

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

**Tuesday, June 20, 2023**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 6:00 P.M. on May 23, 2023. The meeting was recorded. Commissioners present were Ager, Walton (via phone), Herman and Erk. Absent: Harms

Vice Chairperson Ager called the meeting to order and led the group in the Pledge of Allegiance. Ager thanked first responders for their work during the recent tragedy at Orman Dam.

Motion by Herman, Second by Erk to approve the meeting agenda with two changes (add Executive Session for personnel 1-25-2(1) after item # 11 and move Public Comments to beginning of the meeting after item #9). Roll call Vote: Ager: Aye Walton: Aye Herman: Aye Erk: Aye . Motion Carried.

Motion by Erk, Second by Herman to approve the Regular Scheduled Minutes from June 6<sup>th</sup>, 2023, with no changes. Roll call Vote: Ager: Aye Walton: Aye Herman: Aye Erk: Aye . Motion Carried.

Motion by Herman, Second by Erk to approve the Auditor's Monthly Settlement with Treasurer. Roll call Vote: Ager: Aye Walton: Aye Herman: Aye Erk: Aye. Motion Carried.

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

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$	102,294.82	
First Interstate Bank	\$	3,598,642.10	
Pioneer Bank and Trust	\$	<u>50,967.10</u>	
Total Checking/Savings Accounts			\$ 3,751,904.02

**INVESTOR ACCOUNTS**

Pioneer Bank and Trust	\$	174,267.36	
First Interstate Bank	\$	<u>774,346.80</u>	
Total Investor Accounts			\$ 948,614.16

**CERTIFICATES OF DEPOSIT**

First National Bank	\$	2,760,219.49	
First Interstate Bank	\$	1,750,000.00	
Pioneer Bank and Trust	\$	<u>750,000.00</u>	
Total Certificates of Deposit			\$ 5,260,219.49

Cash on Hand			\$ <u>1,745.00</u>
--------------	--	--	--------------------

<b>Total Cash Accounts</b>			<u><u>\$ 9,962,482.67</u></u>
----------------------------	--	--	-------------------------------

Insufficient Fund Checks In-process

\$ 2,193.30

Total General Ledger Balance

\$ 9,964,672.97

/s/ Annie Capp 6/12/2023  
COUNTY AUDITOR SIGNATURE DATE

/s/ Debra Lensegrav 6/12/2023  
COUNTY TREASURER SIGNATURE DATE

Motion by Herman, Second by Erk to approve the County Lien Report. Roll call Vote: Ager: Aye  
Walton: Aye Herman: Aye Erk: Aye. Motion Carried.

### LIEN REPORT BUTTE COUNTY

	<i>EXPENSES MAY 2023</i>	<i>EXPENSES YTD</i>	<i>RECOVERED MAY 2023</i>	<i>RECOVERED YTD</i>
<b>CAA/PUBLIC DEFENDER</b>	<b>\$ 27,491.60</b>	<b>\$ 89,889.32</b>	<b>\$ 1,770.02</b>	<b>\$ 21,668.95</b>
<b>JAIL</b>	<b>\$ 5,134.41</b>	<b>\$ 144,625.45</b>	<b>\$ 6,381.88</b>	<b>\$ 40,835.38</b>
<b>POOR LIEN</b>	<b>\$ 904.95</b>	<b>\$ -166.67</b>	<b>\$ 10.02</b>	<b>\$ 10.02</b>
<b>REGIONAL JUV DETENTION</b>	<b>\$ 0.00</b>	<b>\$ 11,280.00</b>	<b>\$ 0.00</b>	<b>\$ 11,741.58</b>

Motion by Erk 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 present and Auditor. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried.

Motion by Herman, Second by Erk to approve payment of apportioning and other payments per printout with no changes. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried. Approval Sheet signed by all Commissioners present.

Motion by Herman, Second by Erk to approve the Register of Deeds Report. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried.

Motion by Herman Second by Erk to approve Travel Request as presented with no changes. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried.

- Sheriff Office – Jason March to attend Firearm Training in Pierre, SD from Jun 28<sup>th</sup> – 29<sup>th</sup>, 2023.

Abatements: None

Beginning at 6:10 PM the following citizens appeared during the Public Comment Session:

- Sue Broadhurst spoke on public comments particularly on the time allowed and having at the end of the agenda. Ms. Broadhurst used positive comments to show how the commissioners were not listening to the public. Ms. Broadhurst read Ephesians 5:11-13.
- Ed Goss talked about his son who was one of the first people to live on Redwater Road. He shared that the road was in very bad shape and as a result of Commissioner Ager's work, he was pleased with the current condition of Minnesela road.

- Rose Vansickle clarified that she was involved in opposition of IM27 question during the last election. Ms. Vansickle expressed her thoughts on the commissioners creating ordinances then granting variances, making the ordinances useless.
- Travis Ismay brought up several points on the decorum policy such as the time allotted to each speaker suggesting commissioners be lenient in some cases, not being able to talk about public hearing items during public comments, and behavior of person delivering public comments, specifically impatience. Mr. Ismay thanked the commissioners for moving comments to the beginning of the meeting.
- Dale Simanton thanked the commissioners for moving the public comments to the beginning of the meeting. Mr. Simanton discussed the roads and the need to maintain roads as opposed to building a new courthouse.

Motion by Erk, Second by Herman to approve Final Plat: Owner: Troy & Ann Marie Hostetter; Proposing combining 3 lots into Tract A-1, located in Government Lot 4 of Section 5, T8N, R3E, BHM, Butte County, South Dakota containing 1.280 acres. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried.

Highway Administrator Lori Johnston provided an activity report for the highway department including, repair of roads, blading, mowing, mag water, repair of washouts, and surplus auction.

Motion by Herman Second by Erk to approve Resolution to Delete Bridge from NBI – St #10-343-290 Twilight Road, now labeled as a culvert. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried

Beginning at 6:30 PM Bids were opened for the following Bid/RFP requests:

- Bids for Gravel
  - bid #1 30,000 ton @ \$9.00 per ton - \$270,000.
  - bid #3 60,000 ton @ \$8.15 per ton - \$489,000.

Motion by Walton, Second by Erk to accept Bid #1 30,000 ton @ \$9.00 per ton. LATCF funds will be used to cover this expense. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried

- Request for Proposal – County Website: None received.
- Request for Proposal – County Commission Audio Video: None received.
  - It was recommended to check with Low Voltage Integrators out of Beulah, WY

Motion by Erk, Second by Herman to go into Executive Session: Personnel SDCL 1-25-2(1) at 6:40 P.M. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried. The Commissioners came out of executive session at 6:57 P.M.

Motion by Herman, Second by Erk to accept with great regret the resignation of Director of Equalization Donna Jones effective 30Sep2023. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried

Motion by Erk, Second by Herman to advertise for the Director of Equalization position. Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried

Sheriff Lamphere provided an activity report for his department.

Sheriff Lamphere shared information on the tragedy that occurred last week and the collaboration between all first responders. Sheriff Lamphere stated that counseling was being provided to responders.

Commissioner Ager asked Sheriff Lamphere to share information on committee meeting held 19Jun2023 between county, city, and court representatives to discuss possibility of a shared facility. Lamphere shared some of the items discussed including size of proposed building, possible locations, funding, and what could happen to the current courthouse.

State's Attorney LeEllen McCartney presented the activity report for her department including status of grand jury, criminal, magistrate, and civil cases. SA McCartney will provide quarterly statistics in July with comparisons for the last quarter and previous year.

State's Attorney LeEllen McCartney presented a request to compensate Amy Welles for Office Manager duties beyond her Paralegal position. No action was taken. It was requested that a job description be created/updated prior to a vote on the addition. Topic will be added to 26Jun2023 special meeting. The request included salary at \$200 per pay period (\$5,200.00 annual).

Jackson Strain was available to answer questions regarding Butte Valley Farm Cultivation License renewal. It was confirmed that a building was constructed, and operations began prior to one year deadline. Discussion was held regarding inspections by State Department of Health. Travis Ismay commented that he thought the company should grow something else, mentioning the proximity to his home, the smell, and value of his property. Commissioner Ager suggested that all establishments be good stewards and invest in air filtration systems to mediate any odors.

Motion by Herman, Second by Walton to approve Butte Valley Farm Cultivation License Renewal application. Commissioner Erk mentioned he was not comfortable approving any renewals for establishments that have not had an inspection by the state. Additional discussion was held regarding what the state provides. Roll call Vote: Ager: Aye Walton: Aye Herman: Aye Erk: Nay Motion Carried.

Auditor Annie Capp presented an activity report for the Auditor's Office including PILT funds received, recent meetings with Wellmark, SDPAA, and Safety Benefits regarding insurance, recent addition of Incode Employee Self Service Portal, provisional budget status, and summer study 26Jun2023.

Auditor Capp presented Butte County Public Records Request Policy and form to commissioners. This is in response to several recent FOIA requests and desire to make process consistent in all departments of the County.

Motion by Erk, Second by Herman to adopt Butte County Public Records Request Policy and form with two changes (Omit Register of Deeds requests and remove email restriction but add security to emailed requests). Roll call Vote: Ager: Aye, Walton: Aye, Herman: Aye, Erk: Aye. Motion Carried.

Auditor Capp presented the Loss Control Survey results and recommendations for improvement issued by Safety Consultant Jeff Lanning of Safety Benefits, Inc. Implementing the recommendations will provide a \$3,000-5,000 reduction in insurance costs per year for three years.

**Committee Reports were given:**

- Erk – nothing new on fair except still looking for dunk tank participants
- Capp – LEPC meeting will be held 21Jun2023 at noon in commission room

**Old Business:**

- Cost to repair sump pump in Admin building \$1,792.88. Enerson Plumbing had to replace both pumps as they burned out.
- Sprinkler system at Extension quoted at \$4,125.00 by Bo's Lawn System.

**New Business:**

- Auditor Capp mentioned an email received by City Administrator Nelson regarding a dead tree on county property. A quote was received from Sand Creek Tree Services to remove dead tree at old jail for \$1,100.00.

Motion by Erk, Second by Herman to adjourn the meeting at 7:58 P.M.

**Payments****SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,660.44, AUDITOR'S OFFICE \$8,705.10, BUILDING \$3,831.53, COMMISSIONERS \$4,158.92, DISPATCH \$14,872.58, ELECTION \$2,047.98, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$24,949.87, JUDICIAL \$936.70, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,423.58, SHERIFF/JAIL DEPT \$21,702.55, STATES ATTORNEY OFFICE \$13,617.31, TREASURER'S OFFICE \$10,302.79, VETERAN SERVICE OFFICE \$828.40.

**COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$9,139.04

**SDRS RETIREMENT**

BUTTE COUNTY SHARE \$7,068.01

**GROUP INSURANCE**

BUTTE COUNTY SHARE \$34,296.76

**PROFESSIONAL SERVICES**

DEPT HLTH \$300.00, R BCHMN \$150.00, PNNINGTN CO JAIL \$5272.08, SRVLL \$998.72, MPPNG PLNNING SPCLS \$10,123.50, TYLR TCH \$50,035.74, SD DEPT OF TRNS \$2,383.29, WSTRN SD JVNLE SRVCS \$3,765.00, PHRMCHM \$127.80, C BRLL \$495.00, SDACC \$778.00, MNMNT HLTH \$25.13, RDWD TXCLGY LAB \$68.35, BARNAUD LAW \$4,035.30, J QUNN \$50.00, T ELLNGSN \$200.00, SDACO \$100.00, K DLHOYD \$193.65, ROYL SPRAYNG \$1,044.00, CITY OF RC \$160.00, DUBL STAR \$3,482.80, PNNINGTN CO ST ATTY \$215.00, JUROR FEES \$647.92, SD DEPT LABR \$596.70, SCRAM \$767.70, GGT LAWN SRVCS \$964.54, Z PRDCTNS \$399.00, SCHLMGN LAW \$748.25, B WLFE \$55.06, JFFRSN CMBINED CRT \$26.00, PWRPHONE \$658.00, PHOENX NVSTGATNS \$1,004.22, KNNY LAW \$2,004.15, CO DRG \$6,600.11

**PUBLICATIONS**

BH PIONEER \$1,157.11, CVL AIR PTRL MGZN \$155.00

**RENT/LEASE**

CLLGN \$19.00, LXSXNS \$322.00, BH PURE \$252.75, MCHLL MAY \$399.01, CNTRY BSNSS PRDCTS \$1,012.59

**REPAIRS/MAINTENANCE**

BTLR MCHNRY \$2,657.21, HRSRDS \$106.85, SCTT PETRSN MOTRS \$2,504.13, WST TIRE \$321.99, BH WNDSHLD RPAIR \$50.00, TITN MCHNRY \$185.55, J & J TRCK & AUTO BDY \$31,182.96, LNDSTD'S ALIGNMNT \$558.26, CARL'S TRAILR SALES \$1,112.27, KONE \$479.01, LETH ROOFNG \$34,781.49, ROSANE CNSTRCTN \$26,563.70, G&R CNTRL \$470.00, ROGUE MOTRSPTS \$125.00, SCRSN PAVNG \$63,252.77, ODD JBS \$918.37, ISC \$1,104.00, AUTO PROS \$111.64, CRNTT CNSTRCTN \$346.55

**SUPPLIES**

LNN'S DKOTAMART \$7.09, STRDVNT'S \$1,536.40, BTLR MCHNRY \$46,065.24, TEAM LABRTRY \$1,993.00, OFFCE MPRM \$209.97, STEREOS N STFF \$83.98, INLND TRCK

PARTS \$66.87, RUNNINGS \$6,835.25, FRST INTRSTATE-MSTR CARD \$2,347.34, CBH \$3,329.80, LAWSN PRDCTS \$349.38, PRAIRIE AUTO PARTS \$100.42, A & J SPPLY \$174.00, HLLYRD \$1,530.62, MG OIL \$5,986.92

### **TRAVEL/CONFERENCE**

RMKOTA \$231.00

### **UTILITIES**

BH NRGY \$521.61, MDU \$568.95, BUTTE ELCTRC \$213.86, AT&T \$926.68, BLUEPEAK \$1,755.28, TOWN NSLND \$75.76, GOLDN WST \$23.80, BUTTE MEADE \$55.00, CNTRYLNK \$29.38