

The Clear Lake City Council met in regular session on Monday, July 11, 2022, at 6:30 PM in the Conference Room of the Municipal Building with Mayor Lisa Lundberg presiding. Those present were Alderwomen Kelli Bauman, Rose Mack, and Ramona Drake; Aldermen Jonas Reppe, Harry Mewherter, & Rod Pauli. Also present were Mary Korth, Todd Boyd, Brandon Collins, Val Lundquist, Beth Niemeyer, Dennis Rebelein, Josh Streich, Ryan Streich, Derek Benck, Patti Ruby, Sarah Salzer, Susan DeJong, Ken Reiste, Danyal Haas, Abby Ruhd, Brittane Collins, and Chad Giesel. The meeting began with the Pledge of Allegiance.

Motion by Pauli, seconded by Drake to approve the agenda. All voted aye. Motion carried.

Motion by Mack, seconded by Pauli to approve the consent agenda as follows: Minutes – Regular Meeting June 6, 2022; Monthly Financial Statements for the month ending June 30, 2022; Sales Tax Subsidy of \$6250.00 to Deuel County Memorial Hospital; Building Permits: Approved: Mason Baer – 103 7th St W – Fence; Laurie Musch – 924 4th Ave S – Curb and Gutter; Dusty Hourigan – 1012 7th St W – Garden Shed; DC Memorial Hospital – 701 3rd Ave S – Repair Concrete; DC Motor Supply and August 17th – 215 3rd Ave S – Sidewalk; Amy Bjerke – 209 7th Ave S – Install Patio; Ryan Schilling – 604 9th Ave S – Wood Deck; Craig Otterson – 602 2nd Ave S – Fence. Excavation Permits: Approved: Calvin Rans – 412 Sandy Shore Ave – Water, Sewer, Gas, Electrical. Demolition Permits: Approved: Sharon Voss – 111 5th Ave S – Garage; Amy Bjerke – 209 7th Ave S – Deck; Ryan Schilling – 604 9th Ave S – Wood Deck; Delinquent Water Bills; Approve Temporary Liquor License Applications: July 22nd ITC Company Picnic (Lundy’s). Temporary One-Day Permits are subject to all paperwork being signed and submitted to the Finance Officer and that the applicants provide the city with proof of liability insurance for the event. Approvals of permits are subject to the condition that they are in accordance with all building codes and ordinances of the City. Upon roll-call vote, all voted aye. Motion carried.

Warrants Approved: CITY PAYROLL: Council 1237.98; Mayor 430.60; Finance Office 5622.94; Gen Gov’t Building 450.15; Highway 8777.00; Rubble Site 3024.15; West Nile 464.70; Summer Rec 1866.25; Swimming Pool 9524.52; Park & Rec 4327.63; Library 4749.95; Community Center 76.35; Water 5073.85; Sewer 5812.03; Aflac 131.30; SDRS 2993.42; Health Pool of SD 8110.85; Delta Dental of SD 388.40; DNB FICA/WH 8415.75. CITY VOUCHERS: A&B Business Solutions 147.89 Copier Rental, American Engineering Testing 1707.00 Chemical Testing, Appera 110.83 Rugs, Bjerke Sanitation 6587.88 Garbage Service Collection, Bowes Construction Inc 2024.86 Asphalt Picked Up, Boyd Law Firm, Prof. L.L.C. 1674.00 Legal Services, Brookings-Deuel Rws 10072.60 Water Purchase And Tap Fee, Butler Machinery Co. 39.50 Kenworth Repairs, Matthew Cassels 200.00 Community Center Deposit Refund, Gale/Cengage Learning 29.54 Library Books, Clear Lake City Library 906.96 Books And Supplies, City Of Clear Lake 1599.22 Water Usage, Clear Lake Building Center 528.94 Street Supplies, Clear Lake Courier 315.38 Council Publications, Cole Paper Inc. 686.49 Janitorial Supplies, Connecting Point 1102.00 Support Contract Renewal, Jan Dailey 50.00 Water Meter Deposit Refund, Dakota Pump & Control, Inc. 270.00 Ups System Outlets, Sd Danr 650.00 Drinking And Surface Water Fee, Deuel County Auditor 5530.87 Law Enforcement Contract, Deuel County Conservation Dist 10926.40 Trees For Econ Dev, Deuel Co Motor Supply 157.07 Supplies, Deuel County Farmers Union Oil 573.00 Street Supplies And Repairs, Eide Bailly Llp 10000.00 2021 Audit, Gary Eide 1735.50 Parks Services, Office Of Fire Marshal 70.00 Swimming Pool Boiler, First Bank & Trust 1246.31 Credit Card Charges, Michael Gilmore 108.60 Water Meter Deposit Refund, H-D Electric Coop, Inc 761.00 Electric Utilities, H-D Elec Coop, Inc. 2583.13 Lighting And Water Tower Repair, Hawkins Inc 3152.34 Pool Chemicals, Dennis Or Linda Hemmer 200.00

Community Center Deposit Refund, Home Oasis Llc 91.96 Pool Supplies, Innovative Office Solutions 193.88 Billing Supplies, Interstate Power Systems Inc 3402.28 Truck Repair, Mary Korth 418.29 Mileage Reimbursement, Bill Or Dorie Kay Koska 150.00 Water Meter Deposit Refund, Alan J Martinmaas 15.98 Reimbursement Supplies, Maynard's Food 816.56 Supplies, Northwestern Energy 1500.91 Natural Gas Utilities, Office Peeps 1469.18 Paper And Office Supplies, Ottetail Power Co 3664.54 Electric Energy, The Penworthy Company Llc 204.06 Library Books, Purchase Power 770.99 G, Pitney Bowes Inc 9.50 Postage Machine Rental, Landon Or Michelle Prins 79.00 Water Meter Deposit Refund, Sd Department Of Health 1659.00 Wastewater Testing, Ron's Saw Shop 35.20 Oil Tank, Patti Ruby 147.32 Library Services And Travel, Sanitation Products Inc. 402.54 Sewer Supplies, Sd State Treasurer (Sd Dor) 1824.53 June Sales Tax Due, Sd Unemployment Insurance 337.64 Q2 Unemployment Insurance, Sdarws 590.00 Membership Dues, South Dakota Municipal League 50.00 Council Workshop, Sodak Gardens 661.25 Flowers For City, Steve Rhody Services 40.00 Window Washing Services, State Flag Account 219.74 Us Flags, Supreme Welding Inc 22.50 Mower Blade Repair, Swenson Sales & Service Inc 83.61 Vehicle Repairs, Chris Uckert 300.00 Soil Preparation For Trees, Upframe Creative 375.00 Website Maintenance, Us Bank Trust-Spa Lkbox Cm9695 11716.19 Sewer Srf Payment, United States Dept Of Ag 6107.00 Usda Sewer Loan, Van Diest Supply Company 825.00 Street Supplies.

No one appeared for public voice.

In unfinished business, Attorney Todd Boyd presented Resolution 2022-05-10-A – A Resolution of Clear Lake Area Development Corporation “Acceptance of Undeveloped Land from City of Clear Lake” as information that the Mayor may proceed conveying title from the City to CLAD which was already authorized at a previous meeting.

A Budget Request Public Hearing was held for the 2023 budget. Requests were received from Clear Lake Historical Society, Clear Lake Fire Volunteer Department, Deuel Area Development Inc., ICAP, Clear Lake Library, Clear Lake Area Development Corporation and Clear Lake Summer Rec. Comments were heard from Sue DeJong representing the Clear Lake Historical Society, Sarah Salzer representing CLAD, Derek Benck representing the Fire Department, and Patti Ruby the Clear Lake Librarian.

Motion by Bauman, seconded by Mewherter to convene jointly as the City Council and Planning Commission. All voted aye. Motion carried.

The Second Reading of Ordinance #614 – “An Ordinance Amending Ordinance #500, Regarding Conditional Uses in R-2 General Residential District” was held. Motion by Mewherter, seconded by Mack to approve and adopt Ordinance No. 614. Upon roll-call vote all voted aye. Motion carried. Ordinance #614 was published and is effective July 21, 2022.

A public hearing was held for Gary Lanoue who applied for a variance for a deck that places him over the required setbacks. Motion by Pauli, seconded by Drake to approve the variance. Upon roll call vote, all voted aye. Motion carried.

A public hearing was held for Chad Giesel who applied for a conditional use permit for two home based businesses, one for custom concrete and one for a firearms business requiring him to obtain a FFL (Federal Firearms License). Motion by Mack, seconded by Reppe to approve the conditional use permit. Upon roll call vote, all voted aye. Motion carried.

A public hearing was held for Brittanee Collins who applied for a conditional use permit for a home based daycare business. Motion by Bauman, seconded by Drake to approve the conditional use permit. Upon roll call vote, all voted aye. Motion carried.

Josh Streich was present for discussion on property he purchased located on the west side of The Lake. The property is land-locked and he is looking into getting an approach for access. He also wants to develop the shoreline and make improvements. It was suggested the DNR be contacted for shoreline work and improvements. Motion by Mewherter, seconded by Drake to approve an approach on the north lake road for Streich to access property. Upon roll call vote, all voted aye. Motion carried.

Zoning Officer Val Lundquist was approached by landowner Calvin Rans who owns land on the west side of The Lake and is asking for a temporary structure to store building materials while construction is being done. The area is currently zoned ag. However to allow for this hoop building structure, will it have to be rezoned or can the Board approve a temporary building. The issue was tabled for further discussion after First District is contacted on the rezone.

Motion by Mewherter, seconded by Mack to adjourn as the Board of Adjustment and reconvene as regular City Council. All voted aye. Motion carried.

Abby Ruhd was present to discuss the New Hope for Cancer Walk event held on August 5th this year. She asked that 3rd Street East of Hwy. 15 be closed off from 4pm-7pm (approximate time for the survivors walk). Motion by Drake, seconded by Reppe to allow 3rd Street East of Hwy. 15 be closed during the time of the survivors walk for the New Hope for Cancer held August 5, 2022. Upon roll call vote, all voted aye. Motion carried.

Mike Gohring was present for discussion about allowing chickens within the City. His discussion detailed a limit on hens (no roosters), presented a photo of an enclosure so there would be no free roam and discussed the positives of having chickens – egg prices, passing on the valuable trade, and that he feels chickens are safer than dogs in town. The City's current Ordinance (#543) does not allow for any fowl in the City. Much discussion was held and it was agreed this will go to committee and a report will be given at the next Council meeting.

Danyal Haas was present to ask that the water line be capped at 303 8th Ave which she has purchased. The house is up for demolition and she does not have a timeline for a new line. Motion by Mewherter, seconded by Pauli to cap the water line and eliminate the monthly service located at 303 8th Ave. Upon roll call vote, all voted aye. Motion carried. Further discussion was held on the lot she purchased next to the Post Office and her intentions on the property. Many questions arose concerning the RV located on the property and the future of the property.

Beth Niemeyer and Dennis Rebelein, of Banner Engineering, were present to discuss concerns regarding the level of the aquifer lying below the former airport property which is now the Industrial Park. Deuel County Ordinance (Appendix P) details an Aquifer Protection Overlay District. The City of Clear Lake has an Overlay District as well. After the airport land was annexed into the city limits, the City Ordinance governs the property. The City's Water Protection Overlay District allows for a septic system on the property. S.D. Administrative Rules govern soil depth which must be 4 feet from the lowest construction joint. Niemeyer discussed the many soil borings done in 2021 which showed it was 6-10 feet from septic treatment to the aquifer level. This complies with the State's regulations and there would be no negative effects on the aquifer. Alderman Pauli has been waiting to hear back from DENR on the Wellhead Protection Area and if that transfers from the County Ordinance to the City. Rebelein provided many answers to the discussion and gave Administrative Rule 74:53:01 as a resource. DENR would be contacted for approval upon future construction. Rebelein felt confident construction would not be hindered as there are many alternatives to economic development on the land.

Motion by Mewherter, seconded by Drake to approve the building permit for Gary Lanoue for a deck, ramp and steps at 606 6th Ave S (after variance approval). Upon roll call vote, all voted aye. Motion carried.

Zoning Officer Lundquist wanted the Council to give future concern to the City's Animal Ordinances. Currently there are no ordinances governing any pets beyond cats and dogs. Questions have come up regarding exotic animals in city limits as pets – birds, reptiles, tarantulas, monkeys, snakes, etc. There's no guidance on aquarium or terrarium pets that could escape. With more people moving into the city, this should be addressed. This was recommended to committee and will be reported at next Council meeting.

The Community Center parking lot shared with Deuel School (bus barn) is used often for events and for daily parking of nearby business employees and patrons. It was asked by a citizen if the City would ever be interested in selling their portion to accommodate a business. At this time, the Council felt the parking needs were very important and will not entertain selling their portion.

Gary Eide is interested in a small tract of land on East Highway 22 south and somewhat east of the Lake. Eide says there is historical evidence that this is where the first Post Office of Clear Lake was located. The landowners would gift an approximate 100'x50' portion to the City to develop into a historical park. Eide wanted to know if the City would be interested. Much discussion was held. The Council agreed that Eide needs to provide an official record of the location of the original post office and that the State would give this land historical status; as well as SDDOT approval on an approach for entrance as well as a walking path in the ditch along Highway 22. If Eide can meet these conditions, the Council would entertain the idea of obtaining the small tract of land as a city owned park not within city limits.

The First Reading of Ordinance #615 – Flood Damage Prevention Regulations under Article IV. Ordinance 615, Chapter 4 was held by title only. Second reading will be held August 8, 2022.

Motion by Pauli, seconded by Mack to approve Zoning Officer Val Lundquist as Floodplain Administrator for the City of Clear Lake. Upon roll call vote, all voted aye. Motion carried.

Resolution 2022-8 Discretionary Formula SDCL 10-6-137 was read in its entirety. Motion by Mewherter, seconded by Pauli to approve Resolution 2022-8 Discretionary Formula SDCL 10-6-137. Upon roll call vote, all voted aye. Motion carried.

Motion by Bauman, seconded by Drake to approve Barb Mortimer and Tammy Canaan to the Library Board of Trustees. Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Mack to approve Additional Summer Rec Employees as follows: Rebecca Toben for Intro to Spanish Head Coach; Elizabeth Billups for Play Director Head Coach; Trey Maaland for Basketball Assistant Coach; Jared Hotzler for Golf Assistant Coach; Annika Kriz for Golf Assistant Coach; Alyssa Beckius for Volleyball co-Head Coach; and Dexter Unzen Basketball Assistant Coach. Upon roll call vote, all voted aye. Motion carried.

Motion by Mewherter, seconded by Reppe to approve and adopt the new temporary IRS Federal Mileage rate of .625 per mile for City employees travel reimbursement for the remainder of 2022. Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Reppe to approve the Auto Supplement Budget Request to General Fund for: \$432.11 (101-455-411 Library Salaries); \$33.11 (101-455-412 Library FICA); \$12.26 (101-455-413 Library Retirement); \$226.37 (101-455-426.11 Library Supplies) All from ARPA Grant for

Humanities and \$50.00 (101-455-426.11 Library Supplies) from Sanford Health Donation. Upon roll call vote, all voted aye. Motion carried.

The Facilities Committee met June 26, 2022 to discuss several items. A quote has been secured by RNC Cabinets to replace the counter top in the Municipal Building main office. Motion by Mack, seconded by Drake to have RNC Cabinets overlay the existing counter to make it wider and more accessible for the amount of \$414.38. Upon roll call vote, all voted aye. Motion carried.

Nosbush Plumbing has been contacted to quote an auto flush system in the restrooms of the Municipal Building and the Community Center.

Brian's Glass and Door has been contacted to quote keyless entry on several doors that use key locks currently both in the Municipal Building and Community Center. Further options might be looked into depending on availability.

Property insurance for the City was discussed. It was decided the pool basin was not necessary to be covered by insurance as all the decks, equipment, slide, and chair lift are covered. The committee recommends removing pool basin from property insurance as well as tennis courts, skate park and basketball hoops as they were gifted to Deuel School in 2021 and are no longer City property.

Superintendent Collins reported on an automated chemical pump for the City's swimming pool. This would allow for better control of pool chemical balance and less time controlling chemicals manually. He was quoted \$1950.00 for the actual pump. This will be brought to the Finance Committee at the discussion of the 2023 budget. Collins commented that more space at the rubble site (another hole) is needed after debris from school construction. The bulldozer rental approved from D&L Digging was not needed but a new landfill hole is necessary. Motion by Mewherter, seconded by Drake to have D&L Digging make another hole at the rubble site in the amount of \$2000.00. Upon roll call vote, all voted aye. Motion carried.

The concern was addressed coming from the Clear Lake Days Committee about the appearance of the City and main street prior to the event. The Chamber will be contacted to ask businesses to address their store fronts, weeds in sidewalks, and empty lots prior to the event at the end of July.

Finance Officer Korth made note a peddler's permit was approved for all Thursdays on Third events for 2022. Graffiti in the men's restroom at the Community Center was discovered after recent events. This is being addressed. If the Clear Lake Fire Department is doing any swimming pool fills, the owner should be charged for that water as the City gets charged for that water usage. The City's Fireworks Ordinance does not address non-explosive fireworks like sparklers, snaps, snakes, etc. It was determined that if it is used and does not detonate, it is not considered nuisance fireworks and does not have to abide by the Ordinance.

Council members held discussion on other items such as potholes, gravel in runoff, excessive weeds by the creek, and curb and gutter comments. City officials are working on addressing all concerns.

Motion by Mack, seconded by Reppe to enter into Executive Session at 9:11 PM pursuant to SDCL 1-25-2(1) personnel matters. All voting aye. Motion carried.

Mayor Lundberg declared the Council out of Executive Session at 9:41 PM.

Motion by Drake, seconded by Pauli to increase Assistant Finance Officer Val Lundquist pay rate to \$20.00/hr. to be effective July 1, 2022. Upon roll call vote, all voted aye. Motion carried.

Motion by Mewherter, seconded by Mack to pay Gary Eide for professional services maintaining City parks in May and June 2022 at \$13.00/hr. Upon roll call vote, all voted aye. Motion carried.

Motion by Drake, seconded by Mewherter to hire Gary Eide as part time Parks employee effective July 1, 2022 at \$13.00/hr. Upon roll call vote, all voted aye. Motion carried.

Motion by Mewherter, seconded by Reppe to approve Finance Officer Mary Korth use of credited vacation and personal time to be used within her 6 month probationary period which ends September 29, 2022. Time off granted is September 19-26, 2022. Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Bauman to amend the Clear Lake Personnel Policy Manual section on Vacation to read: Vacation leave credits begin with the day of employment, but may not be taken until after six months employment *with the exception of Council approval*. Upon roll call vote, all voted aye. Motion carried.

There being no further business, motion by Drake, seconded by Pauli to adjourn at 9:44 PM. All voted aye. Motion carried.

Mary Korth
Finance Officer

“This institution is an equal opportunity provider.”

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