

FORT PIERRE CITY COUNCIL
REGULAR MEETING
November 5, 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, and Ricketts. Officials present were Fischer, Heezen, Lawrence, Tieszen, and Thorson.

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

Consent Calendar. Hanson moved and Bernhard seconded to approve the following Consent Calendar items: 10/15/12 Minutes; Raffle Permit-Oahe Hockey Assn-11/12/12; Open Container Permit-American Cancer Society-CYI-fundraiser-11/3/12. Motion passed on Voice Vote.

Public Hearing-Walleye Drive Special Assessment. Mayor Tidball opened the public hearing at 7:35 p.m. for the purpose of getting public input concerning the creation of a special assessment district. Discussion was held that GTG Enterprises was concerned about the improvements because they feel there was an obligation of the previous owners based on the 1998 agreement they had with the City. Peggy Severson indicated that she did not feel that she would benefit from the improvement as argued in the Hubbard court case. Both parties indicated concern with the special assessment, specifically the special benefit determination. At 7:56 p.m., Ricketts moved and Hanson seconded to approve entering Executive Session 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 8:26 p.m. The following was presented:

RESOLUTION NO. 2012-21

**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 \$55,000 while the estimated cost opinion for the Storm Sewer shall not exceed \$48,000.

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.

Ricketts moved and Bernhard seconded to amend the proposed resolution of necessity to include only lots NC-1, NC-2, SC-1 and SC-2, thus reflecting such in Resolution 2012-21. Motion passed on Voice Vote with Cronin opposed.

Public Hearing-North Waldron. Mayor Tidball opened the public hearing at 8:27 p.m. for the purpose of getting public input concerning the creation of a special assessment district. Lawrence informed council that he received a request to rescind the special assessment and the parties are interested in drawing a petition to vacate the public ROW and make the area a private drive, doing the improvements themselves. Ricketts moved and Hanson seconded to table the special assessment resolution for N Waldron. Motion passed on Voice Vote.

Pay Request #1, Sharpe Enterprises-Chip Seal Project. Gabriel moved and Bernhard seconded to approve pay request #1 from Sharpe Enterprises in the amount of \$188,587.79 less a 10% retainer. Motion passed on Voice Vote.

Engineering Services for 6th Ave Sewer and Islay Sewer. Lawrence discussed the 2 quotes for engineering services for 6th Ave sewer, Brosz \$3845 and DGR \$6240. He also indicated that little or no sewer engineering services will be necessary for the Islay sewer project. Bernhard moved and Cronin seconded to approve entering into an engineering agreement with Brosz Engineering. Motion passed on Voice Vote.

Temp Liquor Lic-The View. Cronin moved and Bernhard seconded to approve the temporary liquor license to the View at the CYI on 12/8/12. Motion passed on Voice Vote.

Cottonwood Seeding Quote. Lawrence explained that he obtained a quote from Great Plains Landscaping in the amount of \$4860.10 for planting cottonwood trees to replace trees that were removed during the construction of the Hwy 1806 Drainage Ditch. Cronin moved and Bernhard seconded to accept the quote from Great Plains Landscaping. Motion passed on Voice Vote.

Proposed Snow removal Policy. Hanson moved and Gabriel seconded to approve the proposed snow removal policy that is on file at the City office. Motion passed on Voice Vote.

Intro Ord 959 Utility Budget-Intro. Ricketts moved to introduce Ord 959. Utility Committee meeting is set for 11/13 at 7:00 p.m.

Water Storage Tank. Staff explained to council that a piece is missing on top of the storage tank and there is a leak at the base of the tank. There will be an inspection that will cost around \$1200 that will come with a full report of the condition of the tank and needed repairs. Results will be shared at a future meeting.

Lease Agreement with Verendrye Museum for the Depot. Cronin moved and Ricketts seconded to enter into a lease agreement with the Verendrye Museum for the land that the Depot will occupy as indicated in the plat included with the lease. Motion passed on Voice Vote.

Claims. The following claims were submitted:

Ballew Construction	2,696.43	HD Supply Waterworks	2,695.90
Baumann Lumber	408.98	HD Supply Waterworks	4,024.94
Border States Electric Supply	1,018.58	Klein's Office Plus	67.99
Border States Electric Supply	330.65	Klein's Office Plus	42.70
Border States Electric Supply	962.60	Meierhenry Sargent LLP	9,000.00
Border States Electric Supply	38.04	MicroFix	35.00
Border States Electric Supply	38.82	MicroFix	70.00
Border States Electric Supply	1,993.62	Monick Pipe & Supply	28.79
Bottomline Welding	371.65	Morris	1,755.75
Brosz Engineering	14,347.50	Morris	2,584.77
Century Business Products	272.95	Morris	65.88
Century Business Products	230.16	Morris	1,835.85
CenturyLink	253.60	Morris	6.56
Christy Lumber	73.89	Morris	120.19
Christy Lumber	42.34	NASASP	39.00

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Christy Lumber	225.00	Pitney Bowes	396.75
Christy Lumber	225.00	PryntComm	238.00
City of Pierre	2,148.90	RDO Equipment Co.	217.63
Community Youth Involved	2,500.00	Running's Supply	59.96
Dakota Supply Company	1,261.00	Running's Supply	70.19
Dakota Supply Company	44.38	Running's Supply	19.99
Dakota Supply Company	150.80	Running's Supply	332.97
Dakota Supply Company	422.49	S.D. Department of Revenue	119.00
Dakota Supply Company	118.54	S.D. Public Assurance Alliance	41,290.80
Dakota Supply Company	8.10	Safety Benefits	130.00
Dickstein Shapiro LLP	1,638.50	Sharpe Enterprises	130.00
Ditch Witch of South Dakota	211.47	Snap-On	102.50
Ditch Witch of South Dakota	523.89	Stanley County	31.00
Eddie's Truck Sales	164.84	Stanley County-rent	1,000.00
Eddie's Truck Sales	75.25	T&R Electric Supply Company	6,894.00
Eddie's Truck Sales	26.46	T&R Electric Supply Company	1,382.00
Eddie's Truck Sales	17.48	Tieszen Law Office	5,921.36
Eddie's Truck Sales	27.30	Tim Hughes	150.00
Eddie's Truck Sales	21.74	Titze Electric	147.86
Eddie's Truck Sales	29.81	Titze Electric	132.65
Eddie's Truck Sales	79.00	TMA	122.96
Eddie's Truck Sales	12.73	United Systems Technology	100.00
Farnams NAPA Genuine Parts	29.99	WESCO	195.00
Farnams NAPA Genuine Parts	67.73	WESCO	2,973.00
Federal Express	36.83	WESCO	10,200.00
Ferguson Waterworks # 2516	1,000.00	West Central Electric Co-op	1,034.96
Ferguson Waterworks # 2516	950.00	West Central Electric Co-op	272.33
First National Bank - S.F.	300.00	West River/Lyman Jones Rural Water	24,482.85
Grossenburg Implement	216.11	Western Communication	250.00
HD Supply Waterworks	1,924.01	WW Tire Service	15.00
HD Supply Waterworks	784.52	Youngberg's & Sons	232.50
HD Supply Waterworks	115.09	Zander Auto Parts	404.82
		Total	159,860.17

Payroll related:

Avera	6,645.12	Office of Child Support Enforcement	447.00
American Family Insurance	572.66	Optilegra	93.64
City of Fort Pierre	102.00	Payroll 8/2/12, 8/16/12 & 8/30/12	60,158.55
City of Fort Pierre	376.26	S.D. Retirement System	7,480.90
EFTPS - Internal Revenue Service	25,231.45	S.D. Supplemental Retirement Plan	1,700.00
Kansas City Life	57.46	SD Unemployment Insurance	737.24
		Total	103,602.28

September ACH:

Capital Area Refuse	327.06	Montana Dakota Utilities	13.67
City of Fort Pierre	4,022.02	Pitney Bowes	500.00
Envirotech Waste Services	97.50	S.D. Department of Revenue	11,596.25
First National Bank - S.F.	7,031.15	Wells Fargo Payment Remittance Center	1,481.42
Fleet Services	5,852.88	Wells Fargo Payment Remittance Center	27,773.38
Missouri River Energy Services	138,087.24	West Central Electric Co-op	119.78
		Total	196,902.35

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

Reports. 1.) Heezen reported on September financials. 2.) Heezen indicated that FEMA will be coming along with State OEM employees on 11/7 to take another look at pending street issues. 3.) Lawrence reported that we are on schedule with the electric work needed for the new elementary school - the spacer cable will be removed and we hope to have the new line in place yet this week. 4.) Lawrence indicated that he will continue to work on the alternative power ordinance and will need to incorporate West Central Electric guidelines due to them being the providers in the extraterritorial planning & zoning area.

Adjournment. With no further business, Tidball declared the meeting adjourned at 9:20 p.m.

Sam Tidball, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer