



East Dakota Water Development District
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MINUTES
December 21, 2023

The Board of Directors of the East Dakota Water Development District (District) held a regular meeting on December 21st, 2023, 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
Bonnie Dybedahl
Bob Kappel
John Moes
Joedy Poppe

Director(s) Absent

Spencer Hawley

Others Present

Guanghai Hua, South Dakota State University
Nathan Stevens, United States Geological Survey

Staff Present

Barry Berg
Jay Gilbertson
Jeremy Hinke
Amber Lively

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Administrative Items

Approval of Agenda - The Manager asked to have Project Assistance Request from Shared Resources, Inc., as Item III. D.

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

Minutes - The Board reviewed the Minutes of the November 16th, 2023, meeting.

Motion by Barth, seconded by Moes to approve the November 16th, 2023, Board Meeting Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the November 2023 Financial Reports.

Motion by Moes, seconded by Duffy to accept the November 2023 Financial Reports. Motion carried unanimously. Chairman Anderson then asked that the report be placed in the District files.

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Report of Meetings and Conferences - Director Donovan reported on the December 18th, 2023, meeting of the Friends of the Big Sioux River held in Sioux Falls.

Directors Donovan and Dybedahl reported on the Big Sioux River & Sustainability Summit on December 7th in Sioux Falls.

Chairman Anderson and Director Kappel reported on the November 28th meeting of the Sioux Falls Parks Board concerning activities at Family Park along Skunk Creek.

Director Moes reported on the December 20th meeting of the Lake Pelican Water Project District in Watertown.

The Manager commented briefly on the following meetings he attended:

1. November 27th - SD Water Resources discussion with staff from the Dakota Institute for Business and Economic Analysis.
2. November 29th - Redfield Major Land Resource Area Soil Survey Office, Technical Team meeting, via video-conference.
3. December 5th - South Dakota Non-Point Source Task Force, Pierre. FFY 2024 funding recommendations.
4. December 7th - Big Sioux River/Sustainability Summit, Sioux Falls.
5. December 7th - South Dakota Association of Rural Water Systems Board of Directors, Sioux Falls.
6. December 12th - South Central Water Development District Board of Directors, Armour.
7. December 12th - West Dakota Water Development District Board of Directors, Rapid City.
8. December 13th - Aquatic invasive species (AIS) discussion with GF&P staff, Pierre.
9. December 18th - Discussion of regional water delivery systems and potential American Recovery Plan Act (ARPA) funding allocations during the 2024 Legislative session, Madison.
10. December 19th - Discussion of Shared Resources wellhead protection area/zoning, Flandreau.
11. December 20th - Vermillion Basin Water Development District Board of Directors, via tele-conference.

Upcoming Meetings -

1. **January 4th, 2024** - Pierre and various Dakota Digital Network (DDN) sites. South Dakota Board of Water & Natural Resources.
2. **January 9th - 11th** - Ramkota Hotel & Convention Center, Pierre. South Dakota Association of Rural Water Systems Annual Technical Conference.
3. **January 9th - 12 noon (CST)** - State Capitol, Pierre. Opening of the 98th South Dakota Legislative Session.
4. **January 10th - 7:30 a.m.** - State Capitol, Pierre. Breakfast with the Water Development Districts.
5. **January 10th -10:00 a.m.** - Holiday Inn Express, Fort Pierre. James River Water Development District Board of Directors meeting.
6. **January 10th -10:00 a.m.** - Holiday Inn Express, Fort Pierre. East Dakota Water Development District Board of Directors meeting.

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Payment Requests - The Manager presented the Board with several payment requests from District-sponsored activities that required Board action. He noted that the requests were 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 Aurora - Drinking Water System Facility Plan	\$ 10,500.00
City of Iroquois - Waste Water System Facility Plan	\$ 10,950.00
USGS FFY 2023 Real-Time Nitrate Monitoring	\$ 4,320.00
SD GF&P Big Sioux River CREP Support	\$ 4,475.42
City of Clear Lake - DW/WW/Drainage Facility Plans	\$ 464.59
	\$ 30,710.01

The Manager noted that several of the payments (Aurora, Clear Lake, Iroquois & USGS) would complete the District obligation to the project activities.

Motion by Kappel, seconded by Duffy to authorize payments totaling \$30,710.01 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 Board rescind the balance of District funds (\$371.00 in total) previously committed to the following project:

<u>Award Date</u>	<u>Project</u>	<u>Award Amount</u>	<u>Unused Balance</u>
Dec 2022	SDARWS Source Water Equipment	\$ 3,000	\$ 371
			<u>\$ 371</u>

Motion by Barth, seconded by Duffy to rescind the unused balances of the District cost-share assistance grant, totaling \$ 371.00), as requested. Motion carried unanimously.

2024 Director Areas 2, 4, 6 & 8 Vacancies - The Manager noted that the current terms of office for the East Dakota directors representing even-numbered director areas (Duffy - 2, Dybedahl - 4, Kappel - 6, and Poppe - 8) will expire on December 31st, 2024. Under existing code, the positions are to be filled during the 2024 general election cycle. As such, beginning on January 1st, 2024, nominating petitions may be circulated by persons interested in serving as a director from any of these areas. The petitions are to be filed with the South Dakota Secretary of State’s Office no later March 26th, 2024.

Project Assistance Requests

United States Geological Survey Real-Time Nitrate Monitoring Agreement - Nathan Stevens with the United State Geological Survey (USGS) Dakota Water Science Center (DWSC) presented the Board with a joint funding agreement (JFA) with the for operation of a real-time nitrate monitoring device during federal fiscal year (FFY) 2024. 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 2024 JFA is for continuation of support for this monitoring station at a cost of \$4,270, and increase of \$40 over

FFY 2023. The JFA for FFY 2024 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 Kappel, seconded by Poppe to approve the FFY 2024 JFA with the USGS DWSC, in support of the real-time nitrate monitoring station, for \$4,270, and to authorize the Manager to execute the JFA. Motion carried unanimously.

Sioux Empire Water Festival - The Manager presented a request from Kevin Christenson, Fund-raising Chair for the Sioux Empire Water Festival, for District cost-share assistance for the 2024 event, set to be held at the University of Sioux Falls on March 12th and 13th. He noted that this would be the 31st such event, all of which had been supported by the District.

Big Sioux Water Festival - The Manager presented a request on behalf of the Big Sioux Water Festival for District cost-share assistance for the 2024 event, set to be held at the South Dakota State University on May 7th. He noted that this would be the 32nd such event, and that the District had been the primary sponsor since its inception in 1993.

Motion by Moes, seconded by Duffy, to provide \$10,000 in support to the 2024 Sioux Empire Water Festival and \$9,000 in support of the 2024 Big Sioux Water Festival, and to authorize expenditure of the funds. Motion carried unanimously.

Big Sioux Community Water System - The Manager presented a requested from the Big Sioux Community Water System (BSCWS) for project assistance from the 2010 Well Head Protection Area Protection Program (WHPAPP). BSCWS is requesting \$25,000 in WHPAPP assistance to be applied toward the purchase of roughly 49 acres of land within the established well head protection area for their primary well field east of Egan. The BSCWS Board of Directors has authorized the purchase of the land, and a purchase agreement has been executed.

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

The Manager noted that this was the second request for assistance by BSCWS to the WHPAPP for the purchase of land. However, the initial request (and grant) was in 2011, and as there remain funds available, he supported the request.

Motion by Donovan, seconded by Kappel to provide District cost-share assistance from the WHPAPP to cover fifty percent (50%) of the price of the land purchase, up to a maximum of \$25,000, by BSCWS as requested, and to authorize payment. Motion carried unanimously.

Shared Resources, Inc. - The Manager presented a requested from the Shared Resources, Inc., for project assistance from the 2010 Well Head Protection Area Protection Program (WHPAPP). Shared Resources, a joint project between BSCWS and Minnehaha Community Water Corporation, is requesting \$25,000 in WHPAPP assistance. The funds would be applied to the purchase of roughly 160 acres of land, approximately 40 acres of which are within the well head protection area for their

developing well field west of Trent. The Shared Resources Board of Directors has authorized the purchase of the land, and a purchase agreement has been executed.

The Manager stated that he had examined the material provided by Shared Resources, and concluded that the request meets WHPAPP requirements. The total purchase price of the land exceeds that necessary for Shared Resources to qualify for the full amount of WHPAPP support, \$25,000. He stated that he supported the request.

Motion by Kappel, seconded by Moes to provide District cost-share assistance from the WHPAPP to cover fifty percent (50%) of the price of the land purchase, up to a maximum of \$25,000, by Shared Resources as requested, and to authorize payment. Motion carried unanimously.

Motion by Kappel, seconded by Poppe to revert the balance of the funds in the WHPAPP, \$7,964, to the Districts general project assistance fund. He noted that the majority of the WHPAPP funds had historically been applied to land purchases, and what remained in the fund would not be adequate to provide meaningful assistance. He suggested that future assistance requests of this kind could be handled individually using the District's general project assistance funds. Motion carried with Directors Donovan, Duffy, Dybedahl, Kappel, Moes and Poppe, along with Chairman Anderson, supporting, and Director Barth opposed.

Removal of *E. coli* from Stormwater Runoff Using Filtration with Recycled Steel Byproduct Media

Dr. Guanghui Hua, with the SDSU Department of Civil and Environmental Engineering, reviewed recent developments and progress of District-supported research he has been conducting on, "Removal of *E. coli* from Stormwater Runoff Using Filtration with Recycled Steel Byproduct Media." The objective of this study is to evaluate the bacteria removal performance of selected materials, to be applied as an end-of-pipe treatment for municipal storm water systems. His work has in part built off of the use of wood chips and other agricultural residues within denitrifying bioreactors as edge-of-field treatments for agricultural drainage. The results to-date have been very encouraging, with substantial removal of bacterial loads during bench tests (laboratory-based), in a small-scale and a pilot project near a Brookings elementary school. Dr. Hua noted that a site has been selected within the City of Sioux Falls for a full-scale demonstration and evaluation of the process.

District Updates

Potential Legislation for the 2024 Legislative Session - The Manager reviewed several pieces of legislation that will be considered by the 99th Session of the South Dakota Legislature, which begins on January 9th, 2024.

1. Legislation that moves portions of the East Dakota Water Development District into the Vermillion Basin Water Development District (VBWDD). This would involve transferring portions of Miner, Lake and Kingsbury Counties, a change supported by the respective county commissioners.
2. The number of directors of a water development district is determined by the population of the district. Districts with up to 25,000 fewer people have five (5) directors; 25,001 up to 75,000

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have seven (7); and over 75,000 have nine (9). However, there is no clear mechanism in code by which ‘new’ director areas are filled when a district population grows into a new category. Currently, both the Central Plains and Vermillion Basin WDDs open director positions, having ‘grown’ into the 7 director category. Legislation is being developed that will declare such seats as “vacant,” and then they could be filled promptly under existing law (SDCL 46A-3B-9).

- 3. During her budget address earlier this month, Governor Noem announced her intent to allocate \$95,000,000 in unobligated American Recovery Plan Act (ARPA) funds toward water infrastructure activities. However, until a formal bill is drafted (and available for review), the details of her plan are unknown.
- 4. Last spring, the Executive Board of the State Legislature requested development of an Issue Memorandum on the allocation and use of Missouri River Water, a copy of which was distributed at the November meeting. To date, the Manager is unaware of any legislation that will be developed in response to this effort.

Big Sioux River Project Water-Quality Impacts - Barry Berg and Amber Lively, Big Sioux River Project (BSRP) staff, presented information of the long-term water quality trends within the project area. They discussed the likely water quality impacts of BSRP best management practices, and the limitations of assessment tools.

2023 District Water Quality Sampling Results - Jeremy Hinke presented a summary of the water quality sampling conducted by the District during 2023 on area lakes and streams.

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Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 4:05 p.m.

Spencer Hawley, Secretary