

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

**Tuesday, October 17, 2023**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 1:00 P.M. on October 17, 2023. Commissioners present were Harms, Ager, Herman, and Erk. Absent Walton.

Chairman Harms 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 addition of Michelle May after #9 and Motorola Ware App under Sheriff Office. Vote Unanimous. Motion Carried

Motion by Ager, Second by Herman to approve the Regular Scheduled Minutes October 03, 2023, with no changes. Vote Unanimous. Motion Carried.

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

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER  
BUTTE COUNTY  
September 30, 2023**

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$	-	
First Interstate Bank	\$	1,509,270.41	
Pioneer Bank and Trust	\$	50,984.60	
Total Checking/Savings Accounts			\$ 1,560,255.01

**INVESTOR ACCOUNTS**

Pioneer Bank and Trust	\$	432,874.19	
First Interstate Bank	\$	781,392.86	
Total Investor Accounts			\$ 1,214,267.05

**CERTIFICATES OF DEPOSIT**

First National Bank	\$	2,775,702.80	
First Interstate Bank	\$	1,750,000.00	
Pioneer Bank and Trust	\$	1,254,000.00	
Total Certificates of Deposit			\$ 5,779,702.80
Cash on Hand			\$ 1,745.00
<b>Total Cash Accounts</b>			<b>\$ 8,555,969.86</b>
Insufficient Fund Checks In-process			\$ 122.00
			.
Total General Ledger Balance			\$ 8,556,091.86

/s/ Annie Capp 10/13/2023  
COUNTY AUDITOR SIGNATURE DATE

/s/ Debra Lensegrav 10/13/2023  
COUNTY TREASURER SIGNATURE DATE

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

### **LIEN REPORT BUTTE COUNTY**

	<b>EXPENSES SEP 2023</b>	<b>EXPENSES YTD</b>	<b>RECOVERED SEP 2023</b>	<b>RECOVERED YTD</b>
<b>CAA/PUBLIC DEFENDER</b>	<b>\$ 18,328.86</b>	<b>\$ 183,670.13</b>	<b>\$ 5,700.97</b>	<b>\$ 36,081.73</b>
<b>JAIL</b>	<b>\$ 83,808.95</b>	<b>\$ 419,543.24</b>	<b>\$ 11,265.42</b>	<b>\$ 67,390.46</b>
<b>POOR LIEN</b>	<b>\$ 0.00</b>	<b>\$ -145.81</b>	<b>\$ 0.00</b>	<b>\$ 10.02</b>
<b>REGIONAL JUV DET</b>	<b>\$ 204.49</b>	<b>\$ 66,324.49</b>	<b>\$ 0.00</b>	<b>\$ 11,741.58</b>

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

No Travel or Abatement Requests

A plaque was presented to Kenny Mitchell for his years of service in the Butte County Highway department.

Beginning at 1:12 PM the following citizens appeared during the Public Comment Session:

- Sue Broadhurst - Ms. Broadhurst mentioned SDCL 1-27-1.16 regarding material not available to public specifically mentioned was the five-year road and bridge plan. Planning board meeting materials are also missing from public packets.
- Travis Ismay asked the commissioners if they believed they were above the law. Mr. Ismay believes the commissioners have violated county ordinances, state law, and open meeting laws. Mr. Ismay referred to GLP Custer renewal application, violating SDCL34-20G.77, and wanted to know why their application was approved.
- Katie Hoffman asked, "Where has our money gone?". Ms. Hoffman asked about cost of projects, charges against juveniles, truancy programs, and lack of fines issued against cannabis establishments. Ms. Hoffmann referred to SDCL7.8.20 further implying there has been a lack of maintenance of courthouse and roads over the years. Ms. Hoffmann then asked how property taxes were being spent while taxes continue to increase with no perceived benefit to taxpayers.

Bruce Wilsey presented the Bridge Inspection Report presented by Brosz Engineering. Eight bridges were inspected. These structures are not in the regular schedule and were considered older structures. Mr. Wilsey said he believes in the ten plus years he has been inspecting structures in Butte County, there have been significant improvements. Additional requirements are now needed and, in some cases, an annual inspection or notice of issues may need to occur. Some of these structures are in the process of receiving or completing BIG grant applications. A full inspection will be completed in 2024.

\*Commissioner Walton arrived at 1:25 pm

Michelle May, Director of 4H, thanked the commissioners for all their support throughout her tenure in Lawrence County and Butte County. The commissioners thanked Michelle for her hard

work over the last seven years. When asked about a replacement, Ms. May's said the process has started but the position has not been posted at this time. She also felt the position will not be hard to fill with local candidates and a strong program. Commissioner Herman said there are big shoes to fill.

Motion by Walton, Second by Ager to approve Sketch Letter of Intent/Final Plat – Applicant: Sherry Smeenk; Legal Description: Tracts 2A-1 & 2B-1 Of Tract 2 of the Subdivision, Formerly Tracts 2A Revised & 2B Revised of Tract 2 of Section 18, T8N, R1E, B.H.M. Butte County, South Dakota. Vote Unanimous. Motion Carried

Motion by Herman, Second by Walton to approve Final Plat: Applicant: Santa Maria Land/Cattle Corp - Buckhorn Subdivision; Legal Description: Plat of Lots 1 Through 8 of Buckhorn Estates; a Subdivision of the NE4, SE4NW4, and Tract WD60; Lying in the NE4 and the SE4NW4 of Section 28, Township 8 North, Range 1 East, B.H.M., Butte County, South Dakota. Vote Unanimous. Motion Carried. A Cashier's check was issued in lieu of bond.

Motion by Ager, Second by Erk to approve Final Plat: Applicant: Richard and Orabelle McGinnis; Legal Description: Lots 1 and 2 of McGinnis Subdivision. Formerly of SW4SE4. All Located in SEC 32, T8N, R7E, BHM, Butte Couty, South Dakota. Vote Unanimous. Motion Carried. Plat to be signed after Treasurer signature is completed.

Motion by Herman, Second by Walton to approve Sketch Letter of Intent/Final Plat - Applicant: Deidre Buus; Legal Description: Tract A1 and Tract A2, Branum Addition to the City Of Belle Fourche formerly Tract A of Government Lot 1 and a Portion of Government Lot 1 Located in Government Lot 1 of Section 3, T8N, R2E, B.H.M. City Of Belle Fourche, Butte County, South Dakota. Vote Unanimous. Motion Carried

Highway Superintendent Dwayne Heidrich provided an activity report for the department including Valley Bridge repairs, graveling, ditches, and culvert activities.

Heidrich discussed the landowner near the Butte County Fairgrounds request to install a cattle guard or gate for wintering cattle. Landowner would repair fence and fund the installation based on commissioner choice of. Heidrich suggested gates.

Motion Walton to allow Second Ager to install gates. Vote Unanimous. Motion Carried

Motion by Ager, Second by Erk to approve Surplus of 1969 flatbed Trailer. Vote Unanimous. Motion Carried

Motion by Herman, Second by Erk to approve Surplus of 2005 Dodge Pickup. Vote Unanimous. Motion Carried.

Chief Deputy March provided the monthly activity report.

Chief Deputy March explained the Motorola Wave App that can be downloaded to any cell phone which then converts the phone to a handheld radio. March would like to offer the app to Fire departments. The fire departments would pay for any signups – price is \$13.00 per user which Butte County will host. Each Fire department will reimburse the county per user or create their own account with Motorola. Since the app is a state channel, users would need to be digital to talk to each other - analog radios are on Civil Defense. Chief Deputy March will offer the app to Fire Departments at their next meeting.

A short recess was called at 2:07 PM. Meeting reconvened at 2:15 PM.

Deputy State's Attorney Edward Tarbay presented the activity report for the department including October grand jury had eight cases going to trial, incarceration numbers and

breakdown of charges, status criminal and civil cases, juvenile cases, and magistrate court. DSA Tarbay stated he currently has over 100 cases.

Deputy SA Tarbay shared information regarding the JJRI program and FY2023 JJRI Fiscal Incentive Diversion Program Payment.

Auditor Annie Capp presented an activity report for the Auditor's Office including SDACWO meeting, Belle Fourche City special election, 2024 election calendar, and post-election audit.

Auditor Capp shared the Delta Dental bus statistics provided by the Butte County Health Services department.

Auditor Capp presented a request by NACo to fund the National Association of Counties (NACo) initiative to establish the National Center for Public Land Counties. NACo is requesting 1% of LATCF funds received by Butte County for a total amount of \$5,124.93. No action was taken.

**Committee Reports were given:**

- Herman – Black Hills Council of Local Governments coming up.
- Walton – researched cost of chairs for commissioners and commissioners' assistant chairs. Cost provided for two options. No action taken. Weed and Pest meeting held.
- Ager – planning meeting was held last week with everything completed in today's meeting.

**Old Business:**

- Commissioner Ager provided a quote for a total roof replacement.
  - Motion Walton Second Erk, to approve Price List SDRC8X\_Sep23 for immediate work in the amount of \$37,604.49. Vote Unanimous. Motion Carried.

Motion by Erk Second by Herman to adjourn the meeting at 2:41 P.M. Vote Unanimous. Motion Carried.

**Payments**

**SALARY**

ASSESSOR'S OFFICE/PLANNING \$6,449.26, AUDITOR'S OFFICE \$8,873.87, BUILDING \$3,851.84, COMMISSIONERS \$4,158.92, DISPATCH \$11,539.80, ELECTION \$2,113.18, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$24,109.85, JUDICIAL \$1,220.99, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,525.98, SHERIFF/JAIL DEPT \$23,026.78, STATES ATTORNEY OFFICE \$12,646.11, TREASURER'S OFFICE \$8,948.86, VETERAN SERVICE OFFICE \$828.40.

**COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$8,621.44

**SDRS RETIREMENT**

BUTTE COUNTY SHARE \$6,658.43

**GROUP INSURANCE**

BUTTE COUNTY SHARE \$27,633.44

**PROFESSIONAL SERVICES**

R BCHMN \$50.00, ECOLAB \$175.00, PNNINGTN CO JAIL \$3,879.44, SD DEPT TRANS \$7,156.92, ES&S \$4,837.88, WSTRN SD JVNLE SRVCS \$10,200.00, BHVR MNGMNT \$400.00, MEADE CO AUDTR \$25,112.50, C BRLL \$252.00, MNMNT HLTH \$9,886.21,

SNSHNE TWNG \$258.00, BARNAUD LAW \$6,635.20, S FSCHR \$150.00, J QUNN \$50.00, SDACO \$100.00, K DLAHYDE \$540.60, HLPRT & HALE \$1,187.96, SDML WRKRS' COMP \$40,840.00, LANGUAGE LINE \$295.12, DONOVN PLMBNG, T MUTCHLR \$120.00 \$1,239.37, JUROR FEES \$545.88, VOICE PRDCTS \$6,330.45, NLSN LAW \$834.60, Z PRDCTNS \$399.00, FSH WNDW CLNING \$99.00, WTNS FEES \$40.00, CNTRL SQUARE TECH \$35,366.94, DKOTABLT \$360.00, L TLLSCH \$263.50, MNUMNT HLTH SPRFSH \$374.72, EXEC MGMT FNANCE \$11.00, WAECKRL LAW \$616.10, FIRE MRSHL \$80.00, KNNY LAW \$5,723.37, CO DRG \$451.74, JHNS & KSL \$2,343.57

## **PUBLICATIONS**

BH PIONEER \$77.64, LXSXNS \$322.00, THMSN REUTRS-WST \$337.39

## **RENT/LEASE**

BH PURE \$179.50, A&B BSNSS \$256.35, CNTRY BSNSS PRDCTS \$978.89

## **REPAIRS/MAINTENANCE**

OBRLE'S RADIATRS & RPAIRS \$88.00, KONE \$479.01, GGT LAWN SRVCS \$292.26, G&R \$824.80, ISC \$648.35, AUTO PROS \$894.76, CRNETT CNSTRCTN \$987.04

## **SUPPLIES**

LYNN'S DKOTAMART \$91.26, OFFCE MPORM \$252.14, DKOTA LMBR \$42.73, FRST NTRSTATE-MSTR CARD \$4,642.57, CBH \$3,165.35, CARL'S TRALR SALES \$35.46, O'REILLY AUTO PARTS \$55.77, SDSU XTNSN \$15.00, NATL TST SYSTMS \$1,302.52, NUTRN AG \$3,698.69, SIGN SLUTNS \$244.21, DIAMND TRCK EQPMNT \$685.60, SRCHIE \$58.45, PTNY BOWS \$1,068.48, HLLYRD \$522.40, MG OIL \$14,277.98

## **TRAVEL/CONFERENCE**

HMPTN INN \$346.41, SDSU XTNSN \$288.36

## **UTILITIES**

BF CTY \$811.70, BH NRGY \$531.98, MDU \$514.49, NSLND \$75.76, AT&T MBLTY \$856.73, BLUPEAK \$1,777.47, RFUSE SLUTNS \$264.60, RPD CTY \$280.00, GOLDN WST \$23.80, AT&T \$38.06, CNTRYLNK \$29.38

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APPROVED BY THE COMMISSION:

Stanley Harms, Chairperson

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ATTEST: Annie Capp, Butte County

Auditor