

**MINUTES
PIERRE CITY PLANNING COMMISSION MEETING
COMMISSION ROOM
MONDAY, APRIL 26, 2021 5:40 P.M.**

Members present were: Stacey Bartlett, Rick Dockter, Emeline Hoblick, Terry Keller, Bill Markley and Dave Templeton.

Staff members present: Sharon Pruess, John Childs, Nick Waters, Jeff Runyan and Brad Palmer.

Guests present: Blake Barringer, Qwynn & Sandy Verheist, Robert Baumgartner, Scott & April Kelly, Jeremy Grubbs, Roger & Carol Kelly, Linda Bernard, Steve Bontje, Stacy & Gary Dole, Victor Gates, Colin Kelly, Rick Jensen, Robert Fuchs, and Jerome Jacobs.

Chairman Templeton called the meeting to order at 5:37 p.m. The first item on the agenda is approval of the 1/25/21 minutes. Chairman Templeton noted a correction to the minutes in the first paragraph. The minutes were referred to as the “1/26/21 minutes” and the reference should include the “1/25/21 minutes”. Commissioner Dockter made a motion to approve the 1/25/21 minutes with the noted correction. Commissioner Hoblick seconded the motion. All members voted to approve the minutes with the noted correction.

Public Comment Period per SDCL 1-21-1/Old or New Business.

Chairperson Templeton noted that it was not quite time for the public hearing. He asked if anyone would like to make any general public comments or if there was any old or new business from staff. Hearing none, Chairperson Templeton closed the public comment period.

Agenda Item: Public Hearing – Request to rezone parcels in Blocks 131-148, Wells Second Addition to Park and Industrial zoning. Petitioners – City of Pierre/Maintenance & Operations.

Chairperson Templeton entered the public comment letters into the record including a March 29th and April 20th letter from Sara Kelly, an April 20th letter from Stacy and Gary Dole and an April 22nd letter from Scott and April Kelly. Sharon Pruess, City Planner, noted that the Commissioners had the following items in their meeting packets: a project summary, a site map, a copy of the public notice, a copy of the letter Jeff Runyan sent out with the rezoning petition, and a copy of the public comment letters from Sara Kelly, Stacy & Gary Dole and Scott & April Kelly. She noted that the Scott Kelly letter was submitted after the meeting packets were sent. She had extra copies for anyone that did not receive a copy. She said that individual notices were sent to 21 adjacent property owners and a notice was published in the newspaper. Sharon introduced Jeff Runyan, Construction and Operations Manager, and said that he would present the City’s request to rezone the property.

Jeff Runyan, City Construction and Operations Manager, said that he had been in his position for 1 ½ years. He said he was approached by City leadership to create efficiencies and to look at consolidating materials handling, gravel, snow, dirt, asphalt crushing and concrete crushing at this site. The City would hard surface driveways, try to run the operation between 8-5 p.m. Commissioner Markley asked what other properties had been looked at for an operation. Runyan said that properties by Fourth Street were considered but they would need to be rezoned. They also looked at areas east of Pierre but those locations would increase costs and hauling time from

1 week to 3 weeks. Chairperson Templeton asked about crushing materials at this location with SE winds. Runyan noted that the majority of the crushing operations would be done during the summer months when winds are not a problem. Chairperson Templeton asked about the proposed park strip to be included on the property. He said the trees to be planted would need to be something quick growing as pine trees grow slow. City would need to select larger trees.

Chairperson Templeton opened the public hearing to public comments. He asked the public to come to the podium to speak and to provide their names for the minutes.

Sara Kelly, 1521 E. Sully Avenue, said that she had spoken with Jeff Runyan about her concerns. She did complain to the EPA regarding her concerns over hydrocarbons leaching into the river from the asphalt. She said the City activities on the property are a safety hazard to kids, teenagers go off-roading in the area and there is unhindered access to the area presently.

Stacy Dole, 1525 E. Sully Avenue, said that she lives next to the property and she sent a letter. She brought up safety hazards to kids, trespassing vehicles, ground water levels increase due to melting snow, dust, hydrocarbon leaching, property devaluation and wildlife impacts. She said that melted snow runs toward their home and flooded their basement.

Roger Kelly, said that he was the City's Street Superintendent for 40 years since 1945. He said they should take the activities up to the old landfill where there is plenty of room and an existing mulch operation. There is no residential in that area. This area including the park shop east should be developed as residential homes. He said this neighborhood did not want the dog park but the City put it in their neighborhood anyway.

Scott Kelly, 723 S. Harrison Avenue, asked if an environmental review has been completed for this area. He asked if the City had the authority to start dumping at this site including snow, dirt, rock, asphalt, etc. He is concerned about leaching from the old dump in this area. He said this land should be developed for a residential area like Marion Gardens in Fort Pierre. He noted concerns regarding lots of kids, traffic increase from trucks hauling materials, legal liabilities, loud noises from backing trucks, height of snow piles that impair views, devaluation of property, etc. He noted that the City needs to develop the area near the river like Fort Pierre and that more parks are needed in this area. He also said that new homes should be built on LaFramboise Island.

Commissioner Markley asked about the nearest park. Someone in the audience noted Griffin Park, the softball fields, and the dog park.

Commissioner Dockter asked if there is floodplain on this property. City Planner Pruess said that portions of the property are in the FEMA flood plain and the property is also subject to the minimum build elevations adopted by the City Commission. Commissioner Keller noted that the flood plain is related to elevations. You can't fill a flood plain; however, you can utilize floodplains for parks. Someone in the audience said that the city has been placing fill on the property if it is in the floodplain. Commissioner Keller said that is not permanent fill.

Robert Baumgartner, 707 S. Harrison Avenue, said the kids in the area have no place to play so they play in the street. The area should be made into a park. The City should put the snow at the old landfill where they have 80 acres and not ruin their neighborhood.

Gary Dole, 1525 E. Sully Avenue, said that the main road into the snow storage site is less than 50 feet from this house. The trucks hauling snow and materials would hit the ground and cause sheet rock damage in his house. The trucks start hauling snow at 4:00 a.m. and bring it to the south and east of his home. His sump pump ran all summer from groundwater. He had flooding of his basement and had to replace his sump pumps. Truck traffic will cause physical damage to his house and the dust will damage his yard. He asked the Commission to reconsider.

Rick Jensen said that he owned Renee Trailer Park for 11 years and removed 12 trailers. He wondered what rezoning and expanded City maintenance operations would do to his investment property including the noise, beeping, dust, etc. He said the he may lose the opportunity to develop this area into townhouses and that there are better options for the City property.

Victor Gates said that he no longer owns property in this area but had owned land there for over 100 years. He asked the Commission to reconsider.

April Kelly, 723 S. Harrison Avenue, said there are accidents at Harrison and Sully due to high speeds and drivers not stopping at the stop sign. She said they bought their residence due to open fields and wildlife and now the City piles materials. She said that they fought the dog park. They would like to see condos and residential or park development toward the river.

Linda Bernard, 726 S. Harrison, said that they moved from Valley City, North Dakota, to their retirement home in Pierre. She asked the Commission to reconsider.

Roger Kelly said the snow operations should be moved to the Morris Inc. property near the old landfill or to the old landfill. There are plenty of acres, there is access and the property is already zoned Industrial. Chairperson Templeton noted that there are federal requirements on landfill closure.

Scott Kelly asked why the City stopped dumping snow along the river front next to the Legion Cabin. He said the City should go back to dumping snow there as there is an EPA problem at the current location. Jeff Runyan said that he had no historical knowledge as to why the City stopped using the Legion site. Chairperson Templeton noted that DENR made the City stop using the site.

Chairperson Templeton asked if there was any fencing planned for the site. Runyan said that the City staff has not proposed any fencing but the staff would not be against it.

Commissioner Dockter asked about alternate sites other than north of Fourth Street. Runyan said the staff looked at options within City limits including areas near the airport. Commissioner Keller asked about the soils at the current site. Runyan said that he could not answer that question. Commissioner Markley asked Brad Palmer and John Childs if any water quality had been done for this site. They replied “No.” Commissioner Markley asked if Parks and Recreation had looked at this area. They could expand in this area and it should be evaluated.

John Childs, City Engineer, reminded the group that in 2011 during the Missouri River flood that water in this area was over the batting cages at the softball fields. And the softball fields had water on them.

Todd Kelly, 723 S. Harrison Avenue, built the first house in this area and retired as a city employee. He said that 20 years ago the park board was filling this area for soccer fields but the property turned out to be too small. He said if this site was private property the City would order the property owner to clean it up. He said the asphalt grinding could be done behind the wastewater plant. The City has raised the property up 3-4 feet by dumping materials there and ruined their nice neighborhood and increased their chances of flooding. The City has expanded into the wooded area and destroyed the tree screening. He referenced that regulatory action may be needed as the City is illegally dumping there now. The State can't stop the City from dumping snow by the Legion Cabin. This area should be developed into a park and the City should do a better job of closing the gates at night. These issues are why he bought 40 acres in Stanley County.

Scott Kelly noted that if this area flooded it should be preferable to develop it into park rather than an industrial site.

Commissioner Keller said that he has a myriad of concerns including public access, safety, increasing the truck traffic, dust control, noise, etc. He is not in favor of processing materials near residential zoning. He asked why the City does not have an operations and maintenance plan and what is the backup plan. He asked why the City is considering rezoning other than to gather information. Commissioner Dockter said that we talk a lot about quality of life and he would like to see the City check into alternate sites and costs. Chairperson Templeton said the City should find a different location for material processing.

Stacy Dole asked if the City could have better control of the gate and security at the site.

Commissioner Markley made a motion to reject the request to rezone parcels in Block 131-148, Wells Second Addition to Park and Industrial zoning. Commissioner Keller seconded the motion. Commissioner Markley amended the motion to include that the City Parks Department evaluate the property as a park considering the adjacent residential property. Commissioner Keller seconded the amended motion. All members voted in favor of the amended motion.

Adjourn

With no further business, Commissioner Hoblick made a motion to adjourn, seconded by Commissioner Dockter. All commissioners voted to approve the motion. Chairman Templeton declared the meeting adjourned at 6:44 p.m.

Minutes by Sharon Pruess.