

Minutes of the Custer County Commission Meeting, Thursday, June 20, 2024.

Members present:

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

- 1. Motion to approve Agenda made by Linde; seconded by Busskohl; vote taken, all aye motion carried.

C. Consent Agenda

- 1. Minutes of the 6/6/2024 Commission Meeting.
2. Monthly reports as follows:

CUSTER COUNTY RECORDS RECEIPTS SHEET
COURTY FEES
MAYORAL ELECTION \$ 11,018.00
COUNTY TAXI 141,603.00
COUNTY TOTAL 142,621.00
ADJUSTMENTS 0
ADJUSTED TOTAL 142,621.00
BUDGET SUBSIDY
MAYORAL ELECTION 8,194.00
STATE FUND FOR STATE VITAL RECORD FUND
Bank 19 38.00
Bank 51 321.00
Bank 14 38.00
Bank 51 310.00
STATE TOTAL 677.00
BUDGET TOTAL 8,871.00
GRAND TOTAL 151,492.00
CHECKS 174 To Study \$ 3,110 From 1725 To Study \$ 17,654.58
CHECKS 1725 To Study \$ 3,454



Vouchers approved as follows:

PAYROLL: Commissioners \$5,450.73; Election \$2,176.64; Auditor \$13,826.39; Treasurer \$11,468.49; Info Systems & Tech \$3,310.40; States Attorney \$14,815.94; Courthouse Building \$9,515.64; Director of Equalization \$17,439.13; Register of Deeds \$5,576.26; Veterans Service \$1,517.89; Human Resources \$2,323.92; Sheriff \$61,107.13; Coroner \$837.03; Nurse \$1,418.08; Library \$12,253.21; Conservation \$814.19; Planning \$7,506.73; Weed & Pest

\$5,386.04; County Road & Bridge \$38,717.81; Emergency Management \$2,796.35; 24/7 Sobriety \$1,125; Emergency Line \$22,277.84.

COMMISSIONERS: Golden West Telecommunication \$68.26; A&B Water \$75.39; Verizon \$90.76.

ELECTION: Election Workers \$6,422.51; ES&S \$1,645.06; McLeod's Printing \$298.90; Nova vision \$300.54; Amazon \$290.68.

AUDITOR: Mt. Rushmore Telephone \$2; Quill \$26.39; Golden West Telecommunication \$140.91; Ramkota Hotel \$77; A&B Printer \$316.85; Adobe \$254.75; Best Buy \$99.99.

TREASURER: HUBB International \$525; Golden West Telecommunication \$140.91; A&B Printer \$338.36.

STATE'S ATTORNEY: Lexis Nexis \$444; Golden West Telecommunication \$137.75; Culligan Water \$38; A&B Printer \$198.37.

MAINTENANCE: Black Hills Energy \$4,255.82; Sander Sanitation \$22.80; Warne Chemical & Equip \$463.55; Custer Ace Hardware \$37.97; Golden West Telecommunication \$27.10; Verizon \$44.07; Menards \$763.35; Amazon \$347.24; Sam's \$257.07.

DIRECTOR OF EQUALIZATION: Summit Sign & Supply \$49; Golden West Telecommunication \$192.85; Splish Splash Car Wash \$18; A&B Printer \$668.25; Verizon \$1.08; Amazon \$19.11; Appraisal Books \$175.35.

REGISTER OF DEEDS: Quill \$117.98; Golden West Telecommunication \$55.10; A&B Printer \$140.46.

VETERANS SERVICES: Golden West Telecommunication \$27.55; A&B Printer \$67.22.

HUMAN RESOURCES: Golden West Telecommunication \$27.55; A&B Printer \$147.66.

INFO TECHNOLOGY: Golden West Technology \$7,348; Golden West Telecommunication \$680.05.

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

SHERIFF: FedEx \$18.93; A&B \$54.98; Survival Armor \$3,315.78; Golden West Telecommunication \$278.54; Mike Lewis \$2,180; Front Range Toxicology \$450; R.G. Anderson \$18; Leads Online \$2,588; Battle Mt Humane Society \$1,083; A&B Printer \$219.44; Verizon \$829.15; Amazon \$53.35; Lexis Nexis \$88.

PRISONER CARE: Pennington County Sheriff \$105; Pennington County Jail \$11,115.48; Correct RX Pharmacy \$149.54; Ruth Airheart \$75; Satellite Tracking \$100.75; Monument Health Client \$41.48.

SEARCH & RESCUE: Golden West Telecommunication \$99.90.

AIRPORT: Custer Ace Hardware \$19.99; Golden West Telecommunication \$113.95; Mead & Hunt \$17,724.39.

LIBRARY: Black Hills Library Conference \$19.74; Golden West Int & Phone \$219.90; Walmart \$23.41; Amazon \$1,121.85.

EXTENSION: Golden West Telecommunication \$118.07; A&B Printer \$169.17.

WEED & PEST: Warne Chemical & Equip \$222.50; Golden West Telecommunication \$27.10; Western Mailers \$2,377.71; A&B Printer \$180.88; Verizon \$2.16; Vector \$5.31; Warne Weevilcide Tablets \$49.50.

PLANNING: Summit Sign & Supply \$49; Golden West Telecommunication \$110.20; A&B Printer \$202.14; Verizon \$1.08; Exxon Washer Fluid \$6.89; Splish Splash Car Wash \$16.99; Amazon \$59.56; PNG Fuel \$106.01; Png Hotel Conf \$218.

COUNTY ROAD & BRIDGE: Floyd's Truck Center \$57.23; French Creek Supply \$892.68; Fastenal Company \$351.83; Grimms Pump Service \$154.50; Mt Rushmore Telephone \$153.72;

Kieffer Sanitation \$308.38; Servall Towel & Linen \$86.60; Black Hills Truck & Trailer \$325; Golden West Telecommunications \$276.86; Pomp's Tire Service \$552.20; A&I Distributors \$311.45; DPF Groen SD \$595; RDO Equipment \$1,292.43; Lumen-Century Link \$63.40; Forward Distributing \$12.45; A&B Printer \$218.39; Verizon \$38.87; Northern Tool Winch \$2,376.48; Menards \$465.19.

EMERGENCY MANAGEMENT: Lynn's Dakotamart \$89.95; Rushmore Communications \$585; Golden West Telecommunication \$45; Genpro Energy Solutions \$17,295.95; Splish Splash Car Wash \$15; On-The-Go-Alerting \$1,000; A&B Printer \$214.52; Verizon \$46.91; EMS \$348.81.

COUNTY BUILDINGS: Apex Electrical \$800; Thyssenkrupp Elevator \$780; Amazon \$195.19; Trudoor \$154.95.

EMERGENCY LINE: A&B Business 54.97; Golden West Telecommunication 545.85; A&B Printer \$78.27; Lens Wipes \$37.98; Range \$25.12.

24/7 SOBRIETY: Intoximeters \$798.

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

D. Conflict of Interest Declarations –Commissioner Hartman declared a conflict under "E" Highway, item 2.

E. Highway

1. Highway Superintendent, Jesse Doyle, presented ROW Occupancy request from Golden West Telecom re: buried fiber optic facility S27 T4S R4E 12159 Dijon Lane for approval. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Doyle presented ROW Occupancy request from Golden West Telecom re: buried fiber optic facility S5 T4S R5E 25299 Hard Scratch Lane for approval. Motion to approve made by Linde; seconded by Hindle; vote taken, Linde, Hindle and Busckohl aye; Hartman abstained; motion carried.

3. Discussion was held regarding contractor liability forms for those using the highway property for storage. It was noted that Commission Legal Counsel is in possession of a copy for review.

F. Planning

1. Planning Director, Terri Kester, presented request for approval of Final Plat: TRACT B5, B6 and B7 OF GJH SUBDIVISION, LOCATED IN THE SW ¼ OF SECTION 22, T4S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Parcel ID #015799 Gary Hunsaker. This was presented before the Planning Commission on May, 7, 2024 where approval was recommended. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Kester presented variance request: Peggy Lesnick re: Sclaus Tract and Fairfield Tract, located in NE1/4 NE1/4 S32, T2S R8E BHM Custer County, SD. This was presented at the 5/7/2024 Planning Commission meeting where it was unanimously agreed to deny the variance as the request does not meet the minimum lot size requirement. Edward Lesnick and Peggy Lesnick appeared before the board to request variance approval; based on the fact that there is a wastewater system in place, the Lesnicks stated the requirement to hook up to the city sewer should not be enforced. A lengthy discussion was held regarding the wastewater system, engineering studies that Lesnick's paid to have completed, with the Lesnicks stating that they

do not wish to further tax the already problematic lagoon system. The Lesnicks stated they feel that they meet every criteria to be granted the variance. However, the matter at hand is solely regarding the lot size and not the wastewater issue. The minimum lot size requirement is 1 acre, and the proposed lot is under-sized. Motion to deny made by Hindle; seconded by Linde; vote taken, Hindle, Linde, Hartman nay; Buszkohl aye; motion killed. Further discussion was held, with Kester stating that if this variance is approved, then others will follow suit as well. Peggy Lesnick stated that the Town of Hermosa engineer has already approved the plan, but the Board of Trustees for Hermosa have not yet added them to the agenda, and therefore haven't voted on the issue yet. She asked the Commissioners to consider granting the variance to split the property and approve the .58-acre parcel, as she would like to build on that property once the lagoon system is functioning properly. Edward Lesnick explained that the .58-acre lot size was determined by an existing fence line. It was reiterated by the Commission that the variance issue is solely due to lot size and not wastewater and that a variance is applied for only in circumstances where the property owner has no other options. It was also stated that the Lesnicks do have other options in this case. Motion to table until this request is presented on the Town of Hermosa agenda to determine action made by Hartman; seconded by Linde; vote taken, all aye; motion carried. Linda Kramer stated she will add the Lesnicks to the Board of Trustees agenda.

3. Kester presented request for approval of Final Plat: RANCHO DEL MAR TRACT AND ARGYLE YACHT CLUB TRACT 1 OF LONE ELK SUBDIVISION UNIT TWO, LOCATED IN THE SE ¼ OF SECTION 17 AND THE SW ¼ OF SECTION 16, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Parcels #6590, 6591, 6589, 6588, 6587 & 6586 Robert Seaboldt. Kester stated this was presented at the May 7, 2024 Planning Commission meeting where approval was recommended. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

4. Kester presented variance request: Arlyn Jons and Derek Altman, applicants; Jimmie Mauller, deed holder. Parcel ID #011826. This request was presented to the Planning Commission on June 6, 2024 where approval was recommended. Motion to approve made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

G. Finance Officer

1. Finance Officer, Dawn McLaughlin, presented a request for approval of new hire, Tammy Pierce, as deputy treasurer at an hourly rate of \$17.00; starting date of June 24, 2024. This is a full-time, fully-benefitted position. Motion to approve made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried.

2. McLaughlin also made a request to include July 5, 2024 as a holiday for Custer County in accordance with State of South Dakota holiday schedule. Commissioner Linde stated that perhaps employees use a vacation day for that, if desired. Motion to deny made by Linde; motion dies for lack of a second. Motion to approve made by Buszkohl; seconded by Hindle; vote taken, Buszkohl, Hindle and Hartman, aye; Linde nay, motion carried.

H. Library

1. Library Director, Sarah Myers, made the request that as a result of Custer County closures on July 5, the Commission grant permission to close the Library on Saturday, July 6, 2024. Myers stated that employees will use PTO for that day. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

I. Register of Deeds

1. ROD Director, Teri Morgan, made a request for approval to surplus the following:
1 LLP44308 Oak L-shaped desk. Morgan stated she has checked with other offices to see if anyone is in need of a desk, but all declined. She will see if anyone else can use the desk before disposal. Morgan stated the desk was given to the ROD office, but is no longer needed. The Commission so acknowledged.

J. Airport

1. Commissioner Hindle discussed the USFS/Custer County Land Conveyance and was pleased that the 2019 sales price will be honored. Hindle thanked all those involved for their hard work on the project. An historical appraisal will be needed for the 2019 valuation and there will be some additional fees. The matter will be further discussed at future meetings.

2. Request was made for authorization and signature for payment to Mead & Hunt re: Taxilane Extension/Moss Rock Landscaping payment in the amount of \$105,930.00. The taxiway project is proceeding very well and the funds have been previously approved and budgeted. The FAA will pay 90% of the cost; State of SD will pay 5% and Custer County is responsible for 5%. Finance Officer McLaughlin stated she needs the original for Jim's signature. Motion to approve release of funds for payment made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

K. Search and Rescue

1. Sam Smolnisky, Search & Rescue appeared before the Commission to request Title 3 reimbursements; S&R services on federal lands 2018- 2023; \$106,564.08 total. Smolnisky noted that S&R has not had access to Title 3 monies since 2018; the last time those funds were received was in 2017. Search & Rescue will provide a breakdown of all S&R calls on USFS during the date range of 2018 through 2023 that meet the criteria for reimbursement before release of Title 3 monies. The State of SD Auditor will also need a breakdown to review. Motion to approve release of Title 3 monies in the amount of \$106,564.08 made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

L. New Business

1. A concerned taxpayer appeared before the Commission to discuss concerns regarding her assessment freeze denial. She stated she received a letter confirming her qualification, then subsequently received a second letter stating her request was denied. She stated she was confused as to the contradiction; Finance Officer McLaughlin stated the first letter was sent out by her staff based on income qualifications (not the valuation of her home, which is also a requirement). Qualifying taxpayers must meet two criteria; income and property valuation; it was discovered she only met the income portion. The taxpayer felt as though there was a lack of communication between the Treasurer's office (which sent the first letter) and the Department of Equalization regarding the property valuation. She asked if the two letters could be consolidated into one letter, thus eliminating future confusion. She also discussed the need to put a stop to high taxes in Custer County and brought tea bags as a representation of protest to taxation. She noted that local government needs to be a starting point. Chairman Lintz and Commissioner Busskohl both noted that school funding methods need to be challenged to help lower local taxes, and that help needs to come from Pierre.

2. Commissioner Busskohl discussed concerns from Merle Semmler regarding dust

mitigation/mag cl replacement request on approximately 1200 feet of roadway at his residence. Concerns stem from Semmler paying for mag cl application, which was graveled over a short time afterward, rendering his mag cl ineffective. Semmler would like Custer County to reapply at no charge to him. Busskohl stated Custer County could have graveled the roadway first and then applied the mag cl with no issue. Highway Superintendent Doyle stated he spoke with Semmler and urged him to wait on application until after the roadway had been re-graveled and maintained and then apply the mag cl afterward. Semmer knowingly made the decision to apply the mag cl in December and the roadway was re-graveled by Custer County in March. Doyle stated he is against Custer County bearing the cost to reapply the mag cl and noted that Custer County maintains the right to maintain its roadways regardless of personal mag cl applications. Chairman Lintz asked if Custer County would have to do this for everyone when roadways are maintained? After further discussion, motion to re-mag with the same shot at Custer County's expense was made by Busskohl; seconded by Hindle; vote taken, Busskohl and Hindle aye; Hartman and Linde nay; Lintz nay, motion failed.

M. Old Business

1. Finance Officer McLaughlin discussed the updated copy fee and other Custer County fee schedule. She clarified that no copy fee would be charged for individual taxpayers requesting information on their own properties. She asked department heads to review various fees and update/remove those that are no longer pertinent. Once changes are made and reviewed, the new fee schedule will be approved and in effect.

N. West River Mental Health Services

1. Kimberly McNemar appeared before the Commission to discuss mental health contract between Custer County and West River Mental Health Services. She noted that state law allows them to request funding assistance to help local community members in need. West River seeks State and Medicaid funding, as well. Fees for services are set on a sliding scale and income-based. West River was active in the school system as well, before covid. West River has a case manager who travels to Custer on a weekly basis. Previous discussions have been held regarding ways to use West River as a resource, as has been the practice previously. McLaughlin asked West River to submit a request for the 2025 budget review.

O. Custer Fire District

1. Matt and Selena Spring were in attendance to discuss the proposed Custer Fire District. A Resolution has been drafted to establish the district and map/coverage area, but it was noted if the Resolution were to be adopted at this time, a special election would need to be held. It was decided that the Resolution would be presented for adoption at the 8-21-2024 Commission meeting, and the proposed district could then be added to the ballot for the General Election in November. The new proposed district would encompass the same current response area. Informational meetings are scheduled and posted; Q&A information will be posted on the City's website, as well. A Facebook page has also been created regarding the proposed district. Questions arose regarding costs, salaries, equipment purchases and staff needed. It was also noted that the fireworks display for the 4th of July holiday are also planned.

P. Public Comment –

1. Arlene Kallis spoke before the Commission regarding SB201, which regulates

transmission lines, and noted that it passed and has been signed. Kallis said she has a petition available for signature to place the issue on the November ballot for the General Election. Kallis stated that more local and landowner control needs to be in effect.

2. Lea Anne McWhorter stated she was in Pierre for the 1st summer tax meeting. Taxation variations exist between counties, notably between the east and west areas of the state. McWhorter stated that a more uniform system of assessments between counties needs to be in place. There are 3 more meetings scheduled through September, 2024.

3. Andrea Lewis stated she is still available to help with questions/plans regarding county-level assessments and appeals processes. Lewis said she has recently applied for abatements and was told the paperwork is in the hands of the State's Attorney. She questioned why the process has now taken 1.5 months and has not yet been placed on the Commission agenda. Lewis stated she feels she is targeted. DOE Director Vissia stated she will address the issue in Executive Session.

Q. Commission Legal Counsel

1. Legal Counsel, Aaron Davis, discussed the Public Nurse Agreement and noted that no agreement was signed, nor fees paid in 2023. Admittedly, the agreement was not entered into due to an oversight by the SD DHS. Finance Officer McLaughlin requested authorization of the 2024 Agreement and \$5,914.00 budgeted payment. Motion to authorize signature and payment for 2024 made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Release of Liability Agreement for storage on Custer County property was discussed and it was noted that some contractors (GFP, etc.) use the Highway property as storage on occasion. Those using the lot as storage must provide insurance for such and name Custer County as additional insured. Library Director, Sarah Myers, asked if those renting the Pine Room should also sign an agreement; the answer was yes. Motion to use common release for all properties made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

3. Aaron Davis also discussed the wastewater late fee/fine imposed on Steve Davis regarding his wastewater system. It was stated that there is legal precedent enabling the Commission to either split or impose the entire fine upon the contractor as agent if desired. Commissioner Linde noted that Ordinance 2 states "homeowner or agent". The Supreme Court states the individual responsible for construction is responsible for compliance. Discussion was held regarding adopting a policy moving forward that the contractor will be fined if not compliant. All contractors will be notified of the policy once in effect. Planning Director, Terri Kester, recommended a change to Ordinance 2 stipulating that there be contact with all landowners, as well as contractors before permits are issued, and that landowners be required to sign off on permits. Commissioner Hartman addressed Mr. Davis' fine, noting that at the time of the infraction the fee imposed would have been \$1,000, not the current fine of \$2,000. Motion to lower the amount fined from \$2,000 to \$1,000 for homeowner Davis made by Busskohl; seconded by Linde; vote taken, Hartman, Busskohl and Linde aye; Hindle nay; motion carried. Mr. Davis thanked the Commission for working on this issue and he stated he does not take the matter personally.

R. Commission

1. Mail call – letter from SD Dept. of Veterans Affairs re: SB1007, noting the bill was passed in the 2024 session. It was noted that Custer County is not affected by this bill.
2. Meeting Schedule – Custer Fire District meeting will be held July 8, 2024; BH Association will hold a meeting July 19, 2024 in Meade County
3. Meeting Reports – Hindle attended construction meetings re: airport; strategic meeting for housing; Linde attended garbage board meeting and stated there will not be tire collection this year. Busskohl attended Planning Commission, Highlands VFD fundraiser, city council; Lintz attended fair board and fire meetings. He noted the ad for proposed fair building has gone out with end of June deadline to submit bids. He stated that there should be some commissioners in attendance at the bid opening; to be scheduled.
4. Linda Kramer, Town of Hermosa, was present and discussed the lagoon repair timeline, and noted the project should be complete by the end of 2025. Hindle asked for minutes from the BOT meeting regarding the Lesnick property; Kramer replied this has been voted on and the Lesnicks will need to hook up to the city sewer system. She will send a copy to the Commission. Hartman stated that if the 1-mile extra-territorial area was not in place, this would not be problematic for the Town of Hermosa in this situation. It was noted the lagoons were in place when Lesnick's purchased the property and that a variance is an option as a last resort; the Lesnicks do have other options.
5. A discussion was held regarding GPS tracking systems on county vehicles; it was noted that the Sheriff's office and the Highway department both cancelled the GPS contract; which was entered into in 2019. However, the Weed & Pest supervisor was unaware of the termination action, and relies on GPS on vehicles for the safety of his staff. McLaughlin stated actions such as this need to be presented to the board for approval. Doyle noted the GPS boxes in place had become obsolete and were not picking up signal, and therefore it was decided not to replace them. It was noted there is no insurance discount for having them in place. It was mentioned that cellphone tracking may be an option.

S. Executive Session

1. Motion to enter into Executive Session as per SDCL 1-25-21(1) personnel made by Linde; seconded by Busskohl; vote taken, all aye; motion carried. Executive session was entered into at 10:09 AM and concluded at 11:24 AM.

T. Actions Taken By Commission Outside of Executive Session


1. Motion to accept DOE Director, Leah Vissia's resignation on June 20, 2024, effective as of July 5, 2024 made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

U. Adjourn

Motion by Hartman and seconded by Linde to adjourn the meeting at 11:25 AM. The next meeting will be at 8:00 AM, July 10, 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 _____.