



East Dakota Water Development District
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MINUTES
August 18, 2005

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on August 18, 2005 at the District office in Brookings. Chairman Dempsey called the meeting to order at 9:05 a.m. The following persons attended:

Directors Present

Dave Bennett
Lois Brown
Bill Dempsey
Curt Eggers
Doug Feten
Vincent Flemming
Royce Hueners
John Wiedler

Others Present

Earl Acheson, Chester
Scott Buss, Minnehaha Community Water Corporation
Pat Gilligan, Brookings-Deuel Rural Water System
Robert Kolbe, Minnehaha County Commission
Loren Krause, Goodwin
Luanne Napton, South Dakota Resource Coalition
Darrell Raschke, James River Water Development District
Barb Telkamp, Brookings

Directors Absent

Kay Kassube

Staff Present

Becky Banks
Lisa Bretsch
Jay Gilbertson
Angela Guidry
Pat Hammond
Deb Springman

Administrative Items

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

Minutes - The Board reviewed the Minutes of the July 21, 2005. It was noted that the name of Paul East, CPA, had been left off of the list of attendees. **Motion** by Eggers, seconded by Weidler to approve the Minutes as amended. Motion carried unanimously.

Financial Reports - The Board reviewed the July 2005 Financial Report (Attachment A). **Motion** by Weidler, seconded by Flemming to accept the July 2005 Financial Report. Motion carried unanimously. Chairman Dempsey then asked that the reports be placed in the District files.

Report of Meetings and Conferences - Directors Eggers and Weidler attended the July 28th meeting of the Minnehaha County Groundwater Task Force in Sioux Falls.

Director Weidler attended the August 3rd meeting of the Miner County Conservation District's Local Work Group in Howard.

Director Feten attended the August 8th meeting of the Deuel County Planning Commission in Clear Lake.

Directors Brown and Eggers attended the August 9th meeting of the South Dakota Association of Conservation Districts Big Sioux/Vermillion Area Work Group in Brookings on August 9th. Chairman Dempsey was also present, representing the State Conservation Commission.

The Manager briefly commented on the following meetings he attended:

1. **July 25** - Trent. Nitrate testing of the town water service.
2. **July 28** - Sioux Falls. Minnehaha County Groundwater Task Force.
3. **August 8** - Clear Lake. Deuel County Planning Commission.
4. **August 11** - Brookings. South Dakota Lakes & Streams Association.
5. **August 16** - Trent. Nitrate testing of the town water service.
6. **August 16** - Toronto. Brookings-Deuel Rural Water System.

Upcoming Meetings

1. **August 25 - 10:00 a.m.** - Sioux Falls. Minnehaha County Groundwater Task Force.
2. **August 25** - Central Big Sioux River Basin. Watershed project tour for representatives of the United States Environmental Protection Agency.
3. **August 29 - 6:00 p.m.** - Clear Lake. Deuel County Planning Commission.
4. **August 30 - 11:30 a.m.** - Wall Lake. Gevik Outdoor Conservation Learning Center dedication.
5. **September 1 - 1:00 p.m.** - Pierre. Non-Meandered Lakes Working Group.
6. **September 3-10** - Huron. South Dakota State Fair. South Dakota Association of Rural Water Systems display and booth.
7. **September 8 - 10:00 a.m.** - Foss Training Center, Pierre. SD Nonpoint Source Task Force.
8. **September 8 - 1:00 p.m.** - EDWDD Office, Brookings. SD Lakes and Streams Association Board of Directors.
9. **September 15 - 9:30 a.m.** - Chalet Room, Midwest Dairy Institute, 48051 153rd Street, Milbank - September EDWDD Board of Directors meeting.

Payment Requests - The Manager presented three payment requests.

South Dakota Association of Conservation Districts - The Manager presented the Board with a payment request from the South Dakota Association of Conservation Districts (SDACD) for District support of the 319 Technical Assistance Project. In June 2004, the District agreed to provide \$62,500 to SDACD for the period from July 1, 2004, through June 30, 2005. The current request is for \$10,415, and covers the period from April 1 to June 30, 2005. The District has previously made payments totaling \$31,255. **Motion** by Brown, seconded by Feten to authorize payment of \$10,415 to SDACD as requested. Motion carried unanimously.

Renner Sanitary Sewer District - The Manager presented the Board with a payment request for \$850 from the Renner Sanitary Sewer District (RSSD) for District support of the completion of an engineering facility

plan. In February 2005, the District awarded cost-share assistance to RSSD for 50% of the local costs of the facility plan, not exceed a total of \$850. The study has been completed.. **Motion** by Weidler, seconded by Brown to authorize payment of \$850 to RSSD as requested. Motion carried unanimously, with Director Eggers abstaining.

Lake County Conservation District - The Manager presented the Board with a payment request from the Lake County Conservation District (LCCD) for District support of the Bourne Slough berm restoration, part of the Lake County Watershed Restoration Project. In November 2003, the District agreed to provide up to \$5,000 toward this effort. The current request is for \$790, and covers the work completed through July 26, 2005. **Motion** by Eggers, seconded by Hueners to authorize payment of \$790 to LCCD as requested. Motion carried unanimously.

Alliance for Our Future Petition

Luanne Napton, Executive Director of the South Dakota Resources Coalition (SDRC), presented a summary of a petition being circulated by the Alliance for Our Future organization. SDRC is a member of the Alliance. The petition seeks a vote in November 2006 that would establish all decisions regarding conditional use requests or variances, at the county level, be considered “legislative” actions. This would allow those who oppose the decision to refer the matter to a public vote. At present, such decisions are considered administrative in nature and not subject to public action. The petition specifically references decisions regarding large animal feeding operations. Ms. Napton noted that her organization and other members of the Alliance are concerned about the inability of the general public to have a voice in the decisions leading to the permitting of large-scale animal feeding operations.

Hearing on the 2005 EDWDD Operations Budget

Chairman Dempsey opened the public hearing on the 2006 EDWDD Operations Budget at 10:00 a.m. and invited public comment on the budget as advertised. No public comments were made. The District published a copy of the budget and notices of the hearing in the 10 official District newspapers. No written or verbal comments have been received prior to the meeting. The Manager recommended increasing budget category 02-0421 Travel from \$7,500 to \$8,500, in response to rising transportation costs. **Motion** by Eggers, seconded by Weidler to make the recommended change. Motion carried unanimously. Chairman Dempsey declared the public hearing closed. **Motion** by Brown, seconded by Feten to adopt the 2006 EDWDD Operations Budget as amended. Motion carried unanimously.

Project Assistance Request

Miner County Conservation District - The District received a request for assistance from the Miner County Conservation District (MCCD). A few years ago, MCCD instigated a project to provide cost-share assistance to Miner County residents to seal unused or abandoned wells. Support for the effort was provided from several sources, including a project assistance grant of \$1,500 from EDWDD. Interest in the activity is greater than anticipated, and MCCD has incurred costs totaling \$1,500 beyond what was planned. MCCD’s request is for an unspecified amount of additional grant assistance for this activity to help them deal with the overage. **Motion** by Eggers, seconded by Flemming to award \$750 in District

project assistance funds to MCCD for their well sealing project and to authorize payment upon receipt of proper billing. Motion carried unanimously.

The Board directed the Manager to request information from MCCD on the well sealing process, and to determine what records are kept and/or forwarded to the State.

Proposed CAFO in the Brookings-Deuel RWS Wellhead Protection Area

The Manager reviewed a recent proposal to create a concentrated animal feeding operation (CAFO) within the boundary of the wellhead protection area for the Brookings-Deuel Rural Water System (BDRWS) well field near of Clear Lake.

An application has been submitted to the Deuel County Planning Commission to allow the establishment of a Class "B" CAFO. In Deuel County, a Class B CAFO is one with between 1,000 and 1,999 animal units (1,000 to 1,999 beef cattle in this case). A smaller animal feeding operation currently exists on the location.

The proposed CAFO facility (as well as the existing one) is located over the shallow aquifer in Deuel County and it is within the confines of a Critical Aquifer Impact Zone (Zone A) as defined in the Deuel County Aquifer Protection Overlay District. Critical Aquifer Impact Zones are the mapped zones of contribution around a public water supply well or well field, and includes land up-gradient from the well or well field to the ten year time of travel. This particular Zone A is for the Brookings-Deuel Rural Water System (BDRWS) well field.

The shallow aquifer boundaries (Zone B) and the Critical Aquifer Impact Zones were delineated 15 years ago by EDWDD staff in cooperation with the South Dakota Department of Environment and Natural Resources (SDDENR) and the United States Environmental Protection Agency (USEPA). The delineations were completed following USEPA-approved procedures, and subsequently included in the Deuel County Zoning Ordinance.

Given the critical and vulnerable nature of this resource, these areas are granted exceptional protection under the zoning ordinance. Within Zone A, most land uses with a potential to pollute the aquifer is expressly prohibited, including all new animal feeding operations with more than 49 animals. The growth of pre-existing, non-conforming land uses is subject to stringent controls. Over the balance of the shallow aquifer (Zone B), land uses must meet various performance standards, designed to reduce pollution risk.

Pat Gilligan, BDRWS Manager, noted that water from this well field is distributed throughout Deuel County by BDRWS. It is one of only two public water supply well fields in the County, and will shortly be the only one when the Town of Astoria completes their connection to BDRWS. The system serves over 700 rural customers in Deuel County, along with the communities of Altamont, Brandt, Clear Lake, Gary, Goodwin and Toronto. He shared his concern, and that of the BDRWS Board of Directors, about the potential adverse health impacts such a facility could pose to the citizens of Deuel County who rely on this water supply.

The Manager said that he is often asked to comment on the potential water-quality impact of proposals/requests to establish CAFOs over shallow aquifers. Even in cases where the site may be quite distant from actual public water supply wells, local residents and county authorities have acknowledged that there were better places to locate such facilities than on top of such critical resources. He noted that he and a representative of BDRWS spoke against the request at a meeting of the Deuel County Planning Commission on August 8th.

A lengthy discussion of the matter followed the presentations of the Manager and Mr. Gilligan. It was the consensus of the Board that 1) development of a CAFO within a delineated wellhead protection area (Zone A) would represent an unacceptable risk to the public water supply, and 2) the Manager should continue work to oppose any such development, either in Deuel County or any other part of the District. This position reflected concern about protecting water resources, and was not a comment on the potential pollution source.

Project Updates

Big Sioux River Watershed Assessment Projects - Deb Springman and Becky Banks updated the Board on the status of the District's watershed assessment project. The final report and associated total maximum daily load (TMDL) reports for the Central Big Sioux River Watershed Assessment Study were delivered to SDDENR on August 17th. The final report for the School and Bullhead Lakes Watershed Assessment Study will be delivered to SDDENR by August 22nd, with the TMDL reports to follow within a month. The Manager noted that they will be giving a presentation on the School and Bullhead Lakes study at the September Board meeting. Work on the draft final report for the North-Central Big Sioux River Project continues, with many elements completed. However, there work remains on the sediment delivery model (AnnAGNPS). They will be visiting with SDDENR staff in the near future to work through current roadblocks.

Central Big Sioux River Watershed Implementation Project - The Manager introduced Angela Guidry, who has been hired to oversee the Central Big Sioux River Implementation Project. Ms. Guidry is completing a doctoral dissertation at South Dakota State University where she studied the fate and transport of phosphorus in soils. She began work on August 1, and has been getting up to speed on the watershed assessment results. He also noted that the contract with SDDENR has been received and signed by Chairman Dempsey. The Manager and Ms. Guidry will be meeting with stakeholders in the next few months to get this project off the ground.

Nitrate Testing - The Manager reported that he had made two trips to Trent since the last meeting, on July 25th and August 16th to collect water samples from the town's water system. A lawn watering ban, in force since mid-July, had significantly reduced water demand, and the town wells were now used only very rarely, and then for only short periods. As a result, the bulk of the water used was coming from the emergency connection to Big Sioux Community Water System (BSCWS). He noted that during the most recent testing round, all samples taken from the system had nitrate levels between 2.2 and 2.5 milligrams per liter, indicating that BSCWS water had permeated the entire system. The town continues to work with Martin Jarrett, Manager of BSCWS, to locate a new water supply.

Adjournment

There being no further District business, Chairman Dempsey declared the meeting adjourned at 11:15 a.m.

Doug Feten, Secretary

**East Dakota Water Development District
Custom Summary Report
July 2005**

	Jul 05
Ordinary Income/Expense	
Income	
4050 - Grants	
4052 - North Central BSRWP	3,467.84
4053 - School/Bullhead Lake AP	4,678.52
4054 - Rocky Mnt. WVMP	49,670.00
Total 4050 - Grants	57,816.36
4100 - Tax Rev	
4140 - Current Tax Revenue	3,376.76
4150 - Prior Tax Revenue	195.78
4180 - Miscell. Tax Revenue	84.60
Total 4100 - Tax Rev	3,657.14
7010 - Interest Income	1,482.52
Total Income	62,956.02
Gross Profit	62,956.02
Expense	
6000 - Central BSR Watershed Project	
6020 - Travel CBRRWP	24.00
Total 6000 - Central BSR Watershed Project	24.00
6700 - School/Bullhead Lakes Access.	
6720 - Travel SBLAP	48.54
Total 6700 - School/Bullhead Lakes Access.	48.54
8050 - Vehicle Expense	
8052 - Lease Expense	292.91
8053 - Fuel/Lubricants	53.79
8056 - Purchase	15,020.00
Total 8050 - Vehicle Expense	15,366.70
8070 - BOD Travel & Ent	
8072 - BOD Travel	383.60
Total 8070 - BOD Travel & Ent	383.60
8220 - Dues and Subscriptions	105.05
8530 - Miscellaneous	27.81
8540 - Maintenance	
8541 - Office Maintenance	275.00
8542 - Equipment Maintenance	34.92
Total 8540 - Maintenance	309.92
8550 - Office Supplies	68.97

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Custom Summary Report
July 2005**

	Jul 05
8580 - Payroll Expenses	
8183 - Payroll Taxes	1,185.77
8581 - Retirement	133.25
8582 - Health Insurance	1,435.06
8584 - Retirement Admin Co. 2	187.42
8580 - Payroll Expenses - Other	6,231.72
Total 8580 - Payroll Expenses	9,173.22
8585 - Payroll Expenses for Board	680.00
8588 - Payroll Expenses Technical	
8570 - Retirement Technical Acct. - Co	342.21
8571 - Technical Acct. Employ. 2 Co.	187.42
8588 - Payroll Expenses Technical - Other	8,588.00
Total 8588 - Payroll Expenses Technical	9,117.63
8810 - Postage and Delivery	109.55
8840 - Professional Fees	
8850 - Accounting	415.50
Total 8840 - Professional Fees	415.50
8880 - Rent	
8881 - Office Rent	1,500.00
Total 8880 - Rent	1,500.00
8880 - Telephone	
8881 - Cell Phone	109.08
8882 - Office Phone	242.34
Total 8880 - Telephone	351.42
8900 - Travel & Ent	1,022.46
8940 - Utilities	
8970 - Trash Removal	62.92
Total 8940 - Utilities	62.92
Total Expense	38,767.29
Net Ordinary Income	24,188.73
Net Income	24,188.73