

SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, October 11, 2023

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, October 11, 2023. Chairman Schuh called the meeting to order at 6:00 p.m.

Chairmen Schuh, Schneider, Wiseman, Superintendent Zuber, and Clerks Anderson & Linn were in attendance, along with 7 residents and 2 guests. Trustee Konda, Attorney Miller, 1 resident and 1 guest attended via Zoom videoconference. Trustee Bacon was absent.

Schuh noted item 12a) has been added to the agenda for Codger's Caddie Club project. Schuh made a motion to approve the agenda as amended. Schneider seconded. All voted in favor. Motion carried.

Schuh asked the Board to declare any Conflicts of Interest. None were declared.

Schuh noted the following items in the President's message:

After the last meeting, I feel some direction and rules are needed for the District meetings. Open meetings are getting too timely and disorderly. As everyone has noticed the tables are moved in a way that the clerk and I can see all the board members. Please also note:

- 1) The board will address the board only. No more addressing the public during the meeting. This meeting is for discussion between the board. If a board member would like to speak to a member of the District, you will have to ask the president for permission. I will consider the request on a case-by-case basis, as it depends on the topic being discussed. That member will have to come forward to answer the questions of the board and no additional comment/questions will be heard.
- 2) Board members will speak only when raising their hand and being or called upon. Interruptions by fellow board member will not be tolerated.
- 3) Board members will conduct business in a professional manner and respect your fellow board members.
- 4) If you bring an item/ proposal to be discussed on the agenda, please make sure all the information is distributed to the clerk two days prior to the meeting. This gives each board member time to review.
- 5) When presenting the item/proposal you will have a 5-10 minute time frame to discuss your proposal. After it is presented, every board member will be given the chance to comment uninterrupted. We will limit comments/questions in a productive manner. After all questions/comments are made and answered, you can motion for approval.
- 6) Remember now we have a 5 person board so we can email and discuss items outside the meetings, as long as a quorum is not present (no more than 2 trustees at a time)

To address the public:

- 1) Public comment is reserved at the end of the meeting. President may announce a public comment period after a specific agenda item, but only at my discretion.
- 2) Please no outburst/yelling at the board. If continues you will be asked to leave. If you do not leave the meeting and further discussion will halted until you do so.
- 3) Please remember we are trying to do what is best for the District. It may not seem that way but that is our intent. It is a learning curve, so please be patient.

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Wiseman made a motion to approve the 09/13/2023 amended meeting minutes. Schneider seconded. All voted in favor. Motion carried.

Schuh made a motion to approve the 09/22/2023 amended special meeting minutes. Schneider seconded. All voted in favor. Motion carried.

Schuh requested Superintendent Zuber present his report to the Board. He noted no issues with the lift station in the month of September. He reported that total gallons of water used in September were 1.4 million, or roughly 46,000 gallons per day. The gallons per day were down from last year's 53,000. Sewer loss ratio was 40% for September.

Zuber reported the first round of inspection reports were received by the board for the Codger's Castaway development.

Zuber noted there are 36 manholes with runoff issues which affect the sewer loss ratio and the available capacity in the sewer tank. Zuber stated run off issues with these manholes is why the new developments require the manholes to be placed in the middle of the roadway which is a high grade area.

Zuber updated the board regarding the use of an auction website to surplus outdated equipment. Zuber will continue forward with the process.

Zuber and the board discussed the collection of delinquent accounts and the actions which the board can utilize when payments are not received.

Zuber and the board discussed the non-compliant property not allowing access to the meter and service. Attorney Miller noted he can send a notification letter detailing the violation and the amount of time allowed to bring the location into compliance before the District rectifies the violation at the owner's expense. Board noted to move forward with the letter.

Konda asked if the District is making any progress regarding the potential loss on the amount the District is paying for water compared to the amount the District is collecting on water use. Zuber noted he is working with the Districts billing office to detect if there is a potential for inefficiencies.

Schuh requested Wiseman to present the Treasurer's Report for month-ending September. He reported that the financials were trending as planned. The District opened a money market fund for the restricted development fees. He also reported the District is in the final stages of submitting a request for payment on all engineering and contract expenses relative to the Elevated Tank project which will be discussed during agenda item 8). Schuh made a motion to approve the Treasurer's report. Schneider seconded. All voted in favor. Motion carried.

Schuh opened discussion on the second review of the 2024 Budget and noted the reallocation of 45% to water and 55% to sewer. Konda asked if the hookup fees should be restricted the same as the developer fees. Discussion ensued. Schneider also desired the hookup fees to be restricted. Wiseman stated all excess funds for the District are utilized for capital improvements, so there is no reason to restrict the hookup fees. Schuh made a motion to approve the reallocated budget. Schneider seconded. All voted in favor. Motion carried.

Schuh requested Clerk Linn to present the monthly Accounts Payable to the Board. ACMS Group, Inc - \$3,780.00; Anderson Nill & Associates - \$5,534.48; AT&T Mobility - \$90.37; Bartlett & West - \$61,600.00; Dakota Pump & Control - \$445.00; Envirotech Waste Services - \$23.97; Forrest Zuber - \$450.00; Mid Dakota RWS - \$5,259.81; Midcontinent Communications - \$41.06; Northwest Pipe Fittings - \$416.94; SD Public Health Lab - \$15.00; South Dakota 811 - \$21.00; Oahe Electric - \$650.33;

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Central SD Enhancement District (CSDDED) - \$15,000.00; SD Public Insurance Alliance - \$2,051.75. Schuh made the motion to approve the bills with the packet addition of the CSDDED and SD Public Insurance Alliance billings and approve the payment of Bartlett and West once reimbursement is received on the draw request. Schneider seconded. All voted in favor. Motion carried.

Schuh requested Wiseman update the District on the elevated tank project. Mobilization will begin on preparation of the site and most likely the pouring of a foundation will be spring 2024. Paul Mehlhaff of CSDDED noted the draw request will be submitted the following day of the meeting.

Schuh requested Wiseman update the District on the sewer facilities plan. Wiseman recommended utilization of the Aquatech system option with discharge into the river. DANR approval will be required as this is an international project. An amended contract will be required for Bartlett and West with a decision to utilize a new facility instead of relining the existing facility. Schuh opened discussion. Konda noted the Aquatech system was the least expensive on a cost per gallon basis. Konda noted and Jim Ross of Bartlett and West confirmed the life expectancy of the Aquatech system at 50-75 years. Konda inquired as to the type of storage that will be utilized. Ross stated above and below ground options will be presented in the future at which time the District will have the ability to determine the best option for use. Wiseman made the motion to approve the Aquatech system option with discharge to the river, move forward with design work and approval to execute an amended contract with Bartlett and West once presented. Konda seconded. All voted in favor. Motion carried. Wiseman made a motion to continue with the project process once Bartlett and West provide the paperwork to CSDDED. Schneider seconded. All voted in favor. Motion carried.

Schuh requested Konda update the District on the adoption of uniform development standards. Konda noted receiving an email from Brian King with HDR stating he would assist the District on adoption. Konda recommended working with King. Konda stated the goal was to have a 95% completed proposal to present at the November meeting and to have a final version ready for the December meeting. Konda understands this is an aggressive and optimistic timeline yet strives to have an adoption completed prior to the expiration of the moratorium. Konda stated it is imperative to include developers and other interested parties in the process to assure the proposal is sensible and reasonable. Schuh opened discussion. Wiseman noted his support for utilizing King. Wiseman also recommended adopting a specific standard such as Sioux Falls, so any updates to the standards by the previously adopted entity would automatically be updated by our District without additional board action. Schuh recognized Ross from the attendees requesting permission to speak. Ross offered his services to assist in the process. Konda noted Ordinance 9 will be heavily modified to allow for the adoption. Schuh requested Konda, Wiseman and those offering to assist to continue to work toward the goal of presenting a preliminary proposal in November.

Schuh requested Wiseman update the District on the Nystrom development. Wiseman stated the District has in possession all that is available and recommended no further action on this subject.

Schuh requested Wiseman update the District on the Codger's Castaway development. Wiseman noted multiple complaints from residents as to the lack of notification on road closures and construction work. The board discussed potential options the District can offer for assistance in notification. The board also noted their sympathy for the residents, yet the responsibility of notification falls on the developer and construction crew.

Schuh requested Vic Utech come forward to update the District on Codger's Caddie Club Project. Utech reviewed a very preliminary sketch of a proposed development. Utech stated he has purchased the golf course from the Petersons and intends to bring back the golf course. The proposed project will include a club house, laundry mat, car wash, and gas pumps.

Schuh noted there are no items for executive session.

Schuh opened the floor to public comment. Comments were heard regarding the scheduling of a public hearing,

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the timing as to filing an application for funds for the sewer project, the options for financing the sewer project, the importance of future development to pay down debt and the inclusion of developers/residents/buyers in process of adopting standards.

Schuh noted the November meeting will be moved to the 15th of the month to allow for the public hearing. Meeting begins at 6:00 p.m. and the public hearing will be at 6:30 p.m.

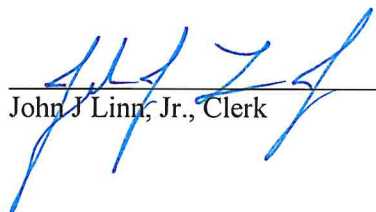
Konda noted the adoption of the surcharge so the implementation take effect for the January billing activity sent out in February. Wiseman stated the District may not have to adopt the surcharge until a later date. Konda noted it is imperative to pay down the debt, yet will defer at this time until additional information is available to assess the surcharge.

With no further business to discuss, Schneider made a motion to adjourn the meeting at 7:58 p.m. Schuh seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW


Kathleen Schuh, Board Chairman

ATTEST:


John J Linn, Jr., Clerk