

SPRING CREEK / COW CREEK SANITARY DISTRICT
MEETING MINUTES
MONTHLY MEETING
Wednesday, June 8, 2022

The regular monthly meeting of the Spring Creek/ Cow Creek Sanitary District was held in the meeting room at the Boat House Bar & Grill in Pierre SD on Wednesday, June 8, 2022. Vice-Chairman Schuh called the meeting to order at 7:00 p.m.

Chairmen Wiseman and Schuh, Clerk Anderson and Superintendent Zuber were in attendance in person. Also present were 16 residents of the District and one guest. Chairman Russell, Engineer Lyle Schumack and 1 resident attended via videoconference.

Schuh asked for approval of the Agenda as presented. Clerk Anderson asked to add an item to discuss Bruce Peterson's replat request. Wiseman made a motion to approve the Agenda as amended. Russell seconded. All voted in favor. Motion carried.

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

Wiseman made a motion to approve the minutes from the May 11, 2022 monthly meeting. Russell seconded. All voted in favor. Motion carried.

Zuber presented his Superintendent's report to the Board. He reported the average daily usage for May was approximately 43,000 gallons. He has received approximately 60 new hookup applications this year-to-date. Zuber also reported that the Memorial Day weekend went well. Total water consumption for the 4-day weekend was 231,000 gallons, or 40% of maximum capacity.

Sup. Zuber also reported he has been getting telephone calls regarding the meter pit letters. He asked the Board for guidance in how to assist consumers that requested it, and also what the "noncompliance" options were. The Board discussed the option of Zuber fixing the meter pits and billing time and materials to the resident. If noncompliance becomes an issue, the Board will adopt a policy to address this issue.

Zuber also reported that he has rented a portable billboard sign to use during the election on July 5, 2022.

Wiseman presented the Treasurer's Report. He noted that not much has changed financially since last month, but brought attention to the current year-to-date overhead expenditures ranging from 72-76% of total receipts per month. Schuh made a motion to approve the Treasurer's Report as presented. Russell seconded. All voted in favor. Motion carried.

Clerk Anderson presented the monthly Accounts Payable to the Board. These include: Anderson Nill & Associates- \$2,304.12; AT&T Mobility- \$85.22; Bartlett & West - \$15,800.00; Capitol Journal - \$1,801.79; Core & Main - \$2,181.88; Dakota Pump & Control - \$1,808.68; Forrest Zuber - \$50.00; Midcontinent Communications - \$39.92; South Dakota Public Health Lab - \$15.00; Kathleen Schuh - \$44.76; SD DANR - \$460.00. Wiseman made a motion to approve the bills as presented. Russell seconded. All voted in favor. Motion carried.

Wiseman reported he has received approval to hold our monthly meetings in the back meeting room at the Boat House Bar & Grill through September, 2022.

Bruce Peterson was asked to come forward to present his update to the Board's request for more information at the May 11, 2022 meeting. In May, Mr. Peterson came to the Board asking for permission to exchange 10 lots previously platted in Golden Meadows Subdivision for 10 unplatted lots in the Spring Creek Bay Subdivision. He would also place a moratorium on the original lots until the District allows for future development. He was asked to bring a formal letter by his attorney, as well as the plat map of the original lots and an engineered set of plans for his proposed plats.

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Mr. Peterson presented his formal agreement to exchange lots, along with the original plat map for Golden Meadows. Wiseman asked to see his engineered plans for the new plats at Spring Creek Bay Subdivision. Peterson indicated new plat maps were coming. Wiseman made a motion to approve the exchange with the contingencies that the District Attorney approves of the language as presented in the formal letter, that Sully County approves the request, and that Peterson follows all rules for expansion under SCCCSO Ordinance 2020-3. Schuh seconded. All voted in favor. Motion carried.

Wiseman gave an update on the water and wastewater improvement projects. He reported that the Archeological Study has been completed. His contact indicated she had her report complete and delivered to her review department. She thought we should have the final report by the end of next week. Once the report is received and approved by SD DANR, 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. He also noted that there had been some changes to the funding process recently. We may have the opportunity to bypass the bonding process but will know more next week. Wiseman said if everything goes as planned, we may be able to go to bid by September. Russell asked for clarification on the bidding process. Wiseman stated that once everything is approved, Bartlett & West will send out a bid sheet nationwide. We have no way of knowing how many bids we may receive.

Wiseman gave his update on the Archeology Study as part of his update on the Water and Wastewater Improvement projects.

Wiseman gave an update on the Bioclere System. He talked to SD DANR to discuss funding if the District decided to move in this direction instead of the current wastewater improvement project as approved. He hopes to have an answer by the next monthly meeting. Russell reported that he visited with a company in North Dakota that was using the Bioclere System on a 40-home development and is in the process of expanding it to a 200-home system. The contact at the ND company gave the Bioclere System an A+ rating.

Mr. Utech asked to comment on his communications regarding the Bioclere System before moving onto the next item of business. He noted that conversations with Lyle at Bartlett & West indicated that the first priority for the District is to perform a perc test so the salesperson at Bioclere can accurately bid the project before we pursue further discussions with SD DANR. Lyle advised that his engineer on staff, Mark, is familiar with these systems and encouraged the District to work with him to fully understand this system from their perspective before making a final decision on the wastewater improvement project.

Ms. Stacy Hegge, attorney for Codgers Castaway was available to continue negotiations with the District and Mr. Utech. She asked the Board to consider holding a special meeting during the last week of June, at Mr. Utech's expense, to bring in all necessary parties to discuss the full system and how Mr. Utech's proposed expansion would fit into the District. Wiseman indicated his opposition to a special meeting. Russell interjected that he fully supported holding a special meeting at Mr. Utech's expense. Wiseman noted that we don't need a special meeting because the District is bound by its Expansion Ordinance 2020-3 and a special meeting will not change that. Mr. Utech advised that his request was to put all relevant parties in the same room to discuss the engineering requirements, the legal requirements, the regulatory and financial requirements. He also stated that working with one Trustee is fine, but other Trustees have questions too. He feels that a special meeting would benefit all parties and help to expedite the negotiations.

The question arose regarding whether the discussions could be held under Executive Session or public meeting. Ms. Hegge referred the District to consult legal counsel, stating either way was fine with them, but due to the possible length of discussions, they were seeking a meeting outside of the regular monthly meeting. Wiseman asked if they would be willing to add this item to the July monthly meeting and the Board would publish an earlier meeting time to accommodate the discussion. Mr. Utech agreed. Clerk Anderson reiterated that the next monthly meeting is scheduled for July 13 if Mr. Utech wanted to coordinate travel arrangements for his guests to be available for the meeting. Mr. Russell expressed his concern that these discussions were being continued after his term expired as a Trustee. Wiseman offered he attend the meetings as a resident to interact on this issue.


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Clerk Anderson announced that Ordinances No. 4 and No. 5 were published as required and become effective on June 13, 2022. The monthly water and sewer rate adjustments as noted in the Ordinances will not be effective until the July 10th billing, but the one-time fees for hookups, meter costs and meter deposits will take effect on June 13th. She asked the Board for guidance on pending applications outstanding on June 13th. The Board agreed that there would be no grace period given to applications received after the enactment of the new Ordinances.

Clerk Anderson reported that election notices to date have been published. The election will take place on July 5th, 2022 at the Dakota Sky Lodge. If we receive more than one Trustee petition, the election will have to be held from 7 a.m. to 7 p.m. If we do not have a Trustee election, the hours can vary. We are currently looking for another volunteer to serve on the election committee. Clerk Anderson was advised that she needed to contact the County Auditors to obtain a listing of registered voters prior to the election. She also noted that Absentee Voting would open on June 20th.

Chairman Schuh opened the floor to public comment. None were received.

Being no further business, Schuh made a motion to adjourn the meeting at 8:01 p.m. Russell seconded. All voted in favor. Motion carried.



Board Chairman

ATTEST:



Jennifer Anderson, Clerk