

Rapid Valley Sanitary Dist. Water Service

BOARD DIRECTORS MEETING
6 PM APRIL 14, 2025
4611 TEAK DR RAPID CITY SD, 57703

Chairman Andy Fitzgerald called the meeting to order at 6:00 p.m. Present at roll call were Bob Phillips, Diana Nelson, Eric Krebs, Jennifer Battles, Shirley Haines, Tim Roth, and Carrie Wheeler. Connie Oson was absent. Also in attendance was General Manager Rusty Schmidt, and Office Manager Sara Bender

APPROVAL OF AGENDA: made a motion by Carrie Wheeler to approve the agenda. Eric Krebs seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES: Diana Nelson made a motion to approve the minutes from the March meeting. Bob Phillips seconded the motion. Motion carried unanimously.

APPROVAL OF FINANCE REPORT: The financial reports were distributed to the Trustees for their review prior to the meeting. Diana Nelson made a motion to approve the Finance Report. Jennifer Battles seconded the motion. Motion carried unanimously.

ITEMS FROM THE PUBLIC: No one from the public was in attendance.

PRESIDENT'S REPORT:

1. Drinking Water Surcharge Revenue Bond 2023 18th Draw for Engineering Services: The 19th draw for engineering services is \$24,195.65. This invoice consists of \$10,739.00 for construction services and subcontractor services for LRE in the amount of \$13,445.40, and \$11.25 for transportation. The remaining balance on the contract is \$619,543.68.

2. Policy Committee Recommendations: The board approved the first reading of the proposed changes to Ordinances 14-1 and 14-2 and all related attachments. All locations where the Board is referred to as "Trustees" was changed to Directors throughout the ordinances, the other changes are as follows:

ORDINANCE NO. 14-1 ARTICLE I CLASSIFICATION OF SERVICE

C. ~~Rates and charges will be adopted by Resolution indicated in the Water Use Resolution Attachment A.~~ Rates and charges have been set by the District through resolution entered into by the Board of Trustees. The rates and charges adopted are reflected in Water Use Resolution Attachment A that sets forth the rates as of the adoption of the ordinance. The Board of Trustees may adjust these rates by resolution without notice at any Board of Directors Trustees meeting where the matter is set for the agenda. All users shall be responsible for paying the current appropriate rates at the time the services are rendered.

ARTICLE II
APPLICATION OF SERVICE

B. The District may reject any application for water service when the applicant is delinquent in payment for services previously supplied by the District at another location, or if the owner of the property has had water and/or sewer services and has not paid for the same. ~~Subsequent property owners' applications may be denied if the previous owner of the property failed to pay for services or is delinquent in paying for services. In such situations, the application shall be processed upon the payment of the back charges.~~ If the ordinances or rules and regulations of the District relating to application for service are violated, the District may, at the expiration of ten (10) days and after mailing notice to the last known address of the consumer of record disconnect water service. Before water service is again restored, the consumer of record or the property owner, pursuant to Article IV, Paragraph D, will be required to pay the District all applicable charges, fines, re-connection fees, and service charges.

C. ~~The District may reject any application for water and/or sewer services when the applicant lives at a residence or property where the previous water bill has not been paid in full.~~ The District may reject any application for water and/or sewer services when the District in its sole discretion determines there is not capacity to serve the applicant based on available volumes in water lines or sewer lines or that service is not reasonably economical given the applicant's property location.

ARTICLE III
METER DEPOSITS

A. Meter deposits are required for all owners of property and for all renters of property where a meter has been installed. The fee schedule for different sized and types of meters ~~is established by the District by resolution from time to time. included in the attachment to this Ordinance.~~ Where the owner of the property is renting, a property owner deposit and a renter deposit is required.

E. Anyone needing to use water from a fire hydrant for construction purposes, street maintenance, etc. must have the approval of the District to do so. The District will specify which fire hydrant is to be used and the District will provide the meter. The user is responsible for safeguarding the meter. Any damage to the meter and/or the fire hydrant will be the responsibility of the contractor. A meter deposit will be required. A portion of that deposit will be retained by the District to offset the cost of wear and tear on the meter. The remaining portion of the deposit will be applied to the final billing. The water rate will be determined by the Board of Trustees. (See Water Use Resolution ~~Attachment~~ A for information on the deposit, retained amount, and rate. ~~Attachments to this ordinance can be changed or updated by Board resolution passed at a board meeting.~~)

ARTICLE V
SERVICE CONNECTION REQUIREMENTS

A. All necessary fees are to be paid before new installations are dug. (See ~~Water Use Resolution Attachment~~ "A" for fees.)

B. The curb stop and box ~~location shall be approved by the District and shall be installed approximately one (1) foot outside the property line within a public right of way or in an easement that grants the District access to the location. Unless the District approves otherwise, the curb stop shall be located outside the property line nearest the water main. nearest the water main.~~

D. All new water and sewer services lines must meet the Design and Construction Standards for Water and Wastewater Piping and Appurtenances that have been adopted by the District by resolution of the Board of Directors. ~~While the Board of Directors shall establish the design and construction standards, the District Manager shall have the right to add additional design and construction criteria should the District Manager conclude that, due to special circumstances for the protection of the District additional design and construction criteria are~~

warranted for a project. The District Manager's determination of a heightened design or construction criteria may be appealed to the Board of Directors by letter request from any impacted party.

ARTICLE VI DISTRICT'S RESPONSIBILITY AND LIABILITY

A. All **design and construction standards**, deposits, service charges, late charges, fees, fines, and other related expenses in connection with the District's business listed as ~~an Attachment to these~~ rules and regulations may be changed by resolution of the Board of Directors ~~Trustees~~.

E. The District shall not be liable for damage of any kind which may result from the water or sewer services provided by the District (unless such damage is proven ~~by clear and convincing evidence~~ to be a direct result of **sole** negligence on the part of the District). The District shall not be responsible for any damage as a result of a defect in piping, fixtures, or appliances on the consumer's premises. The District shall not be responsible for the negligence of any third persons or forces beyond the control of the District.

F. Under normal conditions District will attempt to be notify the consumers of any anticipated interruption of service.

G. The District will repair any damaged or non-functioning residential consumer water service lines that are a maximum of 1" inch in diameter from the water main to the curb box at no cost to single family dwellings located within Rapid Valley Sanitary District. (Commercial properties are not included). Repair shall include replacement of said damaged or dysfunctional water line in accordance with the District's specifications, including compaction of fill dirt, concrete or asphalt needed to remove the old water line and replace it with a new functioning service line accordingly. The District shall not be responsible for settling or replacement of the water line trench after the expiration of ninety (90) days from the date of completion of the new installation. Not included, nor shall the District be responsible for cost of replacing or the reclamation of sod, grass, shrubs, trees other landscaping, decks, patios, concrete, or other structures if their removal is required for installation/repair. **The District will not be responsible for repairing damage to service lines if caused by excavation or actions of the consumer or any other third party.**

H. The District ~~at their discretion~~ may replace or repair non-functioning or damaged water service lines that are a maximum of 1" inch in diameter from curb stop to the meter for single family dwellings within Rapid Valley Sanitary District. (Commercial properties are not included). The property owner or consumer is required to sign a repair/replacement authorization form (Water Ordinance No. 14-~~2~~ 1 Attachment C) in order for the District to perform this service.

the location of the meter inside the home or within the meter pit will be at the discretion of authorized personnel of the District. This may require relocating the meter. If homeowner requests for alternate location, this additional cost and responsibility for this work will be borne by homeowner. The District will replace up to a maximum of one hundred (100) feet of service line, if replacement of service line is required. The District will not be responsible for the repair or replacement of a meter pit. The plumbing on the effluent side of the meter will be the responsibility of the property owner. **The District will not be responsible for repairing damage to service lines if caused by excavation or other means performed by others.** The consumer is responsible for proper protection of the service line up to and including the Districts meter to keep from freezing.

J. The Board of Directors ~~Trustees~~ can adopt restrictions on District services by resolution such as water restrictions, volume restrictions, and other regulations or rules as it sees fit regarding the water use and access to the services.

ARTICLE VII

CONSUMER'S RESPONSIBILITY

A. Service lines on the consumer's property must be so arranged that the connections are conveniently located relative to the District's lines or water mains. All materials used for water and/or sewer service lines must meet all Rapid Valley Sanitary District's current design and construction standards for water and waste-water piping and appurtenances. (Unplatted agricultural lots, 40 acres or larger, if approved by the District, will be allowed to install service lines with a metering pit as according to the District's ~~then~~ current design criteria and regulations.)

F. The consumer shall be liable for any and all damage, loss of property, accidents, or repairs to the ~~District~~ property ~~of the district~~ or injuries to any District personnel

I. All curb stops will be in accordance of the District's Design and Construction Standards(~~Attachment B~~).

J. ~~The property owner is responsible for repairs of their sewer service to the sewer main. (see Ordinance 14-2 for details on sewer service repair)~~ The property owner is responsible for plumbing on effluent side of meter and having all leaks repaired promptly. The property owner is responsible for repair of water service line from curb box to the meter if the damage is determined by District personnel to be caused by negligence or if consumer refuses to sign the District approved repair/replacement authorization form, which in such case the repair or replacement will be completed within one (1) week of notification or less if District personnel deems necessary or service may be disconnected

M. There will be a service charge for non-emergency after hours calls as set forth in ~~the District's then current Rate Schedule-Attachment "A"~~

ARTICLE VIII

ACCESS TO CONSUMER'S PREMISES: LOCATION OF METERS

C. The property owner is responsible for all costs in providing metering pits and the costs of valves and connections necessary for meter installation. Water meters may be installed on the inside of the building or residence in a location where a remote reading device may be connected on the outside of the building, residence, or metering pit. The property owner or consumer on the premises is responsible for assuring that the water meter is safe from damage due to freezing, hot water, steam, or other damaging elements. Any damage to a meter from any cause other than mechanical wear and tear will be paid for by the consumer or owner of the property. In case of neglect or refusal to pay for the meter damage, the water service will be disconnected. ~~Service will be disconnected.~~ Service will be disconnected if the meter is damaged a second time due to freezing or other causes and will not be turned on until meter is properly protected and inspected by authorized representative of the District. Before service is restored, all fees incurred will have to be paid.

ARTICLE IX

WATER & SEWER BILLS - BILLING – COLLECTIONS

A. The District will read the water meters each month. The District's billing cycle consists of two billing areas (the first billing area and the second billing area). The water and sewer bills will be sent out on or about the 1st day of the month (first billing area) and on or about the 15th day of each month (second billing area) for amounts due from the preceding month. Payment shall be due on or before the 10th (first billing area) and the 25th (second billing area) days of each month. Green Valley's bills will be sent on or about the 10th day of each month and payment is due on or before the 20th day of each month. ~~The District may adjust the~~

dates if the District Board of Trustees adopts a new billing date schedule.

E. Those consumers in the first billing area: the water and sewer bills will be billed by the 1st of each month, bills become delinquent after the 10th of the month. Payments received after 10 am the first business day following the 10th day of the month will be assessed a late charge. However, notwithstanding the above, when the 10th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, from the drop box, will not be charged a late charge. See Water Use Resolution Attachment "A" for late charge amount.

Those consumers in the second billing area: the water and sewer will be billed by the 15th of each month, bills become delinquent after the 25th of the month. Payments received after 10 am on the first business day following the 25th day of the month will be assessed a late charge. However, notwithstanding the above, when the 25th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, will not be charged a late charge. See Water Use Resolution Attachment "A" for late charge amount.

F. Water and sewer billings thirty (30) days past due from the billing date for their billing area will be mailed a shutoff notice. An automatic service charge is added to each account that is mailed such notice. See Water Use Resolution Attachment "A" for service charge amount. If the account is not paid in full by the date stated on the notice, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. An extension may be approved by District to prevent service being disconnected. Extensions must be requested by 4pm the day prior to the date stated on the mailed shut off notice. Extensions requested after that date will not be considered. Extensions requested after that date will not be considered. Extensions allowed by the District shall not exceed 5 business days to include the date stated on the mailed notice. If payment is not received in full by the extension deadline, which includes current and delinquent charges and any additional service charges, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. See Water Use Resolution Attachment "A" for charges.

G. When service personnel go out to disconnect service and the consumers pay the bill before the service is disconnected, a service charge will be added to the consumer's account for making contact. See Water Use Resolution Attachment "A" for charges.

ARTICLE XI

SUSPENSION OF SERVICE

A. The District reserves the right to disconnect water and/or sewer service without notice for the following reasons:

- 1) To prevent fraud or abuse;
- 2) Emergency repairs;
- ~~3) Legal process;~~
- 3) Pursuant to a court order authorizing or directing the action;
- 4) Fire, flood, accident, or any unavoidable cause;
- 5) Water supplies depleted due to circumstances beyond the District's control; or,
- 6) Direction of public officials.

C. The District has a water conservation policy (water restrictions) in place. This policy allows for watering on odd or even days of the month determined by the address of the property. **In emergency situations, the District manager may put further immediate restrictions on water usage.** Violations of the policy may result in written warnings, fines, or disconnection of service (See **Water Use Resolution Attachment A**).

ARTICLE XII

COMPLAINTS - ADJUSTMENTS

A. If a consumer believes his or her meter reading to be in error, he or she shall present the complaint **in person in writing** at the District's office before the bill becomes delinquent. Such complaint, if made after the bill becomes delinquent, shall not be effective in preventing disconnection of water service, as heretofore provided.

ARTICLE XIV

INSTALLATION OF SERVICE LINES AND INSPECTION

A. **All installations shall meet the District's design and construction standards.** Water service lines shall be laid at a depth of six (6) feet below the lowest part of the existing grade or finished grade, whichever is lower.

ARTICLE XV

EXTENSIONS OF WATER AND SEWER MAINS

A. All Developers, Contractors or individuals desiring to extend water and/or sewer mains/services, in development of an area, shall obtain prior approval of the District. The Contractor, Developer or Individual will be responsible for all costs incurred in extending any water or sewer mains/services **including any professional charges incurred by the District in reviewing the plans, such as engineer or legal review.** All water and sewer mains/services will be properly sized according to RVSD master plan and designed to RVSD construction standards and criteria. The Contractor, Developer, or Individual shall be responsible for providing adequate fire flows for said development. All connections will be made by a licensed plumber or underground utility contractor. The applicable fees are set forth on **Water Use Resolution Attachment "A."**

ARTICLE XVII

PENALTIES

A. **Any person found to be violating any provision of this ordinance, shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.**

B. **Any person violating any of the provisions of this ordinance shall become liable to the District for any documented, incurred expenses, loss, cost, or damage occasioned by the District by reason of such violation (including, but not limited to, attorney's fees incurred in enforcing this ordinance). Any violation not corrected by the date specified by the District shall incur a \$250.00 daily fine**

ARTICLE XVIII

POWERS AND AUTHORITY OF INSPECTORS

A. The Manager, the District and their duly authorized employees bearing proper credentials and identification, shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to ~~discharge to the~~ community system in accordance with the provisions of this ordinance.

B. The Manager, the District and their duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on ~~the kind and source of discharge to the wastewater~~ the water treatment and distribution ~~collection~~ system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

C. While performing the necessary work on private properties the Manager, the Director and their duly authorized employees shall observe all safety rules applicable to the premises established by the company.

D. The Manager, the Director and their duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement or duly executed facilities agreement, including, but not limited to, for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the ~~wastewater~~ facilities appurtenant to said easement or facilities, if any, on said easement, all of which shall be done in full accordance with the terms of the duly negotiated easement or other agreement pertaining to the private property involved.

ARTICLE ~~XVII~~XIX ORDINANCE IN FORCE

ORDINANCE NO. 14-2

~~Where the Rapid Rapid Valley Sanitary District Sewer Ordinance is silent or conflicts with the City of Rapid City, South Dakota Sewer System Ordinance, the City of Rapid City's Ordinance, as receiver of the District's sewage, will supersede, govern and have priority over any sewer use ordinance of the District.~~

Where the Rapid Valley Sanitary District Sewer Ordinance is silent or conflicts with the City of Rapid City, South Dakota Sewer System Ordinance, the City of Rapid City's Ordinance, as receiver of the District's sewage, will supercede, govern and have priority over any sewer use ordinance of the District. ~~Rates and charges may be adopted by Resolution which is indicated in the Sewer Use Resolution Attachment B.~~

Rates and charges have been set by the District through resolution entered into by the Board of Directors ~~Trustees~~. The rates and charges adopted are reflected in the Sewer Use Resolution ~~B~~Attachment A that sets forth the rates as of the adoption of the ordinance. The Board of Directors ~~Trustees~~ may adjust these rates by resolution without notice at any Board of Directors ~~Trustees~~ meeting where the matter is set for the agenda. All users shall be responsible for paying the appropriate rates that are current at the time the services are rendered.

ARTICLE II USE OF PUBLIC SEWERS REQUIRED

Sec. 1 It shall be prohibited, subject to civil and/or criminal penalties, for any person in violation of this ordinance, the City of Rapid City Ordinance, county ordinance or state law to

place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, **wastewater** or other objectionable waste.

Sec. 4

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the District, is hereby required, at the owner(s) expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the **provisions of this ordinance. , within 180 days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line unless specifically authorized by the District in accordance with SDCL 9-48-53**—Each building in which plumbing fixtures are installed shall connect to a public water sewer system if available. A public sewer system is available to a premise used for human occupancy if the property line of the premise is within two hundred feet of the system.); **Administrative Rule 74:53:01:07, On site wastewater systems prohibited when public wastewater systems are available.** No person may construct, install, or operate an on-site wastewater system where a public wastewater system is available. A public wastewater system is considered available to premises under the following circumstances:

- (~~1~~a) The structure or wastewater system is located within the jurisdictional boundaries of a municipality or the District;
- (~~2~~b) The sewer collection system of the public entity exists within 400 feet of the home, trailer court, commercial establishment, business, park, or institution; and
- (~~3~~c) The municipality or the District requests to provide service to the premises.

If the District determines that a person must connect to the public wastewater system, either the District's or a municipality's, the District shall give written notice to the owner of the property. Within 90 days of the notice, the connection shall be made unless the District affords more time due to weather or other events. If the landowner will not complete the connection, on completion of the 90th day or such other date as set by the District, the landowner shall be fined \$250.00 per day for noncompliance. The District may in addition commence an action in state circuit court directing the landowner to install the infrastructure necessary for connection of the services and to cease all activities in violation of this ordinance. In seeking such action, the District shall also recover all penalties for failure to timely complete the connection.

Sec. 5

It shall be prohibited, subject to civil and/or criminal penalties, for any person, as owner or agent, to rent for use as a residence any property, and it shall also be prohibited, subject to civil and/or criminal penalties, for any person or persons to occupy as a residence, any property as herein defined without said **resident residence** having a connection to the District's sewer system by which all waste from the human body can be disposed of through the connection to said sewer. **If sewer is not available as per section 4, then approved septic systems must be in place and authorized by the current jurisdiction.**

ARTICLE III

SANITARY SEWERS, BUILDING SEWERS, AND CONNECTIONS

There shall be three (3) classes of building sewer permits: (a) for residential service, (b) for commercial service, and (c) for industrial service. In any case, the owner(s), or his or her agent(s), shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information **such**

as City of Rapid City treatment requirements, considered pertinent in the judgment of the Manager. All building sewer permit applications shall show the type of service sought, the street address and legal description, with directional signs, of all building sewers, the size and type of materials to be used, the name and address of the contractor, and the amount of the fee. By signing the application, the applicant agrees to assume responsibility for any damage resulting to the District's property, any damage to the streets, under which the sewer is placed, and any damage or injuries to other property or people caused by the installation of the building sewer and/or its connection to the public sewer. All applicants also agree to pay such user fees as the Board of ~~Directors Trustees~~ may set, regardless of whether such property is actually connected to a public sewer, unless the Board of ~~Directors Trustees~~ passes a specific resolution waiving all or some portion of such fees. The fees for the building sewer permits described above shall be set by the Board of ~~Directors Trustees~~. ~~The current fees are shown on Attachment "B".~~

Sec. 3 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer. The owners shall incur all costs for maintenance and repair or replacement of their entire sewer service from sewer main connection to the building or residence. Residential services are able to be repaired by the District with no cost to the owner if service is collapsed or a physical separation is evident from the sewer main to the property boundary after the resident verifies with a District representative video showing the location of defect. This does not include plugged sewer services due to flushing materials or objects that create blockages. A repair authorization form is required to be signed by the owner of the property. The owners shall indemnify the District from any loss or damage from sewer main backups, ~~unless clear and convincing evidence to be aof~~ direct result of ~~sole~~ negligence on the District's part.

Sec. 16 Sewer mains shall be installed a minimum distance of ten feet (10') from the water service mains, ~~unless other means and methods are approved by the District.~~

Sec. 18 ~~Design and Construction Standards for Water and Wastewater Piping and Appurtenances~~ will be governed by the additional provisions within ~~in See Resolution Attachment "BD."~~ ~~Design and Construction Standards for Water and Wastewater Piping and Appurtenances.~~ These design and construction standards may be changed by District Board of ~~Directors Trustees'~~ resolution.

ARTICLE IV

USE OF THE PUBLIC SEWERS

Sec. 3. The following described substances, materials, waters, or waste shall be limited in discharges to ~~District municipa~~ systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance.

Sec. 12 Rates, ~~fees, charges~~ and related ~~issues-items~~ shall be set by the Board of ~~Directors Trustees~~ and/or the Director, and are shown on ~~Sewer Use Resolution Attachment "AB"~~ incorporated herein by reference. Rates, fees and charges may be modified by resolution of the Board of ~~Directors Trustees~~.

ARTICLE V

SUMP PUMP DISCHARGE

Sec. 1 If sump pump discharge creates an icing issue during freezing weather, the preferred discharge location is to the storm sewer system if located immediately adjacent to the property. If storm sewer is immediately adjacent to a property, discharge to the sanitary sewer will not be allowed. Edge drain connections will not be allowed. The sump pump discharge piping from the building to the public storm sewer shall be at the sole expense of the property owner.

Sec. 2 The District Manager or his or her designee may issue seasonal sump pump discharge permits. The permit will allow sump pump discharge to the District's

sanitary sewer system during freezing weather where the sump pump discharge cannot be delivered to a storm sewer collection system immediately adjacent to the property.

- (a) Sump pump discharge into the District's sanitary sewer system will only be allowed between November 1st and April 1st of each year. Coverage under the permit will be continuous until canceled.
- (b) All interior work shall be performed in compliance with the District's currently adopted Sewer Ordinance. The sump pump connection to the sanitary sewer shall be constructed at the sole expense of the property owner.
- (c) Diversion valves and permanent piping shall be installed per the District's detail titled "Sump Pump Bypass to Sanitary Sewer". The District shall be solely responsible for opening and closing the valve connecting the sump pump discharge pipe to the District's sanitary sewer system. The District will provide a locking mechanism to prohibit valve operation by anyone but the District.
- (d) The property owner shall grant the District periodic access to the facility in order to ensure compliance with the requirements of the permit in addition to any other remedies provided for violation of this Policy, including but not limited to shutting off District water service.
- (e) The permit fee shall be per the District's currently approved fee schedule. If the fee does not appear in the District's fee schedule it shall be 0 (zero) dollars.
The District may cancel the permit at any time of the terms of the permit are not
- (f) The District may cancel the permit at any time of the terms of the permit are not complied with, if the sewer system cannot handle additional flow, if storm sewer is made available, or for other good cause.

ARTICLE VI DESTRUCTION OF FACILITIES

ARTICLE VII POWERS AND AUTHORITY OF INSPECTORS

- Sec. 2 The Manager, the District and their duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The ~~industry~~ industrial customer may withhold information considered confidential. The ~~industry~~ industrial customer must establish that the revelation to the public of the information in question might result in an advantage to competitors.

ARTICLE VIII PENALTIES

- Sec. 1 Any person found to be violating any provision of this ordinance, except Article VI, shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. ~~For any person violating Article VI, the District may take any all actions it deems expedient and appropriate to protect the facilities without the need to provide written notice.~~
- Sec. 2 Any person violating any of the provisions of this ordinance shall become liable to the District for any ~~documented, incurred~~ expenses, loss, ~~cost,~~ or damage occasioned by the District by reason of such violation (including, but not limited to, attorney's fees incurred in enforcing this ordinance). ~~Any violation not corrected by the date specified by the District shall incur a \$250.00 daily fine.~~

ARTICLE IX VALIDITY

- Sec. 1 ~~All ordinances or parts of ordinances in conflict herewith are hereby repealed.~~ This ordinance shall be primary on issues of sanitary sewer within the District. For any other

ordinance or parts of ordinances adopted by the District that conflict with this ordinance, in regards to sanitary sewer this ordinance shall control.

ARTICLE X

SEWER CHARGES

Sec. 1 Each user providing pretreatment in accordance with this Ordinance shall pay an annual fee in an amount to be set from time to time by the Board of ~~Directors~~ Trustees.

Sec. 2 The occupant of every dwelling or business establishment which conveys sewage to the wastewater facilities will pay a minimum monthly as determined by the Board of ~~Trustees~~ Directors-

Sec. 3 The methods used to determine the sewer use charge shall be as follows:

(a). Residential Users: The amount of sewage flow from residential connections of property to which sewer service is available shall be determined yearly by averaging the water meter during the winter months of December, January, and February approximately. The monthly sewer rate will be determined by the rate set by the Board of ~~Directors~~ Trustees. This use charge is for twelve (12) months, running from April 1st to April 1st of the following year. New residential users, or intermittent users, shall pay a sewer use charge based on the average residential water used for the District in the prior year.

(b). Commercial and Institutional Users: The sewer use charge for commercial and institutional connections shall be determined by the rate set by the Board of ~~Directors~~ Trustees. The sewage volume shall be determined from the monthly metered water, unless special allowances are made or authorized in writing by General Manager, or the sewage is metered as provided herein.

(c). Industrial Users: The sewer use charge for industrial connections shall be determined by the rate set by the Board of ~~Directors~~ Trustees

(d). Special Arrangements: All commercial, industrial, and institutional user receiving metered water for use resulting in portions of the water not going in the wastewater facility may have its sewer use charge adjusted by having, at the owner's expense, a separate meter installed showing how much water is used outside. In the discretion of the District, the amount may be estimated by using the average used by said user during the winter time months.

(e). Monitoring: Those industrial users declared major industrial users shall, at their own expense, perform monitoring to determine their industrial classification rate. Any industrial user choosing to monitor its discharge may do so at their own expense.

(f). Exempt from Monitoring: All minor industries shall be exempt from self-monitoring.

(g). Sewage Volume Measurement:

1. Any commercial, institutional, or industrial user may choose to measure the actual sewage flow in lieu of basing the sewer use charge on the metered water. In such cases, the condition set forth herein shall apply.
2. Any commercial, institutional, or industrial user receiving nonmetered water shall either install water meters for all nonmetered sources, or provide sewage flow measurement in accordance with the conditions set forth herein.
3. All meters for nonmetered water sources and sewage flow measurement devices shall be installed in accordance with the plans and specifications approved by the Manager. All costs for design and installation shall be borne by the owner. The owner shall guarantee the District access to the meter or meters for monthly meter readings.

Sec. 4 The sewer account will be charged a late charge (see Sewer Use Resolution Attachment B) which may be in addition to any charges made to the water account. The District's billing cycle consists of two billing areas (the first billing area and the second billing area). The water and sewer bills will be sent out on or about the 1st day of the month (first billing area) and on or about the 15th day of each month (second billing area) for amounts due from the preceding month. Payment shall be due on or before the 10th (first billing area) and the 25th (second billing area) days of each month. Those consumers in the first billing area: the water and sewer bills become delinquent after the 10th of the month. Payments received after 10 am on the first business day following the 10th day of the month will be assessed a late charge. However, notwithstanding the above, when the 10th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10am the next working day, will not be charged a late charge. Those consumers in the second billing area: the water and sewer bills become delinquent after the 25th of the month. Payments received by 10 am on the first business day following the 25th day of the month will be assessed a late charge. However, notwithstanding the above, when the 25th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, will not be charged a late charge.

Sec. 5 Water and sewer billings thirty (30) days past due from the billing date for their billing area will be mailed a shutoff notice. An automatic service charge is added to each account that is mailed such notice. See Water Use Resolution Attachment "A" and Sewer Use Resolution "B" for service charge amount. If the account is not paid in full by the date stated on the notice, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. An extension may be approved by District to prevent service being disconnected. Extensions must be requested by 4pm the day prior to the date stated on the mailed shut off notice. Extensions requested after that date will not be considered. Extensions allowed by the District shall not exceed 5 business days to include the date stated on the mailed notice. If payment is not received in full by the extension deadline which includes current and delinquent charges and any additional service charges, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. See Water Use Resolution Attachment "A" and Sewer Use Resolution "B" for charges.

Sec. 6 The District shall be entitled to collect unpaid sewer and water bills in accordance with the procedures set forth in this Ordinance, the District's Water Use Ordinance, and the South Dakota Codified Laws.

ARTICLE XI MODIFICATION OF ORDINANCE

Sec. 1 The District will not be held liable for any promise or agreement of any employee representing the District unless such promise or agreement has been approved by the Board of Directors ~~Trustees~~ of the District.

Sec. 2 No modification of rates or any of the rules, regulations, or ordinances shall be made by any employee of the District without the requisite approval of the Board of Directors ~~Trustees~~

Sec. 3 The word "District" used herein refers to Rapid Valley Sanitary District – Water Service

Sec. 4 The Board of Directors ~~Trustees~~ of the District reserves the right to change any or all of the rules, regulations, and ordinances in the best interest of the District.

Sec. 5 The word "Consumer" used herein refers to any individual, group, property, owner, renter, customer or contractor

ARTICLE XII ORDINANCE IN FORCE

Attachment "A"

~~Sewer Use Ordinance~~

~~Rapid Valley Sanitary District Water Service~~

~~**Pretreatment Permit Fee:** Each user providing pretreatment in accordance with this Ordinance shall pay an annual fee in an amount to be set from time to time by the Board of Trustees.~~

~~**Minimum Rate and Monthly Charge:** The occupant of every dwelling or business establishment which conveys sewage to the wastewater facilities will pay a minimum monthly as determined by the Board of Trustees. Sewer use will be charged at a rate per 1,000 gallons. Rates may be changed as market conditions are justified by the Board of Trustees.~~

~~**Rate Determination:** The methods used to determine the sewer use charge shall be as follows:~~

~~1. Residential Users: The amount of sewage flow from residential connections of property to which sewer service is available shall be determined yearly by averaging the water meter during the winter months of December, January, and February approximately. The monthly sewer rate will be determined by the rate set by the Board of Trustees. This use charge is for twelve (12) months, running from April 1st to April 1st of the following year. New residential users, or intermittent users, shall pay a sewer use charge based on the average residential water used for the District in the prior year.~~

~~2. Commercial and Institutional Users: The sewer use charge for commercial and institutional connections shall be determined by the rate set by the Board of Trustees. The sewage volume shall be determined from the monthly metered water, unless special allowances are made or authorized in writing by General Manager, or the sewage is metered as provided herein.~~

~~3. Industrial Users: The sewer use charge for industrial connections shall be determined by the rate set by the Board of Trustees~~

~~4. Special Arrangements: All commercial, industrial, and institutional user receiving metered water for use resulting in portions of the water not going in the wastewater facility may have its sewer use charge adjusted by having, at the owner's expense, a separate meter installed showing how much water is used outside. In the discretion of the District, the amount may be estimated by using the average used by said user during the winter time months.~~

~~5. Monitoring: Those industrial users declared major industrial users shall, at their own expense, perform monitoring to determine their industrial classification rate. Any industrial user choosing to monitor its discharge may do so at their own expense.~~

~~6. Exempt from Monitoring: All minor industries shall be exempt from self monitoring.~~

~~7. Sewage Volume Measurement:~~

~~a. Any commercial, institutional, or industrial user may choose to measure the actual sewage flow in lieu of basing the sewer use charge on the metered water. In such cases, the condition set forth herein shall apply.~~

~~b. Any commercial, institutional, or industrial user receiving nonmetered water shall either install water meters for all nonmetered sources, or provide sewage flow measurement in accordance with the conditions set forth herein.~~

~~c. All meters for nonmetered water sources and sewage flow measurement devices shall be installed in accordance with the plans and specifications approved by the Manager. All costs for design and installation shall be borne by the owner. The~~

~~owner shall guarantee the District access to the meter or meters for monthly meter readings.~~

~~**Late Charges:** The sewer account will be charged a late charge (see Attachment B) which may be in addition to any charges made to the water account. The District's billing cycle consists of two billing areas (the first billing area and the second billing area). The water and sewer bills will be sent out on or about the 1st day of the month (first billing area) and on or about the 15th day of each month (second billing area) for amounts due from the preceding month. Payment shall be due on or before the 10th (first billing area) and the 25th (second billing area) days of each month. Those consumers in the first billing area: the water and sewer bills become delinquent after the 10th of the month. Payments received after 10 am on the first business day following the 10th day of the month will be assessed a late charge. However, notwithstanding the above, when the 10th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10am the next working day, will not be charged a late charge. Those consumers in the second billing area: the water and sewer bills become delinquent after the 25th of the month. Payments received by 10 am on the first business day following the 25th day of the month will be assessed a late charge. However, notwithstanding the above, when the 25th day of the month falls on Saturday, Sunday, or a holiday, those payments received by 10 am the next working day, will not be charged a late charge.~~

~~**Delinquent Accounts:** Water and sewer billings thirty (30) days past due from the billing date for their billing area will be mailed a shutoff notice. An automatic service charge is added to each account that is mailed such notice. See Water Use Resolution Attachment "A" and Sewer Use Resolution "B" for service charge amount. If the account is not paid in full by the date stated on the notice, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. An extension may be approved by District to prevent service being disconnected. Extensions must be requested by 4pm the day prior to the date stated on the mailed shut off notice. Extensions requested after that date will not be considered. Extensions allowed by the District shall not exceed 5 business days to include the date stated on the mailed notice. If payment is not received in full by the extension deadline which includes current and delinquent charges and any additional service charges, water service will be disconnected and a disconnection and/or reconnection charge will be added to the account. See Water Use Resolution Attachment "A" and Sewer Use Resolution "B" for charges.~~

~~**Unpaid Sewer Bills:** The District shall be entitled to collect unpaid sewer and water bills in accordance with the procedures set forth in this Ordinance, the District's Water Use Ordinance, and the South Dakota Codified Laws.~~

Attachment "C"

WATER USE ORDINANCE and SEWER USE ORDINANCE RAPID VALLEY SANITARY DISTRICT - WATER SERVICE MAINTENANCE/REPAIR/ REPLACEMENT AUTHORIZATION

Owner(s) understands and agrees that in the event he/she does not remit payments in accordance with the terms of this agreement, then in that event the District, upon thirty (30) days written notice, may terminate all further services to the above referenced property until payment in full is remitted to the District for the services rendered. In accordance with South Dakota Codified Laws (34A-5-40), the Board of Directors for the District is authorized to pursue all legal means to collect unpaid water and sewer bills (including all related charges) by any appropriate means, including, but not limited to, assessing such amounts as a levy against the real property in question.

Sewer Use Ordinance No. 14-2, Article III, Section 3

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer. The owners shall incur all costs for maintenance and repair or replacement of their entire sewer service from sewer main connection to the

building or residence. Residential services are able to be repaired by the District with no cost to the owner if service is collapsed or a physical separation is evident from the sewer main to the property boundary after the resident verifies with a District representative video showing the location of defect. This does not include plugged sewer services due to flushing materials or objects that create blockages. A repair authorization form is required to be signed by the owner of the property. The owners shall indemnify the District from any loss or damage from sewer main backups, ~~unless clear and convincing evidence to be a~~ ~~of~~ direct result of ~~sole~~ negligence on the District's part.

A motion was made by Diana Nelson to approve the second reading of the approved changes to Water Use Ordinance 14-1 and Sewer Use Ordinance 14-2 and all related attachments. Carrie Wheeler seconded the motion. Motion carried unanimously.

3. 2024 Preliminary Audit Review: The draft audit results were received and Traci with Ketel Thorstenson will be in attendance at the May meeting to review. The total net position with capital assets minus depreciation and including restricted and unrestricted funds is 35.3 million, which is about 10 million more than 2023. The restricted cash balance for debt reserve exceeds our RD and SRF requirements. We utilized 5.9 million dollars from our ARPA Grant and had over a million dollars in donated systems.

MANAGERS REPORT

4. Resolution 2025 G: Resolution 2025 G was approved at the March 10 meeting. This resolution is authorization for RVSD to enter into an agreement for financial assistance with SD DANR for an additional \$663,000 in ARPA funding. The next scheduled meeting for the Board of Water and Natural Resources is May 22, 2025.

5. Monthly Water Loss and Leak Detection: Daily production for March was about 708,000 gallons per day. There were a couple of leaks found on Plateau and Sprucewood through our meter replacement program. Recently the service team has been taking additional measures while replacing meters to pressure test the service line in an effort to locate leaks in addition to our other leak detection measures. This month's pressure testing yielded 2 leaks which were both repaired this week. The next location that will be checked is the Williams and O'Brien St areas. Water loss for the month of March was 9.9%.

PROJECTS AND FUTURE DEVELOPMENT

6. Apple Valley Housing Project Update: The PRV station and all the SCADA are complete. There are currently 23 plus homes occupied and additional homes with for sale signs out in the yard. The contractor is still working on the offsite sewer and has had some delays moving forward, having to dig it up a couple of times due to issues.

7. Ennen Housing: The water and sewer main testing for phases 1A and 1B are complete. There are homes being built, many of which are already sold. The 12" water main installation on Reservoir Rd will be starting in the next couple of weeks. This will complete the 12" water main from our 1.85 million gallon tank to the new Box Elder tank.

8. N. Valley Dr. Water Main Project: This is a 2025 approved RVSD project from the facilities committee. Foth Engineering has started surveying the alignment for our 12" water main project. We were granted an 8' easement along Hani Shafi's property for this project. Plans will be ready in a couple of months.

9. 1mg Tank Painting Project: The staff drained the 1mg tank, which took about 5 days and Joes Sandblasting started work on April 7th. They are currently about 1/3 of the way done with the sandblasting. We will also be replacing a couple of altitude valves as well. The estimated completion for this project is 30-45 days.

10. County and State ARPA 2 MG Storage Reservoir: Preload reached out and has decided to do the 2 logos on the tank. The change order is being drafted by AE2S. They are planning to remobilize approximately May 12 and the updated deadline is August 8, 2025

11. County and State ARPA Madison Well Project: The 10th pay application is for \$297,515.25. The test pumping was conducted from 600gpm to 1,000gpm. We are currently waiting on water quality test results to optimize our operations. The preliminary water quality results all met or exceeded state and federal requirements.

12. County and State ARPA Well House and Generator Project: RCS is reviewing the requested descopeing, and we should have an update by the next meeting. LRE is in the process of pump recommendations. Preliminary cost estimate for a pump/vfd and including installation was \$375,000.

OTHER TOPICS

13. Water Rights Investigation: The Southside and Little Giant water rights have been transferred to the district. This is equal to about 58 million gallons annually. The Little Giant transfer is 69.3 acre feet at \$1,710 per acre foot is \$118,503.00. The Southside transfer of 109.68 acre feet at \$1,043 per acre foot is \$114,396.24. The consensus of the board is to proceed with payment to Mr. Buxton.

14. Intake Property: We were contacted by the City on April 11 that the final plat is approved and going out for signatures and we should have the final draft soon.

MISC. INFO:

- Election (if held) June 10, 2025
- Terms Expiring – Jennifer Riss-Battles, Connie Olson, Eric Krebs
- Petitions to be picked up May 1 and are due by May 21, 2025
- Quail Ridge update
- Box Elder connection fee submitted.

There being no further business, the meeting was adjourned at 7:00 pm.