

The Clear Lake City Council met in regular session on Monday, November 7, 2022, at 6:30 PM in the Conference Room of the Municipal Building with Mayor Lisa Lundberg presiding. Those present were Alderwomen Ramona Drake, Kelli Bauman, and Rose Mack, Aldermen Harry Mewherter, Jonas Reppe, and Rod Pauli. Also present were Mary Korth, Brandon Collins, Todd Boyd, Ken Reiste, Val Lundquist, Sarah Salzer, Kent Johnson, Beth Niemeyer, Evan Odle, Heather Estey, Shelly Schwartz, Adam & Michelle Lauseng, Amy Blastick, and John Knight. The meeting began with the Pledge of Allegiance.

Mayor Lundberg called for a moment of silence for the City Librarian, Patti Ruby who lost her battle with cancer and passed away Sunday, Nov. 6<sup>th</sup>, 2022.

Motion by Mewherter, seconded by Pauli to approve the agenda with the addition of adding discussion of the water/sewer project in the city and inviting contractor Mark Hayes of DeBoer Construction for an update and completion date as deadlines have passed. Time for discussion 6:55pm. All voted aye. Motion carried.

Motion by Drake, seconded by Reppe to approve the consent agenda as follows: Minutes: Regular Meeting October 11, 2022; Monthly Financial Statements for the Month Ending October 31, 2022; Building Permits: Approved: Ryan and Michelle Schilling – 604 9<sup>th</sup> Ave S – concrete driveway/walkway, Randy Keown – 508 3<sup>rd</sup> Ave S (owner Jimmy Giesel) – Shelter Logic Tent; Demolition Permits: Ryan and Michelle Schilling – 604 9<sup>th</sup> Ave S – concrete driveway/walkway (n/c); Delinquent Water Bills; Approval of Warrants. 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: PAYROLL: Council 915.03; Mayor 322.95; Finance Officer 5622.93; Gen Gov't Building 82.09; Streets 9243.07; Snow 131.17; Rubble Site 1987.73; Summer Rec 495.19; Park & Rec 2590.46; Library 4020.28; Water 5180.08; Sewer 6852.60; Aflac 131.30, SD Retirement 2671.66; Health Pool of SD 8110.85; Delta Dental of SD 388.40; DNB-FICA/WH 5597.83; EXPENSES: A&B Business Solutions 258.23 Copier Contract, Allied 100 Llc 2242.09 Aeds Equipment, Appeara 117.69 Service And Maintenance, Avera Occ Medicine-Mitchell 226.00 Drug Testing, Bituminous Paving Inc 67255.38 Asphalt Paving, Bjerke Sanitation 6931.89 Sanitation Services, Boyd Law Firm, Prof. L.L.C. 1008.00 Legal Services, Brookings-Deuel Rws 8733.60 Water Purchase And Fees, City Of Clear Lake 397.71 Utilities, Clear Lake Building Center 1211.14 Supplies And Repairs, Clear Lake Courier 693.38 Supplies And Publications, Connecting Point 37.00 Monthly Backup Fees, Deuel County Auditor 5530.87 Law Enforcement Contract, Deuel Co Motor Supply 968.06 Supplies, Deuel County Treasurer 2476.59 Resurfacing Labor, Deuel County Farmers Union Oil 2164.67 Fuel An Repairs, Dcn Insurance 23.66 Wc Insurance Continued, Dcn Insurance 314.41 Wc Insurance Continued, Duininck, Inc. 3387.00 Asphalt, Eastside Equipment 157.10 Repairs, Eide Bailly Llp 7000.00 Professional Services, Environmental Toxicity Control 875.00 Wastewater Testing, Jane Evenson 50.00 Municipal Room Deposit Refund, First Bank & Trust 782.79 Supplies, Fritz Chevy-Olds 21.00 Repairs And Maintenance, H-D Electric Coop, Inc 239.62 Electric Utilities, H-D Elec Coop, Inc. 277.62 Community Center Flag Pole, Kimberly Holt 50.00 Municipal Room Deposit Refund, Itc Telecom 624.87 Telephone Utilities, Mary Korson 50.00 Municipal Room Rental Refund, Maynard's Food 7.18 Supplies, Menards 1323.26 Maintenance And Supplies, Milbank House Movers Inc 15326.56 Balance To Move Airport Hangar, Modern Marketing 202.54 Library Supplies, Josh Nielsen 28.40 Meter Deposit Refund, Northwestern Energy 157.37 Natural Gas Utilities, Office Peeps 205.68 Printer Repairs, Ottetail Power Co 3336.98 Electric Energy, Purchase Power 720.89

Postage And Fees, Pitney Bowes Inc 91.29 Supplies, Pomp's Tire Service, Inc. 314.08 Repairs, Sharon Prins 25.00 Refund On Demo Permit, Sd Department Of Health 181.00 Water Testing, Runnings Farm And Fleet 119.99 Employee Clothing, Sanford Health Occ Medicine 65.00 Drug Testing, The Saturday Evening Post 11.00 Library Subscription, Sd State Treasurer (Sd Dor) 632.37 Sales Tax Due To State, South Dakota Municipal League 1441.20 Membership Dues, Sdml Workers' Compensation Fun 788.83 Workers Comp Insurance, Sdml Workers' Compensation Fun 10480.17 Workers Comp Insurance, Sd Water And Wastewater Assn 20.00 Members 1343 And 2174 Dues, Steve Rhody Services 40.00 Window Services, Summit Supply Corp Of Colorado 9485.45 Park Equipment, Taste Of Home 10.00 Library Subscription, Transource Truck & Equip, Inc. 194.23 Maintenance And Repairs, United States Dept Of Ag 6107.00 Sewer Usda Loan, Wheelco Truck & Trailer Parts 93.62 Supplies.

Michelle Lauseng appeared for public voice. She expressed her concerns and frustration on the construction project happening on 7<sup>th</sup> Avenue. She stated lack of communication between the city, the contractor and the home owners was her biggest frustration. Discussion was held between city officials, citizens, and City Attorney Todd Boyd. Evan Odle also spoke as a concerned citizen on the water usage billed to residents asked to keep water running in a freeze event. More discussion was held later in the meeting.

In unfinished business, Banner Engineering representatives Beth Niemeyer and Kent Johnson presented a Clear Lake Drainage Study Proposal. Johnson gave an overview of the study that will review some problem areas identifying drainage issues. The study would give an outline of a 5-10 year or longer project. It would develop a plan that would work well with the water and wastewater facility plans. Motion by Reppe, seconded by Pauli to approve, accept and sign the Letter of Contract for Engineering Services for the Clear Lake Drainage Study proposal with Banner Engineering for a sum of \$55,000.00 and applying for funds through the Small Community Planning Grant. Upon roll call vote, all voted aye. Motion carried.

Zach Stangeland who owns the property at 213 7<sup>th</sup> Ave S was invited to appear before the council to discuss a delinquent utility bill. Stangeland did not appear. Motion by Mewherter, seconded by Mack to place a judgement lien against Stangeland for collections on the account. Upon roll call vote, all voted aye. Motion carried.

Heather Estey met with the council to discuss a delinquent utility bill for property she co-owns at 409 7<sup>th</sup> Ave S. Estey has not lived in the house for quite some time and is considering relocating back to Clear Lake after several repairs are done to the property. She gave a detailed account on her situation as well as a history on her understanding of the condition of the property and bills associated with it. She would like to move to the house with her children and keep the house in better condition. She absolutely has no intention of bill delinquency and provided character witnesses to the council on her behalf. She had prior discussions with Attorney Todd Boyd and was aware of her options. Motion by Reppe, seconded by Mack to forgive the balance of the utility bill at 409 7<sup>th</sup> Ave S provided Heather Estey pays judgement lien in the amount of \$3294.54 within 60 days. Interest charges forgiven on the judgement lien provided the City of Clear Lake Finance Office receives the full amount by January 7, 2023. Upon roll call vote, all voted aye. Motion carried.

Dayna Weltzin of St. Paul's Church was unable to attend the meeting but asked Finance Officer Korth to speak on her behalf. Korth said Weltzin asked for use of the Community Center at no charge or a reduced rate the night of December 21, 2022. She is hosting a non-denominational event for those

who are grieving loved ones this holiday season. The Community Center provides an area for those not comfortable in a church setting. Motion by Mack, seconded by Reppe to waive the rental fee for use of the Community Center by Dayna Weltzin for her event December 21, 2022; Deposit still required. Upon roll call vote, all voted aye. Motion carried.

Motion by Mewherter, seconded by Pauli to convene as the Board of Adjustment. All voted aye. Motion carried.

Sarah Salzer of CLAD met with the Council to present the Planned Unit Development (PUD) for Northside Acres. The intent of the PUD is to provide locations for spacious acreages of single family dwelling with options to have animals and outbuildings and create a peaceful rural setting. CLAD is working with First District to re-zone this area of 3-acre lots to allow for more uses. The City Council had no objections to the PUD.

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

Mark Hayes from DeBoer Construction was not able to attend the meeting personally to discuss the water/sewer project. He was reached by phone. John Knight was present for discussion and many questions and complaints were directed to Hayes. Hayes commented that everyone in that area will be onto the main within a day and the project will be put on hold until spring because of the freezing weather. It was noted that the contract stated the completion date would be October 15, 2022. Hayes said supply chain and lack of parts held up the project. Penalties will be assessed to DeBoer Construction along with costs incurred to property owners and city employees. Much discussion was held. City officials and citizens present were frustrated with how everything was handled.

Motion by Mewherter, seconded by Drake to approve the 2021 audit from Eide Bailly. Upon roll call vote, all voted aye. Motion carried.

Motion by Reppe, seconded by Bauman to approve Resolution 2022-10 Transfer from Contingency Fund. Upon roll call vote, all voted aye. Motion carried.

The first reading of Ordinance No. 618, an Ordinance Supplementing Appropriations for the City of Clear Lake for the year ending 12/31/2022 was held.

Motion by Bauman, seconded by Drake to approve the 2023 Uniform Alcoholic Beverage License Application for Retail Liquor sales and the Alcoholic Beverages Operating Agreement for the Clear Lake Golf Club, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 1, 2023. All voted aye. Motion carried.

Motion by Bauman, seconded by Mewherter to approve the 2023 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Lundy's Bar & Grill, LLC, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 1, 2023. All voted aye. Motion carried.

Motion by Mack, seconded by Bauman to approve the 2023 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Tail Feathers LLC, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 1, 2023. All voted aye. Motion carried.

Motion by Mewherter, seconded by Drake to approve the 2023 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Muttly's Bar and Grill subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 1, 2023. All voted aye. Motion carried.

Motion by Drake, seconded by Bauman to approve the 2023 Uniform Alcoholic Beverage License Application for Package Liquor sales and the Alcoholic Beverages Operating Agreement for Maynard's, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 1, 2023. All voted aye. Motion carried.

Motion by Mewherter, seconded by Pauli to approve the 2023 Uniform Alcoholic Beverage License Application for Retail Wine and Cider sales for Dolgen Midwest, LLC, dba Dollar General Store #16254, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 1, 2023. All voted aye. Motion carried.

Motion by Mack, seconded by Drake to approve Health Insurance Plan B with the Health Pool of South Dakota, with a 4% rate increase, for the January 1, 2023 - December 31, 2023 plan year. Upon roll call vote, all voted aye. Motion carried.

Motion by Drake, seconded by Pauli to approve the 2023 dental plan with Delta Dental with a slight rate increase for the January 1, 2023 - December 31, 2023 plan year. Upon roll call vote, all voted aye. Motion carried.

The year end Council meeting date is set for Wednesday, December 28, 2022 at 5PM.

Finance Officer Korth updated the council on the FEMA Disaster #4656 that resulted from the May 12, 2022 derecho. She has been working closely with FEMA weekly. Provided all the documents are filed timely, the City should see a reimbursement of \$20,000-\$25,000 upon approval of damages and reimbursement percentages.

The Restricted Use Rubble Site was discussed. Hours for 2023 will change and were approved at a prior meeting. Motion by Drake, seconded by Mewherter to approve the 2023 Fee Schedule for the Restricted Use Rubble Site as follows: Bury Pile - \$5.00 minimum, \$10.00 pickup/small single axle trailer, \$15.00 tandem axle trailer (less than 14'), \$35.00 tandem axle trailer (14' or longer), \$75.00 dump truck, \$150.00 side dump trailer. Compost, Burnable, Metal and White Goods without freon - \$3.00 minimum, \$5.00 pickup/small single axle trailer, \$10.00 tandem axle trailer (less than 14'), \$20.00 tandem axle trailer (14' or longer), \$35.00 dump truck, \$50.00 side dump trailer. White Goods containing freon have a \$20.00 minimum fee. Upon roll call vote, all voted aye. Motion carried.

Superintendent Collins reported that the airport hangar was moved to the rubble site successfully and finishing work will be completed as time allows.

Finance Officer Korth updated the council from last meeting, the Christmas Tree tour idea will be pursued. Jennifer Hills is aware there will be some issues to work out as this is the first year and no council approval needed to move forward. Korth also commented residents should be reminded of winter-preparedness as there have been complaints of campers on city streets which goes against ordinance and will need to be addressed before snowfall.

City Attorney Todd Boyd had minor comments about previous issues.

Mayor Lundberg reminded the Council of the public meeting at the Good Sam Nov. 10, 2022. She is also fielding complaints about parking issues just off of 3<sup>rd</sup> Avenue near Lewis Drug. It is a

dangerous area and needs to be resolved. This will either be sent to committee for review or it will be on December's agenda for a decision.

Motion by Bauman, seconded by Reppe to enter into Executive Session at 8:23 PM for personnel matters. All voted aye. Motion carried.

Mayor Lundberg declared the Council out of Executive session at 8:30 PM.

Motion by Mewherter, seconded by Drake to give Clear Lake Chamber Bucks for Christmas with \$150.00 given to each full-time employee and \$75.00 given to each regular part-time employee. Upon roll call vote, all voted aye. Motion carried.

Motion by Mack, seconded by Reppe to change the Personnel Policy Manual section III.3 "Maternity" to "FMLA". Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Mack to add language for Sick Leave Sharing/Donation to section III.2 of the Personnel Policy Manual outlining the eligibility and criteria for full-time employees to donate or request extra sick leave hours. Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Reppe to add Sick Leave Request and Sick Leave Donation forms for full-time employees who qualify under the terms set forth in the Personnel Policy Manual. Upon roll call vote, all voted aye. Motion carried.

There being no further business, motion by Bauman, seconded by Mack to adjourn at 8:34 PM. All voted aye. Motion carried.

Mary Korth  
Finance Officer

"This institution is an equal opportunity provider."

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