

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

Tuesday, September 19, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 6:00 P.M. on September 19, 2023. Commissioners present were Harms, Walton, Herman, and Erk. Absent Ager

Chairman Harms called the meeting to order and led the group in the Pledge of Allegiance.

Motion by Erk, Second by Walton to approve the meeting agenda with addition of 18b Final Plat, Change #2 from special to regular, Table #10 until next meeting. Vote Unanimous. Motion Carried

Motion by Herman, Second by Walton to approve the Regular Scheduled Minutes September 05, 2023, with no changes. Vote Unanimous. Motion Carried.

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

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER
BUTTE COUNTY
August 31, 2023**

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$	-	
First Interstate Bank	\$	1,956,370.34	
Pioneer Bank and Trust	\$	50,981.16	
Total Checking/Savings Accounts			\$ 2,007,351.50

INVESTOR ACCOUNTS

Pioneer Bank and Trust	\$	431,964.70	
First Interstate Bank	\$	779,572.08	
Total Investor Accounts			\$ 1,211,536.78

CERTIFICATES OF DEPOSIT

First National Bank	\$	2,770,045.07	
First Interstate Bank	\$	1,750,000.00	
Pioneer Bank and Trust	\$	1,254,000.00	
Total Certificates of Deposit			\$ 5,774,045.07

Cash on Hand	\$	1,745.00	
Total Cash Accounts	\$	8,994,678.35	

Insufficient Fund Checks In-process	\$	-	
Total General Ledger Balance	\$	8,994,678.35	

/s/ Annie Capp 9/18/2023
COUNTY AUDITOR SIGNATURE DATE

/s/ Debra Lensegrav 9/18/2023
COUNTY TREASURER SIGNATURE DATE

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

LIEN REPORT BUTTE COUNTY

	EXPENSES AUG 2023	EXPENSES YTD	RECOVERED AUG 2023	RECOVERED YTD
CAA/PUBLIC DEFENDER	\$ 23,039.04	\$ 165,341.27	\$ 2,715.32	\$ 30,380.76
JAIL	\$ 58,694.45	\$ 330,934.29	\$ 4,314.53	\$ 56,125.04
POOR LIEN	\$ 0.00	\$ -145.81	\$ 0.00	\$ 10.02
REGIONAL JUV DETENTION	\$ 12,900.00	\$ 66,120.00	\$ 0.00	\$ 11,741.58

Motion by Walton, Second by Erk to approve payment of bills per printout as presented with the addition of Check #0205266 for AC. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

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

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

No Travel or Abatement Requests

Beginning at 6:07 PM the following citizens appeared during the Public Comment Session:

- Sue Broadhurst stated that on 29Jan2016 Rod Woodruff requested his owner-occupied status be removed.
- Katie Hoffman said she was looking forward to how the State's Attorney office would handle GLP Custer application for renewal.
- Mike Green said that while he is not part of GLP Custer, he is associated with two of the owners and wanted clear up the missing document showing that the establishments do have two officers that are Butte County residents.

Highway Administrator Lori Johnston provided an activity report for the department including activities involving Wood Road, Dillinger, Old Hwy 212, Beulah, Upper Red Water, and Gruwell, blading, mowing, repair of culverts, removal of trees, and resignation of new hire.

Motion by Erk, Second by Herman to approve Application for Occupancy on the Right of Way of County Highways – Black Hills Power – SD 79 & Valley Township Rd – Overhead power line. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Herman to approve Chairman Harms to sign Acknowledgment and Certification Required by Executive Order 2023-13 as presented by Highway Administrator Lori Johnston. Vote Unanimous. Motion Carried.

Sheriff Lamphere provided an activity report for the department.

Beginning at 6:20 p.m. a Public Hearing to consider an application for a Special Event Retail (On-Sale) Liquor License Branding Iron: Wedding 29sep2023 was held. No one was present to speak for or against application.

Beginning at 6:25 p.m. a Public Hearing to consider an application for Five-Year County Highway And Bridge Improvement Plan For Butte County was held.

- Jason Hansen from Brosz Engineering presented the Five-Year County Highway And Bridge Improvement Plan for Butte County. This is an annual requirement to be eligible to take part in the Bridge Improvement Plan (BIG). Mr. Hansen gave an overview of the plan and current status of projects, ending by saying the plan is a living document and changes can be made as needed.
- Dale Simanton asked if Gaver Road Bridge, which is out, could be worked on instead of Viken Road Bridge. Mr. Hansen said they are being worked on at the same time.
- Sue Broadhurst asked why the plan wasn't included in the public packet. Auditor Capp explained why the document wasn't included and that when the plan was approved it will be posted on the County website.
- Travis Ismay mentioned that Gammon Bridge, which is closed to public, is still in place and there are escalating safety issues with the bridge. Mr. Hansen said there is a grant program for removing bridges that can be looked into.

Motion by Herman, Second by Walton to approve Chairman Harms and Auditor Capp to sign 2023-2028 Five-Year County Highway And Bridge Improvement Plan For Butte County. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Walton to approve Application For A Special Event Retail (On-Sale) Liquor License Branding Iron: Wedding 29sep2023. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Herman to approve Final Plat: Owner: Brandon Hofer; Legal Description: TRACT AR OF EXTREME RANCHES #2, FORMERLY TRACT A OF EXTREME RANCHES #2 & PT OF THE NE4SE4 LOCATED IN THE SE4NE4 AND NE4SE4 OF SECTION 3, T9N, R4E, BHM, BUTTE COUNTY, SOUTH DAKOTA. Vote Unanimous. Motion Carried

Motion by Erk, Second by Walton to approve Final Plat: Owner: Clint Humble; Legal Description: HUMBLE TRACT, A SUBDIVISION OF THE NW4 PT OF SECTION 27, T9N,R5E,BHM, BUTTE COUTY, SOUTH DAKOTA. Vote Unanimous. Motion Carried

State's Attorney LeEllen McCartney presented the activity report for the department including status of criminal and civil cases, juvenile cases, and magistrate court. McCartney will have quarterly statistics at the next meeting. SA McCartney discussed two programs – a diversion program for people with drug and alcohol charges and the Juvenile Alternative Detention Initiative Grant both of which provide alternatives to incarceration in certain cases.

Auditor Annie Capp presented an activity report for the Auditor's Office including growth report status and recap of SDACO convention notably the Legislative Summer study session. Auditor Capp shared the 21 items discussed in the study and some of the determinations of the items moving to legislation. Capp also shared information learned from Human Resources round table, Health Services and WIC program changes, and Secretary of State updates on Address Verification Notices, Post-election audits, and Disinformation related to Elections.

Beginning at 7:00 p.m. Public Hearing to consider an application for Butte County Resolution 2023-18; Adoption Of Provisional Budget For Butte County, South Dakota was held.

- Katie Hoffman asked the commissioners to look at the big picture when looking at funding a new courthouse and funding required to maintain roads. Commissioner Harms said the courthouse is in preliminary planning stages and a variety of funding is being looked at including grants, sale of property, etc.

Motion by Walton, Second by Herman to approve **BUTTE COUNTY RESOLUTION 2023-18;** Adoption Of Provisional Budget For Butte County, South Dakota. Vote Unanimous. Motion Carried.

**BUTTE COUNTY RESOLUTION 2023-17
ADOPTION OF ANNUAL BUDGET FOR BUTTE
County, South Dakota**

Whereas, (7-21-5 thru 13), SDCL provides that the Board of County Commissioners shall each year prepare a Provisional Budget of all contemplated expenditures and revenues of the County and all its institutions and agencies for such fiscal year and, Whereas, the Board of County Commissioners did prepare a Provisional Budget and cause same to be published by law, and Whereas, due and legal notice has been given to the meeting of the Board of County Commissioners for the consideration of such Provisional Budget and all changes, elimination's and additions have been made thereto.

NOW THEREFORE BE IT RESOLVED, That such provisional budget as amended and all its purposes, schedules, appropriations, amounts, estimates and all matters therein set forth, SHALL BE APPROVED AND ADOPTED AS THE ANNUAL BUDGET OF THE APPROPRIATION AND EXPENDITURES FOR BUTTE County, South Dakota and all its institutions and agencies for calendar year beginning January 1, 2024 and ending December 31, 2024 and the same is hereby approved and adopted by the Board of County Commissioners of Butte County, South Dakota, this 19th day of September, 2023.

The Annual Budget so adopted is available for public inspection during normal business hours at the office of the county auditor Butte, County, South Dakota. The accompanying taxes are levied by Butte County for the year January 1, 2024, through December 31, 2024.

Approved and adopted this 19th day of September 2023

Stan Harms Chair, Butte County Commission

James Ager

Frank Walton

Karrol Herman

Chad Erk

ATTEST:

Annie Capp, Butte County Auditor

Published: August 31st, 2023, and September 7th, 2023

	<u>General Fund</u>	<u>Highway</u>	<u>E-911 Fund</u>	<u>Fire Protection</u>	<u>Library Fund</u>	<u>Domestic Abuse</u>	<u>Sobriety</u>	<u>ROD MOD</u>	<u>America Rescue</u>
100 General Government									
110 Legislative									
111 Board of Commissioners	171,485.00								
112 Contingency	100,000.00								
120 Elections	140,969.00								
130 Judicial System	147,865.00								
140 Financial Administration									
141 Auditor	321,268.00								
142 Treasurer	459,764.00								
149 Insurance	204,120.00								
150 Legal Services									
151 States Attorney	615,016.00								

711 Planning & Zoning	47,473.00								
720 Economic Development	18,750.00								
Total Economic Development	66,223.00								
750 Intergovernmental Expenditures.									
750 Intergovernmental Expenditures		25,000.00							
Total Economic Development		25,000.00							
900 Other Uses									
911 Operating Transfers Out	408,201.00								
800 Debt Service		420,204.00							
950 Residual Equity Transfer									
Total Other Uses	408,201.00	420,204.00							
Total Expenditure Appropriations	6,103,650.00	3,240,224.00	806,982.00	58,818.00	10,900.00	3,850.00	74,194.00	15,000.00	
Capital Outlay Accumulations									
Total Appropriations	6,103,650.00	3,240,224.00	806,982.00	58,818.00	10,900.00	3,850.00	74,194.00	15,000.00	
Cash Balance Applied	451,540.74	133,918.10				3,302.63	78,098.95	11,789.47	
311 Current Property Taxes Levied	4,432,299.00	360,461.00		56,318.00	10,400.00				
Less 25% to Cities	(12,523.00)	(31,967.00)							
312/319 Other Taxes	230,000.00	250,350.00		5,595.68	1,073.68				
NET TOTAL TAXES	5,101,316.74	1,712,762.10		61,913.68	11,473.68	3,302.63	78,098.95	11,789.47	
320 Licenses and Permits	70,000.00								
330 Intergovernmental Revenues	768,000.00	1,683,000.00	80,000.00						
340 Charges for Goods/Services	450,542.00	15,000.00	408,201.00					4,000.00	
350 Fines & Forfeits	11,500.00					750.00			
360 Miscellaneous Revenues	23,536.00								
374 Sale of County Property									
380 Operating Transfers In			361,253.74						
SUB-TOTAL	6,424,894.74	3,410,762.10	849,454.74	61,913.68	11,473.68	4,052.63	78,098.95	15,789.47	
Less 5% (SDK 7-21-18)	(321,244.74)	170,538.11)	42,472.74)	(3,095.68)	(573.68)	(202.63)	(3,904.95)	(789.47)	
Net Means of Finance	6,103,650.00	3,240,224.00	806,982.00	58,818.00	10,900.00	3,850.00	74,194.00	15,000.00	
Total Appropriations	6,103,650.00	3,240,224.00	806,982.00	58,818.00	10,900.00	3,850.00	74,194.00	15,000.00	
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Sheriff Lamphere gave a brief overview of the building committee status on a potential joint law enforcement and county offices facility. President Cory Miller of Elevatus and Dillon presented preliminary plans that were drawn up using ShopKo building as footprint. The addition of a sally port and the Clerk of Courts office would need to be in future plans. A letter was provided with a cost analysis of building new and renovating ShopKo.

- Clara Kiley asked if there was a cost analysis done by Elevatus to renovate existing courthouse.
- Plans regarding timing of moving of Dollar General.
- Clark Sowers asked about grants. Auditor Capp mentioned a grant by USDA for 55% up to \$50,000 and Court Security grant of \$400,000. Mr. Sowers also talked about Belle Fourche City share, sale of property, and plans to research additional funding avenues.
- Katie Hoffmann asked if Elevatus could prepare a proposal on renovating existing buildings.
- Other considerations include cost to upgrade HVAC, work needed on other buildings, parking limitations, preservation of current Courthouse, and cost of maintaining and updating other buildings.
- Mr. Miller said that Elevatus would provide a quote to auditor's office for renovating the current Courthouse.

Auditor Capp presented Commissioner Response to City regarding Nuisance Ordinance. Motion by Erk Second by Herman to approve Chairman Harms to sign letter and send to Mayor Schmidt. Vote Unanimous. Motion Carried.

Auditor Capp presented updated Chief Deputy Auditor, Deputy Auditor, and Office Supervisor Job descriptions. Job duties were distributed in order to absorb Accounts Payable position. All three were designed to work as backups for each other and to distribute workload fairly. Capp further explained her intent to have these roles in place by the end of the year so 2024 begins smoothly.

Motion by Erk Second by Herman to approve the following wage increases presented by Auditor Capp. Vote Unanimous. Motion Carried

- Sheriff Office: Brandon Wolfe Step 2 \$16.65
- Sheriff Office: Ragine Hendrickson Tier 4 \$23.57
- States Attorney: LeEllen McCartney Tier 2 \$106,748.98

Motion by Erk Second by Herman to enter Executive Session: Consulting with legal counsel SDCL 1-25-2(3) at 7:39 pm. Vote Unanimous. Motion Carried. Executive Session ended at 7:58 pm.

Motion by Walton Second by Erk to table 22d Chief Deputy Auditor Job Description update, 22e Deputy Auditor Job Description update, 22f Office Supervisor Job Description update, and 22g Chief Deputy Auditor Hire. Vote Unanimous. Motion Carried

Motion by Herman, Second by Walton to hire outside counsel to provide legal advice regarding potential litigation. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Erk for Walton, and Herman to seek outside counsel to provide legal advice regarding potential litigation. Vote Unanimous. Motion Carried.

Committee Reports were given:

- Erk – Fair Board set 2024 fair dates for Jul29-Aug03
- Herman – Ambulance held
- Walton – Building - Kone to send quote on updating of elevator, top front step at Courthouse being looked at, Ambulance board assigned additional signer after resignation of accountant firm employee.

Old Business:

- Commissioner Erk completed research on the request for Commissioner support of RCALF and believes it is appropriate to support the group. Auditor Capp to draft letter and send to commissioners for approval.

New Business:

- Michelle May resignation effective 31Oct2023 discussed with information on next steps.
- Auditor Capp shared boiler inspection results and actions to be taken to be compliant.

Motion by Herman Second by Walton to adjourn the meeting at 8:10 P.M. Vote Unanimous. Motion Carried.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$8,575.17, AUDITOR'S OFFICE \$8,797.65, BUILDING \$3,831.53, COMMISSIONERS \$4,158.92, DISPATCH \$13,621.42, ELECTION \$2,113.18, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$25,007.38, JUDICIAL \$916.75, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,525.98, SHERIFF/JAIL DEPT \$26,263.98, STATES ATTORNEY OFFICE \$12,617.30,

TREASURER'S OFFICE \$9,092.13, VETERAN SERVICE OFFICE \$828.40.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,226.30

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,979.86

GROUP INSURANCE

BUTTE COUNTY SHARE \$34,786.49

PROFESSIONAL SERVICES

R BCHMN \$161.83, ECOLAB \$536.83, SRVLL \$1,205.85, MPPNG PLNNING SPCLS \$744.25, PHARMCHM \$113.85, C BRLL \$126.00, MNUMNT HLTH \$83.57, TRI-STATE CHIRO \$100.00, A HLL CNSLTNG \$903.80, RADLGY ASSOC \$301.19, BARNAUD LAW \$12,450.20, STRGS AMBLNCE \$208.56, T ELLNGSN \$50.00, K DLAHOYDE \$727.20, RYL SPRAYNG & LAWN CARE \$1,017.50, HLPRT & HALE \$1,076.76, JURY FEES \$596.90, RSHMORE COMM \$230.00, ARCHTCTRL SPCLTS \$51,421.45, PRAIRIE NDSTRS \$2,682.29, FSH WNDOW CLEANING \$99.00, N JFFRY \$264.20, NMR \$1,110.00, OFFNDRWTC \$1,419.47, INK & LASRS \$110.00, H NCHLS \$297.19, D FWLR \$46.35, KNNY LAW \$518.55, W MOSS PSY \$1,400.00, OFFCE CHILD & FMLY \$540.00

PUBLICATIONS

BH PIONR \$948.87

RENT/LEASE

CLLGN \$40.00, BH PURE \$410.50, A&B BSNSS SLTNS \$519.53, CNTRY BSNSS PRDCTS \$338.51

REPAIRS/MAINTENANCE

BTLR MCHNRY \$552.96, HRSRDS \$399.60, WST TIRE \$747.47, BCKLE'S \$15,455.01, LNDSTD'S ALIGNMNT \$50.00, SD OVRHD DOORS \$181.12, J&M MCHNCL \$15,810.00

SUPPLIES

LYNN'S DKOTAMART \$89.33, MCLEODS \$873.25, STRDVNT'S \$351.59, SCTT PTRSN MTRS \$20,717.59, OFFCE MPORM \$665.14, PRNT MKRT \$402.53, RUNNINGS \$15,716.76, FRST INTRSTATE-MSTR CARD \$3,506.14, CBH \$103.14, M MAY \$467.55, FOREMST PROMTNS \$470.45, NWLL HRDWRE \$67.97, PRAIRIE AUTO PARTS \$99.64, ALPINE MPRSNS \$80.00, SIGN SLTNS \$426.82, STURGIS RESPONDER SUPPLY \$132.85, HLLYRD \$667.21, MG OIL \$16,747.81

TRAVEL/CONFERENCE

RED RVR REGNL DSPTCH \$250.00, SDSU XTNSN \$189.54

UTILITIES

BH NRGY \$4,079.06, BUTTE ELCTRC \$151.10, AT&T \$854.81, BLUPEAK \$1,476.49, NISLAND \$75.76, GOLDN WST \$467.55, BUTTE MEADE \$55.00, CNTRYLNK \$1,495.83

APPROVED BY THE COMMISSION:

Stanley Harms, Chairperson

ATTEST: Annie Capp, Butte County
Auditor