

City of Gary, South Dakota
Gary City Council
Monday, October 2, 2023 at 7:30 pm at Gary City Hall

The Gary City Council met in regular session on Monday, October 2, 2023, at 7:30 pm in the City Hall. Aldermen Darwyn Engesser, Mike Nosbush, Jay Grabow, Doug Nelson, and Albert Bekaert were present. Mayor Larry Stoks presided. Bob Stee was absent. Present also were Joni Kjelden, Sharon Kloos, Jodie Engesser, Johanna Wyman, Mary Nosbush, Carol Stebor, Carol Barger, Neil Schumacher, Mel & Keith Borg, Angel Oeltjenbruns, Claudette Bagan.

The Pledge of Allegiance was said

Motion by Bekaert, second by Nosbush to approve the agenda. All voting aye; motion carried.

Motion by Engesser, second by Bekaert to approve the minutes of the September 5th, 2023 meeting.

All voting aye; motion carried.

GENERAL-SEPTEMBER 2023 BILLS

Finance Office-2,151.04;Library-641.87;Streets-3,914.99;Parks-1,824.52;Water-965.43;Sewer-965.43;Restricted Use Site-148.23;Cemetery-331.57;Golf-331.55;Council-3rd quarter-3,014.23;AFLAC-September premium-149.43;Andy Venkatesan-water deposit refund-160.00;AT&T-data connect-44.07;Bjerke Sanitation-garbage collection-2,351.25;Bobcat of Brookings-stump grinder teeth-304.48;Brookings-Deuel Rural Water-661,000 gallons-1,765.00;City of Gary-water,sewer,garbage-firehall-46.71,garbage-city hall-16.00;Clear Lake Building Center-door locks-firehall-272.00;Clear Lake Courier-proceedings,notices-256.84;Deuel County Auditor-Law Enforcement-546.21;Deuel County Farmer's Union-fuel charges-478.02;EFTPS/941 Tax-FWT-731.11,OASI-1,919.28;Gary Gallery & Gifts-photo shoot for advertising-50.00;Gary Post Office-stamps-84.00;Gate City General-supplies-48.94;HD Electric-cemetery electricity-36.50;Helsper, McCarty & Rasmussen, PC.-August attorney fees-1,098.11;ITC-security cameras-3,084.94,phone, internet, fax, alarm loop-86.64,Library, DSL, static IP-46.45;Jason Anderson-cell phone-25.00;Kaiser Welding-repair snow pusher-740.00;MN Dept of Rev-3rd qtr state tax-323.25;Ottetail Power Co.-electricity-892.67;Sally Winrow-water deposit refund-40.00;SDARWS-exercise water valves-300.00;SD Dept of Health-water tests-196.00;SD Retirement-September contribution-845.28;SD Dept of Labor & Regulation-3rd qtr re-employment-59.77;Wellmark BCBS-October premium-1,503.76.

LIQUOR-SEPTEMBER 2023 BILLS

Municipal Liquor-16,917.15;AFLAC-September premium-403.95;Cash Wa Distributing-food/supplies-882.17;Chesterman-pop-820.28;City of Gary-water,sewer,garbage-194.61;Culligan Water-refill & monthly rent-69.25;DJ Ameson-Sept 30 entertainment-450.00;EFTPS/941 tax- FWT-598.48,OASI-1,442.66;Ellewin Bros-beer-7,573.60;First Bank & Trust-credit card charges-235.38;Gary Municipal Liquor Store-Sept open juke box-80.00;Gary Post Officer-stamps-33.00;Gate City General-supplies-24.19;Harry's Pizza-pizza-898.50;Henry's Foods-tobacco, food, supplies-2,140.49;ITC-phone,DSL,TV-238.36;Johnson Bros-liquor-1,810.43;Old Dutch-chips-114.75;Ottetail-electricity-668.47;Pepsi-Cola-pop-181.50;Pizza & Burger Shack-pizza-486.00;Porter Dist co-beer,wine/coolers-862.00Republic National Dist-liquor-1,525.50;Robin Lanners-cell phone-25.00;Runnings-supplies-31.98;SD Dept of Revenue-Sept liquor sales tax-3,725.07;Southern Glazers of SD-liquor-1,407.60;SD Retirement-Sept contribution-1,121.86;Star Laundry-rugs,bar towels-99.34;SD Dept of Labor & Regulation-3rd qtr re-employment-19.93;Wellmark BCBS-October premium-4,511.28.

Motion by Nosbush, second by Engesser to approve the verified claims and issue warrants in payment thereof. All voting aye; motion carried.

Employee contributions, committee reports, and ward reports were heard.

A question during public input was asked about the progress of a grant the Tree Board was previously working on.

An agreement between Dakota Wind Exchange, LLC (Joe Kolbach) and the City of Gary was read. Dakota Wind proposes to solely pay for the designing & constructing of North Lac Qui Parle St and installing sewer & water infrastructure for future development of his property. Motion by Grabow, second by Nelson to approve the agreement, provided the words relating to the property West of the proposed street not be included in the agreement. All voting aye; motion carried. Motion by Nosbush, second by Bekaert to sign resolution 2023-06 as follows.

RESOLUTION NO: 2023-06

RESOLUTION REGARDING A STREET AND INFRASTRUCTURE AGREEMENT WITH DAKOTA WIND EXCHANGE, LLC WITHIN THE CITY OF GARY

WHEREAS the City of Gary, has entered into an agreement with DAKOTA WIND EXCHANGE, LLC for street, water, and sewer infrastructure improvements, and

WHEREAS the costs of construction of the project will be borne by DAKOTA WIND EXCHANGE, LLC; and

WHEREAS this project is a public improvement, which will directly benefit or potentially benefit the property adjacent to which the improvements are constructed; and

WHEREAS the construction of this public improvement will not result in any direct benefit inuring to the City; and

NOW, THEREFORE, BE IT RESOLVED by the City of Gary, as follows:

1. The City authorizes the agreement with DAKOTA WIND EXCHANGE, LLC, dated the 2nd day of October, 2023.
2. DAKOTA WIND EXCHANGE, LLC is responsible for the costs related to the project and the City will incur no costs related to the Project; and,
3. For each individual lot connecting to any and all future connection to the water and sewer improvements made by DAKOTA WIND EXCHANGE, LLC, a \$5,000 fee will be collected.
4. Upon collection of the fee, the City will reimburse DAKOTA WIND EXCHANGE, LLC for each \$5,000 fee collected.

Dated this 2nd day of October, 2023.

CITY OF GARY

Larry Stoks
Mayor

ATTEST:

Finance Officer

(SEAL)

All voting aye; motion carried.

Mel & Keith Borg have installed an irrigation system at their 1.5 acres and addressed the Council about paying for water and eliminate the sewer charge. A separate water meter would make this possible for watering only. A decision was made to allow this with the resident paying for another meter, all the installation costs and having the City approve it before an account is open to be charged the monthly flat rate, residential water rate and to not include the sewer charge. Motion by Nosbush, second by Grabow to pass. All voting aye; motion carried.

Angel Oeltjenbruns with the Gate City Development informed the council on grant possibilities through the South Dakota Governor's Office of Economic Development. Motion by Nosbush, second by Grabow to support the GCDA in applying for a planning grant to begin a survey for childcare needs. All voting aye; motion carried.

Motion by Grabow, second by Nelson to form a committee of Engesser, Nosbush and Grabow to discuss funding options for the state water plan application and bring their information to a future council meeting. All voting aye; motion carried.

Discussion about replacing the polycap on the fence at First Ave ballfield will be held again at another meeting.

Motion by Nosbush, second by Bekaert to attempt in collecting the cost of the city mowing abandoned property by sending a letter along with a bill to the property owner. If not paid by a certain date, the cost of mowing will be sent to the County Auditor and assessed to the individual's taxes. This motion adopts the following resolution which addresses this special assessment:

**CITY OF GARY
RESOLUTION NO. 2023-05**

WHEREAS, the City Council, City of Gary, Deuel County, South Dakota, will put a special assessment against property as hereinafter set out for the collection of outstanding bills which includes the expenses of levying such special assessment against the said properties:

Property: Lots 1 to 4 Inc. Blk 12, Third Railroad Addition, Town of Gary
Amount: \$900.00 mowing

THEREFORE, BE IT RESOLVED that the City Council of the City of Gary, Deuel County, South Dakota hereby authorizes the Finance Officer to file special assessments against this property at the Deuel County Auditor's Office for outstanding bills.

Dated this 2nd day of October, 2023.

Voted: Aye ____ Nay ____ Absent:

(SEAL)

CITY OF GARY

Larry Stoks, Mayor

ATTEST:

Joni Kjelden, Finance Officer

All voting aye; motion carried.

State of South Dakota Office of the Governor Executive Order 2023-13 was signed by Mayor Stoks with a motion by Nosbush, second by Grabow. All voting aye; motion carried.

Motion by Bekaert, second by Engesser to purchase a table for \$450 at the Tour of Tables event that is organized by the Deuel County Community Foundation. All voting aye; motion carried.

Motion by Nosbush, second by Grabow to approve special temporary liquor license for the Municipal Liquor Store to have a beer garden on Thursday's Oct 5,12,19,26, Nov 2, 2023 during Track the Jack event at Lot 8 Less W 13' all of Lot 9, Block 1 of Original Plat, City of Gary. On sale only until 1am. All voting aye; motion carried.

Motion by Engesser, second by Bekaert to pre-pay Minn-Kota for monthly pest services at the liquor store. All voting aye; motion carried.

Upgrading the televisions at the liquor store was discussed. Motion by Bekaert, second by Nelson to purchase 3 smart tv's and have installed by Granite & Monte Hardware. All voting aye; motion carried.

Motion by Nelson, second by Nosbush to surplus and sell the 3 tv's that are being replaced at the liquor store. All voting aye; motion carried.

Special temporary liquor license was issued to American Legion Ballroom for Sunday Oct 15 & 22, 2023 at E 24' of Lot 11 and all of Lots 12-13-14 in Block 1, Original Plat, City of Gary with a motion by Engesser, second by Nosbush. All voting aye; motion carried.

The 2024 Liquor Operating Agreements with Buffalo Ridge Resort & Spa, LLC and the 109 Club were reviewed. Motion by Engesser, second by Bekaert to leave the agreements as is. All voting aye; motion carried.

Renewal of the 2024 Liquor and Wine Licenses for the Municipal Liquor Store, the 109 Club and Buffalo Ridge Resort & Spa, LLC were approved with a motion by Engesser, second by Nosbush. All voting aye; motion carried.

The 2024 Law Enforcement contract with Deuel County was reviewed. Motion by Engesser, second by Nosbush to approve. All voting aye; motion carried.

Mayor Stoks spoke regarding the question from previous meetings of who the zoning officer is for the City of Gary. Contact the Finance Officer at the City Office if you have questions related to zoning ordinances or need a building permit.

Building permits issued in September: Keith Borg & Gary Community Club

With there being no other discussion, Grabow motioned, Engesser second to go into executive session at 8:41 pm. All voting aye; motion carried. Mayor declared out at 8:47pm.

Motion by Grabow, second by Bekaert to accept Vera Meyer's resignation and advertise for a part time librarian for the City of Gary. All voting aye; motion carried.

Next regular meeting will be Monday, November 6, 2023 at 6:30 pm.

Motion by Bekaert, second by Grabow to adjourn. All voting aye; motion carried.

City Council, City of Gary

Joni Kjelden, Finance Officer

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