

Custer County Commission Meeting (Wednesday, July 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 Bies and seconded by Hindle to remove Item #2 under Old Business and add Commission Action as Item #2 under Platting, add Commission Action to form committee to study American Rescue Act Funds under Item American Rescue Act (Funds), add Executive Session pursuant to SDCL 1-25-2(1) personnel to item #4 under Commission and approve the agenda as amended; vote taken, all aye; motion carried.

C. Consent Agenda

1. Motion by Bies and seconded by Hartman to approve the minutes of the June 23, 2021 Commission Meeting, minutes of the June 28, 2021 Special Commission Meeting, the following vouchers and travel request; vote taken, all aye; motion carried.

Travel requests approved: Steve Esser to EM 102 Class in Pierre, SD, at a cost of \$174 and use of a county vehicle.

Vouchers approved as follows:

PAYROLL: Pay Period ending 6/20/2021; Commissioners \$8,022.16; Auditor \$7,705.78; Treasurer \$9,745.15; Info Systems & Tech \$2,850.54; States Attorney \$12,387.79; Courthouse Building \$7,317.84; Director of Equalization \$13,033.80; Register of Deeds \$4,427.81; Veterans Service \$1,080.57; Human Resources \$2,096.50; Sheriff \$41,144.89; Coroner \$322.95; Nurse \$291.30; Library \$9,209.43; Conservation \$451.91; Weed & Pest Control \$4,864.83; Planning \$5,670.88; County Road & Bridge \$35,037.77; Emergency Management \$2,713.23; 24/7 Sobriety \$1,069.37; 911/Communications \$15,229.55

Pay Period ending 7/05/2021; Commissioners \$6,380.51; Auditor \$8,077.94; Treasurer \$10,318.87; Info Systems & Tech \$2,850.53; States Attorney \$12,744.85; Courthouse Building \$6,753.06; Director of Equalization \$14,292.12; Register of Deeds \$4,574.85; Veterans Service \$874.74; Human Resources \$2,130.30; Sheriff \$44,638.87; Coroner \$322.95; Nurse \$590.25; Library \$8,899.81; Conservation \$451.91; Weed & Pest Control \$4,787.22; Planning \$5,715.18; County Road & Bridge \$36,371.34; Emergency Management \$2,971.49; 24/7 Sobriety \$1,249.67; 911/Communications \$16,440.44

NON-DEPARTMENTAL: SD State Treasurer \$397.48; Kevin & Glenda Jenniges \$294.23

COMMISSIONERS: Southern Hills Publishing \$123.21; Golden West Telecommunications \$28.26; Pitney Bowes Supplies \$237.98; CAN Surety \$525; First Interstate Bank Master Card \$120.98

ELECTION: Mt Rushmore Telephone \$19.10; Golden West Telecommunications \$14.14

COURT: Jurors: Sally Nordstrom \$41.84; Earl White \$49.40; Dean Weekley \$41.84; Melissa Kremer \$41.84; Cameron Smith \$41.84

AUDITOR: Southern Hills Publishing \$57.27; Golden West Telecommunications \$109.78; SD Department of Labor \$951.67; First Interstate Bank Master Card \$1,191.11

TREASURER: Golden West Telecommunications \$137.23; Quill \$106.31; First Interstate Bank Master Card \$1,016.56

INFO SYSTEMS & TECH: Golden West Telecommunications \$54.89

STATE'S ATTORNEY: Driver and Vehicle Records Division \$10.50; Lexisnexis \$348; Golden West Telecommunications \$137.23; Platte County Clerk of Courts \$4; Quill \$182.72; Culligan Water \$37; First Interstate Bank Master Card \$205.32

COURT APPOINTED ATTORNEY: Beesley Law Office \$557.55; Beesley Law Office \$891.15; Garland Goff \$421.50

COURTHOUSE BUILDING: Adtech –Rapid Fire Protection \$111.17; Golden West Telecommunications \$27.45; Culligan Water \$5.88; Custer Ace Hardware \$55.42; Culligan Water \$61.40; First Interstate Bank Master Card \$1,146.26

DIRECTOR OF EQUALIZATION: Quill \$396.88; Golden West Telecommunications \$164.68; Krohmer Agency Inc. \$50; Ramkota Hotel \$154; McLeod's Printing & Office Supply \$96.90; Quill \$1,717.92; SDAAO Treasurer \$2,230; First Interstate Bank Master Card \$264.99

REGISTER OF DEEDS: US Imaging \$60,706.26; Golden West Telecommunications \$337.10; State of South Dakota \$36.75; BHE Custom Apparel \$75; First Interstate Bank Master Card \$384.16

VETERANS SERVICES: Vector Design Print and Tech \$45; Golden West Telecommunications \$27.45; First Interstate Bank Master Card \$62.90

INFO TECHNOLOGY: Golden West Technologies \$10,518.51; Golden West Telecommunications \$10

HUMAN RESOURCES: Southern Hills Publishing \$38.60; Golden West Telecommunications \$27.45; Gunderson, Palmer, Nelson, Ashmore LLP \$908.12; Division of Criminal Investigation \$43.25; Evergreen Office Products \$46.59; First Interstate Bank Master Card \$10.02

SHERIFF: Black Hills Electric \$50.15; Black Hills Energy \$69.79; Pennington County Sheriff \$1,162.42; Children's Home Society \$450; Custer Ace Hardware \$54.14; Survival Armor \$1,622.40; Golden West Telecommunications \$284.60; Sonnel Technologies \$110; Dale's Tire & Retreading \$844.20; Culligan Water \$93; A-Z Shredding \$11.90; Innovative Office Solutions \$91.88; Battle Mt Humane Society \$1,000; First Interstate Bank Master Card \$2,722.09

PRISONER CARE: Pennington County Jail \$15,280.36; Mary Seifert \$150; Care Campus \$904; South Dakota Public Health Laboratory \$535; Satellite Tracking of People \$367.25; Mikayla Norton \$225;

Jacquelyn Nelson PBT \$75; Linda Nohr \$225; Kevin Kirschenmann \$75; City of Rapid City \$160; Ann Allen \$75; Redwood Toxicology Lab \$60

SEARCH & RESCUE: Black Hills Energy \$583.98; Custer Do It Best \$42.23; Custer City \$62.26; French Creek Supply \$16.07; Lynn's Dakota Mart \$363.32; Sander Sanitation \$29.52; Golden West Telecommunications \$99.95; Big D Oil \$20; First Interstate Bank Master Card \$48.47

AIRPORT: Butler Machinery \$283.39; Insurance Benefits \$3,644; Brenden Hendrickson \$3,666.67; Golden West Telecommunications \$113.83; Silverback Plumbing LLC \$420.84; Westmor Fluid Solutions \$62.61; MG Oil Company \$6,193.50

NURSE: SD Department of Health \$1,362.25

MENTALLY ILL: Yankton County Sheriff \$102.50

MENTAL ILLNESS BOARD: Creighton Thurman \$556.30; Mark Katterhagen \$15; Darcy Lockwood \$15; Kerri Cook-Huber \$50; Lucy Lewno \$116.51

LIBRARY: Mt Rushmore Telephone \$132.82; Golden West Telecommunications \$185.90; Black Hills Library Consortium \$1,470.70; Vector Design \$160; Century Link \$16.46; First Interstate Bank Master Card \$1,762.16

MUSEUM: Rosebud Construction \$20,930

EXTENSION: State 4-H Office \$27.50; Golden West Telecommunications \$123.73; Fall River County \$1,710.73; First Interstate Bank Master Card \$176.08

WEED & PEST: Black Hills Electric \$142.69; French Creek Supply \$17.26; S & B Motor Parts \$127.83; Golden West Telecommunications \$27.45; Culligan Water \$51.73; Warne Chemical & Equipment \$18; First Interstate Bank Master Card \$1,111.92

PLANNING: Southern Hills Publishing \$54.91; Golden West Telecommunications \$113.60; First Interstate Bank Master Card \$10,817

COUNTY ROAD & BRIDGE: A & B Welding \$503.25; Black Hills Electric \$790.52; Black Hills Energy \$76.73; Butler Machinery \$53,870.78; Custer Do It Best \$23.05; Diamond Mowers \$1,249.13; Floyd's Truck Center \$282.48; French Creek Supply \$1,047.04; Fastenal Company \$183.59; Godfrey Brake \$207.85; Grimms Pump Service \$883.45; Prairie Auto Parts \$103.08; Mt. Rushmore Telephone \$118.07; S & B Motor Parts \$1,538.88; SD Federal Property Agency \$4,118; Brosz Engineering \$675; Kieffer Sanitation \$371.18; Servall Towel & Linen \$246.66; Town of Buffalo Gap \$61; Snap On Tools \$146; Rockmount Research & Alloy \$974.86; Black Hills Gravel \$40,885; Custer Ace Hardware \$177.81; Golden West Telecommunications \$223.86; Acuity Specialty Products \$165.52; Pop's Grocery Shoppe \$10.39; Stern \$2,771.31; Frank Dooley \$250; Dale's Tire & Retreading \$169.30; Croell Inc. \$260,000; Culligan Water \$111.50; Advanced Drug Testing \$276; Great Western Tire \$131.70; Forward Distributing \$36.25; Inland Truck Parts \$42.35; Lynn's Dakota Mart \$12.47; Rosane Construction \$6,194.23; SD Department of Labor \$951.67; Equipment Blades Inc. \$805.50; Titan Machinery \$200; Century Link \$16.46; Matco Tools

\$237.95; Nelson's Oil & Gas \$4,444.60; MG Oil & Gas \$27,808.31; Great Western Tire \$222.95; Powerplan \$32.11; First Interstate Bank Master Card \$644.78

FIRE PROTECTION: Argyle Fire Department \$29,962; Custer Volunteer Fire Department \$28,570; Folsom Fire Department \$28,570; Highlands Fire Department \$28,570; Pringle Fire Department \$28,570

EMERGENCY MANAGEMENT: Golden West Telecommunications \$44.87; Genpro Energy Solutions \$877.47; Rushmore Communications \$275; First Interstate Bank Master Card \$378.64

24/7 SOBRIETY: Alcohol Monitoring System \$88.85; Pharmchem Inc. \$57.10; First Interstate Bank Master Card \$1,659

BUILDING: Black Hills Electric \$636.80; Black Hills Energy \$12,928.84; Custer City \$194.56; Convergent Technologies \$1,522.96; WL Hall CO Interior Service \$669.36; Knight Security \$8,594.57; A-Z Shredding \$40.74; Custer Ace Hardware \$459.90; Home Masters \$17,386.31; First Interstate Bank Master Card \$55.34

EMERGENCY LINE: Pheasantland Industries \$162.40; Golden West Telecommunications \$1,600.94; Culligan Water \$1,843.34; First Interstate Bank Master Card \$240.57

TREASURER'S TRUST: SD Department of Revenue \$75

Monthly Reports approved:

- Register of Deeds June 2021 statement of fees with \$950 collected in state fees, \$32,719.50 in county fees, and \$522 for SDACO fees for a total of \$34,191.50.
- The Auditor's report with the Treasurer for June 2021 as follows: Cash \$1,549.60; Checks/Drafts \$27,354.54; Petty Cash \$1,050; SD Fit \$520,413.59; 1st Interstate Bank checking \$52,271.47; 1st Interstate Bank Savings \$4,099,126.73; ED Jones MM \$273,303.97; 1st Interstate Flex \$61,766.63; 1st 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 \$2,695,062.36 for a total of \$8,789,129.61.
- Custer County Sheriff's June 2021 report: \$10 fingerprinting; \$30 accident/accuring reports; \$78 basic concealed weapon permits; \$400 enhanced concealed weapon permits; \$283.06 mileage; \$1,350 basic paper service; \$250 executions; \$10 CSO Ordered U/As fees; for a total of \$2,411.06.

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

E. Custer State Park

1. Jim Ganser and Kobee Stalder from the SD Game Fish & Parks presented a plaque to Sam Smolnisky with Custer County Search & Rescue in appreciation for their services in Custer State Park.

F. Highway

1. 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 W Argyle Road in Section 7, T6S, R4E, Custer County, South Dakota; vote taken, all aye; motion carried.
2. Motion by Bies 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 a residential driveway located in Section 2, T4S, R4E, Custer County, South Dakota; vote taken, all aye; motion carried.
3. Motion by Linde and seconded by Hindle to approve the Application For Occupancy of The Right of Way of County Roads from Golden West Telecommunications for a telecommunications facility on Boyle Road in Section 11, T6S, R3E, Custer County, South Dakota; vote taken, all aye; motion carried.
4. Motion by Hartman 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 Argyle Loop Road in Section 16, T6S, R4E, Custer County, South Dakota; vote taken, all aye; motion carried.
5. Highway Superintendent, Jesse Doyle, gave an update on the county wide sign project. The Highway Department has received some of the materials and the project will begin in the non-populated areas first.

G. Sheriff

1. Motion by Hindle and seconded by Linde to approve and authorize Sheriff Marty Mechaley to sign the State of South Dakota Services Contract/Agreement Department of Game, Fish & Parks General Services Contract for law enforcement assistance in Custer State Park for the period July 1, 2021 to June 30, 2022 in the amount of \$7,868.47 and the State of South Dakota Services Contract/Agreement Department of Game, Fish & Parks General Services Contract for communication services in Custer State Park for the period July 1, 2021 to June 30, 2022 in the amount of \$7,868.47; vote taken, all aye; motion carried.

H. Emergency Management

1. Motion by Hartman and seconded by Linde 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 for the 3rd Quarter of 2021; vote taken, all aye; motion carried.
2. Motion by Linde and seconded by Hindle to rescind Resolution 2021-05 Resolution Designating A Custer County Commissioner As Designee To Request Fire Suppression Assistance From South Dakota Wildland Fire, A Division Of The South Dakota Department of Agriculture and redo the resolution adding Emergency Management Director, Steve Esser as a Designee in addition to Commissioner Jim Lintz and to declare an emergency and new Resolution 2021-14 be effective immediately; vote taken, all aye; motion carried.

Resolution 2021 - 14

RESOLUTION DESIGNATING A CUSTER COUNTY COMMISSIONER AND EMERGENCY MANAGEMENT DIRECTOR AS DESIGNEES TO REQUEST FIRE SUPPRESSION ASSISTANCE FROM

**SOUTH DAKOTA WILDLAND FIRE, A DIVISION OF
THE SOUTH DAKOTA DEPARTMENT OF AGRICULTURE**

WHEREAS, the Commission had passed Custer County Resolution 2021-05 on February 10, 2021, that pursuant to SDCL 41-20A-11, designated Commission Chairman Jim Lintz as the county's designee to request from the state wildland fire coordinator assistance with suppression of any range fire within Custer County; and

WHEREAS, the Commission desires to repeal Custer County Resolution 2021-05 and replace it with this Resolution 2021-14 to add an additional designee; and

WHEREAS, pursuant to SDCL 7-18A-8, the Custer County Commission declares that the passage of this resolution shall take immediate effect for the immediate preservation of the public peace, health, and safety and to be vigilant in case of need for additional fire suppression resources for range fires within the county; and

WHEREAS, pursuant to SDCL 41-20A-11, a person designated by the board of county commissioners may request the state wildland fire coordinator to assist in the suppression of any range fire within the county; and

WHEREAS, pursuant to SDCL 41-20A-11, if any assistance provided by the wildland fire coordinator includes the use of more than six state employees and more than two vehicles, the county to which the assistance is given shall reimburse the coordinator for the reasonable expenses incurred; and

WHEREAS, the Custer County Commission desires to designate a Custer County commissioner and the Director of Emergency Management with the requisite authority to request the state wildland fire coordinator to assist in the suppression of any range fire within Custer County if such assistance is needed; and

WHEREAS, the Custer County Commission designee shall have the authority to obligate Custer County funds if such request requires resources over the wildland fire resources provided pursuant to SDCL 41-20A-11.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County that pursuant to SDCL 41-20A-11, the Custer County Commission designates Commissioner Jim Lintz or Steve Esser, Director of Emergency Management as its designees to request the state wildland fire coordinator to assist in the suppression of any range fire within the county, if such assistance is needed in Custer County; and

IT IS FURTHER RESOLVED that the Custer County designee shall have the authority to obligate Custer County funds if such requests requires resources over the wildland fire resources provided pursuant to SDCL 41-20A-11; and

IT IS FURTHER RESOLVED that such designation will continue for the designee's current term of office as a commissioner for Custer County and for the employment term for the Director of Emergency Management; and

IT IS FURTHER RESOLVED that pursuant to SDCL 7-18A-8, the Board of County Commissioners of Custer County declare that this resolution shall take immediate effect for the necessary preservation of the public peace, health, or safety of the citizens and visitors of Custer County.

This Resolution shall become effective on July 14, 2021.

Dated this 14th day of July, 2021 at Custer, South Dakota.

I. Airport

1. Motion by Hartman and seconded by Bies to approve and authorize the chairman to sign the State of South Dakota Department of Transportation Division of Secretariat Office of Air, Rail and Transit Agreement for Project No. 3-46-0011-016-2021; vote taken, all aye; motion carried.

J. Volunteer Fire Departments

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

K. Veteran Service Officer

1. Custer County Veteran Service Officer, Todd Fish, gave a 2nd Quarter update. Fish reported since January 1st there has been an increase of 47 new Veterans registered in Custer County. Fish is in the process of converting all registered Veteran files to digital records. January through June he assisted 229 veterans as walk-ins, teleconference or scheduled appointments. There were 122 approved awards totaling \$283,263.52. Veterans outreach included attendance to monthly American Legion Post 46 meetings, semi-annual attendance at Hermosa American Legion Post 303 and sponsored Patriot Alley Event on July 4th.

L. Auditor

1. The commission acknowledged the Petition for a minor adjustment to road district boundaries for the Saddleback Road District in total described as Broken Spur Subdivision Lot 2 located in the SE4NE4 & SW4NE4 of Section 31, T2S, R7E, Custer County, South Dakota.

M. 8:30 a.m. Public Hearing

1. A public hearing was held for a Petition For Vacation of Section Line Highway Right of Way from Lightning Creek Ranch, LLC to vacate that portion of the 66" section line Right-of-Way running north and south approximately 3,229 ft. along Sections 11 and 12, and that portion of the 66' section line right-of-way running east and west approximately 481.6 ft. between Section 11 and 14, all in T4S, R3E, Custer County, South Dakota, lying solely within the following: HES 219 (Less Lot 1 Sharkey Subdivision), T4S, R3E, B.H.M., Custer County, South Dakota; also that portion of the 66' section line right-of-way running east and west approximately 257.6 ft. along Sections 14 and 23, T4S, R3E, Custer County, South Dakota, solely lying within the following: Tract A of HES 453, embracing a portion of Sections 14 and 23, in T4S, R3E, B.H.M., Custer County, South Dakota. There was no one in attendance to either oppose or support the petition.
2. Motion by Bies and seconded by Hartman to approve Resolution 2021-12 Vacation of Section Line Highway Right of Way; vote taken, all aye; motion carried.

Resolution 2021-12

Vacation of Section Line Highway Right of Way

WHEREAS, application has been made for the purpose of vacating that portion of Section Line Highway Right- of- Way Running north and south approximately 3,229 ft. along Sections 11 and 12, and that portion of the 66' section line right-of-way running east and west approximately 481.6 ft. between Section 11 and 14, all in T4S, R3E, Custer County, South Dakota, lying solely within the following: HES 219, T4S, R3E, BHM, Custer County, South Dakota, as recorded in Book 11 of Deeds, Page 342, LESS Lot 1 of Sharkey Subdivision as shown on Plat filed in Book 12 of Plats, Page 219 filed at the Custer County Register of Deeds office; ALSO that portion of the 66' section line right-of way running east and west approximately 257.6 ft. along Sections 14 and 23, T4S, R3E, Custer County, South Dakota, solely lying within the following: Tract A of HES 453, embracing a portion of Sections 14 and 23, in T4S, R3E, BHM, Custer County, South Dakota, as shown on Book 13 Page 250, LESS Lot 1 of Tract A of HES 453 as referenced in Book 9, Page 124, filed at the Custer County Register of Deeds office.

WHEREAS, The Board of Custer County Commissioners have determined that the public's interest will be better served by vacation of this public access easement.

NOW THEREFORE< BE IT RESOLVED THAT The Custer County Board of Commissioners approves the vacation of the before mentioned public access easement.

Dated this 14th day of July, 2021

N. 8:45 Public Hearing

1. A public hearing was held for a Petition For Vacation of Section Line Highway Right of Way from Gregg Warne, Loran & Kristi Braun, & Ronald & Pat Gleiter to vacate said portion of Section Line Highway Right of Way running West to East starting at the Westerly point of Gregg Tract Revised and running East approximately 2,110 feet, thru Gregg Tract Revised, Braun Tract, and Gleiter Tract between Sections 5 and 8 to the Easterly edge of Gleiter Tract all within Pleasant Valley Ranch Subdivision, T4S, R4E, B.H.M., Custer County, South Dakota. There was no one in attendance to either oppose or support the petition.
2. Motion by Hartman and seconded by Hindle to approve Resolution 2021-13 Vacation of Section Line Highway Right of Way; vote taken, all aye; motion carried.

Resolution 2021-13

Vacation of Section Line Highway Right of Way

WHEREAS, application has been made for the purpose of vacating that portion of Section Line Highway Right- of- Way Running West to East starting at the Westerly point of Gregg Tract Revised and running East approximately 2,110 feet, thru Gregg Tract Revised, Braun Tract, and Gleiter Tract between sections 5 and 8 to the Easterly Edge of Gleiter Tract all within Pleasant Valley Ranch Subdivision, Township 4 South, Range 4 East, BHM Custer County South Dakota. All Referenced on 12 Plat 800 and 12 Plat 840, filed at the Custer County Register of Deeds office.

WHEREAS, The Board of Custer County Commissioners have determined that the public's interest will be better served by vacation of this public access easement.

NOW THEREFORE< BE IT RESOLVED THAT The Custer County Board of Commissioners approves the vacation of the before mentioned public access easement.

Dated this 14th day of July, 2021

O. Planning

1. Motion by Bies and seconded by Linde to approve the Final Plat of Fedele Tract of Hunsaker Subdivision, Located in the S2SW4 of Section 16, and the NW4NW4 of Section 21, all in T4S, R7E, B.H.M., Custer County, South Dakota; vote taken, all aye; motion carried.
2. Motion by Bies and seconded by Hartman to approve the Final Plat of Tract B1 Revised, and Tract B3 of GJH Subdivision, Located in the SW4 of Section 22, T4S, R7E, B.H.M., Custer County, South Dakota; vote taken, all aye; motion carried.
3. Motion by Linde and seconded by Hindle to approve the Variance from Ordinance #2's building and lot requirements, Article IV Section 1-7-A, in no case shall a lot be less than one (1) acre (45,460 Sqft) in size application from Beecher Rock, LLC. Applicant is requesting a Tract of .42

acres to build a parking space for guests to park and visit the Cemetery Lot; vote taken, all aye; motion carried.

P. Platting

1. Mark Nielsen appeared before the board to request approval of a plat. Planning Director, Terri Kester, recommended that the commission refer the plat to the Planning Commission before approval. Motion by Hartman and seconded by Hindle to approve a Plat of Preservation Tract, Commons Tract, Star Tract, and Lots 1 Thru 28 of Star Valley Estates Subdivision, Located in Sections 13 and 14, T4S, R4E, B.H.M., Custer County, South Dakota; vote taken, Aye – Hartman, Hindle and Bies; Nay – Linde; motion carried.

The time being 8:45 a.m., Commission Chairman Lintz asked if anyone was in attendance for the scheduled Public Hearing on the Petition for Vacation of Section Line Highway Right of Way; there was no one in attendance to either oppose or support the petition.

Q. States Attorney

1. States Attorney, Tracy Kelley, gave an update on the Victim's Advocate position that was approved at the December 30, 2020 Commission Meeting. Typically counties fill this as a separate position. Kelley reported the two staff that fill this position are completing the duties in addition to their other duties. Kelley feels the county is getting a break by combining this position with her current employees. The cost to fill this position separately would be a great expense to the county.

R. American Rescue Act (Funds)

1. Chet Ellsworth requested to present to the commission in regards to the American Rescue Act (Funds) – A Public Safety Issue. Ellsworth questioned the commission on the addition of items to the agenda including Commission Action to form a committee to study American Rescue Act Funds under Item American Rescue Act (Funds) as well as qualification of board and asked if anyone was recusing.
2. Motion by Hartman and seconded by Hindle to appoint Steve Esser, Todd Fish, Rob McWhorter, Roland Bauer and Travis Bies to form a committee to study the American Rescue Act; vote taken, all aye; motion carried.

S. Public Comment – Custer County Search & Rescue Director, Sam Smolnisky, reported on some water and mold issues in the basement of the Search & Rescue building.

T. Commission

1. Mail call – A letter from SD DOT regarding upcoming STIP meetings; Thank you card from Bob Sr. & Denise Morgan
2. Meeting Schedule – The Black Hills Association of County Commissioners/Officials will meet in Pennington County on Friday, July 16th.
3. Meeting Reports – Commissioner Linde attended a Solid Waste Board Meeting; Commissioner Lintz attended a Weed & Pest Meeting and a Fair Board Meeting; Commissioner Hartman attended a Custer County Housing Board Meeting.
4. 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 9:42 a.m. to Consult with Legal Counsel and concluded at 10:05 a.m. with no action taken.

5. The resignation of Susan Anderson as Commission Legal Counsel was put on hold as Anderson will transition out while the commission seeks a replacement.
6. Walter & Patricia Steele recited a letter they had sent to the Commission requesting the Commission to correct the valuation from the 2021 County Board of Equalization decision. The Commission directed Legal Counsel Anderson to work with the Steele's on a possible abatement.

U. Old Business

1. The Commission discussed correspondence between Commissioner Hindle and Judge Pfeifle regarding placement of the metal detector and identifying gun-free zones on court days; as well as areas of the courthouse where employees would be allowed to carry on non-court days.

V. 2018-2019 Audit

1. Bruce Hintz with SD Legislative Audit discussed his findings with the Board from the recent audit of the fiscal years 2018 and 2019. Motion by Bies and seconded by Linde to authorize the chairman to sign the Audit Management Letter to Legislative Audits; vote taken, all aye; motion carried.

W. Executive Session

1. Motion by Bies and seconded by Hartman to go into Executive Session pursuant to SDCL 1-25-2(1); vote taken, all aye; motion carried. Executive Session started at 11:24 a.m. to discuss Personnel and concluded at 12:40 p.m. with no action taken.

X. Adjourn

Motion by Hindle and seconded by Linde to adjourn the meeting at 12:45 p.m. The next meeting will be at 8 a.m. July 21, 2021 for 2022 Budget Requests in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest:

Terri Cornelison, Custer County Auditor

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