

**DAY COUNTY COMMISSION**  
**WEBSTER, SOUTH DAKOTA**  
**June 1, 2021**

The Day County Board of Commissioners convened in regular session at 9:00 AM, Tuesday June 1, 2021 in the Commissioners Chambers in the Day County Courthouse. Meeting called to order by Chairman Linda Walters. Members present: Commissioners Tompkins, Sinner, Tobin, and Jim Walter. Others: Amanda Fanger-R&F.

**PLEDGE:** Chairman Linda Walters led the members in reciting the Pledge of Allegiance.

**CORRESPONDENCE:** None.

**PUBLIC COMMENTS:** None.

**MINUTES:** Moved by Sinner, seconded by Tompkins to approve the minutes for May 25, 2021 regular commissioner meeting. Motion carried.

**PAYROLL:** Moved by Tobin, seconded by Walter to approve and authorize the chairman to sign the payroll period ending May 22, 2021. Motion carried.

Auditor's Office 4,753.45; Treasurer's Office 5,167.20; Register of Deeds 4,584.71; State's Attorney 2,136.00; Sheriff's Office 9,196.94; Jailors 7,446.69; Assessor's Office 5,125.20; Commissioners 2,706.92; Home Health 395.00; WIC 316.00; Veteran's Service 2,150.13; Maintenance 2,433.78; Extension 1,134.00; Welfare 346.88; Drainage 98.08; Planning & Zoning 260.08; OEM 675.00; 911 318.75; Weed 682.15; Highway 19,807.28; Social Security 4,199.65; Medicare 982.17; Health Insurance 24,567.62; SD Retirement 4,004.47 for a total of 103,488.15.

**CLAIMS:** Moved by Tompkins, seconded by Walter to approve and authorize the chairman to sign the following audited claims. Motion carried.

**SERVICES:** Aramark Uniform Services/Ameripride Services Inc. 63.30, City of Watertown 4,623.24, Delaney, Nielsen & Sannes 4,500.00, SD Dept Transportation 1,486.62,

**SUPPLIES:** Ace 38.96, Cole Papers, Inc 63.46, Century Business 133.08, Quill 133.37, RDO 3.24,

**REPAIRS:** Twin Valley Tire 3,787.23,

**PER DIEM:** Rick Tobin 41.40, James Walter 12.60,

**DUES:** SD ASSOC 1,197.00,

**UTILITIES:** Northwestern Energy 17.12, City of Webster 18.45

**MANUAL CHECKS:** Jim Walter 12.60, Rick Tobin 41.40, Delaney, Nielsen, Sannes 4,500.00.

**EMPLOYEE RAISE:** Treasurer Zubke reported Sheila Schimmel has met her six months of employment and recommends a pay increase. Moved by Tobin, seconded by Sinner to approve a \$1.00/hour increase (from \$19.00-\$20.00) effective June 20, 2021, for Sheila Schimmel. Motion carried.

**ECONOMIC DEVELOPMENT:** Moved by Tompkins, seconded by Walter to not give the second half contribution to Day County Champion Community and Webster Area Development. Kelly Hanson thanked the board for the past and submitted the 2022 budget request. Hanson asked if the board would still consider funding in 2022 and he would stay in touch on the hiring of a director. Motion carried.

**TRAVEL REQUEST:** Moved by Tobin, seconded by Sinner to approve Bryan Anderson to travel to Watertown, SD for SDEMA Meeting. The meeting will take place September 13-17, 2021. Motion carried.

**SD STATE EMERGENCY MANAGEMENT:** OEM/911 Director Anderson recommended that all commissioners sign up and take the free ICS classes. This enrollment would include getting a SID number and badge. The SID number is required to take training provided by a FEMA organization and the badge would allow you access at an emergency scene.

**PART TIME TEMP HIRE:** Moved by Tobin, seconded by Walter to approve Highway Supt. Braaten to hire Leo German part time temporary help at \$20.73 per hour. Motion carried.

**ROW FOR NORTHERN VALLEY COMMUNICATIONS:** Moved by Sinner, seconded by Tompkins to approve eleven applications for Occupancy on ROW of County Highways for Northern Valley Communications per Highway Supt. Braaten's recommendations. Motion carried.

**RECESS:** Chairman Linda Walters declared a recess at 9:48 AM. Chairman Linda Walters reconvened the regular session at 10:00 AM.

**FIRST READING OF ORDINANCE #2021-1 BY TITLE:** Moved by Tompkins, seconded by Sinner to approve the first reading of the following Ordinance.

ORDINANCE NO. 2021-1

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, Day County, SD (hereinafter referred to as 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 Day 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.

Linda Walters  
County Commissioner Chair

ATTEST:  
Karli Zimmerman  
County Auditor

**PUBLIC HEARING SET:** Moved by Walter, seconded by Tompkins to set the joint public hearing date for Ordinance #2021-1 on June 17, 2021, at 9:00 am. Motion carried.

**COMMISSIONER MEETING SET:** Commissioners will hold an additional meeting June 17, 2021.

**COUNTY ASSISTANCE LIEN:** Moved by Tompkins, seconded by Tobin to follow States Attorney Smeins recommendation to issue a full satisfaction of the County Assistance Lien upon payment and receipt of settlement of the estate. Motion carried.

**ADMISSION OF SERVICE:** Moved by Tobin, seconded by Sinner to allow the chairman to sign the Admission of Service. Motion carried.

**SHERIFF VEHICLE:** Deputy Schreur reported that the Tahoe that was ordered by the Sheriff's department is enroute. It is right within budget. The wiring will be done locally. Moved by Tompkins, seconded by Sinner to allow parts and lights to be ordered. Motion carried.

**ARP FUNDS:** Auditor Zimmerman discussed with the board that a few counties were looking at hiring a firm to help direct allowable uses of the ARP funds. Very vague information has been released at this point on what counties can utilize the funds for. No action was taken.

**RECESS:** Chairman Linda Walters declared a recess at 10:36 AM. Chairman Linda Walters reconvened the regular session at 10:46 AM.

**DEPUTY STATES ATTORNEY:** Deputy States Attorney John Knight came before the board to ask where he stood with the possible resignation of States Attorney Smeins. Commissioners discussed the possible appointment of Knight if Smeins resigned. Knight questioned the board on what the budget was and what the salary would be if he were to be appointed, as that is something he would need to consider. States Attorney Smeins submitted a letter of resignation during the meeting. The board did not act on the resignation, as it was not an item on the agenda. Chairman Walters told the board that they need a final decision by the June 15<sup>th</sup> meeting.

**ADJOURNMENT:** Moved by Tobin, seconded by Tompkins to adjourn until 9:00 AM, Tuesday June 15, 2021 to convene in the Commissioners Chambers in the Day County Courthouse. Motion carried.

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Linda M. Walters  
Chairman

ATTEST:

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Karli Zimmerman  
Day County Auditor

Day County does not discriminate on the basis of color, national origin, sex, religion, age, or disability in employment or the provision of service.