

FORT PIERRE CITY COUNCIL  
APPROVED MINUTES  
REGULAR MEETING  
Monday, November 16, 2020

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 Cronin, Kenzy, Ricketts, and Weisgram. Bernhard was absent and Rathbun arrived after Roll Call. Officials in attendance were Cromwell, Hahn, Heezen, and Tibbs. Meeting was held via Zoom and in-person all motions are recorded as roll call votes.

**Approval of Agenda.** Weisgram moved and Ricketts seconded to approve the agenda. Motion passed on roll call vote with Cronin, Kenzy, Ricketts, and Weisgram all voting aye.

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

**Reports.** 1.) Hanson congratulated Weisgram on his election to the House of Representatives. Weisgram will continue to serve until the end of December. Hanson has had two people express interest and she is taking recommendations. Hanson will recommend a replacement for Weisgram that will fill out his term until the next municipal election and council will take action on the recommendation. 2.) Hanson discussed the covid numbers with council and will bring back to the December meeting a recommendation for temporary mask mandates. 3.) Heezen informed council that sales tax through September was up 8.36% for the month and up 6.81% YTD and the BBB was up 24.77% for the month, but down 5.9% YTD. 4.) Heezen reported to Council that the City had been awarded the 2020 Trenching and Confined Space Safety grant from SDML WC for \$1000 to purchase two gas detectors and a safety harness. 5.) Heezen informed council the City employees had also received the 2020 Loss Control/Safety Achievement Award Gold Level. 6.) Hahn reported that there will be a public meeting for the Missouri River Bridge Construction project on 11/19/20 from 7 – 8:30 pm at the Capitol Visitor Center. 7.) Hahn informed council that the Bad River Pedestrian Bridge lighting is currently being installed and should be completed by next week. 8.) Weisgram reported to council that the SDML has hired legal counsel to put together wording for ordinances on the two amendments that were passed in the November election. Weisgram and Hanson also expressed how the city will need to react and regulate the licensing, zoning issues, and revenue from the marijuana legislation.

**Consent Calendar.** Cronin moved and Kenzy seconded to approve the Consent Calendar: Minutes-11/2/20; Raffle Permit-The Right Turn-50/50 Raffle for educational organization. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

**Public Hearing.** Mayor Hanson called a public hearing at 7:02 pm to get public input on the Discharge of Firearms in the City limits for Dunes Golf. She asked for proponents to the license. Weisgram had contacted the nearest home owners association along with nearby residents and no one had concerns with the permit and he recommended approving the request. Hanson then asked for opponents to the Discharge of Firearms Permit. She heard none. Hearing no further comments, Hanson declared an end to the public hearing at 7:04 pm.

**Res 2020-20 Discharge of Firearms request-Dunes Golf.** The following resolution was presented:

RESOLUTION #2020-20  
A RESOLUTION APPROVING THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS

WHEREAS, the City of Fort Pierre held public hearing to address concerns regarding the issuance of a license to discharge firearms within the City limit for the hunting of waterfowl with a shotgun as requested by Dunes Golf Inc at the property described as Gov't Lot 4 less Lot A & B, Lot 1 of Sec 16 Twp 5 Range 31, City of Fort Pierre, Stanley County; and

WHEREAS, the City of Fort Pierre requires the applicant to adequately post the area to notify passers by of any possible risk due to hunting and to use any other necessary precautions in regards to safety; and

WHEREAS, the City of Fort Pierre requires the applicant to provide proof of adequate insurance that names the City as an additional insured on the policy; and

WHEREAS, the City of Fort Pierre requires the applicant to pay a fee in the amount of \$50 for their license; and

WHEREAS, the City of Fort Pierre will honor such license conditional on the above terms from the date of passage through 6/30/21; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to City Ordinance M-3-5 the City Council, in and for the City of Fort Pierre, South Dakota does hereby approve the license to discharge firearms, within the City limits within the boundaries described herein, to the applicant conditional of them meeting the terms listed above.

Weisgram moved and Ricketts seconded to approve Resolution 2020-20 authorizing the Discharge of Firearms in the City Limits for Dunes Golf. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

**2<sup>nd</sup> Reading (final) Ord 1045 Discretionary Tax Formula.** Cronin moved and Weisgram seconded to approve the 2<sup>nd</sup> (Final) reading of Ordinance 1045-Discretionary Tax Formula. Motion passed on roll call vote with Cronin, Rathbun, Ricketts, and Weisgram all voting aye. Kenzy voted nay.

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**2021 Liquor Licenses.** The following liquor license applications were presented:

|                                 |   |   |
|---------------------------------|---|---|
| <b>Cowboy County Stores</b>     | Type: Package Off-Sale Liquor                               | Legal: Block 32 Lots 16-18 & Lots 19-25 in Block 32, City of Fort Pierre, Stanley County, SD  |
| <b>Yesway</b>                   | Type: Package Off-Sale Liquor                               | Legal: South 200 feet of Kruse Addition, City of Fort Pierre, Stanley County, SD  |
|                                 | Type: Retail On-Off Sale Wine                               |   |
| <b>Metro City, Inc.</b>         | Type: Package Off-Sale Liquor                               | Legal: Outlot 7-4, Thomas Acres Subdivision, section 26, TSN, R31E, BHM, City of Fort Pierre, Stanley County, SD  |
| <b>Hop Scotch Bar</b>           | Type: Retail On-Sale Liquor                                 | Legal: Lots 1-9 & S 2 feet of Lot 10, Blk 30 N 20.7 feet of Lot 3 & all of Lots 4 & 5, Block 72, City of Fort Pierre, Stanley County, SD  |
| <b>AmericInn Hotel</b>          | Type: Retail On-Sale Convention Center Liquor, Sunday sales | Legal: Lots 14, 18, 19 Teton Island addition, City of Fort Pierre, Stanley County, SD   |
| <b>Casey Tibbs Rodeo Center</b> | Type: Retail On-Off Sale Wine                               | Legal: Lots 1 to 6 and 23-28, plus vacated, Block 33; Lots 6 to 28 incl, plus vacated of Block 42; Lots 1 to 14 incl, plus vacated of Block 43; Lots 16 to 28 incl of Block 43; Lots 1-2 plus vacated of Block 44; & Lots 1-28 inclusive of Block 50, City of Fort Pierre, Stanley County, SD |
| <b>Dakotamart</b>               | Type: Retail On-Off Sale Wine                               | Legal: Block 26 Lots 16-25, Original Townsite, City of Fort Pierre, Stanley County, SD  |
| <b>Silver Spur</b>              | Type: Retail On-Sale Liquor                                 | Legal: East 7.8 feet of Lots 33-37 and West 21 feet of Lots 38, City of Ft Pierre, Stanely County, SD   |
| <b>Drifter's</b>                | Type: Retail On-Sale Liquor                                 | Legal: Lot 5R, Riverwalk Landing, Fort Pierre, Stanley County, SD   |
| <b>Total Beauty</b>             | Type: Retail On-Off Sale Wine                               | Legal: Block 17 Lots 15-18, City of Ft Pierre, Stanely County, SD   |
| <b>Chateau</b>                  | Type: Retail On-Sale liquor                                 | Type: All of Lots 2 & 3 and the South 9.75' of Lot 4, Lots A & B, and Lots 1, 40, 41, 42, 43 of Ricketts Subdivision, of block 15, City of Fort Pierre, Stanley County, SD  |
| <b>Chuckwagon</b>               | Type: Retail On-Sale Liquor                                 | Legal: N 15.5' Lot 4, All of Lots 5-7 and a fractional part of Lot 8, & Lot C of block 15, City of Fort Pierre, Stanley County, SD  |
| <b>Chuckwagon</b>               | Type: Package Off-Sale Liquor                               | Legal: N 15.5' Lot 4, All of Lots 5-7 and a fractional part of Lot 8, & Lot C of block 15, City of Fort Pierre, Stanley County, SD  |

Rathbun moved and Cronin seconded to approve the list as presented except for the Chuckwagon's Off-Sale Package Liquor License. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

**2020 Electrical Contractor License-Linke Electric (Mitchell).** Kenzy moved and Cronin seconded to approve the 2020 Electrical Contractor License for Linke Electric in Mitchell SD. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

**2020 Dray License-River Bottom Sanitation.** Weisgram moved and Rathbun seconded to approve the 2020 Dray License for River Bottom Sanitation. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram.

**Public Comment.** Cronin informed council of issues with a residential sewer on Center Lane. After discussion on the issue and different options for a remedy, it was referred to the Street and Utility Committee.

**Executive Session.** Kenzy moved and Ricketts seconded to go into Executive Session at 7:45 pm pursuant to SDCL 1-25-2(3) to discuss Legal/Contractual Matters with legal counsel. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye. Mayor Hanson declared an end to Executive Session at 8:17 pm.

**Res 2021-21 Lookout Ridge Commercial Development.** The following resolution was presented:

**RESOLUTION NO. 2020-21**

**A RESOLUTION REGARDING ACCEPTANCE OF STREETS AND REGARDING APPROVAL OF BUILDING PERMITS IN LOOKOUT RIDGE COMMERCIAL DEVELOPMENT.**

**WHEREAS** the City of Fort Pierre entered into an Agreement for Lookout Ridge Commercial Development, Phase 1 (For Lots 1-15 Inclusive) (hereinafter "Lookout Ridge Commercial Development") with developer CAM Rentals, LLC on November 5, 2018; and

**WHEREAS** the Fort Pierre City Council has considered the matter of the construction and installment of the water and sewer lines and of the construction of the streets that has taken place within the Lookout Ridge Commercial Development; and

**WHEREAS** the developer was instructed by letter dated April 29, 2020, to Cease and Desist all construction activities within Lookout Ridge Commercial Development, based upon violations of the Developer's Agreement and non-compliance with approved plans and failure to comply with directives from the Director of Public Works to correct non-compliant work; and

**WHEREAS** the Fort Pierre City Council has been presented with information from the Director of Public Works that the streets constructed within the Lookout Ridge Commercial Development have not been constructed satisfactorily in accordance with construction plans or with City specifications, the South Dakota Department of

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Transportation specifications, or with the current version of the AASHTO Design Manual as required in the Agreement for Lookout Ridge Commercial Development, and the work was rejected by the City; and

**WHEREAS** the Fort Pierre City Council has been presented with information from the Director of Public Works that the installation of water services was done using unapproved material and that the City rejected that work, and further that the developer was directed to replace the water service lines with approved products, which has not been done, and further that water service lines were covered by the placement of unapproved granular base material and concrete paving, without having been corrected; and

**WHEREAS**, the Fort Pierre City Council, finds it in the best interest of the City to not accept as City streets those that have not been satisfactorily constructed in accordance with approved construction plans and in compliance with City specifications, including those in Lookout Ridge Commercial Development; and

**WHEREAS**, the Fort Pierre City Council further finds it in the best interest of the City to issue no building permits on lots within a development when the streets and the water and sewer service lines in that development have not been constructed in accordance with approved construction plans and in compliance with City specifications, including those in Lookout Ridge Commercial Development;

**NOW THEREFORE BE IT RESOLVED**, that the City Council, in and for the City of Fort Pierre, South Dakota will refuse to accept any dedication of the streets and the water and sewer lines of Lookout Ridge Commercial Development that are not constructed satisfactorily in accordance with City specifications, and

**FURTHER RESOLVES** that no building permits shall be issued for any construction in Lookout Ridge Commercial Development until such time as the defects and lack of compliance of the streets and the water and sewer lines have been corrected and inspection of them indicates that the improvements have been brought into compliance with all City standards.

Kenzy moved and Weisgram seconded to approve Resolution 2020-21 Lookout Ridge Commercial Development as presented. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

#### Claims.

|  |        |                                    |            |
|--|--------|------------------------------------|------------|
| Avera Occupational Medicine - Mitchell | 79.55  | Floyd's Truck Center               | 16.06      |
| Black Hills Chemical & Janitorial      | 680.28 | Grimm's Pump & Industrial Supply   | 72.10      |
| Black Hills Chemical & Janitorial      | 765.93 | JC Office Supply                   | 104.82     |
| Border States Electric Supply          | 645.78 | JC Office Supply                   | 111.06     |
| BPro                                   | 95.00  | MicroFix                           | 110.90     |
| Century Business Products              | 316.53 | MOBOTREX                           | 375.00     |
| CenturyLink                            | 92.28  | Morris                             | 380.00     |
| Charlotte Cardenas Whaley              | 46.12  | Running's Supply                   | 94.99      |
| Christy Lumber                         | 38.00  | S.D. Bureau of Administration      | 44.43      |
| Christy Lumber                         | 8.00   | T&R Electric Supply Company        | 2,984.00   |
| City of Fort Pierre                    | 408.98 | T&R Electric Supply Company        | (1,106.25) |
| Dakota Supply Company                  | 117.08 | Terry Schroer                      | 54.56      |
| Dakota Supply Company                  | 559.68 | TranSource Truck & Equipment       | 3,932.38   |
| Dakota Supply Company                  | 628.51 | USA BlueBook                       | 96.54      |
| Dave Dahl                              | 100.28 | Van Diest Supply Company           | 752.40     |
| Federal Express                        | 14.26  | WESCO                              | 514.00     |
| Floyd's Truck Center                   | 9.96   | West River/Lyman Jones Rural Water | 16,649.22  |
| Floyd's Truck Center                   | 18.83  | Zander Auto Parts & Machine Shop   | 149.99     |
|  |        | Total                              | 29,961.25  |

Payroll related/misc payments for Oct 2020 to be approved 11/16/20:

|                           |          |                        |            |
|---------------------------|----------|------------------------|------------|
| American Family Insurance | 1,375.60 | Optilegra              | 190.18     |
| Accounts Management       | 100.00   | Payroll                | 112,707.43 |
| City of Fort Pierre       | 378.00   | S.D. Retirement System | 15,859.74  |

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|                                     |           |                                   |            |
|-------------------------------------|-----------|-----------------------------------|------------|
| Delta Dental                        | 1,201.60  | S.D. Supplemental Retirement Plan | 4,800.00   |
| EFTPS - Internal Revenue Service    | 10,856.24 | United Way                        | 192.63     |
| Kansas City Life                    | 85.75     |                                   |            |
| Office of Child Support Enforcement | 241.00    | Total                             | 147,988.17 |

Oct 2020 ACH Payments for Council Approval 11/16/20:

|                                |           |                            |            |
|--------------------------------|-----------|----------------------------|------------|
| Avera                          | 13,991.12 | Postage by Phone           | 500.00     |
| Capital Area Refuse            | 476.36    | S.D. Department of Revenue | 13,777.93  |
| City of Fort Pierre            | 5,377.99  | FNB                        | 8,241.40   |
| Envirotech                     | 863.00    | WEX                        | 3,306.68   |
| MDU                            | 29.80     | Wells Fargo                | 188.01     |
| Missouri River Energy Services | 92,703.05 | West Central               | 260.95     |
|                                |           | Total                      | 139,716.29 |

Cronin moved and Rathbun seconded to pay the claims as presented. Motion passed on roll call vote with Cronin, Kenzy, Rathbun, Ricketts, and Weisgram all voting aye.

**Adjournment.** Mayor Hanson adjourned the meeting at 8:18 pm.

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Gloria Hanson, Mayor

ATTEST:  
(SEAL)

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Roxanne Heezen, Finance Officer