

## **Minutes of the Custer County Commission Meeting, Wednesday, September 11, 2024.**

### **Members present:**

Commissioners Jim Lintz, Mark Hartman, Michael Buszkohl, Craig Hindle and Commission Legal Counsel Aaron Davis and Dawn McLaughlin, Finance Officer. Commissioner Linde 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. Amend Agenda to add Travel Request under "C" Consent Agenda; item 4; SDACO Convention. Motion to approve Agenda as amended made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

### **C. Consent Agenda**

1. Approval of 8-21-24 Commission meeting minutes.
2. Approval of monthly reports.
3. Approval of Travel requests as follows: Sarah Myers, SD Library Assn 9-24 –9-27-2024 in Aberdeen, SD at a cost of \$741.58; Terri Kester and Laura Rosane, SD Planners Assn Conference 10-22 –10-24-24 in Box Elder, SD at a cost of \$701.36; Mike Baldwin, W&P, SD Assn of Conservation Districts 9-15 – 17, 2024 in Watertown, SD at a cost of \$493 to be paid by the Conservation District; Jim Lintz, Dawn McLaughlin, Paula Arthur, Teri Morgan, Jesse Doyle, Michael Buszkohl and Craig Hindle to attend SDACO Fall Conference in Rapid City, SD 9-15 – 9-18 at a cost of \$1,400.00. (no overnight at the SDACO Conference).
4. Approval of vouchers approved as follows:

**PAYROLL:** Commissioners \$5,431.54; Auditors \$12,863.74; Treasurers \$12,833.37; Info Systems & Tech \$3,310.40; States Attorney \$14,383.70; Courthouse Buildings \$9,086.89; Director of Equalization \$8,639.62; Register of Deeds \$5,393.24; Veterans Services \$1,422.42; Human Resources \$2,197.45; Sheriff \$54,597.52; Coroner \$837.04; Nurse \$1,122.65; Library \$11,628.61; Conservation \$772.27; Weed & Pest \$5,199.39; Planning \$7,710.60; County Road & Bridge \$38,573.31; Emergency Management \$2,796.37; 24/7 Sobriety \$813.54; Emergency Line \$18,478.28.  
Commissioners \$5,431.45; Auditor \$13,757.25; Treasurer \$13,679.54; Info Systems & Tech \$3,310.43; States Attorney \$14,815.93; Courthouse Building \$9,515.63; Director of Equalization \$10,294.29; Register of Deeds \$5,576.27; Veterans Services \$1,632.47; Human Resources \$2,415.23; Sheriff \$58,112.51; Coroner \$837.03; Nurse \$1,280.21; Library \$12,195.34; Conservation \$848.48; Weed And Pest \$3,875.70; Planning

\$7,963.31; County Road & Bridge \$41,266.19; Emergency Management \$2,796.35; 24/7 Sobriety \$970.11; Emergency Line F \$20,625.18.

**COMMISSIONERS:** CC Verizon \$88.60; CC A&B Water \$75.39; CC GPS \$12.41; CC Utilities \$16.19; Golden West Telecommunications \$118.06; Southern Hills Publishing \$410.18; Valhalla Legal \$4,760.

**SEARCH & RESCUE:** Black Hills Power \$34,616.70; Golden West Telecommunication \$99.95.

**PRISONER CARE:** Meade County Auditor \$95; Mike Bielmaier \$75; Satellite Tracking \$159.25; SD Public Health \$400.

**MENTAL ILLNESS BOARD:** Husted Law \$120; New Trails Ministry \$300.

**COURT APPOINTED ATTORNEY:** Colbath & Sperlich \$2,850.49; Southern Hills Law \$161.68.

**AUDITOR:** CC A&B Printers \$306.10; CC GPS \$24.82; Black Hills Energy \$4.37; FedEx \$32.90; Golden West Tech. \$87.50; Golden West Telecommunication \$148.98; McLeod's Printing \$254.83; Quill \$132.90; Southern Hills Publishing \$47.98.

**TREASURER:** CC A&B Printer \$332.87; Golden West Telecommunication \$148.98; SD State Treasurer \$72.10.

**STATE'S ATTORNEY:** CC A&B Printers \$200.36; CC Supplies \$16.99; Carol Johnson \$27.30; Golden West Telecommunication \$145.77; Relx \$467.

**MAINTENANCE:** CC Verizon \$41.91; CC GPS \$12.41; CC Supplies \$732.74; A-Z Shredding \$7.06; Black Hills Chemical \$287.96; Black Hills Energy \$4,152.19; City of Custer \$2,555.38; Custer Ace Hardware \$139.21; Sander Sanitation \$22.80.

**DIRECTOR OF EQUALIZATION:** CC A&B Printer \$312.90; CC Door Hangers \$91.50; Golden West Telecommunication \$219.95; Quill \$83.32; Splish Splash Car Wash \$13; Vanguard Appraisals \$6,500; Verizon Connect \$29.84.

**REGISTER OF DEEDS:** CC A&B Printer \$229.53; CC Amazon \$56.55; Golden West Telecommunication \$55.10.

**VETERANS SERVICES:** CC A&B Printer \$66.74; Golden West Telecommunication \$27.55.

**HUMAN RESOURCES:** CC BKGRD CHK \$43.25; CC A&B Printers \$138.64; Golden West Telecommunication \$27.55; Southern Hills Publishing \$50.20.

**INFO TECHNOLOGY:** CC Go Daddy \$226.70; Golden West Tech \$7,358; Golden West Telecommunication \$54.10; Golden West Telecommunication \$680.

**SHERIFF:** CC Verizon \$532.33; CC A&B Printer \$196.07; CC Supplies/ Postage \$792.74; CC Training/ Postage \$560.90; A&B Pure Water \$54.98; Axon \$2,040; French Creek Supply \$408.97; Golden West Telecommunication \$295.02; Innovative Office Solutions \$78.16; Lamb Motor \$96,992; LexisNexis \$255.50; Murray Auto \$81.55; Quill \$206.93; Rushmore Communications \$81.01; SD Dept of Public Safety \$2,700; Secretary of State \$30; Sonnel Technologies \$25,475.92; Southern Hills Publishing \$72.73; State Farm \$50.

**AIRPORT:** Brendan Hendrickson \$4,415.50; Epic Aviation Fuel \$14,471.69; Golden West Telecommunication \$114.90; R.P. Lumber \$34.77.

**LIBRARY:** CC Mt Rushmore Telephone \$134.57; CC SD Library Association \$81; CC Amazon \$1,867.18.

**ELECTION:** CC Election Food \$106.55; CC Supplies \$131.99; Quill \$234.98.

**EXTENSION:** CC Verizon \$40.01; CC A&B Printer \$169.11; Golden West Telecommunication \$118.07.

**WEED & PEST:** CC A&B Printers \$172.80; CC GPS \$37.23; CC Supplies & Service Fee \$119.94; Alan Gorsuch Chemical Reimbursement \$15.98; Elaine Immormino Chemical Reimbursement \$22.92; Golden West Telecommunication \$27.10; Kim O'Connor Chemical Reimbursement \$970; OFLP Properties \$935.29; Ronald Anderson Chemical Reimbursement \$350; Stephen Humphreyes Chemical Reimbursement \$224.39; Thomas Pekarna Chemical Reimbursement \$121.85; Tim Dezember Chemical Reimbursement \$59.50; Tim Kinnamon \$37.50; Verizon Connect \$74.61.

**PLANNING:** CC A&B Printer \$223.42; Golden West Telecommunication \$118.22; Iworq Systems \$4,684; Southern Hills Publishing \$42.49; Splish Splash Car Wash \$16; Verizon Connect \$14.93.

**COUNTY ROAD & BRIDGE:** CC A&B Printer \$203.89; CC Supplies/ Diesel \$254.52; A&B Welding \$12.71; A&I Distributing \$462.70; Royal Flush Portables \$155; Black Hills Electric \$661.16; Black Hills Energy \$58.10; Brosz Engineering \$1,545; Butler Machinery Co \$40,633.39; Culligan Water \$6.50; Custer Ace Hardware \$60.70; Fastenal \$608.75; Forward Distributing \$40.10; French Creek Supply \$1,663.37; Golden West

Telecommunication \$234.10; Great Western Tire \$3,998.53; Grossenburg Implement \$4,938.89; Kieffer Sanitation \$308.38; Lumen-Centry Link \$63.55; Midway Service \$24,445.66; Mt. Rushmore Telephone \$155.87; NSG Logistics \$4,638.07; Partstone NAPA \$24.50; R.P. Lumber \$62.97; Servall Towel & Linen \$144.61; Simon Team Concrete \$807.63; Simons Contractors Cattle Guards \$789; Stan Houston Equipment \$3,639.50; Buffalo Gap \$73.

**EMERGENCY MANAGEMENT:** CC Verizon \$46.91; CC A&B Printer \$169.11; CC Pro Service Fee \$169.82; Golden West Telecommunication \$45.95.

**COUNTY BUILDINGS:** Thyssenkrupp Elevator \$780.

**FIRE PROTECTION:** Argyle Volunteer Fire D

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

**D. Conflict of Interest Declarations – None**

**E. Highway**

1. Highway Superintendent, Jesse Doyle, requested Commission acknowledgement of the end of 6-month probationary period for Richard Bickel. The Commission so acknowledged.

2. Doyle requested Commission approval of ROW Application for Occupancy by Golden West Telecom for installation of fiber optic facility re: service to 11932 Sundance Dr; S17 T6S R4E. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

3. Doyle also requested Commission approval of ROW Application for Occupancy by Golden West Telecom for installation of fiber optic facility re: service to 25169 Renegade Pass; S27 T3S R3E. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

4. Doyle noted the extreme dry conditions hampering road maintenance. He stated his department uses extraordinary caution and uses water trucks in conjunction with blading at this time.

**F. Planning**

1. Planning Director, Terri Kester, presented variance request re: Parcel 014168 Jeff Prior. This request is to install a barbeque pit approximately 8' from the right of way. Kester noted there have been some concerns from neighboring properties, but nothing has been received in writing. This variance request was presented before the Planning Commission 9-3-24 where approval was recommended. Motion to approve made by Hartman; seconded by Hindle; vote taken, Hartman, Hindle aye; Busskohl nay; motion

carried. Commissioner Busskohl noted concerns that this is too close to the right of way.

2. Kester presented Final Plat of: RAFTER R TRACT 3 AND RAFTER R TRACT 4 AND RAFTER R TRACT 5, LOCATED IN SECTION 32, 33 AND 34, T3S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Parcels 009551 & 015694 and requested Commission approval. This was presented before the Planning Commission where approval was recommended. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

### **G. Equalization**

1. Interim Director, Teri Morgan, requested Commission acknowledgement of new hires as follows:

a) Marc Moore; uncertified appraiser at a rate of \$17.77/hour, 24-27 hours per week with no benefits; start date of 8-22-24. This position entails data entry while in the field and office. The Commission so acknowledged.

b) Jason Ellis; uncertified appraiser at a rate of \$17.77/hour, 32-40 hours per week with full benefits; start date of 9-9-2024. This position entails data entry while in the field and office. The Commission so acknowledged.

### **H. Channel Group, LLC.**

1. Planning Director Kester noted that Joseph Channel is requesting forgiveness of \$2,000 fine imposed regarding improper installation of wastewater/septic system. He hired an installer who was not certified and who did not obtain the necessary permits. It was noted that the situation has since been remedied. Mr. Channel spoke to the Commission via telephone and presented a short history of the family property. Since taking ownership, he has sought to update the electric, plumbing, water and septic systems. He hired a contractor who performed those updates and Mr. Channel trusted the installer to obtain permits. After the fact, Mr. Channel became aware that the work was not done properly, and that the contractor was not licensed to install the septic system. Work was halted and a new contractor was hired. Channel noted that the incorrect septic system will not be used and will be removed entirely. He stated he had no knowledge that he needed to obtain the permit himself and trusted the previous contractor to handle that matter. Channel asked the Commission to consider forgiving the fine as he is making the necessary corrections and had no intent to break the rules. Chairman Lintz stated that the fines go to the landowner and that Custer County will continue to levy the imposed fine. As Mr. Channel had stated he has a lawsuit pending against the first contractor, Chairman Lintz suggested adding the amount of the fine to damages to try and recover that amount, as well. Lintz stated he will stand by the Planning Department's imposed fine. Commissioner Busskohl stated that since the septic system was buried there is no option to forgive the fine at this point. Commissioner Hartman told Channel that he is not being singled out and that everyone is treated the same in this situation. Mr. Channel stated he respects the Commission's

decision. Jesse Doyle suggested the possibility of posting a "Notice to Contractors" and compiling a list of contractors who are licensed and certified to install approaches, as well as septic/wastewater systems. This would help to eliminate incorrect installs in the future.

### **I. Raffle Request**

1. Raffle request by Custer County Republicans was presented for approval. The raffle would be held 10-5-24 at a cost of \$20/ticket. Proceeds will be used by the Custer County Republicans to cover the cost of advertising, projects and candidate expenses. Motion to approve made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.

### **J. Sheriff**

1. Sheriff Marty Mechaley requested acknowledgement of resignation of full-time deputy Matt Tramp, effective 9-7-24. He would like approval to move Deputy Tramp to a part-time, as needed position at his current rate of pay. This position would not include benefits. Tramp has been with the department for the last 8 years. Motion to approve adding this part-time position made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Mechaley presented CSP Contract with Custer County Sheriff's Office, effective 7-1-2024 through 6-30-2025 at a rate of \$8,961.86. This arrangement has worked well and Mechaley stated SD GFP has enlisted extra rangers to work in the park for additional coverage. This contract requires only Sheriff Mechaley's signature. Motion to approve Mechaley's signature made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried. Commissioner Busckohl stated he has hopes for additional financial assistance in the future.

3. Mechaley also presented CSP Contract with Custer County Communications Center, effective 7-1-2024 through 6-30-2025 at a rate of \$8,961.86. This contract requires only Sheriff Mechaley's signature. Motion to approve made by Busckohl; seconded by Hartman; vote taken, all aye; motion carried.

### **K. Folsom VFD 2024 Roster**

1. The Commission acknowledged updated 2024 roster for the Folsom VFD.

### **L. Library**

1. Library Director, Sarah Myers, requested Commission acknowledgement of end of 6-month probationary period for full-time employee, Zoe Hayford. The Commission so acknowledged.

### **M. Nurse**

1. Request was made to retain the current Custer County health nurse's office



landline telephone number and transfer billing to Custer County. The SD DOH has switched to Teams calling and would discontinue use of the current landline and number. The number is greatly utilized by the public and it would be detrimental to cancel that phone line, thereby making it more difficult for the public to reach the office. The monthly fee for the line is approximately \$70. Motion to retain the landline, number and transfer billing to Custer County made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

#### **N. WEAVE**

1. WEAVE made request for 2024 supplemental funding in the amount of \$5K due to unforeseen flood/pipe breakage damage, water leaks and repairs. WEAVE has normally kept the annual funding request at \$5K without increase and does not ask for any extra monies. Finance Officer McLaughlin noted that there are contingency funds available. Commissioner Hindle stated Custer County should step up and help pay for repairs. Motion to approve supplement of \$5K from contingency funds to WEAVE made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

#### **O. Search and Rescue**

1. Sam Smolnisky presented Contract between Search & Rescue and SD GFP, effective 7-1-24 through 6-30-2025 at a rate of \$8,961.86. This requires only Smolnisky's signature. Sam stated there is a good working relationship between the two entities. Motion to approve Smolnisky's signature made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

2. Smolnisky updated the Commission on potential storage garage to be constructed at 1073 Montgomery Street, Custer, SD. He noted that Friends of Search & Rescue have offered to pay for the garage; thus allowing for additional storage space for gear, which is taking up parking space in the main garage. Smolnisky requested Custer County obtain the permit through the City of Custer. Peg Ryan noted that she will ask the City to waive the permit fee. It was noted that since the County owns the property the garage would be built upon, it would own the garage as well. Sam stated the building would be approximately 20x20. Search and Rescue members would construct the garage and the members will be covered under Custer County's worker's comp insurance. Additional builder's risk policy will need to be implemented during the construction phase. Motion to approve Custer County obtaining the building permit and construction of garage made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

#### **P. Old Business**

1. Sam Smolnisky, Search & Rescue, presented request for Title III funds in the amount of \$23,916.70 for reimbursement of equipment response for the years 2018 through 2023. Finance Officer McLaughlin contacted the State Auditor and it was determined that a previous request for Title III reimbursement funds that included two

ATV units cannot be reimbursed through Title III monies, since they were originally purchased using general funds. The new request of \$23,916.70 does meet the criteria, however. Motion to approve request made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Resolution 2024-12 (2023-18 updated) re: concrete, brick, asphalt exemption from assessment for ad valorem taxation purposes was presented by Commission Legal Counsel, Aaron Davis. This Resolution removes concrete, brick and asphalt from taxation as long as it is not part of the main structure and clarifying language has been added. Interim DOE Director, Teri Morgan has approved the Resolution, and Davis recommends Commission approval, as well. Motion to approve Resolution 2024-12 made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

3. Proposed Concho Road District formation. State's Attorney, Tracy Kelley, stated the State of SD has indicated members can file a petition to create a new road district and it is ultimately up to the Commission to approve formation or not. Kelly noted this situation is a bit different as the proposed Concho Trail Road District is currently part of a functioning road district (Saddleback). Kelly noted she holds no position in this situation and Jesse Doyle noted that Saddleback Road is maintained very well. Motion to deny petition for formation of Concho Trail Road District made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

4. Town of Hermosa—request for approval of \$500K ARPA funding for design and construction of Town of Hermosa North Water Tank. Motion to table until the 9-25-2024 Custer County Commission meeting made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. Commissioner Hartman recommended withholding approval of use of ARPA funds until the State approves the project first.

**Q. Public Comment** – None.

**R. Commission**

1. Mail call – none
2. Meeting Schedule –
  - a) Motion to approve rescheduling of 10-9-24 (Wednesday) Commission meeting to 10-8-24 (Tuesday) made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.
  - b) The 9-25-24 Commission meeting will be held at the 1881 Museum in Custer, SD.
3. Meeting Reports – Lintz attended Weed Board and noted there are still reimbursement funds available; Fair Board, noting the building project is now examining other options. Busskohl attended YMCA, S&R and Planning meetings; Hartman attended Planning where small lot and road plat policies were discussed. Lintz reminded the audience about Fire Advisory Board meeting to be held in Argyle 9-12-24 at 6:30 PM.



4. Finance Officer McLaughlin shared information received from Jennifer Sietsema, BHCLG, regarding possible financing (at a rate of 4%) for the HVAC system in the Courthouse building. There is a 4% loan available at a 10-15-year option, which is similar to the existing financing on the building. There is a possible 50% green energy grant on the cooling system. McLaughlin will forward this information to the Commissioners.

**S. Executive Session**

1. Motion to enter into Executive Session as per SDCL 1-25-2(3) Legal made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried. Executive Session entered into at 9:05 AM and concluded at 10:34 AM with no action taken.

**T. Adjourn**

Motion by Hartman and seconded by Busskohl to adjourn the meeting at 10:36 AM. The next meeting will be at 8:00 AM, 9-25-2024 in the Courtroom at the 1881 Museum in Custer.

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Jim Lintz, Chairman

Attest: \_\_\_\_\_

Barbara Cox, Custer County Deputy Auditor

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