LAKE COUNTY COMMISSION MINUTES
January 19, 2010

The Board of Lake County Commissioners met in Regular Session on January 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 Bohl, second Hageman approves agenda of January 19, 2010. Motion carried.

MINUTES APPROVED:

Motion Hageman, second Giles approves minutes of December 29, 2009 and January 5, 2010. Motion carried.

CHN QUARTERLY REPORT:

Jen Fouberg CHN presented third and fourth quarterly reports for Community Health Services. Commissioner Pedersen commended Fouberg on the POD Point of Distribution for H1N1 flu shot vaccination clinics held November 18, 2009 and January 7, 2010.

ACCOUNTS PAYABLE:

Motion Pedersen, second Bohl approves the following accounts payable. Motion carried. **COMMISSIONERS:** Chester Farm Service, snow removal/Gunderson tax deed property, $35.00, Madison Daily Leader, minutes/notices, $468.82, **ELECTIONS:** Software Services Inc., services, $160.00, **JUDICIAL:** Great Plains Psychological Services, crt ordered service, $1,975.00, Philip Parent, Jan public defender contract, $4,458.37, West Payment Center, Dec online service, $521.82, **JUROR/APPEARANCE/WITNESS FEE/MILEAGE**: Owen Bundy $50.74. Rhonda Devaney $50.74, Fred Fedeler $60.36, Ana Goodin $50.74, Nicole Williams $50.74, Ronald Kolbeck $68.50, Myron Moen $50.74, Lane Oswald $50.74, Haomin Wang $50.74, Janice Zillgitt $50.74, Matthew Feistner $20.74, Karla Fox $21.48, Michael Johnson $160.60, Daniel Brown, $20.74, **AUDITOR:** Bureau of ADM., long distance/fax calls, $4.77, Madison RadioShack, copy paper, $31.50, Office Peeps, supplies, $30.35, Qwest, phone service, $43.43, SDACO, dues, $438.10, Software Services Inc., service, $200.00, Universal Service, ribbons, $118.25, **TREASURER:** Bureau of ADM., long distance/fax calls, $10.46, Central Business, maintenance, $25.00, Madison Daily Leader, dlq tax list, $244.77, Madison RadioShack, copy paper-MV, $31.50, Qwest, phone service, $30.95, Software Services Inc., services, $180.00, SDACO, dues, $438.11, **DATA PROCESSING:** IBM, AS/400 maintenance, $602.91, **STATES ATTY:** Bureau of ADM., long distance/fax calls, $5.66, Hewlett-Packard Co., laptop/case, $1,358.00, Madison Instant Printing, copies/stamps, $109.97, Madison RadioShack, copy paper, $63.00, Qwest, phone service, $43.44, Verizon Wireless, service/phone, $86.32, **GOVT BLDGS:** Campbell Supply, supplies, $133.48, Colonial Research, supplies, $62.54, Hillyard, supplies, $493.89, Home Service Water Cond., salt, $47.74, KONE Inc., elevator maintenance, $1,088.04, NorthWestern Energy, utilities, $1,369.38, Qwest, phone service, $31.06, Shoenrock Plbg & Htg, circuit board, $307.00, Superior Lamp Inc., bulbs, $463.68, Verizon Wireless, service, $27.98, **EQUALIZATION:** Bureau of ADM., long distance/fax calls, $3.09, Madison RadioShack, copy paper, $47.24, McLeod's, notices, $354.60, Office Peeps, supplies, $31.60, Qwest, phone service, $30.96, Software Services Inc., services, $520.00, Verizon Wireless, service, $27.98, **REGISTER DEEDS:** Best Business Products, copier maintenance, $35.87, Bureau of ADM., long distance/fax calls, $3.25, Microfilm Imaging Systems, document work, $685.00, Qwest, phone service, $18.48, SDACO, dues, $438.11, **VETERANS SERVICE OFFICE:** Bureau of ADM., long distance calls, $.34, Qwest, phone

service, $11.67, **SHERIFF:** CrimeStar, RMS annual fee, $750.00, DSU Technology, services, $101.25, Gall's, freight charge, $10.99, Lake County Treasurer, postage, $181.54, Madison Community Hospital, blood alcohols $248.00, Madison RadioShack, supplies, $46.96, copy paper, $31.50, MOCIC, dues, $100.00, Office Peeps, batteries, $24.10, **JAIL:** Bureau of ADM., long distance/fax calls, $36.41, Brookings County Sheriff's office, female housing, $910.00, male housing $130.00, Brown's Cleaning, Dec laundry, $435.00, Lewis, prescription/supplies, $93.18, Madison Community Hospital, prisoner services, $176.00, Midwest Transportation Specialists, transport female prisoner, $898.95, Minnehaha County Regional Juvenile Detention Center, juv housing, $405.00, Northland Family Practice, prisoner services, $72.00, NorthWestern Energy, utilities, $1,261.89, Pennington County Jail, transport prisoner, $100.35, Qwest, phone service, $67.67, Sunshine Foods, prisoner meals, $2,088.00, Volunteers of America, Dakotas, juv housing, $600.00, **SEARCH & RESCUE:** City of Madison, utilities, $257.70, NorthWestern Energy, utilities, $209.79, Qwest, phone service, $12.48, **COUNTY WELFARE:** Avera McKennan Hospital, one recipient, $4,350.67, Bureau of ADM., long distance/fax calls, $.06, Madison RadioShack, copy paper, $6.30, Medical X-Ray Center, one recipient, $214.44, Qwest, phone service, $18.58, Verizon Wireless, service, $27.98, Yankton Medical Clinic, one recipient, $164.80, **COMMUNITY HEALTH NURSE:** Campbell Supply, ext cords/barrier tape-POD, $67.48, Central Business Supply, supplies-POD, $207.87, Forrest Fawbush, clean up services/POD, $83.33, Jen Fouberg, totes-POD, $10.60, Gary's Custom Woodworking, cabinets/down payment, $864.00, Gage Gunderson, clean up services/POD, $83.33, Derek Landeen, clean up services/POD, $83.33, Lewis, totes-POD, $13.38, Loopy's, table cloth (3) POD, $3.75, Madison Daily Leader, advertising-POD, $47.25, Madison Instant Printing, cards/signs/lamination-POD, $143.61, Pamida, totes/coolers-POD, $371.90, **CARE OF AGED:** ICAP, Jan community service worker hours, $625.00, **MENTAL ILLNESS BOARD:** Wanda Howey-Fox, MI counsel(2), $541.00, Lewis & Clark Behavioral Health Services Inc., MI services (2), $284.00, Yankton County Sheriff's office, MI services, $25.00, **EXTENSION:** Best Business Products, copier lease, $113.00/copies, $112.35, Bureau of ADM., long distance/fax calls, $11.65, City of Madison, utilities, $358.27, Abbie Fout, Dec travel/subsistence, $137.04, Becky Jensen, Dec travel/subsistence, $115.30, Learning Express, supplies,. $177.88, Lewis, storage unit, $129.99, Loopy's, supplies, $12.00, Madison Daily Leader, subscription, $93.06, Madison RadioShack, copy paper, $63.00, NorthWestern Energy, utilities, $467.78, Nutrition Seminar SDSU, registration, $125.00, Qwest, phone service, $55.44, Sunshine Foods, supplies, $37.35, **WEED:** Verizon Wireless, service, $27.98, **ZONING:** Gene Anderson, mtg/mileage, $41.28, Donald Bickett, mtg/mileage, $41.28, Bureau of ADM., long distance/fax calls, $1.38, R Douglas Jerlow, mtg/mileage, $33.88, Madison Daily Leader, notice, $12.12, Madison RadioShack, copy paper, $9.46, Qwest, phone service, $18.48, Southwest Office Solutions, supplies, $108.13, Debra Reinicke, mileage, $46.62, **ROAD & BRIDGE:** Antifreeze Recycling Inc., antifreeze, $84.50, Aramark Uniform Services, supplies, $76.64, Bureau of ADM., long distance/fax calls, $.32, Campbell Supply, supplies, $162.87, Cole's Petroleum Inc., engine oil, $265.10, Craig's Welding, repair, $36.00, Dakota Fluid Power Inc., parts, $79.67, Driveline Service Inc., parts, $335.18, Fastenal, parts/sign expense, $297.38, Lake County International, parts/oil, $144.98, Lake County Treasurer, postage, $5.00, NorthWestern Energy, utilities, $1,777.15, Pulford's Auto Parts Inc., parts/supplies, $160.20, Qwest, phone service, $43.44, Verizon Wireless, service, $55.98, Wheelco, parts, $64.90, Xcel Energy, util, $19.15, **911 COMM CENTER:** Bureau of ADM., long distance/fax calls, $4.18, ITC, services, $115.55, Language Line, Dec usage, $90.00, Qwest, phone service, $1,237.83, Triotel

Communications Inc., Jan services, $171.53, Verizon Wireless, service, $27.99, Julie Wegener, filter, $14.93, **EMA:** Bureau of ADM., long distance/fax calls, $.24, Madison RadioShack, copy paper, $31.50, Qwest, phone service, $37.87, Verizon Wireless, service, $33.22, **BUILDING:** Hillyard, burnisher evolution/used vacuum, $1,735.00. **GRAND TOTAL: $45,650.76.**

PAYROLL APPROVED:

Motion Giles, second Hageman approves the following payroll 12-28-09 to 1-10-10. Motion carried.

COMMISSIONERS: $1,877.75; AUDITORS OFC: $4,560.80; TREASURERS OFC: $3,610.87; STATES ATTY OFC: $4,838.88; GOVT BLDGS: $4,924.60; DIR EQUALIZATION OFC: $4,274.41; REGISTER DEEDS OFC: $2,607.37; VSO: $196.80; SHERIFF OFC: $9,101.21; JAIL: $5,154.46; EMA: $1,385.85; 911 COMM CENTER: $7,579.37; ROAD & BRIDGE: $16,777.77; CHN: $1,302.90; WIC: $260.04; EXTENSION: $1,089.14; ZONING: $1,156.21. GRAND TOTAL $70,698.43.

HWY 34 4 THE FUTURE:

Acknowledge receipt of a HIGHWAY 34 four the FUTURE handout from committee member John Goeman.

PUBLIC NUISANCE:

Acknowledge receipt of a complaint about some places that are a public nuisance and some that are illegally operating repair shops in Ag districts. Commissioner Giles made a request that at the next mtg to place Ken Meyer States Atty and Deb Reinicke Zoning-Drainage on the agenda to review the Public Nuisance complaint process.

OPERATING TRANSFER:

Motion Bohl, second Hageman approves the following #10-01 Operating Cash Transfer Resolution for 911 Communications, EMA and Road & Bridge. Motion carried.

#10-01 OPERATING TRANSFER RESOLUTION

WHEREAS, there is need to transfer Nine Hundred Seventy-Four Thousand, one hundred thirty dollars and 00/100 ($974,130) from the General Fund Cash to 911 Communications, EMA and Road & Bridge cash funds for normal operations.

NOW THEREFORE BE IT RESOLVED, by the Board of Lake County Commissioners that Nine Hundred Seventy-Four Thousand, one hundred thirty dollars and 00/100 ($974,130) from the General Fund Cash to the following:

Operating transfer/911 Communications	10100X4290911	$109,951
Operating transfer/EMA	10100X4291911	$26,333
Operating transfer/Rd & Bridge	10100X4292911	$837,846
		$974,130

Dated this 19th day of January 2010.

LAKE COUNTY BOARD OF COMMISSIONERS

S/s Bert Verhey Chairman

ATTEST:

S/s Kay A. Schmidt Auditor

BOARD OF ADJUSTMENT:

Motion Hageman, second Bohl convene as a Board of Adjustment at 10:00 am. Motion carried.

VARIANCE:

Josh Brown property described as a parcel of land to be platted 1+ acres in Sec 26 Wayne Twp. Requesting to build a new home 93' from the center line of road. Regulations are 108' from the center line of the road. Brown was not present. Motion Pedersen, second Bohl approves Josh Brown variance. Motion carried. Motion Giles, second Pedersen return to Regular Session at 10:05 a.m. Motion carried.

COMMERCIAL SOLID WASTE:

Motion Pedersen, second Hageman approves the following $25 Commercial Solid Waste Hauler License and Permit applications. Hoffman Sanitation/Mike Hoffman Dell Rapids, SD and Dawson Construction/Daniel Dawson Howard, SD. Motion carried. Reminder letter will be sent to Waste Connections/Cook's Wastepaper & Recycling, Brookings, SD.

BOARD OF ADJUSTMENT:

Motion Pedersen, second Hageman convene as a Board of Adjustment at 10:15 am. Motion carried.

CONDITIONAL USE PERMIT:

Charles Scholl/Chuck's Recycling and Repair, Inc Conditional Use permit continued for discussion on property located at N802' W1275' NE ¼ exc S607' of E 817' NE ¼ Sec 25 Concord Twp parcel #4450B. Requesting to start salvage & recycling business in the "AG" District. Regulations require a "Conditional Use" in the "AG" District for this type of business. Present was Charles Scholl, Greg Protsch Atty, Michele Dancer Crt Reporter on behalf of Atty Protsch, Deb Reinicke Zoning-Drainage, Shelli Gust State's Atty Sec and 10 concerned citizens. In the absence of State's Atty Ken Meyer, Chris Giles presented the 8 page document that was reviewed by Commissioner Pedersen, Atty Protsch & Charles Scholl of which was worked from the 16 page document of 1-15-2010. Motion Giles, second Bohl approve the 8 pages with Exhibits A & B be approved as the conditions so we may discuss. Motion carried. Commissioners Bohl and Hageman met with Ken Meyer State's Atty and compared the old and new documents. Bohl requested to call the question for further discussion on the conditions. Jay Leibel Atty objected to Protsch & Scholl giving continued comments or offer testimony as to the terms and conditions of the requested permit. Protsch objected to any other public input. Giles summarized the following areas. Giles motioned to the provisions being amended and Bohl agreed to his motion. Pg 3. 1) Loading/Intake Area. (2nd paragraph) The application shall post a professional looking sign at the gated entrance to the screened area of the real property ***that is readable from the road with letters at a minimum height of six (6) inches and a minimum width of three (3) inches.*** Giles proposed addition and Bohl agrees. Pg 5 1) Initial Inspection continues to Pg 6 (1st paragraph). An initial inspection of the real property shall be conducted on August ***16,*** 2010, (2nd paragraph) ***The Lake County Zoning official may request that someone from the Lake County Sheriff's Office accompany them if they deem it to be appropriate.*** Pg 6 2) Annual Inspection. An annual inspection of the ***Conditional Use Permit will be required to ensure continued compliance with the conditions made a part of the grant of the Conditional Use Permit.*** Lake County shall conduct an annual inspection of the real property beginning at 10:00 a.m. on ***August 15th*** of each year, commencing ***August 15, 2011. If August 15th falls on a*** Saturday or Sunday, the inspection will take place beginning at 10:00 a.m. the following Monday. Giles propose a change to paragraph b, 1st sentence and add to paragraph b, Bohl agrees. Pg 5 b) Trees. ***Because the shelterbelt on the East side does not provide as good of a screen as the others, at its option*** the Applicant ***may*** construct a fence on the outside of the shelterbelt along the east side of the real estate of the same materials and in the same manner as the fence described in D. (1) (A) Fences. The fence shall be constructed at least ***twelve (12) feet***

high and be completed by February 1, 2012; ***or the Applicant may utilize the existing shelterbelt if he plants a row of evergreen trees on the inside of the existing shelterbelt and the width of the shelterbelt is at least fifty (50) feet. If the Applicant elects to construct the fence, after it is complete he could remove the shelterbelt on the East side of the subject property.*** Giles propose a change to paragraph B, add to paragraph b, Bohl agrees. Pg 7 B Surety Bond or Similar Financial Guarantee ***If the full amount of the surety bond cannot be obtained by the Applicant by August 15, 2010, the Applicant shall have the option to provide proof of a surety bond in the amount of $10,000 by August 15, 2010, and obtain and provide proof of a surety bond for the remaining $10,000.00 by August 15, 2011.*** The purpose of the surety bond shall be that in the event that Lake County incurs costs to ***remove and dispose of salvageable or hazardous material from the operation of the business in connection with the real property because of the Applicant's operation of a salvage business on the premises, then the bond obligation will be triggered to pay those clean-up costs up to the amount of $20,000.00.***

Add new paragraph: ***If the full amount of the surety bond or suitable alternative referenced above cannot be obtained by the Applicant by August 15, 2010, the Applicant shall have the option to provide proof of a surety bond or suitable alternative in the amount of $10,000.00 by August 15, 2010, and obtain and provide proof of a surety bond or suitable alternative for remaining $10,000.00 by August 15, 2011.***

Acknowledge receipt of a letter dated January 19, 2010 from Atty Jay Leibel RE: Charles Scholl Application; regarding objecting to additional comments from Public hearing. Giles request to call question on the amended set of conditions that we have been working on this morning subject to cleanup and full review again at the next meeting. Motion Giles, second Bohl to vote on the amendments on the 8 page document as amended. Chairman Verhey requested a roll call vote, alphabetically. Bohl yes, Giles yes, Hageman yes, Pedersen yes and Verhey yes. (5) Ayes. Motion carried. Motion Pedersen, second Hageman return to Regular Session at 12:22 p.m. Motion carried

BLDGS OVER TIME:

Motion Bohl, second Hageman approves requested over time for Brian Gilman Bldgs & Grounds Deputy, 2 hrs to clean on January 18, 2010 due to the Commission room construction work/clean up. Motion carried.

TRAVEL REQUESTS*:*

911 Communications=911 Basic certification/EMD for Cynthia Schut May 10-26, 2010 @ Pierre, SD.

REPORTS REC'D:

December, 2010: Reg of Deeds mar lic $80, Dom Abuse $240, cert mar $150, ROD fees $3,879 & transfer fees $6,023.50. TOTAL: $10,372.50. Annual report recordings $57,985 & transfer fees $37,170; Sheriff fees $175, pistol permits $45, civil fees $1,522.62, fingerprinting $100, PBT breath $876 & scram hookup $120, work release $1,075, accident reports $8, Reliance Tele. Comm $125.13. TOTAL: $4,046.75.

AUDITOR's ACCOUNT WITH TREASURER December 2009	**INVESTMENT AMOUNT**	**INTEREST**	**MATURITY DATE**
Total balance of checking of First Bank & Trust	$86,224.86	0.15%	
Cash items	$659.76		
Silver	$91.67		
Currency	$1,954.00		
Amt of checks in Treas possession	$31,696.46		

First Bank & Trust Passbook Acct #905-022-7	$1,910,000.00	1.10%	
Great Western Passbook Acct #100021474	$0.00	0.50%	
American State Bank Cert of deposit #8349	$100,000.00	2.00%	8/8/2010
American State Bank Cert of deposit #8313	$95,000.00	2.50%	1/22/2010
American State Bank Cert of deposit #8317	$100,000.00	2.50%	2/4/2010
American State Bank Cert of deposit #8326	$100,000.00	2.00%	3/28/10
First Bank & Trust Cert of deposit #602597	$100,000.00	1.76%	5/10/2010
First Bank & Trust Cert of deposit #67507	$100,000.00	1.76%	6/21/2010
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
Great Western Cert of deposit #144109269	$100,000.00	2.10%	2/4/2010
Great Western Cert of deposit #144109272	$100,000.00	2.10%	2/4/2010
	$3,221,626.75		

ADJOURN:

There being no further business Chairman Verhey at 12:45 p.m. declared the meeting adjourned until February 2, 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. All attempts shall be made to satisfy these requirements.

KAY A. SCHMIDT

LAKE COUNTY AUDITOR

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