

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 6, 2023**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 9:30 A.M. on April 6<sup>th</sup>, 2023. The meeting was recorded. Commissioners present were Harms, Ager, Walton, Herman, and Erk.

Motion by Erk Second by Ager to approve the meeting agenda with no changes. Vote Unanimous. Motion Carried.

Motion by Herman Second by Walton to approve minutes of 21Mar2023 Regular Meeting Minutes with no changes. Vote Unanimous. Motion Carried. Auditor Capp said she would have an update on minutes to be revised for 07Dec2021 and 06Sep2022 at the 18Apr2023 meeting with the audio recording clips available for new commission board to review.

Motion by Ager Second by Herman to approve the Bills for Payment as presented by Auditor Annie Capp. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

Motion by Herman Second by Walton 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 Ager to approve Travel Requests as presented with no changes. Vote Unanimous. Motion Carried.

- Emergency Management – Jasen Saivong to attend Grant Writing Training in Pierre, SD on May 18-19, 2023.
- States Attorney – SA LeEllen McCartney and DSA Edward Tarbay to attend DUI course in Deadwood, SD May 3, 2023.
- States Attorney – SA LeEllen McCartney and DSA Edward Tarbay to attend States Attorney Conference in Deadwood, SD May 4-5, 2023.
- States Attorney – DSA Edward Tarbay to attend Additional Trial Advocacy Training in Milwaukee, WI from Sept 11-13, 2023.

Motion by Walton, Second by Erk to approve the abatement request for 16.01.028.06 in the amount of \$893.68 and 16.02.06.04 in the amount of \$ 268.93 as presented by Treasurer Debbie Lensegrav. Vote Unanimous. Motion Carried.

State's Attorney LeEllen McCartney presented an activity report including statistics on prosecutorial activities first quarter 2022 compared to first quarter 2023. SA McCartney specifically mentioned underage use of tobacco and alcohol. Trial cases are steady and jail numbers are up.

Beginning at **9:45 A.M.** an opportunity for Public Comment was opened.

- Dale Simanton spoke on Fentanyl deaths, Fentanyl and Ziloscene laced marijuana. Mr. Simanton requested that commissioners not approve any variances, brought up Commissioner Ager's Oath of Office, and States Attorneys role in granting variances.
- Katie Hoffmann asked that the Subdivision Ordinance be approved as written. Ms. Hoffman also mentioned research on the States Attorney's role, potential breaking of oaths based on lack of impartiality, an affidavit she received from Mr. Nathan Salway, and asked that Commissioner Ager recuse himself from future votes and/or resign.

- Sue Broadhurst expressed her disappointment at not receiving a response to questions presented to Commissioners 21Mar2023. Ms. Broadhurst received a response on the Administration building question.
- Travis Ismay asked which ordinance cannabis establishments the County was enforcing and stated that variances were not the correct answer, making the ordinance useless. Mr. Ismay also suggested that enforcing the ordinance is not being done and needs to be addressed soon.

Motion by Herman, Second by Ager to go into Executive Session: Personnel SDCL 1-25-2(1) at 9:59 A.M. Vote Unanimous. Motion Carried. The Commissioners came out of executive session at 10:17 A.M.

Motion by Erk, Second by Herman to go into Executive Session: Legal Counsel SDCL 1-25-2(3) at 10:17 A.M. Vote Unanimous. Motion Carried. The Commissioners came out of executive session at 11:17 A.M.

Declared recess until 11:22 am.

Auditor Annie Capp presented an activity report on behalf of Health Services County Nurse Malynnda Wolf including staff training, immunizations, WIC, Maternal Health, Child/Adolescent Services, Bright Start, Community Involvement, and Outreach and Outcomes 3-year plan.

Motion by Ager, Second by Walton to approve hiring of new employee by Highway Department at \$21.51 full wage. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Walton to approve purchase of pickup for \$19,500.00 by Highway Department for new employee. Vote Unanimous. Motion Carried

Motion by Walton, Second by Herman to approve Quotation # 179 for asbestos inspection survey, analysis, and report from ACE Services in an amount not to exceed \$2,600.00 as presented by Sheriff Lamphere. Vote Unanimous. Motion Carried

Sheriff Lamphere presented the Electronic Security Software Updates Quote from Architectural Specialties, LLC. Required after service on server at administration office.

Motion by Walton, Second by Herman to approve the Estimate # 2023-488 for access control and video surveillance software updates from Architectural Specialties, LLC. Option 2 in an amount not to exceed \$4,957.89. as presented by Sheriff Lamphere. Vote Unanimous. Motion Carried

Sheriff Lamphere provided information on Elevatus Architecture's initial inspection of County buildings. Elevatus will return with an assessment.

Planning Board Commissioners Tom Cooper and Heidi Lewis presented the Draft Subdivision Ordinance to the Commission Board for review. Ms. Lewis explained the history of the Subdivision Ordinance and the need for revisions based on Planning Board, Contractors and Landowner needs. More guidelines were added regarding water requirements and violation penalties. Discussion was held. Lysann Zeller of Black Hills Council of Local Governments was available to answer questions. The Ordinance will be on future commission meetings for 1<sup>st</sup> and 2<sup>nd</sup> Readings.

Auditor Capp presented an activity report including storm communication and School Elections to be held 11Apr2023.

Auditor Capp presented commissioners with a new job description for a Benefits Administrator. Capp provided estimated employee hours required and savings since going direct (\$120,000).

Auditor Capp explained that she would add these additional duties in her department and suggested a salaried wage of \$12,000 per year.

Motion by Erk, Second by Walton to add Benefits Administrator position within the Auditor's office. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Ager to add Benefits Administrator for salary of \$12,000 annually. Vote Unanimous. Motion Carried.

Motion by Herman, Second by Walton to approve Chair Stan Harms sign the Department of Health annual contract. Vote Unanimous. Motion Carried.

Motion by Erk, Second by Walton to approve a request for 160 hours of sick leave from the Butte County Sick Leave Bank. Vote Unanimous. Motion Carried.

. Redwater Cannabis counsel Nathan Chicoine was present to discuss the renewal application and the 2<sup>nd</sup> Revised Ordinance in place and the requirements of the ordinance as "grandfathering". Commissioner Erk mentioned that he was a 2<sup>nd</sup> cousin to MR. Chicoine but did not feel that this would cause any conflict on his part. Motion by Erk, Second by Herman to deny Red Water Cannabis Dispensary License Renewal based on Section 4.5a, Section 8. Roll Call Vote: Harms Nay, Ager Nay, Walton Nay, Herman Aye, Erk Aye. Motion Failed

Motion by Ager, Second by Walton to table until 18Apr2023 Red Water Cannabis Dispensary License Renewal pending further discussion with SA McCartney and Red Water Cannabis Dispensary counsel. Roll Call Vote: Harms Aye, Ager Aye, Walton Aye, Herman Aye, Erk Nay. Motion Carried.

Committee Reports were given:

- Herman and Walton attended Ambulance meeting focused on new agreement, Highway meetings, and met with Planning board regarding Subdivision Ordinance. Herman also mentioned BIG Grant (80/20) rewarded for Gaver Road Bridge. Additional Grants will be applied for in August.
- Walton – Leak in roof repaired and more inspections to come and Capp mentioned that FEMA project was ending and should be finalized 14Apr2023.
- Harms – met with Planning board regarding Subdivision Ordinance
- Capp – upcoming events by WIT on 04/19/2023 and 05/01/2023 shared with Commissioners

### **New Business**

- Commissioner Walton will be having surgery May 23<sup>rd</sup>.
- Auditor Capp and Director of Equalization Jones requested a date to schedule the 2023 Butte County Board of Equalization. Commissioners selected 24Apr2023 1:00 pm in commissioner room.
- Sheriff Lamphere stated that April 9-14<sup>th</sup> is Telecommunicators Appreciation week, stop in and say thank you to our dispatchers.

Motion by Erk Second by Ager to adjourn the meeting at 12:31p.m. Vote Unanimous. Motion Carried.

### **Payments**

#### **SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,675.21, AUDITOR'S OFFICE \$8,243.57, BUILDING \$4,430.39, COMMISSIONERS \$4,158.92, DISPATCH \$13,469.88, ELECTION \$2,047.98, EM/911 \$913.21, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$22,230.92,

JUDICIAL \$935.90, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$4,320.38, SHERIFF/JAIL DEPT \$20,371.83, STATES ATTORNEY OFFICE \$12,617.30, TREASURER'S OFFICE \$10,233.42, VETERAN SERVICE OFFICE \$828.40.

**COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$8,967.28

**SDRS RETIREMENT**

BUTTE COUNTY SHARE \$6,768.58

**GROUP INSURANCE**

BUTTE COUNTY SHARE \$0.00

**PROFESSIONAL SERVICES**

BHAVR MNGMNT SYSTMS \$400.00, MNMNT HLTH \$59.26, RDWOOD TXCLGY LAB \$46.45, BARNAUD LAW \$5,389.20, THMSN REUTRS-WST \$293.38, HLPRT & HALE \$4,229.96, DOUBL STAR 405.00, BH SCRTY & SYSTMS \$539.40, K HNT \$1,250.00, ARCHTCTRL SPCLTS \$389.34, SCHLMGN LAW \$715.15, NATL MDCL RSOURCS \$1,000.00, L TLLSCH \$34.00, SD DPT RVNU \$739.48, WITNESS FEES \$89.24, MNMNT HLTH HSPTL \$1,296.18, A-Z SHRDDNG \$335.32, RC EMRGNCY SRVCS \$145.43, W. MOSS \$700.00

**PUBLICATIONS**

RAGN COMM 99.99

**RENT/LEASE**

A&B BSNSS SLUTNS \$223.14, CNTRY BSNSS PRDCTS \$618.79, DJ CNSTRCTN & DVLPMNT \$1,450.00

**REPAIRS/MAINTENANCE**

SCTT PETRSN MOTRS \$152.30, WORK RGS \$1,035.00, AUTO PROS \$696.38

**SUPPLIES**

MCGAS PROPANE \$1,917.61, FLOYD'S TRCK CNTR \$226.15, OFFCE MPORM \$757.22, DKOTA LMBR \$42.99, SD DPT OF TRANS \$9,648.45, LXSNXS \$342.93, MCHILL MAY \$482.55, LAWSN PRDCTS \$811.75, O'REILLY AUTO PARTS \$113.91, SIGN SLNS \$105.53, LANLLC \$3,870.00

**TRAVEL/CONFERENCE**

ECONO LDGE \$66.00

**UTILITIES**

CTY OF BF \$382.50, BH NRGY \$3,934.09, AT&T MBLTY \$1,014.04, BLUEPK \$385.97, RFUSE SLUTNS \$352.01, BUTTE MEADE SNTRY \$55.00, AT&T \$38.07

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APPROVED BY THE COMMISSION:

Stan Harms, Chairperson

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ATTEST: Annie Capp, BC Auditor