



**East Dakota Water Development District**  
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**MINUTES**  
**September 16, 2010**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on September 16<sup>th</sup>, 2010, at the NeSoDak Bible Camp on Enemy Swim Lake near Waubay. Chairman Eggers called the meeting to order at 10:05 a.m. The following persons attended:

**Directors Present**

Lois Brown  
Curt Eggers  
Doug Feten  
Vincent Flemming  
Martin Jarrett  
John Johnson  
Kay Kassube  
Robert Todd  
John Weidler

**Directors Absent**

none

**Staff Present**

Jay Gilbertson  
Jeremy Hinke  
Deb Springman

**Others Present**

Tom Adkins, Enemy Swim Sanitary District  
Jeff DeVille, City of Watertown Municipal Utilities  
Maurice Dorsett, Enemy Swim Sanitary District  
Jean Eggers, Renner  
Shirley Flemming, Florence  
Chuck Fromelt, Day County Highway Department  
David Gill, Sisseton-Wahpeton Oyate  
Charnel Hill-George, Sisseton-Wahpeton Oyate  
Leonard Naessig, Webster  
Steve Sims, Waubay  
Dennis Skadsen, Day Conservation District  
Jerry Soholt, Sioux Falls  
George Thompson, Webster Reporter & Farmer  
Susan Wismer, District 1 State Representative  
Cindy Zenk, Day Conservation District

**Administrative Items**

Approval of Agenda - The Manager asked to have two Project Assistance Requests from the 2011 Big Sioux Water Festival and the City of Watertown added to the Agenda. **Motion** by Weidler, seconded by Brown to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the August 19, 2010 meeting. **Motion** by Todd, seconded by Feten to approve the Minutes as presented. Motion carried unanimously.

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

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The Manager requested Board authorization for the Chairman and Vice-Chairman to sign District Resolution 10-1, Resolution providing that a tax be assessed and levied on all taxable property in the East Dakota Water Development District. The resolution covers District tax collections for fiscal year 2011. The District Board approved the 2011 operating budget at the August meeting. The resolution covers the property tax income portion of the budget. The resolution is part of the package of material sent to all county auditors and treasurers in the District on or before October 1. **Motion** by Johnson, seconded by Feten to authorize the Chairman and Vice-Chairman to sign Resolution 10-1. Motion carried unanimously.

Report of Meetings and Conferences - Directors Brown, Feten, Jarrett, Todd and Weidler attended the South Dakota Association of Rural Water Systems (SDARWS) Open House in Madison on September 2.

Directors Flemming and Weidler attended the September 9 tour hosted by the Lewis and Clark Regional Water System in Sioux Falls.

Directors Flemming and Johnson attended the Upper Big Sioux River Watershed Advisory Board meeting on August 19 in Watertown.

Director Jarrett attended the South Dakota Water and Waste Water Conference in Sioux Falls on September 14-16.

Director Johnson attended the September 1 meeting of the Watertown Flood Mitigation Working Group in Watertown.

The Manager reported on the following meeting he participated in:

1. **August 24** - Pierre. SD Legislative Interim Review Committee hearing on the Department of Environment and Natural Resources.
2. **August 25** - Brookings. Closing on Central Big Sioux River Watershed Project riparian easement agreement.
3. **August 27** - Sioux Falls. Stakeholder planning meeting for continuation of watershed restoration implementation efforts in the Big Sioux River watershed.
4. **August 28** - Lake Poinsett. Information meeting for residents and cabins owners on Lake Poinsett.
5. **August 31** - Sioux Falls. Joint Minnehaha and Lincoln Counties Pre-Disaster Planning session.
6. **September 1** - Watertown. Watertown Flood Mitigation Working Group.
7. **September 2** - Huron. SDARWS Booth at State Fair.
8. **September 3** - Hendricks, MN. Meeting with Lake Hendricks Improvement Association.
9. **September 7** - DeSmet. Kingsbury County Drainage Board.
10. **September 11** - Watertown. South Dakota lakes and Streams Association Annual meeting.
11. **September 14** - Sioux Falls. SDARWS Source water Planning Needs Collaborative Workshop.

Upcoming meetings -

1. **September 16** - 7:00 p.m. - Watertown. Upper Big Sioux River watershed Advisory Board.
2. **September 21-23** - Estes Park, Colorado. 2010 Western States - EPA Source Water Protection Forum.
3. **September 23** - Aberdeen. Northern Plains Water Festival.
4. **September 23 & 24** - Pierre. SD Board of Water and Natural Resources.
5. **September 27 - 10:00 a.m.** - Sioux Falls. Final planning meeting for Central Big Sioux River Watershed Project - Part 2.

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6. **October 14 - 1:00 p.m.** - EDWDD Office, Brookings. South Dakota Lakes and Streams Association.
7. **October 19 - 10:00 a.m.** - Teleconference. Final meeting of the 2010 Interim Legislative Review Committee examining the Department of Environment and Natural Resources.
8. **October 21 - 9:00 a.m.** - EDWDD Office, Brookings. October EDWDD Board of Directors Meeting.

### Project Assistance Requests

Big Sioux Water Festival - The Deb Springman, Project Coordinator for the Big Sioux Water Festival, presented the Board with a request to provide travel assistance to the schools attending the 2011 event to be held on May 10<sup>th</sup> on the campus of South Dakota State University. Over the past few years, concerns have been expressed by local school districts about the costs of attending the annual Water Festival in Brookings. The teachers all say it is a worthwhile experience, but the school administrations are looking at the costs of a bus trip. Starting in time for the 2006 event, the Board has set aside a total of \$4,900 to assist the area schools with travel costs. Those funds, referred to as "All Aboard Bucks," have now been depleted. Ms. Springman requested that the Board set aside \$1,500 toward this effort for 2011. The Manager noted that this request would be in addition to the annual financial assistance request to the District, which will be presented in early 2011.

**Motion** by Todd, seconded by Flemming to award \$1,500 in District project assistance funds to the 2011 Big Sioux Water Festival to support the All Aboard Bucks effort. Motion carried unanimously.

City of Watertown - Jeff DeVille, Water Superintendent for the City of Watertown, presented the Board with a project assistance request from the 2010 Well Head Protection Area Protection Program (Program). The Manager noted that in May of this year, the District set aside \$250,000 in District project assistance funds to provide direct support to public water suppliers (PWSs) within its coverage area for the purpose of advancing source water protection efforts. The Program provides cost-share assistance to PWSs in support of specific best management practices within, or directly impacting, recognized well head protection areas (WHPAs).

The City of Watertown is requesting \$25,000 in Program assistance to be applied toward the purchase of 40 acres of land within the established well head protection area for their Rauville well field. The City Utility Board has authorized the purchase of the land, and a purchase agreement has been executed. Mr. DeVille indicated that it is the City's intent to close on the purchase agreement on November 2<sup>nd</sup>.

The Manager indicated that he has examined the material provided by the City, and concluded that the request meets Program requirements. The only question was the total cost of the land purchase. Program assistance in this case would only cover 50% of the purchase cost, up to a cap of \$25,000. If the purchase price is for \$50,000 or greater, then the request for \$25,000 is appropriate. If the total price is less than \$50,000, our expenditure would be reduced accordingly. Mr. DeVille indicated that while the final cost had not yet been determined, it would be in the range of \$125,000 to \$150,000.

**Motion** by Weidler, seconded by Kassube to provide District cost-share assistance from the 2010 Well Head Protection Area Protection Program to cover fifty percent (50%) of the price of the proposed land purchase by the City of Watertown as described. The Manager noted that the actual payment would not be made until after the purchase was finalized later in the year. Motion carried unanimously.

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## Public Records Request Policy

The Manager noted that South Dakota Codified Law (SDCL) Chapter 1-27 spells out how public entities, like water development districts, are obligated to make all public records available for review and duplication to the public. There are of course some documents or bits of information that are not considered public, but much of the information in the District office is and should be available upon request. In order to fully comply with the provisions of SDCL 1-27, the Manager has developed, in consultation with the District's Attorney, a formal policy on how to handle public record requests. The Board reviewed the proposed policy and made minor modifications.

**Motion** by Kassube, seconded by Brown to adopt the proposed Availability of Public Records Policy (copy presented below in *italics*). The Manager indicated he would add the new policy to the District Policy Manual and distribute copies to all District employees, with the provisions of the policy implemented immediately. Motion carried unanimously.

### *Availability of Public Records*

*Pursuant to South Dakota Codified Law (SDCL) Chapter 1-27, except as otherwise expressly provided by statute, all citizens of the District, and all other persons interested in the examination of public records as defined in SDCL 1-27-1.1, are hereby fully empowered and authorized to examine such public records maintained or held by the District. The District shall make all such records available for inspection during normal business hours at the District office, and shall allow for the copying of all such records unless prohibited by federal copyright law.*

*In order to be able to demonstrate compliance with the requirements of SDCL Chapter 1-27, the District requires that all requests for public information be in writing.*

*Public records may be inspected by any person as provided for by SDCL 1-27 subject to District supervision, but the records shall not leave the custody of the District.*

*Copies of public records shall be made by District personnel. Photocopied public records are subject to a fee of \$.25/page. Any person is entitled to 10 pages free of charge per request, up to a total of 100 free pages per year. There is no charge for materials requested by state and federal agencies, counties, municipalities or other political subdivisions of the state. If a request for public records requires the dedication of staff time in excess of one hour, the requestor may be required to pay the cost of the staff time necessary for the location, assembly, or reproduction of the public records. Copies of public records shall be provided upon payment of any applicable fees.*

*As per SDCL 1-27-36, for any information request reasonably likely to involve a fee in excess of fifty dollars (\$50), the District shall provide an estimate of cost to the requestor prior to assembling the documents or records and the requestor shall confirm in writing his or her acceptance of the cost estimate and agreement to pay.*

*The District may exercise discretion to waive or reduce any fee required under this policy if the waiver or reduction of the fee would be in the public interest.*

*The District reserves the right to provide additional information relating to requested public records so as to provide the context necessary to fully describe, explain or interpret the requested information.*

*The District manager shall function as the public record officer with regard to all requests for public records.*

### **Model County Drainage Ordinance**

The Manager indicated that counties throughout the District have been struggling with drainage issues in general, and the growth in agricultural tiling in particular, for several years. Counties with ordinances have been considering possible changes and/or additions, and those without them are trying to decide what to do and how to proceed. In the meantime, there is strong economic pressure on agricultural landowners to increase field productivity by installing sub-surface drainage (tiles). Commissioners across the District are faced with trying to figure out how to both respond to landowner needs at the field level while still protecting water resources at the larger watershed scale.

He noted that earlier this year, the South Dakota Department of Agriculture (SDDA) in response to requests from a range of sources, convened a task force to attempt to develop a model county drainage ordinance. Unfortunately, five months after the initial meeting, SDDA has determined that while they have an interest in the issue, there are other more pressing problems that require their attention.

The Manager proposed that the District take up the SDDA effort. The need remains for an examination (and upgrading) of the existing ordinances, along with the underlying case law and statutory foundations. He noted that the need and interest in the issue remain, and the effort would address a critical District-wide water resource concern. **Motion** by Weidler, seconded by Feten to authorize the Manager to examine options for the development of a model county drainage ordinance and to report back to the Board at the October meeting. Motion carried unanimously.

### **Area Water Resource Program Updates**

Day County Conservation District - Cindy Zenk, Office Manager for the Day County Conservation District (DCCD), provided the Board with an update on their recent activities. She briefed the Board on District services provided to Day County residents. These include planting trees for farmsteads, field windbreaks, or wildlife cover; installation of 116,432 linear feet of tree fabric; custom mowing, cultivation and soil rolling; and rental of a no-till drill. Educational efforts have included creation of web sites for the District and the Northeast Glacial Lakes Watershed Project; well water testing for nitrates at the Day County Farm Show using East Dakota analytical equipment; Arbor Day activities at area schools; and promoting soil and water conservation with the citizens of the county. The District is, either individually or in concert with other conservation districts in the area and stake holders, engaged in several grant-funded projects.

She also thanked the Board for the administrative support grant to DCCD and other conservation districts in the District. She noted that the assistance provided a solid base from which they could plan future efforts to address water resource concerns in the area.

Northeast Glacial Lakes Watershed Improvement and Protection Project - Dennis Skadsen, project coordinator for the Northeast Glacial Lakes Watershed Improvement and Protection Project (Project), presented the Board with an update. The current effort is the second segment of a multi-year watershed project in Day, Marshall, and Roberts Counties designed to improve and protect thirteen northeast lakes and reservoirs. Project support comes primarily from an EPA Section 319 grant, along with funds from the State Conservation Commission, landowner contributions and numerous local stakeholders (including East Dakota).

In concert with the SDSU Water Resources Institute, Project staff are wrapping up a five-year water quality monitoring effort on Clear Lake (Marshall County), Pickerel Lake and Enemy Swim Lake. The detailed data will be compared to results gathered in the early 1990s.

### **District Project Updates**

Central Big Sioux River Watershed Project - The Manager presented a report provided by Roger Strom, Project Coordinator, updating the Board on activities during the past month. The final conservation easement closing was held on August 25<sup>th</sup> at the District office in Brookings. This brings the Project total to just over 560 acres of riparian easements, which is 12% more than had been originally proposed. A listing of all the riparian easements, riparian area management contracts and animal waste management systems supported by the Project was distributed. The manager noted that the official end date for the project was September 30<sup>th</sup>. Mr. Strom has completed revisions to the DRAFT Final Report, and is preparing the final reimbursement request and other necessary reports.

Big Sioux Water Festival and Other Educational Outreach Efforts - Deb Springman reported on District education and outreach efforts. The 2011 Big Sioux Water Festival is scheduled to be held Tuesday, May 10, 2011. Plans are in the works to bring in the Brookings Renegades Muzzleloaders Club to re-enact a few water history events including birch bark canoe building and early travels on SD rivers, beavers and the fur trade, and the travels of Lewis & Clark through SD.

Three new educational trunks including a water history trunk and two lakes and streams trunk are now complete. Creation of the trunks was funded through the SD Discovery Center (I & E program) with match from the District. One of the lakes and streams trunks and the water history trunk are available for check-out through the District and the second lakes and streams trunk is available for state wide check-out through the SD Discovery Center in Pierre.

In August, a Growing Up WILD workshop, which was heavily attended by early childhood educators from the Brookings area, resulted from the collaboration of several organizations including the District, SD Game, Fish and Parks, Family Resource Network, and the URC Child Development Center. Due to the huge interest in the program and with the recent publications of Project WILD's "Growing Up WILD", Project Learning Tree's "Environmental Experiences for Early Childhood" and Project WET's early childhood curriculum soon to be published, an early childhood curriculum resource trunk is being created. The trunk will contain ready-to-go activities selected from these guides and will be available for use by early childhood educators in the area.

SDSU Invertebrate Natural History Collection - The Manager noted that Ms. Springman had completed an assessment of the macroinvertebrate (bug) voucher specimens in the District's possession and has identified 329 separate examples that would best characterize the water bodies that have been studied. These include specimens from the Big Sioux River, North Buffalo, Skunk, Colton, West Branch Skunk, Willow, Silver, West Pipestone, Pipestone, Split Rock and Beaver Creeks, and the outlet of Lake Brant. As indicated by Dr. Troelstrup last month, it will cost \$15 to enter each voucher specimen into the South Dakota State University Invertebrate Natural History Collection. This would come to a total of \$4,935.

**Motion** by Kassube, seconded by Brown to allocate \$4,935 in District project Assistance Funds to support the inclusion of the District's macroinvertebrate voucher specimens in the Collection. Motion carried unanimously.

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**Adjournment**

There being no further District business, Chairman Eggers declared the meeting adjourned at 12:10 p.m.

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Doug Feten, Secretary

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