

Minutes of the Custer County Commission Meeting, Wednesday, March 6, 2024.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Buszkohl, 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

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

C. Consent Agenda

1. Approve minutes of the February 21, 2024 meeting.
2. Travel requests approved: M. Baldwin to attend the South Dakota Grasslands Summit in Oacoma from March 18-19, 2024. Travel costs will be fund by the Custer Conservation District.
3. Vouchers approved as follows:

PAYROLL: Commissioners \$5,431.80; Auditor \$12,817.58; Treasurer \$12,875.38; Info Systems & Tech \$3,310.42; States Attorney \$14,383.70; Courthouse Building \$9,144.17; Director of Equalization \$16,395.34; Register of Deeds \$5,393.25; Veterans Service \$1,470.17; Human Resources \$2,276.19; Sheriff \$58,014.35; Coroner \$1,110.12; Nurse \$1,240.82; Library \$9,377.58; Conservation \$746.99; Weed & Pest Control \$3,440.67; Planning \$7,883.24; County Road & Bridge \$42,918.66; Emergency Management \$3,042.85; 24/7 Sobriety \$843.52; Emergency Line F \$20,564.81.

COMMISSIONERS: Southern Hills Publishing \$636.60; Pitney Bowes \$2,231.15; Catastrophic Legal Expense \$876; Valhalla Legal \$1,220.

COURT: Deanna Clayborne \$142.10.

AUDITOR: Pitney Bowes \$490.53.

TREASURER: Quill \$111.19.

COURT APPOINTED ATTORNEY: Garland Lee Goff \$1,715.80; Colbath And Sperlich \$4,779.69.

MENTALLY ILL: Pennington County \$75.

MAINTENANCE: Black Hills Electric \$1,155.92; Black Hills Energy \$1,900.76; Custer Do It Best \$22.64; Black Hills Chemical \$363.92; Rapid Fire Protect \$849.60; Custer Ace Hardware \$114.25; City Of Custer \$229.32; Hagen Glass \$1,654.54.

FIRE PROTECTION: Argyle Volunteer Fire \$11,750; Buffalo Gap Fire Dept. \$5,750; Dewey Fire Dept. \$3,000; Folsom Fire Dept. \$6,500; Highlands Fire Dept. \$8,250; Pringle Fire Dept. \$13,767.

INFO TECHNOLOGY: Golden West Technology \$7,348; Quill \$424.80.

SHERIFF: Southern Hills Publishing \$6.78; FedEx \$18.93; 10-8 Video \$7,530; Sherry Weber \$60; Galls \$162.81; A&B Pure Water \$54.98; The Corner Station \$100.76; SD Department of Public Safety \$2,950.

PRISONER CARE: Mikayla Stevens \$75; Monument Health Client \$31.72.

AIRPORT: Brenden Hendrickson \$4,415.50; World Fuel Service \$17,396.57.

WEED & PEST: Justice Fire & Safety \$169.

PLANNING: Southern Hills Publishing \$153.48.

COUNTY ROAD & BRIDGE: A&B Welding \$191.12; Black Hills Electric \$1,768.76; Black Hills Energy \$70.27; Butler Machinery \$196.82; Southern Hills Publishing \$16.80; Floyd's Truck Center \$417.08; French Creek Supply \$421.44; Fastenal Company \$54.24; Godfrey Brake \$154.05; SD Division of Finance \$254.32; Pheasantland \$1,472.50; Servall Towel & Linen \$127.28; Town of Buffalo Gap \$10; Snap on Tools \$365; Justice Fire & Safety \$2,953.87; A&I Industries \$32.90; Culligan Water \$6.50; Nelson's Oil & Gas 1,046.96; Forward Distributing \$16.40; CBH Cooperative \$8,823.72.

EMERGENCY MANAGEMENT: Black Hills Electric \$46.36; Southern Hills Publishing \$29.39.

COUNTY BUILDINGS: Custer Ace Hardware \$69.95; Justice Fire & Safety \$58.

EMERGENCY LINE: A&B Pure Water \$54.97; Motorola Solutions \$33; SD Department of Public Safety \$2,950.

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

D. Conflict of Interest Declarations – Busskohl declared a conflict under Item "E" 8:05 AM Public Hearing, #3; will abstain.

E. 8:05 AM Public Hearing

1. Section Line Vacation re: Parcel 010606, 010607 & 010614 Dean & Nancy Sueflow, Tyler & Rebecca Barn house & Daniel Michelle Hutt - Diamond E Subdivision Tract 18 of HES #864 Section 19/30, Tract 4 of HES #264 Section 19, Lot 5 of HES #864 Section 30, T3S, R4E, Custer County, SD. Planning Director, Terri Kester, stated this was presented before the Planning Commission on 2-6-2024 where approval was recommended. Dan Hutt was present at the hearing to answer any questions.

2. Resolution 2024-10 Vacation of Section Line Highway Right of Way. Motion to approve made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

3. Section Line Vacation re: Parcel 012129 Timothy and Amy Rietveld Stagecoach Crossing Estates Subdivision of MS 830, Sections 21/22, T3S, R4E, BHM, Custer County SD. Kester stated this was presented to the Planning Commission on 2-6-2024 where approval was recommended.

4. Resolution 2024-9 Vacation of Section Line Highway Right of Way. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

5. Section Line Vacation re: Parcel 004295 & 004293 Matthew Hesperen & Warren Draw Ranch, LLC – Tract 1 & Tract 2 of MS#2161, all located in the NE ¼ and SE ¼ of Section 35 and the NW ¼ and SW ¼ of Section 36, T3S, R3E, BHM, Custer County, SD. The Planning Commission recommended approval on 2-6-2024.

6. Resolution 2024-8 Vacation of Section Line Highway Right of Way. Motion to approve made by Linde; seconded by Hindle; vote taken; Linde, Hindle and Hartman aye; Buszkohl abstained; motion carried.

F. Planning

1. Planning Director, Terri Kester, presented final plat of Bland Subdivision D&W Tract revised and Tanner Tract of Bland Subdivision Phase III, located in NW1/4 Section 18, T4S, R5E, BHM, Custer County SD. Kester stated this was presented before the Planning Commission on 2-6-24, where approval was recommended. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

G. Highway

1. Highway Superintendent, Jesse Doyle, presented ROW Occupancy request from Fall River Water Users District for a large project including Downen Road, Burnt Creek Road, 7-11 Road, Lane Johnny Road and Tatanka Spirit Road. Doyle noted that the water district installation will occupy the ROW of portions of Highway 79, as well as boring underneath some county roads. Doyle recommended Commission approval and requested Chairman's signature. Motion to approve made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried.

2. Doyle requested authorization to purchase gooseneck deck-over trailer at a cost of \$17,500. Doyle stated this will replace an old Army surplus trailer currently in use. Doyle obtained a total of 4 bids; he noted that West River Trailer matched a bid of \$19,795, but ultimately, Carl's cost was less. Doyle also stated this amount is budgeted. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

3. Doyle stated he will present 8 ROW Occupancy requests at the next Commission Meeting; these are all large projects and has the plans available for viewing at the highway office. He attended a meeting with the USFS re: Good Neighbor program. Regarding previously-mentioned use of a drum mulcher for ROW, Doyle stated that the USFS would require Custer County to pay for vegetation studies, as well as heritage studies before any hazards could be removed from the ROW. Doyle noted that the ground would not be disturbed and will keep the Commission updated. Doyle also requested to speak with Legal Counsel Davis regarding liability with the USFS.

4. Doyle requested an Executive Session as per SDCL 1-25-21(1) Personnel

H. Library

1. Library Director, Sarah Myers, presented the 2023 Annual Report. Myers stated that 55.6% of Custer County residents have library cards and that the library is had a total of 32,275 visits; other visits include website, wifi and computer sessions. Myers also thanked the 25 library volunteers, who have worked 1,240 hours in 2023. The report also shows a physical book circulation number of 32,979 vs. Libby circulation of 16,481.

2. Myers requested acknowledgement of new employee, Zoe Hayford, who began full-time (32/hours per week) on 2-26-2024. She will receive full benefits at a starting wage of \$17.50. McLaughlin corrected the starting wage will be \$17.00, not \$17.50 as previously thought by Myers. The Commission so acknowledged; Hartman abstained.

I. Run Crazy Horse Marathon

1. Request was made for approval to place two portapots on Custer County property (4th & Washington St) for the event taking place October 6, 2024. This has been done in previous years and the Commission requested Crazy Horse provide a copy of liability insurance. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

J. Custer Chamber of Commerce Raffle

1. Raffle request application to hold Bingo at the VFW for Gold Discover Days was received and it was noted the Custer City has already consented. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

K. Department of Equalization

1. Director Leah Vissia requested approval of the following abatements:

a) Abatement 2024-1 re: Parcel #008315 Scott Storms in the amount of \$1,264.98.

This request was previously tabled from the 2-21-24 Commission meeting. Motion to table until Executive Session made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

b) Abatement 2024-11 re: Parcel #014575 Alltel in the amount of \$1,890.91 (tax year payable 2022). Vissia stated there was a miscommunication between her office and DOR. It was determined that the State of SD assessed this property through utilities and that it should not be assessed at a county level. There will be no distress warrant issued. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye.

c) Abatement 2024-12 re: Parcel #014575 Alltel in the amount of \$1,836.22 (tax year payable 2023). Same as item "b" above. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

L. The Great Easter Egg Hunt

1. State Farm Insurance of Custer will sponsor the event and is requesting local businesses to participate in providing candy and goodies to children. State Farm will provide baskets and a map of participants. Terri Kester noted that candy-filled eggs do not have to be hidden, but can be handed out to children. Commissioner Hindle and Commissioner Busskohl stated they will split the cost of Easter candy 50% each. It was decided that Custer County will participate; so acknowledged with no motion needed.

M. Custer County Chronicle

1. Jason Ferguson appeared before the Commission and requested County participation in the upcoming 23024 Progress Edition. Ferguson noted this is the biggest issue of the year and a way for the public to be introduced to Custer County employees. He noted this is a full-page color presentation at a price of \$975 (same as 2023). Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

N. Emergency Management

1. Theresa Obenauer, PIO, presented a public information overview to the Commission. She shared that the PIO position was created 3 years ago and to date, social media is the most shared way to provide important information to the public. Obenauer works with Search & Rescue, Wildland Fire, USFS and others in gathering and sharing information. Social media posts include announcements, emergency information and often contain links to other agencies. She stated the system does not allow group texts/notifications at this time, but noted that Commissioners can receive active alerts that can be obtained and set up by contacting the Sheriff's department.

O. Search & Rescue

1. Sam Smolnisky provided the Commission with an updated roster. He also noted that the S&R checking account needs to be updated and new director added. McLaughlin stated the new director & request can be presented at the next Commission meeting; the Minutes from that meeting can then be presented to the bank in order to add a signatory to the account.

P. Human Resources

1. Library Director, Sarah Myers, has completed her 6-month probationary period. The Commission so acknowledged.

Q. ARPA Funds—Hermosa

1. Linda Kramer, BOT Town of Hermosa, appeared before the Commission to request permission to reallocate ARPA funds that are to be used for water treatment in the Town of Hermosa. She noted that due to a change in leadership on the Board of Trustees, they would like to revert back to the original plan for the funds. The BOT would like permission to change use of funds for a booster station and use other monies for the WRT system. Kramer stated that cost estimates for the WRT system have risen (originally estimated at a cost of \$470K in 2022). Due to rising costs, the current estimate could be 20% higher, bring the cost to approximately \$600K. The cost for the booster system is expected to be higher than originally thought, as well. Kramer stated the intent is not to pressure the Commission, but the town wants to get the WRT system completed. Todd Fish noted that he has discussed the situation with the Commissioners and noted that Hermosa would like to reallocate some of the funds for the booster system for the west side, (\$250K) and then use remaining funds for the WRT system, together with a loan from Danner, and would still be within the confines of the originally discussed 3 years ago. It was noted the monies would still be used for providing clean drinking water for the Town of Hermosa. Motion to allow reallocation of funds (\$300K) made by Hindle; motion dies for lack of second. Kramer stated there is still a possibility that all of the funds may be used for the WRT system and wait on the booster system. Fish noted that guidelines for the Danner loan do not allow use of funds for the booster system. Fish stated

there is a need for both and it would be a mistake to wait on the booster system; prolonging the problem. Commissioner Busskohl asked if Hermosa could provide the Commission with a detailed report and cost estimates before allowing funds to be reallocated. It was reiterated that funds received through the Danner loan cannot be used for the booster system. Kramer stated those funds are for the well and Gumbo Lily project (which will not be done). Commissioner Hartman supports the funds being used for clean water, but will wait until reports are provided before the Commission votes to approve reallocation of the ARPA funds. Kramer stated she looks forward to providing those numbers to the Commission.

R. Public Comment –

1. Alesha Wozny, Star Valley Road District, thanked the Commissioners for their help in trying to clear up the abandoned homes located in the right of way of their road district, stating Custer County has gone above and beyond.

2. John Dvorak, owner of the Shady Rest, appeared before the Commission to discuss property tax assessments, noting that over the span of the last 2 years, his assessments have doubled. He stated there should be a way to reassess and limit the amount that assessments can be raised. He inquired about Commission participation and input for the assessment process. Chairman Lintz stated the Commission’s role begins when convened as a Board of Appeals when assessment grievances are filed to determine whether or not an adjustment can be made. Changes to the process need to be made at the state level. Much discussion was held and Dvorak stated the process is inefficient and more guidelines should be in place. Commissioner Hartman stated he would like to see a Resolution in place that allows the County to meet the state-required 85%, but limit the annual amount assessments could be raised to meet that goal. Dvorak stated he feels the system is broken and needs to be more transparent. Chairman Lintz stated smaller increases have been in place in valuation of Ag lands in the past, but does not know if it has been done on residential properties on a county level. Lintz asked Aaron Davis to check into the legalities of counties to enact smaller increases in assessments.

2. Andrea Lewis shared concerns regarding assessments, as well. Lewis stated the Director of Equalization is given a choice of criteria by the state to use in valuations; noting the tiered system for acreages or cost per acre. Lewis said she has run the numbers and does not agree with DOE computations for values. She noted that some sales are less than assessed values and a different approach is needed. Lewis gave some examples and stated there are too many variables in values, thus eliminating “equalization”. She also inquired about the countywide reassessment being conducted and asked why the reappraisal began in rural areas rather than more populated areas of the county, as this affects equalization. Discussion was held about hiring an outside firm to conduct the reappraisal, but it was noted the cost to taxpayers would have been over \$1 million; therefore, it was decided to use DOE staff. Dvorak asked about repercussions if the reappraisal is not done quickly.

3. David Reid asked the status of the reappraisal, as well; Hindle replied it was an estimated 5-year timeline for completion. Reid stated his property used to be reappraised every 2-3 years, but is now being done every year, resulting in additional annual increases in value. DOE Director Vissia stated some of the increases are due to countywide factors not specific to Reid’s property. Lewis stated that she has seen a 15% reduction in sales over the previous year and that values are down, as well. Chairman Lintz urged the public to attend county board of appeals to see if values are down countywide.

4. Jesse Sorenson stated he built a new home and provided comps to DOE, but was told

those comps could not be used as they are located in neighboring counties. Sorenson said he knows of comps using the same builder, etc. but valued at 1/3 of his home because of location across a county line.

S. Weed & Pest

1. Michael Baldwin presented Modification to Participating Agreement for noxious weed treatments on the Buffalo Gap National Grassland. Baldwin stated the first agreement was in place in 2021, with renewal option in 5 years. This agreement provides \$3,000 to Custer County for weed treatment purposes. Motion to approve Chairman’s signature made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

T. Executive Session

1. Motion to enter into Executive Session as per SDCL 1-25-21(1) Personnel and as per SDCL 1-25-2(3) Legal made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried. Executive Session entered into at 9:31 AM and concluded at 11:51 AM. Motion to move the tabled motion for abatement from end of Executive Session to the March 20, 2024 meeting made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

U. Commission

1. Mail call – None
2. Meeting Schedule – 3-8-24 BH Assn meeting in Kadoka; 4 Commissioners and 3 department heads plan on attending. DOR will give a presentation.
3. Meeting Reports – Hindle attended meeting at City Hall re: BH Area Foundation; Linde attended Historical Society re: Old Time Country Fair. He noted the HS is no longer conducting the fair and is seeking others to hold the event. Busskohl attended YMCA, City Council re: new housing board, Planning Commission and Custer County Republicans. Lintz will attend Fair Board meeting and noted they are seeking a new director. Discussion was held regarding release of liability forms.

V. Adjourn

Motion by Hartman and seconded by Linde to adjourn the meeting at 11:52 AM; vote taken, all aye; motion carried. The next meeting will be at 8:00 AM, March 20, 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 _____.