

**SPECIAL MEETING DE SMET COMMON COUNCIL**  
**July 17, 2018**

The De Smet Common Council met in special session on July 17, 2018, at 5:00 p.m., with the following present: Alex Botkin (via speaker phone), Jay Slater, Lowell Hansen, George Cavanaugh, Norman Whitaker, Mayor Gary Wolkow, FO Tracey Larson, and Attorney Todd Wilkinson. Absent: none.

Mayor Wolkow called the meeting to order at 5:00 PM.

**ZONING:** Motion was made by Cavanaugh, seconded by Whitaker, 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. Jeff and Lindsay Nolte have requested a variance application that they be allowed to construct a 24 foot x 22 foot garage addition to an existing garage two and a half (2 1/2) feet from the north property line (side yard) and 27 feet from the east property line (front yard) on the following legally described property: S 107' of Lots 1 & 2, Block 9, Carroll's Addition, and addressed as 704 2<sup>nd</sup> Street SW, De Smet, South Dakota.

The location of the proposed construction was previously reviewed by Alderman Slater. Jeff and Lindsay Nolte spoke to the board in support of the proposed variance request. No adjacent landowners were present in opposition.

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 S 107' of Lots 1 & 2, Block 9, Carroll'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".
3. That all adjacent properties are zoned "R-2 General Residential".
4. That the lot is located at the intersection of two street right-of-ways (Second Street & Andrews Avenue) and is therefore considered to be a corner lot.
5. That the Area Regulations of the "R-2" zoning require a front yard set-back of thirty (30) 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 "Minimum Yard Requirements" of the R-2 Zoning state that a residential structure shall have a minimum front yard of thirty feet, provided that a greater or lesser setback distance has been established in any block, then no building shall approach nearer any street lot line than a general average of this setback distance.

7. That the "Minimum Yard Requirements" of the R-2 Zoning state that a residential structure shall have a minimum side yard of six (6) feet.
8. That the existing garage is located two and a half (2 ½) feet from the north property line and has been in its present location prior to the enactment of the current zoning ordinance.
9. That the proposed garage addition would be constructed with the same side set-back from the north lot line (side yard) as the existing garage.
10. That the proposed garage addition would be constructed 27 feet from the east lot line (front yard).
11. That none of the adjoining property owners objected to the proposed variance.
12. That the special conditions and circumstance do not result from the action of the applicant, for their existing property.
13. That the Board of Adjustment take into consideration each application on its own accord.
14. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
15. That the proposed structure would not be located any closer to the property to the North than the existing structure.
16. That the property owners are limited due to the size of the lot and the location of the structure in placement of a new garage.
17. That the current structure locations do not result from the applicants' action, rather the garage location and that of the adjoining property to the north were both constructed prior to the adoption of the current zoning provisions.
18. That the reasons set forth in the application justify approving a variance.

Motion was made by Cavanaugh, seconded by Botkin, to approve the Variance Application #63 as submitted for the 24'x 22' garage addition. Upon roll call vote, voting aye: Botkin, Hansen, Cavanaugh, and Whitaker. Voting nay was: Slater and Bohn. Motion carried.

Mayor Wolkow declared the council back in session.

**VARIANCE:** Motion was made by Cavanaugh, seconded by Whitaker, to approve the recommendation from the Zoning Board of Adjustment to approve the Variance application #63 submitted by Jeff & Lindsay Nolte. Upon roll call vote, voting aye: Botkin, Hansen, Cavanaugh, and Whitaker. Voting nay: Slater and Bohn.

**BUILDING PERMITS:** Motion was made by Cavanaugh, seconded by Botkin, to approve building permit application as per the variance #63 submitted by Jeff & Lindsay Nolte - garage addition. Upon roll call vote, voting aye: Botkin, Slater, Hansen, Cavanaugh, Whitaker, and Bohn. Voting nay: none. Motion carried.

**PUBLIC COMMENT RESOLUTION:** Two public comment policies were reviewed and discussed by the council. Motion was made by Cavanaugh, seconded by Whitaker, to approve Resolution 2018-3 Public Comment Policy as prepared by City Attorney Wilkinson. Upon roll call vote, voting aye

was: Botkin, Slater, Hansen, Cavanaugh, and Whitaker. Voting nay:  
Bohn. Motion carried.

## **RESOLUTION 2018-3**

### **PUBLIC COMMENT POLICY**

#### **City of De Smet Policy on Comments at Board Meetings**

1. At a time immediately after scheduled presentations, the Board shall allow public comment. The maximum amount of time set aside for public comment shall be fifteen minutes, but the Council may reduce that time based upon various factors, such as: the length of the meeting, the time the normal business on the agenda concludes, whether there is an executive session scheduled, whether one or more of the Council members have other conflicts and are unable to remain past a certain time, etc.
2. Prior to the meeting, anyone who wishes to speak shall sign in on a sheet provided by the Finance Office, on which they will provide their name. They shall identify the topic they wish to address.
3. When the Board reaches that portion of the meeting when public comments are permitted, the Mayor will recognize those wishing to speak on the sign in sheet provided the topic is germane to a City matter. Individuals who are recognized will then be allowed three minutes in which to present comments. A person may only speak during the period allotted for all comments. If representing an organization, they will be asked to name the organization.
4. The Chair may also vote to allow additional comment beyond the fifteen minute period, and it may allow a person to speak a second time during the period of time remains after all others have spoken.
5. Speakers should make an effort to be concise and focused in their remarks. The Mayor may ask a speaker to conclude their remarks at any time if they become repetitive or disorderly. Groups may wish to designate a speaker to address the Council. Public comment is opportunity for members of the public to share information and bring issues and concerns to the attention of the City Council members. It is not an opportunity for members of the public to question Council members or City staff. It is not a debate and public comment speakers should not expect a back- and- forth exchange.
6. The Mayor, or Council members may ask clarifying questions of the speaker, City Staff or fellow Council members.
7. The Mayor may also choose to direct the speaker to the appropriate City staff member for assistance or direct an issue to a City Council committee for discussion or investigation.
8. Persons attending City Council meetings are expected to conduct themselves with decorum and civility. Speakers during public

comment and people in the audience must refrain from abusive or profane remarks and slanderous, personal attacks. Loud, disruptive behavior or other actions which interfere with the orderly conduct of the meeting will not be tolerated.

9. Anyone wishing to provide documents, petitions, photographs or other materials to the City Council members should give copies of those items to the Finance Officer for distribution to Council members.

Dated this 17th day of July, 2018.

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Mayor

\_\_\_\_\_  
City Finance Officer

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

\_\_\_\_\_  
Gary Wolkow, Mayor

ATTEST:

\_\_\_\_\_  
Tracey Larson, Finance Officer

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