

SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, January 22, 2025

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, January 22, 2025. President Schneider called the meeting to order at 6:00 p.m.

President Schneider, Bacon, Konda, Kopman, Schuh, Superintendent Zuber, and Clerk Linn were in attendance, along with 1 resident and 2 guests. Attorney Miller, 8 residents and 1 guest 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. The late fee on billings for direct deposit will not be assessed at the time your account is charged as noted in the comment section on the bill. The late fee resulted from an AMCS coding error as the remittance date was on a holiday.

Schneider requested action on the 12/11/2024 meeting minutes. Konda made a motion to approve the 12/11/2024 meeting minutes. Schuh seconded. All voted in favor. Motion carried.

Schneider requested action on the 1/2/2025 special meeting minutes. Schuh made a motion to approve the 1/2/2025 special meeting minutes. Bacon seconded. All voted in favor. Motion carried.

Schneider introduced Kevin Coldsmith with Midwest Assistance Program. Coldsmith introduced himself and noted he works under Federal and State grants, so there will be no charge for his services. Coldsmith noted he was contacted by the Board to perform a rate study. At this time Coldsmith requested approval to perform a rate study and to receive financial information for the last three years. Schuh made a motion to approve Midwest Assistance Program to perform a rate study. Konda seconded. All voted in favor. Motion carried. Konda made a motion to authorize Zuber, Anderson, Nill and Associates and Barlett and West to provide necessary data to allow Midwest Assistance Program to conduct a rate study. Bacon seconded. All voted in favor. Motion carried.

Schneider requested Superintendent Zuber present his report to the Board. In December the District was just shy of 800,000 gallons used with a daily average of 25,000.

Other items noted by Zuber:

1. All testing requirements were met last month, so we should be in line for another secretary's award.
2. The cold spells have caused a couple structures to freeze up.
3. High run times have been documented at the Country Drive lift station. Zuber will continue to troubleshoot.
4. Erosion on Walleye Drive resulted in a manhole protruding above grade. It was noted the road is not within a road district and is not maintained by the county. The Board requested Zuber maintain cones/reflectors at the location to notify the public of a potential hazard.

Schneider requested Konda present the Treasurer's Report. Konda noted for the month of December: Unrestricted checking account - \$590,435. The increase in cash balance was due to the timing of receipts from the state and payments of the associated expenses in early January. Restricted meter deposits - \$31,373.

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Restricted long-term developer fund - \$307,065. Total Checking/Savings - \$928,873. Accounts receivable - \$20,418. Accounts payable - \$1,098,852. Bacon 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. Ampstun Corporation - \$9,787.50 (held); Anderson Nill & Associates - \$4,747.46; Aquatech Systems, Inc. - \$317,206.20 (held pending later discussion); AT&T Mobility - \$91.28; Bartlett & West - \$345,739.90 (\$335,920.00 held, \$9,399.90 held pending reimbursement); Capital Journal - \$83.78; Envirotech Waste Services - \$26.97; Forrest Zuber - \$450.00; Lammers - \$2,925.00; Maguire Iron, Inc. - \$243,670.00 (held pending reimbursement); Mid Dakota RWS - \$4,870.05; Midco Communications - \$53.37; Oahe Electric - \$837.36; SD Public Health Lab - \$15.00; South Dakota 811 - \$1.05. Konda made the motion to approve the bills as presented noting the hold on Ampstun, Aquatech, a portion of Bartlett & West, and Maguire Iron, Inc. Bacon seconded. All voted in favor. Motion carried.

Schneider requested Jim Ross update the District on the sewer facilities plan. Ross stated the low bidder was Flatland Enterprise for \$2,559,669. The bid was \$7084 higher due to an increase in electrical for the generator. The bid falls within the District budget. Schneider and Ross met with DANR following the bid opening. DANR will finalize the environmental assessment on their side and will supply information for advertising in the newspaper. There is a 30-day wait period after the date of publication for public comments. Assuming no issues there, DANR and the District will finalize the documents and conduct review allowing for an estimated loan closing in March. Schneider thanked Ross for the professional handling of the three-bid process the District was required to conduct. Schuh made a motion to approve Flatland Enterprise for \$2,559,669 for the construction of the Spring Creek Cow Creek Sanitary District Sewage Treatment Facility. Kopman seconded. All voted in favor. Motion carried.

Schneider noted Ross contacted Aquatech following the bid opening. Aquatech noted the process would take approximately 4 to 6 months and full payment of the current amount due as noted in the payables would be required for the process to continue on the current timeline. Schneider recommended utilizing the restricted development fees account as allowed in Resolution 2023-1 plus approximately \$10,000 of general funds to pay the amount due to Aquatech. The restricted development fees account would be replenished once the reimbursement is received from the SRF loan. Konda made a motion to transfer \$307,064.81, or a lesser amount as required to maintain the minimum bank balance of the restricted funds account, to the general fund as permitted by Resolution 2023-1. Schuh seconded. All voted in favor. Motion carried. Konda made a motion to pay Aquatech in the amount of \$317,206.20. Bacon 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. The bottom half of the bowl has been welded, and they are currently working on welding the top half and the base. The plan is to stay on site until the welding has been completed and the unit has been put together. There will be radiograph testing in the next couple weeks. Schneider thanked Danner for his update.

Schneider opened discussion on the Codger's Castaway Development Fee Agreement. Schneider noted a letter of conditional agreements was provided to Utech last May of which the District did not receive any acknowledgement of receipt. In addition, the conditional letters of agreement which were signed by the District in December were provided to you. Schneider requested a written response regarding both letters no later than the February 2025 meeting. Schneider noted the District would consider rescinding the agreement if response is not received by the February 2025 meeting. Utech acknowledged receipt of the agreement and noted there will be legal correspondence in the following days.

Schneider opened the floor to public comment.

Konda noted Heith Peterson with Celerity had a contract to utilize the current water tower as a broadcasting point. Schneider stated he would contact Peterson to review the current contract and to inquire into a potential future contract for the new tower.

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

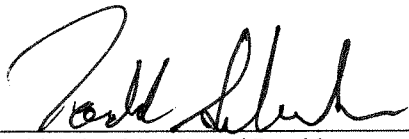
Konda made a motion to go into executive session pursuant to SDCL 1-25-2(1) at 6:52 pm. Schuh Seconded. All voted in favor. Motion carried.

Schneider called the meeting back into session at 7:08 pm.

Konda made a motion to approve a 3% increase for Zuber effective 1/1/25. Schuh seconded. All voted in favor. Motion carried.

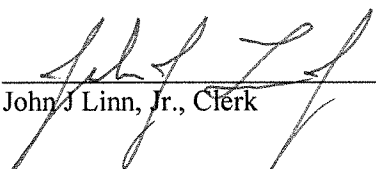
Being no further business, Schuh made a motion to adjourn the meeting at 7:10 p.m. Bacon seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW



Todd Schneider, Board President

ATTEST:



John J. Linn, Jr., Clerk