

City of Gary, South Dakota
Joint Hearing- Board of Adjustment & Gary City Council –
Wednesday, November 9, 2022 at 6:30 p.m. at Gary City Hall

The Board of Adjustment and Gary City Council met in a rescheduled joint session on Wednesday November 9, 2022 at 6:30 p.m. in the City Hall. Aldermen Darwyn Engesser, Mike Nosbush, Jeff Nordseth, Robert Stee and Albert Bekaert were present. Mayor Larry Stoks presided. Also present were Jodie, Jeff & Darren Engesser, Sharon Kloos, Johanna & David Wyman, Sara Guest, Del Hutchins, Mel Borg, Carol Barger, Lori & Dennis Nosbush, Kelli Stee, Joey & Traci Gislason, Claudette Bagan, Neil Schumacher, Angel Oeltjenbruns, Mary Nosbush, Jen Pederson, Judy Heth, Reed Mahlke, Sheriff Cory Borg, Jason Anderson, Robin Lanners, Joni Kjelden.

The Pledge of Allegiance was said.

Motion by Engesser, second by Bekaert to approve the agenda with the omission of line item 14. All members voted aye; motion carried.

Motion by Bekaert, second by Stee to approve the minutes of the October 3rd regular meeting. All members voted aye; motion carried.

GENERAL-OCTOBER 2022 BILLS

Finance Office-1,946.61;Library-696.88;Streets/Parks-5,228.19;Water-890.66;Sewer-890.61;Restricted Use Site-12.79;Golf-48.14;AFLAC-October premium-149.43;AT&T-data connect-43.23;Bjerke Sanitation-garbage collection-2,240.59;BDRW-551,000 gallons-1,544.95;Bobcat of Brookings-Bobcat handle assembly-490.16;Canby Auto parts-extractor picks-51.06;City of Gary-firehall water/city hall garbage-53.36;Clear Lake Courier-proceedings,notices-107.68;Deuel Co. Auditor-Law Enforcement-517.65;Deuel County Community Foundation-Tour of Tables-400.00;DC Farmers Union-monthly fuel charges-691.77;Doug's Service & Marine, Inc-sprayer supplies-79.46;EFTPS/FWT 941 Tax-FWT-612.30,OASI-1,280.52;Gary Post Office-stamps-74.00;Gate City General-supplies-46.46;GovOffice-annual hosting fee-570.00;First Bank & Trust-strobe light/credit card-31.94;HD Electric-Cemetery electricity-36.50;Helsper, McCarty & Rasmussen-attorney fees-1,619.44;Hendricks Farmers Lumber-door handles-81.94;ITC-phone, internet,fax,alarm loop-104.88,Library-DSL,Static IP-46.45;Jason Anderson-cell phone-25.00;Joni Kjelden- 261 miles @ .42-109.62;Kibble-lawn mower-10,000.00;Northern Truck Equipment Corp-stainless steel Monroe V Box spreader-19,172.00;Office Peeps-toner-103.30;Ottetail Power Co.-electricity-876.67;Sodak-swamp white oak tree-55.00;SD Dept of Health-coliform test-15.00;SD Dept of Rev & Reg-garbage/landfill tax-289.23;SD One Call-July-Sept. message fee-10.50;SD Retirement-Oct contribution, Aug penalty-875.12;Star Laundry-uniforms-86.37;Wellmark BCBS-Nov premium-1,330.62.

LIQUOR-OCTOBER 2022 BILLS

Municipal Liquor-15,347.18;ALAC-Oct premium-403.95;Chesterman-pop-980.00;City of Gary-wsg-210.58,2023 on/off sale liquor license renewal-600.00;Culligan-monthly rental & fill-82.50;EFTPS/FWT 941 tax-FWT-532.64,OASI-1,319.76;Ellwein Bros.-Beer-9,011.90;Gary Liquor Store- open juke box 10/01/22-40.00;Gary Post Office-stamps-30.00;First Bank & Trust-supplies/credit card-457.25;Harry's Frozen Foods-pizza-617.00;Henry's Foods-tobacco,food,supplies-2,489.70;ITC-Phone,DSL,TV-363.68;Johnson Bros.-liquor, wine/coolers-4,034.80;Minn-Kota-annual pre-paid services-513.00;Old Dutch Foods-chips-90.48;Ottetail-electricity-578.49;Pepsi-Cola-pop-213.03;Pizza & Burger Shack-pizza-324.00;Porter Dist. Co.-beer, wine/coolers-1,724.95;RNDC-liquor,wine/coolers-1,188.45;Robin Lanners-cell phone & meat-70.00;Shiffler-swivel chair glides-107.21;SD Dept of Revenue-liquor tax-4,377.39;SD Retirement-Oct contribution-995.14;Southern Glazers of SD-liquor-1,888.09;Star Laundry-towels, rugs-98.87;Stony Point Sound-DJ Oct 28-400.00;US Foods-bar stools-1,956.85;Wellmark BCBS-Nov premium-3,991.91.

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

Public input discussion presented the issue of unlicensed dogs in the City.

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

Public Hearing was held on a petition by Darren Engesser to vacate the 20-foot alley along the South side of Lot 8 Block 8 Second Railroad Addition, Town of Gary, Deuel County, South Dakota. No one present to contest, motion by Nosbush, second by Stee, to grant the request. The following resolution was signed by the mayor.

RESOLUTION 2022-05

A RESOLUTION VACATING THAT PORTION OF THE 20 FEET WIDE ALLEY BETWEEN LOT 8 BLOCK 8 SECOND RAILROAD ADDITION TOWN OF GARY, DEUEL COUNTY, SD, AND W ½

LOT 6 AND LOT 7 AND E ½ LOT 6 AND LOT 5 BLOCK 8 SECOND RAILROAD ADDITION TOWN OF GARY, DEUEL COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF.

WHEREAS, the City of Gary has been petitioned by landowners of all abutting property upon both sides to that portion of the 20' to vacate said alley 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 20' wide alley 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 stated portion of the 20' alley be declared vacated, and

BE IT FURTHER RESOLVED that the vacated alley shall be divided between the abutting landowners of record, each receiving a parcel ten feet wide and the length running directly adjacent to and abutting their property.

Dated this 9th day of November, 2022

ATTEST:

Larry Stoks, Mayor

Joni Kjelden, Finance Officer

Nosbush, Nordseth, Stee, Bekaert aye, Engesser, abstain. Motion carried. Mayor declared adjournment as Board of Adjustment and to convene only as Gary City Council.

With Joey Gislason resigning as Alderman, Mayor Stoks appointed Doug Nelson to fill the vacancy in Ward III. Motion by Nosbush, second by Bekaert to approve, all members voted aye; motion carried. Oath of Office was read by Nelson.

Mel Borg asked the city for a commitment this winter of maintaining the portion of Grand Boulevard that is not complete. The city will remove snow to the South end of the road for the residents who live there.

A petition to reactivate the noon and 6pm siren was brought to the council. Sharon Kloos spoke on behalf of the petitioners. Joey Gislason asked the council to consider the high decibel level this emergency siren emits that could have lasting effects on people's hearing. The option of using the traditional siren on the Historical building will be checked into and results will be brought to the next meeting.

The first reading of Ordinance No. 380 Correction to 2023 Appropriations Ordinance No. 379 was held.

Motion by Bekaert, second by Engesser to pay the annual hosting fee for the city website, www.garysd.com. All members voted aye; motion carried.

Motion by Engesser, second by Stee to continue using a liability waiver when certain services, like tree stump removal are performed for residents. All members voted aye; motion carried.

Motion by Nosbush, second by Stee to renew 2023 SDML Worker's Comp. All members voted aye; motion carried.

The Council reviewed the 2022-2023 Declarations packet for the City that includes property and equipment covered by insurance. Motion by Bekaert, second by Stee to approve. All members voted aye; motion carried.

Motion by Engesser, second by Nosbush to renew the current Wellmark BCBS health insurance policy for 2023 for full time employees. All members voted aye; motion carried.

Procedures for City Council meetings that still allows residents time to give their input and is also structured to get business done in a timely matter was discussed. More discussion at a future meeting will take place.

Motion by Nosbush, second by Stee to approve two special temporary liquor licenses for the Gary Municipal Liquor Store. At the American Legion Ballroom for November 10,17,24, December 1 & 8, 2022 at E 24' Lot 11 and all of Lots 12-13-14 in Block 1, Original Plat, City of Gary, SD. On sale only. 4pm-8pm. A beer garden on November 10,17,24 & December 1 & 8, 2022 at Lot 8 Less W 13'. All of Lot 9 Block 1 of Original Plat, City of Gary, SD. On sale only until 1am. Engesser, Nosbush, Nordseth, Nelson, Stee aye; Bekaert abstain; motion carried.

Mary Nosbush read from the Ordinance Book Chapter 1-3-2, Regular Meetings and wanted to know why the meeting date changed. The mayor explained that he had contacted all Alderman, 3 weeks prior to the meeting date. With no opposition the date was changed and all proper notices were put in place well before the 24-hour required notice per SDCL 1-25-1.1.

Liquor store paychecks totaling \$131.92, have been outstanding for 14 months. Motion to void in payroll by Engesser, second by Nelson. All members voted aye; motion carried.

Motion by Bekaert, second by Stee to go into executive session for personnel matters at 8:16 pm. Mayor declared out of executive session at 8:39 pm.

The next regular council meeting will be Monday, December 5, 2022 at 6:30 pm at the Gary City Hall. Motion by Engesser, second by Bekaert to adjourn. All members voted aye; motion carried.

City Council, City of Gary

Joni Kjelden, Finance Officer

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