

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

Tuesday, October 18th, 2022

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 1:00 P.M. on August 16th, 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 one change (add Executive Session Consulting with Legal Counsel SDCL 1-25-2(3)). Vote Unanimous. Motion Carried

Motion by Herman Second by Walton to approve the Regular Scheduled Minutes from October 4th, 2022, with no changes; Vote Unanimous. Motion Carried

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

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER
BUTTE COUNTY
September 30, 2022**

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$	103,316.74	
First Interstate Bank	\$	1,756,684.10	
Pioneer Bank & Trust	\$	<u>475,934.15</u>	
Total Checking/Savings Accounts	\$		2,335,934.99

INVESTOR ACCOUNTS

Pioneer Bank and Trust		1,723,184.74	
First Interstate Bank Account	\$	<u>7,989.65</u>	
Total Investor Accounts	\$		1,731,174.39

CERTIFICATE OF DEPOSIT

First National Bank	\$	2,743,230.90	
Pioneer Bank & Trust		<u>0.00</u>	
Total Certificates of Deposit	\$		2,743,230.90

Cash on Hand	\$	<u>1,745.00</u>	
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TOTAL CASH ACCOUNTS	\$	<u><u>6,812,085.28</u></u>	
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Insufficient Fund Checks In-process	\$	<u>2,277.30</u>	
Total General Ledger Balance	\$		6,814,362.58

/s/ Annie Capp 10/14/22
COUNTY AUDITOR SIGNATURE DATE

/s/ Debra Lensegrav 10/14/22
COUNTY TREASURER SIGNATURE DATE

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

LIEN REPORT BUTTE COUNTY

	<i>EXPENSES SEP 2022</i>	<i>EXPENSES YTD</i>	<i>RECOVERED JUL 2022</i>	<i>RECOVERED YTD</i>
CAA/PUBLIC DEFENDER	\$ 14,037.56	\$ 127,900.91	\$ 1,753.52	\$ 37,456.69
JAIL	\$ 35,175.16	\$ 219,549.87	\$ 2,011.73	\$ 25,031.76
POOR LIEN	\$ 1,026.00	\$ 3,314.74	\$ 0.00	\$ 0.00
REGIONAL JUVENILE DETENTION	\$ 1,625.00	\$ 5,270.00	\$ 0.00	\$ 0.00

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

Travel Requests: None

Committee Reports were given:

- Harms – Railroad Authority had a special meeting to give Belle Fourche Development Corporation authority to apply for and manage two grants.
- Walton – BF Development Corp is on housing needs

Auditor Capp mentioned she was contacted by DANR to set up a date/time for a community meeting to discuss water planning and permitting. Will have more information when date, time and location set.

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

- Kate Johnson of SD Canvassing spoke on ES&S tabulating equipment security, potential hacking of voting equipment. Ms. Johnson provided statistics on election security, voter registration rolls, and recent research done by SD Canvassing.
- Jessica Polema of Lincoln County spoke via phone regarding election integrity. She voiced concerns around using machines in election process, specifically for counting ballots, encouraged having local control instead of remote control by machines and stated that SD does not hold post-election audits.
- Katie Hoffmann expressed worry over election integrity and asked commissioners to spearhead efforts to bring control of elections to the people of Butte County. She stated this would go a long way to set people's mind at ease.
- Patty Niesent asked the commissioners to help determine next steps for her to close a road on her property that is no longer needed for access to property sold. The commissioners suggested she begin by visiting the Director of Planning.

Motion Ager second by Herman to enter Executive Session Consulting with Legal Counsel SDCL 1-25-2(3) at 1:38 pm. Out of Executive Session at 2:08 pm with no action.

Break for 10 min, reconvened at 2:20 pm

Mark Hespe was not available to speak on forming of new fire department. Item tabled until 01Nov2022 commission meeting.

Garet Hunt of CBH Co-Op and counsel Rhonda Miller presented reasons for commissioners to agree to abatement of 2020 and 2021 taxes. States Attorney LeEllen McCartney provided additional laws regarding similar situations. Item tabled until 15Nov meeting so remaining questions can be researched.

Motion by Ager Second by Herman to approve the abatement request for 15.71.02.02 and 15.71.02.02A in the amount of \$279.87 as presented by Director of Equalization Donna Jones. Vote Unanimous. Motion Carried

Motion by Herman Second by Walton to approve the abatement request for 17.00.01.03 in the amount of \$144.21 as presented by Director of Equalization Donna Jones. Vote Unanimous. Motion Carried

Auditor Annie Capp submitted Oath of Office to Mary Beth Kindsfater, Deputy Register of Deeds.

Motion by Walton Second by Ager to approve Final Plat: Owner: Diversified Incomes, LLC; Lots 3R, 4R, & 5R in Hay Creek Ranch; Located in the NE4 of Section 19 & the NW4 of Section 20, all in T8N, R2E, B.H.M., Butte County, South Dakota.

Motion by Walton Second by Herman to approve Final Plat: Owner: : Doug & Janice Persche; Lot 1 Tract A in the SW4NW4; Located in Section 18, T8N, R3E, B.H.M., Butte County, South Dakota.

Motion by Harms Second by Ager to approve Final Plat: Owner: Robert & Lacey Henwood; Lots C-1A & C-1B of Redwater View Subdivision; Located in the SW4 of Section 12, T8N, R2E, B.H.M., Butte County, South Dakota.

Motion by Ager Second by Walton to approve Final Plat: Owner: Michael & Shannon Kopp; Lots 1 & 2, A Subdivision of NE4SW4 Less Tract J of Jensen Subdivision; Located in Section 11, T8N, R3E, B.H.M., Butte County, South Dakota.

Highway Superintendent Dwayne Heidrich presented an activity report including graveling status, culvert installation, repair of barricade, fencing, and Orman Bridge

Superintendent Heidrich opened discussion on current highway employee wages. Department is unable to fill open positions at current wages. A wage comparison of 24 other counties was provided to commissioners.

Motion by Walton Second by Herman to approve \$2.00 wage increases to highway employees in the beginning, Skill Level 1, 2, 3, supervisor, mechanic, and foreman categories. Vote Unanimous. Motion Carried

Motion by Herman Second by Walton to approve Application for Occupancy on the Right of Way of County Highways – Butte Electric Coop – Orman Road – Trenching – innerduct for underground electric utilities. Vote Unanimous. Motion Carried

Sheriff Lamphere presented an activity report.

Sheriff Lamphere and Kailey Snyder of BH Council presented information on the 2022 BRIC funding for the Butte County Mitigation Plan due in 2024. The application will take one year to approve and finish mitigation plan.

Motion by Harms Second by Walton to authorize Chairman Richards to sign the Resolution of Appointment of Applicant Agent which gives approval for Sheriff Lamphere to sign and submit application on behalf of Butte County. Vote Unanimous. Motion Carried

Motion by Herman Second by Walton to authorize Chairman Richards to sign the Designation of Applicant Agent. Vote Unanimous. Motion Carried

State's Attorney LeEllen McCartney presented the State's Attorney office activity report including status of clearing dockets and setting trials vs settling active felonies/juvenile.

SA McCartney shared status of counter removal, Deputy SA applications, and a potential externship opportunity.

State's Attorney LeEllen McCartney presented information on corrective actions taken (pictures provided to commissioners) by Black Hills Bud in response to letter dated September 9, 2022.

Motion by Harms Second by Herman to approve Permit to Operate Manufacturing: GLP Custer, LLC/ DBA Greenlight. Vote Unanimous, Motion carried. Members of Greenlight were available for questions. Well (working on Commercial use) water to be used.

Auditor Capp presented a request for assistance from Vale Fire Department. Commissioners requested one total amount from all Fire Departments for approval. Auditor Capp and Sheriff Lamphere to coordinate with fire department.

Auditor Capp presented an update on election status including absentee/early voting ballots, mock election dates, public testing date, number of poll workers,

Capp shared emails she has received regarding hand counting ballots in Butte County. Discussion was held regarding hand counting. Capp provided some information on previous four election registered voters and voter turnout numbers, general election sample ballot. SD Codified law regarding counting of ballots, and test of four people hand counting ten ballots each – avg of 1.3 minutes per ballot.

Public Comments were taken including use of thumb drives, modems in tabulating machine, requests to do hand counting, post-election audit, recount process, legality of modems in tabulating equipment, forensic audit of tabulating equipment, equipment that can detect cellular activity without opening tabulator, revisiting hand counting if other SD counties go in this direction, the importance of consistency in elections, and voter control vs government control of elections.

Motion by Walton Second by Ager to authorize Auditor Capp to apply for Local Assistance and Tribal Consistency Fund – two distributions of \$ 256,246.37. Vote Unanimous. Motion Carried.

Auditor Capp presented payoff amounts required for completing leases or purchases of highway equipment. Public Hearing to supplement budget will be on 11/15/2022 agenda.

Auditor Capp presented quote received and recommendations from Sand Creek Printing to replace **chairs in** commissioner's room. Commissioners requested quotes on chairs without arms and folding chairs.

Capp mentioned the updated **commissioner handbook** sent to commissioners via email and asked how many hard copies to print (275 pages). Three copies were requested, and Capp was asked to get quote from Sand Creek Printing for cost.

Capp provided correspondence received including Water Management Board notice of public hearing to adopt rules, Thank you card from Connection Church was read and Thank you card was signed by commissioners for Connection Church.

New Business

- Auditor Capp gave quote on 3phase surge suppressor – damaged by lightening at \$549.00, available now. Comes with \$50,000.00 insurance

Motion Ager by Second by Walton to approve purchase of 3phase surge suppressor at \$549.00. Vote Unanimous. Motion Carried.

Motion Harms by Second by Herman to adjourn the meeting at 4:43 p.m. Vote Unanimous. Motion Carried.

Payments

SALARY

ASSESSOR'S OFFICE/PLANNING \$6,868.77, AUDITOR'S OFFICE \$7,199.09, BUILDING \$3,413.76, COMMISSIONERS \$3,927.84, DISPATCH \$8,593.10, ELECTION \$2,110.00, EM/911 \$890.36, EXTENSION \$1,481.60, HIGHWAY DEPT/WEED CONTROL \$19,932.34, JUDICIAL \$2,043.84, NURSE'S/WIC OFFICE \$1,828.01, REGISTER OF DEEDS OFFICE \$4,211.89, SHERIFF/JAIL DEPT \$23,101.63, STATES ATTORNEY OFFICE \$11,955.09, TREASURER'S OFFICE \$8,811.89, VETERAN SERVICE OFFICE \$788.95.

COUNTY SHARE FICA

BUTTE COUNTY SHARE \$7,865.45

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,007.96

GROUP INSURANCE

BUTTE COUNTY SHARE \$37,855.43

PROFESSIONAL SERVICES

SD PBLC HLTH LAB \$100.00, PNNINGTN CO JAIL \$365.77, SRVLL \$1,217.82, RAPD DLVRY \$33.80, MAPPNG & PLNNING SPCLS \$2,096.25, BHAVR MNGMNT SYSTMS \$400.00, PHARMCHM \$188.70, CHRIS BRLL \$360.00, ROYL LAWN CARE \$742.50, TRI-STATE CHROPRCTC \$100.00, BARNAUD LAW \$5,625.10, TERI ELLNGSN \$100.00, IAAO \$240.00, HLPRT & HALE \$1,437.10, DOUBL STAR \$7,427.80, HILLS INTERIORS \$649.63, KARN HNT \$701.30, SD DEPT OF LABR AND REG \$786.00, FSH WNDOW CLNING \$275.00, SCHLMGN LAW \$525.43, MNMNT HLTH \$2,075.11, MNUMNT HLTH RC HOS \$270.92, NTL MDCL RSOURCS \$500.00, WORK RGS \$2,639.14, BF LANDFLL \$5.33, LOFTS DNTL \$82.12, MNMNT HLTH NTWRK \$37.27, XCUTVE MGMT FNANCE \$8.82, KNNDY PIER LOFTS & REYNLDS \$212.10, KBOTA \$24,078.55, SCOTT WINTER \$675.00, B & B CRANE SRVCE \$7,251.04, JDOG \$250.00, KNNY LAW \$401.78, E-Z FAB \$1,100.60, COUNTY DRG \$379.89, HORN LAW \$222.20

PUBLICATIONS

BH PIONEER \$787.50, BF BEACN \$126.00

RENT/LEASE

CLLIGN \$26.00, BH PURE \$121.25, PROLINE EQPMNT RNTLS \$90.00, PTNY BOWS \$1,068.48, CNTRY BSNSS PRDCTS \$526.49

REPAIRS/MAINTENANCE

BUTLR MCHNRY \$860.31, SCOTT PETRSN MOTRS \$299.82, FRNTIER GLSS \$100.00, WST TIRE \$3,038.86, SD DEPT OF TRANS \$118,672.61, TRUENORTH STEEL \$945.00, BICKL TRCK & DIESEL \$1,859.23, TITN MACHNRY \$176.20, LNDSTAD'S ALIGNMNT \$500.00, ALLSTATE PETRBLT \$4,629.67

SUPPLIES

MCLEODS \$1,165.33, STRDVNT'S \$861.99, SAND CREEK PRNTNG \$1,358.07, RUNNINGS \$4,279.26, FRST INTRSTATE-MASTR CARD \$5,496.75, MCHELL MAY \$252.58, PRAIRIE AUTO PARTS \$9.48, NUTRN AG SLUTNS \$2,129.92, SIGN SLUTNS USA \$329.19, MARC \$70.87, MG OIL \$15,745.76

TRAVEL/CONFERENCE**UTILITIES**

BH NRGY \$492.89, MDU \$666.96, BUTTE ELCTRC \$165.81, BLUEPEAK \$1,652.09, TOWN OF NSLND \$75.76, GOLDEN WEST \$23.80, CNTRYLNK \$1,558.12

APPROVED BY THE COMMISSION:

Kim Richards, Chairperson

ATTEST: Annie Reich, Butte County
Auditor