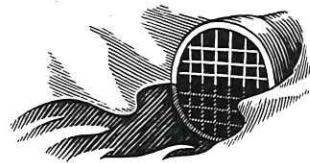


# Davison County Drainage

200 E. 4<sup>th</sup> Ave.

Mitchell, SD 57301-2631

Phone (605) 995-8615



## Davison County Drainage Board Agenda

The following is the agenda for the Davison County Drainage Board meeting to be held on Tuesday, February 17, 2026, in the Davison County Commissioners' Room in the North Offices Building, 1420 N Main St., Mitchell, SD 57301.

1. Call the order by Acting Administrator Wegleitner at 2:00 PM.
2. Roll Call
3. Oath of Office.
4. Elect Chairperson.
5. Elect Vice-Chairperson.
6. Turn the Meeting over to the Chairman.
7. Meeting expectations.
8. Consider the agenda.
9. Declare conflicts of interest.
10. Consider the minutes from the November 18, 2025, meeting.
11. Public comment and citizen complaints for items not on the agenda-no action will be taken.
12. Discussion involving a 2023 approved drainage permit on land owned by Chris Nebelsick described as NW1/4 of the NE1/4 in Section 32, T 103 N, R 60, NW1/4 of the NW1/4 in Section 32, T 103 N, R 60, & NE1/4 of the NW1/4, except Lots A & B of M. and S. Miiller's First Addition in Section 32, T 103 N, R 60, all in Davison County, South Dakota and land owned by Jeff Terveen, an abutting landowner, described as S1/2 of the NW1/4 & S1/2 of the NE1/4, all in Section 32, T 103 N, R 60 in Davison County, South Dakota.
13. Miscellaneous items.
14. Set time and date for the next drainage meeting – March 17, 2026, @ 7:00 P.M.
15. Adjournment.

### *Karen Wegleitner*

Karen Wegleitner

Acting Director of Planning & Zoning/EM/Drainage

Davison County

[karenw@davisoncounty.org](mailto:karenw@davisoncounty.org)

605-995-8615

605-299-6059

**DRAINAGE BOARD**  
**November 18, 2025**

**CALL TO ORDER**

Chairman Larson called the regular meeting of the Davison County Drainage Board to order at 7:00 p.m. Deputy Auditor Norwick took roll call as follows: Members of the board present were Larson, Edinger by phone, Buchholz, Bult, and Klumb. Members absent were Kiner and Nebelsick. Ex-Officio members present were Acting Administrator Wegleitner. Ex-Officio members absent were Highway Superintendent Weinberg and Director of Equalization Vissia.

Guests – Paul Wilson by phone, Derek Evans, Teresa Wilson, Nicole Neugebauer, Helen Geppert, Kevin Geppert, Chris Wilson, Travis Wilson, Bryce Gillen, Ken Schuman, Cheryl Schuman, & Gordon Stahl.

**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, seconded by Bult, to approve the agenda for the November 18, 2025, meeting. Roll call vote. All members voted aye. Motion carried.

**DECLARE CONFLICTS OF INTERESTS**

Chairman Larson asked about any conflicts of interest. Hearing none, the meeting moved forward.

**APPROVE MINUTES**

Motion by Buchholz, seconded by Klumb, to approve the minutes of the October 21, 2025, meeting. Roll call vote. All members voted aye. Motion carried.

**PUBLIC INPUT & CITIZEN COMPLAINTS**

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

**CONSIDER TIM NEUGEBAUER DRAINAGE REQUEST**

Motion by Edinger, seconded by Buchholz, based on findings, to grant a drainage permit to drain the following, as requested by Tim Neugebauer.

1. SW ¼ of Section 25, T 103 N, R 61 in Davison County, South Dakota.

The outlet will be in the SE ¼ of Section 25, T 103 N, R 61, except Lot A in Davison County, South Dakota.

The plan is to install approximately 1,494' of 15" flex dual wall perforated pipe in the SW ¼ of Section 25-103-61, with 2,047' of 15" flex dual wall non-perforated pipe transferring the water to the outlet in SE ¼ of Section 25-103-61. The outlet is 217' of open ditch to keep the water off Wilson's property and the road ditch. The water will outlet into the 3-dot blue line unnamed stream in the SE ¼ of Section 25-103-61, which will flow into Kibbee Ditch, then into Enemy Creek, and finally into the James River.

Application received: October 31, 2025.

Applicant and necessary neighbors notified: November 4, 2025.

Published in the paper: November 8, 2025.

Acting Administrator Wegleitner explained that there were calls from abutting property owners who expressed their opposition to the application. Acting Administrator Wegleitner stated that in 2023, Mr. Neugebauer presented a similar application, but it was denied by the board. Then, he was given an administrative approval application to replace an existing vested 12" drain tile, only on his property, starting west of the dugout on the SE ¼ of Section 26 and up to the old tile at the property line.

Tim Neugebauer explained that his previous application from 2023 was for a 12" line and went through Schuman's property. The present application will be for a 15" line and go north of the Schumans instead of through it. He is also asking for a 15" line instead of a 12", but is okay with the 12" if the board doesn't approve of the 15". Mr. Neugebauer explained that the only land to be drained will be his, as the tile going through the Wilson's property is non-perforated.

Teresa Wilson was present in person, and Paul Wilson by phone. The board asked if they would be okay with the application's approval contingent on a signed easement, and will the easement be perpetual. The Wilsons were okay with it, and yes, it will be perpetual.

Helen Geppert, downstream landowner, asked what the open ditch looked like. Derek Evans from Gridline explained the specifications, and an open ditch is necessary to keep the water off Wilson's property and out of the road ditch. Mrs. Geppert asked if grass would be planted or rocks placed? Mr. Neugebauer explained right away that there will be dirt, but plans will be whatever is requested to prevent erosion, like grass. Mrs. Geppert asked when the start date would be, and it was stated as soon as possible or whenever they figured out the easement. She expressed her concerns about how much water will be drained on her property and downstream, how much agricultural practices are being negatively affected, and sees a backup of water at the box culverts, as they can't handle the excess water as is. Mrs. Geppert asked why the red line doesn't go straight east? Mr. Evans explained the Wilsons had a preference for where it is placed for farming purposes.

The board asked if the easement would allow maintenance on the open ditch and who was responsible. Mr. Neugebauer stated yes, and he would be responsible. They asked if there was a difference between a 12" vs a 15" pipe. Mr. Evans explained that approximately 1,400 gallons per minute for a 15" and 12" would be 700 gallons per minute of water.

Ken Schuman, a downstream landowner, addressed his concerns about where the water will dump and the erosion it will cause. He stated there needs to be rocks placed or something to help. Mr. Evans explained that the outlet with the open ditch was designed to prevent erosion, and the pipe was not to sit on the ground.

Board members were given a few minutes to review the items to consider before a decision, in accordance with Section 2:05 of the Davison County Drainage Ordinance. The items were placed on the screen for all to view.

**Special Conditions:** The approval of the application is contingent on a signed easement between Paul Wilson, Barbara Wilson, Teresa Wilson, Joan Jerke, and Tim Neugebauer.

There was a motion by Edinger, seconded by Buchholz, to replace the existing clay tile with a 12" flex dual wall perforated on Lowell Titze's property and a 12" flex dual wall non-perforated on the Wilson's property, with the contingency of a signed agreement between Paul Wilson, Barbara Wilson, Teresa Wilson, Joan Jerke, and Tim Neugebauer.

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

### **CONSIDER TIM NEUGEBAUER DRAINAGE REQUEST**

Motion by Edinger, seconded by Bult, based on findings, to grant a drainage permit to drain the following, as requested by Tim Neugebauer.

1. N ½ of NW ¼ of Section 29, T 102 N, R 60, ex. S51 rods of W42 rods in the NW ¼ of NW ¼ in Davison County, South Dakota.
2. S ½ of the NW ¼ of Section 29, T 102 N, R 60 in Davison County, South Dakota.
3. Lot 2 of Loudenburg Addition in the SW ¼ of Section 29, T 102 N, R 60 in Davison County, South Dakota.
4. E ½ of the SW ¼ of Section 29, T 102 N, R 60 in Davison County, South Dakota.

The outlet will be in the N ½ of NW ¼ of Section 29, T 102 N, R 60, ex. S51 rods of W 42 rods in the NW ¼ of NW ¼ in Davison County, South Dakota.

The plan is to install approximately 89,983' of perforated 4", 6", 8", 10" and 15" tile in multiple locations in Section 29-102-60, with the outlet in the N ½ of the NW ¼ of Section 29-102-60, ex. S51 rods of W42 rods in the NW ¼ of NW ¼. The water will outlet into an intermittent stream, travel NE where it will flow into Enemy Creek, and eventually into the James River.

Application received: October 31, 2025.

Applicant and necessary neighbors notified: November 4, 2025.

Published in the paper: November 8, 2025.

Acting Administrator Wegleitner explained that there were no calls from abutting property owners or other residents. The land to be drained is owned by Tim Neugebauer and his son, Andrew.

Tim Neugebauer explained that the first outlet will drain into a gravel pit, and the second outlet drains into a blue line.

Board members were given a few minutes to review the items to consider prior to a decision, in accordance with Section 2:05 of the Davison County Drainage Ordinance. The items were placed on the screen for all to view.

**Special Conditions:** None.

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

**MISCELLANEOUS ITEMS**

None.

**SET DATE AND TIME FOR NEXT MEETING**

Chairperson Larson set December 16, 2025, at 7:00 p.m. as the next meeting date and time.

**ADJOURN**

At 8:28 p.m., Chairman Larson adjourned the meeting.

**ATTEST**

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Christine Norwick, Deputy Auditor

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Jay Larson, Chairman

Publish Once  
Approximate Cost



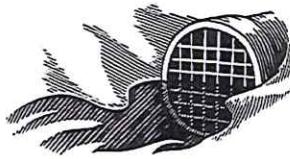
## Davison County Planning & Zoning

200 E. 4<sup>th</sup> Ave.

Mitchell, SD 57301-2631

Phone (605) 995-8615

Fax (605) 995-8618



### Appendix A DAVISON COUNTY DRAINAGE APPLICATION

I.

Permit (Parcel) Number(s): 06000-10360-322-10, 06000-10360-322-00 & 06000-10360-321-10

Name: Nebelsick, Chris

Date Filed with Register of Deeds: \_\_\_\_\_

Address: 25830 408<sup>th</sup> Ave.  
Mitchell, SD 57301

Date received: 9-27-2023.

Phone: 605-770-1565

Email: cen33@hotmail.com

Submitting Application to:  Drainage Board

Administrator for Administrative Approval

NOTE: This application must be accompanied by a detailed site plan, showing:

1. The location of the proposed drainage system; to include the inlet, outlet, & all drains.
2. The direction of the water flow.
3. The destination of water from the outlet, up to 1 mile.

Landowners affected will be notified by the Drainage Administrator. The Township Board Chairman will also be notified, and a copy of this application will be attached. For Administrative Approval, provide waivers (Appendix B) from landowners ½ mile upstream, 1 mile downstream, and a ¼ mile buffer on both sides of the drainage area.

List of all landowners ½ mile upstream, 1 mile downstream, and ¼ mile buffer on both sides:

NAME	ADDRESS
1. <u>Andrew &amp; Dana Deinert</u>	<u>25485 407<sup>th</sup> Ave.. Mitchell, SD 57301</u>
2. <u>Christine Wilson</u>	<u>25564 406<sup>th</sup> Ave.. Mitchell, SD 57301</u>
3. <u>Jon &amp; Kathryn Mueller</u>	<u>2621 S. Rowley St.. Mitchell, SD 57301</u>
4. <u>Merl &amp; Diane Bechen</u>	<u>2520 W. Spruce St.. Mitchell, SD 57301</u>
5. <u>NJM Properties, LLC</u>	<u>25462 Cornerstone Ave.. Mitchell, SD 57301</u>
6. <u>Candice Cross</u>	<u>2424 W. Spruce St.. Mitchell, SD 57301</u>
7. <u>Thomas &amp; Shirley Flint</u>	<u>2440 W. Spruce St.. Mitchell, SD 57301</u>
8. <u>Shawn &amp; Lana Hart</u>	<u>P.O. Box 905.. Mitchell, SD 57301</u>
9. <u>Jerry Luckett</u>	<u>2300 W. Spruce St.. Mitchell, SD 57301</u>
10. <u>Keith &amp; Catherine Doyle</u>	<u>1900 W. Spruce St.. Mitchell, SD 57301</u>
11. <u>Thomsen Enterprises</u>	<u>P.O. Box 1244.. Mitchell, SD 57301</u>
12. <u>Dakota Campground, LLC</u>	<u>1800 W. Spruce St.. Mitchell, SD 57301</u>
13. <u>Jeff Terveen</u>	<u>300 S. Wallace St.. Mitchell, SD 57301</u>
14. <u>Zard Partnership</u>	<u>P.O. Box 757.. Mitchell, SD 57301</u>
15. <u>Margaret Zard</u>	<u>P.O. Box 257.. Mitchell, SD 57301</u>
16. <u>Kenneth Schladweiler</u>	<u>2720 S. Ohlman St.. Mitchell, SD 57301</u>
17. <u>Steven Schladweiler</u>	<u>1315 W. Spruce St.. Mitchell, SD 57301</u>
18. <u>Spencer Quarries, Inc.</u>	<u>25341 430<sup>th</sup> Ave.. Spencer, SD 57374</u>
19. <u>Carolyn Moe</u>	<u>815 W. Spruce St.. Mitchell, SD 57301</u>
20. <u>Tim &amp; Whitney Olinger</u>	<u>40850 256<sup>th</sup> St.. Mitchell, SD 57301</u>
21. <u>Delbert Carey</u>	<u>40864 256<sup>th</sup> St.. Mitchell, SD 57301</u>

BY SIGNING THIS APPLICATION, AS OWNER OF RECORD OF THE FOLLOWING PARCEL OF LAND FOR A DRAINAGE APPLICATION, ALLOWS PERMISSION TO THE DESIGNATED DRAINAGE ADMINISTRATOR TO ENTER UPON THE FOLLOWING PROPERTIES, FOR THE PURPOSE OF INSPECTION AND OBTAINING INFORMATION FOR THE ADMINISTRATIVE OR DRAINAGE COMMISSION'S DECISION. (INITIALS CM)

## II. Location

- Location of land to be drained:

NW1/4 of the NE1/4 in Sec. 32, T 103 N, R 60, Davison County  
NW1/4 of the NW1/4 in Sec. 32, T 103 N, R 60, Davison County

NE1/4 of the NW1/4, except Lots A & B of M. and S. Miiller's First Addition, of Sec. 32, T 103 N, R 60, Davison County

- Location of outlet end of proposed drain:

NW1/4 of the NW1/4 in Sec. 32, T 103 N, R 60, Davison County  
NW1/4 of the NE1/4 in Sec. 32, T 103 N, R 60, Davison County

- Any structures unable to be altered in the drainage path: None.

Name or description (if any) of any watercourse, lake, slough, draw, natural drain-way, stream, creek, river, drain or ditch that is involved in this application: Outlet will drain into Kibbie Ditch, which will drain into Enemy Creek, then the James River.

## III. Description of Proposed Drainage System:

### Open Drainage Ditch

- Approximate size of area being drained (Acres):
- Elevation change from the inlet to the outlet (Feet):
- Bottom Width (Feet):
- Side Slope (Feet):
- Maximum Cut (Feet):
- Any boring under roadway:
- Explanation of Drain Design:

### Closed Drainage Ditch (Underground drain tile)

- Approximate size of area being drained (Acres): 112 acres
- Elevation change from the inlet to the outlet (Feet): NW1/4 NW1/4 – 1,332' to 1,325' & NW1/4 NE1/4 – 1,327' to 1,323'
- Length of Solid Drain (Feet):
- Length of Perforated Drain (Feet): 24,959 feet
- Total Length of all Drain (Feet): 24,959 feet
- Diameter(s) of Drain (Inches): 4" & 6"
- Any boring under roadway: No
- Explanation of Drain Design: Installation of approximately 24,959 ft of drain tile starting from the proposed ditch #5 in the NW 1/4 of the NW 1/4, NW 1/4 of the NE 1/4 & NE 1/4 of the NW 1/4 all in Section 32, with the outlets in the NW 1/4 of the NW 1/4 & NW 1/4 of the NE 1/4 in Section 32. The water will then travel through Kibbie Ditch, eventually merging with Enemy Creek, then into Hanson County, eventually outletting into the James River.

Other Type of Drainage Ditch:

- Approximate size of area being drained (Acres): \_\_\_\_\_
- Elevation change from the inlet to the outlet (Feet): \_\_\_\_\_
- Any boring under roadway: \_\_\_\_\_
- Explanation of Drain Design: \_\_\_\_\_

**IV. South Dakota One Call Locate Date: 48 hours prior.**

## **V. General Considerations:**

State any facts or reasons you believe are pertinent to the proposed drainage system that may assist the Administrator or Board in consideration of this application. To eliminate alkaline and land improvement.

**VI. Required Signatures:**

If the drainage system allows water to enter a Road Right of Way, a signature from the appropriate Road Authority is also required. This includes Township, County, and State roads.

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Road Authority Signature

A. Chh  
Applicant/Owner Notarized Signature

Applicant/Owner Notarized Signature

STATE OF SOUTH DAKOTA )  
COUNTY OF DAVISON )  
 ) SS  
 )

On this 13 day of October, 2023, before me, the undersigned officer, personally appeared Susan K. Epeke, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.

(Seal)

Dessa K. Kaseke  
Notary Public

Notary Public

02/06/2025  
My Commission Expires

Applicant Renter Notarized Signature

STATE OF SOUTH DAKOTA )  
COUNTY OF DAVISON )  
SS )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.

(Seal)

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Notary Public

### My Commission Expires

Contractor Notarized Signature

STATE OF SOUTH DAKOTA )  
COUNTY OF DAVISON ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and seal.

(Seal)

Notary Public

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### My Commission Expires

VII. Administrator or Drainage Board Decision:

This Application to drain is hereby:

Approved

Disapproved

Date: 10-17-23

Attached hereto and incorporated herein are special conditions on this permit:

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Planning & Zoning Administrator

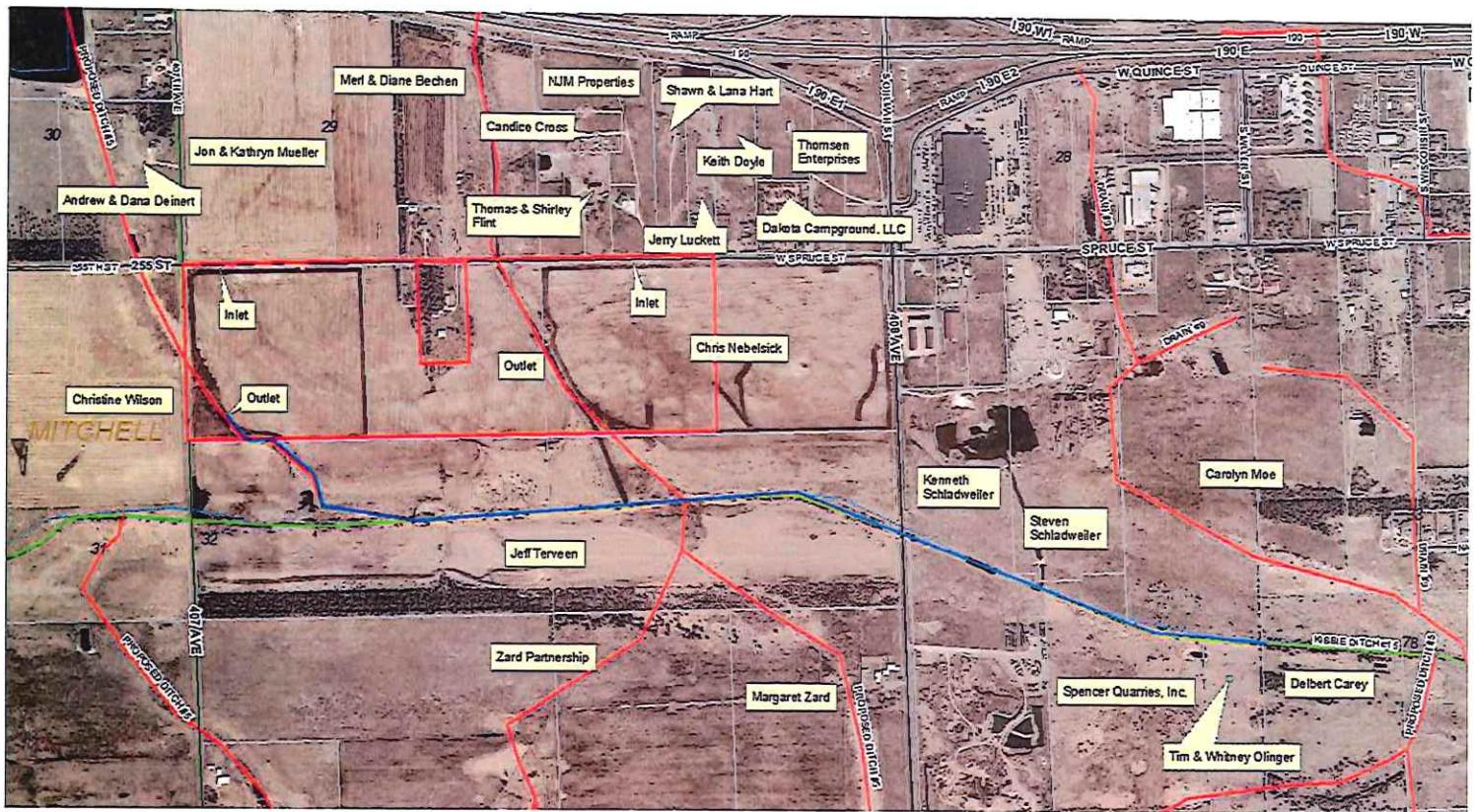


Drainage Commission Chairperson



County Auditor



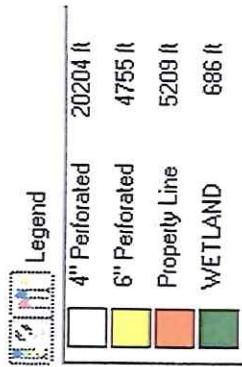




# GRIDLINE

## FIELD TILE INSTALLATION

Nebelsick - SEC 32 - 103 - 60



Plant

Plant



# DRAINAGE APPLICATION FINDINGS OF FACTS

Chris Nebelsick

**DRAINAGE APPLICATION REQUEST:** Chris Nebelsick has made an application for a drainage permit. The applicant was present to answer questions. The location to drain is:

NW1/4 of the NE1/4 in Sec. 32, T 103 N, R 60, Davison County

NW1/4 of the NW1/4 in Sec. 32, T 103 N, R 60, Davison County

NE1/4 of the NW1/4, except Lots A & B of M. and S. Miiller's First Addition, of Sec. 32, T 103 N, R 60, Davison County

The outlet is legally described as:

NW1/4 of the NW1/4 in Sec. 32, T 103 N, R 60, Davison County

NW1/4 of the NE1/4 in Sec. 32, T 103 N, R 60, Davison County

The outlet will drain into Kibbie Ditch, which will drain into Enemy Creek, then the James River.

**Explanation of Drain Design:** Installation of approximately 24,959 ft of drain tile starting from the proposed ditch #5 in the NW ¼ of the NW ¼, NW ¼ of the NE ¼ & NE ¼ of the NW ¼ all in Section 32, with the outlets in the NW ¼ of the NW ¼ & NW ¼ of the NE ¼ in Section 32. The water will then travel through Kibbie Ditch, eventually merging with Enemy Creek, then into Hanson County, eventually outletting into the James River.

**PHYSICAL ADDRESS:** See legal above

**MAILING ADDRESS:** 25830 408th Ave. Mitchell, SD 57301

**NOTIFICATION DATES:**

Application received: 9-27-23

Notified applicant: 10-2-2023

Notified abutting/necessary property owners: 10-2-2023

**NOTIFICATIONS:**

Parcel	06000-10360-321-10 06000-10360-322-00	06000-10360-304-35	06000-10360-311-00
Name	Nebelsick, Chris	Andrew & Dana Deinert	Christine Wilson
Address	25830 408th Ave.	25485 407th Ave.	25564 406th Ave.
City, State, Zip	Mitchell, SD 57301	Mitchell, SD 57301	Mitchell, SD 57301

Parcel	06000-10360-293-00	06000-10360-293-20 06000-10360-001-10	06294-10360-001-00
Name	Jon & Kathryn Mueller	Merl & Diane Bechen	NJM Properties, LLC
Address	2621 S. Rowley St.	2520 W. Spruce St.	25462 Cornerstone Ave.

City, State, Zip	Mitchell, SD 57301	Mitchell, SD 57301	Mitchell, SD 57301
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Parcel	06000-10360-294-14	06000-10360-294-10	06000-10360-294-13
Name	Candice Cross	Thomas & Shirley Flint	Shawn & Lana Hart
Address	2424 W. Spruce St.	2440 W. Spruce St.	P.O. Box 905
City, State, Zip	Mitchell, SD 57301	Mitchell, SD 57301	Mitchell, SD 57301

Parcel	06000-10360-294-12	06000-10360-294-40	06000-10360-294-15 06000-10360-294-50 15800-02900-401-00
Name	Jerry Luckett	Keith & Catherine Doyle	Thomsen Enterprises
Address	2300 W. Spruce St.	1900 W. Spruce St.	P.O. Box 1244
City, State, Zip	Mitchell, SD 57301	Mitchell, SD 57301	Mitchell, SD 57301

Parcel	06000-10360-294-30	06000-10360-322-05 06000-10360-321-00	06000-10360-000-00
Name	Dakota Campground, LLC	Jeff Terveen	Zard Partnership
Address	1800 W. Spruce St.	300 S. Wallace St.	P.O. Box 757
City, State, Zip	Mitchell, SD 57301	Mitchell, SD 57301	Mitchell, SD 57301

Parcel	06000-10360-000-00	06332-10360-001-10	06000-10360-332-50
Name	Margaret Zard	Kenneth Schladweiler	Steven Schladweiler
Address	P.O. Box 257	2720 S. Ohlman St.	1315 W. Spruce St.
City, State, Zip	Mitchell, SD 57301	Mitchell, SD 57301	Mitchell, SD 57301

Parcel	06333-10360-002-10	06000-10360-332-10 06000-10360-332-10	06000-10360-333-10
Name	Spencer Quarries, Inc.	Carolyn Moe	Tim & Whitney Olinger
Address	25341 430th Ave.	815 W. Spruce St.	40850 256th St.
City, State, Zip	Spencer, SD 57374	Mitchell, SD 57301	Mitchell, SD 57301

Parcel	06000-10360-334-30		
Name	Delbert Carey		
Address	40864 256th St.		
City, State, Zip	Mitchell, SD 57301		

**Drainage Board Date/Time:** 10-17-2023 @ 7:00 P.M.

**Drainage Board Discussion, Consideration, and Decision:** The applicant was present to answer questions.

Discussion included Commission Member Nebelsick recusing himself due to being the applicant. Mr. Nebelsick explained that the drainage plan is to address deferred maintenance and reduce alkali in the field. The plan will also include an inlet on Spruce St. allowing the water to flow rather than sit in the ditch. The outlet will be in the newly shaped county coordinated ditch,

which outlets into Kibbee Ditch (a blue line). Board Member Klumb asked why the county paid to clean out a ditch on private property. Drainage Administrator Bathke explained this was part of an agreement to settle a lawsuit with Merl Bechen, neighbor to the northwest. Board members were given a few minutes to review the items to consider prior to a decision, in accordance with Section 2:05 of the Davison County Drainage Ordinance. The items were placed on the screen for all to view.

After discussion, motion by Edinger, second by Bult to approve the Chris Nebelsick Drainage Project. After consideration, the motion passed on a 5-0 vote with one absent and one abstention.



Jay Larson  
Drainage Board Chairman



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Jeff Bathke  
Drainage Administrator

## DRAINAGE BOARD

October 17, 2023

### CALL TO ORDER

Chairman Larson 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 Buchholz, Bult, Edinger, Larson, Klumb, and Nebelsick. Members Absent were Kiner. Ex-Officio members present were Drainage Administrator Bathke. Ex-Officio members absent were Highway Superintendent Weinberg, DOE Weber, and Auditor Kiepke

Guests – Patty Versteeg, Mary Jorgensen, Helen Geppert, Derek Evans, Tim Neugebauer, Jay Wempe, Deanna Wempe, Darrell Hohn, Erin Hennley, Chris Wilson, and Travis Wilson.

### 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 October 17, 2023, meeting. All members voted aye. Motion carried.

### DECLARE CONFLICTS OF INTERESTS

Chairman Larson asked for any conflicts of interests. Commission Member Nebelsick recused himself from his application, due to being the applicant.

### APPROVE MINUTES

Motion by Nebelsick, second by Buchholz to approve the minutes of the August 15, 2023, meeting. All members voted aye. Motion carried.

### PUBLIC INPUT & 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 moved forward.

### CONSIDER NEUGEBAUER DRAINAGE REQUEST

Motion by Nebelsick, second by Edinger, based on findings, to grant a drainage permit to drain the following, the NW1/4 of the NW1/4 also known as Gov. Lot 1, SW1/4 of the NW1/4 also known as Gov. Lot 2, E1/2 of the NW1/4, SW1/4, & SE1/4, including Bobcat Tract 1 in the SW1/4, & except the SE1/4 of the SE1/4 all in Section 30, Twp 101 N, Rge 60 in Davison County. Also, Lots 1 & 2 & the

E1/2 of the NW1/4 of Section 31, Twp 101 N, Rge 60 in Davison County. The outlet is legally described as Lots 1 & 2 & the E1/2 of the NW1/4 of Section 31, Twp 101 N, Rge 60 in Davison County.

The drainage plan is to install approximately 49,428' of drain tile (40,176' of 4" drain tile, 5,958' of 6" drain tile, 2,582' of 8" drain tile and 712' of 10" drain tile) starting on the SW 1/4 of Section 30, with an outlet in the NW 1/4 of Section 31. The water will then travel through South Fork Twelve Mile Creek, then into Hutchinson County.

Application received September 22, 2023.

Applicant and necessary neighbors notified October 3, 2023.

Published in the paper October 7, 2023.

Administrator Bathke explained there were calls from abutting property owners, who are in attendance for the meeting.

Darrell Hohn and Jay Wempe requested the drainage plan be revised to be more in line with the natural flow of the water, rather than diverting water.

Derek Evans with Gridline Tile explained the 2019 project, which outlets to the west, will remain as installed. The portion in the center (Muntefering property) will flow towards the farm, then to Twelve Mile Creek, which is the same place it goes now. Gridline designs plans to be the fastest route to a named waterway.

Jay Wempe questioned if there were any concerns with the manure from the hog barn going into Dimock Lake. Mr. Evans explained any manure applied to the fields should be retained in the soil and clean water exiting the outlets.

Erin Hennley asked Mr. Evans how much water would be come out of the outlet. Mr. Evans explained this is difficult to answer as it depends on the amount of rain, crop coverage, etc. She also asked Mr. Evans if he would drink the water coming out of the outlet, which he refused to answer.

Mr. Evans explained 93% of the tile is 4", which will be 3'1" below grade.

Darrell Hohn mentioned the wetland near his property no longer has any water. Mr. Edinger asked if he wanted water on his property. He stated he did not, just wanted to mention the property no longer holds water.

Board members were given a few minutes to review the items to consider prior to a decision, in accordance with Section 2:05 of the Davison County Drainage Ordinance. The items were placed on the screen for all to view.

Nebelsick mentioned he made the motion due to not increasing the flow, the proximity to a blue line, and tiling will help with flooding.

Special Conditions: None

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

## **CONSIDER NEBELSICK DRAINAGE REQUEST**

Motion by Edinger, second by Bult, based on findings, to grant a drainage permit to drain the following, as the NW1/4 of the NE1/4, NW1/4 of the NW1/4 & NE1/4 of the NW1/4, except Lots A & B of M. and S. Miller's First Addition all in Sec. 32, T 103 N, R 60, Davison County. The outlet is legally described as the NW1/4 of the NW1/4 & NW1/4 of the NE1/4 both in Sec. 32, T 103 N, R 60, Davison County.

The drainage plan is to install approximately 24,959' of drain tile (20,204' of 4" drain tile and 4,755' of 6" drain tile) starting from the proposed ditch #5 in the NW ¼ of the NW ¼, NW ¼ of the NE ¼ & NE ¼ of the NW ¼ all in Section 32, with the outlets in the NW ¼ of the NW ¼ & NW ¼ of the NE ¼ in Section 32. The water will then travel through Kibbie Ditch, eventually merging with Enemy Creek, then into Hanson County, eventually out letting into the James River.

Application received September 27, 2023.

Applicant and necessary neighbors notified October 2, 2023.

Published in the paper October 7, 2023.

Administrator Bathke explained he received calls and visits from abutting property owners, who are in attendance for the meeting.

Commission Member Nebelsick recused himself due to being the applicant. Mr. Nebelsick explained that the drainage plan is to address deferred maintenance and reduce alkali in the field. The plan will also include an inlet on Spruce St. allowing the water to flow rather than sit in the ditch. The outlet will be in the newly shaped county coordinated ditch, which outlets into Kibbee Ditch (a blue line). Board Member Klumb asked why the county paid to clean out a ditch on private property. Drainage Administrator Bathke explained this was part of an agreement to settle a lawsuit with Merl Bechen, neighbor to the northwest.

Board members were given a few minutes to review the items to consider prior to a decision, in accordance with Section 2:05 of the Davison County Drainage Ordinance. The items were placed on the screen for all to view.

Special Conditions: None

A roll call vote was taken as follows. Buchholz – Aye, Bult – Aye, Edinger – Aye, Larson – Aye, Kiner – Absent, Nebelsick - Abstain, Klumb – Aye. Motion carried.

## **ADMINISTRATIVELY APPROVED APPLICATIONS**

Administrator Bathke informed the board there was one Administratively Approved Application for Tim Neugebauer on September 11, 2023. The drainage plan is to replace an existing vested 12" drain tile, which will connect to the old tile at the property line (Devries/Wilson), which will drain into the N/S un-name stream, which will drain into Kibbee Ditch, Enemy Creek, then the James River. This is for information only, no vote required.

## **MISCELLANEOUS ITEMS**

Administrator Bathke informed the board the last item in the Bechen lawsuit should be completed soon, which is to install the fence. He also mentioned the county has declared a majority of the PVC pipe on hand surplus, which was sold on public auction.

**SET DATE AND TIME FOR NEXT MEETING**

Chairperson Larson set November 21, 2023, at 7:00 p.m. as the next meeting date and time.

**ADJOURN**

At 8:56 p.m., Chairman Larson adjourned the meeting.

**ATTEST**

  
Susan Kiepke, Auditor

Publish Once  
Approximate Cost



  
Jay Larson, Chairman

## ARTICLE 5 DRAINAGE COMPLAINTS

### Section

- 05:01 Jurisdiction on drainage disputes.
- 05:02 Filing a complaint.
- 05:03 Resolution of complaints.
- 05:04 Hearing on complaint.
- 05:05 Appeal of Drainage Commission decision.

**SECTION 5:01. JURISDICTION ON DRAINAGE DISPUTES.** Any landowner may take a drainage dispute directly to circuit court. However, pursuant to SDCL 46A-10A-34, the Drainage Commission may address any drainage disputes in the unincorporated area of Davison County, and those resulting in water entering the county in accordance with Section 2:03 (6). The Drainage Commission may provide that certain types or categories of drainage disputes will not be heard by the Drainage Commission and must be taken directly to circuit court.

**SECTION 5:02. FILING A COMPLAINT.** Any landowner in the county may file a drainage complaint by setting forth the facts of the drainage dispute in writing and submitting it to the Planning and Zoning Administrator. The complaint shall include:

- 1) The name and address of the complainant.
- 2) The location of the property which has suffered damage or may suffer damage.
- 3) The location of the property against which the complaint is being registered.
- 4) When possible the complaint should detail the type and location of work, and when the work occurred.

The Drainage Commission may require that a drainage dispute include expert reports from a professional engineer or surveyor.

**SECTION 5:03. RESOLUTION OF COMPLAINTS.** Upon receipt of a drainage complaint the Planning and Zoning Administrator shall make an investigation of the facts, offer a recommendation for resolution to the parties involved and, if requested by any affected party, forward the complaint to the Drainage Commission for a hearing. The Drainage Commission shall make a determination whether they will accept jurisdiction over the particular type or category of drainage which is set forth in the complaint. If the Drainage Commission does not accept jurisdiction the dispute may be taken to circuit court. If the Drainage Commission does accept jurisdiction a date for a public hearing on the drainage complaint shall be set.

**SECTION 5:04. HEARING ON COMPLAINT.** When a hearing has been scheduled the Drainage Commission shall notify all affected parties of the date and time for the hearing. Any interested individual shall have the opportunity to appear and be heard. The Drainage Commission may make a decision regarding the drainage dispute at the hearing, may defer the item pending additional information from either of the disputing parties, or may hold additional hearings on the dispute.

**SECTION 5:05. APPEAL OF DRAINAGE COMMISSION DECISION.** Any affected party may appeal the Drainage Commission's decision on a drainage dispute to circuit court.