

REGULAR MEETING DE SMET COMMON COUNCIL
May 13, 2020

The De Smet Common Council met in regular session on May 13, 2020, at 5:00 p.m., with the following present: Bret Jensen, Alex Botkin, Lowell Hansen, George Cavanaugh, Norman Whitaker, Jay Slater (via live streaming), 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 reminded those joining the meeting via live streaming or by phone, to please mute their devices to prevent background noise.

MINUTES: Motion was made by Botkin, seconded by Jensen, to approve the minutes of the April 8, 2020 Regular Meeting, April 21, 2020 Special Meeting, and April 30, 2020 Special Meeting, all voting aye, motion carried.

CLAIMS: Motion by Hansen, seconded by Whitaker, to approve payment of the claims as presented, all voting aye, motion carried. The claims are as follows: PAYROLL \$35,639.05; OASI Benefit 2,726.37, Aflac, ins. premium 280.95; Dearborn National, life insurance 158.40; Delta Dental of South Dakota 274.76; VSP 190.96; Health Pool of SD, health insurance premium 7,329.28; SDRS, retirement benefit 3,901.88; Mediacom, utilities 252.79; Mediacom, utilities 75.17; Share, supplies 5,428.33 Visa, utilities, supplies, repairs & maintenance 1,093.96; De Smet Postmaster, postage 55.00; Postmaster, Grover variance 44.80; Mediacom, utilities 111.49; Arbor Day Foundation, membership dues 35.00; Avid Hawk LLC, supplies 35.00; Barrett's Flooring, repairs 789.60; Building Sprinkler, Inc. repairs/maintenance 475.00; Butler Machinery Co., repairs & maintenance 1,254.54; Cari Cavanaugh, meter deposit refund 125.00; Century Link, utilities 497.64; City of De Smet, utilities 323.10; City of De Smet, supplies 31.53; Collaborative Summer Library, supplies 143.80; Connecting Point, repairs & maintenance 35.00; Cook's Wastepaper & Recycling, sanitation services 255.25; Cook's Wastepaper & Recycling, residential garbage 6,529.74; Cowboy Country Store, fuel 412.00; De Smet Trustworthy Hardware, supplies, repairs & maintenance 338.55; De Smet Welding & Machine, repairs & maintenance 496.60; DEMCO, supplies 160.34; Department of Health, water labs 28.00; The De Smet News, library publishing & supplies 75.70; Environmental Equipment & Service, repairs & maintenance 255.92; Express Embroidery, supplies 599.23; Feld Fire, fire dept. equipment 23,223.00; Hawkins, Inc., chemicals 2,310.36; Heartland Paper Company, supplies 749.16; Kingsbury Electric Cooperative, repairs & maintenance 62.00; Kingsbury Electric Cooperative, repairs &

maintenance 220.00; Kingsbury County Auditor, law enforcement contract 6,283.33; Kingsbury Electric Cooperative, utilities 260.15; Kristy Hubbard, reimburse for supplies, maintenance & repairs 83.34; Krohmer Plumbing, repairs & maintenance 2,671.11; Maynard's, supplies 95.64; McCune Electric, repairs 157.01; McLeod's, supplies 60.92; Micro Marketing LLC, library supplies 168.45; Midwest Glass, building repairs 10,080.83; Napa, supplies 121.73; Northwestern, utilities 542.24; O'Keefe Implement, Inc., supplies, repairs & maintenance 731.85; Office Peeps, Inc., supplies 107.37; Office Peeps, Inc., supplies 569.55; Ottertail Power Company, utilities 5,296.84; Palmlund Automotive, repairs & maintenance 65.28; Postmaster, supplies 230.00; Reader Service, supplies 18.33; Reed, debt service 1,448.41; Reed, debt service 690.58; Reed, debt service 2,500.00; RDF Newspapers, Inc., publishing 515.61; Rich's Gas & Service, fuel & supplies, 387.45; SD Department of Revenue, sales tax 274.21; SD Department of Revenue, sanitation sales tax, 445.24; SD One Call, locates 14.70; Share Corp, supplies & chemicals 2,806.57; Smith's Lumber, supplies & maintenance 1,008.24; Spencer Quarries/Commercial Asphalt, repairs & maintenance 371.00; State of South Dakota, utilities 35.59; Swimming Pool, supplies 300.00; The Arlington Sun, supplies 49.98; Uline, repairs 47.95; Helms & Associates, airport taxilane project 648.81; Helms & Associates, airport turnaround project 11,458.50; Markel Specialty Commercial, insurance premium 350.00; Mediacom, utilities 457.76; Mediacom, utilities 75.17; Visa, supplies, utilities & repair 427.62.

NEWSPAPER: The City of De Smet was notified that a group of volunteers would be re-establishing the local newspaper that recently closed. It is necessary for the City to designate a newspaper as its official paper. Motion was made by Cavanaugh, seconded by Slater, to approve Resolution 2020-3, designating the Kingsbury Journal as the official paper, all voting aye, motion carried.

Resolution No. 2020-3

WHEREAS, the City of De Smet has been notified that volunteers for the local Kingsbury Journal will be operating the local newspaper business; and

WHEREAS, it is necessary that the City of De Smet designate a newspaper published in Kingsbury County, South Dakota as its official paper for legal notices, and to discontinue publishing legal notices with the Arlington Sun.

NOW THEREFORE BE IT HEREBY RESOLVED that the Kingsbury Journal is hereby designated as the official legal newspaper for the City of De Smet, South Dakota.

All voting "aye", Resolution declared PASSED and ADOPTED on the 13th day of May, 2020.

CITY OF DE SMET

Mayor - Gary Wolkow

Finance Officer - Tracey Larson

Mayor Wolkow thanked all the people who have worked to get the local newspaper operating again.

ZONING: Motion was made by Botkin, seconded by Cavanaugh, 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 #86 submitted by Jennifer Grover, the board discussed the variance application. Grover has requested a variance to allow the construction of a 12' x 28' accessory structure to reside in during the construction of the primary residence up to five years on the following legally described property: W2 of Lot 2, all of Lot 3, and the E 15' of Lot 4, Block 5, Carroll's Addition, De Smet, Kingsbury County, South Dakota and addressed as 508 2nd Street, SW, 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.

The location of the proposed construction was previously reviewed by Alderman Jensen. Concerns were expressed by board members as to the length of time Grover would reside in the accessory structure. Jennifer Grover spoke to the board in support of the proposed variance request. Three adjacent landowners were present for the variance application review.

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 W2 of Lot 2, all of Lot 3, and the E 15' of Lot 4, Block 5, Carroll'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-2 General Residential".
3. That all the adjacent properties are zoned "R-2 General Residential"
4. That Article IV Supplemental Regulations, Chapter 4.03 Accessory Building, state that no accessory building shall be used for dwelling purposes.
5. That the proposed accessory structure would be used as a dwelling unit for over one (1) year.
6. That the proposed accessory garage would be constructed further than the required property line set-backs.
7. That the proposed accessory structure would be constructed 30 feet from the principal residential structure.
8. That Article III Administration, Chapter 3.01.05 Expiration of Use Permit, states that construction work must be substantially completed within one(1) year or a new permit must be obtained.
9. That none of the adjoining property owners appear in favor to the proposed variance.
10. That the Board of Adjustment take into consideration each application on its own accord.
11. That ordinances have been approved and adopted to protect the De Smet residents and properties within the city limits.
12. That the reasons set forth in the application justify denying the variance.

Motion was made by Jensen, seconded by Cavanaugh, to deny the Variance Application #86 as submitted for the 12' x 28' accessory structure to be used for dwelling purposes, upon roll call vote, voting aye: Hansen, Jensen, Botkin, Slater, Whiter, and Cavanaugh, voting nay: none, motion carried.

Mayor Wolkow declared the City Council back in session.

VARIANCES & BUILDING PERMITS: Motion was made by Jensen, seconded by Cavanaugh, to deny Variance #86, submitted by Jennifer Grover for an accessory structure, upon roll call vote, voting aye: Hansen, Jensen, Botkin, Slater, Whitaker, and

Cavanaugh, voting nay: none, motion carried. Five building permit applications were presented and reviewed by the council. Motion was made by Cavanaugh, seconded by Botkin to approve building permit application Josh Halverson - privacy fence, Leonard Rumbolz - deck, Brandon Vockrodt - privacy fence, and James Thomas - deck, upon roll call vote, voting aye: Hansen, Jensen, Botkin, Slater, Whiter, and Cavanaugh, voting nay: none, motion carried. Motion was made by Cavanaugh, seconded by Botkin, to approve the building permit application submitted by Troy Halverson for a fence and two additions to the primary structure with the condition that the addition to the front of the residence meets the thirty foot front yard set-back from the property line requirement, all voting aye, motion carried.

MALT BEVERAGE LICENSES: This being the date and time advertised motion was made by Cavanaugh, seconded by Slater, to reissue on-off sale malt beverage with SD Farm Wine licenses as follows: Baackers II, Wheaties Sports Bar, Kingsbury Club House, General Store, Maynard's, Oxbow, Cowboy Country, The Main Stop, and Dollar General, all voting aye, motion carried.

RESOLUTION 2020-1: Information regarding the current COVID-19 pandemic and the stages for moving forward to reopen De Smet was discussed by the council. Many business owners and one medical professional were present in person to comment on the current situation. Restrictions are being relaxed throughout South Dakota and are limiting the number of patrons in an establishment by a percentage of the occupancy restrictions for on-premise consumption of food/drink. Motion was made by Cavanaugh, to approve amending Resolution 2020-1 to allow establishments to open to 50% of building capacity at a time for on-premise consumption of food/beverage excluding employees, with six (6) feet social distancing between people, businesses being responsible to monitor their establishment, to be effective May 13, 2020 until June 10, 2020, with no additional special meetings to be held unless drastic changes happen with the number of COVID-19 cases prior to June 10, 2020. Motion was seconded by Botkin, upon roll call vote, voting aye: Hansen, Jensen, Botkin, Whitaker, and Cavanaugh, voting nay: Slater, motion carried.

SURPLUS PROPERTY: Motion was made by Jensen, seconded by Cavanaugh, to declare the HP Compact 6,000 5 Pro Computer, Serial #NXL1211LY3 with keyboard and monitor for disposal at the electronic recycling collection, and a 2010 Woods FZ17K zero turn mower with approximately 1,108.0 hours as surplus property, and to approve Shawn Wolkow, Larry Janish, and Jay Slater, to appraise the 2010 Woods FZ17K zero turn mower, all voting aye, motion carried.

PUBLIC COMMENTS: None.

CHIP SEALING AND CRACK SEALING BIDS: Motion was made by Cavanaugh, seconded by Slater to accept the bid from Th Road Guy for chip sealing 26,700 sq. yds, without option #1 for the fog coating, in the amount of \$1.40/sq. yd. and accept the bid from Highway Improvement, Inc. for crack sealing approximately 25,000 lineal feet in the amount of \$0.58/lineal foot, all voting aye, motion carried.

CLARK ENGINEERING: Shane Waterman, Engineer for Clark Engineering met with the council to introduce himself to the council and discussed the current water looping project that the city is working on with Clark Engineering/IMEG.

AIRPORT: Engineers Michael Schmit and Karen Schaefer, with Helms & Associates, met with the council via video conference, to update the council on the final inspection of the taxiway expansion and concrete hardstand airport project. Schmit and Schaefer explained that there is one approach leading to a leased area that needs to have a better drainage pipe and crushed rock than what currently installed. The approach improvement will require a change order to the project in the amount of \$5,620.50. The change order will still be within the project budget and grant funding amounts. Motion was made by Hansen, seconded by Cavanaugh, to approve Change Order #3 in the amount of \$5,620.50 for the approach grading and surfacing, all voting aye, motion carried. Schmit and Schaefer reported to the council that the De Smet airport has been approved for a \$20,000 Cares Act grant to be applied to operating expenses and the airport grant funding for the turnaround project will be increased from 95% to 100%. Five bids for the turnaround taxiway construction were opened on April 30, 2020 and have been reviewed by the engineer. Total project cost will be \$821,000.00. Motion was made by Slater, seconded by Cavanaugh to approve tentative award for AIP Project #3-46-0063-014-2020, Turnaround Taxiway Construction, Base Bid be made to J&J Earth Works, Inc., Milbank, SD, in the amount of \$690,155.90 upon receipt of a FAA Grant offer, and to approve authorizing the Mayor to sign the FAA grant offer and all necessary paperwork for the contract documents, all voting aye, motion carried. Motion was made by Hansen, seconded by Slater, to approve acceptance of the Cares Act grant in the amount of \$20,000.00 for airport operation and maintenance expenses and approve the mayor as the authorized person to sign all documents for the Cares Act grant, all voting aye, motion carried. An estimate in the amount of \$3,000.00 from Helms & Associates for platting of land that will be deeded to the City with an option in the amount of an additional \$1,500 to plat the entire airport property were presented to the council. Motion was made by Slater, seconded by Cavanaugh, to approve the platting of the

land to be deeded to the city and the entire airport in the total amount of \$4,500, all voting aye, motion carried.

WILDE AIR: Isaac Wilde, via video conference, met with the council to request leasing additional land adjacent to the land he leases at the airport. Wilde would not be putting any structure or permanent containment pad on the additional land requested. Motion was made by Slater, seconded by Cavanaugh, to approve leasing and additional 70'x 80' south of the lot Isaac Wilde currently leases, all voting aye, motion carried.

Executive Session: Motion was made by Botkin, seconded by Jensen, to approve going into executive session at 6:31 PM to discuss contract negotiations and personnel, all voting aye, motion carried. Mayor Wolkow declared the council out of executive session at 7:19 PM.

SUMMER RECREATION PROGRAMS: Wes Clubb met with the council to discuss ideas for holding the summer baseball program and still follow COVID-19 safety precautions. Motion was made by Cavanaugh, seconded by to approve Aaron Grubb, Ryan Ransom, Mike Tordoff, Kyle Salter, Jesse Rigge, Jim Millman, Logan Millman, Wes Clubb, and Matt Kees as volunteers to coach baseball, volunteer coaches will be required to have a background check completed, and the money budgeted for baseball coaching in the amount of \$3,600.00 will be paid to De Smet Baseball, all voting aye, motion carried.

MOSQUITO GRANT: Motion was made by Botkin, seconded by Whitaker, to approve applying for the SD Dept. of Health Grant for mosquito control, all voting aye, motion carried.

AERIAL SPRAYING APPLICATION: An aerial spraying permit application with the required documentation was submitted by Brady Fast dba Fast Ag Air. Motion was made by Slater, seconded by Hansen, to approve the aerial spraying permit application submitted by Brady Fast dba Fast Ag Air, all voting aye, motion carried.

AIRPORT PAYMENTS: Motion was made by Botkin, seconded by Slater, to approve pay request #23 in the amount of \$648.81 to Helms & Associates for the airport taxilane and concrete hardstand project, and #13 in the amount of \$11,458.50 to Helms & Associates for the airport turnarounds project, all voting aye, motion carried. These airport project expenses will be reimbursed by 95% & 100% from grant funding.

DE SMET DEVELOPMENT CORPORATION: Rita Anderson, De Smet Development Coordinator, reported to the council that they have been keeping busy with notifying local businesses of COVID-19 regulations and funding availability; has been working on grants for the local newspaper; the community daycare project is still moving forward and has a person interested in running the daycare; the housing assessment has been completed and will be

presented to the council in the future; and work continues for housing projects.

FINANCIAL REPORTS: Motion was made by Hansen, seconded Botkin, to approve the April, 2020 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 April as presented, all voting aye, motion carried.

OTHER: Other non-action items of discussion were as follows: 1) April law enforcement report; 2) the city pouring a permanent containment pad at the airport; 3) soil testing at the airport; 4) keeping the Library and City Hall closed until the June regular meeting; 5) opening up the community and park restrooms; 6) the SRF loan approved for the water looping project in the amount of \$565,000.00 with an interest rate of 1.875% for 30 years; 7) property clean-up reviews; and 8) age and condition of the water tower.

EMPLOYEE RECOGNITION: Mayor Wolkow thanked the City Hall staff for the extra work that has been done during the COVID-19 pandemic even with the office being closed to the public.

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 May 1, 2020 as follows: Parks & Buildings Supt., Cole Munger \$18.20/hour.

Gary Wolkow, Mayor

ATTEST:

Tracey Larson, Finance Officer

Published once at the approximate cost of \$_____