

The Clear Lake City Council met in regular session on Monday, November 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, Tim Hulscher, Harry Mewherter and John Keimig. Also present were Ellen Schmahl, Don Ebbers, Attorney Todd Boyd, Ken Reiste, Dorothy Dohman, Duane Dohman, Val Lundquist, Gary Carlson, Sharon Voss and Peggy Novy. 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 Hulscher to approve the consent agenda as follows: Minutes – Regular Meeting October 8, 2018; Monthly Financial Statements for the Month Ending October 31, 2018; Sales Tax Subsidy of \$44,688.14 going to Deuel County Memorial Hospital; Building Permits: Approved: Monica Lemme, 206 6<sup>th</sup> Ave S – storage shed, Alvin Hardie, 313 9<sup>th</sup> St W – curb & gutter & concrete driveway, Val Corothers, 506 7<sup>th</sup> Ave S – steps & landing, Dennis Evenson, 805 2<sup>nd</sup> St W – fence, Denied: Peggy Novy & Sharon Voss, 507 2<sup>nd</sup> St W & 111 5<sup>th</sup> Ave S – fence; Moving Permits: Approved: David Bleeker, 605 5<sup>th</sup> Ave S – 8 x 8 shed; Demolition Permits: Approved: Good Samaritan Deuel County, 913 Colonel Pete St S – remove front entrance overhang; Delinquent Water Bills; Approval of Warrants; 2019 Annual Report Workshop, Fort Pierre, January 9, 2019 – Ellen attending. 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 900.00; Mayor Payroll 340.00; Finance Officer Payroll 3607.41; Gen Gov't Building Payroll 263.71; Highway Payroll 5473.78; Snow Payroll 302.68; Rubble Site Payroll 530.20; Airport Payroll 19.50; West Nile Payroll 200.00; Park & Rec Payroll 445.78; Library Payroll 1839.94; Community Center Payroll 325.08; Water Payroll 4065.66; Sewer Payroll 4219.20; Aflac 146.90 Supplemental Ins; Washington National 81.15 Cancer Ins; SD Retirement 2299.44; Health Pool of SD 4710.62; Delta Dental of SD 206.00; DNB-FICA/WH 5050.37; A&B Business Solutions 167.50 Maintenance; Gerald & Annette Aberle 5668.00 Curb & Gutter; American Engineering Testing 1570.50 Maintenance; Appeara 62.32 Maintenance; AT&T Mobility 124.88 Utilities; Banner Associates 265.00 Professional Fees; Gary & Rhonda Baxter 1794.00 Curb & Gutter; Bjerke Sanitation 6066.19 Utilities; Boyd Law Firm, Prof. L.L.C. 540.00 Attorney Fees; Brookings-Deuel RWS 7885.90 Utilities & Water Purchase; Burchatz Construction Co, Inc. 13061.25 Maintenance; Gale/Cengage Learning 60.78 Books; Clear Lake City Library 640.49 Books; City of Clear Lake 796.97 Utilities; Clear Lake Building Center 32.44 Supplies; Clear Lake Courier 229.78 Publications; Colonial Research 789.42 Supplies; Connecting Point 145.00 Internet Security; Janette Cook 1950.00 Curb & Gutter; Core & Main 6546.78 Supplies; Shannon Crooks Painting 6150.60 Maintenance; D & L Digging 1632.00 Maintenance; Deuel County Auditor 5851.88 Law Enforcement Contract; Deuel Co Motor Supply 78.25 Supplies; DC Register of Deeds 60.00 Record Plat; Deuel County Treasurer 113.90 Supplies; Deuel County Farmers Union Oil 3399.71 Supplies; Deuel County Memorial Hospital 44688.14 2nd Penny Sales Tax; DCN Insurance Agency 56.98 WC Annual Commission; DCN Insurance Agency 152.09 WC Annual Commission; Department of Revenue 251.00 Maintenance; Duane Dohman 3120.00 Curb & Gutter; Dollar General Corp 13.75 Supplies; Don Ebbers 3588.00 Curb & Gutter; James Esche 3575.00 Curb & Gutter; First Bank & Trust 48.54 Supplies; GCR Tires & Service 197.10 Maintenance; Billie Jo Giesel 83.12 Reissue Ck #11247; H-D Electric Coop, Inc 188.16 Utilities; Alvin Hardie 3692.00 Curb & Gutter; ITC Telecom 519.46 Utilities; Marla Johnson 1924.00 Curb & Gutter; Judy Kase 1300.00 Curb & Gutter; Larry's Heating & Repair 66.33 Maintenance;

MAS Media Inc. 197.00 Website Hosting; Maynard's Food 19.47 Supplies; Mayo Clinic Health Letter 32.00 Subscription; Michael McMullen 200.00 CC Deposit Refund; Menards 24.99 Supplies; Midwest Playscapes Inc. 22747.04 Playground Equipment; Milbank Winwater Works 2773.00 Supplies & Improvement; Northwestern Energy 124.63 Utilities; Office Peeps 170.36 Supplies; Ottertail Power Co 3107.54 Utilities; The Penworthy Company 229.82 Books; Roy's Sport Shop 79.99 Supplies; Mary E Schmahl 11.99 Mileage; SD Assn of Code Enforcement 40.00 Dues; SD Municipal Street Maint A 35.00 Dues; South Dakota One Call 72.80 One Calls; SD State Treasurer 521.94 Sales & Use Tax; SD Airport Management Assoc 25.00 Dues; SD Gov't Finance Officers Assn 40.00 Dues; SD Gov't Human Resource Assoc 25.00 Dues; South Dakota Municipal League 1310.27 Annual Dues; SDML Workers' Compensation Fund 1899.72 WC Insurance; SDML Workers' Compensation Fund 5069.28 WC Insurance; Sodak Gardens 43.00 Memorial; Steve Rhody Services 38.00 Maintenance; Supreme Welding Inc 9.20 Supplies; The Lodge at Deadwood 206.00 Hotel; Jeffrey Theisen 754.00 Curb & Gutter; US Auto Force 935.56 Supplies; United States Dept of Ag 6107.00 Loan Payment; Van Diest Supply Company 910.50 Supplies; Raymond Van Liere 261.60 Mileage.

No one was present for public voice.

A public hearing was held at 6:35 p.m. to consider a Retail Wine and Cider License for Maynard's Food Center of Westbrook, Inc., dba Maynard's of Clear Lake. Gary Carlson was present representing Maynard's. No one from the public appeared in objection to the proposed license. Motion by Holt, seconded by Drake to approve the Uniform Alcoholic Beverage License Application for Maynard's Food Center of Westbrook, Inc., dba Maynard's of Clear Lake, for Retail Wine and Cider sales, 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-yes, Mewherter-yes. Motion carried.

Snow removal rates for local businesses was discussed. No action was taken.

Motion by Keimig, seconded by Hulscher to adjourn as regular Council and convene as Board of Adjustment. All voted aye. Motion carried.

As the meeting was ahead of schedule, the residents with appointment times were not yet present.

Motion by Holt, seconded by Drake to adjourn as Board of Adjustment and reconvene as regular Council. All voted aye. Motion carried.

Motion by Keimig, seconded by Hulscher, to approve the 2019 Uniform Alcoholic Beverage License Application for Retail Liquor sales and the Alcoholic Beverages Operating Agreement for the Clear Lake Golf Club, PO Box 491, Clear Lake, SD 57226, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 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.

Motion by Holt, seconded by Drake, to approve the 2019 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Melvee's, 107 3<sup>rd</sup> Ave S, Clear Lake, SD 57226, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 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.

Motion by Hulscher, seconded by Keimig, to approve the 2019 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Pederberg's Bar & Grill, LLC, 322 3<sup>rd</sup> Ave S, Clear Lake, SD 57226, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 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.

Motion by Drake, seconded by Bauman, to approve the 2019 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for CL Sports Page, Inc., 916 3<sup>rd</sup> Ave S, Clear Lake, SD 57226, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 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.

Motion by Hulscher, seconded by Holt, to approve the 2019 Uniform Alcoholic Beverage License Application for Retail Wine and Cider sales for Dolgen Midwest, LLC, dba Dollar General Store #16254, 1207 3<sup>rd</sup> Ave S, Clear Lake, SD 57226, subject to all State and local requirements being met and all required documents and payments being submitted to the City Finance Office prior to January 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.

Motion by Keimig, seconded by Mewherter to adjourn as regular Council and convene as Board of Adjustment. All voted aye. Motion carried.

A Public Hearing was held at 6:45 p.m. for a variance for a fence for Peggy Novy and Sharon Voss due to the height and location. The fence setbacks are met however the fence is crossing two property lines. Motion by Holt, seconded by Mewherter 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.

Val Lundquist, Zoning Official, informed the Council that the owner of the property at 104 8<sup>th</sup> Ave S has again inquired about building on that property.

A Public Hearing was held at 6:50 p.m. for a conditional use permit for Patsy Cassels for a Plunder Jewelry Business. Motion by Keimig, seconded by Mewherter to table until the December 10, 2018, meeting as Patsy was not present and only one of the four certified letter acknowledgements has been received. 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 Hulscher, seconded by Holt to adjourn as Board of Adjustment and reconvene as regular Council. All voted aye. Motion carried.

Motion by Holt, seconded by Keimig to approve the building permit for Peggy Novy and Sharon Voss, 507 2<sup>nd</sup> St W & 111 5<sup>th</sup> Ave S for a fence. 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 give Clear Lake Chamber Cash for Christmas with \$75.00 being given to each full-time employee and \$25.00 given to each regular part-time employee. 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 approve Health Insurance Plan B with the Health Pool of South Dakota with no rate increase for the January 1, 2019, through December 31, 2019, plan year for the 5 full-time employees. 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 Drake, seconded by Keimig to approve the 2019 dental plan with Delta Dental with no rate increase for the January 1, 2019, through December 31, 2019, plan year for the 5 full-time employees. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

The year-end Council meeting date has been set for Thursday, December 27, 2018, at 5:30 p.m.

Discussion was held regarding the residential payments for the 6<sup>th</sup> Ave S 600 block water and sewer project. One homeowner has not paid the entire amount but will have it paid within 2 weeks. If it is not paid by the December 10, 2018, meeting it will be put on the agenda so recourse options can be discussed.

Motion by Keimig, seconded by Bauman to switch to GovPayNet for credit card and e-check payments at a rate of 2.5% with a \$1.00 minimum. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Hulscher-yes; Keimig-yes, Mewherter-yes. Motion carried.

Comments were heard from City Superintendent Don Ebbers regarding the water & sewer project on 6<sup>th</sup> Ave, the water loss due to the water line by Budahl's being replaced and grouting of manholes.

City Attorney Todd Boyd informed the Council that he will not be at the December 2018 and January 2019 meetings.

City Finance Officer Ellen Schmahl informed the Council that both of the plats in City Park have been registered.

The City Council and Mayor inquired about mail delivery resuming since the 6<sup>th</sup> Ave water and sewer project has been completed, reported a complaint from a resident in Ward II regarding the water and sewer rates as well as rates for permits that residents need to obtain, inquired whether a letter had been sent to the property owner who has a semi-trailer sitting on their property, commented on how nice the new curb and gutter looks, and the thank you from the 6<sup>th</sup> Ave project.

There being no further business, motion by Holt, seconded by Hulscher to adjourn at 7:22 p.m. All voted aye. Motion carried.

Ellen Schmahl  
Finance Officer

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