



East Dakota Water Development District
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MINUTES
December 18, 2008

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on December 18, 2008 at the EDWDD Office, 132B Airport Drive, Brookings. Chairman Eggers called the meeting to order at 1:05 p.m. The following persons attended:

Directors Present

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

Others Present

Shirley Flemming, Florence
Vincent Flemming, Florence
Carol Johnson, Codington County Commission
Bob Kolbe, Minnehaha County Commission
Gabe Laber, Schmucker, Paul and Nohr Engineering
Dave Landsman, Town of Elkton
Sue Sherman, Town of Elkton

Directors Absent

John Johnson

Staff Present

Jay Gilbertson
Jeremy Hinke
Deb Springman
Roger Strom
Kristi Thielen

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Administrative Items

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

Minutes - The Board reviewed the Minutes of the November 20, 2008 meeting. **Motion** by Feten, seconded by Siegel to approve the Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the November 2008 Financial Report (Attachment A). **Motion** by Kassube, seconded by Brown to accept the November 2008 Financial Report. Motion carried unanimously. Chairman Eggers then asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Feten attended the December 12 Gerhold Dairy (Castlewood) easement signing in Watertown.

Directors Jarrett and Todd attended the December 4 meeting of the Interlakes Water Quality Committee in Madison.

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The Manager commented briefly on the following meetings he attended:

1. November 24 - Minnehaha County. Central Big Sioux River Watershed Project (CBSRWP) field tour.
2. December 4-6 - Alexandria, MN. Minnesota Association of Watershed Districts Annual Meeting.
3. December 9 - Pierre. SD Non-Point Source Task Force.
4. December 12 - Watertown. CBSRWP easement signing.
5. December 13 - Morton, MN. AREA II Minnesota River Basins Projects Legislative Luncheon.
6. December 16 - Brookings. Children's Museum of South Dakota.

Upcoming Meetings -

1. **January 8 - 8:00 a.m.** - Kings Inn, Pierre. SD Conservation Commission.
2. **January 8-9** - Dakota Digital Network (DDN) sites. SD Board of Water and Natural Resources.
3. **January 13-15** - Ramkota Inn, Pierre. SD Association of Rural Water Systems Annual Meeting and Technical Conference.
4. **January 13 - 12 noon** - State Capitol Building, Pierre. First day of the 84th South Dakota Legislative Session
5. **January 14 - 9:00 a.m.** - American Legion Building, Pierre. James River Water Development District Board of Directors Meeting.
6. **January 14 - 3:00 p.m.** - Pierre. Central Plains Water Development District Board of Directors Meeting.
7. **January 22 - 9:00 a.m.** - EDWDD Office, Brookings. January EDWDD Board of Directors Meeting.

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Directors Jarrett and Todd indicated that they would be absent at the January meeting. **Motion** by Kassube, seconded by Jarrett to defer Board reorganization until the February 19, 2008, meeting. Motion carried unanimously.

Payment Requests - The Manager presented the Board with three payment requests.

South Dakota Lakes & Streams Association - At the October 2008 meeting, the Board agreed to provide District cost-share assistance of \$550 to be used to purchase new website management software and training on the software. South Dakota Lakes & Streams Association (SDLSA) has obtained the necessary software and staff have completed the training. SDLSA has submitted a request for the District's support. **Motion** by Siegel, seconded by Weidler to authorize payment of \$550 to SDLSA as requested. The Manager noted that this would complete the District's obligation to this activity. Motion carried unanimously.

Corson Village Sanitary District - At the April 2007 meeting, the Board agreed to provide District cost-share assistance of 50% of the local costs (up to a maximum of \$2,000) of a preliminary engineering study of the Corson Village Sanitary District's waste water treatment facility. CVSD has submitted a request for reimbursement of \$2,000, along with the required billing information. **Motion** by Kassube, seconded by Todd to authorize payment of \$2,000 to the Corson Village Sanitary District as requested. The Manager noted that this would complete the District's obligation to this activity. Motion carried unanimously.

City of Colman - At the July 2005 meeting, the Board agreed to provide District cost-share assistance of 10% of the costs (up to a maximum of \$1,750) of preliminary engineering studies of the City's drinking water and waste water treatment and distribution facilities. The facility plan for the waste water portion of the studies has been completed, and the City has submitted a request for the District's portion of the costs.

The Manager noted that the total cost for the waste water facility plan was \$7,500, so the District share would be \$750. **Motion** by Brown, seconded by Jarrett to authorize payment of \$750 to the City of Colman as requested. Motion carried unanimously.

Project Assistance Review - The Manager reviewed the status of four projects that had previously received District cost-share assistance. Each project has either been completed and will not be requesting further funds, or has failed to request funds in a timely manner. The Manager requested that the Board rescind the balance of District funds committed to these projects. **Motion** by Weidler, seconded by Brown to rescind remaining District cost-share assistance allocated to the following projects:

1. CoCoRaHS Rain Gages, \$2,000;
2. Deuel County Lakes Implementation Project I&E, \$184;
3. City of Gary Facility Plans, \$357; and
4. City of Hartford Facility Plans, \$840.

The Manager noted that this action would revert \$3,381. Motion carried unanimously.

Appointment of District Legislative Lobbyist - **Motion** by Jarrett, seconded by Siegel to appoint the Manager as District's lobbyist to the South Dakota Legislature during calendar years 2009 and 2010. Motion carried unanimously.

Project Assistance Requests

City of Elkton - Dave Landsman, Mayor for the City of Elkton, presented the Board with a request for cost-share assistance for the completion of an assessment of the condition of the City's waste-water collection system. The community is experiencing major infiltration and inflow problems, leading to perhaps up to 1/3 of the total volume being treated. The community has arranged to have the older parts of the system (vitrified clay tile) cleaned and then televised to identify problem areas. The Mayor noted that their intent is to find the real problem areas, rather than just start replacing tile haphazardly. The total project cost is estimated at \$32,000, with the work to be conducted over a two-year period.

Motion by Siegel, seconded by Kassube to provide District cost-share assistance of twenty percent (20%) of the costs of the proposed study, up to a maximum amount of \$6,400. Motion carried unanimously.

2009 Legislative Session Preview

The Manager reviewed the upcoming 2009 Session of the South Dakota Legislature. The Governor has indicated that there will be increases in a number of user fees charged by state agencies. He projected that the combined impact of all user fee increases would be \$4,900,000 state-wide. A letter has been received from Secretary Steve Pirner, Department of Environment and Natural Resources (DENR), indicating that administrative fees charged by the Water Rights Program are projected to be increased. He notes that many of these fees have remained unchanged for the past 30 years, and would apply only to new permits. Most Water Rights fees are, for the most part, one-time payments made at the time of permit application/filing. One exception is for future use permits, which are renewed every seven years. The Manager noted that the District holds a Future Use Permit for 144,000 acre-feet of Missouri River water. When last renewed (2003), the permit fee was \$3,018. However, if the proposed fee increases are adopted, the next payment in 2010

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would be \$12,055.

The likely contents of the annual state water funding bill (Omnibus Water Bill) were previewed at the November 2008 meeting of the Board of Water and Natural Resources (BWNR). This bill allocates state resources to be applied toward major water funding programs during fiscal year 2010 (July 1, 2009 to June 30, 2010). A major block of funding (\$6,300,000) is projected to be used in support of the Lewis and Clark Regional Water System. This payment is the second of three large grants intended to pre-pay all of the State's support by 2011. It also allocates funding for other State Water Resource Management System projects, the Consolidated water Facilities Construction Program and solid waste programs. This bill has received nearly unanimous support each year.

It is also expected the Omnibus Water Bill will contain an amendment to South Dakota Codified Law (SDCL) 46A-1-95, which sets the annual limit on DENR expenditure of certain Federal Clean Water Act pass-through funds. In recent years, demand (payment/reimbursement requests) from the nonpoint, clean lakes, wetlands and water quality monitoring programs have exceeded the current cap of \$3,000,000. As a result, many grant recipients (including the District) have not received payments in a timely manner. The proposal is to increase the annual cap amount to \$6,000,000. It was the consensus of the Board that the proposed increase was clearly needed. However, they also recognize that the proposed change (\$3,000,000 more continuous appropriation authority) could draw considerable attention in a time of limited fiscal resources and tight budgets. They directed the Manager to relay their concern to Secretary Pirner, and suggest that the change to SDCL 46A-1-95 be brought forward as a separate piece of legislation.

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Director Area Changes

The Manager presented a first draft of the reapportioned director areas for the District prepared by DENR staff. The changes are being made in response to House Bill 1174, passed by the 2008 Legislature, which eliminated separate rural and municipal director areas. The new areas are based solely on population. In its current form, the reapportionment would have four director areas based in Sioux Falls, with two more covering parts of Minnehaha County and the southern end of the District. The remaining three director areas would encompass the balance of the District territory. The Manager requested comments on the draft reapportionment, which would likely be considered by the BWNR in the spring of 2009.

Dakota Water Watch

Deb Springman and Jeremy Hinke gave a year-end summary of the District's volunteer water quality monitoring program, which goes by the name of Dakota Water Watch (DWW). During the year, 82 sites were monitored on lakes (77 sites on 14 water bodies) and streams (5 sites on 4 water bodies). During the past year, DWW water quality monitoring fell under three basic categories: lake index-site monitoring (10 active monitors), screening or baseline monitoring (9 active monitors), and bacteria monitoring (34 active monitors). Mini-labs for bacteria culturing and analyses are maintained in Brookings by District staff, and in Madison, Sioux Falls and Watertown by DWW volunteers. DWW also assisted two other water monitoring efforts at Lake Andes and McCook Lake, as well as a one-day "snap shot" sampling event at Grass Lake in Minnehaha County. Work is also underway on the development of an on-line database for use by volunteers and a website is being developed.

329 samples were analyzed for bacteria (*Escherichia coli*) in 2008. In-lake and shoreline sampling at area lakes found no detectable results on 42% of all samples (132 of 314). For the remaining 58% (182 of 314)

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of samples, only 6 were found to have bacteria levels above 235 colony forming units per 100 milliliters (235 cfu/100 ml) of water. 235 cfu/100 ml is the United States Environmental Protection Agency upper threshold for intense recreational use (swimming). By contrast, bacteria levels in the river and stream samples were higher, with 60% (9 of 15) exceeding 235 cfu/100 ml.

Water clarity data, as measured by Secchi disk depths, was presented for three lakes (Herman, Madison and Round) in Lake County. Of the three, Lake Madison had the best clarity, averaging roughly 6 feet during the season. Of all lakes measured, Lake Cochrane in Deuel County had several readings of over 26 feet, while Grass Lake in Minnehaha County had the poorest results (less than 8 inches).

For 2009, they anticipate adding several water bodies to the DWW network. The Four Lakes Association (Lakes Thompson, Whitewood, Preston and Henry in Kingsbury County) and the Oakwood Lakes Association (East Oakwood, Tetonkaha and Johnson Lakes) have each agreed to sample at multiple locations, and have made arrangements for training. The Lake Campbell Improvement Association is also interested in rejoining the network.

More DWW information, including several interim update reports, are available at the District website: www.eastdakota.org.

Project Updates

Watershed Assessment Projects - Ms. Springman reported that the draft Final Report for the Lake Campbell/Battle Creek Watershed Assessment is complete and will be sent to DENR for review shortly.

Ms. Springman noted that geographic information system (GIS) software has been a critical and important tool for this and other District projects. The maintenance agreement for the District's GIS programs is up for renewal, and she requested Board authority to renew the agreement for 2009. **Motion** by Brown, seconded by Weidler to authorize the extension of the maintenance agreement as requested. Motion carried unanimously.

The Manager indicated that Ms. Springman had successfully submitted a proposal to the South Dakota Discovery Center for funding under the Nonpoint Source Watershed Information and Education Program. Her proposal involves the creation of three (3) sets of educational materials, referred to as trunks, for use by elementary school classes in South Dakota. Two of the trunks will be modeled after a current District trunk dealing with the topic of Lakes & Streams. The third trunk will deal with the topic of Water History. Project time and resources will also be directed toward upgrading and updating materials found in current District trunks dealing with Wetlands, Lakes & Streams and Weather. The agreement calls for the Discovery Center to provide up to \$5,200 to purchase supplies and materials, with the District providing the labor. The Manager requested Board authorization for the Chairman to execute an agreement with the Discovery Center for this effort. **Motion** by Todd, seconded by Kassube to authorize the Chairman to sign an agreement with the Discovery Center as requested. Motion carried unanimously.

Central Big Sioux River Watershed Project – Roger Strom reported on his efforts. On December 12th, two easement documents were signed for land along Stray Horse Creek. The two parcels involved cover a little over 43 acres, and will be permanently kept in grass and native cover. The event was held at the Public Library in Watertown, and covered by the Watertown Public Opinion. He is working with two other property owners on easements along the Big Sioux River. He has worked with three animal feeding facility

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owners. One project is under construction, and the two others are considering project participation. The balance of his time has been spent reviewing and updating the project records, and reconciling them with the DENR tracking system. He also has filed reimbursement requests for eligible project expenses through the end of November. The Manager noted that Mr. Strom has identified a number of items that had not previously been recorded (and therefore credited to the project), and has found a few reimbursement eligible expenses that had not previously been claimed.

Adjournment

There being no further District business, Chairman Eggers declared the meeting adjourned at 4:25 p.m.

Doug Feten, Secretary

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