

Minutes of the Custer County Commission Meeting Thursday, December 28, 2023.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Busskohl, Craig Hindle and Commission Legal Counsel Aaron Davis 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 to move “M—Old Business; CSP Regency” before Item “E” Highway.
2. Amend to add “correction of 8-9-23 Minutes” under “C” Consent Agenda.
3. Amend to add item to “G” Finance Officer.

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

C. Consent Agenda

1. Approve Minutes of December 6, 2023 Commission Meeting.
2. Amend Minutes of 8-9-23, Item “J” Human Resources, No. 3 to read “Request was made for approval for Roberta Phillip to move from part-time employee to full-time 32/hours per week with fully benefits. This will be a fully-benefitted position beginning Jan. 1, 2024 with wage of \$18.59/hour”.
3. Approve Monthly Reports as follows:

The image contains three financial documents from the Custer County Treasurer's office, dated December 28, 2023.

- Top Left:** A balance sheet showing assets and liabilities. Assets include Cash, Accounts Receivable, and Prepaid Expenses. Liabilities include Accounts Payable and Other Liabilities.
- Top Right:** A list of disbursements, detailing various payments made throughout the month, such as salaries, benefits, and utility bills.
- Bottom Left:** A summary of receipts and disbursements. It shows total receipts of \$1,100.00 and total disbursements of \$1,100.00, resulting in a net change of \$0.00.
- Bottom Right:** A signature of the Treasurer, Dawn McLaughlin, and a date stamp.

DEPT	AMOUNT	DATE	12/20/23
COMMISSIONERS	5,218.32		
AUDITOR	11,901.27		
TREASURER	12,298.77		
INFO SYSTEMS & TECHNOLOGY	3,159.03		
STATE'S ATTORNEY	13,838.60		
COURTHOUSE BUILDING	8,673.64		
DIRECTOR OF EQUALIZATION	17,505.52		
REGISTER OF DEEDS	5,149.00		
VETERAN'S SERVICES	1,400.16		
HUMAN RESOURCES	2,802.27		
SHERIFF	47,878.59		
CORONER	803.40		
NURSE	1,125.13		
LIBRARY	9,891.49		
CONSERVATION	712.90		
WEED & PEST	3,099.82		
PLANNING	7,401.95		
COUNTY ROAD & BRIDGE	42,702.61		
EMERGENCY MANAGEMENT	3,035.05		
24/7 SOBRIETY	824.99		
EMERGENCY LINE F	19,661.09		

DEPT	AMOUNT	DATE	12/22/23
COMMISSIONERS	7,852.37		
AUDITOR	11,763.87		
TREASURER	12,313.42		
INFO SYSTEMS & TECHNOLOGY	3,346.65		
STATE'S ATTORNEY	14,838.59		
COURTHOUSE BUILDING	8,851.60		
DIRECTOR OF EQUALIZATION	16,982.37		
REGISTER OF DEEDS	5,149.01		
VETERAN'S SERVICES	1,345.62		
HUMAN RESOURCES	2,747.73		
SHERIFF	46,422.18		
CORONER	803.39		
NURSE	1,068.88		
LIBRARY	9,911.39		
CONSERVATION	712.92		
WEED & PEST	3,041.38		
PLANNING	8,655.24		
COUNTY ROAD & BRIDGE	44,060.57		
EMERGENCY MANAGEMENT	3,139.87		
24/7 SOBRIETY	824.99		
EMERGENCY LINE F	17,840.00		

4. Vouchers approved as follows:

PAYROLL: 12-5-23 Payroll: Commissioners \$5,218.32; Auditor \$11,901.27; Treasurer \$12,298.77; Info Systems & Technology \$3,159.03; State's Attorney \$13,838.60; Courthouse Building \$8,673.64; Director of Equalization \$17,505.52; Register of Deeds \$5,149; Veteran's Services \$1,400.16; Human Resources \$2,802.27; Sheriff \$47,878.59; Coroner \$803.40; Nurse \$1,125.13; Library \$9,891.49; Conservation \$712.90; Weed & Pest \$3,099.82; Planning \$7,401.95; County Road & Bridge \$42,702.61; Emergency Management \$3,035.05; 24/7 Sobriety \$824.99; Emergency Line F \$19,661.09.

12-22-23 Payroll: Commissioners \$7,852.37; Auditor \$11,763.87; Treasurer \$12,313.42; Info Systems & Technology \$3,346.65; State's Attorney \$14,838.59; Courthouse Building \$8,851.60; Director of Equalization \$16,982.37; Register of Deeds \$5,149.01; Veteran's Services \$1,345.62; Human Resources \$2,747.73; Sheriff \$46,422.18; Coroner \$803.39; Nurse \$1,068.88; Library \$9,911.39; Conservation \$712.92; Weed & Pest \$3,041.38; Planning \$8,655.24; County Road & Bridge \$44,060.57; Emergency Management \$3,139.87; 24/7 Sobriety; Emergency Line F \$17,840.00

COMMISSIONERS: Pitney Bowes \$3,083.57; Golden West Telecom \$224.04; State SD Audit \$45,163.70; Selena Spring \$810; SD NACO \$2,198.

COURT: George Cameron \$137.20

AUDITOR: Print Mark-et \$92.90; Golden West Telecom \$138.40; Tyler Technologies \$290.

TREASURER: Quill \$38.17; Golden West Telecom \$139.10

STATE'S ATTORNEY: Quill \$209.18; SD Dept Health \$35; Colorado DPS \$10; Golden West Telecom \$138.40; Culligan \$31.50

COURT-APPOINTED ATTORNEY: Garland Goff \$1,435.20; Grey & Eisenbraun \$191; Southern Hills Law \$809.04

MAINTENANCE: BHEC \$370.57; BH Energy \$6,994.54; BH Chemical \$588.09; Sander Sanitation \$21.09; Custer Ace Hdwe \$136.05; City of Custer \$289.32; Golden West Telecom \$27.68; McGas \$448.67; A-Z Shredding \$552.74

DIRECTOR OF EQUALIZATION: McLeod's Printing \$806.80; Quill \$206.27; Golden West Telecom \$193.76; Vanguard Appraisals \$1,980.

REGISTER OF DEEDS: US Bank \$126.40; Golden West Telecom \$55.36

VETERANS SERVICES: Golden West Telecom \$27.68;

HUMAN RESOURCES: Golden West Telecom \$27.68; Jackie Bauer \$315.

INFO TECHNOLOGY: Golden West Telecom \$846.08; Pitney Bowes \$490.53

SHERIFF: French Crk Supply \$50.49; Pheasantland Industries \$125; S&B Motor Parts \$10.39; Print Mark-et \$45.95; Custer Ace Hdwe \$8.99; Golden West Telecom \$135.92; Pomp's Tire \$1,088; SD Sheriff's Ass'n \$749.54; Karl Emergency Vehicles \$9,600; A-Z Shredding \$48.20; Battle Mt. Humane Society \$1,083.00

PRISONER CARE: Rapid City PD \$80; Pennington Co. Sheriff \$19,819.34; Pennington Co. Jail \$59.26; SD Dept Health \$180; Correct Rx \$42.79; Linda Nohr \$75.

SEARCH & RESCUE: Golden West Telecom \$93.95

AIRPORT: Custer Do It Best \$7.10; Golden West Telecom \$114.16

POOR: Chamberlain McColley's \$2,000.

MENTALLY ILL: Minnehaha Co. Auditor \$161.59; Audra Hill Consulting \$235.32

MENTAL HEALTH CENTER: Minnehaha Co. Auditor \$403.32; New Trails Ministry \$300; Audra Hill Consulting \$263.82

MENTAL ILLNESS BOARD: Garland Goff \$37.50; Lincoln Co. Treasurer \$128.40; Minnehaha Co. Auditor \$288.90

LIBRARY: Custer Co. Library \$515; Mt. Rushmore Telephone \$134.58; Golden West Telecom \$184.85; Fall River Co. Herald \$39.

EXTENSION: Golden West Telecom \$118.06; Erin McGlumphy \$716.35

WEED & PEST: Golden West Telecom \$27.68; Culligan \$6.50

NON-DEPARTMENTAL: Treasurer's Trust—SD Dept Revenue \$150.

COUNTY ROAD & BRIDGE: Butler Machinery \$456.39; Floyd's Truck Center \$993.79; French Crk Supply \$99.53; Fastenal \$374.16; Golden West Technologies \$4,143.96; Interstate Batteries \$464.85; Inland Truck Parts \$78.44; Mt. Rushmore Telephone \$185.66; S&B Motor

Parts \$823.36; SD DOT Div Finance \$2,028.44; Servall \$136.34; Town of Buffalo Gap \$73; David Minzel \$150; BH Gravel \$49,140; Custer Ace Hdwe \$29.98; Golden West Telecom \$221.07; Time Equipment Rental \$2,978; Running's \$49.96; West River Trailer \$137.98; Pomp's Tire \$72.69; A&I Distributors \$311.45; Partstone NAPA \$57.48; Centurylink \$38.69; Nelson's Oil & Gas \$1,891.32; Great Western Tire \$296.95; Forward Distributing \$15.20; Northern Truck Equipment \$595.51; Ace Hdwe \$36.97

EMERGENCY MANAGEMENT: BHEC \$46.08; Rushmore Communications \$7,908.55; Golden West Telecom \$45.21; SDSU Extension \$340.

24/7 SOBRIETY: Intoximeters, Inc. \$325; Redwood Toxicology \$88.

COUNTY BUILDINGS: Custer Do It Best \$10.79; Golden West Technologies \$3,117.34; Custer Ace Hdwe \$71.22; Apex Electrical \$686.72; Clark Equipment \$7,066.04

EMERGENCY LINE: Golden West Technologies \$2,452; Golden West Telecom \$557.40; Language Line Services \$5.20

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

D. Conflict of Interest Declarations – None

E. Old Business

1. Previously tabled 2024 renewal Alcoholic Beverage License applications for Regency CSP Ventures were discussed, with Josh Schmaltz and Ryan Flick in attendance. Clarification was made that the liquor licenses are owned by Regency and not Custer State Park. Commissioner Linde stated the initial motion to table was made to bring attention to CSP's limited financial compensation to Custer County to cover costs incurred for services rendered. It was noted that Custer County does not receive revenue generated in CSP, but rather bears the expense burden for law enforcement, search & rescue and fire coverage within the park boundaries. Josh Schmaltz stated he supports the County's comments and will relay the message to the State; although he cannot make any changes or decisions regarding the matter. Motion to approve the following liquor license renewals made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

- a) Regency CSP Ventures Limited Partnership dba State Game Lodge; Lot 4, Block 2 Game Lodge T35 R6E Custer County, SD; retail on-sale liquor
- b) Regency CSP Ventures Limited Partnership dba Legion Lake Lodge; Custer State Park Sec 25 T35 R5E Custer County, SD; retail on-off sale wine & cider
- c) Regency CSP Ventures Limited Partnership dba Blue Bell Lodge; Custer State Park, balance of Sec 11 T45 R5E, Custer County, SD; retail on-sale Liquor
- d) Regency CSP Ventures Limited Partnership dba Sylvan Lake Resort; Custer State Park, Sec 30, T25 R5E, Custer County, SD; retail on-sale liquor
- e) Regency CSP Ventures Limited Partnership dba State Game Lodge/Coolidge Inn; Lot 1 Block 2 Game Lodge Townsite T35 R6E, Custer County, SD; package off-sale liquor.

F. Highway

1. Superintendent, Jesse Doyle, gave an update on the BIG grant process, (for the Buffalo Gap bridge) noting that no Commission action is required at this time. Custer County is awaiting the TS&L (type, size & location) report from the State of SD before the grant application can take place.

2. Doyle presented ROW Application from Golden West Telecom for buried telecom facility for service at 11405 Hawkwright Road; S4 T6S R3E, Custer County, SD and recommended Commission approval. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

3. Doyle requested authorization to surplus hydraulic press & supplies. He stated building hydraulic hoses is not cost effective or feasible. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

4. Doyle stated he will present the annual report to the Commission soon. He also noted he has heard from residents in the Box Canyon area regarding the recent snowfall and road condition; he noted several residents are inquiring about paving Box Canyon Road. Doyle stated the cost of paving the road would most likely quadruple the annual budget. He noted that there are multiple road districts in the Box Canyon area, and those located within the road districts do not pay a secondary road tax to Custer County, further limiting the budget.

G. Planning

1. Laura Rosane, Planning, presented the Commission with request for approval of Final Plat of: C & T TRACT OF RAVER SUBDIVISION, LOCATED IN GOVERNMENT LOT 8 OF SECTION 8 AND GOVERNMENT LOT 5 OF SECTION 17, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. This is a lot consolidation and was presented to the Planning Commission on 12-5-23, who recommended approval. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Rosane also presented request for approval of Final Plat of: MURPHY TRACT WEST & MURPHY TRACT EAST LONE STAR SUBDIVISION, LOCATED IN THE S ½ SE ¼ OF SECTION 6, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. This is a lot split and the Planning Commission recommends approval. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye, motion carried.

3. Request for Approval of Final Plat of: LAFRENZ TRACT, LOCATED IN THE SW ¼ SW ¼ OF SECTION 26 AND THE N ½ NW ¼ NW ¼ OF SECTION 35, T2S, R10E, CUSTER COUNTY, SOUTH DAKOTA. This is a lot consolidation of aliquot parcel; platted for Ag status. The Planning Commission recommends approval. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

4. In the absence of Planning Director, Terri Kester, Jesse Doyle discussed an issue with an approach permit in the Limestone area. It was noted that the USFS is requiring a current approach be relocated and, as such, the resident should be exempt from paying for a new approach permit (\$250). Access from a second approach located on the property is not viable due to the location of buildings on the parcel. Discussion was held regarding the Grandfather Clause that congress effectively killed (notice published). It was noted that there are two separate issues; permit and approach. It was decided to discuss this further when Kester is present.

H. Finance Officer

1. Finance Officer, Dawn McLaughlin, made a request for approval of the 2024 Custer County calendar. She noted that some of the Commission meetings have been rescheduled to Thursdays due to the upcoming Primary and General elections, as well as holidays. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. McLaughlin also presented the 2024 Highway Employee calendar and requested Commission approval. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

3. The following Contingency Fund transfer requests in the total amount of \$210K were presented for approval:

2023 Budget Supplements and Cash Transfers

Required Motions by the Commission

1 Budget Supplements from Commissioner Contingency

28-Dec-23

Account Number	Description	Amount	Contingency Balance
101-4-112-429	Commissioners Contingency		\$ 250,000.00
101-4-111	Commissioners	\$17,000.00	\$ 233,000.00
101-4-163	Register of Deeds	\$39,000.00	\$ 194,000.00
101-4-331	Custer Co Airport	\$67,000.00	\$ 127,000.00
101-4-144	GIS/IST	\$800.00	\$ 126,200.00
101-4-227	Search and Rescue	\$4,200.00	\$ 122,000.00
101-4-521	Custer YMCA	\$10,000.00	\$ 112,000.00
250-250	Building Fund	\$72,000.00	\$ 40,000.00
		\$ 210,000.00	\$40,000.00 Balance
Total			

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

4. The following Assigned Fund transfer requests in the total amount of \$609K were presented for approval:

Assigned Funds Transfer

2 Budget Supplements from Approved Assigned Money

101-141	Auditor New Employee	\$18,000.00
101-211	Sheriff New Vehicle	\$5,000.00
101-211	Fire Departments	\$325,000.00
101-512	Museum	\$11,000.00
101-276	Elk Mountain Water Users	\$250,000.00
		\$609,000.00

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

5. McLaughlin requested approval to make corrections to Mobile Home/BLS Parcels 014575; 015661; 015662; 015663; 015664; 015665; 015666; 015667. She noted that when advertised two weeks ago, these should have been listed as MH BLS Distress Warrants and not under Tax Sale Certificates. Motion to approve correction made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

6. McLaughlin discussed Distress Warrant 22-026; Parcel #015056 that was issued to the Sheriff's Department. It was noted that this property has prior taxes due by the previous owner and is not uncollectible. There were two parcels of property belonging to the same owner; a house was constructed on one of the properties. The house was owned by one party; the land ownership was retained by the original owner. There was no documentation regarding ownership of the new home and the homeowner was the paying property taxes. The homeowner moved and discontinued paying taxes after the 1st half of 2019. In 2020, the entire property sold. The buyers and sellers believed that the new house was included in the sale; although the homeowner did not sign off on anything and is still the legal owner of the house. He did not pay property taxes based on the assumption that the home sold. The previous owner has agreed to pay the second half of 2019 and the first half of 2020 taxes and the

Sheriff's Office is in receipt of that payment. Confusion arose with the title company when a search found no chain of title for the 2nd home on the property and were unaware of unpaid taxes as a result. The title company performed its due diligence but Department of Equalization information was not available on Beacon regarding the second home. State's Attorney, Tracy Kelley, spoke and noted there needs to be a chain of ownership, such as a bill of sale, etc. in cases where more than one parcel has a combined tax bill. Currently, that information does not appear in Beacon, thus contributing to the confusion. Various options were discussed and further research will be conducted to prevent this from happening in the future. Jim Ashmore, Southern Hills Title, inquired as to who bears the expense? After further discussion, it was determined that the first step to remedy the situation is to recall/reissue the Distress Warrant and table the matter due to legal reasons. Motion to approve recall of the Distress Warrant and table the matter made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

7. The Commission verbally approved Combined Election request; formal approval motions will be made when requests are received in writing from various entities.

I. Sheriff

1. Sheriff Marty Mechaley updated the Commission regarding the 2024 Dispatch Contract with Wind Cave/\$15K. Mechaley's signature is the only one needed on the contract and no Commission action needed.

2. Mechaley presented Animal Control contract with Battle Mountain for 2024. The contract will remain at the current rate of \$1,083/month. A Hold Harmless clause will be added to the current contract. Mechaley asked that the Commission accept the contract rate, and will present for signature once the Hold Harmless clause is added. Motion to approve contract at current amount made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

J. Department of Equalization

1. Director Leah Vissia presented Refund re: Parcel #006137 Kreinberg, who inadvertently did not receive "Owner-Occupied" status. Vissia stated this was merely an oversight. Kreinberg will receive a refund in the amount of \$707.26 due to overpayment. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Vissia requested acknowledgement of resignation of Liliana Puente-Chavoyo, whose last day will be January 5, 2024. The Commission so acknowledged.

K. Emergency Management

1. Director Steve Esser updated the Commission on the outdoor notification sirens and stated that 4 are in current working order. Esser stated he has received parts for the Boot Hill siren and has budget monies set aside (\$4700) for a transformer. Esser will seek cost assistance from the City of Custer.

2. Esser presented commitment letter for Flood Mitigation Scoping Project and requested Chairman's signature. He noted this is for the BRIC grant application and is merely a formality in the application process. Esser stated the State pays 10% and FEMA pays 90%. He noted the City of Custer is partnering in this project, (French Creek area) as well. Motion to approve Chairman's signature made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

3. Esser stated he would like Commission approval for letter of support for Hermosa Flood Mitigation Grant, as well. The Commission agreed.

L. Public Comment –

1. Sheriff Mechaley thanked the Commission and thanked Teri Morgan for organizing another successful County Christmas Party. Chairman Lintz stated the party went very well.

2. State's Attorney, Tracy Kelley, stated that changes need to be made in the Animal

Control Ordinance. Commissioner Hindle inquired if taxes are being paid on the McDill houses in the Star Valley subdivision, as well as Distress Warrants on said houses.

M. Executive Session

1. Executive Session as per SDCL 1-25-2(3) Legal. Session was entered into at 9:22 AM and concluded at 10:13 AM. No action was taken outside of Executive Session.

N. Commission

1. Mail call –
 - a) DANR re: Longview Minerals LLC Notice of Filing
 - b) Donation request from Custer Ministerial Alliance
 - c) Dewey VFD legal description of coverage area
 - d) Thank you card from Custer Library
2. Meeting Schedule –
 - a) Meeting in Pierre, Jan. 11, 2024; BH Assn meeting in March 2024.
3. Meeting Reports – Linde attended City Council; Buszkohl attended BH Assn, City Council, County Alive, Planning Commission, S&R (USFS special use agreement).
4. Fire Advisory Board (1-9-24)
5. Doyle requested approval to surplus the Commission Tahoe, as it is unreliable and repairs are not cost-effective. He would like this to be included in the Jan. 13, 2024 surplus auction. Formal request to surplus will be made at the Jan. 10, 2024 Commission meeting.

O. Adjourn

Motion by Hartman and seconded by Buszkohl to adjourn the meeting at 10:34 AM, vote taken, all aye; motion carried. The next meeting will be at 8:00 AM, January 10, 2024 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 _____.