

Draft Minutes--Custer County Commission Meeting, Wednesday, October 13, 2021

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies , Dawn McLaughlin, Treasurer, and Commission Legal Counsel Susan Anderson.

A. Commission Meeting was called to order at 10:00 AM followed by the Pledge of Allegiance.
(Today's meeting was postponed until 10:00 AM due to inclement weather.)

B. Adopting of the agenda

1. Commission Legal Counsel, Susan Anderson, asked to make two amendments to today's agenda; to add land purchase agreement between Timothy and Dawn Holland and Custer County; and to add Todd Fish, Veteran's Service Officer to discuss the quarterly VSO report. Motion by Linde and seconded by Hindle to approve the agenda; vote taken; all aye; motion carried.

C. Consent Agenda

1. Motion by Hindle and seconded by Bies to approve the minutes of the September 22, 2021 Commission Meeting and the September 28, 2021 Special Commission Meeting; vote taken, all aye; motion carried.

Travel requests approved: Approval for Custer County Deputy Auditors to attend County Auditor's workshop/election school in Pierre, SD October 19 through October 21, 2021.

Vouchers approved as follows:

PAYROLL: Pay period ending 9/20/2021: Commissioners \$7,995.26; Auditor \$8,919.33; Treasurer \$12,152.30; Info Systems \$2,850.54; State's Atty \$12,744.86; Courthouse Bldg \$6,705.57; Director of Equalization \$14,116.16; Register of Deeds \$4,574.84; Veterans' Services \$1,142.31; Human Resources \$2,136.62; Sheriff \$42,929.23; Coroner \$322.95; Nurse \$544.27; Library \$8,710.86; Conservation \$454.91; Weed & Pest \$4,605.08; Planning \$7,636.23; County Road and Bridge \$35,550.07; Emergency Management \$2,650.88; 24/7 Sobriety \$368.42; Communications \$14,283.32. Pay period ending 10/5/2021: Commissioners \$6,409.12; Auditor \$4,506.96; Treasurer \$11,390.53; Info Systems \$2,850.53; State's Atty \$12,744.83; Courthouse Bldg \$6,870.45; Director of Equalization \$14,729.68; Register of Deeds \$4,574.83; Veterans' Services \$1,245.22; Human Resources \$2,130.33; Sheriff \$40,174.29; Coroner \$322.95; Nurse \$804.90; Library \$8,717.56; Conservation \$454.91; Weed & Pest \$4,348.34; Planning \$7,643.47; County Road and Bridge \$36,600.99; Emergency Management \$2,591.00; 24/7 Sobriety \$979.65; Communications \$13,648.39.

COMMISSIONERS: Southern Hills Publishing \$592.43; S&B Motor Parts \$149.99; Golden West Communications \$27.74; State of SD Dept of Legislative Audit \$19,684.25

COURT: Garland Goff \$601.40; Grey & Eisenbraun \$3,653.50; Angela Colbath \$381.50.

AUDITOR: Southern Hills Publishing \$46.95; Quill \$956.36; Golden West Communications \$108.74; SD Dept of Labor & Regulation \$66.73.

TREASURER: Southern Hills Publishing \$46.95; Golden West Communications \$137.92.

STATE'S ATTORNEY: Kayla Maruska \$82.80; Lexis Nexis \$359.00; Golden West Communications \$135.92; Culligan \$50.00.

COURTHOUSE BUILDING: Southern Hills Publishing \$60.10; Custer Ace Hdwe \$5.58; Golden West Communications \$27.18;

DIRECTOR OF EQUALIZATION: Golden West Communication \$163.10; Ramkota Hotel \$2,375.00.

REGISTER OF DEEDS: Golden West Communications \$108.74.

VETERANS SERVICES: Golden West Communications \$27.18; Ramkota Hotel \$154.00; Tyler Technologies \$449.00.

INFO TECHNOLOGY: Golden West Communications \$64.37; Golden West Technologies \$7,658.51.

HUMAN RESOURCES: Golden West Communications \$27.18; Evergreen Office \$49.35

SHERIFF: Black Hills Electric Co. \$67.47; Black Hills Energy \$67.18; Southern Hills Publishing \$46.95; French Creek Supply \$52.42; Pennington Co Sheriff \$87.50; Sherry Weber \$6.00; Custer Ace Hdwe \$5.99; Innovative Office Solutions \$59.64; Golden West Communications \$134.72; Stern Oil \$124.57; CAN Surety \$50.00; Culligan \$106.00; Battle Mt. Humane Society \$2,000.00.

PRISONER CARE: Pennington County Jail \$5,485.40; Satellite Tracking \$185.25; Ethan Bryan \$75.00; Anderson Auto \$87.00.

SEARCH & RESCUE: Black Hills Energy \$300.03; Custer City \$67.66; Lynn's Dakotamart \$334.50; Sander Sanitation \$17.36; Custer Ace Hdwe \$57.46; Golden West Communication \$95.95; Dunham Repair LLC \$1031.16.

AIRPORT: Grimm's Pump Service \$869.20; Brenden Hendrickson \$3,666.65; Golden West Communication \$113.50; Epic Aviation \$14,896.48; MG Oil Co \$7,228.50

LIBRARY: Mt. Rushmore Telephone \$132.56; Marco \$418.31; Golden West Communication \$142.07; American Library Assn \$175.00

CULTURE/RECREATION: Lynn's Dakotamart \$15.91

EXTENSION: Golden West Communication \$119.97; Erin McGlumphy \$715.11; Fall River County \$1,306.88.

WEED & PEST: Black Hills Electric Co. \$53.76; French Creek Supply \$7.49; Warne Chemical \$54.27; Golden West Communications \$27.18; Culligan \$3.39.

PLANNING: Quill \$81.83; Golden West Communication \$108.74.

COUNTY ROAD & BRIDGE: A&B Welding \$11.78; Black Hills Energy \$838.03; Butler Machinery \$13,240.54; Custer Do It Best \$29.67; Southern Hills Publishing \$51.10; Floyd's Truck Center \$104.51; French Creek Supply \$116.63; Grimm's Pump Service \$165.10; Golden West Technologies \$573.81; Mt. Rushmore Telephone \$119.81; Pheasantland Industries \$590.35; Quill \$53.45; S&B Motor Parts \$285.59; SD Public Assurance \$138.14; Kieffer Sanitation \$182.85; Servall \$248.64; Town of Buffalo Gap \$62.50; Snap On Tools \$59.00; Black Hills Gravel \$31,450.00; Custer Ace Hdwe \$14.58; North Central International \$88.05; Golden West Communications \$220.69; Stern Oil \$287.39; Honnen Equipment

\$64.16; Nelson's Oil & Gas \$25,568.58; Great Western Tire \$7,491.80; Trail King \$535.67; Pacific Steel & Recycling \$120.00; CBH Cooperative \$5,567.52.

EMERGENCY MANAGEMENT: Midwest Card and ID Solutions \$1,058.72; Golden West Communications \$44.55; Riverside Technologies \$895.00.

24/7 SOBRIETY: Redwood Toxicology \$40.00.

STATE GRANTS-GENERAL GOVERNMENT:

BUILDING: Black Hills Electric \$71.21; Black Hills Energy \$4,743.26; Custer City \$656.00; Adtech \$3,091.00

EMERGENCY LINE: Powerphone \$4,785.00; Golden West Communications \$499.43; Culligan \$86.50; Centurylink \$2.16.

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

E. Planning

Planning Director Terri Kester presented the following final plats and applications; recommendation for approval:

1. Meyer's Subdivision SW1/4, Section 27, T2S, R7E, BHM, Custer County, SD. Motion to approve by Bies; seconded by Hartman; vote taken, all aye; motion carried.
2. Application by AT&T for cell tower modification at Mt. Coolidge Lookout Tower, Sec 35, T3, R5. Motion to approve by Hindle; seconded by Linde; vote taken, all aye; motion carried.
3. Final plat of Star Tract (revised) and Lot 23R Star Valley Estates Subdivision, Sections 13 & 14; T4S, R4E, BHM, Custer County, SD. Motion to approve by Hartman, seconded by Bies; vote taken, all aye; motion carried.

F. Sheriff

1. Sheriff Marty Mechaley informed the Commission that Sgt. Matthew Warren resigned his position with Custer County, effective October 8, 2021, which the Commission acknowledged. Sheriff Mechaley also stated that David Clevenger has been promoted to Sgt. and that he would receive a pay increase of \$1.00 per hour, effective October 6, 2021. Motion made by Hartman to approve promotion and pay increase; seconded by Hindle; vote taken, all aye; motion carried.

2. Sheriff Mechaley presented the Commission with the 5-year contract with the State of South Dakota for office space at the East shop. Legal Counsel, Susan Anderson, stated that she has reviewed the contract and recommended approval. Motion by Hindle to approve contract; seconded by Linde; vote taken, all aye; motion carried.

3. Sheriff Mechaley informed the Commission that his department has purchased the following two vehicles from South Dakota Federal Surplus:

- 2014 Dodge Durango AWD \$18,400.00
- 2014 Ford Explorer 4X4 \$18,000.00

Motion by Bies to approve the purchase; seconded by Hartman; vote taken, all aye; motion carried.

Sheriff Mechaley stated that he had done research prior to the purchase and found these vehicles at a more reasonable price than other options. Mechaley also stated that orders for new vehicles from manufacturers have been cancelled or delayed indefinitely. Commissioner

Bies suggested that other departments looking to purchase vehicles also check into the surplus site as a possible cost-saving measure.

G. Communications

1. Sheriff Mechaley requested the Commission to approve the hire of Josephine Jeffs as full-time 911 dispatcher beginning October 4, 2021 at a non-certified wage of \$18.08 per hour. Motion by Hindle to approve; seconded by Hartman; vote taken, all aye; motion carried.

2. Mechaley stated that he would like to hire an additional dispatcher, bringing the full-time total up to 8. He stated that due to an increase in 911 calls, the additional personnel is needed. He also stated that having a full staff would decrease overtime hours currently used to make up for the shortage in 911 dispatchers. Additionally, he said that it takes up to a year to get dispatchers trained and certified. Motion by Hindle and seconded by Hartman to approve an additional full-time dispatcher position; vote taken, all aye; motion carried.

H. Highway

1. Highway Superintendent Jesse Doyle requested the Commission to approve the full-time hire of Gail Kay, with starting wage of \$21.00 per hour, to take effect at the beginning of the 2022 budget cycle. This full-time position will be in lieu of the current 3 part-time positions, which will no longer be utilized and will be eliminated. Motion to approve by Linde and seconded by Hindle; vote taken, all aye; motion carried.

2. Superintendent Doyle also asked to Commission to recognize Darcy Smith, who has been employed by Custer County for 38 years and will be retiring soon, at a future Commission meeting.

3. Superintendent Doyle presented the following ROW applications for approval:

a) Application for installation of water line by Fall River Water Users District on Highway No. 15/Downen Road; Section 21 & 22; Twp.45; R7E, Custer County, SD. Motion to approve by Linde; seconded by Bies; vote taken, all aye; motion carried.

b) ROW application by Mt. Rushmore Telephone Company to occupy North Fairburn Rd. to install/upgrade existing copper with fiber optic to better serve the Fairburn area. Motion to approve by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

c) Row application by Mt. Rushmore Telephone Company to occupy Brophy Road to install/upgrade existing copper with fiber optic. Because this falls within the boundary of the Brophy Road District, there was discussion between Doyle and Commission members as to who should handle this application approval. It was agreed that this ROW application should be tabled until Legal Counsel can research this request further. Motion to table request made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

I. 8:30 Public Hearing

1. Highway Superintendent Jesse Doyle held the Public Hearing at 8:30 AM, as posted, to discuss the 5-year plan for Custer County road maintenance and bridge improvement. Two members of the public were in attendance and well as many county employees. Doyle noted that the deadline to submit the plan to DOT is October 15, 2021. He also asked if there were any questions of the public in attendance at this time; there were no questions. He

summarized the 5-year plan. This submission is for planning purposes and that no motion needs to be made from the Commission at this time.

Commissioner Bies questioned the legality of holding the public hearing at 8:30 AM since the regular Commission meeting was postponed until 10:00 AM.; effectively holding the hearing outside of the Commission meeting. Commission Legal Counsel, Susan Anderson, advised that because this was a public meeting for public input only and properly advertised and posted and that Doyle did the right action to hold the meeting, as well as present at the Commission meeting that was delayed due to weather, and given the unusual action to delay the time of the Commission meeting this morning it was proper to hold the meeting and should stand as is. Commissioner Hindle contacted the State Department of Transportation and was told that the requirements were in fact met and that no further action need by taken by the Commission. Commissioner Hartman agreed that the plan should be submitted to DOT. Commissioner Bies requested it be noted for the record that he continued to question the legality of the meeting and would like further clarification; maintaining that the Public Hearing should have been held within the confines of the Commission meeting. Chairman Lintz said that this was an unusual circumstance as a consequence of his action to delay the time of the Commission meeting today and that Doyle made the right decision to conduct the public input meeting at 8:30 AM and again at this meeting.

J. Weed and Pest –

1. Michael Baldwin asked the Commission to surplus a Yamaha Big Bear ATV to Weed and Pest from Search and Rescue's surplused items; motion to transfer the Big Bear ATV from Search and Rescue to Weed and Pest by Linde and seconded by Hindle; vote taken, all aye; motion carried.
2. Baldwin requested the Commission to approve an auto-supplement to the Weed and Pest budget for \$3,000 from a \$3,000 USDA-Forest Service Grant from Account #101-348.10 to Account #101-4-615-426.50. Motion by Hartman and seconded by Linde; vote taken, all aye; motion carried.

K. Library –

Doris Ann Mertz, Library Director, requested the Commission to approve an auto-supplement to the Library for \$15,000 received from the American Rescue Plan Grant from Account #101-331.30 to Account #101-4-511-434.10; Account #101-4-511.435.00; and Account #101-4-435.10. Motion by Hindle and seconded by Linde; vote taken, all aye; motion carried.

L. Emergency Management –

3. Steve Esser, Emergency Management Director presented the quarterly LEMPG grant report and requested the Commission to approve the report and authorize the Chairman to sign the report before submission to the state. Motion by Hartman and seconded by Hinde; vote taken, all aye; motion carried.
4. Mr. Esser provided a summary a full-scaled exercise that was conducted with Pennington County on September 25, 2021. It involved first responders, including law enforcement, search and rescue, fire, ambulance and EMS. This is a requirement of the LEMPG.
5. The presentation by Jennifer Sietsema from the BH Council of Local Governments on the mitigation plan was tabled due to weather per a motion by Hindle and seconded by Bies; vote taken, all aye; motion carried.

6. Mr. Esser requested that the Commission surplus a 2000 travel trailer that was used as a command center be surplus with the search and rescue items for an on-line auction. Motion by Bies and seconded by Hartman; vote taken, all aye; motion carried.
7. The Chairman thanked Mr. Esser for assisting in assessing the weather and roads situation early this morning in the Chairman's determination to delay today's meeting due to the weather and road conditions from the weather event.

M. Auditor/Treasurer -

Anderson presented an Independent Contractor Agreement with Tracy Fish to review processes and procedures of duties required in the Auditor's Office and create best practices and procedure manuals. The terms of the agreement include the hourly remuneration of \$24.00 for up to 24 hours per week, and that Mrs. Fish report to McLaughlin with her findings and hours worked on these projects. McLaughlin recommended the Commission to approve this agreement and authorize the Chairman to sign this agreement. Thereupon, motion by Linde and seconded by Hindle to approve this agreement and authorize the Chairman to sign on behalf of Custer County; vote taken, all aye; motion carried.

N. Maintenance -

Motion by Hartman and seconded by Hindle to approve the full-time hire of Francis Caudy as maintenance tech at the starting wage of \$16.50 per hour and the 2022 pay scale wage of \$16.54; vote taken, all aye; motion carried.

O. Search and Rescue

Anderson provided an update on the items that were surplus at the last Commission meeting and that with the assistance of Highway Superintendent, these items will be placed on an on-line auction. She reiterated the Search and Rescue's request that the funds raised in this auction to be auto-supplemented to the Search and Rescue budget in the future to purchase similar replacement equipment.

P. Custer County Airport -

8. Anderson, Brenden Hendricksen, CUT Airport Manager, and Kent Penney, KLJ Engineering consulted apprised the Commission on the RFQ process that has to be started to negotiate contracts with airport project planners and airport engineering firms for the 2022-2026 timeframe. This is required by FAA regulations. Anderson stated that advertisement of Requests for Qualifications needs to be conducted and that a selection process that is required by FFA regulations needs to take place by year-end 2021. Motion by Linde and seconded by Bies to approve the RFQ advertisement process and selection process to commence; vote taken, all aye; motion carried.
9. Mr. Hendricksen told the commission that the newly acquired snow plow (that was previously surplus from Rapid City's airport) work well for this heavy, wet snow event.

Q. Public Comment - There was no public comment.

R. Commission

10. Mail call - McLaughlin apprised the Commission of the grand opening invitation for Custer's Bark Park to be held on October 15th at 3 PM.
11. Meeting Schedule - next Commission meeting is October 27, 2021 at 8 AM. McLaughlin will look into a meeting in Fall River County schedule for October 21, 2021 regarding ag taxation and potential legislative action.
12. Meeting Reports - None

13. Motion by Hartman and seconded by Linde to approve the first reading of Ordinance 25 as follows:

CUSTER COUNTY ORDINANCE NO. 25

**AN ORDINANCE COMBINING THE ELECTED OFFICES OF AUDITOR AND TREASURER
INTO ONE OFFICE AND ONE ELECTED OFFICIAL CALLED FINANCE OFFICER
SHALL PERFORM SUCH DUTIES IN CUSTER COUNTY**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY,
SOUTH DAKOTA:**

SDCL 7-7-1.2 authorizes that the board of county commissioners may, by ordinance, combine two or more county offices and that one person shall be elected to, and perform the duties of, combined offices.

The Board of County Commissioners of Custer County (the "Commission") has determined that it is in the best interest of Custer County to combine the offices of auditor and treasurer and have one official called Finance Officer perform such duties of the Auditor and Treasurer for the foreseeable future.


Pursuant to SDCL 7-7-1.3, the Finance Officer shall be nominated and elected at the next general election to the combined office in the same manner provided by law for the election of other county officers.

The elected Finance Officer shall hold office for a term of four years commencing on the first Monday of January following the election.

Pursuant to SDCL 7-7-1.3, the salary of the Finance Officer shall be the higher of either office combined.

This Ordinance No. 25 is hereby adopted by the Custer County Board of County Commissioners on this 13th day of October, 2021.

CUSTER COUNTY COMMISSION:



Jim Lintz, Chairman

ATTEST:



Barbara Cox, Deputy Auditor

First Reading: October 13, 2021

Second Reading:

Adopted:

Published:

Effective Date:

Chairman Lintz said that the time is now to combine the elected officials of Treasurer and Auditor to a Finance Officer for efficiencies and to correct issues brought forth by the recent state audit.

McLaughlin stated that this position would keep the lines of communication open between the auditor and treasurer's office and stressed that it is not to combine the personnel of each office but the Finance Officer would oversee both offices.

14. Anderson presented the Real Estate Purchase Agreement by and between the county and Tim and Dawn Holland for lots within the vicinity of the courthouse for future purposes as the county needs for future growth. The terms are close on January 3, 2022 for the purchase price of \$155,000 (which was the original listing price of these lots) and that the county would provide the closing documentation, including the drafting of the deed to transfer ownership. She recommended that the Commission approve this agreement and authorize the Chairman to sign the agreement on behalf of Custer County. Motion by Bies and seconded by Linde; vote taken, all aye; motion approved.

S. Old Business

15. Todd Fish, VSO, presented his 3rd quarter report of services provided to the veterans of Custer County. He summarized the number of cases he is handling as well as researching the military records of deceased veterans dating back to the Civil War so that the graves of these veterans have proper markers.

16. Mr. Fish also presented the current list of American Rescue Plan SLFRF Program projects proposed. He stated that McLaughlin and Esser have signed up in the US Treasury’s system so that funding could be provided within 30 days and that funding is distributed by the U.S. Treasury in 3 tranches over time. He asked the Commission to authorize him move forward with the initial documentation of projects 1-3 on the project list, as follows:
- a) Affordable Housing Utilities Sewer and Water at an approximate cost of \$650,000.
 - b) East Custer Sewer District Replace Pipe and Larger Culvert for Flood Mitigation at an approximate cost of \$500,000.
 - c) Custer Highlands Fire Station and School Water Well at an approximate cost of \$350,000.

Commissioner Bies spoke that he is uncomfortable to approve the majority of funds designated by projects 1 and 2 to be for Custer City. Mr. Fish stated that his request was not to approve these first 3 projects, but for the Commission to authorize him to develop initial scoping documentation for the projects for the Commission’s further review and action of the feasibility of each project. The Commission asked that a notice to the public be launched to garner additional project ideas from the public. Thereupon, motion by Hindle and seconded by Linde to authorize Todd Fish to move forward with initial scoping documentation for the above-referenced projects and that this is not approval of these projects at this time; vote taken, all aye; motion carried.

17. Motion by Bies and seconded by Linde to table the discussion of hearing to remove Brandon Cullum as alternate to the Planning Commission, pending further discussion with Mr. Cullem; vote taken, all aye; motion carried.

T. Executive Session – Motion by Bies and seconded by Linde to go into executive session for the purposes of SDCL 1-25-2(1)—personnel; vote taken, all aye; motion carried. Executive session began at 11:27 AM and concluded at 12:05 PM. There were no actions taken as the result of the executive session.

U. Adjourn -- Motion by Hindle and seconded by Linde to adjourn the meeting at 12:26 PM. The next meeting will be at 8 a.m. on October 27, 2021, in the Commissioner’s Room in the Custer County Courthouse.

 Jim Lintz, Chairman

Attest: _____

Barbara Cox, Custer County Deputy Auditor

Published once at the total approximate cost of _____.

