

SULLY COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 7, 2021

The Board of Sully County Commissioners held their regular scheduled mtg on Tues, September 7, 2021. Chmn Yackley called the mtg to order at 7:30 am. Other members present: William Floyd, Caleb Shepherd, Jerry Richards & Joe Fanger. Also, present were Aud Lamb, Janet Schmahl, Sheila Ring, Danielle Rausch, JJ Schall, Emily Sovell, Glynnes Sargent, Austin Gross, Russ Ball, Gail Tennant, Michael-John Olivier, Helen Jane Paxton & Lynette Murphy.

ADOPT AGENDA: Motion by Floyd, second by Richards to adopt the agenda. Unanimous vote aye.

PUBLIC COMMENT: No one was present for public comment.

MINUTES: Motion by Shepherd, second by Fanger to approve minutes from the Bd of Commission mtg held on August 3rd. Unanimous vote aye.

EXTENSION OFFICE: Bd discussed repair needed in Extension Office. Mid-Continental Restoration gave a quote of \$22,192 to repair office & tuckpoint back corner of bldg. Jay Mikkelsen has been contacted to also look at repair needed.

PLAT OF BLAIR CEMETERY: Motion by Floyd, second by Richards to approve plat. Unanimous vote aye.

RESOLUTION 2021-23

A RESOLUTION APPROVING THE PLAT OF BLAIR CEMETERY, A SUBDIVISION OF THE SE1/4NW1/4 OF SECTION 1, TOWNSHIP 115 NORTH, RANGE 80 WEST OF THE 5TH P.M., SULLY COUNTY, SOUTH DAKOTA. WHEREAS, the plat of the above described property has been executed according to statute, now therefore BE IT RESOLVED that the County Commission, in and for Sully County, does hereby approve the said plat of BLAIR CEMETERY.

Dated this 7th day of September, 2021.

s:/Greg A. Yackley

Chairperson

Attest: (SEAL)

I, Auditor of Sully County, do hereby certify that at an official meeting on September 7, 2021, the County Commissioners did by resolution approve the plat of BLAIR CEMETERY.

s:/Susan B. Lamb

Auditor of Sully County

PLAT OF LOT A-2: Motion by Richards, second by Shepherd to approve plat. Unanimous vote aye.

RESOLUTION 2021-24

A RESOLUTION APPROVING THE PLAT OF LOT A-2, A REPLAT OF LOT A AND A SUBDIVISION OF THE NE1/4 OF SECTION 3, TOWNSHIP 115 NORTH, RANGE 80 WEST OF THE 5TH P.M., SULLY COUNTY, SOUTH DAKOTA.

WHEREAS, the plat of the above described property has been executed according to statute, now therefore BE IT RESOLVED that the County Commission, in and for Sully County, does hereby approve the said plat of LOT A-2

Dated this 7th day of September, 2021.

s:/Greg A. Yackley

Chairperson

Attest: (SEAL)

I, Auditor of Sully County, do hereby certify that at an official meeting on September 7, 2021, the County Commissioners did by resolution approve the plat of LOT A-2.

s:/Susan B. Lamb

Auditor of Sully County

PRE-DISASTER MITIGATION PLAN: Aud Lamb reported that plan is being updated. There are no mtgs scheduled at this time.

FINAL PROOF OF LOSS: Motion by Shepherd, second by Floyd to approve the insurance final proof of loss for the Onida Hwy Shop. Unanimous vote aye.

LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT: Motion by Richards, second by Shepherd to approve 2022 LEMPG Grant. Unanimous vote aye.

DOMESTIC RESTORATION PROJECT: Aud Lamb updated Bd on funds received, donation plates & project start date.

HWY DEPT: Hwy Supt Schall discussed Waste Tire Clean-up, Hyde/Sully road repair, seasonal employee & Bush's Landing Road.

SPEED ZONE AMENDMENT: Motion by Shepherd, second by Yackley to hold 2nd reading & approve amended ordinance. Unanimous vote aye.

SULLY COUNTY
ORDINANCE ESTABLISHING SPEED ZONES
ORDINANCE#2008-01

(amendments – 2014 – 2021 (removed sections ~~stricken~~; additions **bold and underscored** for publication of changes and emphasis)

Whereas, the Sully County Board of Commissioners have the authority to establish speed

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zones within their jurisdiction, BE IT ORDAINED, by the board of Commissioners of Sully County, that the following speed zones are established and that those speed zones shall supersede and replace all previously established speed zones,

1. Beginning at the intersection of South Dakota Highway 83 and 185th St (Referred to as Sully County FA 30) at the NW corner of Section 11, T114N, R77W, thence Easterly 3/10ths of a mile, the speed limit shall be 45 miles per hour; ~~thence 30 miles per hour for 6/10ths of a mile through Onida, thence for the next 10 miles to a point at the NE corner of Section 9, T114N, R75W, the speed limit shall be 65 miles per hour with a speed limit of 40 miles per hour for trucks 10,000 lbs. and over.~~ Beginning near the intersection of US Highway 83 & 185th Street heading in an easterly direction for 3/10ths of a mile the speed limit shall be 45 miles per hour; **For 2/10th of a mile from the intersection near Ash Avenue (185th Street) and 4th Street to the intersection near Ash Avenue (185th Street) and 5th Street the speed limit shall be 30 miles per hour; For 4/10ths a mile from the intersection near Ash Avenue (185th Street) and 5th Street to the intersection near Ash Avenue (185th Street) and 11th Street thru Onida the speed limit shall be 20 miles per hour; For the next 10 miles from the intersection near Ash Avenue (185th Street) and 11th Street to the intersection near 185th Street and 315th Avenue the speed limit shall be 65 miles per hour with a speed limit of 55 miles per hour for trucks 10,000 pounds and over.**

2. Beginning at the intersection of South Dakota Highway 83 and 185th St. (Referred to as Sully County FA 30) at the SE corner of Section 3, T114N, R77W, thence Westerly for 1/2, mile the speed limit shall be 30 miles per hour, thence Westerly 1 1/2 miles to a point at the SW corner of Section 2, T114N, R79W, the speed limit shall be 65 miles per hour, with a 55 mile per hour limit for trucks 10,000 lbs. and over.

3. Beginning at the intersection of the SE corner of Section 3, T114N, R80W, to a point at the SW corner of Section 2, T114N, R81W, Westerly 9/10th of a mile on 185th St (Referred to as Sully County 30) the speed limit shall be 55 miles per hour, thence for 1/10th of a mile the speed limit shall be 30 miles per hour, thence Westerly 5.6 miles the speed limit shall be 55 miles per hour. At the intersection of 185th St and 278^h Ave at a point at the SW corner of Section 2, T114N, R81W Northerly 1 mile to the intersection of 184th St and 27/10th Ave at the NW corner of Section 2, T114N, R81W, and thence Westerly for 7/10th of a mile the speed limit shall be 55 miles per hour. The speed limit for trucks 10,000 lbs and over shall be 40 miles per hour, except in the above listed 1/10th of a mile, the speed limit shall be 30 miles per hour.

4. Beginning at the intersection of South Dakota Highway 83 and 176th St. (Referred to as Sully County FA 60) at the SE corner of Section 22, T116N, R77W, thence Westerly 10 miles to a point at the SW corner of Section 19, T116N, R78W, the speed limit shall be 65 miles per hour, with a 55 mile per hour limit for trucks 10,000 lbs and over.

5. Beginning at the intersection of South Dakota Highway 83 and 176th St. (Referred to as Sully County FA 60) at the SW corner of Section 23, T116N, R77W, thence Easterly for 3/10th of a mile at 50 miles per hour, thence for 3/10th of a mile 25 miles per hour, thence for 2/10th of a mile 50 miles per hour, thence for 6 miles to a point at the SE corner of Section 23, T116N, R76W, the speed limit shall be 65 miles per hour, with a 40 mile per hour limit for trucks 10,000 lbs and over.

6. Beginning at the intersection of 185th St. (Referred to as Sully County 30) and 305th Ave. (Referred to as Sully County 41) at the SW corner of Section 1, T114N, R77W, 1/2 mile Northerly the speed limit shall be 30 miles per hour, thence for 12 1/2, miles to the NW corner of Section 1, T116N, R77W, the speed limit shall be 55 miles per hour, and starting at same intersection 1 mile Southerly the speed limit shall be 30 miles per hour, thence for 10 miles to the SW corner of Section 36, T113N, R77W, the speed limit shall be 55 miles per hour.

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7. Beginning at the intersection of South Dakota Highway 83 and 186th St. (Referred to as Sully County Area 512) at the SW corner of Section 11, T114N, R77W, thence Easterly for ~~4-mile~~ 4/10ths of a mile, the speed limit shall be ~~35~~ 45 miles per hour; For 3/10ths of a mile from the intersection near Redwood Avenue (186th Street) and 4th Street to the railroad crossing the speed limit shall be 30 miles per hour; For 2/10ths of a mile from the railroad crossing to the intersection near Redwood Avenue (186th Street) and 11th Street the speed limit shall be 20 miles per hour;

8. Beginning at the intersection of 185th St. (Referred to as Sully County FA 30.) and 321st Ave. (Referred to as Sully County 11.) at the NE corner of Section 9, T114N, R74W, thence Southerly for 11 miles to a point at the SE corner of Section 33, T113N, R74W, the speed limit shall be 55 miles per hour with a speed limit of 40 miles per hour for trucks 10,000 lbs. and over.

9. Beginning at the intersection of 194th St. (Referred to as Sully County 20.) and 324th Ave. (Referred to as the Sully, Hyde County line) at the SE corner of Section 24, T113N, R74W, thence Westerly for 9 miles to a point at the SW corner of Section 22, T113N, R75W, thence Northerly for 3 miles to a point at the SE corner of Section 4, T113N, R75W, thence Westerly for 11 miles to a point at the SW corner of Section 2, T113N, R77W, and South Dakota Highway 83 the speed limit shall be 55 miles per hour with a speed limit of 40 miles per hour for trucks 10,000 lbs. and over.

10. Beginning at the intersection of 316th Ave. (Referred to as Sully County 21) and 185th St. (Referred to as FA30) at the NE corner of Section 10, T114N, R75W, thence Southerly for 3 miles to a point at the SE corner of Section 22, T114N, R75W, thence 1 mile westerly to a point at the NE corner of Section 28, T114N, R75W, thence 3 miles Southerly to a point at the SE corner of Section 4, T113N, R75W, the speed limit.

11. Beginning near the intersection of 311 Ave. (Referred to as Sully County FA 31.) and 172nd. St. (Referred to as Sully, Potter County line Area 315.) in the NE ¼ of section 2, T116N, R76W, thence Southerly for 24 miles to a point near the SE ¼ of section 35, T113N, R76W, the speed limit shall be 55 miles per hour with a speed limit of 40 miles per hour for trucks 10,000 lbs. and over.

12. Beginning at the intersection of 182nd Street and 282nd Avenue at the SE corner of Section 20-T115N-R80W, thence Northerly for 1 mile to the NE corner of Section 20-T115N-R80W, the speed limit shall be 35 miles per hour.

13+2. The speed limit on all Sully County primary and Sully County secondary roads, other than those listed above, shall be 55 miles per hour unless posted for construction or otherwise advertised.

A VIOLATION OF THIS ORDINANCE SHALL BE PUNISHABLE WITH A FINE IN ACCORDANCE WITH SOUTH DAKOTA STATE LAWS.

Amendments marked: First Reading 05/06/2014; Second Reading 06/05/2014; Published: 06/12/2014; Effective: 07/12/2014

s/William Floyd

Sully County Chairman

s/Patty McGee

Auditor, Sully County South Dakota

ATTEST: (SEAL)

Amendments marked: First Reading: 02/02/2021; Second Reading 03/02/2021; Published: 03/11/2021; Effective: 03/31/2021

s:/Greg A. Yackley

Sully County Chairman

s:/Susan B. Lamb

Auditor, Sully County South Dakota

Amendments marked: First Reading: 08/03/2021; Second Reading: 09/07/2021; Published: 09/16/2021; Effective: 10/06/2021.

BUSH'S LANDING ROAD: Bd reviewed updated estimate from Brosz Engineering. Adjustments need to be made to estimate. Bd instructed Aud Lamb to invite Adam Kulesa from SDGF&P to attend 9/28 mtg to discuss estimate &

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LEGAL ISSUES: States Attny Sovell discussed medical marijuana issues & court calendar.

2022 PROVISIONAL BUDGET: Hearing was held on 2022 Provisional Budget. No one was present for hearing.

COVID-19 MASK POLICY: Bd discussed reinstating the courthouse mask policy. Following lengthy discussion, it was decided to table until the Sept 28th mtg.

ROAD & BRIDGE LEVY: Bd again discussed a Road & Bridge levy. Bd members visited with various taxpayers regarding levy. This would allow larger matching % on grant applications as well as assist with updates & maintenance on paved & gravel roads.

MONTHLY DEPT REPORTS: Bd reviewed dept reports.

CLAIMS: Motion by Floyd, second by Shepherd to approve claims. Unanimous vote aye. A&B Business Solutions 64.11 Maint, American Solutions for Business 355.66 Supl, AT&T Mobility 268.43 Phone, B & B Equipment Inc 14816.20 Haul, Bankwest 15508.36 Loan, Barber Farm Service Inc 27.94 Supl, Big State Industrial Supply 119.70 Supl, BIT Resource Billing 33.50 Prof Svc, Capital One Bank 116.89 Supl, Cardmember Service 17.10 Postage, Central Culvert Supply 10450.00 Culverts, Chandler's Inc Autoglass 449.00 Supl, Connecting Point/Ultra Inc 11812.00 Prof Svc, Don's Food Center 62.76 Supl, Don's Sinclair Inc 30.00 Maint, Dustbusters Enterprises Inc 1411.56 Supl, Farnam Genuine Parts, Inc 609.98 Supl, Holzwarth Sales & Service 191.20 Supl, Hughes Co Finance Officer 5440.00 Jail, Inmans Water Technologies 76.00 Rental, Jensen Rock & Sand Inc 13683.60 Cold Mix, Karla Kerr 13.11 T&C, Kimball Midwest 88.97 Supl, Lamb Chevrolet & Implement Inc 956.65 Supl, Lamb Discount Supply 280.00 Supl, Lamb Motor Co Inc 39528.95 Vehicle, Light & Siren 4311.01 Vehicle, Leanne Loesch 15.64 T&C, Logan Electric 440.00 Rent, Brenda Lounsbury 60.00 Prof Svc, Marco 171.92 Maint, McLeod Printing 230.10 Supl, Mid-Dakota Rural Water System 91.00 Util, Montana Dakota Utilities 97.44 Util, Bryan Murphy 81.28 Clothing, National Sheriff's Association 68.00 T&C, Nye Lumber 75.70 Supl, City of Onida 1313.76 Util, The Onida Watchman, Inc 568.20 Publ, Jessica Paulsen 136.80 Prof Serv, Helen J Paxton 15.64 T&C, Phoenix Center 100.00 Rent, Powerplan OIB 1103.15 Supl, Rural Health Care Inc 70.00 Prof Serv, Safety Benefits, Inc 130.00 T&C, Jacob Schall 153.90 Clothing, SD Department of Trans 10975.91 Bridge, SD Human Services Center 600.00 Prof Serv, Servall Uniform/Linen Co 405.86 Rental, Shanes Pharmacy 158.64 Pres, South Dakota LTAP 100.00 T&C, Sovell Oil, Inc 31475.87 Fuel, State Treasurer DOR 90.00 Testing, Sully Co Treasurer/Petty Cash 21.20 Supl, Transource 1221.07 Supl, Vanguard Appraisals, Inc 16846.20 Prof Svc, Brett VanWinsen 56.14 Clothing, Venture Communications 1161.22 Phone, Verizon Wireless 104.06 Phone, Zander Auto Parts Inc 333.87 Supl

JOINT HEARING WITH P&Z BOARD: Motion by Shepherd, second by Fanger to convene jointly with P&Z Board. Unanimous vote aye. Hearing was held with no one present. P&Z Bd voted in favor of recommendation of Ordinance 2021-02 to Bd of Commission. First Reading was held on Ordinance 2021-02 Amending Sections 1-102 & 4-203 of the Zoning Ordinance of Sully County, adopted by Ordinance 2003-02, as Amended, Relating to Regulations for Cannabis Establishments. P&Z Bd adjourned.

ORDINANCE 2021-02 AMENDING SECTIONS 1-102 AND 4-203 OF THE ZONING ORDINANCE OF SULLY COUNTY, ADOPTED BY ORDINANCE 2003-02, AS AMENDED, RELATING TO REGULATIONS FOR CANNABIS ESTABLISHMENTS: Hearing & first reading were held on ordinance.

ORDINANCE 2021-02

AN ORDINANCE AMENDING SECTIONS 1-102 AND 4-203 OF THE ZONING ORDINANCE OF SULLY COUNTY, ADOPTED BY ORDINANCE 2003-02, AS AMENDED, RELATING TO REGULATIONS FOR CANNABIS ESTABLISHMENTS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SULLY COUNTY, SOUTH DAKOTA:

Section 1. That Section 1-102, "Definitions," of the Zoning Ordinance of Sully County shall be amended by adding the following:

"Cannabis (or Marijuana)" means 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.

"Cannabis Cultivation Facility" is further defined, in addition to the definition in SDCL 34-20G-1, as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

"Cannabis Dispensary" is further defined, in addition to the definition in SDCL 34-20G-1, as 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.

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“Cannabis Establishment” means a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

“Cannabis Product Manufacturing Facility” is further defined, in addition to the definition in SDCL 34-20G-1, as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

“Cannabis Products” means concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

“Cannabis Testing Facility” is further defined, in addition to the definition in SDCL 34-20G-1, as a legally licensed entity authorized to analyze the safety and potency of cannabis.

Section 2. That Section 4-203, “Principal permitted uses” (Agriculture District B) of the Zoning Ordinance of Sully County shall be amended by insertion of the following:

10. Cannabis dispensary.

Section 3. That the provisions of Ordinance 2021-02 are severable as follows:

If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

ORDINANCE 2021-03 CREATING LICENSING PROVISION FOR CANNIBAS ESTABLISHMENTS: Bd discussed license ordinance. Motion by Richards, second by Shepherd to approve Ordinance 2021-03. Hearing & 1st Reading were held. Second reading will be held on Sept 28th.

ORDINANCE 2021-03

AN ORDINANCE OF THE COUNTY OF SULLY, STATE OF SOUTH DAKOTA, CREATING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS

BE IT ORDAINED by the Board of County Commissioners of Sully County that a new ordinance creating licensing provisions for cannabis establishments is as follows:

SECTION 01: PURPOSE AND INTENT

The Board of County Commissioners of Sully County enacts the following licensing ordinances in order to ensure that cannabis establishments within the unincorporated areas of the County operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

SECTION 02: DEFINITIONS

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1 and associated administrative rules. For the purposes of this ordinance, cannabis and medical cannabis terms will be considered interchangeable.

SECTION 03: LICENSE REQUIRED

- (a) No cannabis establishment may be located or operate in the unincorporated area of the County without the appropriate valid and current cannabis establishment license issued by the County pursuant to this article. A violation of this provision is subject to the general penalty provision in Section 16 of this ordinance. Each day of the violation constitutes a separate offense.
- (b) No cannabis establishment may be located or operate in the unincorporated area of the County without the appropriate valid and current cannabis establishment registration certificate issued by the South Dakota Department of Health pursuant to SDCL 34-20G and any administrative rules promulgated thereunder. A violation of this provision is subject to the general penalty provision in Section 16 of this ordinance. Each day of the violation constitutes a separate offense.

SECTION 04: LICENSE APPLICATION

- (a) An application for a cannabis establishment license must be made on a form provided by the County. No other application form will be considered.
- (b) The applicant must submit the following:
 1. Application fee of \$5,000.
 2. An application that will include, but is not limited to, the following:
 - i. The legal name of the prospective cannabis establishment;
 - ii. The physical address of the prospective cannabis establishment that meets the requirements under the Zoning Ordinance of Sully County, as well as any location requirements pursuant to SDCL 34-20G and the administrative rules promulgated thereunder;
 - iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment;

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- iv. A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction;
- v. Any additional information requested by the County.

SECTION 05: ISSUANCE OF LICENSE

- (a) The County will issue a license unless:
 - 1. The applicant has made a false statement on the application or submits false records or documentation;
 - 2. Any principal officer, owner, or board member of the applicant is under the age of twenty-one (21) years;
 - 3. Any principal officer, owner, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction;
 - 4. The proposed location does not meet the applicable requirements under the Zoning Ordinance of Sully County;
 - 5. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
 - 6. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation;
 - 7. Any principal officer, owner, or board member of the applicant has had a cannabis establishment license revoked by the County or a registration certificate revoked by the State of South Dakota;
 - 8. An applicant, or a principal officer, owner, or board member thereof, is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment;
 - 9. The applicant will not be operating the business for which the license would be issued.
- (b) The County will reject the application if the limit on the number of cannabis establishments has been reached as established in Section 07 of this ordinance.
- (c) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.

SECTION 06: COUNTY NEUTRALITY AS TO APPLICANTS

Upon request from the South Dakota Department of Health as to the County's preference of applicants, the County will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the County will abstain from endorsing any application as beneficial to the community but may provide information concerning site suitability or other factors.

SECTION 07: NUMBER OF CANNABIS DISPENSARIES

- (a) No (0) cannabis cultivation facility shall be allowed to operate in the unincorporated area of the County at any time.
- (b) No more than one (1) cannabis dispensary shall be allowed to operate in the unincorporated area of the County at any time.
- (c) No (0) cannabis product manufacturing facility shall be allowed to operate in the unincorporated area of the County at any time.
- (d) No (0) cannabis testing facility shall be allowed to operate in the unincorporated area of the County at any time.

SECTION 08: EXPIRATION OF LICENSE AND RENEWAL

- (a) Each license expires one year from the date of issuance and may be renewed only by making application as provided in Section 04 of this ordinance. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the licensing requirements to be eligible for a renewal.
- (b) The renewal fee is \$5,000.
- (c) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the County may order closure of the cannabis establishment.
- (d) If a license holder has not operated an establishment for which it holds a license for at least ninety (90) days in the preceding twelve (12) months, the license will not be renewed.

SECTION 09: SUSPENSION

- (a) A license may be suspended if the license holder or an employee or agent of the license holder:
 - 1. Violates or is otherwise not in compliance with any section of this article;
 - 2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment;
 - 3. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.
- (b) A license may be suspended if the license holder has its South Dakota Department of Health-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.
- (c) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

SECTION 10: REVOCATION

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- (a) A license may be revoked if the license is suspended under Section 09 of this ordinance and the cause for the suspension is not remedied.
- (b) A license may be revoked if the license is subject to suspension under Section 09 of this ordinance because of a violation outlined in that section and the license has been previously suspended in the preceding twenty-four (24) months.
- (c) A license is subject to revocation if a license holder or employee of a license holder:
 - 1. Gave false or misleading information in the material submitted during the application process;
 - 2. Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
 - 3. Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;
 - 4. Repeated violations of Section 09 of this ordinance;
 - 5. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
 - 6. A license holder, or a principal officer, owner, or board member thereof, is delinquent in payment to the city, county, or state for any utilities, taxes, or fees related to the cannabis establishment;
 - 7. A license holder, or a principal officer, owner, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G;
 - 8. The license holder has its South Dakota Department of Health-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired;
 - 9. The license holder allows a public nuisance to continue after notice from the County.

SECTION 11: SUSPENSION AND REVOCATION PROCESS

- (a) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the County's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested, to the physical address of the cannabis establishment.
- (b) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the County Commission Chairperson, Auditor, Sheriff, and State's Attorney.
- (c) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its right to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (d) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (e) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

SECTION 12: APPEAL

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the Board of County Commissioners by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to Sully County Courthouse, PO Box 265, Onida, South Dakota 57564. The appeal will be considered by the Board of County Commissioners at a regularly scheduled meeting within one month of the receipt of the appeal.

SECTION 13: LICENSES NOT TRANSFERRABLE

No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.

SECTION 14: HOURS OF OPERATION FOR DISPENSARIES

A cannabis dispensary may only operate between the hours of 8:00 a.m. and 8:00 p.m. Monday through Thursday.

SECTION 15: LIABILITY FOR VIOLATIONS

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

SECTION 16: PENALTIES

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Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.

SECTION 17: SEVERABILITY

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

BUSH'S ROAD TO BOAT DOCK: Wes Dickhut from GeoStablization International discussed 3 areas that are sliding on 1 mile stretch. He suggested an engineering study at the cost of \$50,000 to determine best fix if fixable. Bd will discuss options & visit with SDGF&P.

SMALL STRUCTURE INVENTORY: Scott Schweitzer reviewed agreement with Bd from Brosz Engineering to conduct the inventory. Motion by Shepherd, second by Richards to hire Brosz Engineering utilizing state allocated funds. Unanimous vote aye.

EXECUTIVE SESSION: Motion by Fanger, second by Richards to go into Executive Session SDCL 1-25-2(1). Unanimous vote aye. Motion by Fanger, second by Yackley to come out of Executive Session SDCL 1-25-2(1). Unanimous vote aye.

RESIGNATION: Resignation of Custodian Alexander was accepted effective Sept 21st with the option to hire her as needed at \$20.00/hr with no benefits. Bd instructed Aud Lamb to place job advertisement in newspaper & on website. Comrs Fanger & Shepherd will conduct interviews.

FUEL QUOTES: The following is the fuel quote received for the month of September. Sovell Oil-unleaded \$2.95, diesel #1-\$2.83, diesel #2-2.57. A monthly inventory listing was also reviewed of fuel used by the Co in the month of August.

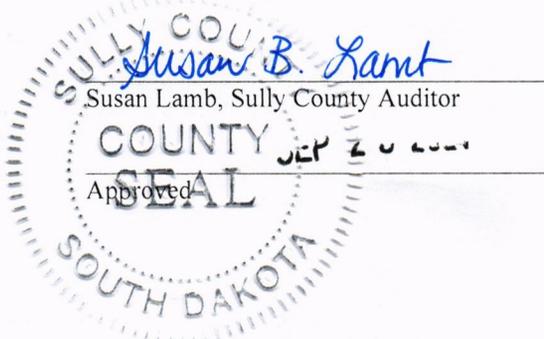
AUGUST WAGES Salaries by Office: Comrs 4080.96; Aud 7738.05; Treas 6436.32; States Attny 8182.75; Cthse 3989.04; DOE 6889.11; Reg of Deeds 6359.99; GIS 4807.57; Sheriff 16,413.95; Coroner 134.56; Weed & Pest 505.10; P&Z 868.33; Highway 58,592.23; Emg Mgt 981.54.

ACCOUNT WITH THE TREASURER AS OF 08/31/21

Cash on Hand	508.80
Checks	22,283.29
Checks on Hand	0.00
NSF Checks	0.00
Cash Items	21.20
ROD Cash Box	50.00
BankWest Checking	2,903,091.77
BankWest MM	352,534.24
Sunrise Bank MM	14,567.51
Sunrise Bank NOW	1,514.78
INVESTMENTS	
Sunrise Bank Dakota	1,184,663.16
BankWest	
Sheriff Checking	785.82
Register of Deeds Checking	5,096.00
Total Cash Balance	4,485,116.57
Total Assets in Custody of County as of 08/31/21	
County Amount	4,401,738.94
Amounts Held For Other Gov	83,070.68
Amounts Held For Others	306.95
Total Assets	4,485,116.57

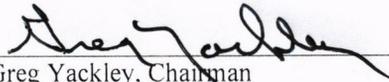
MTG DATES: The next regular meeting will be Tues, September 28th at 7:30 am.

ADJOURNMENT: There being no further business, Chairman Yackley declared the mtg adjourned at 11:35 am.



SEP 28 2021

SULLY COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 7, 2021



Greg Yackley, Chairman