

SPECIAL MEETING DE SMET COMMON COUNCIL  
April 21, 2020

The De Smet Common Council met in special session on April 21, 2020, at 5:00 p.m., with the following present: Bret Jensen, Alex Botkin, Lowell Hansen, George Cavanaugh, Norman Whitaker, Jay Slater (via speaker phone), Mayor Gary Wolkow, FO Tracey Larson, and City Attorney Todd Wilkinson. Absent: none.

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

**CHIP SEAL COATING/CRACK SEALING/WILDER LANE ASPHALT MATT BIDS:**

This being the date and time public noticed for the opening of bids for chip sealing, crack sealing, and asphalt matt on Wilder Lane. City Attorney Wilkinson opened two bids for chip sealing, three bids for crack sealing, and one bid for placing an asphalt matt on Wilder Lane. Bids received for chip sealing with alternate #1 for applying a fog coat are as follows:

<u>Company</u>	<u>Bid Amount</u>	<u>Alternate #1-Fog Coat</u>
The Road Guy	\$1.40 per sq. yd.	\$0.70 per sq. yd.
Bituminous Paving, Inc.	\$1.76 per sq. yd.	\$0.35 per sq. yd.

Bids received for crack sealing are as follows:

<u>Company</u>	<u>Bid Amount</u>
Highway Improvement, Inc.	\$0.58 per lineal foot
The Road Guy	\$0.98 per lineal foot
Lot Pros, Inc.	\$0.60 per lineal foot

Bids received for the Wilder Lane Asphalt Matt are as follows:

<u>Company</u>	<u>Bid Amount</u>
Asphalt Paving & Materials Company	\$58,292.00
Raise 2 man holes	\$ 1,500.00

Motion was made by Hansen, seconded by Whitaker, to table the bids for the chip sealing and crack sealing until the May 13, 2020 meeting. Upon roll call vote, voting aye: Slater, Whitaker, Cavanaugh, Hansen, Jensen, and Botkin, voting nay: none, motion carried. Motion was made by Cavanaugh, seconded by Slater to accept the bid from Asphalt Paving & Materials Company in the amount of \$58,292.00 to matt Wilder Lane, upon roll call vote, voting aye: Slater, Hansen, Jensen, Botkin, Whitaker, and Cavanaugh, voting nay: none, motion carried.

**ZONING:** Motion was made by Cavanaugh, seconded by Slater, that the Council be convened as the Board of Adjustment, upon roll call vote, voting aye: Slater, Hansen, Jensen, Botkin,

Cavanaugh, and Whitaker, voting nay: none, 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 #84 submitted by Fred Johnson, the board discussed the variance application. Johnson has requested a variance to allow the construction of a house & attached garage be built less than 30 feet from the front (West) property line, and to exceed the allowed lot coverage of 30% with structures on the following legally described property: Lot 7, Block 5 Carroll's Addition, De Smet, Kingsbury County, South Dakota and addressed as 102 Harvey Dunn Street, 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.

The location of the proposed construction was previously reviewed by Alderman Slater. Several adjacent landowners were present for the hearing and stated concerns about the variance application. Some of the concerns voiced were: the close proximity to the West lot line; height of the structure; location distance to the east lot line; safety concerns with the close distance on the East side due to an existing structure built previous to zoning regulations; and the amount of lot coverage with structures. A letter from one of the adjacent landowners present was submitted to the Zoning Board of Adjustment stating their opposition to approval of the variance application. Additional measurement information previously requested by the Zoning Board of Adjustment was not submitted.

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 Lot 7, Block 5, Carroll's 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-2 General Residential".
3. That all the adjacent properties are zoned "R-2" General Residential.
4. That Chapter 2.06 "R-2" General Residential District, Section 2.06.05 Area Regulations, 3. Minimum Yard Requirements, state that dwellings shall have a minimum front yard of 30 feet, a minimum side yard of six (6) feet, and a minimum rear yard of 25 feet.

5. That Chapter 4.07 Yards, Section 4.07.02 Additional Yard Requirements, states that a corner lot must have a front yard along both streets.
6. That Chapter 2.06 "R-2" General Residential District, Section 2.06.05 Area Regulations, 2. Maximum Lot Coverage, states that lot coverage for all buildings and structures shall not exceed 30% of the total lot area.
7. That the proposed structure would be located 30 feet from the front (South) property line and approximately four (4) feet from the front (West) property line.
8. That there is an existing garage structure located approximately eight (8) feet from the front (West) property line.
9. That the proposed structure would not be constructed with the same side set-back from the West lot line (front yard) as the existing garage.
10. That the proposed structure would be constructed six feet from the east lot line (side yard).
11. That the proposed structure would be connected to the existing garage structure.
12. That the lot coverage would exceed the 30% lot coverage by an additional 14.12%.
13. That four of the adjoining property owners objected to the proposed variance.
14. That the Board of Adjustment take into consideration each application on its own accord.
15. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
16. That the reasons set forth in the application justify denying a variance.

Motion was made by Slater, seconded by Cavanaugh, to deny the Variance Application #84 as submitted by Fred Johnson for the residential/garage structure, upon roll call vote, voting aye: Slater, Hansen, Jensen, Botkin, Whitaker, Cavanaugh, voting nay: none, motion carried.

The Zoning Board of Adjustment encouraged Johnson to re-access his application with more consideration to the limitations.

Mayor Wolkow declared the City Council back in session.

**VARIANCES & BUILDING PERMITS:** Motion was made by Slater, seconded by Cavanaugh, to deny Variance #84, submitted by Fred Johnson, upon roll call vote, voting aye was Slater, Hansen, Jensen, Botkin, Whitaker, and Cavanaugh, voting nay was: none, motion carried. Motion was made by Jensen, seconded by Botkin, to approve the building permit application submitted by Kevin

Toews for a fence, upon roll call vote, voting aye was: Slater, Hansen, Jensen, Botkin, Whitaker, and Cavanaugh, voting nay was: none, motion carried.

**STREET LIGHTS:** Brad Nelson, Energy Management Rep for Ottertail presented information to the council via speaker phone, to change out current street light fixtures from high pressure sodium lights to LED lights. The City of De Smet owns the streets lights along Hwy 14 & Hwy 25, all residential areas, and Main Street. The City contracts with Ottertail to change the street light bulbs when a bulb burns out. Due to the discontinuation of high-pressure sodium bulbs, it will be necessary to change the light fixture to a LED light. Ottertail has proposed two options to the City for the conversion of the street lights. Option #1 is to give Ottertail the current street lights along Highways 14 & 25 and the business district. Ottertail would convert the lights to LED fixtures over approximately a three-year time frame. The City would pay for the electricity used going through the street lights. Option 2 is for the City to convert the light fixtures along the two highways and business district to LED lights at a cost of \$250.00 to \$270.00 per light and approximately \$75.00 per light for installation. With the conversion of the lights to LED fixtures, a saving for energy costs are estimated to be 50% to 70%. A rebate would also be offered to the City when the lights are converted to LED fixtures. Nelson will put together more information on the energy savings and rebate amount for a future meeting.

**USE OF CALUMET AVENUE FOR GRADUATION CELEBRATION:** Shane Roth, School Board President, stated that several ideas are being discussed by the De Smet School for the 2020 graduation. A request was made to approve using Calumet Avenue for each graduating senior to have an area for them and their family. The public could drive through the area to congratulate the seniors from their vehicles. Motion was made by Botkin, seconded by Cavanaugh, to approve closing Calumet Avenue on May 16, 2020 to limited traffic during the graduation celebration, upon roll call vote, voting aye: Slater, Cavanaugh, Hansen, Jensen, Botkin, and Whitaker, voting nay: none, motion carried.

**RESOLUTION 2020-1:** Information regarding the current COVID-19 pandemic and the stages for moving forward to reopen was discussed by the council. Two business owners were also present and commented during the discussion. Motion was made by Cavanaugh, seconded by Jensen, to amend Resolution 2020-1 to allow up to ten (10) people in a bar or restaurant, socially distanced at six (6) feet apart for on premise consumption of food/beverage. Upon roll call vote, voting aye: Jensen and Cavanaugh, voting nay: Slater, Hansen, Botkin, and Whitaker,

motion failed. Motion was made by Slater, seconded by Cavanaugh, to approve extending the current Resolution 2020-1 as existing until May 13, 2020. Upon roll call vote, voting aye: Slater, Hansen, Jensen, Botkin, Whitaker, and Cavanaugh; voting nay: none, motion carried. A request was made to the city to consider a special exception for usage of the Event Center during the COVID-19 restrictions. A public meeting is scheduled for discussion of re-opening the newspaper on April 24, 2020 and two blood drives were previously scheduled in May, 2020. The theater could hold 40-42 people distanced every third chair. Motion was made by Cavanaugh, seconded by Slater, to approve the special exception for usage of the Event Center theater for up to 40 people on April 24, 2020 from 7:00 PM to 10:00 PM, upon roll call vote, voting aye: Slater, Hansen, Jensen, Botkin, Whitaker, and Cavanaugh, voting nay: none, motion carried. Motion was made by Hansen, seconded by Cavanaugh, to approve the special exception two scheduled essential blood drives to be held in the Event Center, upon roll call vote, voting aye: Slater, Hansen, Jensen, Botkin, Whitaker, and Cavanaugh, voting nay: none, motion carried.

**OTHER:** Other non-action items of discussion were as follows: 1) Council member Cavanaugh reported that other area baseball programs would not make a decision for their baseball program until June 1, 2020; 2) the pool will be drained, cleaned, and be filled to maintain equipment; 3) the City has been approved for a Care Act airport grant in the amount of \$20,000.00; 4) funding budgeted for Old Settler Days to be used for other community activities later in August, and 5) Arbor Day fun packets have been made for the De Smet 3<sup>rd</sup> graders to be sent home with their homework packets.

**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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