

October 18, 2016

CALL TO ORDER

Chairperson Bode called the regular meeting of the Davison County Board of Commissioners to order at 9:00 a.m. All members of the Board were present. Also present was Auditor Kiepke.

PLEDGE

The Pledge of Allegiance was led by Chairperson Bode.

APPROVE MINUTES

Motion by Claggett, second by Kiner to approve the minutes from the October 11, 2016 meeting. All members voted aye. Motion carried.

OPEN MALT BEVERAGE/WINE LICENSE PUBLIC HEARING

At 9:15 a.m., motion by Kiner, second by Reider to open the public hearing concerning a malt beverage license and a wine license for RR Enterprises, Inc.

Steve Brinkman, representing RR Enterprises Inc., requested the hearing be continued until such time as his attorney could be present.

Chairperson Bode set November 10th, 2016 at 10:30 a.m. as the date and time to continue the hearing, as announced to those present.

RECESS PUBLIC HEARING

At 9:20 a.m., motion by Weitala, second by Reider to recess the public hearing to consider the malt beverage and wine license applications for RR Enterprises, Inc. until November 10th, 2016 at 10:30 a.m. All members voted aye. Motion carried.

APPROVE TEMPORARY HELP IF NEEDED

At the request of Auditor Kiepke, motion by Kiner, second by Claggett to authorize temporary help from now until the November 8, 2016 election to assist with absentee voting, if she feels it is necessary. All members voted aye. Motion carried.

REPORT ON CONSTITUTIONAL AMENDMENT S

States Attorney Miskimins appeared before the Board, as requested by Chairperson Bode, to comment on any ballot measures he felt would affect the taxpayers of Davison County.

In States Attorney Miskimins' opinion, there is only one ballot measure that would directly affect Davison County and that is Constitutional Amendment S, also known as Marcy's Law.

Miskimins reported that the defense bar as well as prosecutors across the state agree this law would not be in the best interest of South Dakota. What makes this interesting is that defense attorneys and prosecuting attorneys rarely agree on a criminal justice issue.

Miskimins explained the history of the bill by saying that the sister of the proponent was stalked and killed by her ex-boyfriend in 1983. A week later his mother was confronted by the accused murderer who had no idea he had been released from jail. This incident led to Proposition 9 which was passed in California.

Miskimins said the problem with the bill is it appears to stand for more rights for victims. However, since 1983, victims' rights in South Dakota have been widely expanded. In fact, the bill may hinder victims' rights.

Miskimins stated that two issues stand out to him regarding this amendment. The first is, if it is passed, is that the only way the law can be modified is through another constitutional amendment. He said current laws can be handled by the legislature which is more efficient.

This bill was not brought forward by local South Dakotans. South Dakota has already addressed many of the propositions in this amendment.

If this bill passes, every victim has the right to talk to the prosecutor. Every victim has the right to be notified of the release of the defendant. This bill will necessitate ignoring the bond schedule for the Clerk of Courts as every victim, whether it be Walmart who had a TV stolen or somebody who was brutally attacked, will have to be notified every time there is bond hearing and bond hearings will have to be held every day rather than on a schedule.

Miskimins says he fears victims of serious crimes are ultimately going to suffer under Marcy's Law because the same attention will have to be given to all victims, no matter the seriousness. This will cause less time to be able to be spent with any of the victims.

This will add additional requirements that will be the burden of States Attorneys which will mean additional staff and additional cost to counties. It will also cause additional costs for the county sheriff and jail.

As of right now, the States Attorney's office has an open door policy which allows alleged victims to communicate very easily. In addition, the SD Division of Criminal Investigation through the Attorney General's office and the South Dakota Highway patrol have victims' advocacy programs in place.

Miskimins believes at the end of the day, Marcy's Law is a solution searching for a problem. He further believes portions of the law would violate defendants' rights. The better way to make changes is to do it through legislation, not a Constitutional Amendment.

FAIRGROUNDS USE

Chairperson Bode continued the discussion regarding Fairgrounds use, particularly how it relates to the contract with Avera. Mr. Houwman, who was not present, brought some discussion items to the last meeting which Chairperson Bode will address. She reported she had reached out to several individuals and groups for comments since the initial meeting.

Bode believes the partnership between Davison County and Avera has been a positive venture. She says it has been good to stretch and find additional uses for the Fairgrounds facility. She also believes it has brought youth to the facility that may not have known it exists.

Bode reported she received positive feedback regarding security, as the door system works, no complaints of lights left on, doors left open, etc..., as well as parking.

She said the County will continue to utilize a 30-day calendar as she feels this is the fairest option.

One thing that will be emphasized is for renters to leave the facility as they found it. This is very important as the County employs one maintenance person for the facility who is not scheduled on holidays or weekends.

Mr. Houwman had suggested accruing blocks of time on the days they are unable to utilize the facility. Bode said that is not going to work. She said days are not counted, it is a monthly rental agreement. She said events, with the exception of one, are usually in and out in a day.

Bode also acknowledged, after she had done some research, that it would not be feasible for the County to do anything different with the floor, as suggested by Mr. Houwman.

Mr. Houwman had asked to put a sign in front of the Fairgrounds building with the Avera logo on it. Bode stated that since taxpayer dollars paid for the property and maintain the property, it would not be appropriate.

Mr. Houwman also had inquired about raising funds to help pay for equipment and such. Bode stated that if Avera chooses to find additional funding resources, that is entirely up to them. However, signage would not be an option in this case either.

Bode asked Auditor Kiepke to have a two-year contract drafted by Deputy States Attorney Taylor with rental payments to remain the same.

Bode further reported that approximately \$28,000 has been received in rental revenue in 2016, which includes monies paid by Avera. There have been 175 events held at the Fairgrounds in 2016.

APPROVE BILLS

Motion by Kiner, second by Claggett to approve the following bills for payment. All members voted aye. Motion carried.

GENERAL FUND:

COMMISSIONERS: Prof Fees/Ralph Kiner-200.00, Travel & Conf/Ramada Inn-436.00, Utilities/Mitchell Telecom-56.30, Dues/SDACC-3,876.00; **ELECTIONS:** Supplies/DS Solutions-175.00; **JUDICIAL:** Jurors-316.80, Law Library/ West Payment Center-884.50 **AUDITOR:** Rentals/Microfilm Imaging-194.00, Supplies/Fischer Rounds & Associates-80.00, Utilities/Mitchell Telecom-56.30, Mainframe Program/Software Services-480.00; **TRESURER:** Supplies/McLeod's-219.12, State MV Supplies/McLeod's-396.79, Utilities/Mitchell Telecom-114.13, Mainframe Support/Bruce Mastel-35.00, Software Services-160.00; **ST ATTORNEY:** Utilities/Mitchell Telecom-124.29; **INDIGENT DEFENDERS:** Third Party Billing/Morgan, Theeler-1,725.60; **ABUSE & NEGLECT:** Abused & Neglected Child/Morgan, Theeler-9,931.60; **PUB SAFETY BLDG:** Gas & Fuel/Meyers Oil-181.09; **GEN GOV BLDG:** Repairs & Maint/Golden West-75.00, Menards-27.97, Santel-45.00, Gas & Fuel/Meyers Oil-71.17, Gas & Electric-Northwestern Energy-2,868.08, Cable TV/Mitchell Telecom-65.37, Elevator Service/Schumacher Elevator-395.07, Building/Concrete Concepts-1,836.00, Minor Equip/Menards-29.99; **DOE:** Insurance/First Insurance Group-301.00, Gas/Meyers Oil-123.34, Utilities/Mitchell Telecom-115.89, Software Services-140.00, Vehicle Repair/Campbell Supply-279.37; **ROD:** Rentals/Bureau of Administration-19.68, Utilities/Mitchell Telecom-127.45, Prog Support-Software Services-80.00; **NORTH OFFICE:** Repairs/Golden West-89.97, James Valley Nursery-204.00, Menards-51.75, Gas & Fuel/Meyers Oil-83.84, Gas & Electric-Northwestern Energy-988.18, Water & Sewer-City of Mitchell-20.00, Phone/Mitchell Telecom-81.50; **VETS:** Supplies/JOBsho-333.50, Utilities-Mitchell Telecom-135.78; **SHERIFF:** Gas/Meyers Oil-2,340.80, Utilities/Mitchell Telecom-661.27; **JAIL:** Cable TV/Mitchell Telecom-65.37, Vehicle Maint/Meyers Oil-571.79; **POOR RELIEF:** Utilities/Mitchell Telecom-

120.95; **DOMESTIC ABUSE:** Domestic Abuse/Mitchell Area Safehouse-1,250.00, Safehouse/Mitchell Area Safehouse-400.00; **MENTALLY HANDICAPPED:** Dakotabilities-360.00; **MENTAL ILLNESS:** Hearings/Koletzky Law-449.60, Yankton Sheriff-50.00; **FAIRGROUNDS: Gas & Fuel/Meyers Oil-68.77; EXTENSION:** Utilities/Bureau of Administration-35.55; **WEED:** Repairs/Ag Systems-1.70, Farmers Alliance-333.00, Supplies/Crop Production Services-2,641.00, Fuel/Meyers Oil-29.65, Utilities/Mitchell Telecom-108.83; **PLAN/ZONE:** Prof Fees/SDPA-160.00, Publishing/Daily Republic-74.12; **IND DEVELOPMENT:** Economic Development/Mitchell Area Development-2,500.00; **HWY:** Publishing/Daily Republic-75.74, Supplies & Materials/Ameripride Services-83.82, Elite Business Systems-39.69, Meyers Oil-2,386.75, Gas & Fuel/Meyers Oil-13,497.95, Utilities/Mitchell Telecom-174.20, Snow & Emerg/Z&S Dust Control-8,740.00, Signage & Materials/Larry's I-90 Service-1,067.50, Projects/Civil Design-9,138.80; **EM MGMT:** Supplies/Menards-18.80, Fuel/Meyers Oil-546.26, Travel & Conf/Quality Inn-57.00, Utilities/Golden West-89.85, Mitchell Telecom-74.27; **FUND 22900:** Domestic Abuse/Mitchell Area Safehouse-439.00.

REVIEW EVALUATION FORMS AND QUESTIONS

The commissioners reviewed evaluation questions and thoughts they may like to include when they begin to hold discussions with department heads.

ADJOURN

At 10:54 a.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for November 1st, 2016, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Brenda Bode, Chairperson

Publish Once
Approximate Cost