

FORT PIERRE CITY COUNCIL  
SPECIAL MEETING  
May 8, 2013

The special meeting of the Fort Pierre City Council was called to order by Mayor Tidball at 5:00 pm. Members present for Roll Call were Bernhard, Cronin, Gabriel, Hanson, Rathbun, and Ricketts. Officials present were Cromwell, Heezen, Lawrence, Thorson and Tieszen.

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

**Executive Session.** Cronin moved and Hanson seconded to approve entering into Executive Session at 5:01 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 5:50 p.m.

**Memorandum of Understanding.** At the 5/6/13 council meeting it was discussed that the attorneys for owners of both Pizza Ranch and Riverwalk Landing were working on a memorandum of understanding in regards to building locations and elevations in the proposed Riverwalk Landing project. Both aspects of the project are considered to have an impact on the nearby Pizza Ranch. McLean Thompson Kerver, attorney for Pizza Ranch, indicated to council that all the details of the document have not been finalized, but her clients are ok with the design last presented (restaurant shifted to the south, just off the southeast corner of Pizza Ranch with an elevation of 1435.5, Maverick's staying where they are with an elevation of 1433.5, and the Marina Operations, Dry Dock, & Convenience Store being just south of Maverick's with an elevation of 1431.5). They are working on wording that would protect her client from significant changes in the design.

**Deferred Development Fee for Lot 17.** Council discussed the deferred development fee and that the purpose of it is to ensure that development occurs on the land. Bernhard moved and Hanson seconded to not assess the deferred development fee accumulated to date since the developer has continued to proceed with this complicated project despite many delaying obstacles. McLean Thompson Kerver, representing Pizza Ranch and Perkins, objects to the dismissal of the fee. 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.

**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 and the City of Fort Pierre 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.

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Cronin made a motion to defer action on Resolution 2013-13 until more plans were confirmed. Hearing no second, Hanson made a substitute motion and Bernhard seconded to approve Resolution 2013-13 Plat of Riverwalk Landing. McLean Thompson Kerver, representing Pizza Ranch and Perkins, objects to the approval of the plat at this time. 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.

**Conditional Use Permits-Riverwalk Landing.** Bernhard moved and Hanson seconded to approve the 3 conditional use permits for Riverwalk Landing (two for mixed business and residential and one for operating marina and gas dispensing station). McLean Thompson Kerver, representing Pizza Ranch and Perkins, objects to the approval of the permits at this time. Roll Call Vote was taken with Bernhard, Cronin, Hanson, and Rathbun voting Aye and Gabriel and Ricketts voting Nay. Motion passed.

**Conditional Use Permit-Chase Auto.** Bernhard moved and Cronin seconded approve the conditional use permit for Chase Auto & RV in Yellowstone Landing Subdivision for operation of automobile, trailer and camper sales and service on Lots 6, 8, and 10 and a storage facility in excess of 4,000 sq ft on Lots 9 and 11 as approved by Planning & Zoning. Motion passed on Voice Vote.

**Adjournment.** With no further business, Tidball declared the meeting adjourned at 6:08 p.m.

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Sam Tidball, Mayor

ATTEST:  
(SEAL)

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Roxanne Heezen, Finance Officer