

SPRING CREEK / COW CREEK SANITARY  
DISTRICT MEETING MINUTES  
MONTHLY MEETING  
Wednesday, March 13, 2024

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, March 13, 2024. Chairman Schuh called the meeting to order at 6:00 p.m.

Chairmen Schuh, Bacon, Konda, Superintendent Zuber, and Clerk Linn were in attendance, along with 2 residents and 2 guests. Wiseman, Attorney Miller, and 4 guests attended via Zoom videoconference.

Schuh requested a motion to approve the agenda. Konda made a motion to approve the agenda with the following change: add executive session as number 10 on the agenda and to move items 10-12 down one number each. Bacon seconded. All voted in favor. Motion carried.

Schuh asked the Board to declare any Conflicts of Interest. Konda declared he is also on the Dakota Landing Road District Board.

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

- Thank you all for attending and joining us on zoom.
- Hopefully we will have a good and orderly meeting.
- Happy St. Patrick's Day.

Schuh requested action on the 2/5/2024 meeting minutes. Bacon made a motion to approve the 2/5/2024 meeting minutes. Schuh seconded. All voted in favor. Motion carried.

Schuh requested Superintendent Zuber present his report to the Board. Schuh also noted she had joined Zuber for a ride along today. Zuber reported that total gallons of water used in February were approximately 742,000, or roughly 25,000 gallons per day which is up quite a bit from this time last year at 477,000, or roughly 17,000 gallons per day. Wiseman requested Zuber analyze which quadrants the increase in water usage is coming from which may assist in locating a potential water leak.

Other items noted:

1. Dakota Pump conducted repair and maintenance on the county line lift station. The check valve was not operating correctly resulting in the lift station pumping the same waste multiple times.
2. Presented quotes:
  - a. Locators & Supplies, Inc. – Locator
  - b. Dakota Pump & Control – Repair existing pump for county line lift station.
  - c. Dakota Pump & Control – Spare pump for west lift – walleye/county line.
    - i. Note: The walleye lift station and county line lift station utilize the same pump. The existing and new Codger's lift stations can utilize the same pump. The golf course lift station utilizes a 3<sup>rd</sup> type of pump which can only be utilized with this particular lift station.

Konda made a motion to approve Dakota Pump & Control quotes to conduct the repairs for the county line lift station and to purchase a spare pump for walleye/county line lift stations. Bacon seconded. Schuh, Konda and Bacon voted in favor. Wiseman voted against. Motion carried.

After further discussion Konda made a motion to rescind his previous motion to approve Dakota Pump & Control quotes to conduct the repairs for the county line lift station and to purchase a spare pump for walleye/county line lift stations. Bacon seconded. Motion carried.

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Konda made a motion to approve Dakota Pump & Control quote to conduct the repairs for the county line lift station. Bacon Seconded. Motion carried.

Schuh made a motion to approve Locators & Suppliers, Inc. quote for a locator. Konda seconded. Motion carried.

Konda requested the purchase of spare pumps and the maintenance of existing pumps be placed on the agenda for next month.

3. 5 new applications have been submitted for hookup. Two of the applications are for Codger's Cove development.
4. Schuh signed Zuber's application for the wastewater II exam. It was noted Zuber can utilize the credit card or submit travel expenses associated with the exam for reimbursement.

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

1. The budget is sitting steady. Currently have funds to pay bills.
2. The Bartlett and West bill will need to be correctly accounted for between water tower, sewer, code changes and developer costs.

Schuh requested action on the Treasurer's report. Konda made a motion to approve the Treasurer's report. Schuh seconded. All voted in favor. Motion carried.

Schuh requested Clerk Linn to present the monthly Accounts Payable to the Board. American Engineering Testing Inc. - \$1,850.00; Anderson Nill & Associates - \$4,069.51; AT&T Mobility - \$90.50; Bartlett & West - \$174,051.30; Capital Journal - \$295.36; Dakota Pump & Control - \$2,275.51; Envirotech Waste Services - \$77.91; Forrest Zuber - \$450.00; Lammers, Kliebacker - \$2,150.00; Maguire Iron, Inc. - \$274,634.85; Mid Dakota RWS - \$4,907.26; Midco Communications - \$41.08; Oahe Electric - \$787.56; SD Public Health Lab - \$15.00; South Dakota 811 - \$4.20; The Onida Watchman - \$234.00; US Postmaster - \$170.00. Schuh made the motion to approve the bills as presented. Wiseman seconded. All voted in favor. Motion carried.

Schuh requested Jim Ross to update the District on the sewer facilities plan. Bartlett & West (B&W) submitted the plans and specifications to DANR on March 1, 2024. The RFP for selecting equipment has been submitted to DANR for approval. Hard copies of plans and specifications were sent to the board. The permit for discharge application is in process. Wiseman and Konda requested to be included in a call to review the permit if available.

Schuh noted the moratorium has expired and Ordinance 10 is now in effect.

Schuh made a motion to move into Executive Session at 7:05 p.m. pursuant to SDCL 1-25-2(3). Konda seconded. Motion carried.

Schuh called the meeting back into Regular Session at 7:25 p.m.

Schuh noted the District was presented an email with new information and requested Attorney Miller provide the District with an update on Codger's Castaway Development. Miller stated the District received some documents today at approximately 4 p.m. One of those documents is a quit claim deed granting Lot B to Milton Morris. That same Lot B is present in a replat done by Codger's Castaway and contains a portion jugged into Lot B outlot 1 but a plat is not a conveying document as a quit claim or warranty deed is. Miller has not seen a transfer document which conveys that triangle portion that has been cut out of outlot 1 and noted as tract 1 on the new plat conveying that to Codger's Castaway LLC. So there is a colorable claim that Milton Morris may own a small portion. With that there is an issue the District does not have a clear title. As there is a blemish in the chain of title and the District ordinance requires the District to have proper and valid easements for the entire system it is

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Miller's recommendation that the District cannot accept the system as is without the proper easements and we need to know who actually owns that portion.

Schuh noted additional items requiring attention. The District is allowing 30 days to address the concerns. Vic Utech asked who has 30 days. Schuh noted 30 days to present at the next meeting. Utech came forward and stated this is all bullsh--. This has been 2 ½ years people. 2 ½ years and this criminal f---ing old bastard is playing games is what it is. How come the District has allowed these games to be played up to 4 o'clock today. Schuh stated Utech needs to understand the board position. If the District takes it over and Morris requires the District to move the lift stations. The District does not have the funds to do so. Utech stated let's get the attorneys going. Utech stated he has been left with no choice except to file a lawsuit against the sanitary district. Schuh inquired why this is on us. Utech stated it is on you...because I have submitted everything necessary and now at 4 o'clock we are playing games here. Utech inquired if Miller had spoken with his attorneys. Schuh stated yes but there is a blemish on the title. Utech stated there isn't a blemish on nothing. Old disgruntled piece of sh-- man is what this is. Utech asked what is the District going to do. Utech asked if the District is denying him again...denying him tonight. Schuh stated we need to get this figured out and there are a few other items that need to get it figured out. The 30-day period will give you time to address those. Utech stated these people (pointing at the individuals in the audience) need water. Utech stated we have been jerking them around for 90 days. Schuh stated we have not been jerking them around. Utech stated yes we have. Schuh stated they should not have been granted building permits without water. Utech stated this has been going on since December. Schuh stated we are not going to argue about this. Konda noted he spoke with Andrew on Monday and noted that Konda did not have any concerns at that time with the ownership stuff. Konda stated the information provided today he is taking at face value the same as he took yours (Vic's) at face value. Utech stated this was done on purpose by this f---ing prick right here. 2 ½ years and he waits until the last f---ing hour to play this game. Konda stated he recognized that. Utech noted in the District ordinances they can run it as a private system. Vic requested the ability to run the system as a private system until the matter is addressed. Schuh stated no. It can be addressed in 30 days. Utech stated let's go get attorneys. Utech exited the meeting.

The Trustees discussed the utilization and approval of a private system. Miller stated he will need to review the ordinances as to a private system. Wiseman recommended Miller review the ordinances and present the Trustees with direction. Konda requested Ross finalize the As-built Approval Letter and provide Utech with the pending items requiring completion prior to approval. The board requested Miller inform Mr. Hurd of the District's actions and concerns.

Schuh opened the floor for public comment. Kopman inquired as to what the District is requiring to address the land ownership concern. Wiseman stated Kopman can contact Mr. Hurd for clarification. Cody stated a title history report needs to be done and reviewed by an abstract to determine who owns the property in question. Utech reentered the meeting. Utech stated the District has thrown him for a loss. Schuh stated we were all thrown for a loop today. Konda provided logistics on how to work out a private system. Utech recommended an option. Konda stated he will need time to review before a decision can be made on the approval of a private system. Utech stated something is going to need to be done as the ownership of the lot in question is going to take months if not years to resolve. Konda stated the District will need more time to consider a private system. Bacon stated he also would not be able to consider the approval of a private system at this time. Utech agreed the District needs more time to consider. Schuh stated we all need to work together to find a resolution. Kopman inquired whether the District could conduct a special meeting within the 30 days. Schuh stated we could yet it is costly. Wiseman stated he would consider a special meeting once the other outstanding approval items have been addressed by the developer. Schuh stated a list of outstanding approval items will be presented to Utech. Utech appreciated the District working with him to alleviate the problem as it isn't the District problem it is his to get worked out.

With no other public comments, Schuh made a motion to move into Executive Session at 7:58 p.m. pursuant to SDCL 1-25-2(1) regarding personnel. Konda seconded. All voted in favor. Motion carried.

Schuh called the meeting back into Regular Session at 8:12 p.m.

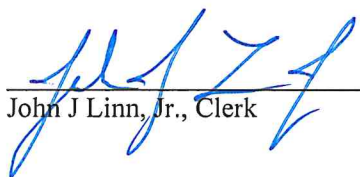
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Being no further business, Konda made a motion to adjourn the meeting at 8:13 p.m. Schuh seconded. All voted in favor. Motion carried.

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

  
Kathleen Schuh, Board Chairman

ATTEST:

  
John J Linn, Jr., Clerk