

FORT PIERRE CITY COUNCIL
REGULAR MEETING
May 6, 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, Gabriel, Hanson, Rathbun, and Ricketts. Officials present were Cromwell, Heezen, Lawrence, and Thorson.

Agenda. Gabriel moved and Rathbun seconded to approve the agenda. Motion passed on Voice Vote.

Consent Calendar. Bernhard moved and Cronin seconded to approve the following Consent Calendar items: 4/15/13 Minutes; 4/15/13 Canvas Board Minutes. Motion passed on Voice Vote.

Public Hearing-Petition to Vacate ROW-Dakota Mill & Grain. 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: 20' wide alley located between lots 1 to 13 to the south and lots 16 to 28 to the north, Block 9, Original Townsite, City of Fort Pierre, Stanley County, South Dakota. The following resolution was presented:

RESOLUTION NO. 2013-14

A RESOLUTION VACATING A 20' WIDE ALLEY LOCATED BETWEEN LOTS 1 TO 13 TO THE SOUTH AND LOTS 16 TO 28 TO THE NORTH, BLOCK 49, ORIGINAL TOWNSITE, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA.

WHEREAS, a petition to vacate a 20' wide alley located between lots 1 to 13 to the south and lots 16 to 28 to the north, Block 49, 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 May 6, 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 6th day of May, 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 located between lots 1 to 13 to the south and lots 16 to 28 to the north, Block 49, 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.

Gabriel moved and Cronin seconded to approve Resolution 2013-14 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.

Public Hearing-Ord 962-Conditional Uses. Tidball opened the public hearing at 7:37 p.m. for the purpose of getting public input on Ord 962-Conditional Uses. The following ordinance was presented:

ORDINANCE NO. 962

AN ORDINANCE AMENDING ORDINANCE NO. 809, CHAPTER Q-6-106 AND Q-2-121, MODIFYING SECTIONS REGARDING CONDITIONAL USES AND CONITIONAL USE PERMITS.

BE IT ORDAINED by the City Council, in and for the City of Fort Pierre, South Dakota:

Section 1. That Ordinance No. 809 be amended in the following sections to read as displayed:

Q-6-106 CONDITIONAL USES

B. Automobile and boat sales, service & storage.

Q-2-121 CONDITIONAL USE PERMITS

F. Expiration of conditional use permit. A conditional use permit shall automatically expire if the use permitted has not been started within twelve (12) months or if the use permitted ceases for a period of twelve (12) months. However, a conditional use permit for a phased-in project may allow for an additional period of time for commencement of the permitted use, not to exceed thirty-six (36) months total, to be set by the City and specifically stated in the conditional use permit.

A conditional use permit may be approved for mixed business/residential use in a commercial district that may be transferable upon sale, provided, however, any such transfer is contingent upon written agreement by the purchaser to adhere to the terms of the conditional use permit. No modification to the conditional use permit will be allowed by the purchaser without following the procedures set forth for obtaining a conditional use permit.

Bernhard moved and Hanson seconded to approve Ordinance 962. Attorney McLean Thompson Kerver representing owners of Pizza Ranch and Perkins wanted to go on record opposing the proposed ordinance change. Roll Call Vote was taken with Bernhard, Hanson, and Rathbun voting Aye and Cronin, Gabriel, and Ricketts voting Nay. Mayor Tidball voted Aye to break the tie. Motion passed. Hearing no additional comments, Tidball declared an end to the public hearing at 7:55 p.m.

Appointment of Officials/Committees. Tidball appointed the following: Roxanne Heezen as Finance Officer; Brad Lawrence as Director of Public Works; Tieszen Law Office as Legal Counsel; Capital Journal as Official Newspaper; American State Bank as Official Depository; Finance Committee: Carl Rathbun, Todd Bernhard, Gloria Hanson, Roxanne Heezen, and Brad Lawrence; Park Committee: Larry Cronin, Kevin Gabriel, Carl Rathbun, and Brad Lawrence; Personnel Committee: Gloria Hanson, Todd Bernhard, Carl Rathbun, and Sam Tidball; Utility Committee: Kevin Gabriel, Robert Ricketts, Larry Cronin, Brad Lawrence, and Roxanne Heezen; Ambulance Committee: Larry Cronin; Transit Board, Todd Bernhard; Expo Steering Committee: Gloria Hanson; Law Enforcement: Robert Ricketts and Larry Cronin; Habitat Conservation Planning Process: Sam Tidball, Carl Rathbun, Leroy Foster, Ed Fogal, Barry Heiss, Mike Harrison, and Brad Lawrence; Fort Pierre Development Corp Representative: Carl Rathbun; BAA reappointments: Steve Brown, Mark Louder; P&Z reappointments: Robert Jeffries, Ron Schreiner, Jaci Keller; Teton Island Design Review Committee: Gloria Hanson, Carl Rathbun, Steve Hayes, Dennis Hanson, Dave Bonde, and Todd Bernhard. Cronin moved and Rathbun seconded to approve the appointments as appointed. Motion passed on Voice Vote.

Council President/Vice-President. Rathbun nominated Cronin as Council President. Ricketts moved and Hanson seconded to close nominations and cast a unanimous ballot for Cronin as Council President. Motion passed on Voice Vote. Rathbun nominated Bernhard as Council Vice-President and Cronin nominated Ricketts as Council Vice President. Cronin moved and Rathbun seconded to close nominations. Ballots were cast and Bernhard won 4-2 for Council Vice President.

Bids and Award-6th Ave Sewer-CDBG. The following bids were received for the 6th Ave Sanitary Sewer Project:

Morris Inc	205,385.00
Shovelhead Construction	122,631.00
Sharpe Enterprises	140,547.00

Ricketts moved and Cronin seconded to authorize awarding the project to the low bidder, Shovelhead Construction \$122,631.00, contingent on funding agency approval. Motion passed on Voice Vote.

Bid and Award-Electric Materials Bid. Ricketts moved and Bernhard seconded award the electric materials bid to the low bidder per line item(Border States line items 2E, 2L, 4, 6, 7, 9, 14, 15, 16, 17 for a total of \$45,127.71; RESCO line items 1, 1GS, 11, 12, 13 for a total of \$45,600.25; Irby line item 10 for a total of \$120; WESCO line items 3E, 3L, 5, 8 for a total of \$38,237.28) . Motion passed on Voice Vote.

Authorization to Advertise – Island Drive-Community Access Grant. Rathbun moved and Ricketts seconded to authorize advertising for bids on the Island Drive Project contingent upon funding agency approval of final plans and specs. Motion passed on Voice Vote.

Resolution 2013-12-Plat of Block 7. The following resolution was presented for the approval of Plat of Block 7:

RESOLUTION NO. 2013-12

A RESOLUTION APPROVING THE PLAT OF BLOCK 7, A REPLAT OF LOT 1 BLOCK 4, A PORTION OF LOT 2 BLOCK 4, LOTS 22 AND 23, BLOCK 3, AND A PORTION OF WHISPERING SHORES DRIVE, ALL IN VINTAGE SQUARE ESTATES, LOCATED IN RELICTED LOTS 1, 2, 3, AND THE NORTH PART OF LOT 4, AND GOVERNMENT LOTS 5 AND 6, AND THE NORTH 75 FEET OF LOT B, COMPTON-NEWMAN SECOND RIVER

SUBDIVISION, AND PORTIONS OF LEVEE STREET IN STANLEY TOWNSITE, ALL LYING IN THE NORTH HALF OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 31 EAST OF THE BLACK HILLS MERIDIAN, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA

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

A replat of Lot 1 Block 4, a Portion of Lot 2 Block 4, Lots 22 and 23, Block 3, and a Portion of Whispering Shores Drive, all in Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4, and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, 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 Block 7, A replat of Lot 1 Block 4, a Portion of Lot 2 Block 4, Lots 22 and 23, Block 3, and a Portion of Whispering Shores Drive, all in Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4, and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, 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 Block 7, a replat of Lot 1 Block 4, a Portion of Lot 2 Block 4, Lots 22 and 23, Block 3, and a Portion of Whispering Shores Drive, all in Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4, and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, South Dakota

Bernhard moved and Ricketts seconded to approve Resolution 2013-12 as presented. Motion passed on Voice Vote.

Resolution 2013-11-Plat of Mitigation Lot 1. The following resolution was presented for the approval of Plat of Mitigation Lot 1:

RESOLUTION NO. 2013-11

A RESOLUTION APPROVING THE PLAT OF MITIGATION LOT 1, LOCATED IN BLOCK 5 VINTAGE SQUARE ESTATES, LOCATED IN RELICTED LOTS 1, 2, 3, AND THE NORTH PART OF LOT 4, AND GOVERNMENT LOTS 5 AND 6, AND THE NORTH 75 FEET OF LOT B, COMPTON-NEWMAN SECOND RIVER SUBDIVISION, AND PORTIONS OF LEVEE STREET IN STANLEY TOWNSITE, ALL LYING IN THE NORTH HALF OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 31 EAST OF THE BLACK HILLS MERIDIAN, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA

WHEREAS, Barry Heiss and Kathleen L. Heiss are the owner of record of the real property legally described as:

Block 7, Mitigation Lot 1, located in Block 5 Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4, and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, 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 the Mitigation Lot 1, located in Block 5 Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4, and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, 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 Mitigation Lot 1, located in Block 5 Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4,

May 6, 2013 Minutes

and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, South Dakota.

Ricketts moved and Bernhard seconded to approve Resolution 2013-11 as presented. Motion passed on Voice Vote.

Executive Session. Rathbun moved and Hanson seconded to approve entering into Executive Session at 8:43 p.m. for the purpose of discussing legal matters in accordance to SDCL 1-25-2(3). Motion passed on Voice Vote. Tidball declared an end to the Executive Session at 9:08 p.m.

Resolution 2013-13-Plat of Riverwalk Landing. The following resolution was presented for the approval of Plat of Riverwalk Landing:

RESOLUTION NO. 2013-13

A RESOLUTION APPROVING THE PLAT OF LOTS 1, 2, 3, 4, AND 5, RIVERWALK LANDING, A REPLAT OF LOTS 7, 9, 11, 13, 15, 16, AND 17, TETON ISLAND ADDITION AND A VACATED PORTION OF LOT XX, A REPLAT OF TRACT 1C, TRACT 1D, AND LOT PR-2, BEING A SUBDIVISION OF LOT AS-1, A PORTION OF MARION ISLAND, LOT 1 OF GOVERNMENT LOT 6 IN SECTION 28, TOWNSHIP 5 NORTH, RANGE 31 EAST OF THE BLACK HILLS MERIDIAN, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA

WHEREAS, D. Mark Zarecky and Glennis P. Zarecky are the owners of record of the real property legally described as:

A replat of Lots 7, 9, 11, 13, 15, 16, and 17, Teton Island Addition and a Vacated Portion of Lot XX, a replat of Tract 1C, Tract 1D, and Lot PR-2, being a subdivision of Lot AS-1, a portion of Marion Island, Lot 1 of Government Lot 6 in Section 28, Township 5 North, Range 31 East of the Black Hills Meridian, 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 1, 2, 3, 4, and 5, Riverwalk Landing, a replat of Lots 7, 9, 11, 13, 15, 16, and 17, Teton Island Addition and a Vacated Portion of Lot XX, a replat of Tract 1C, Tract 1D, and Lot PR-2, being a subdivision of Lot AS-1, a portion of Marion Island, Lot 1 of Government Lot 6 in Section 28, Township 5 North, Range 31 East of the Black Hills Meridian, 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 1, 2, 3, 4, and 5, Riverwalk Landing, a replat of Lots 7, 9, 11, 13, 15, 16, and 17, Teton Island Addition and a Vacated Portion of Lot XX, a replat of Tract 1C, Tract 1D, and Lot PR-2, being a subdivision of Lot AS-1, a portion of Marion Island, Lot 1 of Government Lot 6 in Section 28, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, South Dakota.

Bernhard moved and Hanson seconded to defer action on Resolution 2013-13- Plat of Riverwalk Landing until a special council meeting set for May 8, 2013, at 5:00, allowing additional time for more information on building locations and elevations to be set in place. Motion passed on Voice Vote.

Conditional Use Permits-Riverwalk Landing. Bernhard moved and Hanson seconded to defer action on the conditional use permits for Riverwalk Landing until a special council meeting set for May 8, 2013 at 5:00 pm, allowing time for an agreement to be in place between Zarecky’s (Riverwalk Landing) and the Larson’s (Pizza Ranch) on the location of the buildings and elevations. Motion passed on Voice Vote.

Set Public Hearing-Ord 963-Lot Vacation and Lot Stability Requirements. Bernhard moved and Cronin seconded to set a public hearing on 5/20/13 at 7:35 pm for the purpose of getting public input on Ord 963-Lot Vacation and Lot Stability Requirements. Motion passed on Voice Vote.

Summer Employment. Bernhard moved and Ricketts seconded to approve the following staff for 2013 summer employment:

Tyler Hughes	9.50	Park	Allison Reiman	9.00	Lifeguard
Mike Schaefer	12.50	Park	Marli Masteller	9.00	Lifeguard
Cody LaCompte	11.50	Street	Lexi Lopour	8.50	Lifeguard

May 6, 2013 Minutes

Kaiden Karst	10.00	Water/Street Street	Wayde Wieczorek	8.00	Lifeguard
Scott Klemann	13.50	Sweeping	Carly Harrowa	8.00	Lifeguard
Jake Pearson	11.50	Street	Lee Thorson	9.00	Lifeguard
Lindsey Rogers-Manager	12.50	Pool Manager	Joyce Larsen	10.50	Museum Manager
Clayton Reinhard	10.25	Lifeguard	Patricia Sutton	9.50	Museum Attendant
Kenna Wieczorek	9.00	Lifeguard			

SDN Communications Agreement. Rathbun moved and Hanson seconded to approve entering into the proposed agreement with SDN Communications. Motion passed on Voice Vote.

Claims. The following claims were submitted:

Animal Clinic of Pierre	66.00	Mary Kaiser	28.87
April Neuhauser	150.00	MicroFix	70.00
Baumann Lumber	114.40	MicroFix	52.50
Baumann Lumber	40.06	Monick Pipe & Supply	13.28
Bottomline Welding	12.40	Morris	242.74
Bottomline Welding	4,730.00	Pitney Bowes	196.32
Bottomline Welding	55.20	ProBuild	47.20
Butler Machinery Company	3.66	PryntComm	155.00
Central Caissons	330.00	Resco	1,459.00
Century Business Products	128.97	Running's Supply	54.97
Century Business Products	230.16	Running's Supply	57.24
CenturyLink	253.32	Running's Supply	73.23
Chandler	196.00	Running's Supply	15.49
Christy Lumber	12.02	S.D. Assoc of Rural Water Systems	50.00
Christy Lumber	417.51	S.D. Department of Health - Health & Med. Services	160.00
Christy Lumber	8.00	S.D. Department of Revenue	39.00
Christy Lumber	41.50	Sharpe Enterprises	35.00
Christy Lumber	9.51	Shirley Bergeson	150.00
Community Youth Involved	2,500.00	Stanley County	1,000.00
Dakota Supply Company	753.17	Sutley's Town and Ranch	9.43
Dakota Supply Company	190.07	Sutley's Town and Ranch	3.96
DGR Engineering	1,065.00	Sutley's Town and Ranch	19.20
Display Sales Company	12.50	The Paint Store	2,170.00
Eddie's Truck Center	26.95	The Paint Store	76.50
Eddie's Truck Center	44.03	Tieszen Law Office	5,156.25
Eddie's Truck Center	62.81	Tim & Juanita Hughes	150.00
Eddie's Truck Center	6.99	Titze Electric	204.08
Eddie's Truck Center	121.43	VII	76.14
Eddie's Truck Center	13.13	West Central Electric Co-op	273.43
Farnams NAPA Genuine Parts	34.56	West River/Lyman Jones Rural Water	12,555.27
Gary Grittner	150.00	Western Communication	299.00
Graham Tire Pierre	29.68	WW Tire Service	82.00
Hahn Engineering	1,360.00	Zander Auto Parts	552.23
HD Supply Waterworks	163.31	Zander Auto Parts	66.04
Hogen's Hardware Hank	31.77	Zander Auto Parts	4.38
Klein's Office Plus	0.49		
Klein's Office Plus	2.94	Total	38,965.29

March ACH claims:

Capital Area Refuse	335.65	Missouri River Energy Services	121,215.52
City of Fort Pierre		Montana Dakota Utilities	

May 6, 2013 Minutes

Envirotech Waste Services	7,407.26		4.61
First National Bank - S.F.	119.00	S.D. Department of Revenue	12,028.42
	8,719.72	West Central Electric Co-op	267.88
Fleet Services	7,691.72	Total	36,574.26

April payroll related claims:

Avera	6,301.26	Office of Child Support Enforcement	447.00
American Family Insurance	535.85	Optilegra	90.51
City of Fort Pierre	80.00	Payroll 4/11 & 4/25	47,748.30
City of Fort Pierre	383.00	S.D. Retirement System	7,441.46
EFTPS - Internal Revenue Service	18,338.59	S.D. Supplemental Retirement Plan	1,687.50
Kansas City Life	70.98	SD Unemployment Ins	1,322.54
		Total	84,446.99

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

Reports. 1.) Heezen reported that the 2012 audit has been completed. 2.) Heezen reported that Bill Doolittle resigned as Animal Control officer effective 5/3/13. 3.) Lawrence indicated that he had requests from the fire department for permits to perform controlled burns and he plans to issue the permits on a case by case basis. The Council agreed to the issuance of the permits based on Lawrence's discretion. 4.) Lawrence reported that we will soon be getting a new reserve capacity agreement for the Gen Station from MRES. 5.) Lawrence presented a 2013 General Engineering Services Agreement from Brosz Engineering. Rathbun moved and Gabriel seconded to authorize entering into the agreement with Brosz. Motion passed on Voice Vote. 6.) Lawrence discussed the list of current projects and the map indicating the status of the street projects.

Adjournment. With no further business, Tidball declared the meeting adjourned at 9:41 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer