

DRAINAGE BOARD

April 18, 2023

CALL TO ORDER

Chairman Larson called the regular meeting of the Davison County Drainage Board to order at 5:00 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, & Chris Nebelsick. Ex-Officio members present were Drainage Administrator Bathke, Deputy Drainage Administrator Wegleitner, DOE Love, and Deputy Auditor Matthews.

Absent- Denny Kiner, Highway Superintendent Weinberg, Auditor Kiepke

Guests – Christine Wilson, Kevin Geppert, Helen Geppert, Bryce Gillen, John Millan, Derek Evans, Tim Neugebauer, & Jeff Terveen.

OATH OF OFFICE

As members Edinger and Nebelsick were not in attendance at the first meeting of the year, Deputy Auditor Matthews administered the Oath of office to the aforementioned members.

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 April 18, 2023, meeting. All members present voted aye. Motion carried.

DECLARE CONFLICTS OF INTERESTS

Chairman Larson asked for any conflicts of interests. Member Nebelsick declared a conflict on agenda item #9 regarding the drainage permit requested by Tim Neugebauer and recused himself from voting on the matter.

APPROVE MINUTES

Motion by Bult, second by Klumb to approve the minutes of the February 21, 2023, meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

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 moved forward.

CONSIDER STAHL DRAINAGE REQUEST

Motion by Edinger, second by Buchholz, based on findings, to grant a drainage permit to drain the following, the NW ¼ of Section 10, T 102 N, R 61, W of the 5th P.M., Davison County, South Dakota. The outlet is legally described as the NW ¼ of Section 10, T 102 N, R 61, W of the 5th P.M., Davison County, South Dakota.

The plan is to install approximately 32,241' of drain tile, which will outlet into the un-named stream on the Stahl's property in the NW ¼ of Section 10, T 102 N, R 61, W of the 5th P.M., Davison County, South Dakota. The water will then travel SE through the un-named stream, eventually draining into Enemy Creek then out letting into the James River.

Application received February 13, 2023.

Applicant and necessary neighbors notified April 4, 2023.

Published in the paper April 8, 2023.

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

Bryce Gillam of Gridline Field Tile Installation presented the project to the Board.

There was no objection to the project from the public.

Member Buchholz questioned that the property is listed on the maps as Dorothy Stahl. Dep.

Administrator Wegleitner stated it is currently owned by STAHL DOROTHY J CREDIT EXEMPTION TRUST and the maps will take a while to update.

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

CONSIDER NEUGEBAUER DRAINAGE REQUEST

Motion by Edinger, second by Larson, based on findings, to grant a drainage permit to drain the following, the SW ¼ & SE ¼ of Section 25, T 103 N, R 61, W of the 5th P.M., Davison County, South Dakota. The outlet is proposed is legally described as the SE ¼ of the SE ¼ of Section 25, T 103 N, R 61, W of the 5th P.M., Davison County, South Dakota.

The plan is to install approximately 69,995' of drain tile, which will outlet in the open field east of the Schuman property and west of the County coordinated ditch on the Wilson and Whittemore's property in the SE ¼ of Section 25, T 103 N, R 61, W of the 5th P.M., Davison County, South Dakota. The water will then travel south through the intermittent stream on the Geppert property, out letting into Kibbee Ditch #15. The water will then travel east and SE in Kibbee Ditch, eventually draining into Enemy Creek, then the James River.

Application received March 30, 2023.

Applicant and necessary neighbors notified April 4, 2023.
Published in the paper April 8, 2023.

Discussion included Derek Evans of Gridline Field Tile, Mitchell, SD presented the proposed project to the Drainage Board. Mr. Evans presented the Drainage Board with his presentation in writing and can be found on file in the Davison County Drainage Administration Office.

Drainage Administrator Bathke clarified to the Board the definitions of prior converted wetland and the vested drainage rights and how they apply to this application. The Vested Rights will only apply to the 12" tile installed in the early 1900's and does not apply to the additional 69,995' of drain tile planned for the project.

Mr. Evans answered questions from the Board regarding the location of the planned outlet, acres to be drained, and if alternatives were considered.

Kevin Geppert, who lives at 25525 406th Ave., and a downstream landowner appeared before the Board and spoke in opposition to the proposed drainage permit. Mr. Geppert explained that their property is used for feeding and calving cattle and livestock is present from the fall to the spring.

Helen Geppert, who lives at 25525 406th Ave., and a downstream landowner appeared before the Board and spoke in opposition to the proposed drainage permit. Mrs. Geppert spoke about the impacts that the proposed project could have on their land and cattle operation. Mrs. Geppert went through the criteria set forth in Section 2:05 of the Davison County Drainage Ordinance Evaluation of Permit Applications and how she perceives subsections #1 Flood Hazard Zones, #2 Erosion Potential, #3 Water Quality and Supply, #4 Agricultural Production, and #8a & #8b Consideration of Downstream Landowners, as she believes this project would have a negative impact on their land use and cattle operation. Mrs. Geppert further stated that they would not be opposition to replacement and maintenance of the existing drain tile but are opposed to any new tile.

Jeff Terveen, a Davison County resident appeared before the Board and spoke in opposition to the proposed drainage permit. Mr. Terveen stated he recently purchased property in Section 32 of Mitchell Township which is downstream from the proposed project. Mr. Terveen stated that this land is in its first year out of CRP and he intends to plant crops on the land this year and that it would take significant amounts of money to make the land farmable if it were to take on additional water from upstream.

Christine Wilson, who lives at 25564 406th Ave., and a downstream landowner appeared before the Board and spoke in opposition to the proposed drainage permit. Ms. Wilson stated that she has concerns about renewing their Federal CRP contract if the land were to flood.

Tim Neugebauer, applicant appeared before the Board and spoke to the origins of the proposed project. Mr. Neugebauer stated the area proposed to be drained is the result of the construction of I-90, leaving a low-lying area of land. He learned that there was previously laid clay tile and found maps showing the same from the Davison County Drainage Office.

Mr. Evans spoke again to rebut claims made by those opposing the project. With no additional citizen input, the public comment section of the hearing was closed.

Administrator Bathke asked the Board to consider the checklist of items required in accordance with the Davison County Drainage Ordinance and SDCL 46A-10A again before action.

Board Member Edinger stated that he believes that if this permit were to be denied it would set a precedent regarding outlets into blue lines. Administrator Bathke clarified the proposed outlet is near the blue line, but not directly in the blue line.

A roll call vote was taken as follows. Bult – no, Edinger – aye, Klumb – no, Buchholz – no, Larson – aye, Nebelsick - recused, Kiner – absent. Motion failed. 2-aye; 3-no; 1-recused; 1-absent.

MISCELLANEOUS ITEMS

Administrator Bathke informed the board he would be sending a YouTube video regarding pipeline safety to the Board to review, which can be found @ <https://www.youtube.com/watch?v=hR-rRtI7KmM>

SET DATE AND TIME FOR NEXT MEETING

Motion by Bult, second by Edinger to set May 16, 2023, at 7:00 p.m. as the next meeting date and time. All members present voted aye Motion carried.

ADJOURN

At 7:12 p.m., Chairman Larson adjourned the meeting.

ATTEST

James Matthews, Deputy Auditor

Jay Larson, Chairman

Publish Once
Approximate Cost