

REGULAR MEETING DE SMET COMMON COUNCIL
October, 2018

The De Smet Common Council met in regular session on October 10, 2018, at 5:00 p.m., with the following present: Don Bohn, Alex Botkin, Lowell Hansen, George Cavanaugh, Norman Whitaker, Jay Slater, 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.

ANNOUNCEMENTS: Mayor Wolkow announced that the City of De Smet was awarded the Gold Level for the 2018 Loss Control/Safety Achievement Award, and De Smet has been selected as the location for the 2020 SD Peace Officer Association conference.

MINUTES: Motion was made by Slater, seconded by Cavanaugh, to approve the minutes of the September 12, 2018 Regular Meeting with the correction to the last name of Mike Siefker was printed as Siefkes and the newspaper printing error in the 2019 Appropriation budget that had the wrong year printed in two places that should have been printed as 2019, all voting aye, motion carried.

CLAIMS: Motion by Botkin, seconded by Whitaker, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$32,121.49; OASI Benefit 2,457.26; Aflac, ins. premium 371.76; Dearborn National, life insurance 140.80; Farm Bureau Bank, health savings 1,000.00; Delta Dental of South Dakota 457.52; VSP 208.85; Wellmark Blue Cross Blue Shield, health insurance premium 7012.95; SDRS, retirement benefit 3,836.14; DENR, permit fee 100.00; Mediacom, utilities 47.91; 605 Portables, museum supplies 332.00; Alyssa Lindstrom, meter deposit refund 125.00; Audrey Penney, meter deposit refund 125.00; Avid Hawk LLC, web site fee 35.00; Better Homes & Gardens, library supplies 19.98; Booklist, library supplies 167.50; Center Point Large Print, library supplies 29.21; Century Link, utilities 593.34; Cheryl Wilkinson, deposit refund 30.00; City of De Smet, petty cash 56.21; City of De Smet, utilities 673.50; Connecting Point, repair and maintenance 230.00; Cook's Wastepaper & Recycling, residential garbage collection 6,081.39; De Smet Trustworthy, supplies 107.69; De Smet Welding, repairs & maintenance 236.46; Dept. of Revenue, water & pool labs 239.00; The De Smet News, publishing 488.84; The De Smet News; library publishing 8.90; Ferguson Waterworks, repairs & maintenance 2,394.59; Hawkins, Inc., chemicals 2,099.11; Irvin Construction, library repairs and maintenance, 60.00, Jennifer Anderson, deposit refund 30.00; Kingsbury Electric Cooperative, maintenance 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 216.64; Knockout Events, Inc., deposit refund 605.00; Marlys Larson, deposit refund 50.00; Maynard's, supplies 18.99; Melanie Brown, deposit refund, 275.00; Micro Marketing LLC, library supplies 587.13; Midstate, rental and deposit refund 695.00; Music Boosters, deposit refund 30.00; Northwestern, utilities 23.57; O'Keefe

Implement, Inc., repairs & maintenance 332.64; Office Peeps, Inc., library supplies 239.31; Office Peeps, Inc., supplies 421.12; Ottertail, utilities 4,811.93; Outdoor Life, library supplies 24.97; P.E.O., deposit refund 30.00; Palmlund Automotive, repairs and maintenance 167.00; Postmaster, supplies 175.00; REED, debt service 1,448.41; REED, Inc., debt service 690.58; REED, Inc., debt service 2,500.00; Republic National Distributing, delinquent liquor supplies 1,641.78; Rich Close, sewer repairs & maintenance 200.00; Rich's Gas & Service, fuel & supplies 1,140.52; Safety Benefits, Inc., conference registration 65.00; SD Department of Revenue, sanitation sales tax 415.84; Share Corp, chemicals 2,614.75; Smith's Lumber, supplies 169.61; Southeast South Dakota Tourism, marketing 1,419.00; State of SD, utilities 5.81; The Main Stop, fuel 203.72; Tom Gow, airport rental refund, 1,530; Tracey Larson, mileage reimbursement 185.30; US Bank, water loan payment 2,666.22; Van Diest Supply Company, mosquito spray 3,649.25; Warne's Appliance, repairs & maintenance 94.95; Wes Clubb, deposit refund 30.00; Wilkinson & Schumacher Law, attorney fees 2,559.00; Helms & Associates, engineering fees for airport project 2,643.51; Midland Contracting, Inc., construction work for airport project 44,064.45; Mediacom, utilities 259.03; Mediacom, utilities 71.60.

MARK SIEFKES: Mark Siefkes met with the council to ask that the council consider reimbursing him for a water leak repair bill in the amount of \$284.09. Siefkes explained that the leak was located between the shut off valve and the meter. It was explained by Attorney Wilkinson, that as stated in the city ordinance and due to the location of the leak, it is not the responsibility of the City to reimburse Siefkes for the water leak repairs.

MALT BEVERAGE LICENSE: This being the date and time advertised motion was made by Slater, seconded by Cavanaugh, to approve the On/Off Sale Malt Beverage & SD Farm Wine license application submitted by Grumpy's Grill & Pub (Larry Jenkins & Connie Bitner), all voting aye, motion carried.

SPECIAL LIQUOR LICENSES: The Dugout has requested a special liquor license for an event to be held at the De Smet Event Center on October 27, 2018 from 4:30 PM to 11:00 PM. Motion was made by Botkin, seconded by Whitaker, to approve the special liquor license for the Dugout, for an event to be held at the De Smet Event Center on October 27, 2018 from 4:30 PM to 11:00 PM, all voting aye, motion carried.

PAT HANSEN: Pat Hansen met with the council to express his opinion in opposition to any additional liquor licenses being issued in De Smet and feels that there are already enough malt beverage licenses for a town the size of De Smet.

LIQUOR BILL: An outstanding liquor bill from a former bar establishment in the amount of \$1,641.78 with Republic National Distributing was presented to the council. It was explained to the council that the outstanding liquor bill in the amount of \$1,641.78 is attached to the liquor license number that is issued to the City. Republic National Distributing will not deliver liquor inventory to the new bar that currently operates with the transferred liquor

license until the delinquent bill is paid. Motion was made by Slater, seconded by Cavanaugh, to approve payment in the amount of \$1,641.78 to Republic National Distributing for the outstanding liquor bill ensued by Alicia Springer Enterprises, LLC, all voting aye, motion carried.

KINGSBURY COUNTY CONSERVATION: Tanya Flegel, Kingsbury Conservation District Manager, met with the council to discuss planting a pollinator plot in the boulevard east of the Kingsbury County Conservation Office. Flegel explained that the area would be planted with native grasses and flowers that are available for sale at the Kingsbury County Conservation Office. The pollinator plot would also improve the appearance of the boulevard. Flegel was informed that the pollinator plot would be permitted and was thanked for her assistance with the tree board.

BUILDING & MOVING PERMITS: Motion was made by Botkin, seconded by Slater, to approve the moving permit submitted by Steven Siver for an 8'x 10' storage shed and the building permit submitted by Steven Munger for a deck addition to his residence, all voting aye, motion carried.

PUBLIC COMMENTS: None.

BASEBALL FIELD GARAGE: An offer was presented to the City, to sell a garage currently on private property that is in excellent condition. The offer included moving the garage and concrete floor. The City will need to look at the property area of where the garage would be re-located to determine that there aren't any water valves that would be covered.

SURPLUS PROPERTY: Motion was made by Cavanaugh, seconded by Whitaker, to approve declaring the following property as surplus property: Panasonic KX-FP101 Fax machine for disposal at the city electronic recycling program; a 1995 vibrating packer to be sold; and a 2010 RC845 Case 7 ft. rotary mower to be sold, all voting aye, motion carried. Motion was made by Botkin, seconded by Slater, to appoint Lowell Hansen, Shawn Wolkow, and David Van Regenmorter to appraise the vibrating packer and rotary mower, all voting aye, motion carried.

CELL PHONE POLICY: Motion was made by Cavanaugh, seconded by Slater, to approve Resolution No. 2018-4, amending the Cell Phone Use Policy to include the volunteer fire department members, all voting aye, motion carried.

RESOLUTION NO. 2018-4

CELL PHONE USE POLICY

All De Smet City employees and volunteer fire department members are expected to follow applicable state or federal laws or regulations regarding the use of cell phones, smart phones, or PDA's at all times.

Employees and fire department volunteers whose job responsibilities include regular or occasional driving are expected to

refrain from using their phone to text, receive or place calls, search the web, email or instant message, or to take pictures or video while driving. Use of a cell phone or a PDA while driving is not allowed by the city. Safety must come before all other concerns.

Regardless of the circumstances, including slow or stopped traffic, employees and fire department volunteers are required to pull over to the shoulder and off of the driving surface and safely stop the vehicle (to be defined to include any self-propelled motor driven equipment) before placing or accepting a call, refrain from discussion of complicated or emotional matters and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee or fire department volunteer is driving in an unfamiliar area.

As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees and volunteer fire department members of their responsibilities in complying with this policy.

Employees and volunteer fire department members who are charged with traffic violations resulting from the use of their phone or PDA while driving will be solely responsible for all liabilities that result from such actions.

Federal law prohibits Commercial Motor Vehicle (CMV) drivers from holding, dialing, or reaching for a hand-held cellular phone. This includes all push to talk functions. CMV drivers who are convicted of a hand-held cell violation twice within a three year period will be disqualified for 60 days. If convicted for a third violation within three years, the driver will be disqualified for 120 days. Drivers will be subject to federal civil penalties of up to \$2,750.00 for each offense. In addition, a CMV operator violation can subject the city to a fine of up to \$11,000 per violation.

Violations of this policy will be subject to the highest forms of discipline, including termination.

Dated this 10th day of October, 2018.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

INSURANCE CLAIM: A property damage claim was submitted to the insurance company for damages to the sewer lift station computer caused by lightning. Repairs for the damages were \$18,791.27. The City has received a check minus the \$1,000.00 deductible for the sewer lift station computer insurance claim in the amount of \$17,791.27.

WATER/SEWER DEPARTMENT: Randy Asleson, Water & Sewer Supt., updated the council on the sewer line blockage that occurred in the line between Loftus Street and Sherwood Avenue. A video of the tree root blockage was provided by the company hired to do the root cutting and jetting of the sewer line. Supt. Asleson recommended that the City video and jet other locations that have been problematic areas in previous years. Supt. Asleson also recommended that the City do a sewer relining project in 2019 and additional sewer relining every few years. Supt. Asleson will get more information for the council. Supt. Asleson addressed the council on updating the water plan. Clark Engineering will update project costs of the water plan they developed in 2007 for no additional charge. Supt. Asleson feels that Clark Engineering is very knowledgeable of the De Smet water and sewer infrastructure and would like to continue working with Clark Engineering on the water study and future projects. Supt. Asleson expressed his concerns about council member communication with city employees. Supt. Asleson was thanked for a job well done.

EXECUTIVE SESSION: At 6:35 PM, motion was made by Botkin, seconded by Whitaker, to approve going into executive session to discuss contract negotiations and litigation, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 6:47 PM.

AIRPORT PAYMENTS: Motion was made by Cavanaugh, seconded by Whitaker, to approve pay request #7 in the amounts of \$2,643.51 to Helms & Associates for planning, design, and engineering fees and pay request #1 in the amount of \$44,064.45 to Midland for construction work on the airport project, all voting aye, motion carried. These airport project expenses will be reimbursed by 95% from grant funding.

FIRE DEPT. GRANT: Motion was made by Slater, seconded by Cavanaugh, to approve the De Smet Volunteer Fire Department applying for a Homeland Security Emergency Management grant in the amount of \$92,000.00 for bunker gear, all voting aye, motion carried.

CONFERENCE: Motion was made by Slater, seconded by Whitaker, to approve DFO Karen Hansen attending the Joint Safety and Loss Control

Training Conference on November 7 & 8, 2018 in Pierre, all voting aye, motion carried.

BASEBALL FIELD UPDATE: Council member, George Cavanaugh informed the council that they are still working on the lights for the baseball field and still need to decide on placement of the Purinton Rock.

DE SMET DEVELOPMENT COORDINATORS REPORT: Rita Anderson, De Smet Development Coordinator showed the council the Wellmark Foundation plaque that will be placed on one of the dugout at the new baseball field for the grant that was received to assist in building the new diamond. Anderson reported that the Power Hour classes are going well, a calendar of De Smet events has been placed in businesses and restaurants, the De Smet Development website is being updated, registration for the OLLI classes will starting in December 2, 2018, and the committee Connect De Smet has been working with younger people on community involvement.

CONTINGENCY TRANSFER: Motion was made by Cavanaugh, seconded by Whitaker, to approve transferring \$3,000.00 from the Contingency to the Library for the irrigation repairs and \$3,645.00 from the Contingency to the Streets, all voting aye, motion carried.

FINANCIAL REPORTS: Motion was made by Hansen, seconded Botkin, to approve the September 2018 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

OVERTIME: Motion by Botkin, seconded by Whitaker, to approve the overtime hours for the month of September as presented, all voting aye, motion carried.

OTHER: Other non-action items of discussion were as follows: 1) the September law enforcement report; 2) property clean-up reviews; and 3) getting more information about a mural under one of the windows at the library.

AJOURN: 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: Street Supt. Ryan Petersen \$21.25/hour effective October 1, 2018.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

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