

**THE MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER,
CHARLES MIX COUNTY, SOUTH DAKOTA**

PURSUANT TO DUE CALL AND NOTICE THEREOF, the regular April meeting was held on Monday, April 4th, 2022, at City Hall at 7:00 pm. Present were Todd Johannsen, Mayor, Finance Officer, Rebecca Brunsing, City Attorney, Ken Cotton and the following councilpersons: Rich Dufur, Dan Cimpl, Tom Beeson, Colby Kirwan, Jamie Soukup and Taylor Mohr. Absent: None.

The meeting was opened with the Pledge of Allegiance.

The conflict-of-interest declaration statement was recited. None were cited.

The meeting was called to order and the Mayor called for the approval of the April 2022 agenda. A motion was made by Beeson, seconded by Dufur. All voted aye, motion carried.

A motion was made by Dufur, seconded by Mohr to approve the regular meeting minutes from regular meeting minutes of March 7th, 2022, board of adjustment meeting minutes of March 7th, 2022, board of equalization minutes of March 21st, 2022 and special meeting minutes of March 21st, 2022. All voted aye, motion carried.

A motion was made by Soukup, seconded by Beeson to approve the financial statements for March and the claims for April 2022. All voted aye, motion carried.

March Salaries: Administration--\$4,223.70; Buildings--\$2,038.50; Buildings-Armory--\$1,359.00; Police--\$23,667.01; Streets--\$4,890.70; Library--\$4,192.00; HRC—Urban Redevelopment--\$1,294.65; Planning and Zoning--\$1,294.65 Water--\$5,928.38; Sewer--\$7,587.96; Withholding/Social Security--\$12,913.56.

April 2022 Claims

GENERAL

AFLAC	insurance	580.98
B & L Communications	repairs	760.00
Beacon Athletics	supplies	5,236.00
Best Propane	propane	774.69
Blue Tarp Credit Services	supplies	254.24
Century Link	phone	71.66
City of Wagner	water	359.35
Dave's Service	repair	300.00
Display Sales	supplies	2,336.00
Econo Signs	supplies	853.18
Grainger	supplies	526.71
Ingram	supplies	223.36
Heiman, Inc	prof fees	895.50

IFix Dvice Repair	repair	200.00
John Otte	prof fees	875.00
Keifer Aquatics	supplies	510.14
King Koin Laundry	prof fees	182.50
Office of Child Support	prof fees	970.00
OnSolve	prof fees	2,160.00
Quill	supplies	91.96
Recreation Supply	supplies	163.59
S & K Truck	supplies	350.41
Skidril	supplies	60.85
TNT Enterprises	deposit refund	300.00
Valley Pump	fuel	78.03
Von Eschen Lawn & Landscape	prof fees	1,250.00
Wagner Auto Supply	repair	61.99
Wagner Pink Ladies	deposit refund	300.00
Wipf & Cotton	prof fees	300.00
Sep Sales	supplies	258.70

WATER & SEWER

Audrey Petrik	deposit refund	150.00
Current Solutions	repair	79.59
Marks Machinery	repair	77.75
Melissa Sanchez	deposit refund	112.65
Randall Community Water	water	20,572.80
Schuurmans Farm Supply	repair	366.57
SD Dept of Health	prof fees	30.00
US Bank Trust	loan pymts	10,066.63
USDA-Rural Development	loan pymts	12,104.00

VARIED

AT&T	phone	291.63
Card Services	supplies	754.88
Companion Life	insurance	78.40
Fort Randall Telephone	phone	810.86
Northwestern Energy	electricity	11,501.87
Voyager Fleet	gas	1,792.47
Wagner Building & Supply	supplies	4,158.30

INCIDENTAL VOUCHERS

SD Retirement	retirement	7,307.76
Unum Life Insurance	insurance	372.11

Department reports were given.

PUBLIC COMMENT: Public Comments will offer the opportunity for anyone not listed on the agenda to speak to the city council. Speaking time will be limited to 3 minutes. No action will be taken on questions or items not on the agenda. Linda Soukup was present to give an update on the Rotary Shelter and plans for new plants and shrubs in the near future. Mrs. Soukup also discussed some of the rocks coming off of the artesian waterfalls.

OLD BUSINESS

Brooke Postma-Edgar was present from Helms & Associates to present the tentative award for the airport taxilane construction.

A motion was made by Cimpl, seconded by Kirwan to tentative award for AIP Project #3-46-0057-018-2022 Hangar Taxilane Construction, Base Bid is made to VanderPol Dragline, Inc., Mitchell, SD in the amount of \$365,746.40 contingent upon receipt and approval of a Good Faith DBE Effort and receipt of a FAA Grant Offer. All voted aye, motion carried.

A motion was made by Kirwan, seconded by Beeson to authorize the Mayor or his designee to sign the FAA Grant Application, Grant Agreement/Offer and all necessary paperwork for the Contract Documents. All voted aye, motion carried.

The following ordinance was placed on its second reading:

ORDINANCE NO. 2022-01

ORDINANCE 2022-01 AN ORDINANCE AMENDING CITY OF WAGNER ZONING ORDINANCE #336- "THE ZONING ORDINANCE OF CITY OF WAGNER" AS ESTABLISHED BY ORDINANCE #336- AND ALL AMENDMENTS THERETO, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-4 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

HEREBY TAKE NOTICE, the Wagner City Council, County of Charles Mix, State of South Dakota, has adopted the following amendments to the City of Wagner Zoning Ordinance.

Now therefore be it ordained that the Official Zoning Ordinance be amended to add the following definitions and regulations as follows:

Construction Services - A yard, structure, or combination thereof of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

Manufacturing Light -_The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service. Light manufacturing shall have no more than ten employees.

Temporary Construction Facilities – Parcels of land or structures where construction or mining support facilities are constructed or placed at or near a job site to provide materials and support mechanisms for construction or mining projects. The term shall include but is not limited to portable offices, signage, trailers, stationary and mobile equipment, and scales. Common uses include portable concrete, processing, or asphalt plants, job site trailers, and areas for equipment parking, material storage or stockpiling. The term temporary shall be flexible yet is generally tied to a related construction project with defined start-up and completion times.

Wind Energy System - A structure or place, such as a wind turbine, designed and constructed to generate power for distribution to off-site users. This definition shall not include private facilities with a single tower or turbine less than seventy-five (75) feet in height and not designed for distribution of power to off-site users.

Chapter 26 – Rural Commercial District (RC)

Section 2601 – Intent - The intent of the Rural Commercial District (RC) is to provide commercial areas for those establishments that can function most satisfactorily in an area related to a rural or municipal fringe environment requiring major vehicular circulation routes and off-right of way parking and loading due to the nature of the merchandise handled and the display space required.

Section 2603 - Permitted Principal Uses and Structures - The following principal uses and structures shall be permitted in Rural Commercial Districts (RC):

- | | |
|---------------------------------------|-----------------------------|
| 1. Construction services and storage; | 6. Self-storage warehouses; |
| 2. Greenhouse, commercial; | 7. Utility facilities; |
| 3. Lumber yards; | 8. Veterinary services; |
| 4. Repair shops, auto body; | 9. Warehouses; and |
| 5. Repair shops, motor | 10. Wholesale sales; |

Section 2605 - Permitted Accessory Uses and Structures - The following accessory uses and structures shall be permitted in the Rural Commercial District (RC):

1. Signs, banner;
2. Signs, directional off-site;
3. Signs, directional on-site;
4. Signs, easement and utility;
5. Signs, flag;
6. Signs, name and address plate;
7. Signs, on-site; and
8. Signs, real estate.
9. Outdoor storage areas, pursuant to Section 1603.

Section 2607 - Conditional Uses - After the provisions relating to conditional uses have been fulfilled, the Board of Adjustment may permit as conditional uses in the Rural Commercial District (RC):

1. Agricultural fertilizer and chemical manufacturing, sales and applications;
2. Agricultural product processing;
3. Indoor archery/shooting ranges;
4. Lockers;
5. Manufacturing, light;
6. Open sales areas;
7. Outdoor archery/shooting ranges
8. Signs, off-site;
9. Signs, portable;
10. Signs, ground and monument;
11. Temporary construction facilities;
12. Truck or equipment terminal
13. Towers; and
14. Wind Energy Systems.
15. Dwellings

Section 2609 - Classification of Unlisted Uses - In order to ensure that the zoning ordinance will permit all similar uses in each district, the Board of Adjustment, upon its own initiative or upon written application, shall determine whether a use not specifically listed as a permitted, accessory, or conditional use in a District shall be deemed a permitted, accessory, or conditional use in one or more districts on the basis of similarity to uses specifically listed.

Section 2611 - Prohibited Uses and Structures - All uses and structures which are not specifically permitted as principal, accessory, or conditional uses or approved as such within the provisions of Section 2609 shall be prohibited.

Section 2613 - Minimum Lot Requirements

1. The minimum lot area shall be one (1) acre, not including right-of ways or access easements; and
2. The minimum lot width shall be one hundred and fifty (150) feet.

Section 2615 - Minimum Yard Requirements - All yards must meet the following criteria as measured from the lot lines. This Section shall apply to all buildings and structures, including but not limited to loading docks, decks, patios, and covered areas:

1. There shall be a front yard of not less than a depth of one hundred (100) feet;
2. There shall be a rear yard of not less than a depth of twenty-five (25) feet; and
3. Each side yard shall be not less than twenty-five (25) feet.
4. Buildings and structures on corner lots as defined herein shall maintain two (2) front yards for the property abutting the road right-of ways.

Section 2617 - Traffic Visibility

1. A traffic visibility triangle as defined herein shall be maintained at all road intersections, public and private, driveways, railway crossings, or similar situation as determined by the Zoning Administrator; and
2. Structures, perennial or similar vegetation planted on or immediately adjacent to a road right-of-way public shall be approved in writing by the Zoning Administrator prior to construction or planting. No such vegetation between the heights of thirty (30) inches and ten (10) feet shall encroach upon the right-of-way at the time of planting or future growth. The Zoning Administrator reserves the right to refer such requests to Township Supervisors, the County Highway Superintendent, or other officials.

Section 2619 - Maximum Lot Coverage - The maximum lot coverage for all buildings shall not be more than fifty (50) percent of the total area.

Section 2621 - Maximum Height - The height of all buildings and structures shall not exceed thirty-five (35) feet.

Section 2623 - Service or Access Roads - Service or access roads may be required at the discretion of the Board of Adjustment. Property required to create service or access roads will be provided by the property owner or developer. Service or access roads that will carry truck traffic will be developed to carry such traffic without pavement or sub-base breakup. The Board of Adjustment will approve development plans for service or access roads.

Upon Roll call voted being taken the following voted aye: Mohr, Soukup, Cimpl. The following voted nay: Dufur. The following abstained: None. The following were absent: Kirwan and Beeson. Motion carried.

Dated at Wagner, South Dakota this 4th day of April 2022.

APPROVED

Todd Johannsen, Mayor

ATTEST:

Rebecca A. Brunsing, City Finance Officer

The motion for the adoption of the foregoing ordinance was made by Beeson, seconded by Soukup. Upon roll call vote being taken, those voting AYE: Dufur, Cimpl, Beeson, Kirwan, Soukup and Mohr. Those voting NAY: None. Absent: None. Those abstaining: None. Thereupon the Mayor declared Ordinance No. 2022-01 duly passed and adopted, affixed his signature thereto in approval thereof and directed the same to be published in the official newspaper.

First Reading: March 21st, 2022
Second Reading and Adoption: April 4th, 2022
Published: April 13th, 2022
Effective Date: May 2nd, 2022

NEW BUSINESS

Ruth Bouza was present to request a change to the medical cannabis ordinance hours of operation. Discussion followed. No action taken.

A motion was made by Beeson, seconded by Kirwan to approve the placement of a fish city at Wagner Lake to improve the fish habitat by the SD Game, Fish and Parks. All voted aye, motion carried.

An update on the new swimming pool project was given.

A motion was made by Dufur, seconded by Cimpl to surplus dilapidated chairs, window air conditioners and miscellaneous items at the armory. All voted aye, motion carried.

Matt Foley, Street Superintendent presented information and amounts for milling and placing an asphalt overlay on the city's portion of Wagner Lake Road. He also present amounts to have the old asphalt milled off before placing the new overlay. Discussion followed. The city could piggyback off the county's bid for the asphalt work being completed. A motion was made by Dufur, second by Mohr to accept the piggyback bid of \$31,025.00 from Commercial Asphalt and the quote of \$5,000.00 from Loiseau Construction for the milling of the road. All voted aye, motion carried.

EXECUTIVE SESSION

A motion was made by Beeson, seconded by Soukup to enter executive session at 8:10 pm for personnel pursuant to SDCL 1-25-2 (1), proprietary business SDCL 1-25-2 (5), and litigation SDCL 1-25-2 (3). All voted aye, motion carried.

The Mayor declared the Council out of executive session at 8:45 pm.

A motion was made by Dufur, seconded by Beeson to increase Damon Griffith to \$26.00 per hour. All voted aye, motion carried.

A motion was made by Dufur, seconded by Beeson to rescind the motion increasing Damon Griffith to \$26.00 per hour. All voted aye, motion carried.

A motion was made by Dufur, seconded by Beeson to increase Damon Griffith to \$26.00 per hour and it be retroactive back to February 8th, 2022. All voted aye, motion carried.

A motion was made by Mohr, second by Kirwan to accept the resignation of Jake Enfield. All voted aye, motion carried.

A motion was made by Soukup, seconded by Beeson to hire the following seasonal summer employees: Abriana Leines, Lifeguard at \$11.50 per hour and Parker Petry, Lifeguard at \$11.50 per hour. All voted aye, motion carried.

A motion was made by Cimpl, second by Beeson to approve the updated City of Wagner Employee Personnel Handbook. All voted aye, motion carried.

A motion was made by Cimpl, seconded by Dufur to adjourn the meeting at 8:53 pm. All voted aye, motion carried.

APPROVED _____
Todd Johannsen, Mayor

Attest: _____
Rebecca Brunsing, Finance Officer

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**THE MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER,
CHARLES MIX COUNTY, SOUTH DAKOTA**

PURSUANT TO DUE CALL AND NOTICE THEREOF, the special April meeting was held on Wednesday, April 20th, 2022, at the Wagner City Hall at 5:30 pm. Present were Mayor Todd Johannsen, City Administrator/Finance Officer, Rebecca Brunsing, City Attorney, Ken Cotton, and the following councilpersons: Rich Dufur, Dan Cimpl, Colby Kirwan, and Jamie Soukup. Absent: Tom Beeson and Taylor Mohr.

The meeting was opened with the Pledge of Allegiance.

The conflict-of-interest declaration statement was recited. No conflicts were stated.

The meeting was called to order and the Mayor called for the approval of the special April meeting agenda. A motion was made by Dufur, seconded by Cimpl to approve the special April meeting agenda. All voted aye, motion carried.

A motion was made by Kirwan, seconded by Soukup to approve the rest of April claims. All voted aye, motion carried.

APRIL 2022

GENERAL

Amazon Capital	supplies	128.97
Charles Mix Conservation Dist.	prof fees	1,060.00
Colonial Life	insurance	646.20
Core and Main	supplies	575.37
Creative Organizational Design	supplies	208.00
Grainger	supplies	61.18
HDR Engineering	prof fees	5,677.52
Leaf	prof fees	312.77
Light & Siren	equipment	4,757.75
Mark's Machinery	supplies	77.75
Ministerial Association	deposit refund	300.00
Nordstrom's Automotive	repair	3,475.00
Northwestern Energy	electricity	8.13
SD One Call	prof fees	23.10
Pechous Publications	legals	1,048.46
Powers Port A Pot	prof fees	225.00
Rebecca Brunsing	supplies	308.84
Recreation Supply	supplies	1,746.36
Rog's Auto	repair	79.42
Todd Johannsen	supplies	87.80
USA Blue Book	supplies	602.06
Wagner Chamber of Commerce	deposit refund	300.00
Wagner Rotary	prof fees	175.00
Wagner Super Foods	supplies	83.98

EXECUTIVE SESSION

A motion was made by Cimpl, second by Dufur to enter executive session at 5:31 pm for personnel pursuant to SDCL 1-25-2 (1). All voted aye, motion carried.

The Mayor declared the Council out of executive session at 5:39 pm.

A motion was made by Dufur, seconded by Cimpl to hire for Summer Maintenance positions; Hunter Hewitt at \$18.00 per hour, and Galen Patterson Jr. at \$15.00 per hour. All voted aye, motion carried.

A motion was made by Kirwan, second by Soukup to adjourn the meeting at 5:40 pm. All voted aye, motion carried.

Approved _____
Todd Johannsen, Mayor

Attest _____
Rebecca Brunsing, Finance Officer

Published once at the approximate cost of \$ _____.

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