

REGULAR MEETING DE SMET COMMON COUNCIL  
April 14, 2021

The De Smet Common Council met in regular session on April 14, 2021, at 5:00 p.m., with the following present: Council members Jay Slater, Bret Jensen, Pam Spader, Lowell Hansen, George Cavanaugh, Shon Asleson, 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:** Mayor Wolkow expressed sincere condolences to the family of Jean Wilkinson from the City of De Smet, Mayor Wolkow congratulated the De Smet High School Boys Basketball Team on their championship title in the State B Basketball Tournament, Kalen Garry for being selected as Boys Basketball Player of the Year, to Coach Jeff Gruenhagen as the Region 2 Head Coach of the Year, and to Damon Wilkinson, Kalen Garry, and Rett Osthus for being named to the All-Tournament Team. Mayor Wolkow informed the council that the 2022 District 2 meeting will be hosted in De Smet. Mayor Wolkow asked anyone attending the meeting by phone or video conference to please mute their devices. Mayor Wolkow announced that the Arbor Day is on April 30 2021 and issued the following proclamation:

ARBOR DAY PROCLAMATION 2021

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Gary Wolkow, Mayor of the City of De Smet, SD, do hereby proclaim April 30, 2021 as ARBOR DAY, in the City of De

Smet, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 14th day of April, 2021.

---

Mayor Gary Wolkow

**MINUTES:** Motion was made by Jensen, seconded by Cavanaugh, to approve the minutes of the March 10, 2021 Regular Meeting and the March 15, 2021 Equalization Meeting, all voting aye, motion carried.

**CLAIMS:** Motion by Jensen, seconded by Spader, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$33,622.24; OASI Benefit 2,572.11; Aflac, ins. premium 280.95; Dearborn National, life insurance 123.20; Delta Dental of South Dakota 330.16; VSP 173.65; The Health Pool of SD, health insurance premium 5,678.34; SDRS, retirement benefit 3,999.12; Postmaster, Pat Tyrell variance \$38.70; Postmaster, HME variance \$25.80; Mediacom, utilities 111.99; American Trust Insurance, insurance premiums 845.00; Arbor Day Foundation, membership dues 35.00; Avid Hawk LLC, supplies 35.00; Bau Plumbing & Heating, hospital repairs & maintenance 1,121.83; Best Western Ramkota, travel & conference 75.00; Building Sprinkler, Inc., repairs & maintenance 475.00; Butler Machinery, repairs & maintenance 2,981.50; Caitlyn Brag, event center deposit refund 10.00; Center Point Large Print, library supplies 29.21; Century Link, utilities 548.23; City of De Smet, utilities 345.88; City of De Smet, supplies 32.90; CMI Architectural, repairs & maintenance 415.86; Complete Automotive, repairs & maintenance 1,183.00; Connecting Point, repairs & maintenance 55.00; Cook's Country, supplies 31.30; Cook's Wastepaper & Recycling, repairs & maintenance 6,597.02; Dakota Supply Group, repairs & maintenance 200.00; De Smet Trustworthy Hardware, supplies 74.42; De Smet Welding & Machine, repairs & maintenance 222.60; DEMCO, supplies 150.78; Department of Health, repairs & maintenance 43.00; Ferguson Waterworks, water supplies 3,179.37; Halme, Inc., repairs 2,353.78 Hawkins, Inc., water chemicals 3,082.20; Heiman, Inc., supplies, repairs & maintenance 722.00; Innovative Office Solutions, supplies 139.97; Katy Bielmaier, meter deposit refund 125.00; Kingsbury Electric Cooperative, repairs & maintenance 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative utilities 171.39; Kingsbury Journal, publishing 941.95; Krier & Blain, Inc., repairs & maintenance 3,655.99; Kristina McAnally, event center deposit refund 10.00; Lea Larsen, event center deposit refund 50.00; M & T Fire and Safety, repairs & maintenance 340.00; Mark's, repairs 32.16; Markel Specialty Commercial, insurance premium 350.00; Mary Wilkinson, event center deposit refund 275.00; Maynard's, supplies 22.98; Michelle Collier, event center deposit refund,30.00; Michelle Malone Kooima, event center deposit refund

375.00; Micro Marketing LLC, library supplies 803.34; NAPA, supplies, repairs & maintenance 206.63; Northwestern Energy, utilities 944.57; Nova Fitness Equipment, treadmill 3,099.00; O'Keefe Implement, Inc., repairs & maintenance 72.46; Office Peeps, Inc., library supplies, repairs & maintenance 345.64; Office Peeps, Inc., supplies 306.57; Ottertail, utilities 6,116.65; Patty Halverson, event center deposit refund 50.00; Pheasantland Industries, supplies 380.26; Postmaster, supplies 180.00; Reader Service, library supplies 18.33; Reed, Inc., debt service payment 690.58; Reed, debt service payment 2,500.00; Rich Close, repairs & maintenance 285.00; Rich Neu, event center deposit refund 10.00; Rich's Gas & Service, fuel, 1,303.29; Robin Gigov, event center deposit refund 30.00; Roy's Sport Shop, recreation supplies 743.88; Scott Mausbach, event center deposit refund 30.00; SD Dept. of Revenue, sanitation sales tax 449.61; SD One Call, locates 13.65; SDSU Family Resource Network, event center deposit refund 30.00; Share Corp, supplies & chemicals 12,276.02; Sunshine Bible Academy, event center deposit and rent refund 512.50; The Pioneer Woman, supplies 20.00; True North Steel, supplies 1,478.08; US Bank, water loan principal & loan interest 2,666.22; Valley Fibercom, utilities 226.74; SD Gov Human Resource School, travel & conference 50.00; SD Gob Finance Officers Assoc., travel & conference 75.00; Helms & Associates, turnaround project 169.69; Winter Contracting, LLC, water project 16,951.08.

**AERIAL SPRAYING PERMIT:** Motion was made by Cavanaugh, seconded by Slater, to approve the 2021 Aerial Spraying Permit submitted by Isaac Wilde, with Wilde Air Service, LLC, all voting aye, motion carried.

**ZONING:** Motion was made by Slater, 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 #93 submitted by Pat Tyrell, Tyrell met with the board to discuss the variance application. Tyrell has requested a variance to allow her to construct a carport, less than six (6) feet from the side (east) property line in an area zoned "R-2" General Residential District on the following legally described property: Lot 11, Block 3, Carroll's Addition, and addressed as 407 1<sup>st</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 for discussion of the variance application.

The location of the proposed construction was reviewed by Alderman Jensen. 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 11, Block 3, Carroll's 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 adjacent properties to the North, South, East, and West are zoned "R-2 General Residential".
4. That the Area Regulations of the "R-2" zoning require a front yard set-back of 30 feet, and a side yard set-back of six (6) feet.
5. That the Supplemental regulations for an accessory building require the structure to have a minimum distance of five (5) feet from an alley.
6. That the carport is a structure on the property, however, it is not permanently fixed into the ground.
7. That the applicant has filed the required application for the variance application and the notice of hearing was properly given.
8. That none of the adjacent property owners presented any objections to the proposed variance.
9. That granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
10. That the applicant has not applied for any permanent structures or improvements on the property nor have any been authorized by the variance issued.
11. That the reasons set forth in the application justify granting a variance.

Based upon these findings, a motion was made by Jensen, seconded by Cavanaugh, to recommend approval of the variance application #93 as submitted to Pat Tyrell, for a carport accessory building, all voting aye, motion carried.

This being the date and time public noticed for the hearing on Variance Application #94 submitted by HME Management, LLC, Bobbie Bohlen met with the board to discuss the variance application. Bohlen has requested a variance to allow the construction of a residential duplex unit, which will be 14 feet from the Front (north) property line, and to cover more than 30% of the total lot with structures on the property in an area zoned "R-1" Single Family Residential District on the following legally described property: Lot 34, in OL 1 & 2 of Wilder Pass in SW 28-111-56, 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 Alderman Jensen. 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 34, in Outlots 1 & 2 of Wilder Pass in SW 28-111-56, 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-1 Single Family Residential District".
3. That adjacent properties to the South, East, and West are zoned "R-1 Single Family Residential" and the property to the North is zoned "C-2 Commercial Industrial".
4. That the lot is located at the intersections of two, two street right-of-ways (Rose Lane & Wilder Pass and Wilder Pass & Prairie Avenue) and is therefore considered to be a corner lot.
5. That the Area Regulations of the "R-1" zoning require a front yard set-back of 30 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 Area Regulations require a maximum lot coverage of all buildings and structure are not to exceed 30% of the total lot area.
7. That the residential structure will meet the 30-foot set-back requirement on the front (west) and front (east) yard set-back requirement.
8. That the residential structure will only be 14 feet from the front yard (north) and would not meet the 30-foot front yard set-back.
9. That the lot area coverage with structures will exceed the 30% maximum requirement by 1% for a total lot coverage of 31%.
10. That the applicant has filed the required application for the variance application and the notice of hearing was properly given.
11. That none of the adjacent property owners presented any objections to the proposed variance.
12. That the location of the residential lot deems it necessary to grant a variance.
13. That granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
14. That the reasons set forth in the application justify granting a variance.

Based upon these finding, a motion was made by Slater, seconded by Asleson, to recommend approval of the variance application #94 as submitted to HME Management, LLC for a residential duplex unit, all voting aye, motion carried.

Mayor Wolkow declared the city council back in session.

**VARIANCE:** Motion was made by Cavanaugh, seconded by Jensen, to approve Variance application #93 submitted by Pat Tyrell for a carport structure, all voting aye, motion carried. Motion was made by Slater,

seconded by Asleson, to approve Variance application #94 submitted by HME, LLC for a residential duplex unit, all voting aye, motion carried.

**BUILDING PERMITS:** Motion was made by Jensen, seconded by Cavanaugh, to approve the building permit applications submitted by Pat Tyrell - carport; HME Management, LLC - two duplexes; Dennis Smith - patio enclosure; and Richard & Willa Weisel - fence, all voting aye, motion carried.

**SECOND READING FOR RE-ZONING:** Motion was made by Spader, seconded by Cavanaugh, to approve the second reading of Ordinance No. VII-27, 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: Lots 1 & 2, Block 2, Original Plat, De Smet, Kingsbury Co., South Dakota, be amended from General Residential (R-2) to Central Commercial (C-1), all voting aye, motion carried.

#### **Ordinance No. VII-27**

AN ORDINANCE ENTITLED, an ordinance to amend Article 1, Chapter 2.08, as Adopted By Ordinance No. VII-8 on February 15, 2000, as the Zoning Ordinance Of The City of De Smet.

Be it ordained by the City Council of the City of De Smet, South Dakota: that Article 1, Chapter 2.08 as adopted by Ordinance No. VII-8 on February 15, 2000 as the Zoning Ordinance of the City of De Smet, be amended to classify the following property: Lots 1 & 2, Block 2, Original Plat to the City of De Smet, from General Residential (R-2) (C-2) to Central Commercial (C-1).

Passed and adopted this 14<sup>th</sup> day of April, 2021

---

Gary Wolkow, Mayor

---

Tracey Larson, Finance Officer

This ordinance shall become effective 20 days after the last publication of this notice once a week for two successive weeks in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum is timely involved prior thereto.

Dated this 14<sup>th</sup> day of April, 2021.

Tracey Larson  
Finance Officer,  
De Smet, South Dakota

Passed 1<sup>st</sup> Reading: March 10, 2021  
Passed & Adopted: April 14, 2021  
Publication Dates: April 21 & April 28, 2021

Effective Date: May 18, 2021

**PUBLIC COMMENTS:** None.

**WATER LOOPING PROJECT:** Engineer Shane Waterman with IMEG/Clark Engineering, met with the council to update the council on the water looping project. A pre-construction meeting was held on March 17, 2021 to discuss the administrative procedures, required documents, and a tentative start date of April 15, 2021 weather permitting. Waterman reported that shop drawings were submitted by the contractor and have been reviewed and approved. Some of the project materials have already been delivered. The pay request from Winter Contracting, LLC for materials has been reviewed and IMEG/Clark Engineering recommends payment of the pay request. Waterman was asked about submitting a proposal agreement for the May council meeting to continue with the design and plans for the main street project.

**WATER LEAK ADJUSTMENT:** An application for a one-time water leak adjustment for account #756.00 in the amount of \$201.72 was presented to the council. The average monthly water usage was deducted from the total water used during the leak period and only water usage fees were calculated. Motion was made by Cavanaugh, seconded by Hansen, to approve a one-time water leak adjustment to account #756.00 in the amount of \$201.72 total (\$100.86 water & \$100.86 sewer), all voting aye, motion carried.

**FLOWER BARRELS:** One quote was received to provide and plant flowers in 25 barrels on main street and 2 containers at the library were as follows: Poinsett Gardens Inc.-\$0/barrel. Motion by Cavanaugh, seconded by Spader, to accept the quote of Poinsett Gardens Inc. of \$0/barrel, to provide and plant the flowers, for a total cost of \$0.00, all voting aye, motion carried.

**LIBRARY COPIER:** Quotes to replace the existing 13-year-old copier at the library were obtained from Office Peeps. A quote for a Toshiba e-Studio 330ac color copier was submitted in the amount of \$2,423.00 and \$170.00 for a 15-amp power manager. Motion was made by Spader, seconded by Cavanaugh to approve purchasing a Toshiba e-Studio 330ac color copier in the amount of \$2,423.00, and the power manager from Officer Peeps, all voting aye, motion carried.

**ELECTRONICS COLLECTION AND RUS FREE DUMPING DATES:** Motion was made by Jensen, seconded by Asleson, to approve the electronics collection date on Friday, May 7, 2021 from 7:30 AM - 6:00 PM at the new City Shop, and the free dumping dates at the Restricted Use Site as follows: Tuesdays - May 4<sup>th</sup> & 11<sup>th</sup> - 6:00 PM - 8:00 PM and Saturdays - May 1<sup>st</sup> & May 8<sup>th</sup> - 10:00 AM - 3:00 PM weather permitting, all voting aye, motion carried.

**SURPLUS PROPERTY:** Motion was made by Cavanaugh, seconded by Asleson, to approve declaring the Pacemaster Platinum ProClub treadmill as surplus to be disposed of at the De Smet RUS, all voting aye, motion carried.

**CONTINGENCY TRANSFER:** Motion was made by Jensen, seconded by Hansen, to approve transferring \$3,099.00 from contingency to the Event Center for the budgeted purchase of a new treadmill, all voting aye, motion carried.

**SEASONAL HELP:** Motion was made by Cavanaugh, seconded by Slater, to approve hiring Jason Gruenhagen and Shelby Sattler as co-softball coaches in the amount of \$900.00 each for the season, Noah Roth and Kasen Janssen as co-head lifeguards in the amount of \$750.00 each for the pool season, Callina Fields as a lifeguard in the amount of \$10.25 per hour pending she obtain the lifeguard certification, and Blake Van Regenmorter as a lifeguard in the amount of \$10.25 per hour pending he obtain the lifeguard certification, all voting aye, motion carried.

**EVENT CENTER:** Event Center Director, Kristy Hubbard met with the council and reported that rentals and wellness memberships have increased after covid; and the Event Center Advisory Board discussed and recommended a \$10.00 increase in the birthday party rental fee and to include the equipment for four activities. Motion was made by Cavanaugh, seconded by Asleson, to approve increasing the birthday party rental add-on rate from \$10.00 to \$20.00 and include the equipment for four activities, and implement an additional \$10.00 fee for usage of the basketball hoops and \$10.00 fee for usage of the soccer nets, all voting aye, motion carried.

**PROJECT PAYMENTS:** Motion was made by Hansen, seconded by Spader, to approve pay request #7 in the amount of \$169.69 to Helms & Associates for the turnaround's project, and pay request #1 in the amount of \$16,951.08 to Winter Contracting, LLC for the water looping project, all voted aye, motion carried. The airport project expenses will be reimbursed by 100% from grant funding.

**CONFERENCES:** Motion was made by Hansen, seconded by Jensen, to approve Finance Officer Larson attending the Human Resource and Finance Officer School on June 8<sup>th</sup> - 11<sup>th</sup>, in Pierre in amount of \$125.00, and approve Water/Wastewater Supt. Stoddard attending the virtual Water/Wastewater Expo on April 28<sup>th</sup> & 29<sup>th</sup> in the amount of \$25.00, all voting aye, motion carried.

**DE SMET DEVELOPMENT CORPORATION:** Rita Anderson, De Smet Development Coordinator, reported to the council that they have been keeping busy with various projects. Projects include: the daycare building has been delivered, fastened down, and will be opening as soon as possible; there are two open house events scheduled for the new townhomes that will be built in Wilder Pass; they are working on another apartment complex project; the new community guides will be printed next week; and has been working on a Highway 14 Trial project.

**FINANCIAL REPORTS:** Motion was made by Spader, seconded Jensen, to approve the March 2021 Cash Balances Report as presented by the Finance Officer, all voted aye, motion carried.

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

**DE SMET CHAMBER:** Motion was made by Cavanaugh, seconded by Slater, to approve spending up to \$4,000 for the budgeted Old Settler Day activities, all voting aye, motion carried.

**OTHER:** Other non-action items of discussion were as follows: 1) the March law enforcement report; 2) property reviews; and 3) the hospital lease agreement.



**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: Richard Stoddard, Water/Waste Water Supt. \$21.77/hour effective April 1, 2021.

---

Gary Wolkow, Mayor

ATTEST:

---

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ \_\_\_\_\_