

Minutes of the Custer County Commission Meeting, Wednesday, April 26, 2023

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Michael Buszkohl 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

1. Amend Agenda as follows: Add to Item "L—Commission" Bid Proposal Opening"; add "Auditor" for Final Approval Star Valley Road District; Delete "Veterans' Services" VSO Report; Delete Item 1 under "G—Planning" Hall Tract. Motion to approve as amended made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried.

C. Consent Agenda

Travel requests approved as follows:

a) Dawn McLaughlin, Barbara Cox, Paula Arthur and Teri Morgan, SDACO 2023 Spring Workshop to be held in Pierre SD May 17-18, 2023 at a cost to Custer County in the amount of \$2,060.00

Vouchers approved as follows:

PAYROLL: 4-10-2023 Payroll: Commissioners \$9,049.32; Auditor \$9,389.28; Treasurer \$12,931.77; Info Systems & Technology \$3,159.03; State's Attorney \$14,227.34; Courthouse Building \$7,978.59; Director of Equalization \$16,943.10; Register of Deeds \$5,323.29; Veterans' Services \$1,597.50; Human Resources \$17,982.40; Sheriff \$47,695.49; Coroner \$803.40; Nurse \$862.59; Library \$10,215.30; Conservation \$712.92; Weed & Pest \$2,369.17; Planning \$7,311.70; County Road & Bridge \$47,320.21; Emergency Management \$2,966.85; 24/7 Sobriety \$2,116.10; Emergency Line F \$18,542.77. **4-25-2023 Payroll:** Commissioners \$9,030.11; Auditor \$8,054.92; Treasurer \$12,133.69; Info Systems & Technology \$3,159.02; State's Attorney \$13,838.58; Courthouse Building \$7,651.61; Director of Equalization \$16,470.59; Register of Deeds \$5,149.00; Veterans' Services \$1,619.52; Human Resources \$3,013.85; Sheriff \$58,997.17; Coroner \$803.39; Nurse \$881.37; Library \$10,181.88; Conservation \$712.91; Weed & Pest \$2,158.05; Planning \$7,452.72; County Road & Bridge \$38,021.90; Emergency Management \$3,255.45; 24/7 Sobriety \$2,738.05; Emergency Line F \$18,643.30

COMMISSIONERS: Golden West Telecommunications \$27.03; Irvine-Alliant Insurance \$1,624.78; Custer Area Economic Development Foundation \$5,075.70; Amazon \$84.39; Verizon \$88.60; Verizon Fleet \$32.38; A&B Business \$153.15

CONTINGENCY: Elk Mountain Water Users \$250,000.00

COURT: Edda Winkelman \$252.52

AUDITOR: Active Data Systems \$3,473.00; SD Associates of County Officials \$600.00; Golden West Telecommunications \$135.17; Irvine-Alliant Insurance \$1,353.98; Tracy Fish \$2,766.75; Amazon \$5.94; A&B Business \$610.27

TREASURER: Golden West Telecommunications \$262.52; Irvine-Alliant Insurance \$1,353.98; A&B Business \$365.14

GIS: Golden West Telecommunications \$54.07; Irvine-Alliant Insurance \$270.80

STATE'S ATTORNEY: Colorado Department of Revenue \$10.00; Golden West Telecommunications \$135.17; Irvine-Alliant Insurance \$1,083.19; Culligan Water \$51.00; Registration Fee Trust \$12.00; A&B Business \$183.15; Amazon \$328.71; Kittitas County \$19.99

COURT APPOINTED ATTORNEY: Garland Lee Goff \$700.75; Angela Colbath \$6,422.25

MAINTENANCE: Black Hills Electric Coop \$1,051.00; Black Hills Energy \$6,777.43; Custer Do It Best \$11.69; Sander Sanitation Services \$20.72; Golden West Telecommunications \$27.03; Irvine-Alliant Insurance \$812.39; A-Z Shredding, Inc. \$21.82; Verizon \$41.83; A&B Pure Water \$75.39; Verizon Fleet \$32.38; Sam's Club \$357.73; Amazon \$291.04; Menards \$26.91; Lynn's Dakotamart \$23.39; Family Dollar \$17.57

DIRECTOR OF EQUALIZATION: Quill \$522.14; Golden West Telecommunications \$189.24; Irvine-Alliant Insurance \$1,895.58; A&B Business \$104.77

REGISTER OF DEEDS: SD Associates of County Officials \$200.00; Golden West Telecommunications \$54.07; Irvine-Alliant Insurance \$541.59; State of South Dakota \$38.50; A&B Business \$147.54

VETERANS SERVICES: Golden West Telecommunications \$27.03; Irvine-Alliant Insurance \$270.80; A&B Business \$156.67

INFO TECHNOLOGY: Golden West Technologies \$24.96; Golden West Telecommunications \$680.00

HUMAN RESOURCES: Golden West Telecommunications \$27.04; Irvine-Alliant Insurance \$270.80; A&B Business \$8.67

SHERIFF: French Creek Supply \$17.29; Quill \$316.36; Pheasantland Industries \$152.87; Sherry Weber \$70.00; Concordance Healthcare \$4.72; Custer Ace Hardware \$6.59; Golden West Telecommunications \$270.48; L.N. Curtis & Sons \$661.93; Irvine-Alliant Insurance \$3,520.36; Pomp's Tire Service \$1,098.00; A&B Pure Water \$54.98; Murray Auto Repair \$61.15; L&A Welding \$362.10; Stryker Medical \$156.00; A-Z Shredding \$7.50; Billion Chrysler Jeep Dodge \$76,000.00; Verizon \$635.83; A&B Business \$202.56; LexisNexis \$86.50; WSSA \$200.00; Oboz \$165.00; Peppermill Hotel \$569.35; USPS \$24.10; Peavey \$64.77

PRISONER CARE: City of Rapid City Finance \$160.00; Pennington County Jail \$20,129.28; Correct RX Pharmacy \$8.82; Ruth Airheart \$150.00; South Dakota Public Health \$40.00;

Satellite Tracking of People \$32.50; Jacquelyn Nelson PBT \$75.00; Linda Nohr \$75.00; Axon Enterprise Inc. \$1,006.25

SEARCH & RESCUE: Golden West Telecommunications \$93.95; Irvine-Alliant Insurance \$270.80

AIRPORT: Custer Do It Best \$2.32; French Creek Supply \$30.99; Grimm's Pump Service \$376.53; Golden West Telecommunications \$113.49; Irvine-Alliant Insurance \$270.80; Mead & Hunt \$25,347.24; BH Truck & Trailer \$339.33

NURSE: Irvine-Alliant Insurance \$270.80

MENTALLY ILL: Audra Hill Consulting \$54.64

MENTAL HEALTH CENTER: Audra Hill Consulting \$125.63

LIBRARY: Southern Hills Publishing \$37.39; Black Hills Library Consortium \$7.64; Golden West Telecommunications \$115.95; Irvine-Alliant Insurance \$1,895.58; Amazon \$551.05; Overdrive \$1,500.00

EXTENSION: Golden West Telecommunications \$117.68; Irvine-Alliant Insurance \$270.80; Amazon \$124.87; Verizon \$40.01; A&B Business \$151.80

WEED & PEST: Golden West Telecommunications \$27.03; Irvine-Alliant Insurance \$812.39; Verizon Fleet \$32.38; A&B Business \$149.03; Best Western \$333.00; Corner Pantry \$74.82; GPS Store \$308.90; Quill \$121.36

PLANNING: Golden West Telecommunications \$108.14; Irvine-Alliant Insurance \$1,083.19; Verizon Fleet \$16.19; A&B Business \$186.16; Vista Print A&B Business \$28.74

COUNTY ROAD & BRIDGE: A&B Welding Inc. \$180.04; Black Hills Electric Coop. \$1693.53; Butler Machinery \$740.52; Custer Do it Best \$14.43; Floyd's Truck Center \$430.93; French Creek Supply \$ 1463.08; Harvey's Lock Shop \$588.27; Interstate Batteries \$419.85; Mt Rushmore Telephone Company \$121.31; The Overhead Door Co. \$42.11; Pheasantland Industries \$926.40; S&B Motor Parts \$574.58; Kieffer Sanitation \$251.45; Servall Towel & Linen \$261.03; Town of Buffalo Gap \$73.00; Snap On Tools \$100.25; Black Hills Truck & Trailer \$4813.33; Golden West Telecommunications \$219.99; Pop's Grocery Shoppe \$29.61; Honnen Equipment Company \$626.37; Irvine-Alliant Insurance \$3,791.15; Running's Supply \$68.72; 63 Industries \$203,023.08; A&I Distributors \$552.90; Culligan Water \$13.00; CenturyLink – Lumen \$40.93; Matco Tools \$101.80; Nelson's Oil & Gas Inc. \$1,494.25; MG Oil Company \$31,314.24; Forward Distributing \$16.40; Dokotaland Autoglass \$480.00; Verizon Fleet \$372.37; A&B Business \$179.81; Forest Service \$42.00; Amazon 357.01; SD Association County HWY \$207.20

FIRE PROTECTION: City of Rapid City \$2,000.00

EMERGENCY MANAGEMENT: Golden West Telecommunications \$44.54; Irvine-Alliant Insurance \$541.59; Verizon \$64.28; A&B Business \$189.79; SDEMA \$30.00

SOBRIETY FUND: SD Attorney General \$1,060.00; PharmChem Inc. \$31.95; Dash Medical Gloves \$213.80

COUNTY BUILDINGS: Custer Do It Best -\$11.69; Custer Ace Hardware \$105.10; Amazon \$83.99

EMERGENCY LINE: Golden West Telecommunications \$538.60; Irvine-Alliant Insurance \$1,895.56; A&B Pure Water \$54.97; A&B Business \$159.67; Range Telephone Service \$49.88

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

D. Conflict of Interest Declarations – None

E. Emergency Management

1. Dawn McLaughlin presented the Quarterly Report Single Signature 2nd Quarter form and requested approval for Chairman's signature. Motion to approve Chairman's signature made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. McLaughlin shared that the Hazard Mitigation Plan for Custer County has been approved by FEMA. Having this plan approved and in place is necessary to receive FEMA funding should the need arise.

F. Auditor

1. Request final approval of formation of Star Valley Road District. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

G. Highway

1. Highway Superintendent, Jesse Doyle, presented updated forms for ROW Occupancy Permits. He noted the new forms indemnify Custer County and holds utility companies accountable for fulfilling their obligations. Doyle stated the County cannot deny ROW Occupancy request for utilities, but would like to begin using the new forms and implementing a surety bond (\$5K) policy for faithful performance as soon as possible, once the Commission legal counsel has had ample time to review. Doyle said the County will hold the bonds for two years. Doyle asked for Commission input as to the bonds should be required.

2. Doyle presented the Commission with a Chip Seal Contract authorization and noted this is for a project encompassing approximately 5.7 miles on both Sidney Park Road and Playhouse Road. Doyle stated the bid is piggybacked off of a City of Custer bid with Bituminous Paving at a cost of \$236,520, which has been budgeted. Doyle said since the City of Custer used a competitive bidding process, other entities within the State of South Dakota are legally permitted to piggyback this bid. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

3. Request Authorization for the following ROW Occupancy Permits:

a) Golden West Telecommunications for Telecommunications facility on Pine Meadow Drive; Section 34; T3S; R4E, Custer County, SD. Motion to approve made by Buskohl; seconded by Linde; vote taken, all aye; motion carried.

b) Golden West Telecommunications for Utility Facility re: Custer West, Custer County, SD. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

c) Golden West Telecommunications for Utility Facility re: Custer East, Custer County, SD. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

4. Doyle presented an update on a previously-approved ROW Occupancy permit by RT Communications in the Highlands area. Doyle stated this was approved several months ago and noted the cleanup is very poorly done, if at all. Obstructive rocks are in the ROW, private culverts have been plowed through and not repaired. Doyle said companies are instructed to plow utilities at the furthest point of the ROW, but in this case, they have been installed very close to the roadway. The RT Communications engineer has been contacted and instructed by Doyle to satisfactorily clean up the project. Doyle's hope is that by implementing the performance bond process, this will hold installers to a higher standard of reclamation. Doyle informed the Commission that he has purchased a Go Pro camera for the purpose of documenting road conditions before and after projects, such as haul roads, are completed.

H. Planning

1. Planning Director, Terri Kester, presented the Commission with Final Tract of Tappan Tract 1; Tappan Tract 2; Tappan Tract 3 and Tappan Tract 4, all located in the SE1/4 NW1/4 Section 33, T6S, R5E BHM Custer County, SD, Parcel #006895 and recommended approval. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

2. Kester presented Revised Resolution 2022-21 Vacation of Section Line Right of Way and recommended Commission approval. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.



CUSTER COUNTY

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

Revised

Resolution 2022-21

Vacation of Section Line Highway Right of Way

WHEREAS, application has been made for the purpose of vacating a portion 33' wide Section Line Right-of-Way running west to east approximately 286.3 ft. between Bal of the E ½ sections 33, T5S, R4E, & Stagecoach Trail East Tract Section 4, T6S, R4E, BHM Custer County, South Dakota. All referenced on 12 Plat 937 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 28th day of April, 2023

Approved by Commission

X *Jim Lintz*

Jim Lintz, Chairman



ATTEST: *Barbara Cox*

Published Date: 5-3-2023 & 5-10-2023

Effective Date: 6-9-2023

I. Equalization

1. Director, Leah Vissia, discussed the proposed propane tank assessment policy and noted she would like some of the verbiage changed before finalizing. It was decided to revisit the matter at the May 10, 2023 Commission meeting.

2. Vissia also discussed the Elderly Freeze real estate tax classification and stated that the Department of Revenue notes this option to those qualified on tax statements. Vissia stated that applications are available at the Treasurer's office. Once income guidelines are met and verified, the DOE will examine real estate valuations to see if the applicant qualifies for the classification. Current income guidelines are: 1-person household—not to exceed \$37,065; 2-person household not to exceed \$47,655; real estate valuation not to exceed \$317,700 for house, garage and 1-acre.

J. Custer County Fair Association

1. Betty Dikoff and Philip Preston appeared before the Commission to discuss and review the proposed lease agreement between the Custer County Fair Association and Custer County. Finance Officer, Dawn McLaughlin, stated the lease would be in place for 5-years, renewable at the end of the stated term, unless otherwise terminated, rather than the 50-year term the Fair Association had requested. It was noted that all County leases are in effect for a period of 5 years. Snow removal will also remain the Fair Associations' responsibility, although Betty felt that since the County plows' route takes them past the fairgrounds, it was her hope that they could take care of the main artery. Highway Superintendent Doyle stated that the County could

potentially lose funds by varying from the designated plow route. The matter will be looked into and in matters of a major snow event, the county may be able to step in, or utilize a private contractor for snow removal. Dikoff agreed to approve the lease under the terms discussed. Motion to approve Chairman's signature and approve the lease as is with no amendments made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

2. Request for bids for the 4-H building was discussed, and discussion was held regarding boat and camper storage at the facility. Chairman Lintz stated this is a source of income for the Fair Board to use toward hosting the fair. Betty Dikoff noted that the Fair Board loses approximately \$5K each year. Philip Preston stated that money would be better spent on a new facility rather than repairing the old building. Motion to advertise for bids for new 4-H building made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

K. Public Comment –

1. Joseph Bawdon, resident of Star Valley, addressed the Commission with concerns regarding former Star Academy homes that had been moved and are still blocking the roadway, although they have been ordered to be moved. Commissioner Buskohl stated the buildings should not have been placed there, nor should that location have been made into a public roadway. The houses are currently blocking access to privately owned roads, as well as emergency vehicles. State's Attorney, Tracy Kelley, (via phone) stated that 3 public nuisance charges have already been filed against the owner of the homes and that new charges will be filed within the week.

2. Dan Holsworth, Town of Hermosa, addressed the Commission, stating he appreciates the open communication with the Commissioners regarding the Extra-Territorial Agreement. He noted that there are many new residents to the area and feels the Town of Hermosa and Custer County can move forward in a positive direction concerning the agreement, without having more rules in place.

3. LeaAnne McWhorter shared there will be a meeting regarding the proposed mining exploration/project in the Jenny Gulch area. The meeting will be held at 4:00 PM at the Ramkota in Rapid City.

4. The Commission recognized Timothy Holland for his many years of service to Custer County as Human Resources Director.

L. Commission

1. Dawn McLaughlin presented State of South Dakota Office of the Governor Executive Order 2023-02 and requested the Chairman's signature. McLaughlin noted this order is regarding the State of South Dakota and foreign business practices and that all counties within the state are requested to sign. Motion to approve Chairman's signature made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Statement—re: Pamela Somervold. Somervold requested the Commission sign a statement verifying a portion of the 3-22-2023 Minutes concerning the Extra-Territorial Agreement between the Town of Hermosa and Custer County. The letter also verifies that Ms. Somervold requested in a public forum that the Town of Hermosa turn on her water services. Dan Holsworth, Town of Hermosa, requested the Commissioners check all of the facts before signing the letter. Holsworth asked that the State's Attorney review the letter first and wants the Minutes to be corrected. Holsworth was told by the Commission that the State's Attorney is aware of the letter, and that the statute regarding the Extra-Territorial Agreement is very clear; Custer County planning and zoning regulations apply within that area. The Commission also

stated that the verification letter is based solely on what the Minutes read and the zoning regulations; that the letter is not prejudicial, but factual. Holsworth reiterated that he just wants to make things right and he believes that contiguous properties should fall under the jurisdiction of the Town of Hermosa. Commissioner Busskohl stated that open communication is imperative moving forward. Motion to sign letter made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

3. Mail call – letter from FEMA stating Custer County Natural Hazard Mitigation Plan has been approved.

4. Meeting Schedule – DOE Board of Appeals 4-27-2023; Meeting of county officials May 12, 2023 in Hot Springs, SD.

5. Meeting Reports – Busskohl, McLaughlin and Lintz attended meetings in Pierre; Busskohl stated the work session with DOR re: taxes was very informational. Hindle & Busskohl attended Fair Board meeting; Hindle attended Library Board meeting.

6. Bid Proposal for Commission Legal Services opening took place, with 3 packets received as follows: 1) Aaron Davis at a rate of \$200/hour; 2) L. Adam Bryson at a rate of \$206/hour; 3) Southern Hills Law--J. Scott James at a rate of \$200/hour. The Commission will further review and announce its decision at the May 10, 2023 meeting. Motion to table final decision until May 10, 2023 made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

M. Town of Pringle/Andersen Engineering

1. John McBride, Andersen Engineering presented a plat re: Water Station Tract, Located in SE1/4 SW1/4 Section 13 and the NE1/4 NW1/4 Section 24, T5S, R4E, BHM, Custer County, South Dakota. McBride presented on behalf of Town of Pringle, stating this land would be platted into one parcel. Custer County would need to Quit Claim any interest to the Town of Pringle during this process. Motion to approve plat made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

N. Executive Session

1. Motion to enter into Executive Session as per SDCL 1-25-2(3) at 9:32 AM made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. Executive session concluded at 10:22 AM with no action taken.

O. Actions Taken By Commission Outside of Executive Session

P. Adjourn

Motion by Busskohl and seconded by Linde to adjourn the meeting at 10:23 AM. The next meeting will be at 8:00 AM, Wednesday, May 10, 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 _____.