

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

**Tuesday, March 19, 2024**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 6:00 P.M. on March 19, 2024. Commissioners present were Ager, Herman, Walton, Erk and Harms.

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

Motion by Walton , Second by Erk to approve the meeting agenda with two changes- under consent agenda item remove 3b. Auditor's Monthly Settlement with Treasurer and changing Executive Session Personnel to Executive Session for **Legal Counsel** – SDCL is correct and move to item #11.5. Vote Unanimous. Motion Carried

Chair Ager called for a moment of silence/reflection.

Motion by Erk, Second by Herman to approve the Consent Agenda Items with removal of 3d, Bills per Print out (move to 3.5). Vote Unanimous. Motion Carried.

**Consent Agenda:**

- a. Approval of regular meeting minutes – 05Mar2024
- b. ~~Auditor's Monthly Settlement with Treasurer~~ tabled to next meeting
- c. County Lien Report

**LIEN REPORT  
BUTTE COUNTY**

	<i>EXPENSES</i> <i>FEB 2024</i>	<i>EXPENSES</i> <i>YTD</i>	<i>RECOVERED</i> <i>FEB 2024</i>	<i>RECOVERED</i> <i>YTD</i>
<b>CAA/PUBLIC DEFENDER</b>	\$ 16,335.74	\$ 38,254.57	\$ 3,123.39	\$ 5,178.00
<b>JAIL</b>	\$ 46,029.16	\$ 83,076.99	\$ 4,253.09	\$ 8,106.50
<b>POOR LIEN</b>	\$ 401.76	\$ 1,125.86	\$ 0.00	\$ 0.00
<b>REG JUV DETENTION</b>	\$ 1,500.00	\$ 40,200.00	\$ 84,077.98	\$ 84,077.98

- d. ~~Bills per Printout~~ Moved to 3.5
- e. Apportioning and Other payments
- f. Register of Deeds Report
- g. ~~Travel Requests~~ none
- h. **Final**; Owner: OWNER: ROBERT SHEAR; LOTS G, H, I, J, K, L AND M OF PEACEFUL PINES SUBDIVISION LOCATED IN THE NE4SE4 OF SECTION 8, T8N, R2E, BHM, BUTTE COUNTY, SOUTH DAKOTA.
- i. **Final**; OWNER: PATRICIA HABECK; LOTS 2A AND 3 OF HABECK TRACT 2 FORMERLY ALL OF LOT 2 OF HABECK TRACT 2 LOCATED IN THE SE4NE4 OF SECTION 30, T8N, R2E, BHM, BUTTE COUNTY, SOUTH DAKOTA.
- j. **Final**; OWNER: KENT WYATT; LOTS 1-7 OF WYATT WAY SUBDIVISION BEING ALL OF 3A-2 OF KINDSFATER ADDITION LOCATED IN SE4SW4 SECTION 32, T9N, R2E, BHM, BUTTE COUNTY, SOUTH DAKOTA
- k. Abatements
  - i. Parcel 08.2.01.3.5.1 abate \$548.08
  - ii. Elderly Freeze: Parcel 08.2.07.31.2 abate \$1,475.04
  - iii. Elderly Freeze: Parcel 16.01.059.01W abate \$2,920.93
  - iv. Elderly Freeze: Parcel 16.01.025.05 abate \$1,989.22
  - v. Elderly Freeze: Parcel 81.08.2.07M abate \$164.37
  - vi. Elderly Freeze: Parcel 15.57.9B abate \$2,303.53

I. Wage Increases

i. Sheriff: Bailee Ackerman Full Wage \$23.38

Beginning 6:07 PM the following citizens appeared during the Public Comment Session:

- Sue Broadhurst spoke on the 35-mph sign posted on Snoma Road. Ms. Broadhurst questioned if the sign was placed close enough to the bridge to slow traffic down enough and requested that holes in the bridge be repaired when weather permits. Ms. Broadhurst asked about recent motion to hire outside counsel after executive session. Ms. Broadhurst wanted to know who was hired. Ms. Broadhurst asked if the website could be updated – there was a Commissioner District map that was outdated. Ms. Broadhurst also asked if the commissioners had reviewed a checklist with the application for renewal of Black Hills Buds Dispensary and Cultivation licenses.
- Katie Hoffmann mentioned watching the 12Mar2024 Planning meeting recording and her beliefs on the behavior of States Attorney McCartney to Planning Board members. Ms. Hoffmann spoke on SDCL 7-16-8 regarding seeking outside counsel when requested. Ms. Hoffmann then read the duties of the States Attorney and reason for removal (SDCL 3-17-6) of an elected officer, further accusing States Attorney McCartney of malfeasance, misconduct, malfeasance, nonfeasance, gross incompetency, corruption, oppression, and gross partiality for not prosecuting county commissioners for treatment of public.

Motion by Erk, Second by Herman to approve bills for payment as presented by Auditor Capp with no changes. Vote Unanimous. Motion carried.

Joel Porch from G&R Controls out of Rapid City presented a proposal for Butte County Courthouse HVAC needs. Quote was for three phases – Central Plant, Upper-Level HVAC Equipment, and Existing Fan Coils. Mr. Porch explained each proposal and what could be done with one, two, or all three options. Boilers will be more efficient. Sheriff Lamphere discussed the needs for the County in regard to the courthouse and potential for emergency repairs and asked if Air Filtration could be added to the bids. Chiller has longest lead time with an expected delivery in the fall. Auditor Capp to research restrictions on quotes and ARPA funds. Would be under a year with wrap up this time next year. Current units are around 20 years old and beyond life of typical HVAC systems.

- Dale Simanton asked if the money was available for the project. Auditor Capp stated that yes, the funds are available between reserve and ARPA funds.
- Katie Hoffmann asked why the Courthouse hasn't been better maintained. Commissioner Ager stated that County properties are maintained to the best of County's ability and available funds.
- Auditor Capp to check on use of ARPA funds and G&R will provide a quote for Air Filtration prior to the 02Apr2024 meeting.

Chief Ryan Cherveney and Sheriff Fred Lamphere presented a draft drawing for Joint Law Enforcement facility to include Belle Fourche Police Department, Butte County Sheriff and Emergency Management, and Butte County Dispatch offices. Current plans are for 30,000 sq feet = 3,730 for Sheriff Offices and Dispatch, 5,110 for Police Dept and remaining will be shared space. Additional information will be available in another month. Anticipated cost are \$12-13 million with move in date 2025-2026. The city is looking for a long-term lease with the County.

Veterans Service Officer, Jasen Saivong, presented an activity report for February including disability compensation claims, death and spousal benefits, and DAV transportation numbers. Working with Will Huffman to reach out to nursing homes to house some vets.

Planning Director Cristina Wilson requested a Board of Adjustment Meeting. Butte County Board of Adjustment will meet Tuesday April 02, 2024 at 9:00 AM.

Director of Equalization Cristina Wilson gave a quick update on equalization updates and will provide more detail during her annual review with the commissioners in April.

Discussion was held regarding HB1090 and effects on Butte County Tax Certificate Sales. County was waiting for Supreme Court decision – this was resolved via HB1090 which was signed by the Governor and included an emergency clause. States Attorney McCartney and Treasurer Lensegrav have a plan in place to meet all guidelines. There is one property that the County holds the deed, and SA McCartney believes the process should begin over due to the moratorium.

Motion by Erk, Second by Walton to revoke Resolution 2024-16: A Resolution Establishing a Temporary Suspension on Tax Certificate Sales. Vote Unanimous. Motion Carried.

States Attorney LeEllen McCartney presented an activity report including additional Opioid settlement notice, number of Butte County residing in jail and types of cases, grand jury, and active cases. SA McCartney responded to public comment regarding her integrity and honor. SA McCartney mentioned the legitimatizing of asking for outside guidance from other offices. The restriction resides solely with legal counsel. McCartney said she will continue to offer the legal counsel she was appointed and feels obligated to do while she is serving as the Butte County States Attorney. States Attorney McCartney said she will continue to serve Butte County with integrity and honor while fulfilling her duty to Butte County in a responsible and ethical way.

Sheriff Lamphere provided the monthly activity report and asked to move recognition of dispatchers to 02Apr2024 regular meeting.

Lamphere discussed seven sets of Spike Strips received as surplus from another county and upcoming training to be held. As a response to Commissioner Harms question, Sheriff Lamphere responded that high speed changes are not done by Butte County Sheriff's Office. Sheriff Lamphere offered his support to States Attorney McCartney saying there has never been any issue with him or his staff and there has never been any question of her integrity.

Motion by Herman, Second by Erk to enter Executive Session: Legal Counsel SDCL 1-25-2(3) at 7:17P.M. Vote Unanimous. Motion Carried. Exited Executive Session at 7:40PM. No action was taken as a result of Executive Session.

Motion by Herman, Second by Harms to approve Black Hills Bud Dispensary License Renewal. Roll Call Vote: Harms-aye, Erk-nay, Walton-aye, Herman-aye, Ager-aye, Motion Carried

Motion by Harms, Second by Walton to approve Black Hills Bud Cultivation License Renewal. Roll Call Vote: Harms-aye, Erk-nay, Walton-aye, Herman-aye, Ager-aye. Motion Carried

Auditor Annie Capp presented an activity report for the Auditor's Office including city, school and county elections, property tax legislation, benefits survey results, and 2021-2022 Legislative Audit.

Auditor Capp gave an update on the Butte County Website stating that MuniBit is currently designing the website, moving items from current site, and will have a mockup to review in three weeks.

Auditor Capp shared an email from Architectural Specialties for ROD and State's Attorney Security Door status.

**Committee Reports were given:**

- Commissioner Erk attended the Weed and Pest meeting – did not receive grants normally received.
- Commissioner Walton Butte Conservation District, BF Watershed, tomorrow EDC

## **Old/Unfinished Business**

- Auditor Capp provided Commissioners with quotes from Print Mark-et for signs in and outside of Courthouse.

Motion by Walton, Second by Erk to approve estimate # 1766 in the amount of \$ 501.64 and estimate #1765 in the amount of \$6,713.92. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Walton to approve Chair Ager to sign Notice of Admission of Service of Summons and Complaint; 09CIV24-000015, 09CIV24-000016, and 09CIV24-000017. Vote Unanimous. Motion Carried.

## **Informational**

- Commissioner Ager talked about putting the speed meter on Snoma Road
- Look into bridge repair status for holes in bridge mentioned by Ms. Broadhurst.
- Ager to follow up with providing outside counsel name
- Website will be updated to reflect correct district maps
- Ager talked about public comments directed at States Attorney McCartney.
- Never called into question SA integrity and capabilities
- Auditor Capp shared information on WDT Leadership Luncheon, letter received from Belle Silver Lining, and correspondence from DANR and LEPC meeting to be held 20Mar2024 at noon in commissioner room.

Motion by Erk, Second by Harms to adjourn the meeting at 8:13P.M. Vote Unanimous. Motion Carried.

## **PAYMENTS**

### **SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,581.16, AUDITOR'S OFFICE \$9,979.04, BUILDING \$3,992.52, COMMISSIONERS \$4,218.92, DISPATCH \$16,221.12, ELECTION \$2,023.41, EM/911 \$940.58, EXTENSION \$1,881.60, HIGHWAY DEPT/WEED CONTROL \$28,462.54, JUDICIAL \$1,164.56, NURSE'S/WIC OFFICE \$1,968.00, REGISTER OF DEEDS OFFICE \$4,658.23, SHERIFF/JAIL DEPT \$21,574.16, STATES ATTORNEY OFFICE \$13,878.15, TREASURER'S OFFICE \$9,950.23, VETERAN SERVICE OFFICE \$853.25.

### **COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$9,620.07

### **SDRS RETIREMENT**

BUTTE COUNTY SHARE \$7,452.77

### **GROUP INSURANCE**

BUTTE COUNTY SHARE \$35,638.04

### **PROFESSIONAL SERVICES**

ALLRT INS \$60.00, SD SCRTRY STATE \$30.00, R BCHMN \$300.00, ECOLB \$536.83, SRVLL \$1,117.63, JRY FEES \$654.02, MPPNG PLNNING SPCLS \$5,190.25, WSTRN SD JVNLSRVCS \$2,055.00, PHARMCHM \$31.95, MEADE CO AUDTR \$38,095.00, SD DPT PBLCSFTY \$3,340.00, BUTTE CO AMBLNCE \$95,000.00, BARNAUD LAW \$3,784.10, QPS \$4,181.68, J QUINN \$60.00, M KTTRHGN \$33.00, T ELLNGSN \$60.00, ROYL SPRYNG \$1,068.75, RC \$160.00, HLPRT & HALE \$2,972.16, LANGUAGE LINE \$160.65, DUBL STAR \$3,351.75, PNNINGTN CO SA \$215.00, ARCHTCTRL SPCLTS \$425.10, BH TITLE \$179.99, SCRAM \$26.10, FSH WNDOW CLNG \$99.00, V LARSEN \$33.00, MNMNT HLTH HOME + HME \$808.70, D FOWLR \$199.50, FOX LAW \$222.14, MMBRSHPPWARE \$1,071.00, DPT HLTH \$660.00, JHNS & KOSL \$7,387.02

**PUBLICATIONS**

BH PIONEER \$411.70

**RENT/LEASE**

CLLGN \$76.80, LXSXNS \$332.00, THMSN REUTRS \$205.00, BH PURE \$192.25, A&B  
BSNSS \$289.48, MOTRLA \$299.00, CNTRY BSNSS \$495.75

**REPAIRS/MAINTENANCE**

BTLR MCHNRY \$1,675.41, FLOYD'S TRCK CNTR \$271.32, WST TIRE \$208.00, BH  
WNDSHLD RPR \$100.00, BRSZ NGNEERNG \$40,075.00, KONE \$507.51, KARPL  
\$4,875.00, G&R \$5.00, AUTO PROS \$485.94

**SUPPLIES**

LYNN'S DKOTAMRT \$55.83, STRDVANT'S \$1,283.87, MCGS PROPANE \$1,386.18, SCTT  
PETRSN MOTRS \$62.73, TRUENRTH STEEL \$12,647.89, BCKLE'S \$27.31, WHEELR  
\$2,430.72, RNNINGS \$1,957.03, FRST INTRSTATE-MSTR CRD \$3,191.11, CBH  
\$3,426.46, CARL'S TRAILR SALE \$3.75, NWLL HARDWRE \$2.83, PRAIRIE AUTO PRTS  
\$68.49, O'REILLY AUTO PRTS \$56.55, SIGN SLUTNS \$973.78, MJ'S MRKT \$11.98,  
RNDY'S DSCNT TIRES \$1,516.00, A&J SPPLY \$338.40, MG OIL \$6,845.45

**TRAVEL/CONFERENCE**

CONVENE \$20.00

**UTILITIES**

MDU \$1,755.59, BUTTE ELCTRC \$777.90, AT&T \$908.66, BLUEPK \$96.10, RFUSE  
SLUTNS \$363.92, NSLND \$75.76, GLDN WST \$23.81, BUTTE MEADE SNTRY \$55.00,  
CNTRYLNK \$1,370.00

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APPROVED BY THE COMMISSION:

James Ager, Chairperson

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ATTEST: Annie Capp, Butte County  
Auditor