

Minutes of the Custer County Commission Meeting (Wednesday, April 13, 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

1. Amend Agenda as follows: add Custer Volunteer Fire Department updated roster. Motion to amend made by Hartman; seconded by Hindle; vote taken, all aye; motion carried

C. Consent Agenda

1. Motion to approve Minutes of the March 30, 2022 Commission meeting made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

2. Monthly reports as follows:

I-TAX SALE 6-162	POLEY CHARLES TAX SALE REFP 06-162	E	3/03/2022	2,770.55	015924	2,770.55
I-TAX SALE 21-147	BRASH TIM TAX SALE REFP 21-147	E	3/03/2022	2,383.38	015923	2,383.38
I-SCODDINS TITLE	MUTSCHERER BNY OVFT ON 15 MERRICKS SCODDINS	E	3/03/2022	13.50	015928	13.50
I-FEB 2022 REPORT	SCOTE SARCOYA STATE TREASURER SOB FEBRUARY 2022	E	3/04/2022	229,507.04	015927	229,507.04
I-OVFT TAX 014398	BRIDLE RIDGE HORSE AND SN CAMP OVFT ON FRANCH #14398 TAXES	E	3/18/2022	351.51	015928	351.51
I-JANUARY 2022 FEB	JAYROLL FEES PAYROLL FEES FOR JAN 2022	H	3/14/2022	29.18	000410	29.18
I-90 MAR FUEL BILL	WEX INC FLEET FEBRUARY 2022 90 FUEL BILL	H	3/14/2022	3,609.14	000411	3,609.14
I-MSF CHECK	KEMLEY MOVIECAM MSF FROM FIRE ROOM RENTAL	H	3/14/2022	30.00	000412	30.00
I-OVFT TAXES	WHITCOMB JEREMIAH OVFT ON FRANCH 015381	H	3/15/2022	484.73	015929	484.73
I-FEB 2022 LOSS	EDWARD JONES INVESTMENTS FEBRUARY 2022 MARKET VAL LOSS	H	3/16/2022	14,935.28	000413	14,935.28
I-MARKET LOSS	EDWARD JONES INVESTMENTS MARKET VALUE LOSS JANUARY 2022	H	3/16/2022	18,122.80	000414	18,122.00
	POLLARD IAN					
I-REFUND TEL FEES	REFUND TEL FEES #213218661	H	3/16/2022	50.40	015930	50.40
I-EXCISE REFUND	WAGNER LEO REFUND ON EXCISE TAX 200594973	H	3/16/2022	12.00	015931	12.00
I-REFUND FEES	JORGENSEN TYSON DITCHMAN TRAILER REFUND FEES	H	3/16/2022	89.40	015932	89.40
I-REFUND FY PLATES	HUNTER SKELLEY FINE FIGHTED PLATE REFUND	H	3/17/2022	15.00	015933	15.00
I-DISTRICT PAYMENTS	MICA RIDGE RD DIST ROBERT PARSO DISTRICT PAYMENTS RECEIVED	H	3/17/2022	720.00	015935	720.00
I-90 DIST PAYMENTS	S LIGHTING CRE RD - MICHAEL RAY ROAD DISTRICT PAYMENTS	H	3/17/2022	660.00	015936	660.00
I-OVFT TAXES	BRANDENBERG DAVE OVFT ON DANIELS 0615-8609	H	3/18/2022	157.30	015937	157.30
I-REFUND HC FEES	CROWLEY DENNIS TITLE #10682744 TEL FEES	H	3/21/2022	56.90	015938	56.90
I-FEES TO DIST	MICA RIDGE RD DIST ROBERT PARSO ROAD DIST FEES MISC #166911	H	3/22/2022	940.00	015939	940.00
I-AFLAC INS REFUND	LARSON, LELA AFLAC INSURANCE REFUND	H	3/22/2022	51.36	015940	51.36
I-DIST FEES	S LIGHTING CRE RD - MICHAEL RAY ROAD DIST COLLECTIONS #166913	H	3/22/2022	220.00	015942	220.00
I-20-0164 TS REFP	EMPIRE INVESTMENTS TAX SALE REFP 20-0164	E	3/24/2022	5,174.34	015943	5,174.34
I-MARCH 2022 BILL	WEX INC FLEET 90 FUEL CARD FOR MARCH 2022	E	3/25/2022	3,517.58	000415	3,517.58
I-MSF UNLOCATE ACCT	BERO RONALD UNLOCATE ACCT ON RETURNED CK	E	3/25/2022	5,121.70	000416	5,121.70
I-MARCH 2022 BILL	WEX INC FLEET 90 FUEL CARD FOR MARCH 2022	E	3/25/2022	3,517.58	000415	3,517.58
I-MSF UNLOCATE ACCT	BERO RONALD UNLOCATE ACCT ON RETURNED CK	E	3/25/2022	5,121.70	000416	5,121.70

3. Vouchers approved as follows:

PAYROLL: April 8, 2022 Payroll: Commissioners \$8,165.87; Election \$520.75; Auditor \$5,884.68; Treasurer \$14,630.18; Info Systems & Technology \$3,005.27; State's Attorney \$13,682.75; Courthouse Building \$7,366.95; Director of Equalization \$12,419.98; Register of Deeds \$4,999.91; Veteran's Service \$3,700.75; Human Resources \$2,531.37; Sheriff \$41,760.24; Coroner \$657.45; Nurse \$818.28; Library \$9,863.08; Conservation \$505.57; Weed & Pest \$2022.21; Planning \$8,593.30; County Road & Bridge \$44,427.10; Emergency Management \$2,641.87; 24/7 Sobriety \$1,074.40; Emergency Line F \$17,638.80

COMMISSIONERS: Southern Hills Publishing \$385.18; Golden West Telecom \$.14; Custer Area Economic Development \$5,075.70

ELECTION: Golden West Telecom \$27

HUMAN RESOURCES: Golden West Telecom \$27; Evergreen Office \$54.85

COURT:

AUDITOR: Active Data Systems \$3,157.98; Golden West Telecom \$134.99; Tracy Fish \$1,848;

TREASURER: Southern Hills Publishing \$343.74; CDW Government \$790.29; Quill \$21.98; Golden West Telecom \$135.27;

STATE'S ATTORNEY: LexisNexis \$359; Golden West Telecom \$134.99; Culligan \$51

COURT-APPOINTED ATTORNEY: Jeffrey Fransen \$429.25; Justin O'Neill \$2,206.12

COURTHOUSE BUILDING: Golden West Telecom \$27;

DIRECTOR OF EQUALIZATION: Southern Hills Publishing \$103.61; Golden West Telecom \$189.71

REGISTER OF DEEDS: Golden West Telecom \$54; State of SD \$31.50

VETERANS SERVICES: Golden West Telecom \$27

INFO TECHNOLOGY: Golden West Telecom \$64; Golden West Technologies \$10,095.73

SHERIFF: BHEC \$92.30; Southern Hills Publishing \$34.10; Fedex \$32.27; Fall River Sheriff's Office \$705.78; Rushmore Communications \$56.42; S&B Motor Parts \$532.39; Golden West Telecom \$441.96; A&B Pure Water \$54.98

CORONER: A&M Transport Service \$860.50

PRISONER CARE: Pennington Co. Jail \$14,215.02; Mary Seifert \$150; Ruth Airheart \$75; Ann Allen \$75; Sam Smolnisky \$75; Satellite Tracking \$133.25; Hapsie Nutley \$75; Redwood Toxicology \$208; Linda Nohr \$100

SEARCH & RESCUE: BHEC \$508.70; Sander Sanitation \$19.45; Golden West Telecom \$93.95

AIRPORT: Brenden Hendrickson \$3,850; Golden West Telecom \$112.85

LIBRARY: Mt. Rushmore Telephone \$133.56

NURSE: Southern Hills Publishing \$20.10

EXTENSION: Custer Ace Hdwe \$18.36; Golden West Telecom \$117.04

WEED & PEST: Golden West Telecom \$27; Culligan \$9.89

PLANNING: Golden West Telecom \$109

COUNTY ROAD & BRIDGE: A&B Welding \$10.92; BHEC \$71.43; Butler Machinery \$220.46; Southern Hills Publishing \$33.72; Floyd's Truck Center \$1,477.11; French Creek Supply \$29.45; Fastenal \$507.06; Interstate Battery \$60; Mt. Rushmore Telephone \$120.81; S&B Motor Parts \$253.32; SD Federal Property \$149.95; Kieffer Sanitation \$224.10; Servall \$130.59; Town of Buffalo Gap \$61; Snap On Tools \$65.45; Custer Ace Hdwe \$27.98; Golden West Telecom \$110.74; Stern \$42.94; Honnen Equipment \$443.21; Culligan \$58.50; Matco Tools \$29.95; MG Oil \$4,000; Great Western Tire \$4,950; Forward Dist. \$17.10; CBH Cooperative \$100.

FIRE PROTECTION: City of Rapid City \$2,000

EMERGENCY MANAGEMENT: BHEC \$26.06; S&B Motor Parts \$8.29; Golden West Telecom \$43.90

CONTINGENCY: Elk Mountain Water Users' Association \$521,500.

BUFFALO GAP BLOWOUT/RODEO: Buffalo Gap Blowout Funds Request \$15,000

BUILDING: BHEC \$5,299.80; BH Chemical \$23.76; Custer Ace Hdwe \$24.42; Culligan \$13

EMERGENCY LINE: Powerphone \$729; Pheasantland Industries \$343.55; Golden West Telecom \$534.62; A&B Pure Water \$54.97

D. Conflict of Interest Declarations – Commissioner Hindle declared a conflict of interest concerning approval of purchase agreement for Lot 8, Block 124, Custer City. (Item O on this Agenda).

E. Acknowledge Custer Volunteer Fire Department updated roster.

F. Highway

1. Superintendent Doyle appeared before the Commission and requested authorization to enter into 2022 agreement for base stabilization near Buffalo Gap. Doyle stated that the received quote is under the bid threshold and Custer County will be able to piggy-back off of that bid at a substantial savings. Motion to approve agreement made by Linde; seconded by Hartman; vote taken, all aye; motion carried.
2. Doyle also noted that replacement auto-gate inventory is very low; the USFS has little to no inventory, as well. Doyle stated that there may be more repair work rather than replacement.
3. Doyle stated that the City of Custer planning department presented him with plans for A proposed 44-lot subdivision in the Sidney Park Road area. Doyle noted that this additional subdivision would negatively impact Sidney Park Road from a maintenance standpoint and presented the Commission with Resolution 2022-08 A Resolution to Transfer Ownership and Maintenance Responsibilities of a Portion of Sydney Park Road to the City of Custer, South Dakota. Doyle told the Commission that he has not heard back from the City regarding this transfer as of today's meeting. Motion to approve Resolution 2022-08 made by Bies; seconded by Hindle; vote taken, all aye; motion carried.



CUSTER COUNTY

420 Mt. Rushmore Rd.
Custer, SD, 57730
Phone: 605-673-8173

Resolution 2022-08

A RESOLUTION TO TRANSFER OWNERSHIP AND MAINTENANCE RESPONSIBILITIES OF A PORTION OF SYDNEY PARK ROAD TO THE CITY OF CUSTER, SOUTH DAKOTA

WHEREAS, in 2006, a portion of real estate that included the a portion of Sydney Park Road was annexed by the City of Custer, South Dakota; and

WHEREAS, the portion of Sydney Park Road that was annexed by the City of Custer in 2006 is described as follows: Sydney Park Road from the intersection of US Hwy 16A to the intersection of Park Avenue; and

WHEREAS, the Custer County Highway Department has no desire to maintain roads within the city limits of the City of Custer, South Dakota; and

WHEREAS, Custer County must be good stewards of the secondary road tax funds collected from the Custer County taxpayers and use such funds judiciously for roads within Custer County; and

WHEREAS, Custer County is transferring the ownership and maintenance responsibilities of the portion of Sydney Park Road from the intersection of US Hwy 16A to the intersection of Park Avenue to the City of Custer, South Dakota; and

NOW, THEREFORE, BE IT RESOLVED that the Custer County Commission hereby transfers any and all ownership interest in and maintenance responsibilities for the following portion of Sydney Park Road that is located within the city limits of City of Custer, South Dakota, namely,

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the portion of Sydney Park Road from the intersection of US Hwy 16A to the intersection of Park Avenue to the City of Custer, South Dakota

APPROVED AND ADOPTED ON this 13th day of April, 2022 at Custer, South Dakota, at the regular meeting of the Custer County Board of Commissioners.



Jim Lintz, Chairman
Custer County Commission

ATTEST:



Barbara Cox, Deputy Auditor



First Reading: April 13, 2022

Approved & Adopted:

(Number of Votes for: ____; Number of Votes against: ____)

Publication: _____, 2022

G. Sheriff

1. Sheriff Marty Mechaley requested approval from the Commission to surplus the following vehicles:

a) 2013 Dodge Ram 1500 VIN#1C6RR7KT7DS601694 OD#133827

(This vehicle has an exhaust leak)

b) 2014 Dodge Ram 1500 VIN#1C6RR7XT8ES418475 OD#158106

(This vehicle has an undiagnosed transmission issue).

Mechaley noted that local fire departments have first right of refusal on these vehicles. Motion to surplus made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

H. 1881 Courthouse Museum

1. Rick Wheeler addressed the Commission and noted that the museum is in need of several repairs and upgrades. He requested consideration for funding should any unassigned monies become available. Some of the projects include: removal and replacement of cement walls along the front & back stairways; fire system upgrade; interior painting; window upgrades within National Register of Historic Places guidelines; refurbish wooden floor in the courtroom. Wheeler estimated the cost of these projects to be \$100,000. The Commission noted that while they are in favor of funding the museum projects, the request will need to be tabled until the 2023 budgets are set later this summer. Wheeler also noted that the museum will open on April 23, 2022 for the season.

I. Planning

1. Planning Director, Terri Kester, presented the Commission with a variance request to subdivide a Bowen parcel into two tracts; Parcel No. 005184 & Parcel No. 005185. Kester noted that there is existing sewer service for both lots. Motion to approve variance made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Kester presented the Commission with the Final Plat of Ferguson Tract West and Ferguson Tract East of Section 9, T6S, R4E, BHM, Custer County, SD and recommended approval. She noted that both lots will have access from existing roadways. Motion to approve made by Linde; seconded by Bies; vote taken, all aye; motion carried.

3. Kester presented a Cell Tower Modification request; Parcel No. 15065-Kelley & Crown Castle, USA; T-Mobile West addition of new antenna to existing tower. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

J. Department of Equalization

1. DOE Director, Leah Vissia, informed the Commission of the Appeal dates and time allotments for Board of Appeals as follows:

4-19-2022 @ 8:00 AM—4:00 PM

4-25-2022 @ 8:00 AM—5:00 PM

4-26-2022 @ 8:00 AM—5:00 PM (unless concluded earlier).

2. Vissia requested approval for new hire, Caitlin Green as appraiser at a certified rate of \$16.54/hour beginning April 18, 2022. Motion to approve made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

3. Vissia addressed reappraisal and noted that she has contacted the company from Nebraska, but has not heard a reply yet. Vissia told the commission that she will apprise them of the quote as soon as it is received.

4. Leah noted errors on two previously approved abatements and requested approval action for the following corrections:

a) Correct Abatement 2022-09A to change incorrect amount of \$502.66 to correct amount of \$692.14. Motion to correct made by Bies; seconded by Linde; vote taken, all aye; motion carried.

b) Correct Abatement 2022-10A to change incorrect amount of \$496.76 to correct amount of \$198.87. Motion to correct made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

K. Brian Hadrick/On-Sale Restaurant Liquor License

1. Mr. Hadrick appeared before the Commission to discuss obtaining both a current off-sale liquor license and a potential on-sale restaurant liquor license. Mr. Hadrick is the new owner of Spokane Creek and he, and his sister Laura Baase, are remodeling to build a full-service restaurant to open in the near future. Commission Legal Counsel, Susan Anderson, noted that the current limit of on-sale licenses is full at 6, but Custer County can establish, by ordinance, an on-sale restaurant liquor license provided that 65% of the gross revenue is derived from the sale of food and non-alcoholic beverages. Anderson noted, in addition, that in order to meet the guidelines the establishment must be full-service; have a full wait staff and full kitchen. Motion to draft ordinance made by Bies; seconded by Hindle; vote taken, all aye; motion carried.

L. Town of Hermosa

1. Robert King addressed the Commission to discuss the current contract for law enforcement coverage between the Town of Hermosa and Custer County. He noted that the contract expires on 5-15-2022 and wanted to check the options as to renewal; extension or other possibilities. Sheriff Marty Mechaley didn't foresee the process taking another six months to finalize; but noted he would like to meet with the Town of Hermosa to go over potential possibilities for coverage. Commissioner Hartman stated that he would like to attend the meeting, as well. Mechaley noted that one option is for Custer County to hire an additional part-time deputy to cover the area. He reassured Mr. King that Custer County would not leave the Town of Hermosa without coverage, especially with the busy season approaching and noted that there are approximately 60-80 calls per month at present. A meeting to discuss was set for Friday, April 29, 2022 @ 1:00 PM at Hermosa City Hall.

M. Veterans' Services

1. Todd Fish, VSO presented his Custer County VSO 1st Quarter 2022 report. He noted there have been 80 Vets added to the rolls during the past 14 months. A total of 34 claims are open with the VA and there are 4 appeals this quarter. He would like to request an additional \$1,000 headstone setting fee in the near future. Fish updated the 4th of July celebration plans, including a street dance, civil war drama concert and parade participation.

N. Emergency Management

1. EMS Director, Steve Esser gave a report regarding the Wabash Spring Fire. He applauded the great response from all agencies involved. Esser noted the early-stage dispatch was effective in getting information out to the public. Many agencies were involved, but all worked well together. Homeowners' previous thinning and clearing on properties alleviated fire damage and were instrumental in the fire not spreading. Esser informed the Commission that the Armory was selected as the evacuation center and the Red Cross was on hand to help those in need. Esser stated that no official cause of the fire has been released to date.

2. Esser also reported on the emergency sirens in Custer and noted that it was discovered that in some locations, power to the sirens had been disabled. He has spoken with Custer Mayor, Bob Brown regarding this and informed the Commission that Rushmore Communications will testing the sirens to make sure they are in working order.

3. Esser requested Commission signature on the SD Quarterly Report OEM. Motion to sign report made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

O. Public Comment - None.

P. Commission

1. Purchase Agreement for Lot 8, Block 124, Custer City. It was noted that this property is located next to 3 ¾ lots already owned by Custer County. Commissioner Linde voiced his concerns regarding the high price of the property, but conceded the County would have to pay to obtain the lot. As noted earlier, Commissioner Hindle declared a conflict of interest. Motion to approve the purchase agreement made by Bies; seconded by Hartman; vote taken, Hindle abstained, remainder aye; motion carried.

2. Property Tax Committee—Commissioner Hartman discussed the possibility of forming a property tax committee to bring attention to the high tax rates in Custer County and noted that a board would need to be formally appointed. The members of the Tax Committee will be as follows: LeAnne McWhorter, Monica McGowan, Fred Mills and Todd Fish. Motion to approve Tax Committee made by Hindle; seconded by Linde; vote taken, all aye; motion carried. LeAnne McWhorter informed the audience there will be a public tax committee meeting at the Custer High School on Tuesday, April 19, 2022 at 4:15 PM – 6:30. The purpose of the meeting is to get the public involved and to share concerns about the tax situation in Custer County. She noted that the SD DOR wants taxes to be “fair and equitable” across the state, per county, but that is not the case at this time. Chairman Lintz stated that the BH County Association has a lobbyist that Custer County may be able to use rather than hiring an additional one. Lintz noted that he would like Custer County to provide funding to bring these concerns to the legislature. The Commission discussed funding the Tax Committee in the amount of \$25,000 from the Commission contingency fund to cover costs incurred. Motion to approve said funding made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

3. LeAnne McWhorter noted that she has sent out invitations to meet the local candidates in the upcoming primary election on May 3, 2022 at the Custer High School at 5:30-7:30 PM.

4. Mail call – Susan Anderson presented a letter from Robert Hoelscher, District Ranger,

regarding FLPMA commercial radio tower special use permit for the Elk Mt. Fire Tower. A base radio repeater will be installed. Anderson noted that this is a very positive step.

5. Meeting Schedule – Tax Committee Meeting 4-19-2022 at Custer High School @ 4:15 PM – 6:30 PM.

6. Meeting Reports – Chairman Lintz attended a Fair Board Meeting and a positive report. Lintz noted that contracts need to be set for the ball field building and discussion was held regarding who issues the permit; Town of Hermosa or Custer County. It was noted that the permit comes from the Town of Hermosa since the building will take place within the city limits.

Q. Old Business--None

R. Adjourn

Motion by Hartman and seconded by Hindle to adjourn the meeting at 9:25 AM. The next meeting will be at 8:00 AM, April 27, 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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