

**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 August meeting was held on Monday, August 24th, 2020 at the Wagner City Hall at 5:30 pm. Present were: Mayor Donald R Hosek, City Administrator/Finance Officer, Rebecca Brunsing, City Attorney, Ken Cotton and the following councilpersons: Ron Cuka, Rich Dufur, Taylor Mohr, Tom F Beeson, Roger Schroeder and Colby Kirwan. Absent: None.

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

The meeting was called to order and the Mayor called for the approval of the special meeting agenda. A motion was made by Cuka, second by Schroeder to approve the special meeting agenda. All voted aye, motion carried.

A motion was made by Beeson, second by Dufur to approve the rest of the August claims. All voted aye, motion carried.

Amber Ruegge	deposit refund	83.82
Avera Health Plans	insurance	8,112.18
Bomgaars	supplies	1,981.43
Brecke Pest Control	prof fees	120.00
Bryan Rock Products	supplies	1,037.49
Buches	supplies	114.11
Charles Mix Electric	electricity	240.28
Chas. Mix Law Enforcement	prof fees	10.00
CHS	propane	1,140.39
Craig Fleming	deposit refund	81.08
Current Solutions	equipment	3,964.80
DGR Engineering	prof fees	13,067.37
GOSCMA	prof fees	150.00
Gus Stop	fuel	61.74
Ingram	books	221.78
J & J Sanitation	prof fees	1,165.00
Jack's Uniforms	supplies	1,162.52
King Koin	prof fees	182.50
Lawn Unlimited	prof fees	157.47
Lacey McThias	armory dep refund	300.00
Leaf	prof fees	279.01
Lewis & Clark BHS	prof fees	403.92
Marjo Soukup	armory dep refund	50.00

Merle Bartunek	deposit refund	10.00
Midtowne Oil and Wash	fuel	66.03
Northwestern Energy	electricity	324.10
People	subscription	118.26
Pheasantland	supplies	79.27
Powers Port A Pots	prof fees	1,245.00
Quill	supplies	202.23
Riteway Business Forms	supplies	173.06
SD BIT	prof fees	334.00
SD Municipal League	registration	100.00
Topkote	repairs	60,428.55
Unum Life Insurance	insurance	287.03
USA Blue Book	supplies	156.24
V & S Trucking	trucking	737.40
Van Diest Supply	supplies	5,775.80
Wagner Super Foods	supplies	92.32
Yankton Janitorial	supplies	382.70

NEW BUSINESS

A motion was made by Schroeder, second by Mohr to approve the quote from Best Propane for .89 per gallon up to 7,000 gallons for the winter season 2020. All voted aye, motion carried.

The Mayor opened the public hearing on the recommendations of the Planning and Zoning Commission for a rezoning application for Tracy Kirton on property located at 306 SW High Avenue, described as lots 5 and 6 of Block 22 of Milwaukee Fourth Addition of City of Wagner, Charles Mix County, South Dakota.

Mr. Kirton would like his property which is currently zoned highway commercial would like to be rezoning to residential (R1) classification. The planning commission recommended that the zoning classification be changed. No one appeared in opposition of the proposed change. The Mayor closed the public hearing. Discussion followed. A motion was made by Dufur, second by Colby to approve the recommendations of the Planning and Zoning Commission.

The following ordinance was placed on its first reading:

ORDINANCE NO. 2020-04

AN ORDINANCE RATIFYING AND CONFIRMING THE ACTION OF THE CITY OF WAGNER PLANNING COMMISSION IN GRANTING A ZONING CHANGE FROM HIGHWAY COMMERCIAL DISTRICT (HC) TO RESIDENTIAL DISTRICT (R-1) TO TRACY AND BRENDA KIRTON JT AND AUTHORIZING AND DIRECTING THE CITY

**OF WAGNER'S ZONING MAP TO BE AMENDED TO SHOW THIS HIGHWAY
COMMERCIAL(HC) TO RESIDENTIAL DISTRICT
(R-1) ZONING CHANGE.**

BE IT ORDAINED BY THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA:

Section 1. PURPOSE. The purpose of this ordinance is to ratify and confirm the action of the City of Wagner's Planning Commission in granting a zoning change from Highway Commercial District (HC) to Residential District

(R-1) for real property owned by Tracy and Brenda Kirton JT; and, to authorize and direct the City of Wagner's zoning map to be amended to show this zoning change as of the effective date of this ordinance.

Section 2. That the real property to which this ordinance applies is located within the corporate limits of the City of Wagner, and is described more particularly as:

Lots 5 and 6, Milwaukee Fourth Addition of Wagner, Charles Mix County, South Dakota.

Section 3. That the action taken by the City of Wagner Planning and Zoning Board as set out in said Planning and Zoning Boards minutes of August 4th,

2020, regarding the rezoning of the above described real property is in all respects ratified, confirmed and accepted by the City of Wagner, and the rezoning of said real property from Highway Commercial District (HC) to Residential District (R-1) category is granted.

Section 4. That this ordinance is necessary for the preservation and support of the municipal government and its existing public institutions and shall take effect upon the passage and publication hereof.

Dated this 24^h day of August 2020

First Reading: August 24th, 2020

Second Reading and Adoption:

Published:

Effective Date:

Donald R. Hosek, Mayor

ATTEST:

Rebecca Brunsing, Finance Officer

(SEAL)

The motion for the adoption of the foregoing ordinance was made by Dufur seconded by Kirwan, and upon roll call vote being taken thereon the following voted AYE: Dufur, Cuka, Beeson, Kirwan, Schroeder and Mohr. The following voted NAY: None. Absent: None. The following abstained: None. Motion carried.

The following ordinance was placed on its first reading:

ORDINANCE NO. 2020-05
2020 SUPPLEMENTAL APPROPRIATION ORDINANCE

Section 1. Be it ordained by the City of Wagner, Charles Mix County, South Dakota that the following sums be appropriated to meet the obligations of the municipality.

GENERAL FUND

Elections	\$ 700.00
Legal	\$ 4,000.00
Streets	\$ 85,000.00
Solid Waste Disposal	\$ 6,000.00

Funds to meet the obligations for these appropriations will be \$95,700.00 from Cash on Hand.

Section 2. The Finance Officer is directed to implement the funds necessary for the enforcement of this ordinance.

Dated at Wagner, South Dakota, this 24th day of August 2020.

Donald R Hosek, Mayor

ATTEST:

Rebecca Brunsing, Finance Officer

(SEAL)

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

First Reading: August 24th, 2020

Second Reading and Adoption:

Published:

Effective Date:

The following resolution was introduced:

RESOLUTION NO. 2020-11

A RESOLUTION OF THE CITY OF WAGNER, SOUTH DAKOTA, PROVIDING FOR A SURCHARGE FOR IMPROVEMENTS TO ITS WATER AND WASTEWATER SYSTEM, FOR PAYMENT OF PROJECT REVENUE BONDS OF THE CITY OF WAGNER AND YEARLY REVIEW OF RATES.

WHEREAS, the City of Wagner, South Dakota adopted Resolution No. 2020-04 on May 15th, 2020 for purposes of water and wastewater improvements; and

WHEREAS, the said revenue bonds will be issued as part of a loan from the United States of America acting through USDA for a combination of wastewaterage and water facilities as authorized specifically under SDCL 9-40-4.2; and

WHEREAS, it is necessary to adopt a monthly surcharge pursuant to SDCL 9-40-15 (the "surcharge") to repay the principal and interest on the said revenue bonds.

THEREFORE, BE IT RESOLVED, by the City of Wagner, as follows:

1. That from and after October 1st, 2020, the users of the Wastewater and Water System shall be charged a Surcharge as set forth in this resolution. The Surcharge rate shall be reviewed from year to year and may be modified in order to provide such funds as are set forth herein. The charges shall be reviewed yearly by city personnel and administratively adjusted, upwards or downwards, pursuant to SDCL 9-40-15 to such amounts as may become due and owing as necessary to repay the Bond over a period of forty (40) years at an interest rate of two and one-eighth percent (2.125%), in accordance with the loan agreement to be entered into by the City of Wagner and the United States of America, acting by and through Rural Development Services.

2. The revenues collected from the Surcharge shall be segregated from all other funds of the City, and shall be pledged to secure the Bond, and until adequate provision has been made for the debt service on the Bond, shall be used for no purpose other than for the repayment thereof. The Bond shall be payable solely from such segregated revenues, and not from the general revenues of the Wastewater and Water System; provided that the City may from time to time advance monies from the general revenues of the Wastewater and Water System to make payments on the Bond, but any monies so advanced shall be repaid from Surcharge collections within one year of the date of such advance.

3. Rates and Collection. The City of Wagner does hereby establish the special surcharge payable by each customer of its Wastewater and Water System who receives or benefits from the services of the Project. Such surcharge shall be set at a level which, assuming a 110% debt requirement as required by South Dakota Department of Environmental and Natural Resources, will produce income at the times and in amounts sufficient to pay when due the principal of and interest on the Revenue Bond Series 2020 and all other payments as may be required under the loan agreement and Bonds.

4. Borrower Bond Series 2020 Surcharge. All users, current and future, shall be charged the surcharge for it has been found that all users benefit from the improvement. The following wastewater and water debt service surcharge shall be applicable to all customers served:

Wastewaterage and Water Project Revenue Bond, Series 2020
Wastewater Surcharge: \$6.47 per month.

The surcharge shall be included in the monthly user bill. Nothing contained herein requires the surcharge be indicated on the billing; however, the surcharge segregation shall be indicated on the books of the City of Wagner.

The surcharge is found to be equitable for the services provided by the improvement.

5. Surcharge Not to Create Constitutional Indebtedness. The charges provided herein are for the purpose of paying the Project Revenue Bond, Series 2020 which shall not constitute indebtedness within the meaning of the South Dakota Constitution, Chapter XIII, Section 4.

Donald R. Hosek, Mayor

ATTEST:

Rebecca Brunsing, Finance Officer

Approved and Adopted: August 24th, 2020

Published: September 2nd, 2020

Effective Date: September 23rd, 2020

The motion for the adoption of the foregoing resolution was made by Beeson seconded by Kirwan, and upon roll call vote being taken thereon the following voted AYE: Dufur, Cuka, Beeson, Kirwan, Schroeder and Mohr. The following voted NAY: None. Absent: None. The following abstained: None. Motion carried. Whereupon said Resolution No. 2020-11 was declared duly passed and adopted and the Mayor being present affixed his signature thereto in approval thereof and directed the Finance Officer to cause said ordinance to be published as part of the minutes in the next issue of the official newspaper.

There was discussion on budget items. The first reading of the 2021 city budget will be at the regular meeting to be held on Thursday, September 3rd, 2020 at 7 pm at city hall.

There was no executive session.

A motion was made Dufur, second by Cuka to adjourn the meeting at 6:04 pm. All voted aye, motion carried.

APPROVED _____
Donald R Hosek

Attest _____
Rebecca Brunsing, Finance Officer

Published once at the approximate cost of \$ _____.

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