# Draft Minutes of the Custer County Commission Meeting Wednesday, January 4, 2023.

### Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Michael Busskohl 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. Motion to amend Agenda to add "Approve Planning Commission Alternate" after item "G" Highway made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Motion to approve Agenda as amended made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

### C. Consent Agenda

- 1. Approve Minutes of December 16, 2022 Commission Meeting.
- 2. 2023 Department Head Wages as follows:

Human Resources, Tim Holland \$37,496.00; Veteran's Services, Todd Fish \$37,184.00; Weed & Pest/Conservation Director, Michael Baldwin \$53,120.00; Building Maintenance Supervisor, Joe Panza \$53,120.00; Planning Director, Terri Kester \$47,040.00; Library Director, Jessica Phelps \$50,620.00; IST/GIS Director, Troy Schmidt \$59,300.40; Equalization Director, Leah Vissia \$61,229.04; Highway Superintendent, Jessie Doyle \$70,330.00; Emergency Management Supervisor, Steve Esser \$56,240.00.

3. 2023 Hourly Employee Wages as follows:

**Auditor's Office:** Barbara Cox, Deputy Auditor \$18.37; Sarah Mowery, Deputy Auditor \$17.88; Dana Benjamin, Deputy Auditor \$17.17; Tracy Fish, Contractor \$25.50

**Treasurer's Office:** Paula Arthur, Deputy Treasurer \$19.37; Kelly Holden, Deputy Treasurer \$18.42; Karen Hicks, Deputy Treasurer \$17.17; Rayliene Caudy, Deputy Treasurer \$16.50; Walter Krol, Deputy Treasurer \$16.50

States Attorney Office: Cinda Jones, States Attorney Legal Assistant \$20.11

plus an additional \$2,000 per year for Victim's Advocacy; Lela Larson, States Attorney Office Manager \$25.16 plus an additional \$4,000 per year for Victim's Advocacy; Wendy McGowan, Deputy States Attorney \$46,629.12

**Maintenance Department:** Jamie DeNoma \$19.61; Francis Ray Caudy \$18.04; Roberta Phillips \$19.59

**Department of Equalization:** Lindsey Luckett, Appraiser \$18.04; Ronald Remley, Appraiser \$19.04; Tara Traxler, Appraiser \$19.04; Karen Whitney, Office Manager \$24.28; Caitlin Green, Appraiser \$18.04; Liliana Puente Chavoyo, Appraiser \$18.04; Charlie Poehls, Uncertified Appraiser \$16.50; Melissa Bradford, Uncertified Appraiser \$18.00

Register of Deeds: Wanda Gramkow, Deputy Register of Deeds \$19.17

**Planning Department:** Laura Rosane, Deputy Planner \$18.93; Brandon DeNoma, Planning Technician \$17.88;

Sheriff's Department: Steve McMillin, Lieutenant \$31.03; Jeffrey McGraw, Lieutenant \$30.43; Derrick Reifenrath, Sergeant \$29.20; David Clevenger, Sgt. Sheriff \$27.27; Matthew Tramp, Deputy Sheriff/School Resource Officer \$27.13; Seth Thompson, Deputy Sheriff \$26.27; Elizabeth Allen, Deputy Sheriff \$26.27; Stephen Yenulonis, Deputy Sheriff \$26.27; Matt Haugen, Deputy Sheriff \$26.27; Blake Kainz, Deputy Sheriff \$25.19; Megan Heggen, Deputy Sheriff \$25.19; Robert Steele, Deputy Sheriff \$25.19; Full Time Uncertified Deputy Sheriff \$24.69; Nicole Parker, Civil Deputy/Administrative Assistant \$22.67; Jessica Brown, Administrative Assistant \$16.07.

**24/7:** Alan Dubbelde, Part-Time 24/7 Attendant \$17.88; Paula Arthur, Part-Time 24/7 Attendant \$19.37; Tierney Shelton, Part-Time 24/7 Attendant \$21.99; Open Part-Time 24/7 Attendant \$16.50

**Communications (911):** Joel Behlings, Dispatcher \$27.00; Michelle Lyon, Dispatcher \$23.15; Hapsie Nutley, Dispatcher \$21.99; Sharon Bielmaier, Dispatcher \$21.99; Kevin Climis, Dispatch \$21.99; Kourtnee Arndt, Dispatcher \$21.99; Tierney Shelton, Dispatcher \$21.99.

**Library:** Sarah Myers, Library Assistant \$19.04; Roberta Phillips, Part-Time Librarian/Part-Time Maintenance \$19.59; Thea Teasley, Librarian \$17.88; Sarah Christiansen, Librarian \$16.50; Eileen Wahlstrom, Part-Time Temporary Librarian \$17.25.

**Highway Department:** Kevin Treloar, Equipment Operator/Foreman \$27.03; Patrick Assmann, Equipment Operator \$26.01; Justin Neville, Equipment Operator \$25.48; Craig Golder, Equipment Operator \$23.93; JW Olson, Equipment Operator \$23.93; Frank Dooley, Equipment Operator \$23.93; Gail Kay, Equipment Operator \$22.50; Mark Jurrens, Equipment Operator \$23.93; Erin Holden, Equipment Operator \$23.93; Steven Kay, Equipment Operator \$23.52; David Minzel, Mechanic \$26.41; Randy Severson, Equipment Operator \$22.50; Lori Thorson, Office Manager \$18.04

**Emergency Management:** Teresa Obenauer, Public Information/Communications \$19.50; Safety Officer, \$3,000/year

Nurse: Amber Maidens, Nurse Assistant/Secretary \$16.50

Airport: Brenden Hendrickson, Airport Manager \$49,320.00/year

**Weed & Pest/Conservation Department:** Two Part-Time Temp. positions (Seasonal) Weed Sprayer \$18.00

4. Motion to approve Consent Agenda with changes to Motor Pool and Liaison Designations made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

### D. Conflict of Interest Declarations - None

### E. Reorganization of Board as Per SDCL 7-18-15

1. Selection of Board Chairman—Motion to appoint Jim Lintz as Commission Chairman made by Hartman; seconded by Linde; vote taken, all aye; motion carried. Chairman Lintz thanked the Commission for their continued support.

2. Selection of Vice-Chairman—Motion to appoint Commissioner Hartman as Vice-Chairman made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

### F. Annual Designations

1. Set Commission rate of pay as follows: Jim Lintz \$15,603.60 plus \$1,200 for travel expenses; Mike Linde \$15,603.60 plus \$1,200 for travel expenses; Craig Hindle \$15,603.60 plus \$1,200 for travel expenses; Mark Hartman \$15,603.60 plus \$1,200 for travel expenses; Mark Hartman \$15,603.60 plus \$1,200 for travel expenses; Legal Counsel Susan Anderson \$73,120.00. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Resolution 2023-01--Resolution to Establish Salaries of Elected Officials for Custer County for 2023. Dawn McLaughlin, Custer County Finance Officer \$86,240.00; Tracy L. Kelley, Custer County State's Attorney \$121,240.00; Teri L. Morgan, Custer County Register of Deeds \$53,738.32; Marty Mechaley, Custer County Sheriff \$83,395.82. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.



#### Resolution 2023-01

#### A RESOLUTION TO ESTABLISH SALARIES OF ELECTED OFFICIALS FOR CUSTER COUNTY FOR 2023

WHEREAS, in accordance with SDCL Chapter 7-7, the Custer County Board of Commissioners ("Commission") shall establish, by resolution, the salary payable to county elected officials, namely, the finance officer, register of deeds, and state's attorney; and

WHEREAS, in accordance with SDCL 7-12-15, the Commission shall establish, by resolution, the salary payable to the sheriff;

NOW, THEREFORE, BE IT RESOLVED that the Custer County Board of Commissioners establishes the annual salaries of the following elected officials for 2023:

Dawn McLaughlin, Custer County Finance Officer -- \$86,240.00 Tracy I., Kelley, Custer County State's Attorney – \$121,240.00 Teri I., Morgan, Custer County Register of Deeds – \$53,738.32 Marty Mechaley, Custer County Sheriff -- \$83,395.83

APPROVED AND ADOPTED ON this 4th day of January, 2023 at Custer, South Dakota, at the regular meeting of the Custer County Board of Commissioners.

	Juny Lintz, Chairman Custer County Commission
ATTEST:	
Jabara U.J. Barbara Cox, Deputy Auditor	SEAL
First Reading: January 4, 2023	The survey of
Approved & Adopted: January 4, 2023	
Publication: (Number of Votes for:	; Number of Votes against:) , 2023

3. Set mileage, lodging and meal rates for 2023--Discussion was held regarding proposed rates and it was decided to increase the 2022 rates \$5.00 per meal, per day rates as follows: In-state meals—breakfast \$11.00; lunch \$19.00; dinner \$25.00. Lodging \$75.00 in state; mileage .51/mile if personal vehicle is used and no County vehicle is available; .28/mile if personal vehicle is used and County vehicle is available. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

#### ATTACHMENT A (From Employee Manual)

	IN-STATE	OUT OF STATE	WHEN LEAVING BEFORE	WHEN RETURNING AFTER
BREAKFAST	\$ 11.00	\$15.00	6:00 A.M.	7:00 A.M.
LUNCH	\$ 19.00	\$23.00	11:31 A.M.	12:50 P.M.
DINNER	\$ 25.00	\$33.00	5:00 P.M.	6:00 P.M.

- MOTEL RATES: IN STATE RATE IS: \$75.00 THROUGH \$150 WITH THE EMPLOYEE UTILIZING THE LOWEST POSSIBLE RATE
  - OUT OF STATE MAXIMUM RATE IS: \$175.00

USE OF PRIVATELY OWNED AUTOMOBILE ON OFFICIAL BUSINESS: In lieu of actual transportation expenses, an employee shall be reimbursed according to County policy for use of a privately owned automobile on official business at a rate of \$0.51 per mile subject to the following:

- If an employee chooses to drive his or her own vehicle to the same destination as other employees who are utilizing a County vehicle, the employee will not be reimbursed for mileage for the use of his or her private vehicle.
- If a County vehicle is available and no other County vehicle is going to the same destination, but the employee desires to drive a personal vehicle, the employee shall be paid \$0.28 per mile.

4. Set rate of pay for Planning and Weed & Pest Boards for 2023. Motion to approve \$40/per meeting and .51/mile made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

5. Designation of legal newspaper and depositories for 2023—motion to designate Custer County Chronicle as legal newspaper made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. Motion to designate First Interstate Bank; Sentinel; SDFIT; Highmark Federal Credit Union; Edward D. Jones; Dacotah Bank and other guaranteed funds as Legal Depositories for Custer County funds made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

6. Motion to approve liaison/committee/board appointments for 2023 as follows made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

Committee	Commissioner Liaison	Commissioner Alternate
4-H	Lintz	Hindle
Airport	Hindle	Busskohl
Conservation Board	Linde	Busskohl
Custer County Historical Society	Linde	Hindle
Equalization Department	Hartman	Hindle
Extension Board	Lintz	Hindle
Fair Board	Lintz	Hindle
Fire Board	Lintz	Hindle
Highway Department	Linde	Busskohl
Housing & Redevelopment	Hartman	Hindle
Human Resources	Lintz	Hindle
Library	Hindle	Busskohl
Planning Commission	Hartman	Hindle
Planning Department	Busskohl	Hindle
Public Safety	Hartman	Busskohl
Safety Committee	Hindle	Linde
Emergency Mgmt - Communications	Lintz	Busskohl
RC&D Commission	Busskohl	
Custer County School	Hartman	Busskohl
Solid Waste Board	Linde	Busskohl
Weed Board	Lintz	Linde
Western Juvenile Detention Board	Hartman	Marty
Western SD Community Action Board	Jim Olson	
SAR	Busskohl	Hindle
Veteran's Service Department	Linde	Hindle
Custer YMCA Board	Busskohl	Hindle
Department Head Review Board	Hindle	Linde
Maintenance Department	Hindle	Hartman
West County Well Project	Hartman	Linde
Custer Senior Center	Linde	Hindle
City of Custer	Busskohl	Hindle
Town of Hermosa	Lintz	Linde
Towns of Bgap, Pringle, Fairburn	Hindle	Busskohl

2023 Commissioner Liaison Appointments

7. Resolution 2023-02--A Resolution to Establish Wages of Election Workers for Custer County. Motion to approve election worker pay for 2023 at \$16.50/hour made by Hindle; seconded by Linde; vote taken, all aye; motion carried.



#### A RESOLUTION TO ESTABLISH WAGES OF ELECTION WORKERS FOR CUSTER COUNTY

WHEREAS, in accordance with SDCL 12-15-11, the Custer County Board of Commissioners ("Commission") shall set a fee for Election Board members and election workers and the mileage rate; and

NOW, THEREFORE, BE IT RESOLVED that the Commission establishes the following wages for election workers for 2023:

Election school attendance: \$16.50 per hour Election boards for the Primary and General and Special Elections, including resolutions and absentee ballot boards: \$16.50 per hour

BE IT FURTHER RESOLVED that the Commission sets the mileage rate at \$0.51 per mile for all travel incurred in regard to election work.

APPROVED AND ADOPTED ON this 4th day of January, 2023 at Custer, South Dakota, at the regular meeting of the Custer County Board of Commissioners.

	Jun Lintz, Chilignan
	Custer County Commission
ATTEST:	Costa County Commission
Bullan CAL Barbara Cox, Deputy Auditor	SEAL
First Reading: January 4, 2023	and the first state
Approved & Adopted: January 4, 2023	
(Number of Votes for:	; Number of Votes against:) ., 2023

8. Resolution 2023-03—Drug Free Workplace Act Certification for a Public Entity. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.



#### Resolution 2023-03

#### DRUG-FREE WORKPLACE ACT CERTIFICATION FOR A PUBLIC ENTITY

- Custer County, South Dakota certifies that it will provide a drag-free workplace by:

   Publishing a statement notifying employees that unlawfully manufacturing, distributing, dispensing, possessing or using a controlled substance in the
  - recipient's workplace is prohibited and specifying the actions that will be taken against employees for violation or such prohibition. b. Establishing a drug-free awareness program to inform employees about:
    - i. The dangers of drug abuse in the workplace;
    - - The recipient's policy of maintaining a drug-free workplace;
        Any drug counseling, rehabilitation and employee assistance programs that are available; and
  - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.c. Making it a requirement that each employee to be engaged in the performance of
  - the grant or cooperative agreement be given a copy of the statement required by paragraph (a).
  - a. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant or cooperative agreement, the employee will:

    - Abide by the terms of the statement; and
       Notify the employer of any criminal drug statute conviction for a violation occurring under the workplace no later than five days after such conviction.
  - Notifying the federal sponsoring agency within ten days after receiving notice under subparagraph (d)(ii), with respect to any employee so convicted:
    - i. Taking appropriate personnel action against such an employee, up to and including termination; or
    - ii. Requiring such an employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(ii), with respect to any employee so convicted: i. Taking assessment actions against such as annulation and a single such as a such as a single such as a single
  - Taking appropriate personnel action against such an employee, up to and including termination; or
     Recording to an employee to maticipate action of the adapt of the second s
- Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other agency.
   Making a good faith effort to continue to maintain a drug-free workplace through
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (c), and (f).
- The recipient's headquarters is located at the following address: Custer County Courthouse, 420 Mount Rushmore Road, Custer, SD 57730. The addresses of all other workplaces maintained by the recipient are as follows:

Caster County Highway Shop: 25365 US Highway 85, Custer, SD 57730 Caster County Highway East Shop: 14206 Missile Road, Hennosa, SD 57744 Caster County Weed and Pest Office: 25363 US Highway 85, Custer SD 57730 Caster County Library and Annex: 447 Cook Street, Custer, SD 57730 Caster County Hermosa Library: 234 Main Street, Hermosa, SD 57744 Caster County Airport: 12220 Aviation Way, Caster, SD 57730 Caster County Airport: 12220 Aviation Way, Caster, SD 57730 Caster County 4-H/Extension Office: 25361 US Highway 85, Custer SD 57730 Caster County 4-H/Extension Office: 25361 US Highway 85, Custer SD 57730 Caster County Fairgrounds: 295 E Main Street, Hermosa, SD 57744

Dated this 4th day of January, 2023 at Custer, South Dakota, at the regular meeting of the Custer County Board of Commissioners.

ATTEST:	Jim Lintz, Chairman Dister County Commission	
ATTEST:	CONTRACT, NO.	
<u>Liubana</u> UY Barbara Cox, Deputy Auditor	(SEAL)	
First Reading: January 4, 2023	and the second s	
Approved & Adopted: January 4, 2023		
(Number of Votes for:	; Number of Votes against: )	
Publication:	, 2023	

9. Motion to approve 2023 Commission Meeting Calendar as follows made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

Meeting Dates for 2023 are as follows: January 4<sup>th</sup> & 25<sup>th</sup>; February 8<sup>th</sup> & 22<sup>nd</sup>; March 8<sup>th</sup> & 22<sup>nd</sup>; April 5<sup>th</sup> & 26<sup>th</sup>; May 10<sup>th</sup> & 24<sup>th</sup>; June 7<sup>th</sup> & 21<sup>st</sup>; July 12<sup>th</sup> & 26<sup>th</sup>; August 9<sup>th</sup> & 23<sup>rd</sup>; September 6<sup>th</sup> & 20<sup>th</sup>; October 4<sup>th</sup> & 18<sup>th</sup>; November 1<sup>st</sup> & 15<sup>th</sup>; December 6<sup>th</sup> & 27<sup>th</sup>. All dates are subject to change and changes will be posted and shared on social media.

### G. Highway

1. Highway Superintendent, Jesse Doyle, presented an application for occupancy ROW re: Golden West Telecommunication facility, Sidney Park Road; Section 12; Township 4S; Range 4E; Custer County, SD and recommended Commission approval. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Doyle publicly thanked all Highway Department employees, most of whom were in attendance, for their dedication and hard work. He introduced and commended his staff individually; they, in turn thanked the Commissioners for all of their support.

### H. Planning Commission

1. Planning Director, Terri Kester, recommended the Commission approve Phil Abernathy as an alternate to the Planning Commission for a 3-year term. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

### I. Veteran's Services

1. Todd Fish, VSO, appeared before the Commission and congratulated and thanked members for their service to Custer County. Fish noted since 2022 there has been an increase of 57 new veterans registered in Custer County. Fish stated there are currently 75 claims in progress; 39 active claims; 28 intent to file claim and 8 open active appeals. He also noted veterans outreach with VFW and American Legion Post 46 monthly meetings. Fish also presented an update on veterans requiring headstones and requested Commission approval to release \$500 from the VSO budget for setting fees. Motion to approve release of funds made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

### J. Public Comment

1. Dan Holsworth, Town of Hermosa, thanked the Commission for their public service and welcomed Michael Busskohl, new Custer County Commissioner. He stated his appreciation for the Commission.

2. Teri Morgan, Register of Deeds, updated the Commission on her research into acquiring a sound system for improved audio in the Commission room. Morgan stated that Haggerty's is scheduled to conduct an on-site evaluation of the room.

### K. Old Business

1. Dusty McDill appeared before the Commission, as previously tabled in the 12-28-2022, meeting to discuss late fees and building permit fines. McDill voiced his concerns about "grey areas" in the fees/permit process and rules in Custer County. McDill guoted the definition of "canopy" from Wikipedia; whereupon Commissioner Linde noted by that definition, every carport in Custer County would be tax exempt. Legal Counsel, Susan Anderson stated that based upon her research, the structures in question are permanent, stand-alone buildings and not canopies. Anderson opined that the fines imposed by the County are just and should stand, but the decision is ultimately up to the Commission. Planning Director, Terri Kester, stated the carports are a 36 x 40 standalone structure constructed of wood and metal; and an 18 x 40 carport constructed of wood and metal and attached to an existing garage; Kester also stated that missed taxes due to unpermitted and unassessed structures is approximately \$2,000.00. Commissioner Busskohl stated that McDill should have obtained a permit before construction and that the fines are proper. Motion to keep the fines as imposed made by Busskohl; seconded by Hindle; vote taken, Busskohl aye; Hindle aye; Linde aye; Hartman nay; motion carried.

2. Todd Konechne—request to rescind letter of support re: French Creek. Commissioner Busskohl stated since the Commission addressed and drafted a neutral letter regarding French Creek, it should be sent as previously agreed; Commissioner Hindle stated the letter shows Custer County cares and should send the letter of support as previously decided. No action was taken.

### L. Commission

1. Chairman Lintz read aloud a letter he drafted to the SD GFP re: taxation and impacts and financial burden to Custer County. Lintz noted the strain put upon Custer County services; Sheriff's office; Search & Rescue; Fire and Ambulance, as well as Highway use, due to the number of calls in Custer State Park with very low annual renumeration is concerning. Lintz noted CSP is in direct competition with private enterprise in Custer County and is competing tax-free. Lintz feels Custer State Park should be re-evaluated to establish PILT (payment in lieu of taxes) funds. Dan Holsworth noted that a "use tax" might be implemented to help cover cost of services. Chairman Lintz requested a copy of the letter be sent to Governor Noem, Lt. Governor Rhoden, GFP Commission members, as well as District 30 Legislators for their consideration. Motion to approve Chairman's signature and send letter as noted made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

1. Mail call -

a) Performance Report from Black Hills Council of Local Governments.

b) DANR Copy of Public Notice recommending renewal of four solid waste general permits. Legal Counsel, Susan Anderson, will review. Anderson stated that upon review of the letter, it is a general notice letter sent to all governmental entities and no action needs to be taken.

c) Letter from State Historical Society re: Galena Creek School/Hargens Cabin. These locations have been approved to be added to the National Register of Historic Places.

2. Meeting Schedule –

a) Fire Advisory Board meeting to be held Thursday, January 12, 2023.

b) Landfill Board meeting to be held Thursday, January 12, 2023.

c) Blood Drive to be held Monday, January 9, 2023 from 10 AM until 2 PM in the basement room of the Courthouse.

3. Meeting Reports – none.

## M. Executive Session

Motion by Hartman; seconded by Linde to enter into Executive Session pursuant to SDCL 125-2(3) Legal; vote taken, all aye; motion carried. Executive Session entered into at 9:19 AM and concluded at 9:37 AM. No action taken.

## N. Adjourn

Motion by Busskohl and seconded by Hindle to adjourn the meeting at 9:38 AM. The next meeting will be at 8:00 AM, January 25, 2023 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 \_\_\_\_\_\_.