

**SOUTH DAKOTA BUILDING AUTHORITY**

**MINUTES OF THE ANNUAL MEETING**

**SEPTEMBER 26 - 27, 2013**

Pursuant to due notice, the South Dakota Building Authority met on Thursday, September 26, 2013 at 2:30 P.M., CDT at the Hilton Garden Inn and via telephone. Tom Graham, Chairman, instructed the Executive Secretary to call the roll.

Present: Mr. Tom Graham  
Mr. Dennis Haan  
Mr. Doug Hajek  
Mr. Joe Lien  
Mr. D. J. Mertens  
Mr. James Roby (via telephone)

Absent: Mr. Dennis Neugebauer

Other staff and representatives of the Authority present were:

Mr. Donald Templeton, Executive Secretary  
Mr. Todd Meierhenry, Meierhenry Sargent, LLP  
Mr. Dustin Christopherson, South Dakota Health and Educational  
Facilities Authority  
Mr. Steve Corbin, South Dakota Health and Educational Facilities Authority  
Mr. Jack Arnold, Dougherty & Company (via telephone)

A quorum was declared by the Chairman and the meeting was called to order.

Mr. Don Templeton advised the Authority members that the notice of the meeting had been posted at the entrance of the office of the South Dakota Building Authority on September 20, 2013.

A copy of that notice is attached hereto and is an integral part of the minutes  
(see *Attachment #1*).

The Chairman asked for consideration of the minutes for the June 27, 2013 meeting. Mr. Haan moved to approve the minutes of the meeting as presented, seconded by Mr. Hajek. All members present voted aye. Motion carried.

### **Election of Officers**

The Chairman stated the next order of business would be the annual election of officers for the Authority. The officer's positions being considered would be Vice Chairman and Secretary. It was noted that the Chairman is appointed by the Governor.

Mr. Lien moved to keep the officers the same, seconded by Mr. Hajek; all members present voted aye, motion carried.

### **Project Reports**

Mr. Templeton reviewed the project reports of outstanding cash balances for all bond issues with Project Fund cash balances. Mr. Templeton reviewed the August 31, 2013 financial report for the Building Authority.

### **Post Compliance**

Mr. Templeton and Mr. Meierhenry explained that staff reviewed all bonded projects and performed many on site construction visits and he believes all projects are compliant with bond covenants.

The SDBA board members scheduled a post issue compliance review of three buildings of the University Center – Sioux Falls on September 27, 2013. Tours were given for the Board Members and compliance results were recorded in our post issue worksheet.

### **Release of Property**

Mr. Todd Meierhenry reviewed Resolution 2-SDBA-13 (see **Attachment #2**) which releases property back to the State of South Dakota relating to the Series 1991B SLB bonds which have been paid in full. The properties are in Pierre, Springfield and Spearfish.

### **Upcoming bond issue**

Mr. Templeton reviewed the list of projects that the SDBA is working for financing. He noted that the Board of Regents chose BMO Capital Markets as the investment banker for this bond issue. The Veteran's Home may be a private bank placement. The Dept. of Game, Fish & Parks bonds will be taxable.

### **Adjournment**

The Chairman stated that there being no further business at this meeting, the meeting would be adjourned at 3:12 p.m. CDT.

## South Dakota Building Authority

330 South Poplar, Suite 102  
P.O. Box 846  
Pierre, SD 57501

Tel: 605-224-9200  
FAX: 605-224-7177

Date: September 10, 2013

To: Members of the  
South Dakota Building Authority

From: Don A. Templeton, Executive Secretary

Re: Notice of Annual Meeting

You are hereby notified that the Chairman has set Thursday and Friday, September 26 & 27, 2013 as the dates for the annual meeting of the South Dakota Building Authority to be held at the Hilton Garden Inn in Sioux Falls, SD. Our annual meeting will begin Thursday, September 26, 2013 at approximately 2:30 p.m. CDT after the Educational Enhancement Funding Corporation meeting. We will tour the University Center – Sioux Falls on Friday, September 27<sup>th</sup> at 9:00 a.m. CDT.

**You may participate in the meeting by dialing 1-877-336-1828 and enter your Participant Access Code, which is 4677196 followed by the # key.**

The following members have indicated they will be available for the meeting:

Tom Graham  
Dennis Haan  
Doug Hajek  
Joe Lien

DJ Mertens  
Dennis Neugebauer  
James Roby

An agenda is enclosed. We will bring the meeting information along with us and hand out to members coming to the meeting. Please call if you have any questions.

Please take the time to review the attached schedule of events to assure we have the correct lodging and board available for all attendees. Let us know as soon as possible if your plans change so we can make the appropriate adjustments. For those who are flying, you will be flying in a Piper Navajo Chieftain Twin Engine 7-seat airplane. **The dress code for the meeting will be casual.** See the attached airplane itinerary.

Cc: Todd Meierhenry – Meierhenry Sargent  
Jack Arnold – Dougherty & Company  
Bruce Bonjour – Perkins Coie

**2-SDBA-13****RESOLUTION TO RELEASE PROPERTY**

**WHEREAS**, SDCL § 5-12-36 requires the South Dakota Building Authority to convey property to the State of South Dakota if all debts which have been secured by the income from the property have been paid; and

**WHEREAS**, South Dakota Building Authority staff have certified that the debts secured by income of the property described on Exhibit A's have been paid in full; and

**1. Findings.** The Board of the South Dakota Building Authority does hereby find that it is necessary and convenient to transfer title and jurisdiction to certain facilities financed by South Dakota Building Authority Bonds which were issued to finance construction of improvements thereto and are now paid in full.

**2. Instruments of Transfer.** The Chairman and Executive Secretary are authorized to execute the Instruments of Transfers in substantially the form attached and made a part hereto.

Adopted this 26th day of September, 2013.

Drafted By:

Todd Meierhenry  
Meierhenry Sargent LLP  
315 S. Phillips Avenue  
Sioux Falls, SD 57104  
(605)3363075

---

**INSTRUMENT OF TRANSFER**

As required pursuant to SDCL § 5-12-36 and Resolution 2-SDBA-13, dated September 26, 2013, the **SOUTH DAKOTA BUILDING AUTHORITY**, 330 South Poplar, Suite 102, Pierre, SD 57501 for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration transfers to the **COMMISSIONER OF THE BUREAU OF ADMINISTRATION OF THE STATE OF SOUTH DAKOTA**, 500 E. Capital Avenue, Pierre, SD 57501, jurisdiction in the properties described in Exhibit A attached hereto:

Dated this 26th day of September 2013.

**SOUTH DAKOTA BUILDING  
AUTHORITY**

ATTEST

---

Thomas Graham  
Chairman

---

Don Templeton  
Executive Secretary

State of South Dakota    }  
                                      :ss  
County of \_\_\_\_\_}

On this the 26th day of September 2013 before me, \_\_\_\_\_, the undersigned officer, a Notary Public, personally appeared Thomas Graham and Don Templeton, known to me or satisfactorily proven to be the Chairman and Executive Secretary of the South Dakota Building Authority whose name are subscribed to the within instrument and acknowledged that they executed the same as Chairman and Executive Secretary for the South Dakota Building Authority for the purposes therein contained.

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

---

Notary Public  
My Commission

## **EXHIBIT A**

Lot 3 of Lot B within the Capitol Grounds Addition to the City of Pierre, Hughes County, South Dakota, otherwise described as Part of Lot B within the Capitol Grounds Addition to the City of Pierre, Hughes County, South Dakota, formerly known as all of Blocks 8, 9, 20, 21 and 22 and Lots 1 to 4 inclusive, and Lots 13, 14 and 15 of Block 23, Ash's Second Addition to the City of Pierre, Hughes County, South Dakota,

Together with all vacated streets and alleys adjoining.

Drafted By:

Todd Meierhenry  
Meierhenry Sargent LLP  
315 S. Phillips Avenue  
Sioux Falls, SD 57104  
(605)3363075

---

**INSTRUMENT OF TRANSFER**

As required pursuant to SDCL § 5-12-36 and Resolution 2-SDBA-13, dated September 26, 2013, the **SOUTH DAKOTA BUILDING AUTHORITY**, 330 South Poplar, Suite 102, Pierre, SD 57501 for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration transfers to the **BOARD OF CHARITIES AND CORRECTIONS OF THE STATE OF SOUTH DAKOTA**, 711 Wells Avenue, Pierre, South Dakota 57501, jurisdiction in the properties described in Exhibit A attached hereto:

Dated this 26th day of September 2013.

**SOUTH DAKOTA BUILDING  
AUTHORITY**

ATTEST

---

Thomas Graham  
Chairman

---

Don Templeton  
Executive Secretary

State of South Dakota }  
  :ss  
County of \_\_\_\_\_ }

On this the 26th day of September 2013 before me, \_\_\_\_\_, the undersigned officer, a Notary Public, personally appeared Thomas Graham and Don Templeton, known to me or satisfactorily proven to be the Chairman and Executive Secretary of the South Dakota Building Authority whose name are subscribed to the within instrument and acknowledged that they executed the same as Chairman and Executive Secretary for the South Dakota Building Authority for the purposes therein contained.

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

---

Notary Public  
My Commission

## EXHIBIT A

Outlots "A" and "B" in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and Parcels "B" and "C" in the NW  $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 23, Township 93 North of Range 60, West of the Fifth P.M., Bon Homme County, South Dakota and

The North 620 Feet of Lot "A" in the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 23, Township 93 North of Range 60, West of the Fifth P.M., Bon Homme County, South Dakota, commonly referred to as the Springfield Correctional Facility.

The facilities also being transferred are commonly described as follows:

Carl G. Lawrence Memorial Library  
Harmon Hall  
Arch Crawford Hall

There are other facilities not being transferred, all of which are hereby severed from the real estate and retained by the State of South Dakota.



Drafted By:

Todd Meierhenry  
Meierhenry Sargent LLP  
315 S. Phillips Avenue  
Sioux Falls, SD 57104  
(605)3363075

---

**INSTRUMENT OF TRANSFER**

As required pursuant to SDCL § 5-12-36 and Resolution 2-SDBA-13, dated September 26, 2013, the **SOUTH DAKOTA BUILDING AUTHORITY**, 330 South Poplar, Suite 102, Pierre, SD 57501 for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration transfers to the **BOARD OF REGENTS OF THE STATE OF SOUTH DAKOTA**, 306 E. Capital Avenue, Pierre, SD 57501, jurisdiction in the properties described in Exhibit A attached hereto:

Dated this 26<sup>th</sup> day of September 2013.

**SOUTH DAKOTA BUILDING  
AUTHORITY**

ATTEST

---

Thomas Graham  
Chairman

---

Don Templeton  
Executive Secretary

State of South Dakota    }  
                                      :ss  
County of \_\_\_\_\_}

On this the 26th day of September 2013 before me, \_\_\_\_\_, the undersigned officer, a Notary Public, personally appeared Thomas Graham and Don Templeton, known to me or satisfactorily proven to be the Chairman and Executive Secretary of the South Dakota Building Authority whose name are subscribed to the within instrument and acknowledged that they executed the same as Chairman and Executive Secretary for the South Dakota Building Authority for the purposes therein contained.

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

---

Notary Public  
My Commission

## EXHIBIT A

A parcel of land located in Spearfish, Lawrence County, South Dakota, being described as follows: Lot 1 of Black Hills State Addition, located in Lots 7 and 8 of NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and in Original State College land in SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 9, Township 6 North, Range 2, EBHM, Spearfish, Lawrence County, South Dakota.