

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

The Board of County Commissioners met in regular session at 9:00 p.m. on August 20, 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 August 20, 2019. All members voted aye.

**MINUTES:**

Luttrell moved, Schuller seconded to approve the minutes for August 6, 2019 with the following correction to the Pay Raise section: Per a one year review, Jones moved, Luttrell seconded to authorize a \$1.00/hour pay raise for Gina Honer, Deputy Treasurer to ~~\$15.29/hour~~ \$16.29/hour. All members voted aye.

**CLAIMS:**

Schuller moved, Jones seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: August 8, 2019: Commissioners 1375.70; Auditor 3024.50; Treasurer 3736.09; States Attorney 1425.47; Courthouse 1594.53; Director 5282.89; Register 2993.29; VSO 461.45 Community Building 687.62; Sheriff 27870.87; Jail 9125.12; Coroner 200.00; Welfare 505.11; Nurse 469.84; Ambulance 7423.50; Extension 1628.64; Weed 1093.73; Zoning 889.50; Highway 13189.39; E911 5048.79; Emergency Management 564.33;

EMPLOYER FICA & MEDICARE: First Savings Bank 19773.07

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 8793.96

A & B BUSINESS INC SOLUTIO	406.24
AMERIPRIDE SERVICES INC	11.57
BAUS REPAIR	97.98
BIEL, MEGAN	315.82
BOBCAT OF GWINNER	1,935.00
BOUND TREE MEDICAL LLC	42.30
BRITTON CITY WATER DEPT	51.35
BRITTON JOURNAL	478.64
CENTURY LINK	336.83
CERTIFIED LANGUAGES INTERN	26.40
COGLEY LAW OFFICE, PROF LL	1,365.00
COLE PAPERS INC	113.56
DAKOTA AG SERVICE	2,479.73
DAVID BECK PLUMBING & SERV	1,025.41
DAVIDSON PLUMBING & HEATIN	195.54
DELANEY NIELSEN SANNES PC	1,854.25
DELTA GLOVES	422.60
DWARE INC	135.00

ELECTRO WATCHMAN INC	726.17
FIRST NATIONAL BANK	290.87
FORD MOTOR CREDIT COMPANY	36,727.64
FOX & YOUNGBERG, P.C.	197.32
FULL CIRCLE AG	405.96
GLOBAL EQUIPMENT COMPANY I	127.80
GRAHAM TIRE CO INC	1,168.00
HH DESIGN	154.00
HOLLAND BROS OIL COMPANY	902.81
HOLLAND NAPA AUTO PARTS	192.06
JENNIFER RINGKOB	253.13
JOHN DEERE FINANCIAL	5,320.52
KENS FOOD FAIR	213.95
KRAUSE BROS CONSTRUCTION	5,428.53
LAKE REGION ELECTRIC	229.16
LANGFORD BUGLE	435.55
MARC	498.97
MARCO INC	113.81
MARCO TECHNOLOGIES LLC	56.97
MARSHALL COUNTY HEALTHCARE	273.22
MCLEODS PRINTING	467.22
MEYER HARDWARE HANK	119.96
MICROFILM IMAGING SYSTEMS	40.00
MILBANK COMMUNICATIONS	95.75
MINN KOTA COMMUNICATIONS I	1,745.60
MUSKRAT FARM SUPPLY INC	1,150.00
OTTER TAIL POWER COMPANY	182.10
PRO-VISION INC	698.00
QUARVE DRUG	353.05
QUILL CORPORATION	137.66
THOMSON REUTERS	487.97
TRANSOURCE TRUCK & EQUIPME	1,118.88
TYLER TECHNOLOGIES	160.00
VENTURE COMMUNICATIONS	2,275.39
VERIZON WIRELESS	160.04
WHITNEY SLEEP DIAGNOSTICS	730.04
ZUERCHER TECHNOLOGIES LLC	1,950.00

**PUBLIC COMMENT:**

Matt Schuller presented an updated schematic of the proposal to use the Schumaker building as office space for courthouse offices currently located in the Courthouse.

**ZONING:**

Erin Collins-Miles met with the board to discuss zoning business. Glen Lehr was present for the Rezone hearing for his 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 (proposed Plat available in the office of the Zoning Administrator) to be rezoned from Highway Commercial to Agricultural. Schuller moved, Jones seconded to approve the rezone and ask that the Commission proceed with the 1<sup>st</sup> reading of a proposed rezone ordinance. All members voted aye.

Glen Lehr was also present to request a conditional use permit to allow Lehr Sanitation to be moved to the property described as A portion of Lot 1 Andrews Addition, Section 2, T126N, R58W of the 5<sup>th</sup> P.M., that being approximately 2.35 acres in the North portion of Lot 1 Andrews Addition (proposed Plat available in the office of the Zoning Administrator.) Luttrell moved, Knebel seconded to approve the Conditional Use permit as presented. All members voted aye.

Glen Lehr was present to request a 0.6 acre variance to the required 2 acre lot size to Plat 1.4 acres. Schuller moved, Jones seconded to approve the variance as requested. All members voted aye.

Peggy Johnson, applicant; David Johnson; Gordon Nielsen; Lundee Stadtler and Richard Misterek, Holton Engineering were present for the Rezone hearing for Johnson's property, A portion of Parcel 4 in Gov't Lot 3, Section 11, T125N, R53W of the 5<sup>th</sup> P.M., that being an area of approximately 625' of shoreline by approximately 330' depth to be rezoned from Agricultural to Lake Front Residential. A letter of objection was received from adjoining landowner Paul Selzler and read before the board. Collins-Miles asked the board if they would like to reach Mr. Selzler by conference call. The board denied this. Knebel moved, Luttrell seconded to approve the rezone and ask that the Commission proceed with the first reading of the proposed rezone ordinance. All members voted aye.

Gary Wickre was present to request a 12 foot variance from the 50 foot setback requirement from the highwater mark and a 15 foot variance from the 30 foot setback requirement from the Right of Way line in order to place a storage building on his property on Four Mile Lake. Schuller moved, Jones seconded to approve the variances as requested. All members voted aye.

Michael Wyum and Lucas Siemieniewski, Sargent County North Dakota Water Board members met with the board to inform them that the Sargent County Water Board plans to undergo some drainage improvement in the Wild Rice River Basin. This River Basin includes a small part of Marshall County, so the Water Board wanted to include Marshall County in its plans. The Basin will first have to undergo an evaluation to see what improvement can be made. Doug Chapin, Wild Rice Watershed board member was present at the meeting for another matter, but gave his contact information to the Water Board to be included in these discussions.

Corrine Zorn, Kevin Oland, Bryan Hawkinson and Doug Chapin were present for the following drainage discussion. The board discussed a drainage project in White Township where the applicant, Steve McLaen received a drainage permit in 2014 on the condition that he receives Township approval as well. McLaen also stated on the drainage application that the proposed drainage project would be completed in 2015. The board was informed that this project was started this summer and was completed to the point of being able to drain water on August 16. Hawkinson and Chapin, White

Township board members stated that McLaen never received township approval for the project. Zorn stated that McLaen broke his contract by not having the project completed when he stated he would. Hawkinson and Chapin stated that the Township has sent McLaen a number of stipulations that McLaen must meet in order to receive township approval for this project. The board asked that a new application be filled out and returned to the drainage administrator to advertise a hearing date and that McLaen meet all township stipulations and receive easements from those landowners affected by the drainage. The Marshall County Drainage ordinance allows a fine of \$1,000/day for unapproved drainage projects.

Luttrell moved, Schuller seconded to approve the following Plat: Plat of Lot 1 in Likness Addition in the NE1/4 in Section 2, T126N, R58W of the 5<sup>th</sup> P.M., Marshall County, South Dakota. All members voted aye.

Knebel moved, Jones seconded to approve the following Plat: Plat of BS Lazy H Ranch in the NW1/4 in Section 22, T127N, R57W of the 5<sup>th</sup> P.M., Marshall County South Dakota. All members voted aye.

Knebel moved, Luttrell seconded to approve the following plat contingent upon receiving a legible signature page as the seal on the current page is illegible: Plat of Lots 1 and 2 of Kretchman's Sunny Shores Addition in Gov't Lot 3, Section 14, T126N, R54W of the 5<sup>th</sup> P.M., Marshall County, South Dakota. All members voted aye.

Jones moved, Schuller seconded to approve building permits for the following applicants: Gary Wickre, Joseph Krista, Leroy Nelson. All members voted aye.

Schuller moved, Jones seconded to adjourn our of zoning and into regular Commission session. All members voted aye.

**ORDINANCE:**

The first reading of the following ordinances was completed in regular session of the Marshall County Commission:

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.

Passed First Reading \_\_\_\_\_ August 20, 2019

Second Reading \_\_\_\_\_ September 3, 2019

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.

Notice of Hearing \_\_\_\_\_ July 31, 2019

Passed First Reading \_\_\_\_\_ August 20, 2019

Second Reading \_\_\_\_\_ September 3, 2019

**ALCOHOLIC BEVERAGE LICENSES:**

Knebel moved, Jones seconded to approve a retail malt beverage and SD farm wine license renewal for Charles Guy dba Charlies Resort and two (2)- one day liquor license for the Britton Shrine club at Fort Sisseton August 24 and September 14. All members voted aye.

**211:**

Janet Kittams, Helpline Center joined the meeting by conference call. Todd Landmark, Emergency Manager and Linda Haaland, Welfare Director were also present. Kittams described and answered questions about the 211 program. 211 is a phone number for individuals to call that provides answers and resources that may otherwise be unknown to the individual. For example, if you do not know who to call or where to go to apply for food stamps. 211 is also the only Certified Suicide Crisis Center in South Dakota. The State will pay half of the fee to join 211. Marshall County’s total fee is \$4,486, so Marshall County would be responsible for \$2,243. Luttrell moved, Schuller seconded to pursue joining the 211 program. All members voted aye.

**HIGHWAY:**

Dustin Hofland, Highway Superintendent and Sandy Dinger, Highway Secretary met with the board to discuss Highway Department business. Knebel moved, Jones seconded to approve 2 boring permits for Marshall Dairy for separate sections of County Road 6GE. All members voted aye. Schuller moved, Jones seconded to approve an approach permit for Corey Keintz. All members voted aye.

Hofland reported that the Highway department has been working on installing culverts, blading and hauling gravel, but it has been difficult with all of the recent rain.

Dinger presented the funding agreement for funds on bridges in poor condition based on the 2017 inspection. These funds provide \$104,233.26 for bridge replacement and rehabilitation on bridges listed on Exhibit A. Marshall County has 3 years to use these funds and must submit an estimate of the bridges they plan to work on and file an annual report with the state by January 31 of each year. Schuller moved, Jones seconded to authorize the chair to sign the agreement as presented. All members voted aye.

Mike and Mark Nelson, Newport township were present to request that a culvert in Newport Township be replaced Hofland said he is aware of the culvert and hopes to replace it soon.

Dinger informed the board that the Temporary and Permanent signed ROW Easement has been obtained from Daniel Bessler dba Bessler Farms, Inc and recorded for culvert replacement on County Road 8G.

**TRAVEL:**

Knebel moved, Jones seconded to authorize the following travel expenses: Dustin Hofland, Ruby Hagen, Megan Biel, Kalissa Stelzer, Linda Haaland, and Matt Schuller to Pierre September 16-17 for County Convention; Sandy Dinger to Mitchell September 18-19 for D-Ware Conference; Karen Mikkelson to Huron August 28 and September 2 for State Fair. All members voted aye.

**PAY RAISE:**

Per a 2 –year review, Knebel moved, Jones seconded to authorize a pay raise for Shelby Thompson from \$16.53 to \$17.28/hour effective August 18. All members voted aye.

**COURTHOUSE PROJECT:**

Dean Marske and Scott Sikkink, HKG Architects met with the board to discuss the Courthouse Project. Sharon Fredrickson, Lindsey Kimber, Deb Skonberg, Logan Roehr, Curtis Samson, Dale Elsen, Paul Symens, and Doug Card were present for discussion. Marske and Sikkink presented a scaled down version of the \$11.6 which reduced the size of the offices and made the jail 12 beds. This new plan would cost approximately \$10.6 million. Jones stated that he is concerned with the current economy that any vote for a bond would not pass. Luttrell disagreed and stated that she believes that Marshall County residents understand the need for a new facility. Samson asked if the Eden plan was off the table. Marske explained that the Eden plan would not solve many of the issues that the courthouse is facing and would require much more work than originally thought. Any changes to the inside of the current courthouse would require the installation of a second stairwell to the third floor as well as improved ADA accessibility in the

bathrooms and possibly an elevator. Samson stated that there are no specific rules required of jail construction, but Marske argued that there are certain building standards that need to be met in good conscience. Samson asked that the board step back and evaluate how many jail cells are actually needed in Marshall County and consider housing prisoners elsewhere when Marshall County jail is full. Fredrickson suggested doing the project in stages to lessen the tax burden. Possible upcoming legislation was discussed that proposes allowing counties to pass a sales tax to raise money for building or maintaining jails or courthouses. The board will look at all options and discuss the project again in upcoming meetings.

The board asked the auditor to request quotes for bat removal and basement repair in the current courthouse.

**COMMUNITY BUILDING:**

The board asked that the Auditor advertise for sealed bids for the cement work at the Community building. Bids will be opened September 24.

**FUTURE MEETING CORRECTION:**

Future Commission meetings will be held on September 3 & 24, October 8 & 22.

**ADJOURN:**

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

**ATTEST:**

\_\_\_\_\_  
Doug Medhaug, Chairman

\_\_\_\_\_  
Megan Biel, Auditor

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