

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

**Tuesday, January 17, 2023**

THE BOARD OF BUTTE COUNTY COMMISSIONERS CONVENED AT 1:00 P.M. on January 17, 2023. Commissioners present were Harms, Ager, Walton, Herman, Erk.

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

Motion by Erk Second by Walton to approve the meeting agenda with one change (addition of Children's Home Society request under Auditor). Vote Unanimous. Motion Carried

Motion by Walton Second by Ager to approve the Regular Scheduled Minutes from January 3<sup>rd</sup>, with one change (change Chairperson to Vice Chair on page 2), Vote Unanimous. Motion Carried

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

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER  
BUTTE COUNTY  
December 31, 2022**

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$	103,316.74	
First Interstate Bank	\$	1,851,454.95	
Pioneer Bank & Trust	\$	<u>50,949.02</u>	
Total Checking/Savings Accounts	\$		2,005,720.71

**INVESTOR ACCOUNTS**

Pioneer Bank and Trust		919,512.24	
First Interstate Bank Account		<u>1,511,592.61</u>	
Total Investor Accounts	\$		2,431,104.85

**CERTIFICATE OF DEPOSIT**

First National Bank	\$	2,751,302.62	
Pioneer Bank & Trust		<u>1,000,000.00</u>	
Total Certificates of Deposit	\$		3,751,302.62

Cash on Hand	\$		<u>1,745.00</u>
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<b>TOTAL CASH ACCOUNTS</b>	\$		<u><u>8,189,873.18</u></u>
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Insufficient Fund Checks In-process	\$		<u>0.00</u>
Total General Ledger Balance	\$		<u><u>8,189,873.18</u></u>

<u>/s/ Annie Capp</u>	<u>1/3/2023</u>
COUNTY AUDITOR SIGNATURE	DATE

<u>/s/ Debra Lensegrav</u>	<u>1/3/2023</u>
COUNTY TREASURER SIGNATURE	DATE

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

### **LIEN REPORT BUTTE COUNTY**

	<i><b>EXPENSES</b></i> <i><b>Dec 2022</b></i>	<i><b>EXPENSES</b></i> <i><b>YTD</b></i>	<i><b>RECOVERED</b></i> <i><b>Dec 2022</b></i>	<i><b>RECOVERED</b></i> <i><b>YTD</b></i>
<b>CAA/PUBLIC DEFENDER</b>	<b>\$ 23,203.35</b>	<b>\$ 204,893.43</b>	<b>\$ 1,296.29</b>	<b>\$ 44,114.14</b>
<b>JAIL</b>	<b>\$ 2,250.64</b>	<b>\$ 268,713.08</b>	<b>\$ 1,756.27</b>	<b>\$ 30,760.53</b>
<b>POOR LIEN</b>	<b>\$ 58.35</b>	<b>\$ 3,373.09</b>	<b>\$ 0.00</b>	<b>\$ 540.62</b>
<b>REGIONAL JUVENILE DETENTION</b>	<b>\$ 5,510.00</b>	<b>\$ 13,837.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>

Motion by Walton Second by Herman to approve payment of Bills per Printout as presented by Auditor Annie Capp. Auditor Capp to review late fees, request a waiver, check on different process to avoid fees at request of Commissioner Erk's request. Vote Unanimous. Motion Carried. Approval Sheet signed by all Commissioners and Auditor.

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

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

- VSO - Jasen Saivong to attend SDDVA Annual Training in Sioux Falls, SD from Sep 5-7, 2023.
- Auditor's Office – Sandy Heidrich and Annie Capp to attend Mock Election Training in Pierre, SD from January 22-23, 2023
- Sheriff's Office- Sheriff Lamphere to attend Western States Sheriff's Association Training Convention in Reno, NV from Mar 5-9, 2023.
- Sheriff's Office- Jason March and Thomas Myers to attend Lone Wolf - Active Shooter Response Training in Sundance, WY January 20, 2023. \*\*Rescheduled from Dec due to weather
- States Attorney – SA LeEllen McCartney to travel for interviewing summer intern candidates in Vermillion , SD Feb 2-4, 2023.

Abatements: Director of Equalization Donna Jones presented two abatements for commissioner review and approval

- Ginsbach - Motion by Herman Second by Erk to approve the abatement request for 15.26.0A.10 in the amount of \$672.10 (interest and assessment) as presented by Director of Equalization Donna Jones. Vote Unanimous. Motion Carried
- Abatement for 15.79.03.09 of \$3,577.91 as presented by Director of Equalization Donna Jones be sent to States Attorney for further review.

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

- Sabrina Harmon – Director of Whatever it Takes Coalition thanked Butte County participants, Deputy Brandon Fox and Extension Michelle May, from the County during the 11<sup>th</sup> Annual Leadership Day. Harmon thanked Sheriff's Office and Extension Michelle May for all of their participation in events throughout the year.
- Travis Ismay – mentioned changes regarding public comment process during Commission meetings and when public is able to ask questions of commissioners

outside of meetings. Chairperson Harms suggested that public can contact their commissioner anytime outside of meetings.

Veteran Service Officer Jasen Saivong presented an activity report including disability compensation claims, spousal death, and transportation numbers. Chairman Harms asked about upcoming assistance for veterans. VSO Saivong shared some information on qualifications and will provide more information as it comes. Applicants apply thru the VA not the VSO, but Mr. Saivong will direct them to the correct contact when asked.

Beginning at 1:30 a Public Hearing Budget Supplements from Cash Reserves (Increase in Spending Authority for 2022).

101-5-211	Sheriff	\$	115,723.00
206-5-315	Wheel Tax	\$	10,000.00
211-5-211	Fire	\$	50,000.00
248-5-216	24/7	\$	18,000.00
	<b>Total</b>	<b>\$</b>	<b>193,723.00</b>

Public Comments provided were:

- No publics from the public were provided

Motion Walton, Second Erk to approve Budget Supplements from Cash Reserves (Increase in Spending Authority for 2022). Vote Unanimous. Motion Carried

Hollie Stalder – Director of Belle Fourche Development Corporation provided an annual activity report including housing issues, discretionary formula, grant applications, Leadership Belle Fourche sessions with City and County are being rescheduled due to storm delays, strategic planning session, local business expansions and ways BFDC provided assistance to business owners, and status of Railroad project and financing to be returned to Butte County and City of Belle Fourche. Ms. Stalder will provide a link to share with Commissioners. The County was recognized for their work on the Discretionary formula.

Highway Superintendent Dwayne Heidrich presented an activity report including moving of snow, snow blower in use and repair of snow equipment in preparation.

Ordinance 2023-01 Butte County Cattle Guard Policy was presented to commissioners for discussion. Discussion included width requirements, landowner vs County responsibilities for maintenance, replacement, and cleaning cattleguards. Superintendent Heidrich explained reasoning for width requirements and restrictions for maintaining and cleaning cattleguards due to lack of County manpower. Other landowners present were asked for input on the cattle guard maintenance. Most notable was that the landowners are responsible for the cattle guard maintenance but use them very little compared to the public use of the roads and the concern over expertise required to safely maintain and repair cattle guards as well as closure of roads. Landowners were encouraged to call Highway employees and their commissioner with input.

Motion by Erk to send back for further review. Motion died due to lack of second.

Motion Herman, Second Ager to delay first reading of Ordinance 2023-01 Butte County Cattle Guard Policy until there is more discussion and review. Vote Unanimous. Motion Carried.

State's Attorney LeEllen McCartney presented the State's Attorney office activity report including 2023 grand jury was seated, interviews for interns, and statistics on crimes 2020, 2021, and 2022.

Motion Erk, Second Walton to approve Final Plat – Owner Greg Crow; Lot 1 and Lot 2, A subdivision of the SW4SW4, less Tract A; located in Section 35, T8N, R2E, B.H.M., Butte County, South Dakota. Vote Unanimous. Motion Carried

Director of Planning Donna Jones requested that the commissioners appoint Planning Board member Jim Smeenck as interim board member while applications are sought for a replacement. Commissioner Ager suggested that the County advertise for opening on board.

Motion Ager, Second Herman to appoint Jim Smeenck as an interim Butte County Planning Board member for January and February and advertise for opening to decide on 21Feb2023 meeting Vote Unanimous. Motion Carried

Ms. Jones introduced Cindy Mayes as new Butte County planner.

Sheriff Lamphere presented an End of Year Activity Report including calls, assists, and revenue for 2022.

Sheriff Lamphere gave an update on Active Shooter Equipment needs for his department. Some purchasing will be done in 2023. Deputies will be attending training and more information on needs will be determined at that time. Equipment purchased by Belle Fourche City Police Department was discussed.

Auditor Capp presented an activity report including status of Levies, 2023 payable tax bills, Department Head meeting, and Annual Report.

Motion Walton, Second Herman to approve revision of RESOLUTION 2023-02 Naming Deputies & Clerks – adding Deputy Director of Equalization. Vote Unanimous. Motion Carried

Dated this 17<sup>th</sup> day of January 2023.

### **RESOLUTION 2023-02**

#### **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 office of County State's Attorney, County Treasurer, County Auditor, Register of Deeds, and Director of Equalization to have deputies or clerks to assist in the daily operations of their offices, and

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

**WHEREAS**, the Butte County Fiscal Year 2023 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, three full-time clerks, the County Auditor's office to employ two full-time deputies, and two full-time clerks, the Register of Deeds

office to employ a full-time deputy, the County Treasurer's office to employ a full-time deputy, three full-time clerks, and the Director of Equalization to employ a full-time deputy, two full-time clerks for the fiscal year 2023 at the compensation rate as established in the Year 2023 Wage Resolution.

Dated this 17<sup>th</sup> day of January 2023.

BOARD OF BUTTE COUNTY COMMISSIONERS

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

Stanley Harms, CHAIRPERSON

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

Annie Capp, BUTTE COUNTY AUDITOR

Rushmore Cannabis Care has requested the withdrawal of their Manufacturing Application and asked if they can receive a full or partial refund of \$5,000 application fee. Per Ordinance 2021-02 application fees are non-refundable. No action taken

Auditor Capp provided background on current Lien recovery process, five year statistics on expenses/recoveries, and amounts owed to Butte County as of 2022. SA McCartney added input on challenges and supported turning the process over to a collection agency.

Motion Ager, Second Erk to approve Chairman Harms sign Northern Hills Collections Inc Service Agreement as presented by Auditor Annie Capp. Vote Unanimous. Motion Carried.

Auditor Annie Capp and Commissioner Walton gave an update on the request for office space by Shawn Burke, Executive Director of Western South Dakota Community Action. Discussion was held on fee for providing space and drafting of lease with WSDCAP. Auditor Capp to provide information to Mr. Burke. \*\* after further discussion it was decided due to air quality of building, we would not offer the space to anyone at this time.

Motion Herman, Second Walton to approve wage increases provided by Auditor Capp

- Jodi Crockford-Civil Deputy- Step 2-\$16.65 on 01/16/2023
- Cassandra Hale-Civil Deputy/24-7-Step 2-\$16.65 on 01/22/2023
- MaryBeth Kindsfater-ROD Deputy- Step 2- \$23.13 on 01/17/2023
- Cyndi Mayes-Planner-Step 2-\$17.96 on 01/25/2023
- Dwayne Heidrich-Tier 3-\$31.84 on 01/23/2023

Auditor Capp provided a letter from Children's Home Society requesting a payment of \$450.00 Motion Herman, Second Ager to approve a one-time payment of \$450.00 to Children's Home Society. Vote Unanimous. Motion Carried.

Committee Reports were given

- Erk: Fairground's meeting – Claire Donavon donated a computer and printer to Fairgrounds. Pig barn needs repairs – will check on insurance after June storm.
- Herman: Highway – met with Highway Department
- Walton: Ambulance will be coming up next week – new chair to be chosen; EDC meeting
- Ager: Planning meeting 10Jan2023, working on subdivision ordinance (target 1<sup>st</sup> reading 2<sup>nd</sup> meeting in February)
- Harms: Railroad Authority annual meeting – swore in two new members Kim Richards and Bob Nelson each for three year terms
- Capp: provided 2023 dates for upcoming workshops and conventions for commissioners to

### **Old Business**

- Butte County Comprehensive Plan needs to be updated in 2023. This is a twenty year plan that expired in 2022.
- Sheriff Lamphere suggested that a building study be done Courthouse prior to Court House Security grant project and HVAC updates (\$1.5 million). Some assessment considerations are air study in jail (environmentally unsafe), courthouse structure, and meeting and office space needs. Sheriff Lamphere will research firms that will come and assess the buildings prior to investing in Courthouse.
- Auditor Capp shared that Butte County has received a second National Opioid Settlement distribution of \$4,840.58. Considerations on where to use funds to be distributed was discussed - ABC, Compass Point, etc.
- Commissioner Ager asked about audio/video – Capp will request that Brett Penning attend the 07Feb2023 meeting
- Website updates were brought up and discussed – Auditor Capp will prepare RFP for commissioner approval.

### **New Business**

- Harms mentioned upcoming legislation on sales tax in counties.

Motion Ager, Second Herman to adjourn the meeting at 4:23 p.m. Vote Unanimous. Motion Carried.

### **Payments**

#### **SALARY**

ASSESSOR'S OFFICE/PLANNING \$8,360.85, AUDITOR'S OFFICE \$9,060.63, BUILDING \$4,502.07, COMMISSIONERS \$4,158.92, DISPATCH \$15,924.50, ELECTION \$2,058.41, EM/911 \$484.31, EXTENSION \$1,828.00, HIGHWAY DEPT/WEED CONTROL \$33,588.41, JUDICIAL \$907.97, NURSE'S/WIC OFFICE \$1,914.40, REGISTER OF DEEDS OFFICE \$7,362.85, SHERIFF/JAIL DEPT \$25,919.64, STATES ATTORNEY OFFICE \$12,637.62, TREASURER'S OFFICE \$9,473.18, VETERAN SERVICE OFFICE \$828.40.

#### **COUNTY SHARE FICA**

BUTTE COUNTY SHARE \$10,304.61

#### **SDRS RETIREMENT**

BUTTE COUNTY SHARE \$7,714.93

#### **GROUP INSURANCE**

BUTTE COUNTY SHARE \$34,373.26

#### **PROFESSIONAL SERVICES**

SD SCRTRY OF STATE \$30.00, ALLRT INS \$60.00, R BCHMN \$200.00, ECOLAB \$514.25, PNNINGTN CO JAIL \$3,344.89, SERVALL \$1,482.51, JUROR FEES

\$811.98, MPPNG & PLNNING SPCLS \$3,135.80, SD DEPT OF TRANS \$66,193.75, WESTRN SD JVNLE SRVCS \$1,495.00, MEAD CO AUD \$31,040.00, C BRILL \$234.00, RYL LWN CAR \$3,253.00, MNMNT HLTH HOSP \$662.88, A HILL CNS \$54.64, RFS SOL \$352.01, MID DAK VEG MAN \$725.70, CLLGN \$50.50, BRND LW \$1,265.00, T ELLNGSN \$250.00, BTT CO AMB BF \$60.00, FRST INT MC \$2,766.82, K DLHYD \$73.60, MCRFLM MGNG SYSTMS \$380.00, BH PURE \$87.75, KARN HNT \$1,351.00, RDWTR 4-H COUNCL \$480.00, PNNINGTN CO PBLC DFN \$79.00, ARCHTCTRL SPCLTS \$1,887.67, MNMNT HLTH \$566.10, CPFRST EQPMNT FNANCE \$42,009.20, KRUSE LAW \$297.70, CLNCL LAB BH \$2,495.00, KNNY LAW \$15,998.31, E-Z FAB \$42.50, CO DRG \$335.93

## **PUBLICATIONS**

BH PIONR \$235.95,

## **RENT/LEASE**

MCPHRN PROPANE \$25.00, PTNY BOWS \$5,000.00, PTNY BOWS GLBL \$801.42, CNTRY BSNSS PRDCTS \$449.98, DJ CNSTRCTN & DVLPMNT \$1,450.00

## **REPAIRS/MAINTENANCE**

BTLR MCHNRY \$3,298.15, FLOYD'S TRCK CNTR \$151.46, SCOTT PETRSN MOTRS \$123.88, PARTS ALLNCE NRTH \$213.98, POMP'S TIRE SRVCE \$4,848.00, ISC \$1,416.00, AUTO PROS \$158.30, CRNTT CNSTRCTN \$420.40

## **SUPPLIES**

LYNN'S DKOTAMRT \$137.78, STRDVNT'S \$219.62, MCGAS PROPANE \$2,466.51, SAND CRK PRNTNG \$305.91, PHSNTLND \$223.26, RNNNGS \$2,442.45, CBH \$4,191.13, M MAY \$449.79, NWLL HARDWARE \$263.06, PRAIRIE AUTO PARTS \$7.10, O'REILLY AUTO PARTS \$3.49, A & J CLTHNG \$591.87, STRGS RSPNDR SPPLY \$112.94, KDSTAR SAFTY \$185.00

## **TRAVEL/CONFERENCE**

ECONO LDGE \$300.00

## **UTILITIES**

BH NRGY \$611.44, BUTTE ELCTRC \$667.82, ATT MOB \$1,012.64, BLPEAK \$1,742.84, TWN NSLND \$75.76, GLDN WST \$23.80, BUTTE MEAD SNTRY \$55.00, CNTRYLNK \$1,543.65, XCTVE MGMT FNANCE \$45.96

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**APPROVED BY THE COMMISSION:**

Stanley Harms, Chairperson

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**ATTEST: Annie Capp, Butte County**  
Auditor