

## Minutes of the Custer County Commission Meeting (Wednesday, May 11, 2022)

### Members present:

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

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

### B. Adopting of the agenda

1. Amend Agenda as follows: Insert Highlands VFD Roster after "Conflict of Interest". Motion to approve by Linde; seconded by Bies; vote taken, all aye; motion carried.

### C. Consent Agenda

1. Motion to approve Minutes of April 27, 2022 Commission meeting and Consent Agenda made by Bies; seconded by Hartman; vote taken, all aye; motion carried.
2. Travel requests approved: Leah Vissia; Ron Remley; Lindsey Lockett; Tara Haswell and Caitlin Green to attend Vanguard user meeting in Chamberlain July 12 & 13 at a cost of \$1,880. This includes software training and workshop credit toward certification.
3. Vouchers approved as follows:

**PAYROLL:** May 10, 2022 Payroll: Commissioners \$8,210.60; Election \$274.51; Auditor \$5,853.32; Treasurer \$13,952.91; Info Systems \$3,005.26; State's Attorney \$13,298.44; Courthouse Bldg \$7,039.91; Director of Equalization \$13,861.12; Register of Deeds \$4,839.23; Veteran's Service \$1,773.43; Human Resources \$2,553.50; Sheriff \$42,095.03; Coroner \$657.45; Nurse \$792.70; Library \$8,103.19; Conservation \$505.56; Weed & Pest \$2,022.23; Planning \$8,584.29; County Road & Bridge \$41,900.15; Emergency Management \$3,029.41; 24/7 Sobriety \$961.68; Emergency Line F \$17,181.81

**COMMISSIONERS:** Southern Hills Publishing \$1,422.39; CDW Government \$2,673.12; Catastrophic Legal \$548.00; Golden West \$1.18; SD Ass's of Counties \$1,029.

**ELECTION:** Election Systems \$350; McLeod's Printing \$119.56; Quill \$11.31; Golden West Telecom \$27.13

**COURT:** Mary Baird \$44.44; Amber Harvey \$26.38; Christina Scholz \$27.22

**AUDITOR:** Southern Hills Publishing \$30.69; Quill \$349.00; Golden West Telecom \$135.67

**TREASURER:** Quill \$282.64

**STATE'S ATTORNEY:** Lexis Nexis \$359; SD Public Health \$60; Golden West Telecom \$377.56; Culligan \$51.

**COURTHOUSE BUILDING:** Golden West Telecom \$27.13

**DIRECTOR OF EQUALIZATION:** Southern Hills Publishing \$5.81; Steinley Real Estate App \$175; Golden West Telecom \$190.69; Ramkota \$484; Vanguard Appraisals \$10,350; SDAAO \$75

**REGISTER OF DEEDS:** Golden West Telecom \$54.27

**VETERANS SERVICES:** Chamberlain McColley's \$1,000; Golden West Telecom \$32.13

**INFO TECHNOLOGY:** Golden West Telecom \$64.27; Golden West Technologies \$7,656.51

**HUMAN RESOURCES:** Division of Criminal Investigations \$86.50; Golden West Telecom \$27.13; New Pathway \$455

**SHERIFF:** BHEC \$80.11; Innovative Office \$164.60; Golden West Telecom \$472.09; Steele Collision \$1,735.80; LN Curtis & Sons \$20.45

**PRISONER CARE:** Bob Barker Company \$35.68; Satellite Tracking \$97.50

**SEARCH & RESCUE:** Custer City \$69.26; Lynn's Dakotamart \$257.78; Golden West Telecom \$93.95; Big D Oil \$66.07

**AIRPORT:** Custer Ace Hdwe \$72.57; Brenden Hendrickson \$3,850; Golden West Telecom \$112.85

**LIBRARY:** Southern Hills Publishing \$62.80; Mt. Rushmore Telephone \$133.56; Golden West Telecom \$117.69

**CULTURE & RECREATION:** Custer Ace Hardware \$3.99

**FAIR:** Custer Fair Ass'n \$8,000.

**EXTENSION:** Golden West Telecom \$117.04; Erin McGlumphy \$658.77; Fall River County \$1,948.06

**CONSERVATION:** SD Public Assurance Alliance \$608.33

**WEED & PEST:** Southern Hills Publishing \$130.53; Golden West Telecom \$27.13; Western Mailers \$4,171.83

**PLANNING:** Southern Hills Publishing \$106.95; Golden West Telecom \$108.54;

**COUNTY ROAD & BRIDGE:** A&B Welding \$12.09; BHEC \$76.86; Butler Machinery \$144.61; Floyd's Truck Center \$671.04; French Creek Supply \$629; Fastenal \$271.45; Godfrey Brake \$94.88; Prairie Auto Parts \$30.76; Mt. Rushmore Telephone \$118.81; S&B Motor Parts \$2,084.26; Servall \$130.72; Town of Buffalo Gap \$61; Black Hills Gravel \$12,780; Golden West Telecom \$161.35; Croell, Inc. \$160,000; Advanced Drug Testing \$92; Great Western Tire \$1,855.70; Trail King \$49,360.49

**EMERGENCY MANAGEMENT:** Andersen Engineers, Inc. \$1,360; Golden West Telecom \$43.90; SD Dept Public Safety \$120

**MENTALLY ILL:** Lincoln County Treasurer \$240; Audra Hill \$496.18

**MENTAL HEALTH CENTER:** \$300

**BUILDING:** Warne Chemical \$229.47; Adtech \$367.35; Custer Ace Hdwe \$69.94; Cummins Sales & Service \$518.30; Justice Fire & Safety \$220.50; G&R Controls \$413.

**EMERGENCY LINE:** Golden West Telecom \$299.33

**24/7 SOBRIETY:** SD Atty General \$1,168; Intoximeters, Inc. \$750

**PREDATORY ANIMAL:** SD GFP \$872.31

**D. Conflict of Interest Declarations – None**

**E. Highlands Volunteer Fire Department**

1. Susan Anderson presented the Commission with an updated roster and it was so acknowledged.

**F. Highway**

1. Highway Superintendent, Jesse Doyle, updated the Commission on a recent truck purchase, noting that even though the current cost has risen substantially, Custer County's price is locked in and the county is under no obligation to pay additionally, as requested.
2. Doyle presented an update on the Limestone maintenance project, noting a substantial savings by pulling existing material up from the roadway edges rather than hauling in additional material. He stated that the project is partially completed.

**G. Sheriff**

1. Sheriff Marty Mechaley and Dan Holsworth from the City of Hermosa appeared before the Commission to discuss the Law Enforcement Contract between the City of Hermosa and Custer County. Commissioner Hartman and Sheriff Mechaley had previously met with officials in Hermosa and presented current local contracts for comparison. Holsworth noted the current contract is for a 6-month period. Mechaley and Hartman agreed that the new contract should be for a period of one year, as Hermosa is growing and additional coverage is needed for the city. Mechaley noted this would be a good fit for both Hermosa and the surrounding areas. At present, the number of calls average between 60 and 80 with the average response time varying dependent on deputy location. Currently one deputy lives in Hermosa; one deputy resides south of Hermosa and one deputy is seeking housing in Hermosa. Commissioner Linde inquired about the approximate cost of adding an additional deputy to cover the area and Mechaley estimated \$72K per year (wages and benefits only, no equipment).

Training fees were estimated at an additional \$10-\$15K. Mechaley thought it would be difficult for Hermosa to find and employ its own deputy due to these costs and that contracted coverage with Custer County would provide the best service. He noted that this service works well between Custer County and the City of Custer and did not foresee any problems with service between Hermosa and Custer County. The current dispatching contract for Custer County/Hermosa is \$8K per year. Commissioner Hartman asked about combining the dispatch contract and the law enforcement coverage contract, but Mechaley and Commissioner Hindle thought it best to keep the two contracts separate. Holsworth informed the Commission that Hermosa does currently have a law enforcement vehicle available and that might be an option for use in the area. It was also noted that the contract should be for “services” rather than “hours” for coverage. Discussion was held and motion made by Hartman to offer Hermosa one year of coverage for \$80K with dispatch services at an additional \$8K per year; seconded by Bies; vote taken, all aye; motion carried.

#### **H. Auditor**

1. Finance Officer, Dawn McLaughlin, requested the Commission approve formation of Gold Rush Road District, as all requirements have been met. McLaughlin noted that the current accounting system can only accommodate two more road districts. It was noted that Custer and Pennington Counties currently have the most road districts within the state. Motion to approve by Bies; seconded by Hindle; vote taken, all aye; motion carried.

#### **I. Library**

1. Finance Officer, Dawn McLaughlin, requested the Commission to approve the hiring of Kimberly May as full-time library circulation assistant beginning May 6, 2022 at a rate of \$15/per hour. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

#### **J. Veteran’s Services**

1. Todd Fish introduced Kevin Tillman, Jewel Cave Superintendent. Tillman noted that Jewel Cave expects an increased number of visitors this year and that the elevators are now in service to help facilitate those numbers.

#### **K. Maintenance**

1. Maintenance Supervisor, Joseph Panza, requested approval to surplus the department’s Hustler FasTrak 42” #927368 mower to the Custer County Search & Rescue. He noted that the mower is in good working order. Motion to approve made by Hindle; seconded by Bies; vote taken, all aye; motion carried. Panza also informed the Commission that he, along with EMS Director, Steve Esser, are looking for bids for a back-up power source for the 911 room in the event of an outage.

#### **L. 9:00 AM Public Hearing**

1. Commission Legal Counsel, Susan Anderson, presented an off-sale liquor license application submitted for approval by Brian Hadrack of Lagerplatz Adventures, LLC. It was noted that requirements have been met and publication was made 7 days previous to this hearing. Anderson also informed the Commission that there are 2 remaining off-sale licenses available within Custer County. Motion to approve application made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

#### **M. FIRST READING: Ordinance No. 26**

1. An Ordinance Establishing the Requirements, Fees, and Regulations for Issuance of Full-Restaurant On-Sale Alcoholic Beverage Licenses Within Custer County. Anderson presented the ordinance and informed the Commission that in order to meet the requirements at least 60% of the restaurant's revenues must be generated from food and non-alcoholic beverage sales. The initial fee is based on the most current census count at a rate of \$1/per population, excluding cities and towns. This initial fee can be adjusted every census. Custer County can set the annual fee at its discretion 90 days after passing the ordinance.

#### **N. Planning**

Planning Director, Terri Kester, presented the Commission with the following requests:

1. Cell Tower Modification—AT&T-- Earl & Stacey Sallee. Kester recommended approval of addition of two antennae to existing tower. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Request to change name of Peterson Drive to Bruske Trail. It was noted by Kester that this proposed name change does not compete with any other road names in Custer County and recommended approval. Motion to approve made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

3. Residential variance request—Larry Kulsrud is requesting a reduction in the setback from 15' to 5' based on topography on the property. Kester recommended approval. Motion to approve made by Bies; seconded by Hartman; vote taken, all aye; motion carried.

4. Final Plat of Meiners Tract 1 and Meiners Tract 2 of Section 4, T3S, R7E, BHM, Custer County, South Dakota. The tracts will become 40 and 39.13 acres and both tracts have access from Ghost Canyon Road. Approval recommended by Kester. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

5. Final Plat of Tract B North, Tract B Center and Tract B South, located in W1/2 NW1/4 SW1/4 Section 16, T4S, R3E, BHM, Custer County, South Dakota. This plat is proposing a lot line adjustment and Kester noted that all 3 tracts will have access from Pass Creek Road and recommends approval. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

6. Amended Resolution 2022-04; corrected clerical error. Kester requested approval to correct "Tract 3" to read "Lot 3". Motion by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

7. Amended Resolution 2021-12; corrected clerical error. Kester noted that the resolution incorrectly reads "Book 13; Page 250" and should be corrected to read "Book 11; Page 494". Motion to approve correction made by Bies; seconded by Linde; vote taken, all aye; motion carried.

Director Kester updated the Commission on the online services available in the Planning Office; noting that the system is up and running for online permits and payment and has been very successful thus far.

#### **O. Department of Equalization**

1. Director Leah Vissia requested approval of Refund #2022-03 for Parcel #14421, Rodney Huber. Mr. Huber lives in a mobile home on leased property and was being improperly assessed road district fees in the amount of \$100. Motion to approve refund made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

2. Vissia also requested approval of Abatement #2022-15; Parcel #4572 for Kevin and Glenda Jenniges. Vissia noted this parcel was included in a plat and should have been retired as it is already being assessed on another parcel and requested abatement in the amount of \$219.46. Motion to approve made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

3. Vissia updated the Commission regarding mass reappraisal and noted that the company from Nebraska will be coming to Custer County to meet with her.

#### **P. Public Comment –**

1. Larry Fiala addressed the Commission to discuss an ongoing cattle guard issue on his property. He stated his concerns and did not agree with Custer County's position on ownership or replacement responsibilities. He stated that he was upset to see the article regarding this matter in the Custer County Chronicle before he had a chance to speak before the Commission. It was noted that he had been added to the previous meeting's agenda at his request, but Mr. Fiala stated he was not aware he had been added.

#### **Q. Emergency Management**

1. EMS Director, Steve Esser, together with Kaily Snyder, Black Hills Council of Local Government presented the Commission with paperwork regarding Hazard Mitigation Grant Program. Esser is seeking funds to purchase a 911 backup generator, which Custer County is required to have. Esser stated the quotes he has received for the generator thus far are in the \$15-\$20K range. Snyder noted that Esser had reached out to apply for a grant for the generator and noted that HMPG funds are available after an event occurs and the requestor can show need; in this case the mitigating factor in this event was covid. Snyder also stated that there is a cost share between the federal government and local government, but often FEMA will cover a portion of the local requirement.

2. Resolution 2022-9 Appointment of Applicant Agent for the HMGP and Designation of Agent was presented to the Commission for approval. This resolution allows for Steve Esser to be the appointed agent to execute requests for and on behalf of Custer County. Snyder noted that there are 3 documents that require signature to activate the process; 1) Commitment Letter 2) Approval for Esser to sign and submit grant application and 3) Resolution 2022-9. Motion to approve these documents for signature made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. Snyder noted that approval takes 1 year and that BHE does have funds available if the grant application is not accepted.

**R. Commission**

1. Mail call – A) McLaughlin presented a letter from SD DOT regarding alternative funding information and grants available that can be applied for. Kailey Snyder noted that she can assist with this, as well.  
B) Behavior Management Systems requested funding of \$8,318.00 for 2022. That amount is not consistent with what has been allotted in the past. It was decided to revisit this request when budgets are set for the upcoming year.
2. Meeting Schedule – A) Friday, May 13, 2022 Fundraiser for Governor Noem scheduled; may be more than two commissioners in attendance.  
B) Wednesday, May 12, 2022 Fire Advisory Board in Pringle.
3. Meeting Reports – Chairman Lintz shared that he attended the May 10, 2022 Weed & Pest Board meeting. Department head, Michael Baldwin stated that he was still seeking a second weed sprayer for a part-time non-benefitted position at a rate of \$18/per hour. Lintz also attended a meeting for the Custer County Fair Board and discussed the addition to the ball field, including storage, restroom facilities and concessions. He noted that the remainder of funds need to be reassigned at the May 25, 2022 commission meeting for this purpose.

**S. Executive Session**

Executive Session entered into at 9:30 AM pursuant to SDCL 1-25-2(1); session concluded at 9:54 AM.

**T. Adjourn**

Motion by Linde to adjourn the meeting at 9:55 AM. The next meeting will be at 8:00 AM May 25, 2022 in the Commissioner’s Room in the Custer County Courthouse.

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Jim Lintz, Chairman

Attest: \_\_\_\_\_

Barbara Cox, Custer County Deputy Auditor

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