

**REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY,
SOUTH DAKOTA, December 2, 2024, AT 6:00 PM.**

PURSUANT TO DUE CALL AND NOTICE THEREOF, the regular December meeting was held Monday, December 2, 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, Mieke Slaba and Brenda Jatón. Also, present were Damon Griffith-Police Chief, Margaret Doom-Wagner Area Growth,

Matt Williams, Kesa Alexander-Planning and Zoning Administrator, Alyssa Mathis, Erica Kotab, and Jamie Tjeerdsma.

Mayor Thornton called the meeting to order at 6:07 pm.

The Council stood and recited the Pledge of Allegiance.

Mayor Thornton asked for any declarations of conflict of interest. No one declared a conflict.

The agenda was reviewed. Mayor Thornton asked if there were any additions to the agenda. Motion by Jatón, second by Mohr to approve the agenda as presented. All in favor, motion carried.

Mayor Thornton opened the floor for public comment.

Jamie Tjeerdsma and Erica Kotab were present to comment regarding the pool fund raising. Tjeerdsma and Kotab stated that the fundraising has been going on for 5 years. Since the fundraising has begun the cost of the pool project has increased immensely. They stated that they understand that the City is making efforts to make the pool regulation size for swim team, but that they also think that the City continually putting band-aids on the pool, may leave an impression with the public that a new pool isn't a need. The Pool Committee is just hoping to get all parties involved on the same page moving forward towards the same goal.

There was no one else present for public comment. Mayor Thornton closed the floor for public comment.

Approval of the minutes from November 4, 2024, meeting. Motion by Niehus, second by Jatón to approve the minutes from the November 4, 2024, Regular Meeting. All in favor, motion carried.

The minutes from the November 12, 2024, Planning and Zoning Meeting were reviewed. Motion by Abdouch, second by Slaba to accept the minutes from the November 12, 2024, Planning and Zoning Meeting.

The Financial Statements were reviewed by the council. Motion by Cimpl, second by Mohr to approve the Financial Statements for the month of November 2024 as follows: Commercial State Bank General Checking Account Balance as of November 30, 2024, \$2,483,532.64, Account balance as of November 30, 2024: Wagner Library- \$14,057.28, Wagner Lake Project Account- \$1,514.35, City of Wagner Water/Sewer Project account- \$169,268.65, Commercial State Bank CD's \$415,166.45, \$355,688.70, \$398,865.85, First Dakota CD's \$204,495.10, and \$21,833.08. General Fund expenditures for the month of November 30, 2024, \$481,049.56. General fund revenue for the month of November 30, 2024,

\$342,195.46. Water Fund Expenditure for the month of November 30, 2024, \$48,622.31, Water Fund Revenue for the month of November 30, 2024, \$59,894.33. Sewer fund expenditures for the month of November 30, 2024, \$24,519.44. Sewer fund revenue was \$41,496.54. All in favor, motion carried.

The Bills and Claims were reviewed. Motion by Jatón, second by Cimpl to approve payment of the Bills and Claims presented:

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

Date:	Vendor	Description	Amount
11/13/2024	AFLAC	Supp Insurance	\$ 596.34
11/13/2024	Avera Health Plans	Health Insurance	\$ 21,868.28
11/13/202	Charles Mix Electric	Airport Electric	\$ 301.14
11/13/2024	Colonial Life	Supp Insurance	\$ 693.18
11/19/2024	Commercial State Bank	Payroll Taxes	\$ 7,543.19
11/7/2024	Commercial State Bank	Pay roll Taxes	\$ 7,449.02
11/25/2024	Commercial State Bank	Payroll Taxes	\$ 22.04
11/25/2024	Commercial State Bank	Payroll Taxes	\$ 97.58
11/13/2024	Debbra Houseman	Mileage to attend LET graduation	\$ 226.46
11/7/2024	H&W Contracting	Pay App 1 on Drainage Project	\$ 362,533.34
11/13/2024	J&J Sanitation	Sanitation fees	\$ 1,348.75
11/13/2024	LEAF	Copy Machine	\$ 357.18
11/8/2024	Payroll	PP 23	\$ 23,352.74
11/22/2024	Payroll	PP 24	\$ 24,251.28
Total:			\$ 450,640.52

The above warrants have been paid during the month of November 2024

Claims Presented for payment for the month of December 2024:

Date	Vendor	Description	Amount
12/2/2024	AT&T	Cell phone usage	\$ 339.29
	Bomgaars	Supplies	\$ 393.18
	Bouza Construction	Old Shop Heater and Ball Field	\$ 1,040.44
	Brinley Pickett	Return Deposit 143 NE South Park	\$ 139.68
	Century Link	Long Distance	\$ 78.22
	Charles Mix Co. Auditor	Return Armory Deposit	\$ 300.00
	CHS	Propane	\$ 208.00
	City of Wagner	Water Usage	\$ 516.40
	Cliff Johnson	Return Armory Deposit	\$ 300.00
	Commercial State Bank	Petty Cash	\$ 635.72
	Creative Organizational Design	Employee Attitude and Personality Test	\$ 35.00
	DK Flooring	Flooring in Entry Way	\$ 540.81
	Francis Cournoyer	Return Deposit 502 SE Third St	\$ 26.87
	Galls LLC	Uniforms	\$ 69.31

Helms & Associates	Airport AWOS	\$	4,234.39
Jack's Uniforms	Bullet Proof Vest for S.C.	\$	1,848.44
John Otte	December Contract	\$	875.00
King Koin Laundry	Rugs	\$	172.50
Northwestern Energy	Electricity	\$	10,071.07
Office Products Center	Supplies	\$	57.78
South Dakota 811	Locate Tickets	\$	50.40
Quill Corp	Library Supplies	\$	108.29
Quill Corp	Supplies	\$	498.97
Randall Community Water District	November 2024 Water Usage	\$	23,187.60
Rebecca Brunsing	Refund chair Rental Deposit	\$	50.00
Rog's Auto	Permatex Police Durango	\$	231.76
Rog's Auto	Parts Chevy Flatbed	\$	56.97
Rosebud Electric	Pole for Civil Defense Whistle	\$	1,000.00
SD Dept of Health	Lagoon Samples	\$	60.00
SD Municipal League	Conference Fee	\$	140.00
SD Rural Water	Conference fee	\$	325.00
Severson Oil & LP Co.	Maintenance on heater Leaking Oil	\$	251.02
Sienna Conlon	Postage	\$	11.95
Two Way Solutions	Install radios on Polce Cars	\$	407.49
Ultimate Shine Car Wash	Car Washes	\$	48.00
Voyager Fleet Systems	Gas Purchases	\$	1,777.33
Wagner Auto Supply	Water Pump Serp Belt, Antifre Yell Truck	\$	401.33
Wagner Auto Supply	Supplies	\$	42.57
Wagner Building & Supply	Supplies	\$	170.49
Wagner Super Foods	Supplies	\$	94.42
Walsh Polygraph	Background on Police Officer	\$	910.00
Westendorf Electric	Repair Baseball Lights	\$	3,042.55
Yankton Sioux Tribe Law Enf.	Vest	\$	1,250.00
Commercial State Bank	Visa	\$	1,400.78
Commercial State Bank	Visa	\$	25.49
Fort Randall Telephone Co.	Telephone and internet	\$	772.36
Pitney Bowes	Postage Meter	\$	172.11
Quill Corp	Supplies	\$	348.57
Thomson Reuters	Subscription	\$	107.20

Total : \$ 58,824.75

All in favor, motion carried.

Debbra Houseman, City Administrator stated that She has received a letter from Topkote notifying the City that their business is closing at the end of the year. She informed the council that she has included a letter from the Ministerial Association, and she informed the council that there is a meeting on December 11, 2024,

at 9:00 a.m. to discuss the Homeless situation. The council was also informed that the State OEM had approved the extension of the Period of Performance on the drainage project.

Matt Williams stated everything is working well so nothing to report.

Mike Kazena, Public Works Director was present for his departmental reports. Kazena stated that the pool drains were done, the guys have been busy getting ready for the cold weather and snow removal. Kazena asked if the council had any questions.

Police Chief Damon Griffith was present to answer questions regarding his department report. Chief Griffith reported that Officer Conlon has successfully completed LET. Griffith also stated that Jimmy Joe Wade Jr. started working on December 2, 2024.

Margaret Doom, Executive Director of Wagner Area Growth was present to report to the council. Doom stated that everything is ready to go for the parade of lights on December 6, 2024. Doom stated that there will be some pop ups on Friday, also some scenery around Main Street. Doom also stated that Santa will be visiting Wagner Main Street on Friday also. Doom also stated that the Stakeholder's meeting was great success.

Kesa Alexander, Planning and Zoning Administrator was present and stated that she has been busy helping get everything decorated. The Conditional Use application has been addressed. Alexander stated that she has been working on the ordinance book and zoning book. She has also been corresponding with Joel Johnson regarding the nuisance letters that have been issued. She also stated that she is working on the leases.

Mayor Thornton reported that the City will have an open house on Friday, December 6, 2024, from 2:00 pm-4:00 pm. Mayor Thornton stated that she hoped that some of the council could stop in and support the event.

The 1st Reading of Ordinance #2024-006 Special Bed, Booze and Ticket Sale Ordinance was held. Motion by Slaba, seconds by Mohr to approve the first reading of Ordinance #2024-006 Special Bed, Booze, and Ticket Sales Ordinance.

Ordinance #2024-006

SPECIAL BED, BOARD, BOOZE, AND TICKET SALES TAX

AN ORDINANCE IMPOSING A MUNICIPAL GROSS RECEIPTS TAX FOR THE MUNICIPALITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA. BE IT ORDAINED BY THE MUNICIPALITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA.

Section 1. PURPOSE. The purpose of this Ordinance is to provide additional needed revenue for the Municipality of Wagner, Charles Mix County, South Dakota, by imposing a municipal gross receipts tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52A, and acts amendatory thereto.

Section 2. EFFECTIVE DATE AND ENACTMENT OF TAX. From and after the first day of July 1, 2025, there is hereby imposed a municipal gross receipts tax of One Percent (1%) upon gross receipts from the sale

of leases or rentals of hotel, motel, campsites or other lodging accommodations within the municipality for periods if less than twenty-eight (28) consecutive days, the sale of alcoholic beverages as defined in SDCL 36-1-1, establishments where public is invited to eat, dine, or purchase and carry out prepared food for immediate consumption, and ticket sales or admissions to places of amusement, athletic and cultural events. The tax applies to the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Wagner, Charles Mix County, South Dakota who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

Section 3. COLLECTION. Such tax is levied pursuant to authorization granted by SDCL 10-52A and acts amendatory thereto and shall be collected by the South Dakota Department of Revenue in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue of the State of South Dakota shall lawfully prescribe.

Section 4. INTERPRETATION. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Section 5. USE OF REVENUE. Any revenues received under this ordinance may be used only for the purpose of land acquisition, architectural fees, construction costs, payment for civic center, auditoriums or athletic facility buildings, including the maintenance, staffing and operations of such facilities, and the promotion and advertising of the municipality, its facilities, attractions and activities.

Section 6. PENALTY. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor or and upon conviction shall be fined not more than \$2,000 or imprisoned in the municipal jail for 30 days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, are hereby authorized for the collection of these excise taxes by the Department of Revenue.

Section 7. SEPARABILITY. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstance shall not be affected thereby.

Dated this 2nd day of December 2024.

First Reading:

Ayes: Mohr, Jatton, Niehus, Cimpl, Slaba, Abdouch

Nays: None

Abstaining: None

1st Publication: December 11, 2024

Second Reading and Adoption:

Ayes:

Nays:

Abstaining:

2nd Publication:

Tammy Thornton, Mayor

ATTEST:

Debbra J. Houseman, City Administrator/Finance Officer

The council reviewed Pay App #1 for the AWOS System at the Airport. Motion by Niehus, second by Jatón to approve payment of Pay App #1 for the Airport AWOS System in the amount of \$111,791.68. All in favor, motion carried.

The City of Wagner's governing board held the first reading of the 2024

Supplemental Appropriation Ordinance No. 2024- 007. Motion by Jatón, second by Slaba to approve the 1st Reading of the Supplemental Appropriations #2024 – 007:

Ordinance No. 2024-007

SUPPLEMENTAL APPROPRIATIONS ORDINANCE

BE IT ORDAINED by the City of Wagner

that the sum is supplementally appropriated to meet the obligations of the municipality.

General Fund

E-101-41210	Mayor	\$	8,500.00
E-101-43100	Elections	\$	1,500.00
E-101-41410	Legal	\$	10,000.00
E-101-42900	Civil Defense	\$	2,500.00
E-101-43120	Streets	\$	250,000.00
E-101-43160	Street Lighting	\$	5,000.00
E-101-44130	Mosquito Control	\$	2,500.00
E-101-45660	Armory	\$	35,000.00
E-101-46300	HRC-Urban Redevelopment	\$	5,000.00
E-101-46520	Planning Zoning	\$	10,000.00

Jaton to grant December 23 in addition to the 24th and 25th for the Christmas Holiday. All in favor, motion carried.

Discussion was held regarding the Sanitation services contract with J&J Sanitation for 2025. Houseman informed the council that the increase is around \$40 per month. Motion by Abdouch, second by Slaba to approve the renewal of the J & J Sanitation Contract at the cost of \$1,381.12 per month. All in favor, motion carried.

Discussion was held regarding the search for a city attorney. Houseman will setup a time to meet with the 2 firms discussed.

Discuss Easement thru City Property for Access to Tim Lienes property and Glenn Scott's Shop. Houseman informed the council that Glen Scott has requested an easement to access his shop thru the City Lots to the South of his shop property. The council was informed the Tim Lienes also utilizes the same lot to access his property. Houseman, stated that she had spoken with Attorney Barret and they had thought that plotting an alley would be the best remedy. Discussion followed regarding who would pay for this process etc. The council was informed that it would be City expense. Motion by Cimpl, second by Slaba to deny the request for an easement and to block the current unauthorized access currently being utilized by both parties. All in favor, motion carried.

Houseman informed the council that she had neglected to list an executive session with regards to discussing the Sales Tax Contract. Houseman requested that the council move this item to the end of year meeting.

Permission to Advertise for an on-call employee for snow removal. Motion by Niehus, second by Jatón to authorize Houseman to advertise for an on-call snow removal position. All in favor, motion carried.

The council reviewed a request to extend the deadline to place the Buffalo at Wagner Lake to May 31, 2025. Motion by Jatón, second by Abdouch to extend the agreement to May 31, 2025, to place the Buffalo at Wagner Lake. All in favor, motion carried.

Kazena informed the council that he asked for a quote to fill in a wall to make the pool regulation length. Discussion followed regarding the impact on the City moving forward with the project. The consensus is to have a community stakeholder meeting with the vested parties to determine what the community wants. Motion by Mohr, second by Cimpl to continue the approval of the wall at the pool to the February 2025 Regular Meeting. All in favor, motion carried.

The council discussed the date for the End of the Year Meeting. The council set the end of the year meeting on December 16, 2024, at 5:30 pm.

The council was informed that due to Sienna Conlon's completion of LET School she becomes eligible for the LET Certification raise. Motion by Mohr, second by Abdouch to authorize a pay increase of \$1.00 per hour for Sienna Conlon increasing her hourly wage to \$25.50 per hour. All in favor, motion carried.

Discussion was held regarding the renewal of the Johnson Controls Service Agreement for the Armory. The Council reviewed the service Agreement with Johnson Controls. Motion by Slaba, second by Mohr to approve the agreement for services with Johnson controls at the Armory Building. All in favor, motion carried.

The council reviewed the 2025 dispatch Agreement with Charles Mix County Sheriff. Motion by Niehus, second by Jatón to approve the Dispatch Services for 2025. All in favor, motion carried.

Motion by Niehus, second by Abdouch to go into executive session for the purpose of security in accordance with SDCL 1-25-2 (6). All in favor, motion carried.

Mayor Thornton declared the council out of executive session at 7:55 pm.

Motion by Cimpl, second by Mohr to adjourn the meeting at 7:56 pm. All in favor, motion carried.

Tammy Thornton, Mayor

ATTEST:

Debbra Houseman, City Administrator/Finance Officer