LAKE COUNTY COMMISSION MINUTES
MAY 21, 2019

The Board of Lake County Commissioners met in regular session on May 21, 2019 at 9 a.m. in the commission meeting room at the Lake County courthouse. Chair Kelli Wollmann called the meeting to order. Auditor Janke called roll call: Commissioner Roger Hageman, Commissioner Aaron Johnson, Commissioner Deb Reinicke, Commissioner Dennis Slaughter, and Commissioner Kelli Wollmann all present. The Pledge of Allegiance was recited.

AGENDA APPROVED:

Motion by Johnson, second by Hageman, to approve the agenda of May 21, 2019. Motion carried.

MINUTES APPROVED:

Commissioner Reinicke asked that "and safety" be added to the motion on land aircraft on county highways. Motion by Slaughter, second by Johnson, to approve the unapproved minutes of May 7, 2019 as corrected. Motion carried.

COMMUNITY COMMENTS: CAO Gust told commissioners law enforcement is being honored during National Police Week and May 15th was Peace Officers Memorial Day.

PAYROLL APPROVED:

Motion by Hageman, second by Johnson, to approve the payroll of May 6-19, 2019. Motion carried. COMMISSIONERS: $2,611.35; AUDITORS OFC: $9,045.16; TREASURERS OFC: $4,160.56; STATES ATTORNEY OFC: $7,840.54; GOVT BLDGS: $4,652.00; DIR EQUALIZATION OFC: $5,824.80; REGISTER DEEDS OFC: $3,204.67; VSO: $560.32; SHERIFF OFC: $13,311.61; JAIL: $10,582.44; EMA: $1,648.00; 911 COMM CENTER: $7,804.60; 24/7: $1,381.20; ROAD & BRIDGE: $16,718.73; WELFARE: $55.72; CHN: $1,100.82; WIC: $135.19; EXTENSION: $1,536.80; ZONING; $1,502.52 GRAND TOTAL $93,677.03.

ACCOUNTS PAYABLE APPROVED:

Auditor Janke told the board a bill of Cole's Petroleum for $8,456.26 needs to be added to a batch of accounts payable. Motion by Johnson, second by Slaughter, to approve accounts payable of May 10, 14 and 22, 2019. Motion carried.

Accounts Payable 5-10-19 General: Dakotaland Fed Cr Union, Cu, $75.00, Lake Co Treasurer, Withholding, $15,775.47, **Hwy Rd-Br:** Dakotaland Fed Cr Union, Cu, $200.00, Lake Co Treasurer, Withholding, $3,884.56, **911 Comm:** Lake Co Treasurer, Withholding, $2,368.58, **EMA:** Lake Co Treasurer, Withholding, $386.62, **24/7:** Lake Co Treasurer, Withholding, $355.36, Grand Total: $23,045.59

Accounts Payable 5-14-19 Commissioner: Moody County Treasurer, Reinicke & Hageman/Regs, $22.00, **Auditor:** First Bank & Trust, Barrick Meal-Pierre, $13.63, Moody County Treasurer, Janke, Roberta/Regs, $11.00, CenturyLink, May Service, $46.29, **Treasurer:** Moody County Treasurer, Walburg, Deb/Regs, $11.00, CenturyLink, May Service, $32.86, **St Atty:** Moody County Treasurer, Gust, Shelli/Regs, $11.00, CenturyLink, May Service, $46.29, **Gvt Bldg:** John Deere Financial, Torsion Sp, $16.28, CenturyLink, May Service, $33.12, **DOE:** CenturyLink, May Service, $32.86, **ROD:** First Bank & Trust, Meal-Pierre, $15.93, Moody County Treasurer, Ebsen, Shirley/Regs, $11.00, CenturyLink, May Service, $19.43, **VSO:** CenturyLink, May Service, $7.89, **Sheriff:** SD Dept of Health, Bl Alcohols, $80.00, Great Western Bank, Gas, $40.25, **Jail:** CenturyLink, May Service, $73.15, **Support of Poor:** CenturyLink, May Service, $19.69, **CHN:** SD Ofc of Child & Family, 2nd Qtr CHN Pymt, $2,606.00, **Dev Disabled:** SD Dept of Revenue, HSC Fee, $600.00, **Extension:** CenturyLink, May Service, $58.29, First Bank & Trust, Supplies, $121.15, **Weed:** Verizon Wireless, Service, $35.23, **Zoning:** CenturyLink, May Service, $32.86, **Hwy Rd-Br:** CenturyLink, May Service, $46.29, Verizon Wireless, Service, $70.44, **911 Comm:** CenturyLink, May Service, $371.86, Itc, Service, $115.55**,** Triotel Communication, Service, $167.53, Verizon Wireless, Service, $65.23, **EMA:** CenturyLink, May Service, $44.66, Verizon Wireless, Svc/Hotspot, $110.46, CenturyLink, May Service, $13.43, **St Remittance:** SD Dept of Revenue, Apr Fees, $197,108.87, **M&P Fund:** SDACO, Apr ROD Fees, $414.00, Grand Total: $202,525.52

Accounts Payable 5-22-19 Commissioner: Madison Daily Leader, Publishing, $513.62, **Judicial:** Hartsel, Patricia, Transcripts, $51.00, De Castro, Manuel, CAA Fees, $1,634.00, Stanford, Lori, CAA Fees, $1,781.25, Gr Plains Psychological, Services, $1,275.00, WITNESS-JUROR-APPEARANCE FEES/MILEAGE: Benson, Chad, $62.60, Bergstrom, Kimberly, $50.84, Duncan, Christine, $56.72, McKinstry, Ruth, $50.84, Olson, Lacey, $60.08, Peters, Eileen, $50.84, Poncelet, Susan, $50.84, Walker, Linda, $101.68, **Auditor:** Software Services, April Service, $100.00, Madison Daily Leader, Publishing, $62.50, Lake County Treasurer, April Ach Chg, $29.24, Bureau of Adm, Mar Long Distance Calls, $9.15, **Treasurer:** Software Services, April Service, $460.00, Madison Daily Leader, Publishing, $572.39, Miner County Pioneer, Publishing, $37.83, Office Peeps, Supplies, $14.52, Bureau of Adm, Mar Long Distance Calls & Apr Email Service, $29.78, Walburg, Debra, Mileage/Lodging, $170.34, **St Atty:** Bureau of Adm, Mar Long Distance Calls, $12.31, SD Paralegal Assn Inc, Gust, Shelli/Regs, $65.00, Relx Inc. Dba Lexis Nexis, April Subscription Fee, $190.00, **Gvt Bldg:** Builders First Source, Supplies, $12.82, Campbell Supply, Supplies, $151.89, Classic Corner, Gas, $5.84, Home Service Water Cond, Salt, $88.50, Lewis Drug, Supplies, $7.98, Menards-Sioux Falls West, Replace Blind Blades, $68.91, Mustang Seeds, Supplies, $72.50, Northwestern Energy, Service, $12.25, City of Madison, Util/Mower Shed, $26.21, Prostrollo Motor Co, Windshield/Labor, $250.00, **DOE:** Marshall & Swift/Boeckh, Supplies, $2,744.85, Software Services, April Service, $40.00, Bureau of Adm, Mar Long Distance Calls, $9.14, F & M Coop, Tires/Bal, $214.00, **ROD:** Software Services, April Service, $40.00, Bureau of Adm, Mar Long Distance Calls, $7.73, **VSO:** Sodexo Inc & Affiliates, Vets Coffee, $20.00, Bureau of Adm, Mar Long Distance/Fax Calls, $4.24, **IT:** Software Services, April Service, $140.00, **Sheriff:** Madison Reg Health System, Bl Alcohols, $340.00, De Castro, Sonja, Wood Shavings/Salt Block, $174.75, Doblars Arena, Bales, $400.00, Madison Daily Leader, Publishing, $20.26, Lake Veterinary Clinic, Rocco Care, $50.00, Gall's Llc, Uniforms, $85.10, Grainger, Heater Thermostat/Cmd Trlr, $10.23, Office Peeps, Supplies, $127.98, Talich, Sarina, Meals, $54.63, The Lodge at Deadwood, Lodging, $324.00, One Stop, Gas, $33.69, Sturdevant's, Parts, $142.65, Wash & Ride, Car Wash, $28.75, Graham Tire SF North, Tires, $540.00, Custom Cage, Sgl Cell Partition, $605.00, **Jail:** Madison Reg Health System, Prisoner Care, $1,019.51, Lewis Drug, Prisoners Apr Meds, $280.04, Pennington County Jail, Transportation, $226.20, Minnehaha Co Regional, Juv Housing, $1,840.00, Lewis Drug, Supplies, $80.62, Bureau of Adm, Mar Long Distance/Fax Calls, $40.56, Northwestern Energy, Service, $299.21, **Support of Poor:** Bureau of Adm, Mar Long Distance Calls, $.86, **M I Board:** Ericsson, Richard, MI Hearing, $190.00, Madison Reg Health System, MI Service, $599.59, Yankton Co Sheriff's Ofc, MI Service, $150.00, Lewis & Clark BHS, MI Service, $534.00, Lewno, Lucy, MI Service, $166.50, Katterhagen, Mark, MI Service, $15.00, Lockwood, Darcy, MI Service, $15.00, **Extension:** Bureau of Adm, Mar Long Distance Calls, $7.60, Friends of 4-H, Champion Rifle/Ground Shots, $500.00, Madison Daily Leader, Publishing, $54.00, **Zoning:** Anderson, Gene, Mtg/Mileage, $43.48, Bickett, Donald, Mtg/Mileage, $43.48, Jerlow, Douglas, Mtg/Mileage, $35.08, Johannsen, Craig, Mtg/Mileage, $25.84, Schaefer, Alan, Mtg/Mileage, $37.60, Thompson, Dale, Mtg/Mileage, $29.20, Madison Daily Leader, Publishing, $49.16, Bureau of Adm, Mar Long Distance Calls, $6.18, **Hwy Rd-Br:** Aramark Uniform Services, Service, $55.93, Butler Machinery Co, Parts, $536.34, Campbell Supply, Supplies, $218.75, F & M Coop, Supplies, $29.95, Lake County Intl Inc, Parts, $263.09, Nebraska Salt & Grain, Salt, $4,368.55, Sturdevant's, Parts, $1,131.91, Baldwin Supply, Parts, $35.98, Builders First Source, Supplies, $79.92, Share Corporation, Parts, $217.26, Tran-Source, Parts, $1,067.36, Cole's Petroleum, Hyd Oil/Drum Return, $268.70, F & M Coop, TMS Oil, $748.00, Concrete Materials, Cold Mix Asphalt, $693.00, F & M Coop, Gas, $32.34, Bureau of Adm, Mar Long Distance/Fax Calls, $8.79, **911 Comm:** Dept Of Public Safety, Certification ID, $10.00, Creative Prod Source, Supplies, $169.90, Quill Corporation, Supplies, $125.26, Bureau of Adm, Mar Long Distance Calls, $9.52, F & M Coop, Propane/Tower Site, $134.68, **EMA:** Campbell Supply, Supplies, $56.98, Bureau of Adm, Mar Long Distance Calls, $17.24, Northwestern Energy, Service, $12.02, City of Madison, Utilities, $292.68, Classic Corner, Gas/Diesel, $62.32, **Bldgs:** G & R Controls, Repairs, $250.00, Wells Fargo Bank, HVAC Project Pymt, $50,858.33, **24/7:** Intoximeters Inc, Supplies, $1,250.00, Pharmchem Inc, Apr Sweat Patch Analysis, $841.75, Satellite Tracking, Apr Gps Bracelets, $312.00, **M&P Fund:**

Microfilm Imaging Sys, Re Tracker Software Rent, $420.00, **Dive Team:** Dive Rescue International, Dive Team Training, $1,705.00, **Beer Lic Fund:** Dept of Revenue, Malt Bev License Renewals, $1,350.00, Grand Total: $88,268.53

APPROVE FUEL QUOTES:

The board reviewed the following fuel quotes: Cole's Petroleum ethanol 2.3389 and #2 diesel fuel 2.1897 and Farstad Oil Inc. ethanol 2.4225 and #2 diesel fuel 2.2643. Motion by Hageman, second by Johnson, to approve the low quote of Cole's Petroleum. Motion carried.

SURPLUS LISTING 2019-2:

Auditor Janke reviewed surplus listing 2019-2 March-May with the board. She told the board many departments are replacing computers this year. Motion by Johnson, second by Hageman, to approve surplus listing 2019-2. Motion carried.

ABATEMENT 2019-7:

Deb Walburg, Treasurer, presented Abatement 2019-7 to the board. The taxpayer missed the April 1st deadline for the Elderly Tax Freeze. The names for the ETF are confidential. Motion by Slaughter, second by Hageman, to approve Abatement 2019-7 for $222.09. Motion carried.

TEMPORARY SPECIAL MALT BEV LICENSE:

As per advertisement the board reviewed the application of the Madison Fire Dept for a special malt beverage license for the Bull Riding Event on June 7, 2019 at Prairie Village. Randy Minnaert, Madison Fire Chief, was present to tell the board the fire department will run the beer garden. Motion by Hageman, second by Johnson, to approve the Temporary Special Malt Beverage License & SD Farm Wine License application of the Madison Fire Department for a bull riding event to be held on 6-7-19 at Prairie Village. Motion carried.

2019-2020 MALT BEV LICENSE RENEWAL:

The board reviewed the following 2019-2020 retail (on-off sale) malt beverage & SD Farm Wine renewal applications: Broadwater 2014 Inc. RB-2319, BluCabana LLC RB-3300, Lakes Bar & Grill/TrappMeyer LLC RB-3103, Shipwreck Bar & Grill/Dougan Inc RB-2448, The Point/URBARTHE POINT LLC RB-2000, Hef's RB-2836, Lakes Golf Course LLC RB-19028**,** Sea Store RB-24014, and Roadside Convenience Store RB-25308. Auditor Janke told the board the taxes have been paid to date and the Chief Deputy Sheriff had no problems with these establishments. Motion by Johnson, second by Slaughter, to approve the chair sign the 2019-2020 Malt Beverage & SD Farm Wine renewals. Motion carried.

MEETINGS ATTENDED:

Commissioner Slaughter attended ICAP, East Dakota Transit, Linda Walker retirement party, and one wage committee meeting. Chair Wollmann attended Linda Walker retirement party, Ardis Neish birthday party, and Empower graduation. Commissioner Reinicke attended Linda Walker retirement party, EM101 refresher course, and motorcycle awareness with Mayor Dennert. Commissioner Johnson attended one wage committee meeting, Empower graduation, planning and zoning, and Linda Walker retirement party.

WELFARE/INDIGENTS:

Mandi Anderson, Welfare Director, presented the following applications made by Avera McKennan Hospital to the board.

INDIGENT 19-10:

Motion by Slaughter, second by Hageman, to deny Application 19-10 based on the following findings and conclusions:

1) An Application for Assistance was received from Avera McKennan on 4/23/2019.
2) To assist the County in determining whether 19-10 is a medically indigent person that qualifies for county poor relief, a letter was sent to 19-10 on 4/24/2019 inviting 19-10 to make application for assistance. The County did not receive a response.
3) No evidence or documentation supporting that 19-10 is a medically indigent person that qualifies for county poor relief has been provided to the County.

4) The County is unable to determine whether 19-10 is a medically indigent person, as that term is defined in SDCL 28-13-1.3, or whether 19-10 qualifies for county poor relief under SDCL 28-13.

Motion carried.

INDIGENT 19-12:

Motion to Hageman, second by Slaughter, to deny Application 19-12 based on the following findings and conclusions:

1) An Application for Assistance was received from Avera McKennan on 4/23/2019.
2) To assist the County in determining whether 19-12 is a medically indigent person that qualifies for county poor relief, a letter was sent to 19-12 on 4/24/2019 inviting 19-12 to make application for assistance. The County did not receive a response.
3) No evidence or documentation supporting that 19-12 is a medically indigent person that qualifies for county poor relief has been provided to the County.
4) The County is unable to determine whether 19-12 is a medically indigent person, as that term is defined in SDCL 28-13-1.3, or whether 19-12 qualifies for county poor relief under SDCL 28-13.

Motion carried.

INDIGENT 19-13:

Motion by Johnson, second by Slaughter, to deny Application 19-13 based on the following findings and conclusions:

1) An Application for Assistance was received from Avera McKennan on 4/23/2019.
2) To assist the County in determining whether 19-13 is a medically indigent person that qualifies for county poor relief, a letter was sent to 19-13 on 4/24/2019 inviting 19-13 to make application for assistance. The County did not receive a response.
3) No evidence or documentation supporting that 19-13 is a medically indigent person that qualifies for county poor relief has been provided to the County.
4) The County is unable to determine whether 19-13 is a medically indigent person, as that term is defined in SDCL 28-13-1.3, or whether 19-13 qualifies for county poor relief under SDCL 28-13.

Motion carried.

INDIGENT 19-14:

Motion by Hageman, second by Johnson, to deny Application 19-14 based on the following findings and conclusions:

1) An Application for Assistance was received from Avera McKennan on 4/23/2019.
2) To assist the County in determining whether 19-14 is a medically indigent person that qualifies for county poor relief, a letter was sent to 19-14 on 4/24/2019 inviting 19-14 to make application for assistance. A response was received 4/26/2019.
3) The County is able to determine that the medical services 19-14 received do not constitute emergency hospital services as that term is defined in SDCL 28-13-27(2) and does not qualify for county poor relief under SDCL 28-13.

Motion carried.

EM/VEHICLE PURCHASE:

Kody Keefer, Emergency Manager, met with the board to discuss his 2019 vehicle purchase. After speaking to John Draper, Prostrollo's, the vehicle Keefer planned to order cannot meet the EPA emissions standards. He provided a handout with three vehicles. He preferred the Chevy 2500 ¾ ton work truck at $28,780 as this would be within his budget and has the towing package he needs. New versus used vehicles and buying off the SD Federal surplus property listing were discussed. He is allowed $29,500 including accessories for vehicle purchase this year.

BRANT LAKE CITY/TWP ROAD:

Dave Phillips, Brant Lake City President, and Karen Reiff, Brant Lake City board member, met with the board to ask the commission to take over a ¾ mile stretch of township gravel road 238th St (from

464th to 463rd) and the road be hard surfaced. He presented a handout showing tax evaluation, county revenue, and county hard road to town comparison of the cities in Lake County. They are asking the county commission to budget for this hard surface project. The commissioners discussed the following: county doesn't oversee the townships, county cannot afford to take on another road, the Broadwater road was swapped with Wentworth Twp for another road, Herman Township has private developments, county has a five year plan which is reviewed and updated each year, referred them to LTAP, road district to levy for this, and the Hwy Supt would need to be involved in this. Motion by Slaughter, second by Reinicke, to postpone a decision based on the Hwy Dept 5-year plan and advise them to meet with the Hwy Supt. Motion carried.

BOARD OF ADJUSTMENT:

Motion by Johnson, second by Slaughter, to enter into a board of adjustment. Motion carried.

ZONING/COND USE:

Mandi Anderson, Zoning Officer, presented the following conditional use applications to the board.

#19-04 Conditional use for CAC Holdings, LLC, Chris & Amanda Carlson, Lots 3A & 4A Marr's Beach Addition in Govt Lot 6 SW ¼ Section 22-106-52, Lakeview Township. Chris Carlson was present to discuss his request to build a multi-family home. Motion by Johnson, second by Slaughter, to approve CU 19-04 for Chris & Amanda Carlson and adopt the findings and specific conditions outlined in the staff report. Motion carried.

#19-06 Conditional use for Anita Greenhoff, Michael Greenhoff-son, Lots 21& 22 Stensland & Stout Subdivision, NW1/4 Section 23-106-52, Lakeview Township. Michael Greenhoff and Lindsay LePera were present to discuss building an attached garage with dimensions greater than 1,200 sq/ft. Anderson told the board the planning commission added a condition to install a gutter system if needed. LePera told the board with all the trees it is hard to keep the gutters clean. Motion by Slaughter, second by Johnson, to approve CU 19-06 for Anita & Michael Greenhoff and adopt the findings and specific conditions outlined in the staff report and with the condition: to install a gutter system to the east side of the new structure and to capture the water directly and shed it to the lakeside instead of onto the neighbor if needed to prevent drainage issues in the future, if the neighbors say the gutters are needed they are to do gutters. Motion carried.

Commissioner Reinicke recuses herself from CU #19-05.

#19-05 Conditional use for Albert Lee Yager & Donna Flying Horse "Gravel Pit", a portion of Tract 3 B. Price Addition W1/2 Section 15-106-52, Lakeview Township. Lee Yager and Donna Flying Horse were present to discuss their request to expand their mining site plan. Anderson told Yager and Flying Horse there were only 4 voting members and no alternates were available today. She told them the decision today had to be a unanimous decision. Yager told Anderson this was fine. Yager told the board originally, he didn't know about the 1,000-foot setback. He told the board he needs this conditional use in place so he can fill potential jobs. He told the board the law states the 1,000 feet is from the residence not the property line. The planning commission approved the conditional use with the added condition: the mining of the gravel will stay 450 feet back from the adjacent east property pasture line. Yager compared valuations of the Bessman property to the Weber property and felt the sewer pond in the area was the reason for property sales in the area. Flying Horse told the board the area will be reclaimed when it is mined out and the setback should be 1,000 feet from the residence. The board next heard from Janet Weber, property owner to the east, who was accompanied by Dick Ericsson, Attorney, and Mitch Peterson, Attorney with Davenport Evans. Weber presented a handout to the board which she read. The commissioners were presented and read copies of letters from SandCreek Animal Clinic, Dr. David E. Schultz, Jim Hanson, DVM, Winchester Place Thoroughbreds LLC, Lorie Michaels, Miguel A. Silva, VH Training Stable, Theresa Hanson, Jay Dailey, Breeder and Auctioneer, and Zoelle Racing LLC, Vickie and John Zoelle. Weber told the board she doesn't believe Yager has met the conditions of the original conditional use permit issued in May of 2016 and now he comes to seek permission to mine closer to her property line. She objects to the conditional use for the following conditions: affects the value of her property which she would like to sell and inhibits her use of the property in a business she has conducted for 19 years. She has lost clients for her business of raising and boarding thoroughbred horses. The letters she presented supported this

belief. Attorney Mitch Peterson told the board he does zoning and land use work. He told the board they need to do what is best for the county. He referred to County Ordinance 1224-2(H) which states the 1,000 feet is the minimum setback and at the discretion of the board. He questioned if the property is compatible with the adjacent properties and public interest. He stated Weber had a successful horse business before the gravel operation and her customers believe the gravel operation will affect her horse business. He encouraged the commissioners to make Yager abide by the earlier conditional use permit issued in May of 2016. Yager's response included: has seven employees, competition is good, he was told Weber was moving to Reno, the highway makes more noise, and he would go back to 450 feet from the east property line as recommended by the planning board. Attorney Ericsson told the board to "keep your eye on the ball". This decision was made 3 years ago and now Yager wants to change it. Chair Wollmann closed testimony. Chair Wollmann and Commissioner Hageman agreed the 1,000 feet from the property line should stay. Commissioner Johnson wondered if there was any compromise to the 1,000 feet from the property line. Dick Ericsson told the board Weber compromised in 2016 and asked the board to keep the line where it is. Motion by Hageman, second by Johnson, to deny CU 19-05 for Lee Yager & Donna Flying Horse because granting of the conditional use may adversely affect the public interest and adopt the findings and specific conditions outlined in the staff report. Motion carried.

REGULAR SESSION:

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

SHERIFF/PERSONNEL:

Sheriff Tim Walburg met with the board to discuss the resignation of Daniel Hankle, Correctional Officer. Motion by Johnson, second by Slaughter, to approve the resignation of Daniel Hankle, full time correctional officer, effective May 31, 2019. Motion carried.

APRIL 2019 REPORTS RECEIVED: Register of Deeds fees $13,023, Auditor's account with the Treasurer $14,075,094.28 and reconciled balance $14,075,020.70 variance of ($73.67), Zoning fees $2,023, and Sheriff fees $27,680.04.

ADJOURNMENT:

Motion by Johnson, second by Hageman, at 11:47 a.m. to adjourn. Motion carried. The next meeting will be held on June 4, 2019 at 9 a.m.

/s/Roberta Janke	/s/Kelli Wollmann
ROBERTA JANKE	KELLI WOLLMANN
Lake County Auditor	Chair, Lake County Commission

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