

DRAINAGE BOARD

May 21, 2024

CALL TO ORDER

Chairperson 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, Gregg Bult, Mark Klumb, Jerry Buchholz, Commissioner Kiner, Commissioner Nebelsick. Ex-Officio members present were Drainage Administrator Bathke, Assistant Wegleitner and Auditor Kiepke. Absent Edinger and Highway Superintendent Weinberg.

Guests in attendance were Patty Scheich, Len Scheich, Chris Kummer, Myles Bialas, Craig Bialas, Derek Mueller, Lyle Lowrie, Glen Lowrie.

OATH OF OFFICE

Auditor Kiepke administered oath of office to Drainage Board member Nebelsick, as this was his first meeting for the year.

MEETING EXPECTATIONS

Chairperson 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 AGENDA AS AMENDED

Motion by Buchholz, second by Bult to approve the agenda, as amended, for the May 21, 2024, meeting. All members voted aye. Motion carried.

DECLARE CONFLICTS OF INTERESTS

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

APPROVE MINUTES

Motion by Buchholz, second by Bult to approve the minutes of the January 16, 2024, meeting. All members present voted aye. Motion carried.

PUBLIC INPUT

Chairperson 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 MYLES BIALAS DRAINAGE REQUEST

Motion by Klumb, second by Nebelsick, based on findings, to grant a drainage permit to drain the following, the SW ¼ of Section 13, T 101 N, R 62, and the NE ¼ in Sec. 13, T 101 N, R 62, W of the 5th

P.M., Davison County, South Dakota, except Lot A of M.R. Miiller's First Addition, as requested by Myles Bialas.

The plan is to install approximately 135,462' of drain tile starting from the inlet in the SW ¼ of Section 13, T 101 N, R 62, W of the 5th P.M., Davison County, South Dakota, with the outlet draining into Twelve Mile Creek in Lot A of M.R. Miiller's First Addition, a Subdivision of the NE ¼ of Section 13, T 101 N, R 62, W of the 5th P.M., Davison County, South Dakota. The water will eventually merge with the James River in Hutchinson County.

Application received: April 19, 2024

Applicant and necessary neighbors notified: May 7, 2024

Published: May 11, 2024

Administrator Bathke explained there were no calls from abutting property owners or other residents.

Myles Bialas explained there would be 20' of non-perforated pipe as it runs through pasture ground and that is what is required. The rest will be perforated. It was suggested by the Board that Bialas get an easement with Miiller's before beginning the project.

Board members were given a few minutes to review the items to consider prior to making 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.

A roll call vote was taken as follows.

Buchholz – aye, Bult – aye, Edinger – absent, Klumb – aye, Kiner – aye, Nebelsick – aye, Larson - aye.

Motion carried.

DRAINAGE VIOLATION

Administrator Bathke informed the Board of a drainage violation by Glen Lowrie. On June 18, 2013, the Drainage Board approved a permit in the W ½ of the NE ¼ of Section 9, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota, pending stipulations. Mr. Lowrie installed the drainage project, yet failed to comply with the stipulations, rendering the project illegal. Mr. Lowrie presented other ideas to remedy the situation but failed to follow through with any of them.

At the February 19, 2014, Drainage Board meeting, the Board instructed Mr. Lowrie to install a gate in the drainage system to stop the release of any water.

At the July 15, 2014, Drainage Board meeting, Mr. Lowrie presented a plan to utilize the original drainage permit but pump the water from the outlet to the south and connect the transfer pipe to an existing drainage system Mr. Lowrie has in the SE ¼ of Section 9, T 101 N, R 60.

At the August 20, 2019, Drainage Board meeting, the Board again heard the case, as Mr. Lowrie failed to maintain power to the pumps. The Board agreed to give Mr. Lowrie 60 days to complete the revised drainage plan for a permanent power source. Upon the deadline, there would be a fine imposed, as per Section 6:04 of the Drainage Ordinance, of \$250 per day until completion. The 60 days came and went without power or an operating pump to the property.

At the March 17, 2020, board meeting, the Board reinstated the \$2,500 penalty.

Once again, Mr. Lowrie has failed to properly maintain the system, allowing water to push to the north and east of the pits. This is considered a violation of the negotiated terms of the permit, which was considered by the Board at this meeting.

Neighboring landowner, Doug Miiller, has reached an agreement with Mr. Lowrie to drain the water into the SE ¼ of Section 4, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota, which was the plan on the original application.

Mr. Lowrie explained there was nothing intentional done or not done. His current 2” pump will pump 150 gallons per minute and is enough to push the water over the 30’ hill to the south. The new plan will eliminate the pumps, as the water will gravity flow to the south into Twelve Mile Creek. Mr. Lowrie will provide elevations of the inlet and outlet to the Drainage Office.

Lyle Lowrie stated that he owns the property east of Glen Lowrie and water has been draining on his land for too long. He said that it is drowning out his fields and killing his grass.

Motion by Kiner, second by Bult to grant Mr. Glen Lowrie 90 days to have the easement signed with Doug Miiller and complete the project with 10” solid drain tile as was stated on the original application presented to the Board on June 18, 2013.

A roll call vote was taken as follows.

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

ADMINISTRATIVELY APPROVED DRAINAGE APPLICATIONS

Administrator Bathke informed the Board there were two administratively approved applications since the last meeting.

An application for Chris Nebelsick was administratively approved on February 29, 2024. The legal description of the project is the SW ¼, Ex A, B, B-1, C & D and Ex the N86’ of the W170’ & Ex the RR ROW of Section 20, T 103, R 60, W of the 5th P.M., Davison County, South Dakota. The drainage plan is to install approximately 1,120’ of 12” drain tile, which will outlet in the CRP to the north, on the same legal description. The line will have an inlet near the prior converted (PC) area where water pools. The soil that has washed to the north will be returned to the field to cover the drainpipe. This is for information only, no vote required.

An application for Loren Van Overschelde was administratively approved on May 21, 2024. The legal description of the project is F Luczak Tract 1 in the NW ¼ of Section 6, T 104, R 60, W of the 5th P.M., Davison County, South Dakota and the SW ¼ of Section 6, T 104, R 60, W of the 5th P.M., Davison County, South Dakota. The drainage plan is for routine maintenance to clean out an existing drainage way located in the SW ¼ of Section 6-104-60 with vested drainage rights in Book 53, page 331 and the NW ¼ of Section 6-104-60 with vested drainage rights in Book 52, Page 95. This is for information only, no vote required.

MISCELLANEOUS ITEMS

None.

SET DATE AND TIME FOR NEXT MEETING

Chairperson Larson set June 18, 2024, at 7:00 p.m. as the next meeting date and time.

ADJOURN

At 8:00 p.m., Chairman Larson adjourned the meeting.

ATTEST

Susan Kiepke, Auditor

Jay Larson, Chairman

Publish Once
Approximate Cost