

FORT PIERRE CITY COUNCIL
REGULAR MEETING
June 3, 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 Cronin, Gabriel, Hanson, and Ricketts. Officials present were Cromwell, Heezen, Lawrence, and Thorson. Bernhard joined the meeting at 8:27 p.m.

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

Consent Calendar. Cronin moved and Hanson seconded to approve the following Consent Calendar items: 5/20/13 Minutes; Raffle Permit-Pierre Fraternal Order of Police-5/22/13. Motion passed on Voice Vote.

Public Hearing-Ord 964 Rezone from Multi Fam Res to Hwy Comm. Tidball opened the public hearing at 7:35 p.m. for the purpose of getting public input on Ord 964-Rezone from Multi Fam Res to Hwy Comm. The following ordinance was presented:

ORDINANCE NO. 964

AN ORDINANCE AMENDING ORDINANCE NO. 809, CHAPTER Q-1-101, ZONING, AND THE ZONING MAP OF FORT PIERRE, SOUTH DAKOTA, TO CHANGE CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF FORT PIERRE, SOUTH DAKOTA.

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

Section 1. That Ordinance No. 809, Chapter Q-1-101, Zoning, and the Zoning Map of Fort Pierre, South Dakota be amended to reclassify the following described property:

From Multiple Family Residential To Highway Commercial:

Lots 10-14, Block 14 of Original Townsite, City of Fort Pierre, Stanley County, South Dakota.

From Multiple Family Residential To Highway Commercial:

Lot NC-3 and NC-4, a subdivision of the N1/2 of Lot C of Youngs Outlot No.1, City of Fort Pierre, Stanley County, South Dakota.

Ricketts moved and Gabriel seconded to approve Ordinance 964. Motion passed on Voice Vote. Hearing no additional comments, Tidball declared an end to the public hearing at 7:36 p.m.

Public Hearing-Temp Alcohol Beverage Lic. Tidball opened the public hearing at 7:36 p.m. for the purpose of getting public input on the issuance of 2 temporary alcohol bev licenses: 1) Don Brietag Team Roping Benefit June 16, 2013 at the Stanley County Fairgrounds and 2) Delta Waterfowl July 12, 2013 at the Expo Center. Hanson moved and Cronin seconded to approve the issuance of the temporary licenses. Motion passed on Voice Vote. Hearing no additional comments, Tidball declared an end to the public hearing at 7:37 p.m.

Public Hearing-Res 2013-20 Resolution of Necessity-Walleye Drive. Tidball opened the public hearing at 7:37 p.m. for the purpose of getting public input on Resolution 2013-20 Resolution of Necessity – Walleye Drive. Hearing no comments, Ricketts moved and Gabriel seconded to approve Res 2013-20 Resolution of Necessity:

**RESOLUTION NO. 2013-20
RESOLUTION OF NECESSITY
FOR STREET CONTRUCTION ON WALLEYE DRIVE**

WHEREAS, the City of Fort Pierre, South Dakota has proposed a resolution of necessity, 2013-15; and

WHEREAS, the City of Fort Pierre, South Dakota has published and mailed said notices as required by the South Dakota Codified Laws; and

WHEREAS, the City is ready to proceed with the project and again declare the necessity to make the improvements.

NOW THEREFORE, BE IT FURTHER 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 at 7:35 o'clock p.m. on the 3rd day of June, 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 on Walleye Drive, such properties affected being

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hereinafter named on the attached list marked Exhibit A and affecting such streets named 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 will 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 Resolution of Necessity is hereby adopted.

Motion passed on Voice Vote. Hearing no additional comments, Tidball declared an end to the public hearing at 7:38 p.m.

Civic Pride update - Ron Schreiner. Ron Schreiner, with the Civic Pride Committee, informed the Council on some projects that the committee has been recently involved in. Some projects mentioned include: 1) working with City staff on the tree trimming last fall; 2) coordinating efforts with City Building Inspector and property owner to clean-up the property on the corner of Deadwood and 4th Ave; 3) mowing the ROW from the bridge to Marion's Garden; 4) picking up trash along the highway near Teton Island Development; 5) treating some trees for bores; 6) spraying the ROW for noxious weeds; and 7) writing a grant for replacing trees along the river.

Moving Permits-Ice and Pederson. Cronin moved and Gabriel seconded to approve 3 moving permits, Brenda Ice moving a house onto her lot, 112 E 6th Ave, to replace her home lost in a fire and Randy Pederson moving a storage shed currently on his lot and moving a carport from 308 E 5th Ave to 305 Center Lane. Motion passed on Voice Vote.

Conditional Use Permit-Riverwalk Landing. Gabriel moved and Hanson seconded to defer action on the conditional use permit for Riverwalk Landing in regards to the marina operations until 7/15/13. Motion passed on Voice Vote.

Pay Request #1-6th Ave Sewer-CDBG. Cronin moved and Hanson seconded to approve pay request #1, \$21,746.17 from Shovelhead Construction for 6th Ave Sewer, contingent upon funding agency approval. Motion passed on Voice Vote.

2013-2014 Malt Bev Licenses. Ricketts moved and Gabriel seconded to approve the following Malt Beverage Licenses for 2013-2014: Town & Ranch Inc – Package (off-sale) malt beverage; Valley Tap – Retail (on-off sale) malt beverage; Chamber of Commerce – Retail (on-off sale) malt beverage; MG Oil – Retail (on-off sale) malt beverage; The Office Bar – Retail (on-off sale) malt beverage; Fresh Start Convenience Store – Retail (on-off sale) malt beverage; 4 Caballeros, Inc. – Retail (on-off sale) malt beverage; Dunes Golf – Retail (on-off sale) malt beverage; Dan Miller – Retail (on-off sale) malt beverage; Mavericks Recreation Equipment Rentals – Retail (on-off sale) malt beverage; and Casey Tibbs Rodeo Center – Retail (on-off sale) malt beverage. Motion passed on Voice Vote.

Res 2013-18-Establishing a Business Improvement District. The following resolution was considered:

RESOLUTION 2013-18

BE IT RESOLVED that the City Council of Fort Pierre, upon the recommendation of the Business Improvement District Board that there be established a Business Improvement District (B.I.D) pursuant to SDCL ch. 9-55 and imposing an occupancy on lodging establishments with 30 or more rooms as herein defined.

A Resolution of Intent establishing B.I.D. boundaries for purposes of imposing a general occupation tax on lodging establishments, Resolution 2013-16, was passed on May 20, 2013.

The purpose of the B.I.D. is for funding promotion of the Fort Pierre and its hotels and motels. The proposed cost for such promotion is approximately \$7,500.00 to \$10,000.00 to be financed by a fair and equitable general occupation tax levied upon lodging establishments as herein defined.

The boundaries of the B.I.D. shall be that area as stated in Resolution 2013-16, encompassing the business and commercial districts of the City of Fort Pierre where hotels or motels with 30 or more rooms are located that are maintained or held out to the public to be a place where sleeping accommodations are furnished for pay to transient guests as defined by SDCL 34-18-1.

The method of raising revenue shall be by imposing an occupation fee on the lodging establishments within the B.I.D. The B.I.D. Board shall apportion the occupation tax between said lodgings establishments within the B.I.D. in an equitable manner.

Lodging establishments within the B.I.D. which do not meet the definition of lodging establishments are herein defined, may petition to be included in the District.

All the lodging establishments which meet the criteria enumerated herein at the time of his ordinance are automatically in the B.I.D. Lodging establishments which meet the criteria enumerated herein that are build, constructed, or established after the enactment of this Resolution are also automatically in the B.I.D. Lodging establishments which meet the criteria at the time of the enactment of this Resolution but subsequently, for whatever reason, fail to meet the criteria herein still automatically remain in the B.I.D. Lodging establishments which at any time do not meet the criteria enumerated herein but voluntarily petition to be a part of the B.I.D. are permanently in the B.I.D. and may not voluntarily remove themselves from the B.I.D., just as any lodging establishments which are automatically in the B.I.D. cannot remove themselves voluntarily.

Hanson moved and Cronin seconded to approve Res 2013-18 as presented, setting a public hearing for July 15 at 7:35 pm. Motion passed on Voice Vote.

Referendum Petition filed for Ord 962-Conditional Uses. After discussion of the 5/30/13 receipt of a referendum petition for Ord 962 “An ordinance amending Ordinance 809, Chapter Q-6-106 and Q-2-121 Modifying sections regarding Conditional Uses and Conditional Use Permits”, McLean Thompson Kerver, legal counsel for Diane London, presented council with a second petition to consider. This second referendum petition was in reference to “Any and all action taken by Fort Pierre City Council at its Special meeting on May 8, 2013, including but not limited to: (#1 Deferred Development Fee for lot 17, which passed the Council by a 4-3 vote; #2 Resolution 2013-13 Plat of Riverwalk Landing, which also passed the Council by a 4-3 vote; #3 Conditional Use Permits Riverwalk Landing, which passed the Council by a 4-2 vote; and #4 any and all action taken by the City Council related to the Teton River Island Development at its Special Meeting on May 8, 2013.) Ricketts moved and Hanson seconded to approve entering into Executive Session at 7:55 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 8:05 p.m. Cronin moved and Hanson seconded to defer the action of setting the special election to allow time to review petitions. Motion passed on Voice Vote.

Set Public Hearing for 6th Ave Sewer CDBG Project Progress. Ricketts moved and Cronin seconded to set a public hearing on June 17, 2013 at 7:35 pm, for the purpose of getting public input on the progress on the 6th Ave Sewer Project. Motion passed on Voice Vote.

Authorization to Advertise for Bids-Walleye Drive. Hanson moved and Gabriel seconded to authorize advertising for bids for Walleye Drive contingent upon all affected property owners signing an agreement on being assessed. Motion passed on Voice Vote.

Claims. The following claims were submitted:

AT&T Mobility	210.57	Leisure Palace Pool & Spa	149.99
Baumann Lumber	32.50	Missouri Shore Domestic Violence Center	1,250.00
Border States Electric Supply	23,779.23	Monick Pipe & Supply	22.82
Bottomline Welding	56.00	Monick Pipe & Supply	287.14
Bottomline Welding	177.60	Monick Pipe & Supply	14.84
Brosz Engineering	212.50	Morris	2,157.00
Cedar Shore	91.95	Morris	1,072.50
Central Caissons	330.00	Old Dutch Foods	415.80
Central Caissons		Postmaster	

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	240.00		200.00
Central Caissons	480.00	ProBuild	97.76
Century Business Products	132.47	ProBuild	20.17
CenturyLink	253.32	ProBuild	134.57
Christy Lumber	44.58	ProBuild	(119.07)
Coca-Cola Bottling Company - Pierre	(73.50)	ProBuild	102.85
Coca-Cola Bottling Company - Pierre	154.00	Recreonics	407.18
Community Youth Involved	2,500.00	Resco	14,480.00
DAKOTA PRAIRIE BANK	17,877.14	Running's Supply	78.44
Dakota Supply Company	791.87	S.D. Department of Environment and Natural Resourc	900.00
Eddie's Truck Center	11.07	S.D. Department of Revenue	299.00
Eddie's Truck Center	76.82	S.D. Municipal Electric Association	1,625.00
EDM International	650.00	Stanley County	1,000.00
Gary L Larson	11,700.00	Stuart C. Irby Co.	120.00
Hawkins	1,350.00	Tieszen Law Office	10,090.85
HD Supply Waterworks	1,182.99	Tim & Juanita Hughes	150.00
Hogen's Hardware Hank	5.49	Tree Pro	1,000.00
Hogen's Hardware Hank	(5.49)	Zander Auto Parts	792.30
Knecht Home Center	112.50	Zander Auto Parts	(281.47)
Knecht Home Center	26.00	Total	98,867.28

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

Executive Session. Hanson moved and Ricketts seconded to approve entering into Executive Session at 8:20 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 8:35 p.m.

Reports. 1.) Heezen reported on the April cash report and sales tax collections through Feb 2013 sales. 2.) Lawrence indicated SD DOT has let a contract for bridge resurfacing and he will be attending a preconstruction meeting soon in regards to the Bad River Bridge project. Plans will need to be made for traffic control. 3.) Lawrence reported that necessary road work on Skerrols did not get put into the plans for mill and overlay when the plans were developed so he plans to work them into the plans, creating a CCO. 4.) Lawrence reported that he attended a preconstruction meeting for the lagoon project. The contractor plans to have one cell completed by the end of June and the second one by the end of July. 5.) Lawrence reported that B&B is working on the water main on Yellowstone. It will be looped from 9th to Stanley Rd. 6.) Gabriel expressed concerns about the overflow at the fish cleaning station and the odor associated with the garbage at that location.

Adjournment. With no further business, Tidball declared the meeting adjourned at 8:50 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer