



East Dakota Water Development District
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MINUTES
May 15, 2008

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on May 15, 2008 at the District office in Brookings. Chairman Eggers called the meeting to order at 9:05 a.m. The following persons attended:

Directors Present

Lois Brown
Curt Eggers
Doug Feten
Martin Jarrett
John Johnson
Jerry Siegel
Robert Todd
John Weidler

Others Present

Delvin DeBoer, SDSU RWSRC
Robert Kolbe, Minnehaha County Commission
Paul Clinton, Dakota Land Surveyors and Engineers

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Staff Present

Jeanne Fromm
Jay Gilbertson
Deb Springman

Directors Absent

Kay Kassube

Administrative Items

Approval of Agenda - **Motion** by Weidler, seconded by Todd to approve the agenda as presented. Motion carried unanimously.

Resignation of the Administrative Assistant - Chairman Eggers announced that Lisa Bretsch, Administrative Assistant, had submitted a letter of resignation on May 14th. Her last day would be May 30th, and she would be on annual leave until that date.

Minutes - The Board reviewed the Minutes of the meetings on April 9 and April 17, 2008. Director Weidler noted that under Report of Meetings and Conferences in the April 17 Minutes he was listed as attending the Big Sioux Community Water System Annual Meeting on April 8 in Flandreau. He actually attended the Brookings-Deuel Rural Water System Annual Meeting in Verdigre on April 1. **Motion** by Todd, seconded by Jarrett to approve the April 9th Minutes as presented and the April 17th Minutes as amended. Motion carried unanimously.

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Financial Reports - The Board reviewed the April 2008 Financial Report. **Motion** by Jarrett, seconded by Weidler to accept the April 2008 Financial Report. Motion carried unanimously. Chairman Eggers then asked that the report be placed in the District files.

Report of Meetings and Conferences - Directors Brown and Todd attended the 16th Annual Big Sioux Water Festival at South Dakota State University in Brookings on May 13th.

Directors Jarrett and Todd attended the Interlakes Water Quality Committee meeting in Madison on May 8th.

The Manager briefly commented on the following meetings he attended:

1. **April 27** - Lake Poinsett. Water quality sampling.
2. **April 30/May 1** - Chamberlain. SDARWS Managers Organization Meeting.
3. **May 8** - Huron. James River Water Festival.
4. **May 10** - Brookings. South Dakota Lakes and Streams Association Board Meeting.
5. **May 13** - Brookings. 16th Annual Big Sioux Water Festival.

Upcoming Meetings -

1. **May 19 - 9:00 a.m.** - Minnesota, Minnesota-Minnesota River Board.
2. **May 22 - 7:00 p.m.** - City Hall, Watertown. Upper Big Sioux River Watershed Advisory Board.
3. **June 4-5** - Winnipeg, Manitoba, Canada. Red River Basin Commission Board Meeting & Tour.
4. **June 5 - 7:00 p.m.** - Public Library, Madison. Interlakes Water Quality Committee.
5. **June 12 - 9:00 a.m.** - Day County Courthouse, Webster. SDACD Coteau Area Meeting.
6. **June 12 - 1:00 p.m.** - Brookings. South Dakota Lakes and Streams Association.
7. **June 16 - 3:00 p.m.** - McCook County. SDACD Vermillion-Big Sioux Area Meeting.
8. **June 19 - 9:00 a.m.** - EDWDD Office, Brookings. June EDWDD Board of Directors Meeting.
9. **June 19-21** - Hankinson, North Dakota. Minnesota Association of Watershed Districts (MAWD) Summer Meeting & Tour.

Travel Authorization - The Manager requested Board approval to attend the Summer Meeting of the Red River Basin Commission (RRBC) in Winnipeg, Manitoba, Canada, on June 4th and 5th. **Motion** by Todd, seconded by Johnson to authorize the Managers attendance at the meeting as requested. Motion carried unanimously.

Selection of New Municipal Area 2 Director

The Manager reviewed the process undertaken to select a replacement Director to represent Municipal Area 2. At the February meeting, the Board accepted the resignation of Director Bill Dempsey, and declared the position vacant. 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 March 25th. At the March Board meeting, the following procedure to select the replacement was adopted: Step 1) the Board would interview each of the candidates separately, Step 2) the board would hold a vote, using paper ballots, with

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the successful candidate needing to get at least 5 votes, Step 3) if no candidate received a majority of votes on the first vote, the low vote recipient would be dropped, and the process repeated for a second vote. Voting would continue until one candidate received the required votes.

Three valid petitions were submitted by the published deadline for Municipal Area 2. The candidates were Vincent Flemming, Florence, Patrick Gilligan, Estelline, and Jerry Siegel, Brookings. At the April 17 Board meeting, the Board interviewed each of the candidates for the vacancy. Following the interviews, the Board cast several ballots. The Board action eliminated Mr. Flemming from consideration, but the Board was deadlocked as to whether to select Mr. Gilligan or Mr. Siegel. The Board deferred action on the replacement until the May meeting.

The Board asked Mr. Siegel and Mr. Gilligan to each give a brief statement as to their interest in serving on the Board representing Municipal Area 2. Following their statements, the Manager distributed ballots. The result of the vote had Mr. Gilligan receiving three votes, and Mr. Siegel four votes. Mr. Siegel was declared to winner of the election. **Motion** by Brown, seconded by Feten to appoint Jerry Siegel to serve as the Director representing Municipal Area 2 for the balance of the calendar year (2008). Motion carried unanimously. Mr. Siegel then signed the Director's Oath of Office, and assumed his position on the Board.

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Slip Up Creek Mitigation Monitoring Agreement

The Manager reviewed a request to have the District involved in the monitoring of a riparian area restoration/mitigation site along Slip Up Creek in Minnehaha County. The work is being done as part of a United States Environmental Protection Agency (EPA) mandated plan to compensate for the loss of riparian habitat due to commercial development in Sioux Falls, specifically the construction of the Menards store on Highway 42 on the east side of town. The proposed mitigation site is along Slip Up Creek, which was identified in the Central Big Sioux River Watershed Assessment Project (CBSRWAP) as being in need of remediation in order to address water quality impairments in the Big Sioux River. The parcel of land to be involved in the mitigation is owned by the City of Sioux Falls. The mitigation plan, which has been approved by EPA, will involve a variety of restoration practices, focusing on restoring and protecting the riparian area along the creek. The practices are consistent with the recommendations for restoring and maintaining water quality presented in the CBSRWAP Final Report.

The full cost of all of the mitigation activities to be conducted along Slip Up Creek will be paid for by Menards. The City has been asked to allow the activity to take place on its property, provide access during installation of these practices, and to restrict future land uses to those practices that would be consistent and supportive of the mitigation efforts, for the life of the activity (approximately 8-10 years). The District has been asked to make inspections of the mitigation site for the purpose of monitoring compliance of the Mitigation Plan. The results of the inspections, and any observed problems, are to be reported to the City and Menards. The District would not be responsible for any enforcement activities. In prior discussions of this request, the Board had concerns about the exact nature of the District's involvement and responsibilities, and had deferred action.

Paul Clinton, Dakota Land Surveyors and Engineers (DLSE), was present to discuss the matter. DLSE is the primary environmental consultant for this activity, and responsible for the design, construction and maintenance of the mitigation effort. He indicated that the District's involvement was primarily one of

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acting as an objective third party. The effort would involve twice yearly site visits, in tandem with DLSE representatives, and filling out a check list to evaluate compliance. It would not involve any detailed site investigations or surveys. The results of the inspections, and any observed problems, are to be reported to the City of Sioux Falls (as property owner) and Menards (as the technically responsible party). Menards is and will be liable for the maintenance and upkeep of the practices, and insuring that they are working.

The Manager noted that two documents have been prepared that spell out the roles and responsibilities of Menards, the City of Sioux Falls and East Dakota for the life of the activity. **Motion** by Siegel, seconded by Jarrett to authorize the Chairman to enter into the Slip Up Creek mitigation monitoring agreement with the City of Sioux Falls and Menards. Motion carried unanimously.

Regional Water System Research Consortium

In December 2006, the District committed a total of \$30,000 over three years in Project Assistance funds to support a Regional Water Systems Research Consortium (RWSRC) that has been established at South Dakota State University (SDSU). Financial support for the RWSRC has come from several sources. Eighteen of the large, regional rural water systems (RWSs) have signed on as System Subscribers. The South Dakota Association of Rural Water Systems also contributed on behalf of smaller systems and the general membership. Five water development districts led by East Dakota, have contributed to the effort, and the South Dakota Department of Environment and Natural Resources has provided funds for specific projects. SDSU has also contributed match and administrative support. Research is conducted by SDSU faculty and graduate students. Dr. Delvin DeBoer, with the SDSU Civil and Environmental Engineering Department, and head of the RWSRC, presented a summary of the three projects undertaken in the first of activity.

An evaluation of automated meter reading (AMR) systems - The goal is to determine if there is an AMR system that can address the primary needs of the RWSs. AMRs can provide real-time meter reading, which would simplify customer billing and aid in the detection of leaks and other system delivery failures. The project consists of a system survey to identify particular needs, a vendor survey to assess compatibility, and a radio range study of particular devices. Interest in such systems is quite high, and most RWSs would install AMRs if feasible. A major stumbling block at this time is the limited communication range of the available devices. The project is about 80% complete.

Economic and social impacts of regional water systems in South Dakota - The intent is to evaluate the impact of RWSs on South Dakota's economy, quality of life and the environment. Work is being primarily overseen by Gary Taylor and Bill Adamson, SDSU Economics Department. They are using data collected from the RWSs and DENR as inputs to a computer model (IMPPLAN - Impact analysis for Planning) to assess direct, indirect and induced economic effects through additional production, income and employment generated. In particular they are looking to document water quality changes for towns connected to RWSs and examine impacts on water use and sustainability.

Regional water system demand variations and trends - This project involves the development of water use trends and peaking factors for common customer classifications in RWSs. The results will be summarized as a series of system-wide benchmarks to serve as a basis for long-range planning and development efforts. A comparison of early data suggest that regardless of the particular systems or service area, most RWSs

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experience quite similar water demands. Variations are largely just a matter of scale.

Project Updates/Status Reports

District Watershed Assessment Activities - Deb Springman reviewed developments with the District's watershed assessment study of Lake Campbell. Monitoring equipment was reinstalled in April and sampling is continuing. The lake had a mild winter kill that took out walleye, perch, pike, carp, and bullhead. The South Dakota Department of Game, Fish and Parks does not plan to restock this year. Surface ratings and nutrient calculations of the feedlots in the watershed have been modeled. Of the 37 identified feedlots, 16 had a surface rating greater than 50. This number is in line with the assessment completed in the early 1990s which stated approximately 12 feedlots needed attention. Lakeshore homeowner septic surveys went out in the Lake Campbell Lake Association April newsletter. Several have already been returned.

Central Big Sioux River Implementation - The Manager reviewed activities on the Central Big Sioux River Implementation Project. Due to uncertainty about funding, specifically the ability to obtain timely reimbursements from the State or other funding sources, activities on this project are largely on hold. The District currently has over \$100,000 in pending reimbursement requests, and the Manager indicated that he would not be incurring any additional significant debt until this matter was resolved. The State has indicated that it would not be in a position to provide any significant grant reimbursements until after July 1st. Staff have been working with the City of Sioux Falls to re-program certain project dollars, but the details and final agreements have not yet been resolved. Field sampling of the Big Sioux River and tributaries is ongoing.

Dakota Water Watch - Jeanne Fromm reviewed volunteer monitoring activities. She is working with several new groups on setting up volunteer monitoring programs, along with groups still active from last year. The Interlakes Water Quality Committee has organized bacteria and water quality sampling around Lakes Herman and Madison with faculty from Dakota state University. The Brant Lake Sanitary District (BLSD) is putting together an extensive bacteria monitoring project, with the details still in development. Ms. Fromm is also working with the South Dakota Canoe and Kayak Association (SDCKA) to organize a one-day sampling event on July 19 on Grass Lake in western Minnehaha County. The Manager noted that the activities at Brant Lake and Grass Lake are being organized by the local groups, with the District providing technical and logistical assistance. Agreements are in the works with both groups to formalize the arrangements, which will primarily involve the District obtaining the material goods for the efforts, and the local groups reimbursing the District for all costs. The Manager requested that the Board authorize Chairman Eggers to enter into agreements once they have been finalized. **Motion** by Weidler, seconded by Feten to authorize the Chairman to enter into agreement with the SDCKA and BLSD as needed. Motion carried unanimously.

The Manager informed the Board that Ms. Fromm has accepted a position with the University of South Dakota, and will be switching to part-time status starting on May 16th. It is expected that she will continue to work for the District in this capacity into the summer, and she will be available to assist with the transfer of the oversight of the Dakota Water Watch Program.

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Executive Session - Staff Issues

Motion by Siegel, seconded by Todd to go into executive session for the purpose of discussing recent staff changes and related issues. Motion carried unanimously.

Motion by Siegel, seconded by Weidler to come out of executive session. Motion carried unanimously. Chairman Eggers noted that no formal decisions were made during the closed session.

Adjournment

There being no further District business or issues for consideration, Chairman Eggers declared the meeting adjourned at 12:45 a.m.

Doug Feten, Secretary

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