

# Spearfish City Council



## Regular Session Minutes

**Date:**  
November 21, 2011

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 7:00 PM on Monday, November 21, 2011 with the following members present: Aaker, Baker, Geppert, Morgan, Schmit and Young. Also present: City Administrator Neeb, Finance Officer Dutton, Public Works Administrator Johnson, Police Lieutenant Jacobs, Fire Chief White, Environmental Services Manager Callaway, Human Resource Director Friedel, City Planner Watson and City Attorney Pluimer. Mayor Krambeck presided and called the meeting to order.

**Order of Business** – Morgan moved, Young seconded and all voted to approve the order of business.

**Consent Agenda** Schmit moved, Geppert seconded and all voted to approve the Consent Agenda:

- A. Authorize Mayor Krambeck to re-appoint Ronald Edstrom and Lorna Richey for three-year terms on the Board of Trustees of Grace Balloch Memorial Library, beginning January 1, 2012.
- B. Approve application for abatement or refund of taxes - request made by Robert Paul Harper, 1420 5<sup>th</sup> Street for one year owner occupied status - owner occupied was mistakenly taken off for 2011 taxes payable in 2012 and this has been corrected.
- C. Raffle Request – Realtors For Kids plans to raffle a trip for two to Cabo San Lucas. Tickets cost \$25 each with ticket sales from January 1, 2011 to March 31, 2012; drawing will be on May 4, 2012. Proceeds to benefit Realtors for Kids Fund 501 ( C ) 3.
- D. Approve the following Brown Bag Permit Requests:

FACILITY	APPLICANT	EVENT	DATE
Hudson Hall	Optimists	Christmas Party	12/2/11
Pavilion	Zonta	Festival of Trees	12/2/11
Snappers Club	Bear Lodge Ranger Dist	Christmas Party	12/2/11
Snappers Club	Ager Family	Family Christmas	12/24/11
Pavilion	City of Spearfish	Christmas Party	12/9/11
Snappers Club	Jane Leone	Family Reunion	12/31/11

- E. Approve Minutes of Regular Session of November 7, 2011.

F. Accept Monthly Financial Report Dated October 31, 2011.

## **HUMAN RESOURCES**

**Police Hire** - Young moved, Morgan seconded and all voted to hire Jason J. Gellett as a Police Officer without certification, grade 15, step 1, \$16.23 per hour, effective 11/22/2011.

**Treatment Plant Operator** – Schmit moved, Morgan seconded and all voted to move Jason Hartung to a Wastewater Treatment Plant Operator I, Grade 12, Step 2, \$14.34 per hour, effective 11/27/2011. His exact start date is to be determined as he is moving from the Recreation Center.

**Public Works Laborer** – Morgan moved, Young seconded and all voted to hire Greg Egert, Public Works Laborer, Grade 7, Step 1, \$10.93 per hour, effective 11/27/11, partial benefit eligible.

**Concession Assistants** – Schmit moved, Geppert seconded and all voted to hire Andrea Wager and Calvin Dobesh as Concession Assistants (limited hours), Grade 5, Step 1, \$9.90 per hour, effective 11/22/2011.

## **BOARD OF ADJUSTMENT**

Morgan moved, Young seconded and all voted to adjourn Common Council and convene as Board of Adjustment.

**Use Permit** – City Planner Watson stated that Planning Commission recommends approval for a Use Permit for home occupation for a massage therapist at 610 Englewood Court. Watson stated the following criteria per the zoning ordinance are met: a) Conformance with the goals and policies of the comprehensive plan b) compatibility with existing and potential permitted uses in proximity c) public safety issues d) community benefit of the proposed use e) aesthetic considerations f) adequacy of public services.

Linda Rehm, licensed massage therapist, stated she has operated her massage clinic from her home for 18 years and has had no issue until recently, a neighbor has complained. She sees about 20 clients per week. She further stated she is planning to scale down the number of clients she sees per week. Massage is by appointment only and she does not see clients on Wednesday or Sunday. Ms. Rehm collected signatures of support from all neighbors except the one who has filed complaint.

Ron Suchanuk, neighbor, spoke citing concerns with increased traffic in a cul-de-sac and the safety concerns with the neighborhood children. He also stated that he feels his neighborhood peace and quiet is gone due to the arrival and departure of Ms. Rehm's clients.

Aaker moved, Morgan seconded and the Board of Adjustment unanimously voted to approve the Use Permit for home occupation for a massage therapist at 610 Englewood Court.

**Use Permit** – City Planner Watson stated Planning Commission recommends approval for home occupation for a men's haircutting service at 617 Maple Drive. The home is in R3 zoning and the business is proposed to be in the garage area. This is for a new business, appointment only.

Planning Commission unanimously recommends approval. No opposition has been received for this request.

Aaker moved, Morgan seconded and the Board of Adjustment unanimously voted to approve the Use Permit for home occupation for a men’s haircutting service at 617 Maple Drive.

Young moved, Morgan seconded and all voted to adjourn Board of Adjustment and reconvene as Full Council.

**BIDS AND PROPOSALS**

**Proposal** – Young moved, Geppert seconded and all voted to accept proposal from Interstate Engineering for design and construction plans and specifications for the Winterville and Hydro Loop Rec Path Bridge Project at a lump sum fee of \$8,000.

**RESOLUTIONS AND ORDINANCES**

**Ordinance 1147** – Schmit moved, Morgan seconded and all voted approval for Second Reading of Ordinance 1147 – Utilities. This ordinance will provide some terminology cleanup and preparation for setting Administrative Utility Collection procedure policy for delinquent accounts.

**Policy** – Morgan moved, Young seconded and all voted to approve the Administrative Utility Collection Procedure Policy to be effective 1-1-2012.

**Resolution 2011-31** – Schmit moved, Young seconded and all voted to approve Resolution 2011-31 - Water/Sewer rate increases and Miscellaneous Utility Fees.

RESOLUTION 2011-31

**A RESOLUTION TO SET FEES CHARGED BY THE CITY**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPEARFISH, SOUTH DAKOTA that these following fees shall be charged by the City of Spearfish:

<b>FEE DESCRIPTION</b>	<b>AMOUNT</b>
Delinquent Service Fee During Business Hours	\$50.00
Delinquent Service Fee After Hours	\$100.00
Curb Stop Obstruction Fine	\$50.00
Water – Minimum Charge	<del>\$11.00</del> \$12.50
Water – First 2,000 gallons, per 1,000 gallons	\$1.00
Water – 2,001-8,000 gallons, per 1,000 gallons	<del>\$2.15</del> \$2.50
Water – 8,001-30,000 gallons, per 1,000 gallons	<del>\$2.35</del> \$2.90
Water –30,001 and up, per 1,000 gallons	<del>\$2.45</del> \$3.10

Sewer – Residential – Line Maintenance and Updating	<del>\$14.50</del>	\$14.75
Wastewater – Residential (Treatment)	<del>\$14.00</del>	\$14.25
Wastewater – Commercial – First 6,000 Gallons	<del>\$14.50</del>	\$14.75
Sewer – Commercial – Line Maintenance and Updating – average monthly flows less than 10,000 gallons per month	<del>\$22.00</del>	\$22.25
Sewer – Commercial – Line Maintenance and Updating – average monthly flows between 10,001 and 30,000 gallons per month	<del>\$35.00</del>	\$35.50
Sewer – Commercial – Line Maintenance and Updating – average monthly flows between 30,001 and 50,000 gallons per month	<del>\$40.00</del>	\$40.75
Sewer – Commercial – Line Maintenance and Updating – average monthly flows between 50,001 and 75,000 gallons per month	<del>\$50.00</del>	\$51.00
Sewer – Commercial – Line Maintenance and Updating – average monthly flows between 75,001 and 100,000 per month	<del>\$85.00</del>	\$87.00
Sewer – Commercial – Line Maintenance and Updating – average monthly flows in excess of 100,001 gallons per month	<del>\$110.00</del>	\$115.00

Adopted this 21<sup>st</sup> day of November, 2011.

CITY OF SPEARFISH

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

ATTEST:

\_\_\_\_\_  
David H. Dutton, Finance Officer

(SEAL)

Adopted: November 21, 2011

Published: December 2, 2011

Effective Date: January 1, 2012

**Ordinance 1148** – Baker moved, Morgan seconded and all voted to approve Second Reading of Ordinance 1148 – An ordinance amending Chapter 6 Buildings and Building Regulations – Grading and Erosion Control. This will simplify the permit process for lots under ½ acre and will address shortfalls of the original permit by setting an end-date for stabilization. Permits will be active until final stabilization and final stabilization must occur by October 31<sup>st</sup> of the year after project completion.

**Redistricting** – Three options for voting ward redistricting were presented. City Planner Watson stated that with every census, we are required to examine our population within each voting ward

to ensure that there is roughly equal distribution of people within each ward. Based on our current population, we are not compliant with this requirement. We cannot exceed an absolute value of 10% when adding up all the differences in the number of people in each ward. Another issue we need to remedy is that our voting wards cannot be separated - at present, Ward 1 and Ward 2 both have locations that are not connected to each other. Option 1 has the least effect on voters already established in wards and corrects the non-contiguous issue. There is a 6.58% deviation between wards. Option 2 is a more dramatic redistricting, more people are affected and the overall deviation is 4.86%. Option 2 does not have a positive staff recommendation. Option 3 is the most dramatic redistricting and has a 5.20% deviation.

Schmit moved, Geppert seconded and all voted to approve First Reading of Ordinance 1149 – An ordinance to redistrict the voting wards using option 1.

Morgan moved, Baker seconded and all voted to set Public Hearing and Second Reading of Ordinance 1149 for December 5, 2011.

**LEGAL, FINANCE AND PUBLIC SAFETY**

**Supplement** – Schmit moved, Geppert seconded and all voted to supplement 2011 Budget for 2011 Insurance Claim Revenue and Corresponding Expenses as follows:

Revenue	101-34270	Reimbursements	<u>\$5,834.28</u>
Expenditures	101-42110-4251	Repair Vehicles	\$ 734.28
	101-45120-4252	Repair Structures	\$1,000.00
	101-45220-4252	Repair Structures	\$4,000.00
	101-48110-4269	Miscellaneous	<u>\$ 100.00</u>
			\$5,834.28

**Radio Purchase** – Geppert moved, Morgan seconded and all voted to purchase six replacement radios at a total cost of approximately \$15,000 for the Fire Department. The old radios - two mobile and four portables, are not compatible with new Narrow Banding requirements. To be funded from Second Penny.

**PUBLIC WORKS**

**Change Order** – Morgan moved, Young seconded and all voted to approve Change Order #1 - 2011 Pavement Striping for a decrease of \$266.38 to under/over quantities to final project.

**Bill List** – Geppert moved, Morgan seconded and all voted to approve the Bill List of November 21, 2011.

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
ABC BUSINESS SUPPLY	DESK CALENDARS/PENS	\$ 301.23
ALPINE IMPRESSIONS	WINTER LOGO WEAR	\$ 1,797.50
AMCON DISTRIBUTING CO	CONCESSIONS	\$ 528.00
AMERICAN LEGAL PUBLISHING	2012 INTERNET ORDINANCE SERVICE	\$ 300.00
AMERICAN PUBLIC WORK ASSN	2012 CITY MEMBERSHIP	\$ 369.00

APCO INTERNATIONAL INC	2012 ANNUAL MEMBERSHIP DUES	\$	331.00
APPLE SCIENTIFIC INC	LATEX GLOVES	\$	556.36
ARGUS LEADER	STEET SUPT CLASSIFIED AD	\$	599.00
ARGUS-HAZCO	10PPM H2S 29%CH4/15%O2	\$	254.77
AMERICAN SOCIETY CIVIL ENG	2012 MEMBERSHIP-KLAPPERICH	\$	220.00
BELLE FOURCHE LANDFILL	OCT 2011 LANDFILL FEES	\$	18,599.89
BIERSCHBACH EQUIP & SUPPLY	CONCRETE FINISH BROOM	\$	67.70
BLACK HILLS CHEMICAL CORP	TOWELS	\$	145.95
BLACK HILLS POWER & LIGHT	ELECTRICITY	\$	13,680.95
BLACK HILLS PURE INC	COOLER RENTALS/WATER	\$	61.75
BOMGAARS SUPPLY INC	TOOLS/GLOVES/HARDWARE/COVERALLS	\$	645.07
BRADY, PLUIMER PC	SEP & OCT 2011 LEGALS FEES & RETAINER	\$	7,148.50
BUTLER MACHINERY CO	PULLEY ASSY & BELT	\$	214.89
CARPET BUYERS OUTLET INC	CARPET	\$	254.01
CBH COOPERATIVE	PROPANE	\$	963.67
CENTURY BUSINESS PRODUCTS	REC CENTER COPIER LEASE	\$	241.88
CENTURYLINK INC	NOV 2011 CIRCUITS & 911	\$	1,231.67
CITY OF SPEARFISH CC	BOOKS/FUEL/LUNCHEON/FEES/REGIST.	\$	504.33
CLARK PRINTING CORP	LASER CHECKS/UTILITY ENVELOPES	\$	1,107.85
CLARK, RICK	PR #1 HUMANE BLDG/PAVILION REPAIRS	\$	12,079.21
CLAUSER MACHINE WORKS	BUILD LIFT FLANGE FOR PUMP	\$	645.75
CORA'S CREATIONS	ARRANGEMENT-DOWDY	\$	50.00
CVD CONSTRUCTION INC	REMOVE ROTOR & CLEAN TANK	\$	3,535.13
DAKOTA BACKUP	NETWORK BACKUP SERVICES	\$	711.74
DAKOTA BUSINESS CENTER	FIRE DEPT COPIER TONER	\$	49.00
DAKOTA SPORTS INC	GYM WIPES/PICKLEBALLS	\$	229.18
DAKOTA SUPPLY GROUP	PVC CONDUIT & COUPLINGS	\$	327.24
DAY MORRIS LAW FIRM LLP	OCT 2011 SVSD LEGAL FEES	\$	720.00
DIAS, GREGORY K	NETWORK ADMIN-HIST PRESVATION	\$	89.32
DUHAMEL BROADCASTING ENT	REC CENTER RADIO ADS	\$	150.00
EHNES, TYLER	TRAVEL FUEL & PERDIEM-PIERRE	\$	83.00
FASTENAL CO	HARDWARE/GLOVES/TOOLS	\$	317.99
FSH COMMUNICATIONS LLC	NOV 2011 PAYPHONES	\$	180.00
GOLZ CONSTRUCTION INC	STREET PAINTING	\$	4,566.44
HEBRON BRICK SUPPLY	BRICKS-DOWNTOWN ST CORNERS	\$	115.60
HOYT, CLARK	TRAVEL PERDIEM-PIERRE	\$	43.00
INGRAM LIBRARY SERVICES	BOOKS	\$	2,521.07
INTEGRITY FORD CORP	ALIGNMENT/TUBE ASY	\$	92.17
INTERSTATE ENGINEERING INC	HYDRO REC PATH BRIDGE FEMA ENG	\$	5,000.00
JENNER EQUIPMENT CO	HARDWARE/RUBB KIT/RUB EDGE	\$	1,121.68
JH HILT ENGINEERING INC	REPAIR GUARDRAIL BY BURGERKING	\$	2,652.00
KARL'S INC	WASHING MACHINE FOR WWTP	\$	429.00

KAZCO INC	BATTERY/UPS/REPAIRS/SOFTWARE	\$	433.42
KNOLOGY INC	NOV 2011 SHOP ADMIN PHONE/NET	\$	348.69
MATT PARROTT & SONS CO	2011 W2s & 1099s	\$	226.74
MES	RESCUE GLOVES/AXE	\$	788.81
MG OIL COMPANY	OCT 2011 BULK FUEL/WINTERFLOW	\$	24,965.20
MID DAKOTA VEGETATION MGMT	2011 WEED SPRAYING CONTRACT	\$	31,797.61
MONTANA-DAKOTA UTILITIES	NATURAL GAS	\$	4,473.35
NEVE'S UNIFORMS INC	ID HOLDER	\$	13.95
CARL JOE BUNNELL	CITY HALL RECYCLING SERVICES	\$	48.00
PRO WINDMILL INC	DEODORIZERS	\$	70.00
ONE TIME VENDORS	VARIOUS REFUNDS	\$	245.00
QUIK SIGNS INC	LAMINATED SIGNS	\$	69.21
RANDOM HOUSE INC	CDs	\$	90.35
RAPID FIRE PROTECTION INC	ANNUAL PAVILION INSPECTION	\$	450.00
RCC WESTERN STORES INC	2011 BOOT ALLOWANCE-HOYT	\$	70.00
RECORDED BOOKS LLC	CDs	\$	431.60
REGIONAL HEALTH PHYSICIANS	ALEXIS NELSON PRE-EMPLOYMENT	\$	48.00
SAND CREEK PRINTING CORP	ENVELOPES	\$	300.00
SANITATION PRODUCTS INC	PARTS FOR SNOGO & CURBTENDER	\$	278.00
SOUTH DAKOTA PUBLIC ASSURE	INCREASED INSURANCE-STAGECOACH	\$	33.21
SHARKEY PLUMBING HEATING	NEW PARKS LAWN METERS/H2O HEATER	\$	5,144.31
SOUTH DAKOTA DOT	PRs# 1-15 MAIN STREET PROJECT	\$	129,205.15
SOUTH DAKOTA ONE CALL	MESSAGE FEES-OCTOBER 2011	\$	84.00
SPEARFISH CHAMBER OF COMM	REC CENTER NEWS INSERT/DRURY REG	\$	298.00
SPEARFISH ELECTRIC & HEAT	ELECTRICAL SERVICES & REPAIRS	\$	2,067.98
SPEARFISH EXTINGUISHER	RECHARGE EXTINGUISHER	\$	35.00
SPEARFISH GLASS INC	REPAIR RUS DOZER GLASS	\$	272.36
STATE OF SOUTH DAKOTA	WWTP CENTREX LONG DISTANCE	\$	6.18
SUMMIT SIGNS & SUPPLY	STREET SIGNS	\$	201.00
THE UPS STORE #5137	SHIPPING-WAMCO LAB	\$	65.36
CHRONISTER, TERRY L	2011 CEMETERY REPAIRS/RESETS	\$	1,165.00
TTG ENTERPRISES	DISCONNECT AERATOR MOTOR	\$	102.00
TURBIVILLE INDUSTRIAL	REPLACE BALDOR MOTOR	\$	596.30
TWIN DISCOVERY SYSTEMS INC	CROWD CONTROL BARRIERS	\$	4,895.00
UNITED STATES POSTAL SERV	BULK PERMIT 59 POSTAGE REFILL	\$	5,000.00
USA BLUE BOOK	PROBE & CABLE/AMMONIA/PIPET	\$	867.13
VERIZON WIRELESS	NOV 2011 CELL PHONES	\$	2,456.27
VIAMEDIA	OCT 2011 TV REC CENTER ADS	\$	375.00
WELLS FARGO BANK NA	2007 REVENUE BOND AGENT FEE	\$	400.00
WESTERN COMMUNICATIONS	REPAIR PAGERS & RADIOS	\$	860.55
WESTERN STAR INC	REPAIR PD GARAGE DOOR	\$	219.33
WHITE'S QUEEN CITY MOTORS	SERVICE PD2	\$	37.49
WOLFF'S PLUMBING & HEATING	REPAIR PARTS & KITS/REPAIR MOTOR	\$	737.27

\*\* TOTALS \*\*

\$ 306,105.31

<b>APPROVAL</b>	<b>INITIALS</b>
Mayor Krambeck	
Don Aaker	
David Baker	
Travis Geppert	
Mary Morgan	
Doug Schmit	
Paul Young	

**October Fire Report** –Fire Chief White presented the October Fire Report:

- 52 Active Members
- 36 Calls for Service - 11 Fire Alarm, 3 Structure Fire, 5 Wildland Fire, 4 Search and Rescue, 1 Natural Gas Leak, 1 Hazardous Materials, 1 Vehicle Fire, 2 Power Grid Fire, 1 EMS Assist, 3 Mutual Aid, 4 Misc.
- Average Response time: 6 minutes 46 seconds
- Total Volunteer Time – 768 hours 11 minutes; Truck Check– 98 hours; Meetings – 81 hours; Training -45 hours
- November Training: 11-16-11 – Extrication, Station 2, 7PM  
11-30-11 – Tour and pre-plan – Prairie Hills Transit

There being no further business before the Council Schmit moved, Geppert seconded and all voted to adjourn at 8:00 PM.

Dated this 21<sup>st</sup> day of November, 2011.

**CITY OF SPEARFISH**

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

\_\_\_\_\_  
David H. Dutton, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.