

## **Minutes of the Custer County Commission Meeting, Wednesday, June 25, 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 Hartman; seconded by Linde; vote taken, all aye; motion carried.

### **C. Consent Agenda**

1. Approve Minutes of the June 11, 2025 Commission meeting.
2. Vouchers approved as follows:

**PAYROLL:** Commissioners \$5,697.71; Auditor \$17,778.01; Treasurer \$14,219.03; Info Systems & Tech \$3,426.87; States Attorney \$15,397.26; Courthouse Building \$8,919.76; Director of Equalization \$ 11,807.66; Register of Deeds \$5,777.90; Veterans Service \$2,540.75; Human Resources \$2,274.38; Sheriff \$64,169.71; Coroner \$879.63; Nurse \$539.41; Library \$12,737.55; Conservation \$888.00; Weed & Pest Control \$4,713.30; Planning \$7,899.49; County Road & Bridges \$43,708.64; Emergency Management \$2,880.24; 24/7 Sobriety \$ 450.60; Emergency Line F \$22,571.22

**COMMISSIONERS:** CNA Surety \$525.00; Pitney Bowes Global Financial \$215.78; Pitney Bowes/Purchase Power \$1,517.25; SD Public Assurance Alliance \$2,7445.04;

**AUDITOR:** Quill LLC \$49.89;

**STATE'S ATTORNEY:** Rapid City Police Department-Bac \$120.00; Thomson Reuters \$1,002.00;

**MAINTENANCE:** A-Z shredding \$20.00; BH Electric \$886.37; BH Energy \$792.65; Ace Hardware \$4.99; SD Public Assurance Alliance \$1,538.80; SD Public Assurance Alliance \$1,344.25;

**DIRECTOR OF EQUALIZATION:** SD Public Assurance Alliance \$1,326.50;

**REGISTER OF DEEDS:** Microfilm Imaging System \$380.00; SD Public Assurance Alliance \$990.00; Tyler Technologies INC \$1,500.00;

**PLANNING:** SD Public Assurance Alliance \$635.00;

**SHERIFF:** A&B pure water \$54.98; Artistic Custome badges \$190.00; Axon enterprises \$522.00; A-Z Shredding \$20.00; Battle MT \$1,083.00; Ace Hardware \$73.54; French Creek Supply \$103.45; Galls LLC \$128.99; Kiesler Police Supply \$7,976.16; Lexisnexus Risk Solutions \$207.00; Murray Auto \$372.40; SD Public Assurance Alliance \$18,776.49; SD Public Assurance Alliance \$12,642.25; Survival Armor \$1,416.87;

**COURT APPOINTED ATTORNEY:** \$5,453.30;

**PRISONER CARE:** Rapid City Finance \$80.00; Monument Health Client \$404.59; Pennington County Jail \$23,911.00;

**AIRPORT:** A&B welding INC \$72.18; Cityservicevalcon \$14,758.57; TOD & Sons construction \$400.00; Town of Buffalo Gap \$73.00;

**WEED & PEST:** Denise Swartz \$63.75; Jeff Baird \$137.91; Joann Lynn \$45.00; Quill LLC \$55.07; SD Public Assurance Alliance \$1,228.50; Sue Hillard \$190.60;

**PLANNING:** SD Public Assurance Alliance \$204.75;

**COUNTY ROAD & BRIDGE:** BH Electric \$745.31; Butler Machinery \$31,856.86; CBH Cooperative \$9,501.71; Culligan Water \$6.95; Custer Ambulance \$480.00; Floyd's Truck Center \$238.30; French Creek Supply \$351.92; Great Western Tire \$545.90; Inland Truck Parts \$10,064.03; Jenner Equipment INC \$8,986.55; Kieffer Sanitation \$346.92; Nelson's oil & Gas \$288.48; Newcastle Motors \$1,000.00; Pacific steel & Recycling \$190.76; SD Public Assurance Alliance \$25,397.50; Servall Towel & Linen \$97.58; Summit Sign & Supply INC \$1,261.00; Z&S Dust Control System \$ 100,720.59;

**EMERGENCY MANAGEMENT:** Barbara Cox \$33.29; Bintel INC \$3,243.30; BH Electric \$52.10; SD Public Assurance Alliance \$788.00;

**COUNTY BUILDINGS:** SD Public Assurance Alliance \$45,945.43; Thyssenkrupp Elevator corporation \$838.50;

**EMERGENCY LINE:** A&B pure water \$54.97;

**MENTALLY III:** Audra Hill consulting \$765.20;

**MENTAL HEALTH:** Audra Hill Consulting \$230.92;

**MENTAL ILLNESS BOARD:** 1,041.98;

**SOBRIETY:** Dash Medical Gloves \$160.36;

**S&R:** SD Public Assurance Alliance \$5,081.75;

**CORONER:** SD Public Assurance Alliance \$185.00;

**SAFETY:** SD Public Assurance Alliance \$1,023.75;

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

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

**E. Highway**

1. Highway Superintendent, Jesse Doyle, requested Commission approval of ROW Occupancy Permit for fiber optic facility S10 T3S R4E/Mica Ridge Road. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Doyle also requested approval of ROW Occupancy Permit for fiber optic facility S4 T4S R4E/Nuthatch Lane. Motion to approve made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

3. Approval was recommended for ROW Occupancy Permit for fiber optic facility S33 T3S R4E /Palamino Road. Motion to approve made by Linde; seconded by Busskohl; vote taken, all aye; motion carried.

4. Doyle asked for approval of ROW Occupancy Permit for fiber optic facility S31 T4S R3E/S Branch Fork Road. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

5. Doyle publicly thanked the Sheriff's office & staff for assisting with speed enforcement in work zones and noted that the new "Move Over" law takes effect July 1, 2025. This law affects not only workers but pertains to all vehicles stopped on the roadside.

**F. Planning**

1. Planning Director, Terri Kester, presented Final Tract re: TRACT A1, TRACT A2, AND TRACT BR OF DOWNEN RANCH SUBDIVISION LOCATED IN THE NE ¼ OF SECTION 13, T4S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA William and Alene Brazell for Commission approval. This was presented at the 6-3-25 Planning Commission meeting where approval was recommended. Motion to approve made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Kester presented Final Tract re: ZUERLEIN SUBDIVISION-TRACTS 1R & TRACT 3 LOCATED IN THE E ½ OF THE SE ¼ & THE W ½ OF THE SE ¼ OF SECTION 30, T2S, R7E, BHM, CUSTER COUNTY, SOUTH DAKOTA Darrell Zuerlein for approval. This lot line adjustment was presented to the Planning Commission on 6-3-25. Motion to approve made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

3. Kester presented an updated Fee Sheet to include Failed Inspection/Reinspection Fee of \$125. Motion to approve made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

4. Variance re: Nielsen/Park Tract Deed Restrictions; public use parcel was presented, and it was noted there is no new information available at this time. This item will appear on the 7-9-25 Agenda.

## **G. Search & Rescue**

1. Sam Smolnisky appeared before the Commission to present an update on the LAW Loan program. This program enabled law enforcement, search & rescue and first responders to utilize vehicles at 0% interest. Smolnisky stated this program is no longer in effect and that a unit was returned to BH Power Sports, leaving S&R down one vehicle. S&R has greatly appreciated this program over the past 3 years. Smolnisky recognized Romeo Barrera as the S&R UTV specialist, tasked with installation of necessary equipment on UTVs. Barrera is the individual who initially found the Yamaha LAW program and Sam presented a Certificate of Appreciation. The Commission thanked them both.

## **H. Custer County Chronicle**

1. Jason Ferguson presented ad proposal to commemorate Custer's 150<sup>th</sup> anniversary. The Commission agreed to purchase a full-page ad at a cost of \$300. Motion to approve purchasing advertisement made by Busskohl; seconded by Hartman; vote taken, all aye; motion carried. This will be expensed from the Commissioner's budget. Jason stated the 1881 Museum has provided great historical information.

## **I. 24/7 Sobriety**

1. Sgt. Derrick Reifenrath made request for approval of the following 24/7 technicians:

a) James N. Lyon II as part-time, as-needed 24/7 Sobriety technician at an unbenefited rate of \$17.77 per hour.

b) Hapsie Nutley as part-time, as-needed 24/7 Sobriety technician at a rate of \$23.78.

c) Brianna Kringlie as part-time, as-needed 24/7 Sobriety technician at a rate of \$23.33. Motion to approve all three made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

## **J. Human Resources**

1. HR Director, Amber Maidens, requested approval to make a policy change in the employee handbook regarding bereavement leave. She would like to change the verbiage to include leave for stepfamily bereavement. Tracy Kelley will review after written and this will be presented at the next meeting. Motion to approve changes made by Hartman; seconded Hindle; vote taken, all aye; motion carried.

## **K. Airport**

1. Airport Manager Brenden Hendrickson, together with Travis Hirschey, Mead & Hunt appeared before the Commission to request Chairman's signature on the Runway Extension Environmental Grant application. Hirschey stated this grant shows Custer County's intent to move forward with the runway extension. Once environmental clearance is given, the project moves to the design phase and then onto the construction phase (approx. 2-3 years in the future). This cost share associated with this grant is 95% FAA \$406,623; 2.5% \$10,701 local; and 2.5% \$10,701 state funding for a total of \$428,025. Motion to approve Chairman's signature made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

## **L. Finance Officer**

1. Finance Officer, Dawn McLaughlin, requested Commission acknowledgement of resignation of Deputy Treasurer, Tammy Pierce, effective 6/27/2025. The Commission so acknowledged.

2. Deputy Finance Officer, Michelle Zerfas, presented an update regarding State of SD confirmation of the number of available on-sale and off-sale liquor licenses in Custer County. There are a total of 6 off-sale licenses; 2 are in use and 4 available. There are a total of 7 on-sale licenses; 4 are in use and 3 are available. (It was noted that 1 is currently pending, leaving 2 available after approval).

## **M. Resolution 2025-20—Resolution for Custer County Fire Funding Opt-Out.**

1. Resolution 2025-20 for Custer County Fire Funding Opt-Out in the amount of \$275,000 was placed on the Agenda for today's meeting. Klinton Rittberger spoke before the Commission and stated that the Opt-Out request is rescinded after the 6-23-25 special meeting held by all parties to discuss the potential opt-out. Rittberger stated questions and concerns for the monetary burden on taxpayers as the reason for rescinding the request. Rittberger said that in speaking with other departments, the focus will remain on more long-term options such as District formation. The County windfalls over the past years have helped to create stable budgets, but he is fearful that short-term expenses will be delayed as in the past. Creating Districts will remain the focus. The Commission thanked Rittberger for his hard work. Chairman Lintz stated that Custer County has always been pro-fire departments, and this sometimes takes a hard vote in helping the departments. Lintz said the Commission has gone above and beyond in helping fire departments. Rittberger acknowledged Lintz' statement. The request was rescinded, and the Commission took no action on the Resolution.

## **N. Public Comment –**

1. Lea Anne McWhorter shared that there is a legislative task force re: property tax meeting taking place and is accepting public comments; she will track the audio version of the minutes. She noted that on 7-17-25 another meeting will take place and allow public comments, as well. A time and place for the meeting has not been set. McWhorter also noted the West Dam project is coming along, although pausing for the

summer as not to conflict with golf course activities. Phase II (materials removal) is 50-70% complete; the contract for Phase III completion will be awarded in September, 2025 and is \$1/2 million short to match the \$1 million donation.

#### **O. Town of Hermosa**

1. Kelburn Koontz introduced himself as the new Town of Hermosa Board President and introduced Aric Alias as the new part-time Town Marshal. The Commission welcomed both new members.

#### **P. Bid Opening**

1. Steve Esser, EMS, presented bid opening for the French Creek Mitigation Scoping Project. Bridget Mitchell, Headwaters Economics, attended via Teams meeting. Bids were submitted from Benesch and Respec. Scoping grants are awarded by FEMA, and historically BRIC (this program is no longer in place). Michelle Zervas opened both bids, and they were as follows: Respec—total \$429,198 (with breakdown attached); Benesch—total \$402,838.01. Esser requested additional time to review the bids before awarding; and noted that the grant can be awarded to the company with the best fit, not necessarily based on monetary amounts. Motion to table awarding the bid until the 7-9-2025 Commission meeting made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

#### **Q. Emergency Management**

1. Steve Esser, EMS Director, hosted a presentation by Black Hills Energy regarding Public Safety Power Shutoff (PSPS). Lynn Kendall and Wes Ashton appeared before the Commission and thanked them for allowing them to present. After a power-point presentation, discussion was held regarding the possibility and process for initiating PSPS. Two prime criteria must be met; wind gust speeds and low relative humidity. It was noted that a red flag warning is not the same and has a much lower threshold than PSPS. Historical weather events have been studied to help make determinations and outside consultants have conducted field reviews to identify critical areas. Keeping ROW areas cleared also helps mitigate fire spread. Discussion was held regarding development and reinforcement of an incident command center in the event of a PSPS taking place. Concerns about those citizens needing electricity to power medical devices, oxygen and dialysis and the possibility of providing generators arose. Commissioner Hartman asked if cell towers have backup power (approx.. 6 hours) and Commissioner Busskohl asked if critical service facilities would be kept energized; hospitals, cities, power for pumping water for fire suppression. Mr. Ashton stated BH Energy continues to work through plans for power restoration as quickly as possible, noting that all situations are unique, and backup plans should be in place in those instances. Sheriff Mechaley would like to see BH Energy hold informational public meetings to answer questions from concerned citizens. Mr. Ashton said BH Energy is trying to develop a program to educate the public and will discuss setting up future meetings. Ashton stated that at this time, their website will be the primary source of



information in the event of a PSPS and that a call center would be fully staffed. He also discussed emergency messaging in this instance. The Commission thanked them for presenting and answering questions.

## **R. State's Attorney**

1. State's Attorney, Tracy Kelly, noted the requirement for annual Commission review of open meeting laws. She stated this a good idea for all boards to review annually as this sends a positive message to the public. It was decided to have the review at the first Commission meeting of each year.

## **S. Commission Legal Counsel**

1. Aaron Davis discussed updating the current airport hangar leases and stated he has received valuable feedback from the airport manager, Brenden Hendrickson. Davis asked for Commission comments for a new, updated lease template that will include an increase in insurance liability, rental fees, etc. Hendrickson asked if a current pending hangar sale/lease could be expedited, as the seller and buyer would like to finalize the sale. It was decided to wait until the 7-9-2025 meeting to finalize.

2. Davis presented a draft for easement agreement regarding ROW installation of water lines under roadways. A current situation arose due to a landowner not hooking up to rural water initially and now looking to have access by installing lines underneath the roadway. For future clarification in these situations, an agreement will be in place. Completed agreements will then be filed with the Register of Deeds office, and the easement will run with the land. Highway Superintendent Doyle stated he will continue to review ROW applications and will pass them along to the Commission to approve with the easement agreement. Motion to approve template for future use made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

## **T. Commission**

1. Discussion was held regarding Department Head community spending. HR will send a memo regarding conducting business with more local retailers when possible.
2. Mail call – a) letter and invitation from Friends of Custer State Hospital Cemetery to attend picnic b) letter from DANR re: Longview Minerals, LLC. c) letter and invitation to attend Veterans Appreciation BBQ.
3. Meeting Schedule – Fire Advisory Board meeting 7-10-25 6:00 PM at CSP; BH Association meeting 7-11-25 in Ziebach County; CSP planning meeting 9:00 AM 6-26-25
4. Meeting Reports – Hindle attended Fire Advisory Board, 1881 Museum for damage/decay inspection; Linde attended Conservation Board, Highlands VFD fundraiser and Fire Advisory Board; Busskohl attended BHE emergency shutdown meeting; 1881 Museum; Highlands VFD fundraiser; Custer City Council; Fire Advisory Board and met with USFS re: cattle guards; Hartman attended USFS re: cattle guards and Fire Advisory Board.

**U. Executive Sessions**

1. Executive Session as per SDCL 1-25-21(1) Personnel
2. Executive Session as per SDCL 28-13.42 Indigent

Motion to enter Executive Sessions made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried. Executive Sessions entered at 10:24 AM and concluded at 10:51 AM.

**V. Actions Taken by Commission Outside of Executive Session**

1. Motion to uphold employee termination and instruct Tracy Kelley to issue formal letter made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.
2. Motion to approve indigent request made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

**W. Adjourn**

Motion by Busskohl and seconded by Linde to adjourn the meeting at 10:52 AM. The next meeting will be at 8:00 AM, July 9, 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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