

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

The Board of County Commissioners met in regular session at 9:00 a.m. on July 8, 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. The Pledge of Allegiance was recited by everyone in attendance.

AGENDA:

Kilker moved, Luttrell seconded to approve the agenda for July 8, 2025. All members voted aye.

MINUTES:

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

CLAIMS:

Luttrell moved, Kilker seconded to approve and pay the following claims. All members voted aye. PAYROLL by department: June 18, 2025: Commissioners 1805.20; Auditor 4667.68; Treasurer 4456.52; States Attorney 2419.00; Courthouse 2175.73; Director 5832.52; Register 4007.80; VSO 875.16; Community Building 216.75; Sheriff 16964.64; Welfare 602.69; Nurse 369.60; Extension 1478.40; Weed 1840.00; Zoning 2246.42; Highway 21797.75; E911 10002.15; Emergency Management 765.08;

EMPLOYER FICA & MEDICARE: First Savings Bank 6165.87

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 4714.70

PAYROLL by department: July 3, 2025: Commissioners 1925.20; Auditor 4633.04; Treasurer 4457.02; States Attorney 2684.62; Courthouse 1855.29; Director 5849.84; Register 3996.25; VSO 875.16; Sheriff 21041.64; Coroner 470.00; Welfare 602.69; Nurse 646.81; Ambulance 8995.20; Extension 1201.21; Weed 1937.49; Zoning 2686.42; Highway 18607.22; E911 10678.95; Emergency Management 869.97;

EMPLOYER FICA & MEDICARE: First Savings Bank 6887.48

EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 4881.75

ANDREA KILKER	58.80
AVERA PATIENT FINANCIAL SE	148.13
BOUND TREE MEDICAL LLC	150.65
BRITTON CITY WATER DEPT	407.82
CARLSON CRUSHING & EXCAVAT	17,066.03
CARLSON HARDWARE HANK	104.38
CENTURY LINK	273.04
CENTURYLINK	204.00
COLE PAPERS INC	106.99
COMMUNITY TRANSIT WATERTOW	10.00
COMSTOCK CONSTRUCTION INC	821,328.91
DAY COUNTY SHERIFF'S OFFIC	1,375.00
DOUG MEDHAUG	89.60

EDEN OIL	28,327.95
ERIKKA SNYDER	400.00
EXPETEC TECHNOLOGY SERVICE	697.11
FIRST NATIONAL BANK	213.66
FIRST SAVINGS BANK	17.50
FULL CIRCLE AG	2,120.11
HOCKENBROCK CONSTRUCTION	225.00
HOFLAND, DUSTIN	64.25
HOLLAND BROS OIL COMPANY	5,644.16
HOLLAND NAPA AUTO PARTS	9.99
HSI EMERGENCY CARE SOLUTIO	427.88
I & S GROUP, INC.	3,845.00
JASON BENDER	101.60
JENNIFER RINGKOB	35.32
JUROR FEES	923.66
KAYLA FISCHER	120.35
KRAUSE BROS CONSTRUCTION	9,495.41
LAKE REGION ELECTRIC	193.14
LANGFORD TOWN	401.88
LEHR SANITATION SERVICE LL	470.00
LYNDA LUTTRELL	33.60
MARC	201.24
MARCO INC	517.18
MARCO TECHNOLOGIES LLC	180.76
MARCO TECHNOLOGIES, LLC	42.50
MARSHALL COUNTY PUBLISHING	384.57
MODERN MARKETING	993.95
NATIONAL ACADEMIES OF EMER	165.00
OTTER TAIL POWER COMPANY	754.39
PATRICIA ROTHE	200.00
PCC INC	4,743.33
PHARMCHEM, INC.	95.85
QUILL CORPORATION	413.73
RAPKOCH LAW, PROFF L.L.C.	4,526.92
RC TECHNOLOGIES	309.84
ROBERTS COUNTY SHERIFF'S O	115.00
SATELLITE TRACKING OF PEOP	68.25
SCOTT'S LUMBER	119.43
SD ASSOCIATION OF ASSESSIN	1,000.00
SD PUBLIC HEALTH LABORATOR	80.00
SECURE INMATE TRANSPORT	7,000.00
SHELBY THOMPSON	9.11
SOUTHSIDE EQUIPMENT	403.61

STATE OF SOUTH DAKOTA DEPT	28,200.00
THOMSON REUTERS - WEST	302.00
VENTURE COMMUNICATIONS	1,176.10
VERIZON WIRELESS	320.08
VESTIS	40.00
WERNER AUTOMOTIVE	42.12
WOLFCOM ENTERPRISES	2,819.99

PUBLIC COMMENT:

Lee Schneider was present to make public comment on a culvert in the County road in Section 10 of Lowell Township. He has heard that someone wants to increase the size of the culvert and feels that doing so would cause flooding issues for his property. Schneider feels that it would be better to increase the size of the culvert 0.5 mile east of this location for the water to flow north to the main channel. Ron Thompson was also present with Schneider in support of this. There was also discussion of talking with the State about Highway 27 and the affects it has on water in this area.

Corrine Zorn met with the board to show them pictures of flooding near Pleasant Valley Church in White Township that she feels is being caused by drainage from the McLaen property. She stated that she had tried to speak with the owners and just wanted to provide an update to the Commissioners.

HIGHWAY:

Dustin Hofland, Highway Superintendent met with the board to discuss Highway Department business. Hofland reported that they have been working on patching and the State has started work on the Roy Lake roads. The estimated trade-in price for the mower is \$7,900. This would bring the cost of a new mower to \$55,000 with trade in.

Bridge 46-098-130 has been closed as additional damage was found during inspection. More will be reported when IMEG has completed the bridge inspections. Hofland reported that he plans to apply for PE grants for bridge 46-098-130, 46-100-171 and 46-116-120 and asked if there are any other bridges that should be applied for. The board requested that Hofland only apply for these bridges as adding more could reduce the likelihood of receiving a grant for one of these bridges.

Barry Braaten was hired as a part-time seasonal employee effective June 23 at \$23.63/hour.

FUEL QUOTES:

Shari Shock, Highway Secretary received the following quotes for #2 diesel for the Eden and Veblen shops on June 26: DaMar Elevator-Eden \$2.93, Veblen no bid; Eden Oil-Eden \$2.65, Veblen \$2.70; Holland Bros.-All locations \$2.79. Diesel fuel was delivered to the Eden and Veblen shops by Eden Oil.

Shari Shock received the following quotes for gasoline for the Britton shop on June 26: Eden Oil \$2.50; Holland Bros. \$2.99; DaMar Elevator-no bid. Gasoline was delivered to the Britton Shop by Eden Oil.

SECOND READING: Ordinance 69

Kilker moved, Luttrell seconded to pass ordinance 69 at this, its second 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:
- Location of the burn,
 - time of burn,
 - substance to be burned,
 - approximate completion time of the burn and
 - 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.
- 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)).
- 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.
 - 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.

SECOND READING: Ordinance 70

Kilker moved, Bender seconded to pass ordinance 70 at this, its second 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.

SECOND READING: Ordinance 71

Medhaug moved, Kilker seconded to pass ordinance 71 at this, its second 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.

EXTENSION:

Larissa Heitmann, Extension Secretary met with the board to present an update on 4-H activities. Spring programming in the schools included “adopt a cow” and “chicks in the classroom.” Farm Safety Day provided information to Britton-Hecla, Sunset and Westwood colonies. The horse show was held in Day County on July 2. Achievement Days will be held July 29-31.

BUDGET:

Various department heads met with the board to discuss their 2026 budget requests. The Provisional Budget hearing will be held on September 2.

RESIGNATION:

Cassidy Biel, Community Building Janitor resigned effective June 13.

ADJOURN:

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

ATTEST:

Matthew Schuller, Chairman

Megan Biel, Auditor

Published once at the total approximate cost of _____.