

REGULAR MEETING DE SMET COMMON COUNCIL
December 11, 2024

The De Smet Common Council met in regular session on December 11, 2024, at 5:00 p.m., with the following present: Council members, George Cavanaugh, Bret Jensen, Dustin McCune, Dane Coughlin (via speaker phone later in the meeting), 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 announced that the City of De Smet had been awarded the Platinum Level and Gold Level Loss Control/Safety Award by the SD Public Assurance Alliance and SDML Workers' Compensation Fund. Safety Coordinator, Karen Hansen and the employees were commended for a good job.

MINUTES: Motion was made by Spader, seconded by Cavanaugh, to approve the minutes of November 13, 2024, Regular Meeting, all voting aye, motion carried.

CLAIMS: Motion was made by Cavanaugh, seconded by Coughlin, to approve paying the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$37,255.84; OASI Benefit 2,850.06; 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 4,148.46; Mediacom, utilities 111.20; Visa, supplies & utilities 487.02; Postmaster, Brady Anderson conditional use permit mailing 44.75; AA Motorsports, LLC, supplies 79.99; Avera Occupational Medicine, supplies 85.00; Avid Hawk LLC, supplies 35.00; Broden Lesch, key fob refund 10.00; Butler Machinery Co., repairs & maintenance 2,037.37; Cassaundra Bates, deposit refund 30.00; City of De Smet, utilities 639.62; City of De Smet, supplies 87.51; Twotrees Technologies, supplies, repairs & maintenance, software 79.42; Cook's Wastepaper & Recycling, repairs & maintenance 7,519.12; Core & Main, repairs & maintenance 41.33; CR Corner, LLC, diesel 1,260.67; De Smet Development Corp., contributions 1,000.00; De Smet Bucks, supplies 3,900.00; De Smet Trustworthy, supplies 51.18; De Smet Trustworthy, library supplies 16.76; Demco, supplies 111.82; Department of Health, water labs 43.00; Efraimson Electric, inc., repairs & maintenance 294.53; Hadley Stiefvater, deposit refund 455.00; Hawkins, Inc., chemicals 2,735.67; Janice Poppen, deposit refund 50.00; Karen Hansen, mileage 199.66; Kingsbury Electric Cooperative, repairs & maintenance 720.07; Kingsbury Electric Cooperative, repairs 220.00; Kingsbury County Auditor, law enforcement 6,933.33; Kingsbury Electric Cooperative, utilities 390.27; Kingsbury Journal, publishing 1,806.31; Kingsbury Journal, library publishing 136.50; Koby Spader, key fob refund 10.00; Kramer Mechanical, repairs & maintenance 1,143.45; Lyle Signs, Inc., supplies 129.00; Micro Marketing LLC, supplies 425.75; Napa, supplies, 109.85; Northwest Pipe Fittings, Inc., repairs & maintenance 1,059.34; Northwestern, utilities 696.87; O'Keefe Implement, Inc., repairs & maintenance 88.37; Office Peeps, Inc.,

library supplies, repairs & maintenance 288.12; Office Peeps, supplies, repairs & maintenance 333.61; Olson's Pest Technicians, repairs & maintenance 75.00; Ottertail Power Company, utilities 4,461.62; Palmlund Automotive, repairs & maintenance 59.90; Postmaster, supplies 280.00; Rod's Repair, repairs & maintenance 991.84; Saber Shred Solution, Inc., repair & maintenance 3,600.00; SD Association of Rural Water, conference 325.00; SD Assoc of Rural Water, travel & conference 590.00; SD Dept. of Revenue, sanitation sales tax 510.56; Share Corp., chemicals 3,336.52; Soil First, deposit refund 50.00; The Main Stop, fuel 319.07; The Penworthy Company, supplies 787.62; Thein Well, improvements 57,509.74; Valley Fibercom, utilities 496.37; Forester Testing Limited, water and sewer 8,900.00; IMEG, Chase St. & 2nd St. water \$11,484.00; IMEG, Chase St. & 2nd St. sewer 16,269.00; IMEG, Calumet Ave. water 11,050.00; IMEG, East area water 5,192.00; IMEG, Calumet Ave. storm sewer 3,000.00; IMEG, Chase St. & 2nd St. sewer 4,785.00; IMEG, Calumet Ave. water 4,250.00; IMEG, Calumet Ave. sewer 2,600.00; IMEG, manhole replacement 3,000.00; IMEG, East area water 5,428.00; IMEG, East area sewer 3,400.00; IMEG, manhole replacement 3,000.00; IMEG, Chase St. & 2nd St. water 12,441.00; IMEG, Calumet Ave. storm sewer 6,750.00; IMEG, Calumet Ave. sewer 5850.00.

CONDITIONAL USE PERMIT: Motion was made by Spader, seconded by Cavanaugh, to approve meeting as the Zoning 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 the Conditional Use Application #112 submitted by Brady & Rachel Anderson. Brady & Rachel Anderson met with the board to discuss the special exception application. Brady & Rachel Anderson has applied for a Conditional Use Permit to allow a caretakers quarters at the business structure in an area zoned "C-2" Commercial-Industrial District on the following legally described property: Lots 1 Exc. Lot H1 Part of the NWSW 27-111-56, Western Town Lot Co. Subdivision and addressed as 112 1st Street NW, De Smet, South Dakota.

Notice of the hearing was properly given by certified mail and by publication of the 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 the public hearing.

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 1 Exc. Lot H1 Part of the NWSW 27-111-56, Western Town Lot Co. Subdivision, 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 District.

3. That adjacent properties to the North, South, and West are zoned "C-2" Commercial-Industrial District. The adjacent property to the East is zoned "C-1" Central Commercial District.
4. That a caretaker quarter is a use permitted within the "C-2" Commercial-Industrial District with a Conditional Use Permit.
5. That the applicant has filed the required application for the special exception permit and the notice of hearing was properly given.
6. That none of the adjoining property owners presenting any objection to the caretaker quarters addition.
7. That the Lumber Yard business with a caretaker quarter is compatible with adjacent properties and other properties in the district.
8. That granting the special exception is in keeping with the City of De Smet's comprehensive land use plan.
9. That all requirements of the City of De Smet Zoning Ordinance will be met.

Based upon these findings, a motion was made by Cavanaugh, seconded by Coughlin, to recommend approval of the Conditional Use Permit #112 to Brady & Rachel Anderson, for a caretaker quarters, all voting aye, motion carried.

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

CONDITIONAL USE PERMIT: Motion was made by Cavanaugh, seconded by McCune, to approve the Conditional Use Permit submitted by Brady & Rachel Anderson, for a care takers quarters in an area zoned "C-2" Commercial-Industrial District, all voting aye, motion carried.

BUILDING & DEMO PERMITS: Motion was made by Cavanaugh, seconded by Jensen, to approve the building permit application for an addition to the existing building pending confirmation of distance to the North lot line, all voting aye, motion carried. Motion was made by Jensen, seconded by McCune, to approve the demolition permit submitted by Jamie Lancaster on behalf of the Development Corporation for demo of a portion of the Kingsbury Journal building and a free-standing garage, all voting aye, motion carried.

SPECIAL LIQUOR LICENSES: One application 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 January 11, 2025, from 5:00 pm - 12:00 am; and a date amendment for a special liquor license previous approved for January 7, 2025 to January 25, 2025 for an event to be held at the De Smet Legion Hall on from 5:00 pm to 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 January 11, 2025, from 5:00 pm - 12:00 am; and for a date amendment for a special liquor license previous approved for January 7, 2025 to January 25, 2025 for an event to be held at the De Smet Legion Hall on from 5:00 pm to 12:00 am, all voting aye, motion carried.

INSURANCE RENEWAL: Brian Bindert, American Trust Insurance Agency, was present to provide information regarding the city's airport, fire department, general liability, public official's liability, property,

and vehicle insurance renewals. The total premium quoted by Continental Western Group, Old Republic Insurance, and Travelers Insurance Company insurance for airport, general liability, property, auto, and airport insurance is quoted \$62,516.00 and the fire department is quoted \$11,719.00 prior to any amendments made by the council. The total increase for all the insurance premiums was \$6,323.00. Additional questions asked by the council regarding the insurance policy were answered by Bindert. Motion was made by McCune, seconded by Coughlin, to renew the city's fire department policy and the General liability, property, auto, and airport insurance coverage as presented in the total amount of \$74,245.00 without any pending changes for the year 2025 with American Trust Insurance Agency, all voting aye, motion carried.

ASHLEY WARNER: Ashley Warner met with the council as the President of the De Smet Rescue and as a resident of 2nd Street to express her concerns about the accessibility to 2nd Street residents with the autoloader due to the infrastructure/sidewalk/curb & gutter project in the event of an emergency. Warner also expressed her disgust with the amount of garbage in the boulevard during the project and communication. Warner also stated that she is still having water problems at her residence. The City Council explained that due to current situations, the mains have not been able to be flushed routinely.

PUBLIC COMMENTS: Wade Hoefert stated that he felt there should have been more progress completed on 2nd Street and expressed his dissatisfaction on how rough 2nd Street is right now and questioned the quality of the concrete.

LIBRARY POLICES: Motion was made by Coughlin, seconded by Cavanaugh, to approve Resolution 2024-7 - Library Materials Selection Policy and Resolution 2024-8 - Condition and Terms of Use in the Library Policy, all voting aye, motion carried.

RESOLUTION No. 2024-7

LIBRARY MATERIALS SELECTION POLICY

Hazel L. Meyer Memorial Library

The purpose of this policy is to guide the library staff in the selection and distribution of materials and to inform the public about the principles upon which library material selections are made.

1. All printed and non-print library materials shall be carefully selected to meet the needs of the community. It is the duty of the librarian to select and purchase all public library materials for use by the library in its provision of public library services within policies established by the board of public library trustees. (SD Codified Law 14-2-42)
2. The library does not purchase or collect materials found to violate SD Codified Law 22-24-27.

3. The library absolutely restricts minors from access to obscene matter or material, in compliance with South Dakota State Law Section 22-24-27. It is the responsibility of the Library Director to make staff aware of the law, and to ensure that it is implemented daily with no exceptions.
4. The library accepts the responsibility to give the greatest possible effort to secure requested material for the patron's use through interlibrary loan when it is not available at the library.
5. Library materials may be circulated to the patrons at the discretion of the librarians.
6. Gifts and/or donations of library materials may be accepted at the librarian's discretion. The library reserves the right to use or dispose of donations and to decline gifts. It is the policy of the library that all gifts are made unconditionally and that they may be donated or discarded as their physical condition and usefulness warrant. The library cannot guarantee that any gift will become part of the collection or be kept permanently.

Dated this 11th day of December 2024

Mayor Gary Wolkow

Finance Officer Tracey Larson

Dated this 11th day of December, 2024

RESOLUTION No. 2024-8

INTERNET USE POLICY AND GUIDELINES HAZEL L. MEYER MEMORIAL LIBRARY

PURPOSE

The Hazel L. Meyer Memorial Library is committed to providing access to informational, educational, recreational and cultural resources for all library users. The Library provides access to the internet through library computers connected to the Internet, and through wireless access. The Library upholds and affirms the right of each individual to have access to constitutionally protected material. The Library also affirms the right and responsibility of parents to determine and monitor their children's use of Library materials and resources

The library's computer system provides the opportunity to integrate electronic resources from the Internet with the library's other resources. The Internet, as an information resource, enables the Library to provide information beyond the confines of its own collection. Currently, however, it is an unregulated medium. As such, while it offers access to a wealth of material that is personally, professionally, and culturally enriching to individuals of all ages, it also enables access to some material that may be offensive, disturbing and/or illegal. The library cannot monitor or accept responsibility for material on Internet resources.

In compliance with Section 22-24-56 of the South Dakota Codified Laws, the library uses a technology protection measure that limits minors' ability to gain access to obscene matter as defined by Section 22-24-27.

RESPONSIBILITIES OF USERS

Users should be aware that they are working in a public environment shared by people of all ages and sensibilities. Users should refrain from the use of Internet sounds and visuals which might disrupt other library patrons.

Users are individually responsible for their own access, use and dissemination of information via the Internet in the Library.

Users should safely share personal information on the Internet. The Library cannot be responsible for security of personal information shared on or with Internet sites.

Children in 5th Grade and under must use the Internet with an accompanying adult. The Hazel L. Meyer Memorial Library assumes no responsibility for the use of the Internet by children. It is the responsibility of the user (or parent, guardian, or caregiver) to determine what is appropriate. Parents are encouraged to work closely with their children in selecting material that is consistent with personal and family values and boundaries.

CONDITIONS AND TERMS OF USE IN THE LIBRARY

To encourage use and establish guidelines, the following regulations will apply to Internet computer users. All users are expected to use the resources in a responsible, ethical manner which includes but is not limited to the following items. If users do not follow these guidelines, they will be asked to stop using the computers and may be asked to leave the library.

1. User will not disturb other library patrons and will follow rules of polite and appropriate quiet behavior. No more than two people will be allowed per computer. Other library patrons will not hover over current Internet user.

2. Users will access resources for educational, informational, and recreational purposes only: not for unauthorized, illegal, nor unethical purposes.
3. Users are expected to obey all federal, state, and local laws.
4. The U. S. Copyright Law (title 17, U. S. Code) prohibits unauthorized reproduction or distribution of copyrighted materials; therefore, users may not copy or distribute electronically accessed materials without permission of copyright holder, except as permitted by "fair use" principles. Responsibility with copyright infringement is with the users. The Library disclaims liability resulting from such infringements.
5. The user needs to be a good information consumer and evaluate the validity of information accessed via the Internet.
6. User will respect the privacy of others and will not misrepresent oneself as another user, will not attempt to modify nor gain access to files, passwords, nor data belonging to others, will not seek unauthorized access to any computer system, and will not damage nor alter software components of any network or database.
7. User will not send, receive, nor display text or graphics which may reasonably be construed as obscene, offensive, or inappropriate or you may lose library privileges.

Computers will be available on a first come first serve basis. Exceptions will be made for test proctoring for online studies.

Library staff is available to offer beginning instructions for access to the Internet. Staff may not be familiar with every application patrons might wish to use. The library does not provide complete technical support.

Computer users can make paper copies through the library printer. A free will donation may be made for printing the copies.

Dated this 11th day of December 2024

Mayor Gary Wolkow

Finance Officer Tracey Larson

INFRASTRUCTURE, MAIN STREET & WATER TOWER PROJECTS: Karen Schaefers, Engineer for IMEG, met with the council to discuss the infrastructure projects, water tower, and Main Street project updates. Engineer Schaefers reported that Flatland Enterprise, LLC was in De Smet on

Tuesday to work on completing the winter punch list. Flatland has been advised again that a grader is needed to grade the 2nd & Chase Streets. The winter punch list completion deadline given to Flatland was December 6, 2024. Engineer Schaefer's also reported that there would be no pay request from Flatland due to a change order that was not submitted before the meeting. The water tower repair project was awarded to O&A Coatings, and we are waiting for final approval of the bid award from DANR. On the Main Street Project, Engineer Schaefer's reported that a November 15th winter deadline has been included in the specs. Winter deadline requirements include all driveways, and the roads need to be open. Another requirement is that business closures cannot be longer than 24 hours. If the requirement is not met, a monetary penalty will be implemented. When the Main Street project is in progress, there will be weekly meetings with the contractors, an IMEG person will be on site daily, and IMEG will provide a weekly email project update. Four bids for the Main Street Project were received and opened on December 5, 2024. The four bids with the 6" thick concrete option was received on the Main Street Project as follows:

| Bidder | | | |
|----------------------|----------------|----------------|-------------------|
| Base Bid | Base w/Alt A | Base w/Alt A&B | Base w/Alt A,B,&C |
| LL & Sons Excavating | | | |
| \$3,566,399.85 | \$4,770,156.04 | \$5,010,967.53 | \$5,331,228.22 |
| Halme, Inc. | | | |
| \$3,550,500.71 | \$4,675,227.91 | \$4,967,163.55 | \$5,314,583.05 |
| Duininck, Inc. | | | |
| \$3,740,527.73 | \$5,006,197.90 | \$5,261,040.95 | \$5,717,783.45 |
| Rounds Construction | | | |
| \$3,906,536.59 | \$5,094,255.10 | \$5,369,053.36 | \$5,824,099.34 |

| Bidder | |
|----------------------|--------------|
| Base Bid | Alt E |
| LL & Sons Excavating | \$347,505.80 |
| Halme, Inc. | \$365,689.00 |
| Duininck, Inc. | \$267,880.00 |
| Rounds Construction | \$267,041.55 |

EXECUTIVE SESSION: Motion was made by Cavanaugh, seconded by Coughlin, to go into executive session for contract discussion at 6:43 pm, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:57 pm.

MAIN STREET BIDS & 2ND & CHASE STREET PROJECT: Motion was made by Hasen, seconded by Coughlin, to approve hiring Bowes Construction to do grading and fill work on 2nd Street and Chase Street to bring the two streets to a passible condition, all voting aye, motion carried.

Motion was made by McCune, seconded by Jensen, to table awarding of the Main Street Project until a special meeting on December 16, 2024, all voting aye, motion carried.

For determination of the lowest bid for the Main Street Project, motion was made by Cavanaugh, seconded by Hansen, to approve the

alternate to install 6" thick concrete sidewalks, all voting aye, motion carried.

Engineer Schaefer will be contacting references and project referrals on the bidding contractors prior to the December 16, 2024, meeting.

FIRE DEPARTMENT MEMBER: Motion was made by McCune, seconded by Coughlin, to approve Nathaniel Bendorf as a De Smet Volunteer Fire Department member and will be replacing Tucker Vincent, all voting aye, motion carried

PROJECT PAYMENTS: Motion was made by Cavanaugh, seconded by Coughlin, to approve pay request IMEG, Chase St. & 2nd Street water, pay request 22006268.02-4 \$11,484.00.00; IMEG, Chase St. & 2nd Street sewer, pay request 22006268.03-3 \$4,785.00; IMEG, Calumet Ave. water, pay request 21005454.01-15 \$4,250.00; IMEG, Calumet Ave. Sewer, pay request 21005454.02-15 \$2,600.00; IMEG, Calumet Ave. storm sewer, pay request 21005454.03-13 \$3,000.00; IMEG East area water pay request 22006269.00-9 \$5,428.00; IMEG, East Area sewer, pay request 22006269.01-9 \$3,400.00; IMEG, manhole replacement, pay request 22006270.00-8 \$3,000.00; IMEG, Chase St. & 2nd Street water, pay request 22006268.02-5 \$12,441.00; IMEG, Chase St. & 2nd Street sewer, pay request 22006268.03-4 \$16,269.00; IMEG, Calumet Ave. water, pay request 21005454.01-16 \$11,050.00; IMEG, Calumet Ave. Sewer, pay request 21005454.02-16 \$5,850.00; IMEG, Calumet Ave. storm sewer, pay request 21005454.03-14 \$6,750.00; IMEG East area water pay request 22006269.00-10 \$5,192.00.00; IMEG, manhole replacement, pay request 22006270.00-9 \$3,000.00; Foerster Testing Limited, compaction testing on 2nd Street & Chase Street \$8,900.00, all voting aye, motion carried.

EVENT CENTER: Event Center Director, Kristy Hubbard presented the council with a quote to replace the door access system in the amount of \$8,669.75 from On Sight. The quote would be for the main entrance and the wellness entrance. Motion was made by Jensen, seconded by Spader, to approve hiring On Sight to replace the door access system in the amount of \$8,669.75, all voting aye, motion carried.

AMENDMENT TO EVENT CENTER RENTAL RATES: A recommendation from the Event Center Advisory Board was presented to the council to amend the rental fees at the Event Center. Motion was made by Cavanaugh, seconded by McCune, to approve the rental rate amendments as follows effective January 1, 2025: Exhibit Hall - Full Day \$1,150.00, Half Day \$650.00, Sunday Add On \$60.00, Weekend \$1,725.00, Birthday Add On \$20.00; Conference Center West Full Day \$165.00, Half Day \$125.00; Meyer Meeting Room Full Day \$105.00, Half Day \$70.00; Theater Full Day \$230.00/\$115.00 w/exhibit hall rental, Half Day \$145.00/\$60.00 with exhibit hall rental, Production \$1,525.00/1,800 with Event Hall & kitchen; and Kitchen \$50.00 for the Event Center as recommended by the Advisory Board, all voting aye, motion carried.

CONFERENCE: Motion was made by Hansen, seconded by Spader, to approve Water and Sewer Supt. Jason Springer attending the SD Association of Rural Water Annual Technical Conference January 14-16, 2025, in Pierre, all voting aye, motion carried.

DE SMET DEVELOPMENT CORPORATION: De Smet Development Coordinator, Jamie Lancaster, gave an update to the council if activities happening. Updates included: the De Smet Development annual report; Tim Aughenbaugh retired from the Development Board after 25 years of

service; Adam Aughenbaugh will take over for Tim Aughenbaugh on the board; a portion of the Kingsbury Journal building will be removed soon; from the Governor's budget address, cuts have been made to public broadcasting and libraries. Mayor Wolkow stated that the semi-annual Development Meeting is informative and recommended others to attend.

FINANCIAL REPORT & CONTINGENCY TRANSFER: Motion was made by Spader, seconded by Cavanaugh, to approve the November 2024 Cash Balances Report as presented by the Finance Officer, and to approve transferring \$45,818.00 from the Contingency to Parks \$10,868.00, Event Center \$30,450.00, and Pool \$4,500.00, all voting aye, motion carried.

FIRST READING TO SUPPLEMENT THE 2024 EXPENDITURE BUDGET: Finance Officer Larson gave a brief update on funds that will need to be supplemented in the 2024 expenditure budget after contingency transfers. Motion was made by Cavanaugh, seconded by McCune to approve the first reading to approve Ordinance No. IV-229 to supplement the 2024 budget, all voting aye, motion carried.

SPECIAL MEETINGS: Motion was made by Cavanaugh, seconded by Coughlin, to approve scheduling a special meeting on December 16, 2024, at 5:00 pm at City Hall for the Main Street Project bids, and December 30, 2024, at 5:00 pm at City Hall for the year end meeting, all voting aye, motion carried.

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

OTHER: Other non-action items of discussion were as follows: 1) the November law enforcement report; 2) nuisance properties; and 3) helping with snow removal at the hospital when needed.

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 & Sewer Supt. Jason Springer \$27.89/ hour effective December 1, 2024

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____