

Custer County Commission Meeting (Wednesday, November 10, 2021)

Members present:

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

A. Commission Meeting was called to order at 8:00 AM followed by the Pledge of Allegiance.

B. Adopting of the agenda

1. Register of Deeds Teri Morgan requested to amend the agenda to discuss a business lease. Motion to amend and approve Agenda made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

C. Consent Agenda

1. Motion by Bies to approve the minutes of October 27, 2021; seconded by Hindle; vote taken, all aye; motion carried.

2. Travel requests approved: None

3. Vouchers approved as follows:

PAYROLL: Pay period ending 11/5/21: Longevity Pay: Commissioners \$2,841.96; Treasurer \$2,066.88; Info Systems \$904.26; State's Attorney \$7,104.90; Courthouse Building \$1,291.80; Director of Equalization \$3,229.50; Register of Deeds \$1,162.62; Human Resources \$645.90; Sheriff \$4,908.84; Library \$2,196.06; Planning \$387.54; County Road and Bridge \$9,559.32; Emergency Line \$5,813.10. Pay Period ending 11/5/21 Regular Payroll: Commissioners \$8,409.11; Election \$238.55; Auditor \$5,565.45; Treasurer \$14,862.78; Info Systems \$2,850.54; State's Attorney \$13,101.88; Courthouse Building \$7,795.39; Director of Equalization \$15,758.19; Register of Deeds \$4,721.86 Veterans' Services \$1,029.10; Human Resources \$3,208.37; Sheriff \$36,452.56; Coroner \$322.95; Nurse \$586.42; Library \$9,428.81; Conservation \$454.91; Weed & Pest \$1,819.64; Planning \$8,932.27; County Road & Bridge \$38,307.68; Emergency Management \$2,639.46; 24/7 Sobriety \$1,297.35; Emergency Line \$17,227.63

COMMISSIONERS: Southern Hills Publishing \$252.47; Golden West Communications \$27.05; SD Association of Counties \$2,000.

COURT: Justin O'Neill \$4,366.37; Angela Cobath \$1,033.90

AUDITOR: Golden West Communications \$107.80; Tracy Fish \$1,728; Tyler Technologies \$12,989.92

TREASURER: Golden West Communications \$134.75; Tyler Technologies \$12,989.91

STATE'S ATTORNEY: Golden West Communications \$134.75; LexisNexis \$359.

COURTHOUSE BUILDING: Black Hills Chemical \$278.32; Custer Ace Hdwe \$61.71; Golden West Communications \$26.95; Black Hills Energy \$4,051.12; Freeman's Electric \$1,125.91; A-Z Shredding \$8.60

DIRECTOR OF EQUALIZATION: Southern Hills Publishing \$175.; Quill \$72.45; SDAAO Treasurer \$10; Tyler Technologies \$797.67

REGISTER OF DEEDS: Golden West Communications \$319.57; Tyler Technologies \$5,401.98

VETERANS SERVICES: Golden West Communications \$26.95

INFO SYSTEMS & TECHNOLOGY: Quill \$123.99; Golden West Communications \$53.90

INFO TECHNOLOGY: Golden West Communications \$10.00; Golden West Technologies \$8,220.32

SHERIFF: Black Hills Energy \$72.88; Pennington County Sheriff \$70.00; McLeod's Printing \$445.70; Rushmore Communication \$124.36; Liberty Superstores \$767.94; Golden West Communications \$279.51; SD Sheriff's Assn \$746.48; A-Z Shredding \$9.26; Great Western Tire \$490.88

PRISONER CARE: Care Campus \$452.00; SD Public Health \$175.00; Satellite Tracking \$243.75

AIRPORT: Custer Do-it-Best \$5.13; Southern Hills Publishing \$268.46; French Crk Supply \$39.98; Grimms Pump Service \$622.25; Custer Ace Hdwe \$119.99; Brenden Hendrickson \$3,666.66; Golden West Communications \$113.50;

LIBRARY: Mt. Rushmore Telephone \$132.56; Bywater Solutions \$515.00; Golden West Communications \$26.54;

HUMAN RESOURCES: Golden West Communications \$26.97; Evergreen Office \$47.76

MENTAL HEALTH CENTER: New Trails Ministry \$300.

PLANNING: Golden West Communications \$107.80

COUNTY ROAD & BRIDGE: A&B Welding \$70.65; Black Hills Energy \$86.25; Butler Machinery \$274,233.78; Southern Hills Publishing \$11.03; Diesel Machinery Inc \$3,679.18; Floyd's Truck Center \$115.72; French Creek Supply \$1,291.41; Mt. Rushmore Telephone \$117.81; Quill \$42.77; S&B Motor Parts \$1,478.98; Servall Towel & Linen \$122.34; Rosane Construction \$12,861.20; Custer Ace Hdwe \$5.49; Golden West Communications \$223.04; Stern Oil Co \$3,314.56; Grossenburg Implement \$263.10; Stellar Industries \$236.99; RDO Equipment \$26.71; Matco Tools \$57.30; Great Western Tire \$223.65; Northern Equipment \$2,349.22

EMERGENCY MANAGEMENT: Black Hills Energy \$24.21; Quill \$740.37; Rushmore Communications \$7,870.21; Freeman’s Electric Service \$703.57; Golden West Communications \$44.55; Riverside Technologies \$219.00

SEARCH & RESCUE: Black Hills Energy \$322.72; Custer Do-it-Best \$10.16; Sander Sanitation \$17.36; Custer Ace Hdwe \$21.97; Golden West Communications \$95.95;

EXTENSION: Golden West Communications \$119.69; Fall River County \$1,803.52

WEED & PEST: Golden West Communications \$26.95; Culligan Water \$6.50

24/7 SOBRIETY: Redwood Toxicology \$516.00

EMERGENCY LINE: Pheasantland Industries \$78.47; Golden West Communications \$410.46

NON-DEPARTMENTAL: State Treasurer \$34.22

ELECTION: Knowlink, LLC \$3,199.35

CULTURAL/RECREATION: Custer Ace Hdwe \$23.76

D. Conflict of Interest Declarations –None

E. Sheriff

1. Sheriff Mechaley requested approval of new hire, Kourtnee Arndt, as full-time 911 dispatcher at an uncertified rate of \$18.08/hour; effective as of November 7, 2021. Motion to approve by Hindle; seconded by Linde; vote taken, all aye; motion carried.
2. Sheriff Mechaley expressed his appreciation to the town of Hermosa for its dispatch cost-sharing. He presented the Commission with the Agreement for Dispatch Services and recommended approval of such. Motion by Hartman to approve agreement; seconded by Bies; vote taken, all aye; motion carried.

F. Highway

1. Highway Superintendent, Jesse Doyle, updated the Commission on the Right of Way application by Mt. Rushmore Telephone Co to occupy Brophy Rd. to install and update existing copper with fiber optic. This was previously presented, but because Brophy Rd is located within a road district, the issue was put on hold until further research into the legality of ROW occupation could be made. It was determined that Custer County does have the right of way in all road districts and motion to approve Mt. Rushmore Telephone’s request was made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.
2. Superintendent Doyle reported that he met with the Custer State Park Superintendent to discuss a proposal regarding mutual assistance with a chip seal project on Playhouse Road. Doyle recommended the county chip seal its portion of Playhouse Road in conjunction with Custer State Park’s portion. He noted that CSP would need to request

funds from SD DOT for the fiscal year 2023. He also stated that this is a much-needed project.

3. Doyle presented the Commission with information regarding GF&P snow removal on Ditch Creek. He stated that the county has had a contract with GF&P for several years to plow to the warming house on the snowmobile trail, but does not have a contract with the USFS. Doyle stated that he would like to see the warming house moved to the intersection of Elliott and Ditch Creek, where the county currently plows to the mailboxes and to keep that portion of the road open for the USPS.

4. The Commission acknowledged highway employee, Steven Kay, who has completed his six-month probation.

G. YMCA

1. Janet Boyer and Rex Jorgensen appeared on behalf of the YMCA and thanked the Commission for its contribution to the YMCA. They also requested that Custer County have a representative on the YMCA board. Meetings are held on the 4th Tuesday of each month at 4:30 PM and the liaison does not have to appear in person. Commissioner Bies volunteered to represent Custer County as liaison.

H. Weed & Pest

1. Michael Baldwin, Weed & Pest director, requested a \$3,000.00 budget supplement for monies received from the US Department of Agriculture Forest Service as follows: \$1,825.00 101-4-615-411.00 and \$1,175.00 101-4-615-426.00. The supplement is for spraying in the Buffalo Gap National Grasslands. Motion to approve request by Linde; seconded by Bies; vote taken, all aye; motion carried. Commissioner Hartman inquired about the possible purchase of new equipment for the Weed & Pest department, but Baldwin informed the Commission that the equipment is not yet available.

2. Baldwin informed the Commission that there is an opening on the Weed & Pest Board and Commissioner Hartman suggested posting an ad for fulfillment of that opening.

3. Baldwin also discussed the County's 50% cost-sharing with landowners purchasing chemical for weed eradication and suggested raising that cost-sharing to 65% due to currently available funds. He stated that the board has not committed to cost-sharing for prairie dog eradication due to unsure high-costs of the program. He has not yet received any information back from landowners regarding this matter.

I. State's Attorney

1. State's Attorney, Tracy Kelley, presented the Commission with a proposed Opioid Settlement sign-on. She recommended that Custer County complete the necessary steps to join this settlement, which amounts to \$22 Billion nationwide. There is, however, no guarantee that this settlement will go through. She stated that it is imperative that counties and local governments join in to increase the probability of receiving monies. She stated that Custer County would likely not be funded directly, but would receive indirect benefits; for example: first responders would have access to Narcan to administer in certain cases, together with similar benefits.

J. Auditor/Treasurer

1. Dawn McLaughlin requested the approval of new full-time Deputy Treasurer, Liliana Puente Chavoyo at a rate of \$14.17 per hour. Motion to approve by Hindle; seconded by Linde; vote taken, all aye; motion carried.

K. Maintenance

1. Approve new hire, Joseph Panza, as full-time maintenance tech at \$16.54 per hour. Motion to approve by Hartman; seconded by Hindle; vote taken, all aye; motion carried. Timothy Holland, Human Resource Director, stated that Mr. Panza will be training for the Maintenance Director position, as the current director has previously given his verbal resignation.

L. Register of Deeds

1. Teri Morgan, Register of Deeds, discussed plans for the upcoming Christmas Party. This event will take place at Crazy Horse on December 3, 2021. She requested that the Commission approve the sale of raffle tickets for prize-drawings at the party. Tim Holland, HR, stated there will be firearms included in the raffle and would check with Sheriff Mechaley as to protocol. Motion to approve the sale of raffle tickets made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

2. Morgan apprised the Commission of a new 5-year lease estimate with A&B Business, which includes upgraded equipment in some cases, and includes a higher document printing count. She stated she was able to negotiate a better rate on two Ricoh copiers, as well. Commissioner Hindle questioned the need for one of the copiers, and was informed that there is one office that currently has a non-working copier, showing necessity for the purchase.

M. 1881 Museum

1. Oonagh Wood and Rick Wheeler appeared before the Commission to discuss the Current outdated lease between the Museum and Pizza Works and that portion of the vacated alleyway. It was stated that Pizza Works is selling the business and that the lease needs to be updated. The possibility of the county selling the vacated alley was addressed, as it was stated the alley is not of use to the Museum. Commissioner Hartman moved that the issue be tabled until further research could be made by legal counsel, Susan Anderson, on the sale of the vacated alley; seconded by Hindle; vote taken, all aye; motion carried.

N. Airport

1. Anderson provided an update to the Commission on the CUT RFQ engineering and planning process. Two proposals were received by the November 9th deadline. They are KLJ and Mead and Hunt. The review and selection committee will get to work to evaluate these proposals and provide its recommendation to the Commission at the November 24, 2021 Commission Meeting. Also, Anderson recommended that Roger Motzko be added to the committee because of his background with the FAA. Motion by Hindle and seconded by Hartman to add Roger Motzko to the CUT RFQ Review and Selection Committee; vote taken, all aye; motion carried.

O. Planning

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

1. Dave & Bonnie Tract of Fort Creek II Subdivision; NW1/4 Sec 13 & NE1/4 Sec 13 and NE1/4 Sec 14, all in T3S, R3E, BHM, Custer County, SD. Motion to approve by Hindle; seconded by Hartman; vote taken, all aye; motion carried.
2. Hunsaker Tract 1; Hunsaker Tract 2; Hunsaker Tract 3 and private access Easement, located in Sec 4, T5S, R7E, BHM, Custer County, SD. Kester Recommended the Commission table approval until the applicants sign the documents. Motion to table approval made by Linde; seconded by Hindle; vote taken, All aye; motion carried.
3. Lot 7R and Lot 8R of Ghost Canyon Subdivision, located in NE1/4 NE1/4 Sec 31, T2S R7E, BHM, Custer County, SD. Motion to approve made by Bies; seconded by Linde; vote taken, all aye; motion carried.
4. Shields Tract and Deerfield Tract, Located in Sec 7, T6S, R4E, BHM, Custer County, SD.
Motion to approve made by Hartman; seconded by Bies; vote taken, all aye; motion carried.
5. Twisted Pine Tract North and Twisted Pine Tract South, located in Govt. Lot 4, Section 7 and Govt. Lot 1, Govt. Lot 2, E1/2 NW1/4 SW1/4 NE1/4 and NW1/4 SE1/4 Section 18, all in T6S, R4E, BHM, Custer County, SD. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.
6. Shawn and Marla Nacey request for variance from Ordinance #2 setbacks from Property line. Property owner is asking to build home 5-feet from property line. Commissioner Hartman said the the USFS is the neighboring property and has no issue with the request. Planning Director Kester said that there is no flooding issue with the property. After some discussion, Hartman made a motion to approve the request; seconded by Lintz; vote taken, all aye; motion carried.
7. Cell tower modification—Mt. Coolidge Lookout Tower, Sec 35, T3, R5, Custer County, SD. Applicant: Verizon—to install new antennae. Applicant is compliant. Motion to approve installation of new equipment made by Hindle; seconded by Linde; vote taken, all aye; motion carried.
8. Request for advertisement—Planning Commission. Kester informed the Commission there are currently 3 Board members whose terms end in December, 2021. The Commission gave approval to place an ad to generate interest in these positions.

P. 9:30 AM Public Hearing

1. Resolution 2021-21: Sara Wanke, Mary Woytassek and Larry Parquet request for Vacation of Section Line Highway ROW, located in Sidney Park Residential Subdivision, Custer County, SD. Planning Director Kester presented the Commission with the necessary documentation and stated that the Notice has been published on 10-27-2021 and 11-3-2021; that the adjacent landowners were notified by certified mail; and that the Petition has all the necessary signatures. Kester also stated that there are no access issues to any landowners. Motion to approve said vacation was made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. There was no public comment made.

Q. Public Comment

1. Commission Chairman Lintz announced to those in attendance that there is a 5-minute speaking allowance during this portion of the meeting.
2. Lea McWhorter extended an invitation to the Commissioners to attend a meeting of the Republican Committee and asked that they might share any new developments in County government with them.
3. William and Delores Nielsen from the Copperleaf Subdivision shared their concerns about local ordinances. Mr. Nielsen is concerned about zoning regulations within the County as far as building permits, grading, planning, etc. He thinks that the current ordinance is unclear. He questioned the Commission's authority of Road Districts and HOAs. Kester stated that Custer County does not enforce zoning restrictions and said any problems arising from HOA, Road Districts and covenants are a civil issue. Chairman Lintz reiterated the same. Nielsen stated his concerns regarding areas of the County being residential vs. commercial and that everyone has a right to know what they are getting into when moving to the rural areas. Chairman Lintz once again stated that there are no restrictions within the county (other than those mandated by a HOA) and that there is freedom of choice for those residents living within the county.

R. Emergency Management

1. Jennifer Sietsema and Kailey Snyder from BH Council of Local Governments presented the Commission with information regarding services they offer to local governments. They stated they are currently working with Steve Esser, Emergency Management director, in helping with the Custer County 5-year mitigation plan needed for federal funding. They would like the opportunity to help Custer County with all types of plans and stated they are able to administer the paperwork for all levels of government. They informed Commission that Custer County was previously a member, but has not been for a number of years. The membership fee is \$2800—\$3000. Should Custer County choose to join, the smaller communities within the County will be included and will benefit, as well. Custer City is currently a member and that membership is considered to be separate from the county. Mr. Esser recommended joining the Council. Commissioner Bies inquired if Esser had budgeted for the membership fees and it was confirmed. Commissioner Bies made a motion to join; seconded by Hartman; vote taken, all aye; motion carried.
2. Esser updated the Commission on the Cicero Peak generator and a winter service will be performed next week. He mentioned the Mt. Rushmore Communications/Argyle license will be here soon. Esser stated he would check on the East County water projects as well as the Rittberger repeaters. Esser gave an update regarding the radio grants and said that Pennington County was also awaiting their radio grant, so it is unsure when Custer would receive theirs. Sam Smolnisky reported the Search & Rescue radios are currently being programmed in Pennington County.

S. Commission

1. Mail call –
 - a) Dawn McLaughlin presented the Commission with a letter received from Crazy Horse Memorial Foundation regarding the annual fundraiser per SDCL 22-25-25, requesting permission to hold a raffle. Motion to approve raffle made by Bies; seconded by Hartman; vote taken, all aye; motion carried.
2. Meeting Schedule –none.
3. Meeting Reports –
 - a) Commissioner Hartman introduced Custer City Mayor Brown, who requested monthly meetings between the City of Custer and the Commission. Brown stated that he is looking forward to the County and the City working more closely together. Commissioner Hindle reported that he and Commissioner Hartman spoke with Mayor Brown about upcoming projects.
 - b) Dawn McLaughlin, Sheriff Mechaley and Commissioner Hindle attended a round table meeting with Senator Thune, which was held in Custer. They reported that the meeting was informative and very positive.
 - c) Chairman Lintz attended a meeting of the Custer County Fair Board. He stated the question of insurance was brought up and further clarification of who provides coverage when citizens rent the buildings for meetings, parties, etc. Legal Counsel Susan Anderson stated that event insurance should be provided, as is the case when the Pine Room at the annex building is rented. It was noted that when rodeo events are held at the fairgrounds, separate coverage would need to be provided by those holding the event.
4. Letter of Support for City of Custer West Dam Project: Mayor Brown asked the Commission for a letter of support for this project. Commissioner Mark Hartman moved for such letter to be written; seconded by Hindle; vote taken, all aye; motion carried. It was decided that Susan Anderson would draft the letter of support.
5. The Commission recognized and thanked employee longevity bonus recipients.
6. Dawn McLaughlin asked for recognition of employee veterans and the Commission thanked them for their service.

T. Old Business

1. Todd Fish, VSO requested to move the Custer County Housing office from its current Location to 447 Crook Street, Ste 1, in Custer. Fish stated there is ample room to share this location with the Veterans' office. Motion to approve the move of the Custer County Housing office made by Linde; seconded by Bies; vote taken, all aye; motion carried.
2. Fish updated the Commission regarding the ARPA funding and projects. He stated the initial October 2021 request has been moved to April 30, 2022.
3. Hermosa engineer, together with Leah Berg briefed the Commission on the current Water Treatment System Project. They shared that the current system is safe for drinking water, but need to be proactive by installing a new canister system to blend with the modular system. This system is designed to keep all waste off-site. They are requesting funding through partnering with Custer County. The projected

cost is \$483,000. They stated this system could treat the second well, which is also a back-up well that can be utilized in emergency situations. They are hoping for a new deep well in the future. They look forward to working with EMS Director, Steve Esser. Commissioner Bies said that growth in the Hermosa area is here and that the county needs to be prepared with updated water projects to handle the current and future needs.

4. West County Fire Station and School Well project briefing was made by Luke Caster. He stated that he had spoken with Commissioner Hartman approximately a year and a half ago and since that time there are another 27 new buildings in the Highlands area. Caster said there is a definite need for the well to serve not only the residents, but for the school, as well. Legal Counsel Susan Anderson stated the costs for this project could be compared to the recent project in Rockerville, which totaled approximately \$367,155. Caster asked for the Commission's support for this project.
5. Update on the SLFRF Custer County project list was made by EMS Director Esser and Lt. Stephen McMillin. McMillin inquired about replacing the current Z-Tron dispatch system, which is obsolete. He stated that if the current system fails, it is not repairable, and the County would be without dispatch services. Rushmore Communications quoted a replacement price of \$184,482; allowing for \$7,500 trade-in value for the Z-Tron system. \$53,000 has been earmarked for the replacement, leaving a shortfall of \$123,000. Esser will reach out to Homeland Security for possible funding, as McMillin stated he hopes not to take funds from the budget. VSO Todd Fish will research to see if replacing the console falls into loss-revenue funding. It was stated this is an EMS/County issue that a new system is much-needed. Funds earmarked for the West Dam project (if not needed) could be reassigned to help pay for a new console system. McMillin state the projected timeline is September, 2022, when Homeland Security funds become available. He also stated that currently the hand-held radios do not need replacing, only the console system.
6. Cannabis Ordinance Update: Susan Anderson, Legal Counsel, provided a summary of the cannabis establishment licensing roll-out in South Dakota. There has been frustration in the timelines put out by the South Department of Health for licensing. Anderson is monitoring the process and suggested that Custer County will need to revise its ordinance. Also, Anderson stated that local government is required by statute to regulate the establishments in their respective jurisdictions which will take additional time and resources for the county.

U. Executive Session

1. Human Resource Manager, Timothy Holland, requested the Commission to enter into Executive session. Motion by Hartman and seconded by Hindle to enter into executive Session Pursuant to SDCL 1-252(1) personnel; vote taken, all aye; motion carried. Executive Session began at 10:51 AM and concluded at 12:20 PM. No action taken.

V. Adjourn

Motion by Linde and seconded by Hindle to adjourn the meeting at 12:35 PM. The next meeting will be at 8 a.m., November 24, 2021 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest: -----

Barbara Cox, Custer County Deputy Auditor

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