

SPRING CREEK / COW CREEK SANITARY  
DISTRICT MEETING MINUTES  
MONTHLY MEETING  
Wednesday, May 10, 2023

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, May 10, 2023. Chairman Schuh called the meeting to order at 6:02 p.m.

Chairmen Schuh, Bacon, Wiseman, Superintendent Zuber, and Clerk Anderson were in attendance, along with 13 residents and 3 guests. Attending via Zoom teleconference were Attorney Miller, 1 resident and 3 guests.

Bacon made a motion to approve the agenda with an additional item regarding Spring Creek Development Ltd Partnership's platted lots. Wiseman 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 04/12/2023 meeting minutes. Bacon seconded. All voted in favor. Motion carried.

Schuh presented the SD DANR Secretary's Award for Drinking Water Excellence to the District and Forrest Zuber's Certificate of Achievement Award. Superintendent Zuber presented his report to the Board. He reported that 700,000 gallons of water were used in April 2023, which is down slightly from previous years. He stated we are currently averaging 23,000 gallons per day and expects this to increase as the campgrounds are open. Zuber reported he is looking to attend his Class 2 continuing education credits in November, based on the State's schedule. He also reported an enforcement issue he addressed this month, resulting in a forced disconnect due to failure to file hookup application and to pay District fees. Wiseman advised Zuber to use his discretion when utilizing legal action and fines for enforcement issues.

Zuber has been marking curbstops on his iPad for now until we can get them added to the master plan with Bartlett & West. Wiseman advised Zuber to schedule the sewer camera and jetting service. Zuber also asked how he should handle delinquent accounts and disconnects, specifically how to deliver notices prior to disconnection.

Wiseman presented the Treasurer's Report for month-ending April. He stated that we are getting close to starting the Water Tower project. We have been given approval from Bartlett & West to hold their bills until we start receiving funding reimbursements on the Water Tower project. 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: American Engineering Testing Inc. - \$8,900.00; Anderson Nill & Associates - \$3,676.20; AT&T Mobility - \$90.38; Bartlett & West - \$46,888.00; Envirotech Waste Services - \$24.03; Factor 360, Inc. - \$430.26; Mid Dakota RWS - \$4,706.98; Midcontinent Communications - \$40.53; Oahe Electric - \$658.09; SD Public Health Lab - \$15.00; South Dakota 811 - \$11.55; Schuh made a motion to approve the bills as presented, excluding the Bartlett & West bills for \$46,888.00. Wiseman seconded. All voted in favor. Motion carried.

Schuh asked Clerk Anderson to speak on behalf of the Clerk Position opening in September. She prepared a detailed listing for the Board to use when advertising the position, as well as average time spent per month. Anderson also noted that until the Improvement Projects are completed, she anticipated the position to take between 18 to 20 hours per month. She also stated that her contract expires on September 30<sup>th</sup>, but will not terminate the contract until the new person is fully prepared to take over. She also stated that her fees currently



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include all office equipment, use of her office space and staff, along with her physical location being the official address of record. Schuh indicated to the Board she would write up a job description for the Board to review at the June meeting.

Wiseman asked Lyle Schumack with Bartlett & West provide a status update on the Elevated Tank Project for the Board. Lyle stated he came with good news. The Plans and Specs have been submitted to the SD DANR and the Categorical Exclusion was received. After the required publication of the Categorical Exclusion, the public is allowed to review the project, SD DANR will facilitate the loan closing and the District can start submitting claims for reimbursement. Clerk Anderson reported the required publications would be 5/13/23 in the Capitol Journal and 5/18/23 in The Onida Watchman. Lyle noted that hopefully by the June meeting, we will be ready to go to bid. Bacon asked how long the bid remains open. Lyle noted usually three to four weeks to advertise and two weeks to review bids.

Schuh asked Lyle if the existing tank and pump house could be left intact and used for fire suppression. Lyle stated that would be an option, but not an economical option. Wiseman also stated that the pump or other items slated for salvage could be sold instead of destroyed.

Wiseman invited Jim Ross with Bartlett & West to update the Board on the revised Sewer Plan options. Mr. Ross stated that a revised Facilities Plan including both discharge options has been submitted to the SD DANR for review. He stated that the District has options with different manufacturers. One of the companies uses parts manufactured in Germany, which will most likely require another funding source due to Federal Regulations.

Schuh invited Ivan Weber with the Spring Creek Development Limited Partnership to come forward. Mr. Weber indicated that he would like to scrap the 12 platted lots and replat 6 lots plus his own personal build. Wiseman told Mr. Weber that he would need to present his replat to Sully County for approval first, then bring his engineered plans to the Board.

Schuh asked for an update on the Codger's Castaway Development plans. Wiseman invited Brian King from HDR Engineering to update the Board. Mr. King received an engineered set of plans from Mr. Utech's engineer with a request to hold on the review until Utech has an agreement for scope of service and fees from HDR. Mr. King indicated he had briefly reviewed the plans as they had also been submitted to the SD DANR. He also stated it is still unclear on the phasing schedule of the project. Mr. Utech responded that he has submitted the master plan to the SD DANR for approval, knowing that the District will only approve the project in phases.

Mr. Utech addressed the District's concerns for the 17 lots on the North side of his development that were not inside the District. He proposed that upon agreement, the District would add these lots to the District. This is not an urgent issue, but anticipates this annexation to happen in the future.

Mr. Utech also asked for clarification on the Expansion Ordinance referencing 1" service line at 300# pipe. Is this a typo? Is this a misunderstanding when the ordinance was written? He stated that no one uses 300# pipe and it is not available at this time. City of Pierre references 200# pipe in their ordinance. Wiseman stated this was incorrect and the Board would work to correct the Ordinance to reflect 200# pipe.

Utech included a materials list in their submitted plans to show his materials are the same as past projects in the District and approved by SD DANR. Wiseman noted he would like to see the list and have it also reviewed by HDR Engineering.

Utech's next point of conversation was to get confirmation from the Board as to his cost for HDR Engineering. Per Wiseman, the full cost of the District's engineer is the Developer's responsibility. The total cost depends on the Developer's needs. Wiseman asked Utech to present his Phase 1 (75 lot) plans to HDR to approve and get DANR approval on this phase.



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Utech then asked what the District is asking HDR to review since he has his own engineers who have met all of the standards and done all of this work. Wiseman responded that there is no one on the Board equipped to make informed decisions to approve or disapprove plans.

Mr. Utech asked HDR for a scope of work for the review of Phase 1. Mr. King with HDR responded that he will work with Mr. Utech to prepare the requested scope of services and quotation.

Utech reiterated his understanding of the Board's position. He will submit his Phase 1 plans to Mr. King at HDR Engineering to review and approve. Mr. King will submit those plans to SD DANR for approval.

Wiseman made a motion to table the approval of Codger's Castaway Phase 1 development until all conditions are met and received. Bacon seconded. All voted in favor. Motion carried.

Mr. Utech asked the Board to restore water service to the blue building at the old race track. Wiseman informed Utech that he would be required to terminate the current septic system and connect to the District sewer system when available. Zuber asked for clarification on reactivating this account. The Board agreed per the Ordinance to retro bill for 12 months of minimum service plus a new meter. Schuh made a motion to approve restoring water and sewer service to the blue building. Bacon seconded. All voted in favor. Motion carried.

Schuh moved to the next order of business to announce the Board's decision on the Proposed Exclusion of Real Property as it was tabled during the April 12, 2023 meeting. The Board will reconsider the proposed exclusion of real property. Wiseman made a motion to reopen the discussion. Bacon seconded. All voted in favor. Motion carried.

All in favor of the Resolution of Spring Creek / Cow Creek Sanitary District's Board of Trustees Exclusion of Real Property state aye, opposed state nay. Mr. Utech asked for discussion before final vote on exclusion. He would like some kind of guarantee that his approved Phase 1 of 75 lots can not be taken away from him. Bacon stated the Board cannot guarantee anything, but with the proper approvals and compliance with Ordinances, once they are approved, they are approved. Wiseman: Nay; Bacon: Nay; Schuh: Nay. Motion carried.

With no further business, Chairman Schuh opened the meeting to public comment.

Resident 1: In response to HDR's review of plans, a scope of work should be required. The minimums in the District's ordinances are the State's required minimums. What exactly is the third-party engineer reviewing? To the point of showing all future phases on a set of plans, the preliminary phases are immaterial for all intents and purposes since future phases are all unknown. Master plans are essential, but requiring a plan with future phases is not a workable request.

Resident 2: Came forward to ask how many petitions are outstanding at this time. Schuh responded that the Board does not know the answer to the question since the Attorney's office is handling this.

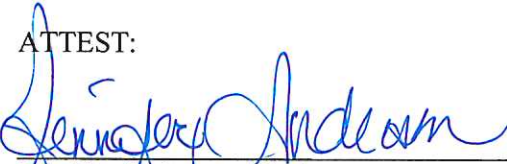
Resident 3: Asked the Board who makes the decision that post-construction work (ie: roads, etc.) are replaced to original quality. Wiseman responded that currently the Board works on an honor system. If something doesn't look right, the Board goes to the contractor to correct. Ultimately, sewer or water service can be withheld until the project is completed satisfactorily. Resident also asked if the Board sets aside Escrow Funds to ensure proper completion. Wiseman responded No.

Resident 4: Also commented that the Road Districts can also address the issue as noted by Resident 3. Wiseman and Zuber responded that there are a few services on hold currently with items such as these to address.

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With no further public comments, Schuh made a motion to adjourn the meeting at 8:01 p.m. Bacon seconded. All voted in favor. Motion carried.

  
Kathleen Schuh, Board Chairman

ATTEST:  
  
Jennifer Anderson, Clerk