**CHAMBERLAIN CITY COMMISSION**

**​February 22 2022**

The Chamberlain City Commission held their second regular meeting on February 22, at 6:00 PM.

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

Absent: None.

**Pledge of Allegiance**

**Adopt Agenda**

Motion by Ruhlman second by Soulek, all ayes and approved the agenda with an addition of Greg Powell from Brosz Engineering.

**Conflict of Interest**

No conflict of interest was noted.

​**Minutes**

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

Alexander, Laura $304.50 Prof Serv; A&R Truck Equipment $1,000.80 Maint; Ace Hardware $384.97 Supplies; Agtegra $60.35 Supplies; Aqua-Pure Inc $1,441.98 Chemical; AT&T $259.10 Phone; Aurora-Brule Rural Water $54.50 Water; B & L Communications $147.85 Supplies; Baker & Taylor Company $1,031.36 Books; Bomgaars $1,378.42 Supplies; Brooks Applied Labs $550 Prof Serv; Brule County Abstract Co, Inc $266.25 Prof Serv; Brule County Lumber $112.55 Supplies; Burke Oil Company $7,380.75 Fuel; Byre Brothers $1,544 Prof Serv; Core & Main $674.42 Supplies; C&E  Enterprises $57.67 Supplies; C&B Operations $600.27 Supplies; Card Services Center $4,132.11 Prof Serv; Carswap $90 Supplies; Cengage Learning $229.40 Books; Center Point Large Print $95.88 Books; Central Dakota Times $453.74 Publish; Central Electric Cooperative $2,050.57 Electric; Centurion Technologies $88 Maint; Chamberlain Building Supply $171.40 Supplies; Chamberlain Food Center $175.15 Supplies; Chamberlain Napa $456.96 Supplies; Chamberlain Rec Dept $150 Supplies; Chamberlain Wholesale Grocery $1,268.95 Supplies; City Of Chamberlain $97.52 Supplies; Color & Charm $594.02 Prof Serv; Communications Center $39 Prof Serv; Core & Main $678.03 Supplies; Cozine Electric $61.22 Supplies; Cutler Lawfirm $5,588.75 Publish; Dakota Milestones $222.79 Prof Serv; Dakota Pump & Control $7,798.74 Maint; Dakota Supply Group $1,559.45 Maint; DBT Transportation Services $6,480 Prof Serv; Demco $5,397.71 Supplies; Dollar General $121.22 Supplies; Dougs Concrete Sawing $669.64 Prof Serv; Dozys Signs & Neon $827.84 Maint; Ebsco $1,073.70 Publish; Fox, Steve $135 Prof Serv; Guest Plumbing, Heating & Ac $275 Maint; Hach Company $545.29 Chemical; Hawkins $2,851.09 Chemical; Hawkeye Tree & Stump Services $2,250 Prof Serv; Hickey Heating & A/C $86.50 Supplies; Hopkins Plumbing Heating A/C $156.05 Maint; Ingram Book Company $800.86 Books; JG Welding & Repair $942.64 Supplies; Joes Auto Machine Shop $497 Maint; Kelsey, Kurt $192 Prof Serv; King Street Garage $218.15 Maint; M&T Fire And Safety $13,703.57 Supplies; Midstate Communications $1,886.19 Phone; Midamerica Books $185.50 Books; Midwest Fire & Safety $60 Prof Serv; Muth Electric $16,130 Impro Other; Nalco $710.50 Chemical; Native Sun News $30 Prof Serv; Northwestern Energy $25,041.46 Electric; Oasis Pump N Pak $95.46 Fuel; Office Products Center $166.45 Supplies; Overdrive $16,000 Books; Petro Tech Inc $125 Prof Serv; Productivity Plus Account $4,051.35 Maint; Same Day Express, Inc $40 Prof Serv; Sanford Occupational Med $175 Prof Serv; SD Assoc Of Rural Water System $550 Travel; SD Dept Of Health $1,555 Prof Serv; SD Dept Of Transportation $5,404.86 Gas; S.E.H $3,574.90 Prof Serv; Servall Uniform/Linen Company $64.61 Prof Serv; Shields Embroidery & Design $7,957.25 Supplies; Sioux Nation Ag Center $352.76 Animal Control; Stallman Ditching $880 Maint; Sturdevants Auto Parts $573.84 Supplies; Swenson Brothers Marine $15 Supplies; The Library Store $275.73 Supplies; Travs Outfitter Office $1,079.27 Supplies; Variety Plus $75.97 Supplies; Verizon Wireless $160.83 Phone; Water & Environmental Engineer $122 Chemical; **General Fund: Salaries: $67,077.20; Total $127,772.85; Basketball: $8,481.96; Library: Salaries: $5,193.96; Total: $32,889.86; Water: Salaries: $11,865.59; Total: $32,741.26; Wastewater: Salaries: $14,476.71; Total: $37,555.14; Airport: $26,986.**

**Scavengers Journey**

Pam Petrak and Wanda Russ of the Scavengers Journey board presented the Council with their 2021 financials. Petrak went on to state that most of their funds go towards the cost of advertising. Last year they sold 730 books and also had a contest during the event to see how many people would visit all 14 towns. They had eight participants that visited all 14. They are asking for $1,500 towards their 2022 event.

It was asked how they come up with how much they ask from each community and Russ stated that it is based on hotels, gas stations, populations, etc.

Mayor Mutziger stated that he would like to see us continue to fund them the requested amount.

Motion by Soulek second by Ruhlman, all ayes and approved to contribute $1,500 to the Scavengers Journey.

**Cannabis Application – Merrill Ellis**

The City received an application for a Medical Cannabis Dispensary from Merrill Ellis of Prairie Grass.

Commissioner Ruhlman stated that she has some questions about signage on the property. Discussion was also held on building location and setbacks.

It was also asked if Ellis is the sole proprietor because he is the only person listed on the application.

Ellis was not present to answer questions.

Motion by Thomas second by Ruhlman, all ayes and approved to table the application until the next regular meeting because the applicant was not present to answer questions.

**Brosz Engineering – Greg Powell**

Greg Powell of Brosz Engineering informed the Council that Mike Laurtisen spoke with him about putting together a Facilities Plan for the City in order to apply for funds from the South Dakota Department of Environment and Natural Resources.

Powell reported that the Cities current facilities plan is approximately 15 years old. This current one would give a

10 to 15 year look at what needs to be done within the City for all of the water and wastewater lines and facilities and equipment and also the storm sewers.

Powell went on to state that for the second round of ARPA grant applications to DANR this plan needs to be completed by May 1, 2022. There are $600,000,000 of ARPA money in South Dakota and a majority of that will be awarded in the April round of grants.

Powell added that the grants are for 30% of the project and we could apply for the curb and gutter on Byron Boulevard in Smokey Groves. He went on to list a few other projects that they will include in the facilities report with a total of $2.75 million in potential future projects.

It was asked how long we can use this new facility plan towards grant requests with DANR and Powell replied 10 to 15 years.

Powell noted that the grant application is due by April 1, 2022 but they give you a month to submit the facilities plan so that will be completed by May 1. DANR also currently expects the city to charge $55 for 5,000 gallons usage for both water and wastewater rates.

This facilities plan will last for approximately for 10-15 years and we can do updates with additional projects if needed for future funding also.

Motion by Soulek second by Claussen, all ayes and approved the contract with BROSZ Engineering in the amount of $70,000 to create a facility plan for the City.

It was asked if we may be eligible for any federal funding because we provide services for the rest area. Powell stated that he was not aware of any, but could take a look.

**City-Wide Clean-up**

Motion by Ruhlman second by Thomas, all ayes and approved to schedule the City-Wide Clean-up for April 30, 2022.

**Mike Lauritsen**

Motion by Ruhlman second Claussen, all ayes and approved to give Mike Lauritsen a $500 raise plus the annual cost of living raise for successfully completing his six-month probation.

**Bulk Bid Deadline**

Motion by Thomas second by Soulek, all ayes and approved to advertise for sealed bids for bulk bids with a bid deadline of 5:00 PM on April 2, 2022.

**Transfer From General Fund to Airport**

Gaulke informed the Council that we are expecting grant funds back for two airport projects so we will need to do a temporary transfer from general fund to airport while we wait for the grant funds to be received. Motion by Ruhlman second by Claussen, all ayes and approved to transfer $30,000 from General Fund to Airport Fund.

**Schedule Board of Equalization**

Motion by Thomas second by Ruhlman, all ayes and approved to schedule the Board of Equalization meeting for March 21, 2022 at 6:00 PM.

**Raffle – Deb Byre**

Motion by Claussen second by Thomas, all ayes and approved a raffle for the Deb Byre fundraiser with proceeds going towards Byre’s medical treatments.

**Schedule Donaldson Rezone Hearing**

Motion by Thomas second by Soulek, all ayes and approved to schedule the rezone request

Motion by Ruhlman second by Soulek, all ayes and approved to surplus and scrap the following City property: 1996 Dodge that was wrecked and the 2001 Sterling Truck #3 that the engine blew up.

**Barger Grant Application**

Lauritsen informed the Council that he is submitting grant applications with the Barger Foundation for Grandview Apartments through the Housing Authority for $30,000 for a new roof and also $12,000 for the City towards new dinosaurs and the shipping of these dinosaurs and sidewalk at the green park behind Saukerson Field.

**Smokey Groves Covenants**

Lauritsen presented the Council with the proposed covenants for Smokey Groves and noted that we used the Cedar Heights covenants as the basis for these. Lauritsen went over the changes including the requirement of a 1,500 square foot home on the residential lots; roof pitch, and no more than a two-year-old structure can be moved onto the property. Discussion was held on shouses and conventional siding vs a stamped concrete board siding.

Motion by Thomas second by Soulek, all ayes and approved the residential covenants for Smokey Groves as presented.

Motion by Soulek second by Ruhlman, all ayes and approved the commercial covenants for Smokey Groves as presented.

**Resolution 2022-01 – Economic Development Incentive**

Motion by Soulek second by Thomas, all ayes and approved the following Resolution 2022-01:

**CITY OF CHAMBERLAIN**

**RESOLUTION 2022-01**

**A RESOLUTION HEREBY ADOPTING A PROGRAM OFFERING BUILDABLE RESIDENTIAL AND COMMERCIAL LOTS AS AN ECONOMIC DEVELOPMENT INCENTIVE**

WHEREAS, the City of Chamberlain (the “City”) recognizes that publicly-funded investments by local communities are a way to promote itself and attract economic growth to remain competitive;

WHEREAS, the City further recognizes that offering low cost and/or free buildable residential and commercial lots are a reasonable and prudent means of accomplishing economic growth (the “Buildout Program” or “Program”); and

WHEREAS, the City believes the following policy objectives are necessary to govern the policy process for the Buildout Program:

(1) To facilitate significant and comprehensive investment in new and/or expanding facilities that will grow the tax base and provide a strong commitment to the community;

(2) To increase overall community wealth;

(3) To encourage diversification of the area economic base and add value to the area economic clusters and employment base;

(4) To generate additional sales tax and property tax revenue to support budgetary expenditures of the City; and

(5) To provide long-term community benefits in return for the City’s investment.

WHEREAS, the City shall partner with the Lake Francis Case Development Corporation (“LFCDC”) to facilitate the Buildout Program.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Chamberlain, South Dakota the following policies regarding the Buildout Program shall be enacted:

1. The Program shall be established to facilitate the buildout of City owned lots in the Smokey Groves Addition to the City of Chamberlain (the “Development”), which is legally described as follows:

Lots 1-7, Block 1, Lots 1-2, Block 2, Lots 1-9, Block 3, Lots 1-7, Block 4, Lots 1-16, Block 5, Lots 1-15, Block 6, Smokey Groves Addition to City of Chamberlain in the southwest quarter of Section 27, Township 104 North, Range 71 West of the 5th Principal Meridian, City of Chamberlain, Brule County, South Dakota.

1. The City may from time to time transfer City owned lots in the Development to LFCDC for purposes of economic development.
2. Applications for a free or reduced-price lots in the Development shall be made to LFCDC, or such successor organization designated by the City, on application forms approved by the City. The City may in its discretion require the qualifying applicants to cover direct costs of professional services deemed necessary by LFCDC and/or the City associated with the review of the application and transfer of the lot(s).
3. LFCDC shall review all applications and recommend approval of any transfers to the City based in a fair, consistent, and responsible manner. The City shall have sole discretion in the final approval of all transfers being awarded.
4. As a means of protection and accountability of the public investment:
   1. The City may require financial guarantees as a means of security and any other such terms deemed essential by the City as a condition of transfer of any lot in the Development;
   2. The City in its sole discretion may limit the aggregate number of lots or aggregate value of lots transferred to any individual person, builder, or developer;
   3. Any lots in the Development that revert back to LFCDC, whether by failure to close on a lot, reversion, or any other reason, shall be transferred back to the City at no cost.
5. The mayor of the City is hereby authorized to facilitate transfers of lots in the Development from time to time by warranty deed to LFCDC in furtherance of the Program.

1. The mayor of the City, in the mayor’s sole discretion. may discontinue the Program, and any lots in the Development being held by LFCDC shall be transferred back to the City at no cost.
2. 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.
3. 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 22 day of February, 2022.

APPROVED:

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Mayor

(Seal)

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

City Finance Officer

Passed: February 22, 2022

Published: March 2, 2022

Effective: March 22, 2022

**Executive Session –Personnel and Economic Development**

Motion by Claussen second by Ruhlman, all ayes and approved to enter executive session at 6:36 PM for personnel and economic development.

Motion by Thomas second by Soulek, all ayes and approved to exit executive session at 7:11 PM.

**Advertise for Bids – Smokey Groves Commercial Lots**

Motion by Soulek second by Ruhlman, all ayes an approved to offer for sealed bids the Commercial lots at Smokey Groves with a bid deadline of May 2 at 5:00 PM and a bid opening at 6:05 PM at the regular meeting.

**Adjourn**

Motion by Claussen second by Thomas, all ayes and approved to adjourn at 7:13 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 \_\_\_\_\_\_\_\_\_\_.