

The Clear Lake City Council met in regular session on Monday, October 6, 2014, at 6:30 p.m. in the City Hall Council Chambers with Mayor Gordon Lee presiding. Those present were Aldermen Gary Eide, Scottie Hagen, Jamie Hintz, Carey Holt, Tim Hulscher and Ellen Schmahl. Also present were Todd Boyd, Don Ebbers, Karen Harford and Ken Reiste.

The Pledge of Allegiance was said.

The agenda for the October meeting was presented for review. City Attorney Todd Boyd pointed out a correction to the last item under "Other Business Before the Council". It should have read "Annexation Proposed Timeline - Resolution 2014-9 Regarding Intent to Annex". Motion by Hintz, seconded by Holt, to approve the agenda adding Resolution 2014-9 to the Annexation Proposed Timeline already on the agenda. Motion carried. All voted yes. Motion carried.

Motion by Eide, seconded by Schmahl, to approve the consent agenda, which included the following items: Approval of Consent Agenda; Approval of Minutes of Regular Meeting 9/8/14 and Special Meeting 9/15/14; Approve Monthly Financial Statement for the Month Ending 9/30/14; Approval of Temporary One-Day Permit-Paul's Place (wedding dance 10/11/14), CL Sports Page (wedding dance 10/18/14); Library "Quiet" Auction Donation-Family Swim Pass; Annual Safety Conference-Nov. 12-13, 2014, Pierre (Don); Sales Tax Subsidy \$15,368.84; Building Permits-Elizabeth Brown (chain link fence), Summer Rec Committee (4'x'8' sign "Lavin Field"), St. Paul's Lutheran Church Parsonage (10'x12' deck), Swenson Sales & Service (sign), Andrew & Danyl Haas-Kathy Haas, owner (porch/addition), Matt Funke-RenPreheim, owner (lean to/garage addition), Jeffrey Theisen (porch & steps), Rangel Construction (temp. storage pod @ Sanford Clear Lake), Pat Teske (4' fence); New Construction Hook-up Permits-none; Excavation Permits-none; Moving Permits/Demolition Permits-Andrew Haas-KathyHaas, owner (remove front porch & deck); Approval of Warrants; Delinquent Water Bills. 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.

Motion by Hagen, seconded by Hulscher, to adjourn as the Regular Council and reconvene as the Board of Adjustment. All voted yes. Motion carried.

At 6:35 p.m. a Public Hearing was held to consider the application of Dennis Norton for a variance of Clear Lake Zoning Ordinance 2.07.03(14)(b) and 4.03(1)(iii) regarding a request to build a 24'x30' unattached garage using steel siding to match the existing unattached garage on his property at the following location: Lot 1 (replat of Outlots P-Q and Blocks P-Q) Norton Addition, and the E266' of Block Q and the S51'E266', Anderson Addition, City of Clear Lake, Deuel County, S.D., and located at 409 5th Street East. Receipts reflecting notice were received from 3 of 4 adjoining landowners. No one appeared before the council with concerns or objections. Motion by Holt, seconded by Eide, to grant the variance as requested, subject to the condition that it is in accordance with all other building codes and ordinances of the City. All voted yes. Motion carried.

Motion by Eide, seconded by Hulscher, to adjourn as the Board of Adjustment and reconvene as the Regular Council. All voted yes. Motion carried.

At 6:40 p.m. Laurie Slack and Tim and Rhonda Begalka met with the council about trying to get roller skating going in Clear Lake.

At 6:50 p.m. Joan Sacrison, DADi Executive Director, presented Deuel Area Development's 2014 Annual Report and discussed the City's current discretionary formula.

An application for a building permit by Dennis Norton for a 24'x30' unattached garage was presented. Motion by Hintz, seconded by Hulscher, to grant Dennis Norton's building permit to construct a 24'x30' unattached garage, subject to the condition that it is in accordance with all other building codes and ordinances of the City. All voted yes. Motion carried.

Resolution 2014-7, Amending Resolution 2004-13, Regarding Capitalization Threshold Amount for Buildings, Structure & Land Improvements, as suggested by the Auditor following the 2012-13 audit, was reviewed as follows:

CITY OF CLEAR LAKE
RESOLUTION NO. 2014 - 7

WHEREAS, a Capitalization Policy was adopted for the City of Clear Lake, South Dakota, on the 29th day of December, 2004; and

WHEREAS, it has been recommended by the auditor hired earlier by the City of Clear Lake to reduce the amount to be capitalized for Buildings, Structures, & Land Improvements from the sum of \$50,000 to \$25,000; now therefore,

IT IS HEREBY RESOLVED that Resolution No. 2004-13 be amended in part to the following on page one:

BUILDINGS, STRUCTURES, & LAND IMPROVEMENTS – actual purchase price, construction cost, or estimated cost of \$25,000 or greater; and

Also, that the balance of Resolution No. 2004-13 shall remain in full force and effect at all times hereafter.

Dated this 6th day of October, 2014.

CITY OF CLEAR LAKE
Gordon H. Lee, Mayor

(SEAL)
ATTEST:
Karen Harford
Finance Officer

Motion by Hulscher, seconded by Schmahl, to approve Resolution 2014-7 Amending Resolution 2004-13 Regarding Capitalization Threshold Amount for Buildings, Structure & Land Improvements. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Resolution 2014-8 Regarding Special Events Liquor License Fees for Out of Town Establishments was presented as follows:

CITY OF CLEAR LAKE
RESOLUTION NO. 2014 – 8

WHEREAS, SDCL 35-4-124 allows a special alcoholic beverage license to be issued in conjunction with special events; and

WHEREAS, SDCL 35-4-125 allows a fee to be assessed for the special alcoholic beverage license; and

WHEREAS, there have been applications in the past submitted to the city council regarding special events to be held in a publicly-owned facility; now therefore,

IT IS HEREBY RESOLVED that the city finance officer shall collect a fee in the sum of \$5.00 with each application by a local on-sale operator under contract with the City of Clear Lake, and a fee in the sum of \$20.00 if the application is from an on-sale operator not under contract with the City of Clear Lake.

Dated this 6th day of October, 2014.

(SEAL)
ATTEST:
Karen Harford
Finance Officer

Gordon H. Lee, Mayor

Motion by Hagen, seconded by Hulscher, to approve Resolution 2014-8 Regarding Special Events Liquor License Fees for Out of Town Establishments. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

Discussion was held regarding the proposed timeline for the annexation process and Resolution 2014-9 Regarding Intent to Annex. Motion by Eide, seconded by Hagen, to adopt the following Resolution 2014-9 and proceed. Upon a roll-call vote, the following votes were cast: Eide-yes; Hagen-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes. Motion carried.

CITY OF CLEAR LAKE
RESOLUTION NO. 2014 – 9
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 6th day of October, 2014.

CITY OF CLEAR LAKE

Gordon H. Lee, Mayor

(SEAL)

ATTEST:

Karen Harford, Finance Officer

Comments were heard from City Superintendent Don Ebbers. The new street signs through the County Wide Signage Project for Deuel County (Resolution 2010-3) have been installed according to placement guidelines and are taller than the old signs. The City will trim trees as needed to open up visibility of the new signs. Trees blocking visibility at intersections and those that will interfere with snow removal equipment will also be trimmed by City crews.

City Attorney Todd Boyd reviewed the activities his office has had in the past month.

Comments were heard from the City Finance Officer, Mayor and Council members. Discussion was held regarding different speed limits on gravel roads in town, and the need to update the speed limit ordinance to make it uniform.

WARRANTS: Salaries: Council-915.00; Mayor-210.00; Finance Officer-2934.23; General Gov't Building-199.92; Streets-4086.12; Rubble Site-556.46; Airport-242.22; West Nile-170.00; Pool-2299.06; Parks-796.36; Library-1308.16; Community Center-309.84; Water-2597.17; Sewer-2435.56; Conseco-cancer ins.-81.15; SD Retirement System-1899.38; Health Pool of SD-health ins.-4299.42; Delta Dental-dental ins-189.00; DCNB-FICA/WH-4331.83. Amy Tvedt-web design-56.25; Argus Leader-subscr renewal-284.79; AT&T Mobility-cell phones-83.24; Bjerke Sanitation-garbage-5524.88; BDRWS-water-7409.55; Cartney Bearing & Supply-mower repair-6.70; Cenex-fuel & supplies-1361.43; Cenage Learning-lg print books-70.17; City of Clear Lake-final customer bills, mo dept water use-622.65; Clear Lake Building Center-pool & park supplies-456.54; Clear Lake Courier-supplies & publications-498.97; Connecting Point-anti virus update-48.00; D&L Digging-water repairs-816.00; Deuel Co Community Foundation-refund cc dep-200.00; Deuel County Motor Supply-street supplies-100.34; Deuel Co. Memorial Hosp.-sales tax subsidy-15,368.84; SD State Treasurer-garbage sales tax-340.83; Dept. of Revenue-water testing-472.00; Deuel County Auditor-police contract-5519.12; DNE Trucking-haul icing sand-477.71; FJ McLaughlin-hot mix-1402.52; First District Assn of Local Govt-update annexation study-500.00; First National Bank-sewer SRF pymt-11,716.19; Flexible Pipe Tool Company-jetter nozzle-588.00; Gates Heating & Air-govt bldg repairs-165.11; Gunderson Law-legal fees-525.00; Gerry Berger Law-refund cc dep-200.00; Gopher Sign Co-Ulven Park signs-119.56; H-D Electric-electricity-134.05; Hillyard/Sioux Falls-janitor supplies-52.53; ITC-phone-585.47; Jim Verhelst-refund cc dep-200.00; Karen Harford-travel exps-289.77; LG Everist Inc-icing sand-477.72; Larry Molitor-refund meter dep-21.07; Larry's Heating & Repair-shop heaters-9868.64; Leonard Walter-refund meter dep-35.00; Margit & Duke Fritz-refund meter dep-150.00; Martha Stewart Living-subscr renewal-19.95; Maynard's Foods-supplies-35.27; Mayo Clinic Health Letter-subscr renewal-31.52; MC&R Pools Inc-pool paint-1725.00; Menards-pool supplies-225.00; Midwest Living-subscr renewal-19.97; Milbank Winwater Works-water supplies-726.85; Milbank Communications-base radio repair-90.00; NASAP-annual dues-39.00; National Geographic Society-subscr renewal-39.00; Northwestern Energy-natural gas-583.67; Office Peeps-supplies-4.99; Ottertail Power-electricity-3049.97; Pitney Bowes Inc.-qtrly postage meter rent-126.50; Servall Towel & Linen- mats & mops-35.91; Steve Rhody Services-wash windows-38.00; State Flag Account-US flags-49.77; Unemployment Ins of SD-unemployment ins-152.52.

There being no further business, Alderman Holt made a motion to adjourn at 7:50 p.m., seconded by Hagen. All voted in favor. Motion carried.

Karen Harford
Finance Officer

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