

The Clear Lake City Council met in regular session on Monday, December 11, 2023, at 6:30 PM in the Conference Room of the Municipal Building with Mayor Lisa Lundberg presiding. Those present were Alderwoman Ramona Drake and Aldermen Harry Mewherter, Jonas Reppe, and Rod Pauli. Absent were Alderwomen Rose Mack and Kelli Bauman. Also present were Mary Korth, Brandon Collins, Todd Boyd, Val Lundquist, Randall Keimig, Elliott Furman, Calvin Rans, Connie Chaney, Jamie Hintz, Connie Nielsen and Jon Klockman. 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 with a line item addition to the public hearing of Richard and Connie Nielsen for garage in alley of the property. All voted aye. Motion carried.

Motion by Drake, seconded by Reppe to approve the consent agenda as follows: Minutes – Regular Meeting November 6, 2023 and Special Meeting November 13, 2023; Monthly Financial Statements for the Month Ending November 30, 2023; Building Permits: Approved: Lance Eide – 413 2<sup>nd</sup> St. W – Metal Fence, Cowboy Country Store #4 – 420 3<sup>rd</sup> Ave S – Parking Lot Concrete, Carey Hoffman – 711 8<sup>th</sup> St W – House Addition and Concrete Patio, First Baptist Church – 411 4<sup>th</sup> St. W – Concrete Sidewalk Replacement; Demolition Permits: Approved: Deuel Area Development Inc. – 913 Colonel Pete St. – Good Sam Building; Delinquent Water Bills; Approval of Warrants; Year End Council Meeting Thursday, December 28, 2023 at 5:30PM. Approvals of permits are subject to the condition that they are in accordance with all building codes and ordinances of the City plus all state and federal statutes and regulations. Upon roll call vote, all voted aye. Motion carried.

Warrants Approved: PAYROLL: Council 1670.00; Mayor 470.00; Finance 4541.67; Gen Gov't Building 450.77; Streets 9454.22; Snow 428.66; Rubble Site 607.78; Parks 1136.61; Library 2761.17; Community Center 231.25; Water 5118.16; Sewer 6002.93; Aflac 161.28; SD Retirement 3307.90; Health Pool of SD 7963.34; Delta Dental of SD 406.00; Sioux Valley FCU 50.00; Dnb-Fica/Wh 7263.76. EXPENSES: A&B Business Solutions 132.96 Copier Contract, American Engineering Testing 1707.00 Chemical Testing, Appeara 129.53 Janitorial Services, Darren Barondeau 80.00 Dot Card Reimbursement, Bjerke Sanitation 7119.20 Sanitation Services, Bobcat Of Brookings 616.98 Rental, Boyd Law Firm, Prof. L.L.C. 1910.00 Legal Services, Brookings-Deuel Rws 7989.35 Water Tap Fees And Purchase, Burchatz Construction Co, Inc. 12966.38 Curb And Gutter, Butler Machinery Co. 82.11 Parts For Repairs, Certified Laboratories 351.29 Supplies, Clear Lake City Library 1049.88 Books And Supplies, City Of Clear Lake 398.83 Utilities, Clear Lake Building Center 181.76 Misc Supplies, Clear Lake Courier 593.47 Publications, Clear Lake Chamber Of Commerce 1350.00 Membership Dues, Connecting Point 768.50 Equipment And Backup, Core & Main 2985.87 Water Meters, D & L Digging 4000.00 Road Improvements, Dakota Pump & Control, Inc. 8289.81 Sewage Pump Repair, Sd Danr 1500.00 Fees Due, Deuel County Auditor 5901.97 Law Enforcement Contract, Dc Community Foundation 200.00 Comm Ctr Deposit Refund, Deuel Co Motor Supply 224.41 Misc Supplies, Deuel County Farmers Union Oil 334.00 Supplies, Duininck, Inc. 781.20 Asphalt, Equipment Blades Inc. 400.00 Equipment Supplies, First Bank & Trust 83.37 Credit Card Purchases, Glacial Lakes Radiator 1000.00 Repairs Snow, Nancy Greene 75.00 Muni Room Deposit Refund, H-D Electric Coop, Inc 155.17 Electric Energy, H-D Elec Coop, Inc. 214.29 Lift Station Repairs, Heiman Fire Equipment Inc 275.00 Fire Extinguisher, Innovative Office Solutions 205.88 Billing Supplies, Itc Telecom 697.68 Telephone And Internet Utility, Mary Korth

50.13 Reimbursement Christmas Dec, Becky Krause 200.00 Comm Ctr Deposit Refund, Maynard's Food 7.99 Supplies, Menards 618.89 Supplies, Milbank Winwater Works 530.20 Repairs, Northwestern Energy 688.92 Natural Gas Energy, Office Peeps 526.31 Office Supplies, Ottertail Power Co 4092.48 Electric Energy, Pitney Bowes Bank Inc 1577.08 Postage, Pomp's Tire Service, Inc. 236.68 Payloader Repair, Sd Department Of Health 285.00 Water Testing, Sd Municipal Street Maint A 35.00 Sdml Dues, Sd State Treasurer (Sd Dor) 569.33 Sales Tax Due To State, Sd Gov't Finance Officers Assn 40.00 Sdml Dues, Sd Gov't Human Resource Assoc 25.00 G, Steve Rhody Services 50.00 Window Cleaning, Supreme Welding Inc 9.45 Misc Supplies, Transource Truck & Equip, Inc. 1048.61 Repairs, Us Bank Trust-Spa Lkbox Cm9695 6837.30 Water Srf Loan, United States Dept Of Ag 6107.00 Sewer Usda Loan.

No one spoke for public voice.

In unfinished business, the second reading of Ordinance No. 627, Amending Ordinance No. 622 Regarding PUD was held. Motion by Mewherter, seconded by Pauli to approve Ordinance No. 627 Amending Ordinance No. 622 Regarding PUD. Upon roll call vote, all voted aye. Motion carried.

Motion by Pauli, seconded by Drake to accept the resignation of Alderwoman Kelli Bauman for Ward II due to her family obligations effective immediately. Upon roll call vote, all voted aye. Motion carried.

Motion by Mewherter, seconded by Drake to accept the appointment of Jamie Hintz as Alderman for Ward II recommended by Mayor Lundberg pursuant to SDCL 9-13-14.1. Hintz will fill the position's term until the 2024 election and assume the Committee appointments for the position. Upon roll call vote, all voted aye. Motion carried. Jamie Hintz took his Oath of Office for Alderman Ward II.

Mewherter nominated Ramona Drake for President. Motion by Reppe, seconded by Pauli that nominations cease and a unanimous ballot be cast for Ramona Drake as President. Upon roll call vote, all voted aye. Motion carried.

Drake nominated Jonas Reppe for Vice President. Motion by Mewherter, seconded by Pauli that nominations cease and a unanimous ballot be cast for Jonas Reppe as Vice President. Upon roll call vote, all voted aye. Motion carried.

Motion by Reppe, seconded by Hintz to convene as Board of Adjustment. All voted aye. Motion carried.

A public hearing was held for a conditional use permit for an in-home daycare at the property of Connie Chaney, 912 4<sup>th</sup> Ave S. No one present contested the conditional use permit.

Motion by Drake, seconded by Pauli to approve and grant the conditional use permit for Connie Chaney for an in-home daycare at 912 4<sup>th</sup> Ave S. Upon roll call vote, all voted aye. Motion carried.

A public hearing was held for a variance and conditional use permit for a trailer older than 10 years old and in an R-2 Zone at a property owned by Richard and Connie Nielsen at 103 4<sup>th</sup> Ave S. No one present contested the conditional use permit. However, the Council reviewed a letter of contention.

Motion by Drake, seconded by Reppe to approve and grant the variance for a trailer older than 10 years to be moved to 103 4<sup>th</sup> Ave S for Richard and Connie Nielsen. Upon roll call vote, all voted aye. Motion carried.

Motion by Drake, seconded by Pauli to approve and grant the conditional use permit for a trailer to be moved to 103 4<sup>th</sup> Ave S (R-2 Zone) for Richard and Connie Nielsen. Upon roll call vote, all voted aye. Motion carried.

A garage owned by Nielsens sitting near the property line along the alley of the property in question at 103 4<sup>th</sup> Ave S. Nielsen's is being damaged by gravel from alley maintenance. Richard Nielsen was not present for discussion therefore Nielsens may bring this to a future meeting.

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

Randall Keimig of Deuel Area Development Inc. (DADi) and Calvin Rans met with the Council requesting what remains for 2023 funding in economic development. They presented plans of a housing unit to be located at the former Good Samaritan building after demolition. They have also been collaborating with Sarah Salzer of Clear Lake Area Development (CLAD) on plans for a recreational area to include pickleball, a skate park, and possibly a dog park. The location for that is to be determined as all the plans are very preliminary. Salzer would be looking into grants for the recreational area and Rans is working with other grant applications for these plans on economic development. The request for funds would be for the engineering studies of the preliminary plans.

Motion by Hintz, seconded by Reppe to approve additional funding in the amount of \$39,911.24 to DADi for Economic Development from fund 101-465.1-429.00. Upon roll call vote, Drake-yes, Hintz-yes, Mewherter-no, Pauli-yes, Reppe-yes. Motion carried.

In other business, the first reading of Ordinance No. 628, An Ordinance Amending Ordinance 5-1-3 Regarding Discharge of Firearms, was held. Second reading will be at the January Council meeting.

The final Drainage Analysis Summary was distributed to Council from Banner Engineering. This analysis was in regards to the corner of Highways 15 and 22. Discussion was held on the Summary.

Motion by Drake, seconded by Reppe to approve Resolution 2023-8 Transfer from Contingency Fund. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Hintz to update the Personnel Policy Manual to add "Workplace Violence Policy" to XI. Miscellaneous Provisions. Upon roll call, all voted aye. Motion carried.

Motion by Drake, seconded by Hintz to update the Clear Lake Municipal Swimming Pool Handbook to include a cell phone policy for on-duty Lifeguards. Upon roll call, all voted aye. Motion carried.

Bjerke Sanitation notified the Council they are raising their rates for monthly garbage collection from \$16.50 to \$17.50/month.

Motion by Hintz, seconded by Mewherter to amend the contract with Bjerke Sanitation raising the rate to \$17.50/month for garbage collection effective January 2024. Upon roll call, all voted aye. Motion carried.

Recycling and disposal of cardboard for both residential and commercial customers was discussed. Keimig Recycling (Marv Keimig Sr.) had previously been taking cardboard for Clear Lake residents and businesses but is discontinuing that service. However, Marv Keimig Jr. is working with certain commercial businesses who bale their cardboard. His intention is to put up

a trailer for both residential and commercial to drop off their cardboard. The cardboard would have to be completely flat and free of debris. Public awareness will be top priority.

The City received notice from Brookings-Deuel RWS that they are increasing water rates in January 2024. The tap fee will increase from \$1700.00 to \$1785.00 and the water rate will increase from \$2.60 to \$2.80 per 1000 gallons.

Motion by Pauli, seconded by Hintz to approve the increase and to have the City Services Committee schedule a meeting to review the City utility rates. Upon roll call, all voted aye. Motion carried.

Motion by Mewherter, seconded by Hintz to declare Sensus water meters 1.5" SN80314236 ID74270719 and 2" SN75868537 ID72217885 surplus for scrap; and 2 HP 21" computer monitors for scrap/recycle. Upon roll call, all voted aye. Motion carried.

Alderman Mewherter requested the Rubble Site discussion be moved to the end of the meeting.

Motion by Drake, seconded by Pauli to approve the auto supplement budget request to General Fund Parks for supplies (101-452-426.11) from CCR in the amount of \$200.00. Upon roll call, all voted aye. Motion carried.

Motion by Hintz, seconded by Pauli to approve the auto supplement budget request to General Fund Library for supplies (101-455.426.11) from the Clear Lake Library to balance a miscoded fund in the amount of \$269.96. Upon roll call, all voted aye. Motion carried.

Motion by Drake, seconded by Pauli to approve the auto supplement budget request to Water Fund (602) for \$13,000 and to Sewer Fund (604) for \$15,000 from the Small Community Planning Grant for facility studies from the State of SD, total of \$28,000.00. Upon roll call, all voted aye. Motion carried.

Motion by Pauli, seconded by Mewherter to approve the auto supplement budget request to Water Fund (602) for \$6,180.30 and to Sewer Fund (604) for \$5591.70 from a grant for facility studies from East Dakota Water Development District, total of \$11,772.00. Upon roll call, all voted aye. Motion carried.

The Personnel Committee reported on the recent employee evaluations that were held. Results will be in the Salary Resolution in January 2024.

Motion by Mewherter, seconded by Pauli to accept the resignation of Jaden Martinell for Custodian effective 12/29/2023. Martinell will continue to be employed part time at the Library. Upon roll call vote, all voted aye. Motion carried.

Discussion was held on the vacancy for Buildings Custodian. As there was no interest in the position, Finance Officer Korth looked into commercial cleaning companies. Three companies were contacted – two of them declined due to no staff or not taking new clients. One company, Commercial Cleaning Services, Inc. of Watertown gave a bid proposal for cleaning of the Municipal Building and the Community Center. The Council reviewed the proposal. No action was taken at this time. In light of new information prior to the meeting, the Council is referring the vacancy back to the Personnel Committee to schedule a meeting and expedite results.

Superintendent Collins reported on his department. He is working with Banner Associates, Deuel School and their contractor with concern of a sewer intake and storm sewer pipe that has been adversely affected by school parking lot construction.

Collins went on to discuss the Rubble Site and a change in the months open. Because of Daylight Savings Time changes, winter appointment times will be extended November through April. Regular rubble site hours will be May through October beginning in 2024. Collins updated the Council on other activities within his department.

City Attorney Todd Boyd updated the Council on previous legal issues he has been addressing.

Finance Officer Korth was contacted by a resident disputing a late charge on his bill. It appeared to be a lost in mail issue. Discussion was held and no action was taken.

Korth asked the Council's preference for extra Clear Lake Bucks that were earned by the City after employee's Christmas bucks were given. The extra Clear Lake Bucks were due to the Chamber's current promotion. The additional bucks will be saved for the Volunteer program.

No comments were heard by the Mayor or Council members.

Calvin Rans was present for Rubble Site discussion. Discussion was held on the demolition of the former Good Samaritan Building. Rans had taken debris to the Clear Lake Rubble Site and he said it was free of asbestos. Rans stated he had State (DANR) approval and has been complying with all regulations. Asbestos testing has been performed twice at the demo site. Many concerns and question arose about possible asbestos at the City's sites. Rans used the City's local Rubble Site in the interest of cost savings but will be taking debris to the Brookings landfill going forward. Rans will work with the Finance Officer and provide letters of approval as to relieve the City of any responsibility.

Motion by Pauli, seconded by Reppe to enter into Executive Session at 8:08 PM for legal contractual matters. All voted aye. Motion carried.

Mayor Lundberg declared the Council out of Executive session at 8:31 PM.

There being no further business, motion by Drake, seconded by Pauli to adjourn at 8:31 PM. All voted aye. Motion carried.

Mary Korth  
Finance Officer

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