

REGULAR MEETING DE SMET COMMON COUNCIL
September 12, 2018

The De Smet Common Council met in regular session on September 12, 2018, at 5:00 p.m., with the following present: Don Bohn, Alex Botkin, Lowell Hansen, George Cavanaugh, Jay Slater, President Norman Whitaker, and FO Tracey Larson. Absent: Mayor Gary Wolkow.

President Whitaker called the meeting to order at 5:00 PM.

MINUTES: Motion was made by Botkin, seconded by Cavanaugh, to approve the minutes of the August 8, 2018 Regular Meeting and the September 4, 2018 Special Meeting, all voting aye, motion carried.

CLAIMS: Motion by Cavanaugh, seconded by Slater, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$42,192.64; OASI Benefit 3,227.75; Aflac, ins. premium 371.76; Dearborn National, life insurance 140.80; Farm Bureau Bank, health savings 1,000.00; Delta Dental of South Dakota 457.52; VSP 208.85; Wellmark Blue Cross Blue Shield, health insurance premium 7012.95; SDRS, retirement benefit 3918.68; Hali-Brite, supplies 53.58; SD Municipal League, registration 100.00; Visa, utilities 66.94; Postmaster, variance postage 43.40; Mediacom, utilities 47.91; American Bank & Trust, supplies 60.00; American Bank & Trust, event center interest, 633.59; Ashley Swanhorst, deposit refund, 425.00; Avid Hawk LLC, web site fee 35.00; Barbara Hansen, deposit refund 100.00; Bau Plumbing & Heating, repairs 420.00; Brady Anderson, meter deposit refund 75.00; Center Point Large Print, supplies 29.21; Century Link, utilities 464.98; City of De Smet, petty cash 51.87; City of De Smet, utilities 515.40; Colonial Research, supplies 620.11; Connecting Point, off-site back-up 35.00; Cook's Wastepaper & Recycling, sanitation services 235.50; Cook's Wastepaper & Recycling, residential garbage collection 6,493.81; Cowboy Country Store, fuel, 46.46; Darla & Joey Collins, meter deposit refund 75.00; De Smet Development Corp., contribution 20,000.00; De Smet Chamber, rib fest supplies 310.00; De Smet Development Corp., deposit refund 50.00; De Smet News, rib fest publishing 63.00; De Smet Trustworthy, supplies 667.34; De Smet Trustworthy, supplies 199.99; Demco, supplies 334.57; Dept. of Revenue, repairs & maintenance 130.00; The De Smet News, publishing 365.13; Electrical Engineering & Equipment Company, repairs 2,423.52; Environmental Equipment & Services, Inc., repairs & maintenance, 1,369.51; Glacial Lakes & Prairies, marketing, 2,862.00; Harvey Dunn Society, rental refund 515.00; Hawkins, Inc., equipment & chemicals 9,911.10; Heartland Paper Company, supplies 526.38; Irvin Construction, library irrigation repairs, 3,000.00; Jason & Angela Baszler, meter deposit refund 75.00; Julie Baszler, deposit refund, 30.00; Kim Banks, meter deposit refund, 75.00; Kingsbury Electric Cooperative, repairs & maintenance, 1,962.98; Kingsbury Electric Cooperative, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury County Highway Supt., chip seal streets 11,039.00; Kingsbury Electric Cooperative, utilities

208.96; Kristy Hubbard, reimburse for supplies 73.72; L.G. Everist, street repairs 2,078.22; Lance Palmlund Construction, paint the Harvey Dunn school building 2,048.20; Maynard's, supplies 42.14; Maynard's, pool supplies 226.31; Mediacom, utilities, 71.60; Micro Marketing LLC, library supplies 522.31; Midwest Glass, LLC, hospital repairs & maintenance 615.18; Napa De Smet, supplies 16.99; Northwestern, utilities 86.81; O'Keefe Implement, Inc., repairs & maintenance 4,993.76; Office Peeps, Inc., supplies 204.34; Office Peeps, Inc., supplies 332.27; Ottertail, utilities 4,886.06; Palmlund Automotive, repairs & maintenance 105.65; Pipe Masters, repairs & maintenance, 4,076.25; Postmaster, supplies 175.00; Reader Service, supplies 17.22; REED, 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 & supplies 415.36; SD Department of Revenue, sales tax 354.49; SD Department of Revenue, sanitation sales tax 444.32; Share Corp, chemicals 2,252.75; Smith's Lumber, supplies 21.00; Sports Illustrated, renewal 94.77; State of SD, utilities 14.38; Steve Weerts, deposit refund 100.00; The Lodge of Deadwood, lodging 186.00; The Main Stop, fuel and supplies 964.24; Z & S Dust Control Systems, repairs & maintenance 2,174.74; Helms & Associates, airport project engineering 641.21; Halms & Associates, airport project engineering 1,584.70; Mediacom, utilities 257.52; Visa, supplies, utilities & marketing 944.90.

ARMORY/GYM FACILITY COORDINATOR: Marv McCune, Armory/Gym Facility Coordinator, met with the council to give a yearly report on activities that have been scheduled throughout the year. McCune reported that the gym is usually busy on the weekends.

ZONING: Motion was made by Botkin, seconded by Slater, 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 Whitaker.

This being the date and time public noticed for the hearing on Variance Application #70 submitted by Bret Jensen, Jensen met with the board to discuss the variance application. Jensen has requested a variance to allow him to build a storage shed four (4) feet from the West property line, and to place the storage shed closer than ten (10) feet from two primary structures that are already located on the property in an area zoned "R-3" Combined Residential District on the following legally described property: Lot 1, Block 3, Ely's Addition, and addressed as 401 Chase Street NW, 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 in opposition of the proposed 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 Lot 1, Block 3, Ely'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-3 Combined Residential".
3. That all adjacent properties are zoned "R-2 General Residential and R-3 Combined Residential".
4. That the applicant has filed the required application for the variance permit and the notice of hearing was properly given.
5. That the Supplemental regulations for accessory buildings require a side yard to have a minimum distance of six (6) feet set-back from the property line.
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 proposed storage shed would be constructed in the same side yard set-back from the west lot line (side yard) as the existing residential structure.
8. That the proposed storage shed would be built five (5) feet from the residential dwelling and three (3) feet from the primary garage.
9. That the proposed storage shed would be built in the same location of the previous storage shed with the exception that it will be three (3) feet longer in length to the North.
10. That none of the adjoining property owners presented any objections to the storage shed.
11. That granting the proposed variance would not increase any safety exposure to the adjacent property owners.
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 current structure locations do not result from the applicant's action.
15. That the reasons set forth in the application justify approving a variance.

Based upon these finding, a motion was made by Botkin, seconded by Cavanaugh, to recommend approval of the variance permit to Bret Jensen, for a storage shed, upon roll call vote, voting aye was Slater, Cavanaugh, Hansen, Botkin, and Bohn. Voting nay: none. Motion carried.

President Whitaker declared the council back in session.

VARIANCE, BUILDING & SIDEWALK PERMITS: Motion was made by Botkin, seconded by Slater, to approve the sidewalk permit submitted by Cathy Alderman - 4' x 21' sidewalk, all voting aye, motion carried. Motion was made by Botkin, seconded by Bohn to approve the recommendations from the Zoning Board of Adjustment to approve the Variance Application #70 submitted by Bret Jensen, all voting aye, motion carried. Motion was made by Botkin, seconded by Slater, to approve

the building permit application submitted by Bret Jensen - 12' x 16' storage shed, all voting aye, motion carried.

SPECIAL LIQUOR LICENSES: The De Smet Volunteer Fire Department requested a special liquor license for an event to be held at the De Smet Event Center on October 6, 2018 from 4:00 PM to 12:00 AM. Motion was made by Cavanaugh, seconded by Slater, to approve the special liquor license for the De Smet Volunteer Fire Department, for an event to be held at the De Smet Event Center on October 6, 2018 from 4:00 PM to 12:00 AM, all voting aye, motion carried.

STREETS: Motion was made by Cavanaugh, seconded by Botkin, to approve Holland Construction blocking 4th Street from the intersection of 4th Street & Ingalls Ave. going West 150' for a few days for safety purposes contingent that the contractor notify the neighbors and De Smet City prior to the date that the street will be blocked, all voting aye, motion carried.

PUBLIC COMMENTS: Mark Siefkes met with the council to inquire about a water leak bill that he had asked the city to reimburse him for. The bill for the water leak will be scheduled on the next agenda. Dave Tritle with the De Smet News introduced Mike Siefkes, who is working for the newspaper and will be covering the city council meetings.

DETENTION POND: A quote from Johnson Sand & Gravel in the amount of \$120.00 per hour estimating six to ten hours to expand the detention pond was presented to the council. Motion was made by Slater, seconded by Cavanaugh, to approve hiring Johnson Sand & Gravel in the amount of \$120.00 per hour between six and ten hours to expand the detention pond, all voting aye, motion carried.

RESTRICTED USE SITE: A quote from Johnson Sand & Gravel in the amount of \$18,665.92 to dig a new pit at the Restricted Use Site was presented to the council. Motion was made by Cavanaugh, seconded by Hansen, to approve hiring Johnson Sand & Gravel in the amount of \$18,665.92 to dig a new pit at the Restricted Use Site. Upon roll call vote, voting aye was: Cavanaugh, Hansen, Botkin, and Bohn. Voting nay was: Slater. Motion carried.

EXECUTIVE SESSION: At 6:23 PM, motion was made by Botkin, seconded by Cavanaugh, to approve going into executive session to discuss contract negotiations and litigation, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:01 PM.

2019 ANNUAL APPROPRIATION: The amended 2019 Annual Appropriation budget was presented by Finance Officer Larson. Motion was made by Cavanaugh, seconded by Botkin, to approve the second reading of the 2019 Annual Appropriation Ordinance No. IV-213. Upon roll call vote, voting aye was: Slater, Cavanaugh, Hansen, and Botkin. Voting nay was: Bohn. Motion carried.

BUILDING/PARKS: Building/Park Supt. Richard Stoddard reported that the pool is almost winterized for the season, there are still some trees that need to be removed in the park, and he would like to purchase another dog waste bag station.

AIRPORT PAYMENTS: Motion was made by Slater, seconded by Hansen, to approve pay request #5 & #6 in the amounts of \$641.21 & \$1,584.70 to Helms & Associates for planning, design, and engineering fees for the

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

FIRE DEPT. MEMBER: Motion was made by Slater, seconded by Cavanaugh, to approve the appointment of Matt Currier as a member of the De Smet Fire Department to replace retiring member Stan Anderson, all voting aye, motion carried.

TREE BOARD MEMBERS: Motion was made by Cavanaugh, seconded by Slater, to approve tree board members Jerry Skyberg, Jodi Mackey, Delver Williams, Larry Somsen, and Lowell Hansen, all voting aye, motion carried.

BASEBALL FIELD UPDATE: Council member, George Cavanaugh informed the council that Larry Jensen will be picking up the rest of the lights and ballast in Aberdeen next week, staining the backstop and dugout boards, and placement of the Purinton rock, and holding a dedication in the future.

FINANCIAL REPORTS: Motion was made by Hansen, seconded Cavanaugh, to approve the August 2018 Cash Balances Report as presented by the Finance Officer, all voting aye, motion carried.

OVERTIME: Motion by Botkin, seconded by Cavanaugh, to approve the overtime hours for the month of August as presented, all voting aye, motion carried.

OTHER: Other non-action items of discussion were as follows: 1) the August law enforcement report; 2) property clean-up reviews; 3) amending the cell phone policy to include the fire department members; 4) amending the alcoholic beverages ordinance to include an on-sale liquor license for restaurants; and 5) status of the airport grant application and a fire department grant.

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

To comply with SDCL 6-1-10. Publication of Payroll information, the payroll changes were effective as follows: Street Assist. Curt Bau \$17.85/hour effective August 1, 2018, and Water/Sewer Supt. Randy Asleson \$24.80/hour effective September 1, 2018.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

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