

REGULAR MEETING DE SMET COMMON COUNCIL
April 12, 2023

The De Smet Common Council met in regular session on April 12, 2023, at 5:00 p.m., with the following present: Council members Bret Jensen, Pam Spader, Lowell Hansen, George Cavanaugh, Mayor Gary Wolkow, and Finance Officer Tracey Larson. Shon Asleson and Cole Munger arrived a little later. Absent: none.

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

PLEDGE OF ALLEGIANCE: The meeting was started with the council and those from the public reciting the Pledge of Allegiance.

ANNOUNCEMENTS: Mayor Wolkow informed the council that Arbor Day activities have been planned. A tree will be planted in Washington Park, and other activities in the classroom will be done with the De Smet third graders. Mayor Wolkow announced that the Arbor Day is on April 28, 2023 and issued the following proclamation:

ARBOR DAY PROCLAMATION 2023

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, and

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
WHEREAS Arbor Day is now observed throughout the nation and the world, and

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS trees – wherever they are planted – are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Gary Wolkow, Mayor of the City of De Smet, do hereby proclaim April 28, 2023, as **ARBOR DAY** In the City of De

Smet, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS 12th day of April, 2023.

Mayor: Gary Wolkow

MINUTES: Motion was made by Spader, seconded by Cavanaugh, to approve the minutes of the March 8, 2023 Regular Meeting minutes and March 20, 2023 Equalization Meeting minutes, all voting aye, motion carried.

CLAIMS: Motion by Cavanaugh, seconded by Jensen, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$40,277.27; OASI Benefit 3,081.22; Aflac, ins. of South Dakota 187.98; VSP 169.80; The Health Pool of SD, health insurance premium 7,234.22; SDRS, retirement benefit 4,083.16; Postmaster, variance mailing 60.00; SDWWA, conference fee 100.00; American Trust Insurance, insurance 9,329.00; Ashley Rommereim, deposit refund 50.00; Austie Olson, deposit refund 30.00; Avera Occupational Medicine, supplies 168.00; Avid Hawk LLC, supplies 35.00; Building Sprinkler, Inc., repairs & maintenance 500.00; Butler Machinery Co., repairs & maintenance 1,430.23; Center Point Large Print, supplies 30.71; Century Link, utilities 69.54; City of De Smet, utility 21.99; City of De Smet, event center donation 10.00; City of De Smet, utilities 417.67; City of De Smet, supplies 87.11; Collaborative Summer Library, supplies 176.37; Connecting Point, supplies, repairs & maintenance 59.50; Cook's Wastepaper & Recycling, residential garbage collection 6,789.22; De Smet Development Corp., monthly contribution 1,000.00; De Smet Trustworthy, supplies 129.88; De Smet Welding & Machine repairs & maintenance 89.60; Department of Health, water labs 43.00; Dimitria Rodlund, deposit refund 30.00; Ferguson Waterworks, supplies 2,788.56; Hawkins, chemicals 2,135.36; Innovative Office Solutions, LLC supplies 1,894.93; Jill Lund-Harmdierks, deposit refund 10.00; Kingsbury Electric Cooperative, repairs & maintenance 300.00; Kingsbury Electric Cooperative repairs & maintenance 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 828.52; Kingsbury Journal, publishing 905.71; Kingsbury Journal, library publishing 26.20; Markel Specialty Commercial, insurance 350,00; Maynard's, supplies 88.70; Micro Marketing LLC, supplies 556.18; Northwest Pipe Fittings, Inc., repairs & maintenance 205.49; Northwestern, utilities 2,148.42; O'Keefe Implement, Inc., repairs & maintenance 100.30; Office Peeps, Inc., library supplies 440.02; Office Peeps, Inc., supplies 170.13; Ottertail, utilities 6,593.07; Pioneer Research Corp,

chemicals 1,347.42; Readers Service, supplies 19.92; Rich's Gas & Service, diesel, fuel, repairs & maintenance 2,509.90; Scott Mausbach, deposit refund 30.00; Screedollars Cinema Advertising, marketing 900.00; SD Dept of Revenue, sanitation sales tax 462.37; SDAFCS, deposit refund 275.00; Seppala Heating, repairs & maintenance 75.00; Sharai Montiel, meter deposit refund 128.01; Share Corp, supplies & chemicals 14,229.31; Smith's Lumber, supplies 249.57; SD 811, locates 15.75; Sports Illustrated, supplies 29.00; The Lodge at Deadwood, conference 160.00; True North Steel, repairs & maintenance 1,808.32; US Bank, water loan #1 debt service pmt. 2,666.22; US Bank, water loan #2 debt service pmt 4,043.31; Valley Fibercom, utilities 446.24; Verno Manufacturing, repairs & maintenance 55.00; Warne's Appliance supplies 50.00; Wilkinson Insurance Agency, insurance 216.60; Zell Manufacturing repairs & maintenance 332.40; Helms & Associates, airport Super AWOS III project; 274.96; IMEG, sewer project 3,360.00; IMEG, water project 8,740.00; IMEG, Main Street project 6,300.00; Mediacom, utilities 101.20; SD Finance Officer Association, conference registration 75.00; SD Governmental Human Resource, conference registration.

SPECIAL LIQUOR LICENSE: Klinkel's III owned by LuAnn Klinkel has requested a special liquor license due to rescheduling previously approved. The event is rescheduled to be held at the De Smet Legion Hall on April 30, 2023, from 11:30 am to 4:00 pm. Motion was made by Cavanaugh, seconded by Spader, to approve the rescheduled special liquor licenses to Klinkel's III owned by LuAnn Klinkel on April 30, 2023 from 11:30 am to 4:00 pm at the De Smet Legion Hall, all voting aye, motion carried.

FLOWER BARRELS: One quote was received to provide and plant flowers in 25 barrels on main street and 2 containers at the library were as follows: Poinsett Gardens Inc.-\$0/barrel. Motion by Cavanaugh, seconded by Spader, to accept the quote of Poinsett Gardens Inc. of \$0/barrel, to provide and plant the flowers, for a total cost of \$0.00, all voting aye, motion carried.

Council members Shon Asleson and Cole Munger arrived at this time.

ZONING: Motion was made by Cavanaugh, seconded by Jensen, 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 #102 submitted by Edith Jesser dba as Jesser's, Jesser met with the board to discuss the variance application. Jesser has requested a variance to allow her 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 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.

Based upon these findings, a motion was made by Jensen, seconded by Cavanaugh, to recommend approval of the variance application #102 as submitted to Edith Jesser dba Jesser's, for two (2) temporary greenhouse accessory buildings, all voting aye, motion carried.

SIVER ADDITION: A request from Cody Siver to approve the Siver Addition, Block 1 of Siver's Addition, in the Northeast $\frac{1}{4}$ of Section 33, T111N, R56W of the 5th P.M., in the City of De Smet, Kingsbury County, South Dakota was presented to the council. The property listed is in city limits. A motion was made by Cavanaugh, seconded by Asleson to approve the plat: PLAT OF BLOCK 1, SIVER'S ADDITION, in the Northeast $\frac{1}{4}$ of Section 33, T111N, R56W of the 5th P.M., in the City of De Smet, Kingsbury County, South Dakota. all voting aye, motion carried.

Mayor Wolkow declared the board reconvened as the city council.

VARIANCE: Motion was made by Asleson, seconded by Cavanaugh, to approve Variance application #102 submitted by Jesser's Greenhouse (Edith Jesser) for two temporary greenhouses, all voting aye, motion carried.

BUILDING & DEMOLITION PERMITS: Motion was made by Asleson, seconded by Munger, to approve the building permit applications submitted by Jesser's Greenhouse (Edith Jesser) for two temporary greenhouses, all voting aye, motion carried. Motion was made by Jensen, seconded by Cavanaugh, to approve building permit applications submitted by Dale & Skye Thomsen - concrete patio & privacy fence, and Jay Slater - concrete patio & privacy fence, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Asleson, to approve the demolition permit submitted by the De Smet School District - demolition of a residential structure, all voting aye, motion carried.

REQUEST FOR PARKING: A request was made by the De Smet School District to allow parking on a vacant residential lot adjacent to the area where the new school addition is being constructed. Motion was made by Munger, seconded by Spader, to approve allowing the De Smet School to use vacant lot legally described as: S 99' of E1/2 of Lot 12 & Lot 13, Block 17, Brown's Addition, De Smet City, Kingsbury County, South Dakota, for temporary parking for one year, ending on April 12, 2024, all voting aye, motion carried.

Attorney Wilkinson joined the meeting via speaker phone at this time.

EASEMENT REQUEST: Chad & Jennifer Malone met with the council to request an easement to access his property where he will be building a new shop/garage and the public also uses, or dedicate this area of city property as a dedicated street. Discussion was held in regard to how an easement could affect future development of this city property.

DE SMET CHAMBER: Motion was made by Cavanaugh, seconded by Jensen, to approve spending up to \$4,000 for the budgeted Old Settler Day activities, all voting aye, motion carried.

PUBLIC COMMENTS: Mark Siefkes informed the council that he is still working on solving his water leak at his property, using plastic inside the water tower instead of the coating currently used, water pressure, and encouraged not adding additional water lines in the street area of the Main Street project.

EXECUTIVE SESSION: Motion was made by Cavanaugh, seconded by Spader, to approve going into executive session at 5:42 pm to personnel and receive legal consultation, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 6:24 pm.

EASEMENT: Motion was made by Cavanaugh, seconded by Asleson, to approve drafting an easement for the property currently being used to drive and access private property, with the survey expenses to be paid by Chad and Jennifer Malone, all voting aye, motion carried.

ON-SALE OPERATING AGREEMENT: Motion was made by Asleson, seconded by Jensen, to approve the On-Sale operating agreement with Half Pint, LLC, all voting aye, motion carried.

GARBAGE RATES: A letter from Cook's Wastepaper & Recycling was received requesting a 4% increase due to increases for landfill fees, supplies, garbage containers, insurance, labor, and truck costs. Motion was made by Cavanaugh, seconded by Munger, to approve the first reading to amend Ordinance No. VIII-2GA, to increase 4% increase in the Cook's Wastepaper & Recycling fees by 4% and amend city administrative garbage fee from \$1.00 to \$2.00, all voting aye, motion carried.

SURPLUS PROPERTY: Motion was made by Munger, seconded by Asleson, to declare the Hustler Raptor SD 48" mower as surplus, three (3) Mighty Lite folding chairs as surplus for disposal, and a LG AMD Athlon II computer tower as surplus for electronic disposal, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Asleson, to appoint Shawn Wolkow, Jason Springer, and Josh Halverson to appraise the Hustler Raptor mower, all voting aye, motion carried.

PROEJCT UPDATES: Engineer, Shane Waterman, from IMEG, met with the council to give a review on projects currently being worked on. Waterman attended a meeting with representatives from De Smet regarding the amenities that they will be doing fund raising for, IMEG staff is working on the water and wastewater plans and will be focusing on the Main Street project in the near future. Plans are to bid the projects at the end of 2023 or early 2024. Waterman also prepared estimates for street repairs on Prairie Avenue and Front Street, and wastewater estimates if there were to be new housing

developed at the North end of Calumet Ave. to discuss with the council.

ELECTRONICS COLLECTION AND RUS FREE DUMPING DATES: Motion was made by Spader, seconded by Cavanaugh, to approve the electronics collection date on Friday, May 5, 2023 from 7:30 AM - 6:00 PM at the new City Shop, and the free dumping dates at the Restricted Use Site as follows: Tuesdays - May 2nd & 9th - 6:00 PM - 8:00 PM and Saturdays - May 6th & May 13th - 10:00 AM - 3:00 PM weather permitting, all voting aye, motion carried.

STREETS: Ryan Petersen, Supt. of Streets & Airport, met with the council to pass along the information from the Hwy 25 project meeting, repairs to Prairie Avenue, and fixing pot holes in town. The cold mix on hand has been used and Petersen cannot get more until the asphalt companies start opening for the season. Petersen reported that the winter weather has been unusual and hard on the streets. The council asked Petersen to contact the cold mix companies again to check on the status of getting more cold mix and to have more on hand in the fall for spring patching.

DE SMET DEVELOPMENT: Jamie Lancaster, Director of the De Smet Development Corporation met with the council to give a monthly update. Items included De Smet was selected to receive the \$15,000.00 grant for the 5-year Capital Improvement Planning Project; six (6) sculptures will be placed along the east side of Calumet Avenue on May 24, 2023, and included the SD economic indicators information for the council to review.

CAPITAL IMPROVEMENT PLANNING AGREEMENT: Motion was made by Munger, seconded by Cavanaugh, to approve signing the 5-year Capital Improvement Planning agreement with ISG, with the city portion amounting to \$15,000.00 and grant funding in the amount of \$15,000.00, all voting aye. The \$15,000.00 city matching portion will be funding by the City, Water Board, and De Smet Development Corporation.

PROJECT PAYMENTS: Motion was made by Munger, seconded by Asleson, to approve pay requests: IMEG Sewer project Inv. 22006268.01-4, \$3,360.00; IMEG Water project Inv. 22006268.00-5 \$8,740.00; IMEG Main Street Project Inv. 21005454.03-3 \$6,300.00; & Helms, airport Super Awos III project, pay request #14 \$274.96, all voting aye, motion carried.

CONFERENCE: Motion was made by Munger, seconded by Asleson, to approve Ryan Petersen attending the Annual Street Maintenance Conference in Yankton, April 26 & 27, 2023, and Tracey Larson attending the Human Resource and Finance Officer Annual Conference in Pierre, June 6-9, 2023 all voting aye, motion carried.

SPECIAL MEETING: Motion was made by Asleson, seconded by Munger, to approve holding a special meeting on Wednesday, May 3, 2023, at 5:30 pm, at City Hall, for the airport bid proposal for the construction of the Super AWOS III, and any other business that may arise, all voting aye, motion carried.

FINANCIAL REPORTS: Motion was made by Asleson, seconded Munger, to approve the March 2023 Cash Balances Report as presented by the Finance Officer, all voted aye, motion carried.

OVERTIME: Motion was made by Asleson, seconded by Spader, to approve the March 2023 overtime, all voting aye, motion carried.

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

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: Josh Halverson \$19.31/hour effective April 1, 2023.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____