

SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, December 11, 2024

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, December 11, 2024. President Schneider called the meeting to order at 6:00 p.m.

President Schneider, Bacon, Konda, Kopman, Schuh, and Clerk Linn were in attendance, along with 3 residents and 2 guests. Attorney Miller, Superintendent Zuber, 7 residents and 2 guests attended via Zoom videoconference.

Schneider requested a motion to approve the agenda. Schuh made a motion to approve the agenda. Konda seconded. All voted in favor. Motion carried.

Schneider asked the Board to declare any Conflicts of Interest. None noted at this time.

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

1. Please do not spread rumors of pricing, surcharges and fees if you don't know them yourself. If you actually know the information, tell the truth. There is far too much misinformation being pedaled to the public.
2. People are using social media that obviously don't understand what they are talking about. Ranting and raving on not obtaining any grants and the board being lazy, not knowing what they are doing and only looking out for themselves is a pretty poor example of the people out here. Schneider reviewed a Current Grants and Loans spreadsheet.
3. Merry Christmas and be safe out there.

Schneider requested action on the 11/20/2024 meeting minutes. Bacon made a motion to approve the 11/20/2024 meeting minutes. Kopman seconded. All voted in favor. Motion carried.

Schneider requested Superintendent Zuber present his report to the Board. The District is winding down into the winter months. In November the District was just shy of 700,000 gallons used with a daily average of 22,000.

Other items noted by Zuber:

1. Had three new applications go out and I think we've got two back however one may have been one that I mentioned last week.
2. Bac t's came back passed.
3. Seems to be a sink hole over on the line that runs between Deryn and shoreline. I popped manholes down line and didn't see a bunch of dirt so I'm hoping it's just settling like we've seen around the District.
4. We received the inspection report back from the state. Two items:
 - a. Depth marker - Forrest will place one and send them a picture to keep them happy until our new stuff comes back.
 - b. Ding on my logs for a name and a time – Forrest previously had his initials and no date; so those two items were an easy fix.They had a few other gripes about the trees and what not that you can see but hopefully we'll have new stuff rocking and rolling ready to go.
5. Maguire started on the water tower on site.
6. A couple houses are being built.

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Schneider requested Konda present the Treasurer's Report. Konda noted for the month of November: Unrestricted checking account - \$173,742. Restricted meter deposits - \$30,987. Restricted long-term developer fund - \$306,486. Total Checking/Savings - \$511,215. Accounts receivable - \$18,177. Accounts payable - \$889,031. Schuh made a motion to approve the Treasurer's report. Kopman seconded. All voted in favor. Motion carried.

Schneider requested Clerk Linn present the monthly Accounts Payable to the Board. AMCS - \$3,908.52; Anderson Nill & Associates - \$4,518.81; Aquatech Systems, Inc. - \$572,553.50 (held); AT&T Mobility - \$91.28; Bartlett & West - \$87,349.50 (\$81,420.00 held, \$4,879.50 held pending reimbursement); Capital Journal - \$1,357.13; Envirotech Waste Services - \$29.97; Forrest Zuber - \$450.00; Maguire Iron, Inc. - \$220,034.00 (\$184,808 held pending reimbursement); Mid Dakota RWS - \$4,856.63; Midco Communications - \$53.31; SD Public Health Lab - \$30.00; South Dakota 811 - \$17.85; The Onida Watchman - \$488.16. Konda made the motion to approve the bills as presented noting the hold on Aquatech, a portion of Bartlett & West, and Maguire Iron, Inc. Schuh seconded. All voted in favor. Motion carried.

Schneider requested Jim Ross update the District on the sewer facilities plan. Ross stated there were five bidders on the project. The low bidder was Flatland Enterprise for \$2.55 million. The bid falls within the District budget. Ross will move forward with the Flatland agreement. Ross will then meet with DANR to confirm everything has been completed and that we are not holding anything up. Schneider noted Ross did a lot of scrambling in this last month to rebid it and under his advice the rebid saved the District \$2.2 million. Schneider thanked Ross for his assistance. Konda inquired as to the potential increase of the Aquatech bill if the board is not able to act on payment in a timely manner. Ross noted the increase would be approximately \$100,000 if the commitment is not received sometime in January. Schneider noted the District will need to get the ARPA request moving immediately and utilize the restricted developer funds to fulfill the payment requirement which will be acted on at the January meeting. Schuh made a motion to approve Flatland Enterprise for \$2,552,585 for the construction of the Spring Creek Cow Creek Sanitary District Sewage Treatment Facility. Konda seconded. All voted in favor. Motion carried.

Schneider requested Nathan Danner update the District on the water facilities plan. Danner noted Maguire is on site. Weather restricted them from being on site the week before. The Bartlett and West field inspector has been on location to monitor the erection and welding. Schneider thanked Danner for his update.

Schneider introduced Resolution No. 2026-6 as a RESOLUTION AMENDING THE SPRING CREEK COW CREEK SANITARY DISTRICT (SCCCSD) RATE STRUCTURE, PROVIDING FOR A SURCHARGE FOR IMPROVEMENTS TO THE WASTEWATER SYSTEM, FOR PAYMENT OF A REVENUE BORROWER BOND AND YEARLY REVIEW OF RATE noting the resolution is to initiate the fees for the CW-02 Surcharge taking effect March 1, 2025. Konda and Linn noted the surcharge will be included in the March billing as surcharges are billed immediately and usage is billed in arrears. Schuh made a motion to approve Resolution 2024-6. Kopman seconded. All voted in favor. Motion carried.

Schneider requested Konda comment on Ordinance 11. Konda noted Ordinance 11 has been passed and published. The ordinance amended definitions within the ordinances from commercial users to non-residential users which did change classifications for a couple accounts. Konda requested Linn send out notification letters to the affected users.

Schneider opened discussion as to the transfer/reconnect fee on Appendix A. Konda noted the transfer/reconnect fee currently stands at \$25 and users are required to pay monthly minimum and surcharge fees when a disconnect is requested or administered for nonpayment. Miller noted he has some boards who have implemented a flat fee and others who implemented a percentage of the past due amount. Schneider requested Linn to analyze areas where Anderson Nill and Associates time is being utilized which may justify potential fee increases or service charges which would be proposed during the next ordinance adoption.

Schneider opened discussion on the Codger's Castaway Development Fee Agreement. Konda noted the District received nonrecorded easements on the day of the meeting. Miller echoed the same concerns of no landowner noted,

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no granting to the dedication of the public, no granting to the District, seems to be a survey where the easements would be. Konda also noted one of the easements is for Lot 2 which is an unplatted lot. Vic Utech noted the easements were not officially recorded as a portion of the paperwork to be dropped off did not get delivered. The Board and Miller agreed they can sign the agreement as it is stated in the agreement that the easements are a condition of approval for the agreement to take effect. Schuh made a motion to authorize Schneider to sign the Development Fee Agreement. Kopman seconded. All voted in favor. Motion carried.

Konda made a motion to authorize Schneider to sign the Conditional Approval and Warranty Letter. Schuh seconded. All voted in favor. Motion carried.

Schneider requested Vic Utech provide a Codger's Castaway update. Vic Utech reiterated the easement was not completed and had no additional update.

Schneider opened the floor to Vic Utech regarding Non-Residential Rate Structure/Surcharges. Vic Utech noted he does not believe the non-residential structure is fair, specifically that the proposal utilizes equal amounts of usage increases yet does not utilize an equal increase in surcharge per class. The second class should be the base rate times two and the third class should be the base rate time 3 and so on. In addition, the proposal starts over for each meter even though it is the same owner. Schneider noted there was a proposal to bill every trailer the same as a house, yet they did not feel that was fair as it slanted things too far. Schneider noted the proposal was ran through our own legal, other experts, our bonding agency and DANR. Everyone has signed off on it and everyone has said it is fair. Vic Utech noted it is unfair that one business is paying 1/3 of what his business is paying and that the proposal bases it off of usage per customer. Konda noted it is not based off of usage per customer, but usage per meter. Vic Utech notified the District that he wants to order five 1" meters to redistribute the water to his campground to allow for him to bill his customers accordingly. The Board, Miller and Vic Utech continued on with a discussion on whether hookup fees would be administered and whether additional taps would be required. All involved agreed to discuss further once additional details are provided of the redistribution and time is allowed to review the redistribution plan and the ordinances for assessment of fees.

Schneider opened the floor to Vic Utech regarding Codger's Castaway RV Park. Vic Utech stated no update.

Schneider opened the floor to public comment.

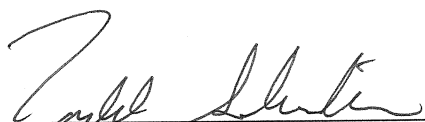
Tim Forsch noted the Board needs to define what a tap is. Also noted he appreciated all the work by the Board.

Andrew Utech thanked Zuber for assistance in locating water leaks.

Schneider inquired as to the need for an Executive Session. None noted at this time.

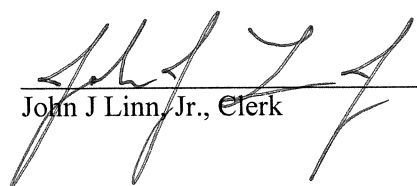
Being no further business, Konda made a motion to adjourn the meeting at 7:03 p.m. Bacon seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW



Todd Schneider, Board President

ATTEST:



John J Linn, Jr., Clerk