

The Clear Lake City Council met in regular session on Monday, September 10, 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, Tim Hulscher, Harry Mewherter and John Keimig. Also present were Ellen Schmahl, Don Ebbers, Attorney Todd Boyd, Ken Reiste, Val Lundquist, Joel Reppe, Nancy Greene, Bonnie Budahl, Jack Buchholtz, Jay Grabow, Bob Atyeo, Lorraine Paver, Mike Schiefelbein, Craig Evenson, & Joan Sacrison. The Pledge of Allegiance was said.

Motion by Mewherter, seconded by Hulscher to approve the agenda. All voted aye. Motion carried.

Motion by Keimig, seconded by Bauman to approve the consent agenda as follows: Minutes – Regular Meeting August 6, 2018; Monthly Financial Statements for the Month Ending August 31, 2018; Sales Tax Subsidy \$23,965.24; Building Permits: Approved: Calvin & Karen Esche, 511 2nd St W – replace deck, Daryl Feilmeier, 1011 7th St W – patio & sidewalk, Janette Cook, 310 9th St W – curb & gutter, Gary Baxter, 303 9th St W – curb & gutter, Gerald Aberle, 304 9th St W – curb & gutter, Ryan White, 608 Prospect Ave S (Matt Schmalz) – wood & chain link fence, Don Ebbers, 604 Prospect Ave S – curb & gutter, Denied: Nancy Greene, 920 4th Ave S – 4 x 4 landing and steps; Moving Permits: Tylor Perea, 303 8th Ave S – garden shed, Michael & Lisa Horan, 104 7th Ave S – storage building; Demolition Permits: Approved: First Baptist Church, 411 4th St W – remove dilapidated garage, Nancy Greene, 920 4th Ave S – remove cement steps; Delinquent Water Bills; Approval of Warrants; Approve Temporary Liquor License Applications: Pederberg’s: Wedding Dance, Saturday, October 6, 2018, Pederberg’s: Tour of Tables, Saturday, October 13, 2018; 2018/2019 Municipal Election Workshop, Pierre, September 19th – Ellen attending. 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 750.00; Mayor Payroll 240.00; Finance Officer Payroll 3484.51; Gen Gov’t Building Payroll 235.63; Highway Payroll 6807.11; Rubble Site Payroll 530.20; Airport Payroll 642.86; Animal Warden Payroll 29.25; West Nile Payroll 390.00; Summer Rec Payroll 1500.09; Swimming Pool Payroll 4383.20; Park & Rec Payroll 2602.84; Library Payroll 1778.62; Community Center Payroll 170.24; Water Payroll 2889.43; Sewer Payroll 2945.55; Aflac 146.90 Supplemental Ins; Washington National 81.15 Cancer Ins; SD Retirement 2266.82; Health Pool of SD 4710.62; Delta Dental of SD 206.00; DNB-FICA/WH 6260.02; Appera 60.15 Maintenance; AT&T Mobility 124.26 Utilities; Avera Occ Medicine-Mitchell 104.00 Professional Services; Banner Associates 583.00 Professional Services; Bjerke Sanitation 5980.52 Utilities; Boyd Law Firm, Prof. L.L.C. 918.00 Attorney Fees; Heidi Brewer 119.82 Lifeguard Training Reimb; Brookings-Deuel RWS 10081.00 Utilities; Gale/Cengage Learning 81.17 Books; Certified Laboratories 176.51 Supplies; Clear Lake City Library 290.51 Books; City of Clear Lake 1696.50 Utilities; Clear Lake Building Center 16.97 Supplies; Clear Lake Courier 208.95 Publications; Clear Lake Fire Dept 17500.00 Annual Support; Clear Lake Historical Society 2500.00 Historical Preservation; Connecting Point 280.00 Software; Core & Main 2703.46 Supplies; D & L Digging 2065.50 Maintenance; Deuel County Farmers Union Oil 2752.07 Supplies; Deuel Co Motor Supply 62.31 Supplies; DC Register of Deeds 30.00 Release of Levy; Deuel County Memorial Hospital 23965.24 2nd Penny Sales Tax; Department of Revenue 30.00 Maintenance; Deuel Area Development 2500.00

Promote City; Deuel County Auditor 5851.88 Law Enforcement Contract; Deuel County Treasurer 643.32 Maintenance; DNB National Bank 150.00 WM Deposit Refund, Duinick, Inc. 7725.93 Street Improvement; Carol Estebo 77.85 WM Deposit Refund; First Bank & Trust 604.14 Supplies & Maintenance; Flat Rate, Inc. 1540.35 Street Improvement; H-D Electric Coop, Inc 258.33 Utilities; H-D Elec Coop, Inc. 57.14 Maintenance; Kenzie Hamann 141.50 Lifeguard & WSI Reimbursement; Avis Hardie 10.00 WM Deposit Refund; Fay Harste 78.30 WM Deposit Refund; Carter Hoffman 111.38 Lifeguard Reimbursement; ITC Telecom 648.33 Utilities; Jebro, Inc. 11684.67 Street Improvement; Mackenzie Kasten 66.56 Lifeguard Training Reimb; KDLO-FM/Alphamedia USA, LLC 400.00 Promote City; Alexia Kloos 23.00 WM Deposit Refund; Konold Electric LLC 3623.04 Maintenance; Martha Stewart Living 19.00 Subscription; Maynard's Food 150.12 Concessions; Michael Todd & Co. 115.60 Supplies; Midwest Living 15.00 Subscription; Milbank Winwater Works 827.62 Supplies; National Geographic Society 39.00 Subscription; Northwestern Energy 452.79 Utilities; Office Peeps 264.10 Supplies; Ottertail Power Co 3409.89 Utilities; The Penworthy Company 293.20 Books; Pipe Masters 1267.50 Maintenance; Sarah Ronne 106.50 Lifeguard Reimbursement; Polly Ruhd 200.00 CC Deposit Refund; Sage Sams 106.50 Lifeguard Reimbursement; Mary E Schmahl 98.10 Travel; SD State Treasurer 635.35 Sales & Use Tax; South Dakota Municipal League 25.00 Training; Preston Shea 200.00 CC Deposit Refund; Sodak Gardens 118.00 Maintenance; Steve Rhody Services 38.00 Maintenance; Lynn Stoltenburg 367.80 Lifeguard & WSI Reimbursement; Diana Theisen 35.00 WM Deposit Refund; Transource Truck & Equip, Inc. 69.77 Supplies; US Bank Trust-Spa Lkbox CM9695 6837.30 Water Loan Pmt; United States Dept of Ag 6107.00 Sewer Loan Pmt.

No one was present for public voice.

The Second Reading of Ordinance No. 558, an Ordinance Amending Ordinance No. 500, Regarding Roof on Structures was completed. Motion by Holt, seconded by Hulscher to approve Ordinance No. 558. 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. 559, an Ordinance Regarding Sewer Rates was completed. Motion by Holt, seconded by Keimig to approve Ordinance No. 559. 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. 560, an Ordinance Regarding Water Rates was completed. Motion by Holt, seconded by Keimig to approve Ordinance No. 560. 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. 561, an Ordinance Amending Ordinance No. 500, Regarding Landscape Standards and Maintenance was completed. Motion by Hulscher, seconded by Drake to approve Ordinance No. 561. 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. 562, an Ordinance Regarding Noxious Weeds was completed. Motion by Mewherter, seconded by Keimig to approve Ordinance No. 562. 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. 563, 2019 Appropriations Ordinance was completed. Motion by Holt, seconded by Mewherter to approve Ordinance No. 563. 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 playground equipment at Ulven Park as costs came in higher than expected. Motion by Mewherter, seconded by Drake to approve \$22,747.04 to purchase playground equipment for Ulven Park. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-no; Hulscher-no; Keimig-no, Mewherter-yes. Mayor Eide voted yes to break tie. Motion carried.

Motion by Keimig, seconded by Hulscher to convene as the Board of Adjustment. All voted aye. Motion carried

A Public Hearing was held at 6:40 p.m. for a variance for a landing and front step for Nancy Greene. The steps being replaced are not within the current setbacks. Motion by Holt, seconded by Hulscher to approve the variance. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

A Public Hearing was held at 6:45 p.m. for a variance for fence height for Joel Reppe. Motion by Mewherter, seconded by Keimig to approve the variance. 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 adjourn as the Board of Adjustment. All voted aye. Motion carried.

Jay Grabow met with the Council regarding his property at 312 3rd Ave S to discuss the assessment results. Jay has new steel ordered and will install that when it arrives. The back stairway is dangerous so Jay will remove it. The roof also needs to be fixed and will be done this year if he has funds available. Future plans are to fill the basement in, add a garage and turn the upstairs into a studio apartment.

Jackie Buchholtz met with the Council regarding his property at 309 3rd Ave S to discuss the assessment results. Jack agreed that the building needs to be torn down but he has not received any quotes. Jack had questions on the issues that may come up with tearing the building down as there are buildings to the north and south of his building. The roof of his building and the ITC building are connected which may cause an issue. Jack asked how the property needs to be maintained once the building is torn down. The Council will put a plan together and get back to Jackie.

Mike Schiefelbein, Lorraine Paver, and Bob Atyeo with Post 49 met with the Council to discuss a permanent stage being installed at the Community Center. The Facilities Committee will meet to discuss the proposal.

Discussion was held regarding semi parking in City limits. There is a trailer being used as a storage shed on a property, which is a zoning ordinance violation, so a letter will be sent to the property owner.

Motion by Keimig, seconded by Hulscher to rescind Ordinance No. 555, an Ordinance Supplementing Appropriations for the City of Clear Lake for the Year Ending 12/31/2018 as the Finance Officer made an error regarding the funds. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

The First Reading of Ordinance No. 564, an Ordinance Supplementing Appropriations for the City of Clear Lake for the Year Ending 12/31/2018 was completed.

The First Reading of Ordinance No. 565, an Ordinance Regarding Sale of Alcoholic Beverages was completed.

The First Reading of Ordinance No. 566, an Ordinance Regarding Spiking Permits was completed.

The First Reading of Ordinance No. 567, an Ordinance Regarding Peddler's Permits was completed.

Motion to Keimig, seconded by Bauman to approve Resolution 2018-7, Funds Available to Residents for the Installation of Standard Curb and Gutter. 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 Mewherter to approve Resolution 2018-8, Transfer from Contingency Fund. 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 Hulscher to approve Resolution 2018-9, Fines for Violations. 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 Mewherter to approve Resolution 2018-10, Schake Plat. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Lisa Pederson, Pool Manager, gave a recap of the swimming pool for 2018. Items discussed were the Guard Start program that was started this year, showers during Rodeo, deck repairs that need to be completed, landscaping by the slides that needs to be fixed, deck and pool need to be painted, and the possibility of contracting with someone to maintain the pumps and test chemicals. Lisa also thanked the Council for the new vacuum that was purchased and said it works awesome.

Motion by Holt, seconded by Keimig to declare the following as surplus property, having no value or of value less than \$500.00 and authorize disposal of the same: 3 plastic chairs, 7 pairs of goggles, 1 rescue tube, 7 metal folding chairs, Frigidaire refrigerator. All voted aye. Motion carried.

Motion by Bauman, seconded by Holt to approve the homecoming parade route and authorize the Mayor to sign the approval needed for the South Dakota Department of Transportation. All voted aye. Motion carried.

Motion by Keimig, seconded by Hulscher to set the on-sale liquor license fee at \$1,400.00 and the off-sale liquor license fee at \$400.00 beginning in 2019.

Joan Sacrison and Craig Evenson, representing DADi, met with the Council regarding the possibility of a twin home at Wildlife Estates and asked if there is a way that it can be financed through the City.

The Council members will personally pay for the Dog Daze expenses and the Halloween Boo Walk expenses.

The 1 ½" private water line by Lonnie and Bonnie Budahl's house needs to be fixed due to a water leak. There is a 6" water line on the south side of the South Dakota Department of Transportation that Budahl's would like to connect to and have asked the City to pay for approximately \$900 of the cost for parts and then the 1 ½" line that runs from the Trinity Church will be taken out of service. The line from the connection to the 6" water line will continue to be a private water line to the

three residences. Motion by Mewherter, seconded by Drake to approve the purchasing the parts for the water line upgrade. 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 Hulscher to approve the building permit for Nancy Greene, 920 4th Ave S, for a landing and steps. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

The City Services Committee met to discuss the water tower painting project questions that KLM has and reported that the logo would stay the same as it is now, the tower will be painted two-toned with a darker color on the bottom, and to go with KLM's recommendations on the other items inquired about. There are also questions regarding the antennas that are currently on the tower. Finance Officer Ellen Schmahl will inquire with other Cities to see how they handle antennas on their water towers. The water tower painting project will begin approximately April 15, 2019, and will take up to 8 weeks. BDRWS will be able to keep up with the City water usage during this time however some water restrictions may need to be put in place.

Comments were heard from City Superintendent Don Ebbers regarding the installation of the vault toilet at Ulven Park, which is scheduled for September 20, 2018, the status of the water line upgrade at Ulven Park that has already begun, the 6th Ave water and sewer project that will begin the end of September, and a water leak on 6th Street.

City Attorney Todd Boyd inquired about the status of the property to the west of Deuel Manor and whether Jackie Buchholtz needs to plant grass on his Main Street property once the building is removed or if he can leave it gravel/dirt, and commented about a complaint of a possible unlicensed vehicle on a property in City limits.

City Finance Officer Ellen Schmahl asked about an insufficient fund check that has not been paid and the paint color for the interior of the Community Center.

The City Council and Mayor inquired about the decision that was made regarding seasonal camping rates, commented on the need to set up a committee meeting to discuss Jackie Buchholtz's building as well as the condition of other buildings on Main Street, the letter from the State regarding a guard rail by City Park and the inquiry to First District regard available dollars for demolition of houses and Main Street buildings.

There being no further business, motion by Keimig, seconded by Mewherter to adjourn at 8:41 p.m. All voted aye. Motion carried.

Ellen Schmahl
Finance Officer

"This institution is an equal opportunity provider."

Published once at an approximate cost of \$_____.