

WEST DAKOTA WATER DEVELOPMENT DISTRICT

Meeting Minutes – November 16, 2011

Members Present: Sandra Beshara, Lloyd (Max) Booher, George Ferebee, Gale Holbrook, Kenneth E. (Chuck) Jasper, Lavern E. Koch, Orland Paulsen, Dwight W. Peterson and J. Foster Sawyer

Guests Present: Drs. Alvis Lisenbee and Arden Davis, SDSM&T; Dan Driscoll, USGS

Visitors Present: Carol Ferebee

Staff Present: Blaise Emerson, Ali DeMersseman 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.

APPROVAL OF AGENDA

Administrative Manager Emerson asked to add **Update on Redistricting and Proposed Legislation** to the agenda under **Administrative items**. Chairman Holbrook asked for a motion making that amendment.

MEMBER PAULSEN MOVED TO AMEND AND APPROVE THE AGENDA REFLECTING MR. EMERSON'S ADDITIONAL ITEMS; MEMBER BOOHER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

Member Peterson joined the meeting.

MINUTES OF PREVIOUS MEETING

Chairman Holbrook asked for approval of the Board's September 21, 2011 Meeting Minutes.

MEMBER BOOHER MOVED FOR APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2011 BOARD MEETING AS PRESENTED; MEMBER BESHARA SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

CORRECTIONS TO MINUTES

Member Ferebee asked for a correction to the minutes for the Board's May 18th Meeting Minutes to reflect a "No" vote by him concerning Dr. Kenner's Rapid City Urban Storm Water Study and West Dakota's board representation on the Advisory Committee for the Spring Creek 319 Project.

MEMBER PETERSON MOVED TO AMEND THE MINUTES FOR THE BOARD'S MAY 18, 2011 MEETING TO REFLECT A "NO" VOTE BY MEMBER FEREBEE CONCERNING THE RAPID CITY URBAN STORM WATER STUDY AND WEST DAKOTA BOARD REPRESENTATION ON THE ADVISORY COMMITTEE FOR THE SPRING CREEK 319 PROJECT; MEMBER KOCH SECONDED, AND THE MOTION PASSED WITH MEMBER JASPER ABSTAINING BECAUSE HE WAS NOT A BOARD MEMBER AT THE TIME OF THAT VOTE.

REPORTS

Paleoflood Study - Mr. Driscoll reported on this project to study previous floods that have occurred in the Black Hills area and provided Board Members with copies of Scientific Investigations Report 2011-5131, *Flood-Frequency Analyses from Paleoflood Investigations for Spring, Rapid, Boxelder and Elk Creeks, Black Hills, Western South Dakota*.

OLD BUSINESS

No-Cost Time Extension to Microgravity Agreement - Mr. Driscoll reported on the progress of this study, which was a pilot project using microgravity methods to measure changes in water level storage. He said the USGS hoped to be into the review process soon with report completion in just a couple of months, although the printed report will not be ready at that time thus precipitating his request for a no-cost extension through the end of June 2012.

MEMBER BESHARA MOVED TO APPROVE THE NO-COST TIME EXTENSION THROUGH THE END OF JUNE 2012; MEMBER BOOHER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

Proposal Crystalline Aquifer of the Central Black Hills - Dr. Davis provided a synopsis of a previously submitted proposal for the continuation of aquifer mapping. He said their focus would be on the Hill City and Keystone area, which would focus on the Precambrian areas, looking at such things as hardness of water, iron content and naturally occurring things such as arsenic. Mr. Emerson advised this item was continued at the Board's September Meeting.

MEMBER BESHARA MOVED TO APPROVE THE PROJECT FOR FUNDING IN THE AMOUNT OF \$19,156 AND TO MOVE IT FORWARD; MEMBER JASPER SECONDED.

Member Ferebee asked to make a substitute motion.

MEMBER FEREBEE MOVED TO CONTINUE THE ITEM TO BOARD'S DECEMBER MEETING AND THAT EITHER THE GRADUATE STUDENTS OR RESUMES OF THOSE STUDENTS WORKING ON THE PROJECT BE PRESENTED TO THE BOARD.

During a discussion about the availability of a student for the December meeting, Member Beshara asked for a resume. Mr. Emerson advised there was no second on Member Ferebee's substitute motion.

MEMBER BOOHER SECONDED THE MOTION.

After further discussion, a roll call vote was taken on Member Ferebee's substitute motion as follows:

MEMBER BESHARA, AYE; MEMBER BOOHER, AYE; MEMBER FEREBEE, AYE; MEMBER HOLBROOK, AYE; MEMBER JASPER, AYE; MEMBER KOCH, AYE; MEMBER PAULSEN, AYE; MEMBER PETERSON, AYE; MEMBER SAWYER, ABSTAIN.

Member Koch left the meeting.

Mr. Emerson then asked for clarification of the motion on the table from Member Ferebee. Member Ferebee said, *"Approval of the funding after we see the resumes or people."* When it became clear that Board Members had not understood the motion as initially made,

CHAIRMAN HOLBROOK MADE A SUBSTITUTE MOTION TO CONTINUE THE WHOLE SUBJECT TO THE BOARD'S NEXT MEETING. FOR DISCUSSION PURPOSES, MEMBER FEREBEE SECONDED.

Member Jasper said, *"I think it's inappropriate. We already made a motion and a second, and it passed."* Chairman Holbrook agreed. Mr. Emerson suggested a Board Member could ask for that substitute motion to be reconsidered.

MEMBER FEREBEE MOVED TO RECONSIDER THE SUBSTITUTE MOTION SAYING HIS MOTION WAS THAT IN DECEMBER FUNDING WOULD BE APPROVED CONTINGENT UPON GRADUATE STUDENTS APPEARING EITHER IN PERSON OR BY RESUME; MEMBER BOOHER SECONDED.

After further discussion, a roll call vote was taken on Member Ferebee's motion to reconsider as follows:

MEMBER BESHARA, AYE; BOOHER, AYE; FEREBEE, NO; HOLBROOK, YES; JASPER, AYE; PAULSEN, YES; PETERSON, YES; SAWYER, ABSTAIN.

A roll call vote was then taken on the substitute motion by Member Ferebee to approve the project at the Board's December Meeting at which time either the graduate students or resumes of those students working on the project would be presented to the Board.

MEMBER BESHARA, NO; MEMBER BOOHER, NO; MEMBER FEREBEE, YES; MEMBER HOLBROOK, NO; MEMBER JASPER, NO; MEMBER PAULSEN, NO; MEMBER PETERSON, NO; MEMBERS SAWYER, ABSTAIN.

MEMBER FEREBEE MOVED TO CONTINUE THE ITEM TO EITHER THE JANUARY OR MARCH MEETING TO ALLOW TIME FOR STUDENTS TO BE IDENTIFIED AND PRESENTED TO THE BOARD; MEMBER JASPER SECONDED.

A roll call vote was taken on Member Ferebee's motion as follows:

MEMBER BESHARA, NO; MEMBER BOOHER, NO; MEMBER FEREBEE, YES; MEMBER JASPER, YES; MEMBER PAULSEN, NO; MEMBER PETERSON; NO, MEMBER SAWYER, ABSTAIN.

Member Jasper called the question.

A roll call vote was taken regarding Member Beshara's original motion for project funding in the amount of \$19,156.00.

MEMBER BESHARA, YES; MEMBER BOOHER, YES; MEMBER FEREBEE, NO; MEMBER HOLBROOK, YES; MEMBER JASPER, YES; MEMBER PAULSEN, YES; MEMBER PETERSON, YES; MEMBER SAWYER, ABSTAIN.

Quotes for Publication of Meeting Minutes - Mr. Emerson presented the quotes received from the *Rapid City Journal*, *New Underwood Post* and *Hill City Prevalier* for publication of meeting minutes. After discussion,

MEMBER BESHARA MOVED TO APPROVE PUBLICATION OF WEST DAKOTA'S MEETING MINUTES IN THE RAPID CITY JOURNAL, NEW UNDERWOOD POST AND HILL CITY PREVAILER AT A COST OF APPROXIMATELY PLUS OR MINUS \$3,000 A YEAR; MEMBER JASPER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Memorandum of Understanding - Mr. Emerson focused on issues that may or may not be applicable current day and/or clarified other aspects of the Memorandum to better define what is included under "indirect costs." Member Jasper will be bringing forth proper wording concerning Article II, Number 4, "*The COUNCIL will provide office space equipment, transportation and other related items for the DISTRICT as part of the Memorandum of Understanding*" to bring it into agreement with Article IV, Number 2, "...*These rates include all indirect costs.*"

MEMBER FEREBEE MOVED TO CONTINUE ACTION ON THE MEMORANDUM OF UNDERSTANDING UNTIL THE BOARD'S NEXT MEETING; MEMBER BOOHER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

Voting - Majority of Board - Mr. Emerson called attention to handout items included in the Board Member's packets of information on guidelines of voting and counting votes as an informational item.

Conflict of Interest - This item was included in the packets of information also and provided as an informational item.

Pennington County On-Site Wastewater Inspection Ordinance - After a brief discussion of the *Rapid City Journal's* article on this subject included in the packets of information,

MEMBER JASPER MOVED TO DEFER THIS ITEM TO THE JANUARY MEETING WITH A REPORT FROM PENNINGTON COUNTY BEING PRESENTED AT THAT TIME; MEMBER PAULSEN SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

ITEMS FROM DIRECTORS

Chairman Holbrook asked whether or not this was an item that should remain on the meeting agenda in the future with his through being items should be placed where appropriate at the time the agenda is issued. Otherwise, they could be amended onto the agenda at a meeting. After a general discussion, it was decided this item should remain on the agenda.

Water Quality Sampling Program - Member Ferebee suggest establishing a program to fund sampling for water quality.

MEMBER BESHARA MOVED THAT MEMBER FEREBEE BRING FORTH HIS PLANS FOR THIS PROGRAM FOR CONSIDERATION AT THE BOARD'S JANUARY 2012 MEETING; MEMBERS BOOHER AND JASPER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

ITEMS FROM PUBLIC

None

ADMINISTRATIVE ITEMS

Proposed Legislation - Mr. Emerson called attention to his handout saying a manager of another water development district is going propose changes to the state law that affects water development districts that would take the districts out from under the wing of the Board and

Natural Resources. He asked that Board Members review the information and get back to him if they had comments so he could pass them along.

Update on Redistricting - Mr. Emerson reported that the Redistricting Committee for the City of Rapid City, which is made up of city and council staff, Julie Pearson, Auditor for Pennington County, a county representative and the business director for the school board, is looking at completing the wards first. Once that is done, the County and School District will start their review and that is when West Dakota becomes more involved with the hope of minimizing conflicts that can occur with voting precincts. As information evolves, he will pass it along to Board Members.

Payment of Bills and Transfer of Funds -

MEMBER PAULSEN MOVED TO APPROVE PAYMENT OF BILLS FOR THE MONTH OF SEPTEMBER IN THE AMOUNT OF \$36,346.29 AND AUTHORIZE THE TRANSFER OF FUNDS NECESSARY FOR PAYMENT; MEMBER BOOHER SECONDED, AND THE MOTION PASSED.

Next Meeting Date - The next meeting date will be December 14, 2011.

ADJOURNMENT

MEMBER BOOHER MOVED TO ADJOURN; MEMBER BESHARA SECONDED, AND THE MOTION PASSED UNANIMOUSLY.

The meeting concluded at 4:30 P.M.

Respectfully submitted,



Dwight Peterson
Secretary