

Minutes of the Custer County Commission Meeting, Wednesday, March 20, 2024. LEPC Meeting was held at 7:45 AM prior to Commission meeting.

Members present:

Commissioners Jim Lintz, Mike Linde, Michael Buszkohl, Craig Hindle and Commission Legal Counsel Aaron Davis and Dawn McLaughlin, Finance Officer. Commissioner Hartman 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 to add under item "G" Highway i) ROW Town of Buffalo Gap.
2. Amend to add under item "K" DOE d) combine aliquot parcel.
3. Amend to add under item "Q" Airport 2) request and approve Chairman's signature on Notice to Proceed/taxiway.

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

C. Consent Agenda

Vouchers approved as follows:

PAYROLL: Commissioners \$5,450.79; Auditor \$12,313.23; Treasurer \$12,027.99; Info Systems & Tech \$3,310.40; States Attorney \$13,951.49; Courthouse Building 8,739.15; Director of Equalization \$15,610.75; Register of Deeds \$5,210.22; Veterans Service \$1,269.69; Human Resources \$2,083.45; Sheriff \$52,149.73; Coroner \$837.04; Nurse \$906; Library \$10,137.41; Conservation \$746.99; Weed and Pest \$3,162.31; Planning \$6,926.76; County Road & Bridge \$36,939.10; Emergency Management \$3,213.72; 24/7 Sobriety \$803.50; Emergency Line \$17,195.04.

COMMISSIONERS: Golden West Telecommunications \$64.94; Black Hills Regional \$100; Verizon \$121.30.

NON-DEPARTMENTAL: SD State Treasurer \$342.45.

COURT APPOINTED ATTORNEY: Garland Goff \$635.05; Rensch Law \$1,021.91; Southern Hills Law \$2,938.53; Husted Law \$1,109.24; Colbath and Sperlich \$27.

ELECTION: Mcleod's Printing \$684.02.

AUDITOR: FedEx \$17.23; Quill \$110.33; Golden West Telecommunications \$144.06; Pitney Bowes Global \$293.57.

TREASURER: Quill \$25.48; Golden West Telecommunications \$140.91.

STATE'S ATTORNEY: SD States Attorney Association \$914.54; LexisNexis \$444; Golden West Telecommunication \$137.75; Culligan Water \$31.50.

MAINTENANCE: Black Hills Energy 5,375.34; Custer Do It Best \$15.82; Black Hills Chemical \$290.91; Sander Sanitation Service \$21.09; Custer Ace Hardware \$5.38; Golden West Telecommunication \$27.10; McGas Propane \$564.01; A-Z Shredding \$7.94; A&B Water Rentals \$75.39; Verizon \$74.31; Lost Sock \$22.30; Amazon \$937.96; Sams Club \$296; ZORO \$66.34; Menards \$43.75; Grainger \$69.32; Home Depot \$8.50.

DIRECTOR OF EQUALIZATION: Quill \$47.17; Golden West Telecommunication \$192.85; Verizon \$16.19.

REGISTER OF DEEDS: Golden West Telecommunication \$55.10.

VETERANS SERVICES: Golden West Telecommunication \$27.55.

HUMAN RESOURCES: Golden West Telecommunication \$27.55.

INFO SYSTEMS & TECH: Golden West Telecommunications \$54.10.

INFO TECHNOLOGY: Golden West Technology \$2,799.66; Quill \$494.78; Golden West Telecommunication \$680.

SHERIFF: French Creek Supply \$233.10; A&B Business \$54.98; S&B Motor Parts \$35.49; Innovative Office Solutions \$121.56; Golden West Telecommunications \$278.54; A_Z Shredding \$8.60; Battle Mt. Humane Society \$1,083; Verizon \$840.30; Amazon \$222.89; USPS Mail \$17.45; Mid State Org. \$150; KARL \$75.26; Full Circle \$239; DARA Holsters \$305.25; LexisNexis \$87; Quality Inn \$95.74; SD Mun League Conference \$115.

PRISONER CARE: Rapid City Police \$160; Pennington County Sheriff \$9,995; Correct RX \$53.62; Ruth Airheart \$75; South Dakota Public Health \$200; Satellite Tracking \$97.50; Hapsie Nutley \$75; Mary Seifert \$150.

SEARCH AND RESCUE: Golden West Telecommunication \$99.95.

AIRPORT: French Creek Supply \$105.97; Golden West Telecommunication \$114.17.

LIBRARY: Southern Hills Publishing \$47.08; Mt Rushmore Telephone \$136.59; Golden West Telecommunication \$271.23; Lane Walker Books \$43.50; Amazon \$1,286.98; Overdrive \$1,500; Box Labels \$107.92.

EXTENSION: Golden West Telecommunication \$76.27; Verizon \$40.01.

WEED & PEST: Golden West Telecommunication \$27.10; Verizon \$32.38; Southern Hills Publishing \$50.

PLANNING: Golden West Telecommunication \$110.20; Verizon \$16.19.

COUNTY ROAD & BRIDGE: Butler Machinery \$20,569.84; Floyd's Truck Center \$3,492.48; French Creek Supply \$302.19; Mt. Rushmore Telephone \$153.89; SD Dot DIV Of Finance \$287.85; Kieffer Sanitation \$308.38; Servall Towel and Linen \$133.67; Team Laboratory Chemical \$977; Custer Ace Hardware \$66.58; Golden West Telecommunication \$221.52; Carl's Trailer Sales \$17,500; A&I Distributors \$311.45; Lumen-CenturyLink \$67.72; Nelson's Oil & Gas \$451.67; Great Western Tire \$991.90; Trail King Industries \$1,312.29; Rapid Diesel \$6,669.68; G&H Distributing \$17.74; Verizon \$356.18; Walmart \$43.47; Harbor Freight \$297.35; Amazon \$260.65

EMERGENCY MANAGEMENT: Rushmore Communications \$1,693.09; Golden West Telecommunications \$45.22; SDEMA \$30.00; Verizon \$46.93; Best Buy \$47.77; Casey's Fuel \$54.45; 385 Garage Car Wash \$15.

COUNTY BUILDINGS: Custer Do It Best \$52.91; Harvey's Lock Shop \$15.60; ADTECH Rapid Fire \$2,467.35; Custer Ace Hardware \$575.01; Amazon \$153.59; Pref. Door Service \$12.54.

EMERGENCY LINE: A&B Business \$54.97; Golden West Telecommunication \$546.78; 911 TRG \$49.95.

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

D. Conflict of Interest Declarations – None

E. Public Hearings

1. **8:15 AM Public Hearing**—Section Line Vacation re: Parcels #001606 and #0016088 Streff. Planning Director, Terri Kester, presented for section line vacation request from Lila Streff; she noted this was advertised in the Custer County Chronicle on 3/6/24 and 3/13/24, a letter was sent to the adjacent landowner. Kester noted

comments were received from BHEC, who currently utilizes the section line for utilities and would like this to continue. BHEC would like for the landowner to either sign a standard agreement or add a utility easement on the plat. If either one of these are not an option, BHEC would not be in favor of the vacation. Kester noted that she has been in contact with Streff regarding the options, including the surveyor. Attorney Steven Sandven appeared before the Commission to share concerns regarding procedural issues pertaining to the vacation request. Sandven noted that on March 4, 2024 he made an open records request reflecting discussions, public records, communications and potential conflict of interest matters regarding Commissioner Mark Hartman. In November, 2022, Mr. Hartman removed vehicles from the Streff property, thus bringing concerns re: SDCL 6-1-17 (discussing or voting). Sandven noted that Hartman participated in discussing and voting on this vacation request. He went on to reference a handout he provided the Commission and additional discussion was held. Sandven felt the sole legal remedy will be to invalidate the official's vote. Procedurally, the process should start over due to Mr. Hartman's involvement in earlier votes. He also discussed the application request to split the Streff property into 3 lots. He requested the process start over; then decide if this is, in fact 3 lots. He thanked the Commission and staff for receipt of records as per his request, but in researching the records, he was concerned about Commissioner Hartman's involvement. State's Attorney, Tracy Kelley, stated there is a need for disclosure under the public records request to be addressed before determining whether or not there is a conflict of interest in this matter. Kelley noted she does not know at this time whether there is a conflict or not. Motion by Busskohl to table indefinitely until statements are made to satisfy the request, as well as satisfaction of request from BHEC; seconded by Linde; vote taken, all aye; motion carried.

2. 8:30 AM Public Hearing—On Sale Liquor License re: The Big Pickle, Big Pickle Enterprises, LLC; Schmidt Tract 2 (formerly Y Russell NO. 2 Russell Mica Lodge) of MS #1290 IN SW4 SEC 34 T3 R5 & NW4 & SEC 3 T4 R5 20.75 AC. It was noted that this is the last available on-sale liquor license available for Custer County; a fee of \$1,200 has been paid and all requirements have been met. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

F. Highway

1. Highway Superintendent, Jesse Doyle, presented the following ROW Occupancy Permits and recommended Commission approval:
 - a) ROW Occupancy Application from Golden West for service on Star Valley Drive. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.
 - b) ROW Occupancy Application from Golden West for 'Custer North' fiber optic project. Doyle stated he has the plans for this large project available in his office

(over 200 pages). Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

c) ROW Occupancy Application from Golden West for 'Custer West' fiber optic project (see application for all areas included). Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

d) ROW Occupancy Application from Mt. Rushmore Telephone Co. for 'SD Hwy 40, Black Hills Health, Battle Creek' fiber optic project (see application for all areas included). This is located in the Hermosa area. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

e) ROW Occupancy Application from Mt. Rushmore Telephone Co. for 'SD Hwy 36, Ghost Canyon' fiber optic project (see application for all areas included). Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

f) ROW Occupancy Application from Mt. Rushmore Telephone Co. for 'SD Hwy 36, Squaw Creek' fiber optic project (see application for all areas included). Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

g) ROW Occupancy Application from Mt. Rushmore Telephone Co. for 'Downen Road, Lame Johnny Road' fiber optic project (see application for all areas included). Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

h) ROW Occupancy Application from Mt. Rushmore Telephone Co. for 'Missle Road, Mielke Place Road, Dry Creek Road, Heartland Estates, Cobb Road' fiber optic project (see application for all roads included). Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

i) ROW Occupancy re: Town of Buffalo Gap for water line improvements taking place along and under Main Street and 4th Street. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Doyle requested authorization for Chairman to sign 2024 Road Striping Agreement. The State of SD will no longer be doing the projects and this agreement allows for Custer County to receive share of funding from SD DOT for striping projects within the county. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

G. Sheriff

1. Sheriff Marty Mechaley presented the Commission with the annual USFS law enforcement contract for approval. The contract is in the amount of \$8K. Mechaley stated that last year their costs were raised to the USFS and will be have a billing rate of \$35/hour and .67/per mile. These costs are provided to the USFS for patrolling and are then reimbursed. Marty recommended Commission approval to extend the contract for one year. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

2. Mechaley requested letter of support from the Commission re: Intelsat proposal. Mechaley stated he was contacted by the Sheriff of Butte County, who was contacted by the National Sheriff's Association regarding Intelsat. Intelsat is a communications company looking for broader radio communication systems to assist law enforcement agencies who are in need of better service. Custer County was deemed to be in need. Intelsat is currently working with agencies such as the border patrol, etc. Their system ties cellular, radio and Starlink together for communication purposes. They would like Custer County to agree to be a test site for the system. All equipment, costs, etc. will be covered by Intelsat. Mechaley stated this amounts to \$80K per patrol vehicle at a total cost of \$960K. There is no cost to Custer County to participate as a test site for 2-years. At the end of the 2 years, Custer County will keep the equipment at no cost; after that, it is a subscription program. Mechaley noted that Intelsat would like for Custer County Commission Chairman to provide a letter of support of the program to John Thune and Mike Rounds in an attempt to have appropriation monies approved. Mechaley would also like a letter of support signed by the law enforcement liaison. Intelsat will then do the necessary work to obtain funding from the federal government. Mechaley noted once again that participation in the program is at no cost the County. Motion to approve once legal counsel has reviewed and approved made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

H. Weed & Pest

1. Supervisor Michael Baldwin appeared before the Commission to request approval to reduce his hours to 32/week (option to work 40 hours as needed); change from salaried to hourly (retain same hourly rate). This arrangement will be re-evaluation in 6 months. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

I. Emergency Management

1. EMS Director, Steve Esser, presented 2022-2023 BRIC Grant award for the S&R generator. This is a mitigation grant for a generator at the S&R building to serve as an alternative dispatch center. The grant amount is for \$13,742.00, however since this was first applied for, the grant has gone from 100% to a 75%/25% grant. Esser is hopeful that additional funding can be secured should there be an overage.

2. Esser updated the Commission on the Headwaters Economics 2023 accomplishments. Esser provided an informational packet to the Commission. Speck Engineering was contracted to conduct site studies and flood modeling, which is nearly complete. This project has potentially saved Custer City and Custer County between \$75K--\$100K. Headwaters is a non-profit agency with funding provided largely through philanthropy. Headwaters assisted in applying for the BRIC grant and helped compute costs, while prioritizing needs. The grant applied for is just under \$500K.

3. Esser also presented an update on the French Creek Flood Mitigation Plan. The

plan is near completion. The next meeting is scheduled for 4-11-24 at which time, he is hopeful it will be determined whether or not the applied-for grant will be received (\$500K). Additional cost studies for projects along French Creek will be determined; once completed, additional grants can be applied for (2025). Esser stated that it is imperative that Custer County complete or schedule as many projects as possible during the next five years, as any hazard mitigation grants applied for and received, which are normally a 75%/25% grant, are now a 90%/10% cost share.

J. Department of Equalization

1. DOE Director, Leah Vissia presented the following for approval:

a) Abatement 2024-1A re: Parcel #008315 Scott Storms in the amount of \$1,264.98. This Abatement was previous tabled from the 2/21/24 meeting). Mr. Storms stated he was agreeable to the Commission's decision. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

b) Refund 2024-14R re: Parcel #006355 Brandon Payne in the amount of \$366.97. (2023) It was noted there are no utilities on the property. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

c) Abatement 2024 15A re: Parcel #015225 TNT Rentals, LLC. in the amount of \$86.64. This parcel had a previous abatement for mobile home; this current abatement is due to removal of deck. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Vissia presented request to combine Aliquot parcels; she presented a record of survey, which is solely informational for the landowner; DOE can only change legal description via plat. Vissia noted that the request is understandable. ROD Director, Teri Morgan stated that this is a tricky situation; aliquot descriptions are describable and the property owner would be deeding the same property to themselves. Morgan discussed this with State's Attorney, Tracy Kelley, and it is not something that is normally done. The real estate agent for the owners was advised that perhaps when the property is sold, both descriptions be placed on the deed, transferring it to the new owners, at which time it could become one parcel. The current owners desire to sell, and are concerned about the smaller parcel description. Kelley stated these are difficult, and the easiest way is to deed the portion sold, to carve out that parcel and moves the line automatically. A separate parcel could then be created and sold or added to the existing parcel. The ideal way to achieve this is to replat the parcel, but there is really no right or wrong way to solve the issue. This particular request would not be combining two parcels, but rather combining a portion of one parcel to another, which is not generally done. Vissia stated this does not affect the taxing ability, as it would be included in the new description and removed from the old. Other considerations include whether or not a mortgage is in place on one portion of the property and not the other; access to parcels, etc. Morgan stated there is an access tract review map, which is used in Planning. After further discussion, it was decided to readdress once researched further by the Planning department.

K. Finance Officer

1. Finance Officer, Dawn McLaughlin requested approval of Abatement 2024-13 re: Parcel #013743 Tim Ginter in the amount of \$200. This is not normally handled by the Finance Officer, however this is a refund of a road district assessment (Copperleaf Road District) and the parcel will be removed from the district moving forward, as per the road district meeting on March 5, 2024. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

2. McLaughlin requested approval to delete Sarah Mowery as signatory at First Interstate Bank and to add Walter Krol, Rayliene Caudy, Michelle Zerfas and Marlyn Campbell as signatories to the account. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

L. Search & Rescue

1. Sam Smolnisky appeared before the Commission to request signature change in S&R Checking account ending in 6613 at First Interstate Bank. Smolnisky stated that Jeff Barnes has stepped down and requested he be removed from the account and that his replacement, Ed Kotz, be added as a signatory to the account. Motion to approve the signature change made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Smolnisky provided an updated CCSAR roster. The Commission so Acknowledged.

M. Raffle Requests

1. The following raffle requests were presented for approval:

- a) Custer Senior Center—Mother’s Day Basket
- b) Custer Senior Center—Father’s Day Basket
- c) Custer Youth & Alumni Foundation

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

N. Tony and Mary Gonser

1. Tony and Mary Gonser appeared before the Commission to ask for retro-active abatements regarding Parcel #005806, citing the property should have been added under a tax exemption program; however a delay in receipt of necessary paperwork caused them to miss the November 1, 2023 deadline. DOE Director Vissia spoke with State’s Attorney Kelly regarding the deadline and subsequently informed the Gonsers that they would not qualify this year, but would be able to apply for an abatement next year. Moving forward, the tax exemption would then be automatically applied each year once it is approved. The Gonsers stated that some counties will abate retroactively and that all counties should follow the same guidelines; they asked the

Commission's consideration for the same. Vissia stated the decision is the Commission's, while McLaughlin stated historically, only 2-years' worth of abatements have been issued. After further discussion, it was decided the Gonsers would receive retroactive abatements for the last 2 years (2022 payable 2023; 2023 payable 2024). Vissia will present the necessary forms for approval and signature at the April 3, 2024 Commission meeting. A Resolution addressing and clarifying the tax exempt program and handling of the retroactive abatement process will be drafted and presented for approval at a future meeting.

O. Public Comment –

1. Thomas Veigh addressed the Commission with concerns regarding his tax assessment, which he states has doubled with no improvements to the property in the past 20 years. He wondered if this was in error, as his was the only property in his neighborhood that went up by that percentage. Chairman Lintz urged him to fill out an appeal form and present his case before the Board of Appeals for consideration. Veigh noted he has filled out the form, and will wait for a reply with scheduled time to appear before the Board.

2. Kevin Rosse spoke before the Commission and noted that several people in his neighborhood approached him to speak on their behalf. He addressed the tier-pricing approach and noted inconsistencies in grading in the area. He checked comps and found all them to be in much better shape than his home, but have a smaller multiplier. Rosse noted there are more individuals upset than usual and plans to file the necessary paperwork to file an appeal before the Board. He will bring additional documentation forward at that time.

3. Bruce Dye shared concerns regarding his assessed value and taxes. He wanted to make the Commission aware of the trajectory of the increased tax rates in Custer County; noting other counties are impacted by this as well. Dye commended the Commission for decreasing the mill levy for 2023, but still had concerns for the future and distribution. He noted that the heavy burden is on real estate taxes and is concerned for citizens being taxed out of their properties. Dye expressed disappointment in the State's position of passing responsibility to assessors and Commissioners rather than making the needed changes in the legislature. Dye stated he would be willing to assist in trying to come up with solutions. He also commended Custer County staff for their assistance in answering any questions he has had thus far. Dye also had questions regarding the Beacon website that Custer County utilizes and felt this service should be fee to citizens, rather than having to pay \$150 annual subscription fee. It was noted that many layers of the website are available no charge

4. Andrea Lewis addressed the Commission and stated she has been researching data for the past 3 weeks and would like to speak about the tax/assessment process on the County level (not State). Lewis said that a base line needs to be established and that the system of equalization needs to be better understood and utilized. She noted the tax burden needs to be distributed more evenly and the DOE has many approaches

that can be used; including combinations thereof. Lewis stated that valuations are inconsistent and not comparable. She noted the current tiered structure is not working and there needs to be a better system of equality utilized. Lewis offered her assistance in helping Custer County to re-evaluate land and assessments. She stated that this needs to be done on the County level and that blaming the State is not effective.

P. Airport

1. Commissioner Hindle stated although this topic was added to the agenda for the purpose of discussing the land acquisition and funding of \$1 million, he would like to table the matter to a future date when all Commissioners are in attendance. Motion to table to future date made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried. Hindle spoke with the USFS and discussed a possible contract for deed, however it was not known if that was a possibility. He noted that other avenues for funding are bleak.

2. Brenden Hendrickson presented a Notice to Proceed for Chairman's signature. He noted that the taxiway project is scheduled to proceed within the next two weeks. Motion to approve Chairman's signature made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

Q. Executive Session

1. Executive Session as per SDCL 1-25-21(1) Personnel
2. Executive Session as per SDCL 1-25-2(3) Legal

Motion to enter into Executive Sessions made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried. Entered into at 9:30 AM and concluded at 10:11 with no action taken.

R. Commission

1. Mail call –
 - a) Steven Sandven—Public Records Request. This request has been fulfilled with the exception of Commissioner Hartman's answers. (Hartman was not present at this meeting). Custer County follows state law as far as Conflict of Interest Policy is concerned.
2. Meeting Schedule – Easter candy handout Friday 3-22-24
3. Meeting Reports—Hindle attended BH Association of County Officials district meeting in Kadoka & USFS meeting; Linde attended City Council meeting; Buszkohl attended Ducks Unlimited; City Council and BH Ass'n County Officials in Kadoka, SD; Lintz attended Fair Board meeting.

S. Adjourn

Motion by Linde and seconded by Hindle to adjourn the meeting at 10:17 AM.
The next meeting will be at 8:00 AM, April 3, 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 _____.