



Spearfish City Council
Regular Session Minutes
October 19, 2020 5:30 p.m.

The Spearfish City Council met at 5:30 p.m. on Monday, October 19, 2020. Mayor Boke presided and called the meeting to order. Roll call was taken with the following members present: Clark, Eisenbraun, Herrmann, Hodgs, Jacobs and Klarenbeek. Absent: none. Also present: City Planner Watson, City Attorney McDonald, Finance Officer DeNeui, Public Works Director Lee, Fire Chief Ladson, Police Chief Jacobs and Wastewater Treatment Facility Superintendent Evridge. Additionally, City Administrator Harmon, Public Safety Director Rotert, and Parks and Recreation Director Ehnes joined electronically via Zoom.

All stood and recited the pledge of allegiance. Klarenbeek moved, Hodgs seconded and all voted to approve the agenda with the amendment to move the proclamation to the consent agenda section. No potential conflicts of interest were noted.

Consent Agenda – Clark moved, Jacobs seconded and with Clark, Eisenbraun, Herrmann, Hodgs, Jacobs and Klarenbeek voting aye, motion passed to approve the consent agenda as follows:

- A. Approve the minutes of the City Council regular session dated October 5, 2020.
- B. Approve the treasurer's report dated September 30, 2020.
- C. Promote Bradley Hunt to class II wastewater treatment operator, grade 13, step 10, \$21.10 per hour, effective 10/18/2020.
- D. Hire Chris Jensen as a benefit-eligible class I water/wastewater utility operator, grade 12, step 7, \$18.92 per hour, effective 10/30/2020.
- E. Hire Lauren Christy as a benefit-eligible police dispatcher, grade 12, step 1, \$16.80 per hour, effective 10/20/2020.
- F. Hire Heather Dimond as benefit-eligible police dispatcher, grade 12, step 1, \$16.80 per hour, effective 10/20/2020.
- G. Approve a special on-sale liquor license for False Bottom Bar for a wedding on November 7, 2020 from 3:00 p.m. to 12:00 a.m. at the Park Pavilion.
- H. Approve a special malt beverage license for False Bottom Bar for a fundraiser on November 8, 2020 from 11:00 a.m. to 4:00 p.m. at the Park Pavilion.
- I. Add Matthew Cochrane to the 2020 volunteer firefighter list.
- J. Add Tyler Huber and Nikolas Scott to the 2020 Spearfish Recreation and Aquatics Center referee list.
- K. Add Jessy Dietrich to the 2020 Spearfish Recreation and Aquatics Center volunteer list.
- L. Mayor Boke to proclaim November 2 through November 6, 2020 as National Veterans Small Business Week.

Appeal – Council heard an appeal of a public nuisance determination for a dog that had been deemed vicious and ordered for euthanasia. Comments were received from Corey Olson, the pet owner, Luann Stein, and Katherine Sickle. Following discussions, Klarenbeek moved, Clark seconded and all voted to support the determination of the Spearfish Police Department.

Resolution 2020-30 – Eisenbraun moved, Jacobs seconded and all voted to adopt Resolution 2020-30 as follows:

RESOLUTION 2020-30

A RESOLUTION OF INTENT TO ENTER INTO A LEASE AGREEMENT

WHEREAS, SDCL § 9-12-5.2 authorizes the City of Spearfish to lease municipally owned property to a private person, and

WHEREAS, the Common Council of the City of Spearfish intends to enter into a lease agreement with Jamie Johnson to lease a house owned by the City located at 615 Maitland Road, Spearfish, South Dakota, and

WHEREAS, a copy of such lease agreement is on file in the Finance Office and available for public inspection,

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Spearfish that the Council intends to enter into such lease, and a public hearing for considering the same shall be conducted at 5:30 p.m. on November 2, 2020.

Dated this 19th day of October, 2020.

CITY OF SPEARFISH

By: _____
Dana Boke, its Mayor

(Seal)

Attest:

Michelle DeNeui, Finance Officer

Adopted: October 19, 2020

Published: October 24, 2020

Effective: November 13, 2020

Resolution 2020-31 – Clark moved, Eisenbraun seconded and all voted to adopt Resolution 2020-31 as follows:

RESOLUTION 2020-31

A RESOLUTION OF INTENT TO ENTER INTO A LEASE AGREEMENT

WHEREAS, SDCL § 9-12-5.2 authorizes the City of Spearfish to lease municipally owned property to a private person, and

WHEREAS, the Common Council of the City of Spearfish intends to enter into a lease agreement with Jennifer Johnson to lease a house owned by the City located at 625 Maitland Road, Spearfish, South Dakota, and

WHEREAS, a copy of such lease agreement is on file in the Finance Office and available for public inspection,

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Spearfish that the Council intends to enter into such lease, and a public hearing for considering the same shall be conducted at 5:30 p.m. on November 2, 2020.

Dated this 19th day of October, 2020.

CITY OF SPEARFISH

By: _____
Dana Boke, its Mayor

(Seal)

Attest:

Michelle DeNeui, Finance Officer

Adopted: October 19, 2020

Published: October 24, 2020

Effective: November 13, 2020

Agreement – Herrmann moved, Hodgs seconded and all voted to approve the Exit 8 Area Community Path – Phase 1 Easement Agreement between Spearfish Forest Products, Inc/Spearfish Pellet Company, LLC and the City of Spearfish.

Resolution 2020-26 – Clark moved, Eisenbraun seconded and all voted to adopt Resolution 2020-26 as follows:

RESOLUTION NO. 2020-26

**A RESOLUTION ACKNOWLEDGING A CORRECTION
TO THE AUGUST 19, 2019 COUNCIL MINUTES**

WHEREAS, the minutes of the August 19, 2019 Council meeting were on the agenda to be approved at the September 3, 2019 Council meeting; and

WHEREAS, the minutes of this meeting omitted a payment to American Red Cross for lifeguarding/water safety instructor courses in the amount of \$324.00; and

WHEREAS, the total of the bill list was correctly stated as \$362,040.78; and

NOW THEREFORE, BE IT RESOLVED, by the City Council, that the official minutes for the August 19, 2019 Council meeting reflect the payment to American Red Cross for \$324.00.

Dated this 19th day of October 2020.

CITY OF SPEARFISH

(SEAL)

By: _____
Dana Boke, Mayor

ATTEST:

Michelle DeNeui, Finance Officer

Adopted: October 19, 2020
Published: October 27, 2020
Effective: November 16, 2020

Resolution 2020-29 – Klarenbeek moved, Hodgs seconded and all voted to adopt Resolution 2020-29 as follows:

RESOLUTION NO. 2020-29

**A RESOLUTION ACKNOWLEDGING A CORRECTION
TO THE MARCH 4, 2002 COUNCIL MINUTES**

WHEREAS, the minutes of the March 4, 2002 Council meeting were on the agenda to be approved at the March 18, 2002 Council meeting; and

WHEREAS, the minutes of this meeting included Resolution 2002-07; and

WHEREAS, within Resolution 2002-07 the described property is to be included in the Ruby Ridge Addition to the City of Spearfish; and

WHEREAS, Resolution 2002-07 as recorded with Lawrence County Register of Deeds in Document No. 2002-1687 states the described property is to be included in the Ruby Ridge Addition #2 to the City of Spearfish.

NOW THEREFORE, BE IT RESOLVED, by the City Council, that the official minutes for the March 4, 2002 Council meeting reflect the described property to be included in the Ruby Ridge Addition #2 to the City of Spearfish.

Dated this 19th day of October 2020.

CITY OF SPEARFISH

(SEAL)

BY: _____
Dana Boke, Mayor

ATTEST:

Michelle DeNeui, Finance Officer

Adopted: October 19, 2020

Published: October 27, 2020
Effective: November 16, 2020

Agreement – Clark moved, Jacobs seconded and all vote to approve the Lease Agreement with SD Division of Criminal Investigations pertaining to the office area in the basement of city hall.

Ordinance 1334 – Following discussions including comments from citizen Bob Meyer, Hodgs moved and Eisenbraun seconded to approve the second reading of Ordinance 1334 – An Ordinance Amending Chapter 15A, Subdivisions. With Eisenbraun, Hodgs, Jacobs and Klarenbeek voting aye, Clark and Herrmann voting nay, the motion passed to approve the second reading.

Ordinance 1335 – Clark moved, Herrmann seconded and all voted to approve the first reading of Ordinance 1335 – An Ordinance Amending Appendix A. Zoning, Article II. Definitions and Article V. Supplementary Regulations, Section 3. Minimum off-street parking requirements.

Agreement – Eisenbraun moved, Hodgs seconded and all voted to approve the Sky Ridge Detour Agreement with Lawrence County.

Grant – Clark moved, Herrmann seconded and all voted to approve the Airport Grant Initiation Request. The request will defer the airport entitlement funds to 2022.

Project – Herrmann moved, Jacobs seconded and with Clark, Eisenbraun, Herrmann, Hodgs, Jacobs and Klarenbeek voting aye, motion passed to approve the final Pay Estimate and Change Order 1 for the 2020 CIPP Lining Project for an increase of \$31,631.02, total final project cost of \$334,424.94 with total approved bid price of \$302,793.92 funded from Sewer, and to authorize the Mayor to sign the Certificate of Final Completion and Acceptance setting July 1, 2020 as the date the two (2) year warranty begins.

Surplus – Eisenbraun moved, Klarenbeek seconded and all voted to follow staff recommendations in the acceptance of several bids and denial of one bid for surplus items as listed in the packet materials.

Proposal – Jacobs moved, Hodgs seconded and with Clark, Eisenbraun, Herrmann, Hodgs, Jacobs and Klarenbeek voting aye, motion passed to accept HDR’s proposal for construction administration and inspection of the Spearfish Sky Ridge Development Phase 1 at a cost not to exceed \$138,730 to be funded from TIF6 Project Fund.

Bill List – Eisenbraun moved, Klarenbeek seconded and with Clark, Eisenbraun, Herrmann, Hodgs, Jacobs and Klarenbeek voting aye, motion passed to approve the bill list dated October 19, 2020 as follows:

<u>Vendor</u>	<u>Description</u>		<u>Amount</u>
3D SPECIALTIES INC	SIGNAGE/TELESPAR	\$	2,940.34
3RD DEGREE SCREENING INC	CRIMINAL RECORDS SEARCH	\$	64.00
A & B BUSINESS INC	SEP 2020 CONTRACT BASE RATE	\$	2,529.06
A & B WELDING SUPPLY CO	CYLINDER RENTAL/LEASE/PARTS/LAB	\$	591.41
A & J SUPPLY	PARTS/TOOLS/EQUIP	\$	491.93
ABC ENTERPRISES INC	WATER METER SWAP	\$	1,046.00

ALLEGIANT EMERGENCY SVCS	BOOTS	\$	367.59
AMAZON CAPITAL SERVICES	FURNITURE/BOOKS/EQUIP/TECH	\$	1,409.84
BAKER & TAYLOR	BOOKS	\$	180.01
BELLE FOURCHE LANDFILL	SEP 2020 SOLID WASTE DISPOSAL	\$	30,759.74
BLACK HILLS ENERGY	SEP/OCT 2020 ELECTRICITY	\$	8,166.23
BHSU PRINTING CENTER	SEPT 2020 UTILITY BILLS	\$	232.26
BLACK HILLS CHEMICAL CORP	JANITORIAL/PAPER PRODUCTS	\$	718.17
BLACK HILLS PIONEER	SEPT 2020 LEGALS	\$	1,112.50
BLACK HILLS PURE INC	BOTTLED WATER/COOLER RENTAL	\$	34.50
BROWN, HEATH G	PER DIEM	\$	46.00
JT VENTURES LLC	3RD QTR 2020 FLEET CARDS SALES	\$	220.89
BUTLER MACHINERY CO	PARTS/LABOR/SVC CALL	\$	3,658.18
BUTTE ELECTRIC COOP	ELECTRIC 7/24 TO 8/24	\$	50,505.55
VISUAL WORKS INC	AUG 2020 ONLINE RESERVATIONS	\$	1,212.00
CBH COOPERATIVE	SEP 2020 GAS/DIESEL/RUS	\$	14,322.10
CELLEBRITE USA INC	UFED TOUCH SW RENEWAL	\$	3,700.00
CENTURYLINK INC	OCT 2020 MONTHLY SERVICE	\$	347.61
CHAIN SAW CENTER	EQUIPMENT RENTAL/TOOLS	\$	1,997.53
CITY OF SPEARFISH CC	GIFT/MEALS/ADS	\$	2,891.30
CLIMATE CONTROL SYSTEMS	AIR PURIFICATION SYS/PM CONTRACT	\$	33,349.55
COCA-COLA BOTTLING CO	CONCESSIONS/COFFEE	\$	553.05
DG INVESTMENT INTERMEDIATE	EQUIPMENT	\$	198.98
CLW INC	BID SETS - SKY RIDGE DEV	\$	590.85
CORE & MAIN LP	HANDHELD DATA COLLECTOR/TOOLS	\$	3,195.59
CUMMINS CENTRAL POWER LLC	PARTS/LABOR/INSPECTIONS	\$	11,027.44
DALE'S TIRE & RETREADING	PARTS/LABOR	\$	1,354.00
DEMCO INC	SUPPLIES	\$	76.37
ECOLAB PEST ELIMINATION	PEST CONTROL PROGRAMS	\$	336.83
FIB - TRAVEL CARD MISC VEN	FUEL/LODGING	\$	3,333.90
FIB-AP PURCHASE CARDS	ITEMIZED BY VENDOR, \$189,613.31		
SA&J SERENDIPITY 57 INC	WINDOW CLEANING	\$	575.00
EDDIE'S TRUCK CENTER	PARTS/EQUIP	\$	634.93
FMG INC	EXIT 8 AREA PATH, PHASE I	\$	3,453.30
FORGEY CONSTRUCTION LLC	ROW WORK	\$	3,500.00
GALLS LLC	APPAREL/NAMEPLATE/EQUIPMENT	\$	8,665.30
THE GLASS SHOP	LABOR/MATERIALS	\$	1,856.26
GRAINGER INC	SIGNAGE	\$	174.44
HACH CO	SENSOR CAP	\$	166.59
DAKOTA SPORTS INC	FIELD PAINT/APPAREL	\$	198.65
HDR ENGINEERING INC	WLF/WWTP/EXIT 17/SANDSTONE	\$	23,642.53
HIGHWAY IMPROVEMENT INC	2020 CRACK SEALING	\$	99,999.54
THE ICE MAN LLC	ICE	\$	83.70
JANVRIN, BRIDGER	REFEREE	\$	287.50
TODD EMERY COLLINS	SVC CALL, DOWNTOWN RR	\$	275.00
JOLOVICH, CODY	PER DIEM	\$	46.00

WASTE CONNECTIONS OF SD	DISPOSAL	\$	500.00
KLJ SOLUTIONS HOLDING CO	CROSSWIND RUNWAY/WLF	\$	27,808.92
KONE INC	4TH QTR MAINTENANCE	\$	167.56
LAWRENCE COUNTY HWY DEPT	MAG CHLORIDE APPLIED 9/17	\$	5,309.02
LAWSON PRODUCTS INC	FITTINGS/SCREWS/NUTS/ETC	\$	559.86
LIQUID ENGINEERING CORP	LABOR/INSPECTION	\$	4,330.00
MONTANA-DAKOTA UTILITIES	9/9 - 10/7 NATURAL GAS	\$	1,802.94
MIDCO	SEP 2020 CABLE TV/INTERNET/PHONE	\$	924.17
MIDCONTINENT TESTING LABS	SEP 2020 WATER TESTING	\$	2,307.60
MOODY'S INVESTORS SERVICE	BOND RATING FEE	\$	18,000.00
MUTH ELECTRIC INC	LABOR/MILEAGE	\$	702.24
NORTHERN HILLS TRNG CENTER	SEP 2020 JANITORIAL	\$	1,812.50
PRO WINDMILL INC	MONTHLY AIR CARE/RODENT CONT	\$	238.00
ROMO, VINCE	REFUND 80%	\$	560.80
SOUTH DAKOTA ONE CALL	SEP 2020 MESSAGE FEES	\$	148.05
PAUL, JACOB	PER DIEM	\$	46.00
PENTHENY, BROCK	REFEREE	\$	193.75
PETTY CASH	PLATS/AGMTS FILING FEES	\$	536.00
POWELL, JACOB	REFEREE	\$	287.50
PRECISION MECHANICAL LLP	RECLAIMING	\$	1,160.00
PROCESS & TECHNOLOGY SOLUT	ASSET TRACKING BASIC EDITION	\$	1,460.00
QUIK SIGNS INC	SIGNAGE X 9	\$	219.33
RAPID DELIVERY	DELIVERIES - SEP 2020	\$	266.31
THOMAS W NICHOLS	DATA SVC, JUL - SEP 2020	\$	180.00
SANITATION PRODUCTS INC	PARTS/SUPPLIES	\$	1,096.91
SD STATE TREASURER-UCP	UNCASHED UTILITY REFUND CKS	\$	772.53
SERVALL TOWEL & LINEN	JANITORIAL	\$	699.65
SHARKEY PLUMBING HEATING	MATERIALS/LABOR/SVC CALL	\$	154.50
SIMON CONTRACTORS OF SD IN	ROADSTONE	\$	119.00
SOLE PERFECTION	BOOT ALLOWANCE X 2	\$	200.00
SOUTH DAK STATE TREASURER	SEPTEMBER 2020 SALES TAX	\$	13,902.81
VIVI BENE INC	PARTS/LABOR	\$	16,698.38
JOSEPH B MILLER	CARB KIT	\$	25.00
STAMPS.COM	SEP/OCT PRO PLAN	\$	17.99
SUPER CAR WASH	3RD QTR FLEET CARD CHARGES	\$	315.52
SYN-TECH SYSTEMS INC	TECHNICAL SUPPORT	\$	42.00
THE UPS STORE #5137	SHIPPING	\$	128.33
FBM HOLDINGS LLC	FAIR LABOR STANDARDS BOOK	\$	536.99
THOMSON REUTERS WEST	AUG 2020 WEST PROFLEX DATA	\$	1,002.12
TTG ENTERPRISES INC	PARTS/LABOR	\$	4,478.02
ALB TWILIGHT LLC	BATTERY/1ST AID KIT/EQUIP	\$	548.95
TYLER BUSINESS FORMS	1099-NEC, W-2 AND ENVELOPES	\$	396.98
TYLER TECHNOLOGIES INC	ONLINE PYMT FEES, JUL TO SEP	\$	2,405.85
US BANK NATIONAL ASSOCIATION	2014 SRF CLEAN WATER, GOLLIHER	\$	91,072.41
USA BLUE BOOK	MANTARAY PORTABLE FLOWMETER	\$	4,616.65

CITY OF SPEARFISH	AUGUST W/S/G	\$	38,725.33
VANGUARD ID SYSTEMS	ID CARDS	\$	1,188.61
VANWAY TROPHY & AWARD	PLAQUES X 3	\$	246.85
CLARITY TELECOM LLC	09/15 - 10/15 TELEPHONE	\$	4,589.44
VERIZON	7/24 - 8/23 WIRELESS	\$	4,041.12
VIOLA SOFTWARE LLC	WEBSITE DEVELOPMENT	\$	1,041.25
VISIT SPEARFISH INC	BID BOARD ALLOCATION	\$	149,751.49
VOSBURG, BRIAN	PER DIEM	\$	317.40
WENZEL, WILLIAM W	PER DIEM	\$	214.00
INTEGRITY ACQUISITION LLC	PARTS/LABOR	\$	6,822.74
TOTAL		\$	<u>742,809.41</u>

Discussions – Mayor Boke noted that she signed a letter with 15 other South Dakota mayors urging residents to stop COVID-19 spread. Fire Chief Ladson noted the wildland fire crew stationed in Colorado have extended for another 14-day assignment. Police Chief Jacobs thanked the council for their support of the public safety staff and their decisions. Councilmember Klarenbeek thanked the staff and other council members for their support and generosity for his family tragedy.

Public comment section was opened at 6:26 p.m. with comments received from resident John Dale regarding COVID-19 and use of masks and from resident Joe Jorgensen for passage of Ordinance 1334 and encouraging the council to explore a septic inspection program.

There being no further business, Clark moved, Hodgs seconded and all voted to adjourn at 6:32 p.m.

Dated this 19th day of October 2020.

CITY OF SPEARFISH

By: _____
Dana Boke, Mayor

ATTEST:

Michelle DeNeui, Finance Officer

Published once at the approximate cost of _____.