

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

Tuesday July 2, 2024

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on July 02, 2024. The meeting was recorded with audio/video. Commissioners present were Ager, Herman (via phone), Walton, and Erk. Also present was Commissioner-Elect Terry Batterman

Chairman Ager called for a moment of silence/reflection.

Motion by Walton, Second by Erk to approve the meeting agenda with no changes, Roll Call Erk - Aye, Walton - Aye, Herman - Aye, Ager – Aye. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Herman to accept the resignation of Commissioner Harms District 4, Roll Call Erk - Aye, Walton - Aye, Herman - Aye, Ager – Aye. Vote Unanimous. Motion Carried.

Butte County Clerk of Courts Alana Jensen swore Commissioner Elect Terry Batterman in as Commissioner for District #4.

Motion by Erk, Second by Walton to approve the Consent Agenda Items with no changes. Roll Call Batterman - Aye, Erk - Aye, Walton - Aye, Herman – Aye, Ager – Aye. 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. Approval of regular meeting minutes – 18Jun2024
- b. Bills per Printout
- c. Apportioning and Other payments
- d. Travel Requests
 - i. States Attorney – Clara Kiley to attend National Convention (representing SDPA) in Louisville, KY from July 10-14, 2024. All expenses covered, except mileage to airport.
- e. Wage Increases:
 - i. 24/7 - Brian Franke Step 3 \$18.11
 - ii. Dispatch - Victoria Pickett Step 3 \$22.21
- f. Highway:
 - i. Sacrison Paving Proposal for Asphalt Patching - \$13,850.00
 - ii. Application for Occupancy on the ROW of County Highways –West River Cooperative Telephone Company – Hope Rd from Viken Rd – Fiber Optic Installation.

Economic Development Corporation Director Hollie Stalder gave an activity report including developing local businesses with start-ups or expansion plans, education, and loans (\$1,000,000+), housing development, hosting partner meetings (NeighborWorks), promoting technical education programs, providing Leadership Belle Fourche program (60 graduates), researching and educating community on childcare needs, site location activities, advertising and marketing, Rail Park activities, growing partnerships (school, city, county, railroad, regional and state organizations), working on legislation.

Beginning at 10:01 AM an opportunity for Public Comment was opened. Katie Hoffman and Dale Simanton spoke about communications with State's Attorneys and observation of the recent Primary election recount.

State's Attorney LeEllen McCartney spoke in response to Ms. Hoffmann's comments with information on ethics and legalities of legal advice and reasons for lack of response to communications.

4-H Youth Program Advisor Melanie Coleman gave an activity report including, planning for new programs for youth development, club visits, ETHICS program, Dog Workshop, Summer Outdoor Education, County Horse show, and other upcoming programs

Motion by Batterman, Second by Walton, to authorize States Attorney McCartney to sign Agreement for Defense Counsel Contract with Ryan Walno of Kinney Law Firm for remaining term. Roll Call Batterman - Aye, Erk - Aye, Walton - Aye, Herman - Aye, Ager – Aye. Vote Unanimous. Motion Carried.

States Attorney LeEllen McCartney gave an update on tax deed process and recommendation from Treasurer Debbie Lensegrav and the State's Attorney office to not hold the annual selling of tax deeds in 2024. Commissioners agreed with action item for SA McCartney to draft a resolution for a moratorium.

States Attorney McCartney provided a quarterly report of prosecutorial cases in 2024. The SA activity report included Grand Jury cases, jail cases, and scheduled jury trials.

At 10:35 AM a public hearing was held to consider a special event retail (on-sale) liquor license. Said applicant is as follows:

APPLICANT	TYPE OF LICENSE
High Plains Restaurant	Retail (on- sale) Liquor
105 Dartmouth Ave	Special Event Retail Liquor
Newell, SD 57760	Wedding September 28, 2024

No one was present to speak for or against the special event retail (on-sale) liquor license.

Motion by Herman, Second by Walton, to approve Special event retail (on-sale) liquor license to High Plains Restaurant for wedding to be held at Silver Spur Wedding Venue on September 28, 2024. Roll Call Batterman - Aye, Erk - Aye, Walton - Aye, Herman - Aye, Ager – Aye. Vote Unanimous. Motion Carried.

Auditor Capp gave a recap of the Commissioner District 4 and Precinct Committeewoman Recounts held 24Jun2024. For Commissioner District 4 race, there were 277 ballots machine and hand counted with no changes to the canvas. For Precinct 13 Committeewoman race there were 102 ballots machine and hand counted with no changes to the canvas.

Motion by Walton, Second by Herman, to approve Annual Renewal Butte Valley Farms LLC. Cultivation. Roll Call Batterman - Aye, Erk - Nay, Walton - Aye, Herman - Aye, Ager – Aye. Motion Carried. Questions regarding background checks and odors were asked and answered.

Committee Reports were given:

- Batterman will assume Stan Harms committee appointments
- Erk – Fair Board, electrical upgrades done, inspection coming next week, work done on horse arena using grant money received.
- Walton and Ager- Ambulance, budget request was approved and sent to Auditor, \$5,000 was put down to purchase a new chassis for Newell ambulance, 140 people received CPR training. EMTs are in short supply.

- Herman – June 27th, BH Council of Local Governments – State DOT presented on STIP projects, BIG Grants, and importance of having a Wheel Tax.
- Ager – Highway committee – lots of calls received on roads in the last couple of weeks. Out of over 800 miles of road in the county 20-25 miles of gravel laid per year.

Old/Unfinished Business –

- As the DA Peterson land extension has expired, commissioners want to begin process for surplusizing this property.
- Update was given on issues with audio/video during 18Jun2024 meeting.
- Auditor Capp shared information on TIF #5 and TIF #6
- Roof at administration building needs to be looked at to repair leaks.
- SA McCartney mentioned the safety issue of the step covering at courthouse.
- McCartney updated reason for expense questioned during last meeting.
- Herman asked what can be done about Black Hills Bud's fence that is not standing up. SA McCartney will follow up with facilities lawyer.
- Capp and Sheriff Lamphere to follow up with O'Connor on timeline of HVAC upgrade. Sheriff Lamphere will request they come to the next meeting.

New Business –

- Commissioner Erk received a request to use a metal detector down at Fairgrounds. After discussion, it was decided that this would not be allowed.
- Discussion was held regarding current and upcoming building needs and moving forward with an inspection of old jail to determine the possibility of using for needed office space. A Building Committee was formed to determine viability of using old jail - Terry Batterman, Chad Erk, Sheriff Lamphere, City Building Inspector, Rick McCartney, Auditor, and a Citizen from District 3. The Committee will meet 8:30 AM prior to the 16th meeting.

Motion by Erk, Second by Walton to adjourn the meeting at 11:39 AM.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$8,807.35, AUDITOR'S OFFICE \$8,112.48, BUILDING \$4,007.23, COMMISSIONERS \$4,158.92, DISPATCH \$17,373.84, ELECTION \$5,170.44, EM/911 \$940.58, EXTENSION \$1,881.60, HIGHWAY DEPT/WEED CONTROL \$28,655.82, JUDICIAL \$1,633.38, NURSE'S/WIC OFFICE \$1,180.80, REGISTER OF DEEDS OFFICE \$4,658.22, SHERIFF/JAIL DEPT \$21,706.78, STATES ATTORNEY OFFICE \$11,750.44, TREASURER'S OFFICE \$10,031.83, VETERAN SERVICE OFFICE \$853.25.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$9,688.07

SDRS RETIREMENT

BUTTE COUNTY SHARE \$7,366.13

GROUP INSURANCE

BUTTE COUNTY SHARE \$30,136.74

PROFESSIONAL SERVICES

SD SOS \$30.00, ALLRT INS \$60.00, R BCHMN \$180.00, PNNINGTN CO JAIL \$776.48, OFFCE MPORM \$2,089.12, Jurors \$900.00, EICTN WRKRS \$12,121.50, SD DOT \$4882.03, WTNS FEES \$20.00, C BRLL \$294.00, GNS LCK SHP \$377.94, MONMENT HLTH \$1,392.73, RDWD LAB \$46.73, BARND LAW \$7,294.06, RDLGY ASSO \$301.19, RELX INC \$332.00, TMPSON RETRS \$2,269.30, RPD CTY \$360.00, DUBL STAR \$2,737.95, K HUNT \$1250.00, RSHMORE COMM \$117.00, SD ASSN CTY OFCLS \$364.00, ARCHT SPECLTS \$1,265.55,

PNNINGTN CO SHRF \$226.00, BH TITL \$428.03, FSH WINDW \$99.00, ALLRT NSRNCE \$60.00, NTNAL MED \$175.00, A&B BSNS \$249.44, JDOG JNK \$175.00, SD DOR \$255.00, TYLR TECH \$5,770.53, H LNDBG \$120.00, R ST PTR \$472.50, O'CNR CPNY \$24,300.00, SKNR LAW \$4,627.80, DKTA APPRSL \$3,500.00, B LWLS \$52.50, KNY LAW \$482.42, A-Z SHRD \$22.90, SD DOH \$600.00, CNTRY BSNS \$459.54

RENT/LEASE

PTNY BWS \$801.42, DJ CONSTRN \$1,450.00

SUPPLIES

ES&S \$156.05, VFW \$175.00, TTAN MCHN \$288.90, NDSU \$33.02, M CLMN \$19.06, SHS TOLS \$264.99, BH PURE \$203.00

TRAVEL/CONFERENCE

Juror Mileage \$302.94, Election Mileage \$648.72

UTILITIES

CTY BF \$455.07, BH NRGY \$395.25, MDU \$48.98, REFUS SLTION \$363.92

APPROVED BY THE COMMISSION:

James Ager, Chairperson

ATTEST: Annie Capp, BC Auditor