

REGULAR MEETING DE SMET COMMON COUNCIL
March 13, 2019

The De Smet Common Council met in regular session on March 13, 2019, at 5:00 p.m., with the following council members present: Don Bohn, Lowell Hansen, Norm Whitaker, Jay Slater, Mayor Gary Wolkow, Finance Officer Tracey Larson, and City Attorney Todd Wilkinson. Absent: Alex Botkin and George Cavanaugh.

Mayor Wolkow called the meeting to order at 5:00 PM.

ANNOUNCEMENTS: Mayor Wolkow congratulated the De Smet Girls Basketball team on their State Championship and wished the De Smet Boys Basketball team good luck at the State Tournament this week. Mayor Wolkow announced that Senator John Thune will be in De Smet on Monday, March 18, 2019, at 10:00 AM at the Oxbow to visit with people and will also be going to the school.

MINUTES: Motion was made by Hansen, seconded by Slater, to approve the minutes of the February 13, 2019 Regular Meeting, all voting aye, motion carried.

CLAIMS: Motion by Slater, seconded by Bohn, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$29,645.56; OASI Benefit 2,267.92; Aflac, ins. premium 226.72; Dearborn National, life insurance 123.20; Farm Bureau Bank, health savings 875.00; Delta Dental of South Dakota 373.00; VSP 191.54; Wellmark Blue Cross Blue Shield, health insurance premium 6868.60; SDRS, retirement benefit 3,321.14; Post Office, variance postage 50.40; Mediacom, internet 69.21; Amber Stafford, deposit refund 10.00; American Bank & Trust, Event Center loan pmt. 5,000.00; American Water Works Assoc., 2019 dues 79.00; Arbor Day Foundation, 2019 membership dues 35.00; Avid Hawk, LLC, monthly website fee 35.00; Bratland Ag Supply, deposit refund 525.00; Castlerock, repairs & maintenance 4,132.66; Center Point Large Print, books, CD's & DVD's 29.21; Century Link, phones 528.99; City of De Smet, petty cash supplies 35.97; City of De Smet, utilities 329.40; Connecting Point, off-site backup 35.00; Cook's Wastepaper & Recycling, city garbage service 247.50; Cook's Wastepaper & Recycling, residential garbage services 6,151.04; De Smet Development Corp., contribution 18,000.00; De Smet Trustworthy Hardware, supplies 120.67; De Smet Welding & Machine, repairs 570.90; DENR, operator certification renewal 36.00; Dept. of Health, water labs 58.00; The De Smet News, publishing 507.81; The De Smet News, library publishing 49.00; Ferguson Waterworks, repair 150.00; Halme, Inc., water leak repair 3,066.33; Hawkins, Inc., chemicals 15.00; Heiman Fire Equipment, annual inspections 224.00; Karen Hansen, reimburse

for mileage 38.28; Kingsbury electric Cooperative, repair 21.29; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 745.66; Maynard's, supplies 16.04; Mesa Nolte, key deposit refund 10.00; Micro Marketing, LLC, books, CD's & DVD's 759.49; NAPA, supplies 186.98; Northwestern, utilities 1,955.77; O'Keefe Implement, Inc., repairs & supplies 241.34; Office Peeps, Inc., supplies 20.01; Office Peeps, Inc., supplies 461.72; On Deck Sports, equipment 2,500.20; Overdrive, Inc., supplies 600.00; Poinsett Gardens, Inc., replace lost check 17.53; Postmaster, supplies 175.00; Rachel Lee, key deposit refund 10.00; Randi Albrecht, deposit refund 50.00; Reed, Inc., debt service payment 1,448.41; Reed, Inc., debt service payment 690.58; Reed, Inc., debt service payment 2,500.00; Rich's Gas & Service, fuel 2,955.81; Roy's Sport Shop, supplies 1,000.00; SD Dept. of Revenue, recreation sales tax 167.23; SD Dept. of Revenue, garbage sales tax 420.71; Office of Fire Marshal, boiler inspection 60.00; SD Magazine, renewal 45.00; Share Corp, supplies 3,381.56; Smith Lumber, supplies 35.05; Stacy Nielson, deposit refund 30.00; State of South Dakota, long distance 8.32; The Main Stop, fuel 223.48; Truck & Ag Repair, repair 745.62; True North Steel, Inc., supplies 2,956.16; Wilkinson Insurance Agency, bond insurance 1,083.00; Woods Heating & Cooling, LLC, repair 117.35; Helms & Associates, airport turnaround project engineering fees 2,478.52; Helms & Associates, airport taxilane & hardstand project engineering fees 102.45; Mediacom, utilities 259.65; Mediacom, internet 71.60; Ottertail, utilities 7,193.61; Visa, airport internet, supplies, registration 3,364.98.

ZONING: Motion was made by Slater, seconded by Hansen, that the Council to be convened as the Board of Adjustment, all voted 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 #72 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 17'5" x 30' 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 Alderman Botkin. 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 principle 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 Bohn, seconded by Slater, to recommend approval of the variance application #72 as submitted to Edith Jesser dba Jesser's, for two (2) temporary greenhouse accessory buildings, all voting aye, motion carried.

Motion was made by Slater, seconded by Whitaker, to reconvene as the council, all voted aye, motion carried.

Motion was made by Slater, seconded by Bohn to approve the recommendation from the Zoning Board of Adjustment to approve the Variance Application #72, submitted by Edith Jesser dba Jesser's, for two (2) temporary greenhouse accessory buildings, all voting aye, motion carried.

BUILDING PERMIT: Motion was made by Slater, seconded by Whitaker, to approve the building permit application submitted by Edith Jesser dba Jesser's for two (2) temporary greenhouse structures, all voting aye, motion carried.

SPECIAL LIQUOR LICENSE: Karen Hansen, owner of Wheaties Bar & Grill has requested a special liquor license for an event to be held outside in front of the business at 112 Calumet Ave. SE, De Smet on March 23, 2019 from 5:00 PM to 12:00 AM. Motion was made by Hansen, seconded by Slater, to approve the special liquor license for Wheaties Bar & Grill, for an event to be held at in front of the business located at 112 Calumet Ave. SE, De Smet on March 23, 2019 from 5:00 PM to 12:00 AM, all voting aye, motion carried.

PUBLIC COMMENTS: Pat Hansen commented on flood prevention and parking tickets during snow removal.

SECOND READING TO AMEND THE LIQUOR ORDINANCE: Attorney Wilkinson reviewed and answered questions in regard to the amended liquor ordinance that would replace and update the current liquor ordinances. The revised ordinance would amend the number of off-sale liquor licenses to what is permitted by state statute, include the restaurant license, and sidewalk café alcoholic permits. Motion was made by Slater, seconded by Whitaker, to approve the second reading of Ordinance V - 10 Alcoholic Beverages BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE SMET, SOUTH DAKOTA: An ordinance adopting comprehensive alcoholic beverage and related regulation and amending and replacing Previous Alcoholic beverage and related regulation for the City of De Smet, South Dakota, all voting aye, motion carried.

SECOND READING TO AMEND WATER/WASTEWATER RATES: Water and Wastewater rates for other area towns were presented to the

council as previously requested. Discussion was also held as to making the effective date of the rate increases later to the fall season instead of twenty days after publishing of the amended ordinance. Motion was made by Slater, seconded by Hansen, to approve the second reading to amend Ordinance No. II-2Q, Section II-2-6. Water Services Hookups Rate to increase the water flat rate by \$0.85 and \$0.16 per 1,000 gallons and the second reading to amend Ordinance No. II-4N Wastewater Charges, to increase the sewer flat rate by \$0.85 and \$0.16 per 1,000 gallons, all voting aye, motion carried.

ORDINANCE NO. II-2Q

AN ORDINANCE AMENDING ORDINANCE NO. II-2 ENTITLED: SECTION II-2-6. WATER SERVICE HOOKUPS & RATES:

BE IT ORDAINED BY THE CITY OF DE SMET, SOUTH DAKOTA, THAT SAID ORDINANCE SHALL BE AMENDED TO READ AS FOLLOWS:

Section II-2-6. Water Services Hookups and Rates.

RATE SCHEDULE FOR WATER USAGE

The rates for water consumption shall be computed on a monthly (1 month) basis. Any fractioned use of 1,000 gallons shall be rounded to the next 1,000 gallon increment and shall be considered as 1,000 gallons for billing purposes. A minimum monthly rate of \$17.85 of which sum \$2.50 per hookup shall be designated for debt retirement, shall be charged to the service regardless of usage as long as the water shall be turned on to the service. The following rates shall be effective for residential and commercial usage for water supplied by the City of De Smet, to-wit:

For usage, per 1000 gallons \$3.26

Meters shall be read monthly and water bills shall be due and payable on the 1st day of every month of each year at a place designated by the City. After 5:00 P.M. on the 15th day of said month, water bills shall be deemed delinquent and a 15% penalty shall be added to the unpaid customer's account having a balance of over \$10.00.

No utility connection shall be made for municipal water or sewer services until the owner, occupier or user of the premises shall deposit with the City the sum of \$125.00 as a guarantee of municipal utilities payment. Said deposit shall be retained by the City without interest until the municipal utility service is disconnected or terminated. Upon vacating said building or location of the

discontinuance of the use of the municipal utilities therein, the deposit shall be returned to the person who paid said amount, less any sums then due and owing to the City for utility services.

All other sections of said Ordinance and Ordinances amending Ordinance No. II-2, except those herein specifically modified, remain in full force and effect.

Dated this 13th day of March, 2019.

CITY OF DE SMET

ATTEST:

Gary Wolkow, Mayor

Tracey Larson, Finance Officer

Passed First Reading: February 13, 2019
Passed Second Reading and Adopted: March 13, 2019
Published: March 27, 2019

ORDINANCE NO. II - 4N

AN ORDINANCE AMENDING CHAPTER II-4 ENTITLED: WASTEWATER CHARGES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DE SMET, SOUTH DAKOTA:

That Section II-4-3 be amended as follows to-wit:

Section II-4-3. Sewer Service Rates/Metered Services. The rates for sewer usage shall be computed on a monthly (1 month) basis. There shall be only one class of users for purposes of rate calculation with rates to be determined based upon the users metered water usage. Any fractional use of 1,000 gallons shall be rounded to the next 1,000 gallon increment and shall be considered as 1,000 gallons for billing purposes. A minimum monthly rate of \$17.85, as long as the water shall be turned on to the service. An additional monthly charge shall be imposed at a rate of \$3.26 for each 1000 gallons or fraction thereof of metered water usage.

And Section II-4-5 be amended as follows to-wit:

Section II-4-5. Sewer rates for wastewater users who use water in the dwelling, office or other structure from a source other than metered City Water shall be required to pay a monthly rate of \$23.35.

All other provisions not changed herein to remain valid and effective.

Date this 13th day of March, 2019.

CITY OF DE SMET

ATTEST:

Gary Wolkow, Mayor

Tracey Larson, Finance Officer

Passed First Reading: February 13, 2019

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LAND VACATE: In 2015, the City of De Smet approved vacating a small area of land. The vacate paperwork was filed but could not be recorded due to one of the adjacent properties not showing in city limits. Clark Engineering has also looked into their records from doing maps for the City and has not been able to identify when this property was annexed into the city limits. Motion was made by Slater, seconded by Whitaker, to approve hiring Robert Hornstra with Northern Plains Land Services, LLC at a rate of \$40.00 per hour and \$1.00 per pages for copies, to find when the land in question was annexed into the city limits, all voting aye, motion carried.

STREETS/AIRPORT: Ryan Petersen, Supt. of Streets & Airport, met with the council to discuss street repairs with the money budgeted for crack sealing, chip sealing, and matt repair work. Supt. Petersen reported that he has not be given an asphalt price at this time, and there are a lot of cracks in the streets that have opened up over the winter season. Supt. Petersen informed the council of the streets he is planning to crack seal this summer. A quote for additional engineering and water flow study for Wilder Lane from Clark Engineering was presented to the council. Motion was made by Slater, seconded by Hansen, to approve calling for bids to crack seal approximately 25,000 lineal feet with bids to be opened at the April 10, 2019 Regular Meeting, all voted aye, motion carried. Motion was made by

Slater, seconded by Bohn, to table the quote for additional engineering work until the April regular meeting, all voting aye, motion carried.

EXECUTIVE SESSION: At 6:20 PM, motion was made by Slater, seconded by Bohn, to approve going into executive session for personnel, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 6:40 PM.

PERSONNEL: Motion was made by Slater, seconded by Hansen, to hire Richard Stoddard as the Water & Wastewater Superintendent at \$18.35/hour, upon roll call vote, voting aye was: Slater, Whitaker, Hansen, and Bohn. Voting nay: none. Motion carried. Motion was made by Slater, seconded by Hansen, to hire Kenneth Sprang as a fill-in person for snow removal at \$13.10/hour retroactive January 23, 2019, upon roll call vote, voting aye was: Slater, Whitaker, Hansen, and Bohn. Voting nay: none. Motion carried.

BASEBALL COACHES: Motion was made by Slater, seconded by Whitaker, to approve hiring Wesley Clubb as co-baseball coach at \$1,200.00/season and Aaron Grub as co-baseball coach at \$1,200.00/season, upon roll call vote, voting aye was: voting aye was: Slater, Whitaker, Hansen, and Bohn. Voting nay: none. Motion carried.

ADVERTISING FOR HELP: Motion was made by Hansen, seconded by Whitaker, to approve advertising for help for the Buildings/Park/Pool Superintendent position and re-advertise for the part-time Event Center Custodian position, all voted aye, motion carried.

SOFTBALL COACH WAGE AMENDMENT: Due to only two people being hired as softball coaches, motion was made by Slater, seconded by Whitaker, to approve amending the seasonal wage for Jason Gruenhagen to \$900.00/season, all voting aye, motion carried.

FLOWER BARRELS: Motion was made by Hansen, seconded by Slater, 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, council meeting, all voting aye, motion carried.

BASEBALL FIELD UPDATE: A quote to install lights at the baseball field has been submitted. There are some questions regarding the quote that still need to be clarified.

AIRPORT AGENCY AGREEMENT: Motion was made by Hansen, seconded by Whitaker, to approve signing of the Airport Agency Agreement and designate the Mayor as the authorized representative to sign, all voted aye, motion carried.

AIRPORT PAYMENTS: Motion was made by Hansen, seconded by Bohn, to approve pay request #12 in the amounts of \$102.45 to Helms & Associates for taxilane project planning, design, and engineering fees, and pay request #1 in the amount of \$2,478.52 to Helms & Associates for the turnarounds, all voting aye,

motion carried. These airport project expenses will be reimbursed by 95% from grant funding.

DE SMET DEVELOPMENT COORIDNATORS REPORT: Rita Anderson, De Smet Development Coordinator reported that Senator John Thune would be in De Smet on Monday, March 18th at 10:00 AM to visit with local residents; the Community Planning/Design Task Force met to discuss future planning and projects; the next Connect De Smet meeting will be held on March 27th at 4:30 PM; and gave an update on the number of pledges that had been received in the last month for the Event Center building project.

CONTINGENCY TRANSFER: Motion was made by Slater, seconded by Whitaker, to approve transferring \$13,300.00 from the Contingency to the Buildings for the new boiler and labor at the old City Hall building, all voted aye, motion carried.

FINANCIAL REPORTS: Motion was made by Slater, seconded Whitaker, to approve the January & February 2019 Cash Balances Reports as presented by the Finance Officer, all voting aye, motion carried.

OVERTIME: Motion by Whitaker, seconded by Slater, to approve the overtime hours for the month of February as presented, all voting aye, motion carried.

OTHER: Other non-action items of discussion were as follows: 1) the February law enforcement report; 2) snow removal on business sidewalks; and 3) replacing two signs by the City Shop Building.

AJOURN: There being no further business the meeting was adjourned on motion by Hansen.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

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