

Unapproved
MARSHALL COUNTY COMMISSION MEETING
Britton, South Dakota

The Board of County Commissioners met in regular session at 9:00 a.m. on June 18, 2025 at the North Marshall Fire Hall. Members present were Schuller, Bender, Kilker, Luttrell and Medhaug. Commissioner Schuller presided. The meeting was open to the public. State's Attorney Victor Rapkoch was present. The Pledge of Allegiance was recited by everyone in attendance.

AGENDA:

Medhaug moved, Kilker seconded to approve the agenda for June 17, 2025. All members voted aye.

MINUTES:

Kilker moved, Luttrell seconded to approve the minutes for June 3, 2025. All members voted aye.

CLAIMS:

Medhaug moved, Bender seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: June 5, 2025: Commissioners 1805.20; Auditor 4615.71; Treasurer 4345.82; States Attorney 2272.12; Courthouse 1910.08; Director 5757.23; Register 4123.31; VSO 889.16; Community Building 242.25; Sheriff 19121.44; Coroner 225.00; Welfare 602.69; Nurse 444.68; Ambulance 9450.15; Extension 1403.33; Weed 1845.49; Zoning 2246.42; Highway 19758.19; E911 9771.21; Emergency Management 869.97; EMPLOYER FICA & MEDICARE: First Savings Bank 6713.64
EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 4927.73

AARON WADE	160.80
AGTEGRA BATH FERTILIZER	16.00
BAUS OIL CO	882.00
BITUMINOUS PAVING INC	868.60
BRITTON CITY WATER DEPT	49.56
BUTLER MACHINERY CO	254.00
CARLSON HARDWARE HANK	228.03
CENEX FLEETCARD	471.40
CENTRAL STATES TRANSPORTAT	800.00
CLIFF'S ONE STOP	65.79
CORNWELL DRUG	25.29
COTEAU DES PRAIRIE HEALTH	1,224.25
CRAWFORD TRUCKS	198.83
DAKOTA AG SERVICE	3,600.00
DAMAR FARMERS ELEVATOR	330.61
DAY COUNTY SHERIFF'S OFFIC	1,800.00
DELANEY NIELSEN SANNES PC	3,660.00
DIRK W WEBER	4,596.38

DONALD SCHUMAKER	800.00
EDEN OIL	1,354.60
EXPETEC TECHNOLOGY SERVICE	281.11
FIRST NATIONAL BANK	348.13
FULL CIRCLE AG	47.20
GALLS, LLC	460.00
HOLLAND BROS OIL COMPANY	3,560.28
HOLLAND NAPA AUTO PARTS	209.40
JENNIFER RINGKOB	277.05
JOHN DEERE FINANCIAL	120.69
KAROLE CHAPIN	80.00
KATRINA JOHNSON	106.95
KENS FOOD FAIR	240.90
MAC'S HARDWARE	74.97
MARC	310.64
MARCO INC	148.45
MARSHALL COUNTY PUBLISHING	301.40
MATHESON TRI-GAS INC	167.14
MCLEODS PRINTING	778.03
MICROFILM IMAGING SYSTEMS	80.00
MINN KOTA COMMUNICATIONS I	2,700.00
OTTER TAIL POWER COMPANY	151.90
PITNEY BOWES GLOBAL	186.00
POSTMASTER	662.00
PREMIER BIOTECH LLC	91.70
QUILL CORPORATION	345.88
RC TECHNOLOGIES	309.84
SAFETY SERVICE, INC	65.95
SD PUBLIC HEALTH LABORATOR	80.00
SOUTHSIDE EQUIPMENT	190.00
THOMSON REUTERS - WEST	183.59
TRANSOURCE TRUCK & EQUIPME	341.29
TRI STATE WATER, INC.	116.35
TRITECH SOFTWARE SYSTEMS	38,248.39
VENTURE COMMUNICATIONS	970.58
VERIZON WIRELESS	320.08
VESTIS	40.00
WERNER AUTOMOTIVE	1,405.85

PUBLIC COMMENT:

No one was present to make public comment.

HIGHWAY:

Dustin Hofland, Highway Superintendent met with the board to discuss Highway Department business. Michael Nelson, Donald Hanson, Newport Township; Neil Foote, Wayne Nelson, Hickman Township; Joel Erickson, Jeff Roehr, Sisseton Township met with the board to discuss the Rural Access Infrastructure Fund. Hickman and Sisseton Townships had both previously submitted applications for the RAIF funds, but Hofland was waiting to see if Legislature would be granting more funding on 2025 as the County does not have enough funds to cover both projects applied for. Marshall County has approximately \$144,000 in RAIF funds on hand. The state did not designate more funds for this program in 2025, so the board asked that both townships acquire updated estimates for their projects and re-apply and then the County can decide how best to distribute the funds on hand.

Bender moved, Kilker seconded to approve moving forward with Holloway Construction replacing bridge 46-040-115 in 416th Avenue (Wade Bridge). All members voted aye. Hofland informed the board that IMEG is meeting with him tomorrow to discuss another bridge that they have found issues with. He will know more after meeting with them.

Medhaug moved, Luttrell seconded to approve a boring permit for Lake Region Electric in County roads 8G, 1G, and 10G. All members voted aye.

Hofland informed the board that he will look into purchasing a new mower with side shift and whether the current mower can be traded in towards the purchase.

SHERIFF:

Sheriff Sam Swanson met with the board to request that the County hire a prisoner transport service to bring an individual from Louisiana with a warrant in Marshall County to Day County to be held for prosecution for a case from 2013. Medhaug moved, Luttrell seconded to hire the transport service. All members voted aye.

EMERGENCY MANAGEMENT:

Logan Roehr, Emergency Manager met with the board to present a draft resolution that would recommend that Emergency Managers be eligible for 8% match South Dakota Retirement. There is one section of the resolution that the board would like clarification on. Roehr will look into this further and report back to the board.

FIRST READING: Ordinance 69

Kilker moved, Medhaug seconded to pass ordinance 69 at this, its first reading:

MARSHALL COUNTY ORDINANCE NO. 69

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.

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 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.

This reporting requirement shall not apply to the burning of household and yard waste, providing such burning is done so, safely. It shall be deemed negligent if such fire escapes the original site of the fire and shall be punishable in accordance with SDCL 34-35-9.

- B. **Automatic Open Burning Ban.** Whenever the National Weather Services has declared that the Fire Danger Index in Marshall County to be VERY HIGH or EXTREME or has issued a RED FLAG WARNING and/or WIND ADVISORY OR WARNING for any portion of Marshall County, there is an automatic ban for all Open Burning within Marshall County. The automatic ban on Open Burning shall automatically be suspended once the Fire Danger Index in Marshall County falls below the very high category.
- a. The website currently used by Marshall County to determine Fire Danger Index is the following: <https://www.weather.gov/unr/rfd>. This website may be updated by resolution if the website used to determine the Fire Danger Index changes.
- C. **Interim Burn Ban.** In addition to the Automatic Open Burn Ban Above, the Marshall County Commissioners delegate their authority to the Marshall County Emergency Manager ("Emergency Manager") to immediately declare a temporary "fire danger emergency", where the burn ban would go into effect immediately upon the declaration of the ban until either the burn ban is approved by the full board of County Commissioners or until the Emergency Manager declares that the condition has passed. The interim burn ban must be heard at the next County Commissioners meeting if it is still in effect at the time of the meeting. An interim burn ban can only be declared once every thirty days by the Emergency Manager.
- D. **Commissioners "Fire Danger Emergency" Declaration.** In addition to the Automatic Open Burning Ban above, the Marshall County Commissioners may, when weather or other conditions which may make Open Burning of any substance unduly hazardous and

danger to public safety, declare a “Fire Danger Emergency”. If a “Fire Danger Emergency” is declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Marshall County until such time as the resolution declaring the “Fire Danger Emergency” shall have been rescinded by appropriate action of the Marshall County Board of Commissioners.

- E. **Violation.** Anyone who violates this section in whole or part is deemed to have committed the offense of Unlawful Burning in violation of this ordinance and would be subject to all criminal and civil penalties provided for herein.

SECTION III PENALTY AND REMEDY:

- A. **Penalty.** The penalty for each violation of this ordinance shall be a Class 2 Misdemeanor. (SDCL 7-18A-2 and SDCL 22-6-2(2)).
- a. For a first violation of this ordinance, the fine shall be \$150.00 citation (POA) unless the law enforcement officer believes, in their discretion, that the circumstances of the violation requires a court appearance.
 - b. A second violation of this ordinance within five years of a conviction of this ordinance shall be a mandatory court appearance, at which the Court may impose a fine up to the maximum penalty for a Class 2 misdemeanor.
- B. **Fire Suppression Cost.** In addition to any criminal fines, a violation of this ordinance is subject to the suppression costs of extinguishing the fire. (SDCL 5-4-17)
- C. **No Prohibition Of Remedies.** Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.
- D. **Duty of Care.** The permissibility of the ignition of any fire as specified herein shall not operate to relieve the ignitor of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire.

SECTION IV SEVERABILITY

- A. **Severability.** If any provision of this ordinance shall be held invalid, it shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

SECTION V ORDINANCE REVOCATION:

- A. **Ordinance 26 Revoked:** Once this ordinance takes full effect, Marshall County Ordinance Number 26 is hereby REVOKED.

All members voted aye. The second reading of this ordinance will be held on July 8.

FIRST READING: Ordinance 70

Medhaug moved, Luttrell seconded to pass ordinance 70 at this, its first reading:

MARSHALL COUNTY ORDINANCE NO 70

Marshall County had previously passed ordinance 5. After further review, Marshall County believes it is in the best interest of Marshall County to revoke that ordinance due to updated statutes and that the ordinance is no longer needed. Therefore, the Marshall County Commissioners pass the following:

- A. **Ordinance 5 Revoked:** Once this ordinance takes full effect, Marshall County Ordinance Number 5 is hereby REVOKED.

All members voted aye. The second reading of this ordinance will be held on July 8.

FIRST READING: Ordinance 71

Bender moved, Medhaug seconded to pass ordinance 71 at this, its first reading:

MARSHALL COUNTY ORDINANCE NO 71

Marshall County had previously passed ordinance 20. After further review, Marshall County believes it is in the best interest of Marshall County to revoke that ordinance due to updated statutes and that the ordinance is no longer needed. Therefore, the Marshall County Commissioners pass the following:

- A. **Ordinance 20 Revoked:** Once this ordinance takes full effect, Marshall County Ordinance Number 20 is hereby REVOKED.

All members voted aye. The second reading of this ordinance will be held on July 8.

ALCOHOLIC BEVERAGE RENEWAL:

Medhaug moved, Luttrell seconded to approve a Malt Beverage and SD Farm wine license renewal for Roy View Country Club. All members voted aye.

NEW HIRE:

Shari Schock was hired as full-time Highway Secretary effective June 16 at \$20/hour. Sandy Dinger was hired as part-time as-needed Highway Secretary Trainer effective June 16 at \$28/hour.

EXECUTIVE SESSION:

Luttrell moved, Bender seconded to enter into executive session at 11:48 am to discuss legal matters. All members voted aye. The chairman called the board out of executive session at 12:41 pm. No action was taken.

EXECUTIVE SESSION:

Medhaug moved, Bender seconded to enter into executive session at 12:45 pm to discuss personnel matters. All members voted aye. The chairman called the board out of executive session at 1:04 pm. No action was taken.

ADJOURN:

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

ATTEST:

Matthew Schuller, Chairman

Megan Biel, Auditor

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