**CHAMBERLAIN CITY COMMISSION**

**March 1, 2021**

The Chamberlain City Commission held their first regular meeting on March 1, at 6:00 PM.

Present: Mayor Chad Mutziger, Commissioners Ruhlman, Claussen, Soulek and Thomas, City Engineer Greg Powell, Finance Officer Nicky Gaulke and Police Chief Jason Handel.

Absent: None.

**Pledge of Allegiance**

**Adopt Agenda**

Motion by Ruhlman second by Thomas, all ayes and approved the agenda with the addition of the Schoenfelder Plat.

**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 Thomas second by Ruhlman, all ayes, approved to pay the following bills: Adams Agency, Inc $11,399.45 Insur; American Family Life Assur Co $240.60 Salaries; Briet & Boomsma Pc $611.54 Salaries; Chamberlain Chamber Of Commerc $3,375 Chamber; Civic Plus $87.90 Prof Serv; First Dakota $2 Prof Serv; Hrabe Flying Service $900 Prof Serv; Handel,Jason $45 Phone; Lamie, Kimberly $600 Prof Serv; Lake Francis Case Development $3,950 Lfcdc; Northern Plains Appraisal $800 Prof Serv; Olesen,Kevin $45 Phone; Payroll Tax Payments $22,063.70 Salaries; Standard Insurance Company $168.24 Insurance; SSRS – SRP $430 Salaries; South Dakota Retirement System $11,010.48 Retire; Simonsen, Scott $45 Phone; Wellmark Blue Cross And Blue $17,850.74 Insurance.

**Riding Across South Dakota (RASDAK)**

Powell was contacted about the RASDAK using the baseball field to put tents in when they travel through Chamberlain on their trip. He stated that we will not allow that so they then asked about the Avenue of Flags. We have let them stay at the Day Use Area at American Creek in the past. They will be here on June 9th.

It was noted that in the past, a lot of them get to town early and visit our downtown shops and restaurants. It was asked if they should be in a campground and Powell stated that typically you host them without charging them.

Mayor Mutziger recommended they stay at the American Creek Day-Use Area and the Council agreed.

**Police Vehicle**

Motion by Claussen second by Thomas, all ayes and approved to surplus the 2014 Ford Explorer and equipment from the vehicle.

Motion by Ruhlman second by Claussen, all ayes and approved to purchase the 2021 Dodge Durango for $33,345 off of state bid.

**Airport Cares Grant**

We are again eligible for another Cares grant for the airport in the amount of $13,000. Motion by Soulek second by Ruhlman, all ayes and approved the Mayor to execute the grant agreement.

**Public Hearing – Lloyd Priebe & Sons Rezone**

Motion by Soulek second by Thomas, all ayes and approved to open the public hearing at 6:15 PM for a rezone request from Agriculture to Single Family Residential(R-2) by Lloyd Priebe and Sons just east of the Pepsi plant and the Jason Larson residence on 248th street.

Powell reported that this property is five acres on the eastern boundary of the city limits. The Priebe’s would like to rezone the property from agriculture to R-2 in order create 10 lots ranging from 1/3 acre up to ½ acre. They would like to build shouses with a shop on the lower level and house on the top. Zoning requires that the house or living area has to be 50% or greater. Currently there is not adequate water or sewer service. There is water and sewer available on the northwest corner of the highway where the gravel meets King Street.

Priebe would like to come down the north ditch with water and sewer and acrost the county road to their lots.

Mayor Mutziger asked for comments three times.

With no further discussion, motion by Thomas second by Soulek, all ayes and approved to close the hearing at 6:19 PM.

The Planning and Zoning Board recommended approval with the condition that the owner be responsible to bring water and sewer to their property at their expense.

It was asked how the road within this property would work and Powell stated that if they plat it as a public street it has to meet city standards and then it would be ours. If they do not construct it to City standards, then Priebe would maintain it.

Motion by Ruhlman second by Claussen, all ayes and approved to rezone the following property from Agriculture to R-2 with the condition that the property owner be responsible to bring the water and sewer to the property: the north 620 feet of Block 1, Noteboom Ind Tract located in the NW ¼ of Section 26, T104N, R71W, Brule County, South Dakota.

**Public Hearing – Silver Dollar Bar Sign**

Motion by Ruhlman second by Thomas, all ayes and approved to open hearing at 6:21 PM for the Silver Dollar variance/conditional use request on a sign.

Powell stated that the sign was already installed without a building permit. It extends out into the City right-of-way and the bottom of the sign is 8’6” above the sidewalk. The Planning and Zoning Board recommends approval but that the bottom of the sign be placed above the roof line.

Powell stated that all of the notices have been done and went through the list of conditions in order to consider.

Commissioner Ruhlman stated that she looked down Main Street and everything else has an awning or something below it and that it is lower than the rest of the signs.

Powell stated that it is in the City right of way and protrudes so it requires a conditional use.

Commissioner Claussen stated that he does not have an issue with the way it is currently,

Mayor Mutizger stated that he does not have an issue with it either, but he does agree it should go higher.

Commissioner Ruhlman asked that if the sign falls, would it be the bar that is responsible, and it was noted that yes, it is the property owner’s liability.

Powell stated that he is not sure where Angela Zeman stands on raising the sign and that it was Budweiser who put the sign up.

Mayor Mutziger asked for comments three times.

With no further discussion, motion by Thomas second by Soulek, all ayes and approved to close the hearing at 6:28 PM.

Motion by Soulek second by Ruhlman, all ayes and approved the variance/conditional use request for the sign at 206 N Main Street with the condition that the sign be raised so the bottom of the sign is above the roof line of the awning.

**Public Hearing – Berry + Basil**

Motion by Claussen second by Ruhlman, all ayes and approve to open the hearing at 6:29 PM for the variance/conditional use request for Berry + Basil LLC for a sign.

Powell presented samples of the what the sign would look like and noted that it would be attached to the top of the overhang on their awning.

Angie Hanzlik stated that they have been thinking long about what to do with signage and she spoke with Todd and Doug at Dozy’s signs. She added that they want to embrace the historic feel of the building but want it to still be pretty. She noted that the sign will be a while plexi sign with a black outline. The letters will be between 18” and 24” tall. She went on to state that if this is approved, they are going to have the awning checked out and repaired to make sure its secure before adding the signage.

Commissioner Ruhlman stated that she saw a sample of the letters and they are pretty cute.

Mayor Mutziger asked for comments three times.

With no further discussion, Motion by Ruhlman second by Claussen all ayes and approved to close the hearing at 6;33 PM.

Powell informed the Council that the Planning and Zoning Board recommends approval.

Motion by Ruhlman second by Soulek, all ayes and approved the variance/conditional use request for a sign from Berry + Basil located at 123 S Main Street.

**Public Hearing – Smokey Groves**

Motion by Ruhlman second by Thomas, all ayes and approved to open the hearing at 6:34 PM for the preliminary plat for the Smokey Groves Development.

Powell informed the Council that the Planning and Zoning Board recommends approval of this preliminary plat.

It was noted that we need to name the streets on this plat.

Commissioner Ruhlman asked if we were still going to designate the one lot as a park and it was agreed that we would.

It was noted that there is nothing addressed off of Sunset Boulevard which is the street in front of AmericInn. The new road we constructed joins into Byron Boulevard. Powell asked if the Council would be opposed to calling the entire road Byron Boulevard and they agreed to this.

Mayor Mutziger asked for comments three times.

With no further comments, motion by Thomas second by Claussen, all ayes and approved to close the hearing at 6:44 PM.

Motion by Ruhlman second by Soulek, all ayes and approved the preliminary plat for Smokey Groves with the change to designate Lot 8 of Block 5 as a City park.

**Smokey Grove Street Names**

Motion by Thomas second by Soulek, all ayes and approved to continue the Byron Boulevard street name where the new road connects with it and to extend to King Avenue which also renames the existing portion of Sunset Drive that runs east and west to Byron Boulevard. The portion of Sunset Drive that runs north and south and has two residences on it, will remain named Sunset Drive.

It was noted that we agreed to name a road in the development after Lloyd Priebe when we purchased the property.

Motion by Ruhlman second by Claussen, all ayes and approved the following street names to be added to the Smokey Grove plat: Barger Drive, Lloyd Lane, Liberty Lane and Dignity Drive.

**Bid Opening – Marina Dredge 5 bids**

The following bids for the dredging of the American Creek Marina were received: Dredge America $772,400, Kayden Industries $672,861, Newt Marine Service $1,210,458, Veit & Company $1,304,190, and Sharpe Enterprises $2,449,100.

Powell noted that the apparent low bid is ineligible as their bid bond is not for the correct amount.

Powell recommended to award to the next low bid with Dredge America from Kansas City Missouri because the bid bond is a material deficiency with the Kayden Industries bid.

Powell noted that our engineers estimate on this project was between one and two million dollars.

With the project being split with the Jeremy Thomas dredge ponds, it is a very good bid. Powell believes that Dredge America has a 12” dredge which is a good-sized dredge.

Motion by Claussen second by Soulek, all ayes and approved to accept the low bid from Dredge America in the amount of $772,400 contingent upon review of the bid documents.

**Pre-Disaster Mitigation**

Powell, Handel, Gaulke and Soulek all attended the zoom meeting with Emergency Manager Katheryn Benton and District III on updating our pre-disaster mitigation plan. They asked that we present them with a list of projects/items we would like in the future. Motion by Claussen second by Ruhlman, all ayes and approved to add the following as City of Chamberlain requests for the pre-disaster mitigation plan: deicing equipment for the airport, a generator for both the water plant and senior center, fixed generators for the lift stations and booster plants, and two additional warning sirens.

**Schoenfelder Plat**

Powell informed the Council that the Planning and Zoning Board approved the presented plat. He added that it is up by the National Guard shop and the L shaped area is the part that they city is purchasing which takes care of the road issue. The Schoenfelders have also split the remaining property into two separate residential lots. Commissioner Claussen stated that the National Guard would like to purchase these lots if possible, but can only do this through the City.

The lots meet the minimum size requirements for residential.

Motion by Soulek second by Thomas, all ayes and approved the following plat: A Plat of Lots 7C-1 and 7C-2 and East Will Street, a Subdivision of previously platted Lot 7A-R, Block 5, Riverview Subdivision in the West ½ of the SE ¼ of Section 10, T 104 N, R 71 W of the 5th P.M., Brule County, South Dakota.

**Schedule Hearing for Final Smokey Grove Plat Approval**

Motion by Ruhlman second by Claussen, all ayes and approved to schedule a public hearing on April 5th at 6:15 PM for the final approval of the Smokey Groves plat.

**Police Report**

Chief Handel presented the February reports and noted that the numbers are still pretty high. He added that weather makes a difference when it comes to domestic assaults because they are contained.

**Executive Session – Personnel**

Motion by Ruhlman second by Claussen, all ayes and approved to enter executive session for personnel at 7:20 PM.

Motion by Ruhlman second by Thomas, all ayes and approved to exit executive session at 7:54 PM.

**Adjourn**

Motion by Claussen second by Soulek, all ayes and approved to adjourn at 7:54 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 \_\_\_\_\_\_\_\_\_\_.