

***SUMMERSET CITY COMMISSION
REGULAR MEETING
ZOOM MEETING
SUMMERSET MUNICIPAL BUILDING
7055 LEISURE LANE
THURSDAY July 15, 2021, 6:00 P.M.***

Mayor Torno called the Regular Meeting to order at 6:00 p.m. Commissioners Hirsch, Kitzmiller, Butler, McCoy were present. The City Attorney, City Administrator, and Finance Officer were also present.

Mayor Torno led the Pledge of Allegiance.

Motion by Hirsch, second by Butler to approve the agenda for the Regular Meeting of the Summerset City Commission for July 15, 2021. Motion carried.

Motion by McCoy, second by Kitzmiller to approve the July 01, 2021, minutes as present or amended. Motion carried.

APPROVAL OF CLAIMS

Motion by Kitzmiller, second by Hirsch to approve the claims and hand checks in the amount of \$153,306.82 from July 01, 2021, through July 14, 2021 as presented or amended. Motion carried.

Ballistic Defense	AR 15 Armorer Course	\$375.00
BH Water Users District	Monthly Usage	\$32.00
C Haveman Business Service	Reconcile Chase, Budget	\$1,406.25
Cardmember Services	Monthly Credit Card Charges	\$10,322.56
CBH CO-OP	Govt Fuel	\$3,218.60
City of RC	Solid Waste Disposal	\$4,068.64
Demersseman Jensen	Legal Services	\$5,870.00
Diamond D Water	Monthly Usage SV	\$34.00
Excel Truck	Repair Garbage Truck	\$2,072.10
Golden West Industrial Supply	Managed Services	\$2,772.00
Greenapsis	Janitorial	\$320.00
Hach Company	WWTP Supplies	\$770.00
Hawkins Inc.	Aqua Hawk	\$464.00
HDR Engineering Inc	Engineering	\$5,864.50
Hermanson Egge Engineering	13 Building Inspections	\$1,365.00
IBM	IBM Cloud Marketplace	\$24.00
Midcontinent	WWTP phone	\$199.68
Midcontinent testing Labs	WWTP Testing	\$331.00
Powels & Sons	Surety for SV Development	\$70,000.00
RC Journal	Commission Minutes	\$135.95
Sander Sanitation	Roll Offs	\$450.00
SD Public Assurance Alliance	2021 Renewal	\$39,313.31
Unique Signs	Yardwaste Signs	\$1,070.82

USPS	Postage	\$1000.00
USA Bluebook	WWTP Supplies	\$863.35
SD State Treasurer	Sales Tax-Monthly	\$964.06

DESIGNATE FLOODPLAIN ADMINISTRATOR

Motion by McCoy, second by Butler to open discussion. Motion carried.

Motion by Butler, second by Hirsch to designate Michael Kitzmiller as Floodplain Administrator. Motion carried.

FINANCE OFFICER REPORT

Finance Officer gave an overview on the city's bank account & financials.

SET DATES FOR BUDGET HEARINGS

Motion by Kitzmiller, second by Butler to set budget hearing dates to August 16th, 17th, and 18th at 6 p.m. Motion carried.

PLANNING AND ZONING CODE OF CONDUCT

Motion by McCoy, second by Kitzmiller to approve the recommendation of Code of Conduct from the Planning and Zoning board. Motion carried.

PAYROLL CHANGES

Motion by Hirsch, second by McCoy to approve Brandy Palmer's \$1.00/hr. raise. Motion carried.

Motion by Kitzmiller, second by Hirsch to approve Rich Nasser's \$1.00/hr. raise. Motion carried.

Motion by Butler, second by McCoy to approve Josh Buntain's \$1.00/hr. raise. Motion carried.

SET DATE FOR PUBLIC BID OPENING ON ROLL-OFF TRUCK

Motion by Hirsch, second by Kitzmiller to open discussion for public bid opening. Motion carried.

Motion by Kitzmiller, second by Butler to approve August 5th, 2021, to open public bid. Motion carried.

VARIANCE ON LOTS 4A,4B,4C OF RED ARROW SUBDIVISION

Motion by Hirsch, second by Butler to approve variance for the preliminary minor plat for Red Arrow Subdivision. Motion carried.

APPROVAL OF PRELIMINARY MINOR PLAT/RESOLUTION

Motion by Butler, second by Kitzmiller to approve Lots 4A, 4B,4C of Red Arrow Subdivision. Motion carried.

CITIZENS INPUT

No input

ITEMS FROM CITY ATTORNEY

Motion by Kitzmiller, second by Hirsch to enter Executive Session per SDCL 1-25-2 for discussing legal, economic development and personnel issues at 6:40 p.m. Motion carried.

Motion by Hirsch, second by McCoy to exit executive session at 7:16 p.m. Motion carried.

ADJOURNMENT

Motion for adjournment at 7:17 p.m. by Butler, second Kitzmiller. Motion carried.

(SEAL)

ATTEST:

Candace Sealey
Finance Officer

Melanie Torno
Mayor

Published July 28, 2021 at a cost of \$104.53

Check Register Report

Date: 08/04/2021

Time: 9:42 am

Page: 1

City of Summerset

BANK: BANKWEST

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
BANKWEST Checks								
24792	08/04/2021	Printed			1098	A&B BUSINESS SOLUTIONS	Monthly Contract	79.44
24793	08/04/2021	Printed			0962	ALLEN, DON	Phone Stipend	50.00
24794	08/04/2021	Printed			1111	AMBROSE, JONATHAN	Phone Stipend	50.00
24795	08/04/2021	Printed			1697	BUNTAIN, JOSHUA	Phone Stipend	50.00
24796	08/04/2021	Printed			0095	Butler, Dave	Phone Stipend	50.00
24797	08/04/2021	Printed			1268	CANDACE SEALEY	Phone Stipend	50.00
24798	08/04/2021	Printed			1093	DAKOTA PUMP, INC	Water Warrior Pump Diagnosis	3,028.07
24799	08/04/2021	Printed			1722	DUCHENEAUX,HALAYNA	Phone Stipend	50.00
24800	08/04/2021	Printed			1641	DUSTBUSTERS ENTERPRISES INC.	Dustguard	3,034.80
24801	08/04/2021	Printed			1125	FIRST NATIONAL TRUST AND	ACH P&I	4,299.52
24802	08/04/2021	Printed			1120	FORD MOTOR CREDIT COMPANY, LLC	2020 Ford Interceptor	1,479.21
24803	08/04/2021	Printed			1671	GEORGE MANDAS	Professional Fees P &Z	1,800.00
24804	08/04/2021	Printed			0246	GOLDEN WEST TECHNOLOGIES	Cloud Mitigation, Traning,Keys	1,464.00
24805	08/04/2021	Printed			1369	GREENAPSIS	Janitorial	475.00
24806	08/04/2021	Printed			1323	HARVEY'S LOCK & SECURITY	Rekey Grade 2 Lever	223.18
24807	08/04/2021	Printed			0698	HAWKINS INC.	Aqua Hawk	2,412.00
24808	08/04/2021	Printed			0041	HEALTH POOL OF SD	Employee Medical Insurance	11,562.25
24809	08/04/2021	Printed			1506	HERMANSON EGGE ENGINEERING	4 Residential Inspections	420.00
24810	08/04/2021	Printed			1513	HIRSCH, CLYDE	Phone Stipend	50.00
24811	08/04/2021	Printed			1103	KITZMILLER, MICHAEL	Phone Stipend	50.00
24812	08/04/2021	Printed			0324	Kayl, Anthony	Phone Stipend	50.00
24813	08/04/2021	Printed			1656	LEGENDARY ELECTRIC	Pull Wires	990.22
24814	08/04/2021	Printed			1411	MBFS USA LLC	MBFS	3,068.32
24815	08/04/2021	Printed			0937	MDU	Utilities	197.28
24816	08/04/2021	Printed			1101	MEADE COUNTY AUDITOR	LE Dispatch June	2,054.75
24817	08/04/2021	Printed			1110	MID-AMERICAN RESEARCH CHEMICAL	WWTP Supplies	1,307.56
24818	08/04/2021	Printed			1744	MILLS,BRITTANY	Phone Stipend	50.00
24819	08/04/2021	Printed			1698	MONTILEAUX, CASEY	Phone Stipend	50.00
24820	08/04/2021	Printed			1730	NASSER,RICH	Phone Stipend	50.00
24821	08/04/2021	Printed			1408	PALMER, BRANDY	Phone Stipend	50.00
24822	08/04/2021	Printed			0008	RAPID CITY JOURNAL	Publications	287.88
24823	08/04/2021	Printed			0882	RHS Inc.	Barricades	950.00
24824	08/04/2021	Printed			1732	SCHIEFFER, LISA	Phone Stipend	50.00
24825	08/04/2021	Printed			0018	SD ONE CALL	June Notifications	44.10
24826	08/04/2021	Printed			1022	SDRS-SUPPLEMENTAL	Supplemental Retirement	435.00
24827	08/04/2021	Printed			1328	SERVALL UNIFORM & LINEN SUPPLY	Monthly Fees	143.87
24828	08/04/2021	Printed			1346	STEPHANIE MCCOY	Phone Stipend	50.00
24829	08/04/2021	Printed			0983	TANNER FENENGA	Phone Stipend	50.00
24830	08/04/2021	Printed			1729	TORNO, MELANIE	Phone Stipend	50.00
24831	08/04/2021	Printed			1707	USGS	USGS Contract	10,000.00
24832	08/04/2021	Printed			1189	VAST BROADBAND	Fax/Phone/Internet	1,049.65
24833	08/04/2021	Printed			0203	Verizon Wireless	LE Voice & Mobile Broadband	200.05
24834	08/04/2021	Printed			1434	WELLS FARGO FINANCIAL SERVICES	Bobcat Payment	1,079.30
Total Checks: 43						Checks Total (excluding void checks):		52,935.45
Total Payments: 43						Bank Total (excluding void checks):		52,935.45

Check Register Report

Date: 08/04/2021
Time: 9:42 am
Page: 2

City of Summerset

BANK: BANKWEST EFT

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
BANKWEST EFT Checks								
38	08/04/2021	Printed			1251	FIRST INTERSTATE BANK	Leisure Lane Payment	4,911.76
39	08/04/2021	Printed			0011	SDRS	Employee Retirement	7,480.10
40	08/04/2021	Printed			0128	UNITED STATES TREASURY	Payroll Taxes July	12,315.58
					Total Checks: 3		Checks Total (excluding void checks):	24,707.44
					Total Payments: 3		Bank Total (excluding void checks):	24,707.44
					Total Payments: 46		Grand Total (excluding void checks):	77,642.89

MELANIE TORNO,
MAYOR

COMMISSION:
DAVID BUTLER
MICHAEL KITZMILLER
STEPHANIE MCCOY
CLYDE HIRSCH

CITY OF
SUMMERSET



CITY HALL
7055 LEISURE LANE
SUMMERSET, SD 57718

TEL: 605.718.9858
FAX: 605.718.9883

WWW.SUMMERSET.US

The City of Summerset will be accepting bids for the purchase of a new roll off truck. Bids will be opened publicly on August 19th, 2021 10:00 AM at The City of Summerset admin building. The accepted bid will be awarded on August 19th, 2021 6:00PM in the commissioner's room at The City admin building. The vehicle must contain the following specifications and be delivered no later than August 30th, 2021.

2022 or newer Brand new Freightliner 114SD.

Tandem axle

Aluminum wheels

350+ Hp diesel engine

Exhaust and or engine brake

Am/fm radio

White in color

Floor mats

Allison automatic transmission

Galfab 60,000 lb. outside rail cable pull roll off hoist with inside air controls

Hot shift PTO

Hoist up alarm with signal light

Ratchet straps

2 spot lights on the rear of the truck for loading containers in the dark

Mid body turn signals

48 inch tool box

Black poly tandem fenders

Pioneer model RP4500SARG automatic hydraulic tarper

Bid Price is to include all fees and delivery to Summerset, SD.

Please contact 605-593-8902 with any further questions.

The board of commissioners will not accept any bids that do not meet the above specifications.

The City of Summerset board of commissioners reserves the right to reject any and/ or all bids, and irrespective of price, to accept that bid that is in the best interest of the City of Summerset.

Tanner Fenenga
Public Works Director

Published twice July 30 and Aug 6 at the total approximate cost of \$66.26.

JULY 2021 CITY ADMINISTRATOR REPORT

ECONOMIC DEVELOPMENT

- Attended the Rushmore Region Alliance Committee Meeting – Economic Development.
- Meeting at West River Business Service Center with Pat Kurtenbach (Regional Econ. Development Coordinator) and Lori Frederick (Senior Business Development Representative – Governor's Office of Economic Development).
- Mayor Torno and I met with Amanda Anglin, Executive Director of SEDC and Hannah Sage, Partner Relations Representative from the SD Governor's Office of Economic Development.
- Finance Office Candace Sealey and myself met with Patrick Pierce and others from Commercial Recreational Specialist regarding water/recreational splashpads. Gathered information/funding resources.
- Zoom meeting – Economic Development virtual coffee on upcoming events.
- Applied for \$200.00 Economic Development Scholarship for Fuel the Growth Workshop.

GRANTS

- Justice Grant passwords updated/along with federal treasury passwords updated.
- SAM's Registration – working on second activation for DUNS #.
- Completed pre-work for American Rescue Plan Money to Cities.
- Hazard Mitigation Plan is completed and sent off to BHCLG. The draft will then be reviewed and come back to the city for a public comment period and then sent off to the State for final review.

PLANNING & ZONING

- Sent Warranty Letter off to B & D Land Company on Republic Road Extension for signatures.
- Mayor Torno, City Attorney Wheeler and I had a meeting with Austin Hamm.
- Meeting with William Freytag, Developer in Norman Ranch, along with George Mandas.
- Attended one (1) Planning & Zoning Meeting.
- Conference call with J. Simon on remaining 7 lots and possible re-platting.

MISC.

- Placed on the State Board of City Admin/City Managers to fill out the remaining term of a vacant seat.
- Set up account in Quill.com – cost savings on supplies/materials.
- Sent out emails to comparable cities regarding fee structures.
- Zoom meeting with FEMA on Stagebarn Alluvial Fan.
- Zoom meeting with HDR and Shane Matt regarding Constitution Street & Democracy Lane.
- Attended two (2) Commission Meetings.
- Completed the salary/wage survey and updated the same in the Municipal League website.
- Code of Conduct completed and approved by the Board for P&Z.
- Zoom – certification for FEMA 385 course – Financial Literacy Post Disaster Economic Recovery.
- Meeting with Chris Gross to go over audio needs for Commission/P&Z meetings.
- Changed passwords and set up account in SD Department of Labor to utilize services for job postings/resources.
- HDR meeting – Wastewater Treatment Plant (partial).
- City Administration meeting in Lead.
- Meeting with USGS – regarding Sun Valley flooding.
- Meeting with Joshua Larson, US Dept. of AG regarding forestry and tree planting grants.



SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE

MAIN OFFICE
208 Island Drive
Ft. Pierre, SD 57532

SATELLITE OFFICE
5024 Bur Oak Place, Suite 103
Sioux Falls, SD 57108

PHONE: 605.224.8654 Option 2
TOLL FREE: 800.658.3633 Option 2

July 22, 2021

City of Summerset
Attn: Lonnie Harmon
7055 Leisure Lane
Summerset, SD 57718

RECEIVED

AUG 02 2021

BY:

Dear SDPAA Member,

The year 2020 smashed records with an alarming increase in cybersecurity attacks on governments, the private sector, and individuals. The South Dakota Public Assurance Alliance's (SDPAA) mission is the protection of local government assets and the improvement of local government in South Dakota. To help improve your cybersecurity readiness, we have partnered with Dakota State University to offer cybersecurity assessments as a new service to our Members. The assessments are outlined in greater detail on the next page, but include internal and external pen testing, wireless assessments, social engineering testing, continuous threat hunting on the dark web, and more. The funding for these assessments has been provided by the Division of Consumer Protection in the South Dakota Attorney General's Office. We are so grateful for the outstanding team at DSU being available through the resources provided by the Attorney General's Office to offer this service to our Members. To enhance these services, the SDPAA is exploring additional mechanisms to help you implement the mitigation activities suggested by these assessments to improve your cybersecurity.

Cybersecurity continues to be a massive threat for all local governments in our country, and South Dakota is no different. According to the annual Verizon Data Breach Investigative Report¹, several concerning trends are occurring:

1. **Social engineering** continues to be a leading cause of cyberattacks, which means security awareness training is critical.
2. 85% of all breaches included a **human element**. DSU will work with the SDPAA to make security awareness training available to all local governments on an annual basis.
3. The **financial impact** of incidents is rising. The average cost of a breach is between \$21,659 to \$653,587. We can reduce this with proper mitigation activities.
4. **Organized crime** is the top threat actor in breaches. We are not immune to this in South Dakota.
5. **Ransomware** doubled its frequency from 2019, appearing in 10% of breaches.

Why are we focusing on cybersecurity now? Easy, since 2017, cyberattacks on state and local governments have nearly doubled². The rural nature of South Dakota puts our local governments at greater risk. To secure your spot while funding is available, contact projectboundaryfence@dsu.edu regarding these services and visit <https://dsu.edu/boundary-fence/> for more information. Cybersecurity assessments will be on a first-come, first-serve basis.

Please share this communication with your governing body and any of your other interested team members.

Sincerely,

David Pfeifle
SDPAA Executive Director

¹ <https://www.verizon.com/business/resources/reports/dbir/2021/results-and-analysis/>

² <https://gcn.com/articles/2020/09/04/cyberattacks-state-local-government-climbing.aspx>

CyberSecurity Assessments for SD cities & Counties

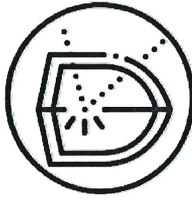
A service provided by Consumer Protection through a partnership with Dakota State University

External Penetration Tests



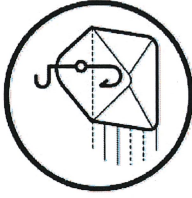
Our professional experts will look for external vulnerabilities in your network and systems allowing you to address them before hacker compromise them.

Internal Penetration Tests



Our professional experts will send a device to your site to scan your internal network for vulnerabilities from an "assumed breach" perspective.

Social Engineering & Security Awareness Training



Users are often the weakest link in your network. Our professional experts will test your organization's ability to withstand social engineering attacks and provide training to address your needs.

Wireless Assessments



Our professional experts will attempt to circumvent security controls to gain access to your network through WiFi.

Deep & Dark Web Monitoring



Continuous, ongoing monitoring for targeted threats and leaked data being sold or mentioned in obscure locations on the Internet.

To secure your spot while funding is available, contact projectboundaryfence@dsu.edu regarding these services or visit <https://dsu.edu/boundary-fence/> for more information.

Cybersecurity assessments will be on a first-come, first-serve basis.

CONTACT US!



projectboundaryfence@dsu.edu



<https://dsu.edu/boundary-fence/>



605.610.8897



820 N. Washington Ave
Madison, SD





August 3, 2021

Candace Sealey, Finance Officer
City of Summerset

Dear Candace,

It was a pleasure meeting with you to review the property for the City of Summerset. I certainly appreciated your cooperation and the cooperation of the others in providing me the important and necessary information that I needed to complete my visit.

As a result of my visit, improvement recommendations have been developed and are attached to this letter. These Recommendations have been developed to assist you in your loss control efforts. When reviewing the Recommendations for Improvement, we call to your attention the Disclaimer that has been included. You should note that this Survey has been a general survey and is not intended to replace your own internal Loss Control surveys and practices.

I would appreciate it if you would review the recommendations with the other members of the board and let us know what action will be taken on each of these items. We would appreciate your reply within **60 days** in order to determine if further assistance is needed in any of the areas. Both the SDML Workers' Compensation Fund and the South Dakota Public Assurance Alliance Boards of Trustees and Directors have approved giving a Loss Control Credit to Pool Members who respond to our Recommendations for Improvement.

Should you have any questions or need further information concerning any of the improvement recommendations, please do not hesitate to contact me at (888) 313-0839. I look forward to working with you and the other employees in the area of loss control. Thank you again for your time and for allowing me to be of assistance.

Sincerely,

A handwritten signature in black ink that reads 'Todd Everson'. The signature is written in a cursive, flowing style.

Todd Everson
Loss Control Representative
South Dakota Public Assurance Alliance
SDML Workers' Compensation Fund
teverson@safety-benefits.com

Enclosure

Contact Person Instructions

- Step 1** Give this instruction sheet and recommendation form (s) to the applicable department.
- Step 2** Follow up with departments to ensure forms are completed within 60 days.
- Step 3** Once forms are returned to you, make copies for your files and return the originals to:

Safety Benefits, Inc.,
602 E State St
Plankinton, SD 57368

OR

Email to: smueller@safety-benefits.com

Department Instructions

- Step 1** Enter your name and title on the top of the form.
- Step 2** For each completed recommendation, fill in the "Date Completed" line.
- Step 3** For recommendations that will be completed in the future, enter the anticipated completion date on the "Target Date" line.
- Step 4** Add any comments about the recommendations on the "Comment" line.
- Step 5** After filling out the form, return it to the person who gave it to you. Forms must be turned in within 60 days.

About Recommendations

Improvement recommendations have been developed to assist you in your loss control efforts. Each recommendation is rated with one of the priority levels below:

- **"A" PRIORITY** - Items which should be addressed immediately; hazards which could result in serious accident, injury, or death or items that are needed to prevent a substantial liability exposure.
- **"B" PRIORITY** - Hazards which could result in an accident or injury and should be addressed as part of an ongoing safety observation/hazard abatement program or items needed to prevent potential liability.
- **"C" PRIORITY** - Minor hazards which should be addressed as time and resources allow or items needed as part of a pro-active risk management program.

Disclaimer

This Loss Control Survey does not intend, 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 the Survey is to identify general areas where improvements can be made. For this reason, no party should rely on the Survey as being a comprehensive identifier of each and every potential workers' compensation or liability situation.

Loss Control Surveys affect neither the Member's responsibilities nor the scope of the coverage provided by the Pool(s), 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 Member 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.

Questions, Comments, Suggestions

Please direct any questions, comments or suggestions about these recommendation(s) to Safety Benefits Inc., at the address above or call (888) 313-0839.

Improvement Recommendations - Both

for Summerset (7/14/2021)

Property - 2-19 Public Works Shop Building

Name of Person
Completing Form: _____ Title: _____

"B" Priority

- B01** It is recommended the following items be addressed concerning the mezzanine: A toeboard needs to be installed along the open areas of the mezzanine at the base of the guardrails. The toeboard should be 4 inches high and not more than 1 inch in dimension. It should not be installed more than 1/4 inch above the floor.

Date Completed: _____ If Not, Target Date (Please Explain): _____ **B-30a(d)**

Improvement Recommendations - Both

for Summerset (7/14/2021)

Property - 9-16 City Hall

Name of Person
Completing Form: _____ Title: _____

"A" Priority

A01 It is recommended the following emergency response and evacuation items be addressed as soon as possible:

- a) The exits from all buildings must be marked and the exit signs reliably illuminated, either with a lighted sign or other emergency lighting.
- b) Whether needed for exit signs or not, emergency lighting should be provided near emergency exits.

Date Completed: _____ **If Not, Target Date (Please Explain):** _____ **A-18ab**

1st Reading: June 10, 2021
2nd Reading: June 17, 2021
Date Adopted: June 17, 2021
Date Published: June 25, 2021
Effective Date:

ORDINANCE No. Title XIII Sec. 131.13
AN ORDINANCE PROHIBITING THE CONSUMPTION OR
SMOKING OF CANNABIS IN PUBLIC PLACES

BE IT ORDAINED by the City of Summerset Board of Commissioners that Title XIII, Chapter 131: Offenses Against Public Peace of the Ordinances of the City of Summerset is hereby amended by adding new Section 131.13 indicating text to be deleted, underline indicating text to be added, and the remainder of the Article left unaffected-as follows:

Title XIII: General Offenses

Chapter 131: Offenses Against Public Peace

Sec. 131.13. Consumption or smoking of cannabis in public places prohibited.

(a) It is unlawful for any person to consume or smoke cannabis in any public place including parks, sidewalks, streets, alleys, rights-of-way, sports complexesl publicly owned property, or in any place that is open to the public.

(1) A place open to the public is a place to which the public is invited, included in, on, or around any place of business, parking lot, or place of amusement or entertainment, whether or not a charge of admission or entry thereto is required and includes the elevator, halls, corridors, and areas open to the public of any store, office or multifamily residential building even if such place charges an admission or limits the number of admittees.

(2) Criminal Penalty. Violation of the terms of this Ordinance may be enforced through a fine not to exceed the fine established by subdivision 22-6-2(2) for each violation or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment.

Severability. The provisions of this ordinance arc 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 he given effect without the invalid provision or application.

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.

ATTEST:

Candace Sealey
Candace Sealey
Summerset Finance Officer



Melanie Torno
Melanie Torno, Mayor

Date adopted: 6/17/2021.

Published once on June 25th for a total approximate amount of \$53.12.

1st Reading: June 10, 2021
2nd Reading: June 17, 2021
Date Adopted: June 17, 2021
Date Published: June 25, 2021
Effective Date: _____

ORDINANCE NO. TITLE XI
Sec. 119

**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 Summerset, SD ("Summerset"), by and through the Board of Commissioners, makes a preliminary finding that Summerset'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, Summerset makes a preliminary finding that it needs further study of the relationship of medical cannabis establishments to Summerset's Comprehensive Plan and Zoning Ordinance. The public interest requires that Summerset 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, Summerset makes a preliminary finding that it would be inappropriate for Summerset 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, Summerset hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the City of Summerset;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to Summerset's Comprehensive Plan

Section 4. 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.

Date adopted: 6/17/2021 .

ATTEST:

Candace Sealey
Candace Sealey,
Summerset Finance Officer



MZ
Melanie Torno, Mayor

Published once on June 25th for a total approximate amount of \$119.38.