

REGULAR MEETING DE SMET COMMON COUNCIL
September 11, 2024

The De Smet Common Council met in regular session on September 11, 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: In honor of Day of Remembrance, the council had a moment of silence to remember the families of 911.

MINUTES: Motion was made by Cavanaugh, seconded by Jensen, to approve the minutes of the August 14, 2024, Regular Meeting and August 26, 2024, Special Meeting, all voting aye, motion carried.

CLAIMS: Motion was made by Hansen, seconded by Coughlin, to approve paying the claim from M&T Fire and Safety for two sets of bunker gear in the amount of \$7,662.53, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Spader, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$52,725.23; OASI Benefit 4,033.49; 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 4,873.34; City of Arlington, registration 100.00; Mediacom, utilities 111.20; SDWWA, registration 150.00; Visa, supplies & utilities 176.68; De Smet Postmaster, variance 53.70; De Smet Postmaster, variance 53.70; Anderson Lumber, supplies 49.03; Asphalt Paving & Materials Co., repairs & maintenance 574.00; Avid Hawk LLC, supplies 35.00; Butler Machinery Co., repairs & maintenance 103.14; Center Point Large Print, supplies 31.46; City of De Smet, donation 10.00; City of De Smet, utilities 1,352.33; City of De Smet, supplies & marketing 75.51; Twotrees Technologies, supplies, repairs & maintenance, software 79.42; Cook's Wastepaper & Recycling, utilities 286.06; Cook's Wastepaper & Recycling, repairs & maintenance 7,668.09; Core & Main LP, supplies 69.69; Cowboy Country Store, fuel 112.79; CR Corner, LLC, diesel, fuel & supplies 1,329.69; De Smet Development Corp., contributions & bbb contributions 21,000.00; De Smet Trustworthy, supplies, repairs & maintenance 137.37; Demco, supplies 93.51; Department of Health, water labs 28.00; De Smet Trustworthy, supplies 17.98; Dustbusters Enterprises Inc., repairs & maintenance 7,092.90; ELO Prof., LLC; audit fees 10,829.22; Environmental Equipment & Service, repairs & maintenance 6,949.50; Ferguson Waterworks, repairs & maintenance 2,866.40; Hawkins, Inc., chemicals 2,414.84; Innovative Office Solutions, supplies 1,026.62; Kingsbury Electric Cooperative, repairs & maintenance 940.25; Kingsbury Electric Cooperative, repairs 220.00; Kingsbury County Sheriff Office, deposit refund 50.00; Kingsbury County Auditor, law enforcement 6,933.33; Kingsbury Electric Cooperative, utilities 173.81; Kingsbury Journal, publishing 21.00; Klinkhammer Plumbing & Heating, supplies 636.00; KSFY, advertising 250.00; Library Journal, supplies 179.00; M&T Fire & Safety, repairs &

maintenance 425.00; Marty Fox Estate, meter deposit refund 75.00; Maynards, supplies 39.97; Maynards, pool supplies 10.99; MC&R Pools, Inc., repairs & maintenance 67.97; Micro Marketing LLC, supplies 232.08; Mikenna Hojer, deposit refund 50.00; Napa, repairs & maintenance, 150.26; Northwest Pipe Fitting, Inc., repairs & maintenance 383.37; Northwestern, utilities 75.18; O'Keefe Implement, Inc., repairs & maintenance 1,355.35; Office Peeps, Inc., library supplies 160.12; Office Peeps, supplies 338.06; Olson's Pest Technicians, repairs & maintenance 75.00; Ottertail Power Company, utilities 3,614.36; Palmlund Automotive, repairs & maintenance 295.00; Prairie Ag, supplies 171.98; Rod's Repair, repairs & maintenance, 867.35; Ron Skyberg, deposit refund 10.00; SD Dept. of Revenue, sales tax 840.88; SD Dept. of Revenue, sanitation sales tax 521.72; Share Corp., chemicals & supplies 4,144.70; Socially Untapped, bbb marketing 200.00; Stacy Nielson, deposit refund 30.00; The Main Stop, fuel 1,180.97; Valley Fibercom, utilities 525.16; Warne's Appliance supplies 25.00; Water Billboards, supplies 947.00; Flatland Enterprise, LLC, 2nd Street & Chase infrastructure construction, \$170,348.64; Helms& Associates, AWOS final payment 3150.83; IMEG, Chase & 2nd Street water 28,710.00; IMEG, East side water 10,620.00; IMEG, East side sewer 1,400.00; IMEG, sewer lining & manholes 5,400.00; IMEG, Calumet Ave. water, 8,250.00; IMEG, Calumet Ave. sewer \$6,000.00; IMEG, Calumet Ave. storm sewer 3,500.00; M&T Fire and Safety, supplies 7,662.53.

ZONING: Motion was made by Spader, seconded by McCune, 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.

VARIANCES: This being the date and time public noticed for the hearing on Variance Application #109b submitted by Bolder Built for Andrew & Jeanette Todd, represented by Jenny Todd, met with the board to discuss the variance application. Andrew & Jeanette Todd has requested a variance to allow them to construct an addition to their residence that will be 20 feet from the front (south) property line on the property in an area zoned "R-2" General Residential District on the following legally described property: All of Lot 2, Lot 3 & 4 EXC N50', Block 15, Western Town Lot Co. Addition, and addressed as 406 2nd Street 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 3.04.03 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 All of Lot 2, Lot 3 & 4 EXC N50', Block 15, 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 "R-2 General Residential District".
 3. That adjacent properties are zoned "R-2 General Residential" to the North, West, and East, and "R-1" Single Family Residential" to the South.
 4. That the lot is not located on a corner lot and therefore only has a primary front yard lot line.
 5. That the Area Regulations of the "R-2 General Residential" zoning require a minimum front yard set-back of 25 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 20 feet from the Primary front (south) property line.
 8. That the proposed addition would be constructed in line with other existing residential structures within the block.
 9. That only 14% of the total lot area will be covered with structures.
 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 Coughlin, to recommend approval of the variance application #109b as submitted by Andrew & Jeanette Todd, for an addition to the residence, all voting aye, motion carried.

This being the date and time public noticed for the hearing on Variance Application #110 submitted by Jack & Diane Mann, represented by Jack & Diane Mann, met with the board to discuss the variance application. Jack & Dianne Mann has requested a variance to allow them to construct an attached garage to their residence that will be 15' to the Primary front (east) property line and add additional concrete to the existing concrete driveway in an area zoned "R-2" General Residential District on the following legally described property: E2 Lots 9, 10 & 11 EXC N25' of Lot 11, Block 11, Western Town Lot Co. Addition, and addressed as 307 4th Street 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 3.04.03 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 E2 Lots 9, 10 & 11 EXC N25' of Lot 11, Block 11, 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 "R-2 General Residential District".
3. That adjacent properties are zoned "R-2 General Residential" to the North, and West, and "R-1" Single Family Residential" to the South, and East.
4. That the lot is located at the intersection of two street rights-of-way (Olivet Ave. SE & 4th Street SE).
5. That the Area Regulations of the "R-2 General Residential" zoning require a minimum front yard (primary) set-back of 25 feet and minimum front yard (secondary) set-back of 15 feet.
6. Section 2.06.06 Area Regulations, Table 2.06.06.1. 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 attached garage would be constructed 15 feet from the east Primary front yard property line.
8. That the proposed attached garage would be constructed in line with the existing residential structure and structures on the adjacent property.
9. That the proposed attached garage would not interfere with traffic visibility at the intersection of Olivet and 4th Ave. SE.
10. That 31% of the total lot area will be covered with structures and will be under the required 35% total lot area covered.
11. That none of the adjoining property owners objected to the proposed variance.
12. That granting the proposed variance would not increase any safety exposure to the adjacent property owners.
13. That the Board of Adjustment takes 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 current structure locations do not result from the applicant's action.
16. That the reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by McCune, seconded by Coughlin, to recommend approval of the variance application #110 as submitted by Jack & Diane Mann, for an attached garage and concrete addition pending the verification of placement by a zoning officer, all voting aye, motion carried.

Motion was made by Spader, seconded by Coughlin to reconvene as the city council, all voting aye, motion carried.

VARIANCES: Motion was made by Jensen, seconded by Spader, to approve the variance application #109b as submitted by Andrew and Jeanette Todd, for an addition to the residential structure, all voting aye, motion carried. Motion was made by McCune, seconded by Cavanaugh, to approve variance application #110 as submitted by Jack & Diane Mann for an addition of an attached garage and concrete pending the verification of placement by a zoning officer, all voting aye, motion carried.

BUILDING & DEMO PERMITS: Motion was made by Spader, seconded by Cavanaugh, to approve the building permit applications submitted by Andrew & Jeanette Todd for an addition to the residence, and to Jack and Dianne Mann for an attached garage and concrete driveway extension, all voting aye, motion carried. Motion was made by Jensen, seconded by McCune to approve the building permit application to Connie Cheney for a living and garage addition to an existing residence pending the two lots are platted into one parcel. Motion was made by Coughlin, seconded by Cavanaugh, to approve the demo permit application submitted by the De Smet School District to remove a portion of the old elementary building, all voting aye, motion carried.

EXECUTIVE SESSION: Motion was made by Cavanaugh, seconded by McCune, to go into executive session at 5:17 pm to consult with the city attorney, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 5:44 pm.

POOL DONATION: Darcy Miller and Derek Lee, representing the Class of 1990, presented memorial funds amounting to approximately \$4,000 in memory of Tammy Nicholson Foster, to be used to purchase a picnic table and diving board for the city swimming pool. The council thanked the Class of 1990 for the memorial funding.

SECOND READING OF ZONING ORDINANCE XX-1: Discussion with School representatives, Supt. Abi Van Reganmorter and Dave Van Reganmorter was held regarding the concerns about water running too fast off the school building and parking lot and pooling on Highway 14 if there were a heavy rain. Van Reganmorter informed the council that the rainwater on the north side of the school building roof goes to the north and then to the east and rainwater on the south side of the roof flows to the south. The City was told by Supt. Van Reganmorter and Dave Van Reganmorter, that if the water flow from the school building and parking lot created an issue, the school would cooperate to resolve the drainage problem. Also discussed was the drop-off and pick-up location on the south side of the school for elementary children that is working well. The school will have concrete pillars installed for a safety barrier at the drop-off/pick-up location. Motion was made by Cavanaugh, seconded by McCune, to approve the second reading of Ordinance XX-1 amending Zoning Ordinance XX to include "R-2" General Residential District property legally described as: The East 25 feet of the South 99 feet of Lot 3, Block 17, Brown's Addition to the City of De Smet, Kingsbury County, South Dakota, in the I/O Office/Institutional Use Overlay District, all voting aye, motion carried.

AN ORDINANCE ENTITLED, An Ordinance Amending Ordinance Number XX, an Ordinance Amending Ordinance VII-08 an Ordinance Establishing Zoning Regulations and the Official Zoning Map for the City of De Smet.

BE IT ORDAINED BY THE TOWN BOARD OF THE CITY OF DE SMET, SOUTH DAKOTA: that Section 1.03.01 The Official Zoning Map adopted by Ordinance Number XX, an Ordinance Amending Ordinance VII-08 an Ordinance Establishing Zoning Regulations and the Official Zoning Map for the City of De Smet, as amended, be amended to include the following property:

The East 25 Feet of the South 99 Feet of Lot 13, Block 17, Brown's Addition to the City of De Smet, Kingsbury County, South Dakota.

In the "I/O" Office/Institutional Use Overlay District. The primary district for this property will remain "R2" General Residential District

Passed and adopted this 11th day of September, 2024.

Mayor
City of De Smet, SD

Finance Officer
City of De Smet, SD

First Reading: August 14, 2024

Second Reading: September 11, 2024

Published: September 18, 2024 (Notice of Adoption) & September 25, 2024

SPECIAL LIQUOR LICENSES: Applications for two 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 November 2, 2024, from 3:00 pm - 11:00 pm; and on November 9, 2024, from 5:00 pm - 12:00 am. Motion was made by Cavanaugh, seconded by Coughlin, to approve the special liquor license applications submitted by Lu Ann Klinkel, owner of Klinkel's III for events to be held at the De Smet Event Center on November 2, 2024, from 3:00 pm - 11:00 pm; and on November 9, 2024, from 5:00 pm - 12:00 am, all voting aye, motion carried.

MALT-BEVERAGE/ON-SALE LIQUOR LICENSE & OPERATING AGREEMENT TRANSFER:

This being the date and time advertised, an application to transfer the on-sale liquor license, the on/off-sale malt beverage license, and operating agreement from Double Bogey's to De Smet County Country Club

was reviewed by the council. Motion was made by Coughlin, seconded by Spader, to approve the transfer of the on-sale liquor license, the on/off-sale malt beverage license, and operating agreement from Double Bogey's to De Smet County Country Club, all voting aye, motion carried.

KIM ERNST: De Smet resident, Kim Ernst met with the council to inquire about several topics: watering of the flowers on Main Street; paving of 2nd Street, and the construction crew. It was explained to Ernst that when the City does a project, they are required by law to take the lowest bid, the contractor wants to complete pouring of the curb & gutters before winter, and the project completion date for 2nd Street and Chase Street phase is in 2025.

CLAUSE SMITH: Clause Smith met with the council to discuss the Main Street project sidewalks.

PUBLIC COMMENTS: Jay Slater asked about the preservation of the cobblestones on the east side of Calumet by the library during the Main Street Project. IMEG Engineer, Shane Waterman responded that the asphalt will be cut to preserve the cobblestones, and, in the future, the asphalt stripe will be removed with smaller tools to keep the cobblestones in place.

INFRASTRUCTURE, MAIN STREET & WATER TOWER PROJECTS: Shane Waterman and Karen Schaefer, Engineers for IMEG, met with the council to discuss the infrastructure projects, water tower, and Main Street project updates. Engineer Waterman reported that the contractor working on 2nd Street and Chase Street is on track. After sidewalk removal, the remaining trees will be re-evaluated to determine if removal is needed. Other trees with broken limbs from the construction will be trimmed up. Waterman has been reviewing the Main Street Project expenses to stay within the funding available. There are some options on the North end of the project such as: where to end the new asphalt, re-lining of the sewer main under the railroad tracks instead of replacement, replacing more of the water mains along 2nd Street going East to Lyle Avenue, and side street sidewalks would be replaced at the current width. If the sidewalks on Calumet Avenue are widened by two feet on each side, it is estimated to cost an additional \$30,500.00 after deducting the savings of asphalt. If the Main Street Project bid comes in under the estimate, additions to infrastructure improvements could be added to other areas. The Main Street Project is planned to be bid by the end of October 2024 and awarded in November 2024. Discussion on the sidewalk thickness was reviewed. Drive throughs, areas with large sculptures, and ADA corners will have thicker concrete. An alternate for two inches additional depth of the sidewalk concrete could be added to the bid specs. At this time, the council informed the public that after discussions with various people over the last month, adding two feet to the width on both sides of the Main Street sidewalks was not a feature they wanted to add to the project. Information from Ottertail for the new streetlights and annual costs associated with the new lights was presented to the council. Engineer Schaefer informed the council that the Chase Street temporary water line will be placed this week. The contractor will work on the sewer main replacement first to resident accessibility longer. Mail and garbage services are still being determined. Four bids for the water tower painting project were

received. Completion date for the water tower project is December 31, 2025. A letter of recommendation for the water tower project was presented to the Council.

WATER TOWER PAINTING Project BIDS: Four bids for the water tower painting were received and opened on August 26, 2024. Bids received are as follows:

Company	Bid
O & A Classic Coatings and Paintings Corporation	\$261,000.00 Base
	\$ 6,000.00 Alt 1
	\$ 3,500.00 Alt 2
Maguire Iron, Inc.	\$323.100.00 Base
	\$ 10,000.00 Alt 1
	\$ 5,000.00 Alt 2
BRZ Coating, Inc.	\$350,000.00 Base
	\$ 9,000.00 Alt 1
	\$ 7,000.00 Alt 2
TMI Coating, Inc.	\$492,500.00 Base
	\$ 17,000.00 Alt 1
	\$ 10,000.00 Alt 2

Motion was made by Cavanaugh, seconded by McCune, to accept the low bid submitted by O & A Classic Coatings and Paintings Corporation, for the water tower painting project in the amount of \$261,000.00 Base, Alternate 1 in the amount of \$6,000.00, and Alternate 2 in the amount of \$3,500.00 for a total of \$270,500.00, all voting aye, motion carried.

AIRPORT PAVEMENT MAINTENANCE PROJECT: Motion was made by Jensen, seconded by Hansen, to approve submitting the Pre-application for the Airport Pavement Maintenance and Flight project, and designate the Mayor as the authorized representative to sign documentation, all voting aye, motion carried.

EXECUTIVE SESSION: At 7:38 pm, motion was made by McCune, seconded by Coughlin, to go into executive session to consult with the city attorney about contracts, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 8:08 pm.

PERSONNEL: A letter of resignation from Head Librarian, Mary Purintun was presented to the council. Motion was made by Cavanaugh, seconded by Coughlin, to accept the resignation from Mary Purintun as Head Librarian effective September 25, 2024, all voting aye, motion carried. Motion was made by Jensen, seconded by McCune, to approve hiring Jenny Todd as the Head Librarian, starting September 26, 2024, at a rate of \$21.80 per hour, all voting aye, motion carried.

PROJECT PAYMENTS: Motion was made by Cavanaugh, seconded by Coughlin, to approve pay requests: Helms & Associates, Airport AWOS project, Pay request 11 (final) - \$3,150.83; IMEG, Chase St. & 2nd Street water, pay request 22006268.02-2 \$28,710.00; IMEG, East side water, pay request 22006269.00-8 \$10,620.00; IMEG, East side sewer, pay request 22006269.01-8 \$1,400; IMEG, sewer lining & manholes, pay request 22006270.00-7 \$5,400.00; IMEG, Calumet Ave. water, pay request 21005454.01-13 \$8,250.00; IMEG, Calumet Ave. Sewer, pay request 21005454.02-13 \$6,000.00; IMEG, Calumet Ave. storm sewer, pay request 21005454.03-11 \$3,500.00; Flatland Enterprise, LLC, 2nd Street & Chase,

pay request #2 \$170,348.64 (Water - \$147,919.71, Sewer \$21,708.21, City \$720.72), all voting aye, motion carried. Airport projects are funded 95% by federal and state grant funds.

DE SMET DEVELOPMENT CORPORATION: Development Coordinator, Jamie Lancaster, expressed his appreciation to the city council members and their efforts. Lancaster stated that the Main Street Project is one of many quality-of-life projects he is involved with. Lancaster feels that the process of the Main Street project has not been good, hoops were not followed-up on and feels broadsided by the decisions made by the city council on the Main Street project tonight. Council member Cavanaugh replied that the Main Street Committee has never paid any of the engineering fees for any of the extra features wanted by the Committee and that the City Council is not against beautification in the project, but that everyone needs to work together.

SPECIAL MEETING: Motion was made by Jensen, seconded by Spader, to approve scheduling a special meeting on Wednesday, September 25, 2024, at 5:30 pm, at City Hall, to work on the 2025 Budget, all voting aye, motion carried.

FIRST READING OF 2025 BUDGET ORDINANCE IV-228: Motion was made by Cavanaugh, seconded by McCune, to approve the first reading of the 2025 Budget Ordinance IV-228, all voting aye, motion carried.

FINANCIAL REPORT: Motion was made by McCune, seconded by Coughlin, to approve the August 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 Spader, seconded by Coughlin, to approve the overtime hours for the month of August 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 August 1, 2024, Assistant Librarian, Jenny Todd 19.55/hour.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____