

The Clear Lake City Council met in regular session on Monday, March 12, 2018, at 6:30 p.m. in the Conference Room of the Municipal Building with Mayor Gary Eide presiding. Those present were Alderwomen Kelli Bauman and Ramona Drake, Aldermen Carey Holt, John Keimig and Harry Mewherter. Tim Hulscher was absent. Also present were Ellen Schmahl, Don Ebbers, Attorney Todd Boyd, Ken Reiste, Val Lundquist, Eric Kluckman, Don Cassels, Jonas Reppe, Laurie TeGantvoort, Robyn Bublitz, Christina Davis, Cody Krause, Sheila Sik, Chad Sik, Gina Poslusny, Joe Uckert, Lisa Pederson & Michael Novitzki. The Pledge of Allegiance was said.

Motion by Holt, seconded by Keimig to approve the agenda. All voted aye. Motion carried.

Gina Poslusny met with the Council regarding the utility billing at her house that burnt down and to clarify where the water and sewer needed to be capped. No action was taken on the utility billing. City policy is that water and sewer are capped by the curb stop.

Alderman Tim Hulscher arrived at 6:40 p.m.

Motion by Keimig, seconded by Hulscher to approve the consent agenda as follows: Minutes – Regular Meeting February 12, 2018; Monthly Financial Statements for the Month Ending February 28, 2018; Sales Tax Subsidy \$6,845.89; Building Permits: Approved: Glenda Wurster, 1009 Pheasant Run Circle – house & garage, Denied: None; New Construction Hook-Up Permit: Glenda Wurster, 1009 Pheasant Run Circle – sewer hook-up, Glenda Wurster, 1009 Pheasant Run Circle – water hook-up; Excavation Permit: Glenda Wurster, 1009 Pheasant Run Circle – new home; Moving Permits/Demolition Permits: None; Delinquent Water Bills; Approval of Warrants; Approve Temporary Liquor License Applications: Pederberg’s: Benefit, Saturday, March 31, 2018; SDMSMA Spring Meeting, April 23-24, 2018, Mitchell, SD – Don attending; 2017 Annual Drinking Water Report. Approvals of permits are subject to the condition that they are in accordance with all 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. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Warrants Approved: Council Payroll 1000.00; Mayor Payroll 200.00; Finance Officer Payroll 3012.28; Gen Gov’t Building Payroll 211.59; Highway Payroll 3031.95; Snow Payroll 3661.15; Park & Rec Payroll 60.27; Library Payroll 1647.56; Community Center Payroll 176.54; Water Payroll 3283.43; Sewer Payroll 3446.05; Aflac 146.90 Supplemental Ins; Washington National 81.15 Cancer Ins; SD Retirement 2071.08; Health Pool of SD 4710.62; Delta Dental of SD 206.00; DNB-FICA/WH 4372.49; Appera 60.15 Maintenance; AT&T Mobility 124.74 Utilities; Banner Associates 212.00 Professional Services; Bjerke Sanitation 5846.57 Utilities; Boyd Law Firm, Prof. L.L.C. 1494.00 Legal Fees; Brookings-Deuel RWS 7550.10 Water Purchase & Utilities; Gale/Cengage Learning 27.29 Library Books; Clear Lake City Library 123.99 Library Books; Clear Lake City Library 283.37 Library Books; City of Clear Lake 458.79 Utilities; Clear Lake Building Center 98.37 Supplies; Clear Lake Courier 99.42 Publications; Deuel County Ambulance 10000.00 Assigned Ambulance; Deuel County Farmers Union Oil 1103.51 Supplies; Deuel Co Motor Supply 96.51 Supplies; Deuel County Memorial Hospital 6845.89 2nd Penny Sales Tax; Department of Revenue 30.00 Maintenance; Deuel Area Development 2500.00 Economic Development; Deuel County Auditor 5851.88 Law Enforcement Contract; DNB National Bank 25.00 Safe Deposit Box; H-D Electric Coop, Inc 145.41 Utilities; H-D Elec Coop, Inc. 253.63 Maintenance; Hillyard/Sioux Falls 222.86 Supplies; ITC Telecom 531.07 Utilities; Lyle Signs Inc 129.20 Supplies; Lyle Signs Inc 306.08

Supplies; Maynard's Food 255.15 CC Deposit Refund & Supplies; Menards 21.48 Supplies; Northwestern Energy 1025.36 Utilities; Office Peeps 331.69 Supplies; Ottertail Power Co 4567.68 Utilities; Reminisce 14.98 Subscription; Ron's Saw Shop 92.92 Supplies; Mary E Schmahl 110.40 Supplies; SD State Treasurer 428.54 Sales Tax; South Dakota Municipal League 95.00 2018 District Meeting; Steve Rhody Services 38.00 Maintenance; Swenson Sales & Service Inc 115.07 Maintenance; CL Swimming Pool Petty Cash 100.00 Swimming Pool Petty Cash; US Bank Trust-Spa Lkbox Cm9695 6837.30 Water Loan Payment; United States Dept of Ag 6107.00 Sewer Loan Payment; Watertown Public Opinion 160.00 Subscription. Warrants Rejected: None.

Discussion was held regarding the property at 503 4th St W. Motion by Holt, seconded by Drake to authorize Attorney Todd Boyd to pursue legal action. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Discussion was held regarding the sewer line on 6th Ave between 6th Street and 7th Street as some of the property owners are having issues with water and sewage backups. City Superintendent Don Ebbers presented the estimated costs for installing a sewer line under the street and reported that the transite water pipe would also need to be replaced if the sewer line is replaced. City Finance Officer Ellen Schmahl reported that the costs may be added to their property taxes with the amount spread over a predetermined number of years. The City Services Committee will meet and report back to the Council.

Motion by Holt, seconded by Mewherter to approve the route for the St. Patrick's Day Parade as presented. All voted aye. Motion carried.

Chad and Sheila Sik met with the Council regarding the sewer backup issues that they are having at their home at 704 6th Ave S. Sik's agreed to allow the City to camera the line.

The financial portion of the 2016 Audit was presented to the Council. Motion by Holt, seconded by Keimig to table until the next meeting to give the Council and Finance Officer time to review the information. All voted aye. Motion carried.

Joe Uckert, representing the Legion, met with the Council to discuss the pancake breakfast they are planning with the proceeds going to the handicapped dock that will be installed at Ulven Park. The Legion will provide the food and labor and asked the Council to waive the rental fee for the Community Center for the event. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Cody Krause, representing the Clear Lake Fire Department, met with the Council to discuss snow removal at the Fire Hall. Motion by Holt, seconded by Keimig to table until the April 9, 2018, meeting so the topic can be discussed at a Fireman's meeting since no other Fire Department members had knowledge of the request being made to the Council.

Cody Krause met with the Council regarding his billing for clean-up at his main street property after events are held at the Community Center. Motion by Keimig, seconded by Drake to approve to pay Cody Krause \$1,100 (\$220 per hour for 5 hours) for cleaning his property and without having ever notified the City of this problem. This bill from Cody Krause is in response to a bill for \$55 for the City's snow removal. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-no; Hulscher-no; Keimig-yes, Mewherter-yes. Motion carried.

Lisa Pederson, representing Pederberg's, met with the Council and asked them to waive or reduce the fee for the Community Center rental on March 31, 2018, for the Lanners benefit. Motion by

Holt, seconded by Mewherter to charge a \$100.00 rental fee for the benefit. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Michael Novitzki, representing KLM, presented information regarding painting and maintenance for the water tower.

The Second Reading of Ordinance No. 553, an Ordinance Regarding Water Rates was completed. Motion by Hulscher, seconded by Keimig to approve Ordinance No. 553. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

The Second Reading of Ordinance No. 554, an Ordinance Regarding Sewer Rates was completed. Motion by Holt, seconded by Drake to approve Ordinance No. 554. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Hulscher to transfer the balance of \$5,333.22 from 604-101.01 Sewer Project Construction Loan Checking Account to 604-101.00 Sewer fund Cash. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Motion by Keimig, seconded by Holt to accept the proposal of \$1,737.00 per heating/cooling unit from Gates Heating and Air-conditioning to replace one unit in the Municipal Room and one unit in the Library. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Bauman to give a free pass to the rubble site (with the exception of white goods) to each household, which will expire Tuesday, October 30, 2018, to be sent out on the May utility bills. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Motion by Keimig, seconded by Bauman to approve the Deuel County Ambulance EMT's and EVOC Drivers. A copy of the roster is on file in the Finance Office. All voted aye. Motion carried.

Motion by Mewherter, seconded by Holt to approve the Clear Lake Volunteer Fire Department members. A copy of the roster is on file in the Finance Office. All voted aye. Motion carried.

Motion by Holt, seconded by Keimig to approve the Library Annual Report. All voted aye. Motion carried.

Motion by Holt, seconded by Bauman to approve the annual maintenance agreement with the County Highway Department and authorize Mayor Gary Eide to sign the agreement. Voting aye were Bauman, Drake, Holt, Hulscher and Mewherter. Voting nay was Keimig. Motion carried.

Motion by Holt, seconded by Drake to approve the 2018 City of Clear Lake Street Department equipment rates. All voted aye. Motion carried.

Motion by Mewherter, seconded by Holt to advertise the Lagoon Pasture Rent for a two year contract. All voted aye. Motion carried.

Motion by Keimig, seconded by Hulscher to transfer \$10,000.00 from 101-266.98 Fund Balance Assigned-Ambulance to Unassigned Fund Balance (General Fund) due to the payment made to the Deuel County Ambulance. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Hulscher to allow City residents to dispose of acceptable items at the rubble site free of charge, with the exception of refrigerant items, on April 24, 26, and 28, 2018, during regular hours and to allow an electronic equipment recycling vendor to come to Clear Lake the same week to accept items. Alternate dates will be selected if weather prevents utilizing the rubble site on the approved dates. All voted aye. Motion carried.

Motion by Holt, seconded by Keimig to authorize the Finance Officer to ask for an extension for the Annual Report. All voted aye. Motion carried.

Due to being annexed into the City of Clear Lake in July 1, 2018, the Cenex C-Store (Deuel County Farmers Union) should have begun collecting a 1% gross receipts tax however they were unaware of the Ordinance that was in effect. Motion by Holt, seconded by Hulscher to forgive the 1% gross receipts tax for the Deuel County Farmers Union from July 1, 2015, through February 28, 2018. The Deuel County Farmers Union will be responsible to collect and pay the 1% gross receipts to the South Dakota Department of Revenue beginning March 1, 2018. Voting aye were Bauman, Drake, Holt, Hulscher and Mewherter. Voting nay was Keimig. Motion carried.

Comments were heard from Attorney Todd Boyd regarding the status of the utility bill for 303 9th Ave S and legal fees for the Untied Pipe settlement.

Finance Officer Ellen Schmahl asked the Council to clarify whether the Finance Office is to continue snow removal billing per policy.

There being no further business, motion by Holt, seconded by Drake to adjourn at 9:38 p.m. All voted aye. Motion carried.

Ellen Schmahl
Finance Officer

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