

CITY OF WORTHING

APPROVED MINUTES REGULAR SESSION MONDAY APRIL 6, 2022

CALL TO ORDER

The Commissioners of the City of Worthing met in regular session on Wednesday April 6, 2022, at 7:00 P.M. at the Worthing Community Fire Department with Mayor Hazuka presiding. The following Commissioners were present: Jim Miles, Bernard Zahn, and Joe Weisenbach. Absent: Denise Nelson. Also in attendance: Donna Van Hout, Jake Haar, Scott DeWitt, Jessie Nesseim, Albert Oliver, Jason Schroeder, Jon Fisher and Kristy Tripp.

PLEDGE OF ALLEGIANCE

Mayor Hazuka led the meeting in the pledge of allegiance.

APPROVAL OF AGENDA. A motion was made by Weisenbach and seconded by Miles to approve the April 6, 2022, agenda. All in favor, motion carried.

Engineer Report-Jon Fisher with Stockwell attended the meeting and updated the commission on the meetings he attended on a Reginal Wastewater Treatment plant. He feels that Jon also discussed the new requirements set by the state for the cities discharge permit.

Public Speaking-Albert Oliver attended the meeting with several concerns. Starting with mosquito spraying. Jake needs to get the machine calibrated and it will be ready to go. Next was the dust control. Jake has prices for Joe to look at after the meeting. Last he asked about the process of hiring and firing someone for the city. The Mayor went over the procedure in Worthing's policy manual.

Planning & Zoning- A few building permits have been coming in. Sioux Metro is having a conference next week. Scott encouraged the city to participate.

Maintenance Report-Jake is trying to get the ditches and city properties cleaned up from winter. He is going to contact the City of Lennox to have them come and sweep the streets. He is working with an electrician on some projects around town. Jake is also working on dust control, fixing the Worthing signs, and working on the projects from the windstorm last year. They did a sludge test at the lagoons and needs to switch out the pump at the Lily Street lift station. They will begin work on the corner of S Louise Ave and 3rd Street.

Finance Report-The text messages that the city sends out will be discontinued the end of April. Text messages will be sent through FrontDesk. The city will also be switching credit card companies. Residents can sign up for FrontDesk at cityofworthing.frontdeskworks.com This will take you to the city's new web page and at the top, click on My FrontDesk. You will be able to activate your account. You will you're your account number, and the address has to be entered exactly like it is on your utility bill. If you get a message that your cell phone is assigned to another account, delete the phone number, save it and reenter the number. Don't forget to add an email address.

COMMISSIONER REPORTS

PUBLIC UTILITIES – No Report

PUBLIC WORKS-No Report

PUBLIC SAFETY-No Report

FINANCE AND REVENUE- No Report

The Worthing Fire Department will be having a pancake breakfast on May 1, 2022, from 8 to 1 at the fire station.

MAYOR'S REPORT- The Mayor received a note from Marcia_Kaltenbach expressing her concerns with the mosquito spraying.

REGULAR BUSINESS

A motion was made by Miles to approve the March 21, 2022, minutes. Motion was seconded by Zahn. All in favor, motion carried.

A motion was made by Zahn and seconded by Weisenbach to approve the following claims:

US TREASURY Payroll taxes \$68.84, US TREASURY Payroll taxes \$1,204.76, DELTA DENTAL Insurance \$91.00, A&B BUSINESS SOLUTIONS Computer Support \$515.83, VAST BUSINESS Internet/Phone Service

\$514.63, CITY OF WORTHING Utility Bills \$191.92, DCS Payroll deduction \$75.44, HEALTH POOL OF SD Health Insurance \$2,562.00, INDEPENDENT PUBLISHING Publishing \$245.71, RBS SANITATION Garbage Service \$4,175.73, RURAL ROUTE ONE SERVICES, INC Finance Office \$55.25, SD DEPT OF HEALTH LAB Testing \$147.50, STOCKWELL ENGINEERS Sanitary Sewer Facilities Plan \$545.40, COUNTRYSIDE CONVENIENCE Shop-Diesel Fuel \$530.33, DAVE'S SERVICE & REPAIR 12586-Police \$2,724.48, LENNOX COMMUNITY TRANSIT Donation \$1,000.00, NAPA AUTO PARTS Misc. Supplies4repairs&maint \$686.82, STURDEVANTS CANTON Shop supplies \$4.50, UNITED LABORATORIES Shop Supplies \$784.68.

OLD BUSINESS- After a discussion, a motion was made by Weisenbach and seconded by Zahn to approve the second reading of Ordinance No. 2022-03-21-1, an ordinance amending the 2012 revised Worthing Zoning Ordinance.

ORDINANCE NO. 2022-03-21-1

AN ORDINANCE AMENDING, THE 2012 REVISED WORTHING ZONING ORDINANCE, ORDINANCE NO. 2021-8-23-2, OF THE CITY OF WORTHING, SOUTH DAKOTA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WORTHING, SOUTH DAKOTA, THAT THE 2012 REVISED WORTHING ZONING ORDINANCE, ORDINANCE NO. 2021-8-23-2, OF THE CITY OF WORTHING BE AMENDED BY ADDING THE FOLLOWING:

8.01 Permitted Uses

Cannabis Product Manufacturing Facility	11.02, 11.04, 11.05, 11.06, 11.12, 11.18
Cannabis Cultivation Facility	11.02, 11.04, 11.05, 11.06, 11.12, 11.19

11.18 CANNABIS PRODUCT MANUFACTURING FACILITY.

A. Maximum Number of Cannabis Product Manufacturing Facilities.

- 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 Worthing shall allow up to one (1) cannabis product manufacturing facility provided the time, place, and manner of said facility complies with this ordinance.

B. Required Separation Distances

- 1.** A cannabis product manufacturing facility shall be located not less than One-thousand Feet (1,000') from a public or private school existing before the date of the cannabis product manufacturing facility application;
- 2.** A cannabis product manufacturing facility shall be located not less than One-thousand Feet (1,000') from a public park existing before the date of the cannabis product manufacturing facility application;

3. Exemption from separation requirements. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided:

i. The applicant provides documentation waiving the setback requirement from the title holder of the land benefiting from the separation.

4. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the cannabis product manufacturing facility is proposed.

C. Other Locational Requirements

1. Permanent or temporary cannabis product manufacturing facilities are prohibited in all other zoning districts and not eligible for a home occupation use.

2. It shall be unlawful to operate a cannabis product manufacturing facility in a building which contains a residence or a mixed-use building with commercial and residential uses.

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

E. Documentation of State Licensure.

1. No unlicensed cannabis product manufacturing facility shall acquire, manufacture, possess, store, deliver, transfer, transport, supply, or sell cannabis, cannabis products, or paraphernalia without providing documentation of licensure from the State of South Dakota.

F. The zoning official is authorized to issue permits (building/use) for cannabis product manufacturing facilities 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.

- G. All cannabis product manufacturing facilities are required to be constructed in conformance with the most recent edition of the International Building Code and International Fire Code adopted by City Commission of the City of Worthing.

11.19 CANNABIS CULTIVATION FACILITY.

A. Maximum Number of Cannabis Cultivation Facilities.

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 Worthing shall allow up to one (1) cannabis cultivation facility provided the time, place, and manner of said facility complies with this ordinance.

B. Required Separation Distances

1. A cannabis cultivation facility shall be located not less than One-thousand Feet (1,000') from a public or private school existing before the date of the cannabis cultivation facility application;
2. A cannabis cultivation facility shall be located not less than One-thousand Feet (1,000') from a public park existing before the date of the cannabis cultivation facility application;
3. Exemption from separation requirements. Any separation distance requirement, other than the State requirement from schools (1,000 feet), may be waived, provided:
 - ii. The applicant provides documentation waiving the setback requirement from the title holder of the land benefiting from the separation.
4. Prescribed separation/setback distances from certain existing uses are to be measured from the lot line of the property where the cannabis cultivation facility is proposed.

C. Other Locational Requirements

3. Permanent or temporary cannabis cultivation facilities are prohibited in all other zoning districts and not eligible for a home occupation use.
4. It shall be unlawful to operate a cannabis cultivation facility in a building which contains a residence or a mixed-use building with commercial and residential uses.

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

E. Documentation of State Licensure.

2. No unlicensed cannabis cultivation facility shall acquire, possess, store, deliver, transfer, transport, supply, or sell cannabis, cannabis products, or paraphernalia without providing documentation of licensure from the State of South Dakota.

F. The zoning official is authorized to issue permits (building/use) for cannabis cultivation facilities subject to following:

4. 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

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

6. Documentation of State Licensure.

G. All cannabis cultivation facilities are required to be constructed in conformance with the most recent edition of the International Building Code and International Fire Code adopted by City Commission of the City of Worthing.

Passed and adopted this ___ day of _____, 2022.

By: _____
Bradley Hazuka, Mayor

ATTEST:

Donna Van Hout, Municipal Finance Officer

First Reading: March 21, 2022

Second Reading: April 6, 2022

Date Adopted: April 6, 2022

Date Published: April 14, 2022

Effective Date: April 26, 2022

All in favor, motion carried.

After a lengthy discussion, a motion was made by Miles and seconded by Zahn to approve the second reading of Ordinance No. 2022-03-21-02, an ordinance amending City of Worthing code of ordinances chapter 110 General licensing provision.

ORDINANCE NO. 2022-03-21-2

AN ORDINANCE AMENDING CITY OF WORTHING CODE OF ORDINANCES CHAPTER 110 GENERAL LICENSING PROVISIONS, CHAPTER 4.04, AS ESTABLISHED IN ORDINANCE NO. 2021-08-23-1, OF THE CITY OF WORTHING, SOUTH DAKOTA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WORTHING, SOUTH DAKOTA, THAT THE CITY OF WORTHING CODE OF ORDINANCES CHAPTER 110 GENERAL LICENSING PROVISIONS, CHAPTER 4.04, AS ESTABLISHED IN ORDINANCE NO. 2021-08-23-1, OF THE CITY OF WORTHING BE AMENDED AS FOLLOWS:

§ 4.04.05: ISSUANCE OF LICENSE

(C) In the case of an application for a cannabis product manufacturing facility license, the city will reject the application if the limit on the number of cannabis product manufacturing facilities has been reached.

(D) In the case of an application for a cannabis cultivation facility license, the city will reject the application if the limit on the number of cannabis cultivation facilities has been reached.

~~(E)~~ The license of any cannabis establishment issued under this ordinance 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.

§ 4.04.07: NUMBER OF CANNABIS ESTABLISHMENTS

(B) No more than one (1) cannabis product manufacturing facility shall be allowed to operate in the City at any time.

(C) No more than one (1) cannabis cultivation facility shall be allowed to operate in the City at any time.

Passed and adopted this _____ day of _____, 2022.

By: _____

Bradley Hazuka, Mayor

ATTEST:

Donna Van Hout
Municipal Finance Officer

First Reading: March 21, 2022

Second Reading: April 6, 2022Date Adopted: April 6, 2022

Date Published: April 14, 2022

Effective Date: April 26, 2022

All in favor, motion carried.

NEW BUSINESS – The commission discussed fees for medical cannabis establishments.

A motion was made by Zahn to hold the city-wide cleanup on Saturday May 21, 2022. Motion was seconded by Miles. All in favor, motion carried. Scott DeWitt explained to the commissioners how many hours the Planning & Zoning secretary, Megan Weisenbach, put in putting the survey results together. After a brief discussion, a motion was made by Miles to give Megan a one-time payment of \$100.00 on her next paycheck. Motion was seconded by Zahn. All in favor, motion carried. A motion was made by Zahn and seconded by Miles to give \$1000.00 to the Lennox Community Transit. All in favor, motion carried. The commission discussed summer help. The Mayor recommended giving the summer help a raise. His suggestion was \$15.00. A motion was made by Miles to pay Henry Muhlenkott and Brandon Fodness a rate of \$15.00 per hour. Motion was seconded by Weisenbach. All in favor, motion carried.

ADJOURNMENT-There being no further business before the Commission, Miles motioned to adjourn at 8:27 pm. Motion was seconded by Weisenbach. All in favor, motion carried.

The Worthing City Commission will meet at 6:00 pm on Monday, April 18, 2022, to canvas the votes from the April 12, 2022, election.

The next regular meeting of the Worthing City Commission will start at 7:00 pm Monday April 25, 2022, at the WORTHING FIRE STATION 403 Louise Ave.

Brad Hazuka, Mayor

ATTEST:

Donna Van Hout, Finance Officer