

FORT PIERRE CITY COUNCIL
REGULAR MEETING
July 15, 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. Gabriel moved and Rathbun seconded to approve the agenda. Motion passed on Voice Vote.

Consent Calendar. Cronin moved and Hanson seconded to approve the following Consent Calendar items: 7/1/13 Minutes. Motion passed on Voice Vote.

Public Hearing-Vacation of ROW-Cottontail Rd. Tidball opened the public hearing at 7:35 p.m. for the purpose of getting public input on the vacation of ROW described as: the section line ROW on the border between Sections 16 and 21, formally known as Cottontail Road, from the SW Corner of Section 16 east to the Missouri River on both sides of the section line, except where the Stanley Townsite lands border; all in section 16 and 21, T5N, R31E BHM, Fort Pierre, Stanley County, South Dakota. The following resolution was presented:

RESOLUTION NO. 2013-24

A RESOLUTION VACATING THE SECTION LINE ROW ON THE BORDER BETWEEN SECTIONS 16 AND 21, FORMALLY KNOWN AS COTTONTAIL ROAD, FROM THE SW CORNER OF SECTION 16 EAST TO THE MISSOURI RIVER ON BOTH SIDES OF THE SECTION LINE, EXCEPT WHERE THE STANLEY TOWNSITE LANDS BORDER; ALL IN SECTION 16 AND 21, T5N, R31E BHM, FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA.

WHEREAS, a petition to vacate the section line ROW on the border between Sections 16 and 21, formally known as Cottontail Road, from the SW Corner of Section 16 east to the Missouri River on both sides of the section line, except where the Stanley Townsite lands border; all in section 16 and 21, T5N, R31E BHM, Fort Pierre, Stanley County, South Dakota, having been signed by the property owners of all of that part of the street located in the City of Fort Pierre and as shown on Exhibit A. A utility and drainage easement is reserved on the vacated ROW.
Having been filed in the office of the Finance Officer, and

WHEREAS, the City Council has caused two public notices in The Capitol Journal (6/21/13 and 6/28/13), a legal newspaper in and for the County of Stanley, State of South Dakota, notifying the public that on July 15, 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 17th day of June, 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:

the section line ROW on the border between Sections 16 and 21, formally known as Cottontail Road, from the SW Corner of Section 16 east to the Missouri River on both sides of the section line, except where the Stanley Townsite lands border; all in section 16 and 21, T5N, R31E BHM, 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.

Ricketts moved and Cronin seconded to approve Resolution 2013-25 as presented. Motion passed on Voice Vote. Hearing no public comments, Mayor Tidball declared an end to the public hearing at 7:36 p.m.

Public Hearing-Vacation of ROW-Lots 11 through 18 Block 14. Tidball opened the public hearing at 7:36 p.m. for the purpose of getting public input on the vacation of ROW as requested by Mike Schwinler described as: the 20' Wide alley spanning between Lots 11 and 18 all of Block 14, Original Townsite, City of Fort Pierre, Stanley County, South Dakota. The following resolution was presented:

RESOLUTION NO. 2013-25

A RESOLUTION VACATING A 20' WIDE ALLEY SPANNING BETWEEN LOTS 11 AND 18 ALL OF BLOCK 14, ORIGINAL TOWNSITE, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA.

WHEREAS, a petition to vacate the 20' Wide alley spanning between Lots 11 and 18 all of Block 14, Original Townsite, City of Fort Pierre, Stanley County, South Dakota, having been signed by the property owners of all of that part of the street located in the City of Fort Pierre and as shown on Exhibit A. A utility easement is reserved on the vacated ROW. Having been filed in the office of the Finance Officer, and

WHEREAS, the City Council has caused two public notices in The Capitol Journal (6/21/13 and 6/28/13), a legal newspaper in and for the County of Stanley, State of South Dakota, notifying the public that on July 15, 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 17th day of June, 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:

the 20' Wide alley spanning between Lots 11 and 18 all of Block 14, 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.

Rathbun moved and Cronin seconded to approve Resolution 2013-25 as presented. Motion passed on Voice Vote. Hearing no public comments, Mayor Tidball declared an end to the public hearing at 7:37 p.m.

Public Hearing-Establishing a Business Improvement District. Tidball opened the public hearing at 7:37 p.m. for the purpose of getting public input on the establishment of a business improvement district for the purpose of imposing an occupancy fee on hotels or motels with an occupancy of 30 or more rooms. Tidball informed council that Butch Johnston (AmericInn) is the President of the board and Dan Nagel (Holiday Inn Express) is the Vice President. The next step in the process is developing an ordinance. Hanson moved and Ricketts seconded to approve the establishment of the BID and proceed with the drafting of the ordinance. Motion passed on Voice Vote. Hearing no public comments, Mayor Tidball declared an end to the public hearing at 7:40 p.m.

Public Hearing-On-Off sale Wine License-Freshstart. Tidball opened the public hearing at 7:40 p.m. for the purpose of getting public input on the approval of the on-off sale wine license for Fresh Start. Cronin moved and Gabriel seconded to approve the On-Off Sale Wine License as requested. Motion passed on Voice Vote. Hearing no public comments, Mayor Tidball declared an end to the public hearing at 7:41 p.m.

Canvass Board. The Poll Book envelope was opened, and the Poll Book was examined by all. With one provisional ballot left unopened, the following resolution was presented:

RESOLUTION NO. 2013-23

A RESOLUTION APPROVING THE OFFICIAL CANVASS SHEET OF THE CITY OF FORT PIERRE, SOUTH DAKOTA FOR THE SPECIAL ELECTION HELD JULY 9, 2013.

WHEREAS, on the 9th day of July, 2013 there was held in the City of Fort Pierre, South Dakota a special election for Ord 962-Conditional Uses and Conditional Use Permits of the City of Fort Pierre, South Dakota, and

WHEREAS, the judges and clerks of said election have returned to the City Council of the City of Fort Pierre the official results for the purpose of the official canvass, and

WHEREAS, the Fort Pierre City Council on July 15, 2013 has canvassed the results for Ord 962 Conditional Uses and Conditional Use Permits held July 9th, 2013, now therefore,

BE IT HEREBY RESOLVED, by the City Council of the City of Fort Pierre, South Dakota, that the official vote at an Election held July 9th, 2013 is as follows:

Special Election	Votes	Percent
Yes, all of the above amendments to the Fort Pierre City Ordinances should be made.	396	59.55%
No, none of the above amendments to the Fort Pierre City Ordinances should be made.	269	40.45%
Total	665	

Cronin moved and Hanson seconded to approve Resolution 2013-23 as presented. Motion passed on Voice Vote.

FY 2014 Budget Requests. The following were present to request BBB funding: 1.) Pierre Area Convention & Visitors Bureau requests \$15,000. 2.) Ft Pierre Fire Dept. requests \$12,000 for fireworks. 3.) Fort Pierre Develop Corp. requests \$56,500. 4.) Fort Pierre Recreational Assoc. requests \$10,000. The following were present to request General Fund funding: 1.) Missouri Shores requests \$6,000. 2.) Missouri Sedimentation Action Coalition \$500. 3.) CYI requests \$30,000. 4.) Pierre Library requests \$9,309. 5.) Fort Pierre Fire Dept. requests \$86,650 for fire dept related activities. 6.) Central SD Enhancement requests \$2,400. 7.) River City Transit requests \$26,000. 8.) Central SD RSVP requests \$1,500.

Pay Request #2-Street Patching, Reconstruction, and Mill & Overlay. Cronin moved and Bernhard seconded to approve pay request #2 for patching in the amount of \$228,292.72, reconstruction in the amount of \$280,566.16, and mill & overlay in the amount of \$140,465.07. Motion passed on Voice Vote.

Pay Request #2-6th Ave Sewer CDBG. Ricketts moved and Rathbun seconded to approve pay request #2 in the amount of \$49,730.92, pending funding agency approval. Motion passed on Voice Vote.

Civic Pride Committee Appointment. Cronin moved and Bernhard seconded to approve the appointment of Tim Hughes to the Civic Pride Committee. Motion passed on Voice Vote.

2013-2014 Mobile Home Licenses. Rathbun moved and Cronin seconded to approve the following mobile home licenses for 2013-2014: Duffy Mobile Home Court and Ricketts Mobile Home Court. Motion passed on Voice Vote, with Ricketts abstaining.

Vet/Animal Control Agreement 2013. Ricketts moved and Rathbun to authorize entering into the professional services contract with Dr. Craig Howard (The Animal Clinic) for 2013. Motion passed on Voice Vote.

Reserved Capacity Agreement. Rathbun moved and Hanson seconded to approve the reserved capacity agreement and authorized entering into the agreement that is effective until 2029. Motion passed Voice Vote

City Clean-up on Lots and Buildings. Council expressed support for being more aggressive with cleaning up the community in regards to weeds, junk, and vacant/run-down buildings. They also discussed the need for more aggressive ordinances used to help with the enforcement.

Authorize to Advertise for Bids – Island Drive. Rathbun moved and Gabriel seconded to authorize to advertise for bids on reconstruction of Island Drive, partially funded by a Community Access Grant. Motion passed on Voice Vote.

Mobile Home Utility Service Agreement. Lawrence explained to council the need for uniformity in utility services in all the trailer courts.

Claims. The following claims were submitted:

3-D Specialties	903.75	Noble Ink and Toner	-10
American Medical Response	1,462.50	Old Dutch Foods	217.70
Animal Clinic of Pierre	343.00	Old Dutch Foods	70.00
April Neuhauser	150.00	Peitz Service Experts	82.00
Brosz Engineering	425.00	Peitz Service Experts	1,795.00
Brosz Engineering	2,642.50	Pierre Area Convention & Visitors Bureau	3,625.00
Brosz Engineering	16,572.50	Pizza Ranch	16.98
Brosz Engineering	2,527.50	PryntComm	187.00
Brosz Engineering	4,742.50	PryntComm	83.45
Brosz Engineering	540.00	Resco	1,607.50
Brosz Engineering	10,315.00	Roxanne Heezen	75.08
Capital Journal	720.47	Running's Supply	21.96
Capital Journal	556.20	Running's Supply	175.41

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Central Caissons	300.00	Running's Supply	15.96
Central Caissons	750.00	Running's Supply	16.69
CenturyLink	85.28	S.D. Bureau of Administration	28.39
Christy Lumber	58.00	S.D. Federal Property Agency	17.74
Christy Lumber	6.13	Shirley Bergeson	150.00
Christy Lumber	79.20	Sioux Nation of Fort Pierre	20.00
Christy Lumber	90.00	Sioux Nation of Fort Pierre	9.00
Christy Lumber	21.00	Small Engine House	35.87
Coca-Cola Bottling Company - Pierre	44.00	Small Engine House	42.94
Coca-Cola Bottling Company - Pierre	88.00	South Dakota One Call	225.75
Cone Ag-Service	144.50	State Flag Account	378.13
Farnams NAPA Genuine Parts	27.54	Sutley's Town and Ranch	58.52
Gary Grittner	150.00	Sutley's Town and Ranch	506.19
Hawkins	750.74	Sutley's Town and Ranch	11.53
Inland Truck Parts	9.84	Sutley's Town and Ranch	169.15
MMUA	275.00	Sutley's Town and Ranch	229.32
Monick Pipe & Supply	123.00	Sutley's Town and Ranch	14.64
Montana Dakota Utilities	123.14	Sutley's Town and Ranch	7.95
Morris	3,978.44	Sutley's Town and Ranch	171.23
Morris	428.77	Sutley's Town and Ranch	13.38
Morris	432.96	Titze Electric	71.43
Morris	120.00	Van Diest Supply Company	253.50
Morris	87.63	Van Diest Supply Company	1,066.50
Morris	305.28	West River/Lyman Jones Rural Water	16,857.96
Morris Equipment	300.00	WW Tire Service	15.00
Noble Ink and Toner	431.97	WW Tire Service	131.74
		Total	79,576.93

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

Reports. 1.) Heezen reported that the Community Access Grant application for the east half of Island Drive was submitted today. 2.) Lawrence indicated that he is working on getting further documentation from the contractors who were involved with the levee removal so we can provide additional information to FEMA regarding the disposal of the debris. 3.) Lawrence reported that the road project on Caol-Ila Court was delayed because of the layer of clay under the surface that was trapping groundwater and causing problems. 4.) Lawrence reported that curb and gutter work will be more extensive than planned. 5.) Lawrence reported that the Teton Island letter of map revision will be submitted soon. 6.) Lawrence indicated that we might want to consider taking sealed bids on city property that could be hayed. Cronin moved and Rathbun seconded to advertise for bids on putting up the hay. Motion passed on Voice Vote. 7.) Lawrence reported that we mowed Wakpa Sica.

Adjournment. With no further business, Tidball declared the meeting adjourned at 9:30 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer