF BRANDON, SOUTH
DAKOTA**

Mayor

(Seal)

ATTEST:

City Finance Officer

Published: July 29, 2020

Effective: August 19, 2020

RESOLUTION 18-20

Alderman Kull moved Alderwoman Clark seconded to approve Resolution #18-20. A roll call vote showed Clark, David, Fish, Kull, Parliament. Motion carried.

Resolution #18-20

**A RESOLUTION OF THE CITY OF BRANDON, SOUTH DAKOTA
AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS
WITH THE STATE OF SOUTH DAKOTA FOR THE RECEIPT OF CARES
ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS**

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the “CARES Act”), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the City of Brandon acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, the City of Brandon acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, the City of Brandon seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, the City of Brandon acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for the City of Brandon most recently approved as of March 27, 2020; and

WHEREAS, the City of Brandon acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Brandon that the Mayor of Brandon may execute any and all documents as required by the State in order to receive CARES Act funds.

BE IT FURTHER RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the City budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

BE IT FURTHER RESOLVED that the City will not request reimbursement from the State under the CARES Act for costs for which the City previously received reimbursement, or for which the City has a reimbursement request pending before another source.

Approved and adopted this 20th day of July, 2020.

Paul J Lundberg, Mayor
City of Brandon, South Dakota

ATTEST:

Christina Smith, Finance Officer
City of Brandon, South Dakota

TREE DUMP DISCUSSION

Alderswoman Clark discussed the possibility of having a tree dump site for residents whom are trimming/removing trees due to the Emerald Ash Borer. Possible locations were discussed. City Staff will develop a list of possible locations, times to have open, staffing needs, who can use, etc. No further action taken at this time.

SALARY REVIEW AND ADJUSTMENT

Alderswoman Clark moved Alderman Parliament seconded to approve the annual salary adjustment for Tami Jansma, to step 63-3 on the wage scale, \$36.44 per hour, effective July 23, 2020. Motion carried.

CORE AREA PHASE I PAY APPLICATION

The Street Committee report was heard. Alderman Kull moved Alderswoman David seconded to approve pay application #4 to Soukup Construction in the amount of \$429,698.28 for the Core Area Phase I project. Motion carried.

WELL NO. 8 PAY APPLICATION

The Water & Sewer Committee report was heard. Alderswoman Clark moved Alderswoman David seconded to approve pay application #5 to Metro Construction in the amount of \$386,244.55 for the well no. 8 project. Motion carried.

MAIN AVENUE INTERCEPTOR PAY APPLICATION

Alderman Kull moved Alderswoman Clark seconded to approve pay application #10 to H & W Contracting in the amount of \$388,726.47 for the Main Avenue interceptor project. Motion carried.

At 6:28 p.m. Alderswoman Clark moved Alderman Kull seconded to go into executive session to discuss potential litigation, per SDCL 1-25-2.3. Motion carried. At 6:36 p.m. Mayor Lundberg declared the executive session ended.

At 6:36 p.m. on a motion by Alderswoman Clark seconded by Alderswoman David the meeting was adjourned.

Melissa Labahn
Municipal Recording Clerk

Paul Lundberg
Mayor