

SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, June 14, 2023

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, June 14, 2023. Chairman Schuh called the meeting to order at 6:01 p.m.

Chairmen Schuh, Bacon, Wiseman, Superintendent Zuber, and Clerk Anderson were in attendance, along with 12 residents and 2 guests. Attending via Zoom teleconference were Attorney Miller and 3 guests.

Schuh made a motion to approve the agenda with an additional item regarding District water restrictions. Wiseman seconded. All voted in favor. Motion carried.

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

Schuh made a motion to approve the 05/10/2023 meeting minutes. Bacon seconded. All voted in favor. Motion carried.

Superintendent Zuber presented his report to the Board. He reported that the water side of the District did well in May, with a total usage of 1,474,000 gallons of water were used. All Bac-T water tests submitted to the State have passed.

In response to the water ban requested by Mid-Dakota earlier in the month, Zuber was notified that the pressure is off of Mid-Dakota's system, but MDRWS asked the District to be conservative. Zuber asked the board to continue water restrictions. Schuh made a motion to impose water restrictions within the District. Bacon seconded. All voted in favor. Motion carried. Per Ordinance No. 7, Article X, the Board of Trustees is imposing a water ban, effective immediately.

Zuber reported that one lift station had a bad float. Dakota Pump helped him fix it temporarily via phone, but will plan to be on site next week to train Zuber in person. With this type of repair and limited man power, Zuber addressed the need for a portable hoist system for his pickup. Wiseman asked Zuber to check with local vendors and report back.

Zuber asked for additional guidance on violations of ordinances, as discussed at the May meeting. Attorney Miller, at the request of Wiseman, responded that this decision falls on the Board. It was determined that the District attorney would send a letter addressing the violation to the resident first. Any costs and fees not rectified in the allotted time would be added to the resident's monthly bill, which is subject to County Assessment if unpaid. The final action would be to deliver a Service of Process by the County Sheriff.

Wiseman presented the Treasurer's Report for month-ending May. He reported that with the exception of the upcoming improvement projects, the District's financials are following the approved budget to date. Schuh made a motion to approve the Treasurer's report. Bacon seconded. All voted in favor. Motion carried.

Clerk Anderson presented the monthly Accounts Payable to the Board. Anderson Nill & Associates - \$3,677.40; AT&T Mobility - \$90.38; Bartlett & West - \$68,992.00; Capital Journal - \$80.63; Dakota Pump & Control - \$227.44; Envirotech Waste Services - \$27.03; Forrest Zuber - \$450.00; Lammers, Kliebacker, et al - \$1,525.00; Mid Dakota RWS - \$4,924.69; Midcontinent Communications - \$40.53; SD Assoc of Rural Water Systems - \$385.00; SD Public Health Lab - \$15.00; South Dakota 811 - \$28.35; The Onida Watchman - \$58.14. Schuh made a motion to approve the bills as presented, including only the two oldest invoices from Bartlett & West totaling \$24,488. Wiseman seconded. All

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voted in favor. Motion carried.

Schuh addressed the upcoming election, if needed. To date, only 2 petitions have been filed to fill the 3 open seats. The deadline to turn in petitions is June 21, 2023. If a third petition is not filed, the Board has the authority to appoint someone for that seat. If more than 3 petitions are filed, an election will be held on July 11, 2023. Attorney Miller clarified that Officer positions are reappointed each year by the existing Trustees. The only question at this point is to determine how the Board will decide which of the new board members will be assigned the 2-year term and the 3-year term. If the new trustees cannot choose between themselves who will serve the two-year term, then the Board will assign that term in a lottery-type drawing.

Schuh prepared a job description for advertising the part-time Clerk position. Clerk Anderson showed the Board the SD Dept of Labor wage statistics showing the low, middle and high pay scale for this position across the State of South Dakota. Schuh noted that it would be reasonable to advertise an hourly pay of \$20-\$25 per hour, depending on experience.

Wiseman reported to the Board that the final approvals have been given by SD DANR for the Elevated Tank Project. The next step is securing funding and advertising for bids. Clerk Anderson is providing the SD DANR with requested information to secure funding. Wiseman made a motion to begin advertising for bids on June 19, 2023 with a Bid Opening on July 18, 2023 at 1 p.m. at the Clerk's office, 1517 N. Harrison Ave, Pierre SD. Schuh seconded the motion. All voted in favor. Motion carried.

Wiseman invited Jim Ross and Mark Baltzer with Bartlett & West to update the Board on the revised Sewer Plan. Mr. Ross stated that they have been in touch with SD GFP & US ACE regarding an alternate location closer to the river. The Army Corps found the site relocation favorable, but Game Fish & Parks was not in favor of a building on that site. SD DANR has approved the basic design approach. The next step is to send a complete PER to DANR. Mr. Ross stated that the desired process would be to bid the equipment manufacturer first as that choice could affect design.

Wiseman spoke briefly on the funding process for the lagoon, stating another round of funding will become available in September, 2023. If the District decides to wait until the first round of funding in March, 2024, they have the potential to receive a fresh federal funding source.

Mr. Utech asked to address the Board, asking who the District had been in contact with at the SD Game Fish & Parks. Wiseman did not recall who he spoke to, but noted it was not a scheduled appointment. Utech asked if the Board would make a formal request with GF&P. Wiseman responded that he would.

Schuh made a motion to move into Executive Session at 6:58 p.m. pursuant to SDCL 1-25-2 (3). Wiseman seconded. All voted in favor. Motion carried.

Wiseman made a motion to move out of Executive Session at 7:44 p.m. Schuh seconded. All voted in favor. Motion carried.

With meeting participants back in the room, Schuh called the meeting back in regular session at 7:49 p.m. Bacon seconded. All voted in favor. Motion carried.

Schuh asked for an update on the site approval for Codger's Castaway Development. Brian King with HDR Engineering presented an update, stating the past month's discussions have been very productive. He noted a few minor changes to the Plans and making corrections to the plans to accommodate the sanitary sewer system. To date, utility easements have not been set, but King stated they are still working on this. King also asked that the Plans clearly identify the 75 lots being approved.

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King noted that Mr. Utech has received SD DANR approval of his development, contingent upon eleven items needing addressed by Mr. Utech's engineer. Final plans have not yet been submitted to reflect the contingencies.

King also discussed a few apertures that he identified as unnecessary in the Plans. After further discussion and clarifications, the Board agreed to remove the unnecessary items from the Plans, per Mr. King's recommendation.

With no further questions of Mr. King, he recommended to the Board that they approve Codger's Castaway Development. He further noted that Mr. Utech cannot provide a completed set of plans at this time since the location of the District's new Wastewater improvement has not been identified. Mr. King and Mr. Utech both stated they are aware of this omission and that once the location is known, Mr. Utech will submit the proper plans to Mr. King.

Wiseman asked Mr. Utech to clarify his planned 75 lots. The plans submitted last month included 92 lots, SD DANR & the District have each approved 75 lots and per his request to Sully County, he only wants to plat 13 lots. Mr. Utech responded that it is his intention to pay the developer fees as the lots get platted, and thus become the responsibility of the District. Mr. Wiseman reminded Mr. Utech that the District agreed last month to consider 75 lots. If Mr. Utech runs utilities past a lot, platted or not, that lot is subject to Developer Fees. After further discussions, Wiseman proposed that Mr. Utech pay 50% of the total Developer Fees on the agreed-upon 75 lots before construction begins and the final 50% due no later than one year after the initial payment. The Board will also allow Mr. Utech to pass by the additional 17 of 92 lots, but will expect them to be included in Phase Two. The District will not consider future expansion of the development until Phase One is fully paid. The final contingency to approval is for Mr. Utech to dismiss the appeal filed in Sully County regarding the District's denial for exclusion of real property from the District. Bacon interjected that the 17-lot addition to the plans have not been discuss in the past and the Board cannot make a decision on how to handle those additional lots.

Cody suggested the Board obtain a personal guarantee from Mr. Utech to secure this agreement for the future.

Wiseman made a motion to approve Codger's Castaway's Phase One, consisting of 75 continuous lots, contingent upon a 50% down payment (\$150,000) of Developer Fees before construction of utilities begins. The final 50% payment of \$150,000 will be due no later than 12 months after the initial payment, along with dismissal of the Appeal filed in Sully County. Schuh seconded. All voted in favor. Motion carried.

The Board also discussed a cost-sharing agreement for sewer inspection made between Mr. Utech and HDR Engineering. It was decided to hold this inspection until the Wastewater Improvement location has been identified.

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

Resident 1 came forward to ask if the District can expand its methods for public notices. Several residents have expressed concerns that they are not receiving important messages from the District.

Resident 2 came forward to ask how the Board of Trustees can make changes to the Ordinances. Attorney Miller responded that the Board considered a variance of the Ordinance due to the size of the project and the intention to codify the Variance.

Resident 3 came forward to state that an ordinance cannot be written for every situation. Common County practice is to issue Variances to Ordinances.

Resident 4 came forward to discuss the District's watering restrictions. As per the Ordinance, even house

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numbers water on even days, odd house numbers water on odd days. This resident asked for permission to allow his campground to continue its policy of watering only on Tuesdays. Sup. Zuber said he will watch the usage on Tuesdays and let the Resident know if this becomes a problem.

Resident 5 came forward to confirm that all of Developer Fees and 50% of new Hookup Fees are to be designated for expansion. Wiseman responded that the only restricted funds at this point are the Funding Surcharges for the Water and Sewer improvements.

With no further comment, Schuh made a motion to adjourn the meeting at 9:14 p.m. Wiseman seconded. All voted in favor. Motion carried.


Board Chairman

ATTEST:


Jennifer Anderson, Clerk