LAKE COUNTY COMMISSION MINUTES
OCTOBER 20, 2020

The Board of Lake County Commissioners met in regular session on October 20, 2020 at 9 a.m. in the commission meeting room at the Lake County courthouse. Chair Kelli Wollmann called the meeting to order. Auditor Barrick called roll call: Commissioner Roger Hageman, Commissioner Aaron Johnson, Commissioner Deb Reinicke, and Commissioner Kelli Wollmann all present. Absent: Commissioner Dennis Slaughter. The Pledge of Allegiance was recited.

AGENDA APPROVED:

Motion by Reinicke, second by Johnson, to approve the agenda of October 20, 2020. Motion carried.

MINUTES APPROVED:

Motion by Johnson, second by Hageman, to approve the unapproved minutes of October 6, 2020. Motion carried.

COMMUNITY COMMENTS:

Commissioner Reinicke informed the board that the Domestic Violence Network home is completed. The domestic abuse board and volunteers have put in numerous hours cleaning the home to get it ready. There will be a "Main Street Cruise", Saturday, October 24th 5-7 p.m. to help raise awareness. Also noted was October is breast cancer awareness and domestic abuse awareness.

PAYROLL APPROVED:

Motion by Reinicke, second by Johnson, to approve the payroll of October 5-18, 2020. Motion carried. COMMISSIONERS: $2,688.26; ELECTIONS: $112.50; AUDITORS OFC: $4,805.61; TREASURERS OFC: $4,805.92; STATES ATTORNEY OFC: $8,203.77; GOVT BLDGS: $4,496.48; DIR EQUALIZATION OFC: $5,860.73; REGISTER DEEDS OFC: $3,326.31; VSO: $577.28; SHERIFF OFC: $16,012.16; JAIL: $14,022.26; EMA: $1,697.60; 911 COMM CENTER: $8,803.48; 24/7: $1,258.59; ROAD & BRIDGE: $16,449.32; WELFARE: $74.00; CHN: $1,161.44; WIC: $111.37; EXTENSION; $1,316.00; ZONING; $1,592.96. GRAND TOTAL $97,376.04.

ACCOUNTS PAYABLE:

Auditor Barrick told the board that the claim for John Deere Financial (claim 2020-1610 $166.80) had been paid in the last accounts payable cycle. Motion by Reinicke, second by Johnson, to approve the accounts payable of October 9, 13 and 21, 2020 with the correction. Motion carried.

Accounts Payable 10-09-20 Dive: A-OX Welding, Duplicate Payment/20201341, ($100.52cr) **Grand Total: ($100.52cr).**

Accounts Payable 10-9-20 General: Dakotaland Fed Cr Union, $75.00, Lake Co Treasurer, Withholdings, $15,872.93, Office Child Support Enf, Child Support, $260.77, **Hwy Rd-Br:** Lake Co Treasurer, Withholdings, $3,547.63, **911 Comm:** Lake Co Treasurer, Withholdings, $1,787.56, **EMA:** Lake Co Treasurer, Withholdings, $400.90, **24/7:** Lake Co Treasurer, Withholdings, $233.23, **Grand Total: $22,178.02**

Accounts Payable 10-13-20 Elections: Bureau Of Administration, Sept Fax Serv, $.08, **Judicial:** Premiere Global Services, Oct Phone System, $26.62, **Auditor:** Bureau Of Administration, Sept Long Distance, $4.10**,** Centurylink, Oct Service, $48.06, **Treasurer:** Bureau Of Administration, Sept Long Distance, $12.66, Centurylink, Oct Service, $46.03**, St Atty:** Bureau Of Administration, Sept Long Distance, $8.23, Centurylink, Oct Service, $54.05, **Gvt Bldg:** Bureau Of Administration, Sept Long Distance, $.29**,** Centurylink, Oct Service, $34.30, **DOE:** Bureau Of Administration, Sept Long Distance, $8.96, Centurylink, Oct Service, $34.03**, ROD:** Bureau Of Administration, Sept Long Distance, $5.20, Centurylink, Oct Service, $20.03**, VSO:** Bureau Of Administration, Sept Long Distance, $12.83**,** Centurylink, Oct Service, $36.20**, Sheriff:** Great Western Bank, Safety Glasses/ Ammunition, $615.83**, Jail:** Great Western Bank, Safety Glasses, $133.35 **,** Bureau Of Administration, Sept Long Distance, $52.47**,** Centurylink, Oct Service, $82.09**, Support Of Poor:** Bureau Of Administration, Sept Long Distance, $1.69, Centurylink, Oct Service, $20.28, **Extension:** Bureau Of Administration, Sept Long Distance, $7.64, Centurylink, Oct Service, $40.03, **Weed:** Verizon Wireless, Service, $32.36, **Zoning:** Bureau Of Administration, Sept Long Distance, $32.48, Centurylink, Oct Service, $20.48, **Hwy Rd-Br:** Bureau Of Administration, Sept Long Distance, $31.92,

Centurylink, Oct Service, $54.05, Verizon Wireless, Service, $64.73, **911 Comm:** Bureau Of Administration, Sept Long Distance Calls, $12.43, Centurylink, Oct Service, $124.38, Itc, Service, $115.55, Triotel Communication In, $169.53, Verizon Wireless, Service, $41.98, **EMA:** First Bank & Trust, Meals-Lodging/Spearfish/Pierre, $663.99, Centurylink, Oct Service, $32.12, Verizon Wireless, Service, $81.99, Centurylink, Oct Service, $14.03**, State MV:** SD Dept Of Revenue, Sept Fees, $248,935.02, **SDACO M&P:** SDACO, Sept 20 Rod Fees, $634.00, **Grand Total: $252,366.09**

Accounts Payable 10-21-20

Commission: Madison Daily Leader, Minutes/Notices, $617.86, Pro Development Academy, Tuition-Lanning/Talich/Allgaier, $1,695.00, **Election:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $1.26, Madison Daily Leader, Notice, $22.14**,** Purchase Power, Postage Meter Refill, $39.00, Mcleods Office Supply, Overseas Absentee Vote/50, $43.23, **Judicial:** Frantzen Reporting, Transcript, $248.88, Stanford, Lori, CAA Fees, $4,879.50, Dawson, Jacob D, CAA Fees, $5,538.75, SDACC-Clerp, 4th Qtr Assessment, $5,669.00, Deya Thorin Spanish Interpreter, Interpret, $232.24, **Auditor:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $37.44, Software Services Inc, Sept Services, $700.00**,** Office Peeps Inc, File Folder/Paper, $28.82**, Treasurer:** Office Peeps Inc, Perforated Paper/2, $121.32**,** Bureau of Adm, Sept Bit Billing (3), $18.75, Office Peeps Inc, Binder/ Paper/Env, $172.59, **St Atty:** One Recipient, Deductible Reimbursement, $750.00, Unemployment Ins Div, 3rd Qtr 2020 Remittance, $13.93, NALA Headquarters, Dues/Gust, $115.50, Relx Inc. Dba Lexis Nexis, Sept Subscription Fee, $190.00, **Gvt Bldg:** Kone Inc, Elev Maint 12-31-30, $1,447.32, Timmer Supply Company, Ignitor/Gasket-PSB Wat Htr, $92.61, Runnings, Painter Tape/AA Bat/ Cable Tie, $33.65, 1000bulbs.Com, 4' Led Tube/25, $151.25, Hillyard/Sioux Falls, Tissue/Toilet Ppr/Ppr Towel, $284.17, Cole's Petroleum Inc, Gas/6-10-20 Correction, $184.23, Madison Ace Hardware, Antifreeze/FOD Restrooms, $111.09, Office Peeps Inc, Sani Stand/Sanitizer/Covid, $398.93, Sturdevant's Auto Parts, Weed Eater Head, $35.99, Timmer Supply Company, Press Tee/Adapter-PSB, $38.65, City of Madison, Utilities 9-8-20, $1,769.80, Bud's Clean Up Service, Sept Service, $191.84, **DOE:** Schneider Geospatial Llc, Data Maint, $78.00, Software Services Inc, Sept Services, $80.00, **ROD:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $12.40, Madison Instant Printing, Burial Cards/Env, $95.65, **VSO:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $33.77, **IT:** Software Services Inc, License Keys Next Upgrade, $240.00, **Sheriff:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $64.55, Redwood Toxicology Lab, Bl Tests, $454.00, Lake Veterinary Clinic, Rocco Care Sept 20, $115.00**,** Creative Prod Source Inc, Coloring Books(200), $459.65, Mcleods Office Supply, Warning Tickets/400, $138.47, Fox Promo, Patches/Emblem (16), $240.00, Office Peeps Inc, Paper/Staples, $31.34, Steves Tire & Service Inc, Oil Change/Tires, $1,011.91, Roger's Service & Exhaust, Weld Exhaust, $50.00, Cole's Petroleum Inc, Gas/6-10-20 Correction, $1,109.30, Sturdevant's Auto Parts, Trl Wire Harness/Receiver Hitch(2), $426.48, Maverick Drone Systems, Drone/Software/Batteries, $5,739.25, **Jail:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $127.08, Madison Reg Health System, Prisoner Care, $345.95, Lewis Drug Inc, Sept Prisoner Meds, $195.76, Pennington County Jail, Transport, $138.41, Lewis Drug Inc, Omeprazole/Allergy Med/Env, $104.77, City of Madison, Utilities 9-8-20, $1,933.75, **Support of Poor:** Weiland Funeral Chapel, Cremation, $1,200.00, **MI Board:** , Oftedal, Abby, MI Hearing(4), $630.50, Dean Schaefer, MI Service, $54.00, Yankton County Treasurer, MI Service, $112.80, Lewno, Lucy, MI Hearing, $236.50, Yankton Co Sheriff's Ofc, MI Service, $50.00, Katterhagen, Mark, MI Hearing, $36.00, Lockwood, Darcy, MI Hearing, $36.00, Kruse, Renae S., MI Hearing, $622.55, **Extension:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $47.91, Century Business Prod Inc, Copier Maint/Usage, $139.48, Office Peeps Inc, Envelopes/Paper/Cork Board, $139.56, Bud's Clean Up Service, Sept Service, $148.35, Lewis Drug Inc, Candy/5, $34.95, **Weed:** C & R Supply Inc, Roadside Nozzle, $150.40, O'reilly Auto Parts, Air Spring (2), $269.94, **Zoning:** Johannsen, Craig, Mtg/Mileage, $25.84, Schaefer, Alan, Mtg/Mileage, $37.60, Thompson, Dale, Mtg/Mileage, $29.20, Bickett, Donald, Mtg/ Mileage, $43.48, Builders First Source, Wood Window Trim/Covid, $35.40, Office Peeps Inc, Wall Calendar(2)/Pad, $13.67, **Hwy Rd-Br:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $112.55, Banner Associates Inc, Culvert, $2,069.00, Madison Daily Leader, Notice, $8.64, Tire Motive Service Cntr, Truck Labor, $99.50, Butler Machinery Co, Labor/Starter, $753.50, Tire Motive Service Cntr,

Supplies/Refrigerant, $83.10, Menards-Sioux Falls West, Ball Bearing, $44.99, Runnings, Door Roller/Bucket/Plug/Glove, $222.25, Carquest Auto Parts, Starter/Battery/Fuel-Air-Oil Filters, $1,381.60, Stemper Auto Body Llc, Door Glass/Trim, $145.50, O'reilly Auto Parts, Radiator Flush/ Clamps, $56.36, Butler Machinery Co, Parts/Starter, $1,174.30, Tran-Source, Horn Plate, $34.08, Aramark Uniform Services, Service, $157.64, Boyer Trucks, Hose/Tank-Surge, $213.83, Sturdevant's Auto Parts, Plug, $27.94, Office Peeps Inc, Keyboard, $66.10, Concrete Materials, Asphalt(24.32 Tn)@$57.00, $1,386.24, Cole's Petroleum Inc, Gas/Diesel 6-10-20 Correction, $3,050.61, Graham Tire Sf North, Tires, $419.36, Nelson, Nels, Mileage/Meals-Pierre, $180.13, Software Services Inc, Sept Services, $1,880.00, Lyle Signs Inc, No Passing Zone/10, $523.52, **911 Comm:** NENA, 2021 Dues/Denholm, $142.00, Timmer Supply Company, Electrical Whip/Dispatch AC, $12.15, Quill Corporation, Toner/Binder/Highlighter, $369.96, Wahltek Inc, Recording System Upgrade, $2,370.00, **EMA:** Carquest Auto Parts, Amsoil Foam Spray (2), $19.99**,** Sturdevant's Auto Parts, Spark Plug/Choke, $15.86**,** Office Peeps Inc, Scissors/Highlighter/Calendar, $45.93**,** One Stop, Gas (9.773 Gal) 9-30-20, $22.47**,** Cole's Petroleum Inc, Gas/6-10-20 Correction, $68.42**, 24/7:** Unemployment Ins Div, 3rd Qtr 2020 Remittance, $32.60**,** Satellite Tracking, Jun GPs Bracelets (126), $877.50, Pharmchem Inc, Sweat Patch Analysis/31, $903.05, **Dive Team:** M & T Fire & Safety Inc, Throwline Bag Set (2), $141.00 **Grand Total: $62,306.03**

COMPREHENSIVE LAND USE PLAN AGREEMENT/FIRST DISTRICT:

Shelli Gust, CAO, presented the agreement with First District regarding the development of a Comprehensive Land Use Plan and updating the County's Zoning ordinance. The district will provide: 1) Seven (7) copies of the Comprehensive Land Use Plan to include associated maps, 2) One (1) 24" X 36" copy of the Comprehensive Land Use Plan Future Land Use Map, 3) One (1) 24" X 36" copy of the Updated Official Zoning Map, 4) One (1) digital copy of the Comprehensive Land Use Plan, and associated maps in a Microsoft Word and PDF (maps) format, 5) Additional copies may be purchased at District cost. The County will make payment of five thousand dollars ($5,000) on or before December 31, 2020. The County will make payment of five thousand dollars ($5,000) after submission of the Comprehensive Land Use Plan and associated maps to the County. This agreement will not exceed ten thousand dollars ($10,000). Motion by Reinicke, second by Johnson, to approve the Comprehensive Land Use Plan Agreement with the First District Association of Local Governments and authorize the chair to sign. Motion carried.

STATES ATTORNEY OFFICE/SECURITY PROJECT:

Shelli Gust, CAO, presented a quote from Amert Construction Co., Inc. to remodel the States Attorney's office with COVID-19 and security protection. This project will provide a bulletproof wall, Class 3 rated bulletproof glass, and install a window and frame for the public entering the office. Motion by Hageman, second by Johnson, to move forward with the project in the States Attorney's office this year for COVID-19 and safety concerns and approve the quote of $9,760 of Amert Construction for the project. Motion carried.

LEMPG (LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT):

Shelli Gust, CAO, presented the 4th quarter LEMPG report. She reported EM Kody Keefer has met all objectives. Motion by Johnson, second by Reinicke, to approve the 4th quarter LEMPG report and authorize the chair to sign. Motion carried.

BURIAL APPLICATION 20-27:

Shelli Gust, CAO, presented burial application 20-27. She reported that Welfare Officer Mandi Anderson's investigation turned up no assets. Motion by Reinicke, second by Johnson, to approve Burial Application 20-27 and approve the cremation cost of $1,200 for the deceased, pursuant to SDCL 28-17-2. Motion carried.

HWY DEPT/PERSONNEL:

Hwy Supt Nelson told the board of the new hire of Nathan Keller, heavy equipment operator. Keller has a Class A CDL. Motion by Reinicke, second by Hageman, to approve the hire of Nathan Keller as a full-time heavy equipment operator at a rate of $18.25/hr, effective November 2, 2020, contingent upon a satisfactory background check and pre-employment screening. Motion carried.

RESOLUTION 2020-20 TRANSFER OF PROPERTY:

Shelli Gust, CAO, informed the board that a former deputy for Lake County is employed by Corson County. Corson County would like to buy the bulletproof vest and vest carrier as it is fit specifically for the deputy. Motion by Reinicke, second by Hageman, to declare the bulletproof vest and vest carrier as surplus. Motion carried. Chair Wollmann read Resolution 2020-20. Motion by Johnson, second by Hageman, to approve the transfer to Corson County and authorize the chair to sign Resolution 2020-20. Motion carried.

RESOLUTION #2020-20
AUTHORIZING THE TRANSFER OF PROPERTY
TO CORSON COUNTY

WHEREAS, SDCL 6-5 authorizes political subdivisions to exchange and transfer property to one another; and

WHEREAS, Lake County owns personal property that was used by the Lake County Sheriff's Office for a specific deputy; and

WHEREAS, Lake County has determined that the personal property is no longer suitable for the purpose for which it was acquired; and

WHEREAS, Corson County would like to acquire the personal property so that it may be utilized by the Corson County Sheriff's Office; and

WHEREAS, SDCL 6-5-2 allows for Lake County to transfer property that is no longer needed for public use to another political subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the Lake County Commission deems it advisable and in the best interest of the public to transfer the personal property to Corson County so that the Corson County Sheriff's Office may use it.

IT IS FURTHER RESOLVED that the Lake County Commission hereby transfers the following property to Corson County at a cost of $1,100.00:

- Bulletproof vest
- Vest carrier

Voting aye: Wollmann, Hageman, Johnson, Reinicke Voting nay: none

Dated this 20th day of October, 2020, at Madison, South Dakota.

BOARD OF LAKE COUNTY COMMISSIONERS
/s/Kelli Wollmann
Kelli Wollmann, Lake County Commission Chair
ATTEST:
/s/Paula Barrick
Paula Barrick, Lake County Auditor

PLATS/ZONING:

Shelli Gust, CAO, presented the following plats to the board. Commissioner Johnson acknowledged receipt of the planning commission minutes of October 14, 2020.

Plat of Tract 1 of Tweet Addition in the NE 1/4 Section 6-107N-51W of the 5th P.M., Lake County, SD. Motion by Reinicke, second by Johnson, to approve the Plat of Tract 1 of Tweet Addition in the NE 1/4 Section 6-107N-51W of the 5th P.M., Lake County, SD as it meets county regulations, recommended by staff, and taxes have been paid in full. Motion carried.

Plat of Tract 2 of Hummel Addition in the north 1/2 of the SW 1/4 of Section 32-105N-51W of the 5th P.M., Lake County, SD. Motion by Hageman, second by Johnson, to approve Plat of Tract 2 of Hummel Addition in the north 1/2 of the SW 1/4 of Section 32-105N-51W of the 5th P.M., Lake County, SD as it meets county regulations and taxes have been paid in full. Motion carried.

Plat of Lots 1A and 2A of Lerdal's Addition in the NE 1/4 of Section 30-106N-51W of the 5th P.M., Lake County, SD. Motion by Reinicke, second by Johnson, to approve Plat of Lots 1A and 2A of Lerdal's Addition in the NE 1/4 of Section 30-106N-51W of the 5th P.M., Lake County, SD as it meets county regulations and taxes have been paid in full. Motion carried.

Plat of Lots 2 & 6 of Lakes Community Addition in Block 2 of Lakes Community Addition in the S 1/2 of Section 32-T106N-R51W of the 5th P.M., Lake County, SD. Motion by Johnson, second by Reinicke, to approve Plat of Lots 2 & 6 of Lakes Community Addition in Block 2 of Lakes Community

Addition in the S 1/2 of Section 32-T106N-R51W of the 5th P.M., Lake County, SD as it meets county regulations and taxes have been paid in full. Motion carried.

Plat of Lots 1-3 of Lakes Community 2nd Addition in the NE 1/4 of Section 5-T105N-R51W and the SE 1/4 of Section 32-T106N-R51W of the 5th P.M., Lake County, SD. Motion by Reinicke, second by Johnson, to approve Plat of Lots 1-3 of Lakes Community 2nd Addition in the NE 1/4 of Section 5-T105N-R51W and the SE 1/4 of Section 32-T106N-R51W of the 5th P.M., Lake County, SD as it meets county regulations and taxes have been paid in full. Motion carried.

Plat of Lots 1 & 2 in Block 5A of Silver Creek Lakes Addition in a part of County Auditors Subdivision of Lot 4 in Government Lot 4 in Section 32-T106N-R51W of the 5th P.M., Lake County, SD. Motion by Reinicke, second by Hageman, to approve Plat of Lots 1 & 2 in Block 5A of Silver Creek Lakes Addition in a part of County Auditors Subdivision of Lot 4 in Government Lot 4 in Section 32-T106N-R51W of the 5th P.M., Lake County, SD as it meets county regulations and taxes have been paid in full. Motion carried.

MEETINGS ATTENDED:

Commissioner Wollmann attended the groundbreaking for Runnings. Commissioner Reinicke attended DVN board meeting and 2 house cleanings of the new DVN house. Commissioner Johnson attended planning and zoning.

BOARD OF ADJUSTMENT:

Motion by Reinicke, second by Johnson, to enter into a Board of Adjustment. Motion carried.
Alan Schaefer, Planning Commission board member served as an alternate and replaced Commissioner Slaughter who was absent. Commissioner Johnson acknowledged receipt of the planning minutes of October 14th, 2020. Shelli Gust, CAO, presented the following conditional use applications.

2020-14 Conditional use application of Jerry Cozad-Lot 3 Johnsons Sub Outlot A Johnson Park in the SE 1/4 of Section 31-106-51, Wentworth Township. The applicant waived his right to personal appearance. He is requesting to build an oversized attached garage with greater dimensions than is allowed. Motion by Johnson, second by Reinicke, to approve the applicant's conditional use permit 2020-14 and adopt the specific findings outlined in the staff report. Motion carried.

2020-15 Conditional use application of Tim Basler-Government Lot 1 except the N 660'; Government Lot 5; Government Lot 6; SW1/4 NW 1/4 excluding the West 500' South 600'; excluding Baslers Resort & excluding North Basler's Add & excluding Basler Campground all in Section 4 of Chester Township. The applicant waived his right to personal appearance. He would like to build an oversized unattached accessory building with greater dimensions than allowed. There were no proponents or opponents present. Motion by Reinicke, second by Johnson, to approve applicant's conditional use permit 2020-15 and adopt the specific findings outlined in the staff report. Motion carried.

2020-16 Conditional Use application of Richard Bothwell-Block 5A Silver Creek Lakes Addition in a part of County Auditors Subdivision Lots 1 & 4 in Government Lots 3, 4 & 5 in Section 32-106-51 to be subdivided and known as: Lots 1 & 2 of Block 5A Silver Creek Lakes Addition in a part of County Auditors Subdivision of Lot 4 in Government Lot 4 in Section 32 of Wentworth Township. The applicant waived his right to personal appearance. He would like to build multifamily units, twin homes. There were no proponents or opponents present. Motion by Reinicke, second by Johnson, to approve applicant's conditional use permit 2020-16 and adopt the specific findings outlined in the staff report. Motion carried.

2020-17 Conditional Use application of Thomas (Bill) and Ingrid Engler-Lot 2 of Block 4 of Woodland's 72nd Addition in Government Lot 5 of Section 23, Lakeview Township. Applicants waived their right to personal appearance. The applicants would like to build an oversized attached garage with greater dimensions. There were no proponents or opponents present. Motion by Hageman, second by Schaefer, to approve applicant's conditional use permit 2020-17 and adopt the specific findings outlined in the staff report. Motion carried.

2020-18 Conditional Use application of Makenda, LLC, Brian Kern-Lot 2 Evergreen Acres in the NW 1/4 of Section 36-106-52, Lakeview Township. Applicant waived his right to personal

appearance. He would like to build an oversized attached garage with greater dimensions. There were no proponents or opponents present. Motion by Hageman, second by Johnson, to approve applicant's conditional use permit 2020-18 and adopt the specific findings outlined in the staff report. Motion carried.

2020-19 Conditional Use application of Thomas Hofer-Rustic Acres Hutterian Brethren, Inc., Robert Gehm, Northwestern Energy. Robert Gehm, Northwestern Energy Real Estate Representative appeared before the board. The landowner and applicant would like to build a public utility gas regulator station. There were no proponents or opponents present. Motion by Reinicke, second by Schaefer, to approve applicant's conditional use permit 2020-19 and adopt the specific findings outlined in the staff report. Motion carried.

REGULAR SESSION:

Motion by Reinicke, second by Hageman, to adjourn as a board of adjustment and return to the regular session. Motion carried. A break was taken until the time for scheduled hearing.

BOARD OF ADJUSTMENT:

Motion by Johnson, second by Hageman, to enter into a Board of Adjustment. Motion carried. Commissioner Reinicke recused herself from the following hearing on a request to amend a condition of a previously issued conditional use permit. Dale Thompson, Planning Commission Board member, served as an alternate and replaced Reinicke on the Board of Adjustment. Alan Schaefer, Planning Commission board member, continued to serve as an alternate on the Board of Adjustment for Commissioner Slaughter who was absent.

Hearing on Request to Amend Conditions of Conditional Use Permit (Albert Lee Yager & Donna Yager) - Amendment to the 2016 CU permit conditions previously issued for the property described as: Tract 3 B. Price Addition in the W 1/2 of Section 15-106-52, Lakeview Township, Lake County, SD in the "A" District. Board of Adjustment member Johnson acknowledged receipt of the unapproved minutes from the Planning Commission's October 14th meeting and the staff report from the Zoning Officer and stated they have received one letter from the applicant and one letter from Mitch Peterson. Chair Wollmann read the public hearing guidelines. Proponents and opponents in the audience were given the opportunity to sign up to testify. Proponents included applicant Donna Yager and her attorney, Cody Miller. Opponents included adjoining landowner Janet Weber and her attorney, Mitch Peterson. Applicants Albert Lee Yager & Donna Yager dba Gravel Pit Company was granted a conditional use permit for a sand, gravel, or quarry operation on May 20, 2016 by the BOA with added conditions. One of those added conditions stated that Applicants must stay the required 1,000 feet from the adjoining resident's property line. Applicant is requesting to remove the added condition to "stay the required 1,000 feet from the adjoining resident's property line" and amend it to "stay the required 1,000 feet from the adjoining resident's residence." Shelli Gust, CAO read the request from the applicant. Donna Yager, applicant, appeared before the board. She acknowledged that they had made a similar request to the board in 2019, but felt that the reasons why Janet Weber had objected before constituted fraud. She stated that this matter should never have come before the board as Janet Weber has had a commercial horse boarding business for 19 years and has never applied for a conditional use permit as required. Yager told the board not being able to mine has cost them hundreds of thousands of dollars. If they are able to mine and reclaim it, they would be in and out within a year, weather and COVID permitting. Cody Miller, Yager's attorney, told the board that the county's ordinance requires 1,000 feet to the nearest residence not the property line. He stated that the Yagers believed Weber was operating a legal business and that is why they agreed to the added condition. He also stated: the Yager's now believe that Weber is operating an illegal business due to the fact she had never obtained a conditional use permit, there are no horses outside on her property, gravel competition keeps prices down, this property can be reclaimed and sold or developed. Janet Weber appeared before the board. She objects to the expansion to the mining operation because: horse operation is not commercial it is only for her benefit, she has allowed friends to board horses at her place but they paid all the expenses, her health problems, the devalue of her property, the horses have been there longer than the mining operation. Mitch Peterson, Weber's attorney spoke to the board. He said an

agreement was reached in 2016 between the Board of Adjustment and the Yagers, with the Yagers agreeing to the added condition that they would stay 1,000 feet from Weber's property line. If the board amends the condition now, it would breach that agreement. He also stated that: Weber has lost a property sale due to the mining, Weber does not run a commercial stable but does continue to board other people's horses and has never gotten paid for it, there are horses on her property and have never stopped being on her property. Peterson also stated that under the county's ordinance, Section 1224, paragraph 2(h), the 1,000 foot setback is a minimum setback from the residence. He reminded the board that when they had been asked to consider amending this condition once before, in May 2019, the board had found that granting that request may adversely affect the public interest. He encouraged the board to stay with what they have decided back in 2016 and in 2019. He stated that if this does go to court, the board's decision will be upheld. Johnson and Thompson asked CAO Gust questions to seek clarification on the applicant's request and the condition outlined in Section 1224, paragraph 2(h). Thompson asked Yager and Weber if there was any room for compromise. Yager and Weber indicated a compromise would not work. Motion by Hageman, second by Thompson, to deny the request to amend conditions of the previously approved Conditional Use permit for Albert Lee Yager & Donna Yager (The Gravel Pit) on Tract 3 B Price Addition in the W 1/2 of Section 15 of Lakeview Township, Lake County, SD. Added condition "stay 1,000 feet from the adjoining resident's property line" shall remain in effect. Chair Wollmann called for a roll call vote: Schaefer – aye, Hageman – aye, Wollmann – aye, Thompson – aye, Johnson – nay. Motion carried.

REGULAR SESSION:

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

Alan Schaefer and Dale Thompson, Planning Board Members left the meeting. Commissioner Reinicke joins the meeting.

ADJOURN:

Motion by Reinicke, second by Johnson, to adjourn the meeting at 11:46 a.m. Motion carried. The next regular meeting will be Thursday, November 5, 2020 at 9 a.m.

/s/ Paula Barrick	/s/ Kelli Wollmann
PAULA BARRICK	KELLI WOLLMANN
Lake County Auditor	Chair, Lake County Commission

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