

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

Tuesday, February 7, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on February 7th, 2023. The meeting was recorded. Commissioner's present were Harms, Ager, Walton, Herman, and Erk.

Motion by Walton Second by Ager to approve the meeting agenda with no changes. Vote Unanimous. Motion Carried.

Motion by Herman Second by Erk to approve minutes of 17January2023 Regular Meeting and 24January2023 Special Meeting Minutes with no changes. Vote Unanimous. Motion Carried.

Motion by Ager Second by Herman to approve the Bills for Payment as presented by Auditor Annie Capp (check #203772 voided). Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

Motion by Herman Second by Walton to approve payment of Apportioning and Other payments per Printout as presented by Auditor Annie Capp with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

Motion by Ager Second by Herman to approve Travel Requests as presented by Auditor Annie Capp with no changes. Vote Unanimous. Motion Carried.

- Dispatch – Crystal Rath attended training in Pierre, SD Jan 22-24, 2023.
- Sheriff's Office – Jody Crockford attended training in Pierre, SD Jan 24-26, 2023.
- Highway/Weed & Pest – Dwayne Heidrich, Lori Johnston, Brian Franke (board member) to attend Annual W&P Conference in Huron, SD from Feb 14-17, 2023.
- Emergency Mgmt - Jasen Saivong to attend ICS 300/400 training in Watertown, SD from Mar 7-10, 2023.

Abatements: None

Beginning at **9:45 A.M.** an opportunity for Public Comment was opened.

- Travis Ismay spoke on an email sent to commissioners including picture of medical cannabis cultivation facility near his home which he regards as a disaster.
- Sue Broadhurst said after she viewed a Commissioner meeting online regarding cattle guards, she is requesting that the commissioners consider maintaining and cleaning cattle guards located in the county or to contract the work out if there aren't enough personnel.
- Gene Baker brought up cattle guard policy specifically the maintenance, liability, and replacement of cattle guards. Mr. Baker also mentioned the section line restrictions, availability of county to get funding, and he suggested staggering the annual maintenance on an annual basis. Discussion followed regarding the measurement requirements and interpretation of the codified law.
- Nevada Ellison spoke on medical cannabis and his company. He shared concerns on edibles that contain THC as well as CBD issues and lack of regulation.
- Richard Greany spoke on cattle guards and ranchers' liability saying he took ownership of maintaining those on his property but is concerned with what property owners are liable for and what county is liable for (culverts, abutments, etc.).

Highway Superintendent Dwayne Heidrich presented an activity report snow removal and road maintenance.

Motion by Herman Second by Walton to approve the Application for Occupancy on the Right of Way of County Highways – Water Line - Upper Redwater Rd - Santa Maria Land & Cattle Co. Discussion was held regarding water source and alternative locations. Roll Call Vote: Harms aye, Ager nay, Walton aye, Herman aye, Erk nay. Motion Carried.

Motion by Ager Second by Erk to approve Butte County Bridge Replacement BRO-B 8010(30) PCN 09A4 Agreement – Old Hwy 212 St #10-537-255. Vote Unanimous. Motion Carried.

Motion by Herman Second by Ager to allow Chairman Harms to sign 2023 Bridge Reinspection Program Resolution for use with SDDOT Retainer Contracts. Vote Unanimous. Motion Carried. Inspections to be completed by Brosz Engineering.

States Attorney McCartney and Lawrence County Juvenile Diversion supervisor Alexandra Lux of presented information/background on the Juvenile Detention Alternatives Initiative Memorandum of Understanding to commissioners. The MOU would help to fill a gap between Teen Court and Probation. State asked for a joint initiative in the Northern Hills with Juvenile Diversion department providing staffing. Motion by Ager Second by Herman to approve Chairman Harms and SA McCartney to sign the MOU. Vote Unanimous. Motion Carried.

Beginning at **10:30 am** Public Hearing for Resolution 2022-20 A Resolution for the Cancellation of Checks and Warrants Issued by Butte County Outstanding for a Period of Two (2) Years or More was held. No Public Comment was made

Motion by Erk Second by Walton to approve Resolution 2022-20 A Resolution for the Cancellation of Checks and Warrants Issued by Butte County Outstanding for a Period of Two (2) Years or More.

Beginning at **10:35 am** Public Hearing for Mountain Man Metal Art - New Application for Retail (On-Off Sale) Malt Beverage & SD Farm Wine, and Sunday Sales. Auditor Capp provide application and documents submitted by Mountain Man Metal Art. No Public Comment was made

Motion Ager, Second Walton to approve Mountain Man Metal Art - New Application for Retail (On-Off Sale) Malt Beverage & SD Farm Wine, and Sunday Sales. Vote Unanimous. Motion Carried

A short recess was taken

Director of Equalization Donna Jones came before the commissioners to request a promotion for Assessor Cristina Wilson to Deputy Director of Equalization.

Motion by Walton Second by Herman to promote Assessor Cristina Wilson to Deputy Director of Equalization. Vote Unanimous. Motion Carried.

Sheriff Lamphere presented an activity report including need to replace antenna on Castle Rock Tower, and reserve pickup repairs needed. Sheriff Lamphere suggested the vehicle be surplused to the highway department and the repairs made using highway budget.

Motion by Walton, Second by Herman to transfer the reserve pick up from Sheriff's office to Highway Department if they want it and will complete repairs needed. Vote Unanimous. Motion Carried.

State's Attorney LeEllen McCartney presented the activity report including grand jury, current cases and intern offer of employment.

S.A. McCartney discussed the need to update Contract for Representation of Indigent Clients Magistrate with Tim Barnaud.

Motion by Walton Second by Ager to approve Chairman Harms and Auditor Capp to sign contract for renewal. Vote Unanimous. Motion Carried.

Auditor Capp presented an activity report including annual report and legislative bills activities in Pierre.

Motion by Walton, Second by to acknowledge the Butte-Lawrence County Fair Board Annual Report as presented by Auditor Capp. Vote Unanimous. Motion Carried.

Correspondence from the CASA and Vale Fire Department was given to the commissioners.

Motion by	Second by	to approve wage adjustments for the following:
i: States Attorney:		Clara Kiley will be at Tier 3- 23.21. 02/08
ii. Dispatch:		Krystal Tesch will be at Step 2- 20.43 02/13
iii. Sheriff:		Brandon Fox will be at Step 3 - 51464.92 a year.
iv. Sheriff:		Lincoln Gibbs will be at Step 3 - 51464.92 a year. 02/28

Vote Unanimous. Motion Carried.

Committee Reports

Committee Reports were given:

- Harms – Housing Development meeting brought to light need for a lift station to move project along. Property is currently back on the market in part due to lift station expense.
- Ager – Planning meeting scheduled for 14Feb, work continuing Subdivision Ordinance revisions
- Herman – Ambulance meeting was held
- Walton – Ambulance Treasurer will continue to be Time Speidel for a couple of years. Walton also discussed repairs at fair ground due to hail, Weed and Pest meeting, Economic Development meeting, school enrollment decline, and jail cost increases.
- Erk – Fairground meeting included discussion on insurance, electrical updates needed, etc.
- Capp – BHACCO, New Officials Training

Old Business

- Ager – requested that Auditor Capp reach out to additional Audio/Video experts for proposed needs for commissioner room.
- Harms requested that Auditor Capp reach out to Legislative Audit on the ability of the county to increase budget/tax request for future equipment needs if debts are paid off using ARPA funds.
- Ager – Subdivision Ordinance status we mentioned and questions on the variance process. Ager believes variances should come to commissioners for final approval. Additional discussion was held regarding variances and who should be the board of adjustments in the County.

Motion by Erk Second by Ager to adjourn the meeting at 12:01p.m. Vote Unanimous. Motion Carried.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$16,200.71, AUDITOR'S OFFICE \$16,489.95, BUILDING \$8,087.72, COMMISSIONERS \$8,317.84, DISPATCH \$36,223.66, ELECTION \$4,262.84, EM/911 \$1,826.42, EXTENSION \$3,656.00, HIGHWAY DEPT/WEED CONTROL \$42,895.28, JUDICIAL \$1,874.60, NURSE'S/WIC OFFICE \$3,828.80, REGISTER OF DEEDS OFFICE \$8,538.36, SHERIFF/JAIL DEPT \$38,523.88, STATES ATTORNEY OFFICE \$25,234.63, TREASURER'S OFFICE \$19,217.73, VETERAN SERVICE OFFICE \$1,656.80.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$17,483.25

SDRS RETIREMENT

BUTTE COUNTY SHARE \$13,232.36

GROUP INSURANCE

BUTTE COUNTY SHARE \$67,253.05

PROFESSIONAL SERVICES

R BACHMAN \$50.00, BH CNCL LCL GOV \$5,330.00, NACCTFO \$100.00, MPPNG PLNNG SP \$1,247.25, CHLDNRNS HM SCTY \$450.00, MD CNTY AUD \$25,200.00, C BRILL \$369.00, RDWD TOX LAB \$13.67, TRI-STT CHRPRCTC \$200.00, CLLGN BH \$33.00, BRND LW FRM \$9,081.12, D SCHFR CRT RPRTRNG \$42.00, T ELLNGSN \$50.00, CTY RPD CTY \$120.00, HLPRT & HL \$2,150.00, AMG AVR OCCPTNL MDC \$35.18, SD ASSN CO OFFCLS \$292.00, BH SCRTY SYSTMS \$240.00, K P HUNT \$1,250.00, W REED \$20.00, SUBWAY \$171.16, APCO INTRNTNL \$361.00, SD PUB ASSRNC ALLNC \$96,538.52, ARCHTCTRL SPCLTS \$240.31, D KRINGEN \$52.04, SDAAO \$225.00, BH TTL CO \$338.00, Z PRDCTNS \$395.00, PLNNG DEV DSTRC \$28,000.00, ALPN IMPRSSNS FST BR \$255.00, DKTBLTS \$360.00, A CRONE \$51.02, C ERK \$99.98, P MIELKE \$61.22, C ROUNDS \$55.10, E SUTTER \$58.16, SD DEPT REV \$150.00, WHITE'S ELCTRCL SER \$4,210.25, L TILLISCH \$298.90, SNFRD HLTH OCCPTNL \$35.00, JDOG JNK REM \$100.00, SD SCRTRY ST \$15.00, SD PLNNRS ASSC \$180.00, BH OPTCL \$193.00, PWRPHN \$987.00, PTNY BWS GLBL \$267.06, A-Z SHRDDNG \$147.19, GEIS, P \$51.02

PUBLICATIONS

BH PNR \$1,134.00, AG-NWS \$350.00, RLX LXSXNS \$322.00

RENT/LEASE

DJ CONST DEV \$1,450.00

REPAIRS/MAINTENANCE

STRDVNTS \$205.35, S PTRSN MTRS \$203.65, WST TR ALGNMNT \$305.00, BCKLS TRCK DSL \$2,798.59, RFS SLTNS \$352.01, CRL'S TRLR SLS \$9.61, KON CHCG \$463.04, PRDCTVTY PLS ACCNT \$945.69, JJ TRCK AUT BDY \$38,066.75, G R CNTRLS \$1,588.00, E-Z FBRCTN WLDNG \$85.00

SUPPLIES

MCGS PRPN \$1,709.34, OFF EMPRM \$981.66, DAK LUMB \$31.99, SDDOT \$11,852.74, PHRMCHM \$759.20, RNGS SPLY \$74.97, VFW PST 3312 \$35.00, THMSN RTRS-W \$293.38, NWLL HRDWR SPLY \$30.97, O'RLLY AT PRTS \$112.88, GRSSNBRG IMP \$337.64, A&B BSNSS SLTNS \$226.53, QLFCTN TRGTS \$66.80, HLLYRD/SF \$409.12, CNTRY BSNSS PRDCTS \$1,054.43, MG OIL CO \$ MG OIL CO \$17,758.68

TRAVEL/CONFERENCE

RAMKT HTL CONF \$292.00, WD PST CONF \$680.00

UTILITIES

BUTTE CO \$71.00, CTY BF \$366.96, BH ENRGY \$3,979.41, MDU \$3,582.89, ATT MBLTY \$1,014.04, BLPK \$87.45, BTT MD SNTRY DST \$65.00, AT&T \$55.82, CNTRYLNK \$1,212.06

APPROVED BY THE COMMISSION:
Stan Harms, Chairperson

ATTEST: Annie Capp, BC Auditor