

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

1. Motion by Sorenson and seconded by Hindle to add acknowledgement of updated Custer Highlands Volunteer Fire Department Roster under Item N. Auditor; vote taken, all aye; motion carried. Motion by Linde and seconded by Hartman to approve the amended agenda; vote taken, all aye; motion carried.

**C. Consent Agenda**

1. Motion by Linde and seconded by Hindle to approve the minutes of the July 15, 2020 Commission Meeting and the July 22, 2020 Commission Budget Meeting, the following travel requests and vouchers; vote taken, all aye; motion carried.

Travel requests approved: Jana Virtue to SDDVA Annual Benefits School in Pierre, SD at a cost of \$584; Teri Morgan, Dawn McLaughlin and Terri Cornelison to SDACO County Convention in Sioux Falls, SD at a cost of \$1,269

Vouchers approved as follows:

**PAYROLL:** Commissioners \$2,056.38; Auditor \$5,203.96; Treasurer \$7,434.66; IST \$2,343.72; States Attorney \$10,117.22; Courthouse Building \$5,256.03; Equalization \$7,487.57; Register of Deeds \$3,531.19; Veterans Service \$1,190.77; Human Resource \$1,258.29; Sheriff \$29,561.52; Coroner \$322.95; Nurse \$717.73; Library \$7,174.64; Extension \$656.02; Conservation \$461.25; Weed & Pest \$1,383.80; Planning \$4,030.07; Highway \$31,118.47; Emergency Management \$3,076.79; Communications \$11,063.23

**COMMISSIONERS:** Southern Hills Publishing \$493.22; Lynn's Dakotamart \$148.48; SD Association of County Officials \$150; Spokane Creek Cabins & Campground \$63.39; State Game Lodge \$988.80; CNA Surety \$525; Anderson Auto Sales \$200

**ELECTION:** Southern Hills Publishing \$89.68

**AUDITOR:** Southern Hills Publishing \$52.50; SD Counties \$185

**TREASURER:** SD Counties \$185; Thomson Reuters \$38.92

**STATE'S ATTORNEY:** Quill \$177.73; Thomson Reuters \$402.26

**COURT APPOINTED ATTORNEY:** Beesley Law Office \$1,371.05; Garland Lee Goff \$3,930.50

**COURTHOUSE BUILDING:** Custer Do It Best \$25.16; Custer City \$100; Quill \$41.16; Freeman's Electric \$170.70; Custer Ace Hardware \$131.11

**DIRECTOR OF EQUALIZATION:** Quill \$901.50; Vanguard Appraisals \$3,675

**REGISTER OF DEEDS:** SD Counties \$185; Thomson Reuters \$58.38

**INFO TECHNOLOGY:** Golden West Technologies \$9,779; Quill \$659.80

**SHERIFF:** Black Hills Energy \$61.86; French Creek Supply \$94.46; McLeod's Printing \$519.80; Liberty Superstores \$30,178; Custer Ace Hardware \$17.97; Active 911 Inc. \$273; Lexisnexis \$87.50; Anderson Auto Sales \$15

**CORONER:** Regional Health Client \$461

**PRISONER CARE:** Pennington County Jail \$4,925; Correct RX Pharmacy \$31.22; CMI \$127.50; Care Campus \$226; License Plate Toll \$3.79

**SEARCH & RESCUE:** Black Hills Energy \$157.43; Custer City \$60.71

**AIRPORT:** Brenden Hendrickson \$3,666.67; World Fuel Services \$4,499.72

**MENTALLY ILL:** South Dakota Human Services \$856.49

**LIBRARY:** CenturyLink \$23.22

**PLANNING:** Southern Hills Publishing \$86.50

**COUNTY ROAD & BRIDGE:** A & B Welding \$131.78; Black Hills Energy \$78.31; Southern Hills Publishing \$46.76; Chris Supply \$14.14; Floyd's Truck Center \$1,989.51; French Creek Supply \$1,594.80; Fastenal Company \$108.78; Grimms Pump Service \$1,069; Inland Truck Parts \$168.96; Electrical Engine & Equipment \$475; Brosz Engineering \$10,925; Servall \$113.13; Town of Buffalo Gap \$61; Snap On Tools \$78; Team Laboratory Chemicals \$60,972; Custer Ace Hardware \$72.70; J.V. Bailey Co. Inc. \$30,402.20; CenturyLink \$23.21; Matco Tools \$69.95; Nelson's Oil & Gas \$2,446.99; MG Oil Company \$1,525.83; Great Western Tire \$3,625.20; Forward Distributing \$10.20; Powerplan \$573.75

**EMERGENCY MANAGEMENT:** Custer County Search & Rescue \$379.27; Black Hills Chemical \$180; Jared Carson \$152.22; Teresa Obenauer \$317.60; Joe Harbach \$275

**BUILDING:** Black Hills Energy \$4,505.75; Custer City \$360.62; Rosebud Construction \$12,600

**EMERGENCY LINE:** Golden West Technologies \$1,609; Pheasantland Industries \$179.25; ESRI, Inc. \$1,331.25; CenturyLink \$431.98; RT Communications \$24.41

**LAW LIBRARY:** Thomson Reuters \$804.52

**TREASURER'S TRUST:** South Dakota Secretary of State \$50

**D. Conflict of Interest Declarations** – There were no conflicts of interest declared by the commission.

**E. Highway**

1. Motion by Hartman and seconded by Sorenson to dissolve the current road maintenance agreement with Fall River County for approximately 2 miles of road maintenance; vote taken, all aye; motion carried.

**F. Planning**

1. Motion by Hartman and seconded by Hindle to approve the Final Plat of Gehrke Tract and Clark Tract of Bough Addition, Located in the N2 of Section 22, T4S, R4E, B.H.M., Custer County, South Dakota; vote taken, all aye; motion carried.
2. Motion by Sorenson and seconded by Linde to approve the Final Plat of Tract B1 and Tract B2, Located in the NW4 of Section 16, T6S, R4E, B.H.M., Custer County, South Dakota; vote taken, all aye; motion carried.
3. Motion by Hartman and seconded by Hindle to approve the following wage increases and new hire:
  - Jim Kor, part-time permanent Planning Engineer, wage increase to \$35 per hour beginning August 6, 2020;
  - Laura Rosane, full-time permanent Planning Technician, wage increase to \$14.59 per hour beginning August 6, 2020
  - New Hire – Scott Hauck as part-time temporary Planning Engineer, starting August 4, 2020 at a wage of \$30 per hour with no county employee benefits provided;

Vote taken, all aye; motion carried.

**G. Weed & Pest**

1. Motion by Linde and seconded by Hindle to approve the new hire of Brianna Kringlie as a part-time seasonal weed sprayer beginning July 27, 2020 at a wage of \$16 per hour with no county employee benefits provided; vote taken, all aye; motion carried.

**H. Veteran Service**

1. Jana Virtue, Veteran Service Officer, presented her Quarterly report for April, May and June of 2020. Virtue filed 25 disability and/or pension claims with the SD Veteran Affairs, as well as 11 applications for Intent to Files for future claims.

**I. Sheriff**

1. Motion by Hartman and seconded by Sorenson to approve the Avera eCare Telehealth Professional Services Agreement (Custer County Sheriff's Office Behavioral Health Mobile Crisis); vote taken, all aye; motion carried.

**J. Library**

1. Motion by Sorenson and seconded by Hindle to not accept the bid from Rosebud Construction for the Custer County parking lot replacement and to put the project out to bid; vote taken, all aye; motion carried.

**K. Auditor**

1. The commission acknowledged the updated volunteer fire department rosters from Arglye Volunteer Fire Department and Custer Highlands Volunteer Fire Department.
2. The commission received a financial statement from the Argyle Volunteer Fire Department for expenditure of surplus money received from the county for new coats and pants for the firefighters.

**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 running North to South approximately 582 ft, starting at the northerly common point of Tract 13 of Buckhorn Mountain Estates (located in the NE4SE4) of Section 22 and the NW4SW4 of Section 23, all within Township 3 South, Range 4 East, B.H.M., Custer County, South Dakota. Applicants, Daniel and Amy Scherer were in attendance as well as adjacent land owners James Allis, Attorney Matt Naasz, Gary and Susan Woodford, Keely Mahony and Lon Edwards. Comments were taken from those in attendance. Motion by Sorenson and seconded by Hartman to approve the petition to improve the section line; vote taken, all aye; motion carried.

**M. Resolution 2020-15**

1. Motion by Sorenson and seconded by Linde to approve Resolution 2020-15; vote taken, all aye; motion carried.

**Resolution 2020-15**

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: running north to south approximately 582ft, starting at the northerly common point of tract 13 of Buckhorn Mountain Estates (located in the NE4SE4) of section 22 and the NW4SW4 of section 23, all within Township 3 South, Range 4 East, BHM Custer County, Custer SD.

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 Daniel & Amy Scherer be and is hereby authorized to improve and maintain the existing section line road,

known as running north to south approximately 582ft, starting at the northerly common point of tract 13 of Buckhorn Mountain Estates (located in the NE4SE4) of section 22 and the NW4SW4 of section 23, all within Township 3 South, Range 4 East, BHM Custer County, Custer SD.

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/Daniel Scherer.
5. That the Custer County Highway Superintendent shall be notified in writing at least 15 days prior to the commencement of such work.

**N. 9:00 a.m. Public Hearing**

1. At 9:00 a.m., the public hearing was opened regarding a petition to vacate portion of section line highway ROW, running West to East between sections 5, 6, 7, & 8, T4S, R7E, B.H.M., approximately 5,752 ft. Then running North to South between sections 5, 6, 7, & 8, T4S, R7E, B.H.M., approximately 6,591 ft. All in Custer County, South Dakota. Applicant, Travis Hartshorn, was in attendance. There was no one in attendance to oppose the petition.

**O. Resolution 2020-16**

1. Motion by Hartman and seconded by Sorenson to approve Resolution 2020-16; vote taken, all aye; motion carried.

**Resolution 2020-16**

**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 between Sections 5, 6, 7 & 8, T4, R7 approximately 5,752 Ft. Then running North to South between Sections 5, 6, 7, & 8, T4, R7 approximately 6,591 Ft. All of Custer County, SD

**Comprehensive Plan:** The proposed land use does not conflict with the intent or goals of Custer County's Comprehensive Plan.

**Ordinance 2 Subdivision and Use of Land:** The proposed plat *generally* meets the standards as set 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.

**P. Search & Rescue/Law Enforcement**

1. Discussion held on the current storage building located at the Custer County Highway Department that is currently occupied by Search & Rescue for equipment and Law Enforcement for evidence storage. The commission would like to approach the City of Custer on the possibility of obtaining more property at the new Search & Rescue building location. There is a space at the new Search & Rescue building that has been dedicated for evidence storage for Law Enforcement.

**Q. Resolution 2020-13**

1. Motion by Hartman and seconded by Sorenson to table Resolution 2020-13 until the September 23, 2020 Commission Meeting; vote taken, all aye; motion carried.

**R. Public Comment** – Travis Bies inquired to the commission about the issues with the ATV rental business located adjacent to the courthouse parking lot. ATV traffic in the Black Hills area was discussed.

**S. Commission**

1. Mail call – Auditor Cornelison received a letter from SD School & Public Lands Commisisoner, Ryan Brunner, regarding the Star Academy public auction to be held at the Custer County Courthouse on September 16, 2020, at 11:00 a.m.
2. Meeting Schedule – The Custer County Fair will be held August 6 – 9, 2020
3. Meeting Reports – Commissioner Hartman attended a Custer County Housing meeting; Commissioner Lintz attended a Fair Board meeting.

**T. Old Business**

1. There was no old business to discuss.

**U. 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 9:50 a.m. and was suspended at 12:38 p.m. Motion by Hindle and seconded by Linde to go back into Executive Session for the above matters starting at 12:47 p.m. and ended at 1:08 p.m.; vote taken, all aye; motion carried.

**V. Work Session**

1. Auditor Cornelison provided the commission with updated 2021 Department Budget requests.

**W. Adjourn**

Motion by Sorenson and seconded by Hartman to adjourn the meeting at 1:09 p.m. The next meeting will be at 8 a.m. August 19, 2020 in the Commissioner's Room in the Custer County Courthouse.

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Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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