

SPRING CREEK / COW CREEK SANITARY DISTRICT  
MEETING MINUTES  
MONTHLY MEETING  
Wednesday, May 11, 2022

The regular monthly meeting of the Spring Creek / Cow Creek Sanitary District was held at the Hoop Building behind the Outpost Lodge in Pierre SD on Wednesday, May 11, 2022. Chairman Russell called the meeting to order at 7:04 p.m.

Chairmen Russell, Wiseman and Schuh, Clerk Anderson and Superintendent Zuber were in attendance in person. Also present were 23 residents of the District and four guests. Legal Counsel Cody Miller, Engineer Lyle Schumack and 2 residents attended via videoconference.

Russell asked for approval of the Agenda as presented. Wiseman made a motion to approve the Agenda. Schuh seconded. All voted in favor. Motion carried.

Russell asked the Board to declare any Conflicts of Interest. No conflicts were declared.

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

Chairman Russell introduced guest presenters from T. G. Rankin, Inc. to show residents their Bioclere Wastewater Solution and their AquaCELL Moving Bed Biofilm Reactor (MBBR) system. Both systems could be suitable options to the District's plan to upgrade the sewer lagoon. After lengthy discussions with the residents and the presenters, the Board asked the company representatives to submit quotes on both systems. If residents are interested in learning more about either of these systems, information can be found at [www.tgrankin.com](http://www.tgrankin.com).

At the conclusion of the presentation, Mr. Utech asked to conclude the presentation with his research and knowledge of the Bioclere system and why he felt it would be a good solution for the Sanitary District. Utech reported that the lagoon acreage currently owned by the District should be more than enough to facilitate this system, as well as allow for future expansion. Utech suggests the Board reevaluate the current wastewater improvement plan with Bartlett & West and proposes incorporating the Bioclere system. This would require a new facilities plan be presented to DANR, but in his opinion, this is a better, long-term solution.

Zuber presented his Superintendent's report to the Board. He reported the average daily usage for April was approximately 32,000 gallons. Campers have started to arrive so we are starting to see an increase in usage. Pump #2 at Codgers Cove is down again. He suspects it is plugged again and advises residents to not flush sanitary products, baby wipes, disposable wipes, etc in the sewer system. This is the second time in 6 months that this pump has been plugged, at a cost of \$800-\$900 each time to repair. Zuber also discussed getting a SCADA system installed on the lift stations that would send him a notification if a pump or lift station is offline or operating erratically. The Board discussed options for notifying residents of the sanitary restrictions and the possibility of installing grinders and/or other screens on the pumps. Zuber will discuss with Dakota Pump Supply while they are onsite to repair the pump.

Sup. Zuber also reported he is gathering a list of residents in which he cannot access their meter pits. At this time, the District is only billing minimum charges because we cannot access the meters. Wiseman advised that the Board would draft letters to the residents once Zuber compiles the list.

Zuber also reported that he and Clerk Anderson will be scheduling time every week to review the status of new applications and other processes.

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Chairman Russell opened the floor to public comment. One resident made a suggestion that the Board send a notification via mail regarding the sanitary system restrictions, along with the requirement for meter pit access. Russell responded that the District has multiple ways to communicate with residents, including the website and email.

Wiseman presented the Treasurer's report. He noted not a lot of fluctuation this month over last month, stating that we are still operating in a deficit year-to-date as engineering fees continue for the water and wastewater improvements. Schuh made a motion to approve the Treasurer's report. Russell seconded. All voted in favor. Motion carried.

Clerk Anderson presented the monthly Accounts Payable to the Board. These include: Anderson Nill & Associates – \$2,304.23; AT&T Mobility - \$85.22; Bartlett & West - \$17,072.00; Mid Dakota Rural Water - \$4,692.01; Midcontinent Communications - \$39.92; South Dakota Public Health Lab - \$15.00; Forrest Zuber - \$100.00. Wiseman inquired of the status of the District's debit card as approved for Sup. Zuber. Clerk Anderson noted she emailed the bank again as we have not received it. Schuh made a motion to approve the bills as presented. Wiseman seconded. All voted in favor. Motion carried.

Russell addressed the Board on the need for a "constant" place of record to post monthly agendas and other relevant communications for the District. He suggested we use 103 Lake Place (the official address of the District; also the site of the water tank). Wiseman interjected that the location was not conspicuous to residents. He noted that the website was currently being used to satisfy the posting requirement. Russell corrected him to say that according to state law, the meeting notices are to be posted on the door of the meeting location. Further discussion ensued and Russell asked for Attorney Miller's interpretation. Miller responded that he would research the law and get back to the Board on his findings.

Wiseman reported that the Archeological Study has been completed. His contact indicated she hoped to have the report completed and to Bartlett & West by the end of May. Once the report is received, the Board can go before the SD Game Fish & Parks to ask permission to construct the water tower in the proposed location. With GFP approval, the District can begin to look for funding. Wiseman said if everything goes as planned, we may be able to go to bid by the end of July or possibly August.

Clerk Anderson reminded the Board of the Grant Agreements as received from the SD DANR that needed signatures. Russell made a motion to approve the signing of the May 3<sup>rd</sup> ARPA 2022G-ARP-198 Grant Agreement for Water Storage and Infrastructure. Schuh seconded. All voted in favor. Motion carried.

Schuh made a motion to approve the signing of the May 3<sup>rd</sup> ARPA 2022G-ARP-197 Grant Agreement for Wastewater Treatment Improvements. Wiseman seconded. All voted in favor. Motion carried.

Attorney Miller interjected on the posting of meeting notices. SDCL 1-25-1.1 requires all public bodies to post a copy of the notice at the principal office and also on the website, if a website exists. He advised the Board to post the meeting notices at the principal office (Clerk's office in Pierre), on the website, and also somewhere inside the District (as determined by the Board). This process would constitute over-posting, but his recommendation would be to post at all three locations.

Russell asked Ms. Stacy Hegge to provide an update to the Board on discussions regarding Mr. Utech's Codgers Castaway development. She thanked the Board for the response to their proposal as received from Chairman Wiseman. She asked for some time to review the District's proposal and to meet again in a few weeks. She also noted that Mr. Utech was willing to bring Bartlett & West to the table during these discussions to answer questions as they arise. Wiseman indicated that the Board would not facilitate a special meeting in a few weeks. It is costing the District a lot of money to call everyone together outside of our regular monthly meetings. He offered Mr. Utech to choose one Trustee to negotiate in the interim and bring those discussions back to the regular monthly meetings. He also noted negotiations can occur via email with the attorney and clerk. Wiseman reported

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he has had very effective communications with Mr. Utech in the recent past and feels the negotiations can move forward in the same manner. He reminded the parties that the District is one of several parties who have to weigh in on these decisions.

Wiseman touched on this proposal as presented to Utech's attorney, noting that he wasn't willing to give Utech everything he wanted, and he knew Utech was not willing to give the District everything we wanted. Russell noted his conversation with Mr. Utech earlier was very helpful. He was able to identify some of the negotiating points and also the need for the engineers to be involved. All parties agreed to move forward with a designated Board member to continue negotiations.

Bruce Peterson came forward to address the Board regarding his Oahe Trails and Golden Meadows developments. Before he began, Bruce wanted to express his appreciation for the work of the board in moving the District forward with discussions for expansion and that he knows the public is interested in the District's discussions. In relation to the agenda item, Mr. Peterson is interested in exchanging some platted lots in the Golden Meadows subdivision for the ability to plat lots in the Spring Creek Bay subdivision. The improvements as planned by the District are specifically intended for existing customers and existing platted lots, with no provision for expansion. Wiseman reported he was willing to do that, but Mr. Peterson would need to get Sully County approval and provide a fully-engineered set of plans to the District. If Sully County does not release the platted lots in Golden Meadows, Wiseman recommended that the Board be provided a legal statement acknowledging that no further sales of unplatted lots or lots in Golden Meadows will occur until the District has adequate infrastructure in place.

Russell also discussed the grant funding provisions if the District replaces platted lots for unplatted lots before the improvement projects are completed. He indicated the Board would need to seek approval to do this from the funding sources as well.

Peterson noted that one issue he is having is that the District approved his as-builts and let him put in \$200,000 into those lots. Wiseman indicated that the Board had not signed off on the as-builts for development. The agreement was to loop a water line to a fire hydrant, not to further develop. Peterson will report back to the Board after he meets with the Sully County Planning & Zoning Commission. Schuh made a motion that the proposal and corresponding documents provided by Bruce Peterson be added to the record. Russell seconded. All voted in favor. Motion carried.

It was moved by Russell and seconded by Schuh that ORDINANCE NO. 4, REGULATION OF WATER USE, an Ordinance of the Spring Creek / Cow Creek Sanitary District to REPEAL ORDINANCES NO. 2020-1, 2021-1 AND 2022-1 AND RE-ENACT THEM ESTABLISHING REGULATIONS RELATING TO WATER USE, WATER RATES, FEES, REGULATIONS, AND PENALTIES FOR VIOLATIONS THEREOF be given a SECOND READING. All voted in favor. Motion carried.

It was moved by Russell and seconded by Schuh that ORDINANCE NO. 5, REGULATION OF SEWER USE, an Ordinance of the Spring Creek / Cow Creek Sanitary District to REPEAL ORDINANCES NO. 2020-2 AND 2021-2 AND RE-ENACT THEM REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS AND PROVIDING USER RATES, AND PENALTIES FOR VIOLATIONS THEREOF, be given a SECOND reading. All voted in favor. Motion carried.

Clerk Anderson reported that the Notice of Trustee Vacancy was posted to the website. Nominating petitions are available at the Clerk's office, 1517 N. Harrison Ave, Pierre if anyone is interested in serving on the Board. Petitions must be returned to the Clerk's office between May 26 and June 15. If more than one petition is submitted, the annual election will be held on July 5, 2022.

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Russell addressed the 5-member Board of Trustees and process to move forward. With no further discussion, Chairman Russell read aloud the RESOLUTION FOR SPRING CREEK COW CREEK SANITARY DISTRICT ("DISTRICT") IN HUGHES AND SULLY COUNTIES, SOUTH DAKOTA TO INCREASE FROM THREE TRUSTEES TO FIVE TRUSTEES. Wiseman made a motion to approve the resolution. Schuh seconded. All voted in favor. Motion carried. Executed Resolution attached to the May 11, 2022 meeting minutes.


Clerk Anderson announced that with the passing of this resolution, the Sanitary District will hold an election on July 5, 2022. Wiseman asked if the vote is counted regardless of the number of voters. Atty Miller stated there is no minimum number of voters and gave the Board a brief review of the election process. Chairman Russell asked the public for three (3) volunteers to sit on the election board. If interested in volunteering, please email Clerk Anderson at [customers@springcowcreeksanitarydistrict.com](mailto:customers@springcowcreeksanitarydistrict.com). The Board will make an announcement regarding polling location and other details at the June 8<sup>th</sup> meeting.


Chairman Russell opened the floor to public comment. One resident came forward to ask for the update on Codgers Castaway and the relevant discussions being held with Mr. Utech. Mr. Russell responded with the Open Meeting rules in which Board members are not allowed to discuss District business with each other outside of a public meeting. The resident asked again for information on the discussions being held with Mr. Utech. Wiseman responded that last month the Board denied Mr. Utech's Exclusion of Real Property. After that meeting, he, Sup. Zuber & Mr. Utech met with Mid Dakota Rural Water to discuss water sourcing. They discovered that the District has reached max capacity of 100 gpm from Mid Dakota unless the District invests in infrastructure improvements with Mid Dakota, including increasing the main line from Grey Goose to the District to a 10" line. Mr. Utech is prepared to fund these improvements in exchange for free hookups in his development. Wiseman reported that this is where the negotiations are set to begin. The Board has also just received engineered plans for Codgers Castaway which will help facilitate the negotiations. Mr. Wiseman noted that the District is looking into a public/private cooperative agreement with Mr. Utech.

Another resident came forward to express his concerns regarding public notices being published on the website. He asked that the Board look into other means of communicating with residents. He also asked what the process was for residents to vote absentee at the July 5 meeting. Russell noted that the Board would finalize all voting procedures during the next monthly meeting. Absentee voting will begin on June 16<sup>th</sup> after the filing deadline for petitions.

Being no further business, Wiseman made a motion to adjourn the meeting at 9:24 p.m. Schuh seconded. All voted in favor. Motion carried.

ATTEST:

  
Jennifer Anderson, Clerk

  
~~Dwane Russell~~, Board Chairman  
KATHLEEN SCHUH, VICE CHAIR