

Minutes of the Custer County Commission Meeting, Wednesday, February 21, 2024

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Busskohl, Craig Hindle Dawn McLaughlin, Finance Officer. Legal Counsel Aaron Davis 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 Agenda to add Airport to item "M" #2; 2023 Airport Overview. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

C. Consent Agenda

1. Approve Minutes of February 7, 2024 Commission meeting.
2. Approve Monthly Reports as follows:

TREASURER DISBURSEMENTS

JANUARY 2024

CHECK VENDOR	CHECK I.D.	NAME	CHECK TYPE	DATE	DISCOUNT	AMOUNT	NO#	AMOUNT
3846	I-DTA PNT 11083	TAYLOR SANDY L PAID 2020-2021 TAXES #011083	H	1/03/2024		34.79	000601	34.79
3885	I-CVPT NY TITLE	OSWELL MICHAEL 2023 JEEP GLADIATOR RUBICON	H	1/04/2024		955.34	016242	955.34
3887	I-CVPT EXCISE TAX	VOGUE HALEY DEALER OVERPAID CAVENAGH ADT	H	1/04/2024		302.05	016243	302.05
2216	I-TAX SALE 21-2099	EMPIRE INVESTMENTS TAX SALE REDEMPTION 21-2099	H	1/04/2024		4,795.07	016245	4,795.07
0786	I-DISTRESS WARRANT	SD DEPT OF REVENUE DN 6931- LYNDOE	H	1/05/2024		1,251.46	016246	1,251.46
5806	I-SON- DEC 2023	SD STATE TREASURER SON OF MONTH NY DEC 2023	H	1/05/2024		225,635.84	016247	225,635.84
3889	I-CVPT NY	MESKLE JOSEPH JR TITLE FEES 2022 FOR TRANSIT	H	1/09/2024		31.83	016249	31.83
5806	I-NY EXEMPT PLATES	SD STATE TREASURER 2007 INTERNATIONAL EXEMPT PLAT	H	1/10/2024		26.70	000602	26.70
2862	I-FUEL BILL SD	WEX INC FLEET SHERIFF FUEL DECEMBER 2023	H	1/11/2024		3,087.95	000603	3,087.95
5806	I-SHERIFF EXEMPT	SD STATE TREASURER EXEMPT PLATE 2023 FORD F150	H	1/17/2024		26.70	000604	26.70
3891	I-CVPT TITLE FEES	REITER MICHAEL OVERPAYMENT ON TITLE FEES	H	1/23/2024		40.71	016249	40.71
3893	I-REFUND SPECIAL	HOOKER JACK REFUND ON PERSONALIZED PLATES	H	1/24/2024		22.08	016250	22.08
2337	I-EXCISE TAX REFUND	JAMES HULSWORTH EXCISE TAX REFUND	H	1/29/2024		309.33	016251	309.33

COMMISSIONERS: Southern Hills Publishing \$511.76; Golden West Telecommunications \$32.56; Verizon \$120.98.

ELECTION: Southern Hills Publishing \$56.92;

COURT: Deanna k. Clayborne \$308.70;

AUDITOR: Black Hills Energy \$2.59; Quill \$105.41; SDACES \$15; Golden West Telecommunications 138.66; TYLER Technologies \$400; A&B Printer \$207.67.

TREASURER: Quill \$25.19; SDACES \$15; Qualified Presort Service \$4,823.97; Golden West Telecommunications \$138.66; A&B Printer \$367.67.

STATE'S ATTORNEY: Rapid City Police \$60; LexisNexis \$444; Golden West Telecommunications \$135.50; Culligan Water \$44.50; Redstone Law Firm \$914.54; Tracy Kelley \$313.65; A&B Printer \$171.40.

SAFETY OFFICER: AED Label \$7.50.

COURT APPOINTED ATTORNEY: Husted Law Office \$671.62.

MAINTENANCE: Black Hills Energy \$7,204.77; Custer Do It Best \$91.77; French Creek Supply \$15.98; Hillyard/Sioux Falls \$33.03; Sander Sanitation \$4,158.24; Custer Ace Hardware \$125.85; Golden West Telecommunication \$27.10; A-Z Shredding \$9.92; G&R Controls \$550; Verizon \$74.30; A&B Water \$75.39; Sams Club \$131.84; Menards \$62.91; Exxon \$21.24; Amazon \$309.15; Select Blinds \$262.09.

DIRECTOR OF EQUALIZATION: Golden West Telecommunication \$189.70; Verizon \$16.19; A&B Printer \$93.04.

REGISTER OF DEEDS: SDACES \$15; Golden West Telecommunications \$54.20; A&B Printer \$135.81.

VETERANS SERVICES: Golden West Telecommunications \$27.10; A&B Printer \$144.43.

HUMAN RESOURCES: Southern Hills Publishing \$275.57; Division Of Criminal Investigation \$43.25; Golden West Telecommunications \$27.10; Jackie Bauer \$577.50; A&B Printer \$146.25.

INFO TECHNOLOGY: Golden West Telecommunications \$54.10; Golden West Telecommunications \$680.

SHERIFF: Southern Hills Publishing \$46.51; French Creek Supply \$19.99; Pheasantland Industries \$1,746.63; Survival Armor \$1,349.40; Golden West Telecommunications \$274.04; Susan Dillon \$100.76; L&A Welding \$679.60; Artistic Custome Badges \$1,710.60; Southern Hills family Medicine \$206; A-Z Shredding \$20.92; Axon Enterprise \$125.25; Battle Mountain Humane Society \$1,083; Verizon \$703.52; A&B Printer \$191.33; Amazon \$1,111.37; Men's Boots \$86.89; USPO Cert. Mail \$52.35; Lexis Nexis \$93; Office Supply \$116.37; Slip 2000 \$173.86.

PRISONER CARE: Rapid City Police Dept. \$120; Pennington County Jail \$604.22; Correct RX \$67.76; South Dakota Public Health \$90; Satellite Tracking \$29.25; Pennington County Sheriff \$18,084; Mike Bielmaier \$75; Linda Nohr \$75.

AIRPORT: Golden West Telecommunications \$114.16.

LIBRARY: Southern Hills Publishing \$47.08; Mt Rushmore Telephone \$134.59; Golden West Telecommunications \$178.85; Amazon \$1,207.52.

EXTENSION: Golden West Telecommunications \$76.26; Verizon \$40.01; A&B Printer \$144.09.

WEED & PEST: Golden West Telecommunications \$27.10; Verizon \$32.38; A&B Printer \$148.80.

PLANNING: Southern Hills Publishing \$76.15; Golden West Telecommunications \$108.40; Verizon \$16.19; A&B Printer \$175.46.

SEARCH AND RESCUE: Golden West Telecommunications \$93.95.

COUNTY ROAD & BRIDGE: A&B Welding \$74.84; Butler Machinery Co \$64,003.23; Southern Hills Publishing \$34.88; Floyd's Truck Center \$147.60; French Creek Supply \$931.73; Fastenal Company \$137.77; Servall Towel & Linen \$128.94; Custer Ace Hardware \$63.96; Golden West Telecommunication \$179.02; A&I Distributions \$381.45; Culligan Water \$13; Dakotaland Autoglass \$600; Lumen Centurylink \$43.55; Nelson's Oil & Gas \$1,243.71; CBH Cooperative \$913.50; Verizon \$356.18; A&B Printer \$193.42; Amazon \$71.64; Harbor Freight \$609.32; Irwin Tools \$25.97; Walmart \$129.47; Sam's Club \$89.02; Holiday Fuel \$74.50.

EMERGENCY MANAGEMENT: Rushmore Communications \$2,025.44; Freeman's Electric Service \$1,366.64; Golden West Telecommunications 45.21; Black Hills Council \$4,330; Verizon \$46.92; A&B Printer \$207.27; Mastercard \$28.61.

24/7 SOBRIETY: SD State Attorney \$1,535; Dash Medical \$427.60; Intoximeters \$400.

COUNTY BUILDINGS: Custer Ace Hardware \$64.22; Thyssenkrupp Elevator \$397.84; Canopy Light \$239.96; Menards \$197.88.

EMERGENCY LINE: Golden West Telecommunication \$556.68; A&B Printer \$179.19; Range \$25.34.

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

D. Conflict of Interest Declarations – None

E. Department of Equalization

1. Approval of the following Abatements

a). Abatement 2024-01 re: Parcel #008315 Scott Storms in the amount of \$503.14. Mr. Storms appeared before the Commission and stated he is not in agreement with the amount abated. He said that last year's assessment is not a good representation; it was re-assessed

and several changes were made, including adding in-floor heat; removing built-in appliances; correcting bathrooms; and fireplace change. Storms stated that a new grade was added and he does not feel this is correct. He noted that the in-floor heat is the main heat source and should not have been added to increase the assessment. It was noted that the previous owners of the home had asked for a reassessment, as well. Motion to table until further review and until Director Vissia could be present; vote taken, all aye; motion carried.

b). Abatement 2024-02 re: Parcel #015225 TNT Rentals in the amount of \$76.04. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

c). Abatement 2024-03 re: Parcel #007702 Langen and Gesinger in the amount of \$2.08. There was a demolition to a structure on the property; it was noted that demolition permits are available at no cost from the Planning Department. When demo permits are filled out and returned, DOE will visit the property to remove structure from assessments. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

d). Abatement 2024-04 re: Parcel #006137 Timothy Kreinberg in the amount of \$823.03. This property should have had owner-occupied status, but was inadvertently missed by DOE. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

e). Abatement 2024-05 re: Parcel #004835 Thomas Family Trust in the amount of \$1,453.16. This property should have been enrolled into a tax-reduction program. Commissioner Busskohl asked why these are being missed and then having to be abated. Tara Haswell, DOE, stated that these have to be manually entered and that some were missed. When asked, she also noted that abated tax amounts are not returned to Custer County by the school district. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

f). Abatement 2024-06 re: Parcel #015426 Deborah Behm in the amount of \$148.63. This property should have been enrolled into a tax-reduction program. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

g). Abatement 2024-07 re: Parcel #007498 Donald Mease, Jr. in the amount of \$480.13. This property should have been enrolled into a tax-reduction program, as well. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

h). Abatement 2024-08 re: Parcel #010610 Robert Porter in the amount of \$822.15. This property's assessment included a building that was assessed having electricity, heat, insulation and other improvements. It was determined that was incorrect and that the building does not have these improvements. DOE stated the information was based on the building permit. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

i). Abatement 2024-09 re: Parcel #004567 Dakota Cable Solutions in the amount of \$910.22. It was noted that a building was torn down on this property. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

j). Abatement 2024-10 re: Parcel #005709 Daniel Wood in the amount of \$1.54. A mobile home on the property was torn down. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Level of Assessment. Tara Haswell stated that the current county-wide level of assessment is at 91.6% and has been sent to DOR. She noted that the state should factor this level down. She also stated that assessment notices are ready for mailing. She said that the countywide reassessment is going well. Teri Morgan inquired about this current level of assessment; noting that a significantly lower level of assessment (76%) was presented (at the January 24, 2024 Commission meeting. Haswell stated that the beginning level was at 76%.

3. Ronald Remley, DOE, stated the office has received a letter from DPS, informing them about a program that links DOE information with FEMA and is used for relief programs. EMS Director, Steve Esser, has been talking with DOE Director Vissia regarding this program. The intent is to provide accurate information to FEMA. Esser stated this enables Custer County to meet the threshold for FEMA reimbursement. Not all information is available to the public.

F. Maintenance

1. Maintenance Supervisor, Joe Panza, discussed HVAC study proposal from Skyline Engineering, LLC. He stated that Skyline has dropped the original price of the study from \$17,800 down to \$16,000. Panza said several options may be available, including the addition of cove heat as a backup source; as well as converting the mechanical room into a neutral room to enhance the current system. Panza felt it best that professionals be involved in the study and asked for commission approval for the study. Motion to approve \$16K for HVAC study made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

2. Panza stated that a copper line broke during the past week, and as a result, there was no heat in many offices in the building. He stated parts for the compressor cost \$6K and will take approximately a week to receive and in the interim, he has purchased several portable heaters.

G. Highway

1. Highway Superintendent, Jesse Doyle, presented ROW Occupancy request from Golden West Telecommunications for fiber optic facility re: S27 T3S R4E; 25107 Burlington Trail and recommended approval. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Doyle also presented ROW Occupancy request from Golden West for fiber optic facility re: S33 T3S R5E; 12683 Hazelrodt Cutoff and recommended Commission approval. Motion to approve made by Busskohl seconded by Hindle; vote taken, all aye; motion carried. Doyle also stated that for future projects, he would prefer notification from installers if installation is to be less than 15 feet from the center of the roadway.

3. Doyle discussed road striping program information, noting that DOT will be dropping its cost-sharing program, which has been in effect for a number of years. Doyle stated there will be another program; with additional funding sent directly to counties through the state transportation plan. Doyle noted that Custer County has only three miles of striping needed, and will be performing the striping project rather than hiring a contractor.

H. Resolution 2024-07—Bridge Reinspection Program Resolution Resolution for Use With SD DOT Retainer Contracts.

1. Superintendent Doyle presented Resolution 2024-07 and stated he would like to continue to use Brosz Engineering for bridge inspections. He made a request for approval and for Chairman's signature. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

I. 8:30 AM Bid Opening

1. Bid Opening re: Buffalo Gap area gravel bid. (Streeter Pit on 7-11 Road). Doyle stated that one bid had been received—Croell, Inc. The bid was received as instructed (advertised in Chronicle 2x) and Doyle made a request to table until later in the meeting, thus giving him time to review. Motion to table made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. After Doyle's review, motion to un-table @9:42 AM made by Busskohl; seconded by Hindle; vote taken, all aye. Doyle stated that the bid from Croell, Inc. is for \$7.75/ton. Motion to approve Croell, Inc.'s bid at \$7.75/ton and chairman's signature made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

J. Raffle Request—Custer American Legion Post 46

1. Request for approval for American Legion Post 46 to conduct raffle beginning March 12, 2024 through November 11, 2024. Motion to approve made by Hartman; seconded by Hinde; vote taken, all aye; motion carried.

K. Joseph Bawdon—Star Valley Estates

1. Joseph Bawdon, resident of Star Valley Estates, shared concerns with the Commission regarding the abandoned homes located in the right of way in the Star Valley Estates Subdivision. Bawdon stated he, together with other residents, are at wit's end with the situation. He noted some of the homes are sinking into the pavement; are infested with rodents; pieces are falling onto the ground. State's Attorney, Tracy Kelley, stated there are a number of issues in regarding the McDill houses, but the problem ultimately is not a County problem but rather a civil issue. Kelley said that the County has gone above and beyond in trying to remedy the situation and the Commission and courts have done all they can do. She urged the residents to hire a private attorney in a joint civil matter against McDill. The roadway is currently blocked by the homes in question, but this is not a County road and Custer County has never had jurisdiction over this roadway. As such, under state law, the homes would not be deemed a public nuisance. Kelley stated that since McDill abandoned the houses in a road district roadway, the road district could sue McDill to require him to move the homes. Mark Nielsen stated that McDill purchased the homes at auction and abandoned them; he is concerned that now the taxpayers of the subdivision would be asked to pay for remedy and removal; Commissioner Busskohl replied that to date, the cost has been paid by taxpayers countywide. Commissioner Hartman asked if taxes are being levied against the houses; the answer is yes. Kelley stated this is a potential remedy. Finance Officer McLaughlin stated this is classified as a building on leased site, so a distress warrant will be issued if taxes are not paid in March, 2024. Mr. McDill is aware there are taxes due on the homes, as well as the published delinquency notice stating distress warrants will be issued in March, 2024 on all unpaid mobile home building on leased site taxes.

L. Alan Sherwood

1. Alan Sherwood appeared before the Commission to discuss and contest penalties received regarding building permit issue. Mr. Sherwood stated he was shocked to receive the penalty. He stated he bought a 10-acre parcel adjacent to his property in order to build a home for his parents. Sherwood noted that a manufactured home was brought in and purchased from Foothills Homes in 2018. He stated he understood that Foothills Homes would take care of the building permit, although admittedly, he did not follow up on the permit. Sherwood stated when paying his license tabs and property taxes at the Treasurer's office, he mentioned that the tax bill seemed low, and felt at that time the Treasurer's office should have communicated with the appropriate office to make sure the new home was on the tax roll. Sherwood also noted that a wastewater permit was pulled in 2018 by the installer and that the Planning office should have

followed up to see if a home was built on the property. The property has a mortgage that currently has a 5-year refinancing clause, and when the lender called the Department of Equalization office for a current assessed value, it was discovered that the house had never been placed on the tax roll. (the amount of taxes that would have been levied on the property for 5 years is \$18,710.60) Upon further investigation, it was discovered there had never been a building permit (which would have notified the DOE for taxation purposes), thus resulting in a fine from the Planning department. Sherwood stated he believes the fine should be dropped, and that better communications between offices would have shown there is a home on the property. Sherwood said he is a rule-follower and had no idea that he needed to check to see if there was a building permit or not. Commissioner Hindle stated that even though he mentioned a lower than expected tax bill to the Treasurer's office, that is hearsay and ultimately the homeowner's responsibility. After further discussion, it was determined that the fine stays; no motion necessary.

M. Airport

1. Value Acceptance or Decline was presented to the Commission regarding potential airport-adjacent property purchase from USFS. The 247-page report valued the property at \$1 million, doubling in value since 2019 when \$500K was set aside for the purchase (value \$16K per acre). It was noted that if the property is purchased, it enables runway extensions but much of the land is not usable for airport purposes. There is a current environmental study in place regarding the property. After further discussion, it was determined that a decision should be made within the next month; Commissioner Hartman stated he is not in favor of taxpayer monies spent on the land acquisition, which would require an additional \$500K.

2. Airport Manager, Brendan Hendrickson, presented the 2023 Airport Overview. The airport received an A+ rating. Hendrickson provided information on forms of revenue, including fuel sales, hangar leases and rental and ramp fees. Expenditures included fuel costs, credit card fees and operating expenses. There were 121 NOTAMs issued, 16 medical transfers, hosted a fly-in breakfast, and 24 based aircraft in 2023. Brendan noted there is a You-Tube channel for the airport, as well.

N. Old Business

1. Streff section line vacation; motion to reconsider was discussed. State's Attorney, Tracy Kelley stated she reviewed the original motion (9-28-2022), which was a defeated motion; therefore no motion to reconsider is necessary. This could be done as a renewal motion, advertise and set for public hearing, the board could then vote on the original motion. The original motion (12-16-22) was not done properly, with no public notice; would have required a 2/3 vote from the Commission to change the prior defeated motion. Kelley stated that to correct the motion, procedurally, notice would have to be given and set for a public hearing. The original motion would come before the board for discussion and vote. Planning Director, Terri Kester, said notice would need to be published for two consecutive weeks before the hearing and then could be added to the agenda. Discussion was held regarding the plat and section line previously tabled and it was noted that both can be approved at the same meeting; Kester stated this can be added to the March 20, 2024 agenda. No motion at this time.

2. Ordinance 23—An Ordinance Creating Licensing Provisions for Cannabis Establishments Within Custer County was presented for a second reading and Chairman's signature. No changes to the Ordinance have been made since the first reading. The application fee remains at \$125K and annual renewal fee remains at \$50K. State's Attorney stated that procedural issues were corrected by Aaron Davis and she has no opposition to a second reading. Motion to approve the second and final reading and Chairman's signature made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried.

3. Resolution 2024-06 Designating Custer County Designees to Request Fire Suppression Assistance from South Dakota Wildland Fire, a Division of the South Dakota Department of Public Safety. It was agreed to appoint Chairman Lintz as the designee at the 2-7-2024 meeting, however, it was discovered the appointment should have been done by Resolution. Motion to approve Resolution 2024-06 and appoint Chairman Lintz as the designee made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

O. Public Comment –

1. Amber Hulse introduced herself to the Commission and those in the audience. Amber is a republican candidate for District 30 State Senate and stated that she grew up in the Hot Springs area. She will be working in election and political law and hopes to represent those constituents living in District 30 as senator. Hulse stated she is available to visit with those having questions or concerns.

2. Todd Fish said that he has been in contact with the Town of Hermosa and stated they would like to be added to the next agenda to discuss water issues.

3. LeaAnne McWhorter shared information regarding HB1209, noting that Krull is on the Committee that is seeking appropriation of \$3 million for West Dam for Custer City. (not a County project). She urged those in attendance to call and email in support of this potential emergency water source for the area. Steve Esser will be testifying in Pierre on behalf of this bill.

P. Commission

1. Mail call –

a) Tim Modde, Custer Civil Air Patrol, offered the Commission use of a newly-acquired drone, should the need arise.

b) Thank you letter from Black Hills Works Foundation for Commission donation.

c) Letter from Walsworth Publishing re: Custer 150th Anniversary commemorative book offer.

2. Meeting Schedule –Auditor/Election training in Pierre; Feb. 28 & 29, 2024; BHAACO Annual meeting in Kadoka, March 8, 2024.

3. Meeting Reports – Busckohl attended Search & Rescue; Custer City Council.

Q. Executive Session

1. Motion to enter into Executive Session as per SDCL 1-25-21(1) Personnel made by Busckohl; seconded by Hindle; vote taken, all aye; motion carried. Executive Session entered into at 9:58 AM and concluded at 10:34 AM with no action taken.

R. Adjourn

Motion by Hartman and seconded by Busckohl to adjourn the meeting at 10:35 AM. The next meeting will be at 8:00 AM, March 6, 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 _____.