

**Custer County Commission Meeting (Wednesday, April 17, 2019)**

**Members present:**

Commissioners Jim Lintz, Mark Hartman, Jesse Sorenson, Mike Linde, Craig Hindle, States Attorney Tracy Kelley and Deputy States Attorney Susan Anderson.

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

**B. Adopting of the agenda**

Jim Lintz requested to move Friends of Wind Cave to Executive Session under Legal Counsel and added additional Personnel to Executive Session.

Motion by Sorenson and seconded by Hartman to approve the agenda with the changes. Motion carried, unanimous.

**C. Consent Agenda**

Motion by Linde and seconded by Hindle to approve the minutes of the April 3, 2019 Commission meeting and the following vouchers. Motion carried, unanimous.

Vouchers approved as follows:

**PAYROLL:** Commissioners \$1,875; Auditor \$4,717.67; Treasurer \$6,943.67; IST \$2,125; States Attorney \$9,239.15; Courthouse Building \$4,886.64; Equalization \$7,883.10; Register of Deeds \$3,020.96; Veterans Service \$882; Human Resource \$1,116.27; Sheriff \$24,079.71; Nurse \$742.56; Library \$6,878.66; Extension \$1,380.48; Weed & Pest \$1,666.67; Planning \$3,722.87; Highway \$28,891.11; Emergency Management \$2,317.96; 24/7 \$277.80; Communications/911 \$9,938.06.

**COMMISSIONERS:** Southern Hills Publishing \$304.22; SDACC \$3280

**AUDITOR:** SDACES \$15; A&B Business \$645; Golden West \$166.42; SDACC \$175

**TREASURER:** Southern Hills Publishing \$54.40; SDACES \$15; A&B Business 571.88; Golden West Telecom. \$166.42; SDACC \$175

**STATE'S ATTORNEY:** A&B Business \$200.68; Relx \$303; Blue 360 Media \$12.24; Golden West Telecom. \$166.42; Culligan Water \$37

**COURT APPOINTED ATTORNEY:** Goff \$764.75

**COURTHOUSE BUILDING:** S&B Motor Parts \$15.99; Ace Hardware \$106.03; Golden west Telecom. \$333.28

**DIRECTOR OF EQUALIZATION:** Quill \$96.42; SDACES \$15; A&B Business \$92.62; Verizon Connect \$18.95; Golden West Telecom. \$199.70

**REGISTER OF DEEDS:** Kim Horkey \$734; SDACES \$15; A&B Business \$92.62; Golden West Telecom. \$133.12; SDACC \$175; Microfilm Imaging \$822.25

**VETERANS SERVICES:** A&B Business \$63.92; Golden West \$33.28

**INFO TECHNOLOGY:** Golden West \$66.57; ESRI \$6,350; Active Data Systems \$3,066; Golden West Tech \$1920; Golden West Telecom. \$10

**HUMAN RESOURCES:** DCI \$43.25

**SHERIFF:** Southern Hills Publishing \$20.80; A&B Business \$224.07; Liberty Superstores \$73.36; Verizon Connect \$170.55; Sherry Weber \$30; Ace Hardware \$2.39; Innovative \$110.87; Golden West Telecom. \$336.83; Steele Collision \$130; LN Curtis & Sons \$1,966.35; Pennington County Sheriff \$284.30; Culligan Water \$46.50; Great Western Tire \$667.80; Battle Mountain Humane Society \$1,000

**PRISONER CARE:** Pennington County Jail \$174; Manlove Psychiatric \$168.39; Regional Health \$15.65

**S&R:** Black Hills Energy \$500.84; City of Custer \$200

**AIRPORT:** QT Pod \$945; French Creek Supply \$41.86; Golden West Telecom. \$112.24; Studt Electric \$142.86

**MENTALLY ILL:** Lewis & Clark \$330; Yankton Co. Sheriff \$50; Gary Mikelson \$238; SDHS \$738.11; Dean Schaefer Court Reporter \$144

**MENTAL ILLNESS BOARD:** Beesley \$3,361.32; Darcy Lockwood \$12; Mark Katterhagen \$12; Lucy Lewno \$156.50

**LIBRARY:** Mt Rushmore Telephone Co \$114.59; Golden West Telecom. \$281.61

**CULTURE/ RECREATION:** Southern Hills Publishing \$43.50; Custer Senior Center \$15; County Fair Assoc. \$15,000

**EXTENSION:** A&B Business \$186.63; Golden West Telecom. \$220.77; Discovery Benefits \$13.89

**CONSERVATION:** SD Public Assurance Alliance \$795.31

**WEED & PEST:** Harvey's Lock Shop \$193.29; A&B Business \$6.40; SD Federal Property Age \$220; SD Assoc of Weed & Pest \$150; Golden West Telecom.

**PLANNING:** Golden West Techno \$170; LCA Bank Coop \$156.68; Golden West Telecom \$133.13; Discovery Benefits \$13.89; Evergreen Office Products \$89.86

**COUNTY ROAD & BRIDGE:** Butler Machinery Co \$239.79; Eddie's Truck Sale \$61.50; French Creek Loggers Supply \$229.77; Fastenal Co \$29.73; Godfrey Brake \$91.20; Grimm's Pump Service \$548.03; Harvey's Lock Shop \$97; Prairie Auto Parts \$31.40; Lynn's Dakotamart \$15.96; Mt Rushmore Telephone Co \$116.84; A&B Business \$176.80; S&B Motor Parts \$116.95; SD Dept of Labor \$1,950; Kieffer Sanitation \$167.50; Servall Towel & Linen \$107.28; Snap on tools \$20.35; Prairie Auto Parts West \$15; Black Hills Gravel \$45,150; Ace Hardware \$162.25; Golden West Telecom \$271.33; Rushmore Office \$219; Culligan Water \$46.50; Twilight 1<sup>st</sup> Aid & Safety \$20.83; mg oil co \$2,150.75; Great Western Tire

\$2,647.26; Forward Distributing \$25.80; Powerplan \$8.82; Northern Truck Equipment \$509; Federal Safety Compliance \$298.50

**EMERGENCY MANAGEMENT:** Verizon Connect \$18.95; Golden West Telecom \$99.85; Our Place \$81.83

**24/7 SOBRIETY FUND:** SD Attorney General \$346; Intoximeters \$320; Pharmchem \$142.75

**STATE GRANTS-GENERAL GOVERNMENT:**

**BUILDING:** Black Hills Energy \$4,810.17; Golden West Tech \$2,731.48; Sander Sanitation \$334.94; Cummin's Sale & Service \$478; \$619.33

**RPZ:** Lynn's Dakotamart \$11.90

**EMERGENCY LINE:** Rushmore Communication \$ 248; A&B Business \$188.25; Golden West Telecom \$1,376.04; Culligan Water \$46.50; Century Link \$536.93; Discovery Benefits \$13.88; RT Communications \$23.56

**D. Conflict of Interest Declarations** – Lintz will abstain from voting on Plat of Lintz Subdivision

**E. Highway**

1. Attorney Jeremy Duff representing Lookout Solar Park LLC (Wirecon USA, Inc) appeared on their application to occupy the right of way in connection with their solar energy project. The history of the project and changes in ownership were recapped. Due to the latest name change, a new application had been filed. Attorney Duff had previously accompanied Highway Superintendent Gary Woodford to the area to look at the route. Woodford shared concerns with Duff which have been passed on to the company. Commissioner Hartman discussed tabling the matter until the next meeting to allow the commission to view the route with Woodford and gather all of the facts before taking action on the application. The project is also before the PUC and Duff reported on upcoming deadlines with that agency. Tabling of the action to the next meeting will not impact those deadlines. Duff also discussed the committee meeting(s) that needed to take place involving representatives from Custer County, Fall River County, and Oglala Lakota County. Motion by Hartman and seconded by Hindle to table the application submitted by Solar Park till May 1<sup>st</sup>, 2019 meeting. Motion carried, unanimous.

**F. Road Condition on Lame Johnny Road between CSP and Hwy 79**

1. Evan Gallentine spoke on the concern of the gravel mess from last year on Lame Johnny Road between Custer State Park and SD Highway 79. He is asking for a layer of gravel from Streeter Gravel Pit to be put over top of gravel that was put there last year. Gary Woodford, Custer County Highway Superintendent, said they would fix it. Gallentine is requesting to ensure the road is fixed for the 5 miles of gravel. Streeter Gravel Pit supposedly has a county stock pile. The request from Gallentine is to put 3 or 4 inch layer on top that would bind with the gumbo there is now. Woodford stated the product will stabilize on the road. The nature of putting it down was different last year due to the time of the year it was completed. There was no water during the original compaction last year. Woodford hopes

to stabilize it and stated he will put gravel over top. There was a blade there yesterday. Woodford says it looks to be settling down now. Woodford also stated that the Streeter Pit Gravel would do the same but would like to give it a month to settle what is there and see what happens then fix it. Gallentine is worried it is dangerous to wait. Motion by Sorenson and seconded by Hindle to repair with red gravel and not use what was used last year again. Hartman called for a vote, all commissioners were a yes with the exception of Lintz. Motion carried. Discussion: Lintz was against it and did not want to interject in Woodford's work, as long as he is taking care of it. Hartman stated that they are just doing it pre-schedule and it would help the longevity of the road.

#### **G. Weed & Pest**

1. Caley Buckert, Weed & Pest Supervisor stated that they are all moved into the old Weed & Pest building except for internet and phone. Hopefully will have internet and phone taken care of this afternoon.
2. Buckert along with Custer County Auditor is working on supplement for the Budget due to the two seasonal sprayers that were approved and not part of the original budget. Caley says she figured them to work 17 weeks at 40 hours a week and the total for two would be about \$9,520. Caley is looking at that as a supplement to the Budget.
3. Buckert stated that so far there has been only one application for the seasonal sprayer jobs.
4. Lintz also asked about the progress on working with the Forest Service to help assist private land owners with spraying on federal land that borders private property. Caley stated that it could be put on the agenda for next week and that she is working on it. Caley says it would be about \$2,000-\$3,000 and around 20 acres to help assist with private landowners to help spray. Tracy Anderson, Hell Canyon District Ranger with the Forest Service office was at a meeting on Monday to discuss this agreement. Anderson stated that there was agreement in 2004 but has not been one since and stated the Forest Service would like to have one in place again.

#### **H. Emergency Management**

1. Motion by Hartman and seconded by Hindle to approve and authorize the chairman to sign the 2nd Quarter Agreement between the State of South Dakota and the Department of Public Safety – Office of Emergency Management. Motion carried, unanimous.

#### **I. Planning**

1. Motion by Linde and seconded Hartman to approve the Plat of Lintz Subdivision, Lot 3, formerly a portion of the SW4SW4 of Section 2, Located in the S2SW4 of Section 2, T3S, R7E, B.HM, Custer County, South Dakota. Motion carried, all members voting aye with Lintz abstaining.

#### **J. Sheriff**

1. Motion by Hindle and seconded by Sorenson to approve the change of Part-Time Deputy Sheriff to Full-Time Deputy Sheriff for Seth Thompson effective April 28, 2019 with a wage of \$20.50 per hour. Motion carried, unanimous.

#### **K. Library**

1. The commission acknowledged the six month completion of employment probation for Thea Teasley, Library Assistant.

2. Motion by Hindle and seconded by Linde to approve the reclassification of Teasley's position of Library Assistant-Circulation (Pay Grade 2) to Library Assistant-Programming & Circulation (Pay Grade 4) effective April 15, 2019 with a wage of \$13.89 per hour. Motion carried, unanimous. The payroll committee had reviewed and approved this request. Mertz also stated her budget is able to fund this reclassification.

**L. Equalization**

1. Motion by Sorenson and seconded by Hartman to approve Abatement 1915A and 1916A in the amounts of \$8,425.50 and \$708.06. Motion carried, unanimous.
2. Motion by Hindle and seconded by Linde to approve Abatement 1914A in the amount of \$79.78. Motion carried, unanimous.
3. Motion by Hartman and seconded by Sorenson to approve Refund 1902A and 1904A in the amounts of \$1,399.18 and \$117.60 and to deny Refund 1901R and 1903R in the amounts of \$1,483.50 and \$124.66 due to property tax for Refund 1901R and 1903R being paid more than two years ago. Motion carried, unanimous.
4. Motion by Sorenson and seconded by Hartman to approve Director of Equalization, Patty Caster, to sign the Vanguard Training Agreement. Motion carried, unanimous.

**M. Crazy Horse Memorial Foundation**

1. Motion by Linde and seconded by Hartman to approve a motorcycle raffle fundraiser in 2019 for Crazy Horse Memorial Foundation. Motion carried, unanimous.

**N. Veterans Service Office**

1. Jana Virtue, Veterans Service Officer, presented her quarterly report.
2. Virtue has training May 9<sup>th</sup> in Rapid City and May 2<sup>nd</sup> she will be at the VFW meeting in Hermosa.

**O. USFS Hell Canyon District Ranger**

1. Tracy Anderson, Hell Canyon District Ranger, discussed the briefing paper and the need for members of the Black Hills Resource Advisory Committee (RAC).

**P. Public Comment** – Rick Wheeler discussed the shape of the roof at the Courthouse Museum. Wheeler stated that shingles had blown off and after the last storm more were missing. Wheeler would like the Commissioners support on getting it repaired. Wheeler contacted Paul DeHaan and he told him it takes a lot to have someone come look at it. Wheeler would like to contact DD Couch to have him to come take a look at it. Gary Enright, 1881 Courthouse Museum Director, stated that he was pretty sure that they had enough money to pay for it and had the insurance policy to help cover it. Wheeler stated that the roof was last repaired about 10-12 years ago and maybe should look at having a steel or tin roof put on it. Wheeler also stated the Widow's Walk around the roof was in need of a lot of repair. Mark Hartman suggested it would be good to have an adjusted come look at it.

**Q. Commission**

1. Mail call – A Notice of Public Hearing for Conditional Use Permit for property located at 239 Gordon Street to be used as a short-term rental was received; a letter from SD DENR

- regarding renewal of general air quality permit for construction and/or continuous activities at state facilities in the Rapid City Air Quality Control Zone was also received.
2. Meeting schedule – Solar Panel LLC meeting for Commissioners to drive the route is scheduled for Tuesday April 23<sup>rd</sup> at 1pm. They will meet at the courthouse and then drive to the boundary by the reservation and follow the route. Gary Woodford is hoping to have someone with KLJ come with to answer questions that he may not be able to. Mike Carter & Caley Buckert will discuss the Forest Service weed spraying agreement at the next Weed Board meeting which is scheduled for May 21<sup>st</sup>.
  3. Meeting Reports – Hindle attended the joint planning meeting at City Hall on April 9<sup>th</sup>, the Fair Board Meeting and a Library Expansion Meeting. Linde attended the Conservation Board Meeting. Sorenson missed the School Board meeting. Hartman was at the joint planning meeting at City Hall on April 9<sup>th</sup>. Linzt attended the Weed Board meeting and discussed the need to look at the past agreement with the Forest Service.
  4. Review of Employee Handbook Revisions up through Section 2 – Susan Anderson presented the changes on the Employee Handbook. On the table of contents the Addenda was added due to those items constantly being changed and the need to just change those items instead of the whole handbook. Section 1.5 was added as a separate section instead of being spread throughout the handbook. Section 2.2 there was a change to wording and how it is done. Section 2.5 the appointed classification was deleted and added one to exempt position classifications. Section 2.6 was better clarified that the commissioners have the ultimate authority on wage. Section 2.8 there was adjustments for Comp Time and accrual and use of it. There will be a different amount for Law Enforcement and Highway Department than for the rest of employees. The commissioners requested to be able to better review these items and add them to the next agenda for approval. Susan will bring Section 3 and Section 4 to the meeting on May 22<sup>nd</sup> to discuss the changes.

#### **R. Search & Rescue – Drone Presentation**

1. Rick March, Custer County Search & Rescue, presented a video and a presentation outside on the new drone purchased by Search & Rescue. The Department of Defense will not allow the \$20,000 Homeland Security grant that was received to be applied to the \$33,000 cost for the drone. Motion by Hartman and seconded by Hindle to approve the assignment of \$20,000 from the Unassigned Reserve Fund #101-277.00 to Search & Rescue to help in the purchase of the drone. Motion carried, unanimous.

#### **S. Executive Session**

1. Motion by Sorenson and seconded by Linde to go into Executive Session pursuant to SDCL 1-25-2(1) and SDCL 1-25-2(3). Executive Session started at 11:04 a.m. to discuss personnel and consult with legal counsel and concluded at 1:37 p.m.

#### **T. Actions Taken by Commission Outside of Executive Session**

1. Commissioner Lintz noted that an agreement was reached with Friends of Wind Cave that the county would no longer be involved with gravel transactions.

#### **T. Adjourn**

Motion by Linde and seconded by Hindle to adjourn the meeting at 1:38 p.m. The next meeting will be at 8 a.m. May 1<sup>st</sup>, 2019 in the Commissioner's Room in the Custer County Courthouse.

\_\_\_\_\_  
Jim Lintz, Chairman

Attest:  
Terri Cornelison, Custer County Auditor

Published once at the total approximate cost of \_\_\_\_\_.