

REGULAR MEETING DE SMET COMMON COUNCIL
October 12, 2016

The De Smet Common Council met in regular session on October 12, 2016, at 5:00 p.m., with the following present: Alex Botkin, Lowell Hansen, Larry Jensen, George Cavanaugh, Wendy Currier, Norman Whitaker, Mayor Gary Wolkow, FO Tracey Larson. Absent: none. Also present: City Attorney Todd Wilkinson, and DFO Pam Fox.

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

ANNOUNCEMENTS: Mayor Wolkow announced that the hours at the Restricted Use Site have been amended for the fall season. Fall hours during the month of October are: Tuesdays 5:00 PM - 7:00 PM and Saturdays 1:00 PM - 3:00 PM. Hours during the month of November are: Saturdays only 1:00 PM - 3:00 PM.

MINUTES: Motion was made by Hansen, seconded by Currier, to approve the minutes of the September 9, 2016 Special meeting, and September 14, 2016 Regular Meeting, all voting aye, motion carried.

CLAIMS: Motion by Jensen, seconded by Botkin, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$36,486.71; OASI Benefit 2,791.21; Aflac, ins. premium 278.81; Dearborn National, life insurance 123.20; Farm Bureau Bank, health savings 875.00; Delta Dental of South Dakota 353.78; VSP 156.99; Wellmark Blue Cross Blue Shield, health insurance premium 4,591.76; SDRS, retirement benefit 3,719.30; Postmaster, postage 265.99; Avid Hawk, LLC website; 35.00; Baete-Forseth HVAC repairs 103.66; Brent Funke, event center deposit refund 275.00; Castlerock, streets 7,247.97; Center Point Large Print, library 28.46; Century Link, utilities 499.18; City of De Smet, postage 53.78; Clark Engineering, streets 4,445.21; Colonial Research, supplies 615.95; Connecting Point, library repairs 128.75; Connecting Point, repairs 35.00; Consolidated Plastics, library supplies 195.30; Cook's Wastepaper & Recycling, sanitation 13,365.19; Darwin Fox, event center refund 10.00; De Smet Community Foundation, recreation equipment 6,227.69, De Smet Development Corp., event center refund 100.00; De Smet Trustworthy Hardware, supplies 360.86; Demco, library 259.85; Department of Revenue, maintenance 58.00; De Smet News, publishing 165.51; De Smet News library publishing, 6.60; Diane Hiles event center deposit refund 375.00; Ferguson Waterworks improvements 1,494.33; First National Bank, Inc., loan 2,666.22; Harvey Dunn Society, event center refund 275.00; Hawkins, supplies 2,022.36; Heartland Paper Co., supplies 304.34; Helms & Associates, airport 11,075.17; Helms & Associates, airport 3,570.00; Kingsbury Electric Cooperative, airport repairs 565.56; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement 6,283.33; Kingsbury Electric Coop. utilities 226.02; Linda Korn, event center refund 375.00; Maguire Iron, Inc., repairs 1,250.00; Mary Purinton, registration & mileage 64.80; Maynard's supplies 23.45; Michael Todd & Company, Inc., street repairs 177.46; Micro

Marketing, books 510.51; Midstate Agronomy, event center deposit refund 425.00; Midwest Living, library 19.97; Napa, supplies 52.76; Northwestern, utilities 94.69; Office Peeps, library supplies 113.89; Office Peeps, Inc., supplies 523.25; Ottertail Power Co., utilities 4,555.84; Postmaster, postage 204.00; Quarterton Productions, event center deposit refund 250.00; Reader Service, library 17.22; REED, Inc., debt service 1,448.41; REED, Inc., debt service 2,357.25; REED, Inc., debt service 2,500.00; Rich's Gas & Service, fuel 984.01; Sanford Heart Health Screening, event center deposit refund 45.00; SD Dept. of Public Safety, hospital repairs 240.00; SD Dept. of Revenue, sanitation sales tax 780.44; SD One Call, locates 57.12; Seventeen, library 14.97; Share Corp, supplies 2,547.25;

Sioux Falls Two Way Radio Service, fire dept. repairs 339.91; Smith's Lumber, supplies 243.82; State of South Dakota, utilities 15.00; The Main Stop, fuel 104.29; The Oxbow Restaurant, museum supplies 416.00; Tim Thompson, meter deposit refund 75.00; Tracey Larson, mileage reimbursement 397.44; Van Diest Supply, west Nile supplies 3,577.75; Visa, supplies 577.03; Warne's Appliance, library repairs 3,900.00; Waylor Enterprises, sewer repairs 4,483.63; Wilkinson & Wilkinson Law Firm, attorney services 2,651.50; Mediacom, internet 57.45; Mediacom, utilities 255.63; Safety Benefits, conference registration 65.00; and VISA, supplies, utilities, lodging 1,772.03.

SPECIAL LIQUOR LICENSES: Gary Wiggins, owner of the Dugout, requested a special liquor licenses for an event to be held at 705 Wilder Lane on October 29, 2016 from 4:00 PM to 2:00 AM. Motion was made by Currier, seconded by Whitaker, to approve special liquor license to Gary Wiggins, owner of the Dugout, for an event to be held at 705 Wilder Lane on October 29, 2016 from 4:00 PM to 2:00 AM, all voting aye, motion carried.

PROPERTY REZONE & VARIANCE HEARINGS: Motion was made by Cavanaugh, seconded by Whitaker to be convened as the Planning & Zoning Commission for the purpose of a public hearing to be held in conjunction with the application of the City of De Smet, De Smet, South Dakota, requesting the zoning of S 95' of Lot 15, Block 10, Browns Addition, to the City of De Smet, be amended from Commercial Industrial (C-2) to General Residential (R-2). Notice of the hearing was properly given by certified mail and by publication of the Notice of Hearing in conformity with Section 3.04.05 of the City Zoning Ordinance. Nobody from the public appeared in opposition to the proposed zoning amendment. The Planning & Zoning Commission and the City Council made the following findings:

1. That the majority of the surrounding adjacent properties are currently zoned General Residential (R-2) of the property in question and by re-zoning the property in question would make this area more uniform.
2. That the re-zoning of the current use of said property would better fit the General Residential (R-2) zoning classification.

3. That none of the adjoining landowners have expressed dissatisfaction with the proposed change.

Based upon these findings and no one speaking in opposition to the proposed rezoning, motion was made by Jensen, seconded by Cavanaugh, to recommend approval of the proposed rezoning to the City Council, all voting aye, motion carried.

VARIANCE HEARING: This being the date and time public noticed for the hearing on Variance Application #55 submitted by DKG Properties, LLC, the variance application was presented to the Planning and Zoning Commission. Kent & Diane Munger were present for the hearing and asked the council to consider the Variance Application #55 to allow the new commercial structure to be constructed 15 feet to the South property line, and eight (8) feet to the North property line which is adjacent to residentially zoned property, legally described Lots 9 & 10, Block 12, Western town Lot Co Addition, De Smet, Kingsbury County, South Dakota. If approved, the applicant would be allowed to build a new commercial structure closer than the required 40 foot set-back when the permitted use is adjacent to residentially zoned property, and would allow the new structure to be built closer than the required corner frontage set-back of 25 feet. The residential property owner was present for the variance hearing and questions were asked in regard to an existing structure that would have an easement granted due to the house being built prior to zoning requirements. A recommendation was made to table the variance application until the two property owners could meet and discuss the possible options. Motion was made by Cavanaugh, seconded by Botkin, to table the variance application #55 until the November 9, 2016 regular meeting, all voting aye, motion carried. Motion was made by Currier, seconded by Whitaker, to adjourn as the Planning & Zoning Commission and reconvene as the Common Council, all voting aye, motion carried.

FIRST READING FOR RE-ZONING: Motion was made by Cavanaugh, seconded by Botkin, to approve the first reading of Ordinance No. VII-24, an ordinance to amend Article I, Chapter 1.03 as adopted by Ordinance No. VII-8 on February 15, 2000, as the Zoning Ordinance of the City of De Smet, to change the zoning classification of S 95' of Lot 15, Block 10, Brown's Addition in the City of De Smet, from Commercial Industrial (C-2) to General Residential (R-2), and to set November 9, 2016, as the date for the second reading of the ordinance amendment, all voting aye, motion carried.

BUILDING PERMITS/ZONING CLARIFICATION: Motion was made by Botkin, seconded by Whitaker, to approve the building permits submitted by Russell Overbay - garage; and Abeln & Associates Architects - new commercial building; all voting aye, motion carried. A question concerning the clarification if a wind mill would be considered a yard ornament or structure was presented to the council. A neighboring resident expressed his concern about allowing such a large object and if it would allow other unusual objects to also be permitted. Motion was made by Currier, seconded by Cavanaugh, to table the installation of a windmill in a residentially zoned area until further information is obtained by the city attorney, all voting aye, motion carried.

BASEBALL FIELD PROJECT: An update on the baseball field project was given by council members that are on the baseball field project committee. Motion was made by Hansen, seconded by Jensen, to rescind a previous motion made at the September 14, 2016 meeting to contribute \$7,667.00 of the budgeted funding to the De Smet Community Foundation contingent upon completion and final inspection of the baseball field irrigation by the Baseball Committee, and approve contributing \$6,227.69 to the De Smet community Foundation for irrigation work completed to date on the baseball field, all voting aye, motion carried.

EXECUTIVE SESSION: Motion was made by Currier, seconded by Cavanaugh, to go into executive session for litigation purposes and to discuss personnel at 5:50 PM, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 6:25 PM.

STREETS: A written estimate in the amount of \$4,500 to include street patching to repair an area of street that is located north of the Event Center on Wilder Lane. Motion was made by Whitaker, seconded by Jensen, to approve the additional street patching on Wilder Lane in the amount of \$4,500.00, all voting aye, motion carried.

AIRPORT PAY REQUESTS: Motion was made by Cavanaugh, seconded by Currier to approve pay request #2 in the amount of \$3,570.00 & #3 in the amount of \$11,075.17 BOTH submitted by Helms & Associates, engineering services for the airport improvement project, all voting aye, motion carried.

EVENT CENTER DIRECTOR: Dir. Kristy Hubbard informed the council that many compliments about the Event Center have been received by visitors; and the center has been reserved for another wedding event. The council inquired about storing the portable basketball hoops inside the storage room during rental events. The Building Committee will look at the storage area to see what can be done to conceal the hoops during rental events.

DEVELOPMENT COORDINATOR: Development Coordinator Rita Anderson reported that the Build Dakota/Technical Institute Road Show will be hosted at the Event Center on October 28th and will involve speaking to local employees to be a part of the Dakota program encouraging students to come back and work locally; the Galen Wallum Art Show with a flag dedication will be held on November 5th & 6th at the Event Center and will feature 54 Western painting and 12 Vietnam Combat paintings; the concert series has been a successful event and plans for 2017 concert series has started; a new speck building will be started in the near future; and Coordinator Anderson will be speaking at the Annual SD Community Foundation Conference about growth and development in De Smet.

SAFETY CONFERENCE: Motion was made by Currier, seconded by Whitaker, to approve DFO Pam Fox attending the Safety conference in Pierre on November 9 & 10th, all voting aye, motion carried.

FINANCIAL REPORTS & COMMUNITY CENTER FINANCIAL REPORT: The Council reviewed a financial report on the Community Center project that showed expenses incurred through September 30, 2016 as follows: Architect fees \$174,628.31; Site preparation \$248,364.82; Management fees \$389,419.22; Building Construction

\$2,648,379.66; and Administration fees \$15,000.00 for a total project cost paid to date of \$3,475,792.01. Funding sources received to date for the project have been the \$432,551.05 pledged by the city, \$2,072,000.00 from donations made to the De Smet Community Foundation, and \$512,500.00 from the CDBG grant. Motion was made by Botkin, seconded Cavanaugh to approve the September 2016 Cash Balances, the Community Center financial statement as presented by the Finance Officer all voting aye, motion carried.

OVERTIME: Motion by Currier, 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) September law enforcement report; 2) grading along Prairie Avenue that still needs to be completed; 3) the fence at the old city shop property; 4) street maintenance; 5) the lock on the vault at city hall; 6) a door lock on one of the doors at the Wellness Center; and 7) the fence between the Event Center and Athletic Complex.

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 were effective as follows: Water/Street Supt. Randy Asleson \$23.50/hour effective September 1, 2016.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____