LAKE COUNTY COMMISSION MINUTES
October 19, 2010

The Board of Lake County Commissioners met in Regular Session on October 19, 2010 at 9 a.m. with the following members present: Dan Bohl, Chris Giles, Roger Hageman, Scott Pedersen, Bert Verhey and Auditor Kay A. Schmidt. Chairman Verhey called the meeting to order.

AGENDA APPROVED:

Motion Hageman, second Bohl approves agenda of October 19, 2010. Addition: 11:15 executive session/2009 IBC Code. Motion carried.

NEW HIRE:

Motion Pedersen, second Hageman approves new part-time hire of Shane Spargur 911 Communications Dispatcher with no benefits, G7 $11.55 effective October 19, 2010. Motion carried.

MINUTES APPROVED:

Motion Giles, second Hageman approves minutes of October 5, 2010. Motion carried.

ACCOUNTS PAYABLE:

Motion Pedersen, second Bohl approves the following accounts payable. Motion carried. **COMMISSIONERS:** Jim Fitzgerald, mileage/Towles cemetery, $281.20, Madison Daily Leader, minutes/notices, $393.65,Pitney Bowes, tape, $.56/rental, $2.11, Porta Pros Inc., rental/lake access, $180.00, Ronald Tolley, mileage/mower repairs-Towles cemetery, $188.61, **ELECTION** Brown & Saenger, precinct supplies, $528.89, Bureau of ADM., fax call, $.05, Lake County Treasurer, postage $10.44, Pitney Bowes, tape, $8.02/rental, $30.07, Software Services Inc., Sept services, $560.00, **JUDICIAL:** A TO Z World Languages Inc., interpreter service(2), $100.00, Patricia Hartsell, transcript, $71.40, Philip Parent, Oct public defender contract, $4,458.33, Pitney Bowes, tape, $5.74/rental, $21.52, Sunshine, supplies, $18.70, West Payment Center, Sept online service/supplements, $675.66, **AUDITOR:** Bureau of ADM., long distance/fax call, $11.95, Pitney Bowes, tape, $15.29/rental, $57.32, Qwest, phone service, $45.17, Universal Services, ribbons, $69.00, **TREASURER:** Bureau of ADM., long distance/fax call, $11.60, Lake County Treasurer, postage, $22.16, Bruce Mastel, host database, $25.00, Pitney Bowes, tape, $30.19/rental, $113.20, Qwest, phone service, $32.12, Software Services inc., Sept services, $20.00, **STATES ATTY:** A&B Business Inc., copier staples, $57.50, Bureau of ADM., long distance/fax call, $7.45, Lake County Treasurer, postage, $44.00, Pitney Bowes, tape, $5.21/rental, $19.55, Q-Set Inc., transcription, $70.00, Qwest, phone service, $45.18, Verizon Wireless, service, $24.19, **GOVT BLDGS:** Bureau of ADM., long distance call, $.23, Campbell Supply, supplies, $34.87, City of Madison, util/Field of Dreams, $18.62, Farm Plan, supplies/parts, $116.38, Home Service Water Cond., salt, $47.74, KONE Inc., elevator maintenance, $1,088.04, Northwestern Energy, util, $11.96, Qwest, phone service, $32.22, Timmer Supply Co., boiler relief, $141.86, Verizon Wireless, service, $37.79, **EQUALIZATION:** Bureau of ADM., long distance/fax call, $12.10, GeoLand Management LLC., surety online mapping, $600.00, Madison Instant Printing, envelopes, $66.83, Pitney Bowes, tape, $14.18/rental, $53.16, Qwest, phone service, $32.12, Software Services Inc., Sept services, $20.00, Verizon Wireless, service, $24.19, **REGISTER DEEDS:** Best Business Products, copier maintenance/usage, $49.47, Bureau of ADM., long distance calls, $3.02, Pitney Bowes, tape, $5.02, rental $18.83, Qwest, phone service, $19.06, **VETERANS SERVICE OFFICE:** Pitney Bowes, tape, $.40/rental, $1.50, Qwest, phone service, $11.92, **SHERIFF:** Gall's, stripe kit, $246.98, Madison Community Hospital, blood alcohols, $682.00, **JAIL:** Bob

Barker Co., gloves, $20.58, Bureau of ADM., long distance/fax call, $52.48, Lewis, bags, $7.98, Minnehaha County Regional Juvenile Detention Center, juv housing, $1,960.00,Minnehaha County Treasurer, 2nd half joint power agreement, $3,821.32, Northwestern Energy, util, $38.69, Qwest, phone service, $67.59, Velvet Uniforms, shirt/patch, $55.30, Verizon Wireless, service, $169.76, **SEARCH & RESCUE:** City of Madison, util, $79.17, Northwestern Energy, util, $13.20, Pitney Bowes, tape, $.05/rental, $.18, Qwest, phone service, $13.06, **COUNTY WELFARE:** Bureau of ADM., long distance call, $.20, Pitney Bowes, tape, $.74/rental, $2.79, Qwest, phone service, $19.16, Verizon Wireless, service, $24.19, **COMMUNITY HEALTH NURSE:** Pitney Bowes, tape, $6.54/rental, $24.52, **CARE OF AGED:** ICAP, Oct community service worker hrs., $625.00, **MENTAL ILLNESS BOARD:** Chris Giles, MI hearing, $123.00, Yankton County Treasurer, MI counsel, $103.75, **EXTENSION:** Bureau of ADM., long distance/fax call, $12.18, Abbie Fout, travel/subsistence, $14.19, Qwest, phone service, $57.18, **WEED:** Bureau of ADM., long distance/fax call, $1.00, Pulford's Auto Parts Inc., parts/core credit, $1.69, Verizon Wireless, service, $25.02, **ZONING:** Joe Aldrich, mtg/mileage, $36.84, Gene Anderson, mtg/mileage, $41.28, Donald Bickett, mtg/mileage, $41.28, Bureau of ADM., long distance/fax call, $10.14, R Douglas Jerlow, mtg/mileage, $33.88, Craig Johannsen, mtg/mileage, $37.58, Pitney Bowes, tape, $3.06/rental, $11.46, Qwest, phone service, $19.06, **ROAD & BRIDGE:** Aramark Uniform Services, supplies, $102.19, Avera Queen of Peace, testing, $107.00, Baldwin Supply Co., parts/labor, $219.81, Campbell Supply, parts/supplies/tire expense, $105.83, CarQuest Auto Parts, parts, $108.15, City of Madison, util, $356.97, Contech, culvert inventory, $9,346.90, Craig's Welding, part, $10.00, F&M, tire expense, $162.90, Farm Plan, parts, $33.94, Fastenal Co., parts, $38.06, Dave Fedeler, clothing, $100.00, Holcomb Freightliner Inc., part, $41.88, Jebro Inc., road oil, $14,580.77, Johnson Feed Inc., calcium chloride, $1,439.20, Lake County International Inc., parts, $252.18, Lake County Treasurer, postage, $88.00, Madison RadioShack, ribbons, $75.98, Michael Johnson Construction, rock, $1,020.21, MidAmerican Energy, util, $11.76, Northwestern Energy, util., $12.60, Pamida, supplies, $12.28, Pro-Build, supplies, $31.66, Pulford's Auto Parts Inc., parts, $148.43, Puthoff Repair, parts, $1,492.44, Qwest, phone service, $45.18, Resykle LLC, supplies, $90.00, Schuneman Equipment Co, parts, $969.72, Sturdevant's Auto Parts, parts/supplies, $133.36, Verizon Wireless, service, $104.58, Wheelco, supplies, $167.40, Xcel Energy, util, $9.22, **911 COMM CENTER:** Bureau of ADM., long distance/fax calls, $4.59, ITC, services, $115.55, Language Line Services, Sept usage, $90.00, Pitney Bowes, tape, $.16/rental, $.61, Quill Corp., toner, $60.77, Qwest, phone service, $1279.70, Debra Reinicke, mileage, $4.81, Triotel Comm Inc., services, $171.53, Verizon Wireless, service, $24.19, Julie Wegener, mileage, $133.20, **EMA:** Bureau of ADM., long distance/fax call, $2.76, Barb Jorgensen, EMT training supplies, $204.00, Pitney Bowes, tape, $.32/rental, $1.18, Qwest, phone service, $39.36, Verizon Wireless, service, $24.19, **SAR DONATIONS:** Lewis, parade candy, $50.69. **FLEXIBLE SPENDING:** One recipient $340.73, Grand Total $53,193.55.

PAYROLL APPROVED:

Motion Bohl, second Hageman approves the following payroll 10-4-2010 to 10-17-2010. Motion carried.

COMMISSIONERS: $1,877.75; AUDITORS OFC: $4,560.80; TREASURERS OFC: $3,818.39; STATES ATTY OFC: $4,918.40; GOVT BLDGS: $3,510.40; DIR EQUALIZATION OFC: $4,274.40; REGISTER DEEDS OFC: $2,607.37; VSO: $196.80; SHERIFF OFC: $9,142.61; JAIL: $4,950.20; EMA: $1,385.85; 911 COMM CENTER:

$7,241.11; ROAD & BRIDGE: $16,178.41; CHN: $1,231.98; WIC: $283.68; EXTENSION: $1,073.80; ZONING: $1,156.21. GRAND TOTAL $68,408.16.

CONTRACT APPROVED:

Motion Giles, second Bohl approves the $51,525.00 Associated Consulting Engineering, Inc with Norm deWit, P.E. and proceed with the Courthouse HVAC/electrical upgrade. Motion carried.

MTGS ATTENDED:

Giles & Bohl 911; Giles East Dakota Transit & Pedersen Water Quality.

ORDINANCE #10-50:

This being the date and time set per advertisement for the 2nd reading of Ordinance #10-50. AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE 2009 INTERNATIONAL BUILDING CODE, AMENDMENTS AND ADDITIONS. This Ordinance was delayed and would be acted on at 11:15.

WATER QUALITY:

Larry Kotten presented information received from The Expert Company for the Lake Madison algae control and bio-sediment reduction. Total cost for mobilization, installation, connection monitoring and management of the electric unit for 1 yr $12,000. Mobilization and installation of two (2) wind units $3,500 plus electricity. Motion Bohl, second Giles to table decision until next meeting November 4, 2010. Motion carried.

RELAY FOR LIFE:

Deb Blanchette requested the use of the 4-H grounds for the 2011 Relay for Life. Motion Pedersen, second Giles approves the use of the 4-H grounds for June 4 & 5, 2011 Relay for Life. Motion carried. Proof of liability insurance was provided.

BOARD OF ADJUSTMENT:

Motion Hageman, second Bohl convene as a Board of Adjustment. Motion carried.

PLATS:

Karstens Addition: Motion Giles, second Bohl approves plat of Karstens Addition Gov't Lot 5 Sec 10 Herman Twp. Motion carried.

Wolf's 2nd Addition: Motion Pedersen, second Bohl approves plat of Lot 1 of Wolf's 2nd Addition N ½ NE ¼ Sec 29 Lakeview Twp. Motion carried.

Manthey's 3rd Addition: Motion Hageman, second Pedersen approves plat of Lot 1 Manthey's 3rd Addition NW ¼ Sec 32 Badus Twp. Motion carried.

CONDITIONAL USE PERMIT:

Kingbrook Rural Water property located at N240' E272.25' except N147.58' E147.58' NW ¼ Sec 13 Concord Twp. Requesting to put in an elevated storage tank. Present was Randy Kingbrook Rural Water representative. Conditional use permits are required in the "AG" District for this project. Motion Pedersen, second Hageman approves the Kingbrook Rural Water conditional use permit. Motion carried.

REGULAR SESSION:

Motion Pedersen, second Hageman return to Regular Session. Motion carried.

OVERTIME APPROVED:

Motion Giles, second Bohl approves overtime hours in the Treasurer's Ofc for Nancy Trygstad=October 25-29, 2010 1 to 2 hrs, October 30, 2010 3 to 4 hours and 1 to 2 hours for November 1-5, 2010. Kathy Miller 1 to 2 hrs October 25-29, 2010 and Nov 1-5, 2010. Motion carried.

EXECUTIVE SESSION:

Motion Giles, second Bohl enter into Executive Session 10:15 a.m. for legal matters with Gary Zay, Shelli Gust State's Atty Legal Sec and Kay A. Schmidt Auditor. Motion carried.

REGULAR SESSION:

Motion Hageman, second Bohl return to Regular Session 10:42 a.m. Motion carried.

ORDINANCE #10-50:

Motion Bohl, second Hageman approves the 2nd reading of Ordinance #10-50 AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE 2009 INTERNATIONAL BUILDING CODE, AMENDMENTS AND ADDITIONS. Roll call vote: Bohl aye, Hageman aye, Giles aye, Pedersen aye and Verhey aye. Motion carried.

ORDINANCE #10-50

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE 2009 INTERNATIONAL BUILDING CODE, AMENDMENTS AND ADDITIONS.

WHEREAS, Lake County, South Dakota, Board of County Commissioners deems it necessary for the purpose of promoting the health, safety and the general welfare of the County, to adopt the 2009 International Building Code.

THEREFORE, BE IT ORDAINED BY LAKE COUNTY, SOUTH DAKOTA, that the 2009 International Building code be adopted and provided as follows:

SECTION A.

1. The *2009 International Building Code* will provide regulation of construction, alteration, movement, enlargement, replacement, repair, removal and demolition of all buildings, other than detached one and two family dwellings and multiple single-family dwellings (townhomes) not more than three-stories above grade plane in height with separate means of egress and their accessory structures.
2. The *2009 International Building Code* as published by the International Code Council Inc. will be adopted including Chapters 1 through 35 and only Appendices C, E, F, G, H, and J and will be referred to as the Building Code of Lake County, South Dakota and hereinafter called the Building Code.
3. As part of the Lake County Building Code the Lake County Commissioners also adopt the latest version of the *Flood Hazard Map* as prepared and published by the Federal Emergency Management Agency.
4. The effective date of adoption of the Building Code of Lake County will be the 20th day after its completed publication. Examinations of plans and inspections of construction are waived until January 2, 2011 after which all plans submitted must be approved prior to the start of construction and all construction of such structures will be inspected for compliance with this code by the Environmental Code Enforcement Officer.
5. If any provision of the Code adopted by this article is in conflict with any other Ordinance, said other Ordinance shall prevail.
6. This Building Code shall cover all of Lake County, South Dakota except those incorporated areas that have passed an ordinance adopting the *2009 International Building Code* for all structures other than detached one and two family dwellings and multiple single-family dwellings (townhomes) not more than three-stories above grade plane in height with separate means of egress and their accessory structures.

SECTION B.

1. The Building Code will be available for inspection at the County Office ordained by the County Commissioners of Lake County in the Lake County Courthouse located at 200 East Center Street, Madison, South Dakota 57042.
2. The existing building fee schedule will be in force until such time as the Lake County Commissioners deem it necessary to change the existing fee schedule to cover the cost of examination of plans, permitting and inspections of construction.

SECTION C

Amendments to the *International Building Code:* Section 103: The Lake County Commissioners shall appoint a building official in charge of examination of plans and inspection of construction and that person shall have the title of Environmental Code Enforcement Officer in the Office of Environmental Code Enforcement.

Section 107.1: Construction Documents and any other information required by the Environmental Code Enforcement Officer shall be prepared by a registered design professional, registered in the State of South Dakota and submitted in triplicate with one copy being retained by the county and two returned to the submitter.

Section 113: The Lake County Commissioners shall become the Board of Appeals for any decisions or determinations made by the Environmental Code Enforcement Officer relative to the application and interpretation of the Building Code. The Commissioners shall adopt rules and procedures for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Environmental Code Enforcement Officer.

SECTION D

1. That any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Lake County Commissioners hereby declare that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase, irrespective of the fact that any one or more sections, subsections, sentences clauses or phrases be declared unconstitutional.

SECTION E

1. Nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any sit or proceeding impending in any court, or rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section A.5 of this Ordinance: nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION F

1. The Lake County Auditor is hereby ordered and directed to cause this Ordinance to be published.

SECTION G

1. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 20 days from and after the date of its final passage and adoption.

FIRST READING: October 5, 2010 9:15 am
SECOND READING: October 19, 2010 9:15 am
ADOPTED: October 19, 2010
NOTICE PUBLISHED: October 21, 2010
October 28, 2010
EFFECTIVE: November 17, 2010
S/s Bert Verhey Chairperson Lake County Board of Commissioners
ATTEST:
S/s Kay A. Schmidt Lake County Auditor

DRAINAGE BRD:

Motion Pedersen, Hageman enter into a Drainage Board. Motion carried.

DRAINAGE #10-8:

This being the date and time that was tabled for Drainage Application #10-8 Gerald Harr/Raymond Schultz operator NW ¼ & NE ¼ Sec 26 Nunda Twp (new tile). Present was Deb Reinicke Zoning-Drainage and testimony was given by Terry Schultz operator. Also present was seven concerned citizens in opposition to the drainage. Motion Giles, second Bohl approves Drainage #10-8 Gerald Harr/Raymond Schultz operator. Motion carried. Motion Hageman, second Bohl to return to Regular Session. Motion carried.

CONSERVATION DISTRICT:

Lake County Conservation District representatives Michelle Goodale, Roger Albertson and Craig Johannsen met regarding the new Conservation District building location at the 4-H Extension grounds. Motion Pedersen, second Bohl to provide fill and access to the gravel road for the new Conservation District bldg. Motion carried.

TRAVEL REQUESTS:

Brian Gilman Bldgs & Grounds/boiler operator class Oct 23, 2010 (Saturday) Watertown, SD
Robert Johnson Weed/Weed Dist #2 Nov 8, 2010 8:30 am Mitchell, SD
Deb Reinicke Zoning/Solid Waste Oct 21, 2010 Sx Falls, SD

REPORTS REC'D:

September, 2010: Bldg permits $1,773, conditional & variance fees $150, plat fees $25, drainage $465, sewer fees $50 & E911 $35. Total $2,498; mar lic $60, Dom Abuse $180, cert mar $525, ROD fees $6,303 & transfer fees $2,264.50. Total $9,332.50; Sheriff fees $1,790.20, work release $650, PBT-Breath $1,213, PBT-scram hookup $120, pistol permits $69, accident report copies $16, fingerprint cards $160 & Reliance Telephone comm. $74.10. Total $4,092.30. Prisoners housed 65 & days served 364.

AUDITOR's ACCOUNT WITH TREASURER	INVESTMENT	INTEREST	MATURITY
September	AMOUNT		DATE
Total balance of checking of First Bank & Trust	$4,511.47	.05%	
Cash items	$686.79		
Silver	$2,096.00		
Currency	$115.91		
Amt of checks in Treas possession	$40,771.18		
First Bank & Trust Passbook Acct #905-022-7	$2,100,000.00	1.01%	

Great Western Passbook Acct #100021474	$0.00	0.50%	
American State Bank Cert of deposit #8435	$100,000.00	1.60%	8/8/2011
American State Bank Cert of deposit #8383	$95,000.00	1.76%	1/22/2011
American State Bank Cert of deposit #8397	$100,000.00	1.75%	3/28/2011
American State Bank Cert of deposit #8420	$100,000.00	1.60%	5/27/2011
American State Bank Cert of deposit #8385	$100,000.00	1.75%	2/4/2011
American State Bank Cert of deposit #8422	$100,000.00	1.60%	6/23/2011
First Bank & Trust Cert of deposit #6270102334	$99,000.00	1.41%	11/25/2010
First Bank & Trust Cert of deposit #6270102342	$99,000.00	1.41%	11/25/2010
First Bank & Trust Cert of deposit #6270102350	$99,000.00	1.41%	11/25/2010
First Bank & Trust Cert of deposit #6270102369	$99,000.00	1.41%	11/25/2010
Interlakes Federal Credit Union Cert of deposit #45100-1	$95,000.00	2.00%	2/4/2011
	$3,234,181.35		

LAKE COUNTY	***GENERAL FUND SURPLUS ANALYSIS***	***9/30/10***
ASSETS:	101 Cash	2,199,538.36
	108 Taxes Receivable--Current	1,502,925.74
	110 Taxes Receivable--Delinquent	43,459.85
TOTAL ASSETS:		***3,745,923.95***
LIABILITIES AND EQUITY:		
	224 Deferred Revenue	1,546,385.59
FUND BALANCES:	271.99 Reserved for Election Grant	47,818.37
	271.99.02 Designated for Scholl property restoration	28,368.64
	272.01 Designated for Next Year's Appropriations	32,143.00
	272.03 Designated for C.O. Accumulations/Poor Farm	93,846.03
	272.04 Designated for C.O. Accumulations/Bldg Fund	800,000.00
	272.05 designated for C.O. Accumulations/Rd & Br	444,170.00
	272.09 Undesignated	753,192.32
TOTAL LIABILITIES AND EQUITY:		***3,745,923.95***
	Following Year General Fund Budget	3,590,227.00
		20.97%
The unreserved, undesignated fund balance, account 272.09, divided by the following year General Fund budget resulting in the fund balance percentage		21%

ADJOURN:

There being no further business Chairman Verhey at 11:30 a.m. declared the meeting adjourned until November 4, 2010 at 9 a.m.

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.

KAY A. SCHMIDT

LAKE COUNTY AUDITOR

Published once at the total approximate cost of _____.