

Minutes of the Custer County Commission Meeting Wednesday, August 23, 2023.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Busskohl, Craig Hindle and Commission Legal Counsel Aaron Davis. Finance Officer, Dawn McLaughlin, was not present.

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

B. Adopting of the agenda

1. Amend Agenda as follows: add to Item "M" Commission-- Executive Session as per legal SDCL 1-25-2(3); add to Item "M" Commission—Airport; add item to "I" Maintenance. Motion to approve Agenda as amended made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

C. Consent Agenda

Vouchers approved as follows:

PAYROLL: August 10, 2023. Commissioners \$5,237.63; Auditor \$10,396.54; Treasurer \$12,293.06; Info Systems and Technology \$3,159.02; State's Attorney \$13,838.57; Courthouse Building \$7,648.26; Director of Equalization \$20,874.56; Register of Deeds \$5,149.01; Veteran's Services \$1,619.51; Human Resources \$2,998.36; Sheriff \$48,674.11; Coroner \$803.40; Nurse \$975.12; Library \$8,876.66; Conservation \$712.90; Weed & Pest \$3,223.78; Planning \$6,977.04; County Road & Bridge \$39,113.91; Emergency Management \$2,940.59; 24/7 Sobriety \$1,973.37; Emergency Line F \$16,364.50.

COMMISSIONERS: Lynn's DakotaMart \$42.05; Amazon \$89.99; Verizon 88.60; Fleet \$32.38

COURT: USPS \$6.35

AUDITOR: A&B \$480.82

TREASURER: A&B \$1278.53

STATE'S ATTORNEY: A&B \$330.12

MAINTENANCE: Verizon \$41.80; A&B Pure Water \$75.39; Fleet \$32.38; Sam's \$9.60; Amazon \$350.11

DIRECTOR OF EQUALIZATION: A&B \$313.46; Gas Sioux Falls trip \$300.79; Holiday Inn tax \$8.00; American Floor Mats \$126.91; Amazon \$70.26

REGISTER OF DEEDS: A&B \$408.04

VETERANS SERVICES: A&B \$289.37

HUMAN RESOURCES: A&B \$303.87

SHERIFF: A&B \$343.48; Verizon \$706.77; LexisNexis \$86.00; SP BladeTech \$107.48; Amazon \$61.89

LIBRARY: Amazon \$1182.29

EXTENSION: A&B \$297.58; Verizon \$40.01

WEED & PEST: A&B \$318.06; Fleet \$32.38

PLANNING: A&B \$365.09; Fleet \$16.19

COUNTY ROAD & BRIDGE: A&B \$343.91; Fleet \$342.37; McKie \$205.66

EMERGENCY MANAGEMENT: A&B \$349.42; Verizon \$64.25; Zoom \$159.65

COUNTY BUILDINGS: Global \$1797.31; Amazon \$954.54; Lowes \$360.56; Lowes Credit - \$199.00

EMERGENCY LINE: A&B \$355.94; Range \$51.33; Amazon \$25.98

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

D. Conflict of Interest Declarations – None

E. Highway

1. Highway Superintendent, Jesse Doyle, presented a request for approval for a buried copper facility on 28522 20 Mile Rd in Section 4 Twp 6S R3E, Custer County, SD. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

2. Doyle also presented a request for approval for a fiber optic facility on Prairie Dog Dr. in Section 25 Twp 6S R5E, Custer County, SD. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

3. Doyle recommended approval of a buried fiber facility on Buffalo Butte Drive in Section 17 Twp 6S R4E, Custer County, SD. Motion to approve made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

4. Doyle stated he has researched vehicle purchase availability and found two Ford F-150 crew cab pickups that another agency declined. Both vehicles are 4x4, gasoline engines; one is a 3.5 Eco-boost turbo. \$44,956 & \$44,561. It was noted that DOE, Coroner and Planning are in need of vehicles. Doyle was granted permission to go ahead and purchase both immediately and formal approval will be granted at the September 6, 2023 Commission meeting.

F. Planning

1. Planning Director, Terri Kester, presented Final Plat of Lot 8A and Lot 8B, Big Sky Subdivision, located in the SE ¼ SE ¼ of Section 33, T2S, R7E, and the NE ¼ NE ¼ of Section 4, T3S, R7E, BHM, Custer County, SD and recommended Commission approval. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Kester also presented Final Plat of Trinity Tract West & Trinity Tract East of Phillips Subdivision No. 2, located in the SE ¼ of Section 27 and NE ¼ of Section 34, T3S, R3E, BHM, Custer County, SD, and also recommended Commission approval. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

3. Kester discussed Ordinance #2 permit procedures and requested Commission clarification regarding imposition of fines as stated in the current ordinance. It was noted the Planning office only imposes the \$1,000 fine if a wastewater system is installed and completed without a prior permit as per the ordinance. Kester said that to avoid imposition of the fine, the permit needs to be obtained prior to finishing the project; rather than completing the project, obtaining necessary permit and then requesting an immediate inspection. Discussion was held and Commissioner Busskohl stated that mixups do happen without intent of avoiding obtaining a permit, referring to a prior fine dismissal. Kester inquired if wording in the ordinance needed clarification to avoid confusion and asked if in the case where a fine should be imposed, but may be questioned, if it should be presented to the Commission beforehand. Commissioner Hindle stated that fines are needed and that the Commission supports the Planning department.

Kester was asked to draft recommendations and possible rewording of the ordinance and present to the Commission.

4. Kester noted her office has received a number of Interest Forms for Planning Commission member permanent position. Motion to approve current alternate member, Phil Abernathy to full-time member made by Linde; seconded by Hindle; vote taken, all aye; motion carried. Motion to offer Troy Lyndoe alternate position made by Hartman; motion dies for lack of second. Motion to offer alternate position to Peg Ryan made by Linde; seconded by Busckohl; vote taken, all aye; motion carried.

G. Sheriff

1. Sheriff Marty Mechaley addressed the Commission and requested acknowledgement of resignation of Deputy Blake Kainz, effective August 24, 2023. The Commission so acknowledged. Mechaley stated he will advertise the position immediately and would like Commission approval to add an addition deputy position to the department. It was noted this will be further discussed at the September 6, 2023 Commission meeting. Marty would like to compile an eligibility list of candidates for the Sheriff's department.

H. Human Resources

1. Todd Fish presented draft resolution regarding structures and facilities 350 square feet or less. Fish stated that no verbiage had been changed since the previous executive session regarding the resolution. DOE Director, Leah Vissia, stated that she just received a copy of the proposed resolution last week and that her research found that by removing structures of this size from the tax rolls, the County would lose a great deal in tax revenues. Vissia stated these buildings should be taxed if they have utilities, or are considered living quarters. Vissia asked the Commission how her office should proceed; noting the pressure put on DOE. Vissia noted her staff would still have to conduct appraisals to make determination of taxability. It was noted that if these structures were removed from the tax rolls, the levy would go up and penalize those residents without sheds making up the difference in revenue loss. Vissia also stated that no one had checked with Department of Equalization to determine what the effects of the resolution would be. Commissioner Busckohl stated he did, in fact, visit with her. The question of requiring building permits for structures of 350 sq feet or less was brought up by Terri Kester, Planning Director. Kester noted revenue from building permits is crucial to her office; after running a report over the past three years she estimated the amount of lost permit revenue would be approximately \$8,000. Commissioner Hartman stated the matter had been discussed and is at a point where it should be ready to approve. Discussion was held whether or not the proposed resolution needs further research. Motion to table until the September 6, 2023 Commission meeting made by Busckohl; seconded by Linde; vote taken, Busckohl, Linde, Hindle aye; Hartman opposed; motion carried.

I. Maintenance

1. Maintenance Supervisor, Joseph Panza, updated the Commission regarding the elevator in the 1881 Courthouse Museum. Panza stated the Commission had previously approved the bid to conduct a safety load test, which failed. Panza noted the elevator is currently locked out and tagged "out of service". Panza stated before much-needed repairs can begin, a service contract needs to be entered into. He noted the cost for testing is \$6,200 and cost for repairs and re-testing is \$6,900, bringing the total cost to \$13,100 before entering into the contract that encompasses inspections every 5 years. The contract was previously approved by the

Commission (\$250/month). Motion to supplement budget for repairs made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

2. Panza presented an update regarding the HVAC system in the Courthouse building. He stated he will be meeting with a contractor in Rapid City today and will double-check to see if the contractor has an engineer on staff, possibly saving the fee of a third-party engineering study.

3. Panza also updated proposed LED lighting upgrades and stated that 210 new LED fixtures have been ordered. This includes the Annex, all stairways and hallways; noting a substantial savings overall. He also stated the County would receive a rebate from Black Hills Energy, as well.

4. Panza requested Commission acknowledgement of resignation of employee, Jamie DeNoma. He stated that Jamie will begin working at the Custer County Library and her last day in the maintenance department will be September 5, 2023. The Commission so acknowledged. Panza also requested a raise in pay for Ray Caudy, who will be moving up to the open position. Motion to approve \$19.54/hour for Caudy beginning September 6, 2023 made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried. Panza stated this will not affect the Maintenance employee budget.

J. Public Comment

1. A representative from the East Custer Sewer District spoke regarding septic systems within their district and stated that no septic systems or leach fields may be installed in that jurisdiction without consent of the District. He also addressed a letter of approval for low-income and senior housing (discussed at a previous Commission meeting). He noted a prior housing project that was constructed in Custer County without competitive bidding; he referenced Construction Industry Center, located in Rapid City. The center is available for competitive bids; blueprints; bids for entire projects and a recommended resource. He stated that he is concerned that taxpayers are paying for projects without searching for the best pricing. Chairman Lintz stated Custer County must abide by and follow state laws regarding bidding, noting all projects over \$50K must be sent out for bids.

K. Airport

1. Airport Manager, Brendan Hendrickson, together with Travis Hirschey from Mead & Hunt, presented the second grant for the bill grant, which covers Mead & Hunt's construction observation, closeout material testing and wetland delineation as well as additional legal bid fees, counsel, etc. The bill grant is for \$120K; Hirschey recommended approval and requested Chairman's signature. Motion to approve Chairman's signature on the grant agreement made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

2. Hirschey also presented Mead & Hunt agreement for CA/CO testing and closeout. This agreement allows Mead & Hunt to provide services previously mentioned in the bill grant. This contract is a fixed-fee/hourly up to \$118,634.23. 90% paid by FAA; 5% state; 5% local. Hirschey recommended Chairman's signature contingent upon commission legal counsel's review. Motion to approve signature after legal counsel's review made by Busckohl; seconded by Hindle; vote taken, all aye; motion carried.

3. Mead & Hunt received the grant agreement from the State of SD, which covers the 5% match and requested Chairman's signature, as well. Motion to approve signature after legal counsel's review made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.

L. Auditor

- 1. The Commission acknowledged the resignation of Deputy Auditor, Sarah Mowery, whose employment ends August 25, 2023.
- 2. The Commission also acknowledged Deputy Auditor Dana Benjamin’s reduction in hours from 40 hours per week to 32 hours per week. This remains a full-time benefitted position.

M. Commission

- 1. Mail call –
 - a) Thank you from Civil Air Patrol South Dakota Wing for contribution of \$900 to the Crazy Horse Squadron.
 - b) Letter from Division of Family & Community Health referencing WIC and county nurse programs.
- 2. Meeting Schedule – Conference will be held in Sioux Falls on September 12-13, 2023. Planning Commission Appreciation BBQ will be held August 24, 2023 @ 6:00 PM. (posted).
- 3. Meeting Reports – Busskohl attended S&R; YMCA and Custer City Council meetings.

N. Executive Session—

- 1. Executive Session as per SDCL 1-25-2(3) Legal; SDCL 1-25-21(1) Personnel entered into at 8:51 AM and concluded at 10:04 AM. No further action taken.

O. Adjourn

Motion by Linde and seconded by Busskohl to adjourn the meeting at 10:15 AM; vote taken, all aye; motion carried. The next meeting will be September 6, 2023 at 8:00 AM, 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 _____.