

The Clear Lake City Council met in regular session on Monday, September 8, 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 and Ellen Schmahl. Also present were Kristopher Moyer, Todd Boyd, Don Ebbers, Karen Harford and Ken Reiste.

The Pledge of Allegiance was said.

Kristopher Moyer was sworn in as Alderman Ward II to fill a vacancy created by the resignation of Scottie Hagen. He will serve until the next election.

The agenda for the September meeting was presented for review. Alderman Eide made a motion, seconded by Hulscher, to approve the regular agenda. All voted yes. Motion carried.

Motion by Schmahl, seconded by Hintz, to approve the consent agenda, which included the following items: Approval of Consent Agenda; Approval of Minutes of Regular Meeting Aug. 10, 2015; Approval of Monthly Financial Statement for the Month Ending 8/31/15; Sales Tax Subsidy \$19,477.94; SD Municipal League Annual Meeting Oct. 6-9th-Watertown (Karen, Don, Val & Alderman Hintz); West Nile Conference Sept. 22nd –Aberdeen (Ray VanLiere); Clear Lake Volunteer Fire Department-Approve Additional Member (Cody Doren); Approval of Temporary One-Day Permit-Wedding Dance Sept. 19th (Melvee's), Birthday Party Sept. 26th (Paul's Place), Tour of Tables Oct. 3rd (CL Sports Page), Wedding Dance Oct. 10th (CL Golf Club); Building Permits Approved by Zoning Official: Tate Pope (concrete pad & dog kennel); Building Permits Denied by Zoning Official: Melvin Maas (garage with cement driveway), Dennis Norton (storage shed addition), Duane and Dorothy Dohman (oversized garage); Moving Permits/Demolition Permits/Excavation Permits-none; New Construction Hook-up Permits-none; Delinquent Water Bills; Approval of Warrants. Approval of building permits subject to the condition that they are in accordance with the 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 the 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. 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. Rich Uckert, Rory Olerud and Joan Sacrison, representing Deuel Area Development, Inc., presented a preliminary plat of Wildlife Estates First Addition. Discussion was held on the need to rezone this property from Agricultural to R-1 and R-2 Districts. Motion by Eide, seconded by Holt, to accept the preliminary plat of Wildlife Estates First Addition to the City of Clear Lake, Deuel County, South Dakota, as presented. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

At 6:45 p.m. a public hearing was held to consider the application of Melvin Maass for a variance of Clear Lake Zoning Ordinance Section 2.06.07 regarding a request to build a 24'x28' unattached garage within 6' of the rear property line, which is closer than ordinances allow, to be located on the following property: Lot 1, less the W10.2', in Block 1 of RF Johnson's First Addition to the City of Clear Lake, Deuel County, S.D., also known as 603 6th Street West. Receipts reflecting notice were received from 3 of 4 adjoining landowners. No one appeared before the council at this meeting with concerns or objections. Motion by Hulscher, seconded by Schmahl, to grant the variance as requested, subject to the condition it is in accordance with all other 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.

At 6:50 p.m. a public hearing was held to consider the application of Dennis Norton for a variance of Clear Lake Zoning Ordinance Section 2.07.06 regarding a request to build a 14'x36' addition onto an existing storage building within 6' of the rear property line, which is closer than ordinances allow, to be located on the following property: E266'S51' of Anderson Addition to

the City of Clear Lake, located in Govt Lots 1 & 2; and the E266' of Block Q located in Outlot G of Govt Lot 2, all located in Section 23, Township 115 North, Range 49, City of Clear Lake, Deuel County, S.D., also known as 409 5th Street East. Receipts reflecting notice were received from 3 of 4 adjoining landowners. No one appeared before the council at this meeting with concerns or objections. Motion by Holt, seconded by Eide, to grant the variance as requested, subject to the condition it is in accordance with all other 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.

At 6:55 p.m. a public hearing was held to consider the application of Duane and Dorothy Dohman for a variance of the following Clear Lake Zoning Ordinances: Section 2.06.05(10)(B)(Ord.#521) requesting to build a 30'x50' unattached private storage building, which is larger than current zoning ordinances allow; and Chapter 4.03(1) which requires accessory uses be subordinate to principal use; and Section 2.06.05(10)(A)(Ord.#521) which requires applicant to obtain written consent of 100% of adjacent property owners without an existing residence on the property. The oversized private storage building would be located on the following property: Lots 1,2,3,4&5, Block 2, Original Plat to the City of Clear Lake, Deuel County, S.D., also known as 503 1st Avenue South. Receipts reflecting notice were received from 2 of 6 adjoining landowners. No one appeared before the council at this meeting with concerns or objections. Discussion followed. Motion by Holt, seconded by Hintz, to grant the variance for a 30'x50' garage/storage shed as requested, subject to the condition that a residence is built within 24 months of the date of building permit issuance, and subject to the condition that applicants obtain written permission from all adjoining landowners ASAP, and subject to the condition it is in accordance with all other 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 Holt, seconded by Hulscher, to adjourn as the Board of Adjustment and reconvene as the Regular Council. All voted yes. Motion carried.

At 7:00 p.m., Curtis Heunefeld of Banner Associates met with the council to discuss the sewer relining project and current pay requests.

Motion by Eide, seconded by Schmahl, to approve pay request #3 from United Pipe Renewal, Inc., in the sum of \$416,131.68, 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 Holt, to approve Water & Environmental Fund Reimbursement Request #3 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: Architectural & Engineering Basic Fees \$2,313.74; Project Inspection Fees \$2,966.00; Construction & Project Improvement Cost \$91,155.19, for a Total Reimbursement Amount of \$96,434.93. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

The following previously denied building permits were presented for reconsideration: Melvin Maass (24'x28' unattached garage with cement driveway); Dennis Norton (14'x36' addition to existing storage building); Duane and Dorothy Dohman (30'x50' oversized garage).

Motion by Moyer, seconded by Hulscher, to approve the building permit of Melvin Maass for a 24'x28' unattached garage with cement driveway, 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 Hintz, seconded by Eide, to approve the building permit of Dennis Norton to build a 14'x36' addition onto an existing storage building, 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 Schmahl, seconded by Eide, to approve the building permit of Duane and Dorothy Dohman to build a 30'x50' oversized garage, subject to the same conditions set forth in

granting the variance, and that it is in accordance with all other building codes and ordinances of the City. All voted yes. Motion carried.

Discussion was held on the 2016 budget. Motion by Holt, seconded by Moyer, to approve Resolution 2015-12 regarding capital outlay accumulations. 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 2015-12

WHEREAS, the provisions of SDCL 9-21-14.1 thru 9-21-14.2 authorize the governing body of a municipality, by resolution, to accumulate funds for a period longer than one year for capital outlay purposes, and;

WHEREAS, the City, by resolution enacted by two-thirds vote of the governing body is required to set forth clearly the purpose for which the funds are to be accumulated and the maximum amount that may be accumulated;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Clear Lake does hereby authorize the accumulation for capital outlay purposes as follows:

<u>Activity</u>	<u>Ann. Accum. No. of Years</u>	<u>Total Accum. Not to Exceed</u>	<u>2015 Accum. Carry-over</u>	<u>2016 Total Accum.</u>
Street Equip.	5,000 - 5 yrs.	\$25,000.00	\$20,503.00	\$25,000.00
Comm. Ctr. Equip.	8,000 – 3 yrs.	24,000.00	17,224.89	24,000.00
Govt. Bldg. Improv.	3,000 – 5 yrs.	15,000.00	6,000.00	9,000.00
Playground Equip	4,000 – 5 yrs.	20,000.00	4,000.00	8,000.00
Ambulance		10,000.00	10,000.00	10,000.00
Street Improv.		70,000.00	70,000.00	70,000.00

Said accumulation shall be reviewed annually with respect to the amount of the annual accumulation based upon year of construction and proposed purchases. The total accumulation shall be expended within 60 months from the date of this resolution. If the specific purpose for which the funds are accumulated is deemed no longer necessary, these funds shall revert to the general fund.

NOW THEREFORE, BE IT RESOLVED, that the City Council for the City of Clear Lake does hereby authorize the accumulation for capital outlay purposes as follows:

<u>Activity</u>	<u>Ann. Accum. No. of Years</u>	<u>Total Accum. Not to Exceed</u>	<u>2015 Accum. Carry-over</u>	<u>2016 Total Accum.</u>
Water Meters	\$15,000 - 5yrs.	\$75,000.00	\$34,165.35	\$49,165.35
Water Tower		40,000.00	40,000.00	40,000.00

Said accumulation shall be reviewed annually with respect to the amount of the annual accumulation based upon year of construction and proposed purchases. The total accumulation shall be expended within 60 months from the date of this resolution. If the specific purpose for which the funds are accumulated is deemed no longer necessary, these funds shall revert to the water fund.

Dated at Clear Lake, South Dakota the 8th day of September, 2015.

Gordon Lee, Mayor

ATTEST:

Karen Harford, Finance Officer

Motion by Hintz, seconded by Schmahl, to accept the recommendations of the budget committee and hold the 1st reading of Ordinance #532 AN ORDINANCE REGARDING 2016 APPROPRIATION. The following votes were held: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

Motion by Hulscher, seconded by Eide, to hold a special meeting for the second reading of Ordinance #532 and any other business that may come before the council on Monday, September 28, 2015, at 6:00 p.m. in the Conference Room of the Municipal Building. All voted yes. Motion carried.

Tabled from the August meeting, discussion was held regarding the Deuel County Emergency Management Pre-disaster Mitigation Planning Team. Motion by Holt, seconded by

Hintz, to appoint City Superintendent Don Ebbers to serve as a member of the Deuel County Emergency Management Pre-disaster Mitigation Planning Team. All voted yes. Motion carried.

Comments were heard from City Superintendent Don Ebbers. A written request was received from the Golf Course asking permission to burn a brush pile located along the west boundary of the #6 hole.

Motion by Schmahl, seconded by Hintz, to allow the golf course to burn the brush pile only when conditions are right, either with no wind or a light east or northeast wind, to direct smoke out of town. All voted yes. Motion carried.

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

Comments were heard from the Finance Officer. Jim Giesel, Sr. has accepted the part-time position as rubble site attendant at \$9.00 per hour. The State DOT has notified the City that strobe lights on flashing speed signs are no longer allowed. Since Assistant Finance Officer Val Lundquist will be attending some sessions of the SDML Annual Conference in Watertown with the Finance Officer, permission is requested to close the Finance Office only during the hours when both will be gone.

Motion by Moyer, seconded by Holt, to close the Finance Office only during hours staff will be attending the SD Municipal League Conference in Watertown on October 6-9, 2015. All voted yes. Motion carried. Notice to be posted on the office door and also on Facebook will include hours to be open and closed during those dates.

Comments were also heard from the Mayor and Council. Discussion was held on deteriorating properties in town and action needed.

Motion by Eide, seconded by Holt, to go into executive session per SDCL 1-25-2(5) for competitive marketing/pricing discussion at 8:45 p.m. All voted yes. Motion carried.

Mayor Lee declared the council out of executive session at 9:06 p.m.

Motion by Eide, seconded by Hintz, to rescind the motion from the August meeting to work off the State bid or equivalent in purchasing a replacement pickup. All voted yes. Motion carried.

Motion by Holt, seconded by Hulscher, to declare the 2010 Chevrolet Silverado pickup as surplus property. All voted yes. Motion carried.

Motion by Eide, seconded by Schmahl, to accept the check from Claims Associates, Inc., in the sum of \$21,700.00 as payment in full for total collision loss to the City's 2010 Chevrolet Silverado pickup. 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 adopt the recommendations of the Property Committee regarding the purchase of a used 2011 Chevrolet Silverado pickup through Fritz Chevrolet. Upon a roll-call vote, the following votes were cast: Eide-yes; Hintz-yes; Holt-yes; Hulscher-yes; Moyer-yes; Schmahl-yes. Motion carried.

WARRANTS: Salaries: Council-680.00; Mayor-255.00; Finance Officer-3076.44; General Gov't Building-120.12; Streets-5629.69; Rubble Site-622.05; Airport-395.34; West Nile-210.00; Summer Rec-1011.25; Pool-5094.82; Parks-2000.65; Library-1782.88; Community Center-80.34; Water-2114.04; Sewer-3767.58; Conseco-cancer ins.-81.15; SD Retirement System-1938.66; Health Pool of SD-health ins.-4097.74; Delta Dental-dental ins-195.00; DCNB-FICA/WH-5872.55; Amy Tvedt-web page-25.00; AT&T Mobility-cell phones-84.88; Banner Associates-prof. svc.-sewer permit-240.00; Bjerke Sanitation-garbage-5889.67; BDRWS-water-8498.10; Brown & Saenger-payroll cks-115.00; Carmen Carter-reimb Jacob 2nd ½ guard cert-92.75; Carol Estey-refund (1) private sw lesson-40.00; Cenex-fuel & supplies-1261.75; Cengage Learning-library books-158.54; Clear Lake City Library-reimb library books-422.90; City of Clear Lake-mo dept wtr use & mtr dep refs-709.86; Clear Lake Courier-publications-191.99; Clear Lake Volunteer Fire Dept-remaining per 2015 budget-16,100.00; Clear Lake Historical Society-per budget-2500.00; Colonial Research-sewer supplies-522.54; Dakota Pump & Control-lift station repairs-2325.36; Deuel Co. Motor Supply-supplies-59.57; Deuel Co. Memorial Hosp.-sales tax subsidy-19,477.94; Dept. of Revenue-water/ww/pool testing-131.00; Deuel Area Development-3rd qtr pymt per budget-2500.00; Deuel County Auditor-police contract-5596.39; FJ McLaughlin-hot mix-6455.47; First National Bank-water SRF pymt-6837.30; Flint Hills

Resources LP-chip sealing road oil-15,190.69; Gunderson Law Firm-atty fees-300.00; H-D Electric-softball-per budget & park repairs-988.34; H-D Electric- electricity-511.79; HD Supply Waterworks-marker flags & meter reader base-829.91; Hillyard Sioux Falls-janitor supplies-314.68; ITC-phone-906.88; Jacob Carter-reimb ½ WSI training-98.05; Jenna Eddy-meter deposit refund-71.10; Jennifer Quail-refund cc deposit-200.00; John & Corina Brown-meter deposit refund-3.55; Ken Martinmaas-meter deposit refund-150.00; Kerri Hintz-refund cc deposit-200.00; Kristi Redlin-meter deposit refund-71.55; LG Everist Inc-icing sand-248.04; Landon Krause-refund cc deposit-200.00; MacKenzie Kasten-reimb 1st ½ guard cert-98.05; Maynards-supplies-177.63; Menards-supplies-99.97; Mike Lammers-meter deposit refund-100.00; Northwestern Energy-natural gas-200.11; Office Peeps-supplies-53.53; Ottertail Power-electricity-3509.35; Pitney Bowes Reserve Acct-postage-750.00; SD Municipal League-annual conf. reg.-365.00; Servall Towel & Linen-mats & mops-35.91; Steve Rhody Services-wash windows-38.00; SD State Treasurer-garbage sales tax-362.51; Steve Benson-meter deposit refund-47.75; Stormie Ahlers-reimb 2nd ½ guard cert/1st ½ WSI training-190.80; Supreme Welding-sewer supplies-87.60; Titan Machinery Watertown-blades-223.20; Watertown Lawn & Garden-mower belt-40.00.

There being no further business, Alderman Schmahl made a motion to adjourn at 9:09 p.m., seconded by Eide. All voted yes. Motion carried.

Karen Harford
Finance Officer

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