

**DRAINAGE BOARD**  
**January 24, 2012**

**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 Commissioner Weiss, Gregg Bult, Larry Hostler, Mark Schilling and Floyd Morrison. Absent Kiner and Gronseth. Ex-Officio members present were Drainage Coordinator Sudrla, Auditor Kiepke, Highway Superintendent Weinberg and Emergency Management Director Montgomery. Absent Director of Equalization Goetsch.

**APPROVE AGENDA**

Motion by Hostler, second by Weiss to approve the agenda for the January 24, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Bult, second by Morrison to approve the minutes of the December 8, 2012 meeting. All members present voted aye. Motion carried.

**REVIEW PROPOSED DRAINAGE ORDINANCE**

Board members began review of a proposed Drainage Ordinance fashioned after the Beadle County Drainage Ordinance. Items reviewed were the purpose, definitions, administration and enforcement, when a permit is required, expiration of drainage permits, exceptions to permits being required, filing applications, Global Positioning System Information required, administrative approval of drainage permit applications, hearings required and emergency drainage.

Review of the proposed ordinance will continue at the next regularly scheduled meeting.

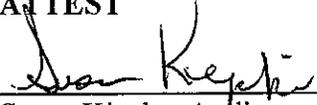
**SET DATE AND TIME FOR NEXT MEETING**

Motion by Bult, second by Kiner to set Wednesday, February 29<sup>th</sup>, 2012 at 5:30 p.m. for the next meeting of the Davison County Drainage Board. All members voted aye. Motion carried.

**ADJOURN**

At 8:30 p.m., Chairman Schilling adjourned the meeting.

**ATTEST**

  
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Susan Kiepke, Auditor

  
\_\_\_\_\_  
Mark Schilling, Chairman

Publish Once  
Approximate Cost

## **DRAINAGE BOARD**

**March 7, 2012**

### **CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 3:00 p.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Gregg Bult, Wayne Gronseth, Floyd Morrison, Commissioner Weiss and Commissioner Kiner. Absent Larry Hostler. Ex-Officio members present were Drainage Coordinator Sudrla, Auditor Kiepke, Highway Superintendent Weinberg, Emergency Management Director Montgomery and Director of Equalization Goetsch.

### **APPROVE AGENDA WITH AMENDMENT**

Motion by Kiner, second by Bult to approve the agenda for the rescheduled March 7, 2012 meeting to include approval of minutes. All members present voted aye. Motion carried.

### **RECORDATION OF MEETING**

Planning and Zoning Director Sudrla announced that he would be recording the proceedings of the meeting.

### **APPROVE MINUTES**

Motion by Weiss, second by Morrison to approve the minutes of the January 24, 2012 meeting. All members present voted aye. Motion carried.

### **KEVIN GEBEL DRAINAGE APPLICATION**

Kevin Gebel and his Attorney Chris Nipe appeared before the Board to discuss Mr. Gebel's unpermitted drainage work that was completed in the NE & NW ¼ of Section 24, T 104 N, R 60 W, Davison County, South Dakota.

Mr. Nipe started the discussion by saying that it is clear this is not new drainage, rather Mr. Gebel is cleaning out an existing ditch. Mr. Nipe went on to say that even if it's not registered, you have an obligation to keep ditch clean. If you are not going to altar or change something, you don't need a permit. Mr. Nipe does not feel what Kevin did required an application. Mr. Nipe also stated that he feels that uniform drainage could be achieved with a recommendation from an engineer.

Mr. Gebel was asked about the meeting with his neighbors at which he had declared that he would be providing a plan to restrict the flow of the unpermitted drainage work he had done. He said the meeting went okay but neighbors are still saying Gebel's ditch is too wide.

Board member Gronseth said that Mr. Gebel should just let his neighbors sue him.

Commissioner Kiner stated that one of the main purposes of the Drainage Board is to try to facilitate communication amongst neighbors and to curtail drainage issues from going to court.

Chairman Schilling stated that Mr. Gebel needed to hire an engineer to guide him as to where restriction should go and to make sure water will flow through culvert.

Mr. Gebel inquired as to who would bear the cost of the engineer.

Sudrila stated that the county commissioners were very clear in that county tax dollars shouldn't be paying for drainage. The permit applicant should bear the cost of the drainage work.

Gronseth said he had a hard time seeing where Gebel had done wrong.

Chairman Schilling interjected by saying the work was done, it wasn't done to specs and the work should have been approved before it was done.

Motion by Kiner second by Weiss to allow Mr. Gebel to consult with an engineer and come back to the next Drainage Board meeting with a report and a plan. A roll call vote was taken as follows. Weiss – aye, Kiner – aye, Gronseth – nay, Morrison – aye, Bult – aye, Schilling – aye. Absent – Hostler.

### **CONTINUE REVIEW OF PROPOSED DRAINAGE ORDINANCE**

Board members continues their review of a proposed Drainage Ordinance fashioned after the Beadle County Drainage Ordinance. Items reviewed were the administrative approval of drainage permit applications, hearings required, emergency drainage, notice of hearing content, time for determination, applications of Statewide or Inter-County significance, referral of applications, considerations, board action, penalty for failure to secure permit for drainage work, drainage complaints and disputes, contents of notice in contested cases and rights of parties at hearings on contested cases.

Review of the proposed ordinance will continue at the next regularly scheduled meeting.

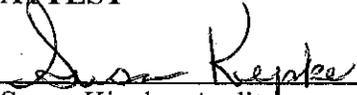
### **SET DATE AND TIME FOR NEXT MEETING**

Motion by Bult, second by Kiner to set Wednesday, April 11<sup>th</sup>, 2012 at 3:00 p.m. for the next meeting of the Davison County Drainage Board. All members voted aye. Motion carried.

### **ADJOURN**

At 4:54 p.m., Chairman Schilling adjourned the meeting.

### **ATTEST**

  
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Susan Kiepke, Auditor

  
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Mark Schilling, Chairman

Publish Once  
Approximate Cost

**DRAINAGE BOARD**  
**April 11, 2012**

**CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 3:00 p.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Gregg Bult, Wayne Gronseth, Floyd Morrison, Commissioner Weiss and Commissioner Kiner. Absent Larry Hostler. Ex-Officio members present were Drainage Coordinator Sudrla, Auditor Kiepke, Highway Superintendent Weinberg and Emergency Management Director Montgomery. Absent Director of Equalization Goetsch.

**APPROVE AGENDA WITH AMENDMENT**

Motion by Morrison, second by Bult to approve the agenda for the April 11, 2012 with the exception of reviewing the Drainage Ordinance. All members voted aye. Motion carried.

**RECORDATION OF MEETING**

Planning and Zoning Director Sudrla announced that he would be recording the proceedings of the meeting.

**APPROVE MINUTES**

Motion by Gronseth, second by Morrison to approve the minutes of the March 7, 2012 meeting. All members voted aye. Motion carried.

**KEVIN GEBEL DRAINAGE APPLICATION**

Kevin Gebel and his Attorney Chris Nipe appeared before the Board to discuss Mr. Gebel's unpermitted drainage work that was completed in the NE & NW ¼ of Section 24, T 104 N, R 60 W, Davison County, South Dakota.

Mr. Nipe presented the Board with a proposal from SPN & Associates with an estimated cost of \$13,600 to engineer the drainage project. Mr. Nipe stated that Mr. Gebel is looking for direction as to how to cost share.

Board member Gronseth asked if anybody has exact dimensions of the ditch. To which Mr. Gebel replied that there are varying opinions.

Mr. Gebel stated that there is a maximum of 2" of water in the ditch.

Sudrla reiterated that the current Drainage Ordinance states that a permit must be obtained in order to clean out a ditch unless it was vested. In this case, neither was done.

Stating the matter should be turned over to the States Attorney as this Board does not have the expertise to rule, motion by Kiner, second by Weiss to deny a drainage permit for Kevin Gebel. A roll call vote

was taken as follows. Kiner – aye, Weiss – aye, Hostler – nay, Bult – aye, Gronseth – nay, Morrison – aye, Schilling – aye. Motion carried.

### **TOM BIALAS DRAINAGE PERMIT**

Tom Bialas made application to drain from west to east using 6” tile at the outlet which is on his property prior to the township ditch and draining into Twelve Mile Creek, legally described as the S ½ of the SE ¼ of Sec 35, T 101 N, R 62 W, Baker Township, Davison County, South Dakota.

There being no objection to the proposed drainage by Mr. Bialas, motion by Gronseth, second by Kiner to approve the drainage application. A roll call vote was taken as follows. Gronseth – aye, Kiner – aye, Weiss – aye, Hostler – aye, Bult – aye, Morrison – aye, Schilling – aye. Motion carried.

### **CHARLES GOLDAMMER DRAINAGE PERMIT**

Charles Goldammer made application to drain the SW ¼ of Sec 18, T 103 N, R 60 W, Mitchell Township, Davison County, South Dakota, which will outlet into Dry Run Creek.

There being no objection to the proposed drainage by Mr. Goldammer, motion by Gronseth, second by Hostler to approve the drainage application. A roll call vote was taken as follows. Gronseth – aye, Hostler – aye, Bult – aye, Morrison – aye, Weiss – aye, Kiner – aye, Schilling – aye.

### **SET DATE AND TIME FOR NEXT MEETING**

Motion by Bult, second by Kiner to set Wednesday, May 9<sup>th</sup>, 2012 at 8:00 a.m. for the next meeting of the Davison County Drainage Board and further, to set the 2<sup>nd</sup> Wednesday of each month through August of 2012 at 8:00 a.m. as the regular meeting time for the Davison County Drainage Board. All members voted aye. Motion carried.

### **ADJOURN**

At 3:55 p.m., Chairman Schilling adjourned the meeting.

### **ATTEST**

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Susan Kiepke, Auditor

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Mark Schilling, Chairman

Publish Once  
Approximate Cost

## **DRAINAGE BOARD**

**May 9, 2012**

### **CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison county Drainage Board to order at 8:00 a.m. Deputy Auditor Wermers took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Gregg Bult, Wayne Gronseth, Floyd Morrison, Commissioner Weiss and Commissioner Kiner. Ex-Officio members present were Drainage Coordinator Sudrla, Highway Superintendent Weinberg and Emergency Management Director Montgomery. Absent Director of Equalization Goetsch and Auditor Kiepke.

### **APPROVE AGENDA**

Motion by Weiss, second by Gronseth to approve the agenda as amended for the May 9, 2012. All members voted aye. Motion carried.

### **RECORDATION OF MEETING**

Chairman Schilling announced that Planning and Zoning Director Sudrla would be recording the proceedings of the meeting

### **APPROVE MINUTES**

Motion by Gronseth, second by Morrison to approve the minutes, as corrected from the April 11, 2012 meeting. All members voted aye. Motion carried.

### **BILL NEBELSICK DRAINAGE PERMIT**

Bill Nebelsick has made application to drain the N ½ of the SE ¼ of Sec 19, T 102 N, R 60 W, Prosper Township, Davison County, South Dakota.

There being no objection to the proposed drainage by Mr. Nebelsick, motion by Gronseth, second by Hostler to approve the drainage application. A roll call vote was taken as follows. Gronseth-aye, Morrison-aye, Bult-aye, Weiss-aye, Kiner-aye, Hostler-aye, Schilling-aye. Motion carried.

### **JAMES TEGETHOFF DITCH DRAINAGE**

After a discussion with James Tegethoff about the ditch drainage problem he is having in front of his property at 2220 W Havens, motion by Kiner, second by Weiss to have Davison County Highway Department, at their earliest convenience, clean out the ditch. A roll call vote was taken as follows Morrison-aye, Bult-aye, Weiss-aye, Kiner-aye, Hostler-aye, Schilling-aye, Gronseth-aye. Motion carried.

## **UNPERMITTED WORK**

There was a discussion with Bev Rowley, owner and Tom Bannworth, who leases the property described as SW ¼ Sec 24, T 104 N, R 60 W, on plans to restrict or return unpermitted work back to its original form. Mr. Bannworth had mentioned that they had contacted SPN about a plan for the drainage, but was not sure when SPN would be available to survey the area. Board member Morrison had brought pictures to the meeting of the area involved. The pictures of last weekends' rain fall did show that the drainage was working. However, there were still questions of what would happen later on in the year with the standing water that may remain. There was a motion by Gronseth to approve the drainage area that was done without a permit, but died due to lack of second. After much discussion, another motion by Weiss, second by Gronseth to allow Ms. Rowley and Mr. Bannworth 90 days to bring back a plan from an engineer. It was further requested the plan be presented at the August 14, 2012 meeting. A roll call vote was taken as follows. Bult-aye, Weiss-aye, Kiner-aye, Hostler-aye, Schilling-aye, Gronseth-aye, Morrison-aye. Motion carried.

## **DRAINAGE ORDINANCE REPLACEMENT**

The further discussion on the Drainage Ordinance will be continued at the next meeting, as a number of members had to leave for other meetings.

## **ADJOURN**

At 9:20 a.m., Chairman Schilling adjourned the meeting and set the next regular Drainage Board meeting for June 13, 2012 at 8:00 a.m.

## **ATTEST**

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Sue Wermers, Deputy Auditor

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Mark Schilling, Chairman

Publish Once  
Approximate Cost

**DRAINAGE BOARD**  
**June 13, 2012**

**CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 8:00 a.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Wayne Gronseth, Floyd Morrison, Commissioner Weiss and Commissioner Kiner. Absent Gregg Bult. Ex-Officio members present were Drainage Coordinator Sudrla, Auditor Kiepke, Highway Superintendent Weinberg, Director of Equalization Goetsch and Emergency Management Director Montgomery.

**RECORDATION OF MEETING**

Planning and Zoning Director Sudrla announced that he would be recording the proceedings of the meeting.

**APPROVE AGENDA WITH AMENDMENT**

Motion by Gronseth, second by Morrison to approve the agenda for the June 13, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Weiss, second by Gronseth to approve the minutes of the May 9, 2012 meeting. All members present voted aye. Motion carried.

**TOM WEGEHAUPT DRAINAGE PERMIT**

Tom Wegehaupt (renter) with the current owners Marlys Bernhard in care of Florence Struck, have made application for a drain that has been constructed without a permit to reroute water flow from crossing field to fence line, legally described as the SE ¼ of Sec 32, T 101 N, R 61 W, Tobin Township, Davison County, South Dakota.

There being no objection to the proposed drainage, motion by Gronseth, second by Hostler to approve the drainage application. A roll call vote was taken as follows. Gronseth – aye, Hostler – aye, Morrison – aye, Weiss – aye, Kiner – aye, Schilling – aye. Bult – absent. Motion carried.

**REVIEW OF DRAINAGE ORDINANCE**

Drainage Coordinator Sudrla presented a Drainage Ordinance from Minnehaha County for the Board to review.

Gronseth began by stating that he thinks section 5.04 is ridiculous as he feels \$1,000 per day fine is way out of line.

Gronseth and Hostler both felt that section 1.02 entitled Permits Not Required is way too restrictive.

Bill Mathis inquired as to how you make people downstream drain appropriately. He stated that if your downstream neighbors don't drain effectively, the water backs up into your fields.

Darrin Swenson replied that SD Law understands nobody likes to receive water. However, the ordinance is very one sided whereas upstream parties are required to get permits. Every person, whether upstream or downstream, has every right for water to leave property.

Maxine Schmig stated that she was getting tired of fighting. Drainage tile was placed to the north of her and now she gets water in the basement.

John Jones reported that drain tile lets water into srew holes which should help.

David Estabrook, who farms in NW Davison County, has many concerns with the proposed ordinance. He believes you won't be able to leave your house with anything but a tiny shovel.

He stated that a group got together and rewrote the proposed ordinance and proceeded to pass this out to the group. He further stated that they do not feel they should have to have a drainage permit of general maintenance.

Chet Edinger explained that when you are harvesting there is no time to apply for permits for routine maintenance. He also reported that the NRCS rules have been loosened.

Commissioner Kiner stated that drainage is governed by SD codified laws, the Drainage Board is for recording purposes. He further stated that the Board was formed by the commissioners because they felt it was important to have people knowledgeable of drainage issues to sit on the Board. The Boards duty, in part, is to try to facilitate neighbor cooperation. Kiner said that only eleven out of sixty-six counties have drainage boards.

Mr. Jones state that in 1918 his grandfather and great-grandfather started at the bottom of the creek and worked their way up. He said neighbors have to get along, especially with the price of ground. That's what he feels needs to be done now. Start from the bottom and work up. He further stated that he appreciates everything the Board is doing. He says the corn belt has expanded. People need to be able to develop land without hurting anybody downstream.

Travis Hostler reported that he had to get permission from downstream to repair his ditch.

Scott Estabrook wanted to make people aware of the importance of what is going on today. He said a little bit of drainage goes a long way to feed people.

He stated that he is a 5<sup>th</sup> generation farmer and hopes his children will be the 6<sup>th</sup> generation. He feels many regulations take away property owners rights.

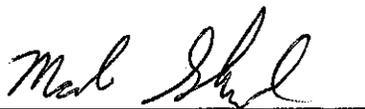
It was determined that the Board will continue to review the ordinance and what has been presented at this meeting, in July.

## ADJOURN

At 10:07 a.m., Chairman Schilling adjourned the meeting. The next regular meeting of the Davison County Drainage Board is scheduled for July 11, 2012 at 8:00 a.m.

ATTEST

  
Susan Kiepke, Auditor

  
Mark Schilling, Chairman

Publish Once  
Approximate Cost  
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## **DRAINAGE BOARD**

**July 11, 2012**

### **CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 8:00 a.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Gregg Bult, Commissioner Weiss and Commissioner Kiner. Absent Wayne Gronseth, Floyd Morrison. Ex-Officio members present were Drainage Coordinator Sudrla, Auditor Kiepke, Highway Superintendent Weinberg and Emergency Management Director Montgomery. Absent Director of Equalization Goetsch.

### **RECORDATION OF MEETING**

Chairman Schilling announced that the proceedings of the meeting would be recorded.

### **APPROVE AGENDA**

Motion by Weiss, second by Bult to approve the agenda for the July 11, 2012 meeting. All members present voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Kiner, second by Weiss to approve the minutes of the June 13, 2012 meeting. All members present voted aye. Motion carried.

### **DISCUSSION ON PROCEDURE TO REPAIR EXISTING DRAINS**

Drainage Administrator Sudrla reviewed an email received from Deputy States Attorney Taylor in regards to the procedure to petition the county to repair an existing county drain.

Sudrla pointed out that this is contained in Article XIII in the proposed ordinance the Drainage Board is working on.

Sudrla continued, outlining the procedure as follows. (1) The landowners petition the county for maintenance. (2) The county determines if it's going to pay for the work from the general fund or from the benefited property or a combination thereof. (3) If the county is going to assess for repairs, it establishes the work as a "project." (4) Then the project moves forward. The procedure basically follows State Statutes.

The County would expend the money to design and engineer the project. They would hire the engineer and hold a public hearing. The County could, in turn, assess the cost back to the beneficiaries, which would be determined by the engineer.

If there are trees involved, the county can only cut the trees, they do not have authority to remove trees.

There were several people in attendance that are interested in repairing Kibbee Ditch (Drain #5). An inquiry was made as to if land could be added to an existing drainage ditch. It was understood that an engineer would have to determine that.

Darrin Swenson stated that in Sanborn County they redetermined benefits and will reclaim allocated expenses through tax assessments.

## **REVIEW OF DRAINAGE ORDINANCE**

The Board continued to review the Drainage Ordinance from Minnehaha County that was presented at the last meeting. Chairman Schilling stated that he would like to review the whole document before taking comments.

Motion by Bult, second by Kiner to add "if applicable" to the end of the first paragraph in section 1.03. All members present voted aye. Motion carried.

Motion by Weiss, second by Bult to change ½ mile to 1 mile throughout section 1.06. Voting aye Weiss, Bult, Kiner, Schilling. Voting nay Hostler. Absent Gronseth, Morrison.

Motion by Hostler, second by Kiner to strike section 1.12. All members present voted aye. Motion carried.

## **DISCUSSION**

Darrin Swenson, David Estabrook and Bill Mathis, representing Sanborn County, feel that the ordinance needs to be farmer friendly. They asked Chairman Schilling if they could address the Board before they continued their review of the ordinance. Chairman Schilling granted their request.

Mr. Swenson suggested that the Board look at surrounding county ordinances. He believes they are farmer friendly.

Mr. Estabrook stated that his son is going to clean and laser ditches. He can't wait 30 days for a permit to go into force.

He further stated that Minnehaha County is the most urban county in the state. He said that the Davison County ordinance should be patterned after the Sanborn County ordinance, not Minnehaha County. With that, Mr. Estabrook handed out copies of the Sanborn County Drainage Ordinance.

Mr. Swenson stated that he does not like the fact that he has to get a waiver from downstream landowners when he has to receive water, but can't get rid of it.

Mr. Mathis stated that non-ag people buy ag land, but don't take care of their drainage issues.

Chairman Schilling thanked Mr. Swenson, Mr. Estabrook and Mr. Mathis for their comments and stated that the Board would review the Sanborn County ordinance, but for now will continue reviewing the Minnehaha ordinance.

## **CONTINUE WITH REVIEW OF ORDINANCE**

Motion by Kiner, second by Bult to change ½ mile to 1 mile in section 2.04. Voting aye Weiss, Bult, Kiner, Schilling. Voting nay Hostler. Absent Gronseth, Morrison.

Motion by Hostler, second by Weiss to strike the word "Board" and insert the words "Board of Commissioners" in all of section 3.0. All members present voted aye. Motion carried.

Motion by Weiss, second by Kiner to strike the word "Board" and insert the words "Drainage Board" in all of section 4.0. All members present voted aye. Motion carried.

Chairman Schilling instructed the Board to review the Sanborn County Drainage Ordinance before the next meeting.

**ADJOURN**

At 10:15 a.m., Chairman Schilling adjourned the meeting. The next regular meeting of the Davison County Drainage Board is scheduled for August 8, 2012 at 8:00 a.m.

**ATTEST**

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Susan Kiepke, Auditor

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Mark Schilling, Chairman

Publish Once  
Approximate Cost

## **DRAINAGE BOARD**

**August 8, 2012**

### **CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 8:00 a.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Wayne Gronseth, Floyd Morrison, Gregg Bult and Commissioner Kiner. Absent Commissioner Weiss. Ex-Officio members present were Drainage Coordinator Sudrla, Auditor Kiepke, and Emergency Management Director Montgomery. Absent Highway Superintendent Weinberg and Director of Equalization Goetsch.

### **RECORDATION OF MEETING**

Chairman Schilling announced that the proceedings of the meeting would be recorded.

### **APPROVE AGENDA**

Motion by Gronseth, second by Morrison to approve the agenda for the August 8, 2012 meeting. All members present voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Bult, second by Morrison to approve the minutes of the July 11, 2012 meeting. All members present voted aye. Motion carried.

### **BEV ROWLEY DRAINAGE PLAN**

Discussion was held on drainage work that has been done in the SW ¼ of Section 24, T 104 N, R.60 W, Davison County, South Dakota, without a permit. At the May 9<sup>th</sup>, 2012 drainage meeting, it was determined that Ms. Rowley needed to come back with a plan designed by an engineer to restrict the flow of water as was originally vested, to a 3' x 6' ditch.

Drainage Administrator Sudrla stated that the concern is the bridge to the south of the property.

Tom Bannworth appeared to speak to the matter. He said he had gotten an estimate from SPN & Associates for design work for \$14,000.

Mr. Gronseth wants to know what the purpose of requiring an engineer is. He says we're trying to have rules and regulations that aren't needed. He went on to say that we're having Mr. Government come in and regulate too many things.

Mr. Sudrla responded by saying that it is the duty of the Drainage Board to enforce the Drainage Ordinance in place, which states a permit must be obtained. If a permit would have been requested and granted there would not be an issue today. The fact of the matter is, a permit was not requested.

When Mr. Sudrla questioned Mr. Bannworth regarding the digging by the contractor, Mr. Bannworth suggested that he had given him the correct specs, but the contractor had not abided by them. Sudrla said that the landowner would need to address this with the contractor.

by Gronseth, second by Hostler to have Highway Superintendent Weinberg and Mr. Sudrla to see if it can be filled back to an acceptable level.

Kiner believes this is setting a double standard as the Board referred a very similar case for enforcement.

A roll call vote was taken as follows. Gronseth – aye, Hostler – aye, Kiner – nay, Bult – nay, Morrison – aye, Schilling – nay, Weiss – absent. Motion failed.

Motion by Kiner, second by Bult that this case be treated the same as upstream individual with same circumstances and that it be referred to the States Attorney for enforcement. Mr. Gronseth stated that he strongly disagrees.

A roll call vote was taken as follows. Kiner – aye, Bult – aye, Gronseth – nay, Morrison – aye, Hostler – nay, Schilling – aye, Weiss – absent. Motion carried.

## **REVIEW OF SANBORN COUNTY DRAINAGE ORDINANCE**

The Board had been instructed to review the Sanborn County Drainage Ordinance prior to today's meeting.

It was stated that if a person is going to go into an existing county ditch or right-of-way you need a permit. Anybody doing anything else does not.

Mr. Kiner stated that it would appear the Board would not be acting as a resolution board.

Mr. Gronseth stated that the Sanborn County's ordinance is a lot better than Minnehaha, although he would like to see permits for tiling.

**BT**

Mr. Bult feels that going into Mr. Sudrla to get a permit is not restrictive.

Darrin Swenson stated that he helped craft the Sanborn County Drainage Ordinance. He believes one of the main problems they were facing was with special interest groups putting easements on land. The Board wanted to protect the County drainage system.

He further stated that a permit is required to enhance surfaces, but not for tile. Although, a permit can be requested for tiling. He also said that if new ditches are constructed SD Codified law is followed.

Mr. Swenson offered further explanation of the Sanborn County Ordinance by saying no waivers from downstream land owners are required.

Mr. Kiner stated that waivers are for the land owners that want to maintain their drains. You could get waivers from adjacent land owners and not have to come to the Board. You could simply go to the Drainage Administrator and pay \$25 for a drainage permit. If neighbors won't sign waivers or you don't attempt to get waivers, you then would pay \$100 for a permit and the matter would come before the Drainage Board.

Mr. Kiner further stated that Davison County drainage doesn't just affect farmer A. It affects many people both upstream and downstream.

id Estabrook, representing Sanborn County, feels that the ordinance is mainly going to affect farmers so you need to consider their opinions. He doesn't think the Minnehaha County Drainage Ordinance takes farmers into account.

Mr. Estabrook went on to say that his family has been farming for four generations. He said they have cleaned 100's of ditches and have had no problem with neighbors. He believes the Minnehaha Ordinance, if passed in Davison County, would penalize farmers and cause more disputes amongst neighbors. He says he favors an ordinance, but not this one.

Sudra stated that this Board does not have the authority to pass an ordinance. An ordinance has to be passed by the Board of Commissioners.

Motion by Gronseth, second by Hostler to move forward and recommend to the commissioners passing an ordinance similar to that of Sanborn County with some tweeking. A roll call vote was taken as follows. Gronseth - aye, Hostler - aye, Bult - nay, Kiner - aye, Morrison - aye, Schilling - nay, Weiss - absent. Motion carried.

#### **SET DATE AND TIME FOR NEXT MEETING**

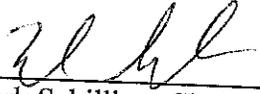
Motion by Gronseth, second by Morrison to set September 12, 2012 at 8:00 a.m. for the next Drainage Board meeting. All members present voted aye. Motion carried.

#### **ADJOURN**

At 10:10 a.m., Chairman Schilling adjourned the meeting.

**TEST**

  
Susan Kiepke, Auditor

  
Mark Schilling, Chairman

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**DRAINAGE BOARD**  
**September 12, 2012**

**CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Gregg Bult, Wayne Gronseth, Floyd Morrison and Commissioner Kiner. Absent Commissioner Weiss. Ex-Officio members present were Drainage Coordinator Sudrla and Auditor Kiepke. Absent Emergency Management Director Montgomery, Highway Superintendent Weinberg and Director of Equalization Goetsch.

**RECORDATION OF MEETING**

Chairman Schilling announced that the proceedings of the meeting would be recorded.

**APPROVE AGENDA**

Motion by Bult, second by Morrison to approve the agenda for the September 12, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Kiner, second by Morrison to approve the minutes of the August 8, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE DRAINAGE PERMITS**

Motion by Gronseth, second by Hostler to approve a drainage permit for Gregg Bult to do maintenance on an open ditch drain that was not vested in the SW  $\frac{1}{4}$  of Section 31, T 101 N, R 62 W, Baker Township, Davison County, South Dakota to remove the high spots and to re-slope the open ditch to be able to seed it with grass. A roll call vote was taken as follows. Hostler – aye, Bult – abstain, Gronseth – aye, Morrison – aye, Kiner – aye, Schilling – aye, Weiss – absent. Motion carried.

Motion by Bult, second by Morrison to approve a drainage permit for Duane Strand to do maintenance on an open drain ditch that was not vested in the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 12, T 102 N, R 61 W, Lisbon Township, Davison County, South Dakota to take elevations removing the high spots to get the ditch to drain properly. A roll call vote was taken as follows. Bult – aye, Gronseth – aye, Morrison – aye, Kiner – aye, Hostler – aye, Schilling – aye, Weiss – absent. Motion carried.

Motion by Gronseth, second by Hostler to approve a drainage permit for Julius Strand to do maintenance on an open drain ditch that was not vested in the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 12, T 102 N, R 61 W, Lisbon Township, Davison County, South Dakota to take elevations removing the high spots to get the ditch to drain properly. A roll call vote was taken as follows. Gronseth – aye, Morrison – aye, Kiner – aye, Hostler – aye, Bult, Schilling – aye, Weiss – absent. Motion carried.

**REPORT BY COMMISSIONER KINER**

Before continuing discussion on the proposed Drainage Ordinance, Chairman Schilling asked Commissioner Kiner to give a report on the Drainage Task Force appointed by the Governor.

Commissioner Kiner began by stating that the Governor had appointed a task force in July to study drainage and the state statutes that govern drainage in the State of South Dakota. The first meeting was mainly an organizational meeting. The second meeting for this task force will be September 25, 2012, in Brookings.

Kiner continued, saying that only 18 out of 66 counties have county drainage ordinances. It is his opinion that the state government is concerned there will be no county ordinances in the near future. Many of the current statutes that pertain to drainage are very vague.

Davison County is not the only county struggling with drainage issues. In developing an ordinance for the county, Kiner feels it is important to have an ordinance that will help bring resolve amongst neighbors so they don't have to seek litigation. He said some ordinances are very restrictive, while others only require permits. Many counties have just decided not to have ordinances which Kiner feels is a cop out on the part of county officials and/or boards.

Kiner feels the Drainage Board wants to have a clear vision of the purpose of an ordinance before they finalize it. The hope is to make it easier for people to drain, not more difficult, while ensuring the drainage doesn't affect neighbors adversely.

Kiner's recommendation is that the Board wait to proceed with drainage ordinance discussion until after he and others attend the task force meeting in Pierre on September 25<sup>th</sup>. He feels it is in the best interest of the County if we wait and see what the state has to say regarding county drainage ordinances.

Mr. Gronseth questioned the knowledge of the task force regarding drainage. He feels they may not be qualified in the field of drainage.

Mr. Estabrook stated that while Denny (Kiner) and Dan (Sudrla) are in favor of a permitting process, he can assure them that farmers are not. He says it's too burdensome.

Motion by Kiner, second by Bult to hold off on discussion of a drainage ordinance until after the task force meeting on the 25<sup>th</sup> of September. Voting aye Bult, Morrison, Kiner and Schilling. Voting nay Gronseth and Hostler. Absent Weiss. Motion carried.

#### **SET DATE AND TIME FOR NEXT MEETING**

Motion by Gronseth, second by Bult to set October 11, 2012 at 7:00 p.m. for the next Drainage Board meeting if there are permits to discuss. All members present voted aye. Motion carried.

#### **ADJOURN**

At 7:43 p.m., Chairman Schilling adjourned the meeting.

**ATTEST**



Susan Kiepke, Auditor



Mark Schilling, Chairman

**DRAINAGE BOARD**  
**September 12, 2012**

**CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Gregg Bult, Wayne Gronseth, Floyd Morrison and Commissioner Kiner. Absent Commissioner Weiss. Ex-Officio members present were Drainage Coordinator Sudrla and Auditor Kiepke. Absent Emergency Management Director Montgomery, Highway Superintendent Weinberg and Director of Equalization Goetsch.

**RECORDATION OF MEETING**

Chairman Schilling announced that the proceedings of the meeting would be recorded.

**APPROVE AGENDA**

Motion by Bult, second by Morrison to approve the agenda for the September 12, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Kiner, second by Morrison to approve the minutes of the August 8, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE DRAINAGE PERMITS**

Motion by Gronseth, second by Hostler to approve a drainage permit for Gregg Bult to do maintenance on an open ditch drain that was not vested in the SW ¼ of Section 31, T 101 N, R 62 W, Baker Township, Davison County, South Dakota to remove the high spots and to re-slope the open ditch to be able to seed it with grass. A roll call vote was taken as follows. Hostler – aye, Bult – abstain, Gronseth – aye, Morrison – aye, Kiner – aye, Schilling – aye, Weiss – absent. Motion carried.

Motion by Bult, second by Morrison to approve a drainage permit for Duane Strand to do maintenance on an open drain ditch that was not vested in the S ½ of the SE ¼ of Section 12, T 102 N, R 61 W, Lisbon Township, Davison County, South Dakota to take elevations removing the high spots to get the ditch to drain properly. A roll call vote was taken as follows. Bult – aye, Gronseth – aye, Morrison – aye, Kiner – aye, Hostler – aye, Schilling – aye, Weiss – absent. Motion carried.

Motion by Gronseth, second by Hostler to approve a drainage permit for Julius Strand to do maintenance on an open drain ditch that was not vested in the N ½ of the SE ¼ of Section 12, T 102 N, R 61 W, Lisbon Township, Davison County, South Dakota to take elevations removing the high spots to get the ditch to drain properly. A roll call vote was taken as follows. Gronseth – aye, Morrison – aye, Kiner – aye, Hostler – aye, Bult, Schilling – aye, Weiss – absent. Motion carried.

**REPORT BY COMMISSIONER KINER**

Before continuing discussion on the proposed Drainage Ordinance, Chairman Schilling asked Commissioner Kiner to give a report on the Drainage Task Force appointed by the Governor.

Commissioner Kiner began by stating that the Governor had appointed a task force in July to study drainage and the state statutes that govern drainage in the State of South Dakota. The first meeting was mainly an organizational meeting. The second meeting for this task force will be September 25, 2012, in Brookings.

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Davison County is not the only county struggling with drainage issues. In developing an ordinance for the county, Kiner feels it is important to have an ordinance that will help bring resolve amongst neighbors so they don't have to seek litigation. He said some ordinances are very restrictive, while others only require permits. Many counties have just decided not to have ordinances which Kiner feels is a cop out on the part of county officials and/or boards.

Kiner feels the Drainage Board wants to have a clear vision of the purpose of an ordinance before they finalize it. The hope is to make it easier for people to drain, not more difficult, while ensuring the drainage doesn't affect neighbors adversely.

Kiner's recommendation is that the Board wait to proceed with drainage ordinance discussion until after he and others attend the task force meeting in Pierre on September 25<sup>th</sup>. He feels it is in the best interest of the County if we wait and see what the state has to say regarding county drainage ordinances.

Mr. Gronseth questioned the knowledge of the task force regarding drainage. He feels they may not be qualified in the field of drainage.

Mr. Estabrook stated that while Denny (Kiner) and Dan (Sudria) are in favor of a permitting process, he can assure them that farmers are not. He says it's too burdensome.

Motion by Kiner, second by Bult to hold off on discussion of a drainage ordinance until after the task force meeting on the 25<sup>th</sup> of September. Voting aye Bult, Morrison, Kiner and Schilling. Voting nay Gronseth and Hostler. Absent Weiss. Motion carried.

#### **SET DATE AND TIME FOR NEXT MEETING**

Motion by Gronseth, second by Bult to set October 11, 2012 at 7:00 p.m. for the next Drainage Board meeting if there are permits to discuss. All members present voted aye. Motion carried.

#### **ADJOURN**

At 7:43 p.m., Chairman Schilling adjourned the meeting.

#### **ATTEST**

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Susan Kiepke, Auditor

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Mark Schilling, Chairman

**DRAINAGE BOARD**  
**November 15, 2012**

**CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 9:00 a.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Gregg Bult, Wayne Gronseth, Floyd Morrison. Absent Commissioners Weiss and Kiner. Ex-Officio members present were Drainage Coordinator Sudrla, Emergency Management Director Montgomery and Auditor Kiepke. Absent Highway Superintendent Weinberg and Director of Equalization Goetsch.

Guests – Glen Lowrie, Travis Hostler, Bruce Martin, Curt Wieczorek, David Estabrook.

**RECORDATION OF MEETING**

Chairman Schilling announced that the proceedings of the meeting would be recorded.

**APPROVE AGENDA**

Motion by Bult, second by Morrison to approve the agenda for the November 15, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE MINUTES**

Motion by Gronseth, second by Hostler to approve the minutes of the October 11, 2012 meeting. All members present voted aye. Motion carried.

**APPROVE DRAINAGE PERMITS**

After hearing testimony from Mr. Bruce Martin stating that he had done everything required by the State of South Dakota regarding the railroad including acquiring a notarized letter from the landowner, drafting a plan, purchasing a \$1,000,000 worth of liability insurance and ultimately receiving a permit from the state, motion by Gronseth, second by Hostler to approve a drainage permit for Bruce Martin to clean the existing ditch to restore drainage to what it was before silting in the SE ¼ of Section 24, T 103 N, R 62 W lying north of the RR in Mt. Vernon Twp and the SW ¼ of Section 19, T 103 N, R 61 W lying north of the RR in Beulah Township, Davison County, South Dakota. A roll call vote was taken as follows. Gronseth – aye, Hostler – aye, Morrison – aye, Bult – aye, Schilling – aye, Weiss – absent, Kiner – absent. Motion carried.

Motion by Gronseth, second by Bult to approve a drainage permit for Curt Wieczorek to place drain tile with multiple outlots (see attached map). Legal description is the W ½ and NE ¼ of Section 24, T 101 N, R 62 W, Baker Township, Davison County, South Dakota. A roll call vote was taken as follows. Gronseth – aye, Bult – aye, Hostler – aye, Morrison – aye (with township approval), Schilling – aye, Weiss – absent, Kiner – absent. Motion carried.

Motion by Gronseth, second by Hostler to approve a drainage permit for Curt Wieczorek to place drain tile with multiple outlots (see attached map) with gates. Legal description is the W ½ of Section 35, T 101 N, R 62 W, Baker Township, Davison County, South Dakota. A roll call vote was taken as follows.

Morrison – aye, Hostler – aye, Bult – aye, Gronseth – aye, Schilling – aye, Weiss – absent, Kiner – absent. Motion carried.

Motion by Gronseth, second by Hostler to approve a drainage permit for Curt Wieczorek to place drain tile with multiple outlots (see attached map). Legal description is the NE ¼ and N ½ of the SE ¼ of Section 34, T 101 N, R 62 W, Baker Township, Davison County, South Dakota. A roll call vote was taken as follows. Hostler – aye, Bult – aye, Gronseth – aye, Morrison – aye, Schilling – aye, Weiss – absent, Kiner – absent. Motion carried.

### **CLASEMAN PERMIT**

A letter was received by Drainage Administrator Sudrla from Mr. Jerry Claseman requesting the discussion on his drainage issue be postponed until the next meeting. The board unanimously agreed that the matter will be heard in December.

### **DRAINAGE ORDINANCE**

Chairman Schilling asked each board member to be thinking about the future ordinance and what issues need to be brought to the Board and which issues do not.

### **OTHER DISCUSSION**

Mr. Gronseth feels the Drainage Board is trying to discourage people from maintenance. Chairman Schilling responded by saying the Board can only operate under the current ordinance that is why the Board is taking time to review the current ordinance and make revisions.

### **SET DATE AND TIME FOR NEXT MEETING**

Motion by Gronseth, second by Bult to set December 12, 2012 at 9:00 a.m. for the next Drainage Board meeting. All members present voted aye. Motion carried.

### **ADJOURN**

At 10:05 a.m., Chairman Schilling adjourned the meeting.

### **ATTEST**

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Susan Kiepke, Auditor

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Mark Schilling, Chairman

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Approximate Cost

## **DRAINAGE BOARD**

**December 12, 2012**

### **CALL TO ORDER**

Chairman Schilling called the regular meeting of the Davison County Drainage Board to order at 9:00 a.m. Auditor Kiepke took roll call as follows: Members of the Board present were Mark Schilling, Larry Hostler, Gregg Bult, Wayne Gronseth, Floyd Morrison, Weiss and Kiner. Ex-Officio members present were Drainage Coordinator Sudrla, Emergency Management Director Montgomery Highway Superintendent Weinberg and Auditor Kiepke. Absent Director of Equalization Goetsch.

Guests – Brad Olson, Virgil Schoenfelder, Deon Miiller, Joe Blindauer and David Estabrook.

### **RECORDATION OF MEETING**

Chairman Schilling announced that the proceedings of the meeting would be recorded.

### **APPROVE AGENDA WITH ADDENDUM**

Motion by Weiss, second by Gronseth to approve the agenda for the December 12, 2012 meeting with the addition of a discussion regarding Musick Properties and altering the order of the agenda. All members present voted aye. Motion carried.

### **APPROVE MINUTES**

Motion by Hostler, second by Morrison to approve the minutes of the November 15, 2012 meeting. All members present voted aye. Motion carried.

### **APPROVE DRAINAGE PERMITS**

Motion by Gronseth, second by Hostler to approve a drainage permit for Chad Blindauer to drain the SE  $\frac{1}{4}$  of Section 16, T 104 N, R 60 W, Davison County, South Dakota. This will be done with 4", 6", 8" and 10" perforated tile. It will outlet toward the NE  $\frac{1}{4}$  of the SE  $\frac{1}{2}$ . A roll call vote was taken as follows. Gronseth – aye, Hostler – aye, Bult – aye, Morrison – aye, Weiss – aye, Kiner – aye, Schilling – aye. Motion carried.

Motion by Weiss, second by Gronseth to approve a drainage permit for Chad Blindauer to drain the E 80 Rods of the NW  $\frac{1}{4}$  of Section 29, T 104 N, R 60 W, Davison County, South Dakota. This will be done with 4", 6", 8" and 10" perforated tile. This outlet will join with a drainage permit granted November 11, 2011 for the NE  $\frac{1}{4}$  of Section 29, T 104 N, R 60 W, Davison County, South Dakota. A roll call vote was taken as follows. Hostler – aye, Bult – aye, Morrison – aye, Weiss – aye, Kiner – aye, Gronseth – aye, Schilling – aye. Motion carried.

### **CLASEMAN DRAINAGE PERMIT**

Mr. Jerry Claseman was denied a drainage permit on November 10, 2011 for an open ditch he completed prior to obtaining a permit. Mr. Claseman was unable to attend the meeting in November, 2011 but several neighbors were in attendance and expressed a desire to work together to formulate a plan that would benefit everyone involved. The Drainage Board granted Mr. Claseman 14 days to return

the application after working with the neighbors. Mr. Claseman did not follow through. Mr. Claseman's case was again listed on the November 15, 2012 agenda. He asked that it be continued until the December meeting as he had a prior work commitment and could not attend in November. Mr. Claseman is once again not present.

Brad Olson stated that when Mr. Claseman put in his driveway and cut the ditch out, he eliminated the height of the ditch by 2 or 3 feet which allows water to run right into Mr. Olson's backyard.

Virgil Schoenfelder said that there is no flow out of it. He's at the south end where the water stops and he can't put a drain in. He further stated that he has lived in his home for 32 years and the water does not flow naturally to the south. Mr. Claseman changed the flow when he dug without a permit.

Water sits in a damn about 200 yards back. The only way to solve this is to place a trench from down south to interstate ditch.

Board member Gronseth wonders how much water Mr. Claseman really added.

As there was no more discussion, motion by Kiner, second by Weiss to turn the matter over to the Davison County State's Attorney. A roll call vote was taken as follows. Bult – aye, Gronseth – nay, Morrison – aye, Weiss – aye, Kiner – aye, Hostler – nay, Schilling – aye. Motion carried.

Mr. Wade Musick owns land in the NE ¼ of Section 2, T 104 N, R 59 W, Plano Township, Hanson County, South Dakota. He wishes to replace/repair existing tile that is vested. The drain tile outlet in Hanson County outlets into a 3 dot Blue Stream which is approximately 8 miles from the James River so the water runs through some Davison County property. Mr. Musick obtained signatures from all affected Davison County landowners, motion by Kiner, second by Hostler to approve. A roll call vote was taken as follows. Kiner – aye, Weiss – aye, Hostler – aye, Bult – aye, Gronseth – aye, Morrison – aye, Schilling – aye. Motion carried.

## **DISCUSS DRAINAGE ORDINANCE**

Mr. Gronseth stated that he has signatures from a number of people requesting a farmer friendly ordinance. He says he is frustrated with dealing with this. He feels instead of having a 25 page ordinance people should have the right to go with natural flow of water.

Drainage Coordinator Sudrla explained the attached Flow Chart for Permitting. Re: what requires a permit, what can be permitted administratively and what would require Drainage Board action. Discussion was held regarding the flow chart. The amended flow chart, as discussed, is attached.

## **SET DATE AND TIME FOR NEXT MEETING**

Motion by Bult, second by Kiner to set January 9, 2013 at 9:00 a.m. for the next Drainage Board meeting. All members present voted aye. Motion carried.

## **ADJOURN**

At 11:05 a.m., Chairman Schilling adjourned the meeting.

**TEST**

Susan Kiepke, Auditor

Mark Schilling, Chairman

Publish Once  
Approximate Cost

# Flow Chart for Permitting

