

**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 February meeting was held on Monday, February 7<sup>th</sup>, 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: Dan Cimpl, Rich Dufur, 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 February 2022 agenda. A motion was made by Kirwan to amend the agenda removing the discussion on the snow plow trucks, seconded by Cimpl to approve the February 2022 agenda. All voted aye, motion carried.

A motion was made by Beeson, seconded by Dufur to approve the regular meeting minutes from January 3<sup>rd</sup>, 2022, special meeting minutes from January 10<sup>th</sup>, 2022, board of adjustment minutes from January 18<sup>th</sup>, 2022, special meeting minutes from January 18<sup>th</sup>, 2022, and special meeting minutes from January 26<sup>th</sup>, 2022. All voted aye, motion carried.

A motion was made by Dufur, seconded by Mohr to approve the claims for February 2022. All voted aye, motion carried.

**January Salaries:** Administration--\$4,432.57; Buildings--\$2,052.54; Buildings-Armory--\$1,368.35; Police--\$22,510.04; Streets--\$765.84; Library--\$4,174.74; HRC—Urban Redevelopment--\$1,094.25; Planning and Zoning--\$764.25; Water--\$6,080.88; Sewer--\$8,616.76; Withholding/Social Security--\$12,600.53; SD Unemployment Insurance--\$52.84.

**February 2022 Claims**

**GENERAL**

AFLAC	insurance	369.16
Amazon Capital Services	supplies	155.51
Avera Occupational Medicine	prof fees	324.00
Best Propane	propane	1,571.43
B & L Communications	repairs	897.71
Card Services	supplies	196.08
Century Lind	phone	72.64
Chas Mix Law Enforcement	prof fees	70.00
City of Wagner	water	315.12
Colonial Life	insurance	566.88
Consumer Reports	subscription	31.95
Current Solutions	repairs	98.00
Dakota Auto Body	repair	161.00
Dave's Service	repair	40.00

Gall's	supplies	335.90
Ingram	supplies	266.03
Jacks Uniforms	supplies	45.95
John Otte	prof fees	875.00
JP Cooke	supplies	68.90
King Koin Laundry	prof fees	273.75
MC&R Pools	prof fees	325.00
Office of Child Support	prof fees	970.00
Pechous Publications	legals	932.62
Rogs Auto	repair	56.46
Wagner Rotary	prof fees	175.00
Wipf & Cotton	prof fees	2,600.00
Yankton Janitorial	supplies	503.60

#### **WATER & SEWER**

Janessa Pictote	meter deposit	114.44
Mary Ellen Schuldt	meter deposit	92.86
Randall Community Water	water	19,946.20
SPN & Associates	prof fees	1,810.00
SD Dept of Health	prof fees	30.00
USDA-Rural Development	loan pymts	12,104.00

#### **VARIED**

Access Granted	prof fees	560.00
AT&T	phone	291.63
Bomgaars	supplies	972.51
Companion Life	insurance	56.00
Fort Randall Telephone	phone	812.68
Northwestern Energy	electricity	12,206.76
Pheasantland	supplies	387.06
Unum Life Insurance	insurance	283.83
Voyager Fleet	gas	1,608.52
Wagner Building & Supply	supplies	2,914.23

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. No one was present for public comment.

#### **OLD BUSINESS**

The bids were opened for the 2022 chip sealing project. A motion was made by Beeson, seconded by Kirwan to approve Topkote, Inc bid amount of \$1.155 per square yard based on approximately 60,000 square yards for a total of \$69,300.00. All voted aye, motion carried.

A motion was made by Mohr, seconded by Cimprl to table the opening of bids for the City Park Picnic Shelters until the special meeting on February 22<sup>nd</sup>, 2022. All vote aye, motion carried.

The bids were opened for the surplus items that were advertised. A motion was made by Kirwan, seconded by Soukup to approve the following bids for city surplus property, all voted aye, motion carried.

- Bobcat SB 200 Snowblower: Butch Martin - \$1,826.00
- Bobcat Snowblade 7': Butch Martin - \$1,624.00
- Hustler 72" mower, 1.360 hours: Butch Martin - \$2,786.00
- 10' X 10' dog kennel: Bev Kniffen - \$362.00
- 1974 John Deere 570 Maintainer: Ron Kokesh - \$3,150.00
- Two Post Car Hoist: Landon Nedved - \$400.00
- Sweeper for Bobcat Skidsteer: Landon Nedved - \$230.00
- Spreader gate for Plow truck: Butch Martin - \$20.00
- End gate for Plow Truck: Butch Martin - \$20.00
- Old Salt Sander for Plow Truck: Butch Martin - \$20.00

## **NEW BUSINESS**

A medical cannabis dispensary application for Ruth Bouza dba Ruthie's LLC was presented to the city council for approval. Mrs. Bouza gave a brief overview of her business plan and location. Her application has met all the requirements for the city's application as well as the State of South Dakota. Discussion followed. A motion was made by Beeson, seconded by Cimprl to approve the medical cannabis dispensary application for Ruth Bouza dba Ruthie's LLC. All voted aye, motion carried. Mrs. Bouza is scheduled to start the conditional use process per City of Wagner's Zoning Ordinance on February 8<sup>th</sup>, 2022, at 5:30 pm at Wagner City Hall.

This being the time and place for published public hearing for the Wagner Fire Department for a special event alcoholic beverage license for the TNT Midwest Dart Classic on March 26<sup>th</sup>, 2022, at the Wagner National Guard Armory. No one appeared in opposition of the event. The Mayor closed the public hearing. A motion was made by Dufur, seconded by Mohr to approve the special event alcoholic beverage license for the Wagner Fire Department. All voted aye, motion carried.

A motion was made by Kirwan, seconded by Cimprl to purchase a John Deere Z960M 2-trak mower for the parks and recreation department in the amount of \$14,087.46. All voted aye, motion carried.

A motion was made by Dufur, seconded by Soukup to approve the purchase of three commercial tables and chairs for the armory in the amount of \$4,772.82. All voted aye, motion carried.

The purchase of a mower for the lagoon was tabled until the special meeting on February 22<sup>nd</sup>, 2022.

The City Administrator updated the council on the use of ARPA for the proposed Walnut Avenue Utility Project. Currently, the city is asking the Drinking Water State Revolving Fund Program for \$475,000.00 for the project. Based on the amount the city would allocate of ARPA funds toward the project, the SRF program would match those funds. The best-case scenario for the city would be to allocate 50% of their ARPA funds of the \$475,000 amount requested. SRF would allocate the other half and no additional loans would need to be obtained. Discussion followed. Dufur made a motion, second by Cimpl to allocate \$237,500 of the city's ARPA funds toward the application. All voted aye, motion carried.

An update was also given on the FEMA drainage project on the south end of Main Street. The plan is to add four 54-foot culverts to the existing culverts to help with drainage during heavy and excess rain fall events. The preliminary plans have been sent to FEMA for review. They have 90 days to comment.

The city was approached by Nick Menning from Menning Excavation to rent the lot south of the city shop should he be successful in bidding a project in the Wagner area. Discussion followed. A motion was made by Dufur, seconded by Kirwan to rent the city lot for \$600 per month for storage of equipment if successful on obtaining a project in the Wagner area. All voted aye, motion carried.

### **EXECUTIVE SESSION**

Ken Cotton left the meeting.

A motion was made by Cimpl, second by Kirwan to enter executive session at 8:21 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 9:13 pm.

A motion was made Dufur, second by Beeson to demote Tim Simonsen from Police Chief to Police Officer with rate of pay at \$25.00 hour. Upon roll call vote being taken, the following voted AYE: Mohr, Soukup, Kirwan, Beeson and Dufur. The following voted NAY: Cimpl. The following were absent: None. The following abstained: None. Motion carried.

A motion was made by Cimpl, seconded by Soukup to advertise for a full-time Police Chief. All voted aye, motion carried.

A motion was made by Kirwan, seconded by Beeson to adjourn the meeting at 9:15 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 February meeting was held on Tuesday, February 22<sup>nd</sup>, 2022, at the Wagner City Hall at 5:10 pm. Present were: Mayor Todd Johannsen, City Administrator/Finance Officer, Rebecca Brunsing, and the following councilpersons: Rich Dufur, Dan Cimpl, Colby Kirwan, Jamie Soukup and Taylor Mohr. Absent: Tom Beeson and Ken Cotton. Brian McGinnis was present via video conference.

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 February meeting agenda. A motion was made by Mohr, seconded by Cimpl to approve the special February meeting agenda. All voted aye, motion carried.

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

### **FEBRUARY 2022**

#### **GENERAL**

Avera Health Plans	insurance	10,428.92
Amazon Capital	supplies	194.22
Companion Life	insurance	72.80
Leaf	prof fees	308.43
Northwestern Energy	electricity	1,253.30
Pitney Bowes	supplies	161.48
OT Petroleum	prof fees	945.00
Wagner Super Foods	supplies	21.42

#### **PUBLIC HEARING**

A motion was made by Mohr, seconded by Kirwan to open the public hearing at 5:10 pm on the proposed ordinance amendment, amending the City of Wagner Zoning Ordinance, to include an addition of a Rural Commercial District. All voted aye, motion carried.

The City Zoning Administrator briefed the public and council by directing their attention to the proposed district map on the TV, the recommendation of the Planning Commission/ETJ Board and the proposed draft of the ordinance change. The proposed ordinance was reviewed. The highlighted items were either changes voted on by the Planning Commission/ETJ Board or points of discussion.

The Mayor asked if the public had comments about the public hearing subject.

Roger Schroeder, President of Wagner Area Growth, spoke on behalf of the group, citing that they would like to see dwellings added to Section 2607 – Conditional Uses. Discussion followed.

The mayor posed a question on necessity of the planning commission reviewing the proposed changes. Discussion ensued. Brian McGinnis stated it was unclear and he will further look into it but at this time proceed forward.

A motion was made by Cimpl, second by Mohr to approve the addition of dwellings to Section 2607 – Conditional Uses. All voted aye, motion carried.

A motion was made by Kirwan, seconded by Soukup to remove the line “service or access roads will be developed to normal city street standards” from Section 2623 – Service or Access Roads. All voted aye, motion carried.

A motion was made by Mohr seconded by Cimpl to close the public hearing. All voted aye, motion carried.

A motion was made by Soukup, second by Mohr to place the following ordinance on its first 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 Highway Commercial Districts (HC):

- |                                       |                             |
|---------------------------------------|-----------------------------|
| 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 vehicle;       | 10. Wholesale sales;        |

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



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.

Dated at Wagner, South Dakota this 22nd day of February 2022

APPROVED

\_\_\_\_\_  
Todd Johannsen, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca A. Brunsing, City Finance Officer

The motion for the adoption of the foregoing ordinance was made by Soukup seconded by Mohr. Upon roll call vote being taken, those voting AYE: Soukup, Mohr, Dufur, Cimpl and Kirwan. Those voting NAY: None. Absent: Beeson. Those abstaining: None. Motion carried.

### **OLD BUSINESS**

The bids for the two picnic shelters at Wagner City Park were opened. Discussion followed. A motion was made by Mohr, seconded by Kirwan to table the bids to March 7<sup>th</sup>, 2022.

A motion was made by Soukup, seconded by Cimpl to rescind the motion to purchase a John Deere Model Z960 M Z-Trak, due to unavailability. All voted aye, motion carried.

A motion was made by Mohr, seconded by Cimpl to purchase two Hustler mowers in the amount of \$26,200.00. All voted aye, motion carried.

### **NEW BUSINESS**

A motion was made by Soukup, seconded by Cimpl, to approve a plat located at Lot 5A, Sunset Acres Subdivision, in the SE ¼ of Section 32, T96N, R63W of the 5<sup>th</sup> P.M., Charles Mix County, South Dakota. All vote aye, motion carried.

Whereas, it appears that the owners thereof have caused a plat to be made on the above-described real property, and have submitted such plat to the City Commission of the City of Wagner, South Dakota for approval; and

Whereas, such pate has been submitted to the Planning Commission of the City of Wagner, South Dakota for a report and recommendations thereon to the City Commission as required by law; now

Therefore, be it resolved, that such plat has been executed according to the law and the same is hereby approved. The City Finance Officer is authorized and directed to endorse on such plat a copy of the resolution and certify the same.

\_\_\_\_\_  
Mayor, City of Wagner

I, the undersigned, City Finance Officer of the City of Wagner, South Dakota, do hereby certify that the within and foregoing is a true copy of the resolution passed by the City of Wagner, South Dakota, on this 22<sup>nd</sup>, day of February 2022.

\_\_\_\_\_  
City Finance Officer

A motion was made by Cimpl, seconded by Dufur to approve the purchase of six aluminum benches at the little baseball fields at Heinnie's park in the approximate amount of \$5,236.00. All voted aye, motion carried.

There was no need for an executive session.

A motion was made by Cimpl, second by Mohr to adjourn the meeting at 6:11 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 February meeting was held on Thursday, February 24<sup>th</sup>, 2022, at the Wagner City Hall at 5:00 pm. Present were: Mayor Todd Johannsen, City Administrator/Finance Officer, Rebecca Brunsing, and the following councilpersons: Rich Dufur, Colby Kirwan, and Taylor Mohr. Absent: Tom Beeson, Dan Cimpl, Jamie Soukup and Ken Cotton. Quorum not met.

The meeting was opened with the Pledge of Allegiance.

***Since there was a lack of a quorum, no official minutes or action was taken. However, for discussion and documentation purposes, the following is a summary of the public gathering.***

Jacob Sonne and Jeff McCormick from SPN & Associates were present and gave a presentation of a potential Front Avenue Housing Development. Eric Ambrosion from Planning and Development District III was present also.

Other individuals present were: Colby Kirwan, Taylor Mohr, Todd Johannsen, Rich Dufur, Rebecca Brunsing, Sharon Haar, Ken Thaler, Mike Frei, Bryan Slaba, Michele Juffer, Gerrit Juffer, Barb Johannsen, Brenda Jatton, Grant Doom, Jessa Doom, Jeff Doom, and Scott Doom.

The presentation included an agenda of community needs, location, existing utilities, preliminary layouts, utilities, preliminary estimates, project funding, and municipal development vs. private development.

Discussion followed and the public gathering ended at approximately 6:45 pm.

Submitted by: Rebecca Brunsing, Finance Officer

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