

June 30, 2015

CALL TO ORDER

Chairman Claggett 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 Chairman Claggett.

APPROVE MINUTES

Motion by Kiner, second by Weitala to approve the minutes, as amended, from the June 23, 2015 meeting. All members voted aye. Motion carried.

ASLESEN APPEAL REGARDING MALT BEVERAGE AND WINE LICENSES

States Attorney Miskimins appeared before the Board to inform them that Doug Aslesen has filed an appeal on the decision denying his malt beverage and wine license applications. Miskimins informed the Board that he will file a denial in response. He stated that the Board had prior experience in dealing with liquor license applications and had previously been informed of the statutory criteria relating to those applications by the State's Attorney's office. Miskimins commented that from his review of the Daily Republic coverage, it appeared that Board members referred to proper criteria as reasoning for their individual concerns. The court will consider the appeal and make direction to the Board of Commissioners.

SECONDARY INDIGENT DEFENDER CONTRACT

States Attorney Miskimins reported that the court has taken action to reject approximately two dozen files submitted by Doug Papendick, who holds the Secondary Indigent Defender Contract for the County. The reason the court gave for their action was that the documents were not filed in a timely manner.

Mr. Papendick is appealing the action and has asked the court to reconsider. Miskimins intends to let the court know that the County doesn't want their hands tied in order to collect court appointed attorney fees.

Commissioner Weitala asked if Mr. Papendick had been reprimanded in the past for untimely filings. Miskimins said that according to the order recently signed by the court, it indicates that Mr. Papendick was admonished by the court on two prior occasions, informally, to be more timely. The state's attorney's office was not a party to those discussions.

Commissioner Bode asked how the contract started. Miskimins explained that the contract started approximately twenty years ago when it became apparent there were many instances when there was a conflict with the Primary Indigent Defender. The most common conflict comes when there is more than one defendant. He further explained that if there are more than two defendants, then a third party gets appointed and so on.

Commissioner Bode asked if a change needed to be made in the secondary Indigent Defender contract, how the County would go about it. Miskimins replied that if there proves to be a breach in the contract, a decision will need to be made at that time.

APPROVE TRAVEL

Motion by Bode, second by Weitala to authorize travel, meals and lodging if needed for Auditor Kiepke to attend working group meetings to discuss local and government issues and concerns, that she and four others were appointed to, to represent the South Dakota Association of Elected Officials Executive Board. All members voted aye. Motion carried.

PUETZ DEVELOPMENT LLC ABATEMENT

Deputy States Attorney Jim Taylor appeared before the Board to answer questions concerning the abatement that was tabled last week. He explained that you can only abate the 2nd half taxes for 2014 pay 2015 as the first half has already been allocated to the various entities. He also stated that the term “abatement”, in this instance, is a bit of a misnomer. Normally, an abatement is requested because taxes have been inappropriately assessed for one reason or another. That is not the case that is presented.

The reason the abatement is being requested is because Puetz Development LLC has decided they would like to utilize the discretionary tax formula, which they did not present with their original project plan for Tax Incremental Finance District (TIF) #13. If the County grants discretionary tax treatment as set forth in the amended project plan then Puetz Development LLC would like the 2nd half of 2014 payable in 2015 abated. If there isn't a reason for the abatement that falls under the provisions of the Code (didn't own the property, erroneous valuation, destroyed improvements, taxes illegally assessed, etc.) then there can not be an abatement. If the discretionary tax formula is implemented, it will set payment of TIF #13 back approximately two years.

Motion by Weitala, second by Bode to deny the abatement for Puetz Development LLC for MTE Foundation Housing Addition on Leased Site Lot 2-A of MTI, City of Mitchell, Davison County, SD, because of the fact that the discretionary tax formula was not part of the original proposal and the abatement request does not meet any of the allowed reasons under SDCL 10-18-1. The original project was designated to operate without the discretionary tax formula. By granting the discretionary tax formula to this project, it extends use of the increment funds for future development purposes. It was originally anticipated that funds would be available approximately two years sooner for the general fund. A roll call vote was taken as follows. Weitala – aye, Bode – aye, Reider – aye, Kiner – aye, Claggett - aye. Motion carried.

ACCEPT RESIGNATION

Motion by Bode, second by Reider to accept the resignation of Deputy Treasurer Kristen Velez. All members voted aye. Motion carried.

AUTHORIZE ADVERTISEMENT

Motion by Weitala, second by Reider to allow Treasurer to advertise for the position of Deputy II at a rate of \$12.25 per hour. All members voted aye. Motion carried.

APPROVE FUEL QUOTE

Motion by Weitala, second by Reider to approve the following fuel quotes from Meyers Oil. All members voted aye. Motion carried.

Diesel #2 – 7,200 gal at \$1.9442 per gallon
Unleaded – 2,999 gal at \$2.3256 per gallon

APPROVE BILLS

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

GENERAL FUND:

ELECTION: Supplies/bureau of Administration-12.00; **JUDICIAL:** Prof Fees/Carol Johnson-149.40; **AUDITOR:** Supplies/McLeod's Printing-83.97; **TREASURER:** Passport Postage/First Bankcard-51.37; **INDIGENT DEFENDER:** Third Party Billing/Morgan, Theeler-4,788.00; **PUBLIC SAFETY BLDG:** Repairs/James Valley Nursery-372.64, Supplies/Jones Supplies-176.05, Gas & Electric/Northwestern Energy-5,523.69, Phone/Verizon Wireless-36.44; **GEN GOV BLDG:** Supplies/Jones Supplies-194.52, Phone/Verizon Wireless-36.44; **DOE:** Travel & Conf/Best Western-170.00, Books/First Bankcard-179.00; **ROD:** Rentals/Bureau of Administration-12.00; **NORTH CO OFFICES:** Repairs/James Valley Nursery-162.73, McFarland Supply-179.58, Supplies/First Bankcard-17.06, Building/Menards-95.84, Minor Equipment/Farnham Genuine Parts-9.29; **VETS:** Utilities/Verizon Wireless-54.00; **CO COORDINATOR:** Postage/Qualified Presort-531.23, Postage Meter Fees/Qualified Presort-177.58; **SHERIFF:** Prof Fees/Fed Ex-11.30, Patrol Car Repairs/Big E Auto-244.60, Patrol Car Fuel/First Bankcard-212.31, Uniforms/Neve's Uniforms-70.00, Cellular Service/Verizon Wireless-324.00, Minor Equip/First Bankcard-31.77; **JAIL:** Medicine/Mitchell Clinic-126.80, Kitchen Supplies/Western Enviromental-203.84, Other Co Jails/Bennett Co Sheriff-238.57, Prisoner Food/CBM Food Service-4,141.47, Travel/Tim Carson-190.00, Malcom La Fortune-130.00, Justin Tuckerman-130.00, Brian Boddicker-190.00, Contracts/Hard Drive Outlet-40.46, Minor Equip/Global Equipment-698.53; **POOR RELIEF:** Hospital/Avera Heart-6,294.27, Supplies/McLeod's Printing-5.17, Transients/Mitchell Inn & Suites-35.00, Travel/Dawn Grissom-60.00, Funerals/Bittner Funeral Chapel-7,500.00; **MENTAL ILLNESS BRD:** Hearings/Avera Queen of Peace-625.52, Denise Cody-15.00, Harmelink, Fox & Ravensborg-143.00, Lucy Lewno-150.49, Jerry Pollard-186.00, Cathy Reh fuss-15.00, Yankton Co Sheriff-25.00; **FAIRGROUNDS:** Supplies/Jones Supplies-95.22, Phones/Verizon Wireless-36.45, Buildings/First Bankcard-199.00; **EXTENSION:** Postage/Qualified Presort-22.95, **WEED:** Utilities/City of Mitchell-3.00, Verizon Wireless-88.12; **HIWAY:** Repairs & Maint/Dick's Body Shop-4,100.10, Supplies & Materials/Rhomar Industries-677.38, Sandvik-8,682.50, Travel & Conf/Cedar Shore-183.90, Governor's Inn-163.90, SD Counties-165.00, Utilities/City of Mitchell-25.85, Northwestern Energy-77.11, Verizon Wireless-194.08; **EMERG MGMT:** Supplies/First Bankcard-786.06, Utilities/City of Mitchell-8.00, Verizon Wireless-22.78, Emergency Accuml/Verizon Wireless-160.08.

2016 BUDGET REVIEW

The commissioners began the budget review process for 2016.

ADJOURN

At 11:35 p.m., Chairman Claggett adjourned the meeting and set the next regular Board of Commissioners meeting for July7, 2015, at 9:00 a.m.

ATTEST

Susan Kiepke, Auditor

John Claggett, Chairman

Publish Once
Approximate Cost