

Minutes of the Custer County Commission Meeting, Wednesday, January 25, 2023

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Michael Busskohl and Dawn McLaughlin, Finance Officer. Commission Legal Counsel Susan Anderson was present via internet meeting.

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 amend Agenda to add "VIP Road" under Item "G—Planning" made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

C. Consent Agenda

1. Motion to approve Agenda as amended made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

Vouchers approved as follows:

PAYROLL: January 10, 2023 Payroll: Commissioners \$9,488.98; Auditor \$8,395.82; Treasurer \$12,980.43; Info Systems & Technology \$3,159.03; State's Attorney \$14,250.19; Courthouse Building \$8085.34; Director of Equalization \$20,046.55; Register of Deeds \$5,323.29; Veteran's Services \$2,024.95; Human Resources \$2,697.48; Sheriff \$54,006.34; Coroner \$803.40; Nurse \$1,275.15; Library \$10,037.01; Conservation \$717.73; Weed & Pest \$2,153.23; Planning \$7,592.61; County Road & Bridge \$44,102.44; Emergency Management \$3,056.05; 24/7 Sobriety \$1,859.22; Emergency Line F \$22,572.62. January 25, 2023 Payroll: Commissioners \$9,049.34; Auditor \$8,107.96; Treasurer \$12,090.34; Info Systems & Technology \$3,159.02; State's Attorney \$13,838.60; Courthouse Building \$7,694.18; Director of Equalization \$19,881.85; Register of Deeds \$5,149.02; Veteran's Services \$1,743.22; Human Resources \$2,655.72; Sheriff \$47,749.75; Coroner \$1,106.92; Nurse \$881.36; Library \$10,068.65; Conservation \$717.71; Weed & Pest \$2,439.37; Planning \$6,979.48; County Road & Bridge \$36,506.79; Emergency Management \$3,851.12; 24/7 Sobriety \$2,191.82; Emergency Line F \$19,380.45.

COMMISSIONERS: Southern Hills Publishing \$247.68; SD Ass'n of County Officials \$150; Golden West Telecom \$27.01

AUDITOR: Golden West Telecom \$135.08; Tracy Fish \$768; Tyler Technologies \$1,800.

TREASURER: Southern Hills Publishing \$376.89; Golden West Telecom \$135.08

ELECTION: Marlene Boro \$243.06

STATE'S ATTORNEY: LexisNexis \$370; Golden West Telecom \$135.08; Culligan Water \$38; RC Police Dept. \$60.

COURT-APPOINTED ATTORNEY: Southern Hills Law, PLLC \$2,382.13

MAINTENANCE: Custer Ace Hdwe \$20.96; Golden West Telecom \$27.01

DIRECTOR OF EQUALIZATION: Southern Hills Publishing \$46.95; Golden West Telecom \$189.11; SDAAO Treasurer \$450.

REGISTER OF DEEDS: Golden West Telecom \$54.03; State of SD \$31.50

VETERANS SERVICES: Vector Design \$25.77; Golden West Telecom \$27.01

INFO TECHNOLOGY: Golden West Telecom \$734.03; Schneider Geospatial \$19,740; Golden West Technologies \$6,966.51

SHERIFF: BHEC \$13.07; BH Energy \$92.11; Nat'l Sheriff's Ass'n \$71; Verizon Wireless VSAT \$50; Verizon Comm. \$17.82; Pheasantland Ind. \$195.34; Golden West Telecom \$281.14; A&B Pure Water \$54.98; A-Z Shredding \$6.40; Battle Mt. Humane Society \$1,000.

PRISONER CARE: Kevin Kirschenmann \$75; City of Rapid City \$200; Pennington Co. Jail \$17,479.44; Ruth Airheart \$150; Ann Allen \$75; Satellite Tracking \$100.75; Jaquelyn Nelson \$75; Linda Nohr \$75.

MENTALLY ILL: Dean Schaefer Court Reporting \$24.

MENTAL HEALTH CENTER: New Trails Ministry \$600.

HUMAN RESOURCES: Div. Criminal Invest. \$43.25; Golden West Telecom \$27.01

AIRPORT: Golden West Telecom \$113.93; Brenden Hendrickson \$4,110.

CORONER: Ruth Airheart \$341.24

LIBRARY: Mt. Rushmore Telephone \$134.40; Golden West Telecom \$116.20; Centurylink \$20.86

WEED & PEST: BHEC \$110.20; Golden West Telecom \$27.01; Weed & Pest Conference \$170.

EXTENSION: Golden West Telecom \$118.12

PLANNING: Southern Hills Publishing \$123.41; Golden West Telecom \$108.06

COUNTY ROAD & BRIDGE: A&B Welding \$127.09; BHEC \$1,548.82; BH Energy \$83.12; Butler Machinery \$2,323.93; Diesel Machinery \$606.11; Floyd's Truck Center \$148.76; French Crk. Supply \$2,921.48; Fastenal \$1,584.22; Godfrey Brake \$892.09; Interstate Batteries \$149.95; Lynn's Dakotamart \$140.13; Mt. Rushmore Telephone \$119.65; S&B Motor Parts \$3,074.39; SD DOT \$2,899.69; Kieffer Sanitation \$521.58; Servall \$128.65; Town of Buffalo Gap \$61; Snap On Tools \$23.25; Western Communications \$45.03; BH Truck & Trailer

\$4,608.51; Custer Ace Hdwe \$64.96; Golden West Telecom \$202.36; A&I Dist. \$361.65; Culligan \$52; Centurylink \$20.86; Nelson’s Oil & Gas \$12,910.61; Great Western Tire \$778.85; Dakota Fluid Power \$158.14;

EMERGENCY MANAGEMENT: BH Energy \$23.72; Verizon Comm \$1.62; Golden West Telecom \$44.98

SEARCH & RESCUE: BH Energy \$715.74; Custer City \$86.01; CC S&R Budget 2023 \$28,500; Sander Sanitation \$19.10; Golden West Telecom \$93.95.

COUNTY BUILDINGS: BHEC \$566.79; BH Energy \$7,479.11; Custer City \$221.95; McGas \$1,312.73; Adtech \$424.49; Custer Ace Hdwe \$71.50; A-Z Shredding \$29.30

24/7 Sobriety: Pharmchem \$62.90

EMERGENCY LINE F: Powerphone \$7,571; Golden West Telecom \$565.53; A&B Pure Water \$54.97

D. Conflict of Interest Declarations – None

E. Highway

1. Rich Zacher, SD DOT appeared before the Commission to discuss an upcoming bridge replacement project that is scheduled to begin in the fall of 2024 with an anticipated completion date of April, 2025. Zacher noted the project will require a detour and provided the Commission with maps outlining the detour segments, including portions of LH Road; Cobb Road; N Cobb Road and a portion of the Wildlife Loop in Custer State Park. The total detour route is 8.68 miles. The project entails replacement of a bridge located approximately 1 mile west of the east entrance to Custer State Park on Hwy. 16A. Zacher noted the bridge was originally constructed in 1927 and is not able to be saved. Highway Superintendent, Jesse Doyle, stated that SD DOT will take care of all press releases; signage and will apply magnesium chloride throughout the project. He noted there will be a haul-road agreement in place, as well. Doyle also noted that it is an advantage to Custer County to have SD DOT handle this project.

2. Superintendent Doyle proposed a section line improvement between Harris Lane and Aspen Lane, south of Custer. He stated there is one mile of unconstructed roadway between the two that he is proposing Custer County build at an estimated cost of \$225K (gravel surface). He has spoken with USFS and presented preliminary information to the Planning Commission. He stated the USFS believes this is a positive plan. Doyle noted the proposed addition to county road maintenance will not go directly from Sidney Park Road to Hwy 385, but rather to Old Sawmill Road. This would provide an alternate route into and out of the City of Custer and would be advantageous in cases of flooding or fire. The road would also serve as a firebreak. Commissioner Hindle is in favor of the idea, stating this would add additional access and egress points. Doyle said he is not looking for a decision immediately and would like feedback from citizens. Legal Counsel, Susan Anderson, stated this improvement would have to follow the same guidelines and process as any other section line improvement.

F. Auditor

1. Finance Officer, Dawn McLaughlin, presented the Commission with Amended Resolution 2022-22; Supplemental Budget 2022 for approval and signature. McLaughlin explained there were some adjustments since the 2022 Budget closed out and are reflected in this amendment. Motion to approve Amended Resolution 2022-22 made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.



Whereas, The Board of County Commissioners propose a supplement to the General Fund Budget (101) in the amount of \$196,819.34: \$117,581.52 for the Commissioner Budget; \$8,976.63 for the Election Budget; \$40,000.00 for the Treasurer Budget; \$5,262.50 for the Veteran Service; \$387.33 for Info Technology; 2,198.72 for Airport, \$11,099.25 County Fair, \$9,115.39 Highway and Bridge, \$2,200.00 for the Coroner; . Means of finance will come from the Commissioners Contingency Fund Balance.
Now Therefore Be It Resolved by the Board of County Commissioners to adopt the Supplemental Budget for 2022.

Account Number	Description	Amount	Contingency Balance
101-5-122-429	Commissioners Contingency		\$ 250,000.00
		\$	\$
101-4-111	Commissioners	117,581.52	132,418.48
		\$	\$
101-4-120	Election	8,976.63	123,441.85
		\$	\$
101-4-142	Treasurer	40,000.00	83,441.85
		\$	\$
101-4-165	Veteran Service	5,262.50	78,179.35
		\$	\$
101-4-171	Info Technology	387.33	77,792.02
		\$	\$
101-4-351	Airport	2,198.72	75,593.30
		\$	\$
101-4-524	County Fair	11,099.25	64,496.05
		\$	\$
203-4-201	Hiway & Bridge	9,115.39	55,380.66
		\$	\$
101-4-213	Coroner	2,200.00	53,180.66
		\$	\$
	Total	196,819.34	

Dated this 25th day of January 2023.


 Jim Lintz, Chairman

 Mike Linde

 Craig Hindle


 Mark Hagman

 Michael Busakohl

 Attest: Dawn McLaughlin, Finance Officer



G. Planning

1. Planning Director, Terri Kester, presented Final Plat of : GRIFFIN TRACT OF EVJEN'S TRACE SUBDIVISION, LOCATED IN THE W 1/2 SE 1/4 OF SECTION 16, T4S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA and recommended approval. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

2. Kester presented SCHMIDT TRACT 1 AND SCHMIDT TRACT 2, LOCATED IN THE SW4 OF SECTION 34, T3S, R5E, AND THE NW4 OF SECTION 3, T4S, R5E, BHM, CUSTER COUNTY, SOUTH DAKOTA for Commission approval. Kester noted Schmidts are asking approval for the lot split only at this point, since there is no easement from the USFS; which will be needed before further permits can be issued for improvements. If approved contingent upon USFS granting an easement, the Schmidts will not have to appear before the Commission again to proceed. Motion to approve contingent upon USFS granting easement made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

3. Kester presented Final Plat of: A PLAT OF SMOTHERS TRACT REVISED AND BEEMER TRACT REVISED, LOCATED IN THE SE ¼ NE ¼ OF SECTION 35, T2S, R6E, BHM, CUSTER COUNTY, SOUTH DAKOTA and recommended approval. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

4. Kester presented Planning Department statistics for 2020-2022. For the year 2020, there were a total of 470 permits issued with total fees collected in the amount of \$106,514.13. In 2021, total permits issued were 596, with total fees in the amount of \$174,612.94. For 2022, the total permits issued were 678, with \$197,321.36 in fees collected.

5. Planning Director, Terri Kester, appeared before the Commission to discuss VIP Road, and noted that the road does not meet County specifications, nor is it maintained by Custer County. Kester requested the Commission rescind its letter from June, 2019 which placed a moratorium on building, platting, waste water permits, and approaches until VIP road meets County specifications. Motion to rescind June, 2019 letter made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

H. Sheriff

1. Sheriff Mechaley discussed the annual contract between Custer County and Battle Mt. Humane Society. The current monetary request for the 2023 Contract is \$13,000 annually; up from \$12,000 in 2022. The rest of the Contract terms remain the same and Battle Mt. is paid on a monthly basis. Renewing the Contract requires both Auditor and Chairman's signatures. Mechaley noted that Custer County has a good working relationship with Battle Mt. and it is cost-prohibitive for the County to provide animal control. Commissioner Busskohl stated he would like Battle Mt. to provide a call log and inquired if Custer County can override and remove animals, if needed. Busskohl said Custer County needs more input with Battle Mt. Humane Society animal control. Motion to approve 2023 Contract made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

I. Courthouse Security Committee

1. Lt. McMillin appeared before the Commission to discuss the Security Committee and stated this was recently established to improve security for both employees and visitors. McMillin stated the need for upgrades in the security cameras, as well as replacing the panic buttons. McMillin requested Commission approval to apply for grants, which would cover the majority of the cost for these upgrades, at a 75/25 match. Motion to apply for grant made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

J. Safety Coordinator

1. Commissioner Hindle spoke on behalf of HR Director, Timothy Holland, regarding the Safety Coordinator position and potential candidates. Hindle stated there were four employees interested in the position, and it was decided the position would be offered to Jamie DeNoma. The Safety Coordinator earns \$3,000/per year. Motion to appoint Jamie DeNoma as Safety Coordinator made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

K. Department of Equalization

1. Director, Leah Vissia and Deputy Tara Traxler appeared before the Commission to update the status of the reappraisal process. Traxler noted that reappraisal is completed in the Highlands area. She stated that Highlands, Fairburn and Pringle will be included in the assessment rolls this year.

2. Vissia presented the Commission with spreadsheets showing all sales from November 1, 2021 through October 31, 2022. Information provided shows parcel number, legal description; acres, selling price, land value, ratio as well as new building value, new land value and new ratio. The provided spreadsheet also included potential rejected sales to be determined at the state level. Vissia also discussed manual level (Vanguard) increases; those increases take into consideration factors such as depreciation and grade. Commercial property levels increased, as well. The increases localize the value to Custer County. Vissia also spoke about MAP factor, which breaks down values to specific areas. The only increase for the MAP factors are all commercial within city limits and Custer City. Vissia went on to discuss tiered acres and how land is assessed and noted that each township has a definite line, based on the market in that particular township; as well as square-foot; front-foot; unit and site assessments. Vissia noted that Stone Hill was assessed too high and she created a different category to reduce those land values. She will be sending the current information to the State for review. Vissia noted the factor needs to be at 85%; stating that Custer County was at 82% last year. She said that sales are down, but prices have not dropped at this time. LeaAnne McWhorter shared that the Tax Committee recommended a bill to reduce assessed values on owner-occupied, single-family properties by \$100K, noting that HB1043 is currently being introduced. Vissia stated if this bill passes, Custer County will lose \$350 Million in assessed values, which will increase the levy (school only).

L. Fire Advisory Board

1. Susan Anderson updated the Commission on the Fire Advisory Board's recommendation for the Custer County Fire District project. She stated the board is in favor of creating a new fire district, with an anticipated election in June, 2023. Finance Officer, Dawn McLaughlin stated \$690K was assigned to the Custer County volunteer fire departments for 2023; \$90K of which will be used by the Fire Advisory Board for designated coordinators. McLaughlin said consulting fees will be paid from the Commissioners' professional fees account and be supplemented at the end of the year. McLaughlin is to be provided with copies of all expenses incurred.

2. Anderson requested approval and Chairman's signature on Independent Contractor Consulting Agreement with Fire Facts, LLC. (Tim Behlings) The contract rate is \$30/hour, plus per diem and Anderson recommended approval. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

3. Anderson also requested approval and Chairman's signature on Independent Contractor Consulting Agreement with Selena Spring. The contract rate is \$20/hour, plus per diem and Anderson recommended approval. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

M. Custer Volunteer Fire Department

1. Updated CVFD Roster was presented and acknowledged by the Commission.

N. Custer County Fair Association

1. Custer County Fair Association provided an updated Board Member and Volunteer Roster that was acknowledged by the Commission.

O. Airport

1. Legal Counsel, Susan Anderson, presented request for reimbursement for Mead and Hunt for services rendered for CUT East Hangar Taxi Lane Extension in the amount of \$9,505.21; which is 5% of the local request due. This request will be paid from the Airport budget. It was also noted that grant funds are paid directly to Mead and Hunt and not to Custer County. Motion to approve expenditure made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

P. Emergency Management

1. EMS Director, Steve Esser, provided LEMPG 85-21 Single-Signature Form for 2023 1st Quarter and requested the Chairman's signature. Esser noted this quarterly form is required for reimbursement funding for half of his wages and benefits. Motion to approve signature made by Linde; seconded by Buszkohl; vote taken, all aye; motion carried.
2. Esser updated the Commission on the Hazard Mitigation Plan and stated once completed, FEMA has 3 months to approve. Esser explained it is necessary to have this plan in place should Custer County have a need for federal funding in emergency situations.

Q. Public Comment –

1. Michael Baldwin, Weed & Pest Supervisor, stated he is attending the State Weed & Pest Conference February 16-17, 2023 in Huron, SD. Baldwin said in order to qualify for state grants, two people from Custer County must be in attendance. He stated he is seeking anyone interested in attending and that all expenses will be covered.

R. Bryand and Sherry Streeter

1. The Streeter's requested the Commission to waive the fines they have been assessed from not having a building permit for their Cleary building that was built in 2016. The Cleary representative had told them that no building permit was needed. However, per the ordinance, it is ultimately the landowner's responsibility to secure the necessary permits from Custer County. A discussion followed. Thereupon, motion made by Buszkohl and seconded by Linde to require the fines to stand as assessed; vote taken, motion passed with Hartman voting nay.

S. Old Business--None

T. Commission

1. Mail call –
 - a) Letter from DANR re: Longview Minerals, LLC Notice of Filing. Discussion was held regarding lithium mining in Custer County and Chairman Lintz stated he was in Pierre testifying re: HB 1072. He said Custer County is experiencing added strain to its infrastructure due to lithium mining. Lintz also stated lithium will be a catastrophe for Custer County; that

foreign countries are currently paying only \$100 per 50-acre permit with very little return to the county. Lintz brought up several questions and possible solutions to produce income for Custer County. Chairman Lintz also stated the need for additional funding from Custer State Park to defer the cost of services that Custer County provides with very little remuneration and has made this request known to SD GFP.

- b) Letter from SD Dept. of Education regarding Average Daily Membership Report for 2021-2022.
 - c) Received request for appointed designee(s) from SD Dept. of Public Safety; Wildland Fire Division. Discussion was held and it was noted that any Commissioner can authorize payment for additional resources ordered in the event of wildland fire. This will be addressed by Resolution at the February 8, 2023 Commission meeting.
2. Meeting Schedule – None
3. Meeting Reports –
- a) Department Head meeting Jan. 15, 2023
 - b) Library meeting; 2 new board members sworn in; Hermosa Library plans; attended by Hindle and Buszkohl.
 - c) City meeting attended by Buszkohl.
 - d) YMCA meeting attended by Buszkohl.
 - e) Landfill and Senior Center meetings attended by Linde.

U. Executive Session

1. Motion to enter into Executive Session at 10:12 AM made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried. Executive session concluded at 10:37 AM; no action taken.

V. Commission Work Session: Proposed Custer County Fire District Project

Tim Behlings and Selena Spring, contractors approved by the Commission to coordinate the Custer County Fire District Project, addressed the Commission on draft objectives and asked questions for Commission guidance on moving forward with at vote in June 2023. The main objective is to organize and develop a plan and talking points for the five western county volunteer fire departments to be organized under a separately tax-supported fire district. The anticipated vote would take place in June 2023. It was specifically stated, that the full-time fire coordinator position would not be part of the scope for his project – named the Custer County Fire District Project. Even though the eastern volunteer fire departments may not be part of the initial district, it leaves the opportunity open for expansion to include them in the future.

The initial fire district boundaries will be drawn for the initial project which are necessary for voter identification for the election. The current county mill levy funding would stay in place to support the volunteer fire departments that are not initially included in this project. The plan is to develop media materials and host public Q&A sessions in the whole county, as well as print and social media campaigns to get-out-the-vote and provide reasoning for the fire district. The Commission would have to approve a resolution to create the district and authorize the vote.

It was noted that Jim Strain would still be involved in assisting Behlings and Spring in this project as he has done work on it in the past. Also, the Commission asked for updates at least once per month on the progress made for this project.

Chairman Lintz noted that the state of South Dakota should provide funding in lieu of taxes to support these services. It was also noted that the Buffalo Gap and Folsom volunteer fire department areas do not have the tax base to support a separate fire district taxation mechanism. The county will have to provide funding for those areas for fire protection.

Next, the discussion turned to the future new Custer Fire Department building. It was stressed that this new building would be in the proposed fire district, but not the reason for the fire district project. It was stressed that these are separate projects; however, they are integral to each other for the future of fire protection. Highway Superintendent Jesse Doyle noted that there are potentially infrastructure grants available for the building project and Michael Baldwin may be of assistance in researching available grant opportunities. A new Custer fire department building would have living quarters for 24-hour fire fighter coverage (at least 4 minimum per shift.) These full-time fire fighters would be employees and serve as a county-wide resource as volunteers are continuing to decrease nationwide.

Peg Ryan, representative for the City of Custer Council, stated that the City of Custer is on board with this project, and she stressed that even though the new Custer fire department building would be in the city limits, it still will be a county-wide resource. It was again stressed that the fire district funding was not to fund the new fire department building and that the public needs to know that these are separately-funded projects. Also, the volunteer fire departments within the potential footprint of the fire district project would remain individual fire departments.

W. Executive Session

1. Request for Executive Session made by Legal Counsel, Susan Anderson. Motion to enter into Executive Session at 11:28 AM made by Linde; seconded by Buszkohl; vote taken, all aye; motion carried. Executive Session concluded at 11:37 AM with no action taken.

X. Adjourn

Motion by Buszkohl and seconded by Linde to adjourn the meeting at 11:38 AM. The next meeting will be at 8:00 AM, February 8, 2023 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 _____.