

SULLY COUNTY BOARD OF COMMISSIONERS

June 14, 2021

The Board of Sully County Commissioners held a special mtg on Mon, June 14, 2021. Chmn Yackley called the mtg to order at 7:30 am. Other members present: William Floyd, Caleb Shepherd, Jerry Richards & Joe Fanger. Also, present were Aud Lamb, Sheila Ring, JJ Schall, Emily Sovell, Bill Stahl, Roger Tagtow, Thad & Sandy Smith, Ted Meyer, Chuck Robison, Gene Hawk, Harold Doer (phone), Ryan Persoon (GF&P), Al Nedved (GF&P), Scott Simpson (GF&P), Tammy Nelson, Tom Frier & Jeff Otess.

ADOPT AGENDA: Motion by Floyd, second by Richards to adopt the agenda with the addition of Little Bend Road. Unanimous vote aye.

PUBLIC COMMENT: People present voiced concerns on Bush's Landing Road. Also discussed reduced speed limit on 282nd Ave for 1 mile north of 182nd Street.

MINUTES: Motion by Shepherd, second by Floyd to approve minutes from the Bd of Commission mtg held on June 1st. Unanimous vote aye.

HOLIDAY CLOSURE: County offices will be closed on Monday, July 5th. Regular Bd of Commission mtg will be held on Thursday, July 8th at 7:30 am.

EXECUTIVE SESSION: Motion by Richards, second by Shepherd to go into Executive Session SDCL 1-25-2(1). Unanimous vote aye. Motion by Floyd, second by Richards to come out of Executive Session SDCL 1-25-2(1). Unanimous vote aye.

DEP TREAS/ROD PROBATION: Motion by Floyd, second by Shepherd to increase Dep Treas Kerr hrly wage \$.85 upon completion of 6 mo probation in Treas office on July 4th & review ROD probation at Aug mtg. Unanimous vote aye.

2nd READING ORDINANCE 2021-01: Bd gave 2nd reading on Ordinance 2021-01. Motion by Richards, second by Shepherd to approve ordinance with an emergency effective date upon June 17th publication date. Unanimous vote aye.

ORDINANCE 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, Sully 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 is required to 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's 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 and/or 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;

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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 THE BOARD OF SULLY COUNTY COMMISSIONERS:

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

A medical cannabis establishment desiring to operate in Sully County, SD, 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 sixty days have passed following the South Dakota Department of Health's promulgation of regulations as required by SDCL 30-20G-72. Any application received prior to sixty days having passed following 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.

Passed and adopted this 14th day of June 2021.

s:/Greg Yackley, CHAIRPERSON

Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan Lamb, AUDITOR

Sully County, South Dakota

First Reading: June 1, 2021

Second Reading: June 14, 2021

Adopted: June 14, 2021

Published: June 17, 2021

Effective: June 17, 2021

MAINTENANCE ON 308TH AVE FROM 180TH TO 182ND ST: Bd discussed declaring 2 miles as minimum maintenance. Notice of hearing will be published on June 24th & July 1st with hearing being held on Thurs, July 8th at 8:00 am.

LEGAL ISSUES: States Attny Sovell discussed legal issues with Bd.

OFF-SALE LIQUOR LICENSES: Bd discussed fee for off-sale liquor licenses that go into effect on July 1st. Motion by Floyd, second by Richards to set initial fee at \$2500 per license with annual renewal of \$500. Unanimous vote aye. Off-sale licenses will be issued to first two applications with fees received in Sully County Auditor's office.

CONTINUING LIQUOR LICENSES RESOLUTION: Motion by Floyd, second by Richards to approve resolution adding off-sale licenses. Unanimous vote aye.

RESOLUTION 2021-17

CONTINUING LIQUOR LICENSES RESOLUTION

WHEREAS, the legislature of the State of South Dakota has granted to the boards of county commissioners of the State of South Dakota the authority to regulate certain aspects of liquor licensing; and

WHEREAS, SDCL § 35-4-11.1 (as amended 2021), allows the board of county commissioners to adopt a continuing resolution determining the number of on-sale and off-sale licenses it will approve and the fees to be charged for the various classifications of licenses; and

WHEREAS, the maximum number of on-sale licenses issued outside municipalities and off-sale licenses issued outside municipalities are based upon the population of the county outside incorporated municipalities and improvement districts. However, the maximum allowable licenses need not be the number which the County Commissioners need authorize; now therefore

BE IT RESOLVED by the Sully County Board of County Commissioners that they shall approve the maximum number of on-sale licenses outside municipalities; and

BE IT FURTHER RESOLVED by the Sully County Board of County Commissioners that they shall approve the maximum number of off-sale licenses outside municipalities, making nine (9) additional licenses available for issuance July 1, 2021; and

BE IT FURTHER RESOLVED by the Sully County Board of County Commissioners that the fee for issuance of a new on-sale licenses shall be \$1500.00;

BE IT FURTHER RESOLVED by the Sully County Board of County Commissioners that the fee for issuance of a new off-sale license shall be \$2500.00; and

BE IT FURTHER RESOLVED by the Sully County Board of County Commissioners that the renewal fee for all classes of alcoholic beverages issued or approved by Sully County shall be at the maximum fee allowed by SDCL §35-4-2; and

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BE IT FURTHER RESOLVED by the Sully County Board of County Commissioners that this Continuing Resolution shall be effective July 1, 2021, and continue in effect until repealed by the passage of a new Continuing Resolution on the same subject.

Commissioner Floyd moved to adopt the resolution and Commissioner Richards seconded the motion.

VOTING AYE

s:/William Floyd
s:/Caleb Shepherd
s:/Joe Fanger
s:/Greg Yackley
s:/Jerry Richards

VOTING NAY

None

ABSENT AND NOT VOTING

None

Dated this 14th day of June, 2021.

s:/Greg Yackley, Chairperson
Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan B. Lamb
Sully County Auditor

PROFESSIONAL VET SERVICE AGREEMENT: Motion by Richards, second by Fanger to approve the vet service agreement with Dr. Christina L. Fischer. Unanimous vote aye.

HWY SUMMER HIRE: Motion by Richards, second by Fanger to approve the hire of Kyle Murphy as summer help at a rate of \$15/hr. Unanimous vote aye.

SOLID WASTE MANAGEMENT GRANT RESOLUTION: Motion by Floyd, second by Fanger to approve Solid Waste Management Grant Resolution. Unanimous vote aye.

RESOLUTION 2021-18

SOLID WASTE MANAGEMENT GRANT

WHEREAS, Sully County wishes to host a collection of waste tires for the residents of Sully County; and
WHEREAS, Sully County is eligible to apply for SD Solid Waste Management Grant funds for the proposed collection and reuse/disposal of waste tires from the service area; and

WHEREAS, the costs of advertisement of the event and final disposal costs of the waste tires are eligible for reimbursement by the Grant funds; and

WHEREAS, Sully County has developed a work plan and will submit this plan to the Department of Environment and Natural Resources;

NOW THEREFORE BE IT RESOLVED, that the Sully County Board of Commission does hereby authorize the submission of the Solid Waste Management Grant application for the proposed project;

BE IT FURTHER RESOLVED, that the Chairman of the Sully County Board of Commission and the Highway Superintendent of Sully County be authorized to execute and sign the Solid Waste Management Grant application on behalf of Sully County.

Commissioner Floyd moved to adopt the resolution and Commissioner Fanger seconded the motion.

VOTING AYE

s:/Greg Yackley
s:/Jerry Richards
s:/William Floyd
s:/Caleb Shepherd
s:/Joe Fanger

VOTING NAY

None

ABSENT AND NOT VOTING

None

Motion passed and resolution adopted this 14th day of June, 2021.

s:/Greg Yackley, Chairman
Sully County Board of Commissioners

ATTEST: (Seal)

s:/Susan B. Lamb
Sully County Auditor

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CLAIMS: Motion by Richards, second by Shepherd to approve claims. Unanimous vote aye. A&B Business Solutions 768.80 Supl, B & B Equipment Inc 5420.44 Hauling, Bierschbach Equip Supply 46.84 Supl, Cardmember Service 666.10 Postage, Connecting Point/Ultra Inc 397.00 Prof Serv, Don's Sinclair Inc 35.00 Maint, Galls, LLC 115.96 Supl, Historic Log Cabins 231.00 T&C, Hughes Co Finance Officer 2080.00 Jail Rent, Inmans Water Technologies 14.00 Rental, Kimball Midwest 495.77 Supl, Lamb Chevrolet & Implement Inc 357.01 Supl, Lamb Motor Co Inc 75.00 Reprs, Brenda Lounsbury 60.00 Prof Svc, Marco 85.96 Maint, Mid-Dakota Rural Water System 91.00 Util, Montana Dakota Utilities 233.18 Util, Oahe Electric Co-op Inc 264.59 Util, City of Onida 851.13 Util, Onida Electric Inc 118.55 Reprs, Postmaster 244.00 Rental, Powerplan OIB 43.23 Supl, SD Assoc of Co Commissioners 20.00 Supl, SDACO 24.00 Collections, Servall Uniform/Linen Co 47.03 Rent, Shane's Pharmacy 133.50 Jail, State Treasurer DOR 80411.65 Collections, Transource 364.08, Zander Auto Parts Inc 125.35 Supl.

DOMESTICATION UPDATE: Aud Lamb informed Bd that almost \$270,000 has been received for the Dome Restoration Project & that another \$42,500 has been pledged as matching funds.

HWY DEPT: Hwy Supt Schall updated Bd on Johnson Bridge repair.

BUSH'S LANDING ROAD: Lengthy discussion was held on repair of Bush's Landing Road. Several business & land owners were frustrated over process. Road was graveled & grinding began today. Road will sit through freeze cycle until 2022. SD GF&P agreed to cover cost of mag water for 5.3 miles to be put down ASAP. SD GF&P will provide road & maintenance agreement for County review possibly by July 8th mtg. All agreed that a plan to return road to prior condition was optimal if financially possible.

176TH STREET WEST OF AGAR: Quotes were received from Morris Inc. of \$17.50 per sqft & Jensen Rock & Sand \$19.516 per sqft. Motion by Richards, second by Shepherd to approve the lower quote from Morris. Bd instructed Hwy Supt Schall to select worst areas to have repaired while staying under \$100,000 threshold for public improvement.

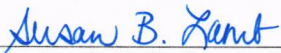
EXECUTIVE SESSION: Motion by Fanger, second by Shepherd to go into Executive Session SDCL 1-25-2(1). Unanimous vote aye. Motion by Floyd, second by Fanger to come out of Executive Session SDCL 1-25-2(1). Unanimous vote aye.

ACCOUNT WITH THE TREASURER AS OF 05/31/21

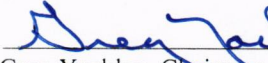
Cash on Hand	510.00
Checks	15,679.08
Checks on Hand	0.00
NSF Checks	0.00
Cash Items	0.00
ROD Cash Box	50.00
BankWest Checking	4,019,713.39
BankWest MM	352,329.95
Sunrise Bank MM	4,875.36
Sunrise Bank NOW	1,514.58
INVESTMENTS	
Sunrise Bank Dakota	1,181,543.20
BankWest	
Sheriff Checking	471.82
Register of Deeds Checking	4563.00
Total Cash Balance	5,581,250.38
Total Assets in Custody of County as of 05/31/21	
County Amount	5,036,627.11
Amounts Held For Other Gov	544,298.18
Amounts Held For Others	325.09
Total Assets	5,581,250.38

MTG DATES: Next regular meeting will be Thurs, July 8th at 7:30 am.

ADJOURNMENT: There being no further business, Chairman Yackley declared the mtg adjourned at 10:30 am.


Susan Lamb, Sully County Auditor

JUL - 8 2021
Approved


Greg Yackley, Chairman