

Bridgewater City Council Regular Meeting Minutes
May 9, 2022 7:00 pm

The City Council of the City of Bridgewater met in the Council Room for their regular meeting on Monday 05/09/2022. The meeting was called to order at 7:00 pm by President Travis Holthaus. Answering roll call were Bob Anderson, Tony Hofer, Travis Holthaus, Alicen Strombeck, and Mark Vondra. Others present: Finance Officer-Joan Julson, Maintenance-Todd Letcher, and Cody Northern.

Pledge of Allegiance was recited.

The minutes of last month's meetings were sent to the council for reading prior to the meeting. Motion by Anderson, second by Vondra to approve the April 11th regular meeting minutes. All present voted aye. Motion carried.

The April Financial statement was sent out to the council for reviewing prior to the meeting. After discussion, a motion was made by Hofer, second by Strombeck to approve the April Financial Statement. All voted aye. Motion carried.

The bills for the month of April were reviewed. A motion was made by Hofer, second by Vondra to approve the April bills. All voted aye. Motion carried.

Old Business: An email from the city attorney, Robin Eich, was read concerning the old fence in Jerry Paweltzki's field. She replied that since the city does not own the fence or the real estate where the fence is situated, the city and its employees should not do anything in regards to the fence. The landowner would be the owner of the fence as it is attached to the land. If the landowner has documentation or anything that has been recorded that indicates that the fence is owned or was to be maintained by the city, they should provide it to her. It does not matter who the prior owners were or who put the fence in as the land owner would be responsible for the fence unless there is something clearly recorded that indicates otherwise. Following the advice of city attorney, Council instructed maintenance not to do anything with the fence.

As there was no more old business, a motion was made by Anderson, second by Hofer to adjourn as old council. Motion carried. Time 7:10 pm.

Oaths of Office were taken by Alicen Strombeck–Ward I and Bob Anderson–Ward II. Mayor & a Ward III council seat are vacant at this time. The meeting was called to order at 7:12 by Travis Holthaus. Answering roll call were: Bob Anderson, Tony Hofer, Travis Holthaus, Alicen Strombeck, and Mark Vondra.

No appointments for Mayor and Ward III.

Motion by Vondra, second by Strombeck to nominate Travis Holthaus for Council President. Roll call vote – all voted aye. Motion carried. Motion by Strombeck, second by Hofer to nominate Vondra for Vice President. Roll call vote – all voted aye. Motion carried.

Motion by Vondra, second by Anderson to approve 2022-2023 Council Committees as discussed. All voted aye. Motion carried.

2022-2023 Council Committees:

Law enforcement: Entire council

Health & Landfill: Entire council

Ambulance: Vondra-chair, Hofer, Holthaus

Government Buildings/Liquor store: Vondra-chair, Hofer, Holthaus

Parks & Recreation: Strombeck-chair, Holthaus, Anderson

Streets & Alleys: Anderson-chair, Holthaus, Hofer

Water & Sewer: Anderson-chair, Holthaus, Strombeck

Code Enforcement: Entire council

Other Boards:

Firehall Board: Anderson, Vondra

Planning & Zoning: Strombeck, Vondra

Motion by Hofer, second by Anderson to approve Resolution 22-0509. Roll call vote – all voted aye. Motion carried.

CITY OF BRIDGEWATER
Resolution #22-0509
RESOLUTION AUTHORIZING THE CITY OF BRIDGEWATER,
TO APPROVE MAYORAL/COUNCIL PRESIDENT APPOINTMENTS OF

FINANCE OFFICER and MAINTENANCE SUPERINTENDENT

WHEREAS, President Travis Holthaus, of the City of Bridgewater appoints Joan M. Julson as Finance Officer and Todd Letcher as Maintenance Superintendent, from May 2022 to the first regular meeting in May 2023; and

WHEREAS, Joan M. Julson and Todd Letcher have accepted each respective appointment until the appointment and qualifications of successors;

NOW THEREFORE BE IT RESOLVED, that the City of Bridgewater approves the appointments by President Travis Holthaus of Joan M. Julson as Finance Officer and Todd Letcher as Maintenance Superintendent all pursuant to Section 1.0101 of the Revised Ordinances of the City of Bridgewater South Dakota.

PASSED AND APPROVED this 9th day of May, 2022, by the City Council of the City of Bridgewater, South Dakota by the following vote:

Ayes: 5

Nays: 0

Absent: 0

City of Bridgewater

By: Travis Holthaus

Its Council President

ATTEST:

Joan M Julson

City Finance Officer

(SEAL)

Maintenance Report by Letcher. 1) Reported that now is the time to order more trees for the city park if wanted. 2) painting picnic shelters & bathrooms at city park 3) mowing 4) asphalt pile at ball park 5) putting up dusk to dawn lighting out at the city park.

Public Input: No one here with input. President Holthaus moved on.

Storm Sewer: waiting to hear the outcome of the application submitted to DANR in June.

Law Enforcement: April report so noted.

Government Buildings/Municipal Liquor Store Motion by Strombeck, second by Vondra to renew the Bar Operating Lease Agreement renewal with Cody Northern. Term for 1 year until the 2023 May council meeting. All voted aye. Motion carried. Operating Agreement signed by all parties.

Parks & Recreation: Buying trees for the city park from McCook Co Conservation was discussed. Motion by Anderson, second by Vondra to spend up to \$500 for trees selected by the Park Committee and Letcher for the city park. All voted aye. Motion carried. Also discussed the asphalt pile out at the ball park. Motion by Hofer, second by Vondra to allow this asphalt to be sold for current base coarse prices (\$10 per Ton). All voted aye except Anderson abstained as he will be handling the loading cost & actual sale. Motion carried.

Planning & Zoning: Motion by Vondra, second by Anderson to approve building permits for Ladine Dolezal and Jan Bothwell. All voted aye. Motion carried. Permit for Edward Domanowski was tabled for more information on a water & sewer easement.

Our 8:00 Public Hearing was held for the Conditional Use Permits. Motion by Anderson, second by Hofer to recess council and reconvene as Board of Adjustment. Roll call vote – all voted aye. Motion carried.

The following conditional use permits were discussed. A motion was made by Anderson, second by Vondra to approve #081 Forrest & Paul Richards – ag/crops; #082 Richards Development Inc – ag/crops; #083 Ed Meyer – haying; #084 Bridgewater Nursing Home Corp – haying; #085 Marvin Rempfer – haying; #086 Debra Cossairt/Charles Purdie – haying; #087 Larry Paweltzki – haying; #088 Steven Svancara – haying; #089 Sean Luke – haying; #090 Mary Ann Smith c/o Rhonda Smith – haying permits with the condition that the weeds and trees are kept trimmed and the property kept free from branches & debris. Permits are good for three (3) years unless conditions are not met. Roll call vote – all voted aye. Motion carried. Motion by Strombeck, second by Hofer to approve permit #091 Ethan Roebuck & Rose Bickett – ag activities (chickens) to allow up to 10 chickens (no ducks or other fowl) and any complaint, the permit will be revisited. Permit will be good for only 1 year if these conditions are met. Roll call vote – all voted aye. Motion carried.

Motion by Strombeck, second by Hofer to adjourn as the Board of Adjustment and reconvene as Council. Motion carried. Time 8:05 pm

2nd reading of Ordinance 2022-1 – Cannabis Ordinance was done. Motion by Anderson, second by Hofer to adopt Ordinance 2022-1 – Adding Chapter 4.05 – Cannabis Establishments. All voted aye. Motion carried.

**CITY OF BRIDGEWATER
ORDINANCE NO. 2022-01**

AN ORDINANCE OF THE CITY OF BRIDGEWATER, SD, AMENDING THE BRIDGEWATER MUNICIPAL ORDINANCES “TITLE 4 – LICENSES”, BY THE ADDITION OF “CHAPTER 4.05 – CANNABIS ESTABLISHMENTS”.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIDGEWATER, SOUTH DAKOTA, THAT A NEW “TITLE 4– LICENSES, CHAPTER 4.05 – CANNABIS ESTABLISHMENTS” BE ADOPTED TO READ AS FOLLOWS:

CHAPTER 4.05 – CANNABIS ESTABLISHMENTS

4.0501: PURPOSE AND INTENT

The City Council of the City of Bridgewater 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 Section 12.116. 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 Section 12.116. 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 \$3,000.00. The City will reimburse \$2,000.00 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:
 - i. The legal name of the prospective cannabis establishment;
 - ii. The physical address of the prospective cannabis establishment that meets all zoning requirements, as well as any location requirements pursuant SDCL 34-20G and the administrative rules promulgated thereunder.
 - iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.
 - iv. 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.
 - v. 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;
4. The proposed location does not meet all applicable zoning requirements; and the proposed location is not within 500 feet of a public park or daycare;
5. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;
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.

- (a) 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.
- (b) 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 one (1) cannabis 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 sixty (60) 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 \$3,000.00. The City will reimburse \$2,000.00 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; or
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 member of the public, appointed by Mayor.
- (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, non-renewal, suspension, or revocation. The written appeal must be submitted to City Hall PO Box 37, Bridgewater, South Dakota, 57319. 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 on Sunday or between the hours of 6:00 p.m. and 9:00 a.m. on Monday through Saturday.

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.

First Reading: April 11, 2022

Second Reading: May 9, 2022

Ayes 5 Nays 0 Absent 0

Published the 19th day of May 2022.

Effective this 8th day of June 2022.

Travis Holthaus – Council President
City of Bridgewater

SEAL

ATTEST:

Joan M Julson – Finance Officer

Motion by Anderson, second by Vondra to renew the malt beverage license Bridgewater Café. All voted aye. Motion carried.

Motion by Anderson, second by Strombeck to allow the Finance Officer to attend Finance Officer schooling June 8-10 in Huron. All voted aye. Motion carried.

Reminder of dumpsters being here for city clean-up day on May 20th – 21st

It was noted that Finance Office will be closed June 21-24 for vacation.

There being no further business, a motion was made by Hofer, second by Vondra to adjourn. Motion carried. Time 8:20 pm.

Next regular meeting is Monday, June 6, 2022.

Travis Holthaus – Council President

Joan M Julson – Finance Officer

Claims:

Payroll by Dept.: Ambulance 4008.91; Council-6133.40; Dump 275.76; Finance Office 1140.81; Liquor 264.78; Parks 193.03; Sewer 1330.07; Streets 1931.48; Water 1169.21; EFTPS-April payroll taxes, 2721.19; SD Retirement System-employee & city match, 815.30.

Supplies: Arrow Manufacturing Inc–flow meter for ambulance, 155.00; CHS/Farmers Alliance–shop propane, 589.68; Heritage Pharmacy–2 epi-pens for ambulance, 630.00; Menards–grass seed for parks, 194.97; Post Master–water/sewer/garbage bill stamps, 80.00; Runnings–water & shop supply, 129.48; Stern Oil–gas for pkup & diesel fuel, 390.65; Sturdevant’s–lawn mower supply, 58.11; Total Stop–gas for shop pkups, 225.00

Repairs & Maintenance: Meyer Motor LLC-shop keys & amb oil change, 74.60.

Beer and Liquor (paid in April & reimbursed by The North 40): Beal Distributing Inc, 1083.20; Dakota Beverage, 363.25; Johnson Brothers Famous Brands, 299.40; Republic National Dist Co, 524.90.

Miscellaneous: A&B Business Inc–copier lease agreement & extra copies, 78.08; A-OX Welding Supply Co-C-20 cylinder 5 yr lease & compliance, 152.95; Bridgewater Development Corp–monthly donation, 500.00; McCook County–Contracted Law Enforcement monthly payment, 2112.50; Nordwald Rentals–June rent (Payable 06/01/22), 400.00; Petty Cash-stamps & shop printer ink, 132.15; RBS Sanitation-April garbage pick-up, 2565.00; RBS Sanitation-dumpster fees (Legion Hall, firehall, shop), 150.36; SD Dept Public Health Laboratory-water testing for Mar., 30.00; SD State Treasurer–Apr garbage, etc. sales tax (We received a 1.5% allowance for timely payments - \$3.37), 221.26; SD 811-11 faxed locates, 23.52; The Special/New Century Press-April publishing, 153.84; US Bank-SRF Water Loans #1 & #2, 6922.35 & storm sewer #4, 18397.88.

Utilities (Paid in April): Golden West, 302.80; Hanson Rural Water, 3835.20; Xcel Energy, 2008.29.

Insurance: AFLAC-reimbursed by employees, 185.49; American Continental/Aetna-Medicare, 231.66; Cigna-Medicare Part D, 60.40; Health Pool of SD, 2026.70, Julson, Joan-monthly medicare reimbursement, 340.20.

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