

REGULAR MEETING DE SMET COMMON COUNCIL
December 13, 2023

The De Smet Common Council met in regular session on December 13, 2023, at 5:00 p.m., with the following present: Council members Dustin McCune, Bret Jensen, Pam Spader, George Cavanaugh Shon Asleson, Lowell Hansen, 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: None.

MINUTES: Motion was made by Cavanaugh, seconded by Jensen, to approve the minutes of the November 8, 2023, Regular Meeting minutes, all voting aye, motion carried.

CLAIMS: Motion by Spader, seconded by Asleson, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$31,716.12; OASI Benefit 2,426.27; Aflac, ins. premium 187.98; Dearborn National, life insurance 105.60; Delta Dental of South Dakota 342.00; VSP 162.60; The Health Pool of SD, health insurance premium 6,200.76; SDRS, retirement benefit 3,733.48; Visa, supplies, software and utilities 3,168.26; De Smet Post Office, Janike variance 63.20; Anderson Lumber, supplies, repairs & maintenance 947.62; Avera Occupational Medicine, supplies 85.00; Avid Hawk LLC, supplies 35.00; Birds & Blooms, supplies 13.79; Castlerock, event center deposit refund 30.00; Castlewood School, event center deposit refund 330.00; Catherine Pillar, event center deposit refund 30.00; Center Point Large Print, supplies 30.71; Chesterman Company, supplies 72.20; City of De Smet, utility 90.31; City of De Smet, utilities 483.31; City of De Smet, supplies 62.08; Codi Beck, event center deposit refund 30.00; Connecting Point, software, supplies, repairs & maintenance 79.42; Cook's Wastepaper & Recycling, repairs & maintenance 6,711.65; Dakota Pump, repairs & maintenance 2,571.30; De Smet Development Corp., contributions 1,000.00; De Smet Chamber, supplies 3,600.00; De Smet Trustworthy, supplies, 413.65; Dennis & Patricia Nelson, meter deposit 150.00; Department of Health, water labs 470.00; Display Sales, supplies 72.50; Duininck, repairs & maintenance 1,593.00; Efraimson Electric, repairs & maintenance 497.45; Emergency Service Marketing, supplies 305.00; Ferguson Waterworks, supplies 118.66; Gary & Patti Provence, meter deposit refund 125.00; Genesee & Wyoming Railroad Service, rental 115.76; Hawkins, Inc., chemicals 3,646.15; HGTV Magazine, supplies 49.97; Holland Construction Company, repairs & maintenance 200.00; Innovative Office Solutions, LLC, supplies 1,026.08; Interstate Battery Center, supplies 92.00; Jacqueline Lee Estate, meter deposit refund 75.00; Jean Lupkes, key fob refund 10.00; Jennifer Tellinghuisen, event center deposit refund 50.00; John Peterson, event center deposit refund 30.00; Robert Johnson, Johnson Sand & Gravel, repairs & maintenance 5,108.04; Kathleen Frey, meter deposit refund 125.00; Kingsbury Electric Cooperative, repairs & maintenance 30.00; Kingsbury Electric Cooperative, repairs & maintenance 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric

Cooperative, utilities 396.48; Kingsbury County Sheriff, supplies 10.00; Leroy Roth, repairs & maintenance 500.00; Makala Passehl, meter deposit refund 59.69; Maynard's, supplies 104.79; Michael Todd & Company, Inc., repairs & maintenance 785.59; Micro Marketing LLC, supplies 348.35; Napa, supplies, repairs & maintenance 58.27; Northwestern, utilities 1,023.21; O'Keefe Implement, Inc., repairs & maintenance 248.44; Office Peeps, library supplies & software 1,009.45; Office Peeps, Inc., supplies 688.28; Ottertail, utilities 5,374.78; Pam Spader, supplies, travel & conference 504.57; Pheasantland Industries, supplies 109.01; Postmaster, supplies 642.00; Raise Rite, Inc., repairs & maintenance 4,488.00; Rich's Gas & Service, diesel & supplies 717.03; Rick & Penny Warne, meter deposit refund 75.00; SD Assoc. of Rural Water System, annual fees 590.00; SD Department of Revenue, sanitation sales tax 458.18; SD Federal Property Agency, equipment 18,000.00; Shane Wicks, event center deposit refund 460.00; Share Corp, chemicals 3,221.12; Terex USA, LLC, repairs & maintenance 2,758.80; The Main Stop, fuel 403.75; Tracey Larson, mileage 106.63; Valley Fibercom, utilities 501.95; Wilkinson & Schumacher Law, legal services 3,033.40; Helms & Associates, airport project 8,467.25; IMEG, Main Street water project 16,500.00; IMEG, Main Street sewer project 6,000.00; IMEG, Main Street storm sewer project 3,500.00; IMEG, Chase water project 6,400.00; IMEG, Chase sewer project 6,450.00; Double Bogey's, appreciation meal 687.22; Mediacom, utilities 106.20; De Smet Chamber, supplies 200.00.

ZONING: Motion was made by Cavanaugh, seconded by Spader, 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 #105 submitted by Roy Janicke, represented by Doris Janicke, met with the board to discuss the variance application. Janicke has requested a variance to allow him to construct a 30'x 70' unattached garage that will be 10 feet from the front (North) property line, and to cover over 30% of the lot with structures located on the property in an area zoned "R-2" General Residential District on the following legally described property: Lot 16, Block 11, Western Town Lot Co. Addition, and addressed as 301 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 3.04.05 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 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 Lot 16, Block 11, 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 "R-2 General Residential District".
3. That adjacent properties are zoned "R-2 General Residential" to the North, West, and South, and "R-1" Single Family Residential" to the East.
4. That the lot is located at the intersection of two street rights-of-way (Olivet Ave. SE & 3rd Street SE).
5. That the Area Regulations of the "R-2 General Residential" zoning require a minimum front yard set-back of 30 feet.
6. "Additional yard Requirement" in Chapter 4.07 Yards, states that a corner lot must have a front yard along both streets.
7. Section 2.06.05 Area Regulations 2. Maximum Lot Coverage states that maximum lot coverage for all buildings and structures shall not exceed 30% of the total lot area.
8. That the proposed unattached garage would be constructed ten (10) feet from the north (front yard) property line.
9. That the proposed unattached garage would be constructed in line with the existing residential structure.
10. That the proposed unattached garage would not interfere with traffic visibility at the intersection of Olivet and 3rd Ave. SE.
11. That 39% of the total lot area will be covered with structures.
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 current structure locations do not result from the applicant's action.
17. That the reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by Jensen, seconded by Cavanaugh, to recommend approval of the variance application #105 as submitted by Roy Janicke, for an unattached 30'x 70' garage pending the verification of placement by a zoning officer, all voting aye, motion carried.

Motion was made by McCune, seconded by Asleson to reconvene as the city council, all voting aye, motion carried.

VARIANCE & BUILDING PERMITS: Motion was made by Jensen, seconded by Cavanaugh, to approve the variance application #105 as submitted by Roy Janicke, for an unattached 30'x 70' garage pending the verification of placement by a zoning officer, all voting aye, motion carried. Motion was made by McCune, seconded by Jensen, to approve the building permit application submitted by Roy Janicke, for an unattached 30'x 70' garage pending the verification of placement by a zoning officer, all voting aye, motion carried.

MARILYN SKYBERG: Marilyn Skyberg, representing IMPACT, was asked to come speak to the council and update them on the activities planned for the IMPACT classes. Skyberg informed the council that the IMPACT classes have been organized by volunteers for seven years. Classes start in January for a minimal fee. Through the years, speakers have come to De Smet for presentations, the group has taken various tours,

participated in exercise classes, had movie nights, and many game/bingo days. The council applauded Skyberg for the job well done. **INSURANCE RENEWAL:** Brian Bindert, American Trust Insurance Agency, was present to provide information regarding the city's airport, fire department, general liability, public official's liability, property, and vehicle insurance renewals. The total premium quoted by Continental Western Group, Old Republic Insurance, and Travelers Insurance Company insurance for airport, general liability, property, auto, and airport insurance is quoted \$56,492.00 and the fire department is quoted \$10,253.00. The total increase for all of the insurance premiums was \$6,896.00. Additional questions asked by the council in regard to the insurance policy were answered by Bindert. Motion was made by Cavanaugh, seconded by Asleson, to renew the city's fire department policy and the General liability, property, auto, and airport insurance coverage as presented in the total amount of \$66,745.00 without any pending additions for the year 2024 with American Trust Insurance Agency, all voting aye, motion carried.

EQUIPMENT: Motion was made by Cavanaugh, seconded by McCune, to approve purchasing a 2012 GMC 1500 Crew Cab pick-up with 38,543 miles, as is, for \$18,000.00 from SD Federal Surplus Property, all voting aye, motion carried.

PUBLIC COMMENTS: Mark Siefkes met with the council to inquire about removing the jake brake ordinance or moving the jake brake sign further from city limits, and how LED light effect people differently.

2ND STREET PROJECT SPECIAL ASSESSMENTS: Motion was made by Cavanaugh, seconded by Asleson, to approve setting the 2nd Street Project special assessments interest rate at 8% and for a length of no more than seven (7) years for payment of the special assessments, all voting aye, motion carried.

It was moved by City Council Member McCune and seconded by City Council Member Asleson that the following Proposed Resolution be passed and adopted:

PROPOSED RESOLUTION NO. 2023-7

A RESOLUTION AUTHORIZING NECESSARY STREET IMPROVEMENT BY SPECIAL ASSESSMENT PURSUANT TO SDCL 9-45-20.

WHEREAS, the condition of the following described property, to-wit:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, Block 9; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18 and the Northwesterly Part of Lot 19, Block 10; and the East Half of Lot 8 and all of Lot 9, Block 11, all in Brown's Addition to the City of De Smet, Kingsbury County, South Dakota; The South 100 feet of Lots 8 and 9, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, in Block 1 and the North 84 feet of Lots 1 and 2, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Block 2 Brown's Subdivision of Blocks 1 and 2 of Carroll's Addition; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 3; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 4; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 5; the North Half of Lots 1 and 2, Lots 3, 4, 5, 6 and 7 in Block 6; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 7; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 8; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 9,

Lots 1, 2, 3, 4, 5, 6 and 7 in Block 10, all in Carroll's Addition to the City of De Smet, Kingsbury County, South Dakota; and Lots 4, 5 & 6 of Outlot "J" and Outlot "K" all in A.H. Davidson's Subdivision to the City of De Smet, Kingsbury County, South Dakota; all located in the City of De Smet, Kingsbury County, South Dakota.

WHEREAS, to facilitate this improvement a special assessment is necessary for curb and gutter improvements to be made;

NOW THEREFORE BE IT RESOLVED that it is necessary to improve 2nd Street adjacent to the above described property located in the City of De Smet, in Kingsbury County, South Dakota. That the nature of such improvement is to regrade, pave, and install curb and gutter along said street in accordance with the plans and specifications on file in the Office of the City Finance Officer of said City, which specifications are available for inspection by any person interested therein, or affected thereby, and the same by this reference, and made a part hereof and incorporated herein. That the materials to be used for said improvements are oil, gravel, cement and other materials necessary for the regrading, paving and installation of curb and gutter to the above described premises. That only the cost associated with the installation of the curb and gutter is to be involved in this special assessment as the City of De Smet will be responsible for all other costs associated with the street improvements. That the estimate of the cost per linear foot to the adjoining property owners for curb and gutter installation is estimated at \$40.00 That the classes of the lots to be assessed are residential. That the cost of the improvement will be proportioned to the property fronting and abutting upon said improvement by special assessment for the cost of the curbing and gutter upon said improvement by special assessment for the cost of the curbing and gutter and all remaining costs shall be paid by the City out of general funds.

On Roll Call, all voting "aye", Proposed Resolution declared passed and adopted.

It was moved by City Council Member Cavanaugh and seconded by City Council Member McCune that the following Proposed Resolution be passed and adopted:

PROPOSED RESOLUTION NO. 2023-8

A RESOLUTION AUTHORIZING NECESSARY SIDEWALK IMPROVEMENT BY SPECIAL ASSESSMENT PURSUANT TO SDCL 9-46-3 TO SDCL 9-46-9.

WHEREAS, the condition of the following described property, to-wit:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, Block 9; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18 and the Northwesterly Part of Lot 19, Block 10; and the East Half of Lot 8 and all of Lot 9, Block 11, all in Brown's Addition to the City of De Smet, Kingsbury County, South Dakota; The South 100 feet of Lots 8 and 9, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, in Block 1 and the North 84 feet of Lots 1 and 2, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Block 2 Brown's Subdivision of Blocks 1 and 2 of Carroll's Addition; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 3; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 4; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 5; the North Half of Lots 1 and 2, Lots 3, 4, 5, 6 and 7 in Block 6; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 7; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 8; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 9, Lots 1, 2, 3, 4, 5, 6 and 7 in Block 10, all in Carroll's Addition to the City of De Smet, Kingsbury County, South Dakota; and Lots 4, 5 & 6 of Outlot "J" and Outlot "K" all in A.H. Davidson's Subdivision to the City of De Smet, Kingsbury County, South Dakota; all located in the City of De Smet, Kingsbury County, South Dakota.

WHEREAS, to facilitate this sidewalk construction project a special assessment is necessary for sidewalk improvements to be made;

NOW THEREFORE BE IT RESOLVED that it is necessary to construct and rebuild a portion of the sidewalks adjacent to the above described property located in the City of De Smet, in Kingsbury County, South Dakota. That the nature of such improvement is to remove and replace certain portions of sidewalk along said street in accordance with the plans and specifications on file in the Office of the City Finance Officer of said City, which specifications are available for inspection by any person interested therein, or affected thereby, and the same by this reference, and made a part hereof and incorporated herein. That the materials to be used for said improvements are gravel, cement and other materials necessary for the removal, installation, construction and replacement of sidewalk to the above described premises. That only the cost associated with the installation, construction and replacement of sidewalk is to be involved in this special assessment as the City of De Smet will be responsible for all other costs associated with the street improvements. That the estimate of the cost per square foot to the adjoining property owners for sidewalk construction project is estimated at \$10.00 per square foot. That the classes of the lots to be assessed are residential. That the cost of the improvement will be proportioned to the property fronting and abutting upon said improvement by special assessment for the cost of the sidewalk improvement project upon said improvement by special assessment for the cost of the sidewalk improvement project remaining costs shall be paid by the City out of general funds.

On Roll Call, all voting "aye", Proposed Resolution declared passed and adopted.

EVENT CENTER: Event Center Director, Kristy Hubbard, informed the council that the company working on repairing the automatic door opener had to order a new part and are still waiting for the part to arrive. Hubbard also reported that the month of December is busy and discussed the Event Center Advisory Board contract amendment recommendations.

Motion was made by Cavanaugh, seconded by Jensen to approve adding a grilling deposit requirement in the amount of \$200.00, adding a cut-off time of 12:00 AM for all rental events, and to add an additional fee of \$150.00 per hour for events going past 12:00 AM, effective Jan. 1, 2024, all voting aye, motion carried.

AIRPORT SRE PROJECT: An agreement for engineering services for the Airport SRE project, from Helms & Associates, in the amount not to exceed \$30,000.00 was presented to the council. Motion was made by Hansen, seconded by Spader, to approve Mayor Wolkow signing the agreement for engineering services for the Airport SRE project, from Helms & Associates, in the amount not to exceed \$30,000.00, all voting aye, motion carried.

SURPLUS PROPERTY: Motion was made by Cavanaugh, seconded by Asleson, to declare the 2008 Ford F150 Pickup with approximately 124,879 miles, and to appoint Eric Eastin, Scott Palmlund, and Shawn Wolkow to appraise the pickup, all voting aye, motion carried.

FIRE DEPARTMENT GRANT: Motion was made by Asleson, seconded by McCune, to accept the SD Department of Public Safety grant in the amount of \$3,750.00 for Fire Department PPE and to approve the mayor to sign the documents, all voting aye, motion carried.

LAW ENFORCEMENT CONTRACT: A one-year contract with Kingsbury County for law enforcement coverage that includes 50 hours per week of coverage and an hourly rate of \$32.00 per hour, was reviewed by the council. Motion was made by Jensen, seconded by Cavanaugh, to renew the contract with Kingsbury County for law enforcement coverage for 50 hours per week at a cost of \$32.00 per hour, for a period of one year, all voting aye, motion carried.

FIRST READING TO AMEND WATER/WASTEWATER HOOKUP RATES: Finance Officer Larson presented the council two samples to amend the water and wastewater rates. Water and Wastewater usage rates were last amended in January, 2023. The cost for supplies and materials has continued to increase over the last year. The rate amendment also included the surcharges for the repayment of the revenue bonds that will be used for the water and wastewater projects.

Motion was made by Cavanaugh, seconded by Jensen, to approve the first reading to amend Ordinance No. II-2Q, Section II-2-6. Water Services Hookups and Rates by 3% and a surcharge of \$16.70, all voting aye, motion carried. Motion was by Cavanaugh, seconded by Jensen to amend Ordinance No. II-4N Wastewater Charges increasing the water and wastewater rates by 3% and a surcharge of \$9.10, all voting aye, motion carried.

EXECUTIVE SESSION: Motion was made by Asleson, seconded by Jensen, to approve going into executive session at 6:46 pm to discuss personnel, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:35 pm.

PERSONNEL: Motion was made by Cavanaugh, seconded by Asleson, to approve giving the full-time employees a stipend in the amount of \$1,500.00 and part-time employees \$750.00, and another \$500.00 to Jason Springer and Ryan Petersen for the extra work they have covered while being short staffed, all voting aye, motion carried.

FIRST READING TO SUPPLEMENT THE 2023 EXPENDITURE BUDGET: Finance Officer Larson gave a brief update on funds that will need to be supplemented in the 2023 expenditure budget after contingency transfers. Motion was made by Cavanaugh, seconded by Asleson to approve the first reading to approve Ordinance No. IV-227 to supplement the 2023 budget, all voting aye, motion carried.

PROJECT PAYMENTS: Motion was made by Asleson, seconded by McCune, to approve pay requests: IMEG, Main Street water project Inv. 21005454.01-8 \$16,500.00; IMEG, Main Street Sewer project Inv. 22005454.02-8 \$6,00000; IMEG, Main Street storm sewer project Inv. 21005454.03-5 \$3,500.00; IMEG, Chase sewer project Inv. 22006268.01-11 \$6,450.00; IMEG, Chase waster project 22006268.00-11 \$9,400.00; Helms & Associates, pay request #6, airport AWOS project engineering \$8,467.25; Efraimson Electric, Inc., pay request #4 (final) airport AWOS project \$66,823.20, all voting aye, motion carried. Airport projects are funded 95% by federal and state grant funds.

DE SMET DEVELOPMENT COORIDNATOR: Jamie Lancaster, De Smet Development Coordinator met with the council to give an update of activities and projects. The De Smet Development annual meeting was held on December 12, 2023, with good attendance; the Development Corp. was awarded a childcare grant for planning in the amount of \$32,900.00 and work continues on the childcare project; a new logo has been designed for De Smet; and answered questions from the council.

FINANCIAL REPORTS: Motion was made by Spader, seconded Hansen, to approve the November 2023 Cash Balances Report as presented by the Finance Officer, all voted aye, motion carried. The Event Center monthly financial report was also presented to the council and the year to date balances of the property taxes, sales tax, and BBB tax.

TRANSFER: Motion was made by Cavanaugh, seconded by McCune to approve transferring \$600,000.00 from the General Fund O&M balance to the Main Street Project restricted balance, all voting aye, motion carried.

SPECIAL YEAR END MEETING: Motion was made by Asleson seconded by Jensen, to hold the special year end meeting on Wednesday, December 27th, 2023 at City Hall at 5:00 PM, all voting aye, motion carried.

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

OTHER: Other non-action items of discussion were as follows: 1) the November law enforcement report.

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

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____