

Unapproved
MARSHALL COUNTY COMMISSION MEETING
Britton, South Dakota

The Board of County Commissioners met in regular session at 9:00 a.m. on July 13, 2021 in the Commissioner Meeting room and via Zoom video conference. Members present were Medhaug, Jones, Luttrell, 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, Kalissa Stelzer and Sandy Dinger were present for portions of the meeting via Zoom.

AGENDA:

Schuller moved, Jones seconded approve the agenda for July 13, 2021 with the addition of the Second Reading of the Burn Ordinance. All members voted aye.

MINUTES:

Luttrell moved, Jones seconded to approve the minutes for June 22, 2021. All members voted aye.

CLAIMS:

Knebel moved, Schuller seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: June 24, 2021: Commissioners 1424.35; Auditor 3504.27; Treasurer 4371.22; States Attorney 1508.29; Courthouse 2309.72; Director 4582.98; Register 2680.07; VSO 681.33; Sheriff 17608.28; Jail 5176.46; Welfare 475.56; Nurse 576.84; Extension 863.16; Weed 2262.89; Zoning 1772.57; Highway 12897.21; E911 2938.71; Emergency Management 576.30;

EMPLOYER FICA & MEDICARE: First Savings Bank 4880.40

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 3909.69

PAYROLL by department: July 8, 2021: Commissioners 1424.35; Auditor 3474.27; Treasurer 3618.74; States Attorney 1508.29; Courthouse 2209.49; Director 4582.97; Register 2710.07; VSO 681.33; Community Building 82.50; Sheriff 19299.57; Jail 5100.13; Coroner 475.00; Welfare 475.56; Nurse 527.50; Ambulance 7264.16; Extension 822.90; Weed 1482.04; Zoning 1772.57; Highway 12200.65; E911 2900.54; Emergency Management 576.30;

EMPLOYER FICA & MEDICARE: First Savings Bank 5329.03

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 3920.89

A & B BUSINESS INC SOLUTIO	33.65
AMANDA STREIER	3,000.00
ARAMARK	8.09
AVERA OCCUPATIONAL MEDICIN	174.00
BEHNKE SAND & GRAVEL	230.00
BOUND TREE MEDICAL LLC	104.54
BRITTON AREA CHAMBER	30.00
BRITTON CITY WATER DEPT	298.04
BUTLER MACHINERY CO	444.04
CARLSON CRUSHING & EXCAVAT	11,972.14

CENEX	425.46
CENEX FLEETCARD	351.95
COLE PAPERS INC	214.24
CREDIT COLLECTIONS BUREAU	75.06
DAVID HUNTER	229.60
DAY COUNTY SHERIFF'S OFFIC	1,330.00
DELANEY NIELSEN SANNES PC	465.75
EDEN OIL	2,692.50
EXPETEC TECHNOLOGY SERVICE	573.95
FIRST NATIONAL BANK	2,372.75
FROHLING LAW OFFICE	59.91
FULL CIRCLE AG	1,495.90
GROBES GROCERY & HARDWARE	258.53
HOLLAND BROS OIL COMPANY	1,312.89
HOLLAND NAPA AUTO PARTS	260.35
INTERNATIONAL ACADEMIES OF	110.00
JOHN DEERE FINANCIAL	5,046.98
KRAUSE BROS CONSTRUCTION	1,391.18
KRISTEN GONSOIR	150.00
LAKE REGION ELECTRIC	269.14
LANGFORD TOWN	183.52
LARISSA HEITMANN	60.48
LEHR SANITATION SERVICE LL	430.00
MARC	334.68
MARSHALL & SWIFT/BOECKH LL	656.20
MARSHALL COUNTY JOURNAL	487.31
MCLEODS PRINTING	234.33
MEYER HARDWARE HANK	218.34
MICROFILM IMAGING SYSTEMS	80.00
MIKAYLA LENTSCH	119.36
MINN KOTA COMMUNICATIONS I	14,249.58
OTTER TAIL POWER COMPANY	1,972.93
PCC INC	1,258.43
QUILL CORPORATION	660.01
RAPKOCH LAW	3,743.25
RC TECHNOLOGIES	309.84
ROBERTS COUNTY DETENTION C	3,080.00
SAFETY SERVICE	3,118.29
SANDERS SEW N VAC INC	24.99
SANFORD HEALTH	30.00
SCOTT'S LUMBER	818.99
SD ASSOCIATION ASSESSING O	360.00
SD EMERGENCY MANAGEMENT AS	95.00

SDSU STATE 4-H OFFICE	55.00
SEROCKI EXCAVATING INC	2,512.90
SHAFCOM	1,749.24
SOUTHSIDE EQUIPMENT	155.04
THOMSON REUTERS - WEST	164.82
TRANSOURCE TRUCK & EQUIPME	646.91
TRI STATE WATER, INC.	209.30
TRITECH SOFTWARE SYSTEMS	4,000.10
TRUENORTH STEEL	42,944.03
VENTURE COMMUNICATIONS	61.51
VERIZON WIRELESS	840.12
WERNER AUTOMOTIVE	51.72

ZONING:

Erin Collins-Miles, Zoning Administrator met with the board to discuss Zoning business. Darrell and Lois Vig were present for a hearing for the Variance application originally heard on June 22. Vigs plan to remove a section of the shed so that it does not encroach on the Property Line Setback. Knebel moved Schuller seconded to approve the building request based on the shed no longer needing a variance. All members voted aye. Josh Kraft was present for a variance hearing on behalf of Scott Thayer. Thayer is requesting a 2-foot variance to the 30 foot right of way line setback. Jones moved, Luttrell seconded to approve the variance as requested. All members voted aye. Arthur Steiner was present to request a drainage permit in Fort Township. Jones moved, Luttrell seconded to approve the drainage permit as requested. All members voted aye. Knebel moved, Schuller seconded to approve building permits for the following applicants: Dale Hagen, Nexius/AT&T, Mike Stavick, Darrell & Lois Vig. 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. Luttrell moved, Knebel seconded to authorize the chair to sign an amendment to the Critical Bridge agreement that was originally signed August 20, 2019 for \$104,233.26. This amendment extends the deadline to use the funds to December 31, 2025. All members voted aye. Dinger reported that the estimated engineering costs for the bridge 46-090-198 removal 1 mile East of Wayne nelson is \$29,471.50. The DOT share of this will be \$24,151.89 and Marshall County share will be \$4,319.61.

FUEL QUOTES:

Sandy Dinger received the following quotes for #2 red dyed diesel for the Eden and Veblen shops on June 23: Eden Oil-\$2.50 all locations; DaMar Elevator-\$2.54-Eden, no quote-Veblen; Holland’s Oil-\$2.55-all locations. #2 Diesel fuel was delivered to the Eden and Veblen shops by Eden Oil.

TRAVEL:

Knebel moved, Jones seconded to approve the following travel expenses: Todd Landmark to Watertown September 14-17 for a SD Emergency Managers Association Conference; Larissa Heitmann to Redfield July 15 for a Regional Meeting; All Commissioners, Megan Biel, Pam Oelkers, and Kalissa Stelzer to Pickerel Lake Lodge July 22 for a Lake Region District Meeting; Bill College and Sandy Dinger to Pierre November 3-4 for the 2021 SD Risk and Safety Conference. All members voted aye.

EXECUTIVE SESSION:

Jones moved, Schuller seconded to enter into executive session at 10:06 am to discuss personnel issues. All members voted aye. The chairman called the board out of Executive Session at 10:29 am. No action was taken.

PERSONNEL POLICY:

Luttrell moved, Jones seconded to approve the following personnel policy changes:

Retire/Rehire Employment:

An employee who elects to retire and withdraw from their SDRS may be rehired, but ~~will not be eligible for wage increases for the remaining duration of their employment. They are eligible for all other benefits offered to their peers.~~ will be required to follow current SDRS rehire requirements. Please Refer to SDRS for further regulations.

1-8 PROBATIONARY PERIOD: A probationary period of six months from the date of hiring has been established for all new employees. The department head has the right to extend this period if he/she see fit. During this time, the employee must demonstrate the aptitude and ability to satisfactorily perform the assigned duties of the position to which he is assigned. During this period, a new employee may be discharged for any reason. An employee after changing from probationary to regular full time or part-time 1 status will earn PTO time, for this probationary period. Employees may use sick time accrued during their probationary period. Employees are not eligible for any performance wage increases during their probationary period, but may receive certification increases if obtained during the probationary period.

1-17 MVR EVALUATION GUIDELINES:

The following are minimal guidelines for current employees and new employees. ~~hired after November 1, 2003.~~ Employees violating these guidelines face probation or possible termination.

1. No more than three convictions for moving traffic violations within any 12 month period while driving a county vehicle.
2. Conviction of any traffic violation that is defined as serious by South Dakota Codified Law.
3. No DUI convictions in the last five years.

4. Any violation while operating a county-owned vehicle must be reported immediately to your supervisor.

2-1 WORK WEEK: The standard 40 hour work week, unless otherwise stated, for the purpose of calculating pay and overtime shall begin at 12:01 A.M. Sunday and end on 12:00 A.M. Saturday. An eight hour work day is standard for most county employees; including a break for noon and a 15 minute break period in both the morning and afternoon. The Sheriff, or his designee, shall establish a schedule, which may from time to time be altered, adjusted, modified or changed to meet existing needs or requirements. The Marshall County Commission may provide that employees of the Highway and certain others be required to work longer shifts during certain times of the year. Sheriff's department employees will work ~~28~~ 14 day pay periods with ~~174~~ 86 regular hours per pay period before overtime calculation. Highway Department employees will work four-ten hour days per week (Monday-Thursday.) E911 Department will work 12-hour shifts.

2-5 TRAVEL: Travel authorization to conduct official County business outside of the county must be obtained beforehand from the County Commission. Expenses for travel shall include meals, lodging and automobile costs incurred except that reimbursement for **meals** shall not exceed ~~thirty-two (\$32.00)~~ forty (\$40.00) dollars per day. The employee shall be responsible for obtaining **lodging** whereby the costs will be to the advantage of the County. A county vehicle is available for county employee use to attend meetings/training. Employees wishing to use this vehicle shall contact the Auditor's office. Reimbursement for the use of the employee's personal automobile in the performance of authorized County business shall be set at state rates for each **mile** when a county vehicle is available. When a county vehicle is not available, mileage reimbursement rate shall be set at federal rates. When employees are required to attend a workshop and drive their own vehicles, they will be reimbursed for travel expenses and regular pay will be paid for those hours spent driving and attending the workshop. These hours will not count toward overtime calculation. The employee shall be responsible for submitting and maintaining detailed receipts for ~~meals~~, lodging and other expenses, and shall keep a record of miles traveled.

MEAL REIMBURSEMENTS: Anyone claiming the standard meal reimbursements do not need to submit receipts for meals. The County will reimburse a set meal rate, one for in-state and one for out-of-state, the same as the state meal rates. (ARSD 05.01.02.14)

	<u>Leaving Before</u>	<u>Returning After</u>
Breakfast \$6.00	<u>7:00 AM</u>	<u>8:00 AM</u>
Lunch \$14.00	<u>11:00 AM</u>	<u>1:00 PM</u>
Dinner \$20.00	<u>5:00 PM</u>	<u>7:00 PM</u>

Requests for meal reimbursement, that **do not** require an overnight stay, must be submitted on the employee's time card. Requests for meal reimbursement that do require

an overnight stay may be turned in on an accounts payable voucher obtained from the Auditor's office.

No more than the maximum per day in-state and out-of-state rates may be claimed unless the evening lunch is applicable. Meal expenses incurred within the County may not be compensated unless employee is required to stay away from home overnight.

A County credit card is available for lodging and fuel for county vehicles. Using this card is a privilege and you are responsible for its safety. **Ask for detailed receipts every time you use the card and return the card promptly to the Auditor's Office.**

SICK BANK

An employee of the County ~~may~~ must donate 7.5 hours of accrued sick leave to a the county "Sick Bank" by filling out a donation form in the Auditor's Office by December 31 in order to be considered "participating" for the following year. New employees wishing to participate must donate their first month's sick accrual in order to participate in the same year of hire.

Donations are deposited into a county "banked account"; they are not specified to a particular employee. All withdrawals will be capped at 25% of the bank's balance at the time of the employee's request. On or about December 31 of each year, the Board of Commissioners will approve and credit the bank with unearned sick hours from employees who are at the 480 limit.

All employees are eligible to donate to or draw from the bank based upon meeting the following conditions.

THE DONATING PARTICIPATING EMPLOYEE:

- 1) ~~May~~ Must make an annual donation to the bank (~~1-hour increments~~). of at least one month's accrual (7.5 hours) prior to January 1 of the year the employee wishes to participate in. On the donation form, the employee will specify what year this donation makes them eligible to participate in. See Auditor for form to donate.

THE DRAWING EMPLOYEE:

- 1) Must complete a written request; and Form A1
- 2) Must have donated at least 7.5 hours ~~within the past 12 months prior to drawing~~ Prior to January 1 of the year in which they wish to draw.
- 3) The employee or their immediate family member that is being cared for by the employee must have a health-related condition (excluding maternity/paternity leave) as indicated by a doctor's statement (which is renewed every 30 days);

and Form 2 (Immediate family members for this section include domestic partners, children, step-children, or current members of the immediate household.)

- 4) Must have exhausted all his/her PTO and sick accruals; and
- 5) Must not be receiving disability or workmen's compensation benefits; and
- 6) Must have completed his probationary employment period; and
- 7) May withdraw hours from the bank as needed until, either his or his immediate family member's condition improves allowing him to return to employment, or his/her maximum sick hours are withdrawn.
- 8) PTO and sick time will still accrue during the drawing period and these accruals will be used before sick bank time.
- 9) If an employee meets the maximum sick bank use (25% of total sick bank) and still needs more sick time, the Commissioners may consider a request for more sick time.
- 10) An employee on Maternity/Paternity leave may use sick bank time only to reach 6 weeks of total maternity/paternity leave. Extenuating circumstances will be considered on a case-by-case basis.

4-10 EMERGENCY RESPONSE: Volunteer emergency responders such as firemen who are called to duty during working hours shall be allowed to leave work and be paid their regular working hours while responding to the emergency. These hours shall be noted separately on the time card and will not count toward overtime hours.

4-12 HOLIDAYS: the following days will be observed as holidays:

- The first day of January – New Year's Day
- The third Monday in January – Martin Luther King, Jr. Day
- The third Monday in February – President's Day
- Good Friday – close at 12 noon
- The last Monday in May – Memorial Day
- The nineteenth day of June - Juneteenth
- The Fourth day in July – Independence Day
- The first Monday in September – Labor Day
- The second Monday in October – Native American's Day
- The eleventh day in November – Veteran's Day
- The fourth Thursday in November – Thanksgiving Day
- The Friday following Thanksgiving
- Christmas Eve Day – close at 12 noon
- The twenty-fifth day in December – Christmas Day

All members voted aye.

BURN ORDINANCE:

The second reading of Ordinance 48 was completed:

MARSHALL COUNTY ORDINANCE NO. 48

WHEREAS, the Commissioners of Marshall County are charged with protecting the health and safety of the citizens of Marshall County, including all property situated therein; and

WHEREAS, South Dakota Codified Law (SDCL) § 7-8-20(18) authorizes the Marshall County Commission to prohibit or restrict open burning, after consultation with the local fire officials and law enforcement officials, in order to protect the public health and safety; and

WHEREAS, the Commissioners of Marshall County have determined that in the interest of public health and safety, it is prudent to prohibit open burning when climatic conditions indicate the threat of wildfire in Marshall County; and

WHEREAS, the Commissioners of Marshall County have determined that it is in the interest of public health and safety that Marshall County be notified when and where open burning is occurring so that emergency resources are effectively used within Marshall County; and

WHEREAS, the Commissioners of Marshall County, pursuant to SDCL § 7-18A-8, hereby deem it necessary for the immediate preservation of the public health and safety to adopt the restrictions set forth in this Ordinance and it is the intent of the Marshall County Board of Commissioners that the provisions of this Ordinance shall Take effect immediately upon passage by the Board.

NOW, THEREFORE, BE IT ORDAINED BY THE MARSHALL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION I DEFINITION:

- A. **Open Burning.** The intentional burning of any substance whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of any open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance.

SECTION II REGULATIONS:

- A. **Reporting of Controlled Burns.** Anyone who burns off land or other flammable material shall before such burn notify the Marshall County Sheriff's Office by calling at 605-448-5181 and provide the following information:
- a. Location of the burn,
 - b. time of burn,
 - c. substance to be burned,
 - d. approximate completion time of the burn and
 - e. a contact phone number for the responsible person.

Anyone who violates this section in whole or part is guilty as described below in Section III.

- B. **Ordinance 26 Revoked:** Once this ordinance takes full effect, Marshall County Ordinance Number 26 is hereby REVOKED.
- C. **Permit Requirement Removed:** Once this ordinance takes full effect, Marshall County will be issuing no more permits for Open Burning.

First Reading : June 22, 2021
Second Reading: July 13, 2021
Adopted June 22, 2021

REPEATER:

Knebel moved, Jones seconded to approve a quote for \$2,487.80 from Minn-Kota Communications, Inc for a storage box, for the Repeater and Duplexer by the Water Tower. All members voted aye.

TREASURER:

Pam Oelkers, Treasurer, met with the board to discuss investment options for the ARP fund until the money is planned to be spent. The board agreed with Oelkers that the best option is an 18-month CD.

PAY RAISE:

Per a 6-month review, Schuller moved, Luttrell seconded to approve a pay raise for Pam Oelkers, Treasurer from \$42,658.20/year to \$43,698.20 effective July 4. All members voted aye.

Per a 6 month review, Knebel moved, Jones seconded to approve a pay raise from \$15.00/hour to \$15.50/hour for Beth Hove, Deputy Register of Deeds effective August 1. All members voted aye.

DIRECTOR OF EQUALIZATION:

Shannon Lee, Director of Equalization and Kassi Jones, Appraiser met with the board to discuss the Director of Equalization position. The board accepted resignation from Lee effective July 22.

Knebel moved, Schuller seconded to appoint Kassi Jones as Director of Equalization effective July 19, 2021 at a rate of \$40,000/year with her pay being evaluated again after she passes the Director of Equalization school. Commissioner Jones abstained from discussion and voting. All other members voted aye.

Luttrell moved, Knebel seconded to hire Shannon Lee as a consultant for the Director of Equalization office on a part-time, as needed basis at a rate of \$30.00/hour with no benefits. All members voted aye.

Shannon Lee, Erin Collins-Miles and Kassi Jones met with the board to discuss a printer/copier contract. Jones moved, Luttrell seconded to approve a contract from Marco for \$168.86/month beginning in December. All members voted aye.

EXECUTIVE SESSION:

Knebel moved, Schuller seconded to enter into executive session at 11:48 am to discuss personnel issues. All members voted aye. The Chairman called the Board out of executive session at 12:37 pm.

SHERIFF:

The board accepted the resignation of Sheriff Damian Bahr, effective July 29.

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_____.