

**Custer County Commissioner Meeting
September 26, 2008**

Chairman Bies called the meeting to order at 8:00 a.m. with the Pledge of Allegiance. Marvin Bishop, Joe McFarland, Don Gifford, Leonard Wood, Dedrich Koch, Assistant State's Attorney and the Auditor were present. Chairman Bies approved the agenda with the following additions: Secure Rural Schools and Communities Act/PILT and Hermosa Neighborhood Watch under Work Session. In the following proceedings, all action taken was first duly moved and seconded, received a unanimous vote of the Commissioners without dissenting vote or abstention, unless otherwise stated.

Executive Session Action was taken to go in and out of executive session for legal discussion. The session began at 8:05 a.m. and adjourned at 8:18 a.m. No action taken.

Commissioner's Discussion - Custer County Housing

Department heads present for the discussion were Dawn McLaughlin, David Green, Les Struble, Frances Larsen, Loren Cofell and Linda Nelson. Frances Larsen and David Green were spokespersons. A discussion was held regarding the request by Custer County Housing for financial support of the implementation of TIF District No. 1 in Hermosa to achieve senior housing for residents of Custer County. The department heads unanimously opposed that request.

John Culberson, Highway Superintendent

-John recommended the hire of Jerry Dugan as permanent full-time Equipment Operator II effective September 29, 2008 at \$13.40 per hour pursuant to the union pay scale. The Board moved to approve the hire. Motion carried.

-Heavy Constructors, Inc. of Rapid City, SD is the low bidder in the Abstract of Bids for the BRO 8017(04), PCN H142, Custer County Structure & Approach Grading project with a proposal of \$238,863.02 for a county road 1 mile south of Custer over the Mickelson Trail. The Board moved to award the contract to Heavy Constructors, Inc. Motion carried. DOT will pay for 80% of the project and Custer County will pick up 20%.

-John recommended approval of the following applications for permit to occupy county highway right-of-ways:

*Golden West made application from the intersection of Beaver Creek Road & Bowman Road to Apple Valley Ranch to bury 1", 72 fiber cable at the depth of 36" by minimum size boring that will extend from toe of in-slope to toe of in-slope. The Board moved to approve the application. Motion carried.

*Tom Martinez made application for a pipeline on Elk Mt. Road, Section 20, T4, R1 for installation of 2 inch poly pipe water line, 6 feet deep with a trench and backhoe. The Board moved to approve the application with the recommendation that the water pipe be sleeved as noted on the plans. Motion carried.

*Tom Martinez made application for a pipeline on Dewey Road, Section 21, T4, R1 for installation of 2 inch poly pipe water line, 6 feet deep with a trench and backhoe and for a pipeline on Valley Road, Section 21, T4, R1 for installation of 2 inch poly pipe water line, 6 feet deep with a trench and backhoe. The Board moved to approve both applications. Motion carried.

*Fred Rittberger made application for a pipeline on Rittberger Road, Section 28-29, T3, R7E for installation of 1½" PVC, 6 feet deep water line with a backhoe. The Board moved to approve the application with the recommendation that the water pipe be sleeved for easy repair. Motion carried.

-Action was taken to go in and out of executive session for personnel. The session began at 9:00 a.m. and adjourned at 9:05 a.m. No action taken.

David Green, Planning

Final Plat 2008-7 - Ridgeway Place Subdivision Phase IV. A Plat of Lots 7A and 7B of Lot 7 of Ridgeway Place Subdivision Phase II, and Lots 9 through 16 of Tract A, B and C of HES 391 and Tracts 0121 B and C, Located in the SE4SE4 of Section 33, the SW4SW4 of Section 34, T2S, R3E and Government Lot 4 and the SW4NW4 of Section 3, and the NE4 and the NW4SE4 of Section 4, T3S, R3E, BHM, Custer County, South Dakota. Thomas McDill is the owner.

The Board moved to approve the final plat as recommended by the Planning Commission, providing all the conditions have been met. Motion carried.

Final Plat 2008-8- Geiman Subdivision. A Plat of Geiman Acres, KD Acres and Deeron Acres of Geiman Subdivision, (Formerly Lot 1 of Tract A of Geiman Subdivision), located in the S1/2SE4 of Section 5, T3S, R7E, BHM, Custer County, South Dakota. Delores Myers and Karen Davis are the owners. McFarland made a motion, Gifford seconded, to approve the final plat as recommended by the Planning Commission, providing all the conditions have been met. McFarland, Gifford, Bies and Wood voted in favor, Bishop abstained. Motion carried.

-Final Plat - Fork Creek II Subdivision. A Plat of Lots 1 and 2 of Lot B of Tract 21 of Fork Creek II Subdivision of Bruce D. Ilsley Homestead Located in Government Lot 5 and the SW4SE4 of Section 12, T3S, R3E, BHM, Custer County, South Dakota. Margo Bentz is the owner. The Board moved to deny approving the final plat until the road is brought up to county specifications. Motion carried.

-Final Plat - Watkins Subdivision. Tract 1 of Watkins Subdivision, located in the S1/2 NW1/4 of Section 12, T6S, R2E, BHM, Custer County, South Dakota. Jim Watkins is the owner. The Board moved to table approval of the final plat until the taxes are paid. Motion carried.

-Flood Plain Development: Application by Gordon Cleveland for Floodplain Development Permit, located in Woods Subdivision, Tract Cleveland, Section 5, T4S, 4E, BHM, Custer County, SD. The Board moved to approve the application. Motion carried.

-Flood Plain Development: Application by Curtis Schmitz for Floodplain Development Permit, located in Lots 1 thru 3 of Tract A of the S1/2 of the SW 1/4 of Section 26, T3S, R4E, BHM, Custer County, SD. The Board moved to approve the application. Motion carried.

-Planning Commission Alternate. Green will advertise for letters of interest for the alternate position open on the Planning Commission.

Dawn McLaughlin, Treasurer

-John Dahlstrom, Edward Jones, reviewed Custer County's portfolio analysis of investments with the Board.

Aryln Jensen, Ag Status of Property

-Aryln wondered why his property was not classified as agricultural land since it was classified as agricultural land when he bought it. It was explained that he did not meet two of the criteria listed in South Dakota Codified Law 10-6-31.3 needed to qualify his land as agricultural.

Linda Fellows, Stagecoach Crossing

-The Forest Service currently has an easement on the existing NFSR 586 that intersects lots 30, 31 & 32 within the Stagecoach Crossing Subdivision and the FS will vacate the easement once they acquire a replacement easement. Fellows requested that the county grant a right of way to the Forest Service but the Board said that the contractor should redo the plat to correct the problem. The State's Attorney's office will get in touch with the contractor.

Mike Carter, Director of Emergency Management

-The Board moved to authorize the Chairman to sign the Agreement for Professional Service for the Custer County Airport Project No. 3-46-0011-007-2008 between Custer County as the sponsor and Kadrmas, Lee & Jackson Inc. as consulting engineers for phase 2 to construct SRE/GA terminal. Motion carried.

-The Courthouse does not have any more phone lines available and Carter would like to check into the costs for a dedicated line for dispatch of the alarm system. The Board moved to authorize Carter to check into getting a dedicated phone line. Motion carried.

Kevin Heikkila, Nebraska National Forest

- 3,801.38 acres of federal land located in Custer County is to be exchanged for 2,196.50 acres of land owned by Dakota Partnerships located in Pennington County. This proposed land exchange is part of the ongoing effort to more efficiently and effectively manage land on the Buffalo Gap Grassland. Kevin provided the Board with a draft Environmental Assessment for the Indian Creek Land Exchange which will describe and evaluate the proposed action and alternatives.

Joe Lux, Custer County Housing

-Joe prepared a draft resolution for the Board at the September 2nd meeting for their review and further discussion at today's meeting. After some discussion McFarland moved to not initiate the proposed resolution submitted by Custer County Housing. Don Gifford seconded the motion. McFarland, Gifford, Wood and Bies voted to not initiate the resolution. Bishop abstained. Motion carried.

Changes to the Provisional budgets are as follows:

For the General Fund Revenue Budget: Cash applied was changed to \$357,344; Subtotal changed to \$3,863,612; Less 5% changed to \$193,181; Net Means of Finance and Total Appropriations changed to \$3,670,431.

For the General Funds Expenditure Budget: Commissioners was changed to \$100,870; Sheriff was changed to \$784,458; General Fund total was changed to \$3,670,431 and Total All Funds was changed to \$6,216,057.

Adoption of the 2009 Budget

-Total tax levy for the county in 2008 was 5.252 and the total tax levy for the county in 2009 is 5.178, a decrease of .074. The Board moved to adopt Resolution 2008-11, the 2009 Annual Budget and Levies. Motion carried.

RESOLUTION 2008-11 ADOPTION OF ANNUAL BUDGET for Custer 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, elimination's 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 Custer County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2009 and ending December 31, 2009 and the same is hereby approved and adopted by the Board of County Commissioners of Custer County, South Dakota, this 26th day of September, 2008. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor, Custer County, South Dakota. The accompanying taxes are levied by Custer County for the year January 1, 2009 through December 31, 2009. General Fund = \$2,076,733 = 3.273 \$'s/1000 Building Fund = \$370,166 = .583 \$'s/1000 Secondary Road = \$394,274 = .920 \$'s/1000 Fire Fund = \$185,570 = .402 \$'s/1000. Total County Funds = \$3,026,743 = Total Levy = 5.178 \$'s/1000

Dated this 26th day of September 2008

/s/Commissioners

Rick Wheeler, Sheriff

-Rick hired Wendy Wager as a temporary Administrative Assistant on September 2nd at \$9.00 per hour and would like to put her on as a full time Administrative Assistant effective September 25th at the same wage. The Board moved to approve the hire. Motion carried.

-Deputy Bawdon advised the Board that Custer County Sheriff's Department will receive another \$49,000 from the Highway Safety Grant for overtime and equipment.

Minutes

The Board moved to approve the minutes of the September 2nd, 2008 meeting as presented.

Motion carried.

Mail Call/General Business

-The Board acknowledged the following: Letter from DENR notifying us that Powertech, Inc. has submitted a Request for Determination of Special, Exceptional, Critical or Unique Lands and Notice of Intent to Operate for their proposed uranium in situ leach mine and processing facility in the Dewey-Burdock and DENR has reviewed the request and found it to be procedurally incomplete; Receipt of Custer County's allocated portion of Court-Appointed Attorney and Public Defender and Abused and Neglected Child Defense funds in the amount of \$6,564.48; Notice from U.S. Board on Geographic Names that they did not approve the proposals to change officially the names of Negro Wool Ridge and Negro Canyon in Custer County to Robert Bailey Ridge and Roland Kercheval Canyon respectively; Pennington County Health and Human Services advised the per diem rate for mental health holds at RC Regional West has increased from \$678.00 per day to \$698.00; Thank you from Custer Conservation District for Title III funds provided to cover publishing costs for their booklet; An invitation to the Hills Area Conservation District's legislative coffee to be held at the Walter Taylor Room of the SDSU Extension Office in

Rapid City on October 6th; Notice from BH Council of Local Governments of DSAF Fall Conference October 15-16 in Rapid City regarding managing forested watersheds for water quality and quantity; Request from the Foster Grandparent Program and Senior Companion Program recognition event Friday, October 3 in Rapid City at the Canyon Lake Chop House. - Letter was received from Emergency Services Communications Center in Pennington County requesting a meeting to discuss services being provided in Custer County for fire and medical dispatching. The Board moved to authorize the Chairman to sign a letter of response. Motion carried.

Monthly Reports

The Board acknowledged the following reports:

- Register of Deeds August 2008 statement of fees with \$372.00 collected in state fees, \$11,519.56 for county fees for a total of \$11,891.56.
-The Auditor's report with the Treasurer for August 2008 as follows: Cash \$1,852.13; Checks/Drafts <3days \$9,616.63; Checks/Drafts >3 days \$1,200.00; 1st Western Bank checking \$25,414.74; 1st Western Bank Savings \$192,697.37; FWB Flex \$54,314.94; ED Jones MM \$314,862.51; 1st Western Investment \$31,690.45; TELCO Checking \$196.03; TELCO TIIA \$15,110.97; TELCO Savings \$79,356.66; TELCO CD \$90,000.00; Accrued Interest \$99.96, ED Jones \$3,255,378.45 for a total of \$4,071,790.84.

Indigent

-An application was received for county assistance for medication expenses in the amount of \$73.00. The Board moved to approve the request contingent upon a signed promissory note for repayment. Motion carried.

Travel Request

-Sandra Walker made a request to attend the SDACD Convention in Pierre on September 21-23 at no cost to the county since the Conservation District will pay all expenses. The Board moved to approve the request. Motion carried.

-Mike Carter made a request to attend AHIMT All Hazard Incident Management Team training in Dekalb, IL on October 14-18 at a cost to the county for gas to Pierre only. The Board moved to approve the request. Motion carried.

-Joel Behlings made a request to attend the 2008 Annual Safety & Loss Control Conference in Pierre November 12-13 at a cost to the county of \$115.00 plus use of a county vehicle. The Board moved to approve the request. Motion carried.

-David Green and Nathan Winter made a travel request to attend the ArcGIS 9.3 Seminar: Improving Your Entire GIS Workflow in Denver CO on 10-14-08 at a cost to the county of \$287.00. The board moved to approve the request. Motion carried.

Human Resources/Personnel

-Bill Kirsch recommended the following layoffs for the 2008 spray season effective 9-26-08 for Mark Fanning, Jason Halls, Aaron Carrier, Harry Parker, Jerald Wendorff, Jim Bland and Charles Smith. Some staff may be subject to recall during the fall season. The board moved to approve the recommendation. Motion carried.

Union Negotiations-Executive Session

-Action was taken to go in and out of executive session for negotiations. The session began at 12:47 p.m. and adjourned at 12:55 p.m. No action taken.

Hermosa Neighborhood Watch

-Elena Skillingstad updated the Board on the progress that has been made with the Neighborhood Watch program in Hermosa and asked that the Board consider them at budget time.

Vouchers

-The Board moved to approve the vouchers as presented. Motion carried.

A & B WELDING INC 35.26 8/22/08 138221 MAINT TANK TORC, AIRNAV, LLC 139.00 8/28/08 801710 AIR LISTING/GUA, ARGYLE FIRE DEPARTMENT 2836.00 2008 3RD QUARTER BUDGET PAYMNT, GREG BARNIER 1281.73 8/21/08 COURT APPOINT ATTORNEY, BEADLE COUNTY AUDITOR 10000.00 8/29/08 ANGEL CASE - PROS ASST, BEESLEY LAW OFFICE, P.C. 860.26 8/7/08 826 COURT APPNT ATTORNE, BUFFALO GAP FIRE DEPT. 2836.00 2008 3RD QUARTER BUDGET PAYMNT, BLACK HILLS POWER & LIGHT 1826.48 7/21-9/3/08

COUNTY ELECTRICTY, CAROL BUTZMAN CONSULTING, LLC 228.83 8/12/08 80 MENTAL HEALTH EVAL, SOUTHERN HILLS PUBLISHING INC 612.09 8/31/08 COUNTY NOTICES/WANT AD, CUSTER COUNTY WEED & PEST 334.88 8/21/08 186 AIR WEED SPRAYING, CENTURY GLASS COMPANY 347.04 9/8/08 6228 BROKEN WINDOW ANNX, CUSTER DO IT BEST 30.47 8/20/08 COUNTY SUPPLIES/REPAIR, CUSTER ALL DRUG 750.00 2008 3RD QUARTER BUDGET PAYMNT, CUSTER CITY 1364.29 6/28-7/28/08 COUNTY WATER/SWR, CUSTER FOOD PANTRY, INC. 875.00 2008 3RD QUARTER BUDGET PAYMNT, D-WARE INC 75.00 6-07-08 MEET2008 REGISTRATION, DAKOTA STEEL 1454.00 8-19-08 46147 HWY STEEL, DEWEY FIRE DEPT. 1181.25 2008 3RD QUARTER BUDGET PAYMNT, DIAMOND MOWERS, INC 213.85 8-26-08 36285 HWY MOWER KNIVES, DJ'S AUTO SVC 60.00 8-20-08 54156 SHRF REAR STRUTS, EMERY PRATT CO INC 143.01 8/15/08 LIBRARY BOOKS/CARDS, STATE OF SOUTH DAKOTA 19.00 8/27/08 DP907203 JULY BIT BILL, FASTENAL COMPANY INC 88.48 8-27-08 132852 HWY ASST SUPPLI, FEDEX 65.67 8/27/08 28869179 ANGELS POSTG, FISH GARBAGE SERVICES, INC 26.25 8/25/08 88PO4506 WEED GARBAGE, FOLSOM FIRE DEPARTMENT 1750.00 2008 3RD QUARTER BUDGET PAYMNT, FRESH START 60.00 7/16-8/26/08 POOR GAS, GALLS INCORPORATED 344.97 8/16/08 5952229000010 SO SPKR, GODFREY BRAKE 1220.06 9-08 HWY PARTS, GOLDEN WEST TELE- COMMUNICA 2044.20 9/1/08 COUNTY TELEPHONE SERVC, GOLDEN WEST TELE-COMMUNICA 1772.76 9/1/08 COUNTY TELEPHONE SERVC, GRIMMS PUMP SERVICE INC 560.26 8-22-08 W04344 FURNACE REPAIR, HIGHLANDS FIRE DEPARTMENT 1750.00 2008 3RD QUARTER BUDGET PAYMNT, HILLS EDGE AUTO SALES 26.25 8-18-08 HWY PU FUEL SYS, LAVON W HUGHES DBA 364.07 8/25/08 1665 CRT HS LTS/LABOR, IKON OFFICE SOLUTIONS 619.92 8/20-9/1/08COUNTY COPIER LEASE, IKON OFFICE SOLUTIONS 348.53 8/23/08 5009066104 CPR MNT/OVR, INDUSTRIAL SUPPLY CO, INC 22.60 8-27-08 4527202 HWY SUPPLIES, APEX TECHNOLOGY SOLUTIONS 3960.00 8/21/08 8154 AUGUST NTRWK SERV, JENNER EQUIPMENT INC 709.03 9-02-08 90116 HWY RIM, JOHNSON MACHINE INC 71.20 8-26-08 663760 HWY PARTS, KABEISEMAN & POLLARD 386.00 7/8&8/19/08 MNLT HLTH CRT APPT, KNECHT HOME CENTER 22.98 8/27/08 827703 AIRP PROJ WOOD, SD LTAP 70.00 10-28-08 LTAP REGISTRATION FEE, LYLE SIGNS, INC 103.08 7/21-8-20-08 570756 HWY/911 SN, MANLOVE PSYCHIATRIC GROUP PC - 83.33 8/15/08 PRIS MED CARE, MAUNA TOWERS LLC 229.01 9-01-08 2014 BEAR MT REPEATER, M. G. OIL COMPANY 21572.55 8&9-08 HWY/AIRP FUEL/DIESEL, MINNEHAHA CO. SHERIF'S OFFICE 1409.76 7/23-31/08 PRISONER CARE, MOBILE ELECTRONIC SERVICE INC 295.00 8/13/08 49608 SO SIREN HEAD, ATTNY LYNN MORAN 328.00 8/6/08COURT APPOINTED ATTORNEY, MT RUSHMORE TELEPHONE COMPANY 288.72 8-25-08 EAST COUNTY PHONES, NELSON'S OIL & GAS, INC. 3649.93 8-08 HWY GAS & LP, KARI L NORDSTROM 657.13 8/18-21/08 COURT APPT ATTORNEY, NORTH CENTRAL RENTAL & LEASING 1003.50 8-21-08 28RR-00035413 RENTAL, OWEN MEADOWS DBA 257.80 8/15-20/08 SO CAMERA/RADIO RPR, PENNINGTON COUNTY COURTHOUSE 369.00 3/13-5/16/08 MNLT ILL BRD CAA, PENNINGTON COUNTY JAIL 13320.42 7/1-31/08 PRISONER CARE, PENNINGTON COUNTY JAIL 472.18 7/8-24/08 PRISONER TRANSPORTS, PRINGLE FIRE DEPT. 2836.00 2008 3RD QUARTER BUDGET PAYMNT, QUILL CORPOR-ATION 164.61 8/21-26/08 COUNTY SUPPLIES, RAPID CITY JOURNAL 180.00 8/16/08 23073 LIB PAPER RENEW, POWER PLAN 50.66 8-20-08 33965 HWY FILTER, SANDER SANITATION SERVICE INC 397.50 9/1/08 269764 COUNTY GARBAGE, SCHOOL OUTFITTERS 12898.60 8/7/08 QUO138959 FAIR BLEACHER, SD DEPT. OF REV. & REGULATION 440.00 9/3/08 PROG ENROLL/PERMT GRACE, S.D.HUMAN SERVICES CENTER 355.05 8/1-31/08 COUNTY MENTAL HEALTH, HAROLD SNOW 1562.50 2008 3RD QUARTER BUDGET PAYMNT, CREIGHTON A. THURMAN 269.67 8/15/08 CIV08-492 CAA MNLT ILL, UAP DISTRIBUTION, INC 1181.00 8/25/08 S009004496 WEED CHEMIC, SANDRA WALKER 500.00 2008 INSURANCE DEDUCTIBLE REIM, WEAVE 1435.00 2008 3RD QUARTER BUDGET PAYMNT, WEST PAYMENT CENTER 335.00 6/15-7/4/08 SO SD LAW RFL/CD, WEST RIVER INTERNATIONAL 14.08 8-20-08 174425 HWY PARTS, WESTERN COMMUNICATIONS 645.75 7/25/08 651141 SO RADIO REPAIR, WESTERN SD JUVENILE SERVC 7800.00 8/1-31/08 JUVENILE SERVICES, YANKTON CO. SHERIFF 27.00 8/18/08 26156 PAPER SERVICE, Z & S DUST

CONTROL SERV. 3658.00 8-28-08 19953 MAG WATER, LINCOLN COUNTY AUDITOR
1125.05 BID JD 2955 TRACTOR W/S&R MWR.

-Chairman Bies adjourned the meeting at 1:00 p.m. with the next meeting being held October 8th,
at 8:00 a.m. in the Beef Building at the Custer County Fairgrounds.