

LAKE COUNTY COMMISSION MINUTES

May 3, 2011

The Board of Lake County Commissioners met in regular session on May 3, 2011 at 9 a.m. in the commission meeting room at the Lake County courthouse with the following members present: Dan Bohl, Chris Giles, Roger Hageman, Scott Pedersen, and Kelli Wollmann. Chairman Pedersen called the meeting to order.

AGENDA APPROVED:

Motion by Wollmann, second by Bohl, to approve the agenda of May 3, 2011 with addition of variance signed by Chairman Pedersen. Motion carried.

MINUTES APPROVED:

Motion by Bohl, second by Wollmann, to approve the minutes of April 19, 2011 with addition of new hire at jail. Motion carried.

MINUTES CORRECTED:

Motion by Wollmann, second by Giles, to amend the April 5, 2011 minutes in the Zoning/Jones Variance section. (Sabers concludes that sight view is not part of the ordinance) Motion carried.

LAKE ACCESS AREA:

Chairman Pedersen discussed getting power to the lake access area for a security light. The board directed Auditor Janke to contact Scott Mathison, Hwy Supt., to get firm prices on project and report at next meeting.

DISCUSSION ITEMS:

The board discussed the district meeting on May 23, 2011 at Moody County and the hvac/electrical retrofit courthouse project.

INDIGENT 11-3/COUNTY WELFARE:

Peggy Young, Welfare Manager, discussed Indigent 11-3 application for utility assistance. Motion by Giles, second by Bohl, to approve \$229.84 utility assistance to Indigent 11-3 with contract for repayment. Motion carried.

EXECUTIVE SESSION:

Motion by Hageman, second by Bohl, to enter into executive session for legal and contractual matters. Motion carried. Ken Meyer, States Attorney, and Auditor Janke also in attendance.

RETURN TO REGULAR SESSION:

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

BOARD OF ADJUSTMENT:

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

ZONING/JONES VARIANCE DECISION:

Commissioner Bohl recused himself from discussion and voting on this matter. Although he is a member of the planning board, he hasn't heard the entire testimony on this variance request. Debra Reinicke, Zoning Officer, reviewed the status on the Brad & Christine Jones variance. Commissioners discussed the requirements of Section 505 of the zoning ordinance. Based on the testimony and evidence heard previously and current zoning regulations, motion by Giles, second by Hageman, to deny the variance request of Brad and Christine Jones with written findings prepared by the States Attorney. Roll call vote: Hageman aye. Giles aye. Pedersen aye. Wollmann aye. 4 ayes. 0 nays. Motion carried. The board will review written findings on this variance on May 17, 2011 at 9:45 a.m.

BUILDING PERMIT APPLICATION DENIED:

Motion by Giles, second by Hageman, to deny the building permit application for Brad and Christine Jones. Motion carried.

RETURN TO REGULAR SESSION:

Motion by Hageman, second by Giles, to recess as a board of adjustment. Motion carried.
Commissioner Bohl back in meeting.

DRAINAGE BOARD:

Motion by Hageman, second by Bohl, to convene as a drainage board. Motion carried.
Commissioner Giles recused himself on this matter.

DRAINAGE COMPLAINT HEARING:

11-1 Jimmy & Linda Krsnak against Chester Sanitary District

11-2 Lyle Nelson against the Chester Sanitary District

11-3 Johanna VanHeerde against the Chester Sanitary District

Deb Reinicke, Drainage officer, was in attendance. Lyle Nelson was first to address the board. He showed a power point presentation. He discussed the following: information about when the Chester Sanitary lagoon was formed. drainage issues-is the fluid seepage sewage or fresh water, wanting testing done and goal to solve problem. Mike Siemonsma, farms the VanHeerde property, addressed the board next. He discussed the following: south side of lagoon being very saturated now, hard to get a crop out of, questions the water flow, and drainage issue hasn't been taken care of. Jimmy Krsnak and Jay Leibel, attorney, addressed the board next. Leibel discussed the following: presented pictures for the board to review, the natural drainage has been altered, and information is not available about the monitoring wells required by Lake County. Krsnak presented a hand-drawn map to the board. Dan Brown, Chester Sanitary District attorney, addressed the board next and discussed his handouts and pictures. He states the drainage problem was not created by the Chester Sanitary District and state regulations have not been violated. Jeff Carruthers, and Kim Hansen, Chester Sanitary District, addressed the board next. They discussed the following: sanitary district has met all state requirements, water outside lagoon could contain animal fecal matter, and Nelson can have his own testing done. Motion by Bohl, second by Hageman, to meet at the lagoon site of the Chester Sanitary District on May 17, 2011 at 8 a.m. Motion carried.

Commissioner Giles back in meeting.

Drainage Hearing/Nelson & Wosje:

Deb Reinicke, Drainage officer, discussed the status of **Drainage hearing 11-1 and 11-2** brought to the Lake County Drainage board on March 22, 2011. These applications were tabled to see if Nelson, Wosje and Anderson could work out an agreeable plan. Dan Nelson, Chad Wosje, and Patrick Anderson appeared before the board to discuss their plan to resolve their drainage problem. Anderson brought an agreement for Nelson and Wosje to sign. Nelson and Wosje had concerns with one paragraph in the agreement. Motion by Giles, second by Bohl, to approve drainage applications 11-1 and 11-2 and adopt all of the provisions of Anderson's agreement provided with the exception of paragraph F. Motion carried.

ADJOURN/DRAINAGE BOARD:

Motion by Bohl, second by Wollmann, to adjourn as a drainage board. Motion carried.

ADJUSTMENT BOARD:

Motion by Hageman, second by Bohl, to reconvene as a board of adjustment. Motion carried.
Commissioner Giles recused himself on this matter

BRANT LAKE SANITARY DST/COND USE:

The board voted on April 19, 2011 to approve the Brant Lake Sanitary District conditional use permit pending review of written findings on May 3, 2011. The board review the written findings prepared by States Attorney Meyer. There were no objections to the written findings. Motion by Bohl, second by Wollmann, to approve the written findings for the Brant Lake Sanitary District conditional use permit. Motion carried. A copy of the findings will be on file in the Zoning office.

BOARD OF ADJUSTMENT:

Motion by Bohl, second by Wollmann, to adjourn as a board of adjustment. Motion carried.
Commissioner Giles back in meeting.

DRAINAGE BOARD:

Motion by Bohl, second by Wollmann, to convene as a drainage board. Motion carried.

DRAINAGE HEARING 11-5:

Debra Reinicke, Drainage Officer, presented drainage application 11-5 for Raymond/Terry Schultz wanting new tile in SE1/4 of Section 31-108-52, Nunda Twp. Terry Schultz appeared before the board to discuss the proposed project. No waivers were signed on this project. Calvin Jatton presented a map for commission to review. The county replaced a bridge (box) culvert with metal culverts. The metal culverts are not handling the water flow. Mike Phelps & Mike Downs want someone to go up stream and downstream to check water flow. Steve Jatton, twp officer, told of the township road being washed out. Motion by Bohl, second by Wollmann, to table drainage application 11-5 until commission can meet with Supt Mathison to discuss options. Motion carried.

RETURN TO REGULAR SESSION:

Motion by Giles, second by Wollmann, to adjourn as a drainage board and return to the regular session. Motion carried.

4-H ADVISOR POSITION:

Abbie Fout, Lake County Extension Educator/4-H/YD, and Glenda Blom, Extension office manager, met with the board to discuss a draft of the Lake County 4-H advisor position and 2012 extension budget. Fout discussed the following: Lake County has strong 4-H programs and hopes the programs can continue to grow, the draft included Lake and Moody counties sharing a 4-H advisor position, and importance of support staff. The board suggested several options for Fout and Blom to research and report back to the board on May 17, 2011.

COUNTY BOARD OF EQUALIZATION:

Motion by Bohl, second by Hageman, to convene as a county board of equalization. Motion carried. County board of equalization minutes are printed and published separately from the commission minutes.

RETURN TO REGULAR SESSION:

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

COMMUNICATION MATTERS/SHERIFF:

Roger Hartman, Sheriff, reported the REACT channel has been removed from the deputy's radios.

2011 MOODY COUNTY JAIL AGREEMENT:

Motion by Hageman, second by Wollmann, to approve chairman to sign the 2011 county jail agreement with Moody County. Motion carried.

EXECUTIVE SESSION:

Motion by Bohl, second by Wollmann, to enter into executive session for contract negotiations. Motion carried. Terry Satterlee, consultant, Sheriff Hartman, St Atty Meyer, and Auditor Janke in attendance.

RETURN TO REGULAR SESSION:

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

ACCOUNTS PAYABLE APPROVED:

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

ACCOUNTS PAYABLE April 29, 2011: AFLAC, cancer-int care premium, \$1,491.26, Assurant Employee Benefits, May 11 life ins premium, \$231.79, SD Retirement System, Apr 11 collections, \$16,853.12, Supplemental Retirement, Apr 11 collections, \$940.00, Vision Care Direct, May 11 premium, \$900.22, Wellmark BCBS of SD, May 11 health ins premium, \$19,183.38, Sioux Valley Energy, services, \$294.13, Lake County Treasurer, RE taxes, \$87.00, Sioux Valley Wireless, web hosting, \$19.95, Lake County Treasurer, adv taxes(4), \$1,335.72, Grand Total: \$41,336.57.

ACCOUNTS PAYABLE May 3, 2011 GENERAL WITHHOLDINGS: Interlakes Credit Union, \$797.00, Lake County Treasurer, \$10,269.46, **ELECTIONS:** Brown & Saenger, sp election poll books, \$11.00, DSU, special election rent, \$400.00, **JUDICIAL:** Abby Oftedal, crt appt atty fee, \$540.34, SDACC-Clerp, qtrly assessment, \$4,004.97, **WITNESS-JUROR-APPEARANCE FEES/MILEAGE:** Tyler Anderson, \$20.74, **AUDITOR:** Best Business, copier maint/usage, \$26.18, Brown & Saenger, name plates(2), \$39.50, CBP, Inc., update phone lines, \$267.40, **STATES ATTY:** A & B Business Inc, prints, \$26.80, Office Peeps, supplies, \$126.67, **GOVT BLDGS:** City of Madison, utilities, \$992.59, Cole's Petroleum, fuel, \$69.79, Continental Research, supplies, \$204.51, KolorWorks, paint/supplies, \$78.54, Madison Ace Hardware, supplies, \$7.49, Superior Lamp Inc., bulbs, \$501.79, Timmer Supply Co., supplies, \$5.17, **EQUALIZATION:** Central Business, supplies, \$81.07, Cole's Petroleum, fuel, \$38.38, **REGISTER DEEDS:** Madison RadioShack, phone battery, \$17.99, **VETERANS SERVICE OFFICE:** Don Thomson, mileage, \$29.60, Ted Weiland, grave markers, \$436.58, **SHERIFF:** Bub's Service, battery, \$117.95, Cardmember Service, services, \$402.62, Cole's Petroleum, fuel, \$2,072.76, Graham Tire SF North, tires(4), \$396.00, Kearin's Service, tire service, \$24.00, Madison Instant Printing, business cards, \$54.00, Neve's Uniform & Equip., shirts, \$114.70, Prostrollo Auto Plaza, parts, \$59.98, Roger's Service, repairs, \$679.50, Sioux Falls Two Way Radio, reprogramming radios, \$68.00, Steve's Tire & Service, service, \$133.75, Tire Pros & Service, services, \$73.95, **JAIL:** Brown's Cleaning, April laundry, \$500.00, City of Madison, utilities, \$704.86, Neve's Uniform & Equip., shirts, \$85.80, **COUNTY WELFARE:** City of Madison, one recipient, \$229.84, **CHN:** Jen Fouberg, educational software, \$36.00, **MENTAL ILLNESS BOARD:** Ericsson & Giles, LLP, MI services, \$123.00, Minnehaha County Auditor, MI services, \$45.00, **EXTENSION:** Glenda Blom, mileage, \$38.48, US Post Office, stamps, \$208.60, **WEED:** Farmer Ag Center, chemical, \$3,180.00, Heiman Fire Equipment, services, \$89.00, Helena Chemical Co., chemical, \$4,775.00, Red's Fix-it Shop, reg fee, \$70.00, **ZONING:** Central Business, supplies, \$235.98, **ENVIRONMENTAL SPECIALIST:** Emily Haakinson, travel exp., \$339.48, **ROAD & BRIDGE:** Aramark Uniform Services, apron/rugs, \$64.04, Boyer Trucks, parts, \$167.79, Central Business Supply, supplies, \$13.06, Cole's Petroleum, oil, \$313.40/fuel, \$14,146.99, Dakota Plumbing Inc., flooding R13, \$272.96, Foster's Auto Glass, replace glass, \$105.29, Heiman Fire Equipment, services, \$447.50, Huron Culvert & Tank, culverts, \$1,114.69, Krug Products Inc., parts, \$8.70, Michael Todd & Co., supplies, \$144.26, MidAmerican Energy, util-Ramona, \$38.27, SDDOT, bridge exp., \$212.82, Sanitation Products Inc., parts, \$301.44, Sioux Equipment, fuel hose, \$106.61, Interlakes Credit Union, withholdings, \$725.00, Lake County Treasurer, withholdings, \$3,526.20, **911 COMM CENTER:** Miah Barnhart, training exp, \$87.15, Office of Child Support Enf., withholdings, \$154.15, Triotel Communications, May services, \$167.53, Lake County Treasurer, withholdings, \$1,644.42, **EMA:** Central Business Supply, supplies, \$12.57, Lake County Treasurer, withholdings, \$439.24, **LEPC:** Don Thomson, mtg exp, \$62.72,

FLEX SPENDING ACCT: One recipient, \$120.00, One recipient, \$208.33, **GRAND TOTAL: \$58,456.94.**

FUEL QUOTES/HWY DEPT:

The following fuel quotes were received by the highway department.

	Ethanol	#2 diesel fuel
Coles Petroleum	3.4895	3.4025
F&M Coop	3.475	3.429

Motion by Hageman, second by Bohl, to approve Coles Petroleum for fuel. Motion carried.

MEETINGS ATTENDED:

The commissioners attended the following meetings: Giles-LAIC, Wollmann-Madison Library, Bohl-ICAP and Petersen-lake access area & variance signed for Prostrollo Auto Mall.

PAYROLL APPROVED:

Motion by Giles, second by Hageman, to approve payroll April 18-May 1, 2011. Motion carried.

Payroll of April 18-May 1, 2011

COMMISSIONERS: \$3,555.84; AUDITORS OFC: 4,539.61; TREASURERS OFC: \$4,586.05; STATES ATTY OFC: \$5,539.98; GOVT BLDGS: \$3,635.44; DIR EQUALIZATION OFC: \$4,326.41; REGISTER DEEDS OFC: \$2,699.18; VSO: \$199.20; SHERIFF OFC: \$9,361.02; JAIL: \$6,136.17; EMA: \$1,399.45; 911 COMM CENTER: \$6,725.52; ROAD & BRIDGE: \$15,225.13; CHN: \$1,271.58; WIC: \$276.46; EXTENSION: \$1,103.34; ZONING: \$1,168.20, ENVIRONMENTAL/CODE ENF: \$1,200.00. GRAND TOTAL \$72,948.58.

TRAVEL REQUESTS APPROVED:

Emily Haakinson to attend Big Sioux Water Festival at Brookings SD on May 10, 2011.

Robert Johnson and Debbie Rowley to attend Weed Dataloggers computer workshop at Mitchell, SD on May 16, 2011.

Ken Meyer to attend Prosecutors' conference at Sioux Falls, SD on June 15, 2011 and SD State Bar convention at Sioux Falls, SD on June 22-24, 2011.

2012 WIC COUNTY CONTRACT:

Motion by Giles, second by Bohl, to approve chairman to sign the 2012 WIC contract. Motion carried.

Total budget of \$6,846 for year June 1-May 31, 2012.

FOOD PANTRY ALLOTMENT:

The commission discussed and approved the 2011 allotment of \$800 for the Lake County Food Pantry.

REPORTS REVIEW AND PLACED ON FILE: Lake County Extension office manager report for March 2011.

ADJOURNMENT:

There being no further business to come before the board, Chairman Pedersen at 2:15 p.m. declared the meeting adjourned until May 11, 2011 at 8:30 a.m. for a joint meeting with the Lake County Planning Commission on the proposed amendments to Lake County Zoning Ordinance 06-44.

LAKE COUNTY COMMISSION MINUTES

MAY 11, 2011

After the Planning Commission adjourned, the Lake County Board of Commissioners met on May 11, 2011 at 8:30 a.m. in the commission meeting room at the Lake County courthouse concerning the proposed amendments to Zoning Ordinance 06-44 of Lake County. The following members were

present: Dan Bohl, Chris Giles, Roger Hageman, Scott Pedersen, and Kelli Wollmann. Chairman Pedersen called the meeting to order.

PROPOSED ORDINANCE 11-51:

The planning board recommended the approval of Ordinance 11-51 to the county commission. The board reviewed the document with Todd Kays, First District, and Shelli Gust, States Atty legal assistant. Kays discussed a correction to page 7 which should read: Add Article XII General Requirements Section 1218 Private Wind Conversion System (PWECS) requirements to read as follows:

MOTION TO APPROVE:

Motion by Bohl, second by Hageman, to approve the 1st reading of Ordinance 11-51. Motion carried.

SECOND READING/ORDINANCE 11-51:

The second reading for Ordinance 11-51 will be held on June 7, 2011 at 10 a.m.

ADJOURNMENT:

There being no further business to come before the board, Chairman Pedersen at 8:50 a.m. declared the meeting adjourned until May 17, 2011 at 8 a.m. to meet at the Chester Sanitary District lagoon concerning a drainage complaint.

It is the policy of Lake County not to discriminate against the disabled in employment or the 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 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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