

MARSHALL COUNTY PLANNING & ZONING COMMISSION

Proposed Agenda

Regular Scheduled Meeting

April 21, 2020– 9:10 AM

Marshall County Courthouse, Commissioners Chambers

I. Call to Order

II. Roll Call

III. Review & Approval of Minutes from April 14, 2020

IV. New Business:

A. Drainage – Charles K. Rabenberg and Son, Inc.

- 1) Reported by E. Collins-Miles
- 2) Open Public hearing
 - a) Discuss new developments
 - b) Testimony from applicant
 - c) Testimony from proponents and opponents
 - d) Applicant back up for questions (if needed)
- 3) Close public hearing
- 4) Boards Discussion
 - a) Questions for audience (No new topics to be discussed)
- 5) Drainage Board motion and roll call for vote

B. Drainage – David and Ross Vig

- 1) Reported by E. Collins-Miles
- 2) Open Public hearing
 - a) Discuss new developments
 - b) Testimony from applicant
 - c) Testimony from proponents and opponents
 - d) Applicant back up for questions (if needed)
- 3) Close public hearing
- 4) Boards Discussion
 - a) Questions for audience (No new topics to be discussed)
- 5) Drainage Board motion and roll call for vote

V. Building Permits

VI. Other

VII. Old Business

VIII. Adjourn

MARSHALL COUNTY PLANNING & ZONING BOARD
PO BOX 9
BRITTON, SOUTH DAKOTA

April 14, 2020

Members Present:

Matthew Schuller
Lynda Luttrell
Kevin Jones

Others Present:

Megan Biel, Auditor
Erin Collins-Miles, P&Z Administrator
Victor Rapkoch, Deputy State's Attorney

Present by conference call and Zoom were members Medhaug and Knebel. Commissioner Schuller presided.

Others Present via Zoom:

The meeting was open to the public and was offered via Zoom on computer and conference call:

Kalissa Stelzer, Karen Mikkelson, Shelby Thompson, Lori Amerman, and Sandy Dinger were present for a majority of the meeting via Zoom.

Erin Collins-Miles, Zoning and Drainage Director, met with the Board to discuss Zoning and Drainage business. Tim Smith, Brandon Peters, Ryan Patterson, Steve McLaen, Alex Mastellar, David Siebel, Kirk Rabenberg, Jan Vold, Matthew McLaen, Dustin Hofland and Josh Kraft were present via Zoom for this portion.

Minutes:

Jones motioned; Luttrell seconded to approve the minutes from March 24, 2020. All members voted aye.

Drainage:

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NW1/4 EXC N1/2NW1/4NW1/4NW1/4 of Section 22, T126N, R57W. The water will be drained north through the same property and into an existing creek which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025. Jones motioned; Luttrell seconded to approve an application to drain on the property described as the NW1/4 EXC N1/2NW1/4NW1/4NW1/4 of Section 22, T126N, R57W. Conditions to this permit are as follows; to make construction completion date as seen on permit application: September 1, 2025. Applicant must reapply after said date. All members voted aye.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NW1/4 of Section 9, T126N, R57W. The water will be drained west through the NE1/4 of Section 8, T126N, R57W and into an existing waterway which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025. Jones motioned; Knebel seconded to approve an application to drain on the property described as the NW1/4 of Section 9, T126N, R57W. Conditions to this permit are as follows; to make construction completion date as seen on permit application: September 1, 2025. Applicant must reapply after said date. All members voted aye.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NE1/4 of Section 29, T126N, R57W. The water will be drained through the same property and into an existing creek which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 1, 2025.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the NW1/4 of Section 29, T126N, R57W. The water will be drained north through

the culvert in the NW corner of the property. The water will then flow north in the road ditch to an existing creek in the SW1/4SE1/4 of Section 20, T126N, R57W; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025. Jones motioned; Medhaug seconded to approve an application to drain on the properties described as the NE1/4 of Section 29, T126N, R57W and the NW1/4 of Section 29, T126N, R57W. Conditions to this permit are as follows; to make construction completion date as seen on permit application: September 1, 2025. Applicant must reapply after said date. All members voted aye.

Charles K Rabenberg & Son Inc. has requested a Drainage permit to start construction of a drain on the property described as the SE1/4 of Section 29, T126N, R57W. The water will be drained through the NE1/4 of Section 29 and into the existing creek which runs through the property; for the purpose of draining water away from crop land. Construction will start on or before April 1, 2020 and will be completed on or before September 2025. Jones motioned; Schuller seconded to approve an application to drain on the property described as the SE1/4 of Section 29, T126N, R57W. Conditions to this permit are as follows; to make construction completion date as seen on permit application: September 1, 2025. Applicant must reapply after said date. All members voted aye.

Brandon Peters has requested a Drainage permit to start construction of a drain on the property described as the SW1/4NE1/4 EXC SE1/4SW1/4NE1/4 of Section 30, T127N, R56W on the West side of 431st Ave. The tile would then go up into the property described as NW1/4NE1/4 EXC Levi and Michele Addition, lining both sides of a previously existing drain path, and will curve NW into the property described as NE1/4NW1/4 EXC HWY. The water would then flow into the ditch on the South side of HWY 10, or 110th St., and travel West until it reaches a culvert where the water would flow across HWY 10 in the culvert, and onto the property described as Lot 3 (NW1/4SW1/4), Lot 4 (SW1/4SW1/4) & E1/2SW1/4 of Section 19, T127N, R56W and into an existing stock damn on that same property; for the purpose of draining water away from crop land and to prevent future erosion of land. Construction will start on or before April 1, 2020 and will be completed on or before November 30, 2021. Jones motioned; Knebel seconded to approve an application to drain on the property described as the SW1/4NE1/4 EXC SE1/4SW1/4NE1/4 of Section 30, T127N, R56W. Conditions to this permit are as follows; to make construction completion date as seen on permit application: November 30, 2021. Applicant must reapply after said date. All members voted aye.

Steven and Matthew McLaen are requesting a drainage permit for reconstruction of a ditch that was previously approved as a temporary emergency drain on September 27, 2019 and also to an existing ditch; on the properties described as the W1/2 of Section 9, T128N, R57W and the E1/2 of Section 8, T128N, R57W, respectively. The new ditch would direct the water to flow into the Wild Rice Legal Drain on the S1/2S1/2SSE1/4 of Section 4, T128N, R57W. Plans also include 2 new 52" squash culverts to replace the existing culverts; Culverts are proposed at 426th Ave; S1/2NE1/4 of Section 8, T128N, R57W and the NW1/4 of Section 9 T128N, R57W and 102nd St; SE1/4 in section 8, T128N, R57W and NE1/4 of Section 17, T128N, R57W; for the purpose of handling the increased water flow from a 37 square mile watershed. Construction will start on or before April 15, 2020 and will be completed on or before August, 2021. Jones motioned; Luttrell seconded to approve an application to drain on the property described as the W1/2 of Section 9, T128N, R57W and the E1/2 of Section 8, T128N, R57W. Conditions to this permit are as follows; to make construction completion date as seen on permit application: August 2021. Applicant must reapply after said date. Applicant must follow all applicable laws. All members voted aye.

Variances:

Joel Carlson has requested a variance to build a garage with living quarters on the property described as Lots 15 thru 18, Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W. The petitioner is asking to place the building 12ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance. Knebel motioned; Medhaug seconded to

approve the application for an 18' variance; allowing the garage with living quarters to be placed 12' from the right-of-way line instead of the 30' requirement, per the Marshall County Zoning Ordinance. All members voted aye.

Building Permits:

Luttrell motioned; Jones seconded to approve the following building permits. All members voted aye.

Joel Calson: garage with living quarters; BP #10-2020

Adjourn:

Knebel motioned; Jones seconded to adjourn. All members voted aye.

Submitted by:

Erin Collins-Miles, P&Z Administrator