

RESOLUTION NO. 2024-12

RESOLUTION GIVING APPROVAL TO ENTER INTO A SEWER SERVICES AGREEMENT WITH THE STATE OF SOUTH DAKOTA, ACTING THROUGH THE DEPARTMENT OF CORRECTIONS, AND GIVING APPROVAL TO THE PAYOFF OF CERTAIN BONDS.

RECITALS

1. The City of Harrisburg (the “City”) owns and operates a publicly owned sanitary sewer conveyance system and treatment works (the “Sanitary Sewer System”);
2. The State of South Dakota, acting through the Department of Corrections (the “State”), intends to construct a correctional facility (the “Facility”) in rural Lincoln County, South Dakota, at a location legally described as follows:

SE4 Section 30 Township 99N, Range 49W, Lincoln County, South Dakota containing 160 acres more or less and,

NE4 Section 31 Township 99N, Range 49W, Lincoln County, South Dakota containing 160 acres more or less,

which location is within ten (10) miles of the corporate limits of City;
3. The State desires to connect to the Sanitary Sewer System and to discharge wastewater produced by the Facility into the Sanitary Sewer System for conveyance and treatment of such wastewater;
4. The City holds extra-territorial powers to accept and treat wastewater originating outside its corporate limits under SDCL 9-48-32;
5. The City desires to provide City sanitary sewer services to the State by connection to the Sanitary Sewer System upon the terms and conditions set forth in the proposed Sewer Services Agreement (the “Agreement”) and as permitted pursuant to SDCL 9-48-32; and
6. The City desires to use the proceeds of the Agreement to pay off certain bonds issued by the City, therefore making utility services more affordable to its residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisburg as follows:

BE IT RESOLVED, that the City shall enter into the Sewer Services Agreement with the State of South Dakota, through the Department of Corrections, to accept the discharge of wastewater

produced by the Facility into the Sanitary Sewer System for conveyance and treatment of such wastewater upon the terms and conditions set forth in the Agreement;

BE IT FURTHER RESOLVED, that the City shall apply the proceeds of the connection payment set forth in the Agreement as follows:

- a. Payoff in full CWSRF 03
- b. Payoff in full CWSRF 04
- c. Payoff in full DWSRF 02
- d. Payoff in full DWSRF 03
- e. Payoff in full 2022 Land Wastewater Land Acquisition Bond
- f. Payoff in full 2019 Water Main Bond

BE IT FURTHER RESOLVED, that any remaining proceeds from the connection payment and all future payments made to the City pursuant to the Agreement shall be paid to the City Sewer Fund to be used in the City's discretion.

Adopted at City of Harrisburg, South Dakota, this ___ day of August, 2024.

APPROVED:

Derick Wenck, Mayor
City of Harrisburg

(Seal)

Attest: _____
Deb Harris, Finance Officer
City of Harrisburg