

JANUARY 2022

Notice of Hearing

Published in Custer County Chronicle on February 16, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING PROCEEDINGS

Buffalo Gap, South Dakota January
6th, 2022

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on January 6th, 2022 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and Daniel Frieden, and Finance Officer Clyde. Frieden calls meeting to order. Motion by Hussey and seconded by Frieden to approve agenda as presented. Pledge of Allegiance was conducted. Clyde reports financials and account balances; including cost to pay for utilities for residents in December and covid funding balance. Motion by Hussey and seconded by Kizer to approve December minutes. Motion by Hussey and seconded by Kizer to pay the following bills: Salaries and reimbursements-\$1939.10, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$82.94, FRWUD-\$248.50, MidcoDiving-\$7046.44, Croell-\$35.84, SDML-\$140.00, Golden West-\$41.14, BH Energy-\$1061.74, FMHA (water loan)-\$483.00, Verizon-\$120.03, Chase CC-\$328.73(road and street supplies). Sanitation Report: Frieden discusses sanitation board report and states a credit card convenience fee will be implemented. Water: Water operator reports divers were here and inspected tanks. All testing current and up to date. Discussion on flushing lines. Building/Grounds: Zoelick presents on building and grounds work including painting interior of town hall. Kizer reports chains for motor grader and truck should be considered for purchase. Motion by Hussey and seconded by Kizer to approve purchasing of chains for around \$750. Community Center: Board requests insurance and copy of key from the community center board. Dog/Nuisance Reporter: No members present to provide updates at this time. Nuisance Ordinance: No reports made at this time. Mailboxes: Hussey still intends to complete but is confident work will begin soon. Beautification Position Presentation: Position was discussed on opening new town employee position and what this would consist of. No motions made. Marijuana License Ordinance: Discussion on allowing licensee to have license without intent of using. Will look into but believe ordinance addresses this like the alcohol license ordinance. Salaries: The following positions and salaries were presented to the board and accepted at following rates: Board of Trustees-Currently Daniel Frieden, Ray Hussey, and Terry Kizer (\$60/meeting), Water Operator- Todd Heck (\$13/hr), Finance

Officer-Heather Besco-Clyde (\$650/month + \$50/additional meeting), Maintenance-Terry Kizer, Todd Heck, Steve White, Tammy White, Terry Deines, Carrie Zoelick (\$13/hr), Road grader Terry Deines, Terry Kizer, Steve White (\$15/hr). Trustee Position announced to be opening. Currently held by Kizer. Three year term. Petitions can be obtained through finance officer. Discussion on county roads and maintenance were held. Board would like to petition county to attend a meeting to discuss issue. Public Time: Discussion on roads continue. With no further discussion; motion by Frieden to adjourn. Next regular meeting to be held February 7th, 2022 at 6:00 PM at town hall.
/s/ Finance Officer Heather Besco-Clyde

Published once at an approximate cost of \$31.40.
2/16

URL: <https://www.sdpublicnotices.com/?activeNotice=3fe3.be24db3d1c1b9.ade8e5fc7-9c81.29af105f3-0f75.e7542524-cc64.70738240a-11d8.db227bdd69f8b.dc91bbdb83bf3.b319d24ab>

FEBRUARY 2022

Public Notice

Published in Custer County Chronicle on March 9, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING
PROCEEDINGS
Buffalo Gap,
South Dakota
February 7th, 2022

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on February 7th, 2022 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and Daniel Frieden, and Finance Officer Clyde. Frieden calls meeting to order. Motion by Hussey and seconded by Kizer to approve agenda as presented. Pledge of Allegiance was conducted. Clyde reports financials and account balances. Motion by Frieden and seconded by Hussey to approve January minutes. Motion by Frieden and seconded by Hussey to pay the following bills: Salaries and reimbursements-\$2244.45, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$31.40, FRWUD-\$522, SDML

Work Comp-\$461, IRS-\$1067.18, SD Magazine-\$25, Midcontinent-\$140, One Call-\$12.60, Great Western Tire-\$941.72, SDML (dues)-\$171.88, Rod Reynolds (water main repair)-\$, Hawkins-\$311.15, Banyon - \$440 Golden West-\$42.02, BH Energy-\$1061.74, FMHA (water loan)-\$483.00, Verizon-\$120.03, Chase CC-\$998.66 (road and street supplies). Black Hills Council of Local Government: Clyde introduces Jessica from BH Council of local governments and invites her to share on services they may be able to offer the board. Board is a member of the council again as Custer County has joined and paid the dues. Jessica states her small group of employees helps local boards with administration of state/fed funding and helps assist obtaining. Discussion on joining the state water plan by May 1st this year and the timeline this entails. Discussion on other types of funding were also held. Board thanks Jessica for her time and services. Clyde reports previous plat map needed to have seal on it redone and traveled to Custer to do so. Clyde states divers should have their report done by the end of the week and off to the engineers to complete their study following. Clyde will continue to work with divers to expediate the process. Sanitation Report: Frieden states he was unable to attend the last meeting. No report given. Water Operator: Water operator unavailable. Clyde reports on his behalf that he attended some trainings to update his needed CEUs for certification and to her knowledge testing is current and up to date. Report on previous leak and repairs. Building/Grounds: Zoelick presents on building and grounds work. Discussion on exterminator being hired and impact on food bank. Community Center: Board requests insurance and copy of key from the community center board. Clyde reports she has made attempts to receive to no avail. Clyde also mentions the garbage cans being there and utilized and need for the extras to be returned to old fire hall for use of paying customers. Dog/Nuisance Reporter: reporter currently on vacation and states no new reports at this time. Nuisance Ordinance: No reports made at this time. Mailboxes: Hussey still intends to complete but is confident work will begin soon. Beautification Position Presentation: Position was discussed on opening new town employee position and what this would consist of. Discussion on being in support of the position as an employee upon obtaining funding. Discussion of board contacting Jennifer and USDA to look into funding options for the position. Roads: Board presents update from discussion with County Highway Department head on the plans for the roads entering town. Roads are going to be cut/ground/binder agent added and packed/magwatered. Citizen discuss concerns and would like more detail. Discussion on maintenance planning and emergency situations. Petitions to request presence at meeting are in circulation and will be delivered to the county to encourage open communication and attendance at upcoming board meeting. Frieden elects to take petitions to county board meeting and start the dialogue. Park: Citizen discussed park and starting up the park committee again. Shed like to see a committee created to oversee the updating of the park and meet regularly. Committee could include a member of the board as well and begin process of installing playground equipment. Discussion and appointment of committee to be included at next meeting. No motions made. Appointments: The following were appointed by the town board of Buffalo Gap for another year: Official Newspaper: Custer Chronicle. Legal: Lance Russell. Banking: First Interstate Bank, Paypal and Chase. All in favor. Next meeting: Frieden requests meetings begin at 6:35 again due to scheduling conflict. Motion by Frieden and seconded by Kizer to begin at 6:30ish for time being starting March 7th. Public Time

With no further discussion; motion by Friedan to adjourn. Next regular meeting to be held March 7th, 2022 at 6:30 PM at town hall.

/s/ Finance Officer

Heather Besco-Clyde

Published once at an approximate cost of \$45.64.

3/9

URL: [https://www.sdpublicnotices.com/?](https://www.sdpublicnotices.com/?activeNotice=9c83.87e41fe94a1c2.68c22a36e-1061.ddbc15ce4-ec5c.593191538-e107.c747d0054-1445.e781341bad79a.0d7258d8a2635.a826e276c)

activeNotice=9c83.87e41fe94a1c2.68c22a36e-1061.ddbc15ce4-ec5c.593191538-e107.c747d0054-1445.e781341bad79a.0d7258d8a2635.a826e276c

MARCH 2022

Legal Notice

Published in Custer County Chronicle on April 20, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING

PROCEEDINGS

Buffalo Gap, South Dakota MARCH 7TH, 2022

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on March 7th, 2022 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and Daniel Frieden, and Finance Officer Clyde. Frieden calls meeting to order. Motion by Hussey and seconded by Kizer to approve agenda as presented. Pledge of Allegiance was conducted. Motion by Hussey, seconded by Kizer to approve the minutes. Clyde reports there are two guests expected for the meeting. Steve from Hazard Mitigation and Jessica from Black Hills Council of Local Governments. Motion by Hussey to move guests to beginning of meeting. Clyde introduces Jessica. Jessica proceeds to inform the board of the number of services her council is able to provide and assist the board with including preparing town to join the State Water Board Plan which would open up possibilities of funding to proceed with any of the options the board chooses from the Engineer Report conducted recently. She also discusses other sources of funding and services. Board thanks her and the county for paying the dues to be a part of the Council. After discussion and recommendation by Jessica; Motion by Hussey and seconded by Kizer to proceed with joining the state water plan and having

Jessica work on this. Steve unavailable to present on hazard mitigation. Clyde reports financials and account balances. Motion by Frieden and seconded by Hussey to pay the following bills: Salaries and reimbursements-\$2337.74, Cheyenne Sanitation-\$2446.50, Southern Hills Publishing-\$44.77, FRWUD-\$253.5, USPO-\$84.00, Midcontinent-\$357.00, Helms (Water Study)-\$10000, McGas-\$255.15, Golden West-\$42.55, BH Energy-\$1161.43, FMHA (water loan)-\$483.00, Verizon-\$180.00, Chase CC- \$456.57 (road and street supplies). Sanitation Report: Frieden states meeting later this week.

Water Operator:

Water operator unavailable. Clyde reports on his behalf that all testing is current and up to date. Building/Grounds: Zoelick presents on building and grounds work. Community Center: Board discusses the noncompliance of the community center board for recent requests and the lack of maintenance being done. Motion by Hussey and seconded by Kizer to have attorney draft letter to the committee for a formal request. Dog/Nuisance Reporter: No report.

Nuisance Ordinance: No reports made at this time. Mailboxes: Hussey still intends to complete but is confident work will begin soon. Grounds Position: Discussion was tabled on opening new position for beautification of the city until grants or other sources of funding can be obtained. Legal: Discussion held on Windcross lease and its upcoming renewal. There appears to be a few issues the board would like to have resolved related to access to the well house. Board would like to encourage Roda to attend a meeting to start an open discussion to resolve issue as well as work towards drafting new lease. Roads: County Commissioner Craig Hindle was available at the meeting to discuss the conditions and maintenance of the roads into town. He proceeded to give an update on the plan to redo the roads and have a full depth injection. They will grind up five inches, inject chemicals that will make the gravel behave similar to concrete. Discussion on blade operator training, railroad crossing, snow removal, proper channels to contact in emergencies, and general maintenance were also discussed. Thanked county for providing an update and attending. Park: Kim McNemar would like to be approved to apply for a master gardeners grant for \$500-2000 on behalf of town. Motion by Hussey and seconded by Kizer to approve. Trustee Position: Only petition filed for the three year term was current member; Terry Kizer. An Appointment to fill the position will be held at the next regular meeting. Reminder that board of equalization will meet the third Monday of the month. Next meeting: Frieden requests meetings begin at 6:35 again due to scheduling conflict. Motion by Frieden and seconded by Kizer to begin at 6:30ish for time being starting March 7th. Public Time With no further discussion; motion by Frieden to adjourn. Next regular meeting to be held April 11th, 2022 at 6:30 PM at town hall.

/s/ Finance Officer Heather Besco-Clyde

Published once at the approximate cost of \$41.57.

4/20

URL: [https://www.sdpublicnotices.com/?](https://www.sdpublicnotices.com/?activeNotice=200e.2b6156c0e02d8.e7fa48b32-50db.8cb4fdbd-f506.d32c6dae4-4029.8d91ceafe-e156.7593990dae9ae.223f5ffd640a6.d91ccfe66)

activeNotice=200e.2b6156c0e02d8.e7fa48b32-50db.8cb4fdbd-

f506.d32c6dae4-4029.8d91ceafe-e156.7593990dae9ae.223f5ffd640a6.d91ccfe66

Public Notice

Published in Custer County Chronicle on March 16, 2022

Location

Custer County, South Dakota

Notice Text

LOCAL
BOARD OF EQUALIZATION
NOTICE
town of buffalo gap

The Buffalo Gap Board of Equalization will meet at 6:00 P.M. in the City Hall beginning on Monday, March 21st, 2022. Anyone having objections to their real property assessment may appear and be heard. Objection forms may be obtained from Heather Besco-Clyde, Finance Officer, by calling her at 890-3764 or can be picked up at 310 N. 2nd St. and are also available on Department of Revenue Director of Equalization website.

All forms must be completed and returned to her or the County Equalization office by 5:00 P.M. on Thursday March, 17th, 2022.

/s/ _____
Heather J. Besco

Published once at an approximate cost of \$9.04.
3/16

URL: <https://www.sdpublicnotices.com/?activeNotice=a8a9.0c27478828700.b99b776f8-dad1.08a8cc167-372b.748ce8d6-0336.4591bc9a2-8daf.7e8114f0ba41b.d637c328cad9.931367ce3>

Legal Notice

Published in Custer County Chronicle on April 6, 2022

Location

Custer County, South Dakota

Notice Text

TOWN OF
BUFFALO GAP
LOCAL BOARD
OF EQUALIZATION
March 21st 2022

The meeting of the Local Board of Equalization for Town of Buffalo Gap was called to order by Vice President Terry Kizer at 6:05 PM. Members present were Hussey, Kizer, and finance officer Heather Besco Clyde. No conflicts of interest identified. Kizer motions to approve agenda, seconded by Hussey. Board members complete oath of office for local board of review. No objections were filed and therefore none reviewed. The Local Board of Equalization reviewed and approved the remainder of the Assessment Roll as presented. All in favor.
Adjournment. The Local Board of Equalization unanimously motioned to adjourn.

Published once at an approximate cost of \$8.14.

4/6

URL: <https://www.sdpublicnotices.com/?activeNotice=7b3e.d31278372aeba.834e2f38c-b8ab.f9d2ffa09-680f.ced80ee95-90a3.a468ff70e-4765.c361d44989071.bffcd70fef3b7.19a353266>

APRIL 2022

NO MEETING NOTES FOUND AT SDPUBLICNOTICES.COM

MAY 2022

NO MEETING NOTES FOUND AT SDPUBLICNOTICES.COM

JUNE 2022

Legal Notice

Published in Custer County Chronicle on June 8, 2022

Location

Custer County, South Dakota

Notice Text

NOTICE OF
PUBLIC
HEARING
for the
TOWN OF BUFFALO GAP

Drinking Water Improvements Project

The Town of Buffalo Gap is proposing to submit an application to secure funding from the Board of Water and Natural Resources (BWNR) for drinking water improvements. The application will request funding assistance for an amount up to \$3,175,500 and the proposed project will include work to address the Towns drinking water needs including but not limited to: replacing all Cast Iron Pipe (CIP) and 4-inch distribution lines throughout town. The funds requested for this project could be in the form of grant or loan, or a combination of both. The Drinking Water SRF loan terms are 0.00% for 30years, and the Board of Water and Natural Resources may forgive all or a portion of loan principal. The amount, source of funds, and terms will be determined by the Board of Water and Natural Resources when the application is presented at a scheduled board meeting. The purpose of the public hearing is to discuss the proposed project, project alternatives, the proposed financing, and the source of repayment for the loan. The public is invited to attend and comment on the project. The public hearing will be held at the Town Hall, 200 Main Street, Buffalo Gap, South Dakota 57722 on June 20, 2022 at 6:15 pm.

/s/ Signed by Finance Officer
Heather Besco

Published once at an approximate cost of \$17.44 and may be viewed free of charge at www.sdpublicnotices.com.

URL: <https://www.sdpublicnotices.com/?activeNotice=d67c.a739e287e08a5.bcd47bef4-093d.d0baad5dc-7884.a0beac6fc-6078.d6d3c8ec3-4a5a.6e0ecee715d4d.b3034bc14fa01.881b23ed6>

Legal Notice

Published in Custer County Chronicle on July 20, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING
PROCEEDINGS
Buffalo Gap,
South Dakota
June 13TH, 2022

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on June 13th, 2022 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and Frieden and Finance Officer Clyde. Frieden calls meeting to order. Motion by Hussey and seconded by Kizer to approve agenda as presented. Pledge of Allegiance

was conducted. Motion by Hussey, seconded by Kizer to approve the minutes from previous meeting. Clyde reports financials and account balances. Discussion held on ordering credit cards for Steve White under town name for mowing purchases instead of opening multiple accounts annually. Motion by Kizer, seconded by Hussey to approve said credit card application. Motion by Hussey and seconded by Kizer to pay the following bills: Salaries and reimbursements-\$3819.86, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$49. 71, FRWUD-\$256, Minwater (meter pit-extender)-\$88.94, Golden West-\$42.41, BH Energy-\$1028.97, FMHA (water loan)-\$483.00, Verizon-\$200.07, Amazon-\$625.96, Lance Russell (legal)-\$180.90, SD Rural Water-\$360, SD assoc of Towns(dues)-\$195.75, ACE (park paint)-\$9.00, Chase CC-\$100.41 (Golden West/postage). Sanitation Report: Nothing new to report. Water Operator: Announced Water Operator Todd Hecks resignation. Discussion on how to proceed until a new operator can be located and certified if needed. Board discusses possible interested candidates and encourages any others to come forward. Troy Schmit volunteers services for the same rate set for Todd and has completed one class and will be attempting certification in July. Board approves Schmit to pursue the position. Clyde offers board with options for interim services including use of a circuit rider and Keith Neugebauer. Board would like to have Keith come and check chlorine levels and will contact circuit riders to help in the interim. Frieden will head up getting and supervising water operations in the meantime. Board decides to wait on changing chlorine until more info is available or a certified operator is present to assist. Animal Control Officer: Terry Deines was present and discussed a couple dogs that were identified and owners contacted. Nuisance Ordinance: No complaints filed. Building/ Grounds: White discusses work done on mower and progress on the right of way mowing. Roads: Kizer states potholes have been fixed and discussion on county roads washeld. It appears consensus is that citizens are happy with the updates to county roads. Board Reports: Nothing to report. Upcoming food pantry 3rd Saturday at 10 at Town Hall. Rural Route Boxes: Hussey states he has a number of personal issues keeping him from completing at this time. Community Center: Deines updates on community center receiving letters and being out of compliance. Deines states insurance was filed with an attorney bringing them back into compliance. Deines reports insurance filed previously but Clyde states only the board liability insurance which was opened at the last meeting was filed. Frieden thanks Deines for the filing and states having that now is the important thing. Deines also states the community center will not be holding dances in July due to other activities and rentals. Deines states they will be looking for volunteers to paint the building in near future. When asked when the next meeting is, Deines states he is unsure but will invite Frieden personally. Fireworks: Discussion on fireworks held. Board decides it will be up to the weather if fireworks are banned. Citizens will know by a public posting being made if this occurs. Citizens are encouraged to use common sense when using fireworks. Public Time: Hussey invites everyone to celebrate his and Candy's 50th anniversary on the 25th. Deines reports on a truck and dirt bike going too fast in town. McNemar reports receiving \$250 grant for the herb garden. Donates a spigot for use at the park. Discusses trees and wanting Dr. Ball to come to town and discuss plans for trees dying and replacements. Also discussion on the need for someone to spearhead the park updates and get the forms made for cement. Anyone interested is to contact Frieden. Special meeting: Special

water meeting to be held next week to discuss applying to be on state water plan. Hearing and discussion will be held. With no further discussion; motion by Frieden to adjourn. Next regular meeting to be held July 11th, 2022 at 6:00 PM at town hall

/s/ Finance Officer

Heather Besco-Clyde

Published once at an approximate cost \$45.35 of may be viewed free of charge at www.sdpublicnotices.com.

7/20

URL: <https://www.sdpublicnotices.com/?activeNotice=f5eb.0d6377dba8965.fc307f957-4505.91df250cc-53d4.f61304f14-1eb0.e9dad060a-9564.ea5f50e1b6759.a80cc90d8220e.f49261d43>

dad060a-9564.ea5f50e1b6759.a80cc90d8220e.f49261d43

Legal Notice

Published in Custer County Chronicle on June 29, 2022

Location

Custer County, South Dakota

Notice Text

town of

buffalo gap

RESOLUTION 2002-01

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

WHEREAS, the Town of Buffalo Gap has determined it is necessary to proceed with improvements to the Towns Drinking Water System including replacement of all 4-inch PVC and cast iron pipe (CIP) throughout town; and

WHEREAS, the Town has determined that financial assistance will be necessary to undertake the project and an application for financial assistance to the South Dakota Board of Water and Natural Resource (the board) will be prepared; and

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

NOW THEREFORE BE IT RESOLVED by the Town as follows:

1. The Town hereby approves the submission of an Applicant for financial assistance in an amount not to exceed \$1,147,000 to the South Dakota Board of Water and Natural Resources for the Project.

2. The Town Board President is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The Town Board President is hereby designated as the authorized representative of the Town to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted this 20th day of June 2022.

APPROVED:

Mayor Daniel Frieden

(Seal)

Attests: _____

City Finance Officer

Published once at an approximate cost of \$24.55 and may be viewed free of charge at www.sdpublicnotices.com.

6/2

URL: <https://www.sdpublicnotices.com/?activeNotice=e932.61e1d4e274f2.f5f76490a-cd4c.ecc2cbffd-1696.a57f6701d-e97b.f2b407d4a-119b.155daef1cc6ab.a8550a6ebb867.bef62e34>

JULY 2022

Legal Notice

Published in Custer County Chronicle on August 3, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING

MINUTES

Buffalo Gap, South Dakota

July 11TH, 2022

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on July 11th, 2022 at the town hall/bank building. Members present were: Trustees Kizer and Frieden and Finance Officer Clyde. Frieden calls meeting to order. Motion by Frieden and seconded by Kizer to approve agenda as presented. Pledge of Allegiance was

conducted. Motion by Friedan, seconded by Kizer to approve the minutes from previous meeting and special meeting. Clyde reports financials and account balances. Motion by Kizer, seconded by Friedan approve the following bills: Salaries and reimbursements-\$1881.21, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$57.11, FRWUD-\$256, Golden West-\$42.41, BH Energy-\$1024.78, FMHA (water loan)-\$483.00 plus directed to pay another \$5000 (\$13,000 total for year towards principal), Verizon-\$200.07, Amazon-\$1576.14, Southern Hills Septic -\$650 emergency water repair clean out), Rod Reynolds-\$918.37 water main repair and equipment use, IRS (Quarterly payroll taxes)-\$1184.68, SD One Call-\$3.15, SD Public Assurance (insurance)-\$4373.42, Chase CC-\$42.41 (Golden West). Clyde also reports on CARES funding available to customers on energy assistance. If you're on this program and have past due water accounts, there is funding available for customers. If applicable, customers are encouraged to contact western South Dakota community action to apply. Payments will be sent directly to the Town of Buffalo Gap to be applied towards individual accounts. Sanitation Report: Nothing new to report. Water Operator: Troy Schmit reports on water operations. He states the transition is going smoothly. Discussion on the state on site inspection was held, chlorine monitoring and adjusting, as well as other water testing schedules for upcoming year. Schmit states he is applying to take the certification test in Watertown later this month and states the remaining year has multiple other more local options as well. Schmit will move forward with obtaining his certification and taking over water duties of testing, monitoring, and other general water system duties. Operator salary will be set the same as previous with a credit of a monthly water and sanitation bill for the month's work is completed. Board approves purchase of water chlorine tester. Discussion on state water plan application. Clyde states she was able to get the info needed to Jennifer in time and Jennifer confirmed the state received the funding application. No other information available at this time. Announcement regarding Ranchers Feed and Seed: Clyde reports that over the years Ranchers Feed and Seed has given the town free gas for the equipment such as mower in town as well as other supplies over the years. Clyde would like to give thanks to the business for their continued support and recognize them for their donations. Board will send a thank you as well. Animal Control Officer: Officer not present to report. Nuisance Ordinance: No complaints filed. Building/Grounds: No report made. Roads: Kizer states the roads are in good condition and nothing can be done at this time as it is too dry. Board Reports: Nothing to report. Upcoming food pantry 3rd Saturday at 10 at Town Hall. Rural Route Boxes: Continue.. Community Center: No reports made. New Business: Rodeo Grounds Lease: Short discussion on upcoming lease renewal with Windcross for the old rodeo grounds in town. Points made on limiting the duration of the next lease to a year, town not getting anything out of leasing the premise yet is costing the town money for legal fees and hardships accessing water and such. Board will consider revising the lease to better accommodate these concerns. Lucia was not present to discuss the lease. Board will compile items to discuss on lease revision with the lawyer at the next meeting. Budget: Clyde requests input on upcoming budget. Board would like to consider purchasing an excavator, possibly a magwatering contract with the county, contracting police was discussed but turned down at this time, culvert replacement will be included in the budget. No other ideas/input at this time. Public

Time: No public input was provided. Next meeting;. Next regular meeting to be held August 1st, 2022 at 6:00 PM at town hall
/s/ Finance Officer Heather Besco-Clyde
Published once at an approximate cost of \$28.78 and may be viewed free of charge at www.sdpublicnotices.com.
8/3

URL: <https://www.sdpublicnotices.com/?activeNotice=867a.a62473e7bebb.67c6b87ba-ca8b.5df82ed34-19f5.e9d8ce63b-4a07.64b38966b-6925.c668cef4c796a.64c0c6a12db2f.850ef522c>

AUGUST 2022

NO MEETING NOTES FOUND AT SDPUBLICNOTICES.COM

SEPTEMBER 2022

Legal Notice

Published in Custer County Chronicle on October 12, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING
PROCEEDINGS
Buffalo Gap,
South Dakota September 10th, 2022

The board of the Town of Buffalo Gap met in regular session at 6:02 p.m. on September 10th, 2022 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and Finance Officer Clyde. Frieden calls meeting to order. Motion by Hussey and seconded by Kizer to approve agenda as presented. Pledge of Allegiance was conducted. Motion by Hussey, seconded by Kizer to approve the minutes from previous meeting. Clyde reports financials and account balances. Budget ordinance for 2023 was read in its entirety. Motion by Hussey, seconded by Kizer to approve ordinance. Motion by Hussey, seconded by Kizer approve the following bills: Salaries and reimbursements-\$1881.21, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$45.35, FRWUD-\$256, McGas (propane-current)-\$268.71, McGas (contract)-\$1116, BHE-\$1023.33,

Verizon-\$200.04, Credit Card (propane contract, storybook island tickets, goldenwest, Verizon, advertising, subscription, supplies). Sanitation Report: No report given. Water Operator: Troy Schmit reports on water operations He states he has passed his certification for one of the water certifications and is now pursuing the second. Testing is current and up to date and all reports in. Trouble shooting some of the meters through town. Discussion on a couple accounts with past due amounts and requests to forgive. Board denies requests. Discussion on individual account with meter issue, resident believes. Board discusses and does not want to replace meter if discrepancy is only a few gallons at this time. If further issues arise with said meter, it will be looked at more closely. Discussion on state water plan and any word on progress. None at this time. Animal Control Report: None. Nuisance Ordinance Reporter: No reports at this time. Grounds Maintenance: No report given. Hussey did discuss needing the sucker trees around buildings cleaned up. Discussion on a sale for trailers was also held. Board states they will hold off on purchasing trailer for mower/limbs as they feel they can find a better priced one. Road and Alleys: Discussion held on recent blading of alleys. First pass. More will come as the weather allows and when there is moisture. One more pass will be completed before laying rock. Discussion on rock quality. Discussion on existing size and placement of alleys were held as well. Board reports: Pancake feed first Sunday of the month at auditorium. Old Business: Rural mailboxes. Hussey states he is intending to work on them still. New Business: Windcross Lease. Clyde reports both renter and herself are at a loss for finding the signed copy of the lease. Attorney is hesitant to draw up an interim lease and will anticipate the lease expires as planned in 2023. Public Time:

Next Meeting: October 3rd, 2022 at 6 pm . With no further business, Kizer adjourns meeting.

/s/ Finance Officer

Heather Besco-Clyde

Published once at an approximate cost of \$30.52 and may be viewed free of charge at www.sdpublicnotices.com.

10/12

URL: <https://www.sdpublicnotices.com/?activeNotice=226d.1b04314643cfa.68c6fffe6-9a46.692b260fc-ca19.a691e45c4-9170.fe51c505c-a333.96b587238170d.5e0e4c39d2959.cb3a0b468>

OCTOBER 2022

Legal Notice

Published in Custer County Chronicle on October 12, 2022

Location

Custer County, South Dakota

Notice Text

town of buffalo gap budget 2023

Be it ordained by the Town of Buffalo Gap, Custer County,
that the following sums are
appropriated to meet the obligations of the municipality

GENERAL FUND

311.01 Property Taxes - Current \$8,300.00
311.02 Property Taxes - Delinquent \$2,180.00
319.00 Penalties and Interest on Del Taxes \$110.00
320.00 License and Permits \$100.00
321.00 Alcoholic Beverage License \$1,300.00
3335.00 State Shared Revenue \$10,000.00
335.01 Bank Franchise Tax \$190.00
335.03 Liquor Tax Reversion \$860.00
335.04 Motor Vehicle Licenses \$5,500.00
361.00 Investment Earnings \$500.00
Total \$29,040.00

ROAD AND STREET FUND

335.08 Local Govt Highway and Bridge Fund \$15,000.00
338.03 County Wheel Tax \$16,492.00
Total \$31,492.00

WATER FUND REVENUE

340.00 Charges for Goods and Services \$35,000.00
344.00 Sanitation \$17,000.00
Total \$52,000.00

TOTAL REVENUE \$112,352.00

TOTAL EXPENDITURES

411.1 Board, Council, or
411.00 Salaries and Wages \$2,500.00
412.10 Employer Share OASI \$212.00
421.00 Insurance \$1,500.00
422.00 Services and Fees \$1,200.00
423.00 Publishing \$1,400.00
425.00 Repairs and Maintenance \$1,200.00
426.00 Supplies and Materials \$2,000.00
427.00 Travel and Conference \$1,000.00
428.00 Utilities \$5,300.00
434.00 Machinery and Equipment \$1,000.00
Total Board, Council, or \$17,312.00
414.2 Finance Officer
411.00 Salaries and Wages \$8,000.00
412.10 Employer Share OASI \$600.00

426.00 Supplies and Materials \$2,000.00
427.00 Travel and Conference \$800.00
434.00 Machinery and Equipment \$500.00
Total Finance Officer \$11,900.00
414.1 Attorney:
422.00 Services and Fees \$1,500.00
Total Attorney \$1,500.00
419.2 General Government
425.00 Repairs and Maintenance \$600.00
411.00 Salaries and Wages \$800.00
412.10 Employer Share OASI \$125.00
Total General Government \$1,525.00
422 Fire:
421.00 Insurance \$1,000.00
Total Fire \$1,000.00
431 Highways and Streets:
411.00 Salaries and Wages \$5,000.00
412.10 Employer Share OASI \$800.00
422.00 Services and Fees \$500.00
425.00 Repairs and Maintenance \$3,000.00
426.00 Supplies and Materials \$15,000.00
428.00 Utilities \$3,000.00
Total Highways and Streets \$27,300.00
432 Sanitation:
422.00 Services and Fees \$18,000.00
Total Sanitation \$18,000.00
Water Department:
411.00 Salaries and Wages \$4,000.00
412.10 Employer Share OASI \$325.00
421.00 Insurance \$675.00
422.00 Services and Fees \$9,000.00
425.00 Repairs and Maintenance \$5,000.00
426.00 Supplies and Materials \$8,500.00
427.00 Travel and Conference \$2,000.00
428.00 Utilities \$4,000.00
Total Water Department \$33,500.00
470 Debt Service:
441.00 Debt Service \$30,000.00
Total Debt Service \$30,000.00
TOTAL EXPENDITURES \$108,537.00
REVENUE OVER (UNDER) \$3,815.00
The finance officer is directed to certify the following dollar amount of tax levies made in this ordinance to the County Auditor.

/s/ President of Board of Trustees

Published once at an approximate cost of \$75.09 and may be viewed free of charge at www.sdpublicnotices.com.
10/12

URL: <https://www.sdpublicnotices.com/?activeNotice=cee5.769cba5f6768f.b37a832e2-1fac.7bcd013b-802c.b3d27d0e2-a0fe.4ab2f2c43-e0a7.23181efa9efea.8ad0d2c59b9b0.c9a24325c>

NOVEMBER 2022

Legal Notice

Published in Custer County Chronicle on December 14, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING
PROCEEDINGS
Buffalo Gap,
South Dakota November 7th, 2022

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on November 7th, 2022 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and President Friedan and Finance Officer Clyde. President calls a meeting to order. Motion by Hussey and seconded by Kizer to approve agenda as presented. Pledge of Allegiance was conducted. Clyde reports financials and account balances. Motion by Hussey and seconded by Kizer to approve October minutes. Motion by Hussey and seconded by Kizer to pay the following bills. Salaries and reimbursements-\$2593.51, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$28.78, FRWUD-\$253.50, BH Forests-\$100, SD one Call-\$7.35, Golden West-\$42.92, BH Energy-\$1004.89, FMHA (water loan)-\$483.00, Verizon-\$200.04, Amazon-\$105.41 (supplies). Clyde reports on recent activities and the finance department. She states she will need authorization to open a secondary account with First interstate Bank for the surcharge funds if resolutions are passed. Motion by Hussey, seconded by Friedan to authorize opening new account for the water surcharge upon resolution passing and surcharge going into effect. Sanitation Report: No meeting or report at this time. Water: Water operator available to discuss testing and certification. All up to date and sitting well. New meter for the well house is anticipated to be in this month and installed. Water operator met with a new employee from Rural Water and he updated him on a number of resources and options at towns disposal in the future. Operator will be going to a

certification exam later this month. Discussion on pumping water for the roads. Planning to do so again in the future. Will attempt to notify users prior. Discussion on engineer contract. After discussion was determined to table the contract for time being so the lawyer can more thoroughly examine and offer his input as well as have engineers available to answer questions. Board presents no issues regarding the contract at this point. Board decides to hold a special meeting on 14th to discuss the contract as well as move the upcoming two resolutions along. One resolution has not been received and will be tabled until a later meeting. Resolution 2022-02: Titled: 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 was read in its entirety. After reading, motion by Hussey, seconded by Kizer to pass resolution on for second reading at next meeting. Animal control: nothing. Nuisance enforcer: no new reports Building/Grounds: nothing. Mailboxes: Hussey still intends. Road & St: Discussion held on the alleys. Mark Wynia will be going into surgery and unable to haul for sometime. Board member reports: Feeding SD, Community Food pantry, community wide garage sale, halloween party were all discussed. Trailer being upgraded in town was presented to the board for approval. All in favor. Risk Mitigation: Guests from BHCLG and the county were available to discuss the risk mitigation efforts for the county and inclusion of Buffalo Gap. After their presentation, any questions were able to be asked and volunteers desired for their project. Board will be including the rodeo grounds in the risk mitigation plan to help add it in event of a major hazard destroying it. Other town infrastructures will be included in the plan. Malt Beverage License: Clyde presents on behalf of Cadillac Ranch and Last Chance, their malt beverage license for consideration. After discussion; motion by Hussey and seconded by Kizer to approve the renewal of said establishments malt beverage license. Clyde will forward on the application to state for final approval. Public Time: Inquires into the alleyways were made. With no further discussion; motion by Kizer to adjourn. Next regular meeting will be held November 5th 2022 at 6:00 PM at town hall. (Note: special meeting was rescheduled from 11/14 to 11/21 but eventually canceled)

/s/ Finance Officer

Heather Besco-Clyde

Published once at an approximate cost of \$46.51 and may be viewed free of charge at www.sdpublicnotices.com.

URL: [https://www.sdpublicnotices.com/?](https://www.sdpublicnotices.com/?activeNotice=1722.b3976d7ce48.75af09bb6-8c44.30108c57d-9699.4eea3cb52-1b5f.c738fc26a-113b.103673b9afa4.45fc606181cc.1a605d7b4)

[activeNotice=1722.b3976d7ce48.75af09bb6-8c44.30108c57d-9699.4eea3cb52-1b5f.c738fc26a-113b.103673b9afa4.45fc606181cc.1a605d7b4](https://www.sdpublicnotices.com/?activeNotice=1722.b3976d7ce48.75af09bb6-8c44.30108c57d-9699.4eea3cb52-1b5f.c738fc26a-113b.103673b9afa4.45fc606181cc.1a605d7b4)

Legal Notice

Published in Custer County Chronicle on December 21, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING PROCEEDINGS

Buffalo Gap,
South Dakota November 7th, 2022

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on November 7th, 2022 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and President Friedan and Finance Officer Clyde. President calls a meeting to order. Motion by Hussey and seconded by Kizer to approve agenda as presented. Pledge of Allegiance was conducted. Clyde reports financials and account balances. Motion by Hussey and seconded by Kizer to approve October minutes. Motion by Hussey and seconded by Kizer to pay the following bills. Salaries and reimbursements-\$2593.51, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$28.78, FRWUD-\$253.50, BH Forests-\$100, SD one Call-\$7.35, Golden West-\$42.92, BH Energy-\$1004.89, FMHA (water loan)-\$483.00, Verizon-\$200.04, Amazon-\$105.41 (supplies). Clyde reports on recent activities and the finance department. She states she will need authorization to open a secondary account with First interstate Bank for the surcharge funds if resolutions are passed. Motion by Hussey, seconded by Friedan to authorize opening new account for the water surcharge upon resolution passing and surcharge going into effect. Sanitation Report: No meeting or report at this time. Water: Water operator available to discuss testing and certification. All up to date and sitting well. New meter for the well house is anticipated to be in this month and installed. Water operator met with a new employee from Rural Water and he updated him on a number of resources and options at towns disposal in the future. Operator will be going to a certification exam later this month. Discussion on pumping water for the roads. Planning to do so again in the future. Will attempt to notify users prior. Discussion on engineer contract. After discussion was determined to table the contract for time being so the lawyer can more thoroughly examine and offer his input as well as have engineers available to answer questions. Board presents no issues regarding the contract at this point. Board decides to hold a special meeting on 14th to discuss the contract as well as move the upcoming two resolutions along. One resolution has not been received and will be tabled until a later meeting. Resolution 2022-02: Titled: 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 was read in its entirety. After reading, motion by Hussey, seconded by Kizer to pass resolution on for second reading at next meeting. Animal control: nothing. Nuisance enforcer: no new reports Building/Grounds: nothing. Mailboxes: Hussey still intends. Road & St: Discussion held on the alleys. Mark Wynia will be going into surgery and unable to haul for sometime. Board member reports: Feeding SD, Community Food pantry, community wide garage sale, halloween party were all discussed. Trailer being upgraded in town was presented to the board for approval. All in favor. Risk Mitigation: Guests from BHCLG and the county were available to discuss the risk mitigation efforts for the county and inclusion of Buffalo Gap. After their presentation, any questions were able to be asked and volunteers desired for their project. Board will be including the rodeo grounds in the risk mitigation plan to help add it in event of a major hazard destroying it. Other town infrastructures will be included in the plan. Malt Beverage License: Clyde presents on behalf of Cadillac Ranch and Last Chance, their malt beverage license for consideration. After discussion; motion by Hussey and seconded by Kizer to approve the renewal of said establishments malt beverage license. Clyde will forward on the application to state for final approval. Public Time: Inquires into the alleyways were made. With no further discussion; motion by Kizer to adjourn. Next regular meeting will be held November 5th 2022 at 6:00 PM at town hall. (Note: special meeting was rescheduled from 11/14 to 11/21 but eventually canceled)
/s/ Finance Officer
Heather Besco-Clyde

Published once at an approximate cost of \$46.51 and may be viewed free of charge at www.sdpublicnotices.com.

URL: <https://www.sdpublicnotices.com/?activeNotice=dcba.6c91b4e3e8bc2.786195e18-6812.a78460eaa-d7e8.96a68064c-bd71.544d02f3e-b75f.89b9958261a34.e3b5e01260cd0.96e86a101>

DECEMBER 2022

Notice of Hearing

Published in Custer County Chronicle on January 12, 2022

Location

Custer County, South Dakota

Notice Text

TOWN BOARD MEETING PROCEEDINGS

Buffalo Gap,
South Dakota December 6th, 2021

The board of the Town of Buffalo Gap met in regular session at 6:00 p.m. on December 6th, 2021 at the town hall/bank building. Members present were: Trustees Kizer, Hussey, and Finance Officer Clyde. Kizer calls meeting to order. Motion by Hussey and seconded by Kizer to approve agenda as presented. Pledge of Allegiance was conducted. Clyde reports financials and account balances. Motion by Hussey and seconded by Kizer to approve November minutes. Motion by Hussey and seconded by Kizer to pay the following bills: Salaries and reimbursements-\$1939.10, Cheyenne Sanitation-\$1223.25, Southern Hills Publishing-\$35.99, FRWUD-\$248.50, Midcontinent-\$437, Golden West-\$41.14, BH Energy-\$974.21, FMHA (water loan)-\$483.00, Verizon-\$120.03, Chase CC-\$105.41 (road and street supplies). Small communities planning grant: Clyde presents board with the grant to cover 80% of the engineer report conducted. Motion by Kizer and seconded by Hussey to approve signing and entering into grant contract. Sanitation Report: No meeting or report at this time. Water: Water operator unavailable to present update and no report provided beforehand. Building/ Grounds: Zoelick presents on building and grounds work including tree removal near town buildings. Community Center: Board requests information on community center and inquiring into who is on the community center board and what is being done with the building as use has diminished. Board requests Clyde to attend next public community center meeting and also to update records to have valid copy of the insurance being carried by the community center board on the building. Dog/Nuisance Reporter: No members present to provide updates at this time. Nuisance Ordinance: No reports made at this time. Mailboxes: Hussey still intends to complete but is confident work will begin soon. Plat Map: Engineer had requested to speak was presented and asked boards approval to update the plat map that corrects previous error to two residents properties. Both residents signed plat map in agreement. Motion by Kizer and seconded by Hussey to approve new plat. Beautification Position Presentation: Scott Craig was available to present and offer information on opening a new position for an town employee. He presents a number of ideas that he would like to be in charge of in the position including maintaining the park and beautification of town right of ways. Board would like more time and President Freiden available to review the proposal before making any motions. Position tabled and to be on next agenda. Public Time: Short discussion on upcoming maintenance schedule needs: Bugs, and fire extinguishers need serviced. Discussion on sisterns and tanks were held. Discussion on use of Covid money received. Clyde will have total spent from covering December water and sanitation billing to residents to be covered by Covid money if proven an option at next meeting. With no further discussion; motion by Friedan to adjourn. Next regular meeting to be held January 3rd, 2022 at 6:00 PM at town hall.

/s/ Finance Officer
Heather Besco-Clyde

Published once at an approximate cost of \$31.40.
1/12

URL: <https://www.sdpublicnotices.com/?activeNotice=636e.0d07b6df86c87.da1e52d57-ca7a.7510be736-7122.253d270e7-2dd3.81524f89e-b4f0.74f6c2974a4bf.b4628cebe0039.59d7c94b8>

Legal Notice

Published in Custer County Chronicle on December 14, 2022

Location

Custer County, South Dakota

Notice Text

town of
buffalo gap

RESOLUTION NO. _____
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 Town of Buffalo Gap (the Town) 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 Town 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 Town 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 Town as follows:

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 Town pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

Project means the Town of Buffalo Gap Cast Iron and 4-inch PVC replacement Project.

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

System means the Towns system of waterworks used for the purpose of providing water and water supply for domestic, municipal, and industrial purposes.

1. Declaration of Necessity and Findings.

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

1.1. Findings. The Town does hereby find as follows:

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

1.1.2. 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 Town 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.

1.1.3. The Town 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.

2. Authorization of Loan, Pledge of Revenue and Security.

2.1. Authorization of Loan. The Town hereby determines and declares it necessary to finance up to \$1,147,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the Town. The Town 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.

2.2. 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 Town Finance Officer (the Finance Officer) and open to public inspection, between the Town as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the President 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 Town deems appropriate and approves, for and on behalf of the Town. The President and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the Town 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.

2.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$1,147,000 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 President, 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 Town, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The President 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.

2.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the Town's general credit or taxing power, but shall be a limited obligation of the Town 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 Town 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 Town 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 Town set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

3. Special Charge or Surcharge for Revenue Bond. The Town 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.

3.1. 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.

3.2. 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.

3.3. 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.

3.4. 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 Agreements 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.

4. 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 Town 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.

5. 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 Town 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:

5.1. 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 Town of Buffalo Gap, South Dakota (collectively the Rate Resolution). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

5.2. 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 Towns 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.

5.3. 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.

5.4. 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 Town 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 Town, 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.

6. 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.

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

8. 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).

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

8.1. The Town 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.

8.2. The Town agrees and covenants that it will promptly construct the improvements included in the Project.

8.3. The Town 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 Town 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 Town.

8.4. The Town 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.

9. 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 Town, 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 Towns 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.

10. 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 Town 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. 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.

11. 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 Town.

Authorization of Town Officials. The President, Finance Officer, Town Attorney and Town officials shall be and they are hereby authorized to execute and deliver for and on behalf of the Town 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.

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

Adopted at Buffalo Gap, South Dakota, this ____ day of _____ 2022.

APPROVED:

President
(Seal)
Attest:

Town Finance Officer
Adopted:

Published:

Effective:

Published once at an approximate cost of \$232.88 and may be viewed free of charge at www.sdpublicnotices.com.

12/14

URL: <https://www.sdpublicnotices.com/?activeNotice=f42a.4865bec1a653f.b1261c64a-294a.deec75dc1-443d.1e6612696-b0b0.3c0483746-9eb4.afd36891aa0b2.14b24da1c2798.160705a68>

Legal Notice

Published in Custer County Chronicle on December 21, 2022

Location

Custer County, South Dakota

Notice Text

town of
buffalo gap

RESOLUTION NO. _____
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 Town of Buffalo Gap (the Town) 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 Town 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 Town 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 Town as follows:

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 Town pursuant to the terms of the Loan Agreement and as evidenced by the Revenue Bond.

Project means the Town of Buffalo Gap Cast Iron and 4-inch PVC replacement Project.

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

System means the Towns system of waterworks used for the purpose of providing water and water supply for domestic, municipal, and industrial purposes.

1. Declaration of Necessity and Findings.

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

1.1. Findings. The Town does hereby find as follows:

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

1.1.2. 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 Town 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.

1.1.3. The Town 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.

2. Authorization of Loan, Pledge of Revenue and Security.

2.1. Authorization of Loan. The Town hereby determines and declares it necessary to finance up to \$1,147,000 of the costs of the Project through the issuance of bonds payable from the revenue of the Project and other funds secured by the Town. The Town 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.

2.2. 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 Town Finance Officer (the Finance Officer) and open to public inspection, between the Town as Borrower and the District, is hereby in all respects authorized, approved and confirmed, and the President 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 Town deems appropriate and approves, for and on behalf of the Town. The President and Finance Officer are hereby further authorized and directed to implement and perform the covenants and obligations of the Town 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.

2.3. Approval of Revenue Bond. The issuance of a revenue bond in a principal amount not to exceed \$1,147,000 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 President, 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 Town, upon receipt of the purchase price, and to use the proceeds thereof in the manner set forth in the Loan Agreement. The President 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.

2.4. Pledge of Revenues. The Revenue Bond together with the interest thereon, shall not constitute a charge against the Town's general credit or taxing power, but shall be a limited obligation of the Town 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 Town 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 Town 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 Town set forth in this Section 3 or any other covenant or agreement in the Loan Agreement.

3. Special Charge or Surcharge for Revenue Bond. The Town 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.

3.1. 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.

3.2. 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.

3.3. 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.

3.4. 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 Agreements 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.

4. 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 Town 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.

5. 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 Town 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:

5.1. 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

Town of Buffalo Gap, South Dakota (collectively the Rate Resolution). Moneys from the Project Revenue Account shall be transferred periodically into separate funds and accounts as provided below.

5.2. **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 Towns 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.

5.3. **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.

5.4. **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 Town 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 Town, 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.

6. 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.

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

8. 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).

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

8.1. The Town 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.

8.2. The Town agrees and covenants that it will promptly construct the improvements included in the Project.

8.3. The Town 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 Town 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 Town.

8.4. The Town 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.

9. 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 Town, 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 Towns 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.

10. 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 Town 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. 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.

11. 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 Town.

Authorization of Town Officials. The President, Finance Officer, Town Attorney and Town officials shall be and they are hereby authorized to execute and deliver for and on behalf of the Town 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.

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

Adopted at Buffalo Gap, South Dakota, this ____ day of _____ 2022.

APPROVED:

President

(Seal)

Attest:

Town Finance Officer

Adopted:

Published:

Effective:

Published once at an approximate cost of \$232.88 and may be viewed free of charge at www.sdpublicnotices.com.

12/14

URL: <https://www.sdpublicnotices.com/?activeNotice=8a3f.885cb67716685.3a0fa94cc-691c.67ac795e2-657b.3d9acf62e-e425.e47169c54-717c.222bcab86b0a6.06685de36b403.19be086d6>

Legal Notice

Published in Custer County Chronicle on May 17, 2023

Location

Custer County, South Dakota

Website

<http://www.helmsengineering.com/biddocs.html>

Due Date

Saturday, December 31st 2022, 5:00 am

Bid Number

A-8991

Project Name

Phase I Watermain System Improvements

Agency Name

Town of Buffalo Gap

Notice Text

notice to

bidders

Town of Buffalo Gap

Buffalo Gap,

South Dakota

Phase I Watermain System Improvements

General Notice

Town of Buffalo Gap (Owner) is requesting Bids for the construction of the following Project: Phase I Watermain System Improvements, A-8991

Bids for the construction of the Project will be received at the City Hall located at 200 Main St., Buffalo Gap, SD, until May, 31st at 1:00 pm local time. At that time the Bids received will be publicly opened and read.

The Project includes the following Work: The project consists of the installation of new watermain piping, valves, curbstops, water service piping and fire hydrants. Work also

consists of asphalt street repair, concrete curb and gutter, gravel street repair, sidewalk repair, storm sewer repair along with other miscellaneous work.

Bids are requested for the following Contract: Base Bid and Alternate Bid

Obtaining the Bidding Documents

Information and Bidding Documents for the Project can be found at the following designated website: <http://www.helmsengineering.com/biddocs.html> . Bidding Documents may be downloaded from the designated website. Prospective Bidders are urged to register with the designated website as a plan holder, even if Bidding Documents are obtained from a plan room or source other than the designated website in either electronic or paper format. The designated website will be updated periodically with addenda, lists of registered plan holders, reports, and other information relevant to submitting a Bid for the Project. All official notifications, addenda, and other Bidding Documents will be offered only through the designated website. Neither Owner nor Engineer will be responsible for Bidding Documents, including addenda, if any, obtained from sources other than the designated website.

Bidders on this work will be required to comply with the Presidents Executive Order Nos. 11246 as amended, 11518, and 11625 as amended. The requirements for bidders and contractors under these orders are explained in the specifications.

The low responsive bidder will be required to certify to compliance with the American Iron and Steel provision of the Consolidated Appropriations Act of 2014. This certification form may be found on page AIS-21 of the State Revolving Fund (SRF) General Conditions and must be included in the bid proposal. The low responsive bidder must assure compliance with the requirements of Public Law 115-232, Section 889, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.

This project may be partially funded using American Rescue Plan Act (ARPA) funds. As a condition of the ARPA funding guidelines, the Contractor shall meet the following minimum requirements: Based on the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act (IIJA) and E.O. 14005 which provide that, as appropriate and to the extent consistent with law, a preference will be provided to Contractors for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products.) The Contractor shall provide documentation of their efforts to meet the provisions of Build America, Buy America upon request.

Please be advised that waivers or exemptions from the American Iron and Steel provision that cite International Trade Agreements DO NOT comply with the Consolidated Appropriations Act of 2014 as it applies to the SRF programs. Claims from suppliers that the American Iron and Steel provision does not apply to certain products based on the International Trade Agreement exemptions of the Consolidated Appropriations Act of 2014 will not be accepted.

Bidders on this work will be required to comply with Title 40 CFR 33 and Executive Order 12138. The requirements for bidders and contractors under this regulation which concerns utilization of Disadvantaged/Minority Business Enterprises (DBE/MBE) and Womens Business Enterprises (WBE) are explained in the specifications. The goals for DBE/MBE participation are 1% and WBE participation are 4%.

Bidders are also reminded that not less than the minimum wages as determined by the Davis Bacon Act and set forth in the Contract Documents must be paid on this project and that the contractor and/or subcontractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex, or national origin.

In addition to all of the above listed Federal requirements for work on this project, compliance with the contract Work Hours and Safety Standards Act, Executive Order 11375, Copeland Act, the Clean Air Act, and Water Pollution Control Act, and subsequent amendments to all of the above will be required of contractors and/or subcontractors performing work on this project.

The Issuing Office for the Bidding Documents is: Helms and Associates, 416 Production St. N. Aberdeen, SD 57401. Phone (605)225-1212

Prospective Bidders may obtain or examine the Bidding Documents at the Issuing Office on Monday through Friday between the hours of 8:00 am to 5:00 pm, and may obtain copies of the Bidding Documents from the Issuing Office as described below. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including addenda, if any, obtained from sources other than the Issuing Office. Bidding Documents may be purchased from the Issuing Office during the hours indicated above. Cost does not include shipping charges. Upon Issuing Offices receipt of payment, printed Bidding Documents or electronic documents on compact disk will be sent via the prospective Bidders delivery service. The shipping charge amount will depend on the shipping method chosen. Bidding Documents are available for purchase in the following formats: Bidding Documents (including Full-Size Drawings (\$100.00) and electronic download of documents (\$20.00). Additionally, upon request, in accordance with South Dakota Codified Law 5-18B-1, one copy of Plans and Specifications shall be furnished, without charge, to each Contractor resident in South Dakota who intends, in good faith, to bid upon the project. Owner reserves the right to reject any or all Bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Bids. Owner also reserves the right to waive all minor Bid informalities not involving price, time, or changes in the Work.

Instructions to Bidders.

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

This Advertisement is issued by:

Owner: Town of Buffalo Gap

By: Daniel Frieden

Title: President

Date: 5/10/23, 5/17/23

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