

FORT PIERRE CITY COUNCIL
APPROVED MINUTES
REGULAR MEETING
September 3, 2024

The regular meeting of the Fort Pierre City Council was held at the SD Municipal League conference room and called to order by Mayor Hanson at 6:00 pm. Members in attendance for Roll Call were Bernhard, L Cronin, R Cronin, Deal, Iversen, and Kenzy. Officials in attendance were Cromwell, Fergen, Powell, and Tibbs. Meeting was also held via Zoom.

Approval of Agenda. L Cronin moved and Iversen seconded to approve the agenda. Motion passed on Voice Vote.

Conflict of Interest Declarations. Iversen declared a Conflict of Interest Declaration and will abstain from the Sharpe Enterprises-Curb & Gutter and Sidewalk repair item.

Reports. 1.) Hanson thanked the council for taking time to participate in the special budget work session meetings. 2.) Hanson informed council she had talked to Jeff Birkeland, General Manager of West Central Electric. Their attorney is drafting an agreement for supplying power to the Legion ballfields, and it probably will be ready for review at the next Council meeting. It will also have to be approved by the PUC. 3.) Hanson reported to council she will be attending the Western Dakota Rural Water System's annual meeting in Box Elder on Thursday. Senator Rounds will be the keynote speaker and she has been asked to introduce him. There is also a special meeting scheduled tomorrow to discuss Fort Pierre's water needs with their engineers. One of Bartlett and West engineers will accompany Hanson to cover technical issues. 4.) Hanson informed council that Tatanka Trail will be featured at a statewide conference in Mitchell in October, sponsored by SD Department of Health, SD Department of Tribal Relations, and the Wellmark Foundation. Hanson will be on a panel representing stakeholders, along with Amanda Prosser from ISG, Emily Stabers from Drifters, Rhea Waldman from the Discovery Center, and a member of the Lower Brule Sioux Tribe who is working with Waldman on cultural aspects of the trail. 5.) Hanson reported Scott Schweitzer, the Superintendents, and she had a meeting with DOT engineers regarding a drainage issue impacting Morris property and Highway 14/34. Hanson will keep council informed. 6.) Hanson informed council there will be a ribbon cutting/open house from 2-4 pm with ribbon cutting at 3 pm on 9/11/24 at the new UPS store in Teton Island. All are welcome. 7.) Hanson reported to council that Montana, Fergen, Schroer, Scott Schweitzer, Roxanne, and she have met twice to discuss needs for shop space and look at the possibilities for building on current lot. R Cronin joined the last meeting. 8.) Heezen informed council that the anodes for the water tank were in and the divers would be available next week. 9.) Heezen let the Utility Committee know they would be meeting soon. 10.) Fergen reported the curb & gutter and mainline paving is completed on the north phase of the Yellowstone Street project. Next week the contractor will start grading behind the curb & gutter and install remaining driveway aprons. All the curb & gutter and driveway aprons are completed on N 7th Street. Contractor will finish restoring adjacent yards next week before finish grading the roadway. It will be paved after remaining base course is placed. The additional excavation and installed crushed concrete to stabilize the roadbed is finished on 6th Avenue. This week they will finish grading base course and work to install curb and gutter quickly. He reported Creager Court is substantially completed except for a few punch list items. 11.) L Cronin asked about a date of when 9th Avenue would be open. Fergen said he would need to check with contractors. 12.) Schweitzer reported on the shop discussion, the City/County drainage issues at the Courthouse, and the plat for the water tank placement.

Consent Calendar. Bernhard moved and R Cronin seconded to approve the Consent Calendar: Minutes: 8/19/24 Council Meeting, 8/22/24 Special Council Meeting, 8/26/24 Special Council Meeting, 8/28/24 Special council Meeting. Motion passed on Voice Vote.

Public Hearing. Mayor Hanson called a public meeting to order at 6:11 pm to get public input on a Temporary Liquor License for the Longbranch for the Buckin on the River event at the Stanley County Fairgrounds on 9/13/24 and 9/14/24. She asked for proponents to the license. She heard none. She asked for opponents to the Temporary Liquor License. She heard none. Hanson declared an end to the public hearing at 6:12 pm. Iversen moved and R Cronin seconded to approve the Temporary Liquor License for the Longbranch for the Buckin on the River event to be held on 9/13/24 and 9/14/24 at the Stanley County Fairgrounds. Motion passed on Voice Vote.

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Resolution 2024-07 Potential Impact of Initiated Measure 28-Sara Rankin-SDML. Sara Rankin, Executive Director of the SD Municipal League, gave an overview of IM 28 and how it impacts the City. The following was presented:

**RESOLUTION 2024-07
CITY OF FORT PIERRE, SOUTH DAKOTA**

WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State;

WHEREAS Initiated Measure 28, if passed, would remove state, municipal and tribal taxes on all items sold for human consumption except alcohol and prepared food;

WHEREAS “human consumption” is undefined in South Dakota Codified Law or the South Dakota Constitution. Black’s Law Dictionary defines “consumption” as “the act of destroying a thing by using it; the use of a thing in a way that exhausts it.”;

WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as “any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20.”;

WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage and consumption of items that conform in all respects to the state tax on such items up to two percent;

WHEREAS the Attorney General’s explanation of the measure states legislative or judicial clarification would be needed if the measure passes;

WHEREAS The City of Fort Pierre levies a two-percent sales tax and collected \$1,994,381.70 in the 2023 fiscal year and \$781,211.98 year-to-date in the 2024 fiscal year;

WHEREAS The City of Fort Pierre estimates annual lost revenue of \$288,000 unless Initiated Measure 28 is rejected by voters in South Dakota.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Fort Pierre, that Initiated Measure 28 would negatively impact the municipal budget in our community.

Iversen moved and Bernhard seconded to approve Resolution 2024-07 Potential Impact of Initiated Measure 28 as presented. Motion passed on Voice Vote.

Pavement Management Plan. Iversen moved and R Cronin seconded to approve the Five Year Pavement Management Plan as presented by ISG in the amount of \$35,075. Motion passed on Voice Vote.

Pay App #4-2023 Street Improvements-Yellowstone-Quality Concrete Construction. L Cronin moved and Deal seconded to approve Pay App #4-2023 Street Improvements on Yellowstone Street to Quality Concrete Construction in the amount of \$135,886.66. Motion passed on Voice Vote.

Pay App #1-2023 Street Improvements-N 7th St-Sharpe Enterprises. L Cronin moved and Bernhard seconded to approve Pay App #1-2023 Street Improvements on N 7th Street to Sharpe Enterprises in the amount of \$163,630.24. Motion passed on Voice Vote.

CCO #1-2023 Street Improvements-Benjamin St-Morris. Kenzy moved and Bernhard seconded to approve CCO #1-2023 Street Improvements on Benjamin Street to Morris Inc in the amount of \$4,294.57. Motion passed on Voice Vote.

Pay App #3 (final)-2023 Street Improvements-Benjamin St-Morris. Bernhard moved and Deal seconded to approve Pay App #3 (final)-2023 Street Improvements on Benjamin Street to Morris Inc in the amount of \$7,495.95. Motion passed on Voice Vote.

CCO #1-2023 Street Improvements-W Main Ave-Morris. L Cronin moved and Deal seconded to approve CCO #1-2023 Street Improvements on W Main Avenue to Morris Inc in the amount of \$36,659.23. Motion passed on Voice Vote.

Pay App #4-2023 Street Improvements-W Main Ave-Morris. Iversen moved and R Cronin seconded to approve Pay App #4-2023 Street Improvements on W Main Avenue to Morris Inc in the amount of \$41,581.86. Motion passed on Voice Vote.

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CCO #1-2024 Street Improvements-Creager Crt-Morris. Bernhard moved and Iversen seconded to approve CCO #1-2024 Street Improvements on Creager Court to Morris Inc in the amount of \$12,661.75. Motion passed on Voice Vote.

Pay App #3-2024 Street Improvements-Creager Crt-Morris. L Cronin moved and R Cronin seconded to approve Pay App #3-2024 Street Improvements on Creager Court to Morris Inc in the amount of \$71, 675.41. Motion passed on Voice Vote.

CCO #2-2024 Street Improvements-Creager Crt (7th St)-Morris. Kenzy moved and Deal seconded to approve CCO #2-2024 Street Improvements on N 7th Street to Morris Inc in the amount of \$57,650. Motion passed on Voice Vote.

Pay App #2-2024 Street Improvements-6th Ave-Morris. Deal moved and R Cronin seconded to approve Pay App #2-2024 Street Improvements on 6th Ave to Morris Inc in the amount of \$61,284.50. Motion passed on Voice Vote.

Proposal to fix shop doors-Red River Construction. Bernhard moved and Iversen seconded to accept the proposal to fix the shop doors at 911 Salebarn Road from Red River Construction in the amount of \$9,081.65. Motion passed on Voice Vote.

Lagoon Heaters Replacement. Bernhard moved and Kenzy seconded to accept Triplepoint's heater replacement quote with the City's amount being \$35,016.67, with Sharpe reimbursing the City \$11,663. Motion passed on Voice Vote.

Roof Repair Estimates-Insurance/Hail Repairs. Iversen moved and R Cronin seconded to accept the bid from Erickson Roofing and Construction-\$4,200 for the Fort; Weather All Roofing-\$12,375 for the Lilly Park Shelter; and Capital Roofing and Gutter-\$26,449.03 for the Museum and \$81,476.17 for the Shop. Motion passed on Voice Vote.

Authorization to get Quotes for Curb & Gutter Repairs. Iversen moved and Bernhard seconded authorization to get quotes for Curb & Gutter repairs. Motion passed on Voice Vote.

Res 2024-08 Plat of Lots 16R1 & 16R2-Magorien. The following was presented:
RESOLUTION NO. 2024-08

A RESOLUTION APPROVING THE PLAT OF LOTS 16R1 & 16R2, YELLOWSTONE LANDING SUBDIVISION, A REPLAT OF LOT 16, YELLOWSTONE LANDING SUBDIVISION, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA,

WHEREAS: Lyle Magorien as Agent, is the owners of the property described as:

Lot 16, Yellowstone Landing Subdivision, City of Fort Pierre, Stanley County, South Dakota, and

WHEREAS, the parties have caused the same to be surveyed and platted, hereafter to be known as Plat of Lots 16R1 & 16R2, Yellowstone Landing Subdivision, Fort Pierre, Stanley County, and

WHEREAS, the plat of the above described property has been executed according to statute, and

BE IT RESOLVED, that the City Council in and for the City of Fort Pierre, South Dakota does hereby approve said Plat of Lots 16R1 & 16R2, Yellowstone Landing Subdivision, a replat of Lot 16, Yellowstone Landing Subdivision, City of Fort Pierre, Stanley County, South Dakota.

Iversen moved and Bernhard seconded to approve Resolution 2024-08 Plat of Lots 16R1 & 16R2 Magorien as presented. Motion passed on Voice Vote.

Set Public Hearing for Temp Liquor Lic on 10/7/24-CYI-10/10/24 Event. Iversen moved and Deal seconded to set a public hearing for a Temporary Liquor License on 10/7/24 for the Pat Duffy Community Center event on 10/10/24. Motion passed on Voice Vote.

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Temp Liquor Lic-Silver Spur @ SC Fairgrounds 10/5/24 & 10/6/24. Bernhard moved and L Cronin seconded to approve a Temporary Liquor License for the Silver Spur at the Stanley County Fairgrounds for 10/5/24 and 10/6/24. Motion passed on Voice Vote. Deal abstained.

Intro (First Reading) Ord 1072 General Fund & BBB Budget. Bernhard introduced Ordinance 1072, 2025 General Fund and BBB Budget.

Sharpe Enterprises-Curb & Gutter and Sidewalk repair. L Cronin moved and R Cronin seconded to approve the Sharpe Enterprise invoice for removing and replacing Curb & Gutter and sidewalk in the amount of \$8,723.49 (Pierre rates) on Cottonwood Lane as a result of removing the cul de sac on the south side. Motion passed on Voice Vote.

Public Comment. Shane Kramme, Fort Pierre Chamber of Commerce, invited council to the 76th Annual Horse Races on October 5th and 6th. There is over \$100,000 in purses with start time at 1 pm CDT each day.

Claims.

CITY OF FORT PIERRE	OCC TAX - 7/24	208.44
AMERICAN MEDICAL RESPONSE	MONTHLY SUBSIDY - 8/24	4,630.70
AT&T MOBILITY	ACCT #287329499398	272.8
AVERA OCC MED MITCHELL	FEE INCREASE	48
CENTURY BUSINESS PROD	ACCT #PR0062 - LEASE, COPIES	373.31
CHRISTY LUMBER INC	CONCRETE MIX	22
CENTURYLINK INC	ACCT #605-223-7690 B008195	134.74
CORE & MAIN LP	4 CHECK VALVE"	3,380.86
FORT PIERRE BID BOARD	OCC TAX - 7/24	10,213.56
HOGENS HARDWARE HANK	STAIN, NUMBERS, LETTERS	254.16
JC OFFICE SUPPLY	TIME CARDS, BINDERS, ENV	176.23
KCL GROUP BENEFITS	ADDITIONAL SCLE PREMIUM	36.52
MISSOURI RIVER ENERGY SVC	STRATEGIC PLANNING SERV	1,000.00
NORTHWEST PIPE FITTINGS	ACCT #28668 - VALVE	147.39
PAT DUFFY COMMUNITY CTR	MONTHLY SUBSIDY - 9/24	3,333.34
MORRIS INC	PAY APP #3 - CREAGER CT	183,346.47
RUNNINGS SUPPLY INC	ACCT #2610162 - BATTERIES	40.98
ROBINS WATER CONDITIONING	ACCT #94441 - WATER	22
SD DEPT OF HEALTH	WASTEWATER TESTING	566
SHARPE ENTERPRISES INC	PAY APP #1 - N 7TH ST	163,630.24
STANLEY COUNTY	COURTHOUSE RENT - 9/24	1,000.00
THE PAINT STORE INC	SUPPLIES	70
TIESZEN LAW OFF PROF LLC	LEGAL SERV 7/18/24-8/15/24	5,877.10
TRANSOURCE TRUCK & EQUIP	BROOMS - 227	2,089.86
VAN DIEST SUPPLY CO	ANVIL	3,042.40
ZANDER AUTO PARTS	FILTERS - 241	230.24
WW TIRE SERVICE INC	FLAT REPAIR - 613	29.19
REVOLT ELECTRICAL SERVICE	BATTERY TESTING	1,398.00
DAKOTAMART	COFFEE, DAWN	14.98
BRETT FERGEN	2024 FLEX REIMBURSEMENT	3,000.00
MIDCONTINENT COMM	ACCT #002003501	113.91

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QUALITY CONCRETE CONST	PAY APP #4 - YELLOWSTONE	135,886.66
COLUMN SOFTWARE PBC	TEMP LIQ LIC	19.17
WKS LLC	RENT - 9/24	3,630.75
GREAT PLAINS STRUCTURES	DOME REPLACEMENT	116,760.00
LAWSON PRODUCTS INC	CUST #10383001 - BRAKE CLNR	161.97
	CLAIMS TOTAL	645,161.97

L Cronin moved and Kenzy seconded to pay the claims as presented. Motion passed on Voice Vote.

Adjournment. Mayor Hanson adjourned the meeting at 7:11 pm.

Gloria Hanson, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer