

SPRING CREEK / COW CREEK SANITARY  
DISTRICT MEETING MINUTES  
MONTHLY MEETING  
Wednesday, February 8, 2023

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House meeting room on Wednesday, February 8, 2023. Chairman Schuh called the meeting to order at 6:00 p.m.

Chairmen Schuh, Bacon, Superintendent Zuber and Clerk Anderson attended in person. Chairman Wiseman and attorney Cody Miller attended via Zoom. Also present were 19 District residents and three guests, along with four residents and five guests via Zoom.

Wiseman asked to add a letter received by Vic Utech to the Agenda as presented. Schuh made a motion to approve the agenda as amended. Bacon seconded. All voted in favor. Motion carried.

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

Schuh asked for clarification to the January meeting minutes to add all "District" costs rest solely on the homeowner when repairs are needed to the homeowner's property. The Board also discussed a reasonable call-back fee outside of normal working hours to be \$50-\$150, billable to the homeowner. More discussion is needed to determine the call-back fee. Schuh made a motion to approve the 1/11/2023 meeting minutes as clarified. Bacon seconded. All voted in favor. Motion carried.

Superintendent Zuber presented his report to the Board. He reported that 700,000 gallons of water were used in January 2023 and that all water tests have passed. Zuber also presented a quote from Dakota Pump to repair the backup pump in case of an emergency, stating the cost to repair is much lower than the cost to replace. The Board agreed that this needed to be done, but asked Zuber to table this until Spring.

Zuber also reported on a sink-hole that developed on Linnell St, approximately 30-yards east of intersection. He is concerned that the sewer main may be compromised. The Board authorized him to call a camera truck to inspect the line.

Chairman Schuh made a motion to increase Zuber's pay by 3.45%, effective Feb. 1, 2023 as per his annual review performed in January. Wiseman seconded. All voted in favor. Motion carried.

Wiseman presented the Treasurer's Report for month-ending January. He stated that we are getting very sizable consulting fees as they relate to the improvement projects. Until we can start submitting those for reimbursement from our Funding source, the District needs to watch expenses in the short-term. Bacon made a motion to approve the treasurer's report. Schuh seconded. All voted in favor. Motion carried.

Clerk Anderson presented the monthly Accounts Payable to the Board. These include: Anderson Nill & Associates - \$3,673.05; AT&T Mobility - \$90.44; Bartlett & West - \$34,677.75; Envirotech Waste Services - \$21.03; Forrest Zuber - \$450.00; Graham Tire - \$1,171.29; Lammers, Kliebacker, et al - \$437.00; Mid Dakota RWS - \$4,723.93; Midcontinent Communications - \$40.93; Scott Bacon - \$206.60; SD Public Assurance Alliance - \$1,632.12; SD Public Health Lab - \$30.00. Schuh made a motion to approve the bills as presented. Bacon seconded. All voted in favor. Motion carried.

Wiseman updated the Board on the Archeology Study, stating that the Corp of Engineers has approved our site location and we were now awaiting approval from SD Game Fish & Parks. Mr. Sean Blanchette, representing SD GF&P was present at the meeting to verify that the District has notified residents of the planned site location.

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Mr. Blanchette came forward to introduce himself and stated they were available to the District residents to provide comment or ask questions about the projects. One of the processes the SD GF&P has to abide by, and are subject to Federal Regulations along the Missouri River, is the approval of site location so as not to disturb ancestral artifacts. SD GF&P also holds an easement with the District to allow the use of its property to provide utility services. Mr. Blanchette noted they would need to revise the easement to accommodate the new water tower location. Because this is public property subject to private use, part of their due diligence is to allow the residents an opportunity to voice their comments or concerns.

Chairman Schuh opened the floor to public comment to discuss only the Elevated Tank Project at this time.

Resident 1 came forward to ask if SD GF&P would be taking all public comment into consideration for approval of the project, or only District residents. Mr. Blanchette responded that since we were discussing State property, all public comment would be taken into consideration.

Resident 2 came forward to thank SD GF&P for their work on this project to date and asked that approval be given as soon as possible so the District can move forward with construction.

Resident 3 came forward to ask if the tower footprint has been staked yet. Wiseman responded that the project has only been flagged at this time since the actual location has not been approved yet. The project will be staked and surveyed before any soil borings are performed.

Resident 4 came forward to ask if a map of the proposed location was available to view online. Wiseman responded that nothing was online yet because we don't have final approval. He explained that the location was in the corner in the trees, close to the current tank location. Lyle with Bartlett & West responded that the new location was about 100ft west of the existing water tank. At the Board's request, the proposed location map is attached to the meeting minutes.

Resident 5 came forward to ask why the site location had changed from the original proposed location. The current proposed location is in direct line of site to five homeowners in that area who purchased property for the lake view. He also was concerned that the proposed site may interfere with any SD GF&P parking expansion. This resident asked if an easterly or southerly location had been considered before settling on the current proposed location. Wiseman reported that the archeological study prohibited an easterly location due to findings with their study. Based on information provided by the Corps of Engineers, relocating to the treed-area would be the best option because that area has already been through an archeological study before the trees were planted and that area has been approved for digging. To further expand, Wiseman stated that the District did get a quote to move the entire tank closer to SD Highway 1804 and the cost would be an additional \$600,000 to \$700,000. The resident also asked if any consideration had been given to move the tower farther into the trees, closer to the service road and away from view of the homeowners in that area. Wiseman responded that that location had not been considered. Resident stated that he was unaware, until now, that the original site location had been disallowed and questioned why the new location had not been made public.

Resident 2 came forward again to question if the new tower would be a single pillar or 4-legged structure. Lyle with Bartlett & West stated that due to funding regulations, we have to open bids for both styles. Resident asked how many contractors we were expecting to bid on the project. Lyle responded possibly 4 or 5.

Lyle with Bartlett & West asked to further explain the site location as proposed. He noted that the only option given to the District was in the tree area. Between the Corps of Engineers and the Archeology Study, all other sites in that area were not approved due to findings in the soil. The Archaeologists tested between 200-300 sites in that general area.

Resident 6 (via Zoom) asked to comment on his observation. He was looking at an aerial photograph on the existing site as it was taken six years ago. At that time, all lots to the North and East of the existing tank



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location were vacant. Those new homeowners in the area purchased their lots within the last six years, knowing the existing water tank was already there. He asked how much more of an "eye-sore" the new elevated tank would or could be, as compared to the existing footprint presented by the current storage tank and pump house. Lyle with B&W stated that the proposed ground footprint will be less than what is there currently, and could be more aesthetically appealing once complete.

Mr. Blanchette asked to respond to the public comment regarding the proposed boat ramp parking location. He reminded everyone that SD GF&P was holding another public meeting next week, Monday, Feb. 13<sup>th</sup> to discuss public parking on the boat ramp peninsula. He invited everyone to attend their meeting and address their concerns at that time as well.

Resident 7 came forward to state his observation. If you live on East Spring Creek Drive and look to the West from your ground level or deck, you are looking into a tree line. While he appreciates the resident's concern, he stated that the site locations have been discussed for over a year, it was presented on a facilities plan delivered to the State in December of 2021 and the Archaeology Study has been completed for about six months. The time to dispute the site location has passed. The District has spent considerable time and resources to get this far to stop the process now.

Resident 5 responded as to why no consideration had been given to move the site 100 yards to the South. He stated his intent was not to be an obstructionist, but was looking for answers as to why other locations within the approved area were not considered, knowing that current residents could be affected. Lyle with B&W responded that when Mid-Dakota Rural Water brought its service into this area 25 years ago, this area was identified as a hot-bed for archeology and mitigation. The current archeology study cost the District \$38,000 and came back that the site was not approved. The District was advised by the Corps of Engineers' expert in this area that without spending additional money and resources to test other sites, the closest to the original location was in the trees since that area was previously studied and approved.

Resident 2 came forward again to state that as a previous board member, he knows that this issue was discussed during his tenure. Discussions were held regarding moving the tower to a whole new location and why it makes economic sense to approve this location.

Resident 5 stated that he understands this has been discussed for some time, but again, if the tree lines are already there, doesn't that mean the surveying has been done and cleared for all of the treed-area.

Mr. Blanchette stated that a lot of the cultural resource information is protected by federal law, so he cannot speak to some of it, but when SD GF&P inherited this land from the US Army Corps of Engineers, a lot of the area had been already inspected. Some areas are cleared, some are unknown. As a site manager, it is not uncommon to be clear in one area, then not in an area 50-feet away. All of this area is under Federal mandates and overseen by the Corps. We have to rely heavily on them to determine what is acceptable and what is not.

Resident 5 restated his question. If the alternative location in the trees was acceptable to the Corps, wouldn't all the tree area be acceptable? Has the whole tree belt been surveyed? Why did the District agree only to the Corps' specific recommendation without asking for other locations within the trees? No definitive answer was provided.

With no further public comment relative to the elevated tank project, public comment was closed and regular business commenced.

Chair Schuh asked for an update to the revised facilities plan. Wiseman responded that the District received an email from SD DANR in December looking for additional information to the revised facilities plan. Mark Baltzer with Bartlett & West responded to the request for information. On January 11, 2023, Mike Perkovich with the SD DANR emailed the District stating that the proposed project as presented would not be approvable



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by his Department. After SD DANR review, it was determined that rebuilding the ponds as they exist today are not going to be acceptable in the future. If we want to move forward with a wetlands system, we will need to expand the area by at least 5 acres, or will have to change plans to go to a distribution system. With this new information, we will not likely be able to start the lagoon project until this fall, at the earliest. The District will be working with DANR to review its options and decide on the best direction to move forward. Wiseman also stated that this does not include any expansion.

Bacon asked Wiseman what changed with the DANR that we now won't get approval for our facilities plan. To his knowledge, existing capacity has never been an issue. Wiseman invited Mark Baltzer with Bartlett & West to address Bacon's question. Baltzer explained the DANR is requiring a minimum flow rate for our population. Because they (DANR) do not trust our historical design flows, they are looking for a buffer to our projections by increasing the previous RV requirement of 66 gallons per day to a population unit of 2 people per RV per day, with a minimum flow rate of 120 gallons per day, almost doubling our previous design flow projection. If the District moves to a wetland, the DANR will also require a water-seeping liner to protect the ground water. DANR is also requesting a secondary treatment plan. Because of these enhanced modifications to our original facilities plan, the District is going back to the design phase to weigh all of its options for the lagoon improvement project.

Bacon asked for clarification on the DANR findings if the current location would work for the improvement. Baltzer responded that the current location would only work with more acres adjacent to it, or to go to a discharging system. Baltzer told the Board that they are not ready for action to be taken on this yet, but advised he will be working toward a solution with DANR and the Board, but stated there would be more costs involved.

Wiseman asked if the email from DANR could be posted to the website. Clerk Anderson asked to consult with legal counsel before posting the email to the public, saying we may need a formal letter from the DANR prior to posting.

Schuh opened the floor to public comment.

Resident 1 came forward to share with Superintendent Zuber his knowledge of the 2 pumps at the water tower. He also asked what the Dakota Pump Estimate was for a new pump. Zuber responded that he didn't get a quote for a new pump, only to rebuild the existing pump. And finally, resident commented that his phone rang "off the wall" on Christmas Eve when the water service went down for an outage and stated he was being encouraged to run for the Board. He has a lot of history with this area and asked if the Board ever picked up the paperwork from the County with all of the District records. Schuh said she would follow-up on that. As for this resident's phone ringing for service issues, Schuh noted that Zuber's phone number was on the website and reminded residents to call Zuber for service issues.

Resident 2 came forward to ask what the capacity of the new water tower would be. Lyle with Bartlett & West responded the tower size is at 200,000 gallons. Resident also asked what the ballpark cost of the lagoon project would be. Wiseman responded we have no idea yet. Lastly, the resident asked if a letter from Utech was added to the agenda, and if we could hear that letter. Schuh thanked him for the reminder and that we would move back to that item.

Resident 1 also stated that he was responsible for the cost to residents for repairs from home to main. During his tenure, the City of Pierre added this clause to their ordinances and he asked the County to follow suit due to an issue on Linnell at that time.

Schuh asked to move back to the Agenda to discuss Utech's email before taking more public comment. Schuh read the email aloud in its entirety, in which Mr. Utech is asking for the Board to reconsider allowing the area known as Codgers Castaway to be removed from the District so as to relieve any expansion burden from the District and its users.

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Schuh reopened the floor to public comment.

Resident 3 came forward to state that he had to rebuild one of his pumps at an RV park in the District and it took him 5 months to get it back. He encouraged the Board to seek repairs before it became an emergency. His second comment was to address the campers in the District, stating that anyone who is familiar with camping knows that the 120 gallons per day per RV unit as required by DANR is extraordinary. This would be like dumping your camper 2.5 times per day.

Resident 4 came forward to state that he is not in favor of a mechanical system when looking at options for the lagoon improvement project. But, if the District is going to spend money to upgrade the system, it is prudent to look for ways to expand it for current and future development. In response to the increased flows requirement by DANR, he stated that when seeking funding, the entity that controls the funding controls the requirements.

With no further business, Schuh made a motion to adjourn the meeting at 7:21 pm. Bacon seconded. All voted in favor. Motion carried.

  
Kathleen Schuh, Board Chairman

ATTEST:

  
Jennifer Anderson, Clerk