

# Spearfish City Council



## Regular Session Minutes

**Date:**  
May 4, 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, May 4, 2009 with the following members present: Dardis, Davis, Morgan, Quinn, Schmit and Young. Also present: City Administrator Sund, Police Lieutenant Jacobs, Public Works Administrator Johnson, City Planner Watson, Assistant Finance Officer Dutton, Fire Chief Kellogg, Environmental Services Manager Callaway and City Attorney Pluimer. Mayor Krambeck presided and called the meeting to order. All stood and recited the Pledge of Allegiance.

### Order of Business

**Motion:** Morgan

**Second:** Dardis

**To approve Order of Business.**

**Disposition:** Motion passed on voice vote.

### Old City Council/New City Council Changeover

There was no old business to discuss.

**Motion:** Quinn

**Second:** Young

**To adjourn the old council.**

**Disposition:** Motion passed on voice vote.

**Determination of Ward III Council Member** – Appeal was filed with Circuit Court to appeal the decision of the recount committee on April 29, 2009. Judge Bastian has set hearing for June 10, 2009. In accordance to SDCL 9-8-4, Dardis will then hold office until the election is decided. For this reason, no action was considered on this item.

**Swearing in newly elected officials** – City Attorney Pluimer administered the oath of office to Doug Schmit, Ward II and Mary Morgan, Ward I. Certificates of election were presented.

**Motion:** Dardis

**Second:** Young

**To convene the new council.**

**Disposition:** Motion passed on voice vote.

**7:05 PM - Proclamation** – Mayor Krambeck read a proclamation declaring May 7<sup>th</sup> as ‘A Day of Prayer in Spearfish’. Ceremony will be at noon on Thursday, May 7, 2009 at the flagpole in front of City Hall for this National Day of Prayer event.

**7:10 PM - Public Hearing** – Mayor Krambeck opened public hearing at 7:10 PM to consider the application for a Special Malt Beverage Retailers License for the Spearfish Arts Center's Festival in the Park to be held July 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> at the City Park. No oral or written comments and Public Hearing was closed at 7:11 PM.

**Motion:** Young

**Second:** Morgan

**To approve application for Special Malt Beverage Retailers License for Spearfish Arts Center's Festival in the Park on July 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> at City Park.**

**Disposition:** Motion passed on voice vote.

**Consent Agenda**

The following items appeared on this Consent Agenda:

A. Authorize hiring temporary summer laborers effective May 5, 2009:

**Cemetery** – Karl Fiedler, \$8.50/hr.; **Parks** – Katie Klinckman, \$8.50/hr.; **Rec Center** – Sarah Haney, \$8.50/hr., William Domagall, \$8.75/hr.; Alexandria Buchholz, \$8.50/hr.; Steel Hellevang, \$8.50; Danielle Johnson, \$8.50/hr., Michelle Mullock, \$8.50/hr.; Jake Young, \$8.50/hr., Jeff Young, \$8.50/hr., Kori Clyde, \$8.75/hr., Nyssa Koebel-Wallace, \$8.75/hr., Cloe Savage, \$8.50/hr., Rachel Carroll, \$8.50/hr., Alexander Nachatillo, \$8.50/hr. **Storm Water** – Cody Milbourn, \$10.50/hr.

B. Authorize signatures on Amendment to NJS Engineering agreement – Industrial Park Storm Water Detention Basin for \$14,500.00.

C. Set bid opening for 27<sup>th</sup> Street Water Well as June 1, 2009 at 1:30 PM in the City Council Chambers.

D. Approve change Order #1 for Spearfish Business and Industrial Park Project for a decrease of \$5,511.59 to construct open channel in place of storm sewer

E. Approve the following Brown Bag Permits:

<b>Facility</b>	<b>Applicant</b>	<b>Type of Function</b>	<b>Date of Function</b>
Center Shelter	Megan Smith	College Grad	5/9/2009
Salem Park Shelter	Merida Deverman	Family Gathering	5/17/2009
Jorgensen Park Shelter	Amber Anker	College Grad	5/9/2009
South Shelter	Jake Miller	College Grad	5/9/2009
Salem Park Shelter	LeRoy Cleberg	Family Gathering	5/29/2009

F. Approve change of date for Street Closure request by the Downtown Business Association for Crazy Days on June 27, 2009.

G. Approve Minutes of Regular Session April 20, 2009.

**Motion:** Dardis

**Second:** Morgan

**To approve Consent Agenda.**

**Disposition:** Motion passed on voice vote.

**2010 Street Improvement Project** - Public Works Administrator Johnson stated that this is the residential 2010 Street Improvement project. Three requests for engineering proposals were sent with HDR Engineering submitting the lowest cost proposal for engineering and topographic mapping at a fee of \$33,974.00. The recommendation was made on cost because City Engineer Mathis pre-qualified each of the three firms to which requests for proposals were sent.

**Motion:** Schmit

**Second:** Morgan

**To accept proposal from HDR Engineering for 2010 Street Improvement Project – Engineering and Topographic Mapping for \$33,974.00.**

**Disposition:** Motion passed on voice vote.

**2010 Main Street Improvement Project** – Requests for proposals for design of the 2010 Main Street Improvement Project were sent to prequalified firms with HDR Engineering submitting the lowest cost proposal at \$146,950.00.

**Motion:** Schmit

**Second:** Quinn

**To accept proposal from HDR Engineering for design of 2010 Main Street Improvement Project for \$146,950.00.**

**Disposition:** Motion passed on voice vote.

**Heritage Park Spray Pad** – City purchased a small spray pad from the City of Keystone earlier this year. The original intent was to have city crews install, however, other circumstances are dictating an engineered design and some elements contracted for construction. In addition to the spraypark feature, Heritage Park has some sidewalk and curb and gutter issues that need to be addressed for repair as well as ADA compliance and it makes sense to do these together. Proposal was submitted from CETEC Engineering for the engineering design for \$9,144.00.

**Motion:** Schmit

**Second:** Quinn

**To accept design proposal from CETEC Engineering for spray pad and curb and gutter improvements to Heritage Park for \$9,144.00.**

**Disposition:** Motion passed on voice vote with Davis voting no.

**Bid Opening** – Council reviewed proposed date for bid opening for Heritage Park Spray Pad Project.

**Motion:** Quinn

**Second:** Schmit

**To set Bid Opening for Heritage Park Spray Pad Project as June 22, 2009 at 1:30PM in the Council Chambers.**

**Disposition:** Motion passed on voice vote.

**Waive Fees** – Habitat for Humanity is planning to construct a new home in the Reserve on Higgins Creek. Oftentimes, the organization will ask for fees to be waived for these projects. They are requesting forgiveness of building permit fees of \$877.00 and Grading Permit fees of \$50.00.

**Motion:** Young

**Second:** Morgan

**To waive building permit and grading permit fees for Habitat for Humanity home in the Reserve on Higgins Creek.**

**Disposition:** Motion passed on voice vote.

**Use Permit** – City Planner Watson reported that SWS, LLC has applied for use permit for a wireless telecommunications facility located at 301 Seaton Circle. The application is for a 120

feet tall monopole with room for 3 antennae. The location is not considered sensitive, request meets criteria and height is justified and has Planning Commission recommendation.

**Motion:** Quinn

**Second:** Morgan

**To approve Use Permit for SWS, LLC for wireless telecommunications facility located at 301 Seaton Circle.**

**Disposition:** Motion passed on voice vote.

Home Rule Commission – City Administrator Sund presented a white paper on Home Rule Charter a while back with committees forwarding to City Council possible appointment of a Charter Commission. Councilperson Davis stated that at this time he is not ready to commit to establishing a commission at this time. Dardis stated that she would like to see some further examples of how or why this would work better for Spearfish as well as find out what our current form of local government is not able to accomplish.

**Motion:** Davis

**Second:** Dardis

**To table appointing a commission for two more weeks and return this item to Committees.**

**Disposition:** Motion passed on voice vote.

**Street Closure Report** – Public Works Administrator Johnson reported that Canyon Street through the Campground will be closed from May 15<sup>th</sup> to September 15<sup>th</sup>. This is an annual closure, with the same dates as in the past.

**Fire Chief FYI** – Fire Chief Kellogg reported that May 7<sup>th</sup> from 5pm to 7pm, the Fire Department will be having a Community Pancake Feed – no charge, donations will be accepted.

**Runoff Election Ordinance** – City Administrator Sund reported that since we do not have an ordinance on the books mandating a runoff election, our only vehicle of resolving a tie is the drawing of lots. Situations such as plurality where no candidate receives a majority of the votes could also be addressed. Council informally assented that they would be in favor of considering a runoff election ordinance.

**Term Ordinance** – In a report regarding the historic low voter turnout in municipal elections, City Administrator Sund explained that if the City elections were held in conjunction with the primary election, there should be better voter turnout. Sund suggested aligning City elections with the bi-annual Primary elections. In order to do this, term of office would need to be an even number of years and suggested an increase to four years. If this were done, City elections would be held every two years. If a home rule charter commission is later approved, it would be possible to address this issue during charter development process.

**Portable Stage** – City Administrator Sund reported that the portable stage was delivered last week. Letters were sent today asking for quotes from local banking institutions for municipal lease purchase. Award will go to the institution proposing the lowest interest rate.

**TIF #2 Bond Issue** – City Administrator Sund reported that we have closed on the \$2 million private placement bond issue last Friday. Pioneer Bank and Trust, First Western Bank, Great Western Bank and Wells Fargo each purchased ¼ of the bond issue. The funding is now in place to construct the planned construction of streets and other infrastructure east and south of Premier

as well as the new storm water detention pond. Monies are held in a separate account for auditing purposes.

**Circuit Court Appeal** – City Attorney Pluimer reported that a petition to 4<sup>th</sup> Circuit Court was filed in appeal of the recount board’s decision of April 29<sup>th</sup> regarding the Ward III election tie. Judge Bastian of Belle Fourche has set the hearing for June 10<sup>th</sup>. City will provide the original documents as requested in the Writ of Certiorari received on May 1, 2009 to the clerk of courts.

**School Property Update** – City Attorney Pluimer met with attorney for the Meier family regarding the Creek/Flood Zone property being considered by the school district with a portion being considered by the City. Most recent documents will eliminate approximately 11 acres in the flood plain area that the City was looking at for possible park land. Approximately 22.6 acres would still be useable, but the 11 acres in question would be considered special use and must remain as family agricultural land for a period of ten years. City would not be able to consider ownership or management of this area for that ten year period.

Bill List –

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
3D SPECIALTIES, INC	SAFETY VESTS	\$263.14
AAA - MAIL STOP 2	2009 AAA TRVL BOOK AD-BID BOARD	\$14,161.00
ABC BUSINESS SUPPLY	COPY PAPER/OFFICE SUPPLIES	\$904.30
AINSWORTH-BENNING CONSTRUCTION	PR#1 2009 ST PROJ-MAIN & JACKSON	\$16,027.02
ALLTEL	APR 09 DISPATCH CELL PHONES	\$238.98
AMCON DISTRIBUTING CO	REC CENTER CONCESSIONS	\$402.91
APPLE SCIENTIFIC, INC	LAB SUPPLIES	\$557.86
AT & T INFORMATION SYSTEMS	APR 2009 E911 LONG DISTANCE	\$5.22
ATCO INTERNATIONAL	NUTRALIZE/TARLESS/ARMOREX	\$1,527.65
BH COUNCIL OF LOCAL GOVERNMENTS	ENVIRON ASSESS.TIF #2 PROJECT	\$2,000.00
BHSU ATHLETICS	REPAY DONATION FOR SCOREBOARD	\$7,500.00
BLACK HILLS CHEMICAL CORP	FOAM GUN HANDLE/JANITORIAL SUPPLY	\$984.96
BLACK HILLS POWER & LIGHT	ELECTRICITY	\$12,236.75
BRADY PLUIMER, P.C.	MAR 2009 RETAINER/LEGAL FEES	\$3,421.97
BRILLIANCE AUDIO, INC	AUDIO BOOKS	\$283.64
BUTLER MACHINERY CO	ANTIFREEZE	\$57.06
BUTTE ELECTRIC COOP	ELECTRICITY	\$30,324.45
CAPTAIN CLEAN	CLEAN CAR SEATS	\$150.00
CEDAR SHORE RESORT, INC	ROOM-G MARTIN-TRAVEL	\$76.95
CETEC ENGINEERING SERVICES	TIF #2 IND PARK ENGINEERING	\$14,147.08
CHEAPER THAN DIRT	TACTICAL WEAPONS CASES	\$94.89
CHEMSEARCH	CHEMICALS	\$602.36
CIT TECHNOLOGY FIN SERVICES	3X COPIER RENTAL	\$691.40
CLARK PRINTING CORP	UTILITY BILLS/RECEIPT BOOKS	\$1,537.25
CRETEX COMPANIES, INC	CAMPGROUND METER PITS	\$1,137.90
CROP PRODUCTION SERVICES	GRASS SEED/FERTILIZER	\$2,825.00
CUMULUS BROADCASTING-SIOUX FALLS	BID BOARD RADIO ADVERTISING	\$660.00
DAKOTA BUSINESS CENTER	2ND QTR COPIER MAINT/COPIER PURCH.	\$2,475.12
JACKSON L. PAHL	2" POST TOP	\$25.00

DALE'S TIRE & RETREADING	TIRES	\$9,319.40
DEMCO, INC	DVD CASES	\$12.34
DOYEN, BRAD D.	CEMETERY RR & OFFICE FLOOR	\$554.88
EDDIE'S TRUCK SALES, INC	BEARINGS/CLUTCH/GEAR/DIFF	\$1,046.72
FASTENAL CO	SAFETY EQUIPMENT/HARDWARE/TOOLS	\$245.19
FISHER SAND & GRAVEL CORP	CRUSHED ROCK-RUBBLE SITE ROAD	\$1,308.23
GALLS INC	SHIPPING ON RETURNED ITEMS	\$4.40
GENE'S LOCK SHOP	LOCK/KEY SERVICES	\$934.24
GREAT WESTERN TIRE, INC	TIRE REPAIR	\$437.73
GREY HOUSE PUBLISHING	BOOK	\$155.00
GRIMM'S PUMP SERVICE	NIPS	\$40.46
HAGGBERG TRUCKING	SNOW REMOVAL SERVICES	\$500.00
HD SUPPLY WATERWORKS	WATER LINE REPAIR PARTS	\$538.59
HDR ENGINEERING, INC	HYDRO PLANT ENGINEERING	\$2,322.00
HEARTLAND PAPER CO	VAC FILTERS	\$90.33
HEISLER HARDWARE	TOOLS/GLOVES/HARDWARE/REPAIRS	\$1,614.48
HILLS MATERIALS CO	SAND BAG SAND/GRAVEL/SNOW REMOVL	\$2,507.76
HILLYARD / SIOUX FALLS	JANITORIAL SUPPLIES	\$1,298.91
HOLIDAY INN EXPRESS & SUITES	LODGING-D.RICHARDS-PIERRE	\$139.50
IACP NET	2009-2010 ANNUAL FEES	\$500.00
INCODE	ANNUAL RECEIPT PRINTER MAINT	\$272.00
INTEGRITY FORD CORP	SERVICE VEHICLES	\$54.98
INTERNATIONAL CODE COUNCIL	BOOKS	\$40.00
JENNER EQUIPMENT CO	HOSES	\$370.44
KLAPPERICH, WILLIAM	REIMBURSEMENT-EXTENSION COURSE	\$255.45
KNIGHT SECURITY INC	2009-10 PAVILION MONITOR SERVICE	\$444.00
KNOLOGY INC	APR 09 PHONE/INTERNET SERVICE	\$1,686.39
KT CONNECTIONS	NETWORK ADMINISTRATION/SERVICE	\$3,778.50
LAB SAFETY SUPPLY, INC	SAFETY GLASSES	\$1,097.67
LAWRENCE COUNTY TREASURER	REIMBURSEMENT-FEMA MEETING	\$15.00
LAWRENCE COUNTY	SPECIAL ASSESS. PAID IN ERROR	\$286.89
LAWSON PRODUCTS, INC	HARDWARE/REPAIRS/TIES	\$157.70
MARSHALL AUSTIN PRODUCTIONS, INC	PORTABLE STAGE-DOWNTOWN BUSINESS	\$87,570.00
MENARDS	BLINDS/POOL TOYS	\$910.67
METZGER-HOLCOMB ANIMAL CLINIC	MONTHLY EUTHANASIA CONTRACT	\$100.00
MICROMARKETING, LLC	CDs	\$96.89
MIDCONTINENT COMMUNICATIONS	CAMPGROUND CABLE SERVICE	\$166.74
MOBILE ELECTRONIC SERVICE	REPAIR POWER SWITCH & MIC JACK	\$152.00
MONTANA-DAKOTA UTILITIES	NATURAL GAS	\$9,505.74
MONTANA-DAKOTA UTILITIES	TIF#2 GAS SERVICE AGREEMENT	\$5,427.44
NATIONAL ASSOC SCHOOL RESOURCE	2009 ANNUAL MEMBERSHIP-WATTS	\$40.00
NEVE'S UNIFORMS, INC	PANTS	\$82.00
NORTHERN BALANCE & SCALE	CLEAN & CALIBRATE SCALE	\$152.00
NORTHERN IMPROVEMENT CO	OMEGAMIX	\$900.00
NORTHWEST PIPE FITTING CO	MEGALUGS/CAP	\$472.56
OFFICE TECHNOLOGY & SUPPLY	RING INDEX/EMBOSSING SEAL	\$62.94

ONE TIME VENDORS	FACILITY REFUNDS	\$296.76
3BG LLC	CHAIN LUBE	\$8.95
PENNINGTON CO SHERIFF	PRE EMPLOYMENT SCREEN	\$300.00
PENWORTHY CO	BOOKS	\$246.80
PKG CONTRACTING, INC	PR#11 WWTP EXPANSION PROJECT	\$659,496.60
POWERPLAN	RELAY/SWITCH	\$62.93
PRAIRIE HILLS TRANSIT	2009 VEHICLE GRANT	\$20,000.00
PRECISION DYNAMICS CORP	VINYL BANDS	\$1,988.95
RANDOM HOUSE, INC	CD	\$40.85
RICHARDS, DEE	TRAVEL-PIERRE-TRAINING	\$66.00
ROTERT, PATRICK	TRAVEL-YANKTON-MEETING	\$99.00
SAND CREEK PRINTING CORP	BOND PAPER/BUSINESS CARDS	\$319.50
SD BUILDING OFFICIAL'S ASSN	2009 REGISTRATION-PAISLEY&HAFNER	\$180.00
SD GOVERNMENTAL FINANCE OFF ASSN	2009 SCHOOL-SUND,WENZEL,HAFNER	\$225.00
SDACA	2009 CONFERENCE REG-D RICHARDS	\$100.00
SIMPLEXGRINNELL LP	ALARM & DETECTION REPAIR	\$377.36
SOLAR SOUND CORP	LIGHTING MAINTENANCE CONTRACT	\$126.00
SPEARFISH ARTS CENTER	MATCH FUNDS-DIGITAL FILM PROJECT	\$13,000.00
SPEARFISH AUTO SUPPLY	REPAIRS/TOOLS/GLOVES	\$3,248.27
SPEARFISH EXTINGUISHER	WATERMISTER/SAFETY EQUIPMENT	\$279.65
SPEARFISH SENIOR SERVICE CENTER	MONTHLY ALLOTMENT	\$850.00
SUND, GREG	TRAVEL-MINOT-CONFERENCE	\$207.50
SUNSHINE FILTERS OF PINELLA	FILTER ELEMENTS	\$341.37
SYSCO FOOD SERVICES OF MT	REC CENTER CONCESSIONS	\$117.68
TDG COMMUNICATIONS, INC	BID BOARD WEBSITE DEVELOPMENT	\$6,900.00
THE UPS STORE	SHIPPING SERVICE	\$10.61
TURFWERKS	WHEEL CYLINDER	\$19.66
UNITED STATES POSTAL SERVICE	BULK PERMIT #59 POSTAGE REFILL	\$6,000.00
VAN NESS FELDMAN, PC	FERC LICENSING LEGAL FEES	\$783.88
VISIT SPEARFISH	APR 09 BID BOARD ALLOCATION	\$7,500.00
WALMART COMMUNITY BRC	OFFICE-JANITORIAL-MISC SUPPLIES	\$1,117.50
WELLS FARGO BANK NA	REC CENTER DEBT PAYMENT 3/39	\$334,621.88
WELLS FARGO BROKERAGE SERVICE	PAYMENT 15 OF 20 HUMANE BUILDING	\$6,530.41
WELLS FARGO BUSINESS CARD	GFOA ONLINE TRAINING & BOOK	\$143.40
WELLS PLUMBING CORP	FRANKLIN SUBMONI/SALT/REPAIRS	\$723.68
WEST RIVER INTERNATIONAL	SPRING/PIN/WASHER/BOLT/NUT	\$844.50
WESTERN HILLS HUMANE SOCIETY	MONTHLY NEUTER/DETENTION SERVICE	\$1,250.00
WHITE'S QUEEN CITY MOTORS	VEHICLE REPAIRS	\$1,031.88
** TOTALS **		\$1,322,444.59

#### April 2009 Salary Expense - Bill List 5/4/2009

	Gross Wages/Benefits		
Mayor/Council	\$	6,763.52	1.69%
City Administrator		10,554.09	2.64%
Finance		8,155.06	2.04%
Human Resources		4,994.96	1.25%

Government Buildings	10,256.90	2.57%
Public Works Admin.	21,229.37	5.32%
Police	88,618.07	22.20%
Police Communications	22,590.51	5.66%
Fire	-	0.00%
Building Inspection	9,209.30	2.31%
Streets	5,744.25	1.44%
Snow Removal	39,705.36	9.95%
Storm Water	-	0.00%
Cemetery	2,773.81	0.69%
Animal Control	2,278.87	0.57%
Recreation/Aquatic	34,987.93	8.77%
Spectator Recreation	2,140.20	0.54%
Parks	6,085.59	1.52%
Library	15,750.21	3.95%
Plan & Zone	9,530.88	2.39%
Motor Pool	7,268.86	1.82%
Water	17,149.55	4.30%
Electric Production	10,635.21	2.66%
Sewer	15,828.43	3.97%
WWTP	27,217.93	6.82%
Parking	442.67	0.11%
Solid Waste	18,175.44	4.55%
Campground	1,048.95	0.26%
Totals	<u>\$ 399,135.92</u>	<u>100.00%</u>

**Motion:** Davis

**Second:** Morgan

**To approve bill list of May 4, 2009.**

**Disposition:** Motion passed on voice vote.

**APPROVAL                      INITIALS**

Mayor Krambeck  
Shawn Dardis  
Eric Davis  
Mary Morgan  
Tom Quinn  
Doug Schmit  
Paul Young

There being no further business before the Council, Morgan moved, Dardis seconded and all voted to adjourn at 7:55PM.

Dated this 4th day of May 2009.

CITY OF SPEARFISH

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

ATTEST:

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