

Minutes of the Custer County Commission Meeting, Wednesday, April 24, 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 made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

C. Consent Agenda

1. Travel requests to be approved:

- a) Lela Larson and Cinda Jones to attend SD Victim Witness & Allied Partners training May 2-3, 2024 in Deadwood, SD at a cost of \$238.72.
- b) Marlyn Campbell to attend SDACO Deputy Workshop June 11, 2024 in Pierre, SD at a cost of \$217.00
- c) Terri Kester to attend Floodplain Management Workshop April 22-24-2024 in Aberdeen, SD at a cost of \$434.00

Vouchers as follows:

PAYROLL: Commissioners \$5,432.83; Auditor \$13,745.84; Treasurer \$14,706.59; Info Systems & Tech \$3,310.41; States Attorney \$14,815.92; Courthouse Building \$9,554.37; Director of Equalization \$17,333.41; Register of Deeds \$5,576.28; Veterans Service \$1,317.43; Human Resources \$2,150.93; Sheriff \$57,216.03; Coroner \$837.04; Nurse \$984.78; Library \$11,798.57; Conservation \$633.80; Weed and Pest \$2,953.75; Planning \$8,043.05; County Road and Bridge \$40,318.48; Emergency Management \$2,987.74; 24/7 Sobriety \$968.76; Emergency Line \$19,322.19.

COMMISSIONERS: Catastrophic Legal Exp. \$876; Golden West Telecommunication \$65.97; Valhalla Legal \$2,700; Selena Spring \$540.

NON DEPARTMENTAL: Anthony Jr. Gonsor \$1,549.65; SD Dept of Rev \$1,350.

MENTAL HEALTH: Audra Hill Consulting \$338.72. New Trails Ministry \$900; Audra Hill \$131.91.

MENTAL ILLNESS BOARD: Pennington County State \$215; Husted Law \$306.20.

ELECTION: ES&S \$697.30.

COURT: William Moss PYS \$700.

COURT APPOINTED ATTORNEY: Southern Hills Law \$7,045.69.

AUDITOR: Quill \$133.46; SD Association of County Officials \$250; Golden West Telecommunication \$140.91.

TREASURER: Golden West Telecommunication \$140.91.

STATE'S ATTORNEY: Rapid City Police \$120; Secretary of State \$30; LexisNexis \$444; South Dakota Public Health \$288; Golden West Telecommunication \$137.75; Culligan Water \$44.50; Jacqueline K. Perli \$147; Redwood Toxicology Lab \$134; CC Expenses \$39.99.

INFO SYSTEMS & TECH: Golden West Telecommunications \$54.10; ESRI Inc. \$5,915.

MAINTENANCE: Black Hills Electric \$965.11; Black Hills Energy \$4,956.62; Custer Do It Best \$11.33; Black Hills Chemical \$350.10; Sander Sanitation \$21.09; Custer Ace Hardware \$138.03; Golden West Telecommunication \$27.10; McGas Propane \$583.03; CC Expenses \$3,432.67.

DIRECTOR OF EQUALIZATION: Golden West Telecommunication \$192.85; CC Expenses \$50.53.

REGISTER OF DEEDS: Golden West Telecommunication \$55.10.

VETERANS SERVICES: Golden West Telecommunication \$27.55.

HUMAN RESOURCES: Golden West Telecommunication \$27.55.

INFO TECHNOLOGY: Golden West Technology \$19,470.32, Golden West Telecommunication \$680.

FINANCE OFFICER: CC Expenses \$7,004.85.

SHERIFF: Rushmore Communication \$3,950.88; Trittech Software \$127.98; Innovative Office Solution \$72.06; Golden West Telecommunication \$278.54; A&B Pure Water \$54.98; Karl Emergency Vehicles \$49,768.05; Rock Solid SST \$1,845.87; Battle Mt Humane Society \$1,083; CC Expenses \$2,022.73.

PRISONER CARE: City of Rapid City \$40; Pennington County Sheriff \$10,135. Satellite Tracking \$100.75; Linda Nohr \$75.

CORONER: Monument Health Client \$461.

SEARCH & RESCUE: Golden West Telecommunication \$99.95.

AIRPORT: Golden West Telecommunication \$114; Mead & Hunt \$683.33

LIBRARY: Golden West Telecommunication \$160.34; CC Expenses \$1,273.51.

FAIR: Custer County Fair Association \$8,000.

EXTENSION: Golden West Telecommunication \$76.27.

WEED & PEST: French Creek Supply \$63.99; Golden West Telecommunication \$27.10; Culligan Water \$13; CC Expenses \$123.74.

CONSERVATION: SD Public Assurance \$517.45.

PLANNING: Southern Hills Publishing \$47.98; Golden West Telecommunication \$110.20.

COUNTY ROAD & BRIDGE: A&B Welding \$162.24; Black Hills Electric \$1,546.82; Custer Do It Best \$446.27; Floyd's Truck Center \$873.43; French Creek Supply \$14.20; Fastenal Company \$590.78; Dakota Supply Group \$86.82; Interstate Batteries \$419.85; Mt Rushmore Telephone \$155.72; Northwest Pipe Fittings \$29.34; Kieffer Sanitation \$308.38; Servall Towel & Linen \$86.60; Town of Buffalo Gap \$73; Custer Ace Hardware \$66.92; Golden West Telecommunication \$221.35; Runnings Supply \$79.99; Croell \$503,750; A&I Distribution \$311.45; Nelsons Oil & Gas \$258.56; MG Oil \$27,633.66; Forward Distributing \$146.80; Powerplan \$13,697.99; Pacific Steel & Recycling \$130.13; CC Expenses \$190.87.

EMERGENCY MANAGEMENT: Black Hills Electric \$46.36; Custer Do It Best \$24.29; Midwest Card and ID \$750; Golden West Telecommunication \$45.22.

COUNTY BUILDINGS: Custer Do It Best \$43.56; Rapid Fire Protection \$2,094.39; Custer Ace Hardware \$57.61; APEX Electrical Solution \$1,493.76; Skyline Engineering \$6,400.

EMERGENCY LINE: Golden West Telecommunication \$546.07; A&B Pure Water \$54.97.

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

D. Conflict of Interest Declarations –Commissioner Hindle declared a conflict under

Item “M” Planning, 1—Variance.

E. Highway

1. Highway Superintendent, Jesse Doyle, requested Commission approval and Chairman’s signature on 2024 Bridge Inspections for Brosz Engineering. Doyle noted the approximate \$13K fee for the inspections is covered in the budget. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

2. Daniel Chicosz, Brosz Engineering, appeared before the Commission to discuss the Buffalo Gap Bridge update. He stated that 50 points are needed to qualify for the BIG grant; current bridge score is 43.2 with approximately 10 additional points needed. Many factors are considered in the scoring process, including condition, user impacts, local planning, wheel tax and shovel-ready plan bid review. It was noted that one way to improve the score is to have shovel-ready plans in place, which will cost approximately \$85K to prepare, but will ultimately result in qualifying to receive BIG grant for \$900K bridge replacement. Doyle stated that should the Commission desire, shovel-ready plans could be prepared later in the year after reviewing the 2024 budget. The Commissioners agreed with Doyle, who stated he is not ready to commit to shovel ready plans at present, but would be willing to move forward for 2026 BIG grant award in the near future. The bridge double-Ts are in relatively good shape, but the substructure abutments are settling and in poor shape. The bridge is currently posted and will continue to settle.

F. Finance Officer

1. Finance Officer, Dawn McLaughlin presented request for renewal of the following retail on-off sale Malt Beverage and SD Farm Wine licenses:

a) Moreton Airpark LLC dba Eagles Landing Lodge; Lic. #RB-29483. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

b) Boyd’s World Famous Antiques and Uniques, LLC; Lic #RB26919. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

c) Elk Haven Inc. dba Elk Haven Horse Camp; Lic #RB-24186. Motion to approve made by Hindle; vote taken, all aye; motion carried.

d) Lagerplatz Adventures LLC dba Spokane Creek Cabins and Campground; Lic #RB25889. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye, motion carried.

e) Timber Ridge Campground LLC dba Timber Ridge Campground; Lic #RB25884. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

f) American Legion dba Battle Creek Post #303; Lic #RB-23130. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

g) Sanctus V LLC dba Ft. Welikit Family Campground; Lic #RB26541. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

h) Black Hawk Oil, Inc dba BJs Hermosa; Lic #RB-20152. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

i) Buffalo Gap Blowout; Lic #RB-27623. Motion to approve made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

G. Public Health Nurse

1. Finance Officer, Dawn McLaughlin, presented 2024 Contract for review and Chairman's signature. State's Attorney, Tracy Kelley is reviewing the contract, as are many SD Auditors. It was noted that approximately 100 families in Custer are utilizing the service. Motion to table until the May 8, 2024 meeting made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

H. Weed & Pest

1. Weed & Pest Supervisor, Michael Baldwin, presented Participating Agreement Supplemental Project re: USDA, USFS and Custer County and requested approval and Chairman's signature. Baldwin noted this agreement allows assistance for weed control on USFS lands adjacent to private properties. The agreement will provide approximately \$5K. Commission Legal Counsel, Aaron Davis has reviewed and approved the document. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

I. Maintenance

1. Maintenance Supervisor, Joseph Panza, requested acknowledgement of end of six-month probationary period for Michael Sellevold. The Commission so acknowledged. Panza commended Sellevold's work.

2. Panza updated the Commission regarding repair costs for the fire suppression dry system piping. Panza emailed the Commissioners regarding the \$23K bid price, noting that repairs would begin April 24, 2024.

J. 8:30 AM Public Hearing

1. Public Hearing was held for application of new Liquor License; Package Off-Sale for SanctusV LLC, dba Fort Welikit. All notices have been advertised and all associated fees have been collected. There were no comments from the public. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

K. Hermosa History & Arts Association

1. Donna Evjen, together with other members, appeared before the Commission to thank them for previous financial support. Evjen stated that in 2019, \$50K was received; 2022 \$20K was received and in 2024 \$2,500 was received for maintenance. The HAHA building was constructed in 1889 and slated for demolition when the HAHA

was created in 1999-2000. Since restoration has begun, beams have been stabilized; roof repair/replace, stairwell, cleaned attic, installed LED lighting; ductwork, outlets, paneling and gas lines. An open house will be held Sunday, May 12, 2024 at 11:00 AM and Evjen extended an invitation to the Commissioners to attend the ribbon cutting to be held at the open house.

L. Equalization

1. Abatement #2024-19A re: Parcel #012123 Linda Fellows in the amount of \$1,080.70 was presented for approval. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

M. Planning

1. Laura Rosane, Planning, presented Variance Request—Robert & Barbara Harris re: Parcels #004413 & 004415 for Commission approval. Rosane stated this Variance is for the purpose of garage construction 10 feet from the property; near pasture land. The adjacent landowners have no objections. This was presented to the Planning Commission on 4-2-2024, where approval was recommended. Motion to approve made by Busskohl; seconded by Hartman; vote taken; Busskohl, Hartman and Linde aye; Hindle abstained; motion carried.

2. Request for approval of Final Plat; Parcels #004193 & 004194; Salvatore Gencarelle. GENCARELLE TRACT, LOCATED IN THE S ½ OF SECTION 5 AND THE NW ¼ OF SECTION 8, T3S, R3E, BHM, CUSTER COUNTY, SOUTH DAKOTA was presented. This was presented to the Planning Commission 4-2-2024 where approval was recommended. Special use permit from USFS used for access. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

3. Request for approval of Final Plat: Parcel #014808; Alvin & Lori Lunzman was presented. LOT 21 WEST AND LOT 21 EAST OF SOUTH PARK RANCH SUBDIVISION PHASE ONE, LOCATED IN THE N ½ N ½ OF SECTION 17, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. This was presented 4-2-2024 to the Planning Commission and approval was recommended. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

4. Rosane presented request for approval of Final Plat; Parcel 001954; SORENSEN TRACT WEST & SORENSEN TRACT EAST, LOCATED IN THE W ½ SE ¼ OF SECTION 15, THE W ½ NE ¼ & NW ¼ SE ¼ OF SECTION 22, T5S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA. This was presented to the Planning Commission on 4-2-2024, where approval was recommended. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

N. SD DCI Lease

1. Finance Officer, Dawn McLaughlin, presented SD DCI Lease #2900-449 re: 238 Main Street, Hermosa, SD for renewal. It was determined that the address on the Lease Agreement is not correct, as the office has moved to the East Highway Shop located at 14206 Missile Road, Hermosa, SD. The monthly payment of \$175 remains the same. Motion to approve with address correction made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

O. Emergency Management

1. EMS Director, Steve Esser, stated that on March 20, 2024, Custer County received reimbursement for radio purchases through Homeland Security in the amount of \$28,779.60. The original payment came from the EMS Hazard Mitigation budget and Esser requested funds be re-appropriated to the EMS Hazard Mitigation budget. Motion to approve supplement and transfer funds made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

2. Esser noted that the Public Information Officer, Teresa Obenauer, has resigned effective 4-12-2024. Esser will advertise the position and currently has one applicant.

3. Esser stated that on April 10, 2024, he submitted a formal letter to the Hermosa Water Users Association regarding installation of fire hydrant at the east Custer Highway shop. In March, 2022, Commissioners discussed this installation with the board. In addition, Esser spoke with Fall River Water Users District, where he was informed that a new line off of Downen Road from an existing well in that area. This line will include 11 fire hydrants that will be paid for by the water district.

4. Request for Chairman's signature on LEMPG form was made for 2nd quarter 2024. Motion to approve made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

P. Library

1. Sarah Myers, Library Director, appeared before the Commission to request commitment to proposed location in Hermosa. Myers previously provided maps of the proposed area and noted that by the Commission committing to the location, fundraising efforts can move forward. The proposed area is a 1.27 acre site on land already owned by Custer County and is situated on the west side of the fairgrounds. The building would be 80-ft x 80-ft. Motion to set aside property made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. This motion serves as official notice to set aside property.

Q. Human Resources

1. HR Director, Todd Fish, discussed the employee sick bank, which is no longer in effect. Fish stated he has discussed the matter with McLaughlin, and it was determined that 8 employees qualified for donated hours to be returned to them, for a total of 640 hours, dating back to 2001. Motion to approve made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

2. Fish also requested approval of the previously presented version of Employee Handbook. He noted there are six topics that need attention: 1) clearly define employee full-time/part-time benefits, etc. 2) probationary period, which is currently six months. It is proposed that time be extended from six months to one year. Under the terms of the current handbook, employees do not earn vacation time until the six-month probationary period is complete. It is proposed in the new handbook that employees begin to accrue vacation immediately, but may not use vacation hours until after six-month's employment. Commissioner Busskohl stated he is not in favor of this change, while Commissioners Hindle and Hartman are in favor. 3) Policy re: personal appearance; department supervisors will make determinations. 4) sick leave transfer policy, which allows transfer of sick hours between employees. Supervisors must approve; further research is necessary. 5) educational reimbursement for those seeking to enrich their status by earning a degree or certificate. It was proposed to set a maximum reimbursement of \$2,500. This would mainly affect the Department of Equalization and Sheriff's Department. 6) Jury Duty; in the past, employees serving on jury duty collected normal wages and turned in jury duty wages to the Auditor's office. It is proposed that the employee currently would collect normal wages and be entitled to keep jury wages, as well. It is recommended the Commission further review before formal approval of the proposed handbook.

R. 4-H/Building

1. Todd Fish presented review of RFP for advertising for the proposed Custer County Fairgrounds 4-H building. Commissioner Busskohl stated that a release of liability form still must be provided to Custer County from the Fair Association. Discussion was held regarding changes that need to be made to some of the verbiage, and once reviewed without further issue, the RFP could be advertised. Discussion was held regarding who would pay for advertising; the Commission budget or the Fairgrounds budget. Motion to approve Custer County Commission to pay for RFP advertising from their budget, once release of liability is received made by Hindle; seconded by Hartman; vote taken, Hindle and Hartman aye; Busskohl and Linde nay; Lintz aye; motion carried. It was noted that any further advertising regarding this project will be the fairgrounds' responsibility. Approval for advertising RFP online was given.

S. Public Comment –

1. LeaAnne McWhorter shared information regarding the upcoming Republican forum to be held April 30, 2024 at 5:30 at the Custer High School. She stated that District 30 candidates, as well as local candidates will be in attendance. McWhorter also noted that Trish Ladner was present at a property tax forum held in Rapid City last weekend. Ideas regarding property tax will be brought to the summer legislation session. Chairman Lintz and Mike Tennyson discussed unconstitutionality of the current student funding formula, however, it was determined it would be unlikely to have a case against the state. Discussion was held about allowing individual counties to decide how to raise revenues, decisions regarding owner-occupied states, etc. Of the

66 counties in SD, all seem to run differently. Some counties are facing consolidation of services and flexibility as needed.

2. Andrea Lewis stated she agrees with LeaAnne; there are inconsistencies that lead to frustration and inequality in property taxes. She requested Commission permission to prepare a presentation to be shown a future meeting. That way, she could show concerns to the Commission rather than just verbalizing them. Lewis said she has ideas that can be utilized and controlled on a county level.

T. Commission

1. Owner-Occupied status was discussed. State's Attorney, Tracy Kelley spoke regarding this topic and stated that SD law does not allow for expansion of this status. Kelley stated that perhaps Ladner could push for amending the law, but currently Custer County will not ask the DOE to go against state law, jeopardizing certifications. It was noted there has been little support from Pierre; Frye-Mueller brought a bill to the legislature with no success. David Reid stated he feels that it's unconstitutional to not allow OO status on all buildings located land that has that status. Andrea Lewis asked why we abide by state law while other counties are not. Discussion was held on how counties interpret and apply laws. It was stated that even Hughes County (Pierre) does not abide by the OO law. Legal Counsel Davis remarked that it may be time to retire the 85% rule and possibly re-write to leave matters up to individual counties to have percentages meet their budget needs. McWhorter encouraged those in attendance to send letters to DOR stating Custer County's unique situation and perhaps they could adjust accordingly. The possibility of hiring a lobbyist to represent Custer County was discussed. McWhorter stated that property owners are being unfairly taxed on unrealized capital gains on their properties.

2. Mail call – a) letter from DANR re: Pacer Minerals Mine Permit #467 b) Thank you card from Roxanne Horkey.

3. Meeting Schedule – none

4. Meeting Reports –Hindle attended DOE appeals; Shift-funding for affordable housing. Busskohl attended DOE appeals, Search & Rescue, candidate forum, City Council. Hartman and Lintz attended DOE appeals. Linde attended DOE appeals Wednesday, April 24th.

U. 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 at 9:32 AM made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried. Executive sessions concluded at 11:43 AM with no action taken.

V. Adjourn

Motion by Hartman and seconded by Hindle to adjourn the meeting at 11:44 AM. The next meeting will be at 8:00 AM, May 8, 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 _____.