

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

**Tuesday September 5, 2023**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on September 5, 2023. The meeting was recorded. Commissioners present were Harms, Ager, Walton, Herman, and Erk.

Motion by Herman, Second by Ager to approve the meeting agenda with one change (Executive Session: Personnel SDCL 1-25-2(1) under Sheriff Office section). Vote Unanimous; Motion Carried.

Motion by Walton, Second by Erk to approve minutes of 15Aug2023 Regular Meeting Minutes with no changes. Vote Unanimous. Motion Carried.

Motion by Ager, Second by Erk to approve the Bills for Payment as presented by Auditor Annie Capp. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

Motion by Herman, Second by Erk 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 Herman to approve Travel Request as presented with no changes. Vote Unanimous. Motion Carried.

- Dispatch – Crystal Rath to attend 911 Conference in Grand Forks, ND from September 17-22, 2023.
- Auditor – Annie Capp, and Kim Cooper, to attend 2023 Auditors Conference in Pierre, SD from October 17-19, 2023.

Motion by Erk, Second by Herman to deny the application for abatement request for 15.26.0B.09A in the amount of \$36.74 as presented by Deputy Director of Equalization based on the belief the request does not meet the requirements. Vote Unanimous. Motion Carried.

Bill Kluck of the America's Sheep Producers requested an endorsement letter from the Butte County Commissioners to State Legislation in support of the R-Calf USA Sheep Committee efforts. Mr. Kluck provided an overview of the request, shared his history with agriculture boards and previous education and work experience. Mr. Kluck spoke on the problem ranchers are currently experiencing in Butte County, the State, and the nation with outsourcing production. Mr. Kluck shared some current and historic statistics on dairy cows, hogs, and sheep production, showing the decline in production of all, resulting in a \$1.2 billion loss in Western South Dakota. Production has decreased, which decreases income, while tax burden has increased.

Shannon Muchow Public Health Nurse Supervisor for this area presented information on the programs run in Butte County including number of prenatal health screenings, developmental screenings, education efforts, additional screenings, cribs distributed, and other efforts of the Butte County Nurse and WIC office.

Beginning at 10:00 AM an opportunity for Public Comment was opened.

- Dale Simanton spoke on the condition of county roads saying he is concerned with the safety of the roads. Mr. Simanton believes thoughts of a new courthouse were unreasonable with the condition of the roads.
- Travis Ismay reiterated that the commissioners would be breaking the current cannabis ordinance if the renewal application on today's agenda was approved.
- Sue Broadhurst spoke on the initial application of GLP initial application and the requirement for a minimum of one officer or board member to be a resident in Butte County. Ms. Broadhurst stated based on her research, there isn't an owner for GLP Custer LLC that is currently a resident therefore the renewal application should not be renewed. Ms. Broadhurst also brought up a potentially invalid vote during the last commission meeting, which the public did not receive any documentation.
- Jake Johnson general manager for Redwater Cannabis spoke on the hours of operation for their dispensary. Mr. Johnson spoke on similar businesses and their lack restrictions. DEA requested cannabis from Schedule 1 to Schedule 3. If someone cannot access their product via legal means they will find it somewhere without the testing required. Mr. Johnson asked the commissioners to consider amending the to change the hours of operation.

Director of Belle Fourche Development Corp Holly Stalder presented a wrap up report for the Belle Fourche Industrial & Rail Park. Ms. Stalder spoke on the history of the project, funding received, reporting, and expenses.

Highway superintendent, Dwayne Heidrich, presented an activity report including mowing, fixing roads, hauling gravel. Commissioner Walton asked about potholes on Helmer. Heidrich mentioned that depending on the depth of the holes, repairs can be done on the surface. The application of Mag Water was discussed.

Heidrich presented D-Ware 2024 Price increases, these increases are in the budget. Administrative Assistant Lori Johnston explained what the program is used for and other options for software that will meet the same requirements.

Motion by Herman, Second by Ager to approve Application for Occupancy on the Right of Way of County Highways – Butte Electric – Underground Electric Utilities -- Olson Road. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Erk to approve Application for Occupancy on the Right of Way of County Highways – Butte Electric – Underground Electric Utilities -- Arpan Road. Vote Unanimous. Motion Carried.

Commissioner Erk mentioned some roads that were washed out by rain. Heidrich shared the schedule for road repairs. Erk also mentioned a tree blocking a culvert and his concern over recent rain. Superintendent Heidrich said they are waiting for the Low Boy to be repaired. Commissioner Herman mentioned a culvert that is in disrepair and could cause damage to tires.

States Attorney LeEllen McCartney presented an activity report including juvenile detention expenses, rally related cases, survey sent by committee, and search for 2024 summer interns.

Motion by Erk, Second by Herman to approve SA McCartney and Sheriff Lamphere sign the annual Interagency Agreement with the Children's Home Child Advocacy Center as presented by SA McCartney. Ms. McCartney spoke on the importance and need for special forensic interviews for children. Vote Unanimous. Motion Carried.

A short recess was called at 10:45. Meeting resumed at 11:00 am.

Sheriff Lamphere provided an update on ShopKo building as a potential location for a joint facility between the City of Belle Fourche and Butte County. Elevatus was here last week and

met with each department head and took additional photos and information in order to provide an estimate for remodel of ShopKo building. Sheriff Lamphere has asked for an update by the next commission meeting on 19Sep2023.

Sheriff Lamphere provided information on surplus evidence firearms. \$3,000 estimate to get from evidence to outside source. Plans are to get credit from local arms dealer.

Sheriff Lamphere provided information on 24/7 technician and hours of current staff working. Keeping eye on hours for current employees to keep under rate which requires benefits. More reserve deputies have been hired to help when needed.

Motion by Ager, Second by Herman to go into Executive Session: Personnel SDCL 1-25-2(1) at 11:02 A.M. Vote Unanimous. Motion Carried. The Commissioners came out of executive session at 11:20 A.M. No Action taken.

Auditor Capp presented an activity report including August building activities, Growth Report, correspondence, 1<sup>st</sup> annual County Picnic, Summer study post-election audit, ballot questions.

Motion by Ager, Second by Walton to approve State Of South Dakota Department Of Health Division Of Family And Community Health Sub-Recipient Agreement. Vote Unanimous. Motion Carried.

Auditor Capp presented an updated list of properties to auction with Hewitt Auction. Capp mentioned that the list is smaller. Discussion was held on whether an appraisal was required. Correspondence to be provided to surrounding property owners.

No Action was taken on Wage Adjustment: Auditor Office; Lisa Nelson Chief Deputy Auditor; \$28.40. Additional wage of \$12,000 will begin 01/01/2024.

**1<sup>st</sup> READING BUTTE COUNTY RESOLUTION 2023-17 ADOPTION OF PROVISIONAL BUDGET FOR BUTTE COUNTY, SOUTH DAKOTA NOTICE IS HEREBY GIVEN:** That the Board of County Commissioners of Butte County will meet in the Courthouse at Belle Fourche, South Dakota, on Tuesday September 5th, 2023, for the purpose of considering the foregoing Provisional Budget for the year 2024 and the various items, schedules, amounts, and appropriations set forth therein and as many days thereafter as is deemed necessary until the final adoption of the budget September 19th, 2023.

Motion Ager, Second Herman to approve GLP Custer LLC Manufacturing License Renewal application. Commissioner Ager mentioned the need for air filtration to mitigate odors. Commissioner Ager mentioned section 4.C(5) requirement for one board member to be a resident of Butte County. States Attorney McCartney gave the definition of and how one can become a resident of Butte County. A roll call vote was held with Erk – Nay, Herman – Nay, Walton – Nay, Ager – Nay, Harms - Nay. Vote Unanimous. Motion Failed.

Motion Erk, Second Ager to deny GLP Custer LLC Manufacturing License Renewal application. A roll call vote was held with Erk – Aye, Herman – Aye, Walton – Aye, Ager – Aye, Harms - Aye. Vote Unanimous. Motion Carried.

Motion Erk, Second Heman to deny GLP Custer LLC Cultivation License Renewal application. A roll call vote was held with Erk – Aye, Herman – Aye, Walton – Aye, Ager – Aye, Harms - Aye. Vote Unanimous. Motion Carried. Auditor Capp to report denial and request resident information from all board members.

Committee Reports were given:

- Erk - Fair board meeting 05Sep2023. Distribution to be given at this meeting.

- Herman and Walton– Ambulance, city meeting regarding ordinance, and Highway meeting focused on 5-year Road & Bridge plan.
- Ager - Building committee, quote received on three different units for Admin building AC. Additional quotes were for an estimated \$100,000 and \$9,200. Building committee to meet with Auditor Office and accept quote.

### **Unfinished Business**

- Audio/Video - Auditor Capp heard from Melvin Bender at Architecture Specialties. They revisited the project and are willing to go forward. They have spoken with the website manager and will keep in contact with IT if commissioners confirm they are willing to go forward. Commissioner Harms mentioned the project to Keynon at Radio Shack who said while he hasn't been able to fit the project into his schedule previously, he may have an opening in the future.
- Roof – new damage due to storm 04Sep2023 being reviewed. Roof repairs are progressing, but obstacles are insurance adjuster and contractor. Additional repairs will need to be done due to damage from recent rains.

### **Old Business**

- Nuisance Ordinance meeting with City Council was discussed. Commissioners decided to submit a denial to act on a joint City/County Nuisance Ordinance with Belle Fourche Mayor Schmidt.
  - Commissioner Harms said he did not believe there was enough support by the commission, city, or public to move forward at this time. While there is some precedence of joint City/County Ordinances they are complicated and would need time to develop.
  - Commissioner Ager wants to make sure the city is aware Butte County is willing to discuss specific property issues with Belle Fourche as they occur.
  - Commissioner Ager is not opposed to having a conversation with the city with minimal consequences to property owners. The cost of cleaning up is prohibitive currently.
  - Commissioner Herman would like to see the County cleaned up without the implementation of a Nuisance Ordinance that is not enforceable.
  - Commissioner Erk is concerned based on differing opinions on what is considered "junk" and how would commission, or city make that determination.
  - Commissioner Walton said he would like to something done but a Nuisance Ordinance is not enforceable in the county.
  - Auditor Capp to draft letter and bring to the 19Sep2023 Commission meeting.

### **New Business**

- Endorsement of American Sheep Industry was discussed. Commissioner Erk to do more research and bring it back to the Commission before an endorsement is drafted.
- Equalization fee structure vote was discussed to address concern brought up in public comments.

Motion by Ager Second by Herman to adjourn the meeting at 12:26 PM. Vote Unanimous.  
Motion Carried.

### **Payments**

#### **SALARY**

ASSESSOR'S OFFICE/PLANNING \$17,770.93, AUDITOR'S OFFICE \$17,540.60, BUILDING \$7,663.06, COMMISSIONERS \$8,317.84, DISPATCH \$24,808.77, ELECTION \$4,226.36, EM/911 \$1,826.42, EXTENSION \$4,392.91, HIGHWAY DEPT/WEED CONTROL \$53,736.70, JUDICIAL \$1,831.90, NURSE'S/WIC OFFICE \$3,828.80, REGISTER OF DEEDS OFFICE \$9,051.97, SHERIFF/JAIL DEPT \$41,971.91, STATES ATTORNEY OFFICE \$25,571.64,

TREASURER'S OFFICE \$17,938.26, VETERAN SERVICE OFFICE \$1,656.80.

**COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$17,848.35

**SDRS RETIREMENT**

BUTTE COUNTY SHARE \$13,584.62

**GROUP INSURANCE**

BUTTE COUNTY SHARE \$71,851.74

**PROFESSIONAL SERVICES**

R BCHMN \$150.00, PNNINGTN CO JAIL \$4,333.73, WSTRN SD JVNL SRVCS \$21,600.00, BHVR MNGMNT \$800.00, BUTTE-LWRNC CO FAIR \$10,000.00, MEADE CO AUDTR \$42,350.00, C BRLL \$324.00, MNMNT HLTH \$11,767.52, RDWOOD TXCLGY LAB \$447.00, BARNAUD LAW \$2,733.75, STRGS AMBLNCE \$374.74, S FSCHR \$200.00, CITY RC \$240.00, PLAINS TOWNG \$98.78, AMG AVRA OCC MED \$70.36, BH SCR TY & SYSTMS \$134.85, K HNT \$1,597.75, JUROR FEES \$537.72, ARCHTCTRL SPCLTS \$3,191.23, PRAIRIE NDSTRS \$747.20, SCRM SYSTMS \$140.40, 605 THRPY \$3,450.00, MNMNT HLTH RC HSP \$1,547.82, TJ LFTS DNTL \$105.28, DOUD COUNSLNG \$400.00, B MABY \$60.00, MAKE IT HPPN COUNSLNG \$400.00, KNNY LAW \$299.60, A-Z SHRDDNG \$32.70

**PUBLICATIONS**

BH PIONEER \$26.69, BF BEACN \$40.00, LXSXNS \$322.00, THMSN REUTRS-WST \$337.39

**RENT/LEASE**

DKOTA EQPMNT RNTL \$2,975.00, BH PURE \$163.75, CNTRY BSNSS PRDCTS \$1,396.56, DJ CNSTRCTN & DEV \$1,450.00

**REPAIRS/MAINTENANCE**

SCTT PETRSN MTRS \$57.30, KONE \$479.01, WRK RGS \$100.00, AUTO PROS \$1,372.50, CRNTT CNSTRCTN \$1,544.09

**SUPPLIES**

MCLEODS \$228.05, DKOTA LMBR \$529.84, SD DEPT TRNS \$7,701.21, PHSNTLND \$173.33, PHARMCHM \$53.00, FRST NTRSTATE-MSTR CARD \$1,558.63, LAWSN PRDCTS \$323.10, STRGS RSPNDR SPPLY \$529.84, ElctnSource \$325.95, PTNY BOWS \$248.98, MG OIL \$11,325.40

**TRAVEL/CONFERENCE**

M MAY \$822.72, BF EDC \$1,390.00, SD PLNNRS ASSOC \$250.00, ARROWWD RSRT \$1,240.40

**UTILITIES**

CITY BF \$866.35, BH NRGY \$688.36, MDU 232.50, BLUPEAK \$1,667.69, RFUSE SLUTNS \$328.39, AT&T \$36.67, CNTRYLNK \$29.38

---

APPROVED BY THE COMMISSION:

Stan Harms, Chairperson

---

ATTEST: Annie Capp, BC Auditor