

FORT PIERRE CITY COUNCIL  
REGULAR MEETING  
February 4, 2013

The regular meeting of the Fort Pierre City Council was called to order by Mayor Tidball at 7:30 pm. Members present for Roll Call were Bernhard, Cronin, Hanson, and Ricketts. Officials present were Cromwell, Heezen, Lawrence, and Thorson.

**Agenda.** Hanson moved and Bernhard seconded to approve the amended agenda. Motion passed on Voice Vote.

**Consent Calendar.** Bernhard moved and Cronin seconded to approve the following Consent Calendar items: 1/22/13 Minutes; Travel-Shannon Stewart-SD Rural Water Certified Operator Training-Feb 5th-7<sup>th</sup>-Sioux Falls. Motion passed on Voice Vote.

**Public Hearing-Petition to Vacate ROW-4 Caballeros.** Tidball opened the public hearing at 7:35 p.m. for the purpose of getting public input on the petition to vacate the ROW described as: a 20' wide alley spanning between Lots 16 through 18 and 19 through 24, all of Block 32, Original Townsite, City of Fort Pierre, Stanley County, South Dakota. The following resolution was presented:

**RESOLUTION NO. 2013-09**

**A RESOLUTION VACATING A 20' WIDE ALLEY SPANNING BETWEEN LOTS 16 THROUGH 18 AND 19 THROUGH 24, ALL OF BLOCK 32, ORIGINAL TOWNSITE, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA.**

**WHEREAS**, a petition to vacate a 20' wide alley spanning between Lots 16 through 18 and 19 through 24, all of Block 32, Original Townsite, having been signed by the property owner of all of that part of the street located in the City of Fort Pierre and as shown on Exhibit A.

Having been filed in the office of the Finance Officer, and

**WHEREAS**, the City Council has caused two public notices in The Capitol Journal, a legal newspaper in and for the County of Stanley, State of South Dakota, notifying the public that on February 4, 2013 at 7:35 p.m. the time and place, when and where said petition was heard and considered by the Fort Pierre City Council, at which time the City was to investigate, consider and hear the testimony of all parties interested, and

**WHEREAS**, the City Council determined at its regular meeting on the 4<sup>th</sup> day of February, 2013 at 7:35 p.m. that the public interest would be better served by such proposed vacation of the public right-of-way in question, now therefore

**BE IT RESOLVED AND ORDERED**, that the street in question being described as follows:

*20' wide alley spanning between Lots 16 through 18 and 19 through 24, all of Block 32, Original Townsite, City of Fort Pierre, Stanley County, South Dakota.*

Is hereby vacated pursuant to City Council's acceptance, which vacation shall take effect immediately and be subject to referendum as other resolutions pursuant to the South Dakota Compiled Laws of 1967, Chapter 9-45 as amended, now therefore

**BE IT FURTHER RESOLVED AND ORDERED**, that the City Finance Officer shall file for record and duly record such vacation in the office of the Register of Deeds of Stanley County of South Dakota.

Bernhard moved and Ricketts seconded to approve Resolution 2013-09 as presented pursuant to SDCL 9-45-12. Motion passed on Voice Vote. Hearing no additional comments, Tidball declared an end to the public hearing at 7:37 p.m.

**Ord 961 Q-6-106, Q-6-203, Q-6-206-second reading.** Ricketts moved and Hanson seconded to approve the second reading of Ord 961 adding mini-storage over 4,000 square feet to the conditional uses listed for Highway Commercial and clarifying in Q-6-106, Q-6-203, and Q-6-206 that the use is per zoning lot. Motion passed on Voice Vote.

**Temp Liquor Lic-Casey Tibbs Rodeo Center.** Cronin moved and Ricketts seconded to approve the temporary liquor license for Casey Tibbs Rodeo Center on Feb 26. Motion passed on Voice Vote.

**Resolution 2013-05 Plat of Lots TH-1, TH-2 and TH-3 Marion's Garden Subdivision.** The following resolution was considered:

**RESOLUTION NO. 2013-05**

**A RESOLUTION APPROVING THE PLAT OF LOTS TH-1, TH-2, AND TH-3, MARION’S SUBDIVISION BEING A REPLAT OF LOT 29R AND LOT 30, MARION’S GARDEN SUBDIVISION, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA**

**WHEREAS**, Cannon River Investments, Inc is the owner of record of the real property legally described as:

Lots TH-1, TH-2, and TH-3 Marion’s Garden Subdivision a replat of lot 29R and Lot 30, Marion’s Garden Subdivision, City of Fort Pierre, Stanley County, South Dakota, and

**WHEREAS**, the party has caused the same to be surveyed and re-platted, hereafter to be known as Lots TH-1, TH-2, and TH-3 Marion’s Garden Subdivision a replat of lot 29R and Lot 30, Marion’s Garden Subdivision, City of Fort Pierre, Stanley County, South Dakota, and

**WHEREAS**, the plat of the above described property has been executed according to statute, and

**BE IT RESOLVED**, that the City Council in and for the City of Fort Pierre, South Dakota does hereby approve said Plat Lots TH-1, TH-2, and TH-3 Marion’s Garden Subdivision a replat of lot 29R and Lot 30, Marion’s Garden Subdivision, City of Fort Pierre, Stanley County, South Dakota.

Ricketts moved and Bernhard seconded to approve Resolution 2013-05 as presented. Motion passed on Voice Vote.

**2013 Electric and Dray Licenses.** The following Electric and Dray Licenses were submitted to council for approval: Ferding Electric, Brad Clark Electric, Keller Electric, and Envirotech. Cronin moved and Hanson seconded to approve licenses presented. Motion passed on Voice Vote.

**Resolution 2013-06 Bad Debt.** The following Resolution was considered:

**RESOLUTION NO. 2013-06**

**A RESOLUTION TO AUTHORIZE THE FINANCE OFFICER TO ELIMINATE UTILITY ACCOUNTS OF THOSE WHO ARE DECEASED, PROTECTED FROM BANKRUPTCY OR THE CITY IS UNABLE TO COLLECT THE BALANCE DUE.**

**WHEREAS**, the following utility accounts have an unpaid balance due that is uncollectible,

NAME	BALANCE DUE	ACCOUNT	YEAR FINALED
FourBear, Jeff	55.09	09-00041460-11-6	1988
Red Bird, Carol	284.90	09-00032400-09-1	1988
Stover, Ben	292.48	09-00043330-04-0	1988
Contreras, Shana	249.21	09-00022184-02-4	1995
Shaw, Shane	72.36	09-00041260-01-5	1995
St. John, Bonnie	138.48	09-00021260-01-9	1995
Barrett, Michelle	100.84	09-00026518-01-8	1996
Carroll, Alice	141.55	09-00033070-02-2	1996
Foley, Mike & Jane	76.74	09-00041180-05-6	1996
Geddings, Duane & Cathy	182.66	09-00023490-03-6	1996
Liebig, Rick & Heidi	175.22	09-00031620-02-1	1996
Lyson, Matt	75.24	09-00041137-02-9	1996
Pownell, Mark	83.19	09-00022160-03-7	1996
Sanchez, Eddie J.	53.75	09-00021654-04-7	1996
Tople, Terri	110.91	09-00032540-03-2	1996
Carpenter, David	111.22	09-00042230-03-1	1997
Hedman/McPhee, Jamie	96.75	09-00042740-04-2	1997
Kemery, Wm. T. & Bonnie	42.05	09-00023550-02-8	1997
Manning, Tara	155.93	09-00033070-04-8	1997
Marquez, Jesse	35.28	09-00042670-03-1	1997
McIntire, Charles	110.93	09-00042700-04-0	1997
Pfister, Daniel	104.34	09-00021040-03-5	1997

February 4, 2013 Minutes

Bear Heels, Michelle	63.44	09-00021656-05-2	1998
Briley, Liberty	206.41	09-10041260-01-2	1998
Decker, Ray	92.80	09-00042420-01-6	1998
Frye, Janice & James	138.08	09-00021630-05-0	1998
Miller, Kathryn	205.64	09-00022188-03-1	1998
Rogers, Martin	22.25	09-00041430-13-3	1998
Andersen, Ricky L.	84.27	09-00041230-03-2	1999
Fanning, Larry	49.79	09-00033540-01-5	1999
Goebel, Kenneth W.	27.74	09-00021452-02-5	1999
Koeck, John J.	159.22	08-00031130-04-4	1999
Loudner, Clarence	249.34	09-00031360-03-5	1999
Medicine Eagle, Gabriel	46.50	09-00042670-09-9	1999
Scares Hawk, Steve	336.37	09-00023260-02-0	1999
Scheuermann, Susan	151.05	09-00031200-03-0	1999
White, Richard	324.81	09-00023260-03-3	1999
Big Crow, Stephanie	52.44	09-00041140-11-9	2000
Bruns, Harvey	129.77	09-10041138-06-9	2000
Burns, James	182.50	09-00021090-07-2	2000
Carroll, Mandee	218.53	09-00042080-05-8	2000
Classon, Rick & Linda	53.03	09-00025060-01-1	2000
James-EL, Clifford/Anitra	73.96	09-00032420-07-1	2000
Jones, Tony	84.29	09-00032420-08-4	2000
LongFox, Duane	50.55	09-00033480-04-9	2000
Neuhauser, Jessica	76.75	09-00032540-06-1	2000
Parsons, Bridget Lynne	263.24	09-00031620-08-9	2000
Schooler, Todd	173.42	09-00033090-03-1	2000
Smith, Tom & Tracy	147.11	09-00032020-01-5	2000
Williams, Judy	64.02	09-00021100-09-8	2000
Woolwine, Gene	103.83	09-00031130-07-4	2000
Abdo, Sandra	125.98	09-00022150-04-7	2001
Bond, Mitchell	221.13	09-00021030-04-5	2001
Dawson, Jerry	132.10	09-00041695-12-7	2001
Hale, Robert & Jennifer	47.79	09-00026508-06-0	2001
Howard, Chris	256.96	09-00023490-06-5	2001
Primeaux, Nora	85.71	09-00021100-11-1	2001
Waters, Darin & Tina	123.35	09-00021581-04-6	2001
Brown, Benny	122.15	09-00023570-03-7	2002
Castaway, Margaret	172.71	09-00033040-03-6	2002
Dean, Brenda	53.63	09-00041695-14-3	2002
High Bear, William	193.09	09-00042080-09-0	2002
Kern, Arlen	177.56	09-00041139-05-0	2002
Phillips, Clint	161.48	09-00021030-05-8	2002
Reum, Nichole	255.60	09-00021100-15-3	2002
Weddle, Marty R.	156.10	09-10041134-02-3	2002
Whitaker, Jr., Cody	63.09	09-00021659-13-6	2002
	8,928.70		

, and

**WHEREAS**, the above mentioned utility account owners are deceased, protected from Bankruptcy or the City is no longer able to collect the balance due, now therefore

**BE IT RESOLVED**, that the City Council, in and for the City of Fort Pierre, South Dakota, does hereby authorize the Finance Officer to eliminate the above mentioned utility accounts in their entirety effective February 4, 2013.

Bernhard moved and Hanson seconded to approve the Resolution 2013-06 as presented. Motion passed on Voice Vote.

**Resolution 2013-07 Plat of Lots 14A and 14B Vintage Square.** The following resolution was considered:

**RESOLUTION NO. 2013-07**

**A RESOLUTION APPROVING THE PLAT OF LOTS 14A AND 14B A REPLAT OF LOT 14, BLOCK 2, VINTAGE SQUARE ESTATES, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA**

**WHEREAS**, Barry Heiss and Kathleen Heiss are the owners of record of the real property legally described as:

Lots 14A and 14B a replat of Lot 14, Block 2, Vintage Square Estates, City of Fort Pierre, Stanley County, South Dakota, and

**WHEREAS**, the party has caused the same to be surveyed and re-platted, hereafter to be known as Lots 14A and 14B a replat of Lot 14, Block 2, Vintage Square Estates, City of Fort Pierre, Stanley County, South Dakota, and

**WHEREAS**, the plat of the above described property has been executed according to statute, and

**BE IT RESOLVED**, that the City Council in and for the City of Fort Pierre, South Dakota does hereby approve said Plat of Lots 14A and 14B a replat of Lot 14, Block 2, Vintage Square Estates, City of Fort Pierre, Stanley County, South Dakota.

Bernhard moved and Cronin seconded to approve Resolution 2013-07 as presented. Motion passed on Voice Vote.

**Resolution 2013-08 Plat of Lots 10R1 and 12R1 Vintage Square.** The following resolution was considered:  
**RESOLUTION NO. 2013-08**

**A RESOLUTION APPROVING THE PLAT OF LOTS 10R1 AND 12R1 A REPLAT OF LOT 12R OF LOTS 8R, 9R, 10R, 11R AND 12R, OF THE REPLAT OF LOTS 8, 9, 10, 11 AND 12, BLOCK 2, VINTAGE SQUARE ESTATES, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA**

**WHEREAS**, Barry Heiss and Kathleen Heiss are the owners of record of the real property legally described as:

Lots 10R1 and 12R1 a replat of Lot 12R of Lots 8R, 9R, 10R, 11R and 12R, of the replat of Lots 8, 9, 10, 11 and 12, Block 2, Vintage Square Estates, City of Fort Pierre, Stanley County, South Dakota, and

**WHEREAS**, the party has caused the same to be surveyed and re-platted, hereafter to be known as Lots 10R1 and 12R1 a replat of Lot 12R of Lots 8R, 9R, 10R, 11R and 12R, of the replat of Lots 8, 9, 10, 11 and 12, Block 2, Vintage Square Estates, City of Fort Pierre, Stanley County, South Dakota, and

**WHEREAS**, the plat of the above described property has been executed according to statute, and

**BE IT RESOLVED**, that the City Council in and for the City of Fort Pierre, South Dakota does hereby approve said Plat of Lots 10R1 and 12R1 a replat of Lot 12R of Lots 8R, 9R, 10R, 11R and 12R, of the replat of Lots 8, 9, 10, 11 and 12, Block 2, Vintage Square Estates, City of Fort Pierre, Stanley County, South Dakota.

Hanson moved and Bernhard seconded to approve Resolution 2013-08 as presented. Motion passed on Voice Vote.

**Claims.** The following claims were submitted:

Automatic Building Controls	340.00	S.D. Department of Revenue	264.00
Baumann Lumber	744.00	Sanitation Products	4,449.23
Central Caissons	330.00	Sanitation Products	939.18
Century Business Products	251.24	Small Engine House	60.19
CenturyLink	257.12	Stanley County	1,000.00
Christy Lumber	21.00	STRATA	843.00
Community Youth Involved	2,500.00	Sutley's Town and Ranch	17.98
Dickstein Shapiro LLP	2,096.29	Sutley's Town and Ranch	2.49
Eddie's Truck Center	197.72	Sutley's Town and Ranch	25.96
Eddie's Truck Center	9.58	Sutley's Town and Ranch	39.10
Fastenal Company	66.24	Sutley's Town and Ranch	30.03
Grossenburg Implement	32.29	Sutley's Town and Ranch	11.48
H&H Industries	330.80	Sutley's Town and Ranch	9.15
Inland Truck Parts		Sutley's Town and Ranch	

February 4, 2013 Minutes

	156.57		157.36
MicroFix	35.00	Sutley's Town and Ranch	7.94
Morris	71.28	Tieszen Law Office	468.75
Pollard Water.com	1,313.46	Tieszen Law Office	3,940.09
Running's Supply	75.62	Tim & Juanita Hughes	150.00
Running's Supply	146.36	West Central Electric Co- op	273.17
Running's Supply	149.98	West River International	55.73
Running's Supply	54.97	Western Communication	750.00
Running's Supply	49.99	WW Tire Service	101.00
Running's Supply	20.35	WW Tire Service	393.84
S.D. Arborists Association	70.00	Total	23,309.53

**Payroll Related:**

Avera	6,645.12	Office of Child Support Enforcement	447.00
American Family Insurance	572.66	Optilegra	93.64
City of Fort Pierre	102.00	Payroll 11/8 & 11/21	69,615.92
City of Fort Pierre	407.34	S.D. Retirement System	11,217.80
EFTPS - Internal Revenue Service	15,925.16	S.D. Supplemental Retirement Plan	2,550.00
Kansas City Life	74.36	Total	107,651.00

Cronin moved and Hanson seconded to pay the claims as submitted. Motion passed on Voice Vote.

**Reports.** 1.) Heezen reported that nominating petitions have been picked up by all three aldermen whose terms are expiring. Election is scheduled for 4/9/13. 2.) Lawrence reported that he met with Brosz and DENR regarding the dirt placed on lagoon berms. All visible foreign material needs removed, clay needs hauled in to be used as a barrier, and a fabric liner needs to be placed. 3.) Lawrence indicated that we started hauling in dirt from the county pit and Cody Briggs pit to Teton Island.

**Adjournment.** With no further business, Tidball declared the meeting adjourned at 8:02 p.m.

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Sam Tidball, Mayor

ATTEST:  
(SEAL)

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Roxanne Heezen, Finance Officer