

FORT PIERRE CITY COUNCIL
REGULAR MEETING
June 17, 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. Cronin moved and Hanson seconded to approve the amended agenda. Motion passed on Voice Vote.

Consent Calendar. Cronin moved and Bernhard seconded to approve the following Consent Calendar items: 6/03/13 Minutes; 6/05/13 Minutes; Open Container Permit-CYI-Wedding Reception-6/15/13-Countney Peters. Motion passed on Voice Vote.

Public Hearing-CDBG Progress Hearing 6th Ave Sewer. Tidball opened the public hearing at 7:35 p.m. for the purpose of getting public input on the progress of the 6th Ave Sewer Project. Lawrence reported that the contractor is making progress on the project. The project has been slowed up a little due to the ground water level, but they are near the point where this will have less of an impact on the project. Hearing no public comments, Mayor Tidball called an end to the declared an end to the public hearing at 7:39 p.m.

Referendum Petition-Riverwalk Landing. Legal Counsel for Fort Pierre, Dick Tieszen, addressed the council in open session in regards to the receipt of the 3rd petition (the 2nd one regarding action taken by council on 6/5/13 in regards to Riverwalk Landing). He advised council that it is his professional, legal opinion that the matters brought forward on the petition refer to administrative acts of the council and are not subject to referral and are not required to be put on a ballot. The following resolution was considered:

RESOLUTION 2013-21

WHEREAS, the City Council of Fort Pierre, having received a Municipal Referendum Petition in the Municipality of Fort Pierre, submitted to the Fort Pierre Finance Officer on or about June 10, 2013, which states as the matter to be submitted to the voters for their approval or rejection the following:

Any and all action taken by Ft. Pierre City Council related to the Teton River Island Development 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; and
- #2 - Resolution 2013-13 – Plat of Riverwalk Landing which passed the Council by a 4-3 vote; and
- #3 - Conditional Use Permits Riverwalk Landing which passed the Council by a 4-2 vote

WHEREAS, having taken said matter under advisement and considered the same, and having considered the recommendation of its City Attorney on said matters,

BE IT RESOLVED that the above described Municipal Referendum Petition will not be referred to a vote of the public based upon the following reasons:

1. The Deferred Development Fee action taken by the Ft. Pierre City Council on May 8, 2013, was an administrative action and not referable.
 2. The approval of Plats of Lots 1, 2, 3, 4, and 5, Riverwalk Landing, as set forth in Resolution 2013-13, as approved by the Ft. Pierre City Council on May 8, 2013, was an administrative action and not referable.
 3. The Conditional Use Permits action taken by the Ft. Pierre City Council on May 8, 2013, was an administrative action and not referable
- Bernhard moved and Rathbun seconded to approve Resolution 2013-21 as presented. Motion passed with unanimous Roll Call Vote.

Vintage Square Development Plan Amendment-Set Public Hearing. Rathbun moved and Gabriel seconded to set the public hearing for the Vintage Square Development Plan Amendment for July 1. Motion passed on Voice Vote.

Vacation of Public ROW-Cottontail Road. Cronin and Bernhard seconded to set a public hearing for the vacation of Public Right of Way-Cottontail Rd for July 15. Motion passed Voice Vote

2012 Audit Report. Ricketts moved and Cronin seconded to accept the 2012 audit report. Motion passed on Voice Vote.

AP30 Purchase. Cronin moved and Bernhard seconded to authorize the purchase of the AP30 field unit phase checker in the amount of \$3,055. This would be an upgrade to the model we purchased in 2009. The 2009 model will be used for trade-in. Motion passed on Voice Vote.

Asphalt Millings. Ricketts moved and Hanson seconded to authorize the purchase of 4,000 tons of asphalt millings from Pierre at the cost of \$5/ton. Motion passed on Voice Vote.

Twin Cities Cultural PowWow. Rathbun moved and Gabriel seconded to donate \$250 to the Twin Cities Cultural PowWow. Motion passed on Voice Vote.

Personnel-Parks Dept. Bernhard moved and Hanson seconded to authorize hiring Sydney McLaury at the rate of \$9.00/hr as seasonal park laborer. Motion passed on Voice Vote.

Personnel-Animal Control. Cronin moved and Bernhard seconded to authorize hiring Christopher Gross at the rate of \$13.00/hr to fill the position of part-time animal control officer. Motion passed on Voice Vote.

Vacation of Public ROW-Alley on Block 14. Hanson and Cronin seconded to set a public hearing for the vacation of Public Right of Way-Alley on Block 14 for July 15. Motion passed Voice Vote

Claims. The following claims were submitted:

Affections Wine & Floral	55.00	Monick Pipe & Supply	320.79
AMR	1,462.50	Monick Pipe & Supply	15.10
Animal Clinic of Pierre	160.00	Morris Equipment	8,062.67
Avera Queen of Peace	19.00	Morris, Inc.	271.21
Border States	3,582.00	Morris, Inc.	52.02
Border States	472.80	Morris, Inc.	350.00
Border States	674.47	Old Dutch	192.50
Border States	252.96	Overhead Door	9.32
Border States	807.00	Pierre Flower Shop	1,249.00
Border States	550.00	Pizza Ranch	26.00
Bottom Line Welding	7.80	Postmaster - Fort Pierre	136.00
BPro	41.90	Pro-Build	7.75
Buell Maberry	32.21	Randy Hartley	62.76
Capital Journal	120.00	Robins Water Conditioning	23.70
Capital Journal	810.65	Robins Water Conditioning	-23.70
Central Collections	20.85	Runnings	40.97
Century Business	230.16	Runnings	112.27
CenturyLink	85.28	Runnings	20.56
Chem Search	361.06	Runnings	46.97
Christy Lumber	58.00	Runnings	213.87
Christy Lumber	-0.40	Sanitation Products	387.00
Christy Lumber	14.76	SD Property Management	60.00
City of Fort Pierre	368.04	Security Lock	108.98
City of Pierre - Solid Waste	1,305.70	Sharpe Rentals	75.00
Coca-Cola	44.00	State of S.D. - BOA	21.07
Coca-Cola	66.00	Sutley's	14.62
Coca-Cola	99.00	Sutley's	23.88
Dakota Pump & Control	2,881.31	Sutley's	8.24
Dakota Supply Group	39.72	Sutley's	52.98
Dakota Supply Group	133.41	Sutley's	20.11
Fastenal	33.77	Sutley's	5.40
First National Trust Mgt	1,500.00	Sutley's	843.07
G. Larsen Lighting	719.94	Sutley's	17.84
Gary L. Larson, CPA	1,300.00	Sutley's	21.52
Grainger	313.10	Sutley's	49.30
Harper Industrial Brush	166.89	The Paint Store	66.00
Hawkins	81.00	USTI	100.00
Hawkins	251.13	West River International	55.82
Hawkins	5,007.81	West River/Lyman-Jones	22,958.46
Hogens Hardware Hank	9.45	WW Tire	54.95
Home Federal Bank	70.08	WW Tire	20.00
J. Michael & Susan J. Smith	17,001.32	WW Tire	143.00
Kenneth Morsch - Estate of	101.99	Zanders	659.98
Knecht Home Center	51.27	Zanders	-24.00
Lyle Signs	724.45	Zanders	8.18
Monick Pipe & Supply	57.05	Total	78,304.09

Payroll Related Claims:

Avera	6,743.19	Office of Child Support Enforcement	447.00
American Family Insurance	499.04	Optilegra	102.76
City of Fort Pierre	80.00	Payroll	48,743.00
City of Fort Pierre		S.D. Retirement System	

June 17, 2013 Minutes

EFTPS - Internal Revenue Service	357.92		7,342.05
	25,164.33	S.D. Supplemental Retirement Plan	1,700.00
Kansas City Life	70.98	Total	91,250.27
ACH Claims:			
Capital Area Refuse	335.65	Postage Machine	500.00
City of Fort Pierre	6,777.97	S.D. Department of Revenue	10,431.94
Envirotech Waste Services	137.00	Wells Fargo	41,403.70
First National Bank - S.F.	8,719.72	Wells Fargo-Remittance	638.70
Fleet Services	5,274.17	West Central Electric Co-op	1,833.33
Missouri River Energy Services	100,374.49	Total	176,431.12
Montana Dakota Utilities	4.45		

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

Reports. 1.) Heezen reported that subsidy requests have been sent out and claimants will present their requests to council on 7/15. 2.) Heezen reported that we have received 1 fireworks permit but expect more to be turned in in the next 2 weeks. 3.) Heezen indicated that the notice of voter registration has been published for the upcoming 7/9 special election and that the voter registration deadline is 6/21. The ballot has been prepared and will be published on 6/28 and 7/5. Absentee voting can start on 6/24. 4.) Lawrence reported that WAPA will be replacing the red balls on the power lines crossing the Missouri River near Marion’s Garden starting July 8. 5.) Lawrence indicated that he will be meeting with MRES reps on June 26 to get an update on the upcoming changes. 6.) Lawrence updated council on the progress of the street projects, indicating that it is going slow but progress is being made. 7.) Mayor Tidball advised council that he would like to apply for another Community Access Grant for the other half of Island Drive. 8.) Thorson reported that the City of Midland has asked if we would be interested in milling 1700 feet of street with our zipper. He projects that it will take 2 guys one day at an estimated cost of \$1,500. 9.) Cronin reported to council that the Fort Pierre Fire Department recently attended fire school and successfully achieved back to back state championships. Cronin moved and Hanson seconded to commend the Fire Department in their efforts. Motion passed on Voice Vote.

Adjournment. With no further business, Tidball declared the meeting adjourned at 8:27 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer