

**Custer County Commission Meeting (Wednesday, April 14, 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 Linde and seconded by Hindle to add LEMPG COVI-19 Supplemental Grant approval to the Emergency Management agenda item and approve the agenda as amended; vote taken, all aye; motion carried.

**C. Consent Agenda**

1. Motion by Hindle and seconded by Hartman to approve the minutes of the March 24, 2021 Commission Meeting, minutes of the April 6, 2021 Special Commission Meeting, the following travel requests, vouchers and monthly reports; vote taken, all aye; motion carried.

Travel requests approved: Marty Mechaley, Steve McMillin & Jeff McGraw to training/Sheriff Conference in Deadwood, SD, at a cost of \$345.

Vouchers approved as follows:

**PAYROLL:** Pay Period ending 4/5/2021; Commissioners \$6,405.48; Auditor \$6,334.36; Treasurer \$10,967.62; Info Systems & Tech \$2,850.54; States Attorney \$12,744.86; Courthouse Building \$7,721.37; Director of Equalization \$12,440.35; Register of Deeds \$4,574.84; Veterans Service \$1,121.73; Human Resources \$2,130.30; Sheriff \$38,308.01; Coroner \$322.95; Nurse \$413.94; Library \$8,674.69; Conservation \$454.91; Weed & Pest Control \$1,819.64; Planning \$6,631.42; County Road & Bridge \$33,866.02; Emergency Management \$2,921.07; 24/7 Sobriety \$496.57; 911/Communications \$14,016.52

**COMMISSIONERS:** Southern Hills Publishing \$497.59; Catastrophic Legal Expense \$4,054; Golden West Telecommunications \$27.68; Custer Area Economic Development \$5,075.70; Gunderson Palmer Nelson Ashmore LLP \$15,255.08; Evergreen Office Products \$67.51

**COURT:** RO Investigation & Research LLC \$892.50

**AUDITOR:** Golden West Telecommunications \$108.88; Discovery Benefits \$150

**TREASURER:** Golden West Telecommunications \$138.48

**INFO SYSTEMS & TECH:** Golden West Telecommunications \$54.44

**STATE'S ATTORNEY:** Lexisnexis \$348; Golden West Telecommunications \$136.10; Culligan Water \$37

**COURT APPOINTED ATTORNEY:** Justin O'Neill \$3,807.09; Garland Goff \$2,101.45; Grey & Eisenbraun \$293.40

**COURTHOUSE BUILDING:** Mayer Plumbing \$66.38; Custer Ace Hardware \$14.43; Golden West Telecommunications \$27.22

**DIRECTOR OF EQUALIZATION:** Southern Hills Publishing \$309.42; Quill \$280.57; Golden West Telecommunications \$163.57

**REGISTER OF DEEDS:** Quill \$49.76; Golden West Telecommunications \$108.88; State of South Dakota \$36.75

**VETERANS SERVICES:** Quill \$30.99; Golden West Telecommunications \$27.22

**INFO TECHNOLOGY:** Golden West Technologies \$7,678.51; Golden West Telecommunications \$10

**HUMAN RESOURCE:** Division of Criminal Investigation \$86.50; Golden West Telecommunications \$27.22

**SHERIFF:** Black Hills Energy \$90.48; Southern Hills Publishing \$59.60; Fedex \$15.41; Pennington County Sheriff \$105; Golden West Telecommunications \$489.49; Dale's Tire & Retreading \$1,466.44; Culligan Water \$33.50; South Dakota Sheriff's Association \$345; Battle Mt Humane Society \$2,000

**PRISONER CARE:** Pennington County Jail \$5,375; Western SD Juvenile Service \$520; Mary Seifert \$150; Ann Allen \$150; Satellite Tracking of People \$266.50; Jacquelyn Nelson \$75; Linda Nohr \$75

**SAFETY OFFICER:** Custer Ambulance Service \$480; Southern Hills Fire & Safety \$572.50

**SEARCH & RESCUE:** Black Hills Energy \$945.76; Custer Do It Best \$61.07; Custer City \$62.26; French Creek Supply \$236.96; Lynn's Dakota Mart \$84.52; Sander Sanitation \$14.76; Custer Ace Hardware \$47.70; Larry Voecks \$108.31; Golden West Telecommunications \$99.95

**AIRPORT:** Custer Do It Best \$12.57; Southern Hills Fire & Safety \$326; Custer Ace Hardware \$29.56; Brenden Hendirckson \$3,766.67; Golden West Telecommunications \$114.02; MG Oil Company \$5,863.50

**SUPPORT OF THE POOR:** Avera Heart Hospital \$161.84

**NURSE:** Golden West Telecommunications \$300

**MENTALLY ILL:** Birmingham & Cwach Law \$526.35

**MENTAL ILLNESS BOARD:** Pennington County State's Attorney \$430; Beesley Law Office \$460

**LIBRARY:** Demco \$98.67; Mt Rushmore Telephone \$132.97; Golden West Telecommunications \$185.90

**ART GALLERY:** Custer Ace Hardware \$9.99

**EXTENSION:** Golden West Telecommunications \$123.92; Fall River County \$1,451.04; SDSU West River Ag Center \$148.52

**WEED & PEST:** Mayer Plumbing \$170; Golden West Telecommunications \$27.22

**PLANNING:** Southern Hills Publishing \$23.44; Golden West Telecommunications \$109.88

**COUNTY ROAD & BRIDGE:** A & B Welding \$10.64; Black Hills Energy \$73.54; Butler Machinery \$552.98; Southern Hills Publishing \$61.30; Diesel Machinery \$3,170; Floyd's Truck Center \$23.24; French Creek Supply \$837.15; Grimms Pump Service \$595; Inland Truck Parts \$1,756.82; Lynn's Dakota Mart \$12.76; Mayer Plumbing \$1470; Mt Rushmore Telephone \$118.22; Oberle's Radiators & Repair \$150; S & B Motor Parts \$68.98; SD Department of Transportation \$360.10; SD Federal Property \$34; Brosz Engineering \$4,172.50; Kieffer Sanitation \$182.85; Servall Towel & Linen \$234.91; Town of Buffalo Gap \$61; Hills Toilet Service \$240; Golden West Telecommunications \$223.39; Pop's Grocery Shoppe \$4.42; Stern \$688.16; Mick's Electric \$347.89; Boysun LLC \$614.97; Culligan Water \$59.50; Matco Tools \$162.50; Nelson's Oil & Gas \$3,930.84; Great Western Tire \$1,813.65; Dakota Fluid Power \$500.72; Northern Truck Equipment \$725.64

**FIRE PROTECTION:** Highlands Fire Department \$1,750; Pringle Fire Department \$4,547

**EMERGENCY MANAGEMENT:** French Creek Supply \$40.32; Quill \$783.33; Midwest Card and ID Solutions \$500; Golden West Telecommunications \$45.07

**DOMESTIC ABUSE:** WEAVE \$5,000

**BUILDING:** Black Hills Energy \$5,424.11; Custer City \$213.46; A-Z Shredding \$47.14

**EMERGENCY LINE:** Rushmore Communications \$330; Golden West Telecommunications \$1,554.74; Culligan Water \$40

**NON-DEPARTMENT:** Kenneth Kuyper VFW \$62.08

Monthly Reports approved:

- Register of Deeds March 2021 statement of fees with \$500 collected in state fees, \$26,561.25 in county fees, and \$540 for SDACO fees for a total of \$27,601.25.
- The Auditor's report with the Treasurer for March 2021 as follows: Cash \$3,256.94; Checks/Drafts \$72,117.62; Petty Cash \$1,050; SD Fit \$520,413.59; 1<sup>st</sup> Interstate Bank checking \$1,389,943.11; 1<sup>st</sup> Interstate Bank Savings \$2,089,036.84; ED Jones MM \$272,726.80; 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 \$107,483.75; Sentinel CU Savings \$10,107.89; Highmark Investment \$154,402.71; Highmark Savings \$10,199.31; Highmark Checking \$5,000; Dacotah Bank Checking \$12,727.50; Dacotah Investments \$719,119.83; Ed Jones Investments \$2,696,808.57 for a total of \$2,696,808.57.
- Custer County Sheriff's March 2021 report: \$10 fingerprinting; \$16 accident/accuring reports; \$42 basic concealed weapon permits; \$250 enhanced concealed weapon permits; \$342.71

mileage; \$1,290 service fees; \$50 distress warrants; \$240 executions; \$151.73 commissions earned on executions; \$13.60 postage; \$25 misc/other; for a grand total of \$2,441.04.

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

**E. Highway**

1. Motion by Linde and seconded by Bies to approve and authorize the chairman to sign the Cooperative Forest Road Agreement between Custer County and the USDA, Forest Service for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain Forest Roads in Custer County; vote taken, all aye; motion carried.
2. Motion by Bies and seconded by Hindle to approve and authorize the chairman to sign the Road Project Agreement between Custer County and the USDA, Forest Service for Cattle guard Cleaning – Repair & Replacement; vote taken, all aye; motion carried.
3. Motion by Hartman and seconded by Linde to approve the Application for Occupancy of the Right of Way of County Roads from Golden West Telecommunications for a telecommunications facility on Custer Limestone Road in Section 16, T3S, R4E, Custer County, South Dakota; vote taken, all aye; motion carried.
4. Motion by Hindle and seconded by Bies to approve the Application for Occupancy of the Right of Way of County Roads from Golden West Telecommunications for a telecommunications facility on Pleasant Valley Road in Section 7, T4S, R4E, Custer County, South Dakota; vote taken, all aye; motion carried.
5. Motion by Bies and seconded by Linde to go into Executive Session pursuant to SDCL 1-25-2(1); vote taken, all aye; motion carried. Executive Session started at 8:05 a.m. to discuss personnel and concluded at 8:10 a.m. with no action taken.
6. Jeremy Duff, attorney for WIRCON USA and Lookout Solar Park I, LLC appeared before the board to request a two year extension on the Application for Occupancy on the Right of Way of County Highways that was approved on May 23, 2019. Motion by Hartman and seconded by Bies to approve a two year extension on the Application for Occupancy on the Right of Way of County Highways from Lookout Solar Park I, LLC for a Right of Occupancy for underground power lines on Riverside Road, beginning from the East, from Section 36, T6S, R9E, B.H.M, Custer County, South Dakota at the Oglala Lakota County and Custer County border proceeding West for approximately 6.7 miles to 148<sup>th</sup> Avenue, then proceeding North along 148<sup>th</sup> Avenue for approximately 2.0 miles to Cottonwood Cutoff, then proceeding West along Cottonwood Cutoff approximately 2.0 miles to the NE4 of Section 15, T6S, R8E, B.H.M., Custer County, South Dakota. The line will end on Myron Lehr owned property in the SW4NW4 of Section 14, T6S, R8E, B.H.M., Custer County, South Dakota where it will connect to the Western Area Power Administration (WAPA) New Underwood to Wayside 230 kv Transmission Line (includes all conditions approved with the original application on May 23, 2019); vote taken, all aye; motion carried.

## **F. Planning**

1. Motion by Linde and seconded by Hindle to approve the Final Plat of Lot 2A and 2B of Bird Subdivision, Located in the NW4NE4 of Section 33, T2S, R7E, B.H.M., Custer County, South Dakota; vote taken, all aye; motion carried.
2. Motion by Hartman and seconded by Bies to approve the Final Plat of Olstad Tract of Battle Mountain Subdivision Revised, Located in the S2SE4 of Section 25, T6S, R5E, B.H.M., Custer County, South Dakota; vote taken, all aye; motion carried.

## **G. Weed & Pest**

1. Motion by Bies and seconded by Linde to approve and authorize the chairman to sign the Participating Agreement between Custer County and the United States Department of Agriculture Forest Service for Noxious Weed Treatments on 90 acres of noxious weeds on Black Hills National Forest lands in Custer County adjacent to private property; vote taken, all aye; motion carried.

## **H. Conservation**

1. Dave Thom, Chair of Board of Supervisors and Mike Baldwin, Custer County Conservation District Office Manager presented on the following:
  - USFS-Black Hills National Forest Timber Sustainability
  - Conservation Implementation Strategy
  - Resilient Forest Cost-Share Grants
  - USFS-Resource Advisory Committee grant application
  - Landowner workshop
  - Education

## **I. Airport**

1. Motion by Bies and seconded by Hindle to approve the transfer of the airport hangar lease #9 from Don Fogal to Charles T. Patterson and Margaret M. Prahli; vote taken, all aye; motion carried.
2. Motion by Hindle and seconded by Hartman to increase the annual rent of airport hangar space from \$0.15 per square foot to \$0.20 per square foot effective with the 2022 annual hangar lease agreements; vote taken, Aye - Linde, Hindle and Lintz; Nay – Hartman and Bies; motion carried.

## **J. Emergency Management**

1. Motion by Hartman and seconded by Linde to approve and authorize the chairman to sign the 2021 Custer County LEPC Grant document; vote taken, all aye; motion carried.
2. Motion by Bies and seconded by Hindle to approve and authorize the chairman to sign the State of South Dakota Department of Public Safety – Office of Emergency Management Local Emergency Management Performance Grant second quarter report; vote taken, all aye; motion carried.
3. Motion by Hartman and seconded by Bies to approve the first reading of Custer County Ordinance No. 20 with the second reading to be held at the April 28, 2021 Commission meeting; vote taken, all aye; motion carried.
4. Motion by Bies and seconded by Hindle to approve and authorize the chairman to sign the Emergency Management Performance Grant – COVID-19 Supplemental grant funding received

from the South Dakota Department of Public Safety in the amount of \$8,291.86 with a 50% reimbursable amount of \$4,145.93; vote taken, all aye; motion carried.

**K. Raffle Request**

1. The commission acknowledged the request from VFW Post 3442 for Queen of Hearts game for the remainder of the 2021 year.

**L. Volunteer Fire Departments**

1. The commission acknowledged the updated rosters for the Highlands Volunteer Fire Department and the Argyle Volunteer Fire Department.

**M. Auditor**

1. Motion by Hartman and seconded by Linde to approve Refund #2102-R in the amount of \$113.68; vote taken, all aye; motion carried.
2. Motion by Bies and seconded by Hindle to approve Abatement #2119-A in the amount of \$100; vote taken, all aye; motion carried.

**N. Indigent Request**

1. Motion by Bies and seconded by Linde to approve Indigent Requests #2021-02 and 2021-03 each in the amount of \$2,000; vote taken, all aye; motion carried.

**O. Public Comment** – Paul Gavic addressed the commission regarding a possible new construction of an airport hangar at the Custer County Airport.

**P. Commission**

1. Mail call – Letter received from Custer County Republican Central Committee in support of Resolution 2021-07; Letter from USDA regarding “Pine and Aspen Restoration Project”; Letter from Frank Schroth regarding assessments; Thank you from Kaylen Kieborz
2. Meeting Schedule – There will be a department head breakfast at Laughing Waters on Monday, April 19<sup>th</sup> at 9 a.m. with all commissioners invited to attend; School and Public Lands lease auction will be held Thursday, April 15<sup>th</sup> at 11:00 a.m. in the Custer County Commission room.
3. Meeting Reports – Commissioner Lintz attended a Weed Board meeting and a Fair Board meeting; Commissioner Hartman met with City of Custer Mayor elect Bob Brown.

**Q. Old Business**

1. Motion by Bies and seconded by Linde to approve and authorize the chairman to sign the Agreement for Placement of VHF Repeater System between Southern Black Hills Water System and Custer County; vote taken, all aye; motion carried.

**R. Adjourn**

Motion by Hindle and seconded by Linde to adjourn the meeting at 9:53 a.m. The next meeting will be at 8 a.m. April 28, 2021 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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