



East Dakota Water Development District
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MINUTES
December 15, 2011

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on December 15, 2011, 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
Mary Ellen Connelly
Curt Eggers
Vincent Flemming
Kay Kassube
Roger Scheibe (via telephone)
Jerry Soholt
John Weidler

Directors Absent

Martin Jarrett

Others Present

Sol Brich, Central Big Sioux River Watershed Project
Shirley Flemming, Florence
Roger Hageman, Lake County Commission
Derric Iles, South Dakota Geological Survey
Jeppe Kjaersgaard, SDSU Water Resources Institute
Dianne Radermacher, Upper Minnesota River WD
Gloria Tieszen, Prairie Meadows Sanitary District
Merlyn Tieszen, Prairie Meadows Sanitary District
Russ Wilkins, Watertown

Staff Present

Kevin Christensen
Jay Gilbertson
Jeremy Hinke
Deb Springman

Administrative Items

Approval of Agenda - The Manager requested adding consideration of a Resolution regarding a legislative drainage study, and noted that the project assistance request from Medary Township has been withdrawn.

Motion by Weidler, seconded by Brown to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the November 17, 2011 meeting. It was noted that Director Scheibe's name was mis-spelled on the last page.

Motion by Soholt, seconded by Kassube to approve the Minutes as corrected. Motion carried unanimously.

Financial Reports - The Board reviewed the November 2011 Financial Report.

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Motion by Connelly, seconded by Weidler to accept the November 2011 Financial Report. Motion carried unanimously. Chairman Eggers then asked that the report be placed in the District files.

Report of Meetings and Conferences - The Manager commented briefly on the following meetings he attended:

1. November 22 - Okoboji, Iowa. Minnesota/Iowa/South Dakota Drainage Research Forum.
2. November 29 - Sisseton. Roberts County Commission.
3. December 1-3 - Alexandria, MN. Minnesota Association of Watershed Districts Annual Meeting.
4. December 6 - Milbank. Grant County Commission
5. December 7 - Huron. South Dakota Association of Towns and Townships Annual Meeting.
6. December 8 - via teleconference. Northern Prairies Land Trust Board of Directors.
7. December 8 - Madison. Lake County Clean Water Committee.
8. December 12 - Rapid City. South Dakota Department of Transportation Winter Meeting (Rapid City & Pierre Regions).
9. December 13 - Brookings. SDSU College of Agriculture and Biological Sciences Stakeholder Advisory Group.
10. December 13 - Sioux Falls. 29/90 Sportsman's Group.

Upcoming Meetings -

1. December 15 - Howard. First District Association of Local Governments.
2. December 16 - Mitchell. South Dakota Department of Transportation Winter Meeting (Mitchell & Aberdeen Regions).
3. December 20 - 9:00 a.m. - Brookings. Brookings County Commission.
4. December 22 - 10:00 a.m. - Huron. James River WDD Special Board Meeting.
5. January 4 - 9:00 a.m. - Mankato, MN. Near-Channel Sediment Source Management Forum.
6. January 5 - 1:00 p.m. - Various DDN Sites. South Dakota Board of Water and Natural Resources.
7. January 10 - 12 - Pierre. South Dakota Association of Rural Water Systems Annual Technical Conference.
8. January 10 - 1:00 p.m. - Pierre. Start of the 87th Session of the South Dakota Legislature.
9. January 11 - 7:00 a.m. - State Capitol Building, Pierre. Water Development District Legislative Coffee.
10. January 11 - 10:30 a.m. - Legion Cabin, Pierre. James River WDD Board Meeting.
11. January 11 - 3:00 p.m. - Pierre. Central Plains WDD Board Meeting.
12. January 12 - 3:00 p.m. - State Capitol Building, Pierre. Rural Drainage Presentation to SD Legislators.
13. January 19 - 9:00 a.m. - EDWDD Office, Brookings. January Board of Directors Meeting.

Selection of Area 1 Director

The Manager reviewed the process undertaken to select a replacement Director to represent Director Area 1. At the October meeting, the Board declared the vacancy following the death of Director John Johnson. 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. Public notices of the vacancy were sent to the official newspapers for the area. Completed petitions were due at the District office by December 2nd. The Board's procedure in such instances has been to interview each of the candidates, and then hold a vote using paper ballots. The candidate receiving the majority of votes cast would be seated.

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Two valid petitions were submitted by the published deadline for Director Area 1. The candidates were Vincent Flemming, Florence, and Russ Wilkins, Watertown. The Board interviewed each of the candidates for the vacancy. Following the interviews, ballots were distributed and votes were cast. The result of the vote had Mr. Wilkins receiving three votes, and Mr. Flemming four votes. Mr. Flemming was declared to winner of the election.

Motion by Brown, seconded by Kassube to appoint Vincent Flemming to serve as the Director Area 1 representative through the end of December 2012. Motion carried unanimously. Mr. Flemming then signed the Director's Oath of Office, and assumed his position on the Board.

Payment Requests - The Manager presented the Board with several payment requests:

Big Sioux Water Festival All-Aboard Bucks - At the September 2010 meeting, the Board awarded \$1,500 in project assistance funds to the Big Sioux Water Festival (BSWF) in support of the All-Aboard Bucks program for the 2011 event. The BSWF has submitted a payment request of \$1,468, which represents the full request for the 2011 event. Payment would leave \$32 in unexpended funds. The Manager also requested authorization to make the full payment on the District's commitment to the All-Aboard Bucks for the 2012 BSWF (\$1,500 committed in September 2011), for a total payment of \$2,968.

Motion by Flemming, seconded by Brown to authorize payment of \$2,968 to the Big Sioux Water Festival as requested. The Manager noted that this would complete the District's obligation to these activities. Motion carried unanimously.

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City of Elkton - At the December 2008 meeting, the Board awarded project assistance funds to the City of Elkton to complete an assessment of the community's waste water collection and treatment system. Specifically, the Board agreed to cover twenty percent (20%) of the study costs, up to a cap of \$6,400. A portion of the work has been completed (Phase 1), but the community has suspended future efforts at this time. The expenses incurred to date were \$13,856.40. The District's share of this would be \$2,771, and the City has requested payment. The payment would leave \$3,629 in unexpended funds.

Motion by Scheibe, seconded by Weidler to authorize payment of \$2,771 to the City of Elkton as requested. The Manager noted that this would complete the District's obligation to this activity. Motion carried unanimously.

Town of Twin Brooks - At the August 2010 meeting, the Board awarded project assistance funds to the Town of Twin Brooks to complete assessments of the community's waste water collection and treatment system, and also their drinking water system (two separate studies). Specifically, the Board agreed to cover ten percent (10%) of costs of each study, up to a cap of \$1,500 total. The work has been completed, and the community has requested full payment of the pledged District support (\$750 + \$750 = \$1,500).

Motion by Kassube, seconded by Soholt to authorize payment of \$1,500 to the Town of Twin Brooks as requested. The Manager noted that this would complete the District's obligation to these activities. Motion carried unanimously.

City of Oldham - At the August 2009 meeting, the Board awarded project assistance funds to the City of Oldham to complete an assessment of the community's waste water collection and treatment system.

Specifically, the Board agreed to cover twenty-five percent (25%) of costs, up to a cap of \$2,500 total. The work has been completed, and the community has requested full payment of \$2,500.

Motion by Connelly, seconded by Weidler to authorize payment of \$2,500 to the City of Oldham as requested. The Manager noted that this would complete the District's obligation to this activities. Motion carried unanimously.

City of Stockholm - At the August 2010 meeting, the Board awarded project assistance funds to the City of Stockholm to complete an assessment of the community's waste water collection and treatment system. Specifically, the Board agreed to cover ten percent (10%) of costs of the study, up to a cap of \$750. The work has been completed, and the Manager has been informed that the community will be requesting full payment of \$750 in the near future. He requested authorization to make this payment upon receipt of the formal request.

Motion by Soholt, seconded by Brown to authorize payment of \$750 to the City of Stockholm upon receipt of a complete request for payment. The Manager noted that this would complete the District's obligation to these activities. Motion carried unanimously.

Project Assistance Review - The Manager reviewed the status of seven projects that had previously received District cost-share assistance. Each project has either been completed and will not be requesting further funds, or has failed to request funds in a timely manner. The Manager requested that the Board rescind the balance of District funds committed to the following projects:

City of Colman waste water facility plan, \$1,000;
City of Elkton waste water system assessment, \$3,629;
City of Howard waste water facility plan, \$619;
Minnehaha Farm Bureau CREP Project environmental assessment, \$12,500;
2011 Big Sioux Water Festival All-Aboard Bucks, \$32;
City of Big Stone City iron removal study, \$1,280; and
SDSU Wildlife & Fisheries drain tile impacts literature review, \$634.

The Manager noted that this action would revert \$19,694.

Motion by Weidler, seconded by Kassube to rescind remaining District cost-share assistance as requested. Motion carried unanimously.

Out-of-State Travel Authorization - The Manager requested Board authorization for out-of-state travel. He asked to attend a one-day forum on drainage issues to be held in Mankato, Minnesota, on January 4th.

Motion by Brown, seconded by Soholt to authorize the Manager's attendance at the meeting as requested. Motion carried unanimously.

Software Purchase Authorization - The Manager requested Board authorization for the purchase of the District's annual site licence and maintenance agreement for the geographic information system (GIS) software. He indicated that funds for this effort (\$1,400) were part of the 2011 budget.

Motion by Soholt, seconded by Weidler to authorize the purchase of the site licence as requested.
Motion carried unanimously.

Project Assistance Request

Prairie Meadows Sanitary District - Merlyn Tieszen, Treasurer of the Prairie Meadows Sanitary District (PMSD), presented the Board with a request for cost-share assistance. PMSD is embarking on a study of their drinking water, waste water and storm sewer systems. PMSD has retained Stockdale Engineering of Sioux Falls to conduct the investigations. The estimated total costs of the comprehensive assessment is \$35,000. The State of South Dakotas Small Community Planning Grant Program is expected to provide \$28,000, leaving a local cost of \$7,000.

Motion by Weidler, seconded by Connelly to provide District cost-share assistance of ten percent (10%) of the total project costs for the proposed investigations, up to a maximum amount of \$3,500.
Motion carried unanimously.

Upper Minnesota River Watershed District - Dianne Radermacher, Administrator of the Upper Minnesota River Watershed District (UMRWD), presented the Board with a project assistance request. She indicated that during the drought of the 1930s, the course of the Whetstone River in northeastern Grant County was redirected to flow into Big Stone Lake to restore and stabilize lake levels. This diversion and associated control structures have been modified at various times in the subsequent years. Discharge from the lake, which is managed by UMRWD, becomes the Minnesota River. Ms. Radermacher noted that as with most man-made changes to the natural conditions, unanticipated adverse consequences of the diversion have come to overshadow the benefits. The river carries a considerable load of sediment, nutrients and other pollutants into the lake, particularly during flood flows.

UMRWD is proposing to return at least a portion of the flow of the Whetstone River to it's original channel. It was originally hoped that the US Army Corps of Engineers (USACE) would complete the initial reconnaissance study and engineering assessment of the proposed re-diversion. However, with the current federal fiscal climate, particularly with regard to earmarks, alternate funding for the initial study is needed. The study is projected to cost \$90,000. To date, UMRWD has secured a total of \$60,000 Big Stone County and the City of Ortonville (both in Minnesota) and the Citizens For Big Stone Lake (the local lake association). They are currently looking to potential Dakota stakeholders for the balance of the support.

The Manager recommended that if the District were to provide one-half of the "local" share, or \$15,000, that would be consistent with past support of such activities. The balance will likely come from Grant and Roberts Counties, along with the communities of Milbank and Big Stone City. He was a party to presentations on this activity to both counties earlier in the month.

Motion by Scheibe, seconded by Flemming to provide District cost-share assistance of up to \$15,000 in support of the reconnaissance study and engineering assessment of the proposed re-diversion of the Whetstone River in northeast Grant County. Director Scheibe made particular note that all of the funds pledged so far were from local sources, indicating exceptionally strong support for the endeavor. Motion carried unanimously.

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South Dakota Drainage Law Review Resolution

The Manager presented the Board with a resolution he had prepared calling on the 2012 South Dakota Legislature to undertake a comprehensive review of the existing state laws dealing with the management and regulation of the drainage of surface, and near-surface, waters. Current law, enacted in 1985, which provide a framework by which individual counties may engage in the regulation of drainage, have been found wanting in many instances. These shortcomings, when coupled with the dramatic rise in drainage permits in recent years, have led a number of counties within the District to remove themselves from the regulatory process. It is hoped that a comprehensive review of state drainage law would help correct the problems, and bring local county governments back into the drainage control process. Typically, the Legislature would undertake such an effort as a summer study, with any new or amended legislation coming the following legislative session (2013 in this case).

The Manager read and reviewed the full text of the draft resolution, and the Board offered several minor grammatical corrections. The Manager noted that the resolution refers to the possibility that the District would be willing to help underwrite the costs of any legislative review. He indicated that it was not his intent to have the District pay for the full summer study. However, he believes it is important that the legislators understand the importance of the issue to the Board and District residents.

Motion by Soholt, seconded by Connelly to adopt the corrected text of Resolution 2011-02 (copy below) and to authorize the Chair and Vice-Chair to sign the document. Director Scheibe indicated that while he is supportive of the effort, without a hard copy of the text to examine he was reluctant to support it at this time. Motion carried with Directors Brown, Connelly, Flemming, Kassube, Soholt, Weidler and Chairman Eggers supporting, and Director Scheibe opposed.

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SD DENR Interactive Data Source

Derric Iles, State Geologist, presented an overview of the South Dakota Department of Environment and Natural Resources (SD DENR) Interactive Data Source (IDS). The IDS was developed to support the ongoing SD DENR Oil and Gas Initiative and provides a mechanism by which all of the relevant test hole and production data, along with supporting documents, related to past oil and gas exploration and development in South Dakota. The intent is to provide the information in an easily accessible format so that any one person or company considering work in South Dakota could find it quickly and simply.

The IDS is an interactive, web-based application from which a huge amount of geologic, hydrologic and water quality data along with pertinent permits and supporting documentation, can be quickly accessed. Unfortunately, the District's current internet connection was not up to the task of allowing Mr. Iles an opportunity to demonstrate the IDS. He was able to go over the on-line IDS tutorial, and it was the consensus of the Board that it was an exceptional development.

The Manager indicated that he would work with staff in the upcoming weeks to upgrade the District's internet and network connections, with the hope of a live demonstration of IDS at some point in the near future.

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Project Updates

Dakota Water Watch - Jeremy Hinke, Project Coordinator, reviewed the results of the 2011 field season for the Dakota Water Watch (DWW) volunteer water quality monitoring project. He is currently summarizing the results for inclusion in the annual summary document, which he expects to have completed in mid-January. He also presented the Board with a draft copy of the back page of the January 2012 edition of the South Dakota Association of Rural Water Systems Quality On Tap magazine. The page highlights the DWW Program and is intended to promote general knowledge and awareness of the activity, and perhaps boost participation in 2012.

Adjournment

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

Roger Scheibe, Secretary

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EDWDD Resolution 2011-02

WHEREAS, the drainage of excess water from seasonally and perennially wet areas can markedly improve agricultural productivity, and in doing so can significantly improve the general economy of the State of South Dakota, the poor management and regulation of drained water can result in damage to a wide range of private and public property, public road and bridge infrastructure, and public water resources on which all citizens depend; and

WHEREAS, the State of South Dakota in 1985 adopted laws designed to provide a framework by which county commissioners could establish plans and controls to help manage and regulate drainage, however a significant number of those counties that opted to adopt drainage plans and controls to undertake such regulation have subsequently concluded that the current system is unworkable and have abandoned their drainage controls; and

WHEREAS, the East Dakota Water Development District (District), a subdivision of the State of South Dakota, seeks to promote the sound and sustainable use of water resources within the District to benefit of all of the its residents, including the management and regulation of drainage activities, in a way that fairly balances the benefits gained by those engaged in such efforts with the resulting adverse impacts to others; and

NOW, THEREFORE BE IT RESOLVED, by the East Dakota Water Development District Board of Directors, that the 2012 South Dakota Legislature undertake a thorough and complete review of state law and policy regarding the management and regulation of the drainage of surface and sub-surface water to address known and potential shortcomings in the existing code; and

BE IT FURTHER RESOLVED, that the District will provide such technical and financial support for this requested effort by the 2012 South Dakota legislature as is practical and necessary for its successful completion for the benefit of the residents of the District and the State of South Dakota.

Duly adopted and passed at a regular meeting of the East Dakota Water Development District Board of Directors in Brookings, South Dakota, on this 15th day of December, 2011.

Curtis Eggers, Chairman
East Dakota Water Development District

Martin Jarrett, Vice-Chairman
East Dakota Water Development District

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