

WEST DAKOTA WATER DEVELOPMENT DISTRICT

Meeting Minutes - July 15, 2009

Members Present: James R. Hawke, Gale Holbrook, R.J. Inskeep, Lavern E. Koch, Orland Paulsen, Dwight W. Peterson, J. Foster Sawyer and H. Edward Yelick

Guests Present: Dr. Arden Davis, SDSM&T; Brittney Hand and Aaron Olson, Pennington County Planning; Joanne Noyes, South Dakota Geological Survey; Janet Carter, U.S. Geological Survey; Louie Arguello, Rapid City and Janie Holbrook

Staff Present: Blaise Emerson, Van A. Lindquist and Lola Lincoln

Chairman Holbrook called the regular meeting of the West Dakota Water Development District to order at 2:00 P.M. Roll call was taken, and a quorum was declared present.

MINUTES

MEMBER YELICK MOVED TO APPROVE THE MINUTES FOR THE BOARD'S MAY 27, 2009 MEETING AS PRESENTED; MEMBER PETERSON SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

BUDGET

Budget Hearing for 2010 - Administrative Manager Emerson advised this was the point in the meeting to hold the Public Hearing regarding the 2010 budget saying that, " *This is the time and place set by the published notice for hearing statements of argument relative to the budget proposed by the West Dakota Water Development District Board. All interested parties may make a statement. Persons who have indicated they wish to make a statement will be called in the order in which they have signed in. Afterwards, anyone else may make a statement. Before speaking, please give your name and address for the minutes. If the presentation is typed, please briefly summarize it and the Board will review it before passing on the budget.*"

He called attention to the **Budget Comparison 2008 - 2012** included in the Board's packets of information. Mr. Emerson said the *Board of Directors* subcategory under **Cost Categories** would remain basically the same as would **Administration & Technical Assistance** for the most part, with the only increase being in the *Rentals* subcategory. Under **Legal & Consultant**, he said the Black Hills Council was not asking for an increase in its membership fees to counties and cities and, therefore, no increase was being requested for its contract with West Dakota.

Member Yelick asked about no increase in the Black Hills Council's rate saying, " *If we don't continue to increase them, it's very hard to come around and give them a double whammy or triple whammy; I'm just wondering if it isn't time that we increase it.*" Mr. Emerson said the Council would review the issue for the 2011 budgeting process and that he felt the \$77,800 budgeted would be adequate to support the Black Hills Council in its services to West Dakota. Mr. Lindquist recalled for Board Members that West Dakota had self-imposed a cap of \$100,000 instead of taking the \$200,000 available to them when the District came into being but that if a major project came along, they could go through an opt-out procedure. However, the initial \$200,000 cap has since been removed legislatively and replaced with the ability to levy three tenths of a mil. He said it was his recommendation as the Board's consultant to " *...approve a greater amount than what was budgeted.*"

MEMBER YELICK MOVED TO AMEND STAFF'S RECOMMENDATION OF NO INCREASE FOR THE BLACK HILLS COUNCIL'S SERVICES IN THE PROPOSED 2010 BUDGET AND INCREASE THE CATEGORY BY FIVE (5) PERCENT (\$3,890) FOR A TOTAL OF \$81,690; MEMBER PAULSEN SECONDED.

During further discussion, Member Sawyer asked if the Council would be requesting another increase next year to which Mr. Lindquist replied that the Board had historically always followed the trend of requesting at least the CPI. Member Peterson asked, " *If there was no increase budgeted for the Black Hills Council in 2010, could those monies be used somewhere else instead?*" After further discussion,

THE MOTION PASSED WITH MEMBERS HAWKE, KOCH AND PETERSON VOTING NAY.

Concerning the \$2,500 under the *Retainage Contract* subcategory, Mr. Lindquist said this was not new money; it simply reflected the moving of his billings for the Third and Fourth Quarters of 2009 into 2010. Under the *Project Assistance Category*, Mr. Emerson highlighted the *Micro-Gravity* subcategory in the amount of \$10,000.

He advised West Dakota had made a SWRMS request to the State of South Dakota for \$65,000 and of that amount, West Dakota's share of the match was \$10,000, Lawrence County's was \$30,000 and USGS the remaining amount. The State advised they could not match the other \$25,000 with Federal money—it had to be local funds. This is a three-year project, and Mr. Emerson wanted to make sure the Board recognized he was putting additional years of funding into that line item. The *Geological Survey* subcategory increased from \$13,000 to \$14,200 for gauging stations. Under the *Regional Studies* subcategory, he reported the *Atlas and Vulnerability Study* categories totaled \$19,000 and finally, the *Other* subcategory was budgeted at \$2,790 to possibly be used for professional assistance in reviewing the on-site wastewater regulations. Under *Means of Finance*, Mr. Emerson reported a \$5,850 projected decrease under the *Miscellaneous Revenue (Interest)* subcategory due to economic conditions, and with the inclusion of the \$3,890 increase under the *Other Sources (Capital Reserve Applied to)* subcategory for the Black Hills Council, the total proposed budget for 2010 is \$178,025.

MEMBER PAULSEN MOVED TO APPROVE THE PROPOSED BUDGET FOR 2010 AS AMENDED AND DIRECTED STAFF TO PREPARE THE DOCUMENTATION (BUDGET CERTIFICATION OF ADOPTION RESOLUTION, RESOLUTION PROVIDING THAT A TAX BE ASSESSED AND LEVIED ON ALL TAXABLE PROPERTY IN THE WEST DAKOTA WATER DEVELOPMENT DISTRICT, AND CERTIFICATION OF TAX LEVY RESOLUTION AND BUDGET) REQUIRED BY PENNINGTON COUNTY RELATIVE TO WEST DAKOTA'S 2010 BUDGET; MEMBER SAWYER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

REPORTS

Paleoflood Survey Techniques - In Mr. Driscoll's absence, Administrative Manager Emerson reported that good progress was being made and that USGS was looking at some alternative sites to survey different enclaves and caves. The Survey hopes to have the report pretty much wrapped up—or at least the study portion of it—by this time next year.

State Conservation Commission Representative - This commission is looking for a water development district board member to serve on the State Conservation Commission, and historically, there has always been someone from east river to fill the vacancy. Mr. Emerson said East River Water Development District had an individual who was interested and because of the programs involved (farm), he requested a motion stating we have no one interested in the position.

MEMBER PETERSON MOVED TO DIRECT STAFF TO NOTIFY THE STATE CONSERVATION COMMISSION THAT THE WEST DAKOTA WATER DEVELOPMENT DISTRICT BOARD DOES NOT HAVE A POTENTIAL CANDIDATE TO SERVE ON THE COMMISSION; MEMBER YELICK SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

New Director Districts - Mr. Emerson advised that the Board of Water and Natural Resources had approved the new director districts at its June 25th meeting but that no changes would be made until the end of 2010. Mr. Lindquist said the advantage was that Board Members could designate the districts to be four-year terms or two-year terms and suggested those designations be made keeping in mind existing directors who are going to want to run again in 2010 (naming them to the four-year terms). Because of additional obligations, Mr. Yelick said it was not his intention to run in 2010. Mr. Emerson questioned whether or not the Board wanted to appoint someone to replace Mr. Loucks and in doing so to look for someone in the new, vacant district designations. The position will have to be advertised like a regular election as a new district vacancy. Maps depicting the new boundaries will be sent to current Board Members so they can contact staff with any possible candidates for the new districts.

NEW BUSINESS

Update on Pennington County's Onsite Wastewater Treatment Ordinance - Ms. Hand said the Pennington County Commission had appointed a committee to review this ordinance. The commission consists of six citizens from the general public, and they have been meeting twice a week since the end of May. They have reviewed the ordinance and split it up into different sections adding a section of overlay districts where they are going to delineate areas that are more sensitive so it's not a one-size-fits-all approach. She asked if there was any information available or anyone who would like to help doing delineations or making suggestions to the committee regarding aquifer recharge, etc., with the purpose being to make positions defensible and not arbitrary and to provide justification of why areas were selected. Member Yelick asked if she had adequate funding to be able to develop the maps, etc., for the commission suggesting now would be a prudent time for West Dakota to spend some money to move the effort along in a professional manner. At this time, Mr. Emerson suggested bringing Dr. Davis' topic into the discussion.

Atlas Preparation Rapid City Area Quadrangle Phase II - Dr. Davis recalled for Board Members that Dr. Lisenbee had given them an update at their May meeting regarding unspent funds (\$8,040.18) from previous work, asking for the Board's permission to use those unspent funds to continue working on the atlas for the Black Hawk, Rapid City West and Rockerville Quadrangles. He reported they were all in a common format and final editing will be done to put them into an electronic format (GIS or PDF files) for placement onto a website. He also presented Board Members with Dr. Lisenbee's Final Report titled, "Atlas Preparation: Rapid City Area Quadrangles (utilizing uncommitted funds from previous projects)."

Ms. Hand said the Ordinance Commission would reconvene on August 13th and at that time she would like to present a report to them so they can schedule public meetings regarding the overlay districts based on information and recommendations received. Member Sawyer suggested scheduling a meeting with Drs. Lisenbee and Davis, Ms. Noyes, Ms. Hand and himself to discuss and gather existing information that would be helpful to Ms. Hand. Member Hawk thought the importance of what was currently before the Board and West Dakota's association in the development of the available materials would be very enlightening to the Commission, and, as a result,

MEMBER HAWK MOVED TO SOLIDLY SUPPORT AN EFFORT TO DEFINE OVERLAYS OF SENSITIVE AREAS AND THE ASSEMBLING OF KEY PLAYERS TO DEFINE THE OVERLAYS AND CRITICAL AREAS NEEDING PROTECTION FOR GROUNDWATER RESOURCES; MEMBER KOCH SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

MEMBER YELICK MOVED TO FORMALLY ACCEPT DR. LISENBEE'S PROPOSAL TO SHIFT UNSPENT FUNDS (\$8,040.18) FROM VARIOUS PREVIOUS PROJECTS INTO COMPLETION OF THE ATLAS COVERING THE BLACK HAWK, RAPID CITY WEST AND ROCKERVILLE QUADRANGLES; MEMBER INSKEEP SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

319 Program Update Spring Creek Area - Mr. Emerson advised this was an Environmental Protection Agency (EPA) Program for instituting an implementation program covering the upper Spring Creek area. He recalled for Board Members work done by Dr. Kenner of the School of Mines in concert with the Department of Environment and Natural Resources a number of years ago where he did water quality studies on Spring Creek above Sheridan Lake. Based on those studies, it was determined that reaches of Spring Creek above Sheridan Lake are considered impaired according to the water quality standards and, as a result, qualify for an implementation program under the 319 Program. The State receives Federal monies from the EPA for planning and implementing ways to mitigate causes of those impairments, and the Pennington County Planning Commission is recommending that the County become the principal sponsor. Other interested groups include: Black Hills RC&D, U.S. Forest Service, Hill City and the Conservation District. Board Member Paulsen felt West Dakota definitely needed to get involved from the standpoint of encouraging the County to serve as the umbrella organization to bring this together and arrange for the needed matching funds. Administrative Manager Emerson asked for a motion to authorize him to continue working with the County and other interested parties in putting together an implementation plan. After further discussion,

MEMBER INSKEEP MOVED TO AUTHORIZE MR. EMERSON TO WORK WITH PENNINGTON COUNTY AND OTHER INTERESTED PARTIES IN PREPARING AN IMPLEMENTATION PLAN UNDER THE 319 PROGRAM FOR THE MITIGATION OF THE CAUSES OF IMPAIRMENTS ON THE REACHES OF SPRING CREEK ABOVE SHERIDAN LAKE; MEMBER SAWYER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

Possible West Dakota Meeting Time Change - After some discussion about changing the time of West Dakota's meetings to the morning hours, it was decided the time should remain as is to assure the availability of the majority of Board Members for meetings.

Miscellaneous Items - Binders will be assembled for Board Members containing historical and current information on West Dakota, along with meeting-related items. In the future, meeting notices will be emailed to Members having computers and mailed to those who do not.

Payment of Bills

MEMBER YELICIK MOVED TO APPROVE PAYMENT OF BILLS FOR THE MONTH OF JULY IN THE AMOUNT OF \$22,082.40 AND AUTHORIZE THE TRANSFER OF FUNDS NECESSARY FOR PAYMENT; MEMBER PAULSEN SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

Next Meeting Date - The next meeting will be September 16, 2009, at 2:00 P.M.

ADJOURNMENT

There being no further business to come before the Board,

MEMBER INSKEEP MOVED TO ADJOURN AT 3:20 P.M.; MEMBER PETERSON SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,



R.J. Inskeep, Secretary

I, R.J. INSKEEP, hereby certify that the minutes were sent to the *Rapid City Journal* as the official newspaper.



R.J. Inskeep, Secretary