

## **Minutes of the Custer County Commission Meeting, Wednesday, April 2, 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 Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

### **C. Consent Agenda**

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

**PAYROLL:** Commissioners \$7,312.53; Auditor \$13,804.46; Treasurer \$13,356.45; Info Systems & Tech \$3,426.88; States Attorney \$14,855.70; Courthouse Building \$9,380.35; Director of Equalization \$10,720.91; Register of Deeds \$5,589.43; Veterans Services \$2,089.08; Human Resources \$1,591.64; Sheriff \$59,912.77; Coroner \$879.62; Nurse \$810.43; Library \$11,538.36; Conservation \$816.46; Weed & Pest \$3,729.75; Planning \$7,537.54; County Road & Bridge \$44,941.69; Emergency Management 2,880.25; 24/7 Sobriety \$436.98; Emergency Line F \$23,245.09.

**COMMISSIONERS:** Pitney Bowes \$99.75; Southern Hills Publishing \$179.93.

**COURT:** Carol Niemann \$55.36; Jeffrey Haas \$86.18; Terri Kester \$51.34; Linnwood Garber \$52.68; Lynn Jackson \$54.02; Sarah Pfefferle \$246.40; Steven Pierce \$86.18; Thad Fitch \$76.80.

**BEHAVIOR MANAGEMENT:** West River Mental Health \$1,400.

**COURT APPOINTED ATTORNEY:** Colbath and Sperlich \$1,985.87.

**PRISONER CARE:** Correct RX Pharmacy \$277.20.

**AUDITOR:** SDACES \$15; Southern Hills Publishing \$863.05.

**SD AUDITOR TRUST:** Wine and Malt Bev Renewal \$1,650.

**TREASURER:** Intellectual Technology \$131.33; SDACES \$15; Southern Hills Publishing \$500.

**STATE'S ATTORNEY:** Michael Podhradsky \$75.30.

**MAINTENANCE:** A-Z Shredding \$85.80; Black Hills Chemical \$82.23; Black Hills Coop \$1,125.60; Black Hills Energy \$1,641.82; City of Custer \$269.90; Custer Ace Hardware \$81.94.

**REGISTER OF DEEDS:** SDACES \$15.

**HUMAN RESOURCES:** Southern Hills Publishing \$25.60.

**INFO TECHNOLOGY:** Golden West Technologies \$3,779.54.

**SHERIFF:** A-Z Shredding \$20; Custer Ace Hardware \$138.24; Division of Motor Vehicles \$3.00; Justice Fire & Safety \$365; Kiesler Police Supply \$1,883.72; LexisNexis \$201; Sonnel Technologies \$12,572.06; SD Sheriff's Association \$160.65; Southern Hills Publishing \$37.80; Summit Fire Protection \$156.10.

**TITLE III FUNDS:** Battle Creek Fire Structural Fire Boots \$9,232.85.

**PRISONER CARE:** Pennington County Jail \$159.88.

**AIRPORT:** Brenden Hendrickson \$4,458.33; Summit Fire Protection \$495.55.

**COUNTY ROAD & BRIDGE:** A&B Welding \$812.35; Black Hills Coop \$1,812.71; Black Hills Energy \$72.01; Black Hills Truck & Trailer \$6,978.31; Butler Machinery \$659.21; Culligan Water \$6.95; Custer Ace Hardware \$36.98; Floyd's Truck Center \$49.49; Forward Distributing \$154.65; French Creek Supply \$1,423.65; Great Western Tire \$11,655; Grimms Pump Service \$281.57; North Central International \$7,662.93; Servall Towel and Linen \$97.58; Southern Hills Publishing \$33.14.

**EMERGENCY MANAGEMENT:** Black Hills Coop \$51.58.

**COUNTY BUILDINGS:** Custer Ace Hardware \$187.96; Summit Fire Protection \$1,585.75.

Motion to approve made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

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

## **E. Search & Rescue**

1. Sam Smolnisky requested Commission acknowledgement of CCSAR Medical Director, Dr. Brett Shaffer. Smolnisky noted the importance of having a knowledgeable Medical Director available to S&R teams while performing their duties. This allows for a better chain of command when medical decisions are being made while rendering first aid. Dr. Shaffer is an ER Dr. in Rapid City and this will be the first time having a Medical Director available to CCSAR. The Commission liked this positive approach and Legal Counsel, Aaron Davis, will review the agreement presented. The Commission so acknowledged.

## **F. Planning**

1. Planning Director, Terri Kester, presented Final Plat re: LOTS 1 THRU 14 OF 4-MILE SUBDIVISION, LOCATED IN THE W ½ OF SECTION 5, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA re: Parcels 5831, 5832, 5833, 5834 & 5835 Mary Krogman for Commission approval. This is a 15-parcel subdivision that was presented before the Planning Commission on 8-6-2024. Kester noted the various access points and stated the road is completed. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Kester presented Final Plat re: BIG SKY RANCH TRACT AND BIG SKY LAKE TRACT, LOCATED IN SECTIONS 24 AND 25, T4S, R3E, AND IN SECTION 19, T4S, R4E, CUSTER COUNTY, SOUTH DAKOTA. Parcel 001577 Makota Ranches, LLC. for Commission approval. This property has a 20' private easement and the wastewater system has been approved. The Planning Commission recommended approval at its 1-7-2025 meeting. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

3. Final Plat re: LOTS 1 THRU 4 OF WIND CAVE ESTATES SUBDIVISION AND DIDOMENICO TRACT REVISED, LOCATED IN THE S ½ OF SECTION 36, T6S, R5E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Parcel 015698 Robert Didomenico was presented for approval. This was presented to the Planning Commission on 3-4-2025, where approval was recommended. It was noted the road is finished. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

4. Kester presented Final Plat re: BIRKHOLZ TRACT, BLOCK 12, CUSTER HIGHLANDS SUBDIVISION, LOCATED IN THE SW ¼ SE ¼ OF SECTION 10 AND THE NW ¼ NE ¼ OF SECTION 15, T4S, R1E, BHM, CUSTER COUNTY, SOUTH DAKOTA re: Parcels 007541, 007542 & 007543 Edward Luan & Jill Birkholz for approval. This is a lot consolidation and was presented to the Planning Commission on 3-4-2025, where approval was recommended. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

5. Kester shared information regarding the upcoming annual Easter Egg Hunt that will take place Friday, 4-11-2025 from 4:00 – 6:00 PM in Custer.

## **G. Liquor License Renewals**

Finance Officer, Dawn McLaughlin, presented the following retail on-off sale Malt Beverage and SD Farm Wine licenses for renewal:

1. Sanctus V LLC dba Ft. Welikit Family Campground, renew retail on-off sale Malt Beverage and SD Farm Wine. Motion to approve made by Busckohl; seconded by Hindle; vote taken, all aye; motion carried.
2. LT Campground LLC dba Custer/Mt. Rushmore KOA, renew retail on-off sale Malt Beverage and SD Farm Wine. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.
3. Regency CSP Ventures Limited Partnership dba Blue Bell Lodge, renew retail on-off sale Malt Beverage and SD Farm Wine. Motion to approve made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.
4. Regency CSP Ventures Limited Partnership dba Legion Lake Lodge, renew retail on-off sale Malt Beverage and SD Farm Wine. Motion to approve made by Busckohl; seconded by Linde; vote taken, all aye; motion carried.
5. Regency CSP Ventures Limited Partnership dba Sylvan Lake Lodge, renew retail on-off sale Malt Beverage and SD Farm Wine. Motion to approve made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.
6. Custer County Fair Association, renew retail on-off sale Malt Beverage and SD Farm Wine. Motion to approve made by Busckohl; seconded by Hindle; vote taken, all aye; motion carried.
7. American Legion dba Battle Creek Post #303, renew on-off sale Malt Beverage and SD Farm Wine. Motion to approve made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

## **H. Highway**

1. Highway Superintendent, Jesse Doyle, presented request for authorization to purchase Bobcat mini-excavator (Bobcat E60), packer and breaker; Sourcewell Contract #020223-CEC. This purchase was previously discussed at the beginning of 2025 and the funds are available in the budget. The total cost for all 3 items from Bobcat is \$104,446, which is significantly less than purchasing separately from other dealers (John Deere, etc). This will be a suitable replacement for the backhoe, which will be surplussed. Motion to approve purchase made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.
2. Doyle presented ROW Occupancy Request from Golden West for buried fiber optic facility for service at 12777 Beaver Crk. Rd, S15, T5S, R5E for approval. Motion to approve made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

## **I. 8:30 AM Bid Opening**

1. Bid Opening re: ¾" surface gravel. Highway Superintendent, Jesse Doyle, received 2 bids; one from Simon and the other from Black Hills Gravel. Doyle noted both were received in the proper timeline. Doyle opened both bids and read as follows:

Simon \$11.15/ton; meets ¾" specs and also included 1" gravel base at \$9.25/ton, which does not meet specs; Black Hills Gravel \$9.50/ton; meets ¾" specs. Motion to table until the end of today's meeting to allow for further review made by Hindle; seconded by Busckohl; vote taken, all aye; motion carried.

## **J. Library**

1. Library Director, Sarah Myers, presented updated 2025 volunteer rosters for both Custer and Hermosa branches and requested Commission acknowledgement. The Commission so acknowledged.

2. Myers discussed the installation of food pantry shelf located in the library, in partnership with the Storehouse. Myers stated this will be on a small scale and is designed to help bring about food security in the community; showing that the library is more than books. The Storehouse will be responsible for stocking the pantry; no food donations will be accepted at the library, however, monetary donations will be accepted and passed along to the Storehouse.

## **K. Emergency Management**

1. EMS Director, Steve Esser, discussed SD OEM LEMPG program reimbursements, noting funding for reimbursements will be decreased this year. Esser's wages are normally reimbursed at a 50% rate, but stated this will be \$12K less in 2025. Esser also shared he has applied for a Homeland Security Fire Suppression grant, but this is now tabled and meetings on the subject postponed.

2. Esser stated a warning and notification exercise with Pennington, Meade and Fall River counties took place on March 26, 2025. Esser stated that 3 of the 5 sirens are in working order, including the Boot Hill siren.

3. Esser updated the Commission on the Search & Rescue generator and BRIC Grant reimbursement project. He stated the project is complete and the generator will allow for a back-up dispatch center, if needed. He is awaiting the \$13,262.27 reimbursement toward the total cost of the project (\$17,297). The expense was covered by the 2024 budget.

4. Black Hills Corporation will be holding a meeting regarding public safety emergency shutdown planning on May 2, 2025 at 9:00 AM at the BH Energy building. Esser noted he would like at least one Commissioner to attend.

## **L. Equalization**

1. DOE Director, Scott Storms, presented abatement request 2025-9A; Parcel 014537 re: Weldon Lasseter in the amount of \$294.30 for Commission approval. Storms found an incorrectly sized vacated alley and noted there is no information available from Buffalo Gap at this time. The new Buffalo Gap Board will have records recreated in the future. Motion to approve made by Hartman; seconded by Busckohl; vote taken, all aye; motion carried.

2. Storms requested Commission approval of Refund 2025-9R; Parcel 014537 re: Weldon Lasseter in the amount of \$36.11, which represents a 24-day pro-rated amount for 2024. Motion to approve made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

**M. Resolution 2025-10-A Resolution Establishing Fees for Certain Alcoholic Beverage Licenses Within Custer County**

1. The first reading of Resolution 2025-10 was done by Commissioner Buszkohl. The Resolution states initial application fee for retail on-sale liquor license will be \$15K, with renewal fee of \$500. The initial application fee for off-sale liquor license will be \$15K, with renewal fee of \$500. Resolution 2025-10 hereby nullifies Resolution 2021-5. Motion to approve first reading made by Buszkohl; seconded by Hartman; vote taken, all aye; motion carried.

**N. Airport**

1. A Draft of Quit Claim Deed re: conveyance of 63.25 acres of National Forest System land to Custer County was presented for approval. It was noted that an address needs to be added after the Grantee information. Motion to approve Quit Claim Deed made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

**O. Public Comment –**

1. Susan Crabtree, resident of Squaw Creek Road, shared concerns with the Commission regarding road name-change request from the Oglala Commission. She presented a petition signed by residents of Squaw Creek Road in opposition to the request. She stated this would be a great inconvenience and expense, as changing her address would affect her online business. She said it was important to not follow the national trend of being politically correct and re-writing history.

2. Richard Crabtree, Squaw Creek Road resident, also shared his opposition to the name-change request. Crabtree stated the word "squaw" is the Algonquin name for "woman" and has carried across the nation. He said the name "Custer" is a much larger issue, if being politically correct was the mission. Commissioner Hindle stated that out of respect for the Oglala County Commissioners, their name change request was passed along to the Squaw Creek Road residents to obtain feedback. Hindle noted that most likely, the name change would not occur.

3. Juliann Gramkow shared that RISE had previously been awarded a grant, but that grant has been nullified. She also stated she would love to have a Commissioner on the Key Leader Board.

4. Lea Anne McWhorter stated Governor Rhoden has proposed a summer tax force to allow counties to set additional county sales tax; 1/2-percent sales tax for Custer County. This is strictly a county issue and is designed for the Black Hills area. McWhorter also mentioned there are 4 candidates for the upcoming School Board

election and noted the City of Custer candidates (3 council and mayor) all are running unopposed.

#### **P. Commission Legal Counsel**

1. Legal Counsel, Aaron Davis, presented Mutual Settlement Agreement and Release between Michael E. Carter and County of Custer for Commission approval. Davis stated the Agreement awards \$0 to both parties; both parties are released from liability and this is a full and final release. The governing law is SD. Carter signed the Agreement on 3-21-2025. Motion to approve Chairman's signature on the Agreement made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

#### **Q. Commission**

1. Mail call – a) thank you card from Oglala and Fall River Counties re: lien collection procedure meeting held at the Custer County Auditor's office; b) letters from Squaw Creek Road residents in response to proposed road name change from Oglala County Commission.
2. Finance Officer McLaughlin noted the State of SD offices are closed on Good Friday and the following Monday in observance of the Easter holiday. She stated that all DMV transactions will be limited on those days and asked the public to be mindful that title transfers may be a problem and urged the public to either visit the Treasurer's office before or after the Easter holiday to conduct business. The staff has been experiencing very long wait times during phone calls with the State of SD and noted the Treasurer's staff has no control over these wait times.
3. Meeting Schedule – SDACC meeting in Pierre April 9-10<sup>th</sup>. The Commissioners will meet on April 8<sup>th</sup> at 1:00, before leaving for Pierre, to set time and date for Board of Appeals.
4. Meeting Reports – Hindle met via Zoom with Mead & Hunt at the Airport; DOT and State Aeronautics, FAA meeting in Deadwood re: runway extension. Linde attended YMCA, Museum, where roof problems were discussed. The museum is working on grants at this time. Busskohl attended Ducks Unlimited and Planning Commission. Hartman attended Planning Commission and DOT, State Aeronautics, FAA meeting in Deadwood.

#### **R. 8:30 AM Bid Opening Continued**

1. Motion to untable Gravel Bid opening/award (Item "I") made by Linde; seconded by Busskohl, all aye; motion carried. Motion to accept the bid of \$9.50/ton for ¾" gravel from Black Hills Gravel made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

**S. Executive Session**

1. Executive Session as per SDCL 1-25-2(3) Legal. Motion to enter into Executive Session made by Linde; seconded by Busskohl; vote taken, all aye; motion carried. Executive Session entered into a 9:08 AM and concluded at 9:53 AM.

**T. Adjourn**

Motion by Linde and seconded by Busskohl to adjourn the meeting at 10:03 AM. The next meeting will be at 8:00 AM, April 23, 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 \_\_\_\_\_.

