

UNAPPROVED MINUTES OF
June 15, 2021

The Moody County Commissioners met in regular session on Tuesday, June 15, 2021 in the County Commissioners' Room of the Courthouse at 9:00 AM, with the following members present: Chair Carla Bruning, Rick Veldkamp, Dan Miles, Randy Hemmer and John Schiefelbein, with Kristina Krull, Auditor as Clerk of the Board. Also present Tawny Heinemann, Commission Assistant, Paul Lewis, State's Attorney, Brenda Wade Schmidt, Moody County Enterprise, Kendra Eng, Zoning Administrator, Anthony Gengler, Ambulance Director, and David Reker, County Resident.

Chair Bruning called the meeting to order. Motion by Hemmer, seconded by Veldkamp to approve the agenda. All voted "aye". Motion by Miles, seconded by Schiefelbein to approve the following consent agenda with all voting "aye":

Minutes: June 1, 2021

Travel Request: DeAnna Berke, DOE Assessor School Pierre, SD September 19-24, 2021

Kristina Krull, Auditor discussed with the Board the Election Security Grant. Motion by Miles, seconded by Schiefelbein to approve participation in the Election Security Grant SD Secretary of States Election equipment purchase. All voted "aye".

The 2nd reading was held for Ordinance No. 2021-01 A Temporary Ordinance regarding the issuance of Local Medical Cannabis Establishment Permits and/or Licenses. Motion by Hemmer, seconded by Veldkamp to approve the following ordinance with all voting "aye":

ORDINANCE NO. 2021-01

A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, Moody County, SD ("County"), makes a preliminary finding that the County's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the County makes a preliminary finding that the County needs further study of the relationship of medical cannabis establishments to the County Comprehensive Plan and Zoning Ordinance. The public interest requires that the County study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the County makes a preliminary finding that it would be inappropriate for the County to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the County hereby exercises its authority under SDCL 11-2-10 and SDCL 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the County's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the County finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the County finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY Moody County, SD:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the County shall be required to apply for a permit and/or license from the County. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the county government and its existing public institutions pursuant to SDCL 11-2-10 and SDCL 7-18A-8.

Carla Bruning
County Commissioner Chair

ATTEST: Kristina Krull
County Auditor

1st Reading: June 1, 2021
2nd Reading: June 15, 2021
Date Adopted: June 15, 2021
Date Published: June 23, 2021
Effective Date: June 23, 2021

Motion by Miles, seconded by Veldkamp to adjourn to conduct business as the Joint Board of Commissioners and Planning at 9:10 AM. All voted "aye". Kendra Eng, Zoning Administrator met with the Board. Motion by Schiefelbein, seconded by Veldkamp to approve the minutes from June 1, 2021. All voted "aye". Discussion was held on wedding venue/event centers and the County zoning ordinance. Motion by Hemmer, seconded by Miles to adjourn to resume regular session at 9:27 AM. All voted "aye".

Motion by Veldkamp, seconded by Miles to enter into executive session at 9:27 AM pursuant to SDCL 1-25-2. Reason: personnel. All voted "aye". Motion by Veldkamp, seconded by Miles to resume regular session at 9:56 AM. All voted "aye".

Chad Groos, County Resident met with the Board to discuss culvert and county road concerns on wetlands in Fremont Township. Also present Lance Iott, Highway Assistant Supervisor.

The Board discussed with Iott rumble strips for intersections in the County.

Jen Hayford, 4-H Advisor and Deb Patterson Extension Office Manager gave the Board an 4-H update and discussed the Moody County Fair. Motion by Miles, seconded by Hemmer to lift all COVID restrictions on the County fairgrounds. All voted "aye".

Kendra Eng, Zoning Administrator and Paul Lewis, State Attorney discussed with the Board the Road haul agreement between Dairy Wise, LLC, Blinsmon Township and Moody County. The Board agreed to take no action at this time.

Kristina Krull, Auditor disbursed the 2021 expense and revenue budgets.

Tawny Heinemann, Commission Assistant discussed with the Board the Avera PHA Contract. Motion by Veldkamp, seconded by Miles to authorize Chair Bruning to sign the Public Health Contract for \$39,300. All voted "aye".

Terry Albers, Emergency Manager discussed with the Board the generator at the Sheriff's office. Motion by Schiefelbein, seconded by Hemmer to approve the quote from Cummins for \$2638.02. All voted "aye".

Discussion was held on the County Commission Code of Ethics. Motion by Schiefelbein, seconded by Hemmer to add the following to the Moody County Commission Code of Ethics: To engage and work collaboratively with my fellow County Commissioners, and to abstain from acting individually in my capacity as a County Commissioner unless so authorized by the entire County Commission. All voted "aye". All board members signed an updated County Commission Code of Ethics.

Motion by Miles, seconded by Schiefelbein to approve the following claims and issue warrants, all voted "aye":
General: A&B Business, paper/toner 130.37, Avera McKennan Flandreau, preemployment 106.00, Avera-Flandreau Medical, supplies 2471.36, Baymont, DOE travel 462.00, Beadle County, jail transport 80.00, Deanna Berke, travel 180.53, Booster, Sheriff, advertisement 518.00, Bruning & Lewis, office expense 2,913.84, Century Business Products, supplies 24.00, Centurylink, utilities 504.88, Codington, jail housing 425.00, Culligan, supplies 40.00, Dakota Shred, ambulance supplies 59.19, Daniel Feldhaus, court transcripts 527.80, Moody County Enterprise, advertising 350.09, Infotech Solutions, LLC., data processing 3247.85, Inter-lakes Community Action, June 2021 737.42, Kendra Eng, travel 66.00, Lewis Drug, jail medical 49.58, Lincoln County treasurer, service 417.20, Madison Community hospital, services 237.49, Matheson Tri-Gas Inc, supplies 35.11, Maynards, supplies 5.98, Mid-American services 332.74, Misc Vendor, services 473.92, Nancy Nelson, ct apt atr 1242.87, Pennington county transport 230.95, Powers-Dakota Stop, fuel 66.12, Redwood Toxicology Lab, supplies 508.00, River's Edge, fuel 1,651.15, SD Achieve, services 180.00, SDAAO services 360.00, Sparkle Car Wash, supplies 90.80, Steve's Tire & Service

Inc., repairs 532.00, T-shirts Too supplies 34.00, Unger Law Office, ct apt atry 5,750.00, Vast, utilities 119.17. Highway: B & H Contractors, gravel 12526.29, City of Colman, utilities 101.49, Custom truck parts 2938.12, Dakota Fluid Power supplies 191.08, Diamond Mowers parts 186.95, Ekerns Home Equipment, repairs 26.94, GCC Ready Mix supplies 475.50, Holloway Bridge and culvert supplies 36362.31, M&H Communications repairs 55.00, Mid American Energy services 73.40 Midland Tire, tire repairs 109.00, Northern Truck, heater hose 1369.05, Powers Oil Company supplies 803.70, River's Edge, fuel 19562.53,. 24/7 Sobriety: Pharmchem, supplies 285.50. Water Conservation: East Dakota Water Development, monthly remit 944.26. State Remittance: State Treasurer, motor vehicle 151,355.82. Modern and Press: SDACO, monthly remit 274.00

Motion by Miles, seconded by Veldkamp to adjourn the meeting at 11:32 AM. All voted "aye".

ATTEST: Kristina Krull
Moody County Auditor

Carla Bruning, Chair
Moody County Board of Commissioners