

The Clear Lake City Council met in regular session on Tuesday, November 12, 2019, 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, Harry Mewherter, John Keimig and Jon Klockman. Also present were Val Lundquist, Don Ebbers, Ken Reiste, Todd Boyd, and Robert Olheiser. The Pledge of Allegiance was said.

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

Motion by Bauman, seconded by Drake to approve the consent agenda as follows: Minutes – Regular Meeting October 7, 2019; Monthly Financial Statements for the Month Ending October 31, 2019; Sales Tax Subsidy of \$22301.81 going to Deuel County Memorial Hospital; Building Permits: Approved: Ryan Kohl, 302 4th St W – curb & gutter, LeRoy Wieber, 607 4th St W – curb & gutter, Daryl Feilmeier, 1011 7th St W – 10x12 Garden Shed, Cory Sodren, 205 5th St W-8x10 Garden Shed, Sanford Health, 701 3rd Ave S – 11x7 Cover over units. Moving Permits: John Keimig, 707 5th St W – Garden Shed. Delinquent Water Bills; Approval of Warrants; Approve Temporary Liquor License Applications: Pederberg's: Wedding Dance, Saturday, November 16, 2019. 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; Keimig-yes; Klockman-yes; Mewherter-yes. Motion carried. Keimig abstained from the Moving Permit vote.

Warrants Approved: Council Payroll 1180.53; Mayor Payroll 360.16; Finance Officer Payroll 1496.25; Gen Gov't Building Payroll 143.62; Highway Payroll 5510.65; Snow Payroll 365.10; Rubble Site Payroll 628.15; West Nile Payroll 121.36; Swimming Pool Payroll 103.90; Park & Rec Payroll 782.87; Library Payroll 1657.69; Community Center Payroll 197.48; Water Payroll 1961.91; Sewer Payroll 2047.32; Aflac 100.10 Supplemental Ins; Washington National 81.15 Cancer Ins; SD Retirement 2203.04; Health Pool of SD 6748.76; Delta Dental of SD 269.90; DNB-FICA/WH 4802.38; 1ST CHOICE POOL & SPA 750.00- POOL WINTERIZATION, A&B BUSINESS SOLUTIONS 813.52- REPAIR, AMERICAN ENGINEERING TESTING 1620.80- MAINTENANCE, APPEARA 64.58- MAINTENANCE, MARK & AUDREY APPELHOF 2730.00- 210' CURB & GUTTER REIMBURSEMENT, AT&T MOBILITY 79.66- CELL PHONES, BANNER ASSOCIATES 5850.00- PROF SERVICES, NANCY BARONDEAU 200.00- CC DEPOSIT REFUND, BJERKE SANITATION 6044.24- GARBAGE DISPOSAL FEES, BOYD LAW FIRM, PROF. L.L.C. 846.00- PROF SERVICES, BROOKINGS-DEUEL RWS 7639.35- WATER UTILITIES, DALLAS AND FAY BUCHHOLTZ 4628.00- 356' CURB & GUTTER REIMBURSEMENT, BUDAHL CONSTRUCTION LLC 2648.69- PARK IMPROVEMENT, BURCHATZ CONSTRUCTION CO, INC. 1936.74-- STR. IMPROVEMENT, GALE/CENGAGE LEARNING 87.17-LIBRARY BOOKS, CERTIFIED LABORATORIES 648.62- HWY & STR SUPPLIES, CLEAR LAKE CITY LIBRARY 696.21- BOOKS & SUPPLIES, CITY OF CLEAR LAKE 367.77-WATER UTILITIES, CLEAR LAKE BASEBALL ASSOC. 4023.94- BASEBALL, CLEAR LAKE BUILDING CENTER 92.25- SUPPLIES, CLEAR LAKE COURIER 260.76- PUBLICATONS, LARRY & DONNA COLLIER 1287.00- 99' CURB & GUTTER REIMBURSEMENT, CONNECTING POINT 510.00- REPAIRS-EQUIPEMENT-MAINTENEANCE, CORE & MAIN 591.72- REPAIRS & SUPPLIES, D & L DIGGING 1809.00- WATER REPAIR & GRAVEL, DAKOTA PORTABLE TOILETS, INC. 281.25- PARK & REC, DEUEL COUNTY AUDITOR 5968.91-LAW ENFORCEMENT CONTRACT, DEUEL CO MOTOR SUPPLY 476.68- SUPPLIES, DEUEL COUNTY TREASURER 140.99- STR REPAIR & MAINTENANCE, DEUEL COUNTY FARMERS UNION OIL- 237.30 SUPPLIES, DIV OF CRIMINAL INVESTIGATION 43.25- DANIELLE B - BACKGROUND CK,

DEUEL COUNTY MEMORIAL HOSPITAL 22301.81- SALES TAX SUBSIDY, DCN INSURANCE AGENCY 62.25- WORK COMP AGENT POLICY, DCN INSURANCE AGENCY 190.50- WORK COMP AGENT POLICY, DISPLAY SALES COMPANY 603.00- CHRISTMAS DÉCOR & LIGHTS, DUININCK, INC. 14351.73- SUPPLIES, FIRST BANK & TRUST 484.57 -F/O AD, FLEXIBLE PIPE TOOL COMPANY 323.55- SEWER REPAIR, ROBERTA GIESEL 2925.00 -75' & 150' CURB & GUTTER REIMB, H-D ELECTRIC COOP, INC 657.00- UTILITIES, H-D ELEC COOP 3.45- AIRPORT REPAIRS, HILLYARD/SIOUX FALLS 286.- SUPPLIES, HOSPITAL & HOME AUXILIARY 200.00- CC DEPOSIT REFUND, DEB HUBER 1352.00- 104' CURB & GUTTER REIMBURSEMENT, ITC TELECOM 483.42- UTILITIES, NEXSTAR BROADCASTING, INC. 109.00 -F/O AD, SANDRA KOENECKE 975.00- 75' CURB & GUTTER REIMBURSEMENT, ARNIE KRAUSE 3497.00- 269' CURB & GUTTER REIMBURSEMENT, ANN LARSON 650.00 -50' CURB & GUTTER REIMBURSEMENT, ALAN MARTINMAAS 129.00 -REIMBURSEMENT CDL TEST & RENEW, MAS MEDIA INC. 197.00-WEBSITE, MENARDS 246.64- SUPPLIES, HARRY MEWHERTER 3562.00- 274' CURB & GUTTER REIMBURSEMENT, NORTHWESTERN ENERGY 134.39- UTILITIES, OFFICE PEEPS 69.85- SUPPLIES, OTTERTAIL POWER CO 3392.81 -UTILITIES, PURCHASE POWER 770.99- POSTAGE, SD DEPARTMENT OF HEALTH 30.00- WATER MAINTENANCE, MIKE REICHLING JR 2912.00- 224' CURB & GUTTER REIMBURSEMNT, RFD NEWSPAPERS, INC 55.20- F/O AD, ROCK 'N GRAVEL 140.00 -PARK IMPROVEMENT, MICHELLE RONNE 200.00 -CC DEPOSIT REFUND, PATTI RUBY- 125.00 REIMBURSEMENT ON-LINE CLASS, RUNNINGS FARM AND FLEET 35.80- CC SUPPLIES , SAFETY BENEFITS 75.00 -SAFETY & LOSS TRAINING CONF, THE SATURDAY EVENING POST 10.00- MAG SUBSCRIPTION, ROBERT SCHMIDT 975.00- 75' CURB & GUTTER REIMBURSEMENT, SCOTT ENGINEERING COMPANY 6246.00- C & G SURVEYING, SD ASSN OF CODE ENFORCEMENT 40.00- 2020 AFFILIATE DUES, DEPARTMENT OF REVENUE 568.51- SALES TAX, SD MUNICIPAL STREET MAINT A 35.00- 2020 AFFILIATE DUES, SOUTH DAKOTA ONE CALL 76.16 -MAINTENANCE, SD AIRPORT MANAGEMENT ASSOC 25.00- 2020 AFFILIATE DUES, SD GOV'T FINANCE OFFICERS ASSN 40.00- 2020 AFFILIATE DUES, SD GOV'T HUMAN RESOURCE ASSOC 25.00- 2020 AFFILIATE DUES, SOUTH DAKOTA MUNICIPAL LEAGUE 2074.91- WORKERS COMP., SOUTH DAKOTA MUNICIPAL LEAGUE 6350.09- WORKER'S COMP., SOUTH DAKOTA MUNICIPAL LEAGUE 1336.59- MEMBERSHIP DUES, MIKE SMITH 3536.00- 272' CURB & GUTTER REIMBURSEMENT, STEVE RHODY SERVICES 38.00- WINDOW WASHING, US AUTO FORCE 1004.31- STR SUPPLIES, UNITED STATES DEPT OF AG 6107.00-USDA LOAN, RAYMOND VAN LIERE 157.76- MILEAGE, LEROY & KAY WIEBER 676.00-52' CURB & GUTTER REIMBURSEMENT, WOMAN'S DAY 19.97- MAG SUBSCRIPTION.

No one appeared for public voice.

Appointment at 6:35 p.m. for Robert Olheiser on a sewer issue. During the sewer relining project, Mr. Olheiser was away from his home for a number of months. Approximately a month ago he started having sewer issues. Ultimately he contacted United Pipe and sent them pictures. They admitted that the damage done to his line looked like something their equipment would have made, but the warranty for the project had expired so they would no longer fix it. Mr. Olheiser is requesting the City pay for fixing the pipe at the cleanout point as this issue was created by a company that the City hired. After discussion, Klockman made a motion to stand behind the work of United Pipe as the City had hired them and the City would pay the cost \$629.88 to fix Mr. Olheiser's sewer. Drake seconded the motion. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes; Mewherter-no. Motion carried 5-1. During the process of the sewer getting fixed the curb stop – water shutoff valve was damaged. Mr. Olheiser admitting to this and agreed that it was his responsibility to fix curb stop. He would like the City of fix it for him, and he would turn over the check

of \$ 629.88 for the sewer fix back to the City, and then he would pay the City for the remainder of the bill. City Superintendent Don Ebbers said the cost to fix the curb stop would be approximately \$1,200.00 dollars. City Council agreed to that decision.

Old business: The Second Reading of Ordinance No. 576, regarding Employee Paid Time Off. Motion by Kiemig, seconded by Klockman to complete the Ordinance. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes; Mewherter-yes. Motion carried.

Public hearing on Ordinance # 577, Amending Ordinance No. 500, Regarding Amending Section 1.03.01 to Re-Classify a Property. Motion by Holt, seconded by Keimig to complete the Ordinance No. 577. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes; Mewherter-yes. Motion carried.

Tables items from October council meeting. Use of Community Center as an additional practice space for school sports activities. No. This will not work, due to drywalls in the center. Too much potential for damage in building.

Revised Fire Pit Ordinance: Mewherter made motion to proceed with the process of making Klockman's version an official ordinance. Seconded by Holt. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-no; Holt-yes; Keimig-no; Klockman-yes; Mewherter-yes. Motion carried 4-2.

Discussion for more recycling in the City. Motion by Klockman, seconded by Keimig to table again until next meeting. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes; Mewherter-yes. Motion carried.

Discuss FEMA Flood Plain. Motion by Keimig to table again until next meeting, seconded by Holt. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes; Mewherter-yes. Motion carried.

Options regarding a new water fountain in the Government Building. Motion by Keimig, seconded by Klockman to install a new water fountain with a bottle filler. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-no; Holt-yes; Keimig-yes; Klockman-yes; Mewherter-yes. Motion carried. 5-1.

Motion by Keimig, seconded by Klockman, to approve the 2020 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, 2020. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Mewherter, seconded by Klockman, to approve the 2020 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Melvee's, 107 3rd 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, 2020. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Drake, to approve the 2020 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 3rd 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, 2020. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Drake, seconded by Klockman, to approve the 2020 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for CL Sports Page, Inc., 916 3rd 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, 2020. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Keimig, seconded by Mewherter, to approve the 2020 Uniform Alcoholic Beverage License Application for Retail Wine and Cider sales for Dolgen Midwest, LLC, dba Dollar General Store #16254, 1207 3rd 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, 2020. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Drake, seconded by Klockman, to approve the 2020 Uniform Alcoholic Beverage License Application for Retail Wine and Cider sales for Maynard's Food Center of Westbrook, Inc., dba Maynard's of Clear Lake, 108 3rd 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, 2020. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Mewherter, seconded by Holt to approve the Automatic Supplemental Budget Request to General Fund – Game, Fish & Parks -ADA Fishing Dock for \$18,750.00, a grant sharing the cost of the dock. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Keimig, seconded by Holt to approve the Automatic Supplemental Budget Request to General Fund for \$3,755.37 – Claims Associates - Lightning Strike into; Library (101-455.0-435.00) – Gov't Bldg (101-419.2-425.00) – Fin. Office Equip. (101-414.2-435.00) Hwy & Streets (101-431.2-436.00). Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Mewherter, seconded by Holt to approve Resolution No. 2019-5 – Transfer from Contingency Fund. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

The First Reading of Ordinance No. 578, an Ordinance Supplementing Appropriations for the City of Clear Lake for the Year Ending 12/31/2019. Motion by Keimig, seconded by Holt to approve Ordinance No. 578. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Keimig to approve Health Insurance Plan B with the Health Pool of South Dakota with a 5.4% rate increase for the January 1, 2020, through December 31, 2020, plan year for the 6 full-time employees. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Keimig, seconded by Bauman to approve the 2020 dental plan with Delta Dental with no rate increase for the January 1, 2020, through December 31, 2020, plan year for the 6 full-time employees. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Solid Waste Contract ends January 31, 2020. Go ahead with posting a public notice in Clear Lake Courier for bids, due in the City Finance Office by Friday December 6th, 2019 at 5:00 p.m.

Motion by Klockman, seconded by Keimig to set the year-end Council meeting date for Monday, December 30, 2019, at 5:30 p.m. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-yes, Mewherter-yes. Motion carried.

Motion by Holt, seconded by Keimig 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.

Comments by City Superintendent Don Ebbers – high winds had damaged the electrical service at the Pump House on 5th St. Don wants to surplus the building and tear it down as it is in bad shape. FEMA had finished their report on the April snow storm reimbursement. Ebbers showed the council pipes from a recent water leak, explaining how and why these leaks happen.

City Attorney Todd Boyd gave updates on recent letters that he had sent out.

Motion by Holt, seconded by Keimig to enter into Executive Session at 7:48 p.m. for personnel and legal counsel. Mayor Eide declared the Council out of Executive session at 8:32 p.m.

Motion by Drake, seconded by Holt to adopt the recommendation of the personnel committee for the City Finance Officer position and salary pay. Upon roll-call vote the following votes were cast: Bauman-yes; Drake-yes; Holt-yes; Keimig-yes; Klockman-abstain; Mewherter-yes. Motion carried. There being no further business, motion by Holt, seconded by Klockman to adjourn at 8:33 p.m. All voted aye. Motion carried.

Val Lundquist
Assistant Finance Officer

“This institution is an equal opportunity provider.”

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