

REGULAR MEETING DE SMET COMMON COUNCIL
March 10, 2021

The De Smet Common Council met in regular session on March 10, 2021, at 5:00 p.m., with the following present: Council members Jay Slater, Bret Jensen, 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 expressed congratulations to the De Smet High School Girls Basketball Team on their successful season and to the De Smet High School Boys Basketball Team for their advancement to the State B Basketball Tournament and wished them Good Luck. Mayor Wolkow asked anyone attending the meeting by phone or video conference to please mute their devices.

MINUTES: Motion was made by Cavanaugh, seconded by Spader, to approve the minutes of the February 10, 2021 Regular Meeting, 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 \$28,966.61; OASI Benefit 2,215.93; Aflac, ins. premium 280.95; Dearborn National, life insurance 123.20; Delta Dental of South Dakota 299.88; VSP 156.34; The Health Pool of SD, health insurance premium 5,678.34; SDRS, retirement benefit 3,744.94; Mediacom, utilities 111.99; AA Motorsports, LLC, park equipment 24,291.95; American Legion, publishing 420.00; Avid Hawk LLC, supplies 35.00; Becky Albrecht, event center deposit refund 30.00; Brittani Wilkinson, event center deposit refund 30.00; Center Point Large Print, library supplies 29.21; Century Link, utilities 548.23; City of De Smet, utilities 355.84; City of De Smet, supplies 53.30; Connecting Point, library equipment 1,145.00; Connection Point, supplies, repairs & maintenance 1,478.50; Cook's Wastepaper & Recycling, garbage service 264.25; Cook's Wastepaper & Recycling, repairs & maintenance 6,546.94; De Smet Development Corp., economic development and b, b & b contributions 18,000.00; De Smet Trustworthy Hardware, supplies 21.97; De Smet Welding & Machine, repairs & maintenance 34.80; DENR, supplies 10.00; Department of Health, repairs & maintenance 28.00; Dorothy Bau, event center deposit refund 10.00; Ferguson Waterworks, water repairs & maintenance 368.86; Hach Company, water supplies 152.64; Hawkins, Inc., water chemicals 2098.00; Innovative Office Solutions, supplies 747.86; Kasy Surat, event center deposit refund 50.00; Kingsbury Electric Cooperative, repairs & maintenance 220.00; Kingsbury County Auditor, law enforcement contract

6,283.33; Kingsbury Electric Cooperative utilities 261.30; Kingsbury Journal, publishing 252.42; Lance Nichols, event center deposit refund 50.00; Mark's, repairs & maintenance 131.39; Maynard's, supplies 12.56; Michael Todd & Company, Inc. repairs & maintenance 1,206.82; Micro Marketing LLC, library supplies 670.97; Nancy Wienk, event center deposit refund 30.00; NAPA, supplies, repairs & maintenance 49.34; Northwestern Energy, utilities 1,371.19; O'Keefe Implement, Inc., supplies, repairs & maintenance 177.14; Office Peeps, Inc., supplies 11.54; Ottertail, utilities 5,850.01; Postmaster, supplies 180.00; Randi Albrecht, event center deposit refund 30.00; Reader Service, library supplies 18.33; Reed, Inc., debt service payment 690.58; Reed, debt service payment 2,500.00; Reminisce, library supplies 29.98; Rich's Gas & Service, fuel, 480.62; SD Dept of Revenue, sales tax 270.48; SD Dept. of Revenue, sanitation sales tax 446.47; SD Dept. of Transportation, airport supplies 62.50; SDCA Cow Calf Council, event center deposit refund 275.00; Share Corp, supplies & chemicals 3,441.82; Smith's Lumber, supplies 9.99; South Dakota Magazine, subscription renewal 45.00; Taste of Home, supplies 18.00; The Main Stop, fuel 290.13; Valley Fibercom, utilities 226.74; Wilkinson Ranch, event center deposit refund 275.00; Helms & Associates, airport turn around project 1,373.39; Division of Criminal Investigation, back ground check 26.75; Kingsbury County Sheriff, finger printing 10.00.

SPECIAL LIQUOR LICENSE: The De Smet Volunteer Fire Department has requested a special liquor licenses for two events to be held at the De Smet Event Center on April 10, 2021 from 5:00 PM to 12:00 AM and on April 24, 2021 from 5:00 PM to 12:00 AM. Motion was made by Asleson, seconded by Cavanaugh, 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 April 10, 2021 from 5:00 PM to 12:00 AM and on April 24, 2021 from 5:00 PM to 12:00 AM, all voting aye, motion carried.

AERIAL SPRAYING PERMIT: Motion was made by Slater, seconded by Spader, to approve the 2021 Aerial Spraying Permit submitted by Brady Fast, with Fast Ag Air, LLC, all voting aye, motion carried.

ZONING: Motion was made by Cavanaugh, seconded by Slate, 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 #91 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 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 principal 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 Asleson, seconded by Cavanaugh, to recommend approval of the variance application #91 as submitted to Edith Jesser dba Jesser's, for two (2) temporary greenhouse accessory buildings, all voting aye, motion carried.

This being the date and time public noticed for the hearing on the Re-Zoning Application #92 submitted by the De Smet Development Corporation. The De Smet Development Corporation is requesting the zoning of property legally described as: Lots 1 & 2, Block 2, Original Plat, all in the City of De Smet, Kingsbury Co., South Dakota be amended from General Residential District (R-2) to Central Commercial District (C-1). Notice of the hearing was properly given by certified mail and by publication of the Notice of Hearing in conformity with Section 3.04.05 of the City Zoning Ordinance. There was nobody from the public who appeared in opposition to the proposed zoning amendment.

The Planning & Zoning Commission and the City Council made the following findings:

1. That approximately 50% of the surrounding adjacent properties are currently zoned General Residential (R-2), and approximately 50% of the surrounding adjacent properties are currently zoned Central Commercial District (C-1). Re-zoning of the property in question would make this area more uniform.
2. That the re-zoning of the current use of said property would better fit the Central Commercial District (C-1) zoning classification.
3. That the re-zoning of the said property would promote the growth of commercial daycare facility.

Based upon these findings, motion was made by Cavanaugh, seconded by Slater to recommend approval of the proposed rezoning to the City Council, all voting aye, motion carried.

Mayor Wolkow declared the city council back in session.

VARIANCE: Motion was made by Slater, seconded by Cavanagh, to approve Variance application #91 submitted by Jesser's Greenhouse (Edith Jesser) for two temporary greenhouses, all voting aye, motion carried.
BUILDING PERMITS: Motion was made by Slater, seconded by Asleson, to approve the building permit application submitted by Jesser's Greenhouse (Edith Jesser) for two temporary greenhouses, all voting aye, motion carried. Motion was made by Slater, seconded by Jensen,

to approve the building permit application submitted by Mary Lee for a 36" x 18" lending library, all voting aye, motion carried.

FIRST READING FOR RE-ZONING: Motion was made by Jensen, seconded by Slater, to approve the first reading of Ordinance No. VII-27, an ordinance to amend Article I, Chapter 1.03 as adopted by Ordinance No. VII-8 on February 15, 2000, as the Zoning Ordinance of the City of De Smet, to change the zoning classification of property legally described as: Lots 1 & 2, Block 2, Original Plat, De Smet, Kingsbury Co., South Dakota, be amended from General Residential (R-2) to Central Commercial (C-1), all voting aye, motion carried.

CHIP SEAL COATING/CRACK SEALING BIDS: This being the date and time public noticed for the opening of bids for chip sealing, crack sealing. City Attorney Wilkinson opened three bids for chip sealing, three bids for crack sealing. Bids received for chip sealing 22,800 square yards, with alternate #1 for chip seal coating an addition 6,400 square yards, and alternate #2 for fog sealing 1,900 square yards. Bids for chip seal coating and the alternates for the additional chip seal coating and fog coat are as follows:

<u>Company</u>	<u>Base Bid</u>	<u>Alternate #1</u>	<u>Alternate #2</u>
Topkote, Inc.	\$1.75/sq. yd.	\$1.75/sq. yd.	None
Road Guy Construction Co., Inc.	\$1.50/sq. yd.	\$1.50/sq. yd.	\$2,100.00
Bituminous Paving, Inc.	\$1.96/sq. yd.	\$1.96/sq. yd.	\$1,950.00

Bids received for crack sealing are as follows:

<u>Company</u>	<u>Bid Amount</u>
Lot Pros, Inc.	\$0.60 per lineal foot
Highway Improvement, Inc.	\$0.58 per lineal foot
Topkote, Inc.	\$0.72 per lineal foot

Motion was made by Cavanaugh, seconded by Asleson, to approve and accept the bid for the chip seal coating from Road Guy Construction Co., Inc. for chip seal coating 22,800 square yards at \$1.50/sq. yd. totaling \$34,200.00, Alternate #1 for chip seal coating an additional 6,400 sq. yds. at \$1.50/sq. yd. totaling \$9,600.00, and Alternate #2 for fog coating on 1,900 sq. yds.

totaling \$2,100.00 for a total bid of \$36,300.00, all voting aye, motion carried. Motion was made by Slater, seconded by Cavanaugh to approve and accept the bid from Highway Improvement, Inc. to crack seal 25,000 lineal feet at \$0.58/lin. ft. for a total of \$14,500.00, all voting aye, motion carried.

CLAUS SMITH: Claus Smith met with the council to discuss a leak in his commercial rental building and the level of manganese in the water. Smith also presented a print-out to the council regarding a filtration system for removing manganese. Smith is trying to obtain more information on the cost of this method.

RESOLUTION 2020-1: At the June 10, 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 June 11, 2020, with no additional special meetings to be held unless drastic changes happen with the number of COVID-19 cases. Resolution 2020-1 had been extended until March 10, 2021. At this time, the resolution will expire on March 10, 2021, but the council encourages residents to continue taking precautions to prevent the spread of the Coronavirus.

PUBLIC COMMENTS: None.

HYDRANT PRESENTATION: Representatives from Clow Valve Co. met with the council to discuss new fire hydrant technology to monitor water pressure and temperature remotely. This technology would be another monitoring source to determine water leaks or drop in water line pressure. The equipment fitted to the hydrant would stay on the hydrant year-round and does not interfere with access by the fire department. A retro-fit kit would cost approximately \$2,400.00 per hydrant and full hydrant cost is approximately \$5,400.00 - \$5,900.00 per hydrant with annual program fees per hydrant. The City of De Smet currently has 112 fire hydrants. Water Supt. Richard Stoddard will discuss this more with the engineer.

EXECUTIVE SESSION: Motion was made by Asleson, seconded by Cavanaugh, to approve going into executive session at 6:33 pm to discuss personnel and personnel policy, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:00 pm.

PERSONNEL POLICY: Motion was made by Slater, seconded by Cavanaugh, to approve the addition of the sick leave donation policy to the personnel policy, all voting aye, motion carried.

Personnel Policy
Section VII
Benefits

D-1 . Sick Leave Donation Policy

The Sick Leave Donation Policy is established to permit City employees to donate a portion of accrued sick leave to another City employee who has exhausted all accrued sick leave and vacation leave while absent from work due to a personal illness or injury. This policy is not intended to replace the sick leave policy.

Definitions

Donor - A full-time City employee, who earns sick leave and donates from their own accrued sick leave to another City employee.

Recipient -A full-time City employee with at least one year of continuous City service who earns sick leave and who has received a donation of sick leave from one or more City employee donors.

Sick Leave Donation - The transfer of accrued sick leave from the sick leave balance of one or more donors to a recipient. The minimum sick leave donation from a donor is four hours.

Personal Illness or Injury – A critical or catastrophic illness or injury of the employee or an immediate family member as requiring temporary absence from work.

Immediate Family Member – Immediate family shall mean one’s spouse, domestic partner, children/step-children, parent, brother, sister, mother-in-law, father-in-law, step-parent, step-sister, step-brother, or other relationship in which the employee is the legal guardian or sole caretaker.

Program Requirements

1. The recipient must be a full-time employee with at least one-year of continuous City service.
2. The Recipient must have exhausted all accumulated leave, including sick and vacation time.
3. The recipient’s attending physician must certify that the employee will be able to return to work.
4. Donations of sick leave may not exceed the number of days the employee will need off for the illness or injury.
5. The transfer of sick leave days in accordance with this program is strictly a donation and may not be donated in exchange for cash or remuneration.
6. All sick hours transferred pursuant to this program are irrevocable transfers.
7. Employees who wish to donate sick time to a co-worker in need must complete a Donation of Sick Leave Form.
8. A donor who is donating sick time to a co-worker will not be allowed to reduce their own sick leave to less than 40 hours.
9. Approval for donations of sick time must be approved by the Mayor.

ZONING ORDINANCE: Motion was made by Slater, seconded by Asleson, to approve signing the contract with 1st District Association of Local Governements to update the current zoning ordinance for a fee of \$5,000.00, all voting aye, motion carried.

AIRPORT GRANT: Motion was made by Slater, seconded by Hansen, to approve accepting the Coronavirus Response and Relief Supplemental Appropriations Act grant in the amount of \$9,000.00 for the airport, and to approve the Mayor as the authorized official to sign grant documents, all voting aye, motion carried.

FLOWER BARRELS: Motion was made by Cavanaugh, seconded by Slater, to advertise for quotes to provide and plant flowers in 25 barrels on main street and 2 containers at the library, with the quotes to be reviewed at the April 14, 2021 council meeting, all voting aye, motion carried.

STREETS/AIRPORT: Street/Airport Supt. Ryan Petersen met with the council to discuss needing larger equipment to remove snow at the airport; the street sweeper will be fixed and returned soon; and B&B Salvage will be picking up the accumulated scrap metal at the Restricted Use Site and will pay \$110.00 per ton.

PERSONNEL: Applications for the RUS Supt./Assistant Street position were previously reviewed and applicants were interviewed by the streets committee. Motion was made by Cavanaugh, seconded by Slater, to approve hiring Josh Halverson as the RUS Supt./Assistant Street person at the rate of \$16.62 per hour pending he pass the pre-employment requirements, all voting aye, motion carried.

SEASONAL HELP: Motion was made by Cavanaugh, seconded by Slater, to approve hiring Noah Roth at the rate of \$11.25/hour and Kasen Janssen at the rate of \$10.50/hour as lifeguards; Aaron Grubb, Kyle Salter, and Jim Millman as baseball coaches at a rate of \$1,200.00 each for the 2021 baseball season; and Mark Birkel as summer help at a rate of \$13.50/per hour; approve Michael Tordoff as a volunteer to help with baseball; and continue advertising for the softball coaches and lifeguard positions, all voting aye, motion carried.

EVENT CENTER TREADMILL: One of the original treadmills at the Wellness Center has broken and cannot be repaired. Four quotes to purchase a new treadmill ranging in price from \$2,999.00 to \$4,599.00 were presented to the council. Motion was made by Spader, seconded by Cavanaugh, to approve purchasing the Matrix T50 treadmill in the amount of \$3,099.00, all voting aye, motion carried.

OLD SHOP DOOR OPENERS: Motion was made by Spader, seconded by Jensen, to approve hiring Ace's Door Co., LLC to install two door openers in the amount of \$2,400.00 on the two north bay doors at the old city shop building, all voting aye, motion carried.

BASKETBALL HOOP DONATION: Castlerock Construction is celebrating their ten-year anniversary and has offered to donate and install a new basketball hoop at Rose Vincent Park. Motion was made by Spader, seconded by Slater, to accept the donation of a new basketball hoop and installation of the hoop at Rose Vincent

Park and thanked Castlerock Construction for the generous donation, all voting aye, motion carried.

PROJECT PAYMENTS: Motion was made by Hansen, seconded by Slater, to approve pay request #6 in the amount of \$1,373.39 to Helms & Associates for the turnaround's project, all voted aye, motion carried. The airport project expenses will be reimbursed by 100% from grant funding.

AIRPORT CONFERENCE: Motion was made by Slater, seconded by Asleson, to approve Airport Supt. Ryan Petersen attending the virtual 36th Annual Airport Conference on March 31, 2021 and April 1, 2021, all voting aye, motion carried.

FINANCIAL REPORTS: Motion was made by Hansen, seconded Slater, to approve the February 2021 Cash Balances Report as presented by the Finance Officer, all voted aye, motion carried.

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

OTHER: Other non-action items of discussion were as follows: 1) the February law enforcement report; 2) a nuisance property 3) the district meeting date; 4) an extended warranty for the Polaris Ranger; 5) replacing the meter reading equipment; 6) an insurance claim for one of the fire trucks; 7) opening the Depot Museum for the 2021 season; and 8) repairs to the baby pool.

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

To comply with SDCL 6-1-10. Publication of Payroll information, the payroll changes were effective as follows: Mary Purintun, Head Librarian \$21.77/hour effective February 1, 2021; Barb Hansen, Office Help \$11.00/hour effective March 1, 2021; Kristy Hubbard, Event Center Director \$3,726.67/month effective March 1, 2021; and Patty Garry, Event Center Custodian \$15.39/hour effective March 1, 2021.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____