

REGULAR MONTHLY MEETING UNAPPROVED MINUTES  
BALTIMORE CITY COUNCIL  
May 16, 2023 7:00 PM BALTIMORE CITY HALL  
130 ST. OLAF AVENUE BALTIMORE, SOUTH DAKOTA

- I. CALL TO ORDER - Mayor Mclsaac called the meeting to order at 7:17pm in the Baltic City Hall, 130 St Olaf Avenue.
- II. ROLL CALL Answering roll call were Councilpersons Sinding, Oien, McGreevy and Schreurs. Also in attendance were City Attorney John Hughes, Justin Heim with ISG, Finance Officer Linda Hunnel, Maintenance Supervisor Ryan Rods and Community Relations Manager Lacey Branham. Sara Frankenstein attended through zoom call.
- III. PLEDGE OF ALLEGIANCE - Mayor Mclsaac led the meeting in the Pledge of Allegiance.
- IV. APPROVAL OF MINUTES
  - a. 4.12.23 Minutes - Sinding made a motion to approve April 12 Minutes. Seconded by Oien. Motioned carried, all voting aye.
- V. APPROVAL OF CLAIMS PAYABLE - Motion by Schreurs seconded by Sinding to approve claims as presented. Motioned carried, all voting aye.
- VI. PUBLIC TIME – Zach Nebben asked if any further plans have been made to pave 5<sup>th</sup> Street. Mclsaac stated that it has not been forgotten but other issues have taken higher priority. Nebben also asked if there was any decision on allowing chickens. Mclsaac explained that no citizens have brought forth any further discussion on how to allow this so all are happy with the results. Deb Qualseth said even after contacting the Sherriff’s Office the speeding on Lovely Avenue hasn’t gotten any better. She was especially concerned with the large trucks from the construction. Schreurs suggested getting more details on the trucks and calling the company directly. It was also suggested contacting the school since they have contracted the business for their building project. South Dakota Senate Representative Tom Pischke, who was in attendance, offered to call the Sheriff to help address the issue.
- VII. OLD BUSINESS
  - a. American Legion - Jeff Mott, Legion Commander, presented 2 options for the Veteran’s Memorial. He stressed they will start simple with hopes to add down the road. A few references were given for sculptures. Mott asked for the okay to hang a banner announcing the project. Council unanimously agreed. Attorney Hughes will work up an easement agreement to make sure the placement of a sculpture is done legally.
  - b. Ordinance 231-2011 RV Parking Ordinance - Finance Officer Hunnel explained that after the ordinance had been approved it wasn’t codified. It is currently not listed with the Baltic City Zoning Regulations. The Ordinance will be added as an amendment to the book until the next publication is made. Branham will add it as a separate link under zoning regulations on the website.
  - c. Xcel Grant ‘Welcome to Baltic’ sign - Options for a new welcome sign were presented by BADF President, Zach Nebben and the council. The council wanted to get further input from citizens. Sinding made a motion to table the decision until the next meeting. McGreevy seconded. Motion carried, all voting aye.
  - d. Ordinance 310 & 311 Rezone First Reading – Finance Officer Hunnel found that when the rezoning process started but the final steps of writing the ordinance were not completed. This serves as the first reading to complete the process from before. Hunnel felt there will be other properties that will require the same completion steps. Sinding noted a few spellcheck issues.
  - e. Development Agreement Negotiations –Mclsaac asked council if it was time to release the email correspondence related to the development agreement to the public. Sara Frankenstein informed everyone that there is no legal statute that requires a municipality to release emails or documents

especially when negotiations are still ongoing. She stated the law supports a City's ability to negotiate in a way that deems best. Mclsaac wanted to bring the idea of releasing correspondence to clear public narratives. The council felt it wouldn't be a good idea until litigation was complete.

- f. Community Guide - Mclsaac stated there are a good number of copies left of last year's community guide. Since it was more of an informational book than a calendar, we will put off publication and revisit redoing it again next year.

#### VIII. NEW BUSINESS

- a. Ratify Retention of Attorney Sara Frankenstein – Mayor Mclsaac stepped aside and let Council President Schreurs take over the meeting. Hughes introduced Sara Frankenstein, South Dakota Public Assurance Alliance Litigation Attorney. Sinding made a motion to ratify the services of Attorney Frankenstein, seconded by Oien. Motion carried, all voting aye. President Schreurs explained that with the presentation of the recall petition, Mayor Deborah Mclsaac has filed a motion for declaration to challenge the recall petition regarding the specific statements of the grounds of the recall petition. Frankenstein requested an executive session per SDCL 1-25-2 (3) to speak with legal counsel for pending litigation. This discussion would exclude Mayor Mclsaac. Sinding made a motion to move into executive session. Seconded by McGreevy. Motion carried, all voting aye. The council dismissed to executive session at 8:18 pm. Sinding made a motion to come out of executive session at 8:35 pm. Seconded by McGreevy. Motioned carried, all voting aye.  
Oien made a motion to stay the special election. Sinding seconded. Motioned carried, all voting aye. President Schreurs then handed the conversation to Sara Frankenstein to explain what was voted on. Attorney Frankenstein stated that since a lawsuit has been filed in Minnehaha Circuit Court asking the judge to stay the election date until the litigation has been settled no special election date will be set tonight. Per statute the court will now expedite the case. If the court deems the petition is valid the council will meet, and a special election date will be set. If there is no validity found, no further action will be taken by the council. Frankenstein also explained that Ms. Mclsaac has retained counsel in her own capacity. No brief has been released for the litigation but the general challenge for the petition was that there was no specific reasoning given. It is missing specific reasoning and factual details. A member of the community asked if citizens could attend the court hearing. Both Frankenstein and Hughes said it would be open to the public. Most of the communication at the hearing would be legal argument between attorneys. Hughes approved that the date could be posted on the city website.
- b. Presentation of Recall Petition – No action taken
  - i. Set Date of Election
  - ii. Date Nominating Petition is Due
- c. July 4<sup>th</sup> Celebration 2023 - Mclsaac and Schreurs returned to their seats. While Mclsaac pulled up the City Ordinance for fireworks, Schreurs stated it is allowed on July 4<sup>th</sup> (this year a Tuesday) unless a permit is received for an alternative day. Schreurs made a motion to allow fireworks to be shot off July 3<sup>rd</sup> & 4<sup>th</sup>. Seconded by Sinding. Motioned carried, all voting aye.
- d. Malt Beverage License Renewal - Classic Corner – It is time for Classic Corner to renew their Malt Beverage License. With all terms the same as last year, Schreurs made a motion to approve the license. McGreevy seconded. Motioned carried, all voting aye. Upon further discussion Schreurs amended the motion to allow Mayor Mclsaac to sign on behalf of the city for Classic Corner's license renewal. McGreevy seconded. Motioned carried on the amended motion, all voting aye.
- e. OATH OF OFFICE-BRIAN MCGREEVY ALDERMAN WARD 2 -
- f. Annual Appointment of Officers, SDCL 9-8-7 – Every year at the regular May meeting the appointment of officers is to happen. This year the following appointments were made by Mclsaac and approved as noted:

- i. Planning & Zoning – Ed Wilson (President), Deb Murphy, Nate Vrchota, Ryan Sinding and Travis Schreurs with Jay Baumiller as alternate (when Nate is unable to attend) – Oien motioned approval. Seconded by Sinding. Motioned carried, all voting aye.
- ii. Council President – Schreurs offered to continue as Council President. McGreevy motioned to have Oien as President. Seconded by Sinding. Hunnel asked for a polling of the vote: Sinding-aye, Oien-aye, McGreevy-aye and Schreurs-nay.
- iii. Council Vice President – Oien made a motion to appoint Sinding as Council Vice President. McGreevy seconded. Motioned carried, all voting aye.
- iv. Finance Officer – Mclsaac made the recommendation to have Linda Hunnel as Finance Officer. Schreurs made a motion. Oien seconded. Motioned carried, all voting aye.
- v. Maintenance Superintendent – Mclsaac made the recommendation to have Ryan Fods as Maintenance Supervisor. Sinding made the motion. Seconded by Schreurs. Motioned carried, all voting aye.
- vi. City Attorney - Mclsaac made the recommendation to have John Hughes as City Attorney. Oien made the motion. Seconded by McGreevy seconded. Motioned carried, all voting aye.
- vii. City Engineer - Mclsaac made the recommendation to have ISG, Justin Heim, be the City Engineer. Schreurs made the motion. Seconded by Sinding. Motion carried, all voting aye.
- viii. Official Depository - Mclsaac made the recommendation to have First National Bank to be the Official Depository. Schreurs made the motion. Seconded by . Motion carried, all voting aye.
- ix. Legal Newspaper - Mclsaac made the recommendation to have Dells City Journal as our legal newspaper. Sinding made the motion. Seconded by Oien. Motion carried, all voting aye.

After appointments were done, attending members stood and took their oath of office. Members all signed their oaths and turned them into Mclsaac to sign.

- a. Baltic Heights Park Amenities – Heim stated the basketball/pickleball courts and frisbee golf have shown the biggest interest. The cost of basketball courts would be approximately \$80,000. About half of this is the surfacing and equipment needed. Splash pad is approximately \$300,000. A lot of the expense would be the equipment chosen on it. The frisbee golf redesign cost is about \$10-15,000. Install of a new playground or moving the current one has a very wide cost range. Heim reported there are not a lot of grants to help with the cost. Heim suggested narrowing the age range down and trying to incorporate the cost into the CIP plan. Ruth Breen was concerned with the security around the park. Both with lighting and patrol. Schreurs questioned how we are going to cover the cost of these projects. He would like to see this incorporated into the Capital Improvement Plan.
- b. Infant Swings – Mclsaac brought options to council to add infant swings to our parks. She asked the council for a cap on cost so Fods can get a few ordered. To keep costs down we would swap with existing swings. Schreurs felt there wasn't a need to cap the cost. This has been a request for years. Fods will get two swings ordered. Placement will be one each at Berg Park and Tower Park.
- c. Dog Days – After meeting with the Dog Days Committee, they are in favor of the duties being absorbed by City Hall. Dog Days is set for August 11-13. Anyone that is interested in helping is welcome to call City Hall and speak with Lacey. Schreurs and McGreevy will work on the car show.
- d. Ash Trees – Mclsaac informed everyone that the State has identified Baltic as a potential high risk location for the Emerald Ash Borer. Further information will be provided soon for prevention.
- e. CIP Committee – Heim clarified he would like a committee formed including Maintenance Supervisor Fods, a council member, city personnel Branham and Hunnel and two citizens. Sinding volunteered to take the council chair. Mclsaac said Dick Adkins and Todd Milani were both interested. Heim will get in contact with everyone.

- IX. PUBLIC WORKS UPDATE – Fods stated approximately three quarters of the streets sweeping is done but currently ball fields are current priority. He had two applicants for summer help. One was 18 years old, the other 16. He hired the 18-year-old per insurance requirements. They are continually working through the mowing. Fods explained the fire hydrant damaged by Soukup will not currently be replaced because the main needs to be moved. Installation will be planned down the road when that project is done.
- X. FINANCE OFFICER UPDATE
- a. SF Humane Society -Municipal Code Discussion 90.999 Penalty – Hunnel requested this conversation be postponed until a later meeting.
  - b. Dells Ambulance Request – Hunnel received a request from the Dells Ambulance to increase our donation from \$5000 to \$10,000. Schreurs asked that it be investigated to see when the last increase was given to them. Hunnel will research and invite them to a later meeting.
  - c. City Revenue Update 2022 Special Funds – Hunnel reported there was a considerable amount of money coming out of the general fund for capital projects. This was stopped this year so we can build up the general fund account. She found there wasn't enough money in the general account to cover city expenses. Hunnel said the water and sewer accounts were still a little behind in funding.

Fods added that MCWC rural water is having difficulty communicating with equipment on our water tower. They operate and monitor everything to do with the water levels. Schreurs made a motion to cover the expense, \$10,642.00, of the equipment through MCWC. Oien seconded. Motioned carried, all voting aye.

- d. Mayor & Council Term Timetable for review – Hunnel put together a timetable of mayor and council positions. She wanted to make sure we were on the correct track with all positions. The past minutes didn't state who ran or when an election was happening. Hunnel also stated when the election was published it was done as a four year term but should have been one year. She has contacted Municipal League who referred her to the city attorney. Hughes will research and report back.

XI. ENGINEERING UPDATE

- a. Development Update – Heim presented a report on what he has been working on. He gave the Water Main Looping plans to Fods. Final details are being done then will be sent to DANR for permit review. A further timeline is listed in the report. Oak & Ash improvements are proceeding through the design phase. Fods added that there is a water main that runs through the middle of the old trailer court land. For future development of that land it will need to be moved. Lift station improvements are in the works. The Capital Improvement Plan timeline has tentatively been set. Heim will meet with the committee to move through the next steps.

XII. COUNCIL/MAYOR UPDATE – Reminder to all Coffee with Council will be held Saturday May 20 from 9-11:00 AM.

XIII. EXECUTIVE SESSION pm per SDCL 1-25-2 SDCL 1-25-2 (1) Matters Relating to Personnel (3) for Matters Relating to Legal Counsel and SDCL 1-25-2 (4) for Matters Relating to Contract Negotiations.

ADJOURNMENT – Schreurs motioned for adjournment at 9:45 PM. Seconded by Sinding. Motioned carried, all voting aye.

Respectfully submitted,

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Lacey Branham  
Community Relations Manager

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Deborah McIsaac  
Mayor