

COUNTY COMMISSION MEETING
IPSWICH, SOUTH DAKOTA
May 25, 2021

The Edmunds County Board of Commissioners met at 9:00 A.M. on May 25, 2021 at the county courthouse. Members present were: Dean Mehlhaff, Morris Grosz, Jerome Schaffner, Chad Preszler, and Timothy Thomas. Chairman Thomas called the meeting to order at 9:00 A.M. Others present for portions of the meeting were: Vaughn Beck, Brandon Bowar, Todd Holtz, Tracy Hutson, and Michael Jager.

MINUTES APPROVED: Motioned by Grosz, seconded by Mehlhaff to approve the minutes of the May 11, 2021 regular meeting. Motion carried.

CLAIMS APPROVED: SD Association of County Officials, Register of Deeds Modernization, Preservation Relief fees \$212.00; SD Dept of Legislative Audit, 2018-2019 audit 12,888.50. Phone & Utilities: Century Link \$53.50; Hosmer City Office 90.50; Montana Dakota Utilities 462.90; Roscoe City Office 88.75; Venture Communications 86.19; Verizon Wireless 40.01. Professional Services: Cogley Law Office LLC \$1,197.00; Edmunds County Abstract Co 25.00; Katie Hogie 75.00. Travel Expenses, Dues & Registration: Associated School Board of South Dakota \$775.00, Club House Hotel & Suites Pierre 162.92; D-Ware Inc 150.00. Supplies, Parts & Repairs: American Solutions for Business \$175.57; Century Business Products 28.25; Fire Safety First 674.65; Quill Corporation 14.99; Tyler Technologies 449.00. Motioned by Schaffner, seconded by Mehlhaff to pay all above claims. Motion carried.

BIDS – COUNTY STORAGE BUILDING: The following bids were received on the five bid sections for the construction of a 44' x 100' wood frame building: Oban Construction LLC, dirt work \$32,853.50; Thares Construction, dirt work \$14,500.00; Thares Construction, concrete \$86,500.00; Tim Weigel, concrete \$89,058.12; Dale's Building Supply, material \$125,179.80; Ipswich Lumber and Hardware LLC, material \$128,562.80; Ipswich Lumber and Hardware LLC, material option with four foot on center trusses \$105,908.03; Ace Construction Inc, labor for building \$37,400.00; Thares Construction, labor for building \$49,388.00; Gappa Electric LLC, electrical and heat \$11,247.59; Gappa Electric LLC, electrical and heat option with LED Lighting \$14,017.55. Motioned by Grosz, seconded by Mehlhaff to accept the bid for dirt work from Thares Construction in the amount of \$14,500.00; the bid for concrete from Thares Construction in the amount of \$86,500.00; the bid for building material from Dale's Building Supply in the amount of \$125,179.80; the bid for building labor from Ace Construction Inc in the amount of

\$37,400.00; and the bid for electrical and heat from Gappa Electric LLC with the LED lighting option in the amount of \$14,017.55. Motion carried.

RESOLUTION – CANNABIS: The following resolution was introduced by Commissioner Grosz, who moved its adoption: Resolution #2021-5-1, A Temporary Ordinance Regarding The Issuance of Local Medical Cannabis Establishment Permits and/or Licenses. The motion to adopt the resolution was seconded by Preszler. Roll call vote: Mehlhaff – yes, Grosz – yes, Schaffner – yes, Preszler – yes, Thomas – yes. Ordinance adopted.

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, Edmunds 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 Edmunds 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 EDMUNDS 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.

PLATS APPROVED: Motioned by Schaffner, seconded by Mehlhaff to approve the following resolution: Be it resolved, by the Edmunds County Board of Commissioners, that the following plats, having been examined are hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof; Plat of Jung First Addition in the NE¼ of Section 34, 123-67, and Plat of Rott's First Addition in the SE¼ of Section 24, 123-66, both in Edmunds County, South Dakota. Motion carried.

REGISTER OF DEEDS: Motioned by Schaffner, seconded by Preszler to accept the Register of Deeds Statement of Fees for the month of April 2021 in the amount of \$4,980.30. Motion carried.

GRAVEL TRAILERS SALE: Motioned by Preszler, seconded by Mehlhaff to declare the following four trailers as surplus county property and accept the sales with AuctionTime online auctions: 2000 Red River VIN 0257, ID X-1 \$13,400.00; 2000 Red River VIN 0260, ID X-2 \$15,200.00; 1988 Gallaty VIN 9711, ID XX-1 \$6,600.00; 1988 Gallaty VIN 9712, ID XX-2 \$7,500.00. Motion carried.

GRAVEL TRAILER PURCHASE: Motioned by Schaffner, seconded by Preszler to purchase one Trail King belly dump pup gravel trailer, in the amount of \$47,366.00, from Butler Machinery Company. Motion carried.

TRAVEL AUTHORIZATION: Motioned by Grosz, seconded by Schaffner to allow Heather Williams to attend the D-Ware Inc. Annual Conference in Mitchell on June 9th-10th. Motion carried.

EXECUTIVE SESSION: Motioned by Schaffner, seconded by Grosz to enter into executive session at 10:55 A.M., according to SDCL 1-25-2(1). Motion carried. Executive session declared over at 11:05 A.M.

MEETINGS SCHEDULED: The next regular Edmunds County Commissioner Meetings will be held at 9:00 A.M. on June 8th and June 22nd.

ADJOURN: Motioned by Grosz, seconded by Mehlhaff to adjourn at 10:10 A.M. Motion carried.

Timothy Thomas
Chairman of the Board

ATTEST: _____
Keith Schurr
Edmunds County Auditor

Published once at the total approximate cost of \$_____.