

MINUTES
January 20, 2005

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on January 20, 2005 at the EDWDD office in Brookings. Chairman Dempsey called the meeting to order at 9:00 a.m. The following persons attended:

Directors Present

Dave Bennett
Lois Brown
Bill Dempsey
Curt Eggers
Doug Feten
Vincent Flemming
Royce Hueners
Kay Kassube
John Weidler

Others Present

Shirley Flemming, Florence
Jack Majeres, Moody County Conservation District
Jerry Myers, SD Lakes & Streams Association
Ken Stange, SD Lakes & Streams Association

Staff Present

Becky Banks
Lisa Bretsch
Jay Gilbertson
Deb Springman

Directors Absent

none

Administrative Items

Approval of Agenda - The Manager asked to have a second project assistance request, from the Moody County Conservation District, added to the agenda. **Motion** by Weidler, seconded by Feten to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the December 16, 2004 meeting. **Motion** by Hueners, seconded by Bennett to approve the Minutes presented. Motion carried unanimously.

Election of Officers for 2005 - Chairman Dempsey turned the meeting over to the Manager. The Manager called for nominations for Chairman for 2005. **Motion** by Eggers, seconded by Brown to nominate Director Dempsey for Board Chairman. **Motion** by Feten, seconded by Kassube that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Dempsey called for nomination for Vice-Chairman for 2005. **Motion** by Hueners, seconded by Flemming to nominate Director Eggers for Vice-Chairman. **Motion** by Brown, seconded by Kassube that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Dempsey called for nomination for Secretary for 2005. **Motion** by Hueners, seconded by Kassube to nominate Director Feten for Secretary. **Motion** by Flemming, seconded by Eggers that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

The Manager noted that State Law required annual elections for Board Chairman, Vice-Chairman and Secretary. However, the position of District Treasurer was one that carried over each year, until such time as the Board decided to select a new person for the position. The Board last appointed the District Manager (Jay Gilbertson) to this position in January 2004. Chairman Dempsey asked the Board if they wished to select a new Treasurer at this time. **Motion** by Kassube, seconded by Feten to retain the Manager as District Treasurer. Motion carried unanimously.

Financial Reports - The Board reviewed the December 2004 Financial Report (Attachment A). **Motion** by Hueners, seconded by Feten to accept the Financial Report. Motion carried unanimously. Chairman Dempsey then asked that the report be placed in the District files. The Board then reviewed the Fourth Quarter Financial Statement for 2004.

Revised FY 2005 District Budget - The Manager presented and reviewed a revised version of the District's FY 2005 budget.

Report of Meetings and Conferences - Director Weidler attended a presentation on large-scale feeding operation sponsored by I-29ers for Quality of Life in Sioux Falls on January 6, 2005.

Chairman Dempsey and Directors Bennett and Weidler attended the South Dakota Association of Rural Water Systems (SDARWS) Annual Meeting in Pierre on January 11-13.

Chairman Dempsey attended the James River Water Development District Board of Directors meeting and a water festival presentation in the Capitol Rotunda in Pierre on January 12th.

The Manager briefly commented on the following meetings he attended:

1. December 16 - Flandreau. Central Big Sioux River Implementation Project planning session with Brookings, Lake, Moody and Minnehaha Conservation District representatives.
2. December 20 - Watertown. SD Association of County Commission workshop on zoning and ag development issues.
3. January 4 - Madison. Lake County Commission - drainage issues.
4. January 6 - Pierre. Board of Water and Natural Resources.
5. January 11-13 - Pierre. South Dakota Association of Rural Water Systems Annual Workshop and Legislative Reception.
6. January 12 - Pierre. James River Water Development Board meeting.
7. January 12 - Pierre. Central Plains Water Development District Board meeting.
8. January 18 - Madison. Lake County Conservation District Board meeting.

Upcoming Meetings -

1. **January 21 - 9:00 a.m.** - Moody CD, Flandreau. CBSR Implementation Project planning meeting.

2. **January 21-22** - Milbank. Grant County Farm Show. Nitrate testing project.
3. **January 26** - Sioux Falls Convention Center. SDSU Precision Agriculture Seminar.
4. **January 27** - 12 noon - Ramkota, Watertown. EDWDD presentation to Watertown Rotary Club.
5. **January 29** - Clear lake. Deuel County Farm & Home Show. Nitrate testing project.
6. **February 2-3** - Howard. Miner County Farm Show. Nitrate testing project.
7. **February 9 - 1:00 p.m.** - EDWDD Office, Brookings. South Dakota Lakes & Streams Association Board meeting.
8. **February 9 & 12** - Watertown. Codington County Farm Show. Nitrate testing project.
9. **February 19 - 9:00 a.m.** - EDWDD Office, Brookings. February EDWDD Board of Directors meeting.

2005 Meeting Locations - The Manager presented the Board with a draft meeting schedule for calender year 2005. As in the past few years, the Board requested that several meetings be held around the District, so that government entities, organizations and the general public would be able to attend meetings without having to travel to the District office in Brookings. All dates, except for November, are the third Thursday of the month.

Date	City	Start	Location
January 20	Brookings	9:00 a.m.	EDWDD Office
February 17	Brookings	9:00 a.m.	EDWDD Office
March 17	Brookings	9:00 a.m.	EDWDD Office
April 21	Watertown	9:30 a.m.	(to be determined)
May 19	Brookings	9:00 a.m.	EDWDD Office
June 16	Brookings	9:00 a.m.	EDWDD Office
July 21	Brookings	9:00 a.m.	EDWDD Office
August 18	Brookings	9:00 a.m.	EDWDD Office
September 15	Milbank	9:30 a.m.	(to be determined)
October 20	Brookings	9:00 a.m.	EDWDD Office
November 14	Sioux Falls	9:30 a.m.	Lewis & Clark RWS Office
December 15	Brookings	1:00 p.m.	EDWDD Office

Motion by Bennett, seconded by Feten to adopt the meeting schedule for 2005 as presented. Motion carried unanimously.

Payment Request - City of Crooks - In March 2003, the Board agreed to provide \$500 in cost-share assistance to the City of Crooks to applied toward the completion of an assessment of the community’s drinking water system. The bulk of the project was pair for through the State’s Small Community Planning Grant Program (\$4,000). The study has been completed, and the City has requested the District’s funds. **Motion** by Weidler, seconded by Brown to authorize payment of \$500 as requested to the City of Crooks. The Manager noted that this would complete the District’s obligation for this activity. Motion carried unanimously.

Appointment of District Legal Counsel - Alan Glover, of the Glover, Helsper and Rasmussen Law Firm, was the District’s legal counsel in 2004. Mr. Glover has indicated a willingness to continue

in this capacity for a retainer of \$400 for 2005. **Motion** by Eggers, seconded by Feten to appoint Alan Glover as EDWDD legal counsel for 2005 and to authorize payment of a \$400 retainer. Motion carried unanimously.

Appointment of EDWDD Standing Committees - Chairman Dempsey appointed the following Directors to the District’s Standing Committees for 2005. The first name listed is the committee chair.

Finance	Planning	Legislative	Personnel
Hueners	Brown	Feten	Eggers
Bennett	Bennett	Bennett	Brown
Eggers	Feten	Eggers	Hueners
Feten	Kassube	Flemming	Kassube
Flemming	Weidler	Hueners	Weidler

Designation of Official Newspapers - **Motion** by Feten, seconded by Weidler to designate the following newspapers as the official newspapers for District notices in 2005: Brookings Register, Clear Lake Courier, Grant County Review, De Smet News, Miner County Pioneer, Watertown Public Opinion, Moody County Enterprise, Hamlin County Herald Enterprise, Madison Daily Leader and Sioux Falls Argus Leader. Motion carried unanimously.

Designation of Director to Attend Specific Meetings - **Motion** by Hueners, seconded by Flemming to have Director Eggers attend the Board of Water and Natural Resources (BWRN) meetings on behalf of the District, with Chairman Dempsey as the alternate. Motion carried unanimously.

The Board discussed participation by the Manager on the Board of Directors of the South Dakota Association of Rural Water Systems (SDARWS). As the only Class B member in attendance at the recent SDARWS Annual Meeting, he was appointed to represent all Class B members in eastern South Dakota. It was the consensus of the Board that the Manager not serve in such a capacity.

District Organizational Memberships - **Motion** by Hueners, seconded by Bennett to authorize payment of \$260 to the South Dakota Association of Rural Water Systems for District membership in 2005. Motion carried unanimously.

Legislative Update

The Manager briefly reviewed legislation pending before the 80th South Dakota legislature.

The annual omnibus water funding bill, with support for the Consolidated Water Facilities Construction Program (CWFCP) and the State Water Resources Management System (SWRMS), will be presented to the legislature by the Governor, but has not yet been submitted.

House Bill 1059, **An Act to authorize the Water Management Board to establish the beneficial use of recreation on natural non-meandered lakes**, is the result of the 2004 SD Supreme Court decision regarding water over private lands, which arose from a dispute in Day and Clark Counties. The bill is being brought forward by DENR. It is scheduled for hearings later in the January.

At this time, the Manager said that very few bills have been submitted that dealt with water resource issues (except HB1059), but there are several days remaining before the deadline for new legislation (February 1). He will monitor developments and keep the Board posted on important developments. Legislative activity can be monitored on the Legislative Research Council website:

www.legis.state.sd.us/sessions/2004/index.cfm.

The Manager noted that there has been considerable discussion about the proposed bill developed on behalf of the conservation districts that will establish a permanent funding source. The funding mechanism, a fee/tax of 5 cents per 1,000 gallons of metered water used, has not met with much support. The funds will be designated to cover both conservation projects and basic district operational expenses. However, it is unclear as to whether or not this bill will be forwarded.

Jack Majeres, President of the South Dakota Association of Conservation Districts (SDACD), said that the decision had been made to not submit the bill during the current session. He noted that there had been considerable concern and resistance to the proposal from numerous sources, and the SDACD intended to meet with various parties between now and the 2006 Legislative Session in an effort to address these concerns. He also stated that SDACD is committed to finding a stable funding source for conservation resource protection efforts in South Dakota.

Missouri Sedimentation Action Coalition Membership

At the December 2004 meeting, Howard Paul, Executive Director of the Missouri Sedimentation Action Coalition (MSAC), gave a presentation on the mission and activities of his organization, and asked the Board to consider becoming a member of MSAC. The Board deferred action on the request until the January 2005 meeting. **Motion** by Hueners, seconded by Kassube to not join the MSAC as a member, but to make a one-time donation of \$2,000 to MSAC (out of District project assistance funds) to support its efforts. The motion carried with Brown, Dempsey, Eggers, Feten, Flemming, Hueners, Kassube and Weidler supporting, and Bennett opposed.

Project Assistance Requests

Corson Village Sanitary District - The Corson Village Sanitary District has requested District cost-share assistance for the completion of a facility plan, with an estimated cost of \$5,250. They are requesting support for the effort from the State's Small Community Planning Grant Program, which should cover \$4,000. The request to the District is for some portion of the balance. The Manager noted that in the past, the District has provided cost-share assistance amounting to half of the local costs of such efforts. In this case, that would amount to a project assistance award of \$625. **Motion** by Flemming, seconded by Eggers to award District cost-share assistance to the Corson Village Sanitary District for fifty percent (50%) of the local costs of the facility plan, not exceed a total of \$625. Motion carried unanimously.

Moody County Conservation District - Jack Majeres, Chairman of the Moody County Conservation District (MCCD), presented the Board with a request for District cost-share assistance to help cover excess costs associated with construction of an animal waste management system (AWMS) in the Bachelor Creek Watershed Improvement Project. An unanticipated groundwater problem has

resulted in cost overruns for a facility in Enterprise Township. All available implementation project funds have been expended, and they expect the final costs to be about \$3,000 to \$5,000 over. The facility owner has agreed to pay half the costs of the overage, and they are seeking help with the remainder. **Motion** by Hueners, seconded by Eggers to provide District cost-share assistance to MCCD to cover half of the cost overruns on the AWMS, not to exceed a total of \$2,500. Motion carried unanimously.

Watershed Project Updates

Big Sioux River Watershed Assessment Projects - Deb Springman and Becky Banks reported on the status of these projects. The Final Report on the Central Big Sioux River Watershed Assessment Project, along with the 24 TMDL reports that go with it, have been sent to the U. S. Environmental protection Agency in Denver for preliminary review and comment. DENR staff have already signed off on the Final Report. Work on the North-Central Big Sioux River/East Oakwood Lake and School Lake Assessment Projects is centered on running computer models of sediment and nutrient transport, both for the watersheds (FLUX) and the lakes (BATHTUB). They are also assembling sub-watershed maps with the assistance of USGS staff.

Central Big Sioux River Implementation Project - The Manager is preparing a 319 grant request for this project to be submitted to DENR on February 1.

Adjournment

There being no further District business, Chairman Dempsey declared the meeting adjourned at 12:15 p.m.

Doug Feten, Secretary