

REGULAR MEETING DE SMET COMMON COUNCIL  
May 11, 2022

The De Smet Common Council met in regular session on May 11, 2022, at 5:00 p.m., with the following present: Council members Cole Munger, Bret Jensen (via speaker phone), Pam Spader, Lowell Hansen, George Cavanaugh, Shon Asleson, Mayor Gary Wolkow, Finance Officer Tracey Larson, and City Attorney Todd Wilkinson. Absent: none.

Mayor Wolkow called the meeting to order at 5:00 PM.

**PLEDGE OF ALLEGIANCE:** The meeting was started with the council and those from the public reciting the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mayor Wolkow read a thank you from the SD Municipal League to the City of De Smet, thanking the City for hosting the District 2 annual meeting.

**MINUTES:** Motion was made by Spader, seconded by Munger, to approve the minutes of the April 13, 2022 Regular Meeting and May 4, 2022 Special Meeting minutes, all voting aye, motion carried.

**CLAIMS:** Motion by Cavanaugh, seconded by Asleson, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$31,157.85; OASI Benefit 2,383.58; Aflac, ins. premium 187.98; Dearborn National, life insurance 123.20; Delta Dental of South Dakota 335.20; VSP 163.27; The Health Pool of SD, health insurance premium 6,955.97; SDRS, retirement benefit 3,733.42; Mediacom, utilities 90.20; Visa, supplies, fuel, utilities 2,789.45; Postmaster, Aruba variance 27.20; Postmaster, Mike Martens variance 40.80; SD Governmental Human Resources Assoc., travel & conference 50.00; Kingsbury County, filing fee 60.00; Avera, supplies 355.00; Avid Hawk LLC, monthly website fee 35.00; Bau Plumbing & Heating, repairs & maintenance 142.86; Butler Machinery Co., repairs & maintenance 807.70; Center Point Large Print, supplies 29.96; Century Link, utilities 67.61; City of De Smet, donation 10.00; City of De Smet, donation 50.00; City of De Smet, utilities 385.14; City of De Smet, supplies 34.76; Colonial Research, supplies 663.02; Connecting Point, supplies, repairs & maintenance 57.00; Cook's Wastewater & Recycling, city garbage collection 264.26; Cook's Wastepaper & Recycling, residential garbage collection 6,773.69; Cowboy Country Store, fuel 674.16; Creative Printing, marketing 699.00; Dave's Window Cleaning, repairs & maintenance 400.00; De Smet Trustworthy Hardware, supplies 94.68; Demco, supplies 198.96; Department of Health, water labs 43.00; Hawkins, Inc., chemicals 3135.88; Heiman, Inc., repairs & maintenance 1,201.50; Hub City Roofing, Inc., repairs & maintenance 620.00; Innovative Office Solutions, LLC, supplies 1,704.96; Jordayn Hansen, deposit refund 50.00; Katlyn Steeneck, deposit refund 206.25; Kingsbury Electric Cooperative, repairs & maintenance 1,282.36; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury

County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 266.42; Kingsbury Journal, publishing 594.66; Kingsbury Journal, publishing 42.00; Kristy Hubbard, mileage 51.48; Maynard's, supplies 11.46; Micro Marketing LLC, supplies 526.23; Mike and Chalsea Kerkvliet, deposit refund 50.00; Napa, supplies 10.36; Northwest Pipe Fittings, Inc., repairs & maintenance 1,262.54; Northwestern, utilities 1,366.45; O'Keefe Implement, Inc., supplies, repairs & maintenance 266.27; Office Peeps, Inc., supplies 61.04; Office Peeps, Inc., supplies 246.10; Ottertail, utilities 5,937.42; De Smet Pool Petty Cash, supplies 150.00; Postmaster, supplies 200.00; Rich's Gas & Service, fuel, supplies, repairs & maintenance 479.09; SD Dept. of Revenue, sales tax 145.57; SD Dept, of Revenue, sanitation sales tax 461.43; SD State Historical Society, repairs & maintenance 80.00; Share Corp., chemicals 2,971.50; South Dakota 811, locates 8.40; Spirit Lake Church, deposit refund 50.00; Stacie Horst Girl Scouts Dakota Horizon, deposit refund 555.00; The Oxbow Restaurant, supplies 118.75; Tracey Larson, reimburse for supplies 567.53; Valley Fibercom, utilities 442.28; Wilder Pass, LLC loan payment 739.91; Helms & Associates, AWOS III project 1,649.76; IMEG, water facility plan 2,842.50; IMEG, Brewster Street sewer project 6,762.50; IMEG, sewer facility plan 3,472.50, IMEG, Main Street preliminary work 5,100.00.

**ZONING:** Motion was made by Cavanaugh, seconded by Munger, that the Council to be convened as the Board of Adjustment, all voting aye, motion carried. The Board of Adjustment was called to order by Mayor Wolkow.

This being the date and time public noticed for the hearing on Variance Application #99 submitted by Aruba, LLC was reviewed by the board. Aruba, LLC has requested a variance to allow them to build an addition to the current structure that would be built less than 50 feet from the front (North) property line on the following legally described property: E2 Lot 6 & all of Lots 7 - 10, Block 2, Gov't Lot 1 34-111-56 Sub Div County Auditors Plat of Outlots, De Smet, Kingsbury County, South Dakota and addressed as 4<sup>th</sup> Street SE, De Smet, South Dakota.

Notice of the hearing was properly given by certified mail and by publication of the publication of the Notice of Hearing in conformity with Section 3.04.05 of the City Zoning Ordinance. Nobody from the public appeared in opposition of the proposed variance application.

Upon conclusion of the hearing and the Board having considered the application and evidence presented, enters its findings as follows:

1. That property legally described as: E2 Lot 6 & all of Lots 7 - 10, Block 2, Gov't Lot 1 34-111-56 Sub Div County Auditors Plat of Outlots, De Smet, Kingsbury County, South Dakota, is

- located within the city limits of the City of De Smet and the Board of Adjustment has jurisdiction over the application.
2. That the property is currently zoned "I-2 Industrial".
  3. That adjacent properties are zoned "I-2 Industrial" and "A Agricultural".
  4. That the Area Regulations of the "I-2" Industrial zoning require a front yard set-back of 50 feet from the property line.
  5. That the proposed structure addition would be constructed 43 feet from the front (North) property line.
  6. That the applicant has filed the required application for the variance permit and the notice of hearing was properly given.
  7. That none of the adjoining property owners presented any objections to the variance.
  8. That conditions exist on the property that are not the result of the applicants' actions and or control.
  9. That the proposed addition would be constructed in line with other existing structures.
  10. That granting of the proposed variance would not increase any safety exposure to the adjacent property owners.
  11. That the Board of Adjustment take into consideration each application on its own accord.
  12. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
  13. That the reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by Munger, seconded by Cavanaugh, to recommend approval of the variance application #99 as submitted to Aruba, LLC for an addition to the current structure, all voting aye, motion carried.

This being the date and time public noticed for the hearing on Variance Application #98 submitted by Mike Martens met with the board to discuss the variance application for a vinyl privacy fence. Martens has requested a variance to allow him to build a six foot high vinyl privacy fence past the residential structure into the front yard on the following legally described property: Lots 7 & 8, Block 2, Drake Addition, De Smet, Kingsbury County, South Dakota and addressed as 401 Hwy 25 N., De Smet, South Dakota. Marten's property is located on a corner lot and has two frontages (South & East).

Notice of the hearing was properly given by certified mail and by publication of the publication of the Notice of Hearing in conformity with Section 3.04.05 of the City Zoning Ordinance. Nobody from the public appeared in opposition of the proposed variance application.

Upon conclusion of the hearing and the Board having considered the application and evidence presented, enters its findings as follows:

1. That property legally described as: Lots 7 & 8, Block 2, Drake Addition, De Smet, Kingsbury County, South Dakota, is located within the city limits of the City of De Smet and the Board of Adjustment has jurisdiction over the application.
2. That the property is currently zoned "R-3 Combined Residential".
3. That adjacent properties are zoned "R-3 Combined Residential" and "R-2 General Residential".
4. That the Area Regulations of the "R-3 Combined Residential" zoning require a front yard set-back of 30 feet from the property line.
5. That the property is on a corner lot and would have two front yard set-backs, two side yard set-backs, but no rear yard set-back.
6. That the Construction Limitations for fences require a solid material fence or hedge extending past the building setback into a front yard not to exceed 24" in height about the ground level.
7. That the proposed privacy fence addition would be constructed 15'10" from the Front (South) property line.
8. That the proposed privacy fence would not extend past the structure of the other Front (East) yard.
9. That the proposed privacy fence would be six (6) feet in height.
10. That the applicant has filed the required application for the variance permit and the notice of hearing was properly given.
11. That none of the adjoining property owners presented any objections to the variance.
12. That granting of the proposed variance would not increase any safety exposure to the adjacent property owners.
13. That the Board of Adjustment take into consideration each application on its own accord.
14. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
15. That the reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by Munger, seconded by Asleson, to recommend approval of the variance application #98 as submitted to Mike Martens for a six (6) foot vinyl privacy fence, all voting aye, motion carried.

Motion was made by Aselson, seconded by Cavanaugh, to reconvene as the city council, all voting aye, motion carried.

**VARIANCES:** Motion was made by Munger, seconded by Aselson, to approve Variance application #99 submitted by Aruba, LLC for an addition to the existing structure, all voting aye, motion carried. Motion was made by Munger, seconded by Asleson, to approve Variance application

#98 submitted by Mike Martens for a six (6) foot vinyl privacy fence, all voting aye, motion carried.

**BUILDING PERMITS:** Motion was made by Munger, seconded by Jensen, to approve the building permit applications submitted by Aruba, LLC - building addition, Mike Martens - privacy fence, Doug Stoddard - fence, HME - residential structure (renew), all voting aye, motion carried.

**RICHARD STODDARD RECOGNITION:** Motion was made by Cavanaugh, seconded by Munger, to approve Resolution 2022-5 thanking Richard Stoddard for his seven years of service to the City of De Smet, all voting aye, motion carried. Stoddard was present a clock in appreciation of his service.

#### Resolution 2022-5

On behalf of the De Smet City Council, the De Smet citizens, and fellow employees, thank you to Richard Stoddard for his seven years of dedicated service to the City of De Smet. Richard's commitment and job well done are appreciated by all, and wish him well in his retirement.

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Mayor Gary Wolkow

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Finance Officer Tracey Larson

Dated: May 11, 2022

**PUBLIC COMMENTS:** Mark Siefkes met with the council to comment on the current water rates and a law enforcement vehicle blocking the end of his driveway when stopping a vehicle he had asked about at a previous meeting.

**COUNCIL REORGANIZATION:** Motion was made by Cavanaugh, seconded by Hansen, to adjourn as the old council, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Asleson, to reconvene as the new council, all voting aye, motion carried. The Oath of Office was administered by Attorney Wilkinson to Lowell Hansen - Alderman Ward I, Pam Spader - Alderman Ward II, and George Cavanaugh - Alderman Ward III.

The May meeting being the reorganization meeting for the Council, motion was made by Munger, to nominate Lowell Hansen for the position of Council President, motion was seconded by Asleson. Mayor Wolkow called for any other nominations for the position of Council President. Being there were no further nominations for the position of Council President, the vote was cast, all voting aye, motion carried.

Motion was made by Spader to nominate George Cavanaugh for the position of Council Vice-President, seconded by Asleson. Mayor Wolkow called for any other nominations for the position of Council Vice-President. Being there were no further nominations for the position of Council Vice-President, motion was made by Hansen, seconded by Asleson, to approve the election of George Cavanaugh for the position of Council Vice-President, all voting aye, motion carried.

**APPOINTED OFFICIALS & OFFICIAL DEPOSITORIES/NEWSPAPER:** Nominations were made by Mayor Wolkow to appoint Tracey Larson as Finance Officer, and Todd Wilkinson as City Attorney, Motion by Cavanaugh, seconded by Asleson, that the appointive offices for the year 2022-2023 shall be filled as follows: Tracey Larson reappointed as Finance Officer, and Todd Wilkinson reappointed as City Attorney, all voted aye, motion carried. Motion was made by Spader, seconded by Munger, to designate the American Bank & Trust and Dakotaland Federal Credit Union as the official depositories, and The De Smet News as the official newspaper, all voting aye, motion carried.

**COMMITTEES/APPOINTMENTS/VOLUNTEERS:** The Mayor presented the Alderman Committee appointments as follows: Streets & Alleys: Bret Jensen, George Cavanaugh, Cole Munger; Water & Sewer: Shon Asleson, Lowell Hansen; Parks/City Buildings/Museum/Library: George Cavanaugh, Cole Munger, Pam Spader; Law Enforcement Board: Gary Wolkow, Lowell Hansen; Fire Department: Lowell Hansen, Gary Wolkow, Shon Asleson; Hospital: George Cavanaugh, Pam Spader; Budget & Finance: Bret Jensen, George Cavanaugh, Pam Spader; Garbage & Restricted Use Site: Bret Jensen, Lowell Hansen, Cole Munger; Airport: Lowell Hansen, Cole Munger, Shon Asleson; Zoning Officers: Cole Munger, Gary Wolkow, Bret Jensen, Shon Asleson; Zoning Board: Bret Jensen, Shon Asleson, George Cavanaugh, Cole Munger, Lowell Hansen, Gary Wolkow, Pam Spader; Safety Committee: George Cavanaugh, Bret Jensen, Pam Spader; Tree Board: Lowell Hansen, Jason Springer. Motion was made by Cavanaugh, seconded by Spader, to approve the council committees as presented, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Hansen, to approve appointment of Lynne Lee and Gale Anderson to the Library Board; Cheryl Noem, Secretary/Treasurer to the Museum Board; Myrna Knadle to the De Smet Housing & Redevelopment Board; Delmer Wolkow, Diane Hiles, and Dr. James Nielsen to the Hospital Board; Cory Beck, Secretary to the Fire Department Board, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Spader, to approve the following individuals as Museum volunteers: Gale Anderson, Nancy Anderson, Donna Askew, Billie Baird, Dee Baker, Elaine Behm, Jeanie Colwell, Amy Gruntmier, Connie Geyer, Cathy Gross, Barb Hansen, Jeff Hed, Roxene Helms, Helen Janish, Sharry Knock, Dee Dee Kruger, Cheryl Noem, Suzanne Roeder, Mavis Stoel, LeAnn Stofferson, Marlene Somson, Evelyn Twite, Will Ward, Sheila Smith, and Candy Weller; and the following individuals as Event Center volunteers: Dee Baker, Janice Doll, Merle Klinkel, Mike Frey, Lynn Beck, Judy Wolkow, and Melissa Churchill, the following individuals as Fire Department volunteers:

Jake Anderson, Andy Alderman, Kyle Anderson, Mykel Anderson, Shon Asleson, Cory Beck, Mark Birkel, Rob Cleveland, Dane Coughlin, Matt Currier, Curt Eichacker, Ryan Griffith, Nick Henrich, Lane Hildbrandt, Mark Hojer, Randal Holland, James Millman, Cole Munger, Tate Munger, Jim Pommer, Gordon Skyberg, Jason Springer, Jake Vincent, Kristopher Warne, Mikel Warne, Michael Warner, Shawn Wolkow, Darin Warne, Derek Sprang, and Dustin Mc Cune, all voting aye, motion carried. The Council thanked all of the various organization volunteers.

**RENEWAL OF MALT BEVERAGE LICENSES:** This being the date and time advertised motion was made by Cavanaugh, seconded by Munger, to re-issue on-off sale malt beverage with SD Farm Wine licenses as follows: Klinkel's III, Wheaties Sports Bar, General Store, Oxbow, Cowboy Country, The Main Stop, Kingsbury Club House, Maynard's, Dollar General, and Field's Fish & Game, all voting aye, motion carried.

**SPECIAL LIQUOR LICENSES:** Lu Ann Klinkel, owner of the Kinkel's III has requested a two special liquor licenses for an events to be held on May 28, 2022 from 5:00 PM - 1:00 PM and June 4, 2022 from 4:30 PM - 12:00 AM, and both events will be held at the De Smet Event Center. Motion was made by Cavanaugh, seconded by Hansen, to approve the two special liquor licenses for Klinkel's III for an events to be held at the Event Center on May 28, 2022 from 5:00 PM - 1:00 PM and June 4, 2022 from 4:30 PM - 12:00 AM,, all voting aye, motion carried.

**BLOCKING STREETS:** Motion was made by Hansen, seconded by Aselson, to approve blocking Calumet Ave. between 2<sup>nd</sup> Street and the American Bank & Trust Drive-through, and 2<sup>nd</sup> Street between Calumet Ave. and Joliet for the Old Settler Day activities on June 11, 2021, all voting aye, motion carried.

**PROJECT UPDATES:** Shane Waterman, Engineer for IMEG, met with the council to discuss the status of the current Brewster Street Wastewater Project. Materials have been ordered and some of the materials have been delivered. The project is expected to start at the end of June, 2022. During previous meetings, planning of mapping of the utility services had been discussed with Engineer Waterman. An agreement with the maximum amount fee \$10,000.00 was presented to the council. The fee would be billed at an hourly rate. Some areas have already been documented from doing other projects. The mapping would be put into a GIS program and accessible to staff when out for locates, work orders, or project. A meeting with SD DANR will be held on June 24, 2022. Questions regarding the water and wastewater project applications will be asked and grant/loan funding for water and wastewater projects will be announced. Engineer Waterman introduced another engineer, Peter Adair, who will be working with him on the De Smet Main Street project. Meetings with the business owners and the public will be held starting in June. Challenges identified are awnings, and handicap accessibility. The Council also discussed implementing a policy for boring under the street when connecting to the water or wastewater mains.

Council member Bret Jensen left the meeting at this time.

**UTILITY MAPPING AGREEMENT:** Motion was made by Cavanaugh, seconded by Asleson, to approve contracting with IMEG to have the water and wastewater utilities mapped and put into a GIS program up to a maximum amount of \$10,000.00 all voting aye, motion carried.

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**MOSQUITO GRANT:** Motion was made by Cavanaugh, seconded by Munger, to approve applying for the South Dakota Department of Health grant for mosquito control, all voting aye, motion carried.

**EXECUTIVE SESSION:** Motion was made by Asleson, seconded by Cavanaugh, to approve going into executive session at 6:37 pm to discuss litigation, personnel, and contracts, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:16 pm.

**SEASONAL HELP:** Motion was made by Hansen, seconded by Cavanaugh, to approve hiring Doug Geyer to do the season start-up cleaning in the amount of \$20.00/hour, and Laura Larson to assist as an office helper in the amount of \$12.00/hour, all voting aye, motion carried.

**EVENT CENTER CONTRACT:** Motion was made by Cavanaugh, seconded by Asleson, to approve renewing the Event Center contract with the De Smet School District for two years in the amount of \$12,750.00 per year, all voting aye, motion carried.

**WATER SERVICE:** Motion was made by Hansen, seconded by Spader, to approve the Mayor signing the Kingbrook Rural Water notice of intent to provide water service to Thomas, Tyler and Loryn Gehm, all voting aye, motion carried.

**JUNE COUNCIL MEETING DATE:** Motion was made by Asleson, seconded by Munger, to move the June regular council meeting to June 7, 2022 due to scheduling, all voting aye, motion carried.

**FIRST READING TO AMEND ORDINANCE No. VI-1 Street Traffic, Section VI-1-18** Discussion was held regarding trailers and campers left parked on the streets longer than allowed by ordinance. Motion was made by Cavanaugh, seconded by Munger, to approve the first reading to amend Ordinance No. VI-1 Street Traffic, Section VI-1-18, amending the fine for trailers, campers, and boats left parked on the streets, all voting aye, motion carried.

**EVENT CENTER/RECREATION:** Kristy Hubbard, Event Center Director, informed the council that one lifeguard will not be working as planned this summer due to a scheduling conflict. Hubbard will inquire as to if this lifeguard would work on weekends or as a backup when available. The pool will be painted this season and pool staff will be starting the painting by the end of next week. Baseball and softball have started for the summer season. Hubbard also reported that the Event Center is staying busy but she is having difficulty finding volunteers to help.

**SWIMMING POOL RATES:** Swimming pool admission rates were compared with other communities in the area. Motion was made by Cavanaugh, seconded by Asleson, to approve the pool rates effective with the 2022 season as follows: Child Admission \$2.00 per session, Adult Admission \$5.00 per session, Season Single Pass \$50.00; Season Family Pass \$100.00; Swimming Lessons \$25.00, all voting aye, motion carried.

**PROJECT PAYMENTS:** Motion was made by Spader, seconded by Cavanaugh, to approve pay request #4 in the amount of \$1,649.76 to Helms & Associates for the design of the AWOS III project, Pay request in the amount of \$5,100 to IMEG for preliminary work for a Main Street Project, Pay request in the amount of \$6,762.50 to IMEG for the Brewster Wastewater Project, Pay request in the amount of \$2,842.50 to IMEG for updating the Water Facility Plan, Pay request in the amount of \$3,472.50 to IMEG for updating the Sewer Facility Plan, and Pay request #17 in the amount of \$2,160.85 to Helms & Associates for the Airport turnarounds project pending clarification of the bill, all voted aye, motion carried. The airport project expenses will be reimbursed by 95%-100% from grant funding.

**OVERTIME:** Motion by Spader, seconded by Cavanaugh, to approve the overtime hours for the month of April as presented, all voted aye, motion carried.

**FINANCIAL REPORTS:** Motion was made by Cavanaugh, seconded Hansen, to approve the April 2022 Cash Balances Report as presented by the Finance Officer, all voted aye, motion carried.

**OTHER:** Other non-action items of discussion were as follows: 1) the April law enforcement report; and 2) setting a meeting date to review the hospital lease agreement.

**ADJOURN:** There being no further business the meeting was adjourned on motion by Hansen.

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Gary Wolkow, Mayor

ATTEST:

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Tracey Larson, Finance Officer

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