

## Minutes of the Custer County Commission Meeting Wednesday, January 26, 2002.

### 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

Motion by Hartman to approve agenda; seconded by Linde; vote taken, all aye; motion carried.

### C. Consent Agenda

1. Motion to approve minutes of the January 5, 2022 meeting made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

2. Travel requests approved:

a) Michael Baldwin to attend conference in Huron February 16-18, 2022 at a cost of \$485.97.

b) Marcel O'Connell to attend conference in Huron February 17-18 at a cost of \$344.98.

c) Steve Esser to attend training in Sioux Falls February 7-9, 2022 at a cost of \$540.00.

d) Teresa Obenauer to attend conference in Colorado Springs, CO February 13-18, 2022 at a cost of \$1,344.00.

3. Vouchers approved as follows:

**PAYROLL:** 1-5-2022 Payroll: Commissioners \$8169.42; Auditor \$5886.47; Treasurer \$14,736.05; Info Systems & Technology \$3005.26; State's Attorney \$13,686.08; Courthouse Bldg. \$7,335.88; Director of Equalization \$12,311.90; Register of Deeds \$4,836.25; Veteran's Services \$2,552.39; Human Resources \$2,531.36; Sheriff \$45,808.41; Coroner \$657.45; Nurse \$460.28; Library \$9,950.22; Conservation \$505.57; Weed & Pest \$2,022.21; Planning \$7,401.65; County Road and Bridge \$41,549.85; Emergency Management \$2,690.32; 24/7 Sobriety \$1,656.97; Emergency Line \$16,191.73. 1-25-2022 Payroll: Commissioners \$8,214.19; Election \$395.62; Auditor \$5,480.04; Treasurer \$13,809.69; Info Systems & Technology \$3,005.27; State's Attorney \$13,301.73; Courthouse Bldg. \$6,970.30; Director of Equalization \$11,753.67; Register of Deeds \$4,689.23; Veteran's Services \$1,806.58; Human Resources \$2,493.04; Sheriff \$41,685.08; Coroner \$1,127.53; Nurse \$213.10; Library \$9,605.59; Conservation \$505.56; Weed & Pest \$2,223.67; Planning \$8,384.89; County Road & Bridge \$37,586.32; Emergency Management \$2,724.23; 24/7 Sobriety \$1,232.44; Emergency Line \$14,404.38.

**COMMISSIONERS:** Pitney Bowes \$2,252.96; Dawn & Tim Holland \$155,000; Golden West Telecom \$26.78; Verizon \$88.60; Verizon Fleet \$32.38; Lynn's Dakota Mart \$134.21; Amazon \$161.89

**COURT APPOINTED ATTORNEY:** Jerry Fransen \$445.50; Justin O'Neill \$2800.09

**AUDITOR:** Black Hills Energy \$78.10; Quill \$51.96; Golden West Telecom \$133.47; A&B Business \$653.31

**TREASURER:** Golden West Telecom \$133.47; A&B Business \$476.

**STATE'S ATTORNEY:** Southern Hills Publishing \$13.72; Quill \$11.34; LexisNexis \$359; SD Public Health \$120; Golden West Telecom \$133.47; Randy Niles \$50.24; Culligan \$37; A&B Business \$191.66; News West Publishing \$53.17

**COURTHOUSE BUILDING:** Chris Supply \$77.99; BH Chemical \$-186.48 cr; Custer Ace Hdwe \$124.67; Culligan \$50; Golden West Telecom \$26.69; Verizon \$41.95; Verizon Fleet \$32.38; Office Depot \$62.78; Lynn's Dakota Mart \$12.75; BH Chemical \$308.10; Sam's \$211.70;

**DIRECTOR OF EQUALIZATION:** Golden West Telecom \$359.59; SDAAO Treasurer \$300; A&B Business \$108.15; Verizon Fleet \$16.19

**REGISTER OF DEEDS:** Golden West Telecom \$53.39; State of SD \$31.50; A&B Business \$108.15; Shell \$35.69

**VETERANS SERVICES:** Golden West Telecom \$26.69; A&B Business \$61.03

**INFO TECHNOLOGY:** Golden West Telecom \$53.39; Schneider Geospatial \$9925; Golden West Technologies \$7794.01

**HUMAN RESOURCES:** Division of Criminal Invest. \$43.25; Golden West Telecom \$26.69; Verizon \$10.02

**SHERIFF:** BHEC \$50.84; BH Energy \$114.23; Pennington Co. Sheriff \$140; Sherry Weber \$6; Custer Ace Hdwe \$31.98; Innovative Office \$81.96; Golden West Telecom \$367.19; Lamonte's Auto \$654.19; Culligan \$46.50; A-Z Shredding \$27.52; Battle Mt. Humane Society \$1000; A&B Business \$213.04; Verizon \$323.53; Lexis \$87.50; Hitech \$9.60

**PRISONER CARE:** City of Rapid City \$40; Pennington Co Jail \$1550; Sam Smolnisky \$75; SD Public Health \$400; Satellite Tracking \$100.75; Mikayla Norton \$375

**MENTALLY ILL:** SD Human Services Center \$600

**MENTAL ILLNESS BOARD:** Karen Paige Hunt Prof. \$103.95

**CORONER:** Clinical Lab of BH \$1656; Monument Health \$461.

**SEARCH & RESCUE:** BH Energy \$492.95; French Crk Supply \$113.99; Lynn's Dakotamart \$22.55; Sander Sanitation \$17.36; Golden West Telecom \$95.95; Dunham Repair \$287; Landfall \$285.90; Amazon \$53.20

**AIRPORT:** Golden West Telecom \$113.02

**HERMOSA ARTS & HISTORY:** \$20,000.

**LIBRARY:** Mt. Rushmore Telephone \$133.69; Golden West Telecom \$115.95; Centurylink \$13.72; Walmart \$50.03; Amazon \$1588.24

**EXTENSION:** Golden West Telecom \$119.21; Fall River County \$1765.98; SDAE 4-H \$60; A&B Business \$173.62

**WEED & PEST:** BHEC \$147.71; Southern Hills Publishing \$9.45; SD Assn County Weed \$50; Golden West Telecom \$26.69; A&B Business \$186.18

**PLANNING:** Golden West Telecom \$111.53; Verizon \$46.95; Verizon Fleet \$16.19; A&B Business \$206.81

**COUNTY ROAD & BRIDGE:** A&B Welding \$159.16; BH Electric Co. \$1803.15; Butler Machinery \$948.68; Floyd's Truck Ctr \$731.64; French Crk Supply \$615.58; Interstate Battery \$494.80; Mt. Rushmore Telephone \$120.94; Pheasantland Industries \$321.85; S&B Motor Parts \$842.41; SD Federal Property \$40.80; Kieffer Sanitation \$200.26; Servall \$122.34; Town of Buffalo Gap \$61; Snap On Tools \$787.10; Custer Ace Hdwe \$151.58; Golden West Telecom \$217.46; SD State Treasurer \$29.74; USDA \$100; Culligan \$26; Centurylink \$21.22; Nelson's Oil & Gas \$2337.39; MG Oil Co. \$4639.75; Forward Dist. \$46.30; A&B Business \$199.87; Verizon fleet \$199.87; Runnings \$550.58; Kennedy \$608.50; Northern Tool \$354.98

**EMERGENCY MANAGEMENT:** BH Energy \$26.72; Rushmore Communication \$5474.40; Golden West Telecom \$44.07; Verizon \$46.95

**STATE GRANTS-GENERAL GOVERNMENT:**

**BUILDING:** BHEC \$607.20; BH Energy \$7102.19; McGas Propane Custer \$775.31; BH Chemical \$278.32; AD Tech Rapid Fire Prot. \$4017.47; A-Z Shredding \$54.60; G&R Controls \$3247.01; Global \$44.67; Menards \$457.60; Grimm's \$107.27; Amazon \$141.99; Lowes \$849.87;

**EMERGENCY LINE:** Golden West Telecom \$298.66; Culligan \$27; A&B Business \$201.66; Range Telephone \$25.36

**D. Conflict of Interest Declarations –None.**

**E. Auditor:**

1. Request to surplus 10 outdated E-Poll Book i-Pads from Election inventory. Motion to approve request made by Bies; seconded by Linde; vote taken, all aye; motion carried. The i-Pads will be put into inventory by several other offices for departmental use.
2. Updated Highlands Volunteer Fire Department roster acknowledged.

**F. Highway:**

1. Superintendent Doyle updated the Commission on CSP access road funding progress. He stated that he has not received a lot of information from CSP, but rather has been in communication with GFP, who asked him to prioritize projects. Doyle relayed that all of the roads accessing Custer State Park are important and recommends the following projects take priority: 1) Lame Johnny Road; mag chloride at an approximate cost of \$10,000; 2) America Center Road; mag chloride at an approximate cost of \$10,000; 3) LH Road; mag chloride at an approximate cost of \$14,256; 4) Lower French Creek Road; mag chloride at an approximate cost of \$15,000; 5) South Playhouse Road; blotter surface. Doyle stated that if CSP works on the park's portion of S. Playhouse Road, Custer County would like to work in conjunction with them as a cost-saving measure. Chairman Lintz inquired if these projects will be just a quick-fix and stated that he would like them to be a longer-lasting result without requiring annual funding for repairs. Doyle stated that he would relay the Commission's concerns to the State GFP.
2. Doyle presented the Commission with a 2021 cost report showing the cost per mile of Custer County roadways.
3. Doyle presented the Commission with a 2022 equipment replacement plan proposal as follows: a) purchase semi-tractor on state bid to replace existing tractor. Doyle informed the Commission that it may be possible to be reimbursed 50% of the cost by following mandated procedures required to secure federal funds available from the VW rebate fines. b) purchase light-duty pickup to replace existing pickup. c) purchase 1-ton heavy-duty pickup to be used as a plow truck on smaller roads/areas where a large plow truck is not feasible. d) purchase batwing mower on state bid. e) purchase tire balancer (current one is non-working). f) consider rebuilding current belly-dump trailer rather than purchasing new. Trail King Mfg. can rebuild the trailer to like-new condition at considerable savings over new. g) rebuild plow blade; it is designed for rebuild rather than purchase new. Doyle approximated \$317,000 for these proposed purchases and rebuilds which is considerably under his budgeted amount of \$350,000.

**G. Public Hearings:**

1. 8:30 AM Planning—Resolution 2022-04:



# CUSTER COUNTY

Prepared by:

Custer County Auditor  
420 Mt. Rushmore Road  
Custer, South Dakota 57730  
605-673-8173

## Resolution 2022-04

### Vacation of Section-Line Highway Right-of-Way

WHEREAS, application has been made for the purpose of vacating that portion of the Section-Line-Highway Right-of-Way Running North to South starting at the Northerly point of Tract 3 and running South approximately 1,256 feet to the South Westerly property line between sections 25 & 30 all within Shirttail Subdivision Lot 3 of Ferguson Subdivision of HES #454 in the W 1/2 of Section 30, & PT HES #46 in E 1/2 Section 25 Township 5 South, Range 5/4 East BHM, Custer County, South Dakota. All referenced on 12 Plat 9 filed at the Custer County Register of Deeds office.

WHEREAS, The Board of Custer County Commissioners have determined that the public's interest will be better served by vacation of this section line highway Right-of-Way,

NOW THEREFORE, BE IT RESOLVED THAT The Custer County Board of Commissioners approves the vacation of the aforementioned section line Highway Right-of-Way.

Dated this 26<sup>th</sup> day of January, 2022

Approved by Commission

X *Jim Lintz*  
Jim Lintz, Chairman  
Custer County Commission



ATTEST: *Barbara Cox*  
Custer County Auditor  
*deputy*

Published Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Johnson Section Line Vacation; portion of Section Line Right of Way Running North to South starting at the Northerly Point of Tract 3 and Running South approx.1,256 feet to the SW property Line between sections 25 & 30, all within Shirttail Subdivision Lot 3 of Ferguson Subdivision of HES #454 in the W1/2 of 30 & PT HES #46 in E1/2 S25, T5S, Range 5/4 East BHM, Custer County, South Dakota. James Dejong, adjacent land owner, had some concerns as whether or not this action would

adversely affect his property and property rights. He was assured by Planning Director, Terri Kester, that it would not negatively impact his property as he already has direct access. Motion to grant final approval of Resolution 2022-04 made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. 8:45 AM Planning—Resolution 2022-05:

Prepared by:  
Custer County Auditor  
420 Mt. Rushmore Road  
Custer, South Dakota 57730  
605-673-8173

#### **Resolution 2022-05**

#### **A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, SOUTH DAKOTA, TO VACATE THE PLAT OF SADOWDKY TRACT 1 OF BOX CANYON SUBDIVISION**

WHEREAS, a petition has been filed with Custer County requesting vacation of the following described plat, to-wit:

the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 33, T2S, R7E, B.H.M. Custer County, South Dakota.

Recorded in the Office of the Register of Deeds for Custer County, South Dakota in Book 12 of Plats, Page 861.

WHEREAS, the Board of County Commissioners (Board) has the authority to approve the vacation of any recorded plat that lies outside a municipality either in whole or in part, in accordance with SDCL 11-3-21.1; and

WHEREAS, Carol Ann Sadowdky is the record owner of the properties contained with said plats sought to be vacated; and

WHEREAS, the publication of legal notice has been satisfied according to SDCL 11-3-22.1; and

WHEREAS, the platted subdivision do not lie within the corporate limits of any incorporated municipality within Custer County; and


WHEREAS, it has been proven to the satisfaction of the Board that all property taxes have been paid on such plats as required by SDCL 11-3-23-1; and

WHEREAS, the Board, in accordance with SDCL 11-3-23.1, has determined that vacating the plat will not abridge or destroy and of the rights and privileges of other proprietors of such plats and will not authorize the closing or obstruction of any public highway laid out according to law

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, SOUTH DAKOTA: That the Plat of Sadowsky Tract 1 of Box Canyon Subdivision, Located in the SE ¼ NW ¼ and the SW ¼ NE ¼ of Section 33, T2S, R7E, B.H.M. Custer County, South Dakota. Recorded in Book 12 page 861, in the Office of Register of Deeds for Custer County, South Dakota are hereby vacated.

Dated this 26<sup>th</sup> day of January, 2022

  
Jim Lintz, Chairman

Attested by   
Custer County Auditor  
*Deputy*

Publish Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_



Sadowsky Vacation of Plat: 12 Plat 861; Sadowsky Tract 1 of Box Canyon Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 33, T2S, R7E, BHM Custer County, South Dakota.

Motion to grant final approval of Resolution 2022-05 made by Bies; seconded by Hartman; vote taken, all aye; motion carried.

#### H. Planning:

1. Director Kester requested the Commission approve the Final plat of Georgia Tract, D&W Tract, and A&J Tract of Bland Subdivision Phase III, located in the NW1/4 of Section 18, T4S, R5E, BHM, Custer County, SD. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.
2. Kester also requested the Commission approve the Final plat of Skidmore Tract of Fort Creek II Subdivision, located in the NW1/4 of Section 13 and the NE 1/4 of Section 14, T3S, R3E, BHM, Custer County, SD. Motion to approve made by Linde; seconded by Bies; vote taken, all aye; motion carried.
3. The Commission acknowledged the completion of the 6-month probation period of Brandon DeNoma, giving him permanent full-time status.
4. Director Kester presented Planning Department statistics to the Commission, showing a considerable increase in permit and application fees from 2019 -2021. \$174,000 in fees were collected.
5. Kester updated the Commission on the current lWorq software permit program. The department is currently using the base software package and Kester would like to

upgrade the program. IWork is designed to help transition to a paperless office; to facilitate online permit and plan submission by homeowners and to accept online payments as well. Kester has budgeted for the \$3900 expense and asked the Commission to approve the program upgrade. Motion to approve purchase made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

**I. Argyle Fire Department:**

1. Bob Fischer spoke to the Commission on behalf of the Argyle Fire Department. Fischer stated that the department membership is growing. He informed the Commission that the County owned land by the water tower is in need of development and requested written approval by the Commission to proceed, including use of the current building. Motion to approve drafting requested letter made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

**J. Equalization:**

1. Director Leah Vissia spoke with the Commission regarding hiring a firm to reappraise Custer County properties vs. hiring additional permanent staff for the Department of Equalization office. Vissia has been in contact with Vanguard to conduct the reappraisal process at a cost of \$1.4--\$1.5 million. Vissia stated that Vanguard would not be available until 2027 and estimated the process to take one year. Should the Commission decide it would be more feasible to hire additional staff, the process to reappraise Custer County properties in entirety would take approximately 5-10 years. Vissia noted that the last time a complete reappraisal was conducted took place in 2008. She stated that the current property level of assessment is at 66.3%. Commissioner Bies asked Vissia to contact Vanguard and invite them to visit with the Commission and walk through the process with them.
2. Director Vissia requested approval to hire one full-time employee, whether or not Vanguard is used for the reappraisal process. Motion to approve new hire made by Hindle; seconded by Bies; vote taken, all aye; motion carried.

**K. Weed and Pest/Conservation District**

1. Michael Baldwin updated the Commission on the new Board appointments and 2022 officer selections as follows: Weed & Pest Board: Klinton Rittberger, Chair; June Johnston, Vice-Chair; Marci O'Connell full board member. A candidate for a new auxiliary board member has been invited to the next board meeting. Conservation Board: Dave Thom, Chair; Paul Nettinga, Vice-Chair; Oonagh Wood, Treasurer; Greg Neugebauer has been appointed to fill the vacant board position. Commissioner Bies inquired if there were any USDA grant monies available for prairie dog eradication. Baldwin indicated that he would make some inquiries as to funding.

**L. Communications:**

1. Sheriff Mechaley updated the Commission on the 911 2-dispatcher rule. This rule requires 2 dispatchers to be on duty during the overnight shifts. Currently, Custer County has 1 overnight dispatcher who works in conjunction with Fall River dispatch. Mechaley stated that he will oppose the 2-dispatcher rule since the current situation



works well for both counties; thus saving the County from having to hire an additional overnight dispatcher. Chairman Lintz asked if there is a way for Custer County to push the State with dispatch sharing rather than mandating the 2-dispatcher rule. Mechaley stated that the 911 State Board hearings are being held now and Lt. McMillin will be attending and to voice opposition to the mandate.

2. Sheriff Mechaley informed the Commission that the South Dakota Retirement System is pushing to move the current retirement match of 6% for 911 dispatchers to 8%, bringing the dispatcher retirement rate the same as law enforcement. This would enable dispatchers to perhaps retire sooner.
3. Resignation of Hannah Reifenrath, 911-dispatcher was acknowledged. Her last day of employment was January 16, 2022.
4. The Commission approved two new 911 dispatch hires as follows:
  - a) Sharon Lowry-Bielmaier at an uncertified rate of \$19.58 per hour, beginning February 6, 2022. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.
  - b) Tierney Shelton at an uncertified rate of \$19.58 per hour, beginning February 22, 2022. Motion to approve made by Linde; seconded by Bies; vote taken, all aye; motion carried.These two new hires will bring the department up to a full staff of eight; three of whom will be in training.

#### **M. Public Comment -**

1. Doris Mertz, Library Director, informed the Commission that the Library has received 900 free covid at-home test kits from Monument Health. The kits will be available at 1 per family member. Mertz requested that those individuals not feeling well not enter the library, but rather remain in their vehicle and staff would bring them out.

#### **N. ARPA**

1. Todd Fish spoke to the Commission regarding several current projects at an estimated cost of \$2 million. Hermosa has pending water projects that they would like to receive funding to facilitate; Southern Black Hills Rural Water is requesting funds; Custer County Housing/Sylvan Lake Project is requesting water line funding, as well. Funding for the Custer County Housing water project was previously approved through the grant and they requested that \$150K be deposited as per the approval. Motion to move \$150K in funds for that project made by Hartman; seconded by Bies; vote taken, all aye; motion carried.
2. Representatives for the SBH Rural Water addressed the Commission regarding plans to bring rural water to the Hermosa area. Kale McNaboe presented specifications and proposed costs for this project to the Commission. Discussion was held regarding the benefit to Hermosa proper to participate in the rural water project rather than owning their own water project. Commissioner Bies inquired about the feasibility of Hermosa blending well water with rural water and was informed that it can be done, however, it would entail extensive testing for the best result.

## O. West County Well Project

1. Trent Bruce, engineer for DGR Engineering, Sioux Falls, SD, joined the meeting via video conference to present an overview of potential scenarios for a well project in western Custer County. With potential grant funding to the County and matching grant funds from SD DANR, the well project could be either a potable well or a non-potable well. Mr. Bruce asked the commission to approve a proposal for DGR Engineering to perform preliminary engineering and hydrology work to present to the Commission in February 2022 of the well options and potential costs. Upon motion by Hartman and seconded by Hindle, the Commission approved the expenditure from contingency funds, up to \$9,000, for DGR Engineering to produce a preliminary engineering report considering options for the well project in western Custer County; vote taken, all aye, motion carried.

## P. Commission

1. Rob Hoelscher, Black Hills Hell Canyon District Ranger introduced himself to the Commission. He stated that part of his duties include taking care of Forest Service and southern county lands. He invited the Commission to contact him if any forestry issues should arise and he would be happy to help.
1. Mail call -
  - a) US Dept. of Interior invited Custer County to participate in the BLM environmental impact study regarding sage grouse. The Commission was informed that sage grouse do not inhabit Custer County.
  - b) Letter from Julie Frye-Mueller in opposition to the proposed 9.9 million dollar campground construction along the Wildlife Loop Road in Custer State Park. Commissioner Hindle requested Legal Counsel, Susan Anderson, to draft a letter to Frye-Mueller stating concerns regarding the current proposal. Chairman Lintz favored a letter opposing the campground. He stated that most people he has spoken with are not in favor; this would be in direct competition with private campgrounds in the area. There was considerable discussion regarding HB 1048, with Hartman indicating this would bring a large tax burden to Custer County with no reimbursement. Lea McWhorter requested amendments be included to add a bed tax for nightly lodging to reimburse services that would need to be provided by Custer County, for example, ambulance services and law enforcement services. Bies noted that if the funding does go through, this project may not necessarily be built in CSP, as other state sites are being considered for expansion as well. Motion made by Hindle for Anderson to draft letter of opposition; seconded by Hartman; vote taken, Bies abstained, remaining all aye; motion carried.
  - c) Letter from USDA re: forest plan; extended an open invitation for Commissioners to attend FS land management plan program.
  - d) Letter from BH Regional Multiple Use Coalition invitation and agenda of upcoming meeting to take place in Spearfish.
  - e) Notification of large scale mine permit/Simon Contractors for proposed expansion of current operation—Loring Limestone Quarry located approx. 4 miles southwest of Pringle, SD.
2. Meeting Schedule -Hindle attended workforce housing & nursing home closure meeting. Linde attended conservation board and garbage board meetings. Lintz attended the annual fair board meeting; Region 4 elk hunting meeting with

- landowners; he noted that GFP is working with local landowners on elk study.
3. Meeting Reports – February 19, 2022 conceal carry class for Custer County employees, with qualifying on February 26, 2022.

## Q. Old Business

### Ordinance No. 23

Anderson presented for the first reading the amended Ordinance No. 23 explaining that amendments to the current Ordinance No. 23 include a process for inviting applications for the limited cannabis establishment licenses available in Custer County. This process includes a notice of invitation for application, how the first, second, etc. applications will be picked to be heard by the Commission for action. A discussion followed; thereupon, on motion by Hindle and seconded by Linde, that the amendments to Ordinance No. 23 be approved and the first reading of Ordinance No. 23, as Amended be approved; vote taken, all aye; motion carried.

#### CUSTER COUNTY ORDINANCE NO. 23 (Amended as of January 26, 2022)

##### AN ORDINANCE CREATING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS WITHIN CUSTER COUNTY

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

#### 1. PURPOSE AND INTENT

The Board of County Commissioners of Custer County (the "County") enacts the following licensing ordinances in order to ensure that cannabis establishments within the unincorporated areas of the County operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

#### 2. DEFINITIONS

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

- Cannabis (or Marijuana):** all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.
- Cannabis Cultivation Facility:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.
- Cannabis Dispensary:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.
- Cannabis Establishment:** cannabis cultivation facility, a cannabis testing facility, a cannabis

product manufacturing facility, or a cannabis dispensary.

- (e) **Cannabis Product Manufacturing Facility:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.
- (f) **Cannabis Products:** any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures
- (g) **Cannabis Testing Facility:** in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.
- (h) **County Commission:** the Custer County Commission
- (i) **Department:** the South Dakota Department of Health

### 3. LICENSE REQUIRED

- (a) No cannabis establishment may be located or operate in the unincorporated area of the county without the appropriate valid and current cannabis establishment license issued by the County pursuant to this article. A violation of this provision is subject to the general penalty provision in Section 16 herein. Each day of the violation constitutes a separate offense.
- (b) No cannabis establishment may be located or operate in the unincorporated area of the County without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to the rules promulgated under SDCL 34-20G. A violation of this provision is subject to the general penalty provision of Section 16 herein. Each day of the violation constitutes a separate offense.
- (c) **Multiple Licenses:** A person or entity who intends to conduct activities which would meet the definition of multiple cannabis establishments must, prior to operating such cannabis establishments, obtain a license for each class of cannabis establishment. A person or entity may hold more than one class of license except when otherwise prohibited herein.
- (d) **License Location:** Each license shall authorize a single cannabis establishment to operate at a single location. Licenses of different classes may overlap except where otherwise prohibited herein.

### 4. LICENSE APPLICATION

- (a) An application for a cannabis establishment license must be made on a form provided by the County. No other application form will be considered. The application must be signed by the applicant.
- (b) The applicant must submit the following:
  1. Application fee of \$50,000.
  2. An application that will include, but is not limited to, the following:
    - I. The legal name of the prospective cannabis establishment;
    - II. The physical address of the prospective cannabis establishment that meets the location requirements in Section 7 herein, as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
    - III. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
    - IV. A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.
    - V. Any additional information requested by the County.

### 5. ISSUANCE OF LICENSE

- (a) **Action by the County:**
  1. The County will consider a completed application at the next available County Commission meeting following submittal, provided that such application must be submitted at least fifteen (15) days in advance of a County Commission meeting. Applications are generally processed on a first come, first serve basis except as further provided by this Ordinance.
  2. The County Commission may approve or deny an application in full or on condition. Such action of the County Commission must take place within thirty (30) days after the application's first presentation to the County Commission.
  3. If approved, the Chairman of the County Commission and a Deputy Auditor will endorse the application within five (5) days of the County Commission's approval. If the County Commission imposes any conditions, such conditions shall be listed on the license at the time of issuance. No approved application shall become effective, and no license shall be issued until the applicant provides to the Custer County Auditor's Office a copy of the applicant's certificate of registration from the state relating to the cannabis establishment for which the license was approved.

- (b) The County will issue a license unless:
1. The applicant has made a false statement on the application or submits false records or documentation; or
  2. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
  3. Any owner, principal officer, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction;
  4. The proposed location does not meet the applicable location requirements found in Section 7 herein and under SDCL 34-20G;
  5. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
  6. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
  7. Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the County or a registration certificate revoked by the state; or
  8. An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or
  9. The applicant will not be operating the business for which the license would be issued.
- (c) The County will state the basis for which the application is denied.
- (d) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.
- (e) Special Procedures for Capped Licenses:
1. For license classes where the County Commission has established a numerical cap, applications shall be accepted by the special procedures provided in this section.
  2. These special procedures shall apply whenever a license becomes available in a capped license class.
  3. When such availability occurs, the County shall publish an invitation for applications on the County's website and the official newspaper stating the deadline to apply, and the location applications may be submitted. No application for a capped license class will be accepted prior to publication of the invitation nor after the deadline established in the invitation.
  4. Applications submitted pursuant to an invitation must be submitted in writing and sealed to the Custer County Auditor's Office. An applicant may not supplement their application after the deadline has passed.
  5. Once the deadline has passed, the Commission Legal Counsel shall open the applications and review each application for completeness. Complete applications shall be forwarded to the County Commission.
  6. The County's Finance Officer shall determine by lottery the order in which the County Commission considers the applications.
  7. The merits of the applications will then be considered by the County Commission. The County Commission will approve or deny applications in the established order but may review all applications before deciding on any individual application. The County Commission will approve or deny the applications in order until all applications have been acted on or the numerical cap has been reached. If the numerical cap has been reached and there are still applications which have not been acted on, such undecided applications shall be deemed rejected.
  8. If no applications are received following an invitation for applications, or if the numerical cap is not reached pursuant to an invitation for applications, these special rules shall no longer apply and applications may be received, processed, and considered on a first come, first serve basis beginning at open of business the day following the County Commission meeting at which the last application was acted upon pursuant to the invitation for applications. Such applications must be delivered in writing to the Custer County Auditor's Office no earlier than the time specified above and applications received before such time are deemed rejected.
  9. If the numerical cap is then reached while using the first come, first serve system, and a license subsequently lapses making a license available, these special procedures shall apply to issuing the license.
- (f) Renewal Process:
1. A person or entity operating pursuant to a license must apply for renewal of such license at least forty-five (45) days but no more than ninety (90) days prior to the expiration of such license using the form provided by the County. Such application must include payment of the renewal application fee.
  2. The County Commission will consider renewal applications using the same factors and timelines applicable to new applications. In addition, the County Commission may consider in approving, denying, or conditionally approving a renewal application, any changed information from prior applications, concerns over actual operations or violations, nonpayment of obligations, or any other information reasonably related to the continued operation of the cannabis establishment.
  3. Preference may be granted to existing license holders based on a dispensary's community involvement, facility upkeep and investment, days and hours of operation, history of interactions with law enforcement.
  4. The renewal application must specify if any information has changed from its prior application.
  5. The renewal application must be accompanied by all payments relating to the renewal application as well as a copy of the licensee's state certification.
  6. The renewal application must re-confirm or prove all the requirements applicable to new applications remain met.
  7. An applicant is not entitled to renewal of their license and the license will only be renewed

by the County Commission after consideration of the facts and circumstances pertaining to each individual license. **An applicant does not have a protected property interest in a license issued by the County pursuant to this Ordinance No. 23.**

8. The annual renewal fee is \$50,000 for each license.

**6. LICENSE TO REMAIN ACTIVE**

Every license issued pursuant to this Ordinance No. 23 must remain in continuous, active use. A license that is not being actively used for a period of more than fourteen (14) consecutive days or twenty-eight (28) cumulative days per year may be deemed inactive by the County. Active use includes times where the licensee is open and available to conduct business, but such business cannot occur due to factors outside of the control of the licensee.

**7. TRANSFER OR MODIFICATION OF LICENSE**

- (a) No license shall be transferred or modified except with the approval of the County Commission.
- (b) Prior to any transfer of a license from a licensee to an unaffiliated person, people, or entity, the licensee and the proposed transferee must complete a transfer application. Such transfer application must include all information required for a new application as to the proposed transferee and pay a transfer application fee of \$ 50,000. The County Commission shall then approve, deny, or conditionally approve the proposed transfer using the same factors and timetables as apply to renewal applications. A transferred license is subject to all provisions and timelimes applicable to a new or renewed license.
- (c) Prior to any modification of ownership or management of a licensed cannabis establishment, the licensee must provide thirty (30) days' notice to the Custer County Auditor's Office in writing of the proposed changes.
- (d) Prior to any modification of location or layout of a licensed cannabis establishment, the licensee must provide thirty (30) days' notice to the Custer County Auditor's Office in writing of the proposed changes.
- (e) Transfers or modifications of a license shall not extend the term of any license so modified or transferred.
- (f) Transfers, modifications, and renewals occurring simultaneously for the same license require separate applications and payment of separate fees. However, the County Commission may waive one or more, but not all, of the fees and consider the matters as a joint application.

**8. COUNTY NEUTRALITY AS TO APPLICANTS**

Upon request from the Department as to the County's preference of applicants, the County will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the County will abstain from endorsing any application as beneficial to the community.

**9. LOCATIONS**

**(a) Cannabis Dispensary**

- 1. Dispensary shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the dispensary is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis dispensary establishment application. (34-20G-55)
  - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility
  - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library
  - iv. Shall not be located within 1,000 feet of a religious institution
  - v. Shall not be located within 1,000 feet of a residence.
  - vi. No future development will cause a dispensary to become nonconforming due to the establishment of a protected use within the distance prescribed herein.
- 2. Other location standards are as follows:
  - i. No cannabis dispensary shall share premises with or permit access directly from another cannabis establishment, business that sells alcohol or tobacco, or if allowed by law, other cannabis establishment. (44-90:04-14)
  - ii. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.
- 3. General Provisions and Performance Standards for Dispensaries are shown below:
  - i. No more than one (1) cannabis dispensaries shall be allowed to operate in the unincorporated area of the County at any time.
  - ii. No dispensary shall allow access entry to anyone under 21 years of age
  - iii. Access control methods shall be installed pursuant to state requirements
  - iv. Shall be located within a completely enclosed permanent structure. Mobile dispensaries are prohibited.
  - v. Drive-through dispensaries are prohibited.
  - vi. A cannabis dispensary may operate between the hours of 8 AM and 6 PM, Monday through Saturday. No cannabis dispensary may operate in the County on any federal or state holiday, or on days when County government offices are closed.
  - vii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
  - viii. Retail products, storage, sales, and display areas shall be kept out of the public view and shall not be visible from the exterior of the building.
  - ix. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no

graphic displays or video.

(b) Cannabis Cultivation Facility

1. Cannabis Cultivation Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the cultivation facility is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis cultivation establishment application. (34-20G-55)
  - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility
  - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library
  - iv. Shall not be located within 1,000 feet of a religious institution
  - v. Shall not be located within 1,000 feet of a residence.
  - vi. No future development will cause a cultivation facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.
2. General Provisions and Performance Standards for Cannabis Cultivation Facilities
  - i. No more than one (1) cannabis cultivation facilities shall be allowed to operate in the unincorporated area of the County at any time.
  - ii. All cultivation operations shall be within a completely enclosed permanent building.
  - iii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
  - iv. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
  - v. Security measures shall be installed as required by state regulations.
  - vi. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.
  - vii. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

(c) Cannabis Testing Facility

1. Cannabis Testing Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the testing facility is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis testing establishment application. (34-20G-55).
  - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility.
  - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library.
  - iv. Shall not be located within 1,000 feet of a religious institution.
  - v. Shall not be located within 1,000 feet of a residence.
  - vi. No future development will cause a testing facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.
2. General Provisions and Performance Standards for Cannabis Testing Facilities
  - i. No more than one (1) cannabis testing facilities shall be allowed to operate in the unincorporated area of the County at any time.
  - ii. All testing operations shall be within a completely enclosed permanent building.
  - iii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
  - iv. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
  - v. Security measures shall be installed as required by state regulations.
  - vi. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.
  - vii. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

d) Cannabis Product Manufacturing Facility

1. Cannabis Product Manufacturing Facility shall not be located within a prescribed distance from certain existing uses as measured from the lot line of the property where the manufacturing facility is proposed, to the lot line of the protected uses listed below:
  - i. Shall not be located within 1,000 feet of a public or private school existing before the date of the cannabis testing establishment application. (34-20G-55).
  - ii. Shall not be located within 1,000 feet from a nonresidential daycare facility.
  - iii. Shall not be located within 1,000 feet from a public park, public pool or public recreational facility or library.
  - iv. Shall not be located within 1,000 feet of a religious institution.
  - v. Shall not be located within 1,000 feet of a residence.
  - vi. No future development will cause a manufacturing facility to become nonconforming due to the establishment of a protected use within the distance prescribed herein.

## 2. General Provisions and Performance Standards for Cannabis Manufacturing Facilities

- i. No more than one (1) cannabis manufacturing facilities shall be allowed to operate in the unincorporated area of the County at any time.
- ii. All manufacturing operations shall be within a completely enclosed permanent building.
- iii. Shall provide for proper disposal of cannabis remnants and/or by-products and shall not place waste items in exterior refuse containers.
- iv. Shall provide for a ventilation and filtration system designed to ensure that odors from cultivation are not detectable beyond the property line. Ventilation and filtration systems shall meet the standards set forth by the State of South Dakota. All cultivation operations shall be within a completely enclosed permanent building or secured greenhouse facility.
- v. Security measures shall be installed as required by state regulations.
- vi. Perimeter of the property shall be fenced with minimum of a six (6) foot high solid fence and security access gates.
- vii. Extraction processes utilizing flammable liquefied gas shall not be located in any building containing Group A, E, I, or R occupancies as defined by the International Building Code.
- viii. Exit doors from extraction rooms shall swing in the direction of egress and be self-closing. Panic hardware shall be provided on door and where latching door hardware is provided panic hardware shall also be provided.
- ix. Extraction rooms, booths, or hoods, including ductwork where required for hazardous exhaust systems shall be protected by an approved automatic fire extinguishing system.
- x. Signage and advertising shall be limited to on premise signage only, no billboard advertising, pole signage is prohibited, and signage is limited to text only with no graphic displays or video.

## 10. SUSPENSION

- (a) A license may be suspended if the license holder or an employee or agent of the license holder:
  1. Violates or is otherwise not in compliance with any section of this article.
  2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.
  3. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.
- (b) A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.
- (c) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

## 11. REVOCATION

- (a) A license may be revoked if the license is suspended under Sections 10 and 12 herein and the cause for the suspension is not remedied.
- (b) A license may be revoked if the license is subject to suspension under Sections 10 and 12 herein because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.
- (c) A license is subject to revocation if a license holder or employee of a license holder:
  1. Gave false or misleading information in the material submitted during the application process;
  2. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
  3. Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;
  4. Repeated violations of Section 1 herein;
  5. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
  6. A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
  7. A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G; or
  8. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
  9. The license holder allows a public nuisance to continue after notice from the County.

## 12. SUSPENSION AND REVOCATION PROCESS

- (a) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the County's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.
- (b) If the license holder disputes the suspension or revocation, the license holder has ten (10)



days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the County Commission Chairperson, Auditor, and Sheriff.

- (c) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (d) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (e) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

### 13. APPEAL

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the Board of County Commissioners by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to Custer County Auditor's Office, Custer County Courthouse, 420 Mt. Rushmore Road, Custer, South Dakota, 57730. The appeal will be considered by the Board of County Commissioners at a regularly scheduled meeting within one month of the receipt of the appeal.

### 14. LIABILITY FOR VIOLATIONS

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

### 15. PENALTIES

Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.

### 16. LIABILITY AND INDEMNIFICATION

(a) By accepting a license issued pursuant to this Ordinance No. 23, the licensee, the licensee's employees and all principal officers and board members thereof, waive and release Custer County, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.

(b) By accepting a license issued pursuant to this Ordinance No. 23, each licensee agrees to indemnify, defend, and hold harmless Custer County, its officers, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the cannabis establishment that is subject of the license.

### 17. SEVERABILITY

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Ordinance No. 23 was originally adopted by the Custer County Board of County Commissioners on the 25<sup>th</sup> day of August, 2022.

Ordinance No. 23 was amended and adopted as amended by the Custer County Board of County Commissioners on the 26<sup>th</sup> day of January, 2022.

CUSTER COUNTY COMMISSION:

\_\_\_\_\_  
Jim Lintz, Chairman

ATTEST:

\_\_\_\_\_  
Barbara Cox, Deputy Auditor

Date Adopted as Amended: January 26, 2022

Published:

Effective:

**R. Executive Session-**

1. Motion by Linde to enter into Executive Session pursuant to SDCL 125.2(1) personnel; Seconded by Hindle; vote taken, all aye; motion carried. Executive Session entered into at 10:28 AM and concluded at 10:57 AM. No action taken out of Executive Session.

**S. Adjourn**

Motion by Linde and seconded by Hindle to adjourn the meeting at 11:00 AM. The next meeting will be at 8 a.m., February 9, 2022 in the Commissioner's Room in the Custer County Courthouse.

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Jim Lintz, Chairman

Attest: \_\_\_\_\_

Barbara Cox, Custer County Deputy Auditor

Published once at the total approximate cost of \_\_\_\_\_.