

LAWRENCE COUNTY COMMISSIONERS MEETING AUGUST 31, 2021

Vice Chairman Randall Rosenau called the regular meeting of the Lawrence County Commissioners to order and the Pledge of Allegiance was conducted at 8:00 a.m. on August 31, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Brandon Flanagan and Robert Ewing present. Absent – Richard Sleep.

All motions were passed by unanimous vote, by all members present, unless stated otherwise.

AGENDA: Moved-Seconded (Deibert-Ewing) to approve the agenda as amended. Motion Carried.

DECLARE CONFLICTS: No Conflicts were declared by the Lawrence County Commission.

SURPLUS PROPERTY: Moved-Seconded (Flanagan-Rosenau) to approve and authorize the Chairman to sign the following Resolution #2021-29 declaring surplus property and offer for sale by auction on September 11, 2021 at 9:30 a.m. at the Spearfish County Highway Shop. Motion Carried. RESOLUTION #2021-29 SURPLUS PROPERTY WHEREAS, Lawrence County has several items of personal property which are no longer needed for public purpose and; WHEREAS, The Lawrence County Board of County Commissioners have appraised the personal property and the total value of such property exceeds \$500.00, to-wit: SEE ATTACHED LIST: NOW THEREFORE BE IT RESOLVED that the Lawrence County Board of County Commissioners hereby declare the attached list of property surplus and order the sale and/or disposal of said property. Dated this 31st day of August, 2021 FOR THE BOARD OF LAWRENCE COUNTY COMMISSIONERS: Randall Rosenau, Vice Chairman. ATTEST: Krystal Stulken, Deputy Auditor.

Moved-Seconded (Flanagan-Rosenau) to authorize the Chairman to sign the Auction Agreement with Bertolotto Real Estate and Auction Inc. Motion Carried.

RECESS: 8:03 a.m. Moved-Seconded (Deibert-Rosenau) to recess the County Commission meeting and convene as the joint Lawrence County Commission and the Lawrence County Planning & Zoning Board. Motion Carried. At 8:32 a.m., the Chairman called the Commission meeting back to order. See The joint Lawrence County Commission and the Lawrence County Planning and Zoning Board minutes for detail.

ORDINANCE NO. 2021-04/ AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND CHAPTER 5, “GENERAL DISTRICT PROVISIONS”; CHAPTER 6 “DISTRICT REGULATIONS”, SECTION II-6.009 “ALLOWED USES” [C/LI –COMMERCIAL/ LIGHT INDUSTRIAL DISTRICT]; CHAPTER 10 “ADDITIONAL USE REGULATIONS”; AND CHAPTER 3, “DEFINITIONS”, ADOPTED BY ORDINANCE 21-04 AS AMENDED, OF THE LAWRENCE COUNTY ZONING ORDINANCE: Moved-Seconded (Ewing-Flanagan) to amend Chapter 10 – II 10.0013 1. b. from (3) three cannabis dispensaries to (1) one cannabis dispensary and Chapter 10 – II 10.0013 8 from ‘2021 Edition of the International Building Code and International Fire Code’ to ‘International Building Codes and International Fire Codes adopted by the County’. Motion Carried.

First Reading was held on Ordinance No. 2021-04 An Ordinance Entitled, An Ordinance to Amend Chapter 5, “General District Provisions”; Chapter 6 “District Regulations”, Section II-6.009 “Allowed Uses” [C/LI – Commercial/Light Industrial District]; Chapter 10 “Additional Use Regulations”; and Chapter 3, “Definitions”, Adopted by Ordinance 21-04 as amended and include the amendments to Chapter 10 – II 10.0013 1. b. from (3) three cannabis dispensaries to (1) one cannabis dispensary and to Chapter 10 – II 10.0013 8 from ‘2021 Edition of the International Building Code and International Fire Code’ to ‘International Building Codes and International Fire Codes adopted by the County’, of the Lawrence County Zoning Ordinance and all amendments thereto, in accordance with the provision of Chapter 11-2, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict therewith.

Flanagan stated that one dispensary is a good place to start.

Deibert commented that the number can be amended and that it was beneficial to clarify the language regarding the building codes.

Second Reading will be held on September 7, 2021 at 9:45 a.m.

CANNABIS ESTABLISHMENTS/ORDINANCE #2021-01: First Reading was held on the proposed Ordinance 2021-01 An Ordinance Creating Licensing Provisions for Cannabis Establishments.

Deibert inquired about if ‘violent’ was necessary regarding felony limitation.

Bruce Outka, Deputy State’s Attorney, recommended that the language stay as written.

Deibert then asked about the age of 21 years old requirement versus 18 years old.

Outka responded that he thought it was state law.

Flanagan stated that Section 7. Number of Cannabis Dispensaries would need to be changed from 3 (three) to 1 (one) to reflect the motion passed earlier.

Second Reading will be held on September 7, 2021 at 9:45 a.m.

FIVE-YEAR COUNTY HIGHWAY AND BRIDGE IMPROVEMENT PLAN: Allan Bonnema, Highway Superintendent, presented the preliminary draft of the five-year county highway and bridge improvement plan to be presented at a public meeting on September 28, 2021 at 10:30 a.m.

Flanagan requested a third party consultant to analyze and develop a plan for Maitland Road. No action taken.

ITEMS FROM THE PUBLIC: Jaci Conrad Pearson, Black Hills Pioneer, questioned the changes regarding the county library funding.

Ewing stated the libraries are still funded by the County.

Flanagan commented that compared to other counties across the state, Lawrence County is supporting the libraries at a higher level of funding.

Deibert reminded the Commission that the libraries are the largest line item of discretionary funding in the budget. When Deibert was on the library board, he was tasked by the County Commissioners with relaying the Commissions' intent to reduce funding and that other funding sources needed to be located. He fully supports the libraries but does not believe that half a million dollars should be spent on this line item alone. He reminded that the public hearing for the budget would be Tuesday Sept 7, 2021.

ITEMS FROM THE COMMISSIONERS: Ewing reported on items from the Weed Board meeting.

Deibert stated that the Forest Service has canceled the meeting for ATV follow up and also cancelled four other meetings due to COVID.

BILLS: Moved-Seconded (Flanagan-Deibert) to approve payment of the following payroll and vouchers listed below for expenditures for insurance, professional services, publications, rentals, supplies, repairs, maintenance, travel, conference fees, utilities, furniture and equipment drawn on the proper funds and various departments. Motion Carried.

Payroll: Comm-\$7,038.11; Aud-\$11,228.65; Treas-\$13,784.17; States Atty-\$17,768.24; Pub Def-\$13,283.57; Gen Govt Bldg-\$9,449.08; Equal-\$14,616.58; Rod-\$9,314.32; Vso-\$1,736.20; Ist-\$11,960.65; Sher-\$57,112.36; Jail-\$28,014.29; Coroner-\$301.16; 24/7-\$335.30; Emerg Mgnt-\$4,660.01; E911-\$11,672.21; Highway-46,321.93; Weed-\$6,880.32; Pz-\$6,294.78; **Bills:** Vogt, Amber-\$158.00; American Family Life-\$2,421.96; Black Hills Energy-\$1,343.15; Deadwood Recreation Center-\$638.00; Delta Dental Of South Dakota-\$7,755.54; Dept Of The Treasury-\$64,327.63; Kansas Payment Center-\$6.00; LC Treasurer-\$21.20; Midcontinent Communications-\$150.68; Montana Dakota Utilities-\$50.40; Northern Hills Rec Center-\$137.00; Office Of Child Support-\$234.00; Sd Retirement System-\$65,003.78; Sdrs Supplemental Retirement-\$2,957.51; Vast Broadband-\$1,797.18; Wellmark Blue Cross-\$107,216.90.

ADJOURN: 10:26 a.m. There being no further business it was Moved-Seconded (Flanagan-Deibert) to adjourn the meeting.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor

LAWRENCE COUNTY COMMISSIONERS AND LAWRENCE COUNTY PLANNING AND ZONING JOINT MEETING AUGUST 31, 2021

The joint meeting of the Lawrence County Commissioners and the Lawrence County Planning and Zoning Board was called to order by Vice Chairman Randall Rosenau at 8:03 a.m. on August 31, 2021 in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD with Commissioners Randy Deibert, Brandon Flanagan and Robert Ewing present. Absent – Richard Sleep.

Planning & Zoning Board members Rick Tysdal, Travis Schenk, Julie Stone, Amy Allan and Robert Ewing were present.

Vice Chairman Rosenau announced that the Board of County Commissioners and Planning & Zoning Board will be meeting jointly for this portion of the meeting.

All motions were passed by unanimous vote, by all members present, unless stated otherwise.

DECLARE CONFLICTS: No Conflicts were declared by the Lawrence County Commission.

ORDINANCE NO. 21-04/ AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND CHAPTER 5, “GENERAL DISTRICT PROVISIONS”; CHAPTER 6 “DISTRICT REGULATIONS”, SECTION II-6.009 “ALLOWED USES” [C/LI –COMMERCIAL/ LIGHT INDUSTRIAL DISTRICT]; CHAPTER 10 “ADDITIONAL USE REGULATIONS”; AND CHAPTER 3, “DEFINITIONS”, ADOPTED BY ORDINANCE 21-04 AS AMENDED, OF THE ZONING ORDINANCE OF LAWRENCE COUNTY. First Reading and a Joint Public Hearing was held on Ordinance No. 21-04 An Ordinance Entitled, An Ordinance to Amend Chapter 5, “General District Provisions”; Chapter 6 “District Regulations”, Section II-6.009 “Allowed Uses” [C/LI – Commercial/Light Industrial District]; Chapter 10 “Additional Use Regulations”; and Chapter 3, “Definitions”, Adopted by Ordinance 21-04 as amended, of the Zoning Ordinance of Lawrence County.

Amber Vogt, Planning & Zoning Administrator, presented her staff report. Vogt noted the additional recommendation amending Chapter 10 – II 10.0013 8 from ‘2021 Edition of the International Building Code and International Fire Code’ to ‘International Building Codes and International Fire Codes adopted by the County’.

Char Gamble, Emerald Consulting, LLC, 2023 Cinnabar Court Spearfish SD; stated that she appreciates that the County is starting with three dispensaries. She encourages the County to continue to watch other regions with cannabis businesses and to being open minded to other models.

Liz Tiger, 919 32nd Street Spearfish SD, stated her appreciation at starting with three dispensaries and encouraged the consideration of allowing the other cannabis related businesses in the supply chain.

Valerie Sandidge, 2 Stewart Street Deadwood SD, agreed with prior commenters and stated that medical cannabis operators can be good neighbors. She restated the need for a complete supply chain. Sandidge also stated that the unincorporated areas are where opportunity lies for the other

types of licenses. Sandidge encouraged collaboration with the industry along with stewardship to set the tone of the cannabis market serving the medical need in South Dakota.

Tysdal closed the Joint Meeting Public Hearing.

Ewing stated that due to cities being involved that he is not in favor of three dispensaries in the County but instead one dispensary.

Deibert stated that the retail end will be in cities. Vogt responded that this ordinance was for retail only business and that at this time wholesale business were not permitted. Tysdal affirmed that the Planning & Zoning addressed the dispensary portion and that further delving would be needed for other cannabis operations. Deibert continued noting that although three dispensaries are allowed that three dispensaries are probably not sustainable financially depending on what is allowed inside the incorporated areas.

Deibert requested legal counsel regarding County exposure as cannabis is illegal federally. Bruce Outka, Deputy States Attorney, responded that he cannot answer that but it is true. Deibert then stated the County is writing an ordinance for an illegal activity in the eyes of the federal government.

Flanagan stated the voters of South Dakota have said it is going to happen and the Commission needs to enact something to put some regulation in place. The activity is legal under State law. Flanagan concurred with Commissioner Ewing regarding starting with one dispensary. Flanagan observed that if and when the situation changes, the ordinance can be revisited.

Rosenau also concurred with Commissioner Ewing regarding starting with one dispensary.

Schenk communicated that this was discussed by the Planning & Zoning Board. The concern was creating a monopoly situation.

Allan concurred and further stated that having more than one dispensary stimulated competition and decreased the exclusivity around that one permit.

Tysdal stated the economics may not support more than one dispensary in the County. He doesn't like a monopoly but he also doesn't care for the idea of three dispensaries.

Deibert stated that the zoning district that the dispensaries can be located in are limited and are not ideally suited for retail. He is not concerned with the number. The number can be changed at a later date.

Rosenau inquired about regulation.

Vogt responded that Planning & Zoning would be responsible for ordinances and zoning compliance. The Auditor's office would be responsible for the licensing. She has been in discussion with the Auditor regarding that process.

Outka added that the County would defer to the State for regulation and inspection of the dispensary licensee and further advised that Ordinance 2021-04 and Ordinance 2021-01 had been sent to both Sheriff's office and States Attorney's office.

Deibert stated for the record that Commissioner Ewing would be voting on both the Planning & Zoning Board and County Commission.

PLANNING & ZONING BOARD: Moved-Seconded (Allan-Stone) to approve the Ordinance No. 2021-04, An Ordinance Entitled, An Ordinance to Amend Chapter 5, "General District Provisions"; Chapter 6 "District Regulations", Section II-6.009 "Allowed Uses" [C/LI – Commercial/Light Industrial District]; Chapter 10 "Additional Use Regulations"; and Chapter 3, "Definitions", Adopted by Ordinance 21-04 as amended and include amendment to Chapter 10 – II 10.0013 8 from '2021 Edition of the International Building Code and International Fire Code' to 'International Building Codes and International Fire Codes adopted by the County', of the Lawrence County Zoning Ordinance and all amendments thereto, in accordance with the provision of Chapter 11-2, 1967 SDCL, and amendments thereof, and for the repeal of all resolutions and ordinances in conflict therewith. Aye–Allan, Stone, Schenk. Nay-Ewing, Tysdal. Motion Carried.

Second Reading will be held on September 7, 2021 at 9:45 a.m. (Lawrence County Commission)

PLANNING & ZONING BOARD ADJOURN: 8:28 a.m. There being no further business it was Moved-Seconded (Allan-Stone) to adjourn the meeting.

Thereafter, the Lawrence County Commissioners resumed the Commission meeting.

Date Approved

Richard Sleep, Chairperson

ATTEST:

Brenda McGruder, Auditor