

Custer County Commission Meeting (Thursday, November 5, 2020)

Members present:

Commissioners Jim Lintz, Mark Hartman, Jesse Sorenson, Mike Linde, Craig Hindle and Commission Legal Counsel 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 Linde and seconded by Hartman to add an indigent burial request to the Executive Session and approve the agenda as amended; vote taken, all aye; motion carried.

C. Consent Agenda

1. Motion by Sorenson and seconded by Hindle to approve the minutes of the October 22, 2020 Commission Meeting, the following vouchers and monthly reports; vote taken, all aye; motion carried.

Vouchers approved as follows:

PAYROLL: Commissioners \$4,199.88; Election \$55.29; Auditor \$6,059.24; Treasurer \$7,294.39; Info Systems & Tech \$2,343.73; States Attorney \$8,295.39; Courthouse Building \$5,348.03; Director of Equalization \$8,725.60; Register of Deeds \$3,531.18; Veterans Service \$1,096.91; Human Resources \$1,332.73; Sheriff \$33,026.73; Coroner \$322.95; Library \$6,938.93; Extension \$297.86; Conservation \$191.74; Weed & Pest Control \$575.27; Planning \$6,330.51; County Road & Bridge \$30,245.74; Emergency Management \$5,813.81; Emergency Line F \$11,662.22

COMMISSIONERS: Southern Hills Publishing \$199.78

ELECTION: Southern Hills Publishing \$1,899.26

COURT APPOINTED ATTORNEY: Garland Goff \$781.05

COURT: Custer Ace Hardware \$106.54

DIRECTOR OF EQUALIZATION: Super 8 \$777

REGISTER OF DEEDS: Tyler Technologies \$4,943.14

PREDATORY ANIMAL: SD Department of Game & Fish \$782.09

SHERIFF: Black Hills Energy \$77.76; French Creek Supply \$27.98; Innovative Office Solutions \$35.57; Sonnel Technologies \$90

PRISONER CARE: Care Campus \$226

SEARCH & RESCUE: Custer City \$60.71

AIRPORT: Brenden Hendrickson \$7,333.32

LIBRARY: Southern Hills Publishing \$61

MUSEUM: Custer County Museum \$100,000

CUSTER YMCA: Custer YMCA Child Development Center \$57,000

WEED & PEST: Southern Hills Publishing \$209; Terry Matchin \$41.60

COUNTY ROAD & BRIDGE: A & B Welding \$10.80; Black Hills Energy \$85.06; McGas Propane \$74.55; Floyd's Truck Center \$15.16; French Creek Supply \$591; Fastenal Company \$40.49; Godfrey Brake \$36.91; Inland Truck Parts \$325.26; Lynn's DakotaMart \$44.60; Mt Rushmore Telephone \$117.62; Pheasantland Industries \$625.20; SD Department of Transportation \$1,729.61; Brosz Engineering \$7,340; Servall Towel & Linen \$113.13; Town of Buffalo Gap \$122; Snap on Tools \$129.50; Newberg Sawmill \$39; Black Hills Gravel \$24,560; Stern \$1,198.94; Mainline Contracting \$89,851.18; Matco Tools \$30; Twilight 1st Aid & Safety \$66.65; Nebraska Salt & Grain \$2,385.19; Great Western Tire \$1,662.09; Power Plan \$55.06

EMERGENCY MANAGEMENT: Custer Ace Hardware \$72.42

BUILDING: Custer City \$323.82; Hills Septic Service \$490; Nielsen Enterprises \$8,100

EMERGENCY LINE: Southern Hills Publishing \$127.60

NON-DEPARTMENTAL: City of Custer \$500

Monthly Reports approved:

- Register of Deeds October 2020 statement of fees with \$180 collected in state fees, \$20,482.25 in county fees, and \$508 for SDACO fees for a total of \$21,170.25
- The Auditor's report with the Treasurer for October 2020 as follows: Cash \$4,579.27; Checks/Drafts \$481,455.98 Petty Cash \$1,050; SD Fit \$520,388.17; 1st Interstate Bank checking \$194,678.37; 1st Interstate Bank Savings \$5,318,954.52; ED Jones MM \$202,686.31; 1st Interstate Flex \$61,766.63; 1st Interstate Investments \$37,981.70; Sentinel CU Checking \$208.03; Sentinel CU TIIA \$106,416.52; Sentinel CU Savings \$10,105.37; Highmark Investment \$153,844.39; Highmark Savings \$10,196.75; Highmark Checking \$5,000; Dacotah Bank Checking \$12,727.50; Dacotah Investments \$705,433.37; Ed Jones Investments \$2,768,322.40 for a total of \$10,595,795.28.
- Custer County Sheriff's October 2020 report: \$24 accident/accurint reports; \$60 basic concealed weapon permits; \$200 enhanced concealed weapon permits; \$30 gold concealed weapon permits; \$394.74 mileage; \$2,000 service fees; \$115 distress warrants; \$220 executions; \$6.80 postage fees; \$40 court ordered U/as; for a grand total of \$3,090.54.

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

E. Highway

1. The commission acknowledged the six-month employment probation completed by Jacey Woodward as Highway Equipment Operator and the position to be Full Time Permanent with all full-time county employee benefits.

F. Weed & Pest

1. Motion by Sorenson and seconded by Hindle to surplus the following items to be sold at an online auction:
 - 1998 Ford F800 Truck – Vin#1FDNF80C2WVA23820
 - 2 motors – 1 is a Honda
 - 4 hose reels
 - 200 gallon tank set up
 - Four-wheeler tank
 - Metal tool box

Vote taken, all aye; motion carried.

G. Sheriff

1. Motion by Hartman and seconded by Hindle to approve the new hire of Kyle Sim as a Full-Time Permanent Deputy Sheriff starting November 6, 2020 at a wage of \$21.26 per hour; vote taken, all aye; motion carried.

H. Commission Legal Counsel

1. Motion by Hartman and seconded by Sorenson to approve Resolution 2020-18; vote taken, Aye – Hartman, Sorenson and Hindle, Nay – Linde and Lintz; motion carried. Motion by Hartman to amend his motion to include carry instead of conceal carry; vote taken, all aye; motion carried.

Resolution 2020-18

RESOLUTION TO ALLOW POSSESSION OF FIREARMS IN OR ON THE COURTHOUSE AND COUNTY PROPERTIES IN CUSTER COUNTY

WHEREAS, the Custer County Commission (the “Commission”) recognizes the right to bear arms in accordance with state and federal laws afforded by the Second Amendment of the United States Constitution and Article VI, Section 24 of the South Dakota Constitution; and

WHEREAS, SDCL 22-14-23 prohibits any person who knowingly possesses any firearm or other dangerous weapon in any county courthouse except as provided in SDCL 22-14-24; and

WHEREAS, the 2020 South Dakota Legislature passed and the Governor signed into law SDCL 22-14-24(6) that allows the possession of a firearm in a county courthouse by employees of the county other than in any area in use under the supervision of the Unified Judicial System or employees of the Unified Judicial System; and

WHEREAS, SDCL 22-14-28 allows the county commission by a majority vote to elect to waive the provisions of SDCL 22-14-23 that apply to a county courthouse as well as supersedes SDCL 22-14-24(6) that governs county employees; and

WHEREAS, the Commission has the authority to enact, amend, and repeal such ordinances and resolutions as may be proper and necessary to carry into effect the powers granted to it by law; and

WHEREAS, pursuant to SDCL 22-14-28, the Commission believes it is in the best interest of Custer County to allow persons to possess firearms in or on the county courthouse and county properties in Custer County, except in areas of the Custer County courthouse that are in use under the supervision of the Unified Judicial System or employees of the Unified Judicial System.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County that persons are allowed to possess firearms in or on the county courthouse and county properties in Custer County, unless prohibited by law.

IT IS FURTHER RESOLVED that persons shall NOT possess a firearm or other dangerous weapon in areas of the Custer County courthouse that are in use under the supervision of the Unified Judicial System or employees of the Unified Judicial System, specifically, the Courtroom, Jury Room, Court Services Office, Clerk of Court's office on the first (1st) floor of the Custer County courthouse, unless otherwise permitted by law.

IT IS FURTHER RESOLVED that Custer County will not be liable for any wrongful or negligent act or omission related to the actions of persons who possess a firearm in or on the county courthouse and county properties of Custer County.

IT IS FURTHER RESOLVED that unless the specific job duties require it, the ability for a Custer County employee to possess a firearm in or on the county courthouse and county properties in Custer County is not within the scope of employment and is not a condition of employment, and does not require or encourage any Custer County employee who lawfully possesses a firearm to use it in defense of others.

This Resolution shall become effective on the twentieth (20th) day after its completed publication.

Dated this 5th day of November 2020 at Custer, South Dakota.

2. Motion by Hartman and seconded by Linde to approve the Amendment Number 1 to the Custer County Employee Handbook (Adopted on July 1, 2020); vote taken, all aye; motion carried.

I. Raffle Request

1. The commission acknowledged the Crazy Horse Memorial Foundation raffle request for their annual rifle raffle fundraiser and their annual motorcycle raffle fundraiser for the year 2021.

J. Auditor

1. Motion by Sorenson and seconded by Hindle to table the quote on the increase in Cyber Liability insurance policy; vote taken, all aye; motion carried.

K. 2020 General Election

1. Motion by Sorenson and seconded by Hindle to approve the 2020 General Election Canvass; vote taken, all aye; motion carried.

General Election - November 3, 2020 Custer County

Precinct Name	Presidential Electors		
	Donald J. Trump and Michael R. Pence - REP	Jo Jorgensen and Jeremy "Spike" Cohen - LIB	Joseph R. Biden and Kamala Harris - DEM
Precinct-01	863	25	249
Precinct-02	146	5	26
Precinct-03	150	2	59
Precinct-04	341	2	129
Precinct-05	523	17	212
Precinct-06	260	10	146
Precinct-07	160	7	80
Precinct-08	312	12	175
Precinct-09	963	35	404
Precinct-10	134	5	42
Total	3,852	120	1,522

Precinct Name	United States Senator	
	Mike Rounds - REP	Dan Ahlers - DEM
Precinct-01	884	249
Precinct-02	147	28
Precinct-03	150	54
Precinct-04	338	124
Precinct-05	537	208
Precinct-06	275	141
Precinct-07	161	81
Precinct-08	331	171
Precinct-09	1,011	387
Precinct-10	139	40

Total	3,973	1,483
	United States Representative	
Precinct Name	Dusty Johnson - REP	Randy "Uriah" Luallin - LIB
Precinct-01	928	165
Precinct-02	156	21
Precinct-03	167	31
Precinct-04	360	89
Precinct-05	586	125
Precinct-06	301	91
Precinct-07	187	47
Precinct-08	394	80
Precinct-09	1,120	219
Precinct-10	137	34
Total	4,336	902

	Public Utilities Commissioner		
Precinct Name	Gary Hanson - REP	Devin Saxon - LIB	Remi W. B. Bald Eagle - DEM
Precinct-01	817	59	201
Precinct-02	138	9	23
Precinct-03	142	6	53
Precinct-04	321	24	106
Precinct-05	487	51	176
Precinct-06	260	29	114
Precinct-07	151	18	66
Precinct-08	311	24	138
Precinct-09	942	72	325
Precinct-10	123	9	41
Total	3,692	301	1,243

	State Senator District 30	
Precinct Name	Julie Frye-Mueller - REP	A. Gideon Oakes - LIB
Precinct-01	776	276
Precinct-02	121	45
Precinct-03	131	53
Precinct-04	324	116
Precinct-05	440	249
Precinct-06	249	138
Precinct-07	140	85
Precinct-08	281	171
Precinct-09	920	368
Precinct-10	124	41
Total	3,506	1,542

		State Representative District 30	
		Trish Ladner - REP	Tim R. Goodwin - REP
Precinct Name			
Precinct-01		679	617
Precinct-02		115	112
Precinct-03		114	109
Precinct-04		273	256
Precinct-05		429	409
Precinct-06		219	213
Precinct-07		116	133
Precinct-08		252	282
Precinct-09		736	844
Precinct-10		106	100
Total		3,039	3,075
		SUPREME COURT RETENTION: SHALL JUSTICE STEVEN JENSEN REPRESENTING THE FIRST SUPREME COURT DISTRICT, WHOSE TERM EXPIRES JANUARY 1, 2021, BE RETAINED IN OFFICE?	
Precinct Name		Yes	No
Precinct-01		803	163
Precinct-02		131	24
Precinct-03		155	28
Precinct-04		330	75
Precinct-05		525	117
Precinct-06		275	85
Precinct-07		169	48
Precinct-08		358	80
Precinct-09		1,001	209
Precinct-10		135	23
Total		3,882	852
		Constitutional Amendment A: An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.	
Precinct Name		Yes	No
Precinct-01		514	599
Precinct-02		70	106

Precinct-03	93	114
Precinct-04	216	242
Precinct-05	370	374
Precinct-06	243	171
Precinct-07	134	111
Precinct-08	224	269
Precinct-09	665	722
Precinct-10	88	86
Total	2,617	2,794
	Constitutional Amendment B: An amendment to the South Dakota Constitution authorizing the Legislature to allow sports wagering in Deadwood.	
Precinct Name	Yes	No
Precinct-01	608	500
Precinct-02	86	90
Precinct-03	95	111
Precinct-04	255	200
Precinct-05	397	334
Precinct-06	245	172
Precinct-07	131	109
Precinct-08	257	234
Precinct-09	726	649
Precinct-10	93	78
Total	2,893	2,477
	Initiated Measure 26: An initiated measure to legalize marijuana for medical use.	
Precinct Name	Yes	No
Precinct-01	692	429
Precinct-02	98	80
Precinct-03	122	87
Precinct-04	294	167
Precinct-05	483	262
Precinct-06	303	111
Precinct-07	163	80
Precinct-08	312	182
Precinct-09	884	510
Precinct-10	113	62
Total	3,464	1,970

L. **Public Comment** – There were no comments from the public.

M. Commission

1. Mail call – Thank you card from the Library staff and the YMCA Childcare Center; Notice from Governor Noem on the state holiday schedule; and request from 1881 Courthouse Museum for

assigned funds. Motion by Hartman and seconded by Hindle to approve Thursday December 24th as a Holiday for all county employees; vote taken, all aye; motion carried.

2. Meeting Schedule – Fire Advisory Board meeting will be held Thursday, November 12th.

3. Meeting Reports – There were no meeting reports.

4. The commission acknowledged the following employees that have served Custer County for 5 years or more:

Employee	Years
Mark Hartman	11
Jim Lintz	9
Dawn McLaughlin	15
Troy Schmidt	6
Cinda Jones	6
Tracy Kelley	15
Lela Larson	24
Wendy McGowan	6
Robert Skinner	9
Karen Whitney	38
Teri Morgan	8
Jeff McGraw	8
Steve McMillin	13
Marty Mechaley	6
Ross Norton	7
Derrick Reifenrath	7
Doris Mertz	9
Mary Richards	24
Roberta Upton	13
Caley Buckert	6
Patrick Assmann	20
Cathy Carter	21
Kevin Treloar	12
Mike Carter	24
Joel Behlings	31
Nancy Cates	14
Michelle Lyon	10
Leslie Skinner	8
Terri Cornelison	5
Jim Kor	5
Dave Minzel	5

N. Old Business

1. Motion by Sorenson and seconded by Linde for Search & Rescue to remove all items from the storage building at the Highway Shop by December 31, 2020; vote taken, all aye; motion carried.

O. Executive Session

1. Motion by Sorenson and seconded by Linde to go into Executive Session pursuant to SDCL 1-25-2(1), SDCL 1-25-2 (4) and SDCL 28-13-42; vote taken, all aye; motion carried. Executive Session started at 9:18 a.m. to discuss personnel, contract negotiations and indigent requests and concluded at 10:30 a.m.

P. Actions Taken By Commission Outside of Executive Session

1. Motion by Sorenson and seconded by Hindle to deny Indigent Request #1 ; vote taken, all aye; motion carried.
2. Motion by Hartman and seconded by Sorenson to approve the Indigent Burial request in the amount of \$2,000; vote taken, all aye; motion carried.
3. Motion by Hartman to acknowledged the letter of resignation from Veteran Service Officer Jana Virtue effective November 18,2020 and to authorize the advertisement of the position; vote taken, all aye; motion carried.

Q. Adjourn

Motion by Linde and seconded by Hindle to adjourn the meeting at 10:37 a.m. The next meeting will be at 8 a.m. November 18, 2020 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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