

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
SPECIAL COUNCIL MEETING AGENDA
September 24th – CITY HALL COUNCIL CHAMBERS
5:30 P.M.**

1. Call to Order - Roll Call - Pledge of Allegiance
2. Approval of Agenda
3. Declaration of Conflict of Interest
4. Request to Use Custer Community Center for Haunted House – Custer High School Senior Paige Myrick
5. Public Hearing – USDA Rural Development Financing – Custer Community Center
6. Resolution #09-17-18A – USDA Rural Development Financing for Custer Community Center Building
7. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2)
8. Adjournment

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

Laurie Woodward

From: Myrick, Paige <PM3103@k12.sd.us>
Sent: Saturday, September 15, 2018 10:08 PM
To: Laurie Woodward
Subject: Senior Project Approval

Paige Myrick
745 Clay St
Custer, SD, 57730
(605) 517-9217
Pm3103@k12.sd.us
Paigemyrick1234@gmail.com

Laurie,
My name is Paige Myrick, I am 18 years of age and a current Senior at the Custer High School. I am contacting you regarding a class I am currently in. This class is senior projects, in Senior Projects, we must put on a show, an activity, fundraiser ETC, to give back to our community.

What I am wanting to do for my city project is a Haunted House. How this is relevant to you is because I was hoping to use the building with the address 350 Crook Street (Old Elementary School Building). I have been currently informed that the building is currently under construction. Although that does put a "damper" on things I would still love to use that building. I will only be needing one hallway, My Mentor (Mrs. Thompson) and I are currently talking with the Leos Club about them doing a mini-carnival in the multi-purpose room for the younger kids which will include; bobbing for apples, face painting, pumpkin carving, etc. While the haunted house is currently occurring.

Date & Time:
October 29, 30, and 31 @ 5-9pm

I currently have sponsors, donations, and volunteers willing to put in the time and effort to help make this project a success. If it is at all possible for you to allow me the honor of using the building (under your rules and regulations) for the senior project I will be forever grateful.

Sincerely,

Paige Myrick

Public Notice

City of Custer – USDA Rural Development Financing

The City of Custer, SD will be filing an application for financial assistance with the USDA Rural Development Office in the immediate future. This will be an application for Federal funding for the proposed Custer City Hall and Community Center Project. This proposed project will entail the remodeling of the existing building located at 371 Crook Street in Custer to be used for a new City Hall and Community Center. A public hearing regarding the proposed project and funding application will be held on September 17th, 2018 at 5:30 pm and September 24th, 2018 at 5:30 pm at Custer City Hall, 622 Crook St., Custer SD. Public input will be taken at this hearing. Individuals needing assistance, pursuant to the Americans with Disabilities Act should contact City Hall no less than 24 hours prior to the meeting to make necessary arrangements. All interested citizens are encouraged to attend.

Dated this 7TH day of September, 2018.

Laurie Woodward
Finance Officer

Please publish on September 12th and 19th, 2018.

RESOLUTION NO. 09-17-18A

A RESOLUTION OF THE CITY OF CUSTER CITY 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 BUILDING AND PROPERTY AT 371 CROOK STREET TO CONVERT IT TO A NEW CITY HALL AND COMMUNITY CENTER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Custer City (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of two million nine hundred thousand dollars (\$2,900,000.00) pursuant to the provisions of USDA Rural Development; 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 adopt 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.
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 revenues 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 Government's 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 \$2,900,000.00 under the terms offered by the Government; that the City of Custer City Finance Officer and the Mayor of Custer City are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard 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 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 _____ Nays _____ Absent _____.

IN WITNESS WHEREOF, the Custer City Common Council of the City of Custer City has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this 24th day of September 2018.

Attest:

Corbin Herman, Mayor

Laurie Woodward, Finance Officer

(SEAL)