

**REGULAR MEETING OF THE OACOMA TOWN BOARD**  
**September 20, 2021**

The Oacoma Town Board met in regular session at 7:00 P.M. on September 20, 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; and Chad Pinkelman, Lake Francis Case Development Corp.

**MINUTES**

Motion by Fuchs, second by Twamley, to approve the minutes of the regular meeting on September 7, 2021.  
Motion carried.

**PUBLIC COMMENTS**

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

**2022 APROPRIATIONS ORDINANCE NO. 2021-05**

The second reading was held for Ordinance No. 2021-05, Appropriations Ordinance for Fiscal Year 2022 for the Town of Oacoma. Motion by Kirkpatrick, second by Hutmacher, to approve the second reading and adoption of Ordinance No. 2021-05. Voting aye: Dominiack, Kirkpatrick, Fuchs, Twamley and Hutmacher. Voting nay: none. Motion carried. (Ordinance No. 2021-05 published separately.)

**RESOLUTION NO. 2021-03**

The board reviewed and discussed Resolution No. 2021-03, a resolution of the Town of Oacoma, South Dakota to establish administrative procedure for accepting and processing applications for a medical cannabis establishment license. Motion by Twamley, second by Kirkpatrick, to adopt Resolution No. 2021-03 as follows. Motion carried.

**RESOLUTION NO. 2021-03**

**RESOLUTION OF THE TOWN OF OACOMA, SOUTH DAKOTA TO ESTABLISH ADMINISTRATIVE  
PROCEDURE FOR ACCEPTING AND PROCESSING APPLICATIONS FOR A MEDICAL CANNABIS  
ESTABLISHMENT LICENSE.**

WHEREAS, on September 7, 2021, the Town Board of Trustees adopted Ordinance No. 2021-04 (the "License Ordinance") creating licensing regulations for Cannabis Establishments in the Town of Oacoma, South Dakota (the "Town"); and

WHEREAS, the License Ordinance set a numerical cap on the number of Cannabis Establishment Licenses that may be issued in the Town; and

WHEREAS, the Town Board has determined it necessary to establish administrative procedures for the acceptance and processing for Cannabis Establishment Licenses.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Action by Town Board of Trustees:

- a. The Town Board will consider a completed application at the next available Town Board meeting following submittal, provided that such application must be submitted in advance of the general agenda item submission deadline established by the Finance Officer. Applications are generally processed on a first come, first served basis except as further provided by this resolution.
- b. The Town Board may approve or deny an application in full or on condition. Such action of the Town Board must take place within thirty (30) days after the application's first presentment to the Town Board.

- c. If approved, the Board President and Finance Officer will endorse the application and notify the applicant of approval by close of business on the next business day following the Town Board's approval. If the Board imposes any conditions, such conditions shall be listed on the license at the time of issuance. No approved application shall become effective and no license shall be issued until the applicant provides to the Finance Officer a copy of the applicant's certificate of registration from the state relating to the cannabis establishment for which the license was approved.
- d. If denied, the Board must state the basis on which the application was denied, which may include, but is not limited to: incorrect application information, missing required application criteria, insufficient detail in application, nonpayment of any obligation, proposed activity would violate Town ordinance, proposed activity would violate state law or regulations, no license available due to maximum number already issued, proposed location not zoned properly, proposed location does not comply with an applicable buffer zone, or concerns over potential building, fire, or nuisance code issues.
- e. No application for a license of any kind under this chapter may be received by the Finance Officer until such time as the State of South Dakota promulgates their initial regulations under SDCL Section 34- 20G-72. Any application submitted prior to such time shall be deemed rejected.

2. Special Procedures for Capped Licenses:

- a. For license classes where the Town Board has established a numerical cap, applications shall be accepted by the special procedures provided in this section.
- b. These special procedures shall apply whenever a new license becomes available in a capped license class.
- c. When such availability occurs, the Town shall publish an invitation for applications on the Town's website stating the deadline to apply and the location applications may be submitted. No application for a capped license class will be accepted prior to publication of the invitation nor after the deadline established in the invitation.
- d. Applications submitted pursuant to an invitation must be submitted in writing and sealed. An applicant may not supplement their application after the deadline has passed.
- e. Once the deadline has passed, the Finance Officer shall open all sealed applications received during the invitation submittal window and review each application for completeness. Applications which are objectively incomplete shall be rejected and ineligible for further consideration. Applications which may be incomplete, but which require subjective interpretation, may continue through the process for the Town Board to make such determination. Such review shall be completed within 10 business days from the established deadline to receive applications.
- f. The remaining applications shall be placed into order by the Finance Officer utilizing a lottery system to establish the order in which applications will be considered. Following the review period, the Finance Officer shall publish notice of the lottery on the Town's website at least twenty-four (24) hours in advance of the lottery being conducted and such lottery shall be open to the public. Once the lottery is completed, the remaining applications will be placed on the agenda of the next regularly available Town Board meeting.
- g. Remaining applications will then be considered by Town Board on their merits in the order set by lottery. Town Board will approve or deny applications in the established order, but may review all applications before deciding on any individual application. Town Board will approve or deny the applications in order until all applications have been acted on or the numerical cap

has been reached. If the numerical cap has been reached and there are still applications which have not been acted on, such undecided applications shall be deemed rejected.

- h. If no applications are received following an invitation for applications, or if the numerical cap is not reached pursuant to an invitation for applications, these special rules shall no longer apply and applications may be received, processed, and considered on a first come, first served basis beginning at open of business the day following the Town Board meeting at which the last application was acted upon pursuant to the invitation for applications. Such applications must be delivered in writing to the Finance Officer no earlier than the time specified above and applications received before such time shall be deemed rejected.
  - i. If the numerical cap is then reached while using the first come, first served system, and a license subsequently lapses making a new license available, these special procedures shall apply to issuing the new license.
3. Severability. The provisions of this resolution are severable. If any provision of this resolution 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 resolution which can be given effect without the invalid provision or application.
4. Effective Date. This resolution, after its final passage, shall be recorded in a book kept for that purpose, shall be authenticated by the signature of the Board President and Finance Officer, shall be published in the Town's officially designated newspaper, and shall-be-effective on the 20<sup>th</sup> day following such publication. After becoming effective, this resolution may be amended or repealed at any time by adoption of an administrative resolution or ordinance.

Adopted at Town of Oacoma, South Dakota, this 20th day of September, 2021.

APPROVED:

/s/Gary Dominiack, Town Board President

Attest:

/s/Valerie J. Moore, Finance Officer

(SEAL)

Passed: 09/20/2021

Published: 09/29/2021

Effective: 10/19/2021

#### PLANNING COMMISSION

Motion by Kirkpatrick, second by Fuchs, to appoint Justin Rabern to the Oacoma Planning Commission to serve the remaining year of the term in the seat which became vacant due to the death of Jim Steckelberg. Motion carried.

#### RECONCILIATION OF CASH ASSETS

Dominiack verified the Reconciliation of Cash Assets for the month of August.

#### OTHER DISCUSSION

It was reported several street lights are out on the I-90 Business Loop.

#### ADJOURNMENT

Motion by Fuchs, second by Hutmacher, to adjourn. The next regular meeting is scheduled for Monday, October 4, 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, September 29, 2021, at a total cost of \$