

PAYROLL: Commissioners \$7,052.10; Auditors \$12,660.02; Treasurers \$12,867.27; Info Systems & Tech \$3,435.51; States Attorney \$14,383.70; Courthouse Building \$9,057.80; Director of Equalization \$16,550.37; Register of Deeds \$5,393.25; Veterans Service \$1,422.43; Human Resources \$2,243.95; Sheriff \$55,606.86; Coroner \$837.04; Nurse \$1,221.12; Library \$11,220.54; Conservation \$746.99; Weed and Pest Control \$3,178.55; Planning \$7,623.67; County Road & Bridge \$40,772.11; Emergency Management \$2,993.24; 24/7 Sobriety \$890.66; Emergency Line F \$19,166.67.

COMMISSIONERS: Southern Hills Publishing \$580.25.

COURT: Clayborne \$107.80.

COURT APPOINTED ATTORNEY: Garland Lee Goff \$959; Southern Hills Law \$2,827.68.

ELECTION: McLeod's \$299.80; Ramkota \$342.

AUDITOR: Southern Hills Publishing \$75.91; Pitney Bowes \$8,856.69.

TREASURER: Southern Hills Publishing \$343.03.

STATE'S ATTORNEY: Jefferson Combined Court \$26; CAN Surety \$50; El Paso Combined Court \$20.50; Clerk of Court Douglas \$20.25.

MAINTENANCE: Black Hills Electric Co \$943.68; Black Hills Energy \$1,539.96; Custer Do It Best \$41.81; Black Hills Chemical \$190.40; Custer Ace Hardware \$243.06; City of Custer \$328.16; Unified Power \$5,570.

DIRECTOR OF EQUALIZATION: Quill \$301.15.

HUMAN RESOURCES: Southern Hills Publishing \$69.40.

INFO TECHNOLOGY: Golden West Technologies \$1,519.56.

SHERIFF: Pheasantland \$729.85; A&B Pure Water \$109.96; Artistic Custom Badges \$16.50; Motorola Solutions \$33.

NON-DEPARTMENTAL: Brandon and Heather Payne \$366.97; SD Department of Rev \$1,050.

PRISONER CARE: Pennington County Sheriff \$226; Monument Health Client \$70.60.

CORONER: Clinical Lab \$2,339; Monument Health Client \$461.

AIRPORT: Brenden Hendrickson \$4,315.50; Rocky Mountain Propane \$322.50.

LIBRARY: Black Hills Library Conference \$7.63.

COUNTY ROAD & BRIDGE: A&B Welding \$11.89; Black Hills Electric \$1,489.96; Custer Do It Best \$18.46; Dakota Battery & Electric \$209.18; Floyd's Truck Center \$152.84; French Creek Supply \$82.96; Fastenal Company \$669.67; Godfrey Brake \$159.55; Grimms Pump Service \$464.94; Inland Truck Parts \$365.68; SD DOT DIV \$1,356.43; SD Public Assurance \$849; Servall Towel & Linen \$133.67; Town of Buffalo Gap \$73; Warne Chemical & Equip \$7,966; Custer Ace Hardware \$39; ISC Companies \$85.96; Poms Tire Service \$1,203.62; Culligan Water \$6.50; Grahek Technology \$75; Ace Hardware West \$7.99; Northwest Pipe Fittings \$957.82; Zep Sales & Service \$340.98; Nelsons Oil & Gas \$771.23; Pacific Steel & Recycling \$981.37; CBH Cooperative \$5,585.28.

EMERGENCY MANAGEMENT: Black Hills Electric \$45.92.

COUNTY BUILDINGS: Custer Do It Best \$1.64; Custer Ace Hardware \$65.78.

EMERGENCY LINE: A&B Pure Water \$109.94.

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

D. Conflict of Interest Declarations – Chairman Lintz declared a conflict under “J” Auditor; item b) renewal of Lintz Brothers Pizza retail on-off sale malt beverage & SD farm wine.

E. Highway

1. Highway Superintendent, Jesse Doyle, presented an update on the Buffalo Gap RR crossing and bridge replacement. Doyle noted the railroad crossing in Buffalo Gap has been a source of contention for the past few years. The Federal Railroad Administration has assisted in moving the project forward; planks have been purchased by the RR and will be used in completion of this project. Doyle also stated that he would like to discuss the replacement of the bridge on Riverside Road, just east of Buffalo Gap at the 4-24-2024 Commission meeting. He stated that Custer County has qualified for the Bridge Improvement Grant for the engineering portion of the replacement. He met with Brosz Engineering, SD DOT engineers and bridge crew at the site last week. Discussion was held regarding various replacement/repair options at that time. (TSL meeting-type, size & location). The State proposed replacing the bridge with a new bridge at an estimated cost of \$2.3M; a poured-in-place box culvert option at an estimated cost of \$1.4M; option 3 would be a precast box culvert at an estimated cost of \$900K. Doyle's preferred option would be the precast; DOT has been pushing

toward poured-in-place culverts for a number of years, but this is not necessarily a better option. The precast option is required to meet the same specs as the more expensive box culvert option. The precast option allows for a faster turn-around time for replacement. Doyle told the engineers this is the preferred option. The BIG score for the bridge is 43.2, which allowed the engineering grant qualification. The bridge is currently weight-posted due to condition. In order to boost the BIG score to qualify for bridge replacement, shovel-ready plans need to be in place, which potentially could qualify for bridge replacement grant in two years. Without the shovel-ready plans in place, replacement may be delayed another 5 years. Doyle noted the importance of having those plans in place (estimated cost of shovel-ready plans is \$85K, to be paid by Custer County). Doyle noted the bridge deck is in decent shape, but the wooden abutments are stressing and the end of the bridge is settling into the wood. Doyle also discussed detour options or bypass for the construction/replacement period. Doyle would prefer a 5-mile detour option rather than the bypass option, stating lower cost and shorter project completion period. Doyle stated he will contact Brosz Engineering to speak at a future Commission meeting.

2. Doyle requested Commission acknowledgement of completion of six-month probationary period for Kevin Armbrust. The Commission so acknowledged.

F. Maintenance

1. Maintenance Supervisor, Joseph Panza, presented an update on the main Courthouse UPS preventative maintenance program. The annual maintenance was completed on March 13, 2024 and it was noted the capacitors in the UPS are past the service life expectancy. The manufacturer recommends replacement at this point at an estimated cost of \$11K. Panza prefers to wait until next maintenance service to replace them, and noted that at that time, the price would be substantially lower.

2. Panza also presented an update on the fire suppression dry-system piping. He stated there have been leaks in pipes in the mechanical room; subsequently, an air leak allowed water into the system. To date, 11 leaks have been located. Those have been repaired, but the system was improperly installed, thus resulting in leakage. Panza is gathering bid information and will further update the Commission. He recommends replacing or further repair to avoid potential future leaks.

3. Panza stated that Skyline Engineering currently has a copy of Courthouse building blueprints necessary to complete HVAC study, which should be finalized this spring.

4. Panza has reached out to 3 companies for cove heating installation proposals and has received 2 bids. One bid came in at \$105,400 and the other at \$87,500 (Panza prefers this bid, which is more inclusive and a better option). He is awaiting the 3rd bid.

5. Permission to surplus outdated IT items was requested. Panza presented a list for Commission approval and noted that all drives have been either wiped or destroyed.

G. Equalization

1. Tara Traxler, DOE, presented the following abatements and refund requests for approval:

a) Refund 2024 16R, Parcel #005806 Anthony Gonser in the amount of \$1,549.65. Motion to approve made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

b) Abatement 2024 17A, Parcel #005806 Anthony Gonser in the amount \$1,237.50. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

c) Abatement 2024- 18A, Parcel #012123 Gary Fellows in the amount of \$590.58. This is for owner-occupied status on garage. Motion to approve made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

2. Acknowledge Board of Appeals dates for 2024; 4-9-2024, 4-10-2024, 4-16-2024 and 4-18-2024. It was noted that all dates may not be necessary. The Commission so acknowledged.

H. Planning

1. Planning Director, Terri Kester, made a request for approval of: Final Plat of FOUNTAIN TRACT NORTH AND FOUNTAIN TRACT SOUTH, LOCATED IN THE NE ¼ SE ¼ OF SECTION 5, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. This was presented to the Planning Commission on 3-5-24 where approval was recommended. Motion to approve made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried.

2. Kester also made a request for approval of: Final Plat of PECK TRACT OF DESPERADO RANCH SUBDIVISION, LOCATED IN THE N ½ NW ¼ OF SECTION 9, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. This was presented to the Planning Commission on 2-6-24, where approval was recommended. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

3. Kester thanked the Commissioners and Finance Director, Dawn McLaughlin, for their contributions for the recently held Easter Egg Hunt and noted there were approximately 155 children that participated.

I. Title III Funding

1. Finance Officer, Dawn McLaughlin, presented an update on Title III Funding; Public Notice 2024. McLaughlin stated these funds are received from the USFS; Title I and Title III monies. In April, 2023, Title I monies (split 50/50 between County Highway and Custer County schools) were received in the amount of \$324,148.70; highway received \$162K, Custer schools \$94K, Elk Mountain schools \$65K; Hot Springs school \$1,500. These amounts are based on acreage. Title III monies are used for special projects. Custer County received \$28,449.70 in 2023. Title II monies are retained by the federal government and are used for special RAC funds.(\$21K in 2023) Before spending any Title III monies, a notice of public comment must be published 45 days beforehand. McLaughlin requested Commission approval for publication of said notice for 2024. (There are currently \$373K in funds) EMS Director, Steve Esser has been working with the federal government to determine how Custer County can spend these funds, as only certain emergency services projects qualify. McLaughlin also requested approval for a fund transfer as a deposit correction needs to be made from the years

2019—2022. The monies received from Title III was not properly allocated to Title III, but rather treated as Title I money and, therefore, \$117K was allocated; \$58K went to highway, \$34K to Custer School, \$23K to Elk Mountain School and \$157. McLaughlin spoke with state auditors regarding the matter, and it was recommended to transfer these amounts from the general fund and supplement Title III money. Motion to approve transfer made by Hartman; seconded by Linde; vote taken, all aye; motion carried. Commissioner Linde requested clarification regarding the error; McLaughlin stated that all of the Title III monies were treated as Title I monies and incorrectly allocated to the highway and schools, thus resulting in need for the corrective transfer. McLaughlin stated she will request the monies be returned from the schools, and noted state auditors did not recommend transferring from the highway. Linde also inquired about sending the 45-day notice to the USFS, as Custer County will be spending the funding. Esser noted that he received some information clarifying spending qualifications. Motion to approve publication of notice made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

J. Auditor/Finance Officer

1. Finance Officer, Dawn McLaughlin, requested Commission approval of the following retail Alcoholic Beverage License application renewals:
 - a) RB-20107 Custer County Fair Association retail on-off sale malt beverage & SD farm wine. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.
 - b) RB-2341 Lintz Brothers Pizza retail on-off sale malt beverage and SD farm wine. Motion to approve made by Busskohl; seconded by Hartman; vote taken; all aye; motion carried. (Lintz did not participate in the vote; Vice-Chairman Hartman to sign)
 - c) RB-25888 LT Campground LLC retail on-off sale malt beverage and SD farm wine. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.
 - d) RB-3487 Regency CSP Ventures Ltd Partnership (Legion Lake Lodge) retail on-off sale malt beverage and SD farm wine. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.
 - e) RB-25885 Regency CSP Ventures Ltd Partnership (Blue Bell Lodge) retail on-off sale malt beverage and SD farm wine. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.
 - f) RB-25886 Regency CSP Ventures Ltd Partnership (Sylvan Lake Lodge) retail on-off sale malt beverage and SD farm wine. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.
 - g) RB-25887 Heartland Resort LLC retail on-off sale malt beverage and SD farm wine. Motion to approve made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

K. Custer Area Chamber of Commerce

1. Dawn Murray appeared before the Commission to request permission to use the

S&R parking area for the annual off-road rally registration and check in on Friday, June 7, 2024 and Saturday, June 8, 2024. She also requested use of the S&R parking area June 9, 2024 for vendor setup. Murray stated that the Chamber carries event insurance. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

L. Public Comment

1. Linda Fellows addressed the Commission to discuss owner-occupied/non-owner occupied status on buildings on her property. She noted that her garage has living quarters above and has paid extra taxes due to the overflow space. She stated this is her only garage, so owner-occupied status should have been allowed. She said she is concerned for the community and has appealed to the DOE; owner-occupied status was granted for the garage, but then removed from her husband's workshop.

2. Andrea Lewis spoke regarding owner-occupied status, as well. Lewis stated that she feels if a property has owner-occupied status on it, then all buildings located on the property should, as well. Now, only the residence and 1 garage/building qualify. When she previously asked DOE about this, she was told that everything qualified, but that is not true; she is receiving inconsistent information from that office. She also discussed the \$25K obsolescence given to bare land and stated she finds it redundant. Lewis said that reassessing countywide with new data input into a broken system will not help the current situation and offered her assistance. She is concerned that the broken system will not be addressed. Lewis also stated she went to the DOE office for property information printouts and was told they are no longer available without the landowner's permission, although it is public information. Tara Traxler, DOE, stated that a taxpayer was upset that their information had been given out. Lewis was told that she could view the information at the DOE office, but not take a printout. Commissioner Hartman stated he has an issue with the office withholding public information. Lewis stated the need for transparency regarding the DOE, as rules are being changed with no accountability.

3. David Reid also spoke regarding the owner-occupied issue. He stated he also has a garage with living space above, and it has never been assessed as a garage but rather a second residence with a basement. He stated this is incorrect and had issue with incorrect descriptions. He noted this affects other property owners, as well. It was stated that the Vanguard program used by the DOE requires his garage with living quarters be assessed as a second dwelling. He stated that in 2011, all of the buildings on his property received owner-occupied status, but that status was later removed. Commissioner Hartman asked DOE if the garage with living quarters could be entered into the Vanguard system as either a garage with living quarters or a single-family dwelling. Tara Traxler stated that she will work it up both ways and present her findings. Commissioner Hindle stated to find in favor of the taxpayer. ROD Director, Teri Morgan noted that Hughes County (Pierre) allows OO status on all structures on a taxpayer's property that has that status and that many counties in South Dakota allow for this. McLaughlin stated that Pennington County allows this, as well.

M. Veteran's Services

1. VSO, Todd Fish presented 2024 1st Quarter report. As of April 1, 2024 there are 928 registered county veterans; 960 are tracked by the State and Federal Veterans' Administration. Fish noted there are 77 claims in progress; 28 active open claims and 38 intent to file formalized claims. There are 11 open active appeals. Fish stated there are a projected 437 claims for 2024 totaling \$7.4M in annual disability income to Custer County veterans.

N. Human Resources

1. HR Director, Todd Fish presented draft of updated Employee Handbook for Commission approval. He noted this was previously sent to the Commission for review. Discussion was held regarding various proposed changes to vacation accrual, as well as sick time accumulation limits. It was proposed that the current maximum hours of sick time accumulation be reduced from 700 to 480, with the current maximum allowable payout of 240 hours remaining the same. It was also proposed that probationary period for new employees be 1 year rather than the current 6 months; with vacation accrual beginning immediately (to be used after 6-months of employment) rather than beginning accrual at the 6-month probation completion. After further discussion, it was decided to table the matter. Motion to table until the 4-24-2024 meeting made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

O. Executive Session

1. Motion to enter into Executive Session as per SDCL 1-25-2(3) Legal made by Linde; seconded by Hindle; vote taken all aye; motion carried. Entered into at 9:49 AM and concluded at 10:35 AM with no action taken.

P. Commission

1. Notice of School Land Lease auction to be held April 5, 2024 at 10:30 AM in the Custer County Commission room.
2. Mail call—
 - a) Thank you card from Hermosa Arts & History Association for \$2,500 contribution for 2024.
 - b) BHRMUC meeting notice.
 - c) Letter from Town of Hermosa re: Flood/FIRM information; Custer County Fairgrounds.
 - d) Invitation from SD Pork Producers Council; May 23, 2024 @ 6:00 PM.
 - e) Letter from TL Hawley re: tax assessments.
3. Meeting Schedule – Equalization Board of Appeals 4-9-24 through 4-19-24.
4. Meeting Reports – Hartman attended Housing and Planning meetings; Hindle attended Zoom meeting with Mead & Hunt re: airport land acquisition regarding letter of the law; Linde attended garbage board meeting; Lintz attended fair board meeting; Argyle re: fire district; Busskohl attended 20-Mile Road District election meeting (failed); school board, Custer City, Planning, Custer County Republicans.

Q. Adjourn

1. Motion by Linde and seconded by Hindle to adjourn the meeting at 10:35 AM. The next meeting will be at 8:00 AM, April 24, 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 _____.