

City of Gary, South Dakota  
Regular Council Meeting –  
Monday, April 6, 2020 at 7:30 p.m. at Gary City Hall

The Gary City Council met in a regular session on Monday, April 6, 2020, at 7:30 p.m. in the City Hall. Aldermen Albert Bekaert, Joni Kjelden, John Jenson, Clark Dessler and Darwyn Engesser were present. David Peterson was present by Zoom. Mayor Jeff Engesser presided. Present also were Melvin & Tawne Peiper, Mike Nosbush, Robin Lanners, and Shirley Pederson.

The pledge of allegiance was said.

Motion by Darwyn Engesser, second by Dessler to approve the agenda. All members voted aye, motion carried.

Motion by Bekaert, second by Jenson to approve the minutes of the March 2nd regular meeting, the March 16th Local Review Board Special Meeting, and the March 24<sup>th</sup> emergency COVID-19 meeting. All members voted aye, motion carried.

**GENERAL-MARCH 2020 BILLS**

Finance Office-1,786.13;Librarian-510.40;Streets/Parks-2,854.06;Water-956.53;Sewer-956.51;Council-1<sup>st</sup> quarter-2,650.00;AFLAC-Premium-244.91;American Legion-summer ball program-4,000.00;Banyon Data Systems, Inc.-annual support 2,554.00;Bjerke Sanitation-garbage collection-1,663.00;Brookings-Deuel Rural Water-447,000 gallons-1,168.40;Canby News-advertising/utilities manager-156.00;City of Gary-water @ fire hall-22.36;Clear Lake Courier- proceedings/notices-268.64;Deuel County Auditor-law enforcement/monthly contract-499.80;DCFU-monthly fuel charges-157.59;DC Highway Dept-2 load limit signs-25.20;DC Register of Deeds-30.00;EFTPS/FWT941 Tax-FWT Bar-362.09, City-931.18=1,293.27;EFTPS/OASI/SS/MT-OASI-Bar-953.70, City-1,559.00=2,512.70;Gary Post Office-stamps-62.50;Gate City General-supplies-109.47;HD Electric-cemetery electricity-36.63;Humana-health insurance-106.00;ITC-phone, internet, fax, alarm loop-86.48;Library-DSL, Static IP-46.45;Kibble Equipment-lawn mower trade & blades-5,748.02;McLeod's Printing-election supplies-16.86;Mike Nosbush-cell phone reimbursement-25.00;MN Dept of Revenue-1<sup>st</sup> qtr. Withholding-572.94;Office of Child Support-garnishment-200.00;Office Peeps-supplies-100.23;Ottertail Power Co.-Electricity-1,044.19;SD Assoc of Rural Water-annual membership-345.00;SD Dept. of Health-coliform test-15.00;SD Retirement-Bar-807.14, City-908.12=1,715.26;Star Laundry-Uniforms-95.25;Unemployment Insurance-1<sup>st</sup> quarter-10.23;Wellmark BCBS-Insurance-7,036.71.

**LIQUOR-MARCH 2020 BILLS**

Municipal Liquor-8,477.40;AFLAC-Premium-403.95;Blue Sky Security-repair security camera-400.00;Cash-Wa Distributing-food/supplies-273.50;Chesterman-pop-396.00;City of Gary-water, sewer, garbage-156.02;Culligan-monthly service-26.25;Ellwein Bros.-Beer-8,130.25;Gary Post Office-stamps-27.50;Gate City General-supplies/food-89.92;Harry's Frozen Foods-pizza-493.50;Henry's Foods-Cigarettes, food, supplies-2,004.76;ITC-Phone, DSL, TV-244.81;Jim Dandy-beef jerky-69.00;Johnson Bros.-Liquor, wine, wine coolers-921.19;Old Dutch Foods-Chips-28.70;Ottertail-Electricity-445.10;Pizza & Burger Shack-pizza-204.00;Porter Dist. Co.-Beer, wine coolers-636.50;Republic National Dist.-Liquor, wine/wine coolers-2,088.59;SD Dept of Revenue-liquor tax-1,729.11;Shiffler-swivel chair glides-68.22;Southern Glazers of SD-liquor-238.60;Star Laundry-towels, rugs-115.62;Unemployment Ins.-1<sup>st</sup> quarter-22.85, US Foods-supplies-281.02.

Motion by Darwyn Engesser, second by Dessler to approve the verified claims and issue warrants in payment thereof. All members voted aye, motion carried.

No one was present for public voice.

Comments were heard by utilities manager. Committee and Ward reports were heard.

The Dakota Trailblazers had provided the necessary paperwork to request a cost share for the band (\$2,000.00) if the July 3<sup>rd</sup> street dance is able to be held this summer on the street in front of the liquor store. Contingent on the status of the COVID-19 pandemic, motion was

made by Kjelden, second by Darwyn Engesser to pay half the cost of the band (\$2,000.00) if there is a street dance. All members voted aye, motion carried.

Also contingent on COVID-19 and if there is a Gary rodeo this summer, motion was made by Kjelden, second by Dessler to sponsor chute gates or other events in the amount of \$2,000.00 to promote the city. A roll call vote took place: Bekaert, nay; Jenson, nay; Peterson, aye; Kjelden, aye; Dessler, aye; Darwyn Engesser, aye. Motion carried.

Jay Gislason was granted permission to dig a larger drainage ditch on the back of his property to help drain the standing water which creates a mosquito problem.

Second reading of Ordinance 2020-339-12 was held. Motion by Bekaert, second by Darwyn Engesser to adopt the following Ordinance 2020-339-12 (water rates).

**ORDINANCE NO. 2020-339-12**

**AN ORDINANCE AMENDING ORDINANCE 9-2-2 REGARDING WATER RATE SCHEDULE**

BE IT ORDAINED by the City Council of the City of Gary, South Dakota that 9-2-2 of Ordinance 2007-339 be amended to the following:

9-2-2: Water Rate Schedule.

Occupant of premises connected with the municipal water system shall pay for water consumed thereon, and for the availability of the municipal water service as follows:

- A. Maintenance and administrative fee of \$11.00 per month, plus \$5.00 per 1000 gallons of water used.
- B. The rate shall be a flat fee of \$11.00 per month for apartments having one meter, plus \$1.25 for each unit, with the same rate per gallons of water used as part (A) above.
- C. Buffalo Ridge Resort: Hotel-Base rate of \$11.00 per month, plus \$1.25 per unit, with the same rate per gallons of water used as part (A).  
Campground with bathhouse-Base rate of \$11.00 per month, plus \$1.25 per unit, with the same rate per gallons of water used as part (A).  
Laundromat, Sundance Ballroom, fitness room, Administration building included.
- D. Gate City Lodge: Base rate of \$11.00 per month, plus \$1.25 per unit, with the same rate per gallons of water used as part (A).
- E. Owners of rental properties shall be ultimately liable to the town for any unpaid water bills.
- F. New property owners receiving water from the City of Gary shall receive a copy Of Ordinance No. 2020-339-12 - Chapter 9-2-2.
- G. The bulk water sales rate shall be \$8.00 per thousand or fraction thereof.

This ordinance shall be in full force effective from and after its passage, approval and on the twentieth day after publication.

CITY OF GARY

(SEAL)

\_\_\_\_\_  
Jeff Engesser, Mayor

ATTEST:

\_\_\_\_\_  
Shirley Pederson, Finance Officer

First Reading: March 2, 2020

Second Reading: April 6, 2020

Passed & approved this 6th day of April, 2020

Published: April 15, 2020

Effective Date: May 5, 2020

All members voted aye, motion carried.

Second reading of Ordinance 2020-339-13 was held. Motion by Dessler, second by Jenson to adopt the following Ordinance 2020-339-13 (sewer rates).

**ORDINANCE NO. 2020-339-13**

**AN ORDINANCE AMENDING ORDINANCE 9-1-4 REGARDING SEWER RATE SCHEDULE**

BE IT ORDAINED by the City Council of the City of Gary, South Dakota that 9-1-4 of Ordinance 2007-339 be amended to the following:

9-1-4: Sewer Rates.

Sewer rates within the City and outside the City limits shall be a flat fee of \$11.00 and \$4.00 per 1000 gallons of water thereafter. Sewer rates for an apartment building shall be a flat fee of \$11.00 plus \$1.25 per individual unit per month with an additional sewer rate of \$4.00 per 1000 gallons of water.

Buffalo Ridge Resort: Hotel-Base rate of \$11.00 per month, plus \$1.25 per unit, and \$4.00 per 1000 gallons of water thereafter. Campground with bathhouse-Base rate of \$11.00 per month, plus \$1.25 per unit, and \$4.00 per 1000 gallons water thereafter. Laundromat, Sundance Ballroom, fitness room, Administration building included.

Gate City Lodge: Base rate of \$11.00 per month, plus \$1.25 per unit, and \$4.00 per 1000 gallons of water thereafter.

Sewer billing will be included with that of the water bills and be subject to the same collection procedure.

New property owners shall receive a copy of Ordinance 2020-339-13 Chapter 9-1-4.

This ordinance shall be in full force effective from and after its passage, approval and on the twentieth day after publication.

CITY OF GARY

(SEAL)

\_\_\_\_\_  
Jeff Engesser, Mayor

ATTEST:

\_\_\_\_\_  
Shirley Pederson, Finance Officer

First Reading: March 2, 2020

Second Reading: April 6, 2020

Passed & approved this 6th day of April, 2020

Published: April 15, 2020

Effective Date: May 5, 2020

All members voted aye, motion carried.

Bridge replacement update: Council decided not to go ahead with it at this time. Mike will check with Banner Engineering to see what the cost would be to have them fill out the necessary paperwork every year to keep it updated.

All of the following approvals are contingent on the COVID-19 pandemic and whether the events actually take place or not:

Motion by Darwyn Engesser, second by Dessler to approve a Temporary Malt Beverage License to the Gary Rodeo(Mel & Tawne Pieper) for July 3 & 4, 2020 at Lots 1, Lewis Addition in E ½, SE ¼, 4-115-47 & OL 14 in 4-115-47, Town of Gary. On Sale only. All members voted aye, motion carried.

Motion by Darwyn Engesser, second by Kjelden to approve a Special Temporary Liquor & Malt Beverage License to the Gary Municipal Liquor Store for July 3 (until 1:00 am), 2020 on

the sidewalk in front of the Gary Liquor Store at Lot 8 Less W 13', All of Lot 9, Block 1 of Original Plat, City of Gary, SD. On Sale only. All members voted aye, motion carried.

Motion by Kjelden, second by Jenson to approve a Special Temporary Liquor License to the American Legion Ballroom (Matt Spilde) for July 3 & 4(until 1:00 am), 2020 and August 22, 2020(until 1:00 am) at E 23' of Lot 11 and all of Lots 12, 13, 14 in Block 1, Original Plat, City of Gary, SD. On Sale only. All members voted aye, motion carried.

Motion by Bekaert, second by Jenson to approve the 2019 drinking water report from the DENR. Notices will be placed around town informing the public that copies of this report are available for viewing at the City Office. All members voted aye, motion carried.

Motion by Dessler, second by Kjelden to approve the 2020 Comprehensive Tree Plan and to re-appoint Lilly Bekaert and Marilyn Koeppen to three year terms on the City Tree Board. Mayor Engesser signed the Arbor Day Proclamation which will be observed on Saturday, April 25<sup>th</sup>. Because of COVID-19 there will be no City Wide Clean Up. Boulevard trees will again be available this year and must be ordered by April 25<sup>th</sup>. You can contact Mike Nosbush or the City Office if interested. Darwyn Engesser abstained with all remaining members voting aye, motion carried.

Notice was received from the State of South Dakota that all elections that were to take place between April 14, 2020 and May 26, 2020, were to be postponed until any Tuesday in June. Motion by Kjelden, second Bekaert to hold the election for councilman in Ward I on June 30, 2020. All members voted aye, motion carried. If any registered voters in Ward I would prefer to vote by absentee ballot, please contact the city office.

There was a formal complaint from Cody Krause that stated because of his water meter freezing, his basement got water in it and ruined the circuit board on the furnace. After discussing, motion was made by Dessler, second by Jenson to contact the city's insurance and have them investigate the matter to see who is responsible. All members voted aye, motion carried.

Nuisance properties in the city were discussed at length. Letters have been sent multiple times that are ignored so the council decided to contact a code enforcement officer to see how to proceed.

An update was given as to how the off sale business has been going at the liquor store. Motion was made by Dessler, second by Jenson to keep the hours as they are for now and to continue to pay the full time employees for 34 hours a week. All members voted aye, motion carried. This will be revisited again at the May meeting.

Motion by Kjelden, second by Darwyn Engesser to approve the finance officer attending the HR/FO School being held in Aberdeen June 9<sup>th</sup> – 12<sup>th</sup>. All members voted aye, motion carried. Since the meeting, this school has been cancelled.

Motion by Bekaert, second by Darwyn Engesser to go into executive session at 8:35 pm so the council could go over the applications received for utilities manager for the City of Gary. Mayor declared council out of executive session at 9:05 pm. Out of the nine applications received, the council narrowed it down to four for interviewing. There will be a special meeting at 5 pm on Monday, April 13, 2020 for this purpose.

The next regular council meeting will be Monday, May 4, 2020, at 7:30 p.m. at the Gary City Hall.

Motion by Darwyn Engesser, second by Bekaert to adjourn. All members voted aye, motion carried.

City Council, City of Gary

Shirley Pederson, Finance Officer

Published April 15, 2020

Published once at the total approximate cost of \$