

## **Minutes of the Custer County Commission Meeting, Wednesday, June 11, 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 to add under Item "J" Airport, 2. USFS Release.
2. Amend to correct Item "E" Highway to read "one-year probationary period" rather than "6-months".
3. Move Item "O" Fire Board to immediately follow Item "G" Emergency Management. Motion to approve as amended made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

### **C. Consent Agenda**

1. Approve Minutes of May 21, 2025 Commission Meeting.
2. Approve Travel Requests—Todd Fish, VSO, to attend VA Annual Conference & Certification Testing 9-8 – 9-12, 2025 in Sioux Falls, SD at a cost of \$1,185.44. Alan Dubbelde attended statewide 24/7 conference 5-14 & 5-15, 2025 in Oacama, SD at a cost of \$400.04; Michael Baldwin, W&P, to attend SDACDE Leadership Conference 6-25 – 6-27-2025 in Oacoma, SD. All costs (\$423) to be paid by the Conservation District.
3. Approve Vouchers as follows:

**PAYROLL:** Commissioners \$5,677.59; Auditor \$14,491.66; Treasurer \$13,486.10; Info Systems & Tech \$3,426.89; States Attorney \$14,852.40; Courthouse Building \$7,082.13; Director of Equalization \$10,899.60; Register of Deeds \$5,675.42; Veterans Services \$2,183.18; Human Resources \$1,874.04; Sheriff \$57,799.51; Nurse \$622.54; Library \$11,325.77; Conservation \$797.73; Weed & Pest \$3,543.44; Planning \$8,065.10; County Road & Bridge \$41,445.30; Emergency Management \$2,880.26; 24/7 Sobriety \$1,365.63; Emergency Line \$19,274.48.

**COMMISSIONERS:** CC Travel/ Conference \$1,218.51; ASBSD \$775.00; Golden West Telecommunications \$273.69; SD Assoc of County Officials \$150.00; Southern Hills Publishing \$434.85; Splish Splash \$10.00; Valhalla Legal PLLC \$2,900.00;

**COURT:** SD Human service center \$600.00;

**PRISONER CARE:** Pennington county sheriff's office \$140.00

**AUDITOR:** CC Microsoft \$488.09; CC Amazon Supplies \$69.20; Clubhouse hotel \$448.00; Golden West Telecommunications \$160.58; Quill LLC \$23.99; SD Dept of REV \$300.00; Southern Hills Publishing \$41.80;

**TREASURER:** CC Printers \$334.89; CC Amazon Supplies \$118.70; CC Amazon Supplies \$22.27; Clubhouse hotel \$224.00; Golden West Telecommunications \$143.96;

**STATE'S ATTORNEY:** CC Printers \$205.47; CC Supplies/ Postage \$82.87; Carol Johnson \$73.50; Culligan \$32.85; Golden West telecommunications \$137.64; Relx INC \$467.00; The Lodge at Deadwood \$10.00; Tracy Kelley \$74.00;

**COURT APPOINTED ATTORNEY:** Hustead Law office P.C. \$3,583.44;

**MAINTENANCE:** CC Printers \$215.58; CC Supplies \$565.22; Black hills chemical \$287.96; Black hills chemical \$4,468.07; City of Custer \$308.74; Custer Ace \$16.56; Golden West Telecommunications \$22.94; McGas Propane \$358.15;

**DIRECTOR OF EQUALIZATION:** CC Printers \$543.87; CC Supplies \$341.81; Golden West telecommunications \$206.46; Quill LLC \$46.33; Southern Hills Publishing \$118.90; Splish Splash \$10.00; Verizon Connect Fleet \$31.90;

**REGISTER OF DEEDS:** CC Printers \$215.82; Golden West Telecommunications \$91.76;

**VETERANS SERVICES:** CC Printers \$66.61; Golden West Telecommunications \$22.94;

**HUMAN RESOURCES:** CC Printers \$207.43; Golden West Telecommunications \$22.94;

**INFO TECHNOLOGY:** ESRI INC \$5,915.00; Golden West Technologies \$7,504.48; Golden West Telecommunications \$680.00; Golden West Telecommunications \$45.88; Quill LLC \$231.20; Troy Schmidt \$405.30;

**SHERIFF:** CC Printers \$781.36; CC Supplies \$682.32; Custer Ace \$311.96; Fedex \$40.86; French creek \$109.60; Golden West Telecommunications \$275.28; Leads online \$2,666.00; Sherry Weber \$20.00; Southern Hills Publishing \$47.68;

**S&R:** Golden West Telecommunications \$99.95;

**PRISONER CARE:** Linda Nohr \$150.00; Rapid City Police Dept. \$160.00; Satellite Tracking of people LLC \$100.75;

**AIRPORT:** Brenden Hendrickson \$4,558.33; Golden West Telecommunications \$115.17; Power House \$425.44;

**LIBRARY:** CC Material/ Supplies \$2,706.39; Black hills Library \$20.33; Golden West Telecommunications \$22.94; Southern Hills Publishing \$67.90;

**EXTENSION:** CC Verizon \$78.59; Golden West Telecommunications \$91.84;

**WEED & PEST:** CC Printers \$339.36; CC Supplies \$27.99; Barbara Cox \$39.28; Christine Eruiaga \$52.50; French creek \$28.14; Golden West Telecommunications \$22.94; Trump Steven \$299.98; Verizon Connect Fleet \$15.95; Warne Chemical & Equip CO \$113.02; Western Mailers \$2,383.81;

**PLANNING:** CC Printers \$188.32; CC Service Fee \$50; Golden West Telecommunications \$114.70; Southern Hill Publishing \$168.38; Verizon Connect Fleet \$31.90;

**COUNTY ROAD & BRIDGE:** CC Printers \$220.56; CC Supplies/ Tools \$142.93; A&B Welding \$112.00; Advanced drug testing \$45.00; Black hills energy \$67.49; Culligan \$6.95; Custer Ace \$49.99; Fastenal \$859.02; Floyd's truck \$955.87; Forward Distributing \$52.80; French creek \$114.57; Godfrey Brake \$98.22; Golden West Telecommunications \$210.12; Great Western Tire \$15,928.15; MT Rushmore Telephone \$179.83; Runnings Supply \$51.98; Servall Towel & Linen \$95.10; Southern Hills Publishing \$145.70;

**EMERGENCY MANAGEMENT:** CC Microsoft \$253.48; CC Travel/ Conference \$141.70; City of rapid city \$2,000; Golden West Telecommunications \$46.20;

**COUNTY BUILDINGS:** CC Repairs/ Supplies \$1,544.83; Golden West technologies \$6,500.00;

**24/7 SOBRIETY:** CC Supplies \$420;

**EMERGENCY LINE:** CC Printers \$212.35; CC Supplies \$88.75; CC Supplies \$530.42; CC Supplies \$95.63; Golden West Telecommunications \$420.41; Range \$24.75;

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

**MENTAL HEALTH:** New Trails Ministry \$600.00;

**MENTALLY III:** SD Human Services center \$600.00;

**FIRE PROTECTION:** Argyle volunteer fire \$13,000.00; Buffalo gap fire \$7,000; Custer volunteer fire \$42,500.00; Dewey fire \$3,000; Folsom fire \$7,750.00; Highland fire

\$9,500.00; Mcleods printing \$113.08; Motorola solutions \$33.00; Moyle Petroleum \$84.95; Murry Auto \$1,179.80; Pringle fire \$10,000.00;

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

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

**E. Highway**

1. Highway Superintendent, Jesse Doyle, requested Commission acknowledgement of completion of 1-year probationary period for Cooper Reutter. The Commission so acknowledged.

2. Doyle requested acknowledgement of receipt of insurance and bid bond information from Mainline Contracting for Buffalo Gap Bridge project and to authorize Chairman's signature on contract agreement. Motion to approve Chairman's signature made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

3. Doyle discussed previously tabled (5-21-25) request re: Brian and Catherine Randolph for a water line on Argyle Road, S33, T6S, R5E for water line to private residence 12636 Argyle Road. Commission Legal Counsel, Aaron Davis, stated he spoke with both the Randolphs and Rural Water Systems. The Randolphs had a prior opportunity to connect with Rural Water when the line was initially installed at a lower rate than what the current fee would be after the fact. Davis is working with States Attorney Kelley to draft a document that would run with the property deed. Motion to table until the 6-25-25 meeting made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

**F. Larry Fiala**

1. Larry Fiala appeared before the Commission to discuss concerns regarding a cattle guard installation on his property. He stated it has been a 5-year process working with the USFS. He noted that while work was being done on the guard, the USFS dropped a gravel pile on the roadway. Subsequently, a deputy inquired about the gravel and Fiala informed him that he had not placed it there, but rather the Forest Service had. Highway Superintendent Doyle moved the gravel off the roadway. Fiala asked the Commission to allow the USFS to install the cattle guard as cattle are breaking his fences and causing damage to his property. Commissioner Busskohl stated the USFS should have contacted Custer County before dropping the gravel onto the roadway. State's Attorney Kelley stated there is a lack of communication between the USFS and the County and that is where the issue lies; procedure should be followed. The Commission stated that as long as everything meets requirements, the guard should be installed very quickly; Busskohl said they will keep on the project to ensure its completion. Fiala shared his frustration in working with the USFS.

## **G. Emergency Management**

1. EMS Director, Steve Esser, presented RFP for Flood Mitigation Grant Application and noted this is the scoping phase for the project. He noted that proposals should be sent to him and bids will be sent to the Auditor's Office for bid opening at the 6-25-25 Commission meeting.

2. Esser discussed Hazardous Materials Plan Grant Application, noting there is a \$7500 grant available to create the plan. The max cost to the county would be \$1,850; funds to cover that amount are in the LEPC fund. Esser stated LEPC funds are received from the Department of Agriculture. Motion to approve application for the grant made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

3. Emergency Manager Class B retirement proposal was discussed by Esser. This proposes 911 dispatchers and EMS to receive an 8% SDRS rate rather than the current 6% rate. Esser opined that the current draft is too hurried and has issues that need revision before it would go into effect.

4. Esser presented an update on Black Hills Energy Emergency Power Shutdown Plan, with BHEC representatives in attendance at today's meeting. BHEC will move forward with this evolving plan, noting that tough decisions need to be made. Many parameters need to be met before making the decision to shut down power. Significant effort has been put into mitigating the problems associated with a shut down. It was noted that other power companies share lines, so this may affect non-BHEC customers. Esser encouraged BHEC to utilize the best tools available to go above and beyond industry standards. BHEC representatives will make a presentation at the 6-25-25 Commission meeting and will answer questions at that time.

## **H. Custer County Fire Board**

1. Klinton Rittberger appeared before the Commission and presented information regarding proposed budgets and statistics. He presented volunteer hours and (FEMA based) wages for all VFDs in Custer County. Also presented were vehicle hours; paid equipment hours; membership numbers and qualifications, as well as 2024 call history. The call history includes wildland fires, structure fires, medical, auto accident, alarms, hazardous, service and public relations. The total number of calls for Custer County VFDs in 2024 is 808. Rittberger asked the Commission to consider a 1-year opt-out to meet current budgetary needs. The Fire Advisory Board is asking the Commission for County discernment in helping financially and would like the County to consider an opt-out. Klinton stated he would like the FAB to distribute funds. He discussed aging equipment and recommended each fire hall have 5 pieces of specific equipment on site. A fire district is still a viable option, and further discussion will be held at a Work Session taking place Wednesday, June 18, 2025 at 10:00 AM in the Commission room. The Commission thanked Rittberger for his hard work on this project.

## **I. Planning**

1. Planning Director, Terri Kester, presented Variance request from Ordinance 2 to

designate +/- .71 acres as a park; Nielsen Entities, LLC Parcel #001627. This parcel is less than the 1-acre lot requirement. Discussion was held regarding maintenance of the park and more clarification was requested. State's Attorney Kelley suggested various ways of describing the property on the plat. Kelley requested tabling the matter until the 6-25-25 Commission meeting. Motion to table until 6-25-25 made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Kester presented Fee and Permit Rates table with the addition of an "Approach Failed/Reinspection Fee" of \$125.00. This will be added to the 6-25-25 Commission meeting for approval.

3. Kester presented Final Plat re: TRACT A OF HES 55 LOCATED IN SECTIONS 14 AND 23, T4S, R2E, BHM, CUSTER COUNTY SOUTH DAKOTA. Parcel Nos. 007742 & 007743 Ryan & Angela Anderson for approval. This was presented at the 5-6-25 Planning Commission meeting, where approval was recommended. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

#### **J. 24/7 Sobriety**

1. Sgt. Derrick Reifenrath requested Commission acknowledgement of termination of Mason Martinez as 24/7 Technician. The Commission so acknowledged.

#### **K. Airport**

1. Brenden Hendricksen, Airport Manager, presented hangar purchase between D. Martinez and J. Frank. It was decided the lease should be further reviewed by Legal Counsel Davis and Commissioner Hindle. Liability insurance should be at \$1 million; .20/square foot is the local rate. Rate increase terms also should be reviewed. This lease will be added to the 6-25-25 Commission Agenda.

2. Legal Counsel Davis presented Waiver of Special Use Permit and requested Chairman's signature. The Special Use Permit was in place prior to the land sale and this waiver was left out of the sale agreement, which rendered the lease moot. Motion to approve Chairman's signature made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

#### **L. Weed & Pest**

1. Michael Baldwin, W&P Supervisor, requested Commission approval of new hire, Nathan Benjamin, as Maintenance/W&P 60/40 shared full-time, fully-benefitted position at a wage of \$18.94/hour. Nathan's starting date is 6/2/2025. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

#### **M. 1881 Courthouse Museum**

1. Rick Wheeler and Museum Director, Deborah Hanagan appeared before the Board to update needed building repairs. The 2005 Deed states that repairs are done with the approval of both the Historical Society and County Board. Commissioner Hindle and Maintenance Supervisor, Joseph Panza inspected the building and found gutters in need of replacement. Commissioner Hartman also inspected the damage.



Guidelines need to be followed when taxpayer funds are used, and Wheeler is looking for Commission guidance for making necessary repairs. Hindle stated his lift could be used for further inspection, noting the new “K” style gutter system installed on the front and back porches of the Museum is preferable. A scope of work is also needed for the project. Hanagan stated she applied for grant funding through First Interstate Bank. This segment will be continued in Executive Session as per SDCL 1-25-2(3) Contract/Legal. No motion is necessary.

#### **N. Finance Officer**

1. Finance Officer, Dawn McLaughlin, requested Commission approval for renewal of the following Alcoholic Beverage License applications:

a) Heartland RV Park, LLC; 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.

b) Moreton Airpark, LLC, dba Eagles Landing Lodge; renewal of retail on-off sale malt beverage and SD farm wine. Motion by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

2. McLaughlin presented LEMPG Matrix Progress Report—2nd Quarter and noted everything meets approval. The Commission so acknowledged.

3. McLaughlin requested approval of county cell phones for State’s Attorney and Human Resources (cell phone reimbursement for those departments will cease). Motion to approve made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.

#### **O. Info Systems and Technology**

1. Finance Officer McLaughlin presented MOU received from IST Director, Troy Schmidt. The cyber-security renewal agreement is between Dakota State University and Custer County and requires the Chairman’s signature. Legal Counsel Davis reviewed and approved this renewal. Motion to approve Chairman’s signature made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

#### **P. Public Comment –**

1. Tracy Kelley shared that she has been contacted by Fall River County regarding creation of a tri-county dispatch center, noting that grants are available if population numbers are met. Kelley also stated that the Preserve French Creek group has filed a lawsuit against Custer City in May and has now filed an injunction to stop discharge into French Creek. This lawsuit will be heard in Pennington County Court.

2. Lea Anne McWhorter shared that the Off-Road Rally begins this Friday in Custer. A booth will be set up and information regarding the West Dam project will be available. McWhorter also stated the legislative interim property tax committee will hold an online meeting with no public comments heard at this time. Three committees have been set up to help form ideas for change in the local and state school funding process.

There will be 4 more meetings; one to be held in Rapid City on 7-17-25 with public comments heard.

**Q. Resolution 2025-18**

1. State's Attorney Kelley presented Resolution 2025-18—A Resolution Vacating and Extinguishing a Public Park Dedication in Stagecoach Crossings Estates Subdivision for Commission approval. The 2 deeded lots are located in the extra-territorial area of Custer City (Little Italy Road) and had a deed restriction to be retained as a park for 40 years. The Three G Development, LLC and Stagecoach Crossings Estates HOA wish to extinguish the 40-year dedication concerning Lots Park #1 and Park #2. Kelley stated that Custer County is not vacating as it has no interest in the property. Custer County has no objection to extinguishing and vacating the park designation. Kelley read Resolution 2025-18 aloud in its entirety. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

**R. Raffle Request**

1. McLaughlin presented a request from Custer Senior Center to hold raffle 6-1-25 through 7-1-2025; proceeds to be used for operating expenses at Senior Center. Prizes include Blackstone Grill. Motion to approve made by Hindle; seconded by Hartman; vote taken, all aye; motion carried.

**S. Black Hills Council of Local Governments**

1. Jennifer Sietsema appeared before the Commission and presented the 2024 Annual Report. Sietsema stated the return on investment is \$561/\$1. She noted many projects for 2024, including the Buffalo Gap safe drinking water project; Custer County Search & Rescue generator; Southern Hills water system (ARPA \$) as well as other projects. She noted a cold storage facility project that had been in the works had been cancelled after receiving 15 applications. Sietsema said that other assistance beyond monetary is available, as well. She stated annual dues have been increased but reiterated the substantial return on investment. Sietsema also suggested there may be grant opportunities available for the 1881 Museum repairs.

**T. Commission**

1. Approve return of Search & Rescue building to Argyle VFD. Commissioner Busskohl stated after going through the steps, it is not feasible to move the building. Variance request fees have been returned. Sam Smolnisky, S&R, thanked the Commission for its assistance. Motion to approve return of building made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried.
2. Mail call – monetary request in the amount of \$750 received from Aspire (Aberdeen, SD). Custer County does not utilize Aspire's services but will add the letter to the budget requests.



3. Meeting Schedule – 6-18-25 Work Session at 10:00 AM re: Custer Fire Departments. 7-11-25 BH Association meeting. Highlands VFD fundraiser to be held 6-14-2025.
4. Meeting Reports – Hindle attended Planning and Courthouse Museum meetings; Linde attended Planning, Historical Society and Sr. Center meetings; Lintz attended Fair Board, Weed Board; Busskohl attended Young Republicans, City Council, Planning, S&R; Hartman attended Planning, Museum, Highway; Hell Canyon District Ranger; USFS re: cattle guard.

**U. Executive Sessions**

1. Executive Session as per SDCL 1-25-21(1) Personnel.
  2. Executive Session as per SDCL 1-25-2(3) Contract/Legal.
- Motion to enter Executive Sessions made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried. Executive Sessions entered at 9:43 AM and concluded at 10:33 AM.

**V. Actions Taken By Commission Outside of Executive Session—None.**

**W. Adjourn**

Motion by Linde and seconded by Busskohl to adjourn the meeting at 10:34 AM. The next meeting will be at 8:00 AM, June 25, 2025 in the Commissioner's Room in the Custer County Courthouse.

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Jim Lintz, Chairman

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

Barbara Cox, Custer County Deputy Auditor

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