

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

The Board of County Commissioners met in regular session at 9:00 a.m. on March 24, 2020 at the Marshall County Courthouse. Members present were Schuller, Luttrell, Jones, Medhaug and Knebel. Commissioner Medhaug presided. The meeting was open to the public and was offered via Zoom on computer or conference call.

AGENDA:

Knebel moved, Jones seconded to approve the agenda for March 24, 2020. All members voted aye.

MINUTES:

Schuller moved, Luttrell seconded to approve the minutes for March 10, 2020. All members voted aye.

CLAIMS:

Schuller moved, Knebel seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: March 19, 2020: Commissioners 1403.90; Auditor 3228.41; Treasurer 3758.14; States Attorney 1459.68; Courthouse 1612.03; Director 4573.34; Register 3577.27; VSO 670.02 Community Building 683.24; Sheriff 31,633.60; Jail 9746.66; Welfare 732.40; Nurse 687.20; Ambulance 7700.81; Extension 1468.27; Zoning 1457.36; Highway 14658.21; E911 5502.88; Emergency Management 567.33; EMPLOYER FICA & MEDICARE: First Savings Bank 6958.59
EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 4842.24

AMERIPRIDE SERVICES INC	27.95
ASHI & 24-7 EMS REMITTANCE	442.16
AVERA ST LUKES	713.54
AW DIESEL SERVICE INC	3,003.06
BRITTON PUBLIC LIBRARY	1,000.00
BUHLS VALET DRYCLEANERS	26.00
BUTLER MACHINERY CO	5,552.90
CDJ ELECTRIC PLUMBING	516.85
CENTURY LINK	334.17
CHRISTOPHER CEASE	59.99
COGLEY LAW OFFICE, PROF LL	320.10
COLE PAPERS INC	196.06
CREDIT COLLECTIONS BUREAU	28.65
DAMAR FARMERS ELEVATOR	202.00
DAVID HUNTER	141.45
DAVID N NELSON	83.71
DELANEY NIELSEN SANNES PC	3,604.50
EDEN OIL	4,100.00
FAULK COUNTY SHERIFF'S OFF	2,380.00

FOREMAX INCORPORATED	129.60
GRAHAM TIRE CO INC	1,752.00
HH DESIGN	23.00
HOLLAND BROS OIL COMPANY	283.74
JOHN DEERE FINANCIAL	7,253.28
KAROLE CHAPIN	94.41
KONICA MINOLTA PREMIER FIN	101.39
LINDA HAALAND	213.74
MARC	426.68
MARCO INC	133.81
MARCO TECHNOLOGIES LLC	14.60
MARSHALL COUNTY HEALTHCARE	240.57
MCLEODS PRINTING	1,230.00
MEDTOX DIAGNOSTICS INC	319.96
MIDWEST PUMP & TANK	135.39
OTTER TAIL POWER COMPANY	190.40
PITNEY BOWES GLOBAL	185.85
QUILL CORPORATION	2,834.71
RAMKOTA INN	104.00
REIN CONSTRUCTION INC	9,678.00
SHARI SCHOCK	47.30
SOUTHSIDE EQUIPMENT	69.02
SUNSET HUTTERIAN BRETHREN	585.00
TEAM LAB	1,546.50
THOMSON REUTERS	585.56
TRITECH SOFTWARE SYSTEMS	554.00
TYLER TECHNOLOGIES	3,151.90
VENTURE COMMUNICATIONS	2,443.35
VERIZON WIRELESS	240.06
YANKTON COUNTY SHERIFF'S O	50.00

PAY RAISE:

Schuller moved, Jones seconded to authorize a \$1.00 pay raise for Karole Chapin, E911 Dispatcher/Jailer from \$15.36 to \$16.36/hour per an annual review and with completion of E911 schooling and a \$0.50 raise for Shari Schock, E911 Dispatcher/Jailer from \$15.87 to \$16.37 with completion of E911 Schooling effective March 15, 2020. All members voted aye.

ZONING:

Erin Collins-Miles, Zoning Director met with the board to discuss Zoning business. Collins-Miles informed the board that 5 drainage permits were scheduled to be heard at this meeting, however, the State's Attorney has advised that these hearings be postponed as this would have been the first time they were heard at the public meeting. With many businesses and buildings closed to the public, and in order to ensure that public notice and open meeting laws are being

met and to give applicants and opponents ample time to address concerns, the hearing can be postponed until the next Commission meeting. Jones moved, Schuller seconded to postpone four drainage permit applications for Kirk Rabenberg until the next Commission meeting. All members voted aye. Jones moved, Knebel seconded to postpone a drainage permit application for Brandon Peters until the next Commission meeting and to request that the applicant check with the SD DOT to ensure that they approve of the drainage as well. All members voted aye. Collins-Miles informed the board that Joel Carlson has requested an 18 foot variance to the Right of Way line setback that was also scheduled for hearing at this meeting and if approved, a building permit application as well. Knebel moved, Jones seconded to postpone the variance hearing and building permit application for Joel Carlson until the next Commission meeting. All members voted aye.

Schuller moved, Medhaug seconded to approve building permits for the following applicants: Peggy Johnson, NorthWestern Energy, and Nathan O'Brien. All members voted aye.

Collins-Miles reminded the board that the Marshall County Mitigation Plan is available on the County website and comments will be received until April 5.

HIGHWAY:

Dustin Hofland, Highway Superintendent and Sandy Dinger, Highway Secretary met with the board via conference call to discuss Highway Department business. Luttrell moved, Knebel seconded to authorize Dustin Hofland to sign the agreement with Clark Engineering for Bridge 46-141-000 10 miles North and 3.1 miles East of Britton which Marshall County received a Bridge Improvement Grant for bridge replacement with estimated engineering fees of \$140,435.42. Marshall County will be responsible for 30% of the cost of this bridge replacement. All members voted aye. Hofland informed the board that the Short Course that was scheduled to be held in Deadwood has been moved to June 17-18. Jones moved, Schuller seconded to approve travel for Hofland to the Short Course in June. All members voted aye.

The board asked that Dinger advertise to accept bids for the used 2000 IHC 9400 sleeper-cab semi that was previously declared surplus. Bids will be accepted until April 14, at which time they will be opened and publicly read.

FUEL QUOTE:

Dinger received the following quotes for delivery of 2,000 bulk gasoline with 10% ethanol to the Marshall County Highway Department tank in Britton; DaMar \$2.14 per gallon; Eden Oil \$2.05 per gallon; attempt was made for a quote from Holland Bros, none was received; Eden Oil filled the Highway Department tank.

SAFETY:

Dinger presented information about "STOP the bleed" kits. Luttrell moved, Knebel seconded to purchase 7 of the \$99 kits that include QuikClot gauze in them for the 6 Sheriff's vehicles and the Britton Highway Shop using the Safety budget with the \$38 South Dakota kits which do not have QuikClot gauze and no expiration date be purchased for the Courthouse, Community Building and County Highway Department vehicles, the number to be determined by need, with the cost for these kits taken out of each Department's budget. All members voted aye.

RESOLUTION:

Schuller moved, Jones seconded to pass the following resolution:

**AN EMERGENCY RESOLUTION TO ADDRESS A PUBLIC HEALTH CRISIS BY
IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY
TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).**

WHEREAS, the Marshall County Commission has the authority to pass Resolutions, per SDCL§7-8-20 (10), for the purpose of promoting the health, safety, morals and general welfare, of the community and the promotion of health and the suppression of disease; and

WHEREAS, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, in response to the need to implement social distancing all schools in the state have been closed for at least two weeks; and

WHEREAS, on March 16th, 2020, the White House issued guidance recommending that social gatherings of more than ten people be avoided and that people avoid eating or drinking at bars,

restaurants, and food courts; and

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the County's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the County's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19.

NOW THEREFORE, BE IT RESOLVED, by the Marshall County Commission that:

1. Effective immediately, all Marshall County Facilities are closed to the general public except for the parties of lawsuits in the courtroom on court days as scheduled by the Unified Judicial System. Marshall County will conduct business by mail, email, online, by phone or by arranging to work face-to-face/in person on a case-by-case basis.
2. Effective immediately, Marshall County Offices shall minimize staffing in each office and encourage those that do not need to work to stay home. Employees will be paid at their regular average rate and hours and are asked to work from home if able. Offices will still have one employee in each office to answer phones and handle daily business. Rotating schedules will be set at the discretion of the department head. This section of the resolution does not apply to the County Highway Department and Sheriff's Office.
3. Effective immediately, in cases when a member(s) of the public displays symptoms of COVID-19, as specified by the South Dakota Department of Health, the County offices are directed to refuse face-to-face/in person service and encourage the individual(s) to seek medical attention as specified by public health authorities.
4. Effective immediately, Marshall County businesses should take precautions as advised by the federal and state government to reduce the spread of COVID-19.
5. This Resolution shall remain in effect until April 14, at which time the Commissioners will review and may extend the Resolution.
6. Any violation of this Resolution is subject to the general penalty provision in SDCL 7-18A-32. Each day a violation of this Resolution is allowed to occur is considered a separate offense.

BE IT FURTHER RESOLVED, that this Resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare of Marshall County and shall become effective immediately upon passage.

Dated this 24th day of March, 2020. All members voted aye.

GLAD:

Lindsey Kimber, Glacial Lakes Area Development met with the board via Zoom to give and update on GLAD activities. Kimber has been receiving many requests from local businesses concerned with closures due to Corona virus. Kimber is working on getting the information on resources back to the local businesses and asks that any concerned businesses contact her for help.

COURTHOUSE PROJECT:

Lori Amerman, Deb Skonberg, Curtis Samson, Dean Marske, Shelby Thompson and Mark Nelson were present via ZOOM conference for the Courthouse portion of the meeting.

The board discussed two different resolutions for the Courthouse Project, one that had no provision for the current Courthouse building, and one that includes a provision to demolish the current courthouse unless the Commission deems it necessary to keep. Samson asked that the board add a provision that the use of the current courthouse must exceed the maintenance cost. The board made this change to the resolution.

Commissioner Schuller stated that he feels that Marshall County could build a new Sheriff's Office, Jail and Dispatch Center and remodel/refurbish and move offices around to still utilize the current courthouse. The following resolution was considered for motion:

RESOLUTION DECLARING NECESSITY AND EXPEDIENCY FOR ISSUANCE OF GENERAL OBLIGATION BONDS, CALLING AN ELECTION THEREFORE AND HIRING PROFESSIONALS IN CONNECTION THEREWITH.

WHEREAS, Marshall County (the "County") hereby finds it necessary to pay to for the renovation of the existing courthouse, construction of a new law enforcement center and furnishing and equipping the same (the "Improvements"), if so approved by the voters; and

WHEREAS, the County is authorized to issue bonds pursuant to SDCL Chapter 7-24 to finance the Improvements, if so approved by the voters, and copies of said preliminary plans on file with the County Auditor; and

WHEREAS, pursuant to SDCL 6-8B-3 no bonds may be issued unless authorized by a vote of the people.

BE IT RESOLVED by the Commission of County Marshall, South Dakota, as follows:

1. Declaration of Necessity. It is hereby found, determined and declared that it is necessary and expedient for this County to borrow money by issuing its General Obligation Bonds in an amount not exceeding \$8,624,300 payable from 1 and not to exceed 20 years from year of issuance, bearing interest payable at such times and at such rate or rates as may be determined by the Commission, for the purpose of providing funds for the construction of a new courthouse, construction of a new law enforcement center and furnishing and equipping the same, if so approved by the voters.

2. Election. The question of authorizing the issuance of such bonds shall be submitted to the qualified electors of the County at a bond election which is to be held on the 2nd day of June 2020 between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. The question shall be in substantially the following form:

SHALL MARSHALL COUNTY, SOUTH DAKOTA, ISSUE AND SELL ITS NEGOTIABLE GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT NOT EXCEEDING \$8,624,300, ISSUED IN ONE OR MORE SERIES, BEARING INTEREST AT SUCH RATES AS MAY BE DETERMINED BY THE COMMISSION, PAYABLE AND MATURING FROM 1 AND NOT TO EXCEED 20 YEARS AFTER THE YEAR OF ISSUANCE, FOR THE PURPOSE OF CONSTRUCTING A NEW COURTHOUSE, CONSTRUCTION OF A NEW LAW ENFORCEMENT CENTER, DEMOLITION AND REMOVAL OF THE EXISTING COURT HOUSE UNLESS COMMISSION FINDS A SUITABLE USE FOR THE BUILDING THAT EXCEEDS THE COST OF BUILDING MAINTENANCE, AND FURNISHING AND EQUIPPING THE SAME AND FINANCING THE COSTS OF ISSUANCE?

SHALL THE ABOVE PROPOSITION BE APPROVED AND THE BONDS ISSUED?

3. Polling places and Judges. Polling places and judges and clerks for said election shall be selected according to South Dakota Law.
4. Voter Registration Deadline. The County Auditor is hereby authorized and directed to give notice of voter registration and deadline therefore, as required by law. The deadline for voter registration shall not be less than fifteen (15) days prior to the election. The County Auditor shall give notice of the availability of registration officials and state when registration will be terminated and the effect of a failure to have registered. Such notice shall be published in official newspapers of the County at least once each week for (2) two consecutive weeks, the last publication to be not less than (10) ten nor more than (15) fifteen days before the deadline for registration.
5. Notice of Election. The County Auditor is hereby authorized and directed to give notice of bond election, said notice to be published in the official newspaper for the County, once each week for two (2) successive weeks before said date of election. The second notice shall be published not less than four (4) days nor more than ten (10) days before the election.
6. Ballots. The County Auditor is authorized and directed to cause printed ballots to be prepared for use at said election in substantially the form on file with the County Auditor and to publish with the second notice of election.
7. Canvass. Said election shall be held and conducted and the votes cast thereat shall be counted, certified and canvassed according to law, and this Board shall meet at the regular meeting room in Marshall, South Dakota, in the County for the purpose of canvassing the results within six (6) days of the election.
8. Authorization of Officers. The Chairman and County Auditor are authorized to sign any acknowledgement, certificates or documents required by Underwriter in connection with the Bonds.

Commissioner Jones moved for the adoption of the foregoing Resolution.

Said motion was seconded by Commissioner Luttrell and upon vote being taken the following voted AYE: Commissioners Medhaug, Knebel, Jones and Luttrell.

and the following voted NAY: Commissioner Schuller.

whereupon said motion was declared duly passed and adopted, and was signed and attested by the Chairman and County Auditor.

EXECUTIVE SESSION:

Knebel moved, Jones seconded to enter into executive session at 11:00 am to discuss personnel issues. All members voted aye. The chairman called the board out of executive session at 11:40 am. No action was taken.

ADJOURN:

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

ATTEST:

Doug Medhaug, Chairman

Megan Biel, Auditor

Published once at the total approximate cost of_____.