

SPRING CREEK / COW CREEK SANITARY DISTRICT
MEETING MINUTES
MONTHLY MEETING
Wednesday, February 16, 2022

The regular monthly meeting of the Spring Creek / Cow Creek Sanitary District was held at the Dwane Russell residence, 213 Shoreline Street, Pierre SD on Wednesday, February 16, 2022. Chairman Russell called the meeting to order at 6:02 p.m.

Chairmen Russell, Clerk Anderson and Superintendent Zuber were in attendance in person. Wiseman attended via videoconference. Schuh was absent. Also present were eight residents of the District and four guests. Legal Counsel Cody Miller, four residents and one guest attended via videoconference.

Russell presented the Agenda and asked for amendments to include additional business. Wiseman made a motion to approve the Agenda with amendments. Russell seconded. All voted in favor. Motion carried.

Russell addressed the members in attendance regarding the Board's Policy on Public Comments before moving to the Public Hearing on the Proposed Exclusion of Real Property.

Russell reported that the Public Hearing was being restarted due to incorrect legal descriptions on the original notices. In lieu of the Public Hearing, Russell opened the floor to public comments. No comments were received.

Stacy Hegge, attorney for Vic Utech, came before the Board to present the revised Resolution to Proposed Exclusion of Real Property. Hegge gave a brief history of how the Proposal came before the Board, stating that Mr. Utech had recently purchased land in the District with intent to develop. After discussions with the Board and learning that the Regulation for Expansion (Ordinance No. 2020-3) did not meet his anticipated usage demand, he is requesting exclusion from the Sanitary District to meet those needs as an individual developer.

Attorney Hegge also presented the Board with a Petition for a Resolution of Exclusion of Real Property, signed by 10 members of the Sanitary District. She indicated that the number of signatures required on the petition is 6, based on the highest number of votes received by an individual (26) at the last open election.

The Board of Trustees expressed some concerns to Ms. Hegge prior to taking action. The noted concerns were current and future easements; placement of the proposed lagoon; desire to see fully-engineered set of plans approved by SD DANR prior to approval of exclusion; and the time frame for the new Public Hearing. Ms. Hegge indicated that all current easements had been shared with the District's attorney; Mr. Utech had recently emailed his proposed location for his retention pond to the Board; the timing and cost of fully-engineered plans prior to approval of exclusion did not warrant a delay of action, in her opinion; and she recommended the Public Hearing be held at the District's next monthly meeting. Because this process is starting over due to a technicality on the original filing, she stated that to hold the Public Hearing further out than March would be inconsequential. Ms. Hegge also indicated that Mr. Utech has no intent to take customers from the District. She also stated that by the Board approving the revised Proposed Resolution to Exclude Real Property and holding the Public Hearing in 30 days, this would allow her client and the Board to enter into negotiations prior to the hearing.

Russell moved on Intent to Exclude Real Property as indicated in the revised Proposed Resolution. Wiseman seconded. All voted in favor. Motion carried. Public Hearing will be scheduled for March 9th, 2022 at 7:15 p.m.

Wiseman made a motion to approve the minutes from the last monthly meeting. Russell seconded. All voted in favor. Motion carried.

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Sean Blanchette with the SD Game Fish & Parks Department was available via videoconference to update the Board on the request for an Archaeological Study be performed at the side of the new tower location. He stated that the land where the tower will be located is owned by the US Army Corps of Engineers (USACE), and overseen by the SD Game Fish & Parks (SD GF&P). Mr. Blanchette advised that the USACE has indicated to his department the need for an Intensive Level 3 Survey be performed before they will approve the use of that site for construction of the new water tower. Mr. Blanchette submitted a request for bid to the Archaeological Research Council in Rapid City to perform the survey if the Board approved. That bid came back at \$38,000.

Mr. Blanchette and District Engineer, Lyle Schumack presented the Board with the benefits and risks for the survey at this site. Once the survey is complete with no findings, that site is free and clear to use for future construction. If the survey has findings, that site may have limitations or mitigations involving Tribal monitors, Tribal oversight during construction or other efforts. Lyle also sent alternative site locations to the Board prior to the meeting. He located 3 reasonable sites to relocate the water tower, each costing the District an additional \$121,000 to \$389,000 in construction costs, none of which include the cost to purchase the land.

Wiseman made a motion to approve the Archeological Study and to allow SD GF&P to work directly with the District's engineers at Bartlett and West to coordinate and implement the project. Russell seconded. All voted in favor. Motion carried.

The Board decided to table the discussion of the Geotechnical Contract as presented by Bartlett & West since that contract cannot start until the Archeological Survey is complete.

Zuber presented his Superintendent's report to the Board. He reported the average daily usage for January was 14,000 gallons, he received and researched pressure complaints in one area and found that a valve had been shut off causing back feed, and that he has 12 new meters on order. Zuber reported on his plans to keep summer storage capacity at maximum levels. He is working with MDRWS to test closures. Zuber also reported on information he received about remote meter options. He will forward the information via email to the Board. In his final remarks, Zuber notified the Board of a valve pit that is covered with dirt and gravel. The Board asked him to get a price to clean the pit prior to making a decision.

Discussion was held regarding the need to padlock valves on the District system so they could not be tampered with. Russell made a motion to approve the use of padlocks to secure the District's valves. Wiseman seconded. All voted in favor. Motion carried.

Zuber also asked for clarification on the Board's intent to restrict water usage during the summer months. The board noted they were reviewing those ordinances during this meeting. The Board also reported on comments and some complaints from District members regarding the prior superintendent's current oversight and asking specific board members to approve purchases of supplies. Chairman Russell stated he would personally discuss the liability issues and conflicts of interest with the prior superintendent.

Wiseman presented the Treasurer's Report. He noted that the Meter Deposits account has been reconciled and reclassified on the Balance Sheet, as per previous Board discussions. He also noted that January's month of operations shows a net loss of \$5,132.67.

Wiseman reported on the appropriation of expenditures between the water and sewer divisions of the District, as recommended by the SD DANR, stating that when using a percentage-of-income calculation, he found the divisions to be 67% allocable to the water division and 33% allocable to the sewer division. Wiseman made a motion to approve the stated appropriation of expenses for the Board's financial reporting. Russell seconded. All voted in favor. Motion carried.

Wiseman noted to the Board that the State Facilities Plan applications are scheduled to be reviewed on April 12-13, 2022. If the District receives approval for funding on either or both applications, we should expect to recoup

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some of the consultant expenses that we are incurring. Russell made a motion to approve the Treasurer's Report. Wiseman seconded. All voted in favor. Motion carried.

Clerk Anderson presented the monthly Accounts Payable to the Board. These include: Anderson Nill & Associates - \$2,325.61; Capitol Journal - \$91.53; Lammers, Kliebacker, et al - \$1491.50; Mid Dakota Rural Water - \$4,351.05; Midcontinent Communications - \$40.09; Oahe Electric - \$491.08; South Dakota 811 - \$6.30; The Onida Watchman - \$322.28; Forrest Zuber - \$50.00. Wiseman made a motion to approve the bills as presented. Russell seconded. All voted in favor. Motion carried.

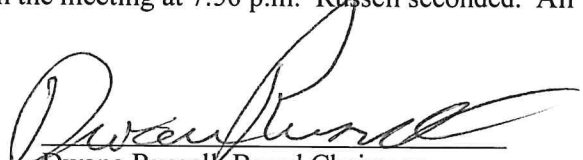
The Board discussed their policy on the publication of monthly meeting minutes. They have held the position that the meeting minutes be posted after approval during the following month's meeting. Based on feedback received by members, Russell made a motion to change the Board's policy to publish "DRAFT" watermarked meeting minutes to the website within 7 days of each meeting, and to remove and replace the "DRAFT" copy with the official meeting minutes after approval. Wiseman seconded. All voted in favor. Motion carried.

The Board decided to table the review of Ordinances No. 4 and No. 5 until the next meeting. Attorney Miller advised the Board to notify him of any changes ahead of time so the District would be ready to hold the First Reading at the next monthly meeting.

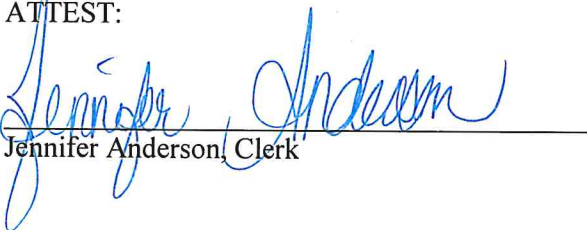
The Board tabled the process review to increase the Board of Trustees to 5 members. This item will be discussed at the March monthly meeting.

Russell opened the floor to public comment. One resident questioned the Board on summer watering with her well water and if that would also be restricted. The Board advised that well water would not be subject to watering restrictions and that they would need to devise a system to mark homes that watered from wells, so as not to raise unnecessary alarms. Another resident reported pressure concerns at his home. Superintendent Zuber took down his information and will follow-up with the resident.

Being no further business, Wiseman made a motion to adjourn the meeting at 7:56 p.m. Russell seconded. All voted in favor. Motion carried.


Dwane Russell, Board Chairman

ATTEST:


Jennifer Anderson, Clerk