

Custer County Commission Meeting (Wednesday, October 23, 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 Sorenson and seconded by Hartman to move the update on PILT class-action lawsuit from Executive Session to Commissioner's section of the agenda and approve the agenda with the change. Motion carried, unanimous.

C. Consent Agenda

1. Motion by Hartman and seconded by Linde to approve the minutes of the October 9, 2019 commission meeting, the following vouchers and travel requests. Motion carried, unanimous.

Travel requests approved: Debra Holt and Bobbie Johnson to 2019 Election Workshop in Pierre, SD, at a cost of \$436 and use of a county vehicle; Terri Cornelison to 2019 Debit/Credit Workshop in Pierre, SD, at a cost of \$208.

Vouchers approved as follows:

PAYROLL: Commissioners \$1,905; Auditor \$6,043.35; Treasurer \$6,926.67; IST \$2,125; States Attorney \$8,680.27; Courthouse Building \$4,297.33; Equalization \$5,224.13; Register of Deeds \$2,800.80; Veterans Service \$864; Human Resource \$1,116.27; Sheriff \$26,395.91; Nurse \$636.48; Library \$6,183.04; Weed & Pest \$1,666.67; Planning \$3,516.57; Highway \$23,069.14; Emergency Management \$2,317.96; 24/7 \$420.17; Communications/911 \$10,165.40

NON-DEPARTMENTAL: South Dakota State Treasurer \$1,241.09

COMMISSIONERS: Verizon Connect \$592.80; Verizon Wireless \$82.19

AUDITOR: McLeod's \$60.70; Quill \$339.98; Golden West Telecommunications \$176.33

TREASURER: Golden West Telecommunications \$176.33

IST: Golden West Telecommunications \$70.53; Charles Wuestewald \$58.56

STATE'S ATTORNEY: Vector Design & Print \$90; Golden West Telecommunications \$176.33; Culligan Water \$43.50; Jean Carlson \$583

COURT APPOINTED ATTORNEY: Garland Goff \$2,682.70

COURTHOUSE BUILDING: S & B Motor Parts \$48.95; Golden West Telecommunications \$35.27; Verizon Wireless \$44.61

DIRECTOR OF EQUALIZATION: Golden West Telecommunications \$211.60

REGISTER OF DEEDS: US Bank \$119.70; Golden West Telecommunications \$141.07

VETERANS SERVICES: Golden West Telecommunications \$35.27

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

INFO TECHNOLOGY: Golden West Technologies \$14,413.05; Quill \$639.80; Golden West Telecommunications \$10

HUMAN RESOURCE: Division of Criminal Investigation \$43.25; Verizon Wireless \$16.43; Evergreen Office Products \$39.40

SHERIFF: Black Hills Electric \$62.42; French Creek Supply \$136.99; Harvey's Lock Shop \$231; Pennington County Sheriff \$293.40; S & B Motors \$432.76; Verizon Connect \$138.33; Innovative Office Solutions \$192.92; Golden West Telecommunications \$356.67; Sonnel Technologies \$33,565.31; Culligan Water \$59.50; Lexisnexis \$170; Verizon Wireless \$406.49; Battle Mt Humane Society \$1,000

CORONER: Regional Health Client Billing \$461

PRISONER CARE: Pennington County Jail \$6,940; Western SD Juvenile Services \$6,240; Correct RX Pharmacy \$13.36; Ann Allen \$375; Christine Peters \$225; South Dakota Public Health Laboratory \$40; Amber Odegard \$75

AIRPORT: Black Hills Electric \$380.35; Golden West Telecommunications \$113

NURSE: SD Department of Health \$1,303

MENTALLY ILL: Lewis & Clark BHS \$178; Dean Schaefer \$12

MENTAL ILLNESS BOARD: Beesley Law Office \$420; Darcy Lockwood \$6; Mark Katterhagen \$6; Black Hills Fireside \$300; Yankton County Treasurer \$91.50; Lucy Lewno \$136.50

LIBRARY: Golden West Telecommunications \$284.83; Century Link \$15.61

EXTENSION: Golden West Telecommunications \$222.95; Erin McGlumphy \$259.05

WEED & PEST: Mayer Plumbing \$1,572.42

PLANNING: Innovative Office Solutions \$113; Golden West Telecommunications \$141.07; Discovery Benefits \$20.83; Verizon Wireless \$49.61

COUNTY ROAD & BRIDGE: Black Hills Electric \$784.66; Butler Machinery \$168.26; Diamond Mowers \$460.98; French Creek Supply \$496.04; Fastenal \$376.13; Godfrey Brake \$1,745.44; Grimm's Pump Service \$427.03; Prairie Auto Parts \$27.98; Quill \$62.45; S & B Motor Parts \$190.85; Kieffer Sanitation \$172.50; Servall \$212.84; Town of Buffalo Gap \$61; Snap on Tools \$49.50; First Interstate Bank Master

Card \$1,994.69; Newman Traffic Signs \$435.60; Freeman’s Electric \$244.98; Black Hills Gravel \$9,675; Golden West Telecommunications \$274.02; Croell \$250,000; Culligan Water \$27; Century Link \$15.62; MG Oil \$106.68; Verizon Wireless \$26.73; Great Western Tire \$2,261.92; Dakotaland Autoglass \$200; Northern Truck Equipment \$17,095; CBH Cooperative \$1,102.40

EMERGENCY MANAGEMENT: Golden West Technologies \$18,216.13; Verizon Connect \$18.95; Golden West Telecommunications \$105.80; Regional Waste Management \$778.79; Verizon Wireless \$44.61

BUILDING: Black Hills Electric \$131.55; Black Hills Energy \$938.91; Double E Systems \$1,550; Warnke Brothers Construction \$2,625

EMERGENCY LINE: Rushmore Communications \$248; Golden West Telecommunications \$1,376.81; Culligan Water \$40; Century Link \$545.05; Discovery Benefits \$20.83

D. Conflict of Interest Declarations – none declared.

E. Highway

1. The commission acknowledged the new hire of Calvin Pangburn as Equipment Operator starting October 15, 2019 at a wage of \$17.23 per hour.

F. Custer Limestone Area Residents

1. Bob Schmitt appeared before the board to update the commission on a proposal to have the residents of the Morkens Bear Springs Subdivision to work with the Custer County Highway Department to provide snow removal, when requested per mutually agreed-upon parameters, during the upcoming winter months, and the residents would pay the county for snow removal services. The commission asked if there are private contractors in the area that could perform snow removal for that area, but none are available in that area. The highway department has done this in the past, and the residents have paid the county for this service.

G. Planning

1. Motion by Hartman and seconded by Linde to approve the Plat of Boos Tract North and Boos Tract South, Located in the W2NE4 of Section 20, T4S, R1E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
2. Motion by Linde and seconded by Hindle to approve the Plat of Yackley Tract of Copperleaf Subdivision (Phase 1), Located in Gov’t Lot 2, Section 4, T3S, R7E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.

H. Library

1. Doris Ann Mertz, Library Director, appeared before the board to give an update on the proposed library addition. The commission rejected the lone bid received for the library addition and the project will be re-advertised with a completion date of October 31, 2020. Mertz also stated that Professional Services Agreement for Project Management for the Library Addition with Warnke Brothers Construction, Inc., is no longer be needed. Warnke Brothers Construction concurred, as once a bid is awarded, the general contractor will handle those duties.

I. Sheriff

1. Motion by Hartman and seconded by Sorenson to approve and authorize the chairman to sign the Law Enforcement Agreement with the City of Custer effective January 1, 2020 through December 31, 2024. Motion carried, unanimous.
2. Motion by Sorenson and seconded by Linde to authorize the advertising of a Temporary Part-Time Dispatcher. Motion carried, unanimous.
3. Motion by Sorenson and seconded by Hindle to approve the promotion of Derrick Reifenrath to Sergeant and to include a 50 cents per hour increase above the current pay grade. Motion carried, unanimous.

J. 266th Street Project

1. Wind Cave National Park Superintendent, Vidal Davila, and Chief of Interpretation, Tom Farrell, appeared before the board to give an update on the 266th Street project. Tom Devries with the Friends of Wind Cave also attended. The project is not completed yet, and Wind Cave has a commitment with the SD National Guard to return in the spring of 2020 to continue the work. Resident Ken Couch had presented questions at the commission meeting on October 9, 2019. Tom Farrell addressed those questions.
2. Highway Superintendent, Gary Woodford, checked gravel composition and provided the information to Mr. Couch and the Wind Cave representatives.
3. There was no gravel tonnage requirement, but if there had been it would have been exceeded County requirements, per the County Highway Superintendent.
4. The 12" culverts are going to be replaced with 18" culverts, per a discussion with the County Highway Superintendent.
5. The National Guard will be asked to move a culvert back 30' to its original spot.
6. The Friends of Wind Cave confirmed their responsibility for maintaining the road and weed control.
7. Friends of Wind Cave will also work on getting the fence line cleaned up before winter, if such needs to be done.

K. Year End Contract Review

1. As an annual risk management process, Deputy States Attorney, Susan Anderson, reviewed current contracts the county has in place and that are on file with the Auditor's office.
2. Motion by Linde and seconded by Sorenson to terminate the Independent Employee Contract/Agreement with Rex Harris (now deceased) and to terminate the Professional Services Agreement for Project Management for the Custer County Library Addition with Warnke Brothers Construction. Motion carried, unanimous.
3. Motion to table the Custer County Airport Management Contract with Brenden Hendrickson and the Non-Exclusive Rental Vehicle Concession Agreement with Kamper Kars to Executive Session. Motion carried, unanimous.

L. Custer County Raffle Request

1. The commission acknowledged the raffle request received from the VFW.

M. Conservation

1. Motion by Sorenson and seconded by Linde to approve and authorize the chairman to sign the Black Hills Resilient Forest Strategy to acknowledge the county's support of the principles, goals

and objectives contained in the Black Hills Resilient Forest Strategy adopted by Black Hills Conservation Leaders on December 8, 2017. Motion carried, unanimous.

2. The Conservation District staffing plan was tabled until representatives from the Conservation District could be present to discuss with the commission.

N. Custer County Fire Departments

1. Discussion was held with representatives from the Fire Departments in Custer County on the \$500,000 that was assigned to the Fire Advisory Board on October 24, 2018. Commissioner Lintz expressed a concern about the lack of volunteers in the fire departments and encouraged the departments to consider forming a Fire Taxing District. The Fire Departments would like to proceed with hiring a consultant to do a study on the current and future needs of all the Fire Departments in Custer County and to explore the potential for fire districts as well as residual funding needs for any fire department that would not benefit from forming a fire district. It was also suggested by the commission to consider hiring a part-time Fire Coordinator position to work with all fire departments and the Fire Advisory Board and act as a liaison to the county commission. The commission asked Mike Carter, Emergency Management Director, to bring forward a recommendation for a part-time Fire Coordinator to the next commission meeting on November 6, 2019.
2. Motion by Hartman and seconded by Sorenson to have the Fire Advisory Board allocate from the \$500,000 allocated on October 24, 2018, as follows: \$200,000 to the Fire Departments to meet current needs, \$100,000 for a countywide study, and keep the remaining \$200,000 for future allocation. Motion carried, unanimous.

- O. Public Comment** – Jerry Constant asked about the road he lives on in the Granite Heights Subdivision. He had been told it was maintained by the county when he purchased his property in December 2018. Highway Superintendent, Gary Woodford, told Constant, that the portion of road he was questioning was not maintained by the county. The commission suggested Constant look into forming a road district to get the funds to maintain the road.

P. Commission

1. Mail call – A letter was received from the Forest Service regarding an upcoming auction of four parcels within the City of Custer; The county will host Flu Shots and Health Screening on October 30, 2019; notice was received that Governor Noem is granting eight hours of administrative leave to employees under her jurisdiction on Friday, November 29 and Monday and Tuesday, December 23rd and 24th, 2019. State offices will be closed these days.
2. Meeting Schedule – Conservation Leaders meeting on Thursday, October 24, 2019
3. Meeting Reports – none reported
4. Update on PILT class-action lawsuit – States Attorney, Tracy Kelley, informed the commission that the county had received a check for \$20,089 from the 2015-2017 PILT class-action lawsuit for under payments from the federal government.

Q. Executive Session

1. Motion by Linde and seconded by Hindle to go into Executive Session pursuant to SDCL 1-25-2(1). Executive Session started at 10:02 a.m. to discuss personnel and concluded at 11:25 a.m.

R. Actions Taken by Commission Outside of Executive Session

1. Motion by Hindle and seconded by Linde with regard to Kim Kerkvliet, Planning Director, to acknowledge that maternity is covered under the Family Medical Leave Act for 12 and allow a pilot program following her maternity leave to work in her present position for approximately 32 hours per week with her salary adjusted accordingly. The commission with evaluate at 3 months and 6 months to determine if it should continue. Motion carried, unanimous.
2. Motion by Hartman and seconded by Sorenson to deny the expenditure of \$120,000 to immediately move the gravel located at the Button gravel mine that the county previously purchased and may need to remove due to alleged BLM matters with the gravel mine owners. Motion failed; Aye- Hartman and Sorenson; Nay – Linde, Hindle and Lintz.
3. Motion by Hindle and seconded by Linde to approve the expenditure of \$120,000 to immediately move the gravel located at the Button gravel mine that the county previously purchased and may need to remove due to alleged BLM matters with the gravel mine owners. Motion carried; Aye – Linde, Hindle and Lintz; Nay – Hartman and Sorenson.
4. Motion that per the terms of the Custer County Airport Management Contract, the County will issue a notice of the county's intent not to renew the contract for a renewal period of 5 years and to revise the duties of the position and re-advertise for the 2020 fiscal year. Motion carried, unanimous.

S. Adjourn

Motion by Hartman and seconded by Linde to adjourn the meeting at 11:34 a.m. The next meeting will be at 8 a.m. November 6, 2019 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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