

The Clear Lake City Council met in regular session on Monday, December 8, 2014, at 6:30 p.m. in the Conference Room of the Municipal Building with Mayor Gordon Lee presiding. Those present were Alderman Gary Eide, Scottie Hagen, Jamie Hintz, Carey Holt, and Ellen Schmahl. Also present were Karen Harford, Don Ebbers, Todd Boyd and Ken Reiste, and several local citizens. Alderman Tim Hulscher phoned in for the entire meeting.

The Pledge of Allegiance was said.

The regular agenda for the December meeting was presented for review. Motion by Hagen, seconded by Eide, to approve the regular agenda. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Motion by Schmahl, seconded by Hulscher, to approve the consent agenda, which included the following items: Approval of Consent Agenda; Approval of Minutes of Regular Meeting 11/10/14; Approve Monthly Financial Statement for the Month Ending 11/30/14; Sales Tax Subsidy \$7,538.51; SD Rural Water Technical Conference, Tues.-Thurs., Jan. 13-15, 2015-Pierre (Don); 2015 Annual Report Workshop-Thurs. Jan. 15, 2015-Huron (Karen); Building Permits: Neil Nielson (back door steps/landing), Chris Andres - re-issue expired permit - (30'x40' unattached garage); New Construction Hook-up Permits: none; Moving permits/demolition permits: none; Excavation Permits: none; Delinquent Water Bills; Approval of Warrants. Approval of all permits being subject to the condition that they are in accordance with the building codes and ordinances of the City. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

At 6:35 p.m. a bid opening was held on solid waste disposal. The following bids were received:

1. Cook's Wastepaper and Recycling: \$13.00 per month per residence + .50 per account for the City = \$13.50 for Wednesday weekly curbside garbage pickup, and single stream recycling pickup once each month. Will provide 95 gallon cart for each residential customer for trash service.
2. Bjerke Sanitation: \$13.00 per month per residential stop for Sunday or Monday pickup, and recycling pickup once each month. Bid does not include .50 per account for the City or sales tax.

Attorney Boyd declared a tie bid and told the council the available options were to re-bid the contract, or select one of the two bids. Discussion followed. Motion by Hagen, seconded by Schmahl, to accept the bid from Bjerke Sanitation for solid waste disposal, subject to meeting the following conditions – commercial pickup and rate schedule, performance bond & proper insurance being provided to the Finance Officer. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Motion by Holt, seconded by Hintz, to adjourn as the regular council and reconvene as the Board of Adjustment. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

BOARD OF ADJUSTMENT:

At 6:40 p.m., a Public Hearing was held to consider the conditional use permit application of Barb Meyer, d/b/a Grillwich Espresso regarding a request to park a mobile food trailer at 222 3rd Avenue South, on property owned by Cody Krause and occupied by Cody Krause Construction, also described as Lots 13, 14 & 15 in Block 21 of the Original Plat to the City of Clear Lake, Deuel County, S.D., and offer soups, sandwiches and espresso coffee on the go. Property is zoned "C1" Commercial located in the "CB" Central Business Overlay District. Receipts reflecting notice were received from all adjoining landowners, and the property owner submitted a letter granting permission to use his property for the mobile food trailer. No one appeared before the council with concerns or objections. Motion by Holt, seconded by Hintz, to approve the conditional use permit application to allow applicant to operate a mobile coffee and food business at the location stated above, subject to the condition that it is in accordance with all

State regulations and local building codes and ordinances of the City. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

RECONVENE AS REGULAR COUNCIL

Motion by Hagen, seconded by Eide, to adjourn as the Board of Adjustment and reconvene as the regular council. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

At 6:45 p.m. a public hearing was held regarding proposed annexation and for the council to consider Resolution 2014-10, Resolution of Intent to Annex. Receipts reflecting notice were received from all affected landowners. Several citizens appeared at the hearing to offer public input. After lengthy discussion, the following Resolution 2014-10, Resolution of Intent to Annex Land To the City of Clear Lake, South Dakota, was presented for consideration:

CITY OF CLEAR LAKE
RESOLUTION NO. 2014 – 10
RESOLUTION OF INTENT TO ANNEX LAND TO THE
CITY OF CLEAR LAKE, SOUTH DAKOTA

WHEREAS, SDCL Chapter 9-4 authorizes municipalities the ability to annex contiguous land; and

WHEREAS, under SDCL 9-4-4.1 the City of Clear Lake has conducted an Annexation Study to determine the need for the contiguous territory and to identify the resources necessary to extend the municipal boundaries; and

WHEREAS, as prescribed by SDCL 9-4-4.2 the Annexation Study has determined that:

- ample and suitable resources exist to accommodate the orderly growth or development of the contiguous territory;
- municipal utilities and a major street network are currently in place within the proposed boundary extension;
- there is no cost to extend utility services to the residents of the contiguous territory and the municipality;
- the estimated difference in tax assessment rate for the residents in the contiguous territory to be annexed is 10.29 mils. 2013 tax assessment rate outside of Clear Lake City limits 18.519 mils, inside Clear Lake City Limits 28.812 mils;
- exclusions and irregularities in boundary lines are not the result of arbitrariness;
- there is reasonable present or demonstrable future need for annexing the contiguous territory; and
- population and census data indicate that the municipality has or may experience growth or development beyond its present boundaries; and

WHEREAS, said annexation would be in the best interests of the City of Clear Lake and the inhabitants of the area to be annexed; now therefore,

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, SOUTH DAKOTA, AS FOLLOWS:

1. INTENTION TO ANNEX: Pursuant to SDCL Chapter 9-4, the City Council hereby expresses its intent to annex land contiguous to the City of Clear Lake described as follows:
 - Outlot A and the North 124 feet of Outlot B and Outlot C less the South 293.6 feet of the East 34 feet, and Outlot D, all in the Northeast One-fourth (NE1/4) of the Northeast One-fourth (NE1/4) of Section Twenty-seven (27), Township One Hundred Fifteen (115) North, Range Forty-nine (49) West of the 5th P.M., County of Deuel, State of South Dakota, less the highway; and
 - Block One (1) of Cooks Corner Subdivision located in the Northwest One-fourth (NW1/4) of Section Twenty-six (26),

Township One Hundred Fifteen (115) North, Range Forty-nine (49) West of the 5th P.M., County of Deuel, State of South Dakota; and

- South 293.6 feet of Outlot B and the South 293.6 feet of the East 34 feet of Outlot C in the Northeast One-fourth (NE1/4) of the Northeast One-fourth (NE1/4) of Section Twenty-seven (27), Township One Hundred Fifteen (115) North, Range Forty-nine (49) West of the 5th P.M., County of Deuel, State of South Dakota.

Dated this 8th day of December, 2014.

CITY OF CLEAR LAKE
Gordon H. Lee, Mayor

(SEAL)

ATTEST:

Karen Harford, Finance Officer

Motion by Hagen, seconded by Eide, to adopt Resolution 2014-10, Resolution of Intent to Annex Land into the City of Clear Lake, South Dakota. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

At 7:00 p.m., Scott Mohror of Banner Associates, met with the council to give an update on the timeline for the upcoming sewer project.

At 7:15 p.m., Ted Kessler met with the council to discuss damage to his property he feels is a result of city snow plowing and drainage issues.

As follow-up to November discussion, Resolution 2014-11, Snow Removal Policies, was presented as follows:

RESOLUTION 2014-11
SNOW REMOVAL POLICY
CITY OF CLEAR LAKE

The City of Clear Lake snow removal crew is responsible for efficient and timely removal of snow from city streets. Plowing will commence once snowfall has stopped or has substantially subsided. Main Street Business District will be windrowed into the center of the street and hauled to a separate location to allow daily traffic to run. Crews will then move to residential streets. This procedure may change depending on the amount of snowfall and timing.

During snow removal efforts it is important to park vehicles, trailers, etc., off the street until plowing operations are completed. The City of Clear Lake will not be responsible for vehicles parked on the street that are isolated by snow accumulation due to plowing operations. Vehicles parked in the streets or alleys during a snow event are subject to ticketing and towing per City Ordinance 7-1-4.

All garbage and recycling containers should be placed behind the curb or in residential driveways at all times.

The City of Clear Lake urges residents to be extremely cautious when snow removal and sanding operations are underway. Stay well behind the snow plow. A safe distance of at least 200 feet (four car lengths) is suggested. Because of the size of the snow plows, operators cannot see directly behind their trucks and equipment.

As a reminder, it is against city ordinance to throw snow into the street when clearing driveways and sidewalks in residential areas. Snow removed from private property should not be stacked or stockpiled over the ends of culverts or catch basins. Doing so could cause flooding and/or property damage. Cleared snow should be piled so as not to interfere with or obstruct motorist visibility on streets and alleys.

Alleys – Alleys will be plowed after residential streets are plowed, provided staff is available and equipment is operational. In the Spring and early Fall, there will be times when gravel alleys and gravel roads will be soft due to lack of frost. To protect and preserve the alleys and roads, they may not be plowed at that time.

Driveways – Responsibility of driveways shall rest with individual property owners. This includes the clearing of additional snow that may accumulate each time the City plows go by.

Salt and Sand - Sand and salt shall be applied to the street surface in such quantities so as to provide a level of skid resistance that is consistent with standards normally experienced on city streets during the snow and ice season. A bare pavement policy is not possible at all times during the winter months. Blanket sanding of general snow pack on residential streets is not practical. Spot sanding will occur after plowing operations, if manpower and equipment are available. Streets will be spot sanded to provide skid resistance and traction consistent with area standards in accordance with the following priorities:

- Hills
- Controlled intersections
- School zones
- Commercial and Industrial
- Residential

Mailboxes – City crews will make every attempt to plow as close as practical to the curb to allow for mail delivery in those areas with mailboxes adjacent to the street. It is the responsibility of homeowners to clear the snow from around mailboxes so mail can be delivered.

If a mailbox is damaged, the City should be contacted as soon as possible. The City Superintendent will assess the damage. If physical contact between the snow plow and the mailbox occurred, the City will repair or replace the mailbox or post with a like or similar mailbox or post. If it is determined that the weight of the snow caused the damage, the City will not assume responsibility for repair or replacement of the mailbox or post. In all instances of damaged mailboxes during snow plowing efforts by the City, the Sheriff's Office must be notified and a report filed.

Fire Hydrants – As a courtesy, residents should clear snow from fire hydrant located adjacent to your property. This is good practice should an emergency exist where the local Fire Department would need to utilize the fire hydrant.

Boulevard Sod – It shall be the policy of the City to repair any damage to sod where curbs are in place. Street maintenance will repair the damage by relaying the turned up pieces or placing black dirt and grass seed.

Landscaping – will not be repaired by the City. The City assumes no responsibility for damages incurred as the result of snow removal and ice control activities, except that only the sod on City owned right-of-way will be repaired or replaced if it is removed due to snow plowing.

The City assumes no responsibility for damage to underground lawn sprinkling systems, exterior lighting systems, underground fencing, and similar landscaping installed in the City owned right-of-way.

Dated this 8th day of December, 2014.

(SEAL)
ATTEST:
Karen Harford, Finance Officer

CITY OF CLEAR LAKE
Gordon Lee, Mayor

Motion by Hagen, seconded by Eide, to approve Resolution 2014-11, Snow Removal Policy. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Motion by Holt, seconded by Hintz, to hold the second reading and passage of Ordinance #526, AN ORDINANCE REGARDING SPEED LIMITS. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Motion by Holt, seconded by Eide, to hold the 1st reading of Ordinance No. 527, AN ORDINANCE SUPPLEMENTING APPROPRIATIONS FOR THE CITY OF CLEAR LAKE, DEUEL COUNTY, SOUTH DAKOTA FOR THE YEAR 2014. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Liquor license applications and operating agreements for the year 2015 were presented for the following establishments:

Clear Lake Golf Club Association	Retail (on-sale liquor)
603 Hwy 22 W.	Sunday (on-sale)
Clear Lake, South Dakota	

Because all required paperwork was not submitted, approval of the 2015 liquor license and operating agreement for the Clear Lake Golf Club was tabled.

Melvee's	Retail (on-sale liquor)
107 3 rd Ave. S.	Package (off-sale liquor)
Clear Lake, South Dakota	Sunday (on-sale)

Motion by Eide, seconded by Hagen, to approve the 2015 liquor license and operating agreement for Melvee's. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Paul's Place	Retail (on-sale liquor)
320 3 rd Ave S.	Package (off-sale liquor)
Clear Lake, South Dakota	Sunday (on-sale)

Motion by Holt, seconded by Schmahl, to approve the 2015 liquor license and operating agreement for Paul's Place. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

CL Sports Page, Inc.	Retail (on-sale liquor)
916 3 rd Ave S.	Package (off-sale liquor)
Clear Lake, South Dakota	Sunday (on-sale)

Motion by Hulscher, seconded by Hagen, to approve the 2015 liquor license and operating agreement for CL Sports Page, Inc. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Motion by Schmahl, seconded by Holt, to set the date and time for the year-end council meeting to approve final vouchers on Tuesday, December 30, 2014, at 5:15 p.m. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Motion by Hintz, seconded by Hulscher, to declare the following as surplus property, having no value or of value less than \$500.00, and authorize disposal of same: 40 used water meters, 497 library books and 110 audio cassettes. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Camping revenue for the years 2009-2014 was reviewed and discussed.

The South Dakota Municipal League is requesting the City to consider passing a statement of support for a bill they intend to introduce to the Legislature which would allow municipalities to adopt a temporary penny tax for infrastructure projects. Motion by Hintz, seconded by Holt, to adopt the following statement of support: "The City of Clear Lake supports a local option additional penny of municipal sales tax, with the approval of voters, for specific infrastructure projects." Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried. Mayor Lee stressed that this is only a statement supporting the efforts of the Municipal League. It does not mean the City

will be implementing an additional sales tax; but rather, shows support for introduction of the proposed bill to the Legislature.

A letter of resignation was received from part-time Library Assistant, Bethany Canaan. Motion by Hagen, seconded by Eide, to accept the resignation of Bethany Canaan effective December 30, 2014. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried. The Personnel Committee reported they have conducted interviews for the Library Assistant position. Motion by Eide, seconded by Hagen, to accept the recommendations of the Personnel Committee for the Library Assistant position, at the amount of compensation recommended by the committee. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Motion by Holt, seconded by Hulscher, to give Clear Lake Fun Bucks to 5 full-time and 6 year-around part-time employees. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Comments were heard from the City Superintendent, Finance Officer and Council. Motion by Hagen, seconded by Holt, to declare Friday, December 26, 2014, as a holiday for city employees. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

WARRANTS: SALARIES: Council-645.00; Mayor-165.00; Finance Officer-2889.23; General Gov't Building-51.51; Streets-3536.40; Snow-3240.29; Rubble Site-418.71; Parks-26.52; Library-1160.17; Community Center-72.22; Water-3240.12; Sewer-2219.59; Conseco-cancer ins.-81.15; SD Retirement System-retirement-1876.88; Health Pool of SD-health ins-4299.42; Delta Dental-dental ins-189.00; DCNB-FICA/WH-4114.11; Amy Tvedt-web design-181.25; AT&T Mobility-cell phones-83.34 Bjerke Sanitation-garbage-5399.00; BDRWS-water-6759.40; Brown & Saenger-utility bill cards-186.00; Deuel County Cenex-fuel & supplies-3594.88; Gale/Gengage Learning-lg print books-118.90; Clear Lake City Library-reimb. for books-392.71; City of Clear Lake-mo. dept. water use-337.47; Clear Lake Courier-ads & publications-169.87; Colonial Research-sewer supplies-1561.73; D&L Digging-Ulven Park sewer work-1127.10; Deuel County Motor Supply-street supplies-91.18; Deuel County Memorial Hospital-sales tax subsidy-7538.51; Department of Revenue-water testing-26.00; DeRoy Electric-govt. bldg. repairs-81.63; Deuel Area Development-pledged support-2500.00; Deuel County Auditor-police contract-5519.12; Deuel County Treasurer-salt/sand-1478.12; Display Sales Co-Christmas light bulbs-96.00; Don Ebbers-reimb. fuel/city vehicle-55.86; Empi-refund cc deposit-200.00; Fritz Chev-Olds-street supplies-20.90; Gunderson Law-legal fees-247.40; Governors Inn-street travel-74.95; H-D Electric-electricity-301.21; HD Supply Waterworks-water meters-3801.04; Hedahls Parts-street supplies-153.06; Hospital & Home Auxiliary-refund cc deposit-200.00; ITC-phone-577.75; Karen Harford-reimb cc tables-286.92; Maynard's Food-supplies-28.44; Menards-supplies-351.69; Michael's Maintenance Service-clean cc center-335.00; Northwestern Energy-natural gas-803.47; Office Peeps-supplies-70.82; Ottertail Power Co-electricity-2882.44; Postmaster-library PO box rent-112.00; Runnings Farm & Fleet-animal traps-79.98; Sanford Health-employee vaccination-221.00; Sanitation Products-sweeper parts-251.64; Schwartz Septic Service-septic pumping/lake park-400.00; SD Federal Property Agency-supplies-131.50; South Dakota Municipal League-FO election workshop-25.00; Servall Towel & Linen Supply-mats & mops-35.91; Sheehan Mack Sales-grille loader-1562.66; Steve Rhody Services-wash windows-38.00; SD State Treasurer-garbage sales tax-333.36; Swenson Sales & Service Inc-street supplies-83.65; The Library Store Inc-library supplies-78.61; United Methodist Women-refund cc deposit-200.00; US Auto Force-oil-749.68.

There being no further business, Alderman Eide made a motion to adjourn at 8:30 p.m.

RECONVENE TUESDAY, DECEMBER 16, 2014

This meeting was reconvened on Tuesday, December 16, 2014, at 5:30 p.m. in the Conference Room of the Municipal Building with Mayor Gordon Lee presiding. Those present were Aldermen Gary Eide, Scottie Hagen, Tim Hulscher and Ellen Schmahl. Also present were Attorney Todd Boyd, Karen Harford, Ken Reiste, Jodie Bjerke, Loren Bjerke, Butch Hanssen and Mick Cook. Alderman Jamie Hintz was absent. Alderman Carey Holt arrived at 5:47 p.m.

Mayor Lee explained that because of a procedural error, the December 8th meeting did not adjourn properly. Therefore, the council is still in session and is being reconvened today.

Attorney Boyd stated upon researching the action taken in awarding the garbage contract at the December 8th meeting, he discovered that the State law had changed. Alternatives under current State law were explained.

Motion by Hagen, seconded by Eide, to rescind the December 8, 2014, motion which awarded the solid waste disposal contract to Bjerke Sanitation for a five-year period beginning February 1, 2015. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Alderman Carey Holt arrived at this time, and was updated by Attorney Boyd. Both bidders were present and were given the opportunity to comment.

Motion by Schmahl, seconded by Hulscher, to re-advertise for bids for solid waste disposal. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

There being no further business, Alderman Eide made a motion to adjourn at 5:50 p.m., seconded by Schmahl. All voted yes. Motion carried.

Karen Harford
Finance Officer