

5/19/10

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 1:15 P.M.  
May 19, 2010. Commissioners present were Kling, Kindsfater, Smeenk  
Harms and Hansen.

Chairman Kim Kling called the meeting to order and led the group in the  
Pledge of Allegiance.

Motion by Smeenk Second by Hansen to approve the amended meeting agenda  
which includes an Executive Session during the State's Attorney's time regarding legal and personnel  
matters, the approval of the Final Plat for Lot 1 of Haybrit Subdivision and move the report from the  
County Health Nurse - Linda Hoxie to 4:15 p.m. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to table the minutes from the May 4, 2010 meeting to the  
June 1, 2010. Vote Unanimous. Motion Carried.

Motion by Kindsfater Second by Smeenk to accept the Auditor's Monthly Settlement with  
Treasurer Report for April 30, 2010. Vote Unanimous. Motion Carried.  
The Auditor also distributed a General Ledger Fund Balance Report for April 30, 2010.

**AUDITOR'S MONTHLY SETTLEMENT WITH TREASURER  
BUTTE COUNTY  
April 30, 2010**

**CHECKING/SAVINGS ACCOUNTS**

Wells Fargo Checking	\$ 2,129,544.89
Wells Fargo Savings	\$ 693,532.99
Simply Service Federal Credit Union	<u>\$ 5.68</u>

**Total Checking/Savings Accounts** **\$2,823,083.56**

**INVESTOR ACCOUNTS**

First Interstate Bank Account	\$ 426,705.31
Wells Fargo Investment Account	<u>\$ 196,450.95</u>

**Total Investor Accounts** **\$ 623,156.26**

**CERTIFICATES OF DEPOSIT**

First Interstate	\$ 227,121.64
FNB	\$ 114,750.97
NHFCU	\$ 311.06
SSFCU	\$ 245,497.28
PB&T	<u>\$1,415,377.35</u>

**Total Certificates of Deposit** **\$2,003,058.30**

Cash on Hand	1,250.00
Cash Items	8,889.91
Postage Meter/Postage	2,525.55
Butte County Economic Development	76,534.82
Sheriff Drug Seizure	571.08
Sheriff Credit Card Account	1,500.00
Butte County Emergency/Sheriff	<u>2,136.95</u>

**Total Cash Accounts** **\$5,542,706.43**

/s/: Elaine Jensen 05/18/2010  
COUNTY AUDITOR SIGNATURE

/s/: Debra Lensegrav 05/18/2010  
COUNTY TREASURER SIGNATURE

Motion by Hansen Second by Kindsfater to accept the following County Lien Report for April 2010. Vote Unanimous. Motion Carried.

CAA/Public Defender Expenses – YTD-\$59,262.84  
CAA/Public Defender Recoveries – YTD - \$19,435.42

Jail Expenses – YTD - \$47,341.81  
Jail Lien Recoveries – YTD - \$6,742.50

Juvenile Detention Expenses – YTD - \$14,214.99  
Juvenile Detention Recoveries – YTD - \$200.00

Poor Lien Expenses – YTD - \$5,472.68  
Poor Lien Recoveries – YTD - \$150.00

**LIENS APPLIED – April 2010**

Brenda Soby – CRIM - \$1,152.00  
Derald Hayworth– CRIM - \$976.60  
Tim Kaufman – CRIM- \$533.00  
Theresa Nelson – CRIM - \$565.80  
Larry Judd – CRIM - \$328.00  
Juvenile - \$3,122.44  
A & N - \$3,879.14  
IVC - \$993.80

Total: \$11,550.78

Motion by Harms Second by Smeenk to approve the bills for payment per the computer printout. Vote Unanimous. Motion Carried.

Motion by Smeenk Second by Harms to accept the Register of Deeds report for April 2010. Vote Unanimous. Motion Carried.

There were no travel requests.

There were no abatements.

Sheriff Lamphere distributed the Activity Report for April 2010.  
Motion by Smeenk Second by Kindsfater to accept the Activity Report for April 2010 as presented by Sheriff Lamphere. Vote Unanimous. Motion Carried.

The Commissioners discussed Bennett County's request for a letter of support for the 911 surcharge increase Resolution that their county had proposed. The current surcharge of \$.75 has been in effect since 1992. The Commissioners decided to take no action. Mr. Percy Bekken – Butte County Emergency Manager / E911 Coordinator and Mr. Tom Sandvick – Lawrence County Emergency Manager / E911 Coordinator were also present.

Motion by Hansen Second by Smeenk to go into an Executive Session at 1:55 p.m. regarding legal and personnel matters. Vote Unanimous. Motion Carried. State's Attorney Tim Vander Heide was also present.

Motion by Hansen Second by Smeenck to come out of Executive Session at 2:15 p.m. Vote Unanimous. Motion Carried. No action was taken.

The Colloid By Pass and Haul Road Agreement will be submitted to Colloid for them to review.

A telephone conference was held at 2:15 p.m. with Colonel Toliver from Ellsworth Air Force Base regarding the expansion of the Powder River Training Complex. Deputy State's Attorney Heather Plunkett will rewrite Resolution 2010-14 and will present it at the June 1, 2010 meeting.

Mr. Michael Calhoun from TransCanada came before the Commissioners to discuss Butte County's Approach Application and Butte County's Haul Road Agreement. TransCanada will have a 30 acre pile yard which will be located in the Hoover Area.

Highway Superintendent Don Adams, Mr. Dave Rathbun, Mr. Pete Stark, and Belle Fourche Field Officer from the Watershed Coalition Mr. Tom Verhelst came before the Commissioners to discuss Steambank Stabilization on the Rathbun Road. The Watershed Coalition is willing to pay 50% up to \$20,000. Mr. Dave Rathbun is willing to pay \$5,000.00 and Butte County would pay the remaining balance. The Commissioners need actual costs before any decision will be made. The road is not on the County Road System and Commissioner Kindsfater feels that this matter is not a tax payer's concern.

Motion by Hansen Second by Smeenck to go into an Executive Session at 3:42 p.m. regarding legal & personnel matters. Vote Unanimous. Motion Carried. State's Attorney Tim Vander Heide was also present.

Motion by Kindsfater Second by Smeenck to come out of Executive Session at 4:26 p.m. Vote Unanimous. Motion Carried. No action was taken.

Due to a conflict of interest the meeting was turned over to Vice – Chairman Kindsfater at 4:30 p.m.

A Public Hearing was held to consider a liquor license transfer from Miki V. Scheef dba Mishmash to 212 Enterprises, L.L.C. This is a Retail (on-sale) liquor license approved for Sunday Sales. No one was present.

Motion by Harms Second by Hansen to approve the liquor license (No. RL – 5292) transfer as presented by Auditor Jensen. Vote Unanimous. Motion Carried.

Vice-Chairman Kindsfater turned the meeting back to Chairman Kling at 4:37 p.m.

Motion by Harms Second by Smeenck to authorize Chairman Kling to sign the 2011 WIC County Contract. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Smeenck to authorize Chairman Kling to sign a Force Account Agreement between the State of South Dakota acting by and through its Department of Transportation and Butte County. This agreement is necessary so that the Department of Transportation can reimburse Butte County for eligible costs associated with the approved 2009 Emergency Relief Projects. Vote Unanimous. Motion Carried.

Motion by Smeenck Second by Harms to accept the following Malt Beverage Applications and set a Public Hearing for Wednesday – June 16, 2010 at 4:00 p.m. Voting yes were Kindsfater, Smeenck, Harms and Hansen. Kling recused himself from voting. Motion Carried.

Malt Beverage Applications for License Year 2010-2011

- A. Extreme Enterprises LLC  
d/b/a – Branding Iron Steakhouse & Saloon  
Retail (on-off sale) Malt Beverage Sunday Sales
  
- B. Leona McFarland  
d/b/a Hoover Store  
Retail (on-off sale) Malt Beverage Sunday Sales
  
- C. Stone House Saloon LLC  
Retail (on-off sale) Malt Beverage Sunday Sales
  
- D. Miki V. Scheef  
d/b/a – Mishmash  
Retail (on-off sale) Malt Beverage Sunday Sales
  
- E. Besler’s Cadillac Ranch LLC  
Retail (on-off sale) Malt Beverage Sunday Sales
  
- F. 212 Enterprises LLC  
d/b/a 212 Bait & Tackle  
Retail (on-off sale) Malt Beverage Sunday Sales
  
- G. Half Mile Inc.  
d/b/a Butte County Speedway  
Retail (on-off sale) Malt Beverage Sunday Sales

Commissioner Smeenck left the meeting at 4:45 p.m.

The Butte County Commissioners congratulated Mr. Charles Richardson as his designation as a Certified Appraiser.

Motion by Hansen Second by Harms to approve the Final Plat of Riverside Tract 1A, located in the NW ¼ of Section 12, T8N, R5E, B.H.M. Belle Fourche, SD, for approval of exemption under #5 of Article III, Current residential owners, who may own 20 or more acres, requesting a division of land at the request of a financial institution or mortgage company because the financial institution or mortgage company will only loan money and accept a mortgage on a smaller tract of land of (5) or (10) acres. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Kindsfater to approve the Final Plat of Lot 1 of Haybrit Subdivision located in the N ½, NW ¼, Section 26 and S ½, SW ¼, Section 23m, T9N, R1E, B.H.M., Butte County, South Dakota and authorize Chairman Kling to sign the Plat contingent upon the satisfaction that the Real Estate Taxes are paid in full. Vote Unanimous. Motion Carried.

Commissioner Smeenck rejoined the meeting at 5:07 p.m.

Committee Reports were given.

Motion by Smeenck Second by Kindsfater to adjourn the meeting at 6:00 p.m. Vote Unanimous. Motion Carried.

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APPROVED BY THE COMMISSION:  
Kim W. Kling, Chairman

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ATTEST: Elaine Jensen, Auditor