

Minutes of the Custer County Commission Meeting Wednesday, August 9, 2023.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Busskohl and Commission Legal Counsel Aaron Davis and Dawn McLaughlin, Finance Officer. Commissioner Hindle was not in attendance.

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 approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

C. Consent Agenda

1. Approve Minutes of July 26, 2023 Commission Meeting.
2. Approve Monthly Reports:

TREASURER DISBURSEMENTS						
JULY 2023						
LANG JON I-DTA 7336	DTA TAX PAYMENT PARCEL #7336	H	7/07/2023	100.00	000558	100.00
DOMERVOLD PAMELA I-ADV PARCEL 15513	ADV TAX PAYMENT FOR #15513	H	7/10/2023	578.44	000560	578.44
MARKEEL PETERSON I-ADV 10 PARCELS	ADV TAX PD 2022 TAXES IN FULL	H	7/10/2023	4,691.60	000561	4,691.60
SHIRAS INVESTMENTS I-75 REED 3 2021	3 TRSALE REDEMPT 21-127/130-153	H	7/11/2023	14,484.69	016151	14,484.69
JUSTER COUNTY SHERIFF I-DW 4909 CORRECTION	DW 4909 PD TWICE TO COUNTY	H	7/11/2023	600.00	016152	600.00
SOUTH DAKOTA STATE TREASURER I-BOM- JUNE 2023	END OF MONTH JUNE 2023 MV	H	7/11/2023	348,278.69	016153	348,278.69
STAKE RYAN I-BLOG PERMIT REFUND	PERMIT 230301 BLDG PERMIT	H	7/14/2023	143.50	016154	143.50
REN INC FLEET I-JUNE 2023 BILL	JUNE 2023 90 FUEL BILL	H	7/18/2023	4,506.93	000562	4,506.93
ROBERT BAIRD I-TRF FEES REFUND	WEIGHT ERROR ON TRF PLATES	H	7/19/2023	144.00	016157	144.00
UCSAR STEPHEN I-REFUND ON SPEC FLT	REFUND CONFLICT WITH FEES PLAT H	H	7/19/2023	13.78	016158	13.78
FRS AG SERVICES I-CHECK ERROR	CHECK WAS WRITTEN WRONG	H	7/21/2023	10,331.67	000563	10,331.67
CREDIT COLLECTIONS I- 1 FURSTE CHAVOZO				300.00		
KAINE POWERLINES I-COMM REFUND	REFUND ON 47538295	H	7/24/2023	394.25	016159	394.25
JUSTER COUNTY TREASURER I-ADM FEE KAINS	COMM ADM FEE FOR KAINS POWER	H	7/24/2023	10.00	016160	10.00
				<u>3384,477.52 total</u>		

DEPOSIT	DATE	7/31/2023	FORWARD JONES
TRANSFER			
ADJUSTMENTS			
CURRENTS	5	3,095.41	
TOTAL			
RE-KOSHAN FEE	\$ 15.00	COAST	
REAR ADMIN FEE	\$ 27.00	CLERKING	
WHEEL TAX			1,772.44
LEH FEES	\$ 30.00	CITILE	
MAC			2,394.17
TOTAL MISC COLLECTIVE			4,478.71
REGISTERATION			15,378.72
STATE TITLE	\$12.00	REPAIR	
RAW PATROL FEES			305.00
TREES	\$126.00	SIXTYV	
LATE FEE	\$85.00	TEMP FROM	
WASTE FEE	\$120.00	SWP PLANT	
MOE	\$168.00	SWP FISH	
SPEC	\$252.50	W PLATT	
SHOW			
BOAT DECALS	\$200.00	DWP TRS	
TOTAL MISC			31,827.32
PREVIOUS BALANCE			7,432,360.48
DEBIT ACCOUNT FOR			3,431,866.69
YOUR CHECK			
LESS DISBURSEMENTS			
REQUIRED BALANCE			3,431,866.69
RECEIVED BALANCE			3,431,866.69
REMAINING BALANCE			1,539.00
TOTAL			\$48,121.00

CUSTER COUNTY ROD ACCOUNTING SHEET

COUNTY PORTION	
MARRIAGE LICENSE	18 181-321.00 @ \$10.00 \$ 1,810.00
DOMESTIC ARRGE	18 120-321.00 @ \$18.00 \$ 2,160.00

M & P Fund	175 351-041.31 @ \$1.00 \$ 350.00
Previous Month's Charges	

COUNTY TOTAL \$4,320.00	
Adjustments (if any)	

SDACD PORTION	
M & P Fund	175 @ \$2.00 \$ 340.00

STATE PORTION STATE VITAL RECORD FUND	
Birth	16 @ \$5 \$ 80.00
Death	16 @ \$6 \$ 96.00 (2847) \$Total 176.00

Birth CHM Trust	@ \$3 \$ 32.00 (8320) \$Total 32.00

COUNTY ROD VITAL RECORD TO STATE GENERAL FUND	
Birth	16 @ \$3 \$ 48.00
Death	16 @ \$4 \$ 64.00 (2400) \$Total 112.00

STATE TOTAL \$328.00	

SDACD TOTAL \$344.00	

GRAND TOTAL \$4,988.00	

Check# 1657	To State \$ 320.00
Check# 1694	To County \$ 18,769.25
Check# 1695	To SDACD \$ 344.00

SDCL 7-9-17

Register of Death statement of fees collected during month of JULY, 2023, Custer County, State of SD for the month of JULY, 2023. In this list fees collected by me as Register of Deaths during the month of JULY, 2023. Register of Deaths Official Fee Book, RECEIVED 11/17/11 through 8/1/1980

State of South Dakota
 County of Custer

Not a Member, being duly sworn, deposes and says that she is the Register of Deaths for Custer County, SD, and the foregoing is a true and correct report of all fees collected by me as such Register of Deaths, as required by law. Subscribed & sworn to before me this 1st day of July, 2023. My Commission Expires 9-20-2025. Mary Paton, Clerk of Court



- Travel requests approved:
- Auditor- Marlyn Campbell and Sarah Mowery to attend SDACES- Tyler Technologies August 17, 2023 in Oacoma, SD in the total amount of \$306 (1 overnight prior to morning session)
 - 2023 County Convention- attendance: Jess Doyle, Teri Morgan, Dawn McLaughlin, Paula Arthur, Barb Cox, Michael Buskohl and Jim Lintz September

12-13, 2023 in Sioux Falls Ramkota Hotel, SD in the total amount of \$3,850 (\$550 per person in their various budgets)

- c. Emergency Management- Steve Esser to attend Legislative Summer Study in Pierre, SD on August 16, 2023 in the amount of \$274 (1 overnight prior to morning meeting)

Vouchers approved as follows:

COMMISSIONERS: Southern Hills Publishing \$488.38; Golden West Telecom \$27.31; Valhalla Legal PLLC \$3,500; SDACO \$400; Thomson Reuters \$278.99

24/7 SOBRIETY: Golden West Telecom \$849

AUDITOR: Golden West Telecom \$136.65; SDACO \$300.

TREASURER: Golden West Telecom \$136.55; SDACO \$300; Thomson Reuters \$49.98

STATE'S ATTORNEY: Southern Hills Publishing \$38.12; Lexis Nexis \$370; Golden West Telecom \$136.55; Thiery Mamalis \$411.69; Culligan \$25; Thomson Reuters \$906.99

LAW LIBRARY: Thomson Reuters \$1,434.98

COURT-APPOINTED ATTORNEY: Garland Goff \$3,227; Grey & Eisenbraun \$2,166.80; Angela Cobath \$2,537.70; Husted Law Office \$1,103.91

MAINTENANCE: Black Hills Energy \$4,351.78; Custer City \$2,083.51; McGas Propane \$281.44; Black Hills Chemical \$187.12; Sander Sanitation \$20.72; Custer Ace Hdwe \$96.90; Golden West Telecom \$27.31; A-Z Shredding \$13.20

DIRECTOR OF EQUALIZATION: Quill \$345.48; Golden West Telecom \$191.17; Thomson Reuters \$49.98

REGISTER OF DEEDS: Golden West Telecom \$54.62; SDACO \$200; Thomson Reuters \$74.97

VETERANS SERVICES: Golden West Telecom \$27.31

INFO TECHNOLOGY: Golden West Telecom \$734.62; Golden West Technologies \$8,066.51; Schneider Geospatial \$1,176.

HUMAN RESOURCES: Golden West Telecom \$27.31; Jackie Bauer \$1,199.81

SHERIFF: Pheasantland Industries \$273; Golden West Telecom \$273.10; Active 911 Inc. \$450; A-Z Shredding \$6.95; Anderson Auto \$100

PRISONER CARE: Pennington County Jail \$22,178.88; Jacquelyn Nelson \$150; RC Police Department \$60.

SEARCH & RESCUE: Golden West Telecom \$93.95

AIRPORT: Insurance Benefits, Inc. \$5,195; Jenner Equipment \$1,655.16; Brendan Hendrickson \$4,110; Golden West Telecom \$113.51; Mead & Hunt \$6,336.81; City Service Valcon \$10,099.16; Dakota Appraisals, LLC. \$5,000; Helms & Associates \$5,000.

MENTAL ILLNESS BOARD: Husted Law Office \$120.

LIBRARY: Southern Hills Publishing \$67.80; Mt. Rushmore Telephone \$134.07; Golden West Telecom \$115.95

EXTENSION: Golden West Telecom \$117.41

WEED & PEST: Southern Hills Publishing \$89.40; John Allan \$1,000; Golden West Telecom \$98.25; Eddie Powers \$98.25; Tim Hoffman \$38.90; Kathy Flanagan \$115.25

PLANNING: Southern Hills Publishing \$48.83; Golden West Telecom \$109.07

COUNTY ROAD & BRIDGE: A&B Welding \$11.70; BH Energy \$73.57; Butler Machinery \$4,518.52; Floyd's Truck Center \$168.78; French Creek Supply \$863.47; Fastenal \$175.74; Mt. Rushmore Telephone \$119.32; Pheasantland Industries \$1,192.50; S&B Motor Parts \$634.92; SD Dept of Transportation \$864.39; Kieffer Sanitation \$271.70; Servall Towel & Linen \$128.65; Golden West Telecom \$237.98; Carl's Trailer Sales \$2,250; Culligan \$19.50; Matco Tools \$43.90; Advanced Drug Testing \$112; SDACO \$200; CBH Cooperative \$11,769.83; Trail King Industries \$202.59

EMERGENCY MANAGEMENT: Golden West Telecom \$44.56

COUNTY BUILDINGS: Custer Ace Hdwe \$96.06

EMERGENCY LINE: Southern Hills Publishing \$263; Quill \$94.16; Golden West Telecom \$712.86

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

D. Conflict of Interest Declarations –

1. Commissioner Linde declared a conflict under Item "L" New Business re: Baumann-Bourne.

E. Highway

1. Highway Superintendent, Jesse Doyle, requested Commission approval to advertise gravel bid for the Pringle area. He would like to advertise for 30K tons, noting this would be a geographical bid and noted there are enough funds in the aggregate budget to cover the expense. A bid opening date after the September 6, 2023 Commission meeting date will be determined. Motion to approve made by Hartman; seconded by Buskohl; vote taken, all aye; motion carried.

2. Doyle also requested authorization to purchase culverts for future use in the Granite

Heights/French Creek Crossing project. Doyle stated since funding would come from RAIF (Rural Access Infrastructure Funds), Commission approval is required. Doyle stated that Custer County receives funding based on the number of small structures located within the County compared to other SD Counties. The State formulates the amount provided to each county. Custer County currently has \$155K in the RAIF and those funds may only be used for small structures (anything smaller than an inspectable bridge; pipe diameter of 16 sq ft or more) and fills the gap where other funding assistance may not be available. Doyle requested to spend \$54,243 of the RAIF monies (REF #17-2400-0624) to purchase the culverts and have them on hand, allowing the project to proceed once the East Custer Sewer District has funding available to begin their portion of the project. Doyle stated the pipes that are currently in the Granite Heights area were never engineered to handle the flow of water that road sees. East Custer Sewer District has a sewer pipe that runs over the top of those pipes and until the ECSD replaces those pipes, Custer County cannot install the considerably larger new pipes. As the sewer pipe was originally installed in the creek crossing, the culverts were crushed to accommodate the elevation for the sewer pipe. Doyle went on to explain culvert sizes needed in order to bring the project up to engineering specs. Doyle noted that the new installation WILL NOT eliminate the flood plain or change the FEMA flood map, but rather will help to mitigate the problem. Doyle noted it may take 2 months for the culverts to arrive. Motion to approve purchase of culverts/pipes made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

F. Maintenance

1. Maintenance Supervisor, Joseph Panza, presented an update on purchase Bobcat Toolcat model UW56 with 84" broom and pallet forks from Jenner Equipment. He stated this equipment has been ordered at a total price: \$80,848.65 per Sourcewell Contract #040319-CEC.

2. Panza stated the '99 Bobcat 753 has been delivered to the Hermosa Fairgrounds to be used for gravel maintenance and snow removal by the Custer County Fair Association. Serial #515818790. This equipment will not be surplussed, as it remains property of Custer County.

3. Panza discussed the S&R/Ambulance road resurfacing need and noted he has received 1 local concrete bid and is awaiting another; and has received 1 verbal bid for asphalt. He stated it is less expensive to use concrete, which requires less maintenance. The S&R/Ambulance street portion would be split 50/50; the cost of approximately \$52K would be the county's responsibility for the lot, while the ambulance portion would be higher as their portion of the lot is larger. Panza noted that while no decision needs to be made today, he is seeking approval to include this in his 2024 budget.

4. Panza updated the Commission regarding the Courthouse building's HVAC system, noting it has been problematic and will require extensive repairs or replacement. The current system is a heat-pump system that does not function well during cold weather. The current system has a life span of 10-years and is in the 12th year of operation. Panza received a proposal from Skyline Engineering for HVAC study at a cost of \$17,800. (price is good for 60-days). This study includes an evaluation of the current system; checking with electric and other utilities to see what other replacement options/upgrades that can be done and will provide two replacement options, including cost and life expectancy of those options. It was noted that the cost to make temporary repairs is estimated at \$100K; while a complete system replacement is expected to cost \$1 million. This would be an invasive replacement as all components of the

system would need replacing. Panza stated there is no backup system should the current HVAC fail. Motion to approve study and to supplement budget in 2023 for cost of study made by Linde; seconded by Buszkohl; vote taken, all aye; motion carried.

5. Panza presented an update regarding courthouse hail damage. He has been working with Claims Associates and Kumelos on opening a hail claim, noting that most of the flat spots on the building have received damage.

6. Panza made a request for approval for the addition of 1 full-time benefitted employee with starting pay of \$18.04/hour to be split between Maintenance and Weed & Pest (60/40). Mike Baldwin, W&P Supervisor, stated he only has one seasonal weed sprayer this year and is in need of an additional part-time employee during the summer months. This position would also fill the need for annual attendance at W&P meetings, which is a must-have in order to qualify for grant approval. This position would provide assistance in the Maintenance Department for the remainder of the year. It was noted the budget would need to be supplemented for this position. Panza is seeking approval to advertise immediately. Motion to table topic until the end of today's meeting made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried. Motion to untable made by Hartman; seconded by Buszkohl; vote taken, all aye. Motion to approve hiring made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried.

G. 8:30 AM Public Hearing

1. Resolution 2023-13 Vacation of Section Line Highway Right of Way re: Parcels 015616; 015615; 015715 & 015712 Kurt & Kelly Jaehn. Planning Director, Terri Kester, presented this Resolution and noted this was approved by the Planning Commission and recommended board approval, as well. Motion to approve by Buszkohl; seconded by Linde; vote taken, all aye; motion carried. There were no comments from the public.

H. Planning

1. Director Kester requested authorization for Release of Indemnity Bond re: Mlinar Road. Kester stated this \$1,000 bond was purchased March 16, 2023 and all the requirements have been fulfilled. The Commission so acknowledged.

I. Sheriff

1. Sheriff Marty Mechaley requested Commission authorization of new hire, Connor Kelley, as a full-time deputy at an uncertified hourly rate of \$24.69 and a starting date of August 21, 2023. This is a fully-benefitted position. Motion to approve made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried. Mechaley also noted he is still has openings in the dispatch department.

J. Human Resources

1. Todd Fish, HR Director, addressed the Commission with an update regarding the Library Director position, which was tabled from the last meeting. He stated the Library Board recommended approval of hiring Sarah Myers at starting salary of \$47K/annually, beginning August 21, 2023; to be readdressed after a six-month probation period. Motion to approve made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried.

2. Fish requested approval to move Sarah Christiansen to Deputy Librarian at a starting wage of \$18.04/hour beginning August 21, 2023. This is a 40-hour/week benefitted position. Motion to approve made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried.

3. Request was made for approval for Roberta Phillip to move from 32 hours/week to 40 hours/week as Hermosa Library Branch Director at a starting wage of \$18.59/hour. This is an hourly wage reduction from \$19.50/hour, but an increase in hours with full benefits. This change is effective January 1, 2024. Motion to approve made by Buszkohl; seconded by Hartman; vote taken, all aye; motion carried.

4. **Executive Session** as per SDCL 1-25-2(3) Legal re: Resolution of Structures & Facilities 350 sq. feet or less. Executive Session entered into at 8:41 AM and concluded at 9:05 AM with no action taken.

K. Executive Session as per SDCL 1-25-2(3) Legal re: Custer County Housing. Executive Session entered into at 8:41 AM and concluded at 9:05 AM. Action taken outside of Executive Session: Motion for all Commissioners to sign letter of support for up to 40 units of 62 and older senior housing (Sylvan area) made by Linde; seconded by Buszkohl; vote taken, all aye; motion carried.

L. New Business

1. Cindy Baumann-Bourne was present to discuss septic system penalties imposed by the Custer County Planning Department. Bourne had previously addressed the Commission detailing her issue with updating her septic system. Bourne stated she had been working with the State of SD, as well as the Planning Department and tried to follow the guidelines and regulations and obtain the necessary permits. In light of that, Bourne feels she should not be penalized, as she was not trying to circumvent the regulations. Motion by Buszkohl to table until Hindle was present; motion dies for lack of a second. Chairman Lintz stated there was no need to table, as Bourne's attempted to do everything by the book and willingly came in to obtain the necessary permits. Planning Director, Terri Kester, stated the Planning Department does not like to impose fines, but the Ordinance needs to be followed. Buszkohl commended the department for following the rules, but felt this fine was unnecessary as Bourne's were trying to do everything correctly. Motion to dismiss \$1,000 fine imposed made by Hartman; seconded by Buszkohl; vote taken, Lintz, Hartman, Buszkohl, aye; motion carried. Linde abstained and declared a conflict. Hartman stated a work session with the Planning Department would be beneficial to have better definition and clarification and take pressure off of them while enforcing the ordinance.

M. 1881 Courthouse Museum

1. Legal Counsel, Aaron Davis, stated he sent a Release, 2023 Remainder Lease and 2024 1-year Lease Agreement to Custer's Last Stop for signature. Custer's Last Stop owner relayed they have not yet read the leases, but intends to sign and Davis will follow up with them. Commissioner Linde inquired if the leases have an insurance clause and that was confirmed by Davis. Motion to approve all 3 agreements made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried.

N. Emergency Management

1. EMS Director, Steve Esser, presented a MOU with Headwaters Economics for Floodwise Community Assistance Program and requested approval for Chairman's signature. Esser stated this is necessary so the study can move forward. He noted the 2024 MOU will facilitate studies and project engineering ideas for the Custer area. Esser also referenced a BRICK Grant that is

through FEMA. He noted request for a generator for Search & Rescue, which can also be used for a dispatch center, if needed, will be put into the grant. Motion to approve Chairman’s signature made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

2. Esser informed the Commission he will be traveling to Pierre to address Legislative Finance Summer Study Group on August 16, 2023. He will be presenting Chairman Lintz’ letter to GFP regarding funding to the group.

O. Search & Rescue

1. Steve Esser and Sam Smolnisky presented Quit Claim Deed with revisionary clause for Tract S&R revised, current Search & Rescue lot and additional property to the west for signature. This deed references the Custer City property located adjacent to the Search & Rescue property. This has not yet been signed by the City of Custer. This property includes the parking lot and footprint of the old hospital and will be beneficial to S&R; this allows parking for trailers, command post, etc. It was noted this property will be gifted by the City of Custer and the Commissioners expressed their gratitude.

P. Public Comment – none.

Q. Elk Mountain Water Users Association

1. Chairman Lintz inquired as to the status of the proposed well and was told the well has not yet been drilled. Motion to enter into **Executive Session** as per SDCL 1-25-2(3) Legal at 9:34 AM by Hartman; seconded by Linde; vote taken, all aye; motion carried. **Executive Session** concluded at 10:37 AM with no action taken.

R. Commission

1. Mail call –Finance Director, Dawn McLaughlin, presented a thank you card from the Hermosa Senior Citizens Center for the County’s 2023 donation. Also presented was a Notice of Public Hearing—Planning Commission of Custer City August 21st, 2023 at 5:30 PM. This is a request by Bearded Buffalo Trading Co. LLC to annex the property.
2. Meeting Schedule – McLaughlin stated the Budget Hearing previously scheduled for August 15, 2023 has been rescheduled to August 22, 2023 at 8:30 AM.
3. Meeting Reports – Linde attended City Council meeting; Lintz stated Custer County Fair begins 8-10-2023; Busskohl attended Planning Committee meeting, Republican Meeting and accompanied Leah Vissia on a property appraisal, as per taxpayer request.

S. Adjourn

Motion by Linde and seconded by Busskohl to adjourn the meeting at 10:38 AM; vote taken, all aye; motion carried. The next meeting will be at 8:00 AM, August 23, 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 _____.