

Yankton County Drainage Commission
February 27, 2018

The monthly public meeting of the Yankton County Drainage Commission was called to order by Vice Chairperson John Gunderson at 7:00 p.m. on February 27, 2018.

Members present at call to order: Epp, Kirschenman, Gunderson, Hansen, Kralicek Jr., Kotalik Healy and Kruse.

Members absent: Dummer

Action 22718A: Moved by Kralicek, second by Kirschenman to approve the October 24, 2017, Drainage Commission minutes as written.

By voice vote, all members present voted aye.

Motion carried.

This is the time and place for discussion with Kevin Hunhoff. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as W1/2, NW1/4, exc Lot S2 & exc Lot 1, Hunhoff's Addition and N1/2, SW1/4, S24-T95N-R56W hereinafter referred to as Central Township, County of Yankton, State of South Dakota.

Mr. Hunhoff, presented his drainage plan to the commission with proposal to install a tile to a property line which will flow to the "blue line" stream in the adjacent property. The installation will have an eight (8) inch outlet and the adjacent property has provided an easement for the water to flow to the stream.

The drainage commission discussed the application and stated the application is a request to install drainage tile with easement to a "blue line" stream.

No other comments were received at the meeting or to the Drainage Administrator.

Yankton County Drainage Commission

Meeting date: February 27, 2018

Yankton County Drainage Ordinance #19

Article III

Section 3.09 Section 3.10

FINDINGS OF FACT

Applicant: Kevin Hunhoff

Parcel Number: 11.024.400.300

Legal description:

W1/2, NW1/4, exc Lot S2 & exc Lot 1, Hunhoff's Addition, S24-T95N-R56W

SECTION 3.09

1. The flow or quantity of water to be drained will not overburden the water course into which the water will be drained. The property shows elevation change (greater than 3% grade) and depth / width (greater than two (2) feet) for the drainage project.
2. The drainage will not flood or adversely affect the land of the lower proprietors, or in the case of an impediment to drainage whether such an impediment will not flood or adversely affect upstream land owners. The drainage outlet is eight (8) inches and blue line capacity is sufficient and the slope is greater than 3% to assure proper flow.
3. Easements will be granted where required. Easement is required from parcel 11.024.300.200 to allow the surface drainage to the "blue line" stream.
4. The drainage will not negatively affect agricultural productivity. The drainage will not affect agricultural productivity.
5. The land affected or the land drained is and will remain rural in character. The land is rural in character and will remain rural in character.
6. When the land to be drained is rural land, the presumption and factors set forth in SDCL 46A-10A-20 will be satisfied. All legal controls for drainage as stated are in compliance.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted. Adequate precautions are in place with sufficient infrastructure to handle water impact.
8. Recommendations from the Drainage Commission in the "Findings of Fact". As stated in Section 3.10.
9. Such other factors the Drainage Board determines to be pertinent to the application. No other requirements.

SECTION 3.10.

1. Drainage into receiving watercourses which do not have sufficient capacity to handle the additional flow and quantity of water shall be considered to have an adverse effect. The applicant shall be responsible to provide sufficient evidence with third party verification when requested by the Drainage Commission or the Drainage Board. The property shows elevation change (greater than 3% grade) and depth / width (greater than two (2) feet) for the drainage project. The drainage has sufficient capacity and ability to properly drain the property.
2. Whether drainage is accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practical natural drain, a reasonable artificial drain system is adopted. Subsurface agriculture tile drainage (5,380 feet) will be installed with an eight (8) inch outlet to properly drain legally described agriculture property.
3. The amount of water proposed to be drained. The amount of water to be drained is reasonable and not affecting the available capacity.
4. The design and other physical aspects of the drain. The design and physical aspects of the tile drainage project meets current standards as provided by Drainage Design & Water Management, South Dakota State University / North Dakota State University / University of Minnesota.
5. The impact of sustained flows The sustained flows will not produce adverse conditions with an eight (8) inch outlet and the downstream grade (greater than 3%) / stream (greater than two (2) feet depth and width) capacity in this application. All erosion issues must be mitigated with appropriate action by the applicant.

6. Recommendations from the Drainage Commission in the “Findings of Fact. The Drainage Commission further finds that the reasons set forth in the application and hearing for the drainage proposal does satisfy all Yankton County requirements for this drainage request. The Drainage Commission recommends to approve the permit.

Action 22718B: Moved by Kralicek, second by Kotalik to recommend approval for the drainage permit, based on Findings of Fact dated February 27, 2018. Said property is legally described as W1/2, NW1/4, exc Lot S2 & exc Lot 1, Hunhoff’s Addition and N1/2, SW1/4, S24-T95N-R56W hereinafter referred to as Central Township, County of Yankton, State of South Dakota. By roll call vote, all members present voted aye. Motion carried.

This is the time and place for discussion with Tyler Carda, Darrell Nelson, Chris Nelsen and Mark Schramm.

Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as NW1/4, NW1/4, exc. Sandal Tract 1, S26-T95N-R56W and S1/2, NW1/4, S26-T95N-R56W and SW1/4, exc. cemetery & Tract 1 & 2, William Schramm Addition, S26-T95N-R56W and NW1/4, NE21/4 & NE1/4, NW1/4, S26-T95N-R56W hereinafter referred to as Central Township, County of Yankton, State of South Dakota.

Drainage Administrator, Pat Garrity, provided background information regarding the application. An administrative permit was issued in November, 2017 to install tile drainage to a “blue line” stream. A downstream landowner, Roger List, appealed the permit to the Drainage Board for review in December, 2017. The Drainage Board heard the appeal from Mr. List and referred the application to the Drainage Commission. The meeting today is to begin public hearing on the application.

The outlet for the proposed drainage system is in a “blue line” stream, flowing under 438th Avenue through two (2) 24” culverts. The stream continues through a parcel owned by John Smith, then through Roger List property until it reaches the State Lake inlet. The stream in the List property is determined to be about 3% slope which is sufficient to flow surface water. The List currently graze cattle on the property and it is adversely affecting the water flow in the stream.

Chris Nelsen stated the applicants proposed to surface ditch the stream to facilitate the water flow. Roger List stated he requests the applicants to install a twelve (12) inch solid pipe through the property to the stock dam on the west edge of the parcel. Mr. List also stated no drainage permits should be given on administrative authority. He feels the upstream and downstream landowners should be notified for every permit issued in Yankton County.

Darrell Nelson stated the ditch improvement is the best alternative for this application. The slope is available and the water will flow to the inlet for State Lake. The tile proposal will need easements to protect all landowners from future issues.

Chris Nelsen stated the applicants will maintain a surface ditch on the List property if this proposal is accepted.

The Drainage Commission discussed the application and determined the List property is in the “blue line” stream. They also discussed the practices of grazing cattle in the stream bed and impact on the water flow. The commission requested the applicants to discuss the proposal with Mr. List and create an agreement for all parties.

No other comments were received at the meeting or to the Drainage Administrator.

Action 22718C: Moved by Kralicek, second by Epp to recommend a continuance of the Nelson, Nelsen, Carda, Schramm application. The application will be heard again on March 27, 2018.

Said property is legally described as NW1/4, NW1/4, exc. Sandal Tract 1, S26-T95N-R56W and S1/2, NW1/4, S26-T95N-R56W and SW1/4, exc. cemetery & Tract 1 & 2, William Schramm Addition, S26-T95N-R56W and NW1/4, NE21/4 & NE1/4, NW1/4, S26-T95N-R56W hereinafter referred to as Central Township, County of Yankton, State of South Dakota.

By voice vote, seven (7) members present voted aye, one (1) member voted nay.
Motion carried.

This is the time and place for discussion with Delos Warriner. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as E1/2, NW1/4, S29-T94N-R56W hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota.

Delos Warriner stated he requests to install tile drainage to provide a six (6) inch outlet at the property line. The “blue line” stream is not available until it flows on the surface through three (3) parcels. The neighboring parcels are currently not interested in participating in the tile project, therefore no easements are available for Mr. Warriner.

Terry Frick, neighbor, stated his intention for his property is toward residential uses not agriculture uses. Tom Arens, neighbor, stated he is not against the project, but he is not doing an easement unless the other landowners make an agreement. The Drainage Administrator read a letter from a neighboring landowner (Hilltop LLC) requesting the application be denied.
No other comments were received at the meeting or to the Drainage Administrator.

Yankton County Drainage Commission

Meeting date: February 27, 2018

Yankton County Drainage Ordinance #19

Article III

Section 3.09 Section 3.10

FINDINGS OF FACT

Applicant: Delos Warriner

Parcel Number: 06.029.400.150

Legal description:

E1/2, NW1/4, S29-T94N-R56W

Physical Address: 44147 307th Street

SECTION 3.09

1. The flow or quantity of water to be drained will not overburden the water course into which the water will be drained. The property does not have a “blue line” stream through it and no easements to reach a “blue line” stream.

2. The drainage will not flood or adversely affect the land of the lower proprietors, or in the case of an impediment to drainage whether such an impediment will not flood or adversely affect upstream land owners. The drainage outlet is not in a “blue line” stream and will adversely affect downstream landowners.
3. Easements will be granted where required. The easements are currently unavailable.
4. The drainage will not negatively affect agricultural productivity. The drainage will affect agricultural productivity.
5. The land affected or the land drained is and will remain rural in character. The land is rural in character and will remain rural in character.
6. When the land to be drained is rural land, the presumption and factors set forth in SDCL 46A-10A-20 will be satisfied. All legal controls for drainage as stated are in compliance.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted. Adequate precautions are in place with sufficient infrastructure to handle water impact.
8. Recommendations from the Drainage Commission in the “Findings of Fact”. As stated in Section 3.10.
9. Such other factors the Drainage Board determines to be pertinent to the application. No other requirements.

SECTION 3.10.

1. Drainage into receiving watercourses which do not have sufficient capacity to handle the additional flow and quantity of water shall be considered to have an adverse effect. The applicant shall be responsible to provide sufficient evidence with third party verification when requested by the Drainage Commission or the Drainage Board. The property does not have a “blue line” stream and no easements are available.
2. Whether drainage is accomplished by reasonably improving and aiding the normal and natural system of drainage according to its reasonable carrying capacity, or in the absence of a practical natural drain, a reasonable artificial drain system is adopted. Subsurface agriculture tile drainage (2,500 feet) will be installed with a six (6) inch outlet to properly drain legally described agriculture property.
3. The amount of water proposed to be drained. The amount of water to be drained is reasonable but the “blue line” stream is not on the property and no easements are available for the surface drainage.
4. The design and other physical aspects of the drain. The design and physical aspects of the tile drainage project meets current standards as provided by Drainage Design & Water Management, South Dakota State University / North Dakota State University / University of Minnesota.
5. The impact of sustained flows The sustained flows will produce adverse conditions with a six (6) inch outlet in this application.
6. Recommendations from the Drainage Commission in the “Findings of Fact. The Drainage Commission further finds that the reasons set forth in the application and hearing for the drainage proposal does not satisfy all Yankton County requirements for this drainage request. The Drainage Commission recommends to deny the permit.

Action 32817F: Moved by Kruse, second by Kirschenman to recommend to deny the drainage permit, based on Findings of Fact dated February 27, 2018. Said property is legally described as E1/2, NW1/4, S29-T94N-R56W hereinafter referred to as Mission Hill North Township, County of Yankton, State of South Dakota.

By roll call vote, all members present voted aye.

Motion carried.

The agenda having been exhausted:

Action 32817G: Moved by Epp, second by Kralicek for adjournment.

By voice vote, all members present voted aye.

The next meeting of the Yankton County Drainage Commission will be held 7:00 pm,
March 27, 2018.

Respectfully submitted:
Patrick Garrity AICP
Drainage Administrator