

Draft Minutes of the Custer County Commission Meeting Wednesday, October 4, 2023

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Busskohl, Craig Hindle and Commission Legal Counsel Aaron Davis 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. Amend Agenda to add item under "G" Planning—USGS Agreement for Chairman's signature. Motion to approve as amended made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

C. Consent Agenda

1. Minutes of September 20, 2023 Commission Meeting
2. Approve correction in September 6, 2023 Minutes: Item M "Airport" paragraph 1, incorrectly reads "EMS Director Esser"; corrected to read "Commissioner Hindle".
3. Vouchers approved as follows:

PAYROLL: 9/25/23 Payroll: Commissioners \$6,852.37; Auditor \$8,361.64; Treasurer \$12,296; Info Systems & Technology \$3,159.03; State's Attorney \$13,838.59; Courthouse Building \$5,625.83; Director of Equalization \$17,910.25; Register of Deeds \$5,149.01; Veterans Service \$1,992.53; Human Resources \$3,379.14; Sheriff \$46,890.66; Coroner \$803.39; Nurse \$1,031.38; Library 10,486.14; Conservation \$717.73; Weed & Pest \$4,105.76; Planning \$6,977.02; County Road & Bridge \$42,054.13; Emergency Management \$3,402.42; 24/7 Sobriety \$1,697.09; Emergency Line F \$15,194.20.

COMMISSIONERS: Southern Hills Publishing \$383.22; Pitney Bowes \$15; Pomp's Tire Service \$736.32.

COURT: Julianna Paxton \$52.84

AUDITOR: BHEC \$13.08; Southern Hills Publishing \$84.20; Golden West Technologies \$1,049.

TREASURER: Southern Hills Publishing \$47.98

STATE'S ATTORNEY: Yellow Robe Consulting \$1,500

MAINTENANCE: BHEC \$204.49; BH Energy \$754.04; Custer City \$1,045.71; Southern Hills Publishing \$115.60; McGas Propane \$89

DIRECTOR OF EQUALIZATION: French Creek Supply \$18.54; Best Western Ramkota \$3,025.

EXTENSION: Fall River County \$2,949.06; Wyndham Grand Pittsburgh \$323.19; NAE 4-H \$237.50 (Voided Check: Ext. Travel 4-H Conf \$237.50; 4-H Wyndham \$323.19)

VETERANS SERVICES: Tyler Technologies \$449.

PLANNING: Lamb Motor Company \$44,561.

INFO TECHNOLOGY: Golden West Technologies \$644.67; Quill \$899.80; Pitney Bowes \$462.57

SHERIFF: Southern Hills Publishing \$128.97; French Creek Supply \$4.08; Rushmore Communications \$4,224.78; Custer Ace Hdwe \$28.72; Survival Armor \$1,325.71; Pomp's Tire \$569; SD Dept Public Safety \$2,700.

PRISONER CARE: Kevin Kirshenmann MLS \$500; Pennington Co Sheriff \$816.86; Pennington Co Jail \$120.92; Rushmore Communications \$6,564.80; BH Pediatrics \$120.87; Satellite Tracking \$22.75; Axon Enterprise \$13,200; Monument Health \$21.91

CORONER: Clinical Lab of BH \$1,675.

AIRPORT: Brenden Hendrickson \$4,110.

SEARCH & RESCUE: McGas Propane \$100

POOR: Chamberlain McColley's \$2,000.

MENTALLY ILL: Pennington Co. \$139

MENTAL ILLNESS BOARD: Garland Goff \$630.60

LIBRARY: Southern Hills Publishing \$109.40; BH Library Conference \$1,444.35; Jessie Rencountre \$80

COUNTY ROAD & BRIDGE: A&B Welding \$433.26; BHEC \$721.94; BH Energy \$57.32; Southern Hills Publishing \$14.54; Floyd's Truck Center \$94.59; French Crk Supply \$898.71; Interstate Batteries \$147.95; SD DOT \$211.25; Summit Signs \$138; Servall Towel & Linen \$136.34; Custer Ace Hdwe \$79.90; A&I Dist. \$1,044.17; Culligan \$6.50; Lamb Chevrolet \$95,828; MG Oil Co. \$36,437.71; Forward Dist \$25.25

EMERGENCY MANAGEMENT: Rushmore Communications \$575; Lodge at Deadwood \$560.

24/7 SOBRIETY: Jerauld Co Sheriff \$369.45

COUNTY BUILDINGS: Freeman's Electric \$1,899.94; Custer Ace Hdwe \$34.34

EMERGENCY LINE: Southern Hills Publishing \$263.40; SD Dept Public Safety \$2,700.

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

D. Conflict of Interest Declarations – None.

E. Auditor

1. Finance Officer, Dawn McLaughlin, requested approval of new hire, Michelle Zerfas, as full-time Deputy Auditor, with a starting wage of \$16.50/hour, beginning October 2, 2023. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. McLaughlin presented request for approval and Chairman’s signature on SDACC re: National Center for Public Lands Counties request in the amount of \$12,718.38 in support of NACo (National Assn of Counties). This amount represents 1% of LATCF funds that Custer County previously received. The SDACC is asking all SD counties to pay the 1% fee to help establish the National Center for Public Land Counties, which will strive to ensure responsible land management and collaboration among counties nationwide. It was noted the previous amount paid was \$5K; however, the received LATCF funds at that time were much lower. Commissioner Hartman requested this matter be further researched and asked that Dawn forward this to legal counsel, Aaron Davis. Motion to table until further research could take place made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

F. Highway

Highway Superintendent, Jesse Doyle, appeared before the Commission to request approval for the following ROW occupancies:

1. Approval of ROW Occupancy re: Golden West Telecommunications for utility installation on Argyle Road (Co Rd. 333) S28 T6S R5E. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Approval of ROW Occupancy re: Golden West Telecommunications for utility installation on Argyle Road (Co Rd. 333) S33 T6S R5E. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

3. Approval of ROW Occupancy re: Golden West Telecommunications for utility installation at 25329 Deer Meadow Road S6 T4S R5E. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

4. Approval of ROW Occupancy re: Golden West Telecommunications for utility installation at 25175 Sidney Park Rd S25 T3S R4E. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

5. Approval of ROW Occupancy re: Town of Fairburn for utility installation/water line at Pine Street Lots; Block 7,18,19,20 & 21. Doyle noted that Chuck Ferguson, Town of Fairburn made the request to install water line under a county road to provide water service to a new residence. Doyle stated that the normal required bond fee will be waived for this project as the Town of Fairburn accepts responsibility for any damages. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

G. Planning Department

1. Planning Director, Terri Kester, requested approval of final tract of: SNEED TRACT 1, SNEED TRACT 2 & SNEED TRACT 3 OF BATTLE MOUNTAIN SUBDIVISION REVISED, LOCATED IN THE SE ¼ OF SECTION 25, T6S, R5E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Kester noted this was presented at the September 5, 2023 Planning Commission meeting, who recommended approval. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

2. Kester made a request to surplus the Planning Department's Dodge pickup to the Coroner. Motion to approve surplus made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

3. Kester presented a request for Chairman's signature on US Dept. of Interior, USGS agreement for 3 unmonitored (once annually) stream gauges on a 20-year stream flow study. 2024 will be the final year for the stream study at an annual cost of \$3K. Custer County and City of Custer share this expense 50-50. EMS Director, Steve Esser, noted data collected will be used in the flood mitigation study. Esser also stated the weather service would like to have a monitored stream gauge located along French Creek and is hoping this can be added to the flood mitigation plan, and that there will be grant funding available for the gauge. Motion to approve Chairman's signature made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

H. Communications

1. Sheriff Marty Mechaley requested approval of new hire, Brianna Kringlie, as 911 dispatcher at an uncertified rate of \$21.08/hour with a start date of 10/8/2023. This is a 40-hour per week, fully benefitted position. Mechaley stated this position has been open since May, 2023. Motion to approve made by Hindle; seconded by Linde; vote taken, aye; motion carried.

I. Search & Rescue

1. S&R Director, Sam Smolnisky, presented two quotes from Rushmore Communications regarding Firecom Intercom systems for UTVs. He noted that during the budget hearing, S&R requested a \$2500 one-time increase for communication devices in the UTVs. He is now asking for those funds for this year. The first option presented is \$2,588.13 and would cover 1 unit. S&R has outdated headsets that could be used in the other units to suffice until further funding becomes available. The second option to outfit all 3 units has an estimated cost of \$6,082.68. This would provide all the UTVs with up to date technology and would allow S&R to donate its current headsets to Fairburn and Custer VFDs. Smolnisky recommended option 2, but recognizes the expense is well over the initial request. McLaughlin stated there are currently no funds available in the S&R budget, noting that at the beginning of 2023, S&R received a payout from Custer County in the amount of \$28,593, including \$8,000 for machinery. McLaughlin noted there is contingency money that could be used. Smolnisky stated that S&R does not currently have the funds in the 2023 budget to equip the UTVs with updated communication devices. He said they will have the funds in the 2024 budget for radios and would use that, if needed. Hartman asked if radios qualified under grant funds received; Esser stated that radios are considered essential equipment under the grants, but that headsets are generally not as

they are considered accessories. Motion to approve the surplus of \$2,588.13 from the contingency fund for the headsets as presented in Option 1 made by Busckohl; seconded by Hindle; vote taken, all aye; motion carried.

J. Veteran's Service

1. Veteran's Service Officer, Todd Fish, presented the Commission with 3rd Quarter Custer County update. Fish stated there are 914 registered county veterans; 960 veterans are tracked by the State and Federal VA. His office assisted 126 veterans and has 69 claims in progress. 2023 shows projected awards in annual disability income to Custer County veterans in the amount of \$5.7M. 66 counties participated in the VSO Fall Conference September 5-7, which was held in Sioux Falls, SD.

K. Human Resources

1. HR Director, Todd Fish, informed the Commission there is a court hearing (via telephone) regarding former Maintenance Supervisor, Robert Skinner, to be held October 25, 2023 regarding a denied unemployment claim. Fish stated he will keep the Commission informed as to the results of the hearing.

2. Fish presented initial information regarding a wage salary/comparison between 8 western SD counties. (3 eliminated) Fish noted the Custer County 5% wage increase for 2024 is on par. There are 10 positions within Custer County that are greater than 10% out of line, which he would like to further discuss in the future. The wage study will be further reviewed in depth at a later date, as well.

L. Emergency Services

1. EMS Director, Steve Esser, presented an update on the Flood Mitigation Plan and engineering study by Headwaters/Speck Engineering. A site visit to some of the affected areas from the 2019 flood was conducted, as well.

2. Esser updated the Commission regarding BLM Grant for the Community Wildfire Protection Plan. (\$25K; \$17K will be utilized for grant-writing contractor), as well as RFP for same. The paperwork was sent out this week.

M. Airport

1. Brenden Hendrickson, Airport Director, discussed ROW donation re: Custer County and USFS/BHNF. Hendrickson met with the appraiser and noted the process is going well. Commissioner Hindle discussed USFS access points and stated the current access will not be able to be used once the land is purchased. A new access point for the USFS road will be located on the north portion of the airport property will be utilized instead. USFS requested a 30' ROW be granted, (through the Price Tract) in writing, for their records. Hindle requested approval for a resolution to be drafted, granting that ROW and access to the property, for the Chairman's signature. Kester noted she would contact Andersen Engineering regarding the plat, as well.

2. Request approval and Chairman's signature re: SD DOT Pavement Maintenance Agreement Project No. 3-46-4600-29-2023. Hendrickson discussed pavement maintenance that

was performed in early August, 2023. The taxiways and aprons were sealed and the job was not satisfactory. He contacted the State and sent photos; the State sent the contractor to reseal the areas in question. Painted surfaces (centerlines, holding points, tie-down areas, etc.) were updated as well. Motion to approve Chairman's signature made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.

3. Request approval and Chairman's signature re: SD DOT State Financial Assistance Agreement Project No. 3-46-0011-20-2023. Motion to approve Chairman's signature made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

N. City of Custer

1. City of Custer Resolution 08-21-23A; Resolution Adopting an Amendment to the Custer City Comprehensive Plan to Update the Future Land Use and Major Street Plan Maps. Peg Ryan stated this is presented to the Auditor's office as required by State law. Ryan also contended that County approval is not required before the City of Custer makes any changes and the City has complete authority to make such changes. Ryan stated the Resolution was an amendment to the Comprehensive Plan to update the future land use and street plan maps. This amendment was also filed with the Register of Deeds. Also included are maps, and references to changes that are being made regarding the extra-territorial platting jurisdiction. Ryan alleged that the City of Custer is given authority by the State to designate that area located outside of the city limits, within and no further than three miles, as long as that area does not infringe upon another municipality. Custer County received a copy of Resolution 08-21-23A.

O. Old Business

1. Resolution 2023-15; Resolution for Structures and Facilities 350 Square Feet or Less. Commissioner Busckohl stated that when this was first presented, he was trying to bring two offices together and make things equal across the board. At this point, he stated he feels it should be put to rest. DOE Director, Leah Vissia, stated that if the Commission desires to pass this Resolution as it reads, portions referring to concrete and carports need to be readdressed. Motion to end pursuit of proposed 350-square foot Resolution made by Busckohl; seconded by Linde; vote taken, all aye; Hartman nay; motion carried. It was noted by Kester that the Planning Commission made a recommendation to waive the requirement of building permits for structures under 320 square feet. This is based on the size of shipping containers. Hartman stated that shipping containers are personal property and, therefore, not real estate to be taxed.

P. 4-H/Extension

1. 4-H Youth Program Advisor County Review forms were received from SDSU for completion by the Commissioners. This is an annual review for Erin McGlumphy, 4-H and Extension advisor for Custer County. The Commission is pleased with Erin's performance and commended her for a job well done.

Q. Public Comment –

1. Craig Nelson shared his concerns regarding lack of law enforcement presence to enforce speeding traffic in the Heartland Ranchette Estates subdivision. He stated he has contacted law enforcement to request patrol, but was told nothing could be done because the road is within a road district and not a public road. Sheriff Mechaley encouraged Mr. Nelson to visit with him at

the office, as he says he has received differing responses from different deputies. Mechaley noted his department prioritizes calls, and that his deputies patrol those areas when time allows. Mr. Nelson stated he would like to see a copy of the patrol log. Mr. Nelson also requested law enforcement assistance with a dog at large problem and stated he was told the dog owner would be arrested and fined; Mechaley stated this is not how it would be handled. Nelson has made contact with the Battle Mountain Humane Society, as well. Nelson also inquired about enforcement of Air B&Bs in his neighborhood and was told that Custer County does not enforce any covenants that might be in place.

R. Craig Willan

1. Mr. Willan addressed the Commission with concerns he has regarding civil defense and disaster preparedness in Custer County. He shared his thoughts about lack of working civil defense sirens and noted the sirens are needed to inform the citizens about emergencies and local disasters. He stated the public needs awareness of escape routes, etc. Mr. Willan was reassured by EMS Director, Steve Esser, that Custer County does have a local emergency plan in place and those plans are frequently reviewed, although not all parts of the plan are made public. Esser said he would be happy to go over those plans with Mr. Willan. Esser discussed the issue with the sirens and noted repair parts are on order; the City and County are working together regarding this issue. The price to replace a siren is approximately \$25K. Mr. Willan generously offered to help pay for replacement; Esser thanked him but told Mr. Willan that isn't necessary. Esser appreciated his knowledge and assistance and encouraged Willan to visit with him. The Commission thanked Mr. Willan, as well. Chairman Lintz extended his thanks and reassured the audience that Custer County has a great disaster preparedness plan.

S. Commission

1. Mail call:
 - a) Letter from USDA/BHNF re: proposed Hopkins Flat land purchase. Chairman Lintz said he is not in favor of any land purchases that take properties off the tax rolls.
2. Meeting schedule:
 - a) Hindle attended a Library meeting in Hermosa and Highway meeting. Buskohl attended safety meeting, Fairburn VFD; school board, YMCA, Hermosa library, Highlands VFD, Custer City, Planning, Highway, and flood mitigation meeting. Linde attended a landfill meeting and noted there will not be a tire collection this year. Lintz attended Hermosa library meeting and was disappointed in the discussion. He noted the Fair Board offered land for the building, but the topic went off base.
3. Meeting Reports – none

T. Commission Legal Counsel

1. Executive Session as per SDCL 1-25-2 (3) Legal. Executive Session entered into at 9:25 AM and concluded at 10:33 AM.

U. Actions Taken By Commission Outside of Executive Session

1. Motion for Chairman to sign interrogatories made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

V. Adjourn

Motion by Busskohl and seconded by Linde to adjourn the meeting at 10:34 AM. The next meeting will be at 8:00 AM, November 1, 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 _____.