

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

Tuesday, July 18, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 1:00 P.M. on April 18, 2023. Commissioners present were Ager, Walton, Herman, and Erk. Absent Harms

Vice Chairperson 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 no changes. Commissioner Herman suggested that due to previous complaints on moving Public Comments from end of agenda to beginning, the topic remain at the end of the meeting. Roll Call Vote: Ager - Aye, Walton - Aye, Herman - Aye, Erk - Nay. Motion Carried

Motion by Herman, Second by Erk to approve the Special Minutes from June 26th, 2023, and the Regular Scheduled Minutes July 10th, 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
June 30, 2023**

CHECKING/SAVINGS ACCOUNTS

| | | | |
|---------------------------------|----|--------------|-----------------|
| Wells Fargo Checking | \$ | 102,244.82 | |
| First Interstate Bank | \$ | 2,689,653.81 | |
| Pioneer Bank and Trust | \$ | 50,972.96 | |
| Total Checking/Savings Accounts | | | \$ 2,842,871.59 |

INVESTOR ACCOUNTS

| | | | |
|-------------------------|----|------------|---------------|
| Pioneer Bank and Trust | \$ | 174,601.57 | |
| First Interstate Bank | \$ | 776,160.68 | |
| Total Investor Accounts | | | \$ 950,762.25 |

CERTIFICATES OF DEPOSIT

| | | | |
|-------------------------------|----|--------------|-----------------|
| First National Bank | \$ | 2,767,463.31 | |
| First Interstate Bank | \$ | 1,750,000.00 | |
| Pioneer Bank and Trust | \$ | 750,000.00 | |
| Total Certificates of Deposit | | | \$ 5,267,463.31 |

| | | | |
|--------------|--|--|-------------|
| Cash on Hand | | | \$ 1,745.00 |
|--------------|--|--|-------------|

| | | | |
|----------------------------|--|--|------------------------|
| Total Cash Accounts | | | <u>\$ 9,062,842.15</u> |
|----------------------------|--|--|------------------------|

| | | | |
|-------------------------------------|--|--|-------------|
| Insufficient Fund Checks In-process | | | <u>\$ -</u> |
|-------------------------------------|--|--|-------------|

| | | | |
|------------------------------|--|--|-----------------|
| Total General Ledger Balance | | | \$ 9,062,842.15 |
|------------------------------|--|--|-----------------|

/s/: Annie Capp 7/17/2023
COUNTY AUDITOR SIGNATURE DATE

/s/: Debra Lensegrav 7/17/2023
COUNTY TREASURER SIGNATURE DATE

Motion by Erk, Second by Herman to approve the County Lien Report. Vote Unanimous. Motion Carried. Auditor Capp provided comparison between last three years, noting increase in funds recovered for Jail and Juvenile Detention liens.

LIEN REPORT BUTTE COUNTY

| | <i>EXPENSES JUN 2023</i> | <i>EXPENSES YTD</i> | <i>RECOVERED JUN 2023</i> | <i>RECOVERED YTD</i> |
|----------------------------|------------------------------|-------------------------|-------------------------------|--------------------------|
| CAA/PUBLIC DEFENDER | \$ 13,200.70 | \$ 116,963.75 | \$ 3,722.27 | \$ 25,391.22 |
| JAIL | \$ 97,675.88 | \$ 242,301.33 | \$ 8,343.76 | \$ 49,179.14 |
| POOR LIEN | \$ 904.95 | \$ -166.67 | \$ 0.00 | \$ 10.02 |
| REG JUVENILE DET | \$ 28,665.00 | \$ 39,945.00 | \$ 0.00 | \$ 11,741.58 |

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

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

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

- Multiple Departments – Debbie Lensegrav, Kelly Keegan, Annie Capp, Lisa Nelson, Donna Jones, and Julie Brunner to attend 2023 SDACES Workshop in Oacoma, SD from August 16-17, 2023.
- Auditor – Annie Capp and Becky Bachman, to attend SDACWO Workshop in Pierre, SD from October 11-13, 2023.

Abatements: None

Motion by Walton, Second by Erk to approve **Resolution 2023-15** A RESOLUTION PROVIDING FOR THE CANCELLATION OF CHECKS AND WARRANTS ISSUED BY BUTTE COUNTY OUTSTANDING FOR A PERIOD OF TWO (2) YEARS OR MORE. Vote Unanimous. Motion Carried

RESOLUTION 2023-15

A RESOLUTION PROVIDING FOR THE CANCELLATION OF CHECKS AND WARRANTS ISSUED BY BUTTE COUNTY OUTSTANDING FOR A PERIOD OF TWO (2) YEARS OR MORE.

WHEREAS, in accordance with SDCL 7-22-17, the board of county commissioners may, by resolution, cancel any check or warrant that has not been presented for payment at any time within two years of the date on which the check or warrant was issued and

WHEREAS, the following is a list of the checks and warrants outstanding prior to June 30, 2021 and

BE IT THEREFORE RESOLVED, that the County Treasurer be authorized to cancel these items in the check register and cease to carry these as outstanding checks.

| Date | Number | Name | Amount |
|-----------|--------|-----------------------|----------|
| 1/08/2021 | 107942 | SD SECRETARY OF STATE | \$ 30.00 |
| 1/11/2021 | 022526 | Sheeler | \$ 2.18 |
| 1/19/2021 | 107990 | 212-79 SERVICE CENTER | \$ 20.00 |
| 1/19/2021 | 108045 | EVANS, ZACHARY | \$ 20.00 |
| 1/19/2021 | 108047 | CORBETT, TEANNA | \$ 10.84 |
| 1/19/2021 | 108059 | BAIR, PHILIP | \$ 80.00 |
| 2/02/2021 | 108105 | SD SECRETARY OF STATE | \$ 30.00 |
| 2/16/2021 | 108244 | CARMEN GOMEZ | \$ 20.00 |
| 3/24/2021 | 108501 | CHURCH, MATTHEW | \$ 36.56 |
| 4/01/2021 | 108525 | BECKY GINSBACH | \$163.36 |
| 4/01/2021 | 108532 | BEVIER, RICKY | \$ 10.84 |
| 4/01/2021 | 108538 | BYRD, THOMAS | \$ 12.52 |
| 4/01/2021 | 108554 | HILL, JASON | \$ 26.72 |
| 4/01/2021 | 108577 | SIEBENALLER, MEGAN | \$ 14.20 |
| 4/01/2021 | 108582 | TINGEY, TREVOR | \$ 10.84 |
| 4/01/2021 | 108583 | TONSAGER, WAYNE | \$ 11.68 |
| 4/01/2021 | 108588 | ZEESTRATEN, CORDELL | \$ 18.40 |
| 4/20/2021 | 022574 | High Energy Farms | \$100.00 |
| 4/20/2021 | 108790 | BEVIER, RICKY | \$101.68 |
| 4/20/2021 | 108815 | TINGEY, TREVOR | \$ 10.84 |
| 4/20/2021 | 108818 | VAN NORMAN, JAMIE | \$101.68 |
| 4/20/2021 | 108830 | 24 ASSET MANAGEMENT | \$473.25 |
| 4/20/2021 | 108836 | JOHNSON, WILL EVAN | \$ 57.80 |
| 5/06/2021 | 108928 | MOORE, TIMOTHY | \$ 8.33 |
| 6/01/2021 | 109083 | DAVE SMITH MOTORS | \$192.88 |
| 6/22/2021 | 109207 | KERR, CODY KEITH | \$ 30.50 |

Dated this 14th day of June 2023

Butte County Board of Commissioners

Stanley Harms
Chair, Butte County Commission

ATTEST:

Annie Capp
Butte County Auditor

Auditor Capp provided an activity report on behalf of the County Nurse and WIC office.

Motion Herman Second Walton to approve Final Plat: Owner: Kindsfater Farms, LLC; Tract Z being a portion of Tract 4 located in the NE4 and the NW4 of Section 12, T8N, R2E, BHM, Butte County, South Dakota as presented by Planner Cindy Mayes. Vote Unanimous. Motion Carried

Motion Walton, Second Erk to approve Final Plat: Owner: Dennis & Sharon Freed; Proposing a subdivision of Tract, A located in the W2SE4 of Section 32, T9N, R3E, BHM, Butte County, South Dakota into Lots 1, 2 & 3 of Belle River Subdivision as presented by Planner Cindy Mayes. Vote Unanimous. Motion Carried

Motion Herman Second Walton to Final Plat: Owner: Troy & Jacque Hight; Lots 1 and 2, A subdivision of Tract 6 Revised Located in the SE4NW4 of Section 3, T7N, R2E, BHM, Butte County, South Dakota as presented by Planner Cindy Mayes. Vote Unanimous. Motion Carried

Motion Walton, Second Erk to approve Final Plat: Owner: Santa Maria Land & Cattle Corp.; Robinson Subdivision, Lots 1-4, A Subdivision of the W2/3SW4 less HWY 34 R.O.W., Less Tracts C and S; Located in N2SW4 of Section 20, T8N, R1E, B.H.M., Butte County, South Dakota as presented by Planner Cindy Mayes. Vote Unanimous. Motion Carried

Motion Erk, Second Herman to set Surety Bond: Buckhorn: Owner: Santa Maria Land & Cattle Corp.; Buckhorn Estates, Lots 1-8, A Subdivision of the NE4, SE4, NW4, and Tract WD60 Located in Section 28, T8N, R1E, B.H.M., Butte County, South Dakota at \$20,000.00 Vote Unanimous. Motion Carried Planner Mayes explained the reason for requesting a Surety Bond. An Inspection will be required after road is constructed.

Highway Superintendent Dwayne Heidrich provided an activity report for the department including mowing, repair from flooding, trees down. Heidrich showed the commissioners an example of the stabilizer recently done on Helmer Rd.

Motion by Herman, Second by Walton to approve Application to Construct an Approach to a County Road – Dennis Lindskov – Sourdough Road. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Herman to approve 2024 Application for Bridge Improvement Grant (BIG) PE Funds – Old Hwy 85 St# 10-213-010 – over Spur Creek. Vote Unanimous. Motion Carried. This will be the next bridge project. Heidrich will provide a report of bridges completed and bridges.

Motion by Herman, Second by Erk to approve 2024 Application for Bridge Improvement Grant (BIG) PE Funds – 184th Street St# 10-317-330 – over Dry Creek. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Herman to approve SD DOT Bridge Improvement Grant Agreement for Rehabilitation/Replacement – Local Administration – Gaver Road St# 10-114-395. Vote Unanimous. Motion Carried.

Chief Deputy Sheriff March provided an activity report for the department.

State's Attorney LeEllen McCartney presented the activity report for her department including status of criminal and civil cases, grand juries, and jury trials. The report included total 2022 cases and charges, 2023 Q1 cases and charges, and 2023 Q2 cases and charges. Attention was drawn to increase in Simple Assaults, Intentional Damage to Property, Driving While Intoxicated, Zero Tolerance DUI, and Distribution of Marijuana, and underage Use of Tobacco. SA McCartney will bring back statistics on the four types of DWI.

Auditor Annie Capp presented an activity report for the Auditor's Office including update on action items for Safety related items, budget schedule, summer studies regarding election legislation and indigent funding, recent funding received.

Motion by Herman Second by Erk to approve the following wage increases presented by Auditor Capp: Two changes are a result of changed titles in Highway Department. Auditor Capp and States Attorney McCartney

- Dispatch: Krystal Tesch - Full Wage (after certification) \$22.70
- Dispatch: Bailee Yule - Full Wage (after certification) \$22.70
- Dispatch: Evelyn Lyons - Step 2 \$20.43
- Register of Deeds: Marybeth Kindsfater – Full Wage \$25.70
- Sheriff: Jodi Crockford – Full Wage \$18.50
- Sheriff: Cassandra Hale – Full Wage \$18.50
- Treasurer: Paige Watson – Step 3 \$18.95

A short recess was called by Commissioner Ager

Motion by Erk, Second by Walton to enter Executive Session Personnel 1-25-2(1) at 2:13 PM. Vote Unanimous. Motion Carried. Out of Executive Session at 3:28 PM

Motion by Walton, Second by Herman to take intermediate step to address conduct at the Butte County Administration building on 06July2023. Vote Unanimous. Motion Carried.

Motion by Herman, Second Herman Walton to appoint Cristina Wilson as Director of Equalization with a start date of 07/24/2023 at a salary of \$61,224.28. Vote Unanimous. Motion Carried.

Auditor Capp provided the Oath of Office for Cristina Wilson as Butte County Director of Equalization.

Committee Reports were given:

- Erk – Fairgrounds, spraying done by City of Belle Fourche, Fire extinguishers will be provided, request to include extra \$2,500 for repairs in 2024 budget. Board member to contact county highway department to bring some gravel.
- Herman – BHACCO meeting, Special Ambulance meeting
- Walton – attended an Economic Development meeting and a Housing committee – there is a great need for housing. Walton mentioned that governor houses are running ~ \$300,000 and are no longer affordable alternatives.
- Ager – at Planning meeting held last week determined meetings will begin at 5:00 pm year round
- Capp – BHACCO meeting, SDACC/SDACO meeting

Old Business:

- Emails – set up with Double Star. Commissioners are to let Auditor Capp know if they will be using the county emails so the website can be updated.
- Dead tree at Jail has been removed.

New Business:

- Herman talked about the negative comments on social media. Herman spoke about the forum that was held in Belle Fourche and comments on social media about lack of attendance by commissioners. Herman went on to talk about an email from Katie Hoffman that said quote: "Yes, we'll be having our white hood ceremony at 6, lynching at 6:30, and cross burning at 7" followed by laughing emojis. Commissioner Herman said this was not amusing and nothing to laugh about.
- Auditor Capp received a call from Finance Officer Lafayette who brought a request by City Council member/s requesting that commissioners consider joining the council in a meeting to discuss a nuisance ordinance in Belle Fourche and surrounding three-mile area. Auditor Capp will request that the city provide potential dates.

Beginning at 3:38 PM the following citizens appeared during the Public Comment Session:

- Sue Broadhurst requested that the public comments be moved to the beginning of the meetings. Ms. Broadhurst suggested that Butte County was the only county that has comments at the end of the meeting and that the public had input that could provide value to the Commission.
- Laura Bennett spoke about property next to hers that has weeds. Ms. Bennett was also concerned about potential fire hazards with dry weather. The Highway department representative said the weeds couldn't be done in the fall but needed to be done in spring. It still has not been done.
 - Commissioner Herman said the County required property owner's approval to spray. Commissioner Erk mentioned that there was a state statute on noxious weeds. Commissioner Walton will follow up on the property with Weed and Pest Supervisor Heidrich.
- Dale Simanton stated that any nuisance ordinance is aimed at being a weapon against someone. Mr. Simanton asked, "Where are you going to draw the line?", further stating that it is three miles now but that could easily change. Mr. Simanton keeps his land pristine because they want to, not because they have to. There are other ways to get property owners to do what is needed without an ordinance.
- Travis Ismay said the Commissioners need a better sense of humor. After listening to Sheriff Lamphere's inspection report during last commission meeting, he believes he has done more research on marijuana than Sheriff Lamphere. Mr. Ismay correlated regulation of marijuana to regulation of corn crops. Mr. Ismay suggested the commissioners watch "Chronic State" and "Smoke Screen".

Motion by Erk, Second by Herman to adjourn the meeting at 4:07 P.M. Vote Unanimous.
Motion Carried.

Payments**SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,916.28, AUDITOR'S OFFICE \$8,811.92, BUILDING \$3,911.33, COMMISSIONERS \$4,158.92, DISPATCH \$13,939.09, ELECTION \$2,113.19, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$26,222.60, JUDICIAL \$915.95, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,423.59, SHERIFF/JAIL DEPT \$23,960.28, STATES ATTORNEY OFFICE \$13,617.30, TREASURER'S OFFICE \$8,796.09, VETERAN SERVICE OFFICE \$828.40.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,259.65

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,882.79

GROUP INSURANCE

BUTTE COUNTY SHARE \$33,837.71

PROFESSIONAL SERVICES

R BCHMN \$200.00, ECOLAB \$536.83, PNNINGTN CO JAIL \$4,021.08, SRVLL \$1,068.72, MPPNG PLNNING SPCLS \$1,297.50, TYLR TECH \$3,520.00, SD DEPT OF TRNS \$6,817.21, WSTRN SD JVNL SRVCS \$ 2,175.00, PHARMCHM \$159.75, CHLDRN'S HOME SCIETY 300.00, MEADE CO AUDTR \$36,240.00, C BRLL \$891.00, MNMNT HLTH \$61.68, BARNAUD LAW \$7,560.04, STRGS AMBLNCE SRVC \$274.24, J QUINN \$200.00, T ELLNGSN \$150.00, JURY FEES \$596.90, Z PRDCTNS \$399.00, FSH WNDOW CLEANING \$99.00, C MCKNZIE \$444.96, SOLR BROS 300.00, EXCTVE MGMT FNANCE OFFCE \$11.00, SD DPT RVNU \$1,170.85, PWRPHONE \$2,553.85, CORNTT CNSTRCTN \$4,748.10

PUBLICATIONS

BH PIONEER 753.15

RENT/LEASE

CULLIGAN \$57.00, THMSN REUTRS-WST \$527.99, BH PURE \$205.63, PTNY BOWS GLBL \$801.42, CNTRY BSNSS PRDCTS \$405.68

REPAIRS/MAINTENANCE

BTLR MCHNRY \$1,661.40, SCTT PTRSN MTRS \$3,681.69, NWLL SRVCE CNTR \$1,340.00, BICKLS \$3,631.37, RYL SPRYNG & LAWN CARE \$814.00, STNLY STEEMR \$630.00, W.D. LARSEN \$328.44, G & R CNTRL \$1,240.00, ACTN MCHNCL \$837.22

SUPPLIES

STRDVNT'S \$114.78, BLL FLWRS \$70.00, OFFCE MPORM \$331.29, PRNT MARKT \$2,788.14, RNNINGS \$2,768.19, FRST INTRSTATE-MSTR CARD \$5,668.61, O'REILLY AUTO PARTS \$25.37, MJ'S MARKT \$6.77, PTNY BOWS INC \$182.58, A & J SPPLY \$202.60, HLLYRD \$433.39

TRAVEL/CONFERENCE

CLBHOUSE \$694.88, M MAY \$619.22

UTILITIES

BH NRGY \$281.27, MDU 305.84, AT&T MBLTY \$889.99, BLUEPEAK \$1,447.28, NSLND TWN \$75.76, GOLDN WST \$23.81, BUTTE MEAD SNTRY DST \$55.00, CNTRYLNK \$1,523.41

APPROVED BY THE COMMISSION:

Stanley Harms, Chairperson

ATTEST: Annie Capp, Butte County
Auditor