

Yankton County Drainage Commission
August 23, 2016

The monthly public meeting of the Yankton County Drainage Commission was called to order by Chairperson Paul Dummer at 7:00 p.m. on August 23, 2016.

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

Action 82316A: Moved by Kotalik, second by Gunderson to approve the June 28, 2016, Drainage Commission minutes as written.

By voice vote, all members present voted aye.

Motion carried.

This is the time and place for discussion with Paul Dummer. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as N1/2, SW1/4, S32-T95N-R57W and Lot 3, Wollach's S/D, S32-T95N-R57W and Lot 4, Wollach's S/D, S32-T95N-R57W and Lot 5, Walloch's S/D, S32-T95N-R57W, hereinafter referred to as Lesterville Township, County of Yankton, State of South Dakota.

Mr. Dummer, presented his drainage plan to the commission with proposal to tile a 120 acre portion of his field with the outlet through adjacent property to a "blue line" stream. The plan shows the partnership with the Frick family and easements are required. The Mission Hill North Township is organized and will coordinate with the applicant for Right of Way (ROW) occupation requirements. The plan shows the slope estimated to be greater than 3% and the outlets are planned to be eight (8) inch.

Terry Frick, neighboring property owner, stated his concerns to provide assurance proper installation is completed according the proposed site. He also stated his concern regarding non-point pollution from the drainage project. Mr. Gunderson stated the concern needs to be supported with documentation for the commission to review. It was also stated the South Dakota Department of Environment and Natural Resources is the lead agency to monitor and regulate non-point and point source pollution issues.

The drainage commission discussed the application and stated the application needs proper verification to assure proper water flow according the site plan design. The commission recommends a post construction review. The applicant, Nelson Family Partnership requested the application be placed on continuance. The applicant stated future discussion with the surrounding land owners is required to reach a mutual agreement for this project. No other comments were received at the meeting or to the Drainage Administrator.

Action 62816B: Moved by Kirschenman, second by Hansen to recommend continuance for the drainage permit, based on Findings of Fact dated June 28, 2016. Said property is legally described as NE1/4, S19-T94N-R55W and W1/2, NW1/4, S20-T94N-R55W, 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.

This is the time and place for discussion with Nelson Family Partnership. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as N1/2, NE1/4, exc. Lot H-1, NE1/4 & N1/2, NW1/4 & Tract 1, S1/2, NW1/4, N1/2, SW1/4 & Lot A, S1/2, NW1/4, S36-T94N-R56W and N936', S1/2, NE1/4, exc. Lot H-3 & exc. Lot H-1, NE1/4 & exc. Lot H-2, S1/2, NE1/4, S36-T94N-R56W, hereinafter referred to as Utica North Township, County of Yankton, State of South Dakota.

Darrell Nelson, representing Nelson Family Partnership, presented his drainage plan to the commission with proposal to repair, replace and upgrade existing tile with the outlet through adjacent property to a "blue line" stream. The plan shows the areas to repair, outlet size and "blue line" stream locations. The property does have vested drainage rights recorded on the property deed. The applicant is requesting a Drainage Board approval as the outlets drain across Yankton municipal property. The plan shows the slope estimated to be greater than 3% and the outlets are planned to be four (4) six (6) inch outlets and one (1) twelve (12) inch outlet. No other comments were received at the meeting or to the Drainage Administrator.

Yankton County Drainage Commission

Meeting date: June 28, 2016

Yankton County Drainage Ordinance #19

Article III

Section 3.09 Section 3.10

FINDINGS OF FACT

Applicant: Nelson Family Partnership

Parcel Number: 10.036.100.150 and 10.036.100.110

Legal description:

N1/2, NE1/4, exc. Lot H-1, NE1/4 & N1/2, NW1/4 & Tract 1, S1/2, NW1/4, N1/2, SW1/4 & Lot A, S1/2, NW1/4, S36-T94N-R56W and N936', S1/2, NE1/4, exc. Lot H-3 & exc. Lot H-1, NE1/4 & exc. Lot H-2, S1/2, NE1/4, S36-T94N-R56W

Physical Address: US Hwy 81 and West 39th 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 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 outlets are three (3) six (6) inch and one (1) twelve (12) inch 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 not required.
 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 (culvert) 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 1% 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 (5,000 feet) will be installed with three (3) six (6) inch outlets and one (1) twelve (12) inch 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 three (3) six (6) inch outlet and one (1) twelve (12) inch 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 monitoring the long term impact of adverse impact on downstream landowner drainage system.
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 62816C: Moved by Kirschenman, second by Healy to recommend approval for the drainage permit, based on Findings of Fact dated June 28, 2016. Said property is legally described as N1/2, NE1/4, exc. Lot H-1, NE1/4 & N1/2, NW1/4 & Tract 1, S1/2, NW1/4, N1/2, SW1/4 &

Lot A, S1/2, NW1/4, S36-T94N-R56W and N936', S1/2, NE1/4, exc. Lot H-3 & exc. Lot H-1, NE1/4 & exc. Lot H-2, S1/2, NE1/4, S36-T94N-R56W, hereinafter referred to as Utica 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 62816D: Moved by Kirschenman, second by Hansen 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,
July 26, 2016.

Respectfully submitted:

Patrick Garrity AICP
Drainage Administrator