

REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA, JUNE 3, 2024, AT 7:00 PM.

PURSUANT TO DUE CALL AND NOTICE THEREOF, the regular June meeting was held Monday, June 3, 2024, at City Hall at 7:00 pm. Present were Tammy Thornton-Mayor, City Administrator Debra Houseman, City Attorney Beau Barrett, and Councilmen: Tom Abdouch, Gene Niehus, Dan Cimpl, Brenda Jatton and Taylor Mohr. Absent: Councilman Jamie Soukup. Others present were Mike Kazena- Public Works Director, Damon Griffith-Police Chief, Kesa Alexander-Planning and Zoning Administrator, Margaret Doom-Wagner Area Growth, Marilee Krcil-Deputy Finance Officer, Micheal Frei, Jim Bouza, Neil Von Eschen, Dave Brecke, Jim Eggers, Diane Von Eschen, Bryce Soukup, Colin Soukup, Sharon Haar, Sandy Seiner, Barb Wiechman, Mark Wiechman, Jerry Seiner, Linda Soukup, Dave Isebrands, Jacob Sonner, Gerrit Juffer, and Mike Frei.

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 Cimpl, second by Mohr to approve the agenda presented. All in favor, motion carried.

Minutes from May 6, 2024, and May 16, 2024, were reviewed. Motion by Jatton, second by Abdouch to approve the minutes from May 6, 2024, amending the following paragraph as stated below:

Motion by Cimpl, seconded by Abdouch, approve the Financial Statements presented for April 2024 as follows: Commercial State Bank General Checking Account Balance as of April 30, 2024, \$2,578,443.73, Wagner Library Account as of April 30, 2024, \$13,927.83, Wagner Lake Project \$1,513.30, City of Wagner Water Sewer Project Fund \$165,945.74, Commercial State Bank - CD \$400,424.21, CD \$398,865.85, CD \$343,058.05, First Dakota - CD \$204,495.10 and CD \$21,833.08. General Fund Expenditures for the month of April 30, 2024, \$149,206.08. General Fund Revenue for the month of April 30, 2024, \$165,913.94. Water Fund Expenditures for the month of April 30, 2024, \$34,453.99. Water Fund Revenue for the month of April 30, 2024, \$55,477.71. Sewer Fund Expenditures for the month of April 30, 2024, \$29,928.01. Sewer Fund Revenue as of April 30, 2024, \$31,781.84. All in favor, motion carried.

All in favor, motion carried.

The minutes from May 16, 2024, were reviewed. Motion by Niehus, second by Abdouch to approve the minutes from May 16, 2024. All in favor, motion carried.

The Financial Statements were reviewed by the council. Motion by Cimpl, seconded by Mohr, approve the Financial Statements presented for May 2024 as follows: Commercial State Bank General Checking Account Balance as of May 31, 2024, 2024, \$2,716,635.47, Wagner Library Account as of May 31, 2024, \$13,9978.94, Wagner Lake Project \$1,513.57, City of Wagner Water Sewer Project Fund \$167,216.92, Commercial State Bank - CD \$405,279.35, CD \$403,702.10, CD \$347,217.63, First Dakota - CD \$204,495.10 and CD \$21,833.08. General Fund Expenditures for the month of May 31, 2024, \$146,379.10. General Fund Revenue for the month of May 31, 2024,

\$332,133.33. Water Fund Expenditures for the month of May 31, 2024, \$43,924.32. Water Fund Revenue for the month of May 31, 2024, \$45,727.20. Sewer Fund Expenditures for the month of May 31, 2024, \$74,706.34. Sewer Fund Revenue as of May 31, 2024, \$31,976.57781.84. All in favor, motion carried.

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

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

Date:	Vendor	Description	Amount
5/10/2024	Commercial State Bank	Payroll Taxes 941	\$ 7,573.36
5/22/2024	Commercial State Bank	Payroll Taxes 941	\$ 8,068.94
5/15/2024	Commercial State Bank	Transfer to Project loan Reserve Fund	\$ 556.10
5/15/2024	Commercial State Bank	Transfer to Project loan Reserve Fund	\$ 457.40
5/15/2024	Commercial State Bank	Transfer to Project loan Reserve Fund	\$ 196.90
5/28/2024	Commercial State Bank	RTN Check Stephanie Cournoyer	\$ 92.63
5/24/2024	Commercial State Bank	Supp Payroll PP11 Taxes	\$ 268.04
5/15/2024	PSN	Fee for Credit Cards	\$ 89.95
5/15/2024	SD Retirement System	April 2024 contributions	\$ 8,767.18
5/24/2024	Avera Health Plans	June Health Premium	\$ 12,184.89
5/24/2024	Unum Life Insurance Company	Long Term Disability	\$ 405.30
5/24/2024	Colonial Life	Supp Insurance	\$ 799.32
5/24/2024	AFLAC	Supp Insurance	\$ 541.91
5/29/2024	SD Retirement System	Retirement	\$ 8,590.46
5/10/2024	Payroll	PP 10	\$ 24,063.45
5/24/2024	Payroll	PP 11	\$ 27,054.83
Total:			\$ 99,710.66

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

Claims Presented for payment June 2024:

Date	Vendor	Description	Amount
6/3/2024	Amazon Capital	Pool Supplies hoop and rescue tubes	\$ 439.99
	Amazon Capital	Rescue Tube	\$ 64.00
	Amsoil	Oil for Police Cars and Maintenance Vehicles	\$ 878.10
	AT&T Mobility	Cell phone	\$ 332.54
	Bomgaars	Supplies	\$ 156.91
	Century Link	Long Distance	\$ 75.77
	City of Wagner	Water Bills	\$ 983.59
	Clayton Rados	Return Deposit from Memorial Day Legion Rental	\$ 80.00
	Commercial State Bank	Police Department Charges	\$ 532.77
	Commercial State Bank	Supplies, Energize Exp MSFT Bill	\$ 1,593.80
	Commercial State Bank	Petty Cash	\$ 353.67

Companion Life Insurance Co.	Life Insurance	\$	151.20
Core & Main	Coupling	\$	236.77
Damon Griffith	Mileage to Deadwood for Chiefs Conference	\$	346.80
Debbra J. Houseman	Mileage to Spearfish for Finance Office School	\$	410.00
Eli Kuhlman	Return Deposit	\$	59.02
Ft Randall Telephone	Telephone, and Internet	\$	830.46
Friberg, Nelson, & Ask, LLP	Nuisance Issues	\$	280.00
Gayle Nyreen	Sewing Patches on Police uniforms	\$	48.00
Georgia K.R. Boyer	Refund Water Deposit	\$	59.54
Hawkins, Inc.	Pool Chemicals	\$	2,614.48
Helm's and Associates	Amendment	\$	6,948.83
John Otte	June 2024 Payment	\$	875.00
Ingram Library Service	Books	\$	153.72
Jack Uniforms	Uniforms for Sienna	\$	289.70
King Koin Laundry	Rugs	\$	86.25
Kyle Moos	Return Check for Malt Bev Application	\$	150.00
Northwestern Energy	Electricity	\$	11,047.74
Pechous Publications	Publications	\$	884.29
Pekas Septic	Baseball Field Septic	\$	180.00
Pheasants Industries	Summer Employee T-Shirts	\$	607.28
Pitney Bowes Purchase Power	Lease on Postage Machine	\$	172.11
Pitney Bowes Purchase Power	Refill Postage	\$	806.75
Randall Community Water	Water Usage for May 2024	\$	27,331.60
SD Dept of Transportation	Abrasive	\$	446.18
S&K Truck Repair & Wash	Oxygen for Welder	\$	180.54
Schoenfish & Co.	2021-22 Bi-annual Audit	\$	13,500.00
SD Dept of Health	Water Samples	\$	55.00
SD Dept of Ag. & Nat Resources	Drinking Water Fee	\$	600.00
Stems & Cells	Flowers for Admin Day	\$	63.72
Ultimate shine Car Wash	6 Car Washes	\$	72.00
Voyager Fleet Systems	Gas	\$	1,589.28
Wagner Beautification Comm	Flowers for City Property	\$	306.00
Wagner Building Supply	Supplies	\$	852.29
Wagner Girls Soft Ball	Annual Contribution	\$	1,500.00
Yankton Janitorial	Supplies	\$	266.40
		Total :	\$ 79,492.09

All in favor, motion carried.

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

Debbra Houseman, City Administrator was present to give the City Administrator Report. Houseman stated that the Pool was open for the season and that there is not a plan to be open on Sundays since average attendance ranged from 3-5 kids per day on Sundays. Houseman also informed the council that she will be attending Finance Officer School June 11-14, 2024. The

council was informed that Houseman and City Attorney Barret have been working on some Ordinance revisions. The council was also informed that Mayor Thornton and Houseman met with Schoenfish to go over the 2021-22 Audit.

Mike Kazena was present with his department report. Cimpl asked Kazena questions regarding the Scoreboard at McCormick Park. Kazena will look into a resolution to the issue.

Police Chief Damon Griffith with his department report. Cimpl asked Griffith thoughts regarding a public meeting to try to help with finding a resolution to the break in issues Wagner is currently facing. Jatón stated that she has been contacted by a member of the YST B&C inquiring about a meeting also.

Margaret Doom was present to give her report from Wagner Area Growth. Doom reminded everyone that the 605 Unity Jam is Sunday. Doom also stated that the Farmers Market will kick Off at that event. Doom stated that she has 1 of the Governor' Homes Sold and is still taking applications on the other one. Another project Doom is looking at is creating some green spaces on Main Street. Lastly, Doom informed the council that she had spoken to the Good Samaritan Center and was disappointed to hear that the bids came in higher than anticipated.

Jim Bouza and Neil Von Eschen spoke on behalf of the Charles Mix Historical Society to request that the council continue the financial support of \$5,000 when writing the 2025 Budget. Both shared progress made on the museum and what the future plans are. Motion by Jatón, second by Abdouch to approve the \$5,000 obligation for the 2025 Budget to the Charles Mix Historical Society.

A list of requests were reviewed regarding 2024 Labor Day. Motion by Niehus, second by Cimpl to approve the following road closure requests for the 2024 Labor Day Celebration:

Main Street for the Carnival	August 30-September 2, 2024
Birch Street from 3 rd Ave to 1 st Ave for the Kiddie Parade	August 30, 2024, 8:30 am -Noon
3 rd Ave from Walnut -Hickory, 2 nd Ave from Walnut to Hickory, Birch from Third Ave to Hwy 46, Sheridan from Hwy 46 to Railroad Street for the Parade.	September 2, 2024 8:00 am -Noon

And to authorize the use of the City Park for Festival in the Park, McCormick Park for the Rib Cook Off, Show & Shine, and Dock Dogs. Also, to authorize the use of Tables and Chairs from the Armory Building for the events. All in favor, motion carried.

Brice Soulek was present with a request to have The Fischer Farms Feed Lot removed from the ETJ boundaries. Soulek explained that he planned to purchase the property and put a 5,000 head cattle feeding operation in place there. Currently the use would not be allowed in the ETJ. Discussion followed regarding the manure management plan etc. Motion by Jatón, second by Niehus to direct the Planning and Zoning Administrator to move forward with presenting Brice Soukup's request to the Planning and Zoning, ETJ board for consideration with regards to amending the ETJ Boundaries to exclude the parcel with which the Feed lot property sits. All in favor, motion carried.

Discussion followed regarding rescinding the motion to demo the hangar known as the Kucera Hangar and to surplus that hangar for sale and land lease.

Gene Niehus stepped out at 8:15 pm returned at 8:19 pm.

Motion by Cimpl, second by Jatón to rescind the previous motion to demo the Kucera Hangar and surplus the Hangar for Sale and Land Lease. All in favor, motion carried.

Houseman informed the council that she had contacted DANR with regards to the replacement of the floor at Boys & Girls Club in the hallway. Houseman was informed that yes as long as the old flooring is not being removed there is no issue with the flooring project. Motion by Abdouch, second by Mohr to authorize ½ the expense of the flooring project. All in favor, motion carried.

The meeting time for July, August and September was discussed. Motion by Mohr, second by Niehus to set the meeting time for July, August and September for 6 pm. All in favor, motion carried.

Discussion followed regarding some nonresidents dumping during community clean up. The council discussed how to proceed as the event is paid for by the City of Wagner, so it is inappropriate for people from outside City limits to bring things in town to dump at the City's cost. Motion by Jatón, second by Mohr to bill the nonresidents who dumped in town for the City wide clean up day \$100 per load. All in favor, motion carried.

Jacob Sonne of SPN was present to discuss the drainage on Walnut Ave and to discuss the Walnut Ave project with regards to getting a date set for the bid letting. Motion by Cimpl, second by Niehus to authorize the advertisement for bids and set the bid letting date for July 9, 2024. All in favor, motion carried.

A request was reviewed from the W-Club for a donation to them. The council informed Houseman to continue this item to a later date.

A request for a donation to the Little Raider Pee-Wees and Midgets of \$1,500 was discussed. Motion by Mohr, second by Abdouch to approve a donation of \$1,500 to the Little Raiders Pee-Wees and Midgets teams. All in favor, motion carried.

Resignation letters were read from Eli Kuhlman, City Police Officer, Matt Foley, Maintenance Employee and Jamie Soukup, Ward III Alderman. Motion by Jatón, second by Cimpl to accept the resignation of Eli Kuhlman effective May 22, 2024, and Matt Foley effective May 31, 2024, thank them for their service with the City of Wagner and authorize the advertisement of the positions. All in favor, motion carried.

Motion by Abdouch, second by Mohr to accept the resignation of Jamie Soukup as Ward III Alderman and thank him for his service. All in favor, motion carried.

Discussion followed with regards to how the council will proceed with filling the empty council seat. The consensus was that the council will bring names forth at the Special meeting that will be set within the month of June.

A resolution to adopt a resolution to approve the City of Wagner comprehensive plan. Motion by Jatón, second by Mohr to approve Resolution #2024-003 a resolution to adopt the City of Wagner Comprehensive Plan to read as follows:

RESOLUTION 2024-003
CITY OF WAGNER
COMPREHENSIVE PLAN
RESOLUTION OF ADOPTION

WHEREAS, The Wagner City Council has acknowledged the receipt of recommendation from the Wagner Planning Commission proposing the adoption of a Comprehensive Plan; and

WHEREAS, The City of Wagner is required by South Dakota Codified Law to adopt a Comprehensive Plan prior to amending or adopting a zoning ordinance; and

WHEREAS, The Wagner city attorney has reviewed the plan and the City of Wagner has held the requisite public hearing and prior to adoption procedures; and

WHEREAS, the proposed plan will enable the Wagner Planning Commission and City Council to guide future land uses within the city limits of, and extraterritorial areas as allowed by SDCL 11-6, and allow for the enforcement and amendment of other land use regulations.

NOW THEREFORE, BE IT RESOLVED, that the Wagner City Council hereby adopts the Wagner Comprehensive plan pursuant to SDCL 11-6-14 and calls for the publication of a summary and notice of adoption pursuant to SDCL 9-19-7.

Dated this 3rd day of June, 2024.

Tammy Thornton

Mayor

SEAL

Debra Houseman

Finance Officer

All in favor, motion carried.

Motion by Abdouch, second by Cimpl to authorize the extension of services with Planning and Development District III for 2025 at the cost of \$3,463. All in favor, motion carried.

First Reading of Ordinance Amendment #2024-002 occurred. Motion by Niehus, second by Abdouch to accept the First Reading of Ordinance #2024-002 and Ordinance entitled Regular Meetings repealing previous Ordinance 1-2-1:

Ordinance #2024-002

AN ORDINANCE OF THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH
DAKOTA, REPEALING ORDINANCE 1-2-1, REGULAR MEETINGS.

1-2-1 Regular Meetings. The regular meetings of the City Council shall be held on the first Monday of each month, The time and place of regular meetings shall be established by resolution at the regular meeting in the month of May each year. The time and place established may be amended by motion at a regularly scheduled meeting of the City Council. In the event of inclement weather, the Mayor or Council President may cancel any regular or special meeting of the City Council. In the event of a regular or special meeting is canceled, public notice shall be provided in accordance with state law. It shall be deemed sufficient notice that a regular or special meeting of the City Council has been cancelled by television or radio announcements stating that the said regular or special meetings of the City Council is cancelled due to inclement weather and has been rescheduled to a different date and time.

1st Reading : June 3, 2024

2nd Reading:

1st Publication: June 12, 2024

2nd Publication:

Roll Call Vote:

Ayes: Niehus, Abdouch, Cimpl, Mohr, Jatou

Nays: None

Absent: None

Ordinance #2024-002 passed by a unanimous vote on it's first reading.

First Reading of Ordinance Amendment #2024-003 occurred. Motion by Niehus, second by Abdouch to accept the First Reading of Ordinance #2024-003 and Ordinance entitled Commissioners repealing previous Ordinance 1-2-7:

Ordinance #2024-003

AN ORDINANCE OF THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH
DAKOTA, REPEALING ORDINANCE 1-2-7, COMMISSIONERS.

1-2-7 Commissioners. The Mayor, at the regular meeting of the City Council in May of each year, shall appoint Councilmembers to act as Commissioner of a Department of the City Government, such appointment shall be approved by the City Council. The members of the Council appointed shall be known as the commissioner and assistant commissioner. The commissioner and assistant may consult the City Administrator and Superintendent, or head of departments to which he is appointed, may assist in decision making on matters pertaining to the department a subject to the authority of the City Council, and may make reports to the City Council on matters of the Department. The Mayor may also appoint one Assistant Commissioner to each department subject to council approval, at the regular meeting in May each year, who is authorized to assist the Commissioner in any matter relating to the Department as may be assigned by the Commissioner or the Mayor.

1-2-7.1 Departments of City Government. The Department of City Government are as follows:

- Water Department
- Street Department
- Police Department
- Parks, Recreation & Library Department
- Airport, Buildings, Liquor & City Leases Department
- City Administration

1st Reading: June 3, 2024

2nd Reading:

1st Publication: June 12, 2024

2nd Publication:

Roll Call Vote:

Ayes: Niehus, Abdouch, Cimpl, Mohr, Jatou

Nays: None

Absent: None

Ordinance #2024-003 passed by a unanimous vote on it's first reading.

Motion by Abdouch, second by Mohr pass Resolution No. 2024-004 to increase the water and sewer rates for the City of Wagner the Resolution to read as follows:

RESOLUTION NO. 2024-004

WHEREAS, the City of Wagner, SD operates a water distribution system which is governed by City of Wagner Water Ordinance 2010-04, which is codified in Wagner Municipal Code section 7-1-20; and

WHEREAS, said Wagner Water Ordinance 2010-04 provides that the Wagner City Council can adjust and establish municipal water rates by resolution from time to time as circumstances may dictate; and

WHEREAS, the City of Wagner purchases all the water with which to stock its water distribution system pursuant to a contract that it maintains with Randall Community Water District, including what water rates the City of Wagner will pay to said Water District for water; and

WHEREAS, it is necessary for the City of Wagner to pass this increase on to its residential and commercial water users, therefore, be it

RESOLVED, that the City of Wagner hereby raises all water rates as follows:
All water users shall pay the following water service minimum charge per month:

- A. Five-eighths inch (5/8") through one inch (1") meter = \$26.75 per month;
- B. One and one-half inch (1½") meter = \$31.12 per month;
- C. Two inch (2") meter = \$43.03 per month;
- D. Two inch (2") compound meter = \$ 48.95 per month;
- E. Three inch (3") meter = \$54.85 per month;
- F. Three inch (3") compound meter = \$ 60.78 per month; and
- G. Four inch (4") meter = \$66.72 per month.

That in addition to the above monthly minimum charge all water users shall pay the sum of Six Dollars and Fifty Cents (\$6.50) per thousand gallons of water used during each water billing cycle. This shall include all bulk water sales by the City of Wagner to any persons or entities.

ALSO, IT SHALL BE RESOLVED, that the City of Wagner Hereby raises all sewer rates as follows:

RATE SCHEDULE

Residential users are considered to be one class of user and are assessed a charge of 34.00 per month. Non-residential users with flows no greater than the average residential user's flow of 7200 gallons per month and with BOD and TSS no greater than the average residential user's strength of 200 ppm BOD and 220 ppm TSS will pay the same charge of \$34.00 per month as the average residential user.

Non-residential users with volumes greater than the average residential user will pay an additional charge of \$1.25 per 1000 gallons per month for all flows greater than the average residential user's flow of 7200 gallons per month.

Dated at Wagner, South Dakota, this 3RD day of June 2024

By: _____
Tammy Thornton, Mayor

ATTEST:

Debbra J. Houseman, Finance Officer

The council was informed that Presley Slaba will be a key carrier for the pool. Motion by Jatón, second by Abdouch to increase Presley Slaba's wage by \$.50 for being a key carrier. All in favor, motion carried.

Discussion followed regarding adjusting the City's part-time police wages. Motion by Niehus, second by Cimpl to increase the part-time police wage to \$25 per hour retro-active to April 1, 2024. All in favor, motion carried.

The 2021-22 Audit was reviewed. Motion by Jatón, second by Abdouch to accept the 2021-22 Audit. All in favor, motion carried.

Houseman informed the council that she and the City Attorney have started to review ordinances. Houseman asked that an Ordinance Review Committee be appointed. The following people were appointed: Jatón, Thornton, Houseman and Barrett.

Mohr 9:45 pm stepped out.
9:48 pm Mohr returned to meeting.
9:48 pm Niehus stepped out.
9:49 pm Niehus returned to the meeting.

Thornton asked if any council members were planning on attending the Elected Officials Workshop. Jatón will attend.

Mayor Thornton updated the council on the Energize Conference.

Motion by Mohr, second by Jatón to go into executive session for the purpose of litigation in accordance with SDCL 1-25-2 (3). All in favor, motion carried.

Mayor Thornton declared the council out of executive session at 10:13 pm.

Motion to adjourn the meeting at 10:15 pm by Jatou, second by Niehus. All in favor, motion carried.

Tammy Thornton, Mayor

ATTEST:

Debra J. Houseman, City Administrator