

## 2010 City Council Minutes

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**City of Clark Council Meeting**  
**January 11, 2010**  
**7:00 PM**

**Call to order:** The Clark City Council met in session on January 11, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Roger Collins, Darin Altfillisch, Loren Stanley and Kimberly Harrington. Mayor Stevens was absent.

Council President Dreher called the meeting to order at 7:02 pm.

**Motion # 001-2010**

**Adopt Agenda**

Motion by Fuller and seconded by Reidburn to adopt the agenda. All members voting yes. Motion carried.

**Public Input**

Fuller stated a citizen voiced concerns on the power outages the city has recently had. This is not a city utility and these concerns should be directed to Northwestern Energy. City Attorney reminded council that the public input section of the agenda is for citizens and council should encourage citizens to come to address their own concerns.

**Department Updates**

Updates given by Collins, Altfillisch, Stanley and Luttrell.

**Motion # 002-2010**

**Reasonable Suspicion Training**

Motion by Heim and seconded by Streff to authorize Rae Jean Flora or Jackie Luttrell to attend the Reasonable Suspicion Training in Sioux Falls on February 9 for the med van federal grant requirements. All members voting yes. Motion carried.

**Motion # 003-2010**

**Skid Steer Trade**

Motion by Streff and seconded by Reidburn to accept the skid steer trade proposal by Westside Implement for a new Gehl 5240 skid loader for \$24,500.00. Fuller abstained from the vote. Remaining members voting yes. Motion carried.

**Motion # 004-2010**

**Sheriff's Report**

Motion by Fuller and seconded by Heim to approve the Sherriff's report. All members voting yes. Motion carried.

**Motion # 005-2010**

**Approve Minutes**

Motion by Pollock and seconded by Heim to approve the Council Meeting Minutes from December 28, 2009. All members voting yes. Motion carried.

**Motion # 006-2010**

**Approve Financial Statements**

Motion by Reidburn and seconded by Streff to approve the financial statements. All members voting yes. Motion carried.

**Motion # 007-2010**

**Approve 4<sup>th</sup> Quarter Library Statement**

Motion by Pollock and seconded by Fuller to approve the financial statements. All members voting yes. Motion carried.

**Motion # 008-2010**

**Approve Claims**

Motion by Fuller and seconded by Reidburn to approve the following claims. All members voting yes. Motion carried.

**Additional Paid Claims**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
18615 - 18629	Water Dept.	payroll	\$774.31
	Sewer Dept.	payroll	\$774.31
	Govt. Bldg.	payroll	\$48.83
	Streets Dept.	payroll	\$3,084.31
	Finance Office	payroll	\$1,081.53
	Sanitation	payroll	\$312.97
	Library	payroll	\$253.00
	Transit	payroll	\$445.71
	Mayor	payroll	\$114.81
	Parks Dept.	payroll	\$490.42
18630	Dacotah Bank	941 taxes	\$1,976.20
18631	SD Retirement Systems	retirement	\$2,764.20
18632	Account Mngt.	garnish	\$45.00
18633	Credit Collections	garnish	\$28.20
18634	Petty Cash	supplies	\$99.36
18650	Pioneer Bank & Trust	copier loan	\$471.00
18651	Cook's Wastepaper	garbage	\$5,192.96
18652 - 18665	Water Dept.	payroll	\$525.84
	Sewer Dept.	payroll	\$525.84
	Govt. Bldg.	payroll	\$41.81
	Streets Dept.	payroll	\$1,533.23
	Finance Office	payroll	\$522.82
	Sanitation	payroll	\$188.99
	Library	payroll	\$229.68
	Transit	payroll	\$267.69
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$402.63
18666	Dacotah Bank	941 taxes	\$1,075.26

**City Council Meeting – January 11, 2010**

**New January Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
ALFAC	insurance	\$228.90
A&B Business Solutions	copier	\$70.03
A-OX Welding	supplies	\$10.23
City of Clark	utilities	\$58.90
Clark Chamber of Commerce	subsidies	\$3,000.00
Clark Community Oil	supplies	\$2,614.41
Clark Co. Courier	advertising	\$197.93
Clark Flower & Gifts	supplies	\$55.30
Clark Hometown Variety	supplies	\$17.58
Cook's Wastepaper	utilities	\$39.93
Dacotah Bank	professional fees	\$15.70
Ellwein Brothers	liquor	\$12,111.90
Expetec	maintenance	\$4,788.00
First District Assoc. Of Local Govt.	professional fees	\$3,000.00
Fjelland Attorney at Law	legal fees	\$524.80
Girton Adams Co.	repairs	\$261.02
Huron Culvert & Tank	supplies	\$213.30
ITC	utilities	\$401.13
JB Repair	repairs	\$300.50
Johnson Brothers	liquor	\$7,575.87
Ken's	supplies	\$42.61
Mack's Standard	supplies	\$206.00
Michael Todd & Co.	repairs	\$989.52
Midwest Alarm Co.	professional fees	\$261.25
Milbank Winwater	supplies	\$281.20
Moritz Publishing	supplies	\$120.20
Olson Auto Parts	supplies	\$124.17
Olson Motor Co.	repairs	\$138.33
Oscar's Machine Shop	repairs	\$77.34
Porter Distributing	liquor	\$4,024.50
Quill	supplies	\$51.06
Republic National	liquor	\$8,498.63
SD Dept. of Revenue	sales taxes	\$94.65
St. Paul Stamp Works	supplies	\$83.81
Woodring Plumbing	maintenance	\$76.50

**Motion # 009-2010**

**2010 Law Enforcement Contract**

Motion by Heim and seconded by Pollock to renew the Law Enforcement contract for 2010 with the Clark County Sheriff's Office. All members voting yes. Motion carried.

**Dog Catcher**

Jason Coenen has turned in his 30 day notice of his intent to not renew his contract as the city's dog catcher.

**Motion # 010-2010**

**Advertise for Dog Catcher**

Motion by Pollock and seconded by Heim to advertise for an independent contractor animal control officer/dog catcher with pay to be determined. All members voting yes. Motion carried.

**Motion # 011-2010**

**Policy & Procedure Manual**

Motion by Streff and seconded by Reidburn to approve the 2010 Policy & Procedure Manual with minor changes. All members voting yes. Motion carried.

**Motion # 012-2010**

**Sales Tax Option**

Motion by Fuller and seconded by Pollock to support the efforts of the SD Municipal League to obtain legislative authority for an additional penny of local option sales tax. All members voting yes. Motion carried.

**Motion # 013-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 7:29 pm.

This institution is an equal opportunity provider, and employer.

\_\_\_\_\_

President Larry Dreher

\_\_\_\_\_

Attest: Finance Officer Jackie Luttrell

(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting**  
**February 8, 2010**  
**7:00 PM**

**Call to Order:** The Clark City Council met in session on February 8, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim and John Pollock.  
Absent Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Roger Collins, Loren Stanley, Darin Altfillisch, Bill Krikac and Tika Sendelweck.

Mayor Stevens called the meeting to order at 7:00 pm.

**Motion # 014-2010**

**Adopt Agenda**

Motion by Fuller and seconded by Heim to adopt the agenda. All members voting yes. Motion carried.

**Public Input**

Tika Sendelweck asked council to enforce the snow removal ordinance on sidewalks.

**Department Updates**

Updates given by Altfillisch, Collins, Luttrell and Stanley.

**Motion # 015-2010**

**Welcome Banners**

Motion by Dreher and seconded by Pollock to purchase 14 welcome banners. All members voting yes.  
Motion carried.

**Motion # 016-2010**

**Mower**

Motion by Dreher and seconded by Streff to trade the John Deere mower in for a Bushhog PZ3061 mower from Westside for \$3,250.00. Voting in favor: Dreher and Streff. Voting against Heim and Pollock. Fuller abstained. Motion failed.

**Motion # 017-2010**

**Mower**

Motion by Pollock and seconded by Heim to trade the John Deere mower in for a John Deere Z925A mower from Codington-Clark Equipment for \$3,300.00. Voting in favor: Pollock, Heim, Dreher and Streff. Abstain Fuller. Motion carried.

**Motion # 018-2010**

**Florey's Bill**

Motion by Streff and seconded by Pollock to approve the \$510.21 sewer machine rental bill from Florey's Plumbing. All members voting yes. Motion carried.

**Motion # 019-2010**

**Department Updates**

Motion by Dreher and seconded by Fuller to approve the department updates. All members voting yes. Motion carried.

**Motion # 020-2010**

**Approve Minutes**

Motion by Pollock and seconded by Heim to approve the Council Meeting Minutes from January 11, 2010. All members voting yes. Motion carried.

**Motion # 021-2010**

**Approve Financial Statements**

Motion by Dreher and seconded by Fuller to approve the financial statements. All members voting yes. Motion carried.

**Motion # 022-2010**

**Approve Claims**

Motion by Fuller and seconded by Streff to approve the following claims. All members voting yes. Motion carried.

**Paid Claims**

Check #	To	For	Amount
18699	Teresa Goertz-Reidburn	payroll	\$61.61
18700	Dacotah Bank	payroll taxes	\$10.14
18701	Alltel	utilities	\$92.09
18702 - 18716	Water Dept.	payroll	\$871.51
	Sewer Dept.	payroll	\$871.52
	Govt. Bldg.	payroll	\$84.98
	Streets Dept.	payroll	\$2,280.29
	Finance Office	payroll	\$1,000.53
	Sanitation Dept.	payroll	\$334.25
	Library	payroll	\$350.74
	Transit	payroll	\$470.10
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$676.28
18717	Dacotah Bank	941 taxes	\$1,919.14
18718	Wellmark BCBS	insurance	\$3,768.32
18719	SD Retirement Systems	retirement contributions	\$1,563.86
18720	Account Management	garnish	\$30.00
18721	Credit Collection Bureau	garnish	\$18.80
18722	Petty cash	supplies	\$31.00
18723	First National Bank	SRF loan	\$6,940.29
18724	AFLAC	insurance	\$228.90
307	Dacotah Bank	professional fee	\$2.00
308	Dacotah Bank	professional fee	\$17.20
309	Harland Checks	supplies	\$23.30



**City Council Meeting – February 8, 2010**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
18725 - 18740	Water Dept.	payroll	\$846.67
	Sewer Dept.	payroll	\$846.68
	Govt. Bldg.	payroll	\$84.98
	Streets Dept.	payroll	\$2,241.69
	Finance Office	payroll	\$1,000.53
	Sanitation Dept.	payroll	\$334.25
	Library	payroll	\$350.74
	Transit	payroll	\$681.69
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$679.99
18741	Dacotah Bank	941 taxes	\$1,981.67

**Additional Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
A&B Business	maintenance	69.23
American Family Insurance	insurance	\$8.00
A-OX Welding	supplies	\$10.23
SD Rural Development	revenue bond	\$787.00
SD Rural Development	revenue bond	\$908.00
Clark Community Oil	supplies	\$2,154.16
Clark County Historical Society	subsidies	\$560.00
Clark County Treasurer	police protection	\$8,165.00
Baker & Taylor	books	\$42.29
Banyon Data Systems	professional fees	\$195.00
Bendix	supplies	\$99.99
City of Clark	utilities	\$31.07
Clark County Courier	advertising	\$202.30
Clark Hometown Variety	supplies	\$18.37
Clark Rural Water	materials	\$19,036.60
Cook's Wastepaper	utilities	\$39.93
Colonial Research	supplies	\$163.41
Consumer Reports	subscription	\$26.00
Dacotah Bank	subsidies	\$3,655.42
Desnoyers Hardware	supplies	\$68.08
Ellwein Brothers	liquor	\$8,169.10
Fjelland Attorney at Law	legal fees	\$100.00
Forest Excavating	repairs	\$898.37
Hawkins	supplies	\$123.62
ITC	utilities	\$393.03

**City Council Meeting – February 8, 2010**

ITC Rural Economic Dev.	subsidies	\$2,813.54
JB Repair	repairs	\$727.66
Johnson Brothers	liquor	\$6,579.19
Ken's	supplies	\$19.41
Mack's	supplies	\$583.90
Moritz Publishing	supplies	\$237.20
NAPA Auto Parts	supplies	\$4.99
National Geographic Society	subscription	\$34.00
Northwestern Energy	utilities	\$8,603.11
Olson Auto Parts	supplies	\$11.36
Olson Motor Co.	repairs	\$45.00
Oscar's Machine Shop	repairs	\$103.08
Petty Cash	supplies	\$76.95
Pitney Bowes	supplies	\$530.55
Porter Distributing	liquor	\$3,569.10
Readers Digest	subscription	\$9.98
Republic National	liquor	\$8,212.14
SD Dept. of Revenue	professional fees	\$200.00
SD Dept. of Revenue	sales tax	\$0.19
SD Public Assurance Alliance	insurance	\$22,876.24
Share Corp.	supplies	\$475.00
Star Laundry	maintenance	\$52.07
Texas Refinery Corp.	supplies	\$224.35
Time	subscription	\$29.95
Westside Implement	equipment	\$1,305.00

**Motion # 023-2010**

**Sheriff's Report**

Motion by Pollock and seconded by Streff to approve the Sheriff's report. All members voting yes.  
Motion carried.

**Monthly Meeting Date**

Heim addressed council on changing the monthly meeting date to later in the month. By having the meeting later in the month, vendors will be able to get their bills in for payment. Decided to set the next month's meeting date at each council meeting.

**Motion # 024-2010**

**Equalization Meeting**

Motion by Pollock and seconded by Heim to combine the March city council meeting with the Equalization meeting for 7:00 pm on March 15, 2010. All members voting yes. Motion carried.

**Sidewalk Snow Removal**

City ordinance 6.04 states that snow is to be removed from sidewalks. Violators will be given 24 hour notice to remove the sidewalk. If not done, the City will remove it and bill the property owner.

**Dogs Running at Large**

City ordinance 4.04 states that dog owners are to maintain control of their pets and prevent them from running at large. Violators will receive an abatement notice along with a fine for each violation. Council discussed options for animal control officers with either the Sheriff or an individual who stated interest in the position.

**Delinquent Water Accounts**

Council discussed whether we should publish delinquent water accounts the same as delinquent taxes. Water shut off procedures will be strictly enforced.

**Motion # 025-2010**

**Executive Session**

Motion by Dreher and seconded by Heim to enter into executive session for contractual and personnel issues. All members voting yes. Motion carried.

Executive session began at 8:02 pm and ended at 8:30 pm.

**Motion # 026-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 8:30 pm.

This institution is an equal opportunity provider, and employer.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell

(seal)

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**City of Clark Equalization Meeting**  
**March 15, 2010**  
**7:00 PM**

**Call to order:** The Clark City Council, sitting as the Equalization Board, met in session on March 15, 2010 at 7:00 pm in the City Hall Council Room to hold the Equalization meeting.

**Council Members Present:** Larry Dreher, Paul Fuller, Roberta Heim, and Lon Reidburn. Absent Louann Streff and John Pollock.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Janelle Paschen representing the school board and Bill Krikac.

Mayor Stevens called the meeting to order at 7:00 pm.

**Motion # 027-2010**

**Adopt Agenda**

Motion by Dreher and seconded by Reidburn to adopt the agenda. All members voting yes. Motion carried.

The board reviewed the assessment role and heard one appeal from Hazel Reidburn, legal description Exc E ½ & Exc 20' of W 140' & Exc N 100' of S 120' of W 175' of OL 45, Clark. Speaking on behalf of Mrs. Reidburn, Councilman Lon Reidburn informed the board that that appeal has been withdrawn.

**Motion # 028-2010**

**Assessment Role**

Motion by Dreher and seconded by Heim to approve the assessment role. All members voting yes. Motion carried.

**Motion # 029-2010**

**Adjourn**

Motion by Fuller and seconded by Heim to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 7:07 pm.

This institution is an equal opportunity provider, and employer.

\_\_\_\_\_  
Mayor Eric Stevens

\_\_\_\_\_  
Attest: Finance Officer Jackie Luttrell  
(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting**  
**March 15, 2010**  
**7:00 PM**

**Call to order:** The Clark City Council met in session on March 15, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Roberta Heim, and Lon Reidburn. Louann Streff arrived at 7:21 pm and John Pollock arrived at 7:57 pm.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Bill Krikac, Darin Altfillisch, Roger Collins, Loren Stanley, Morris Elcock from SD Rural Water Association, Larry Bartels and Kyle Gaikowski.

Mayor Stevens called the meeting to order at 7:07 pm.

**Motion # 030-2010**

**Adopt Agenda**

Motion by Heim and seconded by Fuller to adopt the agenda. All members in attendance voting yes. Motion carried.

**Public Input**

Councilman Dreher introduced Morris Elcock from SD Rural Water Association. Morris explained that with our membership to the SD Rural Water Association we are eligible for a free water loss investigation. He will work with the City to identify the water loss problem.

**Department Updates**

Department updates given by Altfillisch, Collins, Luttrell and Stanley. Collins presented a Cougar mosquito sprayer that he would like the council to consider; will revisit next month. Altfillisch stated that repairs are needed to two lift stations and other necessities. Sump pumps need to be removed from the sewer as the sewer station is maxed out. Notices will appear on ITC and the paper.

Councilperson Streff arrived during updates at 7:21 pm.

**Motion # 031-2010**

**Dispatcher Training**

Motion by Dreher and seconded by Heim to authorize the Finance Office to close for a couple of hours while Jackie and Rae Jean attend required Dispatch Training for the med van. Date and time are yet to be determined. All members in attendance voting in favor. Motion carried.

**Motion # 032-2010**

**Approve Updates**

Motion by Dreher and seconded by Reidburn to approve the department updates. All members in attendance voting in favor. Motion carried.

**Motion # 033-2010**

**Approve Minutes**

Motion by Streff and seconded by Heim to approve the Council Meeting Minutes from February 8, 2010. All members in attendance voting in favor. Motion carried.

**Motion # 034-2010**

**Approve Financial Statements**

Motion by Fuller and seconded by Reidburn to approve the financial statements. All members in attendance voting in favor. Motion carried.

**Motion # 035-2010**

**Approve Claims**

Motion by Dreher and seconded by Streff to approve the following claims. All members in attendance voting in favor. Motion carried.

**Paid Claims**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
18788	Cook's Wastepaper	garbage	\$5,086.46
18789	The US Life Insurance Co.	insurance	\$17.40
18790 - 18804, 18806	Water Dept.	payroll	\$876.74
	Sewer Dept.	payroll	\$876.74
	Govt. Bldg.	payroll	\$84.98
	Streets Dept.	payroll	\$2,424.24
	Finance Office	payroll	\$1,007.21
	Sanitation	payroll	\$360.00
	Library	payroll	\$350.74
	Transit Dept.	payroll	\$509.26
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$808.25
18805	Dacotah Bank	941 taxes	\$2,091.73
18807	Credit Collection Bureau	garnish	\$18.80
18808	Account Management	garnish	\$30.00
18809	Midwest Credits	garnish	\$184.74
18810	SD Retirement Systems	retirement contributions	\$1,981.22
18811	Pitney Bowes	supplies	\$50.53
18812	Alltel	utilities	\$87.74
18813	Wellmark BCBS	insurance	\$3,768.32
18814	Northwestern Energy	utilities	\$6,700.33
18815	AFLAC	insurance	\$228.90
18816	Dacotah Bank	subsidies	\$3,655.42
18817	ITC Rural Economic Dev.	subsidies	\$2,813.54
18818	Cook's Wastepaper	garbage	\$5,087.06
18819 - 18834	Water Dept.	payroll	\$872.98
	Sewer Dept.	payroll	\$872.97
	Govt. Bldg.	payroll	\$93.61
	Streets Dept.	payroll	\$2,039.11
	Finance Office	payroll	\$1,000.53
	Sanitation	payroll	\$312.19
	Library	payroll	\$350.74

**City Council Meeting – March 15, 2010**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
	Transit Dept.	payroll	\$578.10
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$585.91
18835	Dacotah Bank	941 taxes	\$1,889.39
18836	The US Life Insurance Co.	insurance	\$17.40

**Additional Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
A&B Business Solutions	maintenance	\$67.35
American Family Insurance	insurance	\$8.00
A-OX Welding	supplies	\$10.54
Book of the Month Club	books	\$37.98
Caterpillar Financial Services	loan payment	\$24,265.45
City of Clark	utilities	\$34.47
City of Clark	deposit applied to bill	\$189.00
Clark Community Oil	supplies	\$1,868.99
Clark County Courier	advertising	\$80.35
Clark Co. Highway Dept.	supplies	\$2,938.62
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Treasurer	police protection	\$8,165.00
Clark Rural Water	materials	\$10,047.00
Codington Clark Equipment	mower	\$3,300.01
Cook's Wastepaper	utilities	\$39.93
Credit Bureau of Watertown	collection fee	\$23.20
Cross Country Vets	boarding fees	\$98.00
Dacotah Bank	professional fees	\$38.78
Darin Altfillisch	travel	\$33.05
Desnoyers Hardware	supplies	\$209.76
Ecolab	maintenance	\$77.00
Ellwein Brothers	liquor	\$7,420.55
Fjelland Attorney at Law	legal fees	\$503.20
Gruenwald Electric	repairs	\$90.78
ITC	utilities	\$399.57
J&J Heating	repairs	\$83.14
Jeff Clyde	refund	\$11.00
Johnson Brothers	liquor	\$4,624.09
Ken's Food	supplies	\$45.46
Literary Guild	books	\$57.71
M&T Fire & Safety	supplies	\$174.00

**City Council Meeting – March 15, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Mack's	supplies	\$530.75
Michael Todd & Co.	repairs	\$702.98
Moritz Publishing	supplies	\$124.60
NAPA Auto Parts	supplies	\$94.30
Olson Auto Parts	supplies	\$52.49
Olson Auto Parts	fire dept parts	\$495.11
One Call Systems	locates	\$4.52
Oscar's	repairs	\$20.00
Pioneer Bank & Trust	copier	\$471.00
Pitney Bowes	maintenance	\$105.00
Porter Distributing	liquor	\$2,408.00
ProBuild	supplies	\$24.97
Quill	supplies	\$117.76
Republic National	liquor	\$6,597.13
SD Dept. of Revenue	sales tax	\$0.54
SD Dept. of Revenue	professional fees	\$200.00
SD Rural Development	sewer revenue bond	\$787.00
SD Rural Development	water revenue bond	\$908.00
SD Street Maintenance Assoc.	conference	\$35.00
Share Corp.	supplies	\$168.18
Star Laundry	maintenance	\$104.14
Ted Bethke	maintenance	\$1,070.00
Watertown Rec Center	class	\$150.00
Wayne Manufacturing	supplies	\$417.07
Wellmark BCBS	insurance	\$3,768.32

**Motion # 036-2010**

**Sheriff's Report**

Motion by Heim and seconded by Reidburn to approve the sheriff's report. All members in attendance voting in favor. Motion carried.

**Motion # 037-2010**

**Med Van Replacement**

Motion by Reidburn and seconded by Dreher to trade in the 1999 Ford Windstar for a 2006 Chrysler Town & Country from Olson Motors for \$10,700 (\$13,500 less \$2,800 trade). All members in attendance voting in favor. Motion carried.

Luttrell showed Council a play system that the Park Board would like purchased for the Swimming Pool Park. The system would be paid out of the \$10,000 restricted funds that the City has set aside for the last two years and donations received from ITC and Northwestern Energy. A SD Community Foundation grant is being applied for and the Clark Lions have committed to pay for the pea rock. Total cost will run about \$14,100.



**Motion # 038-2010**

**Playground Equipment**

Motion by Streff and seconded by Reidburn to purchase a playground system from Playworld Systems for \$11,199 (plus shipping and installation at approximately \$2,700) and to pay for the system from the \$11,500 in the Parks Restricted money. All members in attendance voting in favor. Motion carried.

**Motion # 039-2010**

**2009 Annual Financial Statement**

Motion by Dreher and seconded by Streff to approve the 2009 Annual Financial Statement and Annual Report as submitted to the State. All members in attendance voting in favor. Motion carried.

**Motion # 040-2010**

**2009 Audit Proposal**

Motion by Dreher and seconded by Heim to approve the 2009 Audit Proposal from William Neale & Co. for performing the 2009 audit for \$55.00 per hour, not be exceed \$13,750. All members in attendance voting in favor. Motion carried.

**Motion # 041-2010**

**2010 Dump Rates**

Motion by Reidburn and seconded by Streff to approve the 2010 dump rates as shown below. All members in attendance voting in favor. Motion carried.

Pickup load .....	\$7	Mattress & box spring .....	\$5
Pickup load – trees .....	\$5	Washer or Dryer .....	\$5
Truck load – trees .....	\$10	Hot water heater .....	\$5
Truck load – woodchips .....	\$10	Furnace .....	\$5
Grass clippings, leaves .....	Free	Fridge, Freezer, A/C Units:	
Pickup load – shingles .....	\$15	Freon removed .....	\$7
Truckload – shingles .....	\$25	Freon NOT removed .....	\$25
Truckload – wood .....	\$20	Bathtub, sink, shower, toilet (porcelain) .....	\$4
Cement, bricks (first load weighed) .....	\$5/ton	Bike, exercise equipment, metal lawn chairs,	
Asphalt (first load weighed) .....	\$5/ton	metal lawn decorations .....	\$2/unit
Riding lawn mowers .....	\$5		
Push Mowers, weed-eaters, root tillers .	\$1/unit		
Car fenders, hood, truck lids			
or sheet metal .....	\$1/unit		
Car or truck motor with no oil .....	\$5		
Transmission with no oil .....	\$5		
Car bodies without frame .....	\$5		
Trailer load of scrap metal (scraps less than			
3 feet long) .....	\$5		

**Will Not Accept**

- No farm equipment (tractors, field equipment, etc.)
- No plastic, paper, styrofoam or cardboard
- No fuel barrels of any kind of size
- No raw food products or animal carcass
- No grain or feed produce
- No batteries
- No tires
- No whole trees or parts of trees longer than 20 feet

**Motion # 042-2010**

**Resolution #787**

Motion by Heim and seconded by Dreher to approve Resolution #787 A Schedule of Fines for Municipal Code Violations as follows. All members in attendance voting in favor. Motion carried.

**RESOLUTION # 787**

A RESOLUTION SETTING FORTH A SCHEDULE OF FINES FOR CERTAIN VIOLATIONS OF THE CLARK MUNICIPAL CODE.

BE IF RESOLVED that the following schedule of fines shall be effective as of the date of this Resolution for certain violations for the Clark Municipal Code.

SCHEDULE OF FINES FOR MUNICIPAL CODE VIOLATIONS

<u>Chapter</u> <u>Section</u>	<u>Health &amp; Sanitation Offenses</u>	<u>Fines</u>	<u>Costs</u>	<u>Totals</u>
3.04	Unlawful Deposit in City Dump	100.00	60.00	160.00
3.08	Failure to Help Eradicate Rats Pursuant to Chapter	100.00	60.00	160.00
3.10	Maintaining Weeds, Trees, Vegetation & General Nuisances	100.00	60.00	160.00
3.12	Failure to remove abandoned, wrecked, dismantled or inoperable motor vehicles	100.00	60.00	160.00
<u>Chapter</u> <u>Section</u>	<u>Animal Offenses</u>	<u>Fines</u>	<u>Costs</u>	<u>Totals</u>
4.04	Allowing domestic animal to run at large	25.00	60.00	85.00
4.06	Permitting domestic animal on school ground when school is in session or public recreation area without leash	50.00	60.00	110.00
4.08	Failure to immunize domestic animal for rabies	100.00	60.00	160.00
4.10	Failure of owner to place animal for observation	100.00	60.00	160.00
4.12	Failure to control vicious animal – <i>Fine per day:</i>	100.00	60.00	160.00
4.14	Disturbance of peace by animal:			
	<i>1<sup>st</sup> Offense:</i>	25.00	60.00	85.00
	<i>2<sup>nd</sup> Offense:</i>	50.00	60.00	110.00
	<i>3<sup>rd</sup> and Subsequent Offenses:</i>	100.00	60.00	170.00
4.16	Maintaining a dog kennel – animal disturbing public	50.00	60.00	110.00

**City Council Meeting – March 15, 2010**

4.18	Cruelty to animals	100.00	60.00	160.00
4.20	Harboring or keeping stray animals within City	50.00	60.00	110.00
4.22	Unlawfully keeping livestock within City	100.00	60.00	160.00
4.24	Violation of this Chapter Re: Keeping animals other than dogs within the City	100.00	60.00	160.00
4.26	Animal defecation on public or other person's private property	100.00	60.00	160.00
4.30	Failure to license domestic animals	50.00	60.00	110.00

<u>Chapter</u>	<u>Public Safety Offenses</u>	<u>Fines</u>	<u>Costs</u>	<u>Totals</u>
<u>Section</u>				

5.0218	Attempt by underage person to purchase alcoholic beverage	50.00	60.00	110.00
5.0220	Misstatement as to age for purpose of purchasing any alcoholic beverage	50.00	60.00	110.00
5.0222	Open container (alcoholic beverage)	50.00	60.00	110.00
5.0402	Using, throwing, lighting, firing, displaying or selling fireworks within the City	100.00	60.00	160.00
5.06	Failure to abide by curfew	25.00	60.00	85.00
5.10	Discharging firearm, slingshots, air guns, bows and arrows in City limits and carrying concealed weapon	100.00	60.00	160.00
5.1402	Resisting and officer	100.00	60.00	160.00
5.1406	Refusing to obey the command of an officer	100.00	60.00	160.00
5.1802	Malicious Mischief	100.00	60.00	160.00
5.1812	Injury or removal of public or private property	100.00	60.00	160.00
5.1814	Tampering in general	100.00	60.00	160.00

<u>Chapter</u>	<u>Streets and Public Way Offenses</u>	<u>Fines</u>	<u>Costs</u>	<u>Totals</u>
<u>Section</u>				

6.0202	Parking or vehicles prohibited where posted	50.00	57.50	107.50
6.04	Sidewalks, curbs and gutters, merchandise, rubbish, snow and ice	50.00	60.00	110.00
6.0806	Duty of property owners re: trees	50.00	60.00	110.00
6.0808	Abuse of trees	50.00	60.00	110.00

<u>Chapter</u>	<u>Traffic Offenses</u>	<u>Fines</u>	<u>Costs</u>	<u>Totals</u>
<u>Section</u>				

7.0608	Illegally making a "U" turn	25.00	60.00	85.00
7.0610	Failure to yield right-of-way	50.00	60.00	110.00

**City Council Meeting – March 15, 2010**

7.0632	Careless Driving, Careless Driving with drinking involved, Exhibition Driving	50.00	60.00	110.00
7.08	Parking – Violation of any part of this Chapter	50.00	57.50	107.50
7.1002	Speeding:			
	<i>1 – 5 MPH Over Speed Limit</i>	15.00	60.00	75.00
	<i>6 – 10 MPH Over Speed Limit</i>	25.00	60.00	85.00
	<i>11 – 15 MPH Over Speed Limit</i>	45.00	60.00	105.00
	<i>16 + MPS Over Speed Limit</i>	65.00	60.00	125.00
7.1004	School Zone Violation	100.00	60.00	160.00
7.32	Snowmobiles – Violation of any provision of this Chapter	75.00	60.00	160.00
7.34	Three wheel or all terrain vehicles - Violation of any provision of this Chapter	100.00	60.00	160.00
<u>Chapter</u>	<u>Traffic Offenses</u>	<u>Fines</u>	<u>Costs</u>	<u>Totals</u>
<u>Section</u>				
8.06	Transient merchant/peddler failure to have approved license	100.00	60.00	160.00

This Resolution in no way shall preclude the City of Clark from seeking greater punishment or addition punishment for the above listed offenses where the Clark Municipal Code or South Dakota Codified Law allows.

As provided by SDCL 9-19-13, this Resolution shall be effective upon publication of the Notice of Adoption.

Passed and Adopted this 15<sup>th</sup> day of March, 2010.

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Eric Stevens, Mayor  
City of Clark, South Dakota

ATTEST:

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Jackie Luttrell  
City Finance Officer  
(S E A L)

\* \* \* \* \*

Councilman Pollock arrived at the meeting at 7:57 pm.

**Ordinance #488**

Council heard the first reading of Ordinance #488 An ordinance to replace Title 12 – General Provisions, Chapter 12.99 – Penalty”, of the Clark Municipal Code.

At this time Kyle Gaikowski addressed the Council regarding last month’s mower trade.

Council discussed attending the District Meeting in DeSmet instead of Wilmot. Luttrell will get interested individuals registered.

**Motion # 043-2010**

**Transient Permit**

Motion by Dreher and seconded by Pollock to retroactively approve the Transient permit by John Osborn for March 5 and 6 at the American Legion. All members voting yes. Motion carried.

Council discussed revising the current transient permit application process to allow permits to be issued without council approval. Will revisit at next meeting.

**Motion # 044-2010**

**April Meeting**

Motion by Dreher and seconded by Reidburn to set the April Council Meeting for April 8, 2010 at 7 pm. All members voting yes. Motion carried.

**Motion # 045-2010**

**Executive Session**

Motion by Heim and seconded by Dreher to enter into executive session for contractual and personnel issues. All members voting yes. Motion carried.

Executive session began at 8:14 pm and ended at 8:35 pm.

**Motion # 046-2010**

**Pool Employees**

Motion by Reidburn and seconded by Dreher approve the following employees for the 2010 pool season: Renae Mudgett, Manager \$8.50/hour; Sara Hoogheem, Assistant Manager \$8.25/hour; Tara DesLauriers, Emma Adam, Levi Petersen and Carly DesLauriers as lifeguards at \$7.50/hour; Brooklyn Bjerke, Chase Monson and Kendra Stromsness as lifeguards at \$7.25/hour. All members voting yes. Motion carried.

**Motion # 047-2010**

**Teener Coach**

Motion by Streff and seconded by Heim to offer the Teener coaching job to Dave Adam at a pay of \$2,000 for the season, plus mileage to away games at state rates. All members voting yes. Motion carried.

**Motion # 048-2010**

**Dump Attendant**

Motion by Dreher and seconded by Reidburn to hire Ronnie Schorg as the dump attendant for \$8.31/hour. All members voting yes. Motion carried.

**Motion # 049-2010**

**Summer Rec Coach**

Motion by Dreher and seconded by Heim to advertise for summer rec coaches for \$7.50/hour. All members voting yes. Motion carried.

**Motion # 050-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn the meeting. All members voting yes. Motion carried.

Meeting adjourned at 8:37 pm.

This institution is an equal opportunity provider, and employer.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell  
(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Board of Adjustment Meeting**  
**April 8, 2010**  
**7:45 PM**

**Call to order:** The Clark City Council met in session on April 8, 2010 at 7:45 pm in the City Hall Council Room to hear a variance request from Clark County Famers Elevator.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Bill Krikac, Jeff Olson and Janet Caster.

Mayor Stevens called the meeting to order at 7:45 pm.

Clark County Farmers Elevator has applied for a variance request to relax the zoning height to allow for a 69' grain bin and relax the zoning minimum yard requirement to allow minimum front yard within 50' in the Industrial zoned property: Lots 1-3 & 16 & Except S 6' of Lot 4 Block 1 Subdivision of Outlot D City of Clark & Lots 4, 5 & 9 Commercial Smith Addition in City of Clark.

Jeff Olson was present on behalf of the elevator. Adjacent landowner Janet Caster voiced her concerns.

Luttrell stated the necessary paperwork and fees have been filed with the Finance Office. Applicant meets the requirements of 11.17.03.1.E.

Motion by Reidburn and seconded by Fuller to approve the variance for Clark County Famers Elevator as stated. Voting in favor: Reidburn, Fuller, Heim, Pollock and Streff. Dreher abstained. Motion carried.

Board of Adjustment meeting ended at 7:55 pm and regular council meeting reconvened.

This institution is an equal opportunity provider, and employer.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell  
(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting  
April 8, 2010  
7:00 PM**

**Call to order:** The Clark City Council met in session on April 8, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Darin Altfillisch, Roger Collins, Loren Stanley, Bill Krikac and Kathy Roebke.

Mayor Stevens called the meeting to order at 7:00 pm.

**Motion # 051-2010**

**Adopt Agenda**

Motion by Fuller and seconded by Streff to adopt the agenda. All members voting yes. Motion carried.

**Public Input**

Kathy Roebke addressed the council regarding a drainage issue in the ditch in front of her property on 7<sup>th</sup> Ave. SE. Roger Collins informed council of the things he's already tried to alleviate the drainage problem and discussed other options that will be pursued once it dries up.

**Department Updates**

Department updates given by Altfillisch, Collins, Luttrell and Stanley.

**Motion # 052-2010**

**Water School**

Motion by Pollock and seconded by Dreher to approve Darin Altfillisch to attend Water School on April 22, 2010 in Watertown. All members voting yes. Motion carried.

**Motion # 053-2010**

**Mosquito Sprayer**

Motion by Fuller and seconded by Reidburn to purchase a Cougar mosquito sprayer with smart flow for \$10,360. All members voting yes. Motion carried.

**Sidewalk Replacement Project**

Council agreed to continue the sidewalk replacement project started last year. One change from last year is residents will be charged dumping fees. City will continue to remove the old sidewalk and provide gravel for free.



**Gravel Requests**

Collins informed Council that he would like to stop providing gravel for resident’s personal use. Residents requesting gravel will be directed to local businesses.

**Motion # 054-2010**

**Street Assoc. Meeting**

Motion by Heim and seconded by Reidburn to approve Roger Collins to attend the SDML Street Association meeting next week in Pierre. All members voting yes. Motion carried.

**Motion # 055-2010**

**Finance Officer School**

Motion by Heim and seconded by Dreher to approve Rae Jean Flora and Jackie Luttrell to attend Finance Officer School in Mitchell on June 16-18. All members voting yes. Motion carried.

**Job Descriptions**

Council has asked employees to write up their job descriptions.

**Motion # 056-2010**

**Approve Minutes**

Motion by Pollock and seconded by Heim to approve the Council Meeting and Board of Adjustments meeting minutes from March 15, 2010 All members voting yes. Motion carried.

**Motion # 057-2010**

**Approve Financial Statements**

Motion by Fuller and seconded by Reidburn to approve the financial statements. All members voting yes. Motion carried.

**Motion # 058-2010**

**Approve Claims**

Motion by Streff and seconded by Dreher to approve the following claims. All members voting yes. Motion carried.

**Additional March Claims**

Check #	To	For	Amount
18886	Olson Motor Co.	vehicle	\$10,700.00
18887	Alltel	utilities	\$87.66
18888-18903	Water Dept.	payroll	\$870.79
	Sewer Dept.	payroll	\$870.79
	Govt Bldg.	payroll	\$93.61
	Streets Dept.	payroll	\$2,059.83
	Finance Office	payroll	\$1,000.53
	Sanitation Dept.	payroll	\$317.71
	Transit Dept.	payroll	\$550.45
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$317.72
18904	Dacotah Bank	941 taxes	\$1,852.89
18905	SD Retirement Systems	retirement	\$1,875.62
18906	VOID		
18907	Account Management	garnish	\$30.00
18908	Midwest Credits	garnish	\$184.74
18909	Credit Collections Bureau	garnish	\$18.80

**City Council Meeting – April 8, 2010**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
18910	Petty Cash	supplies	\$102.20
18911	The US Life Insurance Co.	insurance	\$17.40
18912	SD Division of Motor Vehicles	license	\$5.00
18913	SD Municipal League	conference	\$140.00

**Additional April Claims**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
18914	Dacotah Bank	subsidies	\$3,655.42
18915	ITC Rural Economic Dev.	subsidies	\$2,813.54
18916	Pitney Bowes	supplies	\$570.99
18917	Northwestern Public Service	utilities	\$6,785.46
18913 - 18933	Water Dept.	payroll	\$889.05
	Sewer Dept.	payroll	\$889.05
	Govt Bldg.	payroll	\$93.61
	Streets Dept.	payroll	\$2,019.43
	Sanitation Dept.	payroll	\$1,000.53
	Library	payroll	\$350.74
	Transit	payroll	\$601.41
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$306.68
18934	Dacotah Bank	941 taxes	\$1,858.50
18935	AFLAC	insurance	\$228.90
18936	Cook's Wastepaper	garbage collection	\$5,097.38

**New April Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
A&B Business	maintenance	\$69.98
American Family Insurance	insurance	\$8.00
A-Tech	repairs	\$2,465.00
A-OX Welding	supplies	\$10.54
Banyon Data Systems	maintenance	\$1,540.00
Book of the Month Club	books	\$62.95
Butler	parts	\$709.98
City of Clark	utilities	\$71.40
Clark Community Oil	supplies	\$1,151.84
Clark Co. Treasurer	police protection	\$8,165.00
Clark County Courier	advertising	\$520.51
Clark County Historical Society	subsidies	\$560.00
Clark Rural Water	materials	\$10,914.00
Clausen Construction	supplies	\$1,312.50
Colonial Research	supplies	\$498.75
Cook's Wastepaper	utilities	\$39.93

**City Council Meeting – April 8, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Dacotah Bank	professional fees	\$26.73
Dakota Pump & Control	repairs	\$3,615.84
Desnoyers Hardware	supplies	\$226.73
Ellwein Brothers	liquor	\$7,166.40
First National Bank	SRF loan	\$6,940.29
Fjelland Law Office	legal fees	\$244.00
Forest Excavating	supplies	\$2,056.32
ITC	utilities	\$402.40
Itron	maintenance	\$580.44
Jackie Luttrell	mileage	\$6.66
Johnson Brothers	liquor	\$9,465.42
Ken's	supplies	\$5.65
Literary Guild	books	\$57.71
Mack's Standard	supplies	\$368.95
Midwest Alarm Co.	professional fees	\$261.25
Midwest Playscapes	equipment	\$13,165.26
Moritz Publishing	supplies	\$120.20
NAPA Auto Parts	supplies	\$298.82
Olson Auto Parts	supplies	\$43.49
One Call Systems	locates	\$9.04
Oscar's Machine Shop	supplies	\$907.75
Porter Distributing	liquor	\$3,372.70
ProBuild	supplies	\$186.54
Republic National	liquor	\$6,702.61
SD Dept of Revenue	professional fees	\$200.00
SD Dept of Revenue	sales tax	\$4.10
SD Govt. Finance Officer Assoc	registration	\$150.00
SD Rural Development	sewer revenue bond	\$787.00
SD Rural Development	water revenue bond	\$908.00
Share Corp.	supplies	\$4,555.14
Star Laundry	maintenance	\$53.41
USA Blue Book	repairs	\$827.36
Watertown Ford	repairs	\$1,021.73
Watertown Rec Center	professional fees	\$330.00
Westside Implement	supplies	\$510.75

**Motion # 059-2010**

**Sheriff's Report**

Motion by Heim and seconded by Pollock to approve the Sheriff's report. All members voting yes. Motion carried.

**Motion # 060-2010**

**Arbor Day**

Motion by Dreher and seconded by Reidburn to declare April 30, 2010 as Arbor Day. All members voting yes. Motion carried.

**Board of Adjustment Public Hearing**

At 7:45 pm, being the published time and place for the Board of Adjustment meeting, the regular council meeting broke to hear a variance request from Clark County Farmers Elevator. Council meeting reconvened at 7:55 pm.

**Outfall Line Project & Cloud Street Sewer Line Update**

Altfillisch would like the council to consider replacing or relining the sewer line on Cloud Street (Hwy 212 to 5<sup>th</sup> Avenue) and turning east on 5<sup>th</sup> Avenue to tie in with the new line that was replaced in 2009 to the sewer plant. Clark Engineering cost estimates were provided for two options. Option 1 for full water, sewer and street replacement would cost approximately \$875,000. Option 2 would reline or cure-in-place the 12" line except for two known problem areas for approximately \$267,000. This project would be in addition to the outfall line project now estimated at \$218,700; original estimate was \$441,400. This project would be an add-on to the outfall line project. The original consolidated grant approved \$100,000 funding agreement. A directive was needed from council before proceeding.

**Motion # 061-2010**

**Reline Sewer Line**

Motion by Dreher and seconded by Reidburn to approve Option 2 to reline or cure-in-place the sewer from Cloud Street (starting at Hwy 212) south to 5<sup>th</sup> Avenue, turning east to connect into the replaced sewer line in 2009 and add this on to the Outfall Line Project. All members voting in favor. Motion carried.

**Motion # 062-2010**

**Department Updates**

Motion by Dreher and seconded by Streff to approve the department updates. All members voting in favor. Motion carried.

**Motion # 063-2010**

**Resolution # 788**

Motion by Streff and seconded by Heim to approve Resolution #788 that replaces Resolution #782. All members voting yes. Motion carried.

**RESOLUTION # 788**

WHEREAS, the City of Clark has identified the need to construct improvements to the City’s sewer and water systems; and

WHEREAS, the City of Clark proposes to undertake the necessary improvements;

THEREFORE, BE IT RESOLVED that the Clark City Council duly authorizes the Mayor to execute and submit a Rural Development full application requesting Rural Development funds for the proposed project.

This resolution is effective immediately upon passage.

Adopted this 8<sup>th</sup> day of April, 2010.

Eric Stevens, Mayor

ATTEST:

Jackie Luttrell, Finance Officer

**Motion # 064-2010**

**Ordinance #488**

Motion by Fuller and seconded by Reidburn to approve Ordinance #488 Chapter 12.99 Penalty. All members voting yes. Motion carried.

**ORDINANCE # 488**

AN ORDINANCE TO AMEND TITLE 12, CHAPTER 12.99 OF THE CLARK MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARK, SOUTH DAKOTA, that “Title 12 – General Provisions, Chapter 12.99 – Penalty”, of the Clark Municipal Code be amended to read in its entirety as follows:

“Chapter 12.99  
Penalty

Section  
12.9902

**12.9902                      PENALTY**

Except in cases where a different or additional penalty is imposed by this ordinance or by some existing provision of law, every violation of any of the provisions of this ordinance including any violation classification as a “misdemeanor”, shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment. Insofar as practical, punishment is set out in a Chapter or Section at the close of a Title or Chapter, always numbered “99”.”

All ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed and from and after the effective date of this ordinance, this ordinance shall take precedence over any other ordinance previously adopted.

Eric Stevens, Mayor

ATTEST:  
Jackie Luttrell  
City Finance Officer

**Motion # 065-2010** **Sportsman Operating Agreement**

Motion by Pollock and seconded by Fuller to renew the liquor operating agreement with Sportsman Bar. All members voting yes. Motion carried.

**Motion # 066-2010** **Time Out Agreement**

Motion by Heim and seconded by Dreher to renew the liquor operating agreement with Time Out. All members voting yes. Motion carried.

**Motion # 067-2010** **Library 2009 Report**

Motion by Pollock and seconded by Reidburn to approve the Library's 2009 Annual Report. All members voting yes. Motion carried.

**Motion # 068-2010** **Library 1<sup>st</sup> Qtr Financial Statement**

Motion by Streff and seconded by Heim to approve the Library's 1<sup>st</sup> Quarter Financial Statement. All members voting yes. Motion carried.

**Motion # 069-2010** **Summer Rec Rates**

Motion by Dreher and seconded by Reidburn to approve the 2010 summer rec rates as follows. All members voting yes. Motion carried.

Swimming Pool:	Family Pass \$100 includes swim pass and lessons for 2 kids
	Family Pass \$75 includes swim pass only, no lessons
	Individual Pass: \$60 swim pass and lesson for one
	Individual Lesson: \$25 per lesson
	Adult Daily Pass: \$3.00
	Student Daily Pass: \$2.00
	5 and under Free
Softball/Baseball:	\$25 per child

**Motion # 070-2010** **Mowing Opt Out**

Motion by Heim and seconded by Streff to approve Kelli Kritz's opt out mowing request as the grass will be baled. All members voting yes. Motion carried.

**May Meeting**

The May City Council Meeting will be held on May 3, 2010 at 7:00 pm.

**Motion # 071-2010** **Executive Session**

Motion by Dreher and seconded by Reidburn to enter into executive session for contractual and personnel issues. All members voting yes. Motion carried.

Executive session began at 8:25 pm and ended at 8:36 pm.

**Coaches Needed**

There were no applicants for the summer rec coaching positions. Will advertise again and if no one applied, there is a chance that there will not be a summer rec program this year.

**Motion # 072-2010**

**Dickinson Park Concessions**

Motion by Heim and seconded by Dreher to renew the Dickinson Park concession stand contract with Lonna DesLauriers. All members voting yes. Motion carried.

**Motion # 073-2010**

**Landfill Assistant**

Motion by Pollock and seconded by Fuller to approve Bud Temple as the landfill assistant at a pay of \$8.05/hour. All members voting yes. Motion carried.

**Motion # 074-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried. Meeting adjourned at 8:37 pm.

This institution is an equal opportunity provider, and employer.

\_\_\_\_\_  
Mayor Eric Stevens

\_\_\_\_\_  
Attest: Finance Officer Jackie Luttrell  
(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting  
May 3, 2010  
7:00 PM**

**Call to order:** The Clark City Council met in session on May 3, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Paul Fuller (arriving at 7:04 pm), Louann Streff (left at 7:55), Roberta Heim, John Pollock and Lon Reidburn. Absent Larry Dreher.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Darin Altfillisch, Roger Collins, Loren Stanley, Bill Krikac, Greg Furness and Fred Obermeier.

Mayor Stevens called the meeting to order at 7:00 pm.

**Motion # 075-2010**

**Adopt Agenda**

Motion by Pollock and seconded by Reidburn to adopt the agenda. All members voting yes. Motion carried.

**Public Input**

Greg Furness and Fred Obermeier addressed the council on the needs for Dickinson Park for the baseball season and the upcoming state Teener tournament in August.

**Department Updates**

Updates given by Altfillisch, Stanley, Collins and Luttrell. Luttrell advised of Safety Benefits visit this past week and discussed options for health insurance renewal.

**Motion # 076-2010**

**Pool Heater**

Motion by Fuller and seconded by Pollock to approve the purchase of a new pool heater at a cost of \$19,969.42 from Girton Adam Company. All members voting yes. Motion carried.

**Motion # 077-2010**

**Water Meters**

Motion by Streff and seconded by Reidburn to proceed with the Rural Development application for the water meter upgrade project at a cost of \$120,800.00 to finish citywide auto readers and new water meters. All members voting yes. Motion carried.

Being 7:30 pm, the time advertised to open bids for garbage collection and backhoe services, council proceeded to opening bids. One bid was received for each.

**Motion # 078-2010**

**Garbage Collection**

Motion by Pollock and seconded by Streff to accept the bid from Cook's Wastepaper and Recycling at the same rate as last year, \$10.00 per cart per household per month, plus \$5 for additional cart, plus city share of \$0.30 and tax. All members voting yes. Motion carried.



**Motion # 079-2010**

**Backhoe Bid**

Motion by Pollock and seconded by Heim to accept the bid from Forest Excavating for back hoe services at a rate of \$90/hour for operator and backhoe, plus \$50 for extra man. All members voting in favor. Motion carried.

Department updates continued along with review of the Sheriff’s report.

**Motion # 080-2010**

**Approve Department Updates**

Motion by Heim and seconded by Fuller to approve the department updates. All members voting yes. Motion carried.

**Motion # 081-2010**

**Approve Minutes**

Motion by Reidburn and seconded by Pollock to approve the Council and Board of Adjustment Meeting Minutes from April 8, 2010. All members voting yes. Motion carried.

**Motion # 082-2010**

**Approve Financial Statements**

Motion by Heim and seconded by Fuller to approve the financial statements. All members voting yes. Motion carried.

**Motion # 083-2010**

**Approve Claims**

Motion by Pollock and seconded by Reidburn to approve the following claims. All members voting yes. Motion carried.

**Additional April Claims**

#	To	For	Amount
18982	Alltel	utilities	\$93.55
18983	Roger Collins	meals	\$23.00
18984-19000	Water Dept.	payroll	\$890.96
	Sewer Dept.	payroll	\$890.97
	Govt. Bldg.	payroll	\$93.61
	Streets Dept.	payroll	\$2,053.25
	Finance Dept.	payroll	\$1,018.07
	Sanitation	payroll	\$634.51
	Library	payroll	\$350.74
	Transit	payroll	\$585.09
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$312.20
19001	Dacotah Bank	941 taxes	\$1,949.80
19002	Account Mngt.	garnish	\$30.00
19003	Credit Collection Bureau	garnish	\$18.80
19004	Midwest Credits	garnish	\$184.74
19005	Wellmark BCBS	insurance	\$3,768.32
19006	SD Retirement Systems	retirement	\$1,895.82
19007	Best Western Ramkota	conference	\$82.99
19008	John Howardson	reissued check	\$46.17

**City Council Meeting – May 3, 2010**

<b>#</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
19009	John Howardson	reissued check	\$46.17
19010 - 19027	Water Dept.	payroll	\$929.39
	Sewer Dept.	payroll	\$929.38
	Govt. Bldg.	payroll	\$93.61
	Streets Dept.	payroll	\$2,102.66
	Finance Dept.	payroll	\$1,000.53
	Sanitation	payroll	\$706.66
	Library	payroll	\$350.74
	Transit	payroll	\$597.32
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$306.68
19028	Dacotah Bank	941 taxes	\$2,011.43
19029	AFLAC	insurance	\$228.90

**New Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
American Family Insurance	insurance	\$8.00
Clark Co. Farmers Elevator	supplies	\$32.21
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Treasurer	police protection	\$8,165.00
Clark Hometown Variety	supplies	\$105.64
Codington-Clark Equipment	supplies	\$6.99
Dacotah Bank	loan payment	\$3,655.42
Darin Altfillisch	mileage	\$23.68
Desnoyers Hardware	supplies	\$708.18
Fjelland Law Office	legal fees	\$316.00
Gaylord Bro.	supplies	\$128.06
Huron Culvert & Tank	supplies	\$434.00
ITC	utilities	\$399.25
ITC Rural Economic Dev.	loan payment	\$2,813.54
Johnson Brothers	liquor	\$6,634.36
JB Repair	repairs	\$543.74
Lyle Signs	supplies	\$56.39
Mack's Standard	supplies	\$770.25
NAPA Auto Parts	supplies	\$421.28
Northwestern Energy	utilities	\$5,790.61
Petty Cash	supplies	\$92.25
Pitney Bowes	supplies	\$91.99
Quill	supplies	\$243.96
SD Association of Rural Water	professional fees	\$410.00
SD Dept of Revenue	professional fees	\$200.00
SD Rural Development	revenue bond	\$787.00

**City Council Meeting – May 3, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
SD Rural Development	revenue bond	\$908.00
Share Corp.	supplies	\$56.09
Sharp Automotive	repairs	\$349.18
Star Laundry	maintenance	\$53.41
The Tree Farm	supplies	\$524.80
Ulverscroft Large Print Books	books	\$133.38
Woodring Plumbing	repairs	\$55.08

**Motion # 084-2010**

**2010 Appointments**

Motion by Heim and seconded by Pollock to approve the 2010 Appointments. All members voting yes. Motion carried.

**Year 2010  
Mayor Eric Stevens Appointments**

Streets, Alleys, Sidewalks .....	Larry Dreher
American Disabilities Act.....	Roberta Heim
Pool.....	Larry Dreher
Rubble Site .....	Louann Streff
City Parks.....	Louann Streff
Water & Sewer .....	John Pollock
Fire Dept. & Emergency Management .....	Roberta Heim
Zoning Officer.....	Lon Reidburn
Finance Dept.....	Paul Fuller
Liquor Officer.....	Paul Fuller
Med Van.....	Roberta Heim
Recreation Director, Softball & Baseball Complex.....	Lon Reidburn
Government Buildings .....	Lon Reidburn
City Attorney .....	Chad Fjelland
Health Officer .....	Jason Coenen
Finance Officer.....	Jackie Luttrell

**Library Board** (3 year term)  
 Joyce Warren – 2013 (renew)  
 Bev Kluess – 2013 (renew)  
 Carolyn Harding –2012  
 Marlys Moritz – 2011  
 Patti Lamb – 2011

**Park Board**  
 Carmen Kloster  
 Dorcas Protexter  
 Rae Jean Flora

**Clark Housing & Redevelopment Board** (5 year term)  
 Bruce Brekke – 2014                      Jerry Jacobson – 2015 (renew)  
 Bill Krikac – 2013                      Teresa Kaufman - Secretary  
 Sandy Altfillisch – 2012                      Bob Schlueter – 2011

**Motion # 085-2010**

**Council President**

Motion by Heim and seconded by Reidburn to re-elect Larry Dreher as Council President. All members voting yes. Motion carried.

**Motion # 086-2010**

**Council Vice President**

Motion by Heim and seconded by Pollock to re-elect Lon Reidburn as Council Vice President. All members voting yes. Motion carried.

**Motion # 087-2010**

**Baling East Pasture**

Motion by Pollock and seconded by Heim to bid out the hay baling for the East Pasture. All members voting yes. Motion carried.

**Motion # 088-2010**

**Malt Beverage Licenses**

Motion by Fuller and seconded by Reidburn to approve the malt beverage licenses for the Clark Legion and Clark Lanes. All members voting yes. Motion carried.

**First Reading Ordinance # 489 Golf Carts**

Council discussed the first reading of the golf cart ordinance to require permits to operate a golf cart on city streets.

**Nuisance Properties**

Council heard a written complaint from Wayne Altfillisch and William Krikac on a nuisance property at N. Idaho Street and discussed proceeding with abating nuisance properties throughout the city.

**Legion Donation**

No action was taken at this time on the request from the Clark American Legion for a donation to support the baseball program.

**Motion # 089-2010**

**Executive Session**

Motion by Heim and seconded by Reidburn to enter into executive session for contractual and personnel issues. All members voting yes. Motion carried.

Executive session began at 8:14 pm and ended at 8:42 pm.

**Motion # 090-2010**

**Summer Rec Coaches**

Motion by Pollock and seconded by Heim to hire Brandi Harrington, Samantha Luttrell and Hannah Steffen as the summer rec coaches at a pay of \$7.25/hour. Sam Hartley has volunteered to coach the midgets and council accepted his offer. All members voting yes. Motion carried.

**Motion # 091-2010**

**Summer Mowing/Parks Help**

Motion by Fuller and seconded by Reidburn to hire Brandon Varilek to mow and maintain the baseball and softball fields at a pay of \$8.50/hour. All members voting yes. Motion carried.

**Motion # 092-2010**

**Adjourn**

Motion by Fuller and seconded by Reidburn to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 8:43 pm.

This institution is an equal opportunity provider, and employer.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell  
(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting**  
**June 7, 2010**  
**7:00 PM**

**Call to order:** The Clark City Council met in session on June 7, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Bill Krikac, Darin Altfillisch, Roger Collins, Terry Binger, Bruce Brekke, Bob Bjerke, Dave Boehnke and Melissa Altfillisch.

Mayor Stevens called the meeting to order at 7:00 pm.

**Motion # 093-2010**

**Adopt Agenda**

Motion by Streff and seconded by Pollock to adopt the agenda. All members voting yes. Motion carried.

**Public Input**

Bruce Brekke was in attendance asking for financial assistance for the Legion baseball league. Terry Binger addressed the council about moving an older model trailer into his trailer court from a residential location in town. Fjelland and Luttrell will follow up with Terry on whether a variance is necessary.

**Motion # 094-2010**

**Legion Baseball**

Motion by Streff and seconded by Reidburn to give \$1,500 to the Clark American Legion in support of their baseball program. All members voting yes. Motion carried.

**Motion # 095-2010**

**Health Insurance Renewal**

Motion by Fuller and seconded by Dreher to renew the Wellmark Health plan and do a 50/50 split of the increased deductible and out of pocket expense. Members voting yes were Dreher, Fuller, Pollock and Streff. Opposed Reidburn and Heim.

**Motion # 096-2010**

**Executive Session**

Motion by Dreher and seconded by Streff to enter into executive session to discuss the baling bid. All members voting yes. Motion carried.

Executive session lasted 5 minutes.

**Baling Auction for East Pasture**

Mayor Stevens opened up the bidding for baling the East Pasture at \$250. Bob Bjerke offered \$250 and no other bids were offered.

**Motion # 097-2010**

**Resolution # 789 Baling East Pasture**

Motion by Dreher and seconded by Heim to approve the following Resolution. All members voting yes. Motion carried.

**RESOLUTION # 789**

A RESOLUTION TO AUTHORIZE THE LEASE OF CERTAIN REAL ESTATE HELD BY THE CITY OF CLARK, TO ROBERT BJERKE, AND TO DESIGNATE THE MAYOR AS THE SIGNATORY FOR ALL DOCUMENTS RELATING TO THE LEASING OF SAID REAL ESTATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARK, SOUTH DAKOTA:

WHEREAS, the City of Clark owns real estate legally described as follows:

A tract of land commonly known and described as the "East Pasture". This tract contains approximately 25 acres and is bordered on the North by Potato Products Addition Lot One, on the West by the Builder's Outlots, on the South by various private property and on the East by the quarter line; and,

Lamb's Addition in the Southeast Quarter (SE ¼) of Section Six (6) , Township One Hundred Sixteen (116) North, of Range Fifty-Seven (57), West of the 5<sup>th</sup> P.M., Clark County, South Dakota (containing approximately 4.33 acres).

WHEREAS, Robert Bjerke desires to lease the above-described property from the City of Clark for the exclusive purpose of producing hay;

WHEREAS, the City of Clark desires to lease a portion of the above described property to Robert Bjerke.

NOW, THEREFORE, BE IT RESOLVED that the City of Clark, South Dakota, forthwith enter a contract for the lease of the above-referenced real estate, upon those terms and conditions, and for the consideration as contained in the draft lease agreement on file with the City Finance Office;

AND BE IT FURTHER RESOLVED, that Eric Stevens, Mayor the City of Clark, is hereby authorized and directed to execute all documents and take whatever other action he may deem necessary to consummate the lease of above described real estate for the consideration in this Resolution.

\_\_\_\_\_  
Eric Stevens, Mayor  
City of Clark, South Dakota

ATTEST: \_\_\_\_\_  
Jackie Luttrell, Finance Officer

**Motion # 098-2010**

**Safety Manual**

Motion by Pollock and seconded by Reidburn to approve the Safety Manual. All members voting yes. Motion carried.

**Cisterns**

Council agreed to offer filling in cisterns at no cost. Residents can contact city hall to arrange work.

**Tire Recycling**

Considerations were made on having a tire collection program; will instead refer inquiries to the local gas stations that already have a program.

Department updates given by Luttrell, Collins and Altfillisch.

**Motion # 099-2010**

**Approve Department Updates**

Motion by Dreher and seconded by Reidburn to approve the department updates. All members voting yes. Motion carried.

**Joint City Council & Planning Commission Meeting**

The City Council, having published a public notice, entered a joint public hearing between the City Council and Planning Commission to hear comments regarding Ordinance #490, An ordinance amending Ordinance #485, by amending Chapters 11.07.04, 11.08.04, 11.09.04 and 11.10.04 in Title 11 Zoning of the Clark Municipal Code. No citizens were present to voice comments on the ordinance.

**Motion # 100-2010**

**Joint Public Hearing**

Motion by Dreher and seconded by Reidburn to enter the Joint Public Hearing for the Council and Planning Commission. All members voting yes. Motion carried. Hearing began at 7:54 pm.

**Motion # 101-2010**

**Ordinance Recommendation**

Motion by Heim and seconded by Fuller to recommend approval of Ordinance # 490 – An ordinance amending Title 11 – Zoning to the Clark City Council. All members voting yes. Motion carried.

Joint hearing ended at 7:55 pm, and the regular city council reconvened.

**Motion # 102-2010**

**Approve Recommendation**

Motion by Heim and seconded by Fuller to approve the Planning Commission's recommendation to adopt Ordinance #490. All members voting yes. Motion carried.

First reading of Ordinance #490 was had.

**Motion # 103-2010**

**Approve Minutes**

Motion by Pollock and seconded by Streff to approve the Council Meeting Minutes from May 3, 2010. All members voting yes. Motion carried.



**Motion # 104-2010**

**Approve Financial Statements**

Motion by Fuller and seconded by Heim to approve the financial statements. All members voting yes. Motion carried.

**Motion # 105-2010**

**Approve Claims**

Motion by Reidburn and seconded by Pollock to approve the following claims. All members voting yes. Motion carried.

**Additional May Claims**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
326	Dacotah Bank	professional fees	\$31.00
327	City of Clark	utilities	\$50.88
328	SD Dept. of Revenue	sales tax	\$17.77
19060	Ellwein Brothers	liquor	\$14,165.40
19061	Porter Distributing	liquor	\$3,167.30
19062	Cook's Wastepaper	garbage	\$39.93
19063	Clark Rural Water	materials	\$12,780.60
19064	VOID		
19065	Van Diest Supply	equipment	\$10,266.00
19066	Republic National	liquor	\$10,058.55
19067	Cook's Wastepaper	garbage	\$5,139.86
19068	The US Life Insurance	insurance	\$17.40
19069-19092	Water Dept.	payroll	\$902.49
	Sewer Dept.	payroll	\$902.49
	Govt. Bldg.	payroll	\$93.61
	Pool	payroll	\$59.68
	Streets	payroll	\$2,133.85
	Finance Office	payroll	\$1,000.53
	Sanitation	payroll	\$702.70
	Library	payroll	\$378.44
	Transit	payroll	\$523.95
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$390.17
19093	Dacotah Bank	941 taxes	\$2,036.54
19094	Wellmark BCBS	insurance	\$3,768.32
19095	alltel	utilities	\$87.98
19096	YMCA Aberdeen	classes	\$480.00
19097	SD Dept. of Revenue	malt beverage license	\$300.00
19098	Angie O'Neal	refund	\$25.00
19099	Petty Cash	supplies	\$72.74
19100 - 19129	Water Dept.	payroll	\$1,073.27
	Sewer Dept.	payroll	\$1,073.27

**City Council Meeting – June 7, 2010**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
	Govt. Bldg.	payroll	\$93.61
	Pool	payroll	\$971.42
	Streets	payroll	\$2,057.10
	Finance Office	payroll	\$1,272.58
	Sanitation	payroll	\$777.26
	Library	payroll	\$350.74
	Transit	payroll	\$557.07
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$805.59
	Teeners	payroll	\$263.86
19130	Dacotah Bank	941 taxes	\$2,533.05
19131	SD Retirement Systems	retirement contributions	\$2,935.00
19132	Account Management	garnish	\$45.00
19133	Credit Collections Bureau	garnish	\$28.20
19134	Midwest Credits	garnish	\$277.11
19135 - 19140	Council	payroll	\$1,985.58
19141	Dacotah Bank	941 taxes	\$468.84
19142	Brandon Varilek	payroll	\$29.78
19143	Dacotah Bank	941 taxes	\$4.94
19144	Dacotah Bank	subsidies	\$3,613.41

**June Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
3D Specialties	supplies	\$330.24
A&B Business Solutions	maintenance	\$104.93
AFLAC	insurance	\$228.90
American Family Insurance	insurance	\$8.00
Asphalt Paving & Materials	supplies	\$9,989.00
A-Tech	repairs	\$2,580.00
A-OX Welding Supply	supplies	\$31.08
Cardmember Services	supplies	\$92.97
Chase Monson	mileage	\$236.80
Clark Chamber of Commerce	subsidies	\$500.00
Clark Co. Farmers Elevator	supplies	\$309.90
Clark Co. Historical Society	subsidies	\$560.00
Clark Hometown Variety	supplies	\$37.91
Clark County Treasurer	police protection	\$8,165.00
Clark Courier	advertising	\$607.10
Clark Community Oil	supplies	\$1,806.60

**City Council Meeting – June 7, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Clark Doland Concrete	supplies	\$2,313.00
Clark Rural Water	materials	\$13,028.80
Clausen Construction	supplies	\$744.00
Cole Papers	supplies	\$260.66
Cook's Wastepaper	utilities	\$39.93
Dacotah Bank	fees	\$32.44
Dakota Electronics	repairs	\$1,135.25
Dekker Hardware	supplies	\$349.73
Desnoyers Hardware	supplies	\$920.97
Ecolab	maintenance	\$77.00
Ellwein Brothers	liquor	\$11,188.35
ESRI	maintenance	\$400.00
Fjelland Law Office	legal fees	\$604.00
Girton Adam Co.	equipment	\$19,969.42
Hawkins	supplies	\$10,887.01
Huron Culvert	supplies	\$712.14
In the Swim	supplies	\$22.94
ITC	utilities	\$393.66
ITC Economic Development	loan	\$2,802.22
Jodi Hemiller	training	\$190.00
Johnson Brothers	liquor	\$6,624.36
Ken's	supplies	\$85.01
Literary Guild	books	\$54.25
Lyle Signs	supplies	\$149.89
Mack's Standard	supplies	\$373.14
Mid America Sports Advantage	supplies	\$1,173.31
Midwest Playscapes	installation	\$1,562.00
Moritz Publishing	supplies	\$288.10
NAPA Auto Parts	supplies	\$208.91
Northwestern Energy	utilities	\$4,477.06
Olson Auto Parts	supplies	\$143.89
Olson Motor Co.	repairs	\$451.26
One Call Systems	professional fees	\$59.89
Oscar's Machine	repairs	\$240.39
Pitney Bowes	supplies	\$1,123.99
Porter Distributing	liquor	\$2,946.50
Pro Build	supplies	\$632.12
Quill	supplies	\$58.22
Republic National	liquor	\$5,436.67
Rita Zeck	maintenance	\$35.00

City Council Meeting – June 7, 2010

To	For	Amount
Ritter's repairs	repairs	\$250.50
SD Dept of Revenue	professional fees	\$200.00
SD Rural Development	sewer revenue bond	\$787.00
SD Rural Development	water revenue bond	\$908.00
Share Corp.	supplies	\$286.49
Star Laundry	maintenance	\$106.82
State of SD VFW	registration	\$75.00
The Tree Farm	supplies	\$119.80
USA Blue Book	supplies	\$294.51
Westside Implement	repairs	\$4.71
Woodring Plumbing	repairs	\$994.25
Dacotah Bank	subsidies	\$3,613.41

**Motion # 106-2010**

**Special Events Liquor License**

Motion by Dreher and seconded by Reidburn to approve a special events liquor license for the Rotary for the Tour De Kota on June 9 at Dickinson Park. All members voting yes. Motion carried.

**Motion # 107-2010**

**Clark Lanes Operating Agreement**

Motion by Dreher and seconded by Heim to renew the Clark Lanes operating agreement on July 1. All members voting yes. Motion carried.

**Motion # 108-2010**

**Ordinance #489 Golf Carts**

Motion by Fuller and seconded by Pollock to approve Ordinance #489 on Golf Cart usages. Members voting yes: Fuller, Heim, Pollock Reidburn and Streff. Opposed: Dreher. Ordinance #489 was published in the June 9<sup>th</sup> paper.

First reading was had on Ordinance # 491 Transient Vendors – an ordinance to changing the approval of a transient vendor to the Mayor instead of city council.

**Motion # 109-2010**

**Supplementing Parks Budget**

Motion by Dreher and seconded by Streff to supplement the Parks budget by \$12,250 to supplement the purchase of the playground equipment from funds received by the capital outlay fund, Rotary and Lion's groups. All members voting yes. Motion carried.

**Motion # 110-2010**

**Write Off Uncollectable Water Account**

Motion by Fuller and seconded by Pollock to write off \$527.80 as an uncollectable water account, account 02-00002270-00-5. All members voting yes. Motion carried.

**Motion # 111-2010**

**July Meeting**

Motion by Dreher and seconded by Heim to change the July council meeting to July 7, 2010 at 7:00 pm due to the 4<sup>th</sup> of July holiday. All members voting yes. Motion carried.

**Motion # 112-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 8:12 pm.

This institution is an equal opportunity provider, and employer.

\_\_\_\_\_  
Mayor Eric Stevens

\_\_\_\_\_  
Attest: Finance Officer Jackie Luttrell

(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting  
June 28, 2010  
7:00 PM**

**Call to order:** The Clark City Council met in session on June 28, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim and Lon Reidburn. Absent John Pollock.

**Others Present:** Finance Officer Jackie Luttrell, City Attorney Chad Fjelland and Paul Herman

Council President Dreher called the meeting to order at 7:02 pm.

**Motion # 113-2010**

**Adopt Agenda**

Motion by Reidburn and seconded by Fuller to adopt the agenda. All members voting yes.  
Motion carried.

**Motion # 114-2010**

**Approve Minutes**

Motion by Fuller and seconded by Heim to approve the Council Meeting Minutes from June 7, 2010. All members voting yes. Motion carried.

**Board of Adjustment Meeting**

This being the published time and place, the City Council entered into the Board of Adjustment meeting to hear a variance request by Paul Herman. Finance Officer Luttrell stated Mr. Herman has met all the requirements for the variance request to build a 40' x 60' steel sided building.

**Motion # 115-2010**

**Approve Variance**

Motion by Heim and seconded by Reidburn to approve Paul Herman's variance request to build a 40' x 60' steel sided building on his property at 307 4<sup>th</sup> Ave. SE, legal description W 35' of Lot 2 & E 40' of Lot 3 Block 9 Brown & Wares Addn Clark & Lot 1 & E 25' of Lot 2 Block 9 Brown & Wares Addn Clark. All members voting yes. Motion carried.

**Motion # 116-2010**

**Ordinance #490 Zoning Correction**

Motion by Reidburn and seconded by Streff to approve Ordinance #490 An Ordinance Amending the Zoning Manual. All members voting yes. Motion carried.

**ORDINANCE #490**

AN ORDINANCE AMENDING CLARK MUNICIPAL CODE " TITLE 11 – ZONING".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARK, SOUTH DAKOTA, that Title 11 – Zoning, Chapters 11.07.04, 11.08.04, 11.09.04, 11.10.04 Conditional Use be amended to **remove** the following wording from the section of Conditional Use:

**City Council Meeting – June 28, 2010**

“The Board of Adjustment may grant the following uses provided the written consent of more than fifty percent (50%) of the number of owners of property within two hundred fifty (250) feet of any property line of the premises is obtained.”

All ordinances and resolutions or parts of ordinances and resolutions in conflict with this ordinance are hereby expressly repealed and from and after the effective date of this ordinance, this ordinance shall take precedence over any other ordinance or resolution previously adopted.

CITY OF CLARK

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Eric Stevens, Mayor

ATTEST:

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Jackie Luttrell, Finance Officer  
(SEAL)

**Motion # 117-2010**

**Ordinance #491 Transient Vendors**

Motion by Fuller and seconded by Streff to approve Ordinance #491 An Ordinance Amending Title 8, License, Chapter 8.06.10 of the Clark Municipal Code. All members voting yes. Motion carried.

**ORDINANCE NO. 491**

AN ORDINANCE TO AMEND TITLE 8, LICENSES, CHAPTER 8.06.10 OF THE CLARK MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARK, SOUTH DAKOTA, that “Title 8 – Licenses, Chapter 8.06 Transient Merchants, Peddlers, Section 8.06.10 Approval of License” of the Clark Municipal Code be amended to read in its entirety as follows:

“8.06.10           Approval of License

Any person seeking to obtain a license under the provisions of this Chapter shall pay to the City Finance Officer the amount provided for by this Chapter for such license, for which the Finance Officer shall furnish the applicant a receipt designating kind of place and activity applied for. Upon presentation of such receipt, the Mayor or Council President, at his/her discretion reviews the application and deems if the applicant a suitable and proper person to have such license, shall endorse on a said receipt the word “granted” and sign the endorsement officially. Said receipt when signed shall be deemed a good and sufficient license. If the Mayor does not grant said license, the applicant shall be informed of the same and the Finance Officer shall thereupon

City Council Meeting – June 28, 2010

refund the amount of the license paid and the applicant’s receipt shall be the Finance Officer’s voucher for the money returned. “

All ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed and from and after the effective date of this ordinance, this ordinance shall take precedence over any other ordinance previously adopted.

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Eric Stevens, Mayor

ATTEST:

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Jackie Luttrell  
City Finance Officer

(SEAL)

**Motion # 118-2010**

**Approve Claims**

Motion by Fuller and seconded by Reidburn to approve the following claims. All members voting yes. Motion carried.

#	To	For	Amount
333	City of Clark	utilities	\$622.82
334	SD Dept of Revenue	sales tax	\$280.42
335	EFTPS	941 taxes	\$2,743.92
336	EFTPS	941 taxes	\$2,949.84
337	EFTPS	941 taxes	\$35.78
19209	The US Life Insurance Co.	insurance	\$17.40
19210	Dacotah Bank	TIF 2 loan	\$2,771.10
19211	Clark American Legion	support	\$1,500.00
19212	City of Clark	deposit applied to bill	\$50.42
19213	Dawnette Austin	refund deposit balance	\$49.58
19214	Cook's Wastepaper	garbage	\$5,235.42
19215 -19216	Water Dept.	payroll	\$1,088.81
19218 -19248	Sewer Dept.	payroll	\$1,088.81
	Govt. Bldg.	payroll	\$84.98
	Pool	payroll	\$1,931.55
	Streets	payroll	\$2,150.67
	Finance Office	payroll	\$1,000.53
	Sanitation	payroll	\$706.66
	Library	payroll	\$378.44
	Transit	payroll	\$470.93
	Mayor	payroll	\$172.27



**City Council Meeting – June 28, 2010**

<b>#</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
	Parks Dept.	payroll	\$1,176.05
	Teener	payroll	\$263.86
19247	Menards	supplies	\$74.19
19217	VOIDED		
19249	Wellmark BCBS	insurance	\$4,562.36
19250	Rae Jean Flora	mileage & meals	\$146.72
19251	Jackie Luttrell	meals	\$52.00
19252	alltel	utilities	\$87.98
19253	Francis L. Dean & Assoc.	insurance	\$326.51
19254	The US Life Insurance Co.	insurance	\$34.80
19255	Jensen's	fridge	\$225.00
19256	Petty Cash	supplies	\$83.14
19257 - 19287	Water Dept.	payroll	\$1,032.82
	Sewer Dept.	payroll	\$1,032.82
	Govt. Bldg.	payroll	\$93.61
	Pool	payroll	\$2,758.23
	Streets	payroll	\$2,155.85
	Finance Office	payroll	\$1,245.39
	Sanitation	payroll	\$768.27
	Library	payroll	\$378.44
	Transit	payroll	\$654.41
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$1,478.49
	Teener	payroll	\$263.86
19288	VOIDED		
19289	Account Mngt.	garnish	\$30.00
19290	Credit Collections Bureau	garnish	\$18.80
19291	Midwest Credits	garnish	\$184.74
19292	Chase Monson	supplemental payroll	\$215.92

<b>To</b>	<b>For</b>	<b>Amount</b>
Adolph Kiefer & Assoc.	swimsuits	\$696.58
Baker & Taylor	books	\$39.78
Book of the Month Club	books	\$103.41
Brenda Jenkins	refund	\$20.00
Butler Machinery Co.	parts	\$261.71
Cardmember Services	supplies & hotel	\$271.14
Clark Chamber of Commerce	fireworks donation	\$250.00
Clark Co. Highway Dept.	salt sand	\$205.20
Clark Community Oil	supplies	\$1,714.85

**City Council Meeting – June 28, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Clark Hometown Variety	supplies	\$18.44
Emma Adam	mileage and meals	\$173.36
Gruenwald Electric	repairs	\$28.47
Harve's Sport Shop	supplies	\$61.35
Hawkins	supplies	\$11,019.89
Huron Culvert	supplies	\$381.40
In the Swim	supplies	\$71.93
Kendra Stromsness	meals and mileage	\$108.61
M&T Fire & Safety	supplies	\$24.00
Mid-America Sports Advantage	supplies	\$962.63
Moeller Sheet Metal	maintenance	\$2,221.34
Northwestern Energy	utilities	\$6,798.46
Office Peeps	supplies	\$119.40
Pioneer Bank & Trust	copier	\$942.00
Pitney Bowes Postage	fees	\$22.14
Pitney Bowes Lease	supplies	\$186.98
Quill	supplies	\$50.87
R & R Conversions	supplies	\$91.10
Ruth Schweiger	refund	\$13.00
Sara Hoogheem	mileage	\$56.24
SD DENR	professional fees	\$600.00
SD Dept of Revenue	professional fees	\$272.00
Sign Pro	supplies	\$75.00
United Industries Inc.	supplies	\$308.43
Watertown Community Rec Ctr.	training	\$160.00
Westside Implement	skid steer	\$1,370.00
Whelen Engineering Co.	parts	\$75.00
William Neale & Co.	professional fees	\$11,275.00

**Motion # 119-2010**

**Personnel Manual Update**

Motion by Streff and seconded by Reidburn to approve updates to the Personnel Manual regarding the health insurance benefit change of splitting the deductible and out-of-pocket maximums. All members voting yes. Motion carried.

**Chip Seal Bid**

This being the advertised time and place, bids were opened for chip sealing city streets. One bid was received from McLaughlin & Schulz for \$22,100.00 to apply one tanker load of oil (supplied by the city) to 221,000 square feet of streets. Street Superintendent Collins was not in attendance. Bid was tabled until the July meeting.

**Motion # 120-2010**

**2008 Audit**

Motion by Heim and seconded by Reidburn to approve the 2008 audit as performed by William Neale & Co. All members voting yes. Motion carried.

**Motion # 121-2010**

**Transient Permit**

Motion by Heim and seconded by Streff to approve the Transient Permit requested by Osborne Clothing for July 7 and July 8 at the Clark American Legion. All members voting yes. Motion carried.

**Dog Inquiries**

Council revisited how to handle dog complaints. Will readvertise for a dog catcher and Streff will talk to the Sheriff about what it would take to get their office to handle dog calls.

**Motion # 122-2010**

**Surge Suppressor**

Motion by Heim and seconded by Reidburn to approve to purchase a surge suppressor for the clinic at a cost of \$2,688.45 from Marquardt Electric. Members voting yes included Heim, Reidburn, Fuller and Dreher. Streff abstained. Motion carried.

**Motion # 123-2010**

**Executive Session**

Motion by Heim and seconded by Reidburn to enter into executive session for personnel issues. All members voting yes. Motion carried.

Executive session began at 7:23 pm and ended at 7:31 pm.

**Motion # 124-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 7:32 pm.

This institution is an equal opportunity provider, and employer.

\_\_\_\_\_  
Council President Larry Dreher

\_\_\_\_\_  
Attest: Finance Officer Jackie Luttrell

(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting**  
**July 7, 2010**  
**7:00 PM**

**Call to order:** The Clark City Council met in session on July 7, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Roberta Heim, John Pollock and Lon Reidburn. Absent Louann Streff.

**Others Present:** Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Bill Krikac, Roger Collins, Loren Stanley, Merlyn Ritter and Terry Binger. Absent Mayor Eric Stevens and Darin Altfillisch.

Council President Dreher called the meeting to order at 7:03 pm.

**Motion # 125-2010**

**Adopt Agenda**

Motion by Pollock and seconded by Reidburn to adopt the agenda. All members voting yes.  
Motion carried.

**Public Input**

Merlyn Ritter was in attendance asking for assistance with the drainage issue by his house.

**Department Updates**

Updates given by Collins, Stanley and Luttrell. No action taken on the chip sealing due to high cost. Heim asked for salary comparisons and benefit summaries for full time employees. Reidburn explained repairs needed to Dickinson Park backstop would cost \$2,600.

**Board of Adjustments Meeting**

Being 7:35 pm, council went into the scheduled Board of Adjustment meeting to hear a variance request by Terry Binger. Luttrell stated all the variance requirements have been met by Binger to move a trailer older than 10 years to his residential manufactured home district lot from another lot in town. No one was in attendance to voice opinions.

**Motion # 126-2010**

**Approve Variance**

Motion by Fuller and seconded by Pollock to approve the variance request for Terry Binger to allow him to move a trailer from another lot in town into his residential manufactured home district. All members voting yes. Motion carried.

Board of Adjustments meeting declared out at 7:40 pm. Council meeting reconvened.

**Motion # 127-2010**

**Backstop Repairs**

Motion by Pollock and seconded by Heim to approve the \$2,600.00 expense to replace the backstop at Dickinson Park. All members voting yes. Motion carried.

**Motion # 128-2010**

**Approve Department Updates**

Motion by Heim and seconded by Reidburn to approve the department updates. All members voting yes. Motion carried.

**Motion # 129-2010**

**Approve Minutes**

Motion by Reidburn and seconded by Fuller to approve the Council Meeting Minutes from June 28, 2010. All members voting yes. Motion carried.

**Motion # 130-2010**

**Approve Financial Statements**

Motion by Pollock and seconded by Heim to approve the financial statements. All members voting yes. Motion carried.

**Motion # 131-2010**

**Approve Library 2<sup>nd</sup> Qtr. Financial Statements**

Motion by Pollock and seconded by Reidburn to approve the 2<sup>nd</sup> quarter library financial statements. All members voting yes. Motion carried.

**Motion # 132-2010**

**Approve Claims**

Motion by Reidburn and seconded by Heim to approve the following claims. All members voting yes. Motion carried.

**Additional Paid Claims**

#	To	For	Amount
338	American Family Insurance	life insurance	\$8.00
339	SD Rural Development	sewer revenue bond	\$787.00
340	SD Rural Development	water revenue bond	\$908.00
341	Dacotah Bank	credit card fees	\$39.09
19330	SD Retirement Systems	retirement contributions	\$2,065.42

**New Claims**

To	For	Amount
A-OX Welding	supplies	\$10.54
A&B Business	maintenance	\$54.10
ALFAC	insurance	\$228.90
Banyon Data Systems	maintenance	\$195.00
Brooklyn Bjerke	mileage	\$120.25
Butler Machinery	repairs	\$10,506.64
Clark Co. Auto Parts	repair parts	\$87.97
Clark Community Oil	supplies	\$1,158.33
Clark Co. Courier	advertising	\$389.33
Clark Co. Farmers Elevator	repairs	\$183.60
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Treasurer	police protection	\$8,165.00

**City Council Meeting – July 7, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Codington Clark Equipment	repair parts	\$91.00
Cook's Wastepaper	garbage	\$39.93
Dacotah Bank	subsidies	\$6,477.47
Dakota Electronics	maintenance	\$200.00
Dekker Hardware	supplies	\$934.27
Electric Motors & Moore	repairs	\$231.50
First National Bank	SRF loan	\$6,940.29
Fjelland Law Office	legal fees	\$366.40
ITC	utilities	\$433.69
Johnson Brothers	liquor	\$6,154.19
Ken's	supplies	\$945.52
Mack's Standard	supplies	\$474.97
Midwest Alarm	professional fees	\$261.25
Moritz Publishing	supplies	\$120.20
Olson Motor Co.	repairs	\$647.91
Oscar's Machine Shop	repairs	\$21.76
Porter Distributing	liquor	\$4,662.35
Pro Build	supplies	\$194.37
Republic National	liquor	\$9,047.68
Ritter's Repair	repairs	\$20.00
Roy's Sport Shop	supplies	\$221.97
SD Dept of Revenue	sales tax	\$243.36
Ellwein	liquor	\$10,034.05
Star Laundry	maintenance	\$53.41
Young's Primetime Sports	Teener supplies	\$292.50
Westside Implement	repairs	\$157.69
Woodring Plumbing	repairs	\$181.05

**Motion # 133-2010**

**Sheriff's Report**

Motion by Heim and seconded by Pollock to approve the Sheriff's report. All members voting yes. Motion carried.

**Motion # 134-2010**

**Operating Agreement**

Motion by Fuller and seconded by Reidburn to approve renewing operating agreement for Clark Lanes and Playhouse. All members voting yes. Motion carried.

**Sewer Rates**

Luttrell reported on the need to increase revenue in the Sewer fund to keep up with repairs and maintenance. After discussion, a first reading of was done to add a \$2.00 service line fee to all accounts, irrespective of vacancy or abandonment of the property.

City Council Meeting – July 7, 2010

First Reading of Ordinance #492 An Ordinance Amending Sewer Rates.

**Motion # 135-2010**

**Meeting Date Change**

Motion by Heim and seconded by Reidburn to change the August meeting to August 4, 2010 at 7:00 pm and the September meeting to September 9, 2010 at 7:00 pm. All members voting yes. Motion carried.

**Motion # 136-2010**

**Executive Session**

Motion by Reidburn and seconded by Heim to enter into executive session for contractual and personnel issues. All members voting yes. Motion carried.

Executive session began at 8:00 pm and ended at 8:14 pm.

No applicants were received for a dog catcher. The City will continue without one.

**Motion # 137-2010**

**Adjourn**

Motion by Fuller and seconded by Heim to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 8:15 pm.

This institution is an equal opportunity provider, and employer.

---

Council President Larry Dreher

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Attest: Finance Officer Jackie Luttrell

(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting**  
**August 4, 2010**  
**7:00 PM**

**Call to order:** The Clark City Council met in session on August 4, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim and John Pollock. Absent Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Bill Krikac, Loren Stanley, Trudy Collins, Jeff & Heidi Seefeldt and Tom LaBrie.

Mayor Stevens called the meeting to order at 7:02 pm.

**Motion # 138-2010**

**Adopt Agenda**

Motion by Heim and seconded by Streff to adopt the agenda. All members voting yes. Motion carried.

**Public Input**

Trudy Collins presented a donation for the med van in memory of her mother, Edith Barton. Jeff and Heidi Seefeldt addressed the council regarding a drainage issue on their property. Tom LaBrie addressed the council regarding a sewer issue at his house. City will research each issue.

**Department Updates**

Updates given by Stanley and Luttrell. Altfillisch and Collins were absent. Bleachers at Dickinson Park will get replaced before the Teener Tournament. Luttrell gave an update on the hail damage to the various city buildings and equipment. Some quotes have already been received for the needed repairs. The Mayor may call a special meeting when numbers come back from insurance to determine next steps. Luttrell advised the Council of a notice received by DENR that our outfall line will not be in compliance within 5 years. Planning for the 2011 budget is underway.

**Motion # 139-2010**

**Small Community Planning Grant**

Motion by Fuller and seconded by Heim to apply for the Small Community Planning Grant for 80% of the cost of the report, up to \$6,000, to perform a wastewater system study to assist the city in determining a solution for our wastewater system and soon to be non-compliant outfall line . All members voting yes. Motion carried.

**Motion # 140-2010**

**Approve Updates**

Motion by Pollock and seconded by Streff to approve the department updates. All members voting yes. Motion carried.



**Motion # 141-2010**

**Approve Minutes**

Motion by Heim and seconded by Pollock to approve the council meeting minutes from July 7, 2010. All members voting yes. Motion carried.

**Motion # 142-2010**

**Approve Financial Statements**

Motion by Fuller and seconded by Pollock to approve the financial statements. All members voting yes. Motion carried.

**Motion # 143-2010**

**Approve Claims**

Motion by Dreher and seconded by Streff to approve the following claims. All members voting yes. Motion carried.

#	To	For	Amount
343	City of Clark	utilities	\$976.48
344	EFTPS	941 taxes	\$2,877.27
345	EFTPS	941 taxes	\$3,086.00
19369 - 19401	Water Dept.	payroll	\$1,046.27
	Sewer Dept.	payroll	\$1,046.28
	Govt. Bldg.	payroll	\$84.98
	Pool	payroll	\$2,541.02
	Streets Dept.	payroll	\$2,267.94
	Finance Office	payroll	\$1,104.33
	Sanitation Dept.	payroll	\$734.04
	Library	payroll	\$378.44
	Transit	payroll	\$537.10
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$1,447.39
	Teeners Coach	payroll	\$263.86
19402	Cook's Wastepaper	garbage collections	\$5,235.42
19403	Clark Co. Famers Elevator	refund	\$2,377.25
19404	Clark Rural Water	materials	\$14,297.00
19405	Alltel	utilities	\$91.30
19406	Wellmark BCBS	insurance	\$3,077.40
19407	Jensen's	supplies	\$150.00
19408	Petty Cash	supplies	\$89.74
19409 - 19441	Water Dept.	payroll	\$1,045.54
	Sewer Dept.	payroll	\$1,045.54
	Govt. Bldg.	payroll	\$93.61
	Pool	payroll	\$4,129.47
	Streets Dept.	payroll	\$2,096.53
	Finance Office	payroll	\$1,058.14
	Sanitation Dept.	payroll	\$777.93
	Library	payroll	\$350.74

**City Council Meeting – August 4, 2010**

<b>#</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
	Transit	payroll	\$515.78
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$1,324.64
	Teeners Coach	payroll	\$263.86
19442	Account Mngt.	garnish	\$30.00
19443	Midwest Credits	garnish	\$184.74
19444	Credit Collections Bureau	garnish	\$18.80
19445	SD Retirement Systems	retirement contributions	\$2,053.82

<b>To</b>	<b>For</b>	<b>Amount</b>
Adolph Keifer	pool supplies	\$104.28
AFLAC	insurance	\$131.80
American Family Insurance	insurance	\$8.00
A-OX Welding	supplies	\$10.54
Automatic Systems	water repairs	\$1,044.65
Banyon Data Systems	maintenance	\$395.00
Book of the Month Club	books	\$36.98
Brandi Harrington	mileage	\$270.10
Butler Machinery	street parts	\$14.97
Cardmember Services	conference fees	\$331.80
Chief	fire dept supplies	\$624.87
Clark Co. Courier	advertising	\$129.90
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Treasurer	police protection	\$8,165.00
Clark Co. Weed Board	park & dump spraying	\$297.68
Clark Doland Concrete	supplies	\$612.00
Colonial Research	pool supplies	\$911.62
Cook's Wastepaper	garbage	\$39.93
Credit Bureau of Wtn	collection fees	\$25.00
Dacotah Bank	subsidies	\$6,477.47
Dacotah Bank	credit card fees	\$93.68
Dakota Butcher	concessions	\$172.31
Dekker Hardware	maintenance	\$1,385.71
Ellwein Brothers	liquor	\$15,233.40
Expetec	maintenance	\$159.00
Fjelland Law Office	legal fees	\$337.60
Forest Excavating	repairs	\$5,247.78
Gruenwald Electric	repairs	\$90.53
Hawkins	pool supplies	\$6,517.15
Heiman Fire Equipment	maintenance	\$239.00
ITC	utilities	\$411.30

**City Council Meeting – August 4, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Jackie Luttrell	mileage	\$13.32
Johnson Brothers	liquor	\$6,497.42
L. Marquardt Electric	surge suppressor & maintenance	\$2,843.64
Lakeside Equipment	repairs	\$215.00
Literary Guild	books	\$57.57
Mack's Standard	supplies	\$328.12
Michael Todd & Co.	street supplies	\$761.69
Milbank Communications	fire dept. maintenance	\$38.00
NAPA Auto Parts	supplies	\$7.14
Northwestern Energy	utilities	\$7,849.04
Olson Auto Parts	repairs	\$225.17
One Call Systems	locates	\$16.95
Osborne Books	books	\$206.31
Oscar's Machine Shop	repairs	\$936.79
Pitney Bowes	maintenance	\$372.00
Porter Distributing	liquor	\$5,836.35
Quill	supplies	\$285.33
Ritter's Repair	maintenance	\$304.98
SD Dept. of Revenue	water testing	\$320.00
SD Public Assurance Alliance	insurance	\$170.00
SD Rural Development	sewer revenue bond	\$787.00
SD Rural Development	water revenue bond	\$908.00
Share Corp.	pool supplies	\$1,116.38
Shirts in the Works	supplies	\$145.00
Star Laundry	maintenance	\$53.41
Thomson West	supplies	\$170.00
Westside Implement	repairs	\$16.01
Woodring Plumbing	repairs	\$56.61

**Motion # 144-2010**

**Sheriff Report**

Motion by Heim and seconded by Pollock to approve the sheriff report. All members voting yes.  
Motion carried.

**Motion # 145-2010**

**Ordinance #492 Sewer Rates**

Motion by Dreher and seconded by Pollock to approve Ordinance #492 – An ordinance amending the sewer rates that reads as follows. All members voting yes. Motion carried.

**ORDINANCE # 492**

AN ORDINANCE AMENDING CLARK MUNICIPAL CODE "TITLE 10 – WATER AND SEWER, CHAPTER 10.24 – RATES", OF THE CLARK MUNICIPAL CODE.

**City Council Meeting – August 4, 2010**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARK, SOUTH DAKOTA, that “Title 10 – Water and Sewer, Chapter 10.24 – Rates – Section 10.24.04 – Sewer Rate – City of Clark” be amended to read as follows:

Section

“10.24.04 Sewer Rates – City of Clark

Properties where Municipal Water is turned on at the Curb Stop:

A base rate fee of \$2.00 per month; plus,

The minimum sewer rate for the users within the city limits shall be \$22.50 per month for the first 8,000 gallons of wastewater discharged per month. All additional gallons in excess of 8,000 gallons shall be charged at the rate of \$1.00 per 1,000 gallons.

The base rate fee shall be implemented on each housing unit and each apartment unit.

Properties where Municipal Water Supply is Shut Off at the Curb Stop:

There shall be a minimum line service fee of \$2.00 charged to each dwelling house, residence, business, building or other place for which sewer is maintained. This line service fee shall be charged irrespective of vacancy or abandonment of the property and irrespective of the fact that the municipal water supply has been shut off at the curb stop for such property. This fee is applicable to seasonal residents. There shall be no line service fee for any vacant lot where no building is situated on the property. “

All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are hereby expressly repealed and from and after the effective date of this ordinance, this ordinance shall take precedence over any other ordinance or resolution previously adopted.

CITY OF CLARK

\_\_\_\_\_  
Eric Stevens, Mayor

ATTEST:

\_\_\_\_\_  
Jackie Luttrell, City Finance Officer

(SEAL)

First Reading: July 7, 2010

Second Reading: August 4, 2010

Published: August 11, 2010

Effective: September 1, 2010 billings for August 2010 usage

**Motion # 146-2010**

**Contingency Transfer**

Motion by Dreher and seconded by Heim to transfer \$4,265.00 from the Contingency Fund to the Health (44100) fund to cover expenses. Voting in favor – Dreher, Fuller, Heim and Pollock. Abstain – Streff. Motion carried.

**Motion # 147-2010**

**Resolution #790 Rural Development Funding**

Motion by Fuller and seconded by Dreher to approve Loan Resolution #490 for Rural Development funding read as follows. All members voting yes. Motion carried.

City Council Meeting – August 4, 2010

Position 5

RUS BULLETIN 1780-27  
(Automated 8-97)

FORM APPROVED  
OMB. No. 0575-0015

LOAN RESOLUTION # 790  
(Public Bodies)

A RESOLUTION OF THE City Council

OF THE City of Clark

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Clark, City of  
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

THREE HUNDRED SIXTY-FIVE THOUSAND AND XX / 100 DOLLARS (365,000.00)

pursuant to the provisions of South Dakota Codified Law ; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250, and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.*



**Motion # 149-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 8:15 pm.

This institution is an equal opportunity provider, and employer.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell

(seal)

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**City of Clark Council Meeting  
August 13, 2010  
12:00 PM**

**Call to order:** The Clark City Council met in session on August 13, 2010 at 12:00 pm in the City Hall Council Room to review hail damage insurance numbers and review quotes.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff (arriving at 12:10 pm), Roberta Heim and Lon Reidburn. Absent John Pollock.

**Others Present:** Mayor Eric Stevens and Finance Officer Jackie Luttrell

Mayor Stevens called the meeting to order at 12:02 pm.

**Motion # 150-2010** **Adopt Agenda**

Motion by Dreher and seconded by Reidburn to adopt the agenda. All members voting yes.  
Motion carried.

**Motion # 151-2010** **Approve Minutes**

Motion by Fuller and seconded by Heim to approve the council meeting minutes from August 4, 2010. All members voting yes. Motion carried.

**Motion # 152-2010** **Approve Claims**

Motion by Reidburn and seconded by Heim to approve the following claims. All members voting yes. Motion carried.

Check #	To	For	Amount
350	EFTPS	941 taxes	\$2,702.97
19501-19532 & 19534	Water Dept	payroll	\$1,003.89
	Sewer Dept.	payroll	\$1,003.90
	Govt Bldg	payroll	\$93.61
	Pool	payroll	\$2,511.24
	Streets	payroll	\$2,087.05
	Finance Office	payroll	\$1,058.13
	Sanitation	payroll	\$779.31
	Library	payroll	\$350.74
	Transit	payroll	\$479.08
	Mayor	payroll	\$172.27
	parks	payroll	\$1,232.63
	Teener coach	payroll	\$263.86
19533	VOID		
19535	Loren Stanley	supplies	\$79.44

City Council Meeting – August 13, 2010

To	For	Amount
A&B Business	maintenance	\$46.96
Allegiant Emergency Svcs	equipment	\$3,289.02
Brandon Varilek	umpire	\$240.00
Brenda Jenkins	umpire	\$14.00
City of Clark	utilities	\$1,024.27
City of Clark	applied water bill	\$39.50
Clark Community Oil	supplies	\$1,428.19
Clark Hometown Variety	supplies	\$12.94
Clark Rural Water	materials	\$15,014.40
Colin LaBrie	umpire	\$35.00
Colonial Research	supplies	\$883.08
Cook's Wastepaper	garbage collection	\$5,240.72
Dave Adam	mileage	\$375.18
Ecolab	rodent control	\$77.00
Gruenwald Electric	repairs	\$92.49
Ken's Food Fair	supplies	\$581.61
Leroy Broesder	refund water deposit	\$60.50
Lon Reidburn	umpire	\$14.00
M&T Fire & Safety	supplies	\$54.00
Moritz Publishing	supplies	\$138.37
Paul Florey	umpire	\$80.00
ProBuild	supplies	\$83.34
Quill	supplies	\$63.99
Republic National	liquor	\$8,614.33
SD Dept of Revenue	July sales tax	\$259.82
Scott Varilek	umpire	\$160.00

**Hail Damage**

Council reviewed insurance estimates and quotes from local contractors for repairs needed after the July hail storm.

**Motion # 153- 2010**

**Repairs**

Motion by Reidburn and seconded by Dreher to authorize the Mayor to hire contractors to make the repairs to the city buildings that were damaged during the July hail storm. All members voting yes. Motion carried.

**Gruenwald Culvert Request**

Council considered a request by Willie Gruenwald to share the cost for the installation and burying of a culvert in the front of his property at 5<sup>th</sup> Avenue NE. Council consensus was no city money would be used for this project.

**Motion # 154-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 12:42 pm.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell

(seal)

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**City of Clark Council Meeting  
September 7, 2010  
6:00 PM**

**Call to order:** The Clark City Council met in session on September 7, 2010 at 6:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller (arriving at 6:25 pm), Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Loren Stanley and Roger Collins.

Mayor Stevens called the meeting to order at 6:04 pm.

**Motion # 155-2010**

**Adopt Agenda**

Motion by Streff and seconded by Pollock to adopt the agenda. All members voting yes. Motion carried.

**Public Input**

No public input.

**Department Updates**

Updates given by Luttrell, Stanley and Collins. Sheriff's report was reviewed. Luttrell gave updates on the hail damage repairs and insurance claims. Council discussed options for implementing sump pump permits; more research is needed before proceeding. Collins revisited Willie Gruenwald's request to install an underground culvert in front of his residence. Concerns were addressed on what would happen should the culvert get blocked and where the water would detour. More discussion needed with Gruenwald.

**Motion # 156-2010**

**Approve Department Updates**

Motion by Heim and seconded by Dreher to approve the department updates. All members voting yes. Motion carried.

**Motion # 157-2010**

**Approve Engineering Agreement**

Motion by Dreher and seconded by Reidburn to approve amendments No. 1 and 2 for Engineering Agreements with Clark Engineering for the outfall line, South Cloud Street Relining and water meters projects. All members voting yes. Motion carried.

**Motion # 158-2010**

**Approve Minutes**

Motion by Pollock and seconded by Streff to approve the Council Meeting Minutes from August 13, 2010. All members voting yes. Motion carried.

**Motion # 159-2010**

**Approve Financial Statements**

Motion by Reidburn and seconded by Heim to approve the financial statements. All members voting yes. Motion carried.

**Motion # 160-2010**

**Approve Claims**

Motion by Streff and seconded by Dreher to approve the following claims. All members voting yes. Motion carried.

**Additional Paid Claims**

Check #	To	For	Amount
353	EFTPS	941 taxes	\$2,603.63
354	alltel	utilities	\$87.52
19560	Petty Cash	supplies	\$130.67
19561-19589	Water Dept.	payroll	\$1,011.50
	Sewer Dept.	payroll	\$1,011.50
	Govt Bldg	payroll	\$93.61
	Pool	payroll	\$1,639.33
	Streets	payroll	\$2,151.02
	Finance Office	payroll	\$1,083.52
	Sanitaiton	payroll	\$768.27
	Library	payroll	\$350.74
	Transit	payroll	\$468.90
	Mayor	payroll	\$172.27
	Parks	payroll	\$1,117.17
	Teeners	payroll	\$263.88
19590	Account Mngt.	garnish	\$30.00
19591	Credit Collections	garnish	\$18.80
19592	Midwest Credits	garnish	\$184.74
19593	Wellmark BCBS	insurance	\$3,819.88
19594	SD Retirement Systems	retirement contributions	\$2,012.56
19595	Levi Peterson	reissued lost check	\$290.90
19596	Jackie Luttrell	mileage	\$68.94
19597	Darin Altfillisch	mileage	\$93.60
355	EFTPS	941 taxes	\$1,926.89
19598 - 19613	Water Dept.	payroll	\$889.92
	Sewer Dept.	payroll	\$889.92
	Govt Bldg	payroll	\$93.61
	Streets	payroll	\$2,111.80
	Finance Office	payroll	\$1,058.13
	Sanitation	payroll	\$771.69
	Library	payroll	\$378.44
	Transit	payroll	\$460.74
	Mayor	payroll	\$172.27
	Parks	payroll	\$306.68

**New September Claims**

**City Council Meeting – September 7, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
AFLAC	insurance	\$131.80
American Family Insurance	insurance	\$8.00
A-OX Welding	supplies	\$10.54
A-Tech	repairs	\$380.00
Automatic Systems	repairs	\$1,588.95
Banyon Data Systems	professional fees	\$770.00
Book of the Month Club	books	\$33.46
City of Clark	pay off water bill	\$106.84
Clark Co. Courier	advertising	\$222.69
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Treasurer	police protection	\$8,165.00
Cook's Wastepaper	garbage	\$39.93
Dacotah Bank	professional fees	\$48.21
Dacotah Bank	industrial development loan	\$6,477.47
Dacotah Insurance	notary bond	\$50.00
Dekker Hardware	supplies	\$630.69
Demco	supplies	\$21.59
Codington Clark Equipment	repairs	\$149.00
Ellwein Brothers	liquor	\$11,606.35
Fjelland Law Office	legal fees	\$294.40
Harve's Sport Shop	Teener supplies	\$201.38
ITC	utilities	\$410.29
Jessica Anderson	water deposit refund	\$47.58
Johnson Brothers	liquor	\$7,259.10
Ken's	supplies	\$39.99
Literary Guild	books	\$92.34
Lyle Signs	supplies	\$40.36
Lyman Hanson	refund	\$22.00
Mack's Standard	supplies	\$475.25
Michael Todd & Co.	maintenance	\$490.33
Moritz Publishing	supplies	\$98.10
NAPA Auto Parts	supplies	\$44.30
NE Glacial Lakes Red Cross	professional fees	\$56.00
Nichole Sandve	water deposit refund	\$45.58
Northwestern Energy	utilities	\$6,770.96
Office Peeps	supplies	\$16.22
Olson Auto Parts	repairs	\$91.86
Oscar's Machine Shop	repairs	\$107.89
Pitney Bowes	postage	\$1,018.99
Plantronics	repairs	\$56.00
Porter Distributing	liquor	\$3,471.00
Pro Build	supplies	\$5,073.71

City Council Meeting – September 7, 2010

To	For	Amount
Republic National	liquor	\$7,655.59
Ritter's Repairs	maintenance	\$242.96
Roy's Sport Shop	supplies	\$19.99
SD Dept of Revenue	water testing	\$296.00
SD Dept of Revenue	sales tax	\$178.85
SD Dept of Transportation	advertising	\$32.00
SD Public Utilities Commission	locates	\$15.82
SD Rural Development	sewer revenue bond	\$787.00
SD Rural Development	water revenue bond	\$908.00
SD Secretary of State	notary filing fee	\$30.00
Significant Digits	professional fees	\$550.00
Star Laundry	maintenance	\$53.41
The US Life Insurance Co.	insurance	\$17.40

**Motion # 161-2010**

**Resolution #791**

Motion by Heim and seconded by Pollock to approve Resolution #791 as follows. All members voting yes. Motion carried.

**RESOLUTION # 791**

A RESOLUTION ESTABLISHING A CAPITAL OUTLAY FOR GENERAL FUND GOVERNMENT BUILDING MAINTENANCE.

WHEREAS, the City Council of the City of Clark, South Dakota, has determined that the maintenance of government buildings is necessary for the proper upkeep and;

WHEREAS, the City Council of the City of Clark, South Dakota, has determined that there are not sufficient funds within the general fund to maintain government buildings, and;

WHEREAS, SDCL 9-21-14.1, authorizes the municipality to establish a Capital Outlay accumulation account for the purposes of maintaining government buildings;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Clark, South Dakota that a Capital Outlay account be established and that the Finance Officer is hereby authorized and directed to budget and accumulate \$10,000 per annum beginning with the 2011 appropriations from the general fund for the purpose of maintaining government buildings.

AND BE IT FURTHER RESOLVED, that the accumulation of said funds will not exceed a maximum of more than sixty (60) months commencing from the date of this resolution.

Dated this 7<sup>th</sup> day of September, 2010.

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Eric Stevens, Mayor

ATTEST:

\_\_\_\_\_  
Jackie Luttrell, Finance Officer

(SEAL)

Passed & Adopted: September 7, 2010

Published: September 15, 2010

Effective: October 5, 2010

**Ordinance #495**

The first reading of Ordinance #495 was read. This is an ordinance repealing sections 6.06.02, 6.06.04 and 6.06.06 of the Clark Municipal Code that references moving buildings. Moving buildings is referenced in the Zoning Ordinance.

**Motion # 162-2010**

**SDML Conference**

Motion by Dreher and seconded by Streff to authorize Luttrell and Flora to attend the SDML Annual Conference in Rapid City on October 5-8, 2010 and to approve all travel and conference expenses. All members voting yes. Motion carried.

Luttrell explained all the paperwork to follow for the Sewer Revenue Bond of \$365,000 for the work on the outfall line, relining sewer lines on South Cloud Street and water meter upgrade.

**Motion # 163-2010**

**Resolution #792 Legal Service Agreement**

Motion by Heim and seconded by Reidburn to approve Resolution #792 A Resolution Approving Legal Services Agreement with Meierhenry Sargent LLP as follows. All members voting yes. Motion carried.

**Resolution #792**

**RESOLUTION APPROVING LEGAL SERVICES AGREEMENT**

BE IT RESOLVED by the City of Clark that Meierhenry Sargent LLP be retained as bond counsel for the proposed Sewer Project Revenue Bond and that the Mayor and Finance Officer are authorized to negotiate and execute the form of the Legal Services Agreement on file with the City Finance Officer.

Motion by Heim and seconded by Reidburn.

Aye: Larry Dreher, Roberta Heim, John Pollock, Lon Reidburn and Louann Streff. Absent: Paul Fuller

Eric Stevens  
Mayor

Attest:



Jackie Luttrell  
Finance Officer

(SEAL)

**Motion # 164-2010**

**Bond Counsel Agreement**

Motion by Streff and seconded by Fuller to authorize the Mayor to sign the Bond Counsel Agreement with Meierhenry Sargent LLP. All members voting yes. Motion carried.

**Ordinance #494**

Council heard the first reading of Ordinance #494 An Ordinance Authorizing a Sewer Project Revenue Bond of \$365,000.

Mayor, council and finance officer signed the No Conflict of Interest Certificates to be returned to Meierhenry Sargent.

**Motion # 165-2010**

**Board of Adjustment Conditional Use**

Motion by Fuller and seconded by Heim to go into the schedule Board of Adjustment meeting for the public hearing on a conditional use permit for Little Explorers Daycare. All members voting yes. Motion carried.

Luttrell stated all the conditions have been met for the conditional use for a daycare to be located at Lots 9 & 10, Block 7 Original Clark, in a "Commercial" zoning district. Applicant Angela Spieker was in attendance, along with supporters Craig Spieker and Karla and Ryan Claussen.

**Motion # 166-2010**

**Approve Conditional Use**

Motion by Pollock and seconded by Reidburn to approve the conditional use for Angela Spieker for a daycare in a commercially zoned district – Lots 9 & 10, Block 7 Original Clark. All members voting yes. Motion carried.

Board of Adjustment meeting closed at 6:39 pm and regular session reopened.

**Ordinance #493 2011 Budget**

Luttrell reviewed the preliminary budget for 2011 and a first reading was heard.

Mayor Stevens left at the end of the budget discussion. President Dreher took over meeting.

**Motion # 167-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 7:22 pm.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell

(seal)

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## City of Clark Council Meeting

October 4, 2010

7:00 PM

**Call to order:** The Clark City Council met in session on October 4, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn. Paul Fuller arriving at 7:58 pm.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Bill Krikac, Roger Collins, Darin Altfillisch and several residents.

Mayor Stevens called the meeting to order at 7:00 pm.

### **Motion # 168-2010**

### **Adopt Agenda**

Motion by Streff and seconded by Heim to adopt the agenda with the removal of item #22 Municipal Gross Receipt Tax. All members voting yes. Motion carried.

### **Public Input**

East side residents addressed council with their water problems. Duane Stokes told of research he had done to clean out the waterway south of Highway 212. Consensus was to visit with SD DOT and engineer to form a plan. Council and residents discussed getting pumps, clearing out cattails and drag lining a waterway through the natural flow as far south as one mile south of Highway 212.

### **Special Events Public Hearing**

The advertised public hearing was held for a special events license for the Clark American Legion for October 9 & 10 for the Lion's Gun Raffle. No public was in attendance.

### **Motion # 169-2010**

### **Approve Special Events License**

Motion by Pollock and seconded by Reidburn to approve a special events liquor license for the Clark American Legion for October 9, 2010 at 4:30 pm to October 10, 2010 at 2:00 am. All members voting yes. Motion carried.

### **Welcome to Clark Sign**

Ken Bell Sr. was in attendance to his request to move the Welcome to Clark sign on the west end of town. City concern was that the sign would be destroyed in the process. Craig Spieker, Rotarian, was present and agreed to work with Ken to move the sign.

### **Department Updates**

Department updates were given by Luttrell, Collins and Altfillisch. Stanley was absent.

**Motion # 170-2010**

**Election Workshop**

Motion by Dreher and seconded by Heim to approve Luttrell to attend the Election Workshop at a cost of \$20 and travel expenses on November 19, 2010 in Sioux Falls. All members voting yes. Motion carried.

**Motion # 171-2010**

**Surplus Skid Steer**

Motion by Dreher and seconded by Reidburn to surplus the skid steer for trade in. All members voting yes. Motion carried.

**Motion # 172-2010**

**Approve Minutes**

Motion by Pollock and seconded by Reidburn to approve the Council Meeting Minutes from September 7, 2010. All members voting yes. Motion carried.

**Motion # 173-2010**

**Approve Financial Statements**

Motion by Streff and seconded by Heim to approve the financial statements. All members voting yes. Motion carried.

**Motion # 174-2010**

**Forest Excavating Claim**

Motion by Pollock and seconded by Heim to approve to pay Forest Excavating for the final work to the sidewalk, curb and highway from the Clark Elevator building sewer repair work last fall, totaling \$4,398.06. Voting in favor were Heim, Pollock, Reidburn and Streff. Dreher abstained. Fuller was absent. Motion carried.

**Motion # 175-2010**

**Clark Engineering Wastewater**

Motion by Dreher and seconded by Reidburn to approve to pay Clark Engineering \$10,000 for the wastewater preliminary engineering report from the general fund as an inter-fund loan until the Rural Development sewer loan is finalized. All members voting yes. Motion carried.

**Motion # 176-2010**

**Clark Engineering Water Meter**

Motion by Streff and seconded by Heim to pay Clark Engineering \$2,000 for the preliminary engineering report for water meters from the water fund and be reimbursed by the Rural Development water loan once finalized. All members voting yes. Motion carried.

**Motion # 177-2010**

**Approve Claims**

Motion by Streff and seconded by Pollock to approve the remaining claims. All members voting yes. Motion carried.

**Additional Paid Claims**

Check #	To	For	Amount
361	City of Clark	utilities	\$704.17
362	Alltel	utilities	\$87.52
363	Pitney Bowes	postage	\$171.04
364	EFTPS	payroll taxes	\$1,975.95
365	American Family Insurance	insurance	\$8.00

**City Council Meeting – October 4, 2010**

<b>Check #</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
366	SD Rural Development	sewer revenue bond	\$787.00
367	SD Rural Development	water revenue bond	\$908.00
19665	VOIDED		
19666	Cook's Wastepaper	garbage collections	\$5,267.26
19667 - 19681	Water Dept.	payroll	\$909.64
	Sewer Dept.	payroll	\$909.65
	Govt. Bldg.	payroll	\$84.98
	Streets Dept.	payroll	\$2,224.39
	Finance Office	payroll	\$1,058.14
	Sanitation	payroll	\$734.04
	Library	payroll	\$350.74
	Transit	payroll	\$468.87
	Mayor	payroll	\$172.27
	Parks	payroll	\$306.68
19682	Wellmark BCBS	insurance	\$3,819.88
19683	SD Retirement Systems	retirement	\$1,900.44
19684	Account Mngt.	garnish	\$30.00
19685	Credit Collections Bureau	garnish	\$18.80
19686	Petty Cash	supplies	\$99.92
19687	The US Life Insurance Co.	life insurance	\$17.40
19688	Clark Rural Water	materials	\$17,204.00
19689 - 19703	Water Dept.	payroll	\$874.57
	Sewer Dept.	payroll	\$874.58
	Govt. Bldg.	payroll	\$84.98
	Streets Dept.	payroll	\$2,111.80
	Finance Office	payroll	\$1,058.13
	Sanitation	payroll	\$778.53
	Library	payroll	\$350.74
	Transit	payroll	\$479.10
	Mayor	payroll	\$172.27
	Parks	payroll	\$306.68
368	EFTPS	payroll taxes	\$1,907.05
369	Dacotah Bank	professional fees	\$31.47

**October Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
A&B Business	maintenance	\$46.96
A-OX Welding	supplies	\$10.54
Book of the Month Club	books	\$60.96
Butler Cat	repairs	\$33.76

**City Council Meeting – October 4, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Treasurer	police protection	\$8,165.00
Clark Community Oil	supplies	\$1,446.95
Clark Community Oil	supplies	\$1,049.12
Clark Co. Courier	advertising	\$215.93
Clark/Doland Concrete	repairs	\$312.00
Cook's Wastepaper	utilities	\$39.93
Dacotah Bank	subsidies	\$6,477.47
Darin Altfillisch	mileage	\$44.40
Dekker Hardware	supplies	\$272.20
Elite Sign & Graphix	supplies	\$180.00
Ellwein Brothers	liquor	\$8,957.70
First National Bank	SRF loan	\$6,940.29
Forest Excavating	repairs	\$2,837.13
Gruenwald Construction	repairs	\$5,967.00
Harry's Septic	repairs	\$212.50
Huron Culvert & Tank	supplies	\$355.20
ITC	utilities	\$415.68
Johnson Brothers	liquor	\$8,010.76
Literary Guild	books	\$37.91
Mack's	supplies	\$385.50
Midwest Alarm	repairs	\$91.34
Milbank Winwater	supplies	\$365.54
Moritz Publishing	supplies	\$60.10
NAPA Auto Parts	supplies	\$86.47
Northwestern Energy	utilities	\$6,043.56
Office Peeps	supplies	\$9.74
Oscar's Machine Shop	repairs	\$48.78
Quill	supplies	\$51.62
Reidburn Construction	roof repairs	\$8,798.71
Renaë Mudgett	supplies	\$64.13
Sanitation Products	repairs	\$783.88
SD Dept of Revenue	professional fees	\$570.00
SD One Call	professional fees	\$20.34
Share Corp.	supplies	\$54.09
Star Laundry	maintenance	\$53.41
Tom LaBrie	reimburse repairs	\$427.71
Werdel Construction	repairs	\$900.00
Westside Implement	repairs	\$35.34
Woodring Plumbing	maintenance	\$51.00

Councilman Fuller arrived at meeting.

**Motion # 178-2010**

**Supplement Budget**

Motion by Fuller and seconded by Streff to approve a budget supplement to the sewer fund for \$1,630, the same amount of hail damage insurance payment for the sludge truck repairs. All members voting yes. Motion carried.

**Motion # 179-2010**

**Ordinance #493 2011 Budget**

Motion by Dreher and seconded by Streff to approve Ordinance #493 2011 Budget as follows. All members voting yes. Motion carried.

**Ordinance # 493 2011 Appropriations Ordinance**

**Part One:**

Be it ordained by the City of Clark that the following sums are appropriated to meet the obligations of the municipality.

	<u>Governmental</u>	<u>Special Revenue</u>	<u>Debt Service</u>	<u>Debt Service</u>
	<u>General Fund</u>	<u>Library Fund</u>	<u>TIF District No. 1</u>	<u>TIF District No. 2</u>
<b>410 General Government</b>				
411 Council	\$ 14,505	\$ -	\$ -	\$ -
411.5 Contingency	\$ -			
412 Mayor	\$ 5,725	\$ -	\$ -	\$ -
413 Elections	\$ 850	\$ -	\$ -	\$ -
414.1 Legal Services	\$ 3,750	\$ -	\$ -	\$ -
414.2 Finance Office	\$ 91,657	\$ -	\$ -	\$ -
419 Government Bldgs	\$ 26,487	\$ -	\$ -	\$ -
Total General Government	\$ 142,974	\$ -	\$ -	\$ -
<b>420 Public Safety</b>				
421 Police	\$ 97,980	\$ -	\$ -	\$ -
422 Fire Department	\$ 25,850	\$ -	\$ -	\$ -
Total Public Safety	\$ 123,830	\$ -	\$ -	\$ -
<b>430 Public Works</b>				
431 Highway & Streets	\$ 265,855	\$ -	\$ -	\$ -
431.6 Street Lighting	\$ 26,900	\$ -	\$ -	\$ -
432.1 Sanitation	\$ 90,875	\$ -	\$ -	\$ -
439 Transit	\$ 29,570	\$ -	\$ -	\$ -
Total Public Works	\$ 413,200	\$ -	\$ -	\$ -
<b>441 Health and Welfare</b>				
441 Health - Medical Building	\$ 12,497	\$ -	\$ -	\$ -
441.3 West Nile	\$ 5,000	\$ -	\$ -	\$ -
Total Health and Welfare	\$ 17,497	\$ -	\$ -	\$ -
<b>450 Culture &amp; Recreation</b>				
451.1 Teener's	\$ 3,528	\$ -	\$ -	\$ -
451.2 Swimming Pool	\$ 82,160	\$ -	\$ -	\$ -
452 Parks	\$ 44,985	\$ -	\$ -	\$ -
455 Library	\$ 17,995	\$ 100	\$ -	\$ -
Total Culture & Recreation	\$ 148,668	\$ 100	\$ -	\$ -
<b>465 Economic Development</b>				
465.1 Industrial Development	\$ 77,730	\$ -	\$ -	\$ -
465.3 Promoting the City	\$ 3,750	\$ -	\$ -	\$ -
Total Economic Development	\$ 81,480	\$ -	\$ -	\$ -
<b>470 Debt Services</b>	\$ 24,266	\$ -	\$ 8,546	\$ 5,543
<b>490 Miscellaneous</b>				
499 Liquor	\$ 370,295	\$ -	\$ -	\$ -
Total Miscellaneous	\$ 370,295	\$ -	\$ -	\$ -
<b>Total Appropriations</b>	<b>\$ 1,322,210</b>	<b>\$ 100</b>	<b>\$ 8,546</b>	<b>\$ 5,543</b>



**City Council Meeting – October 4, 2010**

**REVENUES**

**Part Two:**

The following designates the fund or funds that money derived from the following sources is applied to.

Revenue	Governmental	Special Revenue	Debt Service	Debt Service
	General Fund	Library Fund	TIF District No. 1	TIF District No. 2
310 Taxes	\$ 702,075		\$ 8,319	\$ 11,902
320 Licenses & Permits	\$ 800		\$ -	\$ -
330 Intergovernmental Revenue	\$ 56,021		\$ -	\$ -
340 Charges for Goods & Srvs	\$ 99,225		\$ -	\$ -
350 Fines & Forfeits	\$ 25	\$ 100	\$ -	\$ -
360 Miscellaneous Revenue	\$ 59,665		\$ 20	\$ 151
380 Liquor	\$ 394,399		\$ -	\$ -
390 Other Sources	-			\$ -
Reserves & Capital Outlays	\$ 10,000		\$ 207	\$ (988)
<b>Total Means of Finance</b>	<b>\$ 1,322,210</b>	<b>\$ 100</b>	<b>\$ 8,546</b>	<b>\$ 11,065</b>

**PROPRIETARY FUNDS**

	Water Fund	Sewer Fund
Estimated Beginning Retained Earnings	\$ 135,000	\$ 30,000
Estimated Revenue	\$ 252,990	\$ 720,891
Total Available	\$ 387,990	\$ 750,891
Less Appropriations	\$ (252,990)	\$ (720,891)
Estimated Surplus	\$ 135,000	\$ 30,000

The Finance Officer is directed to certify the following dollar amount of tax levies made in this ordinance to the County Auditor.

CITY OF CLARK

\_\_\_\_\_  
Eric Stevens, Mayor

Attest:

\_\_\_\_\_  
Jackie Luttrell, Finance Officer

(seal)

First Reading: \_\_\_\_\_ 9-Sep-10  
 Second Reading: \_\_\_\_\_ 4-Oct-10  
 Adopted: \_\_\_\_\_ 4-Oct-10  
 Published: \_\_\_\_\_ 13-Oct-10  
 Effective Date: \_\_\_\_\_ 2-Nov-10

**Motion # 180-2010**

**Ordinance #494 Rural Development Bonds**

Motion by Heim and seconded by Reidburn to approve Ordinance #494 to authorize Rural Development Bonds. All members voting yes. Motion carried.

ORDINANCE NO. 494

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$365,000 SEWER PROJECT REVENUE BOND OF THE CITY OF CLARK; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR A SPECIAL CHARGE OR SURCHARGE FOR THE PURPOSE OF PAYING PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

BE IT ORDAINED by the City Common Council of the City of Clark, South Dakota (the "City"), as follows:

SECTION 1. Bond Purpose and Authorization.

1.01. The City currently operates a municipal Sewer Utility under SDCL 9-40 (the "Utility"), consisting of a system or part of a system, for the for the collection, treatment, and disposal of sewage and other domestic, commercial, and industrial wastes. The City determines it necessary and expedient to issue Sewer Project Revenue Bonds (the "Bonds") for the purpose of defraying the cost of the improvements and hereby declares the necessity therefore.

1.02 The City is authorized to borrow money and issue its revenue bonds under SDCL Chapter 9-40 and 6-8B (the "Act"), in order to defray the cost of acquiring and constructing improvements to the Utility, consisting of the improvements generally described on Exhibit A hereto (the "Improvements"). The City is authorized to acquire the Improvements, to issue its Bonds, in order to defray the cost thereof, and to make all pledges, covenants and agreements authorized by law for the protection of the owners of the Bonds, including, without limitation, those covenants set forth in Sections 9-40-15 through 9-40-17 of the Act. The bonds are payable solely from the revenue or income derived from the operation of the improvements and shall not constitute an indebtedness of the City within the meaning of South Dakota constitution Article 13 § 4 or any statutory provisions or limitations.

SECTION 2. Terms of the Bonds

2.01. The Bonds shall be issued in an aggregate principal amount not exceeding \$365,000 and shall be sold to the United States of America. The Bonds will bear interest at a rate or rates per annum resulting in an interest rate not greater than 3.25% per annum and will mature over a period not to exceed forty (40) years. The Bonds shall be issued in one series. The Mayor and Finance Officer are hereby authorized and directed to agree with the United States of America upon the exact purchase price, principal amount, maturities, interest rate or rates, payment dates and redemption provisions for the Bonds, within the parameters set forth in this Section.

**City Council Meeting – October 4, 2010**

SECTION 3. Execution, Authentication, Delivery and Form of the Bonds.

3.01. The Bonds shall be prepared under the direction of the Finance Officer and shall be executed on behalf of the City by the signatures of the Mayor and the Finance Officer, and countersigned by an attorney actually residing in the State of South Dakota and duly licensed to practice therein, and shall be sealed with the official corporate seal of the City; provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery. The City hereby appoints the Finance Officer of the City as bond registrar, transfer agent and paying agent (the "Registrar") for the Bonds.

SECTION 4. Creation of Accounts, appropriation, pledge and segregation of revenues,

4.01 An account to be designated as the 2010 Sewer Project Revenue Bond Account (the "Debt Service Account") is established and shall be maintained as a separate and special mandatory asset segregation bookkeeping account on the official books of the City until the Bonds and any additional bonds (together referred to as the "Bonds") payable from the net income from the Project Revenues, as provided in Sections 4.03 through 4.07 hereof and interest and redemption premiums due thereon have been fully paid, or the City's obligation with reference to the Bonds has been discharged. -

4.02 Net income derived from the Improvements shall be the excess of revenues or income remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements, and operation including the interest on any general obligation bonds authorized to construct or acquire or improve such original Utility and including the necessary debt service funds required to be provided for the retirement of said bond issues, and including the interest and debt service funds required annually to be paid or set aside on any refunding bonds issued to refund such general bonds issued for the original construction or acquisition or improvement of said Utility, so extended, added to, or improved (hereafter "Project Revenues"). All Project Revenues shall be segregated and subdivided into separate accounts as designated and described in Sections 4.03 to 4.07 and are irrevocably pledged and appropriated for the payment of principal of and interest on the Bonds. As described in Section 5.05 hereof, the City shall impose a separate surcharge for the availability, benefit and use of the improvements and shall aggregate the revenues derived from such surcharge for the Improvements, together with the expenses of the operation and maintenance of the Improvements and shall account for them as provided in SDCL Chapter 9-40 and Section XI of the South Dakota Department of Legislative Audit Municipal Accounting Manual.

4.03. Construction Account. An account to be designated as the 2010 Sewer Project Revenue Bond Construction Account ("Construction Account") is established. The Construction Account shall be used only to pay as incurred and allowed costs which under generally accepted

accounting principles are capital costs of the Improvements, and of such future acquisitions, reconstructions, improvements, betterments or extensions of the Utility as may be authorized in accordance with law; including but not limited to payments due for work and materials performed and delivered under construction contracts, architectural, engineering, inspection, supervision, fiscal and legal expenses, the cost of lands, easements and utility rights, interest accruing on Bonds during the first year following the date of their delivery, if and to the extent that the Debt Service Account is not sufficient for payment of such interest, reimbursement of advances made from other City funds, and all other expenses incurred in connection with the construction and financing of any such undertaking. To the Construction Account shall be credited as received all proceeds of Bonds, except amounts appropriated to the Debt Service Account under Section 4.04 and any amount to be deposited to the Reserve Account under Section 4.05, all other funds appropriated by the City for the improvement of the Utility, and all income received from the claim with respect to the Utility received pursuant to Section 5.03 hereof shall be deposited in the Construction Account and applied to repair, replacement and restoration of the Utility; any proceeds in excess of the amount necessary for that purpose shall be transferred to the Debt Service Account. No amount shall be expended from the construction account unless contracts have been entered into and completion bonds furnished in an amount sufficient to ensure completion of the Improvements at a cost not exceeding the amount then on hand for such purpose.

4.04. Current Debt Service Account. An account to be designated as the 2010 Sewer Project Revenue Bond Current Debt Service Account (“Debt Service Account”) is established. Upon each monthly apportionment, there shall be set aside and credited to the Debt Service Account out of the Project Revenues an amount equal to not less than one-twelfth of the total sum of the principal and interest to become due within the then next succeeding twelve months on all Bonds. Moneys from time to time held in the Debt Service Account shall be disbursed only to meet payments of principal and interest on Bonds as such payments become due; provided, that on any date when all outstanding Bonds are due or prepayable by their terms, if the amount then on hand in the Debt Service Account, together with the balance then on hand in the Reserve Account, is sufficient, with other moneys available for the purpose, to pay all Bonds and the interest accrued thereon in full, it may be used for that purpose. If any payment of principal or interest becomes due when moneys in the Debt Service Account are temporarily insufficient therefor, such payment shall be advanced out of any Project Revenues theretofore segregated and then on hand in the Reserve Account, the Replacement and Depreciation Account or the Surplus Account. In the event that sufficient moneys are not available from the aforementioned sources, the City, to the extent it may at the time legally do so, may, but shall not be required to, temporarily advance moneys to the Debt Service Account from other funds of the City on hand and legally available for the purpose, but any such advance shall be repaid from Net Revenues of the Utility within 24 months.

4.05 Reserve Account. An account to be designated as the 2010 Sewer Project Revenue Bond Future Debt Service Reserve Account (“Reserve Account”) is established. On a monthly basis,

the City shall pay into the Reserve Account an amount equal to 10% of the maximum debt service due in any future calendar year on, the Bonds. Said balance shall be maintained by such additional credits to the Reserve Account as may be necessary. Moneys on hand in the Reserve Account shall be used only to pay maturing principal and interest when other moneys in the Debt Service Account are insufficient therefor.

4.06. Replacement and Depreciation Account. An account to be designated as the 2010 Sewer Project Revenue Bond Contingency (Renewal and Replacement) Account (“Replacement and Depreciation Account”) is established. There shall next be set aside and credited, upon each monthly apportionment, to the Replacement and Depreciation Account such portion of the Project Revenues, in excess of the current requirements of the Debt Service Account and the Reserve Account (which portion of the Project Revenues is referred to herein as “Surplus Project Revenues”), as the City Common Council shall determine to be required for the accumulation of a reasonable reserve for renewal of worn out, obsolete or damaged properties and equipment of the Utility, which reserve shall be accumulated and maintained. Moneys in this account shall be used only for the purposes above stated or, if so directed by the City Common Council, to redeem Bonds which are prepayable according to their terms, to pay principal or interest when due thereon as required in Section 4.04 hereof, or to pay the cost of improvements to the Utility; provided, that in the event that the City shall hereafter issue bonds for the purpose of financing the construction and installation of additional improvements or additions to the Utility, but which additional bonds cannot, upon the terms and conditions provided herein, be payable from the Debt Service Account. Surplus Project Revenues from time to time received may be segregated and paid into one or more separate and additional accounts from the payment of such bonds and interest thereon, in advance of payments required to be made into the Replacement and Depreciation Account.

4.07. Surplus Account. An account to be designated as the 2010 Sewer Project Revenue Bond Surplus Account (“Surplus Account”) is established. Any amount of the Surplus Net Revenues from time to time remaining after the above required applications thereof shall be credited to the Surplus Account, and the moneys from time to time in that account, when not required to restore a current deficiency in the Debt Service Account as provided in Section 4.04 hereof, may be used for any of the following purposes and not otherwise:

To redeem and prepay Bonds when and as such Bonds become prepayable according to their terms;

To purchase Bonds on the open market, whether or not the Bonds so purchased or other such Bonds may then be prepayable according to their terms; and, if the Reserve Account is then funded to the full amount required to be maintained therein, and the balances in the Debt Service Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the current fiscal year, then;

**City Council Meeting – October 4, 2010**

To pay for repairs of or for the construction and installation of improvements or additions to the Utility; and, if the Reserve Account is then funded to the full amount required to be maintained therein, and the balances in the Debt Service Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the then current fiscal year, then:

To be held as a reserve for redemption and prepayment of the Bonds which are not then but will later be prepayable according to their terms; or

To be used for any other authorized municipal purpose designated by the City Common Council.

No moneys shall at any time be transferred from the Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section 4.07.

4.08. Accounting. The City shall follow the municipal accounting requirements of the South Dakota Legislative Audit. The above named accounts may be designated in accordance with South Dakota municipal accounting standards.

4.09. Deposit and Investment of Funds. The City Finance Officer shall cause all moneys to be deposited as provided in South Dakota Law.

SECTION 5. Covenants, Remedies and Rates.

5.01. General. The City covenants and agrees that until all Bonds are fully discharged as provided in this Resolution, it will continue to hold, maintain and operate the Utility as a public utility and convenience, free from all liens thereon or on the income therefrom other than the liens herein granted or provided for, will observe prudent utility practices, and will maintain, expend and account for the Fund and the several accounts therein as provided in Section 4. The City will cause the Improvement to be constructed in accordance with plans and specifications hereto prepared and will not enter into contracts in excess of the amount provided

5.02. Competing Service. The City will not establish or authorize the establishment of any other system for the public supply of service or services in competition with any or all of the services supplied by the facilities of the Utility.

5.03. Billings. The charges for Sewer Utility services will be billed at least monthly, and if the bill is not paid within sixty days of the date of billing, or if the customer fails to comply with all rules and regulations established for the Utility within sixty days after notice of violation thereof (which notice shall be given promptly upon discovery of any such violation), the service to the premises involved shall be discontinued and shall not be resumed until payment of all past-due

**City Council Meeting – October 4, 2010**

bills for Sewer Utility service and compliance with all such rules and regulations. The City may reduce the number of days before the service will be disconnected from sixty to any lesser number of days by ordinance or resolution. The City shall take all appropriate legal action to collect the unpaid charges. The City shall follow the procedures, if any, set by South Dakota Codified Laws for disconnection of service during the winter months.

5.04. Remedies. The holder of the Bonds shall have such remedies as are set forth in SDCL 9-40.

5.05. Rates and Charges. There shall be charged a monthly surcharge for the services provided by the improvement financed by the Bonds. The surcharge shall be segregated from other revenues of the utility and shall be used for the payment of principal of and interest on the Bonds. Provided that such surcharge shall create net income, remaining from time to time after first paying all reasonable and current expenses of maintenance, repairs, replacements and operation, sufficient to fund interest, reserve and debt service fund annual requirements. The rate herein specific will be collected as a surcharge for the Improvement. This surcharge shall remain in effect until such time as the Bonds are paid in full or discharged. The initial surcharge shall be set by resolution. All users, current and future, shall be charged the surcharge for it has been found that all users benefit from the improvement. The surcharge is found to be equitable for the services provided by the Improvement. The amount of the surcharge shall be reviewed not less than annually and shall be modified in order to provide such funds as are set forth herein. All modifications may be made by Resolution. No resolutions setting the surcharge shall be subject to referendum for they are necessary for the support of government.

5.06 Statutory Lien. There shall pursuant to SDCL 9-40-25 be a statutory mortgage lien upon the Improvements in favor of and for the equal benefit of the lawful holders of the bonds issued pursuant to SDCL 9-40, except no such lien shall attach to or become a charge upon or against any property or Utility or any part thereof previously owned by the City. Until all bonds are fully paid with interest, the City shall not sell or otherwise dispose of the Utility and shall not establish, authorize or grant a franchise for the operation of any other Utility in competition with the City. The statutory lien shall continue until the bonds are paid in full.

The above and foregoing Ordinance was read 9/7/10 and 10/4/10 and was moved for adoption by Roberta Heim seconded by Lon Reidburn and upon roll call vote,

voted aye, Roberta Heim, Larry Dreher, Lon Reidburn, Louann Streff, John Pollock and Paul Fuller

voted nay,

whereupon the Mayor declared the Ordinance to be duly passed and adopted.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_

Finance Officer

First Reading: 9/7/10

Second Reading: 10/4/10

Adopted: 10/4/10

Published:10/13/10

Effective Date:11/2/10

EXHIBIT A

description of project

reline sewer lines

**Motion # 181-2010**

**Ordinance #495 Moving Buildings**

Motion by Dreher and seconded by Pollock to approve Ordinance #495 Moving Buildings. All members voting yes. Motion carried.

**ORDINANCE NO. 495**

AN ORDINANCE TO REPEAL THE FOLLOWING SECTIONS OF CHAPTER 6.06, MOVING BUILDINGS, OF THE CLARK MUNICIPAL CODE: SECTION 6.06.02 LICENSE REQUIRED; SECTION 6.06.04 APPLICATIONS; SECTION 6.06.06 SURETY BOND.

WHEREAS, Chapter 6.06, Moving Buildings of the Clark Municipal Code, Section 6.06.02 License Required; Section 6.06.04 Applications; and, Section 6.06.06 Surety bond are in conflict with and have been superseded by the Zoning Ordinance as contained in the Clark Municipal Code, specifically Chapter 11.31; Moved in Buildings; and,

WHEREAS, to officially remove the conflict, it is necessary to repeal the referenced sections of the Clark Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clark, South Dakota, that Chapter 6.06 Moving Buildings, Section 6.06.02 License Required; Section 6.06.04 Applications; and, Section 6.06.06 Surety Bond, are hereby repealed.

All ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed from and after the effective date of this ordinance and this ordinance shall take precedence over any other ordinance previously adopted.

CITY OF CLARK

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Eric Stevens, Mayor



ATTEST:

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Jackie Luttrell, City Finance Officer

First Reading: 9/7/10

Second Reading: 10/4/10

Adopted: 10/4/10

Published: 10/13/10

Effective Date: 11/2/10

### **2010 Assessments**

Luttrell distributed the list of assessments that were filed at the courthouse.

### **Clark Liquor Operating Agreement**

Heim asked to go into executive session to discuss. Item moved to end of meeting.

### **Motion # 182-2010**

### **Street Light**

Motion by Dreher and seconded by Reidburn to approve Northwestern Energy to put up a street light at the corners of 7<sup>th</sup> Avenue NW and N. Smith Street. All members voting yes. Motion carried.

### **Clinic Roof & Insurance**

Luttrell gave an update on the hail damage repairs and the repairs needed after the leak at the clinic.

### **Nuisance Properties**

Council discussed nuisance properties around town. Tear down requests on two houses will proceed according to city code.

### **Job Descriptions**

Heim re-addressed need for job descriptions for city employees. Council will work with their respective departments to get completed.

### **Motion # 183-2010**

### **Joint Council & Planning & Zoning Meeting**

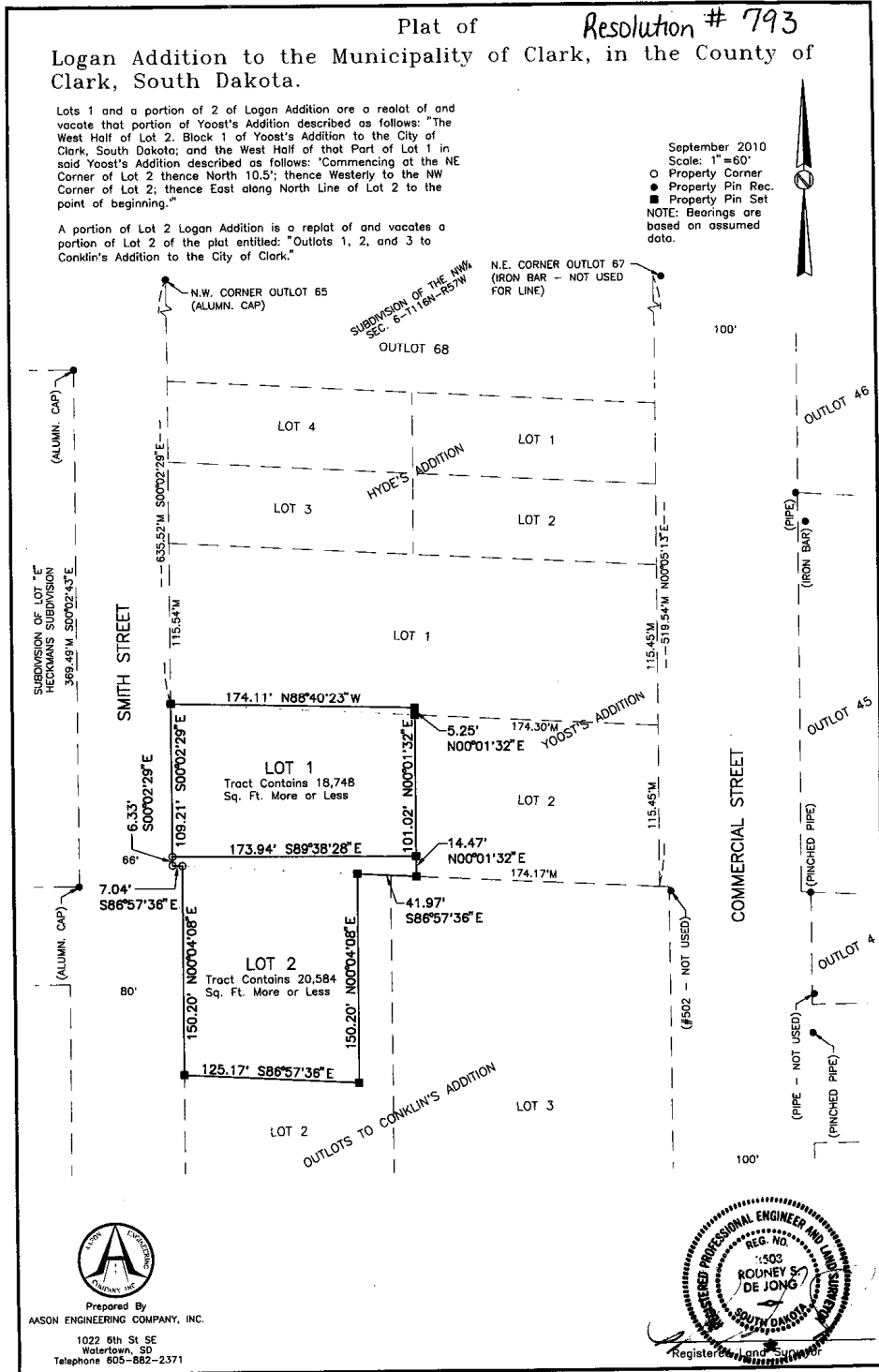
Motion by Dreher and seconded by Pollock to enter the joint City Council and Planning & Zoning meeting to review Logan Addition plat.

Joint meeting began at 8:15 pm.

### **Motion # 184-2010**

### **Resolution # 793 Logan Addition Plat**

Motion by Heim and seconded by Reidburn to approve the Resolution # 793 Logan Addition Plat as follows. All members voting yes. Motion carried.



**PROPRIETOR'S CERTIFICATE**

Dale Stevens, a married person, of 807 N. Smith Street, Clark, SD 57225, owner of the The West Half of Lot 2, Block 1, of Yoost's Addition to the City of Clark, South Dakota, and the West Half of that Part of Lot 1 in said Yoost's Addition described as follows; "Commencing at the N.E. Corner of said Lot 2 and running thence North a distance of 10.5'; thence westerly to the N.W. corner of said Lot 2; thence East along the North Line of said Lot 2 to the place of beginning," hereby certify that I have caused the above described property to be surveyed and platted into a parcel of land hereafter to be known as:

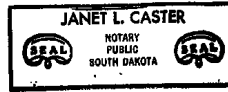
**"Logan Addition to the Municipality of Clark, in the County of Clark, South Dakota."**

and that I have caused the same to be platted by Rodney S. DeJong, a Professional Engineer and Registered Land Surveyor in the State of South Dakota, and that said plat was made at my request and under my direction and for the purpose indicated thereon and herein. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

In witness whereof I have caused these presents to be executed this 1 day of October, 2010.

Dale Stevens  
Dale Stevens

State of South Dakota)  
  )ss  
County of Clark



On this the 1 day of October, 2010, before me, personally appeared Dale Stevens, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged that she executed the foregoing instrument for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Janet L. Caster  
Notary Public, South Dakota

My Commission Expires: 9-12-2011



City Council Meeting – October 4, 2010

**RESOLUTION, CITY OF CLARK**  
Resolution No. 793

BE IT RESOLVED by the City Council of Clark, South Dakota, does hereby approve the plat entitled: "Logan Addition to the Municipality of Clark, in the County of Clark, South Dakota." And the Finance Officer is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon. The foregoing resolution was duly passed and adopted.

Dated at Clark, South Dakota this 4<sup>th</sup> day of October, 2010 A.D.

ATTEST:

[Signature]  
Mayor, City of Clark, SD

[Signature]  
City Finance Officer, Clark, SD

**APPROVAL OF PLANNING AND ZONING COMMISSION**

I hereby certify that the following is a correct copy of the Resolution duly passed by the City Planning Commission of Clark, South Dakota, at a meeting held on the 4<sup>th</sup> day of October, 2010.

[Signature]  
Finance Officer, Clark, South Dakota

"Be it resolved by the City Planning Commission of Clark, South Dakota, that the plat showing "Logan Addition to the Municipality of Clark, in the county of Clark, South Dakota" having been examined is hereby approved in accordance with the provision of SDCL of 1967, Chapter 11-6, and amendments thereof".

**CLARK CITY COUNCIL APPROVAL**

I hereby certify that the following is a correct copy of the Resolution duly passed by the City Council of Clark, South Dakota, at a meeting held on the 4<sup>th</sup> day of October, 2010.

[Signature]  
Finance Officer, Clark, South Dakota

**TREASURER'S CERTIFICATE**

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat, as shown by the records of my office, have been fully paid.

Dated this 29 day of Oct, 2010 A.D.

[Signature]  
Treasurer, Clark County, SD

**DIRECTOR OF EQUALIZATION CERTIFICATE**

I hereby certify that I have received a copy of this plat entitled, "Logan Addition to the Municipality of Clark, in the County of Clark, South Dakota."

Dated this 8 day of Oct, 2010 A.D.

[Signature]  
Director of Equalization, Clark County, SD

**REGISTER OF DEED CERTIFICATE**

I hereby certify that I have received the plat entitled "Logan Addition to the Municipality of Clark, in the County of Clark, South Dakota." and have:

FILED FOR RECORD this 1 day of November, 2010 A.D. at 1:50 O'Clock P. M. and duly recorded in Book Plat 182 B, Page \_\_\_\_\_.

[Signature]  
Register of Deeds, Clark County, South Dakota



Join meeting declared out at 8:17 pm.

**Werdel Request**

Council discussed options for Lee and Jeanne Werdel's request to purchase land, consisting of the street at 6<sup>th</sup> Ave. South, in front of their residence. City Attorney Fjelland suggested an encroachment easement. Fjelland will visit with the Werdels.

**Motion # 183-2010**

**Executive Session**

Motion by Dreher and seconded by Reidburn to move into executive session for contractual and personnel issues (SDCL 1-25-2.1 & 1-25-2.3). All members voting yes. Motion carried.

Executive session began at 8:22 pm and ended at 8:41 pm.

**Motion # 184-2010**

**Clark Liquors Operating Agreement**

Motion by Dreher and seconded by Reidburn to approve the Clark Liquors Operating Agreement. All members voting yes. Motion carried.

**Motion # 185-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 8:42 pm.

This institution is an equal opportunity provider, and employer.

---

Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell

(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting  
October 12, 2010  
6:30 PM**

**Call to order:** The Clark City Council met in session on October 12, 2010 at 6:30 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Randy & Karen Gruenwald, Brian Cook and other residents.

Mayor Stevens called the meeting to order at 6:30 pm.

**Motion # 186-2010**

**Adopt Agenda**

Motion by Pollock and seconded by Reidburn to adopt the agenda. All members voting yes.

Motion carried.

**Motion # 187-2010**

**Joint Meeting**

Motion by Reidburn and seconded by Heim to go into a joint City Council and Board of Adjustment meeting to hold a public hearing for a variance request by Randy Gruenwald. All members voting yes. Motion carried.

Randy Gruenwald explained the purpose for his variance request to add on to Dakota Butcher to the west of the buildig. Brian Cook voiced his objections to the request.

**Motion # 188-2010**

**Table Variance Application**

Motion by Heim and seconded by Reidburn to table the variance application from Randy Gruenwald until the November 1 meeting. All members voting yes. Motion carried.

**Motion # 189-2010**

**Approve Minutes**

Motion by Dreher and seconded by Streff to close the joint meeting at 6:44 pm and reconvene to the city council meeting. All members voting yes. Motion carried.

The scheduled meeting for Planning & Zoning Commission to hear a rezoning request was also tabled.

**Motion # 190-2010**

**Approve Minutes**

Motion by Heim and seconded by Dreher to approve the October 4, 2010 meeting minutes with one correction noting that Dreher abstained from Motion # 174-2010. All members voting yes. Motion carried.

**Motion # 191-2010**

**Approve Claims**

Motion by Fuller and seconded by Reidburn to approve the following claims. All members voting yes. Motion carried.

<b>To</b>	<b>For</b>	<b>Amount</b>
A&B Business Solutions	maintenance	\$54.98
AFLAC	insurance	\$131.80
Butler Machinery	repairs	\$78.32
City of Clark	utilities	\$55.77
Clark Hometown Variety	supplies	\$8.98
Clark Rural Water	materials	\$10,193.20
Cook's Wastepaper	garbage	\$5,246.02
Dacotah Insurance	insurance	\$6,063.00
Fjelland Law Office	legal fees	\$509.60
Huron Culvert	Gruenwald culverts	\$2,115.36
Ken's	supplies	\$17.03
Midwest Alarm	professional fees	\$261.25
Olson's Auto Parts	supplies	\$11.25
Porter Distributing	liquor	\$3,745.90
Pro Build	repairs	\$17,242.83
SD Dept of Revenue	sales tax	\$230.18
Service Master	maintenance	\$454.00

The Werdel agenda item was rescheduled to the November meeting.

**Motion # 192-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 6:46 pm.

This institution is an equal opportunity provider, and employer.

\_\_\_\_\_  
Mayor Eric Stevens

\_\_\_\_\_  
Attest: Finance Officer Jackie Luttrell

(seal)

Published once at the approximate cost of \_\_\_\_\_.



**City of Clark Council Meeting  
November 1, 2010  
6:30 PM**

**Call to order:** The Clark City Council met in session on November 1, 2010 at 6:30 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Bill Krikac, Darin Altfillisch, Roger Collins, Loren Stanley, John Pickrel, Todd Keyes with First District, Randy & Karen Gruenwald, Terry Kloster, Donna Nickels and Milo & Val Richter.

Mayor Stevens called the meeting to order at 6:30 pm.

**Motion # 193-2010**

**Adopt Agenda**

Motion by Heim and seconded by Reidburn to adopt the agenda. All members voting yes.  
Motion carried.

**First District Job Descriptions**

Todd Keys, Director of First District, addressed the council on the job descriptions he recently assisted the city with. Todd talked about the importance of job descriptions, performance evaluations and the next steps the council should take to implement them.

**Public Input**

Milo & Val Richter addressed the council on the recent sewer repairs done at the property on 212 N. Utah Street.

**Motion # 194-2010**

**Approve Sewer Repairs**

Motion by Heim and seconded by Dreher to approve to pay the sewer repairs bills totaling \$2,842.77(\$345.56 to reimburse Richters from Harry's Septic, \$1,567.21 from Forest Excavating, \$810 from Werdel Construction and \$120 from Clark-Doland Concrete). All members voting yes.  
Motion carried.

**Department Updates**

Department updates given by Altfillisch, Collins, Stanley and Luttrell. Sheriff report was reviewed.

**Motion # 195-2010**

**Approve Sewer Repairs**

Motion by Pollock and seconded by Reidburn to approve the department updates. All members voting yes. Motion carried.

**Motion # 196-2010**

**Approve Minutes**

Motion by Streff and seconded by Dreher to approve the Council Meeting Minutes from October 12, 2010. All members voting yes. Motion carried.

**Motion # 197-2010**

**Approve Financial Statements**

Motion by Fuller and seconded by Heim to approve the financial statements. All members voting yes. Motion carried.

**Motion # 198-2010**

**Approve Claims**

Motion by Reidburn and seconded by Fuller to approve the following claims. All members voting yes. Motion carried.

**Paid Claims**

#	To	For	Amount
376	Alltel	utilities	\$87.36
377	EFTPS	941 taxes	\$2,008.63
379	EFTPS	941 taxes	\$1,862.12
19767 - 19782	Water Dept.	payroll	\$887.28
	Sewer Dept.	payroll	\$887.29
	Govt. Bldg.	payroll	\$84.98
	Street Dept.	payroll	\$2,165.32
	Finance Office	payroll	\$1,083.52
	Sanitation	payroll	\$795.29
	Library	payroll	\$350.74
	Transit	payroll	\$523.93
	Mayor	payroll	\$172.27
	Park Dept.	payroll	\$347.14
19783	Account Mngt.	garnish	\$30.00
19784	Credit Collections Bureau	garnish	\$18.80
19785	SD Retirement Systems	retirement contributions	\$1,903.26
19786	Wellmark BCBS	insurance	\$3,819.88
19787	Petty Cash	supplies	\$81.54
19788 - 19803	Water Dept.	payroll	\$859.23
	Sewer Dept.	payroll	\$859.24
	Govt. Bldg.	payroll	\$93.61
	Street Dept.	payroll	\$2,111.80
	Finance Office	payroll	\$1,058.13
	Sanitation	payroll	\$679.30
	Library	payroll	\$350.74
	Transit	payroll	\$497.43
	Mayor	payroll	\$172.27
	Park Dept.	payroll	\$306.68



### **Storm Drainage**

Updates were given on the water drainage progress along the east end of town. It has been determined that the water way southeast of Highway 212 needs to be opened up to allow the water to flow from the northeast part of town. Luttrell asked for a new department to be created to track the costs of these expenses. Altfillisch would like to hire Eddy Rieke to clean out a section in McHenry's pasture. The state has offered the use of their trucks to haul away the debris. Culverts have been purchased that will be installed by the township.

#### **Motion # 199-2010**

#### **Clean Out Storm Drainage**

Motion by Dreher and seconded by Reidburn to authorize Altfillisch to arrange for Eddy Reike to come and clean out the water way contingent on proof of insurance. All members voting yes. Motion carried.

#### **Motion # 200-2010**

#### **Storm Drainage Department**

Motion by Heim and seconded by Dreher to create a new department for Storm Drainage (43150) to track expenses relating to the storm drainage clean out project, and to pay these bills from the new department: Clark-Doland Concrete \$1,008.00 and Huron Culvert \$1,535.95. All members voting yes. Motion carried.

#### **Motion # 201-2010**

#### **Trash Pump**

Motion by Dreher and seconded by Reidburn to reallocate the funds for the 4" Trash Pump from USA Blue Book, \$5,127.48, from the Storm Drainage department. All members voting yes. Motion carried.

### **Condemned Houses**

Luttrell gave an update on the process of condemning two houses.

Pam Cooper has responded to her notice, for the property located at 201 S. Kansas, asking for an extension as she has contacted an auctioneer to sell the property. Luttrell stated that the property taxes are delinquent by four years, multiple years of mowing assessments are on the property, and the auctioneer has declined to take the sale. Council agreed to pursue the next step to present a resolution at the next meeting to condemn and tear down the property. Donna Nickels was in attendance at the meeting and later voiced her concern on the danger the property causes as it is a popular hangout for kids. The cost to tear down the house and garage is estimated to cost \$3,500.00.

Faye Knutson has responded to her notice for the house located at 309 N. Smith, asking for an extension until May 2011. At that time, she plans on having a household auction to sell the antiques stored within the house and then agreeing to the tear down. Council agreed to extend the tear down for June 2011. The cost to tear down the house and garage is estimated to cost \$3,000.00.

**Motion # 202-2010**

**Contingency Transfers**

Motion by Streff and seconded by Heim to approve the following contingency transfers: \$11.00 to Industrial Development; \$100 to Elections; \$5,000 to Pool; \$6,000 to Parks and \$7,672 to Storm Drainage. All members voting yes. Motion carried.

**Ordinance #496 Budget Supplements**

First reading of Ordinance #496 An Ordinance supplementing appropriations for 2010.

**Motion # 203-2010**

**Med Van Policy**

Motion by Heim and seconded by Reidburn to approve an amendment to the med van policy as follows. All members voting yes. Motion carried.

“We reserve the right to refuse service to anyone. In an effort to assure the safety and wellbeing of the passengers and drivers of the med van, every effort should be undertaken to assure that those utilizing the med van be free of infectious/communicable conditions. Any open or draining wound must be covered with a clean dressing and be free of any visible drainage. Individuals with infectious respiratory conditions should wear a mask at all times during med van use. The med van will not transport anybody that is in isolation either in their homes or a facility. Individuals who do not or cannot follow these guidelines shall be prohibited from using the med van until such time that a medical release can be provided by their primary care provider, documenting that they are free of communicable illness.”

**Special City Attorney**

City Attorney Fjelland advised council of a legal matter with the Credit Bureau of Watertown that requires another city attorney to handle due to his conflict of interest. Luttrell has been in contact with Adam Altman, Aberdeen City Attorney, to arrange his assistance.

**Motion # 204-2010**

**Approve Special City Attorney**

Motion by Pollock and seconded by Fuller to approve Adam Altman to handle a legal matter in regards to a water bill dispute between the Credit Bureau of Watertown and a resident. All members voting yes. Motion carried.

**Motion # 205-2010**

**Day After Thanksgiving**

Motion by Dreher and seconded by Streff to approve the day after Thanksgiving, November 26, 2010, as a holiday for city employees. All members voting yes. Motion carried.

**Motion # 206-2010**

**Personnel Manual**

Motion by Pollock and seconded by Dreher to amend the Personnel Manual to include the day after Thanksgiving as a legal holiday for employees. All members voting yes. Motion carried.

Being 7:30 pm, the Board of Adjustment convened for the scheduled public hearing to hear a variance request.

**Motion # 207-2010**

**Board of Adjustment Public Hearing**

Motion by Dreher and seconded by Reidburn to enter into scheduled Board of Adjustment meeting to hear a variance request. All members voting yes. Motion carried.

Randy Gruenwald presented his request again to add onto the front of his property located at 99 S. Commercial (Lot 1 South City Park Addn Clark) to add more retail space. The application is to relax the front yard requirements in a highway commercial district to within 25 feet of the property line. The structure would not obstruct the clear view triangle.

**Motion # 208-2010**

**Approve Variance Request & Findings**

Motion by Dreher and seconded by Streff to approve the variance request for Dakota Butcher to relax the front yard requirement and make findings that the requirements have been met in the section 11.17.03.1.e.i of zoning manual.

Motion by Fuller and seconded by Dreher that the Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building and structure.

Motion by Streff and seconded by Pollock that the Board of Adjustment shall further make a finding that the granting of variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

All members voting yes. Motions carried.

**City Christmas Party**

Council discussed times and locations for the City Christmas party.

**Motion # 209-2010**

**Skating Rink Attendant**

Motion by Heim and seconded by Reidburn to approve Pam Ambrose as the skating rink attendant for the upcoming skating season at a pay of \$7.50/hour. All members voting yes. Motion carried.

**Motion # 210-2010**

**Executive Session**

Motion by Dreher and seconded by Heim to enter into executive session for contractual (SDCL 1-25-2-3) and personnel (SDCL 1-25-2-1) issues. All members voting yes. Motion carried.

Executive session began at 7:44 pm and ended at 7:55 pm.

**Motion # 211-2010**

**Liquor Licenses**

Motion by Heim and seconded by Fuller to approve the liquor licenses for Clark Liquors, Clark Golf Course, Playhouse, Time Out and Sportsman. All members voting yes. Motion carried.

**Motion # 212-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 7:56 pm.

This institution is an equal opportunity provider, and employer.

---

Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell

(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting  
December 6, 2010  
7:00 PM**

**Call to order:** The Clark City Council met in session on December 6, 2010 at 7:00 pm in the City Hall Council Room.

**Council Members Present:** Larry Dreher, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn. Absent Paul Fuller.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland, Darin Altfillisch, Roger Collins, Loren Stanley, Bill Krikac and Helen Olson.

Mayor Stevens called the meeting to order at 7:00 pm.

**Motion # 213-2010**

**Adopt Agenda**

Motion by Dreher and seconded by Reidburn to adopt the agenda. All members voting yes.  
Motion carried.

**Public Input**

Luttrell presented the council with a thank you picture from Dean Rasmussen for the PDR Youth Hunt. Helen Olson addressed the council regarding the speeding on the road between the elementary and high school and the disrepair of the water tower building. Council again discussed repairs/replacement needed to that building.

**Department Updates**

Updates given by Altfillisch, Collins, Stanley and Luttrell. Collins explained a program with Titan Machinery for free use of a Case International Tractor for up to 250 hours in exchange of us doing just regular maintenance. The 250 HP tractor will be delivered in March. Collins presented three options for a trekker or 4-wheeler to purchase from the Streets departments budget, but could be beneficial for all departments. Council reviewed job descriptions for Water & Sewer Superintendent, Streets Superintendent, City Maintenance Worker and Park & Rubble Site Superintendent.

**Motion # 214-2010**

**Approve Updates**

Motion by Dreher and seconded by Reidburn to approve the department updates. All members voting yes. Motion carried.

**Motion # 215-2010**

**Approve Job Descriptions**

Motion by Streff and seconded by Reidburn to approve the job descriptions. Voting in favor Streff and Reidburn. Voting against Pollock, Heim and Dreher. Motion failed.

**Motion # 216-2010**

**Approve Minutes**

Motion by Heim and seconded by Streff to approve the Council Meeting Minutes from November 1, 2010. All members voting yes. Motion carried.



**Motion # 217-2010**

**Approve Financial Statements**

Motion by Dreher and seconded by Reidburn to approve the financial statements. All members voting yes. Motion carried.

**Motion # 218-2010**

**Approve Claims**

Motion by Streff and seconded by Heim to approve the following claims. All members voting yes. Motion carried.

#	To	For	Amount
380	Dacotah Bank	supplies	\$45.11
381	SD Dept of Revenue	sales tax	\$182.08
382	City of Clark	utilities	\$35.71
383	EFTPS	941 taxes	\$1,910.71
384	Alltel	utilities	\$87.58
388	EFTPS	payroll taxes	\$1,932.47
389	EFTPS	council payroll taxes	\$579.00
19838	Republic	liquor	\$14,401.13
19839	Ellwein Brothers	liquor	\$14,859.80
19840	Porter Distributing	liquor	\$4,118.40
19841	Cook's Wastepaper	utilities	\$39.93
19842	The US Life Insur. Co.	insurance	\$17.40
19843	Cook's Wastepaper	garbage collections	\$5,214.16
19844	Republic	liquor	\$1,768.54
19845	Clark Rural Water	materials	\$10,400.60
19846 - 19861	Water Dept.	payroll	\$851.92
	Sewer Dept.	payroll	\$851.93
	Govt. Bldg.	payroll	\$84.98
	Streets Dept.	payroll	\$2,164.20
	Finance Office	payroll	\$1,058.14
	Sanitation Dept.	payroll	\$772.46
	Library	payroll	\$433.85
	Transit	payroll	\$475.01
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$317.72
19862	Wellmark BCBS	insurance	\$3,819.88
19863	City of Clark	deposit applied to bill	\$94.97
19864	Lynn Thompson	water deposit refund	\$5.03
19865	Clark Co. Treasurer	police protection	\$8,165.00
19866	Jackie Luttrell	mileage	\$114.45
19867	Paul's Drywall & Design	repairs	\$12,570.48
19868 - 19882	Water Dept.	payroll	\$900.84
	Sewer Dept.	payroll	\$900.84

**City Council Meeting – December 6, 2010**

<b>#</b>	<b>To</b>	<b>For</b>	<b>Amount</b>
	Govt. Bldg.	payroll	\$84.98
	Streets Dept.	payroll	\$2,162.53
	Finance Office	payroll	\$1,224.41
	Sanitation Dept.	payroll	\$534.39
	Library	payroll	\$350.74
	Transit	payroll	\$450.54
	Mayor	payroll	\$172.27
	Parks Dept.	payroll	\$315.67
19883	Account Mngt.	garnish	\$45.00
19884	SD Retirement Systems	retirement	\$2,787.42
19885	Credit Collections	garnish	\$28.20
19886	The US Life Insur. Co.	insurance	\$17.40
19887 - 19892	Council Payroll	payroll	\$2,650.50

<b>To</b>	<b>For</b>	<b>Amount</b>
A&B Business	maintenance	\$45.84
Aaron Gruenwald	water deposit refund	\$100.00
AFLAC	insurance	\$131.80
American Family Insur	insurance	\$8.00
A-OX Welding	supplies	\$31.08
A-Tech Sewer	rental	\$2,150.00
Automatic Systems	maintenance	\$117.42
Baete-Forseth	repairs	\$367.56
Board of Operator	professional fees	\$24.00
Book of the Month Club	books	\$37.46
Butler CAT	maintenance	\$50.05
Cardmember Services	supplies	\$163.94
City of Clark	deposits applied to bills	\$300.00
Clarice Duenwald	water deposit refund	\$100.00
Clark Co. Courier	advertising	\$862.36
Clark Co. Highway Dept	supplies	\$3,973.31
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Laundromat	water deposit refund	\$100.00
Clark Co. Treasurer	police protection	\$8,165.00
Clark Community Oil	supplies	\$1,760.42
Clark Community Oil	supplies	\$1,373.21
Clark Fire Dept.	professional fees	\$1,740.00
Clark Flower & Gifts	supplies	\$97.93
Clark Hometown Variety	supplies	\$28.13
Cook's Wastepaper	utilities	\$39.93
D&D Holiday Delites	repairs	\$60.00

**City Council Meeting – December 6, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Dacotah Bank	subsidies	\$6,477.47
Dacotah Bank	professional fees	\$48.18
Dakota Butcher	water deposit refund	\$100.00
Dakota Butcher	supplies	\$75.00
Dekker Hardware	supplies	\$1,108.12
Ecolab	spraying	\$77.00
Electric Motor & Moore	repairs	\$345.00
Ellwein Brothers	liquor	\$12,751.00
Fjelland Law Office	legal fees	\$409.60
Hawkins	repairs	\$54.79
ITC	utilities	\$395.05
Janell Holzwarth	water deposit refund	\$100.00
JB Repair	water deposit refund	\$100.00
JB Repair	repairs	\$1,402.50
Jeff Lautenslager	water deposit refund	\$100.00
Jeremy Muilenburg	water deposit refund	\$100.00
Joe Hulscher	water deposit refund	\$100.00
Johnson Brothers	liquor	\$7,332.01
Literary Guild	books	\$40.02
Lyle Signs	supplies	\$88.21
M&T Fire Safety	equipment	\$1,505.88
Mack's Standard	supplies	\$404.40
Michael Todd & Co.	parts	\$1,337.60
Moeller Sheet Metal	maintenance	\$95.29
Moritz Publishing	supplies	\$164.50
Muriel Larson	water deposit refund	\$100.00
Northwestern Energy	utilities	\$4,974.73
Office Peeps	supplies	\$46.23
Olson Auto Parts	fire dept. parts	\$1,391.43
Olson Auto Parts	street supplies	\$39.69
Oscar's Machine Shop	repairs	\$326.33
Patricia Nuttbrock	water deposit refund	\$100.00
Petty Cash	supplies	\$65.36
Porter Distributing	liquor	\$3,684.25
Quill	supplies	\$87.60
Republic National	liquor	\$6,930.19
Rick Peckham	water deposit refund	\$100.00
Ringneck Lodge	water deposit refund	\$100.00
Ritter's Repair	repairs	\$410.58
SD Dept of Revenue	professional fees	\$200.00
SD Dept of Revenue	November sales tax	\$255.60
SD Federal Property Agency	supplies	\$24.76

City Council Meeting – December 6, 2010

To	For	Amount
SD Library Assoc.	dues	\$100.00
SD Rural Development	sewer revenue bond	\$787.00
SD Rural Development	water revenue bond	\$908.00
Share Corp	supplies	\$168.22
SooFoo Beverage	liquor	\$233.00
South Dakota One Call	professional fees	\$35.43
Star Laundry	maintenance	\$53.41
Stein Sign Display	repairs	\$3,485.75
Tammy Shult	water deposit refund	\$100.00
Terry Hubbard	water deposit refund	\$100.00
Thomson West	supplies	\$28.00
Tracy Rosheim	water deposit refund	\$100.00
Westside Implement	equipment	\$1,275.00
William Neale & Co.	professional fees	\$10,725.00
Woodring Plumbing	maintenance	\$309.06

**Motion # 219-2010**

**Resolution #794 Logan Second Addition**

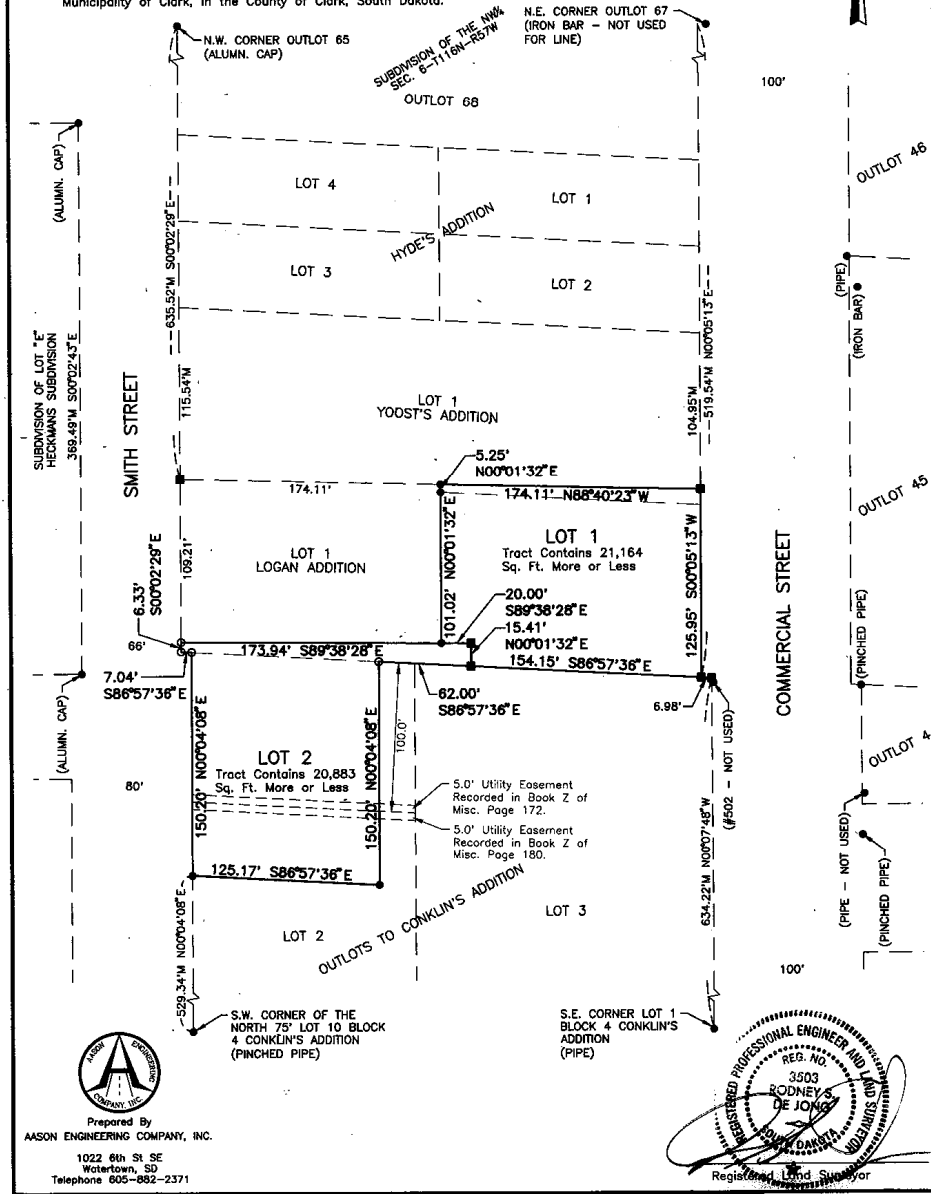
Motion by Dreher and seconded by Heim to approve Resolution #794 for the Logan Second Addition as follows. All members voting yes. Motion carried.

Plat of Resolution # 794  
 Logan Second Addition to the Municipality of Clark, in the  
 County of Clark, South Dakota.

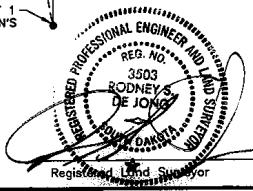
Lot 1 and a portion of Lot 2 of Logan Second Addition are a replat of and vacate that portion of Yoost's Addition described as follows: "The East Half of Lot 2, Block 1 of Yoost's Addition to the City of Clark, South Dakota; and the East Half of that portion of Lot 1 in said Yoost's Addition described as follows: 'Commencing at the NE Corner of Lot 2 thence North 10.5'; thence Westery to the NW Corner of Lot 2; thence East along North Line of Lot 2 to the point of beginning.'"

A portion of Lot 2 Logan Second Addition is a replat of and vacates all of Lot 2 of the plat entitled: "Logan Addition to the Municipality of Clark, in the County of Clark, South Dakota."

December 2010  
 Scale: 1"=60'  
 ○ Property Corner  
 ● Property Pin Rec.  
 ■ Property Pin Set  
 NOTE: Bearings are based on assumed data.



Prepared by  
 AASON ENGINEERING COMPANY, INC.  
 1022 8th St SE  
 Watertown, SD  
 Telephone 605-882-2371



City Council Meeting – December 6, 2010

**PROPRIETOR'S CERTIFICATE**

Jeremy A. Muilenburg of 723 N. Commercial Street, Clark, SD 57225, owner of the The East Half of Lot 2, Block 1, of Yoost's Addition to the City of Clark, South Dakota, and the East Half of that Part of Lot 1 in said Yoost's Addition described as follows; "Commencing at the N.E. Corner of said Lot 2 and running thence North a distance of 10.5'; thence westerly to the N.W. corner of said Lot 2; thence East along the North Line of said Lot 2 to the place of beginning," hereby certify that I have caused the above described property to be surveyed and platted into a parcel of land hereafter to be known as:

**"Logan Second Addition to the Municipality of Clark, In the County of Clark, South Dakota."**

and that I have caused the same to be platted by Rodney S. DeJong, a Professional Engineer and Registered Land Surveyor in the State of South Dakota, and that said plat was made at my request and under my direction and for the purpose indicated thereon and herein. I further certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

In witness whereof I have caused these presents to be executed this 3rd day of Dec., 2010.

  
\_\_\_\_\_  
Jeremy A. Muilenburg

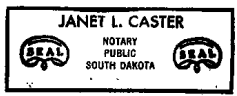
State of South Dakota)  
  )ss  
County of Clark )

On this the 3rd day of Dec., 2010, before me, personally appeared Jeremy A. Muilenburg, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged that she executed the foregoing instrument for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public, South Dakota

My Commission Expires: 9-12-2011



**PROPRIETOR'S CERTIFICATE**

We, Luella A. Logan and Byrl W. Logan, acting agents on behalf of the Living Trust of Luella A. Logan dated February 23, 1999, owners of Lot 2 of the plat entitled, "Logan Addition to the Municipality of Clark, in the County of Clark, South Dakota," hereby certify that we have caused a portion of the above described property to be surveyed and platted into a parcel of land hereafter to be known as:

**"Logan Second Addition to the Municipality of Clark, in the County of Clark, South Dakota."**

and that we have caused the same to be platted by Rodney S. DeJong, a Professional Engineer and Registered Land Surveyor in the State of South Dakota, and that said plat was made at our request and under our direction and for the purpose indicated thereon and herein. We further certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

In witness whereof we have caused these presents to be executed this 20<sup>th</sup> day of Dec., 2010.

Luella A. Logan  
Luella A. Logan

Byrl W. Logan  
Byrl W. Logan

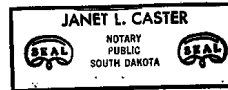
State of South Dakota)  
)ss  
County of Clark

On this the 20<sup>th</sup> day of Dec., 2010, before me, personally appeared Luella A. Logan and Byrl W. Logan, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Janet L. Caster  
Notary Public, South Dakota

My Commission Expires: 9-12-2011



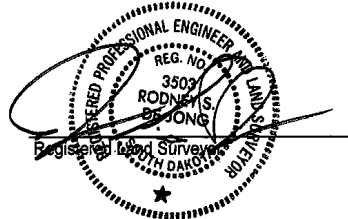
**SURVEYOR'S CERTIFICATE**

I, Rodney S. DeJong, a Professional Engineer and Registered Land Surveyor in the State of South Dakota, do hereby certify that at the instance and request of Luella A. Logan, Byrl W. Logan and Jeremy A. Muilenburg, owners of the aforementioned property, did on or before November 24, 2010, survey the parcel of land as shown on the accompanying plat.

I further certify that the said plat is a true and correct representation of the said parcel as surveyed and platted by me into:

**"Logan Second Addition to the Municipality of Clark, in the County of Clark, South Dakota."**

I hereby set my hand this 30<sup>th</sup> day of NOVEMBER, 2010.



**RESOLUTION, CITY OF CLARK**  
Resolution No. 794

BE IT RESOLVED by the City Council of Clark, South Dakota, does hereby approve the plat entitled: **“Logan Second Addition to the Municipality of Clark, in the County of Clark, South Dakota.”** And the Finance Officer is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon. The foregoing resolution was duly passed and adopted.

Dated at Clark, South Dakota this 6<sup>th</sup> day of December, 2010 A.D.

ATTEST:

Jackie Sutherland  
City Finance Officer, Clark, SD

[Signature]  
Mayor, City of Clark, SD

**APPROVAL OF PLANNING AND ZONING COMMISSION**

I hereby certify that the following is a correct copy of the Resolution duly passed by the City Planning Commission of Clark, South Dakota, at a meeting held on the 4<sup>th</sup> day of October, 2010.

Jackie Sutherland  
Finance Officer, Clark, South Dakota

“Be it resolved by the City Planning Commission of Clark, South Dakota, that the plat showing “Logan Second Addition to the Municipality of Clark, in the county of Clark, South Dakota” having been examined is hereby approved in accordance with the provision of SDCL of 1967, Chapter 11-6, and amendments thereof”.

**CLARK CITY COUNCIL APPROVAL**

I hereby certify that the following is a correct copy of the Resolution duly passed by the City Council of Clark, South Dakota, at a meeting held on the 6<sup>th</sup> day of December, 2010.

Jackie Sutherland  
Finance Officer, Clark, South Dakota

**TREASURER'S CERTIFICATE**

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat, as shown by the records of my office, have been fully paid.

Dated this 15 day of December, 2010 A.D.

Kay Makler  
Treasurer, Clark County, SD



**DIRECTOR OF EQUALIZATION CERTIFICATE**

I hereby certify that I have received a copy of this plat entitled, **“Logan Second Addition to the Municipality of Clark, in the County of Clark, South Dakota.”**

Dated this 14 day of Dec, 2010 A.D.

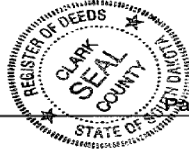
Dan Larson  
Director of Equalization, Clark County, SD

**REGISTER OF DEED CERTIFICATE**

I hereby certify that I have received the plat entitled **“Logan Second Addition to the Municipality of Clark, in the County of Clark, South Dakota.”** and have:

FILED FOR RECORD this 15 day of December, 2010 A.D. at 8:15 O'Clock A. M. and duly recorded in Book Plat 183A Page —.

Jasnet Hurlbut  
Register of Deeds, Clark County, South Dakota



**Motion # 220-2010**

**Resolution # 795 Abate Public Nuisance**

Motion by Streff and seconded by Reidburn to approve Resolution #795 as follows. All members voting yes. Motion carried.



**Resolution #795**

A RESOLUTION PURSUANT TO CLARK MUNICIPAL CODE SECTION 3.10.24 DIRECTING THE BUILDING OFFICAL TO PROCEED IN ACCORDANCE WITH A NOTICE TO ABATE PUBLIC NUISANCE FOR PROPERTY LOCATED AT 201 S. KANSAS STREET, CLARK, SOUTH DAKOTA.

WHEREAS, the building official of the City of Clark, South Dakota, served a Notice to Abate Public Nuisance upon Pam Cooper with respect to property located at 201 South Kansas Street in Clark, South Dakota, said property being legally described as Lots 1-5, except the West 200 Feet of Lot 2, Block 3, Harris Addition to the City of Clark;

WHEREAS, Pam Cooper appealed the decision of the building official;

WHEREAS, pursuant to Clark Municipal Code Section 3.10.24, the City Council heard the appeal of Pam Cooper;

WHEREAS, after hearing the appeal, the City Council believes it is in the public interest of the residents of Clark, South Dakota, that the building official proceed in accordance with the abatement notice;

NOW , THEREFORE, BE IT RESOLVED:

1. That the house and garage located upon Lots 1-5, except the West 200 Feet of Lot 2, Block 3, Harris Addition to the City of Clark, shall be razed, this being the least restrictive alternative to abate the public nuisance pursuant to the Notice to Abate Public Nuisance dated May 17, 2010, which is attached hereto and incorporated herein by reference.

Adopted this 6<sup>th</sup> day of December, 2010.

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Eric Stevens, Mayor  
City of Clark, South Dakota

ATTEST:

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Jackie Luttrell, City Finance Officer

**Motion # 221-2010**

**2009 Audit Report**

Motion by Dreher and seconded by Streff to approve the 2009 Audit Report as prepared by William Neale & Associates and as filed in the City Finance Office. All members voting yes.  
Motion carried.

**Motion # 222-2010**

**Engineering Agreement**

Motion by Heim and seconded by Dreher to authorize the Mayor to sign the engineering agreement from Clark Engineering for the wastewater system study. All members voting yes. Motion carried.

**Motion # 223-2010**

**Contingency Transfers**

Motion by Reidburn and seconded by Streff to approve the following contingency transfers: \$35 to Elections (41300), \$2,000 to Sanitations (43210), \$2,300 to Storm Drainage (43150) and \$500 to Pool (45120). All members voting yes. Motion carried.

**Motion # 224-2010**

**Operating Transfer**

Motion by Heim and seconded by Dreher to authorize a \$15,000 operating transfer from the general fund to the sewer fund. All members voting yes. Motion carried.

**Motion # 225-2010**

**Ordinance #496 2010 Budget Supplement**

Motion by Dreher and seconded by Reidburn to approve Ordinance #496 An Ordinance to Supplementing Appropriations to the 2010 Budget as shown below. All members voting yes. Motion carried.

**Ordinance # 496**

“An ordinance Supplementing Appropriations for the City of Clark, Clark County, South Dakota, for the year 2010.

Be it ordained that the following sums be appropriated to supplement the City of Clark 2010 Budget:

101 – General Fund

41920	General Government Buildings .....	\$31,600
43150	Storm Drainage.....	\$9,000
44100	Health .....	\$23,875
45200	Parks .....	\$3,400
51100	Operating Transfer Out .....	\$15,000

Means of Finance will be Compensation for Loss and Fund Balance.

That this ordinance is necessary for the immediate support of the public peace, health, and safety of the Municipal Government of the City of Clark, and its existing institutions.

That all Ordinances or parts of the Ordinances in conflict with this Ordinance are hereby repealed.”

By: \_\_\_\_\_

Mayor Eric Stevens

Attest: \_\_\_\_\_

Finance Officer Jackie Luttrell

1<sup>st</sup> Reading: November 1, 2010

2<sup>nd</sup> Reading: December 6, 2010

Adopted: December 6, 2010

Published: December 8, 2010

Effective: December 28, 2010

#### **Ordinance #497**

A first reading was heard on Ordinance #497 Build America Bonds for Rural Development Loans.

#### **Ordinance #499**

A first reading was heard on Ordinance #499 An Ordinance to Adopt the International Property Maintenance Code.

#### **Motion # 226-2010**

#### **Uncollectable Water Account**

Motion by Heim and seconded by Streff to write off an uncollectable water account (deceased – no assets), 01-00001398-00-6, for \$1,090 and to discontinue future billings. All members voting yes. Motion carried.

#### **Motion # 227-2010**

#### **2010 Audit Proposal**

Motion by Dreher and seconded by Reidburn to approve the 2010 Audit Proposal from William Neale and Associations at a rate of \$65.00/hour, not to exceed \$13,000. All members voting yes. Motion carried.

#### **Mitigation Informational Meeting**

Streff will attend the Mitigation Information meeting scheduled for December 8, 2010.

#### **Motion # 228-2010**

#### **EOY Meeting**

Motion by Heim and seconded by Reidburn to schedule the end of year meeting on December 29, 2010 at 7:00 pm. All members voting yes. Motion carried.

#### **Motion # 229-2010**

#### **Executive Session**

Motion by Dreher and seconded by Heim to enter into executive session to discuss 2011 Salaries. All members voting yes. Motion carried.

Executive session began at 8:00 pm and ended at 8:19 pm.

A first reading was heard on Ordinance #4498 2011 Salaries.

#### **Motion # 230-2010**

#### **Adjourn**

Motion by Heim and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 8:20 pm.

This institution is an equal opportunity provider, and employer.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell  
(seal)

Published once at the approximate cost of \_\_\_\_\_.

**City of Clark Council Meeting  
December 29, 2010  
6:00 PM**

**Call to order:** The Clark City Council met in session on December 29, 2010 at 6:00 pm in the City Hall council room for the end of year meeting.

**Council Members Present:** Larry Dreher, Paul Fuller, Louann Streff, Roberta Heim, John Pollock and Lon Reidburn.

**Others Present:** Mayor Eric Stevens, Finance Officer Jackie Luttrell, City Attorney Chad Fjelland and Bill Krikac.

Mayor Stevens called the meeting to order at 6:00 pm.

**Motion # 231-2010** **Adopt Agenda**  
Motion by Streff and seconded by Heim to adopt the agenda. All members voting yes. Motion carried.

**Motion # 232-2010** **Executive Session**  
Motion by Dreher and seconded by Reidburn to go into executive session for personnel reasons, SDCL 1-25-2-2. All members voting yes. Motion carried.

Executive session began at 6:01 pm and ended at 6:51 pm.

**Motion # 233-2010** **Approve Minutes**  
Motion by Dreher and seconded by Reidburn to approve the council meeting minutes from December 6, 2010. All members voting yes. Motion carried.

**Motion # 234-2010** **Approve Claims**  
Motion by Reidburn and seconded by Heim to approve the following claims. All members voting yes. Motion carried.

**Additional December Claims**

#	To	For	Amount
19967	City of Clark	operating transfer	\$15,000.00
19968	Clark Rural Water	materials	\$10,040.20
19969	Dacotah Bank	TIF #1 payment	\$8,546.00
19970	Dacotah Bank	TIF #2 payment	\$2,771.10
19971	Cook's Wastepaper	garbage	\$4,994.62
19972	Time Out	meals	\$269.00
394	City of Clark	utilities	\$42.51
395	EFTPS	taxes	\$2,112.37
19973 - 19987	Water Dept.	payroll	\$955.67
	Sewer Dept.	payroll	\$955.68
	Govt. Bldg.	payroll	\$93.61

**City Council Meeting – December 29, 2010**

#	To	For	Amount
	Finance Office	payroll	\$1,058.13
	Sanitation	payroll	\$368.73
	Library	payroll	\$350.74
	Transit	payroll	\$629.95
	Mayor	payroll	\$172.27
	Parks	payroll	\$368.74
19988 - 20002	Water Dept.	payroll	\$852.06
	Sewer Dept.	payroll	\$852.07
	Govt. Bldg.	payroll	\$76.34
	Streets	payroll	\$2,403.64
	Finance Office	payroll	\$1,058.14
	Sanitation	payroll	\$320.46
	Library	payroll	\$378.44
	Transit	payroll	\$434.17
	Mayor	payroll	\$172.24
	Parks	payroll	\$588.93
20003	Wellmark BCBS	insurance	\$3,819.88
20004	Account Mngt.	garnish	\$30.00
20005	Credit Collections Buearu	garnish	\$18.80
20006	SD Retirement Systems	retirement	\$2,022.58
400	EFTPS	payroll taxes	\$1,948.55

**New December Claims**

To	For	Amount
A&B Business	maintenance	\$72.75
Alltel	utilities	\$121.84
Butler	repairs	\$223.13
Cardmember Services	repairs	\$16.98
City of Clark	utilities	\$530.10
City of Clark	water deposits applied to bills	\$200.00
Colonial Research	supplies	\$517.16
Gruenwald Electric	repairs	\$229.97
Jackie Luttrell	mileage	\$11.84
J & J Heating	repairs	\$299.90
JB Repair	repairs	\$111.50
Ladies Home Journal	subscription	\$16.97
Mack's Standard	supplies	\$478.95
Michael Todd & Co.	supplies	\$402.50
NAPA Auto Parts	supplies	\$149.59
Northwestern Energy	utilities	\$6,781.53
Office Peeps	supplies	\$13.88
Petty Cash	supplies	\$41.02

**City Council Meeting – December 29, 2010**

<b>To</b>	<b>For</b>	<b>Amount</b>
Pheasantland Industries	supplies	\$204.51
Pitney Bowes	postage machine rental	\$162.00
Pro Build	supplies	\$47.04
Rieke Excavating	storm drainage	\$7,650.00
SD DENR	discharge permit	\$1,500.00
SD One Call	locates	\$12.60
SD Dept of Revenue	professional fees	\$200.00
SD Water & Wastewater Assoc.	professional fees	\$10.00
Share Corp	supplies	\$302.01
Star Laundry	maintenance	\$53.41
VanDiest Supply	supplies	\$3,531.00
Westside Implement	trekker	\$7,500.00

**New January Claims**

<b>To</b>	<b>For</b>	<b>Amount</b>
American Family Insur.	insurance	\$8.00
Clark Co. Historical Society	subsidies	\$560.00
Clark Co. Treasurer	police protection	\$8,165.00
Dacotah Bank	subsidies	\$6,477.47
Expetec	professional fees	\$4,788.00
Pioneer Bank & Trust	copier	\$157.00
SD Municipal League	professional fees	\$915.95
SD Municipal Liquor Control	professional fees	\$25.00
SD Municipal Street Maintenance	professional fees	\$35.00
SD Govt. Human Resource Assoc.	professional fees	\$25.00
SD Govt. Finance Officer Assoc.	professional fees	\$70.00
SD Assoc. of Code Enforcement	professional fees	\$40.00
SD Rural Development	water revenue bond	\$908.00
SD Rural Development	sewer revenue bond	\$787.00
SDML Workers Compensation	work comp insurance	\$10,491.00

**Mitigation Meeting**

Streff and Luttrell reported on the Mitigation Meeting that they attended on December 8<sup>th</sup>. The City will be applying for assistance for generators and drainage.

**Motion # 235-2010**

**Ordinance #497 Build America Bonds**

Motion by Heim and seconded by Fuller to approve Ordinance #497 An Ordinance Amending Ordinance #494. All members voting yes. Motion carried.

**ORDINANCE NO. 497 AMENDING ORDINANCE NO. 494**

**BE IT ORDAINED as follows:**

Ordinance No. 494 shall be amended to add:

5.07. Build America Bond. The City may designate the Bond as “Build America Bond” under Section 54AA of the Internal Revenue Code of 1986, as amended (the “Code”) and the City may elected under the Code Section 54AA(g) to receive a credit from the United States Treasury equal to 35% of the stated interest paid on the Bond as provided in Code Section 6431. The City covenants to comply with the requirements of Section 54AA(g) of the Code to assure eligibility of the City for receipt of the direct payment interest credit.

Section 2. All other provisions of the Ordinance shall remain in force and effect as passed.

The above and foregoing Ordinance was read by Mayor Stevens and was moved for adoption by Roberta Heim seconded by Paul Fuller and upon roll call vote,

voted aye, Larry Dreher, Roberta Heim, Louann Streff, Paul Fuller, Lonnie Reidburn and John Pollock

voted nay, none

whereupon the Mayor of the City Common Council declared the Ordinance to be duly passed and adopted.

ATTEST:

Mayor \_\_\_\_\_

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading: December 6, 2010

Second Reading: December 29, 2010

Adopted: December 29, 2010

Published: January 5, 2010

Effective Date: January 25, 2010



**Motion # 236-2010**

**Ordinance #498 2011 Salaries**

Motion by Dreher and seconded by Reidburn to approve Ordinance #498 An Ordinance Fixing 2011 Salaries and Compensation as follows. All members voting yes. Motion carried.

**Ordinance # 498**

An Ordinance Fixing the Salaries and Compensation of the Appointed, Other Municipal Officials, and Regular Employees for the City of Clark, South Dakota.

Section # 1: That the salaries and compensation of the appointed officers, other municipal officials, and regular employees of the City of Clark, South Dakota from and after January 1, 2011 shall be as follows:

Mayor	\$ 4,850.00	annual salary
City Council Members	\$ 60.00	per meeting
Finance Officer - Jackie Luttrell	\$31,008.00	annual salary
Special Meeting attended - Jackie Luttrell	\$ 35.00	per meeting
Deputy Finance Officer - Rae Jean Flora	\$27,642.00	annual salary
Finance Office Assistant	\$ 8.50	per hour
Street Superintendent - Roger Collins	\$38,308.00	annual salary
Parks & Landfill Superintendent - Loren Stanley	\$31,767.00	annual salary
Water & Sewer Superintendent - Darin Altfillisch	\$38,680.00	annual salary
FT City Maintenance Worker – John Pickrel	\$23,174.00	annual salary
Librarian - Dorcas Protexter	\$ 9.25	per hour
Librarian Assistant (sub only)	\$ 7.50	per hour
Landfill Attendant, primary	\$ 8.50	per hour
Landfill Attendant, assistant	\$ 8.05	per hour
Water & Sewer PT Attendant - John Howardson	\$ 50.00	per weekend
City Janitor - Eileen Dunbar	\$ 9.60	per hour
Med Van Drivers	\$ 9.00	per hour

Section # 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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Mayor Eric Stevens

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Attest: Finance Officer Jackie Luttrell  
(seal)

First Reading: December 6, 2010  
Second Reading: December 29, 2010  
Adopted: December 29, 2010  
Published: January 5, 2011  
Effective Date: January 25, 2011

**Motion # 237-2010**

**Effective Date for Salaries**

Motion by Streff and seconded by Dreher to approve the salary changes to take effect on January 9, 2011. All members voting yes. Motion carried.

Ordinance #499 International Property Maintenance Code was tabled for further review.

**Motion # 238-2010**

**Contingency Transfer**

Motion by Dreher and seconded by Reidburn to approve a contingency transfer of \$2,966 to the Streets department (43110). All members voting yes. Motion carried.

**Outfall Line Project**

Luttrell gave an update on the outfall line project. DENR has agreed to increase the Consolidated Water Facilities Construction Program to 50% up to \$100,000 due to the unusual circumstances involving GFP giving us 5 years to cease discharging to Antelope Lake. In addition, Rural Development is questioning the necessity and extent of the project.

**Motion # 239-2010**

**DENR Funding**

Motion by Streff and seconded by Heim to approve requesting additional funding from DENR to assist with the outfall line project. All members voting yes. Motion carried.

**Cell Phones**

Council discussed options for city employee cell phones. Will revisit once we know what the AT&T rollover options are for the city contract.

**Motion # 240-2010**

**Job Descriptions**

Motion by Streff and seconded by Reidburn to approve job descriptions for City Maintenance Worker, Parks & Rubble Site Superintendent, Street Superintendent and Water & Sewer Superintendent. All members voting yes. Motion carried.

**Motion # 241-2010**

**Reschedule January Meeting**

Motion by Dreher and seconded by Reidburn to reschedule the regular January council meeting to January 12, 2011 at 7:00 pm. All members voting yes. Motion carried.

**Motion # 242-2010**

**Adjourn**

Motion by Fuller and seconded by Streff to adjourn. All members voting yes. Motion carried.

Meeting adjourned at 7:05 pm.

This institution is an equal opportunity provider, and employer.

\_\_\_\_\_  
Attest: Finance Officer Jackie Luttrell  
(seal)

\_\_\_\_\_  
Mayor Eric Stevens

Published once at the approximate cost of \_\_\_\_\_.