

Minutes of the Custer County Commission Meeting, Thursday September 15, 2022.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle and Finance Officer, Dawn McLaughlin. Commissioner Bies was not in attendance. Commission Legal Counsel Susan Anderson was present via telephone.

8:00 – 8:30 AM Public Hearing

1. Chairman Lintz called the meeting to order and opened the floor for public comment regarding the Custer County 2023-2027 5-Year County Highway and Bridge Improvement Plan, which was presented by Highway Superintendent, Jesse Doyle. Doyle stated this presentation is required annually to qualify for federal bridge and other various grants. He noted this plan highlights scheduled projects and is not a full & comprehensive plan. Brosz Engineering spoke regarding the engineering plan for scheduled routine maintenance plans for 2023, such as chip and fog seal for Playhouse and Sidney Park Roads. Brosz stated that Custer County presents a very comprehensive plan compared to most other counties; most plans are only for two years.

2. Public Comments: Commissioner Linde inquired about plans for mag chloride coverage for 2023. Doyle responded that the current budget for such is \$100K, but he would like to double that amount to \$200K, which would allow for approximately 70 miles of coverage. He stated that the county does allow private citizens to apply mag chloride on Custer County roadways, but the citizen would be responsible for the cost. He noted that Custer County would still be responsible for blading, etc. Doyle discussed "blotter technology" for dust mitigation, but that method does not usually have a favorable outcome. Todd Fish asked about criteria for a roadway to be considered in order to have the county apply mag chloride. Doyle referred to the county's website, where those factors can be found. Included in the decision are safety concerns, stop-sign locations where dust is a problem, traffic count and budget constraints. Doyle noted that portions of Custer Limestone are proposed to receive mag chloride application. Kristy Schmitz asked if Little Italy Road was considered for the application; Doyle stated it was not as of yet. He noted that since much of that location it is in a road district, and no secondary road tax is received from those properties, expense to the county is a factor. Doyle noted that he has received several inquiries about possibly paving roads in the Box Canyon area, but stated the budget would have to be tripled to consider the project. Portions of the roadways in that area would require regrading for safety reasons; land would have to be acquired as well to widen the road, together with at least a one-year project commitment, so Doyle does not see that project in the foreseeable future. Todd Fish stated Custer has a great road program and Chairman Lintz commended Doyle on a job well done. There were no other comments or questions from the public.

Commission Meeting was called to order at 8:25 AM followed by the Pledge of Allegiance.

A. Adopting of the agenda

1. Motion to amend agenda to add "Ranch Tracts" under Planning heading I, item 4 made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

B. Consent Agenda

1. Travel requests approved as follows:

- a) Steve Esser, SD Emergency Management Ass'n conference in Huron 9-12 – 9-15 2022 at a cost of \$554.00
 - b) Steve Esser, G2300 Intermediate Emergency Operations Center Functions in Pierre 9-20 – 9-23 2022 at a cost of \$560.00
 - c) Thea Teasley to attend SD Library Ass'n conference in Brookings, SD 9-28 – 9-30 2022 at a cost of \$720.00
 - d) Michael Baldwin to attend SD Ass'n of Conservation Districts State Convention in Oacoma, SD 9-18 – 9-20 2022 at a cost of \$463.60, plus mileage. Please note that all costs will be covered by the Conservation District.
2. Monthly reports approved as follows:

CUSTER COUNTY BOB ACCOUNTING SHEET

COUNTY PORTION

MARRIAGE LICENSE	37	100.00	@ \$2.70 N	279.00
DOG LICENSE	103	25.00	@ \$2.00 N	205.00
REAR FEED	300	200.00	@ \$0.67 N	201.00
WINDMILL MONTH CHARGE	8	0.00		0.00
Subtotal				685.00
COMMISSIONERS PAYROLL	3	14,347.28	@ \$1.54 N	21,094.32
Tax & Capital	6	14,268.36	@ 1.00	14,268.36
COUNTY TOTAL				46,047.68

SEMO PORTION

STATE REPRESENTATIVE TOTAL RECORD FUND

BIRTH	37	@ \$1.00		\$ 37.00
DEATH	47	@ \$1.00	(347)	\$147.00
Child Care	33	@ \$1.00	(322)	\$ 26.00
Subtotal				111.00

COUNTY BOB TOTAL RECORD TO STATE GENERAL FUND

BIRTH	37	@ \$1.00		\$ 37.00
DEATH	47	@ \$1.00	(347)	\$147.00
Subtotal				111.00

STATE TOTAL ----- \$ 111.00

GRAND TOTAL ----- \$ 46,158.68

Check# 1009 To State \$ 460.00 Check# 1040 To County \$ 31,174.25
Check# 1041 To ARACID \$ 2,524.43

SDCL 55-17

Seal

DATE	DESCRIPTION	AMOUNT	BALANCE
01/01/22			
01/31/22			
02/29/22			
03/31/22			
04/30/22			
05/31/22			
06/30/22			
07/31/22			
08/31/22			
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10/31/22			
11/30/22			
12/31/22			

STATE OF SOUTH DAKOTA
CUSTER COUNTY
BOB ACCOUNTING SHEET

Prepared by: _____
Reviewed by: _____
Date: _____

DATE	DESCRIPTION	AMOUNT	BALANCE
01/01/22			
01/31/22			
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12/31/22			

DATE	DESCRIPTION	AMOUNT	BALANCE
01/01/22			
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ESTIMATED EXPENSES		
ADMIN		1,000.00
PROFESSIONAL		200,000.00
TOTAL		201,000.00
NON-CURRENT ASSETS		1,000.00
TOTAL		202,000.00
ESTIMATED EXPENSES		201,000.00
TOTAL ASSETS		202,000.00
TOTAL LIABILITIES		201,000.00
TOTAL EQUITY		1,000.00
TOTAL		202,000.00

REQUIREMENTS			
1-000-0000	ADMIN	1,000.00	1,000.00
1-000-0001	PROFESSIONAL	200,000.00	200,000.00
1-000-0002	TOTAL	201,000.00	201,000.00
1-000-0003	NON-CURRENT ASSETS	1,000.00	1,000.00
1-000-0004	TOTAL	202,000.00	202,000.00
1-000-0005	ESTIMATED EXPENSES	201,000.00	201,000.00
1-000-0006	TOTAL ASSETS	202,000.00	202,000.00
1-000-0007	TOTAL LIABILITIES	201,000.00	201,000.00
1-000-0008	TOTAL EQUITY	1,000.00	1,000.00
1-000-0009	TOTAL	202,000.00	202,000.00

1-000-0000	ADMIN	1,000.00	1,000.00
1-000-0001	PROFESSIONAL	200,000.00	200,000.00
1-000-0002	TOTAL	201,000.00	201,000.00
1-000-0003	NON-CURRENT ASSETS	1,000.00	1,000.00
1-000-0004	TOTAL	202,000.00	202,000.00
1-000-0005	ESTIMATED EXPENSES	201,000.00	201,000.00
1-000-0006	TOTAL ASSETS	202,000.00	202,000.00
1-000-0007	TOTAL LIABILITIES	201,000.00	201,000.00
1-000-0008	TOTAL EQUITY	1,000.00	1,000.00
1-000-0009	TOTAL	202,000.00	202,000.00

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3. Vouchers approved as follows:

PAYROLL: 9-5-2022 Payroll: Commissioners \$8,165.89; Auditor \$5,478.25; Treasurer \$13,886.85; Info Systems & Technology \$3,235.46; States Attorney \$13,298.43; Courthouse Bldg \$7,033.97; Director of Equalization \$14,761.27; Register of Deeds \$4,839.25; Veteran's Service \$2,213.87; Human Resources \$2,493.03; Sheriff \$43,525.41; Coroner \$657.45; Nurse \$826.80; Library \$9,147.13; Conservation 505.56; Weed & Pest \$3,906.65; Planning \$8,115.49; County Road & Bridge \$40,996.36; Emergency Management \$2,724.24; 24/7 Sobriety \$1,007.31; Emergency Line F \$20,086.25.

COMMISSIONERS: Jenny's Floral \$74.52; Simpson & Associates \$3,750; Golden West Telecom \$30.80

COURT: George Cameron \$325; Maureen Zimney \$50.

AUDITOR: Golden West Telecom \$138.04; Clark Printing \$322.15; Tracy Fish \$2,580.

TREASURER: Golden West Telecom \$140.29

STATE'S ATTORNEY: LexisNexis \$370; Golden West Telecom \$138.04

COURT-APPOINTED ATTORNEY: Garland Goff \$1,688.05; Southern Hills Law \$487.44; William Husted \$1,043.01

COURTHOUSE BUILDING: Golden West Telecom \$27.61;

DIRECTOR OF EQUALIZATION: Golden West Telecom \$193.51

REGISTER OF DEEDS: Golden West Telecom \$55.22

VETERANS SERVICES: Vector Design \$68.25; Golden West Telecom \$27.61; Ramkota \$202.

INFO TECHNOLOGY: Golden West Telecom \$65.20; Golden West Technologies \$7,718.01; Schneider Geospatial \$2,715; Pitney Bowes \$462.57

HUMAN RESOURCES: Golden West Telecom \$27.61; Evergreen Office \$51.25

SHERIFF: BHEC \$41.68; S&B Motor Parts \$233.01; Golden West Telecom \$497.58; SD Dept Public Safety \$2,700; A-Z Shredding \$4.20; Anderson Auto Sales \$18.00

PRISONER CARE: City of Rapid City \$240; Pennington County Jail \$19,514.44; Amber Odegard \$75; Monument Health \$523.61

MENTAL ILLNESS BOARD: Pennington County \$215.

AIRPORT: Custer Ace Hdwe \$52.54; Brenden Hendrickson \$3,950; Golden West Telecom \$113.98

LIBRARY: Mt. Rushmore Telephone \$134.44; Golden West Telecom \$117.69

EXTENSION: Golden West Telecom \$118.17; Fall River County \$1,665.50

WEED & PEST: Warne Chemical \$28; Golden West Telecom \$27.61; Culligan Water \$13.

PLANNING: Quill \$83.84; Golden West Telecom \$110.43

COUNTY ROAD & BRIDGE: True North Steel \$1,711.36; Floyd's Truck Center \$10,511.62; French Creek Supply \$623.84; Fastenal \$58.95; Godfrey Brake \$221.02; Interstate Battery \$141.96; Electrical Eng & Equip \$950; S&B Motor Parts \$1,088.09; Kieffer Sanitation \$223.86; Servall Towel & Linen \$132.81; Snap On Tools \$177.50; Black Hills Gravel \$12,780; Custer Ace

Hdwe \$46.95; Golden West Telecom \$197.88; Culligan Water \$32.50; Matco Tools \$58.75; Great Western Tire \$3,723.70; Northern Truck Equipment \$10,750.

EMERGENCY MANAGEMENT: BHEC \$24.52; Golden West Telecom \$45.03

FIRE PROTECTION: Argyle VFD \$11,000; Buffalo Gap VFD \$5,000; Dewey VFD \$2,500; Folsom VFD \$5,750; Highlands VFD \$7,500; Pringle VFD \$8,000.

SEARCH & RESCUE: BHEC \$272.13; Sander Sanitation \$19.10; Golden West Telecom \$93.95

STATE GRANTS-GENERAL GOVERNMENT:

BUILDING: BHEC \$4,068.50; Hillyard \$69.60; A-Z Shredding \$5.30; G&R Controls \$450.26

EMERGENCY LINE: Rushmore Communications \$275; Golden West Telecom \$479.44; SD Dept Public Safety \$2,700

24/7 SOBRIETY: SD Attorney General \$1,387

C. Conflict of Interest Declarations – None

D. 8:35 AM Public Hearing

1. Planning Director, Terri Kester, requested approval of Section Line Vacation re: Streff. This was previously tabled due to adjacent landowner concerns. A letter from Jared Webster and the BHEC was presented stating concerns regarding utility easement interruption should the section line be vacated. Streff stated a house is constructed on the section line and should this need to be rebuilt or replaced, the vacation is necessary. Kester presented documentation that this hearing was properly advertised to inform adjacent landowners. Commissioner Linde was in favor of further tabling the matter until both Jared Webster and a representative from BHEC could appear in person to address further questions. Motion to table made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

E. Dave Busskohl

1. Dave Busskohl appeared before the Commission to address on on-going dog running at large problem in the Sidney Park Road area. Busskohl, together with several Sidney Park residents, stated they have made several calls and reports to local law enforcement and yet, no citations or fines have been issued as a result. Local residents stated they have tried going through proper channels to solve the issue, but there seems to be no chain of command. Busskohl shared that these dogs attacked and killed his mother-in-law's dog while she was present; these dogs are in attack mode while roaming the neighborhood; residents are fearful for their safety, as well as the safety of their own grandchildren and pets and want action taken against the owners. It was noted these dogs have been terrorizing the area for the past year. Tonia Wagoner, representative of Battle Mt. Humane Society, stated that she has been in contact with the owners and has been trying to help educate them to be responsible, as well as providing fencing and cables for the dogs. She stated the policy is to remove the offending animal after three offenses, although the reporting parties stated this policy was not followed and that the animals were returned to the owners only to continue roaming. Busskohl inquired

why these animals have not been taken and Battle Mt. Humane Society stated they feel there was not sufficient proof to confiscate the dogs. Sheriff Marty Mechaley stated the owner did receive a citation, but the dog was not confiscated. He stated that residents do, however, have a right to defend themselves on private property. Wagoner stated she wasn't there to argue or defend Battle Mt. Humane Society. Chairman Lintz stated the alternative is not good if Battle Mt. Humane Society was not active in Custer County.

F. Highway Department

1. Superintendent Doyle requested approval of the Custer County 2023-2027 5-Year County Highway and Bridge Improvement Plan. Motion to authorize Chairman Lintz to sign agreement made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Request for Executive Session Personnel—pursuant to SDCL 1-25-21(1) was deferred to later in the meeting.

G. Sheriff's Department

1. Sheriff Marty Mechaley requested approval of new hire, Matt Haugen, as a certified deputy sheriff at a starting wage of \$24.27 per hour and a start date of October 6, 2022. Motion to approve made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

2. Mechaley requested approval of auto-supplement from account #101-331.98 federal grant (sheriff's vests) to account #101-4-211-426.60 sheriff uniforms in the amount of \$1,267.24. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

H. Planning Department

1. Planning Director, Terri Kester, requested and recommended Commission approval of Final Plat of Lot 3A; Lot 3B and Lot 3C of Box Canyon Subdivision. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

2. Kester also recommended approval of Cell Tower Modification/Crown Castle T-Mobile West LLC to modify existing wireless facility re: Stanley and Judith Diebel. Kester noted this tower is in the Little Teton area. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

3. Kester announced the resignation of Planning Engineer, Jim Kor, effective 9/20/2022. Jim's resignation was so acknowledged by the Commission.

4. Director Kester recommended and requested approval of Final Plat of R Ranch Tracts 1-6. Motion to approve made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

I. 1881 Museum

1. Oonagh Wood and Rick Wheeler appeared before the Commission to request \$35K in 2023 funding for the museum and noted even with that amount, a shortfall of \$11K is predicted. They presented updates on improvements made, including carpet, lights, security system, concrete repairs and upstairs fans. It was noted that the computer system will need updating, as well. The museum board approved a small admission fee increase to help cover rising costs. Wheeler and Wood stated the need to hire a museum director, but would need financial support to do so. They felt that a good director would be beneficial to the museum, both in daily operations and in securing grants to help cover costs. Commissioner Hindle agreed that the museum is in need of a director and Hartman stated he would support

additional funding in the future to cover the \$11K shortfall. Wood shared that the museum is presently in good standing and is a great asset to the community. Further discussion ensued about the possibility of holding a regular Commission meeting in the museum's courtroom in the near future. It was tentatively agreed that the October 12, 2022 Commission meeting would be held at that location.

J. Argyle VFD

1. The Commission approved and acknowledged the updated Argyle VFD roster.

K. Department of Equalization

1. DOE Director, Leah Vissia, requested approval for two new hires to assist with the county-wide reappraisal process. Motion to table until the 9-28-22 meeting for further clarification was made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

L. Custer Area Economic Development

1. Phil Abernathy appeared before the Commission to request \$10K in funding to hire a part-time CAEDC director. Abernathy stated that the current board consists of all-volunteer members, but feels that a dedicated, paid director would better serve the needs of the community and would be available to pursue grant funding to help bring in critical services to the area. Abernathy said the CAEDC would seek funding from the City of Custer, as well, but had not yet done so. Chairman Lintz stated the request would be discussed at the 9-20-22 Commission budget meeting.

M. Extension

1. Erin McGlumphly requested approval to purchase a mobile hot spot for her department in order to have access to wi-fi in rural areas for data entry and field work. Motion to approve purchase made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

2. Discussion was held regarding securing grants needed to possibly fund a new building, modernization and employee retention. It was mutually agreed upon that an updated facility is much-needed.

N. Airport Grant Agreement

1. Permission was requested to authorize Chairman Lintz to sign FAA—CUT-GLG-3-46-0011-018-2022 Grant Agreement. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

O. Public Comment –

1. Robert Bathurst appeared before the Commission to voice concerns regarding speeding vehicles in the Katherine Court neighborhood. He inquired if new signage showing a reduced speed limit and children at play could be posted and the possibility of revamping some sloped areas of the roadway he deems hazardous. Bathurst stated it is a dangerous situation for mail delivery, as well. Commissioner Hartman asked whether the mailboxes could be moved from the blind corner where they are currently situated. Jesse Doyle shared that a turnout was constructed on the North Pole Road area due to similar safety concerns and that would be worth checking with the postmaster to see if that is a possibility on Katherine Court as well. Superintendent Doyle stated he would visit the area and check into possible solutions.

2. Dan Holsworth, Town of Hermosa, appeared and thanked Commissioner Hindle and

Library Director, Jessie Phelps, for meeting with him earlier regarding the Custer County Library branch located in Hermosa. Holsworth noted that Hermosa wants to keep the library and that due to space constraints, a possibility might be to move the library to the fairgrounds and create a community center containing the library, satellite office for the treasurer, etc. while maintaining a good relationship with the county. Holsworth also thanked the Commission for working with the Town of Hermosa regarding ARPA funding for the water and well projects, and noted appreciation for law enforcement coverage as well.

P. Old Business

1. Michael Baldwin presented an update on the Forest Plan Revision. He shared that the draft assessment contained a push for some counties to review documents, but wants all counties to bear the cost for consulting fees, which amount to approximately \$150K. Baldwin noted that the cost to both Custer and Fall River Counties would be in the \$5-\$10K range. It was decided this could be considered at the 2023 budget hearing.

2. Highway Superintendent, Jesse Doyle, addressed PILT (payment in lieu of taxes) funding. He stated that funding is near expiration and that Custer County needs this funding. Doyle said he has contacted Dusty Johnson's office and requested that legislators keep South Dakota counties on the radar. Doyle sent the same information to school boards as well. He noted more traction would be gained at a federal, rather than state, level. Chairman Lintz stated that the federal and state lands in Custer County are not bearing the burden of expenses since property taxes are not collected from those entities; therefore, receipt of PILT funds is a necessity.

Q. Commission

1. Mail call – none
2. Meeting Reports –
 - a) Hindle and Lintz attended meeting in Hermosa regarding the library.
 - b) Hartman attended the housing meeting.
 - c) 2023 budget meeting scheduled for 9-20-2022.
3. Indigent Request-
 - a) Motion to enter into Executive Session at 10:07 AM pursuant to SDCL 28-13-42, SDCL 1-25.2(1) and (3) made by Hindle; seconded by Hartman; vote taken, all aye; motion carried. Executive Session ended at 12:14 PM.

R. Actions Taken by Commission Outside of Executive Session

1. Motion to approve indigent cremation request approved in the amount of \$2,000 made by Hartman; seconded by Linde; vote taken, all aye; motion carried. Payable directly to McColley's Funeral Home.

2. Motion to approve settlement re: Irwin in the amount of \$2,500 made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

3. Motion to approve advertisement for Highway Department office coordinator made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

S. Adjourn

Motion by Hindle and seconded by Linde to adjourn the meeting at 12:17 PM. The next meeting will be held at 8:00 AM, September 28, 2022 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 _____.