

5/20/09

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 1:05 P.M.  
May 20, 2009. Commissioners present were Hansen, Kindsfater and Smeenck.  
Commissioner Kling and Commissioner Harms were absent.

Chairman Ken Hansen called the meeting to order and led the group in the  
Pledge of Allegiance.

Motion by Kindsfater Second by Smeenck to approve the amended meeting agenda  
which includes the approval of a Grant Application for the Weed & Pest Department.  
Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenck to approve the minutes from the April 22, 2009,  
April 27, 2009, May 1, 2009 and May 5, 2009 Commissioner Meetings.  
Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater to accept the Auditor's Monthly Settlement with  
Treasurer Report for April 30, 2009. Vote Unanimous. Motion Carried.

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER**

**BUTTE COUNTY**

**April 30, 2009**

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$ 1,374,168.80	
Wells Fargo Sweep Account	<u>2,650,000.00</u>	
Total Checking/Savings Accounts		\$ 4,024,168.80

**INVESTOR ACCOUNTS**

First Western Bank	\$ 421,190.75	
Wells Fargo Investment Account	<u>422,080.39</u>	
Total Investor Accounts		\$ 843,271.14

**CERTIFICATES OF DEPOSIT**

FWB	\$ 221,746.04	
FNB	112,680.13	
NHFCU	106,859.08	
SSFCU	102,368.71	
PB&T	<u>983,000.59</u>	
Total Certificates of Deposit		\$ 1,526,654.55

Postage Meter/Postage 2,763.28

Cash on Hand 1,250.00

Cash Items 2,208.72

Butte Co Economic Development 76,317.16

Sheriff Credit Card Account 1,420.94

Sheriff Drug Seizure 570.75

Butte Co Emergency/Sheriff/State's Attorney 472.27

**Total Cash Accounts** **\$ 6,479,097.61**

Motion by Smeenk Second by Kindsfater to accept the following County Lien Report for April 2009. Vote Unanimous. Motion Carried.

**CAA/Public Defender Expenses – YTD-\$37,835.34**  
**CAA/Public Defender Recoveries – YTD - \$11,978.57**

**Jail Expenses – YTD - \$87,399.35**  
**Jail Lien Recoveries – YTD - \$3,085.98**

**Juvenile Detention Expenses – YTD - \$30,400.00**  
**Juvenile Detention Recoveries – YTD - \$34,377.18**

**Poor Lien Expenses – YTD - \$20,774.30**  
**Poor Lien Recoveries – YTD - \$50.00**

**LIENS APPLIED – April 2009**

Paula McClintick – CAA - \$484.28  
Theresa Lange – CAA - \$694.20  
David Slattery – CAA- \$375.60  
Calvin Valandra – CAA - \$142.00  
Joshua Herman – CAA - \$386.40  
Daniel Carreon – CAA - \$92.00  
Wendell Johnson – IVC - \$779.00  
Rex Flanagan – CAA - \$820.96  
Michael Dresel – CAA - \$509.83  
Robert Rodriguez – CAA - \$500.64  
Brian Sumners – CAA - \$114.50  
Toby Strohfus – CAA - \$762.50  
Tim Kaufman – CAA - \$514.20  
Juvenile - \$2,628.18

**Total: \$8,804.29**

Motion by Smeenk Second by Kindsfater to hold two (2) checks. Check number 968400 is payable to First Western Bank. Check number 968450 is payable to Butler Machinery. These checks will be held until further discussion with Sheriff Lamphere and Highway Superintendent Don Adams. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to approve the bills for payment. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Kindsfater to approve a travel request for Deputy Lowden to attend an *Investigative Domestic Related Homicide Course* on June 9<sup>th</sup> & 10<sup>th</sup>, 2009 in Pierre, SD. Vote Unanimous. Motion Carried.

Sheriff Lamphere would like to offer special recognition and say "Thank you" to Dallas Ford – Head Dispatcher and Ragine Hendrickson – Civil Transport Officer for their extra efforts in helping to prepare the 2009 Damage Assessment reports that needed to be sent to the State Office of Emergency Management. There was a crucial deadline that needed to be met and that was achieved by Ms. Ford and Ms. Hendrickson.

Sheriff Lamphere is taking applications for the Emergency Manager/E911 Coordinator position. He would like to schedule interviews for the week of May 26, 2009.

Sheriff Lamphere discussed with the Commissioners the cost to Butte County for mapping and addressing new home sites. During the 2010 Budget discussions, the Sheriff would like to have a Resolution passed to set a \$75.00 non-refundable fee to charge for an address. More research will be done with other counties to see if this is being implemented.

Sheriff Lamphere informed the Commissioners that he rejected a contract for \$10,000.00 from BLM for Law Enforcement at the Belle Fourche Reservoir. The monetary amount of \$10,000.00 is not enough compensation and not fair to the tax-payers of Butte County. The Sheriff's Department will assist when possible. Butte County will continue to work the weather center and will take 911 calls.

Motion by Kindsfater Second by Smeenck to direct Auditor Jensen to sign the First Western Bank Promissory Note for the amount of \$24,608.67 and the required documentation for the purchase of a 2009 Chevrolet Silverado Pick-Up for the Sheriff's Department. Check number 968400 is approved for payment to First Western Bank. Vote Unanimous. Motion Carried.

State's Attorney Tim Vander Heide introduced Mr. John M. Fitzgerald. Mr. Fitzgerald will be doing his Summer Internship in Butte County.

State's Attorney Tim Vander Heide introduced Attorney Varns to the Commissioners.

Motion by Smeenck Second by Kindsfater to go into an Executive Session at 2:23 p.m. regarding legal and personnel matters. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenck to come out of Executive Session at 3:15 p.m. Vote Unanimous. Motion Carried. No action was taken.

Motion by Smeenck Second by Kindsfater to approve an Indigent Claim for T.D. Vote Unanimous. Motion Carried.

Butte County Planning – Chairman Hansen turned the meeting over to Commissioner Kindsfater at 3:25 p.m. Commissioner Kindsfater abstains from voting due to a conflict of interest on items pertaining to Valley One Ranchette's.

Motion by Hansen Second by Smeenck to approve the Final Plat of Lots 1 Thru 6 of Valley One Ranchette's which is located in the SE1/4 SW1/4 of Section 5, T8N, R3E, BHM, Butte County, SD. Vote Unanimous. Motion Carried.

The meeting was turned back to Chairman Hansen at 3:27 p.m.

The American Colloid wants a Haul Road Agreement in place with Butte County for the Camp Crook Road. Plans are to start hauling in one – two years. The Commissioners directed Highway Superintendent Don Adams to send a letter to American Colloid stating that there are weight limits on the road. The tentative date of 2011 is scheduled for the box culverts to be replaced on the following structures:

Structure 4.2N of Jct. of US85 & Camp Crook Rd over a creek SN 10-100-213 &  
Structure 7.3N of US85 over Big Creek SN 10-093-178 (Camp Crook Rd)

Motion by Kindsfater Second by Smeenck to table the City/County Road Maintenance Agreement until the June 2, 2009 Commissioner's meeting. Vote Unanimous. Motion Carried.

Bridge Structure Number 10-496-106 that is on the Twilight Road, which is located 10.8 miles east and 3.5 miles south of Hoover, SD is closed until repairs are completed on the south berm of the structure. The estimated cost to repair the structure is \$110,000.00. Motion by Smeenck Second by Kindsfater to authorize Highway Superintendent Don Adams to advertise for Bids to repair the Bridge Structure. The Bids will close at 12:00 p.m. on June 17, 2009. Vote Unanimous. Motion Carried.

The Commissioners had concerns about the temporary bypass that was put in on the Camp Crook Road by Heavy Constructors, Inc. The bypass needs to be straightened and better accessible.

A request was made because of heavy truck traffic to have the speed limit reduced from 45 mph to 35 mph on Bait Road. The Commissioners instructed Highway Superintendent Don Adams to work through this request with a Haul Road Agreement with the trucking company that is currently doing the hauling on Bait Road.

Motion by Kindsfater Second by Smeenck to table the purchase of additional gravel at the Nisland Pit until the June 2, 2009 Commissioner's meeting. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater to accept the following Malt Beverage Applications for License Year 2009 –2010 and set the Public Hearing for Tuesday, June 2, 2009 to begin at 4:00 p.m. Vote Unanimous. Motion Carried.

The applications are as follows:

Extreme Enterprises LLC – Branding Iron Steakhouse & Saloon  
Leona McFarland – Hoover Store  
Kim W. Kling - Stone House Saloon LLC  
Miki Scheef – MishMash  
Besler's Cadillac Ranch LLC  
J.D. Enterprises – Wheel In Bait Shop

Motion by Smeenck Second by Kindsfater to accept the liquor license transfer application from Rags – 2 – Riches LLC to Miki Scheef - Mishmash and set the Public Hearing for Tuesday, June 2, 2009 to begin at 4:15 p.m. Vote Unanimous. Motion Carried.

Highway Superintendent Don Adam informed the Commissioners that he had met with a FEMA representative on May 19, 2009. They looked at numerous road sites that were affected by the spring storms.

Deputy Auditor Jerry Nelson discussed the SDRS Plan - Innovation Automatic Enrollment with the Commissioners. No action was taken.

After reviewing different phone plans the Commissioners directed Account's Payable – Mary Rosenau to proceed with acquiring a three (3) year contract from Knology. This contract will be available on June 2, 2009 for the Commissioners to sign.

Motion by Smeenck Second by Kindsfater to authorize Chairman Hansen to sign a Letter of Agreement for a Grant between the Butte County Weed & Pest Board and the South Dakota Weed & Pest Control Commission. The amount of the Grant is \$4,000.00 and it is for the time period of July 1, 2009 – June 30, 2010. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater to approve the FY2010 WIC Contract. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenck to authorize Chairman Hansen to sign the Request for State Aid for Salary of County Veterans Service Officer for 2009. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater for Commissioner Harms – 2008 Chairman and Auditor Jensen to sign the Promissory Note and Loan Agreement between the Belle Fourche Development Corporation and Butte County. This loan is for the principal sum of not more than \$50,000.00 with interest at the rate of 3%. The balance that is currently being held by Butte County is \$76,317.16. This money is to be used only to promote business and industry in the City of Belle Fourche and in Butte County. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Kindsfater to adjourn the meeting at 6:15 p.m. Vote Unanimous. Motion Carried.

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APPROVED BY THE COMMISSION:  
Kenneth D. Hansen, Chairman

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ATTEST: Elaine Jensen, Auditor