

Custer County Commission Meeting (Wednesday, May 1, 2019)

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle and States 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

Motion by Linde and seconded by Hindle to move purchase of airport hangar to executive session and remove monthly reports from Consent Agenda. Motion by Linde and seconded by Hindle to revise the previous motion to include addition of invoice from Nielsen Enterprises and invoice from Freeman's Electric to Maintenance approval of invoices. Motion carried, unanimous.

C. Consent Agenda

Motion by Hartman and seconded by Craig Hindle to correct the minutes from the April 17, 2019 commission meeting to read Motion by Sorenson and seconded by Hindle to repair Lame Johnny Road and LH road with red gravel and not use what was used last year again and to approve the Consent Agenda with the change. Motion carried, unanimous.

Travel requests approved: Terri Cornelison, Dawn McLaughlin and Teri Morgan to SDACO Spring Workshop in Pierre, SD, at a cost of \$\$1,220.94; Patty Caster, Amanda Pierce, Laura Rosane and Jill McNulty to Vanguard User Group meeting in Oacoma, SD, at a cost of \$1,143.60.

Vouchers approved as follows:

PAYROLL: Commissioners \$1,890; Auditor \$4,277.35; Treasurer \$6,092.25; IST \$2,125; States Attorney \$8,680.26; Courthouse Building \$4,290.80; Equalization \$6,872.70; Register of Deeds \$2,800.80; Veterans Service \$1,053; Human Resource \$1,116.27; Sheriff \$23,472.27; Nurse \$583.44; Library \$6,128.58; Extension \$1,150.40; Weed & Pest \$1,711.67; Planning \$3,478.47; Highway \$23,542.78; Emergency Management \$2,317.96; 24/7 \$125.01; Communications/911 \$11,226.69.

COMMISSIONERS: Pitney Bowes \$138.52; First Interstate Bank Master Card \$12.41; Boyce Law Firm \$988.75; Verizon Wireless \$82.19

AUDITOR: First Interstate Bank Master Card \$78.52; Ramkota Hotel \$202

COURTHOUSE BUILDING: First Interstate Bank Master Card \$749.36; Verizon Wireless \$44.11

DIRECTOR OF EQUALIZATION: Quill \$51.13; First Interstate Bank Master Card \$111.66; Vanguard Appraisals \$9,850

VETERANS SERVICES: Quill \$55.27

INFO TECHNOLOGY: Golden West Technologies \$4,405.05

HUMAN RESOURCES: First Interstate Bank Master Card \$199; Verizon Wireless \$16.43

SHERIFF: Corner Station \$84.62; Black Hills Electric Coop \$58.36; McLeod's Printing \$269; First Interstate Bank Master Card \$902.40; Steele Collision \$410.00; Nelson's Oil & Gas \$33; Lexisnexis \$85; Verizon Wireless \$313.77

CORONER: Geib, Elston, Frost PA \$3,275

PRISONER CARE: Pennington County Jail \$7,140; Correct RX Pharmacy \$55.36

SAFETY OFFICER: Western States Fire Protection Company \$2,388

SEARCH & RESCUE: Custer Do It Best \$52.50; Custer City \$59.20; First Interstate Bank Master Card \$59.20

AIRPORT: Black Hills Electric Coop \$645.73; Amerigas \$231.58; Brenden Hendrickson \$4,344.50; Mark & Shannon Stites \$1,000

NURSE: SD Department of Health \$1,303

MENTALLY ILL: Gary Mikelson \$271.25

LIBRARY: First Interstate Bank Master Card \$1,369.66; Centurylink \$15.11

ART GALLERY: Custer Senior Center \$15

EXTENSION: Erin McGlumphy \$394.63

WEED & PEST: Godfrey Brake \$155.95; Summit Signs & Supply \$120; First Interstate Bank Master Card \$79.63

PLANNING: Southern Hills Publishing \$48; First Interstate Bank Master Card \$1,220.70; Verizon Wireless \$44.11

COUNTY ROAD & BRIDGE: Black Hills Electric Coop \$2,341.47; Black Hills Energy \$98.21; Butler Machinery \$458.49; Eddie's Truck Sales \$557.03; Fastenal \$58.08; Godfrey Brake \$311.90; Grimm's Pump Service \$188.04; Brosz Engineering \$3,467.50; Summit Signs & Supply \$120; Servall Towel & Linen \$127.94; Town of Buffalo Gap \$56; First Interstate Bank Master Card \$4,564.41; Black Hills Gravel \$16,125; Custer Ace Hardwar \$13.73; PSI \$19.04; Centurylink \$15.12; Matco Tools \$160; Nelson's Oil & Gas \$1,529.39; MG Oil Company \$151.93; Nebraska Salt & Grain \$2,478.42; Verizon Wireless \$26.37; Forward Distributing \$9.85; Dakota Fluid Power \$432.91; CBH Cooperative \$2,812.43

FIRE PROTECTION: City of Rapid City \$2,000

EMERGENCY MANAGEMENT: First Interstate Bank Master Card \$183.98; Verizon Wireless \$44.11

24/7 SOBRIETY: First Interstate Bank Master Card \$229.70

BUILDING: Black Hills Electric Coop \$219.78; Black Hills Energy \$1,281.87; Custer City \$190.04; First Interstate Bank Master Card \$1,992.89; BHE Custom Apparel \$117; Clearview Windows \$350; G & R Controls \$5,867.36; SD Department of Transportation \$9,363.51; Kadrmas Lee & Jackson \$9,100

MODERNIZATION & PRESERVATION: McLeod's Printing \$8,798

D. Conflict of Interest Declarations – None declared

E. Highway

1. Motion by Hindle and seconded by Linde to approve the Application for Occupancy on the Right of Way of County Highways from Bunny Pisacka for a pipeline on Highway Number FAS 719 in Sections 17 & 18, Township 6S, Range 8E, Custer County, South Dakota. Motion carried, unanimous
2. Motion by Hartman and seconded by Hindle to approve the Application for Occupancy of the Right of Way of County Roads from Golden West Telecommunications for a telecommunications facility on Bear Rock Road in Section 27, Township 3S, Range 4E, Custer County, South Dakota. Motion carried, unanimous.
3. Motion by Linde and seconded by Hindle to untable the Application for Occupancy on the Right of Way of County Highways from Lookout Solar Park I, LLC from the April 17, 2019 commission meeting. Motion carried, unanimous. Discussion was held on concerns the commission had with the application. Jeremy Duff, attorney for the applicant was present and will resubmit the application in the next few days. The commission can then address the application on the next meeting, May 22, 2019, provided application is filed and all legal notifications are met.

F. Planning

1. Motion by Hartman and seconded by Linde to approve the plat of Tanner Tract of McDill Subdivision-Phase II, Located in the W2 of Section 1 and the E2 and NW4 of Section 2, all in T3S, R3E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
2. Motion by Hindle and seconded by Hartman to approve and authorize the chairman to sign the US Department of the Interior US Geological Survey Joint Funding Agreement for Water Resource Investigations project for operation and maintenance of three crest-stage gages on Ruby Creek, Laughing Water Creek, and French Creek. Motion carried, unanimous.

G. Maintenance

1. Motion by Hartman and seconded by Linde to approve payment to Engineered Concrete Products, LLC in the amount of \$7,176.53, Nielsen Enterprises, LLC in the amount of \$19,000 and Freeman's Electric Service, Inc. in the amount of \$811.70 for repairs to the courthouse basement to resolve water issues and for the funds to be taken out of account #250-4-161-432.00 Courthouse Improvements. Motion carried, unanimous.

H. Auditor

1. Motion by Hartman and seconded by Hindle to approve the new hire of Debra Holt as Deputy Auditor – Administrative Clerk starting April 29, 2019 at a wage of \$13.23 per hour. Motion carried, unanimous.

I. 8:30 a.m. Bid Opening

1. At 8:30 a.m. sealed bids received for the “2019 Custer County Highway Shop Buildings” project were opened. The project consists of erection of 4 stalls garage stick/and pole (32’x56’x10’) with overhang and erection of a 5 bay open front shed (32’x70’x14’) with attached garage/storage area (32’x14’x14’). The following bids were received.

1) Warnke Brothers Construction, Inc.	\$219,700
2) Weaver Enterprises	\$326,171.72
3) Complete Concrete, Inc.	\$454,730
4) High Country Erectors	\$294,155
5) Rushmore Roofing, Inc.	\$375,308
6) Scull Construction Service, Inc.	\$279,400

2. Motion by Linde and seconded by Hindle to form a committee consisting of Gary Woodford, Mark Hartman, Craig Hindle and Susan Anderson to review bids to ensure compliance with the requirements of the bid. The committee will review all the bids and the commission will hold a special meeting within the next week to announce the successful bidder. Motion carried, unanimous.

3. Motion by Hartman and seconded by Hindle to table the bids until they can be reviewed and announce the successful bidder at a special meeting of the Custer County Commission. The date of the special meeting will be determined by the committee. Motion carried, unanimous.

J. Airport

1. Motion by Hartman and seconded by Hindle to table the Non-Exclusive Car Concession Agreement until the next commission meeting on May 22, 2019. Motion carried, unanimous.

K. 9:00 a.m. Public Hearing

1. At 9:00 a.m. the public hearing was opened regarding a petition to Vacate Plat of Tract 32R of Battle Mountain Subdivision Revised, Johnson Tract, and Tadj Tract, all in the NE4 of Section 25, T6S, R5E, B.H.M., Custer County, South Dakota. There were no comments from the public. Motion by Hartman and seconded by Hindle to approve the vacation of Plat of Tract 32R of Battle Mountain Subdivision Revised, Johnson Tract, and Tadj Tract, all in the NE4 of Section 25, T6S, R5E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.

2. Motion by Hindle and seconded by Linde to approve Resolution 2019-06. Motion carried, unanimous.

RESOLUTION 2019-06

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY,
SOUTH DAKOTA, TO VACATE THE PLAT OF TRACT 32R OF BATTLE MOUNTAIN
SUBDIVISION REVISED, JOHNSON TRACT, AND TADJ TRACT**

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

Plat of tract 32R of Battle Mountain Subdivision Revised, Johnson Tract, and Tadj Tract, all in the NE1/4 of Section 25, T6S, R5E, BHM, Custer County, South Dakota.

Recorded in the Office of the Register of Deeds for Custer County, South Dakota in Book 12 of Plats, page 284.

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, Gina Johnson is the record owner of the properties contained with 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 plat 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 of Tract 32R of Battle Mountain Subdivision Revised, Johnson Tract, and Tadj Tract recorded in Book 12 page 284, in the Office of the Register of Deeds for Custer County, South Dakota are hereby vacated.

L. Proclamation

1. Motion by Hindle and seconded by Linde to approve and authorize the chairman to sign a proclamation to designate Saturday, May 11, 2019, as Bill Bell Day. Motion carried, unanimous.

M. Public Comment – Bob Fischer with the Argyle Volunteer Fire Department invited the commission to the Argyle Fire Department open house on Saturday, May 4th. David and EJ Reid addressed the commission with concerns about their property assessment.

N. Commission

1. Mail call – A notice from the Custer County Fair Board was received for county official names to be displayed in the 2019 Custer County Fair Book; a letter from David & EJ Reid regarding their concerns about their 2019 assessment and the staff of the Equalization Office; a letter from Kelly & Linda Uphoff regarding their 2019 assessment and the inequality in assessments; a letter from Josh & Misty Fish regarding their 2019 assessment and the inequality in assessments.
2. Meeting Schedule – the Black Hills Association of County Commissioners will hold their next meeting on May 31st in Lead, SD; the Fire Advisory Board will be held May 9th at the Elk Mountain School.
3. Meeting Reports – none
4. Review of Employee Handbook Revisions up through Section 2. No action was taken on revisions for the Employee Handbook.

O. Executive Session

1. Motion by Linde and seconded by Hartman to go into Executive Session pursuant to SDCL 1-25-2(4). Executive Session started at 9:22 a.m. to discuss contract negotiations and concluded at 11:00 a.m.

P. Actions Taken by Commission Outside of Executive Session

1. Motion by Hindle and seconded by Linde to authorize the expenditure of \$18,000 for the purchase of an airport hangar currently owned by Verle Scheibe and for the funds to be taken out of building fund account #250-4-331-431.00. Motion carried, unanimous.

Q. Adjourn

Motion by Linde and seconded by Hindle to adjourn the meeting at 11:03 a.m. The next meeting will be at 8 a.m. May 22, 2019 in the Commissioner’s Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:
Terri Cornelison, Custer County Auditor

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