



**MEETING LOCATION:**  
WEST RIVER ELECTRIC  
3250 SD HWY 44  
Rapid City, SD 57703

**AGENDA**  
**Tuesday, August 8, 2017**  
**6 p.m.**

1. **Pledge of Allegiance** (Chair)
  2. **Invocation (You are welcome to participate, but not required)** (Deurloo)
  3. **Roll Call of Members** (Secretary)
  4. **Approval of Agenda** (Chair) *The board cannot take official action on any item(s) not on the agenda.*
  5. **Approval of Previous Meetings Minutes** (Chair)
  6. **Treasurers Report**
  7. **Finance Policy Subcommittee**
  8. **USGS Streamflow Gaging Stations Funding (Second Vote) – Renewed Motion** (Steinken)
- 

**2018 Budget Hearing and Approval**

All persons will be heard and given the opportunity for a full and complete discussion of all items in the budget

9. **Budget Proposals** (Treasurer/Admin)
10. **Chairman's Comments**
11. **Items from Directors - Admin Correspondence** (Gjovik)
12. **Items from Admin**

**13. Items from Public**

**14. Adjournment**



Draft Minutes for meeting on **July 11, 2017**

*An audio recording for this meeting is available at [westdakotawater.com](http://westdakotawater.com).*

**CALL TO ORDER** - The West Dakota Water Development District convened for its regular board meeting at West River Electric, 3250 SD Hwy. 44 Rapid City, SD. Chairperson Mueller called the meeting to order at 6:00 pm by leading the Pledge of Allegiance. Director Deurloo gave an opening prayer. Directors present: Kenn Moss (District 1), Dan Bjerke (District 2), Mike Mueller (District 3), Nathan Gjovik (District 4), Robert Akers (District 5), Robert Williams (District 6), Ken Steinken (District 7), James Bialota (District 8), Jeanette Deurloo (District 9).

Director(s) absent: None. A quorum was declared.

Employees present: Emily Martinez (Administrative Manager), Leon Ewert (Parliamentarian).

Others in attendance: Barry Muxen (Clean Water Alliance / Dakota Rural Action), Glenda Williams (Citizen), Bill Eldridge (Citizen), Joanne Noyes (SD DENR), Dave Bender (USGS), Kate Thomas (Citizen)

**APPROVAL OF AGENDA** – Moved by Deurloo and seconded by Gjovik to approve the agenda. Motion passed unanimously.

**APPROVAL OF PREVIOUS MEETING MINUTES** – Moved by Bjerke and seconded by Bialota to approve minutes from the May 9, 2017 meeting. Motion passed. 8-0. Gjovik abstained.

**TREASURERS REPORT**

Treasurer Akers presented the report as included. Moved by Moss and seconded by Deurloo to accept Treasurer’s Report. Motion passed unanimously.

Akers reported that WDWDD purchased a 2-Terabyte hard drive as directed by the Executive Committee at a cost of \$85.19. The drive is to be used to regularly backup the WDWDD computer.

**OFFICE LEASE RENEWAL**

Martinez reported that The Garage had requested confirmation that WDWDD would continue to lease office space at its current location (402 St. Joseph St.). Martinez outlined terms of the lease, which is continuous with annual renewal option. Martinez added that The Garage would continue to offer the space without raising the initial rate of \$400 per month, which includes use of amenities like the conference room and common areas. Moved by Bjerke and seconded by Moss to renew the lease with The Garage at \$400 per month beginning August 1. Motion passed unanimously.

## **SDPAA INSURANCE**

Moved by Moss and seconded by Deurloo to renew insurance coverage with SDPAA for one year effective August 24, 2017. Motion passed unanimously.

## **USGS STREAMFLOW GAGING STATIONS CONTINUATION PROJECT (SECOND VOTE)**

In response to accusations made at the May 9 meeting that USGS was “double dipping” with its request for WDWDD to fund the Rhoads Fork and Castle Creek gages David Bender of USGS distributed Funding Tracking documentation indicating that WDWDD is the sole funding partner for the two gages.

Moved by Bjerke and seconded by Deurloo to continue to grant \$14,785 to fund the operation and maintenance of Castle Creek and Rhoads Fork streamflow gages from October 1, 2017 to September 30, 2018 for the Dakota Water Science Center Water Resources Investigations project as outlined in the Joint Funding Agreement submitted by USGS.

Gjovik stated that based on his observations of wasteful spending during his decades of working for the federal government, he would not support granting funds to the USGS since it's a federal agency. He suggested that since the gages are installed by the USGS it should be their responsibility to pay for operation of the gages. Or if the data from the gages is of value to state and local entities then the gages should be turned over to those entities to operate. He also expressed concern about the constitutionality of the USGS monitoring stream flows anywhere in the United States.

Bender explained that USGS only installs gages at sites where state or local agencies want to collect data. USGS asks the interested entity to partner with them to share the cost of operating the gage, which allows the USGS to create a broader network of gages. He stated that USGS partners with about 100 city, county, state and federal agencies across South Dakota.

Noyes of South Dakota DENR pointed out that waterways and basins cross state boundaries which creates a need for a broad network of consistent data, which the USGS collects and publishes online in a standardized format.

After stating that he did not check the Pennington County Commission meeting minutes to verify which projects the county funded, Commissioner George Ferebee repeated his allegation he made at the May 9 WDWDD meeting that he thought the USGS was double dipping by asking WDWDD and the county to fund the same gages. He objected to any local entity writing checks to the federal government.

Bjerke stated that based on his years of working with the management of water for the city of Rapid City there are many water users in Pennington County who depend day-to-day on the data provided by the stream gages. The reason the sites were established were to better manage water coming through the system.

Muxen of Clean Water Alliance and Dakota Rural Action noted that if WDWDD wanted the state to take over the project it would have to go to Pierre and ask for legislation to fund it since DENR does not have the money to operate the gages.

Chair Mueller called for a vote. Motion failed 5-4 with Moss, Mueller, Gjovik, Williams and Bialota opposed.

### **BUDGET PROPOSALS**

Treasurer Akers and Ewert presented the Proposed 2018 Budget. Chair Mueller individually asked each director if they had any projects from their area to be considered for 2018. All responded negatively. The budget as presented will be posted for public review and vote for approval will take place at the Budget Hearing during the August 8 meeting.

### **CHAIRMAN'S COMMENTS**

Chair Mueller encouraged all directors to use caution when engaged in discussions on social media or in other public forums to avoid giving the impression that they are representing WDWDD.

### **ITEMS FROM ADMINISTRATION**

**A. By-Law Change (Article IV Section 1)** Moved by Bjerke and seconded by Moss to approve the change to Article IV Section 1 of the By-Laws as proposed. The change revises the Regular Meeting schedule to accurately reflect the months regular meetings and the Public Budget Hearing are currently held and establishes January as the Annual Meeting. Motion passed unanimously.

**B. Policy 3 Change** - Moved by Akers and seconded by Deurloo to set up subcommittee of 3 to 4 board members and Ewert to look at proposed changes to Policy 3 and report back at the August meeting. Motion passed unanimously. Akers, Deurloo, Bialota and Williams volunteered to serve on the subcommittee.

**C. Tentative Meeting Schedule (January 2018 Addition)** - Moved by Bjerke and seconded by Bialota to add January 9, 2018 to the 2017 meeting schedule to align it with the approved change to By-Law Article IV Section. Motion passed unanimously.

**D. Water Use Permit Document** - Moved by Deurloo and seconded by Bjerke to invite South Dakota Rural Water and DENR Water Rights to be invited to present information about how WDWDD's Future Water Use Permit could be put to beneficial use. Motion passed unanimously.

**ITEMS FROM THE PUBLIC** – The floor was opened to the public.

Dan Richer suggested WDWDD meet on a monthly basis. He stated that WDWDD turned down two well thought-out proposals last year and encouraged the board to go back and look at why they were rejected. He commended H2E on the wonderful job they are doing managing WDWDD.

Meeting adjourned at 8:12 pm.

Respectfully Submitted,

Ken Steinken, Secretary

## West Dakota Water Development District - 2018

### Proposed Means of Finance

Revenue	2017	2018
Property Tax Levy Received	\$122,800.27	
+ Interest	\$104.05	
+ Grants	\$0.00	
<b>Revenue received to YTD</b>	<b>\$122,904.32</b>	
Projected revenue for 2017	<b>\$217,000.00</b>	
Funds on Hand 8/1/2017	<b>394,852.17</b>	
+ Projected revenue not received for 2017	\$94,095.68	
Projected Funds Thru 2017	\$488,947.85	
- non-disbursed Projects - contingency fun \$40,000.00	\$63,469.25	
- non-disbursed Budget Admin Cost - Conti \$10,000.00	\$41,214.21	\$104,683.46
Projected Carry-over Funds for 2018	\$384,264.39	
2017 Carry-over Funds for 2018		\$384,264.39
+ Projected Revenue for 2018 (Tax Levy)		\$227,771.00
<b>2018 Funds Available for Approved and Proposed Projects</b>		<b>\$612,035.39</b>

TOTAL Admin

**\$95,000.00**

TOTAL NEW PROJECTS

**\$84,500.00**

TOTAL 2018 NEW BUDGET

**\$179,500.00**

TOTAL REMAINING FUNDS

**\$432,535.39**

contingency funds added  
for real uncommitted funds

**\$482,535.39**

<b>2018 Proposed Projects</b>	
Contingency Project Fund	\$40,000.00
USGS Canyon Lake Sediment 17EMSD0051 2017 - 2019 2yr April -March	\$40,000.00
Youth and Science	\$2,500.00
Hydrology conference	\$2,000.00
<b>Total 2018 Project Budget Proposed</b>	<b>\$84,500.00</b>

<b>West Dakota Water Development District Budget 2018</b>		<b>Proposed</b>	
<b>Appropriations</b>		<b>2017</b>	
<b>Board of Directors</b>		<b>Budget</b>	
1	Salary/Per Diem	\$7,200.00	\$7,200.00
	Travel	\$1,200.00	\$1,200.00
	<b>Total Director Expenses</b>	<b>\$8,400.00</b>	<b>\$8,400.00</b>
<b>Administration</b>			
	Insurance	\$1,800.00	\$2,300.00
2	Legal Notices	\$5,000.00	\$2,000.00
	Rentals	\$4,800.00	\$4,800.00
	Misc (Repairs, Supplies,Elections) <i>combine w/admin</i>	\$300.00	
	Memberships,Conferences	\$1,300.00	\$1,000.00
	Admin (Furniture and Equipment)	\$500.00	\$1,000.00
	Utilities (Phone)	\$600.00	\$500.00
	<b>Total Administration Expenses</b>	<b>\$14,300.00</b>	<b>\$11,600.00</b>
<b>Contingency Fund</b>			
	Emergency Contingency Fund	\$10,000.00	\$10,000.00
	<b>Total</b>	<b>\$10,000.00</b>	<b>\$10,000.00</b>
<b>Legal and Consultants</b>			
3	Professional Services Fees	\$73,580.00	\$65,000.00
	Audit		\$250.00
4		\$73,580.00	\$65,000.00
	<b>Admin Budget left</b>	<b>\$51,214.21</b>	<b>\$106,280.00</b>
	<b>Project Expenditures</b>	<b>2017 Approved</b>	
	Contingency Project Fund	\$40,000.00	\$40,000.00
	Canyon Lake Restoration (2017 approved) combined all CL funds	\$150,000.00	\$0.00
	USGS Flow Model 15EMSD0034 (2017 approved)	\$10,000.00	\$2,500.00
5	USGS-Streamflow Gages 17EMSD0001 (Oct 2016 to Sept 2017 - requested)	\$14,785.00	\$14,785.00
	SDSM&T DIDYMO 15-12 Sept 2014 appr \$29311.00 2015 expe \$12254.38	<b>\$17,076.70</b>	\$1,159.82
	Rapid Creek DNA Testing H2E (16-17) Org	\$12,937.99	\$8,949.43
	Rapid Creek DNA SDSM&T Pathogenic (21016-2017)	\$31,970.00	\$31,970.00
	Hydrology Conference - sponsor	\$2,000.00	\$0.00
	Adopt a Stream (2017 proposed)	\$5,000.00	\$5,000.00
	10000 acre feet Water Permit for Missouri River Water for West Dakota		-\$895.00
			\$0.00
	<b>Project Expense Left</b>	<b>\$103,469.25</b>	<b>\$283,769.69</b>
	<b>Total 2017 Budget</b>	<b>\$390,049.69</b>	<b>Total Spent</b>
			<b>\$198,469.25</b>

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On Jul 20, 2017, at 2:50 PM, Emily Martinez <[EMartinez@h2eincorporated.com](mailto:EMartinez@h2eincorporated.com)> wrote:

Good Afternoon Directors,  
Please find the attached draft minutes for the WDWDD meeting on July 11.  
Thank you.  
Best,

Emily Martinez, EIT  
Environmental Scientist  
H2E, Incorporated  
808 North Main Street  
Spearfish, SD 57783  
Cell: (605)209-1990  
[EMartinez@h2eincorporated.com](mailto:EMartinez@h2eincorporated.com)  
<image001.png>

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**From:** Nathan Gjovik [<mailto:ndgjovik@hotmail.com>]  
**Sent:** Friday, July 21, 2017 6:50 AM  
**To:** Emily Martinez <[EMartinez@h2eincorporated.com](mailto:EMartinez@h2eincorporated.com)>  
**Subject:** Re: July 11 Draft Minutes

Emily,

The paragraph describing my arguments in opposition to the USGS gauging station funding appears to be biased. The lesser arguments of Federal waste and constitutionality are presented first. The main argument, and first one I presented to Mr. Bender, was the responsibility of agencies to operate and maintain the facilities they install. Also, the level of detail included within this item is greater than the other discussion items (e.g., USGS funding versus the water use permit). I am not opposed to this as long as the minutes are consistent throughout.

Minutes should not be authored in a biased manner in order to try to tarnish someone the author disagrees with.

Nathan Gjovik

Sent from my iPad

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On Jul 21, 2017, at 2:15 PM, Emily Martinez <[EMartinez@h2eincorporated.com](mailto:EMartinez@h2eincorporated.com)> wrote:

Nathan,

Thank you for your interest in the minutes. Admin does not prepare the minutes, we simply cross check each set of minutes with the meeting recording after Ken sends them to us for any obvious errors. In this case, none were found and no changes were made from Ken's draft. If you disagree and have a suggested amendment to the minutes, please contact Ken and us with the suggested change. The minutes are not finalized until they are approved at the next meeting so there is ample time prior to the

meeting (and if necessary at the meeting) to discuss and amend them. I have CCed Ken on this email for you.

As to your note concerning bias and intent to tarnish, typically horizontally structured organizations such as boards function best if all members give each other the basic professional courtesy of assuming everyone is working diligently and with the best intentions. Accusing fellow directors or administrators of bias and intent to tarnish sans any proof and prior to making a good faith effort to express and resolve a difference of interpretation of things such as minutes is not conducive to efficient and constructive fulfillment of the boards charter.

Best,

Chris Ewert and Emily Martinez

Chris Ewert - President  
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Emily,

I would like the minutes to reflect the exact language, word for word, and in the order presented at the meeting. I do not want a biased presentation in the minutes which emphasizes and misorders points in order to compromise those one disagrees with. I would also like to address the tone and content of your response at the next meeting. Please place this on the agenda.

Nathan Gjovik

Sent from my iPad

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