

Minutes of the Custer County Commission Meeting Wednesday, September 28, 2022.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies and Dawn McLaughlin, Finance Officer. Commission Legal Counsel, Susan Anderson, was present via telephone.

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

B. Adopting of the agenda

1. Motion to amend agenda, item "H" Planning to remove item no. 2 made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

C. Consent Agenda

1. Motion to approve minutes of the September 15, 2022 Commission meeting made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

Vouchers approved as follows:

PAYROLL: 9/23/2022 Payroll as follows: Commissioners \$9,845.35; Auditor \$5,508.26; Treasurer \$12,079.53; Info Systems & Technology \$3,005.27; State's Attorney \$13,298.45; Courthouse Building \$7,034.88; Director of Equalization \$15,746.13; Register of Deeds \$4,879.25; Veteran's Services \$1,662.12; Human Resources \$2,503.02; Sheriff \$39,267.92; Coroner \$657.45; Nurse \$920.56; Library \$8,814.30; Conservation \$505.56; Weed & Pest \$4,223.58; Planning \$15,520.82; County Road & Bridge \$41,269.06; Emergency Management \$2,695.17; 24/7 Sobriety \$1,389.16; Emergency Line F \$17,076.83.

COMMISSIONERS: Pitney Bowes \$215.65

ELECTION: Election Systems \$2,349.20

AUDITOR: Ramkota \$297; Tyler Technologies \$250.

TREASURER: Quill \$182.96; Ramkota \$99.

STATE'S ATTORNEY: Culligan \$51.

COURT-APPOINTED ATTORNEY: Garland Goff \$3,495.55; Grey & Eisenbraun \$727; Southern Hills Law \$324.40

COURTHOUSE BUILDING: BHEC \$559.55; BH Energy \$707.54; Custer City \$2,119.36; Mayer Plumbing \$121.37; Custer Ace Hdwe \$9.59; Cummins Sales & Service \$1,235.10; G&R Controls \$6,609.20

DIRECTOR OF EQUALIZATION: Ramkota \$198; Vanguard \$3,335.

VETERANS SERVICES: Tyler Technologies \$449

INFO TECHNOLOGY: Quill \$789.60

SHERIFF: BHEC \$62.21; McLeod's Printing \$339.80; Verizon Connect \$178.09; Innovative \$20.49; A&B Pure Water \$54.98; Murray Auto Repair \$214.38; Battle Mt. Humane Society \$1,000.

CORONER: Western Communications \$110

PRISONER CARE: Pennington County Jail \$46.49; Correct RX Pharmacy \$23.32; Ruth Airheart \$300; Ann Allen \$452; Hapsie Nutley \$75

AIRPORT: Custer Ace Hdwe \$14.99; MG Oil Co \$5,609.

LIBRARY: Centurylink \$19.12

WEED & PEST: BHEC \$55.33; Custer Co. Sheriff \$55.16; French Crk. Supply \$91.68

COUNTY ROAD & BRIDGE: BHEC \$722.43; Floyd's Truck Center \$6,379.64; French Crk Supply \$406.37; Prairie Auto Parts \$51.96; Quill \$59.27; Servall \$130.72; Town of Buffalo Gap \$122; Black Hills Truck & Trailer \$1,633.54; Black Hills Gravel \$12,780; Custer Ace Hdwe \$47.94; Honnen Equipment \$531.82; Sturdevant's Auto Parts \$39.29; Midway Service \$36,297.90; Centurylink \$25.47; Matco Tools \$41.19; Nelson's Oil & Gas \$4,044; Great Western Tire \$12,039.66; Forward Distributing \$19.80

EMERGENCY MANAGEMENT: Verizon \$16.19; Ramkota \$231.

SAFETY OFFICER: Sam Smolnisky \$250.

SEARCH & RESCUE: Custer City \$69.26

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

MENTALLY ILL: Pennington Co Public Health \$70; Audra Hill Consulting \$994.16

MENTAL HEALTH CENTER: Audra Hill Consulting \$502.52

24/7 SOBRIETY: Redwood Toxicology \$121.50

EMERGENCY LINE: A&B Business Pure Water \$54.97

D. Conflict of Interest Declarations –None.

E. Sheriff's Department-

1. Sheriff Marty Mechaley requested Commission approval of new hire, Robert Steele as

Deputy Sheriff at an uncertified rate of \$23.19 per hour, with a start date of October 6, 2022. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. Mechaley noted this position will provide additional coverage in the Hermosa area.

F. Department of Equalization

1. Director Leah Vissia requested Commission acknowledgement of Caitlin Green's completion of 6-month's probation; it was so acknowledged.

2. Vissia noted her department has two new employees, hired to help with the mass reappraisal. Melissa Bradford was hired as a full-time, temporary field and data entry worker at a rate of \$18/hour. This is an unbenefited position with a start date of September 26, 2022. Charles Poehls was hired as a temporary full-time field & data entry worker at a rate of \$15/hour with full benefits. Charles' start date will be October 11, 2022.

3. Discussion was held regarding real estate and land sales in the area, noting that percentages for many of these sales are still not close to market value. It was also noted that the reappraisal has started in the Custer Highlands region and Vissia hopes to have this area completed by the end of October. Her goal is to complete the first two townships on the west side of Custer County by November 1, 2022. Chairman Lintz stated he thought the reappraisal process is heading in the right direction.

G. Highway Department

1. Highway Superintendent Jesse Doyle stated he received a request from the Elk Mt. Water Users Association regarding an approach permit, gravel and 20' culvert needed to provide access to the well. The association stated they would be willing to provide all necessary labor and equipment necessary if Custer County would provide the above items. Wayne Hein noted that VFD workers are willing to work to level the spot for well access and also would be willing to purchase the necessary culvert from the county. He stated the well driller is set to begin drilling in approximately two weeks. Commissioner Hindle said he supports helping the fire department having access to the proposed well. Commission Legal Counsel, Susan Anderson stated this well will be located on fire department land for its use and will eventually become a public well. She noted in cases such as this, when a county needs water (such as VFD use) it is a given that an approach supplied by a county is a priority. Commissioner Bies asked why Custer County would pay for this, adamantly stating this is a private well and is not the responsibility of the county to provide access and materials. Commissioners Hindle and Linde reiterated support for this project to provide much-needed water for the county, fire departments and landowners. Doyle noted he does not have concerns about providing the requested items, as all are on hand and would not put Custer County in a bind; rather it would be of great benefit to Custer County to have a water source in that area. Motion to approve Custer County providing the Elk Mt. Water Users Association with 32' culvert, gravel and approach permit made by Hindle; seconded by Linde; vote taken, Bies opposed; all others aye; motion carried.

H. Planning Department

1. Planning Director, Terri Kester, presented Final Plat of Lot 8A, Lot 8B, Lot 9A and Lot 9B of Rushmore View Subdivision and requested and recommended Commission approval. Motion to approve made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

I. 8:35 AM Public Hearing

1. Section Line Vacation re: Streff. Planning Director Kester revisited concerns with Black Hills Electric Coop regarding their utility easement on the property and it was noted that vacating the line would not hinder utility access. Kester noted the vacation is necessary should the landowner need to replace the existing structure, which is located on the section line. BHEC stated the concerns would be withdrawn if Streff would sign an agreement granting a utility easement. Commissioner Bies stated he does not agree with vacating section lines, especially if the lines border private property. Neighbor Jared Webster stated he is concerned with future utilities not having access should the section line be closed. Commissioner Hartman stated he has visited the site, noting the road is very near and access for future utilities is readily available. Hartman stated any future utilities would most likely use the ROW along the road, which is normally always approved by the Commission. Commissioner Linde said if one neighbor is against vacating the section line, then it should stay open. Commissioner Bies asked what the immediate effect of not granting vacation would be. Commissioner Hartman stated there is little to no chance this section line would be needed. Much discussion was held regarding signing a blanket easement regarding the property. Motion to approve section line vacation made by Hartman; seconded by Hindle; vote taken, Hartman and Hindle aye; Bies nay, Linde and Lintz nay; motion failed.

J. Custer Senior Center

1. Jodi Niksic, Director, requested a Commission Liaison for the Senior Center. It was decided that Commissioner Linde would act as requested liaison.

K. Crazy Horse Marathon

1. The Commission received a request to place two porta-pots on county owned property located at 4th and Washington St. on October 7-10th for the Crazy Horse Marathon. Motion to approve request made by Bies; seconded by Hartman; vote taken, all aye; motion carried.

L. Extension/4-H

1. Request from SDSU for annual performance review of Erin McGlumphy was received and acknowledged. Finance Officer, Dawn McLaughlin, will complete the review and return as requested.

M. Auditor

1. Finance Officer, Dawn McLaughlin, requested Commission approval of 2023 Custer County annual budget. McLaughlin noted there were a few adjustments made, stating these changes were made due to wage increases. She noted some requests were put aside for possible future funding, if monies become available. The 2023 budget is set at \$11,976,018.76, noting the mil levy decreased. Motion to approve 2023 budget made by Linde; seconded by Hindle; vote taken, all aye; motion carried. The Commission thanked McLaughlin for her hard work in preparing the 2023 budget.

**FINAL BUDGET FOR CUSTER COUNTY, SD
FOR YEAR JANUARY 1, 2023 THROUGH DECEMBER 31, 2023**

COMMISSIONERS	314,967.10	INDIGENT	10,700.00	PLANNING	253,506.50
CONTINGENCY	250,000.00	HR EMPLOYEE TRAINING	17,000.00	Total Econ. Development	253,506.50
ELECTION	60,166.00	CUSTER HOUSING	5,000.00		
COURT	39,000.00	NURSE	35,101.00	CAPITAL OUTLAY	
AUDITOR	278,493.00	SENIOR MEALS	3,000.00	OPERATING TRANSFERS - CUT	573,638.00
TREASURER	358,491.00	BH WORKSHOP	2,500.00	TOTAL GEN. FUND	573,638.00
IST	95,821.00	PRAIRIE HILLS TRANSIT	5,000.00		
ST ATTORNEY	372,008.00	CASA/CHILD ADVOCACY	3,400.00	HWY & BRIDGE	3,305,967.17
COURT APPT ATTORNEY	120,000.00	MENTALLY ILL	12,900.00	FIRE	302,043.15
COURTHOUSE	354,106.00	QUALIFIED MENTAL HEALTH	7,000.00	EMERGENCY MGMT	181,066.00
DOE	606,624.00	MENTAL ILL BRD/HEALTH CNTR	10,500.00	DOMESTIC ABUSE	5,000.00
REGISTER OF DEEDS	140,672.00	WEAVE	5,000.00	24/7 SOBRIETY	61,895.00
VETERANS SERVICE	50,083.00	Total Health & Welfare	117,101.00	BUILDING	208,845.00
ANIMAL/PREDATOR CONTROL	1,745.00			PRINCIPAL	285,311.00
INFO TECH/DATA PROCESS	128,900.00	LIBRARY	301,954.00	ROD/MMP	60,000.00
HUMAN RESOURCES	102,934.00	MUSEUM	30,000.00	COMMUNICATIONS/911	648,493.00
Total General Govt	3,274,010.10	SENIOR CITIZENS	6,350.00	SAFETY	5,750.00
SHERIFF	1,595,753.00	ART/GALLERY COMMITTEE	1,000.00	TOTAL SPECIAL FUNDS	5,064,370.32
CORONER	34,176.48	CUSTER YMCA	7,000.00	Food Pantry	\$3,500.00
PRISONER CARE	253,000.00	CUSTER FAIR	16,000.00	TOTAL ALL FUNDS	11,976,018.76
SEARCH & RESCUE	36,275.00	Total Cult. & Recreation	362,304.00		
CIVIL AIR PATROL	930.00				
Total Public Safety	1,920,134.48	EXTENSION	46,720.00		
		CONSERVATION	28,687.19		
AIRPORT	181,100.00	WEED & PEST	150,947.17		
Total Public Works	181,100.00	Total Natural Resources	226,354.36		

Published once at a cost of \$. Represents 1/1000000th of the total budget.

Appendix D2: Means of Finance

FINAL BUDGET FOR CUSTER COUNTY, SD
For the Year January 1, 2023 through December 31, 2023

Governmental Funds

	General Fund	County Road and Bridge Fund	Building Fund	ROD/MMP Fund	Domestic Abuse Fund	Emergency Mgmt Fund	Fire Protection Fund	911 Fund	24/7 Sobriety Fund
Cash Balance Available	1,055,021	88,036	170,136	40,116		33,735	23,185		
011 General Property Tax Levy	3,023,703	468,887	296,083				300,065		
Less: Current Amortization									
Less: 2024 to Close	13,510								
011 TR Property Taxes									
210019 - Other Taxes	15,000	102,000							
NET TOTAL TAXES	3,025,193	570,887	296,083				300,065		
020 Licenses & Permits	80,800	191,000	1,000		2,000				
040 Intergovernmental Revenue	848,000	1,476,000	1,800			45,000	3,000	110,000	
040 Charges for Goods & Services	868,800	20,100		15,000	700				8,000
050 Fines & Penalties	5,400								
060 Miscellaneous Revenue	30,000	10,000					1,000	300	
070 Other Available Sources	8,000								
080 Operating Transfers In					3,000	100,275		540,133	44,350
TOTAL OTHER REVENUES	1,805,100	1,697,100	3,200	15,000	2,000	145,275	3,000	640,433	52,350
GRAND TOTAL (Cash + Taxes + Other Rev)	7,381,494	3,479,467	300,104	65,116	2,000	191,285	312,065	640,433	52,350
Less: 2024 (2024 TR-19)	25,024	170,000	38,000				10,000		
NET MEANS OF FINANCE	6,917,269	3,309,467	262,104	65,116	2,000	191,285	302,065	640,433	52,350
TOTAL APPROPRIATIONS	6,917,269	3,309,467	262,104	65,116	2,000	191,285	302,065	640,433	52,350

Appendix D4: Adopted Budget Levies & Resolution

ANNUAL BUDGET FOR CUSTER COUNTY, SD
For the Year January 1, 2023 to December 31, 2023

Tax Levy In	Dollars	\$/1,000
COUNTY TAX LEVIES		
WITHIN LIMITED LEVY:		
* General County Purposes (10-12-9)	3,002,763.00	2.030
Library		
LIMITED LEVY (10-12-21) - SUB TOTAL		
OUTSIDE LIMITED LEVY:	3,502,763.06	2.060
County Snow Removal Fund (24-5-2)		
County Road and Bridge (10-12-13)		
Courthouse, Jail, etc., Bldg (7-25-1)	696,082.55	0.340
Bond Interest Sinking (7-21-10)		
Ag Building (7-27-1)		
UNLIMITED LEVY - SUB TOTAL	696,082.55	0.340
LIMITED AND UNLIMITED LEVY - SUB-TOTAL	4,198,678.21	2.400
OTHER SPECIAL LEVIES		
Secondary Road (Unexp. FY-76) (21-12-27)	990,687.02	0.690
Fire Protection (24-31-3)	302,043.16	0.340
TOTAL TAXES LEVIED BY COUNTY	5,170,505.36	3.380

* These Amounts include the 25% to be distributed to cities.

As of September 23, 2022 (lease include a date not) approved by the Department of Revenue

RESOLUTION
2022-18

ADOPTION OF ANNUAL BUDGET FOR CUSTER County, South Dakota

Whereas, (7-21-5 thru 13), SDCL, provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for each fiscal year end, Whereas, the Board of County Commissioners did prepare a Provisional Budget and same was to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, eliminations and additions have been made thereto,

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR CUSTER County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2023 and ending December 31, 2023 and the same is hereby approved and adopted by the Board of County Commissioners of Custer County, South Dakota, this 26TH day of September, 2022. The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Custer, County, South Dakota. The accompanying taxes are levied by Custer County for the year January 1, 2023 through December 31, 2023.

BOARD OF COUNTY COMMISSIONERS OF
County, South Dakota

Jim Gray Chairman
Michael Lind Commissioner
Wendy Linde Commissioner
Robert D. ... Commissioner
... Commissioner
 ATTORNEY *Robert D. ...* Treasurer, Custer County

N. Airport

1. Airport Director, Brenden Hendrickson presented SD DOT State Financial Assistance Agreement for Project No 3-46-0011-18-2022 for signature. He noted this project consists of taxiway expansion and construction. Motion for Chairman Lintz to sign agreement made by Hindle; seconded by Linde; vote taken, all aye; motion carried.
2. Hendrickson also presented FAA closeout letter re: AIP Grant 3-46-011-014-2018 for Chairman Lintz's signature. Motion for Chairman Lintz to sign made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

O. Black Hills Council of Local Governments

1. Jennifer Sietsema updated the Commission regarding the current forest revision plan. She presented a scope of work, job description and mission and procedures document regarding a potential consultant for the project. She said Mitch Iverson, consultant, is a retired BLM employee. It was noted that it would be beneficial to have experienced representation and a consultant would help keep the USFS accountable to the affected counties. Commission Bies stated that he is currently involved in and attending forest advisory board meetings, which puts

Custer County in a unique position, and thus, does not feel that there is a need for Custer County to spend monies on a consultant. Commissioner Linde stated the current plan is poorly written and needs improvement and clarification. Linde also said he feels that the consultant's rate of \$125/hour is too high. While some other larger counties are pledging \$100K, Weed & Pest Supervisor, Michael Baldwin, stated that \$5K would be a reasonable amount for Custer County to pledge for this project. Tim Holland inquired if lithium mining is addressed in the USFS plan and Sietsema stated this is why Custer County's participation is beneficial and would allow a say in mining operations. It was decided to consider the funding request and make a later determination of Custer County's participation.

P. Public Comment –

1. Dan Holsworth, Town of Hermosa, was present and gave an update on the proposed annexation project. He stated a meeting was held and discussed various zoning and infrastructure changes included in the plan, including water, septic, ag zoning and residential ag zoning. Holsworth noted the Town of Hermosa is depending on ARPA funds to be donated by Custer County to facilitate the WRT project. He also stated these funds are necessary to obtain loan funds from the USDA. Holsworth discussed lagoon expansion, as well as Gumbo Lilly and Fairgrounds Place annexation. He also stated the library board will meet on September 28, 2022 at 10:00 AM and hopes for a positive outcome of the library's current lease.

2. LeaAnne McWhorter reminded the Commission about the upcoming Lincoln Day Dinner, to be held October 8, 2022 at the Pounding Father's Restaurant in Custer, beginning with social hour at 5:00 PM. She also shared the next legislative session would be held October 20, 2022 at 9:00 AM in Pierre. McWhorter also invited the public to visit the Republican Booth at the CSP Buffalo Roundup on September 28, 29 and 30th.

Q. Commission

1. Mail call – none
2. Meeting Schedule –
 - a) Lincoln Day Dinner 10/8/2022
 - b) Tax Committee in Pierre 10/20/2022
 - c) Custer County Commission meeting 10/12/2022 to be held at the 1881 Courthouse Museum.

R. Old Business--None

S. Executive Session

1. Motion by Hartman to enter into Executive Session pursuant to SDCL 1-25-21(1) Personnel; seconded by Hindle; vote taken, all aye; motion carried. Executive Session entered into at 9:14 AM and concluded at 9:45 AM.

T. Actions Taken By Commission Outside of Executive Session--None

U. Adjourn

Motion by Linde and seconded by Bies to adjourn the meeting at 9:52 AM. The next meeting will be at 8:00 AM, October 12, 2022 in the Courtroom at the 1881 Courthouse Museum, 411 Mt. Rushmore Road, Custer, South Dakota.

Jim Lintz, Chairman

Attest: _____

Barbara Cox, Custer County Deputy Auditor

Published once at the total approximate cost of _____.