

The Clear Lake City Council met in regular session on Monday, April 9, 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, John Keimig and Harry Mewherter. Also present were Ellen Schmahl, Don Ebbers, Attorney Todd Boyd, Ken Reiste, Laurie TeGantvoort, Robyn Bublitz, Cody Krause, John Hall, Sr. and Dr. Terrance Smith. The Pledge of Allegiance was said.

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

Motion by Keimig, seconded by Drake to approve the consent agenda as follows: Minutes – Regular Meeting March 12, 2018 & Local Review Board Meeting March 19, 2018; Monthly Financial Statements for the Month ending March 31, 2018; Sales Tax Subsidy \$41,745.61; Building Permits: Approved: Pederberg's, 322 3rd Ave S – new patio, Moving Permits/Demolition Permits: Approved: Regina Poslusny, 105 5th St W – demolish house; Delinquent Water Bills; Approval of Warrants; Van Diest Mosquito Workshop, April 25, 2018, in Aberdeen – Ray VanLiere attending; SD Governmental Human Resources School, June 5-6, 2018, Sioux Falls, SD – Ellen attending; SD Governmental Finance Officer's School, June 6-8, 2018, Sioux Falls, SD - Ellen attending. Approvals of permits are subject to the condition that they are in accordance with all building codes and ordinances of the City. 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 1250.00; Mayor Payroll 390.00; Finance Officer Payroll 3417.66; Gen Gov't Building Payroll 151.32; Highway Payroll 4547.28; Snow Payroll 5607.61; Rubble Site Payroll 13.12; Park & Rec Payroll 26.24; Library Payroll 1730.24; Community Center Payroll 230.51; Water Payroll 2880.63; Sewer Payroll 2991.92; Aflac 146.90 Supplemental Ins; Washington National 81.15 Cancer Ins; SD Retirement 2401.34; Health Pool of SD 4710.62; Delta Dental of SD 206.00; DNB-FICA/WH 5252.54; Appera 60.15 Maintenance; AT&T Mobility 124.74 Utilities; Norberta Bekaert 50.00 WM Deposit Refund; Better Homes & Gardens 9.99 Subscription; Bjerke Sanitation 5886.22 Utilities; James Block 100.00 WM Deposit Refund; Bobcat of Brookings 37243.50 Equipment; Boyd Law Firm, Prof. L.L.C. 1317.00 Legal Fees & Expenses; Brookings-Deuel RWS 7433.10 Utilities & Water Purchase; Gale/Cengage Learning 133.82 Books; City of Clear Lake 467.37 Utilities; Clear Lake Building Center 120.78 Supplies; Clear Lake Courier 678.35 Publications; Clear Lake Fire Dept 17500.00 Annual Support; Clear Lake Chamber of Commerce 200.00 CC Deposit Refund; Colonial Research 1668.24 Supplies; Core & Main 160.96 Supplies; Deuel County Farmers Union Oil 3555.38 Supplies; Deuel County Farmers Union Oil 200.00 CC Deposit Refund; Deuel Co Motor Supply 213.96 Supplies; Deuel County Memorial Hospital 41745.61 2nd Penny Sales Tax; Deuel County Memorial Hospital 200.00 CC Deposit Refund; Department of Revenue 30.00 Maintenance; Deuel County Auditor 5851.88 Law Enforcement Contract; Deuel County Treasurer 234.48

Supplies; Family Circle 11.98 Subscription; Fritz Chevy-Olds 25.94 Maintenance; H-D Electric Coop, Inc 142.94 Utilities; Angie Hotzler 200.00 CC Deposit Refund; Independent Audit Services 1375.00 2016 Audit Report; ITC Telecom 603.18 Utilities; Val Lundquist 21.75 Mileage; MAS Media Inc. 1497.00 Design Website; Maynard's Food 11.30 Supplies; MyTana Manufacturing Co 743.80 Repairs; Northwestern Energy 827.87 Utilities; Ottertail Power Co 3872.00 Utilities; Pederbergs Bar & Grill, LLC 200.00 CC Deposit Refund; Pipe Masters 325.00 Maintenance; Purchase Power 770.99 Supplies; Reminisce 14.98 Subscription; Mary E Schmahl 114.90 Mileage & Supplies; South Dakota One Call 7.84 One Call's; SD State Treasurer 469.95 Sales Tax; Steve Rhody Services 38.00 Maintenance; Taste of Home 14.98 Subscription; Unemployment Insurance of SD 194.11 Unemployment; US Bank Trust-Spa Lkbox Cm9695 11716.19 Loan Payment; United States Dept of Ag 6107.00 Loan Payment.

Discussion was held regarding the property at 503 4th St W. A contractor has been secured and will have the house razed and the hole filled by April 30, 2018.

At 6:35 p.m. the bid opening was held for cash rent of the lagoon pasture rent containing approximately 70 acres, more or less. Two bids were received however Dr. Terrance Smith withdrew his bid before it was opened. John Hall, Jr. submitted a bid of \$10.00 per acre. Motion by Holt, seconded by Mewherter to accept the bid of \$10.00 per acre from John Hall, Jr. for a five-month lease period from May 1, 2018, to October 1, 2018, and a five-month lease period from May 1, 2019, to October 1, 2019. 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 met with the Council to discuss the bill he submitted to the City for clean-up after events at the Community Center. The bill was approved by the Council and then vetoed by the Mayor. The Mayor explained that if the bill is paid, then the City is assuming liability, which we do not want to do. Discussion was held on including a clause in the Community Center rental contract to ensure the adjoining property is cleaned up before the security deposit is returned. Cody questioned how a decision by the Council can be vetoed and Attorney Todd Boyd stated that a Mayor has 10 days to submit a written veto. Motion by Holt, seconded by Keimig not to cash the check for the snow removal bill that was sent to Cody. 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. The Facilities Committee determined that the private line should not have been allowed to be put in when it was, and therefore, it should primarily be the City's responsibility. The homeowners were asked if they would be willing to pay for the materials for the main sewer line and they feel they have already paid for adding the main line by paying their monthly sewer fees over past years. Motion by Mewherter, seconded by Drake for the City to pay to install the main sewer line and replace the transite water line with the residents responsible for the cost of

connecting to the main sewer line. 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 to pursue a new engineering firm for the project. Motion not considered due to the lack of a second. Travis Homan will be replacing the line from his home and will connect it directly to the manhole at his own expense.

Discussion was held on the decision that was made at the March 12, 2018, Council meeting regarding the Cenex C-Store (Deuel County Farmers Union) gross receipts tax. Motion by Holt, seconded by Drake to rescind the motion made by Holt at the March 12, 2018, Council meeting resulting in the Cenex C-Store being responsible to pay the 1% gross receipts tax from July 1, 2015 through February 28, 2018. Upon roll-call vote the following votes were cast: Bauman-pass; Drake-yes; Holt-yes; Hulscher-yes; Keimig-no; Mewherter-abstain; Bauman-yes. Motion carried. Keimig made a motion to forgive the taxes from July 1, 2015 through February 28, 2018. Motion not considered due to the lack of a second.

Motion by Keimig, seconded by Holt to approve the Annual Report presented by Finance Officer Ellen Schmah. 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 Mewherter, seconded by Hulscher to transfer \$25,000 from 101-266.96 Fund Balance Assigned-Street Equipment to 101-267.00 Unassigned Fund Balance (General Fund) due to the purchase of the skid steer. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes; Mewherter-yes. Motion carried.

Brookings Deuel Rural Water asked if they can put an antenna on the Clear Lake water tower for communication purposes. A cell company previously had an antenna on the water tower and the City did not charge them. Motion by Drake, seconded by Mewherter to allow Brookings Deuel Rural Water to put an antenna on the Clear Lake water tower at no charge. 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 Drake to charge \$5.00 per peddler's permit for Saturday, August 4, 2018, for Dog Daze. 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 purchasing additional attachments for the skid steer, including a grapple bucket. Motion by Mewherter, seconded by Keimig to authorize City Superintendent Don Ebbers to obtain quotes for desired attachments. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes; Mewherter-yes. Motion carried.

The Facilities Committee suggested that the City obtain inspections from the three companies that have made presentations on painting the water tower so an informed decision can be made. Motion by Holt, seconded by Hulscher to authorize both KLM and SUEZ to conduct an inspection on the water tower and to pay the costs associated with the inspections.

Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-no; Mewherter-yes. Motion carried.

Motion by Holt, seconded by Hulscher to allow the road between Deuel School and the court house to be blocked off on July 20, 2018, from 3:00 p.m. – 12:00 a.m. for the Cancer Walk. All voted aye. Motion carried.

City Superintendent Don Ebbers reported on the permit that has been generated for residents to fill out when doing any water or sewer line repairs which will be kept on file with the utility account, the possibility of having to postpone the opening of the airport, and garbage on private property after events at the Community Center.

City Attorney Todd Boyd commented on the check received from Claims Associates for reimbursement of legal fees for the United Pipe settlement.

City Finance Officer Ellen Schmahl commented on the changes to the malt beverage licenses due to the alcohol beverage laws that were revised during the 2018 Legislative Session.

Comments were heard from the Council members and Mayor regarding utility charges for the people whose houses have become unlivable, the sewer line on 6th street, cars not being moved for snow removal, children driving side by sides and golf carts, and appointments of Council members for the 2018/2019 year.

Motion by John, seconded by Hulscher to enter into executive session at 8:10 p.m. regarding contractual matters. All voted aye. Motion carried.

Mayor Gary Eide declared the Council out of executive session at 8:30 p.m.

There being no further business, motion by Keimig, seconded by Holt to adjourn at 8:30 p.m. All voted aye. Motion carried.

Ellen Schmahl
Finance Officer

“This institution is an equal opportunity provider.”

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