

REGULAR MEETING DE SMET COMMON COUNCIL  
March 13, 2024

The De Smet Common Council met in regular session on March 13, 2024, at 5:00 p.m., with the following present: Council members Dustin McCune (arriving later), George Cavanaugh, Bret Jensen, Dane Coughlin, 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 congratulated the De Smet Boys Basketball team on their advancement to State, the Knights Wrestling Team for their great season, and to the Drama/Theater Activities on their advancements.

**MINUTES:** Motion was made by Cavanaugh, seconded by Jensen, to approve the minutes of the February 15, 2024, 2023, Regular Meeting minutes and to correct the Drinking Water loan number to DW-03 and the Clean Water loan number to CW-01 in the December 27, 2023 minutes, all voting aye, motion carried.

**CLAIMS:** Motion by Spader, seconded by Coughlin, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$39,020.34; OASI Benefit 2,985.05; Aflac, ins. premium 187.98; Dearborn National, life insurance 140.80; Delta Dental of South Dakota 39036; VSP 191.40; The Health Pool of SD, health insurance premium 7,849.10; SDRS, retirement benefit 4,523.50; Visa, supplies 83.92; SDDOT Airports Conference, registration 100.00; South Dakota Municipal League, registrations 150.00; De Smet Postmaster, Jessers variance 56.35; Adelaide Kirst, event center deposit refund 206.25; Amber Stanton, event center deposit refund 30.00; American Trust Insurance, insurance 275.00; Anderson Lumber, supplies, 34.38; Arbor Day Foundation, membership 35.00; Avera Occupational Medicine, repairs & maintenance 85.00; Avid Hawk LLC, supplies 35.00; Backdraft Training Solutions, repairs & maintenance 4006.98; Brad Doyle, event center deposit refund 50.00; Center Point Large Print, supplies 30.71; Chesterman Company, supplies 116.70; City of De Smet, utilities 612.33; City of De Smet, supplies 67.56; Collaborative Summer Library, check reissue 176.37; Connecting Point, supplies, computer software, repairs & maintenance 79.42; Cook's Wastepaper & Recycling, utility services 275.06; Cook's Wastepaper & Recycling, repairs & maintenance 7,197.37; Core & Main, supplies 73.54; CR Corner, LLC, diesel & supplies 1,211.00; De Smet Development Corp., contributions & bbb contributions 19,000.00; City of De Smet, event center deposit retained 68.75; De Smet American Legion Post, supplies 190.00; De Smet Trustworthy, supplies, 111.35; Department of Health, water labs 43.00; Display Sales, supplies 214.00; Duinick, repairs & maintenance 1,960.20; Ferguson Waterworks, repairs & maintenance 160.70; Hawkins, Inc., chemicals 2,493.54; I & S Group, Inc., capital project improvements 1,000.00; Innovative Office Solutions, supplies & repairs & maintenance 1,436.86; Janice Poppen, event center deposit refund 50.00; Joan Bly, key fob refund 10.00; Kingsbury Electric Cooperative,

repairs & maintenance 959.40; Kingsbury Electric Cooperative, repairs & maintenance 220.00; Kingsbury County Auditor, law enforcement 6,933.33; Kingsbury Electric Cooperative, utilities 720.23; Kingsbury Journal, supplies 65.00; Kingsbury Journal, library publishing 105.00; M & T Fire and Safety, equipment 9,736.80; Magnolia Journal, supplies 20.00; Maynard's, supplies 47.05; Mc Leod's Printing and Office Supplies, supplies 52.54; Micro Marketing LLC, supplies 272.03; Napa, repairs & maintenance 175.33; Northwestern, utilities 1,350.40; O'Keefe Implement, Inc., supplies, repairs & maintenance 927.63; Office Peeps, Inc., library supplies 719.71; Office Peeps, supplies 366.88; Ottertail Power Company, utilities 5,398.72; Postmaster, supplies 318.00; Publisher's Weekly, supplies 269.99; SD Department of Revenue, sales tax 512.01; SD Department of Revenue, sanitation sales tax 491.46; SD Dept. of Tourism, bbb marketing 487.50; Share Corp., supplies & chemicals 3,561.19; Soil First, event center deposit refund 50.00; The Main Stop, fuel 428.97; Valley Fibercom, utilities 499.41; Wilkinson Insurance Agency, insurance 1,083.00; Helms & Associates, AWOS project 270.52; Helms & Associates, SRE equipment 1,710.00; IMEG, sewer project 2,100.00; IMEG, water project east area 14,400.00; IMEG, Main Street project 7,000.00; IMEG, Main Street water project 33,000.00; IMEG, main street sewer project east area 12,000.00; IMEG, alley sewer lining/manholes project 6,000.00; IMEG, water tower project 6,000.00; Mediacom, utilities 106.20; Postmaster, special exception postage 114.38; Stein Sign Display, contribution for digital sign 10,000.00; Visa, utilities, supplies, certification class registration 2,209.99.

**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 #106 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 the 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 finding, a motion was made by Hansen, seconded by Cavanaugh, to recommend approval of the variance application #106 as submitted to Edith Jesser dba Jesser's, for two (2) temporary greenhouse accessory buildings, all voting aye, motion carried.

Motion was made by Jensen, seconded by Spader, to reconvene as the City Council, all voting aye, motion carried. Mayor Wolkow declared the City Council back in session.

**VARIANCE:** Motion was made by Spader, seconded by Cavanaugh, to approve Variance application #106 submitted by Jesser's Greenhouse (Edith Jesser) for two temporary greenhouses, all voting aye, motion carried.  
**BUILDING PERMITS:** Motion was made by Jensen, seconded by Cavanaugh, to approve the building permit applications submitted by Jesser's

Greenhouse (Edith Jesser) for two temporary greenhouses; Connie Cheney - concrete for driveway and future building, Kingsbury County - concrete sidewalk addition & replacement of sidewalk, and concrete extending of two parking areas; and Mykel Anderson - privacy fence, all voting aye, motion carried.

**TRANSIT BUS:** Peter Smith, CEO of Rural Office of Community Services, met with the council. Smith thanked the city for letting the Kingsbury County Area Transit use half of the old city shop building to park the vehicles in. Smith inquired about using another bay or the whole building for the Kingsbury County Area Transit. Smith reported that their organization has applied for grant funding for additional vehicles and for funding to build a new garage. Smith will meet with the council again after grant funding is announced.

**CHIP SEAL COATING/ASPHALT BIDS:** This being the date and time public noticed for the opening of bids for chip sealing and asphalt work, City Attorney Todd Wilkinson opened two bids for chip sealing, and two bids for asphalt work. Bids received for chip seal coating 30,416 square yards are as follows:

<u>Company</u>	<u>Bid Amount</u>
The Road Guy Construction Co., Inc.	\$1.84/sq. yard = \$55,965.44
Topkote, Inc.	\$1.902/sq. yard = \$57,851.24

Bids received for asphalt mill and overlay work are as follows:

<u>Company</u>	<u>Bid Amount</u>
Kissner Paving	\$73,844.00 total
Asphalt Paving & Materials Co.	\$55,724.00 total

Motion was made by Cavanaugh, seconded by Coughlin, to approve and accept the bid from Asphalt Paving & Materials Co. for mill and overlay work totaling \$55,724.00, and to table the bids for Chip seal coating until the March 26, 2024 Special meeting, all voting aye, motion carried.

**DE SMET CHAMBER OF COMMERCE:** De Smet Chamber of Commerce President, Chad Kruse met with the council to discuss the Old Settler Day funding, fundraising for a digital sign, and the BBB allocation. The City has budgeted \$4,000.00 in 2024 for activities for the Old Settler Day celebration. Kruse presented a picture with a digital sign to be located at the HWY 14 and HWY 25 intersection. The new 10' x 5' sign will replace one of the two current signs that is wearing out. Fundraising by the De Smet Chamber has raised approximately \$10,000.00 and would like to ask the City for a contribution to the sign from the BBB funds. Money for advertising on the sign will be put back toward expenses and maintenance of the sign. Kruse and the council were informed of the requirements to contribute to an organization. Motion was made by Cavanaugh, seconded by Jensen, to approve contributing \$10,000.00 from the BBB fund toward the digital sign that will be located at the Hwy 14 & Hwy 25 intersection with the contribution

being made directly to the sign company, all voting aye, motion carried.

**PUBLIC COMMENTS:** Mark Siefkes met with the council to say that his property pins had been moved and not put back in the correct place, and some property pins were removed completely. Siefkes feels that additional lighting along the highway will make his property less valuable and the City will not benefit from the additional cost for the electricity. Siefkes also stated that adding more signs along the highway is distracting.

**CAPITAL IMPROVEMENT PLAN:** Representatives from ISG have been meeting with the city staff and have been reviewing existing city properties to identify and rank repairs, needs, and future projects. Dane Ekdom, Engineer for ISG, met with the council and presented the project list of improvements rankings submitted by the council. The report of projects will be used as a tool for economic development and growth. The presented ranking report will be reviewed by the City and modifications can be made.

**PROPERTY TAX ABATEMENT:** A letter from the Kingsbury County Treasurer for a senior/disabled tax abatement of city property taxes in the amount of \$78.89 for the City taxes was presented to the council. Motion was made by Cavanaugh, seconded by Coughlin, to approve the request for an abatement of city property taxes in the amount of \$78.89 for the senior/disabled tax freeze, all voting aye, motion carried.

**INFRASTRUCTURE PROJECTS:** Shane Waterman, Engineer for IMEG, met with the council to discuss project updates. Plans for the Main Street project have continued and have been submitted to SD DANR for review. Approval for the Chase Street and 2<sup>nd</sup> Street infrastructure projects has been received from SD DANR. Advertising for bids for this phase of the projects will be published on March 20<sup>th</sup> and March 27<sup>th</sup>. The bid opening will be held on April 3, 2024 at 2:00 pm and presented to the council at the April 10, 2024 regular meeting. Waterman also discussed the water tower portion of the project. Discussion was held about changing the color of the tower and putting on a bulldog logo.

**ELECTION WORKERS:** Motion was made by Hansen, seconded by Cavanaugh, to approve Jenny Todd, Judy Wolkow, and Kathy Hawkins as election workers for the April 9<sup>th</sup> city election at a rate of \$14.00/hour, all voting aye, motion carried.

**FLOWER BARRELS:** Motion was made by Cavanaugh, seconded by Hansen, to advertise for quotes to provide and plant flowers in 25 barrels on main street and 2 containers at the library, with the quotes to be reviewed at the April 10, 2024 council meeting, all voting aye, motion carried.

**FIRE DEPARTMENT MEMBER:** Motion was made by Coughlin, seconded by Spader, to approve Preston Collier as a De Smet Volunteer Fire Department member to replace Randy Holland, and Colt Wilkinson as a De Smet Volunteer Fire Department member to replace Andy Alderman, all voting aye, motion carried.

**NORTHWESTERN RESOLUTION:** Motion was made by Cavanaugh, seconded by McCune, to approve Resolution 2024-1, amending the name only from Northwestern corporation to Northwestern Energy Public Service

Corporation on the franchise agreement, all voting aye, motion carried.

**RESOLUTION NO. 2024-1**

*Resolution acknowledging the assignment of Ordinance No. II-10B from NorthWestern Corporation to NorthWestern Energy Public Service Corporation*

WHEREAS, the City of DeSmet adopted Ordinance No. II-10B dated 10/10/2012 (the "Franchise Ordinance") authorizing Northwestern Corporation to operate a gas distribution system within the City of DeSmet; and

WHEREAS, as of January 1, 2024, NorthWestern Corporation's South Dakota and Nebraska assets and related contractual obligations transferred to a new entity named NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy consistent with a corporate reorganization authorized by the South Dakota Public Utilities Commission (Docket No. GE22-002) and the Nebraska Public Service Commission (Docket No. NG-114); and

WHEREAS, other than the above-referenced transfer there is no change to the terms or conditions of the Franchise Ordinance or performance thereto;

NOW, THEREFORE, BE IT RESOLVED that the City of DeSmet hereby acknowledges and accepts the assignment of Ordinance II-10B from NorthWestern Corporation to NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy.

Passed and approved this 13<sup>th</sup> day of March, 2024.

**City of DeSmet**

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Gary Wolkow, Mayor

ATTEST:

(SEAL)

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Tracey Larson, Finance Officer

**RUS:** Casey Harty, Supt. Of Restricted Use Site, met with the council and presented two options to dispose of the concrete at the RUS. Option 1 - Kings Crushing would crush the concrete at a cost between \$20.00 - \$40.00 per ton and the City could sell the crushed concrete. Option 2 - Kings Crushing would crush the concrete and keep the crushed concrete. Motion was made by Cavanaugh, seconded by McCune,

to approve declaring the concrete that was disposed of at the RUS as surplus property for disposal with Kings Crushing, all voting aye, motion carried.

**POOL VACUUM:** Motion was made by McCune, seconded by Cavanaugh, to approve purchasing the pool vacuum in the amount of \$3,999.00 and some parts for the current vacuum, all voting aye, motion carried.

**LIBRARY 2023 ANNUAL SURVEY:** Motion was made by Cavanaugh, seconded by Jensen, to approve the 2023 Annual Survey of SD Public Libraries completed by the Hazel Memorial Library, all voting aye, motion carried.

**PROJECT PAYMENTS:** Motion was made by Spader, seconded by Coughlin, to approve pay requests: IMEG, east area sewer project Inv. 22006269.01-3 \$2,100.00; IMEG, east area water project Inv. 22006269.00-3 \$14,400.00; IMEG, Main Street project Inv. 21005454.03-8 \$7,000.00; IMEG, Main Street water project Inv. 21005454.01-10 \$33,000.00; IMEG, Main Street sewer project Inv. 21005454.02-10 \$12,000.00; IMEG, Alley sewer lining/manholes project Inv. 22006270.00-2 \$6,000.00; IMEG, Water tower project Inv. 23007847.00-1 \$6,000.00; Helm's & Associates, pay request 9, Airport AWOS project engineering \$270.52; and Helm's & Associates, pay request 1, Airport SRE project \$1,710.00, all voting aye, motion carried. Airport projects are funded 95% by federal and state grant funds.

**FINANCIAL REPORT & TRANSFER:** Motion was made by Cavanaugh, seconded by Spader, to approve the February 2024 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried. Motion was made by Spader, seconded by Cavanaugh, to approve transferring \$1,250.00 from the General Fund, \$1,250.00 from the Water Fund, \$1,250.00 from the Sewer Fund, and \$1,250.00 from the Hospital Fund to the Capital Improvement Fund for the 5-year CIP expenses, all voting aye, motion carried.

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

**OTHER:** Other non-action items of discussion were as follows: 1) the February 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 as follows: Event Center Director, Kristy Hubbard \$4,436.38/month, and Event Center Custodian/Maintenance, Patricia Garry \$18.80/hour effective March 1, 2024.

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Gary Wolkow, Mayor

ATTEST:

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Tracey Larson, Finance Officer

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