

May 18, 2021

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 Kiner, second by Claggett to approve the minutes of the May 11, 2021 meeting. All members voted aye. Motion carried.

INFORMATION

Commissioner Claggett congratulated Auditor Kiepke on being appointed to the HAVA Grant Board by the SD Secretary of State.

Auditor Kiepke reported the Spring Workshop had some very good information presented by the SD Department of Revenue and Legislative Audit. She also reported that Kris Jacobsen, SDACO/SDACC Deputy Director received the Service of Excellence award from the SDACO.

Commissioner Kiner reported that work is continuing between Davison County and Jerauld County regarding VSO coverage.

Chairperson Bode reported that JDAI Coordinator Buschbach will be planting a garden on County property with her clients.

Bode further reported that bridges on 401st Ave. and 411th Ave. are coming along nicely and are almost ready for back fill. June is the start time for the bridge south of Mt. Vernon. These all have a good chance of being done before harvest time.

INITIATED MEASURE 26 DISCUSSION

The following joined the commission meeting for the discussion regarding Initiated Measure 26 which deals with medical marijuana. Deputy States Attorney Taylor, Planning & Zoning board members Bruce Haines and Lewis Bainbridge, State Senator Josh Klumb, State Representative Lance Koth, Acting Sheriff Harr, City Attorney Justin Johnson and later States Attorney Miskimins.

Basically what needs to be decided is how many dispensaries are going to be allowed and where they are going to be allowed. As per State law, we have to allow them to be permitted within the County. The ETJ will be most difficult. Attorney Justin Johnson is here from the City of Mitchell to aide in this discussion.

Deputy States Attorney Taylor said that you can have regulations regarding location, set-backs, etc... in an ordinance. Zoning laws already authorize temporary zoning controls.

Jenniges stated that property zoned as Rural Commercial is the property that has been discussed as being zoned for dispensaries. The dispensaries need to be store fronts, not operated out of somebody's basement.

Attorney Johnson stated that both zoning and licensing will have permanent rather than temporary ordinances in the City of Mitchell. The City has chosen a few districts they feel would be acceptable for dispensaries.

There are, however, four different items to look at. There are cultivators, product manufacturers, testers and dispensaries.

Johnson further stated that urban development is prohibited, which covers most of the ETJ. Johnson believes the City is encouraging people to operate out of the City, other than limiting the number of dispensaries.

Johnson doesn't like the Municipal League's approach, as he feels like they are relying on the State to drag their feet on the issue. He believes they are encouraging entities to "kick the can down the road".

It is suggested an ordinance be written specifically for medical marijuana. However, it could be easily changed to encompass recreational marijuana depending upon the Supreme Court's ruling.

The County license fee will most likely be \$5,000 as set by the State because state statute says this is a reasonable fee. The City will charge the same.

It was noted that licenses are non-transferrable. Also, you must have a State issued license in order to procure a County issued license.

The legislators present were asked how they feel about IM 26.

Representative Koth said that neither he nor Senator Klumb were on the interim committee. He said their attempts are to delay IM 26 taking effect. However, he doesn't feel this is the time to point fingers.

Koth continued saying local control is very important. The State will have some say, but it's the local people that live and breathe this.

States Attorney Miskimins asked whether Senator Klumb or Representative Koth felt that if recreational marijuana is found unconstitutional, the legislature will approve it? Both said no, they don't feel the legislature will do so.

As of July 1, 2021, out of state medical marijuana cards will be valid in South Dakota.

The Board agreed there should be one dispensary allowed in Davison County and no testing facilities, cultivators or wholesalers.

An ordinance will be drafted so that it may be heard next Tuesday.

COMMISSIONER EXCUSED

At 11:05 a.m., Chairperson Bode excused Commissioner Weitala from the remainder of the meeting.

APPROVE PURCHASE

At the request of JDAI coordinator Buschbach, motion by Kiner, second by Claggett to authorize her to purchase an iPad and accessories for approximately \$1,300 that will be reimbursed with grant funds. All members present voted aye. Motion carried.

JDAI INFORMATION

States Attorney Miskimins reported that some other counties with more resources had taken a different path with their JDAI program. Miskimins feels that when you have the right person leading the program, like Davison County does, that is able to work so effectively with the court system, it is much easier as opposed to contracting the position.

UNION NEGOTIATIONS

States Attorney Miskimins reminded the commissioners that the long-term agreement with the jailer's union expired December 31, 2020. Due to Covid, it was agreed upon to extend the agreement one year. However, they would like to get back to the table in the near future to discuss the next agreement.

JDAI WAGES

States Attorney Miskimins stated that he would like to increase the remuneration in wages for Katie Buschbach, JDAI Coordinator as her cohorts are being paid more than she is. The Brookings and Yankton County coordinators will be starting at \$45,000. In Aberdeen the coordinator is making \$45,000 and will increase to \$53,000 at the beginning of the year. Currently, Ms. Buschbach is making \$40,800.

Miskimins said that based on talent, he believes a slightly higher pay number would be appropriate.

Chairperson Bode said the Board would need some time to marinate the request.

Miskimins and Buschbach talked about the great work that Ashley Anson is doing in regards to the JDAI program. They would like to start paying her \$20 per hour for three to four hours per week. The Board agreed. It will just be a matter of how she is paid. This will come back to the Board next week.

APPROVE BILLS

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

GENERAL FUND:

COMM: Publishing/Daily Republic Forum Comm-443.17; **INSURANCE:** General Liability/SD Public Assurance Alliance-214.24; **JUD:** Prof Fees/Dakota Counseling-302.94, Law Library/West Payment Center-102.33; **STATES ATTY:** Prof Fees/Integrity Transcriptions-1,925.00, Menprop LLC-1,500.00, Med Prof Fees/Avera Queen of Peace-1,404.00, Avera Queen of Peace Hosp-658.22, State of SD Public Health Lab-580.00, Repairs & Maint/Dakota Data Shred-49.00, Books/West Payment Center-472.91; **PUB SFTY BLDG:** Buildings/Menards-24.31; **DOE:** Publishing/JOBSHQ-379.50; **ROD:** Supplies/JOBSHQ-409.50; **NORTH OFF:** Repairs/Menards-22.49, Supplies/Menards-39.31, Gas & Electric/Northwestern Energy-897.23, Buildings/Menards-154.48, Minor Equip/Menards-53.95; **SHERIFF:** Publishing/JOBSHQ-409.50, Radio & Equip Repair/B & L Comm-238.85, Repairs Patrol Car/TMA-96.95, Vern Eide Ford Lincoln-156.55, Oil Changes/Vern Eide Ford Lincoln-50.15, Tires/Graham Tire Co-40.00, TMA-835.00, Car Wash/Mega Wash-80.00, Office Supplies/Dakota Data Shred-58.14, Field Supplies/Advance Auto Parts-13.70, Trvl & Conf/Steve

Harr-361.50, The Lodge at Deadwood-567.00, Prisoner Transport/Pennington Co Jail-41.90; **JAIL:** Medicine/Lewis Drug Stores-3,796.52, Mitchell Regional Ambulance-1,304.00, Office Supplies/Al's Engraving-8.95, Innovative Office-27.59, Laundry Supplies/Bob Barker Co-562.52, Kitchen Supplies/Jones Supplies-248.75, Uniforms/Al's Engraving-103.35, Prisoner Food/Summit Food Service-4,943.52, Travel/The Lodge at Deadwood-648.00, Health Protection/Avera Occupational-248.00, Water Softener/Darrington Water-45.00; **JUV DET:** Medicine/Minnehaha Co Regional-37.49, Detention/Minnehaha Co Regional-13,176.00; **MENTAL ILL:** Committals/Douglas Papendick-2,673.00, Hearings/Denise Cody-15.00, Horn Law Office-217.80, Mark Katterhagen-159.00, KCH Law-140.20, Lewis & Clark BHS-1,656.00, Lincoln Co Treasurer-665.30, Darcy Lockwood-144.00, Lucy M Lewno-1,703.59, Yankton Co Treasurer-1,355.20, Yankton Sheriff's Ofc-400.00; **CO EXTENSION:** Utilities/CenturyLink-27.26; **DRAINAGE:** Publishing/Daily Republic Forum Comm-297.07; **HIWAY:** Prof Fees/First Bankcard-102.50, Publishing/Daily Republic Forum Comm-52.14, Repairs & Maint/First Bankcard-127.25, Auto Body Specialties-.96, Boyer Trucks-523.30, Brock White Co-27.90, SD Dept. of Revenue-439.85, I-State Truck Center-628.31, Supplies & Materials/Aramark-153.38, Fastenal Co-97.66, Trvl & Conf/First Bankcard-316.04, Utilities/Northwestern Energy-1,114.13, Signage & Materials/Clayton Wells-5.90, Projects/Civil Design Inc-28,950.00, Prahm Construction-81,878.00; **EM:** Utilities/CenturyLink-13.63, Northwestern Energy-52.44.

PAYROLL FOR THE MONTH OF MAY

Commissioner-\$7,323.10, Auditor-\$15,059.35, Treasurer-\$10,138.93, State's Attorney-\$28,453.27, Public Safety Building-\$9,281.98, Gen. Government Building-\$3,092.48, Director of Equalization-\$15,838.67, Register of Deeds-\$12,154.34, North Offices-\$4,053.73, Veterans' Services-\$4,485.66, County Coordinator-\$496.40, 24/7 Program-\$4,170.98, Sheriff-\$35,889.36, County Jail-\$90,433.32, Juvenile Detention-\$176.57, Emergency Management-\$5,271.08, County Road & Bridge-\$43,977.63, Welfare-\$1,152.99, Community Health Nurses-\$2,745.60, WIC-\$2,785.60, Fairgrounds-\$3,171.24, Extension-\$1,683.82, Weed Control-\$1,593.24.

APPROVE TIMESHEETS

Motion by Kiner, second by Reider to authorize chairman to sign department head timesheets as supervisor. All members present voted aye. Motion carried.

APPOINT MT. VERNON RURAL FIRE DISTRICT BOARD MEMBER

As per SDCL 34-31A-15.1, motion by Kiner, second by Reider to appoint Donna Deinert to the Mt. Vernon Rural Fire District Board. All members present voted aye. Motion carried.

EXTEND RESIGNATION

At the request of ROD Young, motion by Claggett, second by Kiner to extend the resignation of Deputy Dawn Roth through June 7, 2021. All members present voted aye. Motion carried.

ADJOURN

At 11:57 a.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for May 25th at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

Brenda Bode, Chairperson

Publish Once
Approximate Cost