

Minutes of the Custer County Commission Meeting, Wednesday, January 22, 2025

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Buszkohl, Craig Hindle; Commission Legal Counsel Aaron Davis and Dawn McLaughlin, Finance Officer.

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

B. Adopting of the agenda

1. Amend Agenda to remove item "I" Custer Community Development Foundation.
2. Amend Agenda to add Executive Session as per Legal SDCL 1-25-2(3) under Item "S".

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

C. Consent Agenda

1. Approve Minutes of 12-30-24 and 1-8-25 Commission Meetings
2. Approve Monthly Reports
3. Approve Travel Requests—Weed & Pest; Mike Baldwin and Michael Sellevold to attend annual SD Weed & Pest Conference Feb. 19-21-2025 at a cost of \$1,124.
4. Approve Vouchers as follows:

PAYROLL: Commissioners \$5,698.42; Auditor \$12,171.49; Treasurer \$12,460.65; Info Systems & Tech \$3,426.87; States Attorney \$14,411.99; Courthouse Building \$9,030.34; Director of Equalization \$10,062.89; Register of Deeds \$5,400.94; Veterans Services \$1,806.77; Sheriff \$64,020.06; Coroner \$879.62; Nurse \$877.49; Library \$11,996.47; Conservation \$721.18; Weed & Pest \$3,094.58; Planning \$7,177.34; County Road & Bridge \$38,174.50; Emergency Management \$2,880.26; 24/7 Sobriety \$717.04; Emergency Line \$24,772.08.

COMMISSIONERS: CC Utilities \$163.99; Pitney Bowes \$200; Summit Signs \$98.

AUDITOR: CC Utilities \$333.45; Quill \$232.92.

TREASURER: CC Utilities \$334.29; CC Supplies \$173.19.

STATE'S ATTORNEY: CC Utilities \$214.58; CC Supplies \$264.38; Carol Johnson \$88.20; Culligan \$39.80.

MENTAL HEALTH: New Trails Ministry \$600.

MAINTENANCE: CC Utilities \$211.84; CC Supplies \$5,781.31; Black Hills Electric \$1,039.39; Black Hills Energy \$4,558.93; Butler Machinery \$139,442.31; Custer Ace Hardware \$132.67; McGas Propane \$1,113.93; Nelson's Oil & Gas \$1,247.06.

MUSEUM: Custer County Museum \$41,000.

SENIOR CENTER: Custer Senior Center \$8,000.

DIRECTOR OF EQUALIZATION: CC Utilities \$271.68; CC Supplies \$118.90; Splish Splash Car Wash \$28; Verizon \$31.90.

ELECTION: CC Expenses \$151.26.

REGISTER OF DEEDS: CC Utilities \$224.74.

VETERANS SERVICES: CC Utilities \$66.61.

HUMAN RESOURCES: CC Utilities \$137.37.

INFO TECHNOLOGY: Quill \$457.90.

CORONER: Monument Health \$500.

SHERIFF: CC Utilities \$712.66; CC Supplies \$1,298.12; CC Travel \$17.99; A&B Pure Water \$54.98; Battle Mt. Humane Society \$1,083; Children's Home \$600; Conner Kelley \$60.45; Great Western Tires \$749; LexisNexis \$202; Murray Auto \$553.43.

PRISONER CARE: Correct RX Pharmacy \$405.50; Pennington County Jail/transport \$22,576.08; Pennington County Sheriff's Office \$35.

AIRPORT: CC Supplies \$7,850.02.

LIBRARY: CC Utilities/ Material \$1,930.16.

EXTENSION: CC Utilities \$40.01; Repairs \$24.97.

WEED & PEST: CC Utilities \$182.23; CC Supplies \$380.64; Verizon \$31.90; Travel/Conference \$350.

PLANNING: CC Utilities \$199.94; CC Supplies \$150.94; Verizon \$15.95.

COUNTY ROAD & BRIDGE: CC Utilities \$220.10; CC Supplies \$1,300.20; A&B Welding \$496.91; Floyd's Truck Center \$603.28; French Creek Supply \$462.76; Golden West Technologies \$1,066.50; Golden West Telecommunications \$43.55; Grimms Pump Service \$374.37; Kieffer Sanitation \$329.76; Lumen-Century Link \$65.44; Mt Rushmore Telephone Company \$154.05; Nelson's Oil & Gas \$400.80; Pacific Steel & Recycling \$458.51; Partsona Napa \$9.60; Servall Towel & Linen \$179.38; South Dakota State Treasurer \$50.57; Town of Buffalo Gap \$105;

EMERGENCY MANAGEMENT: CC Utilities \$87.04; Black Hills Electric \$52.62; Splish Splash Car Wash \$15.

24/7 SOBRIETY: CC Supplies \$420.

EMERGENCY LINE: CC Utilities \$224.81; CC Supplies \$11.08; A&B Pure Water \$54.97; Black Hills Council of Local Government \$4,480.

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

D. Conflict of Interest Declarations – None.

E. Highway

1. Highway Superintendent, Jesse Doyle, requested approval on Resolution 2025-07--Bridge Reinspection Program Resolution for use with SDDOT Retainer Contracts. Doyle noted this is an annual authorization with ½ of inspectable bridges reviewed in 2025 and ½ in 2026. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Doyle requested acknowledgement of ROW Application for Special Permit; re: Vacation Races: half-marathon running event to be held September 13, 2025. This affects Ghost Canyon and Playhouse Roads. Vacation Races provides Certificate of Insurance to Custer County. The Commission so acknowledged.

3. Doyle provided copies of 2025 Equipment Replacement Proposal, as well as listing of 2024 gravel projects, including total and per mile cost. Of the 400 miles of gravel road in Custer County, 184 are Schedule A roads. Doyle said these Schedule A/USFS roads cost Custer County \$1,697,496 with very little remuneration from the USFS. He questioned why the federal government isn't paying more and noted the disparate cost-sharing. As a result, the Highway budget requires cash supplements annually. Doyle also stated there were 145 approach permits issued; 392 rural address signs were replaced and 121,270 tons gravel hauled. He shared concerns about future ability to obtain gravel as pits are limited and is seeking the Commission's help in this matter. Many other counties no longer own gravel pits, limiting gravel access. Doyle

noted that the USFS has donated gravel to the county, which helps with the cost. 46 miles of Custer County roads have been graveled in 2024.

F. Planning

1. Planning Director, Terri Kester, presented a variance request from Brian and Lisa Grasman; Parcel 015656. The variance is to construct a garage 10-feet from the property line. The request was approved by the Planning Commission 1-7-25. Motion to approve request made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

2. Kester also presented variance request from Anthony and Andrea Sterkel; Parcel 006177. The variance was requested due to foundation construction 10-feet from USFS border. Motion to approve request made by Hartman; seconded by Buszkohl with comments: "people need to watch where they are building rather than come in afterward for a variance"; vote taken, all aye; motion carried. Commissioner Linde suggested that imposing fines in these instances might be appropriate.

3. Kester presented Westwind road bond request--Parcel 015749, in the amount of \$62K. The applicant is seeking to construct 2 roads so that the property can be subdivided and lots can be sold. It was noted that the applicant is experienced, and the roads will meet specs. Legal Counsel, Aaron Davis, discussed limited liability language added to the bond. Motion to approve bond made by Buszkohl; seconded by Hartman; vote taken, all aye; motion carried.

4. Kester presented 2024 Planning Department statistics, noting there were 246 building permits issued; 82 approach permits issued and 90 wastewater permits issued. There were 24 plat applications, 2 section-line vacation and 11 variance requests. The Planning office also received 35 certified installer forms. Total number of permits for 2024 is 522, down slightly from previous years.

G. Emergency Management

1. EMS Director, Steve Esser, made a request for Chairman's signature on LEMPG Single-Signature form-1st Quarter 2025. This form is submitted quarterly and necessary for 50% reimbursement of Esser's wages. Motion to approve Chairman's signature made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried. Esser stated the Commission will receive copies of the overview of EMS quarterly reports.

2. Esser presented an update on Community Wildfire Protection Plan, noting that he has received a plan development proposal in the amount of \$49,897. Esser stated that \$25K from and BLM grant and \$25K from Title III monies will cover the cost.

H. Sheriff's Department

1. Sheriff Marty Mechaley presented 2025 Battle Mountain Humane Society contract

for approval. The monthly amount for services remains at \$1,083 (same as 2024). The contract requires signatures from the Chairman, Auditor and Sheriff. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Mechaley requested approval of new hire, Jeremy Schuelke, as full-time Deputy Sheriff at certified rate of pay at \$26.45/hour, with full benefits. Mechaley noted a starting date of 2-3-2025. Motion to approve made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried. Schuelke will commute from Rapid City until local housing can be obtained. Marty said his department still has one open position, although an offer was recently presented, and he is awaiting a response.

I. Legislative Audit 2022-2023

1. Bruce Hintz, Legislative Audit, spoke via telephone and updated the Commission on the 2022-2023 audit and provided closing letters. Hintz stated the audit is complete and findings will be available soon. The representation letter will need to be signed by the Chairman and Finance Officer and then be returned to him. Hintz stated there were no problems obtaining requested information from staff. A consistent \$20K carryover will be adjusted and Hintz will assist in closing out the 2024 final report and necessary transfers. He noted assigned fund and contingency fund transfer errors that had posted to incorrect GL accounts. Hintz stated the intent was correct, and confusion in these transfers is very common amongst counties. He also stated budget supplement postings need to be placed in the meeting minutes when completed. The annual report will need to be filed and published, noting 2024 may be late but will be correct. Hintz was pleased with the drastic improvements made over previous audits and encouraged the Commission to contact him with any questions they may have. Motion to approve signing the representation letter made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

J. Finance Officer

1. Finance Officer, Dawn McLaughlin, requested Commission approval for Custer County to cover the \$8/month employee MASA (ambulance/air ambulance) benefit for those employees who are eligible to receive benefits. Motion to approve made by Hindle; seconded by Buszkohl; vote taken—Hindle, Buszkohl, Hartman aye; Linde nay; motion carried. Employees may purchase family coverage at their own expense.

K. Public Comment

1. LeaAnne McWhorter stated she had received her tax statement and was pleased to see taxes due had dropped due to a decrease in the mill levy.

L. Veteran's Services

1. Todd Fish, VSO, presented VSO 4th Quarter Report. Fish stated there are 966 registered county veterans; 98 claims in progress comprised of 34 active claims and 51 intents to file. Custer County veterans received \$8.12M in disability claims in 2024 with a projected 2025 goal of \$8.4M. Fish went on to discuss monthly VFW meetings,

Veterans Memorial Committee and various holiday donations and programs, including the Silver Santa program that was well-received.

M. Wilderness Area/Wild & Scenic Rivers

1. Commissioner Mike Linde and W&P Supervisor, Michael Baldwin presented maps and a table showing proposed acreage acquisition and discussed drafting opposition to proposed Wilderness Areas on National Forest Lands. The USFS is seeking to obtain 6700 acres in Custer County, (with additional lands in other counties) to designate as Wilderness Areas. Discussion was held regarding government overreach in view-shed areas that would be affected, as well as projected increase in Search & Rescue expenses. Fall River County has drafted a Resolution in opposition that could be used as a template if Custer County decides to oppose.

N. 2025 Liquor License Fees

1. Commissioner Linde stated the current liquor license fees are too low compared to other counties and asked if a Resolution was needed to raise and update fees; it was noted that State's Attorney Kelley is working on the issue. Commissioner Buskohl stated he will check with her on the status.

O. Risty Benefits

1. Mike Emery, Risty Benefits, presented Colonial Life benefit options that he would like to make available to Custer County employees who qualify to receive benefits. Emery shared various products, including accident, critical illness, cancer, dental plans and life insurance. Emery stated that although many of these options are similar, it would not replace Aflac. Pre-existing conditions are waived and employees' spouses are guaranteed issue. All of the products offered are voluntary coverage and would be 100% paid by employees. Motion to offer Colonial Life products to employees made by Buskohl; seconded by Linde; vote taken, all aye; motion carried. Emery and his team will meet with employees throughout the next week.

P. Commission Legal Counsel

1. Aaron Davis, Legal Counsel presented Lease Agreement between Custer County and Khayyam Korp, LLC for approval and Chairman's signature. This agreement covers property owned by Custer County and is located between the 1881 Museum and 429 Mt. Rushmore Road. The \$1,000 annual lease fee covers a period of one year beginning January 1, 2025. Motion to approve and have Chairman sign made by Linde; seconded by Hindle; vote taken, all aye; motion carried. Davis stated he will obtain Lessee's signature.

2. Davis presented Resolution 2025-06—Resolution on Transparency of Use of Public Funds for approval and signature. This is a revised edition of a previously presented resolution. It was noted that all monthly bank statements were public

funds are deposited, spent or remain in account are to be provided. Motion to approve resolution made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

Q. Commission

1. Mail call – letter from DANR re: Air Quality general permit/grain elevator operations air quality; letter from USDA re: BBNF purchase of Lanny Lodes.
2. Meeting Schedule – McLaughlin noted SD Cars upgrade for the Treasurer’s office will take place 2-14-25 and no motor vehicle transactions can be done at that time; the program will go live 2-18-25. Fire Advisory Board meeting will take place 3-13-25 in the Annex Pine Room; convention in Pierre for Commissioners and newly elected officials 4-9 & 10, 2025.
3. Meeting Reports—Linde and Hindle attended Strategic Homeland Trust meeting; Busskohl attended Fire Advisory Board, Highway interviews, housing and Custer City Council; Hartman attended Sheriff’s office interviews; Lintz attended Fair Board and law enforcement meeting.

R. Executive Session

1. Motion to enter into Executive Sessions as per SDCL 1-25-21(1) Personnel; SDCL 1-25-2(3) Legal made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. Executive Sessions entered into at 9:37 AM and concluded at 10:34 AM. No action taken outside of Executive Session

S. Adjourn

Motion by Busskohl and seconded by Hindle to adjourn the meeting at 10:35 AM. The next meeting will be at 8:00 AM, February 5, 2025 in the Commissioner’s Room in the Custer County Courthouse.

Jim Lintz, Chairman

Attest: _____

Barbara Cox, Custer County Deputy Auditor

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