

HOME RULE CHARTER

PREAMBLE

The site of what later became the original Town, then City of Pierre, was known as "Matto," a word fashioned from part of a Dakota Indian name ma-to-na-kpa, meaning Bear's Ear, otherwise known as Solomon Yellow Hawk, a Dakota Indian of the Two Kettle band. The postmaster of Matto was Charles J. Haines, who was appointed September 10, 1880. The name of the post office was changed to "Pierre," its present name, on December 16, 1880, Cornelius L. Dyke being its postmaster; and on May 2, 1881, his successor, Frank H. Allen, was appointed.

John D. Hilger, later and for many years of the firm of J.D. Hilger & Company, clothiers of Pierre, and his brother, Anson Hilger, were instrumental in naming the place "Pierre", this having been done in time and manner substantially as follows: John D. Hilger arrived on the town site from Bismarck, April 8, 1880, and his brother Anson arrived from below Chamberlain, May 4 of that year, his goods being shipped by boat to the address "Pierre, opposite Fort Pierre" (this at John's suggestion). The latter, prior to the naming of the place "Matto," had urged upon Haines to name the post office "Pierre" (the Christian name of Pierre Choteau, Jr., after whom the ancient Trading Post of Fort Pierre Choteau, across the Missouri River, was named, as was the village, now city, of Fort Pierre). Haines -- who when appointed postmaster of "Matto" was publishing a newspaper at Fort Pierre -- appointed John D. Hilger his deputy, he acting as such until about January 1, 1881. But when the steamer "Black Hills," which brought Anson's goods up to "Pierre," returned to Sioux City, her captain reported that a new town opposite Fort Pierre had been started, named "Pierre", thus the place became known by that name. Again, when Charles E. Simons of Chicago, Illinois, acting for what became the Western Town Lot Company, the Land Department of the Chicago & Northwestern Railroad Company, and as propriety of the forthcoming platted town site of Pierre, and Thomas F. Nicholl, surveyor of the site, certified to the plat on September 27, 1880, the site and plat were designated "Pierre, Dakota," the certificate reciting that "on and prior to the 20th day of September, A.D. 1880," the site had been surveyed, staked out and platted, etc., into "a town to be called 'Pierre'" and embracing "part of the west half of the Northwest Quarter of Section Four (4) and a part of the Northwest Quarter of Section Five (5) in Township One Hundred Ten (110) north of Range Seventy-Nine (79) west of the Fifth Principal Meridian in Hughes County, Dakota Territory", this plat having been recorded in the office of the Register of Deeds of Hughes County, on December 6, 1880, in Plat Book One, at pages 1 and 2. The surveyor's certificate further recites that Nicholl "caused to be fixed in the ground two good and sufficient stones on the line of two main streets of said town, as directed by me as such surveyor, and that the points where the same may be found are indicated on said map." From the said map, it appears that the left-hand or westerly stone in question is located at the center line of Dakota Avenue at a point on the westerly line of Blocks Seven (7) and Eight (8) of said original plat, produced, being the easterly line of Fort Street produced; and that the easterly stone is located at the center line of Dakota Avenue at a point on the easterly line of Blocks One (1) and Fourteen (14) of said plat, being on the westerly line of Crow Street produced.

The town of Matto, as well as the town of Pierre, remained wholly without any kind or character of municipal organization, up to the date of the taking effect of the special act of the Legislature of Dakota Territory, which convened at Yankton, January 9th, 1883, which act created the "City of Pierre" with certain usual rights and powers therein specified and "all the rights and privileges pertaining to a

municipal corporation," and whose territorial area embraced: "The west fractional half of section number ten (10), the west half of section number three (3), all of fractional section number four (4), all of fractional section number five (5), all in township number one hundred and ten (110) north, of range seventy-nine (79) west, of the fifth principal meridian; all of fractional section number thirty-two (32), the west half of section number thirty-three (33), the southeast quarter of section number thirty-three (33), and the south half of the southwest quarter of section number thirty-four (34), all in township one hundred and eleven north (111), of range seventy-nine west of the fifth principal meridian, including all that portion of the Missouri river, and its banks, adjacent to the land hereinbefore described, which is subject to and within the jurisdiction of the district court within and for said county of Hughes." The city was divided into three wards, as follows: "All that portion of the city lying west of a line commencing at a point on the Missouri River where the west line of Fort Street extended would intersect the same; thence northerly along said line to the west line of Fort Street; then along the west line of Fort Street to Sioux Avenue; thence northerly on a line to the west line of Huron Street to the south line of Summit Street; thence easterly along the southerly line of Summit Street to the northeasterly corner of block seven (7), first railway addition to the town of Pierre; thence northerly to the southwest corner of the northwest quarter of the southwest quarter of section thirty-three aforesaid; thence north along the section line between section thirty-two (32) and thirty-three (33) to the city limits, shall constitute the 'First Ward.' All the part of the city lying between the above described lines and a line commencing at a point on the Missouri River when the west line of Pierre Street would intersect the same thence northerly along said line to Pierre Street; thence northerly along the west line of Pierre Street to the northerly line of Pleasant Drive Avenue; thence easterly along the said northerly line of Pleasant Drive Avenue to the westerly line of Pleasant Hill Avenue; thence northerly along said westerly line to the west line of Euclid Avenue; thence north along said west line to the north end thereof; then north to city limits, shall constitute the 'Second Ward.' The remainder of the territory embraced within the city limits of the said City of Pierre shall constitute the 'Third Ward.' Provided, that when any ward shall contain over three hundred legal voters, the city council shall by ordinance, redistrict the city into more than three wards, equal as near as may be in population." The city government was thereby vested in a mayor, and two aldermen from each ward, "to be denominated the 'City Council,' and in a clerk, assessor, treasurer, police justice, city justice, marshal, city attorney, street commissioner, board of education and such other officers as the city council may, by ordinance, create and establish." Said act took effect from and after the date of its approval, and was approved March 9th, 1883. Thereunder an election was to be held on the first Tuesday in April next thereafter, for election of all of said officers except the marshal, city attorney, street commissioner and board of education; one of the elected aldermen in each ward (to be determined by lot) to hold office for the term of one year, "commencing on the first Monday succeeding said election, and until their successors are elected and qualified." Annually thereafter on the first Tuesday in April, successors of the said officers first elected were to be elected, that is, those "whose terms of office expire in that year, all of whom shall hold their offices for a term of two years, and until their successors are elected and qualified, except the mayor, the clerk, the police justice and city justice, who shall hold their offices for the term of one year, and until their successors are elected and qualified; and on the first Tuesday in June next, after this act takes effect, there shall be elected in each ward,...two members of the board of education, of whom one member from each ward (to be determined by lot) shall hold their offices for the term of two years, and the other members for the term of one year, commencing on the first Monday succeeding said election, and until their successors are elected and qualified and annually thereafter on the first Tuesday in June there shall be elected in said city and in said several wards the successors of the members whose terms of office expire in that year, all of whom shall hold their offices for a term of two years, and until their successors

are elected and qualified." The marshal, city attorney, and street commissioners, "and all such other officers as the city council may, by ordinance, provide for," were appointable by the city council, and to hold their offices "for the term of their appointment, not to extend beyond ten days after the next annual election, as required under this act." Each city ward was to constitute an election precinct; the clerk to give ten days' notice of time, place and object of every municipal election, whether general or special, by publication in a newspaper published in the city, or by posting in three public places in each precinct. Election judges (three in each precinct) were to be appointed by the city council, and two clerks for each precinct to be appointed by the judges. Vacancies were to be filled, as to elected officers, to be, except as therein otherwise provided, "the same, as near as practicable, as now or hereafter provided for the...county officers under the Territorial laws," as also concerning the manner of conducting elections. For the first election under said charter, Benjamin C. Ash, Herbert E. Dewey and C. D. Mead, residents of Pierre, were therein appointed "commissioners who shall appoint the judges of election...and designate the place of voting," and to give notice of the election and place of voting "in each precinct, and the returns of said election shall be made to the said commissioners, the returns canvassed by them," etc. The powers of the city council were therein specified in thirty-two paragraphs. Taxes to provide sinking funds for payment of bonded indebtedness of the corporation were limited to five mills on the dollar; and for school purposes, to twelve and one-half mills on the dollar, "and not exceeding ten mills on the dollar for all other municipal purposes." The city council was limited, in incurring indebtedness, to "five thousand dollars in any one year, over and above the amount of taxes levied for that year, unless directed to do so by the vote of the people." Municipal bonds could not run to exceed twenty years, the interest rate not to exceed eight per cent: "Provided, that no bonds shall be issued by the city council, except to pay off any indebtedness of the village of Pierre, existing at the time this act takes effect, including school bonds, issued by school district number one, for the purpose of building a school house, as the same mature, unless at an election...the legal voters of said city, by majority, shall determine in favor of issuing said bonds." The board of education was authorized "to locate, purchase, lease, and improve sites for school houses; to purchase, lease, build, enlarge, alter, repair, and improve school houses," etc. The act abolished "All school districts...existing under former or present laws, within the limits of said city," and provided that "all school sites, lots, and lands, school houses and their appurtenances, apparatus and other property belonging to any school district, and situated within said limits, and all property real and personal belonging to school district number one, Hughes County aforesaid, for the use of schools, are hereby transferred to and vested in the City of Pierre for the use of schools." That "all taxes levied by county, village or school district officers, on the property within said city limits for the use of schools, before this act takes effect, shall be collected by the proper officers,...and paid over to the city or district treasurer where such taxes were levied for the use of schools." It will be seen, that the phrase "village of Pierre" is found in said proviso and the word "village" occurs in connection with recitals concerning tax levy officials who may have levied taxes for school purposes prior to enactment of said act on property within said city limits. Yet the writer hereof, after diligently inquiring of many old residents of Pierre who were such in 1880 to 1883, and after further inquiry of Hughes County and Pierre officials having in custody the earliest records of county or city, is unable to learn anything whatever of any organization of a village or town on or adjacent to the town now City of Pierre, as having existed prior to the taking effect of said legislative act. This although said proviso refers to an "indebtedness of the village of Pierre," and although the county commissioners of Hughes County, under Section five (5) and kindred sections of Chapter 24 of the Political Code, Revised Codes of Dakota Territory, 1877, were empowered, with assent of the voters of the area embraced within the proposed town site, to incorporate a "town."

EXPLANATORY

Said "Act to Incorporate the City of Pierre" was published in full as the "Charter of the City of Pierre," together with "The City Ordinances, From No. 1 to No. 22," in pamphlet form, in 1883, by the Recorder Printing House.

The first officers elected or appointed, respectively, for the City of Pierre, were: Mayor, Henry Blakeley; Clerk, John T. Goodes; Treasurer, Henry G. Hollembaek; Police Justice, Louis H. Notmeyer; City Attorney, Herbert E. Dewey; Marshal, Patrick W. Comford; Aldermen: First Ward, George W. Smith, Cincinnatris W. Richardson: Second Ward, Ozen G. Pratt, Henry J. Siems; Third Ward, John D. Hilger, Edward Deffenbach.

On April 12, 1883, the City Council adopted a City Seal. No description or explanation of the significance of the symbols were detailed in the minutes of 1883. In 1989, Mr. John G. Moisan was commissioned to recreate the seal from the imprinted seal used by the City since 1883. On August 22, 1989 Commissioner Hartman moved and Commissioner Simon seconded that the official colored seal of the City of Pierre shall be a reproduction of the seal whose proportions and colored detail are set out specifically in accord with the original painting of the seal produced by John G. Moisan and described as follows: In the foreground of a circle the Missouri River with a riverboat on the left appears. In the background are hills with the sun rising behind them. Between the two parts thus described appears a train on the right and three shocks of grain in the center of the prairie. The exterior to this circle and within a circumscribed circle are the words "City of Pierre" in the upper part, the words "Incorporated 1883" in the lower part, and two stars, one on each side of the circumscribed circle at the dividing point between the upper and lower parts.

The second edition of the published ordinances of the City of Pierre was prepared and printed in 1906 as "Ordinances of the City of Pierre, South Dakota," State Publishing Company being the printers. It embraced all ordinances from Ordinance No. 1 to Ordinance No. 208, except those which had previously been fully executed or had otherwise become inoperative or had been repealed; said Ordinance No. 208 having been approved June 19, 1906. It contained 143 pages exclusive of index.

At that time the officers of the City of Pierre were as follows: Mayor, Louis B. Albright; City Auditor, Noah Newbanks; City Treasurer, Chas. S. Fisher; City Attorney, Burdette C. Thayer; Aldermen: First Ward, Frank W. Lillibridge, John W. Laughlin; Second Ward, Lester H. Clow, Louis Kehr; Third Ward, George W. Bolster, Stephen A. Travis; Fourth Ward, Chas. B. Billinghamurst, Louis Greenough; Mr. Clow being President of the Board; Chief of Police, Wellington Oldfield; Night Watchman, A. Frank Core.

The City of Pierre was organized under the commission form of Government in 1910. At the time of initiation of and conclusion of the proceedings under which such incorporation was effected, the officials of the city were as follows: Acting Mayor (LeRoy B. Wadleigh, previously elected mayor, having resigned), Grailey Hugh Jaynes; Aldermen: Grailey Hugh Jaynes, John J. Dalton, Louis Greenough, Elmer C. Kindley, John E. Mallery, John H. Starkey, Samuel Grant Dewell, Mathias L. Hegglund.

Such incorporation was had pursuant to the provisions of Chapter 86 of Session Laws passed at the Tenth Session of the Legislature of the State of South Dakota, approved March 12, 1907, as

amended by Chapter 57, Session Laws of the State of South Dakota of 1909. The election submitting the proposal to a vote of the electorate was duly called by the City Council, to be held on the 24th day of February, 1910. Of the 387 votes cast at said election, 291 were in favor of organizing the city under the commission form of government, and 96 were against the proposition. "Alderman Dewell moved that the question of organization as a city under the commission be declared carried, and on roll call the following members voted aye: Dewell, Dalton, Greenough, Jaynes, Kindley, Mallery, Starkey. Absent and not voting, Hegglund. Whereupon the motion was declared carried." (Council Journal Number Five, page 164.)

The following Ordinance No. 375, being "An Ordinance in Revision of the Ordinances of the City of Pierre, South Dakota," was prepared pursuant to the authority of the City Commissioners of the City of Pierre, under and by virtue of the powers conferred by Chapter 247, Session Laws of the State of South Dakota of 1925, amendatory of Section 6249, Revised Code of 1919 of the State of South Dakota, and was duly adopted by said City Commissioners as such Ordinance in Revision of the Ordinances of the City of Pierre, on the 28th day of January, 1926; and thereafter and pursuant to said statute as so amended, the City Auditor of said city duly published notice of the fact of the adoption aforesaid of said Ordinance, six times successively daily in and during each week for two successive weeks, in the Daily Capital Journal, the official newspaper of said city, the last publication being on the 12th day of February, 1927. And, no referendum having been invoked upon said Ordinance and the twenty days after completion of publication of said notice having elapsed, said City Commissioners, pursuant to a motion therefore duly made and carried on the 11th day of March, 1927, proceeded to cause the said Ordinance to be published in book form as hereinafter set forth.

The City Flag, designed by Henry M. Reed, was adopted at a City Commission meeting on May 25, 1937. The body of the flag was green, to represent Pierre as the green city of parks and lawns. In the center was an outline of the state capitol with white letters "Pierre" above and "The Capital City" below. The border was scarlet, representing American Indian life which surrounded this area. The original flag contained miniature flags in each corner--American in the upper left, British in the upper right, French in the lower left, and Spanish in the lower right--representing the possessors of this territory since the discovery of America. Flags which were produced for everyday display did not have these miniatures.

Said Ordinance No. 375 comprehends a revision of all Ordinances of the City of Pierre from and including Ordinances No. One (1) to Ordinance No. Three Hundred Seventy-four (374) of the City of Pierre, and embodies the same in revised form, save and except only such ordinances of said city as are expressly repealed by Sections 418 and 419 of said Ordinance No. 375, and such ordinances as are referred to and designated by their respective numbers and titles as set forth in Section 417 of said Ordinance No. 375 and as being thereby continued in force, either in whole or in part or wherein they or any of them may not have become wholly executed or inoperative according to the terms of said section.

Revision of Ordinances of the City of Pierre, 1957, consists of all ordinances from and including Ordinance No. 376 to 644, which became known as Ordinance in Revision No. 645 or the 1957 Code.

Revision of Ordinances of the City of Pierre, 1970, consists of all ordinances from and including Ordinance No. 645 to 844, which became known as Ordinance in Revision No. 845 or the 1970 Code.

Revision of Ordinance of the City of Pierre, 1990, consists of all ordinances from and including Ordinances 845 to 1263 which shall be known as Ordinance in Revision No. 1265 or the 1989 Code.

CITY OF PIERRE, S.D.

**MAYORS OF PIERRE
Since Organization of City**

HENRY BLAKELEY

Mayor from April 10, 1883, to April 15, 1885

P. F. McCLURE

Mayor from April 15, 1885, to April 14, 1887

A. W. JOHNSTON

Mayor from April 14, 1887, to April 24, 1890

B. J. TEMPLETON

Mayor from April 24, 1890, to May 2, 1892

LOUIS KEHR

Mayor from May 2, 1892, to May 8, 1894

JAMES H. OWEN

Mayor from May 8, 1894, to May 4, 1896

J. E. MALLERY

Mayor from May 4, 1896, to May 2, 1898

LOUIS B. ALBRIGHT

Mayor from May 2, 1898, to May 5, 1902

A. W. EWERT

Mayor from May 5, 1902, to May 7, 1906

LOUIS B. ALBRIGHT

Mayor from May 7, 1906, to May 4, 1908

L. B. WADLEIGH

Mayor from May 4, 1908, to May 3, 1909

G. H. JAYNES

President of Board of City Commissioners,
Acting Mayor from May 3, 1909, to May 2, 1910

J. E. MALLERY

Mayor from May 2, 1910, to May 22, 1911

L. L. STEPHENS

Mayor from May 22, 1911, to May 3, 1915

WILLIAM BORST

Mayor from May 3, 1915, to April 26, 1918

JOSEPH B. BINDER

Mayor from April 26, 1918, to April 28, 1924

J. E. HIPPLE

Mayor from April 28, 1925, to 1939

GODFREY M. ROBERTS, SR.

President of Board of City Commissioners,
Acting Mayor from 1939-140

G. E. THORESON

President of Board of City Commissioners,
Acting Mayor from 1940-1940

JOHN B. GRIFFEN

Mayor from 1940-1955

A. E. "ART" MUNCK

Mayor 1955-1958

G. E. THORESON

President of Board of City Commissioners,
Acting Mayor from May 1958, to September 1958

JOHN B. GRIFFEN

Mayor from 1958-1965

GODFREY M. ROBERTS, JR.

Mayor from 1965-1970

CLINT GREGORY

Mayor from 1970-1980

GRACE PETERSEN
Mayor from 1980-1990