

Yankton County Drainage Commission
November 27, 2018

The monthly public meeting of the Yankton County Drainage Commission was called to order by Chairperson Paul Dummer at 7:00 p.m. on November 27, 2018.

Members present at call to order: Gunderson, Epp, Healy, Hansen, Bixler and Dummer.

Members absent: Kralicek Jr., Kirschenman, and Kruse.

Action 112718A: Moved by Hansen, second by Bixler to approve the October 23, 2018, Drainage Commission minutes as written.

By voice vote, all members present voted aye.

Motion carried.

This is the time and place for discussion with Steve Schmidt. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as N1/2, NE1/4 & N1/2, NW1/4 and SW1/4, NE1/4, SE1/4, NW1/4, NE1/4, SW1/4, NW1/4, SE1/4 & 1 Acre, SE1/4, SW1/4, S28-T94N-R54W hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.

Steve Schmidt, discussed the drainage proposal. The public hearing minutes from September 11, 2018 are: *The project was started spring 2017 with drainage permit #119. The permit was administratively issued with a site plan (Exhibit #4 and #4A). The drainage plan shows the property is adjacent to the "blue line" stream and meets the requirements in Article III, Section 3.05 – Authority of Drainage Administrator to Grant Drainage Permits.*

The project was completed fall 2017 and Mr. Schmidt decided to install additional tile drainage on parcels adjacent to the original permitted parcel. Mr. Schmidt has provided a site plan (Exhibit #2) showing the additional tile, size of the tile and size of the mainline. The project also included three surface field drains and lift station improvements to meet capacity issues. Mr. Schmidt also stated the mainline will need to be reinstalled as it was disrupted this year with the heavy rain event (12 inches) this summer (2018). Mr. Schmidt proposes to repair the existing mainline and install an additional ten (10) inch mainline to improve the system capacity.

Mr. Schmidt stated he simply forgot to update his drainage permit when he expanded the project. The Drainage Administrator, Pat Garrity, discovered the project on site visit for the Drainage Permit #119. The site was observed after the heavy rain events earlier in the summer. The additional parcels Mr. Schmidt installed field tile on are not adjacent to the "blue line" stream and require Drainage Board review under Article III, Section 3.09 – Evaluation of Permit Applications and 3.10 – Criteria to Determine Whether Drainage Will Adversely Affect Lands of Lower Landowners.

Drainage Commission Chairman Dummer requested public comment.

Gary Smith, adjacent landowner, stated the project has caused flooding problems at the surface drains when the lift station does not meet capacity. In discussion, Mr. Smith stated the proposed mainline expansion will help with the capacity issues but the lift station must be updated to meet potential maximum capacity. Mr. Smith states the surface drains are not properly located and advocates removal or placing away from the property boundaries.

The Drainage Commission discussed the application and determined more design information and lift station capacity is required to properly administer the drainage ordinance requirements. The commission requested the applicant provide the following information:

1. *Third party verification of potential field tile system capacity.*
2. *Third party verification of mainline capacity.*
3. *Third party verification of lift station capacity.*
4. *Eliminate surface drains.*

The other issue is the “blue line” capacity and the ability of the receiving watercourse to handle the additional flow and quantity without an adverse effect. Currently the receiving watercourse is the Volin Lateral Ditch No. 1. This a levied ditch which has not been active for a few decades. The Volin Lateral Ditch No. 1 ditch committee initiated a reinstatement of the levy to begin cleaning and maintenance of the ditch. The plan is to begin at the Clay Creek Ditch (an active levied ditch) and work downstream.

Currently the ditch is not flowing toward the east as it was designed and it adversely affecting downstream landowners. Another concern is the impact on Volin Township roads with the Right of Way access the project required.

Mr. Schmidt stated he will retain a third party verification of the requested information. He will also submit a revised site plan with the system capacity and other requests completed. He also stated he will request research in a valve / gate system which will be available to monitor capacity into the “blue line” stream until the ditch is properly maintained.

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

On October 23, 2018 meeting, Steve Schmidt provided a revised site plan with a detailed work plan to implement the plan.

The recommendations are:

- *Install 12” pipe from lift station to south side of 307th Street and remove (2) surface drains.*
- *Lift station capacity is approximately 1,200 gpm, install second pump will increase capacity. Connect the 10” and 12” mainlines to lift station.*
- *Install gate valve at two (2) locations, near 307th Street and in system south of 307th Street as shown on site plan.*

Chairperson Dummer requested public comment. No comments received.

The Drainage Commission discussed the application and determined the Volin Drainage Ditch No. 1 is a levied ditch to provide drainage for a large area. The ditch has not received any maintenance since the mid 1970’s. The current capacity is insufficient to drain the surrounding area and in 2018 it actually flowed to the east direction instead of west as designed. The drainage ditch is a “blue line” stream and has responsibility to properly maintain the flow as a subservient landowner. This drainage tile installation adds additional water flow into the under maintained drainage ditch. The Drainage Commission discussed the applicant’s post application and the precedence set by such action. The enforcement issue is difficult to implement and will other individuals install tile without completing the application process.

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

The November 27, 2018 meeting, Willard Schmidt, representing Steve Schmidt, presented a complete site plan with implementation of the recommendations from the Drainage Commission meeting on October 23, 2018. Exhibit #3 and #3A state the actions the applicant will take to be compliant with the drainage ordinance. A 10” / 12” mainline will be installed south of 307th Street and the open drains will be eliminated. The lift station capacity will be 1,200 gpm with a second pump for backup requirements will be installed. Two valves will be installed to shut the system if the receiving water course becomes overwhelmed from rain events. These valves will be utilized when the Volin Lateral No. 1 ditch commission and the drainage administrator, along with Steve Schmidt determine the drainage ditch is at capacity. The drainage ditch has reinstated the ditch levy and will commence ditch maintenance to properly increase capacity. The drainage

commission requires monitoring of the Schmidt tiling until the drainage ditch is properly maintained. The drainage commission also requests a Township Right of Way (ROW) Occupation Permit from Volin Township (Exhibit #5). The drainage commission also recommends imposing an inspection fee of \$500.00 (Section 4.07) and a fine of \$1,000.00 (Section 4.08). No other comments were received at the meeting or to the Drainage Administrator.

Yankton County Drainage Commission

Meeting date: November 27, 2018

Yankton County Drainage Ordinance #19

Article III

Section 3.04 * Section 3.08 * Section 3.09 * Section 3.10

FINDINGS OF FACT

Applicant: Steve Schmidt

Parcel Number: 02.028.100.100 and 02.028.300.100

Legal description: N1/2, NE1/4 & N1/2, NW1/4 and SW1/4, NE1/4, SE1/4, NW1/4, NE1/4, SW1/4, NW1/4, SE1/4 & 1 Acre, SE1/4, SW1/4, S28-T94N-R54W

Physical Address: 307th Street and 449th Avenue

1. The applicant specifically cited the section of the drainage ordinance under which the drainage permit is sought and has stated the grounds on which it is requested; Applicant is requesting a Drainage Permit to install field tile in an Agriculture District in Yankton County. Said property is legally described as N1/2, NE1/4 & N1/2, NW1/4 and SW1/4, NE1/4, SE1/4, NW1/4, NE1/4, SW1/4, NW1/4, SE1/4 & 1 Acre, SE1/4, SW1/4, S28-T94N-R54W, hereinafter referred at as Volin Township, County of Yankton, State of South Dakota. The E911 address is 44847 307th Street, Mission Hill, SD.
2. Notice of public hearing was given, as in Section 3.04 and 3.08; The applicant mailed letters of notification to property owners within the required radius of the proposed drainage project on September 13, 2018 (supported by affidavit), a legal notice was published on September 15, 2018 in the Yankton Daily Press and Dakotan.

The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:05 pm on November 27, 2018 in the Yankton County Government Center County Commission chambers. Steve Schmidt, discussed the drainage proposal. The public hearing minutes from September 11, 2018 are: The project was started spring 2017 with drainage permit #119. The permit was administratively issued with a site plan (Exhibit #4 and #4A). The drainage plan shows the property is adjacent to the "blue line" stream and meets the requirements in Article III, Section 3.05 – Authority of Drainage Administrator to Grant Drainage Permits. The project was completed fall 2017 and Mr. Schmidt decided to install additional tile drainage on parcels adjacent to the original permitted parcel. Mr. Schmidt has provided a site plan (Exhibit

#2) showing the additional tile, size of the tile and size of the mainline. The project also included three surface field drains and lift station improvements to meet capacity issues. Mr. Schmidt also stated the mainline will need to be reinstalled as it was disrupted this year with the heavy rain event (12 inches) this summer (2018). Mr. Schmidt proposes to repair the existing mainline and install an additional ten (10) inch mainline to improve the system capacity.

Mr. Schmidt stated he simply forgot to update his drainage permit when he expanded the project. The Drainage Administrator, Pat Garrity, discovered the project on site visit for the Drainage Permit #119. The site was observed after the heavy rain events earlier in the summer. The additional parcels Mr. Schmidt installed field tile on are not adjacent to the “blue line” stream and require Drainage Board review under Article III, Section 3.09 – Evaluation of Permit Applications and 3.10 – Criteria to Determine Whether Drainage Will Adversely Affect Lands of Lower Landowners.

Drainage Commission Chairman Dummer requested public comment.

Gary Smith, adjacent landowner, stated the project has caused flooding problems at the surface drains when the lift station does not meet capacity. In discussion, Mr. Smith stated the proposed mainline expansion will help with the capacity issues but the lift station must be updated to meet potential maximum capacity. Mr. Smith states the surface drains are not properly located and advocates removal or placing away from the property boundaries.

The Drainage Commission discussed the application and determined more design information and lift station capacity is required to properly administer the drainage ordinance requirements. The commission requested the applicant provide the following information:

5. Third party verification of potential field tile system capacity.
6. Third party verification of mainline capacity.
7. Third party verification of lift station capacity.
8. Eliminate surface drains.

The other issue is the “blue line” capacity and the ability of the receiving watercourse to handle the additional flow and quantity without an adverse effect. Currently the receiving watercourse is the Volin Lateral Ditch No. 1. This a levied ditch which has not been active for a few decades. The Volin Lateral Ditch No. 1 ditch committee initiated a reinstatement of the levy to begin cleaning and maintenance of the ditch. The plan is to begin at the Clay Creek Ditch (an active levied ditch) and work downstream.

Currently the ditch is not flowing toward the east as it was designed and it adversely affecting downstream landowners. Another concern is the impact on Volin Township roads with the Right of Way access the project required.

Mr. Schmidt stated he will retain a third party verification of the requested information. He will also submit a revised site plan with the system capacity and other requests completed. He also stated he will request research in a valve / gate system which will be available to monitor capacity into the “blue line” stream until the ditch is properly maintained.

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

On October 23, 2018 meeting, Steve Schmidt provided a revised site plan with a detailed work plan to implement the plan.

The recommendations are:

- Install 12” pipe from lift station to south side of 307th Street and remove (2) surface drains.
- Lift station capacity is approximately 1,200 gpm, install second pump will increase capacity. Connect the 10” and 12” mainlines to lift station.
- Install gate valve at two (2) locations, near 307th Street and in system south of 307th Street as shown on site plan.

Chairperson Dummer requested public comment. No comments received.

The Drainage Commission discussed the application and determined the Volin Drainage Ditch No. 1 is a levied ditch to provide drainage for a large area. The ditch has not received any maintenance since the mid 1970's. The current capacity is insufficient to drain the surrounding area and in 2018 it actually flowed to the east direction instead of west as designed. The drainage ditch is a "blue line" stream and has responsibility to properly maintain the flow as a subservient landowner. This drainage tile installation adds additional water flow into the under maintained drainage ditch. The Drainage Commission discussed the applicant's post application and the precedence set by such action. The enforcement issue is difficult to implement and will other individuals install tile without completing the application process.

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

The November 27, 2018 meeting, Willard Schmidt, representing Steve Schmidt, presented a complete site plan with implementation of the recommendations from the Drainage Commission meeting on October 23, 2018. Exhibit #3 and #3A state the actions the applicant will take to be compliant with the drainage ordinance. A 10" / 12" mainline will be installed south of 307th Street and the open drains will be eliminated. The lift station capacity will be 1,200 gpm with a second pump for backup requirements will be installed. Two valves will be installed to shut the system if the receiving water course becomes overwhelmed from rain events. These valves will be utilized when the Volin Lateral No. 1 ditch commission and the drainage administrator, along with Steve Schmidt determine the drainage ditch is at capacity. The drainage ditch has reinstated the ditch levy and will commence ditch maintenance to properly increase capacity. The drainage commission requires monitoring of the Schmidt tiling until the drainage ditch is properly maintained. The drainage commission also requests a Township Right of Way (ROW) Occupation Permit from Volin Township (Exhibit #5). The drainage commission also recommends imposing an inspection fee of \$500.00 (Section 4.07) and a fine of \$1,000.00 (Section 4.08).

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

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 watershed in the area is design to provide a "blue line" stream with a levied drainage ditch system. The drainage ditch system has not has proper maintenance since the mid 1970's. The ditch capacity is compromised at present time and will properly flow with excessive precipitation as received in 2018 (record total). The current "blue line" stream condition is the water course is overburden. The drainage ditch board is responsible to correct the maintenance issue and a levy is implemented to begin ditch maintenance. The applicant will install valves to control input to the drainage ditch until capacity is corrected.
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, 10 inch and 12 inch into lift station at 1,200 + gpm capacity, is in a "blue line" stream and will not adversely affect downstream landowners but the ditch does affect upstream landowners under present conditions. The ditch commission need to meet the NRCS guidelines. Natural Resources Conservation Service (NRCS) Water Management Guide 650 states surface water will flow with slopes greater than .1% slope, with .2% recommendation. The applicant will install valves to control input to the drainage ditch until capacity is corrected.
3. Easements will be granted where required. The easement is complete. A Right of Way (ROW) occupation from Volin Township is 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. All landowners with "blue line" streams are responsible for proper management to facilitate proper drainage and the drainage ditch is not properly maintain. The applicant will install valves to control input to the drainage ditch until capacity is corrected.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted. The Volin Lateral Ditch No. 1 ditch commission must provide adequate precautions with sufficient infrastructure to handle water impact with .2% to .3% slope identified from Lidar data and topographic map. All erosion issues will be mitigated by the applicant.
8. Recommendations from the Drainage Commission in the "Findings of Fact". The drainage commission has a site plan with a gate valve for all tile installation south of 307th Street, and Right of Way (ROW) agreement with Volin Township and eliminate all surface drains.
9. Such other factors the Drainage Board determines to be pertinent to the application. No other comments were received at the meeting or to the Drainage Administrator.

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 watershed is designed to drain through a number of drainage ditches. These drainage ditches are levied (special assessment taxes to provide funds for maintenance and design improvements) and have not received assessments since the mid 1970's. Currently the drainage ditch flows upstream during heavy rain events and requires proper maintenance. The applicant will install valves to control input to the drainage ditch until capacity is corrected.
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 (187,000 feet) will be installed with a twelve (12) inch outlet and ten (10) inch to properly drain legally described agriculture property. This is to lift station with 1,200 + gpm capacity into the "blue line" stream. The site plan also documents mainline arrangements, valve locations and tile sizes.
3. The amount of water proposed to be drained. The amount of water to be drained is reasonable and Right of Way (ROW) agreements is complete. The applicant will install valves to control input to the drainage ditch until capacity is corrected.
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 a 1,200 + gpm capacity lift station outlet in this application. The reference material for the determination is 2012 Drainage Design and Water Management Workshop. The applicant will install valves to control input to the drainage ditch until capacity is corrected.

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 requires monitoring of the Schmidt tiling until the drainage ditch is properly maintained. The drainage commission also requests a Township Right of Way (ROW) Occupation Permit from Volin Township (Exhibit #5). These valves will be utilized when the Volin Lateral No. 1 ditch commission and the drainage administrator, along with Steve Schmidt determine the drainage ditch is at capacity. The drainage commission also recommends imposing an inspection fee of \$500.00 (Section 4.07) and a fine of \$1,000.00 (Section 4.08). The Drainage Commission recommends to approve the permit.

Action 112718B: Moved by Gunderson, second by Hansen to recommend to approve the drainage permit, based on Findings of Fact dated November 27, 2018. The property is legally described as N1/2, NE1/4 & N1/2, NW1/4 and SW1/4, NE1/4, SE1/4, NW1/4, NE1/4, SW1/4, NW1/4, SE1/4 & 1 Acre, SE1/4, SW1/4, S28-T94N-R54W hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.

By roll call vote, five members present voted aye, one member voted nay.
Motion carried.

This is the time and place for discussion with Nelson AG Holdings. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as SW1/4, exc Lot R-1, S32-T95N-R54W, hereinafter referred to as Marindahl Township and N1/2, NE1/4, exc Lot R-4, NE1/4, S5-T94N-R54W and S1/2, NE1/4, exc Tract 2, Juttelstad’s Addition, S5-T94N-R54W and SW1/4, NW1/4, S4-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.

Darrell Nelson stated the application to install field tile on two parcels with the outlet for the project into a “blue line” stream. The site plan meets requirements and easements are complete. The project is 6,000 feet of 6” tile with a six (6) inch outlet. The project has a Right of Way agreement with Yankton County to occupy the ROW at 303rd Street. The outlet will go to the Volin Lateral No. 1 and the applicant will not complete the project until the drainage ditch is properly maintained.

Chairperson Dummer requested public comment. Russell Schmidt, a neighbor, stated he is concerned that if the ‘blue line’ stream does have capacity for his tile project it does not have capacity for this proposed tile project.

No other public comment was presented.

The Drainage Commission discussed the application and recognized the complexity of the drainage “blue line” streams capacity. The slope in the “blue line” stream at the outlet is +.2% which is sufficient to flow water. The capacity at Volin Lateral No. 1 is planned to be maintained with an initiation of the levy payable 2019. The funds will be utilized to clean the ditch from the outlet to 448th Avenue. It is also noted the geographic features which is responsible for some percolation before the water flow reaches the Volin Lateral No. 1.

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

Yankton County Drainage Commission

Meeting date: November 27, 2018

Yankton County Drainage Ordinance #19

Article III

Section 3.09 * Section 3.10

FINDINGS OF FACT

Applicant: Nelson AG Holdings

Parcel Number: 03.032.300.100, 02.005.100.100, 02.005.100.200, 02.004.400.200

Legal description: SW1/4, exc Lot R-1, S32-T95N-R54W, hereinafter referred to as Marindahl Township and N1/2, NE1/4, exc Lot R-4, NE1/4, S5-T94N-R54W and S1/2, NE1/4, exc Tract 2, Juttelstad's Addition, S5-T94N-R54W and SW1/4, NW1/4, S4-T94N-R54W

Physical Address: 303rd Street and 448th Avenue

1. The applicant specifically cited the section of the drainage ordinance under which the drainage permit is sought and has stated the grounds on which it is requested; Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as SW1/4, exc Lot R-1, S32-T95N-R54W, hereinafter referred to as Marindahl Township and N1/2, NE1/4, exc Lot R-4, NE1/4, S5-T94N-R54W and S1/2, NE1/4, exc Tract 2, Juttelstad's Addition, S5-T94N-R54W and SW1/4, NW1/4, S4-T94N-R54W, hereinafter referred to as Volin Township, County of Yankton, State of South Dakota.
2. Notice of public hearing was given, as in Section 3.04 and 3.08; The applicant mailed letters of notification to property owners within the required radius of the proposed drainage project on November 17, 2018 (supported by affidavit), a legal notice was published on November 17, 2018 in the Yankton Daily Press and Dakotan.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:25 pm on November 27, 2018 in the Yankton County Government Center County Commission chambers. Darrell Nelson stated the application to install field tile on two parcels with the outlet for the project into a "blue line" stream. The site plan meets requirements and easements are complete. The project is 6,000 feet of 6" tile with a six (6) inch outlet. The project has a Right of Way agreement with Yankton County to occupy the ROW at 303rd Street. The outlet will go to the Volin Lateral No. 1 and the applicant will not complete the project until the drainage ditch is properly maintained. Chairperson Dummer requested public comment. Russell Schmidt, a neighbor, stated he is concerned that if the "blue line" stream does have capacity for his tile project it does not have capacity for this proposed tile project. No other public comment was presented. The Drainage Commission discussed the application and recognized the complexity of the drainage "blue line" streams capacity. The slope in the "blue line" stream at the outlet is +.2% which is sufficient to flow water. The capacity at Volin Lateral No. 1 is planned to be maintained with an initiation of the levy payable 2019. The funds will be utilized to clean the ditch from the outlet to 448th Avenue. It is also noted the geographic features which is responsible for some percolation before the water flow reaches the Volin Lateral No. 1.

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

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 outlet is at a “blue line” stream with sufficient capacity to not overburden the water course.
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, six (6) inch, will not cause adverse effect. Natural Resources Conservation Service (NRCS) Water Management Guide 650 states surface water will flow with slopes greater than .1% slope, with .2% recommendation.
3. Easements will be granted where required. The easement are complete.
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. All landowners with “blue line” streams are responsible for proper management to facilitate proper drainage.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted. All erosion issues will be mitigated by the applicant.
8. Recommendations from the Drainage Commission in the “Findings of Fact”. N/A
9. Such other factors the Drainage Board determines to be pertinent to the application. No other comments were received at the meeting or to the Drainage Administrator.

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 proposed drainage project will not overburden the water course and sufficient capacity is provided with depth greater than two (2) feet and grade greater than .3%.
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 (6,000 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.
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 a six (6) inch outlet in this application. The reference material for the determination is 2012 Drainage Design and Water Management Workshop.
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 112718C: Moved by Gunderson, second by Bixler to recommend to approve the drainage permit, based on Findings of Fact dated November 27, 2018. Said property is legally described as SW1/4, exc Lot R-1, S32-T95N-R54W, hereinafter referred to as Marindahl Township and N1/2, NE1/4, exc Lot R-4, NE1/4, S5-T94N-R54W and S1/2, NE1/4, exc Tract 2, Juttelstad's Addition, S5-T94N-R54W and SW1/4, NW1/4, S4-T94N-R54W, hereinafter referred to as Volin 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 Doug and Josh Schaeffer. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as W1/2, NE1/4, & N1/2, NE1/4, NE1/4, exc Lot R-14, NE1/4 & exc Tract 1, Weidenbach Addition, S29-T96N-R57W and Tract 1, Weidenbach Addition, S29-T96N-R57W and NW1/4, SE1/4, S29-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota.

Josh Schaeffer discussed the application to install field tile on three parcels with the outlet to the "blue line" stream. The site plan shows 93,145 feet of tile with a twelve (12) inch outlet. The project includes appropriate easements completed and a Yankton County Right of Way agreement to bore the mainline under 295th Street to the "blue line" stream. The receiving water course has sufficient slope and depth to not overburden any downstream or upstream landowners.

The drainage commission discussed the application and determined the applicant has met all the requirements.

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

Yankton County Drainage Commission

Meeting date: November 27, 2018

Yankton County Drainage Ordinance #19

Article III

Section 3.09 * Section 3.10

FINDINGS OF FACT

Applicant: Doug & Josh Schaeffer

Parcel Number: 16.029.100.100 and 16.029.200.110 and 16.029.150.100

Legal description: W1/2, NE1/4, & N1/2, NE1/4, NE1/4, exc Lot R-14, NE1/4 & exc Tract 1, Weidenbach Addition, S29-T96N-R57W and Tract 1, Weidenbach Addition, S29-T96N-R57W and NW1/4, SE1/4, S29-T96N-R57W

Physical Address: 295th Street and 430th Avenue

1. The applicant specifically cited the section of the drainage ordinance under which the drainage permit is sought and has stated the grounds on which it is requested; Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as W1/2, NE1/4, & N1/2, NE1/4, NE1/4, exc Lot R-14, NE1/4 & exc Tract 1, Weidenbach Addition, S29-T96N-R57W and Tract 1, Weidenbach Addition, S29-T96N-R57W and NW1/4, SE1/4, S29-T96N-R57W, hereinafter referred to as Odessa Township, County of Yankton, State of South Dakota.
2. Notice of public hearing was given, as in Section 3.04 and 3.08; The applicant mailed letters of notification to property owners within the required radius of the proposed drainage project on November 14, 2018 (supported by affidavit), a legal notice was published on November 17, 2018 in the Yankton Daily Press and Dakotan.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 7:40 pm on November 27, 2018 in the Yankton County Government Center County Commission chambers. Josh Schaeffer discussed the application to install field tile on three parcels with the outlet to the “blue line” stream. The site plan shows 93,145 feet of tile with a twelve (12) inch outlet. The project includes appropriate easements completed and a Yankton County Right of Way agreement to bore the mainline under 295th Street to the “blue line” stream. The receiving water course has sufficient slope and depth to not overburden any downstream or upstream landowners. No other comments were received at the meeting or to the Drainage Administrator. The drainage commission discussed the application and determined the applicant has met all the requirements.

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 outlet is at a “blue line” stream with sufficient capacity to not overburden the water course.
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, twelve (12) inch, will not cause adverse effect. Natural Resources Conservation Service (NRCS) Water Management Guide 650 states surface water will flow with slopes greater than .1% slope, with .2% recommendation.
3. Easements will be granted where required. The easements are complete.
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. All landowners with “blue line” streams are responsible for proper management to facilitate proper drainage.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted. All erosion issues will be mitigated by the applicant.
8. Recommendations from the Drainage Commission in the “Findings of Fact”. N/A

9. Such other factors the Drainage Board determines to be pertinent to the application. No other comments were received at the meeting or to the Drainage Administrator.

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 proposed drainage project will not overburden the water course and sufficient capacity is provided with depth greater than two (2) feet and grade greater than .3%.
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 (93,145 feet) will be installed with a twelve (12) 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.
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 a twelve (12) inch outlet in this application. The reference material for the determination is 2012 Drainage Design and Water Management Workshop.
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 112718D: Moved by Gunderson, second by Bixler to recommend to approve the drainage permit, based on Findings of Fact dated November 27, 2018. Said property is legally described as W1/2, NE1/4, & N1/2, NE1/4, NE1/4, exc Lot R-14, NE1/4 & exc Tract 1, Weidenbach Addition, S29-T96N-R57W and Tract 1, Weidenbach Addition, S29-T96N-R57W and NW1/4, SE1/4, S29-T96N-R57W, hereinafter referred to as Odessa 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 Ron Schaeffer. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as SE1/4, NE1/4, & N324', exc S65', W176', NE1/4, SE1/4 & N260', E330', NW1/4, SE1/4, S4-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota.

Ron Schaeffer stated the project is an addition to a previous drainage permit #40, issued September 10, 2013. This plan is field tiling with the outlet attached to the mainline which proceeds north to Hutchinson County to the “blue line” stream which then enters Yankton County to the James River.

The drainage commission discussed the application and determined all requirements are compliant.

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

Meeting date: November 27, 2018

Yankton County Drainage Ordinance #19

Article III

Section 3.09 * Section 3.10

FINDINGS OF FACT

Applicant: Ron Schaeffer

Parcel Number: 12.004.100.175

Legal description: SE1/4, NE1/4, & N324', exc S65', W176', NE1/4, SE1/4 & N260', E330', NW1/4, SE1/4, S4-T96N-R56W

Physical Address: 291st Street and 437th Avenue

1. The applicant specifically cited the section of the drainage ordinance under which the drainage permit is sought and has stated the grounds on which it is requested; Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as SE1/4, NE1/4, & N324', exc S65', W176', NE1/4, SE1/4 & N260', E330', NW1/4, SE1/4, S4-T96N-R56W, hereinafter referred to as Jamesville Township, County of Yankton, State of South Dakota.
2. Notice of public hearing was given, as in Section 3.04 and 3.08; The applicant mailed letters of notification to property owners within the required radius of the proposed drainage project on November 16, 2018 (supported by affidavit), a legal notice was published on November 17, 2018 in the Yankton Daily Press and Dakotan.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 8:00 pm on November 27, 2018 in the Yankton County Government Center County Commission chambers. Ron Schaeffer stated the project is an addition to a previous drainage permit #40, issued September 10, 2013. This plan is field tiling with the outlet attached to the mainline which proceeds north to Hutchinson County to the "blue line" stream which then enters Yankton County to the James River. The drainage commission discussed the application and determined all requirements are compliant.
No other comments were received at the meeting or to the Drainage Administrator.

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 outlet is at a "blue line" stream with sufficient capacity to not overburden the water course.

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, eight (8) inch, will not cause adverse effect. Natural Resources Conservation Service (NRCS) Water Management Guide 650 states surface water will flow with slopes greater than .1% slope, with .2% recommendation.
3. Easements will be granted where required. The easements are complete.
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. All landowners with "blue line" streams are responsible for proper management to facilitate proper drainage.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted. All erosion issues will be mitigated by the applicant.
8. Recommendations from the Drainage Commission in the "Findings of Fact". N/A
9. Such other factors the Drainage Board determines to be pertinent to the application. No other comments were received at the meeting or to the Drainage Administrator.

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 proposed drainage project will not overburden the water course and sufficient capacity is provided with depth greater than two (2) feet and grade greater than .3%.
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 (6,000 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.
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 in this application. The reference material for the determination is 2012 Drainage Design and Water Management Workshop.
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 112718E: Moved by Hansen, second by Epp to recommend to approve the drainage permit, based on Findings of Fact dated November 27, 2018. Said property is legally described as SE1/4,

NE1/4, & N324', exc S65', W176', NE1/4, SE1/4 & N260', E330', NW1/4, SE1/4, S4-T96N-R56W, hereinafter referred to as Jamesville 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 Alvin Novak. Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as NW1/4, exc Lot R-13 & exc SW1/4, NW1/4, S23-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota

Alan Novak stated the project is to connect his field drainage to the neighbor's drainage project. The project, permit # 189, was approved by the drainage board on November 20, 2018. Mr. Novak plan is 2,000 feet of five (5) inch tile attached to neighbor's (Laddie Nedved) field tile. The proposal has sufficient capacity and the easements are complete.

The drainage commission discussed the application and determined all requirements are compliant.

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

Yankton County Drainage Commission

Meeting date: November 27, 2018

Yankton County Drainage Ordinance #19

Article III

Section 3.09 * Section 3.10

FINDINGS OF FACT

Applicant: Alan Novak

Parcel Number: 14.023.400.100

Legal description: NW1/4, exc Lot R-13 & exc SW1/4, NW1/4, S23-T94N-R57W

Physical Address: Janousek Road and 432nd Avenue

1. The applicant specifically cited the section of the drainage ordinance under which the drainage permit is sought and has stated the grounds on which it is requested; Applicant is requesting a Drainage Permit to install tile drainage in Yankton County. Said property is legally described as NW1/4, exc Lot R-13 & exc SW1/4, NW1/4, S23-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota
2. Notice of public hearing was given, as in Section 3.04 and 3.08; The applicant mailed letters of notification to property owners within the required radius of the proposed drainage project on November 16, 2018 (supported by affidavit), a legal notice was published on November 17, 2018 in the Yankton Daily Press and Dakotan.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney; A public meeting was held at 8:15 pm on November 27, 2018 in the Yankton County Government

Center County Commission chambers. Alan Novak stated the project is to connect his field drainage to the neighbor's drainage project. The project, permit # 189, was approved by the drainage board on November 20, 2018. Mr. Novak plan is 2,000 feet of five (5) inch tile attached to neighbor's (Laddie Nedved) field tile. The proposal has sufficient capacity and the easements are complete.

The drainage commission discussed the application and determined all requirements are compliant.

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

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 outlet is at a "blue line" stream with sufficient capacity to not overburden the water course.
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, five (5) inch, will not cause adverse effect. Natural Resources Conservation Service (NRCS) Water Management Guide 650 states surface water will flow with slopes greater than .1% slope, with .2% recommendation.
3. Easements will be granted where required. The easements are complete.
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. All landowners with "blue line" streams are responsible for proper management to facilitate proper drainage.
7. Adequate precautions have been taken to ensure that roadways will not be negatively impacted. All erosion issues will be mitigated by the applicant.
8. Recommendations from the Drainage Commission in the "Findings of Fact". N/A
9. Such other factors the Drainage Board determines to be pertinent to the application. No other comments were received at the meeting or to the Drainage Administrator.

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 proposed drainage project will not overburden the water course and sufficient capacity is provided with depth greater than two (2) feet and grade greater than .3%.
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 (2,000 feet) will be installed with a five (5) 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.
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 a five (5) inch outlet in this application. The reference material for the determination is 2012 Drainage Design and Water Management Workshop.*
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 112718F: Moved by Epp, second by Gunderson to recommend to approve the drainage permit, based on Findings of Fact dated November 27, 2018. Said property is legally described as NW1/4, exc Lot R-13 & exc SW1/4, NW1/4, S23-T94N-R57W, hereinafter referred to as Ziskov North Township, County of Yankton, State of South Dakota

By roll call vote, all members present voted aye.

Motion carried.

Public comment period: No comment

The agenda having been exhausted:

Action 112718G: Moved by Epp, second by Bixler 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, January 22, 2019.

Respectfully submitted:
Patrick Garrity AICP
Drainage Administrator