

**Custer County Commission Meeting (Wednesday, November 24, 2021)**

**Members present:**

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies and Commission Legal Counsel Susan Anderson. Dawn McLaughlin, Finance Officer, was absent.

**A. Commission Meeting was called to order at 8:00 AM followed by the Pledge of Allegiance.**

B. Commissioner Hindle welcomed Peg Ryan, City of Custer Councilwoman, who is the City of Custer's liaison to the Custer County Commission.

**C. Adopting of the Agenda:**

Anderson asked the Commission to amend the Agenda as follows:

- Old Business: add approval of Steve Esser as the County's representative for the BRIC Grant;
- 4-H/Extension: add approval of the MOU between SDSU Extension and Custer County for 2022;
- Auditor: add approve 2022 renewal of the health insurance program through the Association of School Boards Trust;
- Airport: add approval of the ARPA Grant of \$32,000 for CUT;
- Commission: add Performance Appraisals for 2021 and Performance Based Raises for 2022; and
- Planning Public Hearings: add review of Resolution 2021-21 for the Eudy vacation and Resolution 2021-22 for Shaw vacation.

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

**D. Consent Agenda**

1. Motion by Hartman to approve the minutes of November 10, 2021; seconded by Bies; vote taken, all aye; motion carried.

Travel requests approved: None

Vouchers approved as follows:

**PAYROLL:** Pay period ending 11/20/2021: Commissioners \$6,521.30; Auditor \$4,525.86; Treasurer \$12,439.13; Info Systems \$2,850.53; State's Attorney \$12,387.81; Courthouse Bldg \$8,101.24; Director of Equalization \$11,315.25; Register of Deeds \$4,147.56; Veterans' Services \$1,053.26; Human Resources \$2,096.51; Sheriff \$38,514.14; Coroner \$322.95; Nurse \$597.93; Library \$8,666.31; Conservation \$454.91; Weed & Pest \$1,962.58; Planning \$7,026.57; County Road & Bridge \$40,298.37; Emergency Management \$2,552.25; 24/7 Sobriety \$1,124.40; Emergency Line \$17,095.05

**COMMISSIONERS:** Pitney Bowes \$2,015; SD Ass'n County Offices \$150; State Bar of SD \$540; Verizon \$88.60; Verizon Fleet \$32.38

**AUDITOR:** A&B Business \$687.53

**TREASURER:** A&B Business \$545.16

**STATE'S ATTORNEY:** A&B Business \$203.82; News West Publishing \$66.83

**COURTHOUSE BUILDING:** Custer Ace Hdwe \$51.53; Black Hills Energy \$1,778.51; Hills Septic Service \$490.00; Thyssenkrupp Elevator \$375; Verizon \$41.99; Verizon Fleet \$32.38; Sam's Club \$229.84; Grainger 92.65; Walmart \$175.67; Depot \$76.46; BHC \$538.11; Lowes \$478.19

**DIRECTOR OF EQUALIZATION:** A&B Business \$114.66; Verizon Fleet \$16.19; Yesway \$49.72

**REGISTER OF DEEDS:** Quill \$417.42; A&B Business \$114.66

**VETERANS SERVICES:** A&B Business \$61.67

**INFO TECHNOLOGY:** Go Daddy \$499.98

**SHERIFF:** Black Hills Electric \$45.51; Verizon Connect \$178.09; Sonnel Technologies \$11,974.58; Division of Motor Vehicles \$5.00; Battle Mt. Humane Society \$1,000; A&B Business \$212.42; Verizon \$496.89; Lexis \$184.90; Action Target \$309.48; Amazon \$671.56; CCS Industries \$355.62

**PRISONER CARE:** City of Rapid City \$80; Pennington Co Jail \$2,570; Western SD Juvenile Svc \$1,040; Ann Allen \$75; Hughes Co Jail \$80; Linda Nohr \$75; Axon Enterprise \$2,088.

**LIBRARY:** Rapid City Journal \$444.99; Vector Design \$178; Centurylink \$14.22; Amazon \$1,822.20

**HUMAN RESOURCES:** Div of Criminal Invst \$129.75; Quill \$429.98; Grant Writing \$1365; Verizon \$10.02

**MENTAL HEALTH CENTER:** Lincoln Co Treasurer \$684.40; Garland Goff \$1274.00

**PLANNING:** Quill \$129.83; Verizon \$46.99; Verizon Fleet \$16.19; A&B Business \$209.52

**COUNTY ROAD & BRIDGE:** Black Hills Electric \$815.43; Diesel Machinery \$1,300.86; Floyd's Truck Center \$2,373.04; French Creek Supply \$1,386.93; Pheasantland Industries \$1,464.28; SD Public Assurance Alliance \$269.48; Kieffer Sanitation \$182.85; Snap On Tools \$44.45; Stern \$2,743.84; West River Trailer Sales \$69.97; Dale's Tire \$1,615.56; Croell, Inc. \$45,500; Centurylink \$17.28; Nelson's Oil & Gas \$4,631.48; MG Oil Company \$47,504.46; Great Western Tire \$8,970; Kennedy Implement \$608; A&B Business \$200.55; Verizon Fleet \$372.37; Amazon \$250.74; Northern Tool \$60.00

**EMERGENCY MANAGEMENT:** Quill \$117.60; Verizon Connect \$16.19; Verizon \$46.99; Custer Car Wash \$16.50; Ace \$27.24

**SEARCH & RESCUE:** French Creek Supply \$328.85; Leo's Auto Repair \$57.81; Overhead Door Co \$190.82; Sam Smolinsky/Stearns Ice Rescue \$1,099.97; Custer Ace Hdwe \$28.98; Dunham Repair \$517.45; Amazon \$35.12

**EXTENSION:** A&B Business \$180.50

**WEED & PEST:** Black Hills Electric \$93.76; Tamarah Caster \$90.02; Verizon Fleet \$32.38; A&B Business \$180.32; Ace \$19.67; Summit \$60.00

**EMERGENCY LINE:** Centurylink \$2.88; A&B Business \$197.82; Range \$24.94

**ELECTION:** Ramkota Hotel \$462.

**CHEMICAL REIMBURSEMENTS:** Total amt for chemical reimbursements for 2021 \$15,743.72. (For full list see Auditor's office.)

**E. Conflict of Interest Declarations** – Chairman Lintz noted his conflict with the alcohol permit renewal for Lintz Bros Pizza LLC.

**F. Highway**

1. Highway Superintendent, Jesse Doyle, recommended approval of Approve ROW occupancy permit application from Mt. Rushmore Telephone Company for replacement of copper line with fiber optic along North Fairburn Rd. Motion to approve Mt. Rushmore Telephone's request was made by Bies; seconded by Hindle; vote taken, all aye; motion carried.

2. Superintendent Doyle recommended approval of a gravel purchase from Pennington County for 160<sup>th</sup> Street in the amount of approximately five tons for a per ton price of \$4.04 FOB Robertson Pit. Doyle stated that such purchase would save approximately \$2.50 per ton and 30 miles per trip to haul. Mr. Doyle said that the highway budget covers this purchase. Motion by Hindle to approve the gravel purchase; seconded by Linde; vote taken, all aye; motion carried.

4. Mr. Doyle asked that the agenda item to approve purchase of gravel from Croell's Button Mine be tabled. Motion to table by Linde and seconded by Hindle; vote taken, all aye; motion carried.

**G. Library:**

Motion by Hartman and seconded by Hindle to declare the following library equipment as surplus:

- a) 1 Epson Workforce All-in-One Printer (2013) from Custer Branch.
- b) 1 Dell Latitude 5400 Laptop (2011) from Hermosa Branch.
- c) Canon Pixma MG2120 multi-function printer from Hermosa Branch.

Vote taken, all aye; motion carried.

**H. 4-H/Extension**

1. Erin McGlumphy provided a summary of the 2021 Custer County 4-H year. Currently, the 4-H program has 101 members and 18 Clover Buds (ages 5 – 7). There were 400 entries at the Custer County Fair and several showed animals, participated in Youth-in-Action events, and one member received Grand Champion Showmanship in Rabbit. Then McGlumphy recommended that the Commission approve and authorize the Chairman to sign the Memorandum of Understanding

between Custer County and SDSU Extension for 2022. Motion by Hartman and seconded by Bies; vote taken, all aye; motion carried.

#### **I. Equalization**

1. The Commission acknowledged the resignations for Jenna England and Angela Withrow, both effective on November 15, 2021.
2. Leah Vissia, Director of Equalization, asked the Commission to allow DOE to advertise for 2 full-time appraiser positions. Motion by Linde and seconded by Hindle; vote taken, all aye; motion carried.

#### **J. Search and Rescue**

1. Sam Smolinisky requested that the SAR Budget be supplemented from the contingency fund in the amount of \$64,113.20 to purchase the P-25 compliant radios that have been licensed and programmed. Then this amount can be reimbursed from the Homeland Security Grant Award. Motion by Hartman and seconded by Bies; vote taken, all aye; motion carried.
2. Smolinisky also updated the Commission on the successful on-line auction for the surplus SAR equipment. Net proceeds were \$54,533.41 that will go to the general fund. He asked that the SAR budget be supplemented when replacement ATV/UTVs and trailers can be located for purchase.

#### **K. Auditor**

1. The annual renewals of the uniform alcohol license application for the following business were approved as follows:
  - a. Motion by Bies and seconded by Linde to approve renewal for Black Hawk Oil, LLC (BJs Hermosa); vote taken, all aye; motion carried.
  - b. Motion by Hartman and seconded by Bies to approve renewal for Lintz Brothers Pizza LLC; vote taken, all aye; motion carried.
  - c. Motion by Linde and seconded by Hindle to approve renewal for Regency CSP Ventures LP (State Game Lodge); vote taken, all aye; motion carried.
  - d. Motion by Hindle and seconded by Linde to approve renewal of Regency CSP Ventures LP (Legion Lake Resort); vote taken, all aye; motion carried.
  - e. Motion by Bies and seconded by Linde to approve renewal of Regency CSP Ventures (State Game Lodge); vote taken, all aye; motion carried.
  - f. Motion by Hartman and seconded by Hindle to approve renewal of Regency CSP Ventures LP (Sylvan Lake Resort); vote taken, all aye; motion carried.
  - g. Motion by Hindle and seconded by Linde to approve renewal of Regency CSP Ventures LP (Blue Bell Lodge); vote taken, all aye; motion carried.
  - h. Motion by Linde and seconded by Hartman to approve renewal of Heartland Resort LLC (Heartland RV Park & Campground); vote taken, all aye; motion carried.
  - j. Motion by Bies and seconded by Hindle to approve renewal of Korczak's Heritage Inc. (Heritage Village); vote taken, all aye; motion carried.
  - k. Motion by Linde and seconded by Hartman to approve renewal of Korczak's Heritage Inc. (Laughing Water Restaurant); vote taken, all aye; motion carried.
2. The updated Fairburn Fire Department's Roster was acknowledged by the Commission.

3. Motion by Hartman and seconded by Hindle to approve the 2022 Associated School Boards Protective Trust South Dakota School District Benefits Fund Adoption and Renewal Agreement for the county's health plan and to authorize the Chairman to sign on behalf of the Commission; vote taken, all aye; motion carried.

**L . Public Comment:** There were no comments from the public today.

**M . Maintenance:**

Motion by Bies and seconded by Linde to approve Joe Panza as Director of Maintenance at an annual salary of \$47,000, effective November 22, 2021; vote taken, all aye; motion carried.

**N. Airport:**

1. Anderson provided an update to the Commission on the CUT RFQ engineering and planning process. The committee met on November 18, 2021 to entertain presentations by Hunt and Mead and KLJ. The committee then scored the proposals. Anderson thanked the committee members for their outstanding work with this project. Therefore, based on the total tabulated scoring (per FAA guidelines), Mead and Hunt was recommended by the committee for CUT engineering and planning services for 2022 – 2027. Motion by Hartman and seconded by Hindle to approve Mead and Hunt as the CUT engineering and planning services provider for 2022 – 2027; vote taken, all aye; motion carried. The Commission also thanked the committee for their work and continued support of Custer County.
2. Anderson then recommended that the commission approve the Application for ARPA Grant funds in the amount of \$32,000 for the Custer County Airport and to authorize the Chairman to sign the application. Motion by Hindle and seconded by Linde; vote taken, all aye; motion carried.

**O. 8:30 AM Public Hearing:**

Eudy Public Hearing: Vacation of public access and utility easement as follows:

66'-wide access & utility easement starting at the northerly property line of Govt. Lot 2, running southwesterly approximately 2056 feet to the westerly edge of Govt Lot 3, all laying in Govt. Lot 3, Govt. Lot 2 lying west of Hwy 89 (less ROW) & N1/2 N1/2 NE1/4 SE1/4 NW1/4 of Section 4, Township 6S, Range 4E, BHM, Custer County, SD.

Terri Kester, Planning Director, stated that the Planning Commission and the Planning Department recommended that the vacation of the public access and utility easement be vacated per Resolution 2021-21. Thereupon, upon motion by Hindle and seconded by Bies that Resolution 2021-21 be approved as follows:



# CUSTER COUNTY

Prepared by:  
Custer County Planning Department  
420 Mt. Rushmore Road  
Custer, South Dakota 57730  
605-673-8174

## Resolution 2021-21

### Vacation of Public Access & Utility Easement

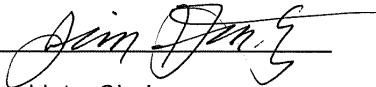
WHEREAS, application has been made for the purpose of vacating a 66' wide access & utility easement starting at the northerly property line of GOV. Lot 2 running south westerly approximately 2056 feet to the westerly edge of Gov. Lot 3 all laying in GOV Lot 3, GOV Lot 2 lying west of hwy 89 (less row) & N ½ N ½ NE ¼ SE ¼ NW ¼ of Section 4, Township 6S, Range 4 East, BHM Custer County, South Dakota. Access is filed at the Custer County Register of Deeds office Book 1 ROW 261.

WHEREAS, The Board of Custer County Commissioners have determined that the public's interest will be better served by vacation of this public access & utility easement.

NOW THEREFORE< BE IT RESOLVED THAT The Custer County Board of Commissioners approves the vacation of the before mentioned private access easement.

Dated this 24<sup>th</sup> day of November, 2021

Approved by Commission

X 

Jim Lintz, Chairman

ATTEST: 



Published Date: 11/10 & 11/17

Effective Date:

Vote taken, all aye; motion approved.

**P. 8:35 AM Public Hearing:**

Shaw Public Hearing: Vacation of private access and utility easement as follows: Two 66'-wide private-access easements starting at the NE property line at the intersection of Eggers Lane on Lot 4 going west approx. 209 feet then running south approx. 931 feet to the southerly edge of Lot 4. Also, that portion running along the north property line starting at the NE property line at the intersection of Eggers Lane going approx. 523 feet to the westerly edge of Lot 4; all located in Case Subdivision Lot 4 of N1/2 SE1/4; NE1/4 SW1/4 & HES #323 Sec 9, T3S, R4E, BHM, Custer County, SD.

Ms. Kester presented the issues with regard to this matter. Mr. Richard Losh, on behalf of his wife, Carol Losh, who is the deed holder, presented his comments in opposition to this vacation of private easement. Anderson read the letter presented by the applicants in support of the easement vacations. A discussion was held. Thereupon, motion by Hartman and seconded by Bies to Table this matter until December 22, 2021; vote taken, all aye; motion carried.

**Q. Commission**

1. Mail call – Letter from USDA Forest Service – RE: Airport BPA. Anderson will schedule a meeting with FS representatives with Hindle, Esser, Anderson and Hendrickson.
2. Meeting Schedule – Hindle and Hartman met with the Custer City's Mayor and Rep. Tim Goodwin about the West Dam Project. Linde attended a landfill board meeting.
3. Meeting Reports – None presented.

**R. Old Business**

1. Don Peterson from Southern Hills Rural Water System discussed with the Commission whether to keep the water tap to the Desperado Ranch Lot 35. The Commission decided to leave as is for future site development for the county.
2. Steve McMillin, Custer County Sheriff's office, told the Commission that the main dispatching console overheated and is currently inoperable. He is working to get it repaired but reiterated that the current dispatching system is outdated, and it may be critical to replace the system sooner vs. later as planned. The Commission asked McMillin to present proposal for replacement at the next Commission meeting on December 8, 2021.
3. Anderson recommended that the Commission approve a resolution to name Steve Esser, Emergency Management Director to be the named representative for Custer County for the BRIC Grant process and to authorize the Chairman to sign. Motion by Bies and seconded by Hindle; vote taken, all aye; motion carried.
4. Bies asked the Commission to consider getting insurance quotes from other brokers for the 2022 renewals. The Auditor's Office would provide current coverage information, if needed. The Commission also discussed whether to have a RFQ process to seek proposals from insurance brokers/agencies.

**S. Executive Session**

Motion by Hindle and seconded by Linde to go into executive session for SDCL 1-25-2(3) Litigation. Vote taken, all aye; motion carried. The Commission went into executive session at 9:30 AM until 10:05 AM. There were no actions taken outside of Executive Session.

**T. Adjourn**

Motion by Hindle and seconded by Linde to adjourn the meeting at 10:07 AM. The next meeting will be on Wednesday, December 8, 2021, at 8 a.m., in the Commissioner's Room in the Custer County Courthouse.

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

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

Barbara Cox, Custer County Deputy Auditor

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