

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

Tuesday, August 15, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 2:17 P.M. on August 15, 2023. Commissioners present were Harms, Ager, Walton, Herman, and Erk.

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

Motion by Walton, Second by Herman to approve the meeting agenda with change of move #15 to # 13 no changes. Vote Unanimous. Motion Carried

Motion by Herman, Second by Ager to approve the Special Minutes from July 25th, 2023, and the Regular Scheduled Minutes August 1, 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 Capp mentioned that the Wells Fargo account has been closed.

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

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$	-	
First Interstate Bank	\$	2,075,906.76	
Pioneer Bank and Trust	\$	50,977.24	
Total Checking/Savings Accounts			\$ 2,126,884.00

INVESTOR ACCOUNTS

Pioneer Bank and Trust	\$	174,940.73	
First Interstate Bank	\$	777,835.27	
Total Investor Accounts			\$ 952,776.00

CERTIFICATES OF DEPOSIT

First National Bank	\$	2,767,463.31	
First Interstate Bank	\$	1,750,000.00	
Pioneer Bank and Trust	\$	1,254,000.00	
Total Certificates of Deposit			\$ 5,771,463.31

Cash on Hand			\$ 1,745.00
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Total Cash Accounts			\$ 8,852,868.31
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Insufficient Fund Checks In-process			\$ -
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Total General Ledger Balance			\$ 8,852,868.31
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/s/: Annie Capp 8/14/2023
COUNTY AUDITOR SIGNATURE DATE

/s/: Debra Lensegrav 8/14/2023
COUNTY TREASURER SIGNATURE DATE

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

LIEN REPORT BUTTE COUNTY

	<i>EXPENSES JUL 2023</i>	<i>EXPENSES YTD</i>	<i>RECOVERED JUL 2023</i>	<i>RECOVERED YTD</i>
CAA/PUBLIC DEFENDER	\$ 25,338.48	\$ 142,302.23	\$ 2,274.22	\$ 27,665.44
JAIL	\$ 41,480.74	\$ 279,064.31	\$ 2,631.37	\$ 51,810.51
POOR LIEN	\$ 20.86	\$ -145.81	\$ 0.00	\$ 10.02
REGIONAL JUV DET	\$ 13,275.00	\$ 53,220.00	\$ 0.00	\$ 11,741.58

Motion by Walton, Second by Herman to approve payment of bills per printout as presented with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

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

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

- Equalization & Planning – Cristina Wilson and Cyndi Mayes to attend 2023 Planners Association Conference in Mitchell, SD from October 24-26, 2023.
- States Attorney – LeEllen McCartney to attend 2023 Rural Attorneys' Symposium & Job Fair in Vermillion, SD from September 20-22, 2023.
- Sheriff– Sheriff Lamphere to attend Border and Constitutional Training Conference in McAllen, TX from September 28-30, 2023.
- Register of Deeds – Julie Brunner to attend SDACO Fall Convention in Sioux Falls. SD from September 11-13, 2023.

Beginning at 2:28 PM the following citizens appeared during the Public Comment Session:

- Sue Broadhurst spoke on the time when a recess taken was recorded showing a commissioner concerning being sued. Ms. Broadhurst made a FOIA request and confirmed that all county employees including commissioners are covered by a blanket bond.
- Rose VanSickle stated that department heads should give their reports and then leave the meetings, specifically referring to States Attorney McCartney. Ms. VanSickle said she is pleased that Sheriff Lamphere was here to protect the commissioners from a Christian group who are not a threat.
- Chairman Harms asked SA McCartney to respond to Ms. VanSickle. States Attorney McCartney stated that she was requested to attend the meetings to provide guidance when needed.

Motion by Ager, Second by Erk to approve **Resolution 2023-16** A RESOLUTION PROVIDING FOR THE CANCELLATION OF LIENS ISSUED BY BUTTE COUNTY AFTER BEING DETERMINED UNCOLLECTABLE DUE TO DEATH, BANKRUPTCY, OR OTHER CIRCUMSTANCES. Vote Unanimous. Motion Carried

RESOLUTION 2023-16

A RESOLUTION PROVIDING FOR THE CANCELLATION OF LIENS ISSUED BY BUTTE COUNTY AFTER BEING DETERMINED UNCOLLECTABLE DUE TO DEATH, BANKRUPTCY, OR OTHER CIRCUMSTANCES.

WHEREAS, the following is a list of the liens where the County Auditor has confirmed that person or persons have been declared deceased, have declared bankruptcy, or otherwise are unable to pay the debt incurred.

BE IT THEREFORE RESOLVED, that the County Auditor and Register of Deeds be authorized to cancel these accounts in the lien register and cease to carry these as outstanding liens.

<u>Name</u>	<u>Amount</u>	<u>Reason</u>
Alcanter, Jeremy	\$660.00	Deceased
Baier, Greg	\$568.40	Deceased
Brown, Michael	\$1,959.35	Deceased
Chilson, Guy	\$2,853.46	Deceased
Clark, Richard	\$800.00	Deceased
Dufour, Sheila	\$800.00	Deceased
Dunlap, Richard	\$1,014.73	Deceased
Edmonds, Esthral	\$400.00	Medicaid
Hamilton, Blair	\$275.00	Deceased
Holso, John	\$440.00	Deceased
Reno, Clinton	\$1,525.69	Deceased
Samples, Terry	\$72.28	Deceased
Sechser, Janet	\$3,301.88	Deceased
Silvernagel, Clarence	\$110.00	Deceased
Sukraw, Kent	\$850.00	Deceased
Thybo, James (Arlo)	\$345.20	Deceased
Tingley, Melvin M.	\$278.50	Deceased
Valandra, Calvin	\$495.00	Deceased
Viser, Stefon	\$843.60	Deceased
Walton, Burdell	\$1,418.75	Deceased
Zerbst, Becky	\$4,698.11	Deceased

Dated this 28TH day of July 2023

Butte County Board of Commissioners

Stanley Harms
Chair, Butte County Commission

ATTEST:

Annie Capp
Butte County Auditor

Published: August 4th, 2023, and August 11th, 2023

Discussion was held regarding Surety Bond for Buckhorn with the commissioners and Director of Equalization Cristina Wilson. There has been an issue finding a bank that will fill a surety bond. Pioneer Bank is willing to hold a cashier's check in Butte County Treasurer's name or a restricted account in place of a surety bond.

Director of Equalization Cristina Wilson presented a new fee structure to the Commissioners with details on proposed pricing and research conducted on fee structures for other West river counties.

Ms. Wilson discussed research found after speaking with other counties. The planning department would like to implement an application fee at this time. Ms. Wilson will then take the proposed fee structure to Planning Commission.

Motion Ager Second Erk to approve new fee structure to be implemented in Butte County Equalization and Planning contingent on approval of Planning Commission. Vote Unanimous. Motion Carried

Discussion was held regarding cease & desist letter for 18703 Five Mile Rd. Commissioner Erk asked if anyone confirmed that the property is a junk yard. Commissioner Herman said she has received several calls from property owners.

SA McCartney said the Cease-and-Desist order will give the landowner the opportunity to resolve the issue and meet the requirements of the county ordinance and the DOT. Sheriff Lamphere mentioned that the right of way has been an issue and has been cleaned up as required by SDCL 31-30-1 and SDCL 31-30.

Motion Walton Second Ager to issue a cease & desist letter to owners of 18703 Five Mile Rd with addition of 90 days to initiate compliance with a potential for an extension request if needed after to complete compliance. Vote Unanimous. Motion Carried

Motion Herman Second Erk to approve Final Plat: Owner: Greg Crow; Lots 2A, 2B, and 3, Formerly Lot 2 a subdivision of the SW4SW4, Less Tract A, and a part of the SW4SE4 Located in Section 35, T8N, R2E, B.H.M, Butte County, South Dakota as presented by Planner Cindy Mayes. No preliminary or public hearing required for the plat. Vote Unanimous. Motion Carried

Deputy State's Attorney Edward Tarbay presented the activity report for the department including number of cases resulting from the Rally = 20 cases in 2022 and 21 cases in 2023 with similar types of cases both years, status of criminal and civil cases, grand juries, and jury trials.

Highway Administrator Lori Johnston provided an activity report for the department including blading, mowing, and repair of culverts.

Motion by Erk, Second by Herman to approve DOT Request for Design Exception – Mail Road St# 10-230-310 – Variance in allowable hydraulic design frequency. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Erk to approve Request for Design Exception – Youngberg Road St# 10-340-368 – Variance in design speed from 45MPH to 35MPH. Vote Unanimous. Motion Carried.

Commissioner Erk wanted to thank the highway department for work on Highway 79. Ms. Johnston said the highway there have been calls being received on culverts and work will begin as soon as bridge work is complete.

Sheriff Lamphere provided an activity report for the department. Sheriff Lamphere discussed a case during the rally the county assisted highway patrol on.

Sheriff Lamphere discussed meeting with Elevatus and tour of ShopKo building. Elevatus will draft plans with current building in mind. Elevatus offered to attend a September meeting either in person or via phone. Commissioner Harms asked if there were any discussions about housing all law enforcement personnel in one building. Sheriff Lamphere discussed the shared resources that will make space more efficient and possibility of adding additional departments.

Auditor Annie Capp presented an activity report for the Auditor's Office including upcoming training and meetings related to Incode, Legislation, and Elections. Auditor's office is working on a presentation for the public on Elections.

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

Highway – Lonnie Mahaffy, Skill Level 2 \$22.07

Committee Reports were given:

- Erk – Fair went well. Auditor Capp received a call regarding 2023 allocation.
- Walton – Ambulance budget request is same as 2023. Working with Kone on repair of Courthouse elevator.

Old Business:

- Commissioner Harms asked about Aug 23, 2023, meeting with the City regarding nuisance ordinance within the three-mile limit. Harms was concerned with those residents outside of city limits but inside the three-mile outskirts who do not have a city representative therefore have no representation.
- Commissioner Ager was able to contact Brian Leslie about providing audio/video for the commission room. Mr. Leslie is working on a proposal including live streaming meetings on county website.
- Roof of Courthouse has serious damage and will be reassessed by adjuster.
- Air-conditioner in Admin building was discussed. Commissioner Ager will follow up on quotes received and look at additional quotes.

New Business:

- Auditor Capp to draft a letter to send to Senior Companion group thanking the volunteers for their work.
- Auditor Capp will be scheduling a cyber security test with Project Boundary Fence.
- Department of Transportation meeting to be held Aug 22, 2023, at Community Hall regarding bridge over Belle Fourche River.
- Restructuring of County Health programs was discussed after receiving a letter from Department of Health.

Motion by Erk Second by Herman to adjourn the meeting at 3:46 P.M. Vote Unanimous. Motion Carried.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$14,515.18, AUDITOR'S OFFICE \$8,770.30, BUILDING \$3,911.33, COMMISSIONERS \$4,308.92, DISPATCH \$13,734.73, ELECTION \$2,113.18, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$26,498.86,

JUDICIAL \$925.93, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,525.98, SHERIFF/JAIL DEPT \$18,977.50, STATES ATTORNEY OFFICE \$13,617.30, TREASURER'S OFFICE \$9,005.34, VETERAN SERVICE OFFICE \$847.82.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,331.80

SDRS RETIREMENT

BUTTE COUNTY SHARE \$7,193.83

GROUP INSURANCE

BUTTE COUNTY SHARE \$34,784.99

PROFESSIONAL SERVICES

R BCHMN \$100.00, SRVLL \$995.59, SDACC \$800.00, NACCTFO \$100.00, MPPNG PLNNING SPCLS \$597.75, BH WNDSHIELD RPAIR \$80.00, PHARMCHM \$81.90, MEADE CO AUDTR \$34,650.00, C BRLL \$702.00, MNMNT HLTH \$6,238.37, RADIOLOGY ASSOC \$97.68, BARNAUD LAW \$4,389.50, STRGS AMBLNCE \$274.24, FIRE PRO \$96.00, J QUINN \$300.00, T ELLNGSN \$200.00, ROYL SPRAYNG & LAWN CARE \$814.00, HLPRT & HALE \$1,087.23, CAT FNANCL \$13,129.55, ARCHTCTRL SPCLTS \$412.86, NLSN LAW \$14,300.21, GGT LAWN SRVCS \$3,695.87, Z PRDCTNS \$399.00, NMR \$790.00, SD DPT OF REV \$406.93, MNMNT HLTH HOME \$135.00, BH ORL & MXLLFCL \$78.90, THE IMGNG CNTR DKTA \$313.28, PHOENX NVSTGATNS \$2,536.67, A-Z SHRDDNG \$54.40, COUNTY DRG \$4,681.60, DEPT HLTH \$450.00

PUBLICATIONS

BH PIONEER \$1,514.58

RENT/LEASE

CULLGN \$56.50, NRTH CNTRL RNTL \$2,964.00, A&B BSNSS SLTNS \$85.58, CNTRY BSNSS PRDCTS \$10,089.46

REPAIRS/MAINTENANCE

BTLR MCHNRY \$807.10, SCTT PETRSN MOTRS \$2,685.13, WST TIRE \$201.00, BCKLE'S TRCK & DIESEL \$12,510.63, JOE DRT \$385.00, RSHMORE COMM \$287.50, SD OVRHD DOORS \$227.08, ACTN MCHNCL \$1,964.25, CORNETT CONSTRUCTION \$2,244.63

SUPPLIES

STRDVNT'S \$381.48, MCGS PROPANE \$595.30, OFFCE MPRM \$451.90, PRNT MARK-ET \$166.17, PHSNTLND \$97.65, BH AMMO \$1,666.14, RNNINGS \$1,648.94, CBH \$3,241.13, NWLL HARDWARE \$24.99, PRAIRIE AUTO PARTS \$40.20, O'REILLY AUTO PARTS \$50.09, SIGN SLTNS \$61.64, CRWSR GRVL PT \$418.95

TRAVEL/CONFERENCE

UTILITIES

BH NRGY \$3,667.90, BUTTE ELCTRC \$162.63, AT&T MOBLTY \$854.81, BLUPEAK \$87.45, RFUSE SLUTNS \$328.39, NSLND \$75.76, GOLDN WST \$23.45, BUTTE MEAD SNTRY DST \$55.00, CNTRYLNK \$1,528.99

APPROVED BY THE COMMISSION:

Stanley Harms, Chairperson

ATTEST: Annie Capp, Butte County
Auditor