

SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, September 10, 2025

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Boat House Bar & Grill on Wednesday, September 10, 2025. President Schneider called the meeting to order at 6:00 p.m.

President Schneider, Konda, Kopman, Schuh, Superintendent Zuber, and Clerk Linn were in attendance, along with 10 residents. Forsch, Attorney Miller, 8 residents and 4 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.

Schuh made a motion to go into executive session pursuant to SDCL 1-25-2(3&4) at 6:02 pm. Konda seconded. All voted in favor. Motion carried.

Schneider called the meeting back into session at 7:05 pm.

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

1. Nothing for today.

Schneider requested action on the 8/13/2025 meeting minutes. Konda made a motion to approve the 8/13/2025 meeting minutes. Forsch seconded. All voted in favor. Motion carried.

Schneider requested Superintendent Zuber present his report to the Board. In August the District used 1,874,000 gallons with a daily average of 60,000. The numbers may be skewed due to filling the new water tank.

Other items noted by Zuber:

1. All testing passed for the month.
2. Lead and copper sampling kits were received and they will be going out in the next week or two.
3. Awaiting receipt of the DIS byproduct kits from state lab. Those should be coming shortly.
4. Neal and Zuber were able to clean out the old pump house and convert it to storage. In addition, they cleaned up area surrounding the structure including hauling scrap metal to recycle.
5. Currently working with fire department regarding mapping fire hydrants and emergency fire plans.
6. Ordered equipment for the treatment plant. In addition, working on future purchase list.
7. Plumber lined up to assist in meter swaps. Notice to those affected will be going out in the near future.
8. Dakota Pump came out to fix the seal on the county line lift station and installed new pumps on the golf course lift station.
9. Zuber provided an estimate from Dakota Pump and Control to restore a pump for backup for two lift stations.

Schneider requested Konda present the Treasurer's Report. Konda noted for the month of August:

Unrestricted checking account - \$695,814. Restricted meter deposits - \$32,678. Restricted long-term developer fund - \$386,080. Total Checking/Savings - \$1,114,572. Accounts receivable - \$34,504. Accounts payable - \$654,080. Forsch 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. Anderson Nill & Associates - \$7,014.65; AT&T Mobility - \$91.28; Bartlett & West - \$12,605.62 (held pending reimbursement); Dakota Pump & Control - \$1,561.23; Envirotech Waste Services - \$76.86; Flatland Enterprise LLC - \$636,471.00 (\$585,971.00 held pending reimbursement); Forrest Zuber - \$450.00;

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Lammers, Kliebacker & Dawson LLP – \$7,014.70; Maguire Iron - \$58,560.00 (held pending reimbursement); Mid Dakota RWS - \$5,726.29; Midco Communication - \$53.32; Neal Konda - \$35.92; PSN - \$100.00; SD Public Health Lab - \$35.00; SD 811 - \$36.75. Kopman made a motion to approve the bills as presented noting the hold on Bartlett & West pending reimbursement, Flatland Enterprise, LLC pending partial reimbursement, and Maguire Iron pending reimbursement. Schuh seconded. All voted in favor. Motion carried.

Schneider presented a draft version of the RFP for remote meter readings. No action taken at this time as the Board will await a final version before considering action.

Schneider requested Ross update the District on the sewer facilities plan. Ross noted the building shell is installed, garage door and steel to come next week, and electrical panel has been ordered. No specific date is available for the crane to come in and relocate the tanks presently in the ground. The waterline is in and buried on GFP property. Awaiting confirmation that road is cleaned up and electrical repair. Bore equipment is receiving maintenance in the shop and they anticipate it will be back out next week to get the bore started. Konda inquired as to the specs for the foundation as the cement broke out of the foam forms. The board directed Ross to have the foundation redone if the installation does not match the specifications.

Schneider requested Danner update the District on the water facilities plan. Danner noted the tank is operational. The chain link fence and seeding have been completed. Tank demolition was to be done earlier this week. Punch list and final contract items will be gone through. It appears they are well ahead of the final completion date of December 19. Danner will follow up on change order #2 to be executed by DANR and the discoloration on the tank to be discussed with KLM and Maguire. Retainage of approximately \$105,000 will be held until those items are addressed. Forsch inquired about the warranty. Danner noted a 12-month walk through and approximately 15-year top coating warranty. Danner will confirm. Konda inquired about the interior insulation. Danner noted the concern is included to be addressed on the punch list.

Schneider updated the District on the status of the CW-02 classifications. Konda made a motion to reclassify three users; Peterson shop, Blue Water Condos, and Bruce Hofer shop; with the acknowledgement the change does not comply with the current ordinance, and the Board will take steps to correct the ordinance to reflect this change. Forsch seconded. 4 ayes. 1 nay. Motion carried.

Schneider updated the District on the Codger's Castaway Inspection status. Schneider reviewed the timeline of events from April to current in which Siteworks noted on August 22nd there is not a problem and it is good to go. Schneider inquired to Utech whether there was a report provided by Siteworks or only the statement in an email. Utech stated as far as he knew only the statement. Schneider inquired to Utech whether the Board can be supplied with a recording of the meeting. Utech stated he would seek legal advice and wait to hear back from them. Schneider recommended the Board defer action until the Siteworks report and meeting recording are made available. Schuh made a motion to defer action for another 45 days from today. Kopman seconded. 4 ayes. 1 nay. Motion carried.

Schneider requested Konda update the District on the ordinance. Konda noted the Board needs to make changes in regard to classifications to effectuate that earlier action. In addition, information was distributed to the Board about two months ago and no comments have been received to date. Konda stated the first reading for an ordinance change should occur at the October meeting.

Schneider requested Linn update the District on the audit. Linn noted the in-house portion of the audit was completed last week. No comments were received at that time. Linn expects a response from the auditors in the next 14 days, and the auditors stated the audit will be completed by September 30.

Schneider updated the District as to Contracts. Schneider noted with mixed emotions, the Board feels it is important to have someone local represent the District. Schuh made a motion to retain Paul Bachand law firm as the legal representative of the SCCCSO. Forsch seconded. 4 ayes. 1 nay. Motion carried. Schneider thanked Miller for all of his hard work, effort and everything you have done to help guide us and hoped we could work with you during this transition. Miller stated no hard feelings from my side and completely understands the Board's decision.

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Schneider opened the floor to public comment.

Vic Utech inquired how we picked Paul Bachand among the other 150 attorneys in town. The Board stated recommendations and interviews. Utech inquired whether the decision needs to be put out for bid by the Board. The Board stated no. Utech inquired about clarification on the changes to classification. Konda noted the Board cannot answer as the Board is currently still working on the changes to the Ordinance. Utech inquired as to when a draft of the ordinance would be provided. Konda noted the Board hopes to have a first reading next month.

Roe inquired about the status of the floor on the sewer facility. Schuh stated the plan is to grind and epoxy the floor, yet it has not been completed as of yet.

Bruce Peterson inquired if they will receive a phone call in the next 10 days regarding the change in classification of their property. Linn stated he will contact Peterson regarding his account.

Linda Peterson inquired about the change order. Konda explained the details and the Board noted it was voted on in the June special meeting.

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

Schneider inquired as to the need for an Executive Session. Konda inquired whether we want to have a discussion with Miller regarding the transition to a new Attorney. Miller stated we could discuss the process in an open meeting. Miller stated his file is the District's file, so if new counsel needs it all he needs to do is request it and Miller will send it over. Konda inquired on the potential urgency to have the files transferred before they are destroyed. Miller stated they keep the files for a long time. Konda stated he just wants an orderly transition. Miller stated he will work with new counsel to see what he has and what he needs, and he will get it sent over to him. Schneider thanked Miller. The Board concluded there are no additional items which would require an executive session.

Being no further business, Kopman made a motion to adjourn the meeting at 7:54 p.m. Konda seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW

Todd Schneider, Board President

ATTEST:

John J Linn, Jr., Clerk