



**East Dakota Water Development District
132B Airport Drive
Brookings, SD 57006**

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**MINUTES
July 21, 2016**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on July 16, 2016, at the District Office in Brookings. Chairman Jarrett called the meeting to order at 9:00 a.m. The following persons attended:

Directors Present

Mark Anderson
Lois Brown
Mary Ellen Connelly
Gary Duffy
Martin Jarrett
Kay Kassube
John Moes
Jerry Soholt
Janelle Weatherly

Directors Absent

- none -

Others Present

Dave Bartel, James River Water Development District
Roger Hageman, Lake County Commission
Guanghai Hua, South Dakota State University
Gregg Jorgenson, Banner Associates
Dana Loseke, Friends of the Big Sioux River
Todd Trooien, South Dakota State University

Staff Present

Barry Berg
Jay Gilbertson
Jeremy Hinke
Matt Johnson
Deb Springman

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Administrative Items

Approval of Agenda

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

Minutes - The Board reviewed the Minutes of the June 16th, 2016 meeting.

Motion by Duffy, seconded by Soholt to approve the Minutes of the June 16th, 2016, meeting as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the June 2016 Financial Reports.

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Motion by Soholt, seconded by Moes to accept the June 2016 Financial Reports. Motion carried unanimously. Chairman Jarrett asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Connelly reported on meetings of the Friends of the Big Sioux River on July 6th and 11th. Both meetings were held in Sioux Falls.

Director Moes reported on the July 20th meeting of the Lake Pelican Water Project District held in Watertown.

The Manager briefly commented on the following meetings and activities:

1. **June 20** - Pierre. River Basin Natural Resource Districts Oversight Advisory Task Force.
2. **June 23** - Pierre. South Dakota Board of Water and Natural Resources.
3. **June 30** - Watertown. Lake Area Technical Institute Environmental Technology Advisory Committee.
4. **June 30** - Brookings. 2016 Eastern South Dakota Water Conference Steering Committee.
5. **July 11** - Madison. South Dakota Association of Rural Water Systems Quality On Tap Editorial Board.
6. **July 12** - Rapid City. West Dakota Water Development District Board of Directors.
7. **July 14** - Yankton. James River Water Development District Board of Directors.
8. **July 18** - Vermillion. Joint meeting of Clay County Commission & City of Vermillion Council.
9. **July 20** - Tea. South Dakota Association of Rural Water Systems Manager's Group.

Upcoming Meetings -

1. **August 9 - 9:00 a.m.** - Big Sioux Community Water System Office, Egan. EDWDD Personnel Committee meeting.
2. **August 9 - 10:30 a.m.** - Big Sioux Community Water System Office, Egan. EDWDD Finance Committee Meeting.
3. **August 16 - 10:00 a.m.** - State Capitol Building, Pierre. River Basin Natural Resource Districts Oversight Advisory Task Force.
4. **August 18 - 9:00 a.m.** - EDWDD Office, Brookings. EDWDD August Board of Directors Meeting.

Payment Requests - The Manager presented four payments requests on behalf of District-sponsored activities that required Board action. He noted that each request was in order and consistent with provisions set by the Board at the time of award. He requested authority to make payments on behalf of the following:

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
SDSM&T/Seasonal pathogenicity in Big Sioux R. & Skunk Ck. (Kunza)	\$ 1,573.53
SDSU/Winter manure application (Trooien)	\$ 2,700.00
SDSU/Stormwater treatment (Hua)	\$ 375.11
SDSU/Nitrogen removal effectiveness of bioreactors (Kringen)	<u>\$ 1,022.85</u>
Total	\$ 5,671.49

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The Manager noted that with the payment for the Winter Manure Application Project, the District's obligation to this activity would be completed.

Motion by Kassube, seconded by Duffy to authorize payments totaling \$5,671.49 as requested. Motion carried unanimously.

Project Assistance Request

Chester Sanitary District - Gregg Jorgenson, Banner Associates, presented a request on behalf of the Chester Sanitary District (CSD) for District cost-share assistance to complete a facility plan of their drinking water system. The core of the current system dates to the late 1960s, and CSD is looking at options to upgrade their service. Replacing CSD-owned wells with a connection to the Big Sioux Community Water System is an option being considered. The City has entered into an agreement with Banner Engineering to complete the work, at a projected total cost of \$12,800. A Small Communities Planning Grant from the South Dakota Department of Environment and Natural Resources (DENR) has been requested for \$8,000. The Manager indicated that the CSD request is for fifty percent (50%) of the local costs, which could be as high as \$2,400.

Motion by Brown, seconded by Duffy to provide District cost-share assistance to the Chester Sanitary District covering fifty percent (50%) of the local costs of the proposed study, up to a maximum of \$2,400. Motion carried unanimously, with Director Jarrett abstaining.

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Supported Projects Updates

The Board received update reports on two research projects conducted at South Dakota State University (SDSU) that received District cost-share assistance. The primary work on these projects has concluded, and all District support provided, but follow-up work on both is anticipated.

Winter Manure Application Project - Dr. Todd Trooien, SDSU Department of Ag & Biosystems Engineering, reported on their efforts to assess the impact of winter application of manure on water quality. He noted that while the practice of spreading manure on frozen and/or snow-covered ground is generally discouraged, lack of adequate on-site manure storage often leads operators to do so.

The research, begun in 2010, looked at the quality of water running off of three research plots in Moody County. One plot had manure applied in the upper portion of the field, and conventional fertilizer on the lower. The second had manure applied on the lower portion, and conventional fertilizer on the upper. No manure was applied on the third field, which acted as a control. Automatic samplers collected water leaving each field whenever runoff (snow melt or rainfall) occurred.

Dr. Trooien noted that over the period of study, winters have been relatively dry and the number of snow melt events they were able to study has been quite low. Similarly, there have been a relative small number of spring/summer storm run off events. The limited data they have collected to date suggests that application of manure on the higher (upper) portions of the fields resulted in somewhat lower pollutant concentrations leaving the fields. However, the results are not statistically significant.

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Contaminant levels found in snow melt runoff were comparable to those collected following rain fall events.

Subsurface Drainage Nutrient Reduction - Dr. Guanghui Hua, SDSU Department of Civil and Environmental Engineering, provided a summary of his work on an effort entitled, “Nutrient Removal from Agricultural Subsurface Drainage Using Denitrification Bioreactors and Phosphate Adsorbents.” His research was directed toward removing phosphorus from agricultural tile water effluent, potentially in tandem with wood chip bioreactors (to remove nitrates) already being studied by others at SDSU.

The study involved first identifying and sourcing common materials/media for the filters. Past research suggested that steel fragments might serve as adsorption sites for phosphorus. They looked at steel chips and turnings, readily available from metal processing facilities in Sioux Falls. The phosphorus removal characteristics of these materials were evaluated using batch and column tests in a laboratory setting, frequently in sequence with nitrate removal using wood chips.

Dr. Hua reported that under laboratory conditions, the phosphorus removal results have been very encouraging. Smaller particle sizes gave the best results (most efficient adsorption), but the media would become clogged. Larger particle sizes still resulted in significant reductions, while retaining porosity and permeability. Overall reductions of 60-80% were observed. Work is underway to apply the study at the field scale.

District Bylaws Review

The Board reviewed the current District Bylaws. The Manager noted that it had been over five years since this document was last reviewed/revised, and he offered several changes that would mostly clarify intent or bring the document in line with actual practice.

In addition, changes were proposed that would:

1. Delete Article 2, eliminating the need for an official District seal;
2. Remove the stipulation in Article III that monthly Board meetings be held on the third Thursday of the month; and
3. Stipulate, under Article V, that persons duly appointed to fill a vacancy on the Board would serve until the end of the term, rather than until the next general election cycle, as had been past practice.

The Manager noted that while changes could be discussed at this meeting, formal changes would have to wait until the August Board meeting, according to Article 11 of the Bylaws. A copy of the draft changes on which the Board concurred are attached.

Legislative Actions on Government Oversight and Conflict of Interest

The Manager reviewed to new chapters added to South Dakota Codified Law (SDCL) by the 2016 State Legislature. He noted that each will have a modest impact on the District.

Chapter 1-56, State Board of Internal Control - Although directed primarily at state programs and operations, it contains a provision (SDCL 1-56-10) that will apply to any non-state agency that enters into a grant agreement with the state. It requires that any such entity confirm that it is compliant with four provision, if applicable, including the formal adoption of a conflict-of-interest policy. The Manager noted that the District is fully capable of complying with these provisions at this time.

Chapter 3-23, Conflicts of Interest - The chapter mandates that any person serving on a state authority, board or commission obtain a formal recognition and waiver for any potential conflict of interest with the functions of the entity. District Director Soholt currently serves on the State Board of Water and Natural Resources (BWNR), and will be required to comply with these provisions. The BWNR is tentatively scheduled to take up all such matters at it's September meeting.

District Projects Updates

Big Sioux River Watershed Implementation Project - Barry Berg and Matt Johnson summarized recent efforts on the Big Sioux River Watershed Implementation Project.

2016 Nitrate Monitoring Project - The Manager reviewed results to date of the District's nitrate testing program. The effort involves weekly water quality sampling and analyses from numerous collection sites in the Big Sioux River and Minnesota River watersheds. This is the second year of the program. He offered the following general observations:

1. Through early July, most samples collected from the Big Sioux River above the City of Sioux Falls contained low concentrations of nitrate (less than 2.0 mg/L), although the concentrations are generally higher value than those found in 2015;
2. Nitrate levels immediately below the waste water treatment plant outlets for Cities of Watertown and Sioux Falls are elevated (greater than 5 mg/L), with the Watertown site sometimes exceeding the 10.0 mg/L maximum contaminant level (MCL) for drinking water. The elevated levels do not persist very far downstream;
3. Nitrate levels in samples collected below the City of Brandon have persistently had concentrations over 5.0 mg/L, with recent samples collected below the confluence with the Rock River persistently exceeding 10.0 mg/L downstream to the confluence with the Missouri River; and
4. Concentrations at the four National Water Quality Incentives (NWQI) research sites along Skunk Creek are significantly higher than 2015, although they remain below the MCL.

The Manager indicated that the stream gaging station records indicate a lower overall amount of flow in the river system in 2016 over 2015. As such, the higher observed nitrate concentrations may not reflect greater loadings to the systems, but rather less 'dilution' of a persistent load.

Adjournment

There being no additional District business, Chairman Jarrett declared the meeting adjourned at 12:20 p.m.

John Moes, Secretary

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EAST DAKOTA WATER DEVELOPMENT DISTRICT
BYLAWS
AS AMENDED 4/19/85, 5/16/85, 4/16/09, 3/17/11 and **8/18/16**

ARTICLE I

NAME AND PURPOSE

The East Dakota Water Development District (hereinafter referred to as “District”) is a water development district established under the authority and for the purposes contained within South Dakota Codified Law (SDCL) Chapters 46A-3A through 46A-3E, inclusive.

BOARD OF DIRECTORS

All powers, privileges and duties vested in, or imposed upon, the District by law shall be exercised and performed by and through the Board of Directors (hereinafter referred to as “Board”).

PRINCIPAL OFFICE

The principal office of the District shall be at Brookings, South Dakota, provided that the location of such principal office may be changed by amendment to these by-laws by action of the Board.

JURISDICTION

The District is comprised of all of Brookings, Codington, Deuel, Grant, Hamlin, Kingsbury, Lake, Minnehaha and Moody Counties; Grafton, Belleview, Adams, Henden, Howard, Clearwater, Canova and Vermillion townships in Miner County; and all municipalities that are wholly or partially within the included area or that are contiguous to the included area, **as stipulated in SDCL 46A-3A-3.**

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ARTICLE II ~~OFFICIAL SEAL~~

~~The East Dakota Water Development District shall have a seal which shall have inscribed thereon the name of the water development district. Said seal shall be used and custody established as directed by the Board.~~

~~ARTICLE III~~

REGULAR MEETINGS

~~There shall be 12 regular meetings of the Board each year. These meetings shall be scheduled on the third Thursday of the months January through December, at a place and time to be specified by the Board. The Board, by majority vote at a prior regular meeting, may cancel any regular meeting or change the place, date or time of such meeting. Notice of such regular meeting shall be mailed by the Secretary, or other designated official, to each director at least ten days before each meeting, provided that, in lieu of written notice, the Secretary, or other designated official, may give notice by telephone notice, at least two-thirds of the directors shall assure the Secretary, or other designated official, of intention to attend the meeting. Unless otherwise specified by the Board, regular meetings shall be open to the public.~~

There shall be 12 regular monthly meetings of the Board each year. The meeting schedule for the following calendar year shall be adopted by the Board at the December meeting. The District Manager, with the concurrence of the Board Chair, may cancel or alter the meeting date, time or location in response to special circumstances. Notice of such regular meeting shall be sent by the Secretary, or other designated official, to each director at least ten days before each meeting. Unless otherwise specified by the Board, regular meetings shall be open to the public.

ANNUAL MEETING

The annual meeting shall be held in January of each year, at which annual and fiscal year reports shall be submitted to the Board and the Board shall elect officers for the year. This meeting shall be open to the public.

SPECIAL MEETINGS

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Special meetings of the Board may be scheduled by the Chair, or upon request of three directors to the Secretary. Directors shall be notified of the place, date, time, and purpose of such special meetings in the same manner as in the case of regular meetings. Unless otherwise specified by the Board, special meetings shall be open to the public.

ARTICLE ~~IV~~ III

QUORUM

All official business of the Board shall be transacted at a regular or special meeting at which a quorum of the Directors is present. A majority of the Board shall constitute a quorum.

CONDUCT OF MEETINGS

Roberts Rules of Order shall be utilized as a guideline for matters coming before the Board, provided that no action, formal or informal, shall be set aside due to any irregularity or noncompliance with Roberts Rules of Order. The Chair shall make all rulings with respect to procedural issues, and shall have a vote on each issue coming before the Board.

MOTIONS AND RESOLUTIONS

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Actions of the Board necessary for the governing and management of the affairs of the District, for the execution of the powers vested in the District, and for otherwise implementing the provisions of SDCL 46A-3A through 46A-3E, inclusive, shall be taken by the passage of motions or resolutions, as may be appropriate. All such formal action shall require the majority vote of the quorum present.

VOTES AND PROXY

Each director shall be entitled to one vote on all matters requiring a vote at meetings of the Board.

A director may designate a representative to attend Board meetings, provided that such representative shall not be entitled to cast the vote of the director he/she represents nor to sit as an officer of the Board. Such person, as the designated representative, shall present a written authorization from the director to be represented. An individual who represents a director shall not draw per diem nor expenses.

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ARTICLE IV

DIRECTOR QUALIFICATIONS AND NUMBER

The qualifications and term of office for each director shall be determined by applicable statutory provisions, specifically including, but not limited to, SDCL Chapter 46A-3B. Based on the general population of the District, the Board shall consist of nine members, as stipulated in SDCL 46A-3B-2.

DIRECTOR VACANCIES

Vacancies, as defined in SDCL 46A-3B-9, which may occur on the District Board, shall be filled by elective action of the remaining directors from among candidates proposed by nominating petitions signed by at least twenty-five registered voters in the director area in which the vacancy exists. The director candidate(s) must reside in and be a registered voter in the director area to be represented, as required in SDCL 46A-3B-2. **A qualified candidate duly appointed to fill a vacancy shall serve out the balance of the director term.**

A notice declaring a vacancy on the Board of Directors, **the duration of the vacancy appointment**, and the period of time for accepting nominating petitions of candidates for such vacancy, shall be published in at least one newspaper of wide circulation within the director area for which the vacancy exists. Such notification shall be published at least 20 days prior to the time petitions will no longer be accepted. Nominating petitions are to be presented to the principal office of the water development district ~~or to the Board at a board meeting.~~

ARTICLE VI

OFFICERS

At the annual meeting in January of each year the Board shall elect a chair, vice-chair and secretary from among their membership, who shall hold office until the next annual meeting of the District or until their successors have been elected. These officers shall be elected to terms of one year, such term to begin immediately upon election at the annual meeting and to terminate immediately upon election of a successor. Also, the directors shall appoint a treasurer who may or may not be a director and who shall serve at the pleasure of the Board or until his/her successor is appointed. Said chair, vice-chair, secretary and treasurer shall constitute the officers of the Board provided that the

treasurer, if not a director, shall have no voting privileges. The officers shall also constitute the Executive Committee.

DUTIES OF OFFICERS

(a) The Chair shall preside at meetings of the Board. She/he shall execute contracts and other instruments on behalf of the Board and otherwise represent the Board. She/he shall determine the need for and call special meetings of the Board. She/he may sign vouchers for disbursement of water development district funds. She/he may perform such other duties as prescribed by the Board.

(b) The Vice-Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair. She/he may perform other duties as prescribed by the Board.

(c) The Secretary shall provide ~~ten days~~ notice, ~~if by mail,~~ of the all regular or special Board meetings ~~or three days notice if by telephone~~; shall keep, or shall cause to be kept, the minutes of the Board meetings; shall attest to documents reflecting Board of Directors' actions as required and may perform such other duties as may be prescribed by the Board.

(d) The Treasurer shall have custody over all funds and securities of the water development district and shall be bonded in such sum and with such sureties as the Board may prescribe, conditioned upon the faithful performance of the duties of his/her office. She/he shall keep, or shall cause to be kept, accurate accounts of the receipts and disbursements in the books of the District. She/he shall deposit such monies as may come to the District in depositories designated by the Board. She/he shall prepare, or shall to be prepared, and may sign vouchers and distribute warrants and checks in payment of proper claims against the water development district. She/he shall prepare, or shall cause to be prepared, and submit periodic financial statements and reports of the accounts of the District. She/he shall perform such other duties as the Board may prescribe.

ARTICLE VII

DISTRICT OFFICE AND EMPLOYEES

As provided in SDCL 46A-3D-1, the District Board of Directors may equip, maintain, and operate an office within the water development district as its principal place of

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business and establish other offices as necessary. The Board may appoint and fix compensation of any employees deemed necessary by the Board to conduct the business and affairs of the water development district and to carry out the intent of SDCL 46A-3A to 46A-3E, inclusive.

ARTICLE VIII

DISCLOSURE OF CONFLICT OF INTEREST

Any director who is present at a meeting at which is discussed any matter in which that director has, directly or indirectly, a private **pecuniary financial** or property interest shall disclose such interest to the Board. Any such director shall refrain from advocating for or against the matter and shall disqualify himself/herself from voting on such matter. The Board may adopt a separate policy specifically regarding ethical standards and practices.

ARTICLE ~~IX~~ VIII

COMMITTEES

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Standing committees are hereby established to deal with Finance, Personnel, Planning and Legislative issues. The Chair and members of each standing committee shall be appointed annually by the Board Chair from among the current directors.

Ad hoc committees may be appointed by the Chair for a specific purpose and will be dissolved upon completion of their assignment.

ARTICLE IX

AUTHORIZATION FOR EXPENSES

Directors shall be entitled to compensation for any business, or for attendance at any meeting, authorized by the Board wherein such meeting, or business, relates to or is associated with water development district affairs. Compensation may include per diem, and other expenses, at a rate established by the Board and payable in accordance with the Board's current reimbursement procedure.

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ARTICLE XI

MODIFICATION OF BYLAWS

These bylaws may be altered, amended or repealed by a favorable vote of at least two-thirds of those directors present and voting at any regular meeting, or at any special meeting of the Board called for that purpose, after an initial presentation of the proposal at a prior regular meeting of the Board.

ARTICLE XII

SEVERABILITY

If any provision of these Bylaws or the application thereof is held invalid, such invalidity shall not affect the provisions or applications of these Bylaws which can be given effect without the invalid provision or application. To this end, the provisions of these Bylaws are deemed severable.

ADOPTED this ~~17th~~ 18th day of ~~March, 2011~~ August, 2016, by the Board of Directors of the East Dakota Water Development District.

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EAST DAKOTA WATER DEVELOPMENT DISTRICT

By _____
Chair

ATTEST:

Secretary