

Agenda
Elk Point City Council
Special Meeting
Tuesday, February 18, 2020 @ 6:00pm
Elk Point City Hall

- (1) Call to Order and Roll Call
- (2) Approve Agenda
- (3) Public Forum
 - Public hearing (6:00pm) for a Spink Family Restaurant (Sam & Rhonda Otten) – Lot 7 Block 4 Original Elk Point City, South Dakota. (103 E. Main St.) for a Retail On and Off Sale Malt Beverage and South Dakota Farm Wine License.
 - Public hearing (6:00pm) for a Retail On-Sale Liquor License transfer from MJC Investments, LLC – Lot 7 Block 4 Original Elk Point City, South Dakota (103 E. Main St.) to Spink Family Restaurant (Sam & Rhonda Otten).
- (4) Unfinished Business
 - Motion to approve the Retail On and Off Sale Malt Beverage and South Dakota Farm Wine License for Spink Family Restaurant.
 - Motion to approve the Retail On-Sale Liquor License transfer from MJC Investments, LLC to Spink Family Restaurant.
 - Motion to approve deed for Lions Park.
- (5) New Business
 - Resolution #2020-4, A Resolution Declaring Necessity and Expediency for Issuance of General Obligation City Bonds, Calling an Election Therefore and Hiring Professionals in Connection Therewith.

City of Elk Point

Mission Statement

To provide services that promote the highest quality of life through cost effective and efficient governance.

Date Received _____

License No. _____

Date Issued _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

Sam and Rhonda Otten
31306 477th Ave
Akron IA 51001

Owner's Telephone #: 605 565 2079

B. Business Name and Address

SPINK Family Restaurant
103 E. Main Street PO Box 863
Elk Point SD 57025

Business Telephone #: 605 761 5780

Place of business is located in a municipality? Yes No

County: Union

Do you own or lease this property? Own Lease

Are real property taxes paid to date? Yes No

C. Indicate the class of license being applied for (submit separate application for each class of license).

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Convention Center (on-sale) Liquor
- Package (off-sale) Liquor
- Retail (on-off sale) Wine and Cider
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package Delivery
- Hunting Preserve
- Other _____

D. Legal description of licensed premise:

Lot 7, Block 4 of the original townsite of Elk Point, Union County, South Dakota

Is this license in active use? Yes No

Have you ever been convicted of a felony? Yes No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?

E. State Sales Tax Number 1025 2886 ST

Yes No If Yes, please list on the back page.

F. New license Transfer? (\$150) Re-issuance

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 1-29-20 Print Name Sam Otten Signature Sam Otten

H. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on February 4, 2020. Public hearing on the application was held February 10, 2020, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held
Amount of fee collected with application \$ _____
Amount of fee retained \$ _____
Forwarded with application \$ _____

For Local Government Use

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL _____ REVIEW _____

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

**Company supplement information
(For corporate/partnership/LP/LLC applicants)**

Name of corporation/partnership/LP LLC Spink Family Restaurant

Address of office and principal place of business of corporation/partnership/LP/LLC 103 E. main St.

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? Yes No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
<u>Sam Otten</u>	<u>owner</u>	<u>31306 477th Avenue</u>	<u>owners and</u>
<u>Rhonda Otten</u>	<u>owner</u>	<u>Akron IA 51001</u>	<u>operator</u>

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner

Date

Sam Otten

1-29-20

Date Received _____
Date Issued _____

License No. _____

Uniform Alcoholic Beverage License Application

A. Owner Name and Address

Sam and Rhonda Otten
31306 47th Ave
Akron IA 51001

Owner's Telephone #: 605 565 2079

B. Business Name and Address

Spink Family Restaurant
103 East Main Street PO Box 863
Elk Point SD 57025

Business Telephone #: 605 761 5780
Place of business is located in a municipality? Yes No

County: _____

Do you own or lease this property? Own Lease

Are real property taxes paid to date? Yes No

C. Indicate the class of license being applied for (submit separate application for each class of license).

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Convention Center (on-sale) Liquor
- Package (off-sale) Liquor
- Retail (on-off sale) Wine and Cider
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package Delivery
- Hunting Preserve
- Other _____

Is this license in active use? Yes No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?

Yes No **If Yes, please list on the back page.**

D. Legal description of licensed premise:

Lot 7, Block 4 of the original
townsite of Elk Point, Union
County, South Dakota

Have you ever been convicted of a felony? Yes No

E. State Sales Tax Number 1025 2886 ST

F. New license Transfer? (\$150) Re-issuance

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 2-3-20 Print Name Sam Otten Signature Sam Otten

H. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on 02/06/2020. Public hearing on the application was held 02/18/2020, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Renewal - no public hearing held
Amount of fee collected with application \$ _____
Amount of fee retained \$ _____
Forwarded with application \$ _____

For Local Government Use

(Seal) _____
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY:

APPROVAL _____ **REVIEW** _____

**Company Supplement Information
(For corporate/partnership/LP/LLC applicants)**

Name of corporation/partnership/LP LLC SPINK Family Restaurant

Address of office and principal place of business of corporation/partnership/LP/LLC 103 East Main St.

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony? Yes No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
<u>Sam Otten</u>	<u>owner</u>	<u>31306 477th Ave.</u>	<u>owners and</u>
<u>Rhonda Otten</u>	<u>owner</u>	<u>Akron IA 51001</u>	<u>operators</u>

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner

Date

Sam Otten

2-3-20

Prepared by:
JOHN P. SLATTERY
PO Box 398, 110 West Main
Elk Point, SD 57025
(605) 356-3373

QUIT CLAIM DEED

Elk Point Lions Club, Grantor, of PO Box 398, Elk Point, South Dakota 57025, for and in consideration of One Dollar (\$1.00) and other valuable consideration,

GRANTS, CONVEYS AND QUIT CLAIMS to the City of Elk Point, Union County, South Dakota, Grantee, of PO Box 280, Elk Point, South Dakota 57025, all interest in the following described real estate in the County of Union in the State of South Dakota, to-wit:

Lot 63B, Block 5, Country Club Addition to the City of Elk Point, Union County, South Dakota, according to the recorded plat thereof.

Grantor hereby warrants that this property is not the subject of any homestead right in Grantor.

Exempt from Transfer Fee SDCL 43-4-22(18).

Dated this _____ day of _____, 2020.

and Patricia J. Schurdevin, personally known to me,
appeared in my presence on the _____ day of _____,
2020 and executed the foregoing Deed and Verification on
oath and affirmation that all matters contained therein are
true.

John Slattery
Notary Public, State of South Dakota

My Commission Expires: 09-02-24

RESOLUTION NO. 2020 -

RESOLUTION DECLARING NECESSITY AND EXPEDIENCY FOR ISSUANCE OF GENERAL OBLIGATION CITY BONDS, CALLING AN ELECTION THEREFORE AND HIRING PROFESSIONALS IN CONNECTION THEREWITH.

BE IT RESOLVED by the City Council of City of Elk Point, Union County, South Dakota, as follows:

1. Declaration of Necessity. It is hereby found, determined and declared that it is necessary and expedient for this City to borrow money by issuing its general obligation City Bonds in an amount not exceeding \$1,500,000 payable from 1 and not to exceed 20 years from date of issuance, bearing interest payable at such times and at such rate or rates as may be determined by the City Council, the proceeds of which will be used to (1) construct and equip a Swimming Pool Facility, and (2) financing costs of issuance, if so approved by the voters.
2. Election. The question of authorizing the issuance of such bonds shall be submitted to the qualified electors of the City at a bond election which is to be held on the 14th day of April 2020, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. The question shall be in substantially the following form:

SHALL THE CITY OF ELK POINT, UNION COUNTY, SOUTH DAKOTA, ISSUE ITS NEGOTIABLE GENERAL OBLIGATION CITY BONDS IN A PRINCIPAL AMOUNT NOT EXCEEDING \$1,500,000, BEARING INTEREST AT SUCH RATES AS MAY BE DETERMINED BY THE CITY COUNCIL, PAYABLE AND MATURING FROM 1 AND NOT TO EXCEED 20 YEARS AFTER THE DATE OF ISSUANCE, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE (1) CONSTRUCTION AND EQUIPPING OF A SWIMMING POOL FACILITY, AND (2) PAYING THE COSTS OF ISSUANCE?

SHALL THE ABOVE PROPOSITION BE APPROVED AND THE BONDS ISSUED?

3. Polling places and Judges. Polling places and judges and clerks for said election shall be selected according to South Dakota Law.
4. Voter Registration Deadline. The Finance Officer is hereby authorized and directed to give notice of voter registration and deadline therefore, as required by law. The deadline for voter registration shall not be less than fifteen (15) days prior to the election. The Finance Officer shall give notice of the availability of registration officials and state when registration will be terminated and the effect of a failure to have registered. Such notice shall be published in official newspapers of the City at least once each week for (2) two consecutive weeks, the last publication to be not less than (10) ten nor more than (15) fifteen days before the deadline for registration.
5. Notice of Election. The Finance Officer is hereby authorized and directed to give notice of bond election, said notice to be published in the official newspaper for the City, once each week for two (2) successive weeks before said date of election. The second notice shall be published not less than four (4) days nor more than ten (10) days before the election.
6. Ballots. The Finance Officer is authorized and directed to cause printed ballots to be prepared for use at said election in substantially the form on file with the Finance Officer and to publish with the second notice of election.
7. Canvass. Said election shall be held and conducted and the votes cast thereat shall be counted, certified and canvassed according to law, and the City Council shall meet at the regular meeting room in Elk Point, South Dakota, in the City for the purpose of canvassing the results within six (6) days of the election.
8. Hiring of Professionals. Meierhenry Sargent LLP of Sioux Falls, South Dakota is hereby designated as bond counsel for this issue and Dougherty & Company LLC hereby designated as Underwriter for this issue. The Mayor and Finance Officer are authorized to execute such documents as are necessary to carry out the intent of this paragraph.
9. Authorization of Officers. The Mayor and Finance Officer are authorized to sign any acknowledgement, certificates or documents required by Underwriter in connection with the Bonds.

Council Member _____ moved for the adoption of the foregoing Resolution.

Said motion was seconded by Council Member _____ and upon vote being taken the following voted AYE:

and the following voted NAY:

whereupon said motion was declared duly passed and adopted, and was signed and attested by the Mayor and Finance Officer.

ATTEST:

Mayor

Finance Officer

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF UNION)

I, Erika Hammitt, the undersigned, duly qualified and acting Finance Officer of City of Elk Point, Union County, State of South Dakota, hereby certify that I have carefully compared the attached and foregoing Extract of Minutes with the original thereof on file and of record in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City duly called and held on the date therein indicated, so far as such Minutes relate to the issuance of bonds by said City.

WITNESS my hand and official seal of the City as such Finance Officer this _____ day of _____ 2020.

Finance Officer