

Minutes of the Custer County Commission Meeting Thursday, June 8, 2023.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Michael Busskohl; Commission Legal Counsel Aaron Davis and Dawn McLaughlin, Finance Officer.

A. Meeting was called to order at 8:00 AM followed by the Pledge of Allegiance.

B. Canvass Election Results

1. The Commission convened as Canvassing Board at 8:01 AM to certify election results. The 2023 Special Election was held Tuesday, June 6, 2023 with an approximate voter turnout of 16%. This was a hand-counted ballot process; the Commission thanked those who participated. Motion to certify results of the election made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. The Canvassing Board adjourned at 8:03 AM. The board reconvened as Commission at 8:03 AM.

C. Adopting of the agenda

1. Motion to amend and approve the agenda to add item after "L"; Tentative Hire/Library made by Linde; seconded by Hartman; vote taken, all aye; motion carried.

D. Consent Agenda

1. Approve Minutes of May 24, 2023 Commission Meeting.
2. Approve Monthly Reports
3. Approve travel requests approved as follows:
 - a) Veterans Service- Todd Fish to attend 2023 SD Housing Conference in Pierre 6/25/23 through 6/28/23 at a cost of \$687.16
 - b) Veterans Service- Todd Fish to attend 2023 SD VA VSO Fall conference in Sioux Falls 9/4/23 through 9/8/23 at a cost of \$891.16
4. Approve vouchers approved as follows:

COMMISSIONERS: Microsoft \$157.80; Amazon \$26.12; Verizon \$88.60; Verizon Fleet \$32.38; Southern Hills Publishing \$316.29; Golden West Telecommunications \$27.23; Valhalla Legal \$850.00

ELECTION: Southern Hills Publishing \$1,689.36; Fall River County Herald Star \$48.47

COURT: Phoenix Investigations \$372.79

AUDITOR: Microsoft \$157.80; A&B Business \$610.45; Office Depot \$1,075.64; Quill \$25.90; Golden West Telecommunications \$136.14; Tracy Fish \$2,180.25; SpyGlass Group \$33.12

TREASURER: A&B Business \$364.79; Quill \$31.76; Golden West Telecommunications \$136.39

STATE'S ATTORNEY: A&B Business \$171.57; LexisNexis \$370.00; Golden West Telecommunications \$136.14; Travis County Constable \$80.00; Michigan Department of State \$12.00; Culligan \$18.50

COURT APPOINTED ATTORNEY: Grey & Eisenbraun Law \$3,528.90; Husted Law Office \$4,130.46

MAINTENANCE: Verizon \$41.83; A&P Pure Water \$75.39; Verizon Fleet \$32.38; Sam's Club \$183.34; Menards \$295.63; Smart Sign \$168.25; Black Hills Power Equipment \$1,711.99; Family Dollar \$12.78; Amazon Prime \$14.99; Lowes \$80.09; Black Hills Energy \$4237.37; Custer City \$432.81; Custer Ace \$58.11; Golden West Telecommunications \$27.23

DIRECTOR OF EQUALIZATION: A&B Business \$139.33; Southern Hills Publishing \$392.80; Quill \$525.84; Golden West Telecommunications \$190.59

REGISTER OF DEEDS: A&B Business \$182.10; Amazon \$273.46; Golden West Telecommunications \$54.45

VETERANS SERVICES: A&B Business \$144.66; Golden West Telecommunications \$27.23

IST: Golden West Telecommunications \$54.45

HUMAN RESOURCES: A&B Business \$148.57; Quill \$12.95; Golden West Telecommunications \$27.23; Jackie Bauer \$1,348.00

INFO TECHNOLOGY: Golden West Technologies \$7,001.47; Golden West Telecommunications \$680.00; Pitney Bowes Global Financial \$462.57

SHERIFF: Verizon \$713.01; A&B Business \$189.81; ODKit \$95.93; Paypal \$50.00; LexisNexis \$85.50; Adobe \$255.47; Amazon \$287.08; USPS \$12.35; Vanway \$69.12; Southern Hills Publishing \$129.80; McLeod's Printing \$110.00; Rushmore Communications \$4,274.92; Golden West Telecommunications \$278.32; L.N. Curtis & Sons \$20.41; Mike Lewis \$970.00; Stryker Medical \$180.96; Lynn Card Company \$115.00; The Lodge at Deadwood \$672.00

CORONER: Inland Truck Parts \$677.06

PRISONER CARE: USPS \$13.00; Kevin Krischenmann \$150.00; Linda Nohr \$75.00

SEARCH & RESCUE: Golden West Telecommunications \$93.95

SAFETY OFFICER: Sam's Club \$81.84

CIVIL AIR PATROL: Civil Air Patrol \$900.00

AIRPORT: Golden West Telecommunications \$113.49

CUSTER COUNTY HOUSING: Custer County Housing \$5,000.00

SENIOR MEALS: Custer Senior Meals \$3,000.00

CASA: Seventh Circuit Casa \$3,400.00

LIBRARY: Paypal \$50.00; Amazon \$887.23; Dakota Broasted \$122.26; Sam's Club \$37.16; Mt Rushmore Telephone \$134.06; Black Hills Library Consortium; Golden West Telecommunications \$117.72

HERMOSA SENIOR CENTER: Hermosa Senior Center \$1,550.00

EXTENSION: Verizon \$40.01; A&B Business \$161.42; Golden West Telecommunications \$117.39; Fall River County \$1,367.10

WEED & PEST: Microsoft \$157.80; A&B Business \$162.10; Verizon Fleet \$32.38; Amazon \$30.28; Douglas Balm \$98.00; S&B Motor Parts \$28.71; Golden West Telecommunications \$27.23; Western Mailers \$3,371.62

PLANNING: A&B Business \$170.90; Verizon Fleet \$16.19; Southern Hills Publishing \$116.28; Golden West Telecommunications \$108.91

COUNTY ROAD & BRIDGE: A&B Business \$182.00; Verizon Fleet \$372.37; Sam's Club \$158.76; Heartsmart \$2,667.89; Amazon \$166.67; Harbor Freight \$42.56; A&B Welding \$76.78; Black Hills Energy \$73.98; Butler Machinery Co \$4,776.98; Custer Do It Best \$22.36; Southern Hills Publishing \$24.60; Floyd's Truck Center \$250.58; French Creek Supply \$241.41; Godfrey Brake \$305.28; Northwest Pipe Fittings \$455.95; SD Dept of Transportation \$1,079.46; Brosz Engineering \$900.00; Kieffer Sanitation \$120.87; Summit Signs & Supply \$510.00; Servall Towel & Linen \$128.65; Snap on Tools \$624.90; Custer Ace \$55.93; Southern Hills Septic \$310.00; Golden West Telecommunications \$220.02; Culligan \$13.00; RDO Equipment Co \$51.51; Advanced Drug Testing \$35.00; Forward Distributing \$34.95; Pacific Steel & Recycling \$289.09

FIRE PROTECTION: Argyle \$11,000.00; Buffalo Gap \$5,000.00; Custer \$36,500.00; Dewey \$2,500.00; Folsom \$5,750.00; Highlands \$7,500.00; Pringle \$8,000.00

EMERGENCY MANAGEMENT: Microsoft \$157.80; Verizon \$64.28; A&B Business \$193.21; Reno Wild Garlic \$19.61; Rushmore Communications \$12,931.99; Golden West Telecommunications \$44.54

24/7 SOBRIETY: Jerauld County Sheriff \$95.85

COUNTY BUILDINGS: Menards \$284.47; Amazon \$280.50; Lowes \$731.39; Flooring America \$4,176.86; Custer City \$106.50; Black Hills Chemical \$4,299.00; Custer Ace \$50.70

EMERGENCY LINE: A&B Business \$157.65; Range Telephone Service \$182.66; Sothern Hills Publishing \$329.00; Golden West Telecommunications \$726.66

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

E. Conflict of Interest Declarations – None

F. Highway

1. Highway Superintendent, Jesse Doyle, requested Commission approval of the following Right of Way Occupancies:

a) ROW Occupancy by Golden West Telecommunications for a telecommunication facility at Argyle Rd Section 15 Twp 6S R4E, Custer County, SD. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

b) ROW Occupancy by Golden West Telecommunications for telecommunication facility at Elk Valley Rd Section 13 Twp 3S R4E, Custer County, SD. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

c) Telecommunication facility at Deadwood Trail Section 22 Twp 3S R4E, Custer County, SD. Motion by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

d. ROW Occupancy by Golden West Communications for a telecommunications facility at Lone Elk Dr. Section 20 Twp 6S R4E, Custer County, SD. Motion by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

e. ROW Occupancy by Golden West Communication for a telecommunication facility Section 17 Twp 5S R5E, Custer County, SD. Motion by Linde; seconded by Hindle; vote taken, all aye; motion carried.

2. Doyle requested Commission approval of new Application for Occupancy for ROW form, which was presented earlier for Commission and legal review. This new application form will include language for Bond requirements, as well as added indemnification clause. Motion to approve tabling discussion until Commission Legal Counsel is in attendance made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

3. Mickie Abell and Carrie Schell, representatives of Golden West, were in attendance and addressed ROW permits. Golden West receives daily requests for ROW occupancies for service installation and it was noted they try to get those requests to the Highway Department in a timely fashion for Commission approval; however, the timeframe means a longer wait time for the customer. The issue of “verbal” approval, without going through the Commission was discussed and it was decided that is not possible at this time, as per SDCL 31-26-1. In emergency situations (such as line break, etc.), however, Doyle could approve verbally. It was decided to continue the discussion at the 6-21-2023 Commission meeting.

4. Doyle presented 2023-2024 Magnesium Chloride purchase agreement and requested Commission approval. Doyle stated this piggy-back agreement will allow for purchase of 170K gallons of Magnesium Chloride at a rate of \$1.154 per gallon, utilizing the same rate as Butte County's agreement and is the best price available at this time. Doyle would like to purchase Mag Cl in 2023 for 2024 application using the same purchasing process as last year. Delivery of Mag Cl is expected September 1, 2023 and will be available for application May 1, 2024 through December 31, 2024. Doyle said road coverage will be at a half-shot and does expect treated roadways to be a bit dusty during the drier months and stated moisture will reactivate the Mag Cl. Doyle would like to keep the Mag Cl budget as is for this year. He noted that base stabilization is expected to begin on Limestone Road next week. He also stated that chip sealing is scheduled to begin in the City of Custer, Sidney Park Road and Playhouse Road June 22 or 23, 2023. SD GFP is expected to contribute \$34,500 for the South Playhouse Road project. Motion to approve bid made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

G. Planning

1. Planning Director, Terri Kester presented Final Plat: Tract 12A and Tract 12B of Hartshorn Ranch Estates subdivision, located in the E ½ SW ¼ and the W ½ SE ¼, Section 8, T4S, R7E, BHM, Custer County, SD and recommended Commission approval. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Kester also presented Final Plat: Red Dirt Tracts 1 thru 6, Located in the SE ¼ of Section 36, T6S, R5E and in the SW ¼ of Section 31, T6S, R6E, all in BHM, Custer County, SD and recommended Commission approval. Kester noted that this will be split into 6 tracts and that SD DOT has signed off on those properties using Highway 385 access. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

H. Equalization

1. DOE Director, Leah Vissia, presented Resolution 2023-10 Property Tax Assessment for Propane Tanks. Motion to reconsider Resolution 2023-10 previously presented and approved at the May 24, 2023 Commission meeting made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. This new version contained language specifying tank size (10K gallons). Motion to amend previously approved Resolution in favor of updated version made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

I. Old Business

1. Star Valley Estates Nuisance re: McDill was revisited. Commissioner Hindle stated he had spoken with Steve Maines and informed the Commission that Maines had received a blank check from Mr. McDill but was told not to fill out the amount. Maines stated the cost to move the buildings is estimated at \$25,600; McDill countered with \$15,600. Maines stated he reduced his fee to \$20,600 and that no agreement at that cost has been made. It was noted that the 30-day timeframe to remedy the

nuisance will expire on June 16, 2023. Jesse Doyle stated he received a call from McDill seeking recommendations on house movers, but did not respond to the request. It was decided to revisit the situation at the June 21, 2023 Commission meeting.

J. Public Comment –

1. Alesha Wozny of Star Valley Estates addressed the Commission and noted that local residents are fed up with the McDill situation. Wozny stated the buildings are falling apart and she has concerns that they would remain intact during relocation.

2. Tracy Kelley, State's Attorney, stated she has heard from the mover regarding his received check from McDill; but noted she has received differing versions and opinions. The question of moving just one of the houses as an option was brought up; that was declined, as all of the houses need moving. Kelley stated she will have a meeting today regarding the matter and invited members of the Commission to attend.

3. Joseph Bawdon, Star Valley resident, stated he spoke with Kevin McGowan regarding moving the houses. He also stated that new property owners still need access in order for new homes to be delivered to the sites.

K. Custer VFD

1. Custer Volunteer Fire Department presented an updated roster; the Commission so acknowledged.

2. Chairman Lintz noted there has been no progress in the formation of proposed Custer Fire District and stated no actions have been taken, nor presentations given. He stated it may be necessary to replace the current personnel and fill the position with another person; the Commission agreed.

L. Commission

1. Mail call –

a) Letter received from Aspire; a community support provider, for funding request. This request will be further discussed during the budget process.

b) Thank you received from the Kirks for application of Magnesium Chloride to Lime Kiln Road. Chairman Lintz thanked the Highway Department, as well.

2. Meeting Schedule –

a) Busskohl and Hindle counted ballots at the June 6, 2023 Special Election; Busskohl attended Search & Rescue open house, S&R drone program, Custer City Council meeting, Planning Commission meeting; Doyle, Linde & Busskohl attended Haul Road Agreement meeting.

M. Library

1. Tentative new hire for Library Director position was discussed, with Todd Fish noting there were 14 applicants. The Library Board recommended a starting salary at \$55K annually based upon the successful applicant's experience, but noted the Commission would make the final determination. Motion to approve starting wage for tentative hire at \$52K annually made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

N. Executive Session

1. Motion by Linde to enter into Executive Session as per SDCL 1-25-2(3) Legal; seconded by Busskohl; vote taken, all aye; motion carried. Executive Session entered into at 9:21 AM and concluded at 9:48 AM with no action taken.

O. Adjourn

Motion by Linde and seconded by Busskohl to adjourn the meeting at 9:50 AM. The next meeting will be held at 8:00 AM Wednesday, June 21, 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 _____.