

October 10, 2016
Regular Meeting

The Clear Lake City Council met in regular session on Monday, October 10th, 2016, at 6:30 p.m. in the Conference Room of the Municipal Building with Mayor Gordon Lee presiding. Those present were Alderman Kelli Bauman, Gary Eide, Carey Holt, Tim Hulscher, John Keimig and Ellen Schmahl. Also present were Todd Boyd, Val Lundquist and Ken Reiste. The Pledge of Allegiance was said.

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

Motion by Eide, seconded by Keimig, to approve consent agenda items, which included:

1) APPROVAL OF CONSENT AGENDA 2) APPROVAL OF MINUTES—Regular Meeting September 12, 2016 and Special Meeting September 19, 2016 3) APPROVE MONTHLY FINANCIAL STATEMENT FOR THE MONTH ENDING 8/31/16 4) SALES TAX SUBSIDY \$ 28,446.44 5) APPROVAL OF TEMPORARY ONE-DAY PERMIT: Wedding Dance-Oct. 29th (Paul's Place) American Legion Fund Raiser Dance Nov 5th (Paul's Place) 6) ANNUAL SAFETY CONFERENCE – November 9 & 10, 2016—Pierre, SD (Don) 7) 2016 MUNICIPAL/SCHOOL ELECTION WORKSHOP—November 17&18, 2016— Pierre, SD(F.O.) 8) 2016 SDPA ANNUAL CONFERENCE OCT 26 & 27—for all elected officials—Sioux Falls, SD 9) HYDRO KLEAN INVITATION – Monoform Manhole Rehab System—Oct.12th – Beresford, SD (Don) 10) MATT HORMANN METALS – Funds from sale of Rubble Site Scrape Metal \$ 4,442.00 11) BUILDING PERMITS: Ryan Biller— (210 5th Ave S) –157' x 4' high wood fence; Robyn Bublitz (605 6th Ave S) 12'x12' wood deck; Chad Sik (704 6th Ave S) 4'x22' front deck; Rich Nielsen (307 2nd Ave S) 135' x 4' wide new sidewalk & 14' x 15' driveway apron; Val Corothers (506 7th Ave S) 54'x 6' high concrete retaining wall & 10' x 12' concrete slab; 12) NEW CONSTRUCTION HOOK-UP PERMITS : None. 13) DEMOLITION, MOVING & /OR EXCAVATION PERMITS: DEMOLITION: Val Corothers (506 7th Ave S) – remove old concrete block retaining wall & concrete slab; 14) APPROVAL OF WARRANTS 15) DELINQUENT WATER BILLS Approval of all permits being subject to the condition that they are in accordance with all building codes and ordinances of the City. Approval of temporary one-day permits subject to all paperwork being completed, all fees paid, and proof of special events insurance coverage being provided. The consent agenda was approved. Upon roll call vote, the following votes were cast: Bauman-yes; Eide-yes; Holt-yes; Hulscher-yes; Keimig-yes; Schmahl-yes. Motion carried. At 6:35 p.m. Lorraine Paver representing the American Legion Charles Curry Post #49, talked to the City Council about a fund raising dance that the Legion Post is hosting on Nov. 5, and is requesting a reduced rate for the rental of the main hall and kitchen of the Community Center for this event. It is a fund raiser and all of the money raised stays right here in this community. Holt made motion that the Legion pay the refundable deposit, but donate the rental fee for the dance. Seconded by Hulscher. All voted yes. Motion carried. Joe Uckert representing the American Legion Charles Curry Post #49 also asked about the meeting room where they host all of their Legion meetings. They would like to hang up pictures of members and information about the American Legion and thereby make it look more like other American Legion meetings spaces. The council agreed it was their room and could do as they wished. The Council has plans to paint the room and will check into funds and moving the time schedule to paint that space first before the Legion decorates. At 6:40 p.m., Nancy Barondeau representing the HRC Board would like to request a small storage space for items for the HRC apartments. At the moment they had toilet in good condition that needs to be stored someplace. She was wondering if there was space at the airport hanger. Council mentioned the old fire hall office; she could put it in there or just touch base with the City Superintendent Don Ebbers about the space. The city is not responsible for any potential damage that may occur to any items stored there. At 6:45 Rudy Cutler from Caar Properties,

the new owners of the Shady Maple Trailer court on the east side of town, was inquiring about the possibility of allowing long term RV trailer stays in the trailer court. Now the space is zoned R3 Manufactured Housing Types I & II. RV trailers are not allowed. We would need to amend the zoning to allow RV trailers. City Council was interested in discussing the RV trailer idea. City Attorney, Mr. Boyd, will work on an amendment to the R3 zoning and have something prepared for the special meeting on Oct. 26th. Mr. Cutler also was wondering about moving another standard trailer into the park. Our zoning states that trailers can only be 10 years old. This particular trailer is a 1997 model. Council would like to see pictures before making a decision. At 7:00 p.m., City Superintendent Don Ebbers joined the meeting. At 7:00 p.m., David Kluckman wanted to speak to the Council about a bill regarding a point repair due to the sewer project. After discussion, Holt made a motion for the city to pay the \$ 293.80 bill, seconded by Eide. Upon roll call vote, the following votes were cast: Bauman-yes; Eide-yes; Holt-yes; Hulscher-yes; Keimig-no; Schmahl-yes. Motion carried. Beth Niemeyer from Banner Associates submitted a Certificate of Substantial Completion for the Sewer Improvement project. Motion was made by Eide to accept this certificate of Substantial Completion. Seconded by Schmahl. All voted yes. Motion carried. Beth presented Final Change Order # 12 which shows an increase of \$ 13,039.43. Motion made by Keimig to approve Final Change Order # 12. Seconded by Holt. All voted yes. Motion carried. Beth also presented the Final Payment # 13 in the amount of \$ 266,672.66. Before any discussion about the final payment # 13, liquidated damages on project need to be confirmed with the amount being \$ 166,828.00. At this time Tom Bain from United Pipe was present and introduced Mr. Phillip Bubb from Fredrikson & Byron P.A., the attorney for United Pipe. Mr. Bubb spoke on behalf of Tom Bain and United Pipe and went through a timeline of points and actions that had taken place throughout the project and the scheduled deadline of the project to be completed by United Pipe. They believe they only owe \$ 35,416.00 in liquidated damages. Motion by Holt, seconded by Eide, to enter into Executive Session per SDCL 1-25-2 (3) regarding contractual matters at 7:50 p.m. At 8:06 Mayor declared City Council out of Executive Session. Holt made a motion to table Final Payment # 13 and hold a special meeting on Oct. 26th at 6:30 p.m. in the Council Chambers. Seconded by Eide. All voted yes. Motion carried. Other Business before the City Council: Sewer Pay Request # 12, Water & Environment Fund–Reimbursement. Motion by Holt to approve request #12. Seconded by Schmahl. Upon roll call vote, the following votes were cast: Bauman-yes; Eide-yes; Holt-yes; Hulscher-yes; Keimig-no; Schmahl-yes. Motion carried. Closing of the Rural Dev. Loan and Payoff Construction Loan with DNB. Val will contract Diane Sieperda with Rural Dev. to see if we can proceed with this matter. Library is hosting an annual Silent Auction which the City donates a Family Swimming Pool Pass with a value of a \$100.00. Motion by Holt to contribute the Family Pool Pass. Seconded by Eide. All voted yes. Motion carried. Comments were heard from the City Superintendent, Don Ebbers, regarding the winter closing of the Rubble Site. This starts December 1st by appointment only on Saturdays. The airport will be closed after the first substantial snowfall. Comments from the City Attorney's Office. Mr. Boyd mentioned recent letters he had sent out on behalf of the city. He will review the Contract regarding the Sewer Improvement Project. Comments from the Assistant Finance Officer-asked council about a zoning issue, an unpaid water account, an invitation for council to attend a pre-disaster mitigation meeting on Oct. 19th at the Fire Hall. Comments were heard from the Mayor & Council. Alderman Schmahl excused herself from the meeting at this time. Motion by Holt, seconded by Hulscher, to enter into Executive Session per SDCL 1-25-2 (1) regarding personnel matters at 8:34 p.m. At 8:50 p.m. Mayor declared City Council out of Executive Session. Holt made a motion to fill the Finance Officer position with the person recommended by the personnel committee at the wages and benefits which had been agreed upon. Seconded by Eide. All voted yes. Motion carried.

WARRANTS: SALARIES: Council 1,170.00; Mayor 320.00; Finance Office 1,262.17; General Gov't Bldg 361.99 Parks 982.66; Streets 4,420.99; Rubble Site 685.11; West Nile 230.00; Airport 351.40; Library 1,451.08; Community Ctr 144.00; Sewer 2,440.68; Water 2,711.34; Swimming Pool 254.80; Conseco- cancer policy 81.15; SD Retirement 1,794.30; Health Pool of SD-health insur.3,766.63; Delta Dental dental insur.160.80; DNB-FICA/WH 4,360.99; CLAIMS:
Amy Tvedt Web Design 25.00; AT&T-Cell Phones 71.62; Banner Associates Professional Services 252.30; Bjerke Sanitation-Garbage 5,592.14; Boyd Law Firm-Legal Fees 795.00; Brookings Deuel RW-Water Purchase, Ulven Park & Utilities 8,322.95; Butler Mach. - Street Supplies 66.98
Gale/Cengage Learning-Library Books 39.90; Clear City Library – Books in Aug & Sept, supplies in Aug & Sept 781.59; City of Clear Lake- Utilities & Meter Deposit Refunds 587.70; Clear Lake Bldg. Ctr – Supplies 21.88; Clear Lake Courier-F/O Help Wanted/ Council Publ 548.55; Connecting Point-Internet Security Update 90.00; D&L Digging-Water Leak 3,111.00; Dakota Pump-Sewer Supplies 140.00; DC Farmer's Union- Oil, Fuel, Supplies 1,207.40; DC Motor- Supplies; DC Memorial Hospital-Sales Tax Subsidy 28,446.44; Dept of Rev.-Water testing 140.00; DC Auditor-Police Contract 5,680.34; DC Treasurer-Street Maint. 4,742.76; Don Cassels/CL Baseball Assn-Per 2016 Budget 2,000.00
Duinink Inc Street Hot Mix 3,130.17; H-D Electric-Electricity 385.75; Hillyard- Supplies 295.66; ITC-Phones 722.19; Kami Konradi- CC Deposit Refund 200.00; Linda Grimli-CC Deposit Refund 200.00; Maynard's Foods-Supplie 28.67; Mayo Clinic Health Letter 31.52; Menards-Supplies 147.93; Milbank Winwater Works-Water Repair 1,553.15; Nathan Sime-Water Meter Deposit Refund 150.00 ; Nick Kasten 1st ½ Lifeguard Trn Refund 98.05; Northwestern Energy-Nat'l Gas 50.11; National Geographic Society Subscription Renewal 39.00; Office Peeps-Office Supplies 787.32; One Office Solution-Office Supplies 59.98; Ottertail Power Electricity 3,486.04; Penworthy Comp-Books 143.61; Pitney Bowes-Postage 84.67; SD State Treasurer-Garbage Sales Tax 384.87; Servall Towel & Linen Supply-Gov't Bldg Supplies 33.13; Shipley's Garmet Spa-CC Supplies 35.20; Steve Rhody Services-Gov't Bldg. & CC Maint 38.00; Unemployment Insur of SD-Unemployment Insur. 152.09; Van Diest Supply Comp-West Nile Supplies 790.00; Claims Rejected: none. There being no further business, Alderman Keimig made a motion to adjourn at 8:55 p.m., seconded by Hulscher. All voted yes. Motion carried.

Val Lundquist
Assistant Finance Officer

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