CITY OF BOX ELDER PENNINGTON & MEADE COUNTIES STATE OF SOUTH DAKOTA

RESOLUTION NO. 26-41

A RESOLUTION ESTABLISHING A LIMITED EXCEPTION TO THE CESSATION ON WATER CONNECTIONS OUTSIDE THE CITY LIMITS OF THE CITY OF BOX ELDER, SOUTH DAKOTA

WHEREAS, the City of Box Elder has previously adopted a resolution establishing a cessation on new water connections to properties located outside the City limits in order to protect the City's existing and future water supply capacity and to properly plan for the continued growth and development of the City; and

WHEREAS, certain properties located outside the City limits provided easements necessary for the construction, operation, maintenance, repair, and replacement of infrastructure installed in conjunction with the project entitled "Ellsworth Clean Water Project, KTM Project No. 21-1194" (the "Clean Water Line"); and

WHEREAS, based upon the recommendation of the Public Works Director and City Administrator, the City Council finds that providing water service to such properties is a reasonable consideration for the benefit provided through the granting of necessary water line easements, provided that such service does not jeopardize the City's ability to adequately serve existing and future customers within the City limits; and

WHEREAS, the City Council desires to establish a limited exception to the existing cessation on water connections for properties meeting these circumstances, subject to the conditions established herein;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Box Elder, that the following exception to the City's cessation on water connections outside the City limits is hereby established:

1. Limited Exception. Notwithstanding the City's existing cessation on water connections outside the City limits, the City may authorize water service to properties located outside the City limits whose owners provided a necessary easement to the City for the Clean Water Line. Individual water connections under this exception shall be subject to approval by the Public Works Director, based upon a determination that adequate water supply, capacity, pressure, and infrastructure are available to serve the property without adversely affecting the City's existing or future customers.
2. Conditions of Service. As a condition of receiving water service under this exception, the property owner shall pay all applicable connection, engineering, inspection, and other fees; shall pay the City's established outside-city water rates; and shall comply with all

applicable City ordinances, standards, and water service requirements. The water service availability fee shall be waived.

3. No General Right to Service. This resolution establishes a limited exception based upon the public benefit provided by necessary water system easements and shall not create a general right or entitlement to City water service for properties outside the City limits. The Public Works Director shall retain authority to approve or deny individual connections pursuant to the requirements of this resolution and may impose reasonable conditions necessary to protect the City's water system, water supply, and existing and future customers.

PASSED, APPROVED AND ADOPTED this 20 day of October, 2026.

Larry R Larson

Larry Larson, Mayor

ATTEST:

Chaz Kokesh

Chaz Kokesh, City Clerk

(SEAL)

CITY OF BOX ELDER CORPORATE SEAL SOUTH DAKOTA

Published: October 31, 2026

ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above resolution was published in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This resolution shall become effective on November 19, 2026.

Chaz Kokesh

Chaz Kokesh, City Clerk