

Spearfish City Council

Regular Session Minutes



Date:
August 17, 2009

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 7:00 PM on Monday, August 17, 2009 with the following members present: Baker, Davis, Morgan, Schmit and Young. Quinn was absent. Also present: City Administrator Sund, Police Chief Rotert, Fire Chief Kellogg, Assistant Finance Officer Dutton, Public Works Administrator Johnson, City Planner Watson, Environmental Services Manager Callaway, City Engineer Mathis 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: Schmit

Second: Morgan

To approve Order of Business.

Disposition: Motion passed on voice vote.

2010 Main Street Improvement Project – A Public Input Session was held this evening at 5:30PM to review plans and concepts. Public Works Administrator Johnson asked Council for direction on three items – street and sidewalk width of the new main street, furnishing/décor features and recommended closure schedule.

Motion: Baker

Second: Young

To add up to 1.5 feet to sidewalk and curb areas on both sides of Main Street to make the width of sidewalks on each side of Main Street the same.

Disposition: Motion passed on voice vote.

Council indicated interest in requesting bids for Alternates when specific furnishing enhancements can be identified.

Motion: Baker

Second: Schmit

To close one entire block at a time during the construction phase of 2010 Main Street Improvement Project.

Disposition: Motion passed on voice vote.

Proclamation – Mayor Krambeck proclaimed Ethel Hall Buntrock Day on August 20, 2009. Ethel lives at Garden Hills Assisted Living and will turn 100 years old on August 20th.

Public Hearing – Mayor Krambeck opened a Public Hearing at 7:23 PM for a Special Malt Beverage and Wine Retailers License with applicant Kevin O’Dea, Hills Horizon, Inc. for an event at the Snapper’s Club on 10-9-09. There were no oral or written comments and public hearing was closed at 7:23 PM.

Motion: Schmit **Second:** Morgan
To approve Special Malt Beverage and Wine Retailers License for Kevin O’Dea with Hills Horizon, Inc. for a single event at the Snapper’s Club on 10-9-09.

Disposition: Motion passed on voice vote.

Public Hearing – Mayor Krambeck opened a public hearing at 7:24 PM for a Special Malt Beverage Retailers License applied for by the Yellow Jacket Foundation for tailgate events at Young Center Complex Parking Lot 9/19, 10/10, 10/17 and 10/31. Oral comment was heard from David Nickel, resident of Spearfish and student at BHSU. He stated that he was opposed to continuing to serve alcohol at the tailgate events and cited four reasons:

1. If alcohol were not served at the tailgate events, those wishing to drink before the games would patronize the local bars and restaurants to obtain their alcoholic beverages.
2. Possible problems with law enforcement and the additional work required by local law enforcement.
3. Fair and equal treatment for all on campus. No alcohol is allowed in the dormitories, even for those over 21 years of age.
4. BHSU sends the message of being a dry campus and supports alcohol prevention programs.

Council Member Davis agreed with Mr. Nickel’s points but said that since the application came directly from a BHSU organization, he was not going to interfere with their policy. Police Chief Rotert stated there have been some past issues that were all addressed by BHSU. No other oral or written comments were heard and public hearing was closed at 7:29 PM.

Motion: Davis **Second:** Schmit
To approve Special Malt Beverage Retailers License for the Yellow Jacket Foundation for the tailgate events at the Young Center Complex Parking Lot on 9/19, 10/10, 10/17 and 10/31.

Disposition: Motion passed on voice vote.

Public Hearing – Mayor Krambeck opened a public hearing at 7:31 for a Special Malt Beverage Retailers License for Cross Purpose Productions at Black Hills Amphitheatre, LLC for an event on Saturday September 5th. There were no oral or written comments and public hearing was closed at 7:31 PM.

Motion: Young **Second:** Schmit
To approve Special Malt Beverage Retailers License for Cross Purpose Productions event at Black Hills Amphitheatre on September 5, 2009.

Disposition: Motion passed on voice vote.

Consent Agenda:

- A. Award Parade Permit for BHSU Swarm Days parade on September 19th from 10:00 AM to 1:00 PM. Route: Young Center – South on St. Joe – East on Jackson - South on Main – East on Grant - end.
- B. Authorize Hire of William Domagall as a Fitness Coordinator effective September 6, 2009, Grade 12/ Step 1, \$13.58/hour.
- C. Approve Change Order #3 – Spearfish Business and Industry Park Expansion Phase 2, increase of \$1,463.00.
- D. Approve Change Order #6 – Elkhorn Ridge North Service Road Project for an increase of \$6,192.00.
- E. Acknowledge changes to Della Vecchia Addition Plat
- F. Approve Brown Bag Permits.
- G. Approve Minutes of Regular Session August 3, 2009.

Motion: Morgan

Second: Young

To approve Consent Agenda.

Disposition: Motion passed on voice vote.

Ordinance 1102 - First Reading of Ordinance 1102, an Amendment to fees in Chapter 2 – Administration, Chapter 13 – Solid Waste and Chapter 18 – Utilities. Currently, fees are embedded in City Code and this ordinance is the first of many that will pull the fees from the city code and reference a master fees list. A resolution will follow passage of the second reading of this ordinance to adopt the fees. Fees affected will include the administrative bad check fee; Rubble Site disposal of branches; and the cost of installing a new remote water meter reader.

Motion: Schmit

Second: Morgan

To approve first reading of Ordinance 1102.

Disposition: Motion passed on voice vote.

Lease/Purchase – Bryan Walker of SEDC presented a Lease/Purchase Option Agreement that would allow North Star Construction to lease a lot in the Spearfish Business and Industry Park for 12 months in order to have time to prepare the lot for construction before purchase. This lot had been previously used as a ‘borrow’ site and a great deal of dirt had been previously removed, therefore a considerable amount of fill must be hauled to the lot before it is buildable. Amount paid on the lease will be applied to the purchase at time of sale if the company brings it to grade within the 12 month period. If they fail to bring the lot to grade, they would lose their option and lease payments.

Motion: Young

Second: Morgan

To approve Lease/Purchase Option Agreement with North Star Construction for a lot in the Spearfish Business and Industry Park.

Disposition: Motion passed on voice vote.

Change Order #5 Elkhorn Ridge North Service Road – This change order will increase the cost of the project by \$202,480.39. It was noted all costs related to this project are paid by the developer. Change order reflects change in unit costs due to the delay from one construction season to the next due to the ground water problem that was encountered. There are four new bid items due to the ground water issue and additional quantities since the developer plans to erect townhomes and duplexes rather than single family dwellings.

Motion: Young

Second: Schmit

To approve Change Order #5 – Elkhorn Ridge North Service Road Project in the amount of \$202,480.39.

Disposition: Motion passed on voice vote with only Baker voting no.

Downtown Street Furnishings – Public Works Administrator Johnson stated that these items would be purchased outside of construction with plans to purchase over three years. This year's proposal is to purchase not more than \$20,000 of items including bollards, garbage cans, tables and a bicycle rack. The preferred furnishings are of black steel and Johnson did check with a local manufacturer but did not receive a response to her inquiry as to whether he could make these items locally.

Motion: Davis

Second: Morgan

To approve the purchase for downtown street furnishings not to exceed \$20,000.

Disposition: Motion passed on voice vote.

Krautschun Feed Lot Application Amendment – City Administrator Sund stated that we have received a letter from the DENR notifying us of a 30 day comment period regarding an application from the Krautschun's for an amended feed lot permit. He spoke with DENR and the state does not regulate on smell and dust.

Motion: Morgan

Second: Young

To draft a letter standing opposed to the feedlot.

Disposition: Motion passed on voice vote.

Financial Report –

Motion: Morgan

Second: Schmit

To accept the Financial Report dated July 31, 2009.

Disposition: Motion passed on voice vote.

Police FYI – Police Chief Rotert reported that they hope to have a candidate for the open position by next meeting.

SDML Annual Conference – City Administrator Sund reported the Conference is October 6, 7, 8 and 9 at Watertown Event Center. Registration is due by 9-14-09.

Subsidies Report – City Administrator Sund distributed a worksheet showing the history of the subsidies granted along with the requests made this year for the 2010 budget.

Budget Planning Sessions – Budget Planning sessions will be at 6:30 PM next week Monday, Tuesday and Wednesday. Sund noted first reading of the annual appropriations ordinance must be the first meeting in September.

Home Rule Commission – City Administrator Sund has been developing a list of some of the things that could be considered under a Home Rule Charter or in the development of one. City Planner Watson also contributed a list from a planning perspective. The next step would be asking for volunteers to serve on a home rule commission which would then need to investigate and develop a home rule charter to place before voters within one year of establishing the commission.

Citizen Relationship Software – City Administrator Sund reported that this type of software permits the public as well as staff to create citizen issues to be addressed by staff, establish timelines for completion and tracks progress. GovQA Citizen Relationship (CRM) Software is a subscription based program where the program and data are stored at the vendor's site so we would not need to incur an additional expense of purchasing software or storage. Mayor Krambeck expressed that he would like to find out if our current methods are inefficient and if we are indeed having issues fall through the cracks that would warrant the need to change to a new system.

Bill List Dated August 17, 2009:

VENDOR	DESCRIPTION	AMOUNT
A & B WELDING SUPPLY	CYLINDER RENTALS/WELDING SUPPLY	\$123.86
ABC BUSINESS SUPPLY	INK CARTRIDGES/BINDER CLIPS	\$159.86
ALPINE IMPRESSIONS	REC CENTER SHIRTS/LOGO WEAR	\$51.84
AMCON DISTRIBUTING CO	REC CENTER CONCESSIONS	\$2,074.51
AMERICAN LIFEGUARD PRODUCTS	LIFEGUARD UNIFORMS	\$1,375.13
AMERICAN TECHNICAL SERVICES	PROJECT MATERIAL TESTING	\$3,860.00
APPLE SCIENTIFIC, INC	LATEX GLOVES	\$417.30
BELLE FOURCHE LANDFILL	LANDFILL FEES	\$21,237.31
BIG SKY COMMUNICATIONS	TRAINING CORD W/CLAMP KIT	\$48.00
BLACK HILLS AUTO PARTS	FILTERS/REPAIRS/JACK/OIL/SOLVENT	\$971.37
BLACK HILLS CHEMICAL CORP	JANITORIAL SUPPLIES	\$1,378.97
BLACK HILLS PIONEER	CLASSIFIED ADS	\$352.50
BLACK HILLS POWER & LIGHT	ELECTRICITY	\$10.00
BLACK HILLS PURE, INC	COOLER RENTALS/WATER	\$52.25
BUTLER MACHINERY CO	BULLDOZER REPAIR	\$220.00
BUTTE ELECTRIC COOP	ELECTRICITY	\$36,450.12

CAMPBELL, TODD	2009 RALLY PER DIEM	\$548.90
CENTURY BUSINESS PRODUCTS	REC CENTER COPIER RENTAL/MAINT	\$646.88
CHAIN SAW CENTER	WEEDEATERS/REPAIRS/RENTALS	\$785.46
CHAPMAN, KIRBY	2009 RALLY PER DIEM	\$630.28
CHRIS SUPPLY COMPANY, INC	ELECTRICAL REPAIRS	\$38.78
COCA-COLA BOTTLING CO	REC CENTER CONCESSIONS	\$2,447.50
CROELL REDI-MIX INC	REDI-MIX	\$367.50
CULLIGAN SOFT WATER CORP	WATER	\$104.00
CYCLOPS ELECTRONICS, INC	REPAIR SEWER INSPECTION CAMERA	\$585.23
DAKOTA BACKUP	NETWORK BACKUP SERVICES	\$585.51
DAKOTA SUPPLY GROUP	DOUBLE CHECK VALVE	\$293.49
DALE'S TIRE & RETREADING	TIRES/REPAIRS	\$615.80
DIVISION OF MOTOR VEHICLES	CTY7042/CTY7043 SPECIAL LICENSES	\$28.00
ECOLAB PEST ELIMINATION	PEST SERVICES	\$593.00
EDDIE'S TRUCK SALES, INC	SWITCH ASSY	\$118.85
ELKHORN RIDGE @ FRAWLEY RANCH	2009 1ST HALF TID1 REIMBURSEMENT	\$75,237.49
ENERGY LABORATORIES	LAB TESTS	\$1,648.50
ENSIGNAL	BELT CLIP/CAR CORD	\$26.96
FISHER SAND & GRAVEL CORP	CONCRETE ROCK	\$200.40
FSH COMMUNICATIONS, LLC	AUG 2009 PAYPHONES	\$143.23
GALLS INC - ARAMARK	CLASS A SPEAKER	\$122.98
GENE'S LOCK SHOP	KEY/LOCK REPAIRS/SERVICE	\$1,574.71
GODFREY BRAKE SUPPLY	BRAKE REPAIR FORD F350	\$3,527.73
GOLZ ASPHALT SEALING INC	STREET CRACK FILLING	\$7,846.73
GOLZ CONSTRUCTION, INC	STREET LINE PAINTING	\$15,626.33
GRIZZLY SIGN STUDIO	RSVP GARDEN SIGN	\$560.00
GROSFIELD ELECTRIC CO	REPAIR LIGHT FIXTURES	\$250.64
HAWKINS, INC	AZONE/CHLORINE/ACID/REGULATOR	\$6,612.35
HD SUPPLY WATERWORKS	1" METERS/SS EPOXY BANDS	\$1,253.08
HEARTLAND PAPER CO	FILTER PAPER	\$78.53
HEIMAN FIRE EQUIPMENT, INC	RESCUE BAG/ADAPTERS/GATE VALVES	\$8,515.65
HILLS PRODUCTS GROUP	PEELED POLES	\$51.52
HILLYARD / SIOUX FALLS	BATH TISSUE/TRASH LINERS	\$1,459.65
HORSLEY SPECIALTIES, INC	PIPE ABATEMENT	\$2,350.00
INGRAM LIBRARY SERVICES	BOOKS	\$1,524.14
INT'L PUBLIC MGMT ASSOCIATION	POLICE TESTS	\$218.00
EKE, INC	PR#6 TIF#1 SOUTH SERVICE ROAD	\$37,123.61
KAZCO, INC	SUPPLIES/REPAIRS/TOOLS/BATTERIES	\$840.76
KETEL THORSTENSON, LLP	2008 FISCAL AUDIT PROGRESS BILLING	\$12,628.09
KNECHT HOME CENTER, INC	REPAIRS/HARDWARE/TOOLS/SUPPLIES	\$496.14
KT CONNECTIONS	KILL SPAM SERVICE	\$60.00
LAWRENCE TITLE CO	TIF#3 LAND PURCHASE AGREEMENT	\$600,171.00
LAWSON PRODUCTS, INC	36 PC TORX SET	\$58.99
LAZY B ENTERPRISES	CITY HALL RECYCLING	\$38.00
LIGHT & SIREN	MINI LIGHTBARS	\$881.47

LUEDERS FOOD CENTER	JULY 4TH ICE CREAM	\$157.61
M & S VENTURES, INC	REC CENTER CONCESSIONS	\$743.75
M G OIL CO	OIL	\$2,119.80
JOLLEY, M	BRONZE PLATE-RAUB/JOHNSON	\$150.00
MICROMARKETING, LLC	CDs	\$205.85
MINITMAN INC	DIESEL/GASOLINE	\$251.26
MONTANA-DAKOTA UTILITIES	NATURAL GAS	\$367.02
MORGAN, DANIEL	2009 REIMBURSEMENT	\$350.00
MOTIVE PARTS & SUPPLY	PUMP/PLASTIC ELBOW	\$81.12
MOYLE PETROLEUM BULK INC	JULY 2009 BULK FUEL CONTRACT	\$16,880.63
MURPHY, JOHN	2009 RALLY PER DIEM	\$630.28
NEW WORLD SYSTEMS	SPFSH PD SOFTWARE COSTSHARE	\$29,053.00
NJS ENGINEERING CORP	TIF#2 DETENTION POND ENGINEERING	\$1,720.50
NORTHERN HILLS TRAINING CENTER	JANITOR/MOWING SERVICES	\$964.22
OCCUPATIONAL HEALTH NETWORK	EMPLOYMENT TESTING	\$152.00
OFFICE TECHNOLOGY & SUPPLY	CHAIR MAT/RUBBER STAMPS	\$235.82
ONE CALL SYSTEMS, INC	LOCATE REQUEST TICKETS	\$157.30
ONE TIME VENDOR	SPARGUR,PAULA OR LANAE:REC REF	\$26.50
PARK N POOL CORP	POOL FURNITURE	\$7,045.31
PKG CONTRACTING, INC	REPAIR WATER LEAK	\$8,179.38
PROBUILD, TIMBERROOTS MTD	REBAR/CHIP BRUSH	\$31.41
QUIK SIGNS INC	SIGNS ON COROPLAST	\$700.37
QWEST	AUGUST 2009 PHONES	\$1,106.31
RANDOM HOUSE, INC	CD	\$36.85
RAPID DELIVERY	DELIVERY & PICKUP SERVICES	\$268.40
RECORDED BOOKS, LLC	RECORDED BOOKS	\$280.80
REGAN SERVICES	PLC PROGRAMMING 7-23-09	\$310.00
SAFWAY STORES, INC	SANDWICH FOR PRISONER/FRITO LAYS	\$19.97
SAND CREEK PRINTING CORP	BUSINESS CARDS	\$120.00
SERVALL TOWEL & LINEN	FLUSHER/MOP/MAT/UNIFORM RENTALS	\$1,441.28
SHERWIN WILLIAMS CO	YELLOW STREET PAINT	\$1,200.00
SOUTH DAKOTA BUREAU OF ADMIN	CENTREX LONG DISTANCE CALLS	\$8.29
SDPA	2009 CONF REGISTRATIONS X 4	\$600.00
SOUTH DAKOTA STATE TREASURER	JULY 2009 SALES TAX REMITTANCE	\$19,900.08
SPEARFISH AUTO SUPPLY	BATTERY	\$70.95
SPEARFISH BUILDING & SUPPLY	LUMBER/SPIKES/PAINT/VENTS	\$538.57
SPEARFISH EXTINGUISHER	ANNUAL WELLHOUSE INSPECTION	\$36.00
JOSEPH B. MILLER	STARTER ROPE/REPAIRS/TRIMMER	\$60.00
SPEARFISH MOTORS, INC	REPAIR RADIO PD #8	\$71.60
STADEL, BRENDA	WEBSITE DESIGN-MAINTENANCE	\$230.00
TASC	4TH QTR 2009 FLEX PLAN-COBRA ADMIN	\$1,065.39
THE MERCANTILE	TOOLS/GLOVES/REPAIRS	\$480.21
TOUR ICE OF PIERRE & STURGIS	ICE	\$653.60
TURFWERKS	BOLT/IDLER ARM/SHOULDER BOLT	\$108.88
USA BLUE BOOK	HOSE HANGER/RING PRESERVER	\$82.31

VAN NESS FELDMAN, PC	FERC LICENSE LEGAL FEES	\$723.62
VERIZON WIRELESS	AUGUST 2009 CELL PHONES	\$1,801.74
WARNE CHEMICAL & EQUIPMENT	QUICK 2 GRO	\$760.00
WATTS, CANDI	TRAVEL MEALS-OVERNIGHT PIERRE	\$24.00
WELLS FARGO BUSINESS CARD	TRAVEL/POSTAGE/AWNING/REGISTRN	\$2,022.77
WHITE'S QUEEN CITY MOTORS	REPAIR PARTS	\$144.25
** TOTALS **		\$962,667.88

Motion: Morgan

Second: Schmit

To approve the Bill List dated August 17, 2009.

Disposition: Motion passed on voice vote.

APPROVAL INITIALS

Mayor Krambeck
David Baker
Eric Davis
Mary Morgan
Tom Quinn – absent
Doug Schmit
Paul Young

There being no further business before the Council, Morgan moved, Schmit seconded and all voted to adjourn at 8:05 PM.

Dated this 17th day of August 2009.

CITY OF SPEARFISH

BY: _____
Jerry A. Krambeck, Mayor

ATTEST:

Greg Sund, City Administrator

Published once at the approximate cost of _____.