

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

Tuesday, November 21, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 1:13 P.M. on November 21, 2023. Commissioners present were Ager, Walton, and Herman. Absent Harms and Erk.

Vice Chairman Ager 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 removal of the Board of Adjustments meeting and item #10 variance request. Vote Unanimous. Motion Carried

Motion by Herman, Second by Walton to approve the Regular Scheduled Minutes November 07, 2023, with no changes. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Herman to approve the Auditor's Monthly Settlement with Treasurer. Vote Unanimous. Motion Carried.

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

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$		
First Interstate Bank	\$	5,952,291.85	
Pioneer Bank and Trust	\$	50,988.54	
Total Checking/Savings Accounts			\$ 6,003,280.39

INVESTOR ACCOUNTS

Pioneer Bank and Trust	\$	433,817.03	
First Interstate Bank	\$	783,100.15	
Total Investor Accounts			\$ 1,216,917.18

CERTIFICATES OF DEPOSIT

First National Bank	\$	2,785,118.23	
First Interstate Bank	\$	1,780,000.00	
Pioneer Bank and Trust	\$	1,254,000.00	
Total Certificates of Deposit			\$ 5,819,118.23

Cash on Hand			\$ 1,745.00
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Total Cash Accounts			<u>\$ 13,041,060.80</u>
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Insufficient Fund Checks In-process			<u>\$ 221.76</u>
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Total General Ledger Balance			\$ 13,041,282.56
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/s/ Annie Capp 11/14/2023
COUNTY AUDITOR SIGNATURE DATE

/s/ Debra Lensegrav 11/14/2023
COUNTY TREASURER SIGNATURE DATE

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

LIEN REPORT BUTTE COUNTY

	EXPENSES OCT 2023	EXPENSES YTD	RECOVERED OCT 2023	RECOVERED YTD
CAA/PUBLIC DEFENDER	\$ 11,112.55	\$ 194,782.68	\$ 2,499.63	\$ 38,581.36
JAIL	\$ 43,138.65	\$ 462,681.89	\$ 1,899.72	\$ 69,290.18
POOR LIEN	\$ 0.00	\$ -145.81	\$ 16.00	\$ 26.02
REGIONAL JUV DET	\$ 21,000	\$ 87,324.49	\$ 0.00	\$ 11,741.58

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

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

No Travel or Abatement Requests

Beginning at 1:06 PM the following citizens appeared during the Public Comment Session:

- Katie Hoffmann commented potential abuse of powers regarding 3J Towing and revocation of Butte County towing rotation. Ms. Hoffmann mentioned the timing of the removal from rotation and concerns that the county did not consider laws the towing company was required to follow. Further concerns were that the company was not allowed on the agenda to speak on this matter and was only allowed to provide public comment.
 - States Attorney McCartney gave background on the case in question. Items mentioned were threats made to the towing company, phone calls between owners' lawyer and States Attorney office, legal responsibilities of owner, States Attorney's office, the courts, and 3JTowing. SA McCartney went on to explain the additional steps taken by the car owner, her representation, the States Attorney office, 3J Towing, and Circuit Court. Judge issued a warrant to release the car contents to the defendant. States Attorney mentioned several inconsistencies between posts on social media and facts. SA McCartney then spoke on what responsibilities lie within her office, the Sheriff's office, and the Court system.
 - Sheriff Lamphere stated that part of his office's job is to process court orders and how the court order in question was served to 3J Towing and an employee's refusal to accept the court order. Owner of 3J Towing provided a refusal in writing to follow the court order resulting in the Sheriff's Office decision to remove the towing company from the rotation until the situation is resolved.
 - Clayton Johnson spoke on the lack of knowledge showing there is a criminal case. SA McCartney shared the case number with 3J Towing. The owner of 3J Towing mentioned the legal requirements they must follow stating they must release items such as clothing, food, and medication. Mr. Johnson asked why it was so hard to find information on the case.
 - Ms. Hoffmann asked if commissioners could review and confirm whether 3J Towing was required to follow the court order or if doing so would cause the company to break laws.

- Rose VanSickle appreciated the interaction with commissioners and the attendees. Ms. VanSickle asked for more information on what and why commissioners approve agenda items. Ms. VanSickle ended by offering all a Happy Thanksgiving.
- Bob VanSickle mentioned minutes regarding executive session held during the last commissioner meeting reminding commissioners that no action is to be taken during executive session. Auditor Capp assured VanSickle that the intention of the wording in the minutes was to reflect no action was taken **after** the session ended.
- Dale Simanton started by stating he hadn't been to a few meetings, bringing up the recent roof quote and the cost of research done on potential of building new courthouse. Mr. Simanton suggested that the expense to do research be reimbursed, as it was a waste of money.

Motion by Walton, Second by Herman to approve revised Quote 2023-09-22-0908 (update to how the membrane will be adhered) in the amount of \$47,776.30 for Courthouse Roof. Vote Unanimous. Motion Carried

Highway Superintendent Dwayne Heidrich provided an activity report for the department including completed mowing for the year, pulling ditches, fixing roads, and repairing washouts/blowouts.

Motion by Herman, Second by Walton to approve Application to Construct an Approach or Driveway to a County Road – Raymond Teats – Owl Creek Road. Vote Unanimous. Motion Carried

Motion by Walton, Second by Herman to approve Agreement for Voluntary Right of Way Donation – Glen & Sondra Boggess – Viken Rd Bridge #10-280-349. Vote Unanimous. Motion Carried

Motion by Walton, Second by Herman to approve Vice Chair Ager to sign DWare Inc Software License Agreement 2024. Vote Unanimous. Motion Carried

Sheriff Lamphere provided the monthly activity report.

Sheriff Lamphere provided a summary of recent and Washington D.C. trips including cost to county (minimal), pairing with legislators from Minnesota and an Ohio Sheriff, the group met with State legislators from their states to tell how unsecured borders are affecting their States and Counties. Sheriff Lamphere feels that it is important to stay on top of the issues

Sheriff Lamphere gave an update after he and Commissioner Walton attended the Annual Juvenile Service Center meeting. Butte County was awarded the Most Utilized County award and will be receiving a \$67,000 rebate. Sheriff Lamphere explained the program and the benefits of joining and remaining part of the compact.

Sheriff Lamphere congratulated Deputy Bailee Hahne on her recent graduation from the academy. The open deputy position was offered to someone today.

States Attorney LeEllen McCartney presented the activity report for the department including inmates currently in jail and related charges, November grand jury cases, amount of current open cases is 361, juvenile cases year to date numbers are 107, and summer intern candidate accepted. December 29th,

Auditor Annie Capp presented an activity report for the Auditor's Office including Butte Co. Republican Central Committee Meeting, Administrative Rules Hearing, and end of year activities. End of year special meeting was tentatively scheduled for 29Dec2023.

Motion by Walton, Second by Herman to approve Vice Chair Ager and Auditor Capp to sign Joint Powers Agreement between Bureau of Information and Telecommunications and Butte County. Vote Unanimous. Motion Carried

Motion by Herman, Second by Walton to approve Vice Chair Ager to sign 2024 South Dakota Association of County Officials (SDACO) Butte County Membership Dues \$1,280.67. Vote Unanimous. Motion Carried

Motion by Herman, Second by Walton to approve 2023 CVSO Reappointment of Jasen Saivong. Vote Unanimous. Motion Carried

Motion by Walton, Second by Herman to approve Vice Chair Ager and Auditor Capp to sign SDSU Extension MOU with Butte County – 2024. Vote Unanimous. Motion Carried

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

- Highway - Mark Larson, Skill Level 2, \$22.07
- Dispatch - Collette Fickbohm, Step 3- \$21.57

Committee Reports were given:

- Herman and Walton attended ambulance meeting. No significant updates. Auditor Capp asked commissioners to ask Ambulance board if CPR training could be given to county employees.
- Walton – BFEDC no significant updates.
- Ager – Planning schedule for 2024 provided. Auditor Capp presented the Proposed 2024 Planning Meeting Dates & Deadlines submitted by Director of Planning Cristina Wilson.

Unfinished Business

- Audio Video status given by Auditor Capp
- Commissioner Ager asked about updates to the website – a potential developer came forward with interest - more information to come.

Motion by Herman, Second by Walton to adjourn the meeting at 2:31 P.M. Vote Unanimous. Motion Carried.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$7,264.72, AUDITOR'S OFFICE \$8,770.31, BUILDING \$3,831.53, COMMISSIONERS \$4,158.92, DISPATCH \$10,972.89, ELECTION \$2,113.18, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$23,508.92, JUDICIAL \$915.95, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,525.98, SHERIFF/JAIL DEPT \$18,275.31, STATES ATTORNEY OFFICE \$12,646.10, TREASURER'S OFFICE \$9,246.06, VETERAN SERVICE OFFICE \$828.40.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$8,239.19

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,335.15

GROUP INSURANCE

BUTTE COUNTY SHARE \$32,434.38

PROFESSIONAL SERVICES

R BCHMN \$50.00, PNNINGON CO JAIL \$3,720.00, MAPS 1,737.25, WSTRN SD JUV SRVCS \$25,530.00, BHAVR MNGMNT SYSTMS \$1,600.00, PHARMCHM \$95.85, STATE BAR SD \$540.00, MNMNT HLTH \$850.41, SDACHS \$350.00, A HLL CNSLTNG \$65.96, BARNAUD LAW \$11,944.46, T ELLNGSN \$50.00, FRST INTRSTATE-MSTR CARD \$3,417.11, ROYL SPRAYNG & LAWN CARE \$610.50, RPD CTY \$160.00, DUBL STAR \$9,517.42, AMG AVRA OCCPTNL MDC \$70.36, BH SECRTY & SYSTMS \$134.85, K HNT PROF \$1,250.00, ARCHTCTRL SPCLTS \$417.92, JUROR FEES \$516.30, SDAAO \$225.00, Z PRDCTNS \$399.00, SCHLMGN LAW \$272.85, NMR \$1,750.00, MNNEHAHA CO \$2,510.76, MORRS LAW \$2,700.00, DPT HLTH \$985.00

PUBLICATIONS

BH PIONEER \$501.61

RENT/LEASE

CLLGN \$26.40, BH PURE \$119.50, CNTRY BSNSS \$759.00, DJ CNSTRCTN & DVLPMNT \$1,450.00

REPAIRS/MAINTENANCE

BTLR MCHNRY \$3,595.13, SCTT PETRSN MOTRS \$850.08, WST TIRE \$809.94, NWLL SRVC CNTR \$590.80, BCKLES TRCK & DIESL \$746.47, KONE \$479.01, W.D. LARSN \$3,301.73, BRNR AUTO RPAIR \$86.00

SUPPLIES

LNN'S DKOTMART \$33.99, STRDVNT'S \$2,064.44, MCGAS PROPANE \$1,223.37, PRNT MKRT \$708.79, STEREOS N STFF \$44.99, PTNY BOWS \$7,000.00, RNNINGS \$6,392.85, CBH \$2,980.64, M MAY \$269.16, O'REILLY AUTO PARTS \$55.94, SIGN SLUTNS \$596.23, BATTRIES + \$35.00, A & J SPPLY \$45.98, HLLYRD \$581.67, MG OIL \$9,934.67

TRAVEL/CONFERENCE

RMKTA \$154.00

UTILITIES

BH NRGY \$3,951.48, MDU \$923.46, ECOLAB \$537.53, BLUEPEAK \$1,492.44, RFUSE SLUTNS \$63.79, NSLND \$75.76, GLDN WST \$23.81, BUTTE MEADE SNTRY DST \$55.00, CNTRYLNK \$1,578.26

APPROVED BY THE COMMISSION:

Stanley Harms, Chairperson

ATTEST: Annie Capp, Butte County

Auditor