

FORT PIERRE CITY COUNCIL
REGULAR MEETING
October 3, 2016

The regular meeting of the Fort Pierre City Council was called to order by Mayor Hanson at 6:30 pm. Members present for Roll Call were Bernhard, Cronin, Gabriel, LaRoche, Ricketts, and Weisgram. Officials present were Cromwell, Hahn, Heezen, and Tibbs.

Agenda. Cronin moved and Weisgram seconded to approve the agenda as amended. Motion passed on Voice Vote.

Conflict of Interest Declarations. No Conflict of Interest Declaration was declared.

Consent Calendar. Bernhard moved and LaRoche seconded to approve the following Consent Calendar items: 9/19/16 Minutes. Motion passed on Voice Vote.

Lois Ries-Pierre Area CVB-Rooster Rush. Lois Ries presented council with Rooster Rush t-shirts and informed them what activities were planned to welcome hunters to the area.

Public Hearing – Temp Liquor License-Oahe Home Builders-Casey Tibbs Rodeo Center 12/2/16. Mayor Hanson opened a public hearing at 6:38 pm for the purpose of getting public input on Temp Liquor License for the Oahe Home Builders annual fund raiser at the Casey Tibbs rodeo Center on 12/2/16. Ricketts moved and Bernhard seconded to approve the Temporary Liquor License for the Oahe Home Builders on 12/2/16. Motion passed on Voice Vote. Hearing no further comments, Hanson declared an end to the public hearing at 6:39 pm.

Public Hearing – Petition for Vacation of Right of Way- Wright. Mayor Hanson opened a public hearing at 6:40 pm for the purpose of getting public input on the Petition for Vacation of Right of Way for Wright. Hahn informed council that this will vacate a small section of Waldron that won't be developed and City would retain access for utilities and drainage. Mayor Hanson asked for proponents to the petition: Randy Wright spoke on behalf of Jess Wright who could not make it to the meeting, that Jess has obtained a building permit for the lot adjoining this property. Mayor Hanson asked for opponents to the petition, there were none. Ricketts commented he would like to see the Utility and Drainage easement be 30 feet rather than 20 feet for safety of shoring up the ditch due to the larger utility services that are located in that area. Hearing no further comments, Hanson declared an end to the public hearing at 6:45 pm.

Public Hearing – Petition for Vacation of Right of Way- Heiss. Mayor Hanson opened a public hearing at 6:46 pm for the purpose of getting public input on the Petition for Vacation of Right of Way for Heiss. Hahn explained to council this is the same as Wrights just the other side of it. Mayor Hanson asked for proponents to the petition, there were none. Mayor Hanson asked for opponents to the petition, there were none. Ricketts commented that he would like the Utility and Drainage easement be 40 feet also for the safety of working in the ditch. Hearing no further comments, Hanson declared an end to the public hearing at 6:48 pm.

Public Hearing - Scott Schweitzer-BAA Appeal. Mayor Hanson opened a public hearing at 6:49 pm for the purpose of getting public input on the Scott Schweitzer BAA appeal for a garage/shop. Hahn explained that the Schweitzer land is zoned Ag. The request is for a non-ag use building and would be the only structure on said property at this time. There is no improved road to requested structure and doesn't meet principle permitted use ordinance requirements. Hahn acknowledged that the ordinances need updating to meet today's needs. Mayor Hanson asked for proponents to the appeal: Schweitzer clarified it was not a storage building, but a shop. It would be only structure at this time, but will be a future home site. Schweitzer keeps being told the road is not constructed to "standards". He doesn't know what these "standards" are as no road standards can be found in print. Schweitzer said another reason stated for denial of a building permit was because there is no curb and gutter. There are currently two structures being built now in locations that do not have curb and gutter. Weisgram asked Schweitzer if he thought his request was in line with the ordinance. Mayor Hanson asked for opponents to the appeal: Janecke, who owns property in the area expressed concerns with devaluing area property if such building is allowed; Jacobson expressed that the area needs to be residential for tax base growth. Keller, with Planning & Zoning Commission, said their group is working to improve the ordinances to meet needs of larger group not a single interest. Wright commented that it may not fit the ordinances exactly and that there are exceptions to every rule. Gabriel asked what type of building Schweitzer is looking at constructing and was informed it would be concrete floor/stick built. LaRoche commented that this is the City's expansion area and we need to be diligent in the decisions made for this area. Bernhard moved and Ricketts seconded to hold a continuation of the public hearing on 11/7/16. Motion passed on Voice Vote. Hearing no further comments, Hanson declared an end to the public hearing at 7:20 pm.

10/3/16

Res 2016-20 Vacation of ROW-Wright. The following was approved:

RESOLUTION NO. 2016-20

A RESOLUTION THE WEST HALF OF WALDRON STREET RIGHT OF WAY ADJOINING LOTS 1 THROUGH 5 AND THE NORTH 2.7' OF LOT 6, BLOCK 41, ALL IN STANLEY TOWNSITE, LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 31 EAST OF THE BLACK HILLS MERIDIAN, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA, WITH A UTILITY AND DRAINAGE EASEMENT RESERVED ON THE VACATED ROW

WHEREAS, a petition to vacate the west half of Waldron Street Right of Way adjoining Lots 1 through 5 and the North 2.7' of Lot 6, Block 41, all in Stanley Townsite, located in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, South Dakota. 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 (9/09/16 and 9/16/16), a legal newspaper in and for the County of Stanley, State of South Dakota, notifying the public that on October 3, 2016 at 6:35 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 3rd day of October, 2016 at 6:35 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 West Half of Waldron Street Right of Way adjoining Lots 1 through 5 and the North 2.7' of Lot 6, Block 41, all in Stanley Townsite, located in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, South Dakota. A drainage and utility easement shall be placed in the vacated Right of Way. The Easement is described as the easterly 30 feet of the west half of the vacated Waldron Street Right of Way adjoining Lots 1 through 5 and the North 2.7' of Lot 6, Block 41, all in Stanley Townsite, located in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, 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.

Ricketts moved and Bernhard seconded to approve Res 2016-20 Vacation of ROW-Wright. The utility easement was originally set for 20 feet but was increased to 30 feet for safety of workers. Motion passed on Voice Vote.

Res 2016-21 Vacation of ROW – Heiss. The following resolution was approved:

RESOLUTION NO. 2016-21

A RESOLUTION THE EAST HALF OF WALDRON STREET RIGHT OF WAY ADJOINING LOT 1, DAKOTA ADDITION, ALL IN STANLEY TOWNSITE, LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 31 EAST OF THE BLACK HILLS MERIDIAN, CITY OF FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA, WITH A UTILITY AND DRAINAGE EASEMENT RESERVED ON THE VACATED ROW

WHEREAS, a petition to vacate the east half of Waldron Street Right of Way adjoining Lot 1, Dakota Addition, all in Stanley Townsite, located in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, South Dakota.. 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 (9/09/16 and 9/16/16), a legal newspaper in and for the County of Stanley, State of South Dakota, notifying the public that on October 3, 2016 at 6:35 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 3rd day of October, 2016 at 6:35 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:

10/3/16

The east half of Waldron Street Right of Way adjoining Lot 1, Dakota Addition, all in Stanley Townsite, located in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, City of Fort Pierre, Stanley County, South Dakota. A drainage and utility easement shall be placed in the vacated Right of Way. The Easement is described as the westerly 40 feet of the east half of the vacated Waldron Street Right of Way adjoining Lot 1, Dakota Addition, all in Stanley Townsite, located in the North Half of Section 21, Township 5 North, Range 31 East of the Black Hills Meridian, 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.

LaRoche moved and Ricketts seconded to approve Res 2016-21 Vacation of ROW-Heiss. The utility easement was originally set for 20 feet, but was increased to 40 feet for safety of workers. Motion passed on Voice Vote.

Res 2016-18 Malm Plat. The following resolution was presented:

RESOLUTION NO. 2016-06

A RESOLUTION APPROVING THE PLAT OF MALM'S ADDITION LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 31 EAST OF THE BLACK HILLS MERIDIAN, STANLEY COUNTY, SOUTH DAKOTA.

WHEREAS, Leslie Matteson, Renee Waring, Ricki Gulbranson, NancyJane Huehl, and Glen Malm are the owners of the property described as:

Malm's addition located in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 17, Township 5 North, Range 31 East of the Black Hills Meridian, Stanley County, South Dakota, and

WHEREAS, the party has caused the same to be surveyed and re-platted, hereafter to be known as Malm's addition located in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 17, Township 5 North, Range 31 East of the Black Hills Meridian, Stanley County, South Dakota, 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 Malm's addition located in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 17, Township 5 North, Range 31 East of the Black Hills Meridian, Stanley County, South Dakota

Ricketts moved and Bernhard seconded to approve Res 2016-18 Malm Plat as presented. Motion passed on Voice Vote.

Res 2016-19 Heiss Plat. The following resolution was presented:

RESOLUTION NO. 2016-19

A RESOLUTION APPROVING THE PLAT OF LOT 1R A REPLAT OF LOTS 1 AND 2, BLOCK 7 AND A VACATED PORTION OF WHISPERING SHORES DRIVE ADJOINING LOT 50, BLOCK 1, VINTAGE SQUARE ESTATES, FORT PIERRE, STANLEY COUNTY, SOUTH DAKOTA.

WHEREAS, Barry Heiss and Kathy Heiss are the owners of the property described as:

Lots 1 and 2, Block 7 and a vacated portion of Whispering Shores Drive adjoining Lot 50, Block 1, Vintage Square Estates, Fort Pierre, Stanley County, South Dakota, and

WHEREAS, the party has caused the same to be surveyed and re-platted, hereafter to be known as Lot 1R a replat of Lots 1 and 2, Block 7 and a vacated portion of Whispering Shores Drive adjoining Lot 50, Block 1, Vintage Square Estates, Fort Pierre, Stanley County, South Dakota, 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 Lot 1R a replat of Lots 1 and 2, Block 7 and a vacated portion of Whispering Shores Drive adjoining Lot 50, Block 1, Vintage Square Estates, Fort Pierre, Stanley County, South Dakota.

10/3/16

Bernhard moved and Weisgram seconded to approve Res 2016-19 Heiss Plat as presented. Motion passed on Voice Vote.

Res 2016-17 Special Maintenance fee. The following resolution was presented:

RESOLUTION 2016-17

A RESOLUTION TO AUTHORIZE A SPECIAL MAINTENANCE FEE THROUGHOUT THE CITY OF FORT PIERRE, PURSUANT TO 9-43-138 AT A RATE OF \$.80 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 \$.80 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

WHEREAS, the City council has determined that the total special maintenance fee to be assessed in 2016 and collected in 2017 is \$137,418.00. 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.

Weisgram moved and Ricketts seconded to approve Res 2016-17 Special Maintenance fee as presented. Motion passed on Voice Vote.

Set Public Hearing for Vacation of Right of Way for 11/7/16-Wright. Cronin moved and Weisgram seconded to set a public hearing for Vacation of Right of Way for 11/7/16. Motion passed on Voice Vote.

Intro Ord 1001-Re-zone Parcels from Highway Commercial to General Commercial. LaRoche moved to introduce Ordinance 1001 Re-zone parcels from Highway Commercial to General Commercial.

Set a Public Hearing for Ord 1001, Re-zone Parcels from Highway Commercial to General Commercial. Weisgram moved and Cronin seconded to set a public hearing for Ord 1001, Re-zone parcels from Highway Commercial to General Commercial for 11/7/16. Motion passed on Voice Vote.

Rental Contract-Hughes. Ricketts moved and Bernhard seconded to accept the rental contract as presented by Hughes for \$1500/month contingent on the door being tall enough to house the Boom truck. Motion passed on Voice Vote.

Agreement for Verendrye/Fort Chouteau site maintenance. Weisgram moved and Cronin seconded to accept the agreement with SD Historical Society and Pierre/Fort Pierre Historic Preservation for Verendrye/Fort Chouteau site maintenance for \$4000/year as presented. Motion passed on Voice Vote.

2016-2017 Plumbing License-Mattheis Plumbing. Cronin moved and Gabriel seconded to approve the 2016-2017 plumbing license for Mattheis Plumbing. Motion passed on Voice Vote.

Set a public hearing for 10/17/16-Temp Liquor License-Casey Tibbs Rodeo Center 11/5/16. Weisgram moved and Bernhard seconded to set public hearing for 10/17/16 for a Temp Liquor License at the Casey Tibbs Rodeo Center on 11/5/16. Motion passed on Voice Vote.

Acceptance of Fort Volunteer Structure. Discussion was had on who is responsible for the finishing of Fort Volunteer. Looking at putting artificial turf on the inside and some concrete to meet handicapped accessible laws and sidewalk going north and south with a fence as outer barrier along the highway. Cronin moved and LaRoche seconded to accept the Bill of Sale for the Fort Volunteer Structure. Motion passed on Voice Vote.

Authorization for Mayor to sign documents for land donated for park-Gary Johnson. Cronin moved and Bernhard seconded to authorize the Mayor to sign documents for the land being donated for a park from Gary Johnson. Motion passed on Voice Vote

10/3/16

Claims. The following claims were submitted:

AT&T Mobility	261.15	Monick Pipe & Supply	12.86
Bierschbach Equipment & Supply	491.00	Monick Pipe & Supply	5.00
Border States Electric Supply	509.83	Monick Pipe & Supply	14.40
Border States Electric Supply	48.36	Monick Pipe & Supply	164.04
Border States Electric Supply	493.29	Monick Pipe & Supply	8.27
Border States Electric Supply	230.65	Monick Pipe & Supply	63.00
Carie Olson	6.19	Morris	162.68
Casey Breitag	139.00	Morris	345.00
Central SD RSVP	250.00	Morris	15.00
CenturyLink	259.46	NASASP	39.00
Christy Lumber	17.95	Northwest Pipe Fittings	643.73
City of Fort Pierre	159.44	Northwest Pipe Fittings	322.83
City of Pierre	1,524.50	Northwest Pipe Fittings	1,298.68
City of Pierre	2,350.00	Northwest Pipe Fittings	28.46
City of Pierre	390.00	Northwest Pipe Fittings	32.67
City of Pierre	1,250.00	Parents Matter Coalition	500.00
City of Pierre	953.50	Pizza Ranch	24.98
Community Youth Involved	3,000.00	Resco	166.65
Dakota Business Center	140.98	Resco	320.70
Dakota Supply Company	467.35	River Cities Transit	7,000.00
Dakota Supply Company	30.00	Running's Supply	99.99
Don's Sinclair	8,557.00	S.D. Department of Health	150.00
Eddie's Truck Center	59.78	Sanitation Products	1,501.41
Eddie's Truck Center	13.76	Share Corporation	333.60
Eddie's Truck Center	27.31	Sheehan Mack Sales and Equipment	128.44
Eddie's Truck Center	20.90	Small Engine House	5.14
Exhaust Pros of Pierre	80.00	Stanley County	1,000.00
Fastenal Company	31.19	Stanley County Law Enforcement	75,162.50
Fort Pierre BID Board	7,812.56	State Flag Account	522.25
Fort Pierre Development Corporation	14,725.00	Stuart C. Irby Co.	157.26
Fort Pierre Fire Department	19,320.83	Tieszen Law Office	3,950.00
Hogen's Hardware Hank	17.37	Tim & Juanita Hughes	600.00
JC Office Supply	43.13	Tim & Juanita Hughes	1,500.00
JC Office Supply	95.00	WESCO	246.00
JC Office Supply	41.85	WESCO	1,050.00
King Electric	579.62	WW Tire Service	266.00
Michael Todd & Company	1,976.00	WW Tire Service	39.44
MicroFix	197.00	Zander Auto Parts	483.53
Missouri Shore Domestic Violence Center	1,250.00	Total	166,184.46

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August 2016 ACH Payments for Council Approval 10/03/16:

Capital Area Refuse	349.50	MDU	12.93
City of Fort Pierre	5,229.40	Missouri River Energy Services	193,204.72
Envirotech	113.75	S.D. Department of Revenue	13,819.44
First National Bank - S.F.	8,719.72	Wells Fargo	1,276.98
Fleet Services	3,454.01	West Central	1,167.17
PSN	451.15		
Pitney Bowes	500.00	Total	228,298.77

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

Reports. 1.) Heezen reported on the August cash report. 2.) Heezen informed council on the August financials that were included in the packet. 3.) Heezen reported that she is working on the utility budget. 4.) Hahn updated council on the West Main project and weather permitting hoping to do final paving next week. 5.) Hahn informed council that the State Water plan had been submitted and we received the Banner Engineering review for necessary improvements of adding another pond and dumping into Missouri River. 6.) Cronin asked about 6th St drainage issue. Hahn informed him our crew will start work this fall. 7.) Cronin inquired about striping the crosswalk on the highway at stop light.

Executive Session. Ricketts moved and Weisgram seconded to enter into Executive Session at 8:13 pm pursuant SDCL 1-25-2(3) for the purpose of discussing pending litigation with legal counsel. Mayor Hanson declared an end to Executive Session at 8:21 pm.

Adjournment. Weisgram moved and Gabriel seconded to adjourn the meeting at 8:21 pm.

Gloria Hanson, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer