

SPRING CREEK / COW CREEK SANITARY  
DISTRICT MEETING MINUTES  
MONTHLY MEETING  
Monday, February 5, 2024

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Monday, February 5, 2024. Chairman Schuh called the meeting to order at 6:00 p.m.

Chairmen Schuh, Bacon, Konda, Schneider, Superintendent Zuber, On-call Curtis, and Clerk Linn were in attendance, along with 1 resident and 2 guests. Wiseman, 4 residents and 4 guests attended via Zoom videoconference.

Schuh requested a motion to approve the agenda. Konda made a motion to approve the agenda. Bacon 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:

- It's been a quick month.
- Personal emotions are getting involved in some of the District's discussions. You can have personal feelings on a subject but as a board member you need to step back and look at this District as a whole.
- Remember to think...Is it good for the District and the community? Then base your decision.
- We need to run the District as a business. I am convinced it is the best way to look at it.
- We need to have checks and balances. Growth is going to happen and by looking at it this way we can secure the District for the future.
- Again, one board member doesn't speak for the board

Schuh requested action on the 1/10/2024 meeting minutes. Konda made a motion to approve the 1/10/2024 meeting minutes. Bacon 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 January were approximately 915,000, or roughly 29,500 gallons per day. Other items noted:

1. As stated last month a boring company nicked one of our 2" lines which would attribute to the increased water usage in January compared to prior years. In addition, multiple lines were flushed in January.
2. Tractor sold for \$2400. Clerk will confirm payment. Pick up is pending at this time.
3. County Line Road lift station has a bad seal. Dakota Pump will be out to repair. Zuber arranged for emergency repair to the lift station access. Repair was needed to allow access for Dakota Pump.
4. Noted the desire to dress up some of the District station areas with rock. Konda noted it is a valid point, yet let's develop a plan once things dry out.
5. Recommended discussing the purchase of a backup pump if funding is available. Schneider inquired as to the cost of a pump. The estimated cost is \$12,000.
6. Introduced Tanner Curtis.

Schuh requested Wiseman to present the Treasurer's Report for month-ending January. Wiseman noted:

1. The financials are looking better as the District has received reimbursement for the infrastructure expenses that have been previously paid with District funds.
2. For the most part, the delinquent accounts have been addressed.
3. The Consumer Protection Department at the state confirmed the District has the ability to shut off water to a District resident for failure to pay as water is not a life-threatening necessity. Schuh noted per Ordinance 7, Article VII, Section 3(F) the resident, if an account should become over 30 days delinquent, will receive a letter stating the water service will be disconnected if the account, including a late payment penalty of 10%, is not paid in full within 10 days. A \$25 reconnect fee will be implemented when service is in fact disconnected

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prior to payment. The members noted the desire to discuss late, disconnect and reconnect fees in the future. Schuh requested action on the Treasurer's report. Konda made a motion to approve the Treasurer's report. Schneider seconded. All voted in favor. Motion carried.

Schuh noted a resident has submitted a request to not be billed for Sewer. Per Ordinance 8, Article XI, Section 2(D) minimum sewer fees shall be assessed to all users with a water connection to the SC/CCSD regardless of whether or not a connection to the sewer exists.

Schuh requested Clerk Linn to present the monthly Accounts Payable to the Board. Anderson Nill & Associates - \$4,366.60; AT&T Mobility - \$90.50; Bartlett & West - \$58,172.23; Factor 360, Inc. - \$484.36; Lammers, Kliebacker - \$1,600; Mid Dakota RWS - \$4,912.30; SD DANR - \$230. Schuh made the motion to approve the bills as presented. Bacon seconded. All voted in favor. Motion carried.

Schuh requested Jim Ross to update the District on the sewer facilities plan. Bartlett & West (B&W) continued the design portion of the project. A meeting was held with SD GFP, SD DANR and the US Army Corps of Engineers (USACE) to discuss the discharge into the river. Basically, all entities involved agreed DANR would be the decision maker prior to requesting approval from the USACE. Per Ross's follow up with DANR a true quote regulation does not exist, yet the plan is to try to bore down to get the discharge directly into the water regardless of water elevation. The goal is to have draft RFP pulled together for selecting equipment which will coincide with design plans. Design plans are required to be submitted to DANR by March 1.

Schuh requested Lyle Schumack update the District on the elevated Tank Project. Bartlett & West (B&W) has not received any additional pay requests from Maguire. At this time weather will determine when the project can move forward.

Schuh conducted the second reading of Ordinance 10. AN ORDINANCE OF THE SPRING CREEK/COW CREEK SANITARY DISTRICT OF HUGHES COUNTY AND SULLY COUNTY, SOUTH DAKOTA, TO REPEAL ORDINANCE NO. 9 AND REENACT THE SAME AS AMENDED ESTABLISHING REGULATIONS RELATED TO THE EXPANSION OF THE EXISTING WATER DISTRIBUTION WASTEWATER COLLECTION AND TREATMENT SYSTEM, AND PROVIDING FEE STRUCTURE AND PENALTIES FOR VIOLATIONS THEREOF.

Konda made the motion to approve the second reading of Ordinance 10. Schneider seconded. All voted in favor. Motion carried.

Konda made the motion to approve the adoption of Ordinance 10 and Appendix 1 with the following amendments to Ordinance 10, Article III, Section 1:

F. "May" is permissive (see "shall," Item ~~L~~ M).

M. "Shall" is mandatory (see "may," Item ~~E~~ F).

Schneider seconded. All voted in favor. Motion carried.

Schuh updated the members on the Codger's Castaway work in progress draft response letter provided by Jim Ross. Ross noted the pending items for receipt are highlighted in the draft letter. The Members, Vic Utech, and the engineers agreed the submittal process is cumbersome and time consuming due to the size of the electronic files. All parties agreed to work together to process and confirm the receipt of items already received and list the items pending receipt.

Andrew Utech requested guidance on the bacteria test process. Konda noted 2 samples are required from each point 24 hours apart. Forrest stated he will assist Andrew with the process.

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Schuh opened the floor for public comment. Milt Morris inquired as to the status of proposed easements in item 10bii). Schuh stated the easements are a portion of the work in progress draft letter discussed during item 10. Morris requested the board note his objection to the approvment of the easement regarding the lift station near Ogan Road as he states it is located on his property. Vic Utech and his attorney Hegge noted Mr. Morris is incorrect as the property was transferred per Ordinance 9, Article VII. Both parties' positions have been noted for the record.

Andrew Utech inquired as to the timing of submitting items to the board to be placed on the agenda. Schuh stated all items requiring board action should be provided to the board no later than one week prior to the meeting.

With no other public comments, Konda made a motion to move into Executive Session at 6:57 p.m. pursuant to SDCL 1-25-2(1) regarding personnel. Bacon seconded. All voted in favor. Motion carried.

Schuh called the meeting back into Regular Session at 8:01 p.m.


Wiseman made a motion to approve a 4% increase for Zuber effective 2/1/24. Schneider seconded. All voted in favor. Motion carried.

Being no further business, Konda made a motion to adjourn the meeting at 8:03 p.m. Schneider seconded. All voted in favor. Motion carried.

\*\*\*SIGNATURES TO FOLLOW\*\*\*

  
Kathleen Schuh, Board Chairman

ATTEST:

  
John J Linn, Jr., Clerk