

REGULAR MEETING DE SMET COMMON COUNCIL

August 14, 2019

The De Smet Common Council met in regular session on August 14, 2019, at 5:00 p.m., with the following present: Bret Jensen, Alex Botkin, Lowell Hansen, George Cavanaugh, Jay Slater, President Norman Whitaker, FO Tracey Larson, and City Attorney Todd Wilkinson. Absent: Mayor Gary Wolkow.

President Whitaker called the meeting to order at 5:00 PM.

**ANNOUNCEMENTS:** President Whitaker presented a clock and thanked Randy Asleson for his 47 years of outstanding and dedicated service to the City of De Smet as the Water and Wastewater Superintendent. There will be an open house in honor of Asleson on Friday, August 16, 2019 at City Hall from 3:00 PM to 6:00 PM. Thank you to Ryan Petersen, Street Supt., Cole Munger, Bldgs/Parks Supt., and the De Smet Volunteer Fire Department for the great help with tree clean-up after the last storm.

**MINUTES:** Motion was made by Botkin, seconded by Cavanaugh, to approve the minutes of the July 10, 2019 Regular Meeting, 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 \$53,315.68; OASI Benefit 4,078.67 Aflac, ins. premium 226.72; Dearborn National, life insurance 140.80; Delta Dental of South Dakota 390.72; VSP 163.27; Health Pool of SD, health insurance premium 7,729.93; SDRS, retirement benefit 4,241.10; Postmaster, supplies 44.10; Postmaster, supplies 138.60; Postmaster, supplies 25.20; Mediacom, utilities 70.81; Kingsbury County Treasurer, license for fire truck 30.20; Kingsbury County Register of Deeds, record street vacate 30.00; Audio Connections, repairs & maintenance 319.99; Avera Occupational Medicine, supplies 68.55; Avid Hawk LLC, web site fee 35.00; Banner Associates, Inc., event center deposit refund 50.00; Bau Plumbing & Heating, equipment 3,958.00; Beth Westendorf, meter deposit refund 75.00; Bret Jensen, event center deposit refund 50.00; Butler Machinery Co., repairs & maintenance 1,721.92; Center Point Large Print, library supplies 29.21; Century Link, utilities 643.96; City of De Smet, petty cash 109.13; City of De Smet, utilities 489.43; Clark Engineering, repairs & maintenance 4,250.00; Connecting Point, repairs & maintenance, supplies 462.00; Consolidated Plastics Co., library supplies 94.92; Cook's Wastepaper & Recycling, repairs & maintenance 6,403.42; Cowboy Country Store, fuel 1,007.81; Dashia Ohman, meter deposit refund 125.00; De Smet Trustworthy Hardware, supplies 465.74; De Smet Trustworthy Hardware, library supplies 11.99; De Smet Welding, repairs & maintenance 203.55; Deb Pommer, event center deposit refund 275.00; Dept. of Health, supplies 115.00; Dept. of Health, repairs & maintenance 43.00; The De Smet News, publishing & supplies 428.40; Feld Fire, fire dept. equipment 16,290.00; Good Tidings Media & Design, event center publishing 480.00; Hali-Brite, supplies 282.32; Hawkins, Inc., water &

pool chemicals & supplies 5,440.43; Heather Hanson, event center deposit refund 375.00; Huron Plainsman, water publishing 45.47; Innovative, supplies 665.47; Jodi Jung, event center deposit refund 50.00; Josh Lovre, water meter deposit refund 125.00; Karen Hansen, supplies 20.19; KDLT-TV, event center publishing 293.00; Kingsbury Electric Cooperative, repairs & maintenance 270.00; Kingsbury Electric Cooperative, repairs & maintenance 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 155.52; L & S Electric, Inc., repairs & maintenance 66.30; Lori Schreur, water meter deposit refund 75.00; Maynard's De Smet, supplies 143.19; Maynard's De Smet, pool supplies 652.86; McCune Electric, LLC, repairs & maintenance 209.77; Micro Marketing LLC, library supplies 461.44; Northwest Pipe Fittings, Inc., repairs & maintenance 106.18; Northwestern, utilities 80.10; O'Keefe Implement, Inc., repairs & maintenance, supplies 460.84; Office Peeps, Inc., supplies 375.89; Ottertail, utilities 5,584.42; Postmaster, supplies 175.00; Reader Service, library supplies, 18.33; Reed Inc., debt service principal 1,448.41; Reed Inc., debt service principal 690.58; Reed Inc., debt service principal, 2,500.00; Rich's Gas & Service, fuel, repairs & maintenance 937.28; Richard Stoddard, supplies 100.38; Robyn Coughlin, event center deposit refund 50.00; SD Dept. of Revenue, sales tax 437.55; SD One Call, repairs & maintenance 52.50; Share Corp, supplies & chemicals 3,050.69; Smith's Lumber, supplies, repairs & maintenance 499.70; Sports Illustrated, library supplies 70.00; State of South Dakota, utilities 12.79; Terex Services, repairs & maintenance 3,895.00; Wes Clubb, supplies 150.00; Z & S Dust Control Systems, repairs & maintenance 4,193.28; Helms & Associates, Taxi lane & hardstand project 3,114.32; Helms & Associates, airport turn arounds project 4,709.18; Susan Hervi, supplies 150.00.

**WOLKOW MEMORIAL:** Delmer Wolkow and Marilyn Skyberg met with the council to present information for a memorial in honor of former Finance Officer Eileen Wolkow. Skyberg explained that there would be a flag pole installed at the Event Center with a four foot "D" with a plaque honoring Eileen Wolkow and her 24 years of outstanding service to the City of De Smet.

**PURPLE HEART PROCLAMATION:** Gary Schumacher, Veteran Services Officer, met with the council to inform them of the Purple Heart Recipient Ceremony that will be held on August 20, 2019 at 1:00 at the Court House. During the ceremony, a proclamation will be issued supporting recipients of the Purple Heart medal and to recognize those recipients. Motion was made by Slater, seconded by Cavanaugh, to approve Resolution #2019-4, proclaiming De Smet, South Dakota, as a Purple Heart City, all voting aye, motion carried.

Resolution #2019-4

**CITY OF DE SMET  
PROCLAMATION  
KINGSBURY COUNTY, SOUTH DAKOTA  
- A PURPLE HEART CITY -**

**Whereas**, the people of this City of De Smet, South Dakota had admiration and the upmost gratitude for all the men and women who have selflessly served their country and community in the Armed Forces; and

**Whereas**, veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

**Whereas**, the contributions and sacrifices of the men and women from De Smet, South Dakota who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

**Whereas**, many men and women in uniform have given their lives while serving in the Armed Forces; and

**Whereas**, many citizens of our community have been awarded the Purple Heart Medal as result of being wounded while engaged in combat with an enemy force, constructed as a singularly meritorious act of essential service; and

**Whereas**, August 20, 2019 has officially been designated as the day in De Smet, South Dakota to remember and recognize veterans who have been awarded the Purple Heart Medal.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of De Smet, South Dakota hereby proclaims De Smet, South Dakota as a Purple Heart City, honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

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Gary Wolkow, Mayor

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Tracey Larson, City Finance Officer

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Date

**ZONING:** Motion was made by Botkin, seconded by Hansen, 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 President Whitaker.

This being the date and time public noticed for the hearing on Variance Application #76 submitted by American Engineered Products (Mike Wiese), the board discussed the variance application. Wiese has requested a variance to allow the construction of an addition to the current structure that would be built less than 50 feet from the front (North) property line on the following legally described property: E2 Lot 6 & all of Lots 7 - 10, Block 2, Gov't Lot 1 34-111-56 Sub Div County Auditors Plat of Outlots, De Smet, Kingsbury County, South Dakota and addressed as 4<sup>th</sup> 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 3.04.05 of the City Zoning Ordinance. Nobody from the public appeared in opposition of the proposed special exception application.

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 Lot 6 & all of Lots 7 - 10, Block 2, Gov't Lot 1 34-111-56 Sub Div County Auditors Plat of Outlots, 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 "I-2 Industrial".
3. That adjacent properties are zoned "I-2 Industrial" and "A Agricultural".
4. That the Area Regulations of the "I-2" Industrial zoning require a front yard set-back of 50 feet from the property line.
5. That the proposed structure addition would be constructed 41 feet from the front (North) property line.
6. That the applicant has filed the required application for the variance permit and the notice of hearing was properly given.
7. That none of the adjoining property owners presented any objections to the variance.
8. That granting of the proposed variance would not increase any safety exposure to the adjacent property owners.
9. That the Board of Adjustment take into consideration each application on its own accord.
10. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
11. That the reasons set forth in the application justify approving a variance.

This being the date and time public noticed for the hearing on Variance Application #77 submitted by Ron & Jean Penney, Ron Penney met with the board to discuss the variance application. Penny has requested a variance to allow the construction of a 10 foot x 26 foot wood deck less than 30 feet from the front (North) property line on the following legally described property: Lot 6 & ½ of Lot 7, Block 12, Browns Addition, City of De Smet, and addressed as 209 4<sup>th</sup> 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 3.04.05 of the City Zoning Ordinance. Nobody from the public appeared in opposition of the proposed special exception application.

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: Lot 6 & ½ of Lot 7, Block 12, Browns 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".
3. That all adjacent properties are zoned "R-2 General Residential" and "C-1 Central Commercial District".
4. That the Area Regulations of the "R-2" zoning require a front yard set-back of 30 feet from the property line.
5. That the proposed wood deck would be constructed 22 feet from the front property line.
6. That the applicant has filed the required application for the variance permit and the notice of hearing was properly given.
7. That none of the adjoining property owners presented any objections to the variance.
8. That granting of the proposed variance would not increase any safety exposure to the adjacent property owners.
9. That the proposed wood deck would not be closer to the property line than other structures along the block.
10. That the Board of Adjustment take into consideration each application on its own accord.
11. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
12. That the reasons set forth in the application justify approving a variance.

Based upon these findings, a motion was made by Cavanaugh, seconded by Botkin, to recommend approval of the variance application #76 as submitted to American Engineered Products for an addition to the current structure, and recommend approval of variance application #77 as submitted to Ron & Jean Penney for a 10 x 26 wood deck, all voting aye, motion carried.

This being the date and time public noticed for the hearing on the Re-Zoning Application #78 submitted by Jack Taylor and Ryan Griffith. Taylor and Griffith are requesting the zoning of property legally described as: W57' of S115' of OL 26 & E 40' of S 115 of vacated Poinsett Street Adjoining OL 26 in S2NW 27-111-56 Hoyer's Sub Div City Aud Plat, to the City of De Smet and E 110' of W 167' of S 115' of OL 26 S2NW 27-111-56, City Aud Plat of Outlots, to the City of De Smet, be amended from Agricultural (A) 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 approximately 50% of the surrounding adjacent properties are currently zoned General Residential (R-2), approximately 25% of the surrounding adjacent properties are currently zoned Combined Residential (R-3), and approximately 25% of the surrounding adjacent properties are currently zoned Agricultural (A). Re-zoning of the properties 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 Slater, seconded by Jensen, to recommend approval of the proposed rezoning to the City Council, all voting aye, motion carried.

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

Motion was made by Cavanaugh, seconded by Hansen, to approve recommendation from the zoning Board of Adjustment to approve the Variance Application #76 submitted by American Engineered Products (Mike Wiese), all voting aye, motion carried. Motion was made by Slater, seconded by Cavanaugh, to approve the recommendation from the zoning Board of Adjustment to approve the Variance Application #77 submitted by Ron & Jean Penney, all voting aye, motion carried.

**FIRST READING FOR RE-ZONING:** Motion was made by Cavanaugh, seconded by Slater, to approve the first reading of Ordinance No. VII-25, 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 property legally described as: W57' of S115' of OL 26 & E 40' of S 115 of vacated Poinsett Street Adjoining OL 26 in S2NW 27-111-56 Hoyer's Sub Div City Aud Plat, to the City of De Smet and E 110' of W 167' of S 115' of OL 26 S2NW 27-111-56, City Aud Plat of Outlots, to the City of De Smet, be amended from Agricultural (A) to General Residential (R-2), and to set September 11, 2019, as the date for the second reading of the ordinance amendment, all voting aye, motion carried.

**BUILDING PERMITS:** Motion was made by Jensen, seconded by Cavanaugh, to approve the building permits submitted by American Engineered Products (Mike Wiese) - addition to structure; Ron & Jean Penney - 10' x 26' wood deck; Barbara Hayes - 10' x 12' storage shed; and Daniel Schultz - 16' x 12' concrete patio, all voting aye, motion carried

**SPECIAL LIQUOR LICENSES:** The De Smet Volunteer Fire Department has requested two special liquor licenses for events to be held at the De Smet Event Center on August 24, 2019 from 4:00 PM to 1:00 AM, and on September 14, 2019 from 4:00 PM to 12:00 AM. Gary Wiggins, owner of the Dugout, has requested a special liquor license for the Ribfest event to be held in front of his business at 123 Calumet Ave. SW on August 17, 2019 from 3:00 PM to 1:00 AM. Motion was made by Cavanaugh, seconded by Jensen, to approve the two special liquor licenses for the De Smet Volunteer Fire Department, for events to be held at the De Smet Event Center on August 24, 2019 from 4:00 PM to 1:00 AM, and on

September 14, 2019 from 4:00 PM to 12:00 AM, and the special liquor license for Gary Wiggins (Dugout) on August 14, 2019 in front of his business at 123 Calumet Ave. SW for the Ribfest Event from 3:00 PM to 1:00 AM, all voting aye, motion carried.

**AUGHENBAUGH HANGAR:** Michael Schmit, P.E. for Helms & Associates met with the council and informed them that the FAA Air Space Study submitted for the proposed Aughenbaugh hangar has been approved with the requirement that an obstruction light be placed on the top of the hangar building. With the proposed new hangar, the future layout and development plan of the airport had to be amended and some expenses will be incurred. These expenses will be the responsibility of Alan Aughenbaugh as they occur up to \$5,500.00. Aughenbaugh would also have a private access gate to his hangar from his adjacent farm property. Aughenbaugh has agreed to deed 1.7 acres of land needed for the Future Airport Development Plan due to the amendments. Motion was made by Slater, seconded by Cavanaugh, to accept the Land Transfer and Use Agreement as presented, all voting aye, motion carried. Motion was made by Slater, seconded by Cavanaugh, to approve Alan Aughenbaugh's proposed new hangar building as requested based upon the Kingsbury County building permit, all voting aye, motion carried.

**AIRPORT PROJECT AND CHANGE ORDER:** Schmit reviewed the current status of the taxi lane expansion and concrete hardstand project. Due to moving the hardstand further to the North by 25 feet, an additional expense is expected but is still within the total project budget. The change will include eliminating one tie-down on the concrete hardstand, relocating some electric lines, and installing a culvert for drainage. Motion was made by Slater, seconded by Cavanaugh, to approve Change Order #1 in the amount of \$10,991.46 and extending the final completion date to November 1, 2019 due to the wet weather conditions, all voting aye, motion carried.

**AIRPORT GRANT:** Motion was made by Slater, seconded by Botkin to accept the grant funding for the Airport Turn-Arounds Design and Engineering Project and to approve the Mayor as the authorized representative to sign FAA and grant documents, all voting aye, motion carried.

**Blocking Wilde Lane:** Motion was made by Slater, seconded by Botkin, to approve the De Smet School blocking Wilder Lane during the home football games to be held on August 23<sup>rd</sup>, September 6<sup>th</sup>, September 20<sup>th</sup>, October 4, and October 18<sup>th</sup>, all voting aye, motion carried.

**PUBLIC COMMENTS:** Jim Siver expressed his concern regarding tree limbs blocking street signs and visibility at several intersections, and repairs needed to sidewalk ramps for handicap accessibility.

**SURPLUS PROPERTY:** An appraisal in the amount of \$150.00 was recommended for the 1990 Bauer Compressor Unit. Motion was made by Cavanaugh, seconded by Jensen to accept the appraisal in the amount of \$150.00 for the 1990 Bauer Compressor Unit and to advertise the compressor unit for sale, all voting aye, motion carried.

**STREETS/AIRPORT:** Street/Airport Supt. Ryan Petersen, informed the council that the Airport Committee had met and discussed the airport lot lease rates, the lot lease area including a five-foot area around the hangars, and having all the lease agreements renew at the same time. Recommended lease rates are as follows: \$0.10 per square foot

for a lot with a hangar; and \$0.13 per square foot for lots with a commercial building or without a hangar. Supt. Peterson reported that the airport inspection went very well. Supt. Peterson reviewed his plans for streets repairs this summer. Due to weather delays, the company that does matt work in the area, will not be able to do matt repair work in De Smet this year. Supt. Peterson plans to do more chip sealing due to not doing the matt work in 2019. In 2020, money allocated for street repairs will be used toward matt work and no chip sealing. Peterson also reported that the wood chips remaining at the new city shop from the tree grinding are free to anyone to have on a first come basis and the street signs at intersections will still be replaced through a state program. Motion was made by Slater, seconded by Cavanaugh, to approve amending the airport lot lease rates to \$0.10 per sq. ft. for lots with a hangar, and \$0.13 per sq. ft. for lots with a commercial structure or without a hangar, all voting aye, motion carried.

**EXECUTIVE SESSION:** Motion was made by Slater, seconded by Botkin, to approve going into executive session for litigation at 7:03 PM, all voted aye, motion carried. President Whitaker declared the council out of executive session at 7:44 PM.

**WATER & WASTEWATER:** Water & Wastewater Supt. Richard Stoddard, met with the council to discuss a proposal from Dakota Pump for the annual inspections of the lift stations and a quote to supply and install two backup floats on the main lift station in the amount of \$1,248.00, and quote for a spare transducer. The spare transducer equipment will be put in the 2020 budget, but the backup floats will be installed in 2019. Stoddard also reported that the 2019 budget included pulling Well #8 for inspection. The inspection of Well #8 can be held off until 2020 and would like to purchase a chlorine leak detector in 2019 instead.

**EVENT CENTER:** Event Center Director, Kristy Hubbard, met with the council to notify them that the new door lock system was scheduled to be installed the following day and the expense would be covered with a private donation, they are still working on getting the cement that has shifted at the Event Center fixed, and there was a donation of grass seed for the Baseball field and Event Center by a private donor. Motion was made by Cavanaugh, seconded by Slater, to approve the installation of the door lock system by Eternal Security Product, LLC, four voted aye, one voted nay, motion carried.

**AIRPORT PAYMENTS:** Motion was made by Hansen, seconded by Slater, to approve pay request #16 in the amount of \$3,114.32 for the Hardstand & taxi lane project, and pay request #6 in the amount of \$4,709.18 to Helms & Associates for the turnarounds, all voting aye, motion carried. These airport project expenses will be reimbursed by 95% from grant funding.

**CONFERENCE:** Motion was made by Botkin, seconded by Jensen, to approve Finance Officer Larson attending the Annual SDML Conference October 9 - 11, 2019 in Aberdeen, all voted aye, motion carried.

**DE SMET DEVELOPMENT DIRECTOR:** Rita Anderson, Director, gave a monthly review that included the following: the ISG groups want to meet with the Task Force on September 16<sup>th</sup> to go through their plan; there were approximately 80 artists that attended the 2019 Plein Air event; Classes for Family First Work Force will start September 17<sup>th</sup>; the

annual Ribfest will be going on this weekend; and there will be a De Smet booth at the SD State Fair again this year.

**2020 BUDGET MEETING:** Motion was made by Slater, seconded by Botkin, to approve holding a special meeting on Tuesday, August 27, 2019 at 5:00 PM at City Hall to review the 2020 budget, all voting aye, motion carried.

**FINANCIAL REPORTS:** Motion was made by Hansen, seconded Cavanaugh, to approve the July 2019 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried. FO Larson also reported that the Hazard Mitigation Grant funding of \$14,346.44 for the sewer lift generator project should be received soon.

**OVERTIME:** Motion by Botkin, seconded by Jensen, to approve the overtime hours for the month of July as presented, all voting aye, motion carried.

**OTHER:** Other non-action items of discussion were as follows: 1) July law enforcement report; 2) property reviews; 3) reviewing the school contract agreement; 4) deeding land to the De Smet Development Corp. for development of an apartment complex; 5) the National Guard complex area; 6) the shed for the new baseball field; and 7) if building permits are or are not needed when replacing existing sidewalks/driveway.

**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: Cole Munger \$17.15/hour for completing the spraying certificate effective July 1, 2019, Curt Bau, Street Assistant \$18.75/hour effective August 1, 2019, and Zane Curry \$14.85/hour for completing the spraying certificate effective August 1, 2019.

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Gary Wolkow, Mayor

ATTEST:

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Tracey Larson, Finance Officer

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