**CHAMBERLAIN CITY COMMISSION**

**​August 17, 2020**

The Chamberlain City Commission held their second regular meeting on August 17, at 6:00 PM.

Present: Mayor Chad Mutziger, Commissioners Claussen, Ruhlman, 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.

**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:

3D Specialties $149.09 Supplies; A-G-E Corporation $445.20 Maint; Aurora-Brule Rural Water $272 Water; Argus Leader $386.06 Books; A&R Truck Equipment $544.03 Maint; Agtegra $181.63 Asphalt/Oil; AT&T $255.65 Phone; Aqua-Pure Inc $176.84 Chemical; Axon Enterprise, Inc $1,584 Supplies; Ace Hardware $1,255.50 Supplies; B & L Communications $594.37 Supplies; Burke Oil Company $1,310.74 Gas; Brule County Lumber, LLC $318.24 Supplies; Byre Brothers, Inc $2,395 Prof Serv; Baker & Taylor Company $794.39 Books; Card Services Center $5,897.52 Supplies; City Of Chamberlain $83.59 Supplies; Center Point Large Print $93.48 Books; Cutler Lawfirm $1,109.25 Prof Serv; Chamberlain Building Supply $246.38 Supplies; Chamberlain Redi Mix LLC $1,030.75 Supplies; C&B Operations LLC $1,426.77 Supplies; Chamberlain Napa $114.36 Supplies; Cozine Electric $2,240.01 Maint; Chamberlain Wholesale Grocery $1,346.35 Supplies; Communications Center $39 Prof Serv; Central Electric Co $2,993.05 Electric; Central Dakota Times $535.21 Publish; Chamberlain Food Center $589.84 Supplies; Commercial Asphalt Co, Inc $2,715.60 Asphalt/Oil; Dakota Supply Group $444.73 Maint; Edge Concrete & Construction $24,726.64 Improve Other; First Dakota $76,508.81 Principal; Hawkins $4,211.72 Chemical; Ingram Book Company $1,274.16 Books; Kimball Midwest $247.89 Supplies; Jebro Inc $41,923.13 Asphalt/Oil; Kelsey, Kurt $192 Prof Serv; Midamerica Books $479.75 Books; Midwest Fire & Safety $56.45 Maint; Missouri Valley Horsemans Club $3,000 Econ Dev; Morris Inc $2,704.57 Asphalt/Oil; Midco Diving & Marine Services $15,848 Maint; Midstate Communications $3,352.27 Phone; Kennebec Telephone Company $1,358.35 Supplies; Northwestern Energy $19,592.81 Electric; Northwest Pipe Fittings, Inc $2,531.25 Maint; Myers Collison Center $1,465.52 Prof Serv; Office Products Center $119.09 Prof Serv; Opperman, Inc $2,678.94 Supplies; Peterson L&& Auction $3,570 Equip; Power/Mation $15,061.57 Maint; Rons Service $854.40 Maint; Riverview Chevrolet Buick $1,723.82 Maint; Rods Welding Inc $339.27 Supplies; Sherwin-Williams $127.30 Supplies; SD Dept Of Transportation $1,264.73 Gas; Same Day Express, Inc $8 Prof Serv; Sioux Valley Environmental $1,200 Chemical; Sioux Nation Ag Center $110.10 Animal Control; Sturdevants Auto Parts $179.17 Supplies; SD Dept Of Health $1,879 Prof Serv; Servall Uniform/Linen Company $150.71 Supplies; The Library Store $684.44 Supplies; Transource $1,125.29 Prof Serv; Treatment Resources $255.61 Supplies; Willrodt Ford $101.77 Maint; Water Environment Federation $155 Prof Serv; Water & Environmental Engineer $1,175 Chemical; Variety Plus $119.39 Supplies;**General Fund:**Salaries $40,474.28; Total $238,206.03; **Economic Development:** $4,082.20; **Summer Rec:**Salaries: $273.38; Total $1,463.09; **Library:**Salaries: $2,085.74 Total $8,168.69; **Water:** Salaries: $5,823.08 Total $51,624.14; **Waste Water:**Salaries: $6,591.95 Total $13,244.04; **Airport:**$2,384.76.

**Reschedule Meeting**

Motion by Thomas second by Soulek, all ayes and approved to reschedule the next regular meeting to Tuesday, September 8.

**Doug Feltman, Purple Heart City**

Doug Feltman addressed the Council stating that he would like to see the City of Chamberlain declare the community as a Purple Heart City. The City would need to approve a proclamation to do this, and the State of SD will place the signage on the state highways into Chamberlain. If we would like more signs we would need to purchase them. Feltman stated that Ken Teunissen is in charge of the program and he would like to attend the meeting with the signs in hand when the City approves the proclamation. The Council agreed that this would be good for our community and will approve the proclamation at the next regular meeting on September 8th at 6:00 PM.

**Dick Huff - Hazmat**

Dick Huff presented the Council with several pictures of railway accidents across the United States that resulted in fires because of the cargo, butane and propane, that they were hauling. He went on to state that it’s hazardous materials like these that are currently being stored east of Kimball. He added that there have been a lot of problems with Dakota Southern who is currently running the railroad.

Huff went on to say that if the State sells the rail to a private company, we will lose our local and state control and it will only be regulated by federal law. Huff presented the Council with two state regulations that he asked the City of Chamberlain to present to the State as a recommended requirement that will be enforceable to the new private buyers. He went on to say that these will regulate the hazmat materials that are hauled and stored on the rail line.

He went on to say that Dakota Southern is obligated to maintain the tracks to go up to speeds of 25 MPH and they have failed every inspection.

Huff added that we in Chamberlain may say that there is not a problem in Chamberlain, but there is. He said that everyone is at risk between Mitchell and Murdo with the current hazardous materials being stored over by Kimball.

Huff noted that with the sale of the rail line Federal regulations would take effect which trumps all local and state regulations already.

Huff again asked the City to request that the state modify their plan to sell the tracks to include regulations he presented them.

Mayor Mutziger stated that we support the railroad and it is a means of development.

It was noted that one thing that Dakota Southern has not complied with on the Brule County requests is to build a fence.

Huff stated that the City needs to approve an ordinance that prohibits hazmat materials within the City.

Mayor Mutziger stated that we can only regulate the City limits, and this is something that the County would regulate. He added that we have had no issues with the railroad since Dakota Southern has been here.

Huff stated that there have been problems. They are not paying our local vendors.

Emergency Manager Katheryn Benton stated that the County has regulated the line, and there has been nothing within the county lines that is full hazmat. She added that there is some residue in some of the cars over by Kimball, but they are not full. She added that she is sorry that these gentlemen are upset, but they need to move on.

Huff stated that in 2005 there were cars with ethanol over by Scotland that derailed and burned until it burned out. It happened because the tracks were neglected and not maintained.

Alex Huff stated that when he ran the railroad, he never had a derailment that cost more than $25,000 which is what their insurance deductible was.

Mayor Mutziger stated again that we can only control Chamberlain City limits and that it’s not possible for us to do this alone.

Motion by Claussen second by Soulek, all ayes and approved to table the discussion until we can have the City attorney review the regulations presented by Huff and see what our options are.

**Cedar Heights Lot Sale**

Motion by Soulek second by Thomas, all ayes and approved to sell the S ½ Lot of 23 and all of Lot 24, Block 1, Second Addition for the appraised value of $8,550.

**Schedule Public Hearing**

Motion by Thomas second by Ruhlman, all ayes and approved to schedule a public hearing on September 8, 2020 at 6:10 PM for the following new license applications and package liquor license transfer: Dolgen Midwest, LLC, Dollar General Store #22416 for retail on-off sale malt beverage & SD farm wine and on-off sale wine at Lots 6-9, Block 10 Original Plat Chamberlain; transfer from: Chamberlain Supermarket Inc., Chamberlain Food Center for retail off sale liquor license at Lot 1-A & B a portion of previously platted Lot 1, Reservoir Hill Subdivision including a portion of abandoned Stearns Avenue and all of Lots 11 and 12 and part of Lot 13, Block 75, Park Addition to Hloucha Enterprises, LLC, Chamberlain Food Center for off sale liquor license at Lot 1-A & B a portion of previously platted Lot 1, Reservoir Hill Subdivision including a portion of abandoned Stearns Avenue and all of Lots 11 and 12 and part of Lot 13, Block 75.

**Draft 2021 Budget**

Gaulke and Powell informed the Council that the salaries change to the library was done and no other changes were made from the last draft of the 2021 budget.

**Engineer Report**

Powell reported that the Street Department has started to sweep chips off of the streets. Water sales have increased because of the limited rain the last couple of weeks. Usage moved from 500,000 gallons per day to 650,000 gallons per day over the weekend.

Powell stated that there has been some progress on the Priebe project. They have removed trees, delivered pipe to the property and constructed silt fence. Powell added that the preconstruction meetings are all done and the contractor will soon be up there with scrapers doing dirt work.

Commissioner Thomas asked if the crushed rock that is currently there on Sunset Road will be cleaned up or is staying there. Powell stated that it is actually required of them to catch any loose mud from traveling to the existing road. Powell stated that Jeff Williamson has been going up there and keeping an eye on their progress and work.

Commissioner Claussen stated that he would like the City to start to construct concrete streets so we will not have to chip seal. Commissioner Ruhlman stated that she has a concrete street in front of her house and it still breaks and has to be repaired. She added that she also gets some complaints when we chip seal, but only for the first week or so after we chip seal.

Powell stated that chip seal runs approximately twenty cents a square foot and we do it every 5 years. He added that concrete is between $6 and $7 a square foot and usually lasts 10-20 years before repairs are needed.

Commissioner Soulek asked if we could look into doing a fog seal. Powell stated that you have to chip seal first and then add the fog seal, it is about the same price as the chip seal but it will take longer to do and require us to close the street longer.

Commissioner Thomas stated that the City of Mitchell actually closes the street for 12 hours after they fog seal.

Commissioner Claussen asked if we could we try a section with a fog seal and Powell stated that yes, we could look into that.

**Police Report**

Chief Handel reported that Sturgis week went smooth here in Chamberlain. We had a few extra calls and assisted other departments with calls on interstate, but everything went good.

**Adjourn**

Motion by Ruhlman second by Claussen, all ayes and approved to adjourn at 7:04 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 \_\_\_\_\_\_\_\_\_\_.