

MAINTENANCE: BHEC \$4,477.44; Custer Do It best \$14.49; BH Chemical \$445.24; Sander Sanitation \$21.09; Custer Ace Hdwe \$53.30; Golden West Telecom \$27.68; McGas Propane \$273.71; A-Z Shredding \$9.92

DIRECTOR OF EQUALIZATION: Quill \$736.50; Golden West Telecom \$193.76; Vanguard Appraisals \$320

REGISTER OF DEEDS: Golden West Telecom \$55.36; Tyler Technologies \$5,722.31

ROD MOD & PRESERVATION: US Records Midwest LLC \$1,831.67; Tyler Technologies \$233.37

VETERANS SERVICES: Golden West Telecom \$27.68

HUMAN RESOURCES: Golden West Telecom \$27.68; Jackie Bauer \$1,305.

INFO TECHNOLOGY: Golden West Telecom \$735.36; Golden West Technologies \$7,193.51; Vanguard Appraisals \$481.25

SHERIFF: S&B Motor Parts \$158.38; Sherry Weber \$20; Innovative Office Solutions \$158.01; Golden West Telecom \$276.80; A&B Pure Water \$54.98; A-Z Shredding \$24.66; Creative Product Source \$542.24

PRISONER CARE: Pennington County Sheriff \$676.86; Pennington County Jail \$13,015; Mary Seifert \$200; SD Public Health \$555.

AIRPORT: Custer Do It Best \$11.99; Custer Ace Hdwe \$149.99; Golden West Telecom \$114.16; H2E Inc \$6,000.

MENTAL HEALTH CENTER: Lincoln Co. Treasurer \$110;

MENTAL ILLNESS BOARD: Husted Law Office, PC \$330.60

LIBRARY: Mt. Rushmore Telephone \$134.58; Golden West Telecom \$115.95

EXTENSION: Golden West Telecom \$118.06

WEED & PEST: Chemical Reimbursements \$5,820.07 (contact Auditor's office for full list); Golden West Telecom \$27.68; Culligan \$6.50

PLANNING: Golden West Telecom \$110.72

COUNTY ROAD & BRIDGE: BHEC \$71.53; Floyd's Truck Center \$22.91; French Creek Supply \$740.77; Fastenal \$233.50; Mt. Rushmore Telephone \$110.83; SD DOT \$211.25; S&B Motor Parts \$229.95; Kieffer Sanitation \$271.70; Servall \$136.34; Snap On Tools \$9.55; BH Gravel LLC \$98,280; Custer Ace Hdwe \$107.89; Golden West Telecom \$220.78; Pomp's Tire Service \$891.36; Midway Service/Vollan \$66,011.33; A&I Distributors \$311.45; Culligan Water \$13; Centurylink \$40.69; Forward Distributing \$19.25

RURAL ACCESS INFRASTRUCTURE: True North Steel \$54,242.64

EMERGENCY MANAGEMENT: Golden West Telecom \$45.21; Pennington County Sheriff \$72.08

SEARCH & RESCUE: Rushmore Communications \$2,588.13; Golden West Telecom \$93.95

24/7 SOBRIETY: SD Attorney General \$2,887.

COUNTY BUILDINGS: Custer Do It Best \$8.81; Custer Heating & Air Co. \$464.43; Custer Ace Hdwe \$1,564.19; Thyssenkrupp Elevator \$386.25

EMERGENCY LINE: Golden West Telecom \$694.87; A&B Pure Water \$54.97; Language Line Services \$5.20

GENERAL FUND: SD State Treasurer \$29.27

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

D. Conflict of Interest Declarations –

1. Commissioner Hartman declared a conflict under item "M" Highway, number 2, ROW Hard Scratch Lane.

E. Highway

1. Highway Superintendent, Jesse Doyle requested Commission approval for ROW Occupancy permit from BHEC for overhead electric crossing LH Road near Highway 79. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Doyle presented request for approval for ROW Occupancy permit from Golden West Telecommunications for buried fiber optic facility on Hard Scratch Lane; S32,5 T03S, 04S R05E. This request had been previously tabled. Representatives from Golden West were present and addressed the Commission to discuss dissatisfaction with contractor's work on some projects and stated Golden West will make every effort

to work with contractors and have them follow more strict guidelines during installation projects for fiber optic lines. Marty Huether from Golden West noted that GW has weekly meetings with contractors to update projects and make sure work is up to expected standards. He invited Doyle to participate in weekly calls with GW & contractors to facilitate better communication. Motion to approve made by Busskohl; seconded by Hindle; vote taken; Busskohl, Hindle, Linde aye; Hartman abstained due to declared conflict of interest.

3. Doug Wessel, Brosz Engineering, presented 2023 bridge inspection information & reports for various bridges in Custer County as required by the work order. Wessel provided copies of the report and photos to the Commissioners for their review. a) Old Sawmill Road bridge on the Mickelson Trail was built in 2009 and no load posting is required. He recommended resetting the posts at the guardrail and terminals as they are not plum; the "W" beam is no longer connected to the post. b) Bridge at E. Main St/Beaver Creek (Buffalo Gap Bridge) was built in 1971 has a load posting of 12T and 20T and is due to deterioration of timber abutments. Recommendation for this bridge is to consider scheduling this bridge for replacement; the Commission has been proactive in 2023 in this recommendation and has received a BIG preliminary engineering grant for this structure. This phase is for the hydraulics and determination of structure size and type, and location. Once completed, application for BIG replacement grant can be made. Wessel recommended several repairs, as well as installation of load posting signs at nearest intersections and bridge ends, which is a requirement. Wessel noted this bridge is in most need of repair/replacement of all the bridges. Custer County would be responsible for the recommended repairs when made. c) The Hasselstrom Place Bridge was rehabilitated in 1982 and has no load posting requirements. Repair recommendations include replacing sections of deteriorating timber backwall extensions. The mortar needs tuck-pointing, as well. The current rail system does not meet current crash standards, (which is normal for bridges of this age) but is grandfathered in as long as no work is done to the top of the structure; Wessel recommended installation of a new rail system. d) County Rd. 18/French Creek Bridge was built in 1967 and has no load posting requirement. Repair recommendations include patch bottom stem of beam #6; stabilize and repair undermining of west abutment. e) French Creek Road (west of Fairburn) bridge built in 2020 with no load posting requirements. Repair recommendations include patch spall with exposed rebar in SW wingwall and may remove old load posting signage. f) Co. Rd 19/Bison Road Bridge was built in 1974 and noted repair spalled on south end of deck unit #2. No load posting signage required. Doyle stated repair recommendations will be followed. Doyle is pushing for precast box culvert structure on the Buffalo Gap bridge replacement, as those types are longer-lasting and less maintenance; Brosz Engineering agreed. Doyle stated the biggest obstacle in the Buffalo Gap bridge replacement project will be the detour.

4. Request for authorization to declare surplus and list of equipment & scrap iron was made and recommended hiring Bradeen Auction to conduct an online auction of the items, as this method has yielded better results than a live auction. Doyle noted

that other departments' surplus items can be included, as well. Discussion was held regarding the Humvees that are included in the list; which Doyle noted he has spoken with Federal Surplus Property and they will need to be returned to that agency. The main office in Huron is working on the necessary paperwork and documentation outlining the process. Deputy Reifenrath stated that the Humvees are property of Custer County, as the Sheriff's office has signed for them. The armor that is on the Humvees will be returned to the proper agency, once determined. Commissioner Linde asked if the Sheriff's office has use for them and Sheriff Mechaley stated they did not. Linde then asked if the units could then be sold if Custer County has ownership. Reifenrath stated that yes, they could. He noted that approximately 4 years ago, titles were received; they were initially intended for use as DARE vehicles. Mechaley thought the Humvees should not be included in the auction until regulations for disposal were met. Mechaley would check into the matter; Doyle said he would pass along any information that he receives from Huron. Three pickups that were on the list were surplussed to Maintenance and VFDs, but any still left could be added to the auction. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

5. Doyle requested Commission acknowledgement of end of six-month probation period (November 8, 2023) for David Stanton, full-time Equipment Operator. The Commission so acknowledged.

F. Planning

1. Planning Director, Terri Kester, presented Final Plat Dumire Tract West and Dumire Tract East, located in Government Lot 4, Section 5, T4S, R5E, BHM, Custer County, South Dakota. Parcel ID# 006142 re: M. Hartman and recommended approval. This is a lot split of an aliquot parcel. Commissioner Busskohl noted the roadway is greatly improved. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

2. Kester presented variance request re: Parcel ID# 015740 D. Shuman, who will be calling into the meeting to participate. Shuman is asking for a variance of Ordinance 2, Article 8, Section 13, minimum wastewater requirements field size. This request is for a 2-bedroom variance for wastewater system for seasonal only property. State DANR and County minimum requirements are for 3-bedroom system. Mr. Shuman came into the Planning Office to schedule an inspection of his system and upon review of his paperwork, it was noted that the system was not compliant for a 3-bedroom; but was only made for a 1-bedroom system. He was informed by the Planning office that he would need to add 2 80-foot trenches. He later returned to the office and stated his house would be seasonal only and that the wastewater would be for a seasonal cabin and not a residence and that he did not want to further dig. He asked if he could apply for a variance so he would not have to dig and add the additional 16' pipe to each trench. Kester stated that by adding the 16' of pipe to each trench this system would meet the 3-bedroom requirement. The Variance was presented to the Planning Commission on November 7, 2023 and the Variance request was denied and

recommended that Mr. Schuman add to his field to meet the requirements. Kester noted that Chapter 74 (State of SD requirements) states that the system has to be sufficient for a 3-bedroom home, with calculation table shown underneath (alternative method of determining absorption area—bed or absorption trench). The Planning Office follows the table, as do other installers, as well. Shuman read a letter he received from the State, citing standards were exceeded as defined by ARSD 74:53:01. Relevant sections to the rule are 20,31 & 32. Commissioner Busskohl asked that if he met the State requirement, why did he feel he needed a Variance from the state as well as the county? He stated he did so because he was misinformed by the County; and so that he could meet the criteria for the County; based on what he was advised, not what was in written format. Further discussion was held regarding the matter; Custer County does not have zoning for cottages and cabins and therefore, residential (or commercial) requirements must be met. Shuman said he failed to find it stated that a system needs to be residential based upon zoning. Commissioner Linde stated he has not seen that the system needs to be for 3 bedrooms in Ordinance 2 for the alternative method of determining required absorption in the trench area; he stated there is an alternative way of figuring that doesn't require a 3-bedroom system. Kester said when Shuman came to the Planning Office to pull his wastewater permit, he was told he was required by the state to take an open book test to install his system and was told at the time it needed to be built for a 3 bedroom. He returned and was told he did not do it correctly, so asked for his permit to fill it out to determine where he is at in the field before Planning conducted an inspection. If Planning conducts an inspection and it is found incorrect, a \$100 inspection fee still is charged. Kester stated he was well-informed when he left the office. Kester stated their office has not approved any systems less than a 2-bedroom system (for shop buildings based on sq. footage of concrete). Wastewater systems are becoming more of an issue in the County due to self-installers. Kester stated there are other options available, such as a holding tank with an alarm system. That information is sent to the State to sign off on and then forwarded to the County. Motion to deny variance based on Planning Department and legal recommendation made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. The Commission recommended Shuman either add to the field or install a holding tank.

G. Sheriff

1. Sheriff Mechaley appeared before the Commission to discuss difficulty in filling vacant deputy positions in his department. He recently offered positions to 4 candidates and all 4 declined/rescinded. He noted that wages and housing shortages are a contributing factor. He stated his office currently has 10 deputies for 24-hour coverage in the County and will be short-staffed soon, with a small hiring pool. Mechaley said the department may have to consider a 50-hour work week to compensate. Mechaley previously presented a wage study to the Commission and feels wages need to be increased to retain officers and prevent Custer from becoming a training ground. Mechaley currently has 3 positions available.

2. Mechaley presented Custer State Park Contract for Law Enforcement services from 7/1/2023 – 6/30/2024 in the amount of \$8,678.17 for approval. Discussion was held regarding low compensation for services received. Chairman Lintz said the state needs to step up with funding. Mechaley noted that CSP rangers and Custer County deputies work well together, but the County is very underpaid for providing services to 2 million visitors in the summer months. Audience members participated in the discussion, as well. Chairman Lintz requested a list of properties that Custer County is not receiving taxes on; perhaps a PILT could be established to help offset costs. Lintz suggested accepting the contract, but under protest.

3. Approve Custer State Park Contract for Dispatch services from 7/1/2023 – 6/30/2024 in the amount of \$8,678.17. Discussion was held regarding this low compensation, as well. Mechaley stated it is not right that taxpayers keep funding State/Park services. Highway Superintendent Doyle noted the same predicament with road maintenance services for CSP.

4. Mechaley presented contract with Town of Hermosa for dispatch services in the amount of \$8,000 annually. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. It was noted that the Town of Hermosa hired a law enforcement officer for coverage, but the officer resigned after approximately one month. Custer County is currently providing coverage and it was stated that a new contract should be put into place running November-November in the same amount as previously paid by the Town of Hermosa.

5. Vehicle order update was provided—purchase of 3 Chevrolet Tahoes at a total cost of \$150K; to come from unallocated funds (previously approved by Commission; McLaughlin noted \$135K) which will be supplemented in December, if needed. Mechaley said the vehicles will arrive stock and will need to be upfitted at an additional fee for law enforcement use. The vehicles will be delivered from Des Moines, Iowa, with Iowa pricing honored. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

H. Custer County 2023 Christmas Party

1. Teri Morgan spoke before the Commission to discuss the upcoming plans for the annual Christmas party. She noted that food prices have increased this year and that she has been looking into other locations/options. Morgan stated there were 100 attendees at last year's event and is budgeting for the same this year. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye.

2. Morgan presented request for raffle approval, with prizes to be determined for the 2023 Christmas party. Motion to approve raffle made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

I. Auditor

1. Finance Officer, Dawn McLaughlin, requested acknowledgement end of six-month probation period (November 8, 2023) for Marlyn Campbell, full-time Deputy Finance Officer. The Commission so acknowledged.

2. McLaughlin presented the following 2024 Uniform Alcoholic Beverage License renewal applications for approval:
 - a) LT Campgrounds LLC; (Custer/Mt. Rushmore KOA) Retail On-Off Sale Wine and Cider. Motion to approve by Linde; seconded by Hindle; vote taken, all aye; motion carried.
 - b) Black Hawk Oil, Inc (BJs Hermosa); Retail On-Off Sale Wine and Cider. Motion to approve by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.
 - c) Lagerplatz Adventures LLC; (Spokane Creek Cabins & Campground) Package Off-Sale Liquor. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.
 - d) Korczak’s Heritage Inc. (Laughing Water Restaurant) Retail On-Sale Liquor. Motion to approve made by Busckohl; seconded by Linde; vote taken, all aye; motion carried.
 - e) Korczak’s Heritage Inc. (Heritage Village) Retail On-Sale Liquor. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.
 - f) Heartland Resort LLC (Heartland RV Park & Campground) Retail On-Sale Liquor. Motion to approve made by Busckohl; seconded by Linde; vote taken, all aye; motion carried.
 - g) Heartland Resort LLC (Heartland RV Park & Campground) Retail On-Off Sale Wine & Liquor. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.
3. Travis Hartshorn, together with 2 members of the Custer HS Rodeo Team, appeared before the Commission to request approval of fundraiser raffle for Custer High School Rodeo Team. Drawing for .223 Rifle to be held February 9, 2024 at Hermosa. There will be a dinner, dance, silent & live auction on that date. Motion to approve made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.
4. Request from Crazy Horse Memorial Foundation to conduct raffle on October 20, 2024 was presented for approval. Drawing for Winchester Model 1894 lever-action rifle to be held on that date. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

J. Emergency Management

1. EMS Director, Steve Esser, presented an update on the proposals for Community Wildfire Protection Plan and stated he sent out requests for a contractor to write the plan to multiple agencies and only received one response so far. The response received was from Fire Adaptive Solutions out of Boulder, CO. Esser requested to have the Commissioners, together with Todd Pechota to review the proposal before sending out again. He would like to come back to the next Commission meeting and come in with a price for approval, or resend out for other quotes. Esser noted that there are things in the contract that Custer County doesn’t necessarily need, as USFS has already completed, and that is a potential savings. Esser stated the grant monies allotted are

\$25K; and some of the unnecessary items will bring that total over and above that amount.

2. Esser discussed flood mitigation with Headwaters Economics and Speck Engineering, noting they are entering into the second phase and asked for more Commission involvement as they move forward. Custer County's designation would allow for potentially millions of dollars' worth of grant monies for flood & hazard mitigation; it is good opportunity for Custer County. 90% FEMA & State 10% funds.

K. Library

1. Library Director, Sarah Myers, appeared before the Commission to discuss the possible overages in the 2023 budget; mainly travel, conference & mileage funds. Other items will come in under budget; noting the Library budget will overall come in under budget. Myers wanted to be transparent and proactive in informing the Commissioners.

L. Public Comment –

1. Planning Director, Terri Kester, discussed Chapter 74 and Ordinance 2 and presented the chart for wastewater flow requirements and noted that private installers have to use the same book and charts that the Planning office uses. Commissioner Busskohl noted that Custer County does not recognize wastewater plans less than 3-bedrooms.

2. Travis Hartshorn thanked the Commission for approval of the Custer High School Rodeo fundraiser raffle.

M. Executive Session

1. Executive Session as per SDCL 1-25-2(3) Legal entered into at 9:51 AM; concluded at 11:04 AM.

N. Actions Taken Outside of Executive Session

1. Motion to dissolve Resolution 99-3 Discretionary Tax Formula Residential Property as per SDCL 10-6-66 made by Hindle; Busskohl; vote taken; all aye; motion carried.

2. Motion to dissolve Resolution 2015-6 Commercial/Industrial Discretionary Formula, made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

3. Motion to dissolve Resolution 2020-12 Resolution Revising the Commercial/Industrial Discretionary Formula for Assessment for Ad Valorem Taxation Purposes made by Busskohl; seconded by Hindle; all aye; motion carried.

4. Motion to approve Resolution 2023-18 Resolution Establishing Exemption Criteria of Certain Structures from Assessment for Ad Valorem Taxation in Custer County made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

O. Commission

- 1. Mail call –
 - a. Letter from 1881 Courthouse Museum
 - b. Invitation from Historical Society for open house December 2, 2023.
 - c. Black Hills Multiple Use Coalition Meeting Notice November 16, 2023
- 2. Meeting Schedule –
 - a. BH Association meeting Friday, December 8, 2023 in Harding County.
- 3. Meeting Reports – Linde attended landfill meeting re: fees; museum board; conservation board. Lintz attended weed board, noting 50% cost-sharing reimbursement funds spent. Busskohl attended planning commission, search & rescue @ Custer Beacon. Hartman attended planning commission; inquired re: McDill—state’s attorney Kelley spoke with McDill, who would like a ROW vacation, may wish to discuss with Commission. The Commission would only have to respond if he brings a petition; noting landowners may have to take responsibility for moving homes off of roadway.

P. Adjourn

Motion by Busskohl and seconded by Linde to adjourn the meeting at 11:13 AM. The next meeting will be at 8:00 AM, December 6, 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 _____.