

Custer County Commission Meeting (Wednesday, October 9, 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

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

C. Consent Agenda

1. Motion by Sorenson and seconded by Hindle to approve the minutes of the September 18, 2019 regular commission meeting, the minutes of the September 23, 2019 special commission meeting, the following vouchers, monthly reports and travel request. Motion carried, unanimous.

Travel requests approved: Gary Woodford to 34th Annual Regional Local Road Conference in Rapid City, SD, at a cost of \$250.

Vouchers approved as follows:

PAYROLL: Commissioners \$1,875; Auditor \$6,365.11; Treasurer \$6,916.23; IST \$2,125; States Attorney \$8,959.70; Courthouse Building \$4,545.33; Equalization \$5,659.60; Register of Deeds \$2,910.88; Veterans Service \$963; Human Resource \$1,116.27; Sheriff \$25,739.86; Nurse \$742.56; Library \$6,800.01; Weed & Pest \$1,666.67; Planning \$3,452.41; Highway \$24,600.48; Emergency Management \$2,317.96; 24/7 \$250.02; Communications/911 \$10,257.26

COMMISSIONERS: Catastrophic Legal Expense \$2,176; First Interstate Bank Master Card \$49.50; Cholik Signs \$90; Ramkota Hotel \$311.97; Verizon Wireless \$82.18; Southern Hills Publishing \$242.23

COURT: Juror Fees \$536.52

ELECTION: Tenex Software \$1,250

AUDITOR: First Interstate Bank Master Card \$668.88; Ramkota Hotel \$207.98

TREASURER: A & B Business \$250.40; First Interstate Bank Master Card \$170; Ramkota Hotel \$207.98; Southern Hills Publishing \$48

IST: Quill \$37.98; First Interstate Bank Master Card \$55

STATE'S ATTORNEY: A & B Business \$68.01; Arrowwood Resort \$77; First Interstate Bank Master Card \$170; Rapid City Police Department \$156; Quill \$388.38; Lexisnexi \$337

COURT APPOINTED ATTORNEY: Beesley Law Office \$708; Justin O'Neill \$1,070.53; Garland Goff \$488.25; Randal Connelly \$1,172.20

COURTHOUSE BUILDING: Black Hills Chemical \$390.49; Custer Ace Hardware \$118.94; First Interstate Bank Master Card \$1,627.68; Verizon Wireless \$44.56

DIRECTOR OF EQUALIZATION: A & B Business \$14.10; First Interstate Bank Master Card \$208.84; Southern Hills Publishing \$89.80; Verizon Connect \$16.50

REGISTER OF DEEDS: A & B Business \$14.10; First Interstate Bank Master Card \$104.15; Innovative Office Solutions \$119.54; Print Mark-et \$93.88

VETERANS SERVICES: A & B Business \$3.31; First interstate Bank Master Card \$60; Ramkota Hotel \$216

INFO TECHNOLOGY: Golden West Technologies \$5,902.05

HUMAN RESOURCE: Evergreen Office Products \$39.04; Verizon Wireless \$16.44; Tyler Technologies \$375

DARE: Custer County DARE \$1,609.99

SHERIFF: 10-8 Video LLC \$8,019.95; Quill \$298.99; First Interstate Bank Master Card \$310.56; Verizon Connect \$189.50; Olson Towing \$138.50; LN Curtis & Sons \$211.85; SD Sheriff's Association \$230; Verizon Wireless \$406.04; Black Hills Energy \$61.01; Southern Hills Publishing \$48; A & B Business \$75.27; Steele Collision \$350; CBH Cooperative \$1,265.48

PRISONER CARE: City of Rapid City \$315; Kevin Kirschenmann MLS \$75; Pennington County Jail \$4,659.61; Correct RX Pharmacy \$67.71; Care Campus \$226; Allen Reuer \$200; Mary Seifert \$75

SEARCH & RESCUE: Black Hills Energy \$167.06; Custer City \$59.20

AIRPORT: Custer Do It Best \$182.27; Power House \$8,794.03; Rapid Auto Repair \$472.69; MG Oil Company \$5,908.50; Overhead Door Co. \$210.71; Brenden Hendrickson \$3,666.67; Epic Aviation \$15,055.20; Mark & Shannon Stites \$1,000

MENTALLY ILL: Yankton County Sheriff \$50

MENTAL ILLNESS BOARD: Beesley Law Office \$669; Black Hills Fireside Co. \$870

INDIGENT SUPPORT: First Interstate Bank Master Card \$249.57; Rapid City Emergency Services \$150.52

LIBRARY: First Interstate Bank Master Card \$1,605.35; Mt Rushmore Telephone \$113.18; Bywater Solutions \$515; American Library Association \$175

YMCA: Custer YMCA \$2,100

FAIR: Custer County Fair Association \$69,355.47

EXTENSION: A & B Business \$13.31; First Interstate Bank Master Card \$170; Cholik Signs \$25

WEED & PEST: A & B Solutions \$172.72

PLANNING: A & B Solutions \$215.22; Cholik Signs \$270; Golden West Technologies \$995; Southern Hills Publishing \$141.45; Verizon Wireless \$54.08

COUNTY ROAD & BRIDGE: Black Hills Energy \$73.45; Butler Machinery \$200,642.36; Diesel Machinery \$144,750; French Creek Supply \$196.40; Fastenal \$81.01; Godfrey Brakes \$59.20; Grimm's Pump Service \$143.91; Hills Septic Service \$290; Town of Buffalo Gap \$61; Rockmount Research & Alloy Inc. \$432.18; Z & S Dust Control \$8,489.04; First Interstate Bank Master Card \$170; Adams Industrial Supply \$13.80; Lyle Signs \$32; SD LTAP \$100; Matco Tools \$500; Verizon Wireless \$26.69; Powerplan \$888.32; CBH Cooperative \$1,956.50; Southern Hills Publishing \$138.56; Floyd's Truck Center \$2,625.93; Mt Rushmore Telephone \$115.43; Quill \$99.54; A & B Business \$13.63; Servall \$106.42; Freeman Electric \$361.84; Black Hills Gravel \$3,225; Custer Ace Hardware \$28.26; North Central International \$2,338.36; Lyle Signs \$95.40; Runnings \$38.78; MG Oil \$303.86; Forward Distributing \$12.65; CBH Cooperative \$3,832.63

FIRE PROTECTION: Argyle Fire Department \$20,000; Pringle Fire Department \$272

EMERGENCY MANAGEMENT: Corner Station \$30.91; Governors Inn \$231; First Interstate Bank Master Card \$80; Verizon Connect \$18.95; Subway \$156.60; United States Geological Survey \$1,470; Regional Waste Management \$7,412.06; Verizon Wireless \$44.56

STATE GRANTS-GENERAL GOVERNMENT: Kadrmas Lee & Jackson \$23,200

24/7: SD Attorney General \$916; Intoximeters \$525.25; Redwood Toxicology \$548

ROD MODERNIZATION & PRESERVATION: McLeod's \$1,418.37; Microfilm Imaging Systems \$822.25

BUILDING: Black Hills Energy \$4,842.07; Custer Ace Hardware \$87.97; Custer City \$369.14; Harvey's Lock Shop \$324.37; First Interstate Bank Master Card \$70.20; SD Dept of Transportation \$25.38; Southern Hills Publishing \$96.15; Sander Sanitation \$1,171.99; Warnke Brothers Construction \$50,000

EMERGENCY LINE: A & B Business \$43.58; First Interstate Bank Master Card \$1,171.92; RT Communications \$23.84; Sherry Weber \$34

Monthly Reports approved:

- Register of Deeds September 2019 statement of fees with \$580 collected in state fees, \$11,143.50 in county fees, and \$346 for SDACO fees for a total of \$12,069.50.
- The Auditor's report with the Treasurer for September 2019 as follows: Cash \$4,123.23; Checks/Drafts \$88,936.12; Petty Cash \$1,050; SD Fit \$516,092.22; 1st Interstate Bank checking \$118,018.61; 1st Interstate Bank Savings \$2,463,106.25; ED Jones MM \$438,060.80; 1st Interstate Flex \$60,547.94; 1st Interstate Investments \$37,698.96; Sentinel CU Checking \$208.03; Sentinel CU TIIA \$33,926.06; Sentinel CU Savings \$80,065.55; Highmark Investment \$152,715.09; Highmark Savings \$10,191.14; Highmark Checking \$5,000; Dacotah Bank Checking \$12,677.50;

Dacotah Investments \$692,046.36; Accrued Interest \$3,190.72; Ed Jones Investments \$2,439,401.56 for a total of \$7,157,045.14.

- Custer County Sheriff's September 2019 report: \$20 Fingerprinting; \$44 accident/accident reports; \$48 basic concealed weapon permits; \$100 enhanced concealed weapon permits; \$30 gold concealed weapon permits; \$639.09 mileage; \$2,580 service fees; \$200 distress warrants; \$380 executions; \$301.18 commissions earned on executions; \$20.30 postage; \$25 warrant processing fee; \$60 CSO Ordered U/As fees for a grand total of \$4,447.57.

D. Conflict of Interest Declarations – Hartman declared a conflict of interest with the 9am public hearing for a variance.

E. Search & Rescue

1. Motion by Hartman and seconded by Linde to move the bid for the search & rescue building addition to executive session. Motion carried, unanimous.

F. Emergency Management

1. Motion by Sorenson and seconded by Hartman to approve and authorize the chairman to sign the 4th Quarter Quarterly Report for the State of South Dakota Department of Public Safety – Office of Emergency Management 2019 State and Local Agreement. Motion carried, unanimous.
2. Motion by Hartman and seconded by Hindle to approve the expenditure of an end of the year appreciation meal for the Search & Rescue volunteers and to be funded out of the Emergency Management budget. Motion carried, unanimous.

G. Weed & Pest

Caley Buckert, Weed & Pest Department Head, presented to the commission. Buckert stated she had nothing to report as there was not a quorum at her last Weed & Pest Board meeting.

H. Veteran Service

1. The third quarter VSO report was presented to the commission. Jana Virtue, Veteran Service Officer, filed 21 disability and /or pension claims with the South Dakota State of Veterans Affairs, gave an informative presentation at the Custer VFW during their September 19th meeting, and worked on eight major Appeals to the Veterans Administration for denial of benefits.

I. Equalization

1. Motion by Hartman and seconded by Hindle to approve Abatement 1926A in the amount of \$7.38, Abatement 1927A in the amount of \$21.88 and Abatement 1928A in the amount of \$21.88. Motion carried, unanimous.

J. Resolution 2019-10

1. Motion by Hartman and seconded by Sorenson to approve Resolution 2019-10 with the deletion of the word lighting. Motion carried, unanimous.

RESOLUTION ESTABLISHING EXEMPTION CRITERIA OF CERTAIN STRUCTURES FROM ASSESSMENT FOR AD VALOREM TAXATION

IN CUSTER COUNTY

WHEREAS, SDCL 10-4-2 states, that for purposes of ad valorem taxation, real property includes, among other things, buildings and structures which are on foundations and improvements to buildings and structures including any heating system, air conditioning, ventilation, sanitation, electricity, or plumbing which is part of the building or structure; and

WHEREAS, SDCL 10-4-2 also states that for assessment purposes, a building is a structure designed to stand permanently and cover a space of land which is enclosed by walls and is covered by a roof; and

WHEREAS, Custer County has determined criteria to determine whether certain types and sizes of structures are exempt from assessment for ad valorem taxation purposes; and

WHEREAS, the Director of Equalization shall follow the criteria set forth herein to determine whether certain structures are exempt from assessment for ad valorem taxation purposes;

NOW THEREORE, BE IT RESOLVED by the Board of County Commissioners of Custer County that any detached manufactured steel carport three hundred sixty square feet (360 sq. ft.) or less base footprint with no more than a roof cover and two (2) sides, anchored to the ground by manufacturer's specifications and with no improvements, such as any heating system, air conditioning, ventilation, sanitation, electricity, or plumbing which is part of the structure, and concrete slab floor shall be exempt from assessment for ad valorem taxation; and

IT IS FURTHER RESOLVED that any detached accessory structures used as tool and storage sheds, shipping containers, playhouses, greenhouses and similar uses if the base footprint is one hundred sixty square feet (160 sq. ft.) or less footprint size and if such structures include NO improvements to the structure shall be exempt from assessment for ad valorem taxation ; and

IT IS FURTHER RESOLVED that any detached accessory structures used as tool and storage sheds, shipping containers, playhouses, greenhouses and similar uses regardless of base footprint size and include improvements, such as any heating system, air conditioning, ventilation, sanitation, electricity, or plumbing which is part of the structure, shall be assessed for ad valorem taxation; and

IT IS FURTHER RESOLVED that any detached accessory structures used as tool and storage sheds, shipping containers, playhouses, greenhouses and similar uses OVER one hundred

sixty square feet (160 sq. ft.) base footprint regardless of whether or not the structure includes improvements such as any heating system, air conditioning, ventilation, sanitation, electricity, or plumbing which is part of the structure, shall be assessed for ad valorem taxation; and

IT IS FURTHER RESOLVED that any detached platforms, walks, and driveways not more than thirty inches (30 in.) above grade and not over any basement or story below and one hundred sixty square feet (160 sq. ft.) or less footprint size shall be exempt from assessment for ad valorem taxation purposes.

K. 8:30 a.m. Public Hearing

1. A public hearing was held at 8:30 a.m. to discuss the 5 Year Plan for County Highway and Bridge Improvement. Gary Woodford, Highway Superintendent, and Jason Hanson from Brosz Engineering were in attendance to answer any questions. Woodford reviewed the 5 year plan. The meeting was opened for public comment for the 5 Year Plan for County Highway and Bridge Improvement. Ken Couch asked how the county could get more points so that the bridge by Buffalo Gap would be covered with a grant. Jason Hanson replied that the county could match up to 50% of the grant and that would give more points. Those in attendance included: Mike Carter, Marty Mechaley, Kim Kerkvliet, Caley Buckert, Ken Couch, Tony Warnke, and Jason Ferguson. Motion by Hartman and seconded by Hindle to approve the 5 Year Plan for County Highway and Bridge Improvement. Motion carried, unanimous (4 Aye and 0 Nay).

L. 266th Street Project

1. Ken Couch presented to the commission and requested answers to questions that he had regarding the work done on 266th Street by Friends of Wind Cave and the National Guard.

M. Human Resource

1. Motion by Linde and seconded by Hindle to approve the proposed 2020 wage scale for county hourly and salaried employees. Motion carried, unanimous.

N. 9:00 a.m. Bid Opening

1. Doris Ann Mertz, Library Director, opened the one bid received for the Custer County Library Addition. The bid was:
 - Complete Concrete, Inc. dba Complete Contracting Solutions, for \$413,000.
2. Motion by Hindle and seconded by Sorenson to reject the bid due to the cost being more than what had been budgeted for the project and to possibly modify the bid requirements. Motion carried, unanimous.

O. 9:00 a.m. Public Hearing

1. A public hearing was held on a variance application from Heidi O' Conner to waive the minimum county road construction standards and dedication of public access for proposed plat approval – Tract Manlove of A and M Subdivision, located in Section 31, T3S, R4E, Section 36, T3S, R3E,

Section 1, T4S, R3E, and Tract Adamson of A and M Subdivision, located in Section 31, T3S, R4E, Section 36, T3S, R3E, B.H.M., Custer County, SD. There were no comments from the public.

P. Planning-

1. Action on variance from the County minimum county road construction standards requirement. Motion made by Sorenson seconded by Hindle to approve the Public Hearing Variance. Motion carried, Aye – Sorenson, Linde and Hindle, Hartman abstained. Variance signed by Chairman Lintz.

Q. Auditor

1. Motion by Sorenson and seconded by Hindle to approve the Amended 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 Linde and seconded by Sorenson to approve Resolution 2019-14. Motion carried, unanimous.

REVISED
RESOLUTION 2019-14

Tax Levy in	Dollars	\$/s/1,000
COUNTY TAX LEVIES		
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	3,195,684	2.754
Library		
LIMITED LEVY (10-12-21) -		
SUB TOTAL	3,195,684	2.754
OUTSIDE LIMITED LEVY:		
County Snow Removal Fund (34-5-2)		
* Highway and Bridge Reserve (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)	528,333	0.456
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		

ADOPTION OF ANNUAL BUDGET FOR CUSTER
County, South Dakota

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a

Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions Have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget

as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR CUSTER County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2020 and ending December 31, 2020 and the same is hereby approved and adopted by the Board of County Commissioners of Custer County, South Dakota, this 18th day of September, 2019. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Custer, County, South Dakota. The accompanying taxes are levied by Custer County for the year

UNLIMITED LEVY - SUB TOTAL	528,333	0.456
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	3,724,016	3.210
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76)		
(31-12-27)	610,687	0.879
Fire Protection (34-31-3)	262,932	0.311
TOTAL TAXES LEVIED BY COUNTY	4,597,635	4.400

January 1, 2020 through December 31, 2020.

BOARD OF COUNTY COMMISSIONERS OF
CUSTER COUNTY SOUTH DAKOTA

/s/: Jim Lintz – Chairman

/s/: Mark Hartman

/s/: Jesse Sorenson

/s/: Mike Linde

/s/: Craig Hindle

ATTEST: Terri Cornelison - Custer County Auditor

R. Public Comment – Dave Busskohl spoke about his request to the Forest Service for access and the request being denied by the Forest Service. He has contacted US Senator John Thune’s office regarding the issue.

S. Commission

1. Mail call – A thank you card from the Storehouse was received; a letter from the Seventh Judicial Circuit Court was received regarding grant applications for security expenses.
2. Meeting Schedule – none reported.
3. Meeting Reports – Hindle attended and airport board master plan meeting; Hartman attended a Custer County Housing meeting, Auditor Cornelison attended the Fire Advisory Board meeting.

T. 9:30 a.m. Public Hearing

1. At 9:30 a.m. the public hearing was opened regarding a petition to vacate that portion of Section Line Highway Right-of-Way running West to East approximately 480 feet across Lot 26 of Stagecoach Crossing Subdivision between Sections 15 and 22, T3S, R4E, B.H.M., Custer County, South Dakota. There were no comments from the public.

U. Resolution 2019-13

1. Motion by Hindle and seconded by Linde to approve Resolution 2019-13.

Resolution 2019-13

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 running West to East approximately 480 feet across lot 26 of Stagecoach Crossings Subdivision between Sections 15 and 22, T3S, R4E, 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 Section Line.

Motion carried, unanimous.

V. Application for Isolated Tract Easement

1. Motion by Sorenson and seconded by Linde to go into Executive Session pursuant to SDCL 1-25-2(3). Executive Session started at 9:36 a.m. to consult with legal counsel on the Application for Isolated Tract Easement from Richard and Barbara Drew and concluded at 10:00 a.m.
2. Motion by Hartman and seconded by Hindle to table this issue until the November 6, 2019 commission meeting, notify the adjacent property owners and direct Custer County State's Attorney, Tracy Kelley, to address the issue with the parties attorney's, working with the Forest Service on the original proposed route. Motion carried, unanimous.

W. Executive Session

1. Motion by Sorenson and seconded by Linde to go into Executive Session pursuant to SDCL 1-25-2(1). Executive Session started at 10:05 a.m. to discuss personnel and concluded at 11:17 a.m.

X. Actions Taken by Commission Outside of Executive Session

1. Motion by Hartman and seconded by Hindle to approve the bid from Warnke Brothers for Phase 1 and Phase 2 of the Search & Rescue Building Addition based on a negotiated change of materials in the amount of \$200,000. Motion carried, unanimous.
2. Motion by Hindle and seconded by Linde to approve the expenditure of up to \$75,000 for the Search and Rescue Addition out of the Commission Contingency Fund #101-4-112-429.00. Motion carried, unanimous.

Y. Adjourn

Motion by Sorenson and seconded by Linde to adjourn the meeting at 11:30 a.m. The next meeting will be at 8 a.m. October 23, 2019 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

Published once at the total approximate cost of _____.