

REGULAR MEETING OF THE OACOMA TOWN BOARD
June 7, 2021

The Oacoma Town Board met in regular session at 7:00 P.M. on June 7, 2021 in Meeting Room #2 at the Oacoma Community Center. Board members present were Gary Dominiack, President; Richard Kirkpatrick, Vice President; Kyle Fuchs; Roger Twamley; and Robin Hutmacher. Also present were Valerie Moore, Finance Officer; Taryn Reidt and Hannah Reidt.

MINUTES

Motion by Hutmacher, second by Twamley, to approve the minutes of the regular meeting on May 17, 2021.
Motion carried.

CHAMBER OF COMMERCE

Taryn Reidt, Chamber of Commerce Operations Manager, was present to provide an update on activities and events the Chamber is promoting. Reidt reported Patience Pickner filled an open Director seat recently vacated by Nate Iversen, Memory Cook was hired as an Office Assistant and there are now 131 registered Chamber members. Dominiack thanked Reidt for her report and outstanding performance.

PUBLIC COMMENTS

Time was reserved for public comments pursuant to SDCL 1-25-1. No comments were offered.

ORDINANCE NO. 2021-02

The second reading was conducted for Ordinance No. 2021-02, a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. Dominiack called for discussion on the proposed ordinance. No discussion was heard. Motion by Fuchs, second by Kirkpatrick, to approve the second reading and adoption of Ordinance No. 2021-02, a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. Voting yes: Dominiack, Kirkpatrick, Fuchs, Twamley and Hutmacher. Voting no: none. Motion carried.

TOWN OF OACOMA
ORDINANCE NO. 2021-02
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 Municipality of Oacoma, 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 Town 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, 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 TOWN OF OACOMA, 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/Gary Dominiack, President
Oacoma Town Board of Trustees

ATTEST:

/s/Valerie J. Moore, Finance Officer
(SEAL)

DISTRICT III

Motion by Twamley, second by Hutmacher, to approve the Extension to Joint Cooperative Agreement with Planning and Development District III for 2022 with annual dues of \$646. Motion carried.

ARPA

Motion by Kirkpatrick, second by Fuchs, to designate Finance Officer Moore as authorized representative to sign all documents related to the Coronavirus Local Fiscal Recovery Fund appropriated under the American Rescue Plan Act (ARPA) of 2021. Motion carried.

OTHER DISCUSSION

Dominiack reported several courtesy letters have been sent to property owners due to complaints about lack of mowing.

PAY BILLS

The following bills were approved for payment: Payroll: Gov Board-1150.00, Finance-3741.20, Streets-3523.44, Sewer-3327.36, Water-4028.76, Cemetery-396.48, Parks/Rec-220.17; AFLAC, withholdings-96.20; Agtegra, herbicide-451.57; Bomgaars, light bulbs-31.98; Brule County Lumber, padlocks-89.25; Burke Oil, fuel-1405.85; Byre Bros., garbage service & container pulls-647.00; Central Dakota Times, publishing-201.25; CenturyLink, phones-82.25; Chamber of Commerce/CVB, subsidy-2937.00; Chamber of Commerce/CVB, fireworks display-2000.00; Jack Dooley, OCC custodian contract-500.00; Dustbusters Enterprises, Bice St dust control-1296.00; First Dakota Bank, fire dept subsidy/loan-5000.00; First National Bank-Omaha, postage, supplies & fuel-211.97; GF Advertising Services, billboard lease-1158.00; Hawkins Inc, chemicals-1209.05; IRS, payroll tax-4051.24; Lazy T Construction, trackhoe for clean up day-867.35; Lyman County Register of Deed, recording fee-30.00; Midstate Communications, phones & internet-219.70; NAPA Auto Parts, batteries-422.97; Office Products Center, service contract & paper-95.40; SD Exec. Mgt. Finance Office, phone calls-6.01; SD Public Health Lab, lab samples-240.00; SD Retirement System, contributions-1786.96; Servall, OCC supplies-235.78; Sweeney Controls, SCADA system-53950.00; Tri-County Landfill, clean up day-862.30; Verizon Wireless, cell phones-166.16; Wall Drug Store, Inc., billboard lease-200.00; Wellmark BCBS, health insurance-2760.42; West Central Electric Coop, utilities-4600.89; Dean Larson, refund deposit-30.00; Jerry Schoeppner, refund deposit-100.00; Jason Sillaway, refund deposit-30.00; Bradley Harman, refund deposit-30.00.

ADJOURNMENT

Motion by Fuchs, second by Hutmacher, to adjourn. Motion carried. The next regular meeting is scheduled for Monday, June 21, 2021 beginning at 7:00 P.M. in Meeting Room #2 at the Oacoma Community Center.

Gary Dominiack, President

Valerie J. Moore, Finance Officer

Published once, June 16, 2021, at a total cost of \$