

Minutes of the Custer County Commission Meeting Wednesday, September 6, 2023.

Members present:

Commissioners Jim Lintz, Mark Hartman, Michael Busskohl, Craig Hindle and Commission Legal Counsel Aaron Davis and Dawn McLaughlin, Finance Officer. Commissioner Linde was not in attendance.

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

B. Adopting of the agenda

1. Amend to add to "C" Consent Agenda; Item 3a.) Travel Request for Mike Baldwin for 9/17-18/23 to Aberdeen for the SDAC Conference.
2. Amend to add an Executive Session for Highway Department after Item D.) Conflict of Interest

Motion to approve the agenda as amended made by Hartman; seconded by Busskohl, vote taken, all aye, motion carried.

C. Consent Agenda

1. Minutes of August 23, 2023 Commission Meeting.
2. Travel requests approved:
 - a. Steve Esser and Teresa Obenauer to attend 2023 SD Emergency Mgt. Assoc. conference in Deadwood 9/10-9/13/23 at a cost of \$1,205.80
 - b. Sarah Myers to attend SD Library Assoc. conference in Rapid City 9/23/23
 - c. Mike Baldwin to attend SDAC conference in Aberdeen 9/17-9/18/23

Vouchers approved as follows:

PAYROLL: 8-25-2023 Payroll: Commissioners \$5,237.59; Auditor \$9,890.15; Treasurer \$11,483.30; Info Systems & Technology \$3,159.02; States Attorney \$13,427.01; Courthouse Building \$7,288.78; Director of Equalization \$18,543.97; Register of Deeds \$4,974.70; Veteran's Services \$1,054.66; Human Resources \$2,391.78; Sheriff \$48,761.90; Coroner \$803.39; Nurse \$937.62; Library \$9,537.20; Conservation \$712.92; Weed & Pest \$3,512.66; Planning \$6,642.35; County Road & Bridge \$36,057.88; Emergency Management \$2,924.84; 24/7 Sobriety \$1,986.94; Emergency Line F \$15,490.67

COMMISSIONERS: Southern Hills Publishing \$417.45; Pitney Bowes \$2,453.

AUDITOR: Southern Hills Publishing \$55.84

STATE'S ATTORNEY: Quill \$17.85; Leon County Clerk \$12.60; Jean Carlson \$542.45

MAINTENANCE: BH Energy \$832.18; Custer City \$1,190.19; Southern Hills Publishing \$142.80; Custer Ace Hardware \$61.06

DIRECTOR OF EQUALIZATION: Arrowwood Conference Center \$783.12; Quill \$82.97

REGISTER OF DEEDS: US Imaging \$22,388.32

HUMAN RESOURCES: Division of Criminal Investigation \$43.25

INFO TECHNOLOGY: Golden West Technologies \$1,420.01

SHERIFF: Sonnel Technologies \$37,934.56; LJs Recovery and Transport \$199.13

PRISONER CARE: Kevin Kirschenmann MLS \$75.

AIRPORT: Custer Do It Best Hardware \$17.52; Insurance Benefits \$935; Freeman's Electric \$102,244; Custer Ace Hardware \$35.98; Brenden Hendrickson \$4,210; Impact7G \$3,000; Airnav.com \$260; Custer Chamber \$260.

WEED & PEST: Southern Hills Publishing \$45.20; French Creek Supply \$71.94; Dennis Schmidt \$244.60; Integrated Weed Control \$340.

PLANNING: Southern Hills Publishing \$140.85; Iworq Systems \$3,934.

COUNTY ROAD & BRIDGE: A&B Welding \$12.09; BH Energy \$65.35; Butler Machinery \$3,928.29; Southern Hills Publishing \$83.48; Floyd's Truck Center \$947.75; French Creek Supply \$1,225.47; Anderson Engineers, Inc. \$430; Grimms Pump Service \$87.78; Pheasantland Industries \$3,228.40; SD DOT \$3,105.45; Town of Buffalo Gap \$73; Snap On Tools \$163.50; Walk-N-Roll \$1,352.88; Custer Ace Hardware \$90.54; Stern's \$5,532.07; Pomp's Tire Service \$796.85; Culligan Water \$19.50; Matco Tools \$49.95; Great Western Tire \$235.75

FIRE PROTECTION: Argyle VFD \$11,000; Buffalo Gap VFD \$5,000; Dewey VFD \$2,500; Folsom VFD \$5,750; Highlands VFD \$7,500; Pringle VFD \$8,000

COUNTY BUILDINGS: Custer Heating & Air \$1,312.25; Harvey's Lock Shop \$402.58; Custer Ace Hardware \$15.96; Apex Electrical \$10,812.65

EMERGENCY LINE: Southern Hills Publishing \$329

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

D. Conflict of Interest Declarations – None

E. Executive Session-Highway Department entered into at 8:02 AM for Personnel as per SDCL 1-25-21(1) and reconvened at 8:31 AM.

F. 8:30 AM Public Hearing

Approval of Application for New Malt Beverage License for Heartland Resort, LLC
re: 2023-2024 On-Off Sale Wine and Cider.

There were no public comments.

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

Gravel Bid Opening- Highway Superintendent Doyle opened the one (sole) bid that was received by Black Hills Gravel. The amount is \$8.19 per ton of surfacing gravel. Everything appears to be in order. He requested that this item be tabled until later in the meeting so he can do a thorough review.

Motion to table this item to the end of the meeting made by Busskohl; seconded by Hindle; vote taken; all aye, motion carried.

G. Auditor

1. 2024 Final Budget

Finance Officer McLaughlin reviewed the changes made to the 2024 Provisional Budget since the Public Hearing was conducted.

- >Election workers increase per hour to \$18 per hour
- > New Accounts Receivable Lien Clerk position
- >Courthouse budget went down with Jamie leaving to the Library
- >DOE budget went down due to taking off the vehicle request (will occur in 2023)
- >Sherriff's budget increased due to new employee added
- >Coroner budget went down due to taking off the vehicle request (will occur in 2023)
- >Search and Rescue budget went down do to supplies decrease
- >Civil Air Patrol went up from \$930 to \$1,000
- >Behavioral Management and Development disabled Commission removed
- >Hermosa Arts requested \$5,000 Commission dropped to \$2,500
- >Custer Arts Gallery requested \$1,000 Commission dropped to \$500
- >Weed & Pest budget went down due to additional part time employee
- >Highway & Bridges went down due to correcting wages
- >Fire went up due to adding contingency funds
- >24/7 went down due to correcting wages
- >911 Services went up due to correcting wages

McLaughlin reported that the Provisional Budget was \$12,628,816 and has increased \$71,109 for a final Budget 2024 of \$12,699,925. On the Means and Finance demonstrates the current levy max and cash applied covers all the funds. This is a 6% increase from last year. This includes 5% wages increase.

Motion to approve the 2024 Final Budget made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

ADOPTED BUDGET FOR CUSTER COUNTY, SD

FOR YEAR JANUARY 1, 2024 THROUGH DECEMBER 31, 2024

| | | | | | |
|-------------------------|--------------|------------------------------|------------|---------------------------|---------------|
| COMMISSIONERS | \$ 288,181 | INDIGENT | \$ 11,700 | EXTENSION | \$ 49,485 |
| CONTINGENCY | \$ 250,000 | FOOD PANTRY | \$ - | CONSERVATION | \$ 28,617 |
| ELECTION | \$ 94,535 | CUSTER HOUSING | \$ 14,000 | WEED & PEST | \$ 157,750 |
| COURT | \$ 40,500 | NURSE | \$ 35,864 | Total Natural Resources | \$ 235,852 |
| AUDITOR | \$ 369,395 | SENIOR MEALS | \$ 3,000 | | |
| TREASURER | \$ 376,610 | BH WORKSHOP | \$ 5,000 | PLANNING | \$ 215,009 |
| IST | \$ 100,017 | PRAIRIE HILLS TRANSIT | \$ 6,000 | Total Econ. Development | \$ 215,009 |
| ST ATTORNEY | \$ 389,444 | CASA/CHILD ADVOCACY | \$ 3,400 | | |
| COURT APPT ATTORNEY | \$ 120,000 | MENTALLY ILL | \$ 11,250 | CAPITAL OUTLAY | |
| COURTHOUSE | \$ 405,099 | DEVELOPMENT DISABLED | \$ - | OPERATING TRANSFERS - DUT | \$ 740,970 |
| DOE | \$ 605,032 | MENTAL HEALTH | \$ 6,500 | TOTAL GEN. FUND | \$ 740,970 |
| REGISTER OF DEEDS | \$ 146,609 | MENTAL ILL BRD/HEALTH CNTR | \$ 8,750 | | |
| VETERANS SERVICE | \$ 38,005 | BEHAVIOR MANAGEMENT | \$ - | HWY & BRIDGE | \$ 3,359,764 |
| ANIMAL/PREDATOR CONTROL | \$ 1,745 | WEAVE | \$ 5,000 | FIRE | \$ 305,147 |
| INFO TECH/DATA PROCESS | \$ 143,000 | Total Health & Welfare | \$ 110,464 | EMERGENCY MGMT | \$ 180,841 |
| HUMAN RESOURCES | \$ 83,955 | | | 24/7 SOBRIETY | \$ 61,172 |
| Total General Govt | \$ 3,452,127 | LIBRARY | \$ 311,513 | BUILDING | \$ 266,425 |
| | | MUSEUM | \$ 41,000 | PRINCIPAL | \$ 285,311 |
| SHERIFF | \$ 1,786,541 | HERMOSA ARTS | \$ 2,500 | ROD/MMP | \$ 50,605 |
| CORONER | \$ 41,646 | SENIOR CITIZENS | \$ 7,500 | COMMUNICATIONS/911 | \$ 645,457 |
| PRISONER CARE | \$ 311,000 | CUSTER ART/GALLERY COMMITTEE | \$ 500 | TOTAL SPECIAL FUNDS | \$ 5,154,722 |
| SEARCH & RESCUE | \$ 43,290 | CUSTER YMCA | \$ 17,000 | | |
| CIVIL AIR PATROL | \$ 1,000 | CUSTER FAIR | \$ 23,000 | TOTAL ALL FUNDS | \$ 12,699,925 |
| SAFETY | \$ 9,160 | Total Cult. & Recreation | \$ 403,013 | | |
| Total Public Safety | \$ 2,192,637 | | | | |
| AIRPORT | \$ 195,132 | | | | |
| Total Public Works | \$ 195,132 | | | | |

Published once at a cost of \$. Represents 1/1000004th of the total budget.

Appendix D2: Means of Finance

ADOPTED BUDGET FOR CUSTER COUNTY, SD
For the Year January 1, 2024 through December 31, 2024

Governmental Funds

| | General Fund | County Road and Bridge Fund | Building Fund | ROD/MDD Fund | Domestic Abuse Fund | Emrg Mgmt Fund | Fire Protection Fund | ES11 Fund | 24/7 Sobriety Fund |
|---|------------------|-----------------------------|----------------|---------------|---------------------|----------------|----------------------|----------------|--------------------|
| Cash Balance Ass'd | 2,591,433 | 1,332,881 | (47,000) | 37,805 | | | 118 | | |
| 311 Control Property Tax Levy | 3,791,137 | 656,753 | 826,378 | | | | 317,991 | | |
| Less 25% to City | (112,523) | | | | | | | | |
| 311 TF Property Taxes | | | | | | | | | |
| 312/319 - Other Taxes | 13,000 | 151,000 | 1,800 | | | | 700 | | |
| NET TOTAL TAXES | 3,748,614 | 877,813 | 827,878 | | | | 318,691 | | |
| 320 Licenses & Permits | 93,000 | 3,000 | | | 2,000 | | | | |
| 300 Intergovernmental Revenue | 837,600 | 1,311,500 | 1,800 | | | 49,000 | 1,200 | 97,000 | |
| 340 Charges for Goods & Services | 781,287 | 2,000 | | 13,000 | 700 | | | 8,000 | 8,000 |
| 350 Fees & Fines | 5,425 | | | | | | | | |
| 360 Miscellaneous Revenue | 33,600 | 9,000 | | | | | 1,500 | 300 | |
| 370 Other Financing Sources | 8,000 | | | | | | | | |
| 380 Operating Transfers In | | | | | 1,800 | | 139,841 | 659,137 | 63,172 |
| TOTAL OTHER REVENUES | 1,706,667 | 1,325,500 | | 13,000 | 8,000 | 189,841 | 2,500 | 645,457 | 81,172 |
| SUBTOTAL (Cash + Taxes + Other Rev.) | 7,837,656 | 3,608,524 | 852,773 | | 6,263 | 189,841 | 221,207 | 678,428 | 64,392 |
| Less 2% (S.D.C.L. 7-21-16) | 200,853 | 178,810 | 20,000 | | | | 18,000 | | |
| NET MEANS OF FINANCE | 7,640,203 | 3,429,714 | 832,773 | 50,658 | 6,900 | 189,841 | 203,207 | 645,427 | 61,372 |
| TOTAL APPROPRIATIONS | 1,549,263 | 3,359,764 | 851,793 | 69,658 | 5,900 | 189,841 | 205,147 | 645,457 | 61,172 |

740,970

12,699,925

ADOPTION OF PROVISIONAL BUDGET FOR CUSTER COUNTY, SOUTH DAKOTA NOTICE IS HEREBY GIVEN:
That the Board of County Commissioners of Custer County, will meet in the Courthouse at Custer, South Dakota on Tuesday, August 22, 2023 at 8:30am for the purpose of considering the foregoing Provisional Budget for the year 2024, and the various items, schedules, amounts and appropriations set forth therein and as many days thereafter as is deemed necessary until the final adoption of the budget on the 6th day of September, 2023. At such time any interested person may appear either in person or by a representative and will be given an opportunity for a full and complete discussion of all purposes, objectives, items, schedules, appropriations, estimates, amounts and matters set forth and contained in the Provisional Budget.
Dawn McLaughlin, Custer County Finance Officer, Custer, South Dakota

I. Sherriff's Department

1. New additional position to the Sheriff' Department.
Deputy sheriff McMillin requests for additional position that was discussed during budget hearing.
Motion to add the new position to the Sheriff Department made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.
2. New hire John Fotopoulos as Deputy Sheriff.
Deputy Sheriff McMillin requested approval for this hire which will be uncertified rate of \$24.69\hour beginning September 6, 2023, a full-time benefitted position.
Motion to approve this new hire made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

J. Highway

1. ROW Occupancy Permit.
Highway Supervisor Doyle reviewed this permit is for BH Energy to install new power line conduit on the He SAPA Trail 57 Twp. 4S R5E, Custer County, SD. Doyle recommends this permit for approval.
Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.
2. Motion tabled from earlier in this meeting regarding Gravel Bid Opening
Motion to take the Gravel Bid Opening off the table made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

Highway Superintendent Doyle stated that it is his recommendation to approve the bid from BH Gravel at \$8.19/ton of surfacing gravel.

Motion to approve the bid as requested made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

Doyle noted that he has checked around and the price is good and is \$1.80/ton difference from last year.

He also reported on the Butler Machinery fire that occurred 2 weeks ago which destroyed all their parts with allot of smoke damage and will need to rebuild. This will affect the timeline on their rebuild.

K. Planning Department

1. Purchase of new Pickup
Planning Director Kester requested approval of a new pickup re: State Bid Contract #17619 in the amount of \$44,561.
Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

2. Final Plat- Desperado Ranch Subdivision

Director Kester presented a Final Plat re: Lot 24R and Lot 25R of Desperado Ranch Subdivision, located in Section 9, T6S, R4E, BHM, Custer County, SD. Leroy and Nancy Lohmiller.

The owner built his structure over the property lot line and is requesting a lot line adjustment. This request was reviewed by the Planning Commission and recommends approval.

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

3. Final Plat- Meyers Subdivision

Director Kester presented a Final Plat re: Final Plat re: Lot K-1 Revised, and Lot K-2 Revised of Meyer's Subdivision, located in THE SW ¼ of Section 27, T2S, R7E, BHM, Custer County, SD. Shane and Dayna Simonson; Mike and Janet Stonelake; Jacob and Carmen Halonen.

This request is to meet setbacks. This request was reviewed by the Planning Commission and recommends approval.

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

4. Discuss Wastewater Permits.

Director Kester addressed the Commissioners the research she has done regarding Wastewater inspection permits with other neighboring jurisdictions. She has found that most counties hire an engineer to inspect and the majority don't inspect themselves. Typically other counties require a drawn up and inspected wastewater done by an engineer. She noted the wastewater fines for the last two years amount to five. We have had 82 wastewater permits for 2023 to date. Commissioner Hartman voiced that the fines do not add to allot of the permits issued however they can be difficult to deal with. He would not like to see us move to require an engineer. The Commissioners concurred and voiced to get the word out on permit requirements.

Busskohl would like to see the system simplified such as "you bury anything and cover it up before the permit you would be fined".

Director Kester addressed that we would need to change the wording in the Ordinance as it says currently that prior to installation you are required to have a permit. A change would affect the people who are putting another structure on their property and not telling the County. Another option was possibly we raise the fine for those who burry it prior to inspection.

The Commissioners concurred to send these ideas to the Planning Commission to make a recommendation.

L. Equalization

1. Purchase of new Pickup

Equalization Director Vissia requested approval of a new pickup re: State Bid Contract #17619 in the amount of \$44,956.

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

2. Update on Reappraisal

Tara Traxler reported on status of Reappraisals this year. This past Spring and Summer we have done well covering Range 3 west side to east side of the county range from south to north covering 6-3 sections in the Canyon Rim Ranch area. Most properties have been visited with a few remaining.

Assessments go out in March. We have tentatively looked at starting to assess Custer City but nothing we look at in Custer City will be on the assessment that comes out in March but would be in assessments in 2024.

3. Update on Sales

Director Vissia reported on Sales as of July 2023:

>78% of the Market, all Non-AG

>72.7% in Commercial

>81.4% houses outside city limits

>59% Commercial land outside City limits which is only 1 sale

>52% commercial property outside City limits which is also only 1 sale

>79.3% land inside city limits

>78.4% houses inside city limits

>95.9% commercial inside City Limits

>Overall Non AG is 78%

We have implemented the new Vanguard manual and have lowered the map factors which lowered values and have not changed the manual level until we see where we are sitting at the end of the year to know if we are going to increase or decrease the manual level. It has increased values even with reducing the map values. This report is demonstrating that at the end of the season by October 31st if our sales are at 80% but our values are at 85% we can change the manual level down but if not we would have to increase the manual level to get up to where it should be. This will depend on sales in August through October this year.

4. Discuss previous Resolution re: Structures

Director Vissia discussed that she apologizes for not reading the Resolution on Structures well that was adopted in 2002 that changed the Conex buildings but if you go down to the part referring to carports we had 720 sq. ft. off concrete but this resolution states 360 sq. ft. She believes this is a miss-print of a copy from before because she believes the Commission would have never done 720 sq. ft. and reduced it down to 360 sq. ft. when you changed it up to 720 sq. ft.. So on

first page last paragraph "Now therefore that detached manufactured still carports 360 sq. ft. and 600 sq. ft. of concrete which it should be 720 sq. ft. She feels this need to be corrected. Director Vissia has not been doing this in their office as she never read it. A taxpayer showed it to her and she believes it is a miss-print.

The current new Resolution is tabled, and this item can be addressed in the new one. She has addressed this with Todd Fish who brought the new Resolution before the Commission on 8/23/23.

M. Airport

1. H2E proposal to complete Phase 1 re: 63.25 acre purchase from USFS. EMS Director Esser reported that an appraiser has been set up and we now need phase 1 of the Environmental impact study (which is only good for 2 months) approved to move forward with the process. This work is "not to exceed" \$6,000.

Motion to fund approve the Environmental Impact Study made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

N. Public Comment –

1. Neil Schanzenbach representing French Creek folks is protesting against the use of County tax dollars in attempt to overturn the outcome election results of 6/6/23 that declared the pollution of French Creek by the City sewer system as a Public Nuisance. He is not implying that it has happened but wants it out there that they (or anybody that voted for it) do not want to have to pay for both sides of the court that begin soon.

O. Library

1. New hire, John Andersen as Circulation Library Assistant. Library Director Myers reported that this is a full-time benefitted position at 32/hour per week at a rate of \$16.50/hour.
Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.
2. New hire, Jamie Denoma as Cataloguing/Circulation Library Assistant. Myers reported that this is a full-time benefitted position at 40/hours per week at a rate of \$17.25/hour.
Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.
3. Discuss 2024 Budget Adjustment
Library Director Meyers reviewed a few items to note regarding next year's budget is the need to purchase an overall computer filtering system due next year. Also, in Personnel in the past Roberta Phillip in Hermosa had two relief half time positions. We are requesting this be moved up from 90 hours for two

relief to one person at 180 hours with Eileen Wahlstrom. Finance Officer McLaughlin noted that those changes are both in the now adopted budget.

P. Commission

1. Mail call –
 - a.) Thank you card from Black Hills Works
 - b.) Updated Public Notice from DANR re: Surface Water Discharge Permit/Statewide
 - c.) BHRMUC meeting notice- August 24, 2023 at Spearfish Holiday Inn
 - d.) Letter from Neighbor Works/ Dakota Home Resources
2. Survey Tract Hospital 1 and Tract S&R Revised, Custer City, Custer County, SD
Motion to authorize Chairman to sign approved Plat made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.
3. Meeting Schedule-Conference attendees for this week's SD Counties Conference are Jesse Doyle, Paula Arthur, Dawn McLaughlin, Barbara Cox, Chairman Lintz, Commissioner Busskohl and Terri Morgan.
4. Meeting Reports – Hindle attended Buffalo Gap Town Hall meeting regarding Marijuana grow facility, Busskohl attended Custer City Council, Planning Commission and Hartman attended Planning Commission meeting.

Q. Executive Session- entered into at 9:25 AM for Personnel as per SDCL 28-13.42SDCL 1-25-21(1) and reconvened at 10:08 AM

R. Adjourn

Motion by Busskohl and seconded by Hindle to adjourn the meeting at 10:09 AM. The next meeting will be at 8:00 AM, September 20, 2023 in the Commissioner's Room in the Custer County Courthouse.



Jim Lintz, Chairman



Attest: 

Marlyn Campbell, Custer County Deputy Finance Officer

Published once at the total approximate cost of _____.