

REGULAR MEETING DE SMET COMMON COUNCIL
March 12, 2025

The De Smet Common Council met in regular session on March 12, 2025, at 5:00 p.m., with the following present: Council members, George Cavanaugh, Bret Jensen, Dustin McCune, Dane Coughlin, Pam Spader, 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 started with the council and those from the public reciting the Pledge of Allegiance.

ANNOUNCEMENTS: Patti Ward-Slater presented Mayor Wolkow with a check for money donated to paint the Bulldog logo on two sides of the water tower. Mayor Wolkow thanked Patti for organizing the funding and to everyone who contributed to the two logos on the water tower.

MINUTES: Motion was made by Spader, seconded by Cavanaugh, to approve the minutes of February 12, 2025, Regular Meeting, all voting aye, motion carried.

CLAIMS: Motion was made by Spader, seconded by McCune, to approve paying the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$37,237.57; OASI Benefit 2,848.71; Aflac, ins. premium 187.98; Dearborn National, life insurance 123.20; Delta Dental of South Dakota 461.40; VSP 191.40; The Health Pool of SD, health insurance premium 9,115.88; SDRS, retirement benefit 4,294.06; Visa, supplies, repairs & maintenance, conference 635.58; Mediacom, utilities 112.20; De Smet Post Office, Richard Mulder (Jesser's) variance 62.65; De Smet Post Office, Nate Bendorf variance 89.50; Anderson Lumber, supplies, repairs & maintenance 230.34; Arbor Day Foundation, membership dues 35.00; Avid Hawk LLC, supplies 35.00; Brad Doyle, deposit refund 50.00; Butler Machinery Co, repairs & maintenance 4,873.32; Center Point Large Print, supplies 52.59; Chesterman Company, supplies 19.75; City of De Smet, damage deposit retained 50.00; City of De Smet, utilities 587.63; City of De Smet, supplies 75.22; City of Lake Preston, supplies 450.00; Twotrees Technologies, supplies, computer software, repairs & maintenance 1,164.42; Cook's Wastepaper & Recycling repairs & maintenance 286.06; Cook's Country, supplies 32.25; Cook's Wastepaper & Recycling, repairs & maintenance 7,521.82; CR Corner, LLC, diesel 87.29; Dakota Pump, repairs & maintenance 2,300.52; De Smet Development Corp, contributions 19,000.00; De Smet Trustworthy Hardware, supplies 53.09; Department of Health, labs 43.00; Ferguson Waterworks, repairs & maintenance 2,920.00; Halme, Inc., repairs & maintenance 100,549.02; Hawkins, chemicals 30.00; Heath Perry, deposit refund 50.00; HGTV Magazine, supplies 39.97; Kingsbury Electric Cooperative, repairs & maintenance 283.25; Kingsbury Electric Cooperative, repairs & maintenance 220.00; Kingsbury County Auditor, services 6,933.33; Kingsbury Electric Cooperative, utilities 1,227.14; Kingsbury Journal, publishing 872.47; Kramer Mechanical, repairs & maintenance 35,328.00; Kristin Vandersnick, deposit refund 30.00; Lyle Signs, supplies 249.20; Micro Marketing, supplies 633.80; Napa, supplies 4.29; Northwestern, utilities 2,085.19; O'Keefe Implement, Inc, repairs & maintenance 549.12; Office Peeps, Inc., library supplies 262.73;

Office Peeps, supplies, 123.00; Olson's Pest Technicians, repairs and maintenance 75.00; Ottertail Power Company, utilities 6,093.57; Postmaster, supplies 336.00; Prairie View Vet Clinic, deposit refund 275.00; Publishers Weekly, supplies 279.99; SD Association of Rural Water, dues 600.00; SD Dept of revenue, sales tax 652.65; SD Dept of Revenue, sanitation sales tax 511.58; SD Department of tourism bbb marketing 487.50; SD Magazine, supplies 50.00; South Dakota Municipal League, conference 120.00; Sheila Poppen, deposit refund 30.00; Socially Untapped, bbb marketing 200.00; Soil First, deposit refund 50.00; Sports Illustrated, supplies 54.50; Steve & Amber Stanton, deposit refund 30.00; Summit Carbon Solutions, deposit refund 50.00; The Main Stop, fuel 375.66; The Penworthy Company LLC, supplies 185.79; Valley Fibercom, utilities 501.39; W.W. Tires, repairs & maintenance 8,934.72.

SPECIAL LIQUOR LICENSES: Two applications for special liquor licenses were submitted by Lu Ann Klinkel, owner of Klinkel's III for events to be held at the De Smet Event Center on April 12, 2025, from 5:00 pm - 12:00 am, and on April 27, 2025, from 10:30 am - 1:00 pm. Motion was made by Cavanaugh, seconded by McCune, to approve two special liquor licenses submitted by Lu Ann Klinkel, owner of Klinkel's III for events to be held at the De Smet Event Center on April 12, 2025, from 5:00 pm - 12:00 am, and on April 27, 2025, from 10:30 am - 1:00 pm, all voting aye, motion carried.

ZONING: Motion was made by Jensen, seconded by Cavanaugh, 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 #113 submitted by Richard Mulder dba as Jesser's, Mulder met with the board to discuss the variance application. Mulder has requested a variance to allow him 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 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 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.

This being the date and time public noticed for the hearing on Variance Application #114 submitted by Nate Bendorf for American Lutheran Church, represented by Nate Bendorf, met with the board to discuss the variance application. Nate Bendorf has requested a variance to allow him to construct a lean-to addition to their residence that will be one (1) foot from the side (east) property line on the property in an area zoned "R-2" General Residential District on the following legally described property: Lot 10 & 11, Block 13, Brown's Addition, and addressed as 305 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 Lots 10 & 11, Block 13, 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 not located on a corner lot and therefore only has a primary front yard lot line, side lot lines, and rear lot line.
5. That the Area Regulations of the "R-2 General Residential" zoning require a minimum side yard set-back 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. That the proposed addition to the residence would be constructed one (1) foot from the side (east) property line.
8. That under 11% of the total lot area will be covered with structures.
9. That the lean-to will be built consistent with the North and South existing concrete pads.
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 current structure locations do not result from the applicant's action.
15. That the reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by Cavanaugh, seconded by Spader, to recommend approval of the variance application #113 as submitted to Richard Mulder dba Jesser's, for two (2) temporary greenhouse accessory buildings and variance application #114 as submitted by Nate Bendorf, for a lean-to addition to the residence, all voting aye, motion carried.

Motion was made by Spader, seconded by McCune, to reconvene as the City Council, all voting aye, motion carried.

VARIANCES: Motion was made by Cavanaugh, seconded by Jensen, to approve variance application #113 as submitted to Richard Mulder dba Jesser's, for two (2) temporary greenhouse accessory buildings and variance application #114 as submitted by Nate Bendorf, for a lean-to addition to the residence, all voting aye, motion carried.

BUILDING PERMITS: Motion was made by Cavanaugh, seconded by Spader, to approve the building permit application submitted by Richard Mulder dba Jesser's, for two (2) temporary greenhouse accessory buildings and the building permit application as submitted by Nate Bendorf, for a lean-to addition to the residence, all voting aye, motion carried.

Motion was made by Cavanaugh, seconded by McCune, to approve two building permit applications submitted by Riverview, LLP, for two (2) new residential structures with attached garage, all voting aye, motion carried. Motion was made by McCune, seconded by Jensen, to approve the building permit application as submitted by Mark Siefkes for a handicap ramp, all voting aye, motion carried. Motion was made by McCune, seconded by Cavanaugh, to approve the building permit application as submitted by Dane Coughlin for a garden/storage shed, all voting aye, motion carried. Motion was made by McCune, seconded by Spader, to approve the building permit application as submitted by Chad Malone, residence addition to an existing shop, all voting aye, motion carried.

PUBLIC COMMENTS: Mark Siefkes explained that he has not decided what size of board he was using for the handicap ramp yet, and the water leak he had was caused by his shut-off valve freezing.

INFRASTRUCTURE, MAIN STREET & WATER TOWER PROJECTS: Karen Schaefer, Engineer for IMEG, met with the council to discuss the infrastructure projects, water tower, and Main Street project updates. Engineer Schaefer reported that she has reached out to Flatland about the 2nd Street & Chase Street Project. Bowes Construction is concerned about the road condition from the winter season, and they are still waiting for the signed contract from Flatland, for the finish grading. Bowes wants to be back in May to get the street completed. Timmons Construction wants to return on April 1, 2025, to work on sidewalks. The completion date for 2nd Street and Chase Street is July 1, 2025. O&A Coatings will be here on April 29, 2025, for a pre-construction meeting and will be taking paint samples. O&A Coatings will be back in July to work on the Water tower Project and will complete the tower project in August. IMEG has continued to meet with business owners regarding the Main Street Project. A Main Street pre-construction meeting was held with Halme, Inc., and other utility companies. Halme, Inc. is planning to start the Main Street project on June 1, 2025. Engineer Schaefer presented a Notice to Proceed Notice for the Main Street Project with Halme, Inc.. Two quotes for construction material testing services. Quotes received were from Foerster Testing in the amount of \$49,980.00 and Geotech Engineering & Testing Services, Inc. in the range of \$63,175.00 - \$73,750.00. Also discussed were various properties with circumstances to address such as storm drains and handicap accessibility.

MAIN STREET PROJECT NOTICE TO PROCEED: Motion was made by Cavanaugh, seconded by Hansen, to approve signing the Notice to Proceed Notice with Halme, Inc., and, all voting aye, motion carried.

CONSTRUCTION MATERIAL TESTING: Motion was made by McCune, seconded by Cavanaugh, to approve the proposal for services from Foerster Testing in the amount of \$49,980.00, all voting aye, motion carried.

EXECUTIVE SESSION: Motion was made by Spader, seconded by Coughlin, to go into executive session to consult with the City Attorney and for personnel at 5:56 pm, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 6:58 pm.

SCHOOL DRAINAGE: De Smet School Superintendent Abi Van Regenmorter met with the council to discuss usage of the property that is currently used for student pickup located south of the playground. They would like to convert this area to a fenced grassy area for recess.

KINGSBURY COUNTY CONSERVATION DISTRICT: Tanya Flagel, Manager for Kingsbury County Conservation District met with the council to a grant that will help replace trees on government property or boulevards. Flagel presented information about the Urban Forestry Grant. Also discussed was the emerald ash borer that has been identified in Brookings and the importance of only allowing local firewood in the parks, and planting a variety of trees.

WATER & WASTEWATER: Water & Wastewater Supt. Jason Springer informed the council that work on the water study has been started.

DE SMET CHAMBER: De Smet Chamber President, Chad Kruse (via speaker phone), met with the council to discuss where the food trucks would be parked and have access to electricity if needed. Kruse requested that Wilder Lane be blocked off for the June 14th activities from 8:00 am - 5:00 pm. Motion was made by Cavanaugh, seconded by Coughlin, to approve blocking Wilder Lane on June 14, 2025, from 8:00 am - 5:00 pm, for the June celebration activities, all voting aye, motion carried.

HARVEY DUNN PAINTINGS: Two of the Harvey Dunn paintings that are on display at the Hazel Memorial Library will be on loan to the SD Art Museum from March 29, 2025, to September 21, 2025. A loan agreement for the two paintings was presented to the council. Motion was made by Cavanaugh, seconded by Coughlin, to approve signing the loan agreement between the City of De Smet and the SD Art Museum, for the lending of two Harvey Dunn paintings, with the condition that the SD Art Museum provide packing material and pack the paintings for transport, all voting aye, motion carried.

AERIAL SPRAYING PERMIT: Motion was made by Coughlin, seconded by McCune, to approve the 2025 aerial spraying permit application submitted by Wilde Air Service, all voting aye, motion carried.

LIBRARY BOARD: Motion was made by Cavanaugh, seconded by Coughlin, to approve the resignation from the Library Board received from Kathy Hawkins, all voting aye, motion carried.

DISTRICT 2 MEETING: The SDML District 2 meeting will be held on March 31, 2025, in Madison, SD. Motion was made by Jensen, seconded by Cavanaugh, to approve four people attending the District 2 meeting, all voting aye, motion carried.

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

OVERTIME: Motion by McCune, seconded by Jensen, 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) amended placement of the Kingbrook water lines; and 3) nuisance properties.

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 as follows: Event Center Director, Kristy Hubbard \$4726.80/month, and Event Center Custodian/Maintenance, Patricia Garry \$20.04/hour effective March 1, 2025.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

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