

Minutes of the Custer County Commission Meeting, Thursday, June 6, 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. Meeting was called to order at 8:00 AM followed by the Pledge of Allegiance.

B. Canvass Election Board—Convened at 8:01 AM

1. Deputy Auditor, Dana Benjamin, presented election results/canvass for board approval. Motion to approve and sign canvass made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried. Benjamin noted a possible recount for the District 30 Representative race; determination to be made once the state canvass is complete. Drawing for the post-election audit was held. The audit requires one statewide race be included. Finance Officer, Dawn McLaughlin, drew Precinct 9 to be audited for statewide race, as well as the District 30 Senate race. Motion to adjourn as Election Canvass Board made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried. Adjourned at 8:08 AM.

**Primary Election - June 4, 2024
Custer County**

Precinct Name	Presidential Candidate			
	Democratic			
	Marlanne Williamson	Joseph R Biden Jr	Dean Phillips	Armando Perez-Serrano
Precinct-01	5	20	1	1
Precinct-02	1	5	1	0
Precinct-03	1	10	0	0
Precinct-04	2	13	1	2
Precinct-05	0	20	0	1
Precinct-06	8	37	2	1
Precinct-07	0	14	3	0
Precinct-08	2	38	2	0
Precinct-09	5	55	7	1
Precinct-10	1	6	3	0
Total	25	218	20	6

Precinct Name	State Senator District 30		
	Republican		
	Amber Hulse	Forrest Foster	Julie Frye-Mueller
Precinct-01	163	50	170
Precinct-02	13	8	39
Precinct-03	20	8	34
Precinct-04	107	27	89
Precinct-05	147	20	86
Precinct-06	63	10	43
Precinct-07	35	6	23
Precinct-08	96	19	63
Precinct-09	256	44	208
Precinct-10	30	9	33
Total	930	201	788

Precinct Name	State Representative District 30					
	Republican					
	Pat Baumann	Matt Smith	Trish Ladner	Stephen Salnt	Tim Goodwin	Matthew Monfore
Precinct-01	105	189	133	23	164	30
Precinct-02	9	39	27	8	23	4
Precinct-03	17	22	29	7	20	5
Precinct-04	93	72	80	27	78	22
Precinct-05	118	69	101	37	115	6
Precinct-06	67	32	43	13	46	3
Precinct-07	42	16	23	7	27	1
Precinct-08	92	42	80	25	78	7
Precinct-09	264	154	213	82	184	23
Precinct-10	38	28	27	6	26	3
Total	845	663	756	235	761	104

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Precinct Name	School Board Member Custer School District 16-1		
	Nonpartisan		
	Jeffery L. Pior	Heath Reindl	Jeff Barnes
Precinct-01	108	195	186
Precinct-02	21	39	36
Precinct-03	0	7	3
Precinct-04	88	113	88
Precinct-05	142	148	132
Precinct-06	80	99	104
Precinct-07	43	46	43
Precinct-08	107	128	121
Precinct-09	289	325	246
Precinct-10	0	0	2
Total	878	1,100	961

Precinct Name	Trustee Hermosa	
	Nonpartisan	
	Aaron Serviss	Kelburn Koontz
Precinct-01	50	53
Total	50	53

Precinct Name	City Council Member Custer Ward-1	
	Nonpartisan	
	Bruce Miller	Dixie Whittaker
Precinct-06	67	97
Total	67	97

*****Convene as Board of Commissioners*****

C. Adopting of the agenda

1. Amend to add item to "I" Equalization; #2, approve resignation of Tara Haswell.
2. Amend to reschedule item to "M" New Business; assessment freeze. Motion to approve as amended made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

D. Consent Agenda

1. Approve Minutes of May 22, 2024 Commission Meeting
2. Travel Requests as follows: Michael Baldwin to attend SDACDE training in Oacama 6/27/24 – 6/28/24 at a cost of \$260 to be paid by the Conservation District.

Vouchers approved as follows:

PAYROLL: Commissioners \$5,431.86; Election \$692.73; Auditor \$12,858.98; Treasurer \$10,941.35; Info Systems & Tech \$3,310.41; States Attorney \$14,446.41; Courthouse Building \$9,082.64; Director of Equalization \$16,393.78; Register of Deeds \$5,484.25; Veterans Service \$1,260.15; Human Resources 2,073.91; Sheriff \$55,828.62; Coroner 1,025.14; Nurse \$984.78; Library \$11,132.24; Conservation \$669.33; Planning \$7,647.53; Weed & Pest Control \$3,742.86; County Road & Bridge \$41,621.04; Emergency Management \$2,796.35; 24/7 Sobriety \$675.20; Emergency Line \$19,127.67.

COMMISSIONERS: Southern Hills Publishing \$452.53; Valhalla Law \$2,840.

ELECTION: Southern Hills Publishing \$1,779.23; Custer Ace Hardware \$83.94; Americann \$356.78.

AUDITOR: Black Hills Energy \$23.16; Quill \$197.71; Ramkota \$464.

TREASURER: Quill \$135.73; Ramkota \$232.

STATE'S ATTORNEY: Morrow County Sheriff \$19.64.

COURT APPOINTED ATTORNEY: Garland \$802.62; Southern Hills Law \$759.68; Colbath and Sperlich \$6,366.90.

MAINTENANCE: Black Hills Electric \$841.33; Black Hills Energy \$1,157.10; City of Custer \$347.58.

DIRECTOR OF EQUALIZATION: Southern Hills Publishing \$597.97.

REGISTER OF DEEDS: Ramkota \$232.

SHERIFF: Southern Hills Publishing \$144.90; French Creek Supply \$49.15; Custer Ace Hardware \$2.38; Steele Collision & Glass \$26,695.75; Justice Fire & Safety \$881; Murray Auto Repair \$615.91; Stryker Sales \$522; Motorola \$33.

CORONER: Clinical Lab of the Black Hills \$1,656.

AIRPORT: Custer Ace Hardware \$17.97; Brenden Hendrickson \$4,415.50.

FIRE PROTECTION: Argyle Volunteer Fire Dept \$11,750; Buffalo Gap Fire Dept \$5,750; Custer Volunteer Fire Dept \$40,000; Dewey Fire Dept \$3,000; Folsom Fire Dept \$6,500; Highlands Fire Dept \$8,250; Pringle Fire Dept \$8,750.

WEED & PEST: Warne Chemical & Equip \$183.44.

COUNTY ROAD & BRIDGE: A&B Welding \$12.30; Black Hills Electric \$1,264.39; Floyds Truck Center \$5,557.12; French Creek Supply \$1,237.02; Fastenal Company \$106.60; Godfrey Brake \$163.12; Interstate Batteries \$154.95; Servall Towel & Linen \$86.60; Town of Buffalo Gap \$73; Custer Ace Hardware \$42.48; A&I Distributions \$2,920.40; MG Oil Company \$23,901.57; Advanced Drug Testing \$132.40.

EMERGENCY MANAGEMENT: Black Hills Electric \$46.14.

COUNTY BUILDINGS: Golden West Technology \$41,839.70; AdTech Fire Protection \$23,574.55; Rock Solid Enterprises \$10,565.75; Custer Ace Hardware \$47.97; Justice Fire & Safety \$3,792; G&R Controls \$2,695.11.

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

E. Conflict of Interest Declarations

1. Commissioner Hartman declared a conflict under Item "G" Planning; #1.

F. Custer Rotary Club

1. Request for approval for raffle/bingo to be held 1st Wednesday of each month beginning 9/4/2024 at Custer VFW. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

G. Planning Department

1. Request for approval of Authorization for Release of Indemnity Bond re: Hartman Construction, Inc. The bond was initiated in March, 2024 and the Custer County Highway Department has signed off. Motion to approve made by Hindle; seconded by Linde; vote taken; Hindle; Linde; Busckohl all aye; Hartman abstained; motion carried.

H. Sheriff

1. Sheriff Marty Mechaley made a request to approve certified rate of pay (\$26.45/hour) for Conner Kelley. Kelley recently received certification and 3 awards while attending the academy; Mechaley stated Kelley did an excellent job. Mechaley also stated he would like to pay higher than the current approved wage scale, noting that Hot Springs recently hired at \$2.15/hour more for certified deputies and this remains an issue for Custer County. The Commission so acknowledged.

2. Mechaley requested acknowledgement for resignation of civil deputy/administrative assistant Julie Jenniges, effective 6/5/2024. The Commission so acknowledged.

3. Mechaley requested approval of new hire, Tara Haswell as civil deputy/administrative assistant at a full-time rate of \$21.08 per hour beginning 6-11-2024. Haswell is currently working in the Department of Equalization. Motion to approve made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

4. Acknowledgement of resignation of Deputy Chris Rhodenbaugh effective 6/1/2024 was requested. Mechaley stated Rhodenbaugh resigned one day before attending the academy. The Commission so acknowledged.

I. Equalization

1. Tara Haswell requested acknowledgement of certification of Scott Storms, effective May 1, 2024.

2. Resignation of Tara Haswell, effective 6/10/2024 was acknowledged.

J. Emergency Management

1. EMS Director, Steve Esser, presented BRIC Grant/generator update from GenPro. Esser stated everything has been approved and is awaiting his signature. Esser stated the required down payment will be approximately \$4,000; or 50% of the cost.

2. Esser presented a Title 3 funding update, noting that the commenting period is complete and there were no comments from the public. Esser's first request for Title 3 funds is for the Sheriff's Office in the amount of \$3,500 to be used for equipment in the department's side by sides. Motion to approve request for \$3,500 made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

3. Esser informed the Commission of the LEMPG reimbursement reduction currently in effect. He noted that the State has been paying 50% of EMS Directors' wages, but as a result of FEMA cuts, the reimbursement amount will now be 40%; reducing the amount by \$3,140.

K. 1881 Courthouse Museum

1. Rick Wheeler appeared before the Commission to present an update and discuss the museum's flagpole. Wheeler noted there were 1484 hours worked by volunteers. Wheeler stated the carriage house has been repainted and trimmed at a cost of just under \$1,000; a professional bid to complete this project came in at \$6,000. He noted a fundraiser to replace deteriorating window shades. The current shades are brittle and falling apart. The shades are necessary to prevent UV rays from damaging items on display. Wheeler requested Commission approval to remove the current flagpole, which is in a state of disrepair. He

received a quote to replace and set a new flagpole from “The Flagpole Guy” at a cost of \$10K. Commissioners Hindle and Hartman are in favor of the removal and replacement. Wheeler is searching into funding options; the Commission will check into the maintenance budget to assist with the cost, if needed. The matter will be discussed in the future as funding options are further explored. Wheeler also noted the elevator is in operating condition. He also thanked maintenance director, Joseph Panza, for his assistance and appreciates his hard work. The Commission thanked the volunteers for their hard work, as well.

L. Custer VFD

1. The Commission acknowledged the 2024 updated Custer VFD roster, which consists of approximately 25 members.

M. New Business

1. Assessment freeze denial. Motion to table until the 6/20/24 Commission meeting made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

2. Steve Davis appeared before the Commission to protest a \$2,000 late fee assessed to him regarding his waste-water system. Davis stated he had some work done 4 years ago and was unaware he needed a permit to work on the existing system. He was informed of the requirement and fine when he came to obtain a building permit for his new home. Davis said was shocked to receive the fine and asked why the amount was so high. He stated that his contractor was unaware, as well. Discussion was held; noting that as a licensed contractor, his installer should have known. Davis’ drain field stopped working and Davis hired a contractor to install a holding tank for the interim. Davis stated he did call Custer County to inform them of the repairs being made and that no one noted a necessary permit, nor came to inspect. His installer informed the state of the work done, although there was a discrepancy regarding the size of the tank; Planning Director, Terri Kester, stated that since the tank is buried, the actual size remains unknown. Davis said his drain field is currently working properly and the holding tank is no longer in use. After further discussion, it was stated there have been other issues with this specific contractor, not just regarding this installation. Motion to remove fine from Davis and place responsibility on the contractor and contact the state regarding his license made by Hindle; motion dies for lack of a second. Mr. Davis stated it was not his intention to cause the installer to lose his license. Hindle said Davis put his faith in the contractor, and therefore, should not be responsible for the fine. Motion to table until the 6/20/24 Commission meeting, until legal counsel can further review made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.

N. Public Comment –

1. Chairman Lintz discussed voter turnout from the primary election, noting Custer County’s turnout was 29.65%, much higher than the statewide 17.10%. Linda Kramer, Town of Hermosa stated a 2-year town board seat race was 53-50. Hermosa is still awaiting engineering reports regarding water and sewer.

O. Commission

1. Mail call – none.

2. Meeting Schedule –

a) Highlands VFD Fundraiser; reminder that the next Commission meeting will be held Thursday, June 20, 2024.

3. Meeting Reports – Busckohl attended city council and observed the election.

P. Executive Session

1. Motion to enter into Executive Session as per SDCL 28-13.42 Indigent made by Linde; seconded by Buszkohl; vote taken, all aye; motion carried. Executive Session entered into at 8:57 AM and concluded at 10:30 AM with no action taken.

Q. Work Session 11:00 AM.

1. Work session was held to review Custer County Ordinance 2. Possible revisions were discussed at length. Next work session to be held July 10, 2024 immediately following the Custer County Commission meeting.

R. Adjourn

Motion by Linde and seconded by Buszkohl to adjourn the meeting at 12:28 PM; vote taken, Linde, Buszkohl, aye; Lintz aye; Hindle and Hartman absent, motion carried. The next meeting will be at 8:00 AM, July 10, 2024 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 _____.