

**Custer County Commission Meeting (Wednesday, May 23, 2019)**

**Commission meeting was postponed from May 22, 2019 due to weather.**

**Members present:**

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle and Deputy States Attorney Susan Anderson. Commissioner Sorenson was unable to attend the meeting.

**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 Hartman to move the RPZ Update and Car Rental Agreement under Airport to Executive Session and to approve the agenda with those changes. Motion carried, unanimous.

**C. Consent Agenda**

Motion by Hindle and seconded by Linde to approve the minutes of the May 1, 2019 Commission meeting, the minutes of the May 8, 2019 Special Commission meeting, the following travel requests and vouchers. Motion carried, unanimous.

Travel requests approved: Thea Teasley to South Dakota Library Training Institute in Aberdeen, SD, at a cost of \$433.50; Jana Virtue to SDDVA Mini Conference in Rapid City, SD, at a cost of \$31; David Clevenger to D.A.R.E. training in Pierre, SD, at a cost of \$50; Jeff McGraw and Ross Norton to Situational Leadership for Law Enforcement meeting in Mitchell, SD, at a cost of \$240  
Vouchers approved as follows:

**PAYROLL:** Commissioners \$1,875; Auditor \$4,700.71; Treasurer \$6,081.41; IST \$2,125; States Attorney \$8,680.26; Courthouse Building \$4,290.80; Equalization \$6,876.54; Register of Deeds \$2,910.88; Veterans Service \$864.00; Human Resource \$1,116.27; Sheriff \$24,079.17; Nurse \$689.52 Library \$6,289.13; Extension \$1,150.40; Weed & Pest \$1,666.67; Planning \$3,382.62; Highway \$21,716.20; Emergency Management \$2,317.96; 24/7 \$263.91; Communications/911 \$11,258.54.

**TAXABLE/CUSTER CITY:** SD State Treasurer \$176.24

**COMMISSIONERS:** Southern Hills Publishing \$1,227.38; Verizon Connect \$63.27

**AUDITOR:** A & B Business \$643.97; Golden West Technologies \$1,504.87; Southern Hills Publishing \$45.20

**TREASURER:** A & B Business \$176.10; Golden West Technologies \$172.65 Southern Hills Publishing \$18.80;

**STATE'S ATTORNEY:** Culligan Water \$37; Lexisnexi \$303

**COURT APPOINTED ATTORNEY:** Beesley Law \$1,587.60; Justin O'Neill \$968.85; Garland Goff \$857.05; Grey & Eisenbraun \$1,887.90

**INFO TECHNOLOGY:** Golden West Telecommunications \$79.04; Golden West Technologies \$1,910

**STATES ATTORNEY:** A & B Business \$215; Golden West Telecommunications \$172.65

**COURTHOUSE BUILDING:** Golden West Telecommunications \$34.53

**DIRECTOR OF EQUALIZATION:** A & B Business \$105.42; Best Western Kelly Inn \$228; Golden West Telecommunications \$207.18; Verizon Connect \$18.95; SDAAO Treasurer \$1,050

**REGISTER OF DEEDS:** A & B Business \$105.42; Golden West Telecommunications \$138.12

**VETERANS SERVICE:** A & B Business \$63.63; Golden West Telecommunications \$34.53

**HUMAN RESOURCE:** SD Division of Criminal Investigation \$86.50; Cholik Signs \$220

**SHERIFF:** A & B Business \$222.26; Black Hills Electric \$55.83; Black Hills Energy \$88.42; Golden West Telecommunications \$349.29; Lynn's Dakotamart \$32.60; Pennington County Jail \$490.20; Liberty Superstores \$196.09; Verizon Connect \$170.55; Innovative Office Solutions \$2.75; Steele Collision \$25; Culligan Water \$40; A – Z Shredding \$20; Axon Enterprises \$5,560.78; Battle Mt Humane Society \$1,000

**PRISONER CARE:** City of Rapid City \$175.10; Pennington County Jail \$3,700; Manlove Psychiatric Group \$59.90; Correct RX Pharmacy; Ann Allen \$75; Christine Peters \$225

**SEARCH & RESCUE:** Adtech \$474.49; Black Hills Energy \$458.12

**AIRPORT:** Black Hills Electric \$561; Golden West Telecommunications \$112.24; Grimms Pump Service \$3,408.37; MG Oil Company \$2,834.30; U-Fuel Inc. \$19,518.01

**INDIGENT SUPPORT:** Rapid City Emergency Services \$100.20

**MENTALLY ILL:** Lincoln County Treasurer \$45; Den Herder Law Firm \$142.50; Yankton County Sheriff \$50; South Dakota Human Services \$1,104.88

**MENTAL ILLNESS BOARD:** Beesley Law \$157.50; Yankton County Treasurer \$278

**LIBRARY:** Century Link \$15.29; Golden West Telecommunicatoins \$281.61; Mt Rushmore Telephone \$112.59;

**FAIR:** Custer County Fair Association \$8,000

**EXTENSION:** A & B Business \$197.72; Discovery Benefits \$13.89; Golden West Telecommunications \$220.88

**WEED & PEST:** A & B Business \$200; Golden West Telecommunications \$48.74; Southern Hills Publishing \$145; Red Letter Signs \$425

**PLANNING:** A & B Business \$200; Golden West Telecommunications \$138.12; Golden West Technologies \$2,328.33; Southern Hills Publishing \$48; Quill \$69.97; Discovery Benefits \$13.89

**COUNTY ROAD & BRIDGE:** A & B Welding \$52.46; A & B Business \$188.85; Bierschbach Equipment \$8,185; Black Hills Electric \$1,723.79; Butler Machinery \$35,313.59; Custer Do It Best \$28.37; Southern Hills Publishing \$33.10; Diesel Machinery \$2,500; Eddie's Truck Sales \$4,781.71; French Creek Loggers \$195.49; Golden West Telecommunications \$272.56; Grimms Pump Service \$257.35; Interstate Batteries \$250.90; Prairie Auto Parts \$49.69; Lynn's Dakotamart \$19.91; Mt Rushmore Telephone \$114.84; Quill \$152.97; S & B Motor Parts \$126.89; Kieffer Sanitation \$172.50; Servall \$212.84; Town of Buffalo Gap \$56; Snap On Tools \$261.75; Prairie Auto Parts West \$35.42; Black Hills Gravel \$17,253.75; Custer Ace Hardware \$46.56; RLP Holdings \$1,165' Running's Supply \$819.94; Croell Inc. \$245.41; Culligan Water \$33.50; Century Link \$15.29; Nelson's Oil & Gas \$495.17; MG Oil \$2,480.11; Advanced Drug Testing \$92; Diamond D Diesel \$2,070; Great Western Tire \$2,088.40; Forward Distributing \$20.20; Powerplan \$16,078.85; Pacific Steel & Recycling \$91.17; CBH Cooperative \$3,655.15

**EMERGENCY MANAGEMENT:** Golden West Telecommunications \$103.59; Verizon Connect \$18.95

**STATE GRANTS-GENERAL GOVERNMENT:** Kadrmas Lee & Jackson \$21,700

**24/7 SOBRIETY:** Pharmchem \$114.20

**BUILDING:** Black Hills Electric \$1,307.07; Black Hills Energy \$4,135.50; Freeman's Electric \$811.70; Nielsen Enterprises \$19,000; Engineered Concrete \$7,176.53; Sander Sanitation \$334.94; A – Z Shredding \$20; Thyssenkrupp Elevator \$375; Hartman Construction \$300; Becky Kerkvliet \$290; Verl & Kathy Scheibe \$18,000

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

**EMERGENCY LINE:** A & B Business \$222.41; Golden West Telecommunications \$1,376.11; Pheasantland Industries \$139.78; Rushmore Communications \$468; Culligan Water \$40; Century Link \$537.29; Discovery Benefits \$13.88; RT Communications \$48.66

**TREASURER'S TRUST:** SD Department of Revenue \$1,950

Monthly Reports approved:

- Register of Deeds January 2019 statement of fees with \$740 collected in state fees, \$12,954 in county fees, and \$348 for SDACO fees for a total of \$14,042.
- The Auditor's report with the Treasurer for April 2019 as follows: Cash \$9,741.41; Checks/Drafts \$274,808.26; Petty Cash \$1,050; SD Fit \$511,812.06; 1<sup>st</sup> Interstate Bank checking \$394,899.52; 1<sup>st</sup> Interstate Bank Savings \$5,360,369.27; ED Jones MM \$118,352.74; 1<sup>st</sup> Interstate Flex \$60,547.94; 1<sup>st</sup> Interstate Investments \$37,698.96; Sentinel CU Checking \$208.03; Sentinel CU TIIA \$33,343.66; Sentinel CU Savings \$80,038.85; Highmark Investment \$152,583.54; Highmark Savings \$10,189.42; Highmark Checking \$5,000; Dacotah Bank Checking \$12,577.50; Dacotah Investments \$692,046.36; Accrued Interest \$3,072.63; Ed Jones Investments \$2,720,266.10 for a total of \$10,478,606.25.
- Custer County Sheriff's November 2018 report: \$20 Fingerprinting; \$20 accident/accrurent reports; \$39 basic concealed weapon permits; \$200 enhanced concealed weapon permits;

\$503.10 mileage; \$2,410 service fees; \$100 distress warrants; \$95 executions; \$6.80 postage; for a grand total of \$3,393.90.

**D. Conflict of Interest Declarations** – Commissioner Lintz declared a conflict with the Malt Beverage Renewal Licenses.

**E. Highway**

1. Motion by Hartman and seconded by Hindle to approve the Application for Occupancy on the Right of Way of County Highways from Lookout Solar Park I, LLC for a Right of Occupancy for underground power lines on Riverside Road, beginning from the East, from Section 36, Township 6 South, Range 9 East of the Black Hills Meridian, Custer County, South Dakota at the Oglala Lakota County and Custer County border proceeding West for approximately 6.7 miles to 148<sup>th</sup> Avenue, then proceeding North along 148<sup>th</sup> Avenue for approximately 2.0 miles to Cottonwood Cutoff, then proceeding West along Cottonwood Cutoff approximately 2.0 miles to the NE1/4 of Section 15, Township 6 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota. The line will end on Myron Lehr owned property in the SW1/4 of the NW1/4 of Section 14, Township 6 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota where it will connect to the Western Area Power Administration's (WAPA) New Underwood to Wayside 230 kv Transmission Line, upon the following conditions:
  - 1) posting of a bond equal to 10% of the total project cost within Custer County;
  - 2) bond shall remain in place and be warranted for not less than 2 years after completion of the construction, unless officially cancelled, in writing, by the County prior expiration of the 2 years;
  - 3) engineering plans and project construction schedule shall be provided to Custer County for approval by the Custer County Highway Superintendent at least 90 days in advance of any work commencing;
  - 4) reimburse Custer County for reasonable costs incurred by County to retain and have a professional engineer review the plans and project construction schedule, County to provide permittee cost estimate in advance of review;
  - 5) Provide engineering plans and project construction schedule to all existing utilities in the area at least 90 days in advance of commencement of work;
  - 6) Acquire interconnect agreement and all other governmental approvals necessary for project;
  - 7) Lookout Solar Park I, LLC shall remain in good standing with the State of South Dakota;
  - 8) Must establish and identify a contact person;
  - 9) Must comply with SDCL Chapter 31-26 and all applicable local, state and national laws and codes and comply with any and all administrative rules, legal rulings and standards;
  - 10) Approval is conditioned upon completion of construction within 2 years of the date of approval;
  - 11) At completion of permitted construction, the public right-of-way shall be restored to its original or better condition than existed prior to the occupancy in the right-of-way, as accepted by the County Highway Superintendent;
  - 12) The County Highway Superintendent, or his representative, shall be permitted to make investigations of the work in progress and require such reasonable changes in procedure as may be deemed necessary to best serve the interests of the County and the public;

- 13) The backfilling of ditches or other excavation shall be performed in such a manner as not to permit any settling, erosion, or other damages to the public road or right-of-way. In the event of any settling occurring in the right-of-way or under the road surface within 2 years following completion of the permitted activity, the County Highway Superintendent will send a written notice by certified or registered mail to the person, firm, or corporation having obtained the permit for said construction. The permittee shall have 30 days upon receipt of the notification to correct the deficiencies or the County shall cause to have the work done and permittee shall be assessed an additional fee for the County's costs to have the work done. Such permittee shall pay any such fees within 30 days of receipt of written notice;
  - 14) Permittee shall indemnify and hold the County, its officers, employees, agents and representatives harmless from and against any and all actions, suits, claims, demands, liabilities, obligations, damages, costs, and other proceedings of any kind or nature arising out of any injuries and damage received or sustained by any person or property on account of the use or occupancy of right-of-way;
  - 15) Permittee shall maintain liability insurance, naming County as an additional insured, with said policy being in effect prior to commencement of construction and continuing in effect for 2 years following completion, with minimum limits of \$1,000,000 per occurrence and \$3,000,000 aggregate.
  - 16) Construction must be planned with full regard to safety of the highway users and utility employees, and interference with highway traffic should be kept to an absolute minimum;
  - 17) Permittee shall provide any and all necessary flag persons, barricades, and traffic controls/signs for the safety and guidance of highway traffic, and must conform to applicable traffic control standards;
  - 18) Permittee shall be responsible for any and all contractors and/or subcontractors secured to provide work on or participate in the project.
  - 19) All road crossing be at 90 degrees and shall be directional bored with no gravel disturbance;
  - 20) Permittee shall have an onsite inspector, at their cost, to inspect and insure that compaction and reclamation is properly completed;
  - 21) Maintain adequate distance from other utilities structure, poles, wires, etc.. situated within the right-of-way to avoid compromising the integrity of any existing structure, poles, wires, etc. (5' has been a suggested distance); and
  - 22) Permittee shall survey the ROW prior to commencement of construction.
- Motion carried, unanimous.

2. Motion by Hindle and seconded by Hartman to approve the Application for Occupancy of The Right of Way of County Roads from Golden West Telecommunications for a telecommunications facility on Beaver Creek Rd in Section 15, T5S, R5E, Custer County, South Dakota. Motion carried, unanimous.
3. Motion by Hartman and seconded by Linde to approve the Application for Occupancy of the Right of Way of County Roads from Golden West Telecommunications for a telecommunications facility on Hombre Trail in Section 8, T6S, R4E, Custer County, South Dakota. Motion carried, unanimous.
4. Highway Superintendent Woodford gave an update on the repairs for Lane Johnny and LH Road that was approved at the April 17, 2019 commission meeting. Due to the recent weather conditions, Woodford stated the highway department has not had an opportunity to start any

work on the road. Woodford did give an estimate of \$247,298 to repair both roads and the current highway budget does not include funds to cover that cost. The commission requested that Woodford research some options to repair the roads and bring those to the next commission meeting on June 5, 2019.

**F. Planning**

1. Motion by Hindle and seconded by Hartman to approve the Plat of Raver Subdivision, Plat of Tract A Jensen, and Tract 1 Jensen of Raver Subdivision (Formerly Lots A-2 and A-3 of Raver Subdivision of Tract Raver No. 3) Located in Government Lot 8 of Section 8, and Government Lot 5 of Section 17, T3S, R4E, B.H.M., all located in the John T. Wright Homestead, Custer County, South Dakota. Motion carried, unanimous.

**G. US Forest Service Hell Canyon District Ranger**

1. Tracy Anderson, Hell Canyon District Ranger met with the board to discuss the following:
  - Iron Mountain Road is now open and the South Dakota Department of Transportation hopes to have the Needles Highway open shortly.
  - The Forest Service will be working with the Custer Chamber on the upcoming Off Road Rally to be held June 7 – 9, 2019.
  - The Forest Service is currently in the process of acquiring approximately 350 acres north and west of Custer City (referred to as Spring Creek land). The plan is to have the purchase complete by September 2019 and the land will become tax exempt.
  - The Forest Service has been given permission to convey a strip of land to Custer County that is located in the Custer Airport property.

**H. Weed & Pest**

1. Motion by Hartman and seconded by Hindle to approve the new hires of Danny Miller and Billy Fowler as part-time seasonal weed sprayers starting May 22, 2019 at a wage of \$14 per hour. Motion carried, unanimous.

**I. Sheriff**

1. Motion by Hartman and seconded by Hindle to approve the new hire of Justin Richardson as a Deputy Sheriff starting May 28, 2019 at a wage of \$20.50 per hour. Motion carried, unanimous.
2. Sheriff and Mechaley and Commissioner Hartman attended a Western Juvenile Detention Board meeting and were informed the county could anticipate a \$10,000 refund.

**J. Treasurer**

1. Motion by Linde and seconded by Hartman to approve the new hire of Tierney Shelton as a Deputy Treasurer II starting May 13, 2019 at a wage of \$13.23 per hour. Motion carried, unanimous.

**K. Library**

1. Motion by Hindle and seconded by Hartman to approve appointing Tony Warnke as the new Project Supervisor for the new Library addition to replace Craig Walz. Motion carried, unanimous.

**L. Equalization**

1. Motion by Hartman and seconded by Hindle to approve Abatement 1917A in the amount of \$161.56. Motion carried, unanimous.
2. Motion by Hindle and seconded by Linde to table Abatement 1918A until the next commission meeting on June 5, 2019. Motion carried, unanimous.

**M. Airport**

1. Discussion was held on clean up of the Airport RPZ property. The current tenants have been advised to vacate the property by May 24, 2019. Motion by Hartman and seconded by Hindle to approve the expenditure of up to \$1,700 to hire someone to clean up the big items in the Airport RPZ property and the funds to come out of account #250-4-331-431.00. Motion carried, unanimous.

**N. Auditor**

1. Motion by Hindle and seconded by Linde to approve the following Malt Beverage Renewal Licenses:
  - Heartland RV Park & Campground – HJW Subdivision Lot 1 in E2E2 of Section 6, T3S, R8E, Custer County, South Dakota
  - Lintz Brothers Pizza – HJW Subdivision Lot 2 in E2E2 of Section 6, T3S, R8E, Custer County, South Dakota
  - Elk Haven Horse Camp, LLC – Judd Homesite of Section 35, T2S, R6E, Custer County, South Dakota
  - Wolf Camp – TRB of Halley Ranch Subdivision and Pipeline Easement in NE4NE4 of Section 35, T2S, R6E, Custer County, South Dakota
  - Battle Creek Post #303 – North Corral Subdivision Lot Legion in S2SE4SE4 of Section 29, T2S, R8E, Custer County, South Dakota
  - Wheels West RV Park – Svoboda Tr (pt of Dawson Tr A pt of Richardson PL#724) of Sections 20 & 20, T3R, R5E, Custer County, South Dakota
  - Sylvan Lake Resort – Custer State Park all Section 30, T2S, R5E, Custer County, South Dakota
  - Legion Lake Resort - Custer State Park all Section 25, T3S, R5E, Custer County, South Dakota
  - Blue Bell Lodge – Custer State Park balance of Section 11, T4S, R5E, Custer County, South Dakota
  - BJS Hermosa – McDowell Subdivision Lot B of Lot 1 of Section 6, T3S, R8E, Custer County, South Dakota
  - Spokane Creek Campground and Cabins – Spokane Creek Subdivision Lot 1 in S2NW4 of Section 35, T2S, R6E, Custer County, South Dakota
  - Custer/Mt Rushmore KOA – Nelson Tr in SW4SW4 and Lot K of Lot G & F (Less Hwy R/W) of Section 33, T3S, R4E
  - Custer/Mt Rushmore KOA – Nelson Tr in SW4SW4 of Lot K of Lot G & F (Less hwy R/W) of Section 33, T3S, R4E, Custer County, South Dakota.

Motion carried, Aye – Hartman, Linde and Hindle, and Lintz abstained.

2. The commission acknowledged the new rosters for the Argyle Volunteer Fire Department and the Folsom Volunteer Fire Department.
3. Motion by Hartman and seconded by Hindle to approve the renewal of the grazing lease between Custer County and Jody Landgrebe for property described as Tract Price of H.E.S. No. 469 in the Northwest Quarter of Section 3, Township 4 South, Range 4 East of the Black Hills Meridian, Custer County, South Dakota. Motion carried, unanimous.

**O. VFW Post #3442**

1. Motion by Hindle and seconded by Linde to approve a Queen of Hearts Raffle fundraiser in 2019 for the VFW Post #3442. Motion carried, unanimous.

**P. 9 a.m. Public Hearing – New Malt Beverage License.**

1. At 9 a.m. the public hearing was opened for a new Malt Beverage Application from Big Pine Campground. No one appeared to support or oppose the application. Motion by Linde and seconded by Hindle to approve the new Malt Beverage License Application for Big Pine Campground – Lot 2 of Tr B of N2NE4 of Section 33, T3S, R4E, Custer County, South Dakota. Motion carried, unanimous.

**Q. Public Comment** – David Reid spoke regarding his concerns about the 2019 assessment notice he received. Commissioners Hindle and Hartman offered to meet with Mr. Reid at his property to get a better understanding of his concerns.

**R. Commission**

1. Mail call – A letter was received from Patti Parker regarding the condition of 20 Mile Road; A letter was received from Custer City regarding compliance with the city’s sidewalk and sign regulation.
2. Meeting Schedule – The Black Hills Association of County Officials will hold their next meeting on Friday, May 31<sup>st</sup> at 11:30 a.m. at Lead, SD. Commissioners Lintz, Hartman, Linde and Hindle along with Emergency Management Director Mike Carter and Auditor Cornelison will attend the meeting.
3. Meeting Reports – Linde attended a Fire Advisory Board meeting and a Landfill meeting; Lintz attended the Fire Advisory Board meeting and a Fair Board meeting; Hartman attended a Custer County Housing meeting.
4. Review of Section 3 & 4 of Employee Handbook – Deputy States Attorney Susan Anderson, reviewed sections 3 & 4 of the proposed Employee Handbook and requested commissioners to review and make recommendations at the next commission meeting on June 5, 2019.

**S. Executive Session**

1. Motion by Hindle and seconded by Linde to go into Executive Session pursuant to SDCL 1-25-2(1), SDCL 1-25-2(3) and SDCL 28-13-42. Executive Session started at 9:30 a.m. to discuss personnel, consult with legal counsel and an indigent request and concluded at 10:33 a.m.

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

1. Motion by Hartman and seconded by Hindle to approve the Indigent Request for burial costs in the amount of \$2,000. Motion carried, unanimous.

**U. Adjourn**

Motion by Hartman and seconded by Linde to adjourn the meeting at 10:35 a.m. The next meeting will be at 8 a.m. June 5, 2019 in the Commissioner’s Room in the Custer County Courthouse.

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Jim Lintz, Chairman



Attest:

Terri Cornelison, Custer County Auditor

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