

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

The Board of County Commissioners met in regular session at 9:00 a.m. on April 27, 2021 in the Commissioner Meeting room and via Zoom video conference. Members present were Medhaug, Luttrell, Jones, Schuller and Knebel. Commissioner Medhaug presided. The meeting was open to the public and was offered via Zoom on computer and conference call. The Chairman called the meeting to order and the Pledge of Allegiance was recited by everyone in attendance. Shelby Thompson, Brandon Peters, Kalissa Stelzer, Andrew Feia and Sandy Dinger were present for portions of the meeting via Zoom.

AGENDA:

Knebel moved, Schuller seconded approve the agenda for April 27, 2021. All members voted aye.

MINUTES:

Jones moved, Luttrell seconded to approve the minutes for April 20, 2021. All members voted aye.

CLAIMS:

Schuller moved, Knebel seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: April 15, 2021: Commissioners 1464.35; Auditor 3249.28; Treasurer 3729.78; States Attorney 1508.29; Courthouse 2426.51; Director 4519.78; Register 2935.07; VSO 681.33; Sheriff 18182.64; Jail 5127.04; Welfare 475.56; Nurse 606.76; Ambulance 8223.15; Extension 654.04; Zoning 2572.57; Highway 13987.82; E911 2914.00; Emergency Management 576.30;

EMPLOYER FICA & MEDICARE: First Savings Bank 5327.29

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 7805.70

3-D SPECIALTIES INC	9,643.00
A & B BUSINESS INC SOLUTIO	33.65
APEX SOFTWARE	235.00
ARAMARK	59.36
ASHI & 24-7 EMS REMITTANCE	216.67
BROWN CLINIC	460.00
BUTLER MACHINERY CO	3,469.14
CARI PRICE	19.16
CENTURY LINK	288.15
CERTIFIED LANGUAGES INTERN	49.50
COLE PAPERS INC	130.49
CREDIT COLLECTIONS BUREAU	7.53
DIRK W WEBER	448.00
DOUG MEDHAUG	107.52
KENS FOOD FAIR	10.12
KEVIN JONES	23.52

KONICA MINOLTA PREMIER FIN	101.39
LERON KNEBEL	117.60
LORETTA DINGER	30.00
LYNDA LUTTRELL	40.32
MARCO INC	134.81
MARCO TECHNOLOGIES LLC	18.97
MARSHALL CO TREASURER	839.32
MAXWELL ELECTRIC LLC	91.84
MINN KOTA COMMUNICATIONS I	1,196.50
OFFICE OF CHILD & FAMILY S	2,180.00
OTTER TAIL POWER COMPANY	32.39
PCC INC	1,301.84
QUILL CORPORATION	609.15
REDWOOD TOXICOLOGY LABORAT	124.50
ROBERT STANLEY	50.00
SARA ZAHN	88.40
SD ASSOCIATION COUNTY OFFI	370.00
SHANNON LEE	705.00
SHARI SCHOCK	71.00
SOUTHSIDE EQUIPMENT	220.06
TODD SELL	125.00
TWO WAY SOLUTIONS, INC.	781.49
U.S. POSTAL SERVICE	40.00
VENTURE COMMUNICATIONS	2,343.52

PUBLIC COMMENT:

No one was present to make public comment.

ZONING:

Erin Collins-Miles, Zoning Director met with the board to discuss Zoning business. Andrew Feia was present via Zoom for a Variance hearing for his Variance application. Schuller moved, Luttrell seconded to approve the requested 7' variance at the NW corner and a 4' variance at the NE corner to the right-of-way line setback and a 10' variance to the normal high-water mark setback to place a shed; allowing it to be placed 23' and 26' from the right-of-way line, respectively, and 40' from the high-water mark instead of the 30' and 50' requirements, respectively; and to approve the requested 25' variance to the normal high-water mark setback to build a deck; allowing it to be built 25' from the normal high-water mark setback instead of the 50' requirement. All members voted aye. Knebel moved, Jones seconded to approve a drainage permit for Brandon Peters on the property described as the North half of the property described as LOTS 1-2 (W1/2NW1/4), E1/2NW1/4 Section 31, T127N, R55W. All members voted aye. Jones moved, Knebel seconded to approve a drainage permit for David Vig on the properties described as the SW1/4 and the S1/2NW1/4; Both of Section 25, T129N, R53W. All members voted aye.

Schuller moved, Luttrell seconded to approve building permits for the following applicants: Jatelyn Paulson, Bill & Jodi Meyer, Randy Heitmann, Bryce Johnson, Ona Vig, Andrew & Meredith Feia, and Jared Marzolf. All members voted aye.

HIGHWAY:

Dustin Hofland, Highway Superintendent met with the board and Sandy Dinger, Highway Secretary met via Zoom to discuss Highway Department business. Joel Schumaker, Webster Scale; Ricky Dallman, Bituminous Paving; Jerrid Schmidt, Jensen Rock & Sand; and Randy Hofland, Hofland Engineering were present for the following bid openings.

The following bids were opened and publicly read for Marshall County Grading Roadway work on 438th Ave: Bates Construction Company \$404,043.65; Webster Scale, Inc. \$352,680.75. (this bid total was added incorrectly by the bidder and submitted as \$338,280.75, but upon adding the individual item amounts, the \$352,680.75 amount is the correct total.) Knebel moved, Schuller seconded to accept the bid from Webster Scale, pending a full review of the bid amounts. All members voted aye.

The following bids were opened and publicly read for Surface Repair and Asphalt Surface Treatment: Bituminous Paving, Inc. \$813,951.90; Jensen Rock & Sand, Inc. \$798,003.79. Luttrell moved, Jones seconded to accept the bid from Jensen Rock & Sand, Inc. pending a full review of the bid amounts. All members voted aye.

Knebel moved, Jones seconded to agree to and authorize the chair to sign the following trade agreement between Marshall County and Eden Township:

MARSHALL COUNTY AND EDEN TOWNSHIP HIGHWAY JURISDICTION TRADE AGREEMENT

This highway trade agreement between Marshall County and Eden Township. The highways of that will be traded are described as the following:

“Eden Township Highway”: 438th Ave-approximately 1.959 miles

Starting at northeast corner of Section 17, T 125 N, R 55 W, at the intersection of 120th St. and 438th Ave. then heading south approximately 1.959 miles to the intersection of 122nd St. and 438th Ave. at the southeast corner of Section 20, T 125 N, R 55 W.

“Marshall County Highway”: 120th St approximately 1.621 miles

Starting at northeast corner of Section 17, T 125 N, R 55 W, at the intersection of 120th St. and 438th Ave. then heading east approximately 1.621 miles to the intersection of 120th St. and SD 25 near the midsection of Section 15, T 125 N, R 55 W.

WHEREAS, Marshall County has been regularly using and maintaining Eden Township Highway ever since 2011, when Marshall County Highway went underwater.

WHEREAS, Eden Township desires to have Marshall County improve the Eden Township Highway because there are hills that are causing line of sight issues and ditch issues on the Eden Township Highway. There is a danger that people could hit each other at the top of the hills and the ditch issues are causing road problems.

WHEREAS, Marshall County is in agreement to fix the line of sight and ditch issues on the Eden Township, on the condition that Eden Township transfers jurisdiction to Marshall County, AND that Eden Township takes over the Marshall County Highway.

WHEREAS, Eden Township is in agreement to transfer Eden Township Highway to Marshall County and take over Marshall County Highway on the condition that Marshall County will fix the line of sight and ditch issues on the Eden Township Highway. THEREFORE, based on the foregoing understandings, Marshall County will transfer jurisdiction of Marshall County Highway to Eden Township, and Eden Township will transfer jurisdiction of Eden Township Highway to Marshall County. Each party agrees that they will take whatever steps are necessary to complete the transfer. All members voted aye.

Luttrell moved, Knebel seconded pass the following Resolution:

WHEREAS, Marshall County would like to modify its Highway System due to the jurisdictional transfer of an Eden Township road to Marshall County and a Marshall County road to Eden Township. WHEREAS, the changes in Marshall County's Highway System are in accordance with the South Dakota Department of Transportation's "Policy and Procedures for County Highway System Revisions" adopted 2/01/2020 and SDCL 31-12-2. THEREFORE, BE IT RESOLVED by the Marshall County Board of Commissioners that the following changes be made to the Marshall County Highway System.

Add to the Primary County Highway System:

438th Ave approximately 1.959 miles
Starting at northeast corner of Section 17, T 125 N, R 55 W, at the intersection of 120th St. and 438th Ave. then heading south approximately 1.959 miles to the intersection of 122nd St. and 438th Ave. at the southeast corner of Section 20, T 125 N, R 55 W.

Delete from the Primary County Highway System:

120th St approximately 1.621 miles
Starting at northeast corner of Section 17, T 125 N, R 55 W, at the intersection of 120th St. and 438th Ave. then heading east approximately 1.621 miles to the intersection of 120th St. and SD 25 near the midsection of Section 15, T 125 N, R 55 W.

The route being added to the primary county highway system is due to the jurisdictional transfer of an Eden Township road to Marshall County. The route being deleted from the primary county highway system is due to the jurisdictional transfer of a Marshall County road to Eden Township.

Adopted this 27 day of April, 2021. All members voted aye.

Jones moved, Schuller seconded to authorize the chair to sign the 2021 agreement for the Pavement Marking for 25.5 miles (16AC-11 mi/01AS-12.5 mi/01AS-2 mi). Marshall County's cost will be \$29,462.71. All members voted aye.

Hofland reported to the board that the Highway department has been working on blading, cleaning up posts, signs and tires around the shop area, and getting them ready for scrap.

FUEL QUOTES:

Sandy Dinger received the following quotes for #2 diesel for the Langford and Eden shops on April 15, 2021: DaMar Elevator-Langford \$2.18, Eden \$2.21; Eden Oil-all locations \$2.23; Holland Bros Oil-all locations \$2.35. Diesel fuel was delivered to the Langford and Eden shop by DaMar Elevator.

EQUALIZATION:

The board recessed out of regular session and entered into the Board of Equalization to hear the following appeals:

APPEALS:

Director of Equalization Shannon Lee presented an appeal for Parcel 44.53.10.1250. Lee stated that the property had been valued on the same productivity method as used for all ag land in Marshall County. Jones moved, Luttrell seconded to make no change to the assessed value of this property. All members voted aye.

Lee presented an appeal for Parcel 44.53.10.2000. Lee recommended that 5 acres of this parcel be adjusted to marsh value as there is a creek/water channel on 5 acres. Knebel moved, Schuller seconded adjust the value from \$176,684 to \$166,720. All members voted aye.

OMITTED PROERTY:

Lee presented an omitted property to be added to the assessment roll. Knebel moved, Jones seconded to add parcel 05.02.01.0010 to the 2021 Marshall County Assessment roll with a value of \$3,681. All members voted aye.

CORRECTION:

Jones moved, Luttrell seconded to change the class on Parcel 18.59.38.0001 from NACC2 to AGA1 as the property was sold and is no longer being used commercially. Schuller abstained, all other members voted aye.

ADJOURN:

Schuller moved, Knebel seconded to adjourn out of the Board of Equalization and enter into Regular Session. All members voted aye.

ABATEMENT:

Knebel moved, Schuller seconded to approve the following abatement: Parcel 40.57.31.4500 amount abated \$335.77. Reason: a portion of the property is exempt. All members voted aye.

FUTURE MEETING DATES:

The board set the following dates for future Commission meetings: May 11 & 25, June 2 & 22, July 13 & 27.

ALCOHOLIC BEVERAGE LICENSE:

Knebel moved, Jones seconded to approve a Malt Beverage and SD Farm Wine license renewal for Roy View, LLC and Chinatown, LLC. All members voted aye.

RESOLUTION: Fire Suppression/FEMA

Luttrell moved, Schuller seconded to pass the following resolution:

WHEREAS, the Marshall County Board of Commissioners received a letter from the South Dakota Department of Agriculture requesting that they receive an update on an appointed designee for Marshall County on who can request assistance from the state wildland fire coordinator in fire suppression in Marshall County pursuant to SDCL 41-20A-11. Upon review of the records, Marshall County has not appointed a designee that can request fire suppression assistance from the state wildland fire coordinator pursuant to SDCL 41-20A-11.

WHEREAS, if Marshall County needs fire suppression assistance from state wildland fire coordinator, the fire will most likely be an emergency situation that needs an immediate response.

WHEREAS, Marshall County will have a quicker response to the emergency situation if it has a single designee that can request assistance from the state wildland fire coordinator rather than the whole Board of Commissioners.

WHEREAS, Marshall County has a Marshall County Emergency Management Office that plans and coordinates for the County's response to emergency situation. It would be appropriate to have the Director of the Marshall County Emergency Management Office be the designee for Marshall County to request fire suppression assistance from the state wildland fire coordinator.

NOW THEREFORE BE IT RESOLVED by a majority vote of the Marshall County Board of Commissioners that the Director of the Marshall County Emergency Management Office is hereby appointed the designee of Marshall County to request assistance from the state wildland fire coordinator to request fire suppression assistance pursuant to SDCL 41-20A-11. The Director of the Marshall County Emergency Management Office is allowed to obligate Marshall County Funds in their request for fire suppression assistance pursuant to SDCL 41-20A-11. This appointment shall start immediately and shall continue with the Director of the Marshall County Emergency Management Office until Marshall County Board of Commissioners appoints a different designee.

WHEREAS, Marshall County has received a request from Federal Emergency Management Agency (FEMA) to have an appointed designee that can request assistance from FEMA during an emergency and/or disaster.

WHEREAS, Marshall County will have a quicker response to the emergency and/or disaster situation if it has a single designee that can request assistance from FEMA rather than the whole Board of Commissioners.

NOW THEREFORE BE IT RESOLVED by a majority vote of the Marshall County Board of Commissioners that the Director of the Marshall County Emergency Management Office is hereby appointed the designee of Marshall County to request assistance from FEMA during the state of an emergency and/or disaster situation. This appointment shall start immediately and shall continue with the Director of the Marshall County Emergency Management Office until Marshall County Board of Commissioners appoints a different designee.

All members voted aye.

COURTHOUSE PROJECT:

Josh Muckenhirn, ISG met with the board to present a Courthouse Facility Assessment. The purpose of this assessment is to assist Marshall County with planning for maintenance and improvements of the courthouse, informing taxpayers and staff of facilities needs, prioritizing long and short-term projects, identifying opportunities to enhance the community user and staff experience, and finding opportunities to further streamline connectivity with the community. The full 94-page assessment can be viewed in the Auditor's office during regular business hours.

STATE'S ATTORNEY:

Victor Rapkoch, State's attorney met with the board to inform them that he is working on updating the Marshall County burn ban ordinance.

RESIGNATION:

Jones moved, Knebel seconded to accept a resignation from David Nelson, Weed Supervisor effective May 15, 2021. Nelson will continue doing paperwork and non-spraying duties as needed until the position is filled. All members voted aye.

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_____.