

HANSON COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
Tuesday, June 15, 2021

Chairman Schoenrock with members Fox and Waldera present, called the regular meeting of the Hanson County Board of Commissioners to order on Tuesday, June 15, 2021. Bumgardner and Kjetland were absent.

No conflict of interest.

Motion Waldera, seconded by Fox to approve the agenda. Motion carried.

Motion Fox, seconded by Waldera to approve the June 1st meeting minutes. Motion carried.

No Citizens input.

Clerk of Courts fees collected for the month of May 2021 totaled \$5,935.49.

Justin Friese, Highway Superintendent and Nick Mentele, Assistant Highway Superintendent, joined the meeting. Friese reported that graveling, blading and mowing are currently being done.

Pictures and discussion concerning the 257th St. bridge damage and closure took place. The bridge was inspected by Brosz Engineering and found to be unsafe. Estimated cost to repair will be \$50,000.00 and work to commence on repairing the bridge in approximately three weeks.

Pictures of the 413th Ave bridge were also viewed showing that more rip rap is needed and questions have been voiced wondering if proper engineering was done as it appears the road will most likely wash out if high water occurs. A bridge inspection is scheduled to be done in hopes of resolving these concerns.

Motion Waldera, seconded by Fox to surplus the following items to be sold as they are no longer needed. All voted aye, motion carried. 1956 Water Trailer, 1963 Lo Boy Trailer, Flat Bed Trailer, 1982 Osh Kosh, 2011 Diamond Mower, 1977 Sheep's Foot Packer, Steel Packer, 1999 Mack Truck, 1971 Sno Pacer, 1994 Homemade 24' Enclosed Trailer, 2001 Snowblower, Sweeper, 2001 Dodge pickup, 1999 Chevy Pickup, 2008 Dodge 1500. These items will be sold at a future Wieman Auction sale.

Several pictures and prices for trucks were presented as the 1999 Mack Truck frame broke and is no longer usable and needs to be replaced.

Motion Fox, seconded by Waldera to approve the hire of Bernie Schroeder as a full time Highway Maintenance worker effective July 12, 2021. All voted aye, motion carried. Starting wage will be \$16.79 with a \$.50 raise after three months, \$.50 raise after the six-month probation period and all full-time benefits.

As the truck was not suitable for purchase a motion by Fox, seconded by Waldera to rescind the motion made on June 1, 2021, allowing Mentele to purchase the 2012 truck from Boyer if it was a good fit for the County. All voted aye, motion carried.

Motion Waldera, seconded by Fox to approve and sign the C & B Operations Rental Agreement for the use of a 2021 JD Deere tractor for up to 150 hours at a cost of \$3,750.00. All voted aye, motion carried.

The executive session agenda item was not needed at this time.

Motion Fox, seconded by Waldera and carried to recess Board of Commissioners to conduct business as the Drainage Board.

Reconvene Board of Commissioners.

Bryce Gillen, Dave Kayser and Toby Wipf were present for the first reading of Ordinance #48 "A Revision of the Hanson County Drainage Ordinance #30". The ordinance was reviewed, and the suggested changes and additions will be given to the State Attorney to be made. Motion Fox, seconded by Waldera to approve the first reading, and contingent on the Board having the revised ordinance by July 13, 2021, the second reading of ordinance #48 will be held on Tuesday, July 20, 2021. All voted aye, motion carried.

Don Huber, Emergency Manager, discussed the dry conditions and future weather report with the Board. A motion by Fox, seconded by Waldera to enact a burn ban effective today, June 15, 2021, until adequate moisture has been received. All voted aye, motion carried.

Motion Waldera, seconded by Fox to approve and adopt the following ordinance.

HANSON COUNTY
ORDINANCE #47

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, Hanson County, SD ("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 Hanson 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 be held in abeyance 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 held in abeyance.

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.

/s/ Gary Schoenrock
County Commission Chair
ATTEST:
/s/Lesa Trabing
County Auditor

1st reading: June 1, 2021
2nd reading: June 15, 2021
Date adopted: June 15, 2021
Published: June 24, 2021
Effective immediately upon publication.

No action was taken on the road improvement funding. It will be discussed further at the next meeting with the States Attorney.

Motion Fox, seconded by Waldera to approve and authorize the chairman to sign the Quit Claim Deed needed to finalize the tax repayment contract a resident had with the County. All voted aye, motion carried.

Motion Waldera, seconded by Fox to sign the District III Planning & Development joint cooperative agreement for 2022. All voted aye, motion carried. The cost increased \$100.00.

Caroline Hansen, 4-H Youth Advisor, presented an office update for the Commissioners and presented a travel request to attend the NAE4-HYDP National Conference in Memphis, TN. As the State has approved said travel request motion was made by Waldera, seconded by Fox to approve the expense of approximately \$350.00 for Caroline to attend the conference in November. All voted aye, motion carried.

Motion Fox, seconded by Waldera to approve payment of the bills with the exception of Marc Degen's bill for \$800.00. Motion carried. DEPT. SALARIES: Commissioners: 2,126.55, Auditor: 3,081.55, Treasurer: 3,333.42, States Attorney: 2,455.41, Custodian: 1,759.09, Director of Equalization: 5,053.50, Register of Deeds: 2,663.39, Veterans Service: 316.74, Sheriff: 8,286.30, Nurse Clerical: 403.71, Extension: 1,056.35, Weed: 1,379.99, Drainage: 172.99, Planning & Zoning: 765.61, Highway: 13,819.76, E911: 89.59, Emergency Management: 129.75. BILLS: A-Ox, 160.75, supplies; Alex City, 107.00, water; Appera, 115.99, towels, mats, mops; AT&T, 136.48, cell bill; Auto Zone, 17.58, washer fluid; Avera Queen of Peace, 117.00, blood alcohols; Bierschbach Equipment, 483.20, sign stand; C & B, 3,750.00, tractor rental; Commercial Asphalt, 32,743.40, oil, sand; Jennifer Craig, 200.00, meal reimbursement; Farmers Alliance, 606.11, gas, oil change; Fastenal, 328.32, bridge bolts; Caroline Hansen, 94.16, reimbursement; Heartland Ag, 19.85, weed supplies; JABR Trucking, 3,411.34, rock, black dirt, trucking; Jack's Uniforms, 143.89, uniforms; James Valley Landscape, 530.32, spring lawn care; JobsHQ, 704.50, hwy advertisement; Lake Hanson Assoc., 2,900.00, allotment; Lewis Drug, 7.00, jail meds; Lube Rangers, 110.93, oil change; McLeod's, 273.13, envelopes; Menard's, 209.09, supplies; Mettler Implement, 58.49, ATV oil change; Midwest Alarm, 834.75, monitoring, annual inspection; Mitchell Clinic, 170.00, jail medical; Morgan Theeler, 3000.00, public defender; New Century Press, 1,082.14, publishing; Northwestern, 41.16, heat; Office Advantage, 2,649.49, copier lease, hardware lease, managed services; On Sight, 741.16, port, security repairs; Paul's Towing, 89.84, oil change; Pheasant Land, 22.34, decals; Postmaster, 288.00, box rent; Running's, 619.32, gasket, bushing, repairs; State of SD, 80.00, blood alcohols; SD Sheriff's Assoc., 75.49, decals;

Spencer Quarries, 3,432.76, rock; Stan Houston, 75.00, rod; Sturdevant's, 330.19, filters, supplies; The Sharp Firm, 529.25, CAA; Thomson Reuters, 626.99, info charges; Tom's Auto, 113.00, oil change, rotate tires; Transource, 5,073.77, loader electrical repairs; Triotel, 1,011.31, phone bill; True North Steel, 545.20, culvert; Van Diest Supply, 3,256.00, spray; Vander Haag's, 871.18, fuel, front fill, strap; Westown, 33.80, training supplies; Wheelco, 2,127.14, bearing, lube, grease, plug; Wingen's, 17,701.52, diesel; Deb Wollman, 8.79, batteries; Xcel, 1,353.87, electricity, Hanson County Treasurer, 21.20, trailer plates, title, Grand Jury, 54.20, fees, mileage.

Being as there was no further business for the day, motion by Fox, seconded by Waldera to adjourn until Tuesday, July 6, 2021 at 9:00 a.m. All voted aye, motion carried.

Gary Schoenrock, Chairman
Hanson County Board of Commissioners

ATTEST:
Lesa Trabing, Auditor

(SEAL)

Published once at the approximate cost of \$_____.