

**REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA, February 5, 2024, AT 5:30 PM.**

**PURSUANT TO DUE CALL AND NOTICE THEREOF**, the regular February meeting was held Monday February 5, 2024, at City Hall at 5:30 pm. Present were Tammy Thornton-Mayor, City Administrator Debbra Houseman, City Attorney Beau Barrett and Councilmen: Rich Dufur, Tom Abdouch, Jamie Soukup, Colby Kirwan, Dan Cimpl and Taylor Mohr present at 5:36 pm. Others present were Mike Kazena- Public Works Director, Damon Griffith-Police Chief, Kesa Alexander, Marilee Krcil, Matt Williams, Margaret Doom-Wagner Area Growth, Sharon Haar, and Ruth Bouza.

Mayor Thornton called the meeting to order at 5:30 pm.

The council stood and recited the Pledge of Allegiance.

Mayor Thornton asked if there were any conflicts of interest regarding any agenda items. No conflicts of interest were presented.

The agenda was presented for approval. Motion by Soukup, second by Abdouch to approve the agenda presented. All in favor, motion carried. Mohr absent

Mayor Thornton opened the floor for public comment. There was no one present for public comment Mayor Thornton closed the public comment portion of the meeting.

The minutes from the January 4, 2024, Regular Meeting were reviewed. The council was informed that the published minutes stated that Haar had spoken with Mayor Thornton regarding drainage on 1<sup>st</sup> Street and which was incorrect the drainage discussion was with regards to 2<sup>nd</sup> Street. Motion by Cimpl, second by Dufur to approve the corrected minutes. All in favor, motion carried. Mohr absent.

The Financial Statements were reviewed by the council. Motion by Dufur, seconded by Abdouch, approve the Financial Statements presented for January 2024 as follows: Commercial State Bank General Checking Account Balance as of January 31,2024, \$2,783,971.04, Wagner Library Account as of January 31, 2024, 2023, \$12,876.87, Wagner Lake Project \$1,513.06 City of Wagner Water Sewer Project Fund \$162,191.18, Commercial State Bank - CD \$399,864.40, CD \$398,268.45, CD \$343,058.05, First Dakota - CD \$204,495.10 and CD \$21,833.08. General Fund Expenditures for the month of January 31, 2024, \$ 124,365.26. General Fund Revenue for the month of January 31, 2024, \$ 100,510.71. Water Fund Expenditures for the month of January 31, 2024, \$44,4436.53. Water Fund Revenue for the month of January 31, 2024, \$43,020.69. Sewer Fund Expenditures for the month of January 31, 2204, \$26,092.94. Sewer Fund Revenue as of January 31, 2024, \$31,454.92. All in favor, motion carried.

The Bills and Claims were presented to the council. Motion by Soukup, second by Cimpl to approve the Bills and Claims as follows:

**The Following Claims were presented for payment during the month of January 2024:**

<b>Date:</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>	
1/22/2024	Charles Mix Electric Assoc	Electricity	\$	501.32
1/22/2024	Colonial Life	Supp Insurance	\$	745.48
1/5/2024	Commercial State Bank	941 Payroll Taxes	\$	7,907.99

1/18/2024	Commercial State Bank	941 Payroll Taxes	\$	7,349.52
1/31/2024	Commercial State Bank	941 Payroll Taxes	\$	7,194.83
1/31/2024	Commercial State Bank	USDA transfer for Reserve	\$	196.90
1/31/2024	Commercial State Bank	USDA transfer for Reserve	\$	457.40
1/31/2024	Commercial State Bank	Front Ave USDA transfer to reserve	\$	556.10
1/31/2024	PSN	Service fee for Cards	\$	89.95
1/22/2024	SD Unemployment Insurance	4th Qtr Contribution	\$	166.14
1/22/2024	SD Retirement System	Employer Contribution	\$	8,742.96
1/23/2024	US Bank and Trust	Debt Service	\$	10,066.63
1/23/2024	US Bank and Trust	Debt Service	\$	6,250.00
1/23/2024	US Bank and Trust	Debt Service	\$	2,358.30
1/5/2024	Payroll	PP 1	\$	25,243.27
1/18/2024	Payroll	PP 2	\$	23,663.81

**Total: \$ 100,989.28**

**The above warrants have been paid during the month of January 2024.**

**Claims Presented for payment on February 5, 2024:**

<b>Date</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
2/5/2024	AT&T Mobility	Cell phones	\$ 333.61
	Avera Health Plans	February Premium	\$ 11,682.50
	Best Western Ramkota	Kazena's Room for Annual Conference	\$ 138.00
	Bomgaars	Supplies	\$ 262.16
	Cameron Fields	Per Diem for Drug Recognition Class	\$ 644.80
	CHS Inc	Propane	\$ 3,746.25
	City of Wagner	Water bills	\$ 336.57
	Commercial State Bank	Petty Cash Drawer	\$ 316.64
	Commercial State Bank	Credit Cards	\$ 497.11
	Companion Life Insurance Co.	Life Insurance	\$ 70.00
	Consumer Reports	Library Subscriptions	\$ 30.00
	Core & Main	Meter	\$ 912.88
	Creekside Veterinary Clinic	Yearly physical on Oakley	\$ 569.68
	Current Solutions	Shop and repair Highway Lights	\$ 3,566.33
	Dave's Service	Parts	\$ 223.95
		Per Diem for Legislative Days and City Mgr	
	Debbra Houseman	Training	\$ 239.01
	Den Herder Law Firm	Legal Fees	\$ 1,812.52
	Fed Ex	Postage for package	\$ 17.68
	Fort Randall Telephone Co.	Telephone and Internet	\$ 799.89
	Gall's LLC	Police uniform Shirt	\$ 73.25
	Gerstner Oil	Shop Diesel	\$ 1,371.60

Grainger	Supplies	\$	32.96
Gus Stop	Fuel	\$	48.18
HDR Engineering Inc	Bill for Drainage project	\$	2,812.20
Helms & Associates	Airport AWOS System	\$	16,939.55
Inter. Assoc of Police Chiefs	Annual Membership	\$	190.00
John Otte	February 2024 Payment	\$	875.00
Johnson Controls Inc	Invoice for repairs	\$	234.98
Kimball Midwest	Cherry Blast Wipes	\$	83.94
King Koin Laundry	Rugs	\$	175.20
LEAF	Copier Lease	\$	98.44
Liquid Tek	Solar for the Lagoon	\$	49,521.08
McLeod's Printing & Office Sup	Warning Tickets	\$	213.13
Micheal Todd & Company	Chains	\$	4,840.28
Midtowne Oil Co	fuel	\$	208.16
Myers Sanitation	Garbage Service	\$	1,157.58
Northern Truck Equipment	Plow for new truck	\$	48.52
Northwestern Energy	Electricity	\$	14,584.47
Overdrive	Library annual subscription	\$	600.00
Pechous Publications	Publications	\$	501.42
Pitney Bowes Purchase Power	Postage	\$	738.88
PSN	Monthly Fees	\$	89.95
Randall Community Water Dist	Water Usage for January 2024	\$	25,488.40
Riteway Business Forms	W-2's and 1099's	\$	248.97
Rog's Auto, Inc	Bulb for Payloader and Down Spout	\$	26.29
S&K Trucking	Valve 3/8", Parts	\$	93.92
SD Assoc of Rural Water	Annual Conference	\$	325.00
SPN	Walnut wtr Distr and Street Improvement	\$	34,750.00
Schuermans Farm Supply	Cutting Edge Kit	\$	643.55
SD Dept of Health	Water Samples	\$	30.00
SD Municipal League	Rib Finner Registration	\$	60.00
Stephanie Sully	Return Armory Deposit	\$	300.00
Tammy Thornton	Per Diem for Legislative Days	\$	20.00
Titan Machinery	John Deer Loader Camera Kit	\$	873.70
Tri M Tunes	Tint Durango Windows	\$	515.00
USDA Rural Development	4th, 3rd, and Elm	\$	4,574.00
USDA Rural Development	Front Ave & 1st Street	\$	5,561.00
USDA Rural Development	South Park	\$	1,969.00
Valley Pump	Diesel for Equipment	\$	332.98
Visa	Card Services Dog Food, Weather Tech Matts,	\$	666.60
Voyager Fleet Systems	Fuel	\$	2,171.22
Wagner Auto Supply	parts for Chevy Impala	\$	105.77
Wagner Building Supply	Supplies	\$	164.34

Yankton Agency BIA	Lease-Lagoon Property	\$	2,847.50
Yankton Janitorial Service	Supplies	\$	603.10
<b>Total :</b>			<b>\$ 204,008.69</b>

All in favor, motion carried.

Taylor Mohr was present at 5:36 pm.

The Airport hangar discussion was continued to the March 2024 regular meeting.

The council discussed the Armory lease extension and the approval. Motion by Kirwan, second by Mohr to approve the extension of the current armory lease to 2058 with the understanding that future proposed amendments be negotiated and approved by the city’s governing board. Voting Aye: Soukup, Mohr, Cimpl, Kirwan, Abdouch Nays: Dufur. Motion carried 5:1.

The council reviewed a proposal to purchase the 4500 APX radio system with repeaters if needed at the maximum expense of \$32,534.80. Motion by Kirwan, second by Soukup to approve the purchase of the 4500 APX Radio System with repeaters as needed at the maximum cost of \$32,534.80. All in favor, motion carried.

The Hay Bids were opened by the council. There was one bid submitted by Tim Johannsen for the 2024 Hay Season in the amount of \$8,000.00. Motion by Kirwan, second by Soukup to accept the hay bid for the 2024 Hay Season in the amount \$8,000.00. All in favor, motion carried.

The council was informed that Wagner has been awarded a \$600,000 Community Access Grant for the street and utility project on Walnut Ave. Houseman informed the council that an agreement should be coming for the council to approve with regards to accepting the grant.

Councilman Dufur led a discussion with regards to adding pickle ball to the tennis court. Dufur stated that there is some interest in creating a pickle ball league. This issue was continued to the next regular meeting.

Margaret Doom was present to address the council regarding the previous lot giveaway program. Discussion followed regarding available lots for the program the lot giveaway program. Motion by Kirwan, second by Cimpl to authorize the preparation of an agreement/contract with Wagner Community Housing Board to authorize the giveaway of specific lots for residential use to be prepared based on an annual renewal term. All in favor, motion carried.

Jamie Soukup left the meeting at 6:20 pm.

The council was informed that City Administrator/Finance Officer Debra Houseman has completed her 6 month probationary period as of January 24, 2024 and is eligible for her 6 month increase. Motion by Kirwan, second by Mohr to approve the \$1,040 salary increase setting Houseman’s annual wage at \$71,040.00. All in favor, motion carried.

A request from Joey and Antoinette Cournoyer to block off N Park Street NW from North Main Ave to West Ave NW on May 11, 2024, from 8:00 am to 12 Midnight for the purpose of the Cournoyer children’s graduation open house. Motion by Abdouch, second by Mohr to authorize the closure of N Park St NW

from North Main to West Ave NW on May 11, 2024, from 8:00 am to Midnight. All in favor, motion carried.

Ruth Bouza was present at 6:30 pm to request amendments to the Medical Marijuana Ordinance. Bouza requested the council consider changing the ordinance regulations regarding selling on holidays and Sundays. This issue was continued to the March 2023 Regular Meeting.

The council reviewed the policy changes to the Employee Personnel Handbook. Motion by Cimpl, second by Mohr to approve the following policy changes to the Employee Personnel Handbook:

### **5.2 Standard Work Week:**

The standard 40- hour work week, unless otherwise stated, for the purpose of calculating pay and overtime shall begin at 12:01 a.m. Sunday and end on 12:00 Midnight the following Saturday. The schedule of hours of all employees of all departments to be worked during the work week will be determined by the department supervisor as approved by the City Administrator. Public Works and Police Department employees may have different standard hours as determined by the department supervisors and/or City Administrator.

### **5.8 Stand-By/On-Call Pay/Shift Differential:**

The Police Officers shall be compensated with a shift differential for the night shifts defined as 6:00 pm-6:00 am (1800-600) and a weekend shift differential for hours worked from 6:00 pm (1800) on Friday thru 6:00 am (600) Monday. The compensable rate shall be set annually by the city council.

### **6.1 Pay Period and Pay Day:**

There shall be an employee of the Public Works Department on-call each weekend and on City of Wagner observed holidays. The employees on stand-by shall keep themselves available for immediate service that may arise and shall furnish the City with a telephone number where the employee can be reached and the employee must carry a cell phone.

An on-call schedule will be set up on a rotating basis. This schedule will be divided as equally as possible between all the employees in the Public Works Department. Any employee required to be on-call shall receive for each such assignment, one hour for each day so assigned at one and a half times rate of pay. The Police Department and Finance Office will be notified of the on-call schedule in the event calls are received and to which employee on-call they shall be directed. If an employee is contacted for a call back and not scheduled to be on-call, that employee shall notify the employee on-call to take the call.

If an employee is on-call back and needs assistance to complete the task within a reasonable amount of time, they may contact other Public Works Department employees to assist him in the call back, i.e. water breaks, snow storms, etc. Those assisting will receive call back pay, but not the on-call pay. Hours paid for on-call shall not be counted towards overtime, but if an employee is called to work he/she shall be paid call back pay.

The pay period for all municipal employees shall end on the Saturday at the end of the 14 day pay week in accordance with the municipals' payroll processing methods as approved by the city council. Payday for all employees shall be on Friday following the last Saturday of the designated 14 day pay period. Except in the event that, that Friday falls on a Holiday. In the event that payday is scheduled on a Holiday pay will be received on the Thursday prior to that Friday.

**7.2 Vacation Leave:**

Paid vacation leave will be granted to all qualified employees (see policy 3).

Full-time employees will accrue vacation based on years of employment as follows:

Years of Service	Rate per pay period	Total each year
0-3	4.00	96.00
3-5	4.33	104.00
5-7	4.67	112.00
7-10	5.00	120.00
10-12	5.33	128.00
12-15	5.67	136.00
15+	6.00	144.00

A maximum of 1 year of accrued unused vacation hours may be carried over to the next fiscal year, all other unused vacation time shall be lost if not used prior to December 31st each year.

Roll Call Vote: Ayes-Dufur, Abdouch, Kirwan, Mohr, Cimpl Nays- None Absent-Soukup

A request to advertise for summer maintenance and pool employees for the 2024 summer season. Motion by Abdouch, second by Mohr to authorize the advertisement for summer pool and maintenance employees. All in favor, motion carried.

A request for a donation to the after-prom committee was reviewed. There was no action on this item.

Discussion followed regarding the sidewalk ordinance and the junked vehicle ordinances and the proper enforcement of the ordinances.

At 7:00 pm a hearing was held regarding the Special Events Liquor License for the American Legion Sweepstakes event on February 24, 2024, to be held at the Wagner Armory and a Special Event liquor License for the Pink Lady Dart Tournament to be held March 9, 2024. Motion by Kirwan, second by Abdouch to approve the Special Events Liquor License for the American Legion Sweepstakes event on February 24, 2024, to be held at the Wagner Armory. All in favor, motion carried.

Motion by Moher, second by Abdouch to approve the Special Event Liquor License for the Pink Lady Dart Tournament to be held at the Wagner Armory on March 9, 2024. All in favor, motion carried.

The 1<sup>st</sup> Reading of the Wagner Book of Ordinance # 3-1-3 Rates of Licenses and Special Requirements.

**ORDINANCE NO 2024-001**

An Ordinance Amending Wagner Municipal Code Section 3-1-3, Repealing Section 3-1-3 of the Wagner Municipal Code Entitled Rates of Licenses and Special Requirements.

**3-1-3 Rates of License and special requirements.**

Fees and special requirements for the various licenses provided in this Chapter are fixed as follows:

DOGS---

See Chapter 2 of this Code

AUCTION STORES---

License Fee: The owner, manager or person in charge of any auction store, or business place where public auctions are conducted shall pay a license fee of \$10.00 per day, \$50.00 per week, or \$200.00 per month, provided that this shall not apply to regularly established merchants' occasional sales at their places of business or employing an auctioneer for such occasional sales.

Special requirements: None. May be issued by City Auditor alone.

TRANSIENT MERCHANTS---

License Fee: Transient merchants shall pay a license fee of \$25.00 per day, \$150.00 per week, or \$200 per year.

Special requirements: None. May be issued by City Finance Officer alone.

PEDDLER OR HAWKER---

License Fee: A peddler or hawker shall pay a license fee of \$200 per day.

Special requirements: The City Auditor shall have the right to examine the credentials of any person, firm or corporation making application to sell magazine subscriptions, books, wearing apparel, merchandise, etc. by taking orders or making delivery house to house, but this shall not apply to traveling men dealing only with business establishments in this city.

City Administrator/Finance Officer reported regarding Election Petition circulation has begun the last day to circulate is February 23, 2024. The council was also informed that all three CD's were renewed at Commercial State Bank at 4.85% interest for 2 years.

Houseman also, informed the council that she had spoken with Jay Peppel with SD DOT regarding the order of the Hwy 46 Project in response to the public comment from the previous regular meeting. Houseman stated that Peppel informed her that due to changing the storm drain system to drain to the East the order must take place as planned and that the opportunity to deviate to an alternative schedule is not a possibility.

Matt Williams was present for the IT report.

Mike Kazena was present to give the Public Works Report. Kazena stated that he received a call regarding a place to pile the asphalt which will be removed during the Hwy 46 project.

Police Chief Damon Griffith was present for the Law Enforcement Report. The council discussed the surplus of the Ford Fusion. They were informed that the 2024 Durango is being built.

Mayor Thornton designated Cimpl, Mohr and Soukup as the appraisal committee to determine the surplus value for the sale of the Ford Fusion.

Margaret Doom was present to give the Wagner Area Growth Report. Doom reported that she is on a farmers market grant to enhance the Farmers Market the grant will promote the Farmers market, educational materials and the grant will also be a partnership with Lake Andes and their community garden project. Doom stated that the housing project is coming to fruition. Doom also stated that the Goos Samaritan Center has committed to the full renovation of the nursing home facility and the plan is to be open within a year.

Mayor Thornton reported that there is some concern that the snow removal on sidewalks is not being enforced. Mayor Thornton also designated Jamie Soukup as the Rails to Trails representative from Wagner.

The next regular meeting time was discussed. Motion by Abdouch, second by Cimpl to det the time of the Regular Meeting to held on March 4, 2024, at 5:30 pm. All in favor, motion carried.

Motion by Cimpl, second by Abdouch to adjourn the meeting at 8:09 pm. All in favor, motion carried.

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Tammy Thornton, Mayor

ATTEST:

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Debra J. Houseman, City Administrator, Finance Officer