

Custer County Commission Meeting (Wednesday, February 5, 2020)

Members present:

Commissioners Jim Lintz, Mark Hartman, Jesse Sorenson, Mike Linde, Craig Hindle 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

1. Motion by Linde and seconded by Hindle to add a travel request from Caley Buckert to the Consent Agenda, resignation from Amanda Pierce to Equalization and correct Application for Occupancy of Highway ROW under Highway to Sidney Park Road/County Highway 793 from Highway 79 and to approve the agenda with the changes; vote, all aye; motion carried.

C. Consent Agenda

1. Motion by Sorenson and seconded by Hartman to approve the minutes of the January 22, 2020 commission meeting, the following vouchers and travel requests; vote, all aye; motion carried.

Travel requests approved: Doris Ann Mertz to Legislative Day and Accreditation Ceremony in Pierre, SD, at a cost of \$363.74; Caley Buckert to Weed & Pest Conference in Aberdeen, SD, at a cost of \$615.

Vouchers approved as follows:

PAYROLL: Commissioners \$1,912.50 Auditor \$4,720.21; Treasurer \$6,963.83; IST \$2,182.50; States Attorney \$9,426.97; Courthouse Building \$4,896.78; Equalization \$7,740.59; Register of Deeds \$3,247.97; Veterans Service \$1,033.98; Human Resource \$1,181.66; Sheriff \$28,263.36; Coroner \$300; Nurse \$611.16; Library \$6,784.29; Extension \$611.16; Conservation \$428.76; Weed & Pest \$1,416.85; Planning \$5,042.74; Highway \$28,245.97; Emergency Management \$2885.15; 24/7 \$875.42; Communications \$11,290.62

COMMISSIONERS: Verizon Wireless \$82.19

COURT: George Cameron \$190.20

AUDITOR: First Interstate Bank Master Card \$328.67; Quill \$47.96

TREASURER: Quill \$206.64

STATE'S ATTORNEY: Quill \$256.02

COURT APPOINTED ATTORNEY: Beesley Law \$2,139.60; Jeremiah Davis \$1,044.20; Grey & Eisenbraun Law \$4,217; Randal Connely \$375

COURTHOUSE BUILDING: First Interstate Bank Master Card \$4,130.80

DIRECTOR OF EQUALIZATION: First Interstate Bank Master Card \$30.44

HUMAN RESOURCE: Verizon Wireless \$16.43

SHERIFF: Black Hills Energy \$94.06; Custer County Sheriff's Office \$216.21; Pheasantland Industries \$100.53; S & B Motor Parts \$669.93; First Interstate Bank Master Card \$170.62; Sherry Weber \$17; Innovative Office Solutions \$137.79; Sonnel Technologies \$989; Alice Training Institute \$695; Progressive Microtechnology \$104.35; Lexisnexis \$85; Verizon Wireless \$404.24

CORONER: Western Communications \$142

PRISONER CARE: Ann Allen \$150; Christine Peters \$150

SEARCH & RESCUE: Custer City \$60.71

AIRPORT: MG Oil Company \$4,109; Brenden Hendrickson \$3,666.67

SUPPORT OF POOR: Coupens Rentals \$450

NURSE: SD Department of Health \$1,335.52

MENTALLY ILL: First Interstate Bank Master Card \$95.37

MENTAL ILLNESS BOARD: Yankton County Treasurer \$211.50

LIBRARY: First Interstate Bank Master Card \$1,153.20

EXTENSION: Erin McGlumphy \$204.33

WEED & PEST: McGas Propane \$434.94; A & B Business \$172.68; First Interstate Bank Master Card \$437.08

PLANNING: Quill \$54.74; Verizon Wireless \$49.36

COUNTY ROAD & BRIDGE: Black Hills Energy \$98.25; Custer Do It Best \$24.29; Diesel Machinery \$1,759.96; Floyd's Truck Center \$65.80; French Creek Supply \$140.42; Fastenal \$298.58; S & B Motor Parts \$728.62; SD Federal Property \$33.04; SD Public Assurance \$70.17; Servall \$106.42; Custer Ace Hardware \$49.96; Lyle Signs \$88.50; Matco Tools \$109.95; Twilight 1st Aid & Safety \$200.46; MG Oil Company \$4,083.93; Diamond D Diesel \$3,405.39; Verizon Wireless \$26.55; Great Western Tire \$636; CBH Cooperative \$1,491.60

EMERGENCY MANAGEMENT: Dakota Business Center \$3,259; Verizon Wireless \$44.36

24/7 SOBRIETY: Intoximeters \$640; Concordance Healthcare \$263.10

BUILDING: Custer City \$176.62; Hills Septic Service \$292.88; First Interstate Bank Master Card \$308.95; Freeman's Electric \$554.81; Warnke Brothers Construction \$70,000

EMERGENCY LINE: Golden West Technologies \$2,412; Wahltek Inc. \$26,052.50

D. Conflict of Interest Declarations – there were no conflicts of interest declared.

E. Highway

1. Motion by Hartman and seconded by Linde to approve the Application for Occupancy on the Right of Way of County Highways from Black Hills Energy for a underground line on County Highway Number 793 in Section 12, T4S, R4E, Custer County, South Dakota; vote, all aye; motion carried.
2. Discussion held on cost sharing of magnesium chloride with Custer County residents. At the July 24, 2019 Commission meeting a motion was made and approved for the county to stop doing dust control on private properties. The county did not wish to be in competition with local businesses for this service. Several residents appeared before the board in support of the county to consider a cost sharing again of the magnesium chloride. Highway Superintendent Doyle reported he had checked with surrounding counties and none of them do a cost share for this service and that the property owners pay 100% of the cost. Doyle reported that the Highway budget for 2020 includes \$80,000 for magnesium chloride and will apply magnesium chloride to county roads where it is needed the most.
3. Motion by Hartman and seconded by Sorenson to Approve Resolution 2020-06 Resolution Establishing the 2020 Calendar for Custer County Highway Department employees; vote, all aye; motion carried.

Resolution 2020-06

**RESOLUTION ESTABLISHING THE 2020 CALENDAR
FOR THE
CUSTER COUNTY HIGHWAY DEPARTMENT EMPLOYEES**

WHEREAS, pursuant to the Custer County Resolution 2019-11, establishing hours of operation for Custer County (“County”) offices, the Office of the County’s Highway Department shall be open for business Monday through Friday, 8:00 AM to 5:00 PM each week. Hours of operation for highway equipment operators and mechanics shall be set by the County’s Highway Superintendent and may be adjusted seasonally as deemed necessary; and

WHEREAS, the County’s Highway Superintendent has established a 2020 work calendar (“2020 Highway Department Calendar”) for the County Highway Department employees who are highway equipment operators and mechanics; and

WHEREAS, the 2020 Highway Department Calendar sets each work week as a 40-hour work week whether the work week is set as 5 8-hour work days or 4 10-hour work days: and

WHEREAS, the 2020 Highway Department Calendar includes the holidays that have been designated as observed holidays for the County; and

WHEREAS, the County’s full-time employees receive 8 hours of holiday pay and part-time employees receive 4 hours of holiday pay for observed County holidays.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County that the 2020 Highway Department Calendar for the highway equipment operators and mechanics, as presented and attached hereto and incorporated herein, is hereby approved.

IT IS HEREBY FURTHER RESOLVED that the County Highway Department full-time employees will receive 8 hours of holiday pay (4 hours of holiday pay for part-time employees) for observed County holidays, including the weeks where the highway equipment operators and mechanics work 4 10-hour days per work week in which an observed holiday occurs. The additional hours taken off over 8 hours on the observed holiday shall be designated as comp time, vacation time, or without pay.

IT IS HEREBY FURTHER RESOLVED that the County Highway Superintendent shall revise the 2020 Highway Department Calendar appropriately for other holidays that the Board of County Commissioners may designate by separate and subsequent action.

This Resolution shall become effective on the twentieth day after its completed publication.

4. Motion by Sorenson and seconded by Hindle to approve Revised Resolution 2020-04 Custer County Roads Weights and Speed Enforcement; vote, all aye; motion carried.

REVISED Resolution 2020-04

Custer County Roads Weights and Speed Enforcement

WHEREAS, the Custer County (the “County”) highways and roads are designated with a blue County shield OR a green rectangular sign marked with the words “Custer County”; and

WHEREAS, SDCL 32-25-9.1 authorizes the Board of County Commissioners to have discretionary authority to determine and establish speed zones on all or any part of the highways or roads under its jurisdiction; and

WHEREAS, the County highway and road system design does not permit safe travel at the 65 MPH speed limit as adopted by the State of South Dakota; and

WHEREAS, the County has determined that the County highways roads will be conspicuously posted (at the beginning and end of the speed zone) at 55 MPH speed limit to maintain safer travel, unless otherwise designated by the conspicuous posting of a lower speed limit; and

WHEREAS, SDCL 32-22-25 states, among other things, that if the Board of County Commissioners considers that the highways and roads under its jurisdiction would be damaged or destroyed by heavy traffic by reason of thawing or excessive moisture, or for any reason, the maximum weight of the vehicle and the load shall be reduced and such weight restrictions shall be conspicuously posted to indicate limitations of gross weight on the affected County's highways and roads; and

WHEREAS, the County's highways and roads deteriorate when thawing occurs during spring weather and when excessive moisture is present; and

WHEREAS, the Board of County Commissioners has determined that all County highways and roads shall will have conspicuously posted 6-Ton per axle load limit during such times when thawing occurs and/or when excessive moisture is present.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Custer County that the County highways and roads will be conspicuously posted (at the beginning and end of the speed zone) at 55 MPH speed limit, unless otherwise designated by the conspicuous posting of a lower speed limit.

IT IS HEREBY FURTHER RESOLVED that the County's highways and roads shall have a conspicuously posted 6-ton per axle load limit in the spring during thawing conditions and during times when excessive moisture or other factors are present that will deteriorate the County's roads, as determined by the County's Highway Superintendent.

IT IS HEREBY FURTHER RESOLVED that the South Dakota Highway Patrol be and hereby is authorized and requested to enforce weight limitations and speed limits on Custer County highways and roads.

IT IS HEREBY FURTHER RESOLVED that the penalty for the violation of the load restrictions shall be set forth in SDCL 32-22-55.

This Resolution shall become effective on the twentieth day after its completed publication.

F. Weed and Pest

1. Motion by Sorenson and seconded by Hartman to approve the special pay of \$75 per day for each day a Weed & Pest board member attends conference, plus mileage and meal per diem; vote, all aye; motion carried.

G. Custer County Nurse

1. The commission acknowledge the retirement of Judy Bottjen as Custer County Health Nurse effective February 23, 2020.

H. SDSU Extension Service

1. Erin McGlumphy, 4H Extension Agent, gave her Fourth Quarter report for 2019. McGlumphy has been working on several projects with the 4H members including:
 - 4H Fridays – working on projects for Achievement Days

- 4H Capitol Day – took four youth to Pierre
- Youth Day at Black Hills Stock Show
- Shooting sports – locations in both Custer and Hermosa
- Noxious weeds in conjunction with Weed & Pest
- Care of Animals – March and May (Hermosa and Custer)
- Jr Leaders Program – currently 7 members involved
- Courthouse Gallery – will be displaying 4H art
- Annual 4H Fruit Sales

I. Equalization

1. The commission acknowledged the resignation of Amanda Pierce as an appraiser effective February 18, 2020.
2. Motion by Linde and seconded by Hindle to approve a wage increase of \$13.89 for Lindsey Luckett and approve the placement of an uncertified appraiser on the pay scale at \$13.89 and a certified appraiser at \$14.59; vote, all aye; motion carried.
3. Leah Vissia, Director of Equalization, shared with the commission a letter that her office will be sending out with the 2020 assessment notices. The letter states corrections that have been made to assessments including renewable resource applications, owner occupied and structures that will not be taxed as per a resolution passed by the commission last year. Vissia also informed the commission of her intention to increase commercial values by 10% for the 2020 assessment.

J. Sheriff

1. Motion by Sorenson and seconded by Hindle to approve Cooperative Law Enforcement Annual Operating Plan & Financial Plan between the Custer County Sheriff's Office and the USDA, Forest Service Black Hills National Forest; vote, all aye; motion carried.

K. Airport

1. Kent Penney and Amber Channel from Kadrmas Lee & Jackson presented to the commission on the Custer County Airport Master Plan. The plan includes expansion of the runway as well as terminal area improvements. The estimated cost for the runway expansion is \$10.9 million and the terminal area improvements is \$1.4 million. Funding for the project is derived from federal funding, state funding and local or private funding. Motion by Sorenson and seconded by Hindle to allow Kadrmas Lee & Jackson to proceed with the next level of the Custer County Airport Master Plan; vote, all aye; motion carried.

L. Custer Volunteer Fire Department

1. Tim Parson, Custer Volunteer Fire Department Chief, Selena Springs, Custer Volunteer Fire Department Secretary and Mayor Corbin Herman appeared before the commission to discuss the current situation with the Custer Volunteer Fire department. Motion by Hartman and seconded by Sorenson to go into Executive Session to discuss personnel and legal; vote, all aye; motion carried. Executive Session started at 10:10 a.m. and concluded at 10:32 a.m. No action taken.

M. Public Comment –there were no comments from the public.

N. Public Hearing

1. At 9:00 a.m. the public hearing was opened regarding a petition to vacate that portion of Section Line Highway Right of Way starting at the southerly points of contact with the 66' wide public access and utility easement named Elliot Road, running south approximately 1,067 feet, thru Lot 13 & 14 of Ridgeway Place Subdivision Phase IV. All laying between Section 4 and Section 3, located within T3S, R3E, B.H.M., Custer County, South Dakota. There were no comments from the public.
2. Motion by Hindle and seconded by Linde to Approve Resolution 2020-07 Vacation of Section Line Highway Right of Way; vote, all aye; motion carried.

Resolution 2020-07

Vacation of Section Line Highway Right of Way

WHEREAS, application has been made for the purpose of vacating that portion of Section Line Highway Right- of- Way starting at the southerly points of contact with the 66' wide public access and utility easement named Elliot Rd, running south approximately 1,067 feet, thru Lot 13 & 14 of Ridgeway Place Subdivision phase IV. All laying between Section 4 & Section 3, located within Township 3 South, Range 3 East, BHM, Custer County, Custer, SD. All referenced on 12 Plat 401, filed at the Custer County Register of Deeds office. WHEREAS, The Board of Custer County Commissioners have determined that the public's interest will be better served by vacation of this public access easement.

NOW THEREFORE< BE IT RESOLVED THAT The Custer County Board of Commissioners approves the vacation of the before mentioned Section Line.

O. Old Business

1. There was no old business presented to the commission.

P. Commission

1. Mail call – A letter from Center for Rural Affairs regarding wind energy ordinances; the 2019 Wildlife Damage Management Annual Report; A letter from Custer AAU volleyball team requesting sponsorship were received.
2. Meeting Schedule – there will be a meeting with FAA and KLJ in Rapid City on March 10th
3. Meeting Reports –Commissioners Hindle, Linde and Sorenson attended an airport meeting last week.

Q. Executive Session

1. Motion by Linde and seconded by Hindle to go into Executive Session pursuant to SDCL 1-25-2(1). Executive Session started at 10:50 a.m. to discuss personnel and concluded at 11:24. No action taken.

R. Adjourn

Motion by Sorenson and seconded by Hartman to adjourn the meeting at 11:30 a.m. The next meeting will be at 8 a.m. February 26, 2020 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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