

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 March meeting was held on Monday, March 7th, 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, Tom Beeson, Colby Kirwan, Jamie Soukup and Taylor Mohr. Absent: Dan Cimpl.

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 March 2022 agenda. A motion was made by Soukup, seconded by Mohr. All voted aye, motion carried.

A motion was made by Dufur, seconded by Beeson to approve the regular meeting minutes from regular meeting minutes of February 7th, 2022, special meeting minutes of February 22nd, 2022, board of adjustment minutes from February 22nd, 2022, and special meeting notes of February 24th, 2022. All voted aye, motion carried.

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

February Salaries: Administration--\$4,223.70; Buildings--\$2,160.00; Buildings-Armory--\$1,440.00; Police--\$23,299.58; Streets--\$4,194.95; Library--\$4,720.00; HRC—Urban Redevelopment--\$1,425.90; Planning and Zoning--\$1,425.90; Water--\$6,019.01; Sewer--\$8,092.81; Withholding/Social Security--\$13,233.33.

March 2022 Claims

GENERAL

Access Granted	prof fees	200.00
AFLAC	insurance	405.46
Amazon Capital Services	supplies	55.33
American Legion	deposit refund	300.00
B & L Communications	repairs	185.00
Best Propane	propane	1,443.54
Best Western Ramkota	travel	104.46
Book Systems	supplies	70.00
Boyce Law Firm	prof fees	1,950.00
Century Link	phone	70.35
City of Wagner	water	258.88
Colonial Life	insurance	566.88
Current Solutions	repairs	590.00
Dave's Service	repair	720.00
DGR Engineering	prof fees	8,969.75
Glen Sully	deposit refund	300.00
HDR Engineering	prof fees	12,948.75

Helms & Associates	prof fees	1,450.63
Hillyard	supplies	81.38
Holiday Inn Express	travel	318.24
Ingram	supplies	116.73
Innovative Office Solutions	supplies	3,582.00
Jacks Uniforms	supplies	73.90
John Otte	prof fees	875.00
Kay Park Recreation	bleachers	14,262.00
King Koin Laundry	prof fees	182.50
McLeod's	supplies	145.97
Myers Sanitation	prof fees	3,030.00
Norther Materials	supplies	29,947.50
O'Connor Trucking	supplies	4,272.26
Office of Child Support	prof fees	970.00
Reader's Digest	subscription	39.41
Rogs Auto	repair	801.23
S & K Truck	supplies	25.00
SMDL	registration	63.00
SD Magazine	subscription	59.00
Spencer Quarries	supplies	5,384.20
Wagner Super Foods	supplies	121.67
Wipf & Cotton	prof fees	600.00
Yankton Janitorial	supplies	572.50

WATER & SEWER

Bender Sewer & Drain	prof fees	1,635.50
Blandine Pierre	deposit refund	105.90
Cheryl Swatek	deposit refund	57.59
Core & Main	supplies	115.06
Dakota Pump	repairs	1,026.35
Dave Harrington	deposit refund	25.00
Edgar Hutt	deposit refund	35.03
Jessica Koupal Linn	deposit refund	150.00
Menning Excavating LLC	deposit refund	150.00
Pedro Ibarra	deposit refund	24.63
Randall Community Water	water	19,694.00
SD Dept of Health	prof fees	30.00
Tarryn Woelber	deposit refund	70.98
Trevor Lensing	deposit refund	101.42
USDA-Rural Development	loan pymts	12,104.00
YST-Tax Revenue Office	prof fees	142.38

VARIED

AT&T	phone	291.63
Bomgaars	supplies	2,665.51
Card Services	supplies	1,076.40
Commercial State Bank	petty cash	764.20
Fort Randall Telephone	phone	812.68
Northwestern Energy	electricity	11,291.68

Pitney Bowes	supplies	34.01
Quill	supplies	527.21
Schuurmans Farm Supply	mowers	26,200.00
Voyager Fleet	gas	1,695.02
Wagner Auto Supply	supplies	682.91
Wagner Building & Supply	supplies	881.93

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

A motion was made by Dufur, seconded by Kirwan to reject the bids for the two picnic shelters at city park and advertise again, once the new specifications are available. All voted aye, motion carried.

NEW BUSINESS

This being the time and place for published public hearing for the Wagner Pink Ladies for a special event alcoholic beverage license for their Annual Dart Classic on March 12th, 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 Beeson, seconded by Dufur to approve the special event alcoholic beverage license for the Wagner Pink Ladies. All voted aye, motion carried.

A motion was made by Dufur, seconded by Mohr to approve the purchase of five APX6500 Enhanced VHF State Radios for the police department in the amount of \$24,185.00. All voted aye, motion carried.

A motion was made by Soukup, seconded by Dufur to approve a quote for Christmas light decorations in the amount of \$3,652.00. All voted aye, motion carried.

A motion was made by Beeson, seconded by Mohr to set the date for the city wide clean up for Friday, May 6th, 2022. All voted aye, motion carried.

An update was given on the airport taxi lane expansion. A motion was made by Kirwan, seconded by Mohr to approve to advertise for bids for the airport taxi lane expansion. All voted aye, motion carried.

EXECUTIVE SESSION

A motion was made by Kirwan, seconded by Soukup to enter executive session at 7:53 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 8:18 pm.

A motion was made by Beeson, seconded by Dufur to accept the resignation of Tim Simonsen as full-time police officer; to stay on staff as casual part-time officer and advertise for a full-time police officer. All voted aye, motion carried.

A motion was made by Mohr, seconded by Dufur to hire the following seasonal summer employees: Paige Petry, Pool Manager at \$15.00 per hour; Kayli Kocer, Assistant Pool Manager at \$14.00 per hour; Caitlyn Stimpson, Lifeguard at \$13.00 per hour; Olivia Breen, Lifeguard at \$12.00 per hour; Cayla Nelson, Lifeguard at \$12.00 per hour; Jessica Kocer, Lifeguard, \$12.00 per hour; Madisyn Knebel, Lifeguard at \$11.50 per hour and Corbin Johnson, Summer Maintenance at \$15.00 per hour. All voted aye, motion carried.

A motion was made by Mohr, seconded by Soukup to adjourn the meeting at 8:24 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 March meeting was held on March 21st, 2022, at the Wagner City Hall at 5:30 pm. Present were Mayor Todd Johannsen, City Administrator/Finance Officer, Rebecca Brunsing, and the following councilpersons: Rich Dufur, Dan Cimpl, Jamie Soukup and Taylor Mohr. Absent: Colby Kirwan, Tom Beeson and Ken Cotton. Brian McGinnis from Planning District III was also present.

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

A motion was made by Cimpl, seconded by Dufur to approve the rest of March claims. All voted aye, motion carried.

MARCH 2022

GENERAL

Avera Health Plans	insurance	9,250.57
Bomgaars	supplies	983.93
Boyce Law Firm	prof fees	680.00
Charles Mix Electric	electricity	438.88
Chas Mix Law Enforcement	prof fees	70.00
Commercial State Bank	petty cash	399.25
Core and Main	supplies	3,159.04
Decatur Electronics	supplies	104.80
Dakota Pump	supplies	202.57
Dales A-1 Transmission	repair	4,359.40
Donna Ishmael	meter refund	70.05
Econo Signs	supplies	853.18
Jaypro Sports	supplies	2,813.64
Leaf	prof fees	308.70
Northwestern Energy	electricity	2,688.43
On Deck Sports	supplies	1,548.92
Pechous Publications	legals	680.54
Pitney Bowes	prof fees	172.11
Schoenfish & Co	prof fees	1,500.00
SD Police Chief's Association	prof fees	85.00
Spencer Quarries	repairs	1,498.50
Unum Life Insurance	insurance	151.60

PUBLIC HEARING

A motion was made by Mohr, seconded by Kirwan to open the public hearing at 5:35 pm on the proposed ordinance amendment, amending the City of Wagner Zoning Ordinance, to include an addition of dwellings to the proposed Rural Commercial District. All voted aye, motion carried.

The proposed ordinance was reviewed in reference to adding dwellings. The Mayor asked if the public had comments about the public hearing subject.

Roger Schroeder, President of Wagner Area Growth, and Michele Juffer, Economic Development Coordinator spoke on behalf of the group, citing that they would like to see dwellings added to Section 2607 – Conditional Uses. They cited the intent of creating the new district is to have certain commercial business that would allow for living quarters inside of that business; as defined as dwellings in the ordinance. Discussion followed.

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

A motion was made by Cimpl, second by Soukup to approve the addition of dwellings to Section 2607 – Conditional Uses and to have place Ordinance No. 2022-01 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 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 vehicle; | 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; | 5. Signs, flag; |
| 2. Signs, directional off-site; | 6. Signs, name and address plate; |
| 3. Signs, directional on-site; | 7. Signs, on-site; and |
| 4. Signs, easement and utility; | 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 21st day of March 2022

APPROVED

Todd Johannsen, Mayor

ATTEST:

Rebecca A. Brunsing, City Finance Officer

NEW BUSINESS

The Finance Officer presented a quote from Cunningham Recreation for swings at the city park. Discussion followed. A motion was made by Dufur, seconded by Mohr to approve the quote from Cunningham Recreation in the amount of \$17,470.71 for new swings to include, four belt swings, two tot swings and two expression swings. All voted aye, motion carried.

EXECUTIVE SESSION

A motion was made by Cimpl, second by Dufur to enter executive session at 6:35 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 7:32 pm.

A motion was made by Soukup, seconded by Dufur to hire Damon Griffith as Police Chief at \$25.00 per hour. All voted aye, motion carried.

A motion was made by Cimpl, second by Mohr to adjourn the meeting at 7:33 pm. All voted aye, motion carried.

Approved _____
Todd Johannsen, Mayor

Attest _____
Rebecca Brunsing, Finance Officer

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