

**REGULAR MEETING DE SMET COMMON COUNCIL  
OCTOBER 11, 2017**

The De Smet Common Council met in regular session on October 11, 2017, at 5:00 p.m., with the following present: Don Bohn, Lowell Hansen, Larry Jensen, George Cavanaugh, Norm Whitaker, Jay Slater, Mayor Gary Wolkow, FO Tracey Larson, and City Attorney Todd Wilkinson. Absent: none.

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

**ANNOUNCEMENTS:** Mayor Wolkow congratulated Jean Wilkinson on being the awarded the South Dakota Spirit of Dakota award, and congratulated Richard Stoddard for obtaining the wastewater certification.

**MINUTES:** Motion was made by Whitaker, seconded by Cavanaugh, to approve the minutes of the September 13, 2017 Regular Meeting, all voting aye, motion carried.

**CLAIMS:** Motion by Whitaker, seconded by Slater, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$30,909.40; OASI Benefit 2,364.58; Aflac, ins. premium 371.76; Dearborn National, life insurance 140.80; Farm Bureau Bank, health savings 1,000.00; Delta Dental of South Dakota 451.92; VSP 200.81; Wellmark Blue Cross Blue Shield, health insurance premium 6,009.12; SDRS, retirement benefit 3,677.56; Amber Powell, deposit refund 305.00; Audio Connections, supplies 12.99; Avid Hawk LLC, website 35.00; Bau Plumbing, repairs 534.86; Booklist, library supplies 165.50; Building Sprinkler, Inc, maintenance, 475.00; Center Point Large Print, books 29.21; Century Link, phones 448.59; City of De Smet, petty cash 48.84; Connecting Point, maintenance & software 107.50; Cook's Wastepaper & Recycling, residential garbage collection 9,293.02; Crist Locksmithing repairs 396.00; Dale Goreham, meter deposit refund 10.00; De Smet Development Corp., marketing 625.00; De Smet Postmaster, supplies 243.20; De Smet Trustworthy Hardware, supplies 377.88; Demco, library supplies 272.51; Denae Ward, deposit refund 30.00; Dept. of Revenue, water testing, 224.00; The De Smet News, publishing 374.16; The De Smet News, library publishing 52.70; Dakota Supply Group, maintenance 422.08; Farmer Brothers, supplies 48.83; Harry Kannegieter, meter deposit refund 75.00; Hawkins, Inc., chemicals 1,102.36; Heartland Paper Co., supplies 379.12; Hydro Klean, maintenance 2,102.50; Kevin Broderson, deposit refund; 305.00; Kingsbury Electric Cooperative, maintenance 684.65; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement 6,283.33; Kingsbury County Highway Dept., maintenance 11,835.94; Kingsbury Electric Cooperative, utilities 228.72; Kristi Timp, deposit refund 50.00; LIW Memorial Society, marketing 433.78; LIW Memorial Society, deposit refund 280.00; Maynard's De Smet, supplies 27.46; Micro Marketing LLC, supplies 577.46; Midstate Agronomy, deposit refund 275.00; Midstate Agronomy, supplies 221.58; NAPA, supplies 109.64; Norma Cecil, sanitation refund 32.46;

Northwestern, utilities 97.73; O'Keefe Implement Inc., repairs & supplies 318.79; Office Peeps, Inc., library supplies 95.60; Office Peeps, Inc., supplies 176.04; Ottertail Power Co., utilities 4,449.65; Palmlund Automotive, repairs 764.14; Pamela Powell, deposit refund 100.00; R & D Tech Services, maintenance 290.00; Randy Knadle, maintenance 1,314.00; Reader Service, supplies 17.22; REED, INC, debt service 1,448.41; REED, Inc. debt service 690.58; REED, Inc. debt service 2,500.00; Rich's Gas & Service, supplies 1,257.16; Richard Close Septic, sewer repairs 350.00; Saturday Evening Post, supplies 26.94; SD Dept. of Revenue, garbage sales tax 636.02; Share Corp., supplies 3,374.73; Smith's Lumber, supplies 1.20; State of SD, long distance 17.94; T-N-T Salvage, maintenance 75.00; Tactical Warrior, equipment 2,800.00; Tracey Larson, mileage, 119.84; Traci Smith, deposit refund 50.00; US Bank, water debt service 2,666.22; Vivian Kaufman, meter deposit refund 75.00; Water Billboards, supplies 921.80; Woods Heating & Cooling LLC, maintenance 520.41; Zell Manufacturing, Inc., maintenance, 107.60; Zimco, supplies, 114.00; Mediacom, utilities 256.54; Mediacom, utilities 64.54; Visa, lodging, internet, & supplies 350.94.

**EMERGENCY MANAGEMENT:** Cindy Bau, Emergency Management Director, met with the council for an annual update. Updates and reminders included: Continued credentialing of city council members and employees; credentialing of equipment will be done in the future, so when the equipment is used in an emergency situation, the equipment usage will be tracked and reimbursed; council members and some city staff should complete the ICS 1, 2, & 7 classes if they have not already done them; emergency sirens are still being tested on a monthly basis; a Homeland Security grant and Access Dakota Pipeline grant for emergency equipment will be open for application soon; the SD state sign delineation program is still progressing forward and the bid letting is in the works; the full scale training exercise for this year will be held in Oldham; and the mitigation plan that the City of De Smet is a part of is updated every five years.

**2018 LIQUOR & WINE LICENSE RENEWALS:** Motion was made by Cavanaugh, seconded by Slater, to reissue liquor licenses to the Main Stop (off-sale), City of De Smet (on-sale), Dugout (on-sale), Wheaties (on-sale), Kingsbury Club House (on-sale), Oxbow Restaurant (on-sale wine), and Dollar General (on/off-sale wine) for the year 2018, all voting aye, motion carried.

**SPECIAL LIQUOR LICENSES:** The Dugout requested a special liquor licenses for an event to be held at the De Smet Event on October 28, 2017 from 3 PM to 2 AM. Motion was made by Cavanaugh, seconded by Whitaker, to approve a special liquor license for the Dugout, for an event to be held at the De Smet Event Center on October 28, 2017 from 3 PM to 2 AM, all voting aye, motion carried.

**DRAINAGE BY CHASE STREET:** Terry Holland met with the council to discuss the drainage by his shop building. The water cannot drain to the West because of the elevations. Street Supt. Petersen reported

that there is a culvert under Chase Street that has been covered on the south end for many years but has been located on the north end. Other ideas and concerns of draining the water to the south or installing drain tile were discussed.

**FIRE DEPARTMENT:** Shawn Wolkow, Fire Chief, presented the council a quote from Feld Fire for three SCBA units in the amount of \$20,559.00. The quote presented is \$7,059.00 over the amount budgeted in 2017 for SCBA equipment. FO Larson reported that the \$7,059.00 difference would be available in the 2017 contingency budget. Motion was made by Slater, seconded by Jensen, to approve ordering the three SCBA units from Feld Fire in the amount of \$20,559.00, all voting aye, motion carried.

**WOOD PILES:** A letter of concern about wood piles from a De Smet resident was presented to the council. The letter presented expressed concerns about the wood piles increasing in size, the increase in snakes and insect, cats using the wood piles for homes, children playing on and between the wood piles, and the appearance in the neighborhood. Attorney Wilkinson informed the council that an ordinance could be drafted that would limit the number of cords stored on a property, the size of a cord of wood is 4 ft. x 4 ft. x 8 ft., and current wood piles would not be grandfathered in. Motion was made by Jensen, seconded by Bohn, to introduce the first reading to limit wood piles to two cords of wood per property, all voting aye, motion carried.

**SECOND READING OF TRUCK ROUTE ORDINANCE AMENDMENT:** Motion was made by Bohn, seconded by Slater, to approve the second reading to amend Ordinance No. VI-8 Truck Routes and Load Limits, to add no parking on Prairie Avenue from 3<sup>rd</sup> Street to Front Street and on Front Street from Prairie Avenue to Harvey Dunn Ave. Chad Dylla, manager of Prairie Ag Partners informed the council that he was aware of the city's concerns with the semis coming to the elevator parking on the streets and has parking available on their property for semi parking. Prairie Ag Partners is also working on improvements to get the trucks off the scale faster and informing the drivers of the change in routing. Discussion was also held with Street Supt. Peterson about street shoulder work that could be done to improve the water drainage off the street and how implementing no parking also impacts the residents on the two streets. Voting aye was Bohn and Whitaker. Voting nay was Slater, Cavanaugh, and Jensen. Abstaining was Hansen. Tie vote was broken with an aye vote by Mayor Wolkow. Motion carried. Motion was made by Slater, seconded by Cavanaugh, to rescind the second reading to amend Ordinance No. VI-8 Truck Routes and Load Limits, to add no parking on Prairie Avenue from 3<sup>rd</sup> Street to Front Street and on Front Street from Prairie Avenue to Harvey Dunn Ave. Voting aye was Hansen, Slate, Whitaker, and Cavanaugh. Voting nay was Jensen and Bohn. Motion carried.

**STREET DEPARTMENT:** Street Supt. Peterson reported that they are trimming trees over the right-of-way and the street crack sealing will

be done the end of October. Petersen was authorized to contact Merle Klinkel regarding the blading of the ditch along Prairie Avenue. Supt. Petersen informed the council that he had obtained a quote of \$3,500.00 to pour a 75 ft. x 8 ft. stretch of concrete in an area of the Event Center parking lot where water drainage is causing erosion problems. The city crew has installed additional rock in that area to prevent erosion, but it is not resolving the problem. The council also discussed adding additional concrete to complete the concrete area to the roll-up door of the event center. Motion was made by Slater, seconded by Jensen, to approve pouring a 75 ft. x 8 ft. area of concrete in the amount of \$3,500 at the Event Center parking lot and to approve spending up to \$5,000.00 for additional concrete in an area south of the Event Center roll-up door, all voting aye, motion carried.

**SECOND READING OF WATER & SEWER ORNINANCE AMENDMENTS:** Motion was made by Jensen, seconded by Slater, to approve and adopt the second reading to amend Ordinance No. II-2Q, Section II-2-6 Water Service Hookups & Rates that will change the water billing from bi-monthly to monthly and the penalty from a flat fee to a percentage fee charged, 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 1000 gallons shall be rounded to the next 1000 gallon increment and shall be considered as 1000 gallons for billing purposes. A minimum monthly rate of \$16.00 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 \$2.80

Meters shall be read monthly and water bills shall be due and payable on the 1<sup>st</sup> day of every month of each year at a place designated by the City. After 5:00 P.M. on the 15<sup>th</sup> 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 11th day of October, 2017.

CITY OF DE SMET

ATTEST:

\_\_\_\_\_  
Gary Wolkow, Mayor

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Tracey Larson, Finance Officer

Passed First Reading: September 13, 2017  
Passed Second Reading and Adopted: October 11, 2017  
Published: October 26, 2017

Motion was made by Cavanaugh, seconded by Whitaker to approve and adopt the second reading of Ordinance No. II-4N, Chapter II-4, Section II4-3 Wastewater Charges, to change the bi-monthly billing to monthly billing and the penalty from a flat fee to a percentage fee charged, all voted aye. Motion carried.

**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 1000 gallons shall be rounded to the next 1000 gallon increment and shall be considered as 1000 gallons for billing purposes. A minimum monthly rate of \$16.00 charged to the service regardless of usage as long as the water shall be turned on to the service. An additional monthly charge shall be imposed at a rate of \$2.80 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 \$21.50.

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

Date this 11th day of October, 2017.

CITY OF DE SMET

ATTEST:

\_\_\_\_\_  
Gary Wolkow, Mayor

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Tracey Larson, Finance Officer

Passed First Reading: September 13, 2017  
Passed Second Reading and Adopted: October 11, 2017  
Published: October 26, 2017

**FIRST READING TO AMEND THE ANIMAL ORDINANCE:** Motion was made by Slater, seconded by Cavanaugh, to approve the first reading to amend Ordinance No. VIII-I to add an additional section to prohibit the accumulation of pet feces and require pet owners to remove their pet's waste on public or private property, all voting aye, motion carried.

**POOL REPAIRS:** A quote from MC&R Pools, Inc. was presented in the amount of \$13,923.00 for the pool coping renovations. Motion was made by Cavanaugh, seconded by Jensen, to approve hiring MC&R Pools, Inc. in the amount of \$13,923.00 for the pool coping renovations to be done in 2018, all voting aye, motion carried.

**BUILDING & DEMO PERMITS:** Two building permits and one demo permit was reviewed by the council. Motion by Cavanaugh, seconded by Slater, to

approve the building permit submitted by Poinsett Gardens, Inc. - greenhouse addition; Ron & Jean Penney - demo permit for a house; and table the building permit submitted by Jason Gruenhagen - carport, all voting aye, motion carried.

**UTILITY PERMIT APPLICATION FORM:** A revised utility permit application was presented to the council to review. This application form will be required by contractors digging in the street or right-of-way. Motion was made by Hansen, seconded by Cavanaugh, to approve the utility permit application form, all voting aye, motion carried.

**SURPLUS PROPERTY:** Motion was made by Cavanaugh, seconded by Whitaker, to declare the hospital 1989 Tran air conditioning unit as surplus property to be disposed of at the De Smet Restricted Use Site, all voted aye, motion carried.

**EXECUTIVE SESSION:** At 6:55 PM, motion was made by Slater, seconded by Cavanaugh, to go into executive session for litigation, all voted aye, motion carried. The council was declared out of executive session by Mayor Wolkow at 7:10 PM.

**CITY HALL ROOF:** One quote was received to replace the roof on City Hall from Holland Construction, but the work could not be completed until spring. The council agreed to hold off until spring and ask for new quotes since the work cannot be completed this year.

**PAINTING THE HARVEY DUNN SCHOOL:** A quote from Lance Palmlund in the amount of \$1,638.56 which includes the materials and labor, to paint the exterior of the Harvey Dunn School was presented to the council. Motion was made by Slater, seconded by Cavanaugh, to approve Lance Palmlund painting the exterior of the Harvey Dunn School in the amount of \$1,638.56, all voting aye, motion carried.

**BASEBALL FIELD PROJECT UPDATE:** Council members Jensen and Cavanaugh updated the council on the new baseball field project with the following information: there are a couple leaks that still need to be fixed with the irrigation system, and the dugouts are completed and look good. Fencing in front of the dugouts and benches in the dugouts still need to be completed.

**DEVELOPMENT COORDINATOR REPORT:** Development Coordinator Rita Anderson reported on the following: The Bush Foundation Story Teller will be in De Smet in a couple weeks to interview people in De Smet before telling the De Smet story; De Smet has been awarded the South Dakota Philanthropic Community of the Year award and will be presented the award on October 17<sup>th</sup>; the continued need for rental housing even though there are many houses for sale in De Smet; and on November 4<sup>th</sup> & 5<sup>th</sup>, there will be a veterans celebration featuring a Vietnam art work & special art show at the Event Center.

**CONFERENCE:** Motion was made by Cavanaugh, seconded by Whitaker to approve Supt. of Bldgs/Parks Stoddard attending the Small Water System Operations conference on October 30, 2017 in Pierre, all voting aye, motion carried.

**FINANCIAL REPORTS:** Motion was made by Hansen, seconded Cavanaugh, to approve the September 2017 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

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

**OTHER:** Other non-action items of discussion were as follows: 1) the September law enforcement report; 2) the library improvements look good; 3) putting a notice in the paper to remind residents to move vehicles, boats, and campers from the streets before snow removal; 4) stray cats; and 5) changing a few Friday night roller skating dates to Sundays due to rental events.

**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: Street Supt. Ryan Petersen \$20.60/hour effective October 1, 2017.

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Gary Wolkow, Mayor

ATTEST:

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Tracey Larson, Finance Officer

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