

Minutes of the Custer County Commission Meeting (Wednesday February 23, 2022,)

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies and Commission Legal Counsel Susan Anderson. Dawn McLaughlin, Finance Officer was not present. Barbara Cox, Deputy Auditor, took the minutes and presented for McLaughlin as needed.

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 as follows:

- a) Add Planning update on Dewey; and
- b) Add additional abatement for Department of Equalization – 2022- 4A.

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

C. Consent Agenda

1. Motion to approve Minutes of the February 9, 2022 Commission Meeting made by Bies; seconded by Linde; vote taken, all aye; motion carried.

D. Conflict of Interest Declaration:

None

Vouchers approved as follows:

COMMISSIONERS: Verizon \$88.60; Fleet \$32.38; Pitney Bowes \$78.85

AUDITOR: A&B Business \$652.06; Amazon \$38.85; Quill 66.98

TREASURER: A&B Business \$461.67; Quill \$240.20

STATE'S ATTORNEY: A&B Business \$195.76; Mohave \$54.64; Quill \$188.93; Pattern Jury \$125; Culligan \$37.

COURTHOUSE BUILDING: Verizon \$41.95; Fleet \$32.38; Sam's \$272.34; Singmission \$32.44; Menards \$265.81; Amazon \$13.83; Walmart \$8.99; Batteryhawk \$23.97

DIRECTOR OF EQUALIZATION: A&B Business \$115.18; Fleet \$16.19; Quill \$460.88

REGISTER OF DEEDS: A&B Business \$115.18; Quill \$16.28

VETERANS SERVICES: A&B Business \$61.38

HUMAN RESOURCES: Verizon \$10.02; Evergreen Office \$72.85

SHERIFF: A&B Business \$203.87; Verizon \$455.54; Glock Training \$250; Lexis \$87.04; SG Ammo \$1,041.77; AIM \$438.12; USPS \$12.35; Brownells \$22.35; BH Electric Door \$54.44; Overhead Door Co. \$138.97; Pheasantland Industries \$122.50; Culligan Water \$40; A-Z Shredding \$35.66

PRISONER CARE: Kevin Kirschenmann \$100; City of Rapid City \$120; Pennington Co. Jail \$9,860.

SEARCH & RESCUE: Conoco \$11.46; Amazon \$255.63; Active 911 \$6.36; Landfall \$7; French Crk. Supply \$19.99; Lynn's Dakotamart \$38.56; Mayer Plumbing \$215.48; Justice Fire \$84.25; Nelson's Gas & Oil \$1,120.52

AIRPORT: Custer Do-it-Best \$39.03

LIBRARY: Amazon \$1,118.72; Centurylink \$13.84; Overdrive, Inc. \$1,500.

EXTENSION: A&B Business \$171.47

WEED & PEST: A&B Business \$171.57; Fleet \$32.38; Quill \$60.41; BHEC \$154.60; Pheasantland Ind. \$319.96; Justice Fire \$235.75

PLANNING: Verizon (-\$34.78 cr); A&B Business \$16.19; Quill \$65.26

COUNTY ROAD & BRIDGE: A&B Business \$192.34; Fleet \$372.37; Amazon \$114.94; BHEC \$1,945.93; Butler Machinery \$274.82; Floyd's Truck Center \$269; French Crk. Supply \$1,873.21; Fastenal \$134.66; Quill \$89.64; Kieffer Sanitation \$200.09; Servall \$127.28; Snap On \$8.05; Pop's Grocery \$28.81; Grossenburg Implement \$38.40; Running's Supply \$646.96; Justice Fire \$792.25; Culligan Water \$32.50; Centurylink \$21.34; Nelson's Gas & Oil \$5,635.25; Advanced Drug Testing \$46; Great Western Tire \$7,406.60; Forward Dist. \$42.40.

EMERGENCY MANAGEMENT: Verizon \$46.95; Ace Hdwe \$32.98; CO Wildfire/Training \$320; SD Federal Property \$100;

MENTAL HEALTH: New Trails Ministry \$600

BUILDING: Menards \$621.73; Amazon \$335.10; BHEC \$2,605.31; Adtech \$785; Freeman's Electric \$585.57; Custer Ace Hdwe \$11.37; Cummin's Sales \$1,351.74; Culligan \$56.50; Thyssenkrupp Elevator \$375

EMERGENCY LINE: A&B Business \$220.96; Office Depot \$65.54; Range \$24.80; Culligan \$33.50

E. Highway:

1. Superintendent Doyle recommended that the Commission approve the request for ROW Occupancy by Mt. Rushmore Telephone Co for fiber optic cable along Ghost Canyon Rd; 246th St.; Saddleback Dr; Turkey Ridge Rd; Turkey Hollow Trl; Sunny Ridge Rd; Canyon Ct; Hadley Hollow; VIP Rd; SD Hwy 35 area. Motion to approve made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

2. Doyle also recommended the Commission approve the following ROW occupancies by RT Communications for fiber telecommunications cable at the following locations; all located in Custer County, SD:
 - a) Dewey Rd 769; various sections; T4&5S; R1E.
 - b) Mann Rd 270; various sections; T4&5S; R1E.
 - c) Valley Dr; various sections; T4S; R1E.
 - d) Valley Ridge; various sections; T4S; R1E.
 - e) Antelope Rd; various sections; T4S; R1E
 - f) Mountain Shadow; various sections; T4S; R1E
 - g) Turkey Trail; various sections; T4S; R1E
 - h) Custer Highlands; various sections; T4S; R1E
 - i) Midnight Road; various sections; T4S; R1E
 - j) Circle Dr; various sections; T4S; R1E
 - k) Frontage Rd; various sections; T4S; R1E
 - l) Custer Highlands; various sections; T4S; R1E
 - m) Custer Highlands; various sections; T4S; R1E
 - n) Harriet Ward; various sections; T4S; R1E
 - o) Forest Rd; various sections; T4S; R1E
 - p) Pine; various sections; T4S; R1E
 - q) Sarah Campbell Rd; various sections; T4S; R1E
 - r) Old Cabin; various sections; T4S; R1E
 - s) Moonshine Ct; various sections; T4S; R1E
 - t) Weber Dr; various sections; T4S; R1E
 - u) Southern Cross; various sections; T4S; R1E
 - v) Mountain Dr; various sections; T4S; R1E
 - w) Mountain Ct & Dug-Out Creek; various sections; T4S; R1E
 - x) Meadow Dr; various sections; T4S; R1E
 - y) Timber Trail; various sections; T4S; R1E
 - z) Two Track; various sections; T4S; R1E
 - aa) Dewey Rd 769; various sections; T4&5S; R1E
 - bb) Pass Creek 272; various sections; T4&5S; R1EMotion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

3. Doyle presented the 2022 Bridge Inspection Contract with SD DOT for authorization and signature. Motion to approve and sign contract made by Bies; seconded by Hartman; vote taken, all aye; motion carried.

4. Doyle requested the Commission award the following bid contracts based on the

bid openings at the February 9, 2022 Commission Meeting:

- a) Award the Pringle area project gravel contract to Black Hills Gravel; with the bid coming in at \$6.39/ton. Motion to award contract to Black Hills Gravel made by Linde; seconded by Hindle; vote taken, all aye; motion carried.
 - b) Award the Elk Mountain area project gravel contract to Croell, Inc.; with the bid coming in at \$5.00/ton. Motion to award contract to Croell, Inc. made by Hindle; seconded by Bies; vote taken, all aye; motion carried.
5. Superintendent Doyle requested that the Commission authorize the presented VW truck rebate program and proceed with purchase of one truck. The purchase price of said truck being \$119,046.00. The rebate amount of \$41,666.00 will be reimbursed after the purchase. Doyle stated that the truck will be the same model as the current newest Freightliner in the current fleet.

F. Planning

1. Planning Director, Terri Kester, spoke with the Commission regarding Dewey. After research by Kester, it is still unclear as to Dewey's unincorporated status. Kester informed the Commission that there is a current Dewey resident who would like to obtain a building permit and vacate an existing alley and is asking the Commission to allow the project; which they acknowledged and agreed to do. Chairman Lintz inquired whether Dewey has a governing body as it shows no tax base on the state website. Commissioner Hindle inquired about septic or well requirements and it was noted that Custer County has no jurisdiction; as in Pringle, but that the Custer County Planning Department will follow all state guidelines for requested permits in those areas.

G. Veteran's Service Officer

1. VSO Todd Fish addressed the Commission and requested \$1350.00 in funding for McColley's to set three veteran's headstones. He noted that he has several Headstone approvals in the works for Civil War, WWII, and other veterans that he hopes to have completed soon. Motion to approve the \$1350.00 made by Linde; seconded by Bies; vote taken, all aye; motion carried.

H. 9:00 AM Hearing

1. Resolution 2022-6 Supplemental Budget 2022; Search & Rescue in the amount of \$54,500.00 from General Fund to 101-4-227-435.00 was presented to the Commission. Motion to approve made by Bies; seconded by Hartman; vote taken, all aye; motion carried.

I. 3-Mile Extra Territorial Matter

1. Commissioner Hartman expressed his concerns regarding the 3-Mile Extra Territorial Matter with the city of Custer and stated that he would like to see it be abolished as it only serves to add an extra layer of government. He presented the Commission with Resolution 2022-7 pertaining to this matter. Bies asked Custer City Mayor, Bob Brown, whether or not the city has annexed property within the 3-mile radius. Tim Hartmann

stated that the city does have a proposed map in place for revised extra-territorial oversight. Commissioner Hindle asked about the city reducing the 3 miles down to a 1-mile radius, as Hermosa did after realizing there was no additional benefit to the city to keep the additional 2 miles. Planning Director Kester stated that she feels the city and the county work well together currently when subdivision projects overlap. Kester said her office does spend time researching plats regarding those projects and that the city of Custer follows the county planning recommendations. Motion to approve Resolution 2022-7 made by Hartman; no second; motion failed. Chairman Lintz commented that population measures need to be in place and that Hartman's proposed resolution is premature. Motion to table until the March 30, 2022 Commission meeting made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

J. West Dam Project

1. Steve Esser, Emergency Management Director, stated that the legislature moved HB1320 to the 41st day of the session, basically killing the bill. He said that the Legislature treated the West Dam as a recreational project; not an emergency and therefore, did not qualify for an appropriations from state funding. Esser noted that a couple of legislators said that they are researching another opportunity for funding of this project. Custer Mayor, Bob Brown, said he would like for the federal government to give a hand instead of the state. Bies has spoken with SD GFP and stated that there may be funds available to aid in the restoration project.

K. Emergency Management

1. EM Director, Steve Esser, appeared before the Commission and informed them that he attended session in Pierre and stated that the County and City of Custer need to look at every option available for funding of the West Dam project.
2. Esser updated the current status of various grant applications, noting that the hazard mitigation has been approved and takes approximately six months to receive.

L. Sheriff

1. Sheriff Mechaley informed the Commission that Deputy Justin Richardson has resigned his position, effective as of February 11, 2022. The Commission acknowledged this action and Mechaley stated that he has been conducting interviews to fill the vacated position.

M. 1881 Museum

1. Rick Wheeler presented the Commission with museum updates and stated that a security system has been installed. He previously spoke with Commissioner Linde regarding the museum's insurance coverage and would like to review the current policy to make sure that they are not over-insured. Wheeler inquired about coverage for the contents; noting that that Custer County owns most of them, but that some are loaned items. He stated that the liability and workers' comp portion is currently covered by the museum. Wheeler also said that the building itself is 140-years old; is good structurally, but would like to have it inspected.

N. Custer County Airport Update

1. Susan Anderson and Brenden Hendricksen, Airport Manager, provided an update to the Commission on the following activities with regard to the airport:
 - a) The County is working with USFS to agree on a schedule of fees for the helicopters that may utilize CUT during fire season. A meeting on February 25, 2022 is scheduled at the USFS hangar at CUT.
 - b) There has been much positive dialog between Mead & Hunt Engineering and the FAA regarding the CIP and runway expansion.
 - c) Anderson asked the Commission to approve and authorize the chairman to sign a letter that authorizes Roland Bauer to work on behalf of the county with regard to the airport projects. Mr. Bauer has key experience and has offered his expertise with these projects. Motion by Hindle and seconded by Linde to approve and authorize the chairman to sign the letter; vote taken, all aye; motion carried.

O. Department of Equalization

1. The Commission was presented with the following real estate tax abatements for approval:
 - a) Abatement 2022-01A in the amount of \$1,307.64. This adjustment is being made due to new house being added twice into the system; which has now been corrected. Motion to approve abatement made by Hartman; seconded by Bies; vote taken, all aye; motion carried.
 - b) Abatement 2022-02A in the amount of \$1,082.48. This adjustment is being made due to mobile home being moved to Fall River County in 2021. Motion to approve abatement made by Hindle; seconded by Linde; vote taken, all aye; motion carried.
 - c) Abatement 2022-03A in the amount of \$484.57. This adjustment is being made due to owner-occupied status not updated in system. Motion to approve abatement made Hindle; seconded by Linde; vote taken, all aye; motion carried.
 - d) Abatement 2022-04A in the amount of \$54.32. This adjustment is being made due to structure removal.
2. Director Leah Vissia noted that she had spoken with Bob Ehlers from Vanguard since the prior Commission meeting. She apprised the Commission that Vanguard proposed money-saving measures to the county by having DOE employees conduct the preliminary work and then have Vanguard provide values and appraisals. Some discussion was held as to the feasibility of this, but that would entail hiring additional employees; purchasing additional vehicles for staff and possible inconsistencies between the 15K parcels that need to be reappraised. There was additional concern that information may be outdated and would have to be reworked. Commissioner Bies thought it would be best to stay with the original plan of having Vanguard conduct the entire reappraisal and recommended the County start saving now and assigning funds each year to cover the per-parcel fees. Chairman Lintz would like to have the Commission vote on whether or not to secure a contract with Vanguard at the March 9, 2022 Commission meeting.
3. Greg Brewer addressed the Commission with concerns regarding his loss of ag status on his property. He stated that his property has normally been classified as ag, so he was disappointed that he was reclassified and asked for clarification. Director Vissia explained that there was a language change this year

regarding “predominate use” of property and to qualify for ag status, 51% of the land use must be agricultural and that his property failed to meet that standard. Mr. Brewer was given options to have his land returned to ag status and that once the criteria was met, they could revisit the status. Mr. Brewer asked the Commission if his property could be “grandfathered in” as ag, but was told that was not possible as it would be unconstitutional.

P. West County Well Project

1. Trent Bruce, engineer from DGR Engineering presented the commission with updated cost estimates for drilling a well in the west part of Custer County. This proposal outlined estimated well drilling costs with additional phases, including storage capacity, community purchase and load out and up to and including potable water. The county cannot own a well for a public water system. The Highlands VFD has voted to offer its land to drill the well and set up a pump building and load out. Since the county cannot own a public well, Anderson will work with the community in the Elk Mountain area to set up a water users association.

Q. Hermosa Water User’s Association

1. Moritz Espy, Board of Directors Member of the Hermosa Water User’s Association, appeared before the Commission to request funding from the ARPA monies granted to Custer County. He presented his request with a cost breakdown of projects in prioritized order. He noted that this association started in the 1980s and is profitable. Espy stated that funding would help greatly with needed system upgrades. The association has received requests to sell surplus water to Hermosa and Southern Hills to blend water and sees this as a way to offset expenses. Outdated water lines are failing and in need of replacement. Jesse Doyle inquired about providing water and installing a hydrant at the east shop location and would like to work with the association to get that accomplished. Doyle and Esser plan to attend a board meeting of the association to make the request. The Commission discussed obligating \$125K and \$82K for two of the projects and will wait on additional requests as several other water projects have requested ARPA funds for their needs as well. Motion to approve funding for project #1 and project #2 made by Hartman; seconded by Hindle; vote taken, Linde aye; Bies and Lintz abstained because they are members of the association and receive water from this entity; motion carried.

R. 2022 Progress Edition

1. Jason Ferguson addressed the Commission regarding the Custer County Chronicle’s upcoming Progress Edition, which is a full-page color ad highlighting Custer County employees. Jason noted that there is no price increase over last year’s ad; the price remains at \$975.00. Motion to approve purchasing the ad made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

S. Public Comment

1. Doug Kimball introduced himself to the Commission as a republican challenger

for Custer County Sheriff in this year's election. He is currently a Pennington County Deputy with 14 years in the department; has 25 years of law enforcement experience and is a former Marine. He urged those in attendance to feel free to contact him with any questions or concerns.

2. Moritz Espy inquired about proving an insurance quote to Custer County; Legal Counsel, Susan Anderson, noted that if the county wanted to have their insurance program reviewed by other insurance providers and receive quotes for insurance then a public request for proposals is necessary to be fair so all interested agencies could provide a quote for consideration by the county. Anderson will prepare a request for proposal for the commission to consider at an upcoming commission meeting.

T. Commission

1. Mail call – Letter from USDA/BHNF regarding land acquisition of Wabash Springs.
2. Meeting Schedule – Hindle noted several small upcoming meetings; Linde noted An upcoming forest service meeting; but that had not been scheduled yet. Michael Baldwin will also attend.
3. Meeting Reports –None

U. Old Business

None

V. Adjourn

Motion by Bies and seconded by Hartman to adjourn the meeting at 10:32 AM. The next meeting will be at 8:00 AM March 9, 2022, 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 _____.