

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

The Board of County Commissioners met in regular session at 9:00 p.m. on September 24, 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 24, 2019. All members voted aye.

**MINUTES:**

Luttrell moved, Schuller seconded to approve the minutes for September 3, 2019. All members voted aye.

**CLAIMS:**

Schuller moved, Jones seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: September 5, 2019: Commissioners 1375.70; Auditor 3132.91; Treasurer 3345.13; States Attorney 1425.47; Courthouse 1635.78; Director 5216.89; Register 2944.87; VSO 654.42 Community Building 646.45; Sheriff 32219.85; Jail 8158.45; Welfare 496.17; Nurse 469.84; Ambulance 8434.97; Extension 1382.40; Weed 122.57; Zoning 889.50; Highway 15920.40; Emergency Management 564.33;

EMPLOYER FICA & MEDICARE: First Savings Bank 20017.49

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 9679.78

PAYROLL by department: September 19, 2019: Commissioners 1375.70; Auditor 3253.97; Treasurer 3345.13; States Attorney 1425.47; Courthouse 1503.93; Director 5132.89; Register 2823.83; VSO 662.89 Community Building 613.51; Welfare 491.70; Nurse 461.45; Extension 1382.40; Zoning 889.50; Highway 13143.53; Emergency Management 514.98;

EMPLOYER FICA & MEDICARE: First Savings Bank 8193.03

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 3755.38

4H LEADERS	10.00
A & B BUSINESS INC SOLUTIO	285.05
AMERICAN NEWS	227.00
AMERIPRIDE SERVICES INC	23.14
AREA IV SENIOR NUTRITION	276.00
ASHI & 24-7 EMS REMITTANCE	135.31
AW DIESEL SERVICE INC	1,546.01
BAUS OIL CO	325.00
BEHNKE SAND & GRAVEL	2,650.00
BEST WESTERN PLUS RAMKOTA	439.96
BRITTON CITY WATER DEPT	312.10
BRITTON INSURANCE CO	10.00
BRITTON JOURNAL	900.01

BUTLER MACHINERY CO	3,242.95
CENEX	301.28
CENEX FLEETCARD	248.30
CENTURY LINK	334.31
CHIEF LAW ENFORCEMENT SUPP	216.29
CLIFF'S ONE STOP	760.35
COGLEY LAW OFFICE, PROF LL	862.20
COLE PAPERS INC	159.80
COMPASS COUNSELING & ASSES	500.00
DAN HAGEN REPAIR, INC.	412.00
DAVE DABERKOW	125.23
DAVIDSON PLUMBING & HEATIN	781.84
DEB SKONBERG	42.73
DELANEY NIELSEN SANNES PC	2,756.00
ENVIRONMENTAL SYSTEMS RESE	400.00
ERIN COLLINS-MILES	198.25
FIRST NATIONAL BANK	385.21
FOERSTER TESTING LIMITED	1,350.00
FULL CIRCLE AG	676.84
GOVERNORS INN	857.00
GROBES GROCERY & HARDWARE	24.55
GROTON FORD LLC	1,028.28
HOLLAND BROS OIL COMPANY	528.45
HOLLAND NAPA AUTO PARTS	417.06
INTERSTATE BATTERY	102.95
JENNIFER RINGKOB	389.28
JOHN DEERE FINANCIAL	3,168.12
KAREN MIKKELSON	205.80
KENS FOOD FAIR	148.15
KONICA MINOLTA PREMIER FIN	101.39
KRAUSE BROS CONSTRUCTION	1,344.31
LAKE REGION ELECTRIC	343.36
LANDMARK, TODD	75.27
LANGFORD BUGLE	730.17
LEHR SANITATION SERVICE LL	250.00
LINDA HAALAND	224.16
LOGAN ROEHR	207.24
MARC	190.32
MARCO INC	113.81
MARCO TECHNOLOGIES LLC	18.50
MARSHALL CO MEDICAL	324.10
MARSHALL COUNTY HEALTHCARE	81.00
MATTHEW BENDER & CO., INC.	331.29

MEYER HARDWARE HANK	676.10
MICROFILM IMAGING SYSTEMS	130.00
MILBANK WINWATER WORKS	1,488.91
MINN KOTA COMMUNICATIONS I	465.00
MITCHELL VILHAUER	486.30
OTTER TAIL POWER COMPANY	1,844.51
OVERHEAD DOOR COMPANY	512.75
PITNEY BOWES GLOBAL	185.85
PROGRESSIVE AGRICULTURE FO	75.00
QUARVE DRUG	79.18
QUILL CORPORATION	556.34
RAMKOTA INN	216.00
RC TECHNOLOGIES	309.84
SCOTT'S LUMBER	3,681.35
SD DEPARTMENT OF PUBLIC SA	2,340.00
SD PUBLIC HEALTH LABORATOR	160.00
SDEMSA	270.00
SKYVIEW CONSTRUCTION CO.,	4,870.50
SOUTHSIDE EQUIPMENT	124.75
THOMSON REUTERS	487.97
TRI STATE WATER, INC.	143.50
TRUENORTH STEEL	43,832.82
VENTURE COMMUNICATIONS	2,233.49
VERIZON WIRELESS	1,105.87
WEBERS BODY SHOP	8,485.45
WERNER AUTOMOTIVE	1,259.52

**PUBLIC COMMENT:**

Jim Pitzl, Eden Township met with the board to ask that a culvert be placed in 438<sup>th</sup> Ave near the Tom Steiner farm where water runs down the road and washes gravel into the ditch. This is a township road that is maintained by the County. The board asked that Pitzl discuss this with Highway Superintendent Dustin Hofland.

**ZONING:**

Ross Vig was present to request approval of two drainage permits in Veblen Township. Knebel moved, Jones seconded to approve two drainage permits for Ross Vig in sections 21 and 23 of Veblen Township. All members voted aye.

Victor Rapkoch, Deputy State's Attorney; Corrine Zorn, Tammy Bergh, Bryan Hawkinson, Kent Oland, Kevin Oland, DuWayne Bosse, Douglas Chapin, Alex Masteller, attorney for McLaen's; Matthew McLaen, Janell McLaen, Steven D. McLaen were present and Jay Leibel, attorney for White Township; was present via teleconference for a drainage permit hearing for Matthew McLaen.

Collins-Miles read the staff report on the proposed drainage and a letter of disapproval from Oscar Oland. Oland also enclosed a map showing the proposed drainage and the current culverts along the drainage.

Rapkoch stated that state statutes protect the township and individuals from any harm. Rapkoch recommends that the County approve the permit contingent upon the applicant following all applicable laws.

Masteller agreed with Rapkoch. He also presented a drawing showing the drop in land from the beginning of the drain to the end of the drain being 6.9 feet.

Leibel disagreed with Masteller stating that saturation in the ditch may cause damage to the road and that the statutes that commission operates under discuss the natural flow of water and the McLaen's installation of a pump would not be natural flow. Leibel stated that the township isn't necessarily against the drainage but would like to verify the natural drainage via topographical maps that he has requested and therefore asked for a continuance until those can be obtained and reviewed. Leibel also stated that the permit requests to use a pump which would alter the natural drainage.

Masteller responded to Leibel's comments stating that drainage itself is not natural.

Drain tiling a field alters the natural drainage of the field.

Leibel responded that the township is responsible for maintenance of the road and the right of way of the road. Any work done in the right of way must be approved by the township.

DuWayne Bosse with White Township expressed concern over McLaen's plans to block or remove culverts in township roads.

Rapkoch stated that the Township and McLaen's would have to work together to reach an agreement. That is separate from County approval as the County does not have authority over Township roads.

Jones moved, Schuller seconded to make a modification of the approval of the permit as requested in 2014 to state that the permit is approved contingent upon McLaen's following all applicable laws. All members voted aye.

Duayne Baldwin was present to report to the board that a drainage permit approved by the County last year for Brandon Peters in DuMarce Township is affecting his land. The board asked that Baldwin contact Peters to see if the situation can be resolved.

Knebel moved, Jones seconded to approve building permits for the following applicants: Rodney Nelson, Trudy Gamber, Jackie Bartlett, Robert Watkins, Neil Dufault, Keith & Judy Guy, KBWS, Loren Cutler, and Murdean Olson. All members voted aye.

### **PROPANE:**

The following bids were opened and publicly read for annual propane bids for October 1, 2019-May 1, 2020: Agtegra \$1.05-all locations; DaMar Farmers Elevator \$1.06-Britton and Eden, No bid-Veblen, \$1.01-Langford; Full Circle Ag \$1.06-All locations. Knebel moved, Jones seconded to accept the bid from DaMar for the Langford Shop and from Agtegra for all other locations. The generator propane tank at the Courthouse is owned by Full Circle Ag, so that will continue to be filled by Full Circle Ag. All members voted aye.

### **HIGHWAY:**

Sonny Nickeson and Marcos Lozero met with the board to discuss damage on County roads due to hauling for the Marshall Dairy. The board asked that once hauling has been completed, Nickeson and Hofland come up with an agreement for repair of the damaged roads and report back to the board.

Hofland reported that he had spoken with Jim Pitzl about installing a culvert in 438<sup>th</sup> Ave. The County could provide a culvert for this, but the Township would have to have an H & H Study done as required for the installation of any new culverts a get approval from the Army Corps of Engineers.

Hofland reported that the gravelling on County 4AW should be completed today and milling is planned to start on October 9. Hofland informed the board that he would like to wait with doing the Base One injection on the 2 miles of this road; similar to the 2 miles of Base One injected into 11AN near Sunset Colony; as it would save the county approximately \$40,000 and would give the County time to see how this road will be after milling and determine if the Base One is needed. The board agreed to wait with the Base One injection.

The board set the date for the 5-Year Plan public meeting for October 8 at 9:30 am.

Dinger reported that Ringgenberg Electric has ordered the materials for the Railroad Track lighting project North of the Britton City limits and is set to begin as soon as the project materials are in.

The Highway Department will be meeting with a representative from FEMA at 2:00 pm to begin the process for assessment of the County's off-system damage from March 13, 2019 to April 26, 2019.

Dinger presented the budget distribution reports for July and August.

#### **FUEL QUOTES:**

Sandy Dinger received the following quotes for #2 Diesel for the Langford and Veblen shops on September 4, 2019: DaMar Elevator \$2.10-Langford, 2.25-Veblen; Eden Oil \$2.18-all locations; Holland Bros Oil \$2.20-all locations. Diesel fuel was delivered to the Langford shop by DaMar Elevator and the Veblen shop by Eden Oil.

#### **TRAVEL:**

Jones moved, Luttrell seconded to authorize the following travel expenses: Sandy Dinger and Erin Collins-Miles to Britton September 25 for a FEMA Floodplain mapping meeting; Erin Collins-Miles to Brookings October 16 & 17 for a SD Planners Conference; Linda Haaland to Aberdeen September 26 for a Nursing Inservice; Lori Amerman and Dan Neiber to Sioux Falls October 7 & 8 for Coroner re-certification. All members voted aye.

#### **COMMUNITY BUILDING CEMENT:**

The following bids were opened and publicly read for the replacement of concrete at the Community building: Pitzl Cement Late fall 2019 installation \$27,950; Spring 2020 installation \$28,170. No other bids were received. Schuller moved, Knebel seconded to accept the bid for late fall installation from Pitzl Cement. All members voted aye.

#### **ORDINANCE:**

Luttrell moved, Jones seconded to rename Ordinance 46 that was passed in the last meeting to Ordinance 46A:

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota, that ORDINANCE NO. 46 to ReZone the property described as 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. be amended and renamed as ORDINANCE NO. 46A. This amendment is a necessary change due to an error in the numbering system of our Ordinances, as NO. 46 has previously been used.

**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.

Notice of Hearing	July 31, 2019
Passed First Reading	August 20, 2019
Passed Second Reading	September 3, 2019
Adopted	September 3, 2019
Published	September 4, 2019
Effective Date	September 24, 2019

All members voted aye.

**E911:**

Logan Roehr and Deb Skonberg met with the board to tell them about the training they had received on the CAD system that the County will be getting. Skonberg stated that she is concerned about having enough space for the system as the server and 4 additional monitors will need to be installed.

**WELFARE:**

Linda Haaland, Welfare Director, met with the board to present a welfare claim. Luttrell moved, Schuller seconded to approve a welfare claim of \$2,000 to Crawford-Osthus Funeral Chapel. All members voted aye.

Haaland also gave an update on the County's enrollment in the 211 program. And area businesses and non-profits are welcome to give their information to the Helpline Center in order to be listed in the County database.

**ANNUAL BUDGET:**

Knebel moved, Jones seconded to approve the following changes to the Provisional budget. All members voted aye.

	Provisional	Annual
Other Social Services Expenditures	1,000	3,243
Planning & Zoning Expenditures	42,830	58,080
Transfers Out	267,755	277,402

Due to an error in document formatting, the Revenue amounts of the Provisional budget were not published. The board corrected the revenue amounts for the annual budget as follows:

**Appendix D2: Means of Finance**

ANNUAL BUDGET FOR        MARSHALL        COUNTY, SD

For the Year January 1, 2020\_ through December 31, 2020\_

	Governmental Funds							
	General Fund	County Road and Bridge Fund	E911 Fund	Emergency Management Fund	Domestic Abuse Fund	24/7 Sobriety Fund	Modernization & Preservation Fund	Ambulance Trust Fund
Cash Balance Applied	123,880	542,500					870	
311 Current Property Tax Levy	2,630,631	965,809						
Less current uncollected								
Less 25% to Cities	(1,985)	(19,175)						
311 TIF Property Taxes								
312/319 - Other Taxes	23,000	137,500						
<b>NET TOTAL TAXES</b>	<b>2,651,646</b>	<b>1,084,134</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
320 Licenses & Permits	11,660	200			500			
330 Intergovernmental Revenue	79,600	1,129,532	47,000	11,800				
340 Charges for Goods & Services	600,232	-	38,113		400	20,710	7,900	
350 Fines & Forfeits	1,500	-						
360 Miscellaneous Revenue	19,050	-						14,000
370 Other Financing Sources	-	210,427	41,930	25,045				
<b>TOTAL OTHER REVENUES</b>	<b>712,042</b>	<b>1,340,159</b>	<b>127,043</b>	<b>36,845</b>	<b>900</b>	<b>20,710</b>	<b>7,900</b>	<b>14,000</b>
<b>SUBTOTAL (Cash + Taxes + Other Rev)</b>	<b>3,487,568</b>	<b>2,966,793</b>	<b>127,043</b>	<b>36,845</b>	<b>900</b>	<b>20,710</b>	<b>8,770</b>	<b>14,000</b>
Less 5% (SDCL 7-21-18)	(174,378)	(148,340)						
<b>NET MEANS OF FINANCE</b>	<b>3,313,190</b>	<b>2,818,453</b>	<b>127,043</b>	<b>36,845</b>	<b>900</b>	<b>20,710</b>	<b>8,770</b>	<b>14,000</b>
<b>TOTAL APPROPRIATIONS</b>	<b>3,313,190</b>	<b>2,818,453</b>	<b>127,043</b>	<b>36,845</b>	<b>900</b>	<b>20,710</b>	<b>8,770</b>	<b>-</b>



Jones moved, Knebel seconded to adopt the 2020 budget as amended and to adopt the following resolution to establish the tax call and levy. All members voted aye.

**RESOLUTION**

**ADOPTION OF ANNUAL BUDGET FOR Marshall County, South Dakota**

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and,

Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and

Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR Marshall County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2020 and ending December 31, 2020 and the same is hereby approved and adopted by the Board of County Commissioners of Marshall County, South Dakota, this 24th day of September, 2019.

The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Marshall County, South Dakota. The accompanying taxes are levied by Marshall County for the year January 1, 2020 through December 31, 2020.

COUNTY TAX LEVIES	dollars	\$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	2,455,631	2.229
Opt Out	175,000	.159
Highway Fund	965,996	.877
TOTAL TAXES LEVIED BY COUNTY	3,596,627	3.265

\*These amounts include the 25% to be distributed to cities.

As of September 24, 2019 these levies are not approved by the Department of Revenue.

All members voted aye. The resolution was declared duly adopted by the Chairman.

Board of County Commissioners of Marshall County, South Dakota

Douglas Medhaug, Chairman

LeRon Knebel, Sr. Commissioner

Kevin Jones, Commissioner

Lynda Luttrell, Commissioner

Matthew Schuller, Commissioner

ATTEST: Megan Biel, County Auditor

**EXECUTIVE SESSION:**

Luttrell moved, Schuller seconded to enter into executive session at 11:50 am to discuss personnel matters. The chairman called the board out of executive session at 12:25 pm. No action was taken.

**SHERIFF:**

Sheriff Dale Elsen met with the board to inform them that the one 2011 Crown Victoria patrol cars transmission has gone out. Schuller moved, Luttrell seconded to declare it surplus and sell it on sealed bids. All members voted aye. Elsen also informed the board that the Sheriff's department received a grant for \$1,494.86 that will be used toward the purchase of bullet proof vests.

**AMBULANCE:**

Lori Amerman met with the board to discuss selling Ambulance C. The auditor will check in to different sale options for this.

**BAT REMOVAL:**

The following quotes for bat removal from Central Plains Bat Removal were presented: \$26,853 without a warranty and would not include a lift with a boom to check the turret; \$33,892 with a 3-year warranty and includes a lift with a boom to check the turret. Neither quote included clean-up. Luttrell moved, Schuller seconded to accept the quote for \$33,892. All members voted aye. The board asked that the auditor look into the cost of clean-up.

**COURTHOUSE PROJECT:**

The board discussed revised the Courthouse project plans. The Commissioners hope to have a solid plan to vote on by the June Primary. The board would like to see if any funding options for courthouses are made available through legislative session in 2020.

**ADJOURN:**

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

**ATTEST:**

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

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

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