**CHAMBERLAIN CITY COMMISSION**

**June 7, 2021**

The Chamberlain City Commission held their first regular meeting on June 7, 2021 at 5:30 on Byron Boulevard for the ribbon cutting of the new street and then to City Offices for regular meeting at 6:00 PM.

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

Absent: None.

**Pledge of Allegiance**

**Adopt Agenda**

Motion by Claussen second by Soulek, all ayes and approved the agenda with the addition of the July 4th Council meeting date and move the fire truck purchase to the next regular meeting as we do not have numbers yet.

**Conflict of Interest**

Commissioner Claussen noted that he has a conflict with the Trent Meyers rezone request. No other conflicts of interest were noted.

**Minutes**

Motion by Thomas second by Ruhlman, all ayes and approved the minutes from the last regular meeting with the correction of the Schoeney and Doney malt beverage license legal description to be: The East 50’of the South 100’ of the Chicago, Milwaukee, St. Paul and Pacific Railroad Right-of-way between Blocks 61 and 64 of the second addition City of Chamberlain, Brule County, South Dakota.

**Public Comments**

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

**Bills**

Motion by  Soulek second by Claussen, all ayes, approved to pay the following bills: American Family Life Assur Co $240.60 Salaries; Adams Agency, Inc $13,224.56 Insurance; Buche, Donna $1,355.57 Supplies; Central Electric Cooperative $8,334 Principal; Chamberlain Chamber Of Commerce $3,375 Chamber; City Of Chamberlain $79.69 Supplies; Civic Plus $411.69 Prof Serv; Department Of Revenue $111.63 Supplies; Dredge America $149,112 Dredging; Edge Concrete & Construction $3,627.44 Repair; First Dakota $38.50 Prof Serv; Health Equity Inc $5,972.26 Salaries; Handel, Jason $45 Phones; Hrabe Flying Service $900 Prof Serv; Lake Francis Case Development $3,900 LFCDC; Lamie, Kimberly $600 Prof Serv; Olesen, Kevin $45 Phones; Powell, Gregory $2,147 Travel; Payroll Tax Payments $22,582.30 Salaries; Simonsen, Scott $45 Phones; SD Department Of Revenue $150 Alcohol License; SDRS – SRP 30 Salaries; SD Retirement System $11,280.18 Retire; Standard Insurance Company $168.24 Insurance; Wellmark Blue Cross And Blue $15,549.84 Insurance;

**Missouri Valley Horseman’s Club**

April Reis of the Missouri Valley Horseman’s Club asked the Council to consider contributing towards their annual two-day rodeo on July 9th and 10th. She noted that the City contributed $3,000 last year and they are hoping the City could do this again. Reis added that the event went really well last year with 175 kids participating. This event brings entire families to the community and most of them stay the night and frequent our local restaurants and businesses. Motion by Ruhlman second by Thomas, all ayes and approved to contribute $3,000.

**July 4th Meeting**

Motion by Ruhlman second by Soulek, all ayes and approved to move the regular meeting on July 5th to Tuesday, July 6th.

**Planning and Development District III – 2022 Membership**

We have received the annual request from District III for the 2022 membership. The fee will be $3,845 which is $63 more than the 2021 dues. Motion by Thomas, second by Claussen, all ayes and approved the 2022 Statement of Extension with Planning and Development District III for $3,845.

**Copy Machine – City Offices**

Finance Officer Nicky Gaulke reported that the current copy machine was purchased nine years ago for $8,000 and we are having a lot of problems with it. We have a contract with Office Products and they are having problems finding parts to fix it because it is so old. She asked that they consider purchasing a new Ricoh copy machine for $8,900 with it being paid for by splitting it between the city departments. Motion by Soulek second by Ruhlman, all ayes and approved Gaulke to purchase the Ricoh IM-C3000 SPF from Office Products for $8,900.

**Fire Department Grant Application**

Motion by Thomas second by Claussen, all ayes and approve to appoint Fire Chief Kurt Kelsey to sign on behalf of the City of Chamberlain Fire Department for the Wildland Fire Division grant in the amount of $4,250.

**Public Hearing – Brian Dahl, Variance Request**

Motion by Soulek second by Thomas, all ayes and approved to open a public hearing as the Board of Adjustment at 6:10 PM for a variance request from Brian Dahl at the 313 E Glenn Ave to enclose the sides of a deck.

Powell reported that Dahl was granted first a variance to put a roof over his deck. This hearing is because he would now like to enclose the sides of the deck he was previously granted a variance for.

Powell stated that the notices have been published, mailed and posted on the property.

The Planning and Zoning did not recommend approval of the variance request for the walls on this house.

Powell showed pictures of and diagrams of the existing structure and what he is proposing.

Powell informed the Council that the ordinance requires that the construction stop 20’ from the rear of the property line and decks can go within 10 feet.

Brian Dahl stated that he would like to continue the walls along the deck which would obstruct the neighbors view a little to the east and west. He added that there were trees that went east to west on the entire property before so there has always been obstruction of the view. He would like to put a hot tub on the east corner of his deck and he has always had tall walls around hot tubs for safety. Someone could get up through the railing and get into that hot tub and it’s a safety issue. Dahl wants to block it off so nobody can sneak up there. He added that he also wants the privacy as neither neighbor likes him. Dahl said that the walls will be on the east and west sides, not the north side, it will remain open. Dahl went on to state that the neighbor complains we are too close, so he would also like to put these up for their privacy.

Dahl stated that everyone maintains property differently. He noted that there are toilets in the backyard of one of his neighbors, and chickens. He is not used to that and wants to put a fence up.

Greg Kathan informed the Council that he lives to the west of Dahl. He added that he objects to the variance request stating that no, they did not have a view of the hills, but now all they see is Dahl’s house.

Dale Kostelecky showed pictures of the properties to the Council and stated that he does not want the variance approved either. He added that he could have been a jerk and not let Dahl drive through his property when he started the construction, but he wasn’t. He stated that there is grass ruined all over on his property and Dahl was supposed to fix it but hasn’t. He added that Dahl promised to plant trees, fix grass, etc. and none of it has been done.

Commissioner Ruhlman asked why the planning and zoning board was not in favor of the conditional use and it was noted they do not like doing variances upon variances.

Jim Swenson informed the Council that he is the one that sold the lot to Dahl. He had owned it for 8 years and all they were doing was mowing it so they decided to sell it. He went to the neighbors first and offered to them because they have lived there forever and they were not interested. So he offered it for sale and Dahl bought it. Swenson went on to state that if Dahl is not enlarging the footprint of his house at all with this variance request, then he does not understand what the problem is with granting it.

Commissioner Claussen stated that if neighbors get along, they wouldn’t want to block view of each other?

Kathan stated that he has not expressed any concerns about with Dahl. He noted that what view he does have left will be obstructed by these proposed walls.

Dahl stated that there are no bad feelings between them.

Kathan stated that if you allow walls, it’s another room not a deck.

Dahl asked if it was possible to review his sketches again. He then stated that he is open to compromise and he would be willing to leave the top 2 feet of the walls open and just do an 8’ or 6’ wall and not the full 10’ to the roofline.

Doug Nelson stated that he was a Commissioner and Mayor for the City of Chamberlain for many years and it was the great tendency that if you allow a roof, then two walls, eventually it was suddenly enclosed.

Mayor Mutziger asked for comments three times. With no further discussion, motion by Thomas second by Soulek, all ayes and approved to close the public hearing at 6:29 PM.

Motion by Soulek second by Thomas, to deny the variance request. Commissioner Claussen stated that he would like to see some compromise and maybe allow Dahl to go halfway up with a wall. Dahl stated that he would be willing to go to six feet. Discussion was held on the definition of a railing and Powell noted that it is slatted, not enclosed and can be 42-48” high.

Mayor Mutziger asked for a vote on the original motion by Soulek and second by Thomas to deny the variance request, with Thomas aye, Soulek aye, Mutziger aye, Ruhlman nay and Claussen nay, motion passed to deny the request from Dahl for the variance at 313 E Glenn Ave to enclose the sides of a deck.

**Public Hearing – Nate McQuirk, Variance Request**

Motion by Soulek second by Thomas, all ayes and approved to open a public hearing as the Board of Adjustment at 6:33 PM for a variance request from Nate McQuirk on the side setback of a corner lot at 100 Sorenson Drive.

Powell stated that this property was the former True Value store and the lots are zoned Highway Commercial with 40’ front setback and because it’s a corner lot, also 40’ on west side.

He stated that McQuirk asked that he be allowed to have a side setback of 20’ which would be in line with all of the properties to the north of him. He would be matching all the properties in that direction as they are commercial(C-2) and only have a front setback of 20’.

Mayor Mutziger asked if there will still be the 40’ front setback and it was noted that yes, he has not asked for a variance on that.

Commissioner Soulek asked if there is still a good site triangle if we allow this and it was noted that yes there will be.

McQuirk stated that his will match the other properties on that street and site is still there on the corner.

Mayor Mutziger asked for comments three times. With no further discussion, motion by Thomas second by Soulek, all ayes and approved to close the public hearing at 6:36 PM.

Motion by Claussen second by Soulek, all ayes and approved the variance request from Nate McQuirk on the side setback to be 20’ rather than 40’ on the west side of his property at 100 Sorenson Drive.

**Public Hearing – Tim Rancour, Conditional Request**

Motion by Ruhlman second by Soulek, all ayes and approved to open a public hearing as the Board of Adjustment at 6:36 PM for a conditional use request from Tim Rancour at 1006 S Sanborn for a duplex.

The property was formerly a duplex and then it was changed to single family home so it is no longer grandfathered in as a duplex. Rancour purchased this property and would like to change it back to a duplex and he needs a conditional use to do so.

The planning and zoning board recommended approval of the conditional use request.

Rancour stated that there is a private entrance for each unit, two kitchens and bathrooms. It’s two homes in one that the previous owner just tore out a wall to combine the two units.

Powell stated that the parking is off of the street but not out of the right-of-way. Mutziger asked for comments three times. With no further discussion, motion by Thomas second by Claussen, all ayes and approved to close the public hearing at 6:40 PM.

Motion by Ruhlman second by Thomas, all ayes and approved the Tim Rancour conditional use request to allow a duplex at 1006 S Sanborn.

**Public Hearing – Trent Meyers Rezone Request**

Motion by Soulek second by Ruhlman, all ayes and approved to open a public hearing as the Board of Adjustment at 6:41 PM for a rezone request from Trent Meyers at 416 N Sanborn from R-2 Residential to C-2 Commercial.

A conflict of interest was noted for Commissioner Claussen.

Trent Meyers purchased Gunner Hickeys house east of the car wash and the lot to the east accross from that home. Meyers would like to put a garage on the vacant lot which is not allowed as its zoned residential currently. A garage does not qualify as a primary use of the property so he has asked to rezone the property to commercial as it is next to a commercial property and qualifies for a rezone.

Powell stated that he contacted the City attorney after Meyers started digging out the hill. He was directed to have an geotechnical engineer review the plans and study the property. Powell contacted Core Engineering surveyed the property and they suggested the property would need a retaining wall with significant footings and the slope rebar and should not exceed a 2.5 to 1.

The planning and zoning board recommended denial on the rezone.

Mike Tyrell stated that once you zone it commercial he can turn it into a business and that road in there is very narrow. Tyrell added that you cannot get through there if there are cars on both sides of that street.

Tyrell asked that when looking at the integrity of the hill also, where is the possibility of sliding?

Powell stated that the Reinhart home is just to the east of where Meyers was digging and it’s over a 20’ drop. Powell had asked them to stop excavation once they got 50’ in and they did. Meyers would like to curve slope it back in and the proposed building will go to the back of the property 10’ before Meyers proposed retaining wall.

Dave Rinehart asked where he stands on how far they can build to? Can he keep cutting that bank back? What’s stopping him from keeping digging even if this is denied? Rinehart added that he is already too close than what is allowed with his plans. Reinhart said that if you go look at it, it looks a lot worse than the pictures show. He said the he hopes the City denys this thing.

Mayor Mutziger stated that this seems very similar to another with two property owners and it became a civil matter between the two land owners.

Powell stated that the City attorney advised us to hire Core Engineering and we could include in a motion to allow but not to exceed that 2.5 to 1 slope that the engineer recommended.

Mayor Mutziger asked for comments three times. With no further discussion, motion by Ruhlman second by Thomas, all ayes and approved to close the public hearing at 6:54 PM.

Motion by Soulek second by Ruhlman, Claussen abstains, all other ayes to deny the rezone request and it was noted that if he applies for a building permit to build anything, he must follow the Core Engineering slope requirement

**Public Hearing – Bill Willrodt Road Closure Request**

Motion by Thomas second by Ruhlman, all ayes and approved to open a public hearing as the Board of Adjustment at 6:55 PM for a road closure request from Bill Willrodt on Martin Street between Bock 25 & 26, HJ King Addition.

East of Martin Street between K Street and J Street, Bill Willrodt constructed a block building that he had asked if council minded if he encroached and they allowed it. He is now asking us to officially close the west 33’. Powell noted that we should get it cleared up now.

Mayor Mutziger asked for comments three times. With no further discussion, motion by Ruhlman second by Soulek, all ayes and approved to close the public hearing at 6:58 PM.

Motion by Thomas second by Soulek, all ayes and approved the following Resolution No.2021-02:

**RESOLUTION # 2021-02**

**Vacating a portion of the west thirty-three feet of Martin Street**

WHEREAS, a petition to vacate a portion of Martin Street, has been presented to the City Council of the City of Chamberlain, South Dakota. Said street petitioned for vacation is described as: the west thirty three (33) feet of Martin Street between Block 25 and Block 26 of the H.J. King Addition to the City of Chamberlain, Brule County, South Dakota;

WHEREAS, the petitioner, William Willrodt, the owner of all real property abutting the described street, has signed the Petition for Vacation of Martin Street indicating that he has reviewed the Petition and

consents to the vacation of street described in the Petition;

WHEREAS, the City of Chamberlain published notice of a hearing to vacate the above described street on May 19 and May 26, 2021.

WHEREAS, the Chamberlain City Council did hold a public hearing on June 7, 2021 and did unanimously approve the vacation of such street on June 7, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chamberlain, South

Dakota, that the street described in the petition be, and is hereby, declared vacated, retaining all

existing utility easements.

AND BE IT FURTHER RESOLVED, The Finance Officer is authorized to note the vacation on the City records and record this Resolution with the office of the Register of Deeds of Brule County.

Dated at Chamberlain, South Dakota, this of ­­­­­ .

The above and foregoing Resolution was moved for adoption by \_\_\_\_\_\_\_\_\_\_\_\_\_, seconded

by \_\_\_\_\_\_\_\_\_\_\_\_\_, and upon roll call all voted aye whereupon the Mayor declared the

resolution to be duly passed and adopted.

City of Chamberlain

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nicole Gaulke, Finance Office

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Chad Mutziger, Mayor

**Public Hearing – Todd VandenBosch, Variance Request**

Motion by Soulek second by Ruhlman, all ayes and approved to open the public hearing as the Board of Adjustment at 6:59 PM for a variance request from Todd VandenBosch at 228 W. 11th Avenue on the side setbacks.

Vandenbosch would like to construct within 10’ of his property line on River street and 2’ on the side street. Powell stated that the lot is only a 50’ lot.

There was a trailer house on the property that he removed and he would like to put a house with a tuck under garage on the property. Vandenbosch has requested a 2’ variance on the east side of his property so it would be 4 rather than 6. On west side, he requested a 10’ variance which would be a setback of 10 rather than 20.

The planning and zoning board recommended to deny the request on the east side and allow 5 feet on the west rather than the 10 feet requested.

Vandenbosh stated that he would like to thank the previous owner and the planning and zoning board for what they did recommend and he understands the line of sight and lining up with adjoining properties.

Larry Russell presented the Council with a list of comments and stated that he has been in Chamberlain for 13 years. He added that he has some concerns and questions. He asked that if you have zoning standards, they are there for a reason and if there was a reason for it, then why do you allow changes? He stated to just change the ordinance then. He said that parking is always a concern in this area and when he moved here the home he bought did not have a garage. He asked for a variance on a garage and it was denied. He stated that he didn’t get an exception so it’s hard for him to accept one across the street. He asked what has changed that justifies making the changes? The traffic has dramatically increased on River Street also and the City needs to consider this.

Commissioner Ruhlman asked Russell if he met the setbacks with his construction and he stated that yes he did.

Doug Nelson stated that whenever there is a parade on Main Street, that corner is a detour route for Main Street traffic. Nelson went on to state that if the site corner gets cut down to 15, he believe it should be 20’.

Commissioner Claussen pointed out a large tree that tree that looks like its 10’ into the sight triangle.

Nelson stated that yes, he has a problem with both the house and that tree.

Commissioner Ruhlman stated that she thinks the proposed structure looks nice and Vandenbosch has a great concept.

Nelson asked if this is going to turn into a rental or VRBO and Vandenbosch stated that for the time being he wants to build it for himself, his family and friends and is not requesting a conditional use for a VRBO. He added that he is not saying I will not in the future, but he will apply for the conditional use at that time if that’s what they choose to do.

Commissioner Claussen asked Nelson if he would rather it was the former trailer house that was there and Nelson stated that all he is asking is that Vandenbosch build within the legal bounds. Nelson added that he took 2’ off of his plans for his garage to meet setbacks.

Mayor Mutziger stated that a standard lot now is 75’ and lots, the older lots are a lot smaller than this, noting why we also have variances.

Vandenbosch stated that he is sure he’s not the first person to request a variance. He added that he is going to build something nice there. He has lived on that street since 2012 and he wants it to look good. He added that the 10 foot variance shook a few people and he gets it, he understands why now. He said that if he doesn’t get the 5’ he will still build and he would have to just build up and he would think that they wouldn’t want to see that either.

Mayor Mutziger asked for comments three times. With no further discussion, motion by Soulek second by Thomas, all ayes and approved to close the public hearing at 7:16 PM.

Motion by Claussen second by Soulek, all ayes and approved to follow the planning and zoning board’s recommendation to allow a 5 foot variance on the west(River Street) side of the property and no variance on the east side.

**Combine Meeting with the Chamberlain Planning and Zoning Board**

Motion by Soulek second by Thomas, all ayes and approved to combine the City meeting with the Planning and Zoning Board for a joint public hearing.

Motion by Donovan second by Benton, all ayes and approved to combine the Planning and Zoning meeting with the City Council for a joint public hearing.

**Public Hearing – Ordinance No. 642 – Temporary Ordinance Regarding Issuance of Local Medical Cannabis Establishment**

Motion by Thomas second by Soulek, all ayes and approved to open a joint public hearing on at 7:19 PM with the Planning and Zoning Board on the first reading of Ordinance No. 642 regarding the issuance of local medical cannabis establishments.

It was asked if we will make these fee based and Mayor Mutziger stated that Mitchell did $5,000 but he thinks the city gets to establish the fee but it must be a fair and justifiable fee.

It was noted that this is an emergency ordinance in order to halt the creation of these facilities until the state can be more clear on the topic.

With no further discussion, motion by Soulek second by Nelson, all ayes and approved to close the public hearing at 7:22 PM.

Motion by Benton second by Donovan, all ayes and approved the Planning and Zoning Boards recommendation of approval of the first reading of Ordinance No 642 regarding the issuance of local medical cannabis establishments.

Motion by Thomas second by Soulek, all ayes and approved the first reading of Ordinance No 642 regarding the issuance of local medical cannabis establishments.

Motion by Claussen second by Ruhlman, all ayes and approved to schedule the second reading of Ordinance No 642 on June 21 6:15 PM.

**Planning and Zoning Adjourn:**

Motion by Donovan second by Benton, all ayes and approved to adjourn at 7:22 PM.

**Greg Olson -Billboard**

Greg Olson addressed the Council about a billboard we rented from him in the past. The City was paying for the one on Speckel’s land and we turned it down with the increase of the lease price. Olson owns the billboard and he would rather see it say Chamberlain and not some another city advertising on it. Marina Ellis spoke in support of the sign saying that it brings people into Chamberlain and when they stop at her shop, she recommends other businesses for these customers to visit. She stated this billboard brings a lot of people in off of the interstate. Olson noted that signs are the number one reason people stop here, and the second is the dignity is the dignity statue.

Olson presented a flier stating that there are 12 business that go together to pay for the other billboard and these fliers. It was asked what they pay and Olson thought around $100 each.

Commissioner Ruhlman stated that she thought we were talking about the billboard on the overpass when she was in support of not renewing. She added that she works in marketing and she doesn’t love the sign.

Olson stated that six words is all you can do to be able to be read on interstate and Ellis stated that the yellow stands out and catches your attention.

It was asked how much it would cost the City and Olson said $1,000 a year and a 3-year contract.

Mayor Mutziger asked if we could commit to a two-year contract and Olson stated he would have to talk to land owner. Mayor Mutziger stated that if it’s helping the downtown businesses then maybe it is something he would consider.

It was noted that the Chamber used to have 7-10 billboards and they sold them all, we don’t understand why, but if they are saying these do benefit the businesses then maybe we should reconsider. Commissioner Ruhlman asked if the same group on the other billboard would be interested in buying in on this billboard also and Olson was not sure.

Motion by Ruhlman second by Claussen, all ayes and approved to do the 3-year lease for this billboard.

Olson stated that they asked where the dignity statue is all the time and asked if someone could talk to the State DOT or something to put directional signs saying where dignity is. Mayor Mutziger stated that he would check with our area DOT superintendent.

**American Island Days Funds Request**

Kelli Potter asked the Council to consider contributing $5,000 towards this year’s American Island Days event. She stated that the City approved giving them the funds last year but because of COVID, they did not have event.

She stated that this year they will have some events that you have to pay for but a majority of it is free. They are trying to get St. Joes involved for more cultural events and they have craft show vendors, a bouncy house, etc. They spend over $10k on inflatables but the public appreciates the fact that we can supply a lot of this free of charge.

It was noted that we saw they plan on doing the pedal and drink cart and Potter was asked if they plan on doing that on the street? Powell stated that he spoke with Sharman Swanson and it was his understanding that they would just be going over to the Smoking Mule and back to the park. Potter stated that no, they plan on going up the truck route(Courtland) and back down Main Street. Sioux Falls does these, so Chief Handel will contact them and do some research on this.

Commissioner Soulek stated that he thinks that when we first started doing this and the City started giving funds we had planned on not continuing to support it financially. That it would become self-supporting.

Commissioner Ruhlman stated that this is a great event and its nice to bring all sorts of people out to enjoy.

Commissioner Soulek stated that these people that put it on should find the funds and that we already spend over a day with City employees helping set it up.

Potter stated that we already ask the businesses for so much and she noted that the City pool is not self-operating. They want to keep this event free to the people, to bring families together.

Commissioner Claussen stated that maybe we give them the $5,000 this year and maybe look at lowering it and making it more self-sustainable in future years.

Commissioner Thomas asked if they have checked on buying the inflatables and Potter stated that they would need storage for them, have to do all of the setup themselves, and then the insurance, liability, etc. is all on them.

Motion by Ruhlman second Claussen, Soulek nay, all other ayes and approved to contribute $5,000 to the American Island Days event.

**River City Friday Nights Raffle**

Motion by Ruhlman second by Thomas, all ayes and approved a 50/50 raffle to be held at the River City Friday Nights events with the proceeds going to the event.

**Swenson Lots**

City Council tabled the discussion at the last regular meeting about if we would like to purchase Lot 25 and 24 except the South Ten feet of Block 45, Third Addition for a total of $4,000 from Jim Swenson. Swenson had also asked the City to consider selling him a 15’ strip on the street side of his property South of the lots that he has offered to sell to the City. The City was given that land from the railroad.

It was noted that the current “rubble” spot is owned by Dave Schelle not the City and it is not our responsibility to supply a place for people to dump their rubble.

Commissioner Thomas asked if we could do a trade for the lots he wants to sell for our lot that he wants to purchase and Swenson stated it would not be a straight up trade because he has more land to sell.

Commissioner Claussen stated that a couple rubble lots are not worth much.

Commissioner Ruhlman stated that it comes down to if the City needs it and she doesn’t think we need it.

Powell noted that we need to put a new culvert in regardless of whether or not we purchase the lots.

Swenson stated that he was offering this to the City, but it sounds like the city is not interested.

Thomas asked about the plans we had in the past to fill in 13th Avenue and it was noted that we could still do this.

Purchasing the lots was died do to a lack of a motion.

Swenson stated that when the City did the Paul Gust Road storm sewers, we put a box in that now dumps out into the ravine on his property. He added that it is now 15-20’ deep. He asked what the City is going to do about their water washing out his property. He said that on the upside of the property, they did not have erosion like that before we did Paul Gust. On the downside, there was significant erosion there before. Powell stated that we could stand a pipe up on end like we did by Carlson, the National Guard and Jeremy Thomas.

Powell stated that the water used to overshoot the storm sewer before, so now we catch it and it goes over to the west now.

Soulek stated that if it keeps eroding, the sidewalk went once already, someday the road will also.

Powell stated that we could extend the pipe out one stick and it would help a lot.

Commissioner Soulek stated that the property is assessed at $1,400 for both lots and the assessment value is typically 85% of full value.

Motion by Ruhlman second by Claussen, all ayes and approved to table the discussion until further research can be done on storm sewer options.

**Veteran Signs**

Powell stated that we have been seeing a few Veteran Reserved Parking signs on Main Street and by the court house. It was noted that we have not even allowed a handicap spot without it being approved by Council.

Every business in town can now request them.

It was noted that the City has huge support for the veterans, but these reserved parking signs need be in their private parking lots. We can’t reserve every parking spot just for veterans. The Main Street Cafe and the county put them up without talking to us. Powell noted that Sharmin Swanson called about getting one or two of these Veteran reserved parking signs for her business and Powell asked her to wait.

Commissioner Claussen stated that he thinks the signs should be on their own private parking lots and not the City streets. He added that we cannot put them in front of all the businesses on Main Street.

Moton by Claussen second by Ruhlman all ayes and approved to require City approval before any reserved parking signs be placed on a City street.

**Community Access Grant Resolution**

Motion by Soulek second by Ruhlman, all ayes and approved to apply for a SD State Community Access Grant for $400,000 and to also approve the following resolution of commitment:

**RESOLUTION # 2021-03**

**Resolution of Local Commitment**

**Whereas,** the City of Chamberlain has identified the need to pave a portion of Byron Boulevard connecting the I-90 Business Loop to the Sanford Chamberlain Hospital and Chamberlain School; and

**Whereas**, this recently constructed portion of Byron Boulevard runs through the newly platted, city-owned Smokey Groves Subdivision offering commercial development for the area; and

**Whereas,** the City of Chamberlain is eligible for Department of Transportation Community Access Program funds; and

**Whereas,** the City of Chamberlain does not have adequate funding available to complete the project without assistance.

**Therefore Be It Resolved** that the City of Chamberlain will seek assistance through the South Dakota Department of Transportation Community Access Program in accordance with all program requirements;

**Be It Further Resolved** that the City of Chamberlain will be responsible for all engineering expenses associated with the project, and a minimum of twenty percent (20%) of all construction costs;

**And Be It Further Resolved** that the City of Chamberlain will be responsible for all maintenance and repairs to the route after the construction of the project;

**And Be It Further Resolved** that the Mayor of Chamberlain be authorized to execute the Community Access Program application.

Dated this day of June, 2021.

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chad Mutziger, Mayor of Chamberlain

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

Nicky Gaulke, Finance Officer

**TIF – Smokey Groves**

Motion by Thomas second by Soulek, all ayes and approved the contract with Collier Securities in the amount of $13,500.

Motion by Ruhlman second by Soulek, all ayes and approve to schedule a public hearing for July 19th at 6:15 PM for a Tax Increment Financing for the Smokey Groves Development.

**Surplus City Property**

Motion by Soulek second by Claussen, Thomas abstains, all other ayes and approved to surplus for sale the 1986 Dresser road grader and to trade 40,000 yards of dirt with the landfill in exchange for the $12,500 cost of the road grader with the Tri-County Landfill.

Motion by Ruhlman second by Soulek, all ayes and approved to surplus for sale a packer, the 2014 Ford Explorer and 2008 Dodge Durango.

**Other Matters**

Commissioner Thomas asked if after the River City Friday Nights on July 2nd, the City haul the portable picnic tables to Veteran’s park for their July 4th picnic.

**Executive Session – Personnel**

Motion by Soulek second by Thomas, all ayes and approved to enter executive session for personnel at 8:31 PM.

Motion by Soulek second by Claussen, all ayes and approved to exit executive session at 8:47 PM.

**Adjourn**

Motion by Soulek second by Thomas, all ayes and approved to adjourn at 8:47 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 \_\_\_\_\_\_\_\_\_\_.