

Minutes of the Custer County Commission Meeting Wednesday, December 28, 2022.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde were present; Commissioner Hindle via telephone; Commissioner Bies was absent. Legal Counsel Susan Anderson via telephone. Also present was 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 to add under "Old Business" to be inserted under item "F" as follows: French Creek Discharge Letter. Motion to approve Agenda as amended made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

C. Consent Agenda

Vouchers approved as follows:

PAYROLL: 12-20-22 Payroll: Commissioners \$11,765.41; Auditor \$5,478.26; Treasurer \$13,553.53; Info Systems & Technology \$3,239.12; State's Attorney \$14,298.43; Courthouse Building \$9,840.33; Director of Equalization \$19,027.57; Register of Deeds \$7,715.64; Veteran's Service \$795.55; Human Resources \$2,493.03; Sheriff \$49,626.33; Coroner \$657.45; Nurse \$869.43; Library \$8,857.80; Conservation \$501.62; Weed & Pest \$2,026.17; Planning \$6,912.87; County Road & Bridge \$56,335.37; Emergency Management \$2,859.86; 24/7 Sobriety \$1,685.63; Emergency Line F \$17,758.83

COMMISSIONERS: Pitney Bowes/Purchase \$2,015.00; Quill \$43.82, Quill Credit \$43.82; SDML Workers \$514.00; Laughing Water Restaurant \$2231.07; Sam's Club \$83.28; Verizon \$82.18; A&B Business 144.00; Verizon Fleet \$32.38

COURT APPOINTED ATTORNEY: Southern Hills Law \$2,856.58

ELECTION: Custer Deli \$640.38; Sam's Club \$238.47

AUDITOR: A&B Business \$617.55; Finance Charge credit \$10.86; Quill \$517.18; SDML Workers \$367.00

TREASURER: A&B Business \$365.83; Quill \$53.95; SDML Workers \$367.00

STATE'S ATTORNEY: A&B Business \$174.24; Koeze Company \$344.88; Quill \$307.86; SMDL Workers \$367.00; Carolyn Harkins \$821.70; RC Police Dept. \$60.00

MAINTENANCE: Verizon \$41.87; Verizon Fleet \$32.38; Warne Chemical \$134.19; Menards \$252.81; Amazon \$727.22; Black Hills Chemical \$470.11; Lowes \$516.96; Bomgaars \$63.89; Hillyard \$139.20; SDML Workers \$3,460.00; Custer Ace \$61.13

DIRECTOR OF EQUALIZATION: A&B Business \$91.66; Verizon Fleet \$16.19; Custer Car Wash \$9.75; Custer Ace \$6.38; Vista Print \$36.73; Do It Best \$21.29; Office Depot \$37.26; SDML Workers \$2,462.00

REGISTER OF DEEDS: SDML Workers \$147.00; US Bank \$126.40; A&B Business \$134.43

VETERANS SERVICES: SDML Workers \$73.00; A&B Business \$149.64

INFO TECHNOLOGY: USPS \$120.00; Flip Builder \$37.28; SDML Workers \$560.00

SHERIFF: Verizon \$477.90; A&B Business \$194.65; Fairfield Inn \$384.00; SG Ammo \$1,115.45; LexisNexis \$85.00; Public Agency Training \$125.00; CDW \$595.71; Lynn Peavey \$211.22; Kelly Inn \$393.30; Brownells \$226.92; Outdoor Warehouse Credit \$294.99; Amazon \$45.85; USPS \$12.65; Quill \$269.79; Rushmore Communications \$222.40; SDML Workers \$14,878.00; Battle Mt Humane \$1,000.00

PRISONER CARE: City of Rapid City \$160.00 Pennington County Jail \$14,660.00

SAFETY OFFICER: Sam Smolnisky \$250.00

SEARCH & RESCUE: Lynn's \$92.03; SDML Workers \$724.00; Sam Smolnisky \$1,609.11; Unique off Road Products \$1,875.00

AIRPORT: Do it Best \$211.85; Amerigas \$257.16; SDML Workers \$880.00; Brenden Hendrickson \$655.54

NURSE: SDML Workers \$29.00

LIBRARY: SDML Workers \$463.00; Century Link/Lumen \$16.29; Amazon \$1,847.54; Family Dollar \$4.79; Walmart \$182.59; Follett School Solutions \$169.78; Home Depot \$248.89; American Library Association \$175.00

FAIR: SDML Workers \$985.00

EXTENSION: SDML Workers \$73.00; Erin McGlumphy \$550.81; Verizon \$64.02; A&B Business \$170.67

WEED & PEST: A&B Business \$152.00; Verizon Fleet \$32.38; Grainger \$111.46; Northern Tools \$41.69; U-Line \$1,699.76; SDML Workers \$2,316.00

PLANNING: A&B Business \$182.11; Verizon Fleet \$16.19; SDML Workers \$1,222.00

COUNTY ROAD & BRIDGE: A&B Business \$159.88; Verizon Fleet \$372.3; Butler Machinery Co \$1,000.00; Floyds \$0.07; French Creek Supply \$330.95; Quill \$561.94; SDML Workers \$23,498.00; Kieffer Sanitation \$262.67; Servall Towel & Linen \$128.65; Rosane Construction \$93,982.00; Snap on Tools \$53.25; Custer Ace Hardware \$86.70; Carl's Trailer Sales \$17,950.00; Pomp's Tire Service \$503.60; 63 Industries \$247,300.00; Century Link/Lumen

\$24.68; Nelson's Oil & Gas \$2,462.05; MG Oil Company \$33,554.09; Great Western Tire \$5,202.26; Dakotaland Autoglass \$500.00; Pacific Steel & Recycling \$169.75; Northern Truck Equipment \$13,897.00; A&B Business \$159.88; Verizon Fleet \$372.37

FIRE PROTECTION: SDML Workers \$5,993.00

EMERGENCY MANAGEMENT: SDML Workers \$634.00; Verizon \$46.87; A&B Business \$158.82; Du Ha Storage \$189.95; Adobe #255.47

24/7: SDML Workers \$147.00

COUNTY BUILDINGS: Black Hills Energy \$1,669.28; McGas \$796.14; A&B Pure Water \$75.39; Sam's Club \$131.48; Amazon Credit \$530.33; Hillyard \$69.60; Ebay \$401.00; Menards \$190.99; 1000Bulbs \$160.58

EMERGENCY LINE: SDML Workers \$441.00; A&B Business \$156.92; Range \$29.77

HUMAN RESOURCES: SDML Workers \$73.00; Verizon \$16.44; Ramkota \$101.00

CORONER: SDML Workers \$29.00

MENTALLY ILL: Kennedy Pier Loftus Reynolds \$414.10

MENTAL HEALTH CENTER: Audra Hill Consulting \$125.63

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

D. Conflict of Interest Declarations – None

E. 8:05 AM Public Hearing

1. Public hearing was held re: application for Section Line Vacation re: Parcels: 015355, 006008, 006023, 006024, 006009, 006010, 006022, 001645 Bauer, et al. There were no public comments and Planning Director, Terri Kester, recommended final approval.

2. Resolution 2022-20 Vacation of Section Line Highway Right of Way. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

F. 8:10 Public Hearing

1. Public Hearing was held re: Section Line Vacation on the following parcels: 015718, 015717 & 002432 Jeff Rich. There were no comments from the public. Planning Director, Terri Kester, informed the Commission that the Planning Commission recommends vacating only a portion of the section line.

2. Resolution 2022-21 Vacation of Section Line Highway Right of Way. Motion to vacate following the Planning Commission's recommendation made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

G. Old Business

1. French Creek Letter of Support—Todd Konechne was present via phone to discuss his previous request for the Commissioners to draft a letter of support regarding the City of Custer’s intent to discharge wastewater into French Creek. Konechne presented a draft he had written, as well as an edited version of the Commission’s original draft. Legal Counsel, Susan Anderson, (via phone) also presented the Commission’s original draft, and felt it was the version that best fulfilled Konechne’s request. Discussion was held and it was decided to send the Commission’s original version to the City of Custer, as it best fulfilled the agreed upon points without being contentious. There was further discussion amongst the members of the public, Commissioners and Mayor Brown regarding proper notifications and environment impacts. Ultimately, Chairman Lintz called for order and reiterated that the County does not have the authority to mandate what the City of Custer decides. Motion to authorize Chairman Lintz to sign original draft of Commissioner’s letter made by Hindle; seconded by Linde; vote taken, Hindle and Linde aye; Hartman nay; motion carried. Chairman Lintz added as his opinion only that he is in agreement that proper notifications were not made, but the County’s interest in the matter is concluded.

H. Planning

1. Planning Director, Terri Kester, presented the Final Plat of: LOT 2A WEST AND LOT 2A EAST OF BIRD SUBDIVISION, LOCATED IN THE NW ¼ NE ¼ OF SECTION 33, T2S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA and recommended board approval. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

2. Kester also presented the Final Plat of: ROETZEL TRACT WEST AND ROETZEL TRACT EAST, LOCATED IN SECTION 25 AND THE E ½ E ½ OF SECTION 26, T2S, R3E, BHM, CUSTER COUNTY, SOUTH DAKOTA and recommended approval. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

3. Kester requested that Final Plat of: TRACT WESTDAK NORTH & TRACT WESDAK SOUTH, OF HENDRICKSON SUBDIVISION OF H.E.S 67, LOCATED IN THE SW ¼ OF SECTION 5, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA be approved by the Commission. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

4. Kester requested the appointment of two Planning Commission members. She stated there are two 3-year terms available and 4 applicants. Kester shared that Ed Hoffman and Patti Lee will be leaving the Planning Commission and recommended that Ron Lauritsen be moved from alternate position to full time. It was also recommended that applicant Eric Lewis be selected as a full-time member. It was decided to select an alternate member at the January 4, 2023 Custer County Commission meeting. Motion to approve Ron Lauritsen and Eric Lewis as full-time Planning Commission members made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

5. Kester presented corrected Staff Reports to the Commission and they were so acknowledged.

I. Dusty McDill

1. Dusty McDill appeared before the Commission to discuss late fees and fines imposed on unpermitted structures on his property. McDill stated after checking the Planning Department’s website regarding which type of structures required building permits, he felt he was in compliance as he was constructing canopies and that he did not need to obtain a permit based

on his research. Kester stated that the structures were constructed of wood with a metal roof and therefore, did not meet the definition of a canopy; which are temporary in nature and constructed with cloth or canvas. There was some discussion regarding the definition. McDill maintained that based on the information on the website at the time, permits were not necessary. Planning Director Kester stated the information has since been removed and a more concise version will be posted, thus eliminating any confusion. It was stated that late fees are imposed due to missed assessments not being collected in the tax process. Hartman noted that correct property taxes are important and requested that back taxes be calculated and paid current. McDill stated he is willing to pay for building permits, but not the steep fines and late fees. Chairman Lintz and Commissioner Linde feel it is imperative Custer County adhere to its policy. Commissioners Hartman and Hindle would like further research into the matter before a decision is made. Motion to table until January 4, 2023 Commission meeting made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

J. Sheriff's Department

1. Request for Auto-Supplement from Account #226-331.23 Homeland Security Grant to Account #101-4-211-426.00 Sheriff Supplies in the amount of \$21,820.00 to be approved presented by Jeff McGraw. Motion to approve supplement made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Acknowledgement of resignation of Deputy Kyle Sim was requested. Sim's resignation was effective December 14, 2022 and the Commission so acknowledged.

K. Department of Equalization

1. Class IV soils were discussed and it was noted that legislation that would change non-crop rated land and that letters have been sent to affected landowners. DOE Director, Leah Vissia, stated this will result in lower assessments. Chairman Lintz stated that the tax burden would then be shifted to other taxpayers; Vissia agreed. Vissia shared that this affects lands throughout Custer County, but predominately in the eastern portion.

2. Tara Traxler noted that staff is currently implementing data and that she expects that reappraisal of the Highlands area to be included in this year's assessments. Traxler stated that it will take approximately 5 years to complete the entire reassessment of Custer County properties. The DOE intends to begin reassessing properties located within cities during the winter months. Vissia stated that commercial buildings will need to increase more than 20% county-wide for the 2024 tax year and that by state statute the market continues to dictate those increases.

L. Maintenance

1. Maintenance Supervisor, Joseph Panza, discussed proposed maintenance contract for the elevator located at the 1881 Courthouse Museum. Panza noted there are different levels of maintenance, but recommends entering into the Gold Contract, as it is more inclusive and would cost less long-term. Panza noted that before TK Elevator Corporation would enter into the contract, a load test would be required at a cost of \$6,185.96. Panza also noted this expense would need to be supplemented as it is not included in the current maintenance budget. Motion to approve load test and Gold Contract made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

M. Auditor

1. Finance Officer, Dawn McLaughlin, presented Resolution 2022-22 Supplemental Budget 2022 for Commission approval. The total amount to be supplemented is \$235,478.09 and means of finance will come from the Commissioners’ Contingency Fund Balance. Motion to approve Resolution 2022-22 made by Hartman; seconded by Linde; vote taken, all aye; motion carried.



Supplemental Budget 2022

Whereas, The Board of County Commissioners propose a supplement to the General Fund Budget (101) in the amount of \$235,478.09; \$180,000.00 for the Commissioner Budget; \$8,932.17 for the Election Budget; \$40,000.00 for the Treasurer Budget; \$4,334.18 for the Veteran Service; \$387.33 for Info Technology; \$1,824.41 for the Coroner; . Means of finance will come from the Commissioners Contingency Fund Balance.

101-4-112-423	Commissioners Contingency		\$ 250,000.00
101-4-111	Commissioners	\$ 180,000.00	\$ 70,000.00
101-4-120	Election	\$ 8,932.17	\$ 63,067.83
101-4-142	Treasurer	\$ 40,000.00	\$ 23,067.83
101-4-165	Veteran Service	\$ 4,334.18	\$ 16,733.85
101-4-171	Info Technology	\$ 387.33	\$ 16,346.32
101-4-115	Coroner	\$ 1,824.41	\$ 14,521.94
		\$ 235,478.09	

Now Therefore Be It Resolved by the Board of County Commissioners to adopt the Supplemental Budget for 2022.

Dated this 28th day of December 2022.


 Jiri Lintz, Chairman

 Mike Linde

 Craig Hinde


 Mark Hartman

 Travis Bies

 Attest: Dawn McLaughlin, Auditor/Treas



N. Library

1. Jessica Phelps, Library Director, requested Commission approval to appoint two Library Board trustees. Phelps noted there are two vacancies and two applicants; Kibbon Rittberger and Leo Van Sambeek. Motion to approve new trustees made by Linde; Seconded by Hartman; vote taken, all aye; motion carried.

2. Phelps also requested approval to hire a library assistant for part-time relief position to cover approximately 3 days per month. Motion to approve made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

O. Public Comment –

1. Dan Holsworth, Town of Hermosa, gave an update on the lagoon project and noted that the plans have changed to construct a larger lagoon than originally planned. He also stated

that water samples for the WRT project have been sent to Colorado for testing. Holsworth invited the public to come to Hermosa and view the annual light show, with proceeds going to the Shriners to be used locally.

2. LeaAnne McWhorter noted the Custer County Republican meeting will be held Tuesday, January 3, 2023 at 5:30 in the Pine Room at the library.

P. Commission

1. Mail call – VFW request for acknowledgement of Queen of Hearts game.
2. Meeting Schedule –
 - a) Chairman Lintz noted a law enforcement meeting to be held Dec. 28, 2022.
 - b) McLaughlin stated there would be an oath of office ceremony held Tuesday, January 4, 2023 in the courtroom.
 - c) Tim Holland reminded the Commission there will be a presentation by Jackie Bauer held immediately following today’s Commission meeting.
 - d) Chairman Lintz shared that he is drafting a letter to GFP, with all Commissioners having input challenging Custer State Park’s direct competition with local, private business without paying for services or taxes.
3. Meeting Reports – none.

Q. Adjourn

Motion by Hartman and seconded by Linde to adjourn the meeting at 9:54 AM. The next meeting will be January 4, 2023 at 8:00 AM 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 _____.