

Spearfish City Council

Regular Session Minutes



Date:
August 2, 2010

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 7:00 PM on Monday, August 2, 2010 with the following members present: Aaker, Baker, Geppert, Morgan, Schmit and Young. Also present: Police Chief Rotert, Fire Chief White, Public Works Administrator Johnson, Acting Finance Officer Dutton, Human Resource Director Friedel, Environmental Services Manager Callaway, City Planner Watson and City Attorney Pluimer. Mayor Krambeck presided and called the meeting to order. All stood and recited the Pledge of Allegiance.

Consent Agenda – Morgan moved, Young seconded and all voted to approve the Consent Agenda.

A. Approve Brown Bag Permit Requests (6)

Facility	Applicant	Event	Date
Jorgensen Shelter	Linda Wiley	Family Picnic	8/15/10
Indian Springs Gazebo	Sarah Reed	Wedding	8/22/10
Salem Shelter	Ainsworth-Benning	Co. Picnic	8/21/10
South Shelter	Bonnie Salzer	Family Picnic	8/26/10
North Shelter	Marilee O'Rourke	Bridal Shower	8/26/10
South Shelter	Lois Blosmo	Family Picnic	8/15/10

B. Approve minutes of the Regular Session of July 19, 2010 and Special Session of July 27, 2010.

ITEMS FROM VISITORS

911 Awards – On April 5, 2010, six year old Raymond Clifford was at his grandmother's home in Spearfish when his grandmother experienced a severe diabetic reaction and was unable to speak. Raymond called 911 at 3:30 am when he discovered his grandmother's distress and dispatcher Colleen Adams patiently worked with the young boy to obtain the proper information and dispatched emergency services which saved the life of his grandmother. Raymond was presented with the "911 Heroes Award" from the national '911 for Kids' organization. Colleen Adams was presented with '911 Heroes Dispatch Award". Mayor Krambeck also presented Raymond with an official City of Spearfish pin.

Recycling Update - Joe Bunnell from Lazy B Recycling presented a recycling update and bi-annual report. Lazy B Recycling services the Spearfish, Belle Fourche, St. Onge, Sturgis, Whitewood and Deadwood areas providing commercial pick-up and one time pick-ups as scheduled. As of the end of June, Lazy B has collected 230 tons of cardboard, 144 tons of newspaper and 4.5 tons of shredded office paper. Also collected were 20 tons of steel and 4 tons of other metals for a total of 403 tons of recyclables for this period. Mr. Bunnell stated he is currently working on a plan to expand the products accepted to include plastic, glass and tires.

Teen Night - Mary Jo Retzl from Dakota Horizons Girl Scout Council Troop #72603 stated the organization has received a Challenge and Change Grant with the goal to keep kids from partying and drinking. They would like to use this in conjunction with the Rec Center and have a safe non-judgmental place for middle school and high school students. They request to offer Teen Night once per month from September to December from 6:00PM to 11:45PM at the Lookout Room in the Rec. Center and they asked for rental fees and admission fees for non-members at the facility to be waived and to do 'donation' for skating, swimming and other special events. Morgan moved, Young seconded and all voted to approve Teen Night at the Rec Center once per month from September to December and waive rental fees as well as admission fees for non-members attending the event.

Spearfish Canyon Fuels Reduction Project - Chad Jacobson from South Dakota Department of Game, Fish & Parks is the Project Coordinator for the Spearfish Canyon Fuels Reduction Program. He stated this project will encompass 208 acres adjacent to the Mountain Plains Subdivision where there is potential for catastrophic wildland fire. The goal of the project is to reduce the fuels as well as prevent further infestation of the Mountain Pine Beetle by creating healthy stands of trees and open up the area for the growth and health of the many hardwoods in the area. He stated that the project will commence in September with access through South Canyon Road as well as 14A. This project will consist of whole tree harvest with all trees and limbs hauled to specific landings – there will be large piles of trees and branches, but he urges people to not worry, those piles will not be there long. Bid opening is tomorrow for the grinding/chipping portion of the project which will run from October 2010 to November 2011. All non-viable portions of the cut trees will be ground, chipped and hauled away to further reduce potential fire fuels.

Bill Coburn, representative from Neiman Forest Products, the contractor for the fuel reduction program, stated that two fuel reduction projects will be going on simultaneously this fall. They are looking at hauling from the Forbay area and going up and around the long loop of Mountain Plains I and II. They are working with the subdivision to coordinate hauling schedules as the log trucks will be traveling down the center of the road to prevent road damage due to the weight of the trucks and loads.

Mr. Coburn stated several big machines will be utilized in the project such as a Yarder and Boom Delimber and Timco Feller Buncher. The crossing at Forbay is to be reconstructed with a permanent bridge over the aqueduct. Another area of concern is in Mountain Plains where the aqueduct goes under the road. They are working on several safety and transport issues and Coburn states that residential travel will need to be at reduced speed during the course of the project.

Mr. Coburn also discussed Mountain Pine Beetle concerns. He stated the Black Hills has a bad infestation, more so in the southern hills at this time, but we are showing signs of infestation in Spearfish Canyon and Spearfish Mountain and we must fight it now or we will experience the tree losses as they have near Custer and Harney Peak.

Coburn also stated that when harvesting is at its peak, 2-3 loads per day are expected to be hauled and possibly up to 5 or 6 loads. He again stressed that timing of the hauling will be done to try to avoid the residential peak travel times.

Jim Nelson, resident of Spearfish and President of Spearfish Canyon Owners Group stated his support in this fuel reduction effort citing that we are nearly at the point of no return with the damage caused by the Pine Beetle.

Schmit moved, Young seconded and all voted to approve Mayor Krambeck to draft, sign and submit a letter to US Forest Service to take immediate action to control the Pine Bark Beetle infestations.

BIDS AND PROPOSALS

WWTP Ceiling – Schmit moved, Baker seconded and all voted to accept low proposal from Diamond Post & Steel Buildings, Inc. to remove and replace drop ceiling at the Wastewater Treatment Plant at a cost of \$4,897.97, budgeted in WWTP.

Canyon Street Admin Building – Morgan moved, Young seconded and all voted to accept proposal from American Technical Services, Inc. for Inspection and Materials Testing for the Canyon Street Admin Building at a cost of \$4,282, funded from Second Penny.

Domain Controller – Morgan moved, Schmit seconded and all voted to accept proposal from KT Connections, Inc. for new domain controller at a cost of \$9,971, budgeted in Second Penny.

RESOLUTIONS AND ORDINANCES

Public Hearing and Second Reading of Ordinance 1121 – Mayor Krambeck opened Public Hearing at 7:53. There were no oral or written comments and public hearing was closed. Young moved, Morgan seconded and all voted to approve Second Reading of Ordinance 1121 - An ordinance amending the Spearfish Code of Ordinances Chapter 10 – Licenses, Permits and Business Regulations which requires Pesticide Applicators to obtain a contractor’s license for spraying or treating of lawns, noxious weeds, or bare ground control within the City.

Second Reading of Ordinance 1122 – City Planner Watson stated that after first reading of Ordinance 1122 - A Wind and Photovoltaic Energy Ordinance, Council had indicated that all wind systems should be applied for by use permit rather than having any ‘by right’ with a building permit. With Use On Review, there is a public hearing for each applicant for a small wind system where the burden is upon the applicant who must mitigate several effects such as offsite view, distance to structures and all surrounding property owners must be positive or neutral in respect to the wind system application. Watson also noted that lot size must be at least one acre for a residential application to be considered. Planning Commission recommends approval. Council Member Aaker asked what happens once one is approved and if neighbors come afterwards complaining to which City Attorney Pluimer stated that once approved, the structure stays. All consented that they have no issue with the photovoltaic portion of the proposed ordinance as that technology has been around for quite some time and are inoffensive. Mayor Krambeck stated that the flicker effect from small wind systems could be a major concern and irritation to any neighbor. Aaker said he may support small wind systems in the Industrial areas only. Baker stated he supports small wind systems anywhere and that if property owners want to put one on their own property, they should be allowed. Schmit stated he feels the need to be cautious on any approval, but feels we should continue to work forward on the small wind system issue.

Aaker moved, Young seconded and all voted to table second reading and refer back to committees for further discussion.

Resolution 2010-22 – Mayor Krambeck stated the purchase of the Fassbender Photographic Collection would be with either three or four participants in the purchase – City of Spearfish, City of Lead, City of Deadwood and City of Belle Fourche. Plans are to have a member board with three representatives from each purchaser. There has been tremendous support of this acquisition from the community. Aaker moved and Morgan seconded to approve Resolution 2010-22 - A Resolution Authorizing the Purchase of the Fassbender Photographic Collection. Young abstained from discussion and voting citing conflict of interest and the motion passed with all others voting yes.

Initiated Ordinance – City Attorney Pluimer stated the City received a petition for a proposed initiated measure requiring the use of ‘snow gates’ for driveways and other openings in the snow removal process. Although it does not address budgeting criteria for the additional costs, the petition does have the required number of signatures, 5% of registered voters of the City of Spearfish at the time the petition was submitted. The petition was reviewed and our statutes and Constitution encourage such measures. He states there is no objection to the petition being placed on the November general election ballot and feels a voter would understand the conditions. Aaker moved, Baker seconded and all voted to accept the petition for initiated measure and authorize the Acting Finance Officer to take the necessary steps to have this placed on the November general election ballot.

BHSU Softball Fields Lease – Young moved, Morgan seconded and all voted to authorize Mayor Krambeck to sign a twenty-five year Lease Agreement with Black Hills State University for the BHSU Softball Fields.

FYI - Outdoor Patio for Liquor Licensee – Chad Zandstra with Zbar located at 529 Main Street will allow alcohol consumption on year round outdoor patio located on the west side of the building.

FYI - Raffle – Spirit of the Hills Wild Life Sanctuary will be raffling off a 2010 Chevrolet Impala. Tickets are \$100 each for sale from August 3, 2010 to September 24, 2010. Date of Drawing on September 25, 2010. Proceeds to benefit new Education and Discovery Center Building at Spirit of the Hills Wild Life Sanctuary.

PUBLIC WORKS

Sale of Tanker – Scheduled sealed bid opening for a large tanker was Tuesday, July 27, 2010 and there were no sealed bids received. Baker moved, Morgan seconded and all voted to approve sale to Forgey Construction for \$1,350.00 (90% of appraised value) of surplused 3,850 gallon vacuum tanker which was removed from surplused fire truck. Public Works Administrator Johnson stated that we have no use for the tanker and cannot foresee a future use by City departments.

Bid Opening – Young moved, Schmit seconded and all voted to set bid opening for Windmill and Woodland Drive Storm Sewer Project for August 30, 2010 at 1:30 p.m.

Design Proposal – Schmit moved, Young seconded and all voted to obtain design proposal for Sanitary Sewer Trunk Line Improvements for construction in 2011-2013.

Change Order – Young moved, Baker seconded and all voted to approve Change Order #2 - 2010 Street Improvements Project for an increase of \$2,100 for exploratory excavation.

Proposal – Morgan moved, Young seconded and all voted to accept proposal from NJS Engineering for Lot 3, Block 1, Dodd’s Addition at an amended cost of \$5,000. This work was earlier awarded to NJS Engineering at a cost of \$10,000, but utilities and road design have been removed from the project, therefore, reducing the cost.

Bid Opening – Young moved, Schmit seconded and all voted to set bid opening for September 27, 2010 at 1:30 p.m. for Lot Grading at the end of Seaton Circle (above mentioned lot).

Rec Center Splash Pad Spill Retainment – Geppert moved, Young seconded and all voted to obtain a design proposal to remedy the Splash Pad spill retainment at the Water Park.

Change Order #1 - State and Grant Park Restroom/Storage Facility – Morgan moved and Young seconded to approve Change order #1 – State and Grant Park Restroom/Storage Facility for an increase of \$602.04 due to deleting a bubbler and adding a mop sink with faucet. Baker abstained from vote citing conflict of interest and motion passed on voice vote with all others voting yes.

Board Appointment – Young moved, Morgan seconded and all voted to authorize Mayor Krambeck to appoint Dillon Haug to Parks, Recreation and Forestry Advisory Board.

HUMAN RESOURCES

Campground Hire – Schmit moved, Baker seconded and all voted to hire a City Campground couple effective August 3, 2010 – Geri and Charles Hajek, \$8.25/hour, plus full hookup site.

Rec Center Hires – Schmit moved, Young seconded and all voted to hire the following employees at the Rec Center:

- Rubi Martinez, Recreation Assistant, Grade 6, Step 1, \$10.41 per hour, effective September 5, 2010. This is replacement position.
- Thomas Tieszen, Recreation Assistant, Grade 6, Step 1, \$10.41 per hour, effective September 5, 2010 (Tieszen will combine hours with Scott Jahner until the end of the year, then Jahner is leaving)

PLANNING AND ZONING

Use Permitted on Review – City Planner Watson stated that Planning Commission has recommended approval for a Use Permitted on Review for a private school located at 611 Dahl Road. Black Hills Classical Christian Academy is currently working on building code items to make the transition in the site. Schmit moved and Young seconded to approve a Use Permitted on Review for Black Hills Classical Christian Academy at 611 Dahl Road pending completion of building code items 1) Install a Manual Fire Alarm, 2) Install exterior doors from each classroom or provide a one hour rated fire corridor 3) Exit signs need to be illuminated 4) Provide a handicap parking sign 5) Provide a concrete landing on the north exit door 6) Provide portable fire extinguishers 7) Change round door knobs to lever type. Geppert abstained from vote citing possible conflict of interest and motion passed on voice vote with all others voting yes.

Bill List – Morgan moved, Baker seconded and all voted to approve the Bill List of August 2, 2010.

VENDOR	DESCRIPTION	AMOUNT
7TH CAVALRY DRUM & BUGLE CORP	JULY 4TH BAND-PARADE & SOCIAL	\$500.00

ABC BUSINESS SUPPLY	2 OFFICE CHAIRS/PAPER/CALC TAPE	\$656.89
ACE STEEL & RECYCLING INC	RECTANGLE TUBE	\$237.05
ALPINE IMPRESSIONS	EMPLOYEE SHIRTS/CONCESSIONS	\$465.24
AMCON DISTRIBUTING CO	CONCESSIONS	\$1,235.89
BELSON OUTDOORS INC	7 BENCHES (2 DOGPARK-REPAID)	\$2,852.00
BH REPTILE GARDENS INC	SUMMER REC ADMISSIONS	\$356.00
BIRK, CANDI	TRAVEL PER DIEM-DARE CONF	\$45.00
BLACK HILLS CHEMICAL CORP	ECOLYZER/BIOBOWL	\$241.59
BLACK HILLS POWER & LIGHT	AUG 2010 ELECTRICITY	\$21,123.91
BOMGAARS SUPPLY INC	TOOLS/HARDWARE	\$266.83
BUTTE ELECTRIC COOP	AUG 2010 ELECTRICITY	\$39,780.43
CENTURY BUSINESS PRODUCTS	2ND QTR 2010 REC COPIER MAINT	\$543.52
CETEC ENGINEERING SERVICES	COLO BLVD H2O PROJ ENGINEERG	\$52.00
CIT TECHNOLOGY FIN SERVICES	3 X COPIER LEASE	\$691.40
CLARK PRINTING CORP	PERFORATED PAPER/FORMS	\$516.30
CORA'S CREATIONS	BABY CONGRATS FOR S. BREWER	\$50.00
DAKOTA BUS SERVICE CORP	SUMMER REC BUS SERVICES	\$1,160.00
DAKOTA FENCE CO	LARGE MESSAGE BOARD	\$685.00
DAKOTA SECURITY SYSTEMS INC	SENSOR BOARD	\$173.40
DAKOTA WELD & MACHINE LLC	STEEL IRRIGATION SYSTEM COVER	\$2,800.00
DALE'S TIRE & RETREADING	TIRES	\$968.00
DUNWOODY JEWELRY	ENGRAVE JOHNSON GUN BARREL	\$30.00
DYKSTRA, CLAY	SUMMER REC PROGRAM SERVICES	\$635.00
ENTENMANN-ROVIN	JOHNSON RETIREMENT BADGE	\$254.31
FASTENAL CO	HARDWARE/SAFETY GLASSES	\$263.20
FIRST NATIONAL BANK	2010 WWTP SRF LOAN PAYMENT	\$96,470.41
GALLS ARAMARK	NAMETAG	\$14.96
GOLZ CONSTRUCTION INC	PR#1 2010 PAVEMENT STRIPING	\$28,727.37
GRAPHICS PLUS	REPAIR ATTENUATOR FILTER	\$500.00
GREAT WESTERN TIRE INC	TIRES/TIRE REPAIRS	\$372.45
GRIMM'S PUMP SERVICE	HOSE/COUPLER/ADAPTER/BANDITS	\$136.01
HAWKINS INC	ACID/BLEACH/AZON/AQUAHWK/CHLRN	\$17,671.04
HD SUPPLY WATERWORKS	REMOTE READERS/SADDLES/REPAIRS	\$4,293.26
HDR ENGINEERING INC	FERC LICENSE & PROJ ENGINEERING	\$7,652.70
HEARTLAND PAPER CO	BATH TISSUE/TRASH LINERS/CLEANER	\$1,445.58
HEISLER HARDWARE	TOOLS/HARDWARE/GLOVES/REPAIRS	\$2,748.33
HI-VAC CORP	VALVE BALL	\$278.17
HILLS MATERIALS CO	ASPHALT ROCK-DOG PARK	\$277.83
HILLYARD / SIOUX FALLS	BATH TISSUE/TRASH LINERS/CLEANER	\$673.25
HOLIDAY INN EXPRESS		
VERMILLION	LODGING-MUNICIPAL CLERK SCHOOL	\$232.50
INTEGRITY FORD CORP	SERVICE 2008 F150/REPAIRS	\$211.01
INTOXIMETERS INC	MOUTHPIECES	\$1,025.00
JENNER EQUIPMENT CO	FITTINGS/MIRRORS/ANTENNA	\$142.28
KNOLOGY INC	AUG 2010 PHONES & INTERNET	\$2,533.10
KT CONNECTIONS	REWIRING/MILEAGE/ADAPTER	\$2,423.86
LAB SAFETY SUPPLY INC	PAIN RELIEVERS/FIRST AID KIT	\$139.71

LIGHTING MAINTENANCE CONTRACTS	LIGHTING MAINTENANCE SERVICE	\$126.00
LINCOLN EQUIPMENT INC	POOL SAFETY EQUIPMENT	\$42.24
LITTLE, VERLA	2010 BOOT ALLOWANCE	\$70.00
MEREDITH SERVICES CO	REMOVE CONCRETE FLOOR	\$408.00
METZGER-HOLCOMB ANIMAL CLINIC	EUTHANASIA CONTRACT	\$100.00
MICROMARKETING LLC	CDs	\$39.99
MIDCONTINENT COMMUNICATIONS	AUG 2010 CAMPGROUND CABLE/NET	\$499.38
NATIONAL TRUST FOR HISTORIC PRES	2010 HISTORIC PRESERVATION SUBSC	\$45.00
OFFICE TECHNOLOGY & SUPPLY	CALC TAPE/COUNTERFEIT DET. PENS	\$22.22
ONE TIME VENDORS	VARIOUS REFUNDS	\$57.50
3BG LLC	RHINO RUBBERS/CLEANER ELEMENT	\$26.73
PETE LIEN & SONS INC	4K EXTERIOR	\$349.38
PITNEY BOWES INC	POSTAGE METER INK CARTRIDGES	\$229.47
POOL & SPA CENTER	GASKET/PUMP/ADAPTER/ANTI-FOAM	\$1,153.34
PRAIRIE HILLS TRANSIT	MONTHLY FUEL ALLOTMENT/REC BUS	\$2,220.00
RANDOM HOUSE INC	CDs	\$56.10
RAPID CONSTRUCTION	PR#1 TIF1 N SVC RD EXTENSION	\$274,644.96
RCS CONSTRUCTION INC	PR#2 TIF#2 YOUNG WELL HOUSE	\$78,420.17
RECORDED BOOKS LLC	CDs	\$324.95
REGIONAL HEALTH	DRUG SCREEN COLLECTIONS	\$532.00
ROCKINGTREE FLORAL & GARDEN	TREES/PLANTS/FERTILIZER	\$1,057.59
SACRISON ASPHALT INC	LIMESTONE	\$1,332.00
SACRISON PAVING INC	PR#2 2010 ST IMPROVE PROJECT	\$103,816.09
SAND CREEK PRINTING CORP	BUSINESS CARDS	\$175.00
SDPRA	TURF MAINT SCHOOL REGISTRATIONS	\$60.00
SHARKEY PLUMBING & HEATING	INSTALL CLEANOUTS/FLUSH VALVES	\$731.51
ROCKY MOUNTAIN DIST INC	PVC TROVICEL HANGING SIGN	\$431.50
SPEARFISH AUTO SUPPLY	TOOLS/REPAIRS/OIL/CLEANERS/RAGS	\$2,587.89
SPEARFISH EXCAVATING INC	IND PARK EXP PROJ/COLO BLVD PROJ	\$204,091.05
SPEARFISH GLASS	SAFETY SHIELD-WEED EATER	\$48.50
SPEARFISH SENIOR SERVICE CENTER	MONTHLY ALLOTMENT	\$825.00
SPEARFISH VOLUNTEER FIRE DEPT	STATE FIRE SCHOOL TRAVEL/REGISTR	\$1,588.78
SPRUNG INSTANT STRUCTURES	PR#1 SALT STORAGE BUILDING	\$26,336.00
STATE RADIO COMMUNICATION	2ND 1/2 2010 TELETYPE SERVICE	\$3,000.00
SUPERIOR SANITATION LLC	RESTROOM RENTALS	\$320.00
SYSCO FOOD SERVICES OF MT	CONCESSIONS	\$1,537.30
THE ICEE CO	CONCESSIONS	\$342.92
TYLER TECHNOLOGIES	ANNUAL SOFTWARE MAINT SUPPORT	\$9,795.00
USA BLUE BOOK	WASH DOWN NOZZLE/AMMONIA	\$220.03
WALMART COMMUNITY/GEMB	OFF/JANITOR/PROGRAM/CONCES SPLY	\$1,990.20
WELLS FARGO BUSINESS CARD	CLASSIFIED AD/TRAVEL FUEL	\$393.60
WELLS PLUMBING CORP	PVC PIPE/REPAIR PARTS	\$355.86
WESTERN COMMUNICATIONS, INC	RADIO REPAIRS/RADIO EARPIECES	\$418.06

WESTERN HILLS HUMANE SOCIETY	MONTHLY ALLOCATION	\$2,000.00
WILLIAMS & ASSOCIATES	STATE & GRANT RR/SHOP ADMIN ENG	\$62,513.07
WOLFF'S PLUMBING & HEATING	CLEAR PLUGGED SEWER REC CENTER	\$150.45
** TOTALS **		\$1,030,036.61

APPROVAL INITIALS

Mayor Krambeck
 Don Aaker
 David Baker
 Travis Geppert
 Mary Morgan
 Doug Schmit
 Paul Young

Budget Process Meetings - 2011 Budget Process Meetings will be in the City Council Chamber at 5:30 PM on the following dates:

- Thursday, August 12, 2010 –Long Term Capital Plans
- Tuesday, August 17, 2010 - General Fund
- Wednesday, August 18, 2010 - Other Funds and subsidies
- Monday, August 23, 2010 - Enterprise Funds
- Wednesday, August 25, 2010 - Any left over and final changes if necessary.

Alcohol Committee Report – Acting Finance Officer Dutton reported that the Alcohol Committee met last Thursday and will be bringing items forward to the next round of Committee and City Council Meetings.

Executive session – Young moved, Schmit seconded and all voted to enter into Executive Session at 9:05 PM for personnel matters and consultation with legal counsel regarding pending contract matters.

Council returned from executive session at 9:43 PM.

There being no further business before the Council Morgan moved, Young seconded and all voted to adjourn at 9:44PM.

Dated this 2nd day of August 2010.

CITY OF SPEARFISH

BY: _____
 Jerry A. Krambeck, Mayor

ATTEST:

 David H. Dutton, Acting Finance Officer

Published once at the approximate cost of _____.