

REGULAR MEETING DE SMET COMMON COUNCIL

October 8, 2025

The De Smet Common Council met in regular session on October 8, 2025, at 5:00 p.m., with the following present: Council members, George Cavanaugh (via speaker phone), Bret Jensen, Dustin McCune, Dane Coughlin, Lowell Hansen, Pam Spader, 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 started with the council and those from the public reciting the Pledge of Allegiance.

ANNOUNCEMENTS: None.

MINUTES: Motion was made by Jensen, seconded by Coughlin, to approve the minutes of September 10, 2025, Regular Meeting and August 15, 2025, Special Meeting minutes, all voting aye, motion carried.

CLAIMS: Motion was made by Jensen, seconded by McCune, to approve paying the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$48,619.93; OASI Benefit 3,719.42; Aflac, ins. premium 95.03; Dearborn National, life insurance 228.80; Delta Dental of South Dakota 454.10; VSP 180.60; The Health Pool of SD, health insurance premium 9,115.88; SDRS, retirement benefit 4,693.22; DeSmet Post Office, Ron Penney Variance 67.90; DeSmet Post Office, John Berg Variance 67.90; Asphalt Paving & Materials, hot mix 1807.08; Avid Hawk, monthly website fee 35.00; Brianne Martens, deposit refund 50.00; Butler Machinery Co., repairs & maint 1555.39; Center Point Large Print, books 108.43; Chesterman Company, supplies 200.60; City of DeSmet, utilities 815.14; City of DeSmet, supplies & postage 49.26; CMI Architectural, repair & maint 93.16; TwoTrees Technologies, software, off-site backups 173.17; Cook's Wastepaper & Recycling, city garbage collection 327.90; Cook's Wastepaper & Recycling, residential garbage 7404.13; Cowboy Country Store, supplies 25.47; CR Corner, fuel & diesel 1529.66; Dakota Pump, repairs & maint 714.29; DeSmet Development Corp, monthly contribution 1000.00; DeSmet LIW Elementary PTO, supplies 340.00; DeSmet Trustworthy Hardware, supplies & repairs 300.11; Department of Health Laboratory, water labs 60.00; Doug & Armelita Stoddard, key deposit refunds 20.00; Environmental Equipment & Serv, repairs & maint 2873.15; Hawkins, water chemicals 1004.66; Innovative Office Solutions, supplies 1655.85; Jenny Todd, reimburse for supplies 184.75; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,933.33; Kingsbury Electric Cooperative, streets & airport utilities 170.27; Kingsbury Journal, publishing(2 months) 1203.55; Kingsbury Journal, library publishing 42.00; Klinkhammer Plumbing & Heat, portable toilet(3 months) 636.00; Lyle Signs, INC, signs 799.80; Maynard's(pool account), supplies & credit on account 5.44; Mediacom, utilities 122.20; Mena Berg, deposit refund 425.00; Micro Marketing, books 368.83; Northwestern, utilities 91.95; O'Keefe Implement INC, supplies repairs & main 31.73; Office Peeps, Inc., library copier contract 66.14; Office Peeps, Inc., supplies &

office copier contract 317.06; Olson's Pest Technicians, museum rodent control 75.00; Ottertail Power Company, utilities 4955.36; Palmlund Automotive, repair & maint 139.82; Penworthy Company, books 300.51; SD Department of Revenue, garbage sales tax 511.75; Share Corp, sewer chemicals 683.67; Socially Untapped, marketing 200.00; Tammy Dobson, deposit refund 50.00; The Main Stop, supplies 60.00; US Bank, third street water loan payment 2666.22; US Bank, water looping project loan payment 4043.31; Valley Fibercom, utilities 386.37; VISA, supplies utilities 1949.42, Water Billboards, supplies 1074.07; Zell Manufacturing INC, repairs & maint 22.00; Foerster Testing Limited, 10200.00; Geotek Engineering & Testing, water 3524.00; Halme INC, funding streets water sewer 771935.90; Helms & Associates, airport 250.00; Imeg, water project 47879.00; Imeg, sewer project 4212.00; Imeg, water project 2070.00; O&A Classic Coatings & Paint, water tower project 85270.00.

SPECIAL LIQUOR LICENSES: Three applications for special liquor licenses were submitted by Lu Ann Klinkel, owner of Klinkel's III for events to be held on November 1, 2025, from 5:00 pm - 12:00 am, November 8, 2025, from 6:00 pm to 12:00 am, and November 22, 2025, from 6:00 pm - 12:00 am, all to be held at the De Smet Event Center. Motion was made by Spader, seconded by Coughlin, to approve the special liquor licenses submitted by Lu Ann Klinkel, owner of Klinkel's III for events to be held on November 1, 2025, from 5:00 pm - 12:00 am, November 8, 2025, from 6:00 pm to 12:00 am, and November 22, 2025, from 6:00 pm - 12:00 am, all to be held at the De Smet Event Center, all voting aye, motion carried.

VARIANCE: ZONING: Motion was made by McCune, seconded by Spader, 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 #118 submitted by Ron Penney, Penney met with the board to discuss the variance application. Ron Penney has requested a variance to allow him to construct a new unattached garage that will be located past the front wall of the residence, but still within the required front (north) yard set-back from the property line on the property in an area zoned "R-2" General Residential District on the following legally described property: N115' of Lot 5, all of Lot 6, and E25' of Lot 7, Block 12, Brown's Addition, De Smet City, Kingsbury County, South Dakota, and addressed as 209 4th 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 3.04.03 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 the zoning board. 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: N115' of Lot 5, all of Lot 6, and E25' of Lot 7, Block 12, Brown'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 District".
3. That adjacent properties are zoned "R-2 General Residential" to the North, South, East, and West.
4. That the lot is located on a middle lot and therefore has a primary front yard lot line, rear yard lot line, and side lot lines.
5. That the Area Regulations of the "R-2 General Residential District" zoning require a minimum Primary front yard set-back of 25 feet, rear yard set-back of 20 feet, and side yard setbacks of six (6) feet.
6. Section 2.06.06 Area Regulations Table 2.06.06.01. Maximum Lot Coverage states that maximum lot coverage for all buildings and structures shall not exceed 35% of the total lot area.
7. Chapter 4.03 Accessory Buildings, Table 4.03.05m Permitted Accessory Uses ii allows an unattached garage to be a total area if it is less than or equal to the gross floor area of the house.
8. That the proposed residential structure would be constructed 25 feet from the Primary (North) property line, 50 feet from the rear (South) property line, and 8 feet from the side (East) property line.
9. That the proposed unattached garage would be set back at a distance that is the same as other existing structures within the block.
10. That under 35% of the total lot area will be covered with structures.
11. That the new unattached garage will be less than the gross floor area of the house.
12. That none of the adjoining property owners objected to the proposed variance.
13. That granting the proposed variance would not increase any safety exposure to the adjacent property owners.
14. That the Board of Adjustment takes 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 approving a variance.

Based upon these findings, a motion was made by McCune, seconded by Hansen, to recommend approval of the variance application #118 as submitted to Ron Penney, for a new unattached garage to be located the same distance as other existing structures within the block from the front lot line, all voting aye, motion carried.

This being the date and time public noticed for the hearing on Variance Application #119 submitted by John & Mena Berg, Mena Berg met with the board to discuss the variance application. Berg's have requested a variance to allow them to construct a new unattached

carport that will be larger and taller than allowed by zoning ordinance on the property in an area zoned "R-1" Single Family Residential District on the following legally described property: Lots 15 & 16, Block 1, Silver Lake Addn, De Smet City, Kingsbury County, South Dakota, and addressed as 402 Olivet 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 3.04.03 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 the zoning board. 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 15 & 16, Block 1, Silver Lake 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-1 Single Family Residential District".
3. That adjacent properties to the North, South, and West are zoned "R-1 Single Family Residential", and to the East is zoned "Ag Agricultural District".
4. That the lot is located on a corner lot and therefore has a to front yard lot lines, and two side lot lines.
5. That the Area Regulations of the "R-1 Single Family Residential District" zoning require a minimum Primary front yard set-back of 30 feet and Secondary front yard set-back of 15 feet, and side yard setbacks of nine (9) feet.
6. Section 2.05.06 Area Regulations Table 2.05.06.01. Maximum Lot Coverage states that maximum lot coverage for all buildings and structures shall not exceed 30% of the total lot area.
7. Chapter 4.03 Accessory Buildings, Table 4.03.05 Permitted Accessory Uses 2. allows an unattached carport to be a maximum height of 12 feet and not to exceed 200 sq. feet in gross floor area.
8. That the proposed carport structure would be constructed 54 feet from the Primary (west) property line, and 35 feet from the side (south) property line.
9. That under 30% of the total lot area will be covered with structures.
10. That none of the adjoining property owners objected to the proposed variance.
11. That granting the proposed variance would not increase any safety exposure to the adjacent property owners.
12. That the Board of Adjustment takes 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 reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by Hansen, seconded by Spader, to recommend approval of the variance application #119 as submitted to John & Mena Bergg, for a new carport that will exceed the maximum height and size allowed by ordinance, all voting aye, motion carried.

Mayor Wolkow declared the City Council back in session, all voting aye, motion carried.

VARIANCE: Motion was made by Jensen, seconded by Spader, to approve of the variance application #118 as submitted to Ron Penney, for a new unattached garage, all voting aye, motion carried. Motion was made by Hansen, seconded by Coughlin, to approve the variance application #119 as submitted to John & Mena Berg, for a carport, all voting aye, motion carried.

BUILDING PERMITS: Motion was made by Jensen, seconded by Hansen, to approve the building permit application submitted by Ron Penney - unattached garage, John & Menna Berg - carport, Audree Kempema - fence and deck, Jake Vincent - fence, and De Smet Flowers - storage box, all voting aye, motion carried.

2026 LIQUOR & WINE LICENSE RENEWALS: This being the date and time advertised motion was made by McCune, seconded by Coughlin, to reissue liquor licenses to the Main Stop (off-sale), Half Pint, LLC (on-sale), Klinkels III (on-sale), Wheaties (on-sale), Prairie Fire Bar and Grill (on-sale), Oxbow Restaurant (on-sale wine & cider), Dollar General (on/off-sale wine & cider), and Maynard's (off-sale liquor and on/off-sale wine & cider) for the year 2026, all voting aye, motion carried.

NATHAN & KRISTA O'DEA: Krista O'Dea representing her and her husband Nathan, inquired to the status of the backup that occurred at their residence on August 17, 2025. The insurance adjuster has asked for additional help from an expert for this claim. IMEG representatives stated that video of the sewer project was completed over the last couple days and will be reviewed by the engineer. IMEG is working on a proposal for flow monitoring an area of town. Vac testing manholes within the project area started today.

PUBLIC COMMENTS: Amanda Fields expressed her frustration with not hearing back recently from the insurance company for the backup claim from August 17th; Chad Kruse asked if the speed limit on Main Street and some residential areas could be reduced; Mena Berg stated her appreciation for help with the backup claim on August 17th and was glad to hear that it was being looked into to prevent it from happening again; and Mark Siefkus stated that getting out of his driveway along HWY 14 is difficult and felt the public should have been able to vote about adding another street light along Hwy 14.

INFRASTRUCTURE, MAIN STREET & WATER TOWER PROJECTS: Cater Klapperich, Engineer and Kevin Goff, Senior Client Executive for IMEG met with the council to discuss the infrastructure projects, water tower, and Main Street project updates. Goff reported that a project walk-through of 2nd Street and Chase Street had been done earlier in the day. Noted were some cracks and chips in the concrete. Goff recommended waiting until spring and reviewing again in the spring in the event that more cracks would show up through the winter season. Goff also reported that there some drainage issues on 2nd Street that still need to be corrected, and this was not a construction issue, but a planning issue and IMEG will need more information to develop a plan to correct.

There is some pooling on Chase Street that will need to be corrected also. Discussion about asphalt quantities and seeding quantities is still being worked on. Additional pavement cores were taken along the edge of the 2nd Street and Chase Street project to assist with determination of asphalt quantities. Klapperich reported that the water tower painting and repair work is completed. Halme was hired to install a hydrant under the tower. There is dirt work that needs to be completed from the hydrant installation. On the Main Street project, there is one manhole that still needs to be replaced, the awning post replacements have been completed, and prep work for paving will continue. The cement sub-contractor is working on concrete prior to the paving; and Ottertail is working on the installation of the new streetlights. Klapperich explained Change Order #7 for the Main Street project is for as-constructed water main and service items, as-constructed sewer main items, abandoning coal shoots, and new storm sewer casting for 1st Street. IMEG was asked to calculate an estimate to install concrete in an alley area between the Oxbow building and De Smet Mercantile. The estimate to install concrete is approximately \$12,900.00 additional to the project. Other information will need to be reviewed prior to any additional concrete to that area.

EXECUTIVE SESSION: Motion was made by Coughlin, seconded by McCune, to go into executive session to consult with the City Attorney about contracts, potential litigation, and personnel at 6:13 pm, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:10 pm.

MAIN STREET PROJECT CHANGE ORDER #7: Motion was made by Coughlin, seconded by McCune, to approve the Main Street Project Change Order #7 in the amount of \$6,032.02, all voting aye, motion carried.

SPECIAL ASSESMENT: Motion was made by Hansen, seconded by Jensen, to approve Resolution 2025-4, assessing three parcels for unpaid public nuisance abatement charges, all voting aye, motion carried.

RESOLUTION #2025-4

CERTIFICATION OF UNPAID PUBLIC NUISANCE ABATEMENT CHARGES CITY OF DE SMET

WHEREAS the City Council of the City of De Smet, South Dakota acknowledges that the properties located in the City of De Smet listed below failed to abate public nuisances when notified of their existence, and

PARCEL: #5800 **AMOUNT:** \$100.00

PARCEL: #5758 **AMOUNT:** \$200.00

PARCEL: #5775 **AMOUNT:** \$100.00

WHEREAS the City did abate the public nuisances whose costs have been billed to the property owners and to this date are unpaid; and

WHEREAS South Dakota Codified Law 9-32-12 Noxious and Unhealthy Vegetation allows these unpaid costs to be certified to the county

auditor for collection as other taxes are collected and provides a procedure for such certification; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of De Smet, that it approve the certification as listed above, payable in a single installment at an annual rate of 0% interest.

BE IT FURTHER RESOLVED that the City Finance Officer is hereby authorized and directed to certify the same to the County Auditor.

Adopted by the Council this 8th day of October, 2025.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

KINGSBURY COUNTY PRE-DISASTER MITIGATION PLAN 2024-2030: Motion was made by Jensen, seconded by McCune, to approve Resolution 2025-5, adopting the Kingsbury County Pre-Disaster Mitigation Plan for 2024-2030, all voting aye, motion carried.

RESOLUTION #2025-5

City Council of De Smet

**Resolution Adopting the Kingsbury County Pre-Disaster Mitigation Plan
2024 - 2030**

WHEREAS, Kingsbury County received assistance in the preparation of the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030 from representatives of the City of De Smet and received funding from the South Dakota Office of Emergency Management / FEMA; and

WHEREAS, several public planning meetings were held between January of 2024 and January of 2025 regarding the development and review of the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030; and

WHEREAS, the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030 contains several potential future projects to mitigate hazard damage in the City of De Smet and

WHEREAS, the Federal Emergency Management Agency (FEMA) has rendered its approval of the Kingsbury County Pre-Disaster Mitigation Plan on July 14, 2025; and

WHEREAS, a duly-noticed public hearing was held by the Kingsbury County Pre-Disaster Mitigation Team on January 16, 2025 to solicit public comment on the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030; and

WHEREAS, a public meeting was held by the De Smet City Council on October 8, 2025 to formally approve and adopt the final Kingsbury County Pre-Disaster Mitigation Plan 2024-2030.

NOW, THEREFORE BE IT RESOLVED that the De Smet City Council adopts the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030.

ADOPTED AND SIGNED this 8th day of October, 2025.

Mayor: Gary Wolkow

ATTEST: Finance Officer: Tracey Larson

WATER ADJUSTMENT: Motion was made by McCune, seconded by Coughlin, to approve adjusting 1,000 gallons of water usage off the November, 2025 utility bill for residents on the West end of 2nd Street in the project area for watering their boulevard after seeding for the project, all voting aye, motion carried.

PERSONNEL: Motion was made by Coughlin, seconded by McCune, to approve hiring Ryan Bickett as the Event Center Custodian, in the amount of \$18.38/hour, all voting aye, motion carried.

EVENT CENTER: Kristy Hubbard, Director of the Event Center, asked the council to consider reducing the hours the Event Center is open to the public from 7 am - 7 pm to 8 am - 6 pm due to some of the helpers having a hold placed on their hours; and one treadmill is not working and will need to be replaced. Motion was made by Spader, seconded by Coughlin, to approve Event Center winter hours, during the months of November, December, and January with the center open between 8:00 am and close at 6:00 pm, all voting aye.

PROJECT PAYMENTS: Motion was made by Jensen, seconded by Hansen, to approve the project pay requests - IMEG, pay request 21005454.04-6- Main Street water \$47,879.00; IMEG, pay request 21005454.05-4 Main Street sewer \$4,212.00; IMEG, pay request 230095847.01-3 Water Tower project \$2,070.00; Halme Inc., pay request #7 - Main Street \$771,935.90; O&A Classic Coatings and Painting Corp, pay request #3

\$85,270.00; Geotek Engineering & Testing Services, Inc., soil cement testing \$3,.524.00; Foerster Testing Limited, compaction & concrete testing \$10,200.00; Helms & Associates, pay request #11 - airport SRE project \$250.00, all voting aye, motion carried.

DE SMET DEVELOPMENT CORP: De Smet Development Coordinator, Jamie Lancaster reported that he is still working to find someone to open a business in the Dairy Queen building. Lancaster stated that this will be his last city council meeting, and his last day of work will be October 31. Lancaster thanked the Council for working with him and appreciated all the work making the De Smet projects happen, and for a place to call home. The City Council thanked Lancaster for his dedication and hard work during his time in De Smet.

CONTINGENCY TRANSFER: Motion was made by Coughlin, seconded by Spader, transferring \$20,500.00 from the Contingency Fund to the Street Department for the purchase of the street department pickup, all voting aye, motion carried.

FINANCIAL REPORT: Motion was made by McCune, seconded by Hansen, to approve the September 2025 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

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

OTHER: Other non-action items of discussion were as follows: 1) the September law enforcement report; and 2) nuisance property reviews

ADJOURN: There being no further business the meeting was adjourned on motion by Hansen, seconded by Coughlin, all voting aye.

To comply with SDCL 6-1-10. Publication of Payroll information, the payroll changes were effective as follows: Jenni Ransom \$21.73/hour effective October 1, 2025.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____