

SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, July 10, 2024

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, July 10, 2024. President Schuh called the meeting to order at 6:00 p.m.

President Schuh, Bacon, Konda, Schneider, Superintendent Zuber, and Clerk Linn were in attendance, along with 13 residents and 1 guest. Attorney Miller, 2 residents and 3 guests attended via Zoom videoconference.

Schuh noted an addition to the agenda: 11) Ordinance 10 Appendix Resolution. Schuh requested a motion to approve the agenda as amended. Konda 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 noted at this time.

Schuh noted there is an open position on the board and the board will operate with 4 members as no applications have been received to date to fill the position.

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

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

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

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

1. I want to thank everyone for coming to the meeting tonight.
2. The board has and will continue to work on surcharge options.
3. The GIS file has been received from Bartlett and West.
4. The public will have an option to address the board during the public comment portion of the meeting.
5. Thank you to Bryan Wiseman for his dedication to the board over the last 4 years.

Schuh requested action on the 6/12/2024 meeting minutes. Konda made a motion to approve the 6/12/2024 meeting minutes. Schneider seconded. All voted in favor. Motion carried.

Schuh requested Superintendent Zuber present his report to the Board. In June we got ever closer to that two million mark right at 1.8 million for the month which is right over what we used last year and bringing our daily average to about 62,000.

Other items noted:

1. 343,000 gallons were used from July 4th-8th.
2. 1 application was received.

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3. Ferding Electric repaired a lag float on the county line lift station.
4. All poly stiffeners at Codger's Castaway have been replaced to my knowledge.
5. Dakota Sky Lodge meter is having issues. Zuber may need assistance replacing as the unit is located in a vault.
6. In the process of hiring a mower for the pond.
7. Preparing for state inspection.

Schuh transferred the gavel to Schneider.

Schneider requested Schuh present the Treasurer's Report. Schuh noted:

1. Total income was \$105,152.26, expenses \$38,718.50, and net income of \$60,795.72.

Schneider requested action on the Treasurer's report. Konda made a motion to approve the Treasurer's report.

Bacon seconded. All voted in favor. Motion carried.

Schneider requested Schuh present the first reading of the Budget. Schuh highlighted estimates utilized to calculate certain line items. Konda noted his continued request to document the hookup fees as restricted funds. Bacon made a motion to accept the first reading of the budget as presented. Konda seconded. All voted in favor. Motion carried.

Schneider requested Clerk Linn present the monthly Accounts Payable to the Board. Anderson Nill & Associates - \$5,704.10; AT&T Mobility - \$90.46; Dakota Pump & Control - \$679.74; Envirotech Waste Services - \$23.97; Ferding Electric - \$183.67; Forrest Zuber - \$450.00; Mid Dakota RWS - \$5,638.04; Midco Communications - \$53.15; South Dakota 811 - \$13.65; The Onida Watchman - \$21.90; Boathouse - \$350.00. Schuh made the motion to approve the bills as presented with the addition of the Boathouse - \$350.00. Bacon seconded. All voted in favor. Motion carried.

Schneider requested Jim Ross update the District on the sewer facilities plan. Bartlett & West (B&W) has had many conversations with the Corp of Engineers (Corp) for confirmation on what is required to receive permit approval. Ross presented the bid and acceptance documents to the board for action. Konda noted his concern of not having the permit in place prior to accepting the bid proposal. Ross stated B&W has been in contact with DANR and received confirmation they can move forward with the acceptance of the bid as to retain compliance with the loan/grant requirements while moving as fast as they can to finalize the permit process. The goal is to have the permit process completed by the time the equipment is delivered on site and before the installation has started. Hearing no further questions Schneider requested a motion to approve the Aqua Tech Systems, Inc. proposal. Konda made the motion. Seconded by Schuh. All voted in favor. Motion Carried. Ross noted he will acquire the amount of the 5-10% down payment and payment schedule to submit to the board for payment.

Schneider requested Nathan Danner update the District on the water facilities plan. Danner noted there are no pay applications for this month. Next step onsite is the site piping by AGE. No word on when the installers plan on doing that. Currently B&W has been in contact with the board with the color and logo on the tank. B&W goal is to have the final example provided for approval in the near future.

Schneider provided clarification to the processes noted in Ordinance 10 Appendix. The clarification was a result of a meeting on 6/25/24 with Ross, Utech, Wiseman, Schneider and Linn. All involved agreed it was a good meeting, the installations need to follow the required standards and looked forward to working together into the future. Schneider stated Utech agreed to work with Ross to schedule inspections allowing time for scheduling.

Schneider requested Utech provide an update on Codger's Castaway development. Vic noted all of the stiffeners have been replaced. The areas are being prepared for backfill. Utech was not sure they would be able to attain the 95% compaction as soft as it currently is. They will keep the lines pressurized while backfilling and will do the best they can. Utech noted they will go back and address if concerns arise in the future. Schneider noted Utech needs to work with the engineers to assure compliance. Utech wanted it noted that his crew brought the leaks to the attention of the board and the inspectors. Konda reminded Utech the development fees are due on the

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18 lots and payment is required before the development is approved. Utech requested permission to pass inspection prior to remitting payment. He understands no approval without payment.

Schneider updated the public that the surcharge proposal has not been finalized as of yet and the public should ignore any numbers or proposals they have seen to date. The board is presently considering both users and usage to set the surcharge amounts and will continue to work for a fair proposal. For now, we are unable to provide numbers to the public as there are multiple pending items needed for finalization prior to release.

Schneider opened the floor to public input.

Wiseman noted he is longer on the board. He displayed his displeasure for the board continuing to kick this issue down the road. Wiseman stated the board is dysfunctional and that is why he decided not to renew his term.

Schneider noted the board has its issues, yet he does not feel it is dysfunctional. Schnieder proposed to utilize committees comprised of the public and board members to address issues confronting the board.

Utech requested the maximum capacity for the water tower and the sewer system. Ross provided figures from the sewer DANR application. Ross stated the water application was a little bit different, yet he did not have the figures in front of him. Utech requested those numbers be emailed to him as there was a discrepancy between the two and he was interested to know why there was a discrepancy. Utech was wondering if the board was leaning toward usage and stated he was in favor of the per platted lot option. Utech does not feel it is fair to allocate only to users. Utech recommending using the ability to assess the fee to property taxes. Utech stated the board can utilize the development fees to pay one year's debt service as property taxes are paid a year in arrears. Utech stated the board should seriously consider turning the District over to Mid Dakota Rural Water.

Schneider noted he is not willing to bring the Mid Dakota Rural Water option to the voters unless there is a guarantee as to the amount bills will be increased.

Bob Berg expressed the need to increase notification as to the agenda, time and date of meetings. Schuh noted the agendas are posted and every meeting is the 2nd Wednesday of the month. Berg is in favor of a fair proposal and does not feel the public should subsidize a developer or a business.

Rick Berg stated he appreciates the board. The number one job of the board is to protect the District from other people trying to take advantage of them. When an individual is getting something for nothing, others are paying something for nothing.

Schneider noted the sewer upgrade is required by the EPA and has to be done.

Peterson communicated his concern for costs going through the roof. Also noted the board does not want to go thorough this again. The board needs to have a group follow up with Mid Dakota on transferring the District.

Schneider noted Bartlett and West have done a fabulous job engineering to allow phasing in of expansion as development occurs. In addition, the board will be heading up any communication with Mid Dakota on potentially taking over the District.

Wiseman noted the board cannot utilize restricted funds to pay debt service. Wiseman stated the board should utilize approved lots instead of platted lots.

Andrew Utech recommended utilizing all platted lots within the District.

Schneider inquired as to whether there was any additional public comment. Hearing none the public comment was closed.

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Schneider requested a motion to move into Executive Session at 7:15 p.m. pursuant to SDCL 1-25-2(1) regarding personnel. Schuh made the motion. Konda seconded. All voted in favor. Motion carried.

Schneider called the meeting back into Regular Session at 7:37 p.m. No action was taken as a result of Executive Session.

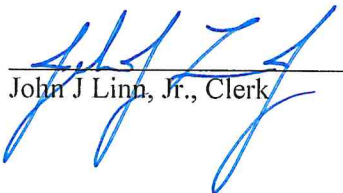
Being no further business, Konda made a motion to adjourn the meeting at 7:41p.m. Schuh seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW



Todd Schneider, Board President

ATTEST:



John J Linn, Jr., Clerk