

REGULAR MEETING DE SMET COMMON COUNCIL
November 10, 2021

The De Smet Common Council met in regular session on November 10, 2021, at 5:00 p.m., with the following present: Council members Cole Munger, 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 thanked the De Smet Elementary School for the awesome Veteran's Day program they presented.

MINUTES: Motion was made by Cavanaugh, seconded by Hansen, to approve the minutes of the October 13, 2021 Regular Meeting minutes and the October 20, 2021 Special Meeting minutes, all voting aye, motion carried.

CLAIMS: Motion by Cavanaugh, seconded by Asleson, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$36,637.25; OASI Benefit 2,805.78; Aflac, ins. premium 275.00; Dearborn National, life insurance 140.80; Delta Dental of South Dakota 368.40; VSP 190.96; The Health Pool of SD, health insurance premium 8,007.59; SDRS, retirement benefit 4,051.58; Visa, utilities, supplies, and lodging 977.17; Alli Flood, deposit refund 50.00; Avid Hawk, LLC, monthly web site fee 35.00; Bryan Rock Products, supplies 547.34; Building Sprinkler, Inc., repair & maint. 475.00; Center Point Large Print, books 29.96; Century Link, utilities 68.47; City of De Smet, utilities 389.04; City of De Smet, petty cash supplies & postage 83.91; Connecting Point, off-site backup & software 55.00; Cook's Wastepaper & Recycling, city garbage services 264.26; Cook's Wastepaper & Recycling, residential garbage collection 6,604.50; Country Woman, magazine renewal 29.98; Cowboy Country Store, fuel 680.46; Dave's Windows, Inc., repair & maint. 400.00; DC Trucking, LLC, hauling agri-lime 908.00; De Smet Trustworthy Hardware, supplies 106.36; Department of Health, water labs 28.00; Eternal Security Products, LLC, repair & supplies 416.11; Glacial lakes and Prairies, marketing 3,280.00; Hawkins, Inc., repair & chemicals 2,157.78; HGTV Magazine, magazine renewal 39.97; IMEG, survey work 1,200.00; Innovative Office Solution, LLC, supplies 818.57; Karen Hansen, mileage 166.88; Kay Park Recreation, benches 3,267.80; Kaylee Mahlum, meter deposit refund 125.00; Kingsbury Electric Coop, repairs 118.01; Kingsbury Electric Coop, maintenance contract 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Coop, utilities 193.74; Kingsbury Journal, publishing 94.50; Kristy Hubbard, reimburse for supplies 121.04; LIW Elementary PTO,

supplies 230.00; Lyle Signs, Inc., supplies 165.74; Mack landscaping Lawn Irrigation, repairs & maint. 385.00; Maynard's De Smet, supplies 4.28; Micro Marketing, LLC, books 316.23; NAPA De Smet, supplies 54.91; Northwestern, utilities 305.86; O'Keefe Implement, Inc., supplies 4.50; Office Peeps, Inc., supplies 46.00; Office Peeps, Inc., supplies & copier contract 126.26; Ottertail Power Company, utilities 4,330.62; Pheasantland Industries, supplies 166.43; Postmaster, supplies 200.00; Rapid City, Pierre, Eastern, land lease 105.00; Reader Service, books 18.33; Rich's Gas & Service, fuel 710.36; SD Dept. of Revenue, recreation sales tax 260.62; SD Dept. of Revenue, garbage sales tax 450.42; Share Corp, supplies & chemical 3,027.34; South Dakota 811, locates 34.65; Southeast South Dakota Tourism, marketing 1,419.00; Sports Illustrated, magazine renewal 54.00; Steven Lincoln, deposit refund 30.00; Subsurface Utility Exploration, repair & maint. 300.00; Susan Thomas, deposit refund 10.00; Valley Fibercom, utilities 435.22; Helms & Associates, airport turnarounds project 5,320.43; J&J Earthworks, Inc., airport turnarounds project 37,861.52; Winter Contracting, LLC, water looping project 16,664.44; Mediacom, utilities 84.20.

BUILDING PERMITS: Motion was made by Asleson, seconded by Jensen, to approve the building permit applications submitted by the De Smet School District - addition to existing structure; Seth Wallen, concrete pad; and Jack Mann - concrete driveway, parking pad, and sidewalk, all voting aye, motion carried.

2022 LIQUOR & WINE LICENSE & OPERATING AGREEMENT RENEWALS: This being the date and time advertised motion was made by Cavanaugh, seconded by Asleson, to reissue liquor licenses to the Main Stop (off-sale), Grumpy's (on-sale), Klinkels III (on-sale), Wheaties (on-sale), Kingsbury Club House (on-sale), Oxbow Restaurant (on-sale wine & cider), Dollar General (on/off-sale wine & cider), and Maynard's (off-sale liquor and on/off-sale wine & cider) for the year 2022, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Asleson to approve renewing the three-year operating agreements with Maynard's of De Smet, Wheaties Sports Bar, Kingsbury County Country Club, Grumpy's, Oxbow Restaurant, Dollar General Store #17701, Klinkels III, and the Main Stop that will be set to expire in November, 2024, all voting aye, motion carried.

BECKY ALBRECHT - GIRLS ELEMENTARY BASEKETBALL: Becky Albrecht met with the council to inquire about holding elementary basketball practice at the Event Center for no charge. Practice would be held for 3rd grade once a week and 5th grade would have practice twice per week during regular Event Center hours. Event Center rentals would take priority of the space. Motion was made by Cavanaugh, seconded by Asleson, to approve the Girls elementary basketball practices to be held at the Event Center at no charge for using the space, all voting aye, motion carried.

PUBLIC COMMENTS: Mark Siefkes expressed his concerns regarding the city budget and having funds for future repairs or emergencies; Jodi Halverson and Roberta Elkins thanked the council for the progression of the sewer expansion on Brewster Street and expressed their concerns regarding the condition of the trailer court.

FIRST DISTRICT ASSOCIATION OF LOCAL GOVERNMENTS: Todd Kays, Director for First District Association of Local Governments and several other employees met with the council to give a brief update on the services that First District provides to the communities in their district, introduce employees with First District, and gave a review of previous projects First District has worked with the City of De Smet

WATER LOOPING PROJECT/MAIN STREET/BREWSTER WASTEWATER EXTENSION: Shane Waterman, Engineer with IMEG reported that the final paperwork for the Water Looping Project is being completed. Waterman presented a change order reducing the Water Looping Project by -\$20,235.49 due to quantity changes. The original construction bid was \$312,183.00 and will finalize at \$291,947.51 after the change order. There could be some seeding that will need to be addressed in the spring. Waterman informed he council that the on-site engineer for the project had spent additional time at the project site and asked the council to consider compensation for those additional hours in the amount of \$5,850.00. A change order for the additional hours will be presented at the December council meeting. Motion was made by Cavanaugh, seconded by Asleson, to approve Change Order #1 for the Water Looping Project reducing the construction phase -\$20,235.49, all voting aye, motion carried.

Waterman presented an engineering proposal for engineering services for the Brewster Street Wastewater infrastructure extension. Services would include survey work, design phase services, and services during construction. Waterman's proposal for engineering services will be billed at an hourly rate not to exceed \$15,000.00. Motion was made by Hansen, seconded by Munger, to approve signing the proposal for engineering services with IMEG in an amount not to exceed \$15,000.00, all voting aye, motion carried. Motion was made by Cavanaugh, seconded by Hansen, to authorize City employees to obtain quotes for the Brewster Street Wastewater extension, all voting aye, motion carried.

Waterman reported that the survey work on Main Street has been completed. They are working on the drawings and identifying specific challenges. Discussion was also held as to the timeline of applying for funding for a Main Street Project.

AIRPORT TURNAROUNDS CHANGE ORDER: Motion was made by Hansen, seconded by Jensen, to approve the Airport Turnaround Project construction phase Change Order #2 reducing the project by -\$3,161.50, all voting aye, motion carried.

AIRPORT GRANT PRE-APPLICATION: Motion was made by Hanen, seconded by Cavanaugh, to approve submitting the Airport Grant Pre-application for snow removal attachments and design of the AWOS III and to approve the Mayor as the authorized representative to sign the project documents, all voting aye, motion carried.

AIRPORT BID PROTEST PROCEDURES POLICY: Motion was made by Cavanaugh, seconded by Hansen, to approve Resolution 2021-1 Airport Bid Protest Procedures Policy, all voting aye, motion carried.

Resolution 2021-1

Airport Bid Protest Procedures

1. Any bidder may protest the award of a contract. The protest must be submitted in writing to the Engineer responsible for the contract or solicitation within five calendar days after the bids are read.
2. If a contract has been awarded, the Engineer shall give notice of such protest within 24 hours to the awarded contractor. In the case of a pending award, a stay of award may be requested. A stay may be granted unless a written determination is made that the award of the contract without delay is necessary to protect the interests of the Owner.
3. The protest must contain the following:
 - Name, address, phone number and email of the protestor.
 - A concise statement of all the material facts alleged and of all of the rules, regulations, statutes, and legal provisions entitling the protestor relief.
 - A statement indicating the relief to which the protestor deems they are entitled.
 - All other information as the protestor deems to be material to the issue.
4. If the protest cannot be resolved by mutual agreement within seven calendar days after receipt, the City Engineer (or Engineer responsible for the contract or solicitation) shall within 24 hours, send by certified mail the final decision and the basis for the decision to the protestor.
5. Any bidder who is aggrieved in connection with the award of a contract may appeal the decision. Venue and jurisdiction for any appeals of the final decision are in the South Dakota Circuit Court in Kingsbury County. Such protests and appeals regarding the request for bids and bid proposals are governed by and must be construed with South Dakota Law.
6. Failure to follow the bid protest procedures constitutes a waiver of protest and resulting claims.

Adopted at De Smet, South Dakota, this 10th day of November, 2021.

City of De Smet

Mayor - Gary Wolkow

ATTEST:

Finance Officer - Tracey Larson

EXECUTIVE SESSION: Motion was made by Asleson, seconded by Jensen, to go into executive session at 6:17 PM to discuss litigation and personnel, all voting aye. Mayor Gary Wolkow declared the council out of executive session at 6:43 PM.

SECOND READING OF ORDINANCE NO. I-3C, CHAPTER 1-3 ENTITLED: SALARIES OF OFFICERS: Motion was made by Cavanaugh, seconded by Asleson, to approve the second reading of Ordinance No. I-3C amending Salaries of Officers of the Municipal Code, to amend the rate of council member meeting pay from \$50.00 per regular or special meeting attended to \$60.00 per meeting attended and quarterly pay from \$250.00 to \$300.00; amend the mayor meeting pay from \$75.00 per regular or special meeting attended to \$85.00 per regular and special meeting attended and quarterly pay from \$375.00 to \$500.00; to add a quarterly rate of pay in amount of \$100.00 per quarter for the zoning officers; and to amend the quarterly payment date to the last working day of the quarter, all voting aye, motion carried.

ORDINANCE NO. I-3C

AN ORDINANCE AMENDING ORDINANCE NO. I-3, CHAPTER 1-3, ENTITLED: SALARIES OF OFFICERS,

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

Section 1-3-1: Salaries and Wages – The salaries and wages of the Alderman pertaining to the operation and conduct of the affairs of the City of De Smet shall be \$1,200.00 per annum, the salary and wages of the Mayor shall be \$2,000.00 per annum, and the salary and wages of the Zoning Officer

shall be \$400.00 per annum, payable in four equal quarterly installments on the last working day of March, June, September, and December of each year.

Section 1-3-2: Effective the 1st day of January, 2022, each Alderman shall be paid the sum of Sixty (\$60.00) Dollars per meeting for each regular and/or special meeting duly called and attended, by the Alderman. That effective the 1st day of January, 2022, the Mayor shall be paid the sum of Eighty-five (\$85.00) Dollars per meeting for each regular and/or special meeting duly called and attended, by the Mayor.

Effective the 1st day of January, 2022. All other sections of said ordinance except those herein specifically modified remain in full force and effect.

City of De Smet

Mayor – Gary Wolkow

ATTEST:

Finance Officer – Tracey Larson

First Reading: October 13, 2021

Second Reading: November 10, 2021

Published: November 24, 2021

SURPLUS PROPERTY: Motion was made by Cavanaugh, seconded by Munger, to approve declaring the following items as surplus property to be disposed of: five (5) wood voting booths, one (1) Underwood manual typewriter, one (1) Unisys computer hard drive with monitor, keyboard, and speakers, and one (1) wood stove; and the following items as surplus: one (1) handicap ramp, four (4) wood chairs with leather cushion seat, four (4) wood rounded back chairs, and 61 traffic cones; and to appoint Josh Halverson, Jason Springer, and Karen Hansen to appraise the surplus property, all voting aye, motion carried.

PROJECT PAYMENTS: Motion was made by Jensen, seconded by Asleson, to approve pay request #14 in the amount of \$5,320.43 to Helms & Associates for the turnaround's project; pay request #5(final) in the amount of \$37,861.52 to J&J Earth Works for the turnaround's project; and pay request #5(final) in the amount of \$16,664.44 to Winter Contracting for the water looping project, all voted aye, motion carried. The airport project expenses will be reimbursed by 100% from grant funding.

EVENT CENTER: Kristy Hubbard, Director of the Event Center, met with the council to inquire about a city sponsored soccer program. Three

people are volunteering to coaching and the program would be for girls and boys 6 to 12. Hubbard will send out a survey to see how many kids would be interested in participating if a city sponsored soccer program was started.

FINANCIAL REPORTS & CONTINGENCY TRANSFER: Motion was made by Asleson, seconded Cavanaugh, to approve the October 2021 Cash Balances Report as presented by the Finance Officer and to approve transferring \$3,270.00 from the Contingency Fund to the Parks Department for the small ballfield benches as budgeted, all voted aye, motion carried.

OTHER: Other non-action items of discussion were as follows: 1) the October law enforcement report; 2) the amount of the application fee to have a cannabis dispensary; 3) thank you to the employees who are doing extra duties during the absence of another employee; and 4) continuing with property clean-up.

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

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$ _____