**CHAMBERLAIN CITY COMMISSION**

**​May 4, 2020**

The Chamberlain City Commission held their first regular meeting on May 4, 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 Thomas second by Soulek, all ayes and approved the agenda with the addition of an event application by Deb Ruiz for the demo derby and mud run and to correct Ordinance number from 636 to 638.

**Conflict of Interest**

It was noted that Mayor Mutziger has a conflict with the Chamberlain Senior Prom walk and Commissioner Thomas with the appointment of the bank.

​**Minutes**

Motion by Claussen second by Thomas, 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 Ruhlman, all ayes, approved to pay the following bills: American Family Life $240.60 Salaries; City Of Chamberlain $159.72 Supplies; SD Supplemental Retirement $430 Salaries; South Dakota Retirement System $10,248.30 Retire; Standard Insurance Company $160.36; Adams Agency $11,142.73; Chamberlain Chamber Of Commerce $3,200 econ. dvlpt; Nicky Gaulke $73.89 Supplies; Jason Handel $45 phone; Hrabe Flying Service $900 Prof Serv; Lake Francis Case Development $4,250 econ dvlpt; Lamie, Kimberly $600 Prof Serv; Kevin Olesen $45 phone; Wellmark $16,680.41 Insurance; R&J Gravel $12,700 prof serv; SD Dept of Revenue $75 malt license; Payroll Tax Payment $20,163.45; Central Storage $80 storage.

**Chamberlain Senior Prom Walk**

Mayor Mutziger excused himself from discussion and Chairman in Mayors Absence Tim Thomas took the meeting over. Mackenzie Mutziger of the Chamberlain Senior Class addressed the Council asking if they would consider allowing them to do a senior prom walk down Main Street since they are unable to have a prom this year.

They would like to hold it on May 23 from 6:30 to 8:00 PM and are asking that we close Main Street, although they still want to allow cars on the street so people can watch from their cars which will also help with the social distancing. Mackenzie Mutziger went on to say that there will be minimal setup and they only need a couple barricades, and that they would just walk the parade route and keep as socially distanced as possible.

Commissioner Ruhlman addressed Mackenzie Mutziger stating that its kind of like a grand march but they are just walking down Main Street and Mutziger stated that yes, that is the idea.

They are also asking that May 30 be allowed as a backup date if the weather does not cooperate.

Motion by Soulek second by Ruhlman, all ayes and approved to close Main Street(normal homecoming parade route) on May 23 from approximately 6:30 PM to 8:00 PM to allow for the Chamberlain Senior Class to have a prom walk with an alternate date of May 30 if there is inclement weather.

**Public Hearing –Transfer Liquor License**

Motion by Claussen second by Soulek, all ayes and approved to open the public hearing at 6:10 PM for a liquor license transfer from T&G, LLC to Melchert Properties at the former North Park C Store.

With no discussion, motion by Soulek second by Thomas, all ayes and approved to close the hearing at 6:11 PM.

Motion by Ruhlman second by Soulek, all ayes and approved the transfer from, T & G, LLC, North Park “C” Store, for package off-sale Liquor at Lots 13-18, Block 10, H.J. Kings Addition to Melchert Properties, LLC for package off-sale Liquor at Lots 13-18, Block 10, H.J. Kings Addition.

**Ordinance No 638 – COVID-19 Discussion**

Mayor Mutziger stated that our last meeting, we had extended Ordinance No. 638 for two more weeks. He added that with the help of the Chamber, they set up meetings with the business district. There were five different meetings that were broke out by the types of entities. Mayor Mutziger stated that he wanted to thank our business community for working with the City and being so understanding. Mayor Mutziger has great faith that we will not have to worry about the businesses not doing the right thing.

He would like to alter the ordinance to include a set of guidelines for restaurant and dine-in establishments and replace number 1 in the Ordinance with these guidelines. (guidelines were reviewed)

Commissioner Claussen stated that his thoughts are that the business owners are already going above and beyond to be safe and they are using common sense in operating.

Commissioner Soulek stated that in Yankton, they set the tone last week by getting rid of their ordinance and having no restrictions at all. They are leaving it up to business owners to decide how to operate and they believe that they are doing it right. Soulek stated that he doesn’t know if we even need to have any restrictions.

Discussion was also held on just eliminating the fine.

Commissioner Ruhlman stated that she thinks we have to have something if we want them to at least follow the CDC guidelines.

Commissioner Thomas stated that we can always put it back into place if a month down the road we start having a breakout.

It was asked if we should rescind the ordinance and noted that if we do that we have to start over with the entire process and we would be better off just making changes to it at this time.

Commissioner Claussen stated that it would be nice to say that Chamberlain is open for business and to have the businesses follow CDC rules.

Mayor Mutziger stated that he thinks it’s not an issue with our businesses, but he believes we need to allow for the 6 feet social distancing, and prohibit salad bars and buffets, etc.

Brooke McDonald of Charly’s stated that they are not currently using their salad bar and are leaving empty tables in between customers to allow for the social distancing. They are also seating the customers so they can space them out.

Mayor Mutziger stated that one of the guidelines he had recommended restricted the number of people in a group to six or eight.

McDonald stated that they have not had a family that large, but if they did, they would break them out into several groups anyway.

Commissioner Thomas stated that he was talking with Doug Dozark who went to Pizza Ranch in Mitchell and they had more then 10 people in their group and they had to sit at two different tables and they were fine with it

Mayor Mutziger asked McDonald if she was comfortable with no larger than 6-8 people to a table.

McDonald stated that yes, they only have one table that seats 10 while the rest are 6 or 8 or less.

It was then asked what we would like to do with the pool tables, dart boards, etc.

McDonald stated that if you can go sit down and play lottery machines, golf at the golf course or McQuirk’s then they should be able to play on her dart boards. She added that a lot of people bring their own darts. She is more worried about a credit card pin pad than a dart board.

Commissioner Soulek stated that we should keep it to where we can go back to the ordinance if we have to, but get rid of the regulations as we have them currently.

Commissioner Ruhlman stated that she doesn’t see why they can’t have a dart board. She then went on to ask if we are looking into what we are going to do with the parks and that she is getting

feedback from people wondering if we could open them back up. It was noted that we will talk about our City facilities after this ordinance discussion.

Motion by Soulek to remove items 1-6 of Ordinance No 638, with the following discussion taking place:

McDonald stated we need to take away all of the restrictions and just follow CDC guidelines with Powell asking what happens if they don’t? It was stated that we could fine them and Mayor Mutziger pointed out that they had already said they wanted to eliminate the fine also. Commissioner Claussen stated that we need to keep it in there then.

McDonald stated that we are all concerned and we want to practice safe distancing and good sanitization and all that stuff, we are not trying to have 1200 people in our business, we just want to be open for business as usual.

Commissioner Claussen stated that this is not usual business though, you still have to have your distance.

Angie Hanzlik wanted to remind the restaurant owners that the Chamber can print paper menus at no cost to the business. It was noted that these can be thrown away so there will be no sharing of menus.

Commissioner Claussen stated that if local businesses don’t follow the rules, don’t you think that it will get around and it would be shameful?

Mayor Mutziger stated that we doesn’t want it to get to that. He doesn’t want people taking personal swipes at each other because what he thinks may be right or wrong, and what someone else thinks may be right or wrong could be entirely different. He added that he has been called a coward for doing too much and a coward for doing too little. You don’t have a right to shame someone for what they decide to do. Such as Hannah bringing up the park. There may be some people who have all along thought it was OK to take their child to the park, but then we have others saying we need to shut the park down. The last thing we want is people shaming each other in our community for decisions they’re making that they feel are best for themselves.

Mayor Mutziger went on to say that the proposed in-room dining regulations that he had presented gave them some guidance. He added that he has faith that they will do the right thing, but if we strip all of this out of the Ordinance where does that leave us?

Discussion was held on the recommendation that no people would be allowed to sit at the bar and only at tables.

Ken McGregor stated that he likes the idea of striking all of that stuff in the ordinance but put something in there that says businesses must practice the social distancing as recommended.

Mayor Mutziger stated that the current proposal is that we strike all of the recommendations though.

Mayor Mutziger stated that he agrees, we need to get past the 10 person restriction in restaurants and start opening up the community. He stated he is not ready to jump right back in and kick the mud to let them do whatever they want. He set out the restaurant and dine-in guidelines which he doesn’t care if they get passed or not. He believes our businesses are not going to try to jeopardize others. He would like something to fall back on

Commissioner Ruhlman stated that she likes the guidelines because she can specifically know what they are doing or should be doing if she is asked questions about it. She likes the idea of having these guidelines as a cheat sheet to fall back on.

McDonald asked why we can’t just fall back on the CDC guidelines? You need to just pull those out and say that this is what they are following.

McGregor stated that he thinks the only thing on the CDC guidelines that we would not be following is the 10 and under. Just not follow the occupancy but do follow the other social distancing recommendations.

Motion Re-stated

Motion by Soulek second by Claussen, all ayes and approved to strike items 1-6 of Ordinance 638 and to follow the CDC social distancing regulations.

Commissioner Thomas asked if we could still add back into the ordinance if they are following these regulations and it was noted that yes, we could with another motion.

**City Properties**

Currently the library and the community center are closed. Powell proposed that we open up the parks equipment with signs saying that we are not sanitizing the equipment.

Powell went on to ask if they want to open up the noon basketball and pickle ball at the community center.

Commissioner Claussen stated that basketball is different because it is a contact sport with 10 people all playing at the same time.

Librarian Melissa Hutmacher stated that the doors are locked at the library and they have been meeting people at the door to give services. They are still renting out books but haven’t been letting them use the bathrooms and computers. She stated their biggest concern in re-opening would be having to block off ¾ of library because they can’t police if they are touching the books or not. She also has toys for the children and they will not be able to keep up with wiping everything down. It was noted that they could put that stuff away and rope off the books.

Commissioner Ruhlman asked if she wanted to open it up or not.

Hutmacher stated that her staff does not want to work with books coming in and out and they no longer have a cleaning crew come either.

Mayor Mutziger asked Hutmacher if we could allow them to set their own hours and restrictions, adding that we trust they will do the right thing.

Hutmacher asked if she could work with her library board to come up with something and the Council agreed that would work.

Commissioner Ruhlman stated that as long as people are going to visit the parks, they are going to have to change their habits and try the best that we can with the mindset that the person before may not have done the right thing.

Motion by Claussen second by Soulek, all ayes and approved to open the City parks, tennis court, skateboard park, etc. with signage that the City will not be sanitizing anything.

Motion by Ruhlman second by Thomas, all ayes and approved to open up the Community Center for meeting but the gym is to remained closed other than the morning walking.

**Surplus Property**

Motion by Thomas second by Ruhlman, all ayes and approved to surplus the following: 2016 Ford Explorer(police) and cage, paddle boat, Pepsi cooler, parts washer, 50D motor grader, 1835 case skid-steer loader, piano, steam table, handi-cap pool lift, and a pool vacuumm pump. We will have another list from the fire department next week. These will be put on the Peterson auction except for the handicap pool lift.

**Official Appointments**

Motion by Clint second by Ruhlman, Thomas abstains on bank and aye on all others, all others aye and approved the following official appointments: Commissioners: Tim Thomas, Chairman in Mayors absence, Utilities and Tri-County Landfill, National Guard Armory, Public Safety and 911 Board; Clint Soulek, Police, Missouri Valley Ambulance and Chamberlain Golf Course; Hannah Ruhlman, Airport, Parks, Pool, Summer Rec; Monte Claussen, Finance and Streets; Zoning Administrator, Greg Powell; Hospital Board, Mayor Mutziger; City Engineer Greg Powell; Police Chief Joe Hutmacher; Sergeant Catland Landegent, Finance Officer Nicky Gaulke; Housing Authority: Phil Carlson, Jason Stone, and Sharon Casey; Planning and Zoning: Jeanine Hickey-Reuer, Mark Benton, Tony Donovan, Doug Nelson; Official Newspaper, Central Dakota Times; Official Depositories, Great Western Bank, Wells Fargo Bank, First Dakota Bank and First National Bank.

**Malt Beverage License Renewals**

Motion by Thomas second by Soulek, all ayes and approved the renewal of the following on-off retail malt beverage and SD Farm Wine licenses: Bowling Dome at Lots 11 & 12, Block 5, First Addition; CFC Food and Fuel, LLC at Lots 1 & 2, Block 62, Second Addition; Lakeview Sinclair Inc., Lakeview Sinclair at Lakeview Heights 3rd Addition, 1st Subdivision, Parcel “A” Tract 3, Chamberlain; Albert Steven Fox, Bottle Shop at the West 60’ of Lots 11-14 and South 3’ of Lot 15, Block 9, Original Plat; NPC International Inc., Pizza Hut #2770 at Lot 1, Tract 4, Part of 1st Subdivision of Parcel “A”, Lakeview Heights 3rd Addition; Casey’s Retail Company, Casey’s General Store #1161, at North 120’ of Lots 11-13, and the North 120’ of Lots 9 & 10 and the West 16’ of North 120’ of Lot 8, all of Block 18, Original Plat; C & E Enterprises, Inc., I-90 Standard at Tract 7 in NW ¼ of Sec 35-104-71; Vet’s Oil Company, Whoa N’ Go Fuel Stop at W-1 in NE ¼ of Sec 34-104-71; Gary Allen, Allen’s Tackle Shop at Lots 1, 2, 3, and 8, Block 35, First Addition, and vacated portion of King Street adj. and Stearns Avenue; Terry and Cheryl Gaulke, The Smoking Mule, LLC at 309 E Glen, NW ¼ NE ¼ SE ¼ NW ¼ of Section 15 T104N, R71W; Upper Crust Pizza, at Lot 1-A, Block 63, Second Addition to the City of Chamberlain, a Subdivision of Former C.M. and St. Paul Railroad Company Right-of-Way, Brule County, South Dakota; Shoreline Adventures, American Creek Campground & Robs Snow Removal Lots 7-11, Block 18 & Lots 15-20, Block 9, HJ Kings Addition.

**Sunset Road – Brule County**

Powell reported that Brule County would like the City to take over ownership of Sunset Road which runs west of the highway past the AmericInn towards the Priebe Development. Powell had gone to the County to ask for an easement for utilities along that road. They agreed to the easement but then asked if they could have their attorney draw something up that will just give the City the road. Council agreed that if the County decides to give us the road, it would be in our best interest and directed Powell to proceed.

**FAA Grant**

The City has been awarded an operating grant with the FAA in the amount of $30,000. Powell stated that the FAA is encouraging us to use the funds for operating allowing us to save our regular operating funds for other needs at the airport.

**RLF Loan Request**

Lake Francis Case Development submitted a recommendation for an RLF loan from Melchert Properties, North Bay One Stop. Melchert has applied for a $65,000 loan for the repairs, payroll, assets and inventory. LFCD has proposed a $40,000 RLF through the City and an additional RLF through LFCD of $10,000 at 1% over prime interest which is 4.25% so it is higher than what we can provide. Melchert has stated that he is not interested in the LFCD loan but would like to proceed with the request for City funds.

Powell stated that Melchert is investing close to $215,000 into this property with the purchase, remodel and inventory. Powell recommends we give the requested $65,000 at 2% with a 20 year amortization and 5 year balloon. It was noted that we currently have approx. $90,000 in our RLF fund.

Commissioner Claussen asked what our budget has available for loans and it was noted that we supplement the budget when we give loans, and it’s based on what cash balance is available when loans are applied for. He then asked how many other businesses are going to need loans after this?

Commissioner Ruhlman stated that Melchert has done a good thing getting this business fixed up and going again. He got another business operating in our town.

Powell stated that the funds will go towards improvements, inventory, etc and we should be able to be a first on a lien against the property with this loan.

Motion by Soulek second by Thomas, all ayes and approved an RLF loan to Melchert Properties, LLC for $65,000 at 2% with a 20-year amortization with a 5 year balloon.

**2019 Annual Report**

Finance Officer Gaulke presented the Council with the 2019 annual report. Gaulke explained the reports pointing out cash balances, income and expenses and added that if they have any more questions to please contact her.

**Special Event App**

Deb Ruiz submitted an event application for the mud run on May 16 and the demolition derby on May 30. The application states that most people will remain in their vehicles for the mud run and they are not providing any seating. For the demo derby, they will have some bleachers set up with signage to maintain social distancing.

Mayor Mutziger asked if they are allowing coolers again and it was noted that yes, they are. He went on to say that maybe we should require that they have security and monitor to make sure minors are not drinking.

Motion by Soulek second by Thomas, all ayes and approved the May 16 and May 30 events with reliable security being required.

**Engineer Report**

Powell reported that they have been doing asphalt patching and the parks are looking good. He added that we are starting to get behind on mowing so we are going to start some of the summer kids soon.

**Police Report – City-wide Clean-up**

Chief Handel reported that we usually start pushing public nuisances now but without the city-wide clean-up, they are seeing a few more. He would like to start to be pro-active and asked what the Council recommends.

Powell stated that he was going to call the landfill and see if we could possibly do a voucher from the City for a certain time frame but he never got them called.

Commissioner Thomas asked how we restrict what they drop off?

Finance Officer Gaulke stated that we could not allow what we usually charge for which is tires, batteries and anything with freon.

It was also noted that we could just allow one pickup load rather than a dump truck or large trailer.

Discussion was held on just sending vouchers to the properties that are nuisances.

Commissioner Ruhlman asked if that would be fair to only offer it for those? She added that we are rewarding bad behavior by only giving them to nuisance property.

Commissioner Claussen stated that we could make them prove that they live in town and give one voucher per residence upon request.

Chief Handel stated that realistically we don’t have to offer anything.

Powell stated that we could stand some expense as we always budget for the city-wide clean-up. He asked that they wait for a decision until the May 16 meeting so he can speak with the landfill first. Council agreed.

**Priebe Development – SEH Contract**

Powell reported that he has been working on renegotiating a contract with SEH on the Priebe development. The contract would be to finish the updated plans and re-bidding the project with an opening of bids in early June. In the original contract, we spent $53,800 with the new one being $18,540. Powell noted that $5,000 of this new contract are expenses incurred by work already done with the redesign. Because this was not on the agenda, we cannot take action on it.

**Special Meeting**

Motion by Thomas second by Soulek, all ayes and approved to schedule a special meeting on Wednesday, May 6th via teleconference for the SEH contract on the Priebe project.

**City Summer Recreation**

It was asked what the City plans on doing with the swim pool and summer rec this summer. Powell stated that we are proceeding as if we are opening on schedule. We will discuss again at next meeting on whether or not we want to the limit the number of people in there at a time, etc.

**May 18th Meeting**

Mayor Mutziger stated that we all need to be present for the next meeting as we are going to need an executive session so he asked if everyone would be comfortable doing it at the Community Center where there is more space and we can spread out more. Council agreed this would work.

Motion by Thomas second by Soulek, all ayes and approved to hold the next regular meeting on May 18th at 6:00 PM at the Chamberlain Community Center.

**Adjourn**

Motion by Ruhlman second by Claussen, all ayes and approved to adjourn at 7:17 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 \_\_\_\_\_\_\_\_\_\_.