

Minutes of the Custer County Commission Meeting Wednesday, August 10, 2022.

Members present:

Commissioners Jim Lintz, Mike Linde, Craig Hindle, Travis Bies and Commission Legal Counsel Susan Anderson and Dawn McLaughlin, Finance Officer. Commissioner Hartman was not in attendance.

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 Hindle; seconded by Linde; vote taken, all aye; motion carried.

C. Consent Agenda

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

2. Vouchers approved as follows:

PAYROLL: August 10, 2022 payroll as follows: Commissioners \$8,165.85; Auditor \$5,944.69; Treasurer \$15,639.22; Info Systems and Technology \$3,005.26; State's Attorney \$13,682.77; Courthouse Building \$7,299.09; Director of Equalization \$14,554.19; Register of Deeds \$4,999.89; Veterans' Services \$1,624.26; Human Resources \$2,531.36; Sheriff \$42,252.86; Coroner \$657.45; Nurse \$698.95; Library \$21,621.32; Conservation \$505.56; Weed & Pest \$4,361.03; Planning \$9,558.38; County Road & Bridge \$41,089.24; Emergency Management \$2,729.08; 24/7 Sobriety \$1,102.62; Emergency Line F \$17,577.59.

COMMISSIONERS: Verizon \$164.36; Fleet \$64.76; A & B \$319.82; Southern Hills Publishing \$329.07; Lynns \$32.99; Golden West Telecom 28.58

COURT: Juror Fees \$1,251.24

COURT APPOINTED ATTORNEY: Garland Goff \$2,315.25; Grey & Eisenbraun \$1,859.60; Southern Hills Law \$1,613.04

ELECTION: Sams \$562.76; Walmart \$74.49; Lynns \$59.57;

AUDITOR: A & B \$1,294.90; Amazon \$294.09; Ramkota \$80.00; Golden West Telecom \$138.09; Tracy Fish \$2,292.00; SD Assoc of Counties \$292.50

TREASURER: A & B \$760.12; Extra Value Checks \$122.94; Golden West Telecom \$139.59; SD Assoc of Counties \$292.50;

STATE'S ATTORNEY: A & B \$340.05; Amazon \$73.47; LexisNexis \$359.00; SD Public Health \$175.00; Golden West telecom \$138.09; Carolyn Harkins \$198.10; Culligan \$44.50

COURTHOUSE BUILDING: Verizon \$83.80; Fleet \$64.76; Custer Car Wash \$9.00; Amazon \$29.98; Menards \$204.93; Office Depot \$774.22; Golden West Telecom \$27.62

DIRECTOR OF EQUALIZATION: Fleet \$32.38; A & B \$180.94; VistaPrint \$43.13; Office Depot \$28.11; Hilton \$318.40; Signature Auto Sales \$24,300.00; Quill \$94.96; Golden West Telecom \$193.33

REGISTER OF DEEDS: A & B \$267.44; Print Market \$57.90; Golden West Telecom \$55.24; SD Assoc of Counties \$195.00

VETERANS SERVICES: A & B \$293.03; Golden West Telecom \$27.62

HUMAN RESOURCES: Verizon \$32.88; Golden West Telecom \$27.62

INFO TECHNOLOGY: Golden West Telecom \$55.24; Golden West Technologies \$7,702.01

SHERIFF: Verizon \$1,270.53; A & B \$350.94; LexisNexis \$179.50; FedEx \$28.54; Amazon \$203.50; John E Reid \$600.00; Calamity Jane \$100.00; Brownells \$47.87; Ace \$189.99; USPS \$23.35; Black Hills Energy \$46.00; Southern Hills Publishing \$220.25; Wendell's Garage \$91.00; French Creek Supply -\$332.99; Liberty Superstores \$1,097.91; Sherry Weber \$10.00; Golden West Telecom \$286.18; Active911 \$390.00; Newcastle Motors \$1,650.74; A-Z Shredding \$7.94; Anderson Auto Sales \$99.00

PRISONER CARE: PennCo Jail \$184.44; Sam Smolnisky \$225.00; SD Public Health \$40.00; Satellite Tracking \$3.25; Hapsie Nutley \$75.00; Monument Health \$115.61

MENTAL HEALTH: New Trails \$900.00

MENTAL ILLNESS BOARD: Garland Goff \$150.00

24/7 SOBRIETY: Redwood Toxicology \$548.00

CORONER: Clinical Lab of the BH \$2,130.00

AIRPORT: French Creek Supply \$330.68; Brendan Hendrickson \$3,850.00; Golden West Telecom \$113.98

LIBRARY: Exxon \$32.67; Coffee Cup \$38.01; 1000 Hrs Outside \$16.00; Shell \$25.42; Holiday \$44.50; YesWay \$34.00; Amazon \$3,566.76; Southern Hills Publishing \$46.80; Mt Rushmore Telephone \$134.44

EXTENSION: A & B \$300.98; State 4-H Office \$27.50; Golden West Telecom \$118.17; Erin McGlumphy \$804.62; Fall River County \$1,806.48

WEED & PEST: Fleet \$64.76; A & B \$340.01; ULine \$83.99; Dakotaland \$239.43; USPS \$7.38; Southern Hills Publishing \$66.40; French Creek Supply \$13.98; Warne Chemical \$185.73; Golden West Telecom \$27.62; Jim Berchem \$42.50; Culligan \$6.50

PLANNING: Fleet \$32.38; A & B \$375.40; Menards \$229.99; Amazon \$14.83; Southern Hills Publishing \$50.00; Golden West Telecom \$110.47; IWorq \$3,934.00

COUNTY ROAD & BRIDGE: Fleet \$744.74; A & B \$333.96; Cummins \$1,196.10; Unique Truck \$135.78; A & B Welding \$11.70; Black Hills Energy \$74.32; Butler Machinery \$31,174.98; Floyds Truck \$1,263.63; French Creek Supply \$1,991.55; Godfrey Brake \$200.92; Mt Rushmore Telephone \$121.69; Quill \$77.56; S & B Motor Parts \$1,033.50; Snap On \$104.00; Black Hills Gravel \$12,780.00; Custer Ace \$58.96; Golden West Telecom \$266.37; Pop's Grocery \$7.99; Mick's Electric \$275.51; Justice Fire & Safety \$2,289.25; 63 Industries \$100,000.00; Culligan \$26.00; Great Western Tire \$214.55; Forward Dist \$10.85; Dakotaland Autoglass \$1,150.00

EMERGENCY MANAGEMENT: Verizon \$93.80; A & B \$379.80; Supplies \$215.19; Zoom \$159.65; Caseys \$56.09; American AED \$1,615.00; Office Depot \$113.48; Lynns \$41.41; SD Firefighting \$45.00; Black Hills Energy \$24.28; Golden West Telecom \$45.03

SEARCH AND RESCUE: ExpertONeal \$481.01 YesWay \$75.12; Shell \$89.59; Kum & GO \$47.07; Amazon \$223.62; Pizza Hut \$98.89; Sam's \$534.49; Active911 \$33.99; Black Hills Energy \$217.54; Frontier Precision \$2,865.13; Lynns \$219.39; Sander Sanitation \$19.10; Golden West Telecom \$93.95; Elite Unmanned \$9,791.00

BUILDING: A & B \$150.78; Voomi \$190.94; Amazon \$752.75; Menards \$671.07; Lowes \$8.50; Sherwin-Williams \$63.21; WalMart \$92.88; Sams \$361.57; Family Dollar \$1.65; Harvey's Lock Shop \$11.49; BHC \$319.70; Black Hills Energy \$3,675.87; Black Hills Chemical \$289.44; Hillyard \$45.35; Custer Ace \$119.13; McPherson Propane \$89.00; A-Z Shredding \$22.26; Thyssenkrupp \$375.00

EMERGENCY LINE: A & B \$321.71; Range \$51.21; Golden West Telecom \$716.38; Dakota 911 Conference \$100.00

NON-DEPARTMENTAL: Argyle Fire \$3,639.65; Buffalo Gap Fire \$1,182.75; Custer Fire \$26,140.91; Dewey Fire \$330.48; Folsom Fire \$1,115.88; Fairburn Fire \$3,532.39; Highlands Fire \$1,825.66; Hot Springs Fire \$649.53; Pringle Fire \$1,981.45; Battle Creek Fire \$9,930.51

D. Conflict of Interest Declarations –

1. Commissioner Linde declared a conflict under Agenda heading: **Planning; No. 1; Final Plat MTP Subdivison.**

E. Planning

1. Kester presented and recommended approval for Final Plat of MTP Subdivision for Commission approval. This plat includes lots 1-7. Motion to approve made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

2. Director Kester requested and recommended Commission approval for Peot Road name change. Kester stated the applicants are petitioning to change the name of Twilight Lane to Red Barn Drive; all of the necessary signatures have been obtained and the applicants will bear the cost of the road sign. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

3. Second reading of Amendment No. 2 to the Custer County Ordinance No. 2 was tabled until August 31, 2022 after the second publication. Motion to table made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

F. Suspend Commission Meeting

1. Chairman Lintz suspended the regular Commission meeting at 8:08 AM when Commissioner Bies arrived, and Board of Adjustment convened at that time to hear Erin Schoenbeck Byre appeal approach permit fine on behalf of Tim Hartmann, with Chairman Lintz calling the meeting to order at 8:08 AM.

2. Erin Schoenbeck Byre addressed the Commission and contends that the approach permit in question was indeed approved by Highway Superintendent Doyle on the original application; but did discover after meeting with Doyle a second time that the approach was out of compliance. Byre stated that her client believed that if he purchased a permit for the second approach he would be in compliance. Doyle stated this was not the case, but that when he arrived to inspect the originally requested approach, he discovered a second unpermitted approach on the property which resulted in the late fee when Hartmann acquired the second permit (after the fact). Byre noted her client felt as though a resolution had been reached at the time of the inspection, as approved by "an agent of Custer County" but Doyle disagreed. Byre contends that her client is being punished after the fact so the estoppel doctrine stands. Doyle felt as though the late fee should stand. After further discussion, Commissioner Bies stated that the fine should be dismissed as both parties were at fault. Motion to dismiss fine made by Bies; seconded by Lintz; aye Bies, Lintz; opposed Linde; Hindle abstained; motion carried.

Motion to adjourn Board of Adjustment hearing made by Linde; seconded by Bies; vote taken, all aye; motion carried. Hearing concluded at 8:21 AM.

Regular meeting of the Custer County Commission reconvened with Chairman Lintz calling the meeting to order at 8:21 AM.

G. 8:30 AM Public Hearing

1. Planning Director, Terri Kester, presented the public hearing for section line vacation; Brad & Cheri Evans. Kester stated that all requirements have been met; notice has been published for 2 weeks and no opposition has been received. The request is for 33 feet on the landowner's property as the property borders USFS land. Kester stated that all potentially affected landowners have legal access to their property. Motion to approve section line vacation made by Hinde; seconded by Linde; vote taken, all aye; motion carried.

H. Custer VFW

1. The Custer VFW Post 3442 requested approval to hold Queen of Hearts game. Motion to approve made by Bies; seconded by Linde; vote taken, all aye; motion carried.

I. Weed & Pest

1. Michael Baldwin appeared before the Commission for acknowledgement of seasonal part-time hire of Lee Smith as a weed sprayer. The Commission so acknowledged.

2. Baldwin presented Resolution 2022-17; Resolution Requesting Black Hills Forest Service Respond to Black Hills National Forest Counties' Call for a Second Draft of Assessments. Baldwin stated this is a request to engage all stakeholders and to try and expedite the MOU process and to request a second round of assessments from the USFS. Baldwin also noted that rather than reading "Black Hills Forest Service" a more correct title would read "USFS". Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

J. Emergency Management

1. Legal Counsel Anderson presented the Commission with LEMPG Agreement and requested signature by Chairman Lintz. Motion to approve signature made by Hindle; seconded by Linde; vote taken, all aye; motion carried. Also noted was the Hazard Mitigation Grant application has been preliminarily approved.

K. Department of Equalization

1. DOE Director, Leah Vissia, appeared before the Commission to review previously tabled Resolution 2022-14; Resolution Establishing Exemption Criteria of Certain Structures from Assessment for Ad Valorem Taxation in Custer County. A discussion of shipping container taxation was held and it was reiterated that if the container is an integral part of a structure or contains improvements or utilities then it would be taxed. It was noted that if the container is over 160 square feet with no improvements or utilities it would be not be taxed. Greenhouses also would remain untaxed if the structure is 160 square feet or less, with no improvements or utilities. It was noted that the same rule would apply; taxation would occur if the structure size is over 160 square feet. Commissioner Hindle inquired if there is a limit to the number of storage containers on a landowner's property that would be exempt from taxation; it was determined that if the criteria was met to remain untaxed, then Custer County would not impose a limit on the number of containers allowed.

L. Public Comment –

1. David Reid inquired about the taxation policy on metal buildings and it was reiterated the same 160 sq ft policy applies. Reid then asked if those buildings would have owner-occupied status and was told that owner-occupied relates to house and one garage.

M. Commission

1. The Commission received the completed appraisal and report, together with invoice from Simpson and Associates for the Tract S Revised Lot. This property is valued at \$115K and it was noted there are deed restrictions. Motion to pay invoice in the amount of \$3,750 made by Bies; seconded by Hindle; vote taken, all aye; motion carried.

2. Mail call – Dawn McLaughlin presented letter from Department of Ag & Natural Resources concerning surface water quality. Also presented was a Notice of Department Action from Dept. of Ag & Natural Resources regarding Pete Lien and Sons, Inc.

3. Meeting Schedule – County Convention will be held 9-11-22 through 9-13-22 in Pierre; Custer County Fair will be held 8-11-22 through 8-14-22; Legislative tax meeting will be held in Pierre on 8-22-22; Chairman Lintz is expected to speak before the committee.

4. Meeting Reports – Commissioner Linde reported an upcoming library meeting.

N. Human Resources

1. Tim Holland, Human Resources spoke regarding a proposed Covid Protocol Recommendation, noting a surge of illnesses and covid. Holland based his proposal following current CDC guidelines. He noted that Custer County can, at its discretion, send an employee home if visibly ill. A Department head may allow that employee to work from home if feasible. If the affected employee does not have sick or vacation time banked, they will take unpaid time off. Custer County will not require a negative covid test to return to work. It was noted that it may be necessary to close offices as needed depending on the number of staff who may be ill. Legal Counsel Anderson requested this policy be added to the current Custer County Employee Handbook. Motion to adopt policy to the handbook made by Bies; seconded by Linde; vote taken, all aye; motion carried.

O. Executive Session

1. Motion by Chairman Lintz to enter into Executive Session pursuant to SDCL 1-25-21(1) personnel at 8:42 AM. Session concluded at 10:16 AM.

P. Actions Taken By Commission Outside of Executive Session

1. Department of Equalization: Motion to move Tara Traxler to Deputy DOE Appraiser with a \$1/hour wage increase (effective 8-22-22) made by Bies; seconded by Linde; vote taken, all aye; motion carried.

2. Chairman Lintz requested a liaison for the DOE reappraisal. Motion to appoint liaison made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

3. Discussion was held and it was recommended that two certified appraisers be designated and dedicated for the reappraisal process. Motion to approve Tara Traxler and Caitlin Green as such made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

4. Approval for DOE to advertise for and hire two temporary appraisers' assistants to aid with the reappraisal process at a rate of \$18/hour. This is an unbenefited position.

Q. Adjourn

Motion by Bies and seconded by Linde to adjourn the meeting at 10:24 AM. The next meeting will be at 8:00 AM, Wednesday, August 31, 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 _____.

