

## **DRAINAGE BOARD**

**May 18, 2021**

### **CALL TO ORDER**

Chairman Larson called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Acting Drainage Administrator Jenniges took roll call as follows: Members of the Board present were Jay Larson, Chet Edinger, Jerry Buchholz, Gregg Bult, Mark Klumb and Commissioner Brenda Bode. Ex-Officio members present were Acting Drainage Administrator Jenniges and DOE Love. Absent Commissioner Kiner, Auditor Kiepke, and Highway Superintendent Weinberg.

Guests – Gary Leistico representing John Christopher.

### **MEETING EXPECTATIONS**

Chairman Larson recited expectations of the meeting.

A checklist of items to be considered will be provided for each permit and each item will be considered on the following permits. The checklist is on file in the Davison County Auditor's office and the Drainage Administrator's office.

### **APPROVE AGENDA**

Motion by Bult, second by Edinger to approve the agenda for the May 18, 2021 meeting. All members voted aye. Motion carried.

### **DECLARE CONFLICTS OF INTERESTS**

Chairman Larson asked for any conflicts of interests.

Hearing none, the meeting proceeded.

### **APPROVE AMENDED MINUTES**

Motion by Klumb, second by Bult to approve the amended minutes of the April 20, 2021 meeting. All members voted aye. Motion carried.

### **PUBLIC COMMENT & CITIZEN COMPLAINTS**

Chairman Larson asked for any public input for items not on the agenda and reminded them that no action will be taken.

Hearing none, the meeting proceeded.

### **CHRISTOPHER DRAINAGE SECTION 3 AND 4.**

John Christopher has made an application for a drainage permit. This application is for Section 3 & 4-104-62. The applicant and installer were/were not present to answer questions. The location to drain is:

- SW ¼ of Sec 3 Twp 104 Rge 62 County Davison
- NW ¼ of Sec 3 Twp 104 Rge 62 County Davison
- E ½ of the SE ¼ of Sec 4 Twp 104 Rge 62 County Davison

The outlets of the project will be:

- NW ¼ of Sec 3 Twp 104 Rge 62 County Davison

The drain tile was illegally installed back in November of 2020. The applicant was given an application to fill out but never did. After a notice was sent to him, he finally filled out the paperwork required. It will outlet into a dugout in the NW ¼ of 3-104-62 that then flows north across 244<sup>th</sup> St and into intermittent stream in Sanborn County that flows east to Sanborn County drainage ditch and north to Morris Creek.

- a. Application received April 29, 2021.
- b. Applicant and necessary neighbors notified May 4, 2021.
- c. Published in the paper May 12, 2021.

Discussion included Acting Drainage Administrator Jenniges going over the time timeline of when the tile was installed with no permits.

Attorney Gary Leistico representing John Christopher went over the application. He stated they are only going to ask for the permit of the tile already installed and will submit a permit for Section 4 at a future time.

Board member Edinger asked Mr. Christopher why he didn't get a permit and the response was he didn't know he needed one. Sanborn County does not require one and he does not live in Davison County. Board member Edinger stated the county has been through a couple of big lawsuits over the past year and has been in the paper, so he finds it hard to believe that the applicant didn't know he needed a permit.

Dave Estabrook is one of the landowners down-stream and has no issues with the permit.

Board member Edinger stated he believes the \$500 fee for installing tile with no permit is not enough.

Special Conditions:

Mr. Christopher must pay the \$500 fee for installing tile with no permit.

Based on the findings, motion by Bult, second by Klumb, to approve the permit with the additional \$500 fee for the application. A roll call vote was taken as follows. Buchholz – aye, Bult – aye, Edinger – aye, Larson – aye, Kiner – absent, Bode -aye, Klumb – aye. Motion carried.

## **CHRISTOPHER DRAINAGE SECTION 2.**

John Christopher has made an application for a drainage permit. This application is for Section 2-104-62. The applicant and installer were/were not present to answer questions. The location to drain is:

- Lots 1, 2, 3 in the N ½ of Sec 2 Twp 104 Rge 62 County Davison
- S ½ of NE ¼ Less E 935' of S 935' of Sec 2 Twp 104 Rge 62 County Davison
- E 935' of S 935' of Sec 2 Twp 104 Rge 62 County Davison

The outlets of the project will be:

- Lots 1, 2, 3 in the N ½ of Sec 2 Twp 104 Rge 62 County Davison

The drain tile was illegally installed back in November of 2020. The applicant was given an application to fill out but never did. After a notice was sent to him, he finally filled out the paperwork required. It will outlet into existing tile line that goes under 244<sup>th</sup> St and into Sanborn County to a Sanborn County Drainage Ditch and north to Morris Creek.

- d. Application received April 29, 2021.
- e. Applicant and necessary neighbors notified May 4, 2021.
- f. Published in the paper May 12, 2021.

Discussion included Acting Drainage Administrator Jenniges going over the time timeline of when the tile was installed with no permits.

Attorney Gary Leistico representing John Christopher went over the application. He stated they are only going to ask for the permit of the tile already installed and will submit a permit for the additional tile on the application.

David Estabrook spoke in favor of the project and the ditch that had been cleaned out in Sanborn County to the north. The ditch has never been farmed through. It is a 15" tile that goes under 244<sup>th</sup> St and into the cleaned-out ditch.

Board member Edinger asked the contractor Cory Fistner if he had ever done drainage work in Davison County to which was answered with a no.

Special Conditions:

Mr. Christopher must pay the \$500 fee for installing tile with no permit.

Based on the findings, motion by Buchholz, second by Edinger, to approve the permit for the tile that has already been installed (additional tile will have to be a new application) along with the additional \$500 fee for the application. A roll call vote was taken as follows. Buchholz – aye, Bult – aye, Edinger – aye, Larson – aye, Kiner – absent, Bode - aye, Klumb – aye. Motion carried.

#### **MISCELLANEOUS ITEMS**

Discussion on previous drainage lawsuits and amending the drainage ordinance.

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

Chairman Larson set June 15, 2021, at 7:00 p.m. as the next meeting date and time.

#### **ADJOURN**

At 8:07 p.m., Chairman Larson adjourned the meeting.

**ATTEST**

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Mark Jenniges, Acting Drainage Administrator

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Jay Larson, Chairman

Publish Once  
Approximate Cost