

REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA, OCTOBER 2, 2023, AT 7:00 PM.

PURSUANT TO DUE CALL AND NOTICE THEREOF, the regular October meeting was held Monday, October 2, 2023, at City Hall at 7:00 pm. Present were Tammy Thornton-Mayor, City Administrator Debra Houseman, City Attorney Beau Barrett and Councilmen: Rich Dufur, Tom Abdouch, Jamie Soukup, Colby Kirwan, and Taylor Mohr. Others present were Mike Kazena- Public Works Director, Damon Griffith-Police Chief, Matt Williams-City IT, John Otte, Jamie Tjerdtsma, Margaret Doom-Wagner Area Growth, Andrea Irwin-ROCS, Frances Baire and Robin Baire, and John Hult. Absent Councilman Dan Cimpl.

Mayor Thornton called the meeting to order at 7:00 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 Dufur, second by Soukup to approve the agenda presented. All in favor, motion carried.

Mayor Thornton opened the floor for public comment. Jamie Tjerdtsma was present to give an update to the council on the fundraising. There was no one else present for public comment Mayor Thornton closed the public comment portion of the meeting.

The minutes from September 7, 2023, and September 25, 2023, were reviewed. Motion by Soukup, second by Mohr to approve the minutes from the September 7, 2023, Regular Meeting. All in favor, motion carried.

Motion by Abdouch, second by Kirwan to approve the minutes presented from the September 25, 2023, Special Meeting. All in favor, motion carried.

The Financial Statements were reviewed by the council. Motion by Kirwan, seconded by Mohr to approve the Financial Statements presented for September 2023 as follows: Commercial State /bank General Checking Account Balance as of September 30, 2023, \$2,698,396.69, Wagner Library Account as of September 30, 2023, \$12,808.13, Wagner Lake Project \$1,512.52, 3yr CD \$397,671.94, 2yr CD \$399,305.37, 6 mo. And CD \$335,120.74. General Fund Expenditures for the month of September 2023 \$209,652.47. General Fund Revenue for the month of September 2023 \$135,876.29. Water Fund Expenditures for the month of September 2023 \$65,668.67. Water Fund Revenue for the month of September 2023 \$57,417.67. Sewer Fund Expenditures for the month of September 2023 \$37,694.55. All in favor, motion carried.

The Bills and Claims were presented. Motion by Dufur, second by Abdouch to approve payment of the following Bills and Claim:

The Following Claims were presented for payment during the month of September 2023:

Date:	Vendor	Description	Amount
9/30/2023	Commercial State Bank	941 Payroll Taxes PP18	\$ 9,431.15

9/12/2023	Commercial State Bank	941 Payroll Taxes PP17	\$	8,667.81
9/30/2023	Payroll	PP 18	\$	29,853.50
9/15/2023	Payroll	PP 17	\$	27,928.60
9/27/2023	SDRS	September 2023 Contribution	\$	9,792.40

Total: \$ 85,673.46

The above warrants have been paid during the month of September 2023.

Claims Presented for payment on October 2, 2023:

Date	Vendor	Description	Amount
10/2/2023	Apparel Worx	City Shirts Caps	\$ 391.40
	AT&T	Cell Services	\$ 330.98
	Best Propane	Propane	\$ 81.00
	Bomgaars	Supplies	\$ 378.86
	Card Services	Police Dept Visa Bill	\$ 202.23
	City of Wagner	City Water Bills	\$ 2,160.87
	Companion Life	Life Insurance	\$ 72.80
	Commercial State Bank	Petty Cash	\$ 299.16
	Core & Main	Meter Supplies	\$ 910.47
	Daves Service	Tires	\$ 583.00
	Debra J. Houseman	Mileage & Meals for Fall Conference	\$ 354.00
	Don Lee	Return Deposit	\$ 300.00
	Ft Randall Telephone	Telephone and internet	\$ 877.52
	Helms & Associates	AWOS Systems	\$ 3,079.92
	Ingram Library Services	Books	\$ 419.72
	John Otte	Airport Manager Oct 2023	\$ 875.00
	King Koin Laundry	Rugs for Office	\$ 86.25
	Lumen	Long Distance Service	\$ 74.56
	Midtowne Oil & Wash LLC	Tire Repair and Car Wash	\$ 26.99
	Myers Sanitation	Garbage Service	\$ 1,157.58
	Northwestern Energy	Electricity	\$ 11,590.68
	Randall Community Water	Water Usage August -Sept 2023	\$ 19,738.30
	Rog's Auto	Actuator	\$ 23.99
	Ultimate Shine Car Wash	Car Wash	\$ 12.00
	Tammy Thornton	Meals for Conference	\$ 86.00
	Unum Life Insurance	Disability Insurance	\$ 347.30
	USDA Rural Development	Water Sewer Loans	\$ 12,104.00
	Voyager Fleet	Gas Purchase	\$ 2,412.70
	Wagner Building & Supply	Supplies	\$ 579.20
			\$ 59,556.48

All in favor, motion carried.

Andrea Irwin was present to make a request on behalf of the ROCS Transit Service. Andrea shared data regarding the use of transit within the Wagner Community. The request is a request for \$5,000 from the City. Discussion followed. Motion by Kirwan, second by Dufur to authorize a \$1,000 donation to the ROCS Transit Service. All in favor, motion carried.

1st Reading of the animal control Ordinance was held. Motion by Kirwan, second by Abdouch to accept the 1st reading of the City of Wagner Animal Control Ordinance Amendment:

Ordinance No. 2023-002

An Ordinance Amending Wagner Municipal Code Section 2-2-1, Section 2-2-2, Section 2-2-10, Section 2-3-2, Section 2-3-4, and Section 2-3-5, repealing Section 2-3-3, and adding a new Section 2-2-12 and new Section 2-2-13 of the Wagner Municipal Code regarding the regulation and impoundment of animals in the City of Wagner.

The text of Section 2-2-1 of the Wagner Municipal Code shall be amended as follows:

2-2-1 Dog & Cat Licenses Required; ~~Proof of Vaccination.~~ No person may keep, harbor, or maintain who is the owner of or has in his or her possession any dog or cat, ~~male or female, shall permit the same to run at large within the city limits~~ four months of age or older unless such dog or cat is licensed as provided in this Chapter. ~~No license may be issued until the applicant has presented proof of rabies vaccination signed by a licensed veterinarian to the appropriate licensing official.~~

The text of Section 2-2-2 of the Wagner Municipal Code shall be amended as follows:

2-2-2 License Application. Any person desiring to keep maintain or have in his custody or control by himself or agent, within the ~~said city~~ City of Wagner, any dog or cat, shall, before the first day of ~~May~~ January in each year, at the City Finance Office, apply for and fill out a license to keep such dog or cat, and will include the name, sex, color and other distinguishing characteristics of said dog or cat, and the name of the owner thereof, and shall state that said dog or cat has no vicious propensities so far as known to the applicant or, alternatively, shall provide proof of insurance as required under Section 2-2-10, and shall provide documentation of current rabies vaccination signed by a licensed veterinarian. Such application shall be on a printed blank to be prepared by the City Finance Officer and shall be filed with that office.

The text of Section 2-2-3 of the Wagner Municipal Code shall be amended as follows:

The text of Section 2-2-5 of the Wagner Municipal Code shall be amended as follows:

2-2-5 Vicious Dogs; Definitions.

(A) “Owner” means any person, firm, corporation, organization, or department possessing or harboring or having the care and custody of a dog.

(B) “Vicious dog” means,

1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
2. Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or
3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(C) A vicious dog is “unconfined” if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides ~~sd~~ must be embedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

2-2-10 **Insurance.** Owners of any vicious dogs as that term is defined under Section 2-2-5(B) must within 14 days of the effective date of this chapter provide proof to the Finance Officer shall maintain a policy of public liability insurance in the amount of at least \$25100,000.00, insuring the owner for any personal injuries inflicted by his or her vicious dog, and shall provide proof of insurance to the Finance Officer.

A new section 2-2-12 shall be enacted and added to Chapter 2 of the Wagner Municipal Code as follows:

2-2-12 **Animals Running At Large.** It shall be unlawful for any person, firm or corporation to allow any animal, owned, controlled or harbored by any person to run at large on the streets, alleys, or property of any other person or entity within the City limits of Wagner, South Dakota. Any person having an animal within the City limits shall have it tied, leashed or otherwise controlled upon their property. It shall be unlawful for any person to allow an animal off his or her property without the animal being held in leash.

A new section 2-2-13 shall be enacted and added to Chapter 2 of the Wagner Municipal Code as follows:

2-2-13 **Penalties.** Any violation under Chapter 2-2 is deemed a class 2 misdemeanor punishable by a fine up to \$500.00, or imprisonment up to thirty-days, or a fine and imprisonment. The penalties for violation shall be established and may be amended from time to time by resolution of the City Council of the City of Wagner.

The text of Section 2-3-2 of the Wagner Municipal Code shall be amended as follows:

2-3-2 **Stray Animal Impounded; Vicious Dogs.** Any animal or animals found running at large may be impounded in the public pound and shall not be released until the owner, or some other person designated by the owner, shall pay to the Chief of Police, or his designee,

the fees and penalties hereinafter provided.” Any dog found running at large that is determined by law enforcement to be a “Vicious Dog” as that term is defined under Section 2-2-5 of this Code, which cannot be impounded safely, may immediately be destroyed by any law enforcement officer acting in the line of duty.

Section 2-3-3 of the Wagner Municipal Code is hereby repealed.

The text of Section 2-3-4 of the Wagner Municipal Code shall be amended as follows:

2-3-4 **Chief of Police as Pound Master; Duties.** It shall be the duty of the Chief of Police, or his designee, who is hereby made Pound Master, to detain and impound all animals found running at large contrary to the ordinances of the City, and immediately give notice of such impounding to the owner or person last in charge of the animal or animals impounded, if known. An impounded animal shall not be released unless the owner or some designated person on his or her behalf, within 72 hours, pays to the City Finance Officer ~~a claim fee of \$25 for the first offense and \$75 for each offense thereafter, for each animal so impounded belonging to the same owner~~ all fees, penalties, and expenses related to the impoundment of an animal. No impounded dog or cat shall be released without proof of current licensure. ~~In addition, the owner of said impounded animal or animals, or his or her designated person, shall also be responsible for the rabies shot and current City dog or cat tags for the impounded animal or animals, plus any additional expenses incurred for each animal or animals so impounded. In addition, no impounded animal or animals shall be released until the animal is current on the rabies vaccination and has a properly issued and current dog or cat tag. This charge for the rabies vaccination and dog or cat City tags will not be charged upon proof that the animal or animals have a current rabies vaccination and have current City dog or cat tags.~~ Any impounded animal or animals not picked up by the owner, or the owner’s designated person, within 72 hours of impounding ~~shall be~~ may be offered for sale or adoption to the public, transported to a participating Humane Society, or euthanized, disposed of in a humane manner, with at the discretion of the Chief of Police, or ~~his designee’s discretion~~ Pound Master using his or her best judgment, or at the direction or with consultation of a licensed veterinarian.

The text of Section 2-3-5 of the Wagner Municipal Code shall be amended as follows:

2-3-5 **Fees and Expenses.** ~~The fees for impounding any animal or animals under this chapter shall be \$25 for the first offense and \$75 for each offense thereafter, per animal or animals, on a per head basis, plus, any rabies shots or current City dog or cat tags required, if any, plus, any other incidental expenses incurred for the benefit of the impounded animal — or animals. The owner or caretaker of any animal impounded under this chapter shall pay a fine not in excess of \$500.00 for each animal so impounded. In addition, the owner or caretaker shall be liable for the expenses of impounding. The City Council of Wagner shall establish and may amend from time to time, by resolution, the fine and a schedule of rates for expenses of impounding. The owner or caretaker of the impounded animal shall be liable for all fees and expenses incurred under this chapter~~

regardless of whether the animal is retrieved from impoundment or not. Any incurred fees and expenses not paid to the Finance Officer within 30 days after notice and demand thereof may be recovered in a civil action against the owner or caretaker.

2-3-6 **Illegal Acts.** No person shall interfere with the Chief of Police, the Pound Master, or his or her's assistant's, in the performance of their duties under this chapter. Further, any person who shall remove or undertake to remove such impounded animal or animals from the pound, or the possession of the Pound Master, without paying the appropriate charges set out in this ordinance and with~~out~~ the permission of the Pound Master, shall be guilty of an offense, and upon conviction thereof, be subject to a fine of up to \$200.00 per occurrence.

Roll Call Vote:

Ayes: Dufur, Abdouch, Kirwan, Soukup, Mohr

Nays: None

Absent: Cimpl

Motion, passed by a unanimous vote.

1st Reading: October 2, 2023

2nd Reading: November 6, 2023

1st Publication: October 18, 2023

The Council Reviewed a request from the Wagner School District for a donation to their Community Wide Support Campaign. Motion by Soukup, second by Kirwan to authorize the sponsoring 5 events at \$20 per event totaling \$100.00. All in favor, motion carried.

John Otte was present to address the council regarding the Airplane Hangar previously leased by Arlen Kucera. Otte stated he has interest in the Hangar and is asking if the council would reconsider destroying that hangar and allowing him to purchase it. This issue will be revisited at the January 2024 Meeting.

The council reviewed a surplus property list. Mayor Thornton appointed Soukup, Kirwan and Dufur to act as the appraisal committee. A list of inoperable technological equipment was presented valued at \$0.00. The appraisal committee discussed the value of the 2020 54" Hustler with a bagger, 22 HP Kawaski Model # 938787 serial # 20024784. The committee set the value of the mower at \$3,000. Motion by Kirwan, second by Dufur to approve the surplus of the following items for disposal at no value:

Item	Serial Number
Sharp MX3 00W Copier/Scanner	45004832
HP Laser printer P2035	VNB3272408
HP Printer Color Laser CP1518ni	CNAC83VOBS
Epson Printer WP-4020	NUEY006056

HP Printer Office Jet Pro 8100	CN4B6HV07R
Brother Fax-2820	U61325B6J754267
Brother Fax-2820	US61325J7N190902
Computer-HP Compaq 6000 w/15" Monitor	MXL01815ST
Computer-HP Compaq 6000w15" Monitor	MXL01815SS
Computer-HP Pavilion Slimline AMD w/19" Monitor	2MF0231277
Notebook-HP ProBook-Windows 7	CNU01528R4
Computer-HP Pavilion 500-437C	14AM3RRA6

and also, to surplus the 202 Huster Fastrak 54" Mower with Bagger 22 HP Kawaski Model #938787, serial #20024784 with 133.5 hours valued at \$3,000 for sale by sealed bids. All in favor, motion carried.

City Administrator Debbra Houseman informed the council that the auditors have completed the on-site review and are working on a written report that will be presented to the council. Houseman stated that the auditors assisted with determining the remainder of the debt-limit which was determined to be \$378,000 which the city of Wagner can consume.

Matt Williams was present with the IT Report. The IT written report was reviewed, and the council was informed that Williams is looking into cyber security training for the employees.

Mike Kazena was present to give the public works department report. Kazena presented prices for a new plow to replace the plow that is in disrepair. Prices from Henke on the 12'X42" Reversible Plow \$10,659, and from Butler on the 12'X42" Plow \$13,481.25. Motion by Dufur, second by Mohr to approve the purchase of 12'X42" and the adaptor from Henke the plow being \$10,569.00 and the adaptor at the cost of \$5,014.00. All in favor, motion carried.

Kazena also informed the council that they will need to purchase a pallet of ice melt. Kazena state that Bomgaars has the ice melt on sale. Motion by Soukup, second by Kirwan to approve the purchase of 1 pallet of ice melt at the cost of \$4.99 X 120 = \$598.80. All in favor, motion carried.

The contract to replace the aerators at the Lagoons with the solar aerators was reviewed. Motion by Soukup, second by Mohr to approve the contract with Sun Flow at the cost of \$99,042.15 as a public improvement on the city lagoon. All in favor, motion carried.

The council discussed the replacement of the Skimmers on the pool at the cost of \$42,415 from MC&R Pools. Motion by Kirwan, second by Dufur to approve hiring MC&R Pools to replace the skimmers on the municipal swimming pool at the cost of \$42,415.00. All in favor, motion carried.

Chief Damon Griffith was present with the police report. Griffith informed the council that Durango will be here before the end of the year.

Margaret Doom, Wagner Area Growth Director, was present to introduce herself to the council and give a brief report.

The Planning and Zoning report was reviewed. Motion by Kirwan, second by Mohr to accept the minutes from the Planning and Zoning Meeting held Sept 12, 2023. All in favor, motion carried.

Mayor Thornton reminded the council to visit the SDML website and view the elected official workshop.

Mayor Thornton also informed the council that she would be attending the SDML Fall Conference in Rapid City October 3-6, 2023. Thornton also stated that she will be starting her “Mornings with the Mayor” on Wednesday October 11, 2023, from 9:00 am to 11:30 am.

Motion by Dufur, second by Kirwan to adjourn the meeting at 8:10 pm. All in favor, motion carried.

Tammy Thornton, Mayor

ATTEST:

Debra J. Houseman, City Administrator