

City of Gary, South Dakota
Regular City Council Meeting
Monday, March 2, 2026 at 6:30 pm Gary City Hall

The Gary City Council met in session Monday, March 2, 2026, at 6:30 pm in the City Hall. The Pledge of Allegiance was said. Aldermen Darwyn Engesser, Jay Grabow, Neil Schumacher, Doug Nelson, Jessica Christians were present, and Mike Nosbush was available by phone. Mayor Larry Stoks presided. Present also were Joni Kjelden, Austin Crocker, Robin Lanners, Albert Bekaert, Marilyn Koepper, Sherry Hemmingson, David Peterson, Pat Sears, Rod & Patty Meadors, Gloria Dessler, Bev Koeppen, Joe Kolbach, Mark Junker, Tawne Pieper, Rachel Hinsvark, Jodie Engesser, Reed Mahlke, Jennifer Pederson, and Judy Heth.

Motion by Engesser, second by Schumacher to approve the agenda as written. All voting aye; carried.

Motion by Engesser, second by Nosbush to approve the minutes of the February 2nd meeting. All voting aye; carried.

General-February 2026 Bills

Finance Office-2,265.22;Fire Dept-90.92;Streets-4,069.75;Cemetery-36.36;Parks-690.80;Library-717.76;Water-1,322.62;Sewer-1,327.63;AFLAC-January premium-165.64;AT&T-data connect-44.69;Austin Crocker-cell phone-25.00;Bjerke Sanitation-February garbage-2,564.34;BDRW-451,000 gallons-1,740.75;City of Gary-firehall-wsg-85.79,city hall-garbage & surcharges-171.20;Clear Lake Courier-proceedings, notices-75.48;DCFU-monthly charges-2,171.71;DCSO-Law Enforcement-605.90;DNB National Bank-ACH ub fee, safe deposit box-40.04;EFTPS 941Tax-FWT-587.56,OASI-1,717.42;Gary Fire Department-2026 funds release-truck payment-15,000.00;Gary Post Office-stamps-100.00;Gate City General-supplies-2.58;First Bank & Trust-credit card-293.53;HD Electric-Cemetery electricity-62.03;Helsper, McCarty & Rasmussen-January Attorney fees-1,072.50;ITC-phone, internet, fax, alarm loop-97.17,Library- DSL, Static IP-53.45;Menards-door handle-33.36;Ottetail Power Co.-electricity-691.14;Runnings-supplies-59.37;SD DOR-garbage/landfill tax-310.50;SD Public Health Labs-coliform test-20.00;SDRS-Feb contribution-1,241.34;Sun Life-Feb premium-493.87;Wellmark BCBS-March premium-2,716.52;KXLG-yearly ad-600.00.

Liquor-February 2026 Bills

Liquor-13,391.89;ABATE of MN-2026 sponsor & passport stop-50.00;AFLAC-January premium-358.83;Cask & Cork-beer-84.00;Chesterman-pop-373.10;City of Gary-wsg-244.92;Dan's Refrigeration-walk in cooler, ice machine service-776.00;Doll Distributing, LLC-beer-6,686.55;EFTPS/941 Tax-FWT-637.17,OASI-1,724.54;First Bank & Trust-credit card-444.98;Gate City General-food/supplies-57.76;Gary Post Office-stamps-39.00;Harry's Pizza-pizza-1,039.50;Henry's Foods-tobacco,food,supplies-3,475.79;RH Executive Partners-management services-500.00;ITC-phone,DSL,TV-251.03;Johnson Bros.-liquor-2,441.36;Menards-door lock-50.96;Old Dutch Foods-chips-151.44;Ottetail Power Co.-electricity-790.93;Pepsi-Cola-pop-333.50;Pizza & Burger Shack-pizza-126.00;Porter Dist.Co.-beer, wine/coolers-2,853.75;Rangaard Electric, Inc-install ceiling fan-735.20;Republic National Dist.-liquor-442.00;Robin Lanners-cell phone-25.00;Runnings-duplicate keys-41.79;Southern Glazers of SD-liquor-944.30;SD DOR-Feb liquor sales tax-2,751.18;SDRS-Feb contribution-1,318.46;Star Laundry-towels, rugs-81.99;Todd Cassili-Feb 27 entertainment-400.00;Wellmark BCBS-March premium-3,492.68.

Wastewater- 2026 Bills

D & G Excavating-construction-16,010.00;Helms & Associates-construction,observation-935.00.

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

Public comment: Pat Sears asked about whether the complaint binder can be viewed by the public. Joe Kolbach spoke about community togetherness.

Mark Junker, Banner Engineer provided estimated cost proposals to replace Second Ave and Lac Qui Parle bridges. After discussion about the condition of the bridges, funding through the SDDOT Bridge Improvement Grant (BIG) Program; Nelson moved to choose one bridge now, second by Grabow. On a roll call vote for which bridge to have Banner Engineer begin the BIG Program application process, majority vote was for Lac Qui Parle St. Motion carried.

Tawne Pieper provided financial information as requested and asked the city to purchase advertising like years prior for the Gary Rodeo on July 3 & 4. Grabow made the motion to purchase an advertisement package for \$7,500 contingent on reviewing prior for approval, second by Nelson. All voting aye; carried.

Motion by Grabow, second by Engesser to approve a special temporary malt beverage license for the Gary Rodeo, LLC: July 3 & 4, Lot 1, Lewis Addition in E ½, SE ¼, Less Lot 3A of Lots 1 & Outlot 14 in 4-115-47, City of Gary, Deuel County, SD. All voting aye; carried.

Resolution 2026-02; Formal Complaint Process was reviewed and discussed. Motion by Grabow, second by Schumacher to adopt as follows:

RESOLUTION 2026-02

RESOLUTION OF THE CITY COUNCIL OF GARY ESTABLISHING STANDARDIZED PROCEDURES FOR THE SUBMISSION AND REVIEW OF RESIDENT COMPLAINTS

WHEREAS, the City Council of Gary is committed to providing high-quality municipal services and ensuring a responsive local government; and

WHEREAS, a centralized and transparent process for residential complaints fosters community trust and allows for the efficient allocation of city resources; and

WHEREAS, it is in the best interest of the public health, safety, and welfare to provide residents with a clear mechanism to voice concerns regarding city operations, code violations, or neighborhood issues;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GARY AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this resolution is to establish a uniform system for receiving, investigating, and resolving complaints from residents to ensure timely and equitable treatment of all concerns.

SECTION 2: SUBMISSION CHANNELS

Residents may submit formal complaints through the following designated channels:

- **In-Person:** At the City Office during standard business hours using a Physical Complaint Form.
- **Email:** The Physical Complaint Form can also be found on the City website.

Verbal complaints raised directly to council members may be summarized and presented during regular council meetings; however, verbal complaints alone do not initiate council action.

SECTION 3: REQUIRED DOCUMENTATION

To ensure a thorough review, all complaints should include:

1. **Complainant Information:** Name, address, and contact information (anonymous complaints will be accepted but will limit the city's ability to provide updates).
2. **Incident Details:** Date, time, and specific location of the issue.
3. **Description:** A concise narrative of the concern.
4. **Supporting Evidence:** Photos, videos, or documents (where applicable).

SECTION 4: REVIEW AND INVESTIGATION PROCESS

The City Finance Officer or their designee shall oversee the following workflow:

1. **Intake & Categorization:** Complaints will be logged.
2. **Investigation:** The City Finance Officer will investigate with input from City Council as needed. (Referral to Code Enforcement may be necessary.)
3. **Resolution Strategy:** The City Finance Officer will work to resolve and recommendations may be given to full council depending on the circumstances.

SECTION 5: RESPONSE OPTIONS

Formal investigation, enforcement, or follow-up will occur only after a completed written complaint is received, except in cases involving immediate health, safety, or legal concerns.

Certain code violations may be referred to Code Enforcement.

Submission of a complaint does not guarantee investigation, enforcement action or a specific outcome. This may be due to no violation being found, the activity could be a private property matter, there may be insufficient information, it could be a duplicate report or a policy based denial.

The governing body reserves the right to limit or decline further review of complaints that are repetitive, previously resolved, or submitted for retaliatory or harassing purposes.

Personnel-related complaints will be reviewed internally and, when appropriate, addressed in executive session as permitted by law. The governing body and staff are not required to provide updates, findings, or resolutions to the complainant due to confidentiality and privacy protections.

SECTION 6: RECORD KEEPING

The City Finance Officer shall maintain a log of all formal written complaints.

Adopted by the Gary City Council this 2nd day of March, 2026 for immediate passage:

APPROVED:

(seal)

Larry Stoks, Mayor

Attest: _____
Finance Officer

All voting aye; carried.

Resolution 2026-03; Public Comment, Meeting Decorum was reviewed and discussed. Motion by Engesser, second by Nelson as follows:

RESOLUTION 2026-03

A RESOLUTION OF THE CITY COUNCIL OF GARY ESTABLISHING RULES OF DECORUM AND PROCEDURES FOR PUBLIC COMMENT DURING CITY COUNCIL MEETINGS.

WHEREAS, the City Council of Gary recognizes the importance of public participation in the local government process and welcomes the input of its residents; and

WHEREAS, City Council meetings are business meetings held in public, rather than public forums for unrestricted debate; and **WHEREAS**, to ensure the efficient conduct of City business and to protect the safety and dignity of all participants, it is necessary to establish clear guidelines for public testimony.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GARY AS FOLLOWS:

SECTION 1: Purpose of Public Comment

Public comment is provided to allow residents to inform the Council of their views on matters of public priority. It is a period for testimony, not a period of dialogue, debate, or question-and-answer between the speaker and the Council or City Staff. Anyone requesting to be placed on the agenda, contact the city office by 12:00 PM the Thursday before the scheduled City Council meeting. If you will be providing documents, petitions, photographs, or other materials to the City Council members, copies of those items need to be given to the city finance officer at the same time as your request to be placed on the agenda.

SECTION 2: Rules of Decorum

All speakers and audience members shall maintain a professional and respectful demeanor. It is expected that audience members will introduce themselves with their full name.

The following behaviors are strictly prohibited:

- **Personal Attacks:** Using profanity, making personal threats, or engaging in slanderous remarks directed at Council members, City Staff, or other members of the public.
- **Disruption:** Shouting, cheering, or booing from the gallery that interrupts a speaker or the Council’s proceedings.

SECTION 3: Procedure for "Questioning" the Council

1. Non-Interactive Format: Council members are not required to answer questions or engage in a back-and-forth dialogue during the public comment period.
2. Staff Referral: If a speaker asks a question regarding City operations, the Mayor may, at his/her discretion, direct City Staff to follow up with the resident during regular business hours.
3. Closing Remarks: Council members may, at the conclusion of the public comment period, briefly respond to statements made by the public.

SECTION 4: Time Limits and Management

- Each speaker is limited to three (3) minutes.
- Time may not be "yielded" or "donated" to other speakers.
- The Mayor reserves the right to shorten the comment period if the meeting agenda is significantly delayed.
- When the Mayor closes the public comment period, Council will have the floor and no further public comment will be taken.

SECTION 5: Enforcement and Removal (During public comment period and during entire City Council meeting).

1. Warning: The Mayor will issue a verbal warning to any individual violating these rules.
2. Order of Removal: If the conduct continues, the Mayor may rule the individual "out of order" and direct them to cease speaking and sit down.
3. Expulsion: If a participant becomes unruly or refuses to yield the floor, the Mayor may request the individual leave the premises for the remainder of the meeting.

Adopted by the Gary City Council this 2nd day of March, 2026 for immediate passage:

APPROVED:

(Seal)

Larry Stoks, Mayor

Attest: _____
Finance Officer

All voting aye; carried.

Motion by Grabow, second by Nelson to enter executive session at 7:38 pm for personnel. All voting aye; carried. Mayor declared out at 7:50 pm. No action taken.

American Legal Publishing completed the draft manuscript of the City Ordinances. A first reading of Ordinance 2026-388 was held, with another first reading to be had on March 16th.

Motion by Grabow, second by Engesser to pay \$3,000 for half the band cost the Gary Givers are organizing on July 4th. All voting aye; carried.

Motion by Grabow, second by Nelson to raise by 2.5% CPI for the 2026 tax call. All voting aye; carried.

The Gary Tree Board submitted their comprehensive plan for this year that includes planting a memorial tree, observe April 26th as Arbor Day, reappoint Joey Gislason & Darwyn Engesser to three-year terms, appoint Rod Meadors to fill a vacancy until 2027. All approved with a motion by Grabow, second by Schumacher. All voting aye; carried. Mayor Stoks signed the Arbor Day proclamation.

Austin had information on trade in value for the John Deere X754 lawn mower. Motion by Grabow, second by Engesser to trade in the JD X754 and upgrade to another paying the difference of \$6,800. All voting aye; carried.

The tenth payment request from the State Revolving Fund loan in the amount of \$94,443.00 was approved to send in with a motion by Grabow, second by Engesser. All voting aye; carried.

Motion by Grabow, second by Schumacher to prepay Minn-Kota Pest \$498.75 for services at the Municipal Building. All voting aye; carried.

Motion by Engesser, second by Nelson to sign the agreement with Deuel County Highway Department for the 2026 year. All voting aye; carried.

Employee contributions, committee and ward reports were heard. A complete inventory at the liquor store was done January 2, 2026.

Building permit issued in February: David Wyman

The Local Review Board Meeting will be held on Monday, March 16, 2026 at 6:30 pm at the Gary City Hall. Anyone wishing to appeal their property assessment value is required to notify the City Office in writing by 5:00 pm on March 12, 2026.

The next regular council meeting will be Monday, April 6, 2026 at 7:30 pm at the Gary City Hall.

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

City Council, City of Gary

Joni Kjelden, Finance Officer

Published March 11, 2026

Published once at an approximate cost of \$