



Approved minutes for regular board meeting on August 12, 2025, 3 PM

An audio recording for this meeting is available at www.westdakotawater.com

CALL TO ORDER: The West Dakota Water Development District (WDWDD) convened for a regular board meeting at the Rapid Valley Sanitary District, Rapid City, SD. Chair Mack called the meeting to order at 3:00 PM (Mountain Time).

AGENDA ITEM 1. Pledge of Allegiance. (Chair) (3:00 PM)

AGENDA ITEM 2. Roll Call of Members. (Admin) (3:01 PM)

Directors present: Ron Koth using Teams (Area 1), Roy Boschee (Area 2), Dan Driscoll (Area 3), Scott McGregor (Area 4), Dan Mulally (Area 5), William Young (Area 6), Thomas Mack (Area 7)

Directors absent: Mark Kline (Area 8), Craig Kjar (Area 9)

A quorum was declared.

Administration present: Larry Stetler (Program Administrator)

Others in attendance (as per sign-in sheet): Barry Muxen (CWA, BHEC, Sierra Club), Scott Anderson by phone (City of Rapid City), Sandra McLain (Town of Keystone), Matthew Fullilove (Town of Keystone), Jim Hayward, Tim Trueblood, Heidi Sieverding (SDSMT), Julia Loshelder (SDSMT), John Talich (City of Box Elder), Bryce Miner (SDSMT).

AGENDA ITEM 3. Approval of Agenda (The board cannot take official action on any item not on the agenda) (Chair)

Motion 1 by Driscoll seconded by Mulally to approve the agenda (with the following change(s)/addition(s)): 1) Move items 11 and 13 to come after item 18 as shown in the packet, 2) Mulally specified spelling out of acronyms. The remainder of these minutes reflect the renumbering of items.

Motion 1 carries unanimously on a voice vote. 3:06 PM

AGENDA ITEM 4. Conflict of interest disclosure. (Admin)

1 conflicts stated: Driscoll recused for item 17.

AGENDA ITEM 5. Approval of minutes from July 08, 2025 meeting. (chair)

Motion 2 by Driscoll second by Boschee to approve minutes from July 08, 2025 meeting.

Motion 2 carries unanimously on a voice vote. 3:09 PM

AGENDA ITEM 6. Treasurers Report (Koth)

Koth noted an error on Fig. 1 where Project Expenses labeled 23-008 Barr BOR Grant have been moved to the correct expense category 24-004 BARRX Barr Water Mgmt for a total 2025 expenditure of \$107,766.57.

McGregor asked about the remaining funds totaling \$42,500.00 for 22-003 PCDXX Pennington Conservation District. Driscoll noted he could talk with Pennington Conservation District about canceling the account. Koth requested Chairman Mack to send a letter to Pennington Conservation District requesting their intentions for future projects.

Mulally asked about the 20-008 GVSDW-20-AO Green Valley Sanitary District commitment of \$125,000. Koth suggested WDWDD must decide what to do with this commitment.

Motion 3 by Young seconded by McGregor to approve the treasurers report.

Motion 3 carries unanimously on a voice vote. 3:26 PM

AGENDA ITEM 7. Approve the 2026 budget and Pennington County levy request (Koth)

Mulally noted the budget needs to be itemized for the State by October.

Motion 4 by Boschee seconded by Mulally to approve the 2026 budget and the Pennington County levy request.

Motion 4 carries unanimously on a voice vote. 3:28 PM

AGENDA ITEM 8. Approve a policy change regarding office hours. (Chair)

Motion 5 by Young seconded by Mulally to approve the policy change setting new office hours to Monday 10AM – 2PM.

Motion 5 carries unanimously on a voice vote. McGregor abstains 3:33 PM

AGENDA ITEM 9. Information: Keystone bridge project final report. (Mulally)

Representatives from the Town of Keystone were present to provide a project overview of the stream channel cleanout activities that were completed below the confluence of Grizzly and Battle Creeks. It was noted that the sediment accumulation cleaned out was over a 5-year period.

AGENDA ITEM 10. Information on WDWDD insurance and other coverages and **Approve** payment to Chubb in the amount of \$300 for 1 year of volunteer coverage.

Motion 6 by McGregor seconded by Mulally to approve payment of \$300 to Chubb for volunteer insurance coverage for a 1-year period.

Motion 6 carries unanimously on a voice vote. 3:51 PM

Motion 7 by McGregor seconded by Driscoll to approve administration to make payment to South Dakota Assurance Alliance for the upcoming year.

Motion 7 carries unanimously on a voice vote. 3:55 PM

AGENDA ITEM 11. Information: Erosion Control Committee update. (Erosion Control Committee)

Boschee discussed the preparation of a ranking document to guide future projects to prioritize such items as distance of the project from a water body or storm sewer, project size, land ownership, and other items. Koth asked about the inclusion of benefits, such as sediment yield reduction. Boschee responded that this will be included.

AGENDA ITEM 12. Approve volunteer waiver form. (Driscoll/McGregor)

Motion 8 by McGregor seconded by Driscoll to approve the use of a volunteer waiver form on WDWDD projects.

Motion 8 carries unanimously on a voice vote. 4:07 PM

AGENDA ITEM 13. Approve new project funding of up to \$5000 for collaborative erosion control project with Cornerstone Mission (Driscoll/Erosion Control Committee)

Motion 9 by Driscoll seconded by Mulally to approve new erosion control project funding for Cornerstone Mission.

Driscoll noted that the current proposal specified that WDWDD will provide monitoring and maintenance through fall of 2026 and Cornerstone would be responsible thereafter.

Koth noted several SD Codified laws that specify duties and responsibilities of Water Districts. He concluded 1) these codified laws do not include construction activities as part of a Water District operation, and 2) WDWDD bylaws specify that contract procurement for projects must be made through the Chairman.

Substitute motion by Koth seconded by Young to table these 3 proposals and further such proposals until WD board decides how to proceed with such projects.

Substitute motion failed on a tie vote. Roll call vote: YES (Koth, Young, Mack), NO (Driscoll, McGregor, Mulally), Abstain: Boschee 4: 28 PM

Motion 9 passes on 4-3 vote. Roll call vote: YES (Boschee, Driscoll, McGregor, Mulally), NO (Koth, Young, Mack) 4:33 PM

Koth asked how any WD Director could vote for a proposal in direct conflict with the bylaws.

AGENDA ITEM 14. Approve new project funding of up to \$15000 for collaborative erosion control project with SD Mines (Driscoll/Erosion Control Committee)

Motion 10 by Driscoll seconded by Mulally to approve new erosion control project funding for SDSMT project.

Driscoll noted that the current proposal specified that WDWDD will provide monitoring and maintenance through fall of 2026 and Mines would be responsible thereafter.

Three SDSMT individuals discussed data collection methods that will be employed, drones and lidar, to measure erosion from the 3 project sites. Questions were asked about history of the data, sediment conveyance to the creek and how control measures would be constructed, and various types of equipment to be used.

Koth specified in objection WDWDD bylaws Article VIII, Duties of the Water District, noting no sediment yield reductions were included in the proposal, nor addressed in the budget.

Motion 10 passes on 4-3 vote. Roll call vote: YES (Boschee, Driscoll, Mulally, Young), NO (Koth, McGregor, Mack) 5:09 PM

Koth asked how any WD Director could vote for a proposal in direct conflict with the bylaws.

AGENDA ITEM 15. Approve new project funding of up to \$25000 for continuation of our Star Village erosion control project with the City of Rapid City and Tzadik Property Management (Driscoll/Erosion Control Committee)

Motion 11 by Driscoll seconded by Boschee to approve new erosion control project funding for Star Village.

Discussion: Tzadik reimburses 10 cents/dollar. Stetler noted that Tzadik Soix Falls Portfolio 1, LLC currently is in Chapter 11 bankruptcy in Federal Court in Fort Lauderdale, FL. Questions also were addressed to the design of the proposed retaining wall. Driscoll noted that <4' wall does not require a design.

After further discussion Driscoll quit the motion. No action taken.

AGENDA ITEM 16. Approve worker appreciation events for volunteers assisting with erosion control projects as allowable expenditures for such projects (Driscoll)

Motion 12 by Driscoll seconded by Boschee to approve worker appreciation events for volunteers assisting on West Dakota Water Development District projects as specified in approved budgets.

Motion 12 passes on voice vote. NO (Mulally) 5:44 PM

AGENDA ITEM 17. Approve reimbursement of expenses to Director Driscoll (Chair)

Motion 13 by McGregor seconded by Young to approve expense reimbursement to Director Driscoll in the amount of \$529.18

Substitute motion by Mulally seconded by Young to reduce reimbursement by the alcohol amount for a total of \$430.43.

Motion 13 carries unanimously on a voice vote. 5:48 PM

AGENDA ITEM 18. Approve proposed bylaws changes (Driscoll)

Motion 14 by ____ seconded by ____ to approve the proposed bylaws change in 1st paragraph, Article IV, Section 1.

Discussion ensued prior to a motion being made. After discussion, Driscoll removed the Section 2 change. Motion was withdrawn by Driscoll for rewording of changes. No action taken.

Agenda Item 19: Chair's comments. Intends to use Teams for future meetings.

Agenda Item 20: Items from directors.

Young: 1) Aug 20, 6:30 at Journey Museum, Ellen Wohl will make a presentation on Importance of Resilience of Watersheds, and 2) next filed day will be in September. Notice will be sent.

Mulally: suggests looking onto zeroing the Pennington Conservation District funding. He also noted water needs in Rapid Valley and needed investigations around utilizing Hawthorne Ditch.

Koth: asked about WDWDD receiving the GIS files compiled by SDSMT student Jason Philips. He also asked the Board to inquire with our attorney on retainer about WDWDD performing construction projects. It was suggested that this could be done by director McGregor, who said he could look into it.

Agenda Item 21: Items from admin. Admin noted that WDRWS has requested their home addresses.

Will request that all information is sent to the WDWDD office for distribution to Directors.

Also noted the Garage contract has been renewed for ACH payments for the next year at the same cost of \$500/month.

Agenda Item 22: Items from public. Box Elder representative made comments regarding the importance of WDWDD work.

Agenda Item 23: Adjournment by Chairman Mack 6:13 PM

Respectfully submitted:

Larry D Stetler, Program Administrator

Craig Kjar, Secretary