

**Minutes of the Custer County Commission Meeting Wednesday, February 7, 2024**

**Members present:**

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Busskohl, and Commission Legal Counsel Aaron Davis and Dawn McLaughlin, Finance Officer. Commissioner Hindle 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 to add initial approval of 20 Mile Road District under Finance Officer "M" item 2.
2. Amend to obtain Chairman's signature on document for name correction for Wittrock Road District under Finance Officer "M" item 3.
3. Amend to remove item "J" Grant Serna from agenda.

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

**C. Consent Agenda**

1. Approve Minutes of January 24, 2024 Commission Meeting
2. Approve Vouchers
3. Approve Monthly Reports

**CUSTER COUNTY DEB ACCOUNTING SHEET**

<b>COUNTY RECEIPTS</b>	
MARRIAGE LICENSE	101-02000-00-0000-0000
PROPERTY TAX	100-02000-00000-0-0000
SALES TAX	100-04000-00000-0-0000
Public Health's Charges	
<b>COUNTY TOTAL</b>	
Adjustments (Of Any)	
<b>GRAND TOTAL</b>	
<b>STATE FUNDING</b>	
State Pensions	
State Health Insurance	
State Unemployment	
State General Fund	
<b>GRAND TOTAL</b>	

DEBIT	AMOUNT	CREDIT	AMOUNT
STATE FUNDING	1,000,000.00	STATE FUNDING	1,000,000.00
PROPERTY TAX	1,000,000.00	PROPERTY TAX	1,000,000.00
SALES TAX	1,000,000.00	SALES TAX	1,000,000.00
GRAND TOTAL	3,000,000.00	GRAND TOTAL	3,000,000.00

4. Approve Travel Requests—Auditor's Office: Secretary of State Mock Election, 3 to attend at a cost of \$168 each; February 28, 29 in Pierre SD.

**COMMISSIONERS:** Valhalla Legal \$2,890; Mike Busskohl \$34.34.

**COURT:** Jerry Nelson \$13.06; Jess Doyle \$15.10; Julie Drussell \$52.04; Zoe Hayford \$12.04; Jonis Arritola \$40.60; Paula Arthur \$11.02; Thomas Birkholz \$70.40; Robert Blanchard \$12.04; Joel Broumley \$12.04; Faye Dorrance \$13.06; Thad Fitch \$70.40; Linnwood Garber \$52.04; Amber Geisner \$12.04; Jeffrey Haas \$77.54; Kyle Hanson \$61; Paige Hanson \$40.60; Dale Houstman \$14.08; Lynn Jackson \$53.06; Dakota Kelly \$43.66; Chance Lockett \$28.36; Michael

Marshall \$17.14; Duane Martinz \$11.02; Lucas Matsamas \$47.74; Carol Niemann \$54.08; Tari Jo Pankowski \$11.02; Lisa Pickford \$12.04; Steven Pierce \$77.54; Kelly Roberts \$45.70; Melanie Schnose \$91.82; Wayne Sorensen \$65.30; Emmett Tiden \$11.02; Tricia Uhlir \$37.54; Carola Woerth \$15.10; Terri Kester \$51.02.

**CORONER:** Clinical Lab of the Black Hills \$3,740.

**AUDITOR:** Tyler Technologies \$1,920.

**TREASURER:** Quill \$104.68.

**COURT APPOINTED ATTORNEY:** Garland Lee Goff \$748.30; Southern Hills Law \$836.99; Husted Law Office \$3,835.54.

**MAINTENANCE:** Black Hills Energy \$1,742.30; French Creek Supply \$90.23; Custer Ace Hardware \$52.96; City Of Custer \$269.90; McGas Propane \$1,205.25; Nelson's Oil & Gas \$649.11.

**DIRECTOR OF EQUALIZATION:** Quill \$138.88.

**REGISTER OF DEEDS:** Quill \$103.56.

**INFO TECHNOLOGY:** Golden West Technologies \$10,387.12.

**HERMOSA ARTS & HISTORY:** Hermosa Arts & History \$2,500.

**SHERIFF:** French Creek Supply 250.73; Rushmore Communications \$1,501.40; Sherry Weber \$60; Custer Ace Hardware \$91.93; Innovative Office Solutions \$134.16; Murray Auto Repair \$79.19; Southern Hills Family Medicine \$206; SD Dept of Rev. \$1.

**PRISONER CARE:** Pennington County Sheriff \$105; Ruth Airheart \$975; Ann Allen \$225; Hapsie Nutley \$225.

**MENTAL HEALTH CENTER:** New Trails Ministry \$600.

**AIRPORT:** Custer Do It Best \$40.68; Brenden Hendrickson \$4,315.50; Mead & Hunt 1,023.80

**PLANNING:** Quill \$124.98.

**COUNTY ROAD & BRIDGE:** Black Hills Energy \$71.65; Butler Machinery \$2,423.21; Floyd's Truck Center \$529.70; French Creek Supply \$1,180.56; Godfrey Brake \$166.81; Grimms Pump Service \$376.94; Mt Rushmore Telephone \$155.89; Pheasantland Industries \$2,986.84; SD DOT Div of Finance \$835.13; Kieffer Sanitation \$292.05; Servall Towel & Linen \$127.28; Custer Ace Hardware \$71.91; Golden West Telecommunications \$42.49. Runnings Supply \$39.98; Midway Service \$29,029; A&I Distributors \$311.45; Culligan Water \$6.50; Partson NAPA \$57.99; RDO Equipment \$106.91; Nelson's Oil & Gas \$856; Advanced Drug Testing \$183.60; Pacific Steel & Recycling \$420.05; Northern Truck Equipment \$8,400.

**EMERGENCY MANAGEMENT:** Rushmore Communications \$28,779.60; Ramkota Hotel \$327.

**24/7 SOBRIETY:** Redwood Toxicology Lab \$2,148.43.

**COUNTY BUILDINGS:** Custer Do It Best \$13.93; ADTECH \$1,755.11; Custer Ace Hardware \$162.49.

**EMERGENCY LINE:** Innovative Office Solutions \$19.76.

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

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

**E. Planning**

1. Planning Director, Terri Kester, presented Final Plat: Parcel #000843 TUGGLE TRACT, LOCATED IN THE SW ¼ SE ¼ OF SECTION 9, T3S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Kester stated this was presented before the Planning Commission on January 2, 2024 where they recommended Commission approval. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Final Plat: Parcel #001606 & #001608 LOTS 1, 2 AND 3 OF WINDSONG ESTATES LOCATED IN THE NE ¼ SE ¼ OF SECTION 8, AND THE NW ¼ SW ¼ OF SECTION 9, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA; applicant is Lila Streff. This is a proposed lot split into 3 lots of an aliquot parcel. The Planning Commission recommended approval at its December 5, 2023 meeting. Commissioner Busskohl stated the section line was improperly closed and this needs to be readdressed and corrected before moving forward. State's Attorney, Tracy Kelley, stated the section line closing was initially tabled; then readdressed before the Commission and voted down; then at a future hearing, the matter was brought back up, voted on and approved. However, procedurally, there should have been a "motion to reconsider" before the board. This motion should be made by a member who was on the favorable side of the original vote. If this was someone who voted against this originally, they would have to make the motion to reconsider to have this brought back before the board. Commissioner Busskohl stated the section line should be properly closed before approving the final plat. Motion to table until the February 21, 2024 Commission meeting made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. Kester will do further research into the process.

3. 2024 Agreement US Department of the Interior; US Geological Survey. Kester stated this is the annual agreement regarding the Ruby Creek, Laughing Water and French Creek. This could be the final year and Kester will meet with EMS Director Esser to determine if this should be carried forward. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

**F. Resolution 2024-05 A Resolution in Support of SB134**

1. Resolution 2024-05 A Resolution in Support of SB134 An Act to Make an Appropriation to Create the Healthy Forest Critical Infrastructure Relief and Grant Program. This was presented by Pennington County, urging western South Dakota to follow suit to develop healthy forests. Commissioners Linde and Busskohl stated that while they are in favor of supporting the timber industry, this Resolution would be awarding one recipient the majority of \$15 million dollars, while leaving out the smaller contractors. This funding consists of \$20 million dollars of surplus covid monies to aid in keeping the timber industry in business. No more than one contractor can receive 75% of the total proceeds; more or less to keep one major contractor in business. These distributions are grossly unfair. Commissioner Busskohl conferred with

Michael Baldwin, Custer County Conservation director, and noted this will not affect the conservation district. This Resolution has not been mentioned in any meetings Baldwin has participated in, thus being a red flag. No motion; no action taken.

**G. Sheriff**

1. Sheriff, Marty Mechaley requested Commission approval of new hire, Christopher Rhodenbaugh, who will begin employment February 6, 2024 as an uncertified Deputy at a rate of \$25.43/hour. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

**H. ARPA**

1. Jerry Styles, Town of Hermosa, to present ARPA funding update. Mr. Styles did not appear at today's meeting.

**I. Commission Legal Counsel**

1. Legal Counsel, Aaron Davis, presented first reading of Ordinance No. 23 (Amendment) Licensing Provisions for Cannabis Establishments in Custer County. Davis stated this Ordinance is in place and material changes are not being made. This amendment retains allowance of one cannabis dispensary within the unincorporated regions of Custer County; no cannabis cultivation facilities; testing facilities or product manufacturing facilities would be permitted within the unincorporated regions of Custer County. Custer County would still be abiding by state law, and noted this change is within the discretion of the county. These amendments and revisions are subject to approval of State's Attorney Kelly. Davis stated he has drafted some minor revisions to the Ordinance regarding building code, deadlines, etc. He stated the original Ordinance, plus amendment increasing original application fee would be included in the newly amended Ordinance. Kelley noted she has reviewed the changes and stated it meets her approval. Motion approve first reading made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

**J. Custer High School Fund Raiser**

1. Custer High School Choir fund raiser raffle approval request was received from Hannah Rehmeier. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. Discussion was held regarding necessity of Commission approval for raffles held within Custer County as not all organizations qualify.

**K. Heartland RV Park & Cabins**

1. Raffle/Bingo request was received from Alan Hanks, Heartland RV Park & Cabins, to host bingo on Tuesday nights from May—September 2024. The proceeds will be distributed to civic and non-profit organizations. Motion to approve request made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

**L. Finance Officer**

1. Finance Officer, Dawn McLaughlin, presented the 2024 SDPAA insurance renewal and requested approval and Chairman's signature. McLaughlin noted there is little change in the premium amount from 2023. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Initial paperwork and petition for the formation of 20 Mile Road District was presented for Commission approval. All initial requirements have been met; together with required \$400 fee paid. Motion to approve formation made by Busskohl; seconded by Linde; vote taken, all aye;

motion carried. Highway Superintendent, Jesse Doyle, noted that road districts are necessary, but affect other taxpayers' secondary road taxes once the districts are created.

3. McLaughlin presented request to correct spelling of Wittrock Road District, which was inadvertently created with a misspelling of "Whittrock". Motion to approve Chairman's signature made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

#### **M. Public Comment –**

1. LeaAnne McWhorter addressed the Commission and discussed HB1209, which consists of granting \$3 million to Custer for west dam; this has been assigned to committee, but not yet placed on the calendar for those interested in following. She also invited the public to attend fund-raising bingo program every other Thursday, at 6:30 PM at the Custer Beacon, hosted by Search and Rescue.

2. Gerald Mlinar had questions regarding Ag valuations; residential valuations, and how those were calculated. DOE Director, Leah Vissia, noted that there are standard formulas provided by the State of South Dakota used to calculate valuations. Vissia also stated that commercial valuations are calculated based on market value. Discussion was also held regarding depreciation on properties. Mlinar also readdressed the Box Canyon hill condition and inquired as to whether or not the local residents could additionally fund improvements to reduce risks; Doyle stated they could form an additional road district for that portion of roadway; but noted that removing a road off of the county system is not a simple process, but can be done.

3. Patrick Baumann, District 30 candidate, shared that Pennington County fair has restricted and eliminated firearms on the premises; Pennington County Commissioners are considering rescinding that decision as Pennington County is a second amendment county.

4. Greg Giese spoke regarding SB122 (now inactive) regarding CSP providing additional funding to Custer County for services rendered. Giese stated that perhaps a statewide version of the bill would progress if all counties were interested in applying this to other state parks. Commissioner Busskohl he is hoping to meet with SD GFP once the legislative session is over to discuss funding issues.

#### **N. Executive Session**

1. Executive Session as per SDCL 28-13.42 Indigent Request. Motion to enter into Executive Session made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. Entered into at 8:58 AM and concluded at 9:34 AM.

#### **O. Actions Taken Outside of Executive Session**

1. Motion to table until further review process can be made in Auditor's office made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

#### **P. Commission**

1. Mail call –

a. Letter from SD DPS Wildland Fire Division/request for Commission appointed designee contact information. Motion to approve Chairman Lintz as initial contact made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Meeting Schedule – Linde attended Planning Commission; Busskohl attended District 30 meeting; City Council, Planning Commission, Custer County Republicans. McWhorter noted the Republican meeting went very well and the guest speaker was very well-received. Hartman attended Housing and Planning meetings.

3. Meeting Reports – BH Council to be held in Kadoka; date TBD.

**Q. Adjourn**

Motion by Linde and seconded by Busskohl to adjourn the meeting at 9:36 AM; vote taken, all aye; motion carried. The next meeting will be at 8:00 AM, February 21, 2024 in the Commissioner's Room in the Custer County Courthouse.

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

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

Barbara Cox, Custer County Deputy Auditor

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