

The Clear Lake City Council met in regular session on Monday, November 9, 2015, at 6:30 p.m. in the City Hall Council Chambers with Mayor Gordon Lee presiding. Those present were Aldermen Gary Eide, Jamie Hintz, Carey Holt, Tim Hulscher, Kris Moyer and Ellen Schmahl. Also present were Don Ebbers, Karen Harford and Ken Reiste.

The Pledge of Allegiance was said.

The agenda for the November meeting was presented for review. Motion by Schmahl, seconded by Hulscher, to approve the agenda. All voted yes. Motion carried.

The consent agenda was presented for review, which included the following items: 1) Approval of Consent Agenda; 2) Approval of Minutes of Regular Meeting October 12, 2015; 3) Approve Monthly Financial Statement for the Month Ending 10/31/15; 4) Sales Tax Subsidy \$25,207.74; 5) Approval of Temporary One-Day Permit-Holiday Party Dec. 5th (Sports Page); 6) Building Permits: Approved - Marjean Diekman-25'x30' concrete pad & 30' sidewalk, James Block-back & side yard chain link fence, Mike Donahue-front deck. Permits Denied - none; 7) New Construction Hook-up Permits: none; 8) Demolition/Excavation/Moving Permits: Excavation-Deuel Area Development (Wildlife Estates)-install water & sewer service; 9) Delinquent Water Bills; 10) Approval of Warrants.

Motion by Hulscher, seconded by Hintz, to approve the consent agenda items. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Schmahl-yes, with Eide abstaining from item #10 only. Motion carried.

At 6:35 p.m. a public hearing was held on the transfer of malt beverage and SD wine license from Pizza & Burger Shack, LLC, Billie Gauger and Julie Donahue, to Pizza & Burger Shack, LLC, Billie Gauger and Guy Gauger. No one appeared before the council in objection to the proposed transfer. Motion by Holt, seconded by Moyer, to transfer the malt beverage and SD wine license from Pizza & Burger Shack, LLC, Billie Gauger and Julie Donahue, to Pizza & Burger Shack, LLC, Billie Gauger and Guy Gauger, contingent upon all State licensing requirements being met by Applicants. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

David Kellogg came to the council with a complaint about noise created by a nearby business. He brought citizen complaint forms from himself and three other neighbors and left the meeting.

At 6:40 p.m., Beth Niemeyer of Banner Associates met with the council to discuss the sewer relining project and current pay requests. The sewer project will soon stop for the winter months with crews returning to complete the project in the Spring of 2016.

Motion by Moyer, seconded by Holt, to approve change order #4 in the amount of \$72,362.53, contingent on funding agency concurrence, regarding additional manholes installed in lieu of clean outs and in addition to plans quantity, other lateral transitions needed, and more gravel and asphalt removal required due to additional point repairs. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

Motion by Schmahl, seconded by Hintz, to approve pay request #5 from United Pipe Renewal, Inc., in the sum of \$391,318.01, contingent on funding agency concurrence. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

Motion by Holt, seconded by Hulscher, to approve Water & Environmental Fund Reimbursement Request #5 to SD Dept. of Environment & Natural Resources Water & Waste Funding Program as prepared by First District, contingent on funding agency concurrence, for the following project-eligible expenses: Project Inspection Fees \$1,588.98; Construction & Project Improvement Cost \$97,438.42, for a Total Reimbursement Amount of \$99,027.40. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

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

At 6:45 p.m. a Public Hearing was held to consider a temporary conditional use application by Joshua May and Scot Pulse of Nexgen Right of Way Services, Inc., to operate a temporary home-based business in a residence they are renting located at 509 3rd Avenue South, owned by Mike Corothers, also described as the North 40' of Lots 21-24 in Block A of the Original Plat to the City of Clear Lake, Deuel County, S.D. Joshua May and Scot Pulse appeared in person, with Mike Corothers calling in. Nexgen Right of Way Services, Inc., is in the process of developing two large scale utility wind farms. Receipts reflecting notice were received by all adjoining landowners and no one appeared before the council with concerns or objections. Motion by Holt, seconded by Hintz, to approve the temporary conditional use permit application and allow applicant to operate an in-home business at the location stated above for a period of one year from today's date, subject to the condition that it is in accordance with all local building codes and ordinances of the City. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried. Motion by Eide, seconded by Hulscher, to adjourn as the Board of Adjustments and reconvene as the Regular Council. All voted yes. Motion carried.

Motion by Hintz, seconded by Eide, to declare several miscellaneous items from the municipal building and city shop as surplus property, having no value or of value less than \$500.00, and authorize disposal of same. (Complete listing on file in the Finance Office). Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

Motion by Hintz, seconded by Eide, to hold the 1st reading or Ordinance #534 AN ORDINANCE AMENDING ORDINANCE NO. 533, REGARDING ZONING ORDINANCE NO. 500 DATED NOVEMBER 8, 2010, AS AMENDED. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

Liquor license applications and operating agreements for the year 2016 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	

Motion by Schmahl, seconded by Eide, to approve the 2016 liquor license and operating agreement for the Clear Lake Golf Club, subject to all State and local requirements being met, and all required documents and payments being submitted to the City Finance Office prior to January 1, 2016. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

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

Motion by Holt, seconded by Hulscher, to approve the 2016 liquor license and operating agreement for the Melvec's, subject to all State and local requirements being met, and all required documents and payments being submitted to the City Finance Office prior to January 1, 2016. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-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 Hulscher, seconded by Hintz, to approve the 2016 liquor license and operating agreement for the Paul's Place, subject to all State and local requirements being met, and all required documents and payments being submitted to the City Finance Office prior to January 1, 2016. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

CL Sports Page, Inc.
916 3rd Ave S.
Clear Lake, South Dakota

Retail (on-sale liquor)
Package (off-sale liquor)
Sunday (on-sale)

Motion by Schmah, seconded by Moyer, to approve the 2016 liquor license and operating agreement for the CL Sports Page, Inc., subject to all State and local requirements being met, and all required documents and payments being submitted to the City Finance Office prior to January 1, 2016. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmah-yes. Motion carried.

Retail wine License Renewal for the year 2016 was presented for the following establishment:

Dolgen Midwest, LLC
100 Mission Ridge
Goodlettsville, TN 37072-2171

Retail (on-off sale) Wine

Motion by Moyer, seconded by Eide, to approve the 2016 retail wine license for Dolgen Midwest, LLC, subject to all State and local requirements being met, and all required documents and payments being submitted to the City Finance Office prior to January 1, 2016. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmah-yes. Motion carried.

At 7:00 p.m., Deuel School Superintendent Dean Christensen met with the council to talk about Habitat for Humanity.

The City Services Committee reported on their research regarding the SD DOT Community Access Road Grant. Motion by Hintz, seconded by Hulscher, to accept the committee's recommendation to proceed with Banner Associates doing preliminary research in order to apply for this grant. All voted yes. Motion carried.

Comments were heard from City Superintendent Don Ebbers.

The City Finance Officer reported that the City has been awarded a Homeland Security grant in the sum of \$20,863.28 for an additional storm siren. Paperwork to finalize the grant is in progress. The Department of Legislative Audit approved Independent Audit Service, Ben Elliott's proposal for a two-year audit for years 2014-15.

Motion by Holt, seconded by Moyer, to sponsor a holiday movie in conjunction with Mini Main Street on Saturday, December 5th. All voted yes. Motion carried.

Discussion was held on Enhanced Crime Coverage available through the SD Public Assurance Alliance for \$25.00/yr, which would cover full and part-time employees as well as the appointed and elected officials. Motion by Holt, seconded by Hintz, to cancel current bond and go with Enhanced Crime Coverage offered through the SDPAA. All voted yes. Motion carried.

Comments were heard from the Mayor and Council.

CLAIMS APPROVED: Salaries: Council-1140.00; Mayor-300.00; Finance Officer-3076.44; Government Building-124.40; Streets-3342.80; Rubble Site-575.67; Airport-222.03; West Nile-80.00; Pool-123.69; Parks-914.43; Library-1585.92; Community Center-276.45; Water-4349.43; Sewer-3761.46; Conseco-cancer ins.-81.15; SD Retirement System-1985.02; Health Pool of SD-health ins.-4097.74; Delta Dental-dental ins-195.00; DCNB-FICA/WH-4526.48.

American Engineering Testing-WW testing-1504.00; Amy Tvedt-web design-25.00; AT&T Mobility-cell phones-84.77; Banner Associates-prof. svc-streets-1200.00; Barb Meyer-meter dep refund-80.45; Bjerke Sanitation-garbage fees-5,955.83; Brookings Deuel RWS-water-7,938.00; Carmen Werdel-meter dep refund-.75; Cenex-fuel & supplies-796.00; Cenage Learning-library books-137.79; Clear Lake City Library-reimb library books-476.11; City of Clear Lake-monthly dept water use/final wtr bills-601.83; Clear Lake Baseball Association-per budget request-2000.00; Clear Lake Courier-publications & supplies-603.93; Cody Krause-refund cc dep-200.00; Connecting Point-sonic wall & ports-1035.45; D&L Digging-replace curb stop-663.00; Davis Typewriter-copy paper-61.98; Deuel County Motor Supply-supplies-52.19; Deuel Co. Memorial Hosp.-sales tax subsidy-25,207.74; Dept. of Revenue-water & ww testing-206.00; Deuel County Auditor-police contract-5596.39; FJ McLaughlin-hot mix-421.28; Gunderson Law-legal fees-720.00; H-D Electric-electricity-239.94; HD Electric-locate @ airport-130.00;

Hillyard/Sioux Falls-janitor supplies-669.96; Hillyard-Sioux Falls-cc floor machine batteries-818.50; Home Oasis LLC-winterize sw pool-416.75; ITC-phone-558.14; Karen Harford-FO travel-98.34; Kathy's Corner Café-meter dep refund-32.10; Lisa Lundberg-refund cc deposit-200.00; Martha Stewart Living-library renew subscr-28.00; Maynard's Foods-supplies-23.94; Michael Todd & Co.-snow supplies-230.82; Milbank Winwater Works-water & sewer supplies-2709.70; Myrene Weisel-meter dep refund-150.00; Northwestern Energy-natural gas-55.90; Office Peeps-supplies-14.12; Ottetail Power-electricity-3,064.98; Paula Hammond-refund cc dep-200.00; Pitney Bowes Purchase Power-purch power finance chg-62.75; Pitney Bowes Reserve Account-postage-750.00; Raymond VanLiere-West Nile mileage-186.30; Safety Benefits-risk & safety conf reg-65.00; South Dakota One Call-locates-81.76; SD State Treasurer-garbage sales tax-366.56; Servall Towel & Linen- mats & mops-35.91; Shipley's Garment Spa-cleaning mopheads-12.36; Simple & Delicious-library renew subscr-10.00; Steve Rhody Services-wash windows-38.00; Stephanie Baxter-meter dep refund-150.00; The Library Store-library supplies-194.16; WW Tire Service Inc-tire repair-435.00.

CLAIMS REJECTED: none.

There being no further business, Alderman Holt made a motion to adjourn at 7:40 p.m., seconded by Schmahl. All voted yes. Motion carried.

Karen Harford
Finance Officer

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