

SPRING CREEK / COW CREEK SANITARY  
DISTRICT MEETING MINUTES  
MONTHLY MEETING  
Wednesday, March 12, 2025

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, March 12, 2025. President Schneider called the meeting to order at 6:00 p.m.

President Schneider, Bacon, Konda, Schuh, Superintendent Zuber, and Clerk Linn were in attendance, along with 1 resident. Attorney Miller, 7 residents and 2 guests attended via Zoom videoconference.

Schneider requested a motion to approve the agenda. Konda requested an addition of 8a) Tilt Unlimited LLC easement. Konda made a motion to approve the agenda as amended. Schuh seconded. All voted in favor. Motion carried.

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

Konda made a motion to go into executive session pursuant to SDCL 1-25-2(3) at 6:02 pm. Schuh Seconded. All voted in favor. Motion carried.

Schneider called the meeting back into session at 6:13 pm.

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

1. Schneider presented Zuber with the DANR Secretary's Award for Drinking Water Excellence and noted for 24 consecutive years, the Spring Creek Sanitary District public water system has met the requirements of the Safe Drinking Water Act and the state of South Dakota's regulations. The board extended their congratulations and thanked Zuber for his hard work.

Schneider requested action on the 2/12/2025 meeting minutes. Schuh made a motion to approve the 2/12/2025 meeting minutes. Bacon seconded. All voted in favor. Motion carried.

Schneider requested Superintendent Zuber present his report to the Board. In February the District used 782,000 gallons with a daily average of 25,000.

Other items noted by Zuber:

1. A couple of structures froze up during the cold spell.
2. A water supply break on Spring Creek Trail.
3. Dakota Pump replaced the fog rod at Codger's lift station. Konda noted the fog rod itself was under warranty.
4. The water tower structure appears to be complete. Zuber noted he does not have a key. He will attempt to acquire one.
5. Two applications paid for in February and two more were provided to potential customers.
6. Tanner is lined up for the time in which Zuber will be on vacation.
7. Camera inspections are being scheduled. Schneider requested Zuber inform Ross of the timeline to allow an inspector to be present.

Schneider requested Konda present the Treasurer's Report. Konda noted for the month of February: Unrestricted checking account - \$152,401. Restricted meter deposits - \$31,419. Restricted long-term developer fund - \$1,478. Total Checking/Savings - \$185,298. Accounts receivable - \$24,190. Accounts payable - \$387,658. Bacon made a motion to approve the Treasurer's report. Schuh seconded. All voted in favor. Motion carried.

2/12/25

Schneider requested Clerk Linn present the monthly Accounts Payable to the Board. Ampstun Corporation - \$9,787.50 (held); Anderson Nill & Associates - \$5,777.42; AT&T Mobility – \$91.29; Bartlett & West – \$424,261.01 (\$424,261.01 held pending reimbursement); Dakota Pump and Control - \$1,081.63; Envirotech Waste Services - \$26.97; Forrest Zuber - \$450.00; Lammers, Kliebacker & Dawson LLP – 734.59; Maguire Iron, Inc. - \$102,130.00 (held pending reimbursement); Mid Dakota RWS - \$4,999.27; Midco Communications - \$53.36; Oahe Electric - \$875.69; SD Public Health Lab - \$15.00; South Dakota 811 - \$2.10; The Onida Watchman - \$316.53; USPS - \$188.00. Konda made the motion to approve the bills as presented noting the hold on Ampstun, Bartlett & West pending reimbursement, and Maguire Iron, Inc pending reimbursement. Schuh seconded. All voted in favor. Motion carried.

Schneider updated the District on the sewer facilities plan. The contractors are ready to go as soon as we receive the notice to proceed from DANR. Ross will be working with Karin at DANR to close the loan and get the notice to proceed this week. Schneider noted there were no comments received during the “finding of no significant impact” remittance window.

Schneider noted the need for an easement from Tilth Unlimited LLC for the sewer facilities plan. The District has been in contact with Brian Baus of Tilth Unlimited LLC. Konda made a motion to authorize Miller to work with Tilth Unlimited LLC to develop terms for a utility easement to be utilized for the sewer facilities plan. Bacon seconded. All voted in favor. Motion carried.

Schneider updated the District on the water facilities plan from a Nathan Danner memorandum as he was not available for the meeting. The tank has been erected. Field blasting and painting are scheduled for May through June. Electrical scheduled for June through July. Disinfecting and filling in July. Substantial completion by July 31, 2025. Final completion by December 19, 2025.

Schneider requested Konda update the District on the Midwest Assistance Program (MAP). Konda stated MAP is reviewing the financial information provided by the District to assess our rate structure and operating costs for the water tower and the sewer facilities. MAP informed Konda they should be able to finish their assessment and have a representative present their analysis at the April District meeting.

Schneider opened discussion on the Codger’s Castaway As-built Plans. Schneider noted the need for a signature from both owners of each respective property for the easements to be recorded. Utech agreed it was his error and will work to update the easements.

Konda made a motion to authorize Schneider to sign the easements necessary for the Codger’s Castaway Development so long as the easements are executed by the grantees and reviewed by the District legal counsel. Schuh seconded. All voted in favor. Motion carried.

Per the status of the easement filing, Utech elected to formally withdraw his request for consideration of the as-built plans at today’s meeting. Utech will update the easements, gain signatures of the current owners, and submit the executed easements to the District allowing sufficient time for the District to review and execute. Utech intends to record the executed easements and to submit the current as-built plans with the recorded easements for approval at the April meeting.

Schneider reminded Utech the agreed upon developer fee payment was due on the 19 lots at the earlier of June 30, 2025 or when an individual requested service for one of the 19 lots. Utech agreed with the summation. Schneider informed Utech the District received an application dated November 21, 2024, and in December the District did cash the check associated with the application. At this time the District is informing you the developer fees for the 19 lots in the amount of \$76,000 are due. We do apologize for the delayed notification. Please note the applicant inquired to Zuber within the last week on the status of their application. Utech requested the opportunity to review the situation with the applicant as he was informed by the applicant, they would not be ready for 60 days. The board agreed the payment would be due by the April board meeting.

Schneider opened the floor to public comment.

Brandee Miller, president of the Blue Water Condo HOA, expressed her concern as the irrigation system service is

2/12/25

being recognized as commercial. Miller requested the non-residential designation being reconsidered. Konda reviewed the Ordinance and noted the service is not defined as residential. David Hanna, owner of a blue water condo, expressed the same concern. Hanna noted their HOA bylaws note the condos are for residential only and cannot be rented. The District noted their concern and informed the individuals the issue will not be resolved tonight. Miller inquired on who they need to contact to shut off the service. Schneider stated the Spring Creek number which is monitored by Anderson, Nill and Associates. Konda noted per the resolution the service will be assessed a surcharge whether the service is disconnected or not.

Andrew Utech request Zuber inform him when the Districts inspection of Phase 1 will take place.

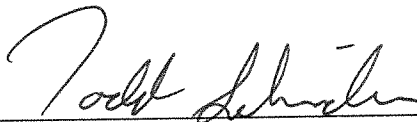
Schneider inquired as to whether there was any additional public comment. Hearing none, public comment was closed.

Schuh made a motion to go into executive session pursuant to SDCL 1-25-2(3) at 7:48 pm. Bacon seconded. All voted in favor. Motion carried.

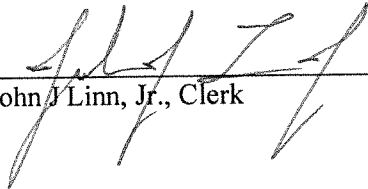
Schneider called the meeting back into session at 8:04 pm.

Being no further business, Schuh made a motion to adjourn the meeting at 8:05 p.m. Konda seconded. All voted in favor. Motion carried.

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

  
\_\_\_\_\_  
Todd Schneider, Board President

ATTEST:

  
\_\_\_\_\_  
John J Linn, Jr., Clerk