

Minutes of the Custer County Commission Meeting Wednesday, July 27, 2022.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Craig Hindle, Travis Bies and Commission Legal Counsel Susan Anderson 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. Legal Counsel, Susan Anderson, requested moving the Library portion of the Agenda to be heard after the Conflict of Interest portion. Motion to approve the change made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

C. Consent Agenda

1. Motion to approve consent agenda as follows made by Linde; seconded by Hindle; motion taken, all aye; motion carried.

a) approved minutes of the July 13, 2022 Commission meeting.

b) approved travel request for Sarah Mowery to attend Summer Auditor Training in Pierre on August 4, 2022 at a cost of \$135.00

c) vouchers approved as follows:

PAYROLL: 7-25-22 Payroll: Commissioners \$8,165.89; Auditor \$6,478.25; Treasurer \$13,511.09; Info Systems and Technology \$3,005.27; State's Attorney \$13,298.45; Courthouse Building \$7,998.56; Director of Equalization \$14,116.44; Register of Deeds \$4,839.26; Veterans' Service \$1,955.72; Human Resources \$2,493.05; Sheriff \$40,536.26; Coroner \$657.45; Nurse \$869.42; Library \$11,332.88; Conservation \$505.56; Weed & Pest \$3,929.59; Planning \$7,920.75; County Road & Bridge \$40,934.94; Emergency Management \$2,680.64; 24/7 Sobriety \$1,767.56; Emergency Line F \$18,237.87

COMMISSIONERS: Pitney Bowes \$89.72; Thomson Reuters \$255.95;

TREASURER: HUB Intl \$50.00; Quill \$27.99; Thomson Reuters \$45.44;

STATE'S ATTORNEY: Lodge at Deadwood \$116.00; Thomson Reuters \$811.95; RC Police Dept \$60.00

COURT: Sarah Pfefferle \$284.24;

COURT APPOINTED ATTORNEY: Justin O'Neill \$3,922.08; Grey & Eisenbraun \$1,946.40; Angela Colbath \$1,440.46; Southern Hills Law \$905.40;

LAW LIBRARY: Thomson Reuters \$1294.90

COURTHOUSE BUILDING: Amazon \$252.88; Family Dollar \$4.27; Fleet \$64.76; Menards \$77.47; Sams Club \$106.51; Walmart \$42.81; Golden West \$27.70; Verizon \$41.91; Lynn's Dakotamart \$25.50

DIRECTOR OF EQUALIZATION: Thomson Reuters \$45.44;

REGISTER OF DEEDS: Thomson Reuters \$68.16;

HUMAN RESOURCES: Div of Criminal Investigation \$43.25

SHERIFF: Black Hills Elec COOP \$48.91; French Creek Supply \$344.68; Verizon Connect \$178.09; City of Custer \$340.00; A&B Pure Water \$54.98; Nicholas Towing \$75.00; AA-Z Shredding \$30.60; Battle Mt Humane Soc \$1000.00;

PRISONER CARE: Kevin Kirschenmann \$150.00; City of Rapid City \$240.00; Pennington County \$18,996.49; Linda Nohr \$75.00

SEARCH & RESCUE: Sturgis Motorsports \$20,856.00; Lynn's Dakotamart \$297.45, City of Custer \$69.26; Black Hills Powersports \$18,779.00; Masters Custom Design \$728.00;

AIRPORT: Custer Do It Best \$13.49; Insurance Benefits Inc \$4,809.00; Power House \$59.81; Epic Aviation \$29,115.41;

MENTALLY ILL: Pennington County \$50.00; Audra Hill Consulting \$385.97;

MENTAL ILLNESS BOARD: Garland Goff \$232.50

LIBRARY: Black Hills Library Consortium \$1,445.91; CenturyLink \$16.12;

CULTURE/RECREATION:

FAIR: Custer County Fair Assoc. \$243,144.53

WEED & PEST: Black Hills Elec COOP \$88.36; Richard Crabtree; \$132.95; Culligan Water \$240.81;

COUNTY ROAD & BRIDGE: A&B Welding \$92.31; Black Hills Elec COOP \$718.33; TrueNorth Steel \$14,191.30; Floyd's Truck \$1,011.54; French Creek Supply \$481.43; Fastenal \$81.65; Godfrey Brake \$169.70; Inland Truck Parts \$914.26; Mt Rushmore Telephone \$121.69; S&B Motor Parts \$493.01; SD Federal \$50.00; Kiefer Sanitation \$236.54; Servall \$262.87; Town of Buffalo Gap \$61.00; SnapOn \$19.00; Black Hills Gravel \$19,170.00; Adams Industrial \$269.58; Culligan Water \$32.50; CenturyLink \$25.47; Matco \$39.95; Nelson's Oil \$1,950.60; MG Oil \$40,240.46; Forward Dist \$27.55; Powerplan \$52.31;

FIRE PROTECTION: Argyle Fire \$1,237.00

EMERGENCY MANAGEMENT: Rushmore Communications \$3,271.16; Verizon Connect \$16.19;

BUILDING: Black Hills Elec COOP \$ 1,246.98; Custer Do It best \$163.63; Custer City \$507.57; Custer Ace \$137.52; HM Cragg \$7,784.52; A-Z Shredding \$85.86;

EMERGENCY LINE: Powerphone \$4,017.66; A&B Pure Water \$54.97

D. Conflict of Interest Declarations –

1. Commissioners Hindle and Hartman declared a conflict of interest under the Tim Hartmann portion of the meeting.

E. Library

1. Library Director, Doris Ann Mertz, introduced incoming Library Director, Jessica Phelps to the Commission. Mertz noted that Jessica's started her new position on July 11, 2022 with a starting salary of \$47,500. Phelps has a master's degree and hails from Kentucky.

2. Discussion was held regarding the Assistant Library Director position. This position requires the same qualifications as the Director and would start at pay grade 3; \$16.54/hour. Motion to approve hiring of Assistant Library Director made by Linde; seconded by Bies; vote taken, all aye; motion carried.

3. It was noted this is Doris Ann's last commission meeting as Library Director and the Commission thanked her for her many years of service and showed their appreciation for all of her hard work.

F. Highway

1. Approval for ROW by Golden West Telecommunications was requested for facility on Sidney Park Road; Section 12; Twp 4S; Range 4E. Motion to approve by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. The Commission acknowledged the end of the 6-month probationary period for Randall Severson.

G. Emergency Management

1. EMS Director, Steve Esser, presented the LEMPG 3rd quarter for Chairman Lintz to sign.

2. Esser noted that the Homeland Security Grant for fire department radio supplement has been awarded in the amount of \$16K for 22 mobile hand-held radios, but said the monies will not be received until September. Esser stated he has also applied for other larger grants and once those are awarded, he will order more radios. Motion to approve application for grants made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

H. Search & Rescue

1. Sam Smolnisky appeared before the Commission to present the annual contract between Custer County and Custer State Park for Search & Rescue services. He noted this is the same contract as in past years; however, the amount for this year's services (\$8,340.58) is \$450 higher than last year. Motion to approve contract made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Smolnisky informed the Commission about the Yamaha Law Loan program, which is essentially a free UTV/ATV lease for S&R and law enforcement agencies that enables them to utilize updated and fully-equipped UTV/ATV units while only paying for insurance and maintenance. Using this program, the equipment will be swapped each spring, while saving the County approximately \$50-\$60K per year.

3. Smolnisky presented an updated Search & Rescue roster and it was so acknowledged by the Commission. Commissioner Hindle inquired about non-profit status of Search & Rescue and noted that it should be a priority. Legal Counsel Anderson stated that having a non-profit status relieves liability and should be pursued.

I. Commission Legal Counsel

1. Resolution 2022-13—A Resolution Establishing Fees to be Charged for Full-Service Restaurant On-Sale Alcoholic Beverage Licenses Within Custer County. This was presented by Susan Anderson and follows SDCL 35-4-1 (2016), which states fees must be based upon the federal county census population; \$1 charged per population, less cities and towns. Based upon the current Custer County population of 5376, it is recommended that the license fee be established at \$5,500 annually, plus \$500 administration fee. Motion to approve said fee made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

J. Sheriff

1. Sheriff Marty Mechaley requested approval & acknowledgement of new hire, Jessica Brown, as part-time 24/7 tech at a starting wage of \$16.07/hour. Motion to approve made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

2. Mechaley presented the annual law enforcement coverage and dispatch contract between Custer County and Custer State Park in the amount of \$8,340.56. Sheriff Mechaley was the signer and requested direct deposit information from Finance Officer, Dawn McLaughlin.

3. Mechaley also presented the law enforcement coverage contract between Custer County and the Town of Hermosa in the amount of \$80K. Legal Counsel Anderson stated she has reviewed and made some very minor changes to the contract. Motion to approve made by Bies; seconded by Hindle; vote taken, all aye; motion carried.

4. A request for approval to hire an additional Deputy was made by Mechaley and noted that to date, there has only been one certified applicant; the rest have no law enforcement experience. Mechaley noted that housing is a big problem for the applicants; he also noted that Custer County is lagging behind in wages. Motion to approve hire made by Hartman; seconded by Bies; vote taken, all aye; motion carried.

K. Planning

1. Planning Director, Terri Kester, presented the Commission with Amendment No. 2 to the Custer County Ordinance No. 2; wastewater disposal systems. She has been working with the Planning Commission and Legal Counsel Anderson to amend. She noted they are not making many changes, but simplifying the language. Anderson presented the final copy for signature and stated this is the first reading; with second reading to follow, along with publication. Motion to approve by Linde; seconded by Hartman; vote taken, all aye; motion carried.

L. Department of Equalization

1. DOE Director, Leah Vissia, shared with the Commission that she is still seeking a department vehicle since receiving prior approval and budget of \$25K. She requested assistance in finding a vehicle and stated the surplus vehicles she has been looking at exceed her budget. She stated DOE needs an AWD or 4-wheel drive vehicle. Human Resources Director, Tim Holland, agreed to assist in the search and the Commission granted permission to proceed with a purchase.

2. Vissia went on to discuss the proposed countywide reappraisal contract and requested feedback from the Commission. Commissioner Hartman stated he would prefer to wait until preliminary budgets are reviewed before a decision is made. Commissioner Bies stated that the reappraisal should be kept in house, with the DOE office hiring additional staff to be committed to the reappraisal process. Vissia stated her office currently has 4 certified appraisers in addition to herself to complete the process. Commissioner Hindle stated he would approve hiring 1 additional appraiser, with Commissioner Bies stating that 2 appraisers should be dedicated to this process. Vissia stated she would still like to hire Vanguard for map units and depreciations, as well as manual levels (which are currently 10 years old). Vissia said the County would need to update to new manuals to perform the countywide reappraisal. Vissia shared that her office has received \$1,000 in credits from Vanguard, which can be used for training or new modules. Motion to hire additional appraiser made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

3. Resolution 2022-14 Resolution Establishing Exemption Criteria of Certain Structures from Assessment for Ad Valorem Taxation in Custer County was presented to the Commission. Legal Counsel Anderson noted this is a new resolution and abolishes & supersedes any previous resolutions regarding this subject. Vissia presented a slideshow of various storage containers throughout the County and requested input from the Commission regarding taxation on such. It was noted that if the container is an integral part of the structure, it should then be taxed; if the container was strictly used as a container with no utilities then it should not be taxed. She stated that part of the determination depends on the intended use of the structure. Commissioner Hartman said that shipping containers are not included on professional real estate appraisals or bank mortgages and should, therefore, be excluded from taxation. It was decided more research was needed and motion to table until the August 10, 2022 Commission meeting was made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

M. Town of Hermosa

1. 03-2022 Resolution of Intent to Annex Contiguous Property was presented by Dan Holsworth. Also included with the resolution were attached maps of parcels. Holsworth stated the Town of Hermosa would like to move forward with the annexation. It was noted that Fairgrounds Place, together with some other areas already have services in place, but the Gumbo Lilly area is in need of additional water lines, sewer, etc. Holsworth said these services would be provided in the annexation with grant funds if the Commission approves. Commissioner Bies asked if this proposal would go to a vote of the people before proceeding. Holsworth stated it has not yet, but that there is already a majority in favor. He also noted that most of the taxes would decrease. Leo Van Sambeek spoke before the Commission and stated that as a landowner, he feels this study is very misleading and disagrees with Holsworth. He stated that taxes would in fact increase. He questioned Holsworth on why the Town of Hermosa wants ag land and pastures in its control. He said that some parcels would become landlocked into different zoning areas and uses and stated this is not a very well thought-out plan. He said that Hermosa already has control within the 1-2 mile radius and says ag land owners can voluntarily request annexation should they wish to subdivide land. He questioned the benefit to involuntary annexation and stated he is against this proposal. He believes that the current resolution is flawed and contains inaccurate property descriptions. Holsworth said those inaccuracies have been corrected and brought before the town board, to which Mr. Van Sambeek stated was untrue; it has not been brought before the board. Mr. Van Sambeek requested the Commission deny this Resolution as the entire process has not been correctly or

accurately performed. Leah Vissia agreed that there are legal descriptions that need to be corrected and that taxes will in fact increase. Planning Director, Terri Kester, shared that ag lands contained within city limits have several restrictions. Mr. Holsworth noted that his intent is not to upset landowners and stated the annexation process is not an easy one and will continue to research, with perhaps changing some parcels. He thanked the Commission for their input and consideration. Commissioner Hartman stated he does not believe landowners need or want an additional layer of government interference. Motion to deny made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. 04-2022 Resolution of Intent to Annex Contiguous Property presented by Dan Holsworth. Based on the same information as above, motion to deny made by Bies; seconded by Linde; vote taken, all aye; motion carried. Chairman Lintz stated by denying this annexation, the Town of Hermosa will now have to put the vote before the people.

3. Mr. Holsworth also discussed the fairgrounds water meter and well pit, stating the new construction project at the fairgrounds will interfere with the existing meter and pit and will require relocation and replumbing. He noted that the fairgrounds currently pays Hermosa for water and sewer at a discounted rate.

4. Mr. Holsworth also noted that due to budget shortfalls, Custer County will now be charged \$600/month rent for the Hermosa Library branch location. He stated that residents are very appreciative of the library.

N. Black Hills Council of Local Governments

1. Jennifer Sietsema appeared before the Commission and presented the annual performance report. This report contains information on return on dues investments; funding applications for projects; project list; and all projects since 2020. She noted there is currently \$58 million in pending project awards submitted and there are 130 ongoing projects at present. She also noted her office is working at capacity. Susan Anderson inquired about the council helping with the Elk Mt. Water Users with seeking grant funding and Sietsema stated that help would be available. Chairman Lintz thanked the Council for assisting with the USFS projects.

O. Tim Hartmann

1. Attorney Erin Byre appeared before the Commission on behalf of Tim Hartmann, who was not present. Mr. Hartmann was fined a \$500 late fee for an approach permit. Byre stated this was simply a misunderstanding due to miscommunication and that Mr. Hartmann believed he had approval from Custer County to install two approaches on his property as per Highway Superintendent, Jesse Doyle. Hartmann also spoke with Commissioner Hindle regarding this matter and believed any issue was resolved. Byre stated under the fairness doctrine, Custer County cannot fine Mr. Hartmann once his permits had been approved and requested the Commission to set aside the fine. Chairman Lintz stated that the entire Commission did not approve the second approach, but Byre countered that and "agent" of the Commission did approve and that the permit is binding. Motion to table until the August 10, 2022 meeting made by Bies and seconded by Linde because Highway Superintendent Doyle was not present at the meeting, and the Commission wanted the opinion of State's Attorney Tracy Kelley on this matter; vote taken, Chairman Lintz aye; Hartman and Hindle abstained (as per an earlier conflict of interest declaration); motion carried.

P. Auditor

1. Finance Officer, Dawn McLaughlin, presented 2023 projected revenues for Custer County. She stated that these figures are an important part of the equation in calculating 2023 wages and salaries for Custer County employees. McLaughlin noted the current base starting wage is \$15/hour and would like that to increase to \$16.50/hour. She presented the Commission with a proposal to increase all hourly employee's wages by \$1.50/hour and noted the County will have the funds available to cover the cost. She would like to discuss budgets at the next Commission meeting. Commissioner Bies thanked McLaughlin for having the projected revenues available for them to review.

Q. Public Comment

1. Todd Fish addressed the Commission with concerns regarding the outdated cost manual in use by the DOE; Vissia noted the manual was updated 2 years ago and that her department is already compensating for the depreciation tables and cost approach start for values. Fish noted that residents cannot afford any further drastic increases. Fish also inquired about whether or not greenhouses fit into the parameters of 160 sq foot non-taxable building. It was noted that greenhouses are not taxable. Fish inquired about cost savings and budgeting to "go green" in County owned buildings by switching to LED bulbs, etc. Maintenance Supervisor, Joseph Panza, noted that his department is currently checking into the changeover.

2. David Green spoke regarding the proposed mass appraisal fees and what the taxpayers could expect as a result, since Custer County has already seen huge increases. Vissia states the reappraisal will see values both increase and decrease based on correcting and updating data, but will focus on being fair and equitable. Green stated we need to quit paying on unrealized value.

R. Commission

1. Mail call – Dawn McLaughlin presented a letter from NWDHR owner-occupied rehab program. Also presented was a letter from BHRMUC re: forest plan revisions and assessments.
2. Meeting Schedule – none
3. Meeting Reports –
 - a) Hindle attended a library board meeting; Linde attended a garbage board meeting; Lintz attended a fair board meeting and says they are busy preparing for the Custer County Fair. He also attended a weed board meeting that addressed the prairie dog problem. Hartman attended a housing board meeting and noted the new management company is doing very well. Lintz asked if the housing board could look into securing potential housing for incoming county employees. Tim Holland stated that the county owns 6 units, but they are occupied and there is a waiting list.

S. Executive Session

1. Motion to enter into Executive Session pursuant to SDCL 1-25-21(1) Personnel made by Hartman at 10:35 AM. Executive Session concluded at 10:55 AM; no action taken.

T. Adjourn

Motion by Hartman and seconded by Hindle to adjourn the meeting at 10:56 AM. The next meeting will be at 8:00 AM, August 10, 2022 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 _____.