

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

**Tuesday, September 20, 2022**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 6:00 P.M. on September 20, 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 Herman Second by Walton to approve the meeting agenda with one change (table abatement). Vote Unanimous. Motion Carried

Motion by Walton Second by Ager to approve the Regular Scheduled Minutes from September 6, 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  
August 31, 2022**

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$	103,316.74	
First Interstate Bank	\$	2,657,247.49	
Pioneer Bank & Trust	\$	<u>475,926.06</u>	
Total Checking/Savings Accounts	\$		3,236,490.29

**INVESTOR ACCOUNTS**

Pioneer Bank and Trust		1,722,892.09	
First Interstate Bank Account	\$	<u>7,987.61</u>	
Total Investor Accounts	\$		1,730,879.70

**CERTIFICATE OF DEPOSIT**

First National Bank	\$	2,742,489.09	
Pioneer Bank & Trust		<u>0.00</u>	
Total Certificates of Deposit	\$		2,742,489.09

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

<b>TOTAL CASH ACCOUNTS</b>	\$		<u><u>7,711,604.08</u></u>
----------------------------	----	--	----------------------------

Insufficient Fund Checks In-process	\$	<u>2,277.30</u>	
Total General Ledger Balance	\$		7,713,881.38

<u>/s/: Annie Capp</u>	<u>9/15/22</u>
COUNTY AUDITOR SIGNATURE	DATE

<u>/s/: Debra Lensegrav</u>	<u>9/15/22</u>
COUNTY TREASURER SIGNATURE	DATE

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

### **LIEN REPORT BUTTE COUNTY**

	<b>EXPENSES AUG 2022</b>	<b>EXPENSES YTD</b>	<b>RECOVERED AUG 2022</b>	<b>RECOVERED YTD</b>
<b>CAA/PUBLIC DEFENDER</b>	\$ 11,021.40	\$133,061.53	\$ 7,104.84	\$ 35,703.17
<b>JAIL</b>	\$ 27,499.90	\$184,375.71	\$ 920.00	\$ 23,020.03
<b>POOR LIEN</b>	\$ 0.00	\$ 2,288.74	\$ 0.00	\$ 0.00
<b>REGIONAL JUVENILE DETENTION</b>	\$ 465.00	\$ 3,645.00	\$ 0.00	\$ 0.00

Motion by Herman Second by Walton 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 Printouts as presented by Auditor Annie Capp with no changes. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

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

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

- States Attorney Office – SA McCartney and Deputy SA Tarbay to attend States Attorney Training in Pierre, SD from Oct 4-5, 2022

Abatements: Abatement Request by Garet Hunt of CBH Co-Op tabled until 04Oct2022

Beginning at 6:15 PM the following citizens appeared during the Public Comment Session:

- Travis Ismay requested that the commissioners review the current cannabis ordinance section limiting the amount of cultivation facilities and read a letter by attorney David G. Evans.
- Deb Kukuchka stated her concerns with the amount of cannabis facilities approved in Butte County and shared some conversations she had with previous students on marijuana use in high school/s.
  - Commissioner Richards mentioned that the only place medical marijuana is at a permitted dispensary and Butte County must follow the ordinance in place.
- Michelle Evans shared her experience with her previous residence in Medford, Oregon, providing statistics and consequences of legalizing cannabis there. Ms. Evans also expressed concerns on consequences due to facilities – notably water.

Department of Legislative Audit Lead Auditor Bruce Hintz gave 2019-2020 Butte County legislative audit closing information including findings, required communications, internal control findings, and formal adjustments. No written findings were given, some oral recommendations were provided as well as adjustments to be made regarding classification changes only. Two areas of concern were outdated checks and use of Sourcewell for bidding. Report will be submitted and certified to Federal Audit Clearinghouse due to amount of Federal grants received during audit period.

Motion Walton second by Herman to authorize Chairperson Kim Richards to sign the Representation Letter. Vote Unanimous. Motion Carried.

Motion Harms, Second Walton to approve Final Plat as presented by Auditor Annie Capp: Owner: Johnson Family Trust; Tract A, A subdivision within the W2SW4; Located in Section 13, T9N, R6E, B.H.M., Butte County, South Dakota. Vote Unanimous. Motion Carried.

State's Attorney LeEllen McCartney presented the State's Attorney office activity report including felony and juvenile stats, grand jury status.

Motion by Harms Second by Walton to approve Permit to Operate Cannabis Cultivation – Center of the Nation Cultivation. Discussion was held with operators on water source and wastewater plans. Vote: Harms aye, Ager nay, Walton nay, Herman nay. Motion failed.

Motion by Harms Second by Walton to approve Permit to Operate Cannabis Manufacturing – Center of the Nation Cultivation. Vote: Harms aye, Ager nay, Walton nay, Herman nay. Motion failed.

Motion by Ager Second by Herman to review two permit to operate applications for Center of the Nation Cultivation (one cultivation and one manufacturing) until regular commission meeting 04Oct2022. Vote: Harms nay, Ager aye, Walton aye, Herman aye. Motion Carried.

State's Attorney LeEllen McCartney discussed the removal or move of counter in State's Attorney's Office. Quotes are being obtained.

McCartney shared information on the open Deputy States Attorney job announcement.

State's Attorney McCartney shared information on National Opioid Settlement. Motion Ager, Second by Herman to permit SA McCartney approval to apply for, update contact, and sign the Memorandum of Understanding. Vote Unanimous. Motion Carried.

SA McCartney provided update on State Cannabis Compliance Officer. State Department of health has hired Todd Leimser to fill the position. Plan for requirements and enforcement are being drafted to include training at state and local level. More information will follow.

Motion by Ager Second by Harms to approve first reading of Discretionary Formula Ordinance. Vote Unanimous. Motion Carried.

State's Attorney McCartney provided information on the Notice of Non-Compliance for Black Hills Bud and status of compliance regarding obscure fencing.

Sheriff Lamphere presented an activity report including jail numbers, activities, and staffing.

Sheriff Lamphere presented quotes on panic alarms from Architectural Specialties LLC. Table decision until grant information is determined.

Sheriff Lamphere gave an update on radio assessment of all Fire Departments in the County. Suggested that any money allocated to fire departments at end of year be restricted to radio purchases. Grants for fire department and communications are available as well.

Auditor Capp provided Commissioners suggested fee structure for GIS requests. Motion by Herman Second by Ager to approve \$4,000 for Shape GIS data requests. Vote Unanimous. Motion Carried.

Motion by Harms Second by Walton to move from General Fund Restricted Cash Building (101-107.3) to General Fund Cash (101-101) amount of \$198,758.20.

Motion by Herman Second by Walton to approve wage increase request as presented by Auditor Capp. Vote Unanimous. Motion Carried.

- States Attorney - Amy Welles move to Skill Level 3, Tier 2 \$21.77 based on education and experience

Auditor Capp provided Election status update including Absentee/Early voting starting 09/23/22, SOS provided Ballot Question pamphlet, and Voter Registration deadline 10/24/2022.

Final Budget schedule sessions to begin Monday, September 26<sup>th</sup> at 10:00 am. More sessions will follow if needed.

Capp provided correspondence received including upcoming Be an Educated Voter by Whatever It Takes Coalition 10/25/2022 and Board of Water and Natural Resources public hearing 09/29/2022. Richards mentioned the Mitigation plan with BH Council process will begin and takes approximately a year to complete

Motion Ager second by Herman to enter Executive Session Personnel SDCL 1-25-2(1) at 7:44pm. Out of Executive Session at 8:00 pm with no action.

#### **Committee Reports were given:**

- Capp provided a status update on community water information outreach and will reach out to Economic Development.
- Walton gave a report on Economic Development meeting
- Harms shared continuing concerns on water issues during planning meeting
- Harms said that Economic Development Director Hollie Stalder volunteered to come share information about railroad and housing in a future commission meeting. Walton to follow up
- Richards gave an update on Butte County Ambulance board

#### **Old Business**

#### **New Business**

- Capp shared Draft Application for Special Malt Beverage Retailers License.
- Ager mentioned electricity to be turned off at fairgrounds
- Treasurer Lensegrav suggested revisiting carpet needs in October meeting

Motion Ager by Second by Herman to adjourn the meeting at 8:22p.m. Vote Unanimous. Motion Carried.

#### **Payments**

##### **SALARY**

ASSESSOR'S OFFICE/PLANNING \$6,868.78, AUDITOR'S OFFICE \$7,199.10, BUILDING \$3,413.76, COMMISSIONERS \$4,047.84, DISPATCH \$12,169.00, ELECTION \$2,110.00, EM/911 \$890.36, EXTENSION \$1,481.60, HIGHWAY DEPT/WEED CONTROL \$18,304.27, JUDICIAL \$2,109.70, NURSE'S/WIC OFFICE \$1,828.01, REGISTER OF DEEDS OFFICE \$4,211.89, SHERIFF/JAIL DEPT \$23,447.18, STATES ATTORNEY OFFICE \$11,831.09, TREASURER'S OFFICE \$8,811.90, VETERAN SERVICE OFFICE \$788.95.

##### **COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$8,039.91

##### **SDRS RETIREMENT**

BUTTE COUNTY SHARE \$5,946.34

##### **GROUP INSURANCE**

BUTTE COUNTY SHARE \$37,321.57

**PROFESSIONAL SERVICES**

ECOLAB \$514.25, PNNINGTN CO JAIL \$3,695.21, BTLR MCHNRY \$2,623.02, SRVLL \$1,038.71, FRNTIER GLASS \$1,826.77, YANKTN CO SHRFF OFFCE \$50.00, TYLR TECH \$449.00, WSTRN SD JUVNLE SRVCS \$1,625.00, BHAVR MNGMNT \$1,200.00, BH WNDSHLD RPAIR \$350.00, PHARMCHM \$125.80, MEADE CO AUDTR \$30,400.00, AT&T \$921.26, ROYL LAWN CARE \$407.00, SD DEPT OF PBLC SAFTY \$3,090.00, BICKL TRCK & DIESEL \$15,360.29, LVRNGTN FUNRL HOME \$800.00, BH URGNT CARE \$152.00, BARNAUD LAW \$4,350.40, SHAWN FSCHR \$350.00, JANE QUINN \$50.00, TERI ELLNGSN \$100.00, CITY OF RC \$360.00, PIONEER BANK & TRST \$767,826.20, KONE \$463.04, AMG AVRA OCCPTNL MDC \$33.50, DARCY LCKWD \$15.00, ALLSTATE PETRBLT \$494.50, ARCHTCTRL SPCLTS \$31.89, JUROR FEES \$482.64, SD DEPT OF LABR AND REG \$50.55, SCRAM \$549.90, MNMNT HLTH \$177.31, MNMNT HLTH RC \$248.60, WRK RGS \$1,354.99, BUTTE CO EQPMNT \$1,681.61, SNFRD HLTH OCCPTNL \$35.00, DAN FOX \$165.07, VAL LARSEN \$15.00, CO DRG \$146.34, SD PBLC HLTH LAB \$440.00, ARROWWD RSRT \$544.60, Z PRDCTNS \$395.00

**PUBLICATIONS**

BH PIONEER \$2,888.47

**RENT/LEASE**

CULLGN \$40.00, BH PURE \$214.50, OFFNDRWTCH \$1,351.88, CNTRY BSNSS PRDCTS \$744.24

**REPAIRS/MAINTENANCE**

WEST TIRE \$1,114.88, BRNR AUTO RPAIR \$1,503.10, THE PLMBR \$342.60

**SUPPLIES**

LNN'S DKOTAMART \$74.61, MCLEODS \$878.00, STRDVNT'S \$276.73, SCTT PETRSN MOTRS \$1,982.16, OFFCE MPORM \$353.54, 212/79 SRVCE CNTR \$284.98, NWLL SRVCE CNTR \$79.52, RNNINGS \$989.78, FRST INTRSTATE-MASTR CARD \$2,796.81, CBH \$3,858.38, MCHELL MAY \$635.49, CARL'S TRAILR SALES \$11.57, NWLL HARDWARE \$12.59, BLUE360 MEDIA \$281.78, PRAIRIE AUTO PARTS \$ 35.30, O'REILLY AUTO PARTS \$18.98, GALLS \$21.44, NATL TST SYSTMS \$1,923.20, HLLYRD \$457.41, MG OIL \$12,102.48

**TRAVEL/CONFERENCE**

SDSU EXTENSION \$139.32

**UTILITIES**

BH NRGY \$630.92, MDU \$284.03, BUTTE ELCTRC \$152.01, BLUEPEAK \$1,628.34, TOWN OF NSLND \$75.76, GOLDN WEST \$23.45, CENTRYLNK \$1,558.71

---

APPROVED BY THE COMMISSION:

Kim Richards, Chairperson

---

ATTEST: Annie Capp, Butte County Auditor