

The Clear Lake City Council met in regular session on Monday, October 12, 2015, at 6:30 p.m. in the Conference Room of the Municipal Building 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 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. Alderman Hintz made a motion, seconded by Hulscher, to approve the regular agenda. All voted yes. Motion carried.

Motion by Schmahl, seconded by Eide, to approve the consent agenda, which included the following items: Approval of Consent Agenda; Approval of Minutes of Regular Meeting Sept. 8, 2015, & Special Meeting Sept. 28, 2015; Approval of Monthly Financial Statement for the Month Ending 9/30/15; Sales Tax Subsidy \$24,926.31; Approval of Temporary One-Day Permit-Wedding Dance Oct. 17<sup>th</sup> (Paul's Place); Annual Safety Conference Nov. 12-13<sup>th</sup>-Oacoma (Don); 2015 Municipal/School Election Workshop Nov. 20<sup>th</sup>-Sioux Falls (Karen); 2015 Swimming Pool Recap Report; Building Permits Approved by Zoning Official: Tim Hulscher (chain link dog kennel fence), DeBoer Construction for Corey Homan (driveway, 12'x16' deck, 12'x35' patio, curb & gutter), Dan Mortimer (replace sidewalk); New Construction Hook-up Permits-none; Demolition/Moving/Excavation Permits-Demolition: Corey Homan (remove existing decks& driveway), Lourn Lysne (remove lean-to on garage) Moving: Duane Dohman (10'x20' storage shed); Approval of Warrants; Delinquent Water Bills. Approval of all permits subject to the condition that they are in accordance with building codes and ordinances of the City. Temporary One-Day Permits are subject to all paperwork being signed and submitted to the Finance Officer, and that applicants provide the city with proof of liability insurance for the event(s). Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes, with Hulscher abstaining from item #9 (building permits). Motion carried.

Motion by Eide, seconded by Holt, to hold the 2<sup>nd</sup> reading and passage of Ordinance No. 533, AN ORDINANCE TO AMEND SECTION 1.03.01 ADOPTED BY ORDINANCE NO. 500 DATED NOVEMBER 8, 2010, AS AMENDED, OF THE ZONING ORDINAINCE OF THE CITY OF CLEAR LAKE, which rezones the area to be known as Wildlife Estates First Addition to the City of Clear Lake. 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 adjourn as the Regular Council and reconvene as the Board of Adjustment. All voted yes. Motion carried.

At 6:35 p.m. Rory Olerud, representing Deuel Area Development, Inc., presented the final plat of the eastern portion of the South 392' of the Northeast Quarter (NE1/4), less Tower Addition, and less the road right-of-way, located in Section 22, Township 115 North, Range 49 West of the 5<sup>th</sup> P.M., Deuel County, S.D., hereafter to be known as: Lots 1-13 in Block 1 and Lots 1-3 in Block 2 of Wildlife Estates First Addition to the City of Clear Lake, Deuel County, South Dakota. Said plat was prepared by Jonathan J. Bunkowske, Professional Land Surveyor, Banner Associates, Inc. Discussion regarding drainage followed with Neal Boeke and Wayne Boeke appearing in person. Motion by Holt, seconded by Moyer, to accept the plat by adopting the following Resolution for the parcel of land to be known as Wildlife Estates First Addition to the City of Clear Lake, Deuel County, South Dakota. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

#### RESOLUTION 2015-13

#### BE IT RESOLVED BY THE CITY OF CLEAR LAKE, SOUTH DAKOTA

Whereas there has been presented to the City Council of the City of Clear Lake, Deuel County, South Dakota, a plat entitled:

PLAT OF WILDLIFE ESTATES FIRST ADDITION TO THE CITY OF CLEAR LAKE, DEUEL COUNTY, SOUTH DAKOTA

located in the eastern portion of the South 392' of the Northeast Quarter of Section 22, Township 115 North, Range 49 West of the 5<sup>th</sup> P.M., City of Clear Lake, Deuel County, South Dakota.

WHEREAS, upon examination of said City Council it appears that the system of lots conform to the system now existing in said City of Clear Lake, and that such plat has been executed according to law:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clear Lake, Deuel County, South Dakota, that the said plat of property within said City as above described and as prepared by Jonathan J. Bunkowske, Professional Land Surveyor, Banner Engineering, Inc., be and the same is hereby approved.

I, Gordon Lee, Mayor of the City of Clear Lake, Deuel County, South Dakota, do hereby certify that the foregoing Resolution was passed by the City Council of the City of Clear Lake, Deuel County, South Dakota, at its regular meeting on the 12<sup>th</sup> day of October, 2015.

Gordon Lee, Mayor

ATTEST:

Karen Harford, Finance Officer

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

At 6:45 p.m., Beth Niemeyer of Banner Associates met with the council to discuss the sewer relining project and current pay requests.

Motion by Holt, seconded by Schmahl, to approve pay request #4 from United Pipe Renewal, Inc., in the sum of \$153,514.78, 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 Hintz, seconded by Hulscher, to approve Water & Environmental Fund Reimbursement Request #4 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 \$2,464.25; Construction & Project Improvement Cost \$33,648.21, for a Total Reimbursement Amount of \$36,112.46. 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 Moyer, to approve change order #3 in the amount of \$5,699.82, contingent on funding agency concurrence, in regards to full replacement of a few lateral lines that cannot be repaired, together with related sidewalk repair as a result. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

City Attorney Todd Boyd presented a revised curb and gutter ordinance for review. Discussion followed. Motion by Eide, seconded by Schmahl, to proceed with revisions to City Ordinance 6-1-4, allowing a 3-year look back period to require installation of curb and gutter. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-no; Holt-no; Hulscher-no; Moyer-no; Schmahl-yes. Motion failed.

Motion by Hulscher, to proceed with revisions to City Ordinance 6-1-4, allowing a 2-year look back period to require installation of curb and gutter. Motion failed for lack of a second.

Motion by Holt, seconded by Hulscher, to approve the audit engagement letter prepared by Independent Audit Services, PC, Ben Elliott, CPA, for a 2-year audit of the years 2014 and 2015, for a fixed price of \$8,000.00, plus an additional \$1,000.00 if subject to federal A133 audit requirements. 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 accept the insurance payment of \$3,661.33, less \$1,000.00 deductible, for a total payment of \$2,661.33, for damages to the city building and equipment from a lightning strike on July 25, 2015. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

Comments were heard from City Superintendent, Finance Officer, City Attorney, Mayor Lee and council members.

CLAIMS APPROVED: Salaries: Council-645.00; Mayor-165.00; Finance Officer-3076.44; General Gov't Building-229.87; Streets-4622.02; Rubble Site-570.00; Airport-432.14; West Nile-470.00; Swimming Pool-371.07; Parks-1786.81; Library-1391.46; Community Center-129.78; Water-3020.31; Sewer-3311.41; Conseco-cancer ins.-81.15; SD Retirement System-1951.52; Health Pool of SD-health ins.-4097.74; Delta Dental-dental ins-195.00; DCNB-FICA/WH-4563.73; Alberto Ramirez Esparaza-meter deposit refund-32.45; Amy Tvedt-web design-31.25; Argus Leader-library subsc renewal-294.03; AT&T Mobility-cell phones-84.88; Avera Queen of Peace-random drug test-87.90; Billie Jo Kreger-L.Kreger meter deposit refund-150.00; Bjerke Sanitation-garbage-5690.17; BDRWS-water-8852.30; Cenex-fuel & supplies-1265.04; Cengage Learning-library books-184.17; Clear Lake City Library-reimb library books-432.46; City of Clear Lake-mo dept wtr use & meter dep refunds-457.65; Clear Lake Building Center-supplies-379.32; Clear Lake Computer Service-configure router-40.00; Clear Lake Courier-supplies & publications-632.95; Courtney Adams-refund cc deposit-200.00; Deuel County Community Foundation-refund cc deposit-200.00; Deuel County Motor Supply-supplies-121.54; Deuel Co. Memorial Hosp.-sales tax subsidy-24,926.31; Dept. of Revenue-water & ww testing-827.00; Deuel County Auditor-police contract-5596.39; Deuel County Treasurer-street & park maint-3582.14; Don Ebbers-water & ww travel-515.20; FJ McLaughlin-hot mix-2345.44; First National Bank-sewer SRF pymt-11,716.19; Fritz Chev Olds-2011 Chev pickup-21,800.00; Gunderson Law Firm-atty fees-480.00; H-D Electric- electricity-230.02; H-D Electric Coop, Inc-softball field light-57.75; HD Supply Waterworks-repair handheld charging stand-300.70; ITC-phone-656.51; Janelle Lorenzen-refund cc deposit-200.00; Lynn Eakings-meter deposit refund-25.00; Maynards-supplies-12.94; Mayo Clinic Health Letter-library subscr renewal-31.52; NASASP-surplus property annual dues-39.00; Northwestern Energy-natural gas-52.35; Office Peeps-supplies-474.76; Ottertail Power-electricity-3278.99; Paulette Ruhd-refund cc deposit-200.00; The Penworthy Company-library books-112.41; Pitney Bowes-postage purchase power acct-770.01; Pitney Bowes Rental & Supplies-qtrly postage meter rental-136.00; Quality Inn Spearfish-water & ww travel-216.00; Raymond VanLiere-West Nile travel-146.63; Ruth Thielges-refund cc deposit-200.00; SD Dept of Rev/Div of Motor Vehicles-title & license 2011 Chev pickup-10.00; SD Municipal League-election wkshop reg.-25.00; Servall Towel & Linen-mats & mops-35.91; Sheehan Mack Sales-street supplies-123.35; Steve Rhody Services-wash windows-38.00; SD State Treasurer-garbage sales tax-350.53; Supreme Welding-supplies-26.42; Unemployment Ins of SD-3<sup>rd</sup> qtr unemployment ins-159.36.

CLAIMS REJECTED: None.

There being no further business, Alderman Eide made a motion to adjourn at 7:18 p.m., seconded by Schmahl. All voted yes. Motion carried.

Karen Harford  
Finance Officer

Published once at the approximate cost of \_\_\_\_\_.