



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

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**MINUTES**  
**January 20, 2011**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on January 20, 2011 at the EDWDD office in Brookings. Chairman Eggers called the meeting to order at 9:05 a.m. The following persons attended:

**Directors Present**

Lois Brown  
Mary Ellen Connelly  
Curt Eggers  
Martin Jarrett  
John Johnson  
Kay Kassube  
Roger Scheibe  
Jerry Soholt  
John Weidler

**Others Present**

Gerald Beninga, Minnehaha County Commission  
Melissa Christianson, Lake County  
Chris Hay, SDSU Ag & Biosystems Engineering  
Doc Knaus, Brookings

**Staff Present**

Kevin Christensen  
Jay Gilbertson  
Jeremy Hinke  
Deb Springman  
Kristi Thielen

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**Administrative Items**

Director Oaths of Office - Directors Brown, Eggers, Jarrett, Johnson, Kassube, Scheibe, Soholt and Weidler each signed the Director's Oath of Office.

Approval of Agenda - Doc Knaus, Brookings County resident, requested time on the Agenda to talk to the Board about flooding issues south of the City of Brookings. **Motion** by Scheibe, seconded by Brown to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the December 16, 2010 meeting. **Motion** by Johnson, seconded by Soholt to approve the Minutes as presented. Motion carried unanimously.

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

District Administrative Assistant Kristi Thielen reported on a recent training course she attended to learn more about the District's accounting software. It was very worthwhile and provided an opportunity to ask questions and gain a better insight into using the accounting software to the benefit of the District. She did

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note that the District's present version of the software was dated, and requested authorization to purchase the most recent version. **Motion** by Jarrett, seconded by Weidler to authorize purchase of any updates/upgrades to the District's accounting software as necessary. Motion carried unanimously.

Selection of Director for Director Area 8 - The Manager reviewed the process undertaken to select a Director to fill the current vacancy in Director Area 8. SDCL 46A-3B-9 allows for the remaining Board members to appoint a replacement (until the next general election) from candidates proposed by nominating petitions signed by at least 25 eligible voters from the area.

At the October 2010 meeting, the Board declared the position to be vacant, effective January 1, 2011, in that no one filed a nominating petition in advance of the 2010 general election. In December, public notices of the vacancy were published in the official newspapers for the area. Completed nominating petitions were to be submitted to the District office in Brookings no later than January 7<sup>th</sup>, 2011. A lone petition was submitted by Mary Ellen Connelly of Sioux Falls. The Manager and the Minnehaha County Auditor confirmed that all signatures on the petition were valid and Ms. Connelly was invited to this Board meeting.

**Motion** by Brown, seconded by Johnson to appoint Mary Ellen Connelly of 25 South Riverview Heights, Sioux Falls, to serve as the Director for Director Area 8 through the end of calendar year 2012. The Manager noted that Ms. Connelly's term of office would commence immediately on the passage of the motion. Motion carried unanimously. Ms. Connelly then signed the Director's Oath of Office, and assumed her position on the Board.

Election of Officers for 2011 - Chairman Eggers turned the meeting over to the Manager. The Manager called for nominations for Chairman for 2011. **Motion** by Kassube, second by Brown to nominate Director Eggers for Board Chairman. Motion carried unanimously. The Manager returned the gavel to Chairman Eggers.

Chairman Eggers called for nomination for Vice-Chairman for 2011. **Motion** by Brown, seconded by Kassube to nominate Director Jarrett for Vice-Chairman. **Motion** by Kassube, seconded by Brown that nominations cease and that the Board cast a unanimous ballot. Motion carried unanimously.

Chairman Eggers called for nomination for Secretary for 2011. **Motion** by Brown, seconded by Weidler to nominate Director Scheibe for Secretary. **Motion** by Kassube, seconded by Soholt 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 2007. Chairman Eggers asked the Board if they wished to select a new Treasurer at this time. **Motion** by Kassube, seconded by Weidler to re-appoint the Manager as District Treasurer. Motion carried unanimously.

Report of Meetings and Conferences - Director Jarrett attended a meeting of the Moody County Commission in Flandreau on December 21<sup>st</sup>, 2010.

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Director Weidler attended a meeting on drainage issues hosted by the Kingsbury County Commission in DeSmet on December 21<sup>st</sup>, 2010.

Directors Kassube, Jarrett and Weidler attended the South Dakota Association of Rural Water Systems (SDARWS) Annual Technical Conference and Meeting in Pierre on January 11-13.

Director Kassube attended the Water Development District Legislative Breakfast and the James River Water Development District Board of Directors on January 12<sup>th</sup> in Pierre.

The Manager briefly commented on the following meetings he attended:

1. December 21 - Flandreau. Moody County Commission.
2. December 21 - DeSmet. Kingsbury County drainage issues discussion.
3. December 22 - Flandreau. Moody County drainage ordinance discussion.
4. December 28 - Pierre. Lobbyist paperwork filing with Secretary of State.
5. December 30 - EDWDD Office, Brookings. Nitrate testing demonstration for SDARWS staff.
6. January 6 - EDWDD Office, Brookings. Upper Minnesota River Water Quality Assessment Project review of 2010 field season.
7. January 6 & 7 - Brookings DDN Site/teleconference. SD Board of Water and Natural Resources.
8. January 11-13 - Pierre. SDARWS Annual Workshop and Legislative Reception.
9. January 12 - State Capitol Building, Pierre. Water Development District Legislative Breakfast.
10. January 12 - American Legion Cabin, Pierre. James River Water Development District Board.
11. January 15 - Morton, MN. Minnesota River Basin Projects AREA II Annual Meeting.
12. January 18 - DeSmet. Kingsbury County drainage issues discussion.

In addition, he noted that he acted in his capacity as District lobbyist to the 2011 South Dakota Legislature in Pierre on January 12-13.

#### Upcoming Meetings -

1. **January 26 - 8:30 a.m.** - Swiftel Center, Brookings. Tri-State Agricultural Drainage Forum.
2. **February 1 - 10:00 a.m.** - Sioux Falls Convention Center. City of Sioux Falls Comprehensive Wastewater Study Update
3. **February 3 - 9:00 a.m.** - Marshall, MN. Minnesota River Basins Project AREA II.
4. **February 2 & 3** - AmericInn Lodge, Fort Pierre. South Dakota Association of Rural Water Systems Managers Group meeting.
5. **February 17 - 9:00 a.m.** - EDWDD Office, Brookings. February EDWDD Board of Directors Meeting.

Payment Request - SDSU Water Resources Institute (WRI) - At the December 2009 meeting, the Board agreed to provide District cost-share assistance for fifty-percent of the water quality analyses, up to a maximum of \$5,500, conducted as part of an assessment of the impacts of the winter application of manure. As similar award was also made to the WRI for analytical costs for water samples collected from several small watershed-scale plots in Moody County. The plots are intended to replicate previous small-scale studies on actual functioning agricultural ground. District support, fifty-percent of analytical cost, up to a maximum of \$2,400, was to be used to collect base-line information and back ground data. The Manager

reported receiving payment requests from the WRI for the first payment for each investigation, \$3,177.50 and \$768.75 respectively, for work done in 2010.

**Motion** by Kassube, seconded by Weidler to authorize payments of \$3,177.50 and \$768.75 as requested. The Manager noted that he would request that WRI staff attend the February meeting to update the Board on the status of the investigations. Motion carried unanimously.

2011 Board of Directors Meeting Schedule - The Manager presented the following draft meeting schedule for 2011:

| <b>Date</b>  | <b>Location</b> | <b>Start</b> | <b>Meeting Site</b>     |
|--------------|-----------------|--------------|-------------------------|
| 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     | Madison         | 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 | Watertown       | 10:00 a.m.   | (to be determined)      |
| October 20   | Brookings       | 9:00 a.m.    | EDWDD Office            |
| November 17  | Sioux Falls     | 10:00 a.m.   | Water Reclamation Plant |
| December 15  | Brookings       | 1:00 p.m.    | EDWDD Office            |

**Motion** by Soholt, seconded by Brown to adopt the proposed meeting schedule for 2011. Motion carried unanimously.

Appointment of District Legal Counsel - In 2010, Alan Glover, of the Glover and Helsper Law Firm, served as the District's legal counsel. Mr. Glover has indicated a willingness to continue in this capacity for a retainer of \$400 for 2011. **Motion** by Brown, seconded by Scheibe to appoint Alan Glover as EDWDD legal counsel for 2011 and to authorize payment of a \$400 retainer. Motion carried unanimously.

Designation of Official Newspapers - **Motion** by Kassube, seconded by Weidler to designate the following newspapers as the official newspapers for District notices in 2010: 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.

District Organizational Memberships - **Motion** by Kassube, seconded by Johnson to authorize payment of \$385 to the South Dakota Association of Rural Water Systems, \$165 to the American Water Resources Association and \$50 to the South Dakota Lakes and Streams Association for District memberships in 2011. Motion carried unanimously.

2010 Fiscal Audit Letter of Engagement - **Motion** by Jarrett, seconded by Brown to execute a Letter of Engagement with East, Vander Woude, Grant and Company of Sioux Falls to conduct the fiscal audit of the District's 2010 financial records. Motion carried unanimously.

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## Municipal Drainage Impacts on Rural Areas

Doc Knaus, a resident of southern Brookings County, spoke to the Board of his concerns about seemingly uncontrolled drainage from the City of Brookings. He indicated that expanding residential development was resulting in increased runoff from the City due to the increase of impermeable surfaces. Mr. Knaus indicated that he had approached staff from both the City and Brookings County about the issue. He requested that the District become involved in the matter, noting that similar problems would likely be occurring around other large communities in the District, such as Watertown, Madison, Brandon and Sioux Falls.

It was the consensus of the Board that the Manager explore the situation and conditions, and determine if there was any assistance the District could provide to resolve the issue.

### Project Assistance Request

Tri-State Agricultural Drainage Forum - Dr. Christopher Hay, SDSU Department Agricultural and Biosystems Engineering, requested financial assistance for the upcoming Tri-State Agricultural Drainage Forum. The event is scheduled for Wednesday, January 26th, at the Swiftel Center in Brookings, SD. The program will include presentations on: agricultural drainage fundamentals; legal and regulatory issues; drainage impacts on hydrology; water quality of drainage outflows; climate impacts on drainage; and conservation drainage practices to mitigate water quality impacts of tile drainage. Dr. Hay noted that the issues to be covered are of great interest to area residents, and he is expecting 150+ attendees. His request was for \$1,500, to be used to off-set the travel costs for out-of-state speakers and facility charges.

**Motion** by Brown, seconded by Soholt to award cost-share assistance in the amount of \$1,500 to the SDSU Department Agricultural and Biosystems Engineering in support of the Tri-State Agricultural Drainage Forum as requested and to authorize expenditure of the funds. Motion carried unanimously.

### Updates to District By-Laws

The Manager presented several proposed updates to the District By-Laws, summarized below:

1. Article I - Jurisdiction. This section contains a description of the territory included in the District. The description includes the eastern part of Day County, which by virtue of the November 2<sup>nd</sup>, 2010, vote is no longer part of EDWDD. The change would strike this portion of the territorial description. The article also fails to list Kingsbury County, which must be added.
2. Article V - Director Vacancies. Minor language changes for clarity.
3. Article VI - Officers. The proposed deletion removes a redundant description of the duties of the Treasurer, which are formally described later in the same article. The Manager is also seeking advice from legal counsel and the District's insurance carrier to confirm that the bonding requirements placed on the Treasurer are being met. Changes to the language in this article, or procedures, may be required.
4. Various Articles. Changes to further implement gender-neutral language. The changes will also bring the language in line with that used in South Dakota codified law (with regard to gender).

The Manager noted that according to Article XI of the District By-Laws, any proposed changes must be discussed at one meeting, but can not be acted on until a subsequent meeting. Consequently, no formal action was required at this time, but he would be placing the issue on the agenda for the February meeting for final disposition.

### Legislative Update

The Manager noted that there were only a modest number of bill under consideration by the 86<sup>th</sup> South Dakota Legislature that pertain to water development districts directly, or water resource issues in general. The low bill count is attributed to uncertainties about funding in general, and the fact that Governor Dugaard presented his proposed FY 2012 budget only yesterday. He expects that a number of bills would likely be filed in the next few days, as the filing deadline (January 31<sup>st</sup>) is fast approaching.

The Manager briefly reviewed each of the bills listed below and indicated his intended actions on each:

- HB 1009      An Act to repeal the authority of the Department of Environment and Natural Resources to regulate public swimming places and bulk water haulers. Monitor.
- HB 1044      An Act to revise certain water project district voter eligibility provisions. Monitor.
- HB 1050      An Act to revise the voting requirements for the county board of adjustment. Actively oppose.
- SB 1           An Act to make form and style revisions to certain statutes related to natural resources. Support.
- SB 11         An Act to make an appropriation from the coordinated natural resources fund to the State Conservation Commission and to declare an emergency. Support.
- SCR 2         Urging the United States Congress to appropriate \$35 million in fiscal year 2012 for the Lewis and Clark Regional Water System.

The Manager noted that the annual omnibus water funding bill had not yet been filed.

### Adjournment

There being no further District business, Chairman Eggers declared the meeting adjourned at 12:25 p.m.

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Roger Scheibe, Secretary