

**Spearfish City Council**  
**Regular Session**  
**January 5, 2009**

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 7:00 p.m. on Monday, January 5, 2009 with the following members present: Dardis, Morgan, Quinn, Schmit and Young. Absent was Davis. Also present: City Administrator Sund, Police Chief Rotert, Public Works Administrator Johnson, City Planner Watson, Human Resource Director Friedel, Assistance Finance Officer Dutton and Acting City Attorney Wilde. Mayor Krambeck presided and called the meeting to order. All stood and recited the Pledge of Allegiance.

Morgan moved, Dardis seconded and all voted to approve the minutes of the Special Session of December 30, 2008

Schmit moved, Dardis seconded and all voted to approve the Bill List of January 5, 2009.

COUNCIL BILL LIST 01/05/09		
BLACK HILLS TIMBER EQUIPMENT	SNOW REMOVAL SERVICES DEC 2008	\$2,070.00
BUTTE ELECTRIC COOP	ELECTRICITY	\$27,052.01
DAKOTA BUSINESS CENTER	1ST QTR '09 COPIER MAINT CONTRACT	\$1,840.82
DUTTON, DAVID H.	REFUND REGULAR REC MEMBERSHIP	\$115.56
EDDIE'S TRUCK SALES	FENDER ASSY	\$121.92
FIRST NATIONAL BANK	SRF LOAN PAYMENT-WWTP	\$14,468.29
GOVERNMENT FINANCE OFFICER ASSN	2009 DUES-D DUTTON	\$150.00
JUNEK'S SERVICE CORP	CAP	\$15.95
LUEDERS FOOD CENTER	REC CENTER CONCESSIONS	\$26.13
HUYCK, PHILIP	TOOL REPAIR	\$60.00
METZGER-HOLCOMB ANIMAL CLINIC	MONTHLY EAUTHANASIA CONTRACT	\$100.00
ONE TIME VENDOR	VOSLER,BETTY:REC CENTER REFUND	\$30.00
POWERPLAN	CUTTING EDGES/DURA-MAX	\$727.56
SDML WORKERS COMPENSATION	2009 WORK COMP INSURANCE	\$87,740.00
SPEARFISH ALTERNATOR	STARTERS	\$350.00
SPEARFISH SENIOR SERVICE CENTER	MONTHLY ALLOTMENT	\$850.00
SPEARFISH VALLEY SANITARY DIST.	2009 ATHLETIC FIELDS SEWER FEE	\$396.00
UNITED STATES POSTAL SERVICE	2009 BULK PERMIT #59 ANNUAL FEE	\$180.00
WESTERN HILLS HUMANE SOCIETY	MONTHLY DETENTION/NEUTER ALLOTMENT	\$1,250.00
** TOTALS **		\$137,544.24

APPROVAL	INITIALS
Mayor Krambeck	
Shawn Dardis	
Eric Davis - Absent	
Mary Morgan	
Tom Quinn	
Doug Schmit	
Paul Young	

## **ADDED OR ADJUSTED SALARIES**

**2009 Wage and Step Scale** – Morgan moved, Dardis seconded and all voted to approve the 2009 Wage and Step Scale.

2009 Wages – Morgan Moved, Dardis seconded and all voted approval of the following 2009 wages effective December 14, 2008.

<b>Name</b>	<b>Position</b>	<b>Wage</b>
Adams, Colleen	Dispatcher/Matron	\$ 16.55/\$16.55
Alberts, Lee	Solid Waste Collector/Operator	\$13.58
Alderman, Daryl	Recreation Maintenance Coordinator	\$16.97
Alfson, Kristan	Dispatcher/Matron	\$13.25/\$15.75
Allart, Katie	Police Officer	\$18.27
Allison, Elizabeth	Reserve Officer	\$11.71
Armstrong, Nick	Police Officer	\$17.39
Arneson, John	Police Officer	\$17.82
Bohlender, Adraine	Registration Desk Attendant	\$10.10
Bowers, Eric	Janitorial Laborer	\$7.25
Brenneisen, Gardner	Library Page	\$7.89
Burtzlaff, Miles	Water/Sewer Operator III	\$18.27
Callaway, Tom	Environmental Services Manager	\$33.87
Cano, Jeremiah	Wastewater Treatment Facility Operator III	\$21.72
Carroll, Paul	Reserve Officer	\$11.71
Dargatz, Tony	Parks, Rec., Forestry Tech III	\$15.37
Davis, Nathan	Police Officer	\$18.27
Dean, Boyd	Police Sergeant	\$25.19
DeNeui, Jason	Police Detective	\$20.67
Dowdy, Jennifer	Utility Billing Coordinator	\$16.97
Doyle, Victoria	Registration Desk Attendant	\$10.10
Dutton, Dave	Assistant Finance Officer	\$24.57
Ehnes, Tyler	Parks, Rec., Forestry Tech III	\$14.63
Elletson, Kelly	Community Activities Coordinator	\$15.37
Ervin, Jan	Facility Maintenance Tech II	\$14.63
Evridge, Robert	Wastewater Treatment Facility Superintendent	\$31.45
Foster, Bill	Solid Waste Collector/Operator	\$16.55
Friedel, Jodi	Human Resource Director	\$25.19
Garlick, Kris	Recreation Administrative Secretary	\$12.61
Gillick, Mary	Reference Librarian	\$14.63
Gordon, Tim	Recreation Facility Maintenance Tech I	\$11.71
Green, Daniel	Solid Waste Laborer, Collector/Operator	\$11.43/\$13.25
Haag, Robert	Hydro Electric Plant Operator	\$23.39
Hafner, Dennis	Building Inspector	\$19.19
Hafner, Jamie	Finance Accountant II	\$16.97
Hanson, Sherry	Public Works Administrative Secretary	\$15.37
Hanson, Steve	Hydro Electric Plant Operator	\$23.39
Hauck, Richard	Registration Desk Attendant	\$10.10
Hefner, Carolyn	Meter Reader/Installer	\$15.37
Henry, Sharon	Library Director	\$25.81
Hepper, Keith	Parks, Rec., Forestry Superintendent	\$27.80
Heser, Lloyd	Mechanic II	\$18.73

Hoffman, Alecia	Recreation Facility Director	\$22.82
Hofmann, Steve	Police Corporal	\$21.72
Hoyt, Clark	Parks, Rec., Forestry Tech II	\$12.93
Huddleston, Rodney	Wastewater Treatment Facility Operator III	\$19.67
Iverson, Andrew	Dispatcher/Matron	\$12.93/\$15.75
Jacobs, Curt	Police Lieutenant	\$27.80
Jacobs, Howard	Rubble Site Operator	\$12.61
Jahner, Scott	Recreation Assistant	\$10.10
Johnson, Bonnie	Recreation Facility Maintenance Tech I	\$11.71
Johnson, Cheryl	Public Works Administrator	\$40.26
Johnson, Patrick	Reserve Officer	\$11.71
Johnson, Ross	Police Lieutenant	\$28.49
Klapperich, William	Construction Inspector	\$19.67
Kloppel, Donna	Police Administrative Assistant	\$14.99
Klumb, Kathy	Technical Services Librarian	\$16.55
Klunder, Bonnie	Public Works Administrative Coordinator	\$20.17
Klunder, Kevin	Police Sergeant	\$26.46
Lahren, Paula	Recreation Assistant	\$10.10
Lillehaug, Gary	Hydro Electric Plant Superintendent	\$28.49
Little, Verla	Police Officer	\$20.17
Martin, George	Street Superintendent	\$27.80
Mathis, Kyle	City Engineer	\$33.04
McCarty, Amber	Dispatcher/Matron	\$12.93/\$15.75
McGinnis, Nancy	Street Tech III	\$19.67
Miles, Adam	Dispatcher	\$13.58
Mizera, David	Mechanic II	\$23.39
Morgan, Daniel	Police Officer	\$16.55
Mowell, Sherry	Planning & Zoning Administrative Assistant	\$19.19
Newton, Cristina	Fitness Coordinator	\$13.58
Nicholas, Glen	Solid Waste Collector/Operator	\$13.92
Olson, Janet	Facility Maintenance Tech II	\$13.58
Paisley, Tom	Building Official	\$23.97
Pedneau, Darin	Police Detective	\$22.82
Piekkola, John	Water/Sewer Operator I	\$15.75
Powell, Chris	Parks, Rec., Forestry Tech III	\$13.92
Rafferty, Leah	Dispatch Supervisor/Matron	\$18.73/\$18.73
Rauterkus, Brett	Recreation and Aquatics Specialist	\$18.27
Richards, Dee	Animal Control/Parking Attendant	\$12.61
Richards, Ed	Lead Mechanic	\$23.97
Richards, Keith	Street Tech III	\$16.55
Robison, Tim	Sewer Foreman	\$22.82
Rogers, Homer	Water Foreman	\$24.57
Rotert, Pat	Police Chief	\$36.48
Shumaker, Bonnie	Dispatcher/Matron	\$13.58/\$15.75
Smith, Chris	Wastewater Treatment Facility Operator II	\$19.19
Smith, Keith	Police Officer - University	\$22.82
Sorensen, Myrna	Library Aide	\$11.71
Steigerwald, Ute	Dispatcher/Matron	\$12.61/\$15.75
Strecker, Paul	Rubble Site Operator	\$12.61
Sund, Greg	City Administrator	\$44.44

Symonds, Matt	Reserve Officer	\$11.71
Timmer, Jeremy	Reserve Officer	\$11.71
Tish, Jonathan	Police Officer	\$17.82
Van Vleck, Ganeva	Recreation Assistant	\$10.10
Verhulst, Harley	Street Tech III	\$19.67
Vig, Tonya	Engineering Tech/Flood Plain Administrator	\$19.67
Warner, Judith	Dispatcher/Matron	\$13.25/\$15.75
Watson, Jayna	City Planner	\$32.24
Watts, Candi	Police Officer - SRO	\$18.73
Weber, Karla	Administrative Assistant to Administration	\$14.99
Weber, Mark	Police Corporal	\$21.72
Wenzel, Michelle	Finance Accountant II	\$16.97
Wilde, Amber	Library Director	\$22.26
Williams, Mark	Wastewater Treatment Facility Operator III	\$21.19
Williamson, Patrice	Facility Maintenance Coordinator	\$17.82
Wintersteen, Jeana	Recreation Administrative Coordinator	\$16.97
Witt, LeRoy	Water/Sewer Operator I	\$14.63
Worman, Mary	Library Aide	\$12.61
<b>Elected Officials:</b>		
Krambeck, Jerry	Mayor	\$20,000.00
Dardis, Shawn	Council Member Ward III	\$10,250.00
Davis, Eric	Council Member Ward III	\$10,250.00
Morgan, Mary	Council Member Ward I	\$10,250.00
Quinn, Tom	Council Member Ward I	\$10,250.00
Schmit, Doug	Council Member Ward II	\$10,250.00
Young, Paul	Council Member Ward II	\$10,250.00

## **RESOLUTIONS AND ORDINANCES**

**Resolution 2009-01 to Resolution 2009-07** – Dardis moved, Young seconded and all voted to adopt the following Resolutions for 2009:

### **RESOLUTION NO. 2009-01**

#### **A RESOLUTION ASSURING FAIR HOUSING.**

**WHEREAS**, it is the City of Spearfish's firm belief that discrimination in housing not only threatens the rights and privileges of the citizens of the City of Spearfish but also menaces the institutions and foundations of free and democratic society; and

**WHEREAS**, this body desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States and to encourage and bring about mutual self-respect and understanding among all citizens and groups to the City of Spearfish; and

**WHEREAS**, under the federal fair housing, (Title VIII of the Civil Rights Act of 1968), it is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and

**NOW, THEREFORE, BE IT RESOLVED** the City of Spearfish, South Dakota, makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing.

**BE IT FURTHER RESOLVED**, that the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. The City of Spearfish shall inform all city employees of the City of Spearfish's commitment to equal housing.
2. The City of Spearfish shall direct all employees to forward immediately to the Mayor any reports they receive of housing discrimination.
3. The Mayor shall forward such complaints to the South Dakota Division of Human Rights within 10 days of receipt to said complaint.

Dated this 5th day of January, 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

ATTEST:

BY: \_\_\_\_\_  
Greg Sund, City Administrator

Adopted: January 5, 2009  
Published: January 23, 2009  
Effective: February 12, 2009

## **RESOLUTION NO. 2009-02**

### **A RESOLUTION ADOPTING A CODE OF CONDUCT.**

#### **PURPOSE**

The purpose of this Code of Conduct is to ensure the efficient, fair and professional administration of federal grant funds in compliance with federal Office of Management and Budget (OMB) Circular A-102, Attachment 0, Paragraph 7, and other applicable federal and state standards, regulations, and laws.

#### **APPLICATION**

This Code of Conduct applies to all officers, employees, or agents of the City of Spearfish engaged in the award or administration of contracts supported by federal grant funds.

#### **REQUIREMENTS**

No officer, employee, or agent of the City of Spearfish shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. the employee, officer, or agent;
- b. any member of his/her immediate family;
- c. his/her partner; or
- d. an organization which employs, or is about to employ any of the above

has a financial or other interest in the firm selected for award.

The City of Spearfish officers, employees, or agents shall neither solicit nor accept gratuities, favors, or any thing of monetary value from contractors, potential contractors, or subcontractors.

#### REMEDIES

To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Spearfish officers, employees, or agents, or the contractor's, potential contractors, subcontractors, or their agents.

#### EFFECTIVE DATE

This resolution shall be effective upon publication.

Dated this 5th day of January, 2009.

#### CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

#### ATTEST:

BY: \_\_\_\_\_  
Greg Sund, City Administrator

Adopted: January 5, 2009  
Published: January 23, 2009  
Effective: January 23, 2009

#### RESOLUTION NO. 2009-03

#### A RESOLUTION DESIGNATING OFFICIALS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS ADMINISTERED BY THE STATE OF SOUTH DAKOTA.

WHEREAS, the City of Spearfish is a recipient of a Community Development Block Grant from the U.S. Department of Housing and Urban Development as administered by the State of South Dakota, and;

WHEREAS, the City of Spearfish is required to designate a certifying officer for the purpose of signing required documents pertaining to this grant,

NOW, THEREFORE, BE IT RESOLVED, that Greg Sund, City Administrator of the City of Spearfish, be hereby designated as the City's official for the purpose of signing Grant Agreements and Contracts.

BE IT FURTHER RESOLVED, that Cheryl Johnson, Public Works Administrator for the City of Spearfish, be hereby designated as the City's certifying officer for the purpose of signing Environmental Review documents.

Dated this 5th day of January, 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

ATTEST:

BY: \_\_\_\_\_  
Greg Sund, City Administrator

Adopted: January 5, 2009  
Published: January 23, 2009  
Effective: February 12, 2009

**RESOLUTION NO. 2009-04**

**A RESOLUTION ESTABLISHING AN EXCESSIVE FORCE POLICY.**

The City of Spearfish will prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Dated this 5th day of January, 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

ATTEST:

BY: \_\_\_\_\_  
Greg Sund, City Administrator

Adopted: January 5, 2009

Published: January 23, 2009  
Effective: February 12, 2009

**RESOLUTION NO. 2009-05**

**A RESOLUTION REGARDING RESTRICTIONS ON LOBBYING.**

The undersigned certifies, to the best of their knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Dated this 5th day of January, 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

ATTEST:

BY: \_\_\_\_\_  
Greg Sund, City Administrator

Adopted: January 5, 2009  
Published: January 23, 2009  
Effective: February 12, 2009

**RESOLUTION NO. 2009-06**

**AN EMPLOYMENT POLICY RESOLUTION.**

The City of Spearfish does hereby declare that the fundamental policy of the City of Spearfish is to provide equal opportunity to all of its employees and applicants for employment (skilled, unskilled and professional) to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental handicap, marital status or political beliefs unless related to a bona fide occupational requirement. To this end, City of Spearfish will take steps to equalize opportunity for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity--minority group members, women and the handicapped; and City of Spearfish recognizes an obligation to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee unless the accommodation imposes an undue hardship.

All applicants for employment with City of Spearfish will be recruited from the available labor market evaluated on each person's individual qualifications and abilities. All employees shall be afforded equal employment opportunity during their term of employment, and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure right to equal employment or testifying on behalf of someone else doing so.

All administrators and supervisors are responsible for and shall be committed to achieving and promoting equal employment opportunity with City of Spearfish.

Jodi Friedel is the equal employment opportunity officer and shall be responsible for coordinating the equal employment opportunity program.

Adoption of this document reaffirms City of Spearfish's policy of nondiscrimination in employment, including but not limited to the following:

recruitment, selection, placement, testing, training, promotion, transfer, discipline, demotion, layoff and termination.

Dated this 5th day of January, 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

ATTEST:

BY: \_\_\_\_\_  
Greg Sund, City Administrator

Adopted: January 5, 2009  
Published: January 23, 2009  
Effective: February 12, 2009

**RESOLUTION NO. 2009-07**

A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER FOR THE CITY OF SPEARFISH FOR THE MUNICIPAL YEAR BEGINNING JANUARY 1, 2009.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPEARFISH, SOUTH DAKOTA, that the Black Hills Pioneer shall be and the same is hereby designated as the official newspaper of the City of Spearfish for the ensuing year.

Dated this 5th day of January, 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

ATTEST:

BY: \_\_\_\_\_  
Greg Sund, City Administrator

Adopted: January 5, 2009  
Published: January 23, 2009  
Effective: February 12, 2009

**PLANNING AND ZONING**

**Highway 85 Land Use Guidelines** - City Planner Watson presented the latest draft of the Highway 85 Land Use Guidelines, pointing out the modified language which would allow for the commercial corridor to be extended to the County Line. The County Commission rejected the version approved by City Council because they thought commercial zoning should extend north. City Administrator Sund stated that there might be an alternative to allow commercial to be concentrated in the key intersections where the DOT allows access, rather than it being opened up for the entire length of the corridor. During discussion it was suggested having the Planning Commission take another look at the changes. Quinn moved, Dardis seconded and all voted to table action for two more weeks, and to have the Planning Commission review the changes to the guidelines.

**PUBLIC WORKS**

**Bid Opening** – Dardis moved, Schmit seconded and all voted to set Wednesday, January 28, 2009 at 4:15 PM in the Council Chambers of the Municipal Service Centre, 625 5<sup>th</sup> Street, as the date, time and place to open bids for the Automated Side Loading Refuse Collection Body and Cab/Chassis Vehicle.

**Parks and Rec Training** – Dardis moved, Schmit seconded and all voted to approve training for two Parks and Rec people to attend training in Casper, WY February 17-20.

**REPORTS**

**City Administrator**

City Administrator Sund presented a brief review of the Rec Center operations from October 22, 2008 through December 30, 2008 showing memberships without day passes. Of note, Friday January 2, 2009 recorded 50 day passes at the Rec. Center.

Sund also mentioned Municipal Government Day at the Legislature February 3<sup>rd</sup> and 4<sup>th</sup> in Pierre. Anyone interested in attending should contact City Administration.

City Administrator Sund reported that next week he will take to Committee meetings the question of whether to one or two payments would be appropriate to disburse the 2009 budgeted subsidy of \$160,000 to Visit Spearfish. An agreement will also be presented.

Sund reported that the final installation and testing of the new Council Chamber sound system will complete this week, ready for use next week.

There being no further business before the Council, Morgan moved, Dardis seconded and all voted to adjourn at 7:25 p.m.

Dated this 5th day of January 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_  
Jerry A. Krambeck, Mayor

ATTEST:

\_\_\_\_\_  
Greg Sund, City Administrator