

**CITY OF MADISON
BOARD OF COMMISSIONERS PROCEEDINGS
MADISON, SD 57042**

June 1, 2021
Regular

The Board of Commissioners of the City of Madison met in regular session at 5:30pm on the 1st day of June with the following members present on roll call: Mayor Marshall Dennert and Commissioners Kelly Dybdahl, Adam Shaw, and Jerae Wire. Commissioner Jeremiah Corbin was absent.

Motion by Commissioner Shaw to adopt the June 1st agenda. Motion seconded by Commissioner Wire. Motion carried unanimously.

Motion by Commissioner Shaw, second by Commissioner Dybdahl, to approve the following items on the consent calendar: Minutes - May 24, 2021, Claims for Approval -June 2, 2021. Motion carried unanimously.

Claims for Approval - June 2, 2021:

Allegra Teen Raffle Tickets 16.07; American Red Cross Lifeguarding 440.00; Appeara Mat Rentals 174.24; AT&T Mobility Data Connect 216.15; Avenu Insights & Analytics May Application Host 3,138.37; Blackstone Publishing Books 113.02; Bound To Stay Bound Inc Books 17.96; Carquest of Madison Ignition Wires/Batteries 107.22; Century Business Products Inc Maint Agreement 27.00; City of Madison Utilities 32,675.06; Classic Convenience Inc Fuel 478.09; Core & Main GP LLC Hydrants For RD Project 73,406.40; Dakota State University Repairs/Elevator Contract 747.14; Demco Inc Finishing Paper Rolls 218.20; Ehlers/Jesse Training-Deadwood, SD 120.00; Endress & Hauser Inc PH Transmitter 2,006.09; F & M Coop Oil Co Fuel 610.21; Fastenal Co Safety Glasses/Ear Plugs 111.02; Feistner/Matthew Training-Deadwood, SD 120.00; Findaway Books 142.48; First Bank & Trust Bond Principal & Interest 269,214.21; Fox Promo LLC Finance Office Name Badges 56.00; Frontier Precision Inc Repair Survey Equip 823.29; Gale Cengage Learning Books 30.39; Hach Co Chemicals 49.15; Hillyard Inc Dust Sheets/Polish Pads 277.40; Houston Engineering NW 9th-Union Reconstruction 14,114.49; Hunter Publishing Inc Minutes/Resolutions 679.61; Ingram Co Books 332.29; Itron Inc Hardware-Software Maintenance 1,734.58; J H Larson Electrical Co Lighting 26.54; Jencks & Jencks PC June Services/Contract 5,500.00; Jones Ace Hardware Hardware/Smoke Alarm 224.38; Kapco Book Covers 132.93; Kever Roofing Fire Hall Roof-Final Payment 16,390.00; Krug Products Inc Shipping/Hose Assembly 133.07; Lake County Register of Deeds Easement 30.00; Leader Printing Finance Office Business Cards 108.00; Lewis Drugs Inc Clorox Wipes/Cat Food/USB Cable 123.30; Micromarketing LLC Audio Books 498.42; O Reilly Automotive Inc AD Actuator/Oil Filters 62.61; Office Peeps Inc Copier Contract/Copier Paper 339.08; One Source Background Checks 78.00; Porta Pros Inc Toilet Rental/Vandalism 182.00; Productivity Plus Account Broom #32 240.00; Rogers Service & Exhaust Pros Turn Brake Rotors 110.00; Running Supply Inc Potting Soil/Gloves/Cable Ties 425.44; SD Dept of Environment Stormwater Permit 250.00; SD Dept of Transportation Replace Center St Bridge 5,301.71; SD Public Health Laboratory Water Samples 133.00; Sturdevants Madison Inc Fuel Tank/Starter/Battery 1,030.54; Swank Movie Licensing USA Site License 340.00; Syn-Tech Systems Fuelmaster Maintenance Agreement 550.00; Timmer Supply Co Coupling/Teflon Tape 11.60; Vast Broadband Utilities 3,009.71; Wesco Distribution Inc Fuseholder Lampholders 198.50; Winrow/Kaylee Totes/Rugs/Sunscreen 167.90.

Motion by Commissioner Wire, second by Commissioner Shaw, to give Ordinance No. 1633 - Medical Cannabis Establishments a second reading. Motion carried unanimously.

ORDINANCE NO. 1633

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 Madison, 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 Madison 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 (if applicable) 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 COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

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 1st day of June, 2021.

CITY OF MADISON

/s/Marshall Dennert
Mayor

ATTEST: /s/Sonya Wilt
Finance Officer

1st Reading: May 24, 2021
2nd Reading: June 1, 2021
Published: June 3, 2021
Effective: June 1, 2021

In unfinished business, discussion was held on the status of the 2021 Opening of the Madison Aquatic Center. Brad Lawrence provided quotes on the electrical components that need repair. Discussion on child safety, liability issues, and potential risks of quick options to get the pool operational before the majority of the repairs are completed. Staff will reach out to electrical contractors to look at quicker options. Motion by Commissioner Shaw, second by Commissioner Wire, to accept the bid from Malloy for electrical components. Motion carried unanimously.

Motion by Commissioner Shaw, second by Commissioner Dybdahl, to authorize the Mayor to sign a Memorandum of Agreement among the Federal Emergency Management Agency, the South Dakota State Historic Preservation Officer, the City of Madison, and the South Dakota Office of Emergency Management regarding the City of Madison, Madison Park Creek Project and the Treatment of Adverse Effects to the Historic Memorial Creek Walls, Lake County, South Dakota. Said agreement is required for the 2019 Flood-FEMA projects, Category D, #135906 and #135909. Motion carried unanimously.

Park Supervisor Mike McGillivray presented a grant application for \$5,000.00 from the SD Department of Health for West Nile Virus Prevention. Said grant would assist with mosquito control efforts in an attempt to contain the threat of the virus. Motion by Commissioner Wire, second by Commissioner Shaw, to approve the grant application with the SD Department of Health. Motion carried unanimously.

Dan Buresh was present on behalf of the Madison Fire Department to present Madison Splash Zones. The Fire Department would set up splash zones throughout the summer across Madison to give kids an opportunity with the MAC being inoperable. Each splash zone would offer different water features and be split out for different age groups. They would utilize a retired fire truck for the operation of mobile splash zones, and in the event of a fire would then shut down the splash zone. Motion by Commissioner Shaw, second by Commissioner Wire, to authorize the use of City resources to provide splash zones. Motion carried unanimously.

Finance Officer Wilt discussed moving the Budget reading from September 1st meeting to on or before November 1 per Senate Bill 138. Recent legislation allows a city to finalize their budget later in the year to aid in more accurate budgeting. The board directed Wilt to move forward with preparing ordinance to move the date of the first reading of the budget ordinance. Motion carried unanimously.

The 2400 electrical system was retired on June 1 after being in operation for close to 100 years.

City Administrator Berreth discussed moving the Board of Commissioners meeting to the Community Center on the 21st at 9:00am. Once an official decision is reached it will be communicated to the public.

Motion by Commissioner Shaw, second by Commissioner Wire to adjourn.

The Board of Commissioners adjourned at 6:26pm.

/s/Sonya Wilt
Finance Officer