

FORT PIERRE CITY COUNCIL
REGULAR MEETING
May 20, 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, and Ricketts. Officials present were Cromwell, Heezen, Lawrence, and Thorson.

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

Consent Calendar. Bernhard moved and Hanson seconded to approve the following Consent Calendar items: 5/06/13 Minutes; 5/08/13 Minutes; Open Container Permit-CYI-Wedding Reception 7/13/12. Motion passed on Voice Vote.

Public Hearing-Ord 963 Lot Vacation Requirements. Tidball opened the public hearing at 7:35 p.m. for the purpose of getting public input on Ord 963-Lot Vacation Requirements. The following ordinance was presented:

ORDINANCE NO. 963

AN ORDINANCE AMENDING ORDINANCE NO. 809, CHAPTER Q-1, DEFINITIONS AND GENERAL PROVISIONS BY ADDING CHAPTER Q-1-700 LOT VACATION REQUIREMENTS AND LOT STABILITY REQUIREMENTS

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 by adding the following Chapter:

Q-1-700 SPECIAL CONSIDERATIONS FOR LOTS
Q-1-701 LOT VACATION REQUIREMENTS

When a residence, building, or other structure capable of receiving utility services has been removed or demolished, the following minimum requirements for reclamation shall be met:

- a. The property owner shall be responsible for termination of all utility services to the property, including but not limited to water, sewer, electric, cable, phone and gas, at the property boundary or, where deemed appropriate by the Director of Public Works, at a more-distant utility distribution point. The termination of utility services shall be performed in accordance with the requirements of the utility provider.
- b. The property owner shall be responsible for notifying the utility provider and the City of Fort Pierre of the location of the termination point for any utility services.
- c. No personal property, garbage or debris, including concrete, wood, pipe, wire, or cable, may be placed or remain on the property as fill.
- d. All costs for capping or terminating utility services, including any fee owed to the utility provider, shall be the responsibility of the lot owner.
- e. The property owner shall be responsible for controlling noxious weeds and providing proper drainage on the property

Q-1-702 LOT STABILITY REQUIREMENTS

When soil stability on any building lot is suspect of being inadequate, the city may require the builder or owner to obtain professional services for construction documents at the sole cost of the builder or owner.

Hanson moved and Ricketts seconded to approve Ordinance 963. Motion passed on Voice Vote. Hearing no additional comments, Tidball declared an end to the public hearing at 7:37 p.m.

Conditional Use Permit-Riverwalk Landing. Brief discussion was held regarding the conditional use permit to operate a Marina Operations, Boat Maintenance, and Storage building on Lot 4 of Riverwalk Landing Subdivision. McLean Thompson Kerver, representing Perkins, expressed concern with the structures proposed use, indicating that the use is a better fit in an industrial area. No action was taken on the permit.

Summer Employment. Cronin moved and Bernhard seconded to approve hiring of Averi Handcock as a lifeguard at \$7.50/hr. Motion passed on Voice Vote.

Personnel. Ricketts moved and Hanson seconded to accept the resignation of Willie Gloe and authorized to advertise the position. Motion passed on Voice Vote.

Set Public Hearing-Ord 964-Rezone from Multi Family Residential to Highway Commercial. Gabriel moved and Cronin seconded to introduce Ord 964 and set a public hearing for 6/03/13 at 7:35 pm for the purpose of getting public input on Ord 964-Rezone from Multi Family Residential to Highway Commercial. Motion passed on Voice Vote.

Temp Malt Beverage Lic-Don Brietag Team Roping Benefit and Delta Waterfowl. Bernhard moved and Ricketts seconded to set a public hearing for 6/3/13 at 7:35 pm for the purpose of getting public input on the issuance of 2 temp liquor licenses, Don Brietag Team Roping Benefit at the Fairgrounds and Delta Waterfowl at the Expo. Motion passed on Voice Vote.

Resolution 2013-15-Proposed Resolution of Necessity-Walleye Drive. The following resolution was presented:

**RESOLUTION NO. 2013-15
PROPOSED RESOLUTION OF NECESSITY
FOR STREET CONSTRUCTION ON WALLEYE DRIVE**

BE IT RESOLVED by the City Council of the City of Fort Pierre, South Dakota, at a regular meeting thereof, held in the meeting room of the City Council in the City of Fort Pierre, South Dakota at 7:30 o'clock p.m. on the 20th day of May, 2013, that the convenience and necessity has arisen to improve substantially the following in the City of Fort Pierre, Stanley County, South Dakota, by the construction of street and storm sewer on Walleye Drive, where needed, such properties affected being hereinafter named on the attached list marked Exhibit A and affecting such street names on the attached map marked Exhibit B.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by the City of Fort Pierre, South Dakota, and on file in the office of the City Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that the cost of said project shall be assessed against all assessable lots and tracts of land fronting or abutting thereon, according to the provisions of SDCL §9-43-79. The estimated cost opinion for the Street shall not exceed \$75,000.

BE IT FURTHER RESOLVED that the assessments may be divided into ten equal annual installments, which shall be payable under Plan Two, Collection by Municipal Finance Officer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate as shall be determined by the City Council, but not in excess of 10 percent per annum.

BE IT FURTHER RESOLVED that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash by the City of Fort Pierre.

BE IT FURTHER RESOLVED, that the above resolution shall be published once in the Capital Journal, with an appended notice stating the place and time, at least two (2) weeks after such publication, at which the City Council will meet for the consideration of any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution.

BE IT FURTHER RESOLVED, that the notice of public hearing shall cause personal notice to be sent by first-class, certified mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied and has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner. Notice shall not be required to be sent to any person who shall have petitioned in writing or consented in writing to such improvement.

Hanson moved and Ricketts seconded to approve Resolution 2013-15 as presented. Motion passed on Voice Vote.

Engineering Services Agreement-6th Ave Sewer-CDBG. Bernhard moved and Hanson seconded to approve the engineering agreement with Brosz Engineering in the amount of \$14,975 subject to clarification on item 17. Motion passed on Voice Vote.

Engineering Services Agreement-Gen Station NESHAP Compliance. Ricketts moved and Gabriel seconded to approve the engineering agreement with DGR in the amount of \$29,300. Motion passed on Voice Vote.

Resolution 2013-16 Setting Boundary for Business Improvement District. The following Resolution was considered:

RESOLUTION NO. 2013-16
RESOLUTION SETTING THE BOUNDARIES FOR THE BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the hotel and motels of Fort Pierre that have 25 or more rooms have requested that the City of Fort Pierre implement an occupancy fee, pursuant to SDCL chapter 9-55; and

WHEREAS, the revenue from the fee would be used to promote the City of Fort Pierre and its hotels and motels as authorized by SDCL 9-55-3; and

WHEREAS the City of Fort Pierre considers it appropriate that a business improvement district be established for the purpose herein stated,

BE IT HEREBY RESOLVED, by the City Council of the City of Fort Pierre, South Dakota, that the boundary for a business improvement district be established encompassing the business and commercial district of the City of Fort Pierre where hotels and motels with more than 25 rooms are located, for the purpose of promoting Fort Pierre and its hotels and motels.

Bernhard moved and Hanson seconded to approve the resolution as presented. Motion passed on Voice Vote.

Resolution 2013-17 Establish a Business Improvement District Board of Directors. The following Resolution was considered:

RESOLUTION NO. 2013-17
RESOLUTION ESTABLISHING A BUSINESS IMPROVEMENT DISTRICT
BOARD OF DIRECTORS

WHEREAS, the City of Fort Pierre has defined the potential need for creating a Business Improvement District in accordance with Resolution No. 2013-16; and

WHEREAS, SDCL 9-55-5 and SDCL 9-55-6 provide for the designation of a Business Improvement District Board, to have all of the power set out in SDCL 9-55-5 and SDCL 9-55-6, to be appointed by the Mayor with the approval of the City Council; and

WHEREAS, the City has solicited prospective members to serve as the Business Improvement District Board of Directors and they have volunteered to serve.

BE IT HEREBY RESOLVED, by the City Council of the City of Fort Pierre, South Dakota as follows:

1. Sam Tidball, the Mayor of the City of Fort Pierre, with the consent and approval of the City Council hereby appoints the following individuals to the Business Improvement District Board of Directors, pursuant to SDCL 9-55-5;
 - Butch Johnston – 3 year term
 - Dawn Nagel - 3 year term
 - Dave Bonde – 2 year term
 - Dana Iverson – 2 year term
 - Gloria Hanson – 1 year term
 - Cindy Bahe – 1 year term
2. The Business Improvement District Board of Directors shall select from its members a chairperson and a secretary, pursuant to SDCL 9-55-6.
3. The Business Improvement District Board of Directors shall develop a plan of action for the purpose of promoting the City of Fort Pierre, its hotels and motels, and general commerce, and then reporting to the City Council with its recommendations.

Cronin moved and Bernhard seconded to approve the resolution as presented. Motion passed on Voice Vote.

Introduce Ord 965-Vacant Buildings. Ricketts moved to introduce ordinance 965-Vacant Buildings.

Introduce Ord 966-Texting & Driving. Gabriel moved to introduce ordinance 966-Texting & Driving.

Claims. The following claims were submitted:

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American Medical Response	1,462.50	Hogen's Hardware Hank	6.23
AVERA HEALTH PLANS	171.93	Klein's Office Plus	37.33
Baumann Lumber	226.74	Klein's Office Plus	56.95
BLACK HILLS CHEMICAL & JANITORIAL	591.17	MMUA	275.00
Border States Electric Supply	352.89	Monick Pipe & Supply	102.62
Border States Electric Supply	136.18	Monick Pipe & Supply	22.87
Border States Electric Supply	187.80	Overhead Door Company of Pierre	456.75
Border States Electric Supply	(352.89)	Resco	398.00
Brosz Engineering	1,239.50	Running's Supply	712.96
Brosz Engineering	1,375.00	Running's Supply	73.83
Brosz Engineering	3,347.50	Running's Supply	59.39
Brosz Engineering	4,640.00	S.D. Bureau of Administration	28.58
Brosz Engineering	450.00	S.D. Department of Transportation	1,088.00
Capital Journal	364.49	S.D. Government Finance Officers' Association	75.00
Capital Journal	200.85	SD Governmental Human Resource Association	25.00
Century Business Products	230.16	Servall Uniform & Linen	287.36
CenturyLink	85.28	Servall Uniform & Linen	146.02
Christy Lumber	67.98	Stanley County	1,693.54
Christy Lumber	34.96	Sutley's Town and Ranch	44.63
Dakota Pump & Control Co.	1,977.00	Sutley's Town and Ranch	6.31
Don Fry	7.58	Sutley's Town and Ranch	1.99
Eddie's Truck Center	185.70	The Paint Store	4.50
Eddie's Truck Center	16.75	The Tower Company	63.50
Engineering America	6,482.50	United Systems Technology	100.00
G. Larsen Lighting	680.00	USA BlueBook	134.55
HD Supply Waterworks	1,864.77	Willie Gloe	14.00
HD Supply Waterworks	2,112.07	Total	34,053.32

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

Executive Session. Ricketts moved and Gabriel seconded to approve entering into Executive Session at 8:47 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 9:05 p.m.

Reports. 1.) Heezen reported that Human Resources School and Finance Officers School will be held in Pierre 6/11-6/14. 2.) Lawrence indicated that the rate sturdy by MRES will be taking place during the next couple months. 3.) Lawrence reported that the change in FEMA regulations regarding flood insurance will have a substantial impact in some areas of town due to the large increase in the cost of flood insurance. 4.) Lawrence reported that he would like to get a survey of the property near the bike path to establish the property lines. This will allow us to keep adjoining property owners from farming the land clear up to the bike path. 5.) Lawrence reported that he will be having a meeting regarding the Chip Seal project on 5/24 and that Morris has started patching. 6.) Lawrence reported that the 6th Ave CDBG Sewer Project will start 5/22.

Adjournment. With no further business, Tidball declared the meeting adjourned at 9:14 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer