

April 26, 2011
Drainage Board

CALL TO ORDER

At 9:30 a.m., motion by Kiner, second by Weiss to open the Drainage Board hearing. Members of the Board present were Drainage Administrator Sudrla, Commissioners Claggett, Weitala, Weiss and Kiner. Absent Fischer. Also present was Auditor Kiepke.

RON ROTH

Ron Roth made application for a drain approximately 2000' long and 8-10" diameter for the NE ¼ of Sec 1 and the NW ¼ of Sec 1, Mitchell Township, Davison County, South Dakota for approximately 6 – 7 acres with water to flow west to the James River. Notices were sent to abutting neighbors and there was no testimony against the drainage. Motion by Weiss, second by Kiner to grant a drainage permit to Ron Roth for the aforementioned described property. All members present voted aye. Motion carried.

CITY OF MT. VERNON

The City of Mt. Vernon made application for the change in drainage around the new waste water treatment facility located in the NW ¼, SE ¼, Sec 15, T103 N, R 62 W, Mt. Vernon Twp, Davison County, South Dakota, with water flowing to a tributary of Dry Run Creek.

Camden Hofer, SPN & Associates, appeared on behalf of the City of Mt. Vernon. Mr. Hofer explained that the proposed improvements are the result of a DENR enforcement for Mt. Vernon to repair their excessive leaking treatment pond to eliminate the seepage of municipal waste to the ground-water. The proposed improvements will decrease the effective drainage area by approximately 9.6 acres. This area will be collected and stored within the proposed ponds.

The drainage ditches are proposed to collect runoff from undisturbed areas and route it around the proposed treatment pond where it will discharge back into its original drainage path. The treatment pond discharge piping will discharge into the existing waterway located northwest of the proposed pond.

The only person appearing to question the project was Dale Kroupa who wanted to be assured that there would be no water backup on his property and that the water would drain to Dry Run Creek. Mr. Kroupa was satisfied that would be the case after hearing from Mr. Hofer.

Motion by Weiss, second by Weitala to grant a drainage permit to the City of Mt. Vernon for the aforementioned property. All members present voted aye. Motion carried.

CENTRAL ELECTRIC

Central Electric Cooperative, Inc. made application for a second drainage ditch approximately 60' in length with a bottom width of 1', side slopes of 6'1" and max cut of 2.2' for Tract 1 of Central Electric Coop Addn in the E ½ of the E ½ SE ¼ Sec 28, T103, R61W, Beulah Twp, Davison County, South Dakota to drain approximately 10 acres to flow west into an existing drainage ditch and east into an existing road ditch.

Brad Stangoehr and Adam Schoenherr, Ulteig Engineering, appeared on behalf of Central Electric. They explained that all flow will enter an existing ditch. The proposed site is surfaced with gravel, therefore, it will not be impervious.

Neighboring property owners Fred Kobold Jr. and Jerry Constant expressed concern about possible higher than normal runoff from the Central Electric property to theirs. After hearing discussion and being assured by Mr. Stangoehr and Mr. Schoenherr that the drainage will not adversely affect neighboring property owners, motion by Kiner, second by Weiss to approve drainage permit for Central Electric Cooperative, Inc. for the aforementioned property. All members present voted aye. Motion carried.

SECTION 24, PERRY TOWNSHIP

Several neighbors appeared to discuss vested drainage rights in Section 24, T 104 N, R60 W Perry Twp, Davison County, South Dakota.

Speaking first was Kevin Gebel, who lives on Plano Road and stated there is a WPA- era drainage ditch that's been in place since approximately the 1930's which runs through Bev Rowley's field then down to Patricia and Tammy Morrisons fields. He stated that Patricia and Tammy Morrison installed a 2' culvert which is 2 ½' deep in water. Mr. Gebel reported that the culvert is full of silt and would like the Morrisons to remove the culvert as he feels it is not big enough to accommodate the flow of water.

Ms. Patricia Morrison assured Mr. Gebel and the Drainage Board that she would remove the culvert as soon as it is physically possible.

It was suggested that the drain needs to be cleaned from south to north and that maintenance needs to be paid for by people that benefit from it.

Drainage coordinator Sudrla stated that good dialogue like what took place today needs to continue with neighbors affected by this drainage issue.

NW ¼, SECTION 22, PERRY TOWNSHIP

Mike Weins, Jerry Wright and Mark Peterson complained to the Board concerning the 6" county drain tile that serves 407th Avenue. Wright stated that it is not sufficient to handle the amount of water flooding his property and threatening his home. The amount of water along 407th Avenue and in the NE ¼ of Sec 31&32-104-60 needs to drain.

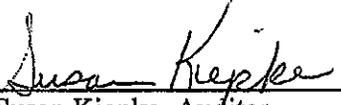
Drainage coordinator Sudrla stated that the situation will be investigated and brought back to the Board in coming weeks. Sudrla noted that many vested drainage rights were "crude and were not accompanied by engineering studies."

Sudrla also warned that people without drainage permits are in violation of the County Drainage Ordinance and will be dealt with. He stated that in order to drain, add ditches, tile or do anything else concerning drainage, you must apply for and be approved to receive a drainage permit.

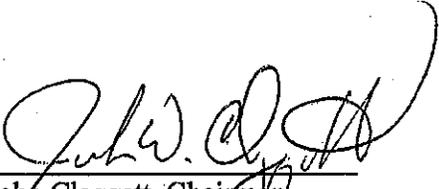
ADJOURN

At 10:45 a.m., Chairman Claggett adjourned the meeting.

ATTEST



Susan Kiepke, Auditor



John Claggett, Chairman

Publish once
Approximate cost

June 21, 2011

CALL TO ORDER

Chairman Claggett called the regular meeting of the Davison County Board of Commissioners to order at 9:00 a.m. All members of the Board were present. Also present was Auditor Kiepke.

Chairman Claggett opened the meeting with the Pledge of Allegiance.

APPROVE MINUTES

Motion by Fischer, second by Weiss to approve the minutes from the June 14, 2011 meeting. All members voted aye. Motion carried.

OPEN BIDS FOR ENERGY GRANT FOR HIGHWAY SHOP WINDOWS

At 9:25 a.m., motion by Weitala, second by Weiss to open Energy Grant Bids for Highway Shop Windows. All members voted aye. Motion carried.

AWARD BID

After receiving only one bid and at the recommendation of Maintenance Supervisor Ruml, motion by Weiss, second by Weitala to award the following bid for the Energy Efficiency and Conservation Block Grant bids for windows for the Highway Shop. All members voted aye. Motion carried.

Interstate Glass & Door, Inc.
701 South Burr
Mitchell, SD \$23,892

RECESS BOARD OF COMMISSIONERS/CONVENE DRAINAGE BOARD

At 9:30 a.m., motion by Weitala, second by Weiss to recess Board of Commissioners and convene Drainage Board. All members voted aye. Motion carried.

DRAINAGE BOARD

LONNIE AND MADALENE HUNTER DRAINAGE APPLICATION

An application for a drainage permit was received from Lonnie and Madalene Hunter, 1216 Ridge Road, Mitchell Township, Davison County, SD. After hearing objections from Dennis Leland regarding the routing of the water and viewing his proposal to reroute the water, motion by Fischer, second by Weitala to table a decision regarding the permit until such time as Mr. Hunter can be contacted. All members voted aye. Motion carried.

407TH AVENUE AND 249TH STREET AREA DRAINAGE PROJECT

Drainage Coordinator Sudrla presented the letter that went out to landowners potentially involved in the 407th Avenue and 249th Street Area Drainage Project. Sudrla reported that the letter asked if landowners would be interested in having an engineering firm conduct a study to determine what the engineering and design costs would be for a drainage project in the 407th Avenue and 249th Street area and who it would benefit, with an estimated cost of about \$5,000. Sudrla explained that the cost for both the study and the actual project can be assessed back to the property owners that would benefit from the project.

Jerry Wright stated that, although he is interested in the project, he hadn't sent back his letter because he has drain tile that works and he doesn't want to be assessed more than what he will benefit.

Sudrla stated that once an amount is determined and percentage of benefit for property owners is determined, there will be a chance for property owners to appeal the decision.

Following discussion, motion by Weiss, second by Kiner to direct Sudrla to solicit quotes from engineering firms for aforementioned drainage project study. All members voted aye. Motion carried.

DRAINAGE ORDINANCE DISCUSSION

David Estabrook asked several questions of the Board as follows.

Do you need a permit to maintain a drainage ditch? Sudrla answered no, if the ditch is vested.

What constitutes a vested drainage right? It has to be recorded in the Register of Deeds office.

Can a drainage ditch be vested now? Sudrla stated there is a process that would need to be followed including filling out a drainage permit, having it approved and recording it with the Register of Deeds. Sudrla further explained that most of Davison County's vested drainage rights were recorded in the early 1990's. When the law took effect requiring landowners to vest their drainage rights, landowners were given two years to do so.

Mr. Estabrook stated that Sanborn County recently passed a new Drainage Ordinance, which he presented to the commissioners for their review.

Scott Estabrook stated that he was on the task force involved in drafting the new ordinance for Sanborn County. He said their number one goal was to limit liability of the county. Next, they did not want to take away rights of private property owners.

When questioned whether the ordinance took into account the urban society, Mr. Estabrook stated that Sanborn County doesn't have much of an urban society, so no, that was not a consideration.

The Board will review the Sanborn County ordinance and a proposed ordinance drafted by Deputy States Attorney Taylor.

ALLOW DRAINAGE

At the request of Travis Hostler, motion by Weiss, second by Kiner to allow an emergency ditch to be cut on 401st Avenue between 252nd and 251st Streets to lower water along the road to try to preserve it.

ADJOURN DRAINAGE BOARD/CONVENE BOARD OF ADJUSTMENT

At 11:00 a.m., motion by Weitala, second by Weiss to adjourn the Drainage Board and convene Board of Adjustment. All members voted aye. Motion carried.

ADJOURN BOARD OF ADJUSTMENT/RECONVENE BOARD OF COMMISSIONERS

At 11:05 a.m., motion by Weitala, second by Weiss to adjourn Board of Adjustment and reconvene Board of Commissioners. All members voted aye. Motion carried.

APPROVE BILLS

Motion by Fischer, second by Weitala to approve payment of the following bills. All members voted aye. Motion carried.

Advance Auto Parts-45.89, Avera Heart Hospital-148.00, Avera Queen of Peace-2,061.50, Bailey Metal-81.30, Bureau of Administration-19.00, Campbell Supply-50.97, Card Service Center-401.65, City of Mitchell-8.00, Denise Cody-30.00, Creative Products Source-207.72, Crop Production Services-6,817.00, Daily Republic-145.28, Dale's A-1 Transmission-335.88, Donna Dietrich-300.38, Jones Supplies-138.20, Frederick Joramo-250.00, Susan Kiepke-38.95, Larson Systems-436.80, Bruce Mastel-125.00, McLeod's-788.88, Menards-14.68, Midcontinent-191.32, Morgan, Theeler, Cogley-451.00, Motel 6-39.99, Newman Traffic Signs-182.84, Northwestern-300.00, Northwestern Energy-639.69, Palace Cleaners-13.50, Qwest-860.70, Cathy Reh fuss-30.00, Sioux Falls Two Way Radio-133.49, Spencer Quarries-4,420.71, Stiles Law Firm-4,250.00, Tech Solutions-402.94, Tinan, Smith & Bucher-11,242.19, West Payment Center-1,442.52, Christopher Wilcox-300.00, Yankton Sheriff's Office-75.00, Preston Skinner-200.00.

REVIEW LONGEVITY POLICY

At the request of Auditor Kiepke, commissioners reviewed the Longevity Policy found in the Davison County Employee Policy Manual. This request came because of a voucher turned into Auditor Kiepke requesting additional pay for longevity. Auditor Kiepke explained to the commissioners that the procedure regarding longevity pay changed in January of 2008. Since that time the procedure allowed employees to receive their longevity pay prorated over 26 pay

July 26, 2011

Beth Feiner- 59.62, Scott Kroger- 53.70, Darold Bridge-52.96, Ryan Dufek-55.18, Cody Jenks-52.96, Michael Leach-50.00, Brent Mutziger-55.18, Johnny Zobel-50.00, Tom Fridley-159.70, Kurk Ellis-118.00, Matt hegg-415.00, Joel Peterson-243.50, Brent Booth-346.80, Dan Schlader-213.60, Matthew Hower-551.50, Brad Ziegler-399.52, Tony Bisbee-290.00, Abbott House-2,000.00, Advance Auto Parts-3.49, AG Systems-54.10, Amazon-292.90, American Garage Door-69.00, Avera Queen of Peace-3,836.45, Big K-71.24, Bittner Funeral Home-150.00, Bob's Electric of Madison-1,979.00, Don Boyden-2,000.00, BPI-99.99, Cabela's-27.98, Campbell Supply-37.28, Card Service Ctr-992.20, CBM Food Service-3,136.19, Cellular Only-29.99, City of Mitchell-255.20, County Fair Food-13.92, Dakota Counseling-132.00, Dakota Supply Group-2,288.09, Dept of Motor Vehicles-14.00, Hillyard/Sioux Falls-196.52, Home Federal Bank-332.38, JD Concrete-312.00, Jefferson Partners-22.00, Lakeview Veterinary-92.48, Larson & Nipe-1,312.00, Lawler Automotive-64.40, M & H Gas-18.00, Steve McClure-56.24, McLeod's-119.11, Mega Wash-84.50, Menards-36.33, Meyers Oil Co-36.36, Midcontinent-95.00, Mitchell Area Safehouse-2,124.50, Mitchell Iron & Supply-34.32, Motorola Inc-9,192.00, Neve's Uniforms-1,179.40, Northwestern-263.64, Northwestern Energy-356.35, Qualified Presort-678.52, S & M Printing-355.60, Brenda Schroeder-15.00, SDEMA-120.00, Shepherd Reporting-25.00, Sign Pro-439.80, Sioux Falls Ford-1,993.00, Sioux Falls Two-Way Radio-1,755.28, Slowley Court Reporting-262.00, Spencer Quarries-17,198.16, Sportsman's Car Wash-17.20, State Radio Communications-2,250.00, Stiles Law Firm-4,332.00, Sturdevant's Auto Parts-22.88, Tech Solutions-436.90, The UPS Store-42.06, Tinan, Smith & Bucher-11,154.12, TMA-182.41, Verizon Wireless-1,219.11, West Payment Ctr-348.00, Xerox Corp-202.01, Yankton Sheriff's Office-50.00.

APPROVE TIMESHEETS

Motion by Fischer, second by Weiss to authorize Chairman to sign department head timesheets as supervisor. All members voted aye. Motion carried.

APPROVE RAFFLE REQUEST

Motion by Fischer, second by Weiss to approve a raffle request for the Lion's Club, to benefit Mitchell Gymnastics and Lion's Club Donation Fund, with drawing to be held on October 1st, 2011. All members voted aye. Motion carried.

APPROVE AUDITOR'S ACCOUNT WITH TREASURER

Motion by Weitala, second by Fischer to approve the June 2011 Auditor's Account with Treasurer in the amount of \$5,811,071.36. All members voted aye. Motion carried.

RECESS BOARD OF COMMISSIONERS/CONVENE DRAINAGE BOARD

At 10:00 a.m., motion by Weitala, second by Weiss to recess Board of Commissioners and convene Drainage Board. All members voted aye. Motion carried.

DRAINAGE ITEM ONE

Kevin Gebel appeared before the Board to re-discuss the issue in Sections 24 and 25 in Perry Township. Referring to the Drainage Board minutes of April 26, 2011, Gebel said that Patricia Morrison had taken no action to remove a culvert that was deemed too small to accommodate the flow of water, hence creating problems for other land owners.

Mr. Gebel stated that the Drainage Act of 1991 states that land owners must maintain drainage ditch. Mr. Gebel would like to see the County remove the culvert and assess Ms. Morrison for the cost.

Drainage Coordinator Sudrla reported that he was not certain whether the County has the mechanism to do such a thing. There are Civil Drainage laws, State Drainage laws and County ordinances that all must be followed.

Sudrla will follow up with Ms. Morrison with a phone call and a letter and report back to the Board of Commissioners next week.

DRAINAGE ITEM TWO

The next matter to come before the Board was the drainage request from Lonnie Hunter. Motion by Fischer, second by Kiner to deny Hunter's drainage request and to allow him thirty days to fill in the illegal ditch he dug. All members voted aye. Motion carried.

DRAINAGE ITEM THREE

Kenneth Carlson appeared before the Board concerning 399th Avenue between 244th and 245th Streets located in Blendon Township. Mr. Carlson owns corner where water is being diverted by other land owners. Several land owners are allegedly draining without proper permits, which in some cases is causing a safety hazard.

Motion by Kiner, second by Weiss to turn the above matter over to the States Attorney for investigation and action. All members voted aye. Motion carried.

DRAINAGE ITEM FOUR

Motion by Fischer, second by Kiner to allow Ron Roth, who has already acquired a drainage permit, to change his drainage route to run southwest. All members voted aye. Motion carried.

DRAINAGE ITEM FIVE

The commissioners reviewed the amnesty policy for drainage. No action was taken.

DRAINAGE ITEM SIX

Drainage Coordinator Sudrla reviewed a portion of the March 6, 2007, commission minutes which appointed a Drainage Planning Committee. The commissioners would like to reevaluate the committee next week.

ADJOURN DRAINAGE BOARD/RECONVENE BOARD OF COMMISSIONERS

At 11:05 a.m., motion by Weitala, second by Weiss to adjourn Drainage Board and reconvene Board of Commissioners. All members voted aye. Motion carried.

WELFARE CLAIM CLARIFICATION

Motion by Weitala, second by Fischer to clarify that there was no action taken to deny any welfare claims on June 28th, 2011, as there were no claims submitted to the Board for denial by Welfare Director McClure.

BUDGET REVIEW

The commissioners continued the budget review for 2012.

APPROVE PART-TIME TEMPORARY EMPLOYEE

At the request of Treasurer Sanders, motion by Weitala, second by Weiss to authorize Sanders to hire a part-time temporary Deputy III for the Treasurer's office effective August 1st, 2011 through December 31, 2011 at an hourly rate of \$10 per hour. All members voted aye. Motion carried.

ADJOURN

At 3:38 p.m., Chairman Claggett adjourned the meeting and set the next regular Board of Commissioners meeting for Tuesday, August 2, 2011, at 9:00 a.m.

ATTEST


Susan Kiepke, Auditor


John Claggett, Chairman

Publish Once
Approximate Cost

August 30, 2011

CALL TO ORDER

Chairman Claggett called the regular meeting of the Davison County Board of Commissioners to order at 9:00 a.m. All members of the Board were present. Also present was Auditor Kiepke.

Chairman Claggett opened the meeting with the Pledge of Allegiance.

APPROVE MINUTES

Motion by Fischer, second by Weiss to approve the minutes, as amended, from the August 23, 2011 meeting. All members voted aye. Motion carried.

APPROVE EMERGENCY HIRE

At the request of Corrections Administrator Radel, motion by Fischer, second by Weiss to hire Brandy Shrank-Uithoven on an on call emergency basis at a rate of \$50 per day. All members voted aye. Motion carried.

APPROVE USE OF RIGHT OF WAY

Motion by Weitala, second by Fischer to approve an application made by Lawrence Escobin representing SDN Communications to place a fiber optic cable in the Right of Way on 403rd Avenue, Davison County. If for any reason the cable would have to be relocated, it will be the expense of the applicant. All members voted aye. Motion carried.

RECESS BOARD OF COMMISSIONERS/CONVENE DRAINAGE BOARD

At 10:00 a.m., motion by Weitala, second by Weiss to recess Board of Commissioners and reconvene Drainage Board. All members voted aye. Motion carried.

APPROVE DRAINAGE APPLICATIONS

Motion by Fischer, second by Kiner to approve a drainage application for Harvey L. Kelley to drain tile a portion of the SE ¼ of Section 36, T 104 N, R 61 W, Badger Township. All members voted aye. Motion carried.

Motion by Weitala, second by Weiss to approve a drainage application for Glenn Lowrie to drain tile the SE ¼ of Section 9, T101 N, R 60 W, Rome Township. Voting aye Weitala, Weiss, Kiner and Claggett. Voting nay Fischer. Motion carried.

Motion by Fischer, second by Kiner to approve a drainage application for Craig Moller to drain tile the NE ¼ of Section 8, T 102 N, R 62 W, Union Township. All members voted aye. Motion carried.

At the request of Gene Stehly, motion by Fischer, second by Weiss to approve a drainage application for Jim Rec Ag to drain Section 36, T 104 N, R 60 W, Perry Township. All members voted aye. Motion carried.

At the request of Gene Stehly, motion by Fischer, second by Kiner to approve a drainage application for Don Stehly to drain tile Section 27, T 104 N, R 61 W, Badger Township. All members voted aye. Motion carried.

ADOPT RESOLUTION

Motion by Weiss, second by Weitala to adopt a resolution, to offer amnesty from prosecution for all unpermitted drainage work undertaken between March 6, 1987 and December 31, 2009. A roll call vote was taken as follows. Weiss – aye, Weitala – aye, Kiner – aye, Fischer – aye, Claggett – aye. Motion carried.

**Resolution #083011-01
Resolution Offering Amnesty
From Prosecution for
All Unpermitted Drainage Work
Undertaken Between March 6, 1987 and December 31, 2009**

Whereas, the Davison County Drainage Ordinance has been in effect since 1987; and
Whereas, the ordinance requires a Drainage Permit for *any* drainage activity; and
Whereas, failure to obtain a Drainage Permit can result in criminal prosecution and substantial civil penalties as follows:

SDCL 46A-10A-30 – Permit system for drainage—Fee—Modification of drain or use of unrecorded right—Drainage without permit as misdemeanor—Civil penalty. Any board or commission under the provisions of this chapter and chapter 46A-11 may adopt a permit system for drainage...Any person or the person's contractor draining water without a permit, if a permit is required under the provisions of this section, is guilty of a Class I misdemeanor. In addition to or in lieu of any criminal penalty, a court may assess against any person violating the provisions of this section a civil penalty not to exceed one thousand dollars per each day of violation. A permit system is an official control; and

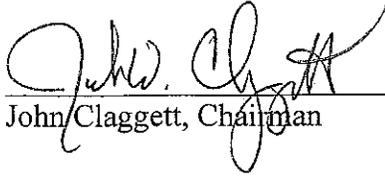
Whereas, the 2011 spring flooding and the large number of drainage problems brought to the attention of the Drainage Board have made it obvious that over the last twenty-four (24) years there have been drainage projects undertaken in Davison county without proper permits; and

Whereas, Davison County wishes to establish a baseline for county drainage.

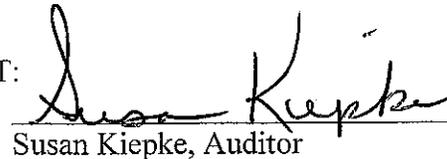
Therefore, be it resolved, that Davison County is offering amnesty from prosecution for all unpermitted drainage work undertaken between March 6, 1987 and December 31, 2009, in hopes of establishing a baseline for drainage for the County;and

Be it further resolved that, the condition of such amnesty is that a completed application defining the entire work and \$100.00 permit fee required by the Ordinance be received by the County Drainage Administrator before 5:00 p.m., November 1, 2011.

Dated at Mitchell, South Dakota this 30th day of August, 2011.


John Claggett, Chairman

ATTEST:


Susan Kiepke, Auditor

SANBORN COUNTY DRAINAGE BOARD REPRESENTATIVE

Rod Clarambeau representing the Sanborn County Drainage Board spoke briefly to the commissioners about the way their drainage board is set up and what authority they have. Mr. Clarambeau reported that the board has the authority to issue drainage permits, unless there will be county money involved. If that is the case they have to take the permit to the Sanborn County Commissioners. Mr. Clarambeau stated that several members of the Sanborn County Drainage Board were in attendance at today's meeting for the general purpose of introducing themselves because the Davison/Sanborn County line runs through certain problem drainage areas and future solutions may require cooperation between both counties.

APPOINT NEW DRAINAGE BOARD

Motion by Kiner, second by Fischer:

Whereas, the Davison County Drainage Plan adopted June 2, 1987, provides in pertinent part, under the heading Structure of the Board, that

“The Davison County Drainage Board shall consist of the five members of the Davison County Commission as voting members of the Board. Members of the Drainage Board will hold one-year terms to be appointed at the first meeting of the Board of commissioners in January. ... This structure shall remain in effect until such time as the board deems it appropriate to exercise its prerogative under chapter 46A-10A to appoint a separate commission for the purpose of serving as a drainage board.”

the Davison County Commission hereby exercises its reserved prerogative to appoint a separate commission for the purpose of serving as a drainage board and shall, no later than November 1,

DRAINAGE BOARD

October 25, 2011

CALL TO ORDER

Drainage Coordinator Sudrla called the first regular meeting of the newly appointed Davison County Drainage Board to order at 7:25 p.m. Members of the Board present were Commissioners Kiner and Weiss, Gregg Bult, Larry Hostler, Mark Schilling, Wayne Gronseth and Floyd Morrison. Also present was Drainage Coordinator Sudrla and Auditor Kiepke.

ADMINISTER OATHS

Auditor Kiepke administered the oaths of office to all Drainage Board members.

DRAINAGE ORDINANCE AND EXPLANATION OF DUTIES

Drainage Coordinator Sudrla handed out the current Drainage Ordinance to the Board members explaining that one of the board's first priorities should be to update or replace the current Drainage Ordinance.

Sudrla explained that the Drainage Board was a quasi judicial board. The Board needs to follow SD Codified Law. Any decisions the Board makes will stand unless taken to a Court of Law. The point of having a drainage board is to help citizens resolve drainage issues without going to court.

Sudrla emphasized that decisions made by the board must be completely unbiased and in the best interest of all of Davison County.

DRAINAGE HISTORY

Until 1992, you could go to the Register of Deeds office and record Vested Drainage Rights from 1985 and before with no criteria being met. With the help of the Register of Deeds office, Sudrla reported that he had ascertained all the vested drainage rights records.

It is estimated that between the 1920's and 1930's there were ten or eleven drainage projects engineered by the State of South Dakota that were assessed back to the property owners affected. Today, people that live on these properties aren't even aware these drains exist.

Sudrla explained that as per the current ordinance any drainage work done, except repairs done to an existing county drain, requires a drainage permit from the Davison County Drainage Board.

ELECTION OF CHAIRMAN

Commissioner Kiner nominated Mark Schilling as Chairman, Commissioner Weiss seconded the nomination. Sudrla called for any more nominations three times, as required. Hearing none, motion by Kiner, second by Weiss to cease nominations and cast a unanimous ballot for Mark Schilling to serve as Chairman of the Davison County Drainage Board. All members voted aye. Motion carried.

ELECTION OF VICE-CHAIRMAN

Commissioner Weiss nominated Larry Hostler as Vice-chairman, Morrison seconded the nomination. Sudrta called for any more nominations three times, as required. Hearing none, motion by Weiss, second by Bult to cease nominations and cast a unanimous ballot for Larry Hostler to serve as Vice-chairman of the Davison County Drainage Board. All members voted aye. Motion carried.

DETERMINATION OF TERMS OF OFFICE

The following terms of office, four people serving three year terms and three people serving two year terms, were decided by lot. The people serving three year terms are Gerald Weiss, Denny Kiner, Mark Schilling and Gregg Bult. The people serving two year terms are Larry Hostler, Floyd Morrison and Wayne Gronseth.

DISCUSSION

Gronseth believes the water next to the roads needs to be addressed.

Morrison feels that the board should be furnished with maps of every township, culvert and bridge within the county.

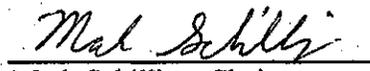
Kiner stated that he feels that counties are getting away from drainage and in turn shirking their duties.

ADJOURN

At 8:37 p.m., Chairman Schilling adjourned the meeting and set the next Drainage Board meeting for Thursday, November 10, 2011, at 7:00 p.m.

ATTEST


Susan Kiepke, Auditor


Mark Schilling, Chairman

Publish Once
Approximate Cost

DRAINAGE BOARD
December 8, 2011

CALL TO ORDER

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 6:00 p.m. Members of the Board present were Commissioners Kiner and Weiss, Gregg Bult, Larry Hostler, Wayne Gronseth and Mark Schilling. Absent Floyd Morrison. Ex-Officio members present were Drainage Coordinator Sudrla, Auditor Kiepke, Director of Equalization Goetsch, Highway Superintendent Weinberg and Emergency Management Director Montgomery.

DRAINAGE BOARD PROCEDURES

Drainage Coordinator Sudrla reviewed meeting procedures with all present. Sudrla stated that applicants are to stand and state their names. Any questions were to be directed to the Board. Sudrla stated that the meeting was being recorded.

APPROVE AGENDA

Motion by Kiner, second by Weiss to approve the agenda for the December 8, 2011 meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Hostler, second by Bult to approve the minutes of the November 10, 2011 meeting with the amendment suggested by Kiner. All members present voted aye. Motion carried.

APPROVE/DENY DRAINAGE APPLICATIONS

Motion by Hostler, second by Bult to approve the application to drain for David Estabrook, who made application to drain the SE ¼ of Sec 29, T 103 N, 61 W, Davison County, South Dakota, under the amnesty provision. Jerry Buchholz questioned why Mr. Estabrook would want to drain west when the culvert goes east. Jim Miskimins stated that there could be damage to pasture land if the water comes in quicker. Brock Millan stated that he has adjoining land to the east. A roll call vote was taken with all members present voting aye. Motion carried.

Motion by Gronseth, second by Weiss to approve the application to drain for David Estabrook, who made application to drain the SW ¼ of Sec 29, T 103 N, 61 W, Davison County, South Dakota, under the amnesty provision. A roll call vote was taken with all members present voting aye. Motion carried.

Motion by Hostler, second by Gronseth to approve the application to drain for David Estabrook, who made application to drain the NW ¼ of Sec 2, T 102 N, 62 W, Davison County, South Dakota, under the amnesty provision. John Jones spoke on behalf of Wilma Erickson and stated that she would like to see the water continue to go downstream. Mr. Jones believes a culvert would aid this process. A roll call vote was taken with all members present voting aye. Motion carried.

Motion by Weiss, second by Kiner to deny the application to drain for Harvey Fouberg, who made application to drain the NE ¼ of Sec 2, T 104 N, 61 W, Davison County, South Dakota. Miles Northrup

appeared to represent Mr. Harvey Foubert. Mr. Northrup stated that Badger Township asked the Northrups to come in and apply for a drainage application. Trever Bechen reported that he had put a culvert in to the west because it had collapsed. He further stated that he would like to see this ditch put in. Kent Larson spoke on behalf of his father Laverne Larson, stating that he was concerned about running into tile. He said that he lives in the SE ¼ of Section 1 in Badger Township. Rodney Shawd stated that he lives in Section 2 and his concern is that if they are going to drain water off from the north, all it is going to do is put more water down South. He said there is no way for water to get out on an 8" tile. Gene Stehly had a map of Greenfields land and said that it has a tile inlet. The water comes out of the inlet and floods 20 to 30 acres. He believes the tile is way too small and thinks this application should be denied. Mr. Stehly sympathizes with people having water problems up north, but doesn't want the problem to shift to the south. Kandee Strand, formerly Greenfield, state that her dad vested the tile and can't see how any more water can come down from the north. Dave Estabrook said that we need to have drainage. It needs to start at the bottom and work up. 8' tile will not work. Wayne Gronseth suggested running larger tile. Gene Stehly responded that the NRCS will not allow you to place larger tile to replace smaller tile. A roll call vote was taken with all members present voting aye. Motion carried.

Motion by Hostler, second by Kiner to approve the application to drain for Leo Feilmeier, who was represented by Gene Stehly, who made application to replace a drain tile that was not vested in the SW ¼ of Sec 11, T 103 N, 62 W, Davison County, South Dakota. A roll call vote was taken with all members present voting aye. Motion carried.

Motion by Weiss, second by Bult to approve the application to drain for Travis Hostler, who made application to drain the S ½ of Sec 14, T 103 N, 62 W, Davison County, South Dakota, under the amnesty provision. Bruce Martin asked Mr. Hostler if he was planning on keeping grass way and using filter strips. Mr. Martin stated that his land is downstream about a mile. He further stated that drainage along the railroad needs attention. (This is not Mr. Hostler's land). Mr. Hostler responded with a yes, he would be keeping a grass way and using filter strips. A roll call vote was taken with Bult, Gronseth, Weiss, Kiner and Schilling voting aye, Hostler abstained and Morrison absent. Motion carried.

Motion by Gronseth, second by Weiss to approve the application to drain for Travis Hostler, who made application to drain the NW ¼ of Sec 24, T 103 N, 62 W, Davison County, South Dakota, under the amnesty provision. A roll call vote was taken with Gronseth, Weiss, Kiner, Bult and Schilling voting aye, Hostler abstained and Morrison absent. Motion carried.

Motion by Kiner, second by Weiss to deny the application to drain for Travis Hostler, who made application to drain the SE ¼ of Sec 18, T 103 N, 61 W, Davison County, South Dakota, under the amnesty provision. Jerry Buchholz stated that if you put tile in, the exit of water would be very slow. A roll call vote was taken with Bult, Gronseth, Weiss, Kiner and Schilling voting aye, Hostler abstained and Morrison absent. Motion carried.

EXCUSE COMMISSIONER

At 7:35 p.m, Commissioner Weiss asked to be excused from the remainder of the meeting. Chairman Schilling granted said request.

APPROVE/DENY DRAINAGE APPLICATIONS

Motion by Kiner, second by Bult to approve the application to drain for Larry Hostler, who made application to drain the SE ¼ of Sec 11, T 103 N, 62 W, Davison County, South Dakota, under the amnesty provision. A roll call vote was taken with Kiner, Bult, Gronseth and Schilling voting aye, Hostler abstained, Morrison and Weiss absent. Motion carried.

Motion by Bult, second by Kiner to deny the application to drain for Larry Hostler, who made application to drain the NW ¼ of Sec 33, T 103 N, 62 W, Davison County, South Dakota, under the amnesty provision. (This ¼ contains some vested drainage rights). Mr. Hostler stated that putting drain tile in would help Ron Long as well. Mr. Hostler proposed several alternatives for drainage. It was agreed that the township will be asked to take a look and make a recommendation as to what would best serve all land owners involved. A roll call vote was taken with Bult, Gronseth, Kiner and Schilling voting aye, Hostler abstained, Morrison and Weiss absent. Motion carried.

Motion by Kiner, second by Gronseth to acknowledge the application to drain for Randall Tilberg Trust, Mary Lou Tilberg, submitted by Scott Tilberg who made application that could restore the flow from 24" tile that enters from Hanson County and drains into Twelve Mile Creek from the maintenance of drainage ditches in Hanson County in the SE of the NE ¼ of Sec 36, T 102 N, 60 W, Davison County, South Dakota. All members present voted aye. Motion carried.

DISCUSS DRAINAGE DECISION FROM NOVEMBER 10, 2011

Kevin Gebel appeared before the Board to discuss the decision made by the Drainage Board at the November 10, 2011 meeting regarding the NE ¼ and NW ¼ of Sec 24, T104 N, R 60 W, Davison County, South Dakota. Mr. Gebel stated that he didn't understand why he wasn't vested for a 10' (ft) wide and 4' (ft) deep drainage ditch. He stated that the ditch varies in width from 10' (ft) to wider. Mr. Gronseth stated that he was under the impression that all of the ditches are 6' (ft) deep, but they appear to be wider than 6' (ft). Mr. Sudra stated that all information is to be brought forth by the applicants and opponents for the Board to base their decision of approval or denial on. Mr. Gronseth made a motion to give Mr. Gebel vested drainage rights, but later withdrew the motion. When asked whether Mr. Gebel had tried to contact neighboring property owners he stated yes. Dan Allen stated that Mr. Gebel had never contacted him.

Motion by Kiner, second by Bult to give land owners a chance to cooperate, which include Kevin Gebel, Morrisons, Jim Rec Ag, Brenda Olsen and Rowley Trust/Banworths. The landowners were given sixty days to reconcile their differences at which time Mr. Gebel may reapply for a drainage permit.

SET DATE AND TIME FOR NEXT MEETING

Motion by Bult, second by Kiner to set Tuesday, January 10th, 2012 at 6:00 p.m. for the next meeting of the Davison County Drainage Board. All members voted aye. Motion carried.

ADJOURN

At 9:05 p.m., Chairman Schilling adjourned the meeting.

ATTEST


Susan Kiepke, Auditor


Mark Schilling, Chairman

Publish Once
Approximate Cost