

## LAKE COUNTY COMMISSION MINUTES

APRIL 5, 2011

The Board of Lake County Commissioners met in regular session on April 5, 2011 at 9 a.m. in the commission meeting room at the Lake County courthouse with the following members present: Chris Giles, Roger Hageman, Scott Pedersen, and Kelli Wollmann. Dan Bohl absent. Chairman Pedersen called the meeting to order.

### **AGENDA APPROVED:**

Motion by Hageman, second by Wollmann, to approve the agenda with the addition of a drainage issue. Motion carried.

### **MINUTES APPROVED:**

Motion by Wollmann, second by Hageman, to approve the minutes of March 22, 2011 as corrected. Motion carried.

### **FUEL QUOTES:**

The board reviewed the following fuel quotes:

	Ethanol	#2 diesel fuel
Cole's Petroleum	3.1844	3.2823
F&M Coop	3.156	3.315

Motion by Giles, second by Hageman, to approve the quote of Cole's Petroleum. Motion carried.

### **NATIONAL DAY OF PRAYER:**

Motion by Giles, second by Wollmann, to grant permission to Vital Link and others to gather at the courthouse flag pole on May 5<sup>th</sup> from noon to 1 p.m. for National Day of Prayer. Motion carried.

### **RESOLUTION 11-6/ICAP:**

Motion by Hageman, second by Giles, to approve Resolution 11-6 Community Services Block Grant Program. Motion carried.

### **RESOLUTION 11-6**

#### COMMUNITY SERVICES BLOCK GRANT PROGRAM

Whereas, the Inter-Lakes Community Action Partnership (ICAP) serves fourteen counties in eastern South Dakota, and

Whereas, ICAP uses Community Services Block Grant (CSBG) funds to support a variety of programs to provide hands-on assistance to economically disadvantaged citizens in Lake County, and

Whereas, the CSBG program has been targeted for virtual elimination as part of the reauthorization of the FY2011 Continuing Resolution passed by the U.S. House of Representatives, and

Whereas, the funding cut will drastically curb or end many of the vital economic security services to many of the needed citizens of Lake County, and

Whereas, CSBG funds have been used to help many families and individuals in Lake County to become self-sufficient and not have to rely on public assistance, and

Whereas, ICAP has designed several innovative programs using CSBG funds to meet the local needs of Lake County, and

Whereas, ICAP has proven to be responsible and accountable in the use of CSBG and funds provided by Lake County, and

Whereas, the citizens of Lake County trust ICAP and appreciate the local service ICAP provides, so Now, therefore be it resolved, that the Lake County Board of Commissioners strongly encourage our congressional delegation to vote to support the CSBG program and ensure full funding in the FY 2011 and FY 2012 budgets.

Voting aye: Giles, Hageman, Pedersen and Wollmann Voting nay: none

/s/Scott Pedersen

Scott Pedersen, Chairman

Lake County Commission

Attest:

/s/Roberta Janke

Roberta Janke

Lake County Auditor

**ACCOUNTS PAYABLE:**

Motion by Hageman, second by Wollmann, to approve the following accounts payable (2). Motion carried.

**ACCOUNTS PAYABLE MARCH 31, 2011** AFLAC, cancer-int care premium, \$1,508.92, Assurant Employee Benefits, Apr 11 life ins premium, \$215.81, Lake County Treasurer, RE taxes, \$87.00, Steve Sandness, refund health ins premium, \$349.58, Kay Schmidt, refund vision, premium, \$7.28, SD Retirement System, Mar 11 collections, \$17,642.70 SDRS Special Pay, one recipient special pay, \$1,465.66, Supplemental Retirement, Mar 11 collections, \$965.00, Vision Care Direct, Apr 11 premium, \$869.56, Wellmark BCBS of SD, Apr 11 health ins premium, \$18,400.46, Sioux Valley Energy, services, \$305.34, Unemployment Insurance Div., 1<sup>st</sup> Qtr Pymt, \$3,219.84, Lake County Treasurer, adv taxes, \$188.72, **Grand Total: \$45,225.87.**

**ACCOUNTS PAYABLE APRIL 8, 2011 GENERAL WITHHOLDINGS:** Interlakes Credit Union, \$797.00, Lake County Treasurer, \$9,176.01, **COMMISSIONERS:** Southwest Office Solutions, supplies, \$16.50, Linda Walker, coffee, \$6.67, Kelli Wollmann, tvl exp-Pierre, \$332.58,

**ELECTIONS:** Central Business Supply, alpha tabs, \$31.08, ES & S, special election ballots/programming, \$541.55, Roberta Janke, tvl exp., \$25.75, Software Services, Mar services, \$160.00, **JUDICIAL:** Kim Callies, transcripts, \$273.20, Abby Oftedal, crt appt atty fee, \$143.50,

**AUDITOR:** Best Western Ramkota Hotel, lodging, \$80.00, Central Business Supply, ofc supplies, \$43.15, Roberta Janke, tvl exp-Pierre, \$144.43, Software Services, Mar services, \$60.00, Southwest Office Solutions, supplies, \$34.97, **TREASURER:** Southwest Office Solutions, supplies, \$89.99, **STATES ATTY:** A& B Business, prints, \$37.32, Iowa DOT, certified information, \$5.50,

Office Peeps, projector, \$1,170.99, Verizon Wireless, services, \$25.68, **GOVT BLDGS:** Central Business Supply, supplies, \$45.29, Chemco, supplies, \$420.34, City of Madison, utilities, \$1,010.39, Cole's Petroleum, fuel, \$175.14, Hillyard, supplies, \$339.67, Kolorworks, paint, \$51.98,

Kundert-Williams Ins., boiler ins renewal, \$1,785.00, Madison Ace Hardware, supplies, \$2.50, SDML Workers' Comp Fund, 2010 audit billing, \$3,255.00, SD Public Assurance Alliance, liability ins renewal, \$52,891.12, Verizon Wireless, services, \$36.08, **EQUALIZATION:** Central Business Supply, supplies, \$5.04, Madison Instant Printing, color copies/cards, \$331.90, Madison RadioShack, supplies, \$146.13, Software Services, Mar services, \$740.00, Verizon Wireless, services, \$25.68, **REGISTER DEEDS:** Best Business Products, copier maint/usage, \$27.48, US Records Midwest, laminate books(2), \$1,098.61, **VETERANS SERVICE OFFICE:** Don Thomson, mileage-Flandreau, \$29.60, **SHERIFF:** Cole's Petroleum, fuel, \$1,531.70, Madison Comm Hospital, blood alcohols, \$682.00, Office Peeps, supplies, \$120.69, Roger's Service, repairs, \$873.62, Southwest Office Solutions, supplies, \$31.07, State Remittance, blood alcohols, \$280.00, Tires Pros & Service, alignment, \$49.95, Tim Walburg, tvl exp., \$9.49, **JAIL:** Brookings Co Sheriff's Ofc., female housing, \$130.00, Brown's Cleaning, Mar laundry, \$500.00, City of Madison, utilities, \$756.45, Lewis Drug, prescription, \$42.99, Minnehaha County Treasurer, SE Reg Area Joint Powers Agreement, \$3,821.32, Southwest Office Solutions, supplies, \$20.49, **SEARCH & RESCUE:** Madison RadioShack, battery, \$4.99, Prostrollo Auto Mall, service, \$54.18, **COUNTY WELFARE:** Interlakes Medical Center, one recipient, \$156.31, **CHN:** Miller Consulting, POD exercise, \$1,103.60, State Remittance, 2<sup>nd</sup> Qtr pymt, \$3,347.50, **CARE OF AGED:** ICAP, Apr community service worker hours, \$666.67, **DEV DISABLED:** State Remittance, HSC, \$2,423.26, **MENTAL ILLNESS BOARD:** Denise Cody, MI service, \$15.00, Donna Dietrich, MI services, \$150.44, Marv Ekeren, MI services, \$15.00, Richard Ericsson, MI hearing, \$123.00, Chris Giles, MI hearing, \$123.00, Lincoln County Treasurer, MI services, \$18.00, Harmelink, Fox & Ravensborg Law Office, MI atty fee, \$110.50, **EXT:** Best Business Products, copier lease, \$113.00, Glenda Blom, mileage, \$34.78, Abbie Fout, Mar tvl & subsistence, \$329.68, Becky Jensen, Mar tvl exp., \$14.71, Southwest Office, envelopes, \$99.48, Sunshine, supplies, \$6.49, **WEED:** Helena Chemical Co., chemical, \$1,282.40, Verizon Wireless, services, \$25.68, **ZONING:** Central Business Supply, supplies, \$66.48, Madison RadioShack, battery, \$39.99, Southwest Office Solutions, supplies, \$146.95, **ENVIRONMENTAL SPECIALIST:** Central Business Supply, supplies, \$42.97, Verizon Wireless, services, \$31.76, **ROAD & BRIDGE:** Aramark Uniform Services, apron/rugs, \$64.04, Butler Machinery Co., supplies, \$161.81, Larry Casanova, safety clothing, \$41.21, Central Business Supply, supplies, \$110.70, Cole's Petroleum Inc., oil, \$545.90/fuel, \$14,361.39, Fastenal Co., sign expense, \$19.01, Interlakes Credit Union, withholdings, \$725.00, Interstate All Battery Center, batteries, \$187.80, Krug Products Inc., hose assembly, \$50.86, Lake County Treasurer, withholdings, \$3,942.87, Lyle Signs, signs, \$1,431.50, Madison Ace Hardware, supplies, \$85.54, Michael Todd & Co., supplies, \$38.43, Midwest Energy, utilities, \$216.54, Office Peeps, supplies, \$13.04, SD DOT, bridge expense, \$593.48, Verizon Wireless, services, \$122.61, WW Tire Service, tire expense, \$2.50, **911 COMM CENTER:** ITC, Apr services, \$115.55, Lake County Treasurer, withholdings, \$1,583.95, Office of Child Support, withholdings, \$154.15, Office Peeps, ink cart(2)/pens, \$54.71, Triotel, April services, \$171.53, Verizon Wireless, services, \$26.43, **EMA:** Lake County Treasurer, withholdings, \$439.23, Madison Instant Printing, rubber stamp, \$22.48, Madison RadioShack, envelopes, \$24.99, Don Thomson,

mileage/flood response, \$94.35, Verizon Wireless, services, \$25.68, **BIRTH/DEATH FUND:** Mar collections, \$1,230.00, **STATE MV REMITTANCE:** Mar collections, \$159,045.69, **FLEX SPENDING ACCT:** One recipient, \$213.15, One recipient, \$120.00, One recipient, \$208.33, **GRAND TOTAL: \$281,252.86.**

**RESOLUTION 11-8/CONTINGENCY TRANSFER:**

Motion by Hageman, second by Wollmann, to approve Resolution 11-8. Motion carried.

**RESOLUTION #11-8**

**TRANSFER FROM CONTINGENCY FUND**

WHEREAS, insufficient appropriation was made in the 2011 adopted budget for the Building fund budget to discharge just obligations of said appropriations; and WHEREAS SDCL 7-21-32.2 provides that transfers be made by resolution of the board from the contingency appropriation established pursuant to SDCL 7-21-06.1 to other appropriation; THEREFORE BE IT RESOLVED that the appropriation of \$28,132.40 be transferred from the contingency budget (10100X4290112) to the building fund budget (23300X4353161) hvac/geothermal project.

Voting aye: Hageman, Pedersen, Wollmann, Giles Voting nay: none

Dated this 5<sup>th</sup> day of April, 2011.

LAKE COUNTY BOARD OF COMMISSIONERS

/s/Scott Pedersen

Scott Pedersen, Chairman

ATTEST:

/s/Roberta Janke

Roberta Janke, Lake County Auditor

**UNDESIGNATE CAPITAL OUTLAY:**

Motion by Giles, second by Hageman, to undesignate \$54,207.50 from the general fund designated capital outlay/bldg fund project and move to the unreserved undesignated fund balance within the general fund. Motion carried.

**OPERATING CASH TRANSFER:**

Motion by Hageman, second by Giles, to approve the operating cash transfer of \$54,207.50 from the general fund to the building fund to cover planning costs of hvac & electrical retrofit project. Motion carried.

**EQUALIZATION/OATH OF OFFICE:**

Shirley Ebsen, Director of Equalization, reported on sales ratio audit of Lake County from the SD Department of Revenue. The report concluded that the Director of Equalization office is well organized and all records appear to be properly maintained. She reported on the progress of the GIS, county board of equalization scheduling, and Barb's Benefit Breakfast. Auditor Janke administered the oath of office to Ebsen as per SDCL 10-3-14.

**MEETINGS ATTENDED:**

Commissioner Wollmann reported on her recent meeting at Pierre SD for commissioners. Items discussed were volunteer lists published in commission minutes, getting certificates of insurance on our road projects, SDACC website, open meeting laws and dealing with disasters.

**4H EXHIBIT HALL:**

Pat Gross, Madison Lions President, discussed the Strides, Lions Walk for Diabetes Awareness, on May 14, 2011 (rain date of June 11, 2011). She requested the use of the 4H exhibit hall for the event. She provided proof of insurance with the Lions Clubs International Liability Insurance Program. Motion by Giles, second by Wollmann, to approve exhibit hall for event. Motion carried.

**4H SWINE BARN:**

Mike Clark met with the barn to ask permission to use the 4H swine barn for a pig sale on April 23, 2011. This sale is an opportunity for 4H kids to purchase pigs for their 4H projects. Motion by Wollmann, second by Hageman, to approve barn use contingent upon Clark providing a certificate of liability insurance for the event. Motion carried.

**PAYROLL:**

Motion by Giles, second by Wollmann, to approve payroll of March 21, 2011 to April 3, 2011. Motion carried.

Payroll of March 21-April 3, 2011 COMMISSIONERS: \$3,555.84; AUDITORS OFC: \$3,312.33; TREASURERS OFC: \$3,804.53; STATES ATTY OFC: \$5,420.20; GOVT BLDGS: \$3,602.40; DIR EQUALIZATION OFC: \$4,326.40; REGISTER DEEDS OFC: \$2,699.18; VSO: \$199.20; SHERIFF OFC: \$8,353.72; JAIL: \$4,954.64; EMA: \$1,399.44; 911 COMM CENTER: \$6,571.97; ROAD & BRIDGE: \$16,822.94; CHN: \$1,165.65; WIC: \$264.44; EXTENSION: \$1,087.80; ZONING: \$1,168.20, ENVIRONMENTAL/CODE ENF: \$1,327.20. GRAND TOTAL \$70,036.08

**TRAVEL REQUESTS:**

Donald Thomson, VSO, to attend CVSO School at Brookings SD on April 13, 2011.

Julie Wegener, 911 Comm, to attend SD APCO meeting at Pierre SD on April 12, 2011.

**4H EXHIBIT HALL RENTAL:**

Motion by Giles, second by Wollmann, to approve Mary Clark to use exhibit hall on April 24, 2011 from 1 to 5 p.m. contingent upon providing certificate of liability insurance for the event. Motion carried. The fees have been collected by the extension office manager.

**REPORTS REVIEWED:**

Sheriff's Feb 2011 Report fees collected \$4,987.63. Auditor's Account with the County Treasurer for February 2011 showed a balance of \$4,000,618.12 in all accounts.

**BOARD OF ADJUSTMENT:**

Motion by Hageman, second by Giles, to enter a board of adjustment. Motion carried.

**ZONING/JONES VARIANCE:**

Brad & Christine Jones were present to discuss their variance request for their property located at Lot 16 of the Harbor, Parcel #2221-16 Lake Madison, Lakeview Township. Susan Sabers, their attorney, Debra Reinicke, Zoning Officer, and 11 others were in attendance. Sabers presented a handout. She discussed the following: Zoning Ordinance 3b under Lake Park District 1 & 2 schedule of regulations, the proposed zoning ordinance 3b which did not pass a special election on

March 15, 2011, the plat of survey which was prepared by Hanson Land Surveying Services Ltd, of Sioux Falls SD, the affidavit of Bradley M Jones and a picture to show how sight view is affected. Brad Jones stated he reviewed the building rules in the Harbor Association and Lake County. He was looking for the right home that would be the best fit his family. Sabers stated this is a peculiar and unique situation. She discussed the Hines case that went to the Supreme Court. Larry & Anita DeKramer along with their attorney, Jay Leibel, addressed the board next. Leibel presented handouts to some in attendance. He states the DeKramers also bought their house. They did not build it. Leibel states the Joneses are in violation of the county ordinance. Leibel states the statement made that on certain parts of the lake view isn't important doesn't make sense. He concludes that sight view is not part of the ordinance, enforce the law as written. The ordinance has been applied as it should be. Larry Cotton was next to address the board. He discussed a drainage easement that runs thru his property and the Jones property. He questions whether the building permit included a drainage plan. Reinicke said the building permit has not been acted on because the variance is needed. He is concerned the present drain tile is not enough to take the run-off. This is the first time commission has been aware of a drainage concern. Giles states that this is one area that would have been cleaned up with the revised zoning ordinance, but the revision was rejected by the voters on March 15, 2011. The language doesn't address sight line or sight view that is why set-backs have to be addressed. Commission comments include having to follow the ordinance in place, need to study it, and having a limited set of tools to use.

Motion by Wollmann, second by Hageman, to table decision for further discussion until May 3, 2011 at 9:30 a.m. Giles nay. Motion carried. Leibel and Sabers both state they do not think Commissioner Bohl should be allowed to vote on this variance as he was not present today to hear discussion and no recording of today's proceedings is available.

**RETURN TO REGULAR SESSION:**

Motion by Hageman, second by Giles to return to the regular session. Motion carried.

**4H SWINE BARN:**

Doug & Jeff Lechner appeared before the board to discuss using the swine barn on April 30, 2011 for a pig sale. Doug Lechner and Corey Johnke will be selling pigs. This is an opportunity for 4H kids to buy pigs for 4H projects. Motion by Giles, second by Wollmann, to approve barn use contingent on certificate of liability insurance provided. Motion carried.

**NATIONAL NIGHT OUT FUNDING:**

Don Thomson, EMA, discussed funding for National Night Out on August 2, 2011. Thomson discussed this being an annual event for the community. Motion by Giles, second by Hageman, to approve \$500 (transferred from the contingency budget) for National Night Out. Motion carried.

**RESOLUTION 11-7/DECLARATION OF EMERGENCY/DISASTER:**

Thomson discussed the declaration of emergency/disaster with the board. Motion by Giles, second by Wollmann, to approve Resolution 11-7. Motion carried

**RESOLUTION #11-7**

**RESOLUTION FOR DECLARATION OF EMERGENCY / DISASTER**

**WHEREAS**, Lake County South Dakota has suffered severe damage, brought on by widespread flooding which started on March 15, 2011 and is ongoing. This has caused damage to road

infrastructure and interruption to the normal flow of emergency, school, mail, business, and farm traffic;

**WHEREAS**, Lake County has sustained above average snow fall for the winter and three additional periods of heavy rains in 2010 with the last one on September 14, 2010 that have accumulated an above average total of rains and snows in the area. The accumulation of the heavy rains and snows has exceeded the county's capabilities and resources;

**WHEREAS**, Lake County has committed all available resources and taken all possible actions within the jurisdictional boundaries to combat and to alleviate the emergency/disaster, local resources are not adequate to cope with the situation.

**NOW, THEREFORE, BE IT RESOLVED** by the Lake County Board of Commissioners at a regular meeting held on April 5, 2011, it is hereby requested that the Governor declare an emergency/disaster to exist in the County of Lake, South Dakota.

Voting aye: Giles, Hageman, Pedersen and Wollmann      Voting nay: none

Dated this 5<sup>th</sup> day April, 2011.

/s/ Scott Pedersen

Chairman, Lake County Commission

ATTEST:

/s/Roberta Janke

Lake County Auditor

**WIND ENERGY PROJECT:**

Todd McNurlin, Energy Design Consultant with Private Energy Systems, and Dan Palli met with the board to discuss a wind energy project on the Palli property in Nunda Township. The one person responsible for getting necessary permits used the proposed ordinance revisions on the county website. The proposed ordinance revisions were rejected by the voters of Lake County at a special election on March 15, 2011. Wind energy systems are allowed under current ordinance but not private wind energy systems. McNurlin states he has looked at and compared 50 ordinances. He suggests three slight changes to the proposed ordinance. The board advised McNurlin and Palli to return to the planning and zoning board.

**STATES ATTY/BARN USER AGREEMENT:**

Ken Meyer, States Atty., presented a draft of a 4H barn user agreement to the board.

The board discussed the following: taking out non-profit language, deposit amounts, alcohol not allowed, liability insurance coverage, time frame allowed for clean-up, and using one agreement form for barn or exhibit hall rentals. The board asked Meyer to revise the agreement.

**EXECUTIVE SESSION:**

Motion by Hageman, second by Giles, to enter executive session for legal matters and personnel with States Atty Meyer and Auditor Janke in attendance. Motion carried.

**RETURN TO REGULAR SESSION:**

Motion by Giles, second by Hageman, to return to the regular session. Motion carried.

**GRADE INCREASE/ST ATTY ASSISTANT:**

Motion by Giles, second by Wollmann, to approve the grade increase for Shelli Gust, States Attorney legal assistant, from Grade 2, 9 \$12.41 to Grade 6,9 \$13.50 upon recommendation of States Attorney. Motion carried.

**ADJOURNMENT:**

There being no further business to come before the board Chairman Pedersen at 1:15 p.m. declared the meeting adjourned until April 12, 2011 at 8 a.m. for county board of equalization. It is the policy of Lake County not to discriminate against the disabled in employment or provision of service. Any person with a disability wishing to attend any commission meeting and who may require special arrangements may contact the Lake County Auditor at 605-256-7600 or lakeauditor@lakecountysd.com. All attempts shall be made to satisfy these requirements.

/s/Roberta Janke  
Roberta Janke, Auditor

/s/Scott Pedersen  
Scott Pedersen, Chairman

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