

COMMISSIONERS: Southern Hills Publishing \$317.95; Golden West Telecommunication \$27.62; Valhalla Legal \$1,835.00

ELECTION: Mt Rushmore Telephone \$17.63; Election Workers \$915.41; Fall River County Herald \$13.87

COURT: Juror Fees \$15.10; Laura Hight \$166.50

AUDITOR: Southern Hills Publishing \$13.62; Golden West Telecommunication \$138.12; Tracy Fish \$2,129.25; Ramkota Hotel \$348.00

TREASURER: Golden West Telecommunication \$139.85; Ramkota Hotel \$348.00; Division of Motor Vehicles \$35.00

IST: Golden West Telecommunication \$55.25

STATE'S ATTORNEY: Golden West Telecommunication \$138.12

COURT APPOINTED ATTORNEY: Grey & Eisenbraun Law \$891.30; Angela M Colbath \$7,965.56

MAINTENANCE: Black Hills Electric Co \$293.99; Black Hills Energy \$5,206.09; Custer City \$374.55; Sander Sanitation \$20.72; Custer Ace \$85.56; A-Z Shredding \$9.45

DIRECTOR OF EQUALIZATION: Governors Inn \$77.00; Quill \$207.11; Holiday Inn \$1,800.00; Golden West Telecommunication \$193.37; Schneider Geospatial \$1,176.00

REGISTER OF DEEDS: Golden West Telecommunication \$55.25; US Imaging Inc \$3,808.90; Ramkota Hotel \$232.00

VETERANS SERVICES: Golden West Telecommunication \$27.62

INFO TECHNOLOGY: Golden West Telecommunication \$680.00

HUMAN RESOURCES: Golden West Telecommunication \$27.62; Jackie Bauer-New Pathway \$1,290.20

SHERIFF: French Creek Supply \$89.77; Children's Home Society \$129.46; Pheasantland Industries \$129.46; Custer Ace \$11.95; Innovative Office Solution \$38.39; Golden West Telecommunication \$277.25; Justice Fire & Safety \$825.00; Pomp's Tire Service \$16.47; Leads Online \$2,419.00; A-Z Shredding \$63.40; Anderson Auto Sales \$60.00

CORONER: Monument Health Client \$461.00

PRISONER CARE: Pennington County Sheriff \$573.27; Pennington County Jail \$243.70; Mary Seifert \$150.00; Correct RX Pharmacy \$127.56; CMI Software Corp \$2,500.00; Satellite Tracking of People \$22.75; Monument Health Client \$75.30

SEARCH & RESCUE: Custer County S&R \$507.00; Golden West Telecommunication \$93.95

AIRPORT: The Overhead Door \$325.20; Custer Ace \$41.98; Brenden Hendrickson \$4,110.00; Golden West Telecommunication \$113.51

LIBRARY: Southern Hills Publishing \$67.80; Mt Rushmore Telephone \$134.07; Golden West Telecommunication \$116.73; Brookings Public Library \$33.00

CUSTER COUNTY COURTHOUSE ART GALLERY: Custer Ace \$50.16

EXTENSION: Golden West Telecommunication \$117.41; Fall River County \$1,476.54

WEED & PEST: Southern Hills Publishing \$67.30; Golden West Telecommunication \$27.62; Jim Berchem \$47.50

PLANNING: Quill \$5.88 credit; Golden West Telecommunication \$111.45

COUNTY ROAD & BRIDGE: A&B Welding \$12.09; Black Hills Electric \$773.21; Black Hills Energy \$68.56; Butler Machinery \$179.65; Floyd's Truck Center \$1,805.01; French Creek Supply \$473.72; Fastenal Company \$428.50; Mt Rushmore Telephone \$121.32; SD Dept. of Transportation \$810.02; Kieffer Sanitation \$271.70; Summit Signs \$736.00; Servall Towel & Linen \$128.65; Black Hills Truck & Trailer \$5,047.26; Team Laboratory Chemical \$35,406.25; Golden West Telecommunication \$193.74; Loiseau Construction \$75,239.36; Pomp's Tire Service \$274.72; J&J Asphalt Co. \$7,714.63; A Royal Flush Portables \$155.00; Culligan \$19.50; MG Oil Company \$28,292.26; Forward Distributing \$23.55; CBH Cooperative \$4,543.98

EMERGENCY MANAGEMENT: Rushmore Communications \$1,520.00; Golden West Telecommunication \$44.56; GenPro Energy Solutions \$325.00; SDEMA \$100.00

SOBRIETY: Redwood Toxicology Laboratory \$548.00

COUNTY BUILDINGS: Custer Ace \$65.53; WL Hall Co Interior \$890.00

EMERGENCY LINE: Southern Hills Publishing \$263.40; Pheasantland Industries \$414.28; Innovative Office Solutions \$80.70; Golden West Telecommunication \$769.12

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

D. Conflict of Interest Declarations – None

E. Public Hearing

8:10 AM – Planning Director Kester presented the following:
Resolution 2023-11 Vacation of Section Line Highway ROW located on Hendrix Tract, applicant: Terry and Janice Hendrix. Planning Commission recommends approval.

There was no comments taken from the public. Motion to approve made by Hindle; seconded by Hartman, vote taken; all aye, motion carried.

F. Weed & Pest

1. Weed and Pest Supervisor Baldwin gave an update on the Pine Looper outbreak in the Pringle area- approx. 7,000 acres was affected by these kind of insects that feeds exclusively on pine needles. We have been monitoring the situation and there are signs that it appears like we may have another minor outbreak. Baldwin recommends to pick a few (5-10) trees you want to and treat them as soon as possible. The wet spring we have had has helped the trees mortality but if they get hit a second time we could lose a lot.

G. Courthouse Security

1. Lieutenant McMillin presented the final Security and Emergency Action Plan that has been developed (as the Security for the Courthouse has been combined with the Emergency Action Plan). This has been reviewed by Scott Sheldon from the State whom reviews the security plans for all courthouses in the State. Judge Brown is the chair of their committee and they have evaluated and established protocols and would seek approval from the Commission to enact this plan. Hartman inquired how often do you review or update the plan. McMillin addressed that they will review as stuff comes through from the state on the effect it has on our policy and at committee level and if changes are needed they will bring forth the recommendations to the Commission.

Motion to approve the Chairman to sign the Courthouse Security Plan made by Hartman; seconded by Hindle, vote taken; all aye, motion carried.

H. Public Hearing

8:30 AM- Deputy Cox read the request for approval for new malt beverage license— Bearded Buffalo Trading Co.; Rhoades TR of Harbach Placer MS, #570 SECS 19/30 T-3 R-5 17.608 AC, Custer County, SD. They have completed all the necessary paper work.

There were no comments taken from the public. Motion to approve made by Hindle; seconded by Busskohl, vote taken; all aye; motion carried.

I. Highway

Highway Superintendent Doyle reviewed that the 8 ROW occupancy requests on this agenda are all from Golden West for ROW accesses near services of residences for new service installation in the Custer Highlands and Hermosa area. Commissioner Hartman inquired if these are related to the same companies that were leaving a mess. Doyle stated that they are of the same in the lower French Creek area but improvement has occurred for cleaning up prior projects that were left in disarray. Hartman suggested possibly tabling these new requests until all cleanup has taken place. Doyle noted that they have heard the message and suggests that they wait until a new large project to service a lot of residents come before the Commission and is uncertain what the ramifications would be to not approve and/or tabled these requests. These requests are individual property owners not a large project. Commissioner Hindle has visited the lower French Creek and has seen improvement himself to the area.

Highway Superintendent Doyle requests authorization for the following ROW Occupancy permits by Golden West:

1. Telecommunications for a buried fiber optic facility on Argyle Road, Custer County, SD. Motion by Busskohl; seconded by Hartman, vote taken, all aye; motion carried
2. Telecommunications for a buried fiber optic facility on 148th Ave, Custer County, SD. Motion by Hartman; seconded by Busskohl, vote taken, all aye; motion carried
3. Telecommunications for a buried fiber optic facility on 144th Ave, Custer County, SD. Motion by Hindle, seconded by Hartman, vote taken, all aye; motion carried
4. Telecommunications for a buried fiber optic facility on Cottonwood, Custer County, SD. Motion by Busskohl, seconded by Hindle, vote taken, all aye; motion carried.
5. Telecommunications for a buried fiber optic facility on Carrol Creek Road/ Co Hwy 313, Custer County, SD. Motion by Hartman, seconded by Hindle, vote taken, all aye; motion carried.
6. Telecommunications for a buried fiber optic facility on W Argyle Rd, Custer County, SD. Motion by Hartman, seconded by Hindle, vote taken; all aye; motion carried.
7. Telecommunications for a buried fiber optic facility on South Park Dr., Custer County, SD. Motion by Hindle, seconded by Busskohl, vote taken, all aye; motion carried.
8. Telecommunications for a buried fiber optic facility on Tin Cup Trail, Custer County, SD. Motion by Hartman, seconded by Hindle, vote taken, all aye; motion carried.

Chairman Lintz addressed concerns on the Fairground's parking lot. The Fair Board ordered two loads of gravel and are asking how we want to pay for it. Lintz noted that he contacted Highway Superintendent Doyle but he could not

free up any trucks at that time. Hartman suggested it should be from the Fair's budget. Doyle, addressed that because the fair ground is not on a road inventory he recommends that we do not use tax dollars for highways to be used on fairgrounds. He suggested that it should fall under Maintenance budget as it makes most sense. Maintenance Supervisor Panza noted that they can pay for this and possibly a budget supplement if needed at a further date.

J. Search and Rescue

1. Director Smolniski reported on the east side of the Search and Rescue driveway is pretty torn up. In addition the quality of that road and the rest of the blacktop and gravel area has washed out. He is seeking suggestions from the Commission on what to do with the overall situation. Buszkohl suggested money be put aside in next year's budget for paving and concrete. Smolniski is working with the Ambulance on paving their part of the driveway. When speaking with them they are willing to team up to get this project completed. The concrete apron is starting to wash out and needs a quick resolution.

Buszkohl also addressed some rescue equipment that they need to surplus. Smolniski is aware of other agencies that do need them and they do not do well on a public auction. Hartman suggests and Superintendent Doyle verified that if it was purchased with tax dollars then it has to be declared surplus and can be gifted to another government agency regardless of the location. It was decided to place this on the next agenda to surplus this equipment to make a matter of record.

K. Planning Department

1. Planning Director Kester presented the following:
Request approval of Final Plat: Tract Sundance Ranch subdivision phase one, located in the SE ¼ NW ¼, SE ¼ of Section 18, T6S, R4E, BHM, Custer County, SD. Applicant: Harry and Wanda Genes Planning Commission recommends approval.

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

Kester also wanted acknowledgement that a member of the Planning Board has stepped down and she will be advertising in the paper for this position. The Commission so acknowledged.

L. Auditor

1. Renew Lease- Postage machine at the courthouse. Deputy Cox reported that the current lease on the machine is expiring and the current machine has become obsolete and can no longer be serviced. We are requesting to do a new 5-year lease with a new machine. The old lease was \$154 per month

and the new would be \$163 per month. A small increase that works within the budget and we will get an updated machine.

Motion to approve the postage machine lease made by Hartman; seconded by Buszkohl, vote taken, all aye; motion carried.

M. Sheriff's Department

1. Sheriff Mechaley reported that the current Chaplin for the department has moved away and Neil Magnuson has agreed to step up and volunteered to be the Chaplin. He will be used for various things people who are going through a difficult time, deaths, ride along with officers, etc. This is completely a volunteer position with no benefits. Mechaley would like him recognized as the Sheriff's Chaplin for the County by the Commission. Deputy Cox confirmed that he will be covered under worker's compensation as a matter of record per meeting minutes and will be added to the list of volunteers. The Commission so acknowledged.

Hartman inquired on the status of the contract with Hermosa which was approved at the last meeting. Mechaley noted that Hermosa has found a candidate for sheriff and they are working on helping them with a background check, etc. He stated that the contract can be ended once they hire a candidate for the position and will be on a future agenda.

N. Veterans Service

1. Todd Fish, VSO; presented the Custer County VSO 2nd Quarter report. Fish stated that since January 1, 2023 903 are registered County Veterans of the 960 Veterans tracked by the State and Federal VA. He has completed the records audit for 752 of the original 752 baseline registered Veterans. Fish noted there are 64 claims in process, with 22 active claims for compensation or pension. For FY 2022, there were 151 approved new awards for \$1,829,605 totaling 366 claims for \$5.2M as annual disability income to Custer County Veterans. Current projected awards for 2023 is \$5.5M. Fish also reported on Patriot Alley on 4th of July that only 10 of the 14 vendors showed up and they raised \$720. They have come to an agreement this will be the last year at least for one year that they will discontinue this for the Holiday. These monies will be converted into gift cards to be used for assistance with Veteran's utility bills.

O. 1881 Courthouse Museum

1. Rick Wheeler reported that there was a fence put up on Custer County property by the neighboring new business moving in, Custer's Last Stop. They were unaware they needed to get permission. He stated that it is not infringing on anything at the Museum. He acknowledges there is a lease

agreement that needs to be implemented. Wheeler's suggestion is to leave the fence where it is and renew the lease as is. The fence serves as a good liability and keeps public out of the area.

A representative from Custer's Last Stop stated that the biggest issue they have is that people come by have tripped and fallen and bring their dogs and use it as a public place. It is dangerous because there are pavers and plants and they can't keep people out without some sort of a barrier. They were told at the time of the purchase at closing that there was an easement there and \$168 allocated to that annual easement. He is not sure who told him this information from his title company. He also didn't realize when they installed the fence they were encroaching County property. He would like it to stay as a deterrent and concerned about the liability. Commissioner Busskohl noted that the line they shot is not even close to the property line. The current lease has been expired 3 years ago. Discussion ensued on the amount the lease should be annually and that they would like to see it renewed annually.

Attorney Davis looked at the Draft lease agreement at the meeting and stated he would like to add some language to the lease for liability and insurance.

Motion to table this lease agreement to the next meeting for changes to the lease by Hartman; seconded by Busskohl, vote taken, all aye, motion carried.

It also was noted that a tree fell from the Museum side and hit the neighboring roof. The roof and the siding were not damaged but the hand rail broke off. Discussion ensued on the responsibility for repair and the owner is willing to repair at their own cost and would like to complete the fence due to crowds upcoming for events coming up in the City.

Motion to allow completion of the fence by Hindle; seconded by Busskohl, vote taken, all aye; motion carried.

P. Town of Hermosa

1. Jerry Styles Board of Trustees President addressed the Commission that the \$500K ARPA funds that was approved for Hermosa had specific requirements to use the WRT system and they would like the ability to look at going back at what was originally recommended by the State DNR on the April 13, 2022 Commission Meeting to go with Southern Black Hills Water. They would like that option to use ARPA funds as matching funds for a grant from SDDANR to fund Hermosa with SBHW as a long-term provider.

It was noted that SBHW is a change in allocation but still utilizing the funds for their water. Todd Fish has researched this that DNR had in fact originally suggested them but Hermosa had decided to go with WRT. But the intent was always for the funds to be used for water. The Commission would just need a motion to provide this option.

Motion to change the restrictions to add Southern Black Hills Water as an option and can use either WRT or SBHW for their water utilizing the matching grant funds offered by DNR from SDDANR last April 2022. Hartman; seconded by Hindle, vote taken, all aye; motion carried.

Chairman Lintz inquired if there is a time limit to spend these funds. Fish noted that there is not due to the way we filtered the money through the General Fund. Hindle inquired if it then loosened up those guidelines. Fish stated they requested and ran it through the general fund versus having it for specific projects because it is less than 10 million dollars so they lifted those restrictions for us. We had to impose restrictions on it the money used for it which we did when given guidance on water projects.

P. Executive Session- entered into at 8:52 AM and reconvened at 8:57 AM for Indigent Request as per SDCL 28-13.42

Actions Taken By Commission Outside of Executive Session:

Motion to approve Indigent request by Hindle; seconded by Harman, vote taken; all aye, motion carried.

Commissioner Hartman explained to the public that these requests are resident in Custer County that typically need burial (cremations) and have no family or friends to help with the cost. They work with McColleys at a reduced price to help take care of the costs which are minimal.

Q. Public Comment – None

R. Old Business

1. At the last Commissioners meeting they approved Resolution 2023-12, Custer County Housing- Payment in lieu of Taxes (PILOT) for Custer County Housing and Redevelopment Commission Subsidized and Low Income housing with a change to the period of “30 years” to “5 Years”. The Resolution has been revised with this change.

The Commissioners acknowledged the change as a matter of record.

Todd Fish also reported on the Housing conference he attended. He gained a lot of information regarding Title 42 housing and Rural Development. The County is doing the right thing. The biggest item we are waiting for is the housing survey which should be out in August. We are going to move

forward to file a grant for ARPA funds for sewer and water run-off. A potential million dollar grant.

Commissioner Hartman noted that we are moving forward on the Senior Housing project along with a chance for Economic Development for workforce in the works (subsidized Title 42 housing funds). This is good news for our community.

S. Commission

1. Mail call –

- a.) a.) Letter from Beardsley Jensen & Lee Attorneys at Law regarding Preserve French Creek, Inc. v. County of Custer County, SD.

This is a denial of the Alternative Writ of Mandamus.

Commissioners Attorney Davis has reviewed these documents and will be following up with; States Attorney Kelley as they are requesting a hearing which he is not familiar with the background as to what hearing they are requesting and its purpose. He will follow up with Kelley and report back to the Commission.

- b.) Letter from Houston Engineering regarding Preliminary Survey for the fairgrounds property.

This is a request for permission to do some preliminary survey work on the fairgrounds property which the County owns.

Highway Superintendent Doyle explained that this will be a DOT shoulder widening project eventually along Hwy 40. This letter will go to all land owners along the highway.

Motion to approve the Chairman to sign this Preliminary Survey contract by Hartman; seconded by Hindle, vote taken, all aye; motion carried.

2. Meeting Schedule – Chairman Lintz will be having a meeting this Friday at 3:00 PM in Hermosa at Lintz Brothers to meet with Tim Allen with Fall River to review draft legislation that they are looking at to solve some tax problems. He requested another Commissioner attend and Commissioner Hindle volunteered to attend and LeaAnne McWhorter will also be in attendance.

3. Meeting Reports –Hindle attended Library Board and interviews. He also thinks he has found an appraiser for the Airport property they are trying to purchase. Lintz attended the Fair Board and they are in need of volunteers for the fair. They used to use inmates but that program has ended. Busskohl attended the Library Board, YMCA which had no forum, County Alive, Planning, Custer City Council and Search and Rescue. Hartman attended the Housing Meeting.

Attorney Davis spoke of Mutual Aide Agreement between Custer County and our extenuating neighboring in Wyoming County. They have the agreement going up the food chain for the Governor's Office (pursuant to South Dakota Codified Law) to get signed off. He will hopefully have

information soon so it can be in place for emergencies. He will report back to the Commission.

T. Adjourn

Motion by Hindle and seconded by Busskohl to adjourn the meeting at 9:26 AM, vote taken, all aye; motion carried. The next meeting will be at 8 a.m., July 26, 2023 in the Commissioner's Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest: _____

Marlyn Campbell, Custer County Deputy Finance Auditor

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