



East Dakota Water Development District
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MINUTES
September 17, 2020

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on September 17, 2020, by way of video-conferencing (Zoom). Chairman Anderson called the meeting to order at 9:02 a.m. The following persons attended:

Directors Present

Mark Anderson
Jeff Barth
Mary Ellen Connelly
Gary Duffy
Spencer Hawley
Martin Jarrett
Kay Kassube
Dana Loseke
John Moes

Directors Absent

Mary Ellen Connelly
John Moes

Others Present

Susan Conner, Miner County
Galen Hoogstraet, US Geological Survey
Chris Laveau, US Geological Survey
Joshua Strobel, SD Department of Environment & Natural Resources

Staff Present

Barry Berg
Jay Gilbertson
Deb Springman

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Administrative Items

Approval of Agenda

Motion by Barth, seconded by Loseke to approve the agenda as presented. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the August 20th, 2020, meeting.

Motion by Loseke, seconded by Moes to approve the Minutes of the August 20th, 2020, meeting as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the August 2020 Financial Reports.

Motion by Moes, seconded by Connelly to accept the August 2020 financial reports. Motion carried unanimously. Chairman Anderson asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Barth attended a session on drainage at the County Commissioners State Convention in Sioux Falls on September 14th.

Director Hawley reported on the August 24th meeting of the Brookings County Ad Hoc Drainage Committee held in Brookings.

Director Loseke attended meetings of the Minnehaha Conservation District and the Friends of the Big Sioux River on September 14th. Both meetings were held in Sioux Falls.

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

1. August 24th - Brookings County Ad Hoc Drainage Committee, Brookings.
2. August 28th - Tour of Bitter Lake natural outlet pathway, Codington and Day Counties.
3. September 1st - Grant County Commission meeting via telephone conference call (drainage ordinance discussion); Deuel County Commission meeting via telephone conference call (drainage ordinance discussion); Day County Commission meeting, Webster (lowering of the water level in Bitter Lake).
4. September 2nd - Briefing by SD DENR Surface Water Quality staff on the triennial review of South Dakota water quality standards.
5. September 3rd - Red River Basin Commission *Ex Officio* Meeting via video-conference.
6. September 4th - Lake Thompson outlet (Miner County) clean out inspection.
7. September 10th - James River WDD Board of Directors via video-conference; West River Missouri River Water Stakeholder Informational Meeting via video-conference.
8. September 16th - Upper Big Sioux River Watershed Board via telephone conference call.

Upcoming Meetings

1. September 23rd - 9:00 a.m. - Sioux Falls. Big Sioux River Watershed Project Steering Committee.
2. September 24th - 1:00 p.m. - via video-conference. South Dakota Board of Water and Natural Resources.
3. October 6th - 10:00 a.m. - Clear Lake. Deuel County Commission hearing on repeal of the Deuel County Drainage Ordinance (89-02).
4. October 8th - 10:00 a.m. (CST) - via video-conference. Western South Dakota Missouri River Development Stakeholder Meeting.
5. October 14th - on line. Eastern South Dakota Water Conference, "Water's Lasting Legacy: Informing the Future with Lessons from the Past".
6. October 14th - 7:00 p.m. - Centerville. Vermillion Basin Water Development District Board of Directors.
7. October 15th - 9:00 a.m. - via Zoom. October EDWDD Board of Directors meeting.
8. October 28 & 29 - Deadwood. SD Association of Rural Water Systems Managers Group.

Payment Requests - The Manager presented a payment request from a District-sponsored activity that required Board action. He noted that the request was in order and consistent with provisions set by the Board at the time of award. He requested Board authorization to make the following payment:

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Grant Recipient/Activity	Requested Amount
SDSU/Bacteria removal from storm water runoff (Hua)	\$ 8,903.92
Total	\$ 8,903.92

Motion by Kassube, seconded by Jarrett to authorize payment of \$8,903.92 to South Dakota State University as requested. Motion carried unanimously.

Hearing on the 2021 EDWDD Budget

Chairman Anderson opened the public hearing on the 2021 EDWDD Budget at 10:00 a.m. The Manager stated that the District had published a copy of the proposed budget and notices of the hearing in the 10 official District newspapers, as required by South Dakota Codified Law 46A-3E-10. The Manager stated that no written or verbal comments on the proposed budget were received prior to the meeting/hearing.

The Manager noted that he would be proposing some changes to the budget as advertised, and suggested that he explain what these changes were prior to the public hearing. Hearing no objections to the request, Chairman Anderson approved.

The Manager stated that he was proposing to increase Capitol Outlay expenditures by \$32,500 to replace one of the District's vehicles and to replace 5 outdated office computers. He is also proposing to add \$2,500 to the pool of funds available for project assistance grants. To fund the changes, he proposes to increase the capitol reserve transfer by \$35,000. [The budget as advertised, and the proposed changes, are shown below. Changes in **bold**.]

FY 2021 BUDGET

MEANS OF FINANCE	Advertised	Adopted
100 Tax Revenue	\$ 821,000	\$ 821,500
200 Grant Revenue	\$ 450,000	\$ 450,000
300 Capitol Reserves	\$ 160,000	\$ 195,000
400 Miscellaneous Revenue	\$ 57,500	\$ 57,500
TOTAL FY 2021 MEANS OF FINANCE	\$ 1,492,000	\$ 1,527,000

APPROPRIATIONS	GENERAL FUND	
01 Board of Directors	\$ 41,677	\$ 41,677
02 Administration	\$ 167,046	\$ 167,046
03 Technical Assistance	\$ 349,048	\$ 349,048
04 Operational Expenses	\$ 140,350	\$ 140,350
05 Professional Services	\$ 49,000	\$ 49,000
06 Capitol Outlay	\$ 41,000	\$ 73,500
07 Grant Expenditures	\$ 450,000	\$ 450,000
08 Project Assistance	\$ 137,729	\$ 140,229
09 Contingency	\$ 116,150	\$ 116,150
TOTAL FY 2021 APPROPRIATIONS	\$ 1,492,000	\$ 1,527,000

Chairman Anderson invited public comment on the budget as advertised and presented. No public comments were made. Chairman Anderson declared the public hearing closed at 10:20 a.m., and called for Board comment and/or action on the proposed budget. It was the consensus of the Board to adopt the changes proposed by the Manager.

The Manager requested Board authorization for the Chairman and Treasurer to sign District Resolution 20-1, Resolution providing that a tax be assessed and levied on all taxable property in the East Dakota Water Development District (copy attached). The resolution covers District property tax collections for fiscal year 2020, payable in 2021, as identified in the property tax income portion of the budget under consideration. The resolution is part of the package of material sent to all county auditors and treasurers in the District, as well as the South Dakota Department of Revenue, on or before October 1st.

Motion by Hawley, seconded by Moes to adopt the 2021 EDWDD Budget as presented, and to authorize the Chairman and Treasurer to sign Resolution 20-1. Motion carried unanimously on a roll call vote.

Project Assistance Requests

United States Geological Survey Gaging Station Agreement - Chris Laveau, Hydrologic Data Program Chief for the United States Geological Survey Dakota Water Science Center (USGS) reviewed a proposed joint funding agreement (JFA) between the District and the USGS for support of stream gaging activity for Federal Fiscal Year (FFY) 2021 (October 2020 - September 2021).

During FFY 2020, the District provided cost-share assistance through the Dakota Water Science Center for one gage, on the Big Sioux River near Bruce, at a cost of \$8,870. The proposed FFY 2021 JFA would be for a continuation of support for this gage at a cost of \$8,870. No new gage sites have been proposed. The Manager requested Board approval of the FFY 2021 JFA for the Bruce gaging station.

Motion by Kassube, seconded by Connelly to approve the FFY 2021 JFA with the USGS Dakota Water Science Center for \$8,870, in support of the Bruce gage, and to authorize the Manager to execute the JFA. Motion carried unanimously.

United States Geological Survey Real-Time Nitrate Monitoring Agreement - Galen Hoogestraat, hydrologist with the USGS Dakota Science Center, briefed the Board on the results of the real-time nitrate monitoring station located on the Big Sioux River below Dell Rapids. The station is operated and maintained by the USGS, with support provided under cooperative agreements with the City of Sioux Falls and East Dakota Water Development District. The station is currently co-located with a USGS stream-flow gage on the river near Dell Rapids. Results from the station match well with independent data collected by the District at this location, and mirror data from the City a few miles downstream.

During FFY 2020, the District provided cost-share assistance through the Dakota Water Science Center for support of a real-time nitrate monitoring device at a cost of \$4,100. The proposed FFY 2021 JFA would be for a continuation of support for this monitoring station at the same cost (\$4,100). The JFA for FFY 2021 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 Duffy, seconded by Jarrett to approve the FFY 2021 JFA with the USGS Dakota Water Science Center, in support of the real-time nitrate monitoring station, for \$4,100, and to authorize the Manager to execute the JFA. Motion carried unanimously.

SD DENR Harmful Algal Blooms Website & Interactive Map

Joshua Strobel, with the SD DENR Watershed Protection Program, briefed the Board on the recently released, Harmful Algal Blooms Interactive Map. The map provides access to information on the presence and distribution of harmful algal blooms (HABs) across the state. A harmful algal bloom occurs when toxin producing algae grow excessively in a body of water. In South Dakota, HABs are typically produced by blue-green algae, a primitive photosynthetic algae also known as cyanobacteria. Blue-green algae are capable of producing toxins that can be harmful to people and fatal to pets and livestock. In South Dakota, HABs typically occur during the warm summer months in nutrient enriched lakes and ponds.

To see reports of algal blooms and results of HABs monitoring in South Dakota, the public can browse the South Dakota Harmful Algal Blooms Interactive Map. Mr. Strobel noted that the map does not show current conditions of toxin producing algae or algal toxins (cyanotoxins) in the state and should not be used to determine whether waters are safe for recreation at the current moment.

Reports of harmful algal blooms are indicated on the map with red symbols. New reports are added as they are received from the public or other entities. The map also presents the sample results of 2019 toxin producing algae monitoring. In 2020, monitoring for algal toxins and toxin producing algae are occurring as part of the Statewide Lake Assessment and other DENR projects. The Manager noted that if a potential HAB is noted during Rotating Basin Project testing, District staff are equipped to collect and submit samples. Results will be added to the map as the data is available in the winter of 2020-2021. To see the related results of chlorophyll-a testing, visit the DENR Water Quality Monitoring Access Portal and search for or click on your waterbody of interest.

When asked what should happen if someone notices an algal bloom, Mr. Strobel stated that the first, and most important action, someone should take is to protect people, pets and livestock by ensuring they stay out of the water. (“When in doubt, stay out!”) He noted that it is impossible to tell if an algal bloom is producing toxins without testing for toxins, so the safest course of action is to exercise caution. If you would like to contact DENR to report a potential harmful algal bloom, email DENRINTERNET@state.sd.us or phone 1-800-438-3367.

District Updates

Drainage of Closed-Basin Lakes - The Manager reviewed recent interest in the lowering of the water levels in two lakes in the ‘non-contributing’ portion of the Big Sioux River watershed. The lakes are currently functioning as the terminal sinks in a closed drainage basin, but if the water level gets high enough, both would spill over into the Big Sioux. On behalf of their respective constituents, the county commissioners from Day and Clark Counties are looking at getting water out of Bitter Lake and Dry Lake #2, respectively. Persistent high water levels, which most recently began in the mid-1990s, have taken a serious toll on public and private property and infrastructure, and a desire for relief is understandable.

Bitter Lake, southeastern Day County, currently has a water surface elevation of just over 1,804 feet above mean sea level, and studies suggest that the lake rarely, if ever, reaches much higher elevations. However, if the water in the lake were to rise to an elevation of about 1,811 feet, it would begin to flow south toward Grass Lake in Codington County, and then on to the Big Sioux River.

Dry Lake #2, south-central Clark County, currently has a water surface elevation of just over 1,767 feet above mean sea level. However, if the water in the lake were to rise to an elevation of about 1,773.5 feet, it would begin to flow northeast, east, then southeast toward Marsh Lake in Hamlin County, and then on to the Big Sioux River through the Lake Poinsett chain of lakes.

In both instances, local interests are encouraging the establishment of works that would lower the current levels by up to ten or more feet, forestalling additional flooding, and providing some degree of relief to previously flooded lands.

Under South Dakota Codified Law (SDCL) 46-5-47, effort such as these would require a flood control permits, to be issued by the South Dakota Water Management Board. Further, SDCL 46A-2-11 lays out the conditions that would need to be met in order for a flood control permit to be issued. He noted that while such permits can be issued to “..reduce the damage from flooding..,” the law makes it quite clear that any proposed activity cannot simply transfer the problem elsewhere. As such, downstream interests frequently have an important role to play when flood control permits are discussed. To demonstrate compliance with these conditions, most flood control permits contain detailed descriptions of the conditions and circumstances under which such structures function, or be operated, in order to insure that the ‘do no harm’ provisions of SDCL 46A-2-11 are met.

He stated that his position on both proposals (and any other comparable situations) involves two basic concepts. First, to acknowledge the desire to address the long-standing and persistent high water conditions, and the attendant adverse impacts on public and private property. As such, he has not preemptively opposed any effort(s) to identify mechanisms by which such flooding might be mitigated or alleviated. However (second), as a representative of the watershed that would be on the receiving end of the ‘excess’ waters, the District is fully committed to making certain that the provisions of SDCL 46-5-47 and 46A-1-22 are strictly adhered to. Any solution(s) that might be proposed, such as an artificial outlet, must be designed to prevent the kinds of adverse impacts expressly prohibited by SDCL 46A-2-11.

VI. B. 2021 Big Sioux Water Festival

Deb Springman, Coordinator for the Big Sioux Water Festival (Festival), briefed the Board on recent developments. She noted that plans for the 2021 Big Sioux Water Festival are underway. While the 2020 event was cancelled, the target audience for the event is being shifted from the 4th grade level to the 5th grade level. Science standards in South Dakota have shifted among the elementary grades in recent years, and many of the water festival topics are now more relatable to the 5th grade students. Consequently, the 4th graders that missed out on the Festival in 2020 will be able to attend as 5th graders in 2021!

Ms. Springman noted that an in-person Festival in May of 2021 seems unlikely. Therefore, the Steering Committee is looking into making the 2021 Big Sioux Water Festival virtual, with hopes of also sending

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each classroom a box of materials, a "water festival in a box", to complement the virtual activities. She is working in collaboration with the Iowa Children's Water Festival, which occurs two days after the Festival, and with whom the Festival has shared resources in the past. She is also working closely with the Sioux Empire Water Festival (March 2021) with whom resources and presenters are also shared.

Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 11:25 a.m.

John Moes, Secretary

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RESOLUTION 20-1

RESOLUTION PROVIDING THAT A TAX BE ASSESSED AND LEVIED ON ALL TAXABLE PROPERTY IN THE EAST DAKOTA WATER DEVELOPMENT DISTRICT

WHEREAS, Section 46A-3E-1 of the South Dakota Codified Laws provides, “A water development district board of directors may levy taxes, not to exceed thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area is included in more than one water development district, that area's tax levy payable to each of the water development districts shall be determined by multiplying the greater of the overlapping water development districts' levies by each water development district's taxing fraction. Each water development district's taxing fraction is determined by dividing that water development district's proposed tax levy for the overlapped area by the sum of all water development districts' levies for the overlapped area. Any water development district for which boundaries are revised under §§ 46A-3A-2 to 46A-3A-7.1, inclusive, is not considered a new taxing district. If any water development district levied a tax pursuant to chapter 10-13 in a manner used by a new taxing district for taxes payable in 2010, such water development district shall revert to the amount of revenue payable to the district for taxes payable in 2009 including any excess levy approved pursuant to § 10-13-36 before July 1, 2002. The water development district may adjust the maximum amount of revenue payable for property taxes based on the growth and index factor for each year thereafter. Any excess levy approved by the water development district pursuant to § 10-13-36 before July 1, 2002, is null and void”; and

WHEREAS, Section 46A-3E-13 of the South Dakota Codified Laws provides, “Appropriate officials shall extend the levy or special assessments upon the tax list of the county, municipality, or other appropriate tax paying entity for the tax year against each description of taxable property or, in the case of special assessments, against each description of taxable property to be specially assessed within the water development district in the same manner and with the same effect as other taxes and assessments are extended, including the authority, requirements, and procedures contained in chapter 9-43”; and

WHEREAS, Section 46A-3E-14 of the South Dakota Codified Laws provides, “Appropriate tax collecting officials shall collect all water development district taxes and assessments, together with interest and penalty thereon, if any, in the same manner as the general taxes and assessments are collected and shall pay over monthly to the water development district treasurer all taxes so collected during the preceding month, with interest and penalties, and shall immediately notify the secretary of the water development district of such payment. The water development district treasurer shall immediately enter these receipts to the credit of the depository accounts designated by the water development district board of directors pursuant to § 46A-3E-10”; and

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WHEREAS, the East Dakota Water Development district boundary includes all of the lands within Brookings, Codington, Deuel, Grant, Hamlin, Kingsbury, Lake, Lincoln (Sioux Falls only), Miner (eastern one-half), Minnehaha, and Moody; and

WHEREAS, the East Dakota Water Development District Board of Directors, at a meeting in Brookings, South Dakota, on September 17th, 2020, adopted a budget of \$1,527,000 for the calendar year 2021 and which is hereby attached and incorporated by reference; and

WHEREAS, an estimated \$821,500 of said budget is to be raised by a tax on taxable valuation in the East Dakota Water Development District;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Chapter 46A-3A to 46A-3E, inclusive, of the South Dakota Codified Laws, the county auditor in each of the following counties of Brookings, Codington, Deuel, Grant, Hamlin, Kingsbury, Lake, Lincoln (Sioux Falls only), Miner, Minnehaha, and Moody within East Dakota Water Development District, be instructed to extend the following tax levy in dollars, not to exceed the limits established in Chapter 46A-3E of the South Dakota Codified Laws for collection in 2021 to wit:

COUNTIES	REAL PROPERTY TAX LEVY
Brookings	\$76,454
Codington	\$66,367
Deuel	\$23,227
Grant	\$27,255
Hamlin	\$27,377
Kingsbury	\$33,336
Lake	\$39,879
Lincoln (Sioux Falls only)	\$92,695
Miner	\$10,018
Minnehaha	\$399,704
Moody	\$25,188

Said tax levy is to be extended against all taxable property in the county including municipalities, within:

1. Minnehaha, Moody, Lake, Kingsbury, Brookings, Hamlin, Deuel, Codington, and Grant Counties;

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2. Grafton, Belleview, Adams, Henden, Howard, Clearwater, Canova, and Vermillion townships in Miner County; and
3. all municipalities that are wholly or partially within the included area or that are contiguous to the included area; in the same manner and with the same effect as other taxes are extended; and

BE IT FURTHER RESOLVED, pursuant to Section 46A-3E-14 of the South Dakota Codified Laws, the county treasurer in each of the counties within the said East Dakota Water Development District be instructed to collect said real property taxes and pay over such collection of money to the East Dakota Water Development District each month for deposit in the First National Bank of Brookings, the local depository for the District; and

BE IT FURTHER RESOLVED, pursuant to Section 46A-3E-12 of the South Dakota Codified Laws, the secretary of the East Dakota Water Development District is hereby instructed to send a certified copy of this resolution adopting this annual tax levy to be made against 2020 taxable property valuation, and a certified copy of the budget for 2021 as approved by the Board of Directors, to each county auditor and each county treasurer within the East Dakota Water Development District and to the State Secretary of Revenue.

Dated this 17th day of September, 2020, with the approval of the East Dakota Water Development District Board of Directors.

Mark Anderson, Chairman
East Dakota Water Development District

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Jay P. Gilbertson, Treasurer
East Dakota Water Development District