September 24, 2019

AGENDA

YANKTON COUNTY DRAINAGE COMMISSION

- ☐ Paul Dummer
- ☐ Frank Kralicek, Jr.
- ☐ Kevin Kirschenman
- ☐ Craig Hansen
- ☐ Tom Bixler
- ☐ Cheri Loest
- ☐ David Healy
- ☐ John Gunderson
- ☐ Casey Kruse

7:00 P.M.
OPENING BUSINESS

1. Call Meeting to Order
2. Roll Call
3. Items to be added to Agenda
4. Approval of Agenda
5. Approve previous meeting minutes (08-27-19)
6. Declare Conflict of Interest

ADMIN II Permits
7:05 P.M.
Jean Brockmueller

Applicant is requesting a Drainage Permit to install drainage tile in Yankton County with one outlet that connects to drain tile on the property to the East which outlets into a blue line. Said property is legally described as W2 SE4 S24 T96N R55W, hereinafter referred to as Mayfield Township, County of Yankton, State of South Dakota.

7:10 P.M.
David Sternhagen

Applicant is requesting a Drainage Permit to install drainage tile in Yankton County with three outlets that connect to drain tile on the property to the West and outlets into a blue line. Said property is legally described as W2 E2 Exc Lt H1 W2 NE4 & Exc S178' N218' E463' NW4 NE4 S10 T94N R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota.

7:15 P.M.
ADMINISTRATIVE ITEMS

7:20 P.M.
PUBLIC COMMENT

Meeting (Entity): DRAINAGE COMMISSION Regular or Special Meeting: REGULAR
Date: 08/27/19 Time: 7:00 PM Location: COMMISSION CHAMBERS
DC ATTENDANCE: ☒DUMMER ☐KRALICEK ☒KIRSCHENMAN ☐HANSEN ☒BIXLER ☐LOEST ☒HEALY ☒GUNDERSON ☒KRUSE
STAFF ATTENDANCE: McGINNIS, ATKINSON
APPROVAL OF AGENDA: MOTION BY: KRUSE SECOND BY: BIXLER
APPROVAL OF MINUTES: MOTION BY: BIXLER SECOND BY: HEALY
DRAINAGE: ☒DUMMER ☒KIRSCHENMAN ☒BIXLER ☒HEALY ☒GUNDERSON ☒KRUSE

AGENDA ITEM: DALE SVACINA
ADDRESS/LEGAL: SW4, S2 T95N R57W, LESTERVILLE TOWNSHIP
COMMENTS: APPLICANT IS REQUESTING A DRAINAGE PERMIT TO EXTEND THE DRAIN TILE OUTLET FROM AROUND THE FOUNDATION OF THE HOME INTO THE EAST DITCH OF 432ND AVE.
APPLICABLE SECTIONS 3.09 AND 3.10

MOTION: MOTION TO OVERTURN DENIAL OF ADMINISTRATIVE PERMIT, APPRECIATE THE FACT THAT THEY BROUGHT IT TO THE COMMISSION AND APPROVE THIS PERMIT WITH THE STIPULATION OF NO SANITORY SEWER HOOK UP AND GO FORWARD WITH AN UNPERFORATED PIPE AND REQUIRE HIGHWAY DEPARTMENT APPROVAL AND COUNTY COMMISSION APPROVAL
APPROVAL: MOTION BY: GUNDERSON SECOND BY: BIXLER
DRAINAGE: ☒DUMMER ☒KIRSCHENMAN ☒BIXLER ☒HEALY ☒GUNDERSON ☐KRUSE
5-1 WITH KRUSE VOTING NAY MOTION CARRIES

AGENDA ITEM: 7:42 PM TIM RUDD
ADDRESS/LEGAL: S2 SE4 Exc Eli Tract 1, S20 T96N R54W, TURKEY VALLEY TOWNSHIP
COMMENTS: APPLICANT IS REQUESTING A DRAINAGE PERMIT TO INSTALL DRAIN TILE IN YANKTON COUNTY.
WALLY BAKKE SPOKE ON BEHALF OF APPLICANT
APPLICABLE SECTIONS 3.09 AND 3.10

MOTION: MOTION TO APPROVE WITH THE CONDITION OF TALKING TO COUNTY HIGHWAY DEPARTMENT FOR APPROVAL
APPROVAL: MOTION BY: GUNDERSON SECOND BY: BIXLER
DRAINAGE: ☒DUMMER ☒KIRSCHENMAN ☒BIXLER ☒HEALY ☒GUNDERSON ☒KRUSE
6-0 MOTION CARRIES

AGENDA ITEM: ADMINISTRATIVE ITEMS
ADDRESS/LEGAL: N/A
COMMENTS: HOW TO HANDLE SUMP PUMPS AND OTHER YARD DRAINAGE ISSUES
UNTIL POLICY CHANGE, OCNTIUE TO BRING SUB-SURFACE DRAINAGE FROM HOMES OR SUBDIVISION TYPE PROPERTIES TO THE COMMISSION

NO PUBLIC COMMENT

AGENDA ITEM: 8:20 ADJOURN
ADDRESS/LEGAL:
COMMENTS:

MOTION:

APPROVAL: MOTION BY: GUNDERSON SECOND BY: BIXLER
DRAINAGE: ☒DUMMER ☒KIRSCHENMAN ☒BIXLER ☒HEALY ☒GUNDERSON ☒KRUSE

DRAFT

Yankton County Drainage Commission
Yankton County Drainage Board

Date filed: 08/22/19

Applicant: **Jean Brockmueller**

Drainage type:

☐ Lower Landowners ☐ Statewide / Intercounty
☐ Emergency Drainage ☐ Waive Permit ☐ Roadways

Section:

☒ Section 3.05 ☐ Section 3.06 ☐ Section 3.07 ☐ Section 3.09
☐ Section 5.09
0 Section 3.10 ☐ Section 3.11 ☐ Section 3.12 ☐ Section 3.13

Outlet size: **Six (6) inch and Eight (8) inch**

Total feet of tile: **1600 and 1000**

Easement Required: **YES**

Township / County ROW Approval: **No**

Watercourse depth and grade: **depth greater than two (2) feet and grade greater than .3%**

☐ Appeal of Drainage Administrator

☐ Section 5.01 ☐ Section 5.02 ☐ Section 5.03 ☐ Section 5.04

DC: Section 3.05 #2

Drainage Commission date: 09-24-2019 Time: 7:05 P.M.

broc1128@aol.com

YANKTON COUNTY DRAINAGE
PUBLIC HEARING
APPLICATION #_____

(Type or Print)
OWNER: Jean Brockmueller

OWNERS ADDRESS: 2108 E. Slaten ~~Bank~~ Court

OWNERS DAYTIME PHONE#: 605-310-7317

DATE OF DRAINAGE PERMIT REQUEST: 8-22-19

JOB ADDRESS: W1/2 SE1/4 24-96-55

DRAINAGE PROPERTY PARCEL NUMBER: 08.024.100.010

LEGAL: W1/2 SE1/4 24-96-55

TOWNSHIP: Mayfield **SECTION:** 24

U.S. NATURAL RESOURCES CONSERVATION SERVICE: _____

VESTED DRAINAGE RIGHTS ON PROPERTY: _____

TOWNSHIP / YANKTON COUNTY HIGHWAY / SOUTH DAKOTA DOT: _____

MUNICIPALITY / COUNTY AFFECTED BY PERMIT: Yankton

SOUTH DAKOTA GAME, FISH & PARKS: _____

SOUTH DAKOTA DENR: _____

AFFECTED SECTION OF DRAINGE ORDINANCE: 24

DRAINAGE DETAILS: 1600' 6" tile, 1000' 8" trunk tile line

_____

DRAINAGE PERMIT APPROVAL / DENIAL: _____

DRAINAGE ADMINISTRATOR SIGNATURE: _____

Applications will not be accepted nor acted upon until the following information has been provided by the applicant:

- **A)** Detailed Site Plan (Refer to handout)
- **B)** One-Call 811 Request Form
- **C)** Application Fee(s)

SCHEDULED FOR DRAINAGE COMMISSION ACTION (Date): September 24, 2019
SCHEDULED FOR DRAINAGE BOARD ACTION* (Date): _____
***TENTATIVE DATE: Final date announced at Drainage Commission Meeting**

APPLICATION FEE: 100 **CHECK #:** 2495 **RECEIPT #:** 5029

The undersigned acknowledges/declares that all the facts and representations stated in this application are true and by signing, acknowledges the cost and the procedure for the processing of the application and certifies that the property described by the legal description is not delinquent. The undersigned understands all applicable regulations in the Yankton County Drainage Ordinance, Yankton County Floodplain Ordinance and Yankton County Zoning Ordinance.

Steve Brockmueller 8-22-19 Steve Brockmueller 8-22-19
Name of Applicant **Date** **Signature of Applicant/Owner** **Date**

YANKTON COUNTY
DRAINAGE PERMIT APPLICATION

Each drainage site must have a separate site plan

DC

Applicant to complete numbered spaces only.

1. Job Address	

2. Legal Description of Drainage Site

S ½ W ½ SE ¼ Sec 24 T96N R55W

3. Owner	Mail Address	Zip	Phone
Steve Brockmueller	2108 E. Slaten Ct Sioux Falls, SD	57103	605-310-7307

4. Contractor	Mail Address	Zip	Phone
Wally Bakke	44650 297 St Irene, SD	57037	605-661-0609

5. Feet of drainage pipe and outlet size

1600' - 6" tile, 1,000' - 8" trunk tile line

6. Class of Work (Check One) ☒ New ☐ Addition ☐ Alteration ☐ Repair ☐ Move ☐ Remove

7. Describe Work:

Install 1600' - 6" tile on Steve Brockmueller. Connect to 8" tile trunk to be installed with John Brockmueller. Install approximately 1,000' - 8" trunk south on property owned by Jay Cutts to daylight at blue line.

8. Valuation of Work: $ 5,000

Owner

Job Address

For Official Use Only-

SPECIAL CONDITIONS: _____

Application Accepted By:	Site Plans Checked By:	Approved for Issuance By:

NOTICE

THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS OR CONSTRUCTION IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF ISSUANCE.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY DRAINAGE ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING DRAINAGE ACTIVITIES OR THE USE OF ANY PROPERTY.

Signature of Contractor or Authorized Agent Date

Signature of Owner (if owner builder) Date

BY THIS SIGNATURE, THE DRAINAGE ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION

PERMIT FEE	Check #
Type of Construction	☐ Blue Line Outlet
Total Feet of Pipe	☐ Drainage Ditch Outlet
Outlet Size	☐ Lake / Pond / Wetland Outlet
☐ Administrative Permit	☐ Drainage Board Permit

For County Officials Use Only

When properly validated (in this space), this is your permit.

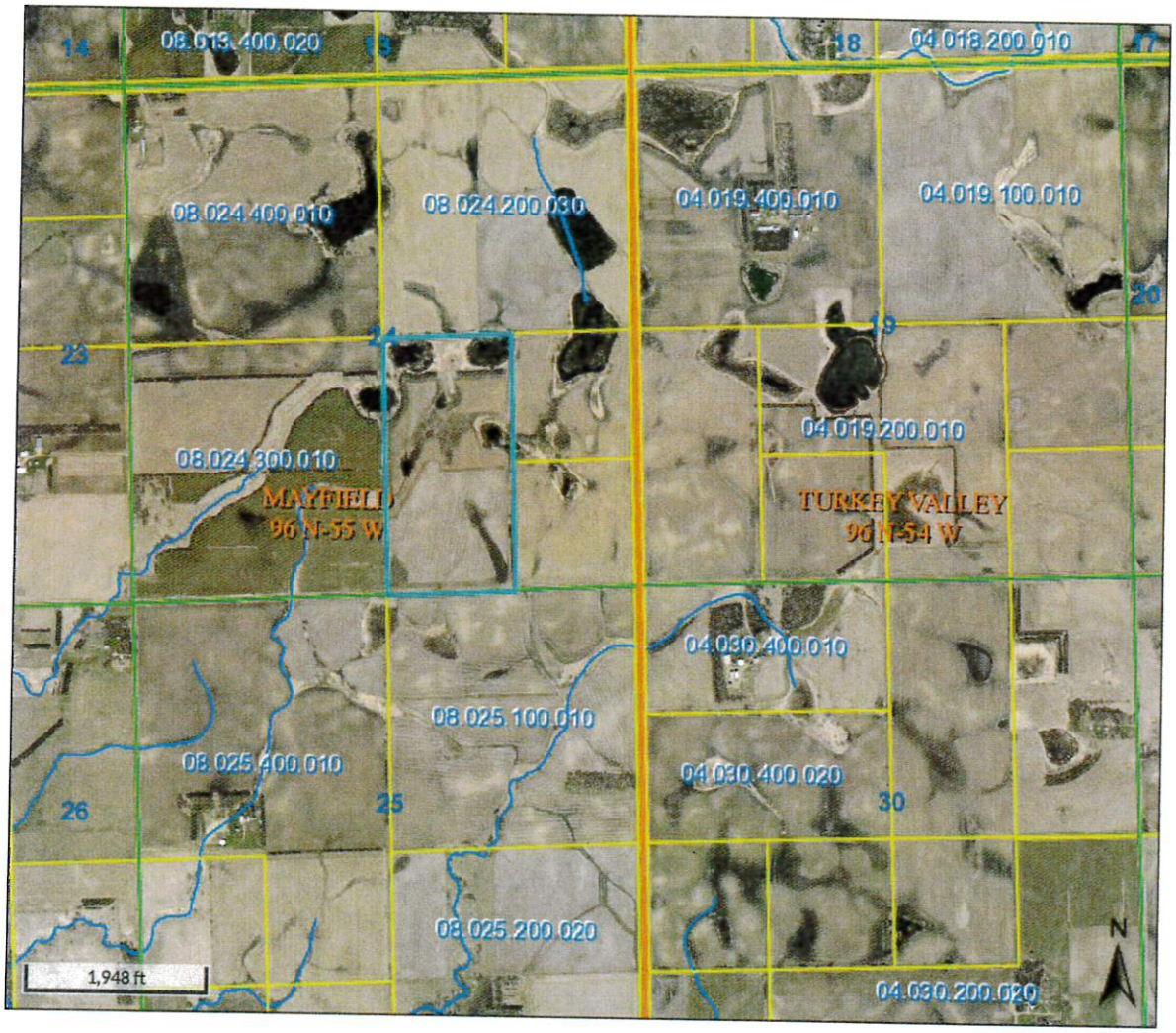
The above application is hereby approved.

Drainage Permit Number: _____

Post Construction? Y N

Drainage Administrator or Authorized Representative Date

Beacon™ Yankton County, SD



Overview

Legend

- Townships
- Sections
- Parcels
- Streets and Roads
- Streams

Parcel ID	08.024.100.010	**Alternate ID**	n/a	**Owner Address**	BROCKMUELLER, JEAN
Sec/Twp/Rng	24-96-55	**Class**	AGA		2108 SLATEN CT
Property Address		**Acreage**	79		SIOUX FALLS SD 57103
District	08133I				
Brief Tax Description	W2 SE4				
	(Note: Not to be used on legal documents)				

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

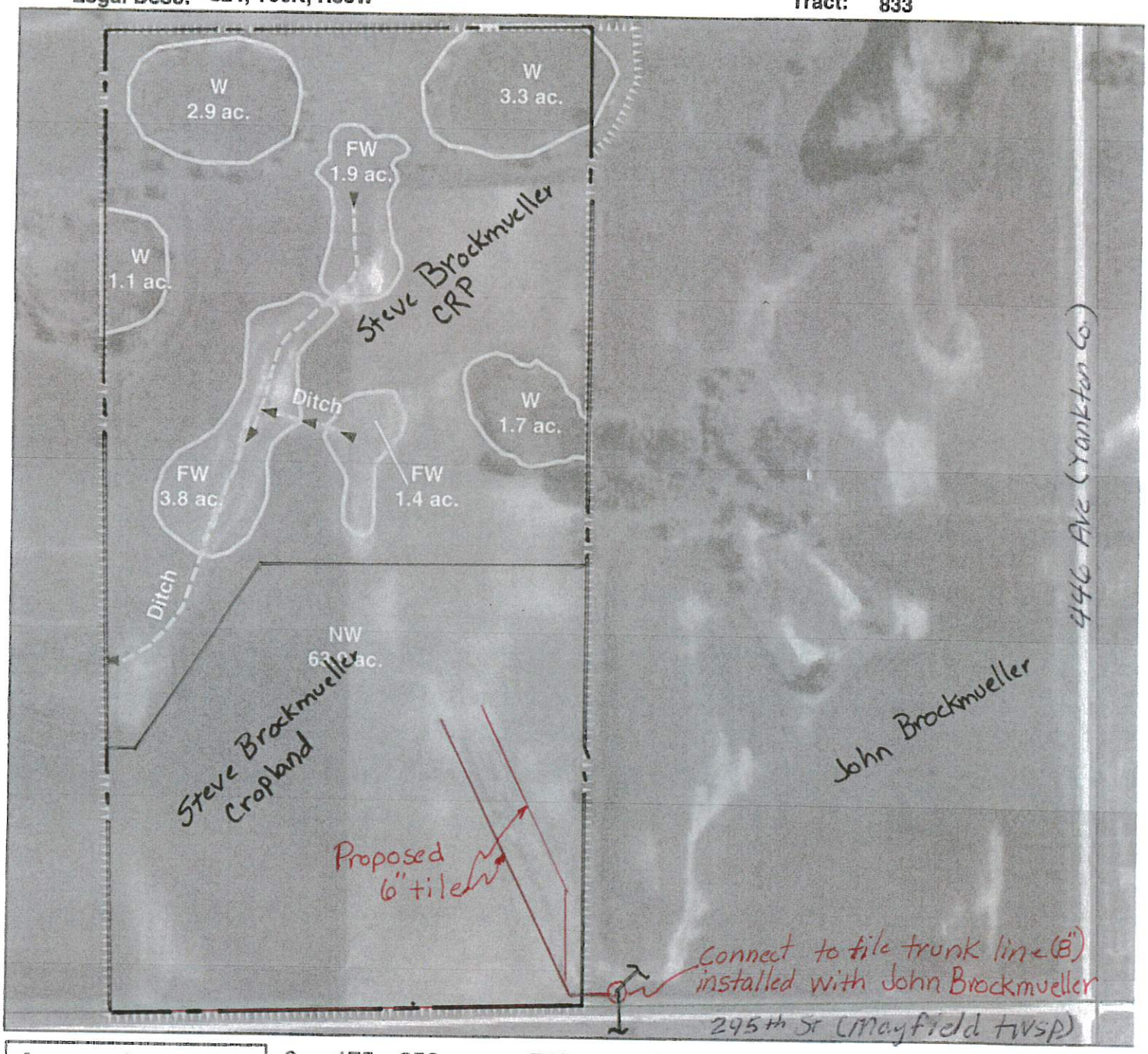
Date created: 8/22/2019
Last Data Uploaded: 8/22/2019 3:04:15 AM

Developed by Schneider GEOSPATIAL

Certified Wetland Determination

Field Office: Yankton FO
Certified By: D. Henderson
Legal Desc: **S24, T96N, R55W**

Agency: USDA-NRCS
Certified Date: 9/15/2012
Tract: **833**



Legend

- Certified Wetland Determination Boundary
- Wetlands
- Wetlands
- Ditch
- NI
- NI\Ditch
- Tile

0 175 350 700 1,050 1,400 1,750 2,100 Feet

W	Wetland
FW	Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria
PC	Prior Converted
NW	Non Wetland
NI	Not Inventoried Potential Waters of the US

See NRCS CPA-026E for definitions and additional info.

N

Google Maps

Imagery ©2019 Google, Map data ©2019 200 ft

Drainage Perpetual Easement and Right of Way Agreement

John Brockmueller of 44619 295th Street, Irene, South Dakota, hereinafter referred to as "Grantors", and Jean Brockmueller of 2108 E. Slaten Ct, Sioux Falls, South Dakota, hereinafter referred to as , Grantees for One Dollar ($1.00) and other good and valuable consideration, the receipt and sufficiency are hereby acknowledged , do hereby mutually covenant and agree, as follows:

1. Grantor does hereby grant , bargain, sell, transfer, convey and warrant unto Grantee's, its successors and assigns, a perpetual permanent easement and right of way (the "easement") with the right to erect , construct, survey,install and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove pipe/drain tile for the transportation of water under, across and /or through a strip of land forty (40) feet in width, as more particularly described in Exhibit A attached hereto and made a part hereof (the easement area) together with the right of ingress and egress over the adjacent lands of the Grantor located on real property situated legally described in Exhibit A.
2. Grantee's will pay all reasonable costs and expenses that result from the Grantee's, or anyone acting on the Grantee's behalf , use of the easement Area. Except to the extent the damages are caused by the negilence, recklessness, or willful misconduct of the Grantor or anyone acting on the Grantor's behalf.
3. Grantee's will install tile lines as shown on attached document.

Dated this 27th day of August, 2019.

Grantor
John Brockmueller
Print
John Brockmueller
Signature

On this 27 day of Aug, 2019, before me personally appeared John Brockmueller, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the same of his own free act and deed.

JOSHUA HUTH
NOTARY PUBLIC
SEAL SOUTH DAKOTA SEAL

Josh Huth
My commission Exp: 7-22-25

Grantee
Jean Brockmueller
Print

Grantee
Jean Brockmueller
Signature

On this 27th day of August, 2019, before me personally appeared Jean Brockmueller, to me known to be he person who executed the foregoing instrument, and acknowledged that he executed the same of his own free act and deed.

My commission expires: 6/26/2020

Susan S. Rooney
Notary Public - South Dakota

Exhibit A

Legal description of property: SE¼ SE¼ of 24-96-55

Grantee

John Brockmueller

Grantor

JEAN BROCKMUELLER
DURABLE FINANCIAL POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That I, JEAN BROCKMUELLER, a/k/a/ JEAN R. BROCKMUELLER, presently residing at Sioux Falls, South Dakota, do hereby make, constitute, and appoint my husband, STEVE BROCKMUELLER, as my true and lawful attorney, for me in my name, place and stead, and for my use and benefit. If STEVE BROCKMUELLER is unable to unwilling to act, then I appoint KYLE S. BROCKMUELLER of Renner, South Dakota, or KEVIN L. BROCKMUELLER, of Renner, South Dakota, as my attorney-in-fact. I specifically declare and state that this Power of Attorney shall not be affected by my disability. I hereby grant to my attorney the following powers:

1. To ask, demand, sue for, recover, collect, and receive each and every sum of money, debt, account, legacy, bequest, interest, dividend, annuity, and demand (which now or hereafter shall be due, owing or payable) belonging to or claimed by me, and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfactory release therefore, together with the right and power to compromise or compound any claim or demand.

2. To exercise any and all of the following powers as to real property, any interest therein and/or any building thereon: to contract for, purchase, receive and take possession thereof and of evidence of title thereto; to lease the same for any term or purpose, including leases for business, residence, and oil and/or mineral developments; to sell, exchange, grant or convey the same with or without warranty; and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of any note or performance of any obligation or agreement.

3. To exercise any or all of the following powers as to all kinds of personal property and goods, wares and merchandise, choses in action and other property in possession or in action: to contract for, buy, sell, exchange, transfer and in any legal matter deal in and with the same; and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of any note or performance of any obligation or agreement.

4. In the acquisition or disposition of real or personal property, my said attorney-in-fact shall have exclusive power to fix the terms thereof for cash, credit, and/or property, and if on credit, with or without security.

5. To transact any and all banking business at any bank or savings institution, to endorse all checks, promissory notes, drafts and bills of exchange for collection and deposit; and to deposit the same, to draw checks on my account and to borrow money on my behalf and to sign, execute and deliver such promissory notes and security documents as may be necessary; and to enter, deposit, and withdraw documents and assets from any and all safe deposit boxes held in my name at any financial institution; and to log on and access any internet banking accounts and be provided with any passwords needed to gain access to such accounts.

6. To receive, endorse, and collect checks payable to the order of the undersigned,

drawn on the Treasurer of the United States, and to execute in the name and on behalf of the undersigned all bonds, indemnities, applications, or other documents which may be required by law or regulation to secure the issuance of substitutes for such checks and to give full discharge for the same.

7. To fund, transfer assets to, and to instruct and advise the trustee of any trust wherein I am or may be the trustor or beneficiary; to represent and vote stock, exercise stock rights, including the exercise of all qualified and non-qualified stock options, accept and deal with any dividend, distribution or bonus, join in any corporate financing, reorganization, merger, liquidation, consolidation or other action and the extension, compromise, conversion, adjustment, enforcement or foreclosure, singly or in conjunction with others, of any corporate stock, bond, note, debenture or other security; to compound, compromise, adjust, settle and satisfy any obligation, secured or unsecured, owing by or to me and to give or accept any property and/or money, whether or not equal to or less in value than the amount owing in payment, settlement, or satisfaction thereof.

8. To transact business of any kind or class and as my act and deed to sign, execute, acknowledge and deliver any deed, lease, assignment of lease, covenant, indenture, indemnity, agreement, mortgage, contract for deed, assignment of mortgage or the beneficial interest under any contract for deed, extension or renewal of any obligation, insurance documents, bill of sale, bill, bond, note, receipt, evidence of debt, full or partial release or satisfaction of mortgage, judgment and other debt, request for partial or full reconveyance of any contract for deed and such other instruments in writing of any kind or class as may be necessary or proper in the premises.

9. To transact any business on my behalf via the internet and to have access to any electronic and/or or e-mail accounts and to be provided with any passwords or login information necessary to access such accounts.

10. To exercise any right of election in the estate of a deceased spouse and to disclaim any interest otherwise receivable by me under a Will, by intestate succession or by inter vivos transfer.

11. To establish, modify, or liquidate retirement, pension profit sharing, ESOP, IRA and 401(k) plan accounts and all employer stock purchase accounts or any like plans and accounts. With respect to any of these accounts or plans (if applicable to a particular account or plan), I also grant to my agent the ability to direct the investment of said accounts, change contribution elections, request loans, request distributions, exercise options and to perform any other actions that I may have been entitled to perform under the terms of said accounts and plans, and for the purposes of this power, my attorney is empowered to determine in his or her sole discretion the time when and purpose for and manner in which my power herein conveyed shall be exercised, and the conditions, provisions and covenants of any instrument or document which may be executed pursuant hereto.

12. To pay any charitable pledges I have made, either in full or in accordance with their terms.

13. To exercise any and all rights with respect to any insurance policy on my life or any annuity contract, or any interest in any such policy or contract, as fully as any owner or beneficiary

of the same, to engage in any transaction and to exercise and enjoy all options, benefits, rights and privileges under such policy or contract, including the right to borrow upon the same, to pledge the same of a loan or loans, to assign ownership of the same to any person, trust or other entity, to change the beneficiary and to surrender, assign, exchange, or otherwise modify any such policy or contract.

14. To prepare, sign and file tax returns required to be filed by me, alone or with others; to pay the ratable share of any tax reflected on any such return, which is properly attributable to me, and any penalties and interest thereon; to amend any tax return filed by me; to claim tax refunds; and to request extensions of time for filing tax returns. In general, my attorney-in-fact is authorized to represent me for any year or other tax period, before all offices of the Internal Revenue Service with respect to all federal tax matters, and to represent me before any office of any other taxing authority with respect to all other tax matters. My attorney-in-fact is authorized to execute a power of attorney form (I.R.S. Form 2848) to others to represent me before the Internal Revenue Service, and any other power of attorney form to others to represent me before any other taxing authority. My attorney-in-fact is authorized to receive confidential information, with full power on my behalf to perform any and all acts that I can perform with respect to tax matters, including the following: to receive checks in payment of any tax refund; to execute offers of waivers and waivers of restrictions on assessment or collection of deficiencies in tax, and waivers of notice of disallowance of a claim for credit or refund; to execute consents extending the statutory period for assessment or collection of taxes; to apply for rulings on any tax matter; and to execute closing agreements. My attorney-in-fact is authorized to employ and discharge accountants, attorneys, appraisers and other agents, employees and advisors to assist in representing me in connection with any and all tax matters involving me or my assets. My attorney-in-fact is authorized to pay from my assets all disbursements, costs, expenses, fees and other charges so incurred, and to act or to refrain from acting upon advice received from any of those sources, with no liability for any act done or omission made in good faith reliance upon that advice.

15. To claim and apply for all benefits available to me from any governmental agency (such as Supplemental Social Security (SSI), Medicaid, Medicare and Social Security Disability Insurance (SSDI)) and to utilize all lawful means and methods to qualify me for such benefits.

16. To reimburse my attorney-in-fact for any reasonable expenses incurred in connection with such services.

17. If any third party (including stock transfer agents, title insurance companies, banks, credit union, and savings and loan associations) with whom my attorney-in-fact seeks to transact, refuses to recognize my attorney-in-fact's authority to act on my behalf pursuant to this Power of Attorney, I authorize my attorney-in-fact to sue and recover from such third party all resulting damages, costs, expenses, and attorney's fees incurred because of such failure to act. The costs, expenses, and attorney's fees incurred in bring such action shall be charged against my general assets, to the extent that they are not recovered from said third party.

18. To make gifts of any asset of mine to my spouse, my legal issue, charitable organizations recognized as exempt from income taxation by the Internal Revenue Service, and to any grantor trust or other trust of which my spouse or legal issue are beneficiaries. In no event,

however, shall my attorney-in-fact have the power to make gifts of my assets to himself or herself, his or her creditors, his or her estate, the creditors of his or her estate, or to any person to whom he or she has an obligation of support. My secondary agent (if any) shall have the power to make gifts to my primary agent.

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act and thing whatsoever requisite, necessary, or appropriate to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present, hereby ratifying all that my attorney shall lawfully do or cause to be done by virtue of these presents. The power and authority hereby conferred upon my attorney shall be applicable to all real and personal property or interest therein now owned or hereafter acquired by me and wherever situated. This instrument is to be construed and interpreted as a general Durable Power of Attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my attorney-in-fact. For a third-party to construe otherwise would be contrary to my intent. This instrument is executed and delivered in the State of South Dakota and the laws of the State of South Dakota shall govern all questions as to the validity of this power and construction of its provisions. Nevertheless, I intend that this instrument be given full force and effect in any state or country in which I may find myself or in which I may own property, whether real or personal.

My attorney is empowered to hereby determine in his or her sole discretion the time when, purpose for, and manner in which my power herein conferred upon him or her shall be exercised, and the conditions, provisions and covenants of any instrument or document which may be executed by him or her pursuant hereto. Where necessary or appropriate in this instrument, the singular and plural shall be interchangeable and words of any gender shall include all genders.

Third Party Reliance. Any party dealing with my attorney-in-fact hereunder may rely absolutely on the authority granted herein and need not look to the application of any proceeds nor the authority of my attorney-in-fact as to any action taken hereunder. Any party may treat my attorney-in-fact or any authorized officer or employee of my attorney-in-fact as authorized to act for me on my behalf in the same manner and with the same force and effect as I might or could. In this regard, no person who may in good faith act in reliance upon the representations of my attorney-in-fact or the authority granted hereunder shall incur any liability to me or my estate as a result of such act and shall be indemnified and held harmless from acting upon instructions either oral or in writing, reasonably believed to have originated with my attorney-in-fact.

Dated at Sioux Falls, South Dakota, this 13th day of May, 2019.

Jean Brockmueller

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

On this 13th day of May, 2019, Jean Brockmueller, known to me or satisfactorily proven to be the person named in the within instrument, personally appeared before me, a Notary Public within and for the State and County aforesaid, and being first duly sworn and placed under oath, acknowledged that she freely and voluntarily executed the within instrument for the purposes stated therein.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

<SEAL>

Susan S. Rooney
Notary Public – South Dakota
My Commission Expires: 6-26-2020

NOTIFICATION OF DRAINAGE ACTION

September 14, 2019

Jean Brockmueller
2108 E Slaten Court
Sioux Falls, SD 57103

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

> *Applicant is requesting a Drainage Permit to install drainage tile in Yankton County with one outlet that connects to drain tile on the property to the East which outlets into a blue line. Said property is legally described as W2 SE4 S24 T96N R55W, hereinafter referred to as Mayfield Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission and Drainage Board. The proposed project is not discharging directly into a Blue Line Stream as defined by the United States Geological Survey. *Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.*

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such you are hereby notified of a public hearing before the Yankton County Drainage Commission, Yankton County South Dakota, commencing at 7:05 P.M. on the 24th day of September, 2019, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

Jean Brockmueller
Petitioner

BROCKMUELLER, JOHN D TRUST (D)
44619 295 ST
IRENE SD 57037

CUTTS, JAY (D)
44681 309 ST
MISSION HILL SD 57046

HANSEN, ROGER FAMILY REV TRUST ([
44570 296 ST
IRENE SD 57037

HEALY, BARBARA J (D)
29546 445 AVE
IRENE SD 57037

AFFIDAVIT OF MAILING
Yankton County Drainage Ordinance #19

I, Jean Brockmueller, hereby certify that on the 11th day of September, 2019, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within 2,640 feet upstream and owners of real property lying within 5,280 feet downstream of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 11th day of September, 2019.

Jean Brockmueller
(Name)
Affiant

Subscribed and sworn to before me this 11th day of September, 2019.

Susan S Rooney
Notary Public - South Dakota
My commission expires: 6-26-2020

(SEAL)

Yankton County Drainage Commission
Yankton County Drainage Board

Date filed: 09/04/19

Applicant: **David Sternhagen**

Drainage type:

☐ Lower Landowners ☐ Statewide / Intercounty
☐ Emergency Drainage ☐ Waive Permit ☐ Roadways

Section:

☒ Section 3.05 ☐ Section 3.06 ☐ Section 3.07 ☐ Section 3.09
☐ Section 5.09
0 Section 3.10 ☐ Section 3.11 ☐ Section 3.12 ☐ Section 3.13

Outlet size: Four (4) inch

Total feet of tile: 8000 ft

Easement Required: YES

Township / County ROW Approval: No

Watercourse depth and grade: depth greater than two (2) feet and grade greater than .3%

☐ Appeal of Drainage Administrator

☐ Section 5.01 ☐ Section 5.02 ☐ Section 5.03 ☐ Section 5.04

DC: Section 3.05 #2

Drainage Commission date: 09-24-2019 Time: 7:10 P.M.

YANKTON COUNTY
DRAINAGE PERMIT APPLICATION

Each drainage site must have a separate site plan

DC nsternhagen@hotmail.com
davesternhagen@yahoo.com

Applicant to complete numbered spaces only.

	Owner	Job Address
1. Job Address		
2. Legal Description of Drainage Site: W½ 10-94-56		
3. Owner: David Sternhagen — Mail Address: 30455-438th — Zip: Yankton SD — Phone: 760-3020		
4. Contractor: David Sternhagen — Mail Address: 30455 438th — Zip: Yankton SD — Phone: 760 3020		
5. Feet of drainage pipe and outlet size: 8000ft of 4"		
6. Class of Work (Check One) ☒ New ☐ Addition ☐ Alteration ☐ Repair ☐ Move ☐ Remove		
7. Describe Work: Drain area of farm that is wet & difficult to farm.		
8. Valuation of Work: $ 8000.00		

For Official Use Only-

SPECIAL CONDITIONS: _____

Application Accepted By:	Site Plans Checked By:	Approved for Issuance By:

PERMIT FEE 100.00 **Check #** 9054

NOTICE

THIS PERMIT WILL EXPIRE IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE HUNDRED EIGHTY (180) DAYS OR CONSTRUCTION IS NOT SUBSTANTIALLY COMPLETED WITHIN TWO (2) YEARS OF ISSUANCE.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF THE YANKTON COUNTY DRAINAGE ORDINANCE OR ANY OTHER FEDERAL, STATE, OR LOCAL LAW REGULATING DRAINAGE ACTIVITIES OR THE USE OF ANY PROPERTY.

Signature of Contractor or Authorized Agent — Date 9-4-19

Signature of Owner (if owner builder) — Date

BY THIS SIGNATURE, THE DRAINAGE ADMINISTRATOR IS AUTHORIZED TO ENTER UPON THE PROPERTY DESCRIBED FOR THE PURPOSE OF INSPECTION

Type of Construction	☐ Blue Line Outlet
Total Feet of Pipe	☐ Drainage Ditch Outlet
Outlet Size	☐ Lake / Pond / Wetland Outlet
☐ Administrative Permit	☐ Drainage Board Permit

For County Officials Use Only

When properly validated (in this space), this is your permit.

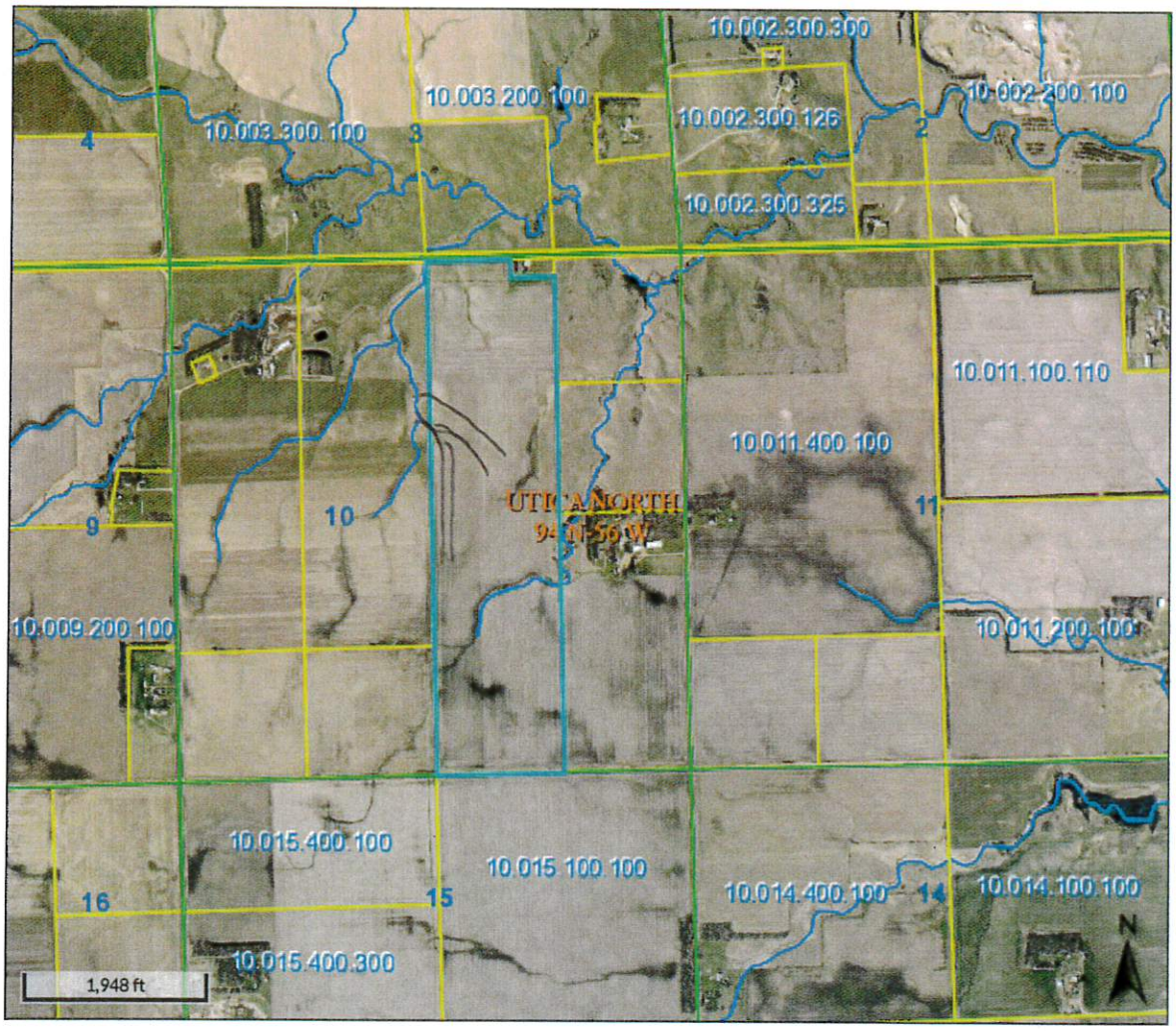
The above application is hereby approved.

Drainage Permit Number: _____

Post Construction? Y N

Drainage Administrator or Authorized Representative — Date

Beacon™ Yankton County, SD



Overview

Legend

- Townships
- Sections
- Parcels
- Streets and Roads
- Streams

Parcel ID	10.010.200.350	**Alternate ID**	n/a	**Owner Address**	STERNHAGEN, DAVID G
Sec/Twp/Rng	10-94-56	**Class**	AGA		30455 438 AVE
Property Address		**Acreage**	157		YANKTON SD 57078
District	10633Y - UTICA TWP/63-3				
Brief Tax Description	W2 E2 EXC LT H1 W2 NE4 & EXC S178' N218' E463' NW4 NE4				
	(Note: Not to be used on legal documents)				

Disclaimer: Yankton County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use.

Date created: 9/4/2019
Last Data Uploaded: 9/4/2019 3:04:19 AM

Developed by Schneider GEOSPATIAL

Certified Wetland Determination

Field Office: Yankton FO
Certified By: Hobbick
Legal Desc: W1/2 10-94-~~65~~ 56

Agency: USDA-NRCS
Certified Date: 1/20/11
Tract: 6578

Legend

- Certified Wetland Determination Boundary
- Wetlands
- Wetlands
- Ditch
- NI
- NI\Ditch
- Tile

0 300 600 1,200 1,800 2,400 3,000 3,600 Feet

N

W Wetland
FW Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria
PC Prior Converted
NW Non Wetland
NI Not Inventoried Potential Waters of the US
See NRCS CPA-026E for definitions and additional info.

NOTIFICATION OF DRAINAGE ACTION

September 14, 2019

David Sternhagen
30455 438 Ave.
Yankton, South Dakota 57078

Dear Yankton County Resident:

The Yankton County Drainage Ordinance requires written notification be provided to the owners of real property lying one half (1/2) mile upstream and one (1) mile downstream of a proposed drainage project's outlet. Your property was identified via land ownership records provided by the Yankton County Director of Equalization Office. The Ordinance also requires notification of said owners to be made by depositing such notice with the United States Post Office for first class delivery. Please take a moment to review the notice of drainage action described below:

> *Applicant is requesting a Drainage Permit to install drainage tile in Yankton County with three outlets that connect to drain tile on the property to the West and outlets into a blue line. Said property is legally described as W2 E2 Exc Lt H1 W2 NE4 & Exc S178' N218' E463' NW4 NE4 S10 T94N R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota.*

The complete application may be reviewed during normal business hours, Monday-Friday 9:00 AM to 5:00 PM, Yankton County Government Center, 321 West Third St., Yankton, S.D.

In accordance with Section 3.05 of the Yankton County Drainage Ordinance the proposed action must come before the Drainage Commission and Drainage Board. The proposed project is not discharging directly into a Blue Line Stream as defined by the United States Geological Survey. *Written objections may include traditional (letter) and electronic (email), provided, both the objecting party and reason for objection are clearly identified.*

All objections filed will become part of the public record and public review before the Yankton County Drainage Commission. As such you are hereby notified of a public hearing before the Yankton County Drainage Commission, Yankton County South Dakota, commencing at 7:10 P.M. on the 24th day of September, 2019, in the Yankton County Government Center, Commissioners Chambers, 321 West Third St., Yankton South Dakota.

Sincerely,

David Sternhagen
Petitioner

MARQUARDT FAMILY LTD PRTNRSHIP (D
PO BOX 1040
YANKTON SD 57078

MARQUARDT, RALPH J (D)
PO BOX 1040
YANKTON SD 57078

MICHAEL FAMILY PROTECTION TRST (D
30428 437 AVE
YANKTON SD 57078

SPARKS, JAMES J JR (D)
30386 438 AVE
YANKTON SD 57078

STERNHAGEN, DAVID (D)
30455 438 AVE
YANKTON SD 57078

STERNHAGEN, DAVID G (C)
30455 438 AVE
YANKTON SD 57078

AFFIDAVIT OF MAILING
Yankton County Drainage Ordinance #19

I, Nick Sternhagen, hereby certify that on the 11th day of sept, 2019, I mailed by first class mail, postage prepaid, a true and correct copy of the Notice of Public Hearing to all owners of real property lying within 2,640 feet upstream and owners of real property lying within 5,280 feet downstream of the proposed project to the most recent address of the recipient known to your Affiant.

A true and correct copy of the Notice of Public Hearing notification letters are attached as Exhibit #1 or #2.

A true and correct copy of the mailing list for owners of real property is attached as Exhibit #1A or #2A.

Dated the 13 day of September, 2019.

(Name)
Affiant

Subscribed and sworn to before me this 13th day of September, 2019.

NANCY M BROCKMOLLER
Seal
Notary Public
South Dakota

Notary Public South Dakota
My commission expires: 04/30/2025

(SEAL)