

City of Gary, South Dakota
Joint Meeting- Planning Commission & Gary City Council
Monday, February 5, 2024 at 6:30 pm at Gary City Hall

The Gary City Council met in joint session on Monday, February 5, 2024 at 6:30 pm in the Gary City Hall. Aldermen Darwyn Engesser, Mike Nosbush, Jay Grabow, Doug Nelson, Bob Stee and Albert Bekaert were present. Mayor Larry Stoks presided. Also, present Joni Kjelden, Jesse Jenson, Carol Barger, Neil Schumacher, Josh & Amy Knutson, Jeff Engesser, Sharon Kloos, Joe Kolbach, Cory Borg, Mel Borg, Mary Nosbush, Jeff Fossum, Blaine Eilts.

The Pledge of Allegiance was said.

Motion by Bekaert, second by Grabow to approve the agenda with the omission of line item 18. All voting aye; motion carried.

Motion by Grabow, second by Engesser to approve the minutes of the December 26, 2023 year end meeting and January 8, 2024 special meeting. All voting aye; motion carried.

General-December 2023 Bills

AT&T-data connect-44.07;Bjerke Sanitation-December garbage-2,304.93;BDRW-454,000 gallons-1,385.40;Clear Lake Courier-proceedings/notices/holiday ad-169.83;Deuel County Farmer's Union-Dec fuel charges-794.15;Gate City General-supplies-37.64;H-D Electric-cemetery electricity-36.50;ITC-phone,internet,fax,alarm loop-111.24,Library-41.84;MN Dept of Revenue-4th qtr. withholding-289.00;Ottetail Power Co.-electricity-872.02;SD Dept of Health-coliform test-15.00;Dept of Rev & Reg-Nov/Dec garbage/landfill tax-265.53;SD Retirement-Dec contribution-919.50;Dept of Labor & Reg-4th quarter unemployment-31.77.

Liquor-December 2023 Bills

Chesterman-pop-357.02;Culligan-monthly rental-27.50;Ellwein Bros.-beer-6,342.45;First Bank & Trust-credit card/supplies-253.92;Gary Liquor Store-Dec open juke box-30.00;Gate City General-food/supplies-43.13;Harry's Pizza-pizza-529.00;ITC-phone,DSL,TV-248.62;Johnson Bros-liquor-3,050.49;Old Dutch-chips-137.70;Ottetail Power Co-electricity-444.01;Pepsi-Cola-pop-181.50;Pizza Shack-pizza-378.00;Porter Dist.Co-beer,wine/coolers-777.80;Rangaard Electric-replace GFI outlet-106.30;RNDC-liquor-842.70;SD Dept of Revenue-Dec liquor tax-3,287.80;SD Retirement-Dec contribution-1,117.56;SD Dept of Labor & Reg-4th quarter unemployment-10.59.

General-January 2024 Bills

Finance Office-2,836.73;Streets-4,899.56;Library-795.56;Water-1,130.57;Sewer-1,130.51;ABM Manufacturing-repair snow plow mount-3,002.50;AFLAC-January premium-149.43;All States Ag Parts-payloader seat-1,599.00;AT&T-data connect-44.07;Avid Hawk, LLC-yearly website service-540.00;Bjerke Sanitation-Januarygarbage-2,504.16;Bobcat of Watertown-oil-59.00;Brookings-Deuel Rural Water-496,000-1,603.80;City of Clear Lake-contracted hours 10.87@\$100-1,087.00;City of Gary-wsg-firehall-42.64,garbage-city hall-17.00;Clear Lake Courier-proceedings, notices-194.25;Dakota Alignment & Frame Service-repair frame on dump truck-5,733.00;Dave Boulton, Boulton Trailers-1020' yellow safety cap-3,801.67;Deuel Co Sheriff's Office-law enforcement-571.20;Deuel Co Farmer's Union-monthly fuel charges-868.19;DNB National Bank-safe deposit box fee-25.00;EFTPS 941 tax-FWT-741.80,OASI-1,502.54;First Bank & Trust-credit card payment-237.22;Gary Post Office-stamps-84.00;Gate City General supplies-13.99;Glacial Lakes & Prairies Tourism-2024 membership dues-240.00;Grease Monkey-oil/air filter change, sensors-204.31;HD Electricity-cemetery electricity-36.50;ITC-phone,internet,fax,alarm loop-104.25,library, DSL, static IP-51.45;Jesse Jenson-cell phone, 337.6 mi @ .51-197.18;Larry Stoks-746 mi @ .51, gas reimburse-455.46;Lorenzen Equipment-2023 Erskine snow blower-4,000.00;Menards-supplies-187.80;Mike Nosbush-5.37 hrs. @ \$40, repair keg cooler hose-272.77;Office Peeps-toner, time clock-425.08;Ottetail Power Co-electricity-1,141.92;Pheasantland Industries-50 custom decals-88.10;Rangaard Electric, Inc-wire gas furnace-492.20;Runnings-clothing allowance-Jesse-150.98;SD Dept of Health-coliform test-15.00;SD One Call-Oct-Dec 2023 message fee-7.35;SD Retirement-January contribution-1,041.72;Wellmark BCBS-February premium-684.63.

Liquor-January 2024 Bills

Liquor-17,246.62;ABATE-2024 passport fun run-50.00;AFLAC-January premium-482.86;Apol's Harley Davidson-2024 sponsorship fee-150.00;Arizona Pepper Products Co-hot honey mustard-99.99;Chesterman-pop-721.80;City of Gary-wsg-192.93;Culligan-monthly rent & refill-69.25;EFTPS 941 tax-FWT-572.26,OASI-1,477.70;Ellwein Bros-beer-10,649.40;First Bank & Trust-credit card payment-433.06-Gary Post Office-stamps-33.00;Gate City General-food/supplies-97.33;Harry's Pizza-pizza-1,620.00;Henry's Foods-tobacco,food,supplies-2,148.59;ITC-phone,DSL,tv-250.55;Johnson Bros-liquor-976.14;My Favorite Headache-Jan 27 entertainment-400.00;Old Dutch Foods-chips-105.57;Ottetail Power Co-electricity-575.20;Pepsi-Cola-pop-170.56;Pizza & Burger Shack-pizza-216.00-Porter Dist Co-beer, wine/coolers-1,103.40;Republic National Dist-liquor-1,024.30;Robin Lanners-cell phone-25.00;SD Retirement-January contribution-1,114.08;SD Dept of Revenue-January liquor sales tax-3,252.07;Southern Glazer's liquor-749.40;Star Laundry-rugs,towels-184.43;Wellmark BCBS-February premium-4,107.79.

Motion by Engesser, second by Grabow 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.

No public input was presented.

Motion by Bekaert, second by Grabow to convene jointly as the planning commission and city council. All voting aye; motion carried.

A hearing was held for public comments regarding a request by Joe Kolbach to vacate Spruce Street and a portion of Lac Qui Parle Street. His intentions are to survey and replat his property that surrounds those streets. A couple questions related to the process of this vacation were asked. Motion by Nosbush, second by Stee to approve Resolution 2024-02 as stated below:

RESOLUTION 2024-02

A RESOLUTION VACATING THAT PORTION OF A PUBLIC RIGHT-OF-WAY DESCRIBED AS FOLLOWS: SPRUCE STREET WITH WIDTH OF SIXTY-SIX (66) FEET, BETWEEN OL H & OL J AND LOTS 1 & 6 BLOCK 19 AND LOTS 1 & 8 BLOCK 20. LAC QUI PARLE STREET WITH WIDTH OF EIGHTY (80) FEET, BETWEEN LOTS 1, 2, 3 & 4 BLOCK 19 AND LOTS 5, 6, 7 & 8 BLOCK 20, ALL IN PT OF SUB BLOCK 15-20 & OL A-J, IN NW ¼ 3-115-47, TOWN OF GARY, DEUEL COUNTY, SOUTH DAKOTA ACCORDING TO THE PLAT THEREOF.

WHEREAS, the City of Gary has been petitioned by landowners of all abutting property upon both sides to that portion of Spruce Street and Lac Qui Parle Street to vacate said street as set forth in SDCL 9-45-10, and has been verified by such owner/owners, and

WHEREAS, notice of public hearing has been published once each week for two successive weeks, and such hearing took place not less than ten days from the last publication of such notice, and

WHEREAS, said portion of Spruce Street and Lac Qui Parle Street has not been used, worked, or traveled as such during twenty years next preceding the time of the meeting and since the recording of the plat thereof (SDCL 9-45-11).

NOW THEREFORE, BE IT RESOLVED BY the governing body of the City of Gary, South Dakota that the above described portion of Spruce Street and Lac Qui Parle Street be declared vacated, and

BE IT FURTHER RESOLVED that the vacated streets shall be absorbed by the landowner of record, receiving the above described sixty-six-foot width of Spruce Street and eighty-foot width of Lac Qui Parle Street and the length running adjacent to the property.

Dated this 5th day of February, 2024

ATTEST:

Larry Stoks, Mayor

Finance Officer

SEAL

All voting aye; motion carried.

Motion by Grabow to adjourn as Planning Commission and reconvene as City Council only. All voting aye; motion carried.

Final 2023 transactions are complete. Motion by Grabow, second by Stee to approve transferring to the General Fund from Video Lottery-\$110,273.41 and from the Liquor Fund-\$95,000. All voting aye; motion carried.

Renewing the contract with Code Enforcement Specialist for 2024 and paying a \$1,500 retainer was approved with a motion by Grabow, second by Nosbush. All voting aye; motion carried.

Motion by Bekaert, second by Grabow to accept Ben Elliott's audit engagement letter request to change the 1-year 2022 audit into a 2-year 2022-2023 audit at an additional cost of \$2,900. All voting aye; motion carried.

Blaine Eilts representing South Dakota Association of Rural Water Systems was present to explain the USDA Decentralized Wastewater Community Assessment Report, this is a new program and is available to communities at no cost. Motion by Engesser, second by Grabow to approve Blaine to begin gathering data for this report. All voting aye; motion carried.

Motion by Bekaert, second by Grabow to release the appropriated 2024 funds of \$15,000 to the Gary Volunteer Fire Department to make the payment on the 2001 Ford F550 truck. All voting aye; motion carried.

Cory Borg & Jeff Engesser were preset to give an update on the Ambulance and answer questions.

Motion by Nosbush, second by Stee to approve the 2024 Gary Volunteer Fire Dept roster and carry workman's comp insurance on those 31 members. All voting aye; motion carried.

A first reading of Ordinance 2024-339-17, regarding Water Rate Schedule was heard. Second reading will be at the next regular meeting.

Motion by Engesser, second by Stee to update the library signature card at DNB National Bank. Removing Vera Meyer and adding Koyla Kruse. All voting aye; motion carried.

Motion by Stee. Second by Engesser to approve a special temporary liquor license for the American Legion Ballroom on February 17 & 18 and March 16 & 17, 2024 at E 24' of Lot 11 and all of Lots 12, 13,14 in Block 1, Original Plat, City of Gary, SD. On sale only. All voting aye; motion carried.

Motion by Nosbush, second by Grabow to pay First District Association of Local Governments \$386.25 for 2024 annual membership. All voting aye; motion carried.

A conditional use application submitted by Amy Knutson was reviewed. Amy purchased the Catholic church and has intentions of remodeling it for use as a two-family dwelling. Motion by Grabow, second by Engesser to approve the application and set a public hearing date of March 4, 2024 at 6:30pm. All voting aye; motion carried.

Motion by Nelson, second by Grabow to write off one bad check that the Liquor Store was unable to collect from 2021 totaling \$200.00. All voting aye; motion carried. This process is a suggestion by the City Auditor.

Motion by Engesser, second by Bekaert to approve mileage, hotel cost if necessary and exam fee for Jesse Jenson to attend trainings. February 6-8 in Sioux Falls, April 16-18 in Mitchell, and June 6 in Huron. All voting aye; motion carried.

Motion by Bekaert, second by Stee to move into executive session for personnel matters at 7:28pm. All voting aye; motion carried. Mayor declared out of executive session at 7:41pm.

Next regular council meeting will be Monday, March 4, 2024 at 6:30 pm at the Gary City Hall.

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

City Council, City of Gary

Joni Kjelden, Finance Officer

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