

## **Minutes of the Custer County Commission Meeting Wednesday, August 31, 2022**

### **Members present:**

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Dawn McLaughlin, Finance Officer. Travis Bies was not in attendance. Legal Counsel, Susan Anderson, was present via telephone.

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

### **B. Adopting of the agenda**

1. Motion by Linde; second by Hartman to approve agenda; vote taken, all aye; motion carried.

### **C. Consent Agenda**

1. Approved minutes of the August 10, 2022 Commission meeting.
2. Travel requests approved: Department of Equalization for Liliana Puento-Chavoyo to attend certification training in Pierre Sept 19-23, 2022 at a cost of \$1,025.
3. Motion to table voucher request to Sam Smolnisky in the amount of \$6,700 made by Hindle; seconded by Hartman; vote taken, all aye; motion carried. All other vouchers approved as follows:

**PAYROLL:** 8-25-2022 Payroll: Commissioners \$8,165.87; Auditor \$5,071.80; Treasurer \$13,146.63; Info Systems & Technology \$3,005.26; State's Attorney \$12,914.15; Courthouse Bldg \$6,714.48; Director of Equalization \$12,740.10; Register of Deeds \$4,678.60; Veteran's Service \$1,607.67; Human Resources \$2,524.98; Sheriff \$44,088.21; Coroner \$657.45; Nurse \$613.71; Library \$7,658.35; Conservation \$505.56; Weed & Pest \$4,357.15; Planning \$7,613.34; County Road & Bridge \$37,487.33; Emergency Management \$2,680.61; 24/7 Sobriety \$1,156.36; Emergency Line F \$16,738.91

**COMMISSIONERS:** Southern Hills Publishing \$238.63; Pitney Bowes \$2,015.

**COURT:** Bridgette Banks \$60.80; Maureen Zimney \$183; Edda Winkelman \$258.50; Deanna Clayborne \$45.60; witness fees \$35.88

**AUDITOR:** Southern Hills Publishing \$76.02

**TREASURER:** Quill \$159.51

**COURT-APPOINTED ATTORNEY:** Grey & Eisenbraun \$422.40; Southern Hills Law \$528.14

**COURTHOUSE BUILDING:** Custer Ace Hardware \$48.56

**BUILDING:** BHEC \$532.45; BH Energy \$773.52; Custer City \$2,002.84; Summit Signs \$19.50; Custer Ace Hardware \$70.98; G&R Controls \$550.

**DIRECTOR OF EQUALIZATION:** Southern Hills Publishing \$142.60; French Creek Supply \$130.99; SDAAO Treasurer \$350;

**REGISTER OF DEEDS:** McLeod's Printing \$309.90

**HUMAN RESOURCES:** Evergreen Office \$51.25

**AIRPORT:** Custer Do It Best \$23.38; MG Oil Co. \$6,282.

**SHERIFF:** BHEC \$45.74; Southern Hills Publishing \$156; French Creek Supply \$91.60; FedEx \$16.35; Tritech Software \$120; Verizon Connect \$178.09; Custer Ace Hardware \$26.56; A&B Pure Water \$54.98; Battle Mountain Humane Society \$1,000.

**PRISONER CARE:** City of Rapid City \$200; Pennington County Jail \$21,872.98; Correct RX Pharmacy \$11.27; Jacquelyn Nelson \$75; Linda Nohr \$75

**MENTALLY ILL:** Pennington County \$148.

**MENTAL HEALTH CENTER:** New Trails Ministry \$600.

**CORONER:** Monument Health \$461.00

**LIBRARY:** Houchen Bindery \$34.75; Golden West Telecom \$115.95; Centurylink \$16.20

**EXTENSION:** Quill \$474.76; Erin McGlumphy \$381.76

**WEED & PEST:** BHEC \$54.72; Chemical Reimbursements \$406.50; Southern Hills Publishing \$44.60; Nutrien Ag Solutions \$5,640.

**PLANNING:** Southern Hills Publishing \$281.40

**COUNTY ROAD & BRIDGE:** A&B Welding \$12.09; BHEC \$729.52; BH Energy \$69.87; Floyd's Truck Center \$1,492.28; French Creek Supply \$197.98; Fastenal \$5.86; Godfrey Brake \$1,247.15; Interstate Batteries \$389.85; Pheasantland Industries \$2,091.78; SD Dept of Transportation \$1,649.13; Kieffer Sanitation \$232.82; Servall Towel & Linen \$259.37; Black Hills Gravel \$25,560; Custer Ace Hardware \$37.98; Stern \$231.07; Sturdevant's Auto \$14.85; Dale's Tire \$657.60; Buckhorn Equipment \$18,500; Centurylink \$25.47; Matco Tools \$58.90; Nelson's Oil & Gas \$5,422.50; Advanced Drug Testing \$46; CBH Cooperative \$6,798.30

**EMERGENCY MANAGEMENT:** Verizon Connect \$16.19; Ramkota \$98.

**SEARCH & RESCUE:** Custer Do It Best \$45.98; Custer City \$9.26; Lynn's Dakotamart \$493.74

**SAFETY OFFICER:** Sam Smolnisky \$500.

**EMERGENCY LINE:** A&B Pure Water \$54.97

#### **D. Conflict of Interest Declarations**

1. Commissioner Linde declared a conflict under "I: 8:30 AM Public Hearing" agenda heading.

#### **E. Highway**

1. Highway Superintendent, Jesse Doyle, requested permission from the Commission to increase the budget for mag chloride so that next year's supply can be purchased under this year's current contract price. He also requested permission to use the current Weed & Pest north parking lot for storage of such. He stated that his plan is for Rosane Construction (current contract mag chl supplier) to provide storage tanks for 20K gallons of mag chloride on the Custer County property. The Commission requested Susan Anderson to draft an agreement between the two parties to facilitate storage. Motion by Hartman and seconded by Hindle to authorize the Highway Superintendent to purchase and store mag chloride on county property for the 2023 physical year; vote taken, all aye; motion carried.

2. Doyle also noted that at the next scheduled Commission meeting on Thursday, September 15, 2022, the 8:00—8:30 AM portion will be dedicated to public comment regarding the latest version of the Highway and Bridge plan.

3. Superintendent Doyle informed the Commission that the preliminary grant application for the engineering portion of the Buffalo Gap (County Rd 656) project has been approved. He noted the total projected cost is \$71,300; with \$57,040 to be reimbursed by a DOT grant once the total projected cost has been paid, leaving the cost to Custer County in the amount of \$14,260. Doyle noted the County's portion has already been budgeted. He stated the engineering portion of the project is to begin in 2025 while construction will begin in 2026. He also noted the bridge replacement will involve an estimated 5-6 mile detour.

4. Doyle requested approval of a ROW occupancy permit application from Golden West Telecommunications for a telecommunications facility on Argyle Rd; Section 10; Twp 6S; Range 4E. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

5. Approval was also requested for a ROW occupancy permit application from Golden West Telecommunications for a telecommunications facility on W Argyle Rd; Section 7; Twp 6S; R4E. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

#### **F. Maintenance**

1. Joseph Panza, Maintenance Supervisor, updated the Commission on the installation of the new UPS (uninterrupted power supply) in the server room. He noted the shut down and switch over would occur on September 12-13, 2022 beginning at 5:00 AM.

2. Panza also updated the Commission on the courthouse and library parking lot repair projects that are scheduled to begin the week of September 12, 2022. He noted the library parking lot will only be crack-sealed.

#### **G. Custer VFD**

1. The Commission acknowledged the updated Custer Volunteer Fire Department roster.

#### **H. Elk Mountain Water Users Association**

1. Legal Counsel, Susan Anderson, presented via telephone. Anderson noted that \$535K in funding has been provided by Custer County for the well project to provide water for fire protection and household use. It was noted that request for bids was sent to 13 drillers with only one responding. Trent Bruce, project engineer, was present and stated other drillers did

not feel they could provide the service at a competitive price. The bid price received came in better than expected; however, some decisions will need to be made regarding whether or not to increase the pipe size to better serve the water needs of the area, which will increase the price of the project by approximately \$200K. Bruce noted the larger well casing could be drilled and stay within the current budget, but would not be functional until the pump and well house have been installed. Bruce recommended spending the additional funds up front in order to get the project up and running and to be fully operational for household and fire protection use. It was noted that it currently takes approximately 1.5 hours per round trip to provide water for fire-fighting efforts. The additional spending will also allow for potable water distribution. Bruce noted there will be additional future expenses and funding for those could be possible through monies (low interest loans and grants) from the State of South Dakota. Commissioner Hartman asked about the timeframe for the driller and was told the well could be drilled this fall to be operational in the spring of 2023. This will allow for additional processes to be completed depending on additional funding. Commissioners Linde and Hindle agreed that the larger pipe option should be implemented. Finance Officer, Dawn McLaughlin stated she and Todd Fish would meet to see where possible additional funding could be sourced; including the possibility of reassigned ARPA funds. It was also noted the bid has not yet been awarded, but is awaiting the Commission's recommendation. Fish recommended a waiting period of 90 days to settle the budget. Motion to begin drilling in the fall of 2022 made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

#### **I. 8:30 Public Hearing**

1. Planning Director, Terri Kester, recommended approval of section line vacation re: Amy Poole and Randy and Bonnie Nelson, as stated in Resolution 2022-15. There were no public comments. Motion to approve Resolution 2022-15 by Hartman; seconded by Hindle; vote taken, Lintz aye; Hartman aye; Hindle aye; Linde abstained; motion carried.



## **CUSTER COUNTY**

Prepared by:  
Custer County Auditor's Office  
420 Mt. Rushmore Road  
Custer, South Dakota 57730  
605-673-8173

### **Resolution 2022-15**

#### **Vacation of Section Line Highway Right of Way**


WHEREAS, application has been made for the purpose of vacating a 66' wide Section Line Right-of-Way running west to east approximately 564 ft between Sidney Trail Sub-Tract 7 of HES #53 & Sidney Trail Sub – Tract 6R of HES #53 between Section 25 & 36, T4S, R4E, BHM, Custer County, South Dakota. All referenced on 12 Plat 659 Filed at the Custer County Register of Deeds office.

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

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

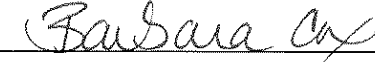
Dated this 31<sup>st</sup> day of August, 2022

Approved by Commission

X  \_\_\_\_\_

Jim Lintz, Chairman



ATTEST:  \_\_\_\_\_

Published Date: \_\_\_\_\_ & \_\_\_\_\_

Effective Date: \_\_\_\_\_

#### **J. 8:45 Public Hearing**

1. Kester presented request for section line vacation re: Lila Streff and recommended the Commission table the matter until the next commission meeting due to adjacent landowner concerns. This also includes Resolution 2022-16 Vacation of Section Line Highway Right of Way. Motion to table until next Commission meeting made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

#### **K. Planning**

1. Director Kester presented the Second Reading of Amendment Number 2 to the Custer County Ordinance Number 2-Wastewater Disposal. Kester noted that she has not received any public input. Motion to approve made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

#### **L. Department of Equalization**

1. Leah Vissia, DOE Director, requested approval of new hire, Liliana Puente-Chavoyo, to begin 9-6-2022 at an uncertified rate of \$15.75/hour. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Vissia had originally requested approval to purchase a new computer for the DOE office but was able to find a used computer that will fulfill the need and will not be purchasing a new one.

3. Vissia presented the Commission with a booklet and updated them regarding the reappraisal process. Vissia stated letters will be sent out notifying residents they will be in the area conducting appraisals. She stated that if her appraisers are not granted access to the

interior of buildings and homes, she will have to assume the value. She also stated that the collected information on properties will be entered into the computer system only when each township assessments are completed in the interest of fairness. Vissia noted they have started the reappraisal in the western portion of Custer County (info not yet entered into computer) and will continue to update the Commission on a monthly basis. Chairman Lintz shared his concerns regarding the updated parcels being taxed at a higher rate than the parcels not yet reappraised. He was concerned about the mill levy being inconsistent until all properties have been reappraised. Vissia reminded the Commission that some appraisal data will always be outdated during the process and the same will hold true if the data is collected but not entered until the entire County is reappraised. Lintz also noted there will be an attempt at the state level to freeze assessments for a period of two years. David Reid addressed the owner-occupied status of buildings on his property and stated it was removed against his wishes. Vissia countered that buildings on other properties had the status changed at the same time and not just his; Reid disagreed.

4. Vissia, together with DOE Deputy Tara Traxler, addressed the Commission to request the purchase of additional field equipment not budgeted. They stated the need for a total of 6 tablets, keyboards and pens for those appraisers working in the field in order to expedite data entry during the reappraisal. Vissia stated she has received a quote for the requested equipment in the amount of \$15,000. She also noted her office currently has only two licenses from Vanguard for remote use. Additional licenses could be obtained for a one-time set up fee of \$2,500 and then an additional yearly fee of \$250/per license; the cost would be locked in for a term of 5 years. Motion to approve purchase, \$3750 expense for set up and 5-year agreement to be signed by Vissia made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

#### **M. Hermosa Arts & History Committee**

1. Leta Campbell appeared before the Commission and thanked Custer County for previously donating \$50K in funding. She presented a list of projects and work done with the received funds. She noted there has been additional fundraising, as well. Campbell requested to be added to the budget to receive \$15K annually to help cover utility costs. She stated the Committee has a heating/ac unit but lacks funds for installation. Campbell stated the Committee does not currently receive funding from the Town of Hermosa. She invited the Commission to visit the building to see the needs firsthand. Commissioner Hindle stated there is a need and it is difficult to find the necessary contractors to complete projects.

#### **N. Hermosa Library**

1. Library Director, Jessica Phelps, appeared and stated the Hermosa Library is in great need of additional space to house materials. Chairman Lintz requested an additional meeting be held before making any decisions. Lintz and Hindle will set up a meeting next week to discuss and requested that Phelps attend, as well.

#### **O. Custer Chamber of Commerce**

1. Dawn Murray noted that next year will be the 100<sup>th</sup> Gold Discovery Days celebration and requested permission to use the County's gravel lot for vendors, as well as access to water from the library building (as currently allowed for GDD). Motion to approve use of gravel lot and use of water from library made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

## **P. Search & Rescue**

1. EMS Director, Steve Esser, appeared and requested the following equipment be auctioned by Bradeen Auction. It was originally requested the proceeds be directed to Search & Rescue, but Esser stated legally the funds will need to be deposited to Custer County's general fund, not S&R.

- a) 2015 Can-Am Commander with tracks.
- b) 2016 Can-Am Commander with tracks.

Esser stated these two were purchased with Homeland Security grants and as such, could only be sold for \$5,000. Esser noted there is a 120-day process to complete if S&R wanted to try and sell for a higher cost, but he noted the better use of these two units would be to surplus them to Emergency Management allowing the local volunteer fire departments to have access to them. Motion to approve surplus of these two Can-Am units to EMS made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

- c) 2013 Ski Doo Summit snowmobile
- d) 2013 Ski Doo Tundra snowmobile
- e) 2002 Versa Max snowmobile trailer
- f) 1999 Ford Expedition

g) DJI Matrice 210 drone with Z30 and XT2 cameras. This drone was purchased with \$20K in Custer County funds, as well as donations from Black Hills Energy and not Homeland Security monies. Motion to surplus items c-g above through Bradeen Auctions made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. Proceeds will be deposited to the general fund.

h) 2015 Polaris Ranger. It was requested this unit be surplussed to Custer County Maintenance. Motion to surplus to Maintenance made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

## **Q. Auditor**

1. Finance Officer, Dawn McLaughlin, presented a grazing lease between Custer County and Jody Landgrebe. The property leased is as follows: Tract Price of HES No. 469 in the NW ¼ Section 3, Township 4S, Range 4E of the Black Hills Meridian, Custer County, South Dakota. The term of the lease is for 5 years commencing August 4, 2022 and ending on August 23, 2027. Motion to approve Chairman Lintz to sign lease made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

## **R. Public Comment**

1. Paul Miller addressed the Commission and inquired about maintenance on Big Pine Road. He asked that since this is a named road, is Custer County responsible to provide winter maintenance and plowing. Highway Superintendent, Jesse Doyle, stated this is a section of the old highway and possibly DOT's road and subsequent responsibility, but wasn't certain. Doyle noted if it was added, it would most likely take the back seat to the existing route, but would check into the matter.

2. Michael Baldwin, Weed & Pest Supervisor, noted there has been an outbreak of the Pine Looper Caterpillar east of Pringle and attacking trees in the Beaver Creek area; defoliating and potentially killing trees. He stated the last outbreak was 20 years ago and that outbreaks do not generally occur two years in a row. He shared there would be an informational meeting held with the USFS, NRCS, VFDs & Warne Chemical expected to be in attendance.

3. Lea Anne McWhorter updated the Commission regarding the August 22, 2022 legislative tax commission meeting. She thought that sub-committees would be set up regarding the matter, but does not have dates certain yet. McWhorter noted that Tim Goodwin presented the idea of "Consumption Tax" instead of property tax. Chairman Lintz spoke at the 8-22-22 meeting and noted that the problem residents have here in Custer County is not as prevalent across South Dakota, so he does not foresee a big change on the state level.

**S. Commission**

1. Mail call – Dawn McLaughlin presented a letter from USDA/BHNF regarding a land acquisition in Custer County. She also shared a letter from the Black Hills Regional Multiple Use Coalition. McLaughlin also presented correspondence from the Department of Agriculture and Natural Resources re: Simon Contractors' large-scale mining permit for gravel at the Loring Pit location. Jesse Doyle also presented an email from a landowner on Lower French Creek Road with concerns regarding the highway department's recent pulled-shoulder maintenance work. He explained this is a necessary process to reclaim materials from ditches and the roadside, saving taxpayers added expense in materials. Doyle also noted that recently applied mag chloride is not lost during this process. Doyle agreed that this can be a messy process for a very short while before the materials are reincorporated into the road surface ultimately resulting in an improved roadway.

2. Meeting Schedule – Finance Officer McLaughlin requested the budget meeting dates as 9-20-22 at 8:00 AM in the Commission room with the budget finalized at the 9-28-22 Commission meeting.

3. Meeting Reports – None

**T. Old Business--None**

**U. Executive Session**

1. Executive Session entered into at 9:53 AM pursuant to SDCL 1-25-21(1) Personnel. Session concluded at 11:04 AM.

**V. Actions Taken By Commission Outside of Executive Session**

Motion to hold requested Search & Rescue payment in the amount of \$6,700 until Search & Rescue Board establishes a checking account made by Hindle; seconded by Hartman; vote taken, all aye; motion carried

**W. Adjourn**

Motion by Hartman and seconded by Hindle to adjourn the meeting at 11:05 AM. The next meeting will be held at 8:00 AM, Thursday, September 15, 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 \_\_\_\_\_.