

Minutes of the Custer County Commission Meeting (Wednesday, April 27, 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. Motion to approve the agenda as presented made by Bies; seconded by Linde; vote taken, all aye; motion carried

C. Consent Agenda

1. Motion to approve Minutes of the April 13, 2022 Commission meeting made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

2. Vouchers approved as follows:

PAYROLL: 4-25-2022 Commissioners \$8,165.87; Election \$480.39; Auditor \$5,478.25; Treasurer \$13,894.32; Info Systems \$3,005.27; State's Attorney \$13,298.46; Courthouse Building \$7,034.66; Director of Equalization \$12,203.81; Register of Deeds \$4,839.25; Veteran's Services \$1,972.30; Human Resources \$2,493.05; Sheriff \$39,288.88; Coroner \$657.45; Nurse \$941.88; Library \$10,092.46; Conservation \$505.56; Weed & Pest \$2,022.22; Planning \$8,178.54; County Road & Bridge \$41,151.33; Emergency Management \$2,859.88; 24/7 Sobriety \$1,052.27; Emergency Line F \$16,613.80

COMMISSIONERS: Pitney Bowes \$2,015.00; SD Public Assurance Alliance \$69,479.36; Verizon \$88.60; Fleet \$32.38

CONTINGENCY: Southern Hills Title \$99,953.58

ELECTION: Amazon \$7.39

COURT: William A Moss \$1,225.00

AUDITOR: Quill \$80.37; Sunny Turkey Canyon Road District \$5,377.08; A&B \$677.30; Amazon \$51.11

TREASURER: Quill \$82.93; A&B \$461.61; Amazon \$37.33

COURT APPOINTED ATTORNEY: Justin O'Neill \$1,629.23; Garland Goff \$6444.10; Southern Hills Law \$364.18

STATE'S ATTORNEY: A&B \$213.72; Amazon \$29.98

COURTHOUSE BUILDING: Verizon \$41.91; Fleet \$32.38; Menards \$309.50; Custer Car Wash \$8.00; Amazon \$67.94; SD Dept. of AG \$35.88

DIRECTOR OF EQUALIZATION: A&B \$114.83; Fleet \$16.19

REGISTER OF DEEDS: A&B \$114.83

VETERANS SERVICES: A&B \$60.78

HUMAN RESOURCES: Verizon \$10.02; Amazon \$92.99

INFO TECHNOLOGY: Golden West Technologies \$11,972.24; Quill \$756.40

SHERIFF: Black Hills Electric \$52.71; FedEx \$16.51; SD Public Assurance Alliance \$13,882.95; Verizon Connect \$178.09; Sherry Weber \$48.00; Custer Ace Hardware \$50.98; Rapid City Police Dept. \$4.65; Anderson Auto Sales \$69.00; Battle Mt Humane Society \$1,000.00; A&B \$219.06; Verizon \$449.10; LexisNexis \$86.50; FedEx \$29.10; SDSS \$10.00; NARSO \$395.00; Amazon \$211.97

SEARCH & RESCUE: Amazon \$565.78; Sams Club \$97.21; Subway \$161.16; McGas \$85.20

CORONER: Clinical Lab of The Black Hills \$2,032.00

PRISONER CARE: City of Rapid City \$200.00; Redwood Toxicology \$160.00; Monument Health Client \$74.54

SAFETY OFFICER: Sam Smolinsky \$250.00

AIRPORT: AmeriGas \$36.00

NURSE: SD Department of Health \$2,790.00

MENTAL ILLNESS BOARD: Garland Goff \$187.50

LIBRARY: Vector Design Print \$44.00; Golden West Telecommunications \$115.95; CenturyLink-Lumen \$14.56; Amazon \$1,882.40; SD Magazine \$59.00; SD Library Association \$81.00; Southern Hills Publishing Custer Chronicle \$50.00

EXTENSION: Quill \$68.47; A&B \$170.05

WEED & PEST: Black Hills Electric \$142.86; French Creek Supply \$17.29; A&B 173.47; Fleet \$32.38; Best Western \$251.25; Conoco \$84.81; Farmplast \$51.30

PLANNING: A&B \$194.87; Fleet \$16.19

COUNTY ROAD & BRIDGE: Black Hills Electric \$1,752.23; Butler Machinery \$263.32; Floyd's Truck Center \$775.00; French Creek Supply \$125.04; Fastenal Company Inc. \$210.61; Godfrey Brake \$145.50; Grimms Pump Service \$68.69; Pheasantland Industries \$1,086.06; Quill \$58.26; Servall Towel & Linen \$130.59; Snap on Tools \$62.50; Black Hills Gravel \$12,780.00; Runnings Supply \$33.92; CenturyLink-Lumen \$19.25; Nelson's Oil & Gas \$1,746.80; Forward Distributing \$120.40; A&B \$214.25; Fleet \$372.37; Holiday Station \$230.15

EMERGENCY MANAGEMENT: Verizon Connect \$16.19; Verizon \$46.91; Shell Station \$76.93; Marriott \$617.10; Lynns \$21.28

BUILDING: Black Hills Electric \$785.22; Black Hills Energy \$1,262.69; Custer City \$196.78; McGas Propane \$1,119.84; SD Public Assurance Alliance \$34,277.65; Custer Ace Hardware \$87.71; Menards \$173.97; Amazon \$300.55; Black Hills Chemical \$194.45; Sams Club \$76.06; 246.41; Global Signs \$255.64

NON DEPARTMENTAL: James & Carmen Johnson \$2,139.62

EMERGENCY LINE: A&B \$348.05; Range \$49.88; Ramkota \$117.54

D. Conflict of Interest Declaration There were no conflicts of interest declared by the commissioners.

E. Conservation

1. Michael Baldwin and Rob Hoelscher, USFS, BHNF, Hell Canyon District Ranger presented a recap of a recent meeting regarding the Black Hills National Forest Forest Revision Plan and the process. Commissioners Bies and Linde also attended. Phase 1 is the assessments phase is underway which assesses the BHNF.
2. The Commission discussed whether to enter into an individual cooperating agency MOU with the USFS or to enter into a multi-county cooperating agency. Bies stated that each county may have different issues with regard the USFS BHNF and suggested that Custer County enter into an individual cooperating agency agreement. A discussion was held. Thereupon, motion by Linde and seconded by Bies to enter into a Custer County – USFS cooperating agency MOU; vote taken – all aye, motion carried.
3. A request for a Custer County contact be designated to receive information and documents as well as act as a liaison for Custer County. Thereupon, motion by Linde and seconded by Bies to designate Michael Baldwin as the Custer County liaison for the USFS BHNF Forest Plan Revision process; vote taken, all aye; motion carried.
4. The next cooperating agency meeting will be held on May 26, 2022 at Sturgis. Commissioners Bies and Linde will attend as well as Michael Baldwin.

F. Weed and Pest

1. Michael Baldwin then asked the Commission to approve the seasonal re-hire of Brianna Kringlie as a weed sprayer. This is a temporary part-time position with no

benefits at the rate of \$18.00 per hour. This will be Ms. Kringlie's third summer season. Thereupon, motion by Hindle and seconded by Linde to approve the seasonal temporary part-time weed sprayer position for Ms. Kringlie at the rate of \$18.00 per hour with not benefits; vote taken, all aye; motion carried.

2. Mr. Baldwin told the Commission that an advertisement for a second seasonal sprayer position is posted.

G. Veteran's Services

1. Todd Fish, VSO Director, asked the commission to approve \$2,500 funding for headstone setting fees for veterans from the Spanish-American War and WWI. He stated that three more headstone requests are in process and that 4 more deceased veterans are left to research. He stated that funding could come from the Veterans Services budget. Thereupon, motion made by Hartman and seconded by Bies to approve the expenditure of \$2,500 for headstone setting fees to come from the Veterans Services budget; vote taken, all aye; motion carried.

H. Planning

1. Terri Kester, Planning Department Director, updated the Commission on the latest information on the annexation activities for the Town of Hermosa. She stated that the notice of public meeting had been provided to Custer County. A discussion followed and the three Town of Hermosa - Resolutions to Annex Contiguous Property were acknowledged by the Commission.

I. Highway

1. Superintendent Doyle appeared before the Commission and requested authorization to enter into an agreement with SD DOT for striping. It is a cooperative cost-share agreement and has been a common activity for many years. The cost for Custer County will be \$1,702.10. Motion by Hartman and seconded by Hindle to approve the SD DOT highway striping cost share agreement and authorize the Chairman to sign on behalf of Custer County; vote taken, all aye; motion carried.

2. Commissioner Bies asked Mr. Doyle on whether the City of Custer has responded regarding the resolution to transfer the portion of Sydney Park Road that is located within the City of Custer's city limits. Mr. Doyle responded that Custer City Planning Director Tim Hartmann had provided documentation that the City of Custer has not approved such action. Anderson stated that per statute, the city does not have to approve of such action. Commissioner Hindle stated that he had talked to Mayor Bob Brown about the matter and did not receive any adverse response.

3. Mr. Doyle then provided the Commission with an update on the CSP Playhouse Road project. Bids came in higher than estimated and the SD DOT will postpone the project for another year but will grind and haul the road surface material and gravel the portion of Playhouse Road within the boundary of CSP which is approximately 1.8 miles. Because this action will create more stress on the road, Mr. Doyle will postpone the chip seal project on the county's portion of Playhouse Road (approximately 1.5 miles) until after the CSP portion of the road is resurfaced.

3. Then Mr. Doyle recommended that the Commission approve the ROW occupancy application from Mr. Rushmore Telephone Company for fiber optic line placement along Shorb Road and Gumbo Lily Lane. Thereupon, motion by Hindle and seconded by Linde to approve the ROW occupancy application and authorize the Chairman to sign on behalf of Custer County; vote taken - all aye; motion carried.

4. Mr. Doyle provided an update to the Commission on the status of the Stapp Pit gravel crushing project with USFS. He stated that the crushing contractor will mobilize at the Stapp Pit within two weeks and will crush approximately 31,000 tons of base course for the USFS and invoice the USFS up to \$200,000. Mr. Doyle presented the agreement to allow this transaction to occur. Anderson reported that she has reviewed the proposed agreement and has no objections. A discussion followed regarding that the funds would be taken out of the general fund to perform the gravel crushing work for USFS and that payment by USFS would replenish the general fund. Thereupon, motion by Hartman and seconded by Hindle to approve the Road Project Agreement Between Custer County and the USFS as presented for base course gravel crushing up to \$200,000 at the Stapp Pit; vote taken; all aye; motion carried.

5. Finally, Mr. Doyle and Mr. Hoelscher reported that there is progress being made to open the Bear Mountain Pit for future crushing.

J. Public Comment

1. Rob Hoelscher reported that USFS will be working with Black Hills Energy on a pole replacement project in the Playhouse Road area. He reiterated that there is a categorical NEPA exclusion on gravel pit expansion. Also, USFS is working with the City of Custer on special use permits for activities in the BBNF for summer events. Finally, on behalf of the USFS, he thanked Custer County and the City of Custer for the incredible response on the Wabash Fire.

2. Commissioner Bies stated that he contacted Tyler Robertson to be on the tax committee to represent the ag community on property tax issues.

3. David Reid discussed his continued issues with the statutory owner-occupied property designations for property assessments. Commissioner Bies asked Mr. Reid what he would like his garage with above living quarters to be called, and Mr. Reid responded that he would prefer garage with living space, and Commissioner Bies said that it will be changed to that designation.

4. Commissioner Lintz provided a summary of the assessment appeals that the Commission heard felt that with the increased market values for homes and property in South Dakota that people may be taxed beyond what they can afford on fixed incomes. He continued that the school aid formula is outdated and a school funding shift needs to occur to a sales tax increase to lessen the burden on property taxes. He stated that the Nebraska Legislature passed revisions to its taxing structure to provide tax relief for the ag sector (which is valued by market and not productivity). A Legislative Property Tax Study Committee will be meeting, and he plans to attend and suggest sales tax relief as well as a new school aid funding formula. A discussion followed.

K. Commission

1. Ms. McLaughlin stated that Golden West has requested the approval of easement along the edge of the County's property used by search and rescue to install fiber optic to the nearby communications tower. Mr. Doyle suggested that fiber optic be bored under the paved street. A discussion followed. Thereupon, motion by Hartman and seconded by Bies to approve the easement presented by Golden West to install fiber optic line across Custer County property and to bore under the pavement and to authorize the Chairman to sign on behalf of Custer County; vote taken - all aye; motion carried.

2. Mail Call: Search and Rescue Invitation for May 1, 2002 for a recognition event to thank Custer County, the City of Custer and members of the community for supporting the efforts of Search and Rescue. The event will be from 2 PM to 5 PM.
3. Meeting Schedule: The Commission discussed various meetings that will occur in May that should be posted that a potential quorum may be present.
4. Meeting Reports: None

L. Old Business

1. Larry Fiala - Cattle Guard Replacements. Mr. Fiala was invited to attend the meeting but was not present. Mr. Doyle discussed the two year history of providing information to Mr. Fiala on his cattle gate issue. Statutes and a Custer County Resolution pertinent to the matter were presented and discussed. Thereupon, motion by Hindle and seconded by Linde to contact the States Attorney to write a letter to Mr. Fiala explaining the County's response and the statutory and County resolution to resolve the matter; vote taken - all aye; motion carried.

M. Adjourn

Motion by Hartman and seconded by Linde to adjourn the meeting at 9:05 AM. The next meeting will be at 8:00 AM, May 11, 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 -----.