

Minutes of the Custer County Commission Meeting, Wednesday, March 5, 2025.

Members present:

Commissioners Jim Lintz, Mark Hartman, Mike Linde, Michael Busskohl, Craig Hindle and 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. Motion to approve Agenda made by Linde; seconded by Hindle; vote taken, all aye; motion carried.

C. Consent Agenda

1. Approve Minutes of February 19, 2025 Commission meeting.
2. Vouchers approved as follows:

PAYROLL: 2-25-25 Payroll: Commissioners \$5,677.51; Auditor \$13,014.61; Treasurer \$13,310.73; Info Systems & Tech \$3,426.87; States Attorney \$14,855.69; Courthouse Building \$9,697.78; Director of Equalization \$8,037.72; Register of Deeds \$5,589.41; Veterans Service \$2,164.35; Human Resources \$1,583.91; Sheriff \$57,333.16; Coroner \$2,882.13; Nurse \$844.76; Library \$11,474.32; Conservation \$778.56; Weed & Pest Control \$3,340.78; Planning \$8,098.82; County Road & Bridge \$44,378.80; Emergency Management \$2,880.25; 24/7 Sobriety \$1,007.94; Emergency Line \$20,014.72.

3-10-25 Payroll: Commissioners \$5,677.58; Auditor \$11,697.80; Treasurer \$12,090.88; Info Systems & Tech \$3,426.87; State's Attorney \$13,965.41; Courthouse Building \$8,435.04; Director of Equalization \$7,879.52; Register of Deeds \$5,212.47; Veterans Services \$1,467.99; Human Resources \$1,644.69; Sheriff \$50,218.49; Coroner \$879.63; Nurse \$405.07; Library \$10,298.69; Conservation \$694.69; Weed & Pest Control \$2,893.09; Planning \$7,329.64; County Road & Bridge \$35,424.67; Emergency Management \$2,880.26; 24/7 Sobriety \$613.72; Emergency Line \$16,417.68

COMMISSIONERS: Laughing Water Restaurant; Employee Christmas Party \$2,184.75; Pitney Bowes Postage \$1,517.25; Southern Hills Publishing \$505.79; State of SD Legislative Audit \$7,237; Valhalla Legal \$2,540-Commission Legal Counsel

COURT: William Moss, Pys.D, LLC \$2,275.00

AUDITOR: Sanders Ranch \$1,018 property tax refund.

TREASURER: Intellectual Technology, Inc. \$131.33; SD State Treasurer \$342.45

COURT-APPOINTED ATTORNEY: Southern Hills Law \$2,061.76;

MAINTENANCE: Black Hills Chemical -\$118.05; BHEC \$1,017.80; BH Energy \$2,209.27; City of Custer \$209.90; Ace Hdwe \$172.39

4-H/EXTENSION: SDSU Extension \$10,861.92

INFO TECHNOLOGY: Golden West Technologies \$17,114.72; Quill \$391.01

SHERIFF: Ace Hdwe \$153.84; Pheasantland Industries \$78.59; Southern Hills Publishing \$36.05; Southern Hills Tactical \$75

PRISONER CARE: Correct RX \$220.62; Meade County Auditor \$285; Pennington County Jail \$29,525;

MENTAL HEALTH: West River Mental Health \$1,400;

AIRPORT: Brenden Hendrickson \$4,558.33; French Creek Supply \$92.99; McDaniel \$1,289.77; Rocky Mountain Propane \$766.50;

SEARCH & RESCUE: Rushmore Communications \$4,055.12

COUNTY ROAD & BRIDGE: A&B Welding \$288.47; BH Energy \$91.64; Butler Machinery \$624.49; CBH Cooperative \$6,033.95; Ace Hdwe \$153.84; Fastenal \$43.60; French Creek Supply \$1,516.26; Great Western Tire, Inc. \$3,460.40; Grimms Pump Service, Inc. \$1,536.87; Interstate Battery \$837.70; Nelson's Oil & Gas \$1,590.85; North Central International \$936.73; Parts One NAPA \$27.99; Pressure Services, Inc. \$10,890; SD DOT Division of Finance \$1,050.99; Servall \$89.69;

24/7 SOBRIETY: SD Attorney General \$3,223.00 quarterly distribution

COUNTY BUILDINGS: Ad-Tech Rapid Fire Protection \$902.70; Hagen Glass \$666.29;

EMERGENCY LINE: Range \$26.29;

Motion to approve Consent Agenda 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, informed the Commission that DOT has awarded Custer County \$908K toward the Buffalo Gap bridge replacement. The project engineer has estimated the cost to be \$1.134 million. Doyle stated there will be more DOT paperwork to come and this is good news for Custer County.

2. Doyle requested Commission authorization to advertise for gravel bids. This would be for supply and is in the budget. Doyle would advertise 3-19 and 3-26, 2025 for 4-2-25 bid opening. Motion to table until the end of today's meeting made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

F. Planning

1. Planning Director, Terri Kester, made request for approval of Final Plat: LOTS 4 THRU 9 11, 12, and R RANCH TRACT 6B, ALL OF WESTWIND PINES SUBDIVISION, LOCATED IN THEN ½ S ½ OF SECTION 33, T6S, R5E, BHM, CUSTER COUNTY, SOUTH DAKOTA; Parcel 015749 Westwind Corporation. This is a proposed 14-parcel subdivision with various access points and the Planning Commission recommended approval at its 1-7-25 meeting. This approval was contingent on providing a road bond (provided) or having roads completed. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

2. A short discussion regarding review of Ordinance 2 was held; it was noted the County Commission is reviewing and working toward completing the revisions.

G. Search & Rescue

1. Sam Smolnisky, S&R, made request for Commission approval of purchase of 2023 Ford Transit van to be used for mobile command center at a cost of \$48,400. Smolnisky stated the need for the unit, noting the communication challenges in remote locations. Smolnisky was able to locate a van in Washington state that meets desired specs for well under the state bid pricing of \$62K--\$65K. The van would be equipped with radios, satellite internet, phone boosters, etc. and will have the ability to effectively communicate with dispatchers. This will allow for mapping & spatial awareness in wilderness areas. The van will also be useful to REMS teams. Search & Rescue is currently using an equipment trailer for emergency responses but is a more cumbersome alternative to using a mobile command center. The purchase price will be taken from the S&R budget until the end of the year, when it will be supplemented with assigned funds that are remaining (using partially assigned funds at this time). Motion to approve purchase of 2023 Ford Transit van made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

H. Emergency Management

1. EMS Director, Steve Esser, made request for Chairman's signature on Community Wildfire Protection Plan contract with Bintel Company. He stated Tracy Kelley has reviewed the contract. The current CWPP was put into place in 2006 and has not been

updated since that time. This is an avenue for receiving federal funds for fuel reductions, etc. and the plan needs to be updated. Funding for the plan is available in the EMS budget and Title III monies and BLM grant (\$25K). Motion to approve Chairman's signature made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

I. Equalization

1. Scott Storms, DOE Director, presented abatement request for Commission approval re: Elizabeth Studt in the amount of \$1,105.32, Parcel #014069 assessment freeze. Storms stated this was approved by the Treasurer's office last year, but DOE sent a denial in error. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

J. Library

1. Library Director, Sarah Myers, presented her 2024 Annual Report, that will be sent to the State of SD Library, as well. Myers said there were 33,638 library visits in 2024, which is a 4% increase over 2023. There are currently 5,231 library cards in Custer County; 25 volunteers have worked 936 hours; there is a downtrend in audio books, as electronic versions are becoming more popular; Libby circulation accounts for 50%, physical books 50%. Sarah discussed the "1,000 Books Before Kindergarten" program, which aims for literacy and school readiness. The report contained other stats and information, as well. Myers thanked the Commission and members of the public for their support.

K. Custer Chamber

1. Dawn Murray, Custer Chamber, presented request for Commission permission to use Custer County property July 17-20, 2025 for Gold Discovery Days. Motion to approve made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

2. Murray also requested Commission permission to use Search & Rescue property Jun 13-14, 2025 for annual off-road rally. Motion to approve request made by Linde; seconded by Busskohl; vote taken, all aye; motion carried. It was noted that the Chamber carries insurance for these events.

L. Raffle Requests

1. Raffle request from WEAVE was received; to be held March 25, 2025 through May 30, 2025. Proceeds to be used for victims of abuse and violence. Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

2. Raffle request from Friends of Fairburn VFD was received; 4-9-25 through 4-8-2026 Ace of Hearts; progressive 50/50 raffle. Proceeds to be used for fire department needs and community support. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

M. Liquor Licenses

1. Resolution 2022-13 (Amended); a Resolution Establishing Fees to be Charged for Full-Service Restaurant On-Sale Alcoholic Beverage Licenses Within Custer County was presented. Commissioner Busckohl has been working with State's Attorney Kelley to update and amend to follow state law and keep current. Kelley updated to reflect "Custer County Restaurant License fee to be at least \$1.00 for each person residing within the County, but outside the boundary of any municipality as measured by the last preceding decennial federal census", which shows a population within the County to be 5,376. The Resolution also addresses the initial license fee to be \$5,500 or the same fee charged in the nearest municipality with a like license, whichever is greater and renewal fee to be the same charged for a like license in the nearest municipality. It was noted the corresponding Ordinance 26 requires no changes. Motion to approve Amended Resolution 2022-13 for first reading made by Busckohl; seconded by Linde; vote taken, all aye; motion carried.

2. Resolution 2025-10; a Resolution Establishing Fees for Certain Alcoholic Beverage Licenses Within Custer County was presented, together with Resolution 2025-11; a Resolution Establishing the Number of On-Sale and Off-Sale Alcoholic Beverage Licenses Within Custer County. These pertain to on/off sale fees, as well as number of on-off sale licenses. Deputy Auditor, Michelle Zerfas, compiled a packet of information that compares liquor license fees for surrounding municipalities. Some of the municipalities own licenses that are then leased. Tracy Kelley stated the restaurant license fees are set for 10 years and those cannot be changed at this time. With additional research necessary, it was decided to further discuss at the March 19, 2025 meeting.

N. Human Resources

1. HR Director, Amber Maidens, requested permission to add Assistant Deputy Clerk position. This newly-created position will report to the Auditor's office, but employee will cross-train and rotate between various offices when needed. This position will be included in the Auditor's budget, (not currently budgeted for). This will be a 40-hour per week, fully-benefitted position with a starting wage of \$17/hour. The position will be advertised and interviews will be conducted with several department heads in attendance. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Maidens requested Commission approval of Marc Moore to be appointed as Safety Officer. Moore has experience in this field will be a good fit for the position. The \$3K annual wage will be paid from the EMS budget. Motion to approve made by Linde; seconded by Busckohl; vote taken, all aye; motion carried.

O. Airport

1. Commission Legal Counsel, Aaron Davis, presented General Warranty Easement

Deed granting the United States of America a 66' right of way easement across Tract Price of HES 469, containing 0.19 acres, more or less. Custer County retains all rights to the easement and is not transferring ownership. Davis recommended Commission approval and Chairman's signature. Motion to approve Chairman's signature made by Hartman; seconded by Hindle; vote taken, all aye; motion carried. Commissioner Hindle stated he has been in contact with Meagan Buehler, USFS and Custer County's land purchase from the USFS is close to completion.

P. Public Comment –

1. Christine Wells, Buffalo Gap, shared concerns regarding potential truck route that affects residential areas of Buffalo Gap and is curious how this will impact grasslands, as well. Jesse Doyle stated he will assist with signage along the route, and can control Custer County trucks; not others who use the route. This remains up to the Buffalo Gap Town Board to enforce.

2. George Dew, Ghost Canyon Road, shared concerns regarding Custer County's de-limber; noting this is not the right piece of equipment for the job. Dew stated trees have been destroyed and limbs have fallen all over properties during this unnecessary trimming, with little to no cleanup. Dew has spoken with Jesse Doyle and Commissioner Busskohl regarding the issue. Dew stated he takes care of his property and would appreciate it if the County would stay off his property. Busskohl has discussed this with the Commission and has driven the route and noted the brusher should not be used. Mr. Dew implored the Commission to not allow further destruction.

3. Lea Anne McWhorter gave legislative updates re: HB1237 (West Dam), noting this received a favorable reception before the Joint Appropriations Committee. This was tabled and urged the public to voice support in hopes that this will be brought back. Phase II of the West Dam project was awarded to Moss Rock. SB191 (Property Tax Rollback) will be brought before the House State Affairs today; the Coroner Bill was signed Monday, resulting in tax-dollar savings to counties; Bill 6010 setting a task force to manage the Black Hills received much opposition in its overreach of managing tourism, retailers, etc. and was sent to 41st day.

Q. Old Business

1. The Commission reviewed denied Abatement request and timeline for Dave & Londa Dietz; Parcels 11159; 11160; 11161. These parcels were originally appealed in 2023, and the Dietzes stated they were told by a former DOE employee that combining parcels will help lower taxes on the property. Dietz stated he was not given guidelines with firm dates for completion, and therefore missed the November 1st deadline (set by the state, not county) for tax purposes. Dietz asked the Commission to honor the former employee's statements, although there is no documentation supporting this. Dietz stated he was unaware of all the necessary deadlines and thought he had done what was necessary. Planning Director Kester provided the Commission with a timeline of when Dietz began and completed the process, and completion was after the

November 1st deadline. The Planning Commission approved the lot consolidations at its November 7, 2023 meeting; the Board of Commissioners approved it on December 6, 2023 (both dates after deadline). It was noted that this process actually moved very quickly and should have been started earlier, when first recommended. The Commission noted that since there is no documentation or notes to back up statements, no abatement can be considered. Dietz reiterated the need for timelines to be handed out and better clarification of definition of “done” when taxpayers begin this process.

R. Commission Legal Counsel

1. Aaron Davis presented Draft Resolution 2025-12 regarding proposed Wilderness Inventory. Davis has reviewed a copy of Fall River County’s Resolution regarding the same opposition as a guideline; however, Davis simplified for Custer County. Davis noted this first draft is open for discussion. Commissioner Buszkohl would like to add “Black Hills Region” to the draft; Linde would like it to specify no additional “Wild and Scenic Rivers” in Custer County. Davis stated the deadline has been extended and will make further revisions and present final copy to the Commission.

S. Commission

1. Mail call –letter from USDA Natural Resources Conservation Service; letter from Oglala Lakota County Commissioners; letter from Black Hills Works Foundation. Chairman Lintz noted the name change for Squaw Creek Road was presented in previous years and at that time, landowners voted in favor of leaving the name as is. Hindle stated the need to get a consensus from current landowners and possibly having Commissioner Yellow Bull, Oglala County, come speak before the Commission. Letters will be sent to current landowners explaining the request for name change.
2. Meeting Schedule – FAB will meet 3-13-25 at 6:00 PM in the Pine Room/Annex. SDACC Spring Workshop will be held 4-9 and 4-10-25 in Pierre with Lintz, Linde, Buszkohl, Hindle and McLaughlin attending.
3. Meeting Reports – Linde attended YMCA, Historical Society; Buszkohl attended Custer City Council and Planning; Hartman attended Planning.
4. Motion to untable earlier gravel bid discussion made by Buszkohl; seconded by Linde; vote taken, all aye; motion carried. Motion to authorize advertising for gravel bids made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried. It was decided to keep the Commission meeting schedule as is and open bids at the April 2, 2025 meeting.

T. Executive Session

1. Motion to enter Executive Session as per SDCL 1-25-21(1) Personnel made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried. Executive Session entered into at 9:31 AM and concluded at 10:13 AM. No action taken outside of Executive Session.

U. Adjourn

1. Motion by Buskohl and seconded by Hindle to adjourn the meeting at 10:14 AM. The next meeting will be at 8:00 AM, March 19, 2025 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 _____.