

**REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY,
SOUTH DAKOTA, October 7, 2024, AT 6:00 PM.**

PURSUANT TO DUE CALL AND NOTICE THEREOF, the regular October meeting was held Monday, September 4, 2024, at City Hall at 6:00 pm. Present were Tammy Thornton-Mayor, City Administrator Debbra Houseman, City Attorney Beau Barrett, and Councilmen: Tom Abdouch, Gene Niehus, Dan Cimpl, Taylor Mohr via Zoom, and Mieke Slaba via telephone and present in the room at 6:37 pm. Others present were Mike Kazena- Public Works Director, Damon Griffith-Police Chief, Margaret Doom-Wagner Area Growth, Alyssa Mathis, Kesa Alexander-Planning and Zoning Administrator, Matt Williams, Anne Podhradsky-City Librarian, Agnes Nedved, Judy Nedved, Janet Lhotak, Ken Thaler, Colleen Pesicka, Angie Fousek, Georgia Anderesh, Kevin Anderesh, Rita Remme, John Addy, Nathan Kafka, Troy Soukup, Nicole Kafka, Kyle Tjerdema.

Mayor Thornton called the meeting to order at 6:00 pm.

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. Tom Abdouch stated a conflict of interest regarding the Veto on the ETJ Boundary change.

The agenda was reviewed. Mayor Thornton asked if there were any additions to the agenda. Slaba stated that she would like a discussion regarding the location of the Buffalo to be placed at Wagner Lake added to the agenda. Mayor Thornton called for a motion to approve the agenda. Motion by Cimpl, second by Jatón to approve the agenda presented with the addition of the Buffalo location. All in favor, motion carried.

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

The minutes from September 4, 2024, Regular Meeting Minutes, the special meeting September 17, 2024, Special Meeting Minutes and the Board of Adjustment September 17, 2024. The minutes were reviewed.

Motion by Cimpl, second by Abdouch to approve the minutes from September 4, 2024, Regular Meeting Minutes, the Minutes from the Special Meeting September 17, 2024, with the amendment of Mohr being absent from the votes on Resolution No 2024-005, and the Board of Adjustment September 17, 2024. All in favor, motion carried.

The Financial Statements for the month of September 2024 were reviewed. Motion by Abdouch, second by Jatón to approve the financial statements for the month of September as follows: Commercial State Bank General Checking Account Balance as of September 30, 2024, \$2,649,993.28 Wagner Library Account balance as of September 30, 2024, \$14,038.99, Wagner Lake Project Account \$1,514.08, City of Wagner Water/Sewer Project account \$168,976.76, Commercial State Bank CD's \$410,193.36, \$351,427.64, \$408,193.36, First Dakota CD's \$204,495.10, and \$21,833.08. General Fund expenditures for the month of September 2024, \$105,192.42. General fund revenue for the month of September

2024, \$ 117,054.89 Water Fund Expenditure for the month of September, 2024 57,945.74, Water Fund Revenue for the month of September 2024, \$63,145.39. Sewer fund expenditures for the month of September 2024, \$30,061.79. Sewer fund revenue was \$41,874.24. All in favor, motion carried

The Bills and Claims were reviewed by the council. Motion by Niehus, second by Cimprl to approve payment of the following bills and claims:

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

| Date: | Vendor | Description | Amount |
|---------------|------------------------------------|--------------------------|---------------------|
| 9/25/2024 | Colonial Life | Supp Insurance | \$ 693.18 |
| 9/30/2024 | Commercial State Bank | RTN Check | \$ 94.90 |
| 9/24/2024 | Commercial State Bank | 941 Payroll Taxes PP 20 | \$ 7,187.65 |
| 9/11/2024 | Commercial State Bank | 941 Payroll Taxes PP 19 | \$ 8,863.01 |
| 9/30/2024 | Commercial State Bank | 941 Payroll CPR 3 | \$ 1,116.60 |
| 9/13/2024 | Payroll | PP 19 | \$ 26,930.13 |
| 9/27/2024 | Payroll | PP 20 | \$ 23,279.81 |
| 9/30/2024 | Council Payroll | CPR 3 | \$ 4,574.20 |
| 10/2/2024 | SD Employer's Reemployment Assist. | 3rd Qtr Contribution | \$ 244.73 |
| 10/2/2024 | SD Employer's Reemployment Assist. | 3rd Qtr - Pool Employees | \$ 106.93 |
| 9/30/2024 | SD Retirement System | Employers Contribution | \$ 8,992.70 |
| Total: | | | \$ 82,083.84 |

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

Claims Presented for payment on October 2024:

| Date | Vendor | Description | Amount |
|-------------|------------------------------|--|---------------|
| 10/7/2024 | American Fence Company | McCormick Field Fence | \$ 3,460.00 |
| | AT&T Mobility | Cell phones | \$ 338.84 |
| | Avera Health Plans | October Premium | \$ 10,933.14 |
| | Bomgaars | Supplies | \$ 467.08 |
| | Bouza Construction | Sloan Fluch O Meter | \$ 240.00 |
| | C&B Operations | Parts | \$ 63.82 |
| | Century Link | Long Distance | \$ 76.41 |
| | City of Wagner | Water Service | \$ 3,329.86 |
| | Commercial State Bank | Police and City Visa Bills | \$ 383.32 |
| | Companion Life Insurance Co. | Life Insurance | \$ 67.20 |
| | Dave's Service | Tire Repair | \$ 25.00 |
| | Debbra J. Houseman | Mileage and Meal Per Diem for Fall Conf. | \$ 217.20 |
| | Ft Randall Telephone | Telephone and Internet | \$ 855.06 |
| | Helm's & Associates | AWOS III Project | \$ 4,421.69 |

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|-------------------------------|---|----|-----------|
| Ingram Library Services | Books | \$ | 241.43 |
| J&J Sanitation | Sanitation Services | \$ | 1,161.81 |
| Johnson Controls Inc | Repairs to the Compressor at the Armory | \$ | 12,954.00 |
| King Koin Laundry | Rugs | \$ | 86.25 |
| Leaf | Copier machine Lease | \$ | 454.66 |
| Motorola Solutions | Police Radios | \$ | 17,039.80 |
| Northwestern Energy | Electricity | \$ | 8,573.32 |
| Pechous Publications LLC | Publishing Fees | \$ | 1,002.80 |
| Pekas Septic | Pumped Lift Station | \$ | 220.00 |
| Petrik Sanitation | 20 yd Roll Off | \$ | 405.50 |
| Pitney Bowes Purchase Power | Postage | \$ | 806.75 |
| PSN | Fee for Credit Card Payment Service | \$ | 89.95 |
| Quill Corporation | Libray Supplies | \$ | 49.73 |
| Randall Community Water Dist. | September Water Usage | \$ | 29,277.20 |
| Recreation Supply Co. | Baby Pool | \$ | 45.78 |
| Rog's Auto Inc. | Filters for the Police Durango's | \$ | 257.64 |
| Rog's Auto Inc. | 22 Trico Force Beam | \$ | 47.98 |
| Sandra Mills | Return Deposit at 304 SE Fifth ST | \$ | 91.95 |
| SD Dept of Health | Lagoon Samples | \$ | 30.00 |
| SPN & Associates | HWY 46 Water and Wastewater Project | \$ | 2,160.00 |
| Tammy Thornton | Per Diem for the Fall Conference | \$ | 60.00 |
| Two Way Solutions | Radio Repairs | \$ | 602.48 |
| USDA Rural Development | Loan Payment | \$ | 1,969.00 |
| USDA Rural Development | Loan Payment | \$ | 4,574.00 |
| USDA Rural Development | Loan Payment | \$ | 5,561.00 |
| US Bank Trust | Loan Payment | \$ | 2,358.30 |
| US Bank Trust | Loan Payment | \$ | 1,458.33 |
| US Bank Trust | Loan Payment | \$ | 6,250.00 |
| Ultimate Shine | 2 Washes | \$ | 24.00 |
| Voyager Fleet Systems | Gas Purchase | \$ | 3,183.13 |
| Wagner Building & Supply | Supplies | \$ | 203.93 |
| Yankton Janitorial | Supplies for Cleaning | \$ | 234.70 |

Total : \$ 126,354.04

All in favor, motion carried.

Houseman was present to give the City Administrator's Report. Houseman reported that the drainage project on South Main is 99% complete. It was stated that the guys were able to purchase the fence cheaper than initially quoted. Houseman informed the council that the maintenance crew have been getting the fence up at McCormick Park and are almost complete with the replacement. Houseman mentioned IM 28 and stated that the recourse of that initiative passing will be detrimental to the City Budget. Houseman informed the council that Matt Yost had brought in an easement with SD DOT on the Armory property and the school would be forwarding the easement payment to the City. The council

was also informed that the City is the recipient of a Community facilities grant in the amount of \$44,000 to assist the purchase of a police vehicle and technology for the vehicles.

Matt Williams reported that he is working with Dakota State University to do the cybersecurity audit for the City. Williams also stated that he has been working with the Library on the internet policy, and on making sure all the filters are in place for the computers at the library.

Mike Kazena, Public Works Director was present with the Public Works Report. Kazena stated that they finished the McCormick Park fence that afternoon, the maintenance crew had gotten the Pickle Ball stencil painted on the tennis court and the nets are loosened and ready for play.

Damon Griffith was present with Police report. Griffith stated that the application for the highway safety grant was denied, due to the city being unable to utilize last year's grant.

Margaret Doom was present to give the report for Wagner Area Growth. Doom reported on the results of the community survey, which for the most part the perception of the Community is good. The survey also supported the need for housing. Doom stated that she will be doing a wrap up on the survey comments and sharing the info with the stakeholders. Doom stated that Farmer's Market has wrapped up for the year. Doom shared information regarding a GOED Grant Project regarding a plan for an Industrial Park.

Kesa Alexander, Planning and Zoning Administrator was present. She had nothing to offer in addition to her written report. The council had no questions with regards to the report.'

Mayor Thornton reported that she will be attending the Fall Conference in Sioux Falls with Houseman and she will be attending the FEMA Conference in Dakota Dunes on October 16, 2024.

The council was informed that the Bulk Heads will not be ordered for the pool because these bulk heads will not serve the need of the swim team for the swim meets.

A list of properties in violation of the Property Maintenance Code were reviewed. Code Enforcement Officer Joel Johnson submitted the list after a review of properties. Johnson requested permission from the Council to move forward with action against the properties. Motion by Niehus, second by Cimprich to authorize Johnson to move forward with action against the properties listed in violation. All in favor, motion carried.

Angie Fousek was present to address the council regarding the grain piling at Fousek grain. It was explained to the council that there has been a few complaints from residents regarding the nuisance that the grain piling creates so close to a residential area. The property being addressed was recently purchased from the railroad, which the purchase would bring the property in zoned as Agricultural. This would be a conditional use of this property.

Slaba was absent at 6:36 pm

Slaba present in person at 6:37 pm.

The council was informed that the Fouseks's have applied for a conditional use to pile the grain. Discussion was held.

John Addy a concerned citizen stated that there is an agreement stating that there should be no storing on the ground.

Cimpl stated that there is no way to remove the grain at this point this year. Niehus stated that this is a farming community, and the city needs to support what they can. Cimpl stated that a plan for next year needs to get negotiated in the season to avoid this situation in the future. Cimpl suggested the racetrack as a possible location next year.

An agreement between the City and the SD DOT with regards to the utility project the City is doing during the SD DOT project on Hwy 46 was reviewed. Motion by Cimpl, second by Slaba to approve the agreement between the State and the City and Authorize Mayor Thornton as the signatory on that document. All in favor, motion carried.

The renewal quote from SDPAA was reviewed. Motion by Cimpl, second by Slaba to accept the quote for renewal with SDPAA for Insurance coverage for the City of Wagner in the amount of \$58,505.52 for City Liability, and Airport Insurance \$4,186.00.

The quotes to renew a CD currently held with First Dakota Bank in the amount of \$209,612.99. Quotes from First Dakota and Commercial State Bank were received as follows:

First Dakota: 3 years at 3.5%, 2 years at 3.85% and 1 year at 4.25%.

Commercial State Bank: 3 years at 3.11 %, 2 years at 3.65% and 1 year at 4.15%

Motion by Abdouch, second by Jatton to approve the CD renewal of a \$209,612.99 CD with First Dakota Bank at the rate of 4.25 for the period of 1 year. All in favor, motion carried.

Propane Bids for 2024-25 Season were reviewed. Bids were submitted by CHS at \$1.30 per gallon and Best Propane at \$1.40 per gallon. Motion by Jatton, second by Niehus to approve the purchase of propane for the 2024-25 Propane season with CHS at the contracted amount of \$1.30 per gallon. All in favor, motion carried.

The council reviewed a quote to purchase a new lift station pump. The cost of the rebuild of the pump is \$1,925.00 and the cost of the new pump will be \$2,936.15. due to the cost comparison Kazena requested to purchase the new pump. Motion by Slaba, second by Cimpl to approve the purchase of a new pump at \$2,936.15. All in favor, motion carried.

Contracts from Maguire Iron were reviewed. A contract for work in 2024 in the amount of \$7,575.00 was reviewed to replace the existing overflow screen with a non-corrodible screen per state regulation. This work would be performed in 2024. The 2025 contract for \$98,916.00 is to perform a abrasive blast cleaning, apply one coat of zinc rich primer and epoxy to all the edges will be brushed on, and a finish coat of epoxy primer to finish the inside. Motion by Cimpl, second by Jatton to approve the 2024 contract of \$7,575.00 to replace the overflow screen on the water tower and to approve the 2025 contract for sandblast and painting of the inside of the water tower at the cost of \$98,916.00. All in favor, motion carried.

A request to enter a contract with the Charles Mix County Sheriffs Office for Dispatch services was discussed. The council was informed that the cost of utilizing the service the remainder of the year would be \$1,000.00 and for the 2025 year it would then be \$1,000 per each full-time employee which

would most likely be \$4,000-\$5,000 depending on our employment situation. The council discussed issues which the law enforcement has recently had to deal with due to the calls not transferring to the Police Cell Service. Motion by Abdouch, second by Slaba to approve entering into an agreement with Charles Mix County Law for Dispatch services beginning in October 2024 and to continue the service in 2025. All in favor, motion carried.

Discussion was held regarding a request for proposals regarding the moving of the fair grounds to any community with the most attractive proposal to build new facilities. The consensus of the council was that the Fair Grounds should stay in the county seat. Jatón stated that the City should make a statement in support of the grounds staying in Lake Andes.

The annual Trick or Treat on Main Street Event was discussed and the request to close Main Street from the Highway to the block ending at Wagner Theatre. Motion by Slaba, second by Jatón to approve closing Mainstreet for the event from the Highway to the Wagner Theatre on October 31, 2024. All in favor, motion carried.

A request to Close 2nd Street from Hickory to the Methodist Church parking Lot from 5pm to 8:30 pm by the Belling's was reviewed for their Trick or Treat event. Motion by Jatón, Second by Abdouch to approve the street closure on 2nd Street from Hickory to the Methodist Church Parking lot from 5:00 pm to 8:30 pm on October 31, 2024. All in favor, motion carried.

Houseman informed the council that she has spoken with Randall Community Water District regarding the billing for properties that the City does not hold the water service but provides the sewer service to the property. Motion by Cimpl, second by Slaba to allow Houseman to enter into a billing agreement on behalf of the City of Wagner with Randall Water regarding the sewer services that the City does not provide the water service. All in favor, motion carried.

A request to purchase a valve exerciser at the cost of \$2,699.00 was reviewed. Motion by Jatón, second by Niehus to approve the purchase of the valve exerciser at the cost of \$2,699.00. All in favor, motion carried.

The council reviewed the Internet Policy for the public library. The council was informed that the Library Board will approve the policy. The price quote for a new lease on the copy machines was reviewed. Motion by Jatón, second by Cimpl to approve entering into the new lease agreement for 2 copy machines with One Solution at the cost of \$342 per month for 63 months. All in favor, motion carried.

The council was informed that Dave Brecke has resigned from the Planning and Zoning Board. Motion by Niehus, second by Abdouch to accept the resignation of Dave Brecke from the Planning and Zoning Board. All in favor, motion carried.

Mayor Thornton presented Pet Kazena as a Planning Board Appointment. Motion by Abdouch, second by Jatón to approve the appointment of Pete Kazena to the Planning Board. All in favor, motion carried.

Motion by Cimpl, second by Jatón to go into executive session at 7:25 pm for the purpose of the threat 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 7:38 pm.

The Veto of the passage of 2nd Reading of Ordinance No. 2024-005 an Ordinance changing the ETJ Map as stated in Chapter 3 Section 303 Zoning Map Changes. Motion by Jatón, second by Niehus to overturn the Veto of the passage of 2nd Reading of Ordinance No. 2024-005 an Ordinance changing the ETJ Map as stated in Chapter 3 Section 303 Zoning Map Changes. Voting Aye: Jatón, Niehus, Cimpl, Slaba
Voting Nay: Mohr Abstaining: Abdouch

The location of the Buffalo at Wagner Lake was discussed. The Parks Commissioners were approached regarding moving the location to the South side of the Lake. Discussion was held and the council determined that the Buffalo location will be on the North side of the Lake.

Motion by Niehus, second by Abdouch to go into executive session at 7:51 pm for the purpose of the personnel/contract in accordance with SDCL 1-25-2(1). All in favor, motion carried.

Mayor Thornton declared the council out of executive session at 8:02 pm.

Motion by Cimpl, second by Abdouch to accept the resignation of Beau Barret as the City Attorney and direct Houseman to advertise for the position of City Attorney. All in favor, motion carried.

Motion by Niehus, second by Jatón to adjourn the meeting at 8:04 pm. All in favor, motion carried.

Tammy Thornton, Mayor

ATTEST:

Debbra Houseman, City Administrator/Finance Officer