

DAKOTA DUNES COMMUNITY IMPROVEMENT DISTRICT
BOARD OF SUPERVISORS REGULAR MEETING
NOVEMBER 16, 2020 - 7:00 P.M.
335 SIOUX POINT ROAD, SUITE 200

MINUTES

The Board of Supervisors met in a regular session on November 16, 2020, at 7:00 p.m., at 335 Sioux Point Road, Suite 200. Members present were: Messrs. Anderson, Beaulieu, Melstad, Shorma and Ms. Shanafelt. Also present were: Mr. Jesse, of Crary Law Firm, counsel for the CID, Mr. Klynsma, of Henjes, Conner & Williams, PC, accounting firm for the CID. Employees present were: Jeff Dooley and Andrew Tramp.

1. PLEDGE OF ALLEGIANCE

Chairman Beaulieu led the recital of the Pledge of Allegiance.

2. APPROVAL OF OCTOBER 19, 2020 REGULAR MEETING MINUTES

A motion was made by Mr. Shorma and seconded by Mr. Anderson to approve the minutes of the October 19, 2020 regular meeting.

Motion passed 5-0.

3. PRESENTATION OF 2019 ANNUAL AUDIT

Donald Klynsma of Henjes, Conner & Williams, PC gave an overview of the 2019 annual audit. Following this overview, a motion was made by Mr. Shorma and seconded by Ms. Shanafelt to accept the 2019 annual audit. The Audit has also been accepted by South Dakota Department of Legislative Audit.

Motion passed 5-0.

4. TREASURER/FINANCIAL REPORT

A motion was made by Ms. Shanafelt and seconded by Mr. Anderson to accept the October 2020 financial statements and November vouchers payable in the amount of \$150,270.21.

Motion passed 5-0.

5. PUBLIC COMMENT

No public present at meeting.

6. NEW BUSINESS

- SECOND READING ORDINANCE 2020-02 – AN ORDINANCE AMENDING CHAPTER 7 – UTILITIES: SECTION 156 - METERS

Following discussion, a motion was made by Mr. Shorma and seconded by Mr. Melstad to approve the second reading of Ordinance 2020-02 An Ordinance Amending Chapter 7 – Utilities Section 156 – Meters.

SECOND READING ORDINANCE NO. 2020-02

AN ORDINANCE AMENDING CHAPTER 7 – UTILITIES; SECTION 156 – METERS

BE IT ORDAINED by the Board of Supervisors of the Dakota Dunes Community Improvement District, South Dakota, that the following section be amended in its entirety to read as follows:

Sec. 7-156. Meters.

(A) On or after the effective date of this Ordinance, the District will furnish and maintain all meters and related equipment with automatic meter reading for meter sizes up to 5/8" x 3/4". Meters over 5/8" x 3/4" and related equipment required to provide automatic meter reading service shall be purchased by the owner after approval by the District. Meters shall be installed by the owner in a location to be approved by the District. Installation and replacement shall be the owner's expense. After installation, all meters shall become property of the District.

(B) The District shall maintain meters and related equipment which malfunction. The owner or occupant where the meter is installed will be responsible for all other maintenance, including but not limited to, damage resulting from acts or omissions of anyone except the District, its employees and agents, care and protection from freezing or from being improperly set. The cost of repairs, if performed by the District, shall be charged to the owner or occupant.

(C) In case of any damage to the meter, or related equipment, or in case of its stoppage or imperfect working, the Owner or occupant shall give immediate notice to the District Manager.

(D) In the event that any of the following occur:

- (i) technology updates become necessary to the meter system;
- (ii) a meter has exceeded its useful life;
- (iii) the meter has produced a “zero meter read”;
- (iv) the meter no longer communicates readings;

access will be requested by the District to update or replace the meter.

6. NEW BUSINESS (CONTINUED)

Access to the meter shall be first requested by a phone call to the number of record of the property Owner(s). If this is unsuccessful notice will then be posted to the door of the Owner(s). If no response is received after the timeframe identified on the posted notice, then a formal twenty (20) day written notice shall be issued to the property Owner(s). Such formal notice shall indicate that the water to the property will be shut off if a response to the meter update request is not received within the twenty (20) day notice period.

Adopted this 16th day of November, 2020, by the Board of Supervisors of the Dakota Dunes Community Improvement District.

Kenneth Beaulieu, Chairman

ATTEST:

Andrew Tramp, District Secretary

Date of First Reading: October 19, 2020

Date of Second Reading and Passage: November 16, 2020

The above Ordinance shall be in full force and effect 20 days after publication pursuant to South Dakota law.

Date of Publication: November 26, 2020

Effective Date: December 16, 2020

Motion passed 5-0.

- SECOND READING ORDINANCE 2020-03 – AN ORDINANCE AMENDING CHAPTER 7 – UTILITIES: SECTION 53 CONNECTION CHARGE AND SECTION 84 – CONNECTION CHARGE

Following discussion, a motion was made by Mr. Melstad and seconded by Mr. Anderson to approve the second reading of Ordinance 2020-03 An Ordinance Amending Chapter 7 – Utilities: Section 53 Connection Charge and Section 84 – Connection Charges.

SECOND READING ORDINANCE NO. 2020-03

AN ORDINANCE AMENDING CHAPTER 7 – UTILITIES; SECTION 53 – CONNECTION CHARGE; AND SECTION 84 – CONNECTION CHARGES;

BE IT ORDAINED by the Board of Supervisors of the Dakota Dunes Community Improvement District, South Dakota, that the following sections be amended in their entirety to read as follows:

Sec. 7-53. Connection Charge.

6. NEW BUSINESS (CONTINUED)

(A) **Connection Process.** No connection (or tap) shall be made to the water supply system or main until the applicant for whom such connection is to be made has signed the *agreement* required by ordinance, and a plumber's permit has been issued authorizing said plumber to make such connection. All connections will conform to the application and this ordinance and Appendix A of Chapter 7, Article III, Division 2. Residential water service lines shall not exceed 2" in diameter and shall be installed with a tracer wire from the water main through the valve box to the surface of the foundation. Owner shall be responsible for installation, maintenance and service of the water line from the water main line. Developer may provide water lines to the Property, however, Owner shall remain liable for said water line.

In all cases the District will provide a list of acceptable materials to be used, however, District makes no representations or warranties as to the quality of said materials. The District shall not be responsible for the materials and equipment accepted by plumber for his use.

(B) Prior to connection to the District public water supply the Developer and/or Owner shall submit an engineer's plan which must comply with all District specifications and standards for initial approval by the District Board. Upon initial approval by the District Board the Developer and/or Owner must complete installation of all infrastructure including a new public water main which meets all District standards and specifications. An inspection, to include standard final testing and obtaining lien waivers where necessary, shall then be completed prior to the final approval by the District Board and acceptance by the Board for public use.

(C) Criteria for connection. The District Manager or his/her designee shall first determine if the following criteria have all been met prior to permitting connection:

- (1) The District has the capacity for the proposed connection;
- (2) All platting and zoning requirements have been met;
- (3) The property or properties requesting a connection is/are currently subject to and in compliance with the Community Association or Commercial Association Declaration of Covenants, Conditions and Restrictions.
- (4) Any District connection fees approved by Resolution of the Board have been paid in full.
- (5) The requesting property is consistent with the Water/Sewer Use Plan adopted by the District.

Sec. 7-84. Connection Charges.

(A) Criteria for connection. The District Manager or his/her designee shall first determine if the following criteria have all been met prior to permitting connection:

- (1) The District has the capacity for the proposed connection;
- (2) All platting and zoning requirements have been met;

6. NEW BUSINESS (CONTINUED)

- (3) The property or properties requesting a connection is/are currently subject to and in compliance with the Community Association or Commercial Association Declaration of Covenants, Conditions and Restrictions.
- (4) Any District connection fees approved by Resolution of the Board have been paid in full.
- (5) The requesting property is consistent with the Water/Sewer Use Plan adopted by the District.

(B) Prior to connection to the District public waste water collection works the Developer and/or Owner shall submit an engineers plan which must comply with all District specifications and standards for initial approval by the District Board. Upon initial approval by the District Board the Developer and/or Owner must complete installation of all infrastructure including a new public sewer main which meets all District standards and specifications. An inspection, to include standard final testing and obtaining lien waivers where necessary, shall then be completed prior to the final approval by the District Board and acceptance by the Board for public use.

(C) Any new sanitary sewer main shall be televised and inspected by the District Manager for approval. Any corrections and re-televising deemed necessary must be completed prior to placing the line in service. All costs for this process will be the responsibility of and will be paid by the Owner.

Adopted this 16th day of November, 2020, by the Board of Supervisors of the Dakota Dunes Community Improvement District.

Kenneth Beaulieu, Chairman

ATTEST:

Andrew Tramp, District Secretary

Date of First Reading: October 19, 2020

Date of Second Reading and Passage: November 16, 2020

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Motion passed 5-0.

6. NEW BUSINESS (CONTINUED)

- FIRST DRAFT OF 2021 WATER AND SEWER BUDGETS

Mr. Dooley discussed the first draft of the 2021 Water and Sewer Budgets. The Water Budget did not include a rate increase. There was discussion about a potential rate increase to Water Rates and will be discussed further at the next board meeting on December 21, 2020. The Sewer Budget included a plan to increase Sewer Rates by \$0.24 to maintain consistent with the City of Sioux City's rate increases. Second draft of the 2021 Water and Sewer Budgets will be discussed at the next board meeting on December 21, 2020.

7. OTHER

Mr. Dooley reported that masks are required at the office and at the maintenance building due to the increase in COVID-19 cases during the pandemic.

Mr. Dooley reported that he has reminded staff to practice social distancing and safe practices to prevent COVID-19 spread.

8. EXECUTIVE SESSION – LEGAL

A motion was made by Ms. Shanafelt and seconded by Mr. Shorma to move into an executive session to discuss legal matters.

Roll call was taken: Beaulieu – aye, Melstad – aye, Shanafelt – aye, Shorma – aye, Anderson – aye. Motion passed 5-0. Also in attendance were Jesse, Dooley and Tramp.

A motion was made by Ms. Shanafelt and seconded by Mr. Anderson to move out of the executive session.

Roll call was taken: Beaulieu – aye, Melstad – aye, Shanafelt – aye, Shorma – aye, Anderson – aye. Motion passed 5-0.

No actions were taken on legal matters.

9. ADJOURNMENT

A motion was made by Ms. Shanafelt and seconded by Mr. Melstad to adjourn at 8:58 pm.

Motion passed 5-0.

Submitted by,
Andrew Tramp, Secretary