SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, April 8, 2026

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Dockside Bar & Grill on Wednesday, April 8, 2026. 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 12 residents. Forsch, Ross, and Mehlhoff 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) at 6:01 p.m. Konda seconded. All voted in favor. Motion carried.

Schneider called the meeting back into session at 6:22 p.m.

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

I am stepping down from the President's position immediately.

Schneider requested a motion to replace the president. Konda made a motion to move Schuh to President of the Board. Forsch seconded. All voted in favor. Motion carried. Forsch made a motion to elect Schneider as Vice President. Kopman seconded. All voted in favor. Motion carried.

Schuh requested Schneider update the District on the Codger's Castaway Inspection status. Schneider noted: As the board is aware, Vic Utech has commenced two separate federal lawsuits against the District, and we are contesting his attempt to use a well instead of the District's water, for his campground. That matter is set before the DANR water board. Last meeting I provided the trustees with a summary of previous meetings regarding issues with the sewer system. A letter was provided to Utech and his counsel - we received a response and in essence we've been told that Utech does not intend to cure any deficiencies because there are none. We currently have a mediation set for May 13, 2026, which appears to encompass all these items. How do the trustees wish to proceed? Konda made a motion that should mediation on May 13, 2026 not be successful, that counsel is authorized to commence a civil action against Utech and or his entities regarding the sewer system. Schneider seconded. All voted in favor. Motion carried.

Schuh requested action on the 3/11/2026 meeting minutes. Konda made a motion to approve the 3/11/2026 meeting minutes. Schneider seconded. All voted in favor. Motion carried.

Schuh requested Superintendent Zuber present his report to the Board. In March the District used 650,000 gallons with a daily average of 20,000.

Other items noted by Zuber:

1. No reportable issues at lift stations this month.
2. Testing and compliance reporting has been completed for the month.
3. Thought the wastewater project would be ready to start testing tanks but still seem a little out on that. I will probably start filling the tank this month anyway to get prepared for the campgrounds, people to show back up for the summer and to start doing some of the spring flushing reports.
4. The meter reading project is on hold for now. Essentially Ampstun isn't going to be able to get to our system conversion until they finish with the other companies ahead of us, which to me sounded like a couple months. Farrell was going to take a crack at getting them to expedite us, but I haven't heard anything back.
5. Two new applications in March with a couple on the way.

Schuh requested Konda present the Treasurer's Report. Konda noted for the month of March: Unrestricted checking account - $837,041. Restricted meter deposits - $32,706. Restricted long-term developer fund - $339,637. Total Checking/Savings - $1,209,384. Accounts receivable - $15,909. Accounts payable - $111,652. Kopman made a motion to approve the Treasurer's report. Forsch seconded. All voted in favor. Motion carried.

Schuh requested Clerk Linn present the monthly Accounts Payable to the Board. Anderson Nill & Associates - $7,449.88; Aquatech Systems Inc. - $40,196.90 (held pending reimbursement and investigation); AT&T Mobility - $92.11; Bachand & Hruska, P.C. - $3,293.78; Bartlett & West - $1,010.00; Core & Main LP - $1,878.69; Corporate Trust, TFM - $9,744.41; Envirotech Waste Services - $84.47; ESRI - $876.15; Flatland Enterprise LLC - $21,600.00 (held pending reimbursement); Forrest Zuber - $525.00; Metering and Technology Solutions - $51,265.88; Mid Dakota RWS - $5,030.00; Midco Communications - $58.37; PSN - $100.00; SD Public Health Lab - $20.00; Woods Fuller - $881.83. Konda and Mehlhaff explained the potential of utilizing surcharge funds to pay for project costs resulting in less loan liability. Mehlhaff and Ross explained the status of the tariff expense due to Aquatech. Ross will create a change order regarding the tariff expense and Mehlhaff will remit to DANR for reimbursement. Konda will contact Bachand regarding an agreement the District will be reimbursed from Aquatech if Aquatech is granted leniency for the tariff expense. Konda made a motion to approve the bills as presented noting a hold on Aquatech Systems Inc. pending reimbursement and investigation and a hold on Flatland Enterprise LLC pending reimbursement. Kopman seconded. All voted in favor. Motion carried.

Schuh requested Ross update the District on the Sewer Facilities Plan. Ross updated the District in regard to the progress of the facility. Konda made a motion to authorize Bartlett and West to authorize construction of the walleye lift station control panel. Kopman seconded. All voted in favor. Motion carried.

Schuh noted there is no update for the Elevated Tank Project at this time.

Schuh updated the District on the Election. Election is July 7, 2026. There will be two vacancies. Nominating petitions can be picked up at Anderson Nill and Associates on May 18, 2026 or after, but not before that date. Nominating petition deadline date for return is June 17, 2026 at 5 pm. Absentee voting will begin June 22, 2026. If you need to register to vote the deadline is June 22, 2026 in order to vote in this election.

Schuh requested a motion to the District Registered Agent. Konda made a motion to change the registered agent to Bachand. Schneider seconded. All voted in favor. Motion carried.

Schuh opened the floor to public comment.

Andrew Utech noted for the record the District has spent $3,156,000 on a wastewater facility and they do not have an easement from the state for the system.

Vic Utech inquired how much the repairs for GF&P were. The Board noted the District was not billed for these repairs. Utech inquired what the transformer was for at the wastewater facility. Konda explained the need for an internal transformer. Utech inquired why the District would utilize surcharge funds to pay for project expenses and not utilize the loan. Konda explained the utilization is being considered to decrease future interest expense. Utech noted the problem is public transparency. Konda noted he will give anyone his cell number if they wish to discuss District business. Utech continued to raise his voice and interrupt the Board. Schuh noted his public comment is over. Utech noted his 2 minutes is only when he talks, and not when the Board is responding. Utech inquired why the public session was changed from 3 minutes to 2 minutes. Utech yelled that it is all about transparency.

Jacob Beastrom inquired if any of the other Board members had comment on the Utech family concerns. Konda explained the need for the change order for Landing Avenue. Beastrom inquired if there were any other comments.

Kopman explained why the District may utilize surcharge funds to pay project costs. Beastrom noted he came to the meeting as there are a lot of grey areas and a lot of drama. Beastrom wants us all to get along.

Kathy Hughes inquired why the meetings are no longer available over zoom. Schneider explained there are no other agencies in Sully or Hughes County that stream their meetings over zoom.

Schuh inquired as to any other public comment. Hearing none, public comment was closed.

Being no further business, Konda made a motion to adjourn the meeting at 7:28 p.m. Schneider seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW

Kathleen Schuh, Board President

ATTEST:

John J Linn, Jr., Clerk