

SPRING CREEK / COW CREEK SANITARY  
DISTRICT MEETING MINUTES  
MONTHLY MEETING  
Wednesday, April 9, 2025

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, April 9, 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 8 residents. Attorney Miller, 5 residents and 2 guests attended via Zoom videoconference.

Schneider requested a motion to approve the agenda. Konda requested to move agenda item 13 to 6 and move all affected items down 1 item on the agenda. Schuh made a motion to approve the agenda as amended. Bacon seconded. All voted in favor. Motion carried.

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

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

Schneider called the meeting back into session at 6:55 pm.

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

1. Election/reelection for two board member seats. The first day to file Nominating Petitions is May 22<sup>nd</sup>, 2025 and the last day is June 11<sup>th</sup>, 2025. If necessary, the election would occur July 1, 2025. Nominating Petitions can be picked up from Linn at Anderson Nill. Trustees up for reelection are Schneider and Bacon.

Schneider requested action on the 3/12/2025 meeting minutes. Konda made a motion to approve the 3/12/2025 meeting minutes. Bacon seconded. All voted in favor. Motion carried.

Schneider requested Superintendent Zuber present his report to the Board. In March the District used its lowest amount of water in the last couple years of 570,000 gallons with a daily average of 18,000.

Other items noted by Zuber:

1. Passed Bac-T water testing for the month.
2. Brief water main break on East Spring Creek Trail. R&W dug it up and replaced a 45 degree fitting that had worked loose.
3. Camera inspections are scheduled for the 14<sup>th</sup>. Everyone has been notified.
4. Currently averaging 1 to 2 new applications per month.

Schneider updated the District on the Tilth Unlimited LLC Easement. Konda noted the owner of the property granting the easement is requesting consideration equal to one hookup fee to District utilities - \$6500. Konda noted the cost to reroute or modify the plan to avoid this issue would be significantly more than \$6500. In addition Konda recognized Brian Baus, owner of Tilth Unlimited LLC for his compassion in granting the District an easement this late in the process. Konda made a motion to authorize Schneider to sign the easement and agreement with Tilth Unlimited LLC. Schuh seconded. All voted in favor. Motion carried.

Schneider requested Konda present the Treasurer's Report. Konda noted for the month of February: Unrestricted checking account - \$181,396. Restricted meter deposits - \$31,423. Restricted long-term developer fund - \$1,478. Total Checking/Savings - \$214,297. Accounts receivable - \$37,398. Accounts payable - \$437,057. Schuh made a motion to approve the Treasurer's report. Bacon seconded. All voted in favor. Motion carried.

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Schneider requested Clerk Linn present the monthly Accounts Payable to the Board. Ampstun Corporation - \$9,787.50 (held); Anderson Nill & Associates - \$4,451.64; AT&T Mobility – \$91.29; Bartlett & West – \$423,834.70 (\$423,834.70 held pending reimbursement); Envirotech Waste Services - \$26.97; ESRI - \$876.15; Forrest Zuber - \$450.00; Lammers, Kliebacker & Dawson LLP – 2,737.50; Mid Dakota RWS - \$4,905.40; Midco Communications - \$53.40; R&W Construction LLC - \$4,841.52; SD Public Health Lab - \$30.00; SDML Workers Comp Fund - \$71.00; South Dakota 811 - \$15.75; Tiltch Unlimited LLC - \$6,500.00. Konda made a motion to approve the bills as presented noting the hold on Ampstun and Bartlett & West pending reimbursement. Bacon seconded. All voted in favor. Motion carried.

Schneider requested Ross update the District on the sewer facilities plan. Ross stated the contractors are preparing to start moving dirt and getting ready. Still working through the Corp of Engineers permitting process including the discharge and biosolid permits. Schuh inquired as to the status of the location survey. Ross noted Hahn will be completing the survey and locating the pins marking the four corners of the property.

Schneider updated the District on the water facilities plan from a Nathan Danner memorandum as he was not available for the meeting. The crew will start painting around April 21, 2025, moving up from an early date in May.

Schneider requested Konda update the District on the Midwest Assistance Program (MAP). Konda stated the MAP representative was not able to attend today's meeting. Konda did receive materials from MAP at approximately 2 pm today of which he has not had the opportunity to review due to time constraints. MAP intends to be on the agenda next month to review with the District the results from their research.

Schneider requested Konda update the District on the Sully County Planning and Zoning meeting scheduled for Wednesday, April 16, 2025, at 9:00 am. Konda noted the District has interest in the meeting on how water/sewer will be provided to the lots at Codger's Caddy development. Konda also noted the inability to gain information on the meeting from Sully County. A goal of the District would be to service the development with gravity systems to eliminate the burden placed on the District to maintain lift stations in the future.

Schneider requested Linn update the District on the Credit Card Processor options associated with the new Ampstun billing system. Linn reviewed Payment Service Network and Next Bill Pay proposals. After discussion Schuh made a motion to select Payment Service Network as the Credit Card Processor. Kopman seconded. All voted in favor. Motion carried.

Schneider noted the recorded easements in question from last month's meeting were provided to the District on Monday and the District has received the \$76,000 in developer fees. Schneider inquired as to any questions from the Board regarding the Codger's Castaway As-Built Plans. Hearing none, Schneider requested a motion. Schuh made a motion to approved Codger's Castaway development. Konda seconded. All voted in favor. Motion carried. Utech thanked the Board for working with him as to the timing of developer fees noting it was greatly appreciated.

Schneider opened the floor to CW-02 surcharge concerns. In doing so Schneider granted additional time to each user over and above the public comment limitation, yet requested the time be limited to 5 minutes to allow individuals to express their concerns while keeping the total meeting time reasonable.

Bruce and Linda Peterson noted their lot has been zoned residential for 31 years. One building has 3 rooms and a bathroom and could be ready for someone to live in in a week. Petersons raised the question as to whether Konda decided to change their user definition from residential to non-residential or was it a decision of the entire Board. The board informed the Petersons that the entire Board made the decision. The Board informed the Petersons their property in question is not used primarily as residential, so it does not meet the definition of residential. Therefore, it is non-residential. Miller stated this is not a planning and zoning issue. It comes down to the definition of residential and non-residential user.

Brian Miller, tenant of the Blue Water Condos, expressed his disagreement with a condominium being recategorized as non-residential. Schneider stated the user in question was not the condominium apartments, it was the meter that

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served four different properties. Miller stated he is a mechanical engineer and that is completely incorrect. The Board noted the sprinkler system servicing multiple units does not meet the definition of residential. Therefore, it is non-residential.

Bryan Wiseman noted the Board voted on inspections last month and you have not made any comment on them this month. Schneider noted they are coming up April 14<sup>th</sup> and noted the information was mentioned earlier.

Ann Wiseman requested the floor. Schneider noted at this time we are not in public comment. We are currently finishing up the CW-02 agenda item. Please wait for public comment unless your comment is regarding CW-02. Ann stated it was CW-02 and recommended the Board have a review process in place to consider the concerns like those noted by the two former users.

Schneider requested additional comments on CW-02. No additional comments were made.

Schneider opened the floor to public comment.

Brandee Miller inquired as to what positions will be up on the board for election. Schneider stated 2 positions will be up. Miller inquired as to what position they held. Schneider stated the officer positions are voted on after the election takes place.

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

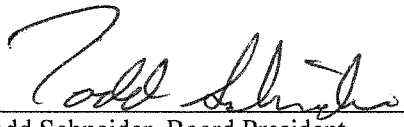
Schuh made a motion to go into executive session pursuant to SDCL 1-25-2(3) at 7:53 pm. Konda seconded. All voted in favor. Motion carried.

Schneider called the meeting back into session at 8:30 pm. Schneider inquired as to whether there is a motion as a result of executive session. Konda made a motion to authorize the District attorney to draft a letter to Sully County regarding the Board's stance on the PUD and the lack of water/sewer plans on the current plan. Bacon seconded. Konda made a motion to amend his previous motion to include violations of Ordinances that affect the Sanitary District operations that the Board believes have occurred. Bacon agreed to include the amendment in his second. All voted in favor. Motion carried.

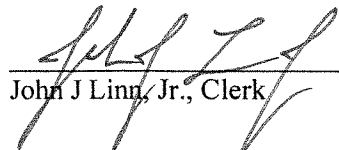
Vic Utech inquired whether what they just did was allowed. Utech came forward and stated the Board instead of playing these games should have come to him to see what he has for plans. So, he is going to take this as malicious intent by this Board to run interference with the PUD

Being no further business, Schuh made a motion to adjourn the meeting at 8:32 p.m. Konda seconded. All voted in favor. Motion carried.

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

  
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Todd Schneider, Board President

ATTEST:

  
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John J. Linn, Jr., Clerk