Regular Meeting Minutes
Butte County Courthouse
Commission Meeting Room
839 5th Avenue
Belle Fourche, SD 57717

Phone: 605-892-4485

Tuesday, February 20, 2024

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on February 20, 2024. Commissioners present were Ager, Walton, Erk and Harms. Absent Herman.

Chair Ager called the meeting to order and led the group in the Pledge of Allegiance.

Motion by Walton, Second by Erk to approve the meeting agenda with add of #10.5 for possible action on Public Hearing and add with possible action on item #14. Vote Unanimous. Motion Carried

Chair Ager called for a moment of silence/reflection.

Beginning at 9:30 AM a Public hearing was held regarding salvage yard for owner: Tope, Jay & Wilma; E100' TR A of Lot 1 Located in Section 5, T8N, R3E, BHM, Butte County, South Dakota.

- Wilma Tope was present to speak in favor of item. She is the owner, and her son
 operates the salvage yard. Mr. Tope recycles and stores items on property and
 then sells to recycling company. They know not it's not always pretty. Met with
 land use board to discuss issue. Opted to put up a privacy fence on the property
 to protect the view on Highway 212 and Five-Mile Road.
- Dale Simanton stated that while salvage yards can be an eyesore, they do provide a service.
- Commissioner Ager gave some background and Mrs. Tope said that they were on the agenda on the recommendation of DOE Wilson.
- Commissioner Ager stated one neighbor called him and said he was opposed.

Motion by Erk , Second by Walton to approve the Special Meeting minutes for 22Jan2024 and 12Feb2024 and to table the Regular Meeting minutes for 06February2024. Vote Unanimous. Motion Carried.

Motion by Erk , Second by Harms to table the Auditor's Monthly Settlement with Treasurer. Vote Unanimous. Motion Carried.

Motion by Walton Second by Erk to approve the County Lien Report. Vote Unanimous. Motion Carried.

LIEN REPORT BUTTE COUNTY

	EXPENSES JAN 2024	EXPENSES YTD	RECOVERED JAN 2024	RECOVERED YTD
CAA/PUBLIC DEFENDER	\$ 21,918.33	\$ 21,918.33	\$ 0.00	\$ 0.00
JAIL	\$ 36,785.33	\$ 36,785.33	\$ 3,853.41	\$ 0.00
POOR LIEN	\$ 724.10	\$ 724.10	\$ 0.00	\$ 0.00
REG JUV DETENTION	\$ 38,700.00	\$ 38,700.00	\$ 0.00	\$ 0.00

Motion by Walton, Second by Erk to approve payment of bills per printout as presented by Auditor Capp with one additional voucher. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners present and Auditor.

Motion by Erk, Second by Harms to approve apportioning and other payments per printout with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners present.

Motion by Harms, Second by Erk to approve the Register of Deeds Report. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Erk to approve three Travel Requests as presented with no changes. Vote Unanimous. Motion Carried.

- States Attorney: Clara Kiley to attend Victim Services Training in Box Elder, SD Mar 07, 2024.
- Treasurer Debbie Lensegrav and Kelly Keegan to attend SDACO spring workshop in Pierre, SD May14-16
- Auditor Annie Capp and Lisa Nelson to attend SDACO spring workshop in Pierre, SD May14-16

Motion by Erk, Second by Harms to approve the abatement request for parcel 84.08.2.6M in the amount of \$34.14 as presented by DOE Cristina Wilson. Vote Unanimous. Motion Carried.

Motion by Harms, Second by Erk to approve the abatement request for parcel 08.6.32.31M in the amount of \$206.82 as presented by DOE Cristina Wilson. Vote Unanimous. Motion Carried.

Discussion was held regarding the public hearing for salvage yard (Tope). SA McCartney explained the discretion of the commissioners regarding salvage yards. Mr. Simanton mentioned there was another salvage yard along the same road without a fence. Commissioner Erk was in favor and Commissioner Harms said property owners have the rights to do what they want with their property as long as all State laws and County ordinances are followed. Sheriff Lamphere offered a commented that without a fence it could be an invitation for people to drop things off without owner knowing. He suggested potentially putting cameras or signs to deter when this happens.

Motion by Erk, Second by Harms to approve the salvage yard located at E100' TR A of Lot 1 Located in Section 5, T8N, R3E, BHM, Butte County, South Dakota with the stipulation that they complete constructing a fence along Highway 212 by May 15th, 2024 and are compliant with all State laws.

Beginning at 10:00 AM the Sealed bids were opened for Articulated Concrete Mattress; Prestressed Concrete Bridge Deck; Culvert Boxes and Abutment Plank; Concrete Culverts; Steel Culverts; Polyethylene Plastic Corrugated Culvert; Bulk Fuel Quotes for Diesel #1, Diesel #2, Gas; Treated Pine Lumber; Fir Stringers; Treated Pine Piling; Treated Pine Posts; Steel Piling And Channel; Steel Decking; Grader Blades; Tires; Tubes; Magnesium Chloride. Bids received:

- Rosane Construction, LLC Magnesium Chloride RoadSaver 30%+/- 2%
 - One Year Supply of Magnesium Chloride applied at \$1.249 per gallon
 - o One Year Supply of Magnesium Chloride not applied at \$1.116 per gallon
- Dustbusters Enterprises, Inc. Magnesium Chloride DustGard 30%MgCl2
 - One Year supply of Magnesium Chloride at \$1.37 per gallon
- Wheeler Treated Fir Stringers, All material per South Dakota D.O.T. specifications, F.O.B. Belle Fourche, SD

	Size	Description	Board Feet	Price per MF	Price Each
•	3x12x12-3x12x20	D. Fir Copper Naphthenate	36-60	\$3000.00	\$108.00-\$180
•	4x16x12-4x16x20	D. Fir Copper Naphthenate	64-106.67	\$3850.00	\$246.40-\$410.67
•	4x16x22-4x16x24	D. Fir Copper Naphthenate	117.33-128	\$3950.00	\$463.47-\$505.60
•	4x16x26-4x16x30	D. Fir Copper Naphthenate	138.67-160	\$4100.00	\$568.53-656.00
•	6x16x24-6x16x26	D. Fir Copper Naphthenate	192 - 208	\$3950.00	\$758.40-821.60
•	6x16x28-6x16x32	D. Fir Copper Naphthenate	224-256	\$4100.00	\$918.40-1049.60

Wheeler – Treated Pine Piling, All material per South Dakota D.O.T. specifications, F.O.B. Belle Fourche, SD

> Description Price per MF Price Each

- **16 -45** SYP Copper Naphthenate Piling 11-3-9 \$25.50 LF \$408.00-\$1147.50
- Wells Plumbing & Farm Supplies, Inc. Steel Culverts & Plastic Culverts,
 - 10' Lengths Steel Culvert 16 Gauge

o 12"- 48" Steel Culvert \$206.30 - \$783.75

20' Lengths Steel Culvert 16 Gauge

- 12" Steel Culvert-48" Steel Culvert \$412.60 - \$1567.50
- 20' Plastic Double Wall Plastic Culvert
- 6"-48" Plastic Double Wall Culvert \$100.98 - \$2159.73
- Rinker Materials Bid for Prestressed Concrete Bridge Deck, Culvert Boxes, and Concrete Culverts. Booklets available on request.
- CONTECH Engineered Solutions Bid for Corrugated Galvanized Steel Culverts available on
- Wear Parts & Equipment Grader Blades

0	GE3/4X6X48-3/4H	Curved Carbide Plus 4413854	12 @ 389.70	\$4676.40
0	KM1012362	Scarifier Blade	4 @ 795.56	\$3182.24
0	KMC858KCSB	Large Grading Bit 1010880	50 @ 23.75	\$1187.50

- TrueNorth Steel Bid for Grader Blades, Bride Decking
 - Bucyrus Grader Blades Standard Hwy Punched
 - 5/8" x 8" x 6', 7', or 8' Bucvrus Hardened Curved Double Beveled \$25,43/foot 3/4" x 8" x 6', 7', or 8' Bucyrus Hardened Curved Double Beveled \$26.46/foot
 - 3/4" x 8" x 4', 5' Flat Snowplow Blades \$24.97/foot 3/4" x 6" x 3' or 4' Carbide Inserts \$73.28/foot
 - 3/4" x 6" x 3' or 4' Carbide Plus \$113.02/foot
 - **Bridge Decking**
 - 12 Gauge Galvanized 12" x 4.25" Corrugation
 - Plank Size in Stock 12" x 11'-11.25" Long \$162.00 each
 - Steel H-Piling, Steel H-Piling 10" x 42 lbs., Stock 40', 50' & 60' Lengths \$68.15/foot o Pile Points \$198.00 each
 - Treated #1 Douglas Fir Limber, Rough Sawn Partial Truck Load from Stock

•	3" x 12" x 16'-0"	\$213.92 each
•	3" x 12" x 18'-0"	\$240.66 each
•	3" x 12" x 20'-0"	\$267.40 each
•	3" x 12" x 24'-0"	\$320.88 each

- o Ring Shank Spikes, Bridge Spikes, 7" x 5/16" Galv R/S 50# Box \$498.00 box
- DMC Wear Parts -

0	Grader Blades - 34643PTGB - 3/4X6X47-15/16 (3/4B) Curved	\$416.98
0	Carbide Blade, No Overlav	

- 34633PTGB 3/4X6X35-15/16 (3/4B) Curved
- \$314.74
- Carbide Blade, No Overlay
- 34643CTGBCE 3/4X6X47-15/16 (3/4B) Curved Carbide \$500.00
- GR/BL C/W CE, W/Carbide Overlay
 - 34633PTGB-CE 3/4X6X35-15/16' (3/4B) Curved Carbide \$375.00 w/Carbide Overlay
- RTI: DMC48C Scarifier Tooth Holder 4 ft \$700.00
- (Holds 24 Bits), Heavy Duty, 3/4 Punch, 1.25x6X 48
- o RTI: DMC36C Scarifier Tooth Holder 3 ft \$425.00
 - (Holds 24 Bits), Heavy Duty, 3/4 Punch, 1.25X6X36
- o GTR: G87KCSBSR Sharp Carbide Grading Bit, W/Barded Ring \$16.50 compared to C87KSCBSR
- o GTR: 855HDW Flat Blunt Carbide Tip with Washer \$12.50
- o 3BLMI148S 3/4X6X48 Carbide Insert Plow Blade, 1 ½" GA \$275.00
 - Standard Carbide Insert Snow Plow Blade, 5/8 Punch, 3-3-12 spacing

Motion Walton, Second by Erk to accept all bids for Articulated Concrete Mattress; Prestressed Concrete Bridge Deck; Culvert Boxes and Abutment Plank; Concrete Culverts; Steel Culverts; Polyethylene Plastic Corrugated Culvert: Bulk Fuel Quotes for Diesel #1. Diesel #2. Gas: Treated Pine Lumber; Fir Stringers; Treated Pine Piling; Treated Pine Posts; Steel Piling And

Channel; Steel Decking; Grader Blades; Tires; Tubes; Magnesium Chloride. Vote Unanimous. Motion Carried

Beginning at 10:16 AM the following citizens appeared during the Public Comment Session:

- Sue Broadhurst mentioned a discussion she had with Highway Administrator regarding holes in bridge between National St. and Snoma Rd. Ms. Broadhurst asked if, due to speeding, a speedbump could be added to Snoma road for safety of others and animals. Ms. Broadhurst asked about action taken during February 12th special meeting regarding motion to hire outside council specifically who was being hired and what information could be shared with public. Ms. Broadhurst asked if the County website could be updated, mentioning some outdated and missing documents. Ms. Broadhurst said she didn't appreciate comments received from a commissioner's wife when she requested parcel cards from assessor's office to confirm they are not getting a break on taxes.
- Ms. Broadhurst was granted additional time to discuss concerns on potential county property to be sold. Ms. Broadhurst asked if commissioner were aware of who adjoining property owners were and also said she wasn't able to find 11.3.19.13.2 on county GIS site.
- Dale Simanton had to opportunity to attend Nisland town council meetings regarding marijuana facility and when those present were asked who was in favor none were. Mr. Simanton mentioned the ordinance that was drafted in Nisland and compared to the County ordinance - specifically the fees, suggesting higher fees would likely have reduced the amount of cannabis facilities.
- Travis Ismay spoke for Concerned Citizen of Butte County regarding tabulators used to tally ballots. A majority of people asked do not trust tabulators and would like ballots to be hand counted. Concerned Citizen of Butte County request that commissioners require all paper ballots be hand counted from now on and will work with auditor's office to recruit election workers in each precinct to alleviate work on the auditor. CCOBC believes this will build integrity, repair trust, and improve reputation of Butte County and their elections.

Veterans Service Officer, Jasen Saivong, presented an activity report for January including disability compensation claims, death and spousal benefits, and DAV transportation numbers.

Motion by Erk, Second by Walton to approve Final; Owner: Gary Moss; Tracts M1 and M2 of Moss Subdivision Located in the SE4SE4 of Section 30, T9N, R6E, BHM, Butte County, South Dakota as presented by Field Appraiser Johnna Ramirez. Vote Unanimous. Motion Carried

Highway Supervisor Dwayne Heidrich presented an activity report including snow removal and fixing signs. Will try to do some blading, weather permitting.

Motion by Walton, Second by Erk to approve 2024 Bridge Inspection Resolution to be completed by Brosz Engineering. Vote Unanimous. Motion Carried

Motion by Erk, Second by Walton to approve Application for Occupancy on the Right of Way of County Highways – BHP – Converting overhead power line to underground, excavation & boring – Section Line ROW 4000' from Palo Rd & Hwy 212. Vote Unanimous. Motion Carried

Heidrich brought drafted Highway Employee – Remote Contact Policy before the Commissioners for discussion. Discussion was held regarding the need for the policy and some suggested edits. Policy will be brought back to Commissioners with more information on cameras. Suggestions for cameras to purchase were provided to Highway by Chief Deputy Sheriff March. Costs are \$59.99 to \$149.99.

Motion by Erk, Second by Harms to approve surplus of 2016 Dodge Ram 1500SSV – VIN# 1C6RR7XT4GS392945. Vote Unanimous. Motion Carried

Motion by Walton, Second by Erk to approve Agreement for Voluntary Right of Way Donation – Kevin & Ashlee Jaeger – Viken Bridge Replacement. Vote Unanimous. Motion Carried

Motion by Walton, Second by Erk to approve Agreement for Voluntary Right of Way Donation – James McDermott & Edna Booth-McDermott – Viken Bridge Replacement. Vote Unanimous. Motion Carried

Motion by Walton, Second by Erk to approve Right of Way Certificate – Viken Bridge Replacement. Vote Unanimous. Motion Carried

Motion by Erk, Second by Walton to approve Utilities Certificate – Viken Bridge Replacement. Vote Unanimous. Motion Carried

Motion by Walton, Second by Erk to approve Letting Authorization for Project no. BRO-B 8010(29) PCN 08ML – Viken Bridge Replacement. Vote Unanimous. Motion Carried

A short recess was called.

Joel Porch from G&R Controls out of Rapid City was present to discuss HVAC needs. Original quote from November 3, 2022, was for \$1,400,000.00. Prices have changed and would be updated if commissioners decide to move forward. G&R works with a company on a program designed for purchasing materials for government projects. An alternative to using the program would be to hire project manager and go out for bids. In order to minimize disruptions to offices, the project would be done in phases. The current timeframe is several months due to lead times on some of the equipment. In the 19Mar2024 meeting G&R will bring an updated proposal for discussion with possible action.

Discussion was held regarding list of eight parcels provided by Auditor Capp and Director of Equalization Cristina Wilson including legalities and requirements of County Property sales.

Motion Erk, Second Walton by to surplus properties 08.4.02.3-S2SW4PT, 08.6.20.34.2 SE4SW4PT, 09.8.28.11-E2E2, 11.3.19.13.2-SW4NE4PT, 11.7.03.13-S2NE4, 11.7.03.3-N2SW4, 65.10.9.30.3-E2SW4; LOTS 3-4, and 65.10.9.31.2 - NE4NW4. Vote Unanimous. Motion Carried

Motion by Erk, Second by Harms to approve Auditor Capp to get appraisals for the eight surplus properties to be sold at auction.

States Attorney LeEllen McCartney presented an activity report including offer of employment to a Deputy States Attorney with start date of August 2024 to provide time necessary to pass the bar exam. SA McCartney spoke with Meade County States Attorney Michelle Boderick to discuss entering into a cooperative agreement for services. SA shared a flyer from CASA upcoming events. States Attorney McCartney provided information on a recent Supreme Court decision regarding Governor Noem asking Supreme Court about appointing legislators and potential conflicts with their businesses. Nine questions were asked.

States Attorney LeEllen McCartney provided commissioners with information on recently signed HB 1090 (Revised Provisions related to Tax Deeds) and what County needs to do as a result. Resolution providing a moratorium will be lifted once HB1090 is signed by Governor.

Sheriff Lamphere recognized Deputy Hahne Recognition for conduct above and beyond during a domestic violence call.

Sheriff Lamphere provided the monthly activity report and a 2023 annual report including transition of staff due to pay and risks involved. Some of the turnover is leveling out now with changes to pay scale. Sheriff Lamphere spoke on some recent losses to first responders in

South Dakota. Sheriff Lamphere is grateful for the team he has and changes to wage structure approved by commission. Sheriff Lamphere believes more changes are going to have to be made in order to retain valuable employees. Most of the existing challenges will continue and mental health issues will continue to evolve and grow.

Auditor Annie Capp presented an activity report for the Auditor's Office including a 2023 review of activities as well as current election and legislation updates.

Auditor Annie Capp presented the WIC – Report provided by Lindsey Hays, WIC Dietitian Manager, West Region and Rhonda Buntrock, SD WIC Director.

Auditor Annie Capp shared information on recent demonstration by MuniBit to update the Butte County Website. Capp also shared discussion with Moxie Marketing and suggested next steps.

Motion by Erk, Second by Walton to accept Butte-Lawrence County Fair Annual Accounting. Vote Unanimous. Motion Carried

Auditor Capp presented a sample of an agenda with a Consent Agenda included. Discussion was held regarding what should be included in the consent agenda.

Motion by Erk, Second by Harms to include a consent agenda with items agreed upon beginning with the 05Mar2024 regular meeting agenda. Vote Unanimous. Motion Carried

Motion by Walton, Second by Erk to approve wage increases for Equalization - Megan Goshorn Step 2 \$17.96, Dispatch - Collette Fickbohm Step 4 (full wage) \$24.38, and Auditor – Jerry Nelson Tier 3 \$21.27. Vote Unanimous. Motion Carried

Motion by Erk, Second by Walton to enter Executive Session: Personnel SDCL 1-25-2(1) at 12:19 P.M. Vote Unanimous. Motion Carried. Exited Executive Session at 12:35 PM. No action was taken as a result of Executive Session.

Committee Reports were given:

- Commissioner Erk planning meeting held Sketch Letters approved and Temporary Campground Ordinance discussed.
- Commissioner Walton EDC and upcoming TIF meeting will be Wednesday, Ambulance meeting is Thursday
- Auditor Capp shared information on upcoming BHACCO quarterly meeting with commissioners.

Informational

- Commissioner Ager will look at the status of bridge repairs/maintenance.
- Will ask if Highway department can do a speed study on road with concerns of speeding traffic.
- Commissioner Ager confirmed that there were 2 dispensaries, 2 manufacturing, and 6 cultivation facilities approved under previous ordinance not 14 of 15.
- Hand counting in the upcoming election was discussed. Concerns with the ability for outside influences on access tabulator and increased possibility in human error were mentioned.
- States Attorney McCartney mentioned she heard from one of the cannabis organizations
 that they will be giving up their cultivation and manufacturing license. SA McCartney
 mentioned that we have added a requirement for facilities to include recent inspections
 with renewal applications. The ordinance will need to be revised to include this additional
 requirement will need to be added to the ordinance. Any additional changes requested
 by commissioners can be addressed as well.

Tanner Hewitt was present to discuss process for selling surplus county property and steps taken earlier in the meeting.

Motion by Erk, Second by Harms to adjourn the meeting at 1:18 P.M. Vote Unanimous. Motion Carried.

PAYMENTS

SALARY

ASSESSOR'S OFFICE/PLANNING \$8,416.60, AUDITOR'S OFFICE \$9,979.04, BUILDING \$4,057.80, COMMISSIONERS \$4,218.92, DISPATCH \$12,691.74, ELECTION \$1,820.43, EM/911 \$940.58, EXTENSION \$1,881.60, HIGHWAY DEPT/WEED CONTROL \$27,062.14, JUDICIAL \$1,030.25, NURSE'S/WIC OFFICE \$1,968.00, REGISTER OF DEEDS OFFICE \$4,658.22, SHERIFF/JAIL DEPT \$29,531.44, STATES ATTORNEY OFFICE \$13,878.15, TREASURER'S OFFICE \$9,950.24, VETERAN SERVICE OFFICE \$853.25.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,833.17

SDRS RETIREMENT

BUTTE COUNTY SHARE \$7,275.62

GROUP INSURANCE

BUTTE COUNTY SHARE \$34.577.74

PROFESSIONAL SERVICES

R BCHMN \$150.00, PNNINGTN CO JAIL \$791.13, SRVLL \$1,100.54, BH COUNCL LCL GVT \$5,330.00, JURY FEES \$654.02, FRNTR GLSS \$505.00, YNKTN CO SHRFF \$50.00, WSTRN SD JVNL SRVCS \$1,500.00, BHVR MNGMNT SYSTMS \$400.00, CHLDRN'S HOME SCTY \$450.00, MEADE CO AUDTR \$38,325.00, MNMNT HLTH \$2,430.92, RADIOLGY ASSOC \$624.28, BROSZ \$28,212.50, BARNAUD LAW \$5,024.90, ROYL SPRYNG \$1,375.00, RPD CTY \$240.00, AMG \$70.36, DAN'S DMPSTR \$450.00, K HUNT \$1,250.00, RSHMRE COMM \$460.00, ARCHTCTRL SPCLTS \$584.82, NALA \$125.00, FSH WNDW CLNING \$99.00, NMR \$1,225.00, ALPINE MPRSSNS \$70.00, WRK RGS \$650.00, SDACES \$45.00, A-Z SHRDDNG \$290.00, COUNTY DRG \$556.79

PUBLICATIONS

BLACK HILLS PIONEER \$1,372.96

RENT/LEASE

WNDT RNCH \$14,520.00, DKOTA EQPMNT \$795.00, CULLGN \$26.40, THMSN REUTRS \$205.00, BH PURE \$225.25, MOTROLA \$369.45, CNTRY BSNSS \$1,060.89, DJ CNSTRCTN & DEV \$1,450.00

REPAIRS/MAINTENANCE

BTLR MCHNRY \$3,867.43, SCTT PETRSN MOTRS \$899.88, WST TIRE \$25.00, BCKLE'S \$9.63, J&J TRCK & AUTO BDY \$26,928.18, KONE \$507.51, W.D. LARSN \$3,365.10, WHITE'S ELCTRCL \$459.29, J&M MCHNCL \$15,500.00, AUTO PROS \$1,023.23

SUPPLIES

LYNN'S DKOTAMART \$32.58, STRDVNT'S \$958.81, MCGAS PROPANE \$2,035.53, BELLE FLWRS \$75.00, OFFCE EMPRM \$206.78, STEREOS N STFF \$16.99, QULL \$79.96, RUNNINGS \$5,011.44, FRST INTRSTATE-MSTR CRD \$4,322.26, CBH \$3,215.79, PRAIRIE AUTO PRTS \$250.99, O'REILLY AUTO PRTS \$42.95, GALLS \$290.58, SIGN SLUTNS \$4,258.48, DIAMND TRCK EQPMNT \$1,044.36, DPT ANML SCIENCS \$14.50, A&J SPPLY \$1,908.89, HLLYRD \$667.63, MG OIL \$7,951.33

TRAVEL/CONFERENCE

NACCTFO \$75.00, SDACO \$800.00, CNVENE \$10.00

UTILITIES

BH NRGY \$4,586.17, MDU \$2,085.11, BUTTE ELCTRC \$737.19, AT&T MBLTY \$856.90, BLUPEAK \$87.42, TOWN NSLND \$75.76, GOLDN WST \$2,066.79, BUTTE MEAD SNTRY \$55.00, CNTRYLNK \$1,552.72

APPROVED BY THE COMMISSION: James Ager, Chairperson

ATTEST: Annie Capp, Butte County Auditor