

COUNTY COMMISSION MEETING
Britton, South Dakota

The Board of County Commissioners met in regular session at 9:00 a.m. on September 24, 2024 at the Marshall County Courthouse. Members present were Schuller, Knebel, Bender and Medhaug. Commissioner Luttrell was absent. Commissioner Schuller presided. The meeting was open to the public. The Pledge of Allegiance was recited by everyone in attendance.

AGENDA:

Bender moved, Medhaug seconded to approve the agenda for September 24, 2024. All members present voted aye.

MINUTES:

Knebel moved, Medhaug seconded to approve the minutes for September 10, 2024. All members present voted aye.

CLAIMS:

Medhaug moved, Bender seconded to approve and pay the following claims. All members present voted aye. PAYROLL by department: September 12, 2024: Commissioners 1719.25; Auditor 4508.45; Treasurer 4995.95; States Attorney 1961.54; Courthouse 2418.75; Director 5319.88; Register 3690.45; VSO 833.43; Community Building 470.25; Sheriff 20512.84; Welfare 573.99; Weed 3379.80; Zoning 2139.45; Highway 15972.30; E911 11246.66; Emergency Management 828.38;

EMPLOYER FICA & MEDICARE: First Savings Bank 6112.80

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 4695.62

AVERA OCCUPATIONAL MEDICIN	115.00
BOUND TREE MEDICAL LLC	284.58
C&R FIRE SUPPRESSION	814.90
CARLSON CRUSHING & EXCAVAT	8,585.89
CENEX FLEETCARD	469.33
CENTURY LINK	306.78
CENTURYLINK	102.00
COUNTRY INN & SUITES	218.00
CREDIT COLLECTIONS BUREAU	30.10
DAKOTA COUNTRY REPAIR	96.00
DAMAR FARMERS ELEVATOR	272.06
DAVE DABERKOW	457.76
DAVID HUNTER	45.15
DEB SUNDEM	154.45
DOHRER LAW OFFICE	1,609.40
ELECTION SYSTEMS & SOFTWARE	1,390.45
ESLINGER, HEIDI	110.26
FREY, MICHAEL	50.96
HH DESIGN	294.00
HOLLAND BROS OIL COMPANY	3,505.92
JENNIFER RINGKOB	428.00

JOHN DEERE FINANCIAL	45.49
JULIE HASSEBROCK	52.27
KENS FOOD FAIR	43.17
KRAUSE BROS CONSTRUCTION	4,692.93
LAKE AREA TECHNICAL COLLEGE	2,750.00
LOGAN SMITH	260.00
LOISEAU CONSTRUCTION INC	205,076.93
MARCO INC	216.51
MARCO TECHNOLOGIES LLC	35.00
MARSHALL COUNTY HEALTHCARE	320.75
MEYER HARDWARE HANK	55.44
MEYERS TRACTOR SALVAGE LLC	250.00
MINN KOTA COMMUNICATIONS INC	2,235.58
NEIBER, DAN	43.17
OTTER TAIL POWER COMPANY	25.02
PERRION, SHERRY	142.66
QUILL CORPORATION	1,708.99
RICHARDSON, WYLY, WISE, SA	1,194.50
ROBERTS COUNTY SHERIFF'S OFFICE	905.00
SADIE FREY	127.29
SANFORD	123.00
SANFORD HEALTH	1,115.62
SARA KOEPKE	145.28
SDEMSEA	280.00
STREICHER'S-MINNEAPOLIS	473.24
TALIAFERRO LAW FIRM P.C.	545.50
TARI HEITMANN	53.58
TEAM LAB	6,806.25
THOMSON REUTERS - WEST	183.59
TRACEY LEHRKE	30.00
TRACI ELLINGSON	108.36
TRANSOURCE TRUCK & EQUIPMENT	922.34
VENTURE COMMUNICATIONS	2,398.11
VESTIS	13.26
WERNER AUTOMOTIVE	363.67

PUBLIC COMMENT:

Jerry Burger was present to make public comment stating that he is not the only one concerned with the issues he has brought up. He also requested that the board consider moving one commission meeting a month to 6pm in the evening and he again requested that the floor plans for the courthouse project be made public.

Commissioner Bender asked that Burger come up with a meeting schedule that does not interfere with school and church activities and other public meetings.

HIGHWAY:

Dustin Hofland, Highway Superintendent met with the board to discuss highway department business. Eric and Diane MacConnell met with the board to express concern about the gravel pit operation near their home and the hauling on County Road 2GE. They stated that work in the gravel pit is happening from 6 am into the evening and the noise and dust are disrupting their quality of life. They inquired if the owners/operators of the gravel pit are required to file any permits with the County. The board informed them that those permits would be filed with the state. The only thing the County has with the company is a haul road agreement. The board stated that they will have the State's Attorney look into enacting some type of regulation on jake brake usage near residences.

Jerry Burger, Lynn Wade, Cornelius Stahl, Gerry Waldner, John Fisher, Johnny Stahl, Mason Kilker, Ronald Johnson, Andrea Kilker, Ryan Patterson and Michael Atkinson were present to discuss bridge 46-040-115 that was closed due to the recent bridge inspection. Hofland estimated that a box culvert for this location would cost about \$770,000. Medhaug moved, Knebel seconded to have a hydraulic study done which will allow the County to apply for a BIG grant for this bridge. He stated that the County's current BIG score is about 47.05 which makes it unlikely that the grant will be approved, but the County could improve this score by increasing the percentage of funds paid by the County toward the project and also by having a plan in place next year and applying for the grant next year. Those in attendance asked if there is any way that the Township can apply for grants for this bridge. Hofland will look into using Small Structure funds for this. Patterson asked if there are any plan to repair other bridges before they are beyond repair and must be replaced. The board applied for federal grants for 12 structures last year, but did not receive any grants for them.

Hofland stated that he had received a phone call requesting that a yield sign on County Road 8G be changed to a stop sign. The board approved this request.

The annual Highway 5-year Road and Bridge plan public meeting will be held on October 8 at the North Marshall Firehall at 9:30 am.

FUEL QUOTES:

Sandy Dinger received the following quotes for #2 diesel for the Langford and Veblen shops on September 16: DaMar Elevator-Langford \$2.50, Veblen no bid; Eden Oil-Langford \$2.65, Veblen \$2.65; Full Circle Ag-Langford \$2.70, Veblen \$2.72; Holland Bros-Langford \$2.75, Veblen \$2.75. Diesel fuel was delivered to the Langford shop by DaMar Elevator and the Veblen shop by Eden Oil.

PROPANE BIDS:

Bid opening for annual propane bids will be held at the October 8 Commissioner Meeting.

EMERGENCY MANAGEMENT:

Logan Roehr, Emergency Manager met with the board to inform them that it is recommended that the Hillhead Tower have a plumb and tension study done before winter.

Bender moved, Medhaug seconded to authorize the chair to sign the annual LEMPG Grant with the State. All members present voted aye.

Knebel moved, Bender seconded to authorize the chair to sign the EM Quarterly Report. All members present voted aye.

SECOND READING:

Medhaug moved, Knebel seconded to approve Ordinance 68 at this its second reading:
ORDINANCE NO. 68

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.2
AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota: that Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

Area of Rezone for a Portion of S1/2NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota For the Proposed Plat of Almos Northside Second Addition Located in Government Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota

(Proposed rezone sketch available in the office of the Zoning Administrator. Shaded area approximately 0.36 acres to be rezoned.)

To “R-3” Lakefront Residential District 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.

<u>Notice of Hearing</u>	<u>August 28, 2024</u>
<u>Passed First Reading</u>	<u>September 10, 2024</u>
<u>Passed Second Reading</u>	<u>September 24, 2024</u>
<u>Adopted</u>	<u>September 24, 2024</u>
<u>Published</u>	<u>September 25, 2024</u>
<u>Effective Date</u>	<u>October 15, 2024</u>

All members present voted aye.

ANNUAL BUDGET:

Medhaug moved, Bender seconded to approve the annual budget resolution as follows with the following changes to the provisional budget:

Account	Provisional	Annual
General Fund Transfers Out	1,064,598	1,040,527
General Fund Cash Applied	568,774	544,020
Current Property Tax Levy (General Fund)	3,060,132	3,059,549
Current Property Tax Levy (Highway Fund)	1,134,753	1,134,524
Highway Fund Other Financing Sources	725,675	725,904

E911 Fund Intergovernmental Revenue	47,700	72,000
E911 Fund Other Financing Sources	271,604	247,304
Courthouse Capitol Project	0	2,500,000

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, eliminations 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, 2025 and ending December 31, 2025 and the same is hereby approved and adopted by the Board of County Commissioners of Marshall County, South Dakota, this 24th day of September, 2024.

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, 2025 through December 31, 2025.

COUNTY TAX LEVIES	dollars	\$'s/1,000
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WITHIN LIMITED LEVY:

* General County Purposes (10-12-9)	2,884,549	2.184
Opt Out	175,000	0.133
Highway Fund	1,134,524	0.859

TOTAL TAXES LEVIED BY

COUNTY	4,194,073	3.176
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*These amounts include the 25% to be distributed to cities.

As of September 24, 2024 these levies are not approved by the Department of Revenue.

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

Board of County Commissioners of Marshall County, South Dakota

Matthew Schuller, Chairman

LeRon Knebel, Sr. Commissioner

Jason Bender, Commissioner

Douglas Medhaug, Commissioner

ATTEST: Megan Biel, County Auditor

AMBULANCE:

Bender moved, Medhaug seconded to authorize the Ambulance department to purchase a Printer/Scanner/Copier for \$659.00. All members present voted aye.

EXECUTIVE SESSION:

Medhaug moved, Bender seconded to enter into executive session to discuss personnel and contractual matters at 11:25 am. All members present voted aye. The chairman called the board out of executive session at 12:30 pm. The following action was taken:

Knebel moved, Bender seconded to give State's Attorney Victor Rapkoch authority to negotiate a personnel request. All members present voted aye.

Medhaug moved, Bender seconded to authorize the chair to sign the Guaranteed Maximum Price Amendment 1 for Bid package 1 of the Courthouse project. All members present voted aye.

Knebel moved Medhaug seconded to authorize the chair to sign a rental agreement with Don & Norma Schumaker for the month-by-month rental of a portion of the Schumaker building for the temporary offices of the Treasurer, Auditor, Register of Deeds, Director of Equalization and Zoning Director for \$800/month. All members present voted aye.

Medhaug moved, Bender seconded to pay mileage to individuals traveling to Webster to Court Trials only, but not for hearings. All members present voted aye.

ADJOURN:

Knebel moved, Medhaug seconded to adjourn. All members present voted aye.

ATTEST:

Matthew Schuller, Chairman

Megan Biel, Auditor

Published once at the total approximate cost of_____.