

## **Minutes of the Custer County Commission Meeting Wednesday, June 29, 2022**

### **Members present:**

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies and Commission Legal Counsel Susan Anderson 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**

### **C. Consent Agenda**

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

Travel requests approved:

- a) Leah Vissia, Ron Remley, Lindsey Luckett, Tara Haswell, Caitlin Green to attend schooling in Pierre September 19—23, 2022.
- b) Todd Fish to attend SDDVA Annual Benefits Conference in Pierre August 15-18, 2022.
- c) Steve Esser to attend G235 FEMA Emergency Planning Class in Pierre July 7-8, 2022.

Vouchers approved as follows:

**PAYROLL:** 6/24/22 Payroll—Commissioners \$9,825.36; Election \$1,152.64; Auditor \$6,125.89; Treasurer \$13,881.29; Info Systems & Technology \$3,209.13; State’s Attorney \$13,298.46; Courthouse Building \$6,993.19; Department of Equalization \$13,541.37; Register of Deeds \$4,839.24; Veteran’s Service \$1,922.59; Human Resources \$2,495.76; Sheriff \$44,244.99; Coroner \$947.35; Nurse \$818.28; Library \$10,342.15; Conservation \$505.56; Weed & Pest \$4,914.84; Planning \$8,403.64; County Road & Bridge \$40,479.22; Emergency Management \$2,666.08; 24/7 Sobriety \$927.87; Emergency Line F \$18,491.92

**COMMISSIONERS:** Southern Hills Publishing \$387.51; Jenny’s Floral \$48.94; Golden West Telecom \$1.95; CNA Surety \$525; DGR Engineering \$6,657.35; Pitney Bowes \$2,015;

**ELECTION:** Southern Hills Publishing \$64.41; Election Systems \$5,849.82; Custer Ace Hdwe \$31.98; Seachange \$185; Golden West Telecom \$26.98; DS Solutions \$595; Election Workers \$7,294.57

**COURT:** Sara Pfefferle \$284.24

**AUDITOR:** Quill \$47.86; Golden West Telecom \$134.86; Tracy Fish \$1,488;

**TREASURER:** Quill \$28.58; Golden West Telecom \$137.37

**TREASURER’S TRUST:** SD Dept of Revenue \$150.

**STATE'S ATTORNEY:** LexisNexis \$359; Golden West Telecom \$134.86; Culligan Water \$44.50; Quill \$122.25;

**COURT-APPOINTED ATTORNEY:** Justin O'Neill \$1,547.51; Southern Hills Law \$648.14; Angela Colbath \$2,282.40; Rensch Law Office \$3,686.78

**COURTHOUSE BUILDING:** Custer Ace Hdwe \$28.97; Golden West Telecom \$26.98; Riverside Technologies \$904

**DIRECTOR OF EQUALIZATION:** Southern Hills Publishing \$450.41; McLeod's Printing \$198.90; Quill \$894.01; Golden West Telecom \$188.95; Ramkota \$385; Quill \$150.68; SDAAO Treasurer \$1,800

**REGISTER OF DEEDS:** Golden West Telecom \$53.94

**VETERANS SERVICES:** Golden West Telecom \$26.97

**INFO TECHNOLOGY:** Golden West Telecom \$53.94; Golden West Technologies \$8085.51; Schneider Geospatial \$2,715; Pitney Bowes \$462.57

**HUMAN RESOURCES:** Golden West Telecom \$26.98; Evergreen Office \$51.25

**SHERIFF:** BH Energy \$69.88; French Crk Supply \$359.98; Fedex \$16.51; S&B Motor Parts \$1,581.40; Verizon Connect \$178.09; Sherry Weber \$139; Golden West Telecom \$434.06; Dale's Tire \$826.68; A&B Pure Water \$54.98; Great Western Tire \$592; Anderson Auto \$15; BHEC \$49.78; Pheasantland Industries \$122.50; Custer Ace Hdwe \$12.99; Stride Bank \$20; Leads Online \$1,528; Battle Mt. Humane Society \$1,000

**PRISONER CARE:** Kevin Kirschenmann \$75; City of Rapid City \$280; Pennington County Jail \$19,584.44; Mary Seifert \$75; Ruth Airheart \$150; Care Campus \$226; Bob Barker Co. \$17.84; Satellite Tracking \$133.25; Jaquelyn Nelson \$75; Linda Nohr \$75; Pennington Co Jail \$46.49; SD Public Health \$125; Monument Health \$52.25

**AIRPORT:** Custer Do It Best \$74.59; Brenden Hendrickson \$3,950; Golden West Telecom \$112.85; MG Oil \$11,921.80; French Crk Supply \$37.91; Mark Lyndoe \$6,000.

**BLACK HILLS WORKS:** Budget Request \$6,000.

**MENTALLY ILL:** Pennington Co. Pub. \$99.

**MENTAL ILLNESS BOARD:** Lincoln County Treasurer \$111.10

**LIBRARY:** Mt. Rushmore Telephone \$133.56; BH Library \$29.32; Vector Design \$295; Golden West Telecom \$115.95; Centurylink \$16.22

**EXTENSION:** SDSU Extension \$10,567.75; Golden West Telecom \$117.04; Fall River County \$1,917.13

**WEED & PEST:** Bauerkemper’s Inc . \$9,100; Southern Hills Publishing \$84.60; French Crk Supply \$20.68; Joann Lynn \$40; Douglas Balm \$100.22; Warne Chemical \$265.80; Custer Ace Hdwe \$20.88; Nutrien Ag Solutions \$3,050; Golden West Telecom \$26.97; Eddie Powers \$132.95; Mark Wenzlaff \$55; Peter Musser \$55; BH Electric \$144.99

**PLANNING:** Golden West Telecom \$109.36

**COUNTY ROAD & BRIDGE:** A&B Welding \$11.70; BH Energy \$57.15; Floyd’s Truck Center \$1,109.91; French Crk Supply \$178.72; Prairie Auto Parts \$27.48; Mt. Rushmore Telephone \$118.81; Pheasantland Industries \$673.17; S&B Motor Parts \$19.86; Servall Towel & Linen \$128.65; BH Gravel \$12,780; Team Laboratory Chemicals \$27,500; Golden West Telecom \$161.91; Stern \$1,789.76; Loiseau Construction \$41,360.80; Honnen \$269.88; MG Oil \$32,476.68; Advanced Drug Testing \$35; Great Western Tire \$14,189.14; Dakotaland Autoglass \$1,115; BHEC \$1,008.36; BH Energy \$76.77; Floyd’s Truck Center \$2,204.88; French Crk Supply \$1,454.82; Fastenal \$168.32; Quill \$135.62; Kieffer Sanitation \$230.72; Servall Towel & Linen \$128.65; Town of Buffalo Gap \$61; Rosane Construction \$30,633.34; Snap On Tools \$42.30; Stern \$292.94; Mick’s Electric \$1,629.97; Centurylink \$23.72; Matco Tools \$35.50; Nelson’s Oil & Gas \$4,467.81; Forward Distributing \$75.55; CBH Coop \$4,073.68.

**FIRE PROTECTION:** Argyle VFD \$11,000; Buffalo Gap VFD \$5,000; Custer VFD \$36,500; Dewey VFD \$2,500; Folsom VFD \$5,750; Highlands VFD \$7,500; Pringle VFD \$8,000

**EMERGENCY MANAGEMENT:** BH Energy \$25.03; Rushmore Communications \$3,080; Verizon Connect \$16.19; Freeman’s Electric \$122.45; Sam Smolnisky \$1,645; Golden West Telecom \$43.90; Genpro Energy Solutions \$350.08

**SEARCH & RESCUE:** BH Energy \$317.56; Custer City \$69.26; Lynn’s Dakotamart \$156.87; Rushmore Communications \$3,411.87; Sander Sanitation \$19.48; Golden West Telecom \$93.95

**STATE GRANTS-GENERAL GOVERNMENT:**

**BUILDING:** BH Energy \$4,396.79; Custer City \$255.04; Custer Ace Hdwe \$110.26; A-Z Shredding \$34.36; BHEC \$1,621.47; Custer City \$274.46; Custer Ace Hdwe \$35.10.

**EMERGENCY LINE:** Golden West Telecom \$497.79; A&B Pure Water \$54.97

**NURSE:** SD Dept of Health \$1,395

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

**E. Planning**

Planning Director, Terri Kester, presented the following and recommended Commission approval:

1. Cell Tower Modification—Earl & Stacey Sallee; Vexel & AT&T to install 6 new antennae. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Final Plat of: EVANS TRACT WEST AND EVANS TRACT EAST OF DIAMOND E SUBDIVISION, LOCATED IN THE NE ¼ NE ¼ OF SECTION 19, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Bradley and Cheri Evans. Motion to approve lot line adjustment made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

3. Final Plat of: LOT 3 REVISED & LOT 7 REVISED OF SOUTH PARK RANCH SUBDIVISION PHASE ONE, LOCATED IN THE SE ¼ OF SECTION 8, AND N ½ NE ¼ OF SECTION 17, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Roger & Nancy Burk. Motion to approve lot line adjustment and consolidation made by Linde; seconded by Bies; vote taken, all aye; motion carried.

4. Final Plat of: STAGECOACH SPRINGS TRACT, STAGECOACH TRAIL WEST TRACT AND STAGECOACH TRAIL EAST TRACT, OF SECTION 4, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Jeffrey Rich. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

5. Director Kester also discussed Approach Permits with the Commission. She explained the process of obtaining a permit and noted the various steps taken to ensure the regulations are met. She stated that the Planning Department only takes the application and this process also involves the Highway Department, as well as GIS to complete and noted there seems to be a lot of confusion during the process. Highway Superintendent, Jess Doyle, noted that he has updated the approach specifications for clarification.

#### **F. Highway**

1. Superintendent Doyle requested acknowledgement of the end of the 6-month probationary period for full-time employee, Gail Kay. He noted that Gail was previously a seasonal employee who went to full-time status and that she is an asset to the Highway Department. The Commission so acknowledged.

2. Doyle presented the Commission with the updated Custer County Highway Department Road and Approach Specifications document and requested approval of such. He noted the last time this was updated was December of 2006. Motion to approve made by Bies; seconded by Hartman; vote taken, all aye; motion carried.

#### **G. Sheriff**

1. Sheriff Marty Mechaley informed the Commission of the resignation of full-time deputy Justin Bolen, effective June 22, 2022. The Commission so acknowledged.

2. Mechaley requested approval to advertise for a part-time, as needed, 24/7 technician. He noted this position would have a starting wage of \$16.07 per hour and stated this position is necessary to help set up new participants, as well as working with current participants. He feels this program is beneficial and helps defray costs to Custer County. He also noted that he has the funds for this position in his budget at this time. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

#### **H. Veteran's Services**

1. Veterans' Service Officer, Todd Fish, appeared before the Commission and presented the 2<sup>nd</sup> quarter VSO report. He noted that since January 1, 2022 there has been an increase of 34 new Veterans registered in Custer County. The baseline of 752 registered veterans has increased to a total of 853. Fish stated that veterans can teleconference, walk-in or schedule appointments with the office. Fish shared that Veterans Services is sponsoring a street dance,

drama concert, patriot parade and patriot alley events over the July 4<sup>th</sup> holiday. VSO continues to support monthly outreach, claims, headstones and other services to area veterans.

#### **I. Custer County Extension/4-H**

1. Erin McGlumphy appeared before the Commission and gave an update. She noted that there are currently 108 students and 35 volunteers and that the numbers are increasing. McGlumphy also stated that her administrative assistant is relocating and therefore, that position will be vacant. That opening has been posted and the hiring process is through Fall River County.

#### **J. Julie Oswald**

1. Julie Oswald appeared before the Commission to discuss property owned by Custer County located on Washington Street and the County's intended use. Oswald presented a plan to utilize the property for a pickleball court. She noted that this is a fast-growing sport and that there are very limited options for court space in Custer and that the Washington Street location would be ideal. She informed the Commission that other possibilities within Custer city limits are 4-5 years out on availability. Oswald said there are approximately 40 players in Custer. Commissioner Hartman stated that the intended use for the property is for courthouse expansion and it would not be feasible to invest the estimated \$200K in temporary pickleball courts, but did discuss the possibility of other properties that might be suited for that use.

#### **K. Jerry Kocer**

1. Jerry Kocer appeared before the Commission to share his concerns regarding a proposed go-jart track on a Pleasant Valley Road property. Kocer stated he had recently learned about the possibility of a track in his neighborhood and feels this will greatly disrupt the peaceful area, as well as lowering his property values. He presented the Commission with a letter containing 50 signatures of residents opposing the track. He asked the Commission to consider placing zoning restrictions to prevent this type of development in rural and residential neighborhoods. Commissioner Linde stated there is a need for "good" zoning laws, but so far there aren't any in place. Linde noted that the majority of landowners do not want restrictions, and therefore, zoning. It was noted that some subdivisions have covenants and restrictions but those are put into place before the land is developed and that it is very difficult to add those after the fact. It was also noted that zoning is very difficult to add to existing properties and neighborhoods and is generally rejected. Kocer stated that property owners need some type of protection against unwanted land use, but Chairman Lintz countered that landowners and purchasers have the right to use their land as they wish. A few residents of the Box Canyon area were present and raised concerns regarding a large campground that may be developed in that neighborhood. They were concerned about noise; water usage, sewer drainage and road deterioration. They noted the area is not suited for such a campground. Planning Director, Terri Kester, stated the planning office was unaware of any plans for such and said that no notifications or advertisements on the County level were necessary. Dan Holsworth stated that Hermosa has flexed zoning in place for future land development so that potential landowners can review the zoning before purchasing land. Commissioner Hartman noted that zoning would not do anything to help with existing property use, but would only help fix future development.

#### **L. Custer County Fair Association**

1. Commission Legal Counsel, Susan Anderson, discussed the updated Custer County Fair Association insurance policy. Anderson stated that small group using the facilities would need to carry a \$500K liability policy; large events would need to carry \$1 million in liability coverage and name Custer County and the Fair Association on the certificate of insurance.

#### **M. Fire Departments**

1. Matt Spring spoke before the Commission to follow up on previous requests for funding. He shared some of the needs of the local volunteer fire departments, such as equipment, buildings and the pursuit of tax districts for the departments; as well as the possibility of combining smaller districts. Spring presented a formal request for funding in the amount of \$805K. It was noted that this request would be discussed during budget meetings in the near future. Commissioner Hindle noted that even though property assessments were increasing, taxes do not go up accordingly. Hindle does support additional funding, however. Chairman Lintz stated the VFDs are very much needed but currently underfunded and he would like to see that change.

#### **N. Town of Hermosa**

1. Dan Holsworth appeared before the Commission to discuss the current law enforcement services contract between Custer County and the Town of Hermosa. Mr. Holsworth stated that Hermosa appreciates the law enforcement coverage and requested the Commission to accept annual payment of \$64K rather than the \$80K earlier agreed upon amount. He feels the \$64K is within the Hermosa budget. If accepted, Hermosa would sign a 1-year contract for coverage. Sheriff Mechaley reiterated the \$80K amount is necessary to provide adequate coverage for the Town of Hermosa, stating Custer County has provided 231 days of coverage thus far and answered 600 calls. He state that Hermosa deserves to have good law enforcement coverage and that \$64K cannot cover expenses. Mechaley noted that his department needs to hire additional deputies to provide service to that area. The \$80K is in addition to the separate \$8K dispatch contract with Hermosa. Holsworth stated maybe the option of a month-to-month contract for services would better suit the Hermosa budget and that he would try to obtain additional funding for a longer term.

2. Resolutuion 03-2022—Resolution of Intent to Annex Fairgrounds Place.

Legal Counsel, Susan Anderson, requested this be tabled until the July 13, 2022 Commission meeting so that more research can be done. Motion to table made by Linde; seconded by Bies; vote taken, all aye; motion carried.

#### **O. Auditor/Treasurer**

1. Finance Officer, Dawn McLaughlin, presented the canvass for the Recount Election for State Senator District 30. McLaughlin noted that the results had remained the same as the Primary Election with Julie Frye-Mueller receiving 1,164 votes and Timothy Goodwin receiving 1,051 votes. Motion to accept the canvass made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Susan Anderson presented the Commission with an agreement between Custer County and Southern Hills Title to grant access to tax records in the Tyler system. It was noted that Southern Hills Title would have a "view only" mode and would not be able to make any changes or manipulate data. Additional firewalls would be provided by Southern Hills Title and that Custer County maintains the right to terminate the agreement at any time. Motion to accept

and authorize Chairman Lintz to sign said agreement made by Bies; seconded by Linde; vote taken, all aye; motion carried.

**P. Public Comment –**

LeaAnne McWhorter and Monica McGowan shared they had attended a legislative tax meeting in Pierre that included 15 members of a legislative committee. They noted that DOR attended, as well as representatives from the Department of Education, SD retailers and GIS from Hot Springs. A survey taken showed that 79% believe the current sales tax rates are within reason; that property tax is too high and 80% opposed implementing a state income tax. VRBO taxation was discussed, together with other issues. Chairman Lintz stated that he would be attending future meetings in Pierre. Todd Fish addressed the Commission and proposed a budget process plan that would include a requirements priority list to be reviewed twice per year, as well as releasing budget funds twice per year. Mr. Fish believes this process with create stability and predictability in the budget process.

**Q. Black Hills Works Foundation**

1. Andrea Serna and Hoksila Long appeared before the Commission to present a request for a financial contribution. Mr. Long shared that Custer County’s contributions enable him to continue to work at Crazy Horse by covering transportation costs. He spoke about his work at Crazy Horse, as well as sharing about his work as an artist. Serna noted Crazy Horse employs people with disabilities and that they are thankful for the generous financial support from Custer County.

**R. Commission**

1. Mail call – Dawn McLaughlin presented a letter from the Department of Agriculture and Natural Resources re: Notice of Filing Application for Large Scale Mine Permit; Simon Contractors of SD, Inc. This is regarding expansion of a gravel pit located in Custer County.
2. Meeting Schedule – McLaughlin stated a meeting for BH Commissioners will be held on Friday, July 8, 2022 at 11:00 AM at the Deadwood Mt. Grand in Deadwood, SD.
3. Meeting Reports -- Commissioner Bies shared he had received a call from the Department of Agriculture regarding reappointment to the BH Forest committee.

**S. Old Business-- None**

**T. Executive Session**

1. Motion by Linde to enter into Executive Session at 10:37 AM pursuant to **SDCL 28-13.42** indigent request; seconded by Hindle; vote taken, all aye. Motion by Linde and seconded by Hartman to enter into Executive Session pursuant to SDCL 1-25-21(1) personnel. Executive session concluded at 11:26 AM.

**U. Adjourn**

Motion by Linde and seconded by Hindle to adjourn the meeting at 11:29 AM. The next meeting will be at 8 AM, July 13, 2022 in the Commissioner's Room in the Custer County Courthouse.

\_\_\_\_\_  
Jim Lintz, Chairman

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

Barbara Cox, Custer County Deputy Auditor

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