

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 4, 2025**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on February 4, 2025. Commissioners present were Ager, Herman, Walton, Erk, and Batterman. Commissioner-elect Brunner was also present.

Chairperson Ager called the meeting to order and led the group in the Pledge of Allegiance.

Motion by Erk, Second by Herman to approve the meeting agenda with moving item 7.i to 13.5. Vote Unanimous. Motion Carried.

Chairman Ager called for a moment of silence/reflection.

Motion by Batterman Second by Erk to approve the Regular Scheduled Meeting Minutes from December 21, 2024, and Special Meeting Minutes from December 30, 2024, with no changes. Vote Unanimous. Motion Carried.

No Old/Unfinished Business, Committee reports, or New Business to report for 2024.

Commissioner Ager called the 2024 year officially closed. Vote Unanimous. Motion Carried.

Judge Day provided the Oath of Office for newly elected officials

- a. Butte County Commissioner - District 2 – **Thomas Brunner** - Four Year Term
- b. Butte County States Attorney – **Tim Barnaud** - Four Year Term

Beginning at 9:38 AM the following citizens appeared during the Public Comment Session:

- Dale Simanton recommended reducing staff to alleviate the shortage of office space.

Chairperson Ager stated that the Reorganization for 2025 was to commence.

Chairperson Ager called for nominations for 2025 Commission Chairperson.

Walton nominated Ager as 2025 Commissioner Chairperson. Brunner nominated Erk to be the 2025 Commission Chairperson. Nominations ceased and a vote was held with votes tallied as Ager – three (3), Erk – two (2). Chairperson Ager took the seat as 2025 Commission Chair.

Chairperson Ager called for nominations for Vice-Chairperson.

Motion by Brunner, Second by Walton to nominate Commissioner Erk as the 2025 Commission Vice Chairperson, to cease nominations and cast a unanimous vote. Vote Unanimous. Motion Carried. Commissioner Erk took the seat as Vice-Chairperson for 2025.

2025 Committee Appointments will be established at 21Jan2025 meeting.

Discussion was held regarding the dates and times of the 2025 meeting schedule. Commissioner Brunner asked what financial repercussions might be caused by additional

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evening meetings. Commissioner Ager stated that he believed Commission business should be conducted during county hours. Dale Simanton suggested scheduling the second meeting of each month in the evenings.

Motion by Walton, Second by Batterman to establish the 2025 Commission meeting times on the first and third Tuesday of each month beginning at 9:30 a.m. and evening meetings on March 21, 2025, June 19, 2025, and September 19, 2025, beginning at 6:00 P.M.

Substitute Motion by Brunner, Second by Erk to establish the 2025 Commission meeting times on the first of each month beginning at 9:30 a.m. and the third Tuesday of each month beginning at 6:00 p.m. Roll Call Vote: Brunner – Aye, Batterman – Nay, Walton – Nay, Erk – Aye, Ager – Nay. Motion failed.

Original Motion by Walton, Second by Batterman to establish the 2025 Commission meeting times on the first and third Tuesday of each month beginning at 9:30 a.m. and evening meetings on March 21, 2025, June 19, 2025, and September 19, 2025, beginning at 6:00 P.M. Roll Call Vote: Brunner – Aye, Batterman – Aye, Walton – Aye, Erk – Aye, Ager – Aye. Motion Passed.

Motion by Brunner, Second by Erk to pass Resolution 2025-01 *Establish Official Depositories*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-01**  
Establish Official Depositories

**WHEREAS**, SDCL 7-20-13 requires the County Board of Commissioners to approve the designation of each depository for the deposit of county funds, and

**WHEREAS**, several different financial institutions are doing business in Butte County and meet the requirements established under SDCL Chapter 7-20, and

**WHEREAS**, the Butte County Treasurer has requested the following financial institutions be designated as official depositories for the fiscal year 2025: Pioneer Bank & Trust 700 State Street, Belle Fourche, SD, First Interstate Bank 41 5<sup>th</sup> Avenue, Belle Fourche, SD, Northern Hills Federal Credit Union 504 Grant Street, Belle Fourche, SD, Highmark Federal Credit Union 1842 5<sup>th</sup> Avenue, Belle Fourche, SD, First National Bank 217 Girard Avenue, Newell, SD, and

**BE IT THEREFORE RESOLVED**, that the Butte County Board of Commissioners designate the above named financial institutions as official depositories for Butte County for the fiscal year 2025.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: James Ager  
\_\_\_\_\_, CHAIRPERSON

ATTEST: /s/: Annie Capp  
\_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

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Motion by Erk, Second by Brunner to pass Resolution 2025-03 *To Establish a Disbursement Schedule for Funds Paid Out*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-03**

To Establish a Disbursement Schedule for Funds Paid Out

**WHEREAS**, each budget year over a half dozen entities receive funds from Butte County's Fiscal Budget, and

**WHEREAS**, the request for these budgeted funds are as the entities deem and the request for funding are not always timely, and

**WHEREAS**, in order to eliminate future cash flow and revenue problems and to improve the financial and managerial controls of County Funds and to provide the entities receiving funds for the fiscal year 2025 a firm payment schedule to work with,

**BE IT THEREFORE RESOLVED** that the established schedule of payments and amounts are authorized for automatic payment with the mid monthly payments:

25% Cities/Towns Road Reversion	One payment of \$12,523.00 in January.
Teen Court	One payment of \$ 5,000.00 in January.
Prairie Hills Transit	One payment of \$ 4,800.00 in January.
Compass Point	One payment of \$ 1,200.00 in January.
CASA	One payment of \$ 8,682.00 in January.
Action for Betterment of Community	One payment of \$ 1,200.00 in January.
BH Children's Home Society	One payment of \$ 480.00 in January.
Library Services	One payment of \$ 6,773.75 to City of Belle Fourche on or before January 19, 2025. One payment of \$ 4,064.25 to City of Newell on or before January 19, 2025.
Artemis House	Four payments of \$ 962.50 in Mar, Jun, Sep, Dec
Community Health Nurse	Four quarterly payments per State billings.
Predatory Animal	Twice a year as prescribed by law and billed by the State.
Belle Silver Lining	One payment of \$10,000.00 in May
B.F. Economic Development	One payment of \$20,000.00 in May
B.H. Council of Local Govt	One payment of \$ 5,515.00 in May
BF Chamber of Commerce	One payment of \$ 9,600.00 in May.
County Fair	One payment of \$10,000.00 in May.
Ambulance	One payment of up to \$ 106,406.00 contribution, upon Butte County Commission approval.
Fire	Two payments of \$29,389.50 in June & December.
Planning Commissioners	One payment of \$ 1,200.00 each at-large Planning Commissioner in December.
Weed Board	One payment of \$ 300.00 each at-large Weed Commissioner in December.

Dated this 7<sup>th</sup> day of January 2025.

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/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Brunner, Second by Erk to pass Resolution 2025-04 *Name of Official Newspaper for Legal Publication*. Vote Unanimous. Motion Carried. Discussion was held regarding publishing in Belle Fourche Beacon.

**RESOLUTION 2025-04**  
Name Official Newspaper for Legal Publication

**WHEREAS**, under SDCL 7-18-3 the Board of Commissioners are required to designate three (3) legal newspapers in the County, or in case there are not three (3) legal newspapers within the county, then as many as are legal, as the official newspapers for the County, for publication of Commissioner's proceedings and notices and  
**WHEREAS**, SDCL 7-18-3 requires the designation of the County's official newspaper be made at the first meeting in January in each year, and  
**BE IT THEREFORE RESOLVED**, that the Butte County Board of Commissioners name the Black Hills Pioneer as the official newspaper for the year 2025.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Batterman, Second by Brunner to pass Resolution 2025-05 *Establish Election Polling Locations*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-05**  
Establish Election Polling Locations

**WHEREAS**, under SDCL 12-14-1 each year the County Board of Commissioners are required to establish the election polling locations for the upcoming year, and  
**WHEREAS, THE** Butte County Auditor's Office has recommended the following polling locations for the year 2025:

Absentee Voting:

Upon availability of ballots until 5:00 P.M. the day prior to Election Day-  
Butte County Auditor's Office in the Butte County Administration Building 117 5<sup>th</sup>  
Avenue, Belle Fourche, SD 57717

Election Day Voting:

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Belle Fourche Wards 1, 2, 3, 4/Precincts 21,22,23,24,25,26,27,28

Romans #11	Belle Fourche Community Hall
Minnesela #16	Belle Fourche Community Hall
Fruitdale #17	Belle Fourche Community Hall
Union #8, Horsecreek #13 and Newell Independent #14	Belle Fourche Community Hall
Newell #20	Newell City Hall
Castle Rock #6	Newell City Hall
Orman #12 and Nisland #18	Newell City Hall
	American Legion Hall-Nisland

**BE IT THEREFORE RESOLVED**, that the Butte County Board of Commissioners approve the above named election polling places for the year 2025.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton, Second by Batterman to pass Resolution 2025-06 *Establishment of Annual Wages for Fiscal Year 2025*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-06**

Establishment of Annual Wages for fiscal year 2025

**WHEREAS**, in accordance with SDCL 6-1-10, a list of annual salaries for Butte County Officials and employees for the Year 2025 must be published, and

**BE IT THEREFORE RESOLVED** that the following list is the annualized salaries and hourly pay rates for Butte County employees in the Year 2025.

Salary employees: Barnaud, Tim - States Attorney \$112,455.60, TBD - Deputy States Attorney \$89,115.62, McCartney, LeEllen - Deputy States Attorney \$41,184.00, Lamphere, Fred – Sheriff \$83,455.42+Emergency Manager \$10,231.52, Brunner, Julie – Register of Deeds \$67,948.04, Lensegrav, Deb – Treasurer \$67,199.24, Capp, Annie – Auditor \$64,952.84+Commissioner Assistant \$12,600.12, Wilson, Cristina – Director of Equalization \$64,952.84+Planning Director \$ 2,921.91, Saivong, Jasen - Veteran Service Officer \$22,850.09+EM Administrator \$11,830.52, Ager, James – Commissioner \$19,106.36, Batterman, Terry – Commissioner \$19,106.36, Brunner, Tom- Commissioner \$19,106.36, Erk, Chad - Commissioner \$19,106.36, Walton, Frank – Commissioner \$19,106.36.

Hourly employees:

Abraham, Heather \$21.17, Bachman, Becky \$25.39, Cooper, Kim \$23.85, Day, Julia \$28.15, Fickbohm, Collette \$25.60, Fox, Krinda \$25.29, Franke, Brian \$19.63, Freed, Dennis \$27.49, Goshorn, Megan \$21.17, Hahne, Bailey \$29.70, Hale, Cassandra \$22.93, Hanzlik, Colin \$23.29,

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Heidrich, Dwayne \$34.01, Heidrich, Sandra \$27.26, Hendrickson, Lindsey \$22.13, Herman, Josh \$24.41, Homola, Aric \$27.64, Jensen, Heidi \$25.75, Johnston, Lorita \$27.26, Jones, Polly \$25.39, Keegan, Kelly \$29.35, Kenoyer, Patrick \$28.21, Kiley, Clara \$27.98, Kindsfater, Mary Elizabeth \$27.26, Larson, Mark \$24.41, Lippincott, Stephanie \$22.13, Mahaffy, Lonnie \$24.41, March, Jason \$32.17 + EM Admin 2 \$2,921.91, Mckenzie, Casey \$29.70, Monier, Marc, \$24.41, Nelson, Gerald \$23.57, Nelson, Jobe \$22.49, Nelson, Lisa \$30.11, Nemire, Karen \$22.13, Pickett, Victoria \$25.60, Ramirez, Johnna \$23.85, Rath, Crystal \$26.47, Riley, Cindy \$24.21, Roberts, Paula \$24.57, Scheller, Siri \$23.85, Smith, Anthony \$27.13, Stegelman, Sean \$26.96, Stuen, Kordell \$28.26, Thompson, Katy \$28.15, Thompson, Mary \$23.85, Tokley, Lori \$25.60, Welles, Amy \$27.62, Yule, Bailee \$24.08, Zeestraten, John \$24.08.

Other

Planning Commission \$1,200.00 per year, Coroner \$175.00/call + \$25 Admin, Guards/Matron \$19.63/hour, Part Time Certified Law Enforcement \$21.00/hour, Election Workers \$25.00/school – Deputy \$175.00/election – Superintendent \$225.00/election, Post Election Audit board \$20/hr.

General Staff	Starting	Step 2	Step 3	Full Wage
Skill Level 1	\$17.99	\$19.05	\$20.11	\$21.17
Skill Level 2	\$18.81	\$19.92	\$21.03	\$22.13
Skill Level 3	\$20.28	\$21.47	\$22.66	\$23.85
Office Supervisor	\$21.58	\$22.85	\$24.12	\$25.39

Sworn Deputies	Starting	Step 2	Step 3	Full Wage
Sworn Deputies	\$23.17	\$24.54	\$25.90	\$27.26
Sr Sworn Deputy	\$24.34	\$25.77	\$27.20	\$28.63
Chief Deputy Auditor	\$25.28	\$26.77	\$28.26	\$29.75

Equalization/ Planning	Starting	Step 2	Step 3	Full Wage
General Skill Level 1	\$17.99	\$19.05	\$20.11	\$21.17
General Skill Level 2	\$18.81	\$19.92	\$21.03	\$22.13
General Skill Level 3	\$20.28	\$21.47	\$22.66	\$23.85
Assessor Skill Level 1	\$18.81	\$19.92	\$21.02	\$22.13
Assessor Skill Level 2	\$20.27	\$21.47	\$22.66	\$23.85
Assessor Skill Level 3	\$21.15	\$22.39	\$23.64	\$24.88

Sheriff Department	Starting	Step 2	Step 3	Full Wage
Sheriff Deputy 1	\$23.49	\$24.87	\$26.25	\$27.64
Sheriff Deputy 2	\$24.37	\$25.80	\$27.23	\$28.67
Sheriff Deputy 3	\$25.24	\$26.73	\$28.21	\$29.70
Chief Deputy	\$27.34	\$28.95	\$30.56	\$32.17

Civil Deputy	\$16.69	\$17.67	\$18.65	\$19.63
Civil Deputy 2	\$19.49	\$20.64	\$21.78	\$22.93
Civil Deputy 3	\$20.28	\$21.47	\$22.66	\$23.85

Dispatch Center	Starting	Step 2	Step 3	Full Wage
Skill Level 1	\$19.88	\$21.67	\$22.88	\$24.08

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Skill Level 2	\$20.30	\$23.04	\$24.32	\$25.60
Skill Level 3	\$20.72	\$23.50	\$24.81	\$26.11
Head Dispatcher	\$22.23	\$25.01	\$26.40	\$27.79

Highway	Starting	Step 2	Step 3	Full Wage
Highway Supervisor	\$28.91	\$30.61	\$32.31	\$34.01
Highway Administrator	\$23.17	\$24.54	\$25.90	\$27.26
Foreman				\$28.26
Mechanic				\$26.96
Skill Level 3				\$26.41
Skill Level 2				\$24.41
Skill Level 1				\$24.08
Starting				\$23.82

Butte County Employees rates are adjusted an additional \$0.36/hour at 6, 11, 16, and 21 years of service.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton, Second by Erk to pass Resolution 2025-07 *Worker's Compensation Declaration*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-07**  
Worker's Compensation Declaration

**WHEREAS**, the elected and appointed officials of Butte County are included in the annual Worker's Compensation wage calculations and insurance premiums, and  
**WHEREAS**, SDCL 62-1-3/4 states that elected and appointed officials may be covered under Worker's Compensation if so determined by the County Board of Commissioners, and  
**BE IT THEREFORE RESOLVED**, that the Butte County Board of Commissioners do elect to treat elected and appointed officials of Butte County as employees for the purpose of Worker's Compensation as defined under Chapter 62-1 of the SDCL.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

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ATTEST:/s/\_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Roster

Nisland

Lewis, Stan; Fickbohm, Ronald; Fickbohm, Calvin; Seieroe, Ken; Vallery, Randy; Heidrich, Bill; Ward, Riley; Noziska, Bill; Wells, Fred; Brunner, Colleen; Yule, Maynard; Lewis, Tom; Fickbohm, Pam; Vallery, Rhonda; Heidrich, Sandy; Butcher, Jeremy; Kitzan, Josh; Simmons, Stefanie; Jones, Chris; Mills, Brian; Lewis, Eric; Dell, Jeff; Lewis, Parker; Miniger, Chad; Wich, Isaac; Lewis, Darin.

Castle Rock

Braun, Dusty; Burke, Chase; Burke, Clint; Burke, Cody; Burke, Joe; Burke, Pat; Deschamps, Kevin; Duprel, Jason; Erk, Chad; Erk, John; Erk, Paul; Fox, Brian; Fox, Randy; Fox, Owen; Oster, Mark; Sperle, Raydelle; Wendt, Gary; Wendt, J.D.; Wendt, Rory.

Butte

Arneson, Shawn; Bahe, Peyton; Blair, Britton; Blair, Chad; Blair, Edward; Blair, Mary; Burman, Cody; Crago, Bruce; Crago, Colby; Crago, Tanya; Davis, Charli ; Davis, Ivan; Davis, Jim; Davis, Tye; Fox, Tate; Fritz, Kayla; Fritz, Tyler; Hansen, Darrell; Hanson, Cotey; Henderson, Zion; Hespe, Mark; Horman, Jace; Horman, Jeff; Horman, Trey; Kolb, Justin; Kukuchka, Chase; Leitner, Todd; Nachtigall, Trey; Olson, Bailey; Parrish, Erynn; Schmidt, Clete; Schmidt, Cleve; Schmidt, Kristy; Turbiville, Brian; Van Holland, Callie; Westland, Curt; Wilbur, Dylan ; Wilbur, Kody; Wilbur, Mike

Vale

Grubl, Mike; Eaton, Crystal; Brunner, Joel; Bruch, Mark; Blair, Britton; Blair, Chad; Blair, Ed; Bruch, Bruce; Hansen, Jim; Casteel, Ryan; Eaton, Brett; Blair, Mary; Grubl, Brittany; Grant, Zachary; Hespe, Mark D.; Casteel, Mike; Ketelsen, Cole; Lamphere, Lane; Olson, Brad; Stark, Ryan; Bruch, Mike; Tennis, Charles; Stetson Stover; Davis, Jim; Crago, Colby; Bahe, Peyton; Cibic, Jesse; Hanson, Sandy; Bruch, David; Davis, Tye; Leber, Sydnee; Casteel, Kenneth; Casteel, Charley; Van Asma, Matt;

Motion by Walton, Second by Batterman to pass Resolution 2025-08 *Naming of Butte County Sheriff Deputies*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-08**  
**NAMING OF BUTTE COUNTY SHERIFF DEPUTIES**

**WHEREAS**, the Butte County Sheriff's Office has established a reserve sheriff deputy staff, as well as a fulltime deputy staff according to the South Dakota Law Enforcement Board of Standards, and

**WHEREAS**, the following individuals have been awarded certificates of achievement



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from the State of South Dakota Law Enforcement Board of Standards, and  
**WHEREAS**, these individuals have been deputized by the Sheriff of Butte County,  
**WHEREAS**, Jason March serves as full-time Chief Deputy Sheriff, and  
Bailey Hahne, Casey McKenzie, Aric Homala, and Patrick Kenoyer serve as full-time Deputy  
Sheriff Officers in Butte County and  
**WHEREAS**, Cassandra Hale and Colin Hanzlik serve as Civil/Transport Deputy Officers, and  
**WHEREAS**, Brian Franke and Cassandra Hale serve as 24/7 Technicians, and  
**WHEREAS**, Daniel Fowler, Chris Brill, Joshua Pickett, Adam Lee, Charles Edson, Cash  
Johnson, and Wade Vissia serve as Reserve Deputy Officers,  
**WHEREAS**, Butte County Sheriff Fred Lamphere does recommend to the Board of Butte  
County Commissioners that all officers are in good standing,  
**BE IT THEREFORE FURTHER RESOLVED**, that the Butte County Board of Commissioners  
upon the recommendation of the Sheriff of Butte County do hereby appoint all deputies in good  
standing as either reserve or full-time sheriff deputies in Butte County as stated above, and  
**BE IT THEREFORE FURTHER RESOLVED**, that all the above deputies shall be classified as  
county employees and shall be covered under Worker's Compensation as defined under  
Chapter 62-1 of the SDCL.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Walton, Second by Batterman to pass Resolution 2025-09 *Establishment of Travel  
Expenditure Rates*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-09**  
**ESTABLISHMENT OF TRAVEL EXPENDITURE RATES**

**WHEREAS**, since the cost of fuel, meals, lodging and travel, in general, are ever increasing,  
and  
**WHEREAS**, the County Commissioners are required to review the rate of reimbursement  
annually, and  
**WHEREAS**, the County Commissioners have the duty and authority to establish the County  
reimbursements methods and rates, and  
**BE IT THEREFORE RESOLVED**, that the Butte County Board of Commissioners set the  
mileage rate for usage of personal vehicles for County business based at the state rate of \$0.67  
per mile, overnight lodging shall be set at the least cost of available room.

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In-State Lodging \$110.00 + tax and Out-of-State Lodging \$175.00 + tax. Meal rates based at the state rate for breakfast, lunch and dinner shall be the actual cost up to a maximum (In-State) of: breakfast \$6.00, lunch \$14.00 and dinner \$20.00 and maximum (Out-of-State) of: breakfast \$10.00, lunch \$18.00 and dinner \$28.00. All travel expenditures shall be submitted on a county travel voucher to the Auditor/Treasurer for review and payment.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Erk, Second by Brunner to pass Resolution 2025-10 *Butte County Investment Policy*.  
Vote Unanimous. Motion Carried.

**RESOLUTION 2025-10**  
**BUTTE COUNTY INVESTMENT POLICY**

**WHEREAS** the Butte County Treasurer is responsible for the safekeeping of county monies, the investment of county monies and the availability of county monies,  
**AND WHEREAS** the County Treasurer must work in close cooperation with the County Auditor and County Commissioners,  
**AND WHEREAS** the County Treasurer wishes for the input of the County Commissioners in administering these duties,  
**NOW THEREFORE BE IT RESOLVED** according to SDCL 4-5-8, that the county treasurer use the banks designated by the Butte County Commissioners as official depositories for savings accounts, checking accounts and certificate of deposits,  
**AND** that the County Treasurer invest in savings accounts, certificate of deposits, and US treasury bonds as she finds advantageous in the interest of county monies,  
**AND** that all interest earned, be deposited into the county's general fund or be reinvested into the certificate of deposit and savings account.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

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Motion by Walton, Second by Erk to pass Resolution 2025-11 *Designate Engineering Firm*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-11**  
**Designate Engineering Firm**

**WHEREAS**, the Board of Commissioners are to designate an engineering firm to represent and advise Butte County and

**WHEREAS**, Butte County has a standing business relationship with Brosz Engineering and

**WHEREAS**, Brosz Engineering is currently the Engineering Firm on numerous Butte County Road and Bridge Projects,

**BE IT HEREBY RESOLVED**, that Brosz Engineering shall be named as the designated Engineering firm for Butte County for the year 2025.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Batterman, Second by Walton to pass Resolution 2025-12 *PILT Money*. Vote Unanimous. Motion Carried.

**BUTTE COUNTY**  
**RESOLUTION 2025-12**  
**PILT MONEY**

The Butte County Board of Commissioners will designate the PILT payment to the 2025 Budget. The PILT payment will be receipted into General Fund.

Passed and approved this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Batterman, Second by Walton to pass Resolution 2025-13 *Butte County Weight Per Axle Limits*. Vote Unanimous. Motion Carried.

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**RESOLUTION 2025-13  
BUTTE COUNTY WEIGHT PER AXLE LIMITS**

**WHEREAS**, the County of Butte, South Dakota, is responsible for the maintenance of certain highways under its jurisdiction,

**WHEREAS**, it appears that said highways, by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or restrictions as to the weight of vehicles are imposed, and

**NOW, THEREFORE**, pursuant to SDCL 32-14-6 and any laws amendatory thereto, be it resolved that effective March 1, 2025, through April 30, 2025, the load limit on all Butte County oil roads will be posted at 6 ton per axle.

1. Arpan Road - 4 Miles
2. Fruitdale Road – 2 Miles
3. Gray Road – 1.1 Miles
4. Halle Rae Road – 0.5 Miles
5. Helmer Road from Snoma South to Ziebach - 1.5 Miles – **Posted 6 ton per axle year round**
6. Orman Road - 1 Mile
7. Sourdough Road - 1 Mile
8. Valley Township Road - 6 Miles
9. Ziebach Road
10. Snoma Road from city limits east to McCoy Road – 1.3 miles

**IT IS FURTHER RESOLVED**; that there shall be erected and maintained signs designating provisions of this resolution as provided by state law and that this resolution shall not be effective until or unless such signs are erected and maintained.

**IT IS FURTHER RESOLVED**; that the County of Butte shall request the South Dakota Highway Patrol to enter the County of Butte to ensure compliance with State Laws pertaining to vehicle weight and with the weight laws established by this resolution.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST:/s/: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Brunner, Second by Erk to pass Resolution 2025-14 *For the Establishment of a Fee to be Charged upon Redemption of a Tax Certificate*. Vote Unanimous. Motion Carried.

**BUTTE COUNTY RESOLUTION 2025-14  
A RESOLUTION FOR THE ESTABLISHMENT OF A FEE TO BE CHARGED**

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### 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.

Dated this 7<sup>th</sup> day of January 2025.

### BOARD OF BUTTE COUNTY COMMISSIONERS

/s/:  
James Ager, CHAIRPERSON

ATTEST:/s/:  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Erk, Second by Brunner to pass Resolution 2025-15 *Establishing the Requirements, Fees, and Regulations for The Issuance of Alcoholic Beverage Licenses*. Vote Unanimous.  
Motion Carried.

### **RESOLUTION 2025-15 ESTABLISHING THE REQUIREMENTS, FEES, AND REGULATIONS FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES WITHIN BUTTE COUNTY BE IT ORDAINED BY BUTTE COUNTY, SOUTH DAKOTA:**

**WHEREAS**, the Butte County Board of County Commissioners believes that alcoholic beverage licenses are a privilege and not a right, and

**WHEREAS**, Butte County reserves the right to refuse approval, renewal, or transfer of any alcoholic beverage license in the event an applicant or the holder of the license refuses to comply with applicable requirements of Title 35 of the South Dakota Codified Laws (SDCL) and

**WHEREAS**, SDCL § 35-2-1.2 requires any applicant or person seeking transfer of an alcoholic beverage license to submit an application to the governing body of the County in which the applicant or transferee intends to operate; and

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**WHEREAS**, SDCL § 35-4-11.1 requires the Board of County Commissioners to determine the number of alcoholic beverage licenses the County will approve and the fees to be charged; and **NOW THEREFORE**, it is hereby resolved that:

1. The total number of available alcoholic beverage licenses in Butte County is determined by SDCL § 35-4-11.1 and is based on the population residing within Butte County, but outside the limits of any incorporated municipality or improvement districts within Butte County.
2. Butte County currently has six (6) on-sale alcoholic beverage licenses available.

**Application Process:**

1. If any alcoholic beverage license becomes available in Butte County, a notice will be published in the legal newspaper of the County for at least two (2) consecutive weeks, stating that the Board of County Commissioners will be accepting applications for the available license and setting a deadline for submission of applications.
2. Applicants must submit all applications for alcoholic beverage licenses, including new licenses or transfers of existing licenses, for businesses intending to operate outside the corporate limits of any municipality within Butte County, to the Board of County Commissioners for approval as required by SDCL § 25-2-1.2.
3. Any application for transfer of an alcoholic beverage license must also comply with the requirements of SDCL § 35-2-7.
4. All applications must be accompanied by an application fee.
  - a. As required by SDCL § 35-4-2(2) and (6), application fees for new alcoholic beverage licenses are ten thousand two hundred and forty-three dollars (\$10,243.00).
  - b. Application fees for renewal of existing alcoholic beverage licenses are nine hundred dollars (\$900.00).
5. All applications must include proof that the premises to which the license is being issued or transferred has, or shall have within one year, a sufficient structure in which to conduct the operation of an on-sale liquor business. No alcoholic beverage license will be issued or transferred to any applicant if there is not an approved place of business for the operation of the license.
  - a. Proof may include (but is not limited to) pictures of any existing structures or plans and specifications of proposed structures, along with proof of ownership or a valid lease of the premises.
  - b. As required by SDCL § 35-2-2.1, all applications must include an agreement that the premises used for the sale of alcoholic beverages are considered public premises for the purpose of search and seizure laws and are open to inspection at all times, including all buildings, safes, cabinets, lockers, storerooms on the premises along with any records and books pertaining to the sale and ownership of alcoholic beverages.
6. The Board of County Commissioners may give conditional approval to allow for construction of an approved structure, with the alcoholic beverage license to be issued to the applicant when the structure is completed.
  - a. If the alcoholic beverage license is not issued within one year of conditional approval, the Board of County Commissioners may extend the conditional

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approval for up to six (6) additional months if the delay is not the fault of the applicant.

- b. Under no circumstances will an alcoholic beverage license be held on conditional approval for more than eighteen (18) months.

### **Approval Process**

1. As required by SDCL § 35-2-3, the Board of County Commissioners shall set the time and place for a public hearing to consider any application for alcoholic beverage licenses that come before the board.
2. As required by SDCL § 35-2-5, the Butte County Auditor shall publish a notice of the time and place where the Butte County Board of County Commissioners will consider applications for alcoholic beverage license at least one week prior to the public hearing. The notice will also inform the public that any interested person may appear and be heard either in favor of, or objecting to, the issuance of the license.
3. The Board of County Commissioners will consider the application and any objection to the application before making a final decision to issue or not to issue available licenses.
4. Pursuant to SDCL § 35-2-1.2, the Board of County Commissioners may approve or disapprove an application for alcoholic beverage license, or the transfer of an existing license, depending on whether the Board finds the applicant is a suitable person to hold the license, whether the Board considers the proposed location suitable for sale of alcoholic beverages, and whether the application and applicant meets all other statutory requirements.
5. As required by SDCL § 25-2-6.2, all applicants must be of good moral character and may not have a felony conviction. If the applicant is a corporation, all managing officers of the corporation must be of good moral character and may not have been convicted of a felony.
6. Any application fees will not be refunded once the license is approved by the Board of County Commissioners and issued by the State.
7. As required by SDCL § 35-2-5.1, if the Board of County Commissioners does not approve an application, it shall specify the reasons for disapproval on the application and return the application and fee to the applicant. The applicant may not submit another application for an alcoholic beverage license for one (1) year from the date of the denied application. However, if the denial was based on the suitability of the location for the license, the applicant may not submit another application for three (3) months from the date of the denial as long as the renewal is based on a different location.

### **Renewal Process**

1. Applicants for renewal of existing on-sale alcoholic beverage licenses must follow the same application process set forth above.
2. Renewals of existing licenses may be approved without a public hearing before the Board of County Commissioners unless one or more of the licensee's employees has been subject to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended.
3. As required by SDCL § 32-2-5.3, the Board of County Commissioners may not reissue any alcoholic beverage license to the same licensee or the licensee's transferee if the license has not been actively used during the two (2) years preceding the date of the current application.

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- a. "Actively used," as defined in SDCL § 32-3-5.3 means that the licensed premises was open to the public during regular business hours for sale and consumption of distilled spirits for at least sixty (60) days during the two preceding years.
4. The Butte County Board of Commissioners will not reissue an alcoholic beverage license unless all taxes incurred by the licensee or his transferee because of the operation of the licensed premises are paid or are not delinquent.
5. No license will renew or reissue until all property taxes that are the liability of the licensee levied on the licensed property are paid or are not delinquent.

**Revocation or Suspension Process**

1. The Butte County Board of County Commissioners may recommend that the Secretary suspend or revoke any alcoholic beverage license issued for violation of any provision of SDCL Chapter 35.
2. As required by 35-2-11.2, the Board of County Commissioners must give notice to the licensee of proposed revocation or suspension recommendation only after a public hearing on the issue.
3. The licensee must have at least thirty (30) days' notice of the proposed recommendation and date set for a public hearing.
4. The Butte County Auditor shall publish a notice of the public hearing in the County's official newspaper at least one week before the public hearing in a form approved by the Board of County Commissioners.
5. Grounds for revocation or suspension of an alcoholic beverage license are found in SDCL § 35-2-10.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST: /s: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Motion by Erk, Second by Walton to pass Resolution 2025-16 A *Resolution Establishing a Temporary Suspension on Tax Certificate Sales*. Vote Unanimous. Motion Carried.

**BUTTE COUNTY RESOLUTION 2025-16**  
**A RESOLUTION**  
**ESTABLISHING A TEMPORARY SUSPENSION ON TAX CERTIFICATE SALES**

**WHEREAS**, SDCL §§ 10-23 et seq. provides for an annual sale of tax certificates for the amount of delinquent property tax due on real property, and  
**WHEREAS**, the legislative scheme for Tax Deeds found in SDCL §§ 10-25 has recently changed,



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**NOW, THEREFORE BE IT RESOLVED** that Butte County will temporarily not sell tax certificates for delinquent property taxes payable in 2025, and prior years.  
**BE IT ALSO RESOLVED** that Butte County will not issue Tax Deeds to holders of tax certificates, including certificates held by the County and by third parties, until questions surrounding constitutionality of the tax deed process are resolved.

Approved and adopted this 7<sup>th</sup> day of January 2025

\_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST: \_\_\_\_\_  
Annie Capp, Butte County Auditor

Motion by Batterman, Second by Brunner to pass Resolution 2025-17 *A Resolution Authorizing the Butte County State's Attorney to Accept Service of Process on Behalf of Butte County*. Vote Unanimous. Motion Carried.

**BUTTE COUNTY RESOLUTION 2025-17**  
**A RESOLUTION AUTHORIZING THE BUTTE COUNTY STATE'S ATTORNEY TO ACCEPT SERVICE OF PROCESS ON BEHALF OF BUTTE COUNTY**

**WHEREAS**, from time to time individuals or others may bring judicial action naming Butte County as a party to the action, or require documents to be officially served on Butte County, and

**WHEREAS**, Butte County may want to accept service of process under the provisions of SDCL 15-9-20, and

**WHEREAS**, the Butte County Board of Commissioners is empowered to accept service, and **WHEREAS**, acceptance of service is time-sensitive and should acceptance of service be deemed advisable, it should be accomplished within a reasonable period of time; and **WHEREAS**, The Board finds it is appropriate for the Butte County State's Attorney to accept service and provide requisite notice of the service of process and the action involved to the Board.

**NOW, THEREFORE BE IT RESOLVED** by the County Commission of Butte County that the Butte County State's Attorney may accept service of process on behalf of Butte County.

**IT IS FURTHER RESOLVED** that the Butte County State's Attorney will notify the Butte County Board of Commissioners of any service of process at the next regularly scheduled Board Meeting held after service is accepted.

Approved and adopted this 7th day of January 2025.

\_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST: \_\_\_\_\_  
Annie Capp, Butte County Auditor

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Motion by Batterman, Second by Brunner to table establishment of the Indigent County Burial Rates until 21Jan2025 meeting. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Batterman to approve the Consent Agenda Items with no changes. Vote Unanimous. Motion Carried.

Consent Agenda - The following items were placed on the consent agenda for final action to be taken on all items by a single vote. Any item may be removed from the consent agenda by any member of the Commission for separate consideration.

- a. Bills per Printout
- b. Apportioning and Other payments
- c. Auditor's Monthly Settlement with Treasurer
- d. Travel Request
  - i. Sheriff – Sheriff Lamphere to attend the Western States Sheriff's Association Annual Conference in Reno, NV from March 9-12, 2025

Sheriff Lamphere shared that last open position has been filled.

Chief Deputy Auditor Lisa Nelson gave a brief activity report including end-of-year and building activities.

State's Attorney Tim Barnaud presented an activity report including case load which remains consistent with previous years, prevalent types of cases (alcohol, drug, domestic abuse), diversion programs, and number of jailed residents.

Discussion was held regarding Opioid Distribution. Item will be discussed at the 21Jan2025 meeting.

Motion by Erk, Second by Brunner to appoint Sue Broadhurst to a four-year on Butte County Planning Committee. Vote Unanimous. Motion Carried.

Head Dispatcher Katy Thompson gave an activity report including call numbers, call response times, and training. Discussion was held regarding length of calls, ranking of Butte County across the state, and staffing.

Motion by Erk, Second by Brunner to enter Executive Session: Legal Counsel 1-25-2(3) at 10:32 AM. Vote Unanimous. Motion Carried. Out of Executive Session at 11:05 AM. The following action was taken after Executive Session: Motion by Erk, Second by Brunner to pass Resolution 2025-02 *Naming Deputies & Clerks*. Vote Unanimous. Motion Carried.

**RESOLUTION 2025-02  
NAMING DEPUTIES & CLERKS**

**WHEREAS**, under SDCL 7-7-20 if in the judgment of the Board of County Commissioners it shall be deemed necessary for the office of County State's Attorney, County Treasurer, County

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Auditor, Register of Deeds, and Director of Equalization to have deputies or clerks to assist in the daily operations of their offices, and

**WHEREAS**, the volume and work load of these offices exceed the abilities of one single individual, and

**WHEREAS**, the Butte County Fiscal Year 2025 Budget has funds allocated for the deputy or clerk positions, and

**WHEREAS**, the fixed number of deputies or clerks to be employed, the time of employment and compensation which they shall receive must be set,

**BE IT THEREFORE RESOLVED**, the Butte County Board of Commissioners authorize the County State's Attorney to employ two full full-time deputies, three full-time clerks, the County Auditor's office to employ two full-time deputies, two full-time clerks, the Register of Deeds office to employ a full-time deputy, and the County Treasurer's office to employ a full-time deputy, three full-time clerks for the fiscal year 2025 at the compensation rate as established in the Year 2025 Wage Resolution.

Dated this 7<sup>th</sup> day of January 2025.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s: \_\_\_\_\_  
James Ager, CHAIRPERSON

ATTEST: /s: \_\_\_\_\_  
Annie Capp, BUTTE COUNTY AUDITOR

Committee Reports were given – Erk attended the Fairground meeting. A new member will be appointed by commissioners at 21Jan2025 meeting based on a recommendation from the board. Discussion was held regarding status of upgrades to fairgrounds

There was no Unfinished/Old/New Business to report.

Motion by Brunner, Second by Erk to Adjourn the meeting at 12:17 PM. Vote Unanimous.  
Motion Carried.

**PAYMENTS**

**SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,332.42, AUDITOR'S OFFICE \$8,628.90, BUILDING \$4,139.26, COMMISSIONERS \$4,158.92, DISPATCH \$17,606.32, ELECTION \$2,214.03, EM/911 \$940.58, EXTENSION \$1,881.60, HIGHWAY DEPT/WEED CONTROL \$24,389.30, JUDICIAL \$1,482.73, NURSE'S/WIC OFFICE \$1,180.80, REGISTER OF DEEDS OFFICE \$4,658.22, SHERIFF/JAIL DEPT \$22,903.59, STATES ATTORNEY OFFICE \$14,778.49, TREASURER'S OFFICE \$10,073.55, VETERAN SERVICE OFFICE \$853.25.

**COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$9,511.92

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**SDRS RETIREMENT**

BUTTE COUNTY SHARE \$7,231.35

**GROUP INSURANCE**

BUTTE COUNTY SHARE \$31,737.41

**PROFESSIONAL SERVICES**

A&J \$19.50, ALPN IMP \$140.00, AMG AVRA \$36.00, ANSN PLMB \$200.00, ASSC SD CO WED & PST \$200.00, A-Z SHRD \$12.34, BMS \$400.00, BH PSYC \$1,900.00, BH TITL \$2,519.86, CPFRST EQPT \$92,633.56, RPD CTY \$280.00, DOH \$370.00, K HUNT \$1,250.00, KNNY LAW \$21,418.94, L&S RSTON \$155.00, MAPS \$1,943.50, MEAD CO \$71,915.00, NTNL MED RESRC \$875.00, RDWD TXGLY \$71.75, RELX INC \$332.00, SCRM \$27.90, SDDOT \$10,615.17, SD PBLC ASUR \$113,414.33, SD STAT ATTN ASSC \$972.29, SDPA \$75.00, SPF ELTRC \$1,613.27, STGS AMBL \$305.24, T HAGN \$60.00. WACKRLE LAW \$1,670.50, JUROR FEES \$551.42

**PUBLICATIONS**

BH PIONR \$344.43

**RENT/LEASE**

A&B BSNS \$243.96, CNTRY BSNS \$1,168.78, DJ CNSTRN \$2,800.00, PTNY BWS \$91.29, THMSN RUTRS WST \$559.26

**REPAIRS/MAINTENANCE**

BCKMN TIRE \$758.75, T MCKY \$200.00

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APPROVED: , Chairperson

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ATTEST: Annie Capp, Auditor