

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

**Tuesday February 06, 2024**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on February 06, 2024. The meeting was recorded with audio/video. Commissioners present were Ager, Herman, Walton, Erk, and Harms.

Motion by Herman, Second by Erk to approve the meeting agenda with no changes. Vote Unanimous. Motion Carried.

Chair Ager called for a moment of silence/reflection.

Motion by Harms, Second by Walton to approve minutes of 16January 2024 Regular Meeting Minutes with no changes. Vote Unanimous. Motion Carried.

Legislative Auditor Bruce Hintz gave opening comments on the 2021-2022 Butte County Audit. Mr. Hintz introduced new legislative auditor Cassi Chase. Mr. Hintz explained there were no changes to audit process from previous audit. Anticipated completion of the audit is end of February or early March. After speaking with Auditor Capp, Mr. Hintz mentioned if ARPA funds are used to repair HVAC system or any other type of construction project, the commissioners and auditor need to be aware of additional requirements. Mr. Hintz suggested a good engineer familiar with the requirements be hired.

Motion by Herman, Second by Harms to approve Chairman Ager to sign 2021-2022 Legislative Audit document. Vote Unanimous, Motion Carried.

Motion by Erk, Second by Herman 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 Walton, Second by Erk to approve payment of Apportioning and Other payments per printout as presented by Auditor Annie Capp without the Apportioning section as that was approved in the 16Jan2024 meeting. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners.

It was noted that the audio was not working so Auditor Capp began recording audio using her phone.

Motion Harms, Second by Erk to approve travel request for Sheriff – Sheriff Lamphere to attend Western States Sheriff Conference in Reno, NV from March 2-7, 2024. Roll Call Vote: Harms-Aye, Erk-Aye, Walton-Aye, Herman-Aye, Ager-Aye. Motion Carried

Motion Harms, Second by Walton to approve travel request for Sheriff Lamphere to attend State of the Union Address in Washington, DC from March 6-9, 2024. Fly from Reno, NV. Roll Call Vote: Harms- Aye, Erk-Nay, Walton-Aye, Herman-Nay, Ager-Aye. Motion Carried

Motion Herman, Second Erk to approve travel request for States Attorney – Amy Welles to attend Victim Services Training in Box Elder, SD March 7, 2024. Roll Call Vote: Harms-Aye, Erk-Aye, Walton-Aye, Herman-Aye, Ager-Aye. Motion Carried

Motion Walton second by Erk to approve travel request for Dispatch – Katie Thompson and Julia Day to attend training in Pierre, SD from March 31 – April 4, 2024. Roll Call Vote: Harms-Aye, Erk-Aye, Walton-Aye, Herman-Aye, Ager-Aye. Motion Carried

Motion by Walton, Second by Erk to approve the abatement request for parcel 15.00.15.06 in the amount of \$876.17 as presented by DOE Cristina Wilson. Vote Unanimous. Motion Carried.

Beginning at 9:51AM an opportunity for Public Comment was opened.

- Dale Simanton: commended board for selection process of Planning board member. Mr. Simanton commented on the amount of discussion held on liquor license versus discussion when deciding on approving medical marijuana licenses.
- Jared Capp: Introduced himself and stated he and his wife were one of two applicants for available liquor license. Mr. Capp pointed out that the other applicant is a registered company in Minnesota.
- Sue Broadhurst: thanked Annie for getting information online for the meetings. Ms. Broadhurst also thanked commissioners for following Roberts Rule of Order better during meetings. Ms. Broadhurst wanted to readdress including prayer in meetings. She asked that this be added and discussed during unfinished/old business. Ms. Broadhurst pointed out a typo on the first liquor license applicant's legal description and noted that the second applicant's legal description wasn't correct – the description didn't include all the necessary information.

Beginning at 10:00 AM a Public hearing was held on transfer of retail (on-off sale) malt beverage & SD farm wine retail (on-off sale) wine & cider, Sunday sales. A question was asked if a Butte County liquor license could be held with a company from Minnesota. There were no laws preventing this. Mr. Jung was present to answer questions regarding purchase and future plans for operation. Mr. Jung spoke on the history of purchase of property, introduced his daughter Ashley, mentioning she and her husband would be relocating to Butte County.

Beginning at 10:06 AM Public hearing was held to review applications for one available on-sale liquor license in Butte County.

Legal Description for Black Hills Experience is as follows: Tract BHT of NE1/4 of SW1/4 in Section 5, Township 7 North, Range 2 East of the Black Hills Meridian, Butte County, SD and Township 7 North, Range 2 East of the Black Hills Meridian, Butte County, SD. Section 5: that portion of the NW1/4 of SE1/4 and that portion of the South1/2, SE1/4 line North of Redwater River.

Butte County Health Services – Malynda Wolfe and Krinda Fox shared 2023 activity report including some changes to department with more focus on school health, immunizations, pregnant women prenatal and postpartum care, WIC stats are steady, some over the phone appointments continue. The Delta Dental bus came twice doing \$67,070.00 worth of dental work in Butte County. Over the holidays Health Services worked with several local groups to provide food and gifts to clients including 4H, law enforcement, angel trees, and fire departments to name some. Naloxone (Narcan) box received which is used for Opioid overdoses. Training will be received and given in the future.

Register of Deeds Julie Brunner presented a 2023 activity report saying that the year has been one of transition – she switched sides of desk from Deputy to ROD and hired a new Deputy, implementation of the Land Alert System, purchase of a wide format printer – useful for larger plats. Julie is now rescanning plats which helps to preserve documents. Beyond the usual workday the ROD office helps with research projects, traffic directors, gives tours to community education class, shows realtor interns what they do, everything is open to public, and ROD Brunner encouraged everyone to come and see what they do. 2023 Stats were given for a total of 2,123 documents were filed. Modernization and Preservation fund historical data given (money received, money spent). IDOC market investment made resulted in 891 subscriber and

\$13,000 gross profit (\$6,000 net). ROD Brunner shared some 2024 plans including goal to finish scanning documents, purchase new shelving for vault, digitize records, and additional security for office.

Dispatch Crystal Rath 2023 activity report. 25,285 calls which include traffic stops, 911 calls, 911 accidental, ambulance calls, keep the peace calls, suicide calls, domestic, and mental health. Mrs. Rath thanked dispatchers Katie Thompson, Julia Day, and Sheriff Lamphere for keeping office going while she was out on medical. Average day is estimated at 100-150 calls. SA McCartney mentioned how important the work dispatch does is for prosecuting.

Highway Supervisor Dwayne Heidrich presented an activity report including snow removal and blading done, cleaning up yard in Belle shop, and fixing signs.

Motion by Herman, Second by Erk to approve Application to Construct an Approach or Driveway to a County Road – Jim McCoy – south side of intersection of McCoy & Snoma Roads – access to pasture across from corrals. Vote Unanimous. Motion Carried.

Sheriff Lamphere requested commissioners' approval of Deputy Hahne's request to cash out 250 hours of her comp time earned. Discussion was held regarding the reasoning for request. She is willing to take the time off but filling her position will cause a stress on existing staff.

Motion by Erk, Second by Walton to approve Deputy Bailey Hahne's request to cash out 250 hours of her comp time earned. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Erk to approve updated agreement for 2024 GPS Fieldwork – approximately 1700 parcels to map. Budgets affected are Planning, 911, and IT. Vote Unanimous. Motion Carried.

Sheriff Lamphere was in contact with engineer regarding the HVAC system. He will attend the 20Feb2024.

States Attorney LeEllen McCartney presented an activity report including resignation from Deputy SA Edward Tarbay effective 12April2024, case load transfer should be seamless but will be heavy load for one person. SA McCartney said so far in January her office has opened 44 new cases with 77 charges. Filling open deputy position has been experiencing issues such as salary, ability to do remote work, and politics in Butte County. One applicant will be interviewed in coming week but must pass bar before he can be a working attorney for Butte County. Commissioner Ager asked if some of the work could be contracted out. McCartney said that could be a valid option. SA McCartney recognized Mr. Tarbay for his work and moving to the US Attorneys office is an indication of his success at his job.

Motion by Erk, Second by Harms to approve transfer of retail (on-off sale) malt beverage & SD farm wine retail (on-off sale) wine & cider, Sunday sales from Wagon Wheel Weddings LLC; Greg (Sherry) Smeenk to Silver Spur Ranch LLC; Steve Jung. Vote Unanimous. Motion Carried.

Review, discussion, and selection was held for two applicants for one available on-sale liquor license in Butte County. Both applicants were available for questions. Both applicants were determined to be eligible to receive the license. Lottery process was decided – both names were to be drawn out of a hat. Black Hills Experience was selected by citizen Sue Broadhurst.

Chairman Ager read the First Reading: BUTTE COUNTY ORDINANCE 2024-01: An Ordinance for State and Federal Background Investigations for Applicants for County Employment.

Motion by Erk, Second by Herman to approve Amendment of Resolution 2024-14. Vote Unanimous. Motion Carried.

**BUTTE COUNTY RESOLUTION 2024-14 (AMENDED)**  
**A RESOLUTION FOR THE ESTABLISHMENT OF A FEE TO BE CHARGED**  
**UPON REDEMPTION OF A TAX CERTIFICATE**

**WHEREAS**, SDCL 10-23-8 permits the sale or assignment of tax certificates to persons other than the County, and

**WHEREAS**, these tax certificates may be redeemed by payment of taxes owed, along with applicable interest; and

**WHEREAS**, upon redemption of any tax certificate held by someone other than the County, pursuant to SDCL 10-23-8 a fee shall be deducted from the proceeds paid to the holder of the tax certificate, and

**WHEREAS**, SDCL 10-23-8 permits the County Commission to establish a fee not to exceed Fifty Dollars (\$50.00),

**NOW, THEREFORE BE IT RESOLVED** by the Butte County Board of County Commissioners that upon redemption of a tax certificate held by someone other than the County, a fee of Fifty Dollars (\$50.00) shall be charged to the holder of a tax certificate to be paid out of the proceeds due to the holder of that certificate.

**IT IS FURTHER RESOLVED** the fee charged pursuant to SDCL 10-23-8 and this Resolution shall be paid to the Butte County Treasurer.

Approved and adopted this 6th day of February, 2024

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James Ager  
Chair Butte County Commission

ATTEST:

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Annie Capp  
Butte County Auditor

Auditor Capp presented an activity report including election activities, building maintenance. Commissioner Ager asked about the heating in the Admin building and if the floor in SA office has been repaired. The heater is fixed but not the floor. Capp to request Cornett Construction to come out and glue a plank as a fix.

Auditor Capp and SA McCartney requested that commissioners approve future National Opioid Settlement distributions be divided equally between ABC, Teen Court, and New Dawn.

Motion by Herman, Second by Walton to approve all future National Opioid Settlement distributions to be divided equally between ABC, Teen Court, and New Dawn. Vote Unanimous. Motion Carried.

Motion Walton, Second Herman to approve Corrections to Tiers: Dwayne Heidrich: Tier 3 - \$32.77, Heidi Jensen: Tier 3 - \$25.01, Crystal Rath: Tier 2 - \$27.83. Vote Unanimous. Motion Carried.

Motion Erk, Second by Walton to approve wage adjustments; Sheriff - Colin Hanzlik: Tier 2 - \$22.62; Dispatch - Julia Day: Tier 2 - \$24.74; Dispatch - Lori Tokley: Step 2 - \$21.04; Treasurer – Lindsey Hendrickson: Step 2 - \$18.50. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Herman to enter into Executive Session: Personnel 1-25-2(1) at 11:28 AM. Vote Unanimous. Motion Carried. Exited Executive Session at 11:54 AM. No action was taken as a result of Executive Session.

Committee Reports were given:

- Harms mentioned the dispatch committee met 02Feb2024 with discussions focused on financials and agreement which will expire in December of 2024.
- Erk said the Fair board meeting was held 05Feb2024, set dates for the Fair and were allocated second round of grant money for improvements at \$15,000.
- Walton discussed the Ambulance board meeting, online discussion with company that runs the new board members welcomed, and new chair selected.
- Herman attended the BH Area of Council meeting and there is a lot of activity with other counties in the Black Hills. Walton and Herman drove Hope road after a complaint and gave finding report to Highway Superintendent Heidrich.
- Erk and Capp sat on interview panel for 4H Director candidates– decision may take 2 weeks – 2 months.
- Auditor Capp talked about recently held Cracker Barrels and upcoming Election 101 training.

Unfinished Business

- Auditor Capp said the microphone had been moved per commissioner request. Asked whether Architectural Specialties had inspected the security needs in the Courthouse lobby and ROD office. Capp to follow up.
- Auditor Capp shared that the Butte Lawrence Fair Board budgeted allocation was included in the bills and that future payments for electric upgrades would come from the building budget. Fairgrounds would be directed to bill invoices related to upgrade to the County.
- Walton mentioned that the estimated amount from Jail reimbursement is expected to be \$80,000 vs the original estimate of \$60,000.
- Motion Erk, Second by Harms to approve Chairman Ager to sign letter of intent with Belle Fourche City regarding Law Enforcement Center. Vote Unanimous. Motion Carried.
- Ager contacted Belle Fourche City Inspector to look at what was needed to make downstairs of Admin building ADA compliant. Ager to follow up with inspector.
- County Property sale was discussed. Auditor Capp to follow up with auctioneer on sale and report back to board.

New Business

- Capp introduced a request for support on settlement for company who has declared bankruptcy with debt in Opioid Settlement.
  - Motion by Walton, Second by Erk to approve Auditor Capp to sign the Opioid Ballot for Settlement Agreement. Vote Unanimous. Motion Carried.
- Chairman Ager asked for discussion on having a consent agenda and what items would be appropriate. Research will be done on what can and cannot be included on consent agenda and process for approvals.

Informational:

- Auditor Capp share correspondence received from CASA and Vale Fire Department
- Herman shared her thoughts on prayer and the appropriateness of holding prayer in public meeting. Ager agreed with thoughts on prayer in public meetings and the compromise made with adding a moment of silence/reflection.

Motion by Erk, Second by Herman to adjourn the meeting at 12:30 PM. Vote Unanimous.  
Motion Carried.

**Payments**

**SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,518.62, AUDITOR'S OFFICE \$10,259.18, BUILDING \$4,085.74, COMMISSIONERS \$4,158.92, DISPATCH \$13,863.84, ELECTION \$1,820.44, EM/911 \$940.58, EXTENSION \$1,881.60, HIGHWAY DEPT/WEED CONTROL \$27,980.36, JUDICIAL \$1,036.48, NURSE'S/WIC OFFICE \$1,968.00, REGISTER OF DEEDS OFFICE \$4,658.22, SHERIFF/JAIL DEPT \$20,848.48, STATES ATTORNEY OFFICE \$13,906.95, TREASURER'S OFFICE \$9,950.23, VETERAN SERVICE OFFICE \$853.25.

**COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$9,373.16

**SDRS RETIREMENT**

BUTTE COUNTY SHARE \$7,325.76

**GROUP INSURANCE**

BUTTE COUNTY SHARE \$33,404.20

**PROFESSIONAL SERVICES**

R BCHMN \$50.00, PNNINGTN CO JAIL \$1,110.78, MAPS \$2,940.50, SD DOT \$91,700.95, CHLDNRN'S HOME \$450.00, WTNSS FEES \$100.40, BUTTE-LAWRNCE CO FAIR \$10,000.00, SD SEC STATE \$50.00, RDWD TXCLGY \$13.67, L LWNO \$112.25, A HLL \$197.87, VNGUARD \$12,525.00, BARNAUD LAW \$5,303.26, M KTTRHGN \$6.00, D SCHAEFR \$30.00, K DLAHOYD \$106.25, ROYL SPRAYNG \$948.75, LXSXNS \$332.00, THMSN REUTRS-WST \$337.39, MCROFLM IMGNG SYSTMS \$380.00, CTY RC \$520.00, HLPRT & HALE \$2,413.78, LANGUAGE LINE \$59.85, DUBL STAR \$591.90, BH SCRTY \$240.00, ARCHTCTRL SPECLTS \$15,356.53, 605 THRPY \$3,400.00, Z PRDCTNS \$1,149.00, ALLRT INS \$60.00, DKOTABLT \$360.00, T STOLL \$759.50, V LARSN \$6.00, SD DOR \$245.00, ELEVATS \$236.00, KNNY LAW \$3,306.80, CO DRG \$965.26

**PUBLICATIONS**

BH PIONEER \$865.37, BF BEACN \$84.00

**RENT/LEASE**

A&B BSNSS \$243.82, PTNY BOWS \$801.42, CNTRY BSNSS \$706.27

**REPAIRS/MAINTENANCE**

KONE \$479.01, WLFF'S PLMBNG \$5,500.00, PRGRSS RV \$2,116.51, G & R \$1,240.00, J&M MECHNCL \$495.78, AUTO PROS \$390.79, CORNTT CNSTRCTN \$275.40

**SUPPLIES**

OFFCE MPRM \$590.05, DKOTA LMBR 80.34, WLLS PLMBNG \$4.60, PRNT MARKT \$1,336.99, PHSNTLND \$191.95, FRST INTRSTATE-MSTR CRD \$2,933.69, LXSXNS \$332.00, O'REILLY AUTO PRTS \$774.31, NATL TST SYSTMS \$1,587.78, SIGN SLUTNS \$320.51, SNBORN CO \$14,000.00

**TRAVEL/CONFERENCE**

ECONO LDGE \$388.01

**UTILITIES**

CTY BF \$382.50, BH NRGY \$789.24, MDU \$1,905.64, BLUPEAK \$1,799.52, RFUSE  
SLUTNS \$363.92, GOLDN WST \$23.45, AT&T \$38.43, CNTRYLNK \$29.38

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APPROVED BY THE COMMISSION:

James Ager, Chairperson

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ATTEST: Annie Capp, BC Auditor