

**AGENDA
CITY OF MILLER
MONDAY, AUGUST 19, 2024
7:00 P.M.**

The City of Miller is an equal opportunity employer.

**Call to Order
Pledge of Allegiance**

**Approval of Agenda
Approval of Minutespgs. 1 - 3**

Public Input

Unfinished Business

1. ISG – Capital Improvement Plan final draft *(digital version available)* pgs. 4 - 5

New Business

1. Ace Hardware Event – street closure
2. Building Permits
 - a. Elizabeth Olson – mobile homes
 - b. Brandon Hammill – remove garage
 - c. Legion/City Ball Fields – sunshades over bleachers
3. Phase IV – DANR Additional \$1.1 million
 - a. Resolution No. 2024-9 – Issuer Bond pgs. 6 - 13
 - b. Resolution No. 2024-10 – DW SRF Surchargepg. 14
4. Ball Fields – fence quotepg. 15
5. SDML Annual Conference – Sioux Falls, Oct. 8-11
6. Plat – Nelson’s Second Addition pgs. 16 - 18

Approval of Bills

Adjourn

Public comments are welcomed during public input, but no action can be taken by the Council on comments received at this meeting. Anyone wishing to have the Council vote on an item should call the Finance Office at 853-2705 by 5:00 p.m. on the Wednesday preceding the next scheduled meeting to be placed on the agenda.

**CITY OF MILLER
CITY COUNCIL MEETING
AUGUST 5, 2024**

The City of Miller is an equal opportunity employer.

The City Council met in regular session at city hall at 7:00 p.m. on Monday, August 5, 2024.

MEMBERS PRESENT: Mayor Tom McGough, Aldermen: Dale Hargens, Will Jones, Patrick Price, Gale Auch, and Landon Gab and Alderwoman Susan Hargens.

CALL TO ORDER: Mayor McGough called the meeting to order.

Pledge of Allegiance was said by all present.

AGENDA: Motion by Alderman Hargens, seconded by Alderman Auch to approve the agenda. All members voted aye. Motion carried.

MINUTES: Motion by Alderman Price, seconded by Alderman Jones to approve the minutes as printed for the regular meeting held on July 15, 2024, and the special work session held on July 24, 2024. All members voted aye. Motion carried.

Public Input: Pastor Will Page stated that the Pastor's Party in the Park will be held Sunday, August 25, not Saturday, August 24. The council members accepted the date change.

Department Head Reports

Ron Hoftiezer has been cutting dead trees and tree limbs. Clearing hanging limbs clears the right of way for dump trucks before streets get oiled for the season. Mosquitos continue to be sent in for testing; so far, Hand County has not had any positive results for West Nile.

NEW BUSINESS

Baseball Association: Joe Beranek would like to see the city apply for the FEMA grant again to build the storm shelter at the ball fields. He would also like to discuss a plan B if FEMA funding is not awarded soon. He has been in contact with Mike Werdel, Legion Post 38, about installing permanent sunshades above the bleachers behind home plate on each softball field. Joe commended Roger Haberling for his time and effort in keeping the fields well-maintained. The weed control by Andy Canham and John Fanning has been exceptional as well.

Miller Ace Hardware Event: No one was present to address this item.

Code Enforcement/Building Permits: Alderman Jones wants the city to enforce the regulations in its ordinances pertaining to the requirements for obtaining a building permit before construction or relocation happens. Alderman Price referenced Section 40-33 in Miller's Code of Ordinances. The city can impose a fine "up to \$25.00 per day for each and every day during which such illegal locating, erection, construction, reconstruction, enlargement, change, maintenance or use continues." Price also referenced the statement to which applicants sign on the building permit application, "...I understand that work shall not begin until the permit is issued by the Miller City Council..." Alderman Hargens is in favor of sending the message that the council shall uphold the laws and policies of the city. Alderman Price still wants to address issues on a case-by-case basis anytime a fine is levied.

Building Permits: Motion by Alderman Hargens, seconded by Alderman Jones to deny Elizabeth Olson's building permit application for mobile homes, to ascertain a date for when the homes were moved onto the location, and assess a fine of \$25.00 per day; once the fine is paid, the council will review their permit application again. Alderman Price discussed clarification on the end date for charging the fine. Alderman Hargens revised his motion to add an end date of August 5, Alderman Jones concurred. Alderman Auch mentioned portable structures and if this could potentially fall under such. Alderman Hargens clarified that for the purpose of imposing the fine, the council will treat this as 1 violation even though there are 2 mobile homes in violation on the property. Alderman Jones accepted. All members voted aye. Motion carried.

Motion by Alderman Price, seconded by Alderman Auch to approve building permits for Super 8 hotel to build and shed and for Ethan Cramer to install a fence. All members voted aye. Motion carried.

PUBLIC HEARING

7:30 p.m. Board of Adjustments – Variance: Mayor McGough adjourned the board as the common council and convened as the Board of Adjustments at 7:30 p.m. Adam Seeklander was present to request a variance on the front side of his house to build a fence. The fence will not obstruct view in the right of way. Motion by Alderman Price, seconded by Alderman Gab to approve a variance to allow Seeklander to build a fence closer to the front lot line than allowed by City Code. No opponents to the request were present. All members voted aye. Motion carried. Mayor McGough reconvened the board back to the common council.

Building Permits cont'd:

Motion by Alderman Price, seconded by Alderman Jones to approve a building permit for Adam and Christina Seeklander to build a fence. All members voted aye. Motion carried.

Resolution No. 2024-8: Mayor McGough read Resolution No. 2024-8: A Resolution Opposing Initiated Measure 28. If passed, the City of Miller estimates annual lost revenue of \$159,000 unless the measure is rejected by voters in South Dakota. Motion by Alderman Hargens, seconded by Alderwoman Hargens to approved Resolution No. 2024-8. Five members voted aye. One member voted nay. Motion carried.

Phase IV Water Utility Project: Motion by Alderwoman Hargens, seconded by Alderman Gab to approve payment of **SPN Invoices 34218-34223** for a total of \$21,275.35. All members voted aye. Motion carried. Motion by Alderman Price, seconded by Alderman Jones to approve payment of **TLC Olson Pay App. No. 1** for \$789,314.15 contingent upon receiving funds from DANR. All members voted aye. Motion carried. Motion by Alderman Price, seconded by Alderman Auch to approve **TLC Change Order No. 2**. It revises the scope of the wastewater portion of the project on Donlin Street resulting in an increase of \$40,375.75 which is still within budget of the project. All members voted aye. Motion carried.

EXECUTIVE SESSION

Motion by Alderman Price, seconded by Alderwoman Hargens to go into executive session pursuant to SDCL 1-25-2(1) at 7:48 p.m. Mayor McGough brought the council out of executive session at 8:26 p.m. No action taken.

Approval of Bills: Motion by Alderman Price, seconded by Alderman Gab to pay the bills. All members voted aye. Motion carried.

Motion by Alderman Price, seconded by Alderman Auch to adjourn the meeting. There being no further business, the meeting was adjourned at 8:28 p.m. All members voted aye. Motion carried.

Tom McGough, Mayor

Cindy Deuter, Finance Officer

LEGAL NOTICE OF RECEIPT

Copy of the official proceedings

was received on: _____

Published once at the

approximate cost of: _____

Bills August 2024 (1)

3D Communications	Supplies	502.50
A-Ox Welding	Supplies	31.42
American Solutions	Supplies	118.92
Bobs Disposal	Garbage	350.00
Border States	Supplies	604.52
Builders Solutions	Supplies	81.62
Burbach Aquatics Inc	Prof Fees	10,001.41
City Utilities	Utilities	7,459.95
Civic Plus	Prof Fees	2,290.89
CES	Code Enforcement	724.26
Creative Printing	Supplies	65.42
Dakota Land Mgmt	Spraying	550.72
Cindy Deuter	Reimb	96.75
DG	Supplies	28.30
Hawkins	Chemical	2,568.16
Ron Hoftiezer	Reimb	15.00
Hughes Electric	Supplies	78.93
Inland Truck	Supplies	290.71
I & S Group	Prof Fees	1,500.00
Landis+Gyr	Prof Fees	5,035.00
Locators & Supplies	Supplies	239.86
Milbank Winwater	Supplies	587.32
Miller Rexail	Supplies	34.58
MMUA	Prof Fees	662.00
Morris	Supplies	6,750.90
NAPA	Parts	641.09
Dave Nelson	Solar Sellback	150.29
Oakley Farm & Ranch	Supplies	90.68
OHED	80% Bbb	5,592.06
Oswald Trucking	City Pile	4,350.58
Petty Cash	Reimb	62.03
USPS	Postage	350.00
Postmaster Trust	Postage	425.00
SD DANR	Prof Fees	250.00
SD DOR	Excise Tax	443.63
SD PHL	Water Samples	30.00
SPN	Prof Fees	21,275.35
TLC Olson Const.	PH.IV Project	789,314.15
Truenorth Steel	Supplies	1,108.80
US BNA	Loan	22,547.06
US BNA	Loan	22,611.64
US BNA	Loan	12,775.27
US BNA	Loan	4,640.84
Vandiest	Supplies	2,406.50
Wesco	Supplies	26,007.00
Accounts Payable Total		955,741.11

Payroll Salary plus 7/25/2024 & 7/31/2024 & 8/1/2024 &

Benefits by Department:		8/8/2024	
Department		w/o OT	OT
41101 COUNCIL		3,331.79	0.00
41402 FINANCE OFFICE		2,921.50	11.70
41902 BUILDING		309.23	0.00
42101 POLICE		12,397.73	370.83
43101 STREET		8,904.48	1,000.10
43201 SEWER		5,960.59	718.26
43305 WATER		5,960.52	718.25
43403 ELECTRIC		13,502.38	74.10
45101 BALLPARK		1,180.38	0.00
45202 PARK		1,244.43	0.00
45103 POOL		19,047.28	797.60
		<u>\$74,760.31</u>	<u>\$3,690.84</u>
			<u>\$78,451.15</u>

CITY OF MILLER

CAPITAL IMPROVEMENT PLAN

SOUTH DAKOTA

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

FISCAL YEARS | 2025-2029



FOR:

Tom McGough
Mayor

City of Miller
120 West 2nd Street
Miller, SD 57362

605.853.2705

Tom.McGough@cityofmiller.com



Architecture
Engineering
Environmental
Planning
ISGInc.com

FROM:

Justin Heim, PE
Civil Engineer

ISG
345 North Reid Place
Suite 300
Sioux Falls, SD 57103

605.274.6401

Justin.Heim@ISGInc.com

PROJECT #23-27968

TABLE OF CONTENTS

Introduction + Purpose	3
Overview	3
Capital Improvement Plan Summary	3
Program Development	4
Sources of Funding	5
Community Overview	7
Miller Demographic Overview	8
Capital Improvement Plan	13
System Overview, Recommendations, and Programmed Improvements	17
Infrastructure	17
Parks	27
Facilities	28
Growth + Development	30
Appendices	31
Appendix A: Programmed Improvements by Year	33
Appendix B: Expanded Project List	37
Appendix C: Financial Analysis	46
Appendix D: Utility Maps	53
Appendix E: Supplemental Information	57

RESOLUTION NO. 2024-9

The City of Miller is an equal opportunity employer.

RESOLUTION GIVING APPROVAL TO CERTAIN DRINKING WATER FACILITIES IMPROVEMENTS; GIVING APPROVAL TO THE ISSUANCE AND SALE OF A REVENUE BOND TO FINANCE, DIRECTLY OR INDIRECTLY, THE IMPROVEMENTS TO THE FACILITIES; APPROVING THE FORM OF THE LOAN AGREEMENT AND THE REVENUE BOND AND PLEDGING 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 of waterworks for the purpose of providing water and water supply for domestic, municipal, 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 Miller (the "City") currently operates a water distribution system to supply municipal, industrial and domestic water to its inhabitants and has determined that improvements to the drinking water facilities are necessary for the conduct of its governmental programs and qualifies as an improvement, extension or addition to its drinking water system; and,

WHEREAS, the City has determined to issue its revenue bonds to finance the improvements to its system of waterworks for the purpose of providing water and water supply for domestic, municipal, and industrial purposes (the "System") and has applied to the South Dakota Conservancy District (the "District") for a Drinking Water State Revolving Fund Loan to finance the improvements;

WHEREAS, the City shall adopt 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 Miller Phase IV Water Project- Additional Funding.

“Revenue Bond” means the revenue bond or bonds issued the date of the Loan Agreement by the City to the South Dakota Conservancy District to evidence the City’s obligation to repay the principal of and pay interest and Administrative Expense Surcharge on the Loan.

“System” means the City’s system of waterworks used for the purpose of providing water and water supply for domestic, municipal, and industrial purposes.

SECTION 2. Declaration of Necessity and Findings.

2.1. Declaration of Necessity. The City hereby declares and determines it is necessary to construct and finance improvements to its drinking water facilities within its System described as the Project.

2.2. Findings. The City does hereby find as follows:

2.2.1. The City hereby expressly finds that if the Project is not undertaken, the System will pose a health hazard to the City and its inhabitants, and will make the City unable to comply with state and federal law.

2.2.2. Because of the functional interdependence of the various portions of the System, the fact that the System may not lawfully operate unless it complies with State and federal laws, including SDCL Chapter 34A-3A, and the federal Safe Drinking Water Act, and the nature of the improvements financed, the City hereby finds and determines that the Project will substantially benefit the entire System and all of its users within the meaning of Sections 15 and 17 of the Act.

2.2.3. The City hereby determines and finds that for the purposes of the Act, including, in particular, Sections 15 and 17 of the Act, that only the net income from the 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 \$1,100,000 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 City 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 \$1,100,000 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, 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. 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.

4.1. 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.

4.2. 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, interest and Administrative Surcharge on the Revenue Bond when due.

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

4.4. 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 water system account of the City and shall be used solely for the following respective purposes until payment in full of the principal, interest and Administrative Surcharge 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 Miller, 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 City Finance Officer to rectify such default so far as possible by the transfer of money from the Project Surplus Account. If any such default

shall exist as to more than one account or fund at any time, then such transfer shall be made in the order such funds and accounts are listed above.

When not required to restore a current deficiency in the Project Debt Service Account, moneys in the Project Surplus Account from time to time may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay the Revenue Bond when and as such Revenue Bond becomes prepayable according to its terms;
- (b) To pay for repairs of or for the construction and installation of improvements or additions to the System; and, if the balances in the Project Debt Service Account and the Project Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made there from prior to the end of the then current fiscal year, then:
- (c) To be held as a reserve for redemption and prepayment of any bonds of the System which are not then but will later be prepayable according to their terms; or
- (d) To be used for any other authorized municipal purpose designated by the Common Council.
- (e) No moneys shall at any time be transferred from the Project Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section.

SECTION 7. Approval of Paying Agent/Registrar. The Revenue Bond shall be payable at the office of U.S. Bank National Association, St. Paul, Minnesota, hereby designated as paying agent and registrar.

SECTION 8. Approval of Bond Counsel. Meierhenry Sargent LLP is hereby retained as Bond Counsel with respect to the Revenue Bond.

SECTION 9. Tax Matters. The Interest on the Revenue Bond shall be excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended ("the Code") and applicable Treasury Regulations (the "Regulations").

SECTION 10. Covenants. The City hereby covenants and agrees with the District and other owners of the Revenue Bond as follows:

10.1. The City will punctually perform all duties with reference to the Project, the System and the Revenue Bond required by the constitution and laws of the State of South Dakota and by this Resolution.

10.2. The City agrees and covenants that it will promptly construct the improvements included in the Project.

10.3. The City covenants and agrees that pursuant to Sections 25 through 27 of the Act, the lawful holders of the Revenue Bond shall have a statutory mortgage lien upon the Project and the extensions, additions and improvements thereto acquired pursuant to the Act, until the payment in full of the principal, interest and Administrative Surcharge on the Revenue Bond, and the City agrees not to sell or otherwise dispose of the System, the Project, or any substantial part thereof, except as provided in the Loan Agreement and shall not establish, authorize or grant a franchise for the operation of any other utility supplying like products or services in competition therewith, or permit any person, firm or corporation to compete with it in the distribution of water for municipal, industrial, and domestic purposes within the City.

10.4. The City covenants and agrees with the District and other owners of the Revenue Bond that it will maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any portion of the Revenue Bond remains outstanding; that it will maintain insurance on the System for the benefit of the holders of the Revenue Bond in an amount which usually would be carried by private companies in a similar type of business; that it will prepare, keep and file records, statements and accounts as provided for in this Resolution and the Loan Agreement. The Revenue Bond shall refer expressly to this Resolution and the Act and shall state that it is subject to all provisions and limitations thereof pursuant to Section 19 of the Act.

SECTION 11. Depositories. The Finance Officer shall cause all moneys pertaining to the Funds and Accounts to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of SDCL Ch. 4-6A, in a deposit account or accounts, which shall be maintained separate and apart from all other accounts of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Funds and Accounts as authorized in this Resolution; except that moneys from time to time on hand in the Funds and Accounts may at any time, in the discretion of the City's governing body, be invested in securities permitted by the provisions of SDCL 4-5-6; provided, however, that the Depreciation Fund may be invested in such securities maturing not later than ten years from the date of the investment. Income received from the deposit or investment of moneys shall be credited to the Fund or Account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys therein.

SECTION 12. Consent to Appointment. In the event of mismanagement of the Project, a default in the payment of the principal or interest of the Revenue Bond, or in any other condition thereof materially affecting the lawful holder of the Revenue Bond, or if the revenues of the Project are dissipated, wasted or diverted from their proper application as set forth in the Loan Agreement, Revenue Bond, or herein, the City hereby consents to the appointment of a receiver pursuant to Section 33 of the Act, and agrees that the receiver will have the powers set forth therein, and in Sections 34 and 35 of the Act to operate and administer the Project, and charge and collect rates as described therein.

SECTION 13. Severability. If any section, paragraph, clause or provision of this Resolution, the Loan Agreement, the Revenue Bond, or any other Loan Document shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution or said Loan Agreement, Revenue Bond, or any other Loan Document.

SECTION 14. Repeal of Resolution. At such time as the Project 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 Miller, South Dakota, this 19th day of August 2024.

APPROVED:

Mayor Tom McGough

(SEAL)

Attest: _____
City Finance Officer Cindy Deuter

Adopted: August 19, 2024
Published: August 24, 2024
Effective: September 12, 2024

RESOLUTION NO. 2024-10

The City of Miller is an equal opportunity employer.

RESOLUTION AMENDING THE CITY'S RATE STRUCTURE, PROVIDING FOR A SURCHARGE FOR IMPROVEMENTS TO THE WATER SYSTEM, FOR PAYMENT OF A REVENUE BORROWER BOND AND YEARLY REVIEW OF RATE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILLER AS FOLLOWS:

1. **Surcharge for Borrower Bond.** There shall be charged a monthly surcharge for the services provided by the improvement financed by the DW-06 Conservancy District Loan. The surcharge for each loan shall be segregated from other revenues of the City and shall be used for the payment of the Borrower Bond DW-06 (the "Borrower Bond"). Provided that such 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.

2. **Rates and collection.** The City does hereby establish the special charge or surcharge payable by each customer of its system who receives or benefits from the services of the project financed with the Borrower Bond. Such charge or surcharge shall be set at a level which, assuming a 10% delinquency rate, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the Borrower Bond and the administrative expense surcharge and all other payments as may be required under the loan agreement and Borrower Bond.

3. **Borrower Bond Surcharge.** The following drinking water debt service surcharge shall be applicable to all customers served:

Borrower Bond DW-06 Surcharge: \$2.20 per user per month commencing January 1, 2025.

This surcharge shall remain in effect until such time as the revenue bond is paid in full. The initial surcharge shall be collected at the same time as other charges of the system. The surcharge is found to be equitable for the services provided by the improvements.

4. **Segregation.** The debt service surcharge shall be segregated from other income of the system in a separate book-keeping account and is pledged to the South Dakota Conservancy District for the payment of the loan payments on the Borrower Bond.

5. **Yearly review.** The amount of the surcharge shall be reviewed from year to year and may be modified in order to provide such funds as are set forth herein. The charges shall be reviewed yearly by City and administratively adjusted, upwards or downwards, to such amounts as may be necessary to pay principal, interest, administrative surcharge and other charges as may become due and owing under the loan agreement or Borrower Bond.

6. **Billing and Accounting.** The surcharges shall be included in the monthly user bill. Nothing contained herein requires the surcharge be indicated on the billing, however, the surcharge segregation shall be indicated on the books of the City.

7. **Automatic Repeal.** The surcharge for the Borrower Bond shall be automatically repealed when the Borrower Bond is paid in full.

8. **Partial Invalidity.** If any one or more of the provisions of this resolution 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.

(SEAL)

Mayor

ATTEST:

Finance Officer



2921 Idea Ave. NE
Aberdeen, SD 57401

Phone (605) 225-1835

Fax (605) 226-3188

E-mail: vosikafencing@abe.midco.net

City of Miller
% Roger Haberling

Price on material

$$100' - 7' \times 96'' = 7.80' \text{ of foot} = \frac{7.80}{1} \text{ Dug outs}$$

$$200' - 6' \times 96'' = 6.80' \text{ of foot} = \frac{6.80}{1}$$

$$200' - 4' \times 96'' = 4.50' \text{ of foot} = \frac{4.50}{1}$$

$$1 - \text{Bag of } 96'' \times 8 \frac{1}{4} \text{ Tie} = \frac{1}{1800}$$

Price to install 200' of 4' CL + 200' of 6' CL.

$$\text{Total} = \underline{\$2,969.00} \quad \left(\text{Labor, Milage.} \right)$$

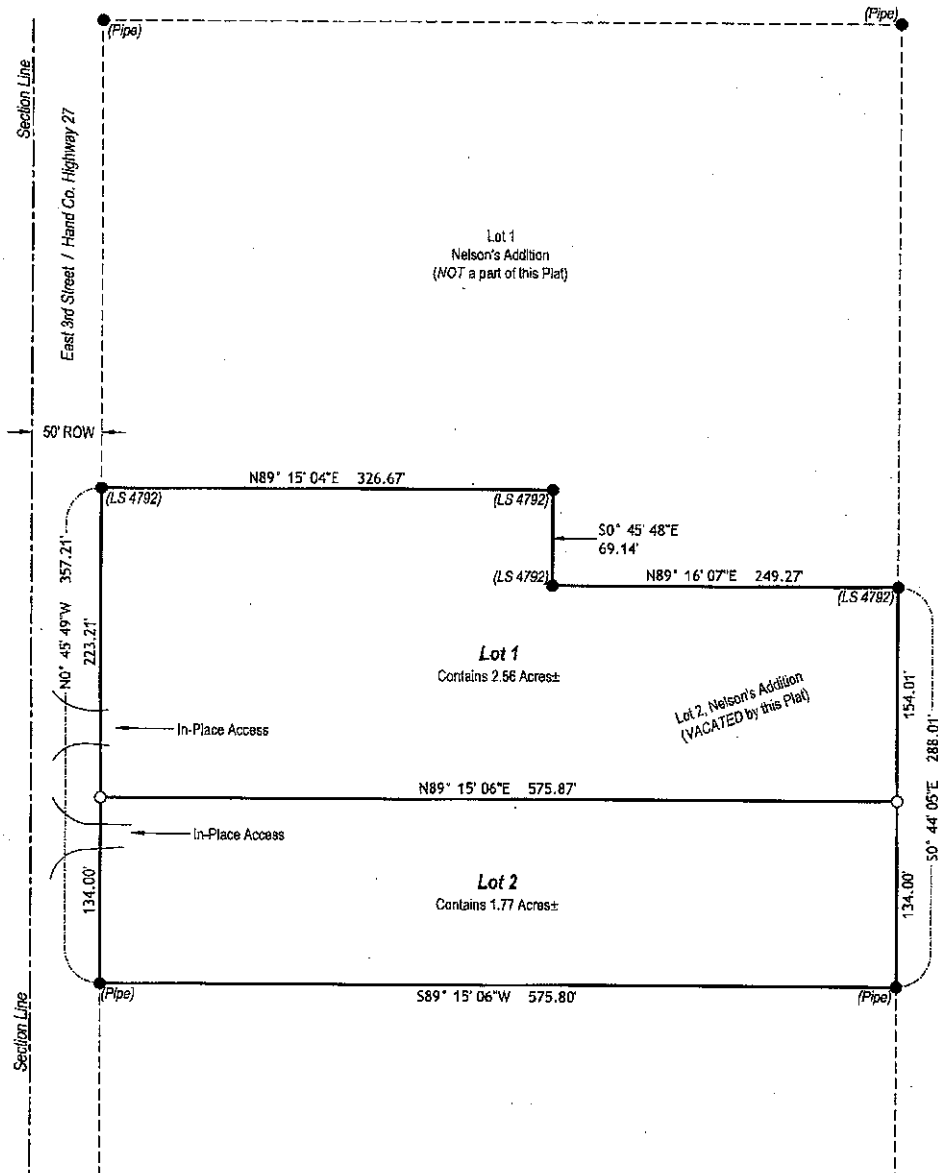
↳ \$45/man hr.

Cory Vosika
8-15-24

(not taking out old)

PLAT SHOWING
NELSON'S SECOND ADDITION

IN THE W1/2 NW1/4 OF SECTION 14, TOWNSHIP 112 NORTH, RANGE 68 WEST OF THE 5th P.M.,
 HAND COUNTY, SOUTH DAKOTA



BASIS OF BEARINGS
 STATE PLANE COORDINATE SYSTEM
 SOUTH DAKOTA NORTH ZONE (4001)
 US SURVEY FEET - NAD '83
 DISTANCES SHOWN ARE GROUND

LEGEND
 ● PIN FOUND (AS NOTED)
 ○ PIN SET w/CAP LS 11699



Assurance
 LAND SURVEYING

619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
 Project No. ALS24050 Field Survey Date: 05-07-2024

DRAWING SCALE
 0 50'
 SCALE IN FEET



NORTH
 SHEET 1 OF 3

PLAT SHOWING

NELSON'S SECOND ADDITION

IN THE W1/2 NW1/4 OF SECTION 14, TOWNSHIP 112 NORTH, RANGE 68 WEST OF THE 5th P.M.,
HAND COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE:

We, Darin L. Nelson and Nicole L. Nelson, as joint tenants with right of survivorship and not as tenants in common, do hereby certify that we are the owners of Lot 2, Nelson's Addition in the West Half of the Northwest Quarter (W1/2 NW1/4) of Section Fourteen (14), Township One Hundred Twelve (112) North, Range Sixty-Eight (68) West of the 5th P.M., Hand County, South Dakota, and that we have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"NELSON'S SECOND ADDITION IN THE W1/2 NW1/4 OF SECTION 14,
TOWNSHIP 112 NORTH, RANGE 68 WEST OF THE 5TH P.M., HAND COUNTY, SOUTH DAKOTA"**

and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, we, Darin L. Nelson and Nicole L. Nelson, as joint tenants with right of survivorship and not as tenants in common, do hereby VACATE Lot 2, Nelson's Addition in the West Half of the Northwest Quarter (W1/2 NW1/4) of Section Fourteen (14), Township One Hundred Twelve (112) North, Range Sixty-Eight (68) West of the 5th P.M., Hand County, South Dakota as filed for record on January 5, 2012 and duly recorded in Plat Book No. 9, Page 38.

Owner: **Darin L. Nelson**

Owner: **Nicole L. Nelson**

Signature _____

Signed this _____ day of _____, 20____

COUNTY OF _____)
STATE OF _____) SS

On this the _____ day of _____, 20____
before me, _____ the undersigned officer,
personally appeared **Darin L. Nelson**, known to me or satisfactorily proven
to be the person who, subscribed to the within instrument and
acknowledged that they executed the same for the purposes therein
contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: _____

Notary Public _____

Signature _____

Signed this _____ day of _____, 20____

COUNTY OF _____)
STATE OF _____) SS

On this the _____ day of _____, 20____
before me, _____ the undersigned officer,
personally appeared **Nicole L. Nelson**, known to me or satisfactorily
proven to be the person who, subscribed to the within instrument and
acknowledged that they executed the same for the purposes therein
contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: _____

Notary Public _____

SURVEYOR'S CERTIFICATE:

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted:

**"NELSON'S SECOND ADDITION
IN THE W1/2 NW1/4 OF SECTION 14,
TOWNSHIP 112 NORTH, RANGE 68 WEST OF THE 5TH P.M.,
HAND COUNTY, SOUTH DAKOTA"**

as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

ZACHARY M. REMILY, LS 11699

Signed this _____ day of _____, 20____

HAND COUNTY HIGHWAY APPROVAL:

"Existing Access to *Hand County Highway 27* is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01.02."

Print Name & Title _____

Signature _____

Signed this _____ day of _____, 20____



PLAT SHOWING

NELSON'S SECOND ADDITION

IN THE W1/2 NW1/4 OF SECTION 14, TOWNSHIP 112 NORTH, RANGE 68 WEST OF THE 5th P.M.,
HAND COUNTY, SOUTH DAKOTA

APPROVAL BY THE COUNTY:

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Hand County, South Dakota.

Meeting held on the _____ day of _____, 20____.

County Auditor
Hand County, South Dakota

"Be it resolved by the County Commission of Hand County, South Dakota, that the plat showing:

**"NELSON'S SECOND ADDITION
IN THE W1/2 NW1/4 OF SECTION 14,
TOWNSHIP 112 NORTH, RANGE 68 WEST OF THE 5TH P.M.,
HAND COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

APPROVAL BY THE CITY:

I hereby certify that the following is a correct copy of the resolution duly passed by the City Council of Miller, South Dakota.

Meeting held on the _____ day of _____, 20____.

Cindy Deuter,
Finance Officer, Miller, South Dakota

"Be it resolved by the City Council of Miller, South Dakota, that the Plat showing:

**"NELSON'S SECOND ADDITION
IN THE W1/2 NW1/4 OF SECTION 14,
TOWNSHIP 112 NORTH, RANGE 68 WEST OF THE 5TH P.M.,
HAND COUNTY, SOUTH DAKOTA"**

having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE:

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the records of my office to be fully paid.

Signed this _____ day of _____, 20____.

County Treasurer
Hand County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE:

I hereby certify that I have received a copy of this plat.

Dated this _____ day of _____, 20____.

Director of Equalization
Hand County, South Dakota

REGISTER OF DEEDS' CERTIFICATE:

Filed for record this _____ day of _____, 20____.

at _____ O'clock _____ M., and duly recorded in Plat Book No. _____.

on Page No. _____.

Register of Deeds
Hand County, South Dakota