

Spearfish City Council

Regular Session Minutes



Date:
November 16, 2009

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 7:00 PM on Monday November 16, 2009 with the following members present: Baker, Davis, Morgan, Schmit, Quinn and Young. Also present: City Administrator Sund, Public Works Administrator Johnson, Police Chief Rotert, City Planner Watson, Assistant Finance Officer Dutton 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: Davis

Second: Young

To approve Order of Business.

Disposition: Motion passed on voice vote.

Proclamation – Louise Johnston Day – Mayor Krambeck proclaimed November 30, 2009 as Louise Johnston Day in Spearfish in honor of Ms. Johnston's 102nd birthday.

Proclamation – American Education Week – Mayor Krambeck proclaimed the week of November 15-21 as American Education Week.

Public Hearing – Public Lands and Facilities Zoning District – City Planner Watson provided an overview of the proposed ordinance. Currently, there is no map description or text zoning public lands, which are different uses compared to existing zoning. We have been trying to apply zoning text to these lands that does not take away or preclude their existence.

Permitted uses in the ordinance lists all uses, seventeen total, by right. The list includes all public uses of which we are aware. The public involvement section of the proposed ordinance regarding public review for capital projects is the portion that has been causing some discord with our fellow public agencies. Planning Commission has recommended approval of the ordinance. Mayor Krambeck opened public hearing at 7:12PM.

Roger Tellinghuisen spoke on behalf of Black Hills State University. He stated the university is not in a position to agree with this ordinance as this property is under control of the Board of Regents. He said he does not believe the City has the right to impose zoning rules on the Board of Regents. Mr. Tellinghuisen feels he would be remiss in allowing the City to believe this ordinance would apply to State owned property as the City powers come from state law. State law does not grant the City zoning authority on State property.

Lester Nies spoke on behalf of the Spearfish School District and specifically asked Council to not pass this ordinance. He stated this issue is not addressed elsewhere in South Dakota and he does not want anything to affect the school's relationship with the city in a negative way. The School district already performs the public process for capital improvements and does not see the

logic in attempting to force additional public process when this is already done within their own jurisdiction. He cited statutes in municipal code and further stated that if the school board does not agree with the municipality, it can override a decision with a 2/3 vote. Mr. Nies does not see this as necessary and would create more time and cost to the taxpayers to do what the School District already does.

Mayor Krambeck asked Mr. Tellinghuisen where a person would go, for example, if BHSU was planning to construct a structure that made nearby residents upset. Tellinghuisen replied in the case of BHSU, they would go to the Board of Regents and local university officials. He added in the case of the School District, they would go to the School Board.

There were no further comments and Mayor Krambeck closed the public hearing at 7:32 PM.

Motion: Quinn

Second: Morgan

To deny second reading of Ordinance 1111.

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

Discussion: City Planner Watson stated we still have the problem of some areas of the maps having no zoning and we still need some zoning text. Baker stated if, for example, East Elementary would be sold or surplused, that land would then have to be zoned. City Administrator Sund stated that South Dakota Municipal League is looking at 11-6-19 of state code and may request a bill to overturn or clarify.

Public Hearing – Special Malt Beverage License – Mayor Krambeck opened public hearing at 7:54 PM for Northern Black Hills Rotary applying for a Special Malt Beverage License for the SpringFest event on Saturday, April 17, 2010 at the Pavilion. There were no oral or written comments and public hearing was closed at 7:54PM.

Motion: Davis

Second: Young

To approve Special Malt Beverage License for Northern Black Hills Rotary for event at Pavilion on Saturday April 17, 2010.

Disposition: Motion passed on voice vote.

Hills Horizon – Market in the Park Update 2009 – Josh Krueger and Kevin O’Dea of Hills Horizon presented to council with thanks to the City for allowing them to conduct the Market in the Park this past summer. The event went very well and peaked at 15 vendors. They also conducted a recycling drive where 1200 tons of recyclables were hauled to Rapid City. Krueger clarified by stating that Hills Horizon is not a local recycler. Public Works Administrator Johnson stated there were no issues with the Market in the Park and its activities did not interfere with any other events at the City Park. Krueger stated they would like to have the Market in the Park again in 2010 and hopes to increase vendor numbers. He will make a request at a later time.

Consent Agenda

- A. Approve Minutes of Regular Session November 2, 2009 and Special Session November 4, 2009.

- B. Approve Sports Complex Water Main Extension Project - Change Order #2
- C. Approve Country Oaks Storm Sewer Project - Change Order #1
- D. Approve Certificate for Final Completion and Acceptance for 2009 Asphalt Pavement Repairs and Overlays Project, 2009 Country Oaks Storm Sewer Project and 2009 Sports Complex Water Main Extension Project and set Commencement of Warranty Periods.
- E. Approve Brown Bag Permits:

FACILITY	APPLICANT	EVENT	DATE
Hudson Hall	Terri Allen	College Graduation	12/19/2009
Pavilion	Zonta	Festival of Trees	12/3&4/09
Pavilion	Croell Redi Mix	Holiday Party	12/12/2009
Snappers Club	Prairie Hills Transit	Holiday Party	12/05/2009
Snappers Club	Sandy Allen	College Graduation	12/19/2009
Snappers Club	Rochelle Plocek	Wedding Reception	12/20/2009
Snappers Club	Laura Schultes	Birthday Party	12/04/2009
Snappers Club	Charlie Neilson	Birthday Party	11/22/2009
Pavilion	City of Spearfish	Christmas Party	12/19/2009

Council member Davis asked to have the minutes of the Special Meeting dated November 4, 2009 addressed separately from the rest of the consent agenda.

Motion: Quinn **Second:** Baker
To approve Consent Agenda items B, C, D and E.

Disposition: Motion passed on voice vote.

Motion: Young **Second:** Baker
To approve Minutes of Regular Session Dated November 2, 2009.

Disposition: Motion passed on voice vote.

Motion: Quinn **Second:** Morgan
To approve Minutes of Special Session Dated November 4, 2009.

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

Discussion: Davis stated that he had never had a session such as the planning session and is uncomfortable with the minutes as it was a brainstorming session with no decision items. Sund replied since council met as a body as a special session, the minutes must be published. This session was part of a planning process, not the end of the process.

Ordinance 1112 – Second Reading – City Administrator Sund stated this amendment to Chapter 14, Streets, Sidewalks and Other Public Places would move the detail to the Snow Information and Removal Guide making it a living document that can change as we learn what works and what doesn't and would leave the City code as the authorizing document. Baker asked about language making it illegal for residents to place snow in the boulevards as

sometimes that is the only place it can go. Public Works Administrator Johnson stated that this is common verbiage and for normal snow seasons, snow piled in the boulevard can interfere with visibility at intersections which is a safety concern. Residents should move shoveled snow into their own yard, not on the street and not in the boulevards which can cause hazard for others.

Motion: Schmit **Second:** Young
To approve Second Reading of Ordinance 1112 – Amendment to Chapter 14, Streets, Sidewalks and other public places.

Disposition: Motion passed on voice vote.

Monthly Financial Report – City Administrator Sund stated that as we near the end of the year, attention to the financial report becomes crucial. A corrected financial report for October 2009 was presented.

Motion: Schmit **Second:** Quinn
To accept the corrected version of the October 2009 Monthly Financial Report.

Disposition: Motion passed on voice vote.

Appropriations Ordinance Amendment – Ordinance 1113 is an appropriations amendment to bring in line those areas that are, or will be, over budget by year end. Sund recommended approval of first reading.

Motion: Quinn **Second:** Schmit
To approve First Reading of Ordinance 1113 – Appropriations Amendment.

Disposition: Motion passed on voice vote.

Upgrade of Computer Network Components – City Administrator Sund stated that as we began investigating options to replace our failing phone system, we learned that our current network cannot meet phone system needs. An assessment was performed on the computer network and from the assessment it was recommended that we purchase two new switches and a Sonic Wall. A new phone system could then exist on the network in a Voice Over Internet Protocol system which would address the need to upgrade our failing phone system components and the anticipated loss of the Centrex system. Cost of two 48 bay network switches, power supplies and the Sonic Wall is \$14,257.00.

Motion: Young **Second:** Quinn
To approve the purchase of the upgraded computer components for \$14,257.00.

Disposition: Motion passed on voice vote.

Ward Development Renegotiation – This agreement was brought back to the negotiation table by Council following a request by Jason Ward. A list of ten items was developed and Ward development responded. City Attorney Pluimer stated the current recapture agreement parallels the Exit 17 recapture agreement and he is not comfortable with a rewrite of the agreement and does not want to set precedence wherein future contractors or developers can change agreed

upon terms of their contract. Ward Development is seeking additional compensation for the McGuigan Road water main, higher percentage of tap fees, longer period for the recapture agreement and compensation for a lot reserved for Fire Department. A committee met, reviewed documents and requests, and met with Ward Development representatives. Committee was opposed to any additional payment for the McGuigan Road water main, was not opposed to granting 100% of the recapture fee of private taps directly to the main retroactive to the first tap fee paid. The committee supports increasing the recapture term up to 20 years, but was opposed to potentially increasing the term of the recapture agreement to 25 years and was not interested in purchasing a lot for Fire Department. Baker and Quinn felt renegotiation was fair and Quinn did not agree with Pluimer that re-negotiating would set a precedent.

Motion: Schmit

Second: Young

To deny renegotiation with Ward Development

Disposition: Davis requested a roll call vote. A yes vote is to deny renegotiation, a no vote to approve renegotiation. Roll Call vote: Baker – no, Davis – no, Morgan – yes, Schmit – yes, Quinn – no, Young – yes. Result: 3-3. Mayor Krambeck broke the tie by voting yes. Denial of renegotiation with Ward Development is approved by majority.

Subsidy to Community Action Program – Mayor Krambeck stated that in the 2010 budget, we tried to get this organization to co-locate with the food pantry, but due to the impending relocation of the Food Pantry as well as program differences, this is not possible at this time. It is recommended that the \$4,000 that had been budgeted to go to the Food Pantry in 2010 be allocated to Community Action Program for rent. A solution is still being sought to eventually have this organization relocated with or near the food pantry in the future. City Administrator Sund stated the best way to do this is to amend the 2010 budget by ordinance. First reading will be presented to Council on December 7, 2009.

Reminder of Public Meeting - Public Works Administrator Johnson reminded Council that the final plan review and public meeting for the 2010 Main Street Improvement project will be December 7, 2009 at 6:00PM in the Council Chambers of the Municipal Centre. HDR will be present to answer questions.

Della Vecchia Addition Ward Assignment – City Planner Watson reported that first reading of the ordinance to assign Della Vecchia Addition to Ward II will be presented on December 7, 2009. There will be some additional ward assignment cleanup for other areas. We may be required to redistrict following the 2010 US Census.

Visioning/Planning List – City Administrator Sund distributed a list of items and issues that were identified during the planning session of November 4. A draft vision statement, values and goals will be put together and another planning session scheduled in January.

Elections – City Administrator Sund stated that several employees attended an election workshop last week and several good points were made about combining elections with other entities. Sund asked Council to consider moving the municipal election to June so we can share elections with Lawrence County. This would increase voter turnout plus we could share the cost of the elections. Changing the date must be done by resolution before January 14, 2009 and a resolution will be presented to Council on December 7, 2009 for consideration. Council members indicated support for proceeding with changing the election date.

Bill List:

VENDOR	DESCRIPTION	AMOUNT
A & B WELDING SUPPLY CO	WELDING SUPPLIES/CYLINDER RENTALS	\$414.15
A & J SUPPLY	BOOTS-EHNES/GREEN/PIEKKOLA/BURTZLF	\$302.31
ABC BUSINESS SUPPLY	ENVELOPES/PAPER/EASEL PAD	\$502.33
AINSWORTH-BENNING CONSTRUCTION	SNOW REMOVAL SERVICES	\$293.63
ALPINE IMPRESSIONS	LOGOS FOR JACKETS	\$28.00
AMCON DISTRIBUTING CO	REC CENTER CONCESSIONS	\$492.08
APCO INTERNATIONAL,INC	2010 DISPATCH MEMBERSHIPS	\$506.00
ASCE-AMERICAN SOCIETY	2010 MEMBERSHIP-KLAPPERICH	\$215.00
BECK'S NURSERY CORP	PLANTS/BULBS	\$151.46
BELLE FOURCHE LANDFILL	LANDFILL FEES	\$18,947.99
BLACK HILLS AUTO PARTS	FILTERS/REPAIR PARTS/CHEMICALS	\$325.65
BLACK HILLS CHEMICAL CORP	HIGH GLOSS FINISH/DUSTING TOOL	\$157.47
BLACK HILLS NORDIC SKI CLUB	2009 PARKS/REC GRANT	\$500.00
BLACK HILLS PIONEER	LEGAL PUBLISHING/CLASSIFIED ADS	\$917.78
BLACK HILLS POWER & LIGHT	ELECTRICITY	\$7,169.98
BLACK HILLS PURE, INC	COOLER RENTALS/WATER/CUPS INSERT UTILITY BILLS/PRINT	\$94.75
BLACK HILLS STATE UNIVERSITY	NEWSLETTERS SNOW REMOVAL/LOOKOUT MTN ROAD SVC	\$2,247.98
BLACK HILLS TIMBER EQUIPMENT	SVC	\$4,582.36
BRADY PLUIMER, PC	LEGAL RETAINER & LEGAL FEES	\$5,238.50
BUTTE ELECTRIC COOP	ELECTRICITY	\$32,018.60
CAMPBELL SUPPLY	BOOTS-MARK WILLIAMS	\$77.99
CENTURY BUSINESS PRODUCTS	REC CENTER COPIER LEASE NOV 2009	\$241.88
CHRIS SUPPLY COMPANY, INC	TOOLS/POWER SUPPLY/SWITCH	\$939.07
CLAUSER MACHINE WORKS	REWORK PTO/MACHINE PIPE FLANGE	\$89.10
CROELL REDI-MIX INC	CONCRETE	\$487.50
CULLIGAN SOFT WATER CORP	WATER	\$65.00
DAKOTA BACKUP	NETWORK BACKUP SERVICES	\$585.09
DAKOTA FENCE CO	SITE FURNISHINGS-2009 MAIN ST PROJECT	\$23,841.00
DAKOTA SECURITY SYSTEMS, INC	2010 ANNUAL MONITORING REC CENTER	\$360.00
DAKOTA SUPPLY GROUP	FLUOR LAMPS/BALLASTS	\$156.63
DALE'S TIRE & RETREADING	TIRES	\$1,834.00
DANKO EMERGENCY EQUIPMENT	DRIVER FOR SPEAKER	\$131.90
CVD CONSTRUCTION, INC	SIDEWALK REPAIR-COLO BLVD H2O LEAK	\$1,843.64
EBSCO SUBSCRIPTION SERVICE	2010 ANNUAL MAGAZINE SERVICES	\$1,825.03
ECOLAB PEST ELIMINATION CO	PEST CONTROL PROGRAMS/SERVICES	\$787.00
EDDIE'S TRUCK SALES, INC	REPAIR 1994 FORD L9000	\$10,049.34
ENERGY LABORATORIES	LAB TESTS	\$366.50
ENSIGNAL	BELT CLIPS/PHONE CASE	\$24.91
FEDEX	SD FORENSICS LAB SHIPPING	\$9.69
FRIEDEL, JODI	2009 INSURANCE REIMBURSEMENT	\$152.15
FSH COMMUNICATIONS, LLC	NOV 2009 PAYPHONES	\$180.00

GALLS ARAMARK	NAMETAG	\$15.98
GENE'S LOCK SHOP	REPLACE 2 CYLINDERS	\$33.96
GOLDEN WEST TECHNOLOGIES	2009 PAGER SVC CONTRACT/2 PAGERS	\$135.80
GRAINGER, INC	ICE MELT SPREADER & DEFLECTOR	\$299.70
HACH CO	REAGENT SET	\$82.54
HAWKINS, INC	CHLORINE CREDIT WWTP/ACID	\$1,435.38
HD SUPPLY WATERWORKS	REDUCER/SADDLES/GASKET/HARDWARE	\$299.90
HEARTLAND PAPER CO	BATTERY/BRUSHES	\$476.33
HILLS MATERIALS CO	1" SURFACE COURSE	\$1,163.72
HILLYARD / SIOUX FALLS	TOWELS/AEROSOL/GARBAGE LINERS	\$563.73
ILCHUK ENTERPRISES LLC	INSTALL WEBSITE CALENDAR	\$130.00
INGRAM LIBRARY SERVICES	BOOKS	\$2,565.66
INTEGRITY FORD CORP	SERVICE PD3/REPAIR PD1	\$381.23
INTERSTATE BATTERIES	INDUSTRIAL BATTERIES	\$76.56
INTOXIMETERS, INC	MOUTHPIECE FSTs/DRYGAS	\$789.00
JENNER EQUIPMENT CO	CAP/MUFFLER	\$312.22
KAZCO, INC	TOOLS/EQUIPMENT/SUPPLIES	\$585.10
KETEL THORSTENSON, LLP	2008 AUDIT PROGRESS BILLING	\$1,500.00
KEYSTONE RIDGE DESIGNS, INC	DEDICATED PARK BENCH-BOGARD	\$1,745.00
KNECHT HOME CENTER, INC	SANDER/LUMBER/TOOLS/HARDWARE	\$676.22
KT CONNECTIONS	KILLSPAM SERVICE/NETWORK ADMIN	\$387.00
LAB SAFETY SUPPLY, INC	CABINETS/GLOVES/EYEWEAR	\$2,990.21
LAW ENFORCEMENT SYSTEMS	ABANDONED VEHICLE LABELS	\$67.00
LAZY B ENTERPRISES	CITY HALL RECYCLING SERVICES	\$38.00
LOWE ROOFING, INC	REPAIR 1/4 ROOF WWTP ADMIN BLD	\$22,474.00
LUEDERS FOOD CENTER	REC CENTER CONCESSIONS	\$15.01
MANUFACTURING SYSTEMS INC	SANDBLAST/POWERCOAT	\$219.35
MATT PARROTT & SONS CO	2009 W2 & 1099 FORMS	\$130.72
MENARDS	GORILLA SHELVING-WWTP	\$705.53
MICROMARKETING, LLC	CD	\$29.95
MINITMAN INC	DIESEL	\$158.37
MONTANA-DAKOTA UTILITIES	NATURAL GAS	\$4,221.72
MOTIVE PARTS & SUPPLY	MANURE FORK	\$80.87
MOYLE PETROLEUM BULK INC	OCT 09 BULK FUEL CONTRACT	\$12,664.73
NEVE'S UNIFORMS, INC	GLOVES/BOOTS/HANDCUFF CASES	\$276.66
NORTHERN HILLS TRAINING CENTER	JANITORIAL/SNOW REMOVAL SERVICES	\$757.90
OCCUPATIONAL HEALTH NETWORK	DOT TESTING/ON SITE TRAINING	\$626.00
OFFICE TECHNOLOGY & SUPPLY	APPOINTMENT BOOK	\$29.79
ONE CALL SYSTEMS, INC	LOCATE REQUEST TICKETS	\$92.40
VARIOUS ONE TIME VENDORS	REFUNDS	\$417.88
PAISLEY, TOM	TRAVEL PERDIEM-BALTIMORE ICC CONF	\$105.00
PAULSEN PAINTING	CITY SHOP EXTERIOR EAST WALL PAINTING	\$2,800.00
PEDERSEN EXCAVATING INC	PR#3 BHCSC WATER MAIN EXTENSION	\$29,356.60
PROBUILD, TIMBERROOTS MTD	HARDWARE/GUTTER	\$58.47

QUALITY INN & SUITES	LODGING-PAISLEY-SDML CONF	\$148.00
QWEST	NOV 2009 PHONES	\$1,107.12
RANDOM HOUSE, INC	CDs	\$60.85
RAPID DELIVERY	PICKUP & DELIVERY SERVICES	\$118.80
RC SYSTEMS, INC	RECPRO ANNUAL SOFTWARE SUPPORT	\$3,750.00
REC CENTER PETTY CASH	REC CENTER PETTY CASH-POSTAGE	\$19.80
SANITATION PRODUCTS CORP	CURBTENDER PARTS	\$444.41
SDPRA	CONFERENCE REG-ALECIA/BRETT/KELLY	\$285.00
SD SOLID WASTE MANAGEMENT	2010 CITY MEMBERSHIP	\$400.00
SERVALL TOWEL & LINEN	FLUSHER/UNIFORM/MAT/MOP RENTALS	\$1,181.81
SOUTH DAKOTA STATE TREASURER	OCT 2009 SALES TAX REMITTANCE	\$5,587.89
	FILTER/OIL/FUEL PUMP	
SPEARFISH AUTO SUPPLY	ASSY/MUFFLER/UJNT	\$551.09
SPEARFISH BUILDING & SUPPLY	SUPPLIES/STAKES/PEGBOARD	\$57.99
SPEARFISH ELECTRIC & HEATING	ELECTRICAL REPAIRS & SERVICES	\$3,664.34
SPEARFISH HIGH SCHOOL	2010 SPARTAN YEARBOOK AD	\$125.00
JOSEPH B. MILLER	GENERATOR GAS TANK	\$143.00
SPEARFISH SEAMLESS RAIN GUTTER	HUDSON HALL DOWNSPOUT REPAIRS	\$54.09
	LIBRARY WEBSITE DESIGN/CITY WEB	
STADEL, BRENDA	ADMIN	\$1,359.90
SUNSHINE TOWING	TOW CITY DUMP TRUCK	\$400.00
SUPER 8 BROOKINGS	LODGING-M WILLIAMS TRAINING	\$124.20
SYSCO FOOD SERVICES OF MT	REC CENTER CONCESSIONS	\$144.44
	SHIPPING-WAMCO LAB/D&R	
THE UPS STORE #5137	ELECTRONICS	\$111.43
VISIT SPEARFISH INC	NOV 2009 BID BOARD ALLOCATION	\$7,500.00
	TRAVEL EXPENSES/REC PROGRAM	
WELLS FARGO BUSINESS CARD	SUPPLY	\$2,160.97
WEST TIRE & ALIGNMENT CORP	SERVICE CALL & REPAIR	\$57.12
WESTERN COMMUNICATIONS, INC	RADIO/PAGER/REPAIRS	\$1,786.57
WHITE'S QUEEN CITY MOTORS	SWITCH/SERVICE & REPAIR PD5	\$426.64
WOLFF'S PLUMBING & HEATING	REPAIR EYE WASH STATION	\$239.00
** TOTALS **		\$243,134.09

Motion: Morgan

Second: Baker

To approve the Bill List dated November 16, 2009.

Disposition: Motion passed on voice vote.

APPROVAL	INITIALS
Mayor Krambeck	
David Baker	
Eric Davis	
Mary Morgan	
Tom Quinn	
Doug Schmit	
Paul Young	

There being no further business before the Council, Schmit moved, Young seconded and all voted to adjourn at 8:53PM.

Dated this 16th day of November 2009.

CITY OF SPEARFISH

BY: _____
Jerry A. Krambeck, Mayor

ATTEST:

Greg Sund, City Administrator

Published once at the approximate cost of _____.