

# Apple Springs Road and Sanitary District Quarterly Meeting Minutes

Date: 4/23/26

Location: Dan's Carlson Home/Virtual (Mike)

Attendees: Dan Carlson, John Miller, Dirk Blackmer, Jerome Hoffman

Colgan Huber, Mike Short, Dayna Vinich, Patti Weber

Note: Items in red are background information shared in meeting agenda.

## 1. 2025 Mission of Sanitary District

Dan shared the information below on Mission. Sanitary District needs to meet with H2O Clear Solutions on 2025 WWTP to review 2027 operating support in 3<sup>rd</sup> Qtr before budgets are due to the state and county.

### Mission

- a. *Provide Owner Tax Deductible Funding with Sales Tax Exemption to H2O Clear H2O WWTP Operations with the intent of lowering Sewer Costs for all residents. Approved \$30K in 2026 (1<sup>st</sup> Year). Plan to expand in 2027 Budget*
- b. *Provide Operating Reserves (\$50K)*
- c. *Provide Financial and Regulatory Advice to H2O Clear Solutions.*
- d. *Generate credit history in case District acquires WWTP operation via item 1a above.*

## 2. Lack of Sanitary District Board Nominations

Dan shared as of 4/23 (Deadline was 4/15) no individual has submitted a nomination form. Dan will notify the Lawrence County Auditor of results after the May 5 election date.

The Boards discussed over a lengthy period about potential future scenarios. The overall discussion was not in favor of combining the 2 district boards (Option C) at this time. There was an overall desire to maintain both boards. The Sanitary District will pursue option A (2 Board Members) until somebody volunteers via option B (Volunteer). If no one volunteers the Sanitary District will pursue option D (Dissolution) per state law. This may or may not be an easy process and will require legal support.

Note; As follow up to meeting Dan contracted Lawrence County department. They referred to getting our own legal support. They have only dissolved Districts previously when being annexed into a city/town. They not dissolved districts due to lack of board members/trustee. There is a state

### *Background Information*

#### *a. Continue with 2 Board Members – Not Sustainable by State Law*

##### ***34A-5-14.1. Districts to be governed by board of trustees--Number of members.***

*Each sanitary district shall be governed by a board of trustees elected at large, as provided in this chapter. Each board of trustees shall consist of an odd number of members and shall have at least three but not more than eleven members, as provided in this section.*

#### *b. Somebody volunteers and approved by existing board members*

##### ***34A-5-21.1. Vacancies on board of trustees.***

*If a vacancy occurs on a sanitary district board of trustees, the remaining members shall appoint a replacement to serve the remainder of such term.*

#### *c. Sanitary and Road District Combine (3 or 5 Board Members)*

##### ***31-12A-20.1. Sanitary district assuming road district powers.***

*The board of trustees of any sanitary district incorporated under chapter 34A-5 may submit to the voters of the district at an annual election or a special election called and held in accordance with chapter 9-13 the question of whether the district shall be authorized to exercise the powers of road districts incorporated under this chapter, or the petitioners' application for incorporation filed in accordance with §*

*34A-5-6 may request such authority. Upon approval of the grant of such authority by a majority of the voters voting on the question, or upon entry of the order incorporating the district if the application has requested such authority, the board of trustees shall be authorized to exercise all powers which a road district organized under this chapter may exercise, including the powers granted by §§ 31-12A-21 to 31-12A-26, inclusive.*

*d. Dissolution of Sanitary District*

***34A-5-54. Dissolution of district by directors' resolution on annexation to municipality--Notice and hearing--Appeal.*** *Notwithstanding the provisions of § 34A-5-53, the board of trustees of an incorporated sanitary district, the entire boundaries of which have been annexed to a municipality, may by unanimously adopting a proper resolution, provide for the dissolution of the sanitary district and the disposition of all unencumbered assets and assets which may thereafter accrue. Prior to adopting such resolution, the board shall give notice and conduct hearings as it deems necessary. Any party feeling aggrieved by the decision of the board may appeal pursuant to the provisions of SDCL 34A-5-44.*

### **3. Sanitary Board Compensation**

Dan shared there is a provision in state law to compensate Sanitary Board members if needed. This is not an option for the Road District. Spearfish Valley Sanitary District currently does that (\$100/month).

#### ***Background Information***

#### ***34A-5-28.1. Trustee permitted to contract with district under certain conditions.***

*Notwithstanding any other provisions of law, a member of the board of trustees of a sanitary district may contract with the district for which the member serves, if the consideration consists of three thousand dollars or less per year and if the consideration for such supplies or services is reasonable and just.*

### **4. Hidden Pines Annexation into Sanitary District.**

Dan reviewed the status below. Mike shared that there is probably a pretty long time to complete this.

#### ***Back Ground Information***

*In a conversation with Hidden Pines in March owner/partner he was questioning whether to do this or not. It has been signed and submitted to Lawrence County.*

#### ***Background ANNEXATION Letter to Signed by H2O Clear and Hidden Pines to Lawrence County***

*Security Storage hereby agrees, if required by either H2O or Apple Springs Sanitary District at a later date, to annex the Hidden Pines development per South Dakote CHAPTER 34A-5 Sanitary Districts codes. Security Storage shall take all necessary actions to facilitate such annexation as required, including but not limited to executing any required documents and cooperating with relevant authorities, at its sole expense.*

### **5. HOA Budgeted Not to Support Road Maintenance**

Dan shared the HOA Board approved budget with no the financial support for road maintenance. Ordinances including minutes approving ordinances in 2012 are on the District website for public knowledge. This is consistent with the Road District Ordinances (See Later)

## 6. Developer Transfer of Road to Apple Springs Road District?

Mike shared that based on several legal reviews the Road District owns the roads within Apple Springs. No objections were noted by attendees. They were constructed per county requirements. Dan was not sure if the plat was recorded with the simple title of the roads to the district. See Below:

*In South Dakota, a developer transfers a road to a Road District primarily through the formal process of plat dedication and subsequent acceptance by the district's governing body, often involving the creation of the road district itself if one does not already exist. Because road districts are political subdivisions created to maintain roads outside municipalities (SDCL 31-12A), the process ensures the district legally assumes jurisdiction.*

*Here is the general process based on South Dakota Codified Law:*

### *1. Initial Development and Platting*

- Design and Build: The developer must construct the roads according to county or local standards.*
- Platting and Dedication: When the subdivision plat is prepared, the developer (owner) marks the streets, roads, or alleys as dedicated to public use.*
- **Recording the Plat: Under SDCL 11-3-12, a recorded plat with these dedications acts as a transfer of the fee simple title of the roads to the public (or the future road district).***

*In South Dakota, county ordinances generally supersede road district actions regarding zoning, planning, and overall infrastructure authority. While road districts (formed under SDCL 31-12A) are permitted to maintain roads, the Board of County Commissioners retains oversight over zoning, and state law prohibits road districts from transferring public highway jurisdiction.*

*Key Takeaways:*

- Zoning Authority: In counties with comprehensive plans, county ordinances prevail over local or special zoning efforts.*
- Establishment & Oversight: County Commissioners establish road districts, and all districts must follow SDCL 31-12A procedures.*
- Limitations: Road districts cannot override county zoning or impose regulations that conflict with existing county-wide plans.*

- *Exceptions: Road districts have authority over their specific maintenance budgets and contracted road work, but they must operate within the legal framework set by the county and state.*

7. Road District Ordinances (10 Created in 2012).

See website: <https://applespringsdistricts.com/road-regulations>

Dan shared in 2012 the Road District created Ordinances (Ex. Signage, Plowing, Dirt Left on Roads). Patti Weber was part of the development of the well written ordinances. They are somewhat in conflict with our CCR's and Dan shared the Ordinances potentially overrule the CCR's per state law. They probably need updating. Dan expressed that the Golf Course signage is "potentially" too close to the roadside interfering with plowing of the road by the Road District and mowing of the right of way by the HOA and in violation of Ordinance 2012-04-4

APPLE SPRINGS ROAD DISTRICT  
ORDINANCE NUMBER 2012-04-R

AN ORDINANCE TO REGULATE SIGNAGE

WHEREAS, the Apple Springs Road District Board of Trustees deems it necessary, for the purpose of promoting safety and general welfare of the District to adopt an Ordinance so no person shall place a sign of any type on any District Roadway or Right-of-Way, and;

Mike took the lead on communicating with the golf course to resolved. Dan to attach Ordinances and Meeting Minutes approving the Ordinances in 2012 for reference.

***31-12A-22. Power of trustees to pass and enforce ordinances and regulations.***

*The board of trustees shall have the power to pass all necessary ordinances, resolutions, orders, rules, and regulations for the proper management and conduct of the business of said road district, and to carry into effect the ordinances, orders, resolutions, rules, and regulations of said road district for the business for which such district is formed.*

*In South Dakota, validly enacted **road district ordinances** or governmental regulations generally override HOA rules, especially regarding public infrastructure, safety, and access. While HOAs can be more restrictive than local laws, they cannot*

*pass rules that permit what the law prohibits, nor can they override legal, mandatory, or public safety requirements.*

*Key details regarding the conflict:*

- **Governmental Priority:** *Laws, including those from a road district acting under state authority (see SDCL 31-12A), act as the "legal floor," while HOA covenants, conditions, and restrictions (CC&Rs) are additional restrictions.*
- **Public vs. Private Roads:** *An HOA usually cannot override government regulations regarding public streets (e.g., parking regulations, traffic laws). However, the HOA has authority over privately owned streets within its development.*
- **Enforceability:** *If an HOA rule conflicts with a state or local ordinance (such as building codes, set-backs, or right-of-way regulations), the ordinance wins.*
- **More Restrictive Rule:** *An HOA can create a stricter rule than local law (e.g., if a county allows a 20-foot fence, the HOA can restrict it to 10 feet), but they cannot allow a 30-foot fence if the county restricts it to 20 feet*

## **8. Culvert Maintenance Responsibilities**

- a. Road Culvert Maintenance
- b. Driveway Culvert Maintenance
- c. Landscaping Restrictions on Road Culvert

Had good discussion on roles and responsibilities. With more homes being built drainage control is becoming more important. Mike and Dirk work together to resolve issues.

## **9. Neighborhood Outreach Meeting In May?**

Did not have time to discuss. No Meeting planned at this time by the Sanitary District.

Minutes Generated by: Dan Carlson

Minutes Approved by: *Jahn Miller 5/5/26*