

SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, November 15, 2023

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, November 15, 2023. Chairman Schuh called the meeting to order at 6:00 p.m.

Chairmen Schuh, Bacon, Konda, Schneider, Wiseman, Superintendent Zuber, and Clerk Linn were in attendance, along with 7 residents and 4 guests. Attorney Miller, 3 residents and 3 guests attended via Zoom videoconference.

Schuh noted item 10) has been moved to follow 12)a. Wiseman 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:

1. Schuh requested Ann Wiseman to assist with traffic in the hallway as the venue is being shared with a GFP open house.
2. The board is attempting to decrease the utilization of paper for board packets.
3. Board members will speak only when raising their hand and being called upon. Interruptions by fellow board member will not be tolerated.
4. Board members will conduct business in a professional manner and respect your fellow board members.
5. Thank you to fellow Board members for volunteering their time to the district as there have been many questions and concerns lately which take up board members personal time to address.

Schneider made a motion to approve the 10/11/2023 amended meeting minutes. Konda seconded. All voted in favor. Motion carried.

Schuh requested Superintendent Zuber present his report to the Board. He reported that total gallons of water used in October were 1.0 million, or roughly 30,000 gallons per day. Other items noted:

1. Zuber had to replace two floats in the Walleye lift station. In addition the alarm is only activating for one pump. Forrest will continue to troubleshoot.
2. The state came out and conducted a survey. Minor issues were noted in their finding.
3. The surplus equipment auction continues to move forward. Forrest will meet with Jennifer to finalize the process to allow for the auction to be conducted.
4. Forrest will continue to work with Anderson Nill and Associates, Inc. (ANA) to develop the water purchased/billed report for the board.
5. Zuber noted he will be out of service in the upcoming weekend. The board agreed to utilize Tanner Curtis on an on-call basis at a rate of \$75 up to 2 hours per day and an additional \$25 per hour over and above the 2 hour base. Schuh directed ANA to work with Forrest and Tanner to set up. The board noted the on-call individual does not have the ability to utilize the district vehicle at this time.

Schuh requested Wiseman to present the Treasurer's Report for month-ending October. Reimbursement was received from the state on November 13 which will allow ANA to pay the pending expenses on the water tower project. The restricted development fees have been transferred into the money market account in November. Schuh made a motion to approve the Treasurer's report. Schneider seconded. All voted in favor. Motion carried.

Schuh requested Clerk Linn to present the monthly Accounts Payable to the Board. ACMS Group, Inc -

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\$3,780.00; Anderson Nill & Associates - \$4,443.66; AT&T Mobility - \$90.39; Bartlett & West - \$69,102.15; Capital Journal - \$26.69; Central SD Enhancement District (CSDDED) - \$15,000.00; Envirotech Waste Services - \$23.97; Forrest Zuber - \$450.00; Hi Plains Storage - 1,100.00; Lammers, Kliebacker & Dawson, LLP - 4,562.50; Mid Dakota RWS - \$4,996.08; Midcontinent Communications - \$41.06; Oahe Electric - \$612.92; SD Public Health Lab - \$196.00; SD 811 - \$22.05; The Onida Watchman - \$12.60. Bacon made the motion to approve the bills as presented. Schuh seconded. All voted in favor. Motion carried.

Schuh requested Jim Ross to update the District on the sewer facilities plan. Bartlett & West (B&W) has answered all questions DANR has presented thus far allowing DANR to complete their review of the project. B&W will begin work with DANR on environmental reviews. The new facility draft agreement amendment to move into the new design has been submitted to DANR. The plans and specs are due to DANR by 3/01/24. Wiseman requested B&W to submit a boring study to GFP to allow review as to the need for an archeological study for the discharge point.

Due to the timing of the regular meeting and the published Public Hearing, Chairman Schuh opened the public hearing at 6:31 p.m.

Chairman Schuh introduced Paul Mehlhaff, the District's representative from the Central SD Enhancement District, contracted to help the District with its improvement projects and their corresponding applications to the SD DANR. Mr. Mehlhaff came forward to provide funding options for the Sewer Facilities Plan:

- Option #1 - Tie onto original loan 863,002 at 2.125 % would allow the additional loan of 4,006,405 to attain the same rate of 2.125%. The downfall is a less likely chance of attaining a grant for any portion of the additional loan. The board would be required to move on this option in the short-term to attempt to submit the application, a letter from the board and details on the utilization of the \$4 million by 11/17/23.

- Option #2 - DANR just recently increased their rate from 3.25% to 3.75%. Therefore, the new loan of \$4,006,405 rate would be 3.75% with an increased chance of attaining a grant for a portion of the additional loan.

- The current rate to consumers is \$25.28 plus the \$15.20 surcharge for the original loan is \$40.48. The additional surcharge for option #1 would be \$59.24 with no grant assistance. The additional surcharge for option #2 would be \$73.01 with no additional grant assistance. Note the surcharges are based on 280 user accounts.

- The board discussed the utilization and timing of the ARPA funds process, the breakeven between the two funding options of approximately 80% loan and 20% grant for option 2, and timing factors of submitting applications.

- Schuh opened the discussion up to the public. President Schuh closed as there were no questions or comments brought forward.

- Schuh read the title to Resolution No. 2023-4. RESOLUTION AUTHORIZING AN APPLICATION FOR ADDITIONAL FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

- Wiseman made a motion to approve Resolution No. 2023-4 utilizing option #2 with the January 1, 2024 application date. Konda seconded. All voted in favor. Motion carried.

Schuh closed the public hearing at 6:54 p.m.

Schuh requested Lyle Schumack update the District on the Elevated Tank Project.

Preconstruction meeting was held. Multiple submittals have been received on the project. No date noted at this time as when onsite work will occur.

- Bryan requested Lyle include JJ on the submittals for distribution to the board.

- As stated above the reimbursement from the Bond Fund was received in November and outstanding balances will be paid in the short-term.

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Schuh requested the members update the District on the adoption of the Uniform Development Standards. Members of the board, Jim Ross, Brian King and Cody discussed the potential adoption of the Rapid City or Sioux Falls ordinances in whole or as amended. After a lengthy discussion Schuh informed the board we will move on at this time and discuss at a later date. Below are points from the conversation:

-Wiseman stated

Neal and Brian King have been working on the standards.

Formally adopt one or the other as a whole. Adopt everything even if it doesn't pertain and allow variances.

Recommends blanket adoption. Automatically update if you do the whole thing.

Bryan prefers the SIOUX FALLS version.

Not talking about changing the language.

Mistake for our board to rush something for the moratorium.

The District is going to have to consider taking the responsibility for roads and master plans of what is going on up here as the counties are not interested in doing so.

Change the way we do business.

-King stated

Understands what Bryan is saying. What we have been reviewing is the water/sewer

Anticipate another 2 to 3 days to finalize the amending of the Rapid City version.

Neal has spent a lot of time on his own amending Rapid City.

If HDR was to go forward with the city of Sioux Falls it would take 2 weeks to amend.

-Neal stated

The thing that worries me the most Rapid City and Sioux Falls have an army of inspectors and employees to address the concerns generated by violations of the standards. The district does not have authority outside of water/sewer. Need to focus on water/sewer. He would be hesitant to regulate items outside of water/sewer. Feels it is important for the district to have standards in place prior to the expiration of the moratorium. Not a fan of extending the moratorium. Regardless of which way you go there will need to be front end documents prepared to fit the requirements of this district. Recommends we follow the direction of the professionals.

-Cody stated

Our ordinances require the roads are put back into the same condition as prior to the project and that is as far as our authority should go into addressing road issues. Without the District being incorporated and specifically requesting the road district powers through the vote of the people; the District should be limited to the specific purpose of a sanitary district.

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 CSDED noted the draw request will be submitted the following day of the meeting.

Schuh requested Vic Utech update the District on Codger's Castaway Development.

-Schuh requested follow up on fixing the fences. Vic stated he intends to address before the next round of moisture hits.

-Schuh stated the lift station has been moved and may now be located on private property. Vic believes the property in question is his property. Schuh requested a deed to confirm ownership.

-Schuh requested follow up on compaction testing. Vic requested Steve McCarty of Aaron Swan and Associates and Jason Smith of J M Smith Engineering join him to present. Vic and his guests reviewed the compaction process he utilized and the testing that was conducted. Vic stated the process is called "method and means". Vic stated Jason is not from this area and committed to some processes which are not necessarily the Utech's way of conducting the process. In hindsight they may have proposed it in a different way, yet for the time being they are comfortable with the process, testing and result of their installation.

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-Neal inquired as to the lack of inspections at deeper depths as required by the plan submitted by J M Smith standards and specifications for Codger's Castaway. Vic stated there is a fine line on the compaction at lower depths. Much rather be on the lighter side of compaction at lower depths as to not damage the pipe. Vic stated you will not see inspections for the lower depths.

-Schneider stated Jason is obviously licensed in the state of SD and has a certificate of authorization. Jason stated yes. Schneider inquired if Jason had done onsite supervision as mentioned in his proposal. Jason stated this day was his first time with onsite supervision. Schneider inquired if the proposal was written specifically for this project. Jason stated it was written for this specific project yet the specifications are taken from different projects he has worked on. Vic mentioned this is the 5th project in this area that Jason has been involved in.

-Schuh inquired as to the elevation of manholes. Vic noted there is one manhole greater than 16ft at B2. Vic recommended putting a low profile lid on that location which would result in 16ft 4in or replace the drum.

-Schuh inquired as to the compaction around the lift station. Vic informed the board as to the process utilized for compaction around the lift station and provided the testing results for the lift station location.

-Schuh inquired as to the pictures required of each curb stop. Vic informed the board that some have been provided and some are pending delivery, yet he does not understand why the pictures are required or what benefit the pictures will serve in the future.

-Wiseman inquired as to the current installation of pipe on Castaway Loop. Jason, Andrew and Vic explained the installation process.

Schuh made a motion to move into Executive Session at 8:17 p.m. pursuant to SDCL 1-25-2 (3). Wiseman seconded. All voted in favor. Motion carried.

Konda made a motion to move back into Regular Session at 9:28 p.m. Bacon seconded. All voted in favor. Motion carried.

Konda made a motion to continue discussion on Agenda item 12a Codger's Castaway. Bacon seconded. All voted in favor. Motion carried.

Schuh requested Vic come forward. Schuh stated the board is rejecting all variances as submitted, the developer (Vic) needs to follow specs and plans to a "T" as previously approved dated on July 7, 2023

The issues in the letter dated Nov 11, 2023 need to be brought into compliance with the additions of the water radius on castaway loop. Along with providing proof of compaction testing or go back and dig test pits.

Failure to do so may be grounds to reject the system, even if signed and sealed by a professional engineer.

Schuh inquired as to any questions from the developer. Vic stated no. Vic then stated he had some things to say: Since I submitted my plans there have been two other developers doing work in here and I never seen any compaction tests or pressure testing. With that said I am being held to a completely different standard. Can you explain that to me? I mean tenfold above and beyond and I have a perfect track record. This is my 5th project with this engineer in in this district in the last 10 years. Why am I being segregated out and held to a higher standard than anybody else has? Andrew asked why method and means is not acceptable like Sioux Falls and Rapid City. Schuh stated the developer needs to follow the specs they provided to the board. Vic responded these specs are my plans and they are meant to be changed. Vic stated you do not have to take every word of this deal to heart. Vic stated the board is not being fair here, you are not being reasonable at all. I bring an outside engineer that has a perfect track record and we are working away on our 5th project in 10 years. Why are you segregating me out? I am not fighting you. You do not have to take it word for word. There are a few things Jason is not familiar with and he shouldn't have submitted the stuff the way he did, but he did. That doesn't mean you have to take it to heart. Can't we be reasonable here? That's all I am asking. I don't believe I am being treated fairly. Wiseman stated all we are asking is that you follow our guidelines. Then if you are going to change it from your plans you gain approval before you change it. Everything so far is coming in after the fact. Vic asked if something comes up are you going to call an executive session. Wiseman stated we are not going to call an executive session for every item. Vic asked if he is supposed to shut down for a month. Wiseman stated follow the specs.

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Schuh stated we are done with this conversation for tonight.

Konda stated there will be no action on agenda item 13.

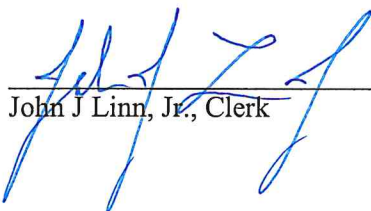
Schuh opened the floor for public comment. None at this time.

With no further business to discuss, Schuh made a motion to adjourn the meeting at 9:41 p.m. Konda seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW


Kathleen Schuh, Board Chairman

ATTEST:


John J Linn, Jr., Clerk