

**Custer County Commission Meeting (Wednesday, March 10, 2021)**

**Members present:**

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies 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 Hartman and seconded by Hindle amend the agenda to include under Highway, approval of the SD DOT Highway Annual Bridge Re-Inspection Program Resolution and to approve the agenda as amended; vote taken, all aye; motion carried.

**C. Consent Agenda**

1. Motion by Bies and seconded by Linde to approve the minutes of the February 24, 2021 Commission Meeting, monthly reports and the following vouchers: vote taken, all aye; motion carried.

Vouchers approved as follows:

**PAYROLL:** Commissioners \$6,434.09; Auditor \$7,691.29 Treasurer \$9,814.52; Info Systems & Tech \$2,850.52; States Attorney \$12,387.81; Courthouse Building \$6,405.19; Director of Equalization \$11,782.24; Register of Deeds \$4,427.84; Veterans Service \$1,080.57; Human Resources \$2,097.17; Sheriff \$33,308.30; Coroner \$322.95; Nurse \$613.26; Library \$8,348.71; Conservation \$454.91; Weed & Pest Control \$1,819.64; Planning \$6,530.04; County Road & Bridge \$33,602.81; Emergency Management \$1,344.98; 24/7 Sobriety \$289.07; 911/Communications \$14,042.60

**GENERAL FUND:** Jerome Schottmuller \$113.68; SD State Treasurer \$361.50

**COMMISSIONERS:** Southern Hills Publishing \$231.09; Golden West Telecommunications \$29.07; SD Association of County Commissioners \$220

**AUDITOR:** Southern Hills Publishing \$25.69; Quill \$51.70; Golden West Telecommunications \$109.58

**TREASURER:** McLeod's Printing \$125.90; Golden West Telecommunications \$136.97

**INFO SYSTEMS & TECHNOLOGY:** Golden West Telecommunications \$54.79

**STATES ATTORNEY:** Lexisnexis \$348; Golden West Telecommunications \$136.97; Rapid City Police Department \$60

**COURT APPOINTED ATTORNEY:** Beesley Law Office \$719.95; Garland Goff \$259.45; Angela Colbath \$661.50

**COURTHOUSE BUILDING:** Custer Ace Hardware \$26.99; Golden West Telecommunications \$27.40

**EQUALIZATION:** McLeod's Printing \$68.76; Quill \$190.99; Golden West Telecommunications \$164.37; Vanguard Appraisals \$975

**REGISTER OF DEEDS:** Golden West Telecommunications \$109.83

**VETERAN SERVICE:** Golden West Telecommunications \$27.39

**INFO TECHNOLOGY:** Golden West Technologies \$7,606.51; Golden West Telecommunications \$10; Pitney Bowes \$462.57

**HUMAN RESOURCE:** Golden West Telecommunications \$27.40

**SHERIFF:** Black Hills Energy \$91.28; Southern Hills Publishing \$196.10; French Creek Supply \$294.47; Fedex \$15.81; Pennington County Sheriff \$408.48; McLeod's Printing \$289.90; Rushmore Communications \$126.63; Innovative Office Solutions \$195.51; Golden West Telecommunications \$442.86

**PRISONER CARE:** Pennington County Jail \$8,010; Western SD Juvenile Services \$780; Mary Seifert \$75; Satellite Tracking of People \$146.25

**SEARCH & RESCUE:** Custer City \$62.26; Golden West Telecommunications \$99.95

**AIRPORT:** Brenden Hendrickson \$4,066.67; Golden West Telecommunications \$113.83

**FOOD PANTRY:** Custer Storehouse \$875

**NURSE:** Southern Hills Publishing \$59.20

**LIBRARY:** Mt Rushmore Telephone \$132.82; Golden West Telecommunications \$185.90

**EXTENSION:** Quill \$111.75; Golden West Telecommunications \$123.73

**WEED & PEST:** Golden West Telecommunications \$27.39

**PLANNING:** Golden West Telecommunications \$109.58

**COUNTY ROAD & BRIDGE:** A & B Welding \$66.87; Black Hills Energy \$81.47; Southern Hills Publishing \$161.01; Diesel Machinery \$93.32; French Creek Supply \$266.79; Fastenal \$460.24; Grimm's Pump Service \$93.24; Inland Truck Parts \$624.38; Mt Rushmore Telephone \$118.07; Brosz Engineering \$3,710; Sturdevant's \$33.39; Town of Buffalo Gap \$61; Golden West Telecommunications \$228.92; Pop's Grocery Shoppe \$33.86; Stern \$987.10; Matco Tools \$65.95; Great Western Tire \$3,703.75; Forward Distributing \$50.35

**FIRE PROTECTION:** Argyle Fire Department \$11,000; Buffalo Gap Fire Department \$5,000; Dewey Fire Department \$2,500; Folsom Fire Department \$5,750; Highlands Fire Department \$5,750; Pringle Fire Department \$8,000; Jim Strain \$1,227

**EMERGENCY MANAGEMENT:** Southern Hills Publishing \$35.30; Golden West Telecommunications \$44.88

**BUILDING:** Custer City \$156.76; McGas Propane \$2,200.01; Adtech – Rapid Fire Protection \$436.65; Custer Ace Hardware \$129.99; A-Z Shredding \$20

**ROD MODERNIZATION & PRESERVATION:** Tyler Technologies \$134.40

**EMERGENCY LINE:** Golden West Telecommunications \$1,665.77

Monthly Reports approved:

- Register of Deeds February 2021 statement of fees with \$200 collected in state fees, \$16,174.50 in county fees, and \$394 for SDACO fees for a total of \$16,768.50.
- The Auditor’s report with the Treasurer for February 2021 as follows: Cash \$4,267.95; Checks/Drafts \$67,989.12; Petty Cash \$1,050; SD Fit \$520,405.33; 1<sup>st</sup> Interstate Bank checking \$99,796.87; 1<sup>st</sup> Interstate Bank Savings \$1,099,026.75; ED Jones MM \$272,535.31; 1<sup>st</sup> Interstate Flex \$61,766.63; 1<sup>st</sup> Interstate Investments \$37,981.70; Sentinel CU Checking \$208.03; Sentinel CU TIIA \$107,449.07; Sentinel CU Savings \$10,107.07; Highmark Investment \$154,214.03; Highmark Savings \$10,198.47; Highmark Checking \$5,000; Dacotah Bank Checking \$12,727.50; Dacotah Investments \$719,119.83; Ed Jones Investments \$2,701,937.24 for a total of \$5,885,780.90.
- Custer County Sheriff’s February 2021 report: \$10 fingerprinting; \$26 accident/accruing reports; \$24 basic concealed weapon permits; \$225 enhanced concealed weapon permits; \$252.94 mileage; \$1,220 service fees; \$25 distress warrants; \$220 executions; \$1,500 commissions earned on executions; for a grand total of \$3,502.94.

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

**E. Highway**

1. Motion by Hartman and seconded by Bies to approve the Bridge Reinspection Program Resolution For Use With SDDOT Retainer Contracts for Custer County to be part of the South Dakota DOT Annual Bridge Re-Inspection Program; vote taken, all aye; motion carried.
2. Motion by Linde and seconded by Hindle to approve the 2021 Application For Local Federal Bridge Replacement or Removal Funds to apply for the Federal Aid Bridge Program; vote taken, all aye: motion carried.
3. Motion by Hindle and seconded by Linde to approve the purchase from Butler Machinery Company, Rapid City, SD, of a new Caterpillar Model D5 Track Type Tractor for the amount of \$274,215, pursuant to Sourcewell Contract #032119CAT; vote taken, Aye: Hartman, Hindle and Linde; Nay: Bies; motion carried.
4. Motion by Hartman and seconded by Linde to approve the Application for Occupancy on the Right of Way of County Highways from Mt Rushmore Telephone Company for a fiber optic cable on Box Canyon Road, Bender Ridge Road, Thistle Ridge Road, and Eventide Court in Sections 32, 33 & 34 of T2S, R7E and Sections 3 & 4 of T3S, R7E, Custer County, South Dakota; vote taken, all aye; motion carried.
5. Motion by Hindle and seconded by Linde to approve the Application for Occupancy on the Right of Way of County Highways from Mt Rushmore Telephone Company for a fiber optic cable in Timber Ridge area in Sections 4, 5, & 32 of T2S, R7E and Sections 4, 5, & 32 of T3S,

R7E and Box Canyon Road area in Sections 5, 28, 32 & 33 of T2S, R7E, Custer County, South Dakota; vote taken, all aye; motion carried.

6. Motion by Bies and seconded by Hartman to approve the Application for Occupancy on the Right of Way of County Highways from Mt Rushmore Telephone Company for a fiber optic cable on Iron Mountain Road in Section 35, T2S, R6E, Custer County, South Dakota; vote taken, all aye; motion carried.
7. Motion by Hartman and seconded by Hindle to approve the Application for Occupancy on the Right of Way of County Highways from Mt Rushmore Telephone Company for a fiber optic cable on East French Creek and Bison Lane in Section 36, T4S, R9E, Sections 31, 32, & 33, T4S, R10E, Sections 1, 12, & 13, T5S, R9E, Sections 3, 4, 5, 6, 7, 8 & 18, T5S, R10E, Custer County, South Dakota; vote taken, all aye; motion carried.
8. Motion by Bies and seconded by Hindle to approve the Application for Occupancy on the Right of Way of County Highways from Golden West Telecommunications for a fiber optic cable on Dewey Road in Sections 20, 29 & 33, T6S, R1E, Custer County, South Dakota: vote taken, all aye; motion carried.
9. Motion by Bies and seconded by Linde to approve the Application for Occupancy on the Right of Way of County Highways from Russ Ballard for a water line on Williams Place in Section 33, T6S, R8E, Custer County, South Dakota; vote taken, all aye; motion carried.
10. Highway Superintendent Doyle also updated the Commission on N. Fairburn Road. Eleven core samples have been taken showing 9 of the 11 core samples had at least 12 inches of gravel and 2 of the 11 core samples had at least 8 inches of gravel. Highway Superintendent Doyle is researching appropriate base stabilization and magnesium chloride for this road.

#### **F. Weed and Pest**

1. Motion by Bies and seconded by Linde to approve and authorize the Chairman to sign the Participating Agreement Between Custer County and USDA Forest Service for spray up to 23 acres to control noxious weeds for the sum of \$3,000; vote taken, all aye; motion carried.

#### **G. Airport**

1. Motion by Linde and seconded by Hindle to approve and authorize the Chairman to sign Custer County's Airport Layout Plan that was approved by the Federal Aviation Administration; vote taken, all aye; motion carried.
2. Motion by Hindle and seconded by Hartman to approve the request from Commission Legal Counsel Anderson to authorize and approve the volunteer assistance from Rob McWhorter to assist Anderson with negotiations with the US Forest Service and other federal and state agencies to get the land currently leased by Custer County to be platted, appraised and purchased, pursuant to S. 47, Section 1006. Custer County Airport Conveyance; vote taken, all aye; motion carried.

#### **H. Custer Economic Development**

1. Tanya Olson, provided the Commission with the 2020 review of community and economic impacts created by the Custer Area Economic Development Corporation. Olson reported that the dentist will be starting her practice in Custer on June 1, 2021, with the potential

creation of up to five jobs. The addition of a dentist in Custer was the result of raising \$243,634 in Recruitment Assistance Program Grants. Additionally, \$31,620 was received in grants for health and wellness initiatives for the community as well as fifteen project and initiatives were implemented by 100+ volunteers and 8 partner organizations and that \$80,000 revolving loan funds are available for businesses in the area.

**I. Library**

1. Motion by Hartman and seconded by Bies to approve and authorize the Chairman to sign the Custer County Library's 2020 Annual Report; vote taken, all aye; motion carried. Doris Ann Mertz summarized 2020 activities, including providing resources and services to Custer County at a cost of \$29.72 per capita of county operating income (the state average is \$34.97 in 2019); providing an ROI of over \$4 for every county dollar of operating income provided to the library. The Custer County Library Foundation spent \$59,370 on the library addition, of which \$41,633 went toward construction expenses and \$17,736 went toward furnishings.

**J. Western SD Community Action & Custer Community Action Team**

1. Jim Olson presented the 2020 end-off-year report. In 2020, the Custer Community Action Team provided a total of 118,598 pounds of food to those in need. They logged 2,603.5 volunteer hours.

**K. 2021 Progress Edition**

1. Motion by Bies and seconded by Hartman to purchase for \$975 a full page ad in the 2021 Progress Edition published by the Custer Chronicle; vote taken, all aye; motion passed.

**L. Emergency Management**

1. Emergency Management Director, Steve Esser, provided the Commission with a summary of activities handled by the Emergency Management office during his first ten days in this position.
2. The Commission then recognized Rob McWhorter with a Custer County jacket in appreciation for his volunteer efforts providing interim emergency management administrative duties until the position of Emergency Management Director was filled by Steve Esser.

**M. Public Relations Position**

1. Motion by Bies and seconded by Hindle to approve the job description for the temporary part-time public relations position as well as approve Teresa Obenauer to fill such position at the rate of \$18 per hour with no additional benefits; the wage per hour will be increased by 5% when Ms. Obenauer obtains all her PIO certifications; and this position is covered in the emergency management services budget for 2021; vote taken all aye; motion carried.

**N. Custer County Search and Rescue**

1. Rick March read the letter to the Commission stating that he is stepping down as Director of Custer County Search and Rescue but will continue to volunteer for the organization. Sam Smolnisky was recommended by Mr. March to be appoint as Director of Custer County

Search and Rescue. The Commission thanked and commended Mr. March for his service to Custer County.

2. Motion by Bies and seconded by Hindle to appoint Sam Smolnisky as Director of the Custer County Search and Rescue volunteer organization; vote taken, all aye; motion carried.

**O. Raffle Request**

1. The Commission acknowledged the request from Heartland RV Park & Cabins to conduct Bingo with proceeds going to Parents of Addicted Loved Ones.

**P. Hermosa Arts & History**

1. Donna Evjen and Candace Leigh thanked the Commission for the allocation of \$50,000 from excess funds in the 2018 county budget. They provided an update on the matching grants they have received as a consequence of this funding as well as an update on the remodeling and refurbishing of their building, community projects conducted and publications of area history.

**Q. Auditor**

1. The Commission acknowledged the updated volunteer list of 1881 Custer County Courthouse Museum for workers' compensation coverage purposes.
2. Auditor Teresa Cornelison presented a pie chart and explanation of the break-down of 2020 taxes payable in 2021. The school districts' budgets comprise of 62% of the property taxes with the county's portion at 28%, towns at 7%, and fire districts at 2%. A discussion followed.

**R. Equalization**

1. Motion by Hartman and seconded by Bies to approve Abatement 2021-01A in the amount of \$1,739.60; vote taken, all aye; motion carried.
2. Motion by Bies and seconded by Hindle to approve Abatement 2021-02A in the amount of \$1,681.48; vote taken, all aye; motion carried.
3. Motion by Hartman and seconded by Linde Abatement 2021-03A in the amount of \$756.91; vote taken, all aye; motion carried.
4. Motion by Bies and seconded by Hartman to approve Abatement 2021-04A in the amount of \$4,024; vote taken, all aye; motion carried.
5. Motion by Hartman and seconded by Linde to approve Abatement 2021-05A in the amount of \$2,644.24; vote taken, all aye; motion carried.
6. Motion by Hartman and seconded by Bies to approve Abatement 2021-06A in the amount of \$54.17; vote taken, all aye; motion carried.
7. Motion by Hindle and seconded by Bies to table Abatement 2021-07A in the amount of \$753.61 to the March 24, 2021 meeting; vote taken, all aye; motion carried.
8. Motion by Hartman and seconded by Linde to table Abatement 2021-08A in the amount of \$62.08 to the March 24, 2021 meeting; vote taken, all aye; motion carried.
9. Motion by Hindle and seconded by Hartman to approve Abatement 2021-09A in the amount of \$190.40; vote taken, all aye; motion carried.
10. Motion by Bies and seconded by Hindle to table Abatement 2021-10A in the amount of \$533.35 to the March 24, 2021 meeting; vote taken, all aye; motion carried.
11. Motion by Linde and seconded by Hindle to approve 2021-11A in the amount of \$144.34; vote taken; all aye; motion carried.

12. Motion by Hindle and seconded by Linde to approve Abatement 2021-12A in the amount of \$140.86; vote taken, all aye; motion carried.
13. Motion by Hartman and seconded by Hindle to approve Abatement 2021-13A in the amount of \$567.33; vote taken, all aye; motion carried.
14. Owner occupied review: Director of Equalization Leah Vissia provided an update on the Owner occupied statute and application.

**S. Public Comment** – Several Custer County residents addressed the commission about concerns on the interpretation of SDCL regarding owner-occupied structures, 2021 assessments, and 2020 taxes payable in 2021. A discussion was held that included comments from Director of Equalization Leah Vissia, Auditor Terri Cornelison, and Register of Deeds Teri Morgan. Public comments were made by: Jerry Ramold, Keith Glover, Randy Chavez, David Reid, Dean Berger, Lea Ann McWhorter, and Tim Holland.

**T. Commission**

1. Mail call – A letter was received from the SD DENR for Notice of Intent to Conduct Mineral Exploration; a thank you was received from the Hermosa Senior Citizens thanking the Commission for the contribution to their organization.
2. Meeting Schedule –The 2021 Spring Workshop for County Commissioners will be held on March 17<sup>th</sup> & 18<sup>th</sup> in Pierre, SD with Commissioners Bies and Hindle registered to attend; the Fire Advisory Board Meeting will be held Thursday, March 11, 2021 at 6:30 at the SD Wildland Fire office in CSP.
3. Meeting Reports – Commissioner Hartman attended a courthouse inspection by the US Marshall Service; Commission Linde attended a tour of the regional landfill; Commissioner Lintz attended the Weed & Pest Board Meeting; and Commissioners Lintz and Bies attended the Fair Board meeting.

**U. Old Business**

1. Magnesium Chloride bids from the February 24, 2021 Commission Meeting. Highway Superintendent Jesse Doyle and Commission Legal Counsel Susan Anderson presented the Commission with findings of several SD statutes authorizing preference to resident bidders as well reciprocity with other states that have similar resident preference statutes. Wyoming Statute 16-6-102 authorize resident reciprocity within 5% of a low bid. Doyle also stated that a dollar spent locally will turn over locally approximately 7 times. Anderson stated that magnesium chloride is a chemical that is exempt from request for bid requirements. A discussion followed. The Commission took no action and the award of the magnesium chloride contract stands.

**V. Executive Session**

1. Motion by Hindle and seconded by Linde to go into Executive Session pursuant to SDCL 1-25-2(1) – personnel matter; vote taken, all aye; motion carried. Executive Session started at 11:22 a.m. and concluded at 11:58 a.m. with no action taken.

**W. Adjourn**

Motion by Hindle and seconded by Hartman to adjourn the meeting at 12 Noon. The next meeting will be at 8 a.m. March 24, 2021 in the Commissioner’s Room in the Custer County Courthouse.

\_\_\_\_\_  
Jim Lintz, Chairman

Attest:  
Terri Cornelison, Custer County Auditor

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