

REGULAR MEETING DE SMET COMMON COUNCIL
June 10, 2020

The De Smet Common Council met in regular session on June 10, 2020, at 5:00 p.m., with the following present: Bret Jensen (via speaker phone), Alex Botkin, Lowell Hansen, George Cavanaugh, Norman Whitaker, Jay Slater (via live streaming), Mayor Gary Wolkow, FO 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 asked that anyone joining the meeting by phone or video conference to please mute their devices.

MINUTES: Motion was made by Whitaker, seconded by Cavanaugh, to approve the minutes of the May 13, 2020 Regular Meeting, all voting aye, motion carried.

CLAIMS: Motion by Cavanaugh, seconded by Whitaker, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$34,546.45; OASI Benefit 2,642.82; Aflac, ins. premium 280.95; Dearborn National, life insurance 140.80; Delta Dental of South Dakota 446.12; VSP 190.96; Health Pool of SD, health insurance premium 7,329.28; SDRS, retirement benefit 3,954.64; Mediacom, utilities 111.49; De Smet Postmaster, Kruse variance 44.80; De Smet Postmaster, Halverson variance 38.40; 21st Century Recycling, electronic recycling program 983.29; American Bank & Trust, TIF debt service payment 29,192.45; American Trust Insurance, insurance 46.00; Apex Solutions, Inc., recreation repairs & maintenance 2,653.07; Avera Occupational Medicine, supplies 411.30; Avid Hawk LLC, monthly web site fee 35.00; Ban-Koe Companies, repairs & maintenance 1,034.26; Century Link, utilities 497.64; City of De Smet, utilities 319.78; City of De Smet, supplies 67.74; Colonial Research, supplies 660.12; Connecting Point, of-site backup 35.00; Cook's Country, supplies 29.95; Cook's Wastepaper & Recycling, residential garbage collection 6,634.70; De Smet Trustworthy Hardware, supplies 358.45; De Smet Trustworthy, supplies 79.96; DENR Management Program, drinking water fees 600.00; Department of Health, water labs 43.00; Dept. of Transportation, supplies 61.88; Dakota Pump & Control, repairs & maintenance 430.00; Dustbuster Enterprises, Inc., street maintenance 3,910.20; Efraimson Electric, Inc., repairs & maintenance 1,713.14; Ferguson Waterworks, repairs & maintenance 2,633.28; Hawkins, Inc., repairs & maintenance, supplies, chemicals 6,144.14; Heartland Paper Company, supplies 97.92; Juanita Braun, event center deposit refund 10.00; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities, supplies, repairs & maintenance 672.61; Kingsbury Journal, publishing 568.94; Krier & Blain, Inc., repairs & maintenance 2,514.36; Kristy Hubbard, reimburse for supplies, 12.22; Mack Landscaping Lawn Irrigation, repairs & maintenance 235.00; Maguire Iron, Inc. repairs & maintenance 1,250.00; Mark's, repairs & maintenance 337.46; Maynard's, supplies 35.45; Maynard's Pool Acct., supplies 36.60; McCune Electric, repairs

& maintenance 178.06; Micro Marketing LLC, supplies 410.84; Midstate Agronomy, supplies 345.90; Nancy Montross, event center deposit refund 50.00; Napa, supplies, repairs & maintenance 180.19; Northwest Pipe Fitting, Inc., improvements 1,056.24; Northwestern, utilities 188.67; O'Keefe Implement, Inc., supplies, repairs & maintenance 3,195.43; Office Peeps, Inc., supplies 447.82; Ottertail Power Company, utilities 4,794.92; Postmaster, supplies 230.00; Reader Service, supplies 36.66; Reed, debt service 1,448.41; Reed, debt service 690.58; Reed, debt service 2,500.00; RDF Newspapers, Inc., publishing 116.14; Rich's Gas & Service, fuel, repairs & maintenance 694.66, Richard Close, repairs & maintenance 200.00; Ron's Saw Sales, supplies, repairs & maintenance 168.82; SD Department of Revenue, sanitation sales tax, 452.54; SDLA, 2020 dues 50.00; SDLA, 2020 dues 35.00; SDLA, 2020 dues 35.00; Share Corp, supplies & chemicals 2,711.55; Smith's Lumber, supplies, repairs & maintenance 1,529.86; Southeast South Dakota Tourism, marketing 245.00; Spencer Quarries/Commercial Asphalt, repairs & maintenance 635.80; Tad Flood, event center deposit refund 50.00; The Main Stop, fuel and supplies 673.51; The Pioneer Woman, supplies 20.00; Warne's Appliance, repairs & maintenance 174.99; Zep Sales & Service, supplies 204.69; Helms & Associates, airport taxilane expansion, 2,198.97; Helms & Associates, airport turnaround project 1,597.10; Helms & Associates, airport turnaround bidding 5,287.27.

ZONING: Motion was made by Cavanaugh, seconded by Botkin, that the Council 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 #87 submitted by Chad Kruse, the board discussed the variance application. Kruse has requested a variance to allow the construction of an attached 29 ft. x 24 ft. garage to be built less than 25 feet from the rear (South) property line and a concrete patio on the following legally described property: W90' of Lots 20 & 21, Block 5, 1st Railroad Addn., De Smet, Kingsbury County, South Dakota and addressed as 107 3rd Street SW, 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 Jensen. Chad Kruse spoke to the board in support of the proposed variance request and stated that the structure would not be built as far to the front (North) as shown in the submitted diagram. Adjacent landowner Leonard Rumbolz was present in opposition of the attached garage addition being built five (5) feet from the rear (South) property line, but would be satisfied and unopposed to the variance if the attached garage addition was built six (6) feet from the rear (South) property line.

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 W90' of Lots 20 & 21, Block 5, 1st Railroad Addn., 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 the adjacent properties are zoned "R-2 General Residential" and one property is zoned "C-1 Central Commercial District".
4. That Chapter 2.06 "R-2" General Residential District, Section 2.06.05 Area Regulations, 3. Minimum Yard Requirements, state that residential dwellings shall have a minimum front yard setback of 30 feet, and a minimum rear yard setback of 25 feet.
5. That Chapter 4.07 Yard, Section 4.07.02 Additional Yard Requirements, states that a corner lot must have a front yard along both streets.
6. That the existing residential structure is located 71 feet from the front (North) property line and 48 feet from the front (West) property line.
7. That the proposed attached garage would be constructed with the same as or more front yard set-back from the front (North) lot line as the existing residential structure.
8. That the proposed attached garage would be constructed with the same front yard set-back from the front (West) lot line as the existing residential structure.
9. That the proposed attached garage would be constructed 15 feet from the side (East) lot line with a concrete patio area constructed five(5) feet from the side (East) lot line.
10. That the applicant has agreed to construct the attached garage six (6) feet from the rear (South) property line as agreed to by the adjacent property owner.
11. That only one of the adjoining property owners objected to the proposed variance and an agreement to amend the application to construct the structure from five (5) feet to six (6) feet from the rear property line was agreed upon by the applicant and the adjacent property owner.
12. That the Board of Adjustment take into consideration each application on its own accord.
13. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
14. That the proposed structure would not be located further from the property to the South than an existing structure accessory shed.
15. That the reasons set forth in the application justify approving a variance.

Motion was made by Botkin, seconded by Cavanaugh, to approve the Variance Application #87 as amended for the attached garage structure pending the measurements be re-checked before construction begins, upon roll call vote, voting aye: Jensen, Hansen, Botkin, Whitaker, Cavanaugh, voting nay: none, abstaining: Slater, motion carried.

This being the date and time public noticed for the hearing on Variance Application #88 submitted by Troy Halverson, the board discussed the variance application. Halverson has requested a variance to allow the construction of an attached 12 ft. x 18 ft. lean-to/awning to be built less than 30 feet from the front (South) property line and a 8' x 10' addition to the residence on the following legally described property: W100' of Lot 6, Block 1, Drake's Addn., De Smet, Kingsbury County, South Dakota and addressed as 312 Front Street NW, 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 Jensen. Jodi Halverson spoke to the board in support of the proposed variance request.

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 W100' of Lot 6, Block 1, Drake's Addn., 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 District.
3. That the adjacent properties are zoned "R-3" Combined Residential District.
4. That Chapter 2.06 "R-2" General Residential District, Section 2.06.05 Area Regulations, 3. Minimum Yard Requirements, state that residential dwellings shall have a minimum front yard setback of 30 feet.
5. That the existing residential structure is located 34 feet from the front (South) property line.
6. That the proposed attached lean-to/awning would be constructed 22 ft. from the front (South) property line.
7. That the proposed lean-to/awning would be an open structure and would not have any sidewalls.
8. That the addition to the residence would be constructed less than ten (10) feet from an existing accessory garage.
9. That the addition to the residence would be closer to an existing accessory structure owned by the applicant.
10. That none of the adjoining property owners objected to the proposed variance.
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.

Motion was made by Slater, seconded by Cavanaugh, to approve the Variance Application #88 submitted by Troy Halverson for a lean-

to/awning structure and addition to the residence, all voting aye, motion carried.

Mayor Wolkow declared the City Council back in session.

VARIANCES & BUILDING PERMITS: Motion was made by Cavanaugh, seconded by Whitaker, to approve Variance #87, submitted by Chad Kruse as amended for an attached garage addition and concrete patio, five voting aye, Slater abstained, motion carried. Motion was made by Jensen, seconded by Botkin, to approve Variance #88, submitted by Troy Halverson, for a lean-to/awning and addition to the residence, all voting aye, motion carried.

Motion was made by Hansen, seconded by Slater, to approve the building permit applications submitted by: Chad Kruse-as amended for an attached garage and concrete patio; Troy Halverson-awning/lean-to and addition to residence; Josh Halverson-fence; Jeff & Lindsay Nolte-concrete driveway extension and patio; Andrew Armstead-2 concrete pads and concrete patio addition pending it meets the setback requirements; Connie Bitner-deck; Leonard Rumbolz-deck/steps; De Smet Farm Mutual-fence; and Mike Scofield-fence, all voting aye, motion carried.

SIDEWALK CAFÉ ALCOHOLIC BEVERAGE PERMITS: This being the date and time advertised to review the applications for a sidewalk Café Alcoholic Beverage Permit. Applications were received from the following businesses: Baackers II, Wheaties, and Grumpy's. Applicants present were reminded that they were responsible for their tables and chairs, keeping the designated area clean, and that alcoholic beverages could not be taken past the permitted area. Nearby business owners Patty Slater and Kim Ernst expressed concerns with one of the applicants regarding noise and conduct control if the sidewalk café alcoholic beverage permits are approved. Motion was made by Cavanaugh, seconded by Whitaker, to approve the Sidewalk Café Alcoholic Beverage Permits to Baackers II, Wheaties, and Grumpy's, upon roll call vote, voting aye: Jensen, Hansen, Botkin, Slater, Whitaker, Cavanaugh, voting nay: none, motion carried.

RESOLUTION 2020-1: At the May 13, 2020 Regular Council meeting, the council approved amending Resolution 2020-1 to allow establishments to open to 50% of building capacity at a time for on-premise consumption of food/beverage excluding employees, with six (6) feet social distancing between people, businesses being responsible to monitor their establishment, to be effective May 13, 2020 until June 10, 2020, with no additional special meetings to be held unless drastic changes happen with the number of COVID-19 cases prior to June 10, 2020. Motion was made by Cavanaugh, seconded by Botkin, to approve extending the current Resolution 2020-1 until July 8, 2020, upon roll call vote, voting aye: Jensen, Hansen, Botkin, Slater, Whitaker, and Cavanaugh, voting nay: none, motion carried.

PUBLIC COMMENTS: None.

Council member Bret Jensen left the meeting at this time.

WATER PROJECT: Shane Waterman, Engineer for Clark Engineering/IMEG met with the council to give an update and planned timeline of the water main project. Total estimated cost of the project is \$565,000.00 with and an SRF loan has been approved for this project. Clark

Engineering/IMEG has updated the Water Facility Plan. Waterman presented an agreement for engineering services for the water looping project in the total amount of \$66,500.00. Motion was made by Slater, seconded by Cavanaugh, to approve the Agreement for engineering services for the water looping project with Clark Engineering/IMEG in the amount of \$66,500.00, all voting aye, motion carried. A kick-off meeting for the water looping project will be scheduled in the next week or two.

EVENT CENTER/SCHOOL ATHLETIC FIELD COMPLEX PLAT: During the development and construction of the De Smet Event Center and School Athletic Field Complex, it was determined that the lot line would need to be amended due to the placement of the complexes. A plat has been prepared by Clark Engineering/IMEG that identifies the properties as Lot 1 (Event Center & Baseball complex) and Lot 2 (De Smet School District Athletic Complex), De Smet Event Addition, to the City of De Smet, in the SE1/4 of Section 28, Township 111 North, Range 56 West of the 5th P.M., Kingsbury County, South Dakota. Lot pins have been placed at the pre-determined locations agreed upon by both parties six inches West of the existing fence on the South portion of the property and the West edge of the retaining wall on the North end of the property. Motion was made by Cavanaugh, seconded by Whitaker, to declare the following resolution to be passed and adopted authorizing the execution of the presented plat, four voting aye, Slater abstained, motion carried.

RESOLUTION NO. 2020-4

BE IT RESOLVED BY THE CITY OF De Smet, SOUTH DAKOTA

WHEREAS, City of De Smet, owners of the hereinafter described real property has submitted to the governing board a proposal plat of the following described real estate situated in De Smet, in the State of South Dakota to wit:

"PLAT OF LOT 1 and Lot 2, De Smet Event Addition, to the City of De Smet, in the SE1/4 of Section 28, Township 111 North, Range 56 West of the 5th P.M., Kingsbury County, South Dakota."

And the Board of the City Council of said City having examined the proposed plat and it appears that all municipal taxes and special assessments if any upon said plat and survey have been executed according to law.

NOW, THEREFORE BE IT RESOLVED THAT said plat and survey by and are hereby in all things accepted and approved.

Dated this 10th day of June, 2020.

CITY OF DE SMET

Mayor - Gary Wolkow

ATTEST:

Finance Officer - Tracey Larson

CITY ELECTION: It is necessary to appoint an alternate person to serve on the election board due to schedules and the date of the election changing. Motion was made by Cavanaugh, seconded by Botkin, to approve appointing Jenny Todd, to replace Audrey Lembke, as an election board member, all voting, motion carried. Motion was made by Cavanaugh, seconded by Whitaker, to approve a special meeting on June 18, 2020 to canvas the ballots, all voting aye, motion carried.

EVENT CENTER/SCHOOL LEASE AGREEMENT: The current lease agreement between the City of De Smet and the De Smet School District for usage of the De Smet Event Center will expire on June 30, 2020. Committees from both entities have discussed amendments needed to clarify and update usage of the Event Center by the De Smet School, lease rate, and water usage from when the original lease agreement was made. Motion was made, seconded by Botkin, to approve the amended lease agreement as presented between the City of De Smet and the De Smet School District for usage of the De Smet Event Center, all voting aye, motion carried.

SURPLUS PROPERTY: Motion was made by Whitaker, seconded by Botkin, to approve the appraisal value in the amount of \$2,400.00 for the 2010 Woods FZ17K zero turn mower with approximately 1,108.0 hours declared as surplus property, and to approve advertise the 2010 Woods FZ17K zero turn mower for sale, all voting aye, motion carried.

ANNEXZATION PETITION: The City received a petition from Westside Farms, LLC to annex property described as the following: Westside Outlot 2, to the City of De Smet. Motion was made by Cavanaugh, seconded by Botkin to approve Resolution 2020-5 approving the annexing of property described as Westside Outlot 2, to the City of De Smet, all voting aye, motion carried.

RESOLUTION NO.2020-5

WHEREAS, a Petition in writing has been presented to the City Council of the City of De Smet, signed by owners of real property and/or qualified voters residing in the territory herein described requesting annexation of their properties to the City of De Smet, and

WHEREAS, the real property petitioned to be annexed is described as follows, to-wit:

Westside Outlot 2 to the City of De Smet, Kingsbury County, South Dakota.

WHEREAS, there are no registered voters in the territory to be annexed, and

WHEREAS, the petition is signed by owners of not less than three-fourths of the value of the territory sought to be annexed to the City of De Smet, and

WHEREAS, the City of De Smet has conducted an evaluation sufficient to determine the approximate cost of extending service to the territory and a definite timetable has been developed upon which the municipal service will be extended into the contiguous territory, and

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

That a petition in proper form was presented to the City Council of the City of De Smet signed by owners of not less three-fourths of the value of the territory sought to be annexed and that no voters reside currently in the area to be annexed.

That the territory sought to be annexed is contiguous to the City of De Smet.

That the petition as presented contains a description and the boundaries of the territory to be annexed.

That ample and suitable resources exist to accommodate the orderly growth and development of the territory described in the petition such that extension of water and sewer services will not require expansion of the City's water production and sewer handling services.

That the area to be annexed will not require the extension of City streets to service the area.

That exclusions and irregularities in the boundary lines are not the result of arbitrariness.

That there is a reasonable present or demonstrable future need for annexing the contiguous territory.

That population and census data indicate that the municipality has or may experience growth or development beyond its present boundaries and the area in question presents potential area for potential development.

Based upon the foregoing there is hereby annexed to the City of De Smet, County of Kingsbury, State of South Dakota, and incorporated within the corporate boundaries thereof, the following territories adjoining the present corporate limits, to-wit:

Westside Outlot 2 to the City of De Smet, Kingsbury County, South Dakota.

Motion was made by Cavanaugh, seconded by Botkin, all voting "aye", Resolution declared passed and adopted on June 10, 2020.

Mayor - Gary Wolkow

ATTEST:

Finance Officer - Tracey Larson

PLAT APPROVAL: A plat of Westside Outlot 2 to the City of De Smet, Kingsbury County, South Dakota, located within the De Smet city limits was presented for approval. Motion was made by Whitaker, seconded by Cavanaugh, to declare the following resolution to be passed and adopted authorizing the execution of the presented plat, all voting aye, motion carried.

RESOLUTION NO. 2020-6

BE IT RESOLVED BY THE CITY OF De Smet, SOUTH DAKOTA the hereinafter described real property has submitted to the governing board a proposal plat of the following described real estate situated in De Smet, in the State of South Dakota to wit:

"PLAT OF Westside Outlot 2 to the City of De Smet, Kingsbury County, South Dakota."

And the Board of the City Council of said City having examined the proposed plat and it appears that all municipal taxes and special assessments if any upon said plat and survey have been executed according to law.

NOW, THEREFORE BE IT RESOLVED THAT said plat is hereby in all things accepted and approved.

Dated this 10th day of June, 2020.

BUILDING/PARKS/POOL: Cole Munger, Supt. of Buildings & Parks, met with the council to discuss one of the warning sirens not working properly. The warning siren was installed in 2006 and is powered by batteries. The batteries have been replaced earlier this year and has been looked at by a local electrician. The company that will service this warning siren for this area is located in Missouri. It will cost a minimum of approximately \$2,000.00 to have the company come look at the warning siren. Supt. Munger will contact other area communities to see if they have any warning sirens that need to be serviced when the company is here and possibly share the travel expenses. Supt. Munger also reported that the water leak at the baby pool is getting worse and they have to refill the baby pool three times a day. He has estimated that it will cost approximately \$5,000.00 to repair the water leak.

The council instructed Supt. Munger to close the baby pool for the summer season and money will be budgeted in 2021 for the leak repair. The Mayor and Council commended the Supt. Munger, Pool manager Hubbard, and the pool staff for the good job they all did to get the pool ready for the summer.

RE-OPENING CITY BUILDINGS: A proposed draft establishing a phase plan to re-open the library prepared by the library staff and board was presented to the council. The council discussed using the same plan for City Hall for the partial hours open to the public. Motion was made by Botkin, seconded by Cavanaugh, to approve starting Phase 3 of the phase plan to re-open the library and city hall starting on Monday, June 15, 2020 and will re-visit this topic at the next meeting, upon roll call vote, voting aye was: Butch, Botkin, Whitaker, Cavanaugh, voting nay: Slater, motion carried.

AIRPORT PAYMENTS: Motion was made by Hansen, seconded by Whitaker, to approve pay request #24 in the amount of \$2,198.97 to Helms & Associates for the airport taxilane and hardstand project, pay request #1 of construction phase in the amount of \$1,597.10 to Helms & Associates for the airport turnarounds project, and pay request #1 bidding phase in the amount of \$5,287.27 to Helms & Associates for the airport turnarounds project, all voting aye, motion carried. These airport project expenses will be reimbursed by 95% and 100% from grant funding.

DE SMET DEVELOPMENT CORPORATION: Rita Anderson, De Smet Development Coordinator, reported to the council she has been very busy with the newspaper and that the newspaper has hired two employees; the daycare project is still progressing; and the deadline for the Paycheck Protection Program (PPP) has been extended through December 31st.

FINANCIAL REPORTS: Motion was made by Cavanaugh, seconded Hansen, to approve the May, 2020 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

OVERTIME: Motion by Botkin, seconded by Cavanaugh, to approve the overtime hours for the month of May as presented, all voting aye, motion carried.

OTHER: Other non-action items of discussion were as follows: 1) May law enforcement report; 2) sewer projects; and 3) property clean-up reviews; alley/street repairs and maintenance.

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

To comply with SDCL 6-1-10. Publication of Payroll information, the payroll changes were effective June 1, 2020 as follows: Deputy Finance Officer, Karen Hansen, 15.95/hour; Street Assistant, Jason Springer \$16.50/hour; and Library/Museum help, Evelyn Twite \$10.75/hour.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____