

**UNAPPROVED MINUTES OF THE JOINT SPECIAL MEETING OF THE ELK POINT CITY COUNCIL AND ELK POINT PLANNING AND ZONING**

The Elk Point City Council met in special session on Tuesday, June 22, 2021 at 7:00pm in the council chambers of City Hall located at 106 W. Pleasant Street with Mayor McCreary presiding and these council members present: Irlbeck, Nelson, Abraham, Verros, Penfield and VonHaden. Planning and Zoning members present: Reed, Hathaway and Jansen. Curry was absent. Also present were: City Attorney Thompson, City Administrator Tuttle, Police Chief Limoges, Public Works Job and Finance Officer Hammitt.

The meeting was called to order at 7:00pm.

Motion made by Nelson, seconded by Verros to approve the agenda. All in favor.

A public hearing was held at 7:00pm to discuss Ordinance No. 410, A temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses. Deb Matthys and Greg Hovland spoke during the public hearing. Brett Reed, Planning and Zoning Board Vice President and representative, spoke for the board and recommended approval of Ordinance No. 410.

Penfield moved and Nelson seconded a motion to adjourn as the joint Elk Point City Council and Planning and Zoning board and convene as the Elk Point City Council. Unanimous.

Second Reading was given to the following Ordinance.

**ORDINANCE NO. 410**

**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 Elk Point, 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 Elk Point* 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 the Municipality Charter* 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 Elk Point, 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 30-20G-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.

Dated this 22<sup>nd</sup> day of June 2021.

CITY OF ELK POINT, SOUTH DAKOTA

Deb McCreary  
Mayor

Attest: Erika Hammitt  
Finance Officer

First Reading: June 1, 2021  
Second Reading: June 22, 2021  
Passed and Approved: June 22, 2021  
Published: July 1, 2021  
Effective Date: June 22, 2021

Motion and second, Verros/Irlbeck to approve Ordinance No. 410 as presented. All in favor.

Motion and second, Verros/Nelson to approve the following bills and to instruct the Finance Officer for payment of the same. Unanimous. Bills: Amsoil, Inc.-repairs: \$814.93; Avery Bros.-supplies: \$212.00; Big Sioux Auto Parts-supplies: \$92.64; Border States Electric Supply-supplies: \$1,187.01; CNA Surety-office expense: \$50.00; DGR Consulting Engineers, Inc.-professional services: \$2,970.00; D-P Tools, Inc.-supplies: \$124.95; ECI Systems-repairs: \$300.00; Hammitt, Erika-travel and conference: \$372.00; Holmquist, Eric & Traci-tax abatement: \$1,079.26; Hutcheson, Kim-travel reimbursement: \$61.65; I-State Truck Center-repairs: \$68.05; Jack's Uniform & Equipment-uniforms: \$12.95; JCL Sioux Falls Branch-supplies: \$399.29; Krippner Custom Pumping, LLC-repairs: \$7,250.00; Loffler-copier contract: \$343.60; McNeilus Truck & Manufacturing Co.-supplies: \$864.91; MSC-supplies: \$665.86; One Office Solution-supplies: \$133.18; Resco-supplies: \$3,689.70; Runnings Supply-uniforms: \$110.94; Siouxland Humane Society-animals: \$55.00; South Dakota Municipal League-training: \$25.00; South Dakota One Call-locate tickets: \$90.30; Stan Houston-supplies: \$126.00; Staples Credit Plan-supplies: \$132.98; Sturdevant's Auto Parts-repairs: \$90.50; The Road Guy Construction Co., Inc.-street repairs: \$18,360.32; Tudog's Computing, LTD-professional services: \$409.44; Union County Register of Deeds-filing fees: \$60.00; USA Blue Book-supplies: \$168.47; Verizon Wireless-utilities: \$232.49; Wesco Distribution-supplies: \$32,619.99; Woodhouse Auto Family-repairs; \$62.30; Zimco Supply Company-fertilizer: \$79.00

John Orr submitted an application for a UDAG Loan request to remodel the building located at 201 W. Main Street. He plans on closing on the property on July 1, 2021. Cat River Anchors store will be located at this location with a retail and shop area. Discussion was held. Motion made by Nelson, seconded by Verros to approve a \$27,000.00 loan for 10 years at 4% and must

be listed on the bank mortgage secondly after the bank as collateral on the building as requested contingent upon the purchase of the property located at 201 W. Main Street. All in favor.

Motion to adjourn, Penfield/Abraham. Unanimous.

Attest: Erika Hammitt  
Finance Officer

Deb McCreary  
Mayor

Publish: July 1, 2021