

**CHAMBER OF THE BOARD OF CITY COMMISSIONERS
YANKTON, SOUTH DAKOTA
July 22nd, 2019**

Board of City Commissioners of the City of Yankton was called to order by Mayor Johnson.

Roll Call: Present: Commissioners Ferdig, Hoffner, Miner, Moser, Schramm and Webber. City Attorney Den Herder and City Manager Leon were also present. Absent: Commissioners Benson and Carda. Quorum present.

Action 19-186

Moved by Commissioner Webber, seconded by Commissioner Miner, to approve the Minutes of Regular Meeting of July 8th, 2019.

Roll Call: All members present voting “Aye;” voting “Nay:” None.

Motion adopted.

City Manager Leon submitted a written report giving an update on community projects and items of interest.

There were no public appearances at that time.

Action 19-187

Moved by Commissioner Moser, seconded by Commissioner Ferdig, that the following items on the Consent Agenda be approved.

1. Peddler’s License Application

Consideration of Memorandum 19-153 recommending approval of an application for a Peddler’s License for Southwestern Advantage, representative Jurgen Vahter is requesting a license to go house to house selling educational books and materials from July 23 – August 23, 2019.

2. Transient Merchant License

Consideration of Memorandum #19-158 recommending approval of the application from Scott Luken Sculptures, Transient Merchant License from August 15, 2019 – September 15, 2019.

3. Establish public hearing for sale of alcoholic beverages

Establish August 12, 2019, as the date for the public hearing on the request for a Special Malt Beverage (on-sale) Retailers License for 1 day, August 17, 2019, from Yankton Rodeo Association (Douglas O Hevle, President), Rodeo Grounds, 404 Paddle Wheel Drive, Yankton, S.D.

4. Establish public hearing for sale of alcoholic beverages

Establish August 12, 2019, as the date for the public hearing on the request for a Special Events Retail (on-sale) Liquor License for 1 day, August 22, 2019, from Ben’s Brewing Co. (Ben Hanten, Owner), 222 West 3rd Street, Music at the Meridian, Parking Lot and Green Space Westside of Meridian Bridge & the enclosed area of Levee Street, Yankton, S.D

Roll Call: All members present voting “Aye;” voting “Nay:” None.

Motion adopted.

Action 19-188

Moved by Commissioner Miner, seconded by Commissioner Webber, to adopt Resolution 19-30. (Memorandum 19-154)

RESOLUTION 19-30

Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined area or areas and times specified for Special Events; and

WHEREAS, Yankton Parks, Recreation & City Events has made a request to enact this no parking zone for their event on August 30, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request on Walnut Street from 2nd to 3rd Street, to be in effect on August 30, 2019 from 1:00 PM to 10:00 PM.

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 19-189

Moved by Commissioner Webber, seconded by Commissioner Miner, to adopt Resolution 19-33. (Memorandum 19-163) Toby Morris, Senior Vice President with Dougherty Co., was present to answer questions and explain the bond issuance.

RESOLUTION 19-33

Authorizing The Construction And Equipping Of A New Aquatics Center At Fantle Memorial Park Pursuant To A Lease Agreement; Approving The Execution Of An Irrevocable Declaration Of Trust By Trustee; Providing For The Execution, Sale And Delivery Of Not To Exceed \$14,000,000 Aggregate Original Amount Of Certificates Of Participation In The Lease Agreement Pursuant To A Certificate Purchase Agreement And The Application Of The Proceeds Thereof To Construct And Equip A New Aquatics Center At Fantle Memorial Park And Approving And Authorizing A Ground Lease To The Trustee; And Authorizing And Approving Other Actions And Agreements Necessary To Consummate The Contemplated Improvement And Financing

WHEREAS, the City of Yankton (the “City”) is a duly organized South Dakota municipality; and
WHEREAS, the City has the power pursuant to SDCL Chapter 9-12 and Section 9-21-18.1 to lease and lease-purchase real and personal property; and

WHEREAS, it is the opinion of the City Commission that the City would be best served by entering into a Ground Lease and Lease Agreement; and

WHEREAS, it is declared necessary that a Declaration of Trust (the “Declaration of Trust”) be executed by the Trustee (the “Trustee”) for the purpose of financing the construction of a new aquatics center at Fantle Memorial Park.

WHEREAS, the City desires to the construct a new aquatics center at Fantle Memorial Park and for such purpose intends to enter into a Ground Lease with the City as lessor and the Trustee as lessee (the “Ground Lease”), Lease Agreement with the Trustee as lessor and the City as lessee (“the Lease Agreement”) and Certificates of Participation, Series 2019 (the “Certificates”) payable as to principal in the aggregate original amount not to exceed \$14,000,000 evidencing proportionate interests of the owners in the Lease Agreement;

WHEREAS, the proceeds of the Certificates will be used to fund the construction and equipping of the new aquatics center; and

WHEREAS, 66% of the City voters have voted to opt out of the tax limitation measure currently in statute up to \$884,043.00 annually starting with calendar year 2019 taxes payable in the calendar year 2020. This opt out will be for no more than twenty (20) years, which will be through taxes payable in the calendar year 2039 the taxes to pay for annual lease payments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF YANKTON as follows:

Definitions. In addition to the words and terms elsewhere defined in this Resolution, the following words and terms as used herein, whether or not the words have initial capitals, shall have the following meanings, unless the context or use indicates another or different meaning or intent, and such definitions shall be equally applicable to both the singular and plural forms of any of the words and terms herein defined:

“Act” SDCL Chapter 9-12 and Section 9-21-18.1.

“Authorized Officer” means the Mayor, Finance Manager, or, in the case of any act to be performed or duty to be discharged, any other member, officer, or employee of the City then authorized to perform such act or discharge such duty.

“Bond Counsel/Certificate Counsel” means Meierhenry Sargent LLP, a firm of attorneys recognized as having experience in matters relating to the issuance of state or local governmental obligations.

“Certificate Purchase Agreement” means the Certificate Purchase Agreement authorized pursuant to and described in Section 12 hereof by and between the City and the Underwriter.

“Certificates” means the Certificates of Participation in the Lease Agreement.

“City” means the City of Yankton, South Dakota.

“Declaration of Trust” means the trust agreement entered into by the Trustee and the City.

“Ground Lease” means the ground lease agreement between the City, as lessor, and the Trustee, as lessee, and any amendment thereof or supplement thereto.

“Improvements” mean the new aquatics center at Fantle Memorial Park, including equipment and furnishings thereof.

“Lease Agreement” means the lease purchase agreement between the Trustee, as lessor, and the City, as lessee, and any amendment thereof or supplement thereto.

“Property” means the real property upon which the Improvements will be made located at 2020 Douglas Avenue and legal described as the North West Quarter (NW¼) of the South East Quarter (SE¼) of the North West Quarter (NW¼), Section Seven (S7), Township ninety-three North (T93N), Range fifty-five West (55W) of the fifth Principal Meridian, City of Yankton, Yankton County, South Dakota.

“Opt-Out Taxes” means the \$884,043 of annual taxes collected in 2019 through 2039.

“Rating Agency” means one or more of the following rating agencies: S&P Global Ratings, Moody's Investors Service Inc. and Fitch IBCA, Inc. Declaration of Necessity and Approval of Improvements. The governing body of the City in accordance with the Act does hereby declare a necessity to enter into the Ground Lease, Lease Agreement and Trust Indenture; and approves the construction of the Improvements.

“Underwriter” means Dougherty & Company, Inc., Pierre, South Dakota acting for and on behalf of itself and such securities dealers as it may designate.

Authorization and Approval of Transactions. Subject to the terms and conditions set forth herein, the City hereby (i) authorizes the lease of the Property to the Trustee for a period not to exceed 30 years pursuant to the Ground Lease, (ii) authorizes the lease of the Property from the Trustee pursuant to the Lease Agreement on an annual appropriation basis for an initial lease term and renewal terms not to exceed in the aggregate 20 years, (iii) approves the Trustee's execution of the Declaration of Trust, (iv) approves the Trustee's execution and delivery of the Certificates, payable as to principal in an aggregate original amount not exceeding \$14,000,000 pursuant to the Declaration of Trust and a Certificate Purchase Agreement between the City and the Underwriter (the “Certificate Purchase Agreement”) and the use of the proceeds thereof to finance the construction and equipping of the Improvements, and to pay the expenses incurred in connection with the execution and delivery of the Certificates.

Approval of Documents and Legal Description. The Authorized Officers of the City are hereby authorized and empowered for and on behalf of the City to approve and execute (i) the Declaration of Trust, (ii) the Ground Lease, (iii) the Lease Agreement, (iv) the Certificate Purchase Agreement, and (v) a Continuing Disclosure Certificate in substantially the respective forms to be filed with the Finance Officer and open to public inspection during regular business hours. The Authorized Officers are authorized and directed to approve the entire legal description or a partial legal description of the Property to be included in the Ground Lease and Lease Agreement.

Certificates of Participation. The Certificates shall be executed and delivered in fully-registered form, shall be dated and numbered, shall be payable as to principal in \$5,000 denominations and integral multiples thereof and in such amounts (not exceeding in the aggregate \$14,000,000) and on such dates (not later than thirty (30) years), shall be payable as to interest at such rate or rates to be negotiated by the Authorized Officer and shall be subject to prepayment upon such terms and conditions, in such amounts and on such dates as may be specified in the Declaration of Trust and in the executed Certificate Purchase Agreement. The Authorized Officers are hereby authorized and empowered for and on behalf of the City to approve the Certificate Purchase Agreement, his or her execution and delivery thereof to evidence conclusively the City's approval thereof.

Annual Appropriation. The Lease Agreement is an annual appropriation lease subject to an annual appropriation by the City for each fiscal year.

Annual Payment. Upon each annual appropriation, the City covenants that if at any time the Opt-Out Taxes are insufficient to make the annual Lease Payment, that it shall inter-fund transfer or loan amounts sufficient to make the annual Lease payment under the Lease Agreement.

Segregation of Opt-out Taxes. The City does hereby segregate the Opt-Out Taxes from other funds of the City and shall use the Opt-Out Taxes solely for the annually appropriated lease payments due under the Lease Agreement.

Bond Counsel. The Authorized Officers are authorized to retain the Bond Counsel upon such terms as they approve.

Rating Agency. The Authorized Officers are authorized to retain the Rating Agency upon such terms as they approve.

Trustee. The Authorized Officers are authorized to retain the Trustee upon such terms as they approve.

Underwriter. The Authorized Officers are authorized to retain the Underwriter upon such terms as they approve.

Certificate Purchase Agreement. The Certificates shall be sold to the Underwriter at a price to be set forth in the Certificate Purchase Agreement. The Authorized Officers in consultation with the Placement Agent, are authorized to make such changes in the structuring of the terms and sale of the Certificates as they shall deem necessary. In this regard, they, or either of them, in consultation with the Underwriter, are authorized to cause to be sold an aggregate principal amount of the Certificates less than that authorized herein, to sell any or all of the Certificates as term Certificates with annual mandatory redemption requirements which will produce substantially the same annual principal reductions as authorized herein, to change the dated date of the, and to adjust principal and interest payment dates and redemption dates of the Certificates. The form of the Certificate shall be conformed to reflect any changes, if any, as hereinbefore mentioned. The Mayor is hereby authorized to execute and the Finance Officer is authorized to attest the Certificate Purchase Agreement with the Underwriter providing for the purchase and sale of the Certificates. The Certificate Purchase Agreement shall be in form and content acceptable to the Mayor and the execution thereof by either of them to constitute conclusive evidence thereof; provided the Certificate Purchase Agreement effects the sale of the Certificates in accordance with the provisions of this Resolution, and is not inconsistent with the terms hereof. The Mayor and Finance Officer are authorized to cause the Certificates to be authenticated and delivered by the Trustee to the Underwriter and to execute, publish, and deliver all certificates and documents, including the Official Statement, and closing certificates and documents, as they shall deem necessary in connection with the sale and delivery of the Certificates.

Official Statement. The Authorized Officers and the Underwriter are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Certificates (the "Preliminary Official Statement"). After the Certificates have been sold, the Authorized Officers shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a

final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission.

To comply with paragraph (b) (3) of Rule 15c2 12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule") and with Rule G 32 and all other applicable rules of the Municipal Securities Rulemaking Board, the City agrees to deliver to the Underwriter, the Official Statement (which shall be a final official statement, as such term is defined in the Rule, as of its date) in an electronic format as prescribed by the MSRB.

Tax Matters. The City covenants and agrees with the registered owners from time to time of the Certificates 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 component or interest on the Lease Agreement and Certificates to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the basic interest on the Certificates will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

The Authorized Officers charged with the responsibility for issuing the Certificates pursuant to this Resolution are hereby authorized and directed to execute and deliver to the Underwriter thereof a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates, it is reasonably expected that the proceeds of the Certificates will be used in a manner that would not cause the Certificates to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

Miscellaneous. Each Authorized Officer and any other agent or employee of the City is hereby authorized and empowered to take such other actions and execute and deliver such other instruments and agreements, including appropriate tax certifications and other closing certificates, as may be necessary or appropriate for the purposes of consummating the transactions contemplated herein, the necessity therefor and the appropriateness thereof to be evidenced conclusively by any such Authorized Officer's taking any such action or executing and delivering any such instrument, agreement or certificate and all actions taken heretofore and hereafter pursuant to the authority hereof are hereby authorized, ratified and approved for and as the actions of the City.

Invalidity. If any one or more of the provisions of this Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Continuing Disclosure. The City hereby covenants and agrees that it will provide financial information and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission for the Certificates. The Mayor is authorized to execute at the Closing of the sale of the Certificates, an agreement for the benefit of and enforceable by the owners of the Certificates specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the City to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Certificates to take such actions and to initiate such proceedings as

shall be necessary and appropriate to cause the City to comply with its undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Post Issuance Compliance. The City does hereby adopt Meier Henry Sargent Post-Issuance Compliance Policy and Tax-Advantaged Obligations and Continuing Disclosure with regard to the Certificates attached hereto. The City appoints the Finance Manager as the chief compliance officer.

Conflicting Resolutions Repealed. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure

Definitions

“Compliance Officer” means the Finance Manager of the Issuer.

“Issuer” means the City of Yankton.

Statement of Purpose

This Post-Issuance Compliance Policy (the “Policy”) sets forth specific policies of the Issuer designed to monitor post-issuance compliance:

- (i) with applicable provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations promulgated thereunder (“Treasury Regulations”) for obligations issued by the Issuer on tax-exempt or tax-advantaged basis (“Obligations”); and
- (ii) with applicable requirements set forth in certificates and agreement(s) (“Continuing Disclosure Agreements”) providing for ongoing disclosure in connection with the offering of obligations to investors (“Offerings”), for obligations (whether or not tax-exempt I tax-advantaged) subject to the continuing disclosure requirements of Rule 15c2-12(b)(5) (the “Rule”) promulgated by the Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934.

This Policy documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The federal tax law requirements applicable to each particular issue of Obligations will be detailed in the arbitrage or tax certificate prepared by bond counsel and signed by officials of the Issuer and the post-closing compliance checklist provided by bond counsel with respect to that issue. This Policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the requirements for individual borrowings.

This Policy similarly documents practices and describes various procedures and systems designed to ensure compliance with Continuing Disclosure Agreements, by preparing and disseminated related reports and information and reporting “material events” for the benefit of the holders of the

Issuer's obligations and to assist the Participating Underwriters (within the meaning of the Rule) in complying with the Rule.

The Issuer recognizes that compliance with pertinent law is an on-going process, necessary during the entire term of the obligations, and is an integral component of the Issuer's debt management. Accordingly, the analysis of those facts and implementation of the Policy will require on-going monitoring and consultation with bond counsel and the Issuer's accountants and advisors.

General Policies and Procedures

The following policies relate to procedures and systems for monitoring post-issuance compliance generally.

- A. The Compliance Officer shall be responsible for monitoring post-issuance compliance issues.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations issued by the Issuer shall be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service ("IRS") requirements, such as those contained in Revenue Procedure 97-22.
- D. The Compliance Officer shall be aware of options for voluntary corrections for failure to comply with post-issuance compliance requirements (such as remedial actions under Section 1.141-12 of the Regulations and the Treasury's Tax-Exempt Bonds Voluntary Closing Agreement Program) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

Issuance of Obligations - Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the "Transcript").
- B. Confirm that bond counsel has filed the applicable information report (e.g., Form 8038, Form 8038-G, Form 8038-CP) for such issue with the IRS on a timely basis.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable staff members of the Issuer.

Arbitrage

The following policies relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer's financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations.
- F. Monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.

- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
- M. Arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity Concerns

The following polices relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 - 1. Sale of the facilities, including sale of capacity rights;
 - 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
 - 3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
 - 4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
 - 5. Joint-ventures, limited liability companies or partnership arrangements;
 - 6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
 - 7. Development agreements which provide for guaranteed payments or property values from a developer;

8. Grants or loans made to private entities, including special assessment agreements; and
9. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt or tax-advantaged debt, the Compliance Officer will consult with the Issuer's bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Qualified Tax-Exempt Obligations

If the Issuer issues qualified tax-exempt obligations in any year, the Compliance Officer shall monitor all tax-exempt financings (including lease purchase arrangements and other similar financing arrangements and conduit financings on behalf of 501(c)(3) organizations) to assure that the \$10,000,000 "Small Issuer" limit is not exceeded.

Federal Subsidy Payments

The Compliance Officer shall be responsible for the calculation of the amount of any federal subsidy payments and the timely preparation and submission of the applicable tax form and application for federal subsidy payments for tax-advantaged obligations such as Build America Bonds, New Clean Renewable Energy Bonds and Qualified School Construction Bonds.

Reissuance

The following policies relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following policies relate to retention of records relating to the Obligations issued. The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
 - 1. The Transcript relating to the transaction (including any arbitrage or other tax certificate and the bond counsel opinion);
 - 2. Documentation evidencing expenditure of proceeds of the issue;
 - 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation.
 - 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
 - 5. Documentation evidencing all sources of payment or security for the issue; and
 - 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

Continuing Disclosure

Under the provisions of SEC Rule 15c2-12 (the “Rule”), Participating Underwriters (as defined in the Rule) are required to determine that issuers (such as the Issuer) have entered into written Continuing Disclosure Agreements to make ongoing disclosure in connection with Offerings subject to the Rule. Unless the Issuer is exempt from compliance with the Rule or the continuing disclosure provisions of the Rule as a result of certain permitted exemptions, the Transcript for each issue of related obligations will include a Continuing Disclosure Agreement executed by the Issuer.

In order to monitor compliance by the Issuer with its Continuing Disclosure Agreements, the Compliance Officer will, if and as required by such Continuing Disclosure Agreements:

- A. Assist in the preparation or review of annual reports ("Annual Reports") in the form required by the related Continuing Disclosure Agreements.
- B. Maintain a calendar, with appropriate reminder notifications, listing the filing due dates relating to dissemination of Annual Reports, which annual due date is generally expressed as a date within a certain number of days (e.g., 365 days) following the end of the Issuer's fiscal year (the "Annual Report Due Date"), as provided in the related Continuing Disclosure Agreements.
- C. Ensure timely dissemination of the Annual Report by the Annual Report Due Date, in the format and manner provided in the related Continuing Disclosure Agreements, which may include transmitting such filing to the Municipal Securities Rulemaking Board ("MSRB") through the Electronic Municipal Market Access ("EMMA") System at www.emma.msrb.org in the format prescribed by the MSRB.
- D. Monitor the occurrence of any "Material Event" (as defined in the Continuing Disclosure Agreements) and timely file notice of the occurrence of any such Material Event in the manner provided under the Continuing Disclosure Agreements. To be timely filed, such notice must have transmitted within 10 days (or such other time period as set forth in the Continuing Disclosure Agreements) of the occurrence of such Material Event.
- E. Ensure timely dissemination of notice of any failure to perform under a Continuing Disclosure Agreement, if and as required by the Continuing Disclosure Agreement.
- F. Respond to requests, or ensure that the Issuer Contact (as defined in the Continuing Disclosure Agreement) responds to requests, for information under the Rule, as provided in the Continuing Disclosure Agreements.
- G. Monitor the performance of any dissemination agent(s) engaged by the Issuer to assist in the performance of any obligation under the Continuing Disclosure Agreements.

Roll Call: All members present voting "Aye;" voting "Nay:" None.
Motion adopted.

Action 19-190

Moved by Commissioner Schramm, seconded by Commissioner Moser, to approve the naming recommendation for the Walnut Street Fire Feature provided by the Naming Rights Committee. (Memorandum 19-152)

Roll Call: All members present voting "Aye;" voting "Nay:" None.
Motion adopted.

Action 19-191

Moved by Commissioner Webber, seconded by Commissioner Ferdig, to approve Resolution 19-32. (Memorandum 19-161)

RESOLUTION 19-32

Special Events Parking Request

WHEREAS, the City Commission adopted an Ordinance allowing for no parking designation for special events within the City of Yankton; and

WHEREAS, this Resolution would authorize the City of Yankton to tow vehicles that are parked in the defined area or areas and times specified for Special Events; and

WHEREAS, the Riverboat Days committee has made a request to enact this no parking zone for their event on August 16-18, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Yankton, South Dakota hereby approves the Special Event Parking Request on Levee Street from Douglas to Pearl, Mulberry Street from Levee to 2nd Street and Pearl Street from Levee to 2nd Street, as well as the designated parking lots from August 16, 2019 through August 18, 2019.

Roll Call: All Commissioners voting “Aye” were Ferdig, Miner, Moser, Schramm, Webber and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Hoffner.
Motion adopted.

Commissioner Webber introduced and Mayor Johnson read the title of Ordinance No. 1023, AN ORDINANCE AMENDING THE DEFINITION OF NOXIOUS, AND DANGEROUS AND UNHEALTHFUL VEGETATION, and set the date of the second reading and public hearing as August 12th, 2019.

Action 19-192

Moved by Commissioner Miner, seconded by Commissioner Schramm, to approve the Sidewalk Cafe Permit Application for 300 West 3rd Street doing business as Abe’s Coffee House.
(Memorandum 19-157)

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 19-193

Moved by Commissioner Moser, seconded by Commissioner Ferdig, to approve Resolution 19-31.
(Memorandum 19-155)

RESOLUTION 19-31

WHEREAS, it appears from an examination of the plat of Lots 46 and 58, Crestview Homes Subdivision, in the NE 1/4 of Section 21, T93N, R56W of the 5th P.M., Yankton County, South Dakota prepared by John L. Brandt, a registered land surveyor in the state of South Dakota, and

WHEREAS, such plat has been prepared according to law and is consistent with the City’s overall Comprehensive Development Plan.

NOW, THEREFORE BE IT RESOLVED by the Board of City Commissioners of the City of Yankton, South Dakota, that the plat for the above described property is hereby approved.

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 19-194

Moved by Commissioner Ferdig, seconded by Commissioner Miner, to approve the request for a public firework display hosted by Yankton Air Show on August 30, 2019 through September 1, 2019. (Memorandum 19-160)

Roll Call: All Commissioners voting “Aye” were Ferdig, Miner, Moser, Schramm, Webber and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Hoffner.
Motion adopted.

Action 19-195

Moved by Commissioner Miner, seconded by Commissioner Webber, to approve the City Manager to execute a Municipal Bicycle Trail Easement on private property in Lot 1, Block One, Golf View Estates Subdivision. (Memorandum 19-159)

Roll Call: All Commissioners voting “Aye” were Ferdig, Hoffner, Miner, Schramm, Webber and Mayor Johnson; voting “Nay:” None. Abstain: Commissioner Moser.
Motion adopted.

Action 19-196

Moved by Commissioner Ferdig, seconded by Commissioner Moser, to approve the Memorandum of Understanding between the City of Yankton and the Yankton Youth Soccer Association (YYSA) and authorize the City Manager to execute transaction documents associated with accepting the described property. (Memorandum 19-156) Wes Chambers, President of YYSA, was present and expressed gratitude toward the 4030 Foundation and encouraged the City Commission to support this action. Carol Ebel, former YYSA Board Member, also thanked all involved and encouraged Commission support. A number of YYSA Board Members, Coaches, Parents and Youth Soccer Players were also in attendance.

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 19-197

Moved by Commissioner Moser, seconded by Commissioner Hoffner, to approve Resolution 19-34. (Memorandum 19-162)

RESOLUTION 19-34

Radio Proposal Contract

WHEREAS, the City of Yankton has identified the need to upgrade the 911 radio and consoles and construct a new P-25 radio site and associated improvements, and

WHEREAS, the City of Yankton proposes contract with RACOM Inc. to provide radio services to assist with said project, then

NOW, THEREFORE BE IT RESOLVED, that the Yankton City Commission duly authorizes the execution of the contract with RACOM for radio services, and

BE IT FURTHER RESOLVED, that the City Manager be authorized to execute the contract documents for the proposed radio services.

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Action 19-198

Moved by Commissioner Miner, seconded by Commissioner Webber, to adjourn at 7:55 p.m.

Roll Call: All members present voting “Aye;” voting “Nay:” None.
Motion adopted.

Nathan V Johnson
Mayor

ATTEST:

Al Viereck
Finance Officer