

**Draft Minutes of the Custer County Commission Meeting, Wednesday, May 7, 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. Amend Item M. and add Item 2. New Hire

**Motion to approve as amended by Linde; seconded by Busskohl; vote taken, all aye; motioned carried.**

**C. Consent Agenda**

1. Approval of Minutes of April 23, 2025, Commission Meeting, April 23, 2025, Board of Appeals meeting.
2. Vouchers approved as follows:

**PAYROLL:** Commissioners \$5,697.79; Auditor \$11,967.46; Treasure \$12,494.53; Info Systems & Tech \$3,426.88; States Attorney \$14,400.63; Courthouse Building \$8,889.61; Director of Equalization \$12,374.65; Register of Deeds \$5,400.94; Veterans \$1,938.50; Human Resources \$1,493.34; Sheriff \$57,049.48; Nurse \$746.44; Library \$10,772.31; Conservation \$721.18; Weed & Pest \$3,063.62; Planning \$7,175.60; County Road & Bridge \$39,826.84; Emergency Management \$2,880.26; 24/7 Sobriety \$607.69; Emergency Line \$16,988.40.

**COMMISSIONERS:** Golden West Telecommunications \$285.60; Southern Hills Publishing \$450.52; Valhalla Legal \$2,520.

**COURT:** Carol Johnson \$298.90.

**COURT APPOINTED ATTORNEY:** Hustead Law \$1,362; Southern Hills Law \$618.86.

**AUDITOR:** Black Hills Energy \$72.05; Golden West Telecommunications \$159.95; Lori Yoho Duplicate Tax Payment \$221.04; Print Market \$45.31; SD Dept of Revenue Wine & Malt Beverage \$750.

**TREASURER:** Golden West Telecommunications \$140.26.

**STATE'S ATTORNEY:** Golden West Telecommunications \$114.25; Relx \$467.

**MAINTENANCE:** Black Hills Chemical \$472.98; Black Hills Energy \$4,479.39; City of Custer \$386.42; Crescent Electric Supply \$18.23; Custer Ace Hardware \$84.74; Golden West Telecommunications \$22.85; Sander Sanitation \$22.80.

**DIRECTOR OF EQUALIZATION:** Golden West Telecommunications \$182.80; Quill \$93.98; SDAAO Treasurer-Assessor Travel/Conf. \$750; Southern Hills Publishing \$13.37; Vanguard Appraisals \$13,875.

**REGISTER OF DEEDS:** Golden West Telecommunications \$68.55.

**VETERANS SERVICES:** Golden West Telecommunications \$22.85.

**HUMAN RESOURCES:** Golden West Telecommunications \$22.85; Southern Hills Publishing \$218.80.

**INFO TECHNOLOGY:** Golden West Technologies \$7,449.88; Golden West Telecommunications \$22.85; Golden West Telecommunications \$680.

**SHERIFF:** Bintel \$14,220.65; Custer Ace Hardware \$46.68; French Creek Supply \$63.47; Golden West Telecommunications \$274.20; Innovative Office Solutions \$12.84; Motorola Solutions \$33; Murray Auto Repair \$365.72; Nelsons Oil & Gas \$636.42; The Lodge at Deadwood \$510.

**PRISONER CARE:** Hapsie Nutley Blood Draw \$75; Kevin Kirschenmann Medical Care \$75; Linda Nohr Blood Draw \$175.

**NURSE:** Golden West Telecommunications \$61.67.

**AIRPORT:** Golden West Telecommunications \$115.17.

**SEARCH & RESCUE:** Golden West Telecommunications \$99.95.

**LIBRARY:** Black Hills Library Consortium \$6.48; Golden West Telecommunication \$22.93.

**EXTENSION:** Custer County Library \$99; Golden West Telecommunications \$91.83; Keri Cochran Travel/Conference \$244.86.

**WEED & PEST:** Golden West Telecommunication \$22.85.

**PLANNING:** Golden West Telecommunication \$114.25; Southern Hills Publishing \$47.98.

**COUNTY ROAD & BRIDGE:** A&B Welding \$242.65; A&I Distribution \$462.70; Advanced Drug Testing \$198.60; Black Hills Energy \$70.87; Black Hills Gravel \$23,750; Butler Machinery \$1,148.36; CBH Cooperative \$9,625.23; Custer Ace Hardware \$222.56; Dakota Auto Glass \$1,000; Floyd's Truck Center \$98.74; French Creek Supply \$351.19; Golden West Telecommunication \$253.64; Great Western Tire \$5,431.72; Inland Truck Parts \$10,908.20; JW Olson Boot Reimbursement \$150; Midway Service \$23,581.40; Mt. Rushmore Telephone \$181.85; Pop's Grocery Supplies \$29.83; R.P. Lumber \$29.96; Servall Towel and Linen \$95.10; Southern Hills Publishing \$63.95.

**EMERGENCY MANAGEMENT:** Golden West Telecommunications \$46.22.

**COUNTY BUILDINGS:** G&R Controls \$1,311.59; O'Connor Company \$3,997.27; The Overhead Door \$14,870.62; Thyssenkrupp Elevator \$409.77; Unified Power \$5,376.03.

**EMERGENCY LINE:** Golden West Telecommunication \$200.97; Innovative Office Solutions \$41.58; Range \$49.50.

3. Approve Travel Requests as follows: Dawn McLaughlin, Paula Arthur, Teri Morgan and Barb Cox to attend 2025 SDACO Spring Workshop 5-14 & 5-15-2025 in Pierre at a cost of \$1,972; Scott Storms, Melissa Bradford and Seda Timperley to attend SDAAO 77<sup>th</sup> Annual Conference in Mitchell, SD; 6-10 through 6-13 at a cost of \$3,139.50

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

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

#### **E. 8:00 AM Public Hearing**

1. 8:00 AM Public Hearing re: Section Line Improvements request re: Parcel 002747 Jason Hunsaker. (Tabled from 4-23-25 meeting)

Planning Director Kester has spoken twice with Hunsaker, and he has stated that he is rescinding the section line improvement request and will instead request an easement later. Kester suggested to table until she receives in writing to rescind.

**Motion by Hartman; seconded by Hindle to table this item until the next Commission meeting; vote taken; all aye; motion passed.**

#### **F. Planning Department**

1. Request approval of Final Plat re: 7-11 Tract 1, located in the S ½ of Section 16 and the N ½ NE ¼ OF Section 21 & 7-11 Tract 2, located in the N ½ NE ¼, SE

¼ NE ¼ OF Section 20, all in T6S, R6E, BHM, Custer County, South Dakota.  
Parcels # 007103, 007124 & 007118 7-11 Ranch, Inc.

Applicants are proposing lots splits off aliquot parcels Tract 101 acres, Tract 266 Access to both Tracts is from 7-11 Road, which is a public ROW. Planning Commission on May 6, 2025, recommended Commission approval.

**Motion by Hindle; seconded by Busskohl to approve; vote taken; all aye; motion passed.**

2. Request approval of Final Plat re: Vestal Tract of Lone Elk Ranch Subdivision Unit One, located in the S ½ NE ¼ OF Section 20, T6S, R4E, BHM, Custer County, South Dakota. Parcels # 006564, 006565, 006566 & 006567 Dottie Jackson Trust.

Applicant is proposing a lot consolidation. Tracts 30, 31, 32, and 33 will become Vestal Tract 20 acres. Access is from Lone Elk Rd which is a public ROW. Planning Commission on April 1, 2025, recommended Commission approval.

**Motion by Hartman seconded by Busskohl to approve; vote taken; all aye; motion passed.**

3. Discuss approach specifications—culverts- Planning Director Kester explained that the current specifications do not allow the use of double wall plastic culverts unless requested to County Commission. She is asking for approval to allow them to be included in the SPECS.

**Motion by Hindle seconded by Hartman to approve; vote taken; all aye; motion passed.**

Commissioner Hindle asked about the sizing and Kester noted it is 18" and any deviations should go through the Planning Commission and Commissioners.

4. Discuss Wastewater late fee and component fee re: Permit #250119  
Planning Director Kester explained that a property owner came in to the office to get a building permit for a 1-bedroom cabin, he stated that there used to be a 3-bedroom trailer on the property but it has been removed. The office has no records of the septic system on file. The Planning office advised him to get his tank pumped and see if he can get a Wastewater installer to verify the field size and perform a perc test. The owner said when he purchased the property in 2023, he had his tank pumped and the paperwork includes a site plan and drawing of approximately what is in the ground. The septic pumping company also provided a perc test and a ww checklist with his signature on it.

When issuing his building permit the owner stated that he also has 3 RV hookups that were installed last year by a certified installer. There is not a permit on files for the lines installed and no information.

Kester followed up with the septic pumping company to see if he knew there were 3 RV lines added, and he did not know that and would not like his paperwork used.

Kester explained to the owner when you modify your system you must have a wastewater component fee and county needs to inspect. He would have needed state approval in this case as WW Ordinance states only 1 RV dump is allowed on a system. The applicant is requesting to rescind the late fee. Legal Counsel Davis noted he also checked with the state and verified any addition which changes the footprint to a septic system that needs to be brought up to date and approved at state level. Members of the audience shared their concern and discussion ensued regarding revising versus a component change.

**No Action taken and the applicant is responsible to pay the component fee and the late fee**

#### **G. Highway**

1. Brief Discussion: Private request to occupy ROW for utility hook up (water)  
Superintendent Doyle addressed on occasion he receives applications to place a utility (most common water) under a county road. He typically tries to avoid this for purposes of potential risk of large water leaks later down the road when property change owners could be financially problematic and would prefer the onus is on the utility versus a private property owner.

We currently will be receiving a ROW occupancy request to allow private individuals to place utility on Public ROW.

This will need to be reviewed by legal counsel prior to any action taken.

2. Authorize purchase of Trail King tilt deck trailer (Sourcewell contract #092922-TKI)

Superintendent Doyle reported that this is a replacement purchase for the current tilt back trailer that is undersized. This is a budgeted item. Plans are to surplus the old trailer and possibly the low boy.

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

#### **H. Sheriff's Department**

1. 24/7 Tech Mason Martinez rate of pay change to \$17.33

Sheriff Mechaley reported that recently Mason was hired as a 24/7 technician and now has left his current employment with the County. Requesting a wage adjustment for this position to \$17.33.

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

**I. Communications**

1. Approve new hire, Elisa Tussin, to begin as 911 dispatcher start date: 5/12/25; pay rate \$21.741 per hour.  
Sheriff Mechaley explained that this hire is to replace a recently retired employee.

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

**J. Maintenance Department**

1. Acknowledge resignation of Mason Martinez, effective 4-29-25.

**The Commission acknowledges this resignation.**

2. Acknowledge repositioning of Mike Sellevold to Maintenance PM shift.

This is to fill in the night shift from previous resignation.

**The Commission acknowledges this reposition.**

3. Update regarding 60/40 Maintenance/Weed & Pest position.

Maintenance Supervisor Panza briefed the Commission that this position has been advertised and received a few applications and will be doing interviews in another week.

4. Update on Fairgrounds invitation to bid.

Maintenance Supervisor Panza updated on the status of the Fairgrounds bid for the hail damage repair. He is waiting for dates of conflict from the board for construction schedule workarounds. He will keep them updated.

**K. Equalization**

1. Acknowledge termination of Mark Pooler, effective 4/24/25

**The Commission acknowledges this resignation.**

**L. Weed & Pest**

1. Resolution 2025-16; Requesting the Black Hills National Forrest Service Restore Funding for Invasive Weed Management on the Black Hills National Forest  
Weed & Pest Supervisor Baldwin has met with other agencies, federal and state representatives regarding no funding for this year. This Resolution has been previously reviewed with the Commission.

**Motion to approve Resolution 2025-16 made by Hartman seconded by Busskohl; vote taken, all aye; motion carried.**

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

1. Bid Opening, Riverside Road Bridge Replacement.

Superintendent Doyle opened the bids with the following results:

- |                                      |              |                   |
|--------------------------------------|--------------|-------------------|
| a.) Mainline Contracting, Inc.       | \$639,491.25 | Bid Bond received |
| b.) Corr Construction Services, Inc. | \$682,117.10 | Bid Bond received |
| c.) Young Gun Construction, LLC      | \$748,06.87  | Bid Bond received |
| d.) Zandstra Construction, Inc.      | \$866,695.40 | Bid Bond received |
| e.) Central Specialties, Inc.        | \$715,479.03 | Bid Bond received |
| f.) Flatland Enterprise, LLC         | \$958,790.60 | Bid Bond received |
| g.) Heavy Constructors, Inc.         | \$825,893.12 | Bid Bond received |

The lowest apparent bidder is Mainline Contracting, Inc. Doyle and the engineer of record will review bids and bring this back to the floor later in this meeting.

**Motion to table to the end of the meeting by Hartman seconded by Hindle; vote taken, all aye; motion carried.**

### **N. Finance Office**

1. Approve the following alcoholic beverage license renewals:

- a) TC Horsecamp, LLC. Renewal of retail on-off sale malt beverage and SD farm wine.

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

- b) West Highland Way, LLC d/b/a Big Pine Campground. Renewal of retail on-off sale malt beverage and SD farm wine.

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

- c) Timber Ridge Campground. Renewal of retail on-off sale malt beverage & SD farm wine.

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

- d) Boyd's World-Famous Antiques and Uniques, LLC. Renewal of retail on-off sale malt beverage and SD farm wine.

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

- e) Black Hawk Oil, Inc. d/b/a BJ's Hermosa. Renewal of retail on-off sale malt beverage & SD farm wine.

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

2. Approve a new hire, Natasha Ufen, for the float position pay rate of \$17.00 per hour.

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

#### **O. Public Comment –**

Keri Cochran- Custer County 4H Educator announced that this Saturday at 10:00 am-noon there will be a 4H Showcase invite the public to meet 4H kids and learn about the program. This will be held at the Library.

#### **Highway Bid Opening- un-tabled**

**Motion to un-table Bid Opening made by Hartman seconded by Hindle; vote taken, all aye; motion carried.**

Superintendent Doyle reported that the bids have been reviewed and the lowest bidder, Mainline Contracting Inc., meets all bidding requirements in the amount of \$639,491.25. Superintendent Doyle recommends the approval of the awarding Mainline contracting Inc. The engineer's estimate is \$831,093.83.

**Motion to accept the lowest responsible bid for the Buffalo Gap East Main Street Structure Replacement Project, BRF 6488(00)25-1 PCN 0A72, contingent upon South Dakota Department of Transportation approval, from Mainline Contracting Inc. made by Hartman seconded by Busskohl; vote taken, all aye; motion carried.**

Superintendent Doyle noted that this is funded by a BIG grant with the County responsible for 20% of the construction cost. This amounts to a total of \$127,898.25. He also stated that the construction will start in late summer and will last approx. 2 months with detours.

#### **P. Airport**

1. Request approval of surplus items

Airport Supervisor Hendrickson reported that he has a few items that need to be decommissioned and no longer are used. They are two field tanks, containment bath and a fuel dispenser. They have not been used for quite a few years and are no longer needed. He requests these items to be added to the auction list.

**Motion to surplus these items made by Hindle seconded by Busskohl; vote taken, all aye; motion carried.**

2. Authorize Chairman's signature of Quitclaim Deed re: land conveyance 63.25 acres USPS Dept. of Agriculture

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



## Q. Emergency Management

1. Resolution 2025-17 Appointment of Applicant Agent for the Hazard Mitigation Grant Program (HMGP). Approve Chairman's signature.  
EMS Director Esser reported that this Resolution is to appoint the applicant agent, EMS Director Esser, for the Mitigation Plan Update application. The FEMA funding has gone away, and the state has some funding in place. The County's portion is a 25% share with the cost of this would be approx. \$16,000, which donation and contributions in-kind should cover the County's share.  
**Motion to approve Resolution 2025-17 made by Hartman seconded by Busskohl; vote taken, all aye; motion carried.**
2. Briefing re: Black Hills Energy Emergency Power shutdown meeting  
EMS Director Esser briefed the Commission on progress and note that this is going into place in June approximately.  
Concerns/discussions:
  - ✓Notification time frame
  - ✓Dealing with our elderly population- medical devices with power shutdowns
  - ✓Tourists' population- shutting power to main street could be a shutdown of about 3 hours with increased volume of population related issues.
  - ✓Need for a call (notification) center for power shutdowns
  - ✓Businesses concerns/ramifications
  - ✓Need to have a meeting with input from County, State, Cities and FireEMS Director Esser will provide information as it comes.

## R. Library

1. Present legislative update  
Library Director Myers briefed the Commission on some of the bills that are in current legislation.  
HB1041- was to eliminate state funding for libraries but widespread support to allow enough funding to access federal funding dollars.  
HB 1239- restricting minors to obscene materials with potential criminal penalties to librarians in violation. The bill was amended to include clear policies and appeal process. Custer County Libraries are already in compliance. Steps they took to make sure they are transparent and confirmed with legal. A new version of this bill will be introduced next year to include criminal consequences again. We will stay informed on this bill.  
Federal Funding- IMLS canceled by executive order.  
State Courier services did end April 30, 2025, and our contract ends in September 2025 with Black Hills Consortium- looking for alternative forms of mailing. If not funded, we will have to drive to Rapid City once a week to pick up materials which have a cost factor of about \$2,500 -3,000 plus time spent. A courier is much more efficient.  
Next Consortium meeting will be reviewing our portion of funding.

Our Focus- Sustainability, Core Services and serving people of all ages and backgrounds. Myers explained with limited funding we will need to re-look at the budget and what cost-cutting measures they will need to take.

Director Myers thanked the Commission for their support for the Custer County Library.

#### **S. Raffle Request**

1. Black Hills Playhouse Raffle 5/30/25 through 8/12/25; vacation prize packages with proceeds to be used for artistic programs of Black Hills Playhouse  
This meets all the requirements.

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

2. Preserve French Creek, Inc. Raffle 6/1/25; firearms prizes with proceeds to be used for Lower French Creek water sampling, plant and animal studies.  
This meets all requirements.

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

#### **T. Commission**

1. Mail- letter from Dept Ag & Natural Resources re: Town of Hermosa surface water discharge permit #SD0022349. b) letter from Pennington County re: public hearing notice of rezoning Todd & Lori Hanson property from agricultural to rural residential district.

Location: small portion of Custer County “just touches County” by 2.47 acres

2. Meeting Schedule – Finance Director McLaughlin noted that the elected officials and two deputies will be attending their Spring Conference next Wednesday and Thursday (leaving on Tuesday). Commissioner Busskohl noted that he will be attending this Thursday the Fire Advisory board Meeting along with Chairman Lintz.

3. Meeting reports- Commissioner Busskohl was part of the interviews for the new floater position, Highway meeting with the Forestry regarding ROW's trees and cattleguard, Black Hills Energy meeting regarding shutdowns, attended the City Council and Planning Commission Meetings. He also attended Republican School District Board candidates meeting, there are two positions open and 4 candidates. Commissioner Hartman attended the Housing Meeting, also the Planning Commission Meeting and the candidate forum for the Custer School Board.

**U. Executive Session**

**Motion to enter into Executive Session per SDCL 1-25-21(1) Personnel made by Busskohl seconded by Hindle; vote taken all aye; motioned carried.**

Entered into at 9:24 AM and concluded at 10:53 AM with no action taken.

Commissioner Busskohl and on behalf of the Commission thanked Marlyn Campbell for her time and hope she enjoys retirement.

**Adjourn**

Motion by Busskohl and seconded by Hindle to adjourn the meeting at 10:55 AM, vote taken, all aye; motion carried. The next meeting will be at 8:00 AM, May 21, 2025, in the Commissioner's Room in the Custer County Courthouse.

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Jim Lintz, Chairman

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

Marlyn Campbell, Custer County Deputy Finance Officer

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