

Regular Meeting Minutes
Butte County Courthouse
Commission Meeting Room
839 5th Avenue
Belle Fourche, SD 57717
Phone: 605-892-4485

Tuesday, June 6, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on June 6th, 2023. The meeting was recorded. Commissioner's present were Harms, Ager, Herman, and Erk. Absent: Walton

Motion by Herman Second by Ager to approve the meeting agenda with adding rescheduling of Board of Adjustment meeting under old business. Commissioner Erk requested that the public comments be moved to the beginning of the meeting, Commissioner Harms, Ager, and Herman wished to remain towards end of meeting. Roll Call Vote: Harms aye, Ager aye, Herman aye, Erk nay. Motion Carried.

Motion by Ager Second by Erk to approve minutes of 23May2023 Regular Meeting Minutes with no changes. Vote Unanimous. Motion Carried.

Motion by Ager Second by Herman to approve the Bills for Payment as presented by Auditor Annie Capp. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

Motion by Erk Second by Herman to approve payment of Apportioning and Other payments per Printout as presented by Auditor Annie Capp with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners.

There were no Travel Requests or Abatements

Register of Deeds Julie Brunner presented information on new program available that will benefit landowners. Land Notification Alert system will send out notifications if anything occurs on their property. The program will be paid for out of M&P budget. Ms. Brunner explained the M&P fund and where the money comes from and how it can be used. An Idoc account is required and available in different stages. ROD Brunner invited all commissioners to come to her office and see what they do.

Motion by Erk to deny extending D A Peterson Company Purchase Agreement for one more year (June 29, 2024). Commissioner Erk suggested the extension be denied and to put the property on the market. Motion died for lack of second.

Motion by Herman Second by Ager to approve extending D A Peterson Company Purchase Agreement for one more year (June 29, 2024) with no further extensions after additional year. Roll Call Vote: Harms aye, Ager aye, Herman aye, Erk nay. Motion Carried.

Michael Gouloff, AIA of Elevatus Architecture out of Indiana presented concept designs of a courthouse that will meet future needs of Butte County to the commissioners at the request of Sheriff Lamphere. Sheriff Lamphere explained the need to consider the plans based on funding needed to remediate current environmental issues, lack of space for existing personnel, needed HVAC upgrade, courtroom security, and parking constraints. Basic projected costs for project as presented are \$500/sq ft * 50,000 sq ft building = \$25,000,000.

- Commissioner Ager asked about funding resources that might work with government entities – Elevatus knows who to work with but does not do the funding research themselves.
- Next steps would be for Elevatus Architecture to provide a formal proposal.

- Commissioner Erk suggested that research needs to be done before moving forward.
- Discussion was held on Belle Fourche Police plans for new facility and potential for collaborating with County for shared space and costs.

Belle Fourche Chamber of Commerce Director Miranda Gallagher presented an Activity Report including summer interns from Belle Fourche High School, upcoming marketing projects (directory, brochures, and videos), state grant received for marketing costs, collaboration with other Chamber Directors in six states, ideas for potentially filling empty buildings, mixers and ribbon cutting activities, and membership growth.

Highway Administrator Lori Johnston presented an activity report including mag watering activities, graveling, blading, culvert repairs, repair of roof, and asphalt replacement.

Motion by Herman Second by Erk to approve the Application for Occupancy on the Right of Way of County Highways – Aladdin Construction Co. – Orman Road – Pasture pipeline. Vote Unanimous. Motion Carried.

States Attorney LeEllen McCartney introduced intern Michael Geiler and presented an activity report including case load, increase in DUI cases, juvenile DUI cases, court proceedings, jail residents, new process for collecting Court Appointed Attorney fees, and recent meeting attended with West River Sexual Assault Prosecution Team with a focus on available grants for training.

Motion by Erk Second by Ager to approve Estimate No. 2023-900 by Architectural Specialties server and camera upgrade in an amount not to exceed \$50,735.76 including three-year warranty. This will include four to five new cameras and is a 2023 budgeted item. Vote Unanimous. Motion Carried.

Commissioner Harms asked Sheriff Lamphere if he would like to get a committee together to discuss and plan on Courthouse needs. People to consider including would be commissioners, city representative, engineering. Chairman Harms will develop a Courthouse Improvement Committee. Auditor Capp to forward RFP for Audio/Video equipment to Sheriff Lamphere.

A ten-minute recess was taken beginning at 10:45 am.

Motion by Herman Second by Ager to approve Final Plat: Owner: James McCoy; Butte Meade Sanitary Water District; NW4 PT LYING in SEC 17, T8, R3, B.H.M, Butte County, South Dakota. Vote Unanimous. Motion Carried.

Auditor Capp presented an activity report including status of Incode upgrade (phase 1 complete, phase 2 to be completed 16Jun), budget schedule, and building updates (sump pumps, roof, etc.)

Motion by Ager, Second by Herman to adopt Butte County Commission Meeting Protocol and Rules of Decorum Policy. Erk nay, Herman aye, Ager aye, Harms aye. Motion Carried.

- Discussion was held regarding the policy including
- #2 - three minutes time limit of speakers
- #6 - speaker required to address commission as a whole and not individually.
- #10 - what is considered unacceptable behavior
- #12 - requirement for removal of citizen

Motion by Erk, Second by Ager to approve Acceptance of Service Cheney Quiet Title. Vote Unanimous. Motion Carried.

Motion by Ager, Second by Herman to approve Acceptance of Summons to Olson Quiet Title. Vote Unanimous. Motion Carried.

Motion by Ager Second by Erk to approve wage adjustments for Auditor Office: Sandy Heidrich Skill Level 3 \$22.49 and Highway: Marc Monier Skill Level 2 rate is \$22.07 based on performance. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Herman to move funds from General Fund Shared Revenue LATCF (101-101) to Highway Fund Cash (201-101) amount of \$256,246.37. Vote Unanimous. Motion Carried.

Committee Reports were given:

- Erk – Fairgrounds meeting held 05Jun– Fair book should be out first part of July. Looking for volunteers (commissioners) for the dunk tank.
- Ager – Planning moving along, meeting next week.

Old Business

- Rescheduling of Board of Adjustment meeting regarding Variance request by Center of Nation was discussed. Monday, June 19th at 9:30 AM was decided on. Commissioners will convene immediately afterwards for renewal application.
- Auditor Capp provided information on status of Land Auction after discussion with Kim Richards. Commissioners requested a July time frame for the auction.
- Auditor Capp shared the Request for Proposals for County Website and Audio/Video equipment. Both RFPs were/will be published and were sent to several local businesses.

New Business

- Herman thanked county for the cards and sympathy after the death of her mother

Beginning at 11:35 AM an opportunity for Public Comment was opened.

- James C. Sowers spoke on marijuana and shared his opposition to medical and recreational use. Mr. Sowers believed the people should have been a part of decisions made when crafting the ordinance. Mr. Sowers suggested that a nuisance ordinance could solve some of the issues with medical marijuana. Mr. Sowers suggested that a joint city/council ordinance be put in place in the area surrounding Belle Fourche. Mr. Sowers also spoke about his experience with public criticism and current issues during commission meetings.
- Travis Ismay suggested that commissioners be careful that they do not violate their oaths. Mr. Ismay stated he has an issue with the actions taken by commissioners, not the commissioners themselves. Mr. Ismay recommended that the commissioners listen and take actions on concerns by people in Butte County. Mr. Ismay then expressed his thoughts on holding public comments at the end of meeting.
- Sue Broadhurst said that she felt the policy adopted was too strict and violated public's right to speak. Ms. Broadhurst provided research she had done on Public Comments and felt Fall Rivers ordinance was a better fit for the County. She did not understand how the commissioners came up with new rules and was disappointed with not being able to share her findings on public comments prior to a vote.
- Bob Vansickle read comments provided by Daryl Vig at his request. Mr. Vig requested that the commissioners provide live video and audio recordings stating that not doing so indicates the commissioners have something to hide. Mr. Vig suggested that the commissioners were violating open meeting laws and falsely reporting meeting activities. Mr. Vig also mentioned the variances issued for medical marijuana establishments and ended by providing his opinion on the States Attorney's office actions regarding complaint filed by citizens of Butte County
- Bob Vansickle spoke on the policy adopted by commission specifically about the three-minute restrictions and provided some compromises for commissions to consider such as restricting block of public comments to a specific time and limiting time to those speaking to fit in the time allotted.

- Rose Vansickle asked the commissioners to do something about the smells from medical marijuana establishments in her area. Ms. Vansickle stated those with allergies are having medical affects.

Commissioner Herman read #5 of the decorum policy and pointed to a public members hat, suggesting it was offensive to her.

Motion by Herman Second by Erk to adjourn the meeting at 11:55 AM. Vote Unanimous. Motion Carried.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$8,224.92, AUDITOR'S OFFICE \$8,705.10, BUILDING \$3,851.84, COMMISSIONERS \$4,158.92, DISPATCH \$12,955.30, ELECTION \$2,047.98, EM/911 \$1,127.69, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$23,973.42, JUDICIAL \$915.95, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,423.58, SHERIFF/JAIL DEPT \$20,182.87, STATES ATTORNEY OFFICE \$13,617.30, TREASURER'S OFFICE \$10,299.06, VETERAN SERVICE OFFICE \$828.40.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$8,784.16

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,747.88

GROUP INSURANCE

BUTTE COUNTY SHARE \$36,120.95

PROFESSIONAL SERVICES

SDAAO \$750.00, SD DEPT RVNU \$1,424.68, ECOLAB \$150.00, PNNINGTN CO JAIL \$4,739.09, BTLR MCHNRY \$236,807.66, WESTRN SD JVNLE SRVCS \$24,900.00, MEAD CO AUDTR \$79,120.00, GENE'S LCK SHP \$16.00, MNMNT HLTH \$834.30, RDWOOD TXCLGY LAB \$73.94, AUDRA HLL CNSLTNG \$289.55, VNGUARD APPRASLS \$3,040.00, BARNAUD LAW \$2,472.50, FIRE PRO \$1,974.50, K DLAHOYD \$7.15, ROYL SPRAYNG \$213.50, LXSXNS \$342.93, THMSN REUTRS-WST \$293.38, HLPRT & HALE \$653.50, DUBL STAR \$1,851.84, AMG-AVRA OCCUP MDC \$35.18, SDACO \$338.00, BH SCURTY & SYSTMS \$134.85, KARN HNT PRF \$1,250.00, ARCHTCTRL SPCLTS \$521.99, SD CEO WST WMN'S BSNSS \$459.00, PNNINGTN CO SHRF \$452.00, SCHLMGN LAW \$1,954.25, LFTS DNTL \$846.67, INK & LASRS \$110.00, MNMNT HLTH HOME + HME \$699.50, B WLF \$55.62, C DNVN \$1,050.00, A-Z SHRDNG \$26.20, DPT HLTH \$125.00

PUBLICATIONS

BH PIONEER \$25.72

RENT/LEASE

A&B BSNSS \$246.91, CNTRY BSNSS \$548.94, DJ CNSTRCTN & DEV \$1,450.00

REPAIRS/MAINTENANCE

SCTT PETRSN MOTRS \$60.89, ROSANE CNSTRCTN \$25,212.00, WRK RGS \$100.00, WHITE'S ELCTRCL \$82.50, BH WNDSHLD RPR \$130.00, CRNT CNSTRCTN \$370.56

SUPPLIES

OFFCE MPORM \$50.28, DKOTA LMBR \$242.79, SD DEPT TRANS \$21,980.89, PRNT MKRT \$406.56, BIG SKY COMM \$168.00, PTNY BOWS BNK RSRV \$6,000.00, CBH \$2,840.20, MCHELL MAY \$223.63, CARL'S TRAILR SALES \$23.56, O'REILLY AUTO PARTS \$163.37, SIGN SLUTNS \$77.20, STRGS RSPNDR SPPLY \$16.95, NTLCTL TECH \$132.90, E-Z FAB \$152.20, HLLYRD \$1,849.78

TRAVEL/CONFERENCE

RMKTA \$232.00, SDSU XTNSN \$123.53

UTILITIES

CITY BF \$382.50, BH NRGY \$3,574.38, BUTTE ELCTRC \$6,442.81, BLUPEAK
\$309.12, RFUSE SLUTNS \$352.01, AT&T \$36.79, CNTRYLNK \$1,541.37

APPROVED BY THE COMMISSION:

Stan Harms, Chairperson

ATTEST: Annie Capp, BC Auditor