

Custer County Commission Meeting (Wednesday, March 24, 2021)

Members present:

Commissioners Jim Lintz, Mark Hartman, Craig Hindle, Travis Bies and Commission Legal Counsel Susan Anderson. Commissioner Linde was absent from the meeting.

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 Bies and seconded by Hartman to approve advertisement for job opening at the Highway Department, approve and authorize chairman to sign document to apply for additional CARES Act funding for the airport and acknowledge resignation of Nancy Cates as 911 Dispatcher and approve the amended agenda; vote taken, all aye; motion carried.

C. Consent Agenda

Vouchers approved as follows:

PAYROLL: Commissioners \$8,020.21; Auditor \$8,697.65; Treasurer \$11,365.40; Info Systems & Tech \$2,850.524 States Attorney \$12,387.78; Courthouse Building \$6,406.50; Director of Equalization \$11,589.01; Register of Deeds \$4,427.83; Veterans Service \$967.35; Human Resources \$2,099.29; Sheriff \$36,219.40; Coroner \$322.95; Nurse \$617.09; Library \$7,953.50; Conservation \$454.91; Weed & Pest Control \$1,989.03; Planning \$6,739; County Road & Bridge \$36,017.88; Emergency Management \$2,528.84; 24/7 Sobriety \$960.83; 911/Communications \$22,194.11

NON-DEPARTMENTAL: Kevin Klein \$1,739.60

COMMISSIONERS: Pitney Bowes \$3,965.24; Evergreen Office Products \$78.97

ELECTION: Tenex Software Solution \$1,250

TREASURER: Qualified Presort Services \$3,811.51

STATE'S ATTORNEY: Culligan Water \$37

COURT APPOINTED ATTORNEY: Justin O'Neill \$822.21; Skinner Law Office \$1,149.15

DIRECTOR OF EQUALIZATION: Quill \$201.79

INFO TECHNOLOGY: Golden West Technologies \$1,893.87; Schneider Geospatial \$2,715

HUMAN RESOURCE: BHE Custom Apparel \$79.88

SHERIFF: Black Hills Electric \$50.34; Fedex \$15.34; McLeod's Printing \$89.90; Culligan Water \$33.50; Nelson's Oil & Gas \$174; A-Z Shredding \$20; Great Western Tire \$495.96

PRISONER CARE: City of Rapid City \$80; Correct RX Pharmacy \$68.05

SEARCH & RESCUE: French Creek Supply \$85.06; Lynn's Dakota Mart \$19.05; Sander Sanitation \$14.76; Nelson's Oil & Gas \$333.01

AIRPORT: Amerigas \$435.86; Witts Heating & Air Conditioning \$167.35; Custer Ace Hardware \$41.99

MENTALLY ILL: Yankton County Sheriff \$50

MENTAL HEALTH CENTER: New Trails Ministry \$600

MENTAL ILLNESS BOARD: Beesley Law Office \$450; Darcy Lockwood \$18; Mark Katterhagen \$18; Lucy Lewno \$176.51

LIBRARY: Century Link \$15.88

EXTENSION: Erin McGlumphy \$509.53; Fall River County \$1,618.11

WEED & PEST: Black Hills Electric \$160.64

PLANNING: Quill \$306.98

COUNTY ROAD & BRIDGE: Black Hills Electric \$2,273.29; Butler Machinery \$364.30; Floyd's Truck Center \$65.93; French Creek Supply \$201.59; Godfrey Brake \$240.84; Golden West Technologies \$486.87; Inland Truck Parts \$1,368.76; Lynn's Dakota Mart \$3.49; S & B Motor Parts \$95.38; Kiefer Sanitation \$182.85; Servall Towel & Linen \$118.39; Custer Ace Hardware \$51.93; Stern \$559.30; Dale's Tire & Retreading \$1,585.12; Culligan Water \$40; Century Link \$15.89; Nelson's Oil & Gas \$2,638; Great Western Tire \$29.70; Forward Distributing \$52.20; CBH Cooperative \$894.90; Federal Safety Compliance \$298.50

24/7 SOBRIETY: SD Attorney General \$847

BUILDING: Black Hills Electric 839.81; Black Hills Energy \$1,513.49; McGas Propane \$476.51

EMERGENCY LINE: Culligan Water \$33.50; Century Link \$431.98

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

E. Highway

1. Motion by Hartman and seconded by Hindle to approve the Application For Occupancy on the Right of Way of County Highways from Black Hills Power for an overhead power line on Wind Song Valley Road in Section 8, T4S, R4E, Custer County, South Dakota; vote taken, all aye; motion carried.
2. Motion by Bies 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 in

the area of the Town of Fairburn in Section 19, T4S, R8E, and portion of East French Creek Road in Section 20, T4S, R8E, Custer County, South Dakota; vote taken, all aye; motion carried.

3. Motion by Hindle and seconded by Bies 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 LH Road and Taylor Ridge Road in Sections 5, 6, 8, 9, 13-17, 20-22 in T4S, R7E, Custer County, South Dakota; vote taken, all aye; motion carried.
4. 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 for a fiber optic cable on Cobb Road and Rittberger Road are in Section 5 & 6, T4S, R7E and Sections 20-21, 28-29 and 31-33 in T3S, R7E, Custer County, South Dakota; vote taken, all aye; motion carried.
5. Motion by Hindle and seconded by Bies to approve the advertisement for a Full-Time Equipment Operator position for the Highway Department; vote taken, all aye; motion carried.

F. Veteran Service Officer

1. Todd Fish, Veteran Service Officer, presented his 1st Quarter report for 2021 to the commission. Fish has seen an increase in new veterans registered in Custer County, completed records audit for 137 of 752 baseline registered veterans, assisted over 93 veterans as walk ins, filed 29 disability and/or pension claims and claims awarded in the amount of \$139,187.62.

G. Raffle Request

1. The commission acknowledged the request for a Gun Raffle fundraiser from the Custer Highlands Volunteer Fire Department.

H. Argyle Volunteer Fire Department

1. The commission acknowledged the updated roster for the Argyle Volunteer Fire Department.

I. Airport

1. Motion by Hartman and seconded by Bies to approve and authorize the chairman to sign the Request for FAA Approval of Agreement for Transfer of Entitlements for the Custer County Airport; vote taken, all aye; motion carried
2. Motion by Hindle and seconded by Bies to approve and authorize the chairman to sign documentation for Custer County to apply for additional CARES Act funds available; vote taken, all aye; motion carried.

J. Auditor/Treasurer

1. Motion by Hartman and seconded by Hindle to approve the addition of Barb Cox and Sarah Mowery and delete Monica Konkol and Christina Bohnet as signers on the Custer County First Interstate Bank checking account; vote taken, all aye; motion carried.

K. Custer County Search & Rescue

1. Sam Smolnisky, Director of Custer County Search & Rescue, presented the 2020 Annual Report. Search & Rescue had 78 calls, 22 training sessions, 40 volunteer members, 500+ training hours and 2,575 volunteer hours in 2020. The commission expressed their appreciation of all the volunteer work done by Custer County Search & Rescue.

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 from Brandette Hunsaker requesting to improve a portion of 66' wide Section Line Highway ROW, Running East to West starting at the intersection of South Fairburn Road, Lying in SE1/4 of Section 36, T4S, R7E and Section 36, T4S, R7E, running approximately 4,340 feet between Section 1, T5S, R7E and Section 36, T4S, R7E to the NW corner of Gov't Lot 4 laying in Section 1, T5S, R7E and the southern boundary of the E1/2 of Section 35, T4S, R7E, B.H.M., Custer County, South Dakota. Property owners in attendance encouraged the county to consider zoning to control development.
2. Motion by Hindle and seconded by Bies to approve Resolution 2021-08 Resolution authorizing improvement of Section Line Highway; vote taken, all aye; motion carried.

Resolution 2021-08

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 East to West starting at the intersection of South Fairburn Rd. Lying in SE ¼ of sec 36 T4S, R7E and Gov't Lot 1 Section 1 T5S, R7E, running approximately 4,340 feet between Section 1 T5S, R7E and Section 36 T4S, R7E to the NW corner of Gov't Lot 4 laying in Section 1 T5S, R7E and the southern boundary of the E ½ Section 35 T4S, R7E BHM 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 Brandette Hunsaker be and is hereby authorized to improve and maintain the existing section line road, known as Running East to West starting at the intersection of South Fairburn Rd. Lying in SE ¼ of sec 36 T4S, R7E and Gov't Lot 1 Section 1 T5S, R7E, running approximately 4,340 feet between Section 1 T5S, R7E and Section 36 T4S, R7E to the NW corner of Gov't Lot 4 laying in Section 1 T5S, R7E and the southern boundary of the E ½ Section 35 T4S, R7E BHM Custer County, South Dakota.

Citizens of Custer County, State of South Dakota, have presented to the Board of County Commissioners of Custer County a petition for the purpose of improving that portion of Section Line Highway Right - of - Way, Running East to West starting at the intersection of South Fairburn Rd. Lying in SE ¼ of sec 36 T4S, R7E and Gov't Lot 1 Section 1 T5S, R7E, running approximately 4,340 feet between Section 1 T5S, R7E and Section 36 T4S, R7E to the NW corner of Gov't Lot 4 laying in Section 1 T5S, R7E and the southern

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. Petitioner shall improve Section Line Highway Right-of-Way to Low Density Road Standards. (Per Ordinance #2)
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/Brandette Hunsaker.
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 24th day of March, 2021

3. Motion by Bies and seconded by Hartman to approve the Final Plat of Brandi Tract 3 of Section 1, T5S, R7E, B.H.M., Custer County, South Dakota; vote taken, all aye; motion carried.

M. Equalization

1. Motion by Hartman and seconded by Bies to approve Abatement 2021-07A in the amount of \$753.61; vote taken, all aye; motion carried.
2. Motion by Hindle and seconded by Bies to approve Abatement 2021-08A in the amount of \$62.08; vote taken, all aye; motion carried.
3. Motion by Bies and seconded by Hindle to approve Abatement 2021-10A in the amount of \$533.35; vote taken, all aye; motion carried.
4. Motion by Hindle and seconded by Bies to approve Abatement 2021-14A in the amount of \$260; vote taken, all aye; motion carried.
5. Motion by Hartman and seconded by Hindle to approve Abatement 2021-15A in the amount of \$2,124.06; vote taken, all aye; motion carried.

6. Motion by Hartman and seconded by Hindle to approve Abatement 2021-16A in the amount of \$1,552.82; vote taken, all aye; motion carried.
7. Motion by Bies and seconded by Hindle to approve Abatement 2021-17A in the amount of \$1,293.13; vote taken, all aye; motion carried.
8. Motion by Bies and seconded by Hindle to approve Abatement 2021-18A in the amount of \$1,329.47; vote taken, all aye; motion carried.
9. The commission acknowledged the completion of a six month employment probation by Appraiser Ron Remley.

N. Auditor

1. The commission acknowledged the completion of a six month employment probation by Deputy Auditors Barb Cox effective November 6, 2020 and Sarah Mowery effective February 12, 2021.

O. Custer County Employee Handbook

1. Motion by Hartman and seconded by Hindle to approve Amendment Number 2 to the Custer County Employee Handbook; vote taken, all aye; motion carried.
2. Sarah Frankenstein, Attorney with Gunderson Palmer Nelson Ashmore Law Office reviewed changes for the Custer County Employee Handbook.

P. Public Comment – Tom Patterson expressed his interest in purchasing a hangar at the Custer County Airport.

Q. Commission

1. Mail call – A letter from Black hills Resource Advisory Committee seeking applications for Title II projects; A letter from Black hills Regional Multiple Use Coalition regarding their upcoming Board of Directors meeting; Notice of SD School & public Lands Lease Auction.
2. Meeting Schedule – The Custer County Republican Central Committee will meet on Monday, April 5th at Lintz Brothers Pizza at 6 p.m.
3. Meeting Reports – Hindle attended the Commissioners Spring Workshop in Pierre, SD; Lintz attended the Fire Advisory Board meeting and a Weed & Pest Board meeting.
4. Buffalo Gap Volunteer Fire Department – Discussion was held on mutual aid for medical calls in the Buffalo Gap Fire response area. Emergency Management Director, Steve Esser, was instructed to contact adjacent districts to ensure mutual agreements are in place.
5. Motion by Hartman and seconded by Bies to approve and authorize the chairman to sign the second version of Resolution 2021-07 Resolution to Declare Custer County, South Dakota “Second Amendment Sanctuary County”; vote taken, all aye; motion carried.

Resolution 2021 - 07

RESOLUTION TO DECLARE CUSTER COUNTY, SOUTH DAKOTA

A

“SECOND AMENDMENT SANCTUARY COUNTY”

WHEREAS, the Constitution of the United States of America is the supreme law of our nation. The Second Amendment to the Constitution states “A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed”; and

WHEREAS, the Constitution of the State of South Dakota in Article 6, Section 24 states, “Right to bear arms. The right of the citizens to bear arms in defense of themselves and the State shall not be denied; and

WHEREAS, the right of the citizens to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution of the United States and under the Constitution of the State of South Dakota; and

WHEREAS, the right of the citizens to keep and bear arms for the defense of Life, Liberty and Property is regarded as an inalienable right by the citizens of Custer County, South Dakota; and

WHEREAS, the citizens of Custer County, South Dakota, derive substantial economic and personal benefit from all safe forms of firearm recreation, hunting and shooting conducted within Custer County, South Dakota as allowed under the United States and South Dakota Constitutions; and

WHEREAS, it is the desire of the Custer County Board of County Commissioners to declare its support of the Second Amendment to the Constitution of the United States of America and Article 6, Section 24 of the Constitution of the State of South Dakota protecting citizens’ right to keep and bear arms; and

WHEREAS, the Custer County Board of County Commissioners fully supports the Ninety-Sixth Legislature of the State of South Dakota Concurrent Resolution 607 which strongly favors and supports the constitutional right of citizens to own and possess firearms. It also firmly opposes any effort by the current administration of the United States to require the registration, confiscation and mandated sale of firearms, and any other unconstitutional restriction on the individual right to keep and bear arms; and

WHEREAS, the members of the Custer County Board of Commissioners took an oath to support and defend the Constitutions of the United States and of the State of South Dakota.

NOW, THEREFORE, BE IT RESOLVED that the Custer County Board of Commissioners strongly supports the Second Amendment of the Constitution of the United States and Article 6, Section 24 of the Constitution of the State of South Dakota and that the Custer County Board of Commissioners strongly believes that it is the right of the citizens of Custer County to keep and bear arms for the defense of life, liberty and property; and

FURTHER BE IT RESOLVED, to defend the rights and liberties of the citizens, the Custer County Board of Commissioners hereby declares Custer County, South Dakota to be a:

“Second Amendment Sanctuary County”; and

BE IT FURTHER RESOLVED, that no officer, official, or employee of Custer County, South Dakota may assist federal employees, agents, or officials in the enforcement of any Unconstitutional laws(s), regulation(s), or executive order(s) in violation of the above-referenced United States and South Dakota Constitutional provisions; and

BE IT FURTHER RESOLVED, that no officer, official, or employee of Custer County, South Dakota may expend or utilize in any way any funds derived from Custer County taxpayers to assist federal employee, agents, officials, in the enforcement of any unconstitutional law(s), regulation(s), or executive order(s) in violation of the above-referenced United States and South Dakota Constitutional provisions.

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

PASSED AND APPROVED ON this 24th day of March, 2021 at Custer, South Dakota.

R. Old Business

1. There was no old business to discuss.

S. Consult with outside legal counsel

1. Motion by Hindle and seconded by Hartman to go into Executive Session pursuant to SDCL 1-25-2(3); vote taken, all aye; motion carried. Executive Session started at 9:47 a.m. to consult with outside legal counsel and concluded at 10:45 a.m. with no action taken.

T. Adjourn

Motion by Hindle and seconded by Hartman to adjourn the meeting at 10:50 a.m. The next meeting will be at 9 a.m. April 6, 2021 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

Published once at the total approximate cost of _____.