



**East Dakota Water Development District
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Brookings, SD 57006**

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**MINUTES
December 16, 2010**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on December 16, 2010 at the EDWDD Office, 132B Airport Drive, Brookings. Chairman Eggers called the meeting to order at 1:05 p.m. The following persons attended:

Directors Present

Lois Brown
Curt Eggers
Doug Feten
Vincent Flemming
John Johnson
Kay Kassube
John Weidler

Others Present

Jeanne Eggers, Renner
Shirley Flemming, Florence
Roger Hageman, Lake County Commission
Jeppe Kjaersgaard, SDSU Ag Engineering Department
Darrell Raschke, James River WDD
Roger Scheibe, Brookings

Directors Absent

Martin Jarrett
Robert Todd

Staff Present

Kevin Christensen
Jay Gilbertson
Jeremy Hinke
Deb Springman
Kristi Thielen

Administrative Items

Approval of Agenda - The Manager requested adding a Project Assistance Request for work a drainage inventory in Kingsbury County. **Motion** by Feten, seconded by Weidler to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the November 19, 2010 meeting. **Motion** by Johnson, seconded by Feten to approve the Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the November 2010 Financial Report. **Motion** by Flemming, seconded by Brown to accept the November 2010 Financial Report. Motion carried unanimously. Chairman Eggers then asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Weidler attended a Kingsbury County Commission meeting in DeSmet on November 30.

Directors Brown, Eggers, Kassube and Weidler attended a public informational meeting on the Big Sioux River near Sioux Falls TMDL Study at the Sioux Falls Public Library on December 1.

Director Flemming attended the December 15 meeting of the Lake Pelican Water Project District in Watertown.

The Manager commented briefly on the following meetings he attended:

1. November 23 - Owatonna, MN. Minnesota/Iowa Drainage Research Forum.
2. November 30 - DeSmet. Kingsbury County Commission.
3. November 30 - Lake Area Technical Institute DDN site, Watertown. SD Board of Water and Natural Resources.
4. December 2 - Madison. Lake County Clean Water Committee.
5. December 7 - Madison. Lake County Commission
6. December 7 - Sioux Falls. Ag United Annual Meeting
7. December 9 - Pierre. SD Non-Point Source Task Force.
8. December 10 - via teleconference. SD Board of Water and Natural Resources.
9. December 14 - Huron. James River Water Development District Board meeting.
10. December 15 - Brookings. First District Association of Local Governments.

Upcoming Meetings -

1. **December 21 - 9:30 a.m.** - Moody County Courthouse, Flandreau. Meeting with Moody County Commission.
2. **December 21 - 1:00 p.m.** - Kingsbury County Courthouse, DeSmet. Discussion of County drainage options.
3. **January 6 & 7** - Various DDN sites - Board of Water and Natural Resources.
4. **January 11 -13** - Ramkota Centre, Pierre. South Dakota Association of Rural Water Systems Annual Meeting & Technical Conference.
5. **January 11 - 1:00 p.m.** - Pierre. First day of the 2011 Session of the South Dakota Legislature.
6. **January 12 - 7:30 a.m.** - State Capitol Building, Pierre. Legislative breakfast hosted by Water Development Districts.
7. **January 12 - 12 noon** - American Legion, Pierre. James River WDD Board meeting.
8. **January 20 - 9:00 a.m.** - EDWDD Office, Brookings. January East Dakota WDD Board of Directors Meeting.

Payment Requests - The Manager presented the Board with one payment request:

Lake County - At the October 2010 meeting, the Board agreed to provide District cost-share assistance of up to \$45,000 as cost-share for support of an Environmental Protection Officer for Lake County. District support was to be allocated as three yearly payments of \$15,000. Lake County has submitted a request for the first payment of \$15,000 for calendar year 2011 activities. Lake County Commissioner Roger Hageman reported that they have hired Melissa Christenson of rural Chester as the Environmental protection Officer, and she will start work on January 10, 2011.

Motion by Feten, seconded by Johnson to authorize payment of \$15,000 to Lake County as requested. Motion carried unanimously.

Appointment of District Legislative Lobbyist - **Motion** by Brown, seconded by Kassube to appoint the Manager as District's lobbyist to the South Dakota Legislature during calendar years 2011 and 2012. Motion carried unanimously.

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Out-of-State Travel Authorization - The Manager requested Board authorization for out-of-state travel. He asked to attend a workshop on nutrients and water quality hosted by EPA Region 8 in Salt lake City, Utah, on February 14-16, 2011. Agencies and universities in the six states of EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming) are hosting the three-day workshop to explore the science and institutional context regarding nutrients and water quality. The Manager has been invited to speak on efforts to control nitrate contamination in the shallow aquifers of eastern South Dakota.

Motion by Feten, seconded by Johnson to authorize the Manager’s attendance at the meeting as requested. Motion carried unanimously.

Project Assistance Request

Pilot Drainage Inventory Project - Kingsbury County - The Manager reported that the Kingsbury County Commission has requested assistance from the District in addressing county-wide drainage issues. They are supportive of District efforts to identify a manageable model to assess the stream/river carrying capacity and they are considering the creation of local drainage districts to support and maintain drainage projects. They have also requested help in completing an inventory of potential impediments to drainage, such as blocked channels, ditch maintenance, sequential sizing of culverts and other road crossings, by county and townships. This type of information would help the Commission prioritize bridge and culvert maintenance as well as provide a better foundation for the evaluation of drainage permit requests.

The Manager presented a proposal to complete such an inventory. The Pilot Drainage Inventory project Kingsbury County (Project) effort would involve Kingsbury County staff visiting each such road crossing along all state, county and township roads and recording information on the location, size and condition of each bridge and culvert. The Manager requested \$10,840 in District cost-share assistance to support the Project. District funds would be applied to staff and supplies and materials costs. The County would cover all travel costs, estimated at a minimum of \$3,600. The Manager noted that this activity is to be considered a pilot project to determine if the effort would help counties address specific needs related to drainage regulation. As such, the award in support of a survey of one county would not constitute a commitment to a similar level of support to other, comparable requests.

Motion by Brown, seconded by Weidler to provide \$10,840 in District cost-share assistance to the Project as requested. Motion carried unanimously.

Policies and Procedures Manual Update

The Manager presented the Board with several update to the District Policies and Procedures Manual. He noted that they consist of a number of minor adjustments and clarifications to the existing document, along with an increase in the in-state lodging reimbursement rate. The Board reviewed the proposed changes.

Motion by Flemming, seconded by Johnson to adopt the proposed changes to the District Policies and Procedures Manual (changes to text presented below (along with Section Heading) in *italics*). Motion carried unanimously.

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DEFINITIONS

Full-Time Permanent Employee An employee who works for an average of at least 30 hours/week whose assignment is permanent, subject to satisfactory performance of duties; **eligible for District employee benefits.**

Immediate Family The person’s spouse, parents, **son, daughter children**, children’s spouses, brother, sister, grandchildren, stepchildren, foster children, grandparents, stepparents, stepbrother, stepsister or legal guardian

TRAVEL EXPENSE REIMBURSEMENT

Meals - Directors and employees shall be provided a meal allowance whenever District travel takes them away from their home or office. The meal allowance(s) shown below shall be paid in full (receipts are not required) whenever District travel occurs over the following time intervals:

	<u>When Leaving</u>	<u>When Returning</u>
<u>Meal</u>	<u>Before</u>	<u>After</u>
Breakfast	5:31 a.m.	7:59 a.m.
Lunch	11:31 a.m.	12:59 p.m.
Dinner	5:31 p.m.	7:59 p.m.

Meal allowances:

<u>Meal</u>	<u>In-State</u>	<u>Out-of-State</u>
Breakfast	\$8.00	\$11.00
Lunch	\$12.00	\$14.00
Dinner	\$15.00	\$20.00
Total per day	\$35.00	\$45.00

A meal allowance will not be provided for meals provided as part of District-paid meeting or conference registration.

Lodging - All effort should be made to keep lodging costs to a minimum. In most instances, in-state lodging can be obtained at reasonable rates, and should be limited to no more than ~~\$75.00~~ **\$90.00** plus tax. Out-of-state lodging should be limited to no more than \$200.00 plus tax per day. Receipts are required for all lodging reimbursement requests or for charges placed on District credits cards. In certain instances, deviation from the above listed limits may be necessary. Prior approval by the manager is required to exceed the listed limits on lodging costs.

FAMILY AND MEDICAL LEAVE ACT

Employees exercising FMLA leave shall be required to utilize a minimum of five (5) hours per week of any available sick and/or annual leave, to the extent available, to offset the employees share of any insurance premiums and retirement program payments. While on FMLA leave, employees shall be required to pay any employee share of insurance premiums and retirement program payments.

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USE AND OPERATION OF VEHICLES, TOOLS AND EQUIPMENT

Vehicles owned or leased by the District are provided for use by District employees in the execution of their job responsibilities. ~~These vehicles are not to be used for any personal purposes by the employee, but may be used to transport the employee and materials to and from various meeting and job sites.~~ Mileage logs shall be developed and maintained for each vehicle. When not in use, these vehicles shall be located at the District Office.

In the event that employees are permitted to use District vehicles, tools and equipment for their personal use, they will be responsible for seeing that these items are either returned in satisfactory condition, or that an appropriate report concerning loss or damage is submitted along with a reasonable plan of action to restore the equipment to a satisfactory condition. Employees using equipment, supplies or tools will be liable for the loss or damages incurred above and beyond the corporation's insurance coverage. Any expenses associated with the personal use of a District vehicle by an employee, while engaged in District business, shall be reimbursed to the District by the employee at the regular District mileage rate.

HOURS OF WORK

The normal working day for employees shall be eight (8) hours per day and a normal work week is forty (40) hours or as documented in the employee's file. Non-salaried employees who are absent from work will be required to account for all hours in a normal work week through use of annual leave, sick leave or authorized unpaid leave of absence.

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PAY PERIODS

District employees are paid bi-monthly, on or before the 15th day and the last day of each month. Directors will be paid once a month, on the last day of each month.

MEDICAL INSURANCE / FLEXIBLE SPENDING ACCOUNT

All expenses associated with medical flexible spending accounts are the responsibility of the employee, although the District will pay program enrollment expenses.

SICK LEAVE

Sick leave may be granted for personal illness or disability, pregnancy, exposure to a contagious disease that would endanger the health of co-workers, eye or dental care, required medical examination, counseling, or treatment at approved centers for alcohol or drug abuse, or psychiatric care. District employees may utilize sick leave when caring for a spouse or child with any of the aforementioned conditions or circumstances.

GENERAL ANNUAL AND SICK LEAVE PROVISIONS

The following general provisions apply to annual and sick leave policies:

1. An employee can not use more leave than he/she has accumulated except as noted below;
2. Requests for leave must be approved by the manager;

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- 3. *If an employee is ill, he/she must notify the District prior to the start of the work shift;*
- 4. *If an employee terminates employment while on annual leave, he/she cannot use other types of leave;*
- 5. **Salaried employees shall utilize annual or sick leave, as appropriate, when not engaged in District work activities for more than four (4) hours in a work day.**

LEAVE OF ABSENCE WITHOUT PAY

*An employee is eligible for leave without pay even if he/she has annual leave and/or sick leave accumulated. Prior permission must be obtained from the manager. While on leave without pay, an employee cannot accumulate leave credits **and shall be responsible for 100% of payments for insurance benefits. It should be noted that an extended leave of absence without pay may adversely impact retirement benefits.***

AUTHORITY TO EMPLOY AND SUPERVISE PERSONNEL

*The Board has the authority to hire and dismiss the District manager. The Board shall supervise and provide direction and guidance to the manager as needed. The manager, or the Board in the manager’s permanent or extended absence, has the authority to hire and dismiss all other District employees. The manager will provide written notification to the Board, within five (5) days of employment, of new permanent or temporary personnel. The manager shall supervise, assign duties and provide overall direction and guidance for all other District employees **except as noted under the NEPOTISM policy.***

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*The District shall not employ members of the immediate family of the manager, full-time staff, or Board in a full-time and/or permanent capacity. **Should a member of the immediate family of the manager be hired in a part-time and or temporary capacity, the manager shall designate another District employee to supervise, assign duties and provide overall direction and guidance for such an employees.***

2011 Legislative Session Preview

The Manager reviewed the upcoming 2011 Session of the South Dakota Legislature. To date, there are only two bills that he is aware of that will be of interest to the District. The first bill is a product of the recent sunset review of the Department of Environment and Natural Resources (DENR) by the legislature. As part of this effort, the Legislative Research Council (LRC) reviews all codified laws that are dealt with by DENR and proposes changes in style and form, bringing the language of the various laws up-to-date. The draft “clean up” bill is presently at 225 pages, proposing changes to over 540 sections of law. The Manager noted that seven sections of water development district law are included at this time.

The contents of the annual state water funding bill (Omnibus Water Bill) were previewed at the November 30 2010, meeting of the Board of Water and Natural Resources (BWNR). This bill allocates state resources to be applied toward major water funding programs during fiscal year 20112 (July 1, 2011 to June 30, 2012). The Manager reviewed the BWNR recommendations, which allocates funding for State Water Resource Management System projects, the Consolidated Water Facilities Construction Program, solid waste programs and other special appropriations from the Water and Environment Fund. This bill has received nearly unanimous support each year.

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EDWDD Future Use Water Permit No. 3574-3

On February 8th, 1977, the East Dakota Conservancy Sub-District (EDWDD’s predecessor) was granted a Future Use Water Permit (Number 3574-3) for up to 400,000 acre-feet per year from the Missouri River. The water was reserved for use by any and all public water systems within the Sub-District and could be diverted from anywhere on the east side of the river or it’s impoundments in South Dakota. In 2003, the District relinquished 255,000 acre-feet of the reserved water and transferred 1,000 acre-feet to the Clay Rural Water System. It retained 144,000 acre-feet of water. This amount represents roughly twice the total projected annual use by all District public water supplies, in addition to what the Lewis and Clark RWS would use at full capacity. The fee for the seven-year permit was \$3,018.

The Manager reported that the permit is once again up for review by the Water Management Board, and Garland Erbele, DENR-Water Rights Chief Engineer, has asked that the Board consider what it would like to do with the permit. Options would be: retain the full amount, retain a portion of the amount, relinquish the permit, or transfer portions of the permit to other entities that might wish to obtain such rights. The cost of the permit would be \$12,055, which is for a 7-year period. The Manager noted that the significant cost increase was the result of fee changes approved by the South Dakota Legislature in 2009.

Motion by Flemming, seconded by Weidler to notify the State Water Rights Program that the District is interested in retaining Future Use Water Permit No. 3574-3 for 144,000 acre-feet per year of Missouri River water, and to complete any necessary paperwork and other requirements for the seven-year review of the permit by the State Water Management Board. Motion carried unanimously. The Manager indicated that he would notify Water Rights of the Board decision and find out when the request would be presented to the State Water Management Board

Project Updates

Big Sioux Water Festival - Deb Springman, Project Coordinator, presented a summary of the 2010 Big Sioux Water Festival, and plans for the 2011 event.

Dakota Water Watch - Jeremy Hinke, Project Coordinator, summarized the results of the 2010 field season for the Dakota Water Watch volunteer water quality monitoring project.

East Dakota WQM Stage and Discharge Project - Kevin Christensen, District Water Quality Technician, presented an overview of his efforts to collect stream and river discharge information from various sites in the Minnesota, Big Sioux and Vermillion River watersheds.

Adjournment

There being no further District business, Chairman Eggers declared the meeting adjourned at 4:15 p.m.

Doug Feten, Secretary

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