

FORT PIERRE CITY COUNCIL  
APPROVED MINUTES  
REGULAR MEETING  
Tuesday, September 7, 2021

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 6:30 pm. Members in attendance for Roll Call were Bernhard, L Cronin, R Cronin, Iversen, Kenzy, and Rathbun. Officials in attendance were Cromwell, Hahn, Heezen, Thorson, and Tibbs. Meeting was held via Zoom.

**Approval of Agenda.** L Cronin moved and Bernhard seconded to approve the agenda as amended. Motion passed on Voice Vote.

**Conflict of Interest Declarations.** Rathbun declared a Conflict of Interest on the 2021-2022 Mobile Home Licenses.

**Reports.** 1.) Hanson informed council she had received a letter from Jake Fitzgerald, manager of WR/LJ Water that supported the City's venture in a water system expansion. 2.) Thorson reported to council that digging is started on S 2<sup>nd</sup> Street. 3.) Thorson informed council that the Annual DANR Inspection had been completed at the lagoons and went well. 4.) Thorson reported to council that Joey Montana, Casey Breitag, and Shane Pearson had attended a Wastewater Workshop in Eagle Butte last week and Joey was asked to give a presentation on our system. 5.) Hahn informed council he had received an email from the City of Eagle Butte commending our group for the presentation and they were interested in our system.

**Consent Calendar.** Rathbun moved and Iversen seconded to approve the Consent Calendar: Minutes: 8/16/21 Council Meeting; 8/19/21 Special Council Meeting; 9/1/21 Special Council Meeting; 9/2/21 Special Council Meeting; Raffle Permit: SD Engineering Society-raise money for scholarship fund-9/30/21. Motion passed on Voice Vote.

**Public Hearing-Ord #1052 Rezone for Planned Development District.** Mayor Hanson called a public hearing at 6:34 pm to get public input on Ordinance #1052 Rezone for Planned Development District. Planning and Zoning had recommended approval to council. She asked for proponents to the Ordinance. Gary Johnson spoke on behalf of AGE and his investors Zach Clark and Aaron Olson on the rezoning of Lot 6R2 and 7R1 to Planned Development District for the purpose of building condo storage units that will be owned and create property taxes and clean up the old crane yard. He had also spoke with adjacent property owners and has their approval. Hanson then asked if there were any opponents to the Ordinance. She heard none. Hanson declared an end to the public hearing at 6:41 pm.

**2<sup>nd</sup> (Final) Reading Ord 1052 Rezone for Planned Development District.** L Cronin moved and R Cronin seconded to approve the 2<sup>nd</sup> (Final) Reading of Ord #1052 Rezone for Planned Development District. Motion passed on Voice Vote.

**Intro (First Reading) Ord 1055 2022 General Fund Budget.** L Cronin moved to Introduce (First Reading) Ord #1055 2022 General Fund Budget.

**Res 2021-07 Special Maintenance Fee.** The following was presented:

**RESOLUTION 2021-07**

**A RESOLUTION TO AUTHORIZE A SPECIAL MAINTENANCE FEE THROUGHOUT THE CITY OF FORT PIERRE, PURSUANT TO 9-43-138 AT A RATE OF \$1.25 PER FRONT FOOT.**

**WHEREAS,** the City Council has determined a need to assess an annual special maintenance fee pursuant to SDCL 9-43-138 at a rate of \$1.25 per front foot to property owners within the municipality, and

**WHEREAS,** the City council has exempted public school, county, and city property from said fee, and

**WHEREAS,** the special maintenance fee is levied for the purpose of maintaining and repairing public improvements, and

**WHEREAS,** the special maintenance fee is based upon the lots fronting and abutting the public improvements that are maintained by the City of Fort Pierre, and

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**WHEREAS**, the City council has determined that the total special maintenance fee to be assessed in 2021 and collected in 2022 is \$223,988.00. This amount has been certified with the county auditor and subject to review and equalization the same as assessments or taxes for general purposes, and

**WHEREAS**, the City council has elected for this fee to be added to the general assessment against the property and certify the fee assessed together with the regular assessment to the county auditor to be collected in the same manner as municipal taxes are collected for general purposes, in 2 equal installments with the exception of the State and Federal Government as indicated above, now therefore

**BE IT RESOLVED**, that the City Council, in and for the City of Fort Pierre, South Dakota, does hereby authorize the special maintenance fee be levied upon lots fronting and abutting public improvements for the purpose of maintaining and repairing public improvements. Such funds received from this fee shall be used only for the maintenance and repair of existing public improvements.

Kenzy moved and Bernhard seconded to accept Resolution 2021-07 Special Maintenance Fee as presented. Motion passed on Voice Vote.

**2<sup>nd</sup> (Final) Reading Ord 1053 Zoning for Medical Cannabis Establishments.** Rathbun inquired about including testing facilities. Heezen informed him that the ordinance could be changed at a later time to include a testing facility if the need arose. Iversen moved and Bernhard seconded to approve the 2<sup>nd</sup> (Final) Reading of Ord #1053 Zoning for Medical Cannabis Establishments. Motion passed on Voice Vote.

**2<sup>nd</sup> (Final) Reading Ord 1054 Licensing for Medical Cannabis Establishments.** R Cronin moved and Bernhard seconded to approve the 2<sup>nd</sup> (Final) Reading of Ord #1054 Licensing for Medical Cannabis Establishments. Motion passed on Voice Vote.

**Industrial Hemp within Municipal Boundaries in Ag Zoning.** Hahn explained that Jess Wright has asked about growing Industrial Hemp within the Municipal Boundaries of Fort Pierre on his land that is zoned Agriculture. He explained that the ag land is surrounded by a residential area. It does comply with City Ordinances and is compatible of adjacent use of land. Bernhard asked if Wright would be in favor of moving it further north on his property to be further away from the residential area. Wright was ok with that request. Kenzy asked about the odor that would be generated. Wright explained it would be at its worst during flowering and the variety he is using for grain/fiber has a very faint odor. Rathbun asked about the testing of Industrial Hemp. Katie Sieverding, SD Industrial Hemp Association, explained it happens before it is harvested and would have to be tested for THC level in ND. L Cronin had concerns with the hemp being grown in the housing district area that is being looked at for workforce housing. He also had a resident approach him that wasn't in favor and had discussed getting a petition started. R Cronin inquired on the length of growing season needed. Andy Johnson had done research on industrial hemp and doesn't see a threat as a property owner in the area. Rathbun moved and Kenzy seconded to approve Industrial Hemp within Municipal Boundaries in Ag Zoning by Jess Wright. Motion passed on Voice Vote.

**Authorize getting RFP's for Water System Expansion.** Bernhard moved and R Cronin seconded to authorize getting RFP's for the Water System Expansion. Motion passed on Voice Vote.

**Authorize Application for Amendment to the State Water Facilities Plan.** Bernhard moved and Iversen seconded to authorize an application to amend the State Water Facilities Plan. Motion passed on Voice Vote.

**Intro (First Reading) Ord 1056 Rezone for Planned Development District.** Bernhard moved to Introduce (First Reading) Ord 1056 Rezone for Planned Development District.

**Set Public Hearing on 10/4 for Ord 1056 Rezone for Planned Development District.** L Cronin moved and Kenzy seconded to set a public hearing on 10/4/21 for Ord #1056 Rezone for Planned Development District. Motion passed on Voice Vote.

**2021-2022 Mobile Home Court Licenses.** L Cronin moved and R.Cronin seconded to approve the 2021-2022 licenses for Baldwin/Fridley Mobile Home Court, Riverside Mobile Home Court, and Park Meadow Mobile Home Court. Motion passed on Voice Vote. Rathbun abstained.

**Personnel: Part-Time Seasonal & Street Maintenance Lead Worker.** L Cronin moved and Bernhard seconded to hire James Gregg as a part-time seasonal employee at \$16.10/hour. Motion passed on Voice Vote. R Cronin moved

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and Iversen seconded to hire Edward Kaelin as the full time Street Maintenance Lead Worker at \$24/hour with \$1.00/hour after successful completion of the 90 day probationary period. Motion passed on Voice Vote.

**Abatement/Refund Request-Esther Hale Trust.** Roger Fuller, Stanley County Assessor, recommended denying the Abatement/Refund Request for the Esther Hale Trust parcel #6657 as it an active rental property. Since the structure has been demolished, the County will remove the structure from the 2021 tax rolls payable in 2022. Rathbun moved and R Cronin seconded to deny the Abatement/Refund Request for Esther Hale Trust. Motion passed on Voice Vote.

**Temp Liquor Licenses-Silver Spur.** L Cronin moved and Kenzy seconded to approve Temporary Liquor Licenses for the Silver Spur for an event on 9/18/21 at the Pat Duffy Community Center and 10/2/21 and 10/3/21 at the Stanley County Fairgrounds. Motion passed on Voice Vote.

**Public Comments.** Jim Hoffman asked various questions of the City and voiced concerns on transparency.

**Claims.**

Airtech Heating and Cooling	100.00	Northwest Pipe Fittings	110.00
American Family Insurance	644.21	Northwest Pipe Fittings	3,597.76
American Medical Response	1,462.50	Northwest Pipe Fittings	22.78
AT&T Mobility	311.35	Northwest Pipe Fittings	21.92
Avera Occupational Medicine - Mitchell	284.00	Northwest Pipe Fittings	745.97
B & B Equipment	21,445.27	Pat Duffy Community Center	3,000.00
Baumann Lumber	56.50	Peitz Service Experts	100.00
Bottomline Welding	4.20	Pitney Bowes	444.36
Brosz Engineering	2,030.00	Recreonics	182.51
Century Business Products	496.74	Recreonics	172.43
CenturyLink	301.72	Running's Supply	25.80
Cholik Signs	12.50	Running's Supply	429.97
Christy Lumber	48.00	Running's Supply	139.64
Christy Lumber	89.68	Running's Supply	4.18
Christy Lumber	78.00	S.D. Assoc of Rural Water Systems	715.00
City of Fort Pierre	253.08	S.D. Department of Health	60.00
City of Fort Pierre	495.05	S.D. Dept of Agriculture & Natural Resources	277.00
Core & Main LP	1,604.00	S.D. Dept of Agriculture & Natural Resources	600.00
Core & Main LP	132.18	S.D. Dept of Agriculture & Natural Resources	50.00
Core & Main LP	1,431.35	S.D. Dept of Social Services	255.00
Curt Merriman Printing Inc.	70.00	S.D. Dept. of Corrections	7.04
Dakota Supply Company	474.81	Servall Uniform & Linen	327.82
Double B Enterprises	840.00	Sharpe Rentals	50.00
Federal Express	36.44	Small Engine House	320.75

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Floyd's Truck Center	12.68	Stanley County	1,000.00
Floyd's Truck Center	122.04	Tieszen Law Office	13,743.92
Floyd's Truck Center	13.68	Tim & Juanita Hughes	1,500.00
Fort Pierre BID Board	12,400.92	Tim & Juanita Hughes	600.00
Gloria Hanson	322.10	Titze Electric	76.53
Grossenburg Implement	191.95	TranSource Truck & Equipment	32.00
Grossenburg Implement	61.11	TranSource Truck & Equipment	761.39
Grossenburg Implement	42.81	Two Rivers Lawn & Irrigation	6,680.75
Grossenburg Implement	3.72	West River/Lyman Jones Rural Water	38,374.90
JC Office Supply	60.67	WW Tire Service	124.22
Lynn's Dakotamart	16.65	WW Tire Service	46.67
Lynn's Dakotamart	42.28	WW Tire Service	39.67
Lynn's Dakotamart	274.05	WW Tire Service	44.95
Lynn's Dakotamart	12.99	Zander Auto Parts & Machine Shop	125.97
Lynn's Dakotamart	1.85	Zander Auto Parts & Machine Shop	59.30
Marco Technologies LLC	152.57	Zander Auto Parts & Machine Shop	37.99
MicroFix	60.00	Zander Auto Parts & Machine Shop	113.50
Morris	6.38	Zander Auto Parts & Machine Shop	5.99
Northwest Pipe Fittings	377.76	Zander Auto Parts & Machine Shop	95.27
Northwest Pipe Fittings	43.72		
Northwest Pipe Fittings	7.44	Total	122,051.90

Payroll related/misc payments for July/Aug 2021 to be approved 9/7/21:

American Family Insurance	1,346.54	Optilegra	134.86
Accounts Management	100.00	Payroll	102,603.52
Avera		S.D. Retirement System	11,054.46
City of Fort Pierre	716.00	S.D. Supplemental Retirement Plan	3,765.00
Delta Dental	1,186.00	S.D. UI	117.90
EFTPS - Internal Revenue Service	32,738.01	United Way	187.80
Kansas City Life	82.01		
Office of Child Support Enforcement	580.00	Total	154,612.10
American Family Insurance	1,288.42	Optilegra	184.14
Accounts Management	100.00	Payroll	78,310.28
Avera	12,396.42	S.D. Retirement System	9,892.36

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City of Fort Pierre	716.00	S.D. Supplemental Retirement Plan	3,690.00
Delta Dental	1,140.30	United Way	187.80
EFTPS - Internal Revenue Service	26,317.93		
Kansas City Life	78.38		
Office of Child Support Enforcement	117.00	Total	134,419.03

July/Aug 2021 ACH Payments for Council Approval 9/7/21:

		Missouri River Energy Services	155,855.71
Capital Area Refuse	476.36	S.D. Department of Revenue	15,030.49
City of Fort Pierre	7,072.25	FNB	8,241.40
Envirotech	874.50	Wells Fargo	1,971.78
Pitney Bowes	500.00	WEX	4,940.46
MDU	62.70	West Central	256.39
		Total	195,282.04

American Bank & Trust		Missouri River Energy Services	185,302.68
Bankwest		S.D. Department of Revenue	16,366.97
Capital Area Refuse	901.36	FNB	5,413.39
City of Fort Pierre	7,014.80	Wells Fargo	2,242.89
Envirotech	754.50	WEX	3,402.01
Pitney Bowes		West Central	260.27
MDU	51.78	Total	221,710.65

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

**Other Comments.** Kenzy asked why he wasn't present for the compaction testing in the alley behind the school. City felt there was a misunderstanding of the type of compaction testing being requested and Kenzy wanting to be present at the time of testing.

**Adjournment.** Mayor Hanson adjourned the meeting at 7:50 pm.

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Gloria Hanson, Mayor

ATTEST:  
(SEAL)

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Roxanne Heezen, Finance Office