

## REGULAR MEETING OF THE ALCESTER CITY COUNCIL

The Alcester City Council held their regular City Council Meeting on Monday, June 7, 2021. Mayor Dan Haeder called the meeting to order at 6:00 pm with the following Council members present: Dave Larsen, Linda Talbott, Darla Reppe, Curtis Keiser, Cyndi Peeples and Brian Johnson. Also present during the meeting were Larry Nelson, Patricia Jurrens, Wanda Halverson, Officer Schuller, Gordon Richard, Vickie Larsen, Theresa Deem and Mark DeRaney. All stood for the Pledge of Allegiance.

Cyndi Peeples made motion to approve agenda; Dave Larsen seconded it. All voted aye.

Darla Reppe made a motion to approve the minutes of the May 3, May 17 and May 24 meetings; Brian Johnson seconded it. All voted aye.

For Public Input – Gordon Richard addressed the Council with concerns of Police Chief resignation; Theresa Deem addressed the Council asking for members of Liquor Committee and update on Door Repair; and Vickie Larsen addressed the Council with concerns regarding Sunshine Law request, ACH Banking, Planning & Zoning Committee Members, Water Tower, County Commissioner's meeting attendance by City Officials. Larry Nelson introduced himself to the Alderman and meeting attendees. Mayor Haeder shared a Thank You note from the Curtis Saugstad family. This concluded Public Input.

Regarding Ordinance 2021-09; Linda Talbott made a motion to amend Section 1, Line 4 to read "SDCL 34-20G-72" instead of "SDCL 30-20G-72"; Darla Reppe seconded it. All voted aye. Dave Larsen made a motion to approve the Second Reading of ***Ordinance 2021-09; A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and/or Licenses***; Cyndi Peeples seconded it. All voted aye.

### ORDINANCE 2021-09

#### 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, the City of Alcester SD ("Municipality"), makes a preliminary finding that the Municipality'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 Municipality makes a preliminary finding that the Municipality needs further study of the relationship of medical cannabis establishments to the *City of Alcester* Comprehensive Plan and Zoning Ordinance. The public interest requires that the Municipality 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 Municipality makes a preliminary finding that it would be inappropriate for the Municipality 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 Municipality hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, and City of Alcester to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Municipality;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Municipality's Comprehensive Plan can be

completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the Municipality 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 Municipality finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY THE City of Alcester, SD:

*Section 1. Temporary Ordinance – Application for Local Permit/License*

A medical cannabis establishment desiring to operate in the Municipality shall be required to apply for a permit and/or license from the Municipality. 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 municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

Date adopted: June 7, 2021

*/s/ Daniel Haeder, Mayor* ATTEST: */s/ Patricia R Jurrens, Finance Officer*

First Reading May 24, 2021; Second Reading June 7, 2021; Date Published June 17, 2021; Effective Date June 17, 2021

Community Center Bond: Mark DeRaney, AMKO Advisors, presented the Council with information, Bond Council Advising Agreement and DA Davidson Engagement Letter for the City Contribution to the Community Center. Larry Nelson advised the Council of some contract language which needs to be modified. Linda Talbott made a motion to approve the Advising Agreement with AMKO for Community Center Bond upon approval by City Attorney and further approval Mayor Haeder to Execute the Agreement on Behalf of the City of Alcester; Cyndi Peoples seconded it. All voted aye. Dave Larsen made a motion to approve the Engagement Letter with DA Davidson for Community Center Bond upon approval by City Attorney and further approval Mayor Haeder to Execute the Agreement on Behalf of the City of Alcester; Darla Reppe seconded it. All voted aye.

For Legal Updates – Larry Nelson provided update on Banner Engineering Agreement.

For Police Department – Darla Reppe made a motion to accept Jeff Christie Resignation Letter as Chief of Police; Linda Talbott seconded it. All voted aye. Mayor Haeder Thanked Jeff Christie for his service to the City of Alcester. At 6:49 pm Cyndi Peoples made a motion to enter into Executive Session pursuant to SDCL 1-25-2-(1) – Personnel; Brian Johnson seconded it. All voted aye. Mayor Haeder called the Council out of Executive Session at 7:37 pm. Mayor Haeder appointed Office Schuller to Interim Police Chief effective immediately. This concluded Police Updates.

Department updates included the following: Street – Chip Sealing completed today, Water/Wastewater – Banner Agreement under negotiation, Cemetery – Looked nice for the Memorial Day Holiday, Library – Paige out for Librarian Certification, Golf Course – Tree down on course and main irrigation pump issues are being resolved. Regarding the Cart Shed Inspection – All buildings have been examined by the Summer Rec Committee and they have expressed interest in the Maintenance Building. This concluded Department Updates.

Information was presented regarding making the City of Alcester part of the Purple Heart Trail. Per DeLayne Fickbohm – four Alcester Residents have received the Purple Heart Medal – Steve Kiewel, Eugene Swanson, John Peterson and Arvid Thormodsgaard. Curtis Keiser made a motion to approve the City of Alcester participating in the Purple Heart Trail Program; Brian Johnson seconded it. All voted aye.

A quote was presented from Gerritson Construction for a Door Replacement. Dave Larsen made a motion to approve ordering and installing the new door, \$4,555; Gerritson Construction, General Fund; Cyndi Peoples seconded it. All voted aye.

July City Council meeting will be changed due to Independence Day Holiday. Curtis Keiser made a motion to approve changing Council Meeting date to July 13, 2021, 6 pm, Old School Center, 500

Dakota Street; Dave Larsen seconded it. All voted aye. Linda Talbott will not be in attendance at this meeting and Cyndi Peeples will attend via telephone.

For Finance Office Updates – Pat Jurrens presented information for the 2021 Elected Officials Workshop with a July 1 deadline for those who wish to attend.

For the Finance Office – Darla Reppe made a motion to approve the May warrants; Linda Talbott seconded it. All voted aye. Salaries: Finance Office-\$4,097.81, Police-\$7,539.80, Street-\$3,699.09, Water-\$3,036.99, Sewer-\$3,376.00, Library-\$1,282.43, Snow-\$0, Audi-\$353.49, Solid Waste-\$626.52, Cemetery-\$363.26, Park-\$368.50, Golf-\$6,642.82, Mayor-\$0, Council-\$0, Alcester Fire Dept-Fire School Sponsor & allowance, \$2,400.00.00, Alcester Quickstop-Fuel, \$115.26, Alliance Communications-Utility, \$617.00, American Engineering-Lab Fees, \$1,889.40, AMG-Avera-Lab Fees, \$225.50, Axel Ericson-Repairs, \$966.82, Bomgaars-supplies & repairs, \$941.78, Cash-Pool-Startup, \$200.00, Cenex Credit Card-Fuel, \$501.54, Chesterman’s-Supplies, \$57.18, Chris Larsen-Contract Labor, \$65.00, City of Alcester-Health Insurance, Malt Beverage License, Beer-Markup, \$454.60, CO-OP Architecture-Professional Fees, \$4,800.00, Country Acres Tree Farm-Trees, \$1,050.00, Dakota Beverage-Supplies, \$462.90, Dale Pearson-Mileage, \$403.20, Dan Haeder-Employee Reimbursement, \$21.8, David Larsen-Repair Parts, \$21.26, Dept of Revenue-Sales Tax, \$1,577.05, Dustex-Maintenance, \$54.75, Equipment Blades-Supplies, \$221.42, Frieberg, Nelson & Ask-Legal Fees, \$512.50, Geotek Engineering-Professional Fees, \$630.00, Hawkins-Chemicals, \$2,761.50, Ingram Library Services-Books, \$768.54, IRS-payroll taxes, \$7,263.87, Kathy Joseph-Food, \$29.40, Keloland Employment-Advertising, \$249.00, LP Gill-Landfill Rental, \$1,769.65, Loeffler-Supplies, \$162.30, Loren Fischer Disposal-Garbage, \$1,977.43, Lyle Signs-Supplies, \$163.00, MC&R Pools-Supplies, \$110.71, Mid-American Energy-Utilities, \$2,323.81, Mid-American Research Company-Supplies, \$589.50, Midwest Turf-Maintenance, \$500.99, NBS Calibrations-Repair, \$101.00, Olson’s Ace Hardware-Repairs & Supplies, \$133.23, One Office Solution-Supplies, \$318.16, Patrick Dooley-Travel, \$39.00, Pedersen Machine-Repairs, \$79.84, Petty Cash-Supplies & Postage, \$36.84, Premier Bank-Bond Payment, \$2,538.46, Ryan Emery-Repairs, \$130.50, Sam’s Club-Supplies, \$248.96, Sanford Health-Insurance, \$142.40, SD Dept of Revenue-Dues, \$35.20, SD State Treasurer-License, \$150.00, SFS Equipment-Equipment, \$11,498.85, SD Retirement-Retirement, \$3,431.52, South Lincoln Rural Water-Water Purchase, \$6,778.56, Southeastern Electric-utilities & repairs, \$702.97, Star Publishing-Publications, \$514.10, Sturdevant’s Auto-Supplies, \$30.97, Sunlife Financial-Insurance, \$80.26, Sysco Lincoln-Equipment Purchase, \$16,658.89, Total Stop Food Store-Supplies, \$359.10, Traffic Solutions-Supplies, \$272.00, Uline-Supplies, \$579.22, USA Blue Book-Supplies, \$176.42, Verizon-Utility, \$80.02, VFW-6149-Flag, \$15.00, Visa-Supplies, Postage, Fuel, \$482.22, Visions Construction-Construction Costs, \$506764.20, Watchguard Video-Equipment, \$2,535.00, Waterman Backhoe-Repair, \$714.28, Wellmark-Health Insurance, \$2,589.97, Zimco-Chemicals, \$3,682.50 and Zion’s Bank-Bond Payment, \$5,330.00.

For Reminders & Updates: Free Greens Fees Weekend, June 12 & 13; Ladies Golf League Luncheon, June 17; Father/Youth Golf Tournament, June 19; Free Swim, June 19; and Swimming Lessons, June 21 – July 2, 2021. This concluded Finance Office Updates.

For the Alcester Community Building update – concrete floor and siding completion.

Darla Reppe provided an update regarding the 2021 Union County Fair. List of events includes Wild Card Band playing on Thursday evening; Tractor Pull on Friday evening and discussing Bull Riding on Saturday evening. More information to come.

At 8:07 pm Linda Talbott made a motion to enter into Executive Session pursuant to SDCL 1-25-2(3) – Legal Counsel; Darla Reppe seconded it. All voted aye. At 8:15 pm, Mayor Haeder called the Council out of Executive Session.

Dave Larsen made a motion to adjourn, Darla Reppe seconded it. All voted aye. Meeting adjourned at 8:16 pm.

CITY OF ALCESTER  
Daniel Haeder, Mayor

ATTEST:  
Patricia Jurrens, Finance Officer