

Unapproved Minutes  
Gettysburg, South Dakota  
January 12, 2011

Pursuant to the due call and notice thereof, the City Council met in special session on January 12, 2011 at 12:01PM at the City Finance Office. Those present Mayor Gerald Knox, Council Members Bill Wuttke , Pat Everson, Josh Bausch, Fran VanBockel and Peggy Lehman . Also present was Sharleen Eliason, Finance Officer, Gayle Kludt, Police Chief, Michael Larson, City Attorney, Nathanael Williams, Judy Nagel, Gail Larson, Ron Larson, Kenny Koops, Molly McRoberts, Bill Eliason, Angela Freidel, Gene Sloat, Doris Knox, , Aleta Goebel, Ron Tobin, Brian Knox, Jennifer Zoellner, Bobby Jenner, Erika Jenner, Kirk Hansen, Jeanine Woodford and Curt Hamburger.

Meeting was called to order by Mayor Gerald Knox then the pledge of allegiance at which time the Mayor asked Doris Knox to read a prepared statement that was for the record.

Prepared Statement for the Record  
Gerald P. Knox, Mayor  
Special City Council Meeting  
Gettysburg, SD 57442  
January 12, 2011

For the last few weeks, I have done a great deal of thinking as to what I wanted to convey to you during the next council meeting; I didn't realize that the next meeting would be this soon, but hopefully when I have finished this statement you will better understand my goals, challenges, and frustrations since taking office as your Mayor.

According to the last Council Minutes, there appears to be a consensus that the council meetings have been too time-consuming and not real efficient. I agree, but probably for different reasons than you. It is very difficult to preside over a meeting where people are talking over one and other, and while other members sit at the end of the table with their backs towards me and are engaged in their own conversation. I was given a gavel, but then was told pounding it on the table was offensive to Council Members. This behavior is not only rude; it is disrespectful, unprofessional, and nonproductive.

Prior to my retirement, I worked 37-years for the Department of Defense, the last 20-years being in senior management, I spent a year in Vietnam as a combat Marine, and I have lived all over the world; the Mayor's position, the city government, and the City Council do not intimidate me, they only frustrates me; no accountability, no chain of command, and no systematic research prior to the expenditures of taxpayers money.. Currently, the city government in my opinion has no checks and balances. The City Finance Officer has no supervision or direction, the Chief of Police has no supervision or direction, the City Ordinances have not been kept up to date for 10+ years, City Council

Meetings are total chaos, and items brought before the council are pretty much approved with very little or no investigation. Even though they say the Council oversees city employees, it isn't happening. For the most part, these people answer to no one. Since breaking my leg and being homebound for the most part, I have been reviewing and updating the City Ordinance Book. During that process I discovered that the City Council had removed, by ordinance all authority and powers that the Mayor had prior to my taking office. That helped me to understand a little better why council members and other city employees seem to just brush me off; I reiterate; they have no supervisor to answer to. To the best of my knowledge, annual performance evaluations are not currently done for city employees, however last week the council approved a 2% raise increase for themselves; not that they don't deserve the raise, but obviously it was not based on their measured work performance. If I had known that the duties of the Mayor were no more than presiding over council meetings, I would have never accepted the position. I have had citizens come to me with valid concerns or complaints about various city activities or employees and if I communicate these concerns to the individual it relates to, they usually get upset with me, but nothing changes. The people deserve better than that, they deserve reassurance that we care and that we will investigate their concern and get back to them with a solution. After I was elected, I had planned to write a monthly Mayor's article for our local newspaper; I wanted to share with our citizens what their government is working on and what they could look forward to in the future. After submitting my first article and having some of my written text deleted and then having some I did not write added, I decided my first article would be my last. Even though the changes were made to the article, my name was still added to the bottom.

When I was asked to run for Mayor of Gettysburg, I was honored and excited about the future prospects of making Gettysburg an even better place to live. I had no political, personal, or professional biases in the community; I just wanted to do my best for the town that I now call my home. I make no apologies for my aggressive and passionate support for the citizens of Gettysburg; we need to support each citizen and business equally. It is difficult to live in a community for an extended period of time without having personal opinion or biases for or against specific individuals or businesses, BUT we must remember that we were elected or appointed to represent all the citizens of Gettysburg; we are obligated to check our personal opinions and prejudices at the door when we walk into our monthly council meeting.

What specifically does the current position description describe as the duties, responsibilities, and authority of the Mayor? I have not seen a position description although it has been requested on multiple occasions. In general terms, a mayor is an elected official and, as such, serves as the Chief Executive Officer of the people. In meetings with the City Council, the Mayor must take into account his role as the chief representative and keep the needs of the people in mind. The Executive Branch of the government consists of the Mayor and office staff, the Legislative Branch of the government consists of the City Council; the Mayor does not dictate or supervise the Legislative Branch and the Legislative Branch does not dictate or supervise the Executive Branch. The Mayor would be responsible for supervising the Finance Officer, the Police Chief, the Maintenance Supervisor, and the Airport Manager. This governmental structure

results in clear distinct departments with well defined employee direction and supervision.

I would like to add that my frustrations in no way suffice as an excuse for my unprofessional outbursts directed towards council members at the December 29<sup>th</sup> City Council Meeting. I extend my sincere apology to those that were present for my part of the shouting match. It is because of that meeting and my uncharacteristic outburst that I came here today to submit my resignation. I can not work under the current restraints of the position; there is too much that needs to be corrected. I made an announcement yesterday at the Senior Center that I planned to resign. I was urged to reconsider, not only by those present at the center, but I have gotten phone calls and visitors at the house that have also requested I not give up. In my entire life I have never been a quitter, but then there are many things I haven't done.; I do not want to be part of the problem; I want to be part of the solution;. This is not an ultimatum, it is just how I feel and I have given it a great deal of thought. I will give the City Council and/or the citizens of Gettysburg two months to determine if they believe that a new position description for the Mayor is warranted. I can not continue as your Mayor with the position as it presently exists; it is not good for the citizens and it is not good for me. Respectfully, the March City Council Meeting will be my last day as your Mayor if the position duties are not in the process of being changed.

Mayor Knox stated next on the agenda is Operation of the City and its effectiveness.

At this time Council President Wuttke asked the Finance Officer to read a letter by former Mayor Jack Axsom:

January 12, 2011

Council Body  
Gettysburg, City of  
109 East Commercial Avenue  
Gettysburg, South Dakota 57442

In concernment of the news that is going around town, I would like to clarify the duties and responsibilities of the Mayor position to the best of my ability.

The Mayor holds the chair and directs the meeting: meaning that you follow the posted agenda, keeping order using standard parliamentary procedures. The Mayor is not allowed to spend moneys, nor is he allowed to vote except when there is a tie. The Mayor assigns the council members to different departments within the city (water, streets and Etcetera). The mayor plays a big role in public relations that means working with the residents of Gettysburg, working with the Department Heads (assigned council members) and the City Employees.

In the course of the above the Mayor takes the information and goes to work, as an example of working with the council members, City Finance Officer, Shar and City

Maintenance Supervisor, Russell. Working as a team we accomplished the following: Paying off a water distribution loan; saving \$151,355.29 in interest. Paying off the water treatment plant; saving \$45,900.00 in interest. Purchase of water meters (\$112,858.00) with drive by reading, what used to take a week now takes one half hour, and taking our unaccountable water usage from 13% down to 4%.  
First phase of sewer lining (\$198,000.00).

And there was other, but my point is there is a lot of research, paper work, and communicating with a lot of people to get things accomplished for the needs of our community and this keeps the Mayor busy.

The City of Gettysburg is set up with instruction on how our city is to be governed. I believe Mayor Knox is confused with our structure of government and a City Manager position they are two totally different programs.

Sincerely Jack Axsom; Past Mayor

Past Mayor Axsom stopped in the Finance Office and talked to Council Member Peggy Lehman, Finance Officer Eliason and Chief Gayle Kludt. Mayor Axsom stated” working relationships-- what he would do is go out and gather information and give it to the Council so they could make informed decisions and that is the role of the Mayor” And the Finance Officer also received a call regarding former Mayor Jerald Bown. He went out and gathered information regarding excess water in the lagoon after rainstorms would open up the sewer manholes and measure with a stick to see what streets had a problem then took that information back to the Council for discussion.

At this time Council member Lehman stated that Former Mayor Axsom stated that there were a few things in the Mayors Job Description :

1. Vote off a tie or do a veto
2. Direct council in topic-keeping them online and on the agenda
3. Assign committees
4. Control the Finance Office-he would talk with Shar frequently and be updated.
5. Public relations—somebody brought something to me and if I felt it was a good idea then I would investigate it and bring it back to the Council so they could make a decision--- he was not making the decision himself just making sure the Council had the information so they could make an informed decision.

Council member Lehman stated that she wanted to address a few things in Mayor Knox’s opening statement.

1. It was stated that the Council received a pay increase. It was not the Council that received the increase it was the City employees. I want everyone aware of that.
2. I don’t think that anyone person on the City Council should have the entire control over the City this is City Government—we are working for the entire City. Not any one person or any one persons perspective of what is going on in the community is the same. It should be collective, so each person should have a voice. But how many

people show up to the meetings to give that voice. You can make your complaints to anybody it doesn't just have to be Mayor Knox, it can be Bill Wuttke at the store, me at work, me at home. Everybody has the opportunity to voice their opinion and have them heard. You have that opportunity. But, are you also guaranteed that my perception is not going to filter in to that when I bring it to this meeting. So be aware of that. Prejudice. It was brought up by Mayor Knox at the meeting on the 29<sup>th</sup>. It was pushed that we are prejudiced. By no means are we prejudiced. I don't have any ill conceived concept regarding

any one business or person before I come to meetings or when voting. I was not present for the 29<sup>th</sup> meeting but I did listen to the taped meeting twice and anyone can come in and listen to the tapes. I thought it was nice that you apologized later. It was at the end of the meeting when it turned horrible and came to a shouting match. When someone else was trying to speak or ask a question and was not given the opportunity to speak. I think the community needs to know that and that is when Council member Everson stated that nothing was getting accomplished and that the meeting should be adjourned. I think everyone has the right to speak and should be allowed to be heard and that the meetings are non productive. I would like people to know that I don't feel everything in Mayor Knox's letter is factual it is his perception. In one meeting you talked about the meeting that

Council member VanBockel and I had with you. It was done as a politeness to you to see if some problems were due to your medical reasons. It was done on a very professional level not to be belittle you.

Finance Officer Eliason responded to Mayor Knox's statement about inquiring on his duties

as Mayor. On the phone Finance Officer Eliason stated the Mayors duties and also told Mayor Knox that since he was at home he could look at the City ordinance book or the Official Municipal League's handbook that he has a copy of for reference.

At this time Council member Lehman asked the Finance Officer to read the duties of the Mayor according to City Ordinances that was established in 1957.

2.04.010 Duties.

The mayor shall preside at all meetings of the Council but shall have no vote except in the case of a tie. He shall perform such other duties as may be prescribed by the laws and ordinances, and take care that such laws and ordinances be faithfully executed. He shall annually and from time to time give the council information relative to the affairs of the city,

and shall recommend for their consideration such measures as he may deem expedient. He shall have the power to sign or veto any ordinance or resolution passed by the council, and the power to veto any part or item of an ordinance or resolution appropriating money. In the

event of such vote, a two-thirds vote of the council shall be necessary to pass such ordinance or resolution over the veto.(1957 Rev. Ord.# 1.0201)

At this time Michael Larson, City Attorney stated "that is word for word with SD Codified

law except the two-thirds vote.”

Mayor Knox also talked about Ordinance’s. He has been typing them so we can put them on-line. He discussed the Ordinance # 2009-10-10 which he felt stripped him of his duties. At this time Council member Lehman asked that the Finance Officer read both ordinances.

Finance Officer Eliason stated “that most Cities changed their ordinances regarding this because of a Finance Officer from either Belle Fourche or Deadwood –that the Mayor asked for sexual favors and issued the Finance Officer directions that if she didn’t accept his advances that she would be fired”. After this Municipal League helped the cities write a new ordinance and most cities adapted the ordinance change in 1999. They did this so not one person was in control of another person to protect Cities and employees. There have been no problems like this in our City but we wanted to protect our city and our employees. We did not realize other towns did the changes regarding this until later. It was discussed when Mayor Axsom was Mayor and when Council President Wuttke took over as Acting Mayor he wanted the City Council to check into this. After discussion it was drafted with help from the League and City Attorney Sovell and the first reading was done on October 5 and the second reading on November 4<sup>th</sup> and published in the paper on Nov 12, 2009. So after the change we are now all paid employees. We don’t have one person in charge of us we have the Mayor and Council members . At the meeting in May the Mayor designates the committees .For example the Finance officer is to report to Mayor Knox and Bill Wuttke, Russell is designated to report to the Mayor and two others. So we are supervised but it is a collective supervision.

### **Old Ordinance Chapter 2.12 Appointive Officers**

At the first regular meeting in May of each year there shall be appointed by the governing body a city finance officer, city attorney, chief of police, policeman and such other officers as may be provided by ordinance, to hold office until the appointment and qualification of successors. All such appointments shall be made by the mayor with the approval of the council.

### **New Ordinance**

At the first regular meeting in May of each year there shall be appointed by the governing body a city attorney, airport manager and health officer. All such appointments shall be made by the mayor with the approval of the City Council. **All others shall be considered paid employees.**

Michael Larson, City Attorney, stated “that almost all Aldermanic forms of City Government have the exact same ordinance with the new change when he checked with Municipal League.”

Mayor Knox stated that the City Council does have the authority to change ordinances . And City Attorney Larson stated” that the Mayor does have the veto power,” but Mayor Knox stated” this ordinance went into effect in November and he didn’t become Mayor until

May so he could not use the veto power.” He would like the Council to reconsider this ordinance .

Council member VanBockel stated” that this kind of addresses what was stated in Mayor Knox’s letter that the City Finance Officer has no supervision and the Police Chief has no no supervision or direction. I would disagree with that statement.” Council member Lehman stated “that right now there is a list of the departments and the Council members and Mayor who are on those departments for direction and supervision.”

At this time Finance Officer Eliason stated that Council member Wuttke stops in every day to check on what is going on in the Finance Office, and when Mayor Knox calls or stops in the Finance Officer also informs him regarding City business. Also when Council members inquire the Finance Office always discuss issues with them so everyone is aware of concerns or problems.

Gayle Kludt, City Police Chief, stated that she is in constant contact with her Council Committee members Wuttke and Everson. Police Chief Kludt stated that she is governed by state statues on what she can and cannot release for information.

Police Chief Kludt stated ”that she would like to address an accusation that was made by Mayor Knox. As far as he knows there was only one DUI arrest and some kids in the pool and a fight at the Firehouse that I wasn’t at. There has been more than that going on in town. There are a lot of things that can’t be released but I believe there is less going on because of my being pro active, I am active in the community and the school.

Confidentiality is paramount for this office. Specifics will never be released from this office.

Confidentially is huge. Everyone has the complete right to privacy until information is released by the courts”.

Mayor Knox stated that” he explained he didn’t want any ongoing or sensitive material that shouldn’t be released. What he wanted was material that should be public knowledge. Like what the Aberdeen American news publish in their newspaper. He stated that he called Munciple league and he was under the understanding that all records are public records except for some employee and confidential records that are not open until after a court date”. Mayor Knox stated” that the Police budget is around \$160,000.00 per year and he was questioning why we need two police officers for this town. Mayor Knox gave specifs on what age groups there are in Gettysburg.” At this time Council member Lehman stated” that she wants the City to have adequate police protection for all citizens of Gettysburg. She stated that the members of the community probably haven’t heard this before but this is the third time this has been repeated about the police budget. She stated that she doesn’t need to know who was raped or beaten or who has been in a

fight or DUI to know that we are protected in our town. It costs money to do this and if we want adequate protection for our citizens then we do need to provide it.”

Council member VanBockel stated “that up to this point the City Council hasn’t micromanaged and we have always tried to give the Fire Department, EMT’s, Police Department what they need.”

Council member Wuttke stated” that there have been a lot of unfortunate situations happen thru out the Council and turmoil since you have taken over your Mayors role. You were ill which was not your fault. There have been things that you have tried but failed like your Mayor’s editorial. We have to start working together to get rid of the turmoil and start working effectively for the City. Negativity is not the way to go.”

Council member Bausch stated” that he agrees with the way it is now. He doesn’t feel that the Mayor should have the sole power. No one person should have the sole power I don’t think the Mayor would say I’m having a bad day and you are done. You may or may not I don’t know .We hired Russell Anderson because he was the best person to manage the Maintenance Dept. We hired Gayle Kludt to manage the Police Dept. If I have any problems then I call the Department head and ask questions. We have all been elected and we try to do the best job, There is a lot of other stuff that the Mayor can and could do to help out so the Council can make an informed decision.”

Council member Everson stated “that he feels that the departments he oversees he does communicate and supervise them. He is in contact with them. There is a pretty good wall between the Mayor and the Council and we spend more time fighting on things .We need to move on.”

The Mayor stated at this time “that he will not be Mayor of the City unless he is Chief Executive Officer with all the powers and take care of all the day to day business. There is no way I will Mayor without the authority and responsibility.”

At this time Council member Lehman stated” do you want one person in control of everything is that why you elected a city council.”

At this time Michael Larson stated” that to change the Mayors duties we would have to change our form of government. In Aldermanic form of government the mayor duties are weak mayoral duties. So in order to do this legally as the Mayor wants we would have to change our form of Government which in the past we were quoted as this would be a great cost because everything would have to change .”

Michael Larson stated that” the only change in the Ordinance # 2009-101-10 was 3 people before were appointed” .City Attorney Larson stated” that by changing this ordinance back this would not change all the power that they Mayor wants.” Michael stated that” citizens can petition on initiatives that were voted on but it has to legislative “. Michael Larson



stated “what the change the Mayor wants is administrative which is not legal for the citizens to change.” Michael Larson stated “that this ordinance change was done before Mayor Knox came into office it wasn’t something that the council took powers away from him. These were the powers you had coming into office.” The Mayor stated” at this time he had the old ordinance book that wasn’t updated”. At this time Finance Officer Eliason stated “that each Council member and Mayor get copies of the new ordinances --they have their books she is not responsible to see that each person puts their new ordinance in their book.” The Finance Officer’s book in the Finance Office is updated after each new ordinance.

At this time Council member Everson stated “that we have discussed this how many meetings Why don’t we just get move on.” Mayor Knox stated” that he would not go on as Mayor because he doesn’t feel that the Council are doing their job.” Mayor Knox stated “that at the las ttwo meetings there was no committee reports.” Council member Lehman asked the Mayor “if he thought that commttees should have a report each month in each area.” Mayor stated” that if it was on the agenda the report should be given.” At this time Finance Officer Eliason reminded the Mayor that she gave him two committee reports to be done and at the last meeting they were not presented and they were on the agenda. And Council member Bausch stated” that the report that he has done is waiting for the Mayor to finish.” Mayor Knox stated” that he is one of three on this committee”.

At this time Mayor Knox stated “that the City has been giving away City property without any monies.” At this time City Attorney Larson stated” that if what the Mayor is talking about is easements that is not giving away property just an easement. The only way a person can sell property is with a deed and easement is not giving away the property.”

Council member Everson stated” in all due respect to you Jerry we are getting nowhere I make a motion instead of waiting until March that we ask for you to resign right now.” Council member VanBockel seconded the motion. Discussion. Kirk Hansen asked a question regarding the chain of command and didn’t we also elect the Mayor?”

At this time Bobby Jenner stated that “why would the citizens want just one person in charge and that he has been here for one hour and nothing has been accomplished. He has belonged to several boards before and it should be a collective decision. Government and business are run different. Bobby Jenner again stressed this is City Government .”

At this time the Mayor again stated” that if the Mayors duties are not changed then his last meeting will be in March. “

Council member Lehman stated” that the Issues are brought before the Council that is the way things are to work. Right now they are still working on issues with Red River Grain. I don’t think that at this rate that we are going to get things accomplished. We need to be progress on besides just this ordinance and address other issues. Also after everything has occurred I don’t know how well your Council members and employees of the City are

going to work in the capacity of working with you because some ties have been burned now. Most effectively the motion for resignation would be in the best interests of the City”.

Roll call vote was taken with the following results: Bausch-yea, Everson-yea, VanBockel yea, Lehman-yea, Wuttke-nay. With 4 votes motion carried.

At this time Council member Lehman stated “that just because we voted for his resignation does not mean that he has to give it to us at this time.”

After no correspondence or round table issues. Motioned to adjourn at 1:15 PM by Bausch, seconded by Lehman motion carried .

ATTEST:

WITNESS:

\_\_\_\_\_  
Sharleen Eliason, Finance Officer

\_\_\_\_\_  
Gerald Knox, Mayor

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