

The Clear Lake City Council met in regular session on Monday, November 8, 2021, at 6:30 PM in the Conference Room of the Municipal Building with Mayor Gary Eide presiding. Those present were Alderwomen Kelli Bauman & Lisa Lundberg, Aldermen Carey Holt, Harry Mewherter, & John Keimig. Also present were Christa Bittner, Brandon Collins, Todd Boyd, Ken Reiste, Robert Gehm, Adam Krause, Kerry Hintz, Audie Stoltenburg, Adam Buss, Joe Uckert, and Jarred, Jess, Ava & Addy Pohlman. Alderwoman Rose Mack was absent. The Pledge of Allegiance was said.

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

Motion by Mewherter, seconded by Lundberg to approve the amended consent agenda, omitting the sales tax subsidy check going to DCMH, and the rest as follows: Minutes – Regular Meeting October 12, 2021; Monthly Financial Statements for the Month Ending October 31, 2021; Delinquent Water Bills and Approval of Warrants. Upon roll-call vote, all voted aye. Motion carried.

Warrants Approved; PAYROLL: Council 801.91; Mayor 323.22; Finance 1735.67; Gen Gov't Building 213.74; Highway 3587.97; Snow 87.35; Rubble Site 1028.75; Pool 240.62; Park & Rec 1004.25; Library 1988.59; Community Center 174.52; Water 2317.73; Sewer 2667.47; Aflac 88.53; Supplemental Ins; SD Retirement 2461.16; SD Supplemental Retirement 1625.00; Health Pool of SD 7719.21; Delta Dental of SD 333.80; DNB-FICA/WH 4306.62; EXPENSES: Appera 112.00 rugs & mops, AT&T 55.36 cell phone, Banner Associates, Inc. 1789.80 sewer & lagoon review, Bowes Construction Inc. 5122.20 Asphalt, City of CL 150.00 Acct# 5566.05 mtr dep payment, CL Courier 530.67 Oct publications, Cole Paper Inc. 260.68 TP, cleaner, garbage bags, DC Motor Supply 364.98 Oct Supplies, DCN Insurance 303.45 2022 Workers Comp, Gopher Sign Co 57.38 street sign posts, Innovative Office Solutions 560.05 Checks & utility bills, Mas Media Inc. 265.00 Domain name, Menards 329.99 Pressure Washer, NASASP 39.00 Fed Surplus Membership, SD Dept. of Health 30.00 water samples, SD One Call 11.20 SD one call, SDML Workers' Compensation Fund 10,115.00 2022 workers comp, Sodak Gardens 6.30 plastic, Steve Rhody Services 38.00 window washing, Summit Supply Corp of Colorado 9319.66 Picnic tables & fire rings, Uline 1983.46 CC tables & chairs, Avera OCC Medicine 100.00 drug test, B. Tronvold 2080.00 160 ft of curb & gutter rembrsmnt, Bjerke Sanitation 5878.36 Oct garbage fees, Boyd Law Firm 1046.00 Oct legal fees, BDRWS 8294.50 Oct water, CL City Library 635.84 Book reimbursement, City of CL 448.97 Oct water use, CL Building Center 109.63 park & sewer supplies, Connecting Point 37.00 Offsite backup, Dakota Pump & Control Inc. 235.00 sewer float, DC Auditor 5415.15 Nov police contract, DCFU Oil 2570.98 park & street supplies, E. Eversman 806.00 62 ft curb & gutter rembrsmnt, Eide Bailly LLP 3150.00 2020 audit, First Bank & Trust 271.93 CC & FO supplies, H-D Electric Coop 353.39 Oct Electric, H-D Electric Coop 68.37 Water tower fuses, ITC 600.14 internet/phone, Milbank Winwater Works 687.99 Water supplies, N. O'Halloran 71.15 A#2360.30 wtr mtr dep refund, Northwestern Energy 172.40 Natural gas, Ottertail Power Co 3089.67 Oct power, Reminisce 12.67 Mag subscription, S. Wallert 1213.42 93.34ft curb & gutter rembrsmnt, SD State Treasurer (SD DOR) 789.92 Oct sales tax, Taste of Home 35.12 magazine subscription, Transource Truck & Equip. 247.56 truck repair, USDA 6107.00 Nov USDA sewer loan payment, Woman's Day 9.99 magazine subscription.

No one appeared for public voice.

Adam Krause was present to discuss the All School Reunion and Clear Lake Days event their group is planning for July 29-31<sup>st</sup>, 2022. They asked if anyone on the City Council would like to join the group and also for reduced/waived fees in the future for community center rent, peddler's permits, and a temporary liquor license. They would like to have a street dance for this event in the empty city

parking lot and utilize the school's bus garage. The council thought the event would be a great opportunity for the community and would like to continue to receive updates on the plans of it.

Christa Bittner, representing the Chamber of Commerce, stated they are planning to hold Mini Main Street on December 4<sup>th</sup> in the Community Center; this event will consist of a vendor fair, Santa visit and bingo. She was asking for the City to waive the rental fee. Motion by Holt, seconded by Mewherter to give the rental fee as a donation to the Chamber for the event. Upon roll call vote, all voted aye. Motion carried.

Motion by Keimig, seconded by Lundberg to Convene as Board of Adjustments. All voted aye. Motion carried.

Robert Gehm, the Real Estate Representative with Northwestern Energy, was present to discuss the conditional use permit needed to build a 100x100 ft. mitigate station for a natural gas line near the water tower going to Crystal Springs Feeds. Motion by Holt, seconded by Mewherter to approve conditional use permit and allow Northwestern to put up a fence on the property line & reduce setbacks to whatever requirements Northwestern sees fit. All voted aye. Motion carried.

Jessica Pohlman was present to discuss the conditional use permit needed to run a dog training business in town. She will only get supplies mailed to her residence, and visit clients in their own homes. Motion by Keimig, seconded by Bauman to approve the permit. All voted aye. Motion carried.

Motion by Holt, seconded by Keimig to reconvene as regular council and adjourn as board of adjustment. All voted aye. Motion carried.

Adam Buss, with New York Life Insurance, was present to discuss options of insurance policies for city employees.

Joe Uckert was present to discuss the proposed by-laws for the Clear Lake Development Group. After much discussion with City Attorney, Todd Boyd, it was decided to contact an attorney who specializes in creating new corporations, instead of trying to revive the former HRC corporation since there were no Articles of Incorporation filed.

Motion by Lundberg, seconded by Mewherter to approve the 2020 audit from Eide Bailly. All voted aye. Motion carried.

Discussion was held on possibly lowering the fee amounts for off-sale liquor licenses, but the council agreed to keep fees the same, at \$500, for everyone.

Motion by Keimig, seconded by Bauman to approve the 2022 Uniform Alcoholic Beverage License Application for Retail Liquor sales and the Alcoholic Beverages Operating Agreement for the Clear Lake Golf Club, 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, 2022. All voted aye. Motion carried.

Motion by Bauman, seconded by Keimig to approve the 2022 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Pederberg's Bar & Grill, LLC, 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, 2022. All voted aye, with Lundberg abstaining. Motion carried.

Motion by Mewherter, seconded by Holt to approve the 2022 Uniform Alcoholic Beverage License Application for Retail Liquor and Package Liquor sales and the Alcoholic Beverages Operating Agreement for Tail Feathers LLC, 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, 2022. All voted aye. Motion carried.

Motion by Mewherter, seconded by Keimig to approve the 2022 Uniform Alcoholic Beverage License Application for Package Liquor sales and the Alcoholic Beverages Operating Agreement for Maynard's, 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, 2022. All voted aye. Motion carried.

Motion by Lundberg, seconded by Keimig to approve the 2022 Uniform Alcoholic Beverage License Application for Retail Wine and Cider sales for Dolgen Midwest, LLC, dba Dollar General Store #16254, 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, 2022. All voted aye. Motion carried.

Motion by Mewherter, seconded by Holt to approve Health Insurance Plan B with the Health Pool of South Dakota, with a 5% rate increase, for the January 1, 2022 - December 31, 2022 plan year. All voted aye. Motion carried.

Motion by Keimig, seconded by Lundberg to approve the 2022 dental plan with Delta Dental with a slight rate increase for the January 1, 2022 - December 31, 2022 plan year. All voted aye. Motion carried.

Motion by Lundberg, seconded by Keimig to approve Resolution No. 2021-13 – Transfer from Contingency Fund. All voted aye. Motion carried.

Motion by Keimig, seconded by Lundberg to approve Resolution No. 2021-14 – Accepting the FEMA Flood Plan. Upon roll-call vote the following votes were cast: Bauman-yes; Lundberg-yes; Holt-no; Keimig-no, Mewherter-yes. Motion carried.

Motion by Bauman, seconded by Mewherter to declare the following as surplus property, having no value or of value less than \$500.00 and authorize disposal of: 15 fire extinguishers (1-20 lb., 5-10 lb. & 9-5 lb.), 2 expired silver water fire extinguishers, 2 broken pressure washers (1 Husky & 1 Briggs & Stratton), 1 broken 6 gallon Shop Vacuum, 1 Husky pull behind sprayer without booms, 1- 800 gal rusted out, leaky fuel tank, 1- 1000 gal water tank that leaks & has fallen out the back of a truck, 2 faded skate park signs, 3 wooden backboards, 8 obsolete stop signs, 109 obsolete intersection signs, non-reflective, 250 obsolete address signs, Bee liner paint striper, 6 metal folding chairs, 1 Philips Magnavox TV, 1 Sylvania TV/VCR/DVD unit, 7 obsolete/broken water waters (3 of Sensus Iperl ¾ inch meters & 4 of MXU 1 inch meters), 1 dentist chair, 1 broken sidewalk trash can, 1 old rusted holding tank, 2 truck grills & damaged fiberglass front, 2 bent runway markers, 2 old airport signs, 1 broken Jandy Lite 2 pool heater, 1 broken Raypak pool heater. All voted aye. 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. All voted aye. Motion carried.

The year-end Council meeting date is set for Tuesday, December 28, 2021, at 5:00 PM.

Brandon Collins presented the need for a truck loading chute, costing around \$2000. Motion by Holt, seconded by Keimig to approve the purchase of the chute. All voted aye. Motion carried.

Collins also presented the idea of switching the jetter body over to the International truck. This would include some work done by Supreme Welding to extend the truck body & repairing the tank. Motion by Holt, seconded by Mewherter to approve the switch & repairs. All voted aye. Motion carried.

There has been an increase in unaccepted items at the rubble site and a lot of hours have been spent removing items that should not have been dumped. Council discussed the need for two employees at the rubble site during busy days and also increasing the fee to a \$10 minimum for all loads, starting in 2022. Motion by Keimig, seconded by Holt to raise the rubble site fees to \$10 and allow two employees to work busy days. Upon roll-call vote the following votes were cast: Bauman-no; Lundberg-yes; Holt-yes; Keimig-yes, Mewherter-no. Motion carried.

The council discussed with Collins if there was a need for hiring a FT or PT position for this winter. Ultimately it was decided to advertise for a full time public works employee position, with a projected start date of the first week in January 2022.

City Superintendent, Brandon Collins, commented on the need for a valve replacement on 3<sup>rd</sup> Avenue that has been leaking for about a month and a half. They want to get this replaced before the winter. He also mentioned that gates have been repaired and are now locked at the lift station and old rubble site.

City Attorney Todd Boyd mentioned a grant opportunity for new signs in town. He also mentioned possibly thinking about replacing ash trees proactively throughout town.

City Finance Officer, Bittner, mentioned we received payment of \$5408.86 from the summer rec employee court case. She also mentioned we received 135 free dump passes this year at the rubble site. Lastly, she commented on possibly looking at updating city ordinances to allow shouses, but the council did not seem interested in pursuing that addition to ordinances at this time.

Council members have received complaints on the code enforcer being too nitpicky on little things. The council will look into other options for the future. Lundberg also mentioned she has received complaints with people using the alleys as streets, driving way too fast in the alley. These are meant to be service roads and the speed limit should not exceed 10 mph in the alley. Speed bumps may need to be installed if the problem continues. Bauman also mentioned the need for a yield sign or trail crossing sign at Ulven Park.

Motion by Keimig, seconded by Lundberg to enter into Executive Session at 8:29 PM for personnel and legal counsel for contractual matters. All voted aye. Motion carried.

President Carey Holt declared the Council out of Executive session at 9:20 PM.

Motion by Keimig, seconded by Mewherter to pay for quote 1 submitted by Verle Whipple after an accident at the rubble site.

Motion by Mewherter, seconded by Lundberg to pay Mayor Eide \$4,000 in compensation for his work in the park. Upon roll-call vote, all voted yes. Motion carried.

Motion by Keimig, seconded by Mewherter to pay Lewaine Krause \$75 for allowing the city to rent his fence roller tool at the former airport land. Upon roll-call vote, all voted aye. Motion carried.

There being no further business, motion by Keimig, seconded by Bauman to adjourn at 9:25 PM. All voted aye. Motion carried.

Christa Bittner  
Finance Officer

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