

COMMISSIONERS: Golden West Telec Replacement Check \$65.39; Golden West \$68.26; Pitney Bowes \$3,557.75;

ELECTION: Quill \$37.99;

AUDITOR: Golden West Telec Replacement Check \$140.91; Golden West \$140.91; Quill \$18.29;

TREASURER: Golden West Telec Replacement Check \$140.91; Golden West \$140.91; Quill \$62.77;

STATE'S ATTORNEY: Culligan \$70.50; Golden West Telec Replacement Check \$137.75; Golden West \$137.75; Rapid City Police \$70; LexisNexis \$444; SD Public Health Laboratory \$150;

MAINTENANCE: Black Hills Electric Coop \$657.23; Black Hills Energy \$969.70; Custer Ace Hardware \$38.96; Golden West Telec Replacement Check \$27.55; Golden West \$27.10; Kumelos Design & Construction \$21,173.51; McGas Propane \$89; Sander Sanitation \$22.80;

DIRECTOR OF EQUALIZATION: DOE Conference & Travel \$565.28; Golden West Telec Replacement Check \$192.85; Golden West \$192.85; Quill \$200.94; Splish Splash \$42;

REGISTER OF DEEDS: Golden West Telec Replacement Check \$55.10; Golden West \$55.10;

VETERANS SERVICES: Golden West Telec Replacement Check \$27.55; Golden West \$27.55;

HUMAN RESOURCES: Golden West Telec Replacement Check \$27.55; Golden West \$27.55;

INFO TECHNOLOGY: Golden West Telec Replacement Check \$735.10; Golden West \$734.10; Pitney Bowes \$490.53;

SHERIFF: A&B Water \$54.98; Custom Badges \$499.50; Axon Enterprise \$649.30; Battle Mt. Humane Society \$1,083; French Creek Supply \$49.96; Golden West Telec Replacement Check \$278.54; Golden West \$295.02; Innovative Office Solution \$72.38; Pheasantland Industries \$206.98;

PRISONER CARE: Correct RX Services \$333.27; Pennington County Jail \$13,720; Rapid City Police \$120; Satellite Tracking \$110.50; Blood Draw \$75;

INDIGENT: Chamberlain McColley's Funeral Home \$2,000.

AIRPORT: Golden West Telec Replacement Check \$114.90; Golden West \$114.90; Mead & Hunt \$28,737.23; The Overhead Door \$1,017.35;

EXTENSION: Golden West Telec Replacement Check \$118.07; Golden West \$118.07;

WEED & PEST: Culligan Water \$19.50; Dakota Cable \$106.04; Delmar Slagle Chemical Reimbursement \$32.73; Golden West Telec Replacement Check \$27.55; Golden West \$27.10; John Parker Chemical Reimbursement \$153.46; Mike Linde Chemical Reimbursement \$317.66; Richard Nehls Chemical Reimbursement \$25; Tim Kinnamon Chemical Reimbursement \$37.50; Trugreen Commercial \$1,276.45;

PLANNING: Golden West Telec Replacement Check \$110.20; Golden West \$110.20; Summit Signs \$49;

COUNTY ROAD & BRIDGE: A&I Distributing \$311.45; Brosz Engineering \$1,815; CBH Cooperative \$1,458.08; Custer Ace Hardware \$35.53; Fastenal Company \$191.18; Floyd's Truck Center \$10.48; Forward Distributing \$11.40; French Creek Supply \$752.21; Godfry Break \$1,705.78; Golden West Telec Replacement Check \$229.54; Golden West \$43.88; Great Western Tire \$13,747.45; Lumen-Century Link \$62.84; MG Oil Company \$26,604.51; Mt Rushmore Telephone Company \$155.87; S&B Motor Parts \$108;

EMERGENCY MANAGEMENT: Black Hills Electric Coop \$51.36; Golden West Telec Replacement Check \$45.95; Golden West \$45.95;

SEARCH & RESCUE: Golden West Telec Replacement Check \$99.95; Golden West \$99.95; McGas Propane \$66.99;

COUNTY BUILDINGS: Custer Heating & Air Conditioning \$2,168.37; Freemans Electric \$2,085; G & R Controls \$550; Thyssenkrupp Elevator \$397.84;

EMERGENCY LINE: A&B Water \$54.97; Golden West Telec Replacement Check \$467.87; Golden West \$550.41; Motorola Solutions \$33; Pheasantland Industries \$102.99; Range \$63.87;

24/7 SOBRIETY: Dash Medical Gloves \$260; Golden West Telec Replacement Check \$213.15; SD Attorney General \$3,707.

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

D. Conflict of Interest Declarations – None.

E. Equalization

1. Legal Counsel, Aaron Davis, presented an amendment to Resolution 2023-18, which currently shows what is and what is not assessed; which would essentially become a new resolution regarding concrete and asphalt assessments; defining what is not attached to the main structure or part of the structural integrity of a building or home. Davis will circulate another draft before the next meeting. His purpose today is for discussion and clarification. Scott Storms, DOE, stated a new list was made of assessed items and unassessed items, with concrete adjusted and removed from assessments and stated Commission approval is required before officially removing concrete from assessments. Storms clarified assessing attached (enclosed porch with concrete—not garage aprons and concrete that is part of the building's foundation). Clarification and definition of assessed concrete is needed for the new resolution

before the next meeting. Motion to table until the 9-11-2024 Commission meeting made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

2. Interim DOE Director, Teri Morgan, requested Commission approval to Surplus 2012 Chevrolet Tahoe. It was noted the vehicle has 105K miles, has electrical problems and frequently doesn't start and is unreliable. The DOE still has 2 vehicles in the fleet. Motion to approve surplus made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

3. Appraiser Scott Storms presented an abatement request from Jon and Lori Gjording; Parcel #004647. Storms stated the Gjordings are requesting abatements for 2 prior years. Storms said a STIP to change the grade for the 2024 payable 2025 tax year was granted. In 2023, there was no change and in 2022, a STIP was granted. It was noted that the DOE is not permitted on the property in question, and that abatement requests are not retroactively granted that far back. The board has already granted adjustments. Motion to deny request made by Hindle; seconded by Busskohl; vote taken, all aye; motion carried.

F. Search & Rescue

1. Sam Smolnisky presented a Title III Funds request in the amount of \$82,265.70 for reimbursement, including purchase of ATVs and drone. Smolnisky stated that in June, 2024 he submitted a request for Title III Funds that included reimbursement for volunteer hours worked. The current request is a revision of the initial request. Finance Officer, Dawn McLaughlin, stated that these items were purchased by Custer County general funds, not Search and Rescue funds (nor were grant monies were used) in 2022; she doesn't believe any monies should be reimbursed to S&R. She will contact Legislative Audit for an opinion on the matter. Smolnisky stated this came out of the S&R budget during the timeframe when the invoices were going through the County. McLaughlin reiterated this was paid for using general funds and not S&R funds. EMS Director, Steve Esser, noted that if these items were purchased by Custer County and used on USFS lands, Title III Funds may possibly be reimbursed to the County. Esser stated at one time, a side by side was previously purchased by a Homeland Security Grant (not included in this request). Motion to table entire request until the September 11, 2024 Commission meeting for clarification made by Busskohl; seconded by Hindle; vote taken, all aye; motion carried.

G. Fairburn Fire District

1. Request for Title III Funds in the amount of \$29,872.96 for radios, truck equipment, etc. was presented via email, but no one from the Fire District was in attendance at this meeting to answer any question or discuss the matter. Motion to table until the end of today's meeting to allow a representative time to appear made by Busskohl; seconded by Linde; vote taken, all aye; motion carried.

H. Commission Legal Counsel

1. State's Attorney, Tracy Kelley, addressed the Commission regarding the Resolution for the proposed Custer Fire District and MOU and noted that from an election standpoint, an issue has arisen and the resolution cannot be put on the upcoming ballot, as the ballot question would need to be submitted by noon today for printing. Unfortunately, even with Commission approval of the resolution, the City of Custer still needs to approve their resolution, which has not yet happened. This remains the biggest concern. Kelley noted that yesterday she was made aware that Custer State Park would be excluded from the proposed fire district, which had not been made relayed previously. The resolution proposed includes CSP, and at this point there are concerns about entities not being

on the same page. Kelley noted that action today on the resolution is not a necessity as it cannot be placed on the ballot. McLaughlin noted that today is the deadline for the resolution to pass in order to be placed on the ballot for the November general election. She stated it has been made very clear at multiple meetings that this is the deadline. She stated that the main goal was to have this on the ballot for the general election, as there is a larger voter turnout in a presidential election. McLaughlin stated that the Auditor's office has done everything possible to have this issue placed on the ballot and is very discouraged, noting that her staff has put in numerous hours to get this done. McLaughlin commended her staff for meeting the deadline. She noted any other alternatives will cost the taxpayers, as deadlines were not met by others. She does not believe it is the taxpayers' fiscal responsibility to bear additional costs because of others' failure to meet the required deadline. A special election will place an additional burden on her staff and all election workers. The estimated cost for a special election of this nature would be very costly (the last special election for the French Creek issue involved approximately 1200 ballots and cost about \$20K; the Fire District issue involves approximately 5 thousand voters and the cost would be much higher). Kelley reiterated that one of the issues with this process is that the entities cannot get on the same page nor come to an agreement and work together, thus creating the problem of some entities not meeting the deadline. Kelley addressed the question regarding election of the first board of directors should the district pass; this would go to an actual election as the proposed district has over 1,000 voters. Petitions would be taken out and an election would be held by the Auditor's office. With this issue not being on the general ballot, the possibility of two special elections is now on the table. Kelley stated her dissatisfaction that entities are not communicating and working together.

Commissioners noted that this is needed and are disappointed that this issue will not be on the ballot. Chairman Lintz stated that the reason he wanted the Commission to bypass the petition effort was to speed the process in order to meet the deadline for the November ballot and that didn't happen. He stated that Matt & Selena Springs have done a tremendous job of compiling information; he has attended the meetings and stated the need for the district. He doesn't have the answer at present, but stated the need to meet with all of the entities involved and discuss the next step; perhaps a special commission meeting. Lintz stated there will most likely need to have a special election; McLaughlin said the next regular election will be in 2026. She stated her disappointment that the issue will not be on this year's general election. Peg Ryan noted that the City of Custer will hold an election in June, 2025. Lintz inquired if the issue could be voted on during that election; McLaughlin noted it was possible, but that it would still be a very costly special election. If the County proposes a special election, then the County is required to run that election. If cities and schools only hold an election, the responsibility befalls them. Teri Morgan shared that she has attended informational meetings regarding the proposed district and she had not heard of CSP being excluded until today's meeting. She expressed concerns whether or not CSP would still have fire protection or not. Lintz has spoken with SD GFP and they decided it would be best if GFP individually contracted with either fire departments or fire districts; this would be a separate contract. Commissioner Busckohl questioned the voting block located on the other side of CSP and not being contiguous, would they still be included in the district? Matt Springs stated those would still be included in a fire protection area, but not in the district. Springs stated he feels the resolution was purposely torpedoed; at which point Brandon Zapp accused the elected officials of "kicking the can" on this and did not work with the City and continued stating his displeasure toward the Commission. Additional negative comments were stated by several individuals in attendance, including accusations of orchestration to keep the proposed district off the November ballot. Matt Springs accused the County of "pure failure". Additional accusations were made by Selena Springs who

said this is the worst process for a professional organization she's seen, noting a huge communication issue. Chairman Lintz noted the need for further discussion regarding this matter and how to address the issue. There was no vote held on the resolution.

I. Highway

1. Highway Superintendent, Jesse Doyle, presented ROW Occupancy Application from Golden West Telecom for fiber optic service re: S24 T5S R5E service to 26370 Shirttail Canyon Road Rd and requested Commission approval. Motion to approve made by Buszkohl; seconded by Hartman; vote taken, all aye; motion carried.

2. Doyle presented ROW Occupancy Application from Golden West Telecom for fiber optic service re: S5 T4S R4E service to 11929 Pleasant Valley Road for approval. Motion to approve made by Hindle; seconded by Linde; vote taken, all aye; motion carried.

3. ROW Occupancy Application from Golden West Telecom for fiber optic service re: S14 T4S R4E service to 22518 Galaxy Trail was also presented for approval. Motion to approve made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

J. Sheriff's Department

1. Sheriff Marty Mechaley requested approval of pay rate change for Deputy Nick Myhre, whose certification becomes effective August 28, 2024. Mechaley asked that Myhre's rate of pay be increased to \$26.45/hour as of that date. Motion to approve made by Hartman; seconded by Hindle; vote taken, all aye; motion carried.

2. Mechaley discussed contract negotiations between Custer County and Custer City for law enforcement services. He stated past contracts have been for a term of 4 years, with \$10K being added each year for coverage. Currently, Mechaley will negotiate a 1-year contract and can negotiate with \$10K added. He noted the Commission can participate in the negotiations, or he can negotiate on behalf of Custer County. Mechaley stated he will ask for the additional \$10K and report back to the Commission.

K. Emergency Management

1. EMS Director, Steve Esser, made a request for Chairman's signature on the 2025 LEMPG Agreement form, which reimburses his wages, less 10%. Motion to approve signature made by Hindle; seconded by Buszkohl; vote taken, all aye; motion carried.

2. Esser presented an update regarding the Flood Mitigation Plan and BRIC Grant public meeting that was held July 23, 2024. Esser stated this meeting was well-attended, with Commissioner Buszkohl, SPECK Engineering and representatives from Headwaters in the audience. Upper French Creek was discussed at the meeting. Esser stated a \$450K FEMA grant has been received; the current grant will allow for identification and commencement of necessary projects. These are 90/10 (fed/state) grants/projects at no cost to Custer County.

L. Planning

1. Planning Director, Terri Kester, presented Final Plat re: LOT AA-1, AND LOT AA-2 OF EAGLE VALLEY SUBDIVISION, LOCATED IN THE SW ¼ NW ¼ OF SECTION 16, T4S, R3E, BHM, CUSTER COUNTY, SOUTH DAKOTA. Parcel #011804 James and Mary Ann Gall. This was presented before the Planning Commission on 7-2-24 where approval was recommended. Motion to approve made by Hartman; seconded by Linde; vote taken, all aye; motion carried.

2. Kester presented request for approval of Final Plat re: SHEDEED TRACTS 1, 2 & 3 OF MAGNUSON SUBDIVISION, LOCATED IN THE NW ¼ SE ¼ OF SECTION 36, T2S, R7E,

BHM, CUSTER COUNTY, SOUTH DAKOTA. Parcel #004021 Robert and Donna Shedeed. The Planning Commission recommended approval. Motion to approve made by Buszkohl; seconded by Hindle; vote taken, all aye; motion carried.

3. Kester discussed Statement of Policy regarding subdivision classification/Ordinance 2. Kester noted there are currently subdivisions being developed with lots less than ½ acre. She stated that rather than granting variances, it is recommended that a statement of policy go into effect to change Ordinance 2 so that subdivisions can be developed. Discussion was held regarding both high-density and low-density subdivisions governing any given situation. Wells, wastewater, utilities and deed restrictions, as well as other issues were discussed. Tracy Kelley noted discussions held with the State of SD regarding wastewater issues and larger septic systems. Smaller septic systems (2-bedroom) were discouraged and the State is hopeful that Custer County would continue moving toward larger (4+ bedrooms and minimum 1500 gallon tanks). The State of SD currently requires 3 bedroom and minimum 1000 gallon tanks, noting that Custer County is following those guidelines. Kelley noted the State's encouragement to be proactive and more strict with the requirements. Commissioner Buszkohl stated he has not been in favor of smaller lots. It was stated that if a policy change is made allowing ½-acre lots, this would be county wide, which would change the landscape of the County. Kester stated that if ½- acre lots, as discussed in the Planning Commission, a public water system would be required, with each lot having its own septic system. Kester stated that one dwelling per lot, tract or parcel if under an acre would follow the state guidelines. Further discussion was held regarding variances, etc. and how this policy change would contribute to affordable housing. References were made to the housing study that was recently done and is a driving force to allowing smaller lot sizes. Kester stated there are two subdivisions presently asking to allow 1/2-acre lots. Questions arose regarding fire-suppression, well capacity for fire hydrants, water storage options, etc. Kester noted that changes would be determined by the Planning Commission and the County Board of Commissioners.

M. Concho Trail Road District

1. State's Attorney, Tracy Kelley noted the necessary paperwork for the formation of Concho Trail Road District is complete and ready for the Commission to vote upon for approval or denial. The proposed road district is currently a part of Saddleback road district; the State of SD allows for creation of a new road district, who would then be released from the existing road district; and that decision lies with the Commission. There are 4 properties in the proposed road district. Dachia Arritola, who submitted the petition for formation of Concho Trail road district, presented a request for abatement in the amount of \$3,400 for what she stated are erroneous special assessments that she paid to Saddleback Road District from 2017 through 2024. The Commission does not have authority to refund the monies to her; any refunds would need to come from the Saddleback road district directly. Members of the Saddleback road district were in attendance and stated at the 2024 annual meeting (held in May, 2024) a vote was held and the majority opposed removal of those properties wishing to form a new district. Concho Trail is a culdesac located off Saddleback Road and residents would still utilize Saddleback Road to reach those properties. Bob Hummel urged the Commission to deny the request to form Concho Trail road district. He stated the portion of Saddleback that all residents must use to reach Concho Trail is a high maintenance area and the current district relies on all properties to fund maintenance. It was noted that this will set an unwanted precedence for the County if this proposed district is allowed to be created. Highway Superintendent, Jesse Doyle, stated that Saddleback road district has done a great job maintaining a good road over tough terrain. Dana Benjamin, Deputy Auditor, noted that when a petition for formation of a road

district is presented, it is the Board of Commissioners' decision to determine whether or not there is a need for creation of the proposed road district. Motion to table the matter until the 9-11-24 Commission meeting made by Hartman; seconded by Buszkohl; vote taken, all aye; motion carried.

N. Public Comment

1. LeaAnne McWhorter shared information regarding the summer tax meeting. Lawrence County DOE spoke at that meeting regarding a taxation system implemented in the 90s to tax gold. McWhorter stated there is the same potential for Custer County. She will attend the next tax legislative meeting to be held 9-11-24, where public comment will be allowed.

2. Rick Hart spoke regarding the proposed Custer Fire District and stated that while the Springs' compiled a lot of information, he is concerned about the lack of information, cost estimates, how long the mill levy would be in effect, etc. Although there is a need for fire protection, he doesn't believe there will be enough support from the public if that missing information is not provided. Commissioner Hindle said he hopes the mill levy would not be at the full 1.6, but that is for the district board to decide. He hopes the elected board would be more reserved with taxpayer monies. Chairman Lintz stated that the taxpayers need to put faith in that board. He also stated it would be unrealistic and too expensive to contract out fire protection services.

3. Commissioner Hartman stated he takes offense to accusations made by the Springs and said that he assumed the resolution vote would take place at today's meeting. He noted Custer County is not at fault in this matter and that a lot of discussion and time has been put into trying to make this happen. He reiterated that the Commission is in favor of the district and Springs' comments are unacceptable.

4. Teri Morgan urged the Commission to take time before making a decision on the ½-acre lot policy as land is Custer County's biggest asset.

5. Comments made by others in attendance included the need for formation of the fire district; never a good time to raise taxes, but the fire district is a necessity; questions asked about the district are met defensively and left unanswered; insurance issues with some companies dropping policies on some properties, deeming them uninsurable without fire coverage; mill levy used to determine rates homeowners pay for a fire district rather than all paying the same fee; thankfulness for services provided to taxpayers.

O. Old Business

1. Colt Clewley permit fines and late fees. Planning Director Kester noted that Mr. Clewley has paid these fines and the matter is resolved.

2. The Commission acknowledged that the Agenda was inadvertently not posted the County's website. It was posted in 5 locations in the Courthouse building and on the County's Facebook page.

P. Black Hills Council of Local Governments

1. Jennifer Sietsema appeared before the Commission and presented the BHCLG Annual Performance Report and reviewed several highlights of this past year's projects. She gave an overview on the scope and number of projects in the region and stated that the council is currently administering 156 projects. BHCLG provides technical assistance to road districts, as well. Commissioner Linde thanked Sietsema for her hard work and McLaughlin stated Sietsema has been wonderful to work with.

2. Sietsema went on to discuss the status of the Town of Hermosa drinking water project. She stated that the next deadline for ARPA funds is December 31, 2024 and obligation of funds must be completed. The federal government does not recognize funds as obligated until both parties have signed the sub-recipient agreement. Todd Fish stated that the County's ARPA funds ran through the general fund as revenue replacement, not specific projects; 4 in total. These funds were approved by the Commission, without a sub-recipient agreement. McLaughlin stated they worked with Legislative Audit (Rod Fortin) on this, and these are still required to be audited each year. Since the amount was less than \$10 million, these funds could be used as revenue replacement and placed into the general fund. The Commission prioritized projects and then voted on them; water, drinking water, water for fire suppression and housing. Funds were divided into the 4 projects; all amounts awarded were tied to specific projects. Sietsema noted initially the funds were reported on the application to the state as local ARPA contribution, which she considers problematic and the original application may need revision. The State of SD has requested that the Town of Hermosa revert the funds back as the ARPA timed out in March, and the project terms and requirements had not been met by that time. She is concerned that in the funding submitted to the state, they believed that the \$500K was ARPA and not general funds, based on the way the application was written. Other implications are in place; the review at the state level affects requirements. Sietsema stated since these were general funds and not ARPA, the application will need to be revised entirely, based on prior submission. Fish stated that the Town of Hermosa originally wanted to use the funds for a WRT system for their water; then through DANR, Rural Water for the Town of Hermosa was recommended. If that route was utilized, DANR would have matched the \$500K, with the possibility of additional funds provided. Hermosa ultimately decided to utilize a WRT system instead. Sietsema stated that she did not believe DANR was notified that the WRT system was in the works; Fish stated he informed DANR via telephone. Sietsema said the State notified her that they were pulling the ARPA for this project, unaware that funds came from the general fund, and not ARPA. Now, this is considered a not fully-funded project, and the scope of the funds cannot be changed. Hermosa is still obligated to use the funds for the project that was voted on; there have been many project change requests over the past 3 years, with no action moving forward. At this point, Fish recommended the Commission pull the funds and Sietsema agreed. She offered additional assistance with sub-recipient and sub-award policies, if needed. The state views this as "no action"; having taken 2 years of no activity and is not a fully-funded project. Fish noted that even though these are general funds, the ARPA rules are being applied in this case. McLaughlin said that these funds were audited and recognized in 2021; then expensed out. The original amount was brought in as ARPA funds; but due to a change in state guidelines it was able to be used as lost revenue. These funds still require auditing and guidelines. Sietsema said this will require a new application and correction from the Town of Hermosa and the funds will need to revert back to Custer County.

Q. Town of Hermosa

1. Anthony Theodorou, Engineer for Town of Hermosa, appeared before the Commission to present Hermosa Water Distribution Memorandum. He stated he was hired and tasked to address the lagoon expansion project first and is now working on the water project. He went on to explain in depth the well utilization functions for the Town of Hermosa. He discussed the \$500K given to Hermosa for water system improvements; noting the previous board's plans for pressure boosting. Theodorou presented a more thorough plan for the water solutions. He proposed a new plan for water tanks to store, increase and improve pressure throughout the town. He noted Hermosa is in the process of rewriting an ordinance to make it

clear to residents that new pressures are to be expected and what this entails. He asked the Commissioners to grant permission to use the \$500K to improve the water system based on the new engineering report of what is now considered the best option for the town. This project can also be done in a reasonable time frame. He went on to discuss additional scenarios regarding the wells and gallons per minute—re-drill the well, take samples and then build the WRT around that. He stated this is its own independent project, providing redundant water sources. He has been in communication with DANR and they do not believe the funds need to be re-obligated. After further discussion, Commissioner Hartman stated the Town Board of Hermosa would need to have a vote and send the Commission a new formal request to change the project. This issue will not be voted on by the Commission at today’s meeting. Jennifer Sietsema asked about the 2.5 miles of line included in the first project and asked if that would be in the new project. She asked about the total project costs based on the original estimate and was told expenses would most likely be higher at today’s rates. Theodorou noted Hermosa has the second highest priority points (143) in the State of SD. Commissioner Linde stated he would feel more confident in voting if there was a better picture of what truly to expect and what would be funded with the \$500K from Custer County as this issue has been going in circles for the past few years. He also stated Custer County does have need for the funds should they be returned. Sietsema noted that the reason the state is requesting relinquishing of funds is that the state water plan is upcoming and there are more projects and requests for monies than there are funds; therefore, projects that have shown no activity for over 2 years will be the first to have funds returned. The Town of Hermosa needs to show Custer County a commitment of use of funds; the Commission wants to help Hermosa and is impressed with the new engineer thus far.

R. Commission

1. Mail call – letter from DANR re: Longview Minerals, LLC.
2. Meeting Schedule – Budget meetings will be held 9-11-24 following the Commission meeting and all day 9-12-24. Budgets will be finalized at the 9-25-24 Commission meeting. Annual convention will be held 9-16 through 9-18 in Rapid City. Tracy Kelly & Dawn McLaughlin noted possible need for a special work session to further discuss the proposed fire district, with County, City and Fire Department in attendance. McLaughlin will make arrangements.
3. Meeting Reports—Hindle attended advisory board for strategic metals trust fund; Hartman attended planning and housing boards; Linde attended museum board and noted there is a new director, Pringle City Council, Custer City Council meetings; Lintz and Busskohl attended GFP meeting with secretary Rohbling; Busskohl attended Custer City Council; S&R and noted that Sylvan Rocks donated helmets to S&R.

S. Fairburn Fire Dept Title III

1. Motion to un-table topic made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. Motion to table until 9-11-24 Commission meeting made by Linde; seconded by Busskohl; vote taken, all aye; motion carried. Mr. Rittberger was unable to attend today’s meeting.

T. Ordinance 2

1. Planning Director Kester discussed portions of Ordinance 2 pertaining to platting. She noted that some surveyors are drafting plats that show property lines at the center of the road and some are platting outside the roadway and asked the Commission to determine which,

moving forward they would prefer. There is confusion as to where the line should be, based on who maintains the road. Liability was discussed, together with many variables. Responsibility of maintenance and ownership was discussed, as well. Custer County does not own many roads, most properties are platted to the center of the road. Teri Morgan stated the need to plat ownership, either as a road or as property, regardless of who maintains the road. The Planning Commission has discussed the matter, but has not yet formed an opinion. Motion to table until the Planning Commission presents a recommendation made by Hartman; seconded by Busskohl; vote taken, all aye; motion carried.

2. Section Line Petitions currently need approximately 60 signatures (1% of voter turnout at the last gubernatorial election); there are 2 options available as per codified law. The first is to obtain the larger number of signatures; or obtain signature of 2/3 of adjacent landowners (or signatures of all adjacent landowners if there are fewer than 3) to have a public hearing. Kester asked the Commission if the second option could be used rather than having to obtain the 60 signatures and just get signatures from the affected landowners. Kester noted that Ordinance 2 only specifies the first option. It was noted that the USFS does not acknowledge themselves an adjacent landowner. The Commission determined that it would be best to keep both procedures as options.

3. Aliquot parcels were discussed next. When subdividing these parcels, it is not currently necessary to come to the Planning Department; this can be done through the Register of Deeds' office. If aliquot parcels are put into a subdivision, could it be possible for the County to require platting? This would eliminate road problems within a subdivision and establish a policy requiring a plat for those properties. Discussion was held regarding access and land-locked properties (which do not preclude land sales). Questions arose regarding access, roads and who is ultimately responsible for building roads through properties. Tracy Kelley stated these situations are "Buyer Beware" and buyers need to do their research.

U. Executive Session

1. Motion to enter into Executive Session as per SDCL 1-25-2(3) Legal made by Busskohl; seconded by Linde; vote taken, all aye; motion carried. Executive Session was entered into at 11:28 AM and concluded at 12:19 PM.

V. Adjourn

Motion by Hartman and seconded by Busskohl to adjourn the meeting at 12:21 PM. The next meeting will be at 8:00 AM, September 11, 2024 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 _____.