

## **Draft Minutes of the Custer County Commission Meeting Wednesday, May 25, 2022**

### **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.**

1. Commission Chairman, Jim Lintz, called for a moment of silence and remembrance for the Texas school shooting victims.

### **B. Adopting of the agenda**

1. Motion to approve Agenda made by Bies; seconded by Linde; vote taken, all aye; motion carried.

### **C. Consent Agenda**

1. Approve Minutes of the May 11, 2022 Commission Meeting.
2. Request to approve travel for Sarah Myers and Thea Teasley-Whiting to attend Library Training Institute in Aberdeen, SD from June 12-June 17, 2022 at an approximate cost of \$1,244.52.
3. Approve Vouchers.

Motion to approve Consent Agenda made by Linde; seconded by Hindle; vote taken all aye; motion carried.

**PAYROLL:** 5-20-22 Payroll: Commissioners \$8,165.86; Election \$549.01; Auditor \$5,478.24; Treasurer \$13,893.08; Info Systems & Technology \$3,005.27; State's Attorney \$13,298.44; Courthouse Bldg \$7,041.70; Director of Equalization \$13,938.75; Register of Deeds \$4,859.25; Veteran's Services \$1,342.50; Human Resources \$2,493.03; Sheriff \$43,439.43; Coroner \$657.45; Nurse \$681.90; Library \$9,367.83; Conservation \$505.56; Weed & Pest \$4,533.16; Planning \$7,941.02; County Road & Bridge \$37,469.85; Emergency Management \$2,670.94; 24/7 Sobriety \$785.95; Emergency Line \$16,447.04

**COMMISSIONERS:** ASBSD \$775

**COURT:** Kathleen Herrera \$28.48;

**TREASURER:** Quill \$399.35

**TREASURER'S TRUST:** SD Dept of Revenue \$2,400

**HUMAN RESOURCES:** Div Criminal Investigation \$43.25

**COURT-APPOINTED ATTORNEY:** Garland Goff \$601.95; Angela Colbath \$1,524.60; Southern Hills Law PLLC \$577.26

**REGISTER OF DEEDS:** Quill \$300.96;

**INFO TECHNOLOGY:** Schneider Geospatial \$784.

**SHERIFF:** BHEC \$46.71; Verizon Connect \$178.09; Survival Armor \$957.06; LN Curtis & Sons \$319.69; Battle Mt. Humane Society \$1,000;

**PRISONER CARE:** Pennington Co. Jail \$46.49

**AIRPORT:** Epic Aviation LLC \$22,557.44

**LIBRARY:** Centurylink \$17.54

**WEED & PEST:** BHEC \$126.36

**COUNTY ROAD & BRIDGE:** BHEC \$1,133.45; Butler Machinery \$1,528.94; Floyd's Truck Center \$240.37; French Crk Supply \$1,111.15; Fastenal \$78.64; Black Hills Gravel \$12,780; Custer Ace Hdwe \$111.94; Badlands Sand & Gravel \$24,942.73; Centurylink \$24.39

**EMERGENCY MANAGEMENT:** BHEC \$24.09; Verizon Connect \$16.19

**SEARCH & RESCUE:** BHEC \$441.17

**STATE GRANTS-GENERAL GOVERNMENT:**

**BUILDING:** BHEC \$6,645.75; Justice Fire & Safety \$89.25

**CUSTER TOWN:** Rodney Huber \$100

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

**E. Highway**

1. Highway Superintendent, Jesse Doyle, updated the Commission on the Playhouse Road agreement with SD GFP. He stated that Simon Construction is scheduled to begin the project on May 31, 2022 and the anticipated completion date is September 15, 2022. Doyle stated he has safety concerns as this will be taking place during the busy tourist season. He will post reduced speeds on haul routes and anticipates damage to county roads, together with complaints from local residents regarding road closures and heavy truck traffic. He noted that the haul route for removed materials includes Playhouse Road down Ghost Canyon with a truck running approximately every ½ hour. There is an agreement in place stating that Simon will leave Custer County roads in the same or better condition once the project is completed. DOT has allowed Custer County \$34,500 for surface improvements to the County portion of South Playhouse Road. Doyle asked the Commission to allow a carryover of these funds until next year should the project not be completed by the end of the year. Motion to sign agreement made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. Doyle also noted through DOT, that LH Road and Lame Johnny Road will have mag water applied as soon as the Wildlife Loop Road project is completed.

## **F. Sheriff**

1. Request to auto-supplement from account #101-331.98 Federal Grant; sheriff vests to Account #101-4-211-426.60 sheriff uniforms in the amount of \$403.04. Motion to approve auto-supplement made by Linde; seconded by Bies; vote taken, all aye; motion carried.

2. Request to auto-supplement from account \$101-373-10 vehicle insurance reimbursement; sheriff vehicle repair #101-4-211.425.10 in the amount of \$5,605.50. Motion to approve auto-supplement made by Hindle; seconded by Hartman; vote taken, all aye; motion carried. It was noted that the Sheriff's auto-repair fund would be in the negative without this supplement.

## **G. Weed & Pest**

1. Michael Baldwin requested Commission approval for the hire of William Cossart as a part-time seasonal weed sprayer at a rate of \$18.00 per hour. William's start date is May 16, 2022 and is a temporary position without benefits. Baldwin noted that this fills his second sprayer position. Motion to approve hiring made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

## **H. Library**

1. Library Director, Doris Mertz, requested approval to advance salary of Kimberly May from Level 1, Step 1 at \$15/hour to Level 1, Step 3 \$15.92/hour based on her Master's Degree in Library Science and 3-years' experience as a school library director. Motion to approve made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

2. Mertz addressed the Commission to announce her resignation as the Custer County Library Director, stating that she had accepted a position as the District Library Coordinator for the Custer School District. Her resignation will be effective as of July 31, 2022. She thanked the Commission for all of their support over the past 11 years and stated that she has treasured her time working for Custer County. The Commission, in turn, thanked Doris Ann for going above and beyond for the Custer Library.

## **I. Auditor/Treasurer**

1. Request from WEAVE for Commission Chairman's signature on grant application for annual funding.

2. Request approval of not collecting interest and penalties on tax payment—G&G Development. State's Attorney, Tracy Kelley, noted that the owner had not received notification of taxes, as these were for a mobile home on a property that was rented, not owned. The property owner paid the taxes in full on May 12, 2022 and the tax certificate had not been purchased. Motion to forgive penalty of \$987.86 made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

3. Request from ASPIRE for funding. This is a non-profit based in Aberdeen, SD and the proceeds do not benefit Custer County residents. Motion to deny made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

4. Request to surplus OKI Microliner 420 9-pin printer. Motion to approve surplus made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

## **J. Planning**

1. Planning Director, Terri Kester, presented the Commission with the Final Plat of KUMJIAN TRACT OF MEYER'S SUBDIVISION, LOCATED IN THE S ½ SE ¼ SW ¼ SECTION 27, AND THE NE ¼ NW ¼ NW ¼ SECTION 34, T2S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA—Eric & Jeanne Kumjian, and recommended approval. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Kester presented the Final Plat of: LOT 13A AND 13B OF BOX CANYON SUBDIVISION, LOCATED IN THE NW1/4 OF SECTION 33, T2S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA—Carol Sadowsky, and recommended approval. Motion to approve made by Bies; seconded by Hindle; vote taken, all aye; motion carried.

3. Kester also recommended approval of the Final Plat of: MEYER TRACT 1 AND MEYER TRACT 2, OF SOUTH PARK RANCH SUBDIVISION PHASE THREE, LOCATED IN THE SW ¼ OF SECTION 8, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA—Martin and Elsa Meyer. Motion to approve made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

## **K. Search & Rescue**

1. Commissioner Hindle stated that he has held discussions with the City of Custer regarding an approximate 1.6-acre land acquisition on property adjacent to the Search & Rescue building. Hindle noted the land would not be donated to Custer County as the City has concerns about constituents reacting unfavorably. The City has also requested reversionary rights if the County purchases the property and doesn't use it. Discussion was held regarding the cost and value of the proposed purchase. Motion to have the land appraised made by Bies; seconded by Hartman; vote taken, all aye; motion carried.

## **L. Town of Hermosa**

1. Dan Holsworth and Leah Berg appeared before the Commission to present Resolution 03-2022; a Resolution of Intent to Annex Contiguous Property (Various Lots—Group 1). Holsworth stated that agricultural areas need Custer County's approval to be annexed into the Town of Hermosa. It was noted that the County would only be approving the ag properties, not all of the proposed properties. Holsworth stated that lands included in the two groups presented are intermixed ag and residential. He stated that Hermosa intends to annex ag lands contiguous to residential lands and these are not large areas. He stated that all residents affected have been notified and a public hearing was held to discuss land use and tax implications. He noted that Hermosa would pay for utility upgrades, including removal of septic systems and adding those residences to the sewer system. A local resident who would be affected by the annexation was in attendance and stated that he had only received notification by certified mail 2 days before the hearing and feels that this action is "absurd and improper". He feels that this action is not coordinated or well-studied and is unsure of how this will impact his ag property. Commissioner Linde stated he would like to hear from more landowners affected and hear their concerns. Linde questioned the tax implications to residents; Leah Berg stated she doesn't foresee much difference for ag land and that the residential lots would see a bigger impact. Commissioner Hindle would also like to know how the residents feel about the annexation. Commissioner Bies questioned the need for annexation and Holsworth responded that Hermosa is trying to keep

ahead of possible future development by having infrastructure in place. State's Attorney, Tracy Kelley, voiced her concerns about the proposed Resolution, stating that Hermosa had not presented the County with an impact study or included a map of the proposed area; those items would need to be presented to the Commission to research prior to an agreement. Kelley stated she does not feel this is a complete resolution and did not recommend signing at this time. Motion to table made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. Mr. Holsworth stated that most of these questions have already been answered and feels that the Town of Hermosa is currently prepared to proceed.

2. Resolution 04-2022 Resolution of Intent to Annex Contiguous Property (Various Lots Group 2). Motion to table made by Linde; seconded by Hindle; vote taken, all aye; motion carried. Leah Berg told the Commission that she will get the maps and impact study to the Commissioners for their review before requesting the annexation to be placed on a future agenda.

### **M. Emergency Management**

1. Kailey Snyder from BHCG presented the Commission with a revised letter for the Search and Rescue building generator grant request and revised commitment letter. She noted that FEMA revised the verbiage noting that if the project goes over budget, the County would be responsible to pay the overage. Motion for EMS Director, Steve Esser, to sign the documents made by Hartman; seconded by Bies; vote taken, all aye; motion carried. It was stated that all bids will note if project is over budget.

### **N. Public Comment –**

1. Alan Dubblede addressed the Commission and shared his concerns regarding the Circle Pines Subdivision. He stated he has been a resident there for the past 17 years and it has been a peaceful neighborhood. He noted that recently all of the available lots have sold and is concerned about a proposed campground in an adjacent property using the subdivision road for access. Planning Director, Terri Kester, stated that residents cannot legally block access on Eagle Ridge Drive. Kester noted that there is no zoning within Custer County that prohibits campgrounds in residential neighborhoods. Kester inquired if the County could place regulations or help residents to prevent this in the future. Commissioner Hartman stated that subdivisions could put covenants in place and that may be effective; noting that the County does not enforce covenants-that is the responsibility of the subdivision.

2. Tim Holland, HR Director, addressed the Commission and requested allowing the current Library Director an additional 30 days to train her replacement rather than 2 weeks. It was noted that this request could be added to the next meeting agenda, after the Library Board holds its meeting.

### **O. Second 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. Legal Counsel, Susan Anderson, presented to the Commission and stated that this Ordinance follows specific statutes; also noting that once the Ordinance is approved, the Commission has 90 days to set

the issuance fee by Resolution. Motion to approve the second reading made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

**P. Commission**

1. Request to surplus 2010 smart board SV680 with SBP-10X projector. Motion to approve surplus made by Linde; seconded by Bies; vote taken, all aye; motion carried.
2. Mail call –
  - a) Letter from BHR Multiple Use Coalition.
  - b) Letter from SD GF&P regarding the Animal Damage Control Fund.
3. Meeting Schedule – Commissioner Hindle noted the Planning Commission meeting scheduled for June 7, 2022 at 4:00. It was also noted that 2 or more Commissioners may be in attendance and would, therefore, need to be posted. Commissioner Bies noted a 9:00 AM Zoom meeting with SD DOR regarding assessments.
4. Meeting Reports – Commissioner Linde attended a Landfill meeting; Linde and Bies planned to attend a USFS meeting for Commissioners to be held in Spearfish. The Auditor’s Office made a request to move the June 8, 2022 Commission meeting to June 9, 2022 due to the Primary Election held on June 7<sup>th</sup>. Motion to change meeting date to June 9, 2022 made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

**Q. Old Business**

1. Custer County Fair Association presented a request for balance of funds for remaining capital improvements at the Custer County Fairgrounds in the amount of \$243,144.53. Means of finance general fund unassigned revenue 101-276. Finance Officer, Dawn McLaughlin, noted that the funds had been previously budgeted and reassigned. The amount requested is the balance of those monies first assigned and will be transferred back into the revenue fund 101-276. Motion to reassign the full remaining balance made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

**R. Adjourn**

Motion by Linde and seconded by Hindle to adjourn the meeting at 9:38 AM. The next meeting will be at 8:00 AM, Thursday, June 9, 2022 in the Commissioner’s Room in the Custer County Courthouse.

\_\_\_\_\_  
Jim Lintz, Chairman

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

Barbara Cox, Custer County Deputy Auditor

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