

Minutes of the Custer County Commission Meeting Wednesday, May 10, 2023.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Michael Busckohl 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:

- a) add under item "I" Auditor: correct new hire wage from \$20.04 to \$24.04;
- b) add under item "H" Executive Session: select legal counsel.
- c) add under item "C" Consent Agenda: Steve Esser travel request.
- d) add under item "E" Highway: end 6-month probationary period for Lori Thorson.
- e) remove item "R" Brian Besco.

Motion to approve Agenda as amended made by Linde; seconded by Busckohl; vote taken, all aye; motion carried.

C. Consent Agenda

- 1. Approve Minutes of April 26, 2023 Commission meeting.
- 2. Approve Minutes of April 11, 2023 Board of Appeals
- 3. Travel requests approved: Steve Esser, EMS Director, to attend 2023 SD Incident Management Assistance Team Exercise in Watertown, SD May 16-18, 2023 at a total expense of \$401.00.
- 4. Approve Monthly Reports

CUSTER COUNTY		APRIL 30, 2023	
ASSETS	LIABILITIES		
CASH	ACCOUNTS PAYABLE		
RECEIVABLES	DEFERRED REVENUE		
INVESTMENTS	LONG TERM DEBT		
PROPERTY	EQUITY		
OTHER			
TOTAL	TOTAL		

CUSTER COUNTY - FUND ACCOUNTING STATE	
GENERAL FUND	100.000.00
SALES TAX	100.000.00
STATE FUND	100.000.00
GRAND TOTAL	300.000.00

CUSTER COUNTY - STATE FUND ACCOUNTING STATE	
STATE FUND	100.000.00
STATE TOTAL	100.000.00

TREASURY DISBURSEMENTS		APRIL 2023	
STATE FUND	100.000.00		
GENERAL FUND	100.000.00		
SALES TAX	100.000.00		
GRAND TOTAL	300.000.00		

Handwritten notes: May 11, 2023, Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Michael Busckohl and Dawn McLaughlin, Finance Officer.

5. Vouchers approved as follows:

PAYROLL: May 10, 2023 as follows: Commissioners \$37,208.55; Auditor \$8,120.94; Treasurer \$11,367.17; Info Systems & Technology \$3,159.03; State's Attorney \$13,838.59; Courthouse Building \$7,648.96; Director of Equalization \$16,327.88; Register of Deeds \$5,149; Veteran's Services \$1,597.59; Human Resources \$2,984.18; Sheriff \$42,817.08; Coroner \$803.40; Nurse \$956.36; Library \$10,239.05; Conservation \$712.91; Weed & Pest \$2,278.52; Planning \$7,236.56; County Road & Bridge \$34,527.72; Emergency Management \$3,014.07; 24/7 Sobriety \$2,804.15; Emergency Line F \$18,350.03

NON-DEPARTMENTAL: SD State Treasurer \$168.55; SD Department of Revenue \$2,025.00

COMMISSIONERS: Southern Hills Publishing \$1,477.92; Golden West Telecommunications \$29.14; Ramkota Hotel \$464.00

Elections: Election Systems & Software \$5,349.75

COURT: Juror Fees \$1,433.08

AUDITOR: Southern Hills Publishing \$54.10; Golden West Technologies \$383.02; Golden West Telecommunications \$136.50; Tracy Fish \$2,333.25; Ramkota Hotel \$232.00

TREASURER: Quill \$26.75; Golden West Telecommunications \$136.50

INFO SYSTEMS & TECH: Golden West Telecommunications \$54.60

STATE'S ATTORNEY: Southern Hills Publishing \$20.35; LexisNexis \$370.00; Golden West Telecommunications \$136.50; Kern County Superior Court \$41.00; Culligan Water \$31.50

COURT APOUBTED ATTORNEY: Garland Goff \$2,835.15; Husted Law Office \$2,563.43

MAINTENANCE: Black Hills Energy \$4,988.37; Custer City \$413.39; AmeriGas \$879.70; Black Hills Chemical \$511.38; Sander Sanitation Service \$20.72; Custer Ace Hardware \$70.69; Golden West Telecommunications \$27.30; Thyssenkrupp Elevator \$386.25

DIRECTOR OF EQUALIZATION: Southern Hills Publishing \$75.40; Quill \$34.21; Golden West Telecommunications \$191.10; Vanguard Appraisals \$13,700.00; SDAAO Treasurer \$1,410.00

REGISTER OF DEEDS: Golden West Telecommunications \$54.60

VETERANS SERVICES: Golden West Telecommunications \$27.30

PREDATORY ANIMAL: SD Department of Game Fish & Park \$872.31

INFO TECHNOLOGY: Golden West Technologies \$6,976.61; Golden West Telecommunications \$680.00

HUMAN RESOURCES: Golden West Telecommunications \$27.30

SHERIFF: Southern Hills Publishing \$67.00; FedEx \$17.68; Law Enforcement Systems \$90.00; Rushmore Communications \$333.60; Western Communications \$700.00; Sherry Weber \$30.00; Innovative Office Solutions \$184.87; Golden West Telecommunications \$441.19; Mike Lewis \$485.00

PRISONER CARE: Western SD Juvenile Services \$600.00; Pharmchem Inc. \$99.90; Brown County Jail \$525.00

SEARCH & RESCUE: Golden West Telecommunications \$93.95

AIRPORT: Southern Hills Publishing \$493.60; The Overhead Door Co. \$501.31; Brenden Hendrickson \$4,110.00; Golden West Telecommunications \$113.49

LIBRARY: Mt Rushmore Telephone \$134.06; Golden West Telecommunications \$10.80 credit

FAIR: Custer County Fair Association \$8,000.00

EXTENSION: Golden West Telecommunications \$117.39; Erin McGlumphy \$1,606.58; Fall River County \$1,602.05

CONSERVATION: SD Public Assurance Alliance \$576.17

WEED & PEST: Southern Hills Publishing \$182.38; Golden West Telecommunications \$27.42; Culligan Water \$6.50

PLANNING: Golden West Telecommunications \$109.20

COUNTY ROAD & BRIDGE: Southern Hills Publishing \$67.80; Golden West Telecommunications \$220.98

FIRE PROTECTION: Pringle Fire Department \$5,017.00

EMERGENCY MANAGEMENT: Golden West Telecommunications \$44.54

COUNTY BUILDINGS: Custer Ace Hardware \$27.86; Cummins Sales and Service \$535.95; Unified Power \$9,025.37

EMERGENCY LINE: Southern Hills Publishing \$263.40; Quill \$498.40; Golden West Telecommunications \$579.68

Motion to approve Consent Agenda made by Hartman; seconded by Busskohl; vote taken, Hartman, Busskohl and Linde aye; Hindle abstained; motion carried.

D. Conflict of Interest Declarations – Hindle declared a conflict on Item "C" Consent 1. Agenda; Busskohl declared a conflict on Item "G" number 1, 8:15 AM Public Hearing, a) and b).

E. Highway

1. Highway Superintendent, Jesse Doyle, made a request for authorization for Chairman Lintz to sign the 2023 Striping Agreement. Motion by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Discussion was held regarding right of way matters re: Hazelrodt Cutoff. Resident Cathy Tauer addressed the Commission and noted that during winter snow plowing several of her fence posts were bent and would like Custer County to replace them. It was noted this portion of the roadway has a

33' ROW and does not provide much room for road maintenance to take place, especially snow plowing. Lot line concerns were discussed and it was decided that a new survey would prove beneficial. Superintendent Doyle noted that there are enough funds in the Highway budget to have a new survey conducted. Doyle stated he would like to install new breakaway posts, as well as delineators while the surveyor is present to avoid any future confusion.

3. The Commission acknowledged the end of the six-month probationary period for Lori Thorson.

F. Planning

1. Planning Director, Terri Kester presented Final Plat of Hall Tract 1 and Crystal Pines Tract, Located in the W1/2, Section 34, lying north of Cobb Road, T3S; R7E, BHM, Custer County, South Dakota. Re: Crystal Pines Enterprises, LLC Parcel 009553 and recommended Commission approval. Motion to approve made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

2. Kester also presented Final Plat of Neisent Tract, Located in the NE1/4 NW1/4 Section 10, T3S, R7E, BHM, Custer County, South Dakota. Re: Mary Ann Hastings Parcel 000847 and recommended Commission approval. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

G. Public Hearings

1. 8:15 Public Hearing

Planning Director Kester presented the following:

a) Buszkohl Ranch, LLLP Section Line Vacation Parcel ID: 000538; 000540; 000539; 000541; 000537; 000590; 000586 and 000591 and recommended Commission approval. There were no comments from the public.

b) Resolution 2023-08 Vacation of Section Line Right of Way

Custer County Resolution 2023-08
Vacation of Section Line Highway Right of Way

WHEREAS, application has been made for the purpose of vacating a 66' wide Section Line Right-of-Way from its junction with S.D. Highway 89 westward to the west boundary line of PT of HES 164 between sections 12 and 13 all in T3S, R4E, And

Running South to North 33' wide less portion of Section Line that runs across USFS. Located on PT of HES #164 and GOV Lot 3 and GOV Lot 16 between Sections 11 and 12 all in T3S, R4E, And

Running from its junction with S.D. Highway 89, westward 33' wide located on SW ¼ SW ¼ Section 1, T3S, R4E,

And continuing West 66' wide, between GOV Lot 16 Section 12, T3S, R4E and SW ¼ SW ¼ Section 1, T3S, R4E

And continuing west 33' wide located on the E ½ SE ¼ Section 2, T3S, R4E,

And running South to North 66' wide located between E ½ SE ¼ Section 2, T3S, R4E and SW ¼ SW ¼ Section 1, T3S, R4E and NW ¼ SW ¼ Section 1, T3S, R4E

And continuing South to North 33' wide located on SE ¼ NE ¼ Section 2, T3S, R4E and PT of HES #151 Section 2, T3S, R4E,

And continuing South to North 66' wide located on PT of HES #151 between Section 1 & 2, T3S, R4E,

And running east to West 33' wide located on GOV Lot 5 Section 2, T3S, R4E, and PT of HES #151 Section 2, T3S, R4E, all of Custer County, South Dakota.

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 10th day of May, 2023

X *Jim Linz*
Jim Linz, Chairman
Custer County Commission



ATTEST: *Barbara Oy*
Custer County Auditor

Published Date: May 17, 2023 & May 24, 2023

Effective Date: June 23, 2023

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

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

2. 8:20 AM Public Hearing

Planning Director Kester also presented the following:

a) Jonathan Cannon Vacation of Alleyway: Lots 1 to 24, Block 3, Dewey Town, Custer County, SD Parcel ID: 009497 and recommended approval. It was noted that Dewey has no Town Board since it is not incorporated and the decision falls under the jurisdiction of Custer County. There were no comments from the public.

b) Resolution 2023-09 Vacation of Streets and Alleys

**Custer County Resolution 2023-09
Vacation of Streets and Alleys**

WHEREAS, application has been made requesting that a portion of certain alleys be vacated in the City of Dewey, South Dakota

WHEREAS, the Board of County Commissioners set a date for hearing and evidence having been presented to the Board of County Commissioners that notice has been given of the time, place and purpose of said hearing by publication of notice in the Custer County Chronicle, Custer, South Dakota once each week for two consecutive weeks prior to the date of hearing, and

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.

Legal Description for the Vacation:
The 20 ft. by 300 ft. Section of East/West Alley contiguous of lots 1 thru 12 and lots 13 thru 24, all in Block 3, City of Dewey in Custer County, South Dakota. Shown on the attached Exhibit "A"

NOW THEREFORE BE IT RESOLVED THAT The Custer County Board of Commissioners approves the vacation of the before mentioned Alleyway.

Dated this Dated this 10th day of May, 2023

X *Jim Lintz*
Jim Lintz, Chairman
Custer County Commission



ATTEST: *Barbara Cox*
Custer County Auditor

Published Date: May 17, 2023 & May 24, 2023

Effective Date: June 23, 2023

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

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

H. Executive Session

1. Motion to enter into Executive Session re: Legal SDCL 1-25-2(3) Star Valley Estates Subdivision nuisance complaint made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. Executive Session entered into at 8:18 AM and concluded at 8:54 AM.

I. Actions taken outside of Executive Session

1. Motion to hire Aaron Davis as Commission Legal Counsel made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

2. Motion to authorize State's Attorney to serve Tom McDill with a Notice to remedy the nuisance in a public right of way at Star Academy Subdivision and 30 Days to remedy the public nuisance situation made by Busskohl; seconded by Hartman; vote taken, Busskohl, Hartman, Linde all aye; Hindle abstained; motion carried. The Commission called Mr. McDill at 8:56 AM as per his request. McDill stated he is currently in Austin, Texas but would be back in the Custer community soon and will be in attendance at the May 24, 2023 Commission meeting. McDill stated he is ready to set up the buildings for moving and has arrangements to have overhead utility lines moved and permits in place, but the move is proving more challenging than he originally thought. McDill told the State's Attorney he would consider a

mailed Notice as being served, as it is difficult to have papers served on him in Austin due to lack of personnel. Tracy Kelley state she will both mail the Notice and have it served. McDill inquired as to which precinct the Notice will be sent to for service and Kelley state she would keep him informed.

J. Auditor

1. Finance Officer, Dawn McLaughlin, presented a request for Chairman's signature on Entrance Letter SD Legislative Audit. McLaughlin explained the audit is for 2020 and 2021 and is going well. Motion to approve Chairman's signature made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

2. McLaughlin requested approval of new hire, Marlyn Campbell, as Deputy Finance Officer with a start date of May 8, 2023 at a wage of \$24.04 per hour. This is a full-time, benefitted position. Motion to approve made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.

K. Maintenance

1. Maintenance Supervisor, Joseph Panza, presented an update on proposed storage shed to be located at the Library/Annex location. Panza stated this 8 x 7.5' storage shed is to be used for fuel, snow and lawn equipment, tools, etc. The funds for the shed are currently available in his budget.

L. Department of Equalization

1. Director of Equalization, Leah Vissia, requested authorization of refund of property tax re: Lyndal Nelson Parcel #010952 in the amount of \$830.57. Vissia stated errors were found in the appraisal and subsequently, adjustments were made. Motion to approve made by Busckohl; seconded by Linde; vote taken, all aye; motion carried.

2. Vissia requested approval of new hire, Scott Storms, as uncertified appraiser beginning May 8, 2023 at a wage of \$17.25 per hour. This is a full-time benefitted position. Motion to approve made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.

M. Weed and Pest

1. Michael Baldwin, Weed and Pest Supervisor, requested approval of re-hire of Brianna Kringlie as seasonal weed sprayer at a rate of \$18/hour with a start date of May 15, 2023. This is a temporary seasonal position without benefits. Motion to approve made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

2. Baldwin presented and requested approval of Joint Powers Agreement between SD Department of Agriculture and Natural Resources and Black Hills Counties and authorization of Chairman's signature. Baldwin noted there are five counties that encompass the Black Hills, with \$500K available to those counties through a cost-sharing program. Funds may be used (50/50) to hire private consultant or to contribute to the Black Hills National Forest Land and Resource Management Plan revision process. Baldwin recommended approval and stated he will update the Commission. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

N. Public Comment – None

O. Custer Chamber of Commerce

1. Dawn Murray requested Commission approval for the Custer Chamber to use the Search and Rescue property during an upcoming off-road rally. Murray stated that Custer State Park, Tread Lightly and the USFS will be present. Murray was not aware of any conflicts with Search and Rescue during the event and permission was granted to use the site.

P. Library

1. Library Director, Jessica Phelps, presented an update on library operations. Phelps stated the physical inventory has been reduced by 2,000 items. Phelps noted that her staff is still weeding out obsolete and outdated materials, including outdated library cards. Her staff is working on implementing the summer reading program, which begins June 3, 2023. Phelps noted that program attendance is down this year, as well as new library card applications.

2. Phelps updated the Commission on her upcoming resignation. Phelps is relocating to Kentucky to be closer to family. The Commission thanked Jessica for all of her hard work.

Q. Airport

1. Airport Manager, Brenden Hendrickson, together with a representative from Mead and Hunt, presented results of the taxiway extension bid opening. Two bids were received; Moss Rock at \$604,338 and Simon at \$1,224,718. The project is for a 275' extension of the current taxiway and will allow space for additional hangars to be constructed. The bid submitted from Moss Rock is more in line with the engineers' estimates; and Mead & Hunt stated that Moss Rock will have 5 days to provide documentation of certain requirements that must be met; ie. DBE to complete 20% of subcontracted work; DOT qualified to complete the project and provide records showing experience. No bid was awarded at this time.

2. Further discussion was held regarding two grant applications to the FAA; the first being AIP \$533K in funding; with the local share at 5%; State share at 5% and FAA at 90%. AIP is a continuing program and if monies are not spent, Custer County will lose approximately \$150K. The second grant is provided via state bill in the approximate amount of \$154K with \$39K Custer County's responsibility. These funds would be used for FMG, wetland delineation and closeout. Motion to approve application for grants made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

R. Commission

1. Mail call – Newsletter from BH Regional Use Coalition.
2. Meeting Schedule –
 - a) BH District meeting to be held 5-12-23 at 11:30 AM in Hot Springs, SD.
 - b) Elected Officials Spring Workshop in Pierre May 17, 18, 2023 in Pierre, SD.
3. Meeting Reports –
 - a) Linde and Lintz attended SD GFP meeting—discussion included fire districts; need for GFP to be involved in increase of monetary remuneration for services provided by Custer County. Lintz noted that current fees paid to Custer County are minimal.
 - b) Lintz attended Fair Board meeting; will attend Fire Advisory Board meeting in Folsom.
 - c) Busskohl attended Custer City Council meeting; County Planning; County Alive; Custer City Planning re: extra territorial
 - d) Search & Rescue

S. Adjourn

Motion by Hartman and seconded by Busskohl to adjourn the meeting at 9:37 AM. The next meeting will be at 8:00 AM, May 24, 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 _____.