

REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA, JUNE 25, 2024, AT 5:30 PM.

PURSUANT TO DUE CALL AND NOTICE THEREOF, a special meeting was held Tuesday, June 25, 2024, at City Hall at 5:30 pm. Present were Tammy Thornton-Mayor, City Administrator Debbra Houseman, City Attorney Beau Barrett, and Councilmen: Tom Abdouch, Dan Cimpl, Brenda Jatón and Taylor Mohr. Gene Niehus was present at 6:05 pm. Others present were Damon Griffith-Police Chief, Kesa Alexander-Planning and Zoning Administrator, Margaret Doom-Wagner Area Growth, Marilee Krcil-Deputy Finance Officer, Matt Williams-Network Administrator, Gerrit Juffer, Micheal Soukup, Rita Remme, Allyssa Mathis, Sharon Haar, Mike Hubert, Laura Hubert, Jim Bastemeyer, Ken Thaler, Janet Lhotak, Josh Weichmann, Darcy Kaberna, Dana Sanderson, Ruth Bouza, Justin Bouza, Michelle Juffer, Gerrit Juffer, Tracy Leines, Brad Lhotak, Nathan Kafka, Gina Carda, Jamie Tjeerdsma, Carly Schoenfelder, Marla Hewitt, Janet Nedved, Tyler Koupal, Erika Kotab, Brad Lhotak, James Bechen, Cody Spreckles, Dana Spreckles, Steve Cotton, Jolene Stewart, Jeff Stewart, Arlis Kafka, Ron Kokesh, Chris Kokesh, Pat Belling, Amanda Bechen, Scott Doom and Doug Nedved.

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 for any agenda items. No conflicts were acknowledged.

The agenda was presented. Motion by Cimpl, second by Abdouch to approve the agenda as presented. All in favor, motion carried. Niehus absent

Mayor Thornton opened the floor for public comment. The following comments are summarized and are not a word for word dictation:

Rita Reme, stated that she lives within a mile of Wagner. She is concerned that the ETJ could affect her family farm.

Mike Hubert stated that the ETJ is here to protect the community from our modern development, manufacturing, infrastructure, and protect basically land water, air quality and noise pollution. It sounds like there are concerns with how it evolved and the particulars of it. There are some frustrations but to repeal or eliminate it is not in the best interest of the community.

Jim Bastemeyer stated that he feels like the ETJ has gone too far with dictating what is allowed. Bastemeyer stated the ETJ is a must but is too regulatory and is killing the community. He stated that there is no construction or development.

Ken Thaler stated that he would like to remind everyone why the ETJ was created. It was created due to a need to protect the community regarding something that popped up around Wagner on the East side of town that created a lot of concern by the community and environmental issues were also a concern. Thaler stated that he has heard a lot of rumors etc with how things are being built, lot sizes. Thaler stated he didn't know what was true or false. Thaler recommended that the council should revisit the code. Thaler also stated that he begged the council not to repeal the ETJ. Thaler stated it would be a nightmare for the community if the ETJ was repealed and the City should work with what they have.

Janet Lhotak stated that she owns land within the ETJ and is concerned with regards to her son being able to build a home for his family. Lhotak stated that she is concerned that her son will not be able to move closer to town and build the type of home he wishes to build.

Brad Lhotak stated that he is affected by the ETJ. Lhotak feels that the ETJ shouldn't do thing to restrict growth. Lhotak is in favor of an update of what's been done. Everything is in place but be considerate of the town and the rural areas because this is an ag community.

Gina Carda appeared with concerns regarding the empty lot next to her. She would like to purchase it and stated she currently is mowing it. Carda does not think it makes sense for anyone else to own it adjoins her property and she'd like to add a garage.

Jamie Tjeerdsma stated that she agrees with the previous speakers. Tjeerdsma stated she believes zoning is important. She would like to see more representation on the from the members of the ETJ. She also asked the council to listen to the people who live in the ETJ when amending the Code.

Jolene Stewart stated that she has land in the ETJ. The ETJ has created hard feelings due to lack of transparency and created friction between community members. Stewart feels that the need for a permit to spread manure over their property for fertilizer on their property is ridiculous. Stewart stressed the council should rescind the ETJ.

Jeff Stewart stated that he lives in the ETJ. Stewart stated that the conditional uses are hindering what residents can do on their own property. Stewart stated that it seems like the zoning does not work. Stewart believes it is overkill on what was put in place. He also questioned whether it was done properly. Things have not been transparent.

Ron Kokesh stated he has farmed his entire life in the Wagner area. Kokesh basically questioned the process and how he would go forward with building a shouse on the property he owns. Houseman made explanation of the process.

Mayor Thornton asked if anyone else wished to address the council during public comment. No one came forward. Mayor Thornton closed the portion of public comment.

The Bills and Claims were reviewed. Motion by Mohr, second by Jatton to approve the payment of the following Bills and Claims:

Claims Presented for payment on June 24, 2024:

| Date | Vendor | Description | Amount |
|-------------|----------------------------------|---------------------------------|---------------|
| 6/24/2024 | Avera Health Plans | Health Insurance | \$ 12,184.89 |
| | Amazon Capital Services | Battery Backup for Pool Cameras | \$ 76.36 |
| | Bomgaars | Supplies | \$ 356.31 |
| | Bouza Construction | Supplies | \$ 678.56 |
| | Buches | Pool Concessions | \$ 21.98 |
| | Bures-Kronaizl Insurance | Notary Bond | \$ 50.00 |
| | C&B Operations Central Square | Parts for Payloader | \$ 294.76 |
| | Technologies | Police Technology | \$ 914.47 |
| | Charles Mix Electric Assn | Airport Electricity | \$ 285.33 |

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|--------------------------|---|-----------|------------------|
| Commercial State Bank | Petty Cash | \$ | 611.75 |
| Current Solutions | Replaced damage box at Airport | \$ | 2,961.23 |
| Den Herder Law Firm | Legal Fees Uniforms | \$ | 7,260.92 |
| Gall's LLC | Uniforms | \$ | 169.97 |
| Gerstner Oil Company | Gas for Shop | \$ | 1,216.46 |
| Internal Revenue Service | 941 filing | \$ | 3,607.37 |
| Intoximeters | Breathalyzer Supplies | \$ | 650.00 |
| J&J Sanitation | Garbage service | \$ | 1,348.75 |
| King Koin Laundry | Rugs for Office building | \$ | 172.50 |
| Leaf | Copier Machine | \$ | 368.61 |
| Little Raiders Pee Wees | Peewees Midgets \$500 donation for each group | \$ | 1,500.00 |
| Matt Foley | Return Deposit from 105 SE East Ave | \$ | 51.19 |
| Northwestern Energy | Electricity | \$ | 94.76 |
| Office Products Center | Sienna's Notary Stamp | \$ | 53.30 |
| Pamela Ashes | Return Water Deposit on 409 SE Second Street | \$ | 150.00 |
| Titan Machinery | Lagoon Chisel | \$ | 18.40 |
| Valley Pump Casino | Fuel | \$ | 37.01 |
| Van Diest Supply Company | Mosquito Control Supplies | \$ | 8,270.50 |
| Wagner Building Supply | Supplies | \$ | 1,191.56 |
| Wagner Super Foods | Supplies | \$ | 230.59 |
| Wholesale Supply Co | Pool Concessions | \$ | 838.05 |
| Yankton Janitorial | Cleaning Supplies | \$ | 266.40 |
| Total : | | \$ | 45,931.98 |

All in favor, motion carried. Niehus absent.

Gerrit Juffer was present to request the repeal of the ETJ. Juffer stated that the City needs to repeal the ETJ. Juffer stated that growth has been stifled and not growing. The ETJ is a deciding factor to halt growth for Wagner. The council took no action, and Mayor Thornton stated that the council will review the comments and consider all the information.

Gene Niehus present at 6:05 pm.

Arliss Kafka was present to request that the city allow her to move the Cancer Memorial at the Wagner Lake. Kafka stated that the organization will take care of demolition, reseeding and the installation at the new location. Kafka also stated that Missy Wunder and Deb Soulek's names will be located at the memorial. Motion by Mohr, second by Cimpl to approve moving the cancer ribbon to a new location which will be more visible. All in favor, motion carried.

Jamie Tjeerdsma was present to make a request that the council set a meeting with the park commissioners, the mayor and the pool committee to discuss next steps for the pool project. Tjeerdsma stated that the Pool committee has recently been awarded a \$12,000 grant from the Wagner Foundation and a \$200,000 grant from the Kirby Foundation.

Mayor Thornton asked the council if anyone had a recommendation to appoint a replacement for the council position vacated by Jamie Soukup's resignation. Jatón stated she would like to nominate Mieke Slaba. Mayor Thornton asked if there were any more nominations. There being none Mayor Thornton called for a motion to approve the appoint of Mieke Slaba as a Ward III Alderman. Motion by Abdouch, second by Niehus to nominate Mieke Slaba to fulfill the Ward III Council position. All in favor, motion carried.

A letter of resignation submitted by Jessa Doom was reviewed by the council. Motion by Mohr, second by Jatón to accept the resignation of Jessa Doom from the Planning and Zoning ETJ Board. All in favor, motion carried.

Approve Hiring a Police Officer and set Wage. Damon Griffith requested that the City of Wagner hire Robert Abdo Jr at \$24.00 per as a City of Wagner Police Officer. Motion by Cimpl, second by Abdouch, to approve hiring Robert Abdo Jr at \$24.00 per hour as a Wagner Police Officer.

Amend the HDR Contract for Extension of Service and fees. A request to amend the contract with HDR on the drainage project:

The amendment adds the fees for the following items. The initial contract for the drainage project was only for design. The amendment is to cover: Pre-construction meeting, Shop drawing review, Construction observation, Develop pay requests, Develop change orders, Daily reports, Construction staking, As built, FEMA review fee of \$6,500. Wagner was unable to pay it electronically and directed HDR to pay and get reimbursed by the City.

Motion by Jatón, second by Mohr to approve the amendment to HDR's Contract for the completion of the drainage project. All in favor, motion carried.

Approve Hiring Lifeguard for Lessons and set Wage. Houseman informed the council that she has contacted Nevaeh Morgan, with regards to running a session of swimming lessons at the Wagner pool. The council would need to approve hiring Neveah Morgan and set her wage for lessons and as an on-call lifeguard. Motion by Mohr, second by Abdouch to approve hiring Nevaeh Morgan at \$20 per hour for swimming lessons and \$12.50 per hour for lifeguard on-call. All in favor, motion carried.

Motion to Adjourn. Motion to adjourn at 6:19 pm by Niehus, second by Abdouch. All in favor, motion carried.

Tammy Thornton, Mayor

ATTEST:

Debbra J. Houseman, City Administrator/Finance Officer