

Custer County Commission Meeting (Wednesday, November 28, 2018)

Members present:

Commissioners Travis Bies, Phil Lampert, Jesse Sorenson, Jim Lintz, Mark Hartman and States Attorney Tracy Kelley.

A. Commission Meeting was called to order at 8:00 AM followed by the Pledge of Allegiance.

B. Adopting of the agenda

Chairman Lampert called for any additions or corrections to the agenda. With no additions or corrections, the agenda will stand as presented.

C. Consent Agenda

Motion by Lintz and seconded Sorenson to approve the November 7, 2018 commission minutes, the following vouchers and travel request. Motion carried, unanimous.

Travel requests approved: Terri Cornelison to 2019 Annual Report Workshop in Mitchell, SD, at a cost of \$26.

Vouchers approved as follows:

PAYROLL: Commissioner \$1875; Auditor \$5,547.84; Treasurer \$5,463.66; IST \$2,083.50; States Attorney \$7,078.49; Courthouse Building \$3,996.80; Equalization \$7,331.64; Register of Deeds \$2,830.91; Veterans Service \$631.82; Human Resource \$1,094.38; Sheriff \$30,368.87; Nurse \$408.00; Library \$6,359.55; Extension \$1,217.05; Weed & Pest \$1,597.50; Planning \$5,256.34; Highway \$25,532.35; Emergency Management \$2,272.51; 24/7 \$338.94; Communications/911 \$10,737.92

COMMISSIONERS: SDACO \$1,250.12; First Interstate Bank Master Card \$66.80; Ramkota Hotel \$203.98; SDACC \$2,182; Verizon Wireless \$82.19

ELECTION: Election Systems & Software \$2,215.98; First Interstate Bank Master Card \$15.55; Seachange \$175

COURT: Beesley Law Office \$1,500.40; Skinner Law Office \$1433.60; Garland Goff \$2,851.90; Christina Hamilton \$20.84; Patricia Spain \$20.84; Matthew Skinner \$945.15; Tim Almy \$37.64; Michael McDowell \$20.84; RO Investigation & Research \$1,086.25; Angela Colbath \$8,105.70

AUDITOR: A & B Business \$1,233.03; First Interstate Bank Master Card \$170.48; Innovative Office Solutions \$19.74; Ramkota Hotel \$203.98; Evergreen Office Products \$76.64

TREASURER: First Interstate Bank Master Card \$28.72; SD Dept of Corrections \$17.50; Ramkota Hotel \$203.98

IST: First Interstate Bank Master Card \$156.48

STATE'S ATTORNEY: Lela Larson \$39.98; Wendy McGowan \$207.50; A & B Business \$.05; Heith Waddell, MD \$351.32; Culligan Water \$37; Thomson Reuters – West \$251; State Bar of South Dakota \$415

COURTHOUSE BUILDING: Harvey's Lock Shop \$963.18; First Interstate Bank Master Card \$895.74; Custer Ace Hardware \$188.43; Verizon Wireless \$60.13

DIRECTOR OF EQUALIZATION: CDW Government \$304.61; First Interstate Bank Master Card \$23.93; Networkfleet \$18.95; Ramkota Hotel \$190; SDAAO \$300

REGISTER OF DEEDS: A & B Business \$32.55; Ramkota Hotel \$305.97

INFO TECHNOLOGY: Golden West Technologies \$4,194.75; A & B Business \$2,271.55; Heartland Paper Company \$678.57

HUMAN RESOURCE: Governors Inn \$69; First Interstate Bank Master Card \$116.29; Lorman Education Service \$299; Verizon Wireless \$16.43

SHERIFF: Black Hills Electric \$54.13; Pennington County Sheriff \$525.20; Pennington County Jail \$974.40; A & B Business \$52; First Interstate Bank Master Card \$178.45; Networkfleet \$170.55; Sherry Weber \$33; Lexisnexis \$85; A-Z Shredding \$20; Verizon Wireless \$273.05; Applied Concepts \$181; Battle Mountain Humane Society \$800

CORONER: Geib, Elston, Frost PA \$1,830; Rapid City Regional Hospital \$461

PRISONER CARE: City of Rapid City \$70; Pennington County Jail \$13,380; Western SD Juvenile Service \$8,215; First Interstate Bank Master Card \$271.34; Correct RX Pharmacy \$45.47; Ann Allen \$75; Christine Peters \$75; Care Campus \$226

SAFETY OFFICER: Custer Ambulance Service \$600; Lynn's Dakotamart \$6.58; Ramkota Hotel \$112

SEARCH & RESCUE: Custer County Search & Rescue \$350.03

AIRPORT: Custer Ace Hardware \$19.98

LIBRARY: First Interstate Bank Master Card \$1,637.70; Bywater Solutions \$515; American Library Association \$175; Centurylink \$13.80

CULTURE/RECREATION: Lynn's Dakotamart \$9.98; Custer Ace Hardware \$36.98

FAIR: Custer County Fair Association \$8,000

EXTENSION: A & B Business \$14.35; Ramkota Hotel \$190; Discovery Benefits \$41.67

WEED & PEST: A & B Business \$9; SD Association of Weed & Pest \$50

PLANNING: Discovery Benefits \$41.67; Verizon Wireless \$38.21

COUNTY ROAD & BRIDGE: A & B Welding \$50.70; Black Hills Electric \$1,614.73; Black Hills Energy \$72.45; Custer Do It Best \$38.25; Truenorth Steel \$12,511.80; Eddie's Truck Sales \$474.10; French Creek Loggers \$35.84; Fastenal Company \$140.94; Godfrey Brake \$159.29; Grimms Pump Service \$300; Harvey's Lock Shop \$656; Prairie Auto Parts \$20.29; Rushmore Communications \$686.35; Brosz Engineering \$360; Kieffer Sanitation \$162.25; Servall Towel & Linen \$98.86; Town of Buffalo Gap \$54;

Snap on Tools \$149.10; First Interstate Bank Master Card \$191.46; Newman Traffic Signs \$340.51; Prairie Auto Parts West \$15.93; Evans Repair \$584; Steele Collision \$52; Time Equipment Rental \$405.03; Industrial Supply \$31; Runnings \$192.98; Centurylink \$13.81; Matco Tools \$449.80; MG Oil Company \$47,759.44; Advanced Drug Testing \$36; Verizon Wireless \$21.92; Great Western Tire \$8,400; Powerplan \$567.43; CBH Cooperative \$2,313.50

EMERGENCY MANAGEMENT: Governors Inn \$69; Networkfleet \$18.95; Verizon Wireless \$38.21

STATE GRANTS-GENERAL GOVERNMENT: Kadrmas Lee & Jackson \$28,800

24/7: Intoximeters \$975; Pharmchem \$57.10

BUILDING: Black Hills Electric \$711.04; Black Hills Energy \$5,410.17; Custer City \$182.22; McGas \$287.63; First Interstate Bank Master Card \$156.97; Custer Ace Hardware \$53.55; Nielsen Enterprises \$7,333.68; A-Z Shredding \$20; Thyssenkrupp Elevator \$375; SD Dept of Transportation \$449.85;

ROD MODERNIZATION & PRESERVATION: Microfilm Imaging Systems \$822.25

EMERGENCY LINE: A & B Business \$8.27; Innovative Office Solutions \$72.20; Professional Dispatch \$300; Centurylink \$552.27; Discovery Benefits \$41.64

D. Conflict of Interest Declarations – none declared.

E. Highway

1. Gary Woodford, Highway Superintendent read the proposed Resolution 2018-13 No Maintenance Highways Within Custer County. The Resolution identifies the following as no maintenance roads: CS 24 or French Fork Cutoff for a distance of 3.62 miles from its intersection with CS 18 to its intersection with CS27; That portion of Battle Creek Road extending North West from the intersection of Battle Creek Road and Bender Road, excluding creek crossings; and The platted county road extending 1.9 miles from road 656 to the Fall River County Line. The commission then asked for comments from the public. The resolution will be listed on the commission agenda for December 12, 2018, for a second reading.
2. Woodford reviewed the process he will follow for the upcoming 2019 gravel bids. The Highway Department hopes to advertise for bids next month and will have the bid notice(s) and specs to present to the commission for review at the next meeting.
3. The commission acknowledged the completion of six month employment for Mark Jurens as Equipment Operator on November 14, 2018.
4. Woodford presented a letter from the Department of Energy notifying the county of a proposed Lookout Solar Project and their request from the county for input. There will be a public meeting held on December 5, 2018, at the Hot Springs Public Library that the commission is invited to attend or written comments can be submitted by mail, fax or email.

F. Equalization

Motion by Lintz and seconded by Bies to approve Abatement 1810A in the amount of \$448.34. Motion carried, unanimous.

G. RPZ Relocation Agreement

1. Motion by Hartman and seconded by Lintz to approve and authorize the chairman to sign two RPZ Relocation Agreements. Motion carried, unanimous.

H. Crazy Horse Raffle

1. Motion by Bies and seconded by Lintz to approve the 2019 Crazy Horse Memorial Foundation Raffle. Motion carried, unanimous.

I. Sheriff

1. The commission acknowledged the resignation of Lilana Puente as part-time 24/7 technician effective November 29, 2018.
2. Motion by Sorenson and seconded by Hartman to approve the hire of Paula Arthur as part-time 24/7 technician effective November 29, 2018 at a wage of \$13.89 per hour. Motion carried, unanimous.

J. Search & Rescue

1. Motion by Sorenson and seconded by Hartman to authorize Rick March to sign a service contract with wild land fire suppression on behalf of Custer County Search and Rescue. Motion carried, unanimous.

K. 8:30 a.m. Public Hearing – Vacation of Section Line Highway Right of Way

1. A public hearing was held at 8:30 a.m. on a petition for vacation of Section Line Right-of-Way running west to east approximately 301 feet between the south west quarter of Section 8 and the north west quarter of Section 17 and also, that portion of Section Line Highway Right-of-Way running north to south approximately 322 feet between the north west quarter of Section 17 and the north east quarter of Section 18, all located in T3S, R5E, B.H.E., Custer County, South Dakota. There were no comments from the public. Motion by Hartman and seconded by Lintz to approve the vacation of Section Line Right-or Way running west to east approximately 301 feet between the south west quarter of Section 8 and the north west quarter of Section 17, T3S, R5E, B.H.E., Custer County, South Dakota. Motion carried, unanimous.

L. 8:30 a.m. Public Hearing – Petition for Improvement of Section Line Highway Right of Way

1. A public hearing was also held on a petition for improvement of Section-Line Right-of-Way for approximately 730 linear feet; the east/west section line between Section 36, T3S, R4E and Section 1, T4S, R4E from Sidney Park Road between Tracts 4 and 5 of Howe’s Subdivision to the north/south Section Line between R4E and R5E for approximately 630 lineal feet, thence continuing east along the Section Line between Section 31, T3S, R5E and Section 6, T4S, R5E for another 100 feet in part of HES 104. The remaining Section Line may or may not be improved depending on the layout of future development. There were not comments from the public. Motion by Hartman and seconded by Lintz to approve the vacation of Section Line Right-of-Way running north to south approximately 322 feet between the north west quarter of Section 17 and the north east quarter of Section 18, T3S, R5E, B.H.E, Custer County, South Dakota. Motion carried, Aye – Hartman, Sorenson and Lintz; Nay – Bies.

M. Planning

1. Motion by Lintz and seconded by Bies to approve Resolution 2018-12 Vacation of Section Line Right-of-Way. Motion carried, unanimous.

Resolution 2018-12

Vacation of Section – Line Highway Right-of-Way

WHEREAS, application has been made for the purpose of vacating portions of the Section-Line-Highway Right-of Way described as; traversing west to east approximately 301 feet, between the south west quarter of section 8 and the North West quarter of Section 17.

And also that portion of traversing north to south approximately 322 feet between the North West quarter of Section 17 and the north east quarter of Section 18.

All located in Township 3 South, Range 5 East, B.H.M 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 section line highway.

NOW THEREFORE< BE IT RESOLVED THAT The Custer County Board of Commissioners approves the vacation of the aforementioned section line road.

Dated this 28th day of November, 2018

2. Motion by Lintz and seconded by Bies to approve Resolution 2018-15 Authorizing Improvement of Section Line Highway. Motion carried, unanimous.

Resolution 2018-15

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: 730 linear feet of the east/west section line between Section 36, T3S, R4E and Section 1, T4S, R4E from Sidney Park Road between Tracts 4 and 5 of Howe’s Subdivision, to the north/south section line between R4E and R5E for approximately 630 lineal feet, thence continuing east along the section line between section 31, T3S, R5E and Section 6, T4S R5E for another 100 feet in Part of HES 104.

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 Julie Smith be and is hereby authorized to improve and maintain the existing section line road, known as 730 linear feet

of the east/west section line between Section 36, T3S, R4E and Section 1, T4S, R4E from Sidney Park Road between Tracts 4 and 5 of Howe's Subdivision, to the north/south section line between R4E and R5E for approximately 630 lineal feet, thence continuing east along the section line between section 31, T3S, R5E and Section 6, T4S R5E for another 100 feet in Part of HES 104.

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 28th day of November, 2018

3. Motion by Sorenson and seconded by Hartman to approve the Plat of Tracts 2A, and 2B of Perli Ranch Estates Subdivision (Formerly Lot 2 of Tract 4 of Perli Ranch Estates Subdivision) located in S1/2NW1/4 of Section 5, T3S, R7E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
4. Motion by Sorenson and seconded by Lintz to approve the Plat of Lone Elk Ranch Subdivision Unit 2 (Formerly Tract 9 and Argyle Fire Dept of Lone Elk Ranch Subdivision Unit 2) all located in Sections 17/16, T6S, R4E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
5. Motion by Hartman and seconded by Lintz to approve the Plat of Champion Subdivision, Tract Barb and Tract Greg (Formerly Lot 2 of Tract 4 of H.E.S. 401) Located in Section 27, T4S, R4E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.
6. Motion by Lintz and seconded by Bies to approve the Plat of Tract 1 and Tract 2 of H.E.S. 183 Subdivision, containing H.E.S. 183 less Hwy ROW, Located in the W1/2 of Section 22, T4S, R5E, B.H.M., Custer County, South Dakota. Motion carried, unanimous.

N. 9 a.m. Application for Isolated Tract Easement

1. A letter was received from Gregory Erlandson, Attorney for Richard and Barbara Drew, requesting that the commission delay its decision on the Application for Isolated Tract Easement from the Drews until January 2019. Motion by Lintz and seconded by Sorenson to table the Application for Isolated Tract Easement until the first commission meeting in January, 2019. Motion carried, unanimous.

O. Hermosa Arts & History Association

1. Linda Hasselstrom, Candice Leigh and Jerry Ellerman with the Hermosa Arts and History Association presented to the commission regarding a request of \$25,000 to help fund the association. Motion by Lintz and seconded by Sorenson to assign \$25,000 from the unassigned funds of Custer County to the Hermosa Arts and History Association. Motion carried, unanimous.

P. South Dakota Department of Health

1. Motion by Hartman and seconded by Lintz to approve and authorize the chairman to sign the 2019 State of South Dakota Consultant Contract for Provision of Community Health Services between Custer County and South Dakota Department of Health. Motion carried, unanimous.

Q. Auditor

1. Motion by Hartman and seconded by Lintz to approve Resolution 2018-14. Motion carried, unanimous.

COUNTY TAX LEVIES	Tax Levy in Dollars	RESOLUTION 2018-14 \$'s/1,000
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	3,028,411	2.930
Library		
LIMITED LEVY (10-12-21) -		
SUB TOTAL	3,028,411	2.93
OUTSIDE LIMITED LEVY:		
County Snow Removal Fund (34-5-2)		
* Highway and Bridge Reserve (10-12-13)		
Courthouse, Jail, etc., Bldg. (7-25-1)	500,000	0.484
Bond Interest Sinking (7-24-18)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	500,000	3.414
LIMITED AND UNLIMITED LEVY - SUB-TOTAL		
OTHER SPECIAL LEVIES		
Secondary Road (Unorg. PT-76) (31-12-27)	585,143	0.937

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, 2019 and ending December 31, 2019 and the same is hereby approved and adopted by the Board of County Commissioners of Custer County, South Dakota, this 28th day of November, 2018. 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 January 1, 2019 through December 31, 2019.

BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY SOUTH DAKOTA

/s/: Phil Lampert - Chairman

/s/: Travis Bies

Fire Protection (34-31-3)	248,762	0.330
TOTAL TAXES LEVIED BY COUNTY	4,362,316	4.681

/s/: Jim Lintz

/s/: Mark Hartman

/s/: Jesse Sorenson

ATTEST: Terri Cornelison - Custer County Auditor

R. Holiday Party

1. Terri Morgan, Register of Deeds, informed the commission that the County Holiday Party will be held Friday, December 7, 2018, at Crazy Horse Memorial. Motion by Sorenson and seconded by Hartman to approve the payment of the cost of all county employees and their spouses to attend the party and the payment to be taken out of the contingency fund, account #101-4-112-429.00. Motion carried, unanimous.

- S. Public Comment** – Jeff Svoboda thanked the commission for their support and assignment of funds to the Custer County Fairgrounds. Linda Kramer with the Hermosa Board of Trustees thanked the commission for their support of the Hermosa Arts & History Association.

T. Commission

1. Mail call – A notice was received from South Dakota Association of County Commissioners regarding the approved resolutions and policy statement changes that were approved at the annual convention.
2. Meeting Schedule – Commissioners will attend the upcoming Custer County Holiday Party on December 7, 2018 at Crazy Horse Memorial; Commissioners will attend the Black Hills Association of County Commissioners meeting in Philip, SD, on December 13, 2018.
3. Meeting Reports – none were given.

U. Executive Session

1. Motion by Lintz and seconded by Bies to go into Executive Session pursuant to SDCL 1-25-2(1) and SDCL 28-13-42. Executive Session started at 9:37 a.m. to discuss personnel and one indigent request and concluded at 10:30 a.m.
2. Motion by Hartman and seconded by Lintz to approve the indigent burial request in the amount of \$2,000. Motion carried, unanimous.

V. Adjourn

Motion by Lintz and seconded by Sorenson to adjourn the meeting at 10:34 a.m. The next meeting will be at 8 a.m. December 12, 2018, in the Commissioner’s Room in the Custer County Courthouse.

Phil Lampert, Chairman

Attest:

Terri Cornelison, Custer County Auditor

Published once at the total approximate cost of _____.