

REGULAR MEETING DE SMET COMMON COUNCIL
October 9, 2024

The De Smet Common Council met in regular session on October 9, 2024, at 5:00 p.m., with the following present: Council members, George Cavanaugh, Bret Jensen, Dustin McCune, Dane Coughlin, Lowell Hansen, Pam Spader, 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: Mayor Wolkow thanked Head Librarian Mary Purintun for her outstanding 26 ½ years of service to the City of De Smet. Purintun was not present at the meeting. A retirement gift will be presented to Purintun at the November regular council meeting.

MINUTES: Motion was made by Cavanaugh, seconded by Coughlin, to approve the minutes of September 11, 2024, Regular Meeting and September 25, 2024, Special Meeting, all voting aye, motion carried.

CLAIMS: Motion was made by McCune, seconded by Coughlin, to approve paying the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$45,817.79; OASI Benefit 3,505.04; Aflac, ins. premium 187.98; Dearborn National, life insurance 123.20; Delta Dental of South Dakota 390.36; VSP 191.40; The Health Pool of SD, health insurance premium 7,849.10; SDRS, retirement benefit 4,684.52; M&T Fire & Safety, equipment 7,662.53; Mediacom, utilities 111.20; Visa, supplies, utilities, fuel, repairs & maintenance, conference & travels 1,520.19; Avera Occupational Medicine, drug testing 85.00; Avid Hawk LLC, web site month fee 35.00; Birds & Blooms, magazine renewal 21.21; Book Systems, Inc., supplies 68.00; BSN Sports, supplies 372.93; Butler Machinery Co., repairs & maintenance 853.24; Castlerock, improvements, concrete 54,963.30; Center Point Large Print, supplies 31.46; City of De Smet, utilities 1,453.67; City of De Smet, supplies 28.59; Twotrees Technologies, supplies, repairs & maintenance, software 79.42; Cook's Wastepaper & Recycling, residential garbage collection 7,353.51; Cowboy Country Store, fuel 23.76; CR Corner, LLC, fuel 1,668.43; Dave's Window Cleaning, Inc., repairs & maintenance 400.00; De Smet Development Corp., contributions 1,000.00; De Smet Trustworthy, supplies 83.44; Department of Health, water labs 71.00; Duininck, repairs & maintenance 2,293.20; Esperanza Matias, deposit refund 50.00; Ferguson Waterworks, repairs & maintenance 1,908.00; Hawkins, Inc., chemicals 3,146.56; Interstate All Battery Center, supplies 162.00; Jessica Bower, deposit refund 325.00; Kingsbury Electric Cooperative, repairs & maintenance 438.37; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement 6,933.33; Kingsbury Electric Cooperative, utilities 173.81; Kingsbury Journal, publishing 1,366.22; Kingsbury County Sheriff Dept., fingerprinting 10.00; Laura Ingalls Wilder Elem. PTO, supplies 330.00; Maynards, supplies 54.04; Maynards, library supplies 43.67; Micro Marketing LLC, books 132.59; Nancy Wienk, deposit refund 50.00; Napa, supplies, repairs & maintenance, 251.82; Northwestern, utilities 71.98; O'Keefe Implement, Inc., supplies, repairs & maintenance 856.44; Office Peeps,

Inc., library supplies 114.92; Office Peeps, supplies 486.33; Olson's Pest Technicians, repairs & maintenance 75.00; Ottertail Power Company, utilities 4,591.72; SD Div. Criminal Inv., background check 26.75; SD Dept. of Revenue, sanitation sales tax 500.32; Share Corp., chemicals & supplies 3,373.86; Socially Untapped, marketing 200.00; South Dakota 811, locates 58.80; The Main Stop, supplies & fuel 89.51; The Road Guy Constr. Co., 2024 chip sealing streets 60,134.88; US Bank, water loan #1 payment 2,666.22; US Bank, water looping project loan payment 4,043.31; Valley Fibercom, utilities 501.27; Flatland Enterprise, LLC, 2nd Street & Chase water & sewer, City, \$273,452.95; IMEG, Chase St. & 2nd Street water pay request 23,925.00; IMEG, 2nd St & Chase sewer pay request 9,570.00; IMEG, water tower painting & repairs 4,500.00; IMEG, Calumet Ave. water pay request; 8,250.00; IMEG, Calumet Ave. sewer pay request 2,600.00; IMEG, Calumet Ave. Storm sewer pay request 3,000.00; Meierhenry Sargent LLP, bond counsel for water project revenue bond 22,725.00; Meierhenry Sargent LLP, bond counsel for sewer project revenue bond 11,966.50.

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 a Petition Application for a change in zoning classification, submitted by Brady & Rachel Anderson, was presented to the board. The amendment to the current ordinance would add 3. Caretaker/watchman's living quarters to Section 2.09.04 Conditional Uses [Chapter 2.09 C-2 Commercial Industrial District] adopted by Ordinance Number XX. Brady & Rachel Anderson explained to the council that they would like to add a living quarter to the existing building. There were no questions or comments from the public. Mayor Wolkow declared the public hearing closed.

Motion was made by Cavanaugh, seconded by Hansen, to recommend approving the first reading to amend Zoning Ordinance No. XX, Chapter 2.09 C-2 Commercial Industrial District, Section 2.09.04 Conditional Uses to include 3. Caretaker/watchman's living quarters, all voting aye, motion carried.

VARIANCES: This being the date and time public noticed for the hearing on Variance Application #111 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 Jensen, seconded by McCune, to recommend approval of the variance application #111 as submitted by Nate Bendorf, for a lean-to addition to the residence, all voting aye, motion carried.

REPLAT: Motion was made by Jensen, seconded by Cavanaugh, to approve Resolution 2024-5, replating Lot 3 & Lot 4, Exc the S6' of the E65' of Lot 4, Block 3, Original Plat, De Smet, Kingsbury County, South Dakota to the Cheney Addition to the City of De Smet, Kingsbury County, South Dakota, all voting aye, motion carried.

RESOLUTION 2024-5

The Plat of "**Cheney Addition to the City of De Smet, Kingsbury County, South Dakota**" has been duly examined and it appears that said

plat is in all respects lawful and proper and entitled to approval and is hereby recommended for approval by the 9th day of October 2024.

Chairman - De Smet City Plan Commission

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

FIRST READING TO AMEND ZONING ORDINANCE No. XX: Motion was made by Cavanaugh, seconded by McCune, to approve the first reading to amend Zoning Ordinance XX, to add 3. Caretaker/watchman's living quarters to Section 2.09.04 Conditional Uses [Chapter 2.09 C-2 Commercial Industrial District] adopted by Ordinance Number XX, all voting aye, motion carried.

VARIANCES: Motion was made by Jensen, seconded by Cavanaugh, to approve the variance application #111 as submitted by Nate Bendorf, for a lean-to addition to the residential structure, all voting aye, motion carried.

REPLAT: Motion was made by Cavanaugh, seconded by Coughlin, to approve Resolution 2024-6, replating Lot 3 & Lot 4, Exc the S6' of the E65' of Lot 4, Block 3, Original Plat, De Smet, Kingsbury County, South Dakota to the Cheney Addition to the City of De Smet, Kingsbury County, South Dakota, all voting aye, motion carried.

RESOLUTION 2024-6

BE IT RESOLVED by the City Council of the City of De Smet, South Dakota, having examined this plat and having received a recommendation from the City Planning Commission, does hereby approve the plat entitled: "**Cheney Addition to the City of De Smet, Kingsbury County, South Dakota**" and the City Finance Officer is hereby directed to endorse on such plate a copy of this resolution and certify the same thereon. The forgoing resolution was duly passed and adopted.

Dated at De Smet, South Dakota this 9th day of October 2024 A.D.

Mayor - City of De Smet, SD

ATTEST:

City Finance Officer - City of De Smet, SD

BUILDING & DEMO PERMITS: Motion was made by Cavanaugh, seconded by Coughlin, to approve the building permit application submitted by Nate

Bendorf for a lean-to addition to the residence, and the demo permit application submitted by Cody Siver to demo and remove a trailer house, all voting aye, motion carried.

SPECIAL LIQUOR LICENSES: An applications for a special liquor license was submitted by Lu Ann Klinkel, owner of Klinkel's III for an event to be held at the De Smet Event Center on November 23, 2024, from 4:00 pm - 12:00 am; and two applications submitted by Adam Sorensen, owner of Half Pint, for events to be held at the De Smet Legion Hall on October 30, 2024 and November 16, 2024, from 5:00 pm - 12:00 am. Motion was made by Cavanaugh, seconded by McCune, to approve the special liquor license application submitted by Lu Ann Klinkel, owner of Klinkel's III for an event to be held at the De Smet Event Center on November 23, 2024, from 4:00 pm - 12:00 am; and on November 9, 2024, from 5:00 pm - 12:00 am, the special liquor license applications submitted by Adam Sorensen, owner of Half Pint for an events to be held at the De Smet Legion Hall on October 30, 2024, from 5:00 pm - 12:00 am; and on November 16, 2024, from 5:00 pm - 12:00 am, all voting aye, motion carried.

JENNIFER GROVER: Grover met with the council to express concerns about her special assessment notification for the sidewalk and curb & gutter; notification regarding her property conditions; controlling weeds on her property has not been a priority this summer; and ordinance accessibility.

STREET PARKING: A request has been made by the De Smet School District, to implement no parking on the North side of 3rd Street during school hours. Motion was made by Spader, seconded by Coughlin, to table the request to implement no parking on the North side of 3rd Street until property owners could be contacted, all voting aye, motion carried.

MAIN STREET COMMITTEE: Ann Lesch, representing the Main Street Committee, met with the council to discuss items for the Main Street Project. Lesch informed the council that they are working with ISG; working on funding; electric needs for feature items; meetings are open for anyone to attend, and people interested can contact Jamie Lancaster about meeting dates.

RITA ANDERSON: Rita Anderson, representing the Highway 14 Trails Committee and tourism, met with the council to ask for a letter of support to include with the Recreation Economy for Rural Communities 2024 Application for funding. Motion was made by Cavanaugh, seconded by Spader, to approve including a letter of support from the City of De Smet for the Recreation Economy for Rural Communities 2024 Application, all voting aye, motion carried.

PUBLIC COMMENTS: None.

INFRASTRUCTURE, MAIN STREET & WATER TOWER PROJECTS: Karen Schaefer, Engineers for IMEG, met with the council to discuss the infrastructure projects, water tower, and Main Street project updates. Engineer Schaefer reported that the contractor working on 2nd Street and Chase Street infrastructure project will be starting on the 2nd Street curb & gutter next week. A date has not been determined yet for the paving on 2nd Street & Chase Street. The company sub-contracted to do the paving, wants to pave both streets at the same time when they are here. The new water main on Chase street has been installed and service lines will be hooked up next week. There are not any change orders for this meeting. There was additional water services lines added that will need to be included in the project expenses. On the

Main Street Project, the Community Access grant has had some recent changes to the ADA accessibility. Most of the businesses will be ok for handicap accessibility. There may be buildings that will need a ramp for handicap accessibility. Schaefers does not have a cost estimate for ramps yet. December 5, 2024, will be the bid opening and the awarding of the project will be held on December 11, 2024, regular council meeting. Questions about how awnings are fastened to the sidewalk were asked by the council. Schaefers also reported that contracts for the water tower projects will be sent to DANR for review.

WATER & SEWER DEPARTMENT: Water & Sewer Supt., Jason Springer reported to the council that Well #8 was pull, cleaned, and put back in place.

EXECUTIVE SESSION: At 6:25 pm, motion was made by Spader, seconded by Coughlin, to go into executive session to consult with the city attorney, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:12 pm.

PROJECT PAYMENTS: Motion was made by Cavanaugh, seconded by McCune, to approve pay requests: Meierhenry Sargent, LLP, bond counsel for water projects \$22,725.00; Meierhenry Sargent, LLP, bond counsel for sewer project \$11,966.50; IMEG, Chase St. & 2nd Street water, pay request 22006268.02-3 \$23,925.00; IMEG, Chase Street & 2nd Street sewer, pay request 22006268.03-2 \$9,570.00; IMEG, Water tower painting & repairs, pay request 23007847.00-4 \$4,500.00; IMEG, Calumet Ave. water, pay request 21005454.01-14 \$8,250.00; IMEG, Calumet Ave. Sewer, pay request 21005454.02-14 \$2,600.00; IMEG, Calumet Ave. storm sewer, pay request 21005454.03-12 \$3,000.00; Flatland Enterprise, LLC, 2nd Street & Chase, pay request #3 \$273,452.98 (Water - \$113,334.29, Sewer \$96,412.16, City \$63,706.50), all voting aye, motion carried. Airport projects are funded 95% by federal and state grant funds.

Council member Coughlin left at this time.

2022 AUDIT REVIEW: Motion was made by Cavanaugh, seconded by Spader, to approve the 2022 Audit review completed by ELO Prof, LLC, all voting aye, motion carried.

2023 Audit: Motion was made by McCune, seconded by Cavanaugh, to approve signing the engagement letter with ELO Prof, LLC, for the 2023 audit in the amount of \$21,500.00, all voting aye, motion carried.

AIRPORT FLIGHT INSPECTION: Motion was made by Hansen, seconded by Cavanaugh, to authorize payment up to \$5,400.00 to the FAA for the flight inspection, all voting aye, motion carried.

RECORD DESTRUCTION: Motion was made by Cavanaugh, seconded by Hansen, to approve destroying the listed records presented, all voting aye, motion carried.

FINANCIAL REPORT: Motion was made by McCune, seconded by Jensen, to approve the September 2024 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

TRANSFER: Motion was made by Cavanaugh, seconded by Jensen, to approve transferring the restricted ARPA funds in the amount of \$190,249.93 from the General Fund to the Sewer Fund, all voting aye, motion carried.

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

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

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

Correction - To comply with SDCL 6-1-10. Publication of Payroll information, the payroll changes were effective October 1, 2024, Street Superintendent, Ryan Petersen \$28.95/hour.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____