

Custer County Commission Meeting (Wednesday, May 9, 2018)

Members present:

Commissioners Travis Bies, Phil Lampert, Jesse Sorenson, Jim Lintz, Mark Hartman and State's Attorney Tracy Kelley.

A. Commission Meeting was called to order at 8:00 AM followed by the Pledge of Allegiance.

B. Adopting of the agenda

Chairman Lampert called for any corrections to the agenda. With no corrections, the agenda will stand as presented.

C. Consent Agenda

Motion by Lintz and seconded by Bies to approve the April 25, 2018 commission meeting minutes and the April 25, 2018 County Board of Equalization minutes. Motion carried, unanimous. Motion by Lintz and seconded by Bies to approve the following vouchers and travel requests. Motion carried, unanimous.

Travel requests approved: Patty Caster, Julie Jenniges and Amanda Pierce to Vanguard User's meeting in Oacoma, SD, at a cost of \$821.70; Mike Carter to Type 3 Team Deployment in Madison, SD, at no cost; Jeremy Uphoff, Wanda Gramkow and Monica DeNardis to SDACO Deputy Workshop in Pierre, SD, at a cost of \$611.97; Gary Woodford to SDACHS 34th Annual Summer Meeting in Pierre, SD, at a cost of \$200; Cathy Carter to SDACHS Office Personnel Workshop in Pierre, SD, at a cost of \$250.

Vouchers approved as follows:

PAYROLL: Commissioner's \$1,681.28; Auditor \$11,889.41; Treasurer \$3,824.73; IST \$1,693.92; State's Attorney \$4,765.14; Courthouse Building \$2,116.84; Director of Equalization \$4,238.07; Register of Deeds \$5,307.95; Veterans Service \$595.68; Human Resource \$537.97; Sheriff \$16,075.84; Nurse \$488.86; Library \$3,641.56; Extension \$701.29; Weed & Pest \$1,128.18; Planning \$2,756.73; Highway & Bridge \$16,730.94; Emergency Management \$1,305.31; 24/7 \$811.90; Communications/911 \$7,153.38

GENERAL FUND: SD State Treasurer \$7.63

COMMISSIONERS: Southern Hills Publishing \$1,225.67; SDACO \$4,024

CONTINGENCY: New York Life \$126.00

COURT: Beesley Law \$440; Skinner Law \$296.91; Garland Goff \$1,178.10; Angela Colbath \$1,117.10

AUDITOR: SDACO \$250; LCA Bank \$78.29; Golden West \$173.75; Ricoh \$.06

TREASURER: A & B Business \$1.87; SDACO \$250; Golden West \$173.73

IST: Golden West \$69.50

STATE'S ATTORNEY: Bridgette Banks \$62.40; Southern Hills Publishing \$21.89; First Western Insurance \$50; Lexi Nexis \$289; Secretary of State \$30.00; Luke Yellow Robe \$1,500; Heath Waddell \$338.56; Golden West \$37; Culligan \$37; Rapid City Police Dept. \$37

COURTHOUSE BUILDING: Southern Hills Publishing \$31; Custer True Value \$88.35; Black Hills Industries \$238; Golden West \$334.76

DIRECTOR OF EQUALIZATION: Custer True Value \$17.98; Golden West \$208.47; Vanguard Appraisals \$9,850

REGISTER OF DEEDS: A & B Business \$20.12; SDACO \$250; Golden West \$138.99

VETERANS SERVICES: Golden West \$34.76

PREDATORY ANIMAL: SD Dept of Game Fish & Parks \$827.20

INFO TECHNOLOGY: Active Data Systems \$3,066; Golden West Technologies \$1,940; A & B Business \$1,403.26; Golden West Telecommunications \$10; Ricoh \$5.41

SHERIFF: Black Hills Energy \$95.99; Defensive Edge Training \$265; A & B Business \$63.54; Innovative Office Solutions \$150.03; Sherry Weber \$33; Golden West \$351.44; Culligan \$46.50; A to Z Shredding \$40; Great Western Tire \$1,298.20 Axon Ent. \$3,888

PRISONER CARE: Manlove Psychiatric \$59.90; Innovative Office Solutions \$140; Ann Allen \$150; Christine Peters \$75; Rapid City Police \$140

AIRPORT: QT POD \$818.79; Custer Gas \$256.71; Custer True Value \$68.09; Jenner Equipment \$647.79; Rock Solid Enterprises \$2,796; Golden West \$198.85; MG Oil \$3,281.90; Mark & Shannon Stites \$3,000

LIBRARY: Dakota Business Center \$1,122.32; Mt Rushmore Telephone \$112.55; Golden West \$281.10

CULTURE/RECREATION: Southern Hills Publishing \$87; Custer True Value \$8.49; Lynn's Dakotamart \$30.72

EXTENSION: A & B Business \$17.89; Golden West \$220.56

WEED & PEST: A & B Business \$8.11; Golden West \$48.69; SD Association of County Weed & Pest \$150

PLANNING: Golden West \$138.99

COUNTY ROAD & BRIDGE: Bierschbach Equipment \$470; Black Hills Energy \$192.74; Butler Machinery \$936; Custer Do It Best \$13.40; Southern Hills Publishing \$32.40; Custer True Value \$82.51; Eddie's Truck Sales \$913.35; French Creek Loggers \$54.89; Fastenal \$12.61; Dakota Supply \$28.23; Interstate Batteries \$116.95; Lynn's Dakotamart \$15.96; Mt Rushmore Telephone \$114.65; Ranchers Feed & Seed \$18; S & B Motor Parts \$464.78; SD Assoc County Comm \$75; SD Dept of Transportation \$432.96; Kieffer Sanitation \$152.79; Servall Towel & Linen \$101.44; Town of Buffalo Gap \$54; Snap on Tools \$256.75; Southern Hills Rock & Gravel \$16,750; Golden West \$272.69; Lyle Signs \$606.92; Culligan \$40; Matco Tools \$291.65;

MG Oil \$186.82; Great Western Tire \$4,957.60; Forward Distributing \$45.15; CBH Cooperative \$1,621.72; Anderson Auto Sales \$32

EMERGENCY MANAGEMENT (HOMELAND SECURITY GRANT): Richard Smith \$116.80; James Strain \$183.60; Robert Rendon \$50.40

EMERGENCY MANAGEMENT: Southern Hills Publishing \$170; Custer True Value \$29.98; Lynn's Dakotamart \$371.92; SD Emergency Management \$95; Kathy Glines \$232.92; Sam Smolnisky \$94.72; Golden West \$104.25

BUILDING: Custer City \$199.39; Custer True Value \$77.62; Sander Sanitation \$334.94; Adtech \$4,638.98

ROD MODERNIZATION & PRESERVATION: Microfilm Imaging Systems \$822.25

EMERGENCY LINE: Jonathan Mosely \$1000; Rushmore Communication \$294; A & B Business \$16.02; Innovative Office Solutions \$105.65; Golden West \$1,375.99; Culligan \$33.50; RT Communications \$23.07

D. Conflict of Interest Declarations – Phil Lampert stated a conflict of interest with the public hearing to vacate Plat of Tatanka Spirit Subdivision & Tatanka Spirit Subdivision, Phase II

E. Highway

1. Motion by Bies and seconded by Lintz to approve and authorize the chairman to sign the Agreement to Provide for the Striping and Continuing Maintenance of County Roads within Custer County. Motion carried, unanimous.
2. Motion by Hartman and seconded by Sorenson to approve the Application for Occupancy on the Right of Way of County Highways from Fall River Water User's District for a pipeline crossing on Highway Number 719 in Section 6, Township 5, Range 8, Custer County, South Dakota. Motion carried, unanimous.
3. Gary Woodford, Highway Superintendent gave an annual report. Woodford explained how monies had been spent the previous year and reported that the county received three grants this year for bridges. Two of the grants are for bridge preservation and the third grant is for a bridge replacement. The new motor grader that was purchased is scheduled to be delivered on Thursday, May 10th.
4. Woodford informed the commission that Mark Jurrens has been hired as an Equipment Operator and will begin employment with the county on May 14, 2018.
5. Caley Buckert, Weed Supervisor, gave an update on the weed department. Buckert has sent out a letter to all land owners in Custer County advising the land owner's responsibility to control weeds on their property. There will be a landowner workshop at Argyle on Friday, May 18, 2018 starting at 9 a.m. and lunch will be provided. Buckert also stated there is a grant to help cover costs of chemicals used to spray weeds. Land owners need to turn in receipts to Buckert to receive the 50% reimbursement through the grant.

F. Public Hearing – Vacate Plat of Tatanka Spirit Subdivision & Tatanka Spirit Subdivision

Chairman Lampert turned the meeting over to Vice Chairman Lintz. The public hearing was opened and there was no attendance to oppose the vacation of the plat. Motion by Hartman and seconded by Bies to approve Resolution 2018-08. Motion carried, Lampert abstained.

RESOLUTION 2018-08
A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF CUSTER COUNTY, SOUTH DAKOTA, TO
VACATE THE PLATS OF
TATANKA SPIRIT SUBDIVISION & TATANKA SPIRIT SUBDIVISION, PHASE II

WHEREAS, a petition has been filed with Custer County requesting vacation of the following described plats, to-wit:

TATANKA SPIRIT SUBDIVISION & TATANKA SPIRIT SUBDIVISION, PHASE II
Located in Sections 1, 12, & 13, Township 6 South, Range 6 East, BHM, Custer County

recorded in the Office of the Register of Deeds for Custer County, South Dakota in Book 12 of Plats, pages 314 and 390.

WHEREAS, the Board of County Commissioners (Board) has the authority to approve the vacation of any recorded plat that lies outside a municipality, either in whole or in part, in accordance with SDCL 11-3-21.1; and

WHEREAS, Rogers-Scull LLC, a South Dakota limited liability company is the record owner of the properties contained within said plats sought to be vacated; and

WHEREAS, the publication of legal notice has been satisfied according to SDCL11-3-22.1; and

WHEREAS, the platted subdivisions do not lie within the corporate limits of any incorporated municipality within Custer County; and

WHEREAS, it has been proven to the satisfaction of the Board that all property taxes have been paid on such plats as required by SDCL 11-3-23.1; and

WHEREAS, the Board, in accordance with SDCL 11-3-23.1, has determined that vacating the plats will not abridge or destroy any of the rights and privileges of other proprietors of such plats and will not authorize the closing or obstruction of any public highway laid out according to law

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, SOUTH DAKOTA: That the plat(s) of Tatanka Spirit Subdivision and Tatanka Spirit Subdivision, Phase II recorded in Book 12 of Plats at pages 314 and 390, in the Office of the Register of Deeds for Custer County, South Dakota are hereby vacated.

BE IT FURTHER RESOLVED: That that portion of Tatanka Spirit Road and Stampede Trail that lie within the boundaries of the platted property, which rights-of-way are not located within a section line, shall no longer be deemed public right-of-way.

BE IT FURTHER RESOLVED: That all other easements and agreements granted in or upon such properties by virtue of separate written document shall remain in full force and effect unless otherwise modified or terminated subsequent hereto.

APPROVED BY THE COMMISSION this 9th day of May, 2018.

Jim Lintz
Vice-Chairman, Custer Co. Board of Commission

ATTEST:

Teresa Cornelison
Custer County Auditor

The meeting was turned back over to Chairman Lampert.

G. Emergency Management

1. Motion by Bies and seconded by Hartman to approve and authorize the chairman to sign the SLA 2nd Quarter Report – FY 2018. Motion carried, unanimous.

H. Planning

1. Motion by Hartman and seconded by Lintz to approve the plat of Tract 29 Revised of Battle Mountain Subdivision Revised and Waynick Tract, formerly Tract 29 of Battle Mountain Subdivision Revised and the SE4SW4NE4 of Section 25, T6S, R5E, BHM, Custer County, South Dakota. Motion carried, unanimous.
2. Motion by Sorenson and seconded by Lintz to approve the Wireless Communication Tower Modification from Verizon Wireless by Cobb Wireless Group II on Homestead Subdivision, Tract Matt (part of Government Lot 16), Section 24, T3S, R4E, BHM, Custer County, South Dakota. Motion carried, unanimous.

I. Sheriff

1. Motion by Hartman and seconded by Sorenson to approve the hire of Carl Maude as Deputy Sheriff effective May 16, 2018. Motion carried, unanimous.

J. Commission

1. The commission reviewed the application for Isolated Tract Easement from Bang McCullen Law Firm on behalf of Richard and Barbara Drew. One letter of opposition was received for the application from DeMersseman Jensen Tellinghuisen & Huffman LLP on behalf of Dale Russell

and Ellen Ballard. The commission set Wednesday, May 23, 2018 at 11:00 a.m. as the time for viewing of the property.

K. Equalization

1. Motion by Bies and seconded by Lintz to approve Abatement 1809 in the amount of \$156.12. Motion carried, unanimous.
2. Motion by Hartman and seconded by Sorenson to approve Revised Resolution 2015-06. Motion carried, unanimous.

Revised Resolution 2015-6
COMMERCIAL / INDUSTRIAL DECRETIONARY FORMULA

WHEREAS, the Commissioners of Custer County have considered the impact of a discretionary tax formula to encourage development of certain commercial and industrial property per SDCL 10-6-35.2 within the boundaries of Custer County; and

WHEREAS, the codified laws of the State of South Dakota empower the Commissioners to adopt any formula for assessed value of certain commercial and industrial property (SDCL 10-6-35-.2); now therefore

IT IS HEREBY RESOLVED that the following discretionary tax formula for property classified pursuant to SDCL 10-6-35.2 is hereby adopted:

1. That property meeting the requirements of SDCL 10-6-35.2 shall be assessed at the following rates: 0% - First Year; 0% - Second Year; 0% - Third Year; 0% - Fourth Year; 0% - Fifth Year
2. That the Custer County Commissioners shall be solely responsible for determining the classification of certain real property as defined by SDCL 10-6-35.2.
3. That this Resolution shall become effective on May 9th, 2018 and shall remain in effect until further action of the Custer County Board of Commissioners.

Dated this 9th Day of May, 2018.

3. Michael Houdyshell, Director of Property Tax, appeared before the board to review the non agricultural values in the county. Houdyshell provided the commission with an analysis of the county sales and factors for a five year period (2014 – 2018). The level of assessment on the non agricultural values in the county has declined over the past five years. The 2018 level of assessment on non agricultural property is at 84.1% which is below the 85% required by SDCL 10-6-33.8. Houdyshell informed the commission that the Department of Revenue will work with the Director of Equalization Office to remedy the situation.

L. Treasurer

1. The commission acknowledged the resignation of Diane Ruggiero as Deputy Treasurer.

M. Auditor

1. Motion by Hartman and seconded by Bies to approve and authorize the chairman to sign the Sub recipient Agreement 19SC090076 between the South Dakota Department of Health and Custer County. Motion carried, unanimous.

2. Motion by Lintz and seconded by Sorenson to change the dates of the county commission meetings in June to Wednesday, June 6th and Wednesday, June 20th. Motion carried, unanimous.

N. SDSU Extension Service

1. Motion by Bies and seconded by Lintz to post pone the job description for the Extension/Conservation Office until the next commission meeting on Wednesday, May 23, 2018. Motion carried, unanimous.

- O. Public Comment** – Tim Holland commented on the Custer area’s economy and what has happened in the last ten years. Holland stated, he noticed when values are lower the taxes do not go down, but when values increase, the taxes increase.

P. Commission

1. Mail call – a letter was received from the Lawrence County Commission regarding BH Resilient Landscape Project Draft D.E.I.S; a letter was received from the Federal Aviation Administration regarding the close out of grant #3-46-0011-012-2016; an invitation was received from the Hermosa Arts and History Association Museum for event to honor the life of Johannes (Jack) Zasadil
2. Meeting Schedule – The Black Hills Association of County Officials will hold a meeting in Isabel, SD, on Friday, May 11, 2018 at noon; there will be a ribbon cutting ceremony at the former STAR Academy property on May 18, 2018, at 10 a.m.
3. Meeting Reports – Lintz reported he had attended a Fair Board meeting and the board is looking at building an extension off the large building on the fairgrounds. The board is in the process of getting bids and the National Guard has offered to donate the labor for the project and the board would need to provide the materials. Bies will attend a Southern Hills Waste Management meeting on Thursday, May 10, 2018 in Hot Springs, SD. Sorenson will attend a Conservation meeting on Friday, May 11, 2018.

Q. Executive Session

1. Motion by Bies and seconded by Lintz to go into Executive Session pursuant to SDCL 1-25-2(1) and SDCL 1-25-2(3). Motion carried, unanimous. Executive Session began at 9:55 a.m. to discuss personnel and contract negotiations and concluded at 11:25 a.m. with no action taken.

R. Adjourn

Motion by Bies and seconded by Hartman to adjourn the meeting at 11:37 a.m. The next meeting will be at 8 a.m. May 23, 2018 in the Commissioner’s Room in the Custer County Courthouse.

Phil Lampert, Chairman

Attest:

Terri Cornelison, Custer County Auditor

Published once at the total approximate cost of _____.

