

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

Tuesday, January 2, 2024

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on January 02, 2024. Commissioners present were Harms, Herman, Ager, Walton, and Erk.

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

Motion by Erk Second by Ager to approve the meeting agenda with moving 8a and 8b before Public Comments and an addition of Executive Session: Personnel 1-25-2(1) prior to Resolution approvals. Vote Unanimous. Motion Carried.

Motion by Walton Second by Herman to approve the Regular Scheduled Meeting Minutes from December 19, 2023, and Special Meeting Minutes from December 29, 2023, with no changes. Vote Unanimous. Motion Carried.

Unfinished Business:

- Courthouse roof and Court Reporter flooring have been repaired

Commissioners gave Committee reports.

- Commissioner Walton attended Ambulance board meeting with nothing significant discussed.

Motion by Walton Second by Erk to close the 2023 year. Vote Unanimous. Motion Carried.

Commissioner Herman nominated Commissioner Ager to be the 2024 Commission Chairperson. Motion by Herman Second by Walton for nominations to cease and a unanimous vote cast for Commissioner Ager. Motion Carried.

Chairperson Ager took seat as 2024 Commission Chairperson.

Chairperson Ager called for nominations for Vice-Chairperson.

Commissioner Walton nominated Commissioner Erk to be the 2024 Commission Vice Chairperson.

Commissioner Ager nominated Commissioner Herman to be the 2024 Commission Vice-Chairperson.

Motion by Harms Second by Walton for nominations to cease and ballots be cast. Vote Unanimous. Motion Carried.

Commissioners cast a secret ballot for Vice-Chairperson. There were four votes for Commissioner Herman and one vote for Commissioner Erk. Commissioner Herman will be the Vice-Chairperson for 2024.

Beginning at 9:55 AM the following citizens appeared during the Public Comment Session:

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- Dale Simanton recommended that the two applicants for Planning Commission opening be considered over the third applicant that does not live in rural area.
- Kate Hoffmann was glad to see Commissioner Erk nominated to serve as Vice-Chair. Ms. Hoffmann was disappointed in the lack of consistent on-time attendance by commissioners and suggested that having consistent time of 6:00pm for every meeting could remedy the issue. Ms. Hoffmann brought up her request during the 19Dec2023 meeting to revise minutes from 19Nov2023 to reflect her public comments without generalization. Ms. Hoffmann mentioned comments by Commissioner Herman regarding lack of positive comments received by County employees following county employee recognitions. Ms. Hoffmann asked that Commissioners carefully review available funds during budget planning for 2025.
- Travis Ismay asked that with a new Chairperson, he would like the commissioners to consider opening meetings with prayer. Mr. Ismay thought this would help commissioners make better decisions.

Chairman Ager distributed the Commission Appointments for 2024:

2024 COMMITTEE APPOINTMENTS

EXTENSION	Chad Erk
AMBULANCE	James Ager and Frank Walton
DISPATCH ADVISORY BOARD	Stan Harms Alternate: Karrol Herman
B.H. COUNCIL OF LOCAL GVT	Karrol Herman Alternate: Stan Harms
COUNTY BUILDINGS	James Ager and Frank Walton
RESOURCE & CONSERVATION DEVELOP	Frank Walton
JAIL & JUVENILE SERVICE	James Ager and Frank Walton
B.F. ECONOMIC DEVELOPMENT	Frank Walton Alternate: Karrol Herman
BUTTE-LAWRENCE COUNTY FAIR BOARD	Chad Erk
WEED & PEST BOARD	Chad Erk Alternate: Karrol Herman
HIGHWAY/TRANSPORTATION COMMITTEE	Karrol Herman and James Ager
PLANNING COMMISSION	Chad Erk Alternate: Karrol Herman

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TIF COMMITTEE

Stan Harms

Motion by Herman Second by Harms to approve the 2024 Committee Appointments. Vote Unanimous. Motion Carried.

Chairperson called for a motion to establish Commission meeting times for the 2024 year.

Auditor Capp presented recommendations for the 2024 meeting schedule dates and times. Discussion was held. Commissioner Herman would like to see three evening meetings. It was determined to hold evening meetings March 19, 2024 June 18, 2024 and September 17, 2024 at 6:00 PM. Commissioner Ager asked if there was a reason for holding a second meeting of the month or if one meeting a month was enough. Because of bills and planning items it was determined to continue to have two meetings a month. Additional suggestion was to have all meetings at 9:30 am to be consistent.

Motion by Harms Second by Herman to establish the 2024 Commission meeting times on the first and third Tuesday of each month beginning at 9:30 a.m. and evening meetings on March 19, 2024 June 18, 2024 and September 17, 2024 beginning at 6:00 P.M. Vote Unanimous. Motion Carried.

Motion by Herman Second by Walton to enter Executive Session: Personnel 1-25-2(1) at 10:13 AM. Vote Unanimous. Motion Carried. Out of Executive Session at 10:42. There was no action taken as a result of Executive Session.

Motion by Herman Second by Erk to pass Resolution 2024-01 *Establish Official Depositories*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-01
Establish Official Depositories

WHEREAS, SDCL 7-20-13 requires the County Board of Commissioners to approve the designation of each depository for the deposit of county funds, and
WHEREAS, several different financial institutions are doing business in Butte County and meet the requirements established under SDCL Chapter 7-20, and
WHEREAS, the Butte County Treasurer has requested the following financial institutions be designated as official depositories for the fiscal year 2024: Pioneer Bank & Trust 700 State Street, Belle Fourche, SD, First Interstate Bank 41 5th Avenue, Belle Fourche, SD, Northern Hills Federal Credit Union 504 Grant Street, Belle Fourche, SD, Highmark Federal Credit Union 1842 5th Avenue, Belle Fourche, SD, First National Bank 217 Girard Avenue, Newell, SD, and
BE IT THEREFORE RESOLVED, that the Butte County Board of Commissioners designate the above named financial institutions as official depositories for Butte County for the fiscal year 2024.

Dated this 2nd day of January 2024.

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/s/: _____
James Ager, CHAIRPERSON

ATTEST: /s/: Annie Capp _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Erk to pass Resolution 2024-02 *Naming Deputies & Clerks*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-02
Naming Deputies & Clerks

WHEREAS, under SDCL 7-7-20 if in the judgment of the Board of County Commissioners it shall be deemed necessary for the office of County State's Attorney, County Treasurer, County Auditor, Register of Deeds, and Director of Equalization to have deputies or clerks to assist in the daily operations of their offices, and

WHEREAS, the volume and work load of these offices exceed the abilities of one single individual, and

WHEREAS, the Butte County Fiscal Year 2024 Budget has funds allocated for the deputy or clerk positions, and

WHEREAS, the fixed number of deputies or clerks to be employed, the time of employment and compensation which they shall receive must be set,

BE IT THEREFORE RESOLVED, the Butte County Board of Commissioners authorize the County State's Attorney to employ two full full-time deputies, three full-time clerks, the County Auditor's office to employ two full-time deputies, and one full-time clerk, the Register of Deeds office to employ a full-time deputy, and the County Treasurer's office to employ a full-time deputy, three full-time clerks for the fiscal year 2024 at the compensation rate as established in the Year 2024 Wage Resolution.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST: /s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Herman Second by Walton to pass Resolution 2024-03 *To Establish a Disbursement Schedule for Funds Paid Out*. Vote Unanimous. Motion Carried.

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RESOLUTION 2024-03

To Establish a Disbursement Schedule for Funds Paid Out

WHEREAS, each budget year over a half dozen entities receive funds from Butte County's Fiscal Budget, and

WHEREAS, the request for these budgeted funds are as the entities deem and the request for funding are not always timely, and

WHEREAS, in order to eliminate future cash flow and revenue problems and to improve the financial and managerial controls of County Funds and to provide the entities receiving funds for the fiscal year 2024 a firm payment schedule to work with,

BE IT THEREFORE RESOLVED that the established schedule of payments and amounts are authorized for automatic payment with the mid monthly payments:

25% Road Reversion

to Cities & Towns

Teen Court

Prairie Hills Transit

Compass Point

CASA

Action for Betterment of Community

BH Childrens Home Society

County Fair

Artemis House

Soil Conservation

Fire

Ambulance

Community Health Nurse

Predatory Animal

Library Services

B.F. Economic Development

B.H. Council of Local Govt

BF Chamber of Commerce

Planning Commissioners

Weed Board

One payment of \$12,523.00 in January.

One payment of \$5,000.00 in January.

One payment of \$6,000.00 in January.

One payment of \$1,500.00 in January.

One payment of \$8,682.00 in January.

One payment of \$1,500.00 in January.

One payment of \$600.00 in January.

One payment of \$10,000.00 in May.

Four payments of \$962.50 each in March, June, September, and December.

Two payments of \$1,250.00 each in April and August.

Two payments of \$29,409.00 each in June & December.

Up to \$95,000.00 contribution, payment to be made upon Butte County Commission approval.

Four quarterly payments per State billings.

Twice a year as prescribed by law and billed by the State.

One payment of \$6,500.00 to the City of Belle Fourche on or before January 19, 2024.

One payment of \$3,900.00 to the City of Newell on or before January 19, 2024.

One payment of \$18,750.00 in May

One payment of \$5,330.00 in May

One payment of \$9,375.00 in May.

One payment of \$750.00 for each at-large Planning Commissioner in December.

One payment of \$300.00 for each at-large Weed Commissioner in December.

Dated this 2ND day of January 2024.

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/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Herman to pass Resolution 2024-04 *Name of Official Newspaper for Legal Publication*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-04
Name Official Newspaper for Legal Publication

WHEREAS, under SDCL 7-18-3 the Board of Commissioners are required to designate three (3) legal newspapers in the County, or in case there are not three (3) legal newspapers within the county, then as many as are legal, as the official newspapers for the County, for publication of Commissioner's proceedings and notices and
WHEREAS, SDCL 7-18-3 requires the designation of the County's official newspaper be made at the first meeting in January in each year, and
BE IT THEREFORE RESOLVED, that the Butte County Board of Commissioners name the Black Hills Pioneer as the official newspaper for the year 2024.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Harms to pass Resolution 2024-05 *Establish Election Polling Locations*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-05
Establish Election Polling Locations

WHEREAS, under SDCL 12-14-1 each year the County Board of Commissioners are required to establish the election polling locations for the upcoming year, and

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WHEREAS, THE Butte County Auditor's Office has recommended the following polling locations for the year 2024:

Absentee Voting:

Upon availability of ballots until 5:00 P.M. the day prior to Election Day-
Butte County Auditor's Office in the Butte County Administration Building

Election Day Voting:

Belle Fourche Wards & Precincts 1, 2, 3, 4	Belle Fourche Community Hall
Romans #11	Belle Fourche Community Hall
Minnesela #16	Belle Fourche Community Hall
Fruitdale #17	Belle Fourche Community Hall
Union #8, Horsecreek #13 and Newell Independent #14	Newell City Hall
Newell #20	Newell City Hall
Castle Rock #6	Newell City Hall
Orman #12 and Nisland #18	American Legion Hall-Nisland

BE IT THEREFORE RESOLVED, that the Butte County Board of Commissioners approve the above named election polling places for the year 2024.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Erk Second by Herman to pass Resolution 2024-06 *Establishment of Annual Wages for Fiscal Year 2024*. Vote Unanimous. Motion Carried. Commissioner Ager stated there would be some changes to the Wage Structure Scale in the future.

RESOLUTION 2024-06

Establishment of Annual Wages for fiscal year 2024

WHEREAS, in accordance with SDCL 6-1-10, a list of annual salaries for Butte County Officials and employees for the Year 2024 must be published, and

BE IT THEREFORE RESOLVED that the following list is the annualized salaries and hourly pay rates for Butte County employees in the Year 2024.

Salary employees: McCartney, LeEllen - States Attorney \$109,928.99, Tarbay, Edward - Deputy States Attorney \$86,520.02, TBD - Deputy States Attorney \$75,834.80, Lamphere, Fred - Sheriff \$81,111.94+Emergency Manager \$10,132.21, Brunner, Julie - Register of Deeds \$66,056.12, Lensegrav, Deb - Treasurer \$65,307.32, Capp, Annie - Auditor \$63,061.02+Commissioner Assistant \$12,600.12, Wilson, Cristina - Director of Equalization

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\$63,061.02+Planning Director \$2,836.60, Saivong, Jasen - Veteran Service Officer
\$22,184.55+EM Administrator \$11,485.94, Ager, James – Commissioner \$19,106.36, Erk,
Chad - Commissioner \$19,106.36, Harms, Stanley – Commissioner \$19,106.36, Herman,
Karrol - Commissioner \$19,106.36, Walton, Frank – Commissioner \$19,106.36.

Hourly employees:

Ackerman, Bailee \$19.88, Bachman, Becky \$24.65, Cooper, Kim \$21.49, Crockford, Jodi L
\$19.06, Day, Julia \$24.74, Fickbohl, Collette \$22.21, Franke, Brian \$16.20, Freed, Dennis
\$25.75, Fox, Brandon J \$27.86, Fox, Krinda \$24.60, Goshorn, Megan \$17.47, Hahne, Bailey
\$27.86, Hale, Cassandra L \$19.06, Hanzlik, Colin \$22.62, Heidrich, Dwayne \$32.41, Heidrich,
Sandra \$26.47, Hendrickson, Lindsey \$17.47, Hendrickson, Ragine \$24.24, Herman, Josh
\$22.16, Jensen, Heidi \$20.91, Johnston, Lorita \$26.83, Keegan, Kelly \$28.52, Kiley, Clara
\$23.88, Kindsfater, Mary Elizabeth \$26.47, Larson, Mark D \$22.73, Lippincott, Stephanie
\$17.47, March, Jason \$30.26+E-911 Assistant \$2,836.81, Mahaffy, Lonnie \$22.73, McKenzie,
Casey \$27.86, Monier, Marc \$22.73, Nelson, Lisa \$29.24+Benefits Administrator \$12,360.00,
Nelson, Gerald \$20.91, Nelson, Jobe \$21.85, Nemire, Karen \$20.55, Ramirez, Johnna \$23.16,
Rath, Crystal \$26.79, Riley, Cindy \$23.52, Roberts, Paula \$23.88, Scheller, Siri \$23.16, Smith,
Anthony \$25.03, Stegelman, Sean \$25.20, Stuen, Kordell \$26.47, Tesch, Krystal A \$23.38,
Thompson, Katy \$24.74, Thompson, Mary \$23.16, Toeller, Matthew \$21.98, Tokley, Lori \$19.88,
Wells, Amy \$24.65, Wermers, Jennie \$19.88, Wolfe, Brandon \$19.06, Zeestraten, John \$19.05.

Other

Planning Commission \$750.00 per year, Coroner \$175.00/call + \$25 Admin, Guards/Matron
\$19.06/hour, Part Time Certified Law Enforcement \$21.00/hour, Election Workers \$25.00/school
– Deputy \$175.00/election – Superintendent \$225.00/election, Post Election Audit board \$20/hr.

General Staff

Skill Level 1 Starting-\$17.47, step 2-\$18.50, step 3-\$19.52– after 9-12 months \$20.55.
Skill Level 2 Starting-\$18.27, step 2-\$19.34, step 3-\$20.42– after 9-12 months \$21.49.
Skill Level 3 Starting-\$19.69, step 2-\$20.84, step 3-\$22.00– after 9-12 months \$23.16
Office Supervisor Starting-\$20.95, step 2-\$22.18, step 3-\$23.42–after 9-12 months \$24.65

Sworn Deputies

Sworn Deputy Starting-\$22.50, step 2-\$23.82, step 3-\$25.15, after 9-12 months-\$26.47.
Senior Deputy Starting-\$23.63, step 2-\$25.02, step 3-\$26.41, after 9-12 months-\$27.80.
Chief Deputy Auditor Starting-\$24.55, step 2-\$25.99, step 3-\$27.44, after 9-12 months-\$28.88.

Sheriff Department

Civil Deputy 1 Starting-\$16.20, step 2-\$17.15, step 3-\$18.11, after 9-12 months-\$19.06.
Civil Deputy 2 Starting-\$18.92, step 2-\$20.03, step 3-\$21.15, after 9-12 months-\$22.26.
Civil Deputy 3 Starting-\$19.69, step 2-\$20.84, step 3-\$22.00, after 9-12 months-\$23.16.
Deputy Sheriff 1 Starting-\$21.98, step 2-\$23.27, step 3-\$24.57, after 9-12 months-\$25.86.
Deputy Sheriff 2 Starting-\$22.83, step 2-\$24.17, step 3-\$25.52, after 9-12 months-\$26.86.
Deputy Sheriff 3 Starting-\$23.68, step 2-\$25.07, step 3-\$26.47, after 9-12 months-\$27.86.
Chief Deputy Starting-\$25.72, step 2-\$27.23, step 3-\$28.75, after 9-12 months-\$30.26.

Dispatch Center

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Dispatcher 1 Starting-\$19.88,step 2-\$21.04,step 3-\$22.21,after 9-12 months-\$23.38.
Dispatcher 2 Starting-\$20.30,step 2-\$21.49,step 3-\$22.69,after 9-12 months-\$23.88.
Dispatcher 3 Starting-\$20.72,step 2-\$21.94,step 3-\$23.16,after 9-12 months-\$24.38.
Head Dispatcher Starting \$21.98, step 2-\$24.72,step 3-\$26.10,after 9-12 months-\$27.47.

Highway Hourly Rates

Highway Supervisor Starting-\$27.24,step 2-\$28.85,step 3-\$30.45,after 9-12 months-\$32.05

Highway Administrator Starting-\$22.50, step 2-\$23.82,step 3-\$25.15,after 9-12 months-\$26.47

Foreman Starting-\$22.50,step 2-\$23.82,step 3-\$25.15,after 9-12 months-\$26.47

Mechanic Starting-\$21.42,step 2-\$22.68,step 3-\$23.94,after 9-12 months-\$25.20

Skill Level 3 Starting-\$20.97,step 2-\$22.20,step 3-\$23.44,after 9-12 months-\$24.67

Skill Level 2 Starting-\$19.32,step 2-\$20.46,step 3-\$21.59,after 9-12 months-\$22.73

Skill Level 1 Starting-\$19.05,step 2-\$20.17,step 3-\$21.29,after 9-12 months-\$22.41

Starting- \$18.84, step 2-\$19.94,step 3-\$21.05,after 9-12 months-\$22.16

Butte County Employees rates are adjusted an additional \$0.36/hour at 6, 11, 16, and 21 years of service.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Erk to pass Resolution 2024-07 *Worker's Compensation Declaration*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-07

Worker's Compensation Declaration

WHEREAS, the elected and appointed officials of Butte County are included in the annual Worker's Compensation wage calculations and insurance premiums, and

WHEREAS, SDCL 62-1-3/4 states that elected and appointed officials may be covered under Worker's Compensation if so determined by the County Board of Commissioners, and

BE IT THEREFORE RESOLVED, that the Butte County Board of Commissioners do elect to treat elected and appointed officials of Butte County as employees for the purpose of Worker's Compensation as defined under Chapter 62-1 of the SDCL.

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Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST: /s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Herman Second by Erk to pass Resolution 2024-08 *Naming of Butte County Sheriff Deputies*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-08
Naming of Butte County Sheriff Deputies

WHEREAS, the Butte County Sheriff's Office has established a reserve sheriff deputy staff, as well as a fulltime deputy staff according to the South Dakota Law Enforcement Board of Standards, and

WHEREAS, the following individuals have been awarded certificates of achievement from the State of South Dakota Law Enforcement Board of Standards, and

WHEREAS, these individuals have been deputized by the Sheriff of Butte County,

WHEREAS, Jason March serves as full-time Chief Deputy Sheriff, and Bailey Hahne, Casey McKenzie, Matthew Toeller, and TBD serve as full-time Deputy Sheriff Officers in Butte County and

WHEREAS, Jodi Crockford and Colin Hanzlik serve as Civil/Transport Deputy Officers, and

WHEREAS, Brian Franke, Cassandra Hale, and Brandon Wolfe serve as 24/7 Technicians, and

WHEREAS, Daniel Fowler, Jeff Nicholas, Heidi Nicholas, Chris Brill, and Lamar Anderson serve as Reserve Deputy Officers,

WHEREAS, Butte County Sheriff Fred Lamphere does recommend to the Board of Butte County Commissioners that all officers are in good standing,

BE IT THEREFORE FURTHER RESOLVED, that the Butte County Board of Commissioners upon the recommendation of the Sheriff of Butte County do hereby appoint all deputies in good standing as either reserve or full-time sheriff deputies in Butte County as stated above, and

BE IT THEREFORE FURTHER RESOLVED, that all the above deputies shall be classified as county employees and shall be covered under Worker's Compensation as defined under Chapter 62-1 of the SDCL.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

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ATTEST: /s/:
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Erk to pass Resolution 2024-09 *Establishment of Travel Expenditure Rates*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-09
Establishment of Travel Expenditure Rates

WHEREAS, since the cost of fuel, meals, lodging and travel, in general, are ever increasing, and

WHEREAS, the County Commissioners are required to review the rate of reimbursement annually, and

WHEREAS, the County Commissioners have the duty and authority to establish the County reimbursements methods and rates, and

BE IT THEREFORE RESOLVED, that the Butte County Board of Commissioners set the mileage rate for usage of personal vehicles for County business based at the state rate of \$0.51 per mile, overnight lodging shall be set at the least cost of available room. In-State Lodging \$75.00 + tax and Out-of-State Lodging \$175.00 + tax. Meal rates based at the state rate for breakfast, lunch and dinner shall be the actual cost up to a maximum (In-State) of: breakfast \$6.00, lunch \$14.00 and dinner \$20.00 and maximum (Out-of-State) of: breakfast \$10.00, lunch \$18.00 and dinner \$28.00. All travel expenditures shall be submitted on a county travel voucher to the Auditor/Treasurer for review and payment.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/:
James Ager, CHAIRPERSON

ATTEST: /s/:
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Herman to pass Resolution 2024-10 *Butte County Investment Policy*. Vote Unanimous. Motion Carried.

RESOLUTION 2024-10
BUTTE COUNTY INVESTMENT POLICY

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WHEREAS the Butte County Treasurer is responsible for the safekeeping of county monies, the investment of county monies and the availability of county monies,

AND WHEREAS the County Treasurer must work in close cooperation with the County Auditor and County Commissioners,

AND WHEREAS the County Treasurer wishes for the input of the County Commissioners in administering these duties,

NOW THEREFORE BE IT RESOLVED according to SDCL 4-5-8, that the county treasurer use the banks designated by the Butte County Commissioners as official depositories for savings accounts, checking accounts and certificate of deposits,

AND that the County Treasurer invest in savings accounts, certificate of deposits, and US treasury bonds as she finds advantageous in the interest of county monies,

AND that all interest earned, be deposited into the county's general fund or be reinvested into the certificate of deposit and savings account.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Harms to pass Resolution 2024-11 *Designate Engineering Firm*.
Vote Unanimous. Motion Carried.

RESOLUTION 2024-11
Designate Engineering Firm

WHEREAS, the Board of Commissioners are to designate an engineering firm to represent and advise Butte County and

WHEREAS, Butte County has a standing business relationship with Brosz Engineering and

WHEREAS, Brosz Engineering is currently the Engineering Firm on numerous Butte County Road and Bridge Projects,

BE IT HEREBY RESOLVED, that Brosz Engineering shall be named as the designated Engineering firm for Butte County for the year 2024.

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BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Erk to pass Resolution 2024-12 *PILT Money*. Vote Unanimous.
Motion Carried.

**BUTTE COUNTY
RESOLUTION 2024-12
PILT MONEY**

The Butte County Board of Commissioners will designate the PILT payment to the 2024 Budget.
The PILT payment will be receipted into General Fund.

Passed and approved this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Herman Second by Erk to pass Resolution 2024-13 *Butte County Weight Per Axle Limits*. Vote Unanimous. Motion Carried.

**RESOLUTION 2024-13
BUTTE COUNTY WEIGHT PER AXLE LIMITS**

WHEREAS, the County of Butte, South Dakota, is responsible for the maintenance of certain highways under its jurisdiction,

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WHEREAS, it appears that said highways, by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or restrictions as to the weight of vehicles are imposed, and

NOW, THEREFORE, pursuant to SDCL 32-14-6 and any laws amendatory thereto, be it resolved that effective March 1, 2024, through April 30, 2024, the load limit on all Butte County oil roads will be posted at 6 ton per axle.

1. Arpan Road - 4 Miles
2. Fruitdale Road – 2 Miles
3. Gray Road – 1.1 Miles
4. Halle Rae Road – 0.5 Miles
5. Helmer Road from Snoma South to Ziebach - 1.5 Miles – **Posted 6 ton per axle year round**
6. Orman Road - 1 Mile
7. Sourdough Road - 1 Mile
8. Valley Township Road - 6 Miles
9. Ziebach Road
10. Snoma Road from city limits east to McCoy Road – 1.3 miles

IT IS FURTHER RESOLVED; that there shall be erected and maintained signs designating provisions of this resolution as provided by state law and that this resolution shall not be effective until or unless such signs are erected and maintained.

IT IS FURTHER RESOLVED; that the County of Butte shall request the South Dakota Highway Patrol to enter the County of Butte to ensure compliance with State Laws pertaining to vehicle weight and with the weight laws established by this resolution.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Erk Second by Walton to pass Resolution 2024-14 *For the Establishment of a Fee to be Charged upon Redemption of a Tax Certificate*. Vote Unanimous. Motion Carried.

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RESOLUTION 2024-14
FOR THE ESTABLISHMENT OF A FEE TO BE CHARGED UPON REDEMPTION OF A TAX
CERTIFICATE

WHEREAS, upon redemption of a certificate that has been sold or assigned to a purchaser other than the county, a fee shall be paid to the Butte County Treasurer by the certificate holder and the fee shall not exceed fifty dollars.

BE IT HEREBY RESOLVED BY THE BUTTE COUNTY BOARD OF COMMISSIONERS

Section 1: Pursuant to SDCL 10-23-8, the Butte County Board of Commissioners hereby establishes a fee to be charged upon the redemption of a tax certificate. The fee shall be fifty dollars and shall be paid by the redeeming party to the Butte County Treasurer.

Section 2: The Butte County Treasurer shall charge this fee upon the redemption of all certificates sold as set forth in SDCL 10-23-8.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: _____
James Ager, CHAIRPERSON

ATTEST:/s/: _____
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton Second by Erk to pass Resolution 2024-15 *Establishing the Requirements, Fees, and Regulations for The Issuance of Alcoholic Beverage Licenses*. Vote Unanimous. Motion Carried. Discussion was held regarding fees, potential for Ordinance, and selection process for multiple applications. Auditor Capp will publish public hearing notice for next commissioner meeting 16Jan2023.

RESOLUTION 2024-15
ESTABLISHING THE REQUIREMENTS, FEES, AND REGULATIONS FOR THE ISSUANCE
OF ALCOHOLIC BEVERAGE LICENSES WITHIN BUTTE COUNTY BE IT ORDAINED BY
BUTTE COUNTY, SOUTH DAKOTA:

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WHEREAS, the Butte County Board of County Commissioners believes that alcoholic beverage licenses are a privilege and not a right, and

WHEREAS, Butte County reserves the right to refuse approval, renewal, or transfer of any alcoholic beverage license in the event an applicant or the holder of the license refuses to comply with applicable requirements of Title 35 of the South Dakota Codified Laws (SDCL) and

WHEREAS, SDCL § 35-2-1.2 requires any applicant or person seeking transfer of an alcoholic beverage license to submit an application to the governing body of the County in which the applicant or transferee intends to operate; and

WHEREAS, SDCL § 35-4-11.1 requires the Board of County Commissioners to determine the number of alcoholic beverage licenses the County will approve and the fees to be charged; and

NOW THEREFORE, it is hereby resolved that:

1. The total number of available alcoholic beverage licenses in Butte County is determined by SDCL § 35-4-11.1 and is based on the population residing within Butte County, but outside the limits of any incorporated municipality or improvement districts within Butte County.
2. Butte County currently has six (6) on-sale alcoholic beverage licenses available.

Application Process:

1. If any alcoholic beverage license becomes available in Butte County, a notice will be published in the legal newspaper of the County for at least two (2) consecutive weeks, stating that the Board of County Commissioners will be accepting applications for the available license and setting a deadline for submission of applications.
2. Applicants must submit all applications for alcoholic beverage licenses, including new licenses or transfers of existing licenses, for businesses intending to operate outside the corporate limits of any municipality within Butte County, to the Board of County Commissioners for approval as required by SDCL § 25-2-1.2.
3. Any application for transfer of an alcoholic beverage license must also comply with the requirements of SDCL § 35-2-7.
4. All applications must be accompanied by an application fee.
 - a. As required by SDCL § 35-4-2(2) and (6), application fees for new alcoholic beverage licenses are ten thousand two hundred and forty three dollars (\$10,243.00).

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- b. Application fees for renewal of existing alcoholic beverage licenses are nine hundred dollars (\$900.00).
- 5. All applications must include proof that the premises to which the license is being issued or transferred has, or shall have within one year, a sufficient structure in which to conduct the operation of an on-sale liquor business. No alcoholic beverage license will be issued or transferred to any applicant if there is not an approved place of business for the operation of the license.
 - a. Proof may include (but is not limited to) pictures of any existing structures or plans and specifications of proposed structures, along with proof of ownership or a valid lease of the premises.
 - b. As required by SDCL § 35-2-2.1, all applications must include an agreement that the premises used for the sale of alcoholic beverages are considered public premises for the purpose of search and seizure laws and are open to inspection at all times, including all buildings, safes, cabinets, lockers, storerooms on the premises along with any records and books pertaining to the sale and ownership of alcoholic beverages.
- 6. The Board of County Commissioners may give conditional approval to allow for construction of an approved structure, with the alcoholic beverage license to be issued to the applicant when the structure is completed.
 - a. If the alcoholic beverage license is not issued within one year of conditional approval, the Board of County Commissioners may extend the conditional approval for up to six (6) additional months if the delay is not the fault of the applicant.
 - b. Under no circumstances will an alcoholic beverage license be held on conditional approval for more than eighteen (18) months.

Approval Process

- 1. As required by SDCL § 35-2-3, the Board of County Commissioners shall set the time and place for a public hearing to consider any application for alcoholic beverage licenses that come before the board.
- 2. As required by SDCL § 35-2-5, the Butte County Auditor shall publish a notice of the time and place where the Butte County Board of County Commissioners will consider applications for alcoholic beverage license at least one week prior to the public hearing. The notice will also inform the public that any interested person may appear and be heard either in favor of, or objecting to, the issuance of the license.

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3. The Board of County Commissioners will consider the application and any objection to the application before making a final decision to issue or not to issue available licenses.
4. Pursuant to SDCL § 35-2-1.2, the Board of County Commissioners may approve or disapprove an application for alcoholic beverage license, or the transfer of an existing license, depending on whether the Board finds the applicant is a suitable person to hold the license, whether the Board considers the proposed location suitable for sale of alcoholic beverages, and whether the application and applicant meets all other statutory requirements.
5. As required by SDCL § 25-2-6.2, all applicants must be of good moral character and may not have a felony conviction. If the applicant is a corporation, all managing officers of the corporation must be of good moral character and may not have been convicted of a felony.
6. Any application fees will not be refunded once the license is approved by the Board of County Commissioners and issued by the State.
7. As required by SDCL § 35-2-5.1, if the Board of County Commissioners does not approve an application, it shall specify the reasons for disapproval on the application and return the application and fee to the applicant. The applicant may not submit another application for an alcoholic beverage license for one (1) year from the date of the denied application. However, if the denial was based on the suitability of the location for the license, the applicant may not submit another application for three (3) months from the date of the denial as long as the renewal is based on a different location.

Renewal Process

1. Applicants for renewal of existing on-sale alcoholic beverage licenses must follow the same application process set forth above.
2. Renewals of existing licenses may be approved without a public hearing before the Board of County Commissioners unless one or more of the licensee's employees has been subject to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended.
3. As required by SDCL § 32-2-5.3, the Board of County Commissioners may not reissue any alcoholic beverage license to the same licensee or the licensee's transferee if the license has not been actively used during the two (2) years preceding the date of the current application.

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- a. "Actively used," as defined in SDCL § 32-3-5.3 means that the licensed premises was open to the public during regular business hours for sale and consumption of distilled spirits for at least sixty (60) days during the two preceding years.
4. The Butte County Board of Commissioners will not reissue an alcoholic beverage license unless all taxes incurred by the licensee or his transferee because of the operation of the licensed premises are paid or are not delinquent.
5. No license will renew or reissue until all property taxes that are the liability of the licensee levied on the licensed property are paid or are not delinquent.

Revocation or Suspension Process

1. The Butte County Board of County Commissioners may recommend that the Secretary suspend or revoke any alcoholic beverage license issued for violation of any provision of SDCL Chapter 35.
2. As required by 35-2-11.2, the Board of County Commissioners must give notice to the licensee of proposed revocation or suspension recommendation only after a public hearing on the issue.
3. The licensee must have at least thirty (30) days' notice of the proposed recommendation and date set for a public hearing.
4. The Butte County Auditor shall publish a notice of the public hearing in the County's official newspaper at least one week before the public hearing in a form approved by the Board of County Commissioners.
5. Grounds for revocation or suspension of an alcoholic beverage license are found in SDCL § 35-2-10.

Dated this 2nd day of January 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s: _____
James Ager, CHAIRPERSON

ATTEST: /s: _____
Annie Capp, BUTTE COUNTY AUDITOR

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Motion by Herman Second by Walton to pass Resolution 2024-16 *A Resolution Establishing a Temporary Suspension on Tax Certificate Sales*. Vote Unanimous. Motion Carried.

BUTTE COUNTY RESOLUTION 2024-16

**A RESOLUTION
ESTABLISHING A TEMPORARY SUSPENSION ON TAX CERTIFICATE SALES**

WHEREAS, SDCL §§ 10-23 et seq. provides for an annual sale of tax certificates for the amount of delinquent property tax due on real property, and

WHEREAS, the constitutionality of South Dakota's statutory scheme for sale and redemption of tax certificates and for issuance of Treasurer's tax deeds has been questioned by the United States Supreme Court in *Tyler v. Hennepin County*, 143 S.Ct. 1369 (2023), and

WHEREAS, it is necessary for legislative changes to ensure that the statutes governing tax certificate redemptions and the issuance of tax deeds does not constitute an unconstitutional and unlawful governmental taking,

NOW, THEREFORE BE IT RESOLVED that Butte County will temporarily not sell tax certificates for delinquent property taxes payable in 2024, and prior years.

BE IT ALSO RESOLVED that Butte County will not issue Tax Deeds to holders of tax certificates, including certificates held by the County and by third parties, until questions surrounding constitutionality of the tax deed process are resolved.

Approved and adopted this 2nd day of January 2024

James Ager, CHAIRPERSON

ATTEST:

Annie Capp
Butte County Auditor

Motion by Walton Second by Erk to set the Indigent County Burial Rate at \$1,000.00 and the Indigent County Cremation Rate at \$800.00 for 2024. Vote Unanimous. Motion Carried.

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

Motion by Walton Second by Erk to approve payment of Allocations and Other Payments as presented by Auditor Annie Capp with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners.

There were no abatements or travel requests to present.

Highway Supervisor Dwayne Heidrich provided an activity report including road repairs and snow removal.

Motion by Herman Second by Erk to approve Application for Occupancy on the Right of Way of County Highways – Butte Electric Coop, Inc. – Baker Rd – Trenching underground power line. Vote Unanimous. Motion Carried.

Discussion was held regarding Schedule change request for Hwy Admin. Lori Johnston. Heidrich wanted to give background on reason for original schedule, surrounding county administrator schedules, and the reason for change request. Ms. Johnston receives minimal calls on Fridays. She is requesting her regular week be set at Mon-Thu 6:30 AM to 5:00 PM.

Motion by Herman Second by Erk to approve Schedule change request for Hwy Admin. Lori Johnston. Vote Unanimous. Motion Carried.

Sheriff Lamphere will provide an activity Report at the next regular scheduled meeting. Sheriff Lamphere discussed the large number of mental health calls received from Christmas through New Year's day resulting in about 160 man-hours by deputies and police. Lamphere mentioned the legality surrounding donations to county employees when asked by Commissioner Herman.

State's Attorney LeEllen McCartney presented her activity report including end of year statistics with a comparison of 2022 to 2023 cases. SA McCartney pointed out that there was a 21.7% increase from 2022 to 2023 (650 to 831). The States Attorney Office appeared in court in 2023 the following amount of times – 1,293 Magistrate cases, 857 Circuit cases, and 464 Juvenile cases. In 2022, law enforcement contacted the States Attorney Office 89 times for juvenile related cases resulting in 61 cases in 2022 and in 2023 there were 146 contacts for juvenile related cases resulting in 107 cases filed. State's Attorney McCartney provided information on Juvenile cases and requirements that must be met prior to incarceration of Juveniles. Most of the decisions are made outside of court or by a circuit court judge. SA McCartney discussed how special programs effect juvenile cases. Commissioner Erk asked about the decrease in the number of charges with an increase in the number of cases. State's Attorney McCartney explained that due to a policy change made there are fewer alternate charges being filed in order to be more specific. SA McCartney pointed out increases in certain types of cases such as simple assault domestic violence cases +48%, disorderly conduct+64%, violation of protection

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orders +48%, possession of controlled substances +19%, and DUI +62%. Potential causes for increases could be attributed to economic downturns and increase in law enforcement activities.

A short recess was taken at 11:45. Meeting resumed at 11:53 AM

Auditor Capp presented her activity report including beginning of Election Season, and approval of Butte County Levies received 29Dec2023. Auditor Capp provided key to turn on the Audio/Video to Commissioner Erk as the Planning Commissioner representative.

Motion by Walton, Second by Herman to approve 2024 South Dakota Association of County Commissioners (SDACC) \$2,036.00 and NACO \$450.00 Butte County Membership Dues for a total of \$2,486.00.

Auditor Capp presented the Project Boundary Fence Assessment. Auditor Capp suggested that the assessment could be used for a future Technology Committee to develop policies.

Unfinished Business

- Outside Legal Counsel fee was taken from Commissioner Professional Services budget
- Interview Committee for Planning Commission opening will be meeting later today to set up interviews with three candidates.
- Commissioner Ager mentioned that it is encouraged that two commissioners can have discussions regarding county business as long as a quorum is not present.
- Discussion was held regarding potential of having a 10-30 seconds moment of silence during future meetings. This will be on future agendas as a 20 second moment of silence after adoption of the agenda.
- Commissioner Ager thanked Commissioner Herman for not being anyone's puppet.
- Auditor Capp asked if an agenda item could be added to agendas for the Commissioners to address questions or provide information to the public that is not on the agenda. Agenda item Informational will be added towards the end of the agenda

Old Business:

- Sheriff Lamphere did research on value of surplus Ford van with a suggested bid of \$14,000 to be submitted when bids are opened. Discussion was held regarding the need, typical life of a transportation van, and budget. Motion Herman, Second by to submit a bid of \$14,000 for Ford Van. Vote Unanimous. Motion Carried.

Motion by Erk Second by Herman to Adjourn at 12:17 PM

PAYMENTS

SALARY

ASSESSOR'S OFFICE/PLANNING \$10,704.55, AUDITOR'S OFFICE \$8,833.30, BUILDING \$3,862.00, COMMISSIONERS \$4,158.92, DISPATCH \$18,032.91, ELECTION \$2,134.18, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$26,969.28, JUDICIAL \$915.95, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE

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\$4,525.98, SHERIFF/JAIL DEPT \$21,863.57, STATES ATTORNEY OFFICE \$12,661.33,
TREASURER'S OFFICE \$10,180.59, VETERAN SERVICE OFFICE \$828.40.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,648.18

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,819.95

GROUP INSURANCE

BUTTE COUNTY SHARE \$38,069.92

PROFESSIONAL SERVICES

RENEE BACHMAN \$250.00, PNNINGTN CO JAIL \$1,430.02, SRVLL \$2,492.79, WSTRN
SD JUV SRVCS \$27,300.00, JUROR FEES \$3,116.02, WTNSS FEES \$84.48, MNMNT
HLTH \$156.12, RADIOLOGY ASSOC \$210.00, JOE DRT \$150.00, BARNAUD LAW
\$4,296.30, K DLAHOYDE \$68.00, HLPRT & HALE \$1,031.76, LEWS & CLARK BHAVRL
HLTH \$325.77, DUBL STAR \$2,459.95, SD PBLC ASSRNC ALLNCE \$103,124.24, K
HUNT \$1,250.00, APCO \$375.00, ARCHTCTRL SPCLTS \$34,500.07, PNNINGTN CO
SHRFF 452.00, SCHLMGN LAW \$1,077.15, CPFRST EQPMNT FNANCE \$92,633.56, JDOG
\$390.00, MAKE IT HPPN \$400.00, SD PBLC HLTH LAB \$140.00, KNNY LAW
\$7,577.34

PUBLICATIONS

RENT/LEASE

CBP \$534.06, DJ CNSTRCTN & DEV \$1,450.00

REPAIRS/MAINTENANCE

BNNY'S \$11,480.99, LNDSTD'S \$170.00, WLFF'S PLMBNG & HEATNG \$115.00

SUPPLIES

SD DOT \$2,738.33, RUNNINGS \$138.04, PRSNNL CNCPTS \$962.42, THMSN REUTRS
\$337.39, STADIUM \$276.82, INTOXMTRS \$1,140.00, STRGS RSPNDR SPPLY \$502.69

TRAVEL/CONFERENCE

UTILITIES

BF CITY \$382.50, BLUEPEAK \$298.52, AT&T \$38.06, CNTRYLNK \$29.38

APPROVED: , Chairperson

ATTEST: Annie Capp, Auditor