

Charles Mix County
Board of Commissioners
Regular Session – June 17th, 2021

The Charles Mix County Board of Commissioners met in regular session on the 17th of June 2021 at 10:00 am. Chairman – Nick Stotz opened the meeting with the Pledge of Allegiance and called the meeting to order with Vice-Chairman – Keith Mushitz, Commissioner – Colin Soukup, and Auditor – Danielle Davenport present.

Agenda:

A motion was made by Soukup seconded by Mushitz to approve the Agenda as presented. All in favor, motion carried.

Minutes:

A motion was made by Soukup and seconded by Mushitz to approve the minutes from the June 10th, 2021 meeting. All in favor, motion carried.

Bills:

A motion was made by Soukup and seconded by Mushitz to approve the bills for 6/17/2021. All in favor, motion carried.

Special Event/Temporary Alcoholic Beverage License:

A motion was made by Stotz and seconded by Soukup to approve the issuance of the following Special Event/Temporary Alcoholic Beverage License application to Platte Creek Store for the Standy/DeHaan Wedding for the 14th day of August, 2021 location of event will be 36063 284th St Platte, SD 57369. All in favor, motion carried. It was noted that Vice-Chairman – Mushitz abstained from the vote.

Wireless Service:

Auditor-Davenport requested that the County's wireless service with Verizon be cancelled and changed to At&t FirstNet. Davenport was advised to make the requested changes. No further action taken.

Sponsorship:

A letter from Emma Hofer Stotz and Riley Houseman was provided regarding sponsorship to participate in the FCCLA National Leadership Conference in Nashville, TN. They are advocating with a presentation about human trafficking in the Dakotas. A motion was made by Mushitz and seconded by Soukup to approve a \$400 sponsorship to help attend the FCCLA National Conference to be paid out of the Recreation Fees & Services. All in favor, motion carried. It was noted that Chairman – Stotz abstained from the vote.

Ordinance 2021-01:

Chairman-Stotz announced this to be the time and place for a public meeting and conducted the second reading of Charles Mix County Ordinance 2021-01. A motion was made by Mushitz and seconded by Soukup to approve and adopt Ordinance 2021-01. All in favor, motion carried.

**CHARLES MIX COUNTY 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, Charles Mix County, South Dakota ("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, with the South Dakota Department of Health is required to promulgate rules pursuant to chapter 1-26 no 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, such as Charles Mix County, 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 desire and need to protect the community. 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 regulations and ordinances for issuing licensing permits, 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 or ordinances 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 CHARLES MIX COUNTY, SOUTH DAKOTA THAT:

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 30-20G-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.

Dated the 17th day of June, 2021 at Lake Andes, South Dakota.

Signed: Nick Stotz, Chairman

Attest: Danielle Davenport, Charles Mix County Auditor

First Reading: 6/10/2021

Second Reading: 6/17/2021

Adopted: 6/17/2021

Publication Date: 6/23/2021

Effective Date: 6/23/2021

Board Members:

A motion was made by Mushitz and seconded by Soukup to appoint Nick Stotz as Delegate and Colin Soukup as Alternate for the Southern Missouri Recycling & Waste Management District Full Board. All in favor, motion carried.

Drainage Work Order/Proposal:

Discussion continued from the 6/10/2021 meeting, regarding the drainage study proposal provided by Brosz Engineering, concerning area west of Wagner. The Commission declined to move forward with the study/project. No further action taken.

Right of Way Application:

Highway Superintendent – Doug Cimpl presented an application from Golden West Telecommunications for occupancy on the right of way of county highways for utility purposes. A motion was made by Soukup and seconded by Mushitz to approve the application and have Chairman-Stotz sign. All in favor, motion carried.

County Roads:

Colleen Pesicka requested to meet with the Commission to request a stop sign relocation and discuss speed limit issues concerning a section of 291st Avenue that coincides with the Pesicka property. Hwy Superintendent-Cimpl and Sheriff-Randy Thaler were also present. After discussion between all parties present, the Commission advised Cimpl to add speed limit signs to both sides of the road, to be uniform running east to west. No further action taken.

Executive Session:

A motion was made by Mushitz and seconded by Soukup to enter into executive session at 10:42 am to discuss personnel matters with Colleen Pesicka, Sheriff-Thaler and Auditor-Davenport present. All in favor, motion carried. An end was declared to executive session at 10:45 am with no action taken.

Mental Health:

Michael Horned Eagle and Vanessa Iverson from Wagner IHS were not in attendance for their requested time slot. No action taken.

Jail:

From HMN Architects-Adam Kuehl, Corey Johnson, Gerald Johnson and Sheriff-Thaler met with the Commission to present new proposals for a Jail Feasibility Study. A motion was made by Soukup and seconded by Mushitz to approve and have Chairman-Stotz sign the agreement with Johnson Construction in the amount of \$10,000 as well as the agreement with HMN Architects with an amount not to exceed \$15,000. All in favor, motion carried.

Extra-Territorial Jurisdiction:

City of Wagner Finance Officer-Becky Brunsing, City of Wagner Zoning Administrator/City Clerk-Kesa Alexander, District III-Brian McGinnis, and Deputy States Attorney-Craig Parkhurst were present with the Commission to discuss the current ETJ revisions being implemented by the City of Wagner. Maps and copies of the intended changes to Rural Residential District (R2) were provided to those present. No action taken, further discussion to be held at a later date.

4H:

4H Advisor-Michael Koranda met with the Commission to provide a 4H program update and request travel to the State Horse Show July 19th-21st in Huron, SD. A motion was made by Soukup and seconded by Mushitz to approve the request. All in favor, motion carried.

Koranda discussed issues with the 4H grounds and maintenance. The Commission advised Koranda that they would be following up on the matter. No action taken.

Flooding Damage:

David Herrold and Highway Superintendent-Cimpl were present to discuss road erosion damage caused by the 2019 flooding. The flooding caused lake Andes to wash away the county road 388th Ave section that runs parallel to Mr. Herrold's field. Large amounts of sediments were deposited into the south ditch and Mr. Herrold's field. The Commission advised Herrold and Cimpl that the County Highway Department is to begin work on this matter. No further action taken.

County Deposits:

The Commission met with Treasurer – Karol Kniffen regarding issues with the new electronic check depositing system from Commercial State Bank. Commissioner-Soukup to contact Commercial State Bank to try and resolve the issue. No action taken.

July Meetings:

The meetings for July have been set for the 8th and the 22nd at 10:00 am.

Public Comment:

No public comments were heard. No action taken.

Adjourn:

A motion was made by Mushitz and seconded by Soukup to adjourn until the next regular session July 8th, 2021 at 10:00 am. All in favor, motion carried.

BILLS 6/17/2021

COURTS: RAYMOND COURNOYER, EXPERT WITNESS, 700.00, VERIZON BUSINESS, UTILITIES, 102.07, PLATTE HEALTH CENTER, BLOOD ALCOHOL, 330.00, **TOTAL: \$1,132.07**

AUDITOR: GOVERNMENT FORMS, SUPPLIES, 252.04, **TOTAL: \$252.04**

GOVERNMENT BLDGS: LA COOP, FUEL/SUPPLIES, 118.25, **TOTAL: \$118.25**

SHERIFF: AUTOMOTIVE ADDICTIONS, MAINTENANCE, 103.73, ULTIMATE SHINE, MAINTENANCE, 48.00, AT & T, UTILITIES, 483.92, FEDEX, SERVICES, 15.37, CENTRAL DAKOTA ANIMAL CLINIC, SERVICES, 55.00, B & L COMMUNICATIONS, SERVICES, 832.52, BOMGAARS, SUPPLIES, 27.99, HART'S AUTO, REPAIR/MAINTENANCE, 144.61, MCLEOD'S, SUPPLIES, 129.78, DAVE'S SERVICE, MAINTENANCE, 79.00, USPS, ANNUAL PO BOX, 122.00, VERNON'S, REPAIR/MAINTENANCE, 412.82, PECHOUS, PUBLISHING, 220.76, **TOTAL: \$2,750.45**

JAIL: DOLLAR GENERAL, PRISONER CARE, CAHOY'S, GROCERIES, 272.80, IDEMIA IDENTITY & SECURITY, SERVICES, 5794.00, PV BUSINESS, SUPPLIES, 298.50, JAMES DRUG, PRISONER CARE, 43.14, CASH-WAY, GROCERIES, 3270.85, CHAMBERLAIN WHOLESALE, GROCERIES, 659.80, COMMERCIAL STATE BANK, PRISONER CARE, 7.95, LA COOP, UTILITIES/SUPPLIES, 261.27, OFFICE PRODUCTS, SUPPLIES, 74.94, VERNON'S, REPAIR/MAINTENANCE, 74.45, PECHOUS, PUBLISHING, 126.00, WBS, REPAIRS, 924.87, **TOTAL: \$11,855.57**

JUVENILE DETENTION: DIVINE CONCRETE, MAINTENANCE, 1057.50, MINNEHAHA CO JUV DETENTION, JUV HOUSING, 1464.00, **TOTAL: \$2,521.50**

NURSE: WAGNER EARLY CHILDHOOD, RENT, 682.10, PLATTE HEALTH CENTER, RENT, 383.00, **TOTAL: \$1065.10**

WIC: WAGNER EARLY CHILDHOOD, RENT, 330.00, **TOTAL: \$330.00**

MENTALLY ILL: LEWIS & CLARK BHS, SERVICES, 184.00, MINNEHAHA CO AUDITOR, SERVICES, 7.48, **TOTAL: \$191.48**

MENTAL HEALTH CENTERS: LIFEQUEST, SERVICES, 2833.34, **TOTAL: \$2,833.34**

COUNTY FAIR: LA COOP, SUPPLIES, 35.05, **TOTAL: \$35.05**

COUNTY EXTENSION: FAIRFIELD, TRAVEL/CONFERENCE, 182.00, **TOTAL: \$182.00**

WEED: GARY OLSON, MILEAGE, 13.00, HENRY BUITENBOS, MILEAGE, 38.64, LYLE NEPODAL, MILEAGE, 38.64, LA COOP, SUPPLIES, 9.13, PUMPRNIKS, FUEL, 1226.88, **TOTAL: \$1,326.29**

HIGHWAY: ROBERT SEVERSON, ROYALTY FEES, 59439.00, CAHOY'S, SUPPLIES, 33.65, CHS, FUEL, 3352.80, OPPERMAN, GRAVEL CRUSHING, 155092.11, RANDALL COMMUNITY WATER, UTILITIES, 33.00, DARLENE VANZEE, ROYALTY FEES, 59439.00, LA COOP, FUEL/SUPPLIES, 2283.79, MIDWEST CONCRETE, SUPPLIES, 4098.60, MIDWEST AG CENTER, SUPPLIES, 60.42, NORTHWESTERN ENERGY, UTILITIES, 81.51, PLATTE LUMBER, SUPPLIES, 30.00, TRANSOURCE, SUPPLIES, 555.92, SPENCER QUARRIES, SUPPLIES, 1407.87, USPS, SEMIANNUAL PO BOX, 38.00, WW TIRE, SUPPLIES, 463.83, PECHOUS, PUBLISHING, 226.80, WBS, SUPPLIES, 220.72, WHEELCO TRUCK, SUPPLIES/REPAIRS, 2056.29, **TOTAL: \$288,913.31**

COMMUNICATIONS CENTER: ACCESS GRANTED, SERVICES, 340.00, **TOTAL: \$340.00**

M & P RELIEF: MICROFILM IMAGING SYSTEMS, SOFTWARE/SERVICES, 1620.00, **TOTAL: \$1,620.00**

GRAND TOTAL: \$315,466.45

Nick Stotz, Chairman

Danielle Davenport, Auditor