

REGULAR MEETING DE SMET COMMON COUNCIL
June 7, 2022

The De Smet Common Council met in regular session on June 7, 2022, at 6:00 p.m., with the following present: Council members Cole Munger, 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 6:00 PM.

PLEDGE OF ALLEGIANCE: The meeting was started with the council and those from the public reciting the Pledge of Allegiance.

ANNOUNCEMENTS: Mayor Wolkow announced that the Old Settler Day celebration is this coming weekend with many activities planned, and De Smet has been named as one of two communities that are cardiac ready. The Health Coalition will be presented a certificate of Tuesday, June 14, 2022. Mayor Wolkow issued the following proclamation:

Cardiac Readiness Community Day

WHEREAS, the De Smet Cardiac Readiness Community Team has worked countless hours to have the City of De Smet, South Dakota meet the stringent requirements to be declared and recognized with a Certificate by the South Dakota Department of Health as a South Dakota Cardiac Readiness Community to be presented on Tuesday, June 14, 2022 at the De Smet Oxbow Restaurant.

WHEREAS, The Cardiac Readiness Community Program operates on the principle that better outcomes from a cardiac event are possible when every community member knows CPR and community resources, such as AEDs, are available to assist in resuscitative efforts before ambulance services arrive and the Chain of Survival in rural areas depends on community-wide involvement recognizing that each citizen is extremely important in saving a life.

WHEREAS, the citizens of De Smet honor and appreciate this De Smet Cardiac Readiness Community Team for their time and dedication to fulfill the requirements needed to make De Smet Cardiac Ready and to make De Smet only one of two communities in the entire state of South Dakota to have reached this high degree of medical alert status.

WHEREAS, the citizens of De Smet recognize this opportunity to be a leading community in the focus of cardiac readiness in the State of South Dakota and the desire to create awareness to all South Dakota communities through the South Dakota Department of Health and the Cardiovascular Collaborative group with the importance of making their residents improve their quality of life through prevention and control of heart disease and stroke.

WHEREAS, in De Smet, South Dakota, we feel extremely proud and fortunate to have these cardiac ready focused capabilities in our

community for the safety of our citizens and the fact that everyone is able to experience this vibrant medically responsive community today because of this team and the many projects completed through the efforts of the De Smet Wellness Coalition Team and the SDSU Extension who support these projects providing advocacy, education and leadership that exemplify this exceptional quality of life available in De Smet, South Dakota, creating a wonderful community in which to raise a family or to retire.

WHEREAS, the City of De Smet extends a huge Thank You to the De Smet Cardiac Readiness Team, South Dakota Department of Health, De Smet Wellness Coalition Team, SDSU Extension and America's Cooperative Extension System for making De Smet a healthy Cardiac Readiness Community and for cultivating wellness for our community.

NOW, THEREFORE, I, Gary Wolkow, Mayor of the City of De Smet, SD, do hereby proclaim Tuesday, June 14th, 2022 as:

**CARDIAC READINESS COMMUNITY DAY, A DAY OF CELEBRATION,
IN DE SMET, SOUTH DAKOTA**

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the City of De Smet to be affixed this Seventh day of June, 2022.

Gary Wolkow, Mayor

MINUTES: Motion was made by Spader, seconded by Cavanaugh, to approve the minutes of the May 11, 2022 Regular Meeting, all voting aye, motion carried.

CLAIMS: Motion by Cavanaugh, seconded by Munger, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$34,017.72; OASI Benefit 2,602.36; Aflac, ins. premium 187.98; Dearborn National, life insurance 123.20; Delta Dental of South Dakota 335.20; VSP 163.27; The Health Pool of SD, health insurance premium 6,955.97; SDRS, retirement benefit 3,801.30; Mediacom, utilities 90.20; SD Govt Finance Officer Assoc, travel & conference 175.00; Visa, supplies, software, publishing, repairs & maintenance, utilities 1,982.39; Avera Occupational Medicine, drug testing 710.00; Avid Hawk LLC, monthly website fee 35.00; Butler Machinery Co., repairs & maintenance 2,357.93; Center Point Large Print, supplies 29.96; Century Link, utilities 67.61; City of De Smet, utilities 457.38; City of De Smet, supplies 29.10; Colonial Research, supplies 692.36; Connecting Point, supplies & off-site backup 57.00; Cook's Wastepaper & Recycling, residential garbage service 7,015.42; Dakota Pump, repairs & maintenance 1,444.66; De Smet American Legion, supplies 135.00; De Smet Trustworthy Hardware, supplies 229.28; Department of Health, water labs 43.00; Duininck, repairs & maintenance 993.30; Ferguson, repairs & maintenance 1,810.84; Grant & Williams, Inc, audit fees 12,430.00; Great Plains Zoo, summer activity 210.00; Hawkins, Inc., chemicals & supplies 8,393.98; Huron Parks & Recreation Dept, registration fees 378.00; Innovative Office

Solutions, LLC, supplies 860.78; Jada Henrich, event center deposit refund 50.00; Jenna Thomas, deposit refund 10.00; Kathleen Frey, deposit refund 305.00; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 170.40; Kingsbury Journal, publishing 1,442.83; Kristy Hubbard, reimburse for supplies 320.91; Lawrence & Schiller, marketing 3,000.00; M & M Distribution, LLC, patch trailer 21,119.00; M & T Fire and Safety, bunker gear 24,509.34; Maynard's, pool supplies 4.39; MC & R Pool, repair & maintenance 3,345.12 Michael Todd & Company, Inc., repairs & maintenance 483.06; Micro Marketing LLC, supplies 265.94; Napa, repairs & maintenance 208.55; North Central Rental & Leasing, generator rental 1,360.00; Northwest Pipe Fittings, Inc., repairs & maintenance 128.70; Northwestern, utilities 466.35; Nova Fitness Equipment, repairs & maintenance 330.50; O'Keefe Implement, Inc., supplies, repairs & maintenance 357.79; Office Peeps, Inc., supplies 82.13; Office Peeps, Inc., supplies 642.57; Ottertail, utilities 4,918.10; Pam Spader, deposit refund 50.00; People, renewal 118.26; Postmaster, supplies 200.00; Prairie Ag Partners Service, fuel 1,093.11; Reader Service, supplies 38.26; Rich's Gas & Service, fuel, repairs & maintenance 887.51; Richard Close, repairs & maintenance 1,000.00; Roy's Sport Shop, supplies 357.86; SD Dept, of Revenue, sanitation sales tax 478.04; Share Corp., chemicals & supplies 3,538.28; Smith's Lumber, supplies 72.07; South Dakota 811, locates 8.40; The Main Stop, supplies & fuel 959.92; Tom Hein, meter deposit refund 30.00; Tricia McCloud, deposit refund 30.00; Valley Fibercom, utilities 442.60; Wilder Pass, LLC, loan payment 3,506.96; Wilkinson & Schumacker Law, legal services 2,736.00; Bode Construction, Inc., Brewster Street sewer project 7,200.40; Helms & Associates, turnaround project 3,299.51; IMEG, Main Street Preliminary Services 9,900.00; IMEG, Brewster Street sewer project 437.50.

BUILDING PERMITS: Motion was made by Jensen, seconded by Munger, to approve the building permit applications submitted by Bill Halverson - concrete driveway and patio, Aruba, LLC - building additions, Jessica Wienk - concrete driveway, sidewalk, and patio, Raegan Burke - chain link fence, and to table the building permit application submitted by Maija Lee until a zoning officer could review the application, all voting aye, motion carried.

SPECIAL LIQUOR LICENSES: Lu Ann Klinkel, owner of the Klinkel's III has requested three special liquor licenses for an events to be held on July 9, 2022 from 4:00 PM - 12:00 AM, August 27, 2022 from 5:00 PM to 12:00 AM, and September 17, 2022 from 5:00 PM to 12:00 AM, all three events will be held at the De Smet Event Center, and the De Smet Fire Department for an event to be held on June 18, 2022 from 4:30 PM to 12:00 AM at the Event Center. Motion was made by Cavanaugh, seconded by Asleson, to approve the three special liquor licenses for Klinkel's III for an events to be held at the Event Center on July 9, 2022 from 4:00 PM - 12:00 AM, August 27, 2022 from 5:00 PM to 12:00 AM, and September 17, 2022 from 5:00 PM to 12:00 AM, all to be held at the De Smet Event Center, and the De Smet Fire Department for an event

to be held on June 18, 2022 from 4:30 PM to 12:00 AM at the Event Center, all voting aye, motion carried.

HWY 14 TRAIL: Rita Anderson, and Laird Beck, representing the HWY 14 Trail committee met with the council to give a project update. Funding of the project is still being worked on, land has been donated for part of the trail, and a bird watching tower has been added to the trail. The Trail Committee asked the council to consider donating a small area of land to be used to connect the trail. A cook-out for people to look at the trail plan and take a tour will be held on June 23, 2022 at the Game, Fish & Parks kiosk area on HWY 14.

DE SMET DEVELOPMENT CORPORATION: Matt Kees, President of the Development Corporation, met with the council to ask for extra financial support from the City for Development Corporation employee benefits. Motion was made by Cavanaugh, seconded by Asleson, to approve \$1,000.00 per month additional funding to the De Smet Development Corporation contingent that it is only when they have an employee full time, all voting aye, motion carried. The Development Corporation will be applying for future housing infrastructure funding.

EXECUTIVE SESSION: Motion was made by Munger, seconded by Cavanaugh, to approve going into executive session at 6:54 PM to discuss personnel and contract negotiations, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:36 PM.

PUBLIC COMMENTS: None.

PROJECT UPDATES: A written update from Peter Adair, Engineer for IMEG, was given to the council with an update on the Main Street Project and holding a special meeting to discuss the project details with business owners and residents. Motion was made by Munger, seconded by Asleson, to approve having a special meeting on Wednesday, June 15, 2022 at 6:00 pm at the Event Center, all voting aye, motion carried.

SECOND READING TO AMEND ORDINANCE NO. VI-I STREET TRAFFIC, SECTION VI-1-18: Motion was made by Cavanaugh, seconded by Munger, to table the second reading to amend Ordinance No. VI-I Street Traffic, Section VI-I-18 until the July, 2022 regular council meeting, all voting aye, motion carried.

STREET REPAIR POLICY: Motion was made by Cavanaugh, seconded by Jensen, to approve Resolution 2022-6, Work Within Public Right Of Way Policy and work done in the right of way during the winter season will be subject to approval prior to the start of any digging, all voting aye, motion carried.

Resolution 2022-6

WORK WITHIN PUBLIC RIGHT OF WAY

WORK WITHIN PUBLIC RIGHT OF WAY

PART 1 - GENERAL

1.01 Right of Way Location:

- a. City of De Smet right-of-way includes but is not limited to the boulevard, sidewalk, public street, or alley. Roads may have different right-of-way widths.
- b. The City of De Smet does not locate property pins. If property pin locates are needed, a professional land surveyor will need to be hired at the cost of the property owner or contractor.

1.02 Right of Way Permit:

- a. All work within the City of De Smet right-of-way must obtain a right-of-way permit before any work is to begin.
- b. The work includes, but is not limited to, connection, disconnection, or repair to any sanitary sewer, storm sewer, water services, water main, ground water devices, gas power, telephone, television, communications, or any other underground utilities. The work also includes any sideway, curb & gutter, street patching, and any excavation.

1.03 Working Hours:

- a. Except as otherwise required for the safety or protection of persons or the work, all work shall be performed during regular working hours (7:00 a.m. to 7:00 p.m.), Monday through Saturday.
- b. Contractor will not perform work on a Sunday or any legal City holiday.
- c. Contractor may perform work outside regular working hours or on Sundays, or legal holidays only with consent from the City of De Smet Street Department personnel.
- d. Contractor may perform work during the winter season with prior approval from the City of De Smet Utility Department personnel.

1.04 Protection of Existing Utilities:

- a. The Contractor, prior to excavation, shall determine the location of all existing utilities within the work area and shall exercise all due caution to prevent damage thereto during all excavation or backfilling operations.
- b. The contractor shall provide advance notification to operators of underground facilities prior to excavations, drilling, boring, blasting, or other activities that may endanger underground facilities by using the SD One-Call system.
- c. Any utility damaged during construction shall be repaired by the Contractor at their expense. Existing manholes and gate valves shown on the drawings are to be used by the Contractor as general information only and are not to be construed, in any way, as relieving the Contractor of any responsibilities outlined in this section.
- d. Temporary provision shall be made by the Contractor to ensure the use of sidewalks and the property functioning of all gutters, storm sewer inlets, and drainage ditches,

which shall not be obstructed except as approved by the City of De Smet Street Department personnel.

- e. Fire hydrants on or adjacent to the work shall be kept accessible to the firefighting equipment at all times.

1.05 Protection of Property Pins:

- a. The protection of property pins/corners or other monuments is the responsibility of the contractor. If a property pin needs to be moved to allow for work within or adjacent to the right-of-way, it shall be offset prior to construction. Offsetting or replacement of disturbed or damaged monuments shall be accomplished by registered land surveyor at the expense of the contractor.

1.06 Safety:

- a. The Contractor shall provide, at the site, such equipment and medical facilities as are necessary to supply first-aid service to anyone who may be injured in connection with the work.
- b. The Contractor must promptly report in writing to the City Finance Officer all accidents whatsoever arising out of, or in connection with, the performance of the work; which caused death, personal injury, or property damages, giving full details and statements of witnesses.

1.07 Traffic Control Requirements:

- a. The Contractor shall at all times so conduct their work as to insure the least possible obstruction to traffic and inconvenience to the general public and the residents in the vicinity of the work, and to insure the protection of persons and property in a manner satisfactory to the City of De Smet Department Street personnel.
- b. No road or street shall be closed to the public except with the permission of the City of De Smet Street Department personnel.
- c. Contractors are responsible for placing and maintain all traffic control devices.

1.08 Hydrants and Valves:

- a. No person or Contractor shall operate any water system valve or hydrant without permission from the Superintendent of Water and Sewer.

1.09 Cleaning Up:

- a. The Contractor must keep all streets, alleys, and sidewalks as free from material and debris as the character or the Work will permit, and upon completion of any part of the Work, must within reasonable time, remove all surplus materials and debris, and leave right-of-way in acceptable conditions.
- b. Failure to comply with the provision after due and property notice has been given by the Owner, will be sufficient grounds for the Owner to proceed to clean up such

material and debris and make such repairs, charging the same to the Contractor, who hereby agrees to the provision as above set forth.

1.10 Warranty of Work:

- a. The Contractor guarantees all work constructed within the right-of-way for a period of two (2) years from the date of final acceptance against defects in material or workmanship. The Contractor shall bear the entire cost and expense of all repairs which may, from any imperfection in work or materials become necessary within that time.
- b. If at any time within the period of guarantee, any of the work included in the guarantee shall, in the judgment of the City Engineer, require any repairs or reconstruction, he shall notify the Contractor to make the repairs required. Upon receipt of the notice, the Contractor shall proceed with such repairs and shall complete the same withing a reasonable time.
- c. If the Contractor shall neglect or fail to proceed with the repairs within twenty (20) days or if, in the opinion of the City Engineer, the repairs do not admit of sufficient delay to issue said notice and to await the action of the Contractor, then the Owner shall have the right to cause such repairs to be made and the cost shall be paid by the Contractor.

1.11 Record Drawings:

- a. All Contractors working within the public right-of-way are required to submit record drawing for any work completed to the City of De Smet.

Adopted and effective this 7th day of June, 2022.

Gary Wolkow, Mayor
City of De Smet

Attest:

Tracey Larson, Finance Officer
City of De Smet

COMMUNITY ACCESS GRANT APPLICATION: Motion was made by Asleson, seconded by Jensen, to approve Resolution 2022-7, to approve submitting an application to the Community Access Grant for a Main Street project and to authorize Mayor Gary Wolkow to sign the grant documents, all voting aye, motion carried.

Resolution 2022-7

WHEREAS it is the desire of the City of De Smet to upgrade Main Street to better serve the businesses located in the De Smet Main Street area; and

WHEREAS the City of De Smet agrees to provide a 40% local match for street construction costs, plus pay all engineering and administrative costs associated with said project; and

WHEREAS the City of De Smet will secure the required right-of-way for the construction of the project; and

WHEREAS the City of De Smet agrees to maintain the street for its useful life.

THEREFORE, BE IT RESOLVED, that the De Smet City Council duly approves the submission of a SD Department of Transportation Community Access Grant application requesting 60% of the eligible street construction costs for the project as submitted by the Mayor of DeSmet on behalf of the City of De Smet.

THEREFORE, BE IT FURTHER RESOLVED, the Mayor of the City of De Smet be authorized to execute the grant application on behalf of the City of De Smet.

Adopted and effective this 7th day of June, 2022.

Gary Wolkow, Mayor
City of De Smet

Attest:

Tracey Larson, Finance Officer
City of De Smet

COMMITTEES/APPOINTMENTS/VOLUNTEERS: Motion was made by Cavanaugh, seconded by Jensen to approve the appointment of Kathy Hawkins to the Library Board to replace retiring member Sharon Peterson, and Ron Penny to the Housing board to replace retiring member Myrna Knadle, all voting aye, motion carried.

PLEIN AIR EVENT: The 2022 De Smet Plein Air event will be held during the weekend of August 12, 2022. The theme for the event will be focused around Harvey Dunn. Motion was made by Cavanaugh, seconded by Spader, to approve opening the Harvey Dunn School House on August 12, 2022 from 5:00 pm - 8:00 pm for the event, all voting aye, motion carried.

AERIAL SPRAYING PERMITS: Motion was made by Cavanaugh, seconded by Hansen, to approve the 2022 Aerial Spraying Permits submitted by Brady

Fast, with Fast Ag Air and Ryan Wells, with Pioneer Agviation 2, LLC, all voting aye, motion carried.

SEASONAL HELP: Motion was made by Asleson, seconded by Munger, to approve hiring Stephanie Botkin to teach swimming lessons in the amount of \$11.75/hour, all voting aye, motion carried.

STREETS: Ryan Petersen, Street & Airport Supt., informed the council that the new patch trailer has been shipped and would be delivered later in the week; chip sealing will be done during the week on June 13th; crack sealing is on the schedule for the current week; and they are sweeping streets and starting to spray for mosquitos. Supt. Petersen was asked by the Council to spray the weeds that are growing in cracks in the streets.

RECORDS RETENTION POLICY: Motion was made by Hansen, seconded by Munger, to approve Resolution 2022-8, adopting the South Dakota Municipalities Records Retention and Destruction Schedule, all voting aye, motion carried.

Resolution 2022-8

The De Smet Common Council does hereby establish the following policy with regard to records retention and destruction.

1. The City of De Smet does hereby adopt the South Dakota Municipalities Records Retention and Destruction Schedule established by the State of South Dakota Bureau of Administration Records Management Program.
2. A permanent list of records destroyed will be maintained and on file at the City Hall.
3. For records to be destroyed that are more than 50 years old, records required by the Records Destruction board to be kept 50 years or longer, annual reports, maps, minutes, and photographs, will be submitted to the State Archivist, where the State Archivist will then decide whether to acquire the records in question.
4. For records not listed in this manual, a petition for authority to dispose of the records in question, will be submitted to the State Records Destruction Board.

Adopted and approved this 7th day of June, 2022

Gary Wolkow, Mayor

Attest:

Tracey Larson, Finance Officer

PROJECT PAYMENTS: Motion was made by Asleson, seconded by Cavanaugh, to approve pay request #5 in the amount of \$3,299.51 to Helms & Associates for the design of the AWOS III project, Pay request in the amount of \$9,900.00 to IMEG for preliminary work for a Main Street Project, Pay request in the amount of \$437.50 to IMEG for the Brewster Wastewater Project, Pay request #1 in the amount of \$7,200.40 to Bode Construction for the Brewster Wastewater Project, all voting aye, motion carried. The airport project expenses will be reimbursed by 95%-100% from grant funding.

FINANCIAL REPORTS: Motion was made by Asleson, seconded Jensen, to approve the May 2022 Cash Balances Report as presented by the Finance Officer, all voted aye, motion carried.

OVERTIME: Motion by Spader, seconded by Munger, to approve the overtime hours for the month of May as presented, all voted aye, motion carried.

OTHER: Other non-action items of discussion were as follows: 1) the May law enforcement report; and 2) streets lights along Hwy 14 by Dollar General.

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 as follows: Karen Hansen, Deputy Finance Officer \$17.70/hour effective June 1, 2022; and Evelyn Twite, Library Help \$11.50/hour effective June 1, 2022.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____