

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

**Tuesday April 02, 2024**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on April 02, 2024. The meeting was recorded with audio/video. Commissioners present were Ager, Herman, Walton, Erk, and Harms.

Chairman Ager called for a moment of silence/reflection.

Motion by Erk, Second by Herman to approve the meeting agenda with addition of Travel Request for Sheriff Lamphere 2.5 and Executive Session for Personnel 1-25-2(1) under #12.5 and switch items #9 and #12. Vote Unanimous. Motion Carried.

Motion by Walton, Second by Erk to approve the Consent Agenda Items with no changes. 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 Special meeting minutes – 19Mar2024
- b. Approval of Regular meeting minutes – 19Mar2024
- c. Approval of Special meeting minutes – 29Mar2024
- d. Auditor's Settlement with the Treasurer

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER  
BUTTE COUNTY  
February 29, 2024**

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$ .00	
First Interstate Bank	\$1,524,219.75	
Pioneer Bank and Trust	\$ 51,002.59	
Total Checking/Savings Accounts		\$1,575,222.34

**INVESTOR ACCOUNTS**

Pioneer Bank and Trust	\$ 90,441.88	
First Interstate Bank	\$ 437,534.18	
Total Investor Accounts		\$527,976.06

**CERTIFICATES OF DEPOSIT**

First National Bank	\$2,832,416.44	
First Interstate Bank	\$1,801,312.75	
Pioneer Bank and Trust	\$1,292,110.59	
Total Certificates of Deposit		\$5,925,839.78

Cash on Hand		\$1,745.00
Total Cash Accounts		<u>\$8,030,783.18</u>

Insufficient Fund Checks In-process	\$ 45.00	
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Total General Ledger Balance		\$8,030,828.18
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/s/ Annie Capp 03/29/2024  
COUNTY AUDITOR SIGNATURE DATE

/s/ Debra Lensegrav 03/29/2024  
COUNTY TREASURER SIGNATURE DATE

- e. Bills per Printout
- f. Apportioning and Other payments
- g. Travel Requests
  - i. States Attorney – LeEllen McCartney to attend States Attorney Conference & DUI Training in Deadwood, SD May 1-3, 2024.
- h. Abatements
  - i. Parcel 15.CL.008M in the amount of \$ 181.41
  - ii. Parcel 08.2.07.31.2 in the amount of \$ 1,757.50 (\$1,475.04)
  - iii. Parcel 15.42.02.21 in the amount of \$ 1,061.10
- i. Wage Increases
  - i. Equalization - Stephanie Lippencott Skill Level 2 (Certification) \$21.49
  - ii. 24/7 – Brian Franke Step 2 \$17.15

Beginning at 9:37 AM an opportunity for Public Comment was opened and the following members of the public provided comments to the commissioners - Sue Broadhurst and Dale Simanton.

Motion by Herman, Second by Erk, to approve travel request for Sheriff Lamphere (without lodging) to attend Sheriff's and Chief of Police Meeting and Conference in Deadwood, SD April 16-18, 2024. Vote Unanimous. Motion Carried.

Prairie Hills Transit - Barb Cline was present information about Prairie Hills Transit contributions to Butte County, statistics and how funding is used.

Auditor Capp mentioned that the new 4-H Youth Program Advisor Melanie Coleman began Mar 22, 2024 and has hit the ground running. She will be in a future meeting to introduce herself.

Beau Riopel from Butler Machinery and Highway Supervisor Dwayne Heidrich presented proposals for three new leased pieces of equipment to replace existing ones.

Motion by Walton, Second by Harms to approve purchase agreements for 2023 Caterpillar Model 33D-07D TC for five-year lease for \$287,037.55, 2023 Caterpillar Model D5-17 VPAT for five-year lease for \$338,581.02, and 2024 Caterpillar Model 950GC for five-year lease for \$338,581.02. Vote Unanimous. Motion Carried.

Highway Supervisor Dwayne Heidrich presented an activity report including patrol of roads with damaged signs, needed repairs on signs due to being run over and shot, graveling and ditches. To repair holes on bridge on Snoma, Brosz Engineering recommended epoxy be used as weather permits.

Motion by Herman, Second by Erk to approve Chairman Ager and Auditor Capp sign the State of SD DOT Joint Powers Agreement for the Pavement Marking of County Roads. Vote Unanimous. Motion Carried. Butte County share of \$500,000 is \$1,518.93.

Motion by Erk, Second by Herman to approve Application to Construct an Approach or Driveway to a County Road – Dane & Kelli Kissack – Wood Rd. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Walton, to approve Application for Occupancy on the Right of Way of County Highways – Matt Hansen – Valley Township Rd. Vote Unanimous. Motion Carried.

Discussion was held regarding upcoming repairs to bridges, mag water, pulling ditches, and new mag water application done in 2023. Notification will be posted on county website and social media when roads are being repaired, graveled, etc.

Discussion was held regarding Proposal to update the Butte County Courthouse HVAC system from Joel Porch of G&R/O'Connor Company. The total amount for four phases is \$1,101,554.00.

Motion by Walton, Second by Herman to approve Proposal R200401-SD-304626 Central Plant Project) in the amount of \$507,579.00, Upper-Level HVAC Equipment Project in the amount of \$454,496.00, Existing Fan Coils Project in the amount of \$100,514.00, and GPS Needlepoint Bipolar Ionization Systems Project in the amount of \$38,965.00. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Harms to approve Purchase Order with Prestige Auto Sales for 2023 Ford Transit XLT 442 15-passenger van in the amount of \$68,399.00 (budgeted for \$75,000). Vote Unanimous. Motion Carried. One of the existing vans will be surplus and equipment will be used to outfit new van. Anticipated cost to outfit the new van is \$1,500.

Sheriff mentioned that week of April 15 will be Telecommunicator Appreciation week and some recognition will be set. More information will be coming.

Deputy States Attorney Eddy Tarbay presented an activity report including information on current cases, # of people in custody, upcoming Grand Jury cases, case load shift due to departure of Mr. Tarbay, working with surrounding area States attorney and Attorney General to help with any gaps.

Motion by Erk, Second by Herman to enter into Executive Session: Legal Counsel 1-25-2(3) at 10:58 AM. Vote Unanimous. Motion Carried. Exited Executive Session at 11:56 AM.

Motion by Erk, Second by Herman to approve and adopt the findings of fact and conclusion of law and recommendations presented by Robert L Morris as to employee number one. Vote Unanimous. Motion Carried

Motion by Erk, Second by Herman to approve and adopt the findings of fact and conclusion of law and recommendations presented by Robert L Morris as to employee number one and employee number two. Vote Unanimous. Motion Carried

Motion by Walton, Second by Harms to approve renewal application for Redwater Cannabis Dispensary License Renewal. Roll Call Vote Harms - aye Erk - nay, Walton - aye, Herman - aye, Ager - aye. Motion Carried.

Auditor Capp presented an activity report including election activities, Incode upgrade, and annual reporting completed. There will be drawing for order of candidates on ballot 1:00 PM April 5, 2024 in Commission Room.

Motion by Herman, Second by Walton to approve Chairman Ager sign Annual Renewal of State of South Dakota County Contract for Provision of Community Health Services Between Butte County and SD DOH. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Herman to approve revision of RESOLUTION 2024-02 Naming Deputies & Clerks . Auditor Capp explained the changes included adding appropriate SDCL for States Attorney and Equalization offices. Prior resolution included SDCL 7-7-20 only. Vote Unanimous. Motion Carried.

## AMENDED RESOLUTION 2024-02

### Naming Deputies & Clerks

**WHEREAS**, under SDCL § 7-7-20 if in the judgment of the Board of County Commissioners it shall be deemed necessary for the prompt and accurate dispatch of business in the office of County Treasurer, County Auditor, Register of Deeds to have deputies or clerks to assist in the daily operations of their offices, and

**WHEREAS**, under SDCL § 7-16-3, the State's Attorney may appoint one deputy or limited deputy who shall be a licensed attorney, and if authorized by the Board of County Commissioners may appoint one or more additional deputies who shall be licensed attorneys; and

**WHEREAS**, under SDCL § 7-16-7.1, subject to the approval of the Board of County Commissioners, a State's Attorney may employ paralegal and secretarial assistants as necessary for the efficient operation of the State's Attorney's Office, and

**WHEREAS**, SDCL § 10-30-1 establishes the Office of the County Director of Equalization; and

**WHEREAS**, SDCL § 10-3-11 authorizes the County Commission to appoint deputies to the County Director of Equalization; and

**WHEREAS**, the volume and work load of these individual offices exceed the abilities of one single individual, and

**WHEREAS**, the Butte County Fiscal Year 2024 Budget has funds allocated for the deputy or clerk positions, and

**WHEREAS**, the fixed number of deputies or clerks to be employed, the time of employment and compensation which they shall receive must be set,

**BE IT THEREFORE RESOLVED**, the Butte County Board of Commissioners authorize the County State's Attorney to employ two full full-time deputies and three full-time clerks, the County Auditor's office to employ two full-time deputies and one full-time clerk, the Register of Deeds office to employ a full-time deputy, and the County Treasurer's office to employ a full-time deputy and three full-time clerks for the fiscal year 2024 at the compensation rate as established in the Year 2024 Wage Resolution.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2024.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s: \_\_\_\_\_

JAMES AGER, CHAIRPERSON

ATTEST: /s: \_\_\_\_\_

Annie Capp, BUTTE COUNTY AUDITOR

Committee Reports were given:

- Erk - none
- Harms - none
- Walton none

- Herman - none
- Ager - none

Motion by Walton, Second by Erk to enter into Executive Session: Personnel 1-25-2(1) at 12:09 PM. Vote Unanimous. Motion Carried. Exited Executive Session at 12:30 PM. There was no action taken as a result of Executive Session.

Old/Unfinished Business: Auditor Capp updated commissioners on County Property sale status.

New Business: Upcoming TIF meetings will be held 03Apr2024 after city planning meeting.

Motion by Erk, Second by Herman to adjourn the meeting at 12:33 PM. Vote Unanimous. Motion Carried.

## **Payments**

### **SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,581.16, AUDITOR'S OFFICE \$12,746.04, BUILDING \$4,072.20, COMMISSIONERS \$4,158.92, DISPATCH \$14,006.08, ELECTION \$1,820.43, EM/911 \$940.58, EXTENSION \$1,896.30, HIGHWAY DEPT/WEED CONTROL \$29,060.10, JUDICIAL \$1,057.11, NURSE'S/WIC OFFICE \$1,968.00, REGISTER OF DEEDS OFFICE \$4,658.22, SHERIFF/JAIL DEPT \$22,937.21, STATES ATTORNEY OFFICE \$13,878.15, TREASURER'S OFFICE \$9,950.23, VETERAN SERVICE OFFICE \$879.91.

### **COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$10,144.72

### **SDRS RETIREMENT**

BUTTE COUNTY SHARE \$7,587.94

### **GROUP INSURANCE**

BUTTE COUNTY SHARE \$0.00

### **PROFESSIONAL SERVICES**

R BCHMN \$120.00, ECOLB \$200.00, PNNINGTN CO JAIL \$613.73, YNKTN CO SHRFF \$50.00, SD DEPT TRNS \$22,632.82, BHVR MNGMNT \$400.00, MNMNT HLTH \$1,288.50, RDWD TXCLGY \$95.69, RDLGY ASSOC \$337.05, BARNAUD LAW \$5,086.36, STRGS AMBLNCE \$306.15, SDML WRKRS' COMP \$1,243.00, LWS & CLARK BHVRL HLTH \$426.00, DUBL STAR \$772.83, AMG \$35.18, SD PBLC ASSRNC ALLNCE \$799.26, K HUNT \$1,250.00, NTL SHRFFS' ASSOC \$250.00, ARCHTCTRL SPCLTS \$404.37, PNNINGTN CO SHRFF \$226.00, BH TITLE \$359.98, NMR \$165.00, ALPINE MPRSSNS \$140.00, GRAHK TECH \$75.00, WTNSS FEES \$85.50, YOUNGBRG LAW \$380.75, BUTTE CO SHRFF \$1.20, A-Z SHRDDNG \$59.24, CO DRG \$821.44, W MOSS 1,400.00

### **PUBLICATIONS**

BH PIONEER \$294.08

### **RENT/LEASE**

LXSNXS \$332.00, THMSN REUTRS \$337.39, A&B BSNSS SLUTNS \$237.58, PTNY BOWS \$1,068.48, CNTRY BSNSS \$981.57, DJ CNSTRCTN & DEV \$1,450.00

### **REPAIRS/MAINTENANCE**

BNNY'S BDY \$503.50, FIRE PRO \$30.00, DKOTA FLUID PWR \$370.00

### **SUPPLIES**

WSTRN CNSTRCTN \$275,107.05, MCLEODS \$3,940.73, OFFCE MPORM \$558.04, PRNT MKRT \$1,193.51, STEREOS N STUFF \$179.92, QUIK SIGNS \$333.59, SD FDRL PRPRTY AGENCY \$165.00, LAWSN PRDCTS \$59.75, DMC WEAR PRTS \$506.00, O'REILLY

AUTO PRTS \$478.48, AXN NTRPRS \$3,601.79, SIGN SLUTNS \$2,472.63, HLLYRD  
\$529.22

**TRAVEL/CONFERENCE**

RMKOTA HOTL \$414.00

**UTILITIES**

BF CITY \$398.76, BH NRGY \$816.80, BLUPEAK \$1,692.92, RFUSE SLUTNS \$363.92,  
AT&T \$38.08, CNTRYLNK \$250.49

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**APPROVED BY THE COMMISSION:**

James Ager, Chairperson

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**ATTEST:** Annie Capp, BC Auditor