

Custer County Commission Meeting (Wednesday, May 20, 2020)

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 Linde and seconded by Hindle to add a Public Comment to the agenda, Planning Engineer position to Executive Session and to approve the agenda with the additions; vote taken, all aye, motion carried.

D. Consent Agenda

1. Motion by Hindle and seconded by Linde to approve the minutes of the May 6, 2020 regular Commission meeting minutes and the following vouchers; vote taken, all aye; motion carried.

Vouchers approved as follows:

PAYROLL: Commissioners \$2,056.198; Election \$872.81; Auditor \$5,837.35; Treasurer \$6,617.94; IST \$2,343.72; States Attorney \$10,117.21; Courthouse Building \$5,255.79; Equalization \$7,639; Register of Deeds \$3,486.33; Veterans Service \$938.67; Human Resource \$1,546; Sheriff \$28,283.87; Coroner \$322.95; Nurse \$863.51; Library \$7,143.70; Extension \$497.34; Conservation \$461.26; Weed & Pest \$1,383.79; Planning \$3,645.73; Highway \$28,268.05; Emergency Management \$3,076.80; Communications \$10,965.12.

GENERAL FUND: SD State Treasurer \$135.04

ELECTION: Quill \$384.84; Government Forms & Supply \$2,190

AUDITOR: Golden West Telecommunications \$188.98

TREASURER: Golden West Telecommunications \$188.98

INFO SYSTEMS & TECH: Golden West Telecommunications \$75.59

STATE'S ATTORNEY: Lexisnexi \$337; Golden West Telecommunications \$188.98; Culligan Water \$24; Rapid City Police Department \$1,234

COURT APPOINTED ATTORNEY: Beesley Law Office \$876; Garland Lee Goff \$1,250.15

COURTHOUSE BUILDING: Custer Ace Hardware \$151.81; Golden West Telecommunications \$37.80

DIRECTOR OF EQUALIZATION: Quill \$482.27; Golden West Telecommunications \$226.77

REGISTER OF DEEDS: Golden West Telecommunications \$151.18

VETERANS SERVICES: Golden West Telecommunications \$37.80

PREDATORY ANIMAL: SD Department of Game Fish & Parks \$872.31

INFO TECHNOLOGY: Golden West Telecommunications \$2,634

HUMAN RESOURCE: Quill \$379.96; Evergreen Office Products \$47.35

SHERIFF: Black Hills Electric \$162.56; Custer Ace Hardware \$9.18; Golden West Telecommunications \$387.95; Wex Bank \$40.72; Dale's Tire & Retreading \$526.44; Culligan Water \$27; A – Z Shredding, Inc. \$35.20; Battle Mt Humane Society \$1,000

PRISONER CARE: Kevin Kirschenmann, MLS \$75; City of Rapid City \$40; Pennington County Jail \$1,380; Correct RX Pharmacy \$2.50; South Dakota Public Health Laboratory \$250; Satellite Tracking of People LLC \$55.25

AIRPORT: Custer Do It Best \$24; Golden West Telecommunications \$112.34

MENTAL ILLNESS BOARD: Garland Lee Goff \$225

LIBRARY: Mt Rushmore Telephone \$155.64; Golden West Telecommunications \$374.24; Century Link \$14.98

EXTENSION: Golden West Telecommunications \$221.01

WEED & PEST: Black Hills Electric \$115.22

PLANNING: Golden West Telecommunications \$151.18; Brandi Hanten SDPA Secretary/Treasurer \$150; Discovery Benefits \$25

COUNTY ROAD & BRIDGE: Black Hills Electric \$1,644.07; Floyd's Truck Center \$15.17; French Creek Supply \$12.20; Mt Rushmore Telephone \$116.91; Brosz Engineering \$14,475; Kieffer Sanitation \$172.50; Servall Towel & Linen \$111.34; Town of Buffalo Gap \$61.90; Rosane Construction \$48,667.44; Snap On Tools \$149.94; Black Hills Gravel \$10,683.60; Custer Ace Hardware \$33.44; Golden West Telecommunications \$331.35; Running's Supply \$253.95; Dale's Tire & Retreading \$588.48; Culligan Water \$53; Century Link \$14.97; Nelson's Oil & Gas \$427.37; MG Oil Company \$303.86; Forward Distributing \$18.80; CBH Cooperative \$1,968.44

EMERGENCY MANAGEMENT: Custer Do It Best \$17.48; Jared Carson \$202.80; Pheasantland Industries \$1,221.07; Teresa Obenauer \$349.84; Golden West Telecommunications \$113.39; Joe Harbach \$275

BUILDING: Black Hills Electric \$484.63; Black Hills Energy \$1,039.58; Rosebud Construction \$95,115; A – Z Shredding \$58.12; Thyssenkrupp Elevator \$375; Warnke Brothers Construction \$1,400

ROD MODERNIZATION & PRESERVATION: Tyler Technologies \$992

EMERGENCY LINE: Golden West Telecommunications \$1,376.12; Culligan Water \$40; Century Link \$245.30; Discovery Benefits \$25

TREASURER'S TRUST: SD Department of Revenue \$2,400

E. Conflict of Interest Declarations – Commissioner Lintz and Hartman declared a conflict of interest with the approval of the 2020-2021 Malt Beverage & SD Farm Wine permits

F. Highway

1. Motion by Hartman and seconded by Sorenson to approve the new hire of Jacey Woodward as a Highway Equipment Operator starting May 6, 2020, at a wage of \$20.52 per hour; vote taken, all aye; motion carried.
2. Motion by Sorenson and seconded by Linde to approve and authorize the chairman to sign the 2020 Custer Sidney Park Road Double Chip Seal Project Agreement; vote taken, all aye; motion carried.
3. Motion by Hindle and seconded by Hartman to approve the following four Applications for Occupancy on the Right of Way of County Highways:
 - Application from Mt. Rushmore Telephone Company for a fiber optic cable on Missile Road in Sections 17 through 23, T3S, R8E, Custer County, South Dakota
 - Application from Mt. Rushmore Telephone Company for a fiber optic cable on Dry Creek Road in Sections 1 through 3 and 10 through 12, T4S, R7E, Custer County, South Dakota
 - Application from Mt. Rushmore Telephone Company for a fiber optic cable on Box Canyon Road in Sections 32 & 33, T2S, R7E, Custer County, South Dakota
 - Application from Mt. Rushmore Telephone Company for a fiber optic cable on Box Canyon Road in Section 5, T3S, R7E, Custer County, South Dakota

Vote taken; all aye; motion carried.

G. Sheriff

1. Motion by Hartman and seconded by Sorenson to approve the surplus of 26 EF Johnson Portable handheld radios and 6 Kenwood Portable handheld radios from the Sheriff's Office inventory to the Emergency Management inventory; vote taken, all aye; motion carried.

H. Register of Deeds

1. Motion by Sorenson and seconded by Hartman to approve the surplus of two Plat Cabinets (6.5' tall x 3.5' wide) from the Register of Deed's Office inventory to be disposed of; vote taken, all aye; motion carried.

I. Raffle Request

1. The commission acknowledged the following raffle requests:
 - Crazy Horse Memorial Foundation annual motorcycle raffle fundraiser.
 - Amended VFW Post 3442 Raffle request approved for May 5, 2020 with a changed start date to June 5, 2020 and end date June 5, 2021.

J. 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 for projects proposed by W.E.A.V.E. Custer County; vote taken, all aye; motion carried.

K. Equalization Office

1. Motion by Sorenson and seconded by Hindle to amend Resolution 2020-10 to include three sided carports and to approve the resolution with the change; vote taken, all aye; motion carried.

Resolution 2020-10
RESOLUTION ESTABLISHING EXEMPTION CRITERIA OF CERTAIN
STRUCTURES FROM ASSESSMENT FOR AD VALOREM TAXATION
IN CUSTER COUNTY

REVISED AND RESTATED

WHEREAS, the Custer County Commission passed Resolution 2019-10 at its regular meeting on October 9, 2019, and since that time, the Director of Equalization recommends that the criteria to determine whether certain structures are exempt from assessment for ad valorem taxation purposes be revised and restated as Resolution 2020-10; and

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 THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County that any detached manufactured steel carport seven hundred twenty square feet (720 sq. ft.) or less base footprint with no more than a roof cover and three (3) 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 exterior concrete, asphalt, bricks, blocks, pavers or the like that are no more than twelve inches (12”) above grade and seven hundred twenty square feet (720 sq. ft.) or less footprint size shall be exempt from assessment for ad valorem taxation purposes, except for Commercial Abstract Codes as determined by the Director of Equalization. Additionally, the square footage referred to herein pertains to the whole structure and no partial square footage amount will be subtracted to make up any portion of such structure to be exempt from ad valorem taxation purposes.

IT IS FURTHER RESOLVED that the determination of the Director of Equalization with regard to the application of the criteria set forth in this Resolution 2020-10 shall be final.

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

Dated this 20th day of May, 2020 at Custer, South Dakota.

L. 8:30 a.m. Public Hearing

1. At 8:30 a.m., the public hearing was opened regarding a petition to improve section line ROW & Division by Aliquot Description starting at the end of Missile Road W; heading West approximately 800 feet between Section 13 and Section 24 and then turning South for approximately 1960 feet between Section 23 and 24; all of Custer County. Applicant is proposing a Low Volume Road up to County specs except the turnaround specifications. The road name shall continue as Missile Road W. Same applicant is proposing a property division via aliquot description. Proposal is to split the E2NE4NW4SW4NW4 out of the W2SW4NW4 all in Section 24, T3S, R7E, B.H.M. Custer County, South Dakota. There were no comments from the public.

M. Planning

1. Motion by Hartman and seconded by Hindle to approve Resolution 2020-11; vote taken, all aye; motion carried.

Resolution 2020-11

Resolution authorizing improvement of Section Line Highway

WHEREAS, a petition has been filed in accordance with Custer County Ordinance to improve the section line highway described as follows: Starting at the end of Missle Rd W; heading West approximately 1800 feet between section 13 and section 24 and then turning South for approximately 1960 feet between section 23 and 24, all of Custer County, South Dakota

WHEREAS, notice has been provided to the public that a hearing would be held on the petition to include the date, time and location of said hearing; and

WHEREAS, the Board of Commissioners for Custer County has considered the petition and found:

1. That the Petition is in the form and contains the information required by ordinance;
2. That the Custer County Board of Commissioners has considered the complaints and comments of all parties appearing or filing such comments or complaints of record with the Board and /or Auditor's Office for Custer County; and
3. That the improvement of the existing section line highway will be in the public interest and should be granted, subject to the conditions hereinafter set forth.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County, that Joshua & Kerry Surring, Nick Formanek be and is hereby authorized to improve and maintain the existing section line road, known as Starting at the end of Missle Rd W; heading West approximately 1800 feet between section 13 and section 24 and then

turning South for approximately 1960 feet between section 23 and 24, all of Custer County, South Dakota

BE IT FURTHER RESOLVED that this grant of authorization is subject to the following:

1. Said improvements shall comply with Custer County Road Standards and Specifications.
2. That culverts shall be installed along the road to assist in drainage and the location of the said culverts shall first be approved by the Custer County Highway Superintendent.
3. That said improvements do not contain the installation or construction of any cattle guards or pasture fence gates.
4. That Custer County shall not be obligated to provide any financial support for said improvements and such expense shall be borne by Petitioners/Julie Smith.
5. That the Custer County Highway Superintendent shall be notified in writing at least 15 days prior to the commencement of such work.

Dated this 20th day of May, 2020

2. Motion by Hindle and seconded by Hartman to approve the application for a variance request from Ordinances #2's setbacks from the property line for Douglas & Lisa Gaulke. The applicants are requesting a lot split into two separate parcels. Proposed Lot 1 would be 1.2 acres and proposed Lot 2 would be .73 acres. Both proposed parcels have access off Mica Ridge Road; vote taken, all aye; motion carried.

N. Conservation

1. Dave Thom, Custer County Conservation District Chair, gave an update to the commission, along with Caley Buckert. Motion by Hartman and seconded by Sorenson to appoint Dave Thom as liaison and authorize Thom to represent Custer County with the Forest Service and to draft a letter to be sent to the Forest Service for notification of the appointment; vote taken, all aye; motion carried.

O. Treasurer's Office

1. Motion by Hindle and seconded by Linde to approve the transfer of Karen Hicks as Full-Time Deputy Auditor to Part-Time Deputy Treasurer and Part-Time Extension/4-H Administrative Assistant starting May 21, 2020 at a wage of \$13.89 per hour; vote taken, all aye; motion carried.

P. Auditor

1. Motion by Linde and seconded by Hindle to approve the new hire of Barbara Cox as a Deputy Auditor starting May 21, 2020 at a wage of \$13.89 per hour; vote taken, all aye; motion carried.
2. The commission acknowledged the updated roster for the Argyle Volunteer Fire Department.

3. Motion by Hindle and seconded by Sorenson to approve and authorize the chairman to sign the 2020-2021 SD Department of Health WIC contract; vote taken, all aye; motion carried.
4. Motion by Hindle and seconded by Linde to approve the following Malt Beverage & SD Farm Wine Renewal Licenses:
 - Heartland RV Park & Campground – HJW Subdivision Lot 1 in E2E2 of Section 6, T3S, R8E, B.H.M., Custer County, South Dakota
 - Lintz Brothers Pizza – HJW Subdivision Lot 2 in E2E2 of Section 6, T3S, R8E, B.H.M., Custer County, South Dakota
 - Elk Haven Horse Camp, LLC – Judd Homesite of Section 35, T2S, R6E, B.H.M., Custer County, South Dakota
 - Wolf Camp – TRB of Halley Ranch Subdivision and Pipeline Easement in NE4NE4 of Section 35, T2S, R6E, B.H.M., Custer County, South Dakota
 - Battle Creek Post #303 – North Corral Subdivision Lot Legion in S2SE4SE4 of Section 29, T2S, R8E, B.H.M., Custer County, South Dakota
 - Wheels West RV Park – Svoboda Tr (pt of Dawson Tr A pt of Richardson PL#724) of Sections 20 & 20, T3R, R5E, B.H.M., Custer County, South Dakota
 - Sylvan Lake Resort – Custer State Park all Section 30, T2S, R5E, B.H.M., Custer County, South Dakota
 - Legion Lake Resort - Custer State Park all Section 25, T3S, R5E, B.H.M., Custer County, South Dakota
 - Blue Bell Lodge – Custer State Park balance of Section 11, T4S, R5E, B.H.M., Custer County, South Dakota
 - BJS Hermosa – McDowell Subdivision Lot B of Lot 1 of Section 6, T3S, R8E, B.H.M., Custer County, South Dakota
 - Spokane Creek Campground and Cabins – Spokane Creek Subdivision Lot 1 in S2NW4 of Section 35, T2S, R6E, B.H.M., Custer County, South Dakota
 - Custer/Mt Rushmore KOA – Nelson Tr in SW4SW4 and Lot K of Lot G & F (Less Hwy R/W) of Section 33, T3S, R4E, B.H.M., Custer County, South Dakota.
 - Ft Welikit Family Campground – Chard Subdivision Tract Revised of Tract A in SW4SE4 of Section 13 & NE4 & balance of Gov't Lots 16 & 17 in Section 24, T3S, R4E, B.H.M., Custer County, South Dakota.
 - Big Pine Campground – Lot 2 of Tract B of N2NE4 of Section 33, T3S, R4E, B.H.M., Custer County, South Dakota.
 - Boyd's World Famous Antiques and Uniques, LLC – Boyd Subdivision Lot 1R of HES #316 in SE4 of Section 33, T2S, R4E, B.H.M., Custer County, South Dakota.

Vote taken; all aye except Lintz abstained from Lintz Brothers Pizza application and Hartman abstained from Wheels West RV Park application; motion carried.

Q. Western SD Community Action & Custer Community Action Team

1. Jim Olson, representative from the Western SD Community Action & Custer Community Action Team, presented his 2019 Summary and 1st quarter report for 2020 to the commission. In 2019 the Custer Community Action Team provided a total of 95,489 pounds of food to those in need, which was more than 33 tons more than 2018. Statistics for 2020 included an increase in the amount of food given to families as well as seniors. The average amount of food provided to a family per month during the first quarter of 2020 was 85 pounds. Volunteer hours for the first quarter in 2020 averaged 245 hours a month.

R. Public Comment – 4-H Extension Advisor, Erin McGlumphy reported to the commission on the virtual summer 4-H plans, as decisions for the County Fair and State Fair have not been made yet.

S. Commission

1. Mail call – The commissioners received some photos from Rick Wheeler with the 1881 Courthouse Museum Board regarding the progress of the work currently being done on the museum.
2. Meeting Schedule – Commissioner Linde and Auditor Cornelison participated in the weekly phone from Governor Noem to South Dakota County Officials; There will be an EOC meeting on May 21st at 10 a.m.
3. Meeting Reports – Commissioner Linde attended a Sanitation Board meeting; Commissioner Lintz attended a Fair Board meeting; Commissioner Hartman attended a Custer County Housing meeting.

T. Old Business

1. The COVID-19 protocol for Custer County had been addressed at the LEPC meeting prior to the commission meeting and currently no change in plans for county offices.

U. Executive Session

1. Motion by Hartman and seconded by Hindle to go into Executive Session pursuant to SDCL 1-25-2(1) and SDCL 1-25-2(4). Executive Session started at 9:27 a.m. to discuss personnel and contract negotiations and concluded at 12:08 p.m.; vote taken, all aye; motion carried.

V. Actions Taken by Commission Outside of Executive Session

1. Motion by Hindle and seconded by Linde to adjust the hourly wage for Jim Kor in the Planning Office to \$30 per hour effective May 21, 2020; vote taken, all aye; motion carried
2. Motion by Hindle and seconded by Linde to authorize the advertisement of a part-time temporary engineer position in the Planning Office for 16 hours per week; vote taken, all aye; motion carried.

W. Adjourn

Motion by Sorenson and seconded by Linde to adjourn the meeting at 23:10 p.m. The next meeting will be at 8 a.m. June 4, 2020 in the Commissioner’s Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:
Terri Cornelison, Custer County Auditor

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