

**TYNDALL CITY COUNCIL MEETING  
JUNE 7, 2021**

Mayor Mike Elsberry called the meeting to order at 6:30 p.m. held at the Tyndall Community Auditorium with councilmen K. Ranek, Skorpik, Chester, Soukup, Stepka and J. Ranek present. Also present were city attorney Lisa Rothschadl, finance officer Linda Pesek, police officer Kelly Young, deputy finance officer Jill Putnam, utilities superintendent Dick Jones, reporter Becky Tycz and guests Mike Schmidt, Brad Kopp, Elton Rokusek, Cathy Cuka and Brad Gibson.

Added agenda items: Pool lifeguard shortage

Moved by Soukup, second by Chester to approve the May 3 and May 19 minutes. All voting aye. Motion carried.

Moved by K. Ranek, second by J. Ranek to approve the claims. All voting aye. Motion carried.

A-Ox Welding, supplies, \$138.73; Amanda Souhrada, concession stand supplies, \$318.14; Appeara, towel/mop service, \$52.46; AT&T, phone calls, \$74.42; AT&T Mobility, cell phone service, \$143.39; B & H Publishing, public notices, advertising, \$413.35; Bon Homme Competitive Cheer, pool concessions, \$570.66; Robert Brattmiller, cell phone use, \$25.00; Bon Homme Yankton Electric, May well power, \$156.76; BY Water District, April/May well power, \$16513.70; Cahoy's General Store, supplies, \$17.11; Card Services, supplies, \$2187.83; Cathy Cuka, mileage; EMT testing fee, \$904.40; Central Farmers Coop, tank lease, unleaded, spray, \$426.35; Crescent Electric, supplies, \$43.39; Culligan, water, \$18.00; Dean Kaul, batting cage net, \$599.00; Department of Revenue, water testing, \$30.00; Diamond Vogel Paints, pool paint, \$2007.52; Dakota Supply Group, supplies, \$2413.50; East River Electric Power, May wheeling, \$5831.84; First Advantage Occupational Health, Random CDL testing, \$58.70; Ft. Randall Telephone, phone service, \$501.42; Great America Leasing, copier rent, \$75.03; Harve's Sport Shop, baseball supplies, \$314.54; Hawkins, pool chemicals, \$3272.13; Heartland Consumers Power District, May energy, \$22529.63; Zach Heesch, cell phone use, \$25.00; Heiman, fire department supplies, \$425.70; Jeff Honner, cell phone use; mileage, \$181.24; John's Auto, chain saw repairs, saw, 2 blowers, \$919.55; Dick Jones, cell phone use, \$25.00; Jurrens Electronics, baseball field sound system, \$2771.70; Kaiser Appliance Center, supplies, \$47.97; Koch Insurance Agency, truck insurance, audit, WC insurance audit, \$7896.00; Lawns Unlimited, spray baseball fields, \$1008.00; Leisure World, pool supplies, \$149.95; Mid-American Research Chemical, supplies, \$302.74; Mark's Machinery, repairs, \$25.56; Matt Aarstad, baseball supplies, \$137.30; Tara McAllister, pool concessions, \$16.40; Menards, landscaping spikes, \$19.95; MN Municipal Utilities Assn., April-June apprentice program, \$1750.00; Muller Repair, supplies, repairs, \$558.20; National Rural Water Assn., loan payment, \$965.61; Olson's Pest Technicians, rodent control, termite contract, \$412.00; Postmaster, PO box rent, \$198.00; Reader Service, library books, \$37.44; Richard Bradley, meter deposit refund, \$44.70; Rushco, arch, shade cover, \$5174.00; Sanitation Products, sweeper repairs, \$77.99; Schmidt's Service, supplies, \$485.00; Schultz Redi Mix, sand, \$128.68; Schuurmans Farm Supply, mower repairs, pellets, \$152.97; SD One Call, locates, \$11.55; SD State Treasurer, May sales tax, \$5590.99; Lisa Sestak, pool concessions, \$275.49; Stan Houston Equipment, ear plugs, asphalt, pool repairs, \$1138.70; Sun Gold Sports, plaques, \$110.00; Tabor Lumber Coop, lumber, \$380.79; Tyndall Ace Hardware, supplies, repairs, \$1769.46; City of Tyndall, meter deposit on act-R Bradley, \$105.30; meter deposit on act-M Olsen, \$250.00; utilities, \$3520.00; Tyndall NAPA, supplies, repairs, \$65.22; U.S. Bank, loan payment, \$11300.00; Kimberly Velk, EMT continuing ED class, \$100.00; Dept. of Energy, May energy, \$15369.01; One Office Solution, office supplies, \$125.47; Wholesale Supply, pool concessions, \$49.00; Williams Sanitation, garbage service, \$352.00; Yankton Janitorial Supply, supplies, \$75.80; Zieser Rothschadl Law Firm, attorney fees, \$330.00.

May payroll: Mayor & Council, \$1154.35; Auditor, \$2669.72; Public Buildings, \$84.05; Police, \$5450.17; Streets, \$2669.54; Ambulance, \$6323.50; Pool, \$366.07; Parks, \$2355.71; Library, \$935.29; Cemetery, \$272.23; Water, \$1129.75; Light Plant, \$4189.31; Sewer, \$1129.82; SDRS, \$3736.78; SDSRP, \$400.00; Wellmark, \$9249.39; Aflac, \$484.50; Delta Dental, \$396.00; VSP, \$121.59; IRS, \$8874.39

Gas & fuel quote for June: CFC: Ethanol, \$2.70/gal.; Unleaded, \$2.96/gal.; Dyed Diesel #2, \$2.44/gal.; CD#2, \$2.60/gal. Moved by K. Ranek, second by Soukup to accept the quote from CFC and instruct city employees to purchase gas from the supplier with the lowest pump price. All voting aye. Motion carried.

Mayor Elsberry read a thank you from Jay Werts thanking the city for the steps that were installed in the swimming pool.

Mayor Elsberry presented plaques to Deputy Finance Officer Jill Putnam for 26 years of service and Finance Officer Linda Pesek for 13 years of service.

Public comments: Elton Rokusek passed along a thank you from some out of town visitors to the city for the steps that were installed in the pool.

Brad Gibson expressed his concerns about the upcoming Hot Dog Night and RASDAK bicycle riders. He only became aware of the bicyclists coming through Tyndall last week. He asked why downtown Tyndall is not being promoted during this event and questioned why people are being sold food and drink in the park instead of downtown. The mayor thanked him for bringing his comments and concerns to the council's attention.

Cathy Cuka, representing her business, Ambill Associates, met with the council to explain her service of billing for ambulance services. She charges \$35.00 per billable call with a 14 to 30 day turnaround depending on who is billed for the ambulance call. She will train EMT's on proper paperwork and documentation needed. The ambulance bills are paid directly to the city. Moved by Soukup, second by Chester to enter into a contract for services with Ambill Associates. All voting aye. Motion carried.

Ambulance Director Mike Schmidt asked the council for proper expenses to himself and Brad Kopp to attend SD State Fire School in Pierre on June 11 & 12. There will be sessions for EMT's. Moved by Chester, second by J. Ranek to allow proper expenses to Mike Schmidt and Brad Kopp to attend SD State Fire School in Pierre on June 11 & 12. All voting aye. Motion carried.

Gary LaCompte, representing the South Central Water Development District presented a grant check for \$3000 for the city to purchase two large capacity water meters.

Moved by K. Ranek, second by Soukup to approve a special one day on-sale liquor license to the Tyndall Fire Department on June 11 in the city park (rain location-4-H grounds) All voting aye. Motion carried.

Moved by K. Ranek, second by Skorpik to approve the second reading of Ordinance 659. All voting aye. Motion carried.

**ORDINANCE 659**

**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 Tyndall, South Dakota ("City"), makes a preliminary finding that the City'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, with the South Dakota Department of Health is required to promulgate rules pursuant to chapter 1-26 no 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, such as the City of Tyndall, will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning, if any, and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

**WHEREAS**, the City makes a preliminary finding that the City needs further study of the relationship of medical cannabis establishments to the City's desire and need to protect the community, The public interest requires that the City 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**, the City makes a preliminary finding that it would be inappropriate for the City 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**, the City hereby exercises its authority under SDCL 9-19-13, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the City;

**WHEREAS**, a temporary ordinance will ensure that more comprehensive regulations and ordinances for issuing licensing permits, can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

**WHEREAS**, the City finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations or ordinances emanating therefrom:

**WHEREAS**, the City finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the county government and its existing public institutions;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TYNDALL, SOUTH DAKOTA THT:**

***Section 1. Temporary Ordinance-Application for Local Permit/License***

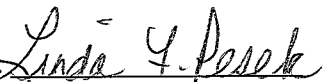
A medical cannabis establishment desiring to operate in the City shall be required to apply for a permit and/or license from the City. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

***Section 2. Immediate Effect.***

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the city government and its existing public institutions pursuant to SDCL 9-19-13.

Dated the 7<sup>th</sup> day of June, 2021 at Tyndall, South Dakota

  
Mike Elsberry – Mayor

Attest:   
Linda F. Pesek  
City Finance Officer

First Reading: May 19, 2021

Second Reading: June 7, 2021

Adopted: June 7, 2021

Publication Date: June 16, 2021

Effective Date: July 5, 2021

Mayor Elsberry read a quote from Schenkel Demolition for the removal of a house at 407 E. 19<sup>th</sup> Ave. in the amount of \$2958.00. Moved by Skorpiak, second by K. Ranek to accept the quote of \$2958.00 from Schenkel Demolition for the removal of a house at 407 E. 19<sup>th</sup> Ave. All voting aye. Motion carried.

Moved by K. Ranek, second by Soukup to change the July council meeting date and place to Wednesday, July 7 at the Tyndall Municipal Building due to the Fourth of July holiday. All voting aye. Motion carried.

Mayor Elsberry read a letter from Finance Officer Linda Pesek informing the council of her June 30, 2021 retirement date. Moved by Skorpiak, second by K. Ranek to approve the retirement date of June 30, 2021 for Linda Pesek and advertise for the position. All voting aye. Motion carried.

Moved by K. Ranek, second by Stepka to hire Memphis Kaul at \$10.00 per hour for summer maintenance due to a position opening. All voting aye. Motion carried.

Head lifeguard Daryn Stoebner requested that another person be hired to work in the pool concession stand when only two lifeguards are on duty. Also substitute lifeguard applications were received from Jamison Bjorum and Jace Toupal. Moved by K. Ranek, second by Chester to hire Lisa Stoebner at \$10.00 per hour for concession stand operator, when needed, and Jamison Bjorum and Jace Toupal as substitute lifeguards at \$10.00 per hour. All voting aye. Motion carried.

Mayor Elsberry reported that a meeting with SD senator and representatives about the Infrastructure Stimulus program, that was supposed to have been last week, was postponed. Therefore, he had nothing to report. Possible infrastructure projects for Tyndall include: Add utilities, streets and curb and gutter to the Northwest Development Subdivision at a price of \$1,209,103; Wastewater System Deficiencies and Proposed Improvements at a price of \$14,127,300; and Water System Improvements with a cost of \$3,473,900.

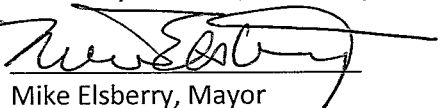
Moved by K. Ranek, second by Skorpik to approve a Statement of Extension with District III for 2022 at a cost of \$2297. All voting aye. Motion carried.

Committee reports: Councilman J. Ranek received a request from pool manager Tara McAllister to set a policy that would require adult supervision for young swimmers. Swimmers under the age of 7 will need to be accompanied by an adult. Swimmers 7 years or older must have passed a level two swimming lesson or be accompanied by an adult. Children will be given a swimming assessment. There have been parents dropping off their young children and lifeguards have reported some saves in the pool. Ranek also has concerns about the lack of substitute lifeguards. There may be times when the pool will be closed because there are not enough lifeguards available.

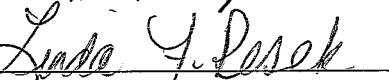
The Johnson property at 202 W. 14<sup>th</sup> Ave has been cleaned up by the city employees. Johnson will receive a bill for the labor and use of machinery.

Discussion was had on the disposition of the Dougherty and Brown properties. A notice will be posted on the Brown property.

Moved by K. Ranek, second by Soukup to adjourn at 7:30 p.m. All voting aye. Motion carried.



Mike Elsberry, Mayor

Attest:   
Linda F Pesek, Finance Officer