Minutes of the Custer County Commission Meeting, Wednesday, May 8, 2024.

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

C. Consent Agenda

- 1. Travel requests presented for approved: a) DOE—Ron Remley, Lindsey Luckett, Scott Storms, Tara Haswell and Leah Vissia to attend SDAAO Conference for recertification in Aberdeen, SD June 4-7, 2024 at a cost of \$4,205.
- b) DOE—Scott Storms to attend USPAP recertification in Pierre, SD July 23, 24, 2024 at a cost of \$875.81.
- c) DOE—Tara Haswell, Scott Storms, Lindsey Luckett and Leah Vissia to attend Vanguard user training in Oacoma, SD August 7,8 2024 at a cost of \$1,396.

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3. Vouchers approved as follows:

PAYROLL: Commissioners \$5,450.79; Election \$329.40; Auditor \$11,926.74; Treasurer \$10,100.01; Info Systems & Tech \$3,310.41; States Attorney \$13,951.47; Courthouse Building \$8,598.02; Director of Equalization \$15,778.07; Register of Deeds \$5,210.23; Veterans Service \$1,231.50; Human Resources \$2,045.27; Sheriff \$52,499.49; Coroner \$837.05; Nurse \$492.39; Library \$10,488.61; Conservation \$578.81; Planning \$6,926.79; Weed and Pest Control \$2,605.33; County Road and Bridge \$38,410.24; Emergency Management \$2,796.36; 24/7 Sobriety \$813.32; Emergency Line \$18,833.38.

COMMISSIONERS: Southern Hills Publishing \$1,428.78; Golden West Telecommunication \$27.44; Valhalla \$2,620.

COURT APPOINTED ATTORNEY: Garland Goff \$6,991.45; Southern Hills Law \$895.79; Hustead Law \$1,272.60; Colbath and Sperlich \$327.

<u>AUDITOR</u>: Black Hills Energy \$23.10; Southern Hills Publishing \$42.32; Quill \$52.47; SD Assoc. of County Office \$600; Golden West Telecommunication \$133.38; TYLER Technologies \$6,000.

TREASURER: SD Assoc of County Office \$200; Golden West Telecommunication \$130.23.

<u>MENTAL ILLNESS BOARD</u>: Garland Goff \$1,133.80; Hustead Law \$368.40. <u>STATE'S ATTORNEY</u>: LexisNexis \$444; Golden West Telecommunication \$137.20. **MAINTENANCE**: Black Hills Energy \$1,520.72; Black Hills Chemical \$287.96; Custer Ace Hardware \$23.99; City of Custer \$328.16; Golden West Telecommunication \$27.44; A-Z Shredding \$62.08.

<u>DIRECTOR OF EQUALIZATION</u>: Steinley Real Estate \$350; Quill \$43; Golden West Telecommunication \$192.08; SDAAO Treasurer \$1,175; Vanguard Appraisals \$13,875.

REGISTER OF DEEDS: SD Assoc of County Office \$200; Golden West Telecommunication \$54.88.

ELECTION: ES&S \$2,395.94; McLeod's \$50.78; Novavision \$300.54. **VETERANS SERVICES:** Golden West Telecommunication \$27.44.

NON DEPARTMENTAL: SD State Treasurer \$160.77.

HUMAN RESOURCES: Southern Hills Publishing \$23.80; Golden West

Telecommunication \$27.44.

PREDATORY ANIMAL: SD Dept of Game & Fish \$872.31.

INFO TECHNOLOGY: Golden West Technology \$7,822; Golden West Telecommunication \$680.

INFO SYSTEMS & TECH: Golden West Telecommunication \$54.88.

SHERIFF: Southern Hills Publishing \$45.35; Sherry Weber \$30; Custer Ace Hardware \$29.97; Galls \$104.52; Golden West Telecommunication \$274.40; Murray Auto Repair \$597.66; Motorola Solutions \$33; The Lodge at Deadwood \$170; A-Z Shredding \$24.

PRISONER CARE: Pennington County \$140; Radiology Associates \$294.02; Mike Bielmaier \$75.

SEARCH & RESCUE: Golden West Telecommunication \$99.95.

<u>AIRPORT</u>: Quill \$163.98; Brendan Hendrickson \$4,315.50; Golden West Telecommunication \$113.95.

EXTENSION: Golden West Telecommunication \$118.07.

<u>WEED & PEST</u>: French Creek Supply \$113.99; Custer Ace Hardware \$59.98; Golden West Telecommunication \$27.44.

PLANNING: Golden West Telecommunication \$110.96.

COUNTY ROAD & BRIDGE: A&B Welding \$151.13; Floyd's Truck Center \$2,559.67; French Creek Supply \$279.21; Fastenal Company \$866.58; Dakota Supply Group \$111.37; SD Department of Health \$29; Kieffer Sanitation \$308.38; Servall Towel & Linen \$86.60; Custer Ace Hardware \$55.35; Golden West Telecommunication \$183.97; A&I Distributors \$311.45; Harbor Freight \$339.87; Nelsons Oil & Gas \$358.75; Great Western Tire \$3,831.75.

EMERGENCY MANAGEMENT: Golden West Telecommunications \$45.22.

<u>COUNTY BUILDINGS</u>: Harvey's Lock Shop \$162.80; Custer Ace Hardware \$67.13; Cummins Sale and Service \$556.31; Thyssenkrupp Elevator \$397.84; G & R Controls \$11,560.49.

EMERGENCY LINE: Golden West Telecommunication \$647.23.

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

D. Conflict of Interest Declarations – Commissioner Linde declared a possible conflict under "H" Highway, Item b.

E. Weed & Pest

1. Weed & Pest Supervisor, Michael Baldwin, requested Commission approval of new hire, Remington Miklos, as seasonal weed sprayer at a rate of \$18.00. Baldwin noted this is a part-time unbenefited position. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

F. Planning

- 1. Planning Director, Terri Kester, presented and requested approval of Final Plat re: LOTS 1 THRU 7, OF ARGYLE RIDGE ESTATES SUBDIVISION, LOCATED IN THE W ½ SW ¼ SE ¼, W ½ W ½ E ½ SW ¼ SE ¼, AND THE E ½ W ½ E ½ SW ¼ SE ¼ LYING SOUTH AND WEST OF ARGYLE ROAD, SECTION 33, T6S, R5D, BHM, CUSTER COUNTY, SOUTH DAKOTA; William and Denise Maurer. Kester stated this was brought before the Planning Commission on 12-5-2023, where approval was recommended. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye motion carried.
- 2. Kester requested approval of Final Plat re: LOTS 1, 2 AND 3 OF WINDSONG ESTATES LOCATED IN THE NE ¼ SE ¼ OF SECTION 8, AND THE NW ¼ SW ¼ OF SECTION 9, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA; Lila Streff. This is a lot split of aliquot acres. The previously proposed section line vacation has been removed and tabled at this time. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

G. 8:10 Public Hearing

1. Request for approval of new Retail On-Off Sale Malt Beverage and SD Farm Wine application for TC Horse Camp, 25749 Horse Camp Road, Custer, SD. There were no comments from the public. Motion to approve application made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

H. Highway

- 1. Superintendent Doyle made request for ROW Occupancy approvals for the following:
- a) Golden West Telecom for buried fiber optic facility on W Argyle Road, S6; T6S; RE for service at 11886 W Argyle Road. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.
- b) Golden West Telecom for buried fiber optic facility on Cross Road, S36; T3S; R4E for service at 12374 Cross Road. Motion to approve made by Busskohl; seconded by Hindle; vote taken, Hartman, Busskohl and Hindle all aye; Linde abstained; motion carried.
- c) Golden West Telecom for buried fiber optic facility on Beardsley Drive, S16; T6S; R4E for service at 12040 Beardsley Drive. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

- d) Golden West Telecom for buried fiber optic facility on Star Valley Road, S13; T4S; R4E for service at 12349 Star Valley Road. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.
- e) Golden West Telecom for buried fiber optic facility on Star Valley Road, S13; T4S; R4E for service at 12325 Star Valley Road. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.
- f) Golden West Telecom for buried fiber optic facility on Lower French Creek Road, S33; T3S; R5E for service at 25207 Lower French Creek Road. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.
- 2. Doyle presented authorization for Chairman's signature on 2024 USFS cattle guard replacement agreement and noted that this year's request is much smaller than in previous years. There is only one top replacement and one removal scheduled this year. There is a need to have more guards in inventory, although Custer County does not own any cattle guards; ownership belongs to USFS or adjacent landowners. However, Custer County installs and maintains or replaces them. If a cattle guard is deemed beyond repair, the landowner will need to replace, or Custer County would then remove them altogether. Motion to approve Chairman's signature made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.
- 3. Doyle discussed culvert work in Pringle. He stated the Town Board members requested removal of the old, hand-built concrete culvert that was no longer effective. Custer County replaced the culvert and corrected drainage in the area. The elevation and bottom of the new pipe remains the same as the previous pipe; however, complaints were made regarding the new culvert "making more water". Discussion was also held regarding changes in the roadway designed to straighten travel and slow truck traffic. The change created a drop in the roadway where it meets Main Street; Pringle will need to maintain the Main Street portion. Commissioners Linde and Hindle have checked the area and stated that the work appears to have been correctly performed.

I. Equalization

- 1. DOE Director, Leah Vissia, presented an update on the reappraisal process. Vissia stated that her staff will begin reappraising properties within the City of Custer beginning Monday, May 13, 2024.
- 2. Vissia discussed the fee schedule/policy for copies. She asked for clarification regarding the policy as to when to charge or not charge. Both ROD and Planning department heads stated that when a property owner/taxpayer is requesting information regarding their own property, fees are not assessed. However, if a non-landowner/taxpayer is requesting printed information, there would be a fee. It was decided to reassess at the May 22, 2024 Commission meeting. Motion to not charge home owners for copies pertaining to their property made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

J. 8:30 AM Public Hearing

- 1. Public Hearing was held for approval of new Retail On-Off Sale Wine and Cider License for Black Hills Aerial Adventures, 24564 US Hwy 16/385, Custer SD. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. There were no comments from the public.
- 2. Request for approval of new Retail On-Off Sale Malt Beverage and SD Farm Wine License for Black Hills Aerial Adventures, 24564 US Hwy 16/385, Custer SD. Motion to approve made by Linde; vote taken, all aye; motion carried. There were no comments from the public.

K. WEAVE

1. Request for Chairman's signature on Emergency Shelter Grant (approval only-no financial request at this time) was made. Motion to approve Chairman's signature made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

L. Finance Officer

- 1. Finance Officer, Dawn McLaughlin, made a request for approval of corrected signature cards with 1st Interstate Bank Checking and Savings as follows: add Karen Hicks, Walter Krol, Michelle Zerfas and Marlyn Campbell. Remove Sarah Mowery and Tierney Shelton. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.
- 2. McLaughlin discussed IRS past due-payment and penalties re: incorrectly allocated Covid Credits from 2020 and 2021. These funds were used for Covid-related payroll hours and it was later determined this use was not an eligible expense. Encompass has been working diligently to reduce the amount due to \$6,121; saving the County roughly \$4,000. This will be paid from the Auditor's budget, which may have to be supplemented. Motion to approve IRS payment made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.
- 3. The Commission acknowledged resignation of Rayliene Caudy effective 4-23-2024 from the Treasurer's Office.

M. Public Comment - none

N. County Nurse/SD Department of Health

1. Wade Huntington, Assistant Director of Operations of Public Health, appeared before the Commission to provide an update of services provided and discuss current contract between SD Dept. of Health and Custer County. The 2024 Contract is awaiting signature and is an expense to the County of approximately \$5900/annually. Custer County has contracted SD DOH for over 30 years and has helped serve the needs of the Community by providing services, including immunizations, testing, dental, nutritional counseling and WIC. Approximately 70 WIC clients and 48-50 families utilize the community nursing services. Huntington stated that the WIC program is now administered separately from the County Health Nurse. Motion to table until the May

22, 2024 meeting, legal to review, made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

O. Human Resources

- 1. HR Director, Todd Fish, requested approval of the Sick Leave Transfer Policy contained in the proposed updated Employee Handbook. Fish proposed limitations requiring those wishing to donate to have at least 100 hours accumulated; no more than 40 hours per year may be donated; hours can only be donated for catastrophic illness. The transfer may not be implemented for minor illnesses.
- 2. Fish requested approval of the proposed updated Employee Handbook. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.
- 3. Fish also discussed Fairgrounds bid advertisement for new 4-H building, and noted that the RFP link is located on the County's website. This will also be advertised in the Custer County Chronicle; fee to be paid from the Commission budget. Fish stated that legal counsel Davis has reviewed the leases and sent them to the Commissioners; Busskohl requested these leases be used annually. Commissioner Hartman asked the advertising requirement regarding bids if only one RFP is received and meets the standard; does the Commission need to re-advertise for bids in order to be compliant with bid requirements. Can the Commission just accept the RFP without further advertising? State's Attorney Kelley said she would have to further review the requirement, depending upon the language. Fish stated potential bidders would have 45 days to provide RFP.

P. Custer County Fire Districts

1. Dave Lindblom, Matt Spring and Selena Spring appeared before the Commission to discuss the possible formation of Custer Fire District. Matt Spring stated he has been working on this formation since last year, noting that Argyle, Pringle, Custer Highlands and Custer have been shown proposals. To date, Highlands and Pringle have declined; Argyle is undecided and Custer agrees to move forward with formation of the district. Chairman Lintz stated it is important that the citizens realize change is needed; volunteers can no longer handle all of the calls and that the residents need to look to the future. Lindblom spoke about the Hermosa Fire Protection District and Battle Creek Fire Protection District. Lindblom stated the initial board is set by people in the district within 60 days of formation; bylaws are drafted and set, as well as budgets. Battle Creek Fire Protection District is comprised of both full-time and volunteer firefighters. Spring stated a resolution needs to be drafted and passed so this issue can be placed on the ballot in time for the general election in November. State's Attorney Kelly stated either a petition or resolution can be used to accomplish that. Before a resolution can be drafted, a map for the proposed district is needed and boundaries must be defined, including both city and county properties. The City of Custer would need to pass a resolution, as well. Discussion was held regarding ballots, mutual aid, ISO ratings and Fire Coordinator position. Spring stated public informational meetings need to be held before the election in November to explain the formation process, as well as projected

costs. ROD Director, Teri Morgan, expressed the need for total transparency during this time. Commissioner Hartman asked about the legal ramifications to the County regarding those departments who do not wish to join, but still may need assistance. He was informed that mutual aid will still be in effect and that everything is well-documented; non-profit fire, ambulance, S&R, etc. are exempt from liability. The question of whether or not CSP will be included within the fire protection district was brought up; Lintz proposed CSP pay dues to be a member. The Commission determined that State's Attorney Kelley will draft a resolution regarding the formation of the district, to be approved by the Commission in a timely manner to be included on the November general election ballot. No motion needed at this time.

Q. Commission

- 1. Mail call Letter from Peter Kilian regarding requested Custer County owner-occupied status. Kilian is currently receiving that status for 2024 and payable 2025 property taxes in Brown County, as evidenced by correspondence received from Brown County Department of Equalization. The letter stated Kilian will be removed from OO status in Brown County for the 2025 payable 2026 assessment year. Owner Occupied status cannot be given in more than one county at a time; Vissia stated she will send the proper form to Kilian next year to determine status in Custer County.
- 2. Meeting Schedule BHACC-O District meeting to be held Friday, May 10, 2024 in Lead, SD. Lintz, Hindle and Busskohl to attend.
- 3. Meeting Reports –Busskohl attended Planning, City Council; Hartman attended Planning meeting
- 4. Chairman Lintz discussed the open PIO position and noted the necessity of having a Public Information Officer to disseminate information, especially in emergency situations. The possibility of having a current employee fill the position was discussed.

R. Executive Session

- 1. Motion to enter into Executive Sessions at 10:00 AM as follows made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.
- a) Executive Session as per SDCL 28-13.42 Indigent Request
- b) Executive Session as per SDCL 1-25-21(1) Personnel
- c) Executive Session as per SDCL 1-25-2(3)

Executive Sessions concluded at 11:25 AM.

S. Actions Taken By Commission Outside of Executive Session

1. Motion to approve indigent request for cremation expenses made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

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Motion by Busskohl and secon	ded by Linde to adjourn the meeting at 11:27 AM;
vote taken, all aye; motion carr	ried. The next meeting will be at 8:00 AM, May 22,
2024 in the Commissioner's Ro	oom in the Custer County Courthouse.
	_
Jim Lintz, Chairman	

Attest:

Barbara Cox, Custer County Deputy Auditor

Published once at the total approximate cost of ______.