

June 8, 2021

CALL TO ORDER

Chairperson Bode called the regular meeting of the Davison County Board of Commissioners to order at 9:00 a.m. All members of the Board were present. Also present was Deputy Auditor Matthews.

PLEDGE

The Pledge of Allegiance was led by Chairperson Bode.

APPROVE MINUTES

Motion by Claggett, second by Kiner to approve the minutes from the June 1, 2021 meeting. All members voted aye. Motion carried.

PUBLIC INPUT

Sheila Slater of the Friends Foundation of the Mitchell Public Library appeared before the Board regarding Art in the Park to be held June 19th at Dry Run Creek Park.

Acting Planning and Zoning Administrator Jenniges reported that he received a call from Mitchell Chief of Fire & EMS Laursen regarding implementing a County burn ban.

Deputy Auditor Matthews presented a report from Auditor Kiepke on a meeting she attended about the American Rescue Plan Act.

RECESS BOARD OF COMMISSIONERS/CONVENE BOARD OF ADJUSTMENT

At 9:15 a.m., motion by Weitala, second by Kiner to recess Board of Commissioners and convene Board of Adjustment. All members voted aye. Motion carried.

ADJOURN BOARD OF ADJUSTMENT/RECONVENE BOARD OF COMMISSIONERS

At 9:39 a.m., motion by Claggett, second by Reider to adjourn Board of Adjustment and reconvene Board of Commissioners. All members voted aye. Motion carried.

APPROVE PLATS

Motion by Claggett, second by Kiner to approve a Plat of Lot 1 and Lot 2 of Rosewood Barn Lodge Addition in the SW ¼ of Section 27, T 104 N, R 62 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Reider, second by Claggett to approve a Plat of Lot 1 of Luna's Addition in the S ½ of the SE ¼ of Section 9, T 102 N, R 62 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Reider, second by Kiner to approve a Plat of Tracts 1, 2, and 3 of JRJ Addition in the SE ¼, Section 32, T 103 N, R 62 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

Motion by Claggett, second by Reider to approve a Plat of A & M Tract 2, in the SE ¼ of the SW ¼ of Section 15, T 101 N, R 60 W of the 5th P.M., Davison County, South Dakota. All members voted aye. Motion carried.

2ND READING AND ADOPTION OF THE AMENDMENTS TO THE DAVSION COUNTY PLANNING AND ZONING ORDINANCE AND PUBLIC HEARING

At 9:45 A.M. motion by Kiner, second by Claggett to hold the second public reading and adopt the proposed amendments to the Davison County Planning and Zoning Ordinance. A roll call vote was taken as follows Claggett-aye, Kiner-aye, Reider-aye, Weitala-aye, Bode-aye. Motion carried.

Davison County Planning and Zoning Ordinance Amendments #060121-01

Be it ordained by the Davison County Commission that the following amendments be made to the Davison County Zoning Ordinance.

Introduction:

1. Page 1-Will need new dates on the Ordinance dates.
 - a. June 8, 2021
2. Page 2-Update Planning Commission members.
 - a. Steve Thiesse, Vice-Chairperson; Dave Anderson
3. Page 3-Update ordinance page showing dates/signatures.
4. Page 5-Update ordinance history.

Article 1: Definitions

5. Page 9-Added a definition of Cannabis (or Marijuana).
 - a. Cannabis (or Marijuana) - all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.
6. Page 9-Added a definition of Cannabis Cultivation Facility.
 - a. Cannabis Cultivation Facility - a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.
7. Page 10-Added a definition of Cannabis Dispensary.
 - a. Cannabis Dispensary - a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.
8. Page 10 Added a definition of Cannabis Establishments.
 - a. Cannabis Establishments - a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.
9. Page 10-Added a definition of Cannabis Product Manufacturing Facility.

- a. Cannabis Product Manufacturing Facility - a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

10. Page 10-Added a definition of Cannabis Testing Facility.

- a. Cannabis Testing Facility - a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Article 9: Rural Commercial District

11. Page 82-Added Cannabis Establishments to Section 9:04 Conditional Uses and Structures.

Dated this 8th day of June, 2021 at Mitchell, SD.

ATTEST

James Matthews, Deputy Auditor

Brenda Bode, Chairperson

CLOSE 2nd READING FOR AMENDMENTS TO THE DAVISION COUNTY PLANNING AND ZONING ORDINANCE

Motion by Reider, second by Weitala to close the 2nd reading for amendments to the Davison County Planning and Zoning Ordinance. All members voted aye. Motion Carried.

SECOND READING AND ADOPTION OF AN ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT LICENSES

At 10:00 a.m. motion by Claggett, second by Reider to hold the 2nd reading and adopt the proposed ordinance regarding the issuance of Local Medical Cannabis Establishment Licenses. A roll call vote was taken as follows. Reider-aye, Kiner-aye, Claggett-aye, Weitala-aye, Bode-aye. Motion Carried.

Davison County
An Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Licenses
#060121-02

Deputy States Attorney Taylor recommended the following changes to Section 3 and Section 4 (E) of the proposed ordinance as initially presented for 1st reading on June 1, 2021. As well as additional non substantial grammatical and punctuation changes.

Section 3. Licensing Jurisdiction, Number, Types, and Term of Licenses Authorized to be Issued.

- A. Notwithstanding the County’s grant of zoning authority within the extraterritorial zoning jurisdiction of the City of Mitchell, Davison County, South Dakota, as set forth in Section 2:02 of the *Davison County Zoning Ordinance* and as ceded to the City of Mitchell by action of the Davison County Commission under date of October 4, 1998, the provisions of this Ordinance apply to all areas of Davison County which are outside of the corporate limits of the City of Mitchell, the City of Mount Vernon, and the Town of Ethan, Davison County, South Dakota.
- B. Medical cannabis dispensary licenses will be issued.
- C. The number of medical cannabis dispensary licenses authorized to be issued within Davison County and outside of the corporate limits of the City of Mitchell, the City of Mount Vernon, and the Town of Ethan, Davison County, South Dakota, is **one (1)**.

- D. Cannabis product manufacturing facility, cannabis cultivation facility, and cannabis testing facility licenses will not be issued for any location within Davison County and outside of the corporate limits of the City of Mitchell, the City of Mount Vernon, and the Town of Ethan, Davison County, South Dakota.
- E. A license provided and issued pursuant to this Ordinance will specify the date of issuance, the date of approval, and the period of licensure, which period of licensure will be one (1) year from the date of approval. The licensee will conspicuously place the license at all times on the licensed premises.

Section 4 (E) Inspection. The licensed premises, including but not limited to any places where cannabis is stored or dispensed, will be subject to inspection by officials authorized by the Davison County Commission (hereafter “County Inspection Officials”) to conduct inspections of medical cannabis establishments including, such County Inspection Officials to include, but not limited to, the Davison County Planning & Zoning Department, the Davison County Sheriff’s Department, or any State or local law enforcement personnel, during all business hours, and other times of apparent activity. County Inspection Officials may conduct unannounced or covert compliance inspections. For examination of any inventory or books and records required to be kept by the licensees, access will be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee such area will be made available for inspection without delay and, upon request by County Inspection Officials, the licensee will open the area for inspection.

Dated this 8th day of June, 2021 at Mitchell, SD.

ATTEST

James Matthews, Deputy Auditor

Brenda Bode, Chairperson

CLOSE 2nd READING FOR AN ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT LICENSES

Motion by Reider, second by Kiner to close the 2nd reading for an ordinance regarding the issuance of local medical cannabis establishment licenses. All members voted aye. Motion Carried.

MRC RAILROAD DISCUSSION

Dick Huff and Alex Huff former owners of Dakota Southern Railway and Tom Greenway the Davison County MRC Representative appeared before the Board. Ken Cotton attorney for the MRC, Greg Henderson District III, Brad Carson MRC Chair, and Jack Dokken appeared telephonically to discuss the Mitchell Rapid City (MRC) Regional Railroad Authority.

PHONE SYSTEM

Jordan Thuringer of Tech Solutions appeared before the Board to present a quote from Santel Communications to upgrade the county’s phone system. No action taken.

ADVERTISE FOR SHARED DEPUTY

Treasurer Beintema appeared before the Board along with Deputy Auditor Matthews to request approval to advertise for a shared deputy between the Treasurer and Auditor’s offices. No action taken.

APPROVE BILLS

Motion by Reider, second by Claggett to approve the following bills for payment. All members voted aye.
Motion carried.

GENERAL FUND:

COMM: Cultural Endeavors/County Fair Food Store-75.04, Utilities/Mitchell Telecom-59.19; **JUD:** Prof Fees/Carol Johnson-15.20, Witness Jury Fees/Jurors-477.72; **AUD:** ACH Fee/Cortrust Bank-15.00, Rentals/Microfilm Imaging Sys-147.00, Supplies/McLeod's Printing-179.90, Utilities/Mitchell Telecom-59.20, Mainframe Prog/Software Services-280.00; **TREAS:** Utilities/Mitchell Telecom-116.74, Mainframe Prog/Software Services-540.00; **STATES ATTY:** Utilities/Mitchell Telecom-118.65; **CRT APPTED ATTY:** Crt Appted Atty/Alvine Weidenaar-4,453.08, Legal Expenses/Sharday Pagan-180.00; **PUB SFTY BLDG:** Repairs/All Flags LLC-46.38, Supplies/Jones Supplies-223.10, Gas & Electric/Northwestern Energy-6,363.28; **CRTHOUSE:** Repairs & Maint/All Flags LLC-46.38, Arctic Refridgeration-87.76, Santel Communications-45.00, Cable TV/Mitchell Telecom-94.92, Water & Sewer/City of Mitchell-95.77; **DOE:** Travel & Conf/Karla Love-393.84, Carla Wittstruck-160.00, Utilities/Mitchell Telecom-129.50, Software Serv/Software Services-760.00; **ROD:** Rentals/Microfilm Imaging Sys-465.00, Utilities/Mitchell Telecom-128.62, Prog Support/Software Services-320.00; **NORTH OFF:** Repairs/All Flags LLC-155.46, Supplies/Jones Supplies-160.65, Phones/Mitchell Telecom-124.36; **VET:** Utilities/Mitchell Telecom-140.37; **COORD:** IT Contract/Tech Solutions-9,850.00, Postage/Qualified Presort-612.37, Postage Meter Fees/Qualified Presort-191.31, Copy Mach Maint/A & B Business Solutions-85.74; **SHERIFF:** Utilities/Mitchell Telecom-635.60; **JAIL:** Medicine/Avera QoP Hosp-3,102.42, Stephen Gullings DDS-576.00, Jail Supplies/County Fair Food Store-76.04, First Bankcard-79.77, Jones Supplies-574.08, McKesson Medical-16.08, Laundry Supplies/Jones Supplies-80.42, Kitchen Supplies/Cash Wa Dist-339.65, Jones Supplies-342.69, Uniforms/Jack's Uniforms & Equip-545.34, Prisoner Food/Summit Food Service-8,986.80, Travel/Springhill Suites-577.39, Cable TV/Mitchell Telecom-94.92, Buildings/Building Sprinkler Inc-1,500.00, Contracts/Office Advantage-270.39, Vehicle Maint/First Bankcard-131.72, Inmate Services/Swanson Services Corp-341.74; **WELFARE:** Supplies/Qualified Presort-9.72, Ofc Utilities/Mitchell Telecom-56.46; **MENTAL HAND:** Mentally Hand/SD Dept of Revenue-1,172.98; **MENTAL ILL:** Committals/Douglas Papendick-396.00, Hearings/Kennedy Pier Loftus LLP-336.60, Lincoln Co Treasurer-1,174.38, Lucy M Lewno-81.50, Yankton Sheriff's Ofc-100.00; **FAIR:** Repairs & Maint/All Flags LLC-46.38, Northwestern Energy-1,580.17; **CO EXTENSION:** Postage/Qualified Presort-13.70, Utilities/Mitchell Telecom-60.88; **WEED:** Repairs/Carquest of Mitchell-21.99, NAPA Auto Parts-56.19, Supplies/Scott Supply Co-14.00, Utilities/Mitchell Telecom-109.88; **HIWAY:** Repairs & Maint/Bailey Metal-109.80, Butler Machinery-731.30, Carquest of Mitchell-1,339.51, Fastenal Co-6.83, Interstate Tire & Auto-30.00, North Central Int'l Inc-92.30, RDO Equipment-48.73, Runnings Supply-40.00, Scott Supply Co-114.10, Wheelco Truck & Trailer-366.68, Supplies & Materials/A-Ox Welding-277.04, C & B Operations-20.15, Carquest of Mitchell-122.02, First Bankcard-16.93, Jones Supplies-188.43, McLeod's Printing-35.76, Mitchell Iron & Supply-127.06, Mueller Lumber Co-23.47, Rockmount Research & Alloys-443.92, Runnings Supply-103.87, Sturdevant's Auto Parts-70.78, Thune's True Value-13.96, Utilities/Miedema Sanitation-83.00, Mitchell Telecom-204.80, Signage & Materials/First Bankcard-80.00, Mueller Lumber Co-11.83; **EM:** Repairs & Maint/TMA-161.66, Utilities/Mitchell Telecom-83.89; **24/7 JAIL:** PBT Tubes/Intoximeters Inc-1,735.00.

DENY WELFARE

As per the recommendation of Welfare Intake Administrative Assistant Emme motion by Reider, second by Weitala to deny welfare claim #19-1986 pursuant to SDCL 28-13-34.1(3) physician not noted on notice as required, SDCL 28-13-32.10 indigent by design and SDCL 28-13-3 residency required for assistance; claim #21-6666 pursuant to SDCL 28-13-3 residency required for assistance and SDCL 28-13-32.10 indigent by

design; claim #19-2107 pursuant to SDCL 28-13-3 residency required for assistance and SDCL 28-13-34.1(3) physician not noted on notice as required; claim #19-7574 pursuant to SDCL 28-13-33 prior authorization required; claim #19-1329 & #19-9486 pursuant to SDCL 28-13-34.1(3) physician not noted on notice as required; claim #20-9507 pursuant to SDCL 28-13-3 residency required for assistance; claim #20-5776 pursuant to SDCL 28-13-27(6)(c) failed to purchase health insurance through employer; claim #21-6583 & #21-6288 pursuant to SDCL 28-13-27(6)(d) failed to purchase health insurance when insurable and affordable. All members voted aye. Motion carried.

RECOGNIZE EMERGENCY MANAGEMENT, PLANNING & ZONING, FLOOD PLANE, 911 SIGNAGE AND PICTOMETRY ADMINISTRATOR AND DEPUTY

Motion by Claggett, second by Kiner to recognize Jeff Bathke as the Emergency Management, Planning & Zoning, Flood Plane, 911 Signage and Pictometry Administrator at a salary of \$71,817.80, and Mark Jenniges as Deputy Emergency Management, Planning & Zoning, Flood Plane, 911 Signage and Pictometry Administrator at a rate of \$23.49 per hour effective June 7, 2021. All members voted aye. Motion carried.

SIGN DEPT OF HEALTH CONTRACT

Motion by Reider, second by Claggett to authorize chairperson to sign the contract between Davison County and the South Dakota Department of Health, for fiscal year 2022 for the WIC clerical staff in the amount of \$40,704. All members voted aye. Motion carried.

INTRODUCTORY WAGE INCREASE

At the request of Director of Equalization Love, motion by Weitala, second by Reider to approve an introductory wage increase of \$.50 per hour for DOE Administrative Assistant Robin Dutt effective June 21, 2021. All members voted aye. Motion carried.

APPROVE AUDITORS ACCOUNT WITH TREASURER

Motion by Claggett, second by Reider to approve the May 2021 Auditor's Account with the Treasurer in the amount of \$11,474,835.41. All members voted aye. Motion carried.

AUTOMATIC SUPPLEMENT

Motion by Reider, second by Kiner to approve an automatic supplement to the Emergency Accumulation line (4291/226) in the amount of \$45,972.54 received from Homeland Security. All members voted aye. Motion carried.

ADOPT RESOLUTION FOR CONTINGENCY TRANSFER

Motion by Weitala, second by Kiner to approve the following resolution for a contingency transfer for the 2021 budget year. A roll call vote was taken as follows Kiner-aye, Claggett-aye, Reider-aye, Weitala-aye, Bode-aye Motion carried.

Resolution #060821-01 Contingency Transfer

Whereas, SDCL 7-21-32.2 states that no expenditures shall be charged to the line item authorized for by

SDCL 7-21-6.1, but such appropriated amount may be transferred, by resolution of the board, to any other appropriation in which insufficient amounts were provided or for items for which no appropriation was provided. When transfers are made from the contingency budget to other appropriations, whose revenue is provided by other than general fund revenues, a transfer of fund balances may be made from the county general fund to such other fund in the amount of the budget transfer.

Now, therefore, be it resolved that the following contingency transfer be made for the 2021 budget year:

Transfer from the General Fund Contingency Budget 112 in the amount of \$214 to Budget 113 Insurance.

Dated at Mitchell, South Dakota, this 8th day of June, 2021.

Brenda Bode, Chairperson

ATTEST: _____
James Matthews, Deputy Auditor

ADJOURN

At 12:20 p.m., Chairperson Bode adjourned the meeting and set the next regular Board of Commissioners meeting for June 15, 2021 at 9:00 a.m.

ATTEST

James Matthews, Deputy Auditor

Brenda Bode, Chairperson

Publish Once
Approximate Cost