

REGULAR MEETING DE SMET COMMON COUNCIL  
February 13, 2020

The De Smet Common Council met in regular session on February 13, 2020, at 4:00 p.m., with the following present: Bret Jensen, Alex Botkin, Lowell Hansen, George Cavanaugh, Norman Whitaker, Jay Slater, Mayor Gary Wolkow, FO Tracey Larson, and City Attorney Todd Wilkinson. Absent: none.

Mayor Wolkow called the meeting to order at 4:00 PM.

**ANNOUNCEMENTS:** Mayor Wolkow announced that the City of De Smet can now send out text message alerts for events such as snow removal or water and sewer maintenance. A form is available at City Hall for people to sign up to receive the text alert messages.

**MINUTES:** Motion was made by Whitaker, seconded by Cavanaugh, to approve the minutes of the January 8, 2020 Regular Meeting, all voting aye, motion carried.

**CLAIMS:** Motion by Jensen, seconded by Whitaker, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$36,855.94; OASI Benefit 2,819.51, Aflac, ins. premium 280.95; Dearborn National, life insurance 123.20; Delta Dental of South Dakota 274.76; VSP 190.96; Health Pool of SD, health insurance premium 5,496.96; SDRS, retirement benefit 3984.10; Visa, utilities and supplies 186.84; Mediacom, utilities 66.49; Kingsbury County Treasurer, vehicle registration 15.00; Postmaster, variance postage 51.20; American Bank & Trust, event center deposit refund 50.00; Avera Occupational Medicine, supplies 193.55; Avid Hawk LLC, supplies 35.00; Blake & Amber Jensen, meter deposit refund 75.00; Bode Construction, LLC, repairs & maintenance 1,275.51; Brookings Register, publishing 269.00; Butler Machinery Co., repairs & maintenance 3,870.82; Center Point Large Print, supplies 58.42; Century Link, utilities 499.78; City of De Smet, utilities 326.43; City of De Smet, supplies 29.39; Colonial Research, supplies 474.74; Connecting Point, repairs & maintenance 230.00; Continental Research Corp., supplies and chemicals 3,139.17; Cook's Wastepaper & Recycling, residential garbage service 6,321.69; Core & Main LP, repairs & maintenance 85.02; Cowboy Country Store, fuel 676.39; Cranny Sales & Service, repairs & maintenance 180.00; Dakota Supply Group, repairs & maintenance 457.00; De Smet Trustworthy Hardware, supplies 293.89; Department of Health, water labs 43.00; Derek Hoefert, event center deposit refund, 10.00; The De Smet News, publishing 660.05; Eternal Security Products, LLC, supplies 136.12; Ferguson Waterworks, repairs & maintenance 3,688.78; General

Traffic Controls, Inc., repairs & maintenance 453.00; Glacial Lakes & Prairies, marketing 550.00; Hawkins, Inc., chemicals 2,251.77; J & L Machine and Welding, Inc., repairs & maintenance 170.52; Jodi Jung, event center deposit refund 50.00; Katelyn Timp, meter deposit refund 125.00; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Co. Cattlemen Assoc., event center deposit refund 275.00; Kingsbury Electric, utilities 552.01; Kris Warne, meter deposit refund 75.00; Louis Durandt, meter deposit refund 125.00; Maynard's, supplies 15.78; Micro Marketing LLC, supplies 301.29; Midwest Glass, LLC, repairs & maintenance 190.29; Napa, repairs & maintenance 142.99; Norlab, Inc, supplies 81.00; Northwestern, utilities 1,439.99; Office Peeps, Inc., supplies 216.98; Ottertail Power Company, utilities 6,608.02; Overdrive, Inc., supplies 600.00; Penny Sjolie, event center deposit refund 10.00; Postmaster, supplies 175.00; Reader Service, supplies 18.33; Reed, debt service 1,448.41; Reed, debt service 690.58; Reed, debt service 2,500.00; Rich's Gas & Service, fuel, supplies, repairs & maintenance 2,906.83; Ryan Petersen, reimburse for supplies 32.22; Screendollars Cinema Advertising, event center publishing 1,020.00; SD Department of Revenue, sanitation sales tax 431.95; SD Federal Property Agency, supplies 100.00; SD One Call, repairs & maintenance 31.71; Shannon Gutzmer, event center deposit refund 50.00; Share Corp, supplies and chemicals 3,684.75; Smith's Lumber, repairs & maintenance and supplies 74.23; Titan Machinery, repair & maintenance 565.79; Tracey Larson, travel & conference 93.61; Trackside Custom Tarps, repairs & maintenance 238.50; Water Billboards, supplies 981.86; Woods Heating & Cooling LLC, repairs & maintenance 132.65; Zep Sales & Service, supplies 202.69; Mediacom, utilities 260.17; Mediacom, utilities 75.17; Helms & Associates, airport turnaround project 9170.51.

**FINANCIAL REPORTS:** Finance Officer Larson reported that the request made to pay an additional \$30,000.00 on the SRF Water loan had been approved and will be made with the April quarterly payment. Motion was made by Jensen, seconded Whitaker, to approve the January, 2020 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

**CONFERENCES & MEETINGS:** Motion was made by Slater, seconded by Whitaker, to approve Airport Supt. Ryan Petersen and Councilperson Lowell Hansen to attend the 2020 SD Airports Conference on March 11<sup>th</sup> & 12<sup>th</sup> in Rapid City, all voting aye, motion carried. The Annual District 2 meeting will be held on March 18, 2020 in Elkton.

**EQUALIZATION MEETING:** Motion was made by Botkin, seconded by Slater, to approve holding the Equalization Board meeting on

Tuesday, March 17, 2020 at 5:00 pm at City Hall, all voting aye, motion carried.

**AIRPORT PAYMENTS:** Motion was made by Cavanaugh, seconded by Slater, to approve pay request #10 in the amount of \$9,170.51 to Helms & Associates for the airport turnarounds project, all voting aye, motion carried. These airport project expenses will be reimbursed by 95% from grant funding.

**AIRPORT PROJECT:** Motion was made by Hansen, seconded by Slater, to approve Helm's & Associates advertising for bids for the airport turnarounds project, all voting aye, motion carried.

**SURPLUS PROPERTY:** Motion was made by Slater, seconded by Cavanaugh, to approve the appraisal for the 2000 Ford F150 Pickup with approximately 178,000 miles in the amount of \$800.00, to approve advertising the 2000 Ford F150 pickup declared as surplus for sale, and to declare four (4) Hercules Terra Trac Lt275/65R318 tires as surplus to be disposed of at the De Smet Restricted Use Site, all voting aye, motion carried.

**SEASONAL HELP:** Motion was made by Botkin, seconded by Whitaker, to approve advertising for 2020 summer helpers, baseball and softball coaches, and lifeguards, all voting aye, motion carried.

**FIRE DEPARTMENT EQUIPMENT:** A quote from Feld Fire for three (3) SCBA units and three additional tanks was presented to the council in the amount of \$23,223.00. \$23,000 was budgeted in the 2020 Appropriations for three SCBA units and tanks. Motion was made by Slater, seconded by Cavanaugh, to approve purchasing three (3) SCBA units with three additional tanks in the amount of \$23,223.00 from Feld Fire, all voting aye, motion carried.

**FIRE DEPARTMENT MEMBER:** Motion was made by Slater, seconded by Cavanaugh, to approve the appointment of Lane Hildebrandt as a member of the De Smet Volunteer Fire Department to replace retiring member Scott Palmlund, all voting aye, motion carried.

**DE SMET DEVELOPMENT COORDINATORS REPORT:** Rita Anderson, De Smet Development Coordinator informed the council that on Saturday, February 15, 2020 at 9:00 the District 22 Legislators will be meeting at the Oxbow and encouraged everyone to attend; the Housing Assessment will be completed soon; the committee working on a community daycare has been looking a vacant lots to build a daycare center on and are looking into the cost to construct a building; and task groups with the De Smet Master Plan have been meeting to discuss working on specific projects.

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

**EVENT CENTER VOLUNTEERS:** Motion was made by Slater, seconded by Botkin, to approve the 2020 Event Center Volunteers Dee Baker, Janice Doll, Merle Klinkel, Mike Frey, Lynn Beck, Judy Wolkow, and Melissa Churchill, all voting aye, motion carried.

**STREETS:** Street Supt. Ryan Petersen consulted with the council about closing a portion of Chase Street, the west end of 1<sup>st</sup> Street, the north end of Boast Street if needed due to snow accumulations; the area by Prairie Park where snow is hauled to is almost full and the city will start hauling snow to Jake Vincent's lot; presented streets that they plan to chip seal this summer; and moving the snow off the parking lot area where the medical helicopter lands for patient transporting. Motion was made by Slater, seconded by Whitaker, to table advertising for the 2020 street maintenance until the March regular meeting, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Slater to approve the City Street Department removing snow in the parking lot area where the medical helicopter lands, all voting aye, motion carried.

**BOARD OF EQUALIZATION:** Tammy Anderson, Kingsbury County Director of Equalization, addressed the Council regarding the upcoming Board of Equalization meeting and provided information on the process for property owners to appeal the valuation, classification or taxable status of their property. The deadline for a property owner to file an appeal is March 12, 2020, and the appeal must be in writing. The Board of Equalization must meet by law starting Monday, March 17, 2020. Anderson informed the council that all residential and commercial lots will increase assessed valuations by 10% and all properties will be at 99.2% of the market value and in compliance with state law.

**ZONING:** Motion was made by Cavanaugh, seconded by Whitaker, that the Council to be convened as the Board of Adjustment, all voted 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 #82 submitted by Edith Jesser dba as Jesser's, Jesser met with the board to discuss the variance application. Jesser has requested a variance to allow her to construct two 17'5" x 30' temporary greenhouses, one of which will be three (3) feet from the South property line, and to place the two structures closer than ten(10) feet from the primary structure that is already located on the property in an area zoned "C-2" Commercial Industrial District on the following legally described property: Lots 9 & 10, Block 12, Western Town Lot Co. Addition, and addressed as 320 Joliet Ave. 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 for discussion of the variance application.

The location of the proposed construction was reviewed by Alderman Slater. 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 9 & 10, Block 12, Western Town Lot Co. 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 "C-2 Commercial Industrial".
3. That adjacent properties to the South, East, and West are zoned "C-2 Commercial Industrial", and the adjacent property to the North is zoned "R-2 General Residential".
4. That the lot is located at the intersection of two street right-of-ways (Joliet & Fourth Avenue) and is therefore considered to be a corner lot.
5. That the Area Regulations of the "C-2" zoning require a front yard set-back of twenty-five (25) feet and the "Additional Yard Requirements" in chapter 4.07 Yards, states that a corner lot must have a front yard along both streets.
6. That the Supplemental regulations for an accessory building require the structure to have a minimum distance of ten (10) feet from a principle structure.
7. That the two (2) greenhouse structures will be seasonal during the spring/summer months and will be disassembled and stored indoors during the off-seasons.
8. That the applicant has filed the required application for the variance application and the notice of hearing was properly given.
9. That none of the adjacent property owners presented any objections to the proposed variance.
10. That the shape of the commercial lot deems it necessary to grant a variance.
11. That granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
12. That the applicant has not applied for any permanent structures or improvements on the property nor have any been authorized by the variance issued.
13. That the applicant has been informed that prior to future assembly of the temporary greenhouses, new zoning applications will need to be completed and approved prior to assembly.
14. That the reasons set forth in the application justify granting a variance.

Based upon these finding, a motion was made by Slater, seconded by Cavanaugh, to recommend approval of the variance application #82 as submitted to Edith Jesser dba Jesser's, for two (2) temporary greenhouse accessory buildings, all voting aye, motion carried.

Mayor Wolkow declared the council back in session.

Motion was made by Slater, seconded by Cavanaugh to approve the recommendation from the Zoning Board of Adjustment to approve the Variance Application #82, submitted by Edith Jesser dba Jesser's, for two (2) temporary greenhouse accessory buildings, all voting aye, motion carried.

**BUILDING PERMIT:** Motion was made by Slater, seconded by Cavanaugh, to approve the building permit application submitted by Edith Jesser dba Jesser's for two (2) temporary greenhouse structures, all voting aye, motion carried. Motion was made by Slater, seconded by Whitaker, to approve the building permit application submitted by Mary Lee for a free-standing lending library structure pending the placement of the free-standing structure meets the R-2 set-back requirements and verification of location, all voting aye, motion carried.

**PUBLIC COMMENTS:** None.

**PROPERTY TAX INCENTIVE:** Todd Wilkinson and Rita Anderson presented a property tax incentive plan. The plan would refund city property tax money on a new residential structure built within city limits and meet various criteria. Motion was made by Slater, seconded by Botkin, to table discussion of the property tax incentive plan until the March city council meeting, all voting aye, motion carried.

**LIQUOR LICENSE AND OPERATING AGREEMENT TRANSFER:** This being the date and time set for the hearing of the transfer of the Dugout on-sale liquor license and Operating Agreement from Gary Wiggins to Rick Baacker, dba Baackers II appearing in favor of said transfer and no one appearing in opposition, motion was made by Cavanaugh, seconded by Slater, to approve the transfer of the Dugout on-sale liquor license and Operating Agreement from Gary Wiggins to Rick Baacker dba Baackers II, all voting aye, motion carried.

**SPECIAL LIQUOR LICENSES:** The De Smet Volunteer Fire Department has requested two special liquor licenses for events to be held at the De Smet Event Center on February 22, 2020 from 5:00 PM to 12:00 AM, and on March 14, 2020 from 5:00 PM to 12:00 AM. Motion was made by Cavanaugh, seconded by Slater, to approve the two special liquor licenses for the De Smet Volunteer Fire Department, for events to be held at the De Smet Event Center on

February 22, 2020 from 5:00 PM to 12:00 AM, and on March 14, 2020 from 5:00 PM to 12:00 AM, all voting aye, motion carried.

**AIRPORT HAYLAND:** This being the date and time set for the bid opening and auction on the airport hay land, Attorney Wilkinson opened the four bids received as follows: Geyer Cattle Company \$45.00/acre; Blake & Norman Koehlmoos \$35.00/acre; Brandon Doyle \$70.00/acre; and Blake Hojer, Hoyer Ranch LLC \$100.00/acre. All four of the bidders being present, Attorney Wilkinson noted that the high bid was \$100.00/acre. Bidders present had the opportunity to increase their submitted bid. The final bid was the increased verbal bid by Brandon Doyle at \$130.00/acre.

**ISAAC WILDE:** Isaac Wilde met with the council to discuss his request for a building permit at the airport for a 51' x 31' containment pad and to increase the lot leased by an additional 70' x 70'. Discussion was also held regarding the aerial spraying that the City is updating. Motion was made by Slater, seconded by Hansen, to deny the request from Isaac Wilde for a building permit at the airport for a containment pad and additional 70' x 70' land lease, upon roll call vote, voting aye was Slater, Whitaker, Hansen, and Jensen, voting nay was Cavanaugh and Botkin. Motion carried.

**EVENT CENTER ADVISORY BOARD:** Advisory Board members Sharry Knock, Marilyn Skyberg, Nancy Montross, and Rita Anderson met with the council to discuss Advisory Board members helping at the Event Center. Several of the board members are already volunteering at the Event Center and are willing to continue helping when needed. When there is a rental event, city staff is at the Event Center and closes the building after the event. The Advisory Board members are willing to help close up the center after a rental event if needed. Motion was made by Slater, seconded by Cavanaugh, to approve Advisory Board members locking up the Event Center when needed, upon roll call vote, voting aye was Slater, Whitaker, Cavanaugh, Botkin, and Jensen, voting nay was none. Hansen abstained. Motion carried.

**EXECUTIVE SESSION:** Motion was made by Slater, seconded by Jensen, to go into executive session to discuss personnel and contracts at 6:10 pm, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 6:40 pm.

**MIDCONTINENT COMMUNICATIONS LEASE:** Discussion was held at the January, 2020 council regarding a request from Midcontinent Communications to put equipment on the water tower to provide wireless internet services. Motion was made by Slater, seconded by Jensen, to approve the three-year lease agreement with Midcontinent Communications to attach their equipment to the water tower for a lease fee of \$1,500 per year, all voting aye, motion carried.

**SECOND READING TO AMEND THE GARBAGE RATES:** A letter from Cook's Wastepaper & Recycling was presented to the council at the

January regular meeting. The letter requested that the garbage rates increase by 3% due to increases tipping fees at Millennium Recycling. The rate would increase by \$0.48 per month for regular garbage service and by \$0.47 per month for senior garbage service. Motion was made by Slater, seconded by Whitaker, to approve the Second Reading to amend Ordinance No. VIII-2GA, Collection of Solid Waste, Section VII-2-3. Standards and Regulations to increase the residential garbage rates by 3%, all voting aye, motion carried.

**ORDINANCE No. VIII-2GA AMENDMENT**

AN ORDINANCE AMENDING ORDINANCE NO VIII-2GA AS AMENDED, ENTITLED AN ORDINANCE FOR THE COLLECTION OF SOLID WASTE WITHIN THE CITY OF DE SMET.

BE IT ORDAINED BY THE CITY OF DE SMET, SOUTH DAKOTA:

That the following Section shall be amended to read as follows:

Section VII-2-3. Standards and Regulations

a. All persons residing in a single-family dwelling shall be billed for the garbage collection services provided for in this ordinance by the City of De Smet. The charges for collection services shall be as follows:

1) Single residential regular service with one (1) 65 or 95-gallon container supplied by contactor: Monthly charge - \$16.60 which shall include a \$1.00 monthly administrative fee to the City of De Smet.

2) Special Exception for persons over the age of 65, living alone, or for married person both over the age of 65, living by themselves in a single residential unit: Monthly charge shall be \$16.03 which shall include a \$1.00 monthly administrative fee to the City of De Smet.

This Ordinance shall be effective with the March 2020 billing cycle. All other provisions of this ordinance not specifically modified by the amendment shall remain in full force and effect.

Dated this 13th day of February, 2020.

CITY OF DE SMET

---



Mayor - Gary Wolkow

ATTEST:

---

Finance Officer - Tracey Larson

Passed First Reading: January 8, 2020  
Passed Second Reading: February 13, 2020  
Published: February 26, 2020

**OTHER:** Other non-action items of discussion were as follows: 1) January law enforcement report; 2) snow removal that isn't getting done on sidewalks; and 3) update on the water looping project.

**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 February 1, 2020 as follows: Library Director, Mary Purintun \$20.75/hour.

---

Gary Wolkow, Mayor

ATTEST:

---

Tracey Larson, Finance Officer

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

