

**Custer County Commission Meeting (Wednesday, June 5, 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**

Motion by Hartman and seconded by Hindle to add an item for personnel under Executive Session for the Airport Manager and add Surplus of vehicles under Highway and to approve the agenda with those additions. Motion carried, unanimous.

**C. Consent Agenda**

Motion by Sorenson and seconded by Linde to approve the minutes of the May 23, 2019 commission meeting and the minutes of the May 31, 2019 special commission meeting, the following vouchers and travel requests.

Travel requests approved: Caley Buckert to Medusahead/Ventenata Field tour in Sheridan, WY, at a cost of use of county vehicle; Patty Caster, Amanda Pierce, Laura Rosane and Susan Anderson to OHE State Hearings in Pierre, SD, at a cost of \$523.

Vouchers approved as follows:

**PAYROLL:** Commissioners \$1,875; Auditor \$5,661.75; Treasurer \$6,679.03; IST \$2,125; States Attorney \$8,959.70; Courthouse Building \$4,546.48; Equalization \$7,377.90; Register of Deeds \$2,910.88; Veterans Service \$1,053; Human Resource \$1,116.27; Sheriff \$23,262.66; Nurse \$636.48; Library \$6,484.84; Extension \$1,265.44; Weed & Pest \$1,666.67; Planning \$3,507.52; Highway \$26,309.83; Emergency Management \$2,317.96; 24/7 \$305.58; Communications/911 \$10,181.74.

**COMMISSIONERS:** Custer Do It Bes \$316.49; Southern Hills Publishing \$313.68; Pitney Bowes \$2,015; SDACC \$2,503; Verizon Connect \$63.27; ASBSD \$775; Verizon Wireless \$82.18

**AUDITOR:** Southern Hills Publishing \$50.10; Quill \$236.72; First Interstate Bank Master Card \$4,423.82; Ramkota Hotel \$207.98

**TREASURER:** Quill \$126.02; A & B Business \$204.71; Ramkota Hotel \$207.98

**STATE'S ATTORNEY:** Circuit Court of Goshen \$2

**COURT APPOINTED ATTORNEY:** Garland Goff \$486.90

**COURTHOUSE BUILDING:** Black Hills Industries \$853; First Interstate Bank Master Card \$963.79; Verizon Wireless \$44.11

**DIRECTOR OF EQUALIZATION:** First Interstate Bank Master Card \$293.98

**REGISTER OF DEEDS:** Evergreen Office Products \$34.99

**PREDATORY ANIMAL:** SD Dept of Game Fish & Parks \$827.20

**INFO TECHNOLOGY:** Golden West Technologies \$4,405.05; Pitney Bowes \$462.57

**HUMAN RESOURCE:** SD Division of Criminal Investigation \$129.75; Verizon Wireless \$16.44

**SHERIFF:** Black Hills Energy \$85.05; Harvey's Lock Shop \$145.45; Lynn's Dakota Mart \$16.14; First Interstate Bank Master Card \$365.16; Liberty Superstores \$207; Lexisnexis \$85; Verizon Wireless \$313.77; Great Western Tire \$563.24; CBH Cooperative \$1,623.23

**SEARCH & RESCUE:** Custer City \$59.20

**AIRPORT:** Custer Do It Best \$103.10; Amerigas \$384.85; Brenden Hendrickson \$3,666.65; MG Oil \$2,834.30; Mark & Shannon Stites \$1,000; Muth Electric \$830.55

**INDIGENT SUPPORT:** Chamberlain McColley's Funeral Home \$2,000

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

**MENTAL ILLNESS BOARD:** Lucy Lewno \$81.50

**LIBRARY:** First Interstate Bank Master Card \$1,125.17

**CULTURE/RECREATION:** Custer Senior Center \$30; Lynn's Dakota Mart \$8.16

**EXTENSION:** Quill \$204

**CONSERVATION:** Quill \$196.88

**WEED & PEST:** Southern Hills Publishing \$145; A & B Business \$171.33; First Interstate Bank Master Card \$3,915.84

**PLANNING:** A & B Business \$194.50

**COUNTY ROAD & BRIDGE:** A & B Business \$153.92; Black Hills Energy \$74.12; Butler Machinery \$836.19; Diesel Machinery \$2,500; Floyd's Truck Center \$1,778.74; Fastenal \$215.52; Godfrey Brake \$814.12; Grimms Pump Service \$226; Interstate Batteries \$359.85; Brosz Engineering \$3,467.50; Servall \$106.42; Rockmount Research \$295.47; First Interstate Bank Master Card \$170.02; Black Hills Gravel \$7,740; Team Laboratory Chemical \$795; Custer Ace Hardware \$19.98; North Central International \$73.99; MD Products & Solutions \$240.18; Gene's Equipment Finder \$1,718.52; Running's \$16.99; MG Oil \$959; Verizon Wireless \$26.37; Great Western Tire \$372.95; Rapid Diesel \$42.01; Powerplan \$125.45; CBH Cooperative \$468.11

**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 \$5,750; Pringle Fire Department \$8,000

**EMERGENCY MANAGEMENT:** Verizon Wireless \$44.11

**DOMESTIC ABUSE:** W.E.A.V.E. \$5,000

**BUILDING FUND:** Custer City \$207.95

**D. Conflict of Interest Declarations – none declared.**

**E. Highway**

1. Dwight Boysen and Scott Suddendorf appeared before the board to discuss concerns with the condition of Renegade Pass Road. There are two Road Districts along that road that include all but eight property owners. Suddendorf asked what options were available for the eight land owners that are not included in the Road Districts. The commission informed Suddendorf that the property owners not currently included in a road district could either petition to join one of the existing road districts or form their own road district.
2. Highway Superintendent, Gary Woodford, reported to the commission on the estimate to repair Lame Johnny Road and LH Road. Woodford reported that Lame Johnny road is 4.3 miles and would cost approximately \$33,000 and LH road is 5.4 miles and would cost approximately \$60,060 for a total of \$93,060. The commission had approved repair of the roads at the April 17, 2019 commission meeting.
3. Motion by Hindle and seconded by Hartman to approve the surplus of the following vehicles and to be offered for sale online with Bradeen Auctions.
  - 1999 Western Star 4900E Truck – Serial Number 2WKEDDCJ6XK957815
  - 1999 International Truck 9100 – Serial Number 2HSFRAER7XC067847
  - 2001 Dodge RAM 3500 Quad – Serial Number 1B7MF33511J597759

Motion carried, unanimous.

**F. Planning**

1. Motion by Hartman and seconded by Linde to approve Amended Resolution 2019-06.  
Motion carried, unanimous.

**AMENDED RESOLUTION 2019-06**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY,  
SOUTH DAKOTA, TO VACATE THE PLAT OF TRACT 32R OF BATTLE MOUNTAIN  
SUBDIVISION REVISED, JOHNSON TRACT, AND TADJ TRACT**

WHEREAS, this document supersedes Register of Deeds document number #76947

Book 1 Res. Page 1

Said Resolution contains typographical error on page number of plat. Resolution read Book 12 of Plats, page 284. Correct recording is Book 12 of Plats, page 735.

WHEREAS, a petition was filed with Custer County requesting vacation of the following Described plat, to-wit:

Plat of tract 32R of Battle Mountain Subdivision Revised, Johnson Tract, and Tadj Tract, all in the NE1/4 of Section 25, T6S, R5E, BHM, Custer County, South Dakota.

Recorded in the Office of the Register of Deeds for Custer County, South Dakota in Book 12 of Plats, page 735.

WHEREAS, the Board of County Commissioners (Board) has the authority to approve the vacation of any recorded plat that lies outside a municipality either in whole or in part, in accordance with SDCL 11-3-21.1; and

WHEREAS, Gina Johnson is the record owner of the properties contained with said plats sought to be vacated; and

WHEREAS, the publication of legal notice has been satisfied according to SDCL11-3-22.1; and

WHEREAS, the platted subdivisions do not lie within the corporate limits of any incorporated municipality within Custer County; and

WHEREAS, it has been proven to the satisfaction of the Board that all property taxes have been paid on such plats as required by SDCL 11-3-23.1; and

WHEREAS, the Board, in accordance with SDCL 11-3-23.1, has determined that vacating the plat will not abridge or destroy any of the rights and privileges of other proprietors of such plats and will not authorize the closing or obstruction of any public highway laid out according to law

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMISSIONERS OF CUSTER COUNTY, SOUTH DAKOTA: That the Plat of Tract 32R of Battle Mountain Subdivision Revised, Johnson Tract, and Tadj Tract recorded in Book 12 page 735, in the Office of the Register of Deeds for Custer County, South Dakota are hereby vacated.

**G. Custer County Conservation**

1. Motion by Sorenson and seconded by Hindle to table the request for reclassification and pay increase for the Office Manager (Extension/4-H Conservation) position. Motion carried, unanimous.

**H. Sheriff**

1. Motion by Hartman and seconded by Sorenson to approve the Auto Supplement from Account #101-331.98 Federal Grant – Sheriff Vests to Account #101-4-211-426.60 Sheriff Uniforms in the amount of \$335.76. Motion carried, unanimous.

**I. W.E.A.V.E.**

1. Motion by Sorenson and seconded by Linde to approve and authorize the chairman to sign the Emergency Solutions Grants Program Local Government Certification for W.E.A.V.E. Motion carried, unanimous.

**J. Auditor**

1. Motion by Hartman and seconded by Hindle to approve the following resolution to declare the territory to be incorporated upon the assent of eligible voters for the Lizzie/Kemp Road District and an election on the question of formation of the special district be held. Motion carried, unanimous.

**PETITION FOR THE ORGANIZATION AND INCORPORATION OF LIZZIE/KEMP ROAD DISTRICT**

To the Board of County Commissioners of Custer County, State of South Dakota

We, the undersigned landowners within the proposed district, seek to be incorporated as a Road District and respectfully petition and advise the Board of County Commissioners as follows:

1. That the proposed name of the District shall be Sidney Trail;
2. That there is a need for road work in the territory described therein;
3. A legal description of the territory proposed to be organized as a Road District as follows:
4. That the board of county commissioners define the boundaries for the district; that a referendum to be held within the territory so defined on the question of the creation of a road district in the territory; and that the board determines that such a district be created.

**LEGAL DESCRIPTIONS**

Gov Lots 13 & 18 (Pt E2NE4) located in Section 19, T3, R5, B.H.M., Custer County, South Dakota

Tr A of HES #422 located in Sections 19 & 20, T3, R5, B.H.M., Custer County, South Dakota

Tr B of HES #422 located in Sections 19 & 20, T3, R5, B.H.M, Custer County, South Dakota

Tr Jim of Tr B of HES #422 located in SE4 of Section 19, T3, R5, B.H.M., Custer County, South Dakota

Lizzie Subd – Tr 1 of Lizzie 1 thru 5 of MS #1353 located in Section 19, T3, R5, B.H.M., Custer County, South Dakota

Lizzie Subd – Tr 2 of Lizzie 1 thru 5 of MS #1353 located in Section 19, T3, R5, B.H.M., Custer County, South Dakota

Lizzie Subd – Tr 3 of Lizzie 1 thru 5 of MS #1353 located in Section 19, T3, R5, B.H.M., Custer County, South Dakota

Lizzie Subd – Tr4 of Lizzie 1 thru 5 of MS #1353 located in Section 19, T3, R5, B.H.M., Custer County, South Dakota

Lizzie Subd – Tr5 of Lizzie 1 thru 5 of MS #1353 located in Section 19, T3, R5, B.H.M., Custer County, South Dakota

Lot A of Tr Bismark of HES #338 (Less Lot B) located in Section 20, T3, R5, B.H.M., Custer County, South Dakota

Tr B of Tr Bismark of HES #338 located in Section 20, T3, R5, B.H.M., Custer County, South Dakota

Rebeca Lode Mining Claim MS #1353 located in NE4 of Section 19, T3, R5, B.H.M., Custer County, South Dakota

Dated this 5<sup>th</sup> day of June, 2019

/s/ Jim Lintz, Chairman

Custer County Board of Commissioners

2. Motion by Hindle and seconded by Hartman to approve and authorize the chairman to sign the 2019 – 2020 State of South Dakota Department of Health Division of Family and Community Health Sub-Recipient Agreement between Custer County and the State of South Dakota. Motion carried, unanimous.
3. Motion by Sorenson and seconded by Linde to approve the Malt Beverage Renewal License for Big Pine Campground. Motion carried, unanimous.
4. Motion by Hartman and seconded by Hindle to approve the following abatements:
  - Abatement 1918A in the amount of \$540.96
  - Abatement 1919A in the amount of \$313.24
  - Abatement 1920A in the amount of \$158.42
  - Abatement 1921A in the amount of \$46.99
  - Abatement 1922A in the amount of \$624.37
  - Abatement 1923A in the amount of \$50.95
  - Abatement 1924A in the amount of \$8.43
  - Abatement 1925A in the amount of \$38.84

Motion carried, unanimous.

**K. 9 a.m. Public Hearing – Budget Supplement**

1. A supplemental budget hearing was held at 9:00 a.m. in the Custer County Courthouse, Custer, SD, at which time no interested persons appeared. Motion by Hindle and seconded by Hartman to adopt Resolution 2018-16. Motion carried, unanimous.

## **Resolution 2019-08**

### Supplemental Budget 2019

Whereas, The Board of County Commissioners propose a supplement to the General Fund Budget (101) in the amount of \$91,750 as follows: Auditor \$18,500; Weed & Pest \$47,000; Mentally Ill \$6,000; Mental Illness Board \$5,000; IST \$85,000; Custer Teammates \$15,000; Custer American Legion \$50,000; Hermosa American Legion \$50,000; Hermosa Arts & History Association \$50,000; Equalization \$9,000; and Treasurer \$7,120. Means of finance will come from the General Fund Balance Assigned & Unassigned Reserve.

Now Therefore Be It Resolved by the Board of County Commissioners to adopt the Supplemental Budget for 2019.

- L. Public Comment** – Gary Woodford informed the commissioners that the National Guard will be doing a walk thru on Monday, June 10<sup>th</sup> at 9 a.m. for the 266<sup>th</sup> Street project and the commissioners are welcomed to attend. Linde reported that one of his neighbor's had approached him with concerns of Horse Camp Road.

**M. Commission**

1. Mail call – a closeout letter was received from the US Department of Transportation Federal Aviation for AIP Grant Number 3-46-0011-013-2017; notice of 2020 rates for 4-H Advisor Salary Share for Counties; and notice of local review committee meeting for the Lookout Solar Park I, LLC
2. Meeting Schedule – none
3. Meeting Reports – Lintz, Linde & Hindle attended the BH Association of County Commissioners and Officials on Friday, May 31<sup>st</sup> in Lead, SD; Hindle attended a Library Board meeting.
4. There were no comments from the commission on Section 3 & 4 of the proposed Employee Handbook.
5. Discussion was held on concerns of the 2018 assessments. Hartman suggested rolling the assessed values back to the 2018 assessments.

**N. Executive Session**

1. Motion by Hindle and seconded by Sorenson to go into Executive Session pursuant to SDCL 1-25-2(1). Executive Session started at 9:15 a.m. to discuss personnel and concluded at 11:22 a.m.

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

1. Motion by Sorenson and seconded by Linde to approve Patty Caster to attend a Coaching & Mentoring Skills Course in Rapid City on August 13, 2019. Motion carried, unanimous.

**P. Adjourn**

Motion by Sorenson and seconded by Linde to adjourn the meeting at 11:25 a.m. The next meeting will be at 8 a.m. June 19, 2019 in the Commissioner's Room in the Custer County Courthouse.

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Jim Lintz, Chairman

Attest:  
Terri Cornelison, Custer County Auditor

Published once at the total approximate cost of \_\_\_\_\_.