SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, July 12, 2023

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, July 12, 2023. Chairman Schuh called the meeting to order at 6:01 p.m.

Chairmen Schuh, Bacon, Neal Konda, Todd Schneider, Superintendent Zuber, and Clerk Anderson were in attendance, along with 5 residents. Attending via Zoom teleconference were Attorney Miller and 3 guests. Trustee Wiseman was absent.

Schuh made a motion to approve the agenda with a change in order to move Public Comment before Executive Session. Bacon seconded. All voted in favor. Motion carried.

Schuh asked Clerk Anderson to administer the Oath of Office to the new and reappointed Trustees. Anderson did so and acquired each signature to complete the Oaths of Office.

Schuh asked the new trustees if either had a preference to serving the 2-year or 3-year term. Konda and Schneider both agreed for Schneider to hold the 2-year term and Konda to hold the 3-year term.

Schuh next asked for nominations from Trustees for the President's position. Konda nominated Schuh to hold the President's position. Schneider seconded. No further nominations were received. All voted in favor. Motion carried. Schuh accepted the position.

Schuh next asked for nominations from Trustees for the Vice-President's position. Schuh nominated Bacon to hold the Vice-President's position. Konda seconded. No further nominations were received. All voted in favor. Motion carried. Bacon accepted the position.

Schuh asked for nominations from Trustees for the Secretary/Treasurer's position. Schuh nominated Wiseman to hold the Secretary/Treasurer's position. Schneider seconded. No further nominations were received. All voted in favor. Motion carried contingent upon Wiseman's acceptance.

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

Schuh made a motion to approve the 06/14/2023 meeting minutes with a small clerical correction. Bacon seconded. All voted in favor. Motion carried.

Konda made a motion to approve the 06/27/2023 special meeting minutes. Schuh seconded. All voted in favor. Motion carried.

Schuh made a motion to approve the 07/03/2023 special meeting minutes. Schneider seconded. All voted in favor. Motion carried.

Superintendent Zuber presented his report to the Board. He reported that the holiday weekend of July 4th went off without incident. He reported 370,000 gallons of water used during that weekend, which is similar to the usage from the same time last year. June's monthly readings came in at 1.8 million gallons of water used, which is up 23% from last year in June, but still well within our capacity. Sewer loss is currently about 15%.

New floats were installed in the sewer lift station. These are now performing as expected. Zuber also asked about calling Wheelhouse Plumbing to clean sludge and grease at lift stations. He questioned if this was part of his normal authority under his maintenance budget, or if he needs to get approval from the Board. The Board advised him to get a quote from more than one vendor.

Zuber noted that the attorney's compliance letters were well received and all issues have been resolved.

Zuber also asked the Board for discussion on the current water ban. He indicated Mid Dakota's supply issue has been resolved. He also stated that we are back to within 50% of capacity and feels the Board could remove the water restriction without further consequence. Schneider made a motion to remove the water restriction, effective immediately. Schuh seconded. All voted in favor. Motion carried.

Nystrom Development has submitted their as-builts. Zuber asked what the protocol was for signing off on them. Clerk Anderson advised of the Letter of Completion Form she has available at her office. This letter requires the developer's engineer and the District Superintendent's signatures to close the project.

Konda asked Zuber if he knows what the loss ratio is for metered water, not just the sewer loss. Zuber responded that he has that information, but not with him. He will report back on that ratio.

In Wiseman's absence, Clerk Anderson presented the Treasurer's Report for month-ending June. She reported specifically on the Profit & Loss Budget to Actual report for mid-year 2023. Total income is down substantially according to the budget, but noted that the income reported on the June financials only reflects meter readings through May 31st. During the next few months of reporting, the annual percentage of budget should level out as the usage goes up during the summer months. Costs of water are on track with income reported. Some expenses are out of line to budget, but these are reported on every month, specifically the consultant fees as they relate to improvement projects. 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. ACMS Group, Inc - $3,780.00; Anderson Nill & Associates - $3,887.70; AT&T Mobility - $90.38; Bartlett & West - $53,854.00; Core & Main, LP - $2,079.34; Dakota Pump & Control - $273.47; Envirotech Waste Services - $23.97; Forrest Zuber - $450.00; Lammers, Kliebacker, et al - $6,875.00; Mid Dakota RWS - $5,619.71; Midcontinent Communications - $40.45; SD Public Health Lab - $15.00; South Dakota 811 - $17.85. Konda made a motion to approve the bills as presented, including only the Bartlett & West Sewer Lagoon invoices totaling $13,654.00. Schneider seconded. All voted in favor. Motion carried.

Schuh notified the Board that we have advertised the part-time Clerk position. Clerk Anderson reported she had listed the opening on the District's website, but needed access to Wiseman's email in order to update the login on the SD Dept of Labor's website. One resident asked to address the Board regarding replacing the District Clerk. In his opinion, the Board should renegotiate the current contract with Clerk Anderson. Schuh responded that the Clerk has expressed her desire to terminate her position.

In Wiseman's absence, Clerk Anderson reported an update on the Bid Process for the Elevated Tank Project. She noted that when she submitted the advertisements in the 2 District newspapers, she failed to account for the limited publication dates, therefore missing the original requirements for publication for Bid Opening on July 18th as announced during the June meeting. In order to meet the Bid Law requirements, the District had to readvertise with a new Bid Opening date of July 26 at 1:00 p.m. at the Clerk's office at 1517 N. Harrison Ave, Pierre, SD 57501. Schuh inquired if the whole board needed to attend. Anderson noted that this was not a formal public meeting, so if more than 2 trustees plan to attend, she would need the announce a Special Meeting.

Anderson also updated the Board on the loan closing for the Elevated Tank. She noted that the Board has a signed contract with Central South Dakota Enhancement District to see both improvement projects through completion, and she has since divested of all relative tasks to them. As a point to note, part of the loan closing process was to have proof of publication of the Bond & Surcharge resolutions. The District did not publish those items, with the exception of the Surcharge requirement in our current Ordinance No. 7 and No. 8. Upon further information received from the Bonding Company, because we are not a municipality, we do not have the same publication requirements as a municipality does. Due to the miscommunications and multiple entities involved in the loan funding process, the loan closing will most likely not occur in July as original planned, but rather sometime in August.

Schuh invited Nathan Danner from Bartlett & West to speak on behalf of the Sewer Facilities Plan. He stated that he was not familiar with this project as his work was solely for the Elevated Tank project. Schuh then invited Schneider to ask his questions to see if Danner or Konda could answer them. Schneider asked if anyone had a copy of a letter dated February 8, 2023 from Bryan King with HDR . The letter states there is no current sewer capacity for an additional development. In a subsequent conditional approval letter, the SD DANR expressed concerns regarding capacity in the sewer lagoons. Konda replied that DANR has no concerns, but requested in correspondence on July 6, 2023 for the developer to verify capacity. The new Sewer Facilities Plan addresses a 20-year to 30-year build out. Clerk Anderson also stated that between the original Facilities Plan in 2021 and the most recent Facilities Plan, there was a reassessment of usage needs based on new lift station readings. The new Facilities Plan shows a lower requirement for current platted lots.

Schneider next asked if the proposed location of the equalization tank in the Sewer Improvement Plan could be relocated to the Southeast side of the project. Danner answered that Mr. Baltzer would be better able to respond and he would present the question to him.

Clerk Anderson reported that the revised Sewer Facilities Plan has been submitted to SD DANR, anticipating it be included in the September State Revolving Loan Committee review. She also reported that Bartlett & West has submitted a formal request to meet with SD GF&P to discuss the possibility of moving the Sewer Improvement Project to a location owned by them. There has been no further correspondence since that request was submitted.

Schuh asked for an update on the site approval at Codger's Castaway. Mr. Utech came forward to report that engineered plans have been submitted to Brian King and SD DANR. Lift station calculations have been stamped and resubmitted to Brian King. The pumps & controls design still need to be stamped by an engineer and submitted for approval. Konda requested the Board consider a special meeting on Mr. Utech's behalf if he is able to get all DANR approvals prior to 7-10 days before a regular monthly meeting. Konda also stated that a physical copy of the approved plans is still required to be held by the District. Clerk Anderson reminded the Board that she needs a 24-hour notice in order to meet Open Meeting requirements.

With no further business, Schuh opened the floor to public comment. One resident came forward asking why the stench from the lagoon was more prevalent that it normally is. Zuber responded that it could be due to many factors, including higher temperatures, more usage, rainfall, etc.

Another resident asked if the Board can contract with someone to hay the holding pond area. The District has the ability to hire a contractor to keep grass and weeds down. Zuber stated he would be happy to mow it, but has no equipment to do so. A third resident stated he would ask his contractor if he would be interested.

With no further public comment, Schuh made a motion to move into Executive Session at 7:10 p.m, pursuant to SDCL 1-23-2 (3). Konda seconded. All voted in favor. Motion carried.

Schuh made a motion to move back into Regular Session at 7:30 p.m. Schneider seconded. All voted in favor. Motion carried.

SIGNATURE PAGE TO FOLLOW

07/12/2023

With no further business to discuss, Konda made a motion to adjourn the meeting at 7:30 p.m. Schneider seconded. All voted in favor. Motion carried.

Kathy Schuh

Kathleen Schuh, Board Chairman

ATTEST:

Jennifer Anderson

Jennifer Anderson, Clerk