

## **DRAINAGE BOARD**

**March 17, 2020**

### **CALL TO ORDER**

Administrator Bathke called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Administrator Bathke took roll call as follows: Members of the Board present were Jay Larson, Chet Edinger, Jerry Buchholz, Gregg Bult, Mark Klumb, Commissioner Bode and Commissioner Kiner. Ex-Officio members present were Drainage Administrator Bathke.

Guests – Justin Henkel, Jerry Wright, Matt Luczack, Angela Wright, Jim Miskimmins, Mark & Robyn Peterson, Larry Hostler, Dan Weiss, Connor Brockhaus, Dave Deinert, Ryan Schoenfelder.

### **OATH OF OFFICE**

Administrator Bathke administered the oath of office to all Drainage Board members.

### **ELECT CHAIRPERSON**

Administrator Bathke called for nominations for a chairperson. Motion by Bode, second by Edinger to nominate Jay Larson as chairman. Administrator Bathke called for other nominations. Hearing none, motion by Klumb, second by Bult that nominations cease, and a unanimous ballot be cast for Larson. All members voted aye. Motion carried.

### **ELECT VICE-CHAIRPERSON**

Administrator Bathke called for nominations for a vice-chairperson. Motion by Klumb, second by Bult to nominate Edinger as chairman. Administrator Bathke called for other nominations. Hearing none, motion by Buchholz second by Kiner that nominations cease, and a unanimous ballot be cast for Edinger. All members voted aye. Motion carried.

### **CHAIRMAN TAKES OVER MEETING**

At this time, Chairman Larson took over the remainder of the meeting.

### **APPROVE AGENDA**

Motion by Bode, second by Edinger to approve the agenda for the March 17, 2020 meeting. All members voted aye. Motion carried.

### **DECLARE CONFLICTS OF INTERESTS**

Commissioner Buchholz stated he would not vote on the Millan Drainage Project in Section 31 and 32, due to owning land downstream. Commissioner Bode stated she received a phone call, but was on an issue, and not a procedural matter.

### **APPROVE MINUTES**

Motion by Buchholz, second by Klumb to approve the minutes of the August 20, 2019 meeting. All members voted aye. Motion carried.

## **PUBLIC COMMENT & CITIZEN COMPLAINTS**

Jerry Wright and Matt Luczack stated they would like to discuss drainage concerns, which will be addressed under Miscellaneous Items.

## **MILLAN FARMS PARTNESHIP DRAINAGE-EAST**

Millan Farms Partnership has made an application for a drainage permit to drain into an open ditch. The applicant and installer (Bryce from Gridline Tile) were both present to answer questions. The location to drain is:

- the SE ¼ of Sec 30, T 103 R 61 W Davison County
- the SW ¼ of Sec 29 T 103 R 61 W Davison County
- the SE ¼ of Sec 29 T 103 R 61 W Davison County
- the E ½ of the SW ¼ of Sec 28 T 103 R 61 W Davison County
- the NE ¼ of Sec 31 T 103 R 61 W Davison County
- the NW ¼ of Sec 32 T 103 R 61 W Davison County
- the NE ¼ of Sec 32 T 103 R 61 W Davison County
- the W ½ of the SW ¼ of Sec 32 T 103 R 61 W Davison County
- the E ½ of the SW ¼ of Sec 32 T 103 R 61 W Davison County
- the SE ¼ of Sec 32 T 103 R 61 County Davison

The outlets of the project will be:

- the SE ¼ of Section 29 T 103 R 61 W Davison County
- the E ½ of the SW ¼ of Sec 28 T 103 R 61 W, Davison County (this will drain into a 2018 approved project)

There are two outlets in the SE ¼ of Section 29. The outlet on the west will outlet into County Coordinated Ditch #5, travel under Interstate 90, and continue into County Coordinated Ditch #5. The outlet on the east will outlet into an unnamed intermittent stream, travel under Interstate 90, continue in an unnamed intermittent stream, and then into County Coordinated Ditch #5. Both will continue in County Coordinated Ditch #5, with will eventually outlets into Kibbie Ditch, which outlets into Enemy Creek.

1. Application received February 27, 2020.
2. Applicant and necessary neighbors notified March 3, 2020.

Discussion included: Bryce Gillen explained the project. The NE ¼ of Section 31 and all of Section 32 (five Quarters) will have drain tile installed; the rest of the land listed in the application will just contain transfer lines. Bryce explained how the installation of drain tile should slow the water, and produce better yield, which will absorb more water and lower the water table.

After discussion, motion by Edinger, second by Klumb to approve the Millan Farms Partnership Drainage Project. A roll call vote was taken as follows. Buchholz-Abstain, Bult-Yes, Edinger-Yes, Larson-Yes, Kiner-Yes, Bode-Yes, Klumb-Yes. Motion carried on a 6-0-1 vote.

## **MILLAN FARMS PARTNESHIP DRAINAE-NORTHEAST**

Millan Farms Partnership has made an application for a drainage permit to drain into an open ditch. The applicant and installer (Bryce from Gridline Tile) were both present to answer questions. The location to drain is:

- the NE ¼ of Sec 30, T 103 R 61 W Davison County
- the N ½ of the NW ¼ of Sec 29, T 103 R 61 W Davison County
- the SW ¼ of Sec 30, T 103 R 61 W Davison County
- the SE ¼ of Sec 30, T 103 R 61 W Davison County

The outlets of the project will be:

- the SE ¼ of Sec 30 T 103 R 61 W Davison County
- the NE ¼ of Sec 30, T 103 R 61 W Davison County

The SW ¼ and SE ¼ of Section 30 will outlet into an unnamed intermittent stream in the north east corner of the SE ¼ of Section 30, which will outlet south of the SD DOT ROW, travel north under Interstate 90, then into an unnamed intermittent stream which outlets in NE ¼ of Section 30.

The NE ¼ of Section 30 and the N ½ of the NW ¼ of Section 29 will outlet in the NE ¼ of Section 30, just south of 254<sup>th</sup> St. The water will then flow through a culvert under 254<sup>th</sup> St., across the SE ¼ of Section 19, through an intermittent stream, and into Dry Run Creek.

- a. Application received February 27, 2020.
- b. Applicant and necessary neighbors notified March 3, 2020.

Discussion included: Bryce Gillen explained the project. Kenny Hostler voiced his concerns for the elevation of the project, amount and duration of water he will have on his property, the culvert to the east, and the condition of the creek downstream.

Chet Edinger explained this is the current natural flow of the water and the Prior Converted (PC) ditch could be cleaned out regardless of this application. The water would still flow in the same direction and waterway.

Gregg Bult asked if Bryce could install a solid pipe across Kenny's ground. Bryce explained there was not enough elevation difference.

After discussion, motion by Edinger, second by Klumb to approve the Millan Farms Partnership Drainage Project. A roll call vote was taken as follows. Buchholz-No, Bult-No, Edinger-Yes, Larson-Yes, Kiner-Yes, Bode-Yes, Klumb-Yes. Motion carried on a 5-2 vote.

#### **DRAINAGE ORINANCE DISCUSSION PER BRYCE GILLEN OF GRIDLINE**

Bryce Gillen requested an ordinance change if a blue line is on a neighbor's property, not their own, could the project be approved if the neighbor signed the waiver. Administrator Bathke will check into this.

#### **MISCELLANEIOUS ITEMS**

Administrator Bathke gave the board an update on the Glen Lowrie Illegal Drainage Project. Mr. Lowrie has been given 60 days to complete his revised drainage plan, which is past. Motion by Jerry Buchholz, 2<sup>nd</sup>

by Gregg Bult to reinstate the \$250 per day fine, with a maximum penalty of \$2,500. Motion approved on a 6-1 vote.

Maxine Schmig explained a water issue on her property. The Deputy Drainage Administrator has been working on this issue.

Jerry Wright explained the drain tile running in the west ditch on 407<sup>th</sup> near the lake may have been cut. The Drainage Administrator has been working on this issue.

Matt Luczak notified HWY Superintendent Weinberg and Administrator Bathke he had water in the right of way next to his house. Upon inspection, it was clear the water was coming from Mr. Luczak's own sump pump. Mr. Luczak received a letter from the Drainage Administrator requiring he remove his sump pump from discharging water into the right of way, which has the possibility of damaging the road and is a violation of SDCL 31-32-7. He feels he has no other place for the water to go, that the drain tile on the west side of the road is causing his sump pump to run, and that his pump is not draining water into the right of way. He feels he is 14' inside the 66' right of way. The actual right of way for this road is 80'. Although this was presented to the Drainage Board, damage to road issues is a matter for the County Commissioners.

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

Chairman Larson set April 21, 2020 at 7:00 p.m. as the next meeting date and time.

#### **ADJOURN**

At 9:55 p.m., Chairman Larson adjourned the meeting.

#### **ATTEST**

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Jeff Bathke, Administrator

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Jay Larson, Chairman

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Approximate Cost