

The Clear Lake City Council met in regular session on Monday, June 12, 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, Jonas Reppe and Rod Pauli. Also present were Mary Korth, Todd Boyd, Brandon Collins, Val Lundquist, Calvin Rans, John Keimig, Greg Richter, Roni Nerud, Josh Streich, and Amy Bjerke. The meeting began with the Pledge of Allegiance and was then called to order by Mayor Lisa Lundberg.

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

Motion by Mack, seconded by Mewherter to approve the consent agenda as follows: Minutes – Regular Meeting May 8, 2023; Monthly Financial Statements for the Month Ending May 31, 2023; Building Permits: Approved: Brandon Folk – 106 8th Ave S – wood fence, Debra Bublitz – 606 1st Ave S – deck, Travis & Renae Engelkes – 909 6th St W – replace part of existing drive – Russell Olene – 503 8th Ave S – concrete patio, Heather Estey – 409 7th Ave S – enclose carport, Judith Homan – 502 Pheasant Run Rd – new structure, Watertown Handyman Sean Thurman for Sophia Hyder – 611 4th St W – deck addition. Delinquent Water Bills; Approve Temporary Liquor License Applications: Gary Bar: Wedding, Saturday, July 22, 2023; Approval of Elected Officials Workshop in Pierre July 26, 2023. 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: PAYROLL: Council 1370.00; Mayor 420.00; Finance 4541.67; Gen Gov't Building 79.55; Streets 6097.47; Snow 56.68; Rubble Site 1058.39; West Nile 85.02; Parks 6237.80; Library 3797.31; Community Center 119.33; Water 5144.18; Sewer 3434.79; Aflac 161.28; SD Retirement 3276.78; Health Pool of SD 7020.94; Delta Dental of SD 406.00; DNB-FICA/WH 7093.79. EXPENSES: A&B Business Solutions 129.35 Copier Contract, American Engineering Testing 1707.00 Environmental Testing, Appera 120.27 Janitorial Maintenance, Banner Associates, Inc 1600.50 Facility Plans And Eng Svcs, Kelli Bauman 75.00 Muni Room Deposit Refund, Bjerke Sanitation 7003.76 Sanitation Services, Boyd Law Firm, Prof. L.L.C. 1305.00 Legal Fees, Brookings-Deuel Rws 10265.20 Water Tap And Purchase, Brandon Chestnut 400.00 Community Ctr Deposit Refund, Clear Lake City Library 2080.04 Books And Supplies, City Of Clear Lake 1215.06 Water Sewer Utility And Refund, Clear Lake Building Center 473.54 Supplies And Repairs, Clear Lake Courier 1098.33 Publications And Supplies, Connecting Point 559.10 It Services And Backup, D & L Digging 5150.00 Water Leaks And Pea Rock, Sd Danr 650.00 Environmental Fees, Deuel County Auditor 5901.97 Law Enforcement Contract, Deuel County Conservation Dist 45.00 Tree Planting, Deuel Co Motor Supply 237.62 Supplies, Deuel County Farmers Union Oil 252.90 Supplies, Dcn Insurance 3869.50 Ambulance Insurance, First Bank & Trust 300.00 Learn To Swim Facility Fee, Ben Gery 49.13 Water Meter Deposit Refund, H-D Electric Coop, Inc 581.49 Electric Energy, H-D Elec Coop, Inc. 96.54 Street Light Repair, Itc Telecom 1393.41 Phone And Internet, Mary Korth 370.76 Travel Reimbursement, Maynard's Food 33.85 Supplies, Connie Mcguiggan 156.50 Community Center Refund, Menards 35.16 Supplies, Milbank Winwater Works 2971.81 Water Supplies, Northwestern Energy 279.14 Natural Gas Energy, Nosbush Plumbing & Heating 106.50 Community Center Repairs, Office Peeps 75.03 Office Supplies, Nichole Olson 200.00 Community Center Deposit Refun, Ottetail Power Co 4241.12 Electric Energy, Postmaster 94.00 Post Office Box Rental, Sd Department Of Health 30.00 Water

Testing, Runnings Farm And Fleet 299.94 Supplies, Sd State Treasurer (Sd Dor) 1507.47 Sales Tax Due To State, Sheila Sik 75.00 Muni Room Deposit Refund, Steve Rhody Services 40.00 Window Services, Us Bank Trust-Spa Lkbox Cm9695 6837.30 Us Bank Water Loan, United States Dept Of Ag 6107.00 Usda Sewer Srf Loan.

Roni Nerud was present for public voice. The Council heard her complaints of a fence issue from snow removal as well as asphalt chipped from a hydrant flushing. Discussion was held on both issues.

In unfinished business the CRP contract for a portion of acres was discussed. Discussion was held on the various future uses of the land. Motion by Mewherter, seconded by Drake to decline the renewal of contract 10061F for 39.24 acres to be kept in CRP with The Conservation Office and to contact them about putting the trees bordering Northside Acres into CRP. Current contract to expire September 30, 2023. Upon roll call vote, all voted aye. Motion carried.

Discussion was held on sending a letter to the United Fire and Casualty Co., the bond company for DeBoer Construction Inc. for damages and penalties incurred during the current construction project. This also involves a \$100/per day penalty for not having the project done by the due date of October 15, 2023. The concern was that the bond company may not be aware of the status of the project, including the subcontract and the addendum to the contract. Motion by Mewherter, seconded by Mack to have City Attorney Todd Boyd draft and send a letter to United Fire And Casualty Co. for concerns deemed relevant with the current construction project contracted with DeBoer Construction Company. Upon roll call vote, all voted aye. Motion carried.

Greg Richter of Connecting Point met with the council to discuss a premiere support service for the City's software. The City currently uses Ultra software with Connecting Point. Richter explained the program in detail. Discussion was held and the Council was in support of the service for the City Finance Office.

Motion by Pauli, seconded by Drake to convene as Planning Commission and City Council jointly. Upon roll call vote, all voted aye. Motion carried.

Mayor Lundberg announced the City Council will also be acting as the Planning Commission for this portion of the meeting. As a member of the Planning Commission, motion was made by Mewherter, seconded by Pauli to recommend approval of the Final Development Plan and zoning ordinance amendment to the City Council. Upon roll call vote, all voted aye. Motion carried.

The public hearing was then opened. Mayor Lisa Lundberg began the hearing by stating there was a misprint in the May 31, 2023 edition of The Clear Lake Courier for the Public Hearing Notice. As a member of the Planning Commission, motion was made by Pauli, seconded by Reppe to formally amend the ordinance to rezone the described property from "its current designation to "PUD" Planned Unit Development". Upon roll call vote, all voted aye. Motion carried.

Comments were then welcomed to be heard on the Final Development Plan and rezone. There were no proponents or opponents present for comments. The public hearing was then closed. Discussion was held among Planning Commission and City Council.

As a member of the Planning Commission, motion was made by Drake, seconded by Mack to approve Resolution 2023-2 recommending the approval of the Final Development Plan and ordinance to amend the zoning ordinance to the City Council. Upon roll call vote, all voted aye. Motion carried.

The City Council then held its first reading of Ordinance #622 amending Ordinance #500 regarding zoning. Second reading will be held July 10th, 2023, 6:30pm.

Motion by Bauman, seconded by Pauli to adjourn as City Council and Planning Commission and convene as just Planning Commission, all voted aye. Motion carried.

Calvin Rans of Lake Shores Addition addressed the Planning Commission to discuss several items. He is working with the Zoning Officer on variances for a privacy fence around his property. He also wanted the Commission to be aware of his buildings and plans for lighting. Lastly, Rans discussed sewer in his area. His property qualifies for a private septic system which is in accordance with DENR. This would include a mound system/leach field. His filtration system would be in compliance of all requirements. As a member of the Planning Commission, motion was made by Pauli, seconded by Reppe to approve a sewer mound system for property owned by Calvin Rans upon the condition it meets the requirements of the DENR. Upon DENR approval, Rans will approach the City Council for final approval. Upon roll call vote, all voted aye. Motion carried.

Josh Streich also of Lake Shores addition met with the Planning Commission with a preliminary survey of his property currently zoned Ag. Streich understands he will need an official plat and resolution to be filed with the Register of Deeds once his plans are more finalized. Streich has plans for opening a private campground holding up to 100 sites on his property. Discussion was held on restrooms, a playground, dumpsters, and the entrance into the property. He intends on each site being full electric/sewer, all of which was discussed. Streich heard many comments and suggestions. The Planning Commission suggested he follows the zoning ordinance carefully in regards to Campgrounds (Chapter 4.22) and work with the Zoning Officer on steps to proceed.

Motion by Drake, seconded by Bauman to adjourn as Planning Commission and convene as Board of Adjustment, all voted aye. Motion carried.

A public hearing was held for John Keimig who applied for a variance for a wood front landing and steps to his property located at 707 5th St. West. The variance was discussed with no one present contesting the variance. Motion by Mack, seconded by Pauli to approve the variance at 707 5th St. West for John Keimig. Upon roll call vote, all voted aye. Motion carried.

Motion by Drake, seconded by Bauman to adjourn as Board of Adjustment and reconvene as regular Council. Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Reppe to approve the building permit for John Keimig for a wood front landing and steps at 707 5th St West (after variance approval). Upon roll-call, all voted aye. Motion carried.

Discussion was held on ownership of the Welcome to Clear Lake Signs for insurance purposes.

Motion by Mewherter, seconded by Bauman to approve the City being invoiced for the Welcome to Clear Lake signs and become owner of the signs with the understanding the Chamber will reimburse the City for costs incurred. Upon roll-call, all voted aye. Motion carried.

Finance Officer Korth reported on concerns for Valley View and Parkway Drives. School construction and vehicles have allegedly deteriorated the roads with questions on repairs. Korth had spoken to Hasslen Construction Manager Ben Gere. Gere told her he didn't believe the loaded trucks used those roads and most of the damage was due to winter/spring melt. Civil plans were presented to the Council to show where final paving for school parking lots would be which includes an apron on Valley View Drive. Valley View and Parkway will be heavily used by students, staff, and school buses once the school project is complete. Discussion was held on current repair and future maintenance of these roads.

The first reading of Ordinance No. 623 – An Ordinance Regarding Mandatory Curb & Gutter was held. Second reading will be held July 10, 2023.

Resolution 2023-3, regarding the FEMA National Flood Insurance Program was presented to be in compliance with FEMA regulations. Motion by Drake, seconded by Pauli to approve Resolution 2023-3. Upon roll call, all voted aye. Motion carried.

Motion by Drake, seconded by Mewherter to approve the 2023 Summer Rec employees as follows: Sara Guest – Arts & Crafts Head Coach, Cooking & Baking Co-Coach, and Legos Head Coach; Graclyn Nielsen – Cooking & Baking and Arts & Crafts HS Student Asst.; Jon Peterreins – Basketball Head Coach, 12U Softball Co-Coach; Amber Peterreins – 12U Softball Co-Coach; Camdyn Peterreins – Basketball HS Student Asst.; Trey Maaland – Basketball HS Student Asst.; Harley Hennings – Basketball HS Student Asst.; Braydon Simon – Basketball HS Student Asst.; Brandon Lee – Golf Head Coach, 12U Softball Co-Coach; Brady Boyle – Drama Head Coach; Stephanie Mattson – Volleyball Head Coach; Deidra Clausen – Fitness Head Coach. Co-Coaches for T-Ball as follows: Ashley and Bryan Lipp, McKenzie and Tony Konold, Liz DeBoer, Katie Ruppult. Kellen Bucknell – College Head Coach; Thad and Arya Krause – College Co-Coaches; Kris Ulmer – Majors and Minors Head Coach(s); Casey Severson – Minors Co-Coach and 8U Softball Head Coach; Austin Olinger – Minors Co-Coach; Todd Rahlf – 10 U Softball Co-Coach; Tate Pope – 10U Softball Co-Coach; Brittane Collins – 14U Softball Co-Coach; Connie Chaney – 14U Softball Co-Coach. Head Coaches paid at \$11.50/hr.; Co-coaches \$11.25/hr.; High School Assistants \$10.80/hr.; Concession Stand Manager \$11.00/hr.; Concession Stand Assistant \$10.80/hr.; and Umpires \$20.00/game. Upon roll call, all voted aye. Motion carried.

Motion by Drake, seconded by Mewherter to approve an additional Swimming Pool employee Preston Rounds as Pool Attendant, \$10.80/hr. Upon roll call, all voted aye. Motion carried.

Motion by Mewherter, seconded by Mack to approve the Auto Supplement Budget Request to General Fund (swimming pool) for: \$100.00 (101-451.2) from Kiwanis Donation. Upon roll call, all voted aye. Motion carried.

The Policies Committee gave their committee report from their meeting May 18, 2023. The vendor ordinance that failed last council meeting was discussed with lower fees as well as other details. A first reading for a new Vendor Ordinance is scheduled for a future meeting.

Ordinance #6-1-4 Mandatory Curb and Gutter was discussed. A first reading of Ordinance #623 was held earlier in the meeting. In addition, the Committee recommended curb and gutter requirements attached to any new street project with tax assessment. This was discussed in comparing other towns and engineering requirements. Finance Officer Korth presented information on the process for this to happen through engineering standards. She also presented information from Banner Engineering and asked if the council would like to proceed with having this as part of the Facilities Drainage Study. The Council will discuss with Banner Engineering at a future meeting.

The Facilities Committee gave their committee report from their meeting May 25, 2023. The City Municipal Building has needed window replacement which has been included in budget for over a year. Motion by Pauli, seconded by Reppe to approve Lindsay Windows/Boettcher Window Supply to contract the City Municipal Buildings windows replacement and to pay half the cost of the windows to get on the schedule. Upon roll call vote, all voted aye. Motion carried.

The software presentation by Connecting Point earlier in the meeting was discussed. Motion by Drake, seconded by Mewherter to approve the ConnectCare MSP program with Connecting Point for the Finance Office at a rate of \$247.00/month. Upon roll call vote, all voted aye. Motion carried.

The Facilities Committee discussed some needs at the Community Center and reported back to Council. Keyless entry is being ordered for the Community Center. Finance Officer Korth found out the Municipal Building doors don't qualify for keyless entry.

Motion by Mack, seconded by Mewherter to approve Nosbush Plumbing and Heating to replace the kitchen furnace at the Community Center for a cost of \$3469.39. Motion carried.

Nosbush Plumbing and Heating has been contacted for the kitchen water heater at the Community Center. Also, a new refrigerator to replace a failed one will be purchased soon.

There was some discussion of a walking/bike path around from the football field and around the lake. Korth reported that CLAD is working on engineering costs and would like to collaborate with the city on initial costs so a grant can be applied for in 2024 to start this project in phases. The Facilities Committee would be handing this off to the City Planning Committee for this larger scale project.

Public Works Superintendent Collins reported on items concerning his department. Motion by Mewherter, seconded by Reppe to repair the air conditioning in the Kubota at a cost of \$2200.00. Upon roll call vote, all voted aye. Motion carried.

City Attorney Todd Boyd commented he was approached by Golf Course personnel to inform the Council about tree debris that will be burned at the Golf Course. Boyd had other comments with regard to the PFAS National Lawsuit for public water systems.

City Finance Officer Mary Korth reported the pool reline has been pushed back to August as not to conflict with the swimming year and lessons.

In continuing volunteer service and recognition, motion by Mewherter, seconded by Mack to nominate Mark Dohman and Dennis Norton as May 2023 volunteers for the City and will be awarded \$100.00 in Clear Lake Bucks each. Upon roll call vote, all voted aye with Pauli abstaining. Motion carried. Both put countless hours helping clean up the parks in the City in preparation for spring.

Korth reported that Healthy Hometowns is interested in adding a pocket park in the City and will be applying for a grant to do so. The City would be responsible for park maintenance. Sarah Salzer with Healthy Hometowns will discuss the projects at a future meeting.

Alderman Mewherter commented on the public road to Crystal Springs Feeds as far as maintenance and lighting. Motion by Drake, seconded by Reppe to have Harry Mewherter spray for weeds along Jackrabbit Place, the road to Crystal Springs Feeds. Upon roll call vote, all voted aye with Mewherter abstaining. Motion carried.

No other comments from the Mayor or any other Council members.

Motion by Mewherter, seconded by Mack to enter into Executive Session at 9:09 PM for personnel and contractual/legal matters. Upon roll call vote, all voted aye. Motion carried.

Mayor Lundberg declared the Council out of Executive Session at 10:07 PM.

Motion by Mewherter, seconded by Reppe to accept the resignation of Emma Ruby as Library Director and Buildings Custodian effective August 11, 2023. Upon roll call vote, all voted aye. Motion carried.

Motion by Drake, seconded by Mewherter to instruct Summer Rec Board/Staff to assist with garbage removal after games and activities. Upon roll call vote, all voted aye with Bauman abstaining. Motion carried.

There being no further business, motion by Pauli, seconded by Drake to adjourn at 10:10 PM. All voted aye. Motion carried.

Mary Korth
Finance Officer

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