

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

**Tuesday, November 15, 2022**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 1:00 P.M. on November 15, 2022. Commissioners present were Richards, Harms, Ager, Walton, Herman

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

Motion by Ager Second by Herman to approve the meeting agenda with two changes (add Executive Session Personnel and correct typo Sheeler). Vote Unanimous. Motion Carried

Motion by Walton Second by Harms to approve the Regular Scheduled Minutes from November 1<sup>st</sup>, 2022, with no changes; Vote Unanimous. Motion Carried

Motion by Walton Second by Herman to approve the Auditor's Monthly Settlement with Treasurer. Vote Unanimous. Motion Carried.

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER  
BUTTE COUNTY  
October 31, 2022**

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$	103,316.74	
First Interstate Bank	\$	5,997,640.64	
Pioneer Bank & Trust	\$	<u>50,945.00</u>	
Total Checking/Savings Accounts	\$		2,169,969.16

**INVESTOR ACCOUNTS**

Pioneer Bank and Trust		661,976.88	
First Interstate Bank Account		<u>1,507,992.28</u>	
Total Investor Accounts	\$		2,169,969.16

**CERTIFICATE OF DEPOSIT**

First National Bank	\$	3,744,055.33	
Pioneer Bank & Trust		<u>0.00</u>	
Total Certificates of Deposit	\$		3,744,055.33

Cash on Hand	\$	<u>1,745.00</u>	
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<b>TOTAL CASH ACCOUNTS</b>	\$	<u><u>12,067,671.87</u></u>	
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Insufficient Fund Checks In-process	\$	<u>2,277.30</u>	
Total General Ledger Balance	\$		12,069,949.17

/s/: Annie Capp 11/14/22  
COUNTY AUDITOR SIGNATURE DATE

/s/: Debra Lensegrav 11/14/22  
COUNTY TREASURER SIGNATURE DATE

Motion by Ager Second by Walton to approve the County Lien Report. Vote Unanimous. Motion Carried.

### **LIEN REPORT BUTTE COUNTY**

	<b>EXPENSES OCT 2022</b>	<b>EXPENSES YTD</b>	<b>RECOVERED OCT 2022</b>	<b>RECOVERED YTD</b>
<b>CAA/PUBLIC DEFENDER</b>	\$ 17,480.41	\$ 164,579.80	\$ 3,318.94	\$ 40,775.63
<b>JAIL</b>	\$ 5,059.23	\$ 221,708.10	\$ 2,357.50	\$ 27,389.26
<b>POOR LIEN</b>	\$ 0.00	\$ 3,314.74	\$ 375.00	\$ 375.00
<b>REGIONAL JUVENILE DETENTION</b>	\$ 994.50	\$ 7,259.00	\$ 0.00	\$ 0.00

Motion by Ager Second by Herman to approve payment of Bills 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 Herman Second by Harms 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.

Motion by Harms Second by Walton to approve the Register of Deeds Report. Vote Unanimous. Motion Carried

Motion Walton Second by Ager to approve Travel Request/s submitted by Auditor Annie Capp: Jason March and Thomas Myers to attend Lone Wolf Training in Sundance Wy, Dec 16, 2022. Vote Unanimous. Motion Carried.

Auditor Capp informed Commissioners that the Abatement request by Garet Hunt of CBH Co-Op had been withdrawn.

#### **Committee Reports**

- Herman: Highway meeting 11/14 to discuss bridges and plan
- Harms: Planning meeting held, delayed Building Permit Ordinance until next meeting
- Capp: Reminder of DANR meeting Thursday, November 17, 6:30 – 8:00 PM.

Beginning at 1:15 PM the following citizens appeared during the Public Comment Session:

- Katie Hoffman asked three questions of the commissioners including past recount process, potential of more evening meetings to accommodate public attendance, and consideration of budget when approving wage adjustments.
- Landowner Mike Bennet talked about issues with a neighbor and his options for taking action either thru the county or city. The property in question has one property on county side and other in the three-mile city limit. Commissioners suggested DANR may need to address HAZMAT issues and or bring civil action.

**1:30 P.M.** A Public Hearing for the first reading of 2022-02 Subdivision Ordinance was held at as scheduled.

- States Attorney LeEllen McCartney gave history and timing on original ordinance and changes in current version. SA McCartney shared information on the working group that developed the draft that was sent to Commission and planning board. Per Irrigation district there needs to be more guidance on irrigation requirements and language regarding FAA requirements (Airport Authority) will need to be added.
- Commissioners discussed the changes and asked representatives of the planning board and SA McCartney questions such as Purpose, Wastewater Ordinance, subdividing of

lots less than four, ingress and egress requirements, additional definitions needed, public notice requirements and enforcement.

- Public Comment was taken to discuss the Butte County Subdivision Ordinance
  - Paula Walker Register of Deeds asked who checks on mortgage holders (pg5 1.b), said some verbiage related to the ROD office needs to be cleaned up, and asked about acreage requirements.
  - Alan Turbville asked about the definition of subdivision - why was minor subdivision removed, final approval requirements restrictions on when information will be available on Page 14 1a, Page 18 – system development wording needs to be tweaked.
  - Travis Ismay suggested it be sent back for further review based on comments.
  - Chad Erk mentioned that he received calls from members of the planning board to send back to the board for additional edits.
  - Laurel Allen suggested sending back to the board based on comments from board.
  - Commissioner Richards recommended that the ordinance be reviewed, and any changes made with a timeline in place

Motion Ager, Second Herman to send back to planning for further discussion during the Planning board and bring back to commission second meeting in February. Vote Unanimous. Motion Carried

Mark Hespe – Representatives from Butte County Volunteer Fire Departments were present to discuss plan and need for forming of new fire department (Butte Fire Department). The department will serve the northern part of Butte County. Hespe requested approval from Commissioners to submit to state as part of process.

Motion Herman, Second Walton to offer support of forming new fire department Butte Volunteer Fire Department. Vote Unanimous. Motion Carried. Roster will be provided to Auditor Capp when available.

Mike Grubl of Vale also discussed the need for PPE, radios, and other upcoming funding needs. Many of the volunteers are using personal finances to fund needs. They asked that funds allocated end of year be specifically distributed for needed equipment.

Motion Harms, Second Walton to approve Final Plat: Owner: Darren Alexander; Horse Creek Subdivision; Located in the W2SW4PT lying N of Horse Creek in Section 14, T8N, R6E, B.H.M., Butte County, South Dakota. Mr. Alexander recused himself from discussion during all stages of planning. Vote Unanimous. Motion Carried.

Motion Walton, Second Ager to approve Final Plat: Owner: Kindsfater Farms, LLC; Lots 1A & 1B Kindsfater Ranchettes #2; Located in the S2NE4 & NW4NW4 of Section 11, T8N, R2E, B.H.M., Butte County, South Dakota. Vote Unanimous. Motion Carried.

Motion by Harms Second by Walton to approve Final Plat: Owner: Redwater Land Company, INC; Lot 1 of Wyatt's Acres; Located in the SW4 of Section 25, T8N, R2E, B.H.M., Butte County, South Dakota. Discussion was held regarding confirmation of intended use and water source. Vote Richards Aye, Harms Aye, Ager Nay, Walton Aye, Herman Nay. Motion Carried.

Highway Superintendent Dwayne Heidrich presented an activity report including graveling status, fixed signs and moved some snow

Spencer Doctor and Zach from Brosz Engineering provided significant findings for 2022 Bridge Inspections.

Motion by Harms Second by Richards to approve Application for Occupancy on the Right of Way of County Highways – Santa Maria Land & Cattle Co. Upper Redwater Rd – Waterline. Discussion was held regarding water and planning board plans. Vote Richards Aye, Harms Aye, Ager Nay, Walton Nay, Herman Aye. Motion Carried.

Motion by Walton Second by Ager to approve Application for Occupancy on the Right of Way of County Highways – James Sheeler – Dunn Rd – Electrical line. Vote Unanimous. Motion Carried

Motion by Herman Second by Ager to approve Chairman Richards and Auditor Capp to sign Resolution to Delete Bridge from NBI (National Bridge Inventory) – Palo Rd St# 10-334-360 – This Structure was replaced with a box culvert that no longer meets NBIS length requirements. Vote Unanimous. Motion Carried

Motion by Ager Second by Herman to approve Chairman Richards and Auditor Capp to sign Letting Authorization, Right of Way Certificate, and Utilities Certificate for Old Hwy 85 St# 10-125-218 over Indian Creek – Federal Grant Project BRO-B 6237(07), PCN 084K. Vote Unanimous. Motion Carried. All requirements met

Motion by Ager Second by Herman to approve Chairman Richards and Auditor Capp to sign Letting Authorization, Right of Way Certificate, and Utilities Certificate for Old Hwy 212 St# 10-522-272 over Sulphur Creek – Federal Grant Project BRO-B 8010(28), PCN 084Q. Vote Unanimous. Motion Carried. All requirements met

Motion by Ager Second by Herman to approve Chairman Richards and Auditor Capp to sign Letting Authorization, Right of Way Certificate, and Utilities Certificate for Old Hwy 212 St# 10-445-332 over Mud Elm Creek – Federal Grant Project BRO-B 6410(10), PCN 084L. Vote Unanimous. Motion Carried. All requirements met

Sheriff Lamphere presented an activity report. Sheriff Lamphere stated that dispatch is short staffed and there may need to be a special meeting in regard to staffing issues.

Sheriff Lamphere presented the Courtroom Security award Letter to Auditor Capp. Pay up front and get reimbursed for 75% of cost. Options were discussed on where trials would be held during courthouse closures.

Sheriff Lamphere gave an update on the Courthouse HVAC system. During the Dec 06<sup>th</sup> regular meeting options will be provided to commissioners. Auditor Capp asked if the Admin building could be included in the options/quotes.

Sheriff Lamphere asked if there was a decision made on Active Shooter Response Equipment – none as of now. Training may provide more guidance on necessities.

State's Attorney LeEllen McCartney presented the State's Attorney office activity report including 148 cases currently scheduled thru the end of 2022. Many may be settled prior to date. Continuing to work on clearing dockets, upcoming trials, felony docket cases, and recently sentenced case. Looking at a way to provide stats on types of cases for future reporting using current system. Over \$13,000 received as part of JJRI program. Newell's truancy program is successful and fully supported by school.

Auditor Capp presented an activity report including 2022 General Election status, Levies, retirement event for Kathy Nov 30, 11:30 – 1:30, Local Assistance and Tribal Consistency Fund 2022 distribution \$ 256,246.37, lights in front of Admin building, Commissioner Handbooks, and Commissioner Orientation.

Motion by Herman, Second Walton to approve Annual Liquor License Renewal contingent upon payment. Vote Unanimous. Motion Carried.

Motion Herman, Second Ager to approve SDSU Extension and County partnership Memorandum of Understanding (MOU). Vote Unanimous. Motion Carried.

Motion Ager second by Walton to enter Executive Session Consulting with Legal Counsel SDCL 1-25-2(3) Out of Executive Session at 4:21 pm. In Executive Session Personnel SDCL 1-25-1 at 4:41 pm. Out of Executive Session at 5:12 pm with no action.

**Old Business:** Auditor Capp asked about payoff amounts required for completing leases or purchases of highway equipment to schedule Public Hearing to supplement budget

Motion Herman by Second by Harms to adjourn the meeting at 5:15 p.m. Vote Unanimous. Motion Carried.

## **Payments**

### **SALARY**

ASSESSOR'S OFFICE/PLANNING \$7,769.14, AUDITOR'S OFFICE \$7,744.57, BUILDING \$3,413.76, COMMISSIONERS \$3,927.84, DISPATCH \$10,044.54, ELECTION \$3,336.02, EM/911 \$890.36, EXTENSION \$1,481.60, HIGHWAY DEPT/WEED CONTROL \$21,151.41, JUDICIAL \$2,032.96, NURSE'S/WIC OFFICE \$1,828.00, REGISTER OF DEEDS OFFICE \$5,707.89, SHERIFF/JAIL DEPT \$23,875.97, STATES ATTORNEY OFFICE \$11,955.10, TREASURER'S OFFICE \$8,791.03, VETERAN SERVICE OFFICE \$788.95.

### **COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$8,460.23

### **SDRS RETIREMENT**

BUTTE COUNTY SHARE \$6,118.52

### **GROUP INSURANCE**

BUTTE COUNTY SHARE \$36,691.25

### **PROFESSIONAL SERVICES**

ECOLAB \$514.25, SRVLL \$1,012.46, SD DEPT OF TRNSP \$5,985.22, CHRS BRLL \$108.00, ROYL LAWN CARE \$407.00, RADIOLOGY ASSOC PROF \$161.99, BARNAUD LAW \$4,760.05, HLPRT & HALE \$1,012.20, LUKE YELLOW ROBE \$1,500.00, DOUBL STAR CMPUTNG \$359.90, SD SHRFFS ASSOC \$155.00, DEPT OF LGSLTVE AUDT \$18,615.90, MNMNT HLTH \$245.70, MNMNT HLTH NTWRK \$37.27, PRAIRIE HLLS NGRAVNG \$15.00, DOUD COUNSLNG \$160.00, KNNY LAW \$1,378.17, A-Z SHRDDNG \$25.95

### **PUBLICATIONS**

BH PIONEER \$541.52

### **RENT/LEASE**

DAKOTA EQPMNT RNTL \$400.00, CULLGN \$12.00, BH PURE \$167.75, CENTRYLNK \$1,529.71, A&B BSNSS \$264.91, PROLINE EQPMNT RNTLS \$90.00, CENTRY BSNSS PRDCTS \$294.65

### **REPAIRS/MAINTENANCE**

BUTLR MCHNRY \$2,323.81, SCTT PETRSN MOTRS \$2,117.91, WST TIRE \$4,902.31, BICKL TRCK & DIESEL \$4,844.04, AMWALL \$3,031.63, WLK-N-ROLL \$432.86, ALLSTATE PETRBLT \$1,305.74, AUTO PROS \$285.90, CORNTT CNSTRCTN \$1,330.22

## **SUPPLIES**

LYNN'S DAKOTAMART \$31.62, STURDVNT'S \$47.13, OFFCE MPRM \$885.19, SAND CRK  
PRNTNG \$531.03, RUNNINGS \$848.67, THMSN REUTRS \$265.80, NEWLL HARDWARE  
\$6.15, PRAIRIE AUTO PARTS \$567.33, O'REILLY AUTO PARTS \$65.41, A & J  
CLTHNG \$112.00, GREAT WSTRN STATES SPPLY \$734.04, BUTTE CO EQPMNT \$113.22,  
KIESLR POLICE SPPLY \$1,092.29, MG OIL \$11,276.14

## **TRAVEL/CONFERENCE**

## **UTILITIES**

BH NRGY \$519.94, MDU \$1,726.34, AT&T \$1,029.99, TOWN OF NSLND \$75.76,  
GOLDN WST \$23.81

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APPROVED BY THE COMMISSION:

Kim Richards, Chairperson

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ATTEST: Annie Capp, Butte County

Auditor