

THE MINNEHAHA COUNTY COMMISSION CONVENED AT 9:00 AM on August 22, 2023, pursuant to adjournment on August 15, 2023. COMMISSIONERS PRESENT WERE: Bender, Beninga, Bleyenberg, Karsky, and Kippely. Also present were Kym Christiansen, Commission Recorder, and Eric Bogue, Chief Civil Deputy State's Attorney.

Chair Bender called the meeting to order.

MOTION by Karsky, seconded by Beninga, to approve the agenda. 5 ayes

CONSENT AGENDA

MOTION by Bleyenberg, seconded by Beninga, to approve the consent agenda. 5 ayes. The consent agenda includes the following items:

Commission Meeting Minutes for August 15, 2023

Bills to be Paid \$1,001,356.74

3200 RUSSELL LLC Motels \$1965, 3D SPECIALTIES INC Sign Supply Inventory \$145.7, 3D SPECIALTIES INC Special Projects \$56.2, 5POINT CAPITAL LLC Welfare Rent \$4357.54, A&B BUSINESS SOLUT Lease-Rental Agreement \$717.88, AARON GEORGE PROPERT Welfare Rent \$500, AB PROPANE INC Gas Oil & Diesel \$34.71, ADVANCED PEST SOLUTI Maintenance Contracts \$70, AIRWAY SERVICE INC Automotive/Small Equipment \$944.63, ALIGNMENT SHOPPE Automotive/Small Equipment \$187.5, AMERICAN INK LLC Uniform Allowance \$43.48, ARCHITECTURE INC Architect, Engineers, and PMgt \$246814.69, ARGUS LEADER MEDIA Publishing Fees \$1644.79, AUTOMATIC BUILDING C Jail Repairs & Maintenance \$106.12, AVERA MCKENNAN Hospitals \$10132, AVERA MCKENNAN Other Medical Services \$278.95, AXIS FORENSIC TOXICO Lab Costs \$1653.5, BALOUN LAW PC Child Defense Attorney \$90.95, BENNINGTON HILL LLC Welfare Rent \$775, BOB BARKER COMPANY I Child Care Uniforms \$63.75, BRANDON HEIGHTS II L Welfare Rent \$2344, BRAUN, MASON Investigators Expenses \$52.02, BULLIS, MATTHEW Investigators Expenses \$94.35, BURNS, JASON Investigators Expenses \$161.16, CAPTAIN JACK Welfare Rent \$3325, CDW GOVERNMENT Data Processing Equipment \$1277.81, CENTURY BUSINESS PRO Maintenance Contracts \$187.16, CHAGOLLA, ALBERT Interpreters \$250, CIVIL DESIGN INC Architects & Engineers \$39420, CONSTELLATION Natural Gas \$13359.91, COUNTRY MEADOWS SF L Welfare Rent \$1381, DAKOTA SUPPLY GROUP HHS Maintenance \$437.89, DAKOTA SUPPLY GROUP Plumbing & Welding \$39.15, DALSIN INC JDC Maintenance \$629.75, DELL MARKETING LP Data Processing Equipment \$1463.84, DENNIS SUPPLY CO SF Jail Repairs & Maintenance \$334.45, ELECTRIC SUPPLY CO I Data Processing Supplies \$1280.74, FAMILY SERVICE INC Professional Services \$3840, FIRST DAKOTA NATIONA Lease Interest \$1015.81, FIRST DAKOTA NATIONA Lease Principal \$2727.63, FOX, DANIEL Bd Exp Fees (Yankton) \$255.01, G & R CONTROLS INC JDC Maintenance \$205.51, GARRETSON GAZETTE Publishing Fees \$1680.58, GATES, LAURIE A Bd Exp Fees (Minnehaha) \$96, GIRTON ADAMS Heat, Vent & AC Repairs \$352.68, GRAINGER Heat, Vent & AC Repairs \$76.82, GUNNER, ANDREA Court Reporters \$372.4, GUZMAN, SANDRA V Interpreters \$165, HELSETH, RAMONA G. Bd Exp Fees (Minnehaha) \$160, HENRY CARLSON CONSTR Administration Bldg \$15509, HENRY CARLSON CONSTR Construction Costs \$76595, HENRY CARLSON CONSTR Repair/Renovations \$938.78, HERITAGE FUNERAL HOM Burials \$2000, HOV SERVICES INC Archive/Preservation Supplies \$409.84, HURTGEN, PROPERTIES Welfare Rent \$700, HYVEE ACCOUNTS RECEI Jury Fees \$108.5, I STATE TRUCK CENTER Automotive/Small Equipment \$4.73, IMEG CORP Architects & Engineers \$9555, INTEK Contract Services \$37821.83, INTERSTATE COMMERCIA Jail Repairs & Maintenance \$503.45, INTERSTATE OFFICE PR Office Supplies \$167.18, IS RESTAURANT EQUIP Jail Repairs & Maintenance \$108.78, ISI LLC Attorney Fees \$80, ISI LLC Interpreters \$340, JACKS UNIFORMS AND E Uniform Allowance \$131.99, JAKI THOMS Sign Deposits \$50, JB-MMAK LLC Welfare Rent \$489, JEFFERSON PARTNERS L Transportation \$2978.01, JH LARSON COMPANY JDC Maintenance \$38.21, JMACS CONCRETE Repair/Renovations \$83677.5, JSA CONSULT ENGINEER Architects & Engineers \$23417, KATTERHAGEN, MARK Bd Exp Fees (Yankton) \$15, KAUFFMAN, DAVID W PH Psych Evals \$2700, KAYCEE SINA Taxable Meal Allowances \$18, KENNEDY PIER & LOFTU Attorney Fees \$278.2, KENNEDY, RENEE S Court Reporters \$1215.2, KOLETZKY LAW OFFICE Attorney Fees \$164.5, LARSON, VALERIE Bd Exp Fees (Yankton) \$36, LEWIS & CLARK BEHAVI Bd Evaluations (Yankton) \$639, LEWIS DRUGS INC Pharmacies \$326.68, LEWNO LAW OFFICE Bd Exp Fees (Yankton) \$91.75, LILLA, CHRIS Taxable Meal Allowances \$14, LOCKWOOD, DARCY Bd Exp Fees (Yankton) \$21, LOPEZ, REBECA Interpreters \$166.6, LOVING, PHILIP Bd Evaluations (Minnehaha) \$2731.7, MAC'S HARDWARE Jail Repairs & Maintenance \$152.2,

MALLOY ELECTRIC Gas Oil & Diesel \$96.92, MALLOY ELECTRIC JDC Maintenance \$1709.79, MATT DRAYTON Uniform Allowance \$75.48, MEDSTAR PARAMEDIC IN Transportation \$800, METRO COMMUNICATIONS Miscellaneous Expense \$208923.06, MICROFILM IMAGING SY Contract Services \$1281.6, MIDAMERICAN ENERGY C Natural Gas \$511.6, MIDAMERICAN ENERGY C Welfare Utilities \$565.44, MIDCONTINENT COMMUNI Welfare Utilities \$183.26, MIDLAND INC Jail Repairs & Maintenance \$957.95, MIDLAND INC Small Tools & Shop Supplies \$21.12, MIDSTATES UNIFORM & Printing/Forms \$28, MINNEHAHA COUNTY Other Supplies \$120, MINNEHAHA FUNERAL HO Burials \$2000, MYRL & ROYS PAVING I Road Maint & Material \$16472.87, NAPA AUTO PARTS Automotive/Small Equipment \$49.5, NGUYEN, LAM Interpreters \$50, NICHOLSON LAW Attorney Fees \$597.9, NORTH CAROLINA DEPT Contract Services \$358.4, NORTON OPERATING LLC Welfare Rent \$2470.85, NOVAK Trash Removal \$270.93, NYBERGS ACE HARDWARE JDC Maintenance \$11.39, OREILLY AUTOMOTIVE S Automotive/Small Equipment \$8.49, P & G TOWNHOMES LLC Welfare Rent \$800, PALLUCK, ETHAN Taxable Meal Allowances \$18, PREMIER REAL ESTATE Welfare Rent \$2920, R&L SUPPLY LTD Heat, Vent & AC Repairs \$271.48, R&L SUPPLY LTD HHS Maintenance \$289.67, R&L SUPPLY LTD Jail Repairs & Maintenance \$333.07, R&L SUPPLY LTD Plumbing & Welding \$79.19, RED WING OF SIOUX FA Uniform Allowance \$175, REDWOOD TOXICOLOGY L Testing Supplies \$990, REEVES, MEGAN Court Reporters \$58.8, RENTOKIL NORTH AMERI Contract Services \$689.74, RENTOKIL NORTH AMERI Professional Services \$74.44, RESOLUTE LAW FIRM IN Attorney Fees \$5631.48, RICE STREET Welfare Rent \$448.29, RINGING SHIELD,NICHO Bd Evaluations (Minnehaha) \$330, RISK ANALYSIS & MANA Insurance Admin Fee \$2853.5, SAFETY GLASSES USA I Uniform Allowance \$64.94, SALEM, KARLA R Bd Evaluations (Minnehaha) \$5445, SANFORD Other Medical Services \$2712.07, SD ASSOC OF COUNTY C Education & Training \$200, SECURE ENTERPRISE AS Trash Removal \$4083.12, SHERWIN WILLIAMS Building Repairs & Maintenance \$73.11, SHORT ELLIOTT HENDRI Architects & Engineers \$1055.45, SIOUX FALLS CITY Gas Oil & Diesel \$283.17, SIOUX FALLS CITY Water - Sewer \$5847.18, SIOUX FALLS CITY Welfare Utilities \$93.26, SIOUX FALLS FORD INC Automotive/Small Equipment \$621.47, SIOUX FALLS RUBBER S Office Supplies \$10.65, SIOUX VALLEY ENERGY Welfare Utilities \$153, SLEEP INN AIRPORT Motels \$1069.53, SOUTHEASTERN BEHAVIO Crisis Intervention Program \$6168.51, SOUTHEASTERN BEHAVIO Professional Services \$3575, SRF CONSULTING GROUP Architects & Engineers \$15499.25, STATE OF SOUTH DAKOT Amts Held-Daily Scram \$4127.5, STATE OF SOUTH DAKOT Amts Held-Remote Breath \$667, STATE OF SOUTH DAKOT Fingerprint/Tax \$334.23, STATE OF SOUTH DAKOT Misc Revenue \$55.19, STATE OF SOUTH DAKOT Miscellaneous Expense \$71, STATE OF SOUTH DAKOT Mug Shots \$6.07, STATE OF SOUTH DAKOT Outside Repair \$2.1, STATE OF SOUTH DAKOT Property Search Fees \$252.79, STATE OF SOUTH DAKOT Store Sales \$269.06, STEPHANIE PETERSON Sign Deposits \$50, SUMMIT FIRE PROTECTI Coliseum \$270, SUMMIT FOOD SERVICE Child Care Food \$610.44, SUMMIT FOOD SERVICE Inmate Supplies \$947.52, SUMMIT FOOD SERVICE School Lunch Program \$1240.05, SURF TAXI Transportation \$64.2, TEGRA GROUP INC Architect, Engineers, and PMgt \$29684.73, TERRONES, JARED Investigators Expenses \$5.1, TESSMAN SEED COMP Grounds & Parking Repair \$19.4, TIRES TIRES TIRES IN Truck Repairs & Maintenance \$31.54, TRANE Juvenile Detention Ctr \$7495, TRI-STATE NURSING Professional Services \$2876, TRISTATE GARAGE DOOR Outside Repair \$383.25, TRUE CARE FAMILY PHA Pharmacies \$30, TZADIK HIDDEN HILLS Welfare Rent \$500, TZADIK SIOUX FALLS I Welfare Rent \$700, US FOODS INC Other Supplies \$37.69, US FOODS INC Professional Services \$698.13, VB FALLS PARK LIMITE Welfare Rent \$1778, VB FALLS TERRACE Welfare Rent \$1023, VERIZON WIRELESS Administrative Charges \$45.77, VERIZON WIRELESS Data Processing Equipment \$1363.24, VERIZON WIRELESS HIDTA Grant \$83.62, VERIZON WIRELESS Tea-Ellis Range \$40.01, VERIZON WIRELESS Telephone \$6482.7, VINEYARD HEIGHTS Welfare Rent \$1630, VITAL RECORDS Archive/Preservation Supplies \$600, WALGREENS Pharmacies \$96.93, WALTON, MARCUS Attorney Fees \$2040.2, WASTE MANAGEMENT OF Trash Removal \$3575.92, WEST POINTE LIMITED Welfare Rent \$800, WESTERN HEIGHTS APTS Welfare Rent \$237, WESTWOOD LIMITED PAR Welfare Rent \$3620, WHISPERING WOODS Welfare Rent \$6210.7, WINNER POLICE DEPART Extradition & Evidence \$144.26, XCEL ENERGY Electricity \$2184.13, XCEL ENERGY Road Maint & Material \$12.26, XCEL ENERGY INC Welfare Utilities \$4617.4, YOGI HOLDINGS INC Welfare Rent \$1100.

The following reports were received and placed on file in Auditor's Office:

Auditor's Account with the County Treasurer-July 2023

Abandoned Cemetery Board July Meeting Minutes

Accounting Month End Reports

Routine Personnel Actions

New Hires

1. Lainey Lyle, Juvenile Correctional Office I of the Juvenile Detention Center, at \$22.98/hour (13/1) effective 8/14/2023.
2. Danielle Rang, Deputy State's Attorney for the State's Attorney's Office, at \$3,325.60/biweekly (22/2) effective 8/30/2023.
3. Laurie Richardson, Deputy State's Attorney for the State's Attorney's Office, at \$3,492.80/biweekly (22/3) effective 8/30/2023.

Promotions

1. Marithzel Mercado-Gamez, Corrections Systems Operator to Correctional Officers for the Jail, at \$24.16/hour (14/1) effective 8/19/2023.

Step Increases

1. Michael Peterson, Highway Maintenance Team Member for the Highway Department, at \$24.74/hour (12/4) effective 8/17/2023.
2. Abby Sitzman, Accountant for the Highway Department, at \$30.90/hour (16/5) effective 8/27/2023.
3. Cody Schroeder, Correctional Officer for the Jail, at \$25.37/hour (14/2) effective 8/8/2023.
4. Joseph Zilla, Juvenile Correctional Officer I for the Juvenile Detention Center, at \$27.98/hour (13/7) effective 8/26/2023.
5. Aaron Gehrke, Deputy Public Defender for the Public Defender's Office, at \$3,492.80/biweekly (22/3) effective 8/18/2023.
6. Matthew Hollins, Senior Tax and License Technician for the Treasurer's Office, at \$24.16/hour (12/3) effective 8/6/2023.

Notices and Requests

Surface Water Discharge Permit Public Notice

ALCOHOL LICENSES

Kym Christiansen, Commission Recorder, was present for a public hearing to consider a transfer retail (On-Off Sale) Malt Beverage & SD Farm Wine License. The application for the transfer of a Retail (On-Off Sale) Malt Beverage and SD Farm Wine License is currently held by CC & F Retail dba Friendly's Fuel Stop. The property is legally described as Tract 1 of Oyen's Addition West Half of the Northeast Quarter of Section 1-Township 103 North-Range 50 West and located at 47155 250th St in Baltic. The license will be transferred to Holiday Station Stores dba Circle K #2746530. The license would allow for the sale of malt beverages and SD Farm wine at the store, which is located in Minnehaha County. The application was reviewed by the Sheriff's Office, State's Attorney's Office, and Planning & Zoning and there were no objections or concerns reported.

Chair Bender asked for proponents and opponents to speak on the topic. There were no proponents or opponents to speak on the topic.

MOTION by Karsky, seconded by Beninga, to approve a transfer Retail (On-Off Sale) Malt Beverage & SD Farm Wine License for Holiday Station Stores, LLC from CC & F dba Friendly's Fuel Stop. By roll call vote: 5 ayes.

Kym Christiansen, Commission Recorder, was present for a public hearing to consider a transfer retail (On-Off Sale) Wine & Cider License. The application is for the transfer of a Retail (On-Off Sale) Wine and Cider License currently held by CC & F Retail dba Friendly's Fuel Stop. The property is legally described as Tract 1 of Oyen's Addition West Half of the Northeast Quarter of Section 1-Township 103 North-Range 50 West and located at 47155 250th St in Baltic. The license will be transferred to Holiday Station Stores dba Circle K #2746530. The license would allow for the sale of wine and cider beverages at the store which is located in Minnehaha County. The application was reviewed by the Sheriff's Office, State's Attorney's Office, and Planning & Zoning and there were no objections or concerns reported.

Chair Bender asked for proponents and opponents to speak on the topic. There were no proponents and opponents to speak on the topic.

MOTION by Beninga, seconded by Kippely, to approve a transfer Retail (On-Off Sale) Wine & Cider License for Holiday Station Stores, LLC from CC & F dba Friendly's Fuel Stop. By roll call vote: 5 ayes.

PUBLIC NUISANCE HEARING

Kevin Hoekman, Planner, was present for the scheduled hearing on a complaint on the property legally described as S1/2 S1/2 NE1/4 (Ex. W990') in Section 9-T101N-R1W, Wall Lake Township, a Public Nuisance and Enact SDCL 21-10-06. Mr. Hoekman stated that the property was declared a public nuisance by the commission in 2021 and staff has received numerous complaints about the property. During a staff visit to the property, it was noted that more junk appliances and air conditioner units had been brought onto the property.

Chair Bender asked for proponents and opponents to speak about the public nuisance complaint. There were proponents in attendance to speak on the topic. Kim Halverson, property owner and opponent, spoke against the public nuisance complaint and is trying to clean up the property.

MOTION by Karsky, seconded by Kippely, to declare the property legally described as S1/2 S1/2 NE1/4 (Ex. W 990') in Section 9-T101N-R51W, Wall Lake Township, as a public nuisance and enact SDCL 21-10-06 with County clean up to begin on September 25, 2023. By roll call vote: 5 ayes.

RESOLUTION

Scott Anderson, Planning Director, presented a resolution requesting authorization for the commencement of civil action. The Planning and Zoning Department has determined that a property is being operated in violation of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. MOTION by Karsky, seconded by Bleyenbergh, to approve and authorize the Chair to sign Resolution MC 23-23 Authorizing the Commencement of Civil Action. By roll call vote: 5 ayes.

RESOLUTION MINNEHAHA COUNTY 23-23

RESOLUTION AUTHORIZING THE COMMENCEMENT OF A CIVIL ACTION

WHEREAS, the Minnehaha County Planning Department ("the Department") has determined that Tyler Childress, or an entity under his ownership, direction and control ("hereinafter Mr. Childress"), is using property in violation of the joint ordinance adopted by Minnehaha County and the City of Sioux Falls in an area zoned A1 Agricultural in unincorporated Minnehaha County; and

WHEREAS, the Department has indicated that the property in question is located at 47644 Slip Up Creek Road, Sioux Falls, South Dakota, legally described as Tract 3 of Andy's Acres, NE1/4SW1/4 of Section 23, Township 102N, Range 49 West, Minnehaha County, South Dakota, and is owned by Don't Ask Holdings, LLC, Tyler Childress, Member-Manager; and

WHEREAS, a complaint was made to the Department alleging Mr. Childress' use of the property is in violation of the ordinance. The Department contacted Mr. Childress regarding the complaint, and on December 21, 2022, Mr. Childress applied for a conditional use permit under the joint ordinance. Following a public hearing held on January 23, 2023, the Planning Commission denied the request and no appeal of that decision was filed; and

WHEREAS, since that time, the Department has received additional complaints that Mr. Childress continues to use the property in violation of the joint ordinance and has failed to comply with requests by the Department to cease such use; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the County to pursue legal action to seek injunctive relief to prevent the continued violation of the joint ordinance and to compel Mr. Childress to immediately cease, correct and abate the use of the property in violation of the joint ordinance;

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Minnehaha County, South Dakota, that the Minnehaha County State's Attorney is hereby authorized to institute and proceed with a cause of action for injunctive relief.

Dated this 22nd day of August, 2023.

Jean Bender
Chair
Minnehaha County Board of Commissioners
ATTEST:
Leah Anderson, Auditor

BRYNE JUSTICE ASSISTANCE GRANT PROGRAM AGREEMENT

Upon request of Joe Bosman, Captain, MOTION by Bleyenbergs, seconded by Beninga, to authorize the Chairperson of the County Commission to sign the Interlocal Agreement between Minnehaha County and the City of Sioux Falls for the 2023 JAG program award. By roll call vote: 5 ayes.

BRYNE JUSTICE ASSISTANCE GRANT HEARING NOTICE

Upon request of Joe Bosman, Captain, MOTION by Kippley, seconded by Bleyenbergs, to authorize the Auditor's Office to post notice of a public hearing for the 2023 JAG Spending Plan to be held on September 5, 2023, during the Regularly Scheduled Commission Meeting. 5 ayes.

GRANT APPLICATION

Joe Bosman, Captain, was present to request authorization for the Minnehaha County Sheriff's Office to apply for the Walmart Community Grant Program. For the past couple years, the Minnehaha County Sheriff's Office Community Engagement Committee has hosted several events where our Sheriff's Office staff has interacted and engaged with the residents of the communities we serve. One of these events is called Christmas with Deputies, where we spread joy and goodwill to families in need during the holiday season. These programs rely on the support of partnerships and donations and the Walmart Community Grant is an opportunity for the agency to receive financial support that will be directly applied to our community events. This one-time award can range from \$250 to \$5,000 for eligible applicants who outline their plan to support Public Safety programs and improve the quality of life for the citizens they serve. MOTION by Beninga, seconded by Kippley, to authorize the Minnehaha County Sheriff's Office to Apply for the Walmart Community Grant Program. By roll call vote: 5 ayes.

EQUIPMENT PURCHASE

Upon the request of Steve Groen, Highway Superintendent, MOTION by Karsky, seconded by Bleyenbergh, to authorize the Highway Department to purchase a new Skyjack SJ4740 Electric Scissor Lift under the Sourcwell Procurement Contract #020923_SKJ in the amount of \$31,741.59 and Surplus Unit 4110 and deposit the proceeds into the Highway and Bridge Fund. By roll call vote: 5 ayes.

SURPLUS DECLARATION

Upon the request of Steve Groen, Highway Superintendent, MOTION by Beninga, seconded by Bleyenbergh, to declare the following fixtures and equipment as surplus: 1997 Hurst Trane boiler and all components, miscellaneous chairs, file cabinets, desks, exhaust hose reel, ice machine, water heater, water softener, arc/tig welder, 3 to 5 HP Type-LA Engine, Heat pump and AC unit, garage door and openers, steel shelving, 250-gallon chemical totes, and valve grinding tools, gasket board and miscellaneous items as surplus and authorize disposal through auction. By roll call vote: 5 ayes.

TAX DEED BRIEFING

Kris Swanson, Treasurer, and Susan Beaman, Finance & Budget Officer, presented a briefing regarding the tax deed sale for 2023. The Treasurer's Office has identified 10 property owners that are four or more years delinquent on their property taxes. The owners or their respective families have been properly served notice that Minnehaha County intends to take a Treasurer's Tax Deed to their property as a result of the delinquent taxes. The Treasurer's Office will record the Treasurer's Tax Deed for each property with the Register of Deeds, effectively transferring the property to Minnehaha County. At upcoming Commission meetings, the Auditor's Office will present a list of tax-deed properties to be declared surplus property and ask for the appointment of members to the Appraisal Board. The Appraisal Board would review the various properties to determine an appropriate sale value. The Appraisal Board will then submit their findings to the Board of County Commissioners for consideration and approval. The Auditor's Office would then publish notice of its intent to hold a public auction for these surplus properties. The Auditor's Office and Treasurer's Office hope that all of the identified property owners are able to bring their property taxes current and that no public auction would need to take place. A public auction, if needed, would be held in the event that property taxes remain delinquent and would take place in early Fall of 2023.

RESOLUTION

Upon the request of Eric Bogue, Chief Civil Deputy State's Attorney, MOTION by Beninga, seconded by Bleyenbergh, to approve and authorize the Chair to sign a Resolution MC 23-24 Authorizing the Issuance of an Order to Show Cause. By roll call vote: 5 ayes.

RESOLUTION MINNEHAHA COUNTY 23-24

RESOLUTION AUTHORIZING THE ISSUANCE OF AN ORDER TO SHOW CAUSE

WHEREAS, the voters of South Dakota passed Initiated Measure 26 at the General Election in November of 2020 which legalized medical cannabis and was codified in South Dakota Codified Law Chapter 34-20G; and

WHEREAS, while SDCL 34-20G-58 permits local governments to enact an ordinance governing the time, place, and manner and number of medical cannabis establishments, SDCL 34-20G-59 barred local governments from prohibiting all medical cannabis dispensaries within that jurisdiction; and

WHEREAS, Minnehaha County adopted Ordinance MC 60-21 "An Ordinance Establishing the Licensing and Regulation of Medical Cannabis Dispensaries in Minnehaha County" on October 5, 2021, with an effective date

of October 25, 2021, which limited type of permitted medical cannabis establishments to a single licensed medical cannabis dispensary; and

WHEREAS, Ordinance MC 60-21 provides for the: process of issuing such medical cannabis dispensary license; the fees, term and renewal of such license; operational requirements for such license; and the process for suspension or revocation of such license.

WHEREAS, pursuant to Ordinance MC 60-21, on or about March 15, 2022, Minnehaha County issued its single medical cannabis dispensary license to Genesis Farms, LLC, and to the physical location designated on their application, to wit: 7605 E. Arrowhead Parkway, Sioux Falls, South Dakota, also described as: Lot A (EX H-2) of Lots 1, 2 and 3 in Block 3, Pleasant View Acres located in the N1/2SE1/4 and S1/2NE1/4 of Section 19, Township 101 N, Range 48 West, Minnehaha County, South Dakota; and

WHEREAS, a complaint was made to the County alleging that Genesis Farms, LLC was not in compliance with Ordinance MC 60-21 Section 5.c in that Genesis Farms, LLC was not and had not at any time since the issuance of the medical cannabis dispensary license been in active use of such license and as such was in violation of the ordinance; and

WHEREAS, the County, by and through the Office of Planning and Zoning, conducted a site visit to determine the operational status of the County's sole licensed medical cannabis dispensary and determined that the dispensary was not operational and there was no indication that it had every been operational; and

WHEREAS, the period of time from the original issuance of the medical cannabis dispensary license to Genesis Farms, LLC on March 15, 2022, through Friday August 18, 2023, is Five Hundred Twenty-One (521) days which is far in excess of the permitted Sixty (60) days granted for to a licensee to commence operations; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the County and in compliance with SDCL Chapter 34-20G to issue an Order to Show Cause to Genesis Farms, LLC to show cause why the license issued to it should not be found to be Inactive in violation of Ordinance MC 60-21 and if found to be inactive why the license issued to Genesis Farms, LLC should not thereafter be revoked pursuant to Ordinance MC 60-21

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Minnehaha County, South Dakota, that the Chair of the Board of County Commissioners shall execute an Order to Show Cause as set forth above and that a Hearing on such Order be scheduled for September 26, 2023, at 9:00 a.m., or as soon thereafter as the parties may be heard, in the Minnehaha County Commission Chambers to provide Genesis Farms, LLC an opportunity to be heard and show cause why such license should not be found to be Inactive in violation of Ordinance MC 60-21 and thereafter be revoked.

Dated this 22nd day of August, 2023.

Jean Bender
Chair
Minnehaha County Board of Commissioners
ATTEST:
Leah Anderson, Auditor

COMMISSIONER LIAISON REPORTS

Commissioner Kippley reported on the recent quarterly meeting with the Public Defender's Advisory Committee.

Commissioner Beninga reported on the recent planning meeting for the Juvenile Justice Center project.

Commissioner Bender reported success stories that have been achieved by the Specialty Courts.

MOTION by Karsky, seconded by Beninga, to enter into Executive Session Executive Session pursuant to SDCL 1-25-2 (1), (3), (4) and (6) at 10:02 a.m. 5 ayes.

Chair Bender declared the executive session concluded at 10:31 a.m.

MOTION by Karsky, seconded by Beninga, to adjourn at 10:32 a.m. 5 ayes

The Commission adjourned until 5:00 p.m. on Tuesday, August 22nd, 2023.

APPROVED BY THE COMMISSION:

Jean Bender
Chair

ATTEST:

Kym Christiansen
Commission Recorder