

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

Tuesday, May 23, 2023

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 1:00 P.M. on May 23, 2023. Commissioners present were Harms, Ager, and Erk. Absent: Walton, Herman

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

Motion by Erk, Second by Ager to approve the meeting agenda with two changes (remove Chamber of Commerce (06Jun2023) and Newell Aquatics will not be there) changes. Vote Unanimous. Motion Carried.

Motion by Ager, Second by Erk to approve the Regular Scheduled Minutes from May 2nd, 2023, with no changes. Vote Unanimous. Motion Carried.

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

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER
BUTTE COUNTY
April 30, 2023**

CHECKING/SAVINGS ACCOUNTS

Wells Fargo Checking	\$	102,294.82	
First Interstate Bank	\$	6,831,561.68	
Pioneer Bank and Trust	\$	<u>50,960.81</u>	
Total Checking/Savings Accounts			\$ 6,984,817.31

INVESTOR ACCOUNTS

Pioneer Bank and Trust	\$	174,031.82	
First Interstate Bank	\$	<u>772,864.59</u>	
Total Investor Accounts			\$ 946,896.41

CERTIFICATES OF DEPOSIT

First National Bank	\$	2,760,219.49	
First Interstate Bank	\$	1,750,000.00	
Pioneer Bank and Trust	\$	<u>750,000.00</u>	
Total Certificates of Deposit			\$ 5,260,219.49

Cash on Hand			\$ <u>1,745.00</u>
--------------	--	--	--------------------

Total Cash Accounts			\$ <u>13,193,678.21</u>
----------------------------	--	--	-------------------------

Insufficient Fund Checks In-process			\$ <u>0.00</u>
--	--	--	----------------

Total General Ledger Balance			\$ <u>13,193,678.21</u>
-------------------------------------	--	--	-------------------------

/s/ Annie Capp 5/19/2023
COUNTY AUDITOR SIGNATURE DATE

/s/ Debra Lensegrav 5/19/2023
COUNTY TREASURER SIGNATURE DATE

Motion by Ager, Second by Erk to approve the County Lien Report. Vote Unanimous. Motion Carried. Auditor Capp provided some information on collection services.

**LIEN REPORT
BUTTE COUNTY**

	<i>EXPENSES APR 2023</i>	<i>EXPENSES YTD</i>	<i>RECOVERED APR 2023</i>	<i>RECOVERED YTD</i>
CAA/PUBLIC DEFENDER	\$ 15,949.11	\$ 76,271.45	\$ 7,165.72	\$ 19,898.93
JAIL	\$ 39,434.00	\$ 139,491.04	\$ 10,640.43	\$ 34,453.50
POOR LIEN	\$ 66.00	\$ -1,071.62	\$ 0.00	\$ 0.00
REGIONAL JUV DETENTION	\$ 9,450.00	\$ 11,280.00	\$ 0.00	\$ 11,741.58

Motion by Erk, Second by Ager to approve payment of bills per printout as presented with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

Motion by Ager, Second by Erk to approve payment of apportioning and other payments per printout with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners.

Motion by Ager, Second by Erk to approve the Register of Deeds Report. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Ager to approve Travel Request as presented with no changes. Vote Unanimous. Motion Carried.

- Dispatch – Katy Thompson to attend Advancement in Training Capabilities Workshop in Mitchell, SD from July 10-12, 2023.
- Emergency Management – Jasen Saivong to attend Public Assistance Training in Pierre, SD from July 18-19, 2023.
- States Attorney– Clara Kiley, CP to attend 2023 SDPA Annual meeting and training in Sioux Falls, SD from June 22-23, 2023.
- Dispatch – Krystal Tesch and Bailee Yule to attend Dispatch Training in Pierre, SD from June 4-16, 2023.

Abatements: None

Veterans Service Officer, Jasen Saivong, presented an activity report for April including disability compensation claims, spousal death, discharge papers, declaration of June as Post Traumatic Stress month, and transportation numbers. Mr. Saivong also provided an update on Emergency Management Administrator activities, including Grant Writing training he recently attended.

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

- Chairman Harms began Public Comments by stating that any derogatory or name calling would not be tolerated by the commission. Discussion was held regarding First Amendment rights specifically what was allowed during public meetings based on case law.
- Dale Simanton said that granting variances has caused a hardship for county to enforce ordinances further stating that variances were instituted due to lack of understanding of

the ordinance. Mr. Simanton was asked to take his seat due to comments about Commissioner Herman.

- After a discussion on using the podium and the purpose of Public Comments in public meetings, Ms. Hoffman was asked to use the podium or take her seat. Ms. Hoffman requested fair and consistent guidance.
- Katie Hoffmann quoted SDCL 7-16-14 regarding the complaint filed by citizens and response yet to be received. Ms. Hoffmann voiced concerns about the potential for building a new courthouse and not being put on the agenda to ask questions such as how it would be paid for and lack of transparency in this and other actions by the commissioners.
- Travis Ismay pointed out that the variance sets a precedence for all applicants. Mr. Ismay asked Chairman Harms if he should be keeping people off the agenda just because he could. Commissioner Ager was then asked why the audio video equipment hadn't gone anywhere. Mr. Ismay suggested that there were more people unhappy with the commission than they believed and that because of the marijuana establishments Butte County will lose tax dollars. Mr. Ismay thanked Commissioner Erk.
- Sue Broadhurst started with a quote from the bible. Ms. Broadhurst asked why she was removed from the agenda during the last meeting, while previously people were added after a request through the auditor. Ms. Broadhurst then discussed the timeline of marijuana establishment approvals, the checklist, and correlation of the 2nd amended ordinance and building permits. Ms. Broadhurst requested that all commissioners answer questions previously submitted.
- Rose Van Sickle thanked Commissioners Ager and Harms for their attempt at being commissioners and thanked Erk for working for the people of Butte County. Ms. Van Sickle suggested that commissioners were not listening to the majority of people in Butte County.
- Lacey Peterson commented on her history with legalized marijuana in Colorado while living in Douglas, WY. Ms. Peterson spoke on the increase in crime rate in Wyoming because of marijuana. Ms. Peterson suggested that no one was aware of the burden approving marijuana establishments would have on Butte County, specifically crime and agricultural issues.

Motion by Ager, Second by Erk to approve renewal of 2023-2024 Malt-Beverage licenses for Besler's Cadillac Ranch, Stone House Saloon, Hoover Store, and Wagon Wheel Weddings, LLC. Vote Unanimous. Motion Carried.

Highway Superintendent Dwayne Heidrich provided an activity report for the highway department including the culvert replacement, flooding, cattle guard replacements, culvert repairs, blading, and purchase of trailer.

Motion by Erk, Second by Ager to approve the surplus of 1977 GARD 6X11 Trailer for auction on Sunday, May 28th. Vote Unanimous. Motion Carried.

Motion by Ager, Second by Erk to approve Work Order/Proposal by Brosz Engineering for Gaver Bridge - St #10-114-395 for an amount not to exceed \$125,700.00. 20% county share budgeted in 2023. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Ager to approve Work Order by Brosz Engineering for 2023 Bridge Inspections for an estimated cost of \$20,700.00. Vote Unanimous. Motion Carried.

Motion by Ager, Second by Erk to authorize Chairman Harms and Auditor Capp to sign 2023 County Striping Agreement in the amount of \$8,365.94. Vote Unanimous. Motion Carried.

Motion by Ager, Second by Erk to approve patching quote from Sacrison Paving in the amount of \$70,626.00. Vote Unanimous. Motion Carried.

The Commissioners recessed the Board Of Butte County Commissioners at 1:55 p.m.

The Commissioners reconvened the Board Of Butte County Commissioners at 2:53 p.m.

State's Attorney LeEllen McCartney presented the activity report for her department including status of criminal, magistrate, and civil cases as well as jury trials, grand jury, and indictments. SA McCartney shared information from a meeting regarding Court appointed attorneys and how they are paid, potential for centralizing CAAs, lack of available CAAs, current fees, and training. SA McCartney mentioned the next distribution of Opioid funds, budget discussions, and recent activities with Belle Fourche Schools.

Motion by Ager, Second by Erk to enter Executive Session: Legal Counsel SDCL 1-25-2(3) at 3:04 p.m. Out of Executive Session 3:20 pm with no action. Vote Unanimous. Motion Carried.

Sheriff Lamphere provided an activity report for his department. Sheriff Lamphere mentioned one deputy and two dispatchers that are or will be attending training.

Sheriff Lamphere presented the commissioners with information regarding Hazard Mitigation Grant Program (HMGP) DR-5418 selection for the PDPM Plan Update.

Sheriff Lamphere mentioned the building and discussions with the auditor on 2024 budget. He mentioned the positive actions that are an everyday part of the county operations. Lamphere talked about medical marijuana approvals and frustration with DOH lack of information to help county make informed decisions on marijuana facilities. Sheriff Lamphere wanted to share information on need and timeline for assessing buildings which started with Court Security Grant and remodel required. HVAC was a minimum repair that needed to be considered. Some of the decisions to consider are the growth of county and need for additional space required for efficiencies. The County needs to gather information and make informed decisions – the Sheriff is trying to bring as much information to the commissioners to help them make the best decision for the county.

Auditor Annie Capp presented an activity report for the Auditor's Office including feedback from the SDACO Spring Workshop, provisional budget status, voter registration list maintenance, and summer study.

Motion by Ager Second by Erk to approve Auditor Capp to sign Election Systems & Software, LLC (ES&S) Election Services Agreement. Vote Unanimous. Motion Carried.

Motion by Erk Second by Ager to approve correction of Resolution 2023-03 payment to Belle Fourche Chamber from \$20,000 to approved amount of \$12,500. Vote Unanimous. Motion Carried.

RESOLUTION 2023-03

To Establish a Disbursement Schedule for Funds Paid Out

WHEREAS, each budget year over a half dozen entities receive funds from Butte County's Fiscal Budget, and

WHEREAS, the request for these budgeted funds are as the entities deem and the request for funding are not always timely, and

WHEREAS, in order to eliminate future cash flow and revenue problems and to improve the financial and managerial controls of County Funds and to provide the entities receiving funds for the fiscal year 2023 a firm payment schedule to work with,

BE IT THEREFORE RESOLVED that the established schedule of payments and amounts are authorized for automatic payment with the mid monthly payments:

25% County Road Reversion to Cities & Towns	One payment of \$12,523.00 in January.
Teen Court	One payment of \$5,000.00 in January.
Prairie Hills Transit	One payment of \$6,000.00 in January.
Compass Point	One payment of \$1,500.00 in January.
CASA	One payment of \$5,720.00 in January.
Action for the Betterment of the Community - One payment of \$1,500.00 in January.	
County Fair	One payment of \$10,000.00 in May.
Artemis House	Four payments of \$962.50 each in March, June, September, and December.
Soil Conservation	Two payments of \$1,250.00 each in April and August.
Fire	Two payments of \$27,076.00 each in June & December.
Ambulance	Up to \$94,652 contribution, payment to be made upon Butte County Commission approval.
Community Health Nurse	Four quarterly payments per State billings.
Predatory Animal	Twice a year as prescribed by law and billed by the State.
Library Services	One payment of \$6,297 to the City of Belle Fourche on or before January 20, 2023. One payment of \$3,778 to the City of Newell on or before January 20, 2023.
B.F. Economic Development	One payment of \$25,000.00 in May
B.H. Council of Local Govt	One payment of \$5,330.00 in May
BF Chamber of Commerce	One payment of \$12,500.00 in May. Corrected to \$12,500
Planning Commissioners	One payment of \$750.00 for each at-large Planning Commissioner in December.
Weed Board	One payment of \$300.00 for each at-large Weed Commissioner in December.

Dated this 23rd day of May 2023.

BOARD OF BUTTE COUNTY COMMISSIONERS

/s/_____

Stan Harms, CHAIRPERSON

BUTTE COUNTY SHARE \$9,062.73

SDRS RETIREMENT

BUTTE COUNTY SHARE \$6,856.61

GROUP INSURANCE

BUTTE COUNTY SHARE \$34,296.76

PROFESSIONAL SERVICES

SD PBLC HLTH LAB \$240.00, ECOLAB \$536.83, SRVLL \$998.72, SDACC \$778.00, MPPNG & PLNNING SPCLS \$7,675.13, ES&S 4,837.88, BHAVR MNGMNT \$400.00, ROYL LAWN CARE \$336.81, MNMNT HLTH \$240.00, BARNAUD LAW \$2,503.00, J QUNN \$100.00, T ELLNGSN \$50.00, SDACO \$800.00, CITY OF RC \$80.00, DUBL STAR \$9,888.46, AMG-AVERA OCCPTNL MDC \$70.36, KLINE FUNRL \$800.00, JUROR FEES \$494.86, NLSN LAW \$795.50, SCRAM SYSTEMS \$117.00, Z PRDCTNS \$399.00, LNOVO \$6,441.64, JDOG JNK RMVL \$250.00, SDDOR \$1,424.68, SDAAO \$750.00, ANDRWS LAW \$2,404.30, AMG BRAIN & SPINE \$55.05, KNNY LAW \$8,128.27, SD HUMN SRVCS \$600.00

PUBLICATIONS

BH PIONEER \$1,153.05

RENT/LEASE

DKOTA EQPMNT RNTL \$480.00, CLLGN \$66.00, BH PURE \$201.00, CENTRY BSNS \$733.88

REPAIRS/MAINTENANCE

BTLR MCHNRY \$6,308.20, HRSRDS \$1,017.00, WST TIRE \$86.50, WSTRN COMM \$5,238.00, LIGHT & SRN \$4,046.00, NWLL SRVCE CNTR \$153.25, BICKL'S TRCK & DIESEL \$628.00, LNDSTD'S ALIGNMNT \$184.98, KONE \$479.01, WD LARSN CO \$1,723.22, G & R CNTRL \$189.00, POWRPHONE \$159.80, CORNTT CNSTRCTN \$204.00

SUPPLIES

LNN'S DKOTAMART \$180.32, STRDVNT'S \$588.67, MCGAS PROPANE \$1,383.08, OFFCE MPORM \$132.72, DKOTA LMBR \$1,914.09, PRNT MARK-ET \$496.77, PHSNTLND \$251.41, STEREOS N STFF \$186.36, SD FDRL PRPRTY AGNCY \$19,503.00, RUNNINGS \$2,576.30, FRST NTRSTATE-MSTR CARD \$3,528.73, CARL'S TRAILR SALES \$24.14, PRAIRIE AUTO PARTS \$344.78, O'REILLY AUTO PARTS \$136.10, AXN \$3,601.84, MJ'S MARKT \$11.98, HLLYRD \$319.16, MG OIL \$15,475.65

TRAVEL/CONFERENCE

UTILITIES

BH NRGY \$4,095.04, MDU \$1,303.23, BUTTE ELCTRC \$512.43, AT&T \$1,012.88, BLUPEAK \$1,447.11, NSLND TOWN \$75.76, GOLDN WST \$23.45, BUTTE MEADE SNTRY DST \$55.00, CENTRYLNK \$1,573.66

APPROVED BY THE COMMISSION:

Stan Harms, Chairperson

ATTEST: Annie Capp, BC Auditor