

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 through 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 THROUGH 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 through 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 through 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 Epresss) is the Vice President. The next step in the process is developing an ordnance. Hanson moved and Ricketts seconded to approve the establishment of the BID and proved 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. 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.

2014 Subsidy Requests. The following were in attendance to present their 2014 subsidy requests:??

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.

2012-2013 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. Criag Howard (The Aminal 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 20???. 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 HomeUtility Service Agreement. Lawrence explained to council the need for uniformity in utility services all the trailer courts the.

Claims. The following claims were submitted:

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 payed. 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 8:55 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer