

Spearfish City Council



Date:
August 3, 2009

Regular Session Minutes

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 7:00 p.m. on Monday, July 20, 2009 with the following members present: Baker, Morgan, Schmit, Quinn and Young. Mayor Krambeck and Davis were absent. Also present: City Administrator Sund, Police Chief Rotert, Fire Chief Kellogg, Assistant Finance Officer Dutton, Public Works Administrator Johnson, City Planner Watson, Recreation Facility Director Hoffman and City Attorney Pluimer. City Council President Tom Quinn presided and called the meeting to order. All stood and recited the Pledge of Allegiance.

Order of Business

Motion: Morgan

Second: Young

To approve Order of Business.

Disposition: Motion passed on voice vote.

Public Hearing - Retail (on-off sale) Malt Beverage License – Cheyenne Crossing Outpost, LLC has submitted application for a Retail On-Off Sale Malt Beverage License. Council President Quinn opened the public hearing at 7:02PM. No oral or written comments and public hearing was closed at 7:02 PM.

Motion: Young

Second: Morgan

To approve Retail On-Off Sale Malt Beverage License for Cheyenne Crossing Outpost, LLC.

Disposition: Motion passed on voice vote.

Budget Subsidy Allocation Requests - 2010 Subsidy requests were heard from Bryan Walker of Spearfish Economic Development Corporation, Peggy Ables of High Plains Western Heritage Society, Debbie Smoot from Spearfish Arts Council/Matthews Opera House, Julie Rice from DC Booth Society, Sue Seycora of the Western Hills Humane Society, Jhett Albers and John Keitzmann from BHSU Young Center, Mark Kazmer for the Downtown Business Association, Lynn Hicks from South Dakota 211 Helpline, Emmy Rollins from Community Action and Gypsy Petz from Northern Hills CASA.

Consent Agenda

A. Authorize City Administrator to sign Knology renewal contracts.

- B. Approve a Use Permit on Review for SWS Wireless to place three wireless antennas on the Matthews Opera House.
- C. Set a Public Input Meeting and Preliminary Plan Review of the 2010 Main Street Improvement Project at 5:30 PM on August 17, 2009.
- D. Issue Certificate of Final Completion and Acceptance for 2008 8th Street Improvement Project with warranty commencement date of May 12, 2009.
- E. Approve Change Order #1 for 2009 Maitland Road Drainage Improvement Project - increase of \$19,869.69 for under/over quantities to final project.
- F. Issue Certificate of Final Completion and Acceptance of 2009 Maitland Road Drainage Improvement Project with a warranty commencement date of July 27, 2009.
- G. Set bid opening of Country Oaks Storm Sewer Project for August 24, 2009.
- H. Name the new water well on 27th Street - Summit Well.
- I. Award Bid on Sports Complex Water Main Extension to Pedersen Excavating, Inc. for \$111,619.25.
- J. Approve Brown Bag Permits:

Jorgensen Shelter	Shoot the Bull	Company Picnic	8/11/2009
Center Shelter	Linda Dahl	Family Picnic	8/21/2009
Center Shelter	Chamber of Commerce	Community Fish Fry	8/20/2009
Jorgensen Shelter	Linda Wiley	Family Picnic	8/15/2009
- K. Approve Minutes of Regular Session July 20, 2009.

Motion: Schmit

Second: Morgan

To approve Consent Agenda.

Disposition: Motion passed on voice vote.

Creation of a Public Use Zoning District - City Planner Watson explained that we currently have two zoning districts that should be combined into one proposed 'Public Use' zone and have supporting text to regulate the zone.

Motion: Young

Second: Morgan

To approve proposal to have Planning Commission determine whether to consolidate existing government use zoning jurisdictions into one Public Use zone and create related rules for the zone.

Disposition: Motion passed on voice vote.

Second Reading of Ordinance 1100 – This is an amendment to Ordinance 1097 which established zoning in the Della Vecchia Addition.

Motion: Young

Second: Morgan

To approve second reading of Ordinance 1100.

Disposition: Motion passed on voice vote.

Second Reading of Ordinance 1101 – This is an amendment to Ordinance 1098 which established a Rural Service District in the Della Vecchia Addition.

Motion: Schmit

Second: Young

To approve second reading of Ordinance 1101.

Disposition: Motion passed on voice vote.

Rental and Deposit Rates – Rates for the Pavilion and Snapper’s Club have not changed in several years. The current cleaning and damage deposit is actually less than what a cleaning company would charge after an event and this has prompted some renters to not clean or return the facility to its original condition as set forth in the rental agreement. These renters forfeit the deposit but leave the mess for City staff to clean up. Proposal to increase rental rates and security deposit for the Pavilion and Snappers Club effective January 1, 2010: Security Deposit: \$300 for each facility, Pavilion Daily Rental Rate: \$275.00 Snapper’s Club Daily Rental Rate: \$100.00, Snapper’s Club setup fee: \$50.00

Motion: Morgan

Second: Young

To approve proposal to increase security deposit to \$300 for Snapper’s Club and Pavilion, increase daily rental rates for Pavilion to \$275 and Snapper’s Club to \$100 and increase Snapper’s Club setup fee to \$50.00.

Disposition: Motion passed on voice vote.

City Hall Remodel Project – Preliminary plans have been reviewed for proposed remodel of the 2nd floor of City Hall.

Motion: Young

Second: Schmit

To proceed with City Hall Remodel project final design.

Disposition: Motion passed on voice vote.

Resolution 2009-17 – Acceptance of Street Dedication – Heritage Addition - Aspen Drive & 29th Street:

RESOLUTION 2009-17

**ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION
OF LAND AND IMPROVEMENTS**

WHEREAS, North Park Plaza LLC has offered to dedicate in perpetuity to the City of Spearfish, South Dakota the following legally described land and/or improvements, to wit, as further depicted on Exhibit A:

29th Street 0+00 to 8+65.63: Public Right of Way, water, sanitary and storm sewers, streets including curb, gutter, and sidewalk

Aspen Drive Station 7+92 to 12+73: Public Right of Way, water, sanitary and storm sewers, streets including curb, gutter, and sidewalk

Heritage Drive Alley: Sanitary sewer extending south of Aspen Drive approximately 500 feet

All Located in Tract B of the Heritage Addition to the City of Spearfish NE1/4 NE1/4 of Section 24, T6N, R2E, BHM, Lawrence County South Dakota

WHEREAS, the City has reviewed and hereby accepts the following terms of the Offer of Dedication; having a fair market value thereof:

Land:	\$ 68,400 / 29 th and Aspen Dr. rights of way
Water Lines:	\$ 105,000 / 1,223 Linear feet
Storm Sewer/Drainage:	\$ 88,700 / 730 Linear feet
Sanitary Sewer:	\$ 195,000 / 1,912 Linear feet
Streets:	\$ 168,200 / 1,116.5 Tons Asphalt
Curb/Gutter:	\$ 73,000 / 2,236 Linear feet
Sidewalk:	\$ 186,000 / 5,090 Sq. feet
Streetlight:	\$ 15,000 / 3 lights

WHEREAS, the owner(s) has certified that the improvements offered for dedication herein have been constructed in conformance with the design plans and specifications approved by the City of Spearfish, and warrants materials and workmanship of the improvements for a period of one year from the date of acceptance by the City.

WHEREAS, the City has performed a visual inspection and has reviewed all required construction documentation by the Engineer of record that the improvements have been constructed in conformance with the plans and specifications approved by the City.

NOW THEREFORE BE IT RESOLVED that we, the assembled members of the Common Council of the City of Spearfish do hereby accept the dedication described herein.

Adopted this 3rd day of August, 2009.

CITY OF SPEARFISH

Jerry A. Krambeck, Mayor

ATTEST:

Greg Sund, City Administrator

(SEAL)

Adopted: August 3, 2009
Published: August 7, 2009
Effective Date: August 27, 2009

Motion: Schmit
To approve Resolution 2009-17.

Second: Morgan

Disposition: Motion passed on voice vote.

Variance Request – An application for new house construction in floodway has been received where the existing house and foundation on the lot will be removed and new house constructed at same elevation with the same building footprint at 514 Nash Street. NJS Engineering has issued a no rise certificate, which means the proposed construction will not cause a rise in flood waters.

Motion: Morgan
To approve Variance to City Code Chapter 8, Article II, Section 8-36(b) for the purpose of constructing a new house in floodway.

Second: Baker

Disposition: Motion passed on voice vote.

Water Park Hours – Low attendance at the Water Park some evenings, primarily when weather is not optimal, has caused concern. Recreation Facility Director Hoffman feels it is justified to close the facility at 7:00PM if attendance is low.

Motion: Morgan
To amend Water Park Operating Policy for staff to evaluate the number of customers at the Water Park and allow operation to close ½ hour after numbers drop below, but no earlier than 7:00PM.

Second: Baker

Disposition: Motion passed on voice vote.

Treasurer's Report and Quarterly Financial Report dated June 30, 2009.

Motion: Young
To accept the Monthly Treasurer's Report and Quarterly Financial Report dated June 30, 2009.

Second: Morgan

Disposition: Motion passed on voice vote.

COPS Grant – Police Chief Rotert stated that we have been notified that we were successful in the application to hire another officer under the COPS Program. This grant will provide the city with \$154,728, which will cover 100% of an officer's salary for three years.

Public Meeting – Public Works Administrator reminded council of the Public Meeting that was approved earlier in this meeting. This is the first of two public meetings for the 2010 Main Street Improvement Project and will be at 5:30PM, in the Council Chambers on August 17th.

SDML Communication – City Administrator Sund stated that South Dakota Municipal League is putting together information from cities regarding a proposal to seek authority to add a third penny general sales tax. Input regarding capital costs that can be paid for by another percent is of interest. They are also seeking information about possible uses of Recovery Zone Facility Bonds.

Foster Grandparent/Senior Companion Programs – City Administrator Sund stated that City representatives are invited to attend the annual recognition event at the Elks Club in Rapid City on August 21st. Anyone interested in attending, contact Karla Weber.

SD Public Assurance Alliance – City Administrator Sund reported on the upcoming board meeting of SDPAA and the opportunity to seek an upcoming opening on the board. For any Council members interested, nominations must be done via City Resolution by September 15th.

Bill List of August 3, 2009:

VENDOR	DESCRIPTION	AMOUNT
2ND WIND EXERCISE EQUIPMENT	3xTREADMILL/3xELLIPTICAL MACHINES	\$24,989.00
DUNWOODY, DOUG	BALL PARK EDGING	\$998.07
3D SPECIALTIES, INC	TWO WHITE SIGN POSTS	\$208.92
ABC BUSINESS SUPPLY	BINDERS/LAMINATE/INK CARTRIDGES	\$179.88
AINSWORTH-BENNING CONSTRUCTION	MAIN & JACKSON PROJ/REC CENTER	\$271,885.13
AL CORNELLA REFRIGERATION	EVEREST COOLER-REC CENTER	\$4,880.00
ALLTEL	JULY 2009 DISPATCH CELL PHONE	\$239.04
AMCON DISTRIBUTING CO	REC CENTER CONCESSIONS	\$4,895.84
AMERICAN TECHNICAL SERVICES	MATERIAL TESTING 2009 ST PROJECT	\$790.00
APEX ENGINEERING PRODUCTS	RYDLYME	\$753.87
APPLE SCIENTIFIC, INC	FILTER PAPER/PH BUFFER	\$98.85
ATCO INTERNATIONAL	SUPPRESS/PEEL N SEAL	\$639.80
BARREL O FUN SNACK FOODS	REC CENTER CONCESSIONS	\$207.84
BECK'S NURSERY CORP	FABRIC/STAPLES/PLANTS	\$204.55
BIERSCHBACH EQUIPMENT & SUPPLY	STAPLES	\$42.00
BLACK HILLS CHEMICAL CORP	SALT/SANI-SACS/BIO BOWLS	\$491.61
BLACK HILLS POWER & LIGHT	TIF2 POWER LINE MOVE-IND PARK	\$169,259.49
BLACK HILLS POWER & LIGHT	ELECTRICITY	\$20,003.67
BLACK HILLS STATE UNIVERSITY	BILL INSERTION/NEWSLETTER PRODUC.	\$1,316.75
CENTURY BUSINESS PRODUCTS	REC CENTER COPY MACHINE SERV	\$35.35
CETEC ENGINEERING SERVICES	VARIOUS ENGINEERING PROJECTS	\$16,576.92
CIT TECHNOLOGY FIN SERVICES	3 X COPIER LEASE	\$691.40
CLARK PRINTING CORP	PERFORATED PAPER/UTILITY ENVLPS	\$915.90
COLE INFORMATION SERVICES	RAPID CITY/WEST SD SUBSCRIPTION	\$258.95
COLOR MYSTIQUE	DETAIL 2006 CHEVY COLORADO	\$125.00
DAKOTA SUPPLY GROUP	LAMPS	\$98.16

FASTENAL CO	HARDWARE/TOOLS/FLAG TAPE/GLOVES	\$184.58
FISHER SAND & GRAVEL CORP	CRUSHED BALLAST	\$229.09
WELCH, WILLIAM J.	TOP RAIL FOR FENCE	\$95.92
FRONTIER STONE CO	LANDSCAPING ROCK	\$449.00
GAGE GARDEN CENTER	PLANTS	\$119.10
GLASS SHOP	FIRE HALL WINDOW PROJECT	\$12,826.70
GOLDEN WEST TECHNOLOGIES	REPAIR TELEPHONE	\$245.00
GREAT WESTERN TIRE, INC	TIRES/TIRE REPAIR	\$762.83
HACH CO	BUFFER SOLUTION	\$85.13
HAWKINS, INC	ACID/AZONE/BLEACH	\$3,684.47
HD SUPPLY WATERWORKS	WATER METERS/WATER & SEWER RPRS	\$6,621.60
HDR ENGINEERING, INC	PROJECT ENGINEERING SERVICES	\$33,399.17
HEARTLAND PAPER CO	JANITORIAL SUPPLIES	\$1,541.10
HEIMAN FIRE EQUIPMENT, INC	10 SETS BUNKER GEAR	\$15,712.15
HEISLER HARDWARE	HARDWARE/TOOLS/GLOVES/REPAIRS	\$2,042.07
HILLS MATERIALS CO	2" ROCK	\$1,613.46
HILLYARD / SIOUX FALLS	BELTS	\$111.20
ID EDGE INC	PARKS & REC FOBS	\$810.33
INTERNATIONAL CODE COUNCIL	BOOKS	\$116.50
JENNER EQUIPMENT CO	STAND/HANDLE/PIN/REPAIRS	\$797.86
KNOLOGY INC	JULY 2009 PHONE/INTERNET	\$1,744.38
LAB SAFETY SUPPLY, INC	SAFETY GLASSES/HARDHAT RACKS	\$235.63
LADNER EXCAVATING & TRENCHING	PR#1 MAITLAND ROAD DRAINAGE	\$81,657.45
LAWSON PRODUCTS, INC	TOOLS	\$144.74
LAZY B ENTERPRISES	CITY HALL RECYCLING SERVICES	\$38.00
LIGHTING MAINTENANCE, CONTRACT	LIGHTING MAINT SERVICE	\$126.00
LOWE ROOFING, INC	CITY HALL ENTRANCE SNOW GUARDS	\$2,110.00
LUCKY STRIKE LANES	SUMMER REC BOWLING DAY	\$245.00
M & S VENTURES, INC	REC CENTER CONCESSIONS	\$962.50
M G OIL CO	MOBIL OIL	\$184.05
MARTIN, GEORGE	REIMBURSE FOR REC CTR CASH MACH	\$212.72
MENARDS	FINANCE STORAGE SHELVING	\$907.98
METZGER-HOLCOMB ANIMAL CLINIC	MONTHLY EUTHANASIA CONTRACT	\$100.00
MEYER LANDSCAPING	WEED/INSECT CONTROL-REPAIR SVCS	\$662.25
MICROMARKETING, LLC	CDs	\$154.91
MIDCONTINENT COMMUNICATIONS	AUG 2009 CAMPGROUND CABLE & NET	\$386.74
MIDWEST TURF & IRRIGATION	IRRIGATION REPAIR PARTS	\$1,999.64
NEVE'S UNIFORMS, INC	BDU PANTS	\$76.36
NORTHWEST PIPE FITTING CO	SOLENOID ASSY	\$20.36
ALDINGER, MARGIE	REC CENTER REFUND	\$10.70
3BG LLC	FIRST SERVICE FOR RHINO	\$169.94
OVERHEAD DOOR CO	REPAIR CITY SHOP OVERHEAD DOOR	\$3,891.58
SPEARFISH PETTY CASH	REIMBURSE PETTY CASH	\$166.78
PHAZE ELECTRIC, INC	WATER PROOF COVER	\$102.56
PKG CONTRACTING, INC	PR#14 WWTP EXP PROJECT	\$253,616.37

PETTY CASH P&Z	P&Z PETTY CASH-PLAT FEES	\$184.00
POOL & SPA CENTER	ANTI FOAM	\$167.60
PRAIRIE HILLS TRANSIT	SUMMER REC TRIPS	\$283.75
PRECISION DYNAMICS CORP	CAMPGROUND WRIST BANDS	\$557.09
DEICHERT, MARTIN	DOOR REPAIRS	\$682.66
QUEEN CITY TIRE & AUTO	LAWNMOWER TIRE	\$11.74
RANDOM HOUSE, INC	CDs	\$44.90
REGAN SERVICES	ETHER MODEM/PLC PROGRAMMING	\$971.74
S & S WORLDWIDE, INC	GUEST WRIST BANDS	\$196.77
SAND CREEK PRINTING CORP	PRINTING SERVICES & SUPPLIES	\$894.15
SANITATION PRODUCTS CORP	CURBTENDER REPAIR PARTS	\$8,382.46
SD PUBLIC ASSURANCE ALLIANCE	PROPERTY INSURANCE-STAGE	\$97.54
SEARS COMMERCIAL ONE	SOCKET SET	\$39.97
SHERWIN WILLIAMS CO	STREET PAINT	\$3,624.00
SIMPLEXGRINNELL LP	REC CENTER HARDWARE & CPU BOARD	\$2,665.40
SOUTH DAKOTA DOT	PAINT BEADS	\$2,312.00
SOUTH DAKOTA PARKS & REC	SDPRA MAINT SCHOOL 7/21/09 RC	\$160.00
SPEARFISH AUTO SUPPLY	REPAIRS/OIL/TOOLS/GLOVES	\$1,262.98
SPEARFISH EXCAVATING, INC	TIF1 N SERVICE RD/TIF2 IND PARK EXP	\$185,826.01
SPEARFISH EXTINGUISHER	REFILL FIRST AID KIT/CITY HALL	\$80.60
SPEARFISH MOTORS, INC	SERVICE POLICE VEHICLES	\$67.98
SPEARFISH SENIOR SERVICE CENTER	MONTHLY ALLOTMENT	\$850.00
SPECIALTY INSTALLATION	REPAIR BASKETBALL BACKBOARDS	\$833.00
SUMMIT SIGNS & SUPPLY, INC	RUBBLE SITE SIGNS/MISC SIGNS	\$728.25
SUPERIOR SANITATION	PORTABLE TOILET RENTALS	\$1,755.00
SYSCO FOOD SERVICES OF MT	REC CENTER CONCESSIONS	\$2,420.86
TAGGART SKATE	ROLLERSKATE PARTY	\$250.00
THE UPS STORE #5137	SHIPPING SERVICES	\$55.69
TISH, JON	2009 BOOT ALLOWANCE	\$70.00
TTG ENTERPRISES	REPLACE POWER SUPPLY	\$723.68
TURFWERKS	PTO SHAFT/COUPLING/BELTS/BLADE	\$680.01
TYLER TECHNOLOGIES	ANNUAL SOFTWARE MAINTENANCE	\$9,328.00
UGLAND, HOWARD	SUMMER REC BALLOON SERVICES	\$150.00
UNITED RENTALS	AIR TAMPER	\$865.60
USA BLUE BOOK	ELECTRODE STORAGE SOLUTION	\$37.63
VANILLA BEAN BAKERY LLC	POLICE DEPT DOUGHNUTS & COOKIES	\$36.21
WALMART COMMUNITY BRC	SUPPLIES/TOOLS/CONCESSIONS/MISC	\$2,486.45
WATTS, CANDI	2009 BOOT ALLOWANCE	\$70.00
WELLS FARGO BUSINESS CARD	TRAVEL FUEL-MAYOR MEETING	\$45.15
WELLS PLUMBING CORP	PLUMBING/IRRIGATION REPAIRS	\$504.31
WESTERN COMMUNICATIONS	RADIO/RADIO REPAIR	\$1,847.35
WESTERN HILLS HUMANE SOCIETY	MONTHLY DETENTION/NEUTER	
WHITE'S QUEEN CITY MOTORS	ALLOCATE	\$1,250.00
** TOTALS **	SERVICE/REPAIR PD#12	\$167.13
		\$1,185,827.55

July 2009 Salary Expense - Bill List 8/3/2009

	Gross Wages/Benefits	
Mayor/Council	\$ 10,562.31	1.46%
City Administrator	17,452.24	2.41%
Finance	13,824.22	1.91%
Human Resources	7,285.23	1.01%
Government Buildings	16,479.39	2.27%
Public Works Administration	34,124.20	4.71%
Police	139,142.35	19.20%
Police Communications	31,457.30	4.34%
Fire	2,287.28	0.32%
Building Inspection	14,247.94	1.97%
Streets	29,813.15	4.11%
Snow Removal	-	0.00%
Storm Water	2,546.07	0.35%
Cemetery	12,407.92	1.71%
Animal Control	3,326.02	0.46%
Recreation/Aquatic	138,667.86	19.13%
Spectator Recreation	10,088.10	1.39%
Parks	33,652.81	4.64%
Library	23,342.54	3.22%
Planning & Zoning	12,411.77	1.71%
Motor Pool	15,235.62	2.10%
Water	30,107.90	4.15%
Electric Production	15,397.47	2.12%
Sewer	26,289.46	3.63%
WWTP	38,989.08	5.38%
Parking	842.98	0.12%
Solid Waste	31,928.26	4.40%
Campground	12,947.36	1.79%
Totals	<u>\$ 724,856.83</u>	<u>100.00%</u>

Motion: Morgan
To approve the Bill List dated August 3, 2009.

Second: Schmit

Disposition: Motion passed on voice vote.

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

Council Request – Council Member Young requested a debriefing from the Rec Center/ Water Park after the season is completed. Director Hoffman stated she will plan to do this in September.

There being no further business before the Council, Morgan moved, Young seconded and all voted to adjourn at 8:33PM.

Dated this 3rd day of August 2009.

CITY OF SPEARFISH

BY: _____
Thomas Quinn, City Council President

ATTEST:

Greg Sund, City Administrator

Published once at the approximate cost of _____.