

The Clear Lake City Council met in regular session on Monday, May 7, 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 via telephone. Also present were Ellen Schmahl, Don Ebbers, Attorney Todd Boyd, Ken Reiste, Cody Krause, Lisa Pederson, Ben Elliott, Brad Winkeler, and Nichole Grasma. The Pledge of Allegiance was said.

Motion by Holt, 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 April 9, 2018; Monthly Financial Statements for the Month Ending April 30, 2018; Sales Tax Subsidy \$1,189.43; Building Permits: Approved: Dustin Kreger, 512 3<sup>rd</sup> Ave S – house & garage addition, Brock Warren, 311 Parkway Drive – wood deck on N side of house, Alewelt Concrete, 302 RR Ave – concrete piers, Cody Krause, 405 9<sup>th</sup> Ave – wood deck, Denied: Brock Warren, 311 Parkway Drive – wood deck on S side of house, Monica Lemme, 206 6<sup>th</sup> Ave S – wood deck ; Moving Permits: Approved: Alewelt Concrete, 302 RR Ave – 16' x 76' mobile home; Demolition Permits: Approved: Dustin Kreger, 512 3<sup>rd</sup> Ave S – garage, Monica Lemme, 206 6<sup>th</sup> Ave S – concrete slab & steps, Cody Krause, 405 9<sup>th</sup> Ave – wood deck; Delinquent Water Bills; Approval of Warrants; Approve Temporary Liquor License Applications: Pederbergs: Wedding Dance, Saturday, June 16, 2018; Debit/Credit Workshop, June 27, 2018, Pierre, 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. 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 1350.00; Mayor Payroll 340.00; Finance Officer Payroll 3286.13; Gen Gov't Building Payroll 308.73; Highway Payroll 3681.83; Snow Payroll 6148.19; Rubble Site Payroll 505.55; West Nile Payroll 250.00; Swimming Pool Payroll 352.77; Park & Rec Payroll 90.41; Library Payroll 1755.12; Community Center Payroll 176.54; Water Payroll 2894.35; Sewer Payroll 2983.73; Aflac 146.90 Supplemental Ins; Washington National 81.15 Cancer Ins; SD Retirement 2319.70; Health Pool of SD 4710.62; Delta Dental of SD 206.00; DNB-FICA/WH 5336.26; American Red Cross 300.00 Supplies; Appera 60.15 Maintenance; AT&T Mobility 124.42 Utilities; Bjerke Sanitation 5837.50 Utilities; Book Systems, Inc. 295.00 Supplies; Boyd Law Firm, Prof. L.L.C. 1512.00 Legal Services; Brookings-Deuel RWS 9408.45 Utilities; Brown & Saenger 405.00 Supplies; Gale/Cengage Learning 22.09 Books; Clear Lake City Library 910.24 Books & Supplies; City of Clear Lake 414.18 Utilities; Clear Lake Building Center 26.25 Supplies; Clear Lake Courier 726.24 Advertising & Supplies; Comfort Inn & Suites - Mitchell 96.50 Travel; D & L Digging 5199.16 Maintenance; Dakota Pump & Control, Inc. 1163.27 Maintenance; Deuel County Farmers Union Oil 2162.38 Supplies; Deuel Co Motor Supply 100.37 Supplies; Deuel County Memorial Hospital 1189.43 2nd Penny Sales Tax; DCN Insurance Agency 3073.50 Insurance; Department of Revenue 30.00 Maintenance; Deuel County Auditor 5851.88 Law Enforcement Contract; Don Ebbers 161.32 Travel; Skyler Frederick 60.30 WM Deposit Refund; Gates Heating & 656.59 Maintenance; H-D Electric Coop, Inc 149.39 Utilities; H-D Elec Coop, Inc. 826.42 Supplies; Heiman Fire Equipment Inc 260.50 Maintenance; Hillyard/Sioux Falls 302.07 Supplies; ITC Telecom 522.01 Utilities; Joyce's 22.37 Other; Dustin Kopman 150.00 WM Deposit Refund; L G Everist Inc 669.42 Supplies; MAS Media Inc. 300.00 Promote City; Maynard's Food 44.21 Supplies; Menards 350.72 Supplies; Michael

Todd & Co. 93.57 Supplies; Northern Conn-Agg LLP 2296.22 Street Improvement; Northwestern Energy 699.41 Utilities; Ottetail Power Co 3619.09 Utilities; The Penworthy Company 222.98 Books; Physio-Control, Inc. 128.00 Supplies; Pipe Masters 855.00 Maintenance; Raymond Van Liere 143.88 Travel; Roelofsen Implement Inc 4069.00 Equipment; Sanitation Products Inc. 615.00 Supplies; Mary E Schmahl 508.53 Furniture & Supplies; SD State Treasurer 528.43 Sales Tax; SD Gov't Finance Officers Assn 75.00 Registration; SD Gov't Human Resource Assoc 50.00 Registration; Steve Rhody Services 38.00 Maintenance; The Library Store Inc 91.98 Supplies; United States Dept of Ag 6107.00 Loan Payment.

Alderman John Keimig, who was attending the meeting via telephone, left the meeting at 6:35 p.m.

Discussion was held regarding the property at 503 4<sup>th</sup> St W. A contractor has been secured and will begin removing the house the week of May 7, 2018, as they were waiting for the ground to firm up.

Motion by Holt, seconded by Hulscher to adjourn as 2017-2018 Council. All voted aye. Motion carried.

Convened as 2018-2019 Council. Mary Ellen Schmahl took her Oath of Office for Finance Officer and Attorney Todd Boyd took his Oath of Office for City Attorney. Harry Mewherter took his Oath of Office for Alderman in Ward III for a 3 year term, Tim Hulscher took his Oath of Office for Alderman in Ward I for a 1 year appointment, Carey Holt took his Oath of Office for Alderman in Ward I for a 1 year appointment, and Kelli Bauman took her Oath of Office for Alderwoman in Ward II for a 1 year appointment.

Holt nominated Harry Mewherter for President, seconded by Bauman. All voted aye. Motion carried.

Hulscher nominated John Keimig for Vice-President, seconded by Bauman. All voted aye. Motion carried.

At 6:35 p.m. a Public Hearing was held regarding On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license applications from Maynard's Food Center of Westbrook, Inc., Deuel County Farmers Union Oil (Cenex Convenience Store), Dolgen Midwest, LLC (Dollar General Store), and Pizza & Burger Shack. No one from the public appeared with concerns or objections to the license applications. Motion by Hulscher, seconded by Holt to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license for Maynard's Food Center of Westbrook, contingent upon all state and local licensing requirements being met. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried. Motion by Drake, seconded by Holt to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license for Deuel County Farmers Union Oil (Cenex Convenience Store), contingent upon all state and local licensing requirements being met. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried. Motion by Mewherter, seconded by Hulscher to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license for Dolgen Midwest, LLC (Dollar General Store), contingent upon all state and local licensing requirements being met. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried. Motion by Holt, seconded by Mewherter to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license for Pizza & Burger Shack, contingent upon all state and local licensing

requirements being met. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Bill Elliott, CPA, representing Independent Audit Services, P.C., reviewed the financial portion of the 2016 Audit with the Council. Motion by Mewherter, seconded by Hulscher to approve the 2016 Audit Report. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Nichole Grasma and Brand Winkeler, P.E., representing SUEZ, gave a presentation on the findings of the water tower inspection they performed.

Lisa Pederson, representing the Clear Lake Chamber of Commerce, met with the Council to request approval of the Rodeo parade route, utilizing a portion of 3<sup>rd</sup> Avenue (Main Street), for the Rodeo parade on June 23, 2018 and to have a City representative sign the detour application for the South Dakota Department of Transportation. Motion by Holt, seconded by Hulscher to approve the Rodeo parade route and authorize the Mayor to sign the SD DOT detour application. All voted aye. Motion carried.

Swimming Pool Manager Lisa Pederson updated the Council on the status of swimming lessons and other events going on at the pool. The pool is in need of at least two more WSI's to be able to accommodate the swimming lesson sessions that are scheduled and the cost for WSI (water safety instructor) training is becoming extremely expensive so a request was made to reimburse the total amount of the class during the first year vs. half after the first year and half after the second year. Motion by Holt, seconded by Hulscher to approve paying the full amount of WSI training during the first year. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Cody Krause appeared before the Council and resubmitted his earlier bill for trash removed from his property, but no action was taken because he was not on the agenda.

Motion by Mewherter, seconded by Bauman to purchase copier toner and paper from the Promote City account to make copies for the Clear Lake Chamber of Commerce as needed. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Finance Officer Ellen Schmahl asked if any Council members would like to attend Budget Training in Sioux Falls on July 26, 2018. Motion by Drake, seconded by Mewherter to approve Finance Officer Ellen Schmahl and any Council members interested to attend Budget Training in Sioux Falls on July 26, 2018. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Motion by Mewherter, seconded by Hulscher to approve the On-Off Sale Malt Beverage and On-Off Sale South Dakota Farm Wines license renewal for 3 Amigos LLC (Cowboy County Store) contingent upon all state and local licensing requirements being met. All voted aye. Motion carried.

Motion by Hulscher, seconded by Holt to approve the following 2018 swimming pool employees. Lifeguards are contingent on successful completion of lifeguard training. Lisa Pederson, Manager - \$12.25/hr.; Billie Jo Giesel, Assistant Manager - \$11.25/hr.; Madysen Brewer - \$10.00/hr.; Kenzie Hamann - \$10.25/hr.; Carter Hoffman - \$10.25/hr.; Camille Hofland - \$10.00/hr.; Maisey Hofland - \$10.00/hr.; Mackenzie Kasten - \$11.25/hr.; Brady Knight - 10.00/hr.; Karly Monnier - \$10.00/hr.; Sarah Ronne - \$10.25/hr.; Sage Sams - \$10.25/hr.; Cassandra Stoltenburg - \$11.25/hr.; Chantel Unzen -

\$10.00/hr. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Bauman to designate DNB National Bank as the official depository for the City of Clear Lake for a period of 12 months. All voted aye. Motion carried.

Motion by Mewherter, seconded by Holt to designate the Clear Lake Courier as the official newspaper for the City of Clear Lake for a period of 12 months. All voted aye. Motion carried.

Motion by Hulscher, seconded by Holt to declare the following as surplus property, having no value or of value less than \$500.00 and authorize disposal of the same: computer desk, HP Laser Jet 4100N printer, computer, 6 – 7' cutting edges, and 1 – 10' cutting edge. All voted aye. Motion carried.

Discussion was held regarding some decaying buildings on Main Street. A structural engineer would need to be hired at a cost of around \$6,000 to inspect the buildings before any action should be taken. Motion by Mewherter, seconded by Holt to hire a structural engineer to inspect the properties. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Hulscher to accept the bid of \$4,995.00 from Brian's Glass and Door, LLC to replace the glass doors on the East side of the Municipal Building. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Discussion was held on upgrading the vault toilets at Ulven Park. Motion by Drake, seconded by Hulscher to table until the June 11, 2018 meeting so the Facilities & Equipment Committee can meet to discuss further. All voted aye. Motion carried.

Motion by Drake, seconded by Hulscher to change the Community Center rental agreement to include ensuring garbage is picked up off the surrounding properties and charging \$20.00 per hour from the maintenance deposit if City staff need to clean the surrounding properties. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Hulscher to change the Community Center rental agreement to include all American Legion events in the events that have no rental fees. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Options for tables and chairs for the Community Center were presented to the Council. Motion by Drake, seconded by Holt to purchase 4 putty tables and 24 putty chairs for the Community Center from Lifetime at a cost of \$1,449.93. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

For the 6<sup>th</sup> Ave sewer project, the homeowners discussed among themselves and they have all agreed to have the contractor that the City secures do their private lines from their homes to the main. The contractor will not bill each individual homeowner so the Council's concern is the City paying for the private lines and then not being reimbursed by the homeowners. Motion by Mewherter, seconded by Holt to have each homeowner pay the proposed amount into a trust fund before the project begins, once a bid has been accepted. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Hulscher to purchase a grapple bucket for \$1,575 and a tree post puller for \$950 for the skid steer from Nathan Tjaden. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-absent, Mewherter-yes. Motion carried.

City Superintendent Don Ebbers reported that KLM will be coming to do a water tower tank inspection on May 23, 2018, and will present their report at the July 9, 2018, Council meeting.

City Attorney Todd Boyd asked about the demo permit for the property at 503 4<sup>th</sup> St W, updated the Council on the status of the collection issue he is pursuing, and inquired about painting parking lines on the side streets as it has been done in the past.

The Mayor and City Council members asked about what can be done with all of the wildlife (ex: skunks, coons, coyote, cats, possum, etc.) that comes into town and the concerns from Maynard Peterson regarding the drainage ditch in front of his house.

Motion by Drake, seconded by Hulscher to enter into executive session at 9:19 p.m. regarding contractual matters. All voted aye. Motion carried.

Mayor Gary Eide declared the Council out of executive session at 9:25 p.m.

There being no further business, motion by Mewherter, seconded by Holt to adjourn at 9:25 p.m. All voted aye. Motion carried.

Ellen Schmahl  
Finance Officer

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