**CHAMBERLAIN CITY COMMISSION**

**October 4, 2021**

The Chamberlain City Commission held their second regular meeting on October 4, 2021 at 6:00 PM.

Present: Mayor Chad Mutziger, Commissioners Claussen, Ruhlman, Soulek and Thomas, Finance Officer Nicky Gaulke, City Administrator Mike Lauritsen and Chief of Police Jason Handel.

Absent: None.

**Pledge of Allegiance**

**Adopt Agenda**

Motion by Thomas second by Claussen, all ayes and approved the agenda with the addition of the Chamber of Commerce with the National Walley Tourney and street light sealed bid opening.

**Conflict of Interest**

No conflicts of interest were noted.

**Minutes**

Motion by Claussen second by Soulek, all ayes and approved the minutes from the last regular meeting.

**Public Comments**

The floor was opened for public comments with none being received.

**Bills**

Motion by Soulek second by Thomas, all ayes, approved to pay the following bills:

Adams Agency, Inc $15,513.30 Insurance; American Family Life Assur Co$240.60 Salaries; Chamberlain Rec Dept $195 Prof Serv; Civic Plus $254.62 Prof Serv; Central Divers $49,200 Prof Serv; Central Electric Cooperative $8,334 Principal; Chamberlain Chamber Of Commerce $3,375 Chamber; First Dakota $4.50 Prof Serv; First National Bank $14,908.07 Principal; Handel,Jason $45 Phone; Hrabe Flying Service $900 Prof Serv; Health Equity Inc $6,496.10 Salaries; Lake Francis Case Development $3,900 LFCDC; Lamie, Kimberly $600 Prof Serv; Olesen,Kevin $45 Phone; Simonsen, Scott $45 Phone; Sparkle Committee $468.37 Supplies; Payroll Tax Payments $22,744.52 Salaries; SDRS – SRP $430 Salaries; SD Retirement System $11,890.52 Retire; Standard Insurance Company $136.32 Insurance; Wellmark Blue Cross & Blue Shield $14,919.78 Insurance.

**Resolution – 2021-05 Medical Cannabis Application Procedures**

Mayor Mutziger informed the Council that this was prepared by our city attorney explaining the license application process.

Motion by Soulek second by Ruhlman, all ayes and approved the following resolution:

**RESOLUTION NO. 2021-05**

RESOLUTION OF THE CITY OF CHAMBERLAIN, SOUTH DAKOTA TO establish administrative procedure for accepting and processing applications for a medical cannabis establishment license.

WHEREAS, on September 21, 2021, the City Commission adopted Ordinance No. 643 (the “License Ordinance”) creating licensing regulations for Cannabis Establishments in the City of Chamberlain, South Dakota (the “City”); and

WHEREAS, the License Ordinance set a numerical cap on the number of Cannabis Establishment Licenses that may be issued in the City; and

WHEREAS, the City Commission has determined it necessary to establish administrative procedures for the acceptance and processing for Cannabis Establishment Licenses.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Action by City Commission:
   1. The City Commission will consider a completed application at the next available City Commission meeting following submittal, provided that such application must be submitted in advance of the general agenda item submission deadline established by the Finance Officer. Applications are generally processed on a first come, first served basis except as further provided by this resolution.
   2. The City Commission may approve or deny an application in full or on condition. Such action of the City Commission must take place within thirty (30) days after the application’s first presentment to the City Commission.
   3. If approved, the Mayor and Finance Officer will endorse the application and notify the applicant of approval by close of business on the next business day following the City Commission’s approval. If the Commission imposes any conditions, such conditions shall be listed on the license at the time of issuance. No approved application shall become effective and no license shall be issued until the applicant provides to the Finance Officer a copy of the applicant’s certificate of registration from the state relating to the cannabis establishment for which the license was approved.
   4. If denied, the Commission must state the basis on which the application was denied, which may include, but is not limited to: incorrect application information, missing required application criteria, insufficient detail in application, nonpayment of any obligation, proposed activity would violate City ordinance, proposed activity would violate state law or regulations, no license available due to maximum number already issued, proposed location not zoned properly, proposed location does not comply with an applicable buffer zone, or concerns over potential building, fire, or nuisance code issues.
   5. No application for a license of any kind under this chapter may be received by the Finance Officer until such time as the State of South Dakota promulgates their initial regulations under SDCL Section 34- 20G-72. Any application submitted prior to such time shall be deemed rejected.
2. Special Procedures for Capped Licenses:
   1. For license classes where the City Commission has established a numerical cap, applications shall be accepted by the special procedures provided in this section.
   2. These special procedures shall apply whenever a new license becomes available in a capped license class.
   3. When such availability occurs, the City shall publish an invitation for applications on the City’s website stating the deadline to apply and the location applications may be submitted. No application for a capped license class will be accepted prior to publication of the invitation nor after the deadline established in the invitation.
   4. Applications submitted pursuant to an invitation must be submitted in writing and sealed. An applicant may not supplement their application after the deadline has passed.
   5. Once the deadline has passed, the Finance Officer shall open all sealed applications received during the invitation submittal window and review each application for completeness. Applications which are objectively incomplete shall be rejected and ineligible for further consideration. Applications which may be incomplete, but which require subjective interpretation, may continue through the process for the City Commission to make such determination. Such review shall be completed within 10 business days from the established deadline to receive applications.
   6. The remaining applications shall be placed into order by the Finance Officer utilizing a lottery system to establish the order in which applications will be considered. Following the review period, the Finance Officer shall publish notice of the lottery on the City’s website at least twenty-four (24) hours in advance of the lottery being conducted and such lottery shall be open to the public. Once the lottery is completed, the remaining applications will be placed on the agenda of the next regularly available City Commission meeting.
   7. Remaining applications will then be considered by City Commission on their merits in the order set by lottery. City Commission will approve or deny applications in the established order, but may review all applications before deciding on any individual application. City Commission will approve or deny the applications in order until all applications have been acted on or the numerical cap has been reached. If the numerical cap has been reached and there are still applications which have not been acted on, such undecided applications shall be deemed rejected.
   8. If no applications are received following an invitation for applications, or if the numerical cap is not reached pursuant to an invitation for applications, these special rules shall no longer apply and applications may be received, processed, and considered on a first come, first served basis beginning at open of business the day following the City Commission meeting at which the last application was acted upon pursuant to the invitation for applications. Such applications must be delivered in writing to the Finance Officer no earlier than the time specified above and applications received before such time shall be deemed rejected.
   9. If the numerical cap is then reached while using the first come, first served system, and a license subsequently lapses making a new license available, these special procedures shall apply to issuing the new license.
3. Severability. The provisions of this resolution are severable. If any provision of this resolution 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 resolution which can be given effect without the invalid provision or application.
4. Effective Date. This resolution, after its final passage, shall be recorded in a book kept for that purpose, shall be authenticated by the signature of the Mayor and Finance Officer, shall be published in the City’s officially designated newspaper, and shall-be-effective on the 20th day following such publication. After becoming effective, this resolution may be amended or repealed at any time by adoption of an administrative resolution or ordinance.

Adopted at City of Chamberlain, South Dakota, this 4th day of October, 2021.

APPROVED:

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Mayor

(Seal)

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Finance Officer

Passed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Published: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Effective: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DBT AWOS Contract 2022**

Motion by Thomas second by Claussen, all ayes and approved the 2022 contract for the AWOS at the airport with DBT Transportation Service.

**National Walleye Tournament**

Taryn Reidt of the Chamber of Commerce informed the Council that the National Walleye Tournament would like to come back to Chamberlain/Oacoma in 2022. The are again asking for a host fee of $10,000. The event is nationally covered and there were 260 participants last year. Reidt went on to state that she can’t say it helped the community by the $10,000 spent, but it brings people here and hopefully they come back to visit us again. It is also great for our local businesses over that week or two while the fishermen are here. Reidt stated that she would like commitment from the City before inviting them back and they would like to use the 2022 CVB funds of $5,000 from the City for this tournament.

Reidt added that everyone caught their limit at our tournament and we were the only place on the tour that this happened.

Mayor Mutziger stated that he is all for this event, adding that the Daily Republic did great coverage on it last year. There are a lot of people in favor of us hosting the tournament.

Commissioner Claussen stated that all fish of the fish that died were cleaned and donated to the catholic church for a feed.

Mayor Mutziger stated that we cant act because it wasn’t on the agenda but we can give a consensus for obligation for next year’s funding. The Council agreed that we should do the tournament again and would commit the CVB funds of $5,000 in 2022 for this.

**Street lights**

One sealed bid was received for the four surplus street light poles from Barry Swanson in the amount of $430.

Motion by Soulek second by Thomas, all ayes and approved the $430 bid from Barry Swanson for the four street light poles.

**Police Report**

Chief Jason Handel informed the Council there was an inmate that broke out of the Brule County Jail and one of our officers found him, but he was able to get into the police charger and they had to break the window to get him out. Handel stated that we will be getting that fixed this week.

**City Administrator**

Mike Lauritsen reported to the Council that he spoke with DOT about doing a pedestrian study for a walk path along the highway(King Street).

Lauritsen also met with Chamber director Taryn Reidt about possibly helping with a fundraiser for an enclosed structure for the fish cleaning station.

Planning and Development District III has submitted the State Water Plan for us.

The City employees did some calking and repairs to cracked cement at the swimming pool. Lauritsen added that the dirt work is also completed at Smokey Groves so he has let SEH know they can start staking the lots. The potholes had also gotten pretty bad on the new part of Byron Boulevard so Street Superintendent Kevin Olesen bladed it. Mayor Mutziger stated that we paid someone to put that oil done for dust control. He added that Olesen has found a way to do it ourselves for less than $1,000.

**Adjourn**

Motion by Thomas second by Thomas, all ayes and approved to adjourn at 7:06 PM.

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Chad Mutziger, Mayor

Attest:

*SEAL*

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Nicky Gaulke, Finance Officer

Published once at the total approximate cost of \_\_\_\_\_\_\_\_\_\_.