

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

The Board of County Commissioners met in regular session at 9:00 p.m. on September 3, 2019 at the Marshall County Courthouse. Members present were Medhaug, Schuller, Luttrell, Jones, and Knebel.

**AGENDA:**

Knebel moved, Jones seconded to approve the agenda for September 3, 2019. All members voted aye.

**MINUTES:**

Luttrell moved, Schuller seconded to approve the minutes for August 20, 2019. All members voted aye.

**CLAIMS:**

Schuller moved, Jones seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: August 22, 2019: Commissioners 1415.70; Auditor 3064.84; Treasurer 3345.13; States Attorney 1425.47; Courthouse 1597.68; Director 5096.89; Register 2952.94; VSO 654.42 Community Building 642.33; Welfare 473.82; Nurse 444.67; Extension 1382.40; Weed 692.47; Zoning 1689.50; Highway 13429.69; Emergency Management 514.98;

EMPLOYER FICA & MEDICARE: First Savings Bank 8514.05

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 3793.78

A & B BUSINESS INC Solutio	27.81
AMERIPRIDE SERVICES INC	53.02
BOBCAT OF GWINNER	262.49
BUHLS VALET DRYCLEANERS	26.00
CARLSON CRUSHING & EXCAVAT	29,202.80
CHIEF LAW ENFORCEMENT SUPP	56.93
COGLEY LAW OFFICE, PROF LL	855.00
COLE PAPERS INC	80.60
DELANEY NIELSEN SANNES PC	237.50
DOODY LAW OFFICE LLC	982.60
EDEN OIL	19,980.05
FROHLING LAW OFFICE	3,680.67
GERKEN UPHOLSTERY & SHOES	20.00
GRAHAM TIRE CO INC	1,939.86
HOLLAND BROS OIL COMPANY	916.20
INNOVATIVE OFFICE SOLUTION	251.78
KEVIN JONES	16.24
KONICA MINOLTA PREMIER FIN	96.56
KRAUSE BROS CONSTRUCTION	5,582.10
LANGFORD TOWN	171.83
LERON KNEBEL	95.70

LYNDA LUTTRELL	27.84
MARSHALL & SWIFT/BOECKH LL	364.95
MCLEODS PRINTING	298.00
MELISSA STARK	283.98
MUSKRAT FARM SUPPLY INC	1,021.87
OAKES AMBULANCE	174.70
OTTER TAIL POWER COMPANY	50.60
QUILL CORPORATION	886.30
SEROCKI EXCAVATING INC	1,904.82
VENTURE COMMUNICATIONS	123.52
VICTOR RAPKOCH	4,449.36
WERNER AUTOMOTIVE	1,315.03

**ZONING:**

Erin Collins-Miles, Zoning Director was present to discuss Zoning business. Steven and Matthew McLaen were present to request a drainage permit. Alex Mastellar was also present to represent the McLaens. Kevin Oland and Corrine Zorn, adjoining landowners; Bryan Hawkinson, Douglas Chapin, White Township board members; and Victor Rapkoch, Deputy State’s Attorney were present for the drainage permit hearing. Steven McLaen introduced himself and informed the board that after he applied for the drainage permit the Farm Act changed the rules and forced him to get a wetland determination on the property. That took 5 years to receive. The permit was approved in 2014 contingent on McLaen receiving approval from the Township. McLaen stated that he was not aware that he needed to get Township approval. Mastellar discussed that the Commissioners are given power to make decisions on drainage within the County from the State Legislature. The Township is not given any authority over drainage. Mastellar stated that the Township has added conditions that would amount to over \$100,000 worth of added work in order to bury a pipe in the ditch for water to travel through rather than the water running on top of the surface through the ditch. Zorn argued that there is a broken contract because McLaen had not completed the project by the date stated on the original application. Rapkoch informed the board that there is not a statute that places a deadline on drainage projects. The board could have put a deadline on the project when they approved the application, but that was not done. Another stipulation that the Township placed was to receive easements from adjoining landowners. Waivers were received from the adjoining landowners in 2014. Chapin expressed that the Township’s main concern is the safety of their roads and individuals driving on them. Mastellar stated that the McLaen’s would retain full liability for the project. The Township and the County would not be liable if anything would happen because of this drainage. Schuller moved, Luttrell seconded to postpone this drainage permit until September 24 or until an agreement can be made in a special meeting between the Township, County and McLaen once Mastellar has had a chance to work with the Township and the State’s Attorney. All members voted aye.

Kirk Rabenberg was present to request a drainage permit. Jones moved, Knebel seconded to approve the drainage permit as requested.

Knebel moved, Luttrell seconded to approve the following plat: Plat of Cody's Addition in the E1/2SW1/4 of Section 3 T126N, R54W of the 5<sup>th</sup> P.M., Marshall County, South Dakota. All members voted aye.

Luttrell moved, Schuller seconded to approve building permits for the following applicants: Curtis & Peggy Braun, Rhoda Hinman, Spencer Gross, Daniel Bessler, Dean Feistner-on behalf of East River Electric.) All members voted aye.

Jones moved, Schuller seconded to approve a building permit for Glenn Lehr contingent upon the adoption of Ordinance 47 scheduled for second reading in regular Commission session. All members voted aye.

Jones moved, Schuller seconded to move Erin Collins-Miles to a full time position as Zoning Administrator/Drainage Administrator and E911 Addressing at a rate of \$37,003.20 annually effective September 16. This position was previously 3 days per week, but is requiring much more time with all three job duties. All members voted aye.

**ORDINANCE 46: SECOND READING:**

The second reading of Ordinance 46 was completed:

ORDINANCE NO. 46

AN ORDINANCE AMENDING ARTICLE III, SECTION 302  
AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota: that Article 3 Section 302 adopted by Ordinance No.31, January 29, 2008 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

**A portion of Parcel 4 and Gov't Lot 3, Section 11, T125N, R53W of the 5th P.M., That being an area of approximately 625' of shore line by approximately 330' depth.**

To "R3" Lake Front Residential from "AG" Agricultural District

BE IT FURTHER ORDAINED by the Marshall County Commission, Britton, South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Luttrell moved, Knebel seconded to approve the adoption of the proposed ordinance. All members voted aye.

**ORDINANCE 47: SECOND READING:**

The second reading of Ordinance 47 was completed:

ORDINANCE NO. 47

AN ORDINANCE AMENDING ARTICLE III, SECTION 302  
AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota: that Article 3 Section 302 adopted by Ordinance No.31, January 29, 2008 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

**A portion of Lot 1 Andrews Addition, Section 2, T126N, R58W of the 5<sup>th</sup> P.M., That being approximately 1.4 Acres in the South portion of Lot 1 Andrews Addition, Marshall County, South Dakota**

To “AG” Agricultural District from “HC” Highway Commercial District

BE IT FURTHER ORDAINED by the Marshall County Commission, Britton, South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Jones moved, Knebel seconded to approve the adoption of the proposed ordinance. All members voted aye.

**HIGHWAY:**

Dustin Hofland, Highway Superintendent met with the board via conference call and Sandy Dinger, Highway Secretary met with the board to discuss Highway Department business. Hofland informed the board that they are starting asphalt surface repair work on County Road 6A (Hillhead road) this week prior to chip/fog sealing. The Highway department plans to advertise for full-time or part-time help in the Eden area and also asks that individuals mow their ditches as soon as possible. Dinger presented 3 approach permit applications. Luttrell moved, Jones seconded to approve approach permits for Jeff Roehr, Lee Jones Trucking and Angelo Aldentaler. All members voted aye. Heating propane bid opening was set for September 24 at 9:30 am.

Dinger informed Board the next Phase for FEMA mapping of the flood plain in Marshall County will be at the Event Center on September 25 from 2-4 pm. Zoning, DOE, EM and Commissioners were invited to attend.

**FUEL QUOTES:**

Sandy Dinger received the following quotes for a split transport of #2 dyed diesel and unleaded gasoline: Eden Oil- gasoline 2.20, diesel 2.02; Full Circle Ag- gasoline 2.276, diesel 2.0446. No other quotes were available at the time that fuel was needed. Gasoline and diesel were delivered to the Britton Shop by Eden Oil.

**E911:**

Deb Skonberg, E911 Coordinator and Logan Roehr, E911 Dispatcher met with the board to discuss the E911 CAD (Computer Aided Dispatch) System that they are looking at purchasing. As far as they are aware, Marshall County is the only dispatch center still using paper instead of a computer system to track calls. The CentralSquare system is the system best suited to smaller counties like Marshall. Total cost of the system is \$211,145 with approximately \$117,397 of that being for the dispatch side and \$89,531 being for the Law Enforcement side. Luttrell moved, Knebel seconded to move forward with purchasing the system for Marshall County. All members voted aye.

Skonberg also informed the board that the State has changed vendors for the State 911 system. The contract was now awarded to CenturyLink. CenturyLink has looked at the area where the equipment is currently installed in the Marshall County Courthouse and will not install their equipment in the attic as they feel the exposure to the bats is too

great. The equipment is located in the attic right now and there is no other open location to install it. The board asked that Skonberg and Biel look into enclosing the area where the equipment is located to reduce the exposure to bats.

**COURTHOUSE:**

Lori Greenmyer met with the board to request permission to purchase a vacuum cleaner for the 3<sup>rd</sup> floor of the courthouse as the current vacuum is very old and no longer works well. The board told Greenmyer to go ahead with this purchase.

**LIQUOR LICENSE TRANSFER:**

Jones moved Knebel seconded to approve the transfer of a liquor license from Migration X Outfitters to Prairie Sky Game Ranch & Guest Lodge. All members voted aye.

**PROVISIONAL BUDGET:**

Schuller moved, Luttrell seconded to approve the provisional budget. All members voted aye.

**LIVESTOCK DEVELOPMENT:**

Scott Amundson, Governor’s Office of Economic Development met with the board to inform them of a new program for Counties where a new livestock development in the county can divert it’s sales tax on the development to the County it is located in. The project must meet 2 requirements: it must require a conditional use permit and it must increase livestock amounts in the County. The developers would have to apply for this program prior to having a conditional use permit hearing. Nate Graf, GOED Development Rep.; Eric Senger, Necog; Lindsay Kimber, GLAD; Paul Symens; and Erin Collins-Miles, Zoning Director were also present.

**EXECUTIVE SESSION:**

Luttrell moved, Jones seconded to enter into executive session at 12:00 pm to discuss personnel matters. All members voted aye. The Chairman called the board out of executive session at 12:03 pm. No action was taken.

**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

Published once at the total approximate cost of\_\_\_\_\_.