



East Dakota Water Development District
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MINUTES
August 21, 2008

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on August 21, 2008 at the District office in Brookings. Chairman Eggers called the meeting to order at 10:15 a.m. The following persons attended:

Directors Present

Lois Brown
Curt Eggers
Doug Feten
Martin Jarrett
John Johnson
Kay Kassube
Jerry Siegel
Robert Todd
John Weidler

Others Present

Jean Eggers, Renner
Vincent Flemming
Jesse Samora, South Dakotans for Open & Clean Govt.

Staff Present

Jay Gilbertson
Jeremy Hinke
Deb Springman
Roger Strom
Kristi Thielen

Administrative Items

Approval of Agenda - The Manager asked to have an Executive Session (for personnel matters) added to the end of the agenda. **Motion** by Jarrett, seconded by Feten to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the July 17, 2008. It was noted that Director Johnson was left off the list of Directors in attendance (page 1) , and that former Director Flemming was listed. Also, Director Kassube should have been listed as Chair of the District Finance Committee, rather than Director Weidler (page 2). **Motion** by Jarrett, seconded by Weidler to approve the Minutes as amended. Motion carried unanimously.

Financial Reports - The Board reviewed the July 2008 Financial Report. **Motion** by Todd, seconded by Brown to accept the July 2008 Financial Report. Motion carried unanimously. Chairman Eggers then asked that the reports be placed in the District files. The Board also reviewed a summary of District finances for the first half of the year.

Report of Meetings and Conferences - Directors Jarrett and Todd attended meetings of the Interlakes Water Quality Committee in Madison on August 7th and 12th.

Director Johnson attended the July 17 meeting of the Upper Big Sioux River Watershed Advisory Board in Watertown.

Chairman Eggers attended an August 14 meeting in Huron hosted by the South Dakota Association of Conservation Districts (SDACD) and South Dakota Conservation Commission (SDCC) to discuss the delivery systems for conservation assistance programs to the public.

The Manager briefly commented on the following meetings he had attended:

1. **July 21** - Redfield. Spink County Planning and Zoning Committee discussion of ground water protection zoning ordinances.
2. **July 23** - Sisseton. Red River Basin Commission - South Valley Group.
3. **July 28** - Ortonville, MN. Big Stone City/Ortonville Joint Water Board.
4. **July 30** - Sioux Falls. South Dakota Association of Rural Water Systems Managers Association meeting.
5. **August 5** - Sioux Falls. Northern Prairie Land Trust discussion of Central Big Sioux River Watershed Project (CBSRWP) issues.
6. **August 7** - Brookings. Brookings County Conservation District Board of Supervisors.
7. **August 8** - Brookings. CBSRWP riparian easement signing.
8. **August 11** - Clear Lake. Deuel County Planning and Zoning Committee.
9. **August 12** - Ortonville, MN. Ortonville Zoning Committee discussion of joint zoning with Grant Count.
10. **August 14** - Huron. SDACD/SDCC conservation program delivery discussion.
11. **August 18** - Brookings, Moody and Minnehaha Counties. CBSRWP field tour.

Upcoming Meetings

1. **August 21 - 7:00 p.m.** - Milbank. Informational meeting on permitting concentrated animal feeding operations.
2. **August 21 - 7:00 p.m.** - City Hall, Watertown. Upper Big Sioux River Watershed Advisory Board.
3. **August 25 - 4:00 p.m.** - Grant County Courthouse, Milbank. Hearing on new Grant County Flood Plain Maps.
4. **August 28** - Huron. South Dakota Association of Rural Water Systems booth, State Fair.
5. **September 3 - 9:30 a.m.** - Matthews Training Center, Pierre. South Dakota Non-Point Source Task Force.
6. **September 4 - 7:00 p.m.** - Public Library, Madison. Interlakes Water Quality Committee.
7. **September 11 - 1:00 p.m.** - EDWDD Office, Brookings. South Dakota Lakes and Streams Association Board of Directors.
8. **September 17 - 9:00 a.m.** - James River Water Development District Office, Huron. James River Technical Advisory Committee.
9. **September 18 - 9:00 a.m.** - EDWDD Office, Brookings. September EDWDD Board of Directors Meeting.
10. **September 25 & 26** - Brookings. South Dakota Board of Water and Natural Resources.

Motion by Siegel, seconded by Feten to hold the October Board meeting in Milbank on October 23 starting at 10:00 a.m., in place of 9:00 a.m. on October 16 in Brookings. Motion carried unanimously.

Payment Request - The Manager presented the Board with a payment request from the SDSU Water Resources Institute (WRI). In March 2008 the Board agreed to provide fifty percent (50%) of the costs, up to a maximum of \$2,400, for analysis of water quality samples collected as part of an assessment of the impacts of winter application of manure. He noted that WRI had submitted all required paperwork, and he recommended payment of \$1,297.75 as requested. **Motion** by Siegel, seconded by Weidler to approve payment as requested. The Manager noted that this was the first reimbursement request on this activity. Motion carried unanimously.

Personnel Committee Report - Director Jarrett, Chair of the District Personnel Committee, presented the results of the Committee's meeting held earlier in the day. Annual performance reviews were completed on District staff by the Manager. The staff received generally high marks, and there were no significant concerns or problems identified. Director Jarrett reported that the Manager's performance evaluation, a composite completed by all Board members, also indicated a high level of satisfaction with his efforts.

For compensation for Fiscal Year 2009, the Committee recommends the following: a five percent (5%) increase for new District employees Roger Strom and Jeremy Hinke after they have worked for the District for six months; an increase to \$13.50 per hour for new District employee Kristi Thielen; an 11.75% increase for Deb Springman; and a 4% increase for the Manager. The Manager explained that Committee's recommendations were built into the draft Fiscal Year 2009 budget prepared for consideration by the Finance Committee.

The Committee also recommended a one-time bonus of \$1,000 for Ms. Springman for her efforts to keep District projects moving forward during the recent staff changes. **Motion** by Kassube, seconded by Johnson to award a \$1,000 bonus to Ms. Springman in September as recommended. Motion carried unanimously.

Finance Committee Report - Committee Chair Kassube and the Manager reviewed the draft FY 2009 budget developed at the Finance Committee meeting held earlier in the day. The draft included the compensation changes recommended by the Personnel Committees. **Motion** by Weidler, seconded by Kassube to authorize publication of the draft budget and to hold the public hearing on the District's FY 2009 budget on September 18 at 10:00 a.m. at the District office in Brookings. The Manager indicated that the draft budget will be published in all District newspapers in advance of the public hearing. Motion carried unanimously.

Policy and Procedures Manual Revisions - The Manager presented the Board with several proposed changes to the District Policy and Procedures Manual. The changes involved clarification of the conditions under which overtime pay could be earned and the rates at which annual and sick leave are accumulated. The changes also involved adding specific language indicating that the provisions of the federal Family and Medical Leave Act apply to District staff. **Motion** by Siegel, seconded by Kassube to approve the changes as presented. Motion carried unanimously.

South Dakota Open and Clean Government Act

Jesse Samora, Campaign Director for South Dakotans for Open and Clean Government, presented a summary of the South Dakota Open and Clean Government Act. He noted that South Dakotans for Open and Clean Government was formed by citizens of the state who saw a problem. They contend that tax money is being spent on lobbying and campaigning for higher taxes and a greater percentage of tax dollars. The amount of money expended in this manner is unknown, as well as the manner in which the funds are used,

since there is no state-wide tracking system in existence. They contend that because no one can determine how tax dollars are being spent on state contracts, the ability for abuse in the system exists.

The proposed solution is the South Dakota Open and Clean Government Act. This initiative will outlaw taxpayer-funded lobbying and political activity, limit sole-source government contracting and require transparency in government contracts. Mr. Samora stated that the Act is a taxpayer protection that will limit the size and scope of government through true reform. By passing the Open and Clean Government Act, the taxpayers of South Dakota will “take their government back” by requiring responsible representation.

The Manager noted that he had concerns about the District’s ability to be represented in front of the Legislature if the Act would pass. Mr. Samora stated that in that the District’s registered lobbyist was also the appointed District Treasurer, Section 3 of the Act would not prohibit District lobbying. He said that the real intent of the restrictions was to go after the lobbyists who were often several layers removed from the taxpayers. They believe that because taxpayers have no direct recourse if the actions of these individuals are objectionable, this type of effort must be eliminated.

Several Board members noted that while the District’s current lobbyist might not be impacted by the Act, other sections of the initiative seem to conflict with this interpretation. They were further concerned that if the Manager was not able to act as the District lobbyist, then they too would be greatly restricted by the Act. The general consensus was that while the effort might be well intentioned, the net result of passage might not be in the best interest of the public. Several members of the Board expressed an interest in perhaps discussing the Act at a later date.

Project Updates

Central Big Sioux River Watershed Implementation Project - The Manager reported on recent activities with the Central Big Sioux River Watershed Project. On August 8th, two easement agreements were executed for land along the Big Sioux River, one near Castlewood and another near Brookings. Northern Prairies Land Trust continues to work with other interested property owners to identify other potential easement opportunities. The new project coordinator, Roger Strom, is reviewing project files and will be making contact with current and potential cooperators.

Lake Campbell Reassessment Project - Deb Springman reported on her efforts on this project. She has been calculating trophic state indexes using phosphorus, secchi depth and chlorophyll-a data. Roughly 27% of the septic surveys have been returned, a total of 47 responses. Data is being compiled and prepared for running the BATHTUB Model, which is a tool used to assess nutrient and sediment mass-balance in the lake system.

Volunteer Monitoring - The Manager reported that activities on this project have been limited to support of ongoing work of cooperators and volunteers. Jeremy Hinke, a new District employee, will be working with Ms. Springman to assemble data collected during the spring and summer, and will be preparing summaries for both volunteers and other stakeholders.

Executive Session

Motion by Jarrett, seconded by Kassube to go into executive session at 11:30 a.m. to discuss personnel

matters. Motion carried unanimously. **Motion** by Siegel, seconded by Johnson to come out of executive session at 11:40 a.m. Motion carried unanimously.

Motion by Siegel, seconded by Kassube to acknowledge that the District had incorrectly been calculating annual leave for long-term employees, and direct staff to correct the error and amend the accumulated leave for existing staff. Motion carried unanimously.

DRAFT

Adjournment

There being no further District business, Chairman Eggers declared the meeting adjourned at 11:45 a.m.

Doug Feten, Secretary

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