

Minutes of the Custer County Commission Meeting, Wednesday, September 25, 2024. Meeting was held at the 1881 Courthouse Museum.

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.

1. Museum Director, Debra Hannigan, presented a brief overview of the 1881 Museum Courthouse. Hannigan noted the 140-year old furniture is still in use in the Courtroom, as well as the original flooring. Hannigan thanked Custer County for funding assistance that has helped to cover the cost of the new roof, lighting upgrades, fans, new flooring in parts of the building, as well as the new computer network. Hannigan reminded those in attendance the admission to the museum is free to Custer County residents.

B. Adopting of the agenda

1. Amend Agenda to add "Highway" after Item "E" re: addition of 1) Brosz Engineering; 2) ROW Application.

2. Amend Agenda to add item under "J" Title III Funds: Buffalo Gap VFD. Motion to approve Agenda as amended made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried.

C. Consent Agenda

1. Approval of Minutes from September 11, 2024 Commission Meeting.
2. Approval of Minutes from September 11, 2024 Budget Hearing for 2025.
3. Approval of Monthly Reports as follows:

CUSTER COUNTY ROD ACCOUNTING SHEET

SUBJECT PORTION

MARRIAGE LICENSE 15 391-32180 @ \$18.00 \$ 270.00
 DOMESTIC ARRISE 18 228-32180 @ \$24.00 \$ 432.00
 M & P Fund 308 261-34121 @ \$1.60 \$ 492.80
 Prepaid Month's Charge..... \$ 0

MARRIAGE, MISC, VITAL RECORDS
 COPIES/FAX (NO TAX) 234 181-34135..... \$ 13,231.00
 Tax & Copies 0 305-248.26..... \$ 0

COUNTY TOTAL..... \$ 14,431.80

Adjustments (If Any)..... \$ 0 Adjusted Total..... \$ 0

SDACO PORTION

M & P Flow-Thru Fund 149 @ \$2.04 \$ 326.00

STATE PORTION/STATE VITAL RECORD FUND

Birth 12 @ \$5..... \$ 60.00
 Death 19 @ \$5..... \$ 114.00 (9347) STotal 174.00
 Birth Child Trust...@ \$2..... \$ 24.00 (8338) STotal 24.00

COUNTY ROD VITAL RECORD TO STATE GENERAL FUND

Birth 12 @ \$3..... \$ 36.00
 Death 19 @ \$4..... \$ 76.00 (1000) STotal 112.00

STATE TOTAL..... \$ 110.00

SDACO TOTAL..... \$ 326.00

GRAND TOTAL..... \$ 14,941.80

Check# 1733 To State \$ 210.00 Check# 1734 To County \$ 14,311.00
 Check# 1735 To SDACO \$ 300.00

SDCL 7-9-17


Register of Deeds statement of fees collected during month of AUGUST, 2024, Custer County, State of SOUTH DAKOTA, \$14,941.80. It has been collected by me as Register of Deeds during the month as shown per Register of Deeds' Official Financial Statement, RECEIPTS, 12/2024 through 8/12/2024.

State of South Dakota
 County of Custer

Tax & Fees, being duly sworn, deposes and says that she is the Register of Deeds for Custer County, SD. That the foregoing statement is true and correct report of fees collected by her as such Register of Deeds, as required by law.

Subscribed & sworn to before me this 1st day of September, 2024.

My Commission Expires 11/26/25. Notary Public: *Barbara Cook*



4. Vouchers approved as follows:

COMMISSIONERS: CC Utilities \$163.99; Golden West Technologies \$9,911.75.

COURT: RO Investigation Research \$1,845.

AUDITOR: CC Printers \$276.34; TYLER Technologies \$720.

FAIRBURN: Fairburn Town \$52.71.

ELECTION: ES&S Software \$2,559.

NURSE: SD Department of Health \$1,478.70.

TREASURER: CC Printers \$ 326.68; CC Amazon Ink \$48.

STATE'S ATTORNEY: CC Printers \$172.14; CC Trial Costs \$669.22; Culligan Water \$25; RedWood Lab \$240; Trittech Software Systems \$2,734.32.

MAINTENANCE: CC Verizon \$42.68; CC Amazon \$130.05; CC Family Dollar \$13.81; CC Supplies/ Maintenance \$5,727.74; Black Hills Chemical \$264; Black Hills Electric Coop \$672.51; Black Hills Energy \$242.91; Custer Ace Hardware \$80.93; Freeman's

Electric \$1,069.03; K2 Masonry & Concrete \$39,949.05; McGas Propane \$70; R.P. Lumber \$109.69.

MENTAL ILLNESS BOARD: Husted Law Office \$128.36.

DIRECTOR OF EQUALIZATION: CC Printers \$283.99; CC GPS \$51.80; CC IAAO Books/ Fedex \$785.83; CC Gas/ Travel Conf. \$392.38; Verizon Connect Fleet \$29.84.

REGISTER OF DEEDS: CC Printers \$229.53.

VETERANS SERVICES: CC Printers \$66.81.

HUMAN RESOURCES: CC Printers \$136.25.

INFO TECHNOLOGY: Golden West Technologies \$7.87.

SHERIFF: CC Verizon/ Printer \$746.15; CC Supplies \$296.11; CC Notary Stamp/ Travel \$140.22; A&B Pure Water \$54.98; A-Z Shredding \$7.72; Battle Mt. Humane Society \$1,083; DMV \$16.70; FedEx \$67.76; Lamb Motor \$90; LexisNexis \$201.50; Mike Lewis \$285; Motorola Solutions \$33; Steele Collision & Glass \$659.15; Verizon Wireless Services \$150.

PRISONER CARE: CC Transit Expenses \$23.60; Correct RX \$118.82; Meade County Auditor \$190; Monument Health \$29.60; Pennington County Jail \$12,695; Inmate Transports \$140.

AIRPORT: AirNav.com \$72; Custer Chamber of Commerce \$260; SD Department of Transportation \$3,155.76.

LIBRARY: CC Amazon \$2,770.01.

EXTENSION: CC Verizon/ Printer \$209.12.

WEED & PEST: CC Verizon/ Printer \$228.48; CC Supplies/ Maintenance \$397.63; Verizzonn Connect Fleet \$29.84; Warne Chemical & Equipment \$428.80.

WEAVE: Emergency Plumbing \$5,000.

PLANNING: CC Printer \$188.56; CC GPS \$25.92; Verizon Connect Fleet \$14.93.

COUNTY ROAD & BRIDGE: CC Printer \$197.86; CC Supplies \$283.75; Black Hills Electric Coop \$680.17; Butler Machinery \$2,528.65; Culligan Water \$6.95; Forward

Distributing \$7.40; French Creek Supply \$112.68; Godfrey Brake \$19.37; May Construction \$1,918.37; R.P. Lumber \$19.98; Servall Towel & Linen \$52.48; Simon Team Concrete \$811.75; Buffalo Gap \$73; US Flagpole Guy \$2,839.42.

EMERGENCY MANAGEMENT: CC Verizon/ Printer \$216.79; CC Conference/ Repairs \$302.59; A&I Distributors \$672.76.

SEARCH & RESCUE: Title III Equip Funds \$23,916.70.

EMERGENCY LINE: CC Printer \$231.70; A&B Pure Water \$54.97; Centurylink .77 Cents; Golden West Telecommunication \$191.38; Trittech Software Systems \$24,495.99.

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

D. Conflict of Interest Declarations – None

E. Public Hearing 8:00-8:15 AM

1. Highway Superintendent, Jesse Doyle, presented the Custer County Highway Department 5-Year Plan. Doyle noted BIG grant projects, specifically the Buffalo Gap bridge replacement project. Doyle's report included projected revenues available per year; 5-year project list and project status list. Also included in the plan are 2025-2029 Custer County roadway re-gravel lists. Doyle stated the BIG grant application will be the next large project. Additional funding is available for routine work, such as usual mag chloride application and annual surfacing. Motion to approve the Chairman's signature on the 5-year plan made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried. There were no comments from the public.

F. Highway

1. Daniel Cichosz, Brosz Engineering was in attendance at today's meeting. It was noted the BIG grants operate on a point system; the Buffalo Gap project is close in points (43), but by presenting shovel-ready plans, the boost in score will enable the project to be in the 50-point range, which is beneficial for grant qualification. Depending on the score, the funding could be at an 80/20 repayment schedule, with Custer County's responsibility at 20% of the cost. Shovel-ready plans will be at an approximate cost of \$84K, which is in the budget as "professional services". Shovel-ready plans are good for a period of 10 years. Doyle reiterated the poor condition of the Buffalo Gap bridge and doesn't want to wait until the bridge fails before replacement. The current plan is to replace the bridge with 3 box culverts, which is a better option in this case. Motion to proceed with shovel-ready plans made by Linde; seconded by Hindle; vote taken, all aye; motion carried.
2. Doyle presented application for ROW occupancy from Golden West Telecom for

fiber optic facility at Red Star Road; S4, T5S, R4E, Custer County, SD and requested Commission approval. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

G. Planning

1. Planning Director, Terri Kester, presented Final Plat of Lot 34A & Lot 34B of South Park Ranch Subdivision Phase 3, located in S1/2 SW1/4 Section 8 and N1/2 NW1/4 Section 17, T6S, R4E, BHM, Custer County, SD and requested Commission approval. Kester noted this was presented to the Planning Commission on 9-3-24, where approval was recommended. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

2. Kester presented a request from Katelyn Barkley, Barkley WW, to forgive wastewater non-compliant fee. A 300-gallon plastic holding tank was buried to service an RV site. The tank is non-compliant and was installed without a permit. Since the tank was installed before the fee/fine scale increase, the decision was made to lower the fine to \$1,000. Motion to require the tank to be removed and levy the fine at \$1,000 made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

H. Finance Officer

1. Finance Officer, Dawn McLaughlin, presented Resolution 2024-13 Adoption of 2025 Budget for approval. McLaughlin noted at 3% increase over the 2024 budget. The 2025 Final Budget amount is \$13,050,417; an increase over the provisional budget which came in at \$12,859,000. Motion to adopt Resolution 2024-13 and approve the final 2025 budget made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

stated that this amount is not currently in her budget. The Yubi keys will need to be purchased before 9/30/2024. Motion to approve purchase of 7 Yubi keys made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

I. New Business

1. Cynthia Finlayson appeared before the Commission to discuss property taxation on a 2nd home on her property. She explained that she purchased the 40-acre property in 2020 and it has since been divided into two lots. The previous owners built a cabin and rented the cabin to their son, who was to pay taxes on the cabin only; not the land. She stated there was no documentation showing such an arrangement, nor was she notified of back-tax bill. Finlayson stated there were no documents to track during a title search. Additionally, unbeknownst to her, there is an undocumented cemetery located on the property. She said she should have been notified of the extra taxes on the cabin when she purchased the property, but as there was no documentation, she was unaware of the situation. Finlayson said it is not the fault of the bank or the title company that the cabin taxes are due and according to Finlayson, it took 4 years for Custer County to notify her of the past due taxes, and as such, Finlayson requested that Custer County not charge her those taxes. Interim DOE Director, Teri Morgan, inquired if Finlayson visited the property before purchasing and Finlayson stated she had and had seen the cabin on the site. Commissioner Linde inquired if the cabin is currently in Finlayson's name; Finlayson stated it is. Morgan noted this is a building on leased site situation. Back taxes remain in an amount of \$6,762 for the years 2020, 2021, 2022 and 2023. No penalties or fines are assessed on this amount. Motion to table until DOE can visit the property made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Sam Smolnisky, Search & Rescue, appeared before the Commission to discuss the possible acquisition of a Custer County Incident Command Van. Smolnisky stated lack of connection and challenging communications are a common problem during incident situations. The well-equipped van would help solve this by providing cell reception, satellite internet for computers and radios. The van would be equipped with battery and solar capabilities and would provide a missing piece of the puzzle for emergency situations enabling a command post in remote areas. Smolnisky stated he is aware that many other agencies also have monetary requests of the County but would like consideration for the \$185K estimated cost of the van. EMS Director, Steve Esser, agreed that having an incident command van would be beneficial. He noted further research and additional bids would be recommended. Esser stated he would investigate grant funding toward the possible future purchase.

3. McLaughlin discussed fire premium refunds. McLaughlin and Deputy Auditor, Michelle Zervas, stated they have been working with GIS and Pennington County officials in utilizing a formula to correctly calculate populations. Accurate populations are necessary to determine refund amounts to be disbursed to fire departments located in Custer County. It was noted that the Fire Advisory Board does not assist in factoring

these amounts. Previously used population figures were found to be incorrect and new counts have now been audited and corrected by an independent CPA. Zerfas noted that a special check run will be performed this week to distribute the proper payments. Commissioner Hindle noted his support; Zerfas thanked the Commission for its assistance in this matter.

J. Old Business

1. Anthony Theodorou, Town of Hermosa Engineer, appeared before the Commission to request approval to use previously distributed ARPA funds in the amount of \$500K. Theodorou appeared at earlier meetings and presented plans for north water tank/water storage, water-flow improvement, Well #2 review and water remediation facility. Theodorou has discussed these proposals at earlier meetings and has since spoken with the State of SD, DANR and BHCLG and stated that all projects meet requirement of the various agencies to use ARPA funds for such. The Town of Hermosa passed Resolution 2024-03 allowing utilization of ARPA funds and SFR loans for the projects. The Town of Hermosa will pay \$42,500 for design plans. Motion to approve \$500K ARPA funds from Custer County for the water tank made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. The Commission clarified that the ARPA monies are to be used exclusively for the tank; no sewer projects; and that the timeframe be expedited.

2. Dane and Kellie Shuman appeared before the Commission to ask consideration to accept and approve their wastewater application and variance. They have a 1-bedroom seasonal cabin and have installed a 750-gallon system following state guidelines; however, Custer County is requiring they install a 3-bedroom system instead. The Shumans maintain that there is no language in Ordinance 2 stating that is a minimum requirement and noted the confusion and contradiction in requirements between the State and the County. They requested documentation from the County stating the 3-bedroom wastewater requirement. Discussion was held regarding seasonal cottages, cabins and residences and Mr. Schuman stated that cottages are mentioned in State guidelines and is asking for a fair and just solution based on information provided to them. Planning Director Kester stated they have previously been over this and the Schumans retained an attorney; the Schumans stated that is no longer the case. Motion to approve the wastewater system based on meeting a 2-bedroom requirement made by Linde; motion dies for lack of second. Linde stated he would like to be shown where Ordinance 2 states requirement of a 3-bedroom minimum. Kester stated she is working with State's Attorney Kelly regarding adding the 3-bedroom wastewater system standard in Ordinance 2. Commissioner Busskohl noted he has spoken with the State, where a 3-bedroom requirement was recommended and noted it is up to individual counties to decide. Commissioners Busskohl and Hindle stated the need to stay with a 3-bedroom requirement. Kellie Schuman stated the County needs to be more clear in the future.

K. Title III Funds

Finance Officer McLaughlin presented requests for Title III monies for the following Custer County Volunteer Fire Departments and Fire Districts:

- 1. Fairburn VFD:** Klinton Rittberger presented a request in the amount of \$29,872 for Type 6 engine supplies, including mobile radio purchases and Type 6 engine slide-in unit. Rittberger provided invoices for the equipment purchases.
- 2. Argyle VFD:** Casey Brazell presented a request in the amount of \$33,378.55 for purchases for Type 6 engines such as fittings, tanks, etc. Brazell noted the department will be upgrading to a 300-gallon tank.
- 3. Custer VFD:** Matt Springs presented a request in the amount of \$31,053 to help cover the cost of Verticus Air Compressor for SCBA tank filling. He noted the tank currently in use is 22-years old. Custer VFD will pay the difference (\$48K total cost).
- 4. Highlands VFD:** Randy Miller appeared before the Commission with a request in the amount of \$29,000 to help pay for radios and brush truck. He noted the current radios are outdated and are not able to pick up signal.
- 5. Battle Creek Fire District:** EMS Director, Steve Esser and Commission Chairman, Jim Lintz spoke on behalf of the district. They are requesting Title III funds in the amount of \$34,372.67 for purchase of \$MSA EV6000 TIC, structure helmet, Globe Supreme leather boot, and Innotex Energy turnout gear.
- 6. Pringle VFD:** Bob Morgan presented request for Title III funds in the amount of \$31,400 for purchase of pump for Tender 4, 10 portable radios, 10 fire shelters, 10 sets of wildland gear and 10 Rogue hoes.
- 7. Buffalo Gap VFD:** EMS Director Esser noted this is the least of the department requests, \$9,000. Documentation will need to be provided before payment can be issued.

Motion to approve above payments in the amount of \$198,107 made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

L. Public Comment

1. Cheryl Urrutia stated she purchased 8 acres 26 years ago and were told there could only be one home per acre. She asked the Commission to reconsider possible future plans to allow 1/2-acre building lots.
2. LeaAnne McWhorter said she attended the 9-11-24 legislative tax assessment meeting in Pierre. McWhorter was able to speak before the legislature where she suggested that owner-occupied status be uniformly adopted across the state and allow that status for all buildings (non-commercial) on a property. She also suggested a redo of the student funding formula to have funding follow the student. McWhorter also requested counties to be able to determine their funding sources and not the state. She also suggested additional funding from Custer State Park for services rendered; currently Custer County only receives approximately \$36K annually.

3. Susan Swindal spoke to the Commission and stated she is against lowering the size of building lots to ½ acre. She also asked the definition of “affordable housing”.

M. Raffle Request

1. Randy Miller presented request to approve raffle request by Highlands VFD Auxiliary to conduct a raffle beginning November 2024 (no ending date) Tuesdays 6:00 PM – 8:30 PM. All proceeds will be used for Fire Department expenses; scholarships, local programs such as pee-wee football funding, etc. The monies will all go back to the local community. Miller also reminded those in attendance there will be a pancake breakfast held 10-5-24 at the Highland VFD fire station. Motion to approve raffle request made by Linde; seconded by Buskohl; vote taken, all aye; motion carried.

N. Commission Legal Counsel

1. Aaron Davis, Commission Legal Counsel presented Resolution 2024-14; A Resolution to Authorize Chairman and Finance Officer to Execute Deeds to Support Fire Protection in Custer County. Once the Resolution becomes effective, a quit claim deed will transfer land from Custer County to the Argyle VFD for the purpose of building a fire hall; the deed will revert the property back to Custer County if the land is not used for that purpose. The land was originally donated by Gold Rush Ranch, LLC. Motion to approve signature of Resolution 2024-14 made by Hartman; seconded by Buskohl; vote taken, all aye; motion carried.

O. Commission

1. Mail call –
 - a. letter from USDA-BHNF regarding purchase of 120-acres of private property.
 - b. thank-you letter for the County’s support and invitation to GALA from Black Hills Works.
2. Meeting Schedule – Planning Commission meeting will be held Tuesday, October 8th rather than Wednesday, October 9th.
3. Meeting Reports – Buskohl attended Fire Advisory Board, Custer City, YMCA, Fall workshop. Hindle attended strategic metals, Custer City, interviews for HR position. Buskohl and Hindle will not be available for the December 4, 2024 meeting; discussion about rescheduling was held. Finance Officer McLaughlin will look into the possibility.

P. Adjourn

Motion by Buskohl and seconded by Linde to adjourn the meeting at 9:46 AM. The next meeting will be at 8:00 AM, Tuesday, October 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 _____.