

**Custer County Commission Meeting (Wednesday, December 12, 2018)**

**Members present:**

Commissioners Travis Bies, Phil Lampert, Jesse Sorenson, Jim Lintz, Mark Hartman 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**

Chairman Lampert called for additions or corrections to the agenda. Motion by Hartman and seconded by Lintz to add an Executive Session for personnel. Motion carried, unanimous.

**C. Consent Agenda**

Motion by Bies and seconded by Lintz to approve the November 28, 2018, the following vouchers and travel request. Motion carried, unanimous.

Travel requests approved: Ellie Douglas to 911 Suicide Intervention to Deadwood, SD, at a cost of \$300

Vouchers approved as follows:

**PAYROLL:** Commissioners \$3,390 Auditor \$5,837.38; Treasurer \$5,569.50; IST \$2,083.50; States Attorney \$7,078.49; Courthouse Building \$3,996.80; Equalization \$7,252.26; Register of Deeds \$2,830.91; Veterans Service \$1,055.91; Human Resource \$1,094.38; Sheriff \$28,165.61; Nurse \$765; Library \$6,198.04; Extension \$1,217.04; Weed & Pest \$1,597.50; Planning \$5,152.74; Highway \$27,244.97; Emergency Management \$2,272.51; 24/7 \$114.59; Communications/911 \$11,499.56

**COMMISSIONERS:** Southern Hills Publishing \$368.20; Jenny's Floral \$63.85

**ELECTION:** Election System & Software \$314.38; Lynn's Dakotamart \$44.94; Mt Rushmore Telephone \$17.96; Golden West Telecommunications \$223.81

**COURT:** Beesley Law Office \$2,865.80

**AUDITOR:** A & B Business \$615.96; LCA Bank \$78.29; Golden West Telecommunications \$167.83

**TREASURER:** Golden West Telecommunications \$167.84

**IST:** Golden West Telecommunications \$67.14

**STATE'S ATTORNEY:** Bridgette Banks \$228; Southern Hills Publishing \$23.94; Paul Bachand \$836; A & B Business \$28.81; Lexisnexi \$303; Golden West Telecommunications \$167.84; Culligan Water \$43.50; Rapid City Regional Hospital \$48.54

**COURTHOUSE BUILDING:** Custer Do It Best \$7.19; Chris Supply Company \$5.60; French Creek Loggers \$15.99; Servall Towel & Linen \$58.26; Custer Ace Hardware \$132.58

**DIRECTOR OF EQUALIZATION:** Custer Ace Hardware \$22.38; Golden West Telecommunications \$201.40

**REGISTER OF DEEDS:** A & B Business \$12.17; US Bank \$119.70; Golden West Telecommunications \$134.27

**VETERANS SERVICES:** Quill \$53.98; Golden West Telecommunications \$33.57; Ramkota Hotel \$72; VFW Post 3442 \$250

**INFO TECHNOLOGY:** Golden West Technologies \$1,920; A & B Business \$1,416.03; Golden West Telecommunications \$10; Pitney Bowes \$399

**HUMAN RESOURCE:** Custer Ace Hardware \$200.56

**SHERIFF:** Corner Station \$65.42; Black Hills Energy \$94.53; Southern Hills Publishing \$144.70; Rushmore Communications \$5,033.12; A & Business \$58.81; Converging Technologies \$44.64; S & B Motor Parts \$150.93; Survival Armor \$385.71; Innovative Office Solutions \$13.52; Golden West Telecommunications \$339.68; Ultramax Ammunition \$1,710; Battle Mt Humane Society \$800

**PRISONER CARE:** Mary Seifert \$150; Kreislers LLC \$36.13; Ann Allen \$150; Christine Peters \$150

**SAFETY OFFICER:** Lynn's Dakotamart \$21.87

**AIRPORT:** Southern Hills Publishing \$67.40; Custer Gas Service \$328.82; Miller Loaders \$593; Golden West Telecommunications \$112.40; Mark & Shannon Stites \$3,000

**POOR:** Chamberlain McColley's \$2,000

**FOOD PANTRY:** Custer Storehouse \$875

**MENTALLY ILL:** Lincoln County Treasurer \$119.25; Pennington County Public Defenders Office \$47

**LIBRARY:** Penworthy \$83; Mt Rushmore Telephone \$112.71; Golden West Telecommunications \$282.33

**EXTENSION:** A & B Business \$4.73; United States Postal Service \$250; Golden West Telecommunications \$221.15; SDSU West River Ag Center \$184.48

**CONSERVATION:** United States Postal Service \$300

**WEED & PEST:** A & B Business \$9.83; Golden West Telecommunications \$48.90

**PLANNING:** Southern Hills Publishing \$32.06; Pheasantland Industries \$108.60; Golden West Telecommunications \$134.27

**COUNTY ROAD & BRIDGE:** A & B Welding \$34.54; Butler Machinery \$292.44; D-Ware Inc. \$3,025; Eddie's Truck Sales \$358.28; French Creek Loggers \$100.91; Prairie Auto Parts \$30.96; Lynn's Dakotamart \$12.76; Mt Rushmore Telephone \$114.96; Kenny Brendel \$17.50; S & B Motor Parts \$88.76; Servall Towel & Linen \$98.86; Snap on Tools \$649.20; Black Hills Gravel \$16,785; Custer Ace Hardware

\$17.99; Nutrien Ag Solutions \$5,041.60; Golden West Telecommunications \$270.94; Lyle Signs \$1,736; Running's Supply \$422.03; Croell Inc. \$255.30; Matco Tools \$108.25; MG Oil Company \$2,775.88; Pacific Steel & Recycling \$45; CBH Cooperative \$4,784.91

**FIRE PROTECTION:** Argyle Fire Department \$11,000; Buffalo Gap Fire Department \$5,000; Custer Volunteer Fire Department \$36,500; Dewey Fire Department \$2,500; Folsom Fire Department \$5,750; Highlands Fire Department \$6,935; Pringle Fire Department \$8,000

**EMERGENCY MANAGEMENT:** Corner Station \$44.37; Golden West Telecommunications \$100.70

**24/7:** Intoximeters Inc. \$559.75; Redwood Toxicology \$548

**BUILDING:** Sander Sanitation \$334.94

**ROD MODERNIZATION & PRESERVATION:** Microfilm Imaging Systems \$822.25

**EMERGENCY LINE:** Rushmore Communications \$303; A & B Business \$8.84; Golden West Telecommunications \$1,376.28; RT Communications \$23.56; Joel Behlings \$1,000

Monthly Reports approved:

- Register of Deeds November 2018 statement of fees with \$400 collected in state fees, \$18,926 in county fees, and \$624 for SDACO fees for a total of \$19,950.
- The Auditor's report with the Treasurer for November 2018 as follows: Cash \$4,843.04; Checks/Drafts \$300,761.75; Petty Cash \$1,050; SD Fit \$506,310.54; 1<sup>st</sup> Interstate Bank checking \$297,205.60; 1<sup>st</sup> Interstate Bank Savings \$3,462,227.66; ED Jones MM \$171,428.15; 1<sup>st</sup> Interstate Flex \$60,547.94; 1<sup>st</sup> Interstate Investments \$37,581.09; Sentinel CU Checking \$208.03; Sentinel CU TIIA \$32,577.74; Sentinel CU Savings \$80,005.96; Highmark Investment \$152,421.09; Highmark Savings \$10,187.28; Highmark Checking \$5,000; Dacotah Bank Checking \$12,577.50; Dacotah Investments \$683,658.79; Accrued Interest \$3,072.63; Ed Jones Investments \$2,653,104.27 for a total of \$8,217,784.62.
- Custer County Sheriff's November 2018 report: \$10 fingerprinting service; \$26 accident reports; \$66 basic concealed weapon permits; \$350 enhanced concealed weapon permits; \$30 gold concealed weapon permits; \$263.58 mileage; \$1,365 service fees; \$50 Distress Warrants; \$95 executions; \$40.10 fees & postage for a grand total of \$6,170.41.

**D. Conflict of Interest Declarations** – Bies declared a conflict with proposed Resolution 2018-13 listed under the Highway Department.

**E. Highway**

1. Gary Woodford, Highway Superintendent, read the proposed Resolution 2018-13 No Maintenance Highways Within Custer County. The Resolution identifies the following as no maintenance roads: CS 24 or French Fork Cutoff for a distance of 3.62 miles from its intersection with CS 18 to its intersection with CS27; That portion of Battle Creek Road extending North West from the intersection of Battle Creek Road and Bender Road, excluding creek crossings; and The platted county road extending 1.9 miles from road 656 to the Fall

River County Line. The commission then asked for comments from the public. Motion by Lintz to remove CS24 or French Fork Cutoff for a distance of 3.62 miles from its intersection with CS18 to its intersection with CS27 from the no maintenance resolution and keep as a minimum maintenance road. Motion died for a lack of a second. Motion by Lintz and seconded by Hartman to table Resolution 2018-13 until the commission meeting on January 9, 2019. Motion carried, Aye – Lintz, Hartman and Lampert, Nay – Sorenson, Bies Abstained.

2. Motion by Bies and seconded by Lintz to approve a request to purchase two 2019 Ford F350 1 ton 4x4 extended cab long box pickups off the State Bid with a total cost of \$65,100. The money for the purchase of the pickups will come out of the 2019 highway budget and the highway department will have two pickups to put up for auction. Motion carried, unanimous.
3. Motion by Hartman and seconded by Lintz to approve a request to purchase one 2020 Freightliner 114SD truck with a crysteel select 14' dump body, Monroe MP48R11-ISCT plow and a Force America MPJC floor mount console control with a total price of \$148,611. A total of \$44,140 will come out of the remaining 2018 machinery budget and the remaining amount will be paid out of the 2019 machines budget. Motion carried, unanimous.

#### **F. Planning**

1. Motion by Hartman and seconded by Sorenson to approve the Plat of Tracts Mad Maxx A and Mad Maxx B of Phillips Subdivision No. 2 (Formerly Tract 9B of Phillips Subdivision No. 2) Located in the E2 of Section 34, T3S, R3E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
2. Motion by Lintz and seconded by Bies to approve the Plat of LFT Agriculture Preserve Tract (Formerly Lots 1, 2, 4, 5, and 12 of CBJJ Subdivision) Located in the Gov't. Lots 3 and 4 of Section 7, and Gov't. Lots 1 and 2 of Section 18, all in T6S, R4E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
3. Motion by Lintz and seconded by Hartman to approve the Plat of Lots 1, 2, 3, 4, and a Public Access Easement of Evjen's Trace Subdivision (Formerly a portion of the W2SE4) Located in Section 16, T4S, R7E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
4. Motion by Hartman and seconded by Sorenson to approve the Plat of Boyster Tract and a Private Access and Utility Easement, Located in the S2 of Section 29, T3S, R7E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
5. Motion by Sorenson and seconded by Hartman to approve the Plat of Brown Tract of Pine Butte Subdivision (Formerly Tracts 68, 69, and 70) Located in the SE4SE4 of Section 7, and the NE4NE4 of Section 18, All in T6S, R4E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
6. Motion by Sorenson and seconded by Lintz to approve the Plat of Keith Tract, Containing all of Tract 4 of Hartshorn Ranch Estates Subdivision, and all of the NE4NE4 Section 8 and all of the NW4NW4 Section 9, T4S, R7E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.

7. Motion by Lintz and seconded by Bies to approve the Plat of Twisted Pine Tract (Formerly Lots 3, 6, and of CBJJ Subdivision) Located in Gov't. Lot 4, W2SW4 of Section 7, and Gov't. Lot 1, Gov't. Lot 2, E2NE4, SW4NE4, and NW4SE4 of Section 18, All in T6S, R4E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
8. Motion by Hartman and seconded by Lintz to approve the Plat of Custer Highlands Subdivision No. 2 Plat of Lots 20 and 6 of Custer Highlands Subdivision No. 2 (Formerly Tracts 20 and 6 of Custer Highlands Plat No. 2) Located in S2 of Section 15, and N2 of Section 22, T4S, R1E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.

**G. Airport**

1. Kim Kerkvliet from the Planning Office gave an update on the RPZ Relocation Project. Two of the remaining three mobile homes in the RPZ relocation project are scheduled to be moved. The commission may need to do an extension for the remaining tenant.

**H. Safety Officer**

1. Kim Kerkvliet, Safety Officer, gave an update on the safety program. A CPR course and an Active Shooter Course were held and had much success. The Safety Committee has had an initial meeting and will be reviewing the safety manual which will be brought before the commission for any needed changes.

**I. Equalization**

1. Motion by Hartman and seconded by Sorenson to approve Abatement 1812A in the amount of \$70.50, Abatement 1813A in the amount of \$70.44 and Abatement 1814A in the amount of \$69.42. Motion carried, unanimous.

**J. Sheriff**

1. Motion by Sorenson and seconded by Hartman to approve the new hire of Alan Dubbelde as a part-time 24/7 technician at a wage of \$13.89 starting December 13, 2018. Motion carried, unanimous.
2. Motion by Sorenson and seconded by Lintz to approve the new hire of Seth Thompson as a part-time as needed certified deputy with a wage of \$19.65 per hour. Motion carried, unanimous.
3. Motion by Sorenson and seconded by Hartman to approve the 2019 Animal Control Contract with Battle Mountain Humane Society with a cost of \$1,000 per month. Motion carried, unanimous.
4. Motion by Sorenson and seconded by Hartman to approve the 2019 contract with Wind Cave for dispatch services in the amount of \$6,000 for the year. Motion carried, unanimous.

**K. Treasurer**

1. Dawn McLaughlin, Treasurer, presented the 2017 list of delinquent taxes that will be published in the paper.

**L. Hell Canyon District Ranger**

1. Tracy Anderson, District Ranger, and Meagan Buehler, Property Specialist, with the United States Department of Agriculture Forest Service Black Hills National Forest presented to the commission on a proposed land exchange.

**M. 1881 Courthouse Museum**

1. A letter was received from the 1881 Courthouse Museum requesting \$50,000 from the county surplus funds. Motion by Bies and seconded by Lintz to assign \$50,000 to the 1881 Courthouse Museum Account #101-276.05 from the unassigned reserve fund Account #101-277.00. Motion carried, unanimous.

**N. Hermosa Arts & History Association**

1. John Preston and Candice Leigh with the Hermosa Arts & History Association presented to the board on a request for some additional funding. They thanked the commission for the previous \$25,000 that was assigned to the Hermosa Art & History Association and asked for an additional \$25,000 to help with funding of the project. Their plan is to apply for grants to match what is given to them. Motion was made by Hartman and seconded by Sorenson to assign an additional \$25,000 to the Hermosa Art & History Association Account #101-276.08 from the unassigned reserve fund Account #101-277.00 provided the funds are available. Motion carried, unanimous.

**O. Auditor**

1. Motion by Sorenson and seconded by Hartman to approve Resolution 2014-A Vacation of Section-Line Highway Right-of-Way. Motion carried, unanimous.

**Resolution 2014-08A  
Vacation of Section-Line Highway Right-of-Way**

WHEREAS, the Board of County Commissioners for Custer County previously approved resolution 2014-08 vacating portions of the Section-Line-Highway Right-of-Way described as being located between the SW4 of Sections 08 and the NW4 of Section 17, lying within the boundaries of South Park Ranch Subdivision Phase Three\*, (approximate length of vacated section line is 2,480') T6S, R4E, BHM, Custer County, South Dakota, said resolution dated July 9, 2014, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, it has come to the attention of the Board of County Commissioners for Custer County that a further action by the Commission, separate and distinct from the vacation of section-line right-of-way described hereinabove, was approved under the same resolution number; and

WHEREAS, it is necessary to prevent issues of confusion and to remedy any legal issues resulting from the duplication to amend said resolution;

NOW THEREFORE, BE IT RESOLVED THAT the Custer County Board of Commissioners hereby amends said resolution changing it from Resolution 2014-08 to 2014-08A;

BE IT FURTHER RESOLVED that all other provisions of the prior resolution not otherwise amended hereby are incorporated herein and shall remain in full force and effect.

Dated this 12th day of December, 2018.

2. Motion by Sorenson and seconded by Lintz to approve and authorize the chairman to sign the 2019 Associated School Boards Protective Trust South Dakota School District Benefits Fund Participation Agreement with a change of SDCL Chapter 10 (for schools) to Chapter 7 (for counties). Motion carried, unanimous.
3. Motion by Lintz and seconded by Bies to approve the 2019 Calendar. Motion carried, unanimous.

**P. Public Comment** – Teri Morgan, Register of Deeds reported on the county Christmas party and thanked the commission for their support.

**Q. Commission**

1. Mail call – A letter was received from South Dakota Community Foundation thanking the commission for their support of Hermosa Art & History Association; a letter was received from the Custer Ministerial Alliance seeking donations for Custer Community Christmas.
2. Meeting Schedule – The Black Hills Association of County Commissioners will hold a meeting in Philip, SD, on Thursday, December 13, 2018 at noon.
3. Meeting Reports – Commissioner Lintz met with the Weed & Pest Board and the board is looking at limiting the amount that is reimbursed to landowners for spraying of weeds. Commissioner Sorenson will attend a Conservation meeting on Friday, December 14, 2018.

**R. Executive Session**

1. Motion by Hartman and seconded by Lintz to go into Executive Session pursuant to SDCL 1-25-2(1). Executive Session started at 9:50 a.m. to discuss personnel and concluded at 10:50 a.m. No action taken.

**S. Adjourn**

Motion by Sorenson and seconded by Hartman to adjourn the meeting at 10:51 a.m. The next meeting will be at 8 a.m. December 27, 2018 in the Commissioner's Room in the Custer County Courthouse.

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Phil Lampert, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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