LAKE COUNTY COMMISSION MINUTES
May 20, 2016

The Board of Lake County Commissioners met in special session on May 20, 2016 at 8:30 a.m. in the commission meeting room at the Lake County courthouse with the following members present: Dan Bohl, Ronald Golden, 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 Golden, to approve the agenda of May 20, 2016. Motion carried.

PLATS/ZONING:

Debra Reinicke, Zoning Officer, presented the following plats to the board. Mandi Anderson, Zoning Assistant, was also in attendance.

Plat of Lot 2 of B. Price Addition in Government Lot 4 of Section 10, Township 106 north, Range 53 West of the 5th principal meridian, Lake County SD. Motion by Golden, second by Bohl, to approve the plat. Motion carried.

Commissioner Golden recuses himself from the next three plats.

Plat of George's Addition NW1/4 of Section 19, Township 105 North, Range 52 West of the 5th p.m. in Lake County, SD. Motion by Hageman, second by Bohl, to approve the plat. Motion carried.

Plat of Lindholm's 2nd Addition SW1/4 of Section 24, Township 107 north, range 52 west of the 5th p.m. in Lake County, SD. Motion by Bohl, second by Wollmann, to approve the plat. Motion carried.

Plat of Feistner's 2nd Addition in the E1/2NE1/4NE1/4 of Section 6, Township 105 North, Range 53 West of the 5th p.m. in Lake County, SD. (A replat of Feistner's addition) Commissioner Golden told the board the plat is in route to New York for a signature but didn't feel that should hinder approval. Motion by Bohl, second by Wollmann, to approve the plat contingent upon all landowners signing by 5 p.m. on Monday. Motion carried.

BOARD OF ADJUSTMENT:

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

VARIANCES/CONDITIONAL USE:

Reinicke presented the following applications to the board.

Variance request of Don and Joyce Helberg—Lot 2 Tract 1 Colton Park Siding South, Parcel #975-1-2, Wentworth Twp. Kurt Hanson, Superior Homes, was present to discuss the Helberg's request to build a building 1' from the road right-of-way line. All signatures required were obtained. Dave Fedeler, Hwy Supt., did not oppose the variance and signed a document. Hanson told the board with the setbacks the lot is unbuildable. Commissioner Golden has concerns with the one foot setback on this odd shaped lot. He suggested moving the whole structure 5 feet further north and 6 feet on the south. Hanson agreed this works better. Motion by Golden, second by Hageman, to approve the variance moving the structure 5 feet north and 6 feet from the south. Motion carried. Motion by Golden, second by Bohl, to adopt the findings outlined in the staff report. Motion carried.

Variance request of David & Sharon LeBrun—Lot 2 & NW 20' Lot 3 Blk 13, Wentworth Park, Parcel #866, Lake Madison, Wentworth Twp. David LeBrun was present to discuss building a deck closer than 9' from the side property line. All signatures required were obtained. Motion by Bohl, second by Hageman, to approve the LeBrun variance and adopt the findings outlined in the staff report. Motion carried.

Variance request of Craig Falor—Lot 1 Paul's Addition in the NW1/4 of Section 10-107-53, parcel 3638-1, Farmington Twp. Reinicke and Commissioner Bohl were representing Falor. The applicant is requesting to build an addition to an existing building and would like to be 10' from his side lot line.

All signatures required were obtained. Motion by Wollmann, second by Golden, to approve the Falor variance and adopt the findings outlined in the staff report. Motion carried.

Variance request of Big Sioux Rural Water—Plat of 465TH Ave Pump Station Addition in the N1/2 of the NW1/4 of Section 36-105-51, Chester Twp. Martin Jarrett was present to discuss the application of Big Sioux Rural Water to build a water pumping station for public utilities in the "AG" district on a ½ acre parcel. All signatures required were obtained. Motion by Golden, second by Wollmann, to approve the applicant's variance and adopted the findings outlined in the staff report. Motion carried.

REGULAR SESSION:

Motion by Golden, second by Hageman, to adjourn as a board of adjustment and return to the regular session. Motion carried.

Plat of 465th Avenue Pump Station Addition in the N1/2 of the NW1/4 of Section 36-T105N-R51W of the 5th p.m., Lake County SD. Motion by Bohl, second by Golden, to approve the plat. Motion carried.

BOARD OF ADJUSTMENT:

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

Conditional use request of Big Sioux Rural Water—Plat of 465TH Ave Pump Station Addition in the N1/2 of the NW1/4 of Section 36-105-51, Chester Twp. Martin Jarrett was present to discuss building a water pumping station for public utilities on a ½ acre parcel. Motion by Golden, second by Wollmann, to approve the applicant's conditional use permit and adopt the findings outlined in the staff report. Motion carried.

Variance request of Kathleen Welch-Patterson—Lot A Lakeview Drive Third Addition #1887-C-A, Lakeview Twp. Kathleen Welch-Patterson and Bev Even, Even Construction, were present to discuss the variance from the minimum lot width road front in the LP I district. Chairman Pedersen told those present they would be discussing the current variance request and not the history with this lot. Even told the board the garage and house are ideal for the lot. They are not changing any swells or drainage and visibility is not affected. Jay Van Liere, previous owner of this lot, told the board grading and sloping had been done on this lot. Rod Goeman presented a handout to the board. He did tell the board that Commissioner Wollmann is his sister. He told the board this is a huge variance based on the location of the lot and proximity to the homes. He stated this area is more rural. Rod Pierson pointed out to the board that a variance should not be contrary to public interest. The applicant purchased the property knowing a variance was needed. This area has much wider side yards. Doug Caron, adjacent landowner, discussed the following: Ordinance requires a 75' minimum lot width, building on a smaller lot will affect the neighbors, lack of knowledge isn't reason for variance, and it was subjective as to the type of house being built. Charlie Keppen told the board he has been building homes on Lake Madison for many years. He stated there are odd lots all over the lake because the lake isn't straight. He thought it would be a hindrance not to approve the variance. Dave Thayer told the board the zoning ordinance should be the minimum standard for the area. The neighbors want the board to uphold the zoning ordinance. Pam Lewis built a new home in this area in August 2015 and didn't know this lot existed. They built in this area because they liked the roomy lots and didn't want a crowded neighborhood. Henry Haug told the board he want's privacy and that's why he built out there. He believes the board of adjustment should consider the people next to the variance. Commissioner Golden asked Welch-Patterson if she had a landscaping plan. She didn't have a plan yet. There are trees on the adjoining landowner's property. Motion by Golden, second by Bohl, to approve the applicant's variance and adopt the findings outlined in the staff report. Roll Call

vote: Bohl aye. Hageman aye. Golden aye. Wollmann aye. Pedersen aye. 5 ayes. Motion carried.

Conditional use application of Albert Lee Yager dba "Gravel Pit Company"—Tract 2 B. Prices Addition W1/2 15-106-52 parcel #1810-2, Lakeview Twp. Lee Yager and Donna Flying Horse were present to discuss their request to start a sand, gravel or quarry operation. Wayne and Dawn Bessman were present as they own property north of this area. Yager has talked with the Bessman's about planting a couple rows of trees to the south of the Bessman property. Janet Weber, landowner to the east, told the board she has concerns about the noise and what affect it may have on her thoroughbred horses. He told the board he will put something on his back-up alarms to cut down on the noise. Weber also has traffic concerns at the intersection. Yager said he plans to mine 1 to 2 acres a year. Bessman stated there are many gravel pits in this area. He believes their tumbleweed problem is coming from a gravel pit to the west of them. Commissioner Golden discussed the following: driveway as far north as possible, driveway into the development needs to be gated, 4 to 1 slope, plant trees on north side, remain 1,000 feet from the nearest landowner and provide survey to the county, keep spoil pile within that boundary, and notify the commission when reclamation is finished. Motion by Hageman, second by Golden, to approve the applicant's conditional use permit and adopted the findings outlined in the staff report and gate 1st approach off 457th, after DENR inspects reclamation on the land notify the County Commission, the pit is not to exceed the 4 to 1 slope ratio, plant trees 3-4' tall between the Bessman property and the gravel pit preferable this fall, stay the required 1,000 feet from the adjoining resident's property line; includes the spoil pile which needs to be contained within that mining area also. Motion carried.

REGULAR SESSION:

Motion by Bohl, second by Hageman, to adjourn as a board of adjustment and return to the regular session. Motion carried.

ADJOURNMENT:

There being no further business to come before the board, Chairman Pedersen at 10:27 a.m. adjourned the meeting until June 9, 2016 at 8 a.m.

/s/Roberta Janke	/s/Scott Pedersen
ROBERTA JANKE	SCOTT PEDERSEN
Lake County Auditor	Chairman, Lake County Commission