

CITY OF BEULAH

July 26, 2021, 5:00 pm

Beulah Civic Center

SPECIAL CITY COUNCIL MEETING

The special meeting of the Beulah City Council was called to order at 5:00 pm by Mayor Travis Frey with Council Members Gary Miller, David Ripplinger, Kathy Kelsch, Ben Lenzen, Sean Cheatley, and Amanda Mohl present. Eric Hoffer and David Czywczynski absent.

Also Present: City Attorney Scott Solem, Assistant City Attorney Jennifer Gooss, Economic Development Beaver Brinkman, Police Chief Frank Senn, Police Officer Jeff Gooss, Deputy Auditor Darla Knutson, Nathan Richter and Jarann Johnson.

ITEM

Amicus Brief Filing

Solem Law is seeking direction on filing an amicus brief on a pending criminal case. The State's Attorney brought up a complaint against the individual for continuous sexual abuse of a child. It started as a Class AA Felony which carries a maximum punishment of life imprisonment without parole. The State's Attorney filed an amended complaint reducing the charges to solicitation of a minor which reduces it to a Class C Felony which carries a maximum punishment of five years imprisonment, a fine of ten thousand dollars, or both. The purpose of filing an amicus brief would be to inform the judge, on behalf of the City, that the City does not believe that the amended criminal charges fit the facts of the case and therefore the judge should reject the reduction in the charge. An amicus brief has never been filed in State Court on a criminal action like this. It is typically done with an Appeals Court. There has not been any communication or explanation as to the reason for the reduction. The Judge had entered an order stating the defendant's confession and the victim's statements to the officer would be allowed in a trial. This is a sound case on behalf of the Beulah PD. The evidence is there. It was questioned if this would set a precedence for the City and the expense on the City. There are risks but we need to do what we think is right to protect our community. Whatever happens after that is up to whoever makes the decision. Kelsch moved to direct Solem Law to file the amicus brief on the City's behalf. Mohl seconded. Roll call vote found Miller, Ripplinger, Kelsch, Lenzen, Cheatley, and Mohl in favor.

Meeting adjourned at 5:35 pm.


Travis Frey, Mayor


Darla Knutson, Deputy Auditor