

Custer County Commission Meeting (Tuesday, September 3, 2019)

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

C. Motion by Sorenson and seconded by Hartman to approve the agenda with the addition of personnel for Veteran Service under Executive Session. Motion carried, unanimous.

D. Consent Agenda

Travel requests approved: Doris Ann Mertz, Janice Stalder and Thea Teasley to SD Library Association Conference in Spearfish, SD, at a cost of \$1,279.50; Mike Carter to SDEMA Conference in Pierre, SD, at a cost of \$305

Vouchers approved as follows:

PAYROLL: Commissioners \$1,875; Auditor \$5,615.11; Treasurer \$6,741.46; IST \$2,125; States Attorney \$8,959.70; Courthouse Building \$4,545.34; Equalization \$5,687.67; Register of Deeds \$2,910.88; Veterans Service \$1,044; Human Resource \$1,116.27; Sheriff \$27,293.26; Nurse \$848.64; Library \$7,055.97; Weed & Pest \$2,601.17; Planning \$3,432.52; Highway \$23,781.47; Emergency Management \$2,317.96; 24/7 \$416.70; Communications/911 \$10,154.66

COMMISSIONERS: Southern Hills Publishing \$289.79; First Interstate Bank Master Card \$109.65; Verizon Connect \$241.84; Verizon Wireless \$82.19

AUDITOR: Southern Hills Publishing \$110.01; Quill \$503.57; First Interstate Bank Master Card \$226.95; Innovative Office \$11.56

TREASURER: First Interstate Bank Master Card \$209.54

IST: First Interstate Bank Master Card \$28.84

STATE'S ATTORNEY: First Interstate Bank Master Card \$-3.54; District Court Administrator \$14; Pittsford Town Court \$5

COURT APPOINTED ATTORNEY: Beesley Law Office \$4,216.30; Whiting Hagg Hagg Dorsey & Hagg, LLP \$689.84

COURTHOUSE BUILDING: Custer Do It Best \$60.69; First Interstate Bank Master Card \$807.30; Verizon Wireless \$44.56

DIRECTOR OF EQUALIZATION: Southern Hills Publishing \$108.80; Quill \$52.99; First Interstate Bank Master Card \$121.46; Innovative Office \$11.57; Ramkota Hotel \$950

REGISTER OF DEEDS: First Interstate Bank Master Card \$79.82

VETERANS SERVICES: First Interstate Bank Master Card \$43.70

INFO TECHNOLOGY: Golden West Technologies \$4,430.56; First Interstate Bank Master Card \$39.34

HUMAN RESOURCE: First Interstate Bank Master Card \$423.88; Verizon Wireless \$16.43

SHERIFF: Moyle Petroleum Company \$304.18; Black Hills Energy \$60.32; Rushmore Communications \$13.33; First Interstate Bank Master Card \$44.13; Lexisnexis \$85; Verizon Wireless \$306.04; Great Western Tire \$480; CBH Cooperative \$1,917.10

PRISONER CARE: Care Campus \$452

SEARCH & RESCUE: Custer City \$59.20

AIRPORT: Custer Do It Best \$10.62; Quill \$227.98; Brenden Hendrickson \$3,666.67; Custer County Weed & Pest \$121.84; Mark & Shannon Stites \$1,000

FOOD PANTRY: Custer Storehouse \$875

LIBRARY: First Interstate Bank Master Card \$1,198.33

EXTENSION: Quill \$282.20; First Interstate Bank Master Card \$-2.41; Erin McGlumphy \$240.66

WEED & PEST: First Interstate Bank Master Card \$173.97

PLANNING: Southern Hills Publishing \$90.17; First Interstate Bank Master Card \$198.03; Innovative Office \$11.56; Verizon Wireless \$44.56

COUNTY ROAD & BRIDGE: Black Hills Energy \$87.95; Butler Machinery \$1,027.62; Custer Do It Best \$53.94; Southern Hills Publishing \$90.65; French Creek Loggers \$136.88; Prairie Auto Parts \$17.94; Servall Towel & Linen \$106.42; Town of Buffalo Gap \$56; Snap On Tools \$80; First Interstate Bank Master Card \$-2.90; Black Hills Gravel, LLC \$16,125; Custer Ace Hardware \$174.88; Cullum Excavating & Landscaping \$2,240; Matco Tools \$151.90; MG Oil Company \$303.86; Verizon Wireless \$24.95; Forward Distributing \$40.95; Hespen Excavating \$22,785.50; CBH Cooperative \$2,139.20

FIRE PROTECTION: Argyle Fire Department \$11,000; Buffalo Gap Fire Department \$5,000; Dewey Fire Department \$2,500; Folsom Fire Department \$5,750; Highlands Fire Department \$5,750; Pringle Fire Department \$8,000

EMERGENCY MANAGEMENT: Corner Station \$37.21; Verizon Wireless \$44.56

BUILDING: Black Hills Energy \$729.42; Custer Do It Best \$88.26; Custer City \$584.06; First Interstate Bank Master Card \$193.01; K2 Masonry & Concrete \$8,903.08; Warnke Brothers Construction \$50,000

EMERGENCY LINE: First Interstate Bank Master Card \$53.73; RT Communications \$24.26

E. Conflict of Interest Declarations – Commissioner Linde declared a conflict of interest with item M. Resolution 2019-12.

F. Application for Isolated Tract Easement

1. The commission discussed the application for an Isolated Tract Easement from Richard and Barbara Drew. Representatives from the Forest Service in attendance included Tracy Anderson, Hell Canyon District Ranger, and Mark Avery, Black Hills National Forest Supervisor. The Forest Service desires to be good neighbors and is challenged to be stewards of the Forest Service land, but also have rules and regulations to follow. Access across National Forest Service land cannot be granted until all private land access has been explored. Discussion was also held on the issue with the road in the Morkens Bear Subdivision that had been discussed at the June 19th and August 7th Commission meetings. The Forest Service indicated they could issue a special issue permit that would allow the residents to maintain the road for a fee of approximately \$150 per year. Avery also apologized for the letter that was received by the County from the Forest Service regarding issues at the Hazelrodt Picnic Area. The Forest Service will work with the County's Maintenance Department to ensure the area is being properly maintained. Motion was made by Sorenson and seconded by Hindle to table the Application for Isolated Tract Easement until the October 9, 2019 Commission meeting. Motion carried, unanimous.

G. Highway

1. Motion by Sorenson and seconded by Linde to approve the Application for Occupancy of the Highway Right of Way from Golden West Telecommunications for a utility facility on Beaver Creek Road in Section 15, T5S, R5E, Custer County, SD. Motion carried, unanimous.
2. Motion by Hartman and seconded by Hindle to approve the surplus a used 42" culvert to the landfill. Motion carried, unanimous.
3. Motion by Sorenson and seconded by Hindle to approve the surplus of two poly tanks to the landfill. Motion carried, unanimous.
4. Highway Superintendent, Gary Woodford, informed the commission that he had met with National Guard and Friends of Wind Cave regarding the work being done on 266th Street. Woodford stated the road work should be completed in another week.

H. Planning

1. Motion by Hindle and seconded by Linde to approve the promotion of Terri Kester to Planning Technician effective August 21, 2019, at a wage of \$13.43 per hour. Motion carried, unanimous.
2. Motion by Linde and seconded by Hartman to approve the Plat of Tracts Comstock and Eudy (Formerly NW4SW4 and N2S2 Less NW4SW4), all located in Section 5, T6S, R4E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.

I. Airport

1. Emergency Management Director, Mike Carter, reviewed the engineering firm of Kadrmas Lee & Jackson has estimated the number of acres to be acquired by the County from the National Forest Service for the expansion of the airport runway to be approximately 64 acres.
2. Motion by Hartman and seconded by Hindle to authorize Anderson Engineering to complete the survey of the airport property to be acquired for the runway expansion. Motion carried, unanimous.

J. Town of Buffalo Gap

1. Terry Kizer from the Buffalo Gap Town Board appeared before the commission regarding a letter the town received from the SD Department of Transportation concerning a permitted directional sign at the intersection of Highway 79 and Buffalo Gap Junction. The content currently displayed on the sign does not meet DOT's requirements. Motion by Sorenson and seconded by Hindle to approve the amendment of the Town of Buffalo Gap Sign Structure application to include notification for special events pertaining to the Town of Buffalo Gap. Motion carried, unanimous.

K. Argyle Fire Department

1. Mike Sand and Bob Fischer from the Argyle Volunteer Fire Department appeared before the commission to discuss a request for additional funding that had been presented to the Fire Advisory Board and was denied. Motion by Hindle and seconded by Sorenson to assign \$20,000 to the Argyle Volunteer Fire Department Fund #101-276.08 from the Unassigned Fund #101-277.00. Motion carried, unanimous.

L. 9 AM 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.

M. Resolution 2019-12

1. Motion by Hartman and seconded by Hindle to approve Resolution 2019-12.

Resolution 2019-12

Vacation of Public Access Easement

WHEREAS, application has been made for the purpose of vacating that portion of Section Line Highway Right-of-Way running East to West across lot 3 of TR A OF HES #203, LOT #5, LOT #20 & LOT #19 approximately 4,040 feet between sections 26 & 35. All located in Township 4 South, Range 4 East, BHM Custer County, South Dakota.

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 public access easement.

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

N. State’s Attorney

1. Motion by Sorenson and seconded by Hindle to approve the Qualified Mental Health Professional Services Agreement between Custer County and Nancy Peterson, MEd, LPC_MH, QMHP for a period of one year beginning 9/1/2019 and ending 12/31/2020. Motion carried, unanimous.

O. Auditor

1. Motion by Hindle and seconded by Hartman to approve the assignment of funds from the Unassigned Reserve Fund #101-277.00 to the following:

- II. Sheriff Vehicles - \$135,000
- Θ. Airport Land - \$500,000
- P. Highway - \$640,047
- Σ. Highway – Road Repairs - \$180,000
- T. IST - \$80,000
- Υ. Search & Rescue - \$20,000
- Ϛ. Black Hills Works - \$5,000
- Ω. Museum - \$50,000
- Ξ. Airport Riding Mower - \$10,000
- Ψ. Senior Meals - \$10,000
- Z. Custer Senior Center - \$10,000
- AA. Custer County Housing - \$100,000
- AB. Red Cross - \$7,500
- AX. Argyle Volunteer Fire Department - \$20,000

Motion carried, unanimous.

2. The 2020 budget hearing was held in the Custer County Commissioners Room in the Custer County Courthouse at which time no interested person appeared to give public testimony. The annual budget, with any changes, will be adopted at the September 18, 2018 meeting. Motion by Hindle and seconded by Linde to approve the proposed 2020 provisional budget. Motion carried, unanimous.

3. The commission acknowledged the updated roster from the Buffalo Gap Volunteer Fire Department.

P. Resolution 2019-11

1. Motion by Hartman and seconded by Hindle to approve Resolution 2019-11.

Resolution 2019-11

RESOLUTION ESTABLISHING HOURS OF OPERATION FOR COUNTY OFFICES

WHEREAS, SDCL 7-7-2 requires the Board of County Commissioners to establish, by resolution, the hours of operation for each county government office, excepting the offices of the sheriff and state's attorney; and

WHEREAS, the Board of County Commissioners previously adopted Resolution 2004-9 on July 20, 2004, establishing hours of operation for Custer County offices; and

WHEREAS, the Board of County Commissioners desires to revise the hours of operation for Custer County offices that was set forth in Resolution 2004-9;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County that Resolution 2004-9 is hereby superseded and replaced in its entirety by this Resolution 2019-11; and

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby establishes the following hours of operation during which times said offices shall remain open for business:

- The hours of operation for the offices of Custer County Planning and Economic Development, Director of Equalization, Treasurer, Register of Deeds and Auditor shall be open to the public for business from 8:00 AM to 5:00 PM, Monday through Friday of each week.
- The Custer County Library hours of operation shall be as follows: Monday, Tuesday, Thursday and Friday: 11:00 AM to 5:30 PM; Wednesday: 3:00 PM to 7:00 PM; Saturday: 10:00 AM to 3:00 PM; and Closed Sunday.
- The Custer County Health Department shall be open to the public for business as follows: Tuesday, Wednesday and Friday: 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM.
- The Office of the Custer County Highway Department shall be open to the public 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 Highway Superintendent and may be adjusted seasonally as deemed necessary.
- The hours of operation for the Custer County Weed and Pest Department shall be open to the public for business Monday through Thursday, 6:00 AM to 4:30 PM, but may be adjusted seasonally as deemed necessary.

- The hours of operation for the office of Custer County Veterans Services shall be open to the public for business Monday, Tuesday and Wednesday from 8:00 AM to 5:00 PM.
- In accordance with SDCL 7-7-2, the Auditor's office shall remain open, if requested by the person in charge of a school or municipal election, until the closing of the polls and the tabulation of votes for that election.

IT IS HEREBY FURTHER RESOLVED that Custer County offices will not be open on days that have been designated as holidays by the Board of County Commissioners or have otherwise been closed by separate and subsequent action of the Board of County Commissioners.

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

Motion carried, unanimous.

Q. Public Comment – Marv Glemming reviewed a court case involving a lot in the CBJJ Subdivision that was challenged for the non-conforming use of grazing cattle.

R. Equalization

1. Jon & Lori Gjording appeared before the board to express their concern on their property valuation.

S. Commission

1. Mail call – none
2. Meeting Schedule – SDACO County Convention will be held in Pierre, SD, on September 16th-17th.
3. Meeting Reports – Hindle attending an airport meeting with KLJ Engineering

T. Executive Session

1. Motion by Linde and seconded by Hindle 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 10:15 a.m. and was suspended at 12:05 p.m. Motion by Hartman and seconded by Linde to go back into Executive Session for the above matters starting at 12:07 p.m. and ended at 12:27 p.m. Motion carried, unanimous.

U. Actions Taken by Commission Outside of Executive Session

1. Motion by Hartman and seconded by Linde to approve the Indigent request. Motion carried, unanimous.
2. Motion by Hindle and seconded by Sorenson to hire Attorney Terry Westergard to work on specific projects for Custer County. Motion carried, unanimous.

V. Adjourn

Motion by Hartman and seconded by Sorenson to adjourn the meeting at 12:30 p.m. The next meeting will be at 8 a.m. September 18, 2019 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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