

FORT PIERRE CITY COUNCIL
REGULAR MEETING
December 21, 2015

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, Ricketts, Rose, and Weisgram. Officials present were Cromwell, Heezen, Thorson, and Tibbs.

Agenda. Gabriel moved and Rose seconded to approve the agenda as presented. Motion passed on Voice Vote.

Conflict of Interest Declarations. Mayor Hanson declared a Conflict of Interest for the 2015-17 – Preexisting Nonconforming Structure, indicating that she would recuse herself on that agenda item.

Consent Calendar. Cronin moved and Bernhard seconded to approve the following Consent Calendar items: 12/07/15 Minutes; Open Container Permits: Stanley County Democrats- Senior Center – 2/16/16; Raffle Permit: Delta Waterfowl – 1/16/15 CYI. Motion passed on Voice Vote.

Public Hearing. Overlay District Request – Ron Caldwell – Request withdrawn by Applicant.

Public Hearing. Mayor Hanson opened a public hearing at 6:33 pm for the purpose of getting public input on the discharge of Firearms Permit – Anderson & Buchholtz. The following resolution was presented:

RESOLUTION #2015-18

A RESOLUTION APPROVING THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS

WHEREAS, the City of Fort Pierre held a 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 Anderson & Buchholtz, LLP of Fort Pierre, South Dakota. The property is described as: That part of Lots 14-23 Lying East of Hwy 1806 ROW, Blk 25; Lots 14-33, Blk 26; W ½ of Lots 29-33 & all of Lots 24-28, Blk 27; Lots 1-10 and 42-46, Blk 35; and W ½ of Lots 1-6 & all of Lots 7-46, Blk 34, 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 6/30/16; 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.

This resolution is effective upon passage.

Ricketts moved and Rose seconded to approve Resolution 2015-18, authorizing the discharge of Firearms Permit for Anderson & Buchholtz. Motion passed on Voice Vote with Cronin opposed. Hearing no further comments, Hanson declared an end to the public hearing at 6:37 pm.

Res 2015-17 – Preexisting Nonconforming Structure. Mayor Hanson recused herself from the meeting and Council President Bernhard proceeded. Bernhard read Res 2015-17, Preexisting Nonconforming Structure Status and the Declaration of Land Restrictive Covenants to the council. The following resolution was presented:

12/21/2015

**RESOLUTION NO. 2015-17
RESOLUTION DECLARING
PREEXISTING NONCONFORMING STRUCTURE STATUS**

WHEREAS Ronald Caldwell (“Landowner”) sought to place a mobile home on land zoned Agricultural, located outside the corporate limits of the City of Fort Pierre (“City”) but within the one mile territorial jurisdiction of the City, and thus under the zoning jurisdiction of the City; and

WHEREAS Landowner sought from the City a building permit for a storage shed to be built at 700 S. Cedar Hill, Fort Pierre, which was approved dated July 28, 2014; and

WHEREAS Landowner sought from the City and was issued a mobile home moving permit for placement of a mobile home at 700 S. Cedar Hill Road, Fort Pierre, dated August 25, 2014; and

WHEREAS a mobile home is a nonconforming structure on land zoned Agricultural; and

WHEREAS City informed Landowner by letter dated September 8, 2014, that it would be a violation of City ordinances to move the mobile home to the Cedar Hill Road location, but it is unclear when Landowner was first informed of this; and

WHEREAS Landowner, having received the mobile home moving permit did place a mobile home at 700 S. Cedar Hill Road; and

WHEREAS considerable public input has been received and a number of zoning options have been explored; Landowner sought rezoning of the property to Residential C, which was not approved; Landowner further sought creation of an overlay district allowing mobile homes on property on Cedar Hill Road currently zoned Agricultural, which request was withdrawn by Landowner in light of agreement to the terms of a separate Declaration of Land Use Restrictive Covenants following Fort Pierre Planning and Zoning Commission’s recommendation that overlay zoning not be approved; and

WHEREAS the City recognizes that the City’s action in issuing the mobile home moving permit was a factor in Landowner placing the mobile home at the location; and

WHEREAS other mobile homes exist in the area that are considered preexisting nonconforming structures and grandfathered, and this mobile home is not inconsistent in appearance from those other mobile homes in the location; and

WHEREAS additional mobile homes exist in the one-mile territorial jurisdiction that are considered to have preexisting nonconforming structure status and are grandfathered; and

WHEREAS the City Council finds and declares that it is in the best interest of the City of Fort Pierre to bring closure to this matter by imparting preexisting nonconforming structure status on the mobile home located at 700 S. Cedar Hill Road on the condition that Owner agrees to the terms of a separate Declaration of Land Use Restrictive Covenants;

BE IT HEREBY RESOLVED, by the City Council of the City of Fort Pierre, South Dakota, pursuant to the withdrawal by Landowner of his request for an overlay district, and in light of the factors stated above, that contingent upon Owner agreeing and adhering to the terms of a separate Declaration of Land Use Restrictive Covenants, which the Council hereby accepts, the City of Fort Pierre will for purposes of its zoning ordinances consider the mobile home that is presently located at 700 S. Cedar Hill Road, Fort Pierre, to be a preexisting nonconforming structure. Landowner may not expand, extend, change the footprint of, structurally alter, or move the mobile home from its existing location without losing preexisting nonconforming structure status. Such status is limited to this existing mobile home only and no additional mobile homes may be placed on the property.

Dated this 21st day of December, 2015.

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Executive Session. Ricketts moved and Weisgram seconded to enter into Executive Session at 7:00 pm pursuant to SDCL 1-25-2(3) for the purpose of discussing legal matters with legal counsel. Council President Bernhard declared an end to Executive Session at 7:12 pm.

Weisgram moved and Ricketts seconded to approve Res 2015-17 Preexisting Nonconforming Structure as presented. Motion passed on Voice Vote. Mayor Hanson returned to proceed with the meeting.

CCO#2 (Final) 2015 Street Improvements \$113,274.30. Gabriel moved and Cronin seconded to approve CCO#2 (Final) to Sharpe Enterprises for 2015 Street Improvements in the amount of \$113,274.30. Motion passed on Voice Vote.

Pay Req #6 2015 Road Improvements \$109,754.72. Ricketts moved and Weisgram seconded to approve Pay Req #6 for Road Improvements, in the amount of \$109,754.72, to Sharpe Enterprises. Motion passed on Voice Vote.

Pay Req #8 (Final) Depot \$11,000. Cronin moved and Bernhard seconded to approve Pay Req #8 (Final) for the Depot, in the amount of \$11,000, to First Dakota Enterprises. Motion passed on Voice Vote.

2016 Electric, Plumbing and Dray Licenses. The following licenses were presented: Dakota Electric, Ferding Electric, and Smith Mechanical for 2016 Electric and Plumbing license. Cronin moved and Rose seconded to approve the licenses as presented. Motion passed on Voice Vote.

Auth to Advertise for 2016 Chip Seal. Ricketts moved and Weisgram seconded to authorize to advertise for 2016 Chip Seal. Motion passed on Voice Vote.

Intro Ord 989 Grading. Ricketts moved to introduce Ord 989 Grading and refer it to Planning and Zoning.

Intro Ord 988 Utility Rates. Weisgram moved to introduce Ord 988 Utility Rates.

2016 Animal Control Contract. Cronin moved Gabriel seconded to accept the 2016 Animal Control Contract as presented from Pierre Animal Clinic. Motion passed on Voice Vote.

Ord 987 2015 Supplemental Budget, 2nd reading. Bernhard moved and Weisgram seconded to approve Ordinance 987 2015 Supplemental Budget. Motion passed on Voice Vote.

Claims. The following claims were submitted:

Ballew Construction	1,901.02	Lynn's Dakotamart	17.15
Banner Associates	2,397.00	Lynn's Dakotamart	7.99
Beck Motors	75.27	Lynn's Dakotamart	(37.51)
Border States Electric Supply	354.56	MicroFix	80.00
Border States Electric Supply	120.17	Morris	1,384.01
Bottomline Welding	527.50	Morris	1,541.79
Brosz Engineering	1,000.00	Morris	291.17
Brosz Engineering	1,200.00	Morris	503.34
Brosz Engineering	370.00	Robins Water Conditioning	30.60
Brosz Engineering	367.50	Roxanne Heezen	246.00
Brosz Engineering	812.50	Running's Supply	35.97
Brosz Engineering	5,492.50	Running's Supply	260.69
Capital Journal	189.89	Running's Supply	338.66
CenturyLink	85.28	S.D. Bureau of Administration	18.64
CenturyLink	92.28	S.D. Water and Wastewater Association	10.00

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Cholik	495.00	S.D. Water and Wastewater Association	10.00
City of Fort Pierre	384.21	Servall Uniform & Linen	297.99
Dakota Business Center	140.98	Sheehan Mack Sales and Equipment	230.00
Dakota Pump & Control Co.	1,265.31	Sheehan Mack Sales and Equipment	(461.36)
Dakota Supply Company	1,557.41	Sheehan Mack Sales and Equipment	204.98
Dan Myers	1,126.40	Sheehan Mack Sales and Equipment	36.06
David Vogel	300.00	Tieszen Law Office	8,380.00
Eddie's Truck Center	46.36	Titan Machinery	1,511.65
Equipment Blades Inc.	920.00	Titze Electric	74.49
Ferding Electric	94.19	Warne Chemical & Equipmnet Co.	36.17
Friman Oil & Gas Inc.	60.30	Wenck Associates	1,395.26
Lila's Sewing & Embroidery	42.00	West River/Lyman Jones Rural Water	10,710.42
Lynn's Dakotamart	8.29	Zander Auto Parts	186.96
Lynn's Dakotamart	6.00	Zee Medical	125.95
Lynn's Dakotamart	8.25	Total	48,907.24

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

Reports. 1.) Thorson informed council that enforcement on the lagoons is coming from DENR.

Executive Session. Weisgram moved and Rose seconded to enter into Executive Session at 7:28 pm pursuant SDCL 1-25-2(1) to discuss personnel matters. Mayor Hanson declared an end to Executive Session at 7:32 pm.

Executive Session. Rose moved and Weisgram seconded to enter into Executive Session at 7:32 pm pursuant SDCL 1-25-2(3) to consult Legal Counsel on pending litigation. Mayor Hanson declared an end to Executive Session at 7:45 pm.

Adjournment. Rose moved and Gabriel seconded to adjourn the meeting at 7:46 pm.

Gloria Hanson, Mayor

ATTEST:
(SEAL)

Roxanne Heezen, Finance Officer