

Custer County Commission Meeting Wednesday, October 27, 2021

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies, Dawn McLaughlin and Commission Legal Counsel Susan Anderson.

A. Commission Meeting was called to order at 8:00 AM followed by the Pledge of Allegiance.

B. Adopting of the Agenda

1. Dawn McLaughlin introduced Tracy Fish to the Commission. Tracy will be working as an independent contractor with the Auditor's Office to adopt policies and procedures manuals.
2. Robert Skinner introduced Francis Caudy to the Commission. Francis is the new maintenance technician for Custer County.

C. Consent Agenda

1. Motion by Linde to approve the minutes of October 13, 2021, seconded by Hindle; vote taken, all aye; motion carried.

Travel requests approved: no requests at this time.

Vouchers approved as follows:

PAYROLL: Pay period ending 10/20/21: Commissioners \$6,380.47; Auditor \$5,177.81; Treasurer \$11,385.54; Info Systems \$2,850.54; State's Attorney \$12,840.46; Courthouse bldg. \$11,249.33; Director of Equalization \$14,116.15; Register of Deeds \$4,574.85; Veteran's Services \$1,059.98; Human Resources \$2,189.00; Sheriff \$55,905.11; Coroner \$322.95; Nurse \$620.92; Library \$8,549.13; Conservation \$454.91; Weed & Pest \$1,819.64; Planning \$7,615.93; County Road & Bridge \$39,305.51; Emergency Management \$2,634.61; 24/7 Sobriety \$802.90; Communications \$17,071.45.

COMMISSIONERS: Pitney Bowes \$2,015.00; Quill \$7.27; Verizon \$88.60; Verizon Fleet \$32.38

HUMAN RESOURCES: Verizon \$10.02

24/7 SOBRIETY: SD Attorney General \$739.00

AUDITOR: Quill \$300.87; A&B Business \$692.40;

TREASURER: Quill \$91.62; A&B Business \$567.85;

COURT: Garland Goff \$1,842.20;

STATE'S ATTORNEY: SD Public Health \$100; SD Human Services \$600; A&B Business \$196.99

COURTHOUSE BUILDING: Custer Ace Hardware \$57.13; Verizon \$42.04; Verizon Fleet \$32.38; Menard's \$56.97; EBay \$34.92; Walmart \$365.86; Lynn's Dakotamart \$14.91; Sam's \$354.84; Blinds \$226.36; Mops \$36.96; Black Hills Chemicals \$352.89.

DIRECTOR OF EQUALIZATION: A&B Business \$110.16; Verizon Fleet \$16.19

REGISTER OF DEEDS: Quill \$31.99; US Bank \$126.40; A&B Business \$110.17

VETERANS SERVICES: A&B Business \$66.28

INFO TECHNOLOGY: Quill \$729.60;

SHERIFF: Black Hills Electric Co-op \$47.94; Fedex \$15.41; Rushmore Communications \$6,869.40; Zuercher Tech \$3,000.00; SD Federal Property \$36,400.00; Verizon Connect \$178.09; Custer Ace Hdwe \$27.98; H&S Uniforms \$656.25; A&B Business \$226.08; Verizon \$497.42; USPS \$23.30; Amazon \$51.80;

PRISONER CARE: City of Rapid City \$120.00; Pennington County Jail \$120.92; SD Public Health \$160.00; Linda Nohr \$75.00

AIRPORT: Brian Madetzke \$150; Amazon \$72.74

LIBRARY: Marco \$20.92; Centurylink \$14.26; Amazon Books \$1,228.82; Apple \$10.64

SEARCH & RESCUE: Custer City \$67.66; French Creek Supply \$27.94; Lynn's Dakotamart \$121.36; Amazon \$53.24; Fuel \$27.34

WEED & PEST: Black Hills Electric Co-op \$64.40; A&B Business \$182.19; Verizon Fleet \$32.38; Amazon \$21.92

PLANNING: Custer Do-it-Best \$52.48; Verizon \$47.04; Verizon Fleet \$16.19; A&B Business \$228.55; Paypal \$215.00

COUNTY ROAD & BRIDGE: Black Hills Electric Co-op \$766.60; French Creek Supply \$296.00; Lynn's Dakotamart \$11.41; Summit Signs \$105.00; Servall Linen \$124.32; Sturdevant's \$5.98; Snap-On Tools \$229.00; Black Hills Gravel, LLC \$12,580.00; Team Lab Chemicals \$6,600.00; Custer Ace Hdwe \$36.58; North Central Int'l \$548.37; Loiseau Const. \$45,373.60; Centurylink \$17.32; Matco Tools \$174.95; Advanced Drug Testing \$92.00; Forward Dist \$17.50; A&B Business \$196.74; Verizon \$42.04; Verizon Fleet \$372.37

EMERGENCY MANAGEMENT: Verizon \$63.23; Holiday \$52.08; Ramkota \$98.00; Factory Outlet \$138.40

EXTENSION: A&B Business \$174.54

PREDATORY ANIMAL: SD Dept. Game & Fish \$872.30

MENTAL HEALTH CENTER: New Trails Ministry \$600.00

MENTAL ILLNESS BOARD: Beesley Law Office \$585.00

BUILDING: Black Hills Electric Co-op \$544.90; Black Hills Energy \$675.67; Custer City \$286.46; Jenner Equipment \$2,268.04; A-Z Shredding \$14.76

EMERGENCY LINE: Zuercher Tech. \$41,391.83; Innovative Office Solutions \$8.12; Centurylink \$1.80; Mt. Plains Audiology \$35.00; A&B Business \$192.72; Factory Outlet \$809.29; Range \$24.80; Deadwood Lodge \$263.36

D. Conflict of Interest Declarations -None

E .Highway

1. Jesse Doyle, Highway Superintendent, requested the Commission to acknowledge the six-month probation period completion by JW Olson.
2. Superintendent Doyle updated the Commission on the SD DOT county-wide sign project delays. He stated that reasons given for delays were due to supply-chain issues (due to Covid) and inclement weather. Contractors have relayed that they will continue to work as long as weather permits. They have told Doyle that the December 2021 completion date will not be met and the current projected completion date will be by Memorial Day, 2022.
3. Superintendent Doyle also updated the Commission that two fuel suppliers have indicated that fuel prices will drastically spike by the end of the year, thus affecting all County vehicles, especially the Highway and Sheriff's departments. He is striving to keep the shop's bulk tanks full at this time and is hoping that possible fuel allotments can be avoided. He was advised not to pre-buy as these higher prices are anticipated to last only for the first quarter of 2022.

F. Department of Equalization

1. Leah Vissia, Director of Equalization, presented the Commission with spreadsheets outlining the current Sales Ratio Report (as of June, 2021 sales). She stated that Non-Ag sales are at 71.6%, rather than the desired 100%. She stated that in-town lots are very good thus far, and that the downfall of sales is with the smaller acreages, which are currently at 61%. With this current trend, Vissia predicted that there will have to be an increase in taxes, not just in Custer County, but statewide, as well. Vissia also stated that current sales prices vs. assessed values are up and will keep the Commission apprised of the sales. Her office is currently working on approximately 100 transfers each month.
2. Director Vissia also presented the Commissioners with a list of 139 residents who have been sent, but not yet returned the Applications for Ag Status qualification. There are 191 returned applications. Vissia stated that if these outstanding applications are not returned by the Monday, November 1st deadline that state law requires these properties be classified as Non-Ag. This requirement was questioned by Commissioner Bies. Vissia reported that she will accept all mailings postmarked Nov. 1, 2021. She informed the Commission she has posted the deadlines on FB, the Custer County Chronicle and Custer

County's Website. Vissia stated that her office has tried to contact all qualified land owners. Her office is available to help these residents complete the application process and to answer any questions. Commissioner Hindle stated that he has received many comments on how easy the process is while Commissioner Bies stated that he has heard that the process is difficult to complete. Director Vissia reiterated that if those individuals will come in she is happy to help them.

3. Director Vissia also noted that a representative from Vanguard will be coming to her office to help with calculating current land values. She estimated that it would likely be one day's time that the county would be billed.

G. Sheriff

1. Lt. McMillin apprised the Commission of the resignation of Deputy Carl Maude, effective October 15, 2021. The Commission acknowledged this resignation.

2. Lt. McMillin requested that the Commission approve hiring Blake Kainz as Deputy Sheriff, effective November 6, 2021 at the uncertified wage of \$21.69 per hour. He stated that Custer County will provide the necessary training for Mr. Kainz to complete the training necessary to become certified. Motion to approve hiring of Mr. Kainz by Hindle, seconded by Hartman; vote taken, all aye; motion carried.

3. Lt. McMillin requested that current Custer County employee, Tierney Shelton, be hired to work as needed, at 24/7 Sobriety with a wage of \$14.88 per hour.

H. Airport

1. Anderson presented an update to the Commission on the tasks completed with regard to the Custer Airport RFQ process for engineering and planning services. The notices are being publicly advertised as well as listed on contractor information exchanges. Proposals are due by 5 PM MTN on November 9, 2021. She is keeping record of all activities of this process as per FAA regulations. Anderson also introduced Rod Senn, engineer from Mead & Hunt who has been involved with the airport planning and engineering at a previous engineering firm.

2. Anderson recommended that the Commission appoint the following as members of the CUT RFQ Review & Selection Committee: Rob McWhorter, John Heaton, Roland Bauer, and Brenden Hendrickson. Anderson also asked the Commission to allow the standard meeting fee be paid to those volunteers when a meeting occurs. Thereupon, motion to this effect was made by Hartman and seconded by Linde; vote taken, all aye, motion approved.

I. Public Comment

1. Moritz Espy spoke with the Commission regarding the lack of public fire hydrants in eastern Custer County; specifically the Hermosa, Spring Creek and Dry Creek areas. He stated the need for these larger hydrants for emergencies to accommodate the larger fire trucks and water tenders that frequently aid in area fires. Commissioner Bies stated that a larger hydrant should be placed at the East County Shop to help accommodate the need. Highway Superintendent Doyle stated that there are plans already in process for a hydrant at this location and that he is just awaiting final

approval. Espy has been working with EMS Director Steve Esser and has been pricing hydrants for the proposed project. With these larger hydrants, Espy says that with increased flow rate, water can be provided at a commercial rate for livestock use. Todd Fish requested a final project price to submit for SLFRF program funding. Commissioner Hartman stated that this project should be budgeted for even if it is not approved in the rescue funds. Hartman also asked for preliminary sketch of the hydrant's location.

J. Commission

1. Mail call – McLaughlin apprised the Commission of the following correspondence: USDA notice; Library thank you for attendance at the Library's Open House; flowchart that was provided by the Fall River County Auditor on potential legislation on ag valuation of rangeland that was discussed at a recent Fall River County meeting.
2. Meeting Schedule – none reported.
3. Meeting Reports: Hindle reported that he attended the Department Heads' Meeting last week and said it was a productive meeting. Lintz, Bies and Linde attended the Fall River County meeting on October 21, 2021 to discuss the potential legislation on valuing ag land in western South Dakota more accurately. A discussion followed; thereupon Motion by Bies and seconded by Hindle to have the Commission provide a letter of support for this legislation; vote taken, all aye; motion carried.
4. Motion by Hartman and seconded by Linde to approve the second reading of Ordinance 25 as follows:

CUSTER COUNTY ORDINANCE NO. 25

AN ORDINANCE COMBINING THE ELECTED OFFICES OF AUDITOR AND TREASURER INTO ONE OFFICE AND ONE ELECTED OFFICIAL CALLED FINANCE OFFICER SHALL PERFORM SUCH DUTIES IN CUSTER COUNTY

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY,
SOUTH DAKOTA:**

SDCL 7-7-1.2 authorizes that the board of county commissioners may, by ordinance, combine two or more county offices and that one person shall be elected to, and perform the duties of, combined offices.

The Board of County Commissioners of Custer County (the "Commission") has determined that it is in the best interest of Custer County to combine the offices of auditor and treasurer and have one official called Finance Officer perform such duties of the Auditor and Treasurer for the foreseeable future.

Pursuant to SDCL 7-7-1.3, the Finance Officer shall be nominated and elected at the next general election to the combined office in the same manner provided by law for the election of other county officers.

The elected Finance Officer shall hold office for a term of four years commencing on the first Monday of January following the election.

Pursuant to SDCL 7-7-1.3, the salary of the Finance Officer shall be the higher of either office combined.

This Ordinance No. 25 is hereby adopted by the Custer County Board of County Commissioners on this 13th day of October, 2021.

CUSTER COUNTY COMMISSION:

Jim Lintz, Chairman

ATTEST:

Barbara Cox, Deputy Auditor

First Reading: October 13, 2021

Second Reading: October 27, 2021

Adopted: October 13, 2021

Published: October 20, 2021 and November 3, 2021

Anderson asked whether a media piece be drafted to list reasoning for this Ordinance since people will be voting on a Finance Officer rather than an Auditor and Treasurer in the 2022 general election. Thereupon, motion by Hartman and seconded by Hindle to appoint Anderson and McLaughlin to draft a media piece to explain why the Commission passed Ordinance No. 25; vote taken, all aye; motion carried.

5. Commission Legal Counsel Susan Anderson presented the Commission with Resolution 2021-19; A Resolution Opposing Any Vaccine Mandates:



CUSTER COUNTY

*420 Mt. Rushmore Rd.
Custer, SD. 57730
Phone: 605-673-8173*

Resolution 2021 - 19

A RESOLUTION OPPOSING ANY VACCINE MANDATES

WHEREAS, the Board of County Commissioners of Custer County, South Dakota (the Commission), took an oath to support, uphold, and defend the Constitutions of the United States and the State of South Dakota; and

WHEREAS, there is no Constitutional authority to restrict individual unalienable rights; and

WHEREAS, the Commission respects the unalienable right of citizens of Custer County, South Dakota, to make their own choices concerning their healthcare and well-being; and

WHEREAS, every citizen who wants a vaccine possesses the right to obtain one, but no vaccine should be mandated or required by law; and

WHEREAS, people have the right to refuse vaccination based on religious, medical, or personal reasons, and every medical intervention requires informed consent and the right of refusal, including the Covid-19 vaccine; and

WHEREAS, private health information on vaccine status should not be requested or required by an government mandate, educational institution, or private business operating in places of public accommodation; and

WHEREAS, widespread adoption of so-called Covid-19 passports by businesses even on an allegedly voluntary basis, will unduly and unnecessarily restrict the freedom of Americans, harm patient privacy, and have a negative financial impact on all individuals; and

WHEREAS, Covid-19 mandates will create a two-tiered society, where some people will have rights, and others will lose their freedom; and

WHEREAS, demanding employees divulge their personal medical information invades their protected right of privacy, and discriminates against them based on their perceived medical status, in contravention of the Americans with Disabilities Act (42 USC Section 12112(a).); and

WHEREAS, the Commission is tasked with protecting the employees of Custer County from unreasonable orders and with providing a cooperative and productive working environment; and

WHEREAS, Custer County does not have the resources to enforce federal mandates, and does not intend to use its limited resources to enforce any vaccine mandates issues by the United States Federal Government; and

WHEREAS, the Commission desires to express its opposition to vaccine mandates in both the public and private context and to express support for the rights of individuals and families living in Custer County to direct their own health futures.

NOW, THEREFORE, BE IT RESOLVED that the Custer County Board of Commissioners expresses its opposition to (a) vaccination mandates and any similar legislation or action by public or private entities that disenfranchises local citizens of their right to make their own health care choices and move freely with society; and (b) any discrimination or differing treatment of individuals based on their vaccination or health status.

BE IT FURTHER RESOLVED, that the Custer County Board of Commissioners oppose Covid-19 vaccination as a condition of employment for Custer County employees; and

BE IT FURTHER RESOLVED, that the Custer County Board of Commissioners declare that it has no intention of using limited county resources to enforce any vaccine mandates.

This Resolution shall become effective on the twentieth day after its completed publication.

PASSED AND ADOPTED ON this 27th day of October, 2021 at Custer, South Dakota.

Jim Lintz, Chairman
Custer County Commission

ATTEST:

Barbara Cox, Deputy Auditor

First Reading: October 27, 2021
Adopted: October 27, 2021
 (Number of Votes for: ____; Number of Votes against: ____)
Publication: _____, 2021
Effective Date: _____, 2021

Anderson noted that she has conducted research on this matter and has found a growing grass- roots movement from many counties and municipalities opposing mandates, but without much national press coverage. Commissioner Hartman noted the importance of having this Resolution in effect as not to lose freedom of choice. Thereupon, a motion by Hartman and seconded by Bies to approve Resolution No. 2021-19; vote taken, all aye; motion carried.

K. Old Business

1. VSO, Todd Fish, briefed the Commission on the American Rescue Plan SLFRF program/Custer Housing Utilities Project. Fish presented the need for senior and low-income housing in the area and recommended that the Utility Project encompassing the 15-acre tract east of the hospital be approved. He requested that \$500K of the \$650K funds needed for the project be committed to initiate the project. He noted that there still are additional funds of \$900K held for Custer County. Motion by Hartman to approve releasing \$500K to begin project, seconded by Hindle; vote taken, all aye; motion carried.
2. West Custer County Well Project briefing set for November 10, 2021.

3. Fish stated that the east pipeline project in the Hermosa area was too contentious at this time and does not feel that it is worth pursuing at present. Commissioner Lintz reminded the Commission that there is pending litigation involved, as well, and that it would be difficult to justify funding the project due to the small number of lots in Custer County that would benefit. He stated there is a possibility to address this at a later date.

L. Executive Session

1. Motion by Hindle and seconded by Linde to enter into executive session pursuant to SDCL 1-25-2(1) personnel; vote taken, all aye; motion carried. Executive session began at 9:10 AM and concluded at 9:55 AM. No action taken.

M. Adjourn

Motion by Hindle and seconded by Linde to adjourn the meeting at 9:57 AM. The next meeting will be at 8 a.m., November 10, 2021 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 _____.