

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

Tuesday December 5, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 10:00 A.M. on December 5, 2023. The meeting was recorded. Commissioners present were Harms, Ager, Walton, Herman, and Erk.

Motion by Walton, Second by Erk to approve the meeting agenda with addition of 10c Sheriff Office Wage Adjustment. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Ager to approve minutes of 21Nov2023 Regular Meeting Minutes with change of Public Comments start time to 1:19PM. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Walton to approve the Bills for Payment as presented by Auditor Annie Capp with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

Motion by Herman, Second by Ager to approve payment of Apportioning and Other payments per Printout as presented by Auditor Annie Capp with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners.

Motion by Walton, Second by Ager to approve the abatement request for 15.14.02.09A in the amount of \$1,328.76 as presented by Treasurer Debbie Lensegrav. Vote Unanimous. Motion Carried.

Motion by Ager, Second by Herman to approve the abatement request for 08.6.31.11M in the amount of \$238.50 as presented by Treasurer Debbie Lensegrav. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Walton to approve the abatement request for 35.08.5.AMZ in the amount of \$314.62 as presented by Treasurer Debbie Lensegrav. Vote Unanimous. Motion Carried.

Beginning at 10:13 AM an opportunity for Public Comment was opened.

- Sue Broadhurst brought up the 07Nov2023 item regarding the BH Council of Local Governments agreement and the error pointed out by a member of the public, suggesting the commissioners read documents more carefully. Ms. Broadhurst asked why two of the three commissioners present were late to the 21Nov2023 meeting. Ms. Broadhurst also wondered why there wasn't a quorum for the scheduled Board of Adjustments, stating concern on cost of publication. Ms. Broadhurst stated that she believes the cost of copies made by the County is too high and should be the cost of supplies used for copies.
- Jared Capp stated that he was there to be involved in the liquor license topic. Mr. Capp shared his interest and reason for interest in the available license.
- Katie Hoffmann invited the Commissioners to attend an upcoming presentation by Ed Moses regarding substance abuse and addiction. Ms. Hoffmann discussed the 21Nov2023 public comment section. Ms. Hoffmann was concerned with the deviation from the normal process and that States Attorney McCartney and Sheriff Lamphere's were allowed to comment during Public Comment in response to comments made by the public. Ms. Hoffmann stated that these actions do not instill public trust.

- Mike Habeck was in attendance in regard to liquor license discussion. Mr. Habeck provided information on his company's plans for opening a music venue during the rally.
- Dale Simanton spoke on States Attorney McCartney's recent explanation of certain descriptions, and he felt the definition of corrupt was left out, mentioning instances he believed were examples of corruption.

Highway Supervisor Dwayne Heidrich presented an activity report including work on roads, pulling ditches, and replacing gravel.

Beau Riopel of Butler Machinery discussed the potential purchase of Low Boy Trailer from Butler Machinery. Highway Supervisor Dwayne Heidrich discussed need in order to haul excavator and blower, age and condition of existing Low Boy, options of purchasing outright or over five years. If purchased in 2023 there is money in Highway Department budget.

Motion by Herman, Second by Erk to approve purchase of Low Boy Trailer from Butler Machinery in the amount of \$108,892.95. Vote Unanimous. Motion Carried.

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

Deputy States Attorney Tarbay presented an activity report including upcoming felony jury trials, grand jury cases, convene a new grand jury in January for a year, end of year numbers will be provided by SA McCartney.

Sheriff Lamphere requested that certificates of recognition be included on the agenda at the next meeting. Sheriff Lamphere will invite deputies and dispatch personnel. Discussion was held regarding retention and difficulties of the Sheriff's office and Dispatch department.

Auditor Capp presented an activity report including end of year activities, payment from company for GIS information and audio/video equipment.

Auditor Capp asked commissioners if they wished to pursue requesting waive of building permit fees for roof replacement from Belle Fourche Public Works and City Council. Capp to pursue waiving of fees.

Motion by Walton, Second by Erk to approve wage adjustment for Sheriff Office: Bailey Hahne to full wage after completion of training – \$52,214.76 (\$25.10/hr.). Vote Unanimous. Motion Carried.

Auditor Capp provided information on an upcoming opening on the Butte County Planning Commission Board for a four-year term (2024-2027). Discussion was held regarding the process for appointments. Deputy States Attorney Tarbay recommended following the same process as other Commission appointments. Auditor Capp to publish the position in BH Pioneer and Belle Fourche Beacon as well as website, applications to be received until Dec. 28th, 2023, applications will be reviewed during the Dec. 29th, 2023, Special meeting. Interviews will be held in Jan with an appointment being made prior to February Planning meeting.

Discussion was held regarding Butte County Liquor Licenses. Auditor Capp provided a history of interest since she has been with the county, information received from the Department of Revenue regarding available licenses, and South Dakota Codified law. The fees for On-Sale liquor licenses were discussed, laws surrounding the fees, and commission determination of number of license and fees on an annual basis or by ordinance. DSA Tarbay will review the Liquor License laws and provide guidance to commissioners. Further discussion will be held at the next regular commission meeting 19Dec2023.

Motion by Walton, Second by Erk to approve 2023 Budgeted Transfers as presented by Auditor Capp. Vote Unanimous. Motion Carried.

2023 Budgeted Cash Transfer:

\$ 138,918.54 from General Fund Cash (101-101) to E-911 Fund Cash (207-101)
\$ 40,161.24 from General Fund Cash (101-101) to 24/7 Fund Cash (248-101)

Committee Reports were given:

- Building committee - Commissioner Ager said the material for courthouse roof to be delivered late this week and work to begin next week

Unfinished Business

- Commissioner Ager asked about a time parameter for reimbursement cost of training for deputies. This will be reviewed in 2024.

New Business

- Commissioner Harms mentioned an upcoming opening on the Railroad Authority Board. The position is jointly appointed by the City of Belle Fourche and Butte County and is currently held by Ed Dibble who is interested in another three-year term. Commissioner Harms will bring the county's recommendation to retain Mr. Dibble in the seat to Mayor Schmidt.
- Auditor Capp - Black Hills Energy to remove or trim trees at fairgrounds.
- 29Dec2023 special meeting time set to 9:00 am
- Commissioner Ager said he received a call from a member of the public asking what the process for lowering the flag was and who should be making sure it is at half-mast when needed. A backup will be appointed for days VSO Saivong is not available.

Motion by Erk, Second by Herman to adjourn the meeting at 11:33 AM. Vote Unanimous. Motion Carried.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$13,366.07, AUDITOR'S OFFICE \$8,913.57, BUILDING \$3,888.40, COMMISSIONERS \$4,158.92, DISPATCH \$14,069.85 ELECTION \$2,134.18, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$22,152.83, JUDICIAL \$826.18, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,525.98, SHERIFF/JAIL DEPT \$19,948.66, STATES ATTORNEY OFFICE \$12,646.10, TREASURER'S OFFICE \$10,406.37, VETERAN SERVICE OFFICE \$828.40.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,065.98

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,658.43

GROUP INSURANCE

BUTTE COUNTY SHARE \$30,154.11

PROFESSIONAL SERVICES

R BCHMN \$50.00, PNNINGTN CO JAIL \$236.64, C BRLL \$261.00, SDACC \$1,556.00, STATE BAR SD \$540.00, RDWD TXCLGY \$27.34, RADIOLOGY ASSOC \$144.28, BARNAUD LAW \$3,405.40, FIRE PRO \$192.00, K DLHOYDE \$205.35, IAAO \$480.00, THE RADR SHP \$384.00, K HUNT, \$1,250.00, PNNINGTN CO SHRFF \$452.00, WTNSS FEES \$40.00, SCHLMGN LAW \$4,552.61, MNMNT HLTH \$190.00, CPFRST EQPMNT FINANCE

\$69,933.24, APPLIED CNCPTS \$6,660.00, LNCLN CO AUDTR \$155.15, MNMNT HLTH SPFSH \$241.33, PHOENX NVSTGATNS \$1,494.60, W MOSS \$131.91

PUBLICATIONS

AG-NEWS \$350.00, THMSN REUTRS \$337.39, J.D. PWR \$375.00

RENT/LEASE

A&B BSNSS \$243.76, CBP \$887.22, DJ CNSTRCTN & DEV \$1,450.00

REPAIRS/MAINTENANCE

TYLR TECH \$2,861.03, LNDSTD'S ALGNMNT \$1,052.48, CNTRL SQUARE TECH \$7,084.31

SUPPLIES

OFFCE MPORM \$1,023.57, DKOTA LMBR \$75.95, TRUENRTH STEEL \$68,595.45, GENE'S LCK SHP \$16.00, O'REILLY AUTO PRTS, A & J CLTHNG \$320.79, SIGN SLUTNS \$844.22, BUTTE CO EQPMNT \$1,068.41

TRAVEL/CONFERENCE

BST WSTRN PLS RMKTA \$202.00, PRI \$159.00

UTILITIES

BF CITY \$564.14, BH NRGY \$3,325.06, BLUEPK \$299.08, AT&T \$38.06, CNTRYLNK \$29.38

APPROVED BY THE COMMISSION:

Stan Harms, Chairperson

ATTEST: Annie Capp, BC Auditor