

FORT PIERRE CITY COUNCIL  
REGULAR MEETING  
December 3, 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 Cronin, Gabriel, Rathbun, and Ricketts. Officials present were Cromwell, Heezen, Lawrence, and Thorson.

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

**Consent Calendar.** Cronin moved and Gabriel seconded to approve the following Consent Calendar items: 11/19/12 Minutes; Raffle Permit-SC History Club Fund Raiser-12/04/12. Motion passed on Voice Vote.

**Public Hearing – License to Discharge Firearms.** Tidball opened the public hearing at 7:35 p.m. for the purpose of getting public input on the issuance of permits to discharge firearms within the city limits. It was discussed that the applicants, Dunes Golf and Gary Johnson (Dan Miller), must provide proof of insurance listing the City as an additional insured along with other requirements as listed in the resolutions. Hearing no additional comments, Tidball called an end to the public hearing at 7:40 p.m.

**Resolution 2012-22 Discharge of Firearms within the City Limits.** The following resolution was considered:  
RESOLUTION #2012-22

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 6/30/13; 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.

Ricketts moved and Rathbun seconded to approve Resolution 2012-22. Motion passed on Voice Vote.

**Resolution 2012-23 Discharge of Firearms within the City Limits.** The following resolution was considered:  
RESOLUTION #2012-23

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 Gary Johnson at the property described as That part of Gov't Lot 3 lying W of the Railroad Right of Way and that part of Gov't Lot 4 lying W of Railroad Right of Way, less and except Lot 1 of Turman Addition and Lot G and Spencer's Outlots and Volmer Outlots and Lot M and Lot A, 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 6/30/13; 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.

Gabriel moved and Rathbun seconded to approve Resolution 2012-23. Motion passed on Voice Vote.

**Pierre/Fort Pierre Historic Preservation Commission Presentation.** Gordon Koch with the Pierre/Fort Pierre Historic Preservation Commission presented the 2012 operations of the commission to the council.

**2013 Liquor Licenses.** The following 2013 liquor license applications were presented to the council:

<b>Fort Pierre Liquors</b>	Type: Package off-sale Liquor	Legal: North 175 feet, Block 59, Kruse Addition, City of Ft Pierre, Stanley County, SD
<b>Freshstart</b>	Type: Package off-sale Liquor	Legal: South 200 feet of Kruse Addition, City of Ft Pierre, Stanley County, SD
<b>Metro City, Inc.</b>	Type: Package off-sale Liquor	Legal: Westerly 145 feet, Outlot T-4, Thomas Acres Subdivision, City of Ft Pierre, Stanley County, SD
<b>McClelland's</b>	Type: Retail on-sale Liquor Package off-sale Liquor Sunday Sales	Legal: NC-2, being a subdivision of the North ½ lot C of Young's Outlot 1, City of Ft Pierre, Stanley County, SD
<b>Hop Scotch Bar</b>	Type: Retail on-sale Liquor Sunday Sales	Legal: Lots 1-9 & S 2 feet of Lot 10, Blk N 20. 7 feet of Lot 3 & all of Lots 4 & 5, Block 72, City of Ft 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>Chateau</b>	Type: Retail on-sale liquor Sunday Sales	Legal: Lots 2,3 & S 9.7 feet of Lot 4, Lot A of a subdivision of Block 15, N 3 Feet of Lots 1, 41, 42 & 43, Block 15, City of Ft Pierre, Stanley County, SD
<b>Dunes Golf, Inc.</b>	Type: Retail On-Sale Liquor Sunday Sales	Legal: Accretion Lot 3 less Lot 1 Gov Lot 5, lots 1-21 & proposed lot 22 inclusive of Hamilton first Addition & west 110 ft of Lots 2 & 3 pro in Gov Lot 5, Section 16, Township 5 Range 31, Fort Pierre, Stanley County, SD
<b>Loyal Order of Moose</b>	Type: Retail on-sale Liquor Sunday Sales	Legal: Outlot 1, Thomas Acres Subdivision, City of Ft Pierre, Stanley County, SD
<b>AmericInn Hotel &amp; Conf Center</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: 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; 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>Affections Floral and Wine</b>	Type: On-Off Sale Wine	Legal: Block 60 Lots 1 - 2 and the S 9' of Lot 3, City of Fort Pierre, Stanley County, SD

Rathbun moved and Ricketts seconded to approve the licenses presented, excluding Fort Pierre Liquors. Motion passed on Voice Vote.

**2013 Liquor License – Fort Pierre Liquor.** Rathbun moved and Ricketts seconded to approve the 2013 liquor license effective through June 30, 2013 when the license would then revert to the City if not in operation. Motion failed on Voice Vote, with Gabriel opposing. Rathbun moved and Cronin seconded to defer further action on the license until the 12/17/12 meeting. Motion passed on Voice Vote.

**Reserve for 2012 Street Bond.** Rathbun moved and Ricketts seconded to establish the required reserve in the amount of \$353,942.25 in the form of a CD at Dakota Prairie Bank. Motion passed on Voice Vote.

**Moving Permit-Cam Rentals.** Ricketts moved and Cronin seconded to approve the moving permit as requested by Cam Rentals at 116 E 4<sup>th</sup> Ave. Motion passed on Voice Vote.

**Ord 958 2012 Supplemental Budget, 2<sup>nd</sup> Reading.** Ricketts moved and Rathbun seconded to approve Ord 958, Supplemental Budget for 2012. Entire Ordinance published separately. Motion passed on Voice Vote.

**Ord 959 2013 Utility Budget, 2<sup>nd</sup> Reading.** Cronin moved and Ricketts seconded to approve Ord 959, Utility Budget for 2013. Entire Ordinance published separately. Motion passed on Voice Vote.

**Ord 960 Utility Rates, Introduction** Cronin moved to introduce Ord 960 Utility Rates.

**MRES Rate Study.** Ricketts moved and Cronin seconded to authorize entering into an agreement (our share \$7,000) with MRES to perform a rate study, expecting results by August 2013. Motion passed on Voice Vote.

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**Ambulance Agreement.** Cronin moved and Ricketts seconded to authorize entering into a 5 year agreement (\$135,000 annually) with AMR for ambulatory services along with Stanely County, Hughes County and the City of Pierre. Motion passed on Voice Vote.

**Antenna Site Lease.** Cronin moved and Rathbun seconded to authorize entering in a 1-year agreement (\$600) with Hughes County Emergency Management for the site where our repeater is located. Motion passed on Voice Vote.

**Claims.** The following claims were submitted:

Animal Clinic of Pierre	167.00	Joncrete Construction	400.00
Avera Queen of Peace Health Services	147.80	Joncrete Construction	5,584.00
Border States Electric Supply	766.71	Joncrete Construction	2,068.00
Border States Electric Supply	851.92	Klein's Office Plus	16.14
Border States Electric Supply	1,071.90	Marion's Garden Homewoners Association	4,950.00
Capital Journal	960.00	Morris	2,134.23
Central Caissons	330.00	Noble Ink & Toner	251.98
Century Business Products	346.63	Northwest Pipe Fittings	5,336.78
Century Business Products	230.16	Northwest Pipe Fittings	121.72
CenturyLink	253.60	Pizza Ranch	40.00
Christy Lumber	84.00	Ronna C. Keeney	27.94
Christy Lumber	90.00	Running's Supply	74.97
Christy Lumber	359.70	Running's Supply	(74.97)
City of Pierre	74.80	Running's Supply	74.97
City of Pierre	124.80	Running's Supply	150.22
City of Pierre	140.40	Running's Supply	55.98
Community Youth Involved	2,500.00	Running's Supply	329.94
Dakota Supply Company	179.94	S.D. Department of Revenue	132.00
DeWild Grant Reckert and Associates Company	1,265.00	S.D. Dept. of Agricultural Services	60.00
Display Sales Company	557.75	Security Lock Service	142.95
Eddie's Truck Sales	39.02	Stanley County	1,000.00
Eddie's Truck Sales	245.23	Sutley's Town and Ranch	24.76
Eddie's Truck Sales	(67.00)	T&R Electric Supply Company	3,447.00
Eddie's Truck Sales	20.20	Tieszen Law Office	5,984.73
Hogen's Hardware Hank	20.93	Tim & Juanita Hughes	150.00
Inland Truck Parts	(248.96)	Titan Machinery	361.70
Inland Truck Parts	163.06	Zander Auto Parts	971.96
Inland Truck Parts	32.15		
Inland Truck Parts	316.94	Total	44,840.68

**Oct ACH Claims:**

Capital Area Refuse	327.06	Montana Dakota Utilities	12.57
City of Fort Pierre	3,706.37	S.D. Department of Revenue	10,033.13
Envirotech Waste Services	115.50	Wells Fargo Payment Remittance Center	39.00
First National Bank - S.F.	14,062.30	Wells Fargo Payment Remittance Center	41,403.70
Fleet Services	5,770.49	West Central Electric Co-op	1,821.47
Missouri River Energy Services	86,215.89	Total	163,507.48

**November Payroll related claims:**

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 11/8 & 11/21	50,574.32
City of Fort Pierre	437.27	S.D. Retirement System	7,387.58
EFTPS - Internal Revenue Service	15,724.35	S.D. Supplemental Retirement Plan	1,700.00

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Kansas City Life	91.26	Total	83,775.20
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Ricketts moved and Cronin seconded to pay the claims as submitted. Motion passed on Voice Vote.

**Reports.** 1.) Heezen reported that she will be attending the Election Workshop in Pierre on 12/6. 2.) Heezen reported on the October financials. 3.) Lawrence reported that he has found a few used bucket trucks in the \$75,000 range and will continue to search for reliable replacements for the bucket truck and vactor truck as part of our equipment replacement plan. 4.) Lawrence indicated that we need to purchase a new variable frequency drive for the super lift at a cost of \$10,300. 5.) Lawrence indicated that he will be part of a study group organized by DOT regarding the replacement of the Missouri River Bridge. 6.) Lawrence reported that we have received the lagoon improvement plans back from DENR, approved with conditions that we need to comply with.

**Executive Session.** Gabriel moved and Rathbun seconded to approve entering into Executive Session at 8:35 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 8:51 p.m.

**Adjournment.** With no further business, Tidball declared the meeting adjourned at 8:52 p.m.

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Sam Tidball, Mayor

ATTEST:  
(SEAL)

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Roxanne Heezen, Finance Officer