

REGULAR MEETING DE SMET COMMON COUNCIL
January 10, 2024

The De Smet Common Council met in regular session on January 10, 2024, at 5:00 p.m., with the following present: Council members Dustin McCune, Pam Spader, George Cavanaugh Shon Asleson (via speaker phone), Lowell Hansen, 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 was started with the council and those from the public reciting the Pledge of Allegiance.

ANNOUNCEMENTS: None.

MINUTES: Motion was made by Cavanaugh, seconded by McCune, to approve the minutes of the December 13, 2023, Regular Meeting minutes, December 27, 2023, Special Meeting minutes, and January 3, 2024 Special Meeting minutes, all voting aye, motion carried.

CLAIMS: Motion by Cavanaugh, seconded by Spader, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$50,134.06; OASI Benefit 3,835.30; Aflac, ins. premium 187.98; Dearborn National, life insurance 105.60; Delta Dental of South Dakota 342.00; VSP 162.60; The Health Pool of SD, health insurance premium 6,727.80; SDRS, retirement benefit 3,685.04; American Trust Insurance, property & liability insurance premium 66,744.00; Avera Occupational Medicine, drug testing 85.00; City of De Smet, utilities 477.84; Petty Cash, postage 2.70; Connecting Point, monthly off-site back-up & software, 79.42; Cooks Waste Paper & Recycling, Inc., city garbage collection 275.08; Cook's Waste Paper & Recycling, Inc., residential garbage collection 7,165.42; CR Corner, LLC, fuel 59.00; DANR, annual dues 50.00; De Smet Chamber, De Smet bucks 100.00; De Smet Chamber, annual dues 125.00; De Smet Development Corporation, 2024 community guide ad 769.00; De Smet Development Corporation, monthly contribution 1,000.00; Dustin Olson, deposit refund 30.00; Ferguson, water meters 1,440.00; Kingsbury County Auditor, law enforcement contract 6,933.33; Kingsbury Electric, maintenance contract 220.00; Kingsbury Electric, utilities 659.97; Nicole Kirst, deposit refund 10.00; Northwestern, utilities 1,307.67; Office Peeps, copier contract 153.12; O'Keefe Implement, supplies & maintenance 60.75; Ottertail, utilities 5,463.36; SD Airport management Assoc., annual dues 50.00; SD Dept of Revenue, garbage sales tax 496.77; SD Governmental Finance Officers' Assoc., annual dues 40.00; SD Governmental Human Resource Assoc., annual dues 25.00; SD Municipal Street Assoc., annual dues 35.00; SDML, annual dues 1,386.05; SD Workers' Compensation, work comp insurance 12,971.00; SD 811, locates 28.35; US Bank, SRF loan #2 princ. & int. 4,043.31; US Bank, SRF loan #1 princ. & interest 2,666.22; Valley Fiber Com, utilities 497.94.

SPECIAL LIQUOR LICENSE: An application for a special liquor license was submitted by Lu Ann Klinkel, owner of Klinkel's III for an event to be held on February 17, 2024, at the De Smet Legion Hall from 5:00 pm to 11:00 pm. Motion was made by Cavanaugh, seconded by Spader, to approve the special liquor license application submitted by Lu Ann

Klinkel, owner of Klinkel's III for and event to be held on February 17, 2024, at the De Smet Legion Hall from 5:00 pm to 11:00 pm, all voting aye, motion carried.

ROOFTOP UNIT MAINTENANCE CONTRACTS: Two contracts to service the rooftop units at the hospital in the amount of \$250.00 in the spring and \$250.00 in the fall, and the Event Center rooftop units in the amount of \$850.00 in the spring and \$850.00 in the fall, from Kramer Mechanical, was presented to the council. Motion was made by Cavanaugh, seconded by Hansen, to approve signing the two contracts with Karmar Mechanical to service the rooftop units at the hospital in the amount of \$250.00 for the spring and \$250.00 for the fall, and the Event Center rooftop units in the amount of \$850.00 in the spring and \$850.00 in the fall, all voting aye, motion carried.

IRRIGATION CONTRACTS: Two contracts from Mack Landscaping for spring start-up and winterization for the Baseball field/Event Center and Library were presented to the council. Motion was made by McCune, seconded by Cavanaugh, to approve signing contracts with Mack Landscaping for Spring start-up and winterization at the Baseball field/Event Center and winterization at the library, all voting aye, motion carried.

FIRST READING OF ZONING ORDINANCE: The Zoning Board of Adjustment has reviewed and made a recommendation to approve the new zoning ordinance with amendments made. Motion was made by Hansen, seconded by Cavanaugh, to approve the first reading to approve Zoning Ordinance XX amending Zoning Ordinance No. VII-08, all voting aye, motion carried. The second reading of Zoning Ordinance No. XX will be held at the regular council meeting on February 14, 2024.

KATHY HAWKINS: Kathy Hawkins met with the council to inquire about the letters that were mailed to all De Smet property owners asking them to look at their water service line and complete the SD DANR survey determining what material the water service line is made of. Hawkins asked why the survey was mandatory. The State is looking at how many lead service lines exist and will determine if funding could be available to replace the lead service lines.

PUBLIC HEARING FOR SECOND STREET CURB & GUTTER AND SIDEWALK

ASSESSMENTS: Notice of the hearing was properly given by certified mail and by publication of the publication of the Notice of Hearing. This being the date and time public noticed, Mayor Wolkow declared the public hearing for the Second Street Curb & Gutter and Sidewalk assessments open.

Shane Waterman, Engineer for IMEG, gave a brief overview of the water and street improvement project designed for 2nd Street from Prairie Ave. going East to SD Highway 25. Engineer Waterman explained that the water mains are in poor condition and would be replaced with larger and new water lines in the planned project. When planning an improvement project, other infrastructure is examined. Due to construction of the water project, the street surface will have cuts for each water service, creating uneven levels in the street surfacing. During the water project construction, the curb & gutter and some areas of sidewalk will be demolished. The elevations of the street will be upgraded to improve drainage. Questions from the property owners were answered.

City Attorney, Todd Wilkinson, explained the special assessment process and explained that the special assessments, if approved, would be assessed over a seven-year time period at a fixed interest rate of 8%. Each property to be assessed and represented at the hearing will have the opportunity to vote for or against the proposed assessment based on the front footage of their property. A roll call vote will be taken for each proposed assessment. Property owners not present at the hearing will be deemed to be in favor of the assessment.

Upon conclusion of the hearing and the Council having entered its findings as follows:

1. That the City of De Smet is proposing street improvements to a portion of 2nd Street as more fully described in the bid specification on file at the City Hall.
2. That the project includes certain street, water line, curb and gutters, and sidewalk removal and installation.
3. That the curb and gutter removal, driveway removal, sidewalk removal, grading and seeding will be done at the City of De Smet's expense with no assessment against the abutting and fronting property owners.
4. That the City of De Smet is proposing special assessment against the fronting and abutting property owners specifically benefitting from the installation of new curb and gutter and sidewalk and other parts of the project.
5. That the City of De Smet has investigated the condition of the existing curb and gutter, sidewalk, lack thereof in certain tracts of land abutting and fronting the project to determine the amount of benefit from construction of the local improvement that will result to the lots and tracts fronting or abutting the improvement.
6. That the abutting or fronting property owners are as set forth in Attachment "A", hereinafter incorporated.
7. That Shane Waterman of IMEG, a licensed professional engineer with over 33 years of experience in construction design and supervision and over 33 years experience in concrete and asphalt construction and installation testified as to the condition of the street surface, water, curb and gutter, and sidewalk in the project area.
8. That the street surface and curb and gutter, sidewalk in many areas, along the project is cracking, spalling, settling below grade, and generally ineffective for the purpose for which it was installed.
9. That the curb and gutter and sidewalk throughout the project area where it exists will not be usable as the project is designed.
10. That significant drainage issues exist that will require modification of street elevation, curb and gutter placement and sidewalk.
11. That the abutting and fronting real estate owners will specifically benefit from having a newly reconstructed street, new curb and gutter, and sidewalk installed adjoining their respective parcels of property.

12. That real property owners abutting and fronting the project should experience increased real property values as the property will be located on newly reconstructed streets with new curb and gutter, sidewalk, and grading of land adjacent to the curb and gutter. That the improved values are directly related to the specific improvements to be constructed by the City.
13. That property abutting and fronting the project will benefit from improved drainage and will as a result specifically benefit from the local improvements.
14. That in many areas of the project the curb and gutter and sidewalk does not currently exist, and new curb and gutter and sidewalk will specifically benefit the abutting and fronting landowner.
15. That existing curb and gutter has negligible value to the abutting and fronting property and properly installed new curb and gutter of uniform height and design will specifically benefit the abutting and fronting real property owner.
16. That Shane Waterman testified that in his opinion, the abutting and fronting real property owners will receive a special benefit from the improvement differing from the benefit enjoyed by the rest of the community.
17. That the replaced and newly installed curb and gutter and driveway approaches will provide actual, physical, material and quantifiable special benefits to the property assessed.
18. That each abutting and fronting real property owner will as a result of this project receive a benefit above and beyond or differing from the benefit enjoyed by the general public as a result of the improvements which are a part of this project.

Mayor Wolkow declared the public hearing closed.

CURB & GUTTER ASSESSMENTS: Mayor Wolkow called for a roll call vote on the proposed curb and gutter assessment and 100% of the property owners (based on front footage) voted in favor of the assessment.

SIDEWALK ASSESSMENTS: Mayor Wolkow called for a roll call vote on the proposed sidewalk assessments and 90% of the property owners scheduled for sidewalk replacement voted in favor of the assessment.

CURB & GUTTER: It was moved by City Council Member McCune and seconded by City Council Member Spader that the following Resolution be passed and adopted:

RESOLUTION NO. 2024-1

A RESOLUTION AUTHORIZING NECESSARY STREET IMPROVEMENT BY SPECIAL ASSESSMENT PURSUANT TO SDCL 9-45-20.

WHEREAS, the condition of the following described property, to-wit:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, Block 9; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18 and the Northwesterly Part of Lot

19, Block 10; and the East Half of Lot 8 and all of Lot 9, Block 11, all in Brown's Addition to the City of De Smet, Kingsbury County, South Dakota; The South 100 feet of Lots 8 and 9, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, in Block 1 and the North 84 feet of Lots 1 and 2, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Block 2 Brown's Subdivision of Blocks 1 and 2 of Carroll's Addition; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 3; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 4; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 5; the North Half of Lots 1 and 2, Lots 3, 4, 5, 6 and 7 in Block 6; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 7; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 8; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 9, Lots 1, 2, 3, 4, 5, 6 and 7 in Block 10, all in Carroll's Addition to the City of De Smet, Kingsbury County, South Dakota; and Lots 4, 5 & 6 of Outlot "J" and Outlot "K" all in A.H. Davidson's Subdivision to the City of De Smet, Kingsbury County, South Dakota; all located in the City of De Smet, Kingsbury County, South Dakota.

WHEREAS, to facilitate this improvement a special assessment is necessary for curb and gutter improvements to be made;

NOW THEREFORE BE IT RESOLVED that it is necessary to improve 2nd Street adjacent to the above described property located in the City of De Smet, in Kingsbury County, South Dakota. That the nature of such improvement is to regrade, pave, and install curb and gutter along said street in accordance with the plans and specifications on file in the Office of the City Finance Officer of said City, which specifications are available for inspection by any person interested therein, or affected thereby, and the same by this reference, and made a part hereof and incorporated herein. That the materials to be used for said improvements are oil, gravel, cement and other materials necessary for the regrading, paving and installation of curb and gutter to the above described premises. That only the cost associated with the installation of the curb and gutter is to be involved in this special assessment as the City of De Smet will be responsible for all other costs associated with the street improvements. That the estimate of the cost per linear foot to the adjoining property owners for curb and gutter installation is estimated at \$40.00 That the classes of the lots to be assessed are residential. That the cost of the improvement will be proportioned to the property fronting and abutting upon said improvement by special assessment for the cost of the curbing and gutter upon said improvement by special assessment for the cost of the curbing and gutter and all remaining costs shall be paid by the City out of general funds.

On Roll Call, all voting "aye", Proposed Resolution declared passed and adopted.

SIDEWALKS: Motion was made by Cavanaugh, seconded by Hansen, to declare the following resolution to be passed and adopted:

A RESOLUTION AUTHORIZING NECESSARY SIDEWALK IMPROVEMENT BY
SPECIAL ASSESSMENT PURSUANT TO SDCL 9-46-3 TO SDCL 9-46-9.

WHEREAS, the condition of the following described property, to-
wit:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15, Block 9; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18 and the Northwesterly Part of Lot 19, Block 10; and the East Half of Lot 8 and all of Lot 9, Block 11, all in Brown's Addition to the City of De Smet, Kingsbury County, South Dakota; The South 100 feet of Lots 8 and 9, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, in Block 1 and the North 84 feet of Lots 1 and 2, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in Block 2 Brown's Subdivision of Blocks 1 and 2 of Carroll's Addition; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 3; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 4; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 5; the North Half of Lots 1 and 2, Lots 3, 4, 5, 6 and 7 in Block 6; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 7; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 8; Lots 1, 2, 3, 4, 5, 6 and 7 in Block 9, Lots 1, 2, 3, 4, 5, 6 and 7 in Block 10, all in Carroll's Addition to the City of De Smet, Kingsbury County, South Dakota; and Lots 4, 5 & 6 of Outlot "J" and Outlot "K" all in A.H. Davidson's Subdivision to the City of De Smet, Kingsbury County, South Dakota; all located in the City of De Smet, Kingsbury County, South Dakota.

WHEREAS, to facilitate this sidewalk construction project a special assessment is necessary for sidewalk improvements to be made;

NOW THEREFORE BE IT RESOLVED that it is necessary to construct and rebuild a portion of the sidewalks adjacent to the above described property located in the City of De Smet, in Kingsbury County, South Dakota. That the nature of such improvement is to remove and replace certain portions of sidewalk along said street in accordance with the plans and specifications on file in the Office of the City Finance Officer of said City, which specifications are available for inspection by any person interested therein, or affected thereby, and the same by this reference, and made a part hereof and incorporated herein. That the materials to be used for said improvements are gravel, cement and other materials necessary for the removal, installation, construction and replacement of sidewalk to the above described premises. That only the cost associated with the installation, construction and replacement of sidewalk is to be involved in this special assessment as the City of De Smet will be responsible for all other costs associated with the street improvements. That the estimate of the cost per square foot to the adjoining property owners for sidewalk construction project is estimated at \$10.00 per square foot. That the classes of the lots to be assessed are residential. That the cost of the improvement will be

proportioned to the property fronting and abutting upon said improvement by special assessment for the cost of the sidewalk improvement project upon said improvement by special assessment for the cost of the sidewalk improvement project remaining costs shall be paid by the City out of general funds.

On Roll Call, all voting "aye", Proposed Resolution declared passed and adopted.

PUBLIC COMMENTS: Mark Siefkes met with the council to comment about Jake brakes, and why LED light affect people differently.

COUNCIL REORGANIZATION: Council member Shon Asleson presented his resignation from the city council. Motion was made by Cavanaugh, seconded by Spader, to accept the resignation from Council member Asleson, all voting aye, motion carried. Mayor Wolkow appointed Dane Coughlin to fill the Ward III vacancy until the next election. Motion was made by Cavanaugh, seconded by McCune, to approve the appointment of Dane Coughlin as the Ward III Alderman for until the next election, all voting aye, motion carried. Attorney Wilkinson administered the Oath of Office to Dane Coughlin - Alderman Ward III.

WATER & SEWER: Jason Springer, Supt. Of Water & Sewer, thanked the property owners who have completed their lead service line survey. A drawing from the people who have completed their survey was done for De Smet bucks. Winners were 1st - Carri Tyrell, 2nd - Gary Stofferahn, and 3rd - Lyle Signs.

EXECUTIVE SESSION: Motion was made by McCune, seconded by Spader, to approve going into executive session at 6:52 pm to discuss personnel, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:25 pm.

SEASONAL HELP: Five applications for pool lifeguards and one application for basket room help were reviewed by the council. Motion was made by Cavanaugh, seconded by Hansen, to approve hiring Macailyn Pillar as lifeguard at \$12.00/hour; Jordan Botkin as lifeguard at \$11.50/hour pending he passes his lifeguard certifications; Stephanie Botkin as fill-in lifeguard at \$13.25/hour; Erica Johnson as lifeguard at \$11.50/hour pending she passes her lifeguard certifications; Adalyn Gross as lifeguard at \$11.50/hour pending she passes her lifeguard certification; Savannah Larson as basket room attendant at \$11.20/hour; and Rod Palmlund as snow removal help at \$16.00/hour, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Coughlin, to approve hiring Harvey Hubbard as softball coach at \$950.00 for the 2024 season; Dawn Whitten as softball coach at \$950.00 for the 2024 season; Aaron Grubb a baseball coach at \$1200.00 for the 2024 season; Chris St. Sauver as a baseball coach at \$1200.00 for the 2024 season; and Ryan Sauter as baseball coach at \$1200.00 for the 2024 season, all voting aye, motion carried.

PERSONNEL: The council was presented with an updated comparison of start and current wages and salaries from other similar communities. Motion was made by Hansen, seconded by Cavanaugh, to approve the amended Step & Grades Policy, experience rate increase, and wages/salaries, all voting aye, motion carried.

Revised - Effective January 1, 2024
Base Rate Increase 12/27/2023

Grade 1	14.00	SEASONAL EMPLOYEES W/OUT CDL LIBRARY PERSONNEL (NO DUTIES) OFFICE FILL-IN (NO DUTIES)
GRADE 2	15.00	LIBRARY PERSONNEL (WITH DUTIES) OFFICE FILL-IN (WITH DUTIES)
GRADE 3	16.00	SEASONAL EMPLOYEES W/CDL
GRADE 4	16.00	RESTRICTED USE SITE ATTENDANT
GRADE 5	17.00	
GRADE 6	17.50	EVENT/WELLNESS CUSTODIAN W/OUT CDL
GRADE 7	18.00	ASSISTANT LIBRARIAN EVENT/WELLNESS CUSTODIAN W/CDL DEPARTMENT ASSISTANT W/OUT CDL (STREETS, PARKS, BUILDINGS, WATER & SEWER, AIRPORT, RUS, POOL)
GRADE 7A	19.50	DEPUTY FINANCE OFFICER
GRADE 7B	20.25	LIBRARY DIRECTOR DEPARTMENT ASSISTANT W/CDL (STREETS, PARKS, BUILDINGS, WATER & SEWER, AIRPORT, RUS, POOL)
GRADE 8	20.75	RUS SUPT. & ASST. STREETPERSONNEL W/CDL
GRADE 9	22.00	EVENT/WELLNESS CENTER DIRECTOR
GRADE 10	22.50	SUPT. OF STREETS & AIRPORT
GRADE 11	23.00	SUPT. OF WATER & SEWER
GRADE 11A		
GRADE 12	25.00	FINANCE OFFICER (BASED ON 45 HOURS/WK)
GRADE 12A	28.00	FINANCE OFFICER (BASED ON 45 HOURS/WK) (6 OR MORE YEARS EXPERIENCE PLUS APPOINTMENT AS CITY REPRESENTATIVE ON VARIOUS BOARDS)

TRANSFER: Motion was made by Cavanaugh, seconded by Coughlin to approve transferring \$10,000.00 from the General Fund O&M balance to the General Fund Reserve CD, all voting aye, motion carried.

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

OTHER: Other non-action items of discussion were as follows: 1) the December law enforcement report; 2) setting a date to meet with property owners on Main Street; 3) Municipal Government Day at the legislature on February 7th in Pierre for council members; and 4) property nuisance.

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 December 27, 2023 as follows: Deputy Finance Officer, Karen Hansen \$21.00/hour; Supt. of Streets, Ryan Petersen \$28.55/hour; Street help Curt Bau \$22.42/hour; Library Director, Mary Purintun \$26.00/hour; Assistant Librarian, Jeanette Todd \$19.25/hour; Supt. of Water & Wastewater, Jason Springer \$26.59/hour; Water & Wastewater help Randy Asleson \$29.84/hour; Event Center Custodian/Maintenance Patty Garry \$18.50/hour; Office help, Barb Hansen \$14.00/hour; Library help, Evelyn Twite \$14.00/hour; Marlene Museum Director, Marlene Somsen \$14.00/hour; Parks & Buildings help, Mark Birkel, 17.64/hour; all other employees \$14.00/hour; and to set the annual salary for the Finance Officer Tracey Larson at \$6,873.75/mo. and Event Center Director Kristy Hubbard at \$4,384.38/mo. to be effective December 27, 2023.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____