

The Clear Lake City Council met in regular session on Monday, May 8, 2023, at 6:30 PM in the Conference Room of the Municipal Building with Mayor Lisa Lundberg presiding. Those present were Alderwomen Kelli Bauman, Ramona Drake and Rose Mack, Aldermen Harry Mewherter and Rod Pauli. Alderman Jonas Reppe was absent. Also present were Mary Korth, Todd Boyd, Brandon Collins, Val Lundquist, Audie Stoltenburg, Dianne Brandt, Kerry Hintz, and Sarah Salzer. The meeting began with the Pledge of Allegiance and was then called to order by Mayor Lisa Lundberg.

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

Motion by Pauli, seconded by Mack to approve the consent agenda as follows: Minutes – Regular Meeting April 13, 2023; Monthly Financial Statements for the Month Ending April 30, 2023; Approval of Warrants; Approval of Superintendent Collins attending Van Diest Mosquito Spray Workshop held in Aberdeen on April 19, 2023. Upon roll call vote, all voted aye. Motion carried.

Warrants Approved: PAYROLL: Council 1120.00; Mayor 320.00; Finance 4541.67; Gen Gov't Building 129.69; Streets 7578.25; Snow 1631.19; Rubble Site 721.58; Parks 377.14; Library 2930.01; Community Center 127.28; Water 4113.17; Sewer 4355.70; Aflac 161.28; SD Retirement 3064.12; Health Pool of SD 8434.54; Delta Dental of SD 406.00; DNB-FICA/WH 5951.52. EXPENSES: A&B Business Solutions 180.17 Copier Contract, Appera 121.19 Janitorial Maintenance, Rita Ashbaugh 75.00 Muni Room Deposit Refund, Avera Occ Medicine-Mitchell 117.00 Drug Testing, Bjerke Sanitation 6758.35 Sanitation Services, Boyd Law Firm, Prof. L.L.C. 918.00 Legal Services, Brookings-Deuel Rws 9265.60 Water Tap Fee And Purchase, Clear Lake City Library 1064.52 Books And Supplies, City Of Clear Lake 537.77 Utilities And Deposit Refunds, Clear Lake Building Center 105.70 Supplies, Clear Lake Courier 879.75 Publications And Supplies, Connecting Point 534.50 It Services, Ladonna Crume 154.88 Muni Room Rental Deposit Refun, D & L Digging 1100.00 Water Repairs, Deuel County Auditor 5901.97 Law Enforcement Contract, Deuel Co Motor Supply 133.88 Supplies, Deuel County Farmers Union Oil 3296.48 Supplies And Fuel, Dcn Insurance 3869.50 Ambulance Liability Ins, Deuel School District 400.00 Comm Center Deposit Refund, Daryl Feilmeier 43.67 Water Meter Deposit Refund, First Bank & Trust 90.37 Credit Card Purchases, Gopher Sign Co 1633.50 Ulven Park Signs, H-D Electric Coop, Inc 216.91 Electric Energy, John Hall Sr 75.00 Muni Room Deposit Refund, Heiman Fire Equipment Inc 338.00 Fire Extinguisher Service, Mary Korth 200.50 Travel And Conference, Lyle Signs Inc 84.31 No Parking Signs, Maynard's Food 13.18 Supplies, Menards 51.94 Supplies, Midwest Truck Parts Inc 75.30 Supplies/Maintenance, Milbank Winwater Works 279.44 Water Supplies, Maizee And Josh Nelson 52.25 Water Meter Deposit Refund, Northwestern Energy 1039.96 Natural Gas Energy, Office Peeps 119.06 Office Supplies, Ottertail Power Co 4928.15 Electric Energy, Pitney Bowes Bank Inc 770.99 Postage, Sd Department Of Health 30.00 Water Testing, Rmb Environmental Laboratories 875.00 Sewer Services Testing, David Roof Inc 175.00 Community Center Deposit Refun, Runnings Farm And Fleet 187.00 Supplies, Same Day Express, Inc. 60.00 Delivery Services, Sd State Treasurer (Sd Dor) 1885.95 Sales Tax Due To State, Steve Rhody Services 40.00 Window Washing Services, Supreme Welding Inc 43.20 Supplies, Team Laboratory Chemical, Llc 1762.50 Chemicals, Todd's Farm Hydraulics Llc 580.96 Street Supplies, United States Dept Of Ag 6107.00 Usda Sewer Loan, Van Diest Supply Company 1350.00 West Nile Chemicals, Sara Winter 75.00 Muni Room Deposit Refund.

No one commented for public voice.

Unfinished business of the 2022-2023 Council was addressed. The second reading of Ordinance No. 621, an Ordinance to Define Mobile Vendor Requirements was held. Discussion was held on the ordinance with Clear Lake Days committee member Dianne Brandt addressing the Council with research done on other cities' policies and ordinances concerning mobile vendors. The committee has agreements with four different food trucks and felt in comparison to other towns similar to Clear Lake, the fees were unreasonable in the proposed ordinance. The committee also felt the ordinance was too restrictive and will deter any vendors from coming to Clear Lake. The Council had received many comments on the proposed ordinance with similar sentiment. Discussion was held on amending the ordinance however with that there would need to be another first and second reading before passage. The Council decided this was best brought back to committee for review. Passage of Ordinance No. 621 failed due to lack of motion.

Motion by Mewherter, seconded by Drake to adjourn as the 2022-2023 Council. Upon roll call vote, all voted aye. Motion carried.

Convened as 2023-2024 Council. Motion by Mewherter, seconded by Pauli to accept the appointment of Rose Mack as Alderwoman Ward I recommended by Mayor Lundberg. All voted aye with Mack abstaining. Motion carried. Ramona Drake took her Oath of Office for Alderwoman Ward III for a 3 year term. Rose Mack took her Oath of Office for Alderwoman in Ward I for a 1 year term. Mary Korth took her Oath of Office for Finance Officer and Todd Boyd took his Oath of Office for City Attorney.

Drake nominated Kelli Bauman for President. Motion by Drake, seconded by Mack that nominations cease and a unanimous ballot be cast for Kelli Bauman. All voted aye. Motion carried.

Bauman nominated Ramona Drake for Vice-President. Motion by Bauman, seconded by Mewherter that nominations cease and a unanimous ballot be cast for Ramona Drake. All voted aye. Motion carried.

Motion by Mewherter, seconded by Pauli to accept committee appointments recommended by Mayor Lundberg. All voted aye. Motion carried. City Facilities & Equipment Committee – R. Pauli, H. Mewherter, R. Drake. City Policies Committee – R. Mack, H. Mewherter, K. Bauman, B. Collins, M. Korth and appropriate inside staff. City Finance Committee – J. Reppe, R. Mack, R. Drake. City Services Committee – K. Bauman, J. Reppe, R. Drake, B. Collins and appropriate outside staff. City Planning Committee – H. Mewherter, J. Reppe, R. Pauli, B. Collins, V. Lundquist as Zoning Officer, and M. Korth. City Personnel Committee – R. Mack, R. Pauli, K. Bauman. Library Board – Jami Martinell, Tammy Canaan, Katie Hinker, Barb Mortimer, Lynn Eide and Council Representative R. Drake. Board of Adjustment – All City Council Members. City Attorney – Todd Boyd. City Finance Officer – Mary Korth. City Superintendent of Public Works – Brandon Collins. Health Officer – Designee of Deuel County Memorial Hospital. CLAD (Clear Lake Area Development) Board – Joe Uckert, Tom Lundberg, Sarah Salzer, Cody Krause, Carey Holt, Judith Homan, and Council Representative Ramona Drake. Summer Rec Board – Ashley Meyer, Danay Nielsen, Deidra Clausen, and Jen VonEye.

Motion by Drake, seconded Pauli to approve the consent agenda as follows: Building Permits: Approved: Jena Trupe, 1007 7th St. W – deck; Justin VonEye, 810 8th St. W – concrete patio; Delbert Pieschke, 109 5th St. E – deck and handicap ramp; Gilley Apartment Rentals – 308 5th St. W – Sidewalk; Tech Ord – 47600 180th St. – 60'x150' Warehouse; Scott Bowers – 605 Circle Dr. - Deck. Delinquent

water bills. Approval 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.

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

Sarah Salzer of Clear Lake Area Development presented the final covenants, PUD and maps of the North Side Acres addition. The Council reviewed the information and discussion was held.

Motion by Mewherter, seconded by Mack to approve the Final Development Plan for North Side Acres. Upon roll call vote, all voted aye. Motion carried.

Motion by Drake, seconded by Pauli to approve Chapter 2.09A North Side Acres PUD Development District. Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Drake to approve the Declaration of Covenants and Restrictions for North Side Acres. Upon roll call vote, all voted aye. Motion carried.

Motion by Mewherter, seconded by Pauli to waive curb and gutter requirements (in new construction permit) for North Side Acres addition only. Upon roll call vote, all voted aye. Motion carried.

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

Motion by Pauli, seconded by Mack to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license renewal for the following establishment, contingent upon all state and local licensing requirements being met: 4 Amigos LLC (Cowboy). Upon roll call, all voted aye. Motion carried.

Motion by Mewherter, seconded by Bauman to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license renewal for the following establishment, contingent upon all state and local licensing requirements being met: DCFU (Convenience Store). Upon roll call, all voted aye. Motion carried.

Motion by Drake seconded by Bauman to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license renewals for the following establishment, contingent upon all state and local licensing requirements being met: Dolgen Midwest (Dollar General). Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Drake to authorize the Finance Officer to process payroll and corresponding liabilities on the last day of each month and pay bills in a timely manner to avoid late fees. Upon roll call, all voted aye. Motion carried.

Motion by Mewherter, seconded by Pauli to allow the Finance Officer to approve up to \$400 per event from the Promote City funds. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Mack to set a department supervisor expenditure limit of no more than \$1,000 without Council approval. Exceptions would be costs of daily operation, maintenance and repair. Upon roll call, all voted aye. Motion carried.

Motion by Mewherter, seconded by Pauli to designate DNB National Bank as the official depository for the City of Clear Lake for a period of 12 months. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Bauman to designate the Clear Lake Courier as the official newspaper for the City of Clear Lake for a period of 12 months. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Bauman to approve the 2023 swimming pool employees as follows: Billie Jo Giesel: Manager & WSI: \$18.00/hr; LIFEGUARDS \$11.80/hr plus .25 per year worked: Brooklyn Giesel, Cadense Harmon, Gracyn Gohring, Addison Timmons, and Laycee Andersen; LIFEGUARDS + WSI \$12.80/hr plus .25 per year worked: Victoria Preheim, Josie Andersen, Sara Kreger, and Jaycee Hourgian. POOL ATTENDANTS at \$10.80/hr: Shyla Tvedt, Kendra Kirby, Caden Hourigan, Alayna Carlson, Braylin Kreger, and Camdyn Peterreins. Lifeguards and WSI are contingent on successful completion of certified lifeguard and/or WSI training. Upon roll call, all voted aye. Motion carried.

Per the agreement with Heather Estey concerning the water bill account at 409 7th Ave S and the motion made on November 7, 2022, Estey has complied with all the requirements of the agreement and is considered paid in full. The remaining water bill needs to be written off the system software so she is able to start a new account with the City.

Motion by Mewherter, seconded by Drake to write off the remaining utility bill amount in the City software program for utility billing at 409 7th Ave S per agreement made with customer and prior motion made 11/7/2022. Upon roll call, all voted aye. Motion carried.

The City has land in CRP with a contract expiring this year. There is a question as to how many acres are owned by the City and how many are owned by CLAD. Further information is needed before making a decision on renewal.

Motion by Drake, seconded by Mewherter to approve the use of Federal ARPA funds in the amount of \$228,227.58 designated to essential payroll departments beginning May 2023 payroll for SLFRF Compliance Reporting. Upon roll call, all voted aye. Motion carried.

To promote camping at the City Park and Ulven Park, the Mayor and City staff would like to give away “pay for one night get one night free” coupons again for 2023. Motion by Pauli seconded by Mack to give away up to 50 coupons for the 2023 camping season. Upon roll call vote, all voted aye and motion carried.

Motion by Drake, seconded by Pauli to declare the following items surplus property deemed of no value: (Qty. 2) 3’x5’ Park Signs. Upon roll call vote, all voted aye. Motion carried.

Motion by Mewherter, seconded by Bauman to approve the locations of the new Welcome To Clear Lake Signs to be placed replacing the one on the North end of town on Hwy. 15, at the corner of Hwy. 15 and Hwy. 22 on the Trinity Lutheran Church corner, and on the West side of town on Hwy. 22 near the Golf Course contingent on approval of Trinity and Golf Course. Costs to be covered by the Chamber of Commerce. Upon roll call vote, all voted aye. Motion carried.

There were no committee reports this meeting.

Superintendent Collins informed the Council that the Deuel County Highway Department is have their reclaim pile crushed for approximately \$12/T. Collins would like to use the service.

Motion by Pauli, seconded by Mewherter to have the City’s reclaim pile crushed for \$12/T. Upon roll call vote, all voted aye. Motion carried.

Collins updated the Council on the 7th Ave./6th St. construction project. Temp water lines are to be hooked up soon with excavating to begin and resurfacing a couple weeks after that all depending on weather. The North Street construction project should begin in about a month.

City Attorney Todd Boyd comments were directed to Public Works employees and appreciation for their work.

City Finance Officer Mary reported on the Swimming Pool reline to be happening this spring. She has been in contact with the company out of Indianapolis and they are at least three weeks behind due to their harsh winter conditions. They now thought the reline would not be done until late May or into June. It will take approximately one week depending on weather conditions. This will affect the season and swimming lessons.

Korth reported the City will be audited sometime the end of May 2023 for the 2022 financial year. The audit will be performed by Eide Bailly as in the past. The council had previously approved and signed the engagement letter for this audit in December 2022.

Korth reported on her findings of Northwestern Energy rebate payments to Crystal Springs Feeds for their plant funding from 2021-2022. The rebate program will be reviewed later this year. CS Feeds should have a rebate to begin paying back the State GOED for the LIIP Grant. The City does not receive funds until the State is paid.

Korth reported on her grant request to East Dakota Water Development District and they have agreed to match State Funds in the amount of \$28,000.00 for the Facility Engineering Plans for the City of Clear Lake.

Korth also reported on her training session in DeSmet and offered training materials to the Council.

Mayor Lundberg commented on the positive comments she has been hearing about the City employees and the Council.

Alderwoman Drake questioned specific plans for the roads in the City. No other comments from any other Council members.

Motion by Pauli, seconded by Mewherter to enter into Executive Session at 7:42 PM for contractual matters. Upon roll call vote, all voted aye. Motion carried.

Mayor Lundberg declared the Council out of Executive Session at 8:29 PM.

Motion by Mewherter, seconded by Mack to accept increase in the rate of Boyd Law Firm LLC, City Attorney Todd Boyd from \$180/hour to \$225/hour to be effective immediately. Upon roll call vote, all voted aye. Motion carried.

There being no further business, motion by Bauman, seconded by Pauli to adjourn at 8:30 PM. All voted aye. Motion carried.

Mary Korth
Finance Officer

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