LAKE COUNTY COMMISSION MINUTES
June 1, 2021

The Board of Lake County Commissioners met in regular session on June 1, 2021 at 9 a.m. in the commission meeting room at the Lake County Courthouse. Chair Kelli Wollmann called the meeting to order. Auditor Paula Barrick called roll call: Commissioner Aaron Johnson, Commissioner Adam Leighton, Commissioner Deb Reinicke, Commissioner Dennis Slaughter, and Chair Kelli Wollmann all present. The Pledge of Allegiance was recited.

AGENDA APPROVED:

Motion by Slaughter, second by Reinicke, to approve the agenda of June 1, 2021. Motion carried.

MINUTES APPROVED:

Commissioner Reinicke asked that "amend their conditional use permit" be added to the public hearing/conditional use permit for Lee and Donna Yager. Motion by Johnson, second by Leighton, to approve the unapproved minutes of May 18, 2021 as corrected. Motion carried.

COMMUNITY COMMENTS:

None

PAYROLL APPROVED:

Motion by Reinicke, second by Slaughter, to approve the payroll of May 17 – May 30, 2021. Motion carried. Commissioners: $2,767.50; Auditors Ofc: $4,823.43; Treasurers Ofc: $4,978.83; States Attorney Ofc: $8,492.16; Govt Bldgs: $4,935.20; Dir Equalization Ofc: $6,266.81; Register Deeds Ofc: $3,492.81; VSO: $594.56; Sheriff Ofc: $15,731.13; Jail: $12,054.74; EMA: $1,748.80; 911 Comm Center: $9,669.16; 24/7: $623.82; Road & Bridge: $18,626.76; Welfare: $76.24; CHN: $1,225.44; WIC: $136.16; Extension; $1,355.20; Zoning; $1,640.84. Grand Total $99,239.59.

ACCOUNTS PAYABLE:

Motion by Leighton, second by Reinicke, to approve the accounts payable of May 21, 28, and June 2, 2021. Motion carried.

Accounts Payable 5-21-21 General: Dakotaland FCU, CU, $75.00, Lake Co Treasurer, Withholdings, $15,321.02, OCSE, Child Support, $260.77, **Hwy:** Lake Co Treasurer, Withholdings, $4,186.72, **911 Comm:** OCSE, Child Support, $214.23, Lake Co Treasurer, Withholdings, $2,083.36, **EMA:** Lake Co Treasurer, Withholdings, $414.06, Verizon, Check Destroyed, $349.99cr, **24/7:** Lake Co Treasurer, Withholdings, $126.62, **Alcohol Bev Fund:** Dept of Revenue, Malt Bev License Renewal, $1,200.00 **Grand Total: $23,531.79**

Accounts Payable 5-28-21 General: Aflac, Ded, $2,007.52, Avera, Health Prem, $19,177.39, Unum, Life Prem, $206.37, Optilegra, Vision Prem, $536.45, SD Supp Retire, Collect, $1,967.00, SD Retire, Collect, $17,572.31, **Commissioner:** Infotech, Util, $25.00, Midco, Util, $32.00, **Election:** Infotech, Util, $66.00, **Judicial:** Premiere Global, Serv, $26.62, **Auditor:** Infotech, Util, $114.00, Midco, Util, $24.00, **Treasurer:** Infotech, Util, $161.85, **St Atty:** Infotech, Util, $228.00, Midco, Util, $32.00, **Gvt Bldg:** Infotech, Util, $71.00, Northwestern Energy, Util, $12.23, Midco, Util, $8.00, City Of Madison, Util, $26.88, **DOE:** Infotech, Util, $201.50, Midco, Util, $40.00, **ROD:** Infotech, Util, $157.00, Midco, Util, $16.00, **VSO:** Infotech, Util, $47.95, Midco, Util, $8.00, **GIS:** Infotech, Util, $33.00, **IT:** Infotech, Util, $1,189.99, **Sheriff:** Infotech, Util, $640.17, AT&T, Util, $302.12, **Jail:** Infotech, Util, $296.00, Northwestern Energy, Util, $524.66, Midco, Util, $144.00, **Support Of Poor:** Infotech, Util, $38.00, Midco, Util, $8.00, **Recreation:** AT&T, Util, $43.16, **Extension:** Midco, Util, $8.00, Northwestern Energy, Util, $181.73, City Of Madison, Util, $557.60, **Weed:** Midco, Util, $8.00, **Zoning:** Infotech, Util, $48.00, Midco, Util, $8.00, **Hwy Rd-Br:** Aflac, Ded, $279.72, Avera, Health Prem, $6,843.64, Unum, Life Prem, $52.80, Optilegra, Vision Prem, $201.67, SD Supp Retire, Collect, $600.00, SD Retire, Collect, $4,512.24, Northwestern Energy, Util, $152.78, City Of Madison, Util, $535.72, Sioux Valley Energy, Hwy 34 Light, $166.50, Midco, Serv, $16.00, Infotech, Util, $91.00, **911 Comm:** Aflac, Ded, $323.00, Avera, Health Prem, $4,981.28, Unum, Life Prem, $28.80, Optilegra, Vision Prem, $65.84, SD Supp Retire, Collect, $105.00, SD Retire, Collect, $2,306.88, Infotech, Util, $213.00, Midco, Util, $16.00, Sioux Valley Energy, Util, $89.58, **EMA:** Aflac, Ded, $25.92, Avera, Health Prem, $576.75, Unum, Life Prem, $4.80, Optilegra, Vision Prem, $8.94, SD Supp Retire, Collect, $25.00, SD Retire, Collect, $419.72, Sioux Valley Energy, Util, $508.13,

Infotech, Util, $45.50, Verizon, Phone/Hotspot, $349.99, Midco, Util, $8.00, Northwestern Energy, Util, $21.30, City Of Madison, Util, $294.67, **24/7:** SD Retire, Collect, $29.21 **Grand Total: $70,694.88**

Accounts Payable 6-2-21 Commissioners: Thompson, Dale, BOA/Mtg, $29.20**, Judicial:** Daniel P Feldhaus Report, Transcripts, $144.40**,** Stanford, Lori, CAA Fees, $2,054.25**,** Dawson, Jacob D, CAA Fees, $866.25**,** Witness-Juror-Appearance Fees/Mileage, $830.42, **Auditor:** Marco, Maint, $10.35**,** US Postal Serv, Refill, $225.00**,** Office Peeps, Casters/Toner, $506.44**, Treasurer:** A & B Business, Maint, $230.68, First Bank, Deposit Tickets, $110.82**,** BOA, Util, $18.75**,** US Postal Serv, Refill, $800.74**, Gvt Bldg:** Lake County Intl, Blades, $263.70**,** Porta Pros, Rental, $185.00**,** Ace Hardware, Supplies, $268.58**,** Shred-It, Serv, $173.18**, DOE:** Schneider Geospatial, Maint, $195.00, Vanguard Appraisals, Serv, $2,450.00, Century Business, Maint, $103.80, Office Peeps, Supplies, $28.55, **ROD:** Century Business, Maint, $31.50, US Postal Serv, Refill, $75.00, Office Peeps, Supplies, $29.85, **VSO:** Office Peeps, Supplies, $163.19, **Sheriff:** Redwood Toxicology, BL Tests, $725.10, Rising Hope Counseling, Serv, $280.00, US Postal Service, Refill, $55.00, Karl Emergency Vehicles, Patrol Controls, $5,964.37, Outer World, Graphics, $186.00, Stemper Auto, Deductible, $1,000.00, Ace Hardware, Keys, $7.98, **Jail:** Ace Hardware, Supplies, $94.30, **Coroner:** Redwood Toxicology Lab, Bl Test, $50.00, **CHN:** US Postal Service, Refill, $119.26, **MI Board:** Katterhagen, Mark, $15.00, Lewno, Lucy, $165.01, Lockwood, Darcy, $15.00, Oftedal, Abby, Fees, $198.00, Youngberg, Luci, CAA, $759.54, **Extension:** Century Business, Maint, $181.08, Hayford, Jennifer, Lodging, $50.25, **Weed:** Office Peeps, Supplies, $39.84, **Zoning:** US Postal Service, Refill, $25.00, **Hwy Rd-Br:** SD DOT, Serv, $1,263.55**,** Cox Alignment, Repairs, $135.00**,** Heiman Fire Equipment, Inspection, $236.00**,** Aramark Uniform Serv, Serv, $157.64**,** Cox Alignment, Repairs, $83.00**,** Ace Hardware, Supplies, $17.98**,** Uhrig, Michelle, Certified Mail, $7.20**,** Office Peeps, Pens, $3.52**,** Bowes Construction, Asphalt, $2,511.69**,** Myrl & Roy's Paving, Asphalt, $3,277.46**,** Concrete Materials, Asphalt, $441.10**,** SD DOT, Markings, $61.27**, 911 Comm:** Office Peeps, Floor Mat, $455.00**, EM:** Ace Hardware, Keys, $11.96**, 24/7:** Pharmchem, Sweat Patches, $332.05 **Grand Total: $28,719.80**

2021-2022 WIC CONTRACT:

The board reviewed the subrecipient agreement between the SD Dept of Health and Lake County for the WIC program for June 1, 2021 and ending May 31, 2022. The amount provided by the state will be $11,288. Motion by Johnson, second by Slaughter, to approve the Sub-Recipient Agreement with the South Dakota Department of Health for WIC Services and authorize the chair to sign. Motion carried.

PSB ROOFING PROJECT/REVISED QUOTE:

CAO Shelli Gust told the board that Buildings and Grounds Superintendent Dave Hare has received a revised quote from Guarantee Roofing & Sheet Metal for the Public Safety Building roofing project. This quote for the project is $79,342, an increase of $7,183. Motion by Reinicke, second by Slaughter, to approve the quote of Guarantee Roofing and Sheet Metal for the reroof of the Public Safety Building in the amount of $79,342 and to include Barger Electric wiring. Motion carried.

UTILITY OCCUPANCY APPLICATION/SIOUX VALLEY ENERGY:

Hwy Supt. Nels Nelson presented the following utility occupancy application.

2021-05 Sioux Valley Energy, Kim Brendsel, PO Box 216, Colman, SD 57017. Work to be done-remove overhead line approximately 2,680' south of 236th St (CR42) that currently runs across 454th Ave (CR35) and install underground across 454th Ave (CR35) to feed two residences. There will be boring and backhoe work. Motion by Reinicke, second by Leighton, to approve the Utility Occupancy Application and Permit #2021-05 of Sioux Valley Energy and authorize the chair to sign. Motion carried.

COUNTY PAVEMENT MARKING UPDATE:

Hwy Supt. Nelson informed the board that the SD DOT did not receive any bids for county pavement projects in this region. The state did give Lake County an opportunity to designate critical routes that are in desperate need of striping. Nelson has identified 12 miles. This year at the minimum, the roads that are in bad shape are being repaved this summer and will have a center line tab.

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 11, 2021 at Prairie Village. Motion by Slaughter, second by Reinicke, 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 June 11, 2021 at Prairie Village. Motion carried.

RESOLUTION 2021-16/ESTABLISHING RESTRICTED TRUCK TRAFFIC:

Hwy Supt. Nels Nelson told the board that he would like to have 220th St (CR10) from 463rd Ave (CR17) to 464th Ave (Cr15) designated as "No-Through-Truck". The trucks that go to the bean plant in Volga are making the road unsafe for cars to travel. This will not be a permanent closure. Chair Wollmann read Resolution 2021-16/Resolution Establishing Restricted Truck Traffic on 220th St (CR10) From 463rd Ave (CR17) To 464th Ave (CR15). Motion by Slaughter, second by Johnson, to approve Resolution 2021-16: Resolution Establishing Restricted Truck Traffic on 220th St (CR10) from 463rd Ave (CR17) to 464th Ave (CR15) and authorize the chair to sign. Motion carried.

RESOLUTION #2021-16

RESOLUTION ESTABLISHING RESTRICTED TRUCK TRAFFIC ON 220TH ST (CR-10) FROM 463RD AVE (CR-17) TO 464TH AVE (CR-15)

WHEREAS, pursuant to SDCL 7-18A-2, the Lake County Board of Commissioners may enact resolutions as may be proper and necessary to carry into effect the powers granted to it by law; and

WHEREAS, pursuant to SDCL 7-8-20(2), the Lake County Board of Commissioners shall have the power to make orders respecting the care and preservation of all property belonging to the county; and

WHEREAS, pursuant to SDCL 32-14-7, the Lake County Board of Commissioners may by resolution prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weights of such vehicles on designated highways, said prohibitions and limitations shall be designated by appropriate signs on such highways; and

WHEREAS, trucks with heavier loads traveling on 220th St (CR-10) from 463rd Ave (CR-17) to 464th Ave (CR-15) within Lake County, South Dakota, have caused significant damage and destruction to the Lake County highway system of roads at a significant cost to Lake County; and

WHEREAS, pursuant to SDCL 7-18-8, the adoption of a resolution may take effect immediately for the preservation of the public peace, health, or safety.

NOW THEREFORE BE IT RESOLVED by the Lake County Board of Commissioners, that no person may operate a truck with two or more axles on 220th St (CR-10) from 463rd Ave (CR-17) to 464th Ave (CR-15) having no origin or destination as evidenced by a bill of lading, along the route traveled; and

BE IT FURTHER RESOLVED the Lake County Highway Superintendent or its designee shall erect and/or place signage designating 220th St (CR-10) from 463rd Ave (CR-17) to 464th Ave (CR-15) as a "No Through Trucks" road.

Voting aye: Johnson, Leighton, Reinicke, Slaughter, Wollmann Voting nay: none

Dated this 1st day of June, 2021, at Madison, South Dakota.

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

HWY DEPARTMENT/SLURRY SEAL:

Hwy Supt. Nelson presented a video regarding slurry seal, a modified chip seal process. This process would extend the life of a road 5 to 7 years. Nelson would like to budget this in his 2022 budget. Nelson also thought that the by-pass road would be a good candidate for slurry seal.

WEED SPRAY:

Hwy Supt. Nelson told the board that the weed department needs to purchase another 250 gallons of Tordon 22K. Motion by Reinicke, second by Johnson, to authorize the purchase of 250 gallons of Tordon 22K at an approximate cost of $43.89 per gallon, total cost of $10,973. Motion carried.

SURPLUS SALE:

CAO Shelli Gust told the board that the sale bill for the county surplus sale being held June 15th at noon is now on the county's website and on the Sutton Auctioneer website.

A short break was held before the next appointment.

PLANNING & ZONING/ORDINANCE AMENDMENT #21-74/PUBLIC HEARING-SECOND READING:

Commissioner Slaughter acknowledged receipt of the Planning & Zoning staff report on Ordinance Amendment #21-74.

#21-01 Rezone Tract 3 of Colton Park Siding South Addition in a part of Lot 4, Block 1 of County Auditor's Subdivision of Lot 2 and Lot 3, Section 31-106-51, Lake County, South Dakota. Zoning Officer Mandi Anderson told the board that Richard Bothwell and Mark Peltier are requesting to rezone Lake Park District -1 to Lake Park District -3 to allow for large oversized private and/or commercial storage buildings. Both applicants were present. A public hearing was held. There were no proponents or opponents in the audience or on Zoom. Motion by Reinicke, second by Slaughter, to approve the rezoning and more forward with the second reading. Motion carried. Chair Wollmann read Ordinance #21-74. Motion by Reinicke, second by Leighton, to approve the second reading of Ordinance #21-74 and adopt Ordinance #21-74. Motion carried.

ORDINANCE NO. 21-74

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF LAKE COUNTY BY REZONING CERTAIN PROPERTY.

BE IT ORDAINED BY LAKE COUNTY, SOUTH DAKOTA:

That Lake County has previously adopted the Lake County Official Zoning Map on August 18, 2002.

That Richard Bothwell along with Mark Peltier has made application to the Lake County Planning and Zoning Commission to rezone: Tract 3 of Colton Park Siding South Addition in a part of Lot 4, Block 1 of County Auditor's Subdivision of Lot 2 and Lot 3, Section 31-106-51, Lake County, South Dakota from Lake Park District-1 to Lake Park District-3.

That the Lake County Planning and Zoning Commission recommended to approve the application to rezone.

That the Lake County Board of Commissioners have to approve the rezone application for the rezone to take effect.

That Ordinance 02-37, the Lake County Official Zoning Map, is hereby amended as follows:

> Tract 3 of Colton Park Siding South Addition in a part of Lot 4, Block 1 of County Auditor's Subdivision of Lot 2 and Lot 3, Section 31-106-51, Lake County, South Dakota from Lake Park District-1 to Lake Park District-3

That in all other respects, the Lake County Official Zoning Map dated August 18, 2002, shall remain unchanged and is hereby re-ordained.

All the foregoing, being duly considered, is hereby adopted by vote of the Lake County Board of Commissioners on the 1st day of June, 2021

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

FIRST READING:	May 18, 2021
SECOND READING:	June 1, 2021
ADOPTED:	June 1, 2021
PUBLISHED:	June 4, 2021

EFFECTIVE: June 24, 2021

A short break was held before the 10:30 appointment.

JOINT BOARD OF COUNTY COMMISSIONERS AND PLANNING COMMISSION/ORDINANCE #21-76/PUBLIC HEARING-FIRST READING - A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES: Motion by Reinicke, second by Leighton, to convene jointly as the planning commission and the board of county commissioners. Motion carried. Auditor Barrick called roll call for the planning commission: Don Bickett, Aaron Johnson, Jody Ackerman, Dale Thompson, Dan Hansen, and Roger Albertson all present. Absent-Alan Schaefer. Motion by Ackerman, second by Albertson, to recommend Ordinance #21-76 to the board of county commissioners. Motion carried. A public hearing was held. Chair Wollmann called for any proponents or opponents in the audience or on Zoom. Hearing none, she closed the public hearing and turned it back to the county commission and planning commission to discuss Ordinance #21-76. Planning Commission Chair Bickett called for a vote on the Planning Commission's motion to recommend Ordinance #21-76 to the board of county commissioners. Ayes-6, Nays-0. Chair Wollmann read Ordinance #21-76. Motion by Johnson, second by Reinicke, to approve first reading of Ordinance #21-76. Motion carried.

ORDINANCE #21-76

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration; and

WHEREAS, Lake County, SD ("County"), makes a preliminary finding that the County's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1; and

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments; and

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments; and

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same; and

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County; and

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives; and

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom; and

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions.

NOW, THEREFORE, BE IT ORDAINED BY Lake County, SD:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1 shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Voting aye: Johnson, Leighton, Reinicke, Slaughter, Wollmann Voting nay:

Adopted this 15th day of June, 2021.

LAKE COUNTY BOARD OF COMMISSIONERS
/s/Kelli Wollmann
Lake County Commission Chair

ATTEST:
/s/Paula Barrick
Lake County Auditor

First Reading: June 1, 2021
Second Reading: June 15, 2021
Adopted: June 15, 2021
Published: June 17, 2021
Effective: June 17, 2021

ADJOURN JOINT PLANNING COMMISSION:

Motion by Leighton, second by Slaughter, to adjourn the joint meeting of the Lake County Commission and the Planning & Zoning Commission and resume acting solely as the Board of County Commissioners. Motion carried.

The Planning & Zoning Commissioners left the meeting.

TRAVEL REQUEST:

Carrie Schiernbeck attended SDSU-Dairy Bar, Brookings, May 28, 2021.

ADJOURN:

Motion by Reinicke, second by Leighton, at 10:44 a.m. to adjourn. Motion carried. The next meeting will be held on June 15, 2021 at 9 a.m.

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

Published at the total approximate cost of $