



East Dakota Water Development District
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MINUTES

April 17, 2008

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on April 17, 2008 at the Community Center, Castlewood. Chairman Eggers called the meeting to order at 9:35 a.m. The following persons attended:

Directors Present

Curt Eggers
Doug Feten
Martin Jarrett
John Johnson
Kay Kassube
Robert Todd
John Weidler

Others Present

Patrick Gilligan, Estelline
Shirley Flemming, Florence
Vincent Flemming, Florence
Dorene Lemme, Hamlin County Conservation District
Jerry Myers, SD Lakes & Streams Association
Jeremy Schelhaas, SD DENR
Jerry Siegel, Brookings
Rick Smith, Hamlin County Conservation District
Leroy Stohr, Deuel County Conservation District

Directors Absent

Lois Brown

Staff Present

Jay Gilbertson
Angela Guidry

Administrative Items

Approval of Agenda - **Motion** by Weidler, seconded by Kassube to approve the agenda as presented. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the March 20, 2008 meeting in Brookings. **Motion** by Todd, seconded by Jarrett to approve the Minutes as presented. Motion carried unanimously. The Minutes of the Board special meeting on April 9 will be considered at the May meeting.

Financial Reports - The Board reviewed the March 2008 Financial Report (Attachment A). **Motion** by Weidler, seconded by Todd to accept the March 2008 Financial Report. Motion carried unanimously. Chairman Eggers then asked that the report be placed in the District files.

The Board then reviewed the First Quarter Financial Summary.

Selection of New Rural Area 1 and Municipal Area 2 Directors

The Manager reviewed the process undertaken to select replacement Directors to represent Rural Area 1 and Municipal Area 2. SDCL 46A-3B-9 allows for the remaining Board members to appoint a replacement (until the next general election) from qualified candidates proposed by nominating petitions signed by at least 25 eligible voters from the area.

At the February meeting, the Board accepted the resignations of Director Bill Dempsey and Vincent Flemming, and declared the positions vacant. Public notices of the vacancies were sent to the official newspapers for the areas. Completed petitions were due at the District office by March 25th. At the March Board meeting, the following procedure to select the replacement was adopted: Step 1) the Board would interview each of the candidates separately, Step 2) the board would hold a vote, using paper ballots, with the successful candidate needing to get at least 5 votes, Step 3) if no candidate received a majority of votes on the first vote, the low vote recipient would be dropped, and the process repeated for a second vote. Voting would continue until one candidate received the required votes.

Three valid petitions were submitted by the published deadline for Municipal Area 2. The candidates were Vincent Flemming, Florence, Patrick Gilligan, Estelline, and Jerry Siegel, Brookings. One valid petition was filed for the vacancy in Rural Director Area 1, by John Johnson, Florence. Mr. Johnson's petition arrived on March 26th. At the April 9 meeting, the Board agreed to accept this petition.

The Board then interviewed each of the candidates for the Municipal Area 2 vacancy. Following the interviews, the Manager distributed ballots to each Board member. Chairman Eggers indicated that the Manager would collect and count the ballots, and report the results to the Board. The first vote resulted in the following: Patrick Gilligan - 3 votes, Jerry Siegel - 2 votes, Vincent Flemming - 1 vote. As no candidate received a majority of the votes cast, a second ballot was distributed, with Mr. Flemming's name removed. The second vote resulted in the following: Patrick Gilligan - 3 votes, Jerry Siegel - 3 votes. As neither candidate received a majority of the votes cast, a third ballot was distributed. Prior to the third vote, the Board discussed alternatives in the case of a second tied vote. **Motion** by Feten, seconded by Jarrett to defer action on the filling of the Municipal Area 2 vacancy until the May 2008 Board meeting if the third ballot resulted in a tie. Motion carried unanimously. The third vote was held and resulted in the following: Patrick Gilligan - 3 votes, Jerry Siegel - 3 votes.

The Board then interviewed Mr. Johnson for the Rural Area 1 vacancy. **Motion** by Feten, seconded by Jarrett to appoint John Johnson of 44522 156th Street, Florence, to serve as the Director for Rural Area 1 through the end of calendar year 2008. The Manager noted that Mr. Johnson's term of office would commence immediately on the passage of the motion. Motion carried unanimously. Mr. Johnson then signed the Director's Oath of Office, and assumed his position on the Board.

Administrative Items (continued)

Report of Meetings and Conferences - Directors Jarrett and Todd attended the Interlakes Water Quality Committee meeting in Madison on April 3

Director Todd attended the Kingbrook Rural Water System Annual Meeting in Madison on April 14.

Director Weidler attended the Brookings-Deuel Rural Water System Annual Meeting in White on April 1.

The Manager briefly commented on the following meetings he attended:

1. March 27 & 28 - SD Board of Water & Natural Resources.
2. April 8 - Flandreau. Big Sioux Community Water System Annual Meeting.
3. April 9 - Sioux Falls. Minnehaha Water Coalition. Big Sioux River CREP Proposal.
4. April 10 - Waubay. Northeast Glacial Lakes Watershed Project.
5. April 14 - Sioux Falls - Sioux Falls City Council.
6. April 15 - Lake Poinsett. Installation of water level recorders with DENR.

Upcoming Meetings -

1. **April 17 - 7:00 p.m.** - City Hall, Watertown. Upper Big Sioux River Watershed Advisory Board.
2. **April 26 - 10 a.m.** - Methodist Camp, Lake Poinsett. Lake Poinsett Water Project District Annual Meeting.
3. **April 30/May 1** - Chamberlain. SD Association of Rural Water Systems Managers Meeting.
4. **May 6** - Beadle County Extension Center, Huron. James River Water Festival.
5. **May 8 - 7:00 p.m.** - Public Library, Madison. Interlakes Water Quality Committee.
6. **May 13** - SDSU Campus, Brookings. Big Sioux Water Festival.
7. **May 15 - 9:00 a.m.** - EDWDD Office, Brookings. May EDWDD Board of Directors.

The Manager noted that the original plan had been to hold the May Board meeting Mitchell, in part as a joint gathering of the five eastern South Dakota water development districts. However, he suggested deferring this type of meeting to a later date, as the remaining Board vacancy and other issues should take precedence. **Motion** by Feten, seconded by Todd to hold the May Board meeting at the District office on May 15 at 9:00 a.m. Motion carried unanimously.

Slip Up Creek Mitigation Monitoring Agreement

At the March Board meeting, the Manager presented the Board with a proposal to have the District involved in the monitoring of a riparian area restoration/mitigation site along Slip Up Creek in Minnehaha County. The work is being done as part of a United States Environmental Protection Agency (EPA) mandated plan to compensate for the loss of riparian habitat due to commercial development in Sioux Falls, specifically the construction of the Menards store on Highway 42 on the east side of town. The proposed mitigation site is along Slip Up Creek, which was identified in the Central Big Sioux River Watershed Assessment Project (CBSRWAP) as being in need of remediation in order to address water quality impairments in the Big Sioux River. The parcel of land to be involved in the mitigation is owned by the City of Sioux Falls. The mitigation plan, which has been approved by EPA, will involve a variety of restoration practices, focusing on restoring and protecting the riparian area along the creek. The practices are consistent with the recommendations for restoring and maintaining water quality presented in the CBSRWAP Final Report.

The District has been asked to make inspections of the mitigation site for the purpose of monitoring compliance of the Mitigation Plan, with the results of the inspections reported to the City and Menards. The Board had several questions about the extent of the efforts involved in the inspection process, and tabled the request pending receipt of additional information.

The Manager presented the Board with a letter from the consultant working on the project, seeking to make clear the District's role in the monitoring process. The Board had several questions about the letter, and the consensus was that they still needed more clarification. The matter would remain tabled until the May meeting. The Manager indicated he would seek specific guidance from the Board members as to their concerns, and seek to have them specifically address at that time.

Area Conservation District Updates

Deuel County Conservation District (DCCD) - Leroy Stohr, Watershed Project Coordinator for the DCCD, reviewed their ongoing watershed activities. The Deuel County Lakes Project involves efforts addressing water quality issues in the watersheds of several lakes across the county. In the northeast, they are working with landowners around School, Bullhead, Round and Wigdale Lakes, which are part of the Big Sioux River watershed. In north-central Deuel County, they are working with landowners to protect Lake Lice, at the headwaters of the Yellow Bank River. In the southeast corner of the county, the Fish Lake watershed extends into northeast Brookings County. In all cases, the conservation district is working with local landowners to limit loadings of nutrients and sediments to the lakes and streams. A recently completed project at Fish Lake involved the replacement of an over 70- year old outlet structure. During periods of high lake levels, water leaving the lake would cut an opening over 100 feet wide, through which water would rush uncontrolled. Downstream flooding was a common occurrence along the Lac qui Parle River in Minnesota. The new outlet maintains the original outlet elevation, but will meter out the water out slowly through a fixed opening during flood times. Mr. Stohr thanked the District for its efforts to secure partial funding for the outlet structure from entities in Minnesota.

Hamlin County Conservation District (HCCD) - Rick Smith, Watershed Project Coordinator for the HCCD, reviewed the ongoing water quality improvement activities in the Lake Poinsett watershed. He presented the Board with a copy of the Final Report for Segment One of the Lake Poinsett Watershed Project. Nutrient loadings in the watershed were addressed by implementing grazing management practices on 3,500 acres of pasture land, and getting landowners to adopt integrated crop management on over 12,000 acres. 21 problematic animal feeding operations were either upgraded, changed management practices or closed during the Project. Sediment loading was reduced through shoreline stabilization around the lake, and the installation/construction of filter strips, riparian demonstration sites, small dams and ponds, wetland restoration and alternate water supplies. Work has begun on the next phase of activity. Most of the targeted animal feeding operations have been addressed, and efforts will focus on riparian area management to reduce nutrient, bacterial and sediment loadings. Mr. Smith also discussed their efforts to address the concerns of Lake Poinsett residents with regard to the debate currently underway over water level versus water quality.

District Project Updates

Dakota Water Watch - The Manager reviewed the activities of Jeanne Fromm, District Volunteer Monitoring Coordinator. She is preparing a bacteria monitoring plan for the Brant Lake Association. Informational and training meetings were held for volunteer monitors at Lake Alvin on April 12 and Lakes Herman and Madison on April 15. She attended the Interlakes Water Quality Committee meeting in Madison on April

3 and the Missouri River Institute Research Symposium in Vermillion on April 9. A Dakota Water Watch presentation was made to the Minnehaha County Conservation District on April 16.

Central Big Sioux River Watershed Project - Angela Guidry presented a summary of the various program and assistance provided by the Central Big Sioux River Watershed Project (Project) to landowners in the watershed. She also presented the Board with a Memorandum of Understanding (MOU) between the City of Sioux Falls and the District that would re-allocate a portion of the funds originally targeted toward riparian area easements and allow these funds to be used to make improvements to animal feeding operations in the Project. Interest in easements has not been as strong as had originally been predicted, and this MOU would allow the City funds to be applied to more active programs within the project. The funds involved were part of a Clean Water State Revolving Fund (SRF) loan obtained earlier by the City for watershed activities. The MOU has been reviewed and supported by attorneys for both parties. The agreement has an effective date of April 1, 2008, and the District could seek reimbursement for any Project expenses incurred from that date forward.

Ms. Guidry indicated that the South Dakota Department of Environment and Natural Resources (DENR) has requested that the District seek reimbursement for certain expenses incurred prior to this date. Jeremy Schelhaas, DENR, stated that they are unable to reimburse the District for certain Project expenses from its Environmental Protection Agency 319 grant for the period between January 1 and March 31, 2008. The reimbursement request is in order, but DENR lacks the spending authority to disburse the funds. The Manager stated that with the April 1 start date for the MOU, such a request would require alteration the MOU, which could cause further delays in the receipt of the reimbursement payments. He urged the Board to approve the MOU as presented, and indicated that an effort would be made to address the DENR request. **Motion** by Kassube, seconded by Todd to authorize execution of the MOU between the District and the City of Sioux Falls as presented, and to also authorize execution of an amendment to the agreement that would allow for reimbursement of expenses incurred prior to April 1. The Manager indicated that he would pursue an amendment to the agreement to expedite reimbursement of qualified District expenses, but that in the interim the April 1 start date would be adhered to. Motion carried unanimously.

Adjournment

There being no further District business, Chairman Eggers declared the meeting adjourned at 12:15 p.m.

Doug Feten, Secretary

Note: Following the meeting, Board members, District staff and guests toured several animal feeding operations in the Castlewood area that have received support and assistance from the Central Big Sioux River Watershed Project.