

FORT PIERRE CITY COUNCIL
REGULAR MEETING
October 1, 2012

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, and Lawrence.

Agenda. Gabriel moved and Rathbun seconded to approve the agenda. Motion passed on Voice Vote.

Consent Calendar. Bernhard moved and Cronin seconded to approve the following Consent Calendar items: 9/17/12 Minutes; Raffle Permit-OHBA-12/7/12; Open Container Permit-Terra Stoesser-CYI-Wedding-10/6/12. Motion passed on Voice Vote.

Rotary Club Tree Donation. Greg Dean and Kelly VanLith with the Pierre/Fort Pierre Rotary Club presented \$1000 donation to the City of Fort Pierre to be used to replace trees lost due to the flood. They presented the money on behalf of the Pierre/Fort Pierre and Winner Rotary Clubs.

Set Public Hearing-Temp Liquor License-OHBA. Rathbun moved and Cronin seconded to set a public hearing on 10/15/12 at 7:35 pm for the purpose of getting public input on the issuance of a temporary liquor license to the Oahe Home Builders Association at the Casey Tibbs Rodeo Center on 12/7/12 for their annual charitable fundraiser. Motion passed on Voice Vote.

Executive Session. Rathbun moved and Ricketts seconded to approve entering Executive Session at 7:36 p.m. for the purpose of discussing legal matters in accordance to SDCL 1-25-2 (3). Motion passed on Voice Vote. Tidball declared an end to the Executive Session at 7:54 p.m.

Ordinance 919, Alternative Energy Sources-2nd reading. Rathbun moved and Hanson seconded to defer further action on Ord. 919 until a future meeting. Motion passed on Voice Vote.

Resolution 2012-15 Proposed Resolution of Necessity-Walleye Drive. The following resolution was considered:
RESOLUTION NO. 2012-15

**RESOLUTION OF PROPOSED RESOLUTION OF NECESSITY
FOR STREET AND STORM SEWER CONSTRUCTION ON WALLEYE DRIVE**

BE IT RESOLVED by the City Council of the City of Fort Pierre, South Dakota, at a regular meeting thereof, held in the meeting room of the City Council in the City of Fort Pierre, South Dakota at 7:30 o'clock p.m. on the 1st day of October, 2012, that the convenience and necessity has arisen to improve substantially the following in the City of Fort Pierre, Stanley County, South Dakota, by the construction of street and storm sewer on Walleye Drive, where needed, such properties affected being hereinafter named on the attached maps marked Exhibit A and affecting such street names on the attached map marked Exhibit B.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by the City of Fort Pierre, South Dakota, and on file in the office of the City Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that the cost of said project shall be assessed against all assessable lots and tracts of land fronting or abutting thereon, according to the provisions of SDCL §9-43-79. The estimated cost opinion for the Street shall not exceed \$150,000 while the estimated cost opinion for the Storm Sewer shall not exceed \$75,000.

BE IT FURTHER RESOLVED that the assessments may be divided into ten equal annual installments, which shall be payable under Plan Two, Collection by Municipal Treasurer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate as shall be determined by the City Council, but not in excess of 10 percent per annum.

BE IT FURTHER RESOLVED that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash by the City of Fort Pierre.

BE IT FURTHER RESOLVED, that the above resolution shall be published once in the Capital Journal, with an appended notice stating the place and time, at least two (2) weeks after such publication, at which the City Council will meet for the consideration of any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution. However, if such improvements are petitioned for by the owners of more than fifty-five percent (55%) of the frontage of the property to be assessed therefor, it may be provided for by resolution without publication.

BE IT FURTHER RESOLVED, that the notice of public hearing shall cause personal notice to be sent by first-class, certified mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied and has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner. Notice shall not be required to be sent to any person who shall have petitioned in writing or consented in writing to such improvement.

Bernhard moved and Rathbun seconded to approve Resolution 2012-15 as presented and set the public hearing for 11/5/12 at 7:35 pm. Motion passed on Voice Vote.

Resolution 2012-16 Proposed Resolution of Necessity-North Waldron. The following resolution was considered:
RESOLUTION NO. 2012-16

**RESOLUTION OF PROPOSED RESOLUTION OF NECESSITY
FOR STREET CONSTRUCTION AND WATER & SEWER SERVICE INSTALLATION ON NORTH WALDRON**

BE IT RESOLVED by the City Council of the City of Fort Pierre, South Dakota, at a regular meeting thereof, held in the meeting room of the City Council in the City of Fort Pierre, South Dakota at 7:30 o'clock p.m. on the 1st day of October, 2012, that the convenience and necessity has arisen to improve substantially the following in the City of Fort Pierre, Stanley County, South Dakota, by the construction of street and water & sewer services on North Waldron, where needed, such properties affected being hereinafter named on the attached maps marked Exhibit A and affecting such street names on the attached map marked Exhibit B.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by the City of Fort Pierre, South Dakota, and on file in the office of the City Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that the cost of said project shall be assessed against all assessable lots and tracts of land fronting or abutting thereon, according to the provisions of SDCL §9-43-79. The estimated cost opinion for the Street shall not exceed \$75,000 while the estimated cost opinion for the water & sewer services shall not exceed \$3,000 per service.

BE IT FURTHER RESOLVED that the assessments may be divided into ten equal annual installments, which shall be payable under Plan Two, Collection by Municipal Treasurer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate as shall be determined by the City Council, but not in excess of 10 percent per annum.

BE IT FURTHER RESOLVED that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash by the City of Fort Pierre.

BE IT FURTHER RESOLVED, that the above resolution shall be published once in the Capital Journal, with an appended notice stating the place and time, at least two (2) weeks after such publication, at which the City Council will meet for the consideration of any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution. However, if such improvements are petitioned for by the owners of more than fifty-five percent (55%) of the frontage of the property to be assessed therefor, it may be provided for by resolution without publication.

BE IT FURTHER RESOLVED, that the notice of public hearing shall cause personal notice to be sent by first-class, certified mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied and has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner. Notice shall not be required to be sent to any person who shall have petitioned in writing or consented in writing to such improvement.

Ricketts moved and Hanson seconded to approve Resolution 2012-16 as presented and set the public hearing for 11/5/12 at 7:45 pm. Motion passed on Voice Vote.

Moving Permit. Cronin moved and Gabriel seconded to approve a moving permit to Eric Nordstrom for the relocation of his building from 117 N Deadwood to 203 N Deadwood. Motion passed on Voice Vote.

Resolution 2012-17 Approval of Plat-Lot 4-1A of Lot 1, Block 4 and Lot 4-2A of Lot 2, Block 4, and Whispering Shores Drive. Rathbun moved and Hanson seconded to approve Resolution 2012-17, plat with the following legal description as recommended by Planning & Zoning: Lot 4-1A of Lot 1, Block 4 and Lot 4-2A of Lot 2, Block 4; and Whispering Shores Drive, part of Lots 1 and 2, Block 4 and Lot 23, Block 3; Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North part of Lot 4, and Governmental Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, SD. Motion passed on Voice Vote.

Resolution 2012-18 Approval of Plat-Mitigation Lot 1. Rathbun moved and Bernhard seconded to approve Resolution 2012-18, plat with the following legal description as recommended by Planning & Zoning: Mitigation Lot 1, located in Block 5 Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4, and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, SD. Motion passed on Voice Vote.

Resolution 2012-19 Approval of Plat-Whispering Shores Drive. Hanson moved and Rathbun seconded to approve Resolution 2012-19, plat with the following legal description as recommended by Planning & Zoning: Whispering Shores Drive, part of Lot 2, Block 4; Block 5 and Block 6, Vintage Square Estates, located in Relicted Lots 1, 2, 3, and the North Part of Lot 4, and Government Lots 5 and 6, and the North 75 feet of Lot B, Compton-Newman Second River Subdivision, and portions of Levee Street in Stanley Townsite, all lying in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, SD. Motion passed on Voice Vote.

Resolution 2012-20 Approval of Plat-Lots 6 through 18 Dakota Addition. Gabriel moved and Hanson seconded to approve Resolution 2012-20, plat with the following legal description as recommended by Planning & Zoning: Lots 6 through 18 Dakota Addition, a replat of lots 6 through 15, Dakota Addition, and part of Dakota Court, located therein, a replat of all of Blocks 42 and 43 in the Townsite of Stanley, City of Fort Pierre, Stanley County, SD. Motion passed on Voice Vote.

Introduction of Ord. 958-Zoning Change for Dakota Addition. Rathbun introduced Ord. 958-Zoning Change for Dakota Addition.

Advertising for Bids-Depot Phase 1 and 2. Bernhard moved and Ricketts seconded to authorize advertising for bids on Phase 1-Depot Foundation and Phase 2-Depot Moving. Motion passed on Voice Vote.

Claims. The following claims were submitted:

AMR	1,351.23	HD Waterworks	2,004.63
Asphalt Zipper	260.00	HD Waterworks	1,564.68
AT&T	23.31	Irby	48.49
Ballew	1,626.28	Knecht	24.97
Blue Book	350.10	Knecht	18.94
Border States	59.80	Knecht	296.10
Brosz	2,990.00	Microfix	37.90
Brosz	9,740.00	Microfix	140.00
Capital Journal	535.86	Microfix	1,713.00
CBP	230.16	Monick	233.36
CBP	178.26	Monick	39.40
Central Caissons Inc	330.00	Monick	21.42
Central SD Enhancement Dist	1,000.00	Morris	201.02
Century Link	253.32	Morris	131.26
Chandlers	165.00	Morris	198.59
Christy Lumber	43.38	Morris	1,786.99
CYI	2,500.00	Northwest Pipe Fittings	1,290.72
Dakota 2 K	139.00	Pizza Ranch	53.00
Dewild Grant Reckert	576.00	SD Dept Health	238.00
Dickstein Shapiro	282.50	Sharpe	240.00
DPC	1,327.30	Sharpe	(50.00)
DPC	295.92	Smith Fire Extinguisher	940.40
DSG	198.70	Snap On	46.05
Fastenal	99.50	Stanley County Courthouse	1,000.00
Fossil Industries	304.00	Tieszen	9,925.84
Graham Tire	42.40	Tim Hughes	150.00
Graham Tire	153.70	USTI	100.00
Graham Tire	66.00	WW Tire	35.00
Grossenburgs	101.55	Zanders	522.63
Hahn	1,300.00	Total	49,554.86
HD Waterworks	79.20		

Rathbun moved and Hanson seconded to pay the claims as submitted. Motion passed on Voice Vote.

Reports. 1.) Heezen reported on August expenditures and cash report. 2.) Heezen reported that a recent inspection of tree trimming indicated that several residents responded on the second notification attempt. Those still in violation after final inspection this week will be billed for any trim work done by the City, which shouldn't be many. 3.) Heezen indicated that we should be set to close on our street bonds on or before 11/01. 4.) Lawrence indicated that we need to order wire for the electric department, requesting the authority to advertise for bids. Ricketts moved and Gabriel seconded to authorize advertising for bids for approx 7,500 ft of 1/Ø wire and 7,500 ft of 4/Ø wire. Motion passed on Voice Vote. 5.) Lawrence reported that we need to address operating capacity requirements placed by MRES for the gen station and the corresponding EPA restrictions on omission standards. 6.) Lawrence expressed concern with "mold homes", whether empty or lived in, and the needed inspection and testing of such homes. 7.) Lawrence announced to the council about the COE fall operations meeting coming up 10/20 7:00 pm at the Ramkota. 8.) Scott Schweitzer with Brosz Engineering gave the council an update on the road projects.

Executive Session. Ricketts moved and Bernhard seconded to approve entering Executive Session at 8:45 p.m. for the purpose of discussing legal matters in accordance to SDCL 1-25-2 (3). Motion passed on Voice Vote. Tidball declared an end to the Executive Session at 8:54 p.m.

Adjournment. With no further business, Tidball declared the meeting adjourned at 8:55 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer