

Minutes of the Custer County Commission Meeting Wednesday, February 22, 2023.

Members present:

Commissioners Jim Lintz, Mike Linde, Craig Hindle and Michael Buszkohl, Dawn McLaughlin, Finance Officer. Commissioner Hartman was absent.

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 Agenda made by Linde; seconded by Buszkohl; vote taken, all aye; motion carried.

C. Consent Agenda

1. Travel requests as follows: a) Emergency Management: request approval of meal and mileage reimbursement to Teresa Obenauer for Basic Wildland Firefighter training in Blackhawk, SD Jan 7-8 and Jan 21-22 in the amount of \$254.40. b) Department of Equalization request approval for 6 staff members to attend SDAAO Conference for recertification, to be held in Sioux Falls, SD 6-12-23 through 6-16-2023 at a total cost to Custer County of \$5,304. Vissia stated this expense is in the DOE budget for 2023. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried. Commissioner Hindle requested that all travel requests have prior Commission approval before attending.

2. Vouchers approved as follows:

PAYROLL: 2-25-2023 Payroll: Commissioners \$9,030.09; Auditor Subtotal \$8,105.33; Treasurer \$12,140.89; Info Systems & Technology \$3,159.03; State's Attorney \$13,838.61; Courthouse Building \$7,612.43; Director of Equalization \$19,089.95; Register of Deeds \$5,149.00; Veterans Services \$1,884.08; Human Resources \$2,655.48; Sheriff \$47,764.26; Coroner \$803.39; Nurse \$881.35; Library \$9,304.35; Conservation \$712.91; Weed & Pest Control \$2,158.05; Planning \$7,305.93; County Road & Bridge \$39,733.52; Emergency Management \$2,867.12; 24/7 Sobriety \$1,915.95; Emergency Line F \$19,255.46

COMMISSIONERS: Pitney Bowes \$2,100.42; Golden West \$27.02; Amazon \$18.59; Office Depot \$18.09; Custer Deli (FAB) \$424.99; WalMart (FAB) \$34.80; A & B \$312.43; Verizon \$82.18; Fleet \$32.38

COURT: Victor Gomez \$200.00; USPS \$6.90

AUDITOR: Golden West \$134.97; Amazon \$247.89; A & B \$928.61; Office Depot \$18.09; Rubber Stamp \$263.40

TREASURER: Qualified Presort Svcs \$4,503.14; Golden West \$136.08; Office Depot \$14.16; Amazon \$195.98; A & B \$734.18

STATE'S ATTORNEY: SD CLE, Inc. \$75.00; SD Public Health \$150.00; Golden West \$134.97; Culligan \$31.50; A & B \$336.84; Klickitat Clerk \$32.00; Yakima Clerk \$35.50

COURT APPOINTED ATTORNEY: Garland Goff \$1,179.00; Gregory Sperlich \$996.50; Southern Hills Law \$1,304.69

MAINTENANCE: Black Hills Elec \$1,182.47; Black Hills Energy \$7,294.20; Chris Supply \$44.15; McGas \$605.24; Freeman's Electric \$369.12; Golden West \$26.99; A-Z Shredding \$12.14; Thyssenkrupp Elevator \$386.25; G & R Controls \$550.00; Verizon \$41.81; A & B Water \$75.39; Fleet \$32.38; Amazon \$488.17; Sam's \$390.16; Menard's \$164.23; WalMart \$18.26; Lowes \$17.98; Custer Car Wash \$16.00

DIRECTOR OF EQUALIZATION: Golden West \$188.96; A & B \$193.57; Fleet \$16.19

REGISTER OF DEEDS: Golden West \$53.99; A & B \$279.11

VETERANS SERVICES: Golden West \$27.24; A & B \$289.67

INFO TECHNOLOGY: Golden West \$733.99

HUMAN RESOURCES: Golden West \$26.99; Amazon \$513.50; Corexcel \$2,200.16; Verizon \$16.44

SHERIFF: Holiday Inn Express \$100.00; Quill \$90.41; Innovative Office Solutions \$190.22; Golden West \$425.26; A & B Water \$54.98; Stryker Medical \$156.00; Legal and Liability Risk \$850.00; SD Sheriff's Assn. \$575.00; A-Z Shredding \$29.94; DMV \$14.20; Battle Mt Humane \$1,083.00; A & B \$383.83; Verizon \$814.97; LexisNexis \$88.50; CDW-G \$519.20; Amazon \$87.57; USPS \$12.05

PRISONER CARE: City of Rapid City \$200.00; PennCo Jail \$421.08; Correct RX \$130.43; Care Campus \$226.00

SEARCH & RESCUE: Golden West \$93.95

AIRPORT: Grimm's Pump \$11,619.90; Golden West \$113.93; ForceAmerica \$1,014.26; Black Hills Trk & Trlr \$2,191.21

MENTALLY ILL: PennCo Public \$118.00

LIBRARY: Golden West \$117.69; Centurylink \$20.46; Amazon \$618.30

EXTENSION: SDSU Extension \$10,884.79; Golden West \$118.12; A & B \$295.74; Verizon \$40.01

WEED & PEST: Golden West \$26.99; Culligan \$6.50; A & B \$331.19; Fleet \$32.38; EventBrite \$30.00; SD Dept of Ag \$35.88

PLANNING: Quill \$249.59; Golden West \$107.98; A & B \$353.70; Fleet \$16.19

COUNTY ROAD & BRIDGE: Black Hills Elec \$1,783.63; Floyd's Truck \$566.23; French Creek Supply \$88.51; Fastenal \$424.13; Godfrey Brake \$52.68; S & B Motor Parts \$701.10; SD DOT \$204.00; Summit Signs \$1,917.00; Servall \$392.18; Snap-On \$60.50; Black Hill Trk & Trlr \$15,986.30; Custer Ace \$81.93; Golden West \$191.92; A & I Dist \$381.45; Culligan \$13.00; Centurylink \$20.46; Nelson's Oil \$1,765.76; Forward Dist \$36.95; Trail King \$956.51; A & B \$332.43; Amazon \$135.80; McKie Ford \$173.74; Sam's \$163.71

EMERGENCY MANAGEMENT: Golden West \$44.98; A & B \$343.29; Verizon \$81.71; Best Buy \$598.35

COUNTY BUILDINGS: Custer Do It Best \$15.37; Amazon \$1,095.13; Select Blind \$317.27; Lowes \$159.96; Menards \$159.94

D. Conflict of Interest Declarations – None

E. Highway

1. Highway Superintendent, Jesse Doyle requested approval for ROW Occupancy by Golden West Telecom for telecommunications facility on Highway CS316-18 Mile Road in Sections 33 & 4; Townships 5S and 6S; Range 4E, Custer County, SD. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

2. Doyle discussed proposed section line improvement regarding Harris Lane and Aspen Lane as previously addressed at the January 25, 2023 Commission meeting. Commissioner Hindle stated he has received negative feedback from residents affected by the proposed improvement and he does not believe Custer County should be building additional roadways. Commissioner Busskohl stated he has driven both the current and proposed routes and noted the proposed new route would greatly decrease drive time in emergency situations. After additional discussion, it was decided to table action until there was a full Commission in attendance. Motion to table until the March 8, 2023 Commission meeting made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

3. Request to table approval for ROW Occupancy permit from Wind Cave National Park for replacement of cattle guard on Beaver Creek Road as required paperwork has not yet been received. Motion to table until necessary paperwork received made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

4. Doyle noted there is an issue with Custer County maintenance system within the Department of Transportation's mapping program that incorrectly denotes areas that Custer County does not maintain. Doyle has been working with the state's GIS department to make corrections. He noted this is a statewide problem, not just within Custer County.

F. Planning

1. Planning Director, Terri Kester requested approval of final plat of: GEBES TRACT NORTH AND GEBES TRACT SOUTH OF DONLEY SUBDIVISION, LOCATED IN THE S ½ SE ¼ NE ¼ OF SECTION 33, T2S, R7E, Custer County, South Dakota re: Justin & Lacy Gebes. Kester stated this is a proposed lot split with access from 139th Avenue, which is not improved and does not meet County specs. The Planning Commission recommends approval only if the

road is brought up to standards. The property owners stated they would like to subdivide without making any improvements to 139th Avenue. Motion to approve contingent upon required improvements on 139th Avenue completed made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Kester presented and requested approval of final plat of: TRACT B4 AND TRACT C OF GJH SUBDIVISION, LOCATED IN THE SW4 OF SECTION 22, T4S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA re: Gary & Connie Hunsaker. Kester stated this is a proposed lot split and stated there may be potential sight line issues with future property approaches. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

G. Sheriff

1. Sheriff Marty Mechaley presented the Commission with Cooperative Law Enforcement Operating and Financial Plan Between Custer County Sheriff's Office and USDA, Forest Service Black Hills National Forest. Mechaley stated this is an annual agreement and recommended accepting the contract. Mechaley said the new agreement rates are up from \$24/hour to \$35/hour and the new mileage rate is .65/mile. Motion to accept made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

H. Courthouse Security Committee

1. Stephen McMillin presented an update on the Security Committee grants. He stated grants were approved for security upgrades for the Courthouse portion of the request (total cost of upgrades \$25,509.89). Custer County will be reimbursed 75% of that total cost (\$19,132.42). McMillin stated the requests for the Highway Dept. (\$4,143.96) and Library (\$3,117.34) were denied as those locations are not adjacent to the main Courthouse building, and therefore, do not meet the requirements. McMillin recommends completing the upgrades on all three locations at a total cost of \$32,771.19. It was noted that the Highway and Library would be able to budget for their respective portions of the upgrade expenses. Motion to approve entire project made by Hindle; seconded by Busskohl; vote taken; all aye.

I. Airport

1. Airport Manager, Brenden Hendrickson presented a request for Chairman's signature on FAA Approval of Agreement for Transfer of Entitlements re: Certificate of Economic Necessity. Hendrickson stated this is an attachment for the previously presented Certificate of Economic Necessity. Motion to approve Chairman's signature made by Hindle; seconded by Linde; vote taken; all aye.

J. Equalization

1. Director Leah Vissia presented the following requests for abatements:
 - a) Steve and Tamarah Caster in the amount of \$835.25 due to a misunderstanding on ag status. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.
 - b) Larry and Elaine Sanderson in the amount of \$225.99 as property should have been given owner-occupied status. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

c) Devon and Ruth Wilford in the amount of \$2,426.53 due to DOE error/incorrect parcel status. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

d) Greg and Jane Eide in the amount of \$578.61. The Eide's garage, deck and carport were destroyed by fire and DOE wasn't notified until after tax statements were sent. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Vissia informed the Commission of Caitlyn Green's resignation and noted she would be advertising for a full-time appraiser. Vissia also discussed the layoff of temporary staff during the month of March.

K. Auditor

1. Dawn McLaughlin, Finance Officer, made a request to obtain cost estimates for relocating the Treasurer's office next to the Auditor's office and relocating the Commission room to the Treasurer's office current location. It was noted that the Treasurer's office is also larger than the current Commission Room. The Finance Officer oversees both the Auditor and Treasurer's offices and it would be beneficial to both the staff and the public to have both offices connected.

2. McLaughlin presented a request for additional funding for the YMCA in the amount of \$10,000. McLaughlin said there was some confusion regarding the original request that was approved during the 2023 budget process; initially it was understood the 2023 request at budget approval was for \$7,000; not \$17,000 as requested in 2022. It was brought to the County's attention that the YMCA did, in fact want to request \$17,000. It was noted the YMCA also made a request to the City of Custer for an additional \$10,000, which was granted. Motion to pay additional \$10,000 request to the YMCA from contingency funds made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

L. Custer County Ordinance No. 23

1. The first reading of Amendment #1—Dated February 22, 2023 to Custer County Ordinance No. 23; an Ordinance Creating Licensing Provision to Cannabis Establishments within Custer County was presented to the Commission for approval. The amendment increases the initial application fee to \$125K. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

AMENDMENT #1 – DATED FEBRUARY 22, 2023
TO
CUSTER COUNTY ORDINANCE NO. 23
AN ORDINANCE CREATING LICENSING PROVISIONS
FOR CANNABIS ESTABLISHMENTS WITHIN CUSTER COUNTY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, SOUTH DAKOTA:

Custer County Ordinance No. 23 shall be amended as follows:

Under Section 4. LICENSE APPLICATION

(b) The applicant must submit the following:

Subsection (1) shall be deleted in its entirety and replaced with the following:

(1) Application fee of \$125,000.

Except as specifically amended, modified, or changed by this Amendment #1, the Custer County Ordinance No. 23 – AN ORDINANCE CREATING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS WITHIN CUSTER COUNTY, is, and will continue to be, in full force and effect.

CUSTER COUNTY COMMISSION


Jim Lintz, Chairman

Attest: 
Barbara Cox, Deputy Auditor



First Reading: February 22, 2023
Second Reading: March 8, 2023
Published Date: _____
Effective Date: 20 Days Following Published Date
Vote: _____ Aye _____ Nay

M. Weed and Pest

1. Michael Baldwin presented Master Participating Agreement re: Custer County and USDA, Forest Service Region 2 and BH National Forest Hell Canyon Ranger District and requested the Chairman's signature. Baldwin noted this is a new 5-year agreement and that no funds are attached. The funding attachments are presented separately on an annual basis. Motion to approve Chairman's signature made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

N. Custer Fire District

1. Motion to table proposed update until the March 8, 2023 Commission meeting made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

O. Old Business -- None

P. Public Comment –

1. Mark Nielsen addressed the Commission and noted that there are three houses that are currently in the public right of way, compromising emergency services access in the Star Valley Estates area. Nielsen stated he has contacted the owners (McDill) requesting them to have the buildings moved 14 months ago with no result. Nielsen asked if the Commission could look into the matter to enforce the move. It was noted to give a deadline and then take legal action if the matter is not resolved by then.

Q. Commission

1. Bies Ranch Land LLP Gravel Mining Permit Release was presented and Chairman's signature requested. The Highway Department has not utilized the gravel pit at that location over the past year. Motion to approve Chairman's signature made by Busckohl; seconded by Hindle; vote taken, all aye; motion carried.
2. Proposed Project with Auditor's Office & Commission Legal Counsel: Develop standard lease & tracking system for properties owned by the County and leased to non-profit entities was presented. It was noted there are currently no leases in effect for the 1881 Museum and Search & Rescue and others. Legal Counsel Anderson will draft leases for said entities.
 1. Mail call –
 2. a) Letter from SD State Historical Society re: Galena Creek Schoolhouse stating the building is now placed on the historic registry.
 3. b) Letter from DANR re: Longview Minerals, LLC with issued restrictions, which are available on their website.
 4. c) Letter from Bill Neu re: Petition to Vacate Abandoned Development of Wolf Lane Spur noting this proposed road was never constructed. The Planning department will take the proper steps to finalize the vacation.
5. Meeting Schedule – There is a March 3, 2023 District meeting scheduled to take place in Dewey County.
6. Meeting Reports – Linde and Busckohl attended the Custer City Council meeting. Busckohl attended meetings re: Custer City TIF; Hermosa Library, Planning, S&R, USFS and Department Head. Lintz attended a Fair Board meeting, discussing GFP grant for a new building, which would potentially cover 50% of the cost once construction is completed. Lintz requested volunteer help in the planning of the 100 x 80 ft building. He noted the Fair Board will be looking for positions, as well.

R. Town of Hermosa

1. Discussion was held regarding Parcel 015656; Permit No. 2022-09 194 Fairgrounds Place, Hermosa. Custer County Planning Director, Terri Kester, spoke regarding the matter, as no representatives from the Town of Hermosa were in attendance. Kester stated there was a building permit issued by both Custer County and the Town of Hermosa, and after the house was set onto the property, it was found to be 7 inches over the 20-foot sewer easement, which runs through the property. The Town of Hermosa is requesting Custer County send notice to the owner to reposition the home; reimburse the cost of the survey the Town of Hermosa had ordered, as well as pay for additional fill. After discussion, Commissioner Hindle recommended granting the homeowner a variance from Custer County, as the Town of Hermosa had previously signed off on the project, as well as ordering the survey at their request, and therefore, should be responsible for payment. It was the consensus that the Town of Hermosa is overstepping its authority in this matter and that a variance should be applied for by the homeowner.

S. Adjourn

Motion by Busskohl and seconded by Linde to adjourn the meeting at 9:08 AM. The next meeting will be at 8:00 AM, March 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 _____.