

Wall City Council Meeting
Community Center Meeting Room

August 15, 2024 6:30pm

Members present:

Mary Williams - Mayor
Rick Hustead - Councilman
Jerry Morgan - Councilman
Mike Anderson - Councilman
Zack Hoffman - Councilman
Dan Hauk - Councilman

Members absent:

Stan Anderson - Councilman

Others present:

Carolynn Anderson - Finance Officer
Garrett Bryan - Public Works Director
Katie Bruce - Chamber Director
Tim Hartmann (on Zoom) - KLJ Engineering
Jerry Mooney, Grant Holub, Cheryl Walker
Jennifer Sietsema, Alex Vonderau, Greta Work
w/Black Hills Council of Local Government
Gordy & Gina Kraut, Stephanie Trask
Kent Haag, Jay Hartley, Carol Hodge,
Dr Sally Crowser – Wall School Superintendent
Eric Hansen, Terry Mohr, Linda Hiltner
Justin Perkins – Wall Ambulance Director
Dawn Hilgenkamp, Liliya Stone

(All action taken in the following minutes carried by unanimous vote unless otherwise states)

Mayor Williams called the meeting to order at 6:42pm; roll call was taken, and a quorum was present.

Pledge of Allegiance was recited.

Tim Hartmann with KLJ Engineering entered the meeting at 6:48PM on Zoom.

Motion by Hustead, second by Hauk to adopt the agenda. Motion carried.

Councilman Hoffman declared a conflict of interest on item 21 regarding the SD DOT agreements.

Councilman M Anderson declared a conflict of interest on item 16 regarding the building permit at his residence.

Public hearing on proposed zoning ordinance:

- City attorney Trask advised the council of the need for 3 minutes for public comments as the council has not adopted a 2-minute time frame.
- Mayor Williams agreed to change the time allowed for public comments to 3 minutes.
- Jennifer Sietsema with Black Hills Council of Local Government gave her PowerPoint presentation to inform the public on the purpose of zoning ordinances.

Public comments:

- Jim Coats spoke about his time in Colorado and how he feels ignored by the council and the importance of more than one marijuana dispensary license issued in Wall. He would like less prejudice against marijuana smokers.
- Jerry Mooney commented that this proposed zoning ordinance puts us in line with what other cities across the state are following. He does not think the same people should be allowed on the council and on the planning and zoning committee.
- Gordy Kraut asked the council if the Echo Valley covenants supersede the zoning ordinance. Attorney Hagg commented that the covenants are governed by the HOA and not the council. The zoning ordinance would apply to anyone living in the city, for those living in Echo Valley it would be the responsibility of the homeowner to check the covenants of the HOA.
- Eric Hansen asked if there was anything extraordinary with this ordinance or if it was the same as any other city's ordinance. Jennifer from Black Hills Council advised all

ordinances are very specific to each municipality however it is a typical planning and zoning ordinance in administrative processes. Attorney Trask commented it is concerning that she has not been asked to review this.

- Linda Hiltner spoke and advised the council that although she is on the planning and zoning committee, she is speaking on behalf of herself and a concerned member of the community. She commented she feels this should not be adopted and should never have been started, it has cost \$30,000-40,000 of taxpayer's money and the old ordinances were fine. Jennifer from Black Hills Council advised the total was \$17,500.

Agenda Request - Rick Husted & Kent Hagg discussed the potential impact of the proposed zoning ordinance. Husted said he had personally retained Hagg to get advice on the ordinance and encourages the council to review the document thoroughly. Husted commented he is concerned about shifting the authority to the finance officer and the mayor instead of with the city council. He also commented that he feels there was inadequate public notice. Sietsema stated that the ordinance is well written and specific to what is permitted and allowed, those are the only permits the finance officer would be authorized to sign. Anything that is listed as permitted under review or conditional use would still need to go to the city council or P&Z, and this is a common practice.

Attorney Hagg spoke to the council and reiterated he was retained by Husted personally and not by the City of Wall. He advised we will be held to our ordinances legally and feels it would be hasty to pass the ordinance tonight. It was discussed that Attorney Trask would review the document over the next 30-60 days, with another public hearing to be scheduled. FO Anderson stated she wanted the council to be aware she is being put in a very bad position, as Attorney Hagg said, our ordinances are a legal document and right now we are not following them. So, going forward is she to follow our current ordinances or continue doing what has always been done in the past? She commented she is not comfortable doing it the way it has always been done, now that she knows the difference.

Motion by Husted, second by M Anderson to deny 1st reading of Ordinance 24-01 and send it back to P&Z so the attorney has time to review with no timeframe. Mayor Williams called for a roll call vote, M Anderson-yes. Hauk-no. Husted-yes. Morgan-No. Hoffman-No. Motion failed.

Motion by Hauk, second by Hoffman to approve 1st reading of Ordinance 24-01. Mayor Williams called for a roll call vote. M Anderson – No, Hauk-yes, Husted – No, Morgan – Yes. Hoffman – Yes. Motion carried.

Motion by Hoffman, second by Morgan to approve the minutes of the 8/1/2024 city council meeting. Motion carried.

Motion by Morgan, second by Hauk to approve the City of Wall, Fire Department, Library and Cemetery claims. Motion carried.

Tim Hartmann with KLJ Engineering gave an update on the 4th Ave project and a recommendation to approve pay request #7 to Hulstein Excavation. He said the project is at 90% completion. Jay Hartley with Hulstein Excavation gave an update on the work left to do and the road will open tomorrow evening.

Motion by Husted, second by Hoffman to approve Pay Request #6 to Hulstein Excavation Inc for \$278,811.77. Motion carried.

Review

- On-call schedule/Employee OT-sick-Vac report
- Sales Tax report
- Budget Reports

Visitors:

Liliya Stone introduced Justin Perkins as the new director for Wall Ambulance. Justin gave information on his background, and he is available for questions. July had 18 calls, 5 refusals, 8 transports, 5 rodeo standbys. Over \$2,200 was raised at the pancake feed during the rally and it was split with the fire department, this is an event they hope to do annually.

Gordy Kraut spoke to the council about liking the description next to the agenda requests so the public knows what will be discussed. He also commented there is a light pole behind his home in Echo Valley that he would like to either see turned off or if that is not possible then to have more lights put up so it can be used as a walking path.

Motion by M Anderson, second by Hoffman to approve a building permit for Matthew Anderson to pour a concrete slab at 508 Spur Drive. Motion carried.

Councilman Husted left the meeting at 8:55pm.

Motion by Hauk, second by Morgan to approve a building permit for Brennan Kjerstad to build a 60' by 80' detached garage at 1500 Concho Place pending PWD Bryan reviewing it meets the required setbacks. Motion carried.

Councilman Husted returned to the meeting at 8:59pm.

Motion by Hoffman, second by Morgan to approve a building permit for Mike Anderson to construct a building at 302 Kelly Ave. Motion carried with M Anderson abstaining from the vote.

Dr. Sally Crowser - Superintendent report:

- Everyone is invited to the Welcome Back picnic on August 26th at 5:00pm.
- There are four new teachers and one assistant principal.
- They are planning a ribbon cutting for Homecoming week at the CTE addition.
- They received a \$250,000 grant for CTE wing equipment.
- Dr. Crowser is working on rebuilding the internship program and will be reaching out to community members to speak during class and will increase time blocks to 2 hours for internships.
- Requesting help from businesses who give Powerhouse memberships to employees, to remind them it closes at 10PM. There are currently people going in before 10PM and propping doors open and staying until 1-2AM. Some nights the doors are left open all night.

Katie Bruce - Chamber Director report:

- Presented council with July and August Community Center report.
- Floor in hall was stripped and refinished by Public Works, thank you for all their hard work.
- The Welcome Bikers promotion went well, Rally Rush t-shirts, stickers and koozies were given out and a pallet of free bottled water was given away at Badlands Harley. Thank you to the fire department for helping supply ice.
- Next board meeting September 6th at 7am and next Chamber luncheon September 11th at 12pm both at the Community Center.

Dawn Hilgenkamp – WEDC report:

- Next meeting is August 28th and there has been an application received for the director position.
- Quest site solutions did a tour of our town a few months ago and the report was done yesterday. This information will be beneficial in updating our Request for Information document.

The street committee met with SD DOT and will meet again regarding our maintenance and snow removal agreements. They will be updated and combined so it is a more workable and readable agreement.

The item regarding the Holub plat in Knapp 1st Addition was tabled and moved to the next meeting as the owner needed to leave.

Finance Officer (FO) Anderson report:

- Attended the taxation & revenue policy meeting and it was a beneficial meeting with most discussion being on IM28.
- Opposing IM28 was discussed, and FO Anderson explained other cities have passed a resolution opposing it and wanted the council to be aware. She will place it on the next meeting agenda.
- There will be additional costs for the 2023 audit as we received over \$750,000 of federal funds, therefore a single audit is required.

Public Works Director (PWD) Bryan report:

- The light pole behind Salty Steer is in the way and needs to be moved as it is being hit or the building is being hit. The cost to move is \$5,900. The owner is willing to help with expenses and will allow us to move it onto his property.
- Meeting with Sanders Sanitation is scheduled for August 22nd. Keiffer needs to finish two items at the transfer station before it can be switched over.
- There was a water main break on N Creighton Road. It is an old transit pipe and when the valve was shut down it caused the main to break. The old pipe will need to be replaced.
- The contractor that caused damage to the road by Wall Meats has agreed to repair it.
- The floor in the community center has been finished.
- Main street sidewalks and garbage cans were washed, and streets were swept.

Mayor's report

- The school plans on updating landscaping in the front circle drive and removal of trees causing visibility issues is needed. Williams would like to replant the trees on the west side of the park. The school would pay for the removal and the city would pay for the re-planting. A bid has been requested.
- There will be an Airport Steering Committee meeting August 22 as there has been interest in someone building a hangar.
- Yesterday the last governors house arrived and is available for purchase, as well as a stick built home available in Hansens' subdivision.

Motion by Husted, second by M Anderson to move into executive session at 9:49pm for the purpose of SDCL 1-25-2 (1). Motion carried.

Mayor Williams declared the meeting out of executive session at 10:21pm.

Next City Council Meeting will be September 5th, 2024, at 6:30pm.

With no further business to discuss, Mayor Williams declared the meeting adjourned at 10:22pm.

Mary Williams, Mayor

Carolynn Anderson, Finance Officer

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