

ORDINANCE NO. 2021-15

**AN ORDINANCE AMENDING 2018 REVISED ALCESTER ZONING REGULATIONS,
CHAPTER 15. ZONING BOARD OF ADJUSTMENT; SECTION 15.04, VARIANCES**

15.04 Variances. The Zoning Board of Adjustment shall have the jurisdiction to hear and decide upon petitions for variances to modify the strict application of the maximum structure height, minimum lot area, required lot setbacks, minimum lot width, parking, or other requirements where it determines that the literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance is observed and substantial justice done. (SDCL 11-4-17).

A. Purpose and Intent:

It is the intent of this Ordinance that a lot within the City of Alcester be reasonably capable of being used for those principal uses authorized in the particular district in which the lot is located. As such, a variance remedying the “unnecessary hardship” shall be limited to providing the lot with reasonable functionality, rather than providing excess accommodations to a lot that is already capable of reasonable use as a means of enabling additional convenience, excess, or profit.

B. Process:

An Application for a variance, available from the Authorized Official, shall be completed by the landowner requesting the variance. Completed applications shall be returned to the Authorized Official for review. To be considered completed, the application shall contain the following information:

1. Legal description or address of the lot for which such variance is requested;
2. Name and address of each owner of the lot;
3. Name, address, phone number, and signature of the applicant if made by anyone other than the lot’s owner;
4. Zoning district classification under which the lot is regulated at the time of such application;
5. Description of the variance sought; and
6. Be accompanied with a site plan, unless waived by the Authorized Official.

The Authorized Official shall review the application and shall make a recommendation to the Zoning Board of Adjustment to either approve or not approve said application. The Authorized Official’s recommendation shall include

a summary of the application and the reasons and justifications for either approval or disapproval of the application.

The Authorized Official shall set the date, time, and place for a public hearing to be held by the Zoning Board of Adjustment. At least ten (10) days prior to the date of the scheduled public hearing, the Authorized Official shall notify the landowner by mail; post notices of the public hearing at the City Office, on the lot subject to the proposed variance in conformance with SDCL 11-4-4.4, and on the City's website (if one exists); and shall publish notice of the public hearing in a legal newspaper of the City.

The public hearing shall be held. The applicant may appear in person, by agent, or by attorney. Minutes of the public hearing shall be recorded and kept in the records of the Zoning Board of Adjustment. Written findings certifying compliance with the specific rules governing the action considered at the public hearing shall be completed by the Board. The concurring vote of two-thirds (2/3) of the members of the Board of Adjustment shall be necessary to approve any variance.

No applicant requesting a variance whose application includes the same or substantially the same requirements for the same or substantially the same lot as that which has been denied by the Zoning Board of Adjustment shall be again considered by the Board of Adjustment for a period of six (6) months from the date of the final action on the application.

C. Required Findings for the Granting of a Variance:

In granting a Variance, the Zoning Board of Adjustment shall affirmatively determine that all of the following criteria are met:

1. Literal interpretation and enforcement of the provisions of this Ordinance create an "unreasonable hardship" by depriving the landowner of the ability to reasonably use his or her lot for those principal uses authorized in the particular district in which the lot is located.
2. A variance shall be granted only where the physical conditions of the lot (including but not limited to irregularly shaped, narrow, shallow, steep, etc.) directly result in the unnecessary hardship.
3. The variance request is not seeking to allow a principal or accessory land use otherwise excluded from the particular district in which the lot is located.
4. The variance granted is the minimum variance that will alleviate the unnecessary hardship.

5. Granting the variance will comply with the general purpose and intent of this Ordinance, and will not be offensive or unfairly burden neighboring properties or the public welfare generally.

Dated this 7th day of September, 2021.

CITY OF ALCESTER



Daniel E Haeder, Mayor

ATTEST:


Patricia Jurrens, Finance Officer

Date of First Reading:	August 16, 2021
Date of Second Reading:	September 7, 2021
Date of Publication	September 16, 2021
Effective Date	October 7, 2021



RESOLUTION NO. 2021-18

WHEREAS, the City of Alcester desires to pay construction costs associated with the Alcester Community Center; and

WHEREAS, under SDCL 9-25-12 authorizes the City of Alcester to borrow money through by issuing a promissory note subject to the limitations set forth in SDCL 9-25-13 through 9-25-16, inclusive; and

WHEREAS SDCL 9-25-13 states the maximum amount borrowed may not exceed 95% of the amount of uncollected taxes levied by the municipality for the current fiscal year plus other receivables; and

WHEREAS, the taxes levied for the 2021 year were \$303,660.00; and

WHEREAS, the amount pledged to the City of Alcester by donors for the construction of the Alcester Community Center is \$3,101,310.00; and

WHEREAS, the City has received \$2,315,410.00 in pledges to date;


NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Alcester, South Dakota, that the City may execute a Promissory Note borrowing up to \$500,000 for payment of construction costs associated with the Alcester Community Center payable within five years.

Approved this 6 of December 2021.

ALCESTER CITY COUNCIL

By 
Daniel Haeder, Mayor

ATTEST:


Patricia R Jurrens, Finance Officer

RESOLUTION NO. 2021-18

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Approved this 6th of December 2021.

ALCESTER CITY COUNCIL

By 
Daniel Haeder, Mayor

ATTEST:


Patricia R Jurens, Finance Officer

RESOLUTION NO. 2021-21

A RESOLUTION OF THE CITY OF ALCESTER TO ADJUST THE CURRENT RATES CHARGED FOR USAGE OF THE CITY'S WATER SYSTEM

WHEREAS, the City of Alcester owns and operates a Municipal water system pursuant to SDCL Chapter 9-47; and

WHEREAS, the Alcester City Council may, by resolution and pursuant to Ordinance 8.0103 of the Revised Municipal Ordinances, City of Alcester (2014), set rates for the use of utilities; and

WHEREAS, the Alcester City Council has deemed it necessary and in the public interest to upgrade the city's water system with radio-readable water meters on all hookups; and

WHEREAS, the cost of the upgrade to the system is approximately \$160,000.00; and

WHEREAS, it is necessary to adjust the monthly residential rate charged for water use by adding a \$5.00 surcharge for 2022, 2023, and 2024 to cover the costs of the upgrade,

NOW, THEREFORE, BE IT RESOLVED by the Alcester City Council in and for the City of Alcester, Union County, South Dakota as follows:

- 1) There is hereby created a separate surcharge rate for payment or repayment of the costs of upgrading hookups to the city's water system with radio-readable meters.
- 2) There is hereby created a separate fund which shall be used to segregate the surcharge funds from other water-related charges and fees collected by the City.
- 3) The surcharge rate shall be set at \$5.00 per month.
- 4) The effective date of the above rate adjustment shall be January 1, 2022.

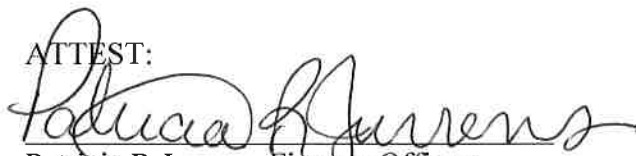
Adopted this 7th day of September, 2021.

CITY OF ALCESTER:



Daniel Haeder, Mayor

ATTEST:



Patricia R Jurrens, Finance Officer

Seal

First Reading & Adoption: September 7, 2021
Publication: September 16, 2021
Effective Date: January 1, 2022

RESOLUTION NO. 2021-20

A RESOLUTION OF THE CITY OF ALCESTER TO ADJUST THE CURRENT RATES CHARGED FOR WASTEWATER DISCHARGE INTO THE CITY'S SEWER SYSTEM

WHEREAS, the City of Alcester owns and operates a sanitary sewer system pursuant to SDCL Chapter 9-48; and

WHEREAS, the Alcester City Council may, by resolution and pursuant to Ordinance 8.0103 of the Revised Municipal Ordinances, City of Alcester (2014), set rates for the use of utilities; and

WHEREAS, Resolution 2021-08 created a separate fund for the retirement of revenue bonds issued to finance sewer improvements and also provided for the creation of a segregated special charge or surcharge for the payment of the revenue bond; and


WHEREAS, it is necessary to adjust the monthly residential rate charged for sewer use by adding the surcharge described in Resolution 2021-08 to finance repayment of the revenue bonds used to fund upgrades, repairs and improvements to the City's wastewater plant and system;

NOW, THEREFORE, BE IT RESOLVED by the Alcester City Council in and for the City of Alcester, Union County, South Dakota as follows:


- 1) There is hereby created a separate surcharge rate for repayment of revenue bonds issued to finance upgrades, repairs and improvements to the City's wastewater plant and system.
- 2) There is hereby created a separate fund which shall be used to segregate the surcharge funds from other water-related charges and fees collected by the City.
- 3) The surcharge rate shall be set at \$10.00 per month.
- 4) The effective date of the above rate adjustment shall be January 1, 2022.

Adopted this 7th day of September, 2021.

CITY OF ALCESTER:


Daniel Haeder, Mayor

ATTEST:


Patricia R Jurrens, Finance Officer

Seal

First Reading & Adoption: September 7, 2021
Publication: September 16, 2021
Effective Date: January 1, 2022

RESOLUTION NO. 2021-20

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Alcester (the "City") has determined it is necessary to proceed with improvements to its Clean Water System, including but not limited to the Phase I Collection System Improvements (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

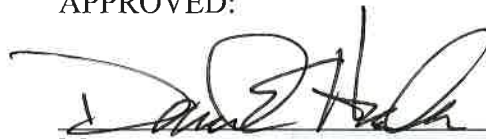
WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$ 1,669,000 to the Board for the Project.
2. The Mayor and Council President are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor and Council President are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Alcester, South Dakota, this 20th day of December 2021.

APPROVED:



Mayor
City of Alcester

(Seal)

Attest:



City Finance Officer



RESOLUTION NO. 2021-18

A RESOLUTION OF THE CITY OF ALCESTER AMENDING POLICY 7.2 THE CITY OF ALCESTER PERSONNEL MANUAL, 2020 EDITION

WHEREAS, a comprehensive vacation policy is in the best interests of the city, city employees and taxpayers; and

WHEREAS, the council has the authority to modify its personnel policies by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City of Alcester that Section 7.2 of the Alcester Personnel Policy Manual is hereby amended as follows:

Employees may, upon written approval of the mayor, borrow against future accrual up to the amount they would earn in a single pay period. In other words, an employee who has no vacation leave accrued but who accrues two hours of vacation leave per pay period may take up to two hours of vacation. Prior to borrowing against future accrued vacation leave, the employee must have used his or her floating holiday.

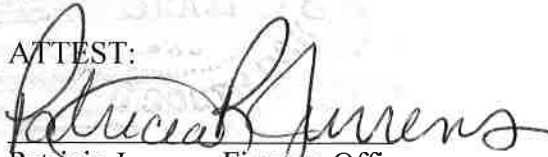
Dated this 16 day of August, 2021.

CITY OF ALCESTER



Daniel Haeder, Mayor

ATTEST:



Patricia Jurrens, Finance Officer

Date of Adoption: August 16, 2021

Date of Publication: August 26, 2021

Effective Date: August 26, 2021

**SPECIAL MAINTENANCE FEE
RESOLUTION NO. 2021-19**

**A RESOLUTION OF THE CITY OF ALCESTER TO LEVY AN ANNUAL SPECIAL
MAINTENANCE FEE IN 2022 FOR THE MAINTENANCE OF STREET SURFACES
WITHIN THE CITY PURSUANT TO SDCL 9-43-138**

WHEREAS, SDCL 9-43-138 provides for the assessment of a special maintenance fee for the maintenance or repair of public improvements, including street surfaces, of lots fronting and abutting any improvement within the municipality that is maintained by the municipality; and

WHEREAS, the City of Alcester maintains and repairs street surfaces on the public streets within city limits; and

WHEREAS, the budget committee of the city council and the city council as a whole have discussed the maintenance fee required to fund annual maintenance activities in fiscal year 2022 on public streets; and

WHEREAS, the city council finds it necessary to levy a special maintenance fee for the maintenance and repair of streets within the City of Alcester;

NOW, THEREFORE, BE IT RESOLVED by the Alcester City Council that, pursuant to SDCL 9-43-138, the city shall levy a special maintenance fee for the maintenance and repair of streets upon all taxable lots fronting and abutting any streets within the city as follows:

1. All lots to be assessed shall be assessed at the rate of \$1.00 per front foot.
2. In the case of corner lots, only the front footage abutting the street to which the front door of the property faces shall be assessed. In the event there is no structure on the corner lot, the longer street frontage of the lot shall be assessed.
3. All lots exempt from tax, pursuant to SDCL Chapter 10-6A and Section 10-6-110, which owners have applied for and obtained a property tax exemption from the Union County Director of Equalization are not subject to the special maintenance fee.
4. A detailed list of the legal descriptions, amount of front footage, and the amount of assessment shall be provided to the Union County Treasurer by the Alcester finance officer, to add the special maintenance fee to the general assessment against the property and to certify the fee assessed together with the regular assessment to the Union County Auditor to be collected in the same manner as municipal taxes are collected for general purposes.

BE IT FURTHER RESOLVED that all revenue received from the special maintenance fee shall be placed in a special revenue fund entitled "Street Maintenance Fund" for the maintenance and repair of public streets.

Dated this 7th day of September, 2021.

CITY OF ALCESTER

Daniel Haeder, Mayor

ATTEST:

Patricia Jurrens, Finance Officer

Date of Adoption: September 7, 2021
Date of Publication: September 16, 2021
Effective Date: January 1, 2022



ORDINANCE NO. 2021-17

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND CHAPTER 1 GENERAL PROVISIONS, CHAPTER 6 CENTRAL BUSINESS DISTRICT, CHAPTER 7 HIGHWAY COMMERCIAL DISTRICT, CHAPTER 10 ADDITIONAL USE REGULATIONS, AND CHAPTER 19 DEFINITIONS OF THE 2018 REVISED ALCESTER ZONING REGULATIONS, AND THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the City Council of the City of Alcester, South Dakota: that Chapter 1 “GENERAL PROVISIONS” adopted by the 2018 Revised Alcester Zoning Regulations of the City of Alcester be amended by adding the following:

1.04.01 Prohibited Uses

All uses and structures not specifically listed as a permitted use or as a conditional use in a particular zoning district shall be prohibited in said district.

BE IT FURTHER ORDAINED by the City Council of the City of Alcester, South Dakota: that Chapter 6 “CENTRAL BUSINESS DISTRICT” adopted by the 2018 Revised Alcester Zoning Regulations as amended of the City of Alcester be amended by adding the following:

6.01 Permitted Uses.

Q. Cannabis Dispensaries

BE IT FURTHER ORDAINED by the City Council of the City of Alcester, South Dakota: that Chapter 7 “HIGHWAY COMMERCIAL DISTRICT” adopted by the 2018 Revised Alcester Zoning Regulations as amended of the City of Alcester be amended by adding the following:

7.01 Permitted Uses

V. Cannabis Dispensaries

BE IT FURTHER ORDAINED by the City Council of the City of Alcester, South Dakota: that Chapter 11 “ADDITIONAL USE REGULATIONS” adopted by the 2018 Revised Alcester Zoning Regulations as amended of the City of Alcester be amended by adding the following:

10.14 CANNABIS DISPENSARIES.

A. Maximum Number of Cannabis Dispensaries.

1. **In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a potential deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to**

the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

2. The City of Alcester shall allow up to one (1) cannabis dispensary provided the time, place, and manner of said dispensary complies with this ordinance.

B. Required Separation Distances

1. A cannabis dispensary shall be located not less than One-thousand Feet (1,000') from a public or private school existing before the date of the cannabis dispensary application;
2. Prescribed separation/setback distances from a public or private school existing before the date of the cannabis dispensary application are to be measured from the lot line of the property where the dispensary is proposed

C. Other Locational Requirements

1. Permanent or temporary dispensaries are prohibited in all other zoning districts and not eligible for a home occupation use.
2. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.

D. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another medical cannabis establishment, business that sells alcohol or tobacco, or, if allowed by law, other cannabis establishment.

E. Hours of operation:

1. Cannabis dispensaries are allowed to be open between the hours of 8:00 a.m. and 8:00 p.m. each day of the week.

F. Documentation of State Licensure.

1. No cannabis dispensary shall acquire, possess, store, deliver transfer, transport, supply, or dispense cannabis, cannabis products, paraphernalia without providing documentation of licensure from the State of South Dakota.

G. The zoning official is authorized to issue permits (building/use) for cannabis dispensaries subject to following:

1. Submission of a site plan containing the following:
 - i. Any information required for applicable building permit,
 - ii. Ingress and egress plan
 - iii. Parking plan

iv. Lighting plan (including security lighting)

v. Screening/security fencing plan,

vi. Refuse plan;

vii. Hours of Operation;

viii. Any other information as lawfully may be required by the Zoning official to determine compliance with this ordinance

2. Documentation of ability to meet setback/separation requirements.

3. Documentation of State Licensure.

H. All Cannabis Establishments are required to be constructed in conformance with the most recent edition of the International Building Code and International Fire Code adopted by City Council of the City of Alcester.

BE IT FURTHER ORDAINED by the City Council of the City of Alcester, South Dakota: that Chapter 19 DEFINITIONS, section 19.02 , “Definitions” adopted by the 2018 Revised Alcester Zoning Regulations as amended of the City of Alcester be amended by adding the following:

CANNABIS (OR MARIJUANA): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

CANNABIS CULTIVATION FACILITY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

CANNABIS DISPENSARY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

CANNABIS ESTABLISHMENT: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.


CANNABIS PRODUCT MANUFACTURING FACILITY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

CANNABIS PRODUCTS: any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans.

The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

CANNABIS TESTING FACILITY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Passed and adopted this 20th day of September, 2021.

By: 
Daniel Haeder, Mayor

ATTEST:

Patricia Jurrens
Municipal Finance Officer

First Reading: September 7, 2021
Second Reading: September 20, 2021
Date Published: September 30, 2021
Effective Date: October 21, 2021



ORDINANCE 2021-16

AN ORDINANCE AMENDING CITY OF ALCESTER REVISED MUNICIPAL ORDINANCES TITLE 4 LICENSES BY ADDING CHAPTER 4.04 WHICH ENACTS LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the City Council of the City of Alcester that Title 4 of the Ordinances of the City of Alcester is hereby amended by adding new Chapter 4.04 as follows:

CHAPTER 4.04: LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS

Section

- 4.0401 Purpose and Intent
- 4.0402 Definitions
- 4.0403 License Required
- 4.0404 License Application
- 4.0405 Issuance of License
- 4.0406 City Neutrality as to Applicants
- 4.0407 Number of Cannabis Dispensaries
- 4.0408 Expiration of License and Renewal
- 4.0409 Suspension
- 4.0410 Revocation
- 4.0411 Suspension and Revocation Process
- 4.0412 Appeal
- 4.0413 Licenses not Transferrable
- 4.0414 Hours of Operation for Dispensaries
- 4.0415 Liability for Violations
- 4.0416 Penalties

§ 4.0401: PURPOSE AND INTENT

The City Council of the City of Alcester enacts the following licensing ordinances in order to ensure that cannabis establishments within the municipal boundaries of the City operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

§ 4.0402: DEFINITIONS

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

Cannabis (or Marijuana): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or

sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment: cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products: any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures

Cannabis Testing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Department: the South Dakota Department of Health

§ 4.0403: LICENSE REQUIRED

- (A) No cannabis establishment may be located or operate in the city without the appropriate valid and current cannabis establishment license issued by the city pursuant to this article. A violation of this provision is subject to the general penalty provision in § 4.0416. Each day of the violation constitutes a separate offense.
- (B) No cannabis establishment may be located or operate in the city without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-20G. A violation of this provision is subject to the general penalty provision in § 4.0416. Each day of the violation constitutes a separate offense.

S 4.0404: LICENSE APPLICATION

- (A) An application for a cannabis establishment license must be made on a form provided by the city. No other application form will be considered.
- (B) The applicant must submit the following:
 - (1) Application fee of \$5,000.00. The City will reimburse \$2,500 for applicants who fail to obtain a registration certificate from the South Dakota Department of Health.
 - (2) An application that will include, but is not limited to, the following:
 - (a) The legal name of the prospective cannabis establishment;
 - (b) The physical address of the prospective cannabis establishment that meets the zoning requirements in Ordinance No.2018-01: 2018 Revised Alcester Zoning Regulations as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
 - (c) The name, address, and birth date of each principal officer, owner, and board member of the

proposed cannabis establishment.

(d) A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.

(e) Any additional information requested by the city.

§ 4.0405: ISSUANCE OF LICENSE

(A) The city will issue a license unless:

- (1) The applicant has made a false statement on the application or submits false records or documentation; or
- (2) Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
- (3) Any owner, principal officer, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction; or
- (4) The proposed location does not meet the applicable zoning requirements detailed in Ordinance No.2018-01: Revised Alcester Zoning Regulations; or
- (5) The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder; or
- (6) The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
- (7) Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the city or a registration certificate revoked by the state; or
- (8) An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or
- (9) The applicant will not be operating the business for which the license would be issued.

(B) In the case of an application for a cannabis dispensary license, the city will reject the application if the limit on the number of cannabis dispensaries has been reached.

(C) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.

§ 4.0406: CITY NEUTRALITY AS TO APPLICANTS

(A) Upon request from the Department as to the City's preference of applicants, the City will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the City will abstain from endorsing any application as beneficial to the community.

§ 4.0.07: NUMBER OF CANNABIS DISPENSARIES

(A) No more than one (1) cannabis dispensary shall be allowed to operate in the City at any time.

§ 4.0408: EXPIRATION OF LICENSE AND RENEWAL

(A) Each license expires one year from the date of issuance and may be renewed only by making application as provided in Section 4.04.04. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.

(B) The renewal fee is \$5,000.00. The City will reimburse \$2,500 for applicants who fail to obtain a renewal of their registration certificate from the Department.

(C) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the city may order closure of the cannabis establishment.

(D) If a license holder has not operated an establishment for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

§ 4.0409: SUSPENSION

(A) A license may be suspended if the license holder or an employee or agent of the license holder:

(1) Violates or is otherwise not in compliance with any section of this article.

(2) Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.

(3) Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.

(B) A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.

(C) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

§ 4.0410: REVOCATION

(A) A license may be revoked if the license is suspended under Section 4.0409 and the cause for the suspension is not remedied.

(B) A license may be revoked if the license is subject to suspension under Section 4.0409 because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.

(C) A license is subject to revocation if a license holder or employee of a license holder:

(1) Gave false or misleading information in the material submitted during the application process;

(2) Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;

(3) Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;

- (4) Repeated violations of Section 4.0409;
- (5) Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
- (6) A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
- (7) A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G;
- (8) The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired;
- (9) The license holder allows a public nuisance to continue after notice from the City.

§ 4.0411. SUSPENSION AND REVOCATION PROCESS

- (A) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the city's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.
- (B) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the Mayor, Finance Officer, and Chair of the Planning Commission.
- (C) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (D) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (E) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

§ 4.0412: APPEAL

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the City Council by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to City Hall 500 Dakota Street, Alcester, South Dakota, 57001. The appeal will be considered by the City Council at a regularly scheduled meeting within one month of the receipt of the appeal.

§ 4.0413: LICENSES NOT TRANSFERRABLE

No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.

§ 4.0414: HOURS OF OPERATION FOR DISPENSARIES

No cannabis dispensary may operate between the hours of 8:00 p.m. and 8:00 a.m. any day of the week.

§ 4.0415: LIABILITY FOR VIOLATIONS

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

§ 4.0416: PENALTIES

Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.

Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Passed and adopted this 20th day of September, 2021.

By: 
Daniel Haeder, Mayor

ATTEST:


Patricia Jurrens, Municipal Finance Officer

First Reading: September 7, 2021
Second Reading: September 20, 2021
Date Published: September 30, 2021
Effective Date: October 21, 2021



ORDINANCE NO. 2021-13

AN ORDINANCE AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ALCESTER, SOUTH DAKOTA, TITLE 5 – OFFENSES, CHAPTER 5.01 OFFENSES AGAINST PUBLIC WELFARE, SECTION 5.0108 - PENALTY

BE IT ORDAINED, by the City Council of the City of Alcester, South Dakota, Union County, South Dakota that a certain ordinance entitled "Offenses Against Public Welfare", as originally approved and as subsequently, from time to time, amended, be further amended by adding a new section to read as follows:


5.0108 Penalty. A violation of this Chapter shall be shall be punishable by a fine of twenty-five dollars (\$25.00), for each offense.

Dated this 16th day of August, 2021.

ATTEST:


Patricia Jurrens, Finance Officer

CITY OF ALCESTER


Daniel E Haeder, Mayor

Date of First Reading:	August 2, 2021
Date of Second Reading:	August 16, 2021
Date of Publication	August 26, 2021
Effective Date	September 16, 2021

ORDINANCE NO. 2021-12

AN ORDINANCE AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ALCESTER, SOUTH DAKOTA, TITLE 7- TRAFFIC CODE, CHAPTER 7.05 PARKING, STOPPING, SECTION 7.0501- PARKING PROHIBITED IN CERTAIN PLACES

BE IT ORDAINED, by the City Council of the City of Alcester, Union County, South Dakota that Chapter 7.05 – “Parking, Stopping” of the Revised Municipal Ordinances of the City of Alcester, as originally approved and as subsequently, from time to time, amended, be further to read as follows:

1) That section 7.0501(J) be amended to read as follows:

J. From October 1 – May 15; no person shall park any recreational vehicle or trailer on any street at any location within the City for a period longer than forty-eight (48) hours. Continuous presence of a recreational vehicle or trailer on a city street, regardless of location(s) or movement by the owner or another person, for a period of more than forty-eight (48) hours, is a violation of this section. Recreational vehicle(s) or trailers shall be issued a warning by a law enforcement officer to remove within forty-eight (48) hours of citation. After a recreational vehicle or trailer has been ticketed, it must stay off city streets for a minimum period of forty-eight (48) hours from the time of removal. Failure to remove shall result in a ticketing and removal in accordance with Section 7.0504 below. For purposes of this Section, recreational vehicles and trailers are defined to include, but shall not be limited to, the following:

1. Cargo trailers;
2. Travel trailers;
3. Pickup campers or coaches;
4. Motorhomes;
5. Camping trailers;
6. Boats and boat trailers;
7. Snowmobiles and snowmobile trailers;
8. Jet skis and jet ski trailers;
9. Golf carts and golf cart trailers;
10. All-terrain vehicles and all-terrain vehicle trailers;
11. Dirt bikes and dirt bike trailers;
12. Grain wagons;
13. Dump trailers and flatbed trailers; and
14. Any other recreational equipment or cases, boxes or items used to store or transport such recreational equipment.

2) That section 7.0504 be amended to read as follows:

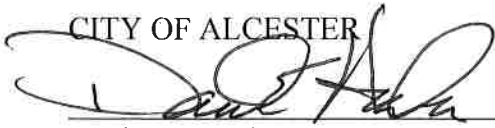
Penalty. The offending automobile or other vehicle will be tagged with a tag, listing the date of the offense, license number of the vehicle, make, violation number, and location of offense with reference to street. Whenever a notice is left by any member of the police department in or on any vehicle which has violated the parking regulations, the person in charge of such vehicle shall pay the amount of the assessment described thereon by taking such notice and amount of the assessment to the City Finance Office and depositing the same with the City Finance Officer. The assessment for each violation shall be twenty-five dollars per day of violation.

If the owner or operator fails to comply within seven days from the date of notice of violation, then in that case, a summons will be issued and the assessment shall be raised to fifty dollars for the violation. The increased assessment can be paid at the City Finance Office within the above time frame. If the summons is not complied with, a warrant may be issued to bring the owner or operator of the vehicle into court and a fine of fifty dollars will be assessed by the court, along with court costs, if any, for the violations.


Any vehicle parked in violation of this Chapter may be removed from the streets by the police department and placed in public or private storage and the owner thereof, in addition to the fines and penalties provided in this Chapter, shall pay the charges for towing and storage of said vehicle so removed by the police department. All money so collected by the police department shall be immediately deposited with the City Finance Officer to be paid into the general fund.

Dated this 16th day of August, 2021.

CITY OF ALCESTER


Daniel E Haeder, Mayor

ATTEST:


Patricia Jurrens, Finance Officer

Date of First Reading:	August 2, 2021
Date of Second Reading:	August 16, 2021
Date of Publication	August 26, 2021
Effective Date	September 16, 2021

ORDINANCE NO. 2021-11

AN ORDINANCE AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY OF ALCESTER, SOUTH DAKOTA, TITLE 7 – TRAFFIC CODE, CHAPTER 7.09 GOLF CARTS, SECTION 7.0902

BE IT ORDAINED, by the City Council of the City of Alcester, Union County, South Dakota that Chapter 7.09 – “Golf Carts” of the Revised Municipal Ordinances of the City of Alcester, as originally approved and as subsequently, from time to time, amended, be further to read as follows:

7.0902 Golf Cart Operation. Golf carts shall not be allowed to operate within the City except as authorized by state statute or by this Chapter. Golf carts properly permitted pursuant to this Chapter shall be allowed to travel on the roadway portion of public streets, alleys and other roadways within the City except those highways where golf carts are prohibited by state statute. An operator of a golf cart shall comply with all City and state traffic rules and regulations applying to vehicles.

Dated this 7th day of September, 2021.

CITY OF ALCESTER



Daniel E Haeder, Mayor

ATTEST:



Patricia Jurrens, Finance Officer

Date of First Reading: August 16, 2021
Date of Second Reading: September 7, 2021
Date of Publication: September 16, 2021
Effective Date: October 7, 2021




CERTIFICATE OF MINUTES RELATING TO
SALES TAX REVENUE AND REFUNDING BONDS

Issuer: City of Alcester, South Dakota

Governing Body: City Council

Kind, date, time and place of meeting: A special meeting, held on July 26, 2021, at 6:00 p.m. at the City offices.

Members present: Dan Haeder, Linda Talbott, Curtis Keiser, David Larsen,
Darla Reppe, Brian Johnson, Cyndi Peeples

Members absent: 

Documents Attached: Meeting Minutes

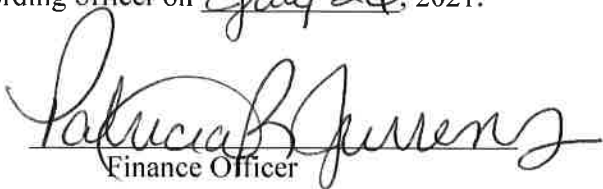
Minutes of said meeting (pages):

RESOLUTION NO. 2021-10

RESOLUTION RELATING TO SALES TAX REVENUE AND REFUNDING
BONDS, SERIES 2021; AUTHORIZING THEIR ISSUANCE AND MAKING
PROVISIONS FOR THEIR PAYMENT

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer on July 26, 2021.


Finance Officer

(SEAL)

Member Darla Beppe introduced the following resolution and moved its adoption, which motion was seconded by Member Dave Larsen :

RESOLUTION NO. 2021-10

RESOLUTION RELATING TO SALES TAX REVENUE AND REFUNDING BONDS, SERIES 2021; AUTHORIZING THEIR ISSUANCE AND MAKING PROVISIONS FOR THEIR PAYMENT

BE IT RESOLVED by the City Council (the "Council") of the City of Alcester, South Dakota (the "City"), as follows:

SECTION 1. RECITALS, AUTHORIZATION AND SALE.

1.01. Recitals and Authorization.

(a) The City is a political subdivision of the State of South Dakota and a body corporate and politic. Under the laws of the State of South Dakota, the City is possessed of all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all rights and powers that now or hereafter may be granted to municipalities by the laws of the State of South Dakota.

(b) The City is authorized by Chapter 10-52, South Dakota Codified Laws (the "Act") to levy a "non-ad valorem tax" (as defined by the Act) on the sale, use, storage and consumption of items taxed under Sections 10-45 and 10-46, South Dakota Codified Laws, subject to certain exceptions; and the City has adopted and enacted Ordinance No. 1984-3, as amended, including by Ordinance No. 2005, effective January 1, 2006 (collectively, the "Ordinance") pursuant to the Act imposing the sales taxes authorized by the Act within the City (the "Sales Tax").

(c) The Act provides that cities levying a Sales Tax may issue non-ad valorem sales tax revenue bonds pursuant to Section 10-52-2.10 of the Act and Chapter 6-8B, South Dakota Codified Laws in anticipation of the collection of the Sales Tax. Such bonds are required to be payable solely from collections of the Sales Tax, and the City is required to covenant that it will continue to impose and collect the Sales Tax so long as such bonds are outstanding.

(d) As authorized by the Ordinance and the Act and pursuant to authorizing resolutions adopted by this Council, the City has heretofore issued its Sales Tax Revenue Bonds, Series 2011, dated November 29, 2011, for the purpose of funding the acquisition of the Alcester Golf Course (the "Series 2011 Bonds") and its Sales Tax Revenue Bonds, Series 2018, dated March 30, 2018, for the purpose of financing the purchase of a street sweeper and skid loader (the "Series 2018 Bonds" and together with the Series 2011 Bonds, the "Prior Bonds"), which Prior Bonds are secured by the Pledged Revenues (as defined herein).

(e) This Council hereby determines that it is in the best interests of the City to authorize the issuance and sale of its Sales Tax Revenue and Refunding Bonds, in one or more series (the "Series 2021 Bonds;" together with the Series 2018 Bonds and any additional parity lien bonds authorized hereunder, the "Bonds"), in a principal amount not to exceed the sum of \$640,000 for

the purpose of (i) refunding the Series 2011 Bonds, (ii) funding costs of capital improvements as authorized by the Ordinance, including construction of a community center (the "Projects"), and (iii) paying the costs of issuance of the Series 2021 Bonds, including an underwriter's discount not exceeding 2.00% of the principal amount of any series of the Series 2021 Bonds, original issue discount (not to exceed 2% of the principal amount of any series of the Series 2021 Bonds) and bond insurance premium, if any. The Series 2021 Bonds are issued on a parity with the Series 2018 Bonds.

1.02. Sale and Bond Purchase Agreement. The City has retained AMKO Advisors ("AMKO"), as independent financial advisor in connection with the sale of the Bonds. The Series 2021 Bonds shall bear interest at a rate or rates per annum resulting in a yield not to exceed 3.50% per annum with a final maturity date not later than twenty (20) years following the date of issuance thereof. The Mayor and Finance Officer are hereby authorized and directed, in cooperation with AMKO, to agree with D.A. Davidson & Co., as purchaser (the "Purchaser") upon the exact purchase price, principal amount, maturities, redemption provisions and interest rate or rates for the Series 2021 Bonds, within the parameters set forth in this Section 1.02. The execution of one or more Bond Purchase Agreements setting forth such final terms by the Mayor and Finance Officer is hereby approved and authorized, and such execution shall be conclusive evidence of such agreement and shall be binding upon the City. The provisions of a Bond Purchase Agreement as so executed, including all Exhibits and Appendices thereto, are incorporated herein by reference. The law firm of Dorsey & Whitney LLP, in Minneapolis, Minnesota, is hereby appointed as bond counsel ("Bond Counsel") with respect to the issuance of the Series 2021 Bonds. Notwithstanding the foregoing, nothing in this Section 1.02, or this Resolution, shall preclude D.A. Davidson & Co. from acting as a placement agent on behalf of the City with regard to the sale of the Series 2021 Bonds.

1.03. City Officers Authorized to Execute Documents. The Mayor and Finance Officer are hereby authorized and directed to execute and deliver a Bond Purchase Agreement and the documents required thereunder, the Official Statement, the Series 2021 Bonds and any other documents required to complete the financing contemplated hereby. Execution and delivery of such documents by the Mayor and Finance Officer shall constitute evidence that such items are consistent with the terms of this Resolution and have been duly authorized, executed and delivered by the City and are enforceable against the City in accordance with their terms, subject to customary exceptions relating to bankruptcy, reorganization, insolvency and other laws affecting creditors' rights. The Mayor and Finance Officer are further authorized to take such other actions as may be required to effectuate the terms and intent of this Resolution. In the event of the absence or disability of the Mayor or Finance Officer, the acting Mayor or the acting Finance Officer is hereby authorized to act in the place and stead of the Mayor or Finance Officer, respectively, and to take all actions and execute all documents approved hereby.

1.04. Official Statement. If determined necessary, the Mayor and Finance Officer are authorized, in cooperation with AMKO, to prepare one or more Official Statements to be distributed to prospective purchasers of the Series 2021 Bonds. The Mayor and the Finance Officer are hereby authorized and directed to approve, and, if requested, to execute a final Official Statement.

SECTION 2. BOND TERMS, EXECUTION AND DELIVERY.

2.01. Execution, Authentication and Delivery. The Series 2021 Bonds shall be prepared under the direction of the Finance Officer and shall be executed and authenticated on behalf of the City by the signatures of the Mayor and the Finance Officer and countersigned by an attorney resident and licensed to practice in the State of South Dakota. All signatures may be printed, lithographed, photocopied or engraved facsimiles of the original. In case any officer whose signature or a facsimile of whose signature shall appear on the Series 2021 Bonds shall cease to be such officer before the delivery of any Series 2021 Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Series 2021 Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Series 2021 Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Series 2021 Bonds need not be signed by the same representative. The executed certificate of authentication on each Series 2021 Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. After the Series 2021 Bonds have been so prepared and executed, the Finance Officer shall deliver them to the Registrar for delivery to the Purchaser on receipt of the purchase price heretofore agreed upon, and the Purchaser shall not be required to see to the application thereof.

2.02. Maturities and Interest Rates. The Series 2021 Bonds shall be issued in the denomination of \$5,000 each, or any integral multiple thereof, shall mature on the dates and in the respective years and amounts, and shall bear interest from date of original issue until paid or duly called for redemption at the respective annual rates stated opposite such maturity years as shown in an exhibit to a Bond Purchase Agreement. The Series 2021 Bonds shall be issuable only in fully registered form and may be issued either in book-entry only form or in physical form. The interest thereon and, upon surrender of each Series 2021 Bond, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein, provided that if the Series 2021 Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Each Series 2021 Bond shall bear a date of original issue as of the date on which the Series 2021 Bonds are delivered to the Purchaser. Upon the initial delivery of the Series 2021 Bonds pursuant to Section 2.01 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Series 2021 Bond so delivered, exchanged or transferred. The interest on the Series 2021 Bonds shall be payable on the dates shown in an exhibit to a Bond Purchase Agreement, to the owner of record thereof as the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption. The Series 2021 Bonds may be subject to redemption prior to maturity, at the option of the City, in the years and at the redemption prices set forth in an exhibit to a Bond Purchase Agreement in such order of maturities as may be designated by the City and, within any

maturity, in \$5,000 principal amounts selected by the Registrar appointed hereunder by lot, assigned in proportion to their principal amounts. The Finance Officer shall cause notice of the call for redemption thereof to be published as and if required by law, and, at least thirty days prior to the designated redemption date, shall cause notice of the call thereof for redemption to be mailed, by first class mail (or, if applicable, by the bond depository in accordance with its customary procedures), to the registered owners of any Series 2021 Bonds to be redeemed at their addresses as they appear on the bond register described in Section 2.06 hereof, but no defect in or failure to give such mailed notice shall affect the validity of proceedings for the redemption of any Series 2021 Bond not affected by such defect or failure. The notice of redemption shall specify the redemption date, redemption price, the numbers, interest rates and CUSIP numbers of the Series 2021 Bonds to be redeemed and the place at which the Series 2021 Bonds are to be surrendered for payment, which is the principal office of the Registrar. Official notice of redemption having been given as aforesaid, the Series 2021 Bonds or portions of Series 2021 Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Series 2021 Bonds or portions of Series 2021 Bonds shall cease to bear interest. Upon partial redemption of any Series 2021 Bond, a new Series 2021 Bond or Series 2021 Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

2.05. Appointment of Initial Registrar. The City hereby appoints the City Finance Officer, as bond registrar, transfer agent and paying agent (the "Registrar"). The City reserves the right to remove the Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Series 2021 Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. Before each principal or interest due date, without further order of the Council, the Registrar shall transmit, from the accounts described in Section 3, moneys sufficient for the payment of all principal and interest then due.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal office a bond register in which the Registrar shall provide for the registration of ownership of Series 2021 Bonds and the registration of transfers and exchanges of Series 2021 Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Series 2021 Bonds. Upon surrender for transfer of any Series 2021 Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Series 2021 Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

(c) Exchange of Series 2021 Bonds. Whenever any Series 2021 Bonds are surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver one or more new Series 2021 Bonds of a like aggregate principal amount and maturity, as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Series 2021 Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of.

(e) Improper or Unauthorized Transfer. When any Series 2021 Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Series 2021 Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Series 2021 Bond is at any time registered in the bond register as the absolute owner of such Series 2021 Bond, whether such Series 2021 Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Series 2021 Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability upon such Series 2021 Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Series 2021 Bonds, the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Series 2021 Bonds. In case any Series 2021 Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Series 2021 Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Series 2021 Bond or in lieu of and in substitution for any such Series 2021 Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Series 2021 Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Series 2021 Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Series 2021 Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Series 2021 Bond has already matured or been called for redemption in accordance with its terms, it shall not be necessary to issue a new Series 2021 Bond prior to payment.

2.07. Bond Form. The Series 2021 Bonds shall be prepared in substantially the form presented to and approved by this Council and on file in the office of the Finance Officer.

2.08. Securities Depository. The Finance Officer may, on or before the date of issue of the Series 2021 Bonds, direct that the Series 2021 Bonds be issued in book-entry only form and if issued in such form, the following provisions shall apply:

(a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Series 2021 Bond, the person in whose name such Series 2021 Bond is recorded as the beneficial owner of such Series 2021 Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Series 2021 Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Series 2021 Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC’s Operational Arrangements.

(b) The Series 2021 Bonds shall be initially issued as separately authenticated fully registered bonds, and one Series 2021 Bond shall be issued in the principal amount of each stated maturity of the Series 2021 Bonds. Upon initial issuance, the ownership of such Series 2021 Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Series 2021 Bonds registered in its name for the purposes of payment of the principal of or interest on the Series 2021 Bonds, selecting the Series 2021 Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Series 2021 Bonds under this Resolution, registering the transfer of Series 2021 Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Series 2021 Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Series 2021 Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Series 2021 Bonds, with respect to any notice which is permitted or required to be given to owners of Series 2021 Bonds under this Resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Series 2021 Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Series 2021 Bonds. So long as any Series 2021 Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Series 2021 Bond, and shall give all notices with respect to such Series 2021 Bond, only to Cede & Co. in accordance with DTC’s Operational Arrangements,

and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Series 2021 Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Series 2021 Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Series 2021 Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Series 2021 Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Series 2021 Bonds in the form of certificates. In such event, the Series 2021 Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Series 2021 Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Series 2021 Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor or Finance Officer, if not previously filed with DTC, is hereby authorized and directed.

(e) In the event that any transfer or exchange of Series 2021 Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Series 2021 Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Resolution. In the event Series 2021 Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Series 2021 Bonds, or another securities depository as owner of all the Series 2021 Bonds, the provisions of this Resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Series 2021 Bonds in the form of bond certificates and the method of payment of principal of and interest on such Series 2021 Bonds in the form of bond certificates.

SECTION 3. SALES TAX FUND.

3.01. Sales Tax Fund. The Finance Officer has established and will maintain the Sales Tax Fund (the "Fund") as a separate and special fund in the financial records of the City until all Bonds issued and made payable therefrom, and interest due thereon, have been duly paid or discharged. All collections of the Pledged Revenues, as hereinafter defined, shall be credited, as received, to the Fund. Within the Fund are various separate accounts to be maintained by the City.

3.02. Pledged Revenues. Pursuant to the Act and the Ordinance, the City has levied a municipal retail occupational sales and service tax of two percent (2%) on the sale, use, storage and consumption of items taxed under Sections 10-45 and 10-46 of South Dakota Codified Laws, subject to certain exceptions (the "Sales Tax"). The Sales Tax is irrevocably pledged and appropriated to, shall be deposited to the Fund and is referred to herein as the "Pledged Revenues."

The Pledged Revenues and the Fund shall be used and applied only in the manner and order hereinafter set forth.

3.03. Construction Account. There is hereby created and established on the official books and records of the City a Series 2021 Capital Project Account (the "Construction Account"). There shall be credited to the Construction Account the proceeds from the sale of the Series 2021 Bonds remaining after (i) deposit of the required amounts to refund the Series 2011 Bonds as set forth in section 3.05 hereof; and (ii) payment of the underwriter's discount, original issue discount and any other expenses of issuing the Series 2021 Bonds. All moneys credited to the Construction Account shall be applied solely to the payment of the costs of the Projects. For the purposes of this Resolution, "costs of the Projects" shall include costs of acquiring, constructing and installing the Projects, including costs of labor, services, materials and supplies, financial, architectural, engineering, legal, accounting and other professional expenses relating to the Projects, the costs of acquisition of properties, rights, easements, or other interests in properties, insurance premiums and the costs of publishing, posting or mailing notices in connection with the Projects. All sums derived from the investment of moneys in the Construction Account shall remain in and become part of such fund. Upon completion of the Projects and when all costs of the Projects have been paid, any balance remaining in the Construction Account shall be credited to the Principal and Interest Account hereinafter described.

3.04. Principal and Interest Account. The City has heretofore created and established as an account of the Fund, a "Principal and Interest Account" (the "Principal and Interest Account"). Immediately upon delivery of the Series 2021 Bonds, there shall be credited to the Principal and Interest Account the amount of accrued interest received from the Purchaser, if any. There shall be withdrawn from the Fund at least monthly and credited to the Principal and Interest Account an amount which will equal at least one-sixth (1/6th) of the interest becoming due on the next succeeding payment date and one-twelfth (1/12th) of the principal becoming due on the next two succeeding payment dates with respect to the Bonds. In all events there shall be credited to the Principal and Interest Account amounts sufficient to pay the principal of and interest on the Bonds as the same become due.

3.05. Refunding Series 2011 Bonds. Subject to agreement as to the terms and sale of the Series 2021 Bonds and the execution of the Bond Purchase Agreement, the Series 2011 Bonds are hereby called for prior payment and redemption on the closing date of the Series 2021 Bonds. The Finance Officer is hereby directed to deposit proceeds of the Series 2021 Bonds to the holder of such bonds in an amount sufficient to pay principal and interest accrued to the date of redemption.

3.06. [Reserved]

3.07. Other Capital Improvements; Interfund Transfer. The remaining Pledged Revenues may be (i) used for paying the cost of other capital improvement projects or land acquisition which the City is legally authorized to undertake and/or the payment of debt service on other bonds of the City, and contractual obligations of the City incurred for the purpose of paying the costs of legally authorized capital improvement projects for the City or (ii) transferred to the general fund of the City, to the extent then permitted by South Dakota law and the Ordinance. Such Pledged

Revenues shall not be pledged or expended, by interfund transfer or otherwise, for any general purposes of the City except as herein indicated.

3.08. Deposit and Investment of Funds. The Finance Officer shall cause all moneys pertaining to the Fund to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of Chapter 4-6A, South Dakota Codified Laws, in a deposit account or accounts, which shall be maintained 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 moneys shall at any time be withdrawn from such deposit accounts except for the purposes of the Fund as authorized in this Resolution, except that moneys from time to time on hand in the Fund may at any time, in the discretion of this Council, be invested in securities permitted by the provisions of Section 4-5-6, South Dakota Codified Laws relating to the investment of municipal funds, provided that moneys may be invested only in permitted investments maturing and bearing interest at the times and in the amounts estimated to be required to provide cash when needed for the purposes of the respective accounts. Income received from the deposit or investment of moneys shall be credited to the 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 in that account.

SECTION 4. ADDITIONAL BONDS. No additional bonds shall be issued and made payable from the Pledged Revenues which have a lien upon such revenues and the Fund which is prior to or superior to the lien of the Bonds authorized herein. Nothing in this Resolution shall be construed in such manner as to prevent the issuance by the City of additional bonds payable from the Pledged Revenues and constituting a lien upon the Pledged Revenues and the Fund equal to or on a parity with the lien of the Bonds authorized herein, provided (i) the City is current in the payment of principal and interest on the Bonds and is current in the accumulations required for the Principal and Interest Account, (ii) the City is in compliance with the covenants herein contained, and either (iii) the Pledged Revenues collected by the City in the last preceding fiscal year (as determined by the City) is sufficient to cover 1.25 times the maximum annual principal and interest requirements on the Bonds, and the proposed parity lien bonds, or (iv) the estimated Pledged Revenues to be collected in the fiscal year in which the proposed parity lien bonds will be issued shall be at least equal to 1.25 times the maximum annual principal and interest requirements of the Bonds and the proposed parity lien bonds.

Nothing herein shall prevent the City from issuing Bonds payable from the Pledged Revenues and the Fund and having a lien thereon which is junior and subordinate to the lien of the Bonds authorized herein.

If necessary to obtain bond insurance, the coverage requirements, together with any other changes, additions or amendments to this Resolution necessary to satisfy the requirements of the bond insurer, shall be incorporated in an appendix to a Bond Purchase Agreement, and shall be deemed to be incorporated herein by reference.

SECTION 5. DEFEASANCE. When all of the Series 2021 Bonds have been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution shall cease. The City may discharge its obligations with respect to any Series 2021 Bonds which are

due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full, or, if any Series 2021 Bond should not be paid when due, the same may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date of such deposit. The City may also discharge its obligations with respect to any prepayable Series 2021 Bonds according to their terms by depositing with the Registrar on or before that date an amount equal to the principal and interest which are then due, provided that notice of such redemption has been duly given or provided for as provided herein. The City may also at any time discharge its obligations with respect to any Series 2021 Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank or trust company qualified by law to act as an escrow agent for this purpose, cash and/or securities which are general obligations of the United States or securities of United States agencies which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates, as shall be required to pay all principal and interest to become due on such Series 2021 Bonds to maturity or the redemption date thereof, as the case may be.

SECTION 6. COVENANTS OF THE CITY. The City hereby irrevocably covenants and agrees with each and every holder of the Series 2021 Bonds, that so long as any of the Series 2021 Bonds remain outstanding:

(a) it will not amend or repeal the Ordinance by decreasing the sales tax rate or the allocation of Pledged Revenues to the Fund, or in any other way, except as required in order to comply with State law relating to the Sales Tax, provided that no amendment will be made that would adversely affect the amount of the Pledged Revenues. However, nothing shall prevent the City from amending the Ordinance in order to make certain changes in the administration, collection or enforcement of the Sales Tax, provided that such changes would not materially adversely affect the owners of the Series 2021 Bonds;

(b) it will administer, enforce, and collect, or cause to be administered, enforced or collected, the Sales Tax authorized by the Ordinance, and shall take such necessary action to collect delinquent payments in accordance with law;

(c) it will keep or cause to be kept such books and records showing the proceeds of the Sales Tax, in which complete entries shall be made in accordance with standard principles of accounting, and any owner of any Series 2021 Bond shall have the right at all reasonable times to inspect the records and accounts relating to the collection and receipts of such Sales Tax; and

(d) in the event the Sales Tax of the City is replaced and superseded by a state collected-locally shared sales tax or taxes, or is replaced and superseded in some other manner from some other source or sources, the revenues derived by the City from the replacement source or sources, as received by the City shall be appropriated in the same manner as if the City had levied and imposed a sales tax. From and after the date of a replacement, the Bonds shall have a first and prior lien, but not necessarily an exclusive such lien, upon such replacement revenues to the extent therein specified.

SECTION 7. INVESTMENTS; ARBITRAGE AND QUALIFIED TAX-EXEMPT OBLIGATIONS.

7.01. Covenant. The City covenants and agrees with the registered owners from time to time of the Series 2021 Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Series 2021 Bonds to become includible in gross income of the recipient under the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations (the "Regulations") and covenants to take any and all actions within its powers to ensure that the interest on the Series 2021 Bonds will not become includible in gross income of the recipient under the Code and the Regulations. The Finance Officer shall ascertain monthly the amount on deposit in the Principal and Interest Account. If the amount on deposit therein with respect to the Series 2021 Bonds ever exceeds by more than an amount equal to the lesser of (i) 5% of the original principal amount of such Series 2021 Bonds, or (ii) the aggregate amount of principal and interest due and payable from the Principal and Interest Account with respect to such series of Series 2021 Bonds within 13 months thereafter, such excess shall either (1) not be invested except at a yield equal to or less than the yield borne by the Series 2021 Bonds, or (2) be used to prepay and redeem principal of the Series 2021 Bonds.

7.02. Certification. The Mayor and Finance Officer, being the officers of the City charged with the responsibility for issuing the Series 2021 Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code and applicable Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2021 Bonds which make it reasonable to expect that the proceeds of the Series 2021 Bonds will not be used in a manner that would cause the Series 2021 Bonds to be arbitrage bonds within the meaning of the Code and Regulations.

7.03. Arbitrage Rebate. To the extent that a series of the Series 2021 Bonds is subject to the rebate requirements of Section 148(f) of the Code, the City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under Section 148(f) and applicable Regulations to preserve the exclusion of interest on such Series 2021 Bonds from gross income for federal income tax purposes, unless the Series 2021 Bonds qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no "gross proceeds" of the Series 2021 Bonds (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof.

7.04. Qualified Tax-Exempt Obligations. A portion of the Series 2021 Bonds in an amount equal to the outstanding Series 2011 Bonds at the time of their refunding shall be deemed designated "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code because: (i) the Refunded Bonds, when issued, were designated by the City as qualified tax-exempt obligations under Section 265(b) of the Code; (ii) the aggregate face amount of the issue of which the Series 2021 Bonds are a part does not exceed \$10,000,000; (iii) the weighted average maturity of the corresponding portion of Series 2021 Bonds does not exceed the remaining weighted average maturity of the Refunded Bonds; and (iv) no Series 2021 Bond has a maturity date which

is later than thirty (30) years after the date of issuance of the Refunded Bonds. The remaining principal amount of the Series 2021 Bonds is hereby designated by the City as “qualified tax-exempt obligations” pursuant to Section 265(b) of the Code, since the Issuer and all subordinate entities do not reasonably expect to issue in excess of \$10,000,000 of governmental and qualified 501(c)(3) bonds during calendar year 2021.

SECTION 8. CONTINUING DISCLOSURE. The Series 2021 Bonds are not subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (as in effect and interpreted from time to time, the Rule). However, the City is authorized to negotiate and agree with the Purchaser to provide certain financial information, if such information is required by the Purchaser.

SECTION 9. CERTIFICATION OF PROCEEDINGS. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to Bond Counsel, certified copies of all proceedings and records of the City relating to the authorization and issuance of the Series 2021 Bonds and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the Series 2021 Bonds as such facts appear from the officers’ books and records or as are otherwise known to them. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the correctness of the facts recited therein and the actions stated therein to have been taken.


SECTION 10. AMENDMENT. This resolution may be amended at any time prior to the issuance of the Series 2021 Bonds by adoption of an administrative resolution. If necessary to obtain bond insurance, the coverage requirements, together with any other changes, additions or amendments to this Resolution necessary to satisfy the requirements of the bond insurer, shall be incorporated in an appendix to a Bond Purchase Agreement, and shall be deemed to be incorporated herein by reference.


SECTION 11. EFFECTIVE DATE. This resolution shall take effect 20 days after publication if not referred to a vote of the public.

Upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted and was approved and signed by the Mayor and attested by the City Finance Officer.


Daniel E. Haeder, Mayor

Attest: 
Patricia R. Jurrens, City Finance Officer

Adopted: 7/26, 2021.
Published: 8/5, 2021.
Effective Date: 8/25, 2021.



ORDINANCE NO. 2021-09

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS
ESTABLISHMENT PERMITS AND/OR LICENSES.**

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, the City of Alcester SD ("Municipality"), makes a preliminary finding that the Municipality's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the Municipality makes a preliminary finding that the Municipality needs further study of the relationship of medical cannabis establishments to the *City of Alcester* Comprehensive Plan and Zoning Ordinance. The public interest requires that the Municipality study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the Municipality makes a preliminary finding that it would be inappropriate for the Municipality to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the Municipality hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, and City of Alcester to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Municipality;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Municipality's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the Municipality finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the Municipality finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY THE City of Alcester, SD:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the Municipality shall be required to apply for a permit and/or license from the Municipality. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

Date adopted: June 7, 2021



Daniel Haeder, Mayor

ATTEST:



Patricia R Jurrens, Finance Officer

1st Reading:	<u>May 24, 2021</u>
2nd Reading:	<u>June 7, 2021</u>
Date Adopted:	<u>June 7, 2021</u>
Date Published:	<u>June 17, 2021</u>
Effective Date:	<u>June 17, 2021</u>

RESOLUTION NO. 2021-08

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 Alcester (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.

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 Alcester Wastewater System Improvement Project - Phase 1.

“**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 \$3,710,000 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 \$3,710,000 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 Alcester, 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:

(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.

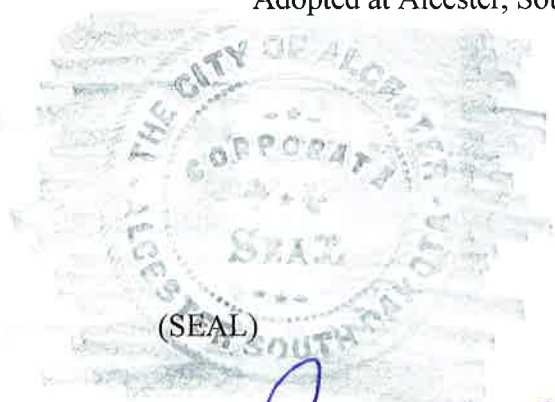
SECTION 16. Effective Date. This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Adopted at Alcester, South Dakota, this 19th day of April 2021.

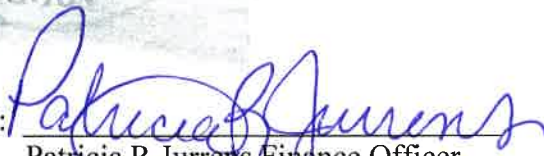
APPROVED:



Daniel Haeder, Mayor



(SEAL)

Attest: 
Patricia R. Jurrens Finance Officer

First reading: April 19, 2021
Published: April 29, 2021
Effective: May 20, 2021

RESOLUTION NO. 2021-07
A RESOLUTION OF THE CITY OF ALCESTER, SD,
AMENDING THE CITY OF ALCESTER PERSONNEL MANUAL

Whereas, the City of Alcester may repeal, modify, or amend any policy in the City of Alcester Personnel Manual pursuant to Policy 1.3 of said manual; and

Whereas, the City Council believes the opportunity for longevity bonuses leads to a more efficient and productive administration of government as well as incentivize continued employment with the city and reward such continued employment; and

Whereas, this resolution only creates a policy for an already existing practice; and

Whereas, the City is empowered perform all administrative and financial functions for all purposes authorized by law or necessary to the exercise of any power granted, pursuant to SDCL 9-12-1(7) and to enact resolutions pursuant to SDCL 9-19-3,

THEREFORE, BE IT RESOLVED BY THE CITY OF ALCESTER:

1. Policy 3: Employee Classifications of the City of Alcester Personnel Manual is hereby amended to include the following:

3.3 Longevity Bonuses

The City Council may grant employee bonuses based on longevity.

3.3.1 ELIGIBILITY

Full-time, part-time, and seasonal employees, as defined in Policy 3.1, are eligible for longevity bonuses on every fifth year of uninterrupted employment.

3.3.2 INTERRUPTION IN EMPLOYMENT DEFINED

An interruption in employment occurs when employment is terminated and later restored (e.g. an employee resigns but is later rehired). When employment is interrupted, the longevity period is measured from the date of rehire.

Temporary absences, such as using accrued vacation days, sick days, or taking leave protected by the Family and Medical Leave Act (FMLA), do not interrupt employment for purposes of this policy. For seasonal employees, the conclusion of the applicable season does not interrupt employment for purposes of this policy.

3.3.3 GROSS ANNUAL SALARY DEFINED

For purposes of this policy, an employee's gross annual salary is defined as the income that the employee earned from their employment with the City in the most recent completed year, before taxes.

3.3.4 LONGEVITY BONUS FORMULA


Fifth Year of Employment- 0.5% of gross annual salary

Tenth Year of Employment- 0.75% of gross annual salary

Fifteenth Year of Employment- 0.75% of gross annual salary

Twentieth Year of Employment- 1.0% of gross annual salary
Twenty-fifth Year of Employment- 1.0% of gross annual salary
Thirtieth Year of Employment- 1.25% of gross annual salary
Thirty-fifth Year of Employment- 1.25% of gross annual salary
Fortieth Year of Employment (and every fifth year thereafter)- 1.5% of gross annual salary

Dated this 15th day of March, 2021.

CITY OF ALCESTER

Daniel Haeder, Mayor

ATTEST:

Patricia Jurrens, Finance Officer

First Reading: March 15, 2021
Date Adopted: March 15, 2021
Date Published: March 25, 2021
Effective Date: April 15, 2021



RESOLUTION NO. 2021-06
A RESOLUTION OF THE CITY OF ALCESTER, SD,
AMENDING THE CITY OF ALCESTER PERSONNEL MANUAL

Whereas, the City of Alcester may repeal, modify, or amend any policy in the City of Alcester Personnel Manual pursuant to Policy 1.3 of said manual; and

Whereas, the City Council believes the opportunity for performance-based bonuses will lead to a more efficient and productive administration of government as well as incentivize employees to maximize productivity; and

Whereas, the City is empowered perform all administrative and financial functions for all purposes authorized by law or necessary to the exercise of any power granted, pursuant to SDCL 9-12-1(7) and to enact resolutions pursuant to SDCL 9-19-3,

THEREFORE, BE IT RESOLVED BY THE CITY OF ALCESTER:

1. Policy 3: Employee Classifications of the City of Alcester Personnel Manual is hereby amended to include the following:

3.2 Performance-based Bonuses

In accordance with Policy 2.6, the City Council may grant performance-based bonuses.

3.2.1 ELIGIBILITY

Only full-time employees, as defined in Policy 3.1, are eligible for performance-based bonuses.

3.2.1 PERFORMANCE-BASED BONUS CALCULATION

Review score between 0 and 1- no bonus
Review score between 1 and 2- \$100 bonus
Review score between 2 and 3- \$200 bonus
Review score of 3 (perfect score)- \$300 bonus

Dated this 15th day of March, 2021.

CITY OF ALCESTER

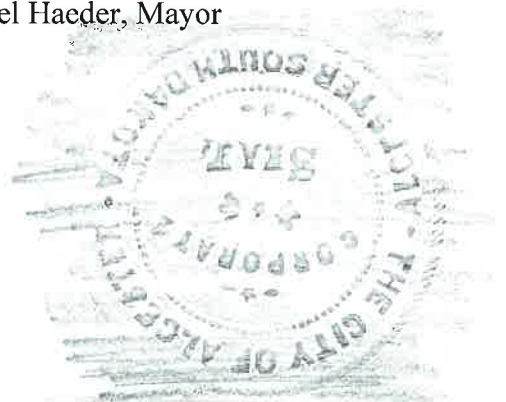

Daniel Haeder, Mayor

ATTEST:



Patricia Jurens, Finance Officer

First Reading: March 15, 2021
Date Adopted: March 15, 2021
Date Published: March 25, 2021
Effective Date: April 15, 2021



RESOLUTION NO. 2021-05
A RESOLUTION OF THE CITY OF ALCESTER, SD,
AMENDING THE CITY OF ALCESTER PERSONNEL MANUAL

Whereas, the City of Alcester may repeal, modify, or amend any policy in the City of Alcester Personnel Manual pursuant to Policy 1.3 of said manual; and

Whereas, the City Council believes regular and structured performance reviews will lead to a more efficient administration of government; and

Whereas, the City is empowered perform all administrative and financial functions for all purposes authorized by law or necessary to the exercise of any power granted, pursuant to SDCL 9-12-1(7) and to enact resolutions pursuant to SDCL 9-19-3,

THEREFORE, BE IT RESOLVED BY THE CITY OF ALCESTER:

1. Policy 2.6 of the City of Alcester Personnel Manual is hereby repealed and replaced with the following:

2.6 PERFORMANCE REVIEWS:

2.6.1 PURPOSE

Performance reviews are intended to provide the employee with a record of their performance, to encourage professional growth, to address concerns, and to promote communication between the parties involved.

2.6.2 PROCEDURE

The City Council Committees are responsible for conducting performance reviews with full-time employees. The Committee conducting the performance review shall use the performance review form that is approved by the City Council. Each prompt shall be completed, even if the response is "not applicable." Employees will sign their reviews and will receive a copy. Signing acknowledges that the performance review was conducted and the topics were discussed. Signing does not imply agreement. The original form will be kept in the employee's file.

2.6.3 SCHEDULE FOR REVIEWS

Performance reviews will be conducted: (1) with a new employee six months after their start date; (2) on or about an employee's anniversary date; and (3) as deemed appropriate by the overseeing Committee.

2. Form 2021-A shall be adopted by the City Council as the official form for conducting performance reviews.
3. Form 2021-A shall be appended to the end of the City of Alcester Personnel Manual: *Appendix Containing Forms.*

Dated this 15th day of March, 2021.

CITY OF ALCESTER



Daniel Haeder, Mayor

ATTEST:



Patricia Jurrens, Finance Officer

First Reading:	March 15, 2021
Date Adopted:	March 15, 2021
Date Published:	March 25, 2021
Effective Date:	April 15, 2021



ORDINANCE NO. 2021-04

AN ORDINANCE AMENDING CHAPTER 10.03 OF THE 2018 REVISED MUNICIPAL ORDINANCES OF THE CITY OF ALCESTER

WHEREAS, the City of Alcester has adopted a discretionary tax formula pursuant to state statute for the purposes of encouraging and fostering economic development; and

WHEREAS, the South Dakota Legislature consolidated and revised the statutes governing the aforementioned discretionary formula during the 2020 legislative session, with those revisions becoming effective July 1, 2020; and

WHEREAS, SDCL 10-6-35.4 permits a municipality to adopt a discretionary tax formula pursuant to SDCL 10-36-35.2, which lists the types of property which may be subject to a discretionary tax formula; and

WHEREAS, Updating the statutory references in the city ordinances is necessary to ensure their continued validity,

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Alcester that:

1. The final line of Section 10.03.01 Industrial Structures be amended to read “(Pursuant to SDCL 10-6-35.2(2) and 10-6-35.4)”
2. The final line of Section 10.03.02 Commercial Structures be amended to read “(Pursuant to SDCL 10-6-35.2(4) and 10-6-35.4)”
3. The final line of Section 10.03.03 Commercial Residential Structures be amended to read “(Pursuant to SDCL 10-6-35.2(5) and 10-6-35.4)”
4. The final line of Section 10.03.04 Residential Structures be amended to read “(Pursuant to SDCL 10-6-35.2(7) and 10-6-35.4)”
5. Section 10.0305 be amended to strike “and 10-6-35.19”

Dated this 1 day of March, 2021.

CITY OF ALCESTER, SOUTH DAKOTA


Daniel Haeder, Mayor

ATTEST:


Patricia R. Jurrens, Finance Officer

First Reading: February 15, 2021
Second Reading: March 1, 2021
Date Published: March 11, 2021
Effective Date: April 1, 2021



RESOLUTION NO. 2021-02

A RESOLUTION OF THE CITY OF ALCESTER UPDATING THE CITY'S USE OF DEADLY FORCE POLICY PURSUANT TO EXECUTIVE ORDER 13929

WHEREAS, the President of the United States issued Executive Order 13929, Safe Policing for Safe Communities, on June 16, 2020; and

WHEREAS, the Executive Order directs that Department of Justice discretionary grant funding may be allocated only to those state and local law enforcement agencies that seek appropriate credentialing from a credentialing body approved by the Attorney General of the United States; and

WHEREAS, the approved credentialing body must confirm that the state or local law enforcement agency' use-of-force policies adhere to all applicable federal, state and local laws; and

WHEREAS, the approved credentialing body must confirm that the state or local law enforcement agency's use-of-force policies prohibit the use of chokehold except in those situations where the use of deadly force is allowed by law.


NOW, THEREFORE, BE IT RESOLVED by the City of Alcester that Section 3.6 of the Alcester Police Policy Manual is hereby amended as follows:

3.6 Deadly force

1. The use of deadly force Is objectively reasonable when:
 - a. The officer is faced with an imminent threat of serious bodily harm or death to him/herself, or some other person who is present.
 - b. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape, the subject poses an imminent threat of serious bodily harm or death to another. Serious bodily harm is defined as harm or injury which involves substantial risk of death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a body member or organ or mental faculty.
2. Actions considered to be the use of deadly force include but are not limited to any discharge of a firearm, choke/neck holds (a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation) and less lethal impact munitions targeted at danger zones. These danger zones Include head, spine, neck, groin and kidneys. These force options shall not be used unless the threat to the officer or other person(s) warrants the use of deadly force.

3. Once the subject's active resistance has ceased and control has been gained, an officer is no longer authorized to use force. Officers should immediately provide any necessary medical assistance to the subject to the degree in which they are trained and provide emergency medical response where needed.

Dated this 18th day of January, 2021.

CITY OF ALCESTER

Daniel Haeder, Mayor

ATTEST:

Patricia Jurrens, Finance Officer



Date of Adoption: January 18, 2021

Date of Publication: January 28, 2021

Effective Date: January 28, 2021

RESOLUTION FOR CITY OF ALCESTER 2021 FEES

A Resolution Setting Certain Fees and Charges For Services and Setting Other Designations Provided by the City of Alcester

WHEREAS, City Ordinances require certain license fees, charges for services, and other designations to be established by resolution; and

WHEREAS, the City of Alcester is required to have on file in City Hall a list of complete charges and designations;

NOW, THEREFORE BE IT RESOLVED THAT the City of Alcester hereby establishes the following fees and other designations effective for the 2021 license year (fees are for the calendar year unless otherwise stated):

PERMITS AND LICENSES

Non-Resident Landfill Permit

Pickup Load	\$ 10.00 (3.03.03)
Truck Load	\$ 25.00 (3.03.03)
Resident Landfill Use	\$ 6.00 per month (3.03.05)
Peddler Permit	\$ 50.00 per day (4.01.02)
Additional Solicitors	\$ 25.00 Each
Alcohol:	
Permit/Public Location	\$ 25.00 (\$200 Deposit) (4.03.09)
Special Permit License	\$100.00 (4.03.10 /D)
Excavation Permits	\$1,000.00 Deposit plus Certificate of Insurance (6.02.03)
Residential Building Removal Permit	
House	\$500.00
	(Trailers houses/Garages/Outbuildings – no cost)
Fingerprint Cards	\$ 10.00 per card
Annual Golf Cart Permits	\$ 10.00
Building Permits	\$ 25.00 + \$1.50/\$1,000 Materials Only

WATER AND SEWER CONNECTION FEES

Water Connection Tapping Fee (to the Main)	\$300.00
Water Connect Fee	\$50.00
(Reconnect only if bill paid in full plus Disconnect Fee)	
Sewer Connection Tapping Fee (to the Main)	\$150.00
Utility Deposit	\$150.00 (8.01.02)
(Refunded to Home Owner after 12 consecutively on time payments / Renters returned upon moving)	

COMMUNITY CENTER RENTAL

Update upon completion

RESOLUTION FOR CITY OF ALCESTER 2021 FEES

CATS / DOGS

Annual License with Proof of Vaccinations	
Spayed / Neutered	\$10.00(5.02.13)
Non-Spayed / Non-Neutered	\$25.00(5.02.13)
Fine for Failure to Properly License Animal	\$25.00(5.012.A)
Violation per Month Fee	\$25.00(5.012.A)
Fines for Animals Running at Large	\$50.00 (5.02.02)
Ticket unpaid after 72 hours	\$75.00 (5.02.02)
Ticket unpaid after 2 weeks	\$100.00 (5.02.02)
Fines for Impounding Animals include Impounding Costs plus Fines	
First Impounding	\$50.00 (5.02.03) plus \$15 per day
Second Impounding (within 12 months)	\$75.00 (5.02.03) plus \$15 per day
Third or more Impounding	\$100.00 (5.02.03)
Fines for Failure to clean up Animal Feces	\$50.00 (5.02.16 C)
Ticket unpaid after 72 hours	\$75.00 (5.02.16 C)
Ticket unpaid after 2 weeks	\$100.00 (5.02.16 C)
Fines for Barking Dog	(5.02.16 E)
First Offense	Warning
Second Offense (within 6 months)	\$25.00
Third Offense	\$50.00

FINES AND FEES

Fine for Landfill Misuse	\$200.00 (3.03.07)
Fine for not covering load to Landfill	\$25.00 (3.03.03)
Fine for Violating Alcohol Permits	\$500.00 per day (4.03.13)
Fine for not shoveling snow from sidewalks	
Within 48 hours of snowfall	\$10.00 (6.03.03)
Not shoveled after 24 hours more	\$25.00
Tree Clearance 10 Feet above Sidewalks / 14 Feet above Streets	
Fine for Failure to Prune Trees	
Written Warning providing 30 days to complete	
After 30 days – City will assess the cost to complete (6.05.05)	
Recreational Vehicle/Trailer Parking on City Streets –72 hours maximum	
Failure to move RV/Trailer in 72 hours	Warning
24 hours after Warning	\$25.00
Failure to pay within 7 days	\$35.00
Failure to pay summons	\$50.00 (7.05 J)
Fine for illegal parking	\$25.00 (7.05.04)
Failure to pay within 7 days	\$35.00 (7.05.04)
Failure to pay summons	\$50.00 (7.05.04)
Fine for Towing Vehicles	\$25.00 Fine + Towing Charges (7.05.04)
Impounding Rate	\$25.00 per week
Hold time for Impounded Vehicles	Not to exceed 60 days
Fine for violation of snow removal parking	\$25.00 (7.05.08 D)
Ticket unpaid after 72 hours	\$50.00 (7.05.08 D)
Ticket unpaid after 2 weeks	\$75.00 (7.05.08 D)

RESOLUTION FOR CITY OF ALCESTER 2021 FEES

FINES AND FEES

Fine for Illegal Parking in Handicap	\$100.00 (7.05.17)
Bond Amount set by Council	\$500.00 (7.08.04)
Fine for Illegal Operation of a Golf Cart	\$25.00 (7.09.07)
Ticket unpaid after 72 hours	\$50.00 (7.09.07)
Ticket unpaid after 2 weeks	\$75.00 - \$100.00 (7.09.07)
Fine for Tampering with City Utilities	\$500.00 (8.01.10)

CITY HALL OFFICES

Black & White Photocopies	\$0.25/page
Color Photocopies	\$1.00/page
Faxes	\$ 2.00/Outgoing or Incoming
NSF Charges	Maximum allowed by SDCL 57A-3-421
Staff Time	Quoted after one hour of labor

MAINTENANCE:

Wheel Loader with Operator	\$150/hour
Skid Loader with Operator	\$130/hour
Mowing, Tractor & Rotary	\$85/hour
Dump Truck with Operator	\$80/load to City Dump
Mowing, Rider	\$60/hour
Black Dirt	\$45/Ton
Fill Dirt	\$20/Ton
Gravel	\$15/Ton
Labor	\$40/hour

RECREATION FEES

Pool Fees	
Family Pass	\$ 80.00
Individual Pass	\$ 35.00
Daily	\$ 3.00
Lessons	\$ 25.00 per child
Private Lessons	\$ 50.00 per child

GOLF FEES

Memberships	Before 5/15	After 5/15
Family:	\$500.00	\$535.00
1 st Time Family (not a member the past 3 years)	\$350.00	\$350.00
Couple:	\$420.00	\$450.00
1 st Time Couple (not a member the past 3 years)	\$300.00	\$300.00
Individual:	\$335.00	\$360.00
1 st Time Individual (not a member the past 3 years)	\$250.00	\$250.00
College Student	\$150.00	\$150.00
High School	\$ 50.00	\$ 50.00

Cart Storage Fees

Gas:	\$ 135.00
Electric	\$ 150.00

RESOLUTION FOR CITY OF ALCESTER 2021 FEES

Clubhouse Rental*

Member \$75 per day
(Plus \$10 / hour for each hour past normal business hours)
 Non-Member \$50 per day
(Plus \$10 / hour for each hour past normal business hours)

**Pursuant to Revised Municipal Ordinances for the City of Alcester 4.0308 and SDCL 35.1.5.6; no alcoholic beverages may be consumed on the Golf Course Premises that HAVE NOT been purchased from the Alcester Golf Clubhouse. Those renting the Clubhouse may bring in Tea, Coffee, Lemonade and other Non-alcoholic drinks for their guests.*

GREEN FEES

	<u>Weekdays</u>	<u>Weekends/Holidays</u>
9 Holes	\$11.00	\$13.00
18 Holes	\$16.00	\$19.00
Each Additional 9 holes (same day)	\$ 5.00	\$ 6.00
All Day Golf Rate	\$ 25.00 – Unlimited Golf	
Fall Golf Rate (September & October)	\$ 50.00 –Unlimited Golf	

Cart Rental

9 holes\$12.00
 18 holes.....\$16.00
 Annual Trail Fees.....\$40.00

Campground Fees

Per Day\$ 20.00
 Per Week.....\$120.00
 Longer staysContact City Hall for Rates

As provided by SDCL 9-19-13, this Resolution shall be effective upon publication of the Notice of Adoption and replaces any previously stated rates.

Dated this _____ day of _____.

 Daniel Haeder, Mayor
 City of Alcester, South Dakota

ATTEST:

 Patricia R Jurrens
 Finance Officer

(seal)

Passed & Adopted: _____