

Perkins County Commission

Date: June 8, 2021

Present: Commissioners Foster, Campbell, Schweitzer and Henderson, Carmichael (for executive session via phone) and Finance Officer Chapman

Others Present: Cody Green, Shane Penfield, Chad Baumgarten, Brad Derschan, Ethan Thom, Matt Barnes, Dave Johnson, Jason Lillich, Lori Drayton and Koreen Anderson

Call to Order

Vice Chairman Foster called the Regular Commission Meeting to order at 10:00 am at the Three Rivers Mental Health Meeting Room in Lemmon, SD.

Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

Conflict of Interest

There was no Conflict of Interest declared.

Approval of the Agenda

Schweitzer moved, Campbell seconded to approve the Agenda as presented, motion carried.

Approval of the Minutes

Campbell moved, Schweitzer seconded to approve the Minutes of the May 11th and May 17th Commission meetings, motion carried.

Monthly Reports

- Finance Officer's Account with the Deputy Finance Officer – To the Honorable Board of County Commissioners Perkins County: I hereby submit the following report of my examination of the cash and cash items in the hands of the Deputy Finance Officer of this County as of May 31, 2021, Sylvia Chapman, Finance Officer, Perkins County. Total amount of deposits in banks \$2,661,624.15, Total amount of actual cash \$200.00; Dakota Plains Federal Credit Union: \$103,693.37; Certificates of Deposit \$400,000.00; Total \$3,165,552.85. The total represents state, county, schools, cities, and township funds, which will be transferred to each entity of government after being apportioned.
- Motor Vehicle fees for the month of May 2021 were reviewed.
- Register of Deed's fees in the amount of \$5,985.00 were reviewed.
- Sheriff's Fees in the amount of \$505.00 were reviewed.
- Longevity increase of .10/hour will be realized for the following: G. Karels 6-1; W Johnson 6-1.

Highway Superintendent

- Superintendent Green gave his June Highway Project and Maintenance Report. Spring blading is almost complete. They will begin working on the Owen Lake Road project soon.
- Superintendent Green would like to see the Highway and Bridge Levy of 50¢ per thousand considered. Highway funding is very limited and the number of projects that Perkins County would like to complete requires additional funding.
- Discussion was held on purchasing traffic counters rather than using the SDDOT counters.
- Superintendent Green would like to advertise for a second full-time position. Campbell moved, Schweitzer seconded to authorize Superintendent Green to advertise a full-time position, motion carried.
- Superintendent Green has hired Michael Johnson for the full-time position and needs the wage to be approved. Schweitzer moved, Henderson seconded to set Michael Johnson's wage at \$18.49 per hour, motion carried.
- Superintendent Green requested a wage increase for Highway Foreman Chris Grimes. Henderson moved, Schweitzer seconded to increase the base wage of Highway Foreman Christopher Grimes by 50¢ per hour, motion carried.
- There was a brief recap of the meeting with SDDOT.

Kyle Dalzell US Forest Service

Kyle Dalzell introduced himself as District Ranger for the Dakota Prairie Grasslands, Grand River Ranger District. He gave the Commissioners a brief report on current events.

- Fire restrictions have expired, and the District does not currently have plans to renew the restrictions. They will keep an eye on the conditions and keep the Commission informed if they decide to implement fire restrictions again.

Boss Cowman Special Event License

Campbell moved, Schweitzer seconded to approve the 3-day Special Event License for Boss Cowman Rodeo for July 9-10-11, 2021, motion carried.

Executive Session

Foster moved, Henderson seconded to declare Executive Session at 11:28 am per SDCL 1-25-23, motion carried. Foster declared the meeting out of Executive Session at 11:43 am.

Ordinance 2021-01

Vice Chairman Foster announced that it was the time and place for the second reading of Ordinance 2021-01 “A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses”. Schweitzer moved, Campbell seconded to approve the second reading of Ordinance 2021-01 “A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses”, roll call vote: Campbell aye, Schweitzer aye, Henderson aye, Foster aye, motion carried.

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, Perkins 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. 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 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 7-18A-8, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the County;

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 Perkins County, South Dakota:

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 7-18A-8.

Resolution 2021-07 Alcohol Beverage License - Package Off-Sale Liquor

Henderson moved, Campbell seconded to introduce and approve Resolution 2021-07 Alcoholic Beverage License – Package Off-Sale Liquor, roll call vote: Schweitzer aye, Henderson aye, Campbell aye, Foster aye, motion carried.

**RESOLUTION 2021-07
ALCOHOLIC BEVERAGE LICENSE – PACKAGE OFF-SALE LIQUOR**

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of package off-sale liquor by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35 as amended; and

WHEREAS SDCL 35-4-11.1 as amended provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of package off-sale liquor licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and

WHEREAS, the Perkins County Board of County Commissioners has set the number of package off-sale liquor licenses at three and the fee for such license at \$1,500.00 and

WHEREAS, Perkins County currently qualifies for three off-sale liquor licenses, making three additional licenses available for issuance July 1, 2021; and

WHEREAS, the Perkins County Board of Commissioners wishes to make the license available to the public on a first come, first-serve basis.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Perkins County Commission makes the following rules applicable to the issuance of new package off-sale liquor licenses:

1. Applicants may apply for the package off-sale liquor license beginning upon passage of 2021 Senate Bill 152.
2. Such application packet shall include the following:
 - A. Uniform Alcoholic Beverage Application. This must be completed fully and according to its instructions and bear the necessary original signatures.
 - B. License Purchase Fee. License purchase fee in the amount of \$1,500.00 shall be presented at time of application.
 - C. Sheriff Approval Form. Sheriff approval request form will accompany the application.
3. In the event the first come, first-served applicant is not able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant who next submits a fully and accurately completed application shall be next considered.

Budget

- Lemmon Fire Department was represented by Chad Baumgarten and Matt Barnes. They requested a \$25,000 subsidy for the 2022.
- Lemmon Ambulance was presented by Brad Derschan, Ethan Thom, and Matt Barnes. They requested the current pickup fee of \$40.00 and mileage of 42¢ a mile for Perkins County residents and \$26,280 for help paying on-call time for Lemmon EMT's.
- Jason Lillich was present on behalf of Three Rivers Mental Health. He requested \$7,500 for 2022.
- Dave Johnson representing LACED requested a 2022 subsidy amount of \$30,000.
- Koreen Anderson was present on behalf of Boss Cowman Rodeo. Their subsidy request for 2022 is \$2,000.
- Live Center LLC representative Lori Drayton requested a subsidy amount of \$5,000 for 2022.

Bruce Hintz, Legislative Audit

Bruce Hintz was contacted via phone to go over the findings from the 2018-2019 audit. A full audit report will be on file at the Perkins County Finance Office upon final review of Legislative Audit.

Wage for Joanna Seim

Joanna Seim has replaced Lindsey Obrigewitch in the Perkins County State's Attorney Office. Schweitzer moved, Henderson seconded to set Joanna Seim's wage at \$15.48 per hour, motion carried.

Uncollectible Tax

Henderson moved, Campbell seconded to declare taxes "uncollectible" on MH only (Record #17534) in the amount of \$183.13, motion carried.

Zoom Camera

Discussion was held on purchasing a zoom camera, microphone, and speaker for the Commissioner Room. The consensus was to purchase a zoom camera that would be adequate for meetings.

4-H Computer

Discussion was held on the purchase of a new laptop for the 4-H Office. A laptop will be ordered.

Claims

The following claims were presented and approved for payment, May payroll: 84,277.72; IRS, fica, 8,282.48; SD Retirement, retirement, 6,303.40; Delta Dental, insurance, 1,177.36; Medico Life, insurance, 115.80; Wellmark, insurance, 20,981.21; SDPEF, insurance, 90.00; HRA Reimbursements, 1,369.11; A&B, copier, \$40.83; Active Data, Computer Programs, 780.00; American Solutions, supplies, 121.13; Berge's Machine, repairs, 703.65; Bison Courier, publishing, 798.41; Bison Food, supplies, 68.95; Bison Grain, repairs/supplies, 20,067.81; Bison Impl, supplies/repairs, 2,942.95; Bootz & Tire, repairs, 305.00; Buffalo Hardware, supplies, 184.30; Butler Machinery, repairs, 61,425.28; Chapman's Electronics, repairs, 414.99; Contractor's Supply, supplies, 81.00; Current Connection, maint/supplies, 1,536.83; Dakota Herald, publishing, \$930.77; E-911 Surcharge, phone surcharge, 16,064.64; EIDO, advertising, 210.00; Five Counties, blood draw, 500.00; G&O, supplies, 254.95; GF&P, predatory animal, 5,017.69; Grand Electric, utilities/repairs, 2,535.71; Historic Log Cabins, travel, 608.00; John Deere, repairs/supplies, 768.95; John's Repair, maint, 924.39; Lemmon EMT, mileage, 453.79; Lemmon IGA, supplies, 17.03; Lodge at Deadwood, travel, 206.00; Lodgepole Propane, utilities, 2,475.02; Matheson Tri-Gas, supplies, 46.58; Meade County, jail board/communications, 400.25; Melling & Roseland, Crt, Appt, Atty, 390.10; NW Farm & Home, supplies, 243.38; S. Penfield, rent, 400.00; Phil's Paint & Body, maint, 3,143.56; Runnings, supplies, 136.86; SD Development, subsidy, 60.00; SD Public Health Lab, coroner/SA services, 220.00; SDNA, publishing, 150.00; SDVSOA, dues, 100.00; Servall, supplies, 174.61; Simon North Region, supplies, 6,275.52; Stock's, equip, 200.00; Tennant's, supplies/maint, 157.76; T Collins, repairs, 146.63; Town of Bison, utilities, 219.34; US Postal Service, PO Box fees, 402.00; Verizon, utilities, 282.00; VISA, postage/utilities/travel, 455.63; West Group, SA law books, 491.12; WRCTC, utilities, 1,403.77.

Adjournment

There being no further business to come before the Commission, Vice Chairman Foster declared the meeting adjourned at 1:05 pm. The next regular meeting of the Perkins County Commission will be held at 10:00 am on Tuesday, July 13, 2021 at the Perkins County Courthouse.

ATTEST:

APPROVED:

 Sylvia Chapman, Finance Officer

 Rusty Foster, Vice Chairman