

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

The Board of County Commissioners met in regular session at 9:00 a.m. on June 3, 2025 at the North Marshall Fire Hall. Members present were Schuller, Bender, Kilker and Medhaug. Commissioner Luttrell was absent. Commissioner Schuller presided. The meeting was open to the public. State's Attorney Victor Rapkoch was present for portions of the meeting. The Pledge of Allegiance was recited by everyone in attendance.

AGENDA:

Medhaug moved, Bender seconded to approve the agenda for June 3, 2025. All members present voted aye.

MINUTES:

Bender moved, Kilker seconded to approve the minutes for May 20, 2025. All members present voted aye.

CLAIMS:

Medhaug moved, Kilker seconded to approve and pay the following claims. All members present voted aye. PAYROLL by department: May 22, 2025: Commissioners 1965.20; Auditor 4557.95; Treasurer 4161.13; States Attorney 2073.62; Courthouse 1395.64; Director 5757.24; Register 4215.70; VSO 875.16; Community Building 267.75; Sheriff 17941.44; Welfare 602.69; Nurse 369.60; Extension 1478.40; Weed 1879.99; Zoning 2726.42; Highway 19666.07; E911 8461.54; Emergency Management 789.76;

EMPLOYER FICA & MEDICARE: First Savings Bank 5918.35

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 4737.63

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| ANDREA KILKER | 58.80 |
| BRITTON CITY WATER DEPT | 331.94 |
| CARLSON CRUSHING & EXCAVAT | 13,155.78 |
| CARLSON HARDWARE HANK | 5.98 |
| CENTURY LINK | 272.20 |
| DAVE DABERKOW | 155.26 |
| DIRK W WEBER | 1,593.74 |
| DOUG MEDHAUG | 89.60 |
| FOERSTER TESTING LIMITED | 19,130.00 |
| FULL CIRCLE AG | 176.37 |
| GALLS, LLC | 235.03 |
| HIWAY SERVICE POLARIS LLC | 106.96 |
| HOFLAND, DUSTIN | 34.15 |
| I & S GROUP, INC. | 7,650.00 |
| KALISSA STELZER | 60.00 |
| KRAUSE BROS CONSTRUCTION | 904.06 |
| KUCK LAW OFFICE | 16,395.60 |
| LAKE REGION ELECTRIC | 38.61 |

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| MARCO INC | 240.49 |
| MARCO TECHNOLOGIES LLC | 197.54 |
| MARCO TECHNOLOGIES, LLC | 42.50 |
| MARSHALL COUNTY PUBLISHING | 251.01 |
| OTTER TAIL POWER COMPANY | 894.75 |
| QUILL CORPORATION | 149.06 |
| RAPKOCH LAW, PROFF L.L.C. | 4,526.92 |
| STEPHEN RATH | 50.84 |
| TRUENORTH STEEL | 21,120.00 |
| VENTURE COMMUNICATIONS | 129.62 |
| VERIZON WIRELESS | 753.82 |
| VESTIS | 30.67 |
| WERNER AUTOMOTIVE | 93.00 |

PUBLIC COMMENT:

No one was present to make public comment.

PAPER SERVICE:

Sheriff Sam Swanson served a summons and complaint to the Commission board regarding a landowner's request for larger culverts in a road bordering his property.

HIGHWAY:

Dustin Hofland, Highway Superintendent met with the board to discuss Highway Department business. Hofland reported that the Highway department has been working on blading and hauling gravel. The State has started on their Roy Lake Road project of Northside Drive and 438th Avenue. The project does not include the connecting road between the two state parks, only the access to the parks from the state highway. Marshall County is not involved in this project. Hofland informed the board that during their project, the State is willing to do some asphalt repair and pavement marking on the connecting road between the two parks with a cost share agreement with the County. Marshall County will pay 25% of this expense if the Commissioners agree. Kilker moved, Bender seconded to agree to this expense (approximately \$15,500) with the State paying the remaining 75 % (approximately \$46,500.) All member present voted aye.

Hofland reported that he had investigated the removal cost of bridge 46-040-115 and Holloway estimated the cost would be \$10,000-20,000. Kilker stated she would report this back to Upper Crow Creek.

Kilker moved, Medhaug seconded to authorize the chair to sign the Agreement, Notice of Award and Notice to Proceed for project MC 07(2025)01 & MC 11(2025)01. All members present voted aye.

Kilker moved Bender seconded to accept the resignation of Sandy Dinger, Highway Secretary effective June 12. All members present voted aye.

RETIREMENT:

The Marshall County Commissioners would like to express their sincere gratitude to Sandy Dinger for her years of service to Marshall County as part-time State's Attorney secretary from 1984-1997 and then Highway Secretary from 1997-2025 and wish her the best in her retirement.

RIGHT OF WAY VACATION:

Medhaug moved, Bender seconded to pass the following Resolution:

A RESOLUTION TO APPROVE THE VACATION OF A PUBLIC RIGHT-OF-WAY

WHEREAS, A Petition for the vacation of Right-of-Way has been presented to the Marshall County Board of Commissioners. Said right of way petitioned for vacation is described as:

Unnamed 80'wide Roadway located between the east line of Block 4; and the west line of Block 3; and Unnamed 20' Alley between Lots 1-3 and Lot 5 in Block 4; and Unnamed 20' Alley between Lots 9 & 10 and Lot 11 in Block 3, all in Fisher and Root's Addition to Hilltop (Hillhead) located in Section 35, T128N, R54W of the 5th P.M., Marshall County, South Dakota

And is displayed on "Exhibit A" attached hereto and hereby incorporated by reference.

WHEREAS, Sam Pitzl, has signed the Petition for Vacation of Right-of-Way indicating that he has reviewed the Petition and consent to the vacation of the right-of-way described in the Petition.

WHEREAS, Petitioners agree to dedicate an easement for the purpose of providing ingress/egress for maintenance of any public utilities which may occupy the right-of-way at the time of this action.

WHEREAS, pursuant to public notice, hearing was held before the Board of County Commissioners on 3rd day of June, 2025, at 10:00 A.M., at which time the petition for vacation was submitted for examination and no protest having been made, motion was made and seconded that the following Resolution be adopted:

BE IT RESOLVED that the unnamed Roadways described above shall be and is hereby vacated, and the County Auditor is hereby authorized and directed to certify this Resolution as a matter of record.

Dated at Britton, South Dakota this 3rd day of June, 2025.

All members present voted aye.

DIRECTOR OF EQUALIZATION:

Katrina Johnson, Director of Equalization met with the board to discuss Marshall County Ordinance 20. This ordinance is no longer needed as State Laws have changed. The State's Attorney will draft an ordinance repealing ordinance 20.

EXECUTIVE SESSION:

Medhaug moved, Bender seconded to enter into executive session to discuss legal matters pursuant to SDCL 1-25-2 at 10:25 am. The chairman called the board out of executive session at 10:40 am. The following action was taken Bender moved, Medhaug seconded to deny a welfare claim due to no application. All members present voted aye.

2022-2023 AUDIT:

Kasie Ingraham, Department of Legislative Audit met with the board to inform them that the 2022-2023 audit has been completed. Kilker moved, Bender seconded to authorize the chair to sign the Letter of Representation. All members present voted aye. The only written comment in the audit report is that the County has excess unassigned cash in the General Fund. The full report can be viewed in the Auditor's Office during normal business hours or on the Legislative Audit webpage.

CASH ASSIGNMENT:

As a result of the audit recommendation, Medhaug moved, Kilker seconded to assign \$3,000,000 of General Fund unassigned cash to Courthouse Purposes. All members present voted aye.

COURTHOUSE PROJECT: ASPHALT BIDS

The following bids were opened and publicly read on May 20 for the asphalt work for the courthouse project: Bituminous Paving, Inc. \$235,000.00; Jensen Rock & Sand, Inc. \$166,155.10; Lien Transportation \$164,920.50. Medhaug moved, Kilker seconded to accept the bid from Lien Transportation. All members present voted aye.

PAY RAISE:

Per a one-year review, Kilker moved, bender seconded to approve a pay raise for Katrina Johnson, Director of Equalization from \$53,591.98 to \$56,000/year effective June 1, 2025. All members present voted aye.

EXECUTIVE SESSION:

Medhaug moved, Bender seconded to enter into executive session pursuant to SDCL 1-25-2 to discuss legal matters and personnel at 11:17 am. All members present voted aye. The Chairman called the board out of executive session at 12:33 pm. No action was taken.

NEW HIRE:

Keira Bennett was hired as E911 Dispatcher effective May 27 at a rate of \$18.50/hour.

FUTURE MEETINGS:

The board set the following dates for future commission meetings: July 8 & 22, August 5 & 19, September 2 & 23.

ADJOURN:

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

ATTEST:

Matthew Schuller, Chairman

Megan Biel, Auditor

Published once at the total approximate cost of _____.