

**Unapproved**  
**MARSHALL COUNTY COMMISSION MEETING**  
**Britton, South Dakota**

The Board of County Commissioners met in regular session at 9:00 a.m. on December 18, 2018 at the Marshall County Courthouse. Members present were Medhaug, Knebel, Symens, Schuller, Luttrell and Commissioner–elect Jones.

**AGENDA:**

Symens moved, Knebel seconded to approve the agenda for December 18, 2018. All members voted aye.

**MINUTES:**

Schuller moved, Symens seconded to approve the minutes for December 3, 2018. All members voted aye.

Symens moved, Knebel seconded to approve the minutes for December 4, 2018. All members voted aye.

Schuller moved, Luttrell seconded to approve the minutes for December 14, 2018. All members voted aye.

**CLAIMS:**

Symens moved, Knebel seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: December 13, 2018: Commissioners 1351.50; Auditor 3094.45; Treasurer 3575.90; States Attorney 1396.15; Courthouse 645.37; Director 4179.90; Register 2458.15; VSO 622.05; Community Building 688.16; Welfare 506.35; Nurse 478.50; Extension 1276.00; Weed 861.36; Zoning 525.00; Highway 12207.54; E911 175.00; Emergency Management 489.70;

EMPLOYER FICA & MEDICARE: First Savings Bank 7583.54

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 3385.92

A & B BUSINESS INC SOLUTIO	250.99
AMERIPRIDE SERVICES INC	79.73
ANGELO ALDENTALER	263.78
AREA IV SENIOR NUTRITION	408.00
BARD, BRIAN	9.00
BATES CONSTRUCTION	272,495.92
BRITTON CITY WATER DEPT	26.35
BRITTON JOURNAL	358.41
BUTLER MACHINERY CO	2,423.93
CARLSON CRUSHING & EXCAVAT	62.45
CENEX	296.11
CENTURY LINK	330.81
CERTIFIED LANGUAGES INTERN	26.40
CLIFF'S ONE STOP	1,137.10
CREDIT COLLECTIONS BUREAU	35.27
DAMAR FARMERS ELEVATOR	4.94
DARIN ZUEHLKE	210.00

DENIS MIKKELSON	187.50
DOUG MEDHAUG	167.86
DWARE INC	3,025.00
FIRST NATIONAL BANK	874.14
FROHLING LAW OFFICE	299.40
FULL CIRCLE AG	149.49
HOLLAND BROS OIL COMPANY	2,046.43
HOLLAND NAPA AUTO PARTS	962.76
HUNTERS STEAKHOUSE & LOUNG	62.50
INTERSTATE BATTERY	107.95
JENNIFER RINGKOB	237.66
JOHN DEERE FINANCIAL	28.32
KENS FOOD FAIR	185.05
KONICA MINOLTA PREMIER FIN	101.39
LAKE REGION ELECTRIC	300.00
LANGFORD BUGLE	301.56
LANGFORD TOWN	189.63
LERON KNEBEL	59.95
LYNDA LUTTRELL	52.32
MARC	108.02
MARSHALL CO TREASURER	5.67
MARSHALL COUNTY HEALTHCARE	14.59
MATHESON TRI-GAS INC	63.24
MEYER HARDWARE HANK	52.83
MICROFILM IMAGING SYSTEMS	40.00
NELSON, HANS	27.72
NELSON, MICHAEL	17.64
NORTH STAR ENERGY LLC	2,353.01
OTTER TAIL POWER COMPANY	157.99
PAUL SYMENS	104.64
PCC INC	5,352.63
PITNEY BOWES GLOBAL	185.85
QUARVE DRUG	125.21
QUILL CORPORATION	3,265.15
REBECCA ROEHR	700.00
RON JARRETT	11.34
SANFORD HEALTH	79.03
SDML WORKERS COMPENSATION	33,371.00
SERVICEMASTER OF OAKES	706.81
SIEGEL BARNETT & SCHUTZ LL	499.27
SOUTHSIDE EQUIPMENT	247.61
SUNSET HUTTERIAN BRETHREN	100.00
THOMSON REUTERS	406.64

TRANSOURCE TRUCK & EQUIPME	117,677.60
TRI STATE WATER, INC.	82.15
VENTURE COMMUNICATIONS	1,690.34
VERIZON WIRELESS	822.95
ZACHER, JAMIE	1,995.00

**PUBLIC COMMENT:**

No one was present to make a public comment.

**ZONING:**

Erin Collins-Miles, Zoning Director met with the board to discuss Zoning business. Luttrell moved, Symens seconded to approve a building permit for Ward Satterlee. All members voted aye.

**ALCOHOLIC BEVERAGE:**

Knebel moved, Schuller seconded to approve a retail (on-sale) liquor license renewal for the Britton Country Club. All members voted aye.

**HIGHWAY:**

Dustin Hofland, Highway Superintendent and Sandy Dinger, Highway Secretary met with the board to discuss Highway Department business. Hofland reported that they have been working on blading roads. Frost heaves have been very bad in roads. Dinger informed the board of various complications that have arisen regarding the railroad crossing just north of Britton on county road 9AN: 1.) The Airport's auxiliary runway flight path crosses directly over the tracks, so 40' poles will not work as they would be too high. 2.) Marshall County may have to hire a consultant to put together buildable plans because of the unknown factors at this location. 3.) Both of the quotes received for work on this project were incomplete because of water issues. 4.) The cost of the project with these added complications may exceed \$25,000, in which case the County would have to put the project out for bids. 5.) The water presents a problem and boring will need to be done to get power to the west side of the road and would probably be near the tracks. The awarded contractor would need to secure a right-of-way permit and Railroad Protection Insurance and secure Railroad flaggers. The Railroad would need to be notified and be present when the boring is done to protect the trains. 6.) If they are unable to stay in the right of way, the project may have to go through the Army Corp of Engineers because wetlands would be disturbed. Because of all of these issues, an agreement will not be prepared by January 2019. Dinger presented a change order for bridge 46-030-114 (Amherst Bridge) for additional materials for \$1,593.92, bringing the total cost of this bridge to \$272,495.92. Symens moved, Schuller seconded to authorize the chairman to sign the applications for Bridge Improvement Grants for 46-130-109 (.9S2E of Britton) and 46-141-100 (10N3.1E of Britton) All members voted aye. Dinger presented the November and preliminary December budget report. Symens moved, Luttrell seconded to use money left in the Highway department budget to pay off the Cat Blade at a cost of \$182,593.30 and to purchase a new John Deere Tractor for \$77,318.29 off of a Source Well bid. All members voted aye.

**TRAVEL:**

Knebel moved, Schuller seconded to authorize the following travel expenses: All Highway Department Employees to Aberdeen January 23 & 24 for MSHA Classes. All members voted aye.

**AMBULANCE:**

Lori Amerman and Logan Roehr met with the board to give an update on the Ambulance Department. The Ambulance has gone on 232 calls so far this year. This is down a little from last year, but much of that can be attributed to the Hospital having a CT machine now, so patients do not need to be transferred as often. Roehr applied for and was granted a \$3,016.18 grant from SDML Worker's Compensation fund to go toward the purchase of a Stryker Power Load. Luttrell moved, Knebel seconded to order a new Ambulance at a total cost of \$210,933 and a Stryker Power-Load at a cost of \$21,488. All members voted aye.

**SHERIFF DEPARTMENT:**

Brian Bard, Special Deputy; Dana Frohling, State's Attorney; Logan Roehr and Lori Amerman were present for the Sheriff's Department discussion. Frohling explained to the board that in looking at various laws and different ways they could be interpreted, it is unclear exactly what day Sheriff Elsen's certificate revocation would be effective. There is also some question as to whether certification is necessary in order to continue being Sheriff. Frohling recommended that the board pass a resolution in the event that a vacancy does occur, so that Marshall County will have an acting Sheriff.

**RESOLUTION:**

Knebel moved, Luttrell seconded to pass the following resolution:

WHEREAS, the South Dakota Law Enforcement Standards and Training Commission voted to revoke Marshall County Sheriff Dale Elsen's law enforcement certification on December 13, 2018,

IT IS HEREBY RESOLVED that Brian Bard is appointed as temporary, interim, acting Sheriff of Marshall County, effective immediately upon the occurrence of a vacancy in the office of Marshall County Sheriff, to serve until Marshall County can advertise, interview, and appoint a replacement to serve until the a Sheriff can be elected in the next General Election. The appointed Sheriff's term would end January 5, 2021. All members voted aye.

**EXECUTIVE SESSION:**

Symens moved, Schuller seconded to enter into executive session to discuss personnel issues at 10:52 am. Brian Bard and Dana Frohling were present. All members voted aye. The Chairman called the board out of executive session at 11:14 am.

**ADJOURN:**

Knebel moved, Schuller seconded to adjourn. All members voted aye.

**ATTEST:**

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Doug Medhaug, Chairman

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Megan Biel, Auditor