



**East Dakota Water Development District**  
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605-688-6741      605-688-6744 Fax

**MINUTES**  
**September 15, 2022**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on September 15<sup>th</sup>, 2022, at the District Office in Brookings. Chairman Anderson called the meeting to order at 9:02 a.m. The following persons attended, either in person or via video-conferencing(\*):

**Directors Present**

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

**Others Present**

Jon Wold, Town of LaBolt\*

**Staff Present**

Barry Berg  
Jay Gilbertson  
Deb Springman

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**Administrative Items**

Approval of Agenda - The Manager requested addition of an Out of State Travel Authorization under the Administrative items.

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

Minutes - The Board reviewed the Minutes of the August 18<sup>th</sup>, 2022, meeting.

**Motion** by Barth, seconded by Donovan to approve the Minutes of the August 18<sup>th</sup>, 2022, meeting as presented. Motion carried unanimously.

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

**Motion** by Moes, seconded by Hawley, to accept the August 2022 financial reports. Motion carried unanimously. Chairman Anderson asked that the report be placed in the District files.

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Report of Meetings and Conferences - Director Barth reported on discussions with Roger Scheibe of the Renner Sanitary District regarding waste water collection issues.

Director Donovan reported on the Friends of the Big Sioux River participation, in concert with the Big Sioux River Project, at the 2022 RiverFest in Sioux Falls on August 20<sup>th</sup>.

Director Moes attended a meeting on the future of watershed restoration activities in the Upper Big Sioux River basin in Watertown on August 18<sup>th</sup>.

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

1. August 18<sup>th</sup> - Upper Big Sioux River Project discussion with stakeholders, Watertown.
2. August 25<sup>th</sup> - SDSU Extension Mesonet Ribbon Cutting, Sioux Falls.
3. August 31<sup>st</sup> & September 1<sup>st</sup> - South Dakota Association of Rural Water Systems (SDARWS) Board of Directors Meeting, Watertown; SDARWS Rural Water Center Board of Directors Meeting, Watertown.
4. September 2<sup>nd</sup> - Shared Resources WHPA discussion with Moody County official, Flandreau.
5. September 8<sup>th</sup> - Split Rock Creek Dam inspection, Garretson; Friends of the Big Sioux River water quality data discussion, Sioux Falls.
6. September 13<sup>th</sup> - Friends of the Big Sioux River Legislative Committee, Sioux Falls.

Upcoming Meetings

1. **September 15<sup>th</sup> - 2:00 p.m.** - Lake Preston. Gevo Groundbreaking Event.
2. **September 26<sup>th</sup> - 1:00 p.m.** - Big Stone City. Whetstone River and Little Minnesota River Diversion projects field tour.
3. **September 29<sup>th</sup> - 10:00 a.m.** - Pierre. South Dakota Board of Water and Natural Resources.
4. **September 29<sup>th</sup> - 5:00 p.m.** - Watertown. First District Association of Local Governments Annual Picnic.
5. **October 11<sup>th</sup> - 3:00 p.m. (MST)** - Rapid City. West Dakota Water Development District Board of Directors.
6. **October 12<sup>th</sup>** - McCrory Gardens Education Center, SDSU, Brookings. 2022 Eastern South Dakota Water Conference.
7. **October 17<sup>th</sup> & 18<sup>th</sup>** - Deadwood. Upper Missouri Water Association Conference.
8. **October 19<sup>th</sup> - 7:00 p.m.** - Centerville. Vermillion Basin Water Development District Board of Directors.
9. **October 21<sup>st</sup> - 9:30 a.m.** - Terry Redlin Environmental Center, Watertown. October EDWDD Board of Directors.
10. **October 26<sup>th</sup> & 27<sup>th</sup>** - Deadwood. SDARWS Manager’s 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:

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
US Geological Survey - FFY 2022 Bruce gaging station support	\$ 8,960.00
<b>Total</b>	<b>\$ 8,960.00</b>

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**Motion** by Kappel, seconded by Duffy to authorize payment of \$8,960.00 to the U.S. Geological Survey as requested. The Manager noted that this payment would complete the District's obligation to this effort. Motion carried unanimously.

Pending Vacancy for Director Area 1 - The Manager noted that term of office for Director John Moes would expire at the end of the year (December 31, 2022). Further, no valid petitions were filed for the position during the nominating period earlier in the year, and as such, the position will be vacant as of January 1, 2023.

The Manager requested authorization to initiate the process of filling the pending vacancy in Director Area 1. The pending vacancy would be advertised in the appropriate newspapers for the area in November and December. He proposed setting a deadline of January 5<sup>th</sup>, 2023, for nominating petitions to be filed at the District office, with Board action to fill the vacancy at the January 11<sup>th</sup>, 2023, meeting in Pierre. He noted that the term of office for the appointment would be through December 31<sup>st</sup>, 2026. Finally, Director Moes, so long as he continued to qualify, could continue to serve until a replacement has been selected, including into 2023.

**Motion** by Hawley, seconded by Kappel to authorize publication of the Notice of Vacancy; to require that all applicants for the vacancy submit their petitions to the EDWDD office no later than 5:00 p.m. on January 5<sup>th</sup>, 2023; and to set the January 11<sup>th</sup>, 2023, Board meeting as the initial time to consider all valid petitions and to appoint a Director for Area 1. Motion carried unanimously.

Out-of-State Travel Authorization - The Manager requested Board authorization for up to two (2) staff members to attend the 2022 Upper Midwest Invasive Species Conference, which will be held in Green Bay, Wisconsin, on October 25<sup>th</sup> - 27<sup>th</sup>.

**Motion** by Moes, seconded by Barth to authorize staff attendance at the 2022 Upper Midwest Invasive Species Conference as requested. Motion carried unanimously.

### **Town of LaBolt Project Assistance Request**

The Manager reported receiving a request for District cost-share assistance from the Town of LaBolt. The community is seeking to address erosion problems on private land resulting from storm water runoff from the eastern part of town. The proposed solution is to install a drain tile so that the problematic overland flow would be routed directly into a drainageway. The cost of installing the tile and associated efforts, according to the attached bid sheet, is \$25,100.

He noted that Mayor Jon Wold initially requested District assistance with the construction costs. The Manager indicated that the District has historically avoided awarding grants for actual construction activities, and instead has supported planning and engineering work in order to insure that whatever work is done is what is truly needed. In response, Mayor Wold submitted a request for \$10,000 in compensation for his professional(?) "assessment" of the problem, which he has indicated he would donate to the community.

Mayor Wold presented his request, and answered questions about the effort from the Board. He explained that the community has modest financial resources, and while acknowledging what he had

been told by the Manager, i.e., the District rarely supports actual construction efforts, he believed that it couldn't hurt to try. The Board commended the Mayor for his effort.

**Motion** by Hawley, seconded by Kappel to deny the request from the Town of LaBolt. It was the consensus of the Board that the District's general policy of not supporting construction activities was appropriate, as to do otherwise would quickly deplete available assistance resources. Motion carried unanimous.

### Hearing on the 2023 EDWDD Budget

Chairman Anderson opened the public hearing on the 2023 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 all of the 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.

### FY 2023 BUDGET

#### MEANS OF FINANCE

100	Tax Revenue	\$	910,000
200	Grant Revenue	\$	350,000
300	Capitol Reserves	\$	255,000
400	Miscellaneous Revenue	\$	<u>50,000</u>
TOTAL FY 2023 MEANS OF FINANCE		\$	<b>1,565,000</b>

#### APPROPRIATIONS

01	Board of Directors	\$	41,677
02	Administration	\$	183,189
03	Technical Assistance	\$	384,847
04	Operational Expenses	\$	154,600
05	Professional Services	\$	54,000
06	Capitol Outlay	\$	68,500
07	Grant Expenditures	\$	350,000
08	Project Assistance	\$	178,186
09	Contingency	\$	<u>150,000</u>
TOTAL FY 2023 APPROPRIATIONS		\$	<b>1,565,000</b>

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 10:10 a.m., and called for Board comment and/or action on the proposed budget.

The Manager requested Board authorization for the Chairman and Treasurer to sign District Resolution 22-1, 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 2022, payable in 2023, 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 1<sup>st</sup>.

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**Motion** by Moes, seconded by Duffy to adopt the 2023 EDWDD Budget as presented, and to authorize the Chairman and Treasurer to sign Resolution 22-1. Motion carried unanimously on a roll call vote.

### **District Updates**

Director Area Re-Districting - The Manager stated that individual water development district (WDD) director areas are formally defined in Chapter 74:05:05 of the Administrative Rules of South Dakota (ARSD). Under South Dakota Codified Law (SDCL) 46A-3B-3, adjustments are made to the individual WDD director areas are made by the South Dakota Board of Water and Natural Resources (BWNR). The staff from the South Dakota Department of Agriculture and Natural Resources have completed their efforts, and on September 29<sup>th</sup>, the BWNR will hold a public hearing on the proposed changes. If accepted by BWNR, the changes could be in effect by the end of the year.

Wellhead Protection Areas - The Manager briefed the Board on the processes by which well head protection areas are established, reviewed the history of county source water protection ordinances within the District, and discussed efforts to include protections for the Shared Resources (Minnehaha Community Water Corporation and Big Sioux Community Water System) well field under the Moody County Aquifer Protection Zoning Ordinance. This will require the delineation of that portion of the Big Sioux Aquifer that will be contributing ground water to the facility, along with any adjoining lands that directly contribute runoff to the area.

### **Adjournment**

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There being no further District business, Chairman Anderson declared the meeting adjourned at 11:05 a.m.

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Spencer Hawley, Secretary

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## RESOLUTION 22-1

### **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

**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 15<sup>th</sup>, 2022, adopted a budget of \$1,565,000 for the calendar year 2023 and which is hereby attached and incorporated by reference; and

**WHEREAS**, an estimated \$895,000 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 2023 to wit:

COUNTIES	REAL PROPERTY TAX LEVY
Brookings	\$77,272
Codington	\$72,228
Deuel	\$21,602
Grant	\$27,616
Hamlin	\$28,757
Kingsbury	\$32,145
Lake	\$41,628
Lincoln (Sioux Falls only)	\$108,448
Miner	\$9,059
Minnehaha	\$452,344
Moody	\$23,901

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 2022 taxable property valuation, and a certified copy of the budget for 2023 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 15<sup>th</sup> day of September, 2022, with the approval of the East Dakota Water Development District Board of Directors.

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Mark Anderson, Chairman  
East Dakota Water Development District

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Jay P. Gilbertson, Treasurer  
East Dakota Water Development District