TRUSTEE MEETING

November 29, 2023 @ 4:00 PM

**ATTENDANCE**: Meeting was called to order at 4:00 PM by Trustee Finnesand. Roll call taken - present were Trustees Josh Bartos (telephonically), Iver Finnesand and Kim Remily. Also present was Clerk Mary Finnesand with Manager Carlson absent.

**AGENDA:** Proposed agenda reviewed, and motion made to approve the agenda as written by Finnesand; second by Remily. Motion passed.

**PUBLIC COMMENT:** Second reading of Ordinance 7 held to increase late fee penalties:

**PLSD ORDINANCE 7 FULL TEXT:**

PICKEREL LAKE SANITARY DISTRICT

**ORDINANCE NO. 7**

**(As Amended November 29, 2023)**

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING CHARGES FOR OPERATION AND MAINTENANCE TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY PICKEREL LAKE SANITARY DISTRICT, DAY COUNTY, SOUTH DAKOTA, HEREIN DESIGNATED AS PLSD, AND PROVIDING CERTAIN PROHIBITIONS.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE PICKEREL LAKE SANITARY DISTRICT, HEREINAFTER DESIGNATED AS BOARD.**

# SECTION I

**PURPOSE**

 The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the

 operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system.

# SECTION II

**DEFINITIONS**

 Unless the context specifically indicates otherwise, the definitions of terms used in this Ordinance shall be as follows:

1. “Property Owner” shall refer to any owner in fee of any lot(s), or part thereof, including

 residential and non-residential property.

1. “Wastewater System” shall refer to the public wastewater collection system being operated

by the Pickerel Lake Sanitary District at any time.

1. “Residential Users” are classified as single-family dwellings, individual condominium units,

or individual mobile home units, whether seasonal or year-round.

1. “Non-Residential Users” shall be all types of units other than “Residential Users”, including

but not limited to multiple family dwelling units (i.e.: apartment houses, hotels, motels, mobile home units in designated or zoned mobile home courts or parks), public use areas, state park facilities, and all other enterprises.

# SECTION III

**DETERMINATION OF ANNUAL COST**

 The PLSD shall determine the Total Annual Cost of operation, maintenance, and financing of the

wastewater system which are necessary to maintain the capacity and performance, during the service life of the system, for which such works were designed and constructed. The Total Annual Cost shall include but need not be limited to labor, repairs, equipment replacement, maintenance, modifications, electrical power, sampling, laboratory tests, and a reasonable contingency fund.

# SECTION IV

**DETERMINATION OF EACH USER’S WASTEWATER RATE**

The PLSD shall determine the Basic User Cost by dividing the Total Annual Cost less non-residential fees by the total number of residential Users.

The Non-Residential Rate for Operation and Maintenance for Real Estate Tax Exempt Non-Residential Property shall be .500 times the five (5) year moving average of the Average Pumping Cost per Gallon Without Depreciation and Taxes per gallon based on water usage. The Non-Residential Rate for Operation and Maintenance for Real Estate Tax Paying Non-Residential Property shall be .500 times the five (5) year moving average of the Average Pumping Cost per Gallon Without Depreciation and With Taxes. The Fee will be billed semi-annually on March 1 and September 1 of each calendar year, payable within thirty (30) days. The amount to be determined by the water usage data for the previous calendar year as provided by WEB Water, or as determined by the water meter readings as gathered by PLSD employees. Non-residential property receiving sewer service for which a connection fee and debt service has not been paid will, upon being converted to residential property, be assessed a connection fee and debt service in accordance with ordinance provisions in effect at the time the non-residential

property initially received sanitary sewer service.

### SECTION V

**WASTEWATER FACILITIES REPLACEMENT FUND**

 A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within

this wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories, and appurtenances during the useful life (30) years of the wastewater collection facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed.

 The reserve fund called the Wastewater Facilities Replacement Fund established within the

wastewater utility fund as an interest-bearing account shall be funded by a deposit of not less than $7,500

per year obtained from the wastewater utility fund at the end of each fiscal year beginning at the end of the1998 fiscal year, and each year thereafter.

# SECTION VI

**REVIEW OF WASTEWATER USER’S FEE**

 The PLSD shall review the Total Annual Cost of operation, maintenance, and financing of the

wastewater system and each Wastewater User’s Fee not less than every two (2) years. Revisions shall be made to the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater system and maintain a contingency fund.

# SECTION VII

**NOTIFICATION AND PAYMENT**

 Each User shall be notified not later than March 1 of each year of the User Fee which will be due

that calendar year. Notification shall be by means of regular mail via the US Postal Service. Mailing of

notifications by regular mail to the last known address of record for the User in the office of the PLSD shall constitute Legal Notice.

 Payment of User Fees shall be payable as of the Invoice dates of March 1 And September 1 of each calendar year. All User Fees remaining unpaid 30 days after the invoice date will be considered delinquent. Accounts remaining unpaid thirty (30) days after the invoice date shall be assessed a late payment fee of ten percent (10%) of the total invoice per month for each month in which the delinquency occurs.Account balances, including late payment fees, remaining unpaid as of October 1 of each calendar year shall be considered for certification to the Day County Auditor in accordance with DCL 34A-5-40. Accounts certified to the Day County Auditor must be paid in full prior to payment of assessed real estate taxes.

 Continued or habitual delinquency may result in the PLSD disconnecting wastewater service. Upon disconnection from service, the property would be in violation of the Clean Water Protection Act and the Ordinances of PLSD. PLSD may require a Reconnect Charge as well as a User Deposit to guarantee future payment of User Fees.

# SECTION VIII

##### FAILURE TO CONNECT PENALTY

 Any person who shall fail to connect his private sewer facilities to the Service System of PLSD,

after reasonable notification from PLSD to connect, shall be liable to PLSD in the sum of $100.00 per

calendar month or fraction thereof from the date of notification provided by PLSD after which the User

is considered delinquent, plus a sum equal to all legal fees and expenses incurred by PLSD in any legal

action brought by PLSD against such person to enforce its Ordinances. Such additional charges for legal

fees and expenses may be waived at the sole discretion of the Trustees.

# SECTION IX

**VALIDITY**

 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any

section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this

Ordinance which can be given effect without such invalid part or parts.

# SECTION X

**ORDINANCE IN FORCE**

 This Ordinance shall be in full force and effect from and after its passage, approval, recording

and publication as provided by law.

 Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County,

South Dakota, on the 11th day of May 1996, by the following vote:

 **AYES: 3 NAMELY: Monzel, Porter, Svare**

 **NAYS: 0 NAMELY: None**

 **Passed First Reading: May 4, 1996**

 **AYES: 2 NAMELY: Porter and Svare (Monzel absent)**

 **NAYS: 0 NAMELY: None**

 **Passed Second Reading: May 11, 1996**

 **Published: May 20, 1996**

 **By: s/James Porter**

James Porter, President

ATTEST:

 S/Duane H. Podoll **CORPORATE**

 Duane H. Podoll, Clerk

 **SEAL**

# SECTION XI

**AMENDED ORDINANC IN FORCE**

This Ordinance, as amended, shall be in full force and effect from and after its passage, approval,

 recording, and publication as provided by law.

 Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County,

South Dakota on the 17th day of October 2003, by the following vote:

 **AYES: 2 NAMELY: Looyenga and Svare – Porter Absent**

 **NAYS: 0 NAMELY: None**

 **Passed First Reading: September 19, 2003**

 **AYES: 2 NAMELY: Looyenga and Svare—Porter Absent**

 **NAYS: NAMELY: None**

 **Passed Second Reading: October 17, 2003**

 **Published: October 27, 2003**

 **By: s/Allan O. Svare**

Allan O. Svare, Vice President

ATTEST:

 **C O R P O R A T E**

 **S/Duane H. Podoll S E A L**

Duane H. Podoll, Clerk

**SECTION XII**

**AMENDED ORDINANCE IN FORCE**

 This Ordinance, as amended, shall be in full force and effect from and after its passage, approval,

Recording, and publication as provided by law.

 Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County,

South Dakota on the 12th day of August 2005, by the following vote:

 **AYES: 3**   **NAMELY:** Beals, Looyenga and Sprenger

 **NAYS: 0 NAMELY:** None

 **Passed First Reading: July 15, 2005**

 **AYES: 2 NAMELY:** Beals and Looyenga (Sprenger Absent)

 **NAYS: 0 NAMELY:** None

 **Passed Second Reading: August 12, 2005**

 **Published: August 22, 2005**

 **By:** s/Lowell Looyenga

Lowell Looyenga, President

 **ATTEST:**

s/Joan M. Weismantel **CORPORATE**

Joan M. Weismantel, Clerk

 **SEAL**

**SECTION XIII**

**AMENDED ORDINANCE IN FORCE**

 This Ordinance, as amended, shall be in full force and effect from and after its passage,

approval, recording, and publication as provided by law.

 Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County,

South Dakota on the 15th day of June 2007, by the following vote:

 **AYES: 3**   **NAMELY:**  **Beals, Sprenger, and Weismantel**

 **NAYS: 0 NAMELY: None**

 **Passed First Reading May 11, 2007**

 **AYES: 3 NAMELY: Beals, Sprenger, and Weismantel**

 **NAYS: 0 NAMELY: None**

 **Passed Second Reading: June 15, 2007**

 **Published: July 23, 2007**

 **By: s/ Melva J. Beals, President**

Melva J. Beals, President

 **A T T E S T:**

**s/Joan M. Weismantel, Clerk**

Joan M. Weismantel, Clerk

**SECTION XIV**

**AMENDED ORDINANCE IN FORCE**

 This Ordinance, as amended, shall be in full force and effect from and after its passage,

approval, recording, and publication as provided by law.

 Passed and adopted by the Board of Trustees of Pickerel Lake Sanitary District, Day County,

South Dakota on the 29th day of November , 2023, by the following vote:

 **AYES: 3**   **NAMELY:**  Finnesand, Bartos, Remily

 **NAYS: 0 NAMELY:**

 **Passed First Reading November 10, 2023 \_\_\_\_\_\_**

 **AYES: 3 NAMELY:** Finnesand, Bartos, Remily **\_\_\_\_\_\_**

 **NAYS: \_\_0\_\_NAMELY:**

 **Passed Second Reading: November 29, 2023**

 **Published: December 4, 2023**

 **By: /s/ Iver M. Finnesand \_\_\_\_\_\_\_\_**

Iver M. Finnesand**,** President

 **ATTEST:**

 **CORPORATE**

 **SEAL**

 **/s/ Mary C. Finnesand**

Mary C. Finnesand, Clerk

Clerk Finnesand read Ordinance 7 with amendments to increase late penalty fees from 1.5% per month with a $5.00 minimum charge to 10% of the invoice balance each month until paid. No p

Motion made by Trustee Finnesand; seconded by Bartos to approve the changes made to PLSD Ordinance 7. Motion passed - Yay: 3, Nay: 0

**NOVEMBER 10, 2023, MINUTES**: The Board reviewed the November 10th meeting minutes. Motion made to approve the minutes by Bartos; seconded by Remily. Motion passed.

**ADJOURNMENT**: Meeting ended at 5:00pm. Trustee Finnesand made the motion and Trustee Remily seconded to adjourn. Motion passed.

**NEXT MEETING**: Next regular meeting is April 12, 2024, at 4:00pm. Agenda will be posted on the District’s website ([PLSDistrict.org](http://www.plsdistrict.org/)) and at the office 24 hours prior to the meeting.

Submitted by Mary Finnesand, PLSD Clerk