

REGULAR MEETING DE SMET COMMON COUNCIL
October 8, 2019

The De Smet Common Council met in regular session on October 8, 2019, at 5:00 p.m., with the following present: Bret Jensen, Alex Botkin, Lowell Hansen, George Cavanaugh, Norman Whitaker, Mayor Gary Wolkow, FO Tracey Larson, and City Attorney Todd Wilkinson. Absent: Jay Slater.

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

MINUTES: Motion was made by Botkin, seconded by Whitaker, to approve the minutes of the September 11, 2019 Regular Meeting as corrected, all voting aye, motion carried.

CLAIMS: Motion by Whitaker, seconded by Jensen, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$31,997.45; OASI Benefit 2,447.81, Aflac, ins. premium 280.95; Dearborn National, life insurance 211.20; Delta Dental of South Dakota 368.40; VSP 180.58; Health Pool of SD, health insurance premium 7,729.93; SDRS, retirement benefit 3,728.46; Mediacom, utilities 260.90; Mediacom, utilities 73.10; Safety Benefits, travel & conference 65.00, Visa, supplies & utilities 133.62, Postmaster, variance 37.80; Postmaster, rezoning 75.60, Postmaster, variance 25.20; Kingsbury County Register of Deeds, resolution & warranty deed 60.00; Mediacom, utilities 70.81; Amber Stafford, event center deposit & rent refund, 455.00; American Bank & Trust, supplies 60.00; American Engineered Products, repairs 2,992.00; American Trust Insurance, insurance 24.00; Audio Connections, repairs & maintenance 260.93; Avid Hawk LLC, web site fee 35.00; Booklist, library supplies 169.50; Building Sprinkler, repairs & maintenance 475.00; Butler Machinery, repairs & maintenance 2,330.38; Cari Gregersen, meter deposit refund 38.30; Center Point Large Print, library supplies 29.21; Century Link, utilities 443.76; City of De Smet, utilities paid from meter dep. 86.70; City of De Smet, petty cash 37.22; City of De Smet, utilities 401.41; Connecting Point, library repairs & maintenance, 549.14; Connecting Point, repairs & maintenance 35.00; Consolidated Ready Mix, Inc., repairs & maintenance & equipment 1,135.00; Continental Research Corp., supplies 651.04; Cook's Wastepaper & Recycling, repairs & maintenance 6,291.58; Dakota Pump, repairs & maintenance 182.40; De Smet Trustworthy Hardware, supplies 176.37; Dept of Health repairs & maintenance 239.00; The De Smet News, library publishing 44.90; Devon Wolkow; event center deposit refund 10.00; Harvey Hubbard, event center deposit refund 30.00; Hawkins, Inc., water chemicals 2,544.25; Heartland Paper Company, event center supplies 343.76; HGTV, library supplies 34.97; Jean Fox, event center deposit refund 275.00; Jennifer Stofferan, event center deposit refund 30.00; Kingsbury Electric Cooperative, repairs & maintenance & equipment 5,715.34; Kingsbury Electric

Cooperative, repairs & maintenance 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 147.50; Kristy Hubbard, supplies 47.88; L.G. Everist, Inc., repairs & maintenance 2,912.56; Library Journal, library supplies 157.99; Maynard's De Smet, supplies 53.10; Mc Cune Electric, LLC, repairs & maintenance 64.95; Micro Marketing LLC, library supplies 686.98; NAPA De Smet, supplies 3.99; Northwestern, utilities 81.62; O'Keefe Implement, Inc., supplies, repairs & maintenance, 973.01; Office Peeps, Inc., library supplies 139.23; Office Peeps, Inc., supplies 355.33; Ottertail, utilities 3,489.87; Postmaster, supplies 175.00; Prevention; library supplies 36.00; Quality Storage Buildings, equipment 6,090.00; Reader Service, library supplies, 18.33; Reed Inc., debt service principal 1,448.41; Reed Inc., debt service principal 690.58; Reed Inc., debt service principal, 2,500.00; Rhona Albrecht, event center deposit refund 605.00; Rich's Gas & Service, fuel, repairs & maintenance 1,253.01; Richard Stoddard, supplies 18.28; Scott Ingalls, event center deposit refund 30.00; SD Dept. of Revenue, sanitation sales tax 429.65; Share Corp, chemicals & supplies 1,248.07; Sharleen Wipf, eventer center deposit refund 405.00; Smith's Lumber, supplies, repairs & maintenance 760.97; State of South Dakota, utilities 13.18; The Lifeguard Store, supplies 83.50; Tracey Larson, travel & conference 104.86; US BANK, water loan interest & principal 2,666.22; Van Diest Supply Company, health & west Nile supplies 3,767.50; Wilkinson & Schumacher Law, services & fees 2,343.50; Zell Manufacturing, Inc. repairs & maintenance 37.00; Halms & Associates, airport taxilane & hardstand project \$14,775.61; Helms & Associates, airport turn arounds project \$743.56; and Midland Contracting, Inc., airport taxilane & hardstand project \$107,422.01.

SURPLUS PROPERTY: This being the date and time public noticed to open sealed bids for the 125-gallon propane tank, and Wisconsin Heavy Duty motor, bids were opened by Attorney Wilkinson. Bids received are as follows:

125-gallon propane tank

Bidder	Amount
Fred Johnson	\$157.00

Wisconsin Heavy-Duty Air-Cooled Engine Model VH4DG

Bidder	Amount
Fred Johnson	\$311.00

Motion was made by Cavanaugh, seconded by Whitaker, to accept the bid from Fred Johnson for the 125-gallon propane tank in the amount of 157.00 and the bid from Fred Johnson for the Wisconsin Heavy-Duty Air-

Cooled Engine Model VH4DG in the amount of \$311.00, all voting aye, motion carried.

SPECIAL LIQUOR LICENSES: The De Smet Volunteer Fire Department has requested two special liquor licenses for events to be held at the De Smet Event Center on October 26, 2019 from 3:00 PM to 12:00 AM, and on October 28, 2019 from 4:00 PM to 1:00 AM. The Dugout has requested a special liquor license for an event to be held at the De Smet Event Center on November 2, 2019 from 4:00 PM - 1:00 AM. Grumpy's has requested a special liquor license for an event to be held at the De Smet Event Center on November 12, 2019 from 5:00 PM - 7:00 PM. Motion was made by Botkin, seconded by Cavanaugh, to approve the two special liquor licenses for events to be held at the De Smet Event Center on October 26, 2019 from 3:00 PM to 12:00 AM, and on October 28, 2019 from 4:00 PM to 1:00 AM, a special liquor license to the Dugout for an event to be held at the De Smet Event Center on November 2, 2019 from 4:00 PM - 1:00 AM, and a special liquor license to Grumpy's for an event to be held at the De Smet Event Center on November 12, 2019 from 5:00 PM - 7:00 PM, all voting aye, motion carried.

MAYNARD'S OFF-SALE OPERATING AGREEMENT: Gary Carlson, President of Maynard's, met with the council to discuss amending the hours of operation required by the operating agreement and presented the council with liquor sales during the later hours of operation. Carlson suggested hours that would be shorter during the winter season. The council would like input regarding the hours of operation from the other off-sale liquor license holder and will discuss further in the spring or when the operating agreements are renewed.

ZONING: Motion was made by Cavanaugh, seconded by Hansen, that the Council 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 #80 submitted by Jack Mann, the board discussed the variance application. Mann has requested a variance to allow the construction of a garage and porch to the current structure that would be built less than 30 feet from the front (North) property line, less than six (6) feet from the side (East) property line, less than 25 feet from the rear (South) property line, and would exceed the 30% lot coverage allowed on the following legally described property: Lot 9 Exc. S65', Block 1, Ely's Addn., City of 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. Adjacent property owners, Richard Smith, Marlys Kellar, and Patrick Kellar from the public appeared in opposition of the proposed variance application. Kellar's stated that the concrete from the previous garage extends approximately two feet over the rear property line. Smith stated that he had to complete his own siding, shingles, and fence repairs to his property after they were damaged by the Mann garage fire. Mann

responded that he thought his rear property line to the South was further until he had the property surveyed. Motion was made by Cavanaugh, seconded by Whitaker, to deny Variance Application #80 - Jack Mann - garage and porch, and recommended that Mann apply for a new variance after the three property owners come to an agreement. Upon roll call vote, voting aye was: Whitaker, Cavanaugh, Hansen, Botkin, and Jensen, voting nay: none. Motion carried.

FIRST READING FOR REZONING: This being the date and time public noticed for the hearing on the Re-Zoning Application #79 submitted by the De Smet Development Corporation. The De Smet Development Corporation is requesting the zoning of property legally described as: E 60' of Outlot 11 of the County Auditor's Plat of Outlots to De Smet, and vacated Street right away lying between Outlot 11 and Lot 5, Block 3 of Ely's Addition, all in the City of De Smet, Kingsbury Co., South Dakota be amended from Commercial Industrial (C-2) to Combined Residential (R-3). Notice of the hearing was properly given by certified mail and by publication of the Notice of Hearing in conformity with Section 3.04.05 of the City Zoning Ordinance. Susan and Eric Eastin from the public appeared in opposition to the proposed zoning amendment.

The Planning & Zoning Commission and the City Council made the following findings:

1. That approximately 50% of the surrounding adjacent properties are currently zoned Combined Residential (R-3), approximately 25% of the surrounding adjacent properties are currently zoned General Residential (R-2), and approximately 25% of the surrounding adjacent properties are currently zoned Commercial Industrial (C-2). Re-zoning of the property in question would make this area more uniform.
2. That the re-zoning of the current use of said property would better fit the Combined Residential (R-3) zoning classification.
3. That the re-zoning of the said property would promote the growth of additional housing development.

Based upon these findings, motion was made by Cavanaugh, to recommend approval of the proposed rezoning to the City Council. Susan and Eric Eastin expressed their concerns of how the re-zoning classification would affect the quietness, traffic, and dynamics of the area. Eastin's also expressed concern about drainage in that area. Jensen seconded the motion to recommend approval of the proposed rezoning to the City Council. Upon roll call vote, voting aye was: Whitaker, Cavanaugh, Hansen, Botkin, and Jensen. Voting nay was: none. Motion carried.

Mayor Wolkow declared the city council back in session.

FIRST READING FOR RE-ZONING: Motion was made by Cavanaugh, seconded by Whitaker, to approve the first reading of Ordinance No. VII-26, 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: E 60' of Outlot 11 of the County Auditor's Plat of Outlots to De Smet, and vacated Street right away lying between Outlot 11 and Lot 5, Block 3 of Ely's Addition, all in the City of De Smet, Kingsbury Co., South Dakota, be amended from Commercial Industrial (C-2) to Combined Residential (R-3), all voting aye, motion carried.

Councilmember Botkin left at this time.

DE SMET PLANNING TASK FORCE: Matt Kees and Ann Lesch, representatives for the De Smet Planning Task Force, met with the council to give a brief overview of what the group has been working on. The task force has been meeting with an engineering and architect company, ISG, to discuss a plan for future projects. While working with ISG, surveys have been collected from the public to get input for project ideas, ideas to welcome people to De Smet, and ways for De Smet to grow. A public meeting with ISG will be held on Wednesday, October 23, 2019 at 6:30 PM at the Event Center.

BUILDING/CONCRETE PERMITS: Building permit application reviews were giving by Zoning Officer Jensen. Motion was made by Jensen, seconded by Cavanaugh, to approve the building permits submitted by Wayne Wolkow - concrete driveway; Andrew Armstead - concrete patio; Roddy Bludorn - sign; Roddy Bludorn - sign; City of De Smet - storage shed; and Kathy Alderman - storage shed, excluding building permit application submitted by Jack Mann, all voting aye, motion carried.

SPECIAL MEETING: Motion was made by Jensen, seconded by Whitaker, to approve holding a special meeting on Wednesday, October 23, 2019, at 5:00 PM at the De Smet Event & Wellness Center for the second reading of the property rezoning and other business, all voting aye, motion carried.

PUBLIC COMMENTS: none.

AIRPORT: Michael Schmit, Engineer for Helms & Associates, met with the council to give an update on the airport taxilane and concrete hardstand project. Schmit informed the council that the concrete for the hardstand had been poured that day, the concrete joints would be cut on Wednesday, and then the new concrete would be covered. Asphalt work will be completed in the next week and a dormant seed will be planted after a hard freeze. The final project inspection will be completed in May, 2020. There was a project modification done due to wet ground conditions that required additional dirt removal and additional subbase, rock bedding, and stabilization to be completed to continue with the project. After reductions in other costs, and additional costs for the soil modifications, a change order will be submitted for approximately \$1,100.00. The airport committee was consulted about the project modification prior to any work being completed. Schmit also informed the council that starting in 2021, project funding from the State could change from five percent to three and a half percent, and project funding for revenue producing hangars will not be available anymore. The Council also discussed fuel options at the airport.

EXECUTIVE SESSION: Motion was made by Hansen, seconded by Botkin, to approve going into executive session for contractual items at 6:55 PM,

all voted aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:32 PM.

WILDE SERVICE 2020 AERIAL SPRAYING PERMIT: No discussion or action.

AIRPORT PAYMENTS: Motion was made by Hansen, seconded by Jensen, to approve pay request #18 in the amount of \$14,775.61 to Helms & Associates for the Hardstand & taxilane project, pay request #8 in the amount of \$743.56 to Helms & Associates for the turnarounds, and pay request #3 to Midland Contracting, Inc. in the amount of \$107,422.01 for the Hardstand & taxilane project all voting aye, motion carried. These airport project expenses will be reimbursed by 95% from grant funding.

STREET/RUS/AIRPORT: Ryan Petersen, Street Supt. met with the council to report that the business arranged to complete the street chip sealing for 2019 will not be able to chip seal the streets due to the wet season and delays. Supt. Petersen has contacted two other companies about doing the chip sealing but both companies felt it is getting to cold and the chip sealing would not stick. The City will do chip sealing work planned for 2019 in 2020 instead. Discussion was held about the possibility of bidding out for the chip sealing. Petersen also reported to the council that the broken crosswalks on Second Street have been completed and they will be sweeping streets soon.

FIRE DEPT. MEMBER: Motion was made by Cavanaugh, seconded by Jensen, to approve Ryan Griffith joining the De Smet Volunteer Fire Department, all voting aye, motion carried. Griffith will be replacing Stuart Schubloom.

Personnel: Motion was made by Cavanaugh, seconded by Jensen, to approve hiring Delrean Gilligan as a museum helper at \$10.50 per hour, all voting aye, motion carried. Motion was made by Jensen, seconded by Cavanaugh, to accept Curt Bau's resignation as the Street Assistant and advertise for the position, all voting aye, motion carried.

CONFERENCES: Motion was made by Jensen, seconded by Whitaker, to approve Street Supt. Petersen attending the Airport Fall Conference on November 6th & 7th, 2019 in Aberdeen, all voted aye, motion carried.

FINANCIAL REPORTS: Motion was made by Cavanaugh, seconded Hansen, to approve the September 2019 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

CONTINGENCY TRANSFER: Motion was made by Cavanaugh, seconded by Whitaker, to approve transferring \$7,000.00 from Contingency to the Recreation Dept. for the baseball storage shed, all voting aye, motion carried.

OVERTIME: Motion by Hansen, seconded by Cavanaugh, 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) September law enforcement report; and 2) property reviews, 3) the auditor has been here to complete the on-sight portion of the audit, 4) the water looping project has been submitted for the State Water Plan, and 5) the National Guard Compound area.

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: Ryan Petersen, Street Supt. \$22.15/hour effective October 1, 2019.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

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