

DRAINAGE BOARD

March 16, 2021

CALL TO ORDER

Deputy Auditor Matthews called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Deputy Auditor Matthews took roll call as follows: Members of the Board present were Jay Larson, Chet Edinger, Jerry Buchholz, and Gregg Bult. Ex-Officio members present were Acting Drainage Administrator Jenniges, and DOE Love.

Absent-Board Member Mark Klumb, Commissioner Bode, Commissioner Kiner, and ExOfficio member Rusty Weinberg.

Guests – Roland Loudenburg, Ron Loudenburg, Tim Neugebauer, Norman Neugebauer, Derek Evans, George Ryks, Dan Stolp, Denise Hoffman, Steve Hoffman, Bruce Haines, and Dave Gukeisen.

OATH OF OFFICE

As this was the first Drainage Board meeting of the year, Deputy Auditor Matthews administered the oath of office to all Drainage Board members present.

ELECT CHAIRPERSON

Deputy Auditor Matthews called for nominations for a chairperson. Motion by Buchholz, second by Edinger to nominate Jay Larson as chairman. Deputy Auditor Matthews called for other nominations. Hearing none, motion by Edinger, second by Bult that nominations cease, and a unanimous ballot be cast for Larson. All members present voted aye. Motion carried.

ELECT VICE-CHAIRPERSON

Deputy Auditor Matthews called for nominations for a vice-chairperson. Motion by Bult, second by Buchholz to nominate Chet Edinger as vice-chairman. Deputy Auditor Matthews called for other nominations. Hearing none, motion by Larson, second by Bult that nominations cease, and a unanimous ballot be cast for Edinger. All members present voted aye. Motion carried.

CHAIRMAN TAKES OVER MEETING

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

APPROVE AMENDED AGENDA

Motion by Edinger, second by Buchholz to approve the agenda for the March 16, 2021 meeting with item #10 removed at the request of the applicant. All members present voted aye. Motion carried.

DECLARE CONFLICTS OF INTERESTS

Chairman Larson asked for any conflicts of interests. No conflicts reported the meeting continued.

APPROVE AMENDED MINUTES

Motion by Buchholz, second by Edinger to approve the minutes of the March 17, 2020 meeting as amended to clarify Edinger being elected as 2020 Vice Chairman. All members present 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. There being none the meeting continued.

TABLE NEUGUBAUER DRAINAGE REQUEST-SECTION 29

Tim Neugebauer has made an application for a drainage permit. This application is for Section 32-102-60. The applicant and installer (Derek Evans from Gridline Tile) were present to answer questions. The location to drain is:

- the NW ¼ of Sec 32 T 102 R 60 W Davison County
- the N ½ of the SW ¼ of Sec 32 T 102 R 60 W Davison County
- the W ½ of the NE ¼ of Sec 32 T 102 R 60 W Davison County
- the W ½ of the E ½ of the NE ¼ of Sec 32 T 102 R 60 W Davison County

The outlets of the project will be:

- the E ½ of the SE ¼ of Sec 29 T 102 R 60 W Davison County

All drains north in a 15" dual wall closed tile across 261st into wetlands that are part of an intermittent stream that flows east through culverts under 408th Ave, 409th Ave and SD Hwy 37, then south through culvert on 261st St and dumps into an unnamed permanent stream in Section 35. It then flows southeast through a culvert under the railroad tracks and 411th Ave and dumps into Twelve Mile Creek in section 36.

- a. Application received February 26, 2021.
- b. Applicant and necessary neighbors notified March 2, 2021.

Discussion included: Tim Neugebauer, and Derek Evans from Gridline Tile explained the proposed project to the board.

David Gukeisen appeared before the board to convey his concerns regarding his property located to the east of the proposed project on 261st St. Mr. Gukeisen stated he is concerned that potentially excess water to now accumulate farther east and northeast including onto his property. Mr. Gukeisen also questioned why the project was not designed to outflow to the Blue Line to the south.

Derek Evans from Gridline addressed Mr. Gukeisen question on the design of the project. Mr. Evans stated that the current watershed flows to the NE and would be against changing the current flow of water.

Roland Loudenburg representing the trust of his parents Lucille & Delbert Loudenburg appeared before the board. The trust owns the abutting property to the north on 261st in which the proposed drain would be located. Mr. Loudenburg stated he questioned the designation of the intermittent stream that would be the drain of this project. When asked by Chairman Larson if he would consider it an intermittent stream, or ditch. Mr. Loudenburg stated in his opinion neither, and that it has flattened out and silted in over the years.

Mr. Evans stated that the concerns of the neighbors are valid and not fully addressed at this time that the project would need further research.

Mr. Neugebauer stated that the applicants would be opposed to rerouting the watershed to the south and if that would be the only option they would not proceed with the project.

After discussion, motion by Edinger, second by Bult, to table the application. A roll call vote was taken as follows. Bult –aye, Buchholz – aye, Edinger – aye, Larson – aye. Motion carried 4-0.

REVIEW ADMINISTRATIVELY APPROVED DRAINAGE PROJECTS

Davison County Acting Drainage Administrator Jenniges presented the following Administratively approved projects to the Board. Specific information on each project can be found on file in the Drainage Office.

1. Millan Acres LLC in the SW ¼ and SE ¼ of Section 30, T 103 N, R 61 W, Davison County, SD.
2. Paul Mayer in the NW ¼ of Section 26, T 103 N, R 61 W, Davison County, SD.
3. Chad Blindauer in the SW ¼ of Section 7, T 104 N, R 60 W, Davison County, SD.
4. Chuck Storm in the N ½ of the NE ¼ of Section 28, T 101 N, R 61 W, Davison County, SD.
5. Gene & Craig Stehly in the NW ¼ and NE ¼ of Section 10, T 104 N, R 61 W, Davison County, SD.
6. Tom Freidel in the NE ¼ of the NE ¼ and SE ¼ of the NE ¼ of Section 16, T 101 N, R 60 W, Davison County, SD.
7. Jared Schulz in Section 10, T 102 N, R 62 W, Davison County, SD.

MISCELLANEOUS ITEMS

Acting Drainage Administrator Jenniges reported to the board on an Illegal Drainage. Jenniges stated John Christopher has installed illegal tile in Section 3, T 104 N, R 62 W & Section 2-T 104 N- R 62 W, Davison County, SD.

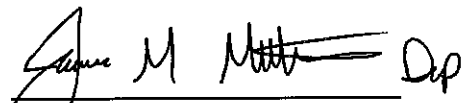
SET DATE AND TIME FOR NEXT MEETING

Chairman Larson set April 20, 2021 at 7:00 p.m. as the next meeting date and time.

ADJOURN

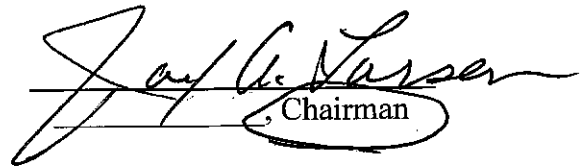
At 7:50 p.m., Chairman Larson adjourned the meeting.

ATTEST


Jim Matthews, Deputy Auditor

Publish Once
Approximate Cost




Chairman

DRAINAGE BOARD

April 20, 2021

CALL TO ORDER

Chairman Larson 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 Jay Larson, Chet Edinger, Jerry Buchholz, Gregg Bult, Mark Klumb, Brenda Bode, Denny Kiner. Ex-Officio members present were Acting Drainage Administrator Jenniges, DOE Love and Auditor Kiepke. Absent Highway Superintendent Weinberg.

Guests included Ron Loudenburg, Roland Loudenburg, Bruce Haines, Dave Gukeisen, Marcus Traxler, Tim Neugebauer, Norman Neugebauer, Derek Evans, Don & Cindy Auch, John Millan, Bryce Gillan, Dan Stolp, Gregg Stahl, Robert Stahl, Denise & Steve Hoffman, Derek Mueller, Kenny Hostler, George Rykes, Ed Neugebauer, Attorney Gary Leistico representing Millan Acres LLC and Tim Neugebauer, Jim Davies representing Davison County.

Appearing telephonically Attorney Jane Esche, representing Millan Acres LLC, Engineer Joel Toso, representing Millan Acres LLC, Attorney David Ganje, representing Kenny Hostler, Engineer Steve Burian, representing Kenny Hostler, Attorney Jordan Vogel, representing Kenny Hostler.

ADMINISTER OATHS OF OFFICE

Auditor Kiepke administered oaths of office to those board members not in attendance in March which included Denny Kiner, Mark Klumb and Brenda Bode.

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 AMENDED AGENDA

Motion by Edinger, second by Klumb to approve the agenda, as amended, for the April 20, 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 MINUTES

Motion by Buchholz, second by Edinger to approve the minutes of the March 16, 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.

ADMINISTRATION OF WITNESS OATH

Auditor Kiepke administered an oath to all those in attendance.

ACKNOWLEDGE WITHDRAWAL OF NEUGUBAUER DRAINAGE-SECTION 32

The board acknowledged the withdrawal of the application for Tim Neugebauer for Section 32-102-60, which was tabled at last meeting.

NEUGUBAUER DRAINAGE-SECTION 32.

Tim Neugebauer has made an application for a drainage permit. This application is for Section 32-102-60. The applicant and installer (Derek from Gridline Tile) were present to answer questions. The location to drain is:

- NW ¼ of Sec 32 Twp 102 Rge 60 County Davison
- N ½ of the SW ¼ of Sec 32 Twp 102 Rge 60 County Davison
- W ½ of the NE ¼ of Sec 32 Twp 102 Rge 60 County Davison
- W ½ of the E ½ of the NE ¼ of Sec 32 Twp 102 Rge 60 County Davison
- N ½ of the SE ¼ of Sec 32 Twp 102 Rge 60 County Davison

The outlets of the project will be:

- NE ¼ of Sec 32 T 102 R 60 W Davison County

The drain tile will be installed consistent with the natural topography and drainage of the land, which generally drains to the northeast. The project will outlet into a large wetland area (in the center of the NE ¼ of section 32) via a 15" dual wall closed tile. The water then flows north under 261st St. into wetlands that are part of an intermittent stream that flows east through culverts under 408th Ave, 409th Ave and SD Hwy 37, then south through culvert on 261st St and into an unnamed permanent stream in Section 35. It then flows southeast through a culvert under the railroad tracks and 411th Ave and into Twelve Mile Creek in section 36.

- a. Application received March 30, 2021.
- b. Applicant and necessary neighbors notified April 6, 2021.
- c. Published in the paper April 10, 2021.

Discussion included:

Acting Drainage Administrator Jenniges stated there is an easement filed for the tile being installed on Derek Mueller's land.

David Gukheisen expressed concern about water in his basement.

Attorney Gary Leistico stated that Gridline and applicant are here to answer any questions. He also pointed out a Certified Wetland determination by NRCS.

Leistico further stated that wetlands and quality are looked at. NRCS requires setbacks to wetlands. Gridline has indicated the setbacks for this project will have no impact to wetland. Non-perforated tile will be used next to the wetland perimeter. The project meets State law and the County ordinance. The purpose of the project is to keep the area rural and not harm any downstream landowners.

Ron Loudenburg, representing Delbert and Lucille Loudenburg Trust, stated he has a serious concern for downstream landowners. He said there is water standing in the ditch already. He said they own land across the road. He believes the only thing that's changed from a month ago is that the outlet was moved down. He stated that if somebody can guarantee property values wouldn't go down, he's all for it.

Roland Loudenburg, representing Delbert and Lucille Loudenburg Trust, stated there will be additional burden to downstream landowners as well as additional culvert concerns.

Board member Edinger said that the direction the water flows is evident.

Roland Loudenburg disagreed.

Gukeisen said that he wanted to reiterate that he has a small acreage. He said that water floods and goes to Sparks' stock dam. From there the water backs up and accumulates by his house. He said his basement has flooded twice. He is now running six sump pumps.

Board member Buchholz asked if the water is being slowed down with the tile?

Attorney Lestico said the project is draining water where water naturally drains. Tile doesn't increase peak flow, it decreases it. He said tile actually helps people downstream. Water always flows downstream. When you buy property, you have to accept the fact that you will get some water from upstream and you are going to be sending some downstream.

Roland Loudenburg said that not all water moved in that direction. He asked if there are surface drains and was told yes.

Derek Evans of Gridline stated that he is not using electricity or anything else other than gravity. He is also following the natural topography and not moving any surface dirt.

Gukeisen said that sure you can pump downhill. However, you can't increase flow downstream. Water pools, gets to a certain spot and stops. He said this will affect him and his family. He said he can't state enough that there is no outlet.

Based on the findings, motion by Edinger, second by Kiner, to approve the application. A roll call vote was taken as follows. Buchholz – aye, Bult – aye, Edinger – aye, Larson – aye, Kiner – aye, Bode - aye, Klumb – aye. Motion carried.

NEUGUBAUER DRAINAGE-SECTION 31 and 32.

Tim Neugebauer has made an application for a drainage permit. This application is for Section 31-102-60 and 32-102-60. The applicant and installer (Derek from Gridline Tile) were present to answer questions. The location to drain is:

- E ½ of the NW ¼ of Sec 31 Twp 102 Rge 60 County Davison
- NE ¼ of Sec 31 Twp 102 Rge 60 County Davison
- SE ¼ of Sec 31 Twp 102 Rge 60 County Davison
- NW ¼ of Sec 32 Twp 102 Rge 60 County Davison
- N ½ of the SW ¼ of Sec 32 Twp 102 Rge 60 County Davison
- S ½ of the SW ¼ of Sec 32 TWP 102 R 60 County Davison

The outlets of the project will be:

- N ½ of the NE ¼ of Sec 32 Twp 102 Rge 60 County Davison

The drain tile will be installed draining southeast and northeast through 2 excavated tile lines running through 407th Ave and then southeast through a solid tile line that outlets on Derek Mueller's land and will flow across George and Debra Ryks's land which will drain into an unnamed permanent stream which flows east/northeast through culverts under 408th Ave, 409th Ave and SD Hwy 37, then starts southeast going through a culvert under the railroad tracks before dumping into Twelve Mile Creek in section 36.

- a. Application received March 30, 2021.
- b. Applicant and necessary neighbors notified April 6, 2021.
- c. Published in the paper April 10, 2021.

Discussion included:

Acting Drainage Administrator Jenniges stated there are easements filed for the tile being installed on George Ryks' and Derek Mueller's land, as well as an easement allowing water to flow across George Ryks' land.

Board member Edinger wondered about potential erosion.

Derek Evans from Gridline explained they will clean out a bit of the silt. It is a grass waterway which goes west.

Based on the findings, motion by Kiner, second by Klumb, to approve the application. A roll call vote was taken as follows. Edinger – aye, Bult – aye, Buchholz – aye, Larson – aye, Kiner – aye, Bode - aye, Klumb – aye. Motion carried.

MILLAN ACRES LLC DRAINAGE-SECTION 34 and 35.

Millan Acres LLC has made an application for a drainage permit. This application is for Section 34-103-61 and 35-103-61. The applicant and installer (Bryce from Gridline Tile) were to answer questions. The location to drain is:

- NW ¼ of Sec 34 Twp 103 Rge 61 County Davison
- NE ¼ of Sec 34 Twp 103 Rge 61 County Davison
- E 1320' of S 1080' of NE ¼ of Sec 34 Twp 103 Rge 61 County Davison
- SE ¼ of Sec 34 Twp 103 Rge 61 County Davison
- NW ¼ of Sec 35 Twp 103 Rge 61 County Davison
- SW ¼ of Sec 35 Twp 103 Rge 61 County Davison

The outlets of the project will be:

- NW ¼ of Sec 35 Twp 103 Rge 61 County Davison

The drain tile will be installed consistent with the natural topography and drainage of the land, which generally drains to the east. The tile will outlet into natural waterway of a 3-dot blue line and also Proposed Ditch #5(tile) runs along it. At 406th Ave (8,900' downstream) Kibbie Ditch #15 begins.

- a. Application received April 2, 2021.
- b. Applicant and necessary neighbors notified April 6, 2021.
- c. Published in the paper April 10, 2021.

Discussion included:

Attorney Gary Leistico representing Millan Acres LLC, stated the project doesn't impact wetlands, doesn't harm anybody and helps land maintain agriculture status. He further stated that tile benefits everybody downstream.

Acting Drainage Administrator Jenniges said there are already culverts in place crossing north through 255th St. This project would prevent water and washout of the culverts and land to the north.

Board member Edinger asked for explanation on the 10" and 6" outlets.

Bryce Gillan of Gridline said that it is a surface ditch.

Based on the findings, motion by Klumb, second by Edinger, to approve the application. A roll call vote was taken as follows. Klumb – aye, Bult – aye, Edinger – aye, Larson – aye, Kiner – aye, Bode - aye, Buchholz – aye. Motion carried.

MILLAN ACRES LLC DRAINAGE-SECTION 30.

It was acknowledged that Court Reporter Stephanie Moen was present as per the request of Kenny Hostler.

Millan Acres LLC has made an application for a drainage permit. This application is for Section 30-103-61. The applicant and installer (Bryce from Gridline Tile) were present to answer questions. The location to drain is:

- SW ¼ of Sec 30 Twp 103 Rge 61 County Davison
- SE ¼ of Sec 30 Twp 103 Rge 61 County Davison

The outlets of the project will be:

- SE ¼ of Sec 30 Twp 103 Rge 61 County Davison

The proposed drain tile project follows the natural course of drainage of the land. The S ½ of 30-103-61 outlets into an unnamed intermittent stream in the SE ¼ of 30-103-61, which goes into SD DOT right-of-way and north under Interstate 90 into unnamed intermittent stream. The water then travels east under 401st Ave into the NW ¼ of Section 29, flowing northeast and then northwest and crosses back under 401st Ave into the NE ¼ of Section 30. From there, the water flows into a culvert that crosses north under 254th St. into an intermittent stream in the SE ¼ of Section 19, which then flows north into Dry Run Creek. Dry Run Creek flows east through the City of Mitchell and into the James River.

- a. Application received April 2, 2021.
- b. Applicant and necessary neighbors notified April 6, 2021.
- c. Published in the paper April 10, 2021.

Discussion included:

Attorney Gary Leistico, representing Millan Acres LLC, said there would be routine maintenance on the ditches, no improvements. He said the washouts are filled in but not the ditches.

He stated that wetland specialist Wayne Bachman put the wetland determinations together, which is an acceptable practice to the NRCS as he was hired as a specialist.

Bachman determined there were two prior converted wetland areas built sometime before 1985 which are not subject to any constraints.

Leistico stated the tile is placed where water would naturally flow.

Leistico said that Ganje says applicant apparently doesn't want to follow the law. However, the law fundamentally favors the application.

Bryce Gillan of Gridline stated that his job is to lay tile with the natural lay of the land. He said they used topographic maps, a very big blue line, multiple outlets and the giant watershed that runs through Millan's land, with the water outletting on Millan's own property into a surface ditch. He further stated the only natural route for the water to flow is to Dry Run Creek. He said a lot of time went into the design of this project to meet row crop needs for Mr. Millan. It's a sizable investment, but it keeps land cropable.

Mr. Gillan stated he had been in Commercial Drainage for ten years but grew up on a farm so has been working with drainage for much longer.

He said this project will not cause reasonable damage downstream. The tile will slow down peak flow of water, it acts like a sponge. It doesn't change the volume of water. He said because you slow down flow, you slow down erosion. There is less erosion with tile than without. The ground filters water before it runs downstream so it is higher quality. The pipe will be buried underground. It will have zero

impact on fish or wildlife. When you look downstream, outlets are over a mile away from Hostlers. The ditches the water is dumping into are massive. Approximately 2.07 cubic ft. of water is the amount proposed to be drained. To come up with this you calculate the size of tile and slope. The number of inlets has no bearing as each pipe will only hold so much water.

Chairperson Larson noted the ditch had been there a long time.

Board member Klumb wanted to know the elevation on the east side of 401 where the water dumps.

Gillan said it is less than 5'.

Acting Drainage Administrator Jenniges stated he received the documents from Mr. Ganje on behalf of Mr. Hostler earlier that morning and forwarded them all to the board. He further stated he had all 170 plus pages printed and at the meeting with him.

Kenny Hostler asked the board if they had reviewed all the documents from his attorney. He said there are wetlands getting diverted his way. He said if you look at the lidar map, they go east. He said this will show that he is going to get more water.

Attorney David Ganje stated to Mr. Gillan that the application indicates opinions from Mr. Toso. The court determined the previous application was voided. Was that the same information included in the earlier application?

Chairman Larson told Mr. Ganje that the application of August 2020 was not relevant tonight.

Mr. Ganje said that Steve Burian, President and CEO of Burian & Assoc., with a master's degree in environmental engineering, will discuss problems with the project.

Mr. Burian said that if you have consecutive rainfalls there won't be room for water in the pipeline. He says this will create more water, not less. He said the total volume is more and will create a tail of seven to fifteen days. The tail is surface drainage hydrograph. He said he was only able to discern grade on three out of the six outlets. That leaves a conclusion that the water flow will be 2.5 cubic feet.

According to Mr. Burian, there is no supporting information regarding Mr. Hostler's capacity. His farms acreage is very sensitive. The amount of water proposed to be drained was not indicated. There was no impact of sustained flows provided. There will be no alteration from amount of flow or time of flow. The nature of the two wetland areas in the SE quarter would provide water flow to the east and avoid Mr. Hostler's land. However, water is being conveyed west in a large tile pipeline to the outlet. The natural flow is not to Hostler's. Before the tile, the water would have flowed to a different watershed.

Attorney Ganje stated the paperwork he provided earlier in the day sufficiently addresses the rest of the concerns with this project.

Board member Edinger said that page fifteen talks about tail and asked Mr. Burian if that comes from an Iowa study. Mr. Burian replied that yes, it does. Mr. Edinger asked if he had a South Dakota study. Mr. Burian replied no. Mr. Edinger stated that we have considerably less rainfall in South Dakota.

Chairperson Larson asked Mr. Burian if when he was determining drainage goes east, did he consider the historical photographs? Mr. Larson said the photographs were probably provided by NRCS. They show that drainage has long gone into the west side of the road. The road acts as a dam, preventing water from going east.

Board member Edinger stated the water artificially flows east. He said the prior converted was man-made before the ditch was put in.

Attorney Leistco said the water is not being powered uphill. The water has to go to the NE where there are no wetlands. The prior converted ditch is still there. Anything moving to the east will still move to the east.

After stated the NRCS wetland is part of the application from Mr. Bachman, Attorney Ganje asked Mr. Burian if Mr. Bachman's work shows water going east into a different watershed. Mr. Bachman replied that yes it does.

Attorney Leistco stated that Mr. Toso was on the phone if anybody had any questions.

Mr. Toso said he had calculated 1.7 cubic foot per second would be the amount of water flow. While Mr. Gillan had calculated 2.07, which Mr. Toso felt was very close. Mr. Burian calculated 2.5 which he felt was a little far-fetched. However, Mr. Toso said it would take 2 ½ times the amount Mr. Burian calculated to cause damage.

Mr. Ganje wanted to know if Mr. Toso calculate flow from all outlets or diameter of outlets? Mr. Toso said there was not that much detail put into the report. Mr. Toso did discuss consequences of tail. However, there are many factors that affect tail such as the soil type.

Attorney Jim Davies told the board, at this point, they have several options, there is a checklist to consider. They may table the matter for up to twenty days, they may view the site as a board, but only as a board or they may act tonight.

Based on the findings, motion by Edinger, second by Bult, after being assured by Jenniges that all items had been addressed on the checklist to approve the application.

A roll call vote was taken as follows. Bode – aye, Bult – aye, Edinger – aye, Larson – aye, Kiner – aye, Buchholz - aye, Klumb – aye. Motion carried.

MISCELLANEOUS ITEMS

Illegal Drainage-John Christopher has installed illegal tile in 3-104-62 & 2-104-62.

Acting Drainage Administrator Jenniges reported he had not gotten a letter sent to Mr. Christopher yet.

Board member Edinger is concerned about this because he feels Mr. Christopher needs to be aware of the penalties he may be incurring, which are up to \$2,000 per day plus jail time.

Jenniges said he will get the letter sent as soon as possible. If he doesn't receive a response, the matter will be directed to the state's attorney.

DRAINAGE ORDINANCE ADMINISTRATIVE APPROVAL

Acting Drainage Administrator Jenniges reported that Judge Giles ruled that administrative approval of new drainage is not constitutional. Therefore, the all new drainage applications will have to come before the board.


SET DATE AND TIME FOR NEXT MEETING

Chairman Larson set May 18, 2021 at 7:00 p.m. as the next meeting date and time.

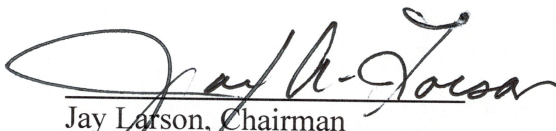
ADJOURN

At 10:14 p.m., Chairman Larson adjourned the meeting.

ATTEST



Susan Kiepke, Auditor



Jay Larson, Chairman

Publish Once
Approximate Cost

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 244th 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 244th 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 244th 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.

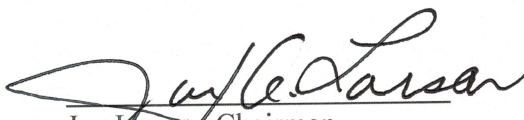
ADJOURN

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

ATTEST



Mark Jenniges, Acting Drainage Administrator



Jay Larson, Chairman

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Approximate Cost

DRAINAGE BOARD
July 20, 2021

CALL TO ORDER

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

Absent- Board Member Denny Kiner, Highway Superintendent Weinberg

Guests – Robert Stahl, Gregg Stahl, Kandee Strand, Gene Stehly Andrew Goodfellow

MEETING EXPECTATIONS

Chairman Larson recited expectations of the meeting.

A checklist of items required in accordance with the Davison County Drainage Ordinance and SDCL 46A-10A will be considered on each permit. The checklist is on file in the Davison County Auditor's office and the Drainage Administrator's office.

APPROVE AGENDA

Motion by Buchholz, second by Edinger to approve the agenda for the July 20, 2021 meeting. All members present voted aye. Motion carried.

DECLARE CONFLICTS OF INTERESTS

Chairman Larson asked for any conflicts of interests.

Board Member Gregg Bult stated he had a conflict of interest on item 8.2 an Administratively Approved application he submitted.

APPROVE MINUTES

Motion by Bult, second by Edinger to approve the minutes of the May 18, 2021 meeting. All members present 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.

STAHL DRAINAGE SECTIONS 10 & 11.

Stahl, Gordon T. Revocable Living Trust and Stahl, Gregg Living Trust has made an application for a drainage permit. The applicant was not present to answer questions. The location to drain is:

- The NE1/4 EX E655' of N841' & EX E496' of S957' of the N1798' & EX E415' of the S841' of Section 10 T102-R61 Davison County
- The E496' OF S957' OF N1798' of Section 10 T102-R61 Davison County
- The SE1/4 EX E415' OF N198' of Section 10 T102-R61 Davison County
- The NW1/4 EX NW1/4 OF NW1/4 THEREOF of Section 11 T102-R61 Davison County
- The SW1/4 of Section 11 T102-R61 Davison County

The outlets of the project will be:

- SW1/4 of Section 11 T102-R61 Davison County

The drainage system will include the west ½ of Section 10 and the East ½ of Section 11 T102 R61.

The outlet will also be on the Stahl's property in the SW ¼ of Section 11 T102 R61. The water currently runs to the same location as the proposed drainage system, which will outlet into Enemy Creek, which will drain into the James River, then the Missouri River. The Stahls also own the next ½ mile downstream.

- a. Application received June 30, 2021.
- b. Applicant and necessary neighbors notified July 2, 2021.
- c. Published in the paper July 7, 2021.

Administrator Bathke explained he received three calls from abutting property owners. They were concerned this project could add additional water on their property, especially since the county replaced the bridge on 406th with a smaller Double Box Culvert. However, this water will empty into Enemy Creek, which is not the same stream as the area on 406th that was replaced. Also, the bridge on 406th had a size of 18' Wide x 12' High, a velocity maximum of 9.98 fps, and an overtopping flood rate of 1,420 cfs. The new double culvert has a size of 22' Wide x 8' High, a velocity maximum of 18.34 fps, and an overtopping flood rate of 1,580 cfs. Although the new box culvert is shorter, the additional width allows for more water to flow through the culverts. All hydrology reports are available in the file.

Discussion included Andrew Goodfellow from JB Tile presented the project to the board.

Kandee Strand, 40575 258th St., a neighboring landowner downstream from the proposed project, discussed the flooding in the area in past years. Kandee noted an obstruction of trees in the culvert on 258th St between 405th Ave. and 406th Ave.

Board member Edinger asked Ms. Strand how silted in is the creek on her land and stated that it is up to the individual landowner to alleviate the silting.

Gene Stehly, Davison County resident, stated that he farms Kandee Strands land, asked the board to consider what can be done to the flooding issues along Enemy Creek.

Chairman Larson stated that the Board is a reactive Board and that it is up to the landowners to be proactive with their land.

Based on the findings, motion by Buchholz, second by Edinger, to approve 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.

ADMINISTRATIVELY APPROVED APPLICATIONS

Administrator Bathke explained the following Administratively Approved Applications:

- Duane Kummer (by Davison County)-Removal of silt in field and tree overgrowth to the south and southwest of his farm.
- Gregg Bult-Removal of silt in driveway and non-vested ditch on his farm.

MISCELLANEOUS ITEMS

Drainage Administrator Bathke notified the Board of a potential drainage violation south of Mitchell.

Drainage Administrator Bathke presented a rough draft of amendments to Davison County's Drainage Ordinance.

SET DATE AND TIME FOR NEXT MEETING

Chairman Larson set August 17, 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


James Matthews, Deputy Auditor




Jay Larson, Chairman

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Approximate Cost

DRAINAGE BOARD
September 21, 2021

CALL TO ORDER

Chairman 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 Jay Larson, Jerry Buchholz, Mark Klumb, Commissioner Kiner. Ex-Officio members present were Director Bathke and Auditor Kiepke. Absent Chet Edinger, Gregg Bult, Commissioner Bode, Highway Superintendent Weinberg.

MEETING EXPECTATIONS

Chairman Larson recited expectations of the meeting.

A checklist of items required in accordance with the Davison County Drainage Ordinance and SDCL 46A-10A will be considered on each permit. The checklist is on file in the Davison County Auditor's office and Drainage Administrator's office.

APPROVE AMENDED AGENDA

Motion by Klumb, second by Kiner to approve the agenda for the September 21, 2021, meeting. All members present voted aye. Motion carried.

APPROVE MINUTES

Motion by Buchholz, second by Klumb to approve the minutes of the July 20, 2021, meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

Chairman Larson asked for any public input public input for items not on the agenda and reminded the public that no action will be taken. Hearing none, the meeting moved forward.

CONSIDER ESTABROOK DRAINAGE REQUEST

Motion by Klumb, second by Buchholz to grant a drainage permit to drain to the NE ¼ of Section 5, T 104 N, R62W of the 5th P.M., Davison County, SD as requested by Scott Estabrook of Estabrook Ag, LLC., pursuant to Section 2 and 3 of the Davison County Drainage Ordinance as adopted on 8/27/2013.

The water currently runs to the same location as the proposed drainage system, which will outlet into an un-named stream, which will drain into a blue line. The blue line will drain into Firesteel Creek in the SW ¼ of Section 28-104-61, which drains to Lake Mitchell, over the spillway and again into Firesteel Creek, the James River, then the Missouri river.

Application received: September 2, 2021

Applicant and necessary neighbors notified: September 3, 2021

Published: September 8, 2021

A roll call vote was taken as follows.

Buchholz – aye, Klumb – aye, Kiner – aye, Larson – aye, Edinger – absent, Bult – absent, Bode – absent. Motion carried.

REVIEW ADMINISTRATIVELY APPROVED DRAINAGE PROJECTS

Davison County Drainage Administrator Bathke presented the following Administratively approved projects to the Board. Specific information on each project can be found on file in the Drainage Office, Davison County, SD.

Duane Kummer (by Davison County) – Removal of silt in field and tree overgrowth to the south and southwest of the farm.

MISCELLANEOUS ITEMS

Administrator Bathke gave an update to a current drainage project.

The Miiller/Bechen/Thue Drainage Project is almost complete. The Highway Department shaped the ditch from the outlet of the 12” drainpipe on H&R property from the south pond all the way to Kibbee Ditch. Due to poor elevation, no drainage work was completed on the far north end of Merle Bechen’s property.

Items yet to be completed are seeding the entire project (NRCS), install the concrete crossing on Müller’s land (once crops are harvested), and install the concrete crossing on Bechen’s land (Rusty will install once he orders more product), and installation of an approach on the SE corner of Bechen’s property.

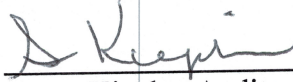
SET DATE AND TIME FOR NEXT MEETING

Chairman Larson set October 12, 2021, at 7:00 p.m. as the next meeting date and time.

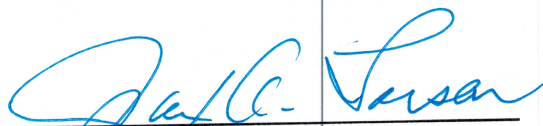
ADJOURN

At 7:22 p.m., Chairman Larson adjourned the meeting.

ATTEST



Susan Kiepke, Auditor



Jay Larson, Chairman

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Approximate Cost

DRAINAGE BOARD
December 1, 2021

CALL TO ORDER

Chairman Larson called the regular meeting of the Davison County Drainage Board to order at 12:00 p.m. Deputy Auditor Matthews took roll call as follows: Members of the Board present were Jay Larson, Gregg Bult, Mark Klumb, Brenda Bode. Ex-Officio members present were Drainage Administrator Bathke, and Deputy Drainage Administrator Wegleitner. Absent Board Members Chet Edinger, Jerry Buchholz, Commissioner Kiner, and Ex-Officio members Highway Superintendent Weinberg, and DOE Love.

MEETING EXPECTATIONS

Chairman Larson recited expectations of the meeting.

A checklist of items required in accordance with the Davison County Drainage Ordinance and SDCL 46A-10A will be considered on each permit. 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 Klumb to approve the agenda for the December 1, 2021 meeting as amended adding Luebke Farms, Inc as an agenda item under Administratively Approved Applications. A roll call vote was taken as follows Larson-Aye, Bult-Aye, Klumb-Aye, Bode-Aye, Edinger-Absent, Buchholz-Absent, Kiner-Absent. Motion carried.

DECLARE CONFLICTS OF INTERESTS

Chairman Larson asked for any conflicts of interests. No conflicts were declared.

APPROVE MINUTES

Motion by Klumb, second by Bode to approve the minutes of the September 21, 2021 meeting. A roll call vote was taken as follows Larson-Aye, Bult-Aye, Bode-Aye, Klumb-Aye, Edinger-Absent, Buchholz-Absent, Kiner-Absent. 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.

BLINDAUER DRAINAGE

Chad Blindauer has applied to the Davison County Drainage Commission to recommend granting a drainage permit. This request is pursuant to Section 2 of the Davison County Drainage Ordinance as adopted on 8/27/2013. The property to be drained is legally described as the NW ¼ of Section 18 T104N-R60W Davison County. The outlet will be in the same quarter.

Drainage Administrator Bathke presented the application. The plan is to install approximately 2,000' of 4" drain tile from just south of 246th St. to the un-named creek, which then drains into North Dry Run Creek. This eventually drains into the James River, then the Missouri River.

- a. Application received November 18, 2021.
- b. Applicant and necessary neighbors notified November 18, 2021.
- c. Published in the paper November 24, 2021.

Administrator Bathke explained he received no calls from abutting property owners.

Based on the findings, after consideration of Section 2:05 of the Davison County Drainage Ordinance and SDCL 46A-10A-20, motion by Klumb, second by Bult to approve the application as presented. A roll call vote was taken as follows. Bult – Aye, Klumb- Aye, Bode – Aye Larson – Aye, Edinger- Absent, Buchholz-Absent, Kiner-Absent. Motion carried.

ADMINISTRATIVELY APPROVED APPLICATIONS

Davison County Drainage Administrator Bathke presented the following Administratively Approved Application to the Board. Specific information on the project can be found on file in the Drainage Office., Davison County, SD.

Luebke farms is cleaning out a road ditch and removing an approach. Highway Superintendent Weinberg was involved in the project approval.

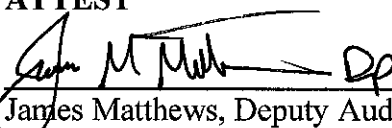
SET DATE AND TIME FOR NEXT MEETING

Chairman Larson set January 25, 2021, at 7:00 p.m. as the next meeting date and time.

ADJOURN

At 12:18 p.m., Chairman Larson adjourned the meeting.

ATTEST


James Matthews, Deputy Auditor


Jay Larson, Chairman

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Approximate Cost

