# Minutes of the Custer County Commission Meeting—Friday, December 16, 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

# E. Approve Agenda

1. Amend Agenda to table item "E" Maintenance until 12/28/22; amend Agenda to add "Auditor" heading to discuss HSA plan. Motion to approve Agenda as amended made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

# C. Consent Agenda

1. Motion to approve made by Linde; seconded by Bies; vote taken, all aye; motion carried.

Vouchers approved as follows:

**PAYROLL:** 12-5-22 Payroll: Commissioners \$8,142.61; Election \$287.12; Auditor \$5,478.24; Treasurer \$13,543.18; Info Systems & Technology \$3,005.27; State's Attorney \$13,298.46; Courthouse Building \$6,976.74; Director of Equalization \$18,814.40; Register of Deeds \$4,839.25; Veteran's Service \$2,187.76; Human Resources \$2,493.04; Sheriff \$51,103.46; Coroner \$657.45; Nurse \$852.37; Library \$9,088.18; Conservation \$505.57; Weed & Pest \$2,022.21; Planning \$6,777.78; County Road & Bridge \$43,058.90; Emergency Management \$2,704.85; 24/7 Sobriety \$2,102; Emergency Line F \$19.895.68

**COMMISSIONERS:** Southern Hills Publishing \$330.52; Pitney Bowes \$278.85; Quill \$3.12; Golden West Telecom \$27.65; Verizon \$82.18; Fleet \$32.38; A&B Business \$1244; Lynn's Dakotamart \$40.06

**ELECTION:** Southern Hills Publishing \$682.39; Election Systems \$2,748.49; Mt. Rushmore Telephone \$6.76; DS Solutions \$175.

**COURT:** Juror Fees \$604.05

**AUDITOR:** Quill \$178.29; Golden West Telecom \$138.34; Tracy Fish \$2,220; Tyler Technologies \$395; A&B Business \$664.82; Library \$10.86; Register of Deeds \$29.27

**TREASURER:** Quill \$178.47; Golden West Telecom \$135.46; AM Dymo \$42.18; A&B Business \$366.30; Don's Sinclair \$9.76

**STATE'S ATTORNEY:** Golden West Technologies \$1,138.83; Lexis Nexis \$370; Tyler White Crane \$105.68; Harold Sallee \$40.40; Culligan \$31.50; A&B Business \$178.67; Amazon \$15.98

**COURT-APPOINTED ATTORNEY:** Garland Goff \$1,322.85; Grey & Eisenbraun \$771.50; Southern Hills Law, PLLC \$1.80; Hustead Law \$658.30

**MAINTENANCE/COURTHOUSE BLDG:** Golden West Technologies \$349; Golden West Telecom \$26.99; G&R Controls \$1,964.03; Verizon \$41.90; Fleet \$32.38; Menards \$9.99; Amazon \$14.99; Lynn's Dakotamart \$10.63; BHPE \$912.84

**DIRECTOR OF EQUALIZATION:** Quill \$170.88; Golden West Telecom \$188.94; Fleet \$16.19; A&B Business \$125.44; IAAO \$375; Coffee Cup Fuel \$113.10

**REGISTER OF DEEDS:** Golden West Telecom \$54.23; A&B Business \$168.21; Don's Sinclair \$19.52

**VETERANS SERVICES:** Golden West Telecom \$26.99; A&B Business \$146.60

**INFO TECHNOLOGY:** Golden West Telecom \$63.98; Golden West Technologies \$7,754.51; Pitney Bowes \$462.57

**HUMAN RESOURCES:** Golden West Telecom \$26.99; Verizon \$16.44; Family Dollar \$70.54; Southern Hills Publishing \$50; Miner's Cup \$20

**SHERIFF:** BHEC \$74.43; French Crk Supply \$70.76; Pheasantland Industries \$136; Quill \$1,211.54; S&B Motors \$701.26; Galls \$301.91; Innovative Office \$107.68; Golden West Telecom \$508.88; LN Curtis & Sons \$18.95; Dale's Tire \$1,103.40; A&B Pure Water \$54.98; L&A Welding \$776.33; JT Vehicle Systems \$654.90; SD Sheriff's Assn \$749.54; A-Z Shredding \$10.80; Great Western Tire \$1,079.92; Creative Product \$1,481.31; Verizon \$454; A&B Business \$194.24; Lexis Nexis \$89.50; Bob's \$131.74; Teex-Field Training \$160; USPS \$17.15;

**PRISONER CARE:** Mary Seifert \$75; Ruth Airheart \$75; Ann Allen \$75; Satellite Tracking \$91; Hapsie Nutley \$75

**24/7 SOBRIETY:** Pharmchem, Inc. \$156.75

**AIRPORT:** Brenden Hendrickson \$3,950; Golden West Telecom \$113.48; MG Oil \$8,263.50

**LIBRARY:** Mt. Rushmore Telephone \$134.05; Bywater Solutions \$515; Golden West Telecom \$115.95; Amazon \$1,310.32; Country Inn \$251.28; Walmart \$123.48

**FAIR:** Custer County Fair Assn \$8,000.

**EXTENSION:** Golden West Telecom \$117.67; Fall River County \$1,016.10; A&B Business \$147.61

**WEED & PEST:** Dan Debuhr \$61.88; French Crk Supply \$47.84; SD Assn of County Weed & Pest \$75; Warne Chemical \$338.23; Nutrien Ag Solutions \$4,918.74; Golden West Telecom \$26.99; Fleet \$32.38; A&B Business \$153.12; SDSU \$37.22

**PLANNING:** Southern Hills Publishing \$46.25; Quill \$96.41; Golden West Telecom \$107.97; Fleet \$16.19; A&B Business \$180.32; Vector \$11.98; USPS \$8.36

**COUNTY ROAD & BRIDGE:** A&B Welding \$12.09; D-Ware, Inc. \$4,350; French Crk Supply \$147.79; Interstate Batteries \$141.95; Mt. Rushmore Telephone \$119.30; Power House \$173.36; S&B Motor Parts \$261.67; SD Property \$30; Black Hills Gravel \$19,170; Golden West Telecom \$196.88; Stern \$403.05; Runnings Supply \$597.43; Culligan Water \$52; Nelsons Oil & Gas \$2,355.51; Forward Distributing \$19.65; Fleet \$372.37; A&B Business \$181.06; Amazon \$14.61; Stan Equipment \$104.03

**FIRE PROTECTION:** Argyle Fire Dept \$11,000; Buffalo Gap Fire Dept \$5,000; Custer VFD \$36,500; Dewey Fire Dept \$2,500; Folsom Fire Dept \$5,750; Highlands Fire Dept \$7,500; Pringle Fire Dept \$8,000.

**EMERGENCY MANAGEMENT:** BHEC \$25.12; Quill \$864.22; S&B Motors \$290.27; Golden West Telecom \$44.54; Genpro \$799.39; Verizon \$46.90; A&B Business \$161.67; Super 8 \$247.98; Big D \$82.52; Caseys \$68.37; Holiday \$57.95

**SAFETY OFFICER:** Custer Ambulance Service \$1,050.

**SEARCH & RESCUE:** BHEC \$553.79; Sander Sanitation \$19.10; Golden West Telecom \$93.95; Amazon \$140.22; McGas \$89; Expertvoice \$116.45

**POOR/INDIGENT:** Chamberlain McColley's \$2,000.

**MENTAL ILLNESS BOARD:** Yankton County Treasurer \$194.40

**COUNTY BUILDINGS:** BHEC \$4,903.13; O'Connor Company \$1,463.37; Custer Ace Hdwe \$64.76; Buckhorn Equipment \$650; A-Z Shredding \$7.50; A&B Pure Water \$75.39; Amazon \$895.26; Sam's \$258.42; Menards \$67.25; Hobby Lobby \$25.54; Lowe's \$170.58

**EMERGENCY LINE:** Powerphone, Inc. \$1,387; Golden West Telecom \$422.69; A&B Pure Water \$54.97; A&B Business \$152.20; Range Telephone \$50.58; Holiday Inn \$200.18

### TREASURER DISBURSEMENTS

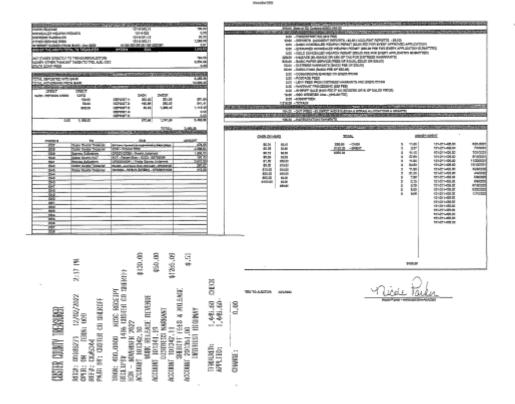
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CUSTER COUNTY ROD ACCOUNTING SHEET
COUNTY PORTION
MARRIAGE LICENSE 4 101-32100 @ \$10.00 \$ 40.00 DOMESTIC ABUSE 4 223-32100 @ \$30.00 \$ _120.00
M & P Fund 146 251-341,21 @ \$3.00 \$ 438.00
Previous Month's Charges
MARRIAGE, MISC, VITAL RECORDS  COPIES/FAX (NO TAX) 127 101-341.20
COUNTY TOTAL
Adjustments (If Any)
SDACO PORTION
M & P Flow-Thru Fund 146 @ \$2.00 \$ _292.00
STATE PORTION/STATE VITAL RECORD FUND
Birth _ 3 @ \$5 \$ _15.00
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COUNTY ROD VITAL RECORD TO STATE GENERAL FUND
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STATE TOTAL 5
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Check#_1668To State \$ _270.00 Check#_1669To County \$ _12,584.50 Check#_1670To SDACO 8 _292.00
SDCL 7-9-17
Register of Deed statement of fees collected during month of _NOVEMBER 2022 Caster County, Sept. 2015 13,744.50 in fees has been callected by me as Register of Deeds during the month as shown pur Register of Deeds' Official Fee book. RECEPTIONs_118597 through #_118488 SEAL  South of South Dulata) County of Center 10
Teri L Margan, being duly owners, deposes and says that she is the Register of Deeds for Custor County, SD. This life's GOUTHOO Paregoling glotlement is true and correct report of all fees collected by see as such Register of Deeds, as required by law.  Substrained & Sworm to before me thing.  Substrained & Sworm to before me thing.  Substrained & Sworm to before me thing.



### **D. Conflict of Interest Declarations – None.**

### E. Planning

- 1. Planning Director, Terri Kester, requested approval of Final Plat of: MURRAY TRACT AND DAVIS TRACT OF STAR VALLEY ESTATES SUBDIVISION, LOCATED IN SECTION 14, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA re: Maxwell & Cenera Davis. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.
- 2. Kester also presented and requested Final Plat of: TRACT G-1 AND TRACT G-2, OF KREITZ SUBDIVISION, LOCATED IN THE GOVERNMENT LOT 11 IN THE NE 1/4 SE 1/4, NE 1/4, NE 1/4, SE 1/4, AND NW 1/4 OF SECTION 6, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA re: Daniel Welsh & Grant McNeilus. Discussion was held regarding access and it was determined there was an error in the Staff Report, but the Plat is correct. Motion to approve the *Plat only* made by Bies; seconded by Linde; vote taken, all aye; motion carried. Further discussion was held and a motion made to amend the previous motion and approve as presented, with changes to the Staff Report, by Bies; seconded by Linde; vote taken, all aye; motion carried.
- 3. Kester also presented a request for variance to Ordinance #2, Article IV, Section 1, 7, C re: Wesdak Welding & Diesel, LLC Parcel #005837 and recommended approval. Kester noted the Staff Report will be corrected and that a Plat will be forthcoming once the Variance is approved. Motion to approve Variance, with change in Staff Report, made by Linde; seconded by Hartman; vote taken, all aye; motion carried.
- 4. Director Kester presented 2023 Custer County Planning Department fees and permit rates for approval. It was noted that fees remained the same as the 2022 rates, with the exception

of lot line adjustment and lot line consolidation fees, which are now \$250. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

5. The 2023 Custer County Planning Commission schedule was presented and acknowledged by the Commission.

### F. Sheriff

1. Sheriff Marty Mechaley presented the Commission with an updated contract for dispatch services between Custer County and the National Park Service, which encompasses both Jewel Cave and Wind Cave National Park. Mechaley noted the length of the contract is 3 years at a total of \$45,000. (\$15,000/per year) Mechaely's signature validates the contract.

### G. Auditor

1. Proposal for a new HSA provider and servicer was presented for Commission approval. The previous servicer (First National Bank of Pierre) no longer accepts new HSA accounts and has significantly raised its fee for existing accounts. It was decided to move all existing accounts to Health Equity, who accepts new accounts, as well at a greatly reduced service fee. Motion to approve the change of benefit plan to Health Equity and authorize Chairman Lintz to sign agreement made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

# H. Caitlyn Green

1. Caitlyn Green has organized a Custer County Blood Drive to be held January 9, 2022 from 10:00~AM-2:00~PM in the courthouse basement. Commissioners agreed that Custer County employees wishing to donate would not have to use vacation time to do so.

# **H.** Equalization

1. Director Leah Vissia presented a letter from Wendy Semmler, Director of Property Tax Division, DOR, thanking Custer County for the GIS information provided.

# I. Treasurer

- 1. Finance Officer, Dawn McLaughlin, presented the Delinquent Real Estate List, as well as the Delinquent Mobile Home Tax List; both of which were published in the Custer County Chronicle on December 14, 2022.
- 2. McLaughlin also stated the Tax Certificate Auction will be held December 19, 2022 at 9:00 AM in the Commission Room. There will be a \$50 non-refundable fee per certificate purchased in addition to the price paid for each certificate. She noted there are currently 200 tax delinquent properties this year compared to 190 in 2021. The auction was acknowledged by the Commission. Hartman inquired about name changes on sold parcels/transfers being more timely and was told departments are working together to expedite the process.

### **K. Emergency Management**

- 1. Director Steve Esser presented an update on the Custer County Pre-Disaster Mitigation Plan and noted that things are moving ahead. Esser stated he will need the insured values of critical buildings within the county. He noted there will be a community stakeholder meeting on December 20, 2022 at 2:00 PM at the Custer VFD fire hall to discuss identifying risks and hazards.
- 2. Esser noted that he is hopeful that Custer County will receive a 25K grant from BLM to cover costs of rewriting the Community Wildfire Protection Plan for Custer County, which has

not been updated in some time. He said the plan is reviewed by FEMA, Homeland Security and EMS.

# L. Airport

1. Legal Counsel, Susan Anderson, presented an Agreement of Intent for Direct Sale between United States of America, Forest Service and Custer County Board of Commissioners for approval and Chairman's signature. Anderson referred to the December 12, 2021 letter of intent to purchase and stated there is a timeline of what needs to be done to push the sale through. She noted congressional staff is working to help complete the process. Motion to approve Chairman's signature made by Linde; seconded by Bies; vote taken, all aye; motion carried.

# M. Safety Officer

1. EMS Director Steve Esser presented former Safety Officer, Sam Smolnisky's recommendation for his replacement, noting that Theresa Obenauer has expressed interest in the position. It was noted that this position should be open and offered to employees interested before making a decision.

### I. Public Comment

1. Dan Holsworth, Town of Hermosa, stated he is looking forward to speaking at today's meeting and appreciates the work between Hermosa and Custer County.

### J. Town of Hermosa

1. Dan Holsworth appeared before the Commission with a request from the Town of Hermosa for additional funding for automated meters at an approximate cost of \$50K; fencing around the well and lower pump house at approximately \$45; and street lighting at an estimated cost of \$25K. He asked that the Commission to consider adding these items to the priority funding list. Finance Officer McLaughlin stated the priority list will be further considered after the next audit is conducted. Commissioner Hartman asked Holsworth if Hermosa is using the Custer County Housing TIF and was told no, and that the existing TIF expires in one year. Holsworth anticipates a new development will be included in the TIF, as well.

### K. Hermosa Water User's Association

1. Moritz Espy provided the Commission with an update on the association's current water project. Espy stated that the materials are beginning to arrive and installation is scheduled for this summer. He thanked the Commission for help in funding this project. He stated they have not received any formal requests for water hookups from incoming developers, noting the main use is for livestock, but the association would be willing to sell water to others. Espy was asked if there were any plans to install fire hydrants. It was also noted that the Hermosa water board would support a water source for fire preventing and suppression.

# L. Custer Area Economic Development Corporation

1. Phil Abernathy appeared before the Commission as Treasurer of the CAEDC and presented two funding requests. First is a request for \$2500 to help fund a current housing study; noting that the last study was conducted in 2018. He stated this study is focused mainly in the Custer City area, but at Chairman Lintz' request, will push to include all communities in Custer County. Motion to approve \$2500 to CAEDC for housing study made by Hartman;

seconded by Hindle; vote taken, Hartman and Hindle aye; Bies and Linde nay; Chairman Lintz voted aye; motion carried.

2. Abernathy also shared the CAEDC would like to hire a part-time executive director, as the current staff is comprised of volunteers. He asked the Commission to reconsider his previous request for \$10K to help fund a director. It was noted that the CAEDC has presented the same request to the City of Custer, but their decision rests on whether or not Custer County contributes first. Commissioner Hartman stated that there are a lot of organizations within Custer County that depend solely on volunteer directors and that Custer County does not have the means fund all of the director positions. Chairman Lintz and Commissioner Bies agreed.

#### M. Old Business

- 1. Legal Counsel, Susan Anderson, presented request to vacate section line re: Streff (Resolution 2022-16). This request was previously denied, but upon further review and other similar requests obtaining approval, it was decided to hold further discussion regarding the matter. Planning Director Kester noted that the Planning Commission had previously approved the request and stated that all adjoining properties have utilities. Streff stated there is a structure located on the section line and is in need of replacement; therefore the section line needs to be vacated. Commissioner Bies said he would rather grant a variance for new construction rather than vacate the section line. Streff noted that the section line does not affect adjoining properties and sees no need for the line. Commissioner Hartman asked why the vacation would be denied as the County has granted many other similar requests. Further discussion was held. Motion to approve vacation of section line made by Hartman; seconded by Hindle, vote taken; Hartman and Hindle aye; Bies and Linde nay; Chairman Lintz aye; motion carried.
- 2. Letter of support re: Joe Raver/hand sanitizer manufacturing and distribution venture was discussed. Legal Counsel Anderson previously drafted a letter of support/statement stating Custer County has no zoning ordinances preventing the venture from moving forward within Custer County. However, Chairman Lintz stated since first presented, more information has come to his attention regarding the matter. Lintz stated that Custer County was not given full and accurate information; the proposed building was not sold, nor a purchase agreement in effect; no corporation has been formed or filed; no funding requirements have been met and thusly he is not in favor of a letter of support. Chairman Lintz stated he feels Custer County was mislead at the previous meeting and presentation. Motion to table until a later date made by Bies; seconded by Hindle; vote taken, all aye; motion carried.
- 3. Letter of support re: Todd Konechne—French Creek was presented and discussed. Mr. Konechne drafted a letter and provided a copy to the Commission. It was requested that Julie-Frye Mueller and Trish Ladner be copied in, as well. Konechne stated he is asking for support of the Commission as representatives of Custer County residents and that he doesn't feel that studies nor notifications were properly executed. He stated he is not opposed to the project, but rather, the location of wastewater. He feels this will negatively affect French Creek and its residents, as well as those using the creek recreationally. Peg Ryan spoke on behalf of the City of Custer and stated that by drafting a letter of support, it is pitting Custer County against the City of Custer and felt it would be detrimental. Ryan stated that all requirements have been met; that many meetings have been held regarding this project over the past three years and asked why there are objections at this point. Ryan requested the Commission to rethink the letter of support. Also present was engineer Dana Foreman, KLJ Engineering. Foreman stated that all requirements and regulations for the project have been met, including wastewater

treatment and water quality and asked that the Commission not support Konechne's letter. Further discussion was held and as a result, motion to table until December 28, 2022 Commission meeting was made by Bies; seconded by Linde; vote taken, all aye; motion carried.

4. Ken and Vivian Couch, although not in attendance, requested the Commission address their concerns regarding trucks hauling on 7-11 Road creating excessive dust. The Couches inquired about the FLAP (Federal Land Access Program) and Custer County's role in the program. Highway Superintendent, Jesse Doyle, stated neither Custer County nor Wind Cave National Park are participants in the program. Doyle noted that Custer County is a pass-through agency for Friends of Wind Cave and that the haul road runs through the Couch's property. Doyle also stated he was in touch with the contractor and requested the haul trucks maintain a lower speed when passing through the property.

### J. Commission

- 1. Mail call none
- 2. Meeting Schedule -
- a) Chairman Lintz noted the December 9, 2022 employee dinner was very good and had a high turnout.
- 3. Meeting Reports
  - a) Commissioners Linde and Hindle attended a meeting a Custer City Hall on Tuesday.
- 4. Finance Officer, Dawn McLaughlin, requested Commissioners attend a short presentation to be held in the Commission room immediately following the December 28, 2022 meeting.

# K. Adjourn

Motion by Linde and seconded by Bies to adjourn the meeting at 10:04 AM. The next meeting will be at 8:00 AM, December 28, 2022, in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Published once at the total approximate cost of \_\_\_\_\_\_.

Barbara Cox, Custer County Deputy Auditor