THE MEETING OF THE COMMON COUNCIL OF THE CITY OF WAGNER, CHARLES MIX COUNTY, SOUTH DAKOTA

PURSUANT TO DUE CALL AND NOTICE THEREOF, the regular October meeting was held on Monday, October 7th, 2019 at City Hall at 7:00 pm. Present were: Present were: Mayor Donald R. Hosek, City Administrator/Finance Officer, Rebecca Brunsing, and the following councilpersons: Ron Cuka, Scott Honomichl, Tom F. Beeson, and John Tyler. Absent: Roger Schroeder. Calling in via conference call: City Attorney Ken Cotton.

The meeting was opened with the Pledge of Allegiance.

The conflict of interest declaration statement was recited. No conflicts were cited.

The meeting was called to order by the Mayor and called for the approval of the October agenda. A motion was made by Beeson, second by Tyler to approve the October agenda. Upon roll call vote being taken, the following voted aye: Tyler, Cuka, Honomichl and Beeson. The following voted nay: None. The following were absent: Schroeder. The following abstained: None. Motion carried.

Colby Kirwan took the oath of office for Ward II. A motion was made by Tyler, second by Honomichl, to approve the appointment of Colby Kirwan to Ward II. Upon roll call vote being taken, the following voted aye: Tyler, Cuka, Honomichl and Beeson. The following voted nay: None. The following were absent: Schroeder. The following abstained: None. Motion carried.

A motion as made by Cuka second by Beeson to approve the regular meeting minutes of September 4th, 2019. Upon roll call vote being taken, the following voted aye: Tyler, Cuka, Honomichl, Beeson and Kirwan. The following voted nay: None. The following were absent: Schroeder. The following abstained: None. Motion carried.

A motion was made by Tyler, second by Cuka to approve the special meeting minutes from September 9th, and September 16th, 2019. Upon roll call vote being taken, the following voted aye: Tyler, Cuka, Honomichl, Beeson and Kirwan. The following voted nay: None. The following were absent: Schroeder. The following abstained: None. Motion carried.

A motion was made by Beeson, second by Honomichl to approve the financial statements for September 2019 and the claims for October 2019. Upon roll call vote being taken, the following voted aye: Tyler, Cuka, Honomichl, Beeson and Kirwan. The following voted nay: None. The following were absent: Schroeder. The following abstained: None. Motion carried.

September Salaries: Administration--$4,375.00; Buildings--$1,818.59; Buildings-Armory--$1,371.91; Police--$25,188.45; Streets--$4,778.76; General Recreation--

$51.00; Parks--$1,907.50; Library--$3,662.40; HRC—Urban Redevelopment--$140.00; Water--$5,336.15; Sewer--$9,371.81; Withholding/Social Security--$13,797.95.

OCTOBER 2019 Claims

GENERAL

Audrey Petrik	prof fees	255.00
Card Services	registration	165.30
Century Link	phone	76.66
CME	electricity	262.24
CHS Inc	fuel	780.00
City of Wagner	water	651.54
Clearfield Welding	repairs	275.00
Colonial Life	insurance	113.38
Dave's Service	repair	20.00
DGR Engineering	prof fees	11,772.00
Econo Signs	supplies	167.76
Galls	supplies	24.81
Frieberg, Nelson & Ask	prof fees	614.75
Helms & Associates	prof fees	4,876.66
Ingram	supplies	232.09
Jack's Uniforms	supplies	440.55
John Otte	prof fees	875.00
King Koin	prof fees	182.50
Lighthouse Ministry	armory refund	200.00
Myers Sanitation	prof fees	1,995.00
One Office Solution	prof fees	127.03
Quill	supplies	153.84
Redwood Technology	supplies	465.75
Schweiss Bi-fold Doors	repair	4,052.43
Sioux Equipment	repair	812.85
The Road Guy Construction	chip sealing	49,569.31
Von Eschen Landscaping	prof fees	1,805.00
Wipf & Cotton	prof fees	700.00
Yankton Janitorial	supplies	288.80
Yankton Sioux Tribe	armory refund	300.00

WATER & SEWER

Alexis Dion	meter refund	25.32
Core & Main	supplies	1,100.83
Dakota Pump	repair	3,251.16
Jonathon Foster	meter refund	85.07
Pitney Bowes	prof fees	263.22
Randall Community Water	water	18,828.30
SD Dept of Health	prof fees	104.00

US Bank Trust	loan pymts	10,066.63
USDA-Rural Development	loan pymts	7,530.00

VARIED

AFLAC	insurance	494.46
AT&T	phone	268.21
Bomgaars	supplies	622.15
Commercial State Bank	petty cash	284.54
Companion Life Insur	insurance	72.80
Current Solutions	repairs	2,314.30
Fort Randall Telephone	phone	735.92
Leaf	prof fees	114.25
Northwestern Energy	electricity	8,729.68
Voyager	gasoline	1,486.91
Wagner Building & Supply	supplies	980.96

Department reports were given by Mike Jansen, Chip Petrik, and Rebecca Brunsing.

PUBLIC COMMENT: Public Comments will offer the opportunity for anyone not listed on the agenda to speak to the city council. Speaking time will be limited to 3 minutes. No action will be taken on questions or items not on the agenda. Robert Stock was present to discuss water problems in his alley, mosquitoes and the parks and recreation department mowing. Jerome Fischer was present to offer his opinion on the flooding issues.

OLD BUSINESS

Last month, Rich Dufer was present concerning the heavy rains this spring and this past month. He asked if there is anything the city can do to alleviate the backing up of water that is coming in from the west side of town to make it flow faster through town. It was discussed last month that the city had the flood plain maps updated a couple of years ago and will check into those documents.

The engineer was contacted that conducted the floodplain/floodway survey. He suggested that the city contact FEMA and request digital maps and files so they could be evaluated to see if anything can be changed or added to increase the volume of water flowing through the south part of Wagner. FEMA was contacted and the digital maps were requested. It will take two to three weeks for the files to be delivered. Once they are, they will be forwarded to the city's engineer for evaluation. There will be another meeting with the engineers and the public to discuss possible solutions.

Rich and Gena Dufer, as well as other concerned citizens were present to express their concerns. This item will be discussed again once the information is obtained from FEMA.

NEW BUSINESS

Dave Woods was present to discuss a grant that Rotary received for a shade shelter for a baseball field at Hennies Field and a proposal for work to be done to improve the field. He proposes a new shade shelter, new chain link fence, new dugouts, and installation of drain tile and placement of agrilime for the filed. Mr. Woods has donated labor and materials for the project. He asked if the city would be able to provide the agrilime. He is waiting for prices on that item. Discussion followed. A motion was made by Cuka, second by Tyler to approve the proposal of work to be done to the baseball field. Upon roll call vote being taken, the following voted aye: Tyler, Cuka, Honomichl, Beeson and Kirwan. The following voted nay: None. The following were absent: Schroeder. The following abstained: None. Motion carried.

RESOLUTION NO. 2019-11
TRANSPORTATION ALTERNATIVES PROGRAM

CITY OF WAGNER

WHEREAS the City of Wagner endorses the proposed Transportation Alternative Program application, which consists of improving pedestrian access between the Wagner Community School and the Boys & Girls Club in Wagner; and

WHEREAS the project will comply with all city planning and zoning requirements; and

WHEREAS the City of Wagner will assist the Wagner Committee in securing match funding, project coordination, and site maintenance.

NOW THEREFORE BE IT RESOLVED by the Wagner City Council that it will sponsor the Transportation Alternatives Program grant application; and

BE IT FURTHER RESOLVED that the City of Wagner will provide the administrative assistance needed to ensure compliance with all grant requirements.

Recorded this 7th day of October 2019.

_____
Donald R. Hosek, Mayor of Wagner

ATTEST:

_____

Rebecca Brunsing , City Finance Officer

A motion was made for the above resolution by Beeson, second by Tyler. Upon roll call vote being taken, those voting AYE: Tyler, Cuka, Beeson, Honomichl and Kirwan. Those voting NAY: None. Absent: None. Those abstaining: None. Motion carried. Thereupon the Mayor declared Resolution No. 2019-11 duly passed and adopted, affixed his signature thereto in approval thereof and directed the same to be published in the official newspaper.

There was discussion of trading in the tractor used at the lagoon for the one current under a one year lease with Marks Machinery. A motion was made by Beeson, second by Tyler to approve the trade in of 2002 Case IH JX65 two wheel drive, open station with a trade in value of $12,000.00 for a 2018 Case IH Farmall and Loader with bucket with front wheel assist for the ending purchase price of $33,500.00. Upon roll call vote being taken, those voting AYE: Tyler, Cuka, Beeson, Honomichl and Kirwan. Those voting NAY: None. Absent: None. Those abstaining: None. Motion carried.

A motion was made by Cuka, second by Honomichl to approve the amendment #1 lease, Maintenance and Use Agreement Between South Dakota Department of the Military, City of Wagner, and the Wagner Community School Dist. 11-4. Upon roll call vote being taken, those voting AYE: Tyler, Cuka, Beeson, Honomichl and Kirwan. Those voting NAY: None. Absent: None. Those abstaining: None. Motion carried

RESOLTUION 2019-12

A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF WAGNER.

WHEREAS, South Dakota Codified Laws (SDCL) Section § 1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforce a conflict of interest policy; and

NOW THEREFORE, BE IT RESOLVED, by the City of Wagner, that there is hereby established the following Conflict of Interest policy, which in its entirety reads as follows:

CITY OF WAGNER CONFLICT OF INTEREST POLICY
FOR ELECTED AND APPOINTED OFFICIALS

The City of Wagner seeks to prevent and avoid any conflicts of interest in the conduct of its business operations and to avoid the appearance of such conflicts to the public it serves. Each elected and appointed official has the duty to place the interests of the citizens of Wagner foremost in any dealings on behalf of the City and has a continuing

responsibility to comply with this Policy. This policy applies to any elected or appointed official who serves on the City Council, who serves on any board, committee, or commission of the City, or who is appointed to serve the City in any capacity pursuant to SDCL Chapter 9-14 (collectively referred to as "Official").

Conflicts of interest may exist when an Official, or an immediate family member of such Official, has a personal or financial interest clearly separate from that of the general public on a matter before the Official. An immediate family member for purposes of this policy is any person related to an Official within the first degree of consanguinity and includes a spouse, parent, child, grandparent, grandchild or an individual claimed by the Official or his/her spouse as a dependent for federal income tax purposes. Such conflicts of interest may be financial or personal, direct or indirect, and the existence of a conflict of interest is dependent upon the unique facts of a particular situation.

It is the policy of the City of Wagner to follow state law regarding conflicts of interest, and this policy is not intended to be stricter than the applicable requirements of state law. Generally, state law provides that an Official may not have a personal financial interest in any City transaction for the purchase of labor or services, materials or supplies, or real or personal property that belongs to the City. An exception to this general rule may apply if the transaction is reasonable and just, if the contract is made without fraud or deceit and if the Official discloses the conflict and recues himself/herself from participation in the decision for which there is a conflict of interest. These exceptions include the following:

(1) A contract for $5,000 or less;

(2) A contract awarded by competitive bidding procedures if more than one competitive bid is submitted or, if only one competitive bid is submitted, the procedures in SDCL 6-1-2.1 have been followed;

(3) A contract for professional services;

(4) A contract awarded off of the state contract list at the established price or less;

(5) A contract that does not require competitive bidding when there is no other source of supply or services and when the total of any such contracts does not exceed $50,000 for a public improvement or $25,000 for a contract for supplies or services; or

(6) A contract with an entity for which competitive bidding is not required unless the majority of the governing body are members or stockholders who collectively have a controlling interest, or any governing board Official is an officer or manager or such entity.

No Department Director who is authorized in his/her official capacity to sell or lease any property or to make any contract may be personally interested, directly or indirectly, in any such sale, lease, or contract.

Procedure When Conflicts of Interest Exist

If an Official who is a member of the City Council, or a board, committee, or commission has a disqualifying interest in a matter before the body on which the Official serves, he/she shall disclose the conflict to the body prior to its consideration of the matter. Once this disclosure is made, the Official shall not formally participate in the official discussion, any executive session, or any vote on the matter. If the Official has a conflict of interest in the matter and chooses to participate in the discussion, the Official should leave the dais and speak on the item from the audience as a member of the public.

If it is alleged that an Official has a disqualifying conflict of interest in a matter before the City Council, or a board, committee, or commission on which the Official serves, and if the Official does not voluntarily refrain from participating in the matter, then the Official may be disqualified from officially participating in consideration of the matter upon a two-thirds vote of the Council, board, committee, or commission on which the Official serves. The City Council, or a board, committee, or commission voting to disqualify such Official must make a specific finding of the disqualifying conflict of interest for which it has excluded the Official from participating in the matter under consideration. An Official disqualified in this manner may not participate in the official discussion, any executive session, or any vote on the matter.

If any Official desires assistance to determine if that Official, or another Official, has a disqualifying conflict of interest, the Official may request an advisory opinion from the City Attorney's Office. Such opinion shall be made available to all members of the City Council, or the board, committee, or commission about which the opinion is provided, but shall not be available for public inspection unless a majority of the members of the City Council or the board, committee, or commission to which the opinion is provided votes to make such opinion public.

DATED this 7th day of October, 2019.

CITY OF WAGNER

_____

Donald R Hosek, Mayor

ATTEST:

_____
Finance Officer

(SEAL)

A motion was made for the above resolution by Honomichl, second by Kirwan. Upon roll call vote being taken, those voting AYE: Tyler, Cuka, Beeson, Honomichl and Kirwan. Those voting NAY: None. Absent: None. Those abstaining: None. Motion carried. Thereupon the Mayor declared Resolution No. 2019-12 duly passed and adopted, affixed his signature thereto in approval thereof and directed the same to be published in the official newspaper.

City Attorney, Ken Cotton disconnected from the conference call.

EXECUTIVE SESSION

A motion was made by Tyler, second by Honomichl to enter into executive session at 8:20 pm for personnel pursuant to SDCL 1-25-2 (1), proprietary business SDCL 1-25-2 (5), and litigation SDCL 1-25-2 (3). All voted aye, motion carried.

The Mayor declared the council out of executive session at 8:33 pm.

A motion was made by Honomichl, second by Cuka to accept the resignation of Kenny Dilts as full-time police officer. All voted aye, motion carried.

A motion was made Honomichl, second by Tyler to adjourn the meeting at 8:34 pm. All voted aye, motion carried.

APPROVED _____
Donald R. Hosek, Mayor

Attest: _____
Rebecca Brunsing, Finance Officer

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