



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

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**MINUTES  
August 18, 2011**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on August 18, 2011 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  
Mary Ellen Connelly  
Curt Eggers  
Martin Jarrett  
John Johnson  
Kay Kassube  
Roger Scheibe  
Jerry Soholt  
John Weidler

**Others Present**

Emily Haakinson, Lake County Environmental Office  
Frank James, Dakota Rural Action  
Jeppe Kjaersgaard, SDSU Water Resources Institute  
Heidi Urlacher, Dakota Rural Action

**Staff Present**

Jay Gilbertson  
Kristi Thielen

**Administrative Items**

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

Minutes - The Board reviewed the Minutes of the July 21<sup>st</sup>, 2011. The Manager noted that the Board discussion and action on a request for drainage study assistance from Brookings County had been omitted. He presented the following proposed amendment, to be included in the Project Assistance Requests section:

*Brookings County - The Manager presented a request from Robert Hill, Brookings County Zoning and Drainage Director, on behalf of the Brookings County Commission. The County is requesting District cost-share assistance for the completion of an engineering study of option for dealing with the rising water levels in Lake Sinai. Lake Sinai has historically been a closed basin, with no written record of out flow. In the late 1990s, water levels rose to within a few feet of the watershed divide. At that time, it was noted that a county road and an abandoned railroad grade both would have blocked the natural flow out of the lake. This spring, water levels in the lake again began to rise, threatening to reach the outlet elevation. At that point, County Road 11 would begin to act as a dam, further raising lake levels. In order to avoid this scenario, the County engaged the services of Banner Associates to explore options for evacuating water from the lake.*

*In late June, based in part on Banner's recommendations, the County installed four 48-inch culvert through the road to allow water to pass through the barrier, and on down to the Big Sioux River.*

*Banner's investigations also included determinations of the capacity of the down-stream culverts and bridges, with recommendations on additional culverts to minimize adverse impacts of the flows.*

*The Manager explained that the effort began in May, and has in large part been completed. He noted that the rapid development of the issue precluded it being brought to the Board earlier. The estimated cost of the Banner investigation was \$16,000. The County anticipated receiving a final report and billing within a few weeks.*

***Motion** by Scheibe, seconded by Weidler to provide District cost-share assistance to Brookings County to cover fifty percent (50%) of the Lake Sinai drainage study, up to a maximum of \$8,000, and to authorize payment. The Manager noted that payment would not be made until the County submits a final bill. Motion carried unanimously.*

**Motion** by Scheibe, seconded by Soholt to approve the Minutes as amended. Motion carried unanimously.

Financial Reports - The Board reviewed the July 2011 Financial Report.

**Motion** by Connelly, seconded by Brown to accept the July 2011 Financial Report. Motion carried unanimously. Chairman Eggers then asked that the reports be placed in the District files.

Report of Meetings and Conferences - Director Connelly reported on the meeting of the Turner-Lincoln-Clay Water Project District (TLC-WPD) on July 13<sup>th</sup>.

Directors Scheibe and Weidler attended the meeting of the Central Big Sioux River Watershed Project in Colman on July 26<sup>th</sup>.

Directors Connelly and Jarrett attended the Lewis and Clark Regional water System tour on August 11<sup>th</sup>.

The Manager briefly commented on the following meetings he had attended:

1. **July 21** - Brookings. City of Brookings Engineering staff on Brookings Area TMDL.
2. **July 21** - Brookings. TLC WPD drainage discussion.
3. **July 27** - Sioux Falls. SD Association of Rural Water Systems Managers Group Meeting.
4. **August 2** - Brookings. Meeting with SDSU Water Resource Institute staff on research topics.
5. **August 2** - Volga. Informational meeting on SD DOT Highway 81/Twin Lakes drainage.
6. **August 8** - Milbank. Midwest Dairy Institute CAFO permit transfer hearing.
7. **August 10** - Milbank. Drainage discussion with Grant County officials.
8. **August 15** - Clear Lake. Sioux Valley County Commissioners meeting.
9. **August 16** - Milbank. Grant County Commission.
10. **August 16** - Brookings. Brookings County Drainage Board - Highway 81/Twin Lakes drainage.
11. **August 17** - Mitchell. Drainage panel discussion, DakotaFest.

Upcoming Meetings

1. **August 18 - 5:00 p.m.** - Centerville. Turner-Lincoln-Clay Water Project District regional drainage discussion.
2. **August 23 - 7:00 p.m.** - Madison. Lake County Clean Water Committee Meeting.
3. **August 24 - 1:00 p.m.** - City Hall, Huron. State/federal transportation & wildlife agencies drainage discussion.

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4. **August 25 - 12 noon** - Prairie Sky Ranch, Veblen. Lake Region County Commissioners Group.
5. **September 1** - Huron. SDARWS Booth, South Dakota State Fair.
6. **September 10** - Lake Madison. SD Lakes and Streams Association Annual Meeting.
7. **September 14 - 10:00 a.m.** - Cedar Shores Resort, Oacoma. SD Non-Point Source Task Force.
8. **September 15 - 9:30 a.m.** - Terry Redlin Environmental Center, Watertown. EDWDD September Board of Directors meeting.
9. **September 19-21** - Rapid City. 2011 South Dakota County Convention.
10. **September 22 - 9:00 a.m.** - Aberdeen. James River WDD Board Meeting.
11. **September 22 & 23** - Pierre. SD Board of Water and Natural Resources.

Payment Request

*City of Madison* - The Manager presented the Board with a second payment request from the City of Madison. In February 2011, the Board awarded project assistance funds to support an assessment of options to address problems encountered by the City with volatile organic compounds (VOCs) showing up in their well water. Specifically, the Board agreed to cover thirty percent (30%) of the study costs, up to a cap of \$8,400. An initial payment request (\$1,056) was acted on by the Board in April. The current request covers \$13,823 of study costs, of which the District’s share would be \$4,147.

**Motion** by Jarrett, seconded by Weidler to approve payment of \$4,147 to the City of Madison as requested. Motion carried unanimously.

**Hearing on the 2012 EDWDD Operations Budget**

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Chairman Eggers opened the public hearing on the 2011 EDWDD Operations Budget at 10:00 a.m. The Manager stated that the District had published a copy of the proposed budget (summarized below) and notices of the hearing in the 10 official District newspapers as required by South Dakota Codified Law 46A-3E-10. No written or verbal comments on the proposed budget were received prior to the meeting/hearing.

**PRELIMINARY FY 2012 EDWDD BUDGET**

APPROPRIATIONS

01	Board of Directors	\$37,586
02	Administration	\$210,306
03	Technical Assistance	\$244,413
04	Legal and Consultant	\$27,500
05	Capitol Outlay	\$11,000
06	EDWDD Project Expenditures	\$210,000
07	Project Assistance	\$373,895
08	Contingency	\$50,000
09	Minimum Balance for Cash Flow	<u>\$50,000</u>
	Total FY 2012 Appropriations	\$1,214,700

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MEANS OF FINANCE

310	Tax Revenue	\$592,700
320	Intergovernmental Revenue	\$210,000
330	Miscellaneous Revenue	<u>\$412,000</u>
	Total FY 2012 Means of Finance	<u>\$1,214,700</u>

Chairman Eggers invited public comment on the budget as advertised and presented. No public comments were made. Chairman Eggers declared the public hearing closed, and called for Board comment and/or action on the proposed budget.

**Motion** by Weidler, seconded by Soholt to adopt the 2012 EDWDD Operations Budget as presented. Motion carried unanimously.

**Project Assistance Requests**

Dakota Rural Action - Heidi Urlacher and Frank James, Dakota Rural Action (DRA), presented a request for support of their 2011 Farm Beginnings Program. They explained that Farm Beginnings is a farmer-led training and support program offered by DRA that provides participants an opportunity to learn first-hand about low-cost, sustainable methods of farming and gives them the tools to successfully launch their farm enterprise. The program focuses on families without connections and/or experience with traditional family farms, and is in part intended to address the overwhelming shortage of “young” farmers (under the age of 65). The Manager noted that while water is a not a large part of the curriculum, they do have a section on the need to protect and preserve water resources. It was noted that the District provided \$5,000 in support of the 2010 effort, and the Manager gave a presentation to participants on water resource issues. Concern was expressed by several Board members about the lack of a direct and obvious connection to water resources issues in the request. They acknowledged that the overall goals of the Farm Beginnings Program were important, but the vast majority of the program activities were largely unrelated to the overall mission/purpose of the District.

**Motion** by Brown, seconded by Connelly to provide \$5,000 in District cost-share assistance to the DRA 2011 Farm Beginnings Program, with \$3,000 to be applied to general program support and \$2,000 to be used as scholarships for participating District residents. The motion failed with Directors Brown and Connelly voting in favor, and Directors Eggers, Jarrett, Johnson, Kassube, Scheibe, Soholt and Weidler opposed.

It was the consensus of the Board that if so requested that District staff would be made available to DRA to present information on appropriate water resource issues to the participants in the 2011 Farm Beginnings program. Mr. James thanked the Board for their consideration of the funding request, and indicated that he would work with the manager to arrange time for staff presentation as offered.

Grant-Roberts Rural Water System - The Manager presented a request from Wendy Storm, Manager of the Grant-Roberts Rural Water System (GRRWS), for project assistance from the 2010 Well Head Protection Area Protection Program (Program). GRRWS is requesting \$25,000 in Program assistance to be applied toward the purchase of roughly 122 acres of land within the established well head protection area for their South Shore well field. The GRRWS Board of Directors has authorized the purchase of the land, a purchase agreement has been executed and was finalized earlier in the month.

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The Manager has examined the material provided by GRRWS, and concluded that the request meets Program requirements. The total purchase price of the land exceeds that necessary for GRRWS to qualify for the full amount of Program support, \$25,000.

**Motion** by Kassube, seconded by Sohlt 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, up to a maximum of \$25,000, by GRRWS as requested, and to authorize payment. Motion carried unanimously.

### **Agricultural Drainage Management in South Dakota**

The Manager noted that over the past 18 months, drainage in general, and sub-surface drainage of agricultural land (tiling) in particular, had become a topic of increasing discussion. Earlier in the year, he had put a presentation together on ag drainage in South Dakota for a group of graduate students and faculty at South Dakota State University. In the intervening months, he has given variations on this presentation to a number of groups, and a number of presentations are scheduled in the next few months. The Manager provided the Board with an overview of his presentation.

The first section dealt with court cases that addressed drainage disputes. Resolution of these disputes established what is referred to as “case law,” in effect establishing precedents for how drainage matters would be assessed by the courts. He reviewed key court cases covering drainage disputes. The second section covered the county drainage law created by the 1985 State Legislature. This legislation intended to codify the precedents (case law) established by the courts, and create a mechanism by which counties could regulate drainage matters within their jurisdictions. County involvement was optional, and the courts remained an option for disputing parties.

The last section summarized the drainage controls (ordinances) that had been developed by those counties that chose to do so. At present, 14 counties, all in eastern South Dakota, had formal drainage regulations. They are Brown, Roberts, Spink, Grant, Deuel, Kingsbury, Brookings, Lake, Moody, Hanson, McCook, Minnehaha, Hutchinson and Clay. Earlier in the year, Turner and Hamlin Counties had rescinded their ordinances. Clark County had taken a similar action in 1999. He noted that while each county’s ordinances were different, they all shared common elements.

The Manager stated that several counties are currently exploring the option of abandoning their drainage ordinances. Involvement is not mandatory, and the vast majority of counties are not involved. At the core of this discussion is the concern that county permits are most often issued without a sufficiently rigorous assessment of the impacts of the proposed drainage, and they consequently represent a significant potential liability risk. The Manager said that he fully expected drainage to be a topic in the upcoming South Dakota legislative session.

### **Adjournment**

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

Roger Scheibe, Secretary