

Minutes of the Custer County Commission Meeting Wednesday, November 30, 2022.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Travis Bies; Finance Officer, Dawn McLaughlin. Commissioner Hindle was not present. Commission Legal Counsel Susan Anderson was present via Zoom Meeting.

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

B. Adopting of the agenda

1. Amend to remove Item "R" Leo Van Sambeek and reschedule for a later date.
2. Amend to remove Item "W" Ken and Vivian Couch and reschedule for a later date.
3. Amend to add item under "K" Planning Department.

Motion to approve Agenda as amended above made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

C. Consent Agenda

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

Vouchers approved as follows:

COMMISSIONERS: SD Assn County Officials \$1,129.50; SDACO \$2,198

COURT: G Neugebauer \$33.52

AUDITOR: Tyler Technologies \$435

STATE'S ATTORNEY: Paul Bachand SDSAA Dues \$915.

COURTHOUSE BUILDING: Custer Ace Hdwe \$11.98; G&R Controls \$525.80

INFO TECHNOLOGY: Golden West Tech \$74.88

SHERIFF: BHEC \$52.07; French Crk Supply \$189.99; Battle Mt. Humane Society \$1,000.

PRISONER CARE: City of Rapid City \$40; Axon Enterprise, Inc. \$33,394.95

LIBRARY: Centurylink \$15.43

WEED & PEST: BHEC \$87.74

COUNTY ROAD & BRIDGE: BHEC \$758.99; BH Energy \$79.48; Butler Machinery \$2,469.83; Floyd;s Truck Center \$1,270.73; French Crk Supply \$908.74; Pheasantland Industries \$2,411; SD Hwy Superintendent Assn \$350; Kieffer Sanitation \$249.56; Summit Signs \$209; Servall Towel \$128.65; Town of Buffalo Gap \$61; BH Truck & Trailer \$2,860; Evans Repair \$110;

Custer Ace Hdwe \$47.94; Adams ISC \$380.49; IState Truck Center \$118,359; 21 Electric LLC \$1,659.63; Culligan \$19.50; Centurylink \$24.68; Matco Tools \$50.75; Nebraska Salt & Grain \$4,862.13; Forward Distributing \$9.15; Trail King Industries \$232.18; G&H Distributing \$44,830; Northern Truck Equip \$469.52

SEARCH & RESCUE: Custer City \$86.01; French Crk Supply \$42.42; Lynn's Dakotamart \$153.40

SAFETY OFFICER: Sam Smolnisky \$250.

COUNTY BUILDINGS: BHEC \$647.62; Custer City \$183.11; Custer Ace Hdwe \$8.59; G&R Controls \$550.

D. Conflict of Interest Declarations – None

E. Maintenance

1. Joseph Panza, Maintenance Supervisor, presented the Commission with an inventory of outdated and obsolete items, including printers, keyboards, desktops, laptops and speakers and requested permission to recycle and dispose of said items. Motion to approve recycling items made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

F. Auditor

1. Finance Officer, Dawn McLaughlin, requested approval and Chairman's signature of South Dakota Public Assurance Alliance (SDPAA) 2023 renewal. Discussion was held regarding basic corrections. Motion to approve and for Chairman to sign once corrected made by Linde; seconded by Bies; vote taken, all aye; motion carried.

2. McLaughlin requested approval and Chairman's signature of 2023 South Dakota Association of County Commissioners (SDACC) and 2023 South Dakota Association of County Officials (SDACO) membership dues. Motion to approve and for Chairman to sign made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

G. Department of Equalization

1. Director, Leah Vissia, presented an update of the current countywide reappraisal and noted completion in the Fairburn area and stated that data entry for the Custer Highlands area is complete. Vissia stated she hopes to have the Highlands data included in the March, 2023 assessments. Vissia said her staff will be concentrating on assessing municipalities during the winter months and returning to rural property assessments during the summer season. The DOE staff will focus on data entry during the winter months, as well.

H. Safety Committee

1. Sam Smolnisky shared an update and noted the safety committee has been reformed; including a liaison and building representative. He noted the committee has offered CPR training, as well as active shooter training and debriefing services. Smolnisky stated they have received the Gold Level recognition award. Also mentioned were evacuation maps located in all rooms of the courthouse and installation of an additional AED to the courthouse building.

2. Sam tendered his resignation as Safety Officer, effective December 31, 2022 to

the Commission. Chairman Lintz thanked Smolnisky for his service as safety officer. Commissioner Hartman requested letters of interest in the open position and will appoint a replacement at the December 14, 2022 Commission meeting.

I. Search & Rescue

1. Larry Voecks appeared before the Commission and stated he had met with Finance Officer McLaughlin to discuss the status of Search & Rescue opening a checking account. He noted McLaughlin shared recommendations made by the state auditor, including requiring two signatures on the account. It was decided the account will be opened at First Interstate Bank, using Custer County's FEIN, thus allowing the Finance Officer to audit the account. Search & Rescue will remain under Emergency Management and Custer County's insurance policy by not securing non-profit status. Voecks said he will accompany McLaughlin when opening the new account, with an effective date of January 1, 2023. Motion to approve S&R opening checking account using Custer County's FEIN and remaining under Emergency Management for insurance purposes made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

J. Argyle Fire Department

1. Updated roster was presented and acknowledged by the Commission.

K. Planning Department

1. Planning Director, Terri Kester, presented Final Plat of Lot 3 Revised, Tract 2A and Tract 2B, all of Shirttail Subdivision re: Leon Johnson and James Dejong and recommended approval. Motion to approve made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

2. Kester noted that two planning commission terms expire on December 31, 2022. She said that one member desires to remain and the other member prefers to step down. Kester requested permission to advertise the position. The Commission so acknowledged.

L. Public Hearing 8:30 AM

1. Public hearing was held re: section line vacation Parcel ID# 15302, #6216 and #6096 Dale Ottenbacher, Theodore & Patricia Dubaniewicz and Jack & Laurie Guenther. Planning Director Kester noted that the proposed vacation has been advertised and interest parties notified. She stated the electric company has no objections as all properties currently have service. There were no objections from the public and Kester recommended board approval.

2. Resolution 2022-19 Vacation of Section Line Highway Right of Way. Motion to approve made by Linde; seconded by Bies; vote taken, all aye; motion carried.

M. Extension/4-H

1. Erin McGlumphy presented an update regarding 4-H and shared that enrollment numbers are holding at the US average (17.9%) and there are currently 112 students; with 94 at the end of September 2022. McGlumphy stated the 5-7 year-old age group is very active. She said that Custer County combined with Fall River County involves a great deal of travel, but is working out well for both counties. Discussion was held regarding the current quonset building used during the fair and Chairman Lintz stated work needs to be done to adequately cool the structure.

2. Memorandum of Understanding between Custer County and SDSU was presented for renewal in 2023 with no changes from the previous year. Legal Counsel, Susan Anderson,

reviewed the document and recommended signature. Motion to approve made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

N. Weed & Pest

1. Michael Baldwin requested approval and Chairman's signature on MOU between Custer County and USFS. He noted there were a few changes made to the previously agreed upon MOU, which allows for counties to have more input. He noted Susan Anderson had reviewed the document and recommended signature. Motion to approve signature made by Bies; seconded by Linde; vote taken, all aye; motion carried. Baldwin stated that Pennington Co., Fall River and Meade counties are contributing funds to hire a private consultant and said that although Custer County is not paying for a consultant at this time, it will be benefitted by the consultant's expertise.

2. Baldwin also informed the Commission that the current cost-sharing chemical reimbursement plan will increase from 50% to 75% refunded to landowners meeting the criteria.

O. John Ziolkowski

1. Mr. Ziolkowski appeared before the Commission as a board member of the Limbo Road District. He shared his concerns regarding the high volume of traffic due to VRBO and camping taking place on Little Italy road properties, located within the Limbo Road District. He noted that each landowner in the road district pays an annual fee in lieu of secondary road tax, but some properties generate a higher volume and feels that those property owners should pay a higher road maintenance fee. He inquired about the legalities of charging those specific landowners an additional amount. Legal Counsel Anderson stated that a road district board can set their own fees as a political subdivision and a political entity as per SDCL 31-12A and stated that this is not a county matter.

P. Veteran's Services

1. Request for signature and reappointment of current VSO, Todd Fish, as per SDCL 33A-1-22 for a period of four years, through the first Monday in January, 2027 was made. Motion to approve and sign made by Linde; seconded by Bies; vote taken, all aye; motion carried.

Q. Library

1. Library Director, Jessie Phelps, presented copies of the proposed lease for the Hermosa Library, which would become effective January 1, 2023 and terminate December 31, 2028 for approval and signature. Phelps noted there a few changes from the previous lease, including insurance review; damage provision and utility payment responsibility. Commission Legal Counsel has reviewed the lease and recommended approval and signature. Motion to approve and obtain Chairman's signature made by Hartman; seconded by Linde; vote taken, all aye; motion carried. Dan Holsworth was present and stated he would like the Hermosa attorney to review before the Hermosa Town Board signs said lease. Phelps stated the Custer County Library Board would like to have a dedicated fund for possible future building in Hermosa.

2. Phelps also updated those in attendance about the Custer Early Learning community. She said there is a statewide movement for early learning. She also noted there is a shortage of daycare facilities in Custer County, noting that most are currently full. She also stated that the YMCA is the only licensed daycare in Custer at present. Phelps encouraged the public to

attend a meeting to discuss childcare issues in the county, which will be held on December 20, 2022.

3. Director Phelps informed the Commission that the Library Board has two candidates for one position, and after interviewing, will nominate their choice for approval.

R. Old Business

1. ROD Director, Teri Morgan, will spearhead research on obtaining speakers, video and streaming equipment to update the commission room. Chairman Lintz asked Morgan to research a possible grant to cover the upgrades.

S. Public Comment –

1. Eric Lewis, together with Bobbi and Jeremy Schmidt shared concerns with the Commission regarding a proposed property split. Lewis stated his clients were told that dividing the property into 2 parcels is not feasible due to lack of conforming access to the second parcel and would require a special use permit from the USFS, which is a lengthy process. The Schmidts have not yet gone to the Planning Commission; wanting to present the issue to the Commissioners first. It was stated by Lewis that this should be an easy process and asked if the Schmidts could legally plat the property. Discussion was held regarding Planning Department approval of a plat with no legal access. Lewis stated he has read Ordinance No. 2 and his understanding is that the County can approve the plat but cannot issue any permits before the USFS grants access. Commissioner Hartman stated the Commission can issue a variance to Ordinance No. 2, but cannot override it. Legal Counsel Anderson was requested to look into the matter.

2. DOE employee, Caitlyn Green, asked approval to coordinate an employee blood drive (through Vitalint), noting that January is blood donation drive month and that there is currently a nation-wide shortage. The Commission agreed that Caitlyn would receive normal pay for that day and would not need to use a vacation day. It was decided to discuss this further at the December 14, 2022 Commission meeting and move to approve at that time.

3. Timothy Holland, HR Director, shared that a gift of appreciation valued at over \$100 was received for employees and therefore, notified the Commission as required.

4. Dan Holsworth, town of Hermosa, shared that a work session was held on November 29, 2022 and discussions included the proposed lagoon expansion; progress on the well project and annexation. Holsworth thanked the Commission for its previous commitment of \$500K in WRT funding and requested to submit a request for additional funding for fencing, meters, etc. for the project at the December 14, 2022 Commission meeting. Chairman Lintz stated that Holsworth could submit the request, but noted the current funding priority would be given to the fire departments within Custer County.

5. Joe Raver, together with investors In Ho Son, Chris Kim, Susan Kim and Dr. James Lee, all of Korea, shared a presentation regarding a proposed business to be based at the former Wood Carving Museum in Custer. The business consists of a spray-on hand sanitizer created from non-toxic, water-based ingredients. Raver stated this product would be internationally marketed, in which Raver has many years of experience and would employ 20 individuals at startup. Raver further discussed the product and stated that he presented a detailed program and business plan to the Custer Economic Development committee and was told they were not interested in having the business located in Custer County. Raver went before the Planning Commission and was informed they approved of the venture, and there are no zoning restrictions within Custer County. Commissioner Hartman reiterated this and requested this

matter be discussed further and that the Commission supports and stands behind the business startup. It was noted that the Planning Board could issue a letter of support without a motion.

T. Rob McWhorter

1. Mr. McWhorter presented the Commission with a Custer Retiree Volunteer list, comprised of individuals from the community who are willing to offer assistance and expertise to the county, if needed, for various projects. McWhorter introduced several members on the list who were in attendance and expects to add more names to the roster. Commissioner Hartman thanked the McWhorters for compiling the list and stated their knowledge will be a valuable asset.

U. Todd Konechne

1. Mr. Konechne appeared before the Commission with a presentation regarding Lower French Creek and stated he represents the "Preserve French Creek" group. The group is extremely concerned about plans to pump treated sewage into French Creek, thereby degrading the water quality. Konechne stated he is in support of the City of Custer's plan to improve the sewer discharge, but feels Flynn Creek, which only has one dry cabin located along its banks, rather than French Creek is the preferred location. He said French Creek is a cold-water trout stream and is also used for other recreation, such as swimming. He noted that there are several residents along French Creek who were unaware of the decision to discharge the treated sewage into this recreational creek. He stated that there was no direct communication with any of the landowners, although public notices were published in the Custer County Chronicle, meeting only the minimum requirements and not keeping in the spirit of community. Konechne's presentation showed the impacts this would have on water quality standards, drinking water wells, fish kill and lowered property values along the 24 miles of creek. Several affected residents were in attendance and shared concerns with the Commission. Konechne stated the hope is to overturn this decision and work together with various agencies to come up with a better solution. Commissioner Hartman stated that he is in agreement with Mr. Konechne and that it is everyone's responsibility to keep French Creek clean for the residents, as well as the entire community. Commissioner Linde said that if Mr. Konechne would draft a letter explaining the situation the Commission would sign in support.

V. Executive Session

1. Motion to enter into executive session to discuss indigent request as per SDCL 28-13.42 made by Bies; seconded by Linde; vote taken, all aye; motion carried. Executive session entered into at 10:39 AM and concluded at 10:54 AM. Motion to approve request as discussed made by Linde; seconded by Bies; vote taken, all aye; motion carried.

W. Commission

1. Mail call –
 - a) Letter from Town of Hermosa re: voluntary annexation request. Linda Kramer shared that only about 10% of the requests have been returned with more residents voting "no" rather than "yes.
2. Meeting Schedule –
 - a) Custer County to host BH Association meeting December 2, 2022 at Crazy Horse Memorial beginning at 11:00 AM.

- b) Custer County employee Christmas party to be held December 9, 2022 at Crazy Horse Memorial beginning at 5:30 PM.
- 3. Meeting Reports –
 - a) Commissioner Linde reporting attending a garbage meeting.

X. Adjourn

Motion by Linde and seconded by Bies to adjourn the meeting at 11:01 AM. The next meeting will be at 8 AM, December 14, 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 _____.