

## SPINK COUNTY DRAINAGE BOARD

January 4, 2011

The Spink County Drainage Board met on January 4, 2011 at 10:30 AM. Chairman Dave Albrecht called the meeting to order with Brian Johnson, Jeff Albrecht, Craig Johnson, and Director of Equalization Kimberly Markley present. Jerry Zerbel was absent.

Craig Johnson made the motion to approve the agenda with the addition of Frank Dvorak, Brian Johnson seconding the motion. Motion carried.

Brian Johnson made the motion to approve the minutes from December 14, 2010, with Jeff Albrecht seconding the motion. Motion carried.

Frank Dvorak addressed the Drainage Board concerning a problem he has in the NE ¼ 20-118-63. He has talked to his township board without success. After discussion the consensus of the board was for Mr. Dvorak to request a meeting with his township board.

The board approved the following changes to the Spink County Drainage Ordinance.

### **Chapter 6.07 Filing Application**

6.07

Filing Application. Any individual or landowner desiring a drainage permit shall complete and file an application with the Drainage Administrator or the Drainage Board on a form approved by the Drainage Board. If the application is incomplete, or if the information contained therein is insufficient to enable the Drainage Board or the Drainage Administrator to make an informed decision on the application, the application will be returned to the applicant for completion. A wetland determination from Natural Resources Conservation Service (NRCS) must be included with the application if applicant participates in the USDA farm program(s). A non-refundable fee of \$25 shall be charged for the filing of drainage applications when the applicant has obtained the written approval of all the landowners within a ½ mile upstream and 1 ½ miles downstream from the drain outlet with a ¼ mile buffer ~~from the center to each side~~ when draining into a natural waterway; private drainage onto applicant's own land requires signatures from land owners within a 1 mile buffer area from center of the area receiving the water. If the applicant does not obtain the signatures of the landowners ~~within a ½ mile upstream and 1 ½ miles downstream from the drain outlet with a ¼ mile buffer from the center to each side~~ the non-refundable application fee shall be \$100. The application fee shall be interpreted to apply to each individual landowner where more than one landowner signs a single drainage application.

### **Chapter 6.10 Notice of Hearing Content**

6.10

Notice of Hearing Content. For all drainage permit hearings required pursuant to this Ordinance, the Spink County Drainage Board shall at the applicant's expense, publish notice in the newspaper in general circulation in the area of the proposed drainage, once a week for two (2) consecutive weeks. The final notice shall be published not more than thirty (30) days, nor less than one (1) day before the date set for the hearing. The Spink County Drainage Board shall also give, at the applicant's expense, notice by certified mail not more than thirty (30) days, nor less than ten (10) days from the date set for the hearing to:

- All landowners within a ½ mile upstream and 1 ½ miles downstream from the drain outlet with a ¼ mile buffer ~~from the center to each side,~~ when draining into a natural waterway; private drainage onto applicant's own land requires signatures from land owners within a 1 mile buffer area from center of the area receiving the water.
- Any county which would be affected by the water to be drained.

- The state highway department, county highway department, municipal government, water district, and township board of supervisors for any proposed drainage which will affect the right-of-way of any highway or roadway.
- Any person who has notified the Spink County Drainage Board in writing of the person's objection to the drainage project, and who has requested in writing notification of such hearing on the drainage project proposed.

## Chapter 6.15 Board Action

6.15 Board Action. All permits ~~acted upon by the~~ issued by Drainage Administrator or approved by the Spink County Drainage Board, unless appealed, shall be recorded within two (2) weeks of the action with the County Register of Deeds at the applicant's expense. The Spink County Drainage Board or its designated official shall have the following options available with respect to the disposition of the permit application:

1. Approve the application,
2. Conditionally approve the application,
3. Deny the application,
4. Defer the application.

The Spink County Drainage Board requires as a condition to the approval of any drainage permit application a post-construction survey or an as-built map of the permitted drain. Any permit to which the Spink County Drainage Board has attached such a condition will be perfected upon receipt and favorable review of the survey. The Spink County Drainage Board may attach conditions to an approved permit application deemed necessary by the Spink County Drainage Board according to the circumstances of each application.

There were also minor changes to the forms.

Hearings for the proposed changes will be set for the commissioner's meeting February 1, 2010 and February 8, 2010.

Brian Johnson made a motion to adjourn as Spink County Drainage Board and reconvene as Spink Planning & Zoning, at 11:20 am, seconded by Jeff Albrecht. Motion carried.

Kimberly Markley

Spink County, South Dakota

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**The following correction was made on January 11, 2011 meeting**

**Brian Johnson made the motion, second by Jerry Zerbel to approve the minutes from January 4, 2011, with the following correction: "Brian Johnson made a motion to approve the changes as listed and hearings for the proposed changes will be set for the commissioner's meetings February 1, 2010 and February 8, 2010." Motion carried.**