

REGULAR MEETING DE SMET COMMON COUNCIL
August 11, 2021

The De Smet Common Council met in regular session on August 11, 2021, at 5:00 p.m., with the following present: Council members Bret Jensen, Pam Spader, George Cavanaugh, Shon Asleson, Cole Munger, President Lowell Hansen, and Finance Officer Tracey Larson. Absent: Mayor Gary Wolkow.

President Hansen 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 Spader, seconded by Cavanaugh, to approve the minutes of the July 14, 2021 Regular Meeting and July 26, 2021 Special Meeting, all voting aye, motion carried.

CLAIMS: Motion by Spader, seconded by Jensen, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$51,055.56; OASI Benefit 3,905.72; Aflac, ins. premium 275.00; Dearborn National, life insurance 140.80; Delta Dental of South Dakota 368.40; VSP 190.96; The Health Pool of SD, health insurance premium 8,007.59; SDRS, retirement benefit 4,208.82; Visa, supplies & utilities 924.31; J&J Earth Works Inc., water looping project 153,100.36; De Smet Postmaster, variance mailing 45.15; American Legion, deposit refund 275.00; Audio Connections, supplies 77.94; Avid Hawk, LLC, monthly web site fee 35.00; Bau Plumbing and Heating, repair & maint. 1,688.80; Brandon Bergquist, meter deposit refund 125.00; Brianne Martens, deposit refund 355.00; Center Point Large Print, books 29.21; Century Link, utilities 67.09; Chad Kruger, meter deposit refund 125.00; City of De Smet, petty cash supplies 45.35; City of De Smet, utilities 578.28; Collaborative Summer Library, summer reading program supplies 163.85; Colonial Research, supplies 1,806.52; Connecting Point, off-site monthly back-up, software support contract, and supplies 1,120.00; Cook's Wastepaper & Recycling, residential garbage collection 6,590.41; Cowboy Country Store, fuel 1,446.28; Dakota Creation & De Sign, supplies 600.00; Dakota Portable toilets, Inc., maintenance 225.00; De Smet American Legion, supplies 754.00; De Smet Trustworthy Hardware, supplies 395.30; Dept. of Health, water and pool labs 146.00; Grant & Williams, Inc., audit fees 24,771.56; Hawkins, Inc., chemicals 7,700.57; Huron Park & Recreation Dept., softball league fees 255.00; Innovative Office Solution, LLC, supplies 7.50; Jason Gruenhagen, reimburse for supplies 97.95; Kingsbury Electric Cooperative, repair & maint. 837.16; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 154.47; Kingsbury Journal, publishing 170.03; Lawrence & Schiller, marketing 3,500.00; M&T Fire and Safety, repair 250.00; Maynard's, supplies 39.52; Maynard's, library supplies 23.27; Maynard's, pool supplies 346.46; Micro Marketing, LLC, books 470.75; NAPA De Smet, supplies 33.65; Northwestern, utilities 110.53; O'Keefe Implement, Inc., repairs & supplies 140.31; Office Peeps, Inc., supplies & library copier contract 46.00; Office Peeps, Inc.,

supplies & office copier contract 209.41; Ottertail, utilities 6,008.03; Postmaster, supplies 180.00; Reed, Inc., debt service 690.58; Reed, Inc., debt service 2,500.00; Rich's Gas & Service, fuel & supplies 749.99; Richard Close, repair & maint. 200.00; SD Dept. of Revenue, garbage sales tax 449.61; Share Corp, supplies & chemical 2,844.76; Shaonell Dallum, meter deposit refund 75.00; Smith's Lumber, supplies 8.88; South Dakota 811, locates 128.10; State of South Dakota, utilities 18.63; The Main Stop, fuel 12.05; The Road Guy Construction Co., Inc., chip seal streets 40,735.50; Valerie Pirlet, deposit refund 50.00; Valley Fibercom, utilities 487.50; Van Diest Supply Company, mosquito spray 4,092.00; Woman's Day, magazine renewal 19.97; Helms & Associates, airport turnarounds project engineering 5,686.10; IMEG, water looping project engineering 19,071.02; Mediacom, utilities 84.20; SDWWA, conference fee 130.00;

ZONING: Motion was made by Cavanaugh, seconded by Munger, 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 Hansen.

This being the date and time public noticed for the hearing on Variance Application #96 submitted by Chad Kruse, the board discussed the variance application. Kruse has requested a variance to allow the construction of an attached 29 ft. x 24 ft. garage to be built less than 6 feet from the side (South) property line and a concrete patio on the following legally described property: W90' of Lots 20 & 21, Block 5, 1st Railroad Addn., De Smet, Kingsbury County, South Dakota and addressed as 107 3rd 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.

The location of the proposed construction was previously reviewed by Alderman Jensen. Chad Kruse was present to answer any questions from the board. Nobody from the public appeared to oppose the variance 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 W90' of Lots 20 & 21, Block 5, 1st Railroad Addn., 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 the adjacent properties are zoned "R-2 General Residential" and one property is zoned "C-1 Central Commercial District".
4. That Chapter 2.06 "R-2" General Residential District, Section 2.06.05 Area Regulations, 3. Minimum Yard Requirements, state that residential dwellings shall have a minimum front yard setback of 30 feet, and a minimum side yard setback of 6 feet.
5. That Chapter 4.07 Yard, Section 4.07.02 Additional Yard Requirements, states that a corner lot must have a front yard along both streets.
6. That Chapter 5.01 General Terms, Rear Yard: A yard across the sole width of the lot, extending from the rear line of the

- building to the rear line of the lot. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.
7. That the existing residential structure is located 71 feet from the front (North) property line and 48 feet from the front (West) property line.
 8. That the proposed attached garage would be constructed with the same as or more front yard set-back from the front (North) lot line as the existing residential structure.
 9. That the proposed attached garage would be constructed with the same front yard set-back from the front (West) lot line as the existing residential structure.
 10. That the 15 feet from the side (East) lot line with a concrete patio area constructed five(5) feet from the side (East) lot line.
 11. That the proposed attached garage would be constructed six (6) feet from the side (South) property line.
 12. That the Board of Adjustment take into consideration each application on its own accord.
 13. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
 14. That the proposed structure would not be located further from the property to the South than an existing structure accessory shed.
 15. That the reasons set forth in the application justify approving a variance.

Motion was made by Cavanaugh, seconded by Asleson, to approve the Variance Application #96, submitted by Chad Kruse for the attached garage structure and patio, all voting aye, motion carried.

President Hansen declared the City Council back in session.

VARIANCE & BUILDING PERMITS: Motion was made by Cavanaugh, seconded by Asleson, to approve the variance application submitted by Chad Kruse for an attached garage addition and patio, all voting aye, motion carried. Motion was made by Jensen, seconded by Cavanaugh, to approve the building permit application submitted by Chad Kruse for garage addition and patio, all voting aye, motion carried. Motion was made by Jensen, seconded by Asleson, to approve the building permit application submitted by Fred Johnson for a new residential structure and garage, all voting aye, motion carried. Motion was made by Asleson, seconded by Cavanaugh, to approve the building permit application submitted by James Siver for a residential structure, all voting aye, motion carried. Motion was made by Jensen, seconded by Cavanaugh, to approve the building permit application submitted by Victoria Albrecht for a barrier wall and fence, pending the lot pins are located for the fence on the back side of the property prior to building the fence, all voting aye, motion carried. Motion was made by Jensen, seconded by Munger to approve the building permit application submitted by Kallie Hubbard for a new residential structure and carport, all voting aye, motion carried.

ASH TREES: John Ball, SDSU Forestry Specialist, met with the council to discuss tree planning and the emerald ash borer disease. Washington Park has all ash trees and the De Smet community has a lot of ash trees. The ash borer disease has been identified in Minnehaha County and we can expect it to be in this area by approximately 2028 or earlier. Ash trees can be treated for the ash borer disease, but

that treatment needs to be reapplied every two years for ten years and treatment cost depends on the size of the tree. Ash trees left untreated and infected with the ash borer will rot starting at the base of the tree and fall on their own. Ball recommended planting a variety of trees and the Kingsbury County Conservation Office can assist with picking out various species of trees.

OPEN BIDS: This being the date and time advertised, bids were opened for the 1978 Ford Truck with 1975 Falls #311 plow with undetermined miles. Two bids were received and opened by President Hansen. Bids received were as follows:

<u>Bidder</u>	<u>Amount</u>
Lance Lee	\$1,330.00
Jake Vincent	\$1,600.00

Motion was made by Cavanaugh, seconded by Asleson, to accept the bid from Jake Vincent in the amount of \$1,600.00 for the 1978 Ford Truck with 1975 Falls #311 plow with undetermined miles, all voting aye, motion carried.

SURPLUS PROPERTY: An appraisal of \$10.00 per chair for seven wood library chairs was presented to the council. Motion was made by Spader, seconded by Jensen to accept the appraisal of \$10.00 per wood library chair, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Spader, to approve selling the chairs for the appraised amount on a first come basis, all voting aye, motion carried.

ROBERTA ELKINS: Roberta Elkins met with the council to discuss low water pressure at her residence. Elkins stated that she cannot use water simultaneously in different locations of the house or her water pressure is reduced. Elkins has had a company from Watertown blow out the water service line on different occasions but feels that the water and sewer service lines need to be replaced. Elkins reported that her water and sewer service lines run through the neighbor's house before it comes into her house. The adjacent property owner also reiterated that when their sewer line starts to gurgle, Elkins will also have sewer issues. Four options for Elkins to replace her water service line was diagramed for the council to view. Legal counsel had been contacted prior to the council meeting, and was advised that due to Elkins purchasing the property with the water and sewer service line running through another property owner's house did not hold the city responsible to put in additional water and sewer mains to her property. The city would be responsible to provide materials from the water main to the curb box as stated in the ordinance.

PUBLIC COMMENTS: Jim Siver appeared before the council to voice his concerns regarding water and sewer infrastructure development in the Northwest area of De Smet. Steve and Cody Siver inquired about the water and sewer lines to the new residence that they are building. Robert Elkins voiced her concerns regarding the property conditions and vehicles at the trailer court in the Northwest side of De Smet.

BLOCKING 2ND STREET: Motion was made by Cavanaugh, seconded by Asleson, to approve blocking a portion of 2nd Street on September 11, 2021 from 8:00 am until the tool sale is over, all voting aye, motion carried.

VOLUNTEERS: Motion was made by Cavanaugh, seconded by Spader, to approve Marcina Garcia and Shelly Stoudt as members of the Event Center Advisory Board, all voting aye, motion carried.

EVENT CENTER: Kristy Hubbard, Directory of the Event Center has had two patrons inquire if the City would contract with the United Health Care fitness program. One of the plans would pay up to \$30.00 a month

for ten (10) sessions for the wellness room and the other plan would pay \$20.00 per month for unlimited sessions. Tracking sessions would be a requirement of the \$30.00 plan. Motion was made by Jensen, seconded by Cavanaugh, to approve joining the \$20.00 for unlimited sessions in the wellness room with the United Health Care fitness program at no fee to the city, all voting aye, motion carried. A new reception desk has been donated and installed in the Event Center. There will need to be some electric work done for the new desk. Hubbard also reported that the pool will be closing on August 14, 2021, and there is a new experienced works person who will be working 29 hours per week at the Event Center.

EXECUTIVE SESSION: At 6:56 pm, motion was made by Asleson, seconded by Jensen, to approve going into executive session for negotiations, all voting aye, motion carried. President Hansen declared the council out of executive session at 7:02 pm.

PROJECT PAYMENTS: Motion was made by Cavanaugh, seconded by Jensen, to approve pay request #11 in the amount of \$5,686.10 to Helms & Associates for the turnaround's project; pay request #8 in the amount of \$19,091.02 to IMEG for the water looping project, all voted aye, motion carried. The airport project expenses will be reimbursed by 100% from grant funding.

CONFERENCE: Motion was made by Jensen, seconded by Cavanaugh, to approve Water and Wastewater Supt. Stoddard to the Annual Water and Wastewater Association Conference in Rapid City on September 15-17, 2021, all voting aye, motion carried.

FINANCIAL REPORTS: Motion was made by Asleson, seconded Spader, to approve the July 2021 Cash Balances Report as presented by the Finance Officer, all voted aye, motion carried. Finance Office Larson also reported that the 2018 and 2019 audit reviews have been previewed by the Finance Committee and sent to the State and 2016 and 2017 audit review will be completed very soon and submitted to the State.

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

OTHER: Other non-action items of discussion were as follows: 1) the July law enforcement report; 2) the submitted water looping project update from the engineer; 3) requirements for medical cannabis establishments; and 4) limiting billing for the RUS dumping fees to just contractors and business.

ADJOURN: There being no further business the meeting was adjourned on motion by Cavanaugh, seconded by Jensen.

Lowell Hansen, President

ATTEST:

Tracey Larson, Finance Officer

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