

# Spearfish City Council



## Special Session

**Date:** June 15, 2009

## Minutes

Mayor Krambeck called the meeting to order at 5:00PM in the parking lot of the Chophouse and Whiskey Bar in Winterville for the purpose of providing City Council members the opportunity to view private uses of city-owned property to the west of Winterville. City Council members present were: Young, Davis, Morgan, and Baker. Council member Quinn arrived at about 5:20. Also present were City Administrator Sund, Nick Caton, and Paul Rothenburger.

Krambeck reported when Homestake Mining Company was looking to divest of property in the area, , South Dakota Game Fish & Parks stated they were not interested in the property immediately west of Winterville because of known encroachments by private property owners. Since the city of Spearfish had expressed interest in gaining ownership of the rifle range nearby this location, a condition was set requiring the City to accept ownership of the approximately 50 acres in question a condition of gaining ownership of the rifle range. The City acquired the property in 2006 or 2007.

When the City platted the property as the Krambeck Addition, it established in the plat a 50 foot wide easement immediately adjacent to the Winterville property as a means of addressing known encroachments. However when viewing aerial photos, it was obvious several users have encroached on more than 50 feet of the property. Because of septic system problems encountered by Nick Caton owner of the Chophouse and Whiskey Bar, when he opened the restaurant, he sought City authority to use a portion of the city-owned property for construction of a septic system and drain field. He received verbal authorization, but stated no written authority was ever established. While touring the property, it was noted Mr. Caton had graveled the property over his drain field and an area to the west for the purpose of parking. It was also noted that at least two other property owners in Winterville were encroaching onto the city easement and in some cases the easement plus additional property.

It was noted the problems related to encroachments were highlighted recently when Paul Rothenberger, owner of the most north lot in Winterville requested City approval of an ongoing

temporary use of the city-owned property adjacent to his. Mr. Rothenberger explained during the tour that he operates a small campground on his property each year during the Sturgis Motorcycle Rally. He said he has historically allowed campers to park storage on the now city-owned property. He said he is seeking formal approval from the City to encroach on the city-owned property, while operating his campground. The area he paced off extended past the established 50' easement.

Although no decision was made, council members indicated they would be willing to consider encroachment agreements with the property owners in Winterville, who are using or would like to use a portion of the City-owned property. Sund said he will visit with the city attorney and ask him to start working up encroachment agreements or another solution to the encroachment issue. He will also meet with those seeking encroachment agreements to verify the exact description of the area desired.

**MOTION:** Davis  
To adjourn the meeting at 5:50PM.

**SECOND:** Baker

**DISPOSITION:** Approved on voice vote.  
Dated this 24th day of June 2009.

CITY OF SPEARFISH

BY: \_\_\_\_\_

Jerry A. Krambeck, Mayor

ATTEST:

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Greg Sund, City Administrator