

# Spearfish City Council



## Regular Session Minutes

**Date:**  
February 17, 2009

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 7:00 p.m. on Tuesday, February 17, 2009 with the following members present: Dardis, Davis, Morgan, Quinn, Schmit and Young. Also present: City Administrator Sund, Police Chief Rotert, Public Works Administrator Johnson, City Planner Watson, Fire Chief Kellogg, 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.

**Motion** Morgan  
**To approve Order of Business**

**Second:** Young

**Disposition:** Motion passed on voice vote

### TIMETABLE

**7:05 PM TIF #1 Project Plan Amendment** - Mr. Pat Wyss, of Wyss & Associates, representing the developer began by introducing staff members followed by an update on the progress of the Elkhorn Ridge Development at the Exit 17/Colorado Boulevard/Highway 85 area. He stated that the lake on the west side of Exit 17 was cleaned up and the nearby roadwork was in progress, the golf course, pro shop and maintenance buildings are nearly completed. Dunnick Bros. will be back in the spring to complete the project. Opening of the course is anticipated by August 2009.

He stated that while the golf course was under construction, the owners did not actively try to sell real estate due to the mess and unattractive nature that occurs during a construction phase. The properties are now being actively marketed for sale. However, there is limited development in this area and it is not expected that there will be a great deal more prior to the May 2010 deadline to spend the money eligible for reimbursement from the TIF district. There would be no reason for the city to consider planning or constructing any of its planned projects at this time because of lack of development. For this reason, developers are asking that the City Council release its reimbursement dedications. If approved, the City's dedications would be available to the developer.

Wyss also discussed the connection to Highway 85 which is currently being evaluated.

**Motion** Young  
**To approve development of amendment to the TIF #1 plan, releasing the City's dedication**

**Second:** Morgan

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

**7:15 PM Public Hearing - Variance Request from Perry Jewett and Leo Bridgers** - Ms. Watson described the request and an overview of the justification for the variance on this property along the Higgins Gulch Road. It was once a 39 acre land locked parcel that developers plan to divide into three lots. Request for variance includes narrowing the required 66' right of way to 24 feet as well as increasing length of cul-de-sac allowed from 850 feet to 1,200 feet. Owners must also follow Lawrence County fire mitigation standards. Owners must demonstrate hardship, in this case surrounding owners will not give up their land to make a wider right of way for this property. Mayor Krambeck opened the public hearing at 7:40 PM. There were no public comments and public hearing was closed at 7:44 PM.

Applicants expressed that they were comfortable with the limits of the variance. Fire Chief Kellogg asked about the diameter of the cul-de-sac and when told it was 60 feet, stated that was sufficient for a fire truck to turn around.

**Motion:** Young  
**To approve variance request**

**Second:** Davis

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

## **Consent Agenda**

- A. Approve minutes of Regular Session February 2, 2009.
- B. Accept Treasurer's Report of January 31, 2009.
- C. Authorize hiring Sharon Henry as part time Children's Librarian.
- D. Authorize hiring Sarah Hoffman at the Rec. Center under the Project Skills - School Work Program.
- E. Authorize step increases for Dan Morgan, Amber Wilde, Karla Weber, Brett Rauterkus, Jeana Wintersteen, and Daryl W. Alderman.
- F. Authorize Changing Bid Opening Date for Maitland Road Drainage Improvement Project.
- G. Authorize Signatures on Change Order #4 - Elkhorn Ridge Golf Course Project.
- H. Approval of Front Foot Assessments Reimbursements for nine people in Mountain Shadows.
- I. Authorize Brown Bag Permits for:

<u>Building</u>	<u>Applicant</u>	<u>Event</u>	<u>Date</u>
Pavilion	Peggy Coates	daughter wedding	3/21/09
Snappers	LB	surprise BD	2/28/09
Snappers	Nancy Christoferson	gathering	03/07/09

**Motion:** Young  
**To approve Consent agenda**

**Second:** Davis

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

## **Regular Agenda**

**Side Load Solid Waste Collection Truck Bid Award** - Sealed bids were opened on January 28, 2009 and have been tabulated with Sanitation Products having low bid of \$217,323.00. This would be an addition to the fleet, no trade-in. This purchase is in the 2009 Budget.

**Motion:** Schmit  
**To award bid to Sanitation Products**

**Second:** Quinn

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

**Ordinance No. 1090 Full Service Restaurant Alcoholic Beverage License** - Second reading of Ordinance 1090 - Full Service Restaurant Alcoholic Beverage License. It was explained that there is no pressing need to establish this new license in Spearfish at this time and that there are several revisions to the state law that should be made before consideration.

**Motion Dardis**  
**To deny 2nd Reading of Ordinance No. 1090**

**Second: Quinn**

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

**Ordinance No. 1091 – Amendment to 2009 Appropriations Ordinance** - Second reading of Ordinance No. 1091 - Amendment to 2009 Appropriations Ordinance. This ordinance will amend the 2009 Budget for Fund 201 in the amount of \$16,000.00 for the purchase of a small spray park from City of Keystone.

**Motion: Davis**  
**To approve Second Reading of Ordinance #1091**

**Second: Morgan**

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

**Chris' Campground PUD Amendment** - First Reading of Ordinance 1092 - Owner of Chris' Campground is seeking approval to rezone a small parcel adjacent to the Campground from AG to PUD.

**Motion Davis**  
**To approve first reading and set Public Hearing for March 2, 2009 and set consideration of second reading on the March 2, 2009 Order of Business**

**Second: Morgan**

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

**Reserve on Higgins Creek Setback Reduction Request** - Developer Ward requests a reduction of front setback on several lots in the Reserve on Higgins Creek - from 25 feet to 15 feet. Quinn stated that he had walked the lots and found this request too restrictive. Davis and Mayor Krambeck concurred and felt this was not a good solution. Morgan also said this was not a workable solution.

**Motion Quinn**  
**To deny setback reduction request**

**Second: Schmit**

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

**Rec Center Positions** - Public Works Administrator Johnson reported that the Rec. Center is short staffed and they are requesting authorization to add a second regular part time Fitness Coordinator as well as an additional regular part time front desk attendant.

**Motion: Davis**  
**To approve two regular part time positions at the Rec. Center**

**Second: Young**

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

**City of Spearfish Infrastructure Design Standards Project Addendum** - The Design Standards Project is an ongoing project with HDR. We will have a second review to go through and then a final draft to prepare and publish. Completion date is estimated to be early July. In

order to complete the project an addendum to the engineering contract of \$13,628.00 is necessary.

**Motion:** Schmit

**Second:** Quinn

**To approve addendum and completion date**

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

### **REPORTS (Non-Action)**

#### **Public Works Administrator:**

**Rec Center Expansion** - Johnson reported that the number of members is higher than anticipated and it is evident the fitness and cardio areas are undersized and quantity and quality of equipment is lacking. Members have expressed dissatisfaction with having to sign up and wait to use certain pieces of equipment. Unfortunately, there is not the space for any additional equipment. Staff is asking for authority to seek an agreement with architect Steve Williams to design an expansion that would include walls, linoleum, suspended ceiling, mirrors and additional equipment. Council Member Quinn asked for current financial statements from the facility. Council Member Davis encourages discussion with private facilities before any expansion to make sure this expansion does not cause negative impact to local private facilities.

**Police Chief:** Rotert reported that two officers will attend Missing and Abducted Children training and two others will attend Glock Armorer's training. Both are at the Law Enforcement Training Center in Pierre. Rotert also reported that the new speed sign on Main Street is up and running.

**Fire Chief:** Kellogg reported that the pre-build inspection for the new fire truck will be in Wisconsin at the factory the end of March 2009.

#### **City Administrator:**

**Boxing Club** - Sund reported that he and Ms. Hoffman had met with Mike Pisciotta who operates a Boxing Club in Lead and would like to extend the program to Spearfish, possibly Mondays, Wednesdays and Fridays. He had asked about the possibility to house the club in the Rec Center. He owns a boxing ring and equipment and it would be possible to set up at the Rec Center, however, the challenge is his request to hold regular boxing matches at the Rec Center, attracting as many as 600 attendees. Currently, the building is not set up to handle large groups and would require additional bathrooms and drinking fountains. Pros and cons of hosting large groups in the facility will be reviewed.

**Home Rule Charter Development** - Sund reported that he would be happy to develop a white paper for the City Council which will describe the background on home rule in South Dakota, describe benefits and list other cities currently operating under home rule charters. Council members responded they would like to receive such a report.

**Snow Information and Advisory Policy 2008-2009** - Policy draft has been developed utilizing policy and data from other cities, input from school bus operators, police department, city staff and others. Council is asked to review the document and make any appropriate requests and changes for the final draft.

**Municipal Election** - Deadline for submitting election petitions for the upcoming election is February 27, 2009.

**Rotary Park Funding** - Rotary Club asked about a donation of \$9880 from the City to assist in costs related to developing the new Rotary Park. It was approved by council in January 2008 but was overlooked later in the year at budget development time. Consideration of amending the 2009 Appropriations Ordinance to cover this donation will be presented to Public Works Committee.

**Bill List**

**MOTION:** Davis

**SECOND:** Morgan

**To approve Bill List of 2-17-09**

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

**02/17/09 COUNCIL BILL LIST**

A & B WELDING SUPPLY CO	CYLINDER RENT/WELD SUPPLIES	\$ 343.55
ABC BUSINESS SUPPLY	OFFICE SUPPLIES/BULLETIN BOARDS	\$ 430.36
AINSWORTH-BENNING CONSTRUCTION	REC CENTER PROJECT/SNOW REMOVAL	\$ 10,495.38
ALLDATA	REPAIR SERVICES SUBSCRIPTION	\$ 1,995.00
AMCON DISTRIBUTING CO	REC CENTER CONCESSIONS	\$ 509.98
AMERICAN PUBLIC WORKS ASN	2009 DUES-JOHNSON/MATHIS/VIG	\$ 60.00
ASSOCIATED GENERAL CONTRACTORS	TRAINING-EVRIDGE & ROBISON	\$ 300.00
BELLE FOURCHE LANDFILL	LANDFILL FEES	\$ 16,666.00
BEST WESTERN RAMKOTA INN	FIRE DEPT TRAVEL	\$ 254.97
BH VISITOR INFORMATION CENTER	NO.HILLS BROCHURE SLOT-CAMPGROUND	\$ 175.00
BLACK HILLS AUTO PARTS	REPAIR PARTS/OIL/TOOLS/SOLVENT	\$ 725.07
BLACK HILLS CHEMICAL CORP	ICE MELT	\$ 223.79
BLACK HILLS PIONEER	PUBLISHING/PRINTING/ADS	\$ 2,835.81
BLACK HILLS POWER & LIGHT	ELECTRICITY	\$ 7,761.25
BLACK HILLS PURE, INC	COOLER RENTAL/WATER	\$ 46.50
BLACK HILLS TRUCK & TRAILER	CLUSTER/LIFTGATE	\$ 3,991.84
BRADY PLUIMER, P.C.	JAN 2009 RETAINER/LEGAL FEES	\$ 3,100.00
BUTTE ELECTRIC COOP	ELECTRICITY	\$ 34,454.72
CARGILL, INC	BULK DEICER	\$ 5,106.42
CENGAGE LEARNING	BOOKS	\$ 164.48
CETEC ENGINEERING SERVICES	PR#7 TIF#2 ENGINEERING	\$ 16,236.30
CHAIN SAW CENTER	JD SKIDSSTEER/GENERATOR/REPAIRS	\$ 20,763.75
CLARK PRINTING CORP	BUSINESS CARDS/DOOR HANGERS	\$ 224.85
COCA-COLA BOTTLING CO	REC CENTER CONCESSIONS	\$ 209.00
CONTRACTOR'S SUPPLY INC	FLAGGING/FLOATS/BROOM/GLOVES	\$ 123.70
CRETEX COMPANIES, INC	JOINT SEAL	\$ 273.60
CULLIGAN SOFT WATER CORP	WATER	\$ 58.50
CUMULUS BROADCASTING	BID BOARD RADIO ADVERTISING	\$ 1,452.00
DAKOTA AMMO, INC	AMMUNITION	\$ 1,710.57
DAKOTA BACKUP	NETWORK BACKUP SERVICES	\$ 486.35
DAKOTA SECURITY SYSTEMS	ANNUAL POLICE SERVICE CONTRACT	\$ 1,850.32
DAKOTA SUPPLY GROUP	STAINLESS CLAMP/BALL VALVES	\$ 459.94
DALCAM OIL COMPANY, INC	MOBIL GREASE	\$ 58.86
DEMCO, INC	LABEL PROTECTORS	\$ 239.58

ECOLAB PEST ELIMINATION	PEST CONTROL SERVICE	\$ 478.00
EDDIE'S TRUCK SALES, INC	FAN CLUTCH/PURGE KIT/FIRE TRUCK RPR	\$ 1,778.08
ENERGY ELECTRIC COMPANY	SIGNAL REPAIR-NORTH & RUSHMORE	\$ 253.60
FIRST WESTERN INS SPEARFISH	SVFD LIABILITY INSURANCE	\$ 11,063.00
FSH COMMUNICATIONS, LLC	PAYPHONES-FEB 2009	\$ 240.00
GENE'S LOCK SHOP	LOCK REPAIR SERVICES/LOCKS	\$ 434.36
GLASS SHOP, THE	INTERIOR WORK-REC CENTER PROJECT	\$ 2,731.64
GOVERNMENT FINANCE OFFICER ASSN	ACCTG FOR CAPITAL ASSETS BOOK	\$ 38.00
GRIMM'S PUMP SERVICE	DETERGENT/AIR COMPRESSOR REPAIRS	\$ 266.02
HAWKINS, INC	F & P MOTOR	\$ 223.89
HD SUPPLY WATERWORKS	6" VALVE/FLANGE/MXU BATTERIES	\$ 7,386.17
HDR ENGINEERING, INC	JAN09 WWTP EXP PROJ ENG/SEWR PLAN	\$ 41,479.26
HILLYARD / SIOUX FALLS	REPAIR C2 MACHINE	\$ 114.46
INGRAM LIBRARY SERVICES	BOOKS	\$ 2,103.34
INTEGRITY FORD CORP	F150 POLICE TRUCK/SERVICE & REPAIRS	\$ 17,920.97
JENNER EQUIPMENT CO	LIGHT ASM	\$ 36.01
JOHNSON CONTROLS, INC	2009 MAINTENANCE CONTRACT	\$ 18,688.00
KAZCO, INC	COMPUTER REPAIRS/EQUIPMENT	\$ 781.03
KENNEDY ENTERPRISES	SNOWMOBILE BUMPER	\$ 78.32
KINGS INN HOTEL & CONF CNT	ROOMS-KRAMBECK/DAVIS/SUND	\$ 209.85
KNECHT HOME CENTER, INC	TOOLS/LUMBER/HARDWARE/SUPPLIES	\$ 692.80
KRAMBECK, JERRY	TRAVEL-PIERRE-LEG.DAY	\$ 108.50
KT CONNECTIONS	KILLSPAM SERVICE/NETWORK ADMIN.	\$ 2,280.00
LAWRENCE COUNTY TREASURER	2009 PARKING DIST ASSESSMENTS	\$ 803.25
LIMBO, BARBARA J	LIFEGUARD INSTRUCTOR COURSE	\$ 250.00
LUEDERS FOOD CENTER	SUPPLIES	\$ 48.73
MIDCONTINENT COMMUNICATIONS	FEB 2009 CAMPGROUND CABLE	\$ 166.74
MIDWEST RADAR & EQUIPMENT	RADAR TESTING	\$ 210.00
MINITMAN INC	DIESEL	\$ 57.00
MONTANA-DAKOTA UTILITIES	NATURAL GAS	\$ 2,856.31
MULLIGAN INVESTMENTS INC	USED TRAILER	\$ 3,800.00
MUNICIPAL EMERGENCY SERVICES	BRACKET KITS/BATTERIES & ASSEMBLIES	\$ 183.88
NEVE'S UNIFORMS, INC	NEW OFFICER ACCOUTREMENT SET	\$ 693.25
NORTHERN HILLS TRAINING CENTER	JANITORIAL & SNOW REMOVAL SERVICE	\$ 772.22
NORTHWEST SCIENTIFIC, INC	AMMONIA	\$ 114.10
OCCUPATIONAL HEALTH NETWORK	EMPLOYMENT TESTING	\$ 323.00
OFFICE TECHNOLOGY & SUPPLY	OFFICE SUPPLIES	\$ 528.25
ONE CALL SYSTEMS, INC	LOCATE TICKETS	\$ 37.40
ONE TIME VENDORS	REFUNDS-FRONT FOOT/SNAPPER/TOOL	\$ 359.42
PARENTS WHO CARE	2009 POST PROM ALLOCATION	\$ 500.00
PROBUILD, TIMBERROOTS MTD	DRILL DRIVER/LUMBER	\$ 263.11
QWEST	FEB 2009 TELEPHONE	\$ 1,085.56
RANDOM HOUSE, INC	BOOKS	\$ 101.70
RAPID DELIVERY	DELIVERY & PICKUP SERVICES	\$ 141.60
ROCKINGTREE LANDSCAPE INC	LANDSCAPE BLOCKS	\$ 20.00
ROLLIN OIL CO	HYDRAULIC OIL	\$ 2,217.25
RUSHMORE COMMUNICATIONS	RADIO REPAIR	\$ 25.00
SAND CREEK PRINTING CORP	ACCIDENT FORMS	\$ 152.00

SANITATION PRODUCTS CORP	AUTOMATED GARBAGE CANS	\$ 9,056.00
SCOTT PETERSON MOTORS INC	2009 DODGE CHARGER-PD CRUISER	\$ 23,107.00
SD DEPARTMENT OF AGRICULTURE	LOOKOUT MOUNTAIN FUEL PROJECT	\$ 24,000.00
SEARS COMMERCIAL ONE	DRILL & BATTERY	\$ 129.98
SERVALL TOWEL & LINEN	UNIFORM/MAT/FLUSHER/MOP RENTAL	\$ 1,038.90
SDPA	WESTERN PLANNING CONFERENCE	\$ 1,000.00
SOUTH DAKOTA STATE TREASURER	JAN 2009 SALES TAX REMITTANCE	\$ 5,338.58
SOUTH DAKOTA WATER & WASTEWATER	WATER TREATMENT CONFERENCE	\$ 145.00
SPEARFISH AUTO SUPPLY	REPAIRS/OIL	\$ 544.23
SPEARFISH BUILDING & SUPPLY	HARDWARE/LUMBER/PAINT	\$ 286.24
SPEARFISH CANYON RESORTS	BID BOARD ADVERTISING-SNOWOUT	\$ 235.00
SPEARFISH ELECTRIC & HEAT	ELECTRICAL REPAIRS	\$ 5,921.12
SPEARFISH EXCAVATING, INC	RENTAL OF CAT BLADE	\$ 1,000.00
SPEARFISH GLASS	WINDSHIELD FOR BOBCAT	\$ 148.50
SPEARFISH MOTORS, INC	SERVICE PD2	\$ 39.45
STADEL, BRENDA	WEBSITE ADMINISTRATION	\$ 360.00
SUMMIT SIGNS & SUPPLY	STOP SIGNS/STREET SIGNS/TAPE	\$ 792.75
SYSCO FOOD SERVICES OF MT	REC CENTER CONCESSIONS	\$ 123.16
T & W APPLIANCE/KNOTHOLE	SIGN REPAIRS	\$ 4.77
THE MERCANTILE	TRASH CAN/COAT/HARDWARE/WEEDER	\$ 315.61
THOMSON WEST	SD CODIFIED LAW UPDATES	\$ 183.00
TTG ENTERPRISES	REPLACE CHLORINE ROOM HEATERS	\$ 2,367.03
TURBIVILLE INDUSTRIAL	REPAIR MOTOR	\$ 443.86
TWO WHEELER DEALER	11 BIKE/STEPPER MATS	\$ 296.89
UNITED STATES POSTAL SERVICE	REFILL BULK POSTAGE PERMIT #59	\$ 6,000.00
USA BLUE BOOK	KIT WITH NITRILE DIAPHRAGM	\$ 51.34
VAN NESS FELDMAN	FERC LEGAL FEES	\$ 750.00
VERIZON WIRELESS	FEB 2009 CELL PHONES	\$ 1,962.35
VISIT SPEARFISH	BID BOARD TO DMO JAN & FEB PAYMENT	\$ 15,000.00
WELLS FARGO BUSINESS CARD	GAS/BOOK/CONF REG/SCOOPS/SVC AWD	\$ 706.35
WHEELER RV RESORT & CAMPGROUND	1/8 PAGE AD IN 2009 GUIDE	\$ 375.00
WILLIAMS STANDARD SERVICE	BATTERY	\$ 136.95
WILLIAMS, MARK	2008 DEDUCTION REFUND	\$ 350.00
ZIEGLER BUILDING CENTER	PROPANE	\$ 28.08
** TOTALS **		\$ 361,119.65

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

**Items from Persons not on the Agenda:** Don Gilbert, Spearfish resident, approached City Council to offer complaint of snow/ice removal on Colorado Boulevard to Exit 17 during the last heavy snow event. He further offered criticism of snow removal in Mountain Shadows. He asked about rules regarding parking on street in front of residences and was told vehicles may not be parked for more than 24 hours in

right of way. He also complained about people who do not remove snow from their sidewalks and was encouraged both by Police Chief Rotert and Public Works Administrator Johnson to call either department with the specific addresses not shoveled after a snow event and ordinance can be enforced.

Alecia Hoffman, Rec Facility Director, told Council that the Rec. Center has received scholarships from Optimist Club (\$500) and Premier BankCard (\$2500). Rec Center was also granted the Silver Sneakers program which will provide reimbursement for qualifying persons over 50 and will provide equipment for instructional classes.

There being no further business before the Council, Davis moved, Dardis seconded and all voted to adjourn at 8:38 p.m.

Dated this 17th day of February 2009.

CITY OF SPEARFISH

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

ATTEST:

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