LAKE COUNTY COMMISSION MINUTES
October 2, 2012

The Board of Lake County Commissioners met in regular session on October 2, 2012 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. The Pledge of Allegiance was recited.

AGENDA APPROVED:

Motion by Wollmann, second by Bohl, to approve the agenda of October 2, 2012. Motion carried.

MINUTES APPROVED:

Motion by Giles, second by Hageman, to approve the minutes of September 25, 2012. Motion carried.

PAYROLL APPROVED:

Motion by Bohl, second by Wollmann, to approve the payroll of September 17-30, 2012. Motion carried. COMMISSIONERS: $3,861.20; AUDITORS OFC: $4,922.36; TREASURERS OFC: $3,973.58; STATES ATTY OFC: $5,616.10; GOVT BLDGS: $3,684.96; DIR EQUALIZATION OFC: $4,250.20; REGISTER DEEDS OFC: $3,175.78; VSO: $201.60; SHERIFF OFC: $9,069.89; JAIL: $4,908.57; EMA: $1,413.04; 911 COMM CENTER: $6,324.32; ROAD & BRIDGE: $16,452.83; CHN: $1,255.36; WIC: $244.40; EXTENSION: $1,259.20; ZONING: $1,484.20; ENV SPECIALIST; $1,156.00. GRAND TOTAL $73,253.59

ACCOUNTS PAYABLE APPROVED:

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

Accounts Payable 9-28-12 General Withholding: Aflac, Cancer/Int Care Prem, $1,357.26, SD Retirement System, Sept 12 Collections, $6,018.59, SD Supp Retirement Plan, Sept 12 Collections, $620.00, Wellmark Bcbs of SD, Oct 12 Sp Premium, $1,967.32, Optilegra, Oct 12 Upgrade Premium, $360.48, Johnson Rodenburg, wage assignment, $300.00, Lake County Treasurer, Adv Taxes, $88.20, Commissioners: Assurant Employee Benefit, Oct 12 Life Ins Prem, $28.81, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $39.95, Auditors: SD Retirement System, Sept 12 Collections, $530.41, Assurant Employee Benefit, Oct 12 Life Ins Prem, $19.35, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $895.60, Optilegra, Oct 12 Vision Premium, $23.97, Treasurers: SD Retirement System, Sept 12 Collections, $478.14, Assurant Employee Benefit, Oct 12 Life Ins Prem, $19.35, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $1,343.40, Optilegra, Oct 12 Vision Premium, $23.97, St Atty: SD Retirement System, Sept 12 Collections, $649.61, Assurant Employee Benefit, Oct 12 Life Ins Prem, $19.35, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $23.97, Gvt Bldg: SD Retirement System, Sept 12 Collections, $442.18, Assurant Employee Benefit, Oct 12 Life Ins Prem, $19.35, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $895.60, Optilegra, Oct 12 Vision Premium, $23.97, DOE: SD Retirement System, Sept 12 Collections, $489.02, Assurant Employee Benefit, Oct 12 Life Ins Prem, $19.35, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $1,343.40, Optilegra, Oct 12 Vision Premium, $23.97, ROD: SD Retirement System, Sept 12 Collections, $354.22, Assurant Employee Benefit, Oct 12 Life Ins Prem, $11.18, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $15.98, VSO: SD Retirement System, Sept 12 Collections, $24.20, Assurant Employee Benefit, Oct 12 Life Ins Prem, $.97, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $67.17, Optilegra, Oct 12 Vision Premium, $1.20, Sheriffs: SD Retirement System, Sept 12 Collections, $1,340.92, Assurant Employee Benefit, Oct 12 Life Ins Prem, $38.70, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $2,686.80, Optilegra, Oct 12 Vision Premium, $47.94, Jail: SD Retirement System, Sept 12 Collections, $931.94, Assurant Employee Benefit, Oct 12 Life Ins Prem, $25.80, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $1,791.20, Optilegra, Oct 12 Vision Premium, $31.96, Coroner: Assurant Employee Benefit, Oct 12 Life Ins Prem, $6.45, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $7.99, CHN: SD Retirement System, Sept 12 Collections, $138.92, Assurant Employee Benefit, Oct 12 Life Ins Prem, $6.45, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $7.99, Extension: SD Retirement System, Sept 12

Collections, $165.27, Assurant Employee Benefit, Oct 12 Life Ins Prem, $6.45, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $7.99, Zoning: SD Retirement System, Sept 12 Collections, $178.10, Assurant Employee Benefit, Oct 12 Life Ins Prem, $6.45, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $7.99, Env Specialist: SD Retirement System, Sept 12 Collections, $138.72, Assurant Employee Benefit, Oct 12 Life Ins Prem, $6.45, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $447.80, Optilegra, Oct 12 Vision Premium, $7.99, Hwy Road & Bridge: Aflac, Cancer/Int Care Prem, $365.54, SD Retirement System, Sept 12 Collections, $2,047.16, SD Supp Retirement Plan, Sept 12 Collections, $640.00, Wellmark Bcbs of SD, Oct 12 Ch Premium, $473.68, Optilegra, Oct 12 Upgrade Premium, $150.48, Lake County Treasurer, Adv Taxes, $87.00, SD Retirement System, Sept 12 Collections, $1,970.00, Assurant Employee Benefit, Oct 12 Life Ins Prem, $77.40, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $4,925.80, Optilegra, Oct 12 Vision Premium, $95.88, 911 Comm Center: Aflac, Cancer/Int Care Prem, $66.86, SD Retirement System, Sept 12 Collections, $783.72, SD Supp Retirement Plan, Sept 12 Collections, $30.00, Wellmark Bcbs of SD, Oct 12 Upgrade Premium, $81.04, Optilegra, Oct 12 Upgrade Premium, $41.58, SD Retirement System, Sept 12 Collections, $735.25, Assurant Employee Benefit, Oct 12 Life Ins Prem, $32.25, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $2,239.00, Optilegra, Oct 12 Vision Premium, $39.95, EMA: Aflac, Cancer/Int Care Prem, $79.14, SD Retirement System, Sept 12 Collections, $193.76, Optilegra, Oct 12 Upgrade Premium, $3.68, SD Retirement System, Sept 12 Collections, $169.56, Assurant Employee Benefit, Oct 12 Life Ins Prem, $5.48, Wellmark Bcbs of SD, Oct 12 Health Ins Premium, $380.63, Optilegra, Oct 12 Vision Premium, $6.79, Grand Total: $45,431.99

Accounts Payable 10-3-12 Elections: Central Business Supply, supplies, $32.45, Intab Inc, supplies, $87.43, Madison Ace Hardware, supplies, $9.99, Bureau of Adm, Aug Bit Billing, $5.00, Auditors: Central Business Supply, supplies, $17.07, Treasurers: Century Business Prod, Copier Maint, $25.00, Office Peeps, supplies, $67.62, Bureau of Adm, Aug Bit Billing, $15.00, St Atty: A & B Business, Prints, $36.47, Gvt Bldg: Unemployment Ins Div, 3rd Qtr Remittance, $128.18, Fastenal, Hardware, $41.36, Fremont Industries, Chemical, $428.63, Hillyard/Sioux Falls, supplies, $306.96, Kolorworks, supplies, $339.94, Madison Ace Hardware, Supplies, $83.21, Timmer Supply Company, supplies, $1.48, City of Madison, Field of Dreams, $24.53, DOE: Best Western Ramkota Hotel, Lodging, $1,155.00, ROD: McLeods Office Supply, Mortgage Books, $678.13, Bureau of Adm, Aug Bit Billing, $5.00, VSO: Fitzgerald, Francis, Mowing, $550.00, Tolley, Ron, Mowing, $550.00, Sheriffs: Steves Tire & Service, services, $137.50, Office Peeps, supplies, $12.63, Weed: Farmers Ag Center, chemicals, $6,892.67, Madison Ace Hardware, supplies, $5.99, Central Business, supplies, $78.72, Zoning: Central Business, supplies, $63.98, Office Peeps, supplies, $244.84, Hwy Road & Bridge: Craig's Welding, repairs, $425.00, Foster's Auto Glass, Labor, $60.00, Aramark Uniform Services, Aprons/Rugs, $73.68, Butler Machinery, parts, $446.26, Craig's Welding, Repairs, $110.00, Fastenal, supplies, $30.98, Foster's Auto Glass, services, $181.85, M & T Fire & Safety, Supplies, $40.00, Madison Ace Hardware, supplies, $141.65, Salem Tractor Parts, Used Rim, $35.00, MidAmerican Energy, Utilities, $8.00, Sioux Valley Energy, Hwy 34 St Lights, $137.60, Sioux Falls Construction, Lk Herman Box Culvert, $69,029.10, 911 Comm Center: Powerphone, EMD Recertification, $129.00, Sioux Valley Energy, Service, $84.83, EMA: Sioux Valley Energy, Brant Lk Sirens, $131.77, Law Library: West Payment Center, books, $319.00, LEPC: Sioux Valley Wireless, Web Hosting, $19.95, Grand Total: $83,428.45

RELAY FOR LIFE 2013:

Deb Blanchette, Relay for Life Committee Member, met with the board to ask permission to use the 4-H grounds for the 2013 Relay for Life. The event is scheduled for June 8, 2013. Motion by Giles, second by Bohl, to approve use of the 4-H grounds by Relay for Life on June 8, 2013 pending required application and proof of insurance. Motion carried.

LAKE MADISON AERATORS:

Chairman Pedersen discussed an email from Wm F Tooley, The Expert Co Inc., regarding the aerators on Lake Madison Harbor Bay. The county minutes of October 19, 2010 tabled any decision on the wind aerators until the next meeting on November 4, 2010. The November 4, 2010 minutes do

not contain any action on the aerators by the commission. A bill of $12,000 was sent to the Lake Madison Development Association. The bill is on file at the Auditor's office.

MEETINGS ATTENDED:

Commissioner Giles attended the LAIC meeting, a meeting on Juvenile Detention Accountability, and East Dakota Transit. Commissioners Pedersen and Wollmann attended the water quality meeting. Commissioner Bohl discussed the bids on the new Head Start building for ICAP.

LAKE AREA IMPROVEMENT CORP:

Julie Gross, Executive Director of LAIC, met with the board to give an update of the Lake Area Improvement Corporation. Items discussed included Global Polymer relocating to Madison, housing needs, downtown development, a grant for the industrial park, an Export Awareness workshop planned for October 31, 2012, becoming a certified industrial park, and the possibility of a spec building in the future.

ZONING/BAIN PLAT:

The Bain plat was cancelled.

2ND READING ORDINANCE 12-53:

The second reading of Ordinance 12-53, An Ordinance for the Continued Authorization of a 911 Emergency Reporting System was held at 10 a.m. Motion by Giles, second by Hageman, to approve second reading of Ordinance 12-53. Motion carried.

Motion by Giles, second by Bohl, to adopt Ordinance 12-53. Motion carried.

ORDINANCE NO. 12-53

AN ORDINANCE FOR THE CONTINUED AUTHORIZATION OF A 911 EMERGENCY REPORTING SYSTEM

Whereas, the Lake County Commission, finding that a 911 emergency reporting system was in the best interest of the residents of Lake County, established such reporting system by ordinance on March 16, 1993; and

Whereas, the enactment of SB 174 by the South Dakota Legislature in 2012 has resulted in significant changes to SDCL chapter 34-45; and

Whereas, the Lake County Commission, in light of such changes, desires the continued authorization of its 911 Emergency Reporting System; now, therefore

BE IT ORDAINED BY LAKE COUNTY, SOUTH DAKOTA:

Authorization for the 911 Emergency Reporting System previously established by Lake County shall hereby continue under the management and control of the Lake County Commission as provided herein:

Section 1. <u>Jurisdictional service area</u>

The 911 Emergency Reporting System is to be provided for a service area as follows: all of the area within the legal boundaries of Lake County.

Section 2. <u>Costs for installation, maintenance, or operation</u>

The Lake County Commission may incur any nonrecurring or recurring costs for the installation, maintenance, or operation of a 911 system and may pay such costs in whole or in part from a 911 emergency surcharge as established, collected and distributed pursuant to SDCL chapter 34-45.

Section 3. <u>Joint agreements among governing bodies</u>

Notwithstanding the jurisdictional service area of Section 1, the Lake County Commission may, pursuant to SDCL 34-45-3, provide such services within the jurisdiction or territory of another governing body or public agency upon the execution of a joint agreement for the provision of such services.

Section 4. <u>Contracts for administration of 911 services</u>

The Lake County Commission, if found to be in the best interests of the residents of Lake County, may enter into an agreement directly with a service supplier of a 911 system or may contract and cooperate with any public agency or with other states or political subdivisions for the administration of a 911 system as provided by SDCL 34-45-11.

Section 5. Immunity from liability

The 911 emergency reporting system, provided by this ordinance and SDCL chapter 34-45, is within the governmental powers and authority of the Lake County Commission. In contracting for a 911 emergency reporting system or the provisioning of a 911 reporting service, except for willful or wanton negligence or intentional acts, Lake County, together with its governing body, employees and agents, are immune from liability for a failure to use or operate a 911 system as provided in SDCL 34-45-17.

Section 6. Savings Clause

This Ordinance shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance hereby repealed. This Ordinance shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any ordinance hereby repealed.

Section 7. Severability

If any provision of this Ordinance shall be declared invalid for any reason, such declaration shall not affect the validity of the Ordinance as a whole, or any portion thereof.

Section 8. Repealer

This Ordinance repeals Lake County Ordinance 93-17 and 95-21, as amended and existing prior to the effective date hereof, and any other ordinance in conflict therewith.

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

Adopted this 2nd day of October, 2012.

/s/Scott Pedersen
Chairman, Lake County Commissioners

ATTEST:
/s/Roberta Janke
Auditor, Lake County

1st Reading: September 25, 2012 at 11 a.m.
2nd Reading: October 2, 2012 at 10 a.m.
Date Adopted: October 2, 2012
Date Published: October 18, 2012
Effective Date: November 7, 2012

DRAINAGE BOARD:

Motion by Bohl, second by Hageman, to enter into a drainage board. Motion carried. Debra Reinicke, Drainage Officer, in attendance.

READVERTISED #12-15 William Anderson drainage hearing, NW1/4 Section 34-105-51, Chester Twp, new tile. William Anderson appeared on September 25, 2012 to discuss his drainage permit application. The hearing had to be readvertised due to an error in the legal advertisement. A representative of Game, Fish & Parks was not present. Motion by Giles, second by Hageman, to approve drainage permit application #12-15. Motion carried.

REGULAR SESSION:

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

WATER QUALITY:

John Maursetter, Environmental Specialist, and Jan Nicolay were present to discuss the Regional Watershed Advisory Taskforce meeting and water quality meeting. Items discussed included counties without a drainage ordinance have no records of where drainage is, a statewide uniform drainage permit should be developed that provides consistent information to drainage boards to help with their decisions and the need for technical support for counties. Nicolay was glad the Lake County Commission chose to stay in the drainage process. She believes it was the right thing for all involved. Maursetter next discussed the water quality meeting held on September 27, 2012. Items discussed included a report from the SD DOT on the Hwy 19 project scheduled for 2014. The Dirks Resort/Timmer project was discussed. It was noted the Lake Herman Sanitary Board is the governing body. There is concern if the conditions placed on the issuance of the conditional use permit for the Timmers have been followed. Other items discussed included local flood mitigation subcommittee and Lake Madison flooding concerns. The letter to the Regional Watershed Advisory Taskforce was reviewed. Maursetter to update the letter and return to the board on October 16, 2012 for their approval.

SIFE/4-H BARN AGREEMENT:

Chris Moken, Students In Free Enterprise, met with the board to discuss the 4-H barn user agreement for a Haunted House. The group requests the barn from October 5-November 14, 2012 for a Haunted House. Dakota State University has requested that the indemnification language in the barn user agreement be changed. The board will have the Bldgs & Grounds Supt inspect the barn before the group sets up and take pictures. The board gave Moken a two week after the event deadline to have the barn cleaned up. Motion by Giles, second by Hageman, to approve the Chairman signing the agreement as revised by the States Attorney with a 2 week deadline for clean up**.** Motion carried.

TRAVEL REQUEST:

Debra Reinicke to attend Solid Waste Board meeting on October 4, 2012 at Sioux Falls SD.

ADJOURNMENT:

There being no further business to come before the board, Chairman Pedersen adjourned the meeting at 11:15 a.m. until October 16, 2012 at 9 a.m.

/s/Roberta Janke /s/Scott Pedersen

ROBERTA JANKE SCOTT PEDERSEN

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