

**SPECIAL MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY,
SOUTH DAKOTA, September 17, 2024, AT 5:30 PM.**

PURSUANT TO DUE CALL AND NOTICE THEREOF, the Special meeting of the council was held Tuesday, September 17, 2024, at City Hall at 5:30 pm. Present were Tammy Thornton-Mayor, City Administrator Debbra Houseman, Councilmen: Tom Abdouch, Dan Cimpl, Taylor Mohr via telephone, Brend Jatón and Mieke Slaba. Others present were Marilee Krcil-Deputy Finance Officer, Kesa Alexander-Planning and Zoning Administrator, Brian McGinnis-District III Planning and Zoning, Beau Barret-City Attorney, Steve Hudd, Ken Thaler, Sharon Haar, Mike Frei, Nathan Kafka, Nikki Kafka, and Colin Soukup.

Mayor Thornton called the meeting to order at 5:49 p.m.

The Council stood and recited the Pledge of Allegiance.

Mayor Thornton asked if there were any conflicts of interest with regards to any agenda items. No conflicts were stated.

Mayor Thornton called for a motion to approve the agenda. Motion by Slaba, second by Jatón to approve the agenda presented. All in favor, motion carried.

Mayor Thornton opened the floor for public comment. No one was present for public comment, so Mayor Thornton closed the floor for public comment.

The Bills Claims were presented and reviewed by the council. Motion by Jatón, second by Abdouch to approve payment of the Bills and Claims as follows:

Claims Presented for payment on September 17, 2024:

Date	Vendor	Description	Amount
9/16/2024	AFLAC	Supp Insurance	\$ 553.44
	Bomgaars	Supplies	\$ 211.70
	Charles Mix Electric	Airport Electricity	\$ 332.65
	Colonial Life	Supp Insurance	\$ 693.18
	Gall's LLC	Uniforms	\$ 179.39
	HDR Engineering Inc	Wagner Drainage Project	\$ 19,638.50
	King Koin Laundry	Rugs	\$ 86.25
	Leaf	Copy Machines	\$ 371.37
	Northwestern Energy	Electricity	\$ 24.39
	Northwestern Energy	Electricity	\$ 44.56
	Northwest Pipe Fitting	Sewer Repair Supplies	\$ 119.78
	Pechous Publications	Publishing	\$ 449.35
	SPN	Walnut Ave/Water Distribution Design	\$ 2,700.00
	SD Dept of Transportation	Wagner 28 miles sign	\$ 16.00
	Wagner Auto Supply	Spin on Fuel Filter for Street Packer	\$ 25.99
	Wagner Building & Supply	Supplies	\$ 244.94
	Yankton Janitorial	3 tables for Armory	\$ 720.00
	.		
		Total	\$ 26,411.49

All in favor, motion carried.

Mohr let Meeting at 5:53 pm.

The Council reviewed a Plat submitted. The Planning Board recommendation of the Replat submitted by Commercial State Bank located at Swatek Tracts 1 and 2 in Lots 11 and 12, Block 2 of the Original Town now City of Wagner, Charles Mix County, South Dakota was to approve the replat. Motion by Cimpl, second by Slaba to approve the Resolution No. 2024-005 as follows:

Resolution No. 2024-005

City of Wagner Resolution of Approval

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAGNER, SOUTH DAKOTA, THAT THE REPLAT REPRESENTING SWATEK TRACTS 1 AND 2 IN LOTS 11 AND 12 BLOCK 2 OF THE ORIGINAL TOWN NOW CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA, BE AND IN THE SAME IS HEREBY APPROVED.

DATED THIS 17TH DAY OF SEPTEMBER, 2024

Tammy Thornton, Mayor

City of Wagner, South Dakota

I, THE UNDERSIGNED, FINANCE OFFICER OF THE CITY OF WAGNER, SOUTH DAKOTA, DO HEREBY CERTIFY THAT WITHIN AND FOREGOING THE TRUE COPY OF THE RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF WAGNER, SOUTH DAKOTA.

Debbra Houseman, City Administrator

City of Wagner, South Dakota

All in favor, Resolution No. 2024-005 passed by a unanimous vote.

Mayor Thornton asked for explanation regarding the public hearing for the CDBG Application. Houseman explained that she is working with Brian McGinnis on a CDBG Application for the Utility project under Highway 46 to replace water and sewer lines. Houseman explained that the Grant will fund the project along with a loan package.

The Public Hearing rescheduled from September 12, 2024, was held. Mayor Thornton asked for a motion to open the floor for public comment with regards to the CDBG application being submitted for funding for the Sewer and Water Utility replacement under highway 46. Motion by Jatton, second by Abdouch to open the floor for public comment at 6:00 pm. All in favor, motion carried. Mohr Absent

Sharon Haar made question as to the fiber that is along the highway and if moving that fiber is part of the plan. Houseman explained that the City does not own that infrastructure, so anything regarding the

fiber would have been addressed with Fort Randall Telephone. Houseman stated that she will follow up on this with DOT.

There was no further public comment.

Motion by Cimpl, second by Slaba to close the floor for public comment at 6:03 pm. All in favor, motion carried.

Discussion followed regarding the project and how the funds will be used. Cimpl questioned as to whether the State is contributing to the Utility replacement. Cimpl had thought that the State would pay for the utilities. Houseman stated that the State DOT is paying for the storm sewer replacement and rerouting and the lighting that will be updated and replaced.

Houseman stated that there are several resolutions that must be passed to complete the application. She also stated that she provided a packet to the council with all the application information in it.

The council reviewed a resolution to authorize the application and execution of the application, submittal, and authorized signatory.

Motion by Jatón, second by Abdouch to approve Resolution No. 2024-006 a resolution authorizing the application for financial assistance, execution, submittal of application and designate the authorized signatory to read as follows:

RESOLUTION NO. 2024-006

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Wagner (the “City”) has determined it is necessary to replace water and sewer utilities within the Highway 46 corridor;

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application (the “Application”) for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of CWSRF (\$425,000) and DWSRF (\$1,400,000) applications for financial assistance in an amount not to exceed **\$1,825,000** to the Board for the Project.
2. The Mayor is hereby authorized to execute the Applications and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application.

3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at a properly noticed meeting at which a quorum was present in the offices of the City of Wagner, this 16th day of September 2024.

CERTIFIED AS ADOPTED:

Tammy Thornton, Mayor

(Seal)

Attest:

Debbra Houseman, City Administrator/Finance Officer

All in favor, Resolution No. 2024-006 passed by a unanimous vote. Mohr absent

Discussion followed regarding the requirements of the application and the following resolutions were presented to the council and discussed. Motion by Jatton, second by Cimprl, to approve Resolution No. 2024-007 a Resolution Assuring Fair Housing to read as follows:

RESOLUTION No. 2024-007

RESOLUTION ASSURING FAIR HOUSING

WHEREAS, it is the **Wagner City Council's** firm belief that discrimination in housing not only threatens the rights and privileges of the citizens of Wagner but also menaces the institution and foundation of a free and democratic society; and,

WHEREAS, this body desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States and to encourage and bring about mutual self-respect and understanding among all citizens and groups in the **City of Wagner**; and,

WHEREAS under federal fair housing, (Title VIII of the Civil Rights Act of 1968), it is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and,

THEREFORE, BE IT RESOLVED the **City of Wagner, South Dakota**, makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder, and discrimination in housing.

BE IT FURTHER RESOLVED that the Fair Housing and Equal Opportunity logo will be displayed in the **City of Wagner's Office** and on all official correspondence.

BE IT FURTHER RESOLVED that the following procedures will be used to accomplish the purpose of the resolution:

1. The **Wagner City Council** shall inform all City Employees of the City's commitment to equal housing.
2. The **Wagner City Council** shall direct all employee to forward immediately to the Mayor any reports they receive of housing discrimination.
3. The Mayor shall forward such complaints to the South Dakota Division of Human Rights within 10 days of receipt of said complaint.

Dated this 17th Day of September

Tammy Thornton, Mayor

ATTEST:

Debbra Houseman, City Administrator/Finance Officer

All in favor, Resolution No. 2024-007 passed by a unanimous vote. Mohr absent.

Mohr re-entered the meeting via telephone at 6:05 pm.

The council reviewed proposed resolution No.2024-008 a Resolution designating a Project Authorized Official. Motion by Abdouch, second by Cimpr to approve Resolution No. 2024-008 to read as follows:

Resolution No. 2024-008

Project Authorized Official

WHEREAS the City of Wagner is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as Administered by the State of South Dakota; and,

WHEREAS the City of Wagner is required to designate an authorized official for the purpose of signing required documents pertaining to this grant;

NOW THEREFORE, BE IT RESOLVED, that Tammy Thornton, Mayor for the City of Wagner be hereby designates as the **City of Wagner's** official for the purpose of signing Grant Agreements and Contracts.

AND BE IT FURTHER RESOLVED that Tammy Thornton, Mayor for the City of Wagner be hereby designated as the City of Wagner's authorized official for the purpose of signing correspondence, pay requests, and other required documents.

Dated this 17th Day of September, 2024

Tammy Thornton, Mayor

ATTEST:

Debbra Houseman, City Administrator/Finance Officer

All in favor, Resolution No. 2024-008 passed by a unanimous vote.

The council reviewed Resolution No. 2024-009 a resolution designating the environmental certifying officer. Motion by Cimpl, second by Jatón to approve Resolution No. 2024-009 to read as follows:

Resolution No. 2024-009

Environmental Certifying Officer

WHEREAS the **City of Wagner** is a subgrantee of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South of South Dakota, and;

WHEREAS the **City of Wagner** is required to designate an environmental certifying officer for the purpose of signing required environmental documents pertaining to this grant,

NOW THEREFORE, BE IT RESOLVED, that **Tammy Thornton, Mayor** for the **City of Wagner** be hereby designated as the **City of Wagner's** environmental certifying officer for the purpose of signing correspondence and other required documents and forms.

Dated this 17th Day of September, 2024

Tammy Thornton, Mayor

ATTEST:

Debbra Houseman, City Administrator

All in favor, Resolution No. 2024-009 passed by a unanimous vote.

The council discussed the requirement of the board to pass the Drug free workplace policy. Motion by Jatón, second by Slaba to approve Resolution No. 2024-0010 to read as follows:

Resolution No. 2024-0010

DRUG FREE WORKPLACE POLICY

Section 1 Overview

WHEREAS, the **City of Wagner** makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the **City** and its employees. Since the **City of Wagner** values each employee, the City offers employees assistance in dealing with alcohol and drug abuse problems.

Section 2 Policy

WHEREAS, the **City of Wagner** requires all employees to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

This Ordinance and related procedures may be modified by the City at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the City.

Section 3 Prohibited Drugs

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120 and the Code of Federal Regulations (21 C.F.R. 1308.11-1308.15) and prescription-controlled substances which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of opioids, drugs, or other controlled substances while on the job or on City premises (including vehicles used for City business). These include but are not limited to: cocaine, fentanyl, heroin, LSD, marijuana (including edibles), MDMA (Ecstasy), methamphetamines, methadone, and prescription opioids. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

Section 4 Alcohol

The use of alcohol on the job or on City premises is prohibited, unless such use is non-abusive and is part of an authorized official event held off City premises. The use of alcohol in vehicles used for City business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on City premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for City business is never authorized.

Section 5 Reporting Violations

Employees must as a condition of employment, abide by the terms of this Ordinance and report any conviction to the City under a criminal drug statute for violations occurring on or off City premises when conducting City business. Report of a conviction must be made to the City within five (5) business days after the conviction. The City will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the City will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on its customers, other employees, the public, or the City's reputation and image.

Any questions regarding the reporting of violations should be directed to the City Administrator.

Section 6 Employee Rehabilitation

Health maintenance is primarily a personal responsibility, and it is the individual's responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the City will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in a approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

Participation in a rehabilitation program will not be considered a barrier to employment nor a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other City policies or job requirements.

Any employee identified through a City investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

Section 7 Testing

The **City of Wagner** will not ask employees to submit to random alcohol or drug tests.

Alcohol or drug tests may be required for employees in the following circumstances:

- 1) When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.

During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the City.

- 2) When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the City. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is part of the pre-employment physical. The method of testing will be determined by the City. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the City Administrator.

Certification of Adoption

It is hereby certified that this Resolution was passed by the City Council of the City of Wagner, at its legally convened meeting of September 17, 2024.

Tammy Thornton

Signature

Attested By:

Debra Houseman, City Administrator

Signature

Date _____

All in favor, resolution No. 2024-0010 passed by Unanimous vote.

The council discussed the requirement for a Code of Conduct. Motion by Cimpl, second by Abdouch to approve resolution No. 2024-0011 Code of Conduct to read as follows:

Resolution No. 2024-0011 CODE OF CONDUCT

PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with all applicable federal and state standards, regulations, and laws.

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the **City of Wagner** engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of the **City of Wagner** shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award.

The **City of Wagner** officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

REMEDIES

To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the **City of Wagner's** officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

EFFECTIVE DATE

This ordinance shall be effective upon publication.

Passed this 17th day of September, 2024 .

Tammy Thornton, Mayor

ATTEST:

Debbra Houseman, City Administrator/Finance Officer

All in favor, Resolution No. 2024-0011 passed by a unanimous vote.

The council was informed that the State has confirmed their portion of the funding for the airport AWOS System. Motion by Cimpl, second by Abdouch to accept the state funding for Project No. 3-46-0057-21-2024 not to exceed \$10,000.00 and further authorize Mayor Tammy Thornton as the signatory authority to execute the agreement and Debbra Houseman to attest the execution of the documents. All in favor, motion carried.

The council held the second reading of the 2025 Appropriations Ordinance No. 2024-004. Motion by Slaba, second by Abdouch to approve the second reading of the 2025 Appropriation Ordinance, Ordinance #2024-004 as follows:

ORDINANCE NO. 2024-004

2025 APPROPRIATIONS ORDINANCE

**Section I Be it ordained by the City of Wagner, Charles Mix County, South
Dakota that the following sums are appropriated to meet the
Obligations of the municipality.**

General Fund

General Government

41150 Contingency	\$ 23,434.51
41210 Mayor	\$ 51,512.00
41300 Election	\$ 2,500.00
41410 Legal	\$ 25,000.00
41420 Auditor/Finance	\$ 66,909.78
41920 General Government Buildings	<u>\$ 101,581.00</u>

Total General Government	\$ 270,937.29
---------------------------------	----------------------

Public Safety

42100 Police	\$ 660,265.82
42101 Police 24/7 PBT	\$ 0.00
42126 Prisoner Housing	\$ 0.00
42900 Civil Defense	<u>\$ 1,500.00</u>

Total Public Safety	\$ 661,765.82
----------------------------	----------------------

Streets and Lighting

43120 Streets	\$ 288,545.00
43160 Street Lighting	<u>\$ 68,000.00</u>

Total Streets and Lighting	\$ 356,545.00
-----------------------------------	----------------------

Sanitation

43240 Solid Waste Disposal	<u>\$ 22,500.00</u>
----------------------------	---------------------

Total Sanitation	\$ 22,500.00
-------------------------	---------------------

Culture, Recreation, Airport, & Armory

43500 Airport	\$ 325,300.00
44100 Health Regulation & Inspection	\$ 0.00
44130 Mosquito Control	\$ 8,200.00
45124 Swimming Pool	\$ 89,800.00
45127 General Recreation	\$ 88,167.50
45200 Parks	\$ 80,567.50
45500 Library	\$ 106,387.60
45660 Armory	\$ 80,575.00
45800 Museums	<u>\$ 5,000.00</u>

Total Culture, Rec, Airport, & Armory	\$ 783,997.60
--------------------------------------------------	----------------------

Economic Development

46300 HRC Urban Redevelopment	\$ 44,075.30
46500 Economic Development	\$ 58,500.00
46520 Planning and Zoning	<u>\$ 31,410.44</u>

<u>Total Economic Development</u>	<u>\$ 133,985.74</u>
------------------------------------------	-----------------------------

<u>Total General Fund</u>	<u>\$2,229,731.45</u>
----------------------------------	------------------------------

<u>Total 2024 Appropriation</u>	<u>\$2,229,731.45</u>
----------------------------------------	------------------------------

Section II. **The following funding sources fulfill the general fund obligations of the 2024 appropriation.**

Tax Supported Funds	General Fund
Appropriations	\$2,307,367.50
Means of Finance	
Unobligated Cash Balance	\$ 0.00
Taxes	\$1,517,002.15
Intergovernmental Revenue	\$ 537,770.00
<u>Other Revenue</u>	<u>\$ 175,780.00</u>
Total Means of Finance	\$2,230,552.15

Section III.

Enterprise Funds	Water	Sewer
Budgeted Expenses	\$621,326.10	\$428,193.62

Funding Source	Water	Sewer
Proposed Revenue	\$664,138.00	\$443,000.00
Water Fund Reserve		
<u>Sewer Fund Reserve</u>		
Total Means of Finance	\$664,138.00	\$443,000.00

Section IV. The Finance Officer is directed to certify the maximum tax levy as made in this Ordinance to the County Auditor.

Roll Call Vote:

Ayes: Jatón, Mohr, Cimpl, Slaba, Abdouch

Nays: None

Absent: Niehus

Motion passed by a unanimous vote on its first reading.

1st Reading: September 4, 2024

1st Publication: September 11, 2024

2nd Reading: September 17, 2024

2nd Publication: September 25, 2024

Tammy Thornton, Mayor

ATTEST:

Debbra Houseman, City Administrator/Finance Office

The next item on the agenda was the Second Reading of the amendment to the ETJ map removing 80 acres from the Southeast Corner of the Map. Mayor Thornton made a statement with regards to questioning the process that took place with the proposed changes to the ETJ Map. She felt that the Planning and Zoning Board was unprepared to make a decision, and that the process had been fast tracked and that there had been errors in the Legal description. Thornton Stated that she had reached out to Richardson Law Office and the recommendation from them was to start the process over, to avoid any challenges.

Planning and Zoning Administrator Alexander stated that she had been left out of the process and that she does not believe the process was followed correctly.

Houseman stated that at the City Council Meeting on August 5, 2024, timelines were discussed with regards to the process if the removal of the property. At the meeting Jatón had asked if there was any way to hear the request the Meeting Scheduled for September 4, 2024, since it was determined that Planning and Zoning would hear the request on August 26, 2024. Houseman then stated that she deferred to the city attorney with regards whether the public notice for the council could be published before the Planning/Zoning ETJ Board Meeting. The Attorney had said yes that that could happen and be within the law.

Barret also stated that the errors in the legal description were acknowledged and explained and referred to case law which supports his statement. He also stated that there is no requirement under the law to publish the legal description so an error in the publication would not nullify what has taken place. Barret stated that he did not believe that anything had been left out of the process.

Mohr stated that he also had concerns with regards to the process and he felt it should be started over. Motion by Mohr to not approve the second reading and start the process of the removal of the 80 acres from the beginning. Mayor Thornton called three times for a second to Mohr's motion. The Motion died for lack of a second.

Mayor Thornton called for a motion to adjourn.

Slaba stated that she did not think the council should adjourn without addressing the 2nd Reading of the change to the ETJ Map.

Mayor Thornton stated that she wanted it on Record that she does not support this action of the Council.

Ordinance No. 2024-005 The 2nd Reading Ordinance #2024-005 of Chapter 3 Section 303 Zoning Map Changes Excluding the 80 acres described as Lots 1398 and 1399 ex the Brewster, Tract 1 being part of Lot 1399, and Brewster Tract 1 being part of Lot 1399. Also Described as: All in the south one half of the Southeast Quarter of Section 10 township 95N, range 63 west of the 5th PM, Charles Mix County, South Dakota 80 acres more or less. Was held. The map is available for viewing at the City Hall. Motion by Jatón, second by Slaba to accept the Second Reading of Ordinance #2024-005 the 80 acres described as Lots 1398 and 1399 ex Brewster Tract 1 being part of 1399 and Brewster Tract 1 being part of Lot 1399. Also Described as: All in the south one half of the Southeast Quarter of Section 10 township 95N, range 63 west of the 5th PM, Charles Mix County, South Dakota 80 acres more or less. To Read as follows:

Ordinance#2024-005

An ordinance amending the City of Wagner Zoning Ordinance

Chapter 3, Section 303 Zoning Map Changes

On this 17th Day of September, 2024, by official action of the City Council, the following change(s) were made to the Official Zoning Map: the change is described as follows:

- S ½ Sections 27 and 28; Sections 32, 33, 34, 35 T 96N R 63W (Bryan Township) Charles Mix County, South Dakota.
- Sections 2, 3, 4, 5, 8, 9, 10; T 95N R 63W (Lawrence Township) Charles Mix County, South Dakota. Excluding the 80 acres legally described as Lots 1398-1399 ex Brewster Tract 1 being part of Lot 1399 and Brewster Tract 1 being part of Lot 1399 in Section 10 of Township 95 North, Range 63 West within Lawrence Township.

Roll Call:

Nay: Mohr

Ayes: Jatton, Slaba, Cimpl,

Absent: Niehus

Abstained: Abdouch

1st Reading: September 4, 2024

2nd Reading: September 16, 2024

1st Publication: September 11, 2024

2nd Publication: September 25, 2024

This Ordinance Change shall be effective 20 Days after publication.

Tammy Thornton, Mayor

ATTEST:

Debbra J. Houseman, City Administrator/Finance Officer

Motion passed 3:1

Motion by Cimpl, second by Slaba to adjourn at 7:16 pm. All in favor, motion carried.

Tammy Thornton, Mayor

ATTEST:

Debbra J. Houseman, City Administrator/Finance Officer