

The Clear Lake City Council met in regular session on Tuesday, October 10, 2023, 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, Aldermen Harry Mewherter, Jonas Reppe, and Rod Pauli. Absent was Alderwoman Rose Mack. Also present were Mary Korth, Brandon Collins, Todd Boyd, Val Lundquist, Beth Niemeyer, Sara Pankonin, Sarah Salzer, David Locke, Nancy Barondeau, Kellen and Kayla Bucknell, Duke and Dylan Fritz. The meeting began with the Pledge of Allegiance and then called to order by Mayor Lundberg.

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

Motion by Drake, seconded by Pauli to approve the consent agenda as follows: Regular Meeting September 11, 2023 and Special Meeting September 18, 2023; Monthly Financial Statements for the Month Ending September 30, 2023; Building Permits: Approved: Clear Lake Area Development – Lavin Field – Outdoor Water Bottle Filling Station, Joseph Raml – 106 9th Ave S – Curb and Gutter, Tammie Wolk – 603 Circle Dr. – Deck, Rusty Carlson – 807 Golf View Dr. – Fence and Shed (variance approved 8/10/2020), Delbert Pieschke – 109 5th St. E – 4’x18’ Addition; Demolition Permits: Approved: Tammie Wolk – 603 Circle Dr. – Deck Composite; Delinquent Water Bills; Approval of Warrants; Approval of Stabilization Pond Workshop for Darren Barondeau and Elliott Furman to attend October 12th in Huron, SD, and ITC University Facebook Training Val Lundquist to attend October 18th. 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 1970.00; Mayor 570.00; Finance 4762.40; Gen Gov't Building 304.80; Streets 7038.01; Snow 172.69; Rubble Site 1298.19; West Nile 255.06; Parks 2406.90; Library 1995.20; Community Center 87.50; Water 6498.38; Sewer 3112.18; Aflac 161.28; SD Retirement 2992.42; Health Pool of SD 7963.34; Delta Dental of SD 361.30; Dnb-Fica/Wh 6465.22. EXPENSES: A&B Business Solutions 173.57 Copier Contract, Stacy Andersen 70.62 Josie 2nd Yr Recert Lifeguard, Appera 118.56 Janitorial Maintenance, Avera Occ Medicine-Mitchell 118.00 Drug Testing, Banner Associates, Inc 7861.90 Facility Plans Contracted Serv, Bjerke Sanitation 6968.76 Sanitation Services, Bobcat Of Brookings 7428.00 Remainder Due On Bobcat, Boyd Law Firm, Prof. L.L.C. 1623.00 Legal Services And Fees, Andrew Braam 131.75 Meter Deposit Refund And Credi, Brian's Glass & Door Inc 950.00 C Center Door Locks, Brookings-Deuel Rws 11509.75 Water Utility And Purchase, Clear Lake City Library 762.73 Books And Supplies, City Of Clear Lake 1573.89 Utilities, Clear Lake Building Center 1038.45 Supplies And Repairs, Clear Lake Courier 1589.62 Supplies And Publications, Clear Lake Area Dev. Inc. 17500.00 Quarter 4 Support, Clear Lake Chamber Of Commerce 125.00 Clear Lake Fun Bucks, Connecting Point 284.00 It Services, D & L Digging 4100.00 Water Leaks, Dakota Pump & Control, Inc. 560.21 Lift Station Inspection, Deuel County Auditor 5901.97 Law Enforcement Contract, Deuel Co Motor Supply 47.88 Supplies, Deuel County Farmers Union Oil 363.93 Supplies And Repairs, Div Of Criminal Investigation 43.25 Background Check, Duininck, Inc. 12318.54 Asphalt, First Bank & Trust 175.08 Credit Card Charges, Tammy Greenman 400.00 C Center Deposit Refund, H-D Electric Coop, Inc 421.46 Electric Energy, H-D Elec Coop, Inc. 2446.12 Light Repair, Megan Hendrickson 500.00 Award Scholarship, Itc Telecom 695.94 Phone And Internet Utilities, Maynard's Food 4.25 Supplies, Harry Mewherter 1875.00 City Spraying, Milbank Winwater Works 249.80 Water Repairs, Mills Property Management 182.26 Sewer Account Refund, Nasasp 39.00 Association Dues, Northwestern Energy 41.87 Natural Gas Energy, Nosbush

Plumbing & Heating 3647.97 Pool Heater, Office Peeps 134.51 Office Supplies, Ottertail Power Co 3609.39 Electric Energy, Pitney Bowes Bank Inc 9.50 Postage Meter Rental, Sd Department Of Health 45.00 Water Testing, Rubberecycle 2265.00 Park Volleyball Improvements, South Dakota One Call 67.20 Locates, Sd State Treasurer (Sd Dor) 830.50 Sales Tax Due To State, Sd Unemployment Insurance 294.37 Unemployment Insurance, Steve Rhody Services 40.00 Window Washing Services, Summit Supply Corp Of Colorado 10278.50 Picnic Tables And Fire Rings, Supreme Welding Inc 24.00 Supplies, Team Laboratory Chemical, Llc 491.50 Traffic Paint, Upframe Creative 375.00 Website Maintenance, Us Bank Trust-Spa Lkbox Cm9695 11716.19 Sewer Srf Loan, United States Dept Of Ag 6107.00 Usda Sewer Loan, Jen Winter 75.00 Muni Room Deposit Refund.

No one appeared for public voice.

The second reading of Ordinance No. 626 Amending Ordinance No. 615 Regarding Flood Damage Prevention Regulations was held. Motion by Mewherter, seconded by Reppe to approve Ordinance No. 626 for adoption. Upon roll call vote, all voted aye. Motion carried.

Nancy Barondeau of the Chamber of Commerce met with the Council to discuss plans for holiday displays. They will not be doing displays at City Park this year. Rather they are looking into areas on main street for holiday lighting. Motion by Drake, seconded by Pauli to approve the Chamber of Commerce use of the city owned streetlight pole for electric for a display on the empty lot south of the Municipal building and to block off 4th Street by Lundy's Bar and Grill for decorating the tree December 2, 2023 as well as using the city owned streetlight pole for electric at that location. Upon roll call vote, all voted aye. Motion carried.

David Locke of Stockwell Engineers and Sarah Salzer of Healthy Hometowns/CLAD presented a concept plan of a splash pad for the City. He gave a history of his company and is working with Salzer on the concept. The Council would be asked what they prefer for design and location. The Council can review the different types of splash pads in an email presentation. From there a master plan would be created and a public meeting. Grant reimbursement funding can cover some of the costs. Motion by Mewherter, seconded by Pauli to approve the agreement for professional services with Stockwell Engineering for a Splash Pad Master Plan in the amount of \$14,900.00 to be paid from 2024 budget. Upon roll call vote, all voted aye. Motion carried. Salzer also discussed the possible walking trail around the lake and presented a copy of where it would be located.

Mike Corothers met with the Council to discuss changing Ordinance 5-1-3 to allow the discharge of firearms within ag land. Corothers owns land north of the City outside city limits but because of how the City annexed land in the past, a portion of his land is within City limits. This causes problems for him to allow hunting on all of his land. He also thought the City's ordinance was outdated and needed refining or clarification so that land zoned ag would be exempt from illegal discharge of firearms. Discussion was held and concerns arose with deer hunting too close to city limits. City Attorney Todd Boyd suggested changing the wording of the ordinance to legalize a portion of the ag land to include Corothers land. First District will be contacted to compare to similar cities' ordinances regarding firearms. There will be an update at the November Council meeting.

Banner Associates represented by Sara Pankonin and Beth Niemeyer met with the Council after their review of the Facility Plans. There were no further comments from the Council on the draft copies. Discussion was held on the funding application. The City can either apply for a portion or all of what is needed for projects. Utility rates will likely be raised to what the State considers an affordable rate. A

public hearing will be scheduled in the near future. Final funding award packages are usually announced in March.

Motion by Reppe, seconded by Pauli to approve the Facility Plans as follows: Drainage Study, Water Facilities Plan and Wastewater Facilities Plan. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Reppe to apply for the State Water Plan for the full amount of project cost for the Drinking Water SRF of \$5,524,200. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Reppe to apply for the State Water Plan for the full amount of project cost for the Clean Water SRF of \$11,674,600. Upon roll call, all voted aye. Motion carried.

Banner Associates presented their proposal for further Drainage studies at the corner of Highways 15 and 22. Banner representative Sara Pankonin along with Finance Officer Mary Korth had several conversations with DOT ROW specialist Scott Nelson since last meeting. Nelson was not in attendance at present meeting but passed along the information to questions from last meeting. The 42" pipe determined by the SDDOT for the corners of Highways 15 and 22 was determined by SDDOT commonly used engineering methods and they consider it sufficient for the corner. The DOT feels this solution is adequate; they will not cost share in any further solutions. An alternative remedy may be considered in the future. Duke Fritz was present for discussion and feels the DOT solution is not adequate because of their methods of determination. The Fritz family would like to have the City act on Banner's proposal as their area was not included in the original Drainage Study. They asked why this area wasn't considered as it is in city limits. Banner reps and the City said their modeling showed other areas in the city that were of a concern and this corner is DOT jurisdiction. DOT is bidding the project this year. Discussion was held on if the City should pay for a better solution if the DOT design is changed.

Motion by Pauli, seconded by Reppe to contract with Banner Engineering for the additional Drainage Study at the corners of Highways 15 and 22 in the amount of \$17,330. Upon roll call vote, all voted aye. Motion carried.

Finance Officer Korth reported on a late fund request for 2024 budget she received from the Clear Lake Days Committee. The Committee did not have their final 2023 financials until now. No action was taken.

A 2023 Swimming Pool recap was presented by Finance Officer Korth on behalf of Pool Manager Billie Giesel who could not attend the meeting. There were 10 lifeguards and 6 pool attendants that kept the pool fully staffed with no closure issues. Three individuals participated in Guard Start. There were approximately 113 kids signed up for swimming lessons that went well despite some mechanical issues at the pool. Adult swim night was not a success, but Teen night was very successful. Problems with the pool were discussed. Korth reported the pool reline was complete this fall and should help greatly for next year.

Korth presented the 2024 Law Enforcement Contract and scope of services from the Deuel County Sheriff. The increase in cost for 2024 is 4.5%. Motion by Reppe, seconded by Drake to approve and sign the Agreement for General Law Enforcement Services for 2024 at the annual cost of \$74,064. Upon roll call, all voted aye. Motion carried.

Korth received a call from Deuel School Superintendent Chad Schiernbeck with concerns about the school's water usage and high bills. This comes mostly from the football fields and watering usage. The school board at their last meeting inquired if there were other alternative sources such as digging

their own well. City ordinance does not allow for this. Council members didn't have other suggestions other than to cut usage.

Deuel Area Development Inc. for the Good Samaritan Home have contacted the City to have the water meter removed. Discussion was held on future water usage and tap fee billing. The Council said the water should be capped and not just turned off at curb in this situation. Tap fees remain until DADi decides if they are going to cap the line.

A utility bill has been in collections since August 2020. Reasonable efforts have been made to collect per SDCL 9-2-4. Motion by Mewherter, seconded by Drake to eliminate the following receivable off the records due to inability to collect: Account #2510.05 in the amount of \$665.36. Upon roll call, all voted aye. Motion carried.

Motion by Drake, seconded by Mewherter to cancel check #22280 in the amount of \$46.95 as it was lost in the mail and re-issue check as 180 days have passed pursuant to SDCL 9-23-21. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Drake to send unclaimed property, uncashed check for Simon Lapenckas dated 6/7/2021 in the amount of \$69.70 to SD Unclaimed Property. Upon roll call, all voted aye. Motion carried.

Motion by Drake, seconded by Pauli to declare 7 picnic tables from Parks surplus for scrap. Upon roll call, all voted aye. Motion carried.

The Planning Committee reported on their ongoing meetings with Luke Muller from First District on changing the Zoning Ordinance. Discussion was held on commercial district properties and the use of storage pods. It will be reported back to Muller that the Council is in favor of the use of storage pods in the commercial district.

Ramona Drake, Council representative for CLAD and the Library gave her report. She stated the Library hasn't had any recent meetings, but gave the Council a printed update from a Board member on the happenings of the Library. She reported on activities with CLAD specifically the custom farming at the former airport land is going well and harvest is near complete.

Superintendent Collins updated the Council on what his department has been doing. Burchatz Construction is still behind in doing curb and gutter due to their labor shortage and Collins has been looking into other alternatives. Bituminous Paving is ready to complete after curb and gutter is installed, but paving might happen prior to curb and gutter.

Motion by Reppe, seconded by Pauli to extend the deadline on the contract with Bituminous Paving to December 1, 2023 as the delay is due to no fault of their own. Upon roll call vote, all voted aye. Motion carried.

Collins went on to discuss the main lift station inspection and it is need of repairs. Also there is a collapsed culvert on Parkway and 5th that needs replacement.

Motion by Mewherter, seconded by Reppe to have the main lift station repaired by DPC for approximately \$8000.00 and the City to replace the collapsed culvert described above for approximately \$1700. Upon roll call vote, all voted aye. Motion carried.

City Attorney Todd Boyd reported on items related to his office. Boyd also gave confidentiality agreements to each Council member to return as they should be signed annually.

Finance Officer Korth had no comments.

Alderman Reppe commented the Welcome To Clear Lake signs were finished and ready to be installed. No other comments from any other Council members.

Motion by Drake, seconded by Bauman to enter into Executive Session at 9:09 PM for legal contractual matters and personnel. All voted aye. Motion carried.

Mayor Lundberg declared the Council out of Executive session at 9:25 PM.

Motion by Drake, seconded Reppe to call for a Special Meeting Monday, October 16, 2023 at 5:00pm. Upon roll call vote, all voted aye. Motion carried.

There being no further business, motion by Drake, seconded by Reppe to adjourn at 9:26 PM. All voted aye. Motion carried.

Mary Korth
Finance Officer

“This institution is an equal opportunity provider.”

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