



**East Dakota Water Development District**  
132B Airport Drive  
Brookings, SD 57006  
605-688-6741      605-688-6744 Fax

**MINUTES**  
**December 15, 2022**

The Board of Directors of the East Dakota Water Development District (District) held a regular meeting on December 15<sup>th</sup>, 2022, at the District Office in Brookings, SD. Chairman Anderson called the meeting to order at 1:05 p.m. The following persons attended:

**Directors Present**

Mark Anderson\*  
Jeff Barth\*  
Ryan Donovan\*  
Gary Duffy  
Spencer Hawley  
Bob Kappel\*  
Troy Larson\*  
John Moes\*  
Joedy Poppe\*

**Directors Absent**

- none -

**Others Present**

Jeremiah Bergstrom, South Dakota State University\*  
Kevin Christenson, SD Association of Rural Water Systems\*  
Brad Prehiem, Vermillion Basin water Development District\*  
Darrell Raschke, Upper Missouri Water Association\*

**Staff Present**

Barry Berg\*  
McKenzie Blaine\*  
Jay Gilbertson  
Jeremy Hinke  
Amber Lively\*  
Deb Springman

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\* participated by way of video-conferencing

**Administrative Items**

Approval of Agenda - Director Duffy asked to have a report on the Manager's efforts to document various functions he performs added to the District Updates.

**Motion** by Barth, seconded by Kappel to approve the agenda as so amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the November 17<sup>th</sup>, 2022, meeting.

**Motion** by Barth, seconded by Donovan to approve the November 17<sup>th</sup>, 2022, Board Meeting Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the November 2022 Financial Reports.

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**Motion** by Hawley, seconded by Duffy to accept the November 2022 Financial Reports. Motion carried unanimously. Chairman Anderson then asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Donovan reported on the November 21<sup>st</sup> meeting of the Friends of the Big Sioux River held in Sioux Falls.

Directors Donovan and Larson reported on the Big Sioux River & Sustainability Summit on December 8<sup>th</sup> in Sioux Falls.

The Manager commented briefly on the following meetings he attended:

1. December 1<sup>st</sup> - Water development district managers meeting, video-conference.
2. December 1<sup>st</sup> - SD Lakes & Streams Association meeting with SDSU research faculty, SDSU.
3. December 5<sup>th</sup> - Conservation Partners Big Sioux River Watershed CREP Overview, video-conference.
4. December 6<sup>th</sup> - South Dakota Non-Point Source Task Force, Pierre.
5. December 8<sup>th</sup> - Big Sioux River/Sustainability Summit, Sioux Falls.
6. December 12<sup>th</sup> - Water 2040 planning meeting, video-conference.

Upcoming Meetings -

1. **January 5<sup>th</sup>, 2023** - Pierre and various Dakota Digital Network (DDN) sites. South Dakota Board of Water & Natural Resources.
2. **January 10<sup>th</sup> - 12<sup>th</sup>** - Ramkota Hotel & Convention Center, Pierre. South Dakota Association of Rural Water Systems Annual Technical Conference.
3. **January 10<sup>th</sup> - 12 noon (CST)** - State Capitol, Pierre. Opening of the 98th South Dakota Legislative Session.
4. **January 19<sup>th</sup> - 9:00 a.m.** - Huron. January 2023 James River Water Development District Board of Directors meeting.
5. **January 19<sup>th</sup> - 9:00 a.m.** - District Office, Brookings. January 2023 East Dakota Water Development District Board of Directors meeting.

Payment Requests - The Manager presented the Board with one payment request from District-sponsored activity that required Board action. He noted that the request was in order and consistent with the conditions established by the Board at the time of the awards.

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
City of Volga - Water Source Exploration	\$ 7,000.00
	\$ 7,000.00

**Motion** by Kappel, seconded by Moes to authorize payment of \$7,000.00 as requested. Motion carried unanimously.

Project Assistance Review - The Manager reviewed the status of several projects that had previously received District cost-share assistance. Each project has been completed and will not be requesting further funds, or it has been determined that the project will not proceed. The Manager asked that the

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Board rescind the balance of District funds (37,645.00 in total) previously committed to the following projects:

<u>Award</u> <u>Date</u>	<u>Project</u>	<u>Award</u> <u>Amount</u>	<u>Unused</u> <u>Balance</u>
Sept 2018	Riparian Buffer Outreach Project	\$ 20,000	\$ 20,000
July 2019	EDWDD Riparian Buffer Support Fund	\$ 25,000	\$ 16,045
April 2021	Lake Poinsett Assoc. WQ Sampling	\$ 1,600	<u>\$ 1,600</u>
			<u>\$ 37,645</u>

**Motion** by Poppe, seconded by Kappel to rescind the unused balances of the District cost-share assistance grants, totaling \$ 37,645.00, as requested. Motion carried unanimously.

The Manager also noted that the funds allocated in December 2021 for the 2022 Big Sioux Water Festival and the 2022 Sioux Empire Water Festival, \$9,000 and \$10,000 respectively, had gone unclaimed. The sponsors had been able to cover the expenses related to the 2022 events, both held remotely, using existing funds. However, as both festivals are currently in the planning process for events to be held next year (2023), he recommended that the funds be carried over and made available for the 2023 events as needed.

**Motion** by Duffy, seconded by Poppe to carry the support for the 2022 Big Sioux and Sioux Empire Water Festivals over to 2023 as requested, and to authorize expenditure as necessary. Motion carried with Directors Barth, Donovan, Duffy, Hawley, Larson, Moes, Poppe and Chairman Anderson supporting, and Director Kappel abstaining.

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**Upper Missouri Water Association**

Darrell Raschke of Huron, the current Chairman of the Upper Missouri Water Association (UMWA) Board of Directors, provided the Board with an overview of UMWA efforts and activities. He noted that UMWA is a nonprofit regional water organization, including representatives from the states of Montana, North Dakota, South Dakota and Wyoming. The mission of the UMWA is to protect, develop and manage Upper Missouri water. By working together through the UMWA, regional water interests can become stronger and more effective. Instead of four separate states, each with a congressman and two senators, the region is represented by four congressmen and eight senators. Through unity, they seek to accomplish regional goals.

Members in the Upper Missouri Water Association include all types of large and small businesses, individuals, farmers, ranchers, irrigators, engineers, contractors, companies, rural electric and other cooperatives, irrigation districts, rural water systems, cities and other organizations concerned about Upper Missouri water. Representatives of State water resource agencies participate as ex officio members. The association sends out a Monthly Briefing on federal legislation, regulatory actions and other issues concerning water. E-mail alerts are provided periodically on the latest federal issues impacting the upper Missouri and western states.

Director Larson noted that he also serves on the UMWA Board as one of the representatives from South Dakota. He noted that with the developing Water 2040 effort, and a general desire to develop long-range plans for water in eastern South Dakota, he believed that District participation in UMWA should be

considered. The Manager noted that this was a purely informational presentation, but that he would likely be recommending the District become a UMWA member in 2023 at the January Board meeting.

### **Project Assistance Requests**

United States Geological Survey Real-Time Nitrate Monitoring Agreement - The Manager presented the Board with a joint funding agreement (JFA) with the United State Geological Survey (USGS) Dakota Water Science Center (DWSC) for operation of a real-time nitrate monitoring device during federal fiscal year (FFY) 2023. The District has supported operation of this device, in collaboration with the USGS and the City of Sioux Falls since FFY 2014. The proposed FFY 2023 JFA is for continuation of support for this monitoring station at a cost of \$4,230. The JFA for FFY 2023 would be matched by \$2,050 from the USGS. A similar agreement will be executed between the City of Sioux Falls and the USGS.

**Motion** by Barth, seconded by Larson to approve the FFY 2023 JFA with the USGS DWSC, in support of the real-time nitrate monitoring station, for \$4,230, and to authorize the Manager to execute the JFA. Motion carried unanimously.

United States Geological Survey - The Manager reviewed a proposed joint funding agreement (JFA) between the District and the United States Geological Survey (USGS) Upper Midwest Water Science Center (UMWSC) for support of stream gaging stations for Federal Fiscal Years (FFY) 2023 and 2024 (October 2022 - September 2024).

During FFY 2021 and 2022, the District provided cost-share assistance through the UMWSC for two stream gages, one on the Whetstone River near Big Stone City and the other on the Yellow Bank River near Odessa, MN, at a cost of \$6,520. The proposed FFY 2023/2024 JFA would be for a continuation of support for these gages at a total, two-year cost of \$6,652. Support for these gages is also provided by the Upper Minnesota River Watershed District, the Lac qui Parle/Yellow Bank Watershed District, and the US Army Corps of Engineers.

The Manager requested Board approval of the JFA to support stream gaging activities in FFY 2023 and 2024.

**Motion** by Duffy, seconded by Hawley to approve the FFY 2023/2024 JFA with the USGS UMWSC for \$6,652, and to authorize the Manager to execute the agreement. Motion carried unanimously.

South Dakota Association of Rural Water Systems - The Manager presented a request from the South Dakota Association of Rural Water Systems (SDARWS) seeking District cost-share assistance for the acquisition of a down-hole camera system to assess the condition of water supply wells. Kevin Christenson, SDARWS Source Water Protection Specialist, explained that for many of the smaller public water systems (PWSs) in our area, and across the state, the condition of the well or wells that provide water is often a matter of speculation. Record keeping is spotty, particularly for well(s) installed decades ago. SDARWS is proposing to acquire the necessary equipment to examine the condition of such wells, and hopefully provide opportunities for these PWSs to pro-actively address issues. The projected cost of the equipment package is roughly \$5,300, although prices are a bit fluid. Mr.

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Christenson stated that SDARWS would assume responsibility for the device, and would make it available to District staff on request.

The Manager proposed that the District split the cost of the equipment with SDARWS. Specifically, he proposed a commitment to cover fifty percent (50%) of the costs, up to a maximum of \$3,000. This would allow for some flexibility if prices continue to rise.

**Motion** by Larson, seconded by Hawley to award project assistance support to SDARWS to cover fifty percent (50%) of the costs to acquire the down-hole camera and associated equipment as requested, up to a maximum amount of \$3,000. Motion carried unanimously.

### **Assessing Capacity for Community-based Watershed Planning in South Dakota**

Jeremiah Bergstrom, with the South Dakota State University School of Design, briefed the Board on a District-supported effort entitled, “Assessing Capacity for Community-based Watershed Planning in South Dakota.” Dr. John McMaine (SDSU Agriculture & Biosystems Engineering) and Dr. Candace May (SDSU Sociology & Rural Studies) were also part of the study. The overall goal was to develop tools and resources needed to engage small communities in collective action to address water resource issues. He noted that most communities in South Dakota lack the necessary resources (technical and financial) to support in-house water resource management staff, so this effort is intended to develop support systems (tool kit) to allow these communities to deal with a broad range of water resource issues that may impact their environs.

The initial effort focused on information gathering, including identifying individual and community water resource values and management capacity; evaluation of applicable regulatory policies and programs impacting water resources management in the human built environment; and quantifying water resource impacts on the human built environment. It culminated with the convening of a stakeholders meeting with representatives from across eastern South Dakota to validate and disseminate findings, which was held earlier this year.

### **District Updates**

Potential Legislation for the 2023 Legislative Session - The Manager reviewed several pieces of legislation that he is considering bringing before the 98<sup>th</sup> Session of the South Dakota Legislature, which begins on January 10<sup>th</sup>, 2023.

1. Legislation that codifies the inclusion of McCook County into the Vermillion Basin Water Development District (VBWDD). This has technically already happened, but the code (SDCL 46A-3A-7.1) will need to be adjusted to reflect what the voters did.
2. An amendment to existing code (SDCL 46A-3D-4), raising the tax levy threshold from \$250,000 to \$350,000 for when a formal, full-blown audit is required. He noted that the bill would not impact East Dakota.
3. An amendment to existing code (SDCL 46A-3B-3) that would empower water development district (WDD) boards of directors to take over the re-districting of WDD director areas. Various other sub-units of state government, such as counties and cities, can do this already, and the switch would greatly expedite the process. The necessary information (2020 census data) to accomplish this was available in August 2021, and we are still waiting for the current process to be completed.

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- 4. Minor amendment to SDCL 46A-3E-14, which contains an erroneous reference to SDCL 46A-3E-10, which should instead cite SDCL 46A-3E-9.
- 5. A bill to expand the VBWDD to include not only McCook County, but those portions of East Dakota in the Vermillion River watershed. He noted that is the desire to hold a special election to seat a new Board of Directors for the VBWDD as soon as possible, preferably in the summer of 2023. If this cannot be accomplished, this particular effort will be deferred until the 2024 Session.

Position Descriptions for District Staff - The Manager reported that an agreement has been signed with Cota Consulting, as approved at the October 2022 Board meeting, to develop/establish a compensation infrastructure and standardized process for compensation analysis and review. Included in this effort are plans to create more formal position descriptions, particularly for the Manager. This effort will get underway after the first of the year. Director Kappel noted that this effort was critical, and encouraged the Manager to expedite the process.

Development of Funding Priorities and Cost-Share Assistance Policies - Chairman Anderson reported that he had assigned a sub-committee of directors to work on the development of standardized (clarified?) procedure for the Board to use in the consideration, assessment and ultimate decision-making when applications for cost-share assistance are brought forward. He noted that the Manager would be reaching out to Directors Duffy, Kappel, Larson and Poppe after the holiday season to begin work on the effort.

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Manager Job Duties Update - The Manager reported that he has been preparing short memoranda on various tasks and duties he performs, primarily focusing on the day-to-day financial functions and actions requiring public notice. Examples of paperwork associated with the tasks are included, to as serve as a guide for an eventual replacement.

**Adjournment**

There being no further District business, Chairman Anderson declared the meeting adjourned at 3:05 p.m.

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Spencer Hawley, Secretary