SPRING CREEK / COW CREEK SANITARY
DISTRICT MEETING MINUTES
MONTHLY MEETING
Wednesday, October 7, 2026

The regular monthly meeting of the Spring Creek/Cow Creek Sanitary District was held at the Dockside Bar & Grill on Wednesday, October 7, 2026. President Konda called the meeting to order at 6:00 p.m.

President Konda, Forsch, Griffin, Schneider, Attorney Bachand, Superintendent Zuber, and Clerk Linn were in attendance, along with 28 residents and 2 guests. Kopman, Ross and Danner attended via Zoom.

Konda noted a proposed agenda amendment to strike 5) a. Konda requested a motion to approve the agenda as amended. Schneider made a motion to approve the agenda as amended. Forsch seconded. All voted in favor. Motion carried.

Konda asked the Board to declare any Conflicts of Interest. None noted.

Konda requested Ross update the District on the Sewer Facilities Plan. Ross reviewed change orders 6 and 7. Ross updated the District in regard to the progress of the facility. Forsch made a motion to approve Change Order 6. Griffin seconded. All voted in favor. Motion carried. Schneider made a motion to approve Change Order 7. Forsch seconded. All voted in favor. Motion carried.

Konda requested Danner update the District on the Elevated Tank Project. Danner updated the District in regard to the progress. Schneider made a motion to approve the final pay application pending the completion of the gate. Griffin seconded. All voted in favor. Motion carried.

Konda noted the public will maintain decorum, commentors shall not address members of the crowd. Commentors will address the Board. The Board may or may not respond to any questions or comments made. Commentors and the board members will not attack anyone personally. Criticism of decisions made is fine to voice. Individuals will be asked to leave the meeting immediately if they fail to follow these requirements. Konda opened the floor to public comment.

Ron Moore requested the Board hold any final payment requests or payments to contractors until the punch list has been finalized for the wastewater facility. Konda noted the final payment request was for the water project and not the wastewater project.

Vic Utech requested the Board reveal the amounts on the change orders when presenting them for approval. Konda noted the change order amounts.

Schneider thanked the public for support from individuals, of which some he did not know, that reached out to him after the public attack at last month's meeting.

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

Konda requested a motion to go into executive session. Forsch made a motion to go into executive session pursuant to SDCL 1-25-2(3) legal consult at 6:15 p.m. Schneider seconded. All voted in favor. Motion carried.

Konda called the meeting back into session at 7:15 p.m.

Konda requested action on the 9/09/2026 meeting minutes. Griffin made a motion to approve the 9/09/2026 meeting minutes. Schnieder seconded. All voted in favor. Motion carried.

DRAFT

Konda requested Superintendent Zuber present his report to the Board. In September the District used 1,155,000 gallons with a daily average of 38,000.
Other items noted by Zuber:

1. Lift stations are working well.
2. Passed monthly testing
3. One new application for September.

Zuber informed the District there were four accounts registering complaints as to their August usage. Zuber indicated he had consulted with the meter representative as well as the remote read system representative and was unable to determine the cause. The meters in question now appear to be registering correctly. Zuber investigated other accounts and found no other accounts with similar problems. Kopman made a motion to adjust the August usage for the four accounts to match the user's July usage. Schnieder seconded. All voted in favor. Motion carried.

Konda requested Forsch present the Treasurer's Report. Forsch noted for the month of September: Unrestricted checking account - $952,143. Restricted meter deposits - $32,731. Restricted long-term developer fund - $342,602. Total Checking/Savings - $1,327,476. Long-term liabilities - $4,953,963. Legal fees for September - $4,531 and YTD - $102,387 which is 410% of budget. Schneider made a motion to approve the Treasurer's report. Griffin seconded. Konda noted accounts receivable - $25,931 and accounts payable - $188,837. All voted in favor. Motion Carried. Konda noted the Board will be assessing potential short-term investments for the non-obligated surcharges balances. Griffin agreed to research potential investments. No action taken at this time.

Konda requested Clerk Linn present the monthly Accounts Payable to the Board. Anderson Nill & Associates - $7,368.22; Aquatech Systems Inc. - $60,396.15 ($58,206.00 held); AT&T Mobility - $94.26; Bachand & Hruska, P.C. - $4,531.28; Badger Meter, Inc. - $315.83; Bartlett & West - $6,390.50 (held pending reimbursement); Corporate Trust, TFM - $9,744.41; Envirotech Waste Services - $35.38; Maguire Iron, Inc. - $109,924.00 (held pending reimbursement and gate repair); Mid Dakota RWS - $5,578.60; Midco Communications - $58.95; PSN - $100.00; SD Public Health Lab - $414.00; South Dakota 811 - $9.45; Woods Fuller - $717.50. Schneider made a motion to approve the bills as presented noting Aquatech partially held, Bartlett and West held pending reimbursement and Maguire Iron held pending reimbursement. Griffin Seconded. Konda requested Schneider amend his motion to include the gate to be completed prior to the payment to Maguire. Schnieder made a motion to amend his previous motion noting Maguire Iron held pending reimbursement and the completion of the gate. Griffin seconded the amendment. All voted in favor. Amendment carried. Konda requested action on the amended motion. All voted in favor. Motion carried.

Konda updated the District on Ordinances 7, 8, and 11. The Board held a discussion on the Ordinances. Konda requested a motion for the first reading of Ordinance 7 – Regulation of Water Use. Kopman made a motion for the first reading of Ordinance 7 – Regulation of Water Use. Konda Seconded. Konda requested Linn take a roll call vote. Forsch aye. Schneider nay. Griffin nay. Kopman aye. Konda Aye. Motion carried.
Konda requested a motion for the first reading of Ordinance 8 – Regulation of Sewer Use. Kopman made a motion for the first reading of Ordinance 8 – Regulation of Sewer Use. Konda Seconded. Konda requested Linn take a roll call vote. Forsch aye. Schneider nay. Griffin nay. Kopman aye. Konda Aye. Motion carried.
Konda requested a motion for the first reading of Ordinance 11 – Amendment to the Terms and Definitions in Ordinances - Repeal. Griffin made a motion for the first reading of Ordinance 11 – Amendment to the Terms and Definitions in Ordinances - Repeal. Forsch Seconded. Konda requested Linn take a roll call vote. Forsch aye. Schneider aye. Griffin aye. Kopman aye. Konda Aye. Motion carried.

DRAFT

Konda noted the following non-substantial amendments to Ordinance 10 Appendix A:
Section 2.1.E was updated to match the minimum sewer pipe depth. The original language stated "*Minimum sewer service cover depth from the top of the pipe to the finished grade shall not be less than 5.0 ft."* The updated language states *"Minimum sewer service cover depth from the top of the pipe to the finished grade shall not be less than 5.0 ft. Provide insulation per the standard detail in cases where minimum cover cannot be provided. Insulation may be required between storm sewer and sanitary sewers."* The change aligns with the requirement of 2.1.D to provide insulation where depth cannot be maintained.

Section was updated to provide additional flexibility in fencing of new lift stations. The original language stated *"Lift stations approved for construction after March 1, 2024, shall be designed and include backup power generation equipment suitable to operate the lift station at full capacity. The location of the lift station shall be such that District staff are provided a minimum clear distance around the facility of four feet for performing maintenance. The easement shall be adequate to allow for servicing of the equipment within the easement bounds and provide a minimum distance from any property line of 10 feet. A minimum 6 ft high solid fence shall be provided around any lift station with lockable gate."* The updated language states *"Lift stations approved for construction after March 1, 2024, shall be designed and include backup power generation equipment suitable to operate the lift station at full capacity. The location of the lift station shall be such that District staff are provided a minimum clear distance around the facility of four feet for performing maintenance. The easement shall be adequate to allow for servicing of the equipment within the easement bounds and provide a minimum distance from any property line of 10 feet. A minimum 6 ft high fence shall be provided around any lift station with lockable gate. Fence shall be chainlink or solid material designed to prevent access."* The change allows flexibility to prevent access to lift station sites while preserving the option of providing chain link fencing or a solid fence material.

Konda requested a motion for the second reading and adoption of Ordinance 10 – Regulation of System Expansion as amended. Schneider made a motion for the second reading and adoption of Ordinance 10 – Regulation of System Expansion as amended. Forsch Seconded. Konda requested a roll call vote. Forsch aye. Schneider aye. Griffin aye. Kopman aye. Konda Aye. Motion carried.

Konda noted there will be no action on Resolution 2026-3 as it relates to Ordinance 7 and 8.

Konda noted the request to move the meeting time/date. After discussion it was determined there is no other time/date that would work to move the meetings to at this time. Konda noted the request to reinstate meetings being available on zoom. Griffin made a motion to reinstate meetings being available on zoom. The motion died due to the lack of a second. Konda noted the Board will investigate other possible off location access options.

Konda requested a representative to update the District on the Advisory Board Committee.
Will Mortenson noted:
-Appreciation for the Board and what they are tasked with,
-The District faces many challenges,
-Foremost the Committee wants to help the District,
-Take the residency requirements seriously,
-Massive repercussions on users if a seven-figure judgement is reached against the District, and
-Recommendation that Board establish Finance and Facilities subcommittees, with non-board member participation, work, and assistance.
Ron Moore noted:
-The Advisory Committee is made up of a wide range of knowledgeable individuals from the District,
-We are a work group that is project focused,
-Inelasticity of Price. Specifically, as I quoted regarding the housing market, for every $1000 increase in price of a home 156,000+ potential buyers become priced out of the market. This is true whether measuring new construction or existing homes.
-The Committee will be implementing a Public Communications Channel to document the findings of the Committee.

DRAFT

Konda expressed disappointment in comments made during a recent public meeting of the Advisory Board Committee. In response to comments made it was necessary to correct the inaccuracies.

Water tower:

- Existing facilities were at end of life. Ground storage tank seams had been repaired right around the time the district formed. Pumps and equipment within the pumphouse were nearing end of life.
- Water tower received approximately 75% grant monies for the design and construction of the tower.
- Water tower is being operated at or above the pressure setting of the ground storage and high service pumps it replaced.
- Water tower is being operated with the assistance of Mid Dakota Rural water professionals assisting Forrest with setpoints for filling the tower. To turn the water over in the tower during low use and to maintain a steady pressure the current setpoints were selected. It may be possible to increase the elevation change between setpoints to fill the tower and drain the tower to ensure turn over however, this is not recommended due to an increase in pressure change from high to low.
- Water tower was designed to meet needs well into the future. One does not design a capital improvement project of this nature for a short-term solution.

Wastewater Treatment Facilities

- To the best of Konda's knowledge, at no point in time was the District or the preceding entity ordered or otherwise required to make repairs to existing facilities.
- There was an assertion made by inspectors that the pond appeared to be leaking due to the level never changing. This precipitated a review of the facilities started by Hughes County prior to the District taking over the system.
- During the review of the facilities, repairs or replacement of systems were recommended.
- Original facilities plan submitted for funding called for repair of existing ponds and additional wetland area and land acquisition. Based on design criteria, when a complete engineering review was conducted by DANR, it was determined that the existing pond site and additional wetland area was not large enough to service the area.
- Growth rate at the time of the facilities plan submittal was approximately 15 homes a year.
- Existing ponds, even if fully repaired, are not large enough for today's flow much less anything into the future.
- Selected mechanical option is a proven technology.
- There have been some real construction challenges. Completion of the system is a year overdue. Change orders for unforeseen conditions and requirements have had to be made to ensure long-term operational success.
- Plant is currently undergoing commissioning.
- The plant cost is not 7 million dollars. The grants and loans authorized for this project total $4,860,740 of which $369,858 was provided as a grant.

Walleye Lift Station

- There is NO concern of imminent structural failure. Again, I say, there is NO concern of imminent structural failure.
- There are concerns as to the current shape of the lift station. The facilities were constructed around 1991 and have been in continuous service since then.
- Superintendent Zuber has already been working with Bartlett and West and Dakota Pump to perform an inspection of the lift station and make recommendations for repair or replacement of components. This is expected to occur when the parties are onsite for work being performed for the wastewater plant so as to reduce costs.

DRAFT

- The system is a duplex system (two pumps and pipe trains). This is standard design where each pump is individually capable of running the system. So even if one pump or line should fail, again, there is no indication of such imminent failure, one pump is adequate to run the facilities.

Being no further business, Griffin made a motion to adjourn the meeting at 8:40 p.m. Konda seconded. All voted in favor. Motion carried.

SIGNATURES TO FOLLOW

_____
Neal Konda, Board President

ATTEST:

_____
John J Linn, Jr., Clerk

DRAFT