



East Dakota Water Development District
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MINUTES
February 21, 2013

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on February 21, 2013, at the EDWDD office in Brookings. Chairman Jarrett called the meeting to order at 9:03 a.m. The following persons attended:

Directors Present

Lois Brown
Mary Ellen Connelly
Gary Duffy
Martin Jarrett
Kay Kassube
John Moes
Roger Scheibe
Jerry Soholt

Others Present

Deb Callahan, Sioux Empire Water Festival
Jerry Doyle, Moody County Commission
Tom Ehrichs, Moody County Commission
Roger Hageman, Lake County Commission
Gordon Haugen, University/Bridal Estates Sanitary District
Jesse Johnson, SD Corn
Dana Loseke, East River SD Sierra Club
Scott Mohror, University Estates Homeowners Association

Directors Absent

Mark Anderson

Staff Present

Kevin Christenson
Jay Gilbertson
Kristi Thielen

Administrative Items

Approval of Agenda

Motion by Brown, seconded by Kassube to approve the agenda as presented. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the January 14, 2013, meeting.

Motion by Duffy, seconded by Soholt to approve the Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the January 2013 financial report.

Motion by Soholt, seconded by Moes to accept the January 2013 financial report. Motion carried unanimously. Chairman Jarrett then asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Moes attended the Upper Big Sioux Watershed Advisory Board meeting in Watertown on January 18th, and the Lake Pelican Water Project District in Watertown on February 20th.

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Chairman Jarrett attended the January 24th meeting of the Lake County Clean Water Committee in Madison.

The Manager briefly summarized the following meetings he attended since the last Board meeting:

1. January 16 - Rapid City. West Dakota water Development District Board of Directors.
2. January 24 - Madison. Lake County Clean Water Committee.
3. January 30 - Rapid City. Dakota Water Watch Black Hills area planning meeting.
4. February 1 - Brookings. Drainage talk to Brookings Wildlife Federation.
5. February 6 & 7 - Pierre. SD Association of Rural Water Systems Managers Group meeting.
6. February 7 - Madison. Lake County Clean Water Committee.

In addition, the Manager acted in his capacity as District lobbyist to the 2013 South Dakota Legislature in Pierre during this period.

Upcoming Meetings -

1. **March 6 & 7** - Foss Training Center, Pierre. South Dakota Water Management Board.
2. **March 11 - 1:00 p.m.** - USDA Service Center, Hayti. Hamlin County Conservation District Board of Supervisors.
3. **March 12 - 1:00 p.m.** - USDA Service Center, Hayti. North Marsh Lake Watershed District Board of Supervisors.
4. **March 12-14** - Deadwood. South Dakota Association of County Highway Superintendents Spring Short Course.
5. **March 20 & 21** - AmericInn Teton Island Conference Center, Fort Pierre. 25th Annual Environmental and Ground Water Quality Conference.
6. **March 21 - 9:00 a.m.** - EDWDD Office, Brookings. March EDWDD Board of Directors Meeting.

Payment Requests

South Dakota State University (I) - In October 2011, the District agreed to provide \$60,438 in cost-share assistance to South Dakota State University (SDSU) for a research project entitled, "Agricultural Subsurface Drainage Impacts on Hydrology in Eastern South Dakota." The Manager noted that SDSU has submitted a billing covering project costs during January 2013 for a total of \$2,921.74.

Motion by Connelly, seconded by Brown to authorize payment \$2,921.74 to SDSU as requested for "Agricultural Subsurface Drainage Impacts on Hydrology in Eastern South Dakota" project expenses. Motion carried unanimously.

South Dakota State University (II) - In March 2011, the District agreed to provide \$18,750 in cost-share assistance to SDSU for a research project entitled, "Demonstration of Nitrogen Removal Effectiveness of Bioreactors for Drainage Water Management." The Manager noted that SDSU has submitted a billing covering project expenses (\$1,608.04) through December 31st, 2012.

Motion by Soholt, seconded by Kassube to authorize payment \$1,608.04 to SDSU as requested for expenses related to the "Demonstration of Nitrogen Removal Effectiveness of Bioreactors for Drainage Water Management" project. Motion carried unanimously.

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Project Assistance Requests

University Estates Homeowners Association - Scott Mohror, Vice-President of the University Estates Homeowners Association (UEHA), presented the Board with a request for District cost-share assistance. UEHA has contracted with Banner Associates of Brookings to develop a water distribution facility plan. The current system is quite old and has recently experienced a number of problems. The facility plan would evaluate the condition of the current system and recommend possible solutions, including possible annexation by the City of Brookings. Mr. Mohror discussed various aspects of the proposed effort. Total projected costs for the effort are \$9,600 and UEHA has received a State Small Community Planning Grant in the amount of \$7,360. The Manager noted that in such situations, past District practice has been to provide a grant for fifty percent (50%) of the local project costs, which in this case would be \$960.

Motion by Brown, seconded by Moes to provide District cost-share assistance to the University Estates Homeowners Association to cover fifty percent (50%) of the local costs of the water distribution facility plan, up to a maximum of \$960. Motion carried unanimously, with Director Scheibe abstaining.

University/Bridal Estates Sanitary District - Scott Mohror, Vice-President of the University/Bridal Estates Sanitary District (UBESD), presented the Board with a request for District cost-share assistance. UBESD has contracted with Banner Associates of Brookings to develop a waste water distribution system facility plan. The current system is quite old and has recently experienced a number of problems. The facility plan would evaluate the condition of the current system and recommend possible solutions, including possible annexation by the City of Brookings. Mr. Mohror discussed various aspects of the proposed effort. Total projected costs for the effort are \$12,000 and UBESD has received a State Small Community Planning Grant in the amount of \$9,600. The Manager noted that in such situations, past District practice has been to provide a grant for fifty percent (50%) of the local project costs, which in this case would be \$1,200.

Motion by Soholt, seconded by Duffy to provide District cost-share assistance to the University/Bridal Estates Sanitary District to cover fifty percent (50%) of the local costs of the waste water collection system facility plan, up to a maximum of \$1,200. Motion carried unanimously, with Director Scheibe abstaining.

Sioux Empire Water Festival - Deb Callahan, Fundraising Chair for the Sioux Empire Water Festival, presented a request for District cost-share assistance for the 2013 event, set to be held at the University of Sioux Falls on Monday and Tuesday, March 12th and 13th. Ms. Callahan reviewed the history of the project and discussed planned events and programs. She noted that this would be the 20th annual event.

Big Sioux Water Festival - The Manager presented a request from Deb Springman, Project Coordinator for the Big Sioux Water Festival for District cost-share assistance for the 2013 event, set to be held at the South Dakota State University campus on Tuesday, May 7th. He reviewed the history of the project and discussed planned events and programs, noting that this would be the 21st annual event.

Motion by Kassube, seconded by Brown to provide \$7,500 each in District project assistance funds to the 2013 Sioux Empire Water Festival and 2013 Big Sioux Water Festival and to authorize expenditure of the funds. It was the consensus of the Board that these events provide a unique and invaluable learning experience, and the organizers were to be commended for their efforts. Motion carried unanimously.

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2012 SD Legislative Review

The Manager reviewed the status of, and actions he has taken on, numerous bills he is tracking as the District lobbyist during the ongoing 88th Session of the South Dakota Legislature.

House Bill 1007 An Act to restrict the term of conservation easements. Deferred to the 41st legislative day by the House Agriculture & Natural Resources Committee on January 24th. The Manager indicated that he had testified in opposition to this bill, as long-term/permanent easements were one of the tools used by the District and it's partners to address water quality issues in the region.

House Bill 1059 An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources. Awaiting action by the Senate Agriculture & Natural Resources Committee.

House Bill 1120 An Act to allow regional intergovernmental cooperation for sewer utilities and to provide for the establishment of rates and charges. Awaiting action by the Senate Local Government Committee. This bill is an outgrowth of a District-supported effort to determine the feasibility and viability of regional wastewater collection and treatment systems. The Manager has testified and lobbied in support, noting the Board's conceptual and financial support of the effort.

House Bill 1135 An Act to regulate access to and use of public waters on public and private property. Deferred to the 41st legislative day by the Senate State Affairs Committee on February 20th.

Senate Bill 59 An Act to prohibit the disposal of certain oil and gas field wastes. Awaiting action by the House Agriculture & Natural Resources Committee. The Manager testified in support of the bill during its hearing by the Senate Agriculture and Natural Resources Committee.

Senate Bill 115 An Act to increase the commercial fertilizer inspection fee for purposes of fertilizer-related research and to create the Nutrient Research Education Council to promote such research. Awaiting action by the House Agriculture & Natural Resources Committee. The Manager testified in support of the bill during its hearing by the Senate Agriculture and Natural Resources Committee and also lobbied for its passage.

Senate Bill 153 An Act to clarify, remove inconsistencies from, and revise certain provisions relating to the formation and operation of watershed districts. Awaiting action by the House Judiciary Committee. The Manager testified in support of the bill during its hearing by the Senate State Affairs Committee.

Senate Bill 189 An Act to make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes and to declare an emergency. Awaiting action by the full House. The Manager testified in support of the bill during its hearings by the Senate and House Appropriations Committees.

Senate Bill 179 An Act to provide for a uniform county drainage permit application form and to remove the maximum limit for drainage permit fees. Deferred to the 41st legislative day by the Senate Local Government Committee on February 13th. The Manager noted that this bill was brought forward by members of the Regional Watershed Advisory Task Force (RWATF), but the Task Force as a whole

did not have an opportunity to consider, evaluate or take formal action on the bill. He noted that the proposed changes would have addressed some of what he believed were shortcomings in current county drainage law (SDCL 46A-10A). The bill in its original form would have removed the \$100 limit on the permit application fee so that the counties may recover actual costs and established a uniform drainage permit application. Thirteen specific pieces of information were listed, all of which were to be vouched for by a professional engineer registered in the State of South Dakota. At the request of one of the bill sponsors, the Manager compared the proposed uniform permit application elements with those currently required by the 17 counties with such permit systems in place. He reviewed the results of his effort with the Board.

The Manager indicated that the public response to the bill was significant, and mostly in opposition to the proposed changes. Several directors concurred, indicating they had been contacted about the bill as well. In response to many of these comments, the prime sponsor proposed amendments at the formal hearing on February 13th. The amendments dropped the lifting of the \$100 fee cap, and removed the requirement that a professional engineer be involved in the preparation of the application. The Manager spoke in support of the bill, as it was proposed to be amended, at the Senate Local Government Committee hearing, answered questions of the Committee, and provided rebuttal testimony at the request of the sponsor of the bill.

House Bill 1235 An Act to continue the Regional Watershed Advisory Task Force under the supervision of the Executive Board of the Legislative Research Council in a manner to save public financial resources. Awaiting action in the Senate. The Manager indicated that this bill was created through a “hog-house” amendment of another bill by State Representative Brian Gosch, who is the RWATF Chairman. The bill attained its current form during debate by the Full House of representatives late the previous evening (February 20th), and the Manager had not yet had time to fully assess the new language.

Central Big Sioux River Watershed Project II - Public Opinion Survey

The Manager noted that at the June 2012 meeting, the Board agreed to provide funding for a public opinion survey of attitudes toward various water quality issues in the Big Sioux River watershed. The survey would be a repeat of a similar survey conducted in 2006, with the intent to measure both current public attitudes and changes over the intervening period. However, as there were some changes to the survey language, and some concern expressed by some of the partners in the Central Big Sioux River Watershed Project II, the Board stipulated at the time that it wanted to have the opportunity to review the proposed final language of the survey before it was conducted.

The Manager presented the Board with what he proposed to be the final questionnaire. He discussed changes made to the original text. A redundant question was removed. There were a small number of grammar changes to clarify certain points. A few questions were amended to include reference to practices that were not commonly considered in 2006 (long-term conservation easements and water management. Finally, two questions were added targeting waste water treatment and municipal conservation practices.

Motion by Scheibe, seconded by Brown to approve the changes, and to authorize the Manager to initiate the survey. Motion carried unanimously.

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Adjournment

There being no further District business or other matters, Chairman Jarrett declared the meeting adjourned at 12:25 p.m.

Roger Scheibe, Secretary

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