

**BERESFORD CITY COUNCIL
REGULAR MEETING AGENDA
Tuesday, September 7, 2021 7:00 P.M.
Beresford City Council Chambers – 103 N. 3rd St.**

[1] – Call to Order & Roll Call

[2] – Adopt Agenda

[3] – Approve Minutes – August 16 and 30, 2021

[4] – Visitors to be heard

[5] – Committee/Mayor Reports

[6] – Department Head and City Administrator Reports

[7] – Old Business

- 2nd Reading and adoption of Ordinance 2021-04 An Ordinance Creating Zoning Regulations for Cannabis Establishments
- 2nd Reading and adoption of Ordinance 2021-05 An Ordinance Creating Licensing Regulations for Cannabis Establishments in the City of Beresford, South Dakota
- 2nd Reading and adoption of Ordinance 2021-06 A Zoning Amendment for the City of Beresford
- 2nd Reading and adoption of Ordinance 2021-07 A Zoning Amendment for the City of Beresford

[8] – New Business

- 2022 Budget Review
 - Consider 1st Reading of Fiscal Year 2022 Appropriation Ordinance
- P/T hire for Liquor Store
- Step pay increase for Kathy Stuessi

[9] – Discussion & Information Items

- Letter from Safety Benefits, Inc – regarding loss control survey

[10] – Travel Requests

- SDML Annual Conference – Spearfish, Oct. 5-8, Schurch, Antonson, Heidebrecht, Johnson, Frieberg, Zeimetz

[11] – Payment of Bills

[12] – Adjournment

Welcome to your City Council Meeting

If you wish to participate in the discussion, the meeting provides several opportunities:

1. After the minutes are approved and public hearings are held, the Mayor will ask if any visitors wish to be heard. Any item **NOT** on the agenda may be discussed. Items requiring action will then be placed on the next city council agenda for formal action.
2. During the discussion of agenda topics, anyone may comment if the Council is accepting public testimony. The Mayor may recognize you if you raise your hand. Please state your name and address for the City minutes. Discussion occurs before motions are made and seconded. Discussion also occurs after the motion is seconded and before the vote.

If you would like to join the meeting via Zoom, please follow the instructions below.

Topic: City Council Meeting Monday September 7, 2021

Time: September 7, 2021 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5460780834?pwd=bittbHg1QjJ5SDYxaUFOb0VGZ3crQT09>

Meeting ID: 546 078 0834

Passcode: Beresford

One tap mobile

+12532158782,,5460780834#,,,,*140120663# US (Tacoma)

+13462487799,,5460780834#,,,,*140120663# US (Houston)

Dial by your location

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Meeting ID: 546 078 0834

Passcode: 140120663

Find your local number: <https://us02web.zoom.us/j/5460780834?pwd=bittbHg1QjJ5SDYxaUFOb0VGZ3crQT09>

Beresford City Council
Monday, August 16, 2021

The Beresford City Council met in regular session in City Council Chambers on Monday, August 16, 2021 at 7:00 p.m.

Members Present: Mayor Nathan Anderson presiding, Troy Boone, Troy Doeden, Will Roelke, Art Schott, Teresa Sveeggen

Members Absent: Mike Tiedeman

Also Present: Elaine Johnson, Finance Officer; Jerry Zeimetz, City Administrator; Tom Frieberg, City Attorney

Adopt Agenda: Sveeggen made a motion to adopt the agenda as amended. The motion was seconded by Doeden and all present Council members voted aye; motion carried.

Minutes: A motion was made by Doeden, seconded by Boone to approve the August 2, 2021 meeting minutes. At 7:02 PM Roelke made a motion to go into Executive Session to discuss personnel. The motion was seconded by Schott and all present Council members voted aye.

The mayor declared Council out of Executive Session at 7:06 PM. All present Council members voted aye to approve the August 2, 2021 meeting minutes; motion carried.

Visitors to be Heard: Lou Gerstman presented Council with an update on the proposed dog park. A map showing the suggested site for the park was reviewed and Gerstman reported that all costs will be covered by an anonymous donor. Schott made a motion, with a second by Roelke, to approve the location of the proposed dog park, contingent upon final design approval by Council. Information about the dog park will be posted on social media.

Beresford Schools' Asst. HS Principal Geoff Gross and Instrumental Music Instructor Brian LeMaster informed Council of upcoming events which include the Homecoming parade (Sept. 17) and the Watchdog Marching Band Festival (Sept. 24). They thanked Council for their past support of these events and for assistance from City Departments. Their current requests include use of the portable stage and some street closures during these upcoming events. Action will be taken at the next regular Council meeting.

Department Head and City Administrator Reports

Elaine Johnson, Finance Officer: Johnson highlighted a few of the expenditures/revenue from the July, 2021 financial reports. Boone made a motion to accept the July, 2021 financial reports. Schott seconded the motion and all present Council members voted aye; motion carried.

New Business

- **Final Pay Request:** Following explanation by City Administrator Zeimetz, a motion was made by Schott to approve the final pay request of \$185,579.05 to Ervin Cable for the Fiber to the Home Project. The motion was seconded by Doeden and all present Council members voted aye; motion carried.
- **Ballfield Expansion:** Zeimetz summarized an agreement with Banner Engineering for preliminary planning/cost estimates for expansion of ballfields. Schott made a motion, second by Doeden, to authorize the agreement with Banner Engineering for \$5000 to provide information and cost estimates for the ballfield expansion project.

- **Subsidy Drawdown Request:** Doeden made a motion to approve the 2021 budgeted subsidy drawdown request of \$3500 from the Chamber of Commerce for Old-Fashioned Weekend. The motion was seconded by Schott and all present Council members voted aye; motion carried.
- **Retirement/Resignation:** A motion was made by Sveeggen and seconded by Boone to accept the resignation/retirement letter from Police Officer John Krebs. All present Council members voted aye; motion carried.
- **Seasonal Hire:** Schott made a motion to approve hiring Chris Kropuenske at \$12.35/hour as a seasonal hire for Public Works Dept. Sveeggen seconded the motion and all present Council members voted aye; motion carried.
- **Special Meeting:** City Attorney Frieberg explained the purpose of a joint meeting with the Beresford Planning Commission to discuss medical marijuana regulations. A motion was made by Doeden, seconded by Schott, to set August 30, 2021 at 5:30 PM as the date for a special meeting for a joint public hearing with the Beresford Planning Commission. All present Council members voted aye; motion carried.

Discussion and Information Items: Council was reminded the next regular meeting will be Tuesday, September 7 due to the Labor Day holiday.

Doeden offered a public apology to Roelke for specifically naming him while discussing the role and authority of the Council at the last Council meeting.

Payment of Bills

A motion was made by Schott and seconded by Boone to pay the following bills. All present Council members voted aye; motion carried.

A-1 Portable Toilets, rental, \$130.00; Adtran, maint. contract, \$375.00; Alliance Comm., toll settlement, \$406.84; American Eng. Testing, labs, \$163.95; Appeara, service, \$908.14; A. Atwood, lifeguard reimb., \$125.00; Baker & Taylor, books, \$1306.75; Bally Sports North, affiliate fees, \$3404.30; Ban-Koe Co., fire alarm system, \$1123.00; Banner Assoc., wastewater planning, \$6520.00; Beal Dist., beer, \$3332.85; Beresford Chamber of Commerce, 2021 subsidy, \$3500.00; Beresford Republic, publishing, \$183.61; Book Systems, yearly hosting fee, \$1905.00; T. Boone, lifeguard reimb., \$125.00;

Border States Elec., UG wire, \$7146.52; C&R Supply, equip. repair, \$217.68; CDW Gov't, ARPA funds/projector, \$6644.15; Cengage Learning, books, \$55.98; Center Point Large Print, books, \$109.08; CenturyLink, 911 circuit, \$100.77; Chesterman Co., resale, \$614.09; CHS, fuel, \$2954.97; City of Beresford, BMTC Switch Bldg. Rent, \$16,500.00; City of SF Public Works, tipping fees, \$4392.27; Concrete Materials, asphalt, \$1513.69; Consortia, consulting fees, \$3500.00; DAD's Auto Repair, repair, \$215.82; Dakota Beverage, beer, \$2555.90; Dell Marketing, ARPA funds, \$2440.16; Demco, supplies, \$89.62;

Diamond Vogel, paint, \$763.20; ECHO Group, resale, \$841.28; A. Engbarth, lifeguard reimb., \$130.18; Ervin Cable Const., FTTH 2020, \$185,579.05; Express Comm., toll settlement, \$2669.36; Farr Tech., engineering fees, \$3495.00; Fiber Ring Rev., pooling fees, \$2201.18; Fiesta Foods, resale/supplies, \$571.82; Tucker Foxhoven, clothing, \$133.87; Grainger, pH tester, \$184.73; GT Golf Sup., merchandise, \$110.91; Hawkins, chemicals, \$2231.67; Heartland Pymt. Sys., CC fees, \$1459.17; Heggies Pizza, resale, \$123.05; Innovative Systems, Innovsurance, \$5000.00; Interstate TRS Fund, TRS fund, \$387.94;

S. Jensen, lifeguard reimb., \$185.00; Johnsen H&C, service, \$1252.69; Johnson Bros. Famous Brands, liquor, \$1855.08; KCL Gr. Benefits, ins., \$142.80; KVHT, USD Howl Towels, \$250.00; Lewis & Clark RWS, water, \$24,536.12; Lewis Drug, supplies, \$10.97; Madison Group, trans. equip., \$3453.40; Mid America Comp. Corp., billing fees, \$2553.64; Midwest Tape, DVD, \$125.68; Modular Protection, fire prot. system, \$870.00; Mr. Golf Car, lease cars, \$3037.50; NY Life, insurance, \$108.00; Nexstar Broadcasting, affiliate fees, \$145.25; Norberg Paint, paint, \$24.66; Northern Plains Lumber, street signs, \$168.57;

Olson's Pest Tech., service, \$228.00; Overdrive, ARPA funds, \$2328.78; J. Palm, lifeguard reimb., \$250.00; Pederson Machine, repair, \$39.32; Precision Irr. & Lawn, irrigation installation, \$7500.00; Quadient Finance, postage, \$3000.00; Red Wing, safety boots, \$420.73; Redwood Toxicology Lab, supplies, \$74.75; Ben Reiter, mileage, \$35.84; Republic Nat'l Dist., liquor, \$1397.60; Roo's Sanitation, disposal serv., \$4800.00; C. Savey, lifeguard reimb., \$300.10; SD State Treasurer, telecom relay service, \$70.10; SDN Comm., internet, \$2267.08; J. Seeley, lifeguard reimb., \$193.00; Showtime, affiliate fees, \$71.50;

Southern Glazers, liquor, \$844.41; The Tessman Co., landscaping, \$232.00; The Garden Shed, memorial, \$36.00; Alex Thompson, clothing, \$127.48; Thorntek, CATV equip., \$221.37; Tifoci Optics, golf merch., \$320.68; Toast, CC fees, \$224.84/subscription, \$110.50; Total Stop, fuel, \$2146.22; A. Twedt, lifeguard reimb., \$222.86; US Foods, food, \$2344.59;

USAC, schools & libraries, \$2697.01; Vast Broadband, service, \$53.31; Walt's Homestyle Foods, food, \$471.60; Washington N'tl Ins., insurance, \$84.30; WESCO Dist., E substation, \$15,664.81; Wholesale Supply, resale, \$1152.24

July 2021 Payroll Totals: Finance \$8061.60; Gov't Bldg. \$230.07; Police \$35,539.65; Street \$16,233.44; Parks \$14,962.45; Liquor Store \$6788.00; Water \$10,386.67; Electric \$35,590.40; Sewer \$11,010.98; Telephone \$46,001.25; Rubble/Recycling \$2860.47; City Council, \$7097.86; Library \$14,470.66; Swimming Pool \$25,505.12; City Administrator \$11,827.20; Golf Course \$8360.75; Clubhouse \$18,701.50; Event Center, \$1258.77.

Adjournment

As there was no further business, Doeden made a motion to adjourn the meeting at 7:46 PM. The motion was seconded by Sveeggen and all present Council members voted aye; motion carried.

Elaine Johnson, Finance Officer
Recorded by Kathy Stuessi

**Joint Beresford Planning Commission/Beresford City Council
Special Meeting – August 30, 2021**

The Beresford Planning Commission and the Beresford City Council met for a special meeting in the City Council Chambers at 5:30 PM.

Council Members Present: Mayor Nathan Anderson presiding, Troy Boone (via Zoom), Troy Doeden, William Roelke, Art Schott, Teresa Sveeggen, Michael Tiedeman (entered at 5:35 PM)

Planning Commission Present: Chairman Larry Bork, Lennis Hofer (entered at 5:35 PM), Brad Muller, Stanford Peterson.

Planning Commission Absent: Michael Borah

Also Present: Elaine Johnson, Finance Officer; Jerry Zeimetz, City Administrator; Tom Frieberg, City Attorney

Guests Present: Milt Ustad, Union Co. Commissioner; Michael Schurch, Beresford Chief of Police; Woody Houser, Nathan Jensen

Adopt Council Agenda: A motion was made by Doeden and seconded by Sveeggen to adopt the agenda. All present Council Members voted aye; motion carried.

Adopt Planning Commission Agenda: A motion was made by Peterson and seconded by Muller to adopt the agenda. All present Planning Commission members voted aye; motion carried.

Joint Public Hearing

- **Ordinance #2021-04: An Ordinance Creating Zoning Regulations for Cannabis Establishments:** Attorney Frieberg reviewed the ordinance with both the Planning Commission and City Council. Following discussion, Planning Commissioner Peterson made the motion, seconded by Planning Commissioner Muller, to recommend approving Ordinance #2021-04. They also recommended setting a cap for the number of establishments at two. All present Planning Commission members voted aye; motion carried.

Planning Commission Adjourned: As there was no further Planning Commission business, the Planning Commission meeting was adjourned at 5:55 PM by Chairman Bork.

City Council Business Items

- The 1st Reading of Ordinance #2021-04: An Ordinance Creating Zoning Regulations for Cannabis Establishments was held and placed on file at City Hall.
- The 1st reading of Ordinance #2021-05: An Ordinance Creating Licensing Regulations for Cannabis Establishments in the City of Beresford, SD was held and placed on file at City Hall.

Public Hearings

Rezoning requests:

- A rezoning request from NRC Properties, LLC, 105 W. Spruce St. to rezone Lot A, Blk 6 Original Beresford City from Central Business District (CB) to Single-Family Residential District (R1) was discussed. The 1st reading of Ordinance #2021-06: A Zoning Amendment for the City of Beresford was held and placed on file at City Hall.
- A rezoning request was received from Woody Houser, 505 1/2 SW 13th St, to rezone Industrial Tract 7A in E 1/2 of the SE 1/4 of Sect. 6 T95N R50W of the 5th P.M. City of Beresford, Union County, SD from Multi-Family Residential District, (R2) to General Business District (GB).

Following discussion the 1st reading of Ordinance #2021-07: A Zoning Amendment for the City of Beresford was held and placed on file at City Hall.

New Business

BEDCO Appointments: A motion was made by Sveeggen and seconded by Roelke to approve the appointment of Doug Allerdings to the Beresford Economic Development Corporation Board of Directors. All present Council members voted aye; motion carried. A motion was made to approve the appointment of Jared Olson to the Beresford Economic Development Corporation Board of Directors by Tiedeman. The motion as seconded by Doeden and all present Council members voted aye; motion carried.

Bridges Golf Cart Lease Renewal: A motion was made by Doeden to approve the 2-year lease contract with Mr. Golf Car, Inc. for fifteen 2016 carts and fifteen 2020 carts. The motion was seconded by Sveeggen; all present Council Members voted aye and the motion carried.

Parks/Golf Course Hire: A motion was made by Schott and seconded by Sveeggen to hire Derek Livingston at \$10.45/hour as part-time seasonal help for the Parks Dept. and Golf Course. All present Council members voted aye; motion carried.

Adjournment: As there was no further business, Mayor Anderson adjourned the meeting at 6:30 PM.

Elaine Johnson, Finance Officer
Recorded by Kathy Stuessi

ORDINANCE NO. 2021-04

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ARTICLE 1 GENERAL PROVISIONS, ARTICLE 8 CENTRAL BUSINESS DISTRICT, ARTICLE 9 GENERAL BUSINESS DISTRICT, ARTICLE 10 LIGHT INDUSTRIAL DISTRICT, ARTICLE 11 HEAVY INDUSTRIAL DISTRICT, ARTICLE 12 ADDITIONAL USE REGULATIONS, AND ARTICLE 20 DEFINITIONS OF THE BERESFORD CODE OF ORDINANCES TITLE 9 PLANNING AND ZONING CHAPTER 9.0108 ZONING REGULATIONS, AND THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the City Council of the City of Beresford, South Dakota that amendments be made to the 2017 Revised Beresford Zoning Regulations of the City of Beresford be by adding the following:

1. ARTICLE 1. GENERAL PROVISIONS

1.04.01 Prohibited Uses

All uses and structures not specifically listed as a permitted use or as a conditional use in a particular zoning district shall be prohibited in said district.

2. ARTICLE 8: Central Business District

8.01 Permitted Uses

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
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3. ARTICLE 9: General Business District

9.01 Permitted Uses

Cannabis Dispensaries	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
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4. ARTICLE 10: Light Industrial District

10.01 Permitted Uses

Cannabis Testing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Product Manufacturing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Cultivation Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16

5. ARTICLE 11: Heavy Industrial District

11.01 Permitted Uses

Cannabis Testing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Product Manufacturing Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16
Cannabis Cultivation Facility	12.02, 12.04, 12.05, 12.06, 12.11, 12.16

6. ARTICLE 12: Additional Use Regulations

12.16 CANNABIS DISPENSARIES.

A. Maximum Number of Cannabis Dispensaries.

- 1. In the development and execution of these regulations, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a potential deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.**
- 2. The City of Beresford shall allow up to two (2) cannabis dispensary/dispensaries provided the time, place, and manner of said dispensary complies with this ordinance.**

B. Required Separation Distances

- 1. A cannabis dispensary shall be located not less than One-thousand Feet (1,000') from a public or private school existing before the date of the cannabis dispensary application.**
- 2. Prescribed separation/setback distances from a public or private school existing before the date of the cannabis dispensary application are to be measured from the lot line of the property where the dispensary is proposed.**
- 3. No cannabis establishments may be located within Five Hundred Feet (500') of another cannabis establishment.**

C. Other Locational Requirements

- 1. Permanent or temporary dispensaries are prohibited in all other zoning districts and not eligible for a home occupation use.**
- 2. It shall be unlawful to operate a dispensary in a building which contains a residence or a mixed-use building with commercial and residential uses.**
- 3. Drive-thru services shall not be permitted at a cannabis dispensary and all sales must be completed at the dispensary location.**

D. Controlled Access - No cannabis establishment shall share premises with or permit access directly from another medical cannabis establishment, business that sells alcohol or tobacco, or, if allowed by law, other cannabis establishment.

E. Hours of operation:

- 1. Cannabis dispensaries are allowed to be open between the hours of 8:00 a.m. and 8:00 p.m. each day of the week.**

F. Documentation of State Licensure.

- 1. No cannabis dispensary shall acquire, possess, store, deliver transfer, transport, supply, or dispense cannabis, cannabis products, paraphernalia without providing documentation of licensure from the State of South Dakota.**

G. The zoning official is authorized to issue permits (building/use) for cannabis dispensaries subject to following:

1. Submission of a site plan containing the following:

- i. Any information required for applicable building permit,**
- ii. Ingress and egress plan;**
- iii. Parking plan;**
- iv. Lighting plan (including security lighting);**
- v. Screening/security fencing plan;**
- vi. Refuse plan;**
- vii. Hours of Operation;**
- viii. Any other information as lawfully may be required by the Zoning official to determine compliance with this ordinance.**

2. Documentation of ability to meet setback/separation requirements.

3. Documentation of State Licensure.

H. All Cannabis Establishments are required to be constructed in conformance with the most recent edition of the International Building Code and International Fire Code adopted by City Council of the City of Beresford.

BE IT FURTHER ORDAINED by the City Council of the City of Beresford, South Dakota: that ARTICLE 20 DEFINITIONS, ARTICLE 20.02 , "Definitions" adopted by the 2017 Revised Beresford Zoning Regulations as amended of the City of Beresford be amended by adding the following:

CANNABIS (OR MARIJUANA): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing

or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

CANNABIS CULTIVATION FACILITY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

CANNABIS DISPENSARY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

CANNABIS ESTABLISHMENT: a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

CANNABIS PRODUCT MANUFACTURING FACILITY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

CANNABIS PRODUCTS: any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

CANNABIS TESTING FACILITY: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Passed and adopted this 7th day of September, 2021.

By: _____
Nathan Anderson, Mayor

ATTEST:

Elaine Johnson
Municipal Finance Officer

First Reading: August 30, 2021
Second Reading: September 7, 2021
Date Adopted: September 7, 2021
Date Published: September 16, 2021
Effective Date: October 6, 2021

ORDINANCE 2021-05

AN ORDINANCE AMENDING CITY OF BERESFORD REVISED MUNICIPAL ORDINANCES TITLE 4 LICENSES BY ADDING CHAPTER 4.05 WHICH ENACTS LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the City Council of the City of Beresford that Title 4 of the Ordinances of the City of Beresford is hereby amended by adding a new Chapter 4.05 as follows:

CHAPTER 4.05: LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS

Section

- 4.0501 Purpose and Intent
- 4.0502 Definitions
- 4.0503 License Required
- 4.0504 License Application
- 4.0505 Issuance of License
- 4.0506 City Neutrality as to Applicants
- 4.0507 Number of Cannabis Dispensaries
- 4.0508 Expiration of License and Renewal
- 4.0509 Suspension
- 4.0510 Revocation
- 4.0511 Suspension and Revocation Process
- 4.0512 Appeal
- 4.0513 Licenses not Transferrable
- 4.0514 Hours of Operation for Dispensaries
- 4.0515 Liability for Violations
- 4.0516 Penalties

§ 4.0501: PURPOSE AND INTENT

The City Council of the City of Beresford enacts the following licensing ordinances in order to ensure that cannabis establishments within the municipal boundaries of the City operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

§ 4.0502: DEFINITIONS

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

Cannabis (or Marijuana): all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all

derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment: cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products: any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures

Cannabis Testing Facility: in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Department: the South Dakota Department of Health

§ 4.0503: LICENSE REQUIRED

- (A) No cannabis establishment may be located or operate in the city without the appropriate valid and current cannabis establishment license issued by the city pursuant to this article. A violation of this provision is subject to the general penalty provision in § 4.0516. Each day of the violation constitutes a separate offense.
- (B) No cannabis establishment may be located or operate in the city without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-20G. A violation of this provision is subject to the general penalty provision in § 4.0516. Each day of the violation constitutes a separate offense.

§ 4.0504: LICENSE APPLICATION

- (A) An application for a cannabis establishment license must be made on a form provided by the city. No other application form will be considered.
- (B) The applicant must submit the following:
 - (1) Application fee of \$25,000.00. The City will reimburse \$20,000 for applicants who fail to obtain a

registration certificate from the South Dakota Department of Health.

(2) An application that will include, but is not limited to, the following:

- (a) The legal name of the prospective cannabis establishment;
- (b) The physical address of the prospective cannabis establishment that meets the zoning requirements in Chapter 9.05 Zoning Regulations as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
- (c) The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
- (d) A sworn statement that no principal officer, owner, or board member has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction.
- (e) Any additional information requested by the city.

§ 4.0505: ISSUANCE OF LICENSE

(A) The city will issue a license unless:

- (1) The applicant has made a false statement on the application or submits false records or documentation; or
- (2) Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or
- (3) Any owner, principal officer, or board member of the applicant has been convicted of a violent felony offense in the previous ten (10) years in any jurisdiction; or
- (4) The proposed location does not meet the applicable zoning requirements under Chapter 9.05 Zoning Regulations; or
- (5) The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder; or
- (6) The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or
- (7) Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the city or a registration certificate revoked by the state; or
- (8) An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or
- (9) The applicant will not be operating the business for which the license would be issued.

- (B) In the case of an application for a cannabis dispensary license, the city will reject the application if the limit on the number of cannabis dispensaries has been reached.
- (C) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.

§ 4.0506: CITY NEUTRALITY AS TO APPLICANTS

- (A) Upon request from the Department as to the City's preference of applicants, the City will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the City will abstain from endorsing any application as beneficial to the community.

§ 4.0507: NUMBER OF CANNABIS DISPENSARIES

- (A) No more than two (2) cannabis dispensary/dispensaries shall be allowed to operate in the City at any time.

§ 4.0508: EXPIRATION OF LICENSE AND RENEWAL

- (A) Each license expires one year from the date of issuance and may be renewed only by making application as provided in Section 4.0504. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.
- (B) The renewal fee is \$5,000.00. The City will reimburse \$2,500 for applicants who fail to obtain a renewal of their registration certificate from the Department.
- (C) Failure to renew a license in accordance with this section may result in additional fees. Upon expiration of the license, the city may order closure of the cannabis establishment.
- (D) If a license holder has not operated an establishment for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

§ 4.0509: SUSPENSION

- (A) A license may be suspended if the license holder or an employee or agent of the license holder:
 - (1) Violates or is otherwise not in compliance with any section of this article.
 - (2) Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.
 - (3) Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.

- (B) A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.
- (C) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

§ 4.0510: REVOCATION

- (A) A license may be revoked if the license is suspended under Section 4.0509 and the cause for the suspension is not remedied.
- (B) A license may be revoked if the license is subject to suspension under Section 4.0509 because of a violation outlined in that section and the license has been previously suspended in the preceding 24 months.
- (C) A license is subject to revocation if a license holder or employee of a license holder:
 - (1) Gave false or misleading information in the material submitted during the application process;
 - (2) Knowingly allowed possession, use, or sale of non-cannabis controlled substances on the premises;
 - (3) Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this article while the license was suspended;
 - (4) Repeated violations of Section 4.0509;
 - (5) Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
 - (6) A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
 - (7) A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G;
 - (8) The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired;
 - (9) The license holder allows a public nuisance to continue after notice from the City.

§ 4.0511. SUSPENSION AND REVOCATION PROCESS

- (A) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the city's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.

- (B) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the Mayor, Finance Officer, and Vice Chair of the Planning Commission.
- (C) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.
- (D) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.
- (E) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

§ 4.0512: APPEAL

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this article may appeal to the City Council by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to City Hall 101 N. 3rd St., Beresford, South Dakota, 57004. The appeal will be considered by the City Council at a regularly scheduled meeting within one month of the receipt of the appeal.

§ 4.0513: LICENSES NOT TRANSFERRABLE

No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.

§ 4.0514: HOURS OF OPERATION FOR DISPENSARIES

No cannabis dispensary may operate between the hours of 8:00 p.m. and 8:00 a.m. any day of the week.

§ 4.0515: LIABILITY FOR VIOLATIONS

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this article, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

§ 4.0516: PENALTIES

Any person who operates or causes to be operated a cannabis establishment without a valid license or in

violation of this article is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.

Severability. The provisions of this ordinance are severable. If any provision of this ordinance 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 ordinance which can be given effect without the invalid provision or application.

Passed and adopted this 7th day of September, 2021.

By: _____
Nathan Anderson, Mayor

ATTEST:

Elaine Johnson
Municipal Finance Officer

First Reading: August 30, 2021
Second Reading: September 7, 2021
Date Adopted: September 7, 2021
Date Published: September 16, 2021
Effective Date: October 6, 2021

ORDINANCE NUMBER 2021-06

A ZONING AMENDMENT FOR THE CITY OF BERESFORD

AN ORDINANCE REZONING AND AMENDING THE ZONING REGULATIONS FOR THE CITY OF BERESFORD, SOUTH DAKOTA, BY REZONING FROM CENTRAL BUSINESS (CB) TO SINGLE-FAMILY RESIDENTIAL (R1) THE FOLLOWING PROPERTY:

Lot A, Blk 6 Original Beresford City (105 W. Spruce St.) City of Beresford, Union County, SD

That this Ordinance amends zoning regulations for the City of Beresford, South Dakota, with such regulation being set forth in the document titled Beresford Zoning Ordinance; provides restrictions, district boundaries and zoning map; provides for the administration, enforcement and amendment of this Ordinance; and repeals any other ordinance or parts thereof in conflict with this Ordinance.

Passed and adopted this 7th day of September, 2021

ATTEST:

Nathan Anderson, Mayor
City of Beresford

Elaine Johnson
Finance Officer

First Reading: August 30, 2021
Second Reading: September 7, 2021
Date Adopted: September 7, 2021
Publication Date: September 16, 2021
Effective Date: October 6, 2021

ORDINANCE NUMBER 2021-07

A ZONING AMENDMENT FOR THE CITY OF BERESFORD

AN ORDINANCE REZONING AND AMENDING THE ZONING REGULATIONS FOR THE CITY OF BERESFORD, SOUTH DAKOTA, BY REZONING FROM CENTRAL BUSINESS (CB) TO SINGLE-FAMILY RESIDENTIAL (R1) THE FOLLOWING PROPERTY:

Industrial Tract 7A in E. ½ of the SE ¼ of Sect. 6, Township 95 North, Range 50 West of the 5th P.M., City of Beresford, Union County, South Dakota.

That this Ordinance amends zoning regulations for the City of Beresford, South Dakota, with such regulation being set forth in the document titled Beresford Zoning Ordinance; provides restrictions, district boundaries and zoning map; provides for the administration, enforcement and amendment of this Ordinance; and repeals any other ordinance or parts thereof in conflict with this Ordinance.

Passed and adopted this 7th day of September, 2021.

ATTEST:

Nathan Anderson, Mayor
City of Beresford

Elaine Johnson
Finance Officer

First Reading: August 30, 2021
Second Reading: September 7, 2021
Date Adopted: September 7, 2021
Publication Date: September 16, 2021
Effective Date: October 6, 2021

**Ordinance 2021-08
Fiscal Year 2022 Appropriations
City of Beresford, SD**

Be it Ordained by the City of Beresford, SD that the following sums are appropriated to meet the needs of the municipality for fiscal year 2022.

Section I: Tax Supported Funds:

(101) - General Fund	<u>Total</u>	<u>For</u>	<u>For</u>
<u>Department</u>	<u>Appropriation:</u>	<u>Operations</u>	<u>Capital Exp.</u>
411 - City Council	\$40,990	\$40,990	
{Contingency Fund}	\$30,000	\$30,000	
412 - Mayor	\$10,875	\$10,875	
413 - City Administrator	\$148,485	\$147,485	\$1,000
414 - Finance Office	\$155,181	\$148,581	\$6,600
415 - City Attorney	\$26,800	\$26,800	
419 - General Government Buildings	\$20,765	\$19,265	\$1,500
421 - Police Dept.	\$496,675	\$453,575	\$43,100
422 - Fire Dept.	\$116,600	\$116,600	
431 - Street Dept.	\$656,485	\$656,485	
441 - Mosquito Control	\$4,000	\$4,000	
452 - Parks Dept.	\$261,311	\$258,311	\$3,000
453 - Swimming Pool	\$131,905	\$131,905	
454 - *Non-Municipal Subsidies	\$72,200	\$72,200	
455 - Library	\$221,195	\$183,695	\$37,500
465 - Planning & Zoning	\$12,025	\$12,025	
<u>Total General Fund Appropriations:</u>	<u>\$2,405,492</u>	<u>\$2,312,792</u>	<u>\$92,700</u>

Subsidy Summary:

*The Following are non-municipal program
Subsidies included in the General Tax Levy

Community Bus	\$5,000
Community Ed - Operations	\$30,000
Senior Citizens	\$3,000
Beresford Baseball Association - Coaches	\$10,000
Chamber Fireworks	\$3,500
Chamber Old Fashion Weekend	\$3,500
Faith in Action	\$5,500
Beresford Community Food Cupboard	\$2,500
Community Outreach for Youth and Families	\$2,500
Bright Beginnings Daycare	\$5,000
Beresford Cemetary Association	\$1,700
Total Subsidies:	\$72,200

**Ordinance No. 2021-08
Fiscal Year 2022 Appropriations
City of Beresford, SD**

(101) - General Fund - Means of Finance:

<u>Revenue Source:</u>	<u>Amount</u>
3111 - Property Tax Levy	\$750,000
3112 - Prior Years Taxes	\$15,000
3117 - Mobile Home Taxes	\$2,000
3130 - City Sales Tax	\$600,000
3150 - Amusement Machine Tax	\$300
3190 - Penalty & Interest	\$2,200
3200 - Licenses & Permits	\$23,200
3300 - Federal Grants	\$0
3340 - State Grants	\$183,151
3350 - State Shared Revenues	\$91,700
3380 - County Shared Revenues	\$15,500
3400 - Local Revenues	\$43,400
3510 - Fines	\$200
3610 - Interest	\$5,000
3620 - Rental Income	\$55,000
3631 - Special Assessment Principal	\$0
3632 - Special Assessment Interest	\$0
3680 - Liquor Operating Agreements	\$30,000
3690 - Other Revenue	\$22,000
3911 - Transfers In	\$550,000
3920 - Residual Equity Transfers in	\$0
3950 - Right of Way Fees -CATV	\$0
<u>Total Estimated Revenues:</u>	<u>\$2,388,651</u>
Estimated Applied Cash:	\$16,841
<u>Total Means of Finance:</u>	<u>\$2,405,492</u>

Section II: Debt Service Funds:

	<u>201- Bridges</u>	<u>201 - Swimming</u>	<u>301- Comm.</u>	<u>304-Lewis &</u>
	<u>Bonds</u>	<u>Pool Bond</u>	<u>Center</u>	<u>Clark GO Bond</u>
2022 Appropriation	\$109,300	\$118,173	\$80,530	\$129,643
<u>Means of Finance:</u>				
(201) - 2nd Cent Sales Tax:	\$109,300	\$118,173	\$30,530	
(211) - 3rd Cent Sales Tax:			\$50,000	
Paid by Water Fund				\$129,643

**Ordinance No. 2021-08
Fiscal Year 2022 Appropriations
City of Beresford, SD**

Section III:

Debt Summary:

The following is a summary of spending authority provided for by the electorate.

	<u>Authorized Amount</u>	<u>Principal Paid Thru FY 2021</u>	<u>Principal Balance</u>
(201) - Bridges Golf Course Bond	\$1,760,000	\$1,455,000	\$305,000
(301) - Community Center Bond	\$1,715,000	\$1,010,000	\$705,000
(304) - Lewis & Clark GO Bond	\$1,850,000	\$1,230,000	\$620,000
Swimming Pool Bond	\$2,910,000	\$110,000	\$2,800,000

Section IV:

Tax Levy Certification:

The Finance Officer is hereby directed to certify the following dollar amount of tax levies to the respective County Auditors:

General Tax Levy:	\$750,000
Debt Service Levy:	
<u>Total Tax Levy:</u>	<u>\$750,000</u>

Nathan Anderson, Mayor

Attest:

Elaine Johnson
Finance Officer

Introduced:	Sept. 7, 2021
First Review:	Sept. 7, 2021
Second Review:	
Adopted:	
Publish:	
Effective	Jan. 1, 2022

elaine@bmtc.net

From: Keri Warnke <kwarnke@safety-benefits.com>
Sent: Thursday, August 19, 2021 9:33 AM
To: elaine@bmtc.net
Cc: Matt Petersen
Subject: Beresford Loss Control Survey No Recommendations Letter
Attachments: No Recs letter to member.pdf

Good Morning Elaine,

Attached is a letter confirming that no recommendations were made as a result of the loss control survey completed with Matt Petersen. Please let us know if we can be of further assistance. Thank you and have a great day!

Keri Warnke
Administrative Assistant

Safety Benefits Inc.
O: 605-334-9567 | Toll Free: 888-313-0839

Safety Benefits Inc.
602 E State St
Plankinton SD 57368

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Safety Benefits Inc.

August 19, 2021

Elaine Johnson, Finance Officer
Beresford
101 N 3rd Street
Beresford, SD 57004

Re: June 16, 2021 – Loss Control Survey

Dear Elaine,

It was a pleasure meeting with you to review the loss control program for the city of Beresford. I certainly appreciated your cooperation in providing important and necessary information to complete my survey.

No recommendations were made at the time of this survey. However, please note, this Loss Control Survey is not intended, and Safety Benefits, Inc. is not expected, to identify every possible hazardous situation, risk deficiency, code violation, potential area of liability, or violation of safe practices. The purpose of this survey is to identify general areas where improvements can be made. For this reason, no party should rely on this survey as being a comprehensive identifier of each and every potential liability situation.

Loss control surveys affect neither the member's responsibilities nor the scope of the coverage provided by the pool, which is determined solely by the provisions of the coverage documents and the I.G.C.

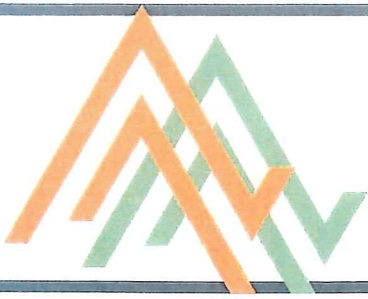
This survey does not guarantee, assure, or warrant in any way that the city of Beresford is in compliance with any federal, state or local laws, statutes or regulations, or that compliance with the recommendations of this report will eliminate any or all hazards or prevent or eliminate accidents.

We would like to thank you and your fellow employees on your commitment to make the city of Beresford a safe and efficient place to work.

If you have any questions or need more information regarding the loss control program, please call me at (888) 313-0839. I look forward to working with you and other employees on your loss control efforts. Thank you again for your time and for allowing me to be of assistance.

Sincerely,

Matt Petersen, Loss Control Representative
South Dakota Public Assurance Alliance
SDML Workers' Compensation Fund



DOUBLE THE FUN IN 2021

88th Annual SDML Conference

October 5-8, 2021

Spearfish Holiday Inn Convention Center

* Please let Elaine know by Sept. 20th if you'd like to go. *

PLEASE REGISTER ONLINE

<https://www.sdmunicipalleague.org/>

click on our conference logo for details and registration form!

CONFERENCE HIGHLIGHTS

Spearfish Tours

- Sky Ridge Housing – Sky Ridge is the city's first public-private partnership to fill the needs for affordable housing with the construction of 150 homes in the next 5 years, as well as a sports complex. The tour will include a visit to the homesites and sports complex and an overview of how tax increment financing is used with the project.
- Jackson Boulevard Stormwater Filtration System – Jackson Blvd. has undergone a complete redesign. The tour will highlight the streetscape, infrastructure improvements, traffic controls, round-about, and a stormwater filtration system to protect Spearfish Creek.

Engaging General Sessions

Can Civility Still Win: A Real Choice for America

Mark Halperin, Author, Journalist, Political Strategist

- Drawing on his more than 30 years covering national politics, Halperin will share stories that illustrate the challenges and the possibilities for our country as we grapple with the pandemic, inflation, education, health care, immigration, and more.

Cybersecurity and our Communities

John Iannarelli, FBI Special Agent Executive (Ret.)

- John spent more than 20 years as an FBI Special Agent participating in numerous high profile investigations including the 9/11 attack, the shooting of Congresswoman Gabby Giffords, as well as pursuing online terrorists. John also served as FBI's National Spokesperson and on the FBI's Cyber Division Executive Staff.

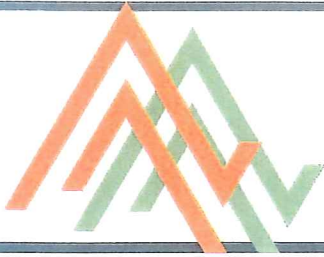
ON THE LIGHTER SIDE

- **Golf Tournament:** Spearfish Canyon Golf Club. Competition will be a 9-hole, 4-person scramble and shotgun start. Teams will be paired up after sign-in. Players of any skill level are welcome so take this opportunity to start your conference experience off by meeting new people! *Pre-registration is requested; information can be found online.
- **Fun Walk/Run:** Join us for a fun 2-3 mile hike in Spearfish to start your day off right! Free t-shirt provided for each participant.
- **Passport to Spearfish:** Take advantage of an opportunity to explore the City of Spearfish. Get your "Passport" signed by businesses for a chance to enter the drawing for a fantastic prize!
- **Dinner and Entertainment:** Comedian Brad Upton opens for some of the biggest names in show business, and in 2018 went viral with his Dry Comedy Bar video. He is a past winner of the Las Vegas Comedy Festival and appeared at Caesar's Palace as part of the HBO Comedy Festival. He has spent the last twelve years as the opening act for the legendary Johnny Mathis and did multiple shows all over the country with the late, great Joan Rivers.

HEAR ABOUT MANY OTHER TOPICS

- American Rescue Plan Act
- Public Nuisances: Problems and Solutions
- Connection With Your Community, Even During Crisis
- Mental Health For Municipal Employees
- Affordable Housing Solutions
- Essential Air Service

**EARLY REGISTRATION
ENDS
SEPTEMBER 24, 2021**



DOUBLE THE FUN IN 2021

88th Annual SDML Conference

October 5-8, 2021

Spearfish Holiday Inn Convention Center

Preliminary Agenda Subject to Change

Tuesday, October 5, 2021

2:00 p.m. SDML Golf Tournament Pre-registration required.
Spearfish Canyon Golf Club, Spearfish
Hosted by: *City of Spearfish*
South Dakota Municipal League

7:00 p.m. SDML Board of Directors Meeting

Wednesday, October 6, 2021

8:00 a.m. Registration

8:00 a.m. Exhibits Open

9:00 a.m. Orientation for New Attendees

9:00 a.m. SD Municipal Electric Association

Presiding: Russell Halgerson, SDMEA President, Brookings Municipal Utilities

1. Minnesota Municipal Utilities Association On-Site On-Demand Lineworker Apprentice Program
Mike Willets, MMUA Director of Training and Safety
2. Economic Development Engagement
Senator Casey Crabtree, Director of Economic Development, Heartland Consumers Power District
3. Electric Vehicles and Chargers in the Dakotas
Kurt Hauser, Technical Coordinator, Missouri River Energy Services
4. Business Meeting and Election

9:30 a.m. SD Municipal Street Maintenance Association

Presiding: Mark Cotter, SDMSMA President, Sioux Falls

1. Business Meeting and Election
2. Cement Stabilized Subgrade
Alex Fisher, PE, FMG Engineering
3. Pre-wet/Pre-treat Operations – Inclement Weather Considerations
Dale Pfeifle, Superintendent, Rapid City Street Division
Byorn Kleven, Sales Territory Manager, Force America
4. LEAN Process – Street Sweeping
Dan Whipple, Street Maintenance Supervisor, City of Sioux Falls
Bob Hendrix, Fleet Lead Mechanic, City of Sioux Falls
5. Proper Fuel Storage & Fuel Site Equipment Maintenance
Jeff Flaten, Fleet Supervisor, City of Sioux Falls

10:00 a.m. SDML Pooling Meetings

- SDML Workers' Compensation Fund
- Health Pool of South Dakota
- South Dakota Public Assurance Alliance

11:00 a.m. Pooling Bags

Sharpen up those bag tossing skills and come join the risk-sharing pools for a fun and interactive game of Pooling Bags.

Lynn Bren, Director of Member Services, SDPAA

Brad Wilson, Administrator, SDML Workers' Compensation Fund and President of Insurance Benefits, Inc.

Gary Drewes, Marketing Representative, SDML Workers' Compensation Fund/Insurance Benefits, Inc.

Jerry Krambeck, Member Services Representative, SDPAA

Doug Kirkus, Marketing Representative, SDML Workers' Compensation Fund/Insurance Benefits, Inc.

Noon Safety Awards Luncheon

Presiding: Tracie Everson, Safety Benefits, Inc.

Hosted by: SDML Workers' Compensation Fund

South Dakota Public Assurance Alliance

- 1:00 p.m. SD City Management Association**
Presiding: Stephanie Ellwein, SDCMA President, Mitchell
 1. Affordable Housing Solutions
Senator Casey Crabtree, District 8
 2. Business Meeting and Election
 3. Round Table Discussion: American Rescue Plan Act (ARPA) Funds Use
- 1:00 p.m. SD Airport Management Association**
Presiding: Todd Syhre, SDAMA President, Watertown
 1. Business Meeting and Election
 2. Essential Air Service Discussion
Rich Krokkel, Transportation Director, City of Aberdeen
Todd Syhre, Airport Director, City of Watertown
 3. FAA Buy American and AIP Rules
Brooke Edgar, Project Engineer/Airport Planner, Helms and Associates
- 1:00 p.m. SD Association of Code Enforcement**
Presiding: Brad Bies, SoDACE President, Yankton
 1. Business Meeting
 2. Sign Ordinance Best Practices
Jayna Watson, Planning Director, City of Spearfish
 3. International Property Maintenance Code - 2018 vs 2021
Tom Paisley, Building Official, City of Spearfish
Daniel Van Holland, Code Enforcement Officer, City of Spearfish
 4. Parking Nuisance Issues Discussion
- 1:00 p.m. SD Governmental Human Resource Association**
Presiding: Tracy Davis, SDGHRA President, Rapid City
 1. Business Meeting and Election
 2. Mental Health for Municipal Employees
Trina Allen, Vice President of Human Resources, Monument Health
 3. South Dakota Retirement System (SDRS) Updates
Alan Freng, Retirement Planner, South Dakota Retirement System
- 1:00 p.m. Guided Tours - Repeated at 2:30 p.m. - Sign up at Registration Desk**
- **Sky Ridge Affordable Housing Project**
 Sky Ridge is the city's first public-private partnership to fill the needs for affordable housing with the construction of 150 homes in the next 5 years, as well as a sports complex. The tour will include a visit to the homesites and sports complex and an overview of how tax increment financing is used with the project.
 - **Jackson Boulevard – Stormwater Filtration System**
 Jackson Blvd. has undergone a complete redesign. The tour will highlight the streetscape, infrastructure improvements, traffic controls, round-about, and a stormwater filtration system to protect Spearfish Creek.
- 4:00 p.m. SDML Policy Committee Meetings**
1. **General Government**
Presiding: Paulyln Carey, Finance Officer, Huron, Chair
 2. **Public Health, Safety, and Welfare**
Presiding: Tom Paisley, Building Official, Spearfish, Chair
 3. **Public Works**
Presiding: Robin Bobzien, Public Works Director, Aberdeen, Chair
 4. **Taxation and Revenue**
Presiding: Daniel Ainslie, City Manager, Sturgis, Chair
- 4:00 p.m. SDML Auditing Committee**
Presiding: Becky Brunsing, City Administrator, Wagner, Chair
- 4:00 p.m. SDML Nominating Committee**
Presiding: Mike Grosek, Mayor, Webster, Chair
- 5:00 p.m. Exhibit Area Social**
- 6:00 p.m. Passport to Spearfish!**
 Take advantage of an opportunity to explore the City of Spearfish's array of shops and restaurants. Get your "Passport" signed by businesses for a chance to enter the drawing for a fantastic prize!

Thursday, October 7, 2021

- 7:00 a.m. SDML 17th Annual Walk/Run** Pre-registration required.
Starts at Spearfish Holiday Inn lobby at 7:00 a.m.
Hosted by: *Health Pool of SD*
SDML Workers' Compensation Fund
South Dakota Public Assurance Alliance
- 7:45 a.m. Breakfast**
- 7:45 a.m. SDML Past Presidents' Breakfast**
- 8:00 a.m. Registration**
- 8:00 a.m. Exhibits Open**
- 8:00 a.m. Resolutions Committee**
Presiding: Steve Allender, Mayor, Rapid City
- 9:00 a.m. Elected Officials Workshop**
- 1. Public Nuisances: Problems and Solutions**
Dave Pfeifle, Director, SDPAA
Ryan Sage, Assistant City Attorney, Sioux Falls
 - Authority to Access Property for Inspection and Photos
 - Entry onto Property for Abatement
 - Junk Car Removal Process
 - Bring your questions for discussion!
 - 2. Connecting With Your Community, Even During Crisis**
Heather Hitterdal, Owner, H Squared Communications
A variety of projects require public buy-in to succeed. The best intentions don't matter if the project never gets off the ground because of public controversy. Heather will help you engage the community with accurate and timely information that will inspire trust, acceptance, and support.
- 9:00 a.m. SD Municipal Attorneys' Association**
Presiding: Ross DenHerder, SDMAA President, Yankton
1. Business Meeting and Election
 2. Roundtable Discussion
- 9:00 a.m. SD Building Officials' Association**
Presiding: Brett Bill, SDBOA President, Aberdeen
1. Business Meeting
 2. FRP (Fiber-Reinforced Polymer) Reinforcement Bars
Mike Albertson, PE, Albertson Engineering
- 9:00 a.m. SD Governmental Finance Officers' Association**
Presiding: Lori Huemiller, SDGFOA President, Salem
1. Business Meeting and Election
 2. American Rescue Plan Act (ARPA) Funds Overview
Rod Fortin, Director of Local Government Assistance, SD Department of Legislative Audit
- 9:00 a.m. SD Police Chiefs' Association**
Presiding: Jeremy Wellnitz, SDPCA President, Clark
1. Business Meeting
 2. Presentations:
Dennis Holmes, Acting SD US Attorney
Rick Miller, SD Highway Patrol
Paul Niedringhaus, SD Fusion Center
Jeff Pierce, SD Bureau of Information & Telecommunications
Matt Tribble, SD Dept. of Health
Tracie Everson, Safety Benefits Inc.
- Noon Excellence in SD Municipal Government Award Luncheon**
Featured Speaker: *Governor Kristi Noem (Invited)*
Presentation of the 2021 Excellence in SD Municipal Government Award
SDML Hall of Fame Induction – *Honoring 20 years and more of municipal service.*
Hosted by: *BankWest Trust Department*
The First National Bank in Sioux Falls – Trust Department

1:30 p.m. **SD Chapter, American Public Works Association**
Presiding: Kurt Peppel, President, SD Chapter APWA
1. IMEG: Subsurface Utility Engineering
2. SDLTAP: TBD
3. Round Table Discussion and/or Tour
3. Business Meeting

1:30 p.m. **South Dakota Fire Chiefs Association**
Presiding: Jeremy Walla, President, SDFCA
1. TBD

1:30 p.m. **General Session**
1. Can Civility Still Win: A Real Choice for America?
Mark Halperin, Author, Journalist, Analyst, and Political Strategist
Why does the United States keep electing presidents who say they want to unite the country -- but we remain as divided as ever? Drawing on his more than thirty years covering national politics, Mark Halperin will share stories that illustrate both the challenges and the possibilities for our country, as we grapple with the pandemic, inflation, education, health care, immigration, and so much more. We are not doomed to having the loudest voices on the national town square dominate our dialogue and our decisions; we just have to change the status quo.

2. Cybersecurity our Communities
John Iannarelli, FBI Special Agent Executive (Ret.)
How often do we hear about the latest cyber-attack costing millions of dollars? Do you worry that you or the community might become a victim? Do you know what steps to take in advance to prevent an attack from happening to you, or what to do when an attack does occur? John spent more than 20 years as an FBI Special Agent, during which time he participated in numerous high profile investigations to include the 9/11 attack, the shooting of Congresswoman Gabby Giffords, the Sony hack, as well as pursuing online terrorists and predators. John also served as FBI's National Spokesperson and on the FBI's Cyber Division Executive Staff.

3. Housing and Redevelopment: Answers to a Long-Standing Crisis
TBD

5:30 p.m. **President's Reception (for all attendees)**

6:30 p.m. **Dinner**
Hosted by: *Colliers Securities*

Entertainment: Comedian Brad Upton

If the Pacific Northwest had a Mt. Rushmore of Comedy, this man's head would be on it. Brad opens for some of the biggest names in show business, and in 2018 went viral with his Dry Comedy Bar video. In a 34-year professional career there are too many highlights to name them all. He is a past winner of the Las Vegas Comedy Festival and appeared at Caesar's Palace as part of the HBO Comedy Festival. He has spent the last twelve years as the opening act for the legendary Johnny Mathis and did multiple shows all over the country with the late, great Joan Rivers. He has also been seen in concert with The Smothers Brothers, Smokey Robinson, Little Big Town, Kenny Rogers, Dolly Parton, George Jones, Glen Campbell, Pam Tillis, Neal McCoy and many others.

Friday, October 8, 2021

8:00 a.m. **Registration**

8:00 a.m. **Breakfast**

8:00 a.m. **Exhibits Open**

8:30 a.m. **General Sessions**

1. Redistricting Seminar

Sara Frankenstein, Attorney, Gunderson, Palmer, Nelson & Ashmore, LLP

This seminar will cover the basics of voter ward redistricting and address how and why redistricting should be accomplished.

9:30 a.m. 2. South Dakota and the Legalization of Marijuana
TBD

10:30 a.m. **SDML Annual Business Meeting and Election**

1. Auditing Committee Report
2. Executive Director's Report
3. Resolutions Committee Report
4. Discussion and Adoption of 2021 Statement of Policy
5. President's Report
6. Nominating Committee Report
7. Annual Election of Officers
8. Other Business
9. Prize Drawing – Must be Present to Win!

2021



Inductee Information

(Type or print clearly)

The South Dakota Municipal League Hall of Fame was created to honor those elected and appointed officials and employees who have served municipalities in South Dakota for 20 or more years.

Applicants, living or deceased, must have completed 20 years of municipal service as of September 30, 2021. Inductees will be recognized at the October 7th luncheon during the Annual Conference in Spearfish and in the November issue of *South Dakota Municipalities*.

Years of service do not have to be consecutive or with the same municipality. Recognition will be one time per individual.

Name _____ Living _____ Deceased _____

Title _____ Retired: Y/N _____

Municipality _____

Mailing Address _____

Total Years Served _____ Offices/Positions Held _____

Phone _____ Email _____

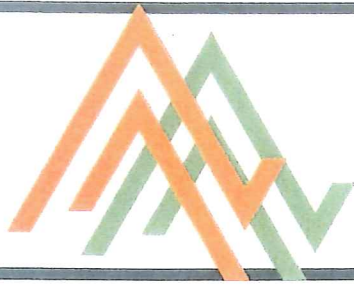
Will Inductee be attending the recognition luncheon? Yes ___ No ___
 (If not registered for conference, meal tickets can be purchased on site.)

Name and Title of Person Making Nomination (if other than inductee) _____

Phone _____ Email _____



Return to: SDML, 208 Island Drive, Ft. Pierre, SD 57532
 Fax: 605-224-8655 Email: lisa@sdmunicipalleague.org



DOUBLE THE FUN IN 2021

88th Annual SDML Conference

October 5-8, 2021

Spearfish Holiday Inn Convention Center

2021 SDML GOLF SCRAMBLE

Sponsored By:

**South Dakota
Municipal League**

SOUTH DAKOTA MUNICIPAL LEAGUE

and the

City of Spearfish

DATE/TIME

Tuesday, October 5, 2021

Sign in at 1:00 p.m. • Tee off at 2:00 p.m.

LOCATION

Spearfish Canyon Golf Club

120 Spearfish Canyon Road, Spearfish, SD

(605) 717-4653 • <http://www.spearfishcanyoncountryclub.com/>

FORMAT

Competition will be 9 holes, 4 person scramble, shotgun start.

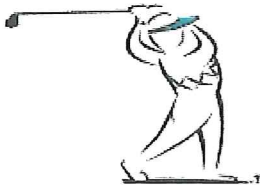
Teams will be paired up after signing in at golf course and not before.

ELIGIBILITY

Any individual attending the SDML Conference and their guests.

FEES

\$35/person (includes green fee and cart). To avoid delays, everyone will be required to ride carts.



Novice and Advanced Players Welcome! Prizes will be Awarded!

2021 SDML Golf Scramble Registration Form

Name : _____ Email: _____

Municipality/Organization: _____

Nine hole handicap or average: _____ Nine hole score: _____

Return by September 24, 2021 to: South Dakota Municipal League
208 Island Drive
Ft. Pierre, SD 57532

Please enclose your \$35/person fee with the registration form.

****Only Personal Checks or Cash will be accepted.****



SDML OFFICE USE ONLY: DATE: _____ CHECK #: _____ AMOUNT: _____