

Custer County Commission Meeting (Wednesday, August 7, 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

1. Motion by Linde and seconded by Sorenson to approve the agenda as presented. Motion carried, unanimous.

C. Consent Agenda

1. Motion by Hartman and seconded by Hindle to correct the minutes of the July 24, 2019 Commission meeting to read under item E. Highway – “Motion made by Sorenson and seconded by Linde for the county to stop doing dust control on county roads adjacent to private properties.” and to approve the minutes of the July 24, 2019 Commission Meeting with that change and also approve the following vouchers and monthly reports. Motion carried, unanimous.

Vouchers approved as follows:

PAYROLL: Commissioners \$1,875; Auditor \$4,234.95; Treasurer \$6,498.62; IST \$2,125; States Attorney \$8,680.26; Courthouse Building \$4,297.33; Equalization \$6,875.97; Register of Deeds \$2,800.80; Veterans Service \$945.00; Human Resource \$1,116.27; Sheriff \$25,381.44; Nurse \$633.00; Library \$6,099.69; Extension \$7,191.44; Weed & Pest \$2,909.17; Planning \$3,318.57; Highway \$22,690.14; Emergency Management \$2,317.96; 24/7 \$250.02; Communications/911 \$10,466.36

COMMISSIONERS: Southern Hills Publishing \$255.63; MasterCard \$796.74; Verizon Wireless \$82.18

COURT:

COURT APPOINTED ATTORNEY: \$970.27

AUDITOR: Southern Hills Publishing \$169.40; MasterCard \$641.40; Tyler Technologies \$500.00; Thomson Reuters-W \$381.26

TREASURER: MasterCard \$182.38; SD Retirement System \$231.48

STATE’S ATTORNEY: Colorado DMV \$10.00; MasterCard \$216.86

COURTHOUSE BUILDING: MasterCard \$1,052.62

DIRECTOR OF EQUALIZATION: Governor’s Inn \$328.00; Quill Corp. \$184.39; MasterCard \$254.91

REGISTER OF DEEDS: MasterCard \$96.12; State of SD \$21.00; Ramkota Hotel \$103.99

VETERANS SERVICES: MasterCard \$64.11

INFO TECHNOLOGY: Golden West Technologies \$482.29

SHERIFF: B.H. Energy \$64.31; French Creek Loggers Supply \$199.98; Children's Home Society \$450.00; Pennington Co. Jail \$650.20; MasterCard \$875.78; Innovative Office Solutions \$164.70; Steele Collision \$62.00; LexisNexis Risk Solutions \$85.00; Great Western Tire \$1795.96; SD Retirement \$150.88

PRISONER CARE:

AIRPORT: Custer Do It Best \$42.44; Insurance Benefits, Inc. \$2,813.00; MasterCard \$2,059.40; Brenden Hendrickson \$3,666.67; MG Oil Co. \$3,072.30; Mark & Shannon Stites \$1,000.00

LIBRARY: MasterCard \$891.84

CULTURE & RECREATION: Southern Hills Publishing \$58.50

EXTENSION: MasterCard \$200.41; State 4-H Office \$27.50

HUMAN RESOURCES: Division of Criminal Investigation \$43.25

WEED & PEST: French Creek Loggers Supply \$2.29

PLANNING: Southern Hills Publishing \$97.20

COUNTY ROAD & BRIDGE: B.H. Energy \$75.49; Butler Machinery \$610.64; Southern Hills Publishing \$34.00; Diesel Machinery, Inc \$5,000.00; Floyd's Truck Center \$105,037.80; Fastenal Co. \$52.76; Grimms Pump Service \$3.55; Quill Corporation \$104.96; Brosz Engineering \$390.00; Servall Towel & Linen \$106.42; Rockmount Research & Alloy \$331.66; MasterCard \$185.64; B.H. Gravel \$12,900.00; Custer Ace Hardware \$26.99; North Central International \$195.04; Gene's Equipment Finder \$2,562.30; Twilight 1st Aid & Safety Supply \$44.46; Great Western Tire, Inc. \$678.35; Northern Truck Equipment \$4,751.00; CBH Cooperative \$1,526.55

FIRE PROTECTION: Pringle Fire Department \$3,324.00

SOBRIETY: Redwood Toxicology Lab \$274.00

SEARCH & RESCUE: Custer City \$59.20

EMERGENCY MANAGEMENT:

STATE GRANTS-GENERAL GOVERNMENT:

BUILDING: Custer City \$297.50; MasterCard \$207.02; SD Dept. Transportation \$82.24

EMERGENCY LINE: Rushmore Communications \$202.00; MasterCard \$213.45; RT Communications \$24.68

Monthly Reports approved:

- Register of Deeds June 2019 statement of fees with \$367 collected in state fees, \$15,454.25 in county fees, and \$356 for SDACO fees for a total of \$16,177.25.
- The Auditor's report with the Treasurer for January 2019 as follows: Cash \$1,931.79; Checks/Drafts \$17,871.89; Petty Cash \$1,050; SD Fit \$513,567.56; 1st Interstate Bank checking \$39,717.23; 1st Interstate Bank Savings \$3,990,283.21; ED Jones MM \$219,561.27; 1st Interstate Flex \$60,547.94; 1st Interstate Investments \$37,698.96; Sentinel CU Checking \$208.03; Sentinel CU TIIA \$33,372.69; Sentinel CU Savings \$80,52.20; Highmark Investment \$152,649.28; Highmark Savings \$10,190.28; Highmark Checking \$5,000; Dacotah Bank Checking \$12,677.50; Dacotah Investments \$692,046.36; Accrued Interest \$3,190.72; Ed Jones Investments \$2,636,701.70 for a total of \$8,506,386.82.
- Custer County Sheriff's November 2018 report: \$60 Fingerprinting; \$60 accident/accrurint reports; \$33 basic concealed weapon permits; \$300 enhanced concealed weapon permits; \$359.48 mileage; \$840 service fees; \$50 distress warrants; \$190 executions; \$128.99 commissions earned on executions; \$6.80 postage; \$100 sheriff sale; \$60 CSO Ordered U/As fees for a grand total of \$2,188.27.

D. Conflict of Interest Declarations – none declared.

E. Highway

1. Motion by Sorenson and seconded by Linde to approve the Application for Occupancy of the Right of Way from Golden West Telecommunications on Sidney Park Road in Section 12, T4S, R4E, 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 from Golden West Telecommunications on Sidney Park Road in Sections 25, 36 & 1, 2, 13, T3S & T4S, R4E, Custer County, South Dakota. Motion carried, unanimous.
3. Sealed bids for a used 2016 or newer Excavator were opened as advertised. Bids received included:

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| • John Deere RDO Equipment – New 2019 John Deere 210GLC in stock | \$205,394 |
| • John Deere RDO Equipment – New 2019 John Deere 210GLC factory | \$196,707 |
| • John Deere RDO Equipment – Used 2015 John Deere 210GLC | \$145,500 |
| • Butler Machinery – Used 2014 Caterpillar 320E | \$175,000 |
| • Butler Machinery – New 2019 Caterpillar 320 | \$209,505 |
| • Diesel Machinery, Inc. – Used 2016 Doosan DX225LC-5 (\$165,000 less rental credit of \$22,500 + carry cost \$2,250) | \$144,750 |

Motion by Sorenson and seconded by Hartman to accept the lowest bid from Diesel Machinery, Inc. in the amount of \$144,750. Motion carried, unanimous.
4. Gary Woodford, Highway Superintendent, shared quotes he had received for a new salt shed for the Hermosa Highway Shop. Motion by Hindle and seconded by Linde to authorize the Highway Department to advertise for bids for a new salt shed at the Hermosa Shop. Motion carried, unanimous.

5. Woodford reviewed the damage from the flood that occurred on August 2, 2019. Woodford stated Lower French Creek road had been repaired and the Highway Department is working on repairs to Upper French Creek road.

F. Emergency Management

1. Motion by Hartman and seconded by Hindle to approve the Resolution for Declaration of Emergency/Disaster Flood Event of August 2, 2019. Motion carried, unanimous.

G. Planning

1. Motion by Hindle and seconded by Linde to approve the First Revision to the Custer County Ordinance Number 2. Motion carried, unanimous.

H. Custer Limestone Area Residents

1. Bob Schmitt presented to the board on his concerns for the road located in the Morkens Bear Springs Subdivision. Schmitt stated that part of the road in the subdivision is a Forest Service road that is a public road and considered a highway, therefore eliminating the opportunity for the residents to form a road district to fund the repair of the road. The Custer County State's Attorney office will research the issue and it was recommended to invite a Forest Service representative to the next commission to try and find a solution.

I. 1881 Courthouse Museum

1. Gary Enright and Rick Wheeler appeared before the board on behalf of the 1881 Courthouse Museum. A claim had been filed on damage to the museum roof and the Auditor's Office had received notice that the county's property insurance would not coverage the damage. The commission recommended that the roof be repaired and the 2019 Museum budget would most likely need to be supplemented to cover the cost.

J. Veteran Service

1. Jana Virtue, Veteran Service Office, presented a report she had received from the South Dakota Department of Veterans Affairs. The report identified Custer County serving 1,122 veterans with expenditures totaling \$16,524 infused into the economy of the county.

K. Application for Isolated Tract Easement

1. Richard and Barbara Drew have filed an Application for an Isolated Tract Easement. Tracy Kelley, States Attorney, reviewed that the Drew's have tried to obtain easements from adjacent private land owners as well as from the Forest Service and have been unsuccessful. Kelley stated the county has a responsibility to establish access. Motion by Sorenson and seconded by Hartman to table the discussion to Executive Session to review with legal counsel. Motion carried, unanimous.

L. Resolution 2019-09

1. Motion by Hartman and seconded by Sorenson to approve Resolution 2019-09.

Resolution 2019-09
RESOLUTION ESTABLISHING REQUIREMENTS TO QUALIFY FOR
AGRICULTURAL CLASSIFICATION OF TIMBERLAND IN CUSTER COUNTY

WHEREAS, SDCL 10-6-31.3 states that for purposes of taxation, land is agricultural if its principal use is devoted to, among other things, the raising and harvesting of timber; and **WHEREAS**, it is necessary for the Director of Equalization for Custer County to require that a landowner provide supporting documentation to verify the land is being used for the raising and harvesting of timber in accordance with SDCL 10-6-31.3;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County that, in order to establish land is used for raising and harvesting of timber in accordance with SDCL 10-6-31.3, the landowner shall file with the Office of Equalization for Custer County a forest management plan that is either 1) written and prepared by the South Dakota Department of Agriculture; or 2) that is written and prepared by a Professional Forester who is registered with the South Dakota Department of Agriculture;

IT IS FURTHER RESOLVED that, after being granted agricultural classification based upon the raising and harvesting of timber, the landowner shall file a certification of compliance prepared by a professional forester confirming compliance with the forest management plan. The certification of compliance shall be filed every five (5) years with the Office of Equalization for Custer County.

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

Dated this 7th day of August, 2019 at Custer, South Dakota.

Motion carried, unanimous.

M. Resolution 2019-10

1. Motion by Hindle and seconded by Linde to table Resolution 2019-10 Resolution Establishing County Non Taxable Structures. Motion carried, unanimous.

N. Resolution 2019-11

1. Motion by Hartman and seconded by Linde to table Resolution 2019-11 Resolution Establishing Hours of Operation for County Offices. Motion carried, unanimous.

O. Auditor

1. Motion by Linde and seconded by Hindle to approve the Order for Organization and Incorporation of the Lizzie/Kemp Road District for the 2019 pay 2020 tax year and after. Motion carried, unanimous.
2. Motion by Hindle and seconded by Linde to change the date of the first Commission meeting in September from Wednesday, September 4th to Tuesday, September 3rd, 2019 as required by SDCL 7-21-8 for the adoption of the provisional budget for 2020. Motion carried, unanimous.
3. Auditor Terri Cornelison, reviewed the process the county follows regarding budgets, revenues and mil levies. The county's budget is funded by property taxes as well as other sources of revenue. Currently Custer County has a surplus of funds in the unassigned category. Cornelison stated the commissioners needs to allocate some of these funds to specific projects that are a one-time cost. This would allow these projects to be funded outside the regular yearly department budgets.

P. Public Comment – Patty Caster, Director of Equalization commended the Custer County Highway Department on a job well done for the August 2nd flood event. Custer County Sheriff, Marty Mechaley, stated all entities worked well together for the flood event. States Attorney,

Tracy Kelley, commended all involved with the flood event. Christina Bland stated the Red Cross was a huge asset to her family with the damage their property received by the flood.

Q. Commission

1. Mail call – A letter was received from the Forest Service regarding the condition of the Hazelrodt Picnic Area; A thank you card was received from the Hermosa Senior Citizens Center for the county's support of \$1,500; A thank you card was received from the Storehouse for the 2nd quarter payment from the county in the amount of \$875; A thank you card was received from the Hermosa Arts & History Association for the monetary support given by the county and a copy of a booklet about the Association that will be distributed at the County Fair was also received.
2. Meeting Schedule – The 2019 County Convention for County Commissioners and Elected Officials will be held in Pierre, SD, on September 16th & 17th, 2019.
3. Meeting Reports – Sorenson, Lintz and Hartman had attended the Pre-Rally meeting; Hartman attended a meeting with the City of Custer and Custer County Emergency Management, Mike Carter. Carter reviewed the clean up process for the flooding event.
4. The commission reviewed the GPS units. Not all the units have been installed. Sorenson will work with maintenance personnel to get the remaining units installed.

R. Executive Session

1. Motion by Sorenson and seconded by Hartman to go into Executive Session pursuant to SDCL 1-25-2(1), SDCL 28-13-42 and SDCL 1-25-2(3). Executive Session started at 10:32 a.m. to discuss personnel, indigent request and consult with legal counsel and was suspended at 12:20 p.m. Motion by Sorenson and seconded by Hartman to go back into Executive Session for the above matters starting at 3:02 p.m. and ended at 4:20 p.m.

S. 2020 Budget Reviews

1. The following 2020 budgets were reviewed:
 - Prairie Hills Transit – Barbara Cline
 - Register of Deeds/M & P – Teri L. Morgan
 - Emergency Management – Mike Carter
 - Sheriff/Prisoner Care/24-7/Communications – Marty Mechaley
 - Treasurer – Dawn McLaughlin
 - Planning – Kim Kerkvliet
 - Human Resource – Tim Holland
 - Equalization – Patty Caster
 - Custer Area Economic Development – Phil Abernathy and Tonya Olson
 - Library – Doris Ann Mertz
 - Airport – Brenden Hendrickson
 - Veteran Service – Jana Virtue
 - YMCA – Rex Jorgenson
 - States Attorney – Tracy Kelley
 - IST/Computer – Troy Schmidt
2. Motion by Hartman and seconded by Hindle to approve the \$5,000 2020 budget request from Prairie Hills Transit. Motion carried, unanimous.

3. Motion by Sorenson and seconded by Hindle to approve an additional \$5,000 2020 budget request for the Custer YMCA. Motion carried, unanimous.

T. Actions Taken by Commission Outside of Executive Session

1. Motion by Sorenson and seconded by Hindle to approve an indigent request in the amount of \$1,046.27. Motion carried, unanimous.
2. Motion by Hindle and seconded by Linde to place Patty Caster, Director of Equalization on Administrative Leave. Motion carried, unanimous.

U. Adjourn

Motion by Hindle and seconded by Linde to adjourn the meeting at 4:25 p.m. The next meeting will be at 9:00 a.m. Monday, August 12, 2019 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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