



Spearfish City Council
Regular Session Minutes
September 6, 2022 5:30 p.m.

The Spearfish City Council met at 5:30 p.m. on Tuesday, September 6, 2022. Mayor Senden presided and called the meeting to order. Roll call was taken with the following members present: Clark, Hodgs, Hourigan, Jacobs, Klarenbeek, and Rath. Absent: none. Also present: City Administrator McFarland, City Attorney McDonald, Finance Officer DeNeui, City Planner/Public Works Director Broyles, Parks and Recreation Director Ehnes, Human Resource Director Mathis, Public Safety Director Rotert and Assistant Public Works Director McMahan. All stood and recited the pledge of allegiance.

Klarenbeek moved, Jacobs seconded and all voted to approve the agenda as presented. No potential conflicts of interest were noted.

Public Comment – At 5:32 p.m. a time for public comment was opened and closed with no comments being received.

Consent Agenda – Jacobs moved, Hourigan seconded and all voted to approve the consent agenda as follows:

- A. Approve the minutes of the City Council regular session dated August 15, 2022.
- B. Approve the treasurer’s report dated July 31, 2022.
- C. Authorize Angie Faulkner as a signer on all bank accounts for the City of Spearfish.
- D. Add Barbara Gauger to the 2022 library volunteer list and Susan Beeman to the Fire Department 2022 volunteer list.

Item from visitor

Proclamation – Mayor Senden proclaimed September 11-17, 2022 as Direct Support Professionals Week in Spearfish, South Dakota.

Other Items

Ordinance 1373 – Hodgs moved, Rath seconded and all voted to approve the first reading of Ordinance 1373 – The 2023 Appropriations Ordinance.

Resolution 2022-27 – Clark moved, Hourigan seconded and all voted to approve Resolution 2022-27 as follows:

RESOLUTION 2022-27

**A RESOLUTION OF INTENT TO ENTER INTO A PRIVATE HANGAR GROUND
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 private hangar ground lease agreement with The Big Ole Shed, LLC to lease portions of the Black Hills Airport – Clyde Ice Field, 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 September 19, 2022.

Dated this 6th day of September, 2022.

CITY OF SPEARFISH

By: _____
John Senden, its Mayor

(Seal)

Attest:

Michelle DeNeui, Finance Officer

Adopted: September 6, 2022
Published: September 9, 2022
Effective: September 29, 2022

License – A public hearing was opened at 5:49 p.m. to consider an application from Daryll Propp with Elkhorn Ridge RV Park and Campground, LLC for a retail (on-sale) liquor license located at 20189 US Highway 85 transferring from Iron Phnx, LLC located at 529 N. Main Street. No oral or written comments were received and the hearing was closed. Clark moved, Klarenbeek seconded and all voted to approve the license application.

License – A public hearing was opened at 5:50 p.m. to consider a special on-sale liquor license for False Bottom Bar for a wedding on September 17, 2022, from 4:00 p.m. to midnight at the Joy Center. No oral or written comments were received and the hearing was closed. Hodgs moved, Rath seconded and all voted to approve the license application.

Agreement – Hodgs moved, Jacobs seconded and all voted to approve the Joint Powers and Funding Agreement for Bridge Replacement with the State of South Dakota Department of Transportation for the Federal Highway Local Bridge Replacement Program for the box culvert on Colorado Blvd over Miller Creek project BRF-B 8234(01) and authorized Mayor to sign all required documents for the execution of the agreement.

Resolution 2022-29 – Klarenbeek moved, Hourigan seconded and all voted to approve Resolution 2022-29 as follows:

RESOLUTION 2022-29

A RESOLUTION TO SET FEES CHARGED BY THE CITY

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPEARFISH, SOUTH DAKOTA that the following fees shall be amended and/or charged by the City of Spearfish— ~~strikethrough~~ indicating text to be deleted, underline indicating text to be added, and certain fees are subject to applicable sales tax:

ITEM	AREA	FEE DESCRIPTION	CURRENT AMOUNT	AMENDED/NEW AMOUNT
625	ENGINEERING	<u>Floodplain Permit Application Fee</u>	NEW	\$65.00
100	AIRPORT	Annual Commercial/ Corporate Hangar Ground Lease for leases established prior to 2019	\$0.16/sq.ft.	\$0.17/sq.ft.
101	AIRPORT	Annual Commercial Ground Space for leases established prior to 2019	\$0.16/sq.ft.	remove
102	AIRPORT	Annual FBO Hangar Lease	\$0.15/sq.ft.	As stated in agreement
103	AIRPORT	Annual <u>Private Noncommercial</u> Ground Space Lease for leases established prior to 2019	\$0.13/sq.ft.	\$0.14/sq.ft.
104	AIRPORT	Annual Private Hangar Lease for leases established prior to 2019	\$0.13/sq.ft.	remove
106	AIRPORT	Cold T-Hangar Lease	\$215.00- \$240.00/mo. + tax	\$220.00-\$245.00/mo. + applicable tax
107	AIRPORT	Eagle Fuel Flowage Fees	\$0.02/gal.	As stated in agreement
108	AIRPORT	FBO Shop & Office Land Lease	\$550.00/mo.	As stated in agreement

(seal)

CITY OF SPEARFISH

ATTEST:

John Senden, Mayor

Michelle DeNeui, Finance Officer

Adopted: September 6, 2022
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Memorandum – Clark moved, Rath seconded and all voted to approve the Memorandum of Understanding with the Northern Hills Hockey Association for use of the Madison Ice Rink.

Resolution 2022-26 – A public hearing was opened at 5:54 p.m. to consider Resolution 2022-26 the vacate of Main Street right-of-way at 344 Main Street. No oral or written comments were received and the hearing was closed. Hodgs moved, Rath seconded and all voted to approve Resolution 2022-26 as follows:

RESOLUTION 2022-26

A RESOLUTION TO VACATE A SECTION OF MAIN STREET RIGHT-OF-WAY

WHEREAS, H&R Properties LLC, owner of the herein-referenced property has petitioned to request that the Common Council of the City of Spearfish vacate the following:

Main Street Right-of-Way abutting the West 70 feet of Lots 11 and 12 of Block 63 of Original Townsite, City of Spearfish, Lawrence County, South Dakota, as further described on Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Spearfish, Lawrence County, South Dakota to hereby approve the request to vacate the Main Street right-of-way described herein.

Dated this 6th day of September, 2022.

(seal)

Attest:

CITY OF SPEARFISH

John Senden, its Mayor

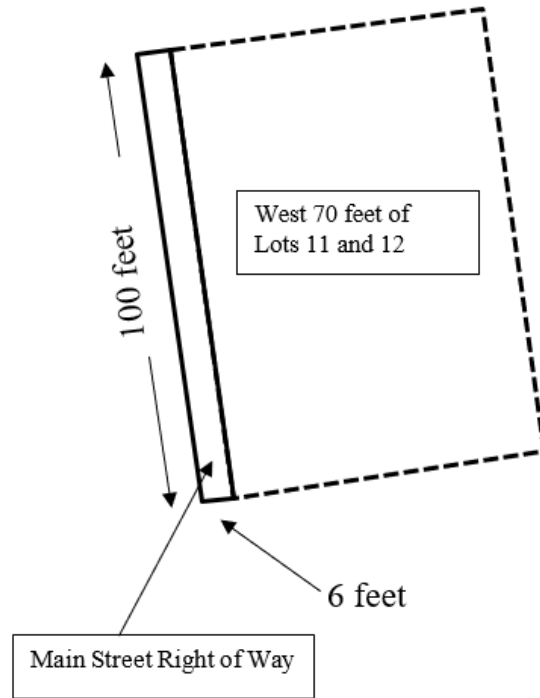
Michelle DeNeui, Finance Officer

Public Hearing and Adoption: September 6, 2022

Published: September 9, 2022

Effective Date: September 29, 2022

EXHIBIT A – CITY OF SPEARFISH RESOLUTION 2022-26
Location of Main Street and Federal Street Vacate (within solid line)



Resolution 2022-28 – A public hearing was opened at 5:55 p.m. to consider Resolution 2022-28 for the vacate of Federal Street right-of-way at 344 Main Street. No oral or written comments were received and the hearing was closed. Rath moved, Hourigan seconded and all voted to approve Resolution 2022-28 as follows:

RESOLUTION 2022-28

A RESOLUTION TO VACATE A SECTION OF FEDERAL STREET RIGHT-OF-WAY

WHEREAS, H&R Properties LLC, owner of the herein-referenced property has petitioned to request that the Common Council of the City of Spearfish vacate the following:

Federal Street Right-of-Way abutting the West 70 feet of Lot 12 of Block 63 of Original Townsite, City of Spearfish, Lawrence County, South Dakota, as further described on Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Spearfish, Lawrence County, South Dakota to hereby approve the request to vacate the Federal Street right-of-way described herein.

Dated this 6th day of September, 2022.

(seal)

Attest:

CITY OF SPEARFISH

John Senden, its Mayor

Michelle DeNeui, Finance Officer

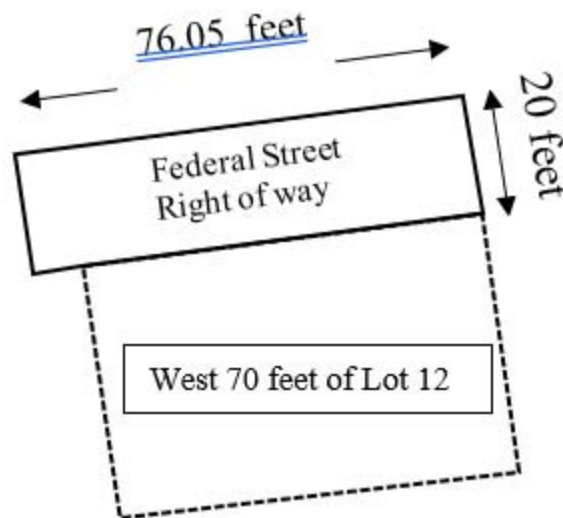
Public Hearing and Adoption: September 6, 2022

Published: September 9, 2022

Effective Date: September 29, 2022

EXHIBIT A – CITY OF SPEARFISH RESOLUTION 2022-26

Location of Main Street and Federal Street Vacate (within solid line)



Ordinance 1372 – Klarenbeek moved, Rath seconded and all voted to approve the first reading of Ordinance 1372 – An Ordinance to Transfer Certain Properties from the Rural Service District to the Urban Service District in the City of Spearfish.

Memorandum – Jacobs moved, Hodgs seconded and all voted to approve the Memorandum of Understanding with the Spearfish School District regarding School Resource Officers.

Change Order – Hourigan moved, Hodgs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve Change Order #1 for the Sky Ridge Sports Complex Project with an increase of \$138,361.53 and a decrease of \$64,170.00, resulting in a net increase of \$74,191.53 (0.76%) and a revised substantial completion date of November 11, 2022.

Change Order – Rath moved, Jacobs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve Change Order #1 for the Sky Ridge Housing Phase 2 Project with an increase of \$100,140.75 and a decrease of \$0, resulting in a net increase of \$100,140.75 (3.28%). No time was added to this project for this change.

Change Order – Hodgs moved, Jacobs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve Change Order #2 for the Sandstone Hills Street Repair & Sanitary Sewer Upsize Project with an increase of \$69,591.50 and a decrease of \$60,565.00, resulting in a net increase of \$9,026.50 (0.61%). No time was added to this project for this change.

Bill List – Klarenbeek moved, Hourigan seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek, and Rath voting aye, motion passed to approve the bill list dated September 6, 2022 as follows:

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A & B BUSINESS INC	PRINTER CONTRACTS	\$2,636.06
AMERICAN ENGINEERING TESTI	2022 STREET REPAIRS	\$222.40
BAKER & TAYLOR	BOOKS LIBRARY	\$413.43
BARDSLEY, JEFF	BOOT REIMBURSEMENT	\$100.00
MOELLER, CHRIS	ROADKILL FOR JULY	\$90.00
BLACK HILLS ENERGY	JULY/AUGUST 2022 ELECTRICITY	\$48,577.80
BLACK HILLS CHEMICAL CORP	GLOVES-FOAM GUN-DISINFECT-BAGS	\$2,399.79
BLACK HILLS PIONEER	JULY ADVERTISEMENT REC CENTER	\$331.50
BLACK HILLS PURE INC	WATER FOR HYDRO-HUDSON-FINANCE	\$52.50
BOMGAARS SUPPLY INC	ADAPTOR-STRAP-ROPE-CLAMP-WTR HTR	\$2,950.74
JT VENTURES LLC	50LB XTRA COURSE SOFTNER SALT	\$252.00
CASH-WA DISTRIBUTING CO	REC CENTER CONCESSIONS	\$5,558.31
CENGAGE LEARNING	BOOKS LIBRARY	\$373.82
DG INVESTMENT INTERMEDIATE	SECURITY HARDWARE TECH	\$3,476.01
CVD CONSTRUCTION INC	DINGO RENTAL FOR WWTP	\$2,475.75
DAKOTA BARRICADE LLC	22 MAINLINE PAVE MARKINGS	\$77,357.03
DAKOTA BUS SERVICE CORP	SUMMER REC TO KEYSTONE-GILLETTE	\$1,550.00
DC BOOTH SOCIETY INC	QUARTERLY ALLOC 22	\$8,750.00
DAKOTA REDI-MIX, INC	SKYRDG SUB PH 2 PE 2	\$656,925.58
ELKHORN RIDGE @ FRAWLEY RA	JULY TAX INCREMENT	\$537.65
ELKHORN RIDGE AT FRAWLEY R	DESIGN AND BID LIFT STATION	\$78,136.07
ENTENMANN-ROVIN	DOME BADGES-FLAT BADGES	\$599.75
NEWHOUSE ENTERPRISES INC	FOLDERS FOR B&D	\$45.02
FASTENAL CO	TRUBOLT WEDGE ANCHOR	\$80.33
FMG INC	SPF EXIT 8 AREA COMMUNITY PATH	\$794.00
VIEHAUSER ENTERPRISES LLC	DOUBLE SIDED KEY	\$4.00
GTI COMPANIES INC	PAVE MAINT GRN ACRES-SNDSTN SWR 6	\$157,626.42
HAWKINS INC	AZONE-BLEACH & ALKALI-CHLORINE	\$19,400.81
HDR ENGINEERING INC	SEWER-STREET-SKY RIDGE-SPORTS COMP	\$105,528.43
HEISLER HARDWARE	BRACKET-LAWN FAUCET-HOSE-BATTERY	\$968.91
HIGH PLAIN HERITAGE SCTY	QUART ALLOC 22	\$18,000.00
INTERSTATE ENGINEERING INC	CAM WATERLINE-STREET PATCH-CULVRT	\$12,814.56
JUNEK'S SERVICE CORP	BRAKE SYSTEM ON CARAVAN	\$2,251.20
KARL'S INC	REC CENTER WASHING MACHINE	\$699.99
KDV INC	REMOVE FIRE HYDRANT ON BEARTOO	\$850.00

KETEL THORSTENSON LLP	AUDIT WORK	\$28,429.26
KEYSTONE RIDGE DESIGNS	KEYSTONE RIDGE DESIGNS	\$1,993.86
KNECHT HOME CENTER INC	FAUCET-UTILITY KNIFE-PLIER-WRENCH	\$884.79
LEAVITT COMMUNICATIONS, LL	BATTERY PACK-CABLE-CLONING	\$740.00
LEXIPOL, LLC	FIRE LEARNING PLATFORM	\$2,475.00
LUEDERS FOOD CENTER	BUDGET MEETING REFRESHMENT	\$194.85
MAINLINE CONTRACTING INC	APP 1 SCH A,B,C ELK LIFT STATION	\$160,650.00
MATTHEWS INTL CORP	BATKA PLAQUE	\$239.00
MATTHEWS OPERA HOUSE	QUARTLERY ALLOC 22	\$12,000.00
MONTANA-DAKOTA UTILITIES	7/7 - 8/8 NATURAL GAS	\$9,427.00
MDU	GAS SERVICE EXTEN AGR SKY RIDG	\$91,057.00
MEGUIRE CHEMICAL SOLUTIONS	PADS, SCREENS, TACK CLOTHS	\$875.00
METRON-FARNIER LLC	HYDRANT MATERIALS	\$3,436.98
MID-AMERICA GOLF AND LANDS	SKY RIDGE SPORTS COMP PE13	\$804,588.12
MIDCONTINENT TESTING LABS,	WATER TESTING JULY W/S AND WWTP	\$621.00
MUNICIPAL PIPE TOOL CO. LL	SEWER CIPP LINING PROJECT	\$151,637.58
NORTHERN HILLS VENTURES IN	SEPT NETWORK MAINT&0365 LICENSE	\$19,884.65
NORTH STAR CONSTRUCTION	AIRPORT TAXILINE-HANGAR	\$10,416.75
NORTHERN BALANCE & SCALE	SERVICE & CALIB OF BALANCE/SCA	\$225.00
NSG LOGISTICS, LLC	ICE SLICER STOCK	\$64,156.00
ONE TIME VENDORS	CAMP REFUND CHECKS	\$325.00
ONSITE FIRST AID, LLC	RESUPPLY FIRST AID	\$215.40
PETTY CASH	PLAT MONEY REIMBURSEMENT	\$122.00
WEST RIVER TRANSIT AUTHORI	QUARTERLY ALLOCATION 22	\$11,250.00
QUIK SIGNS INC	SIGNS FOR REC PATH AARP GRANT	\$5,677.89
ROMTEC, INC.	SKY RIDGE SPORTS COMPLEX	\$70,750.74
RIVERSIDE TECHNOLOGIES INC	DOCKING STATION 1	\$229.00
S&S BUILDERS LLC	SKY RIDGE PH 2 MAINT BLDING	\$37,747.62
SACRISON ASPHALT INC	ASPHALT	\$892.32
SANITATION PRODUCTS-EFT VE	SNOGO ATTACHMENT	\$198,704.00
SD ASSOCIATION OF CODE ENF	CODE ENFORCE MEMBER DUES	\$40.00
SD DEPT OF PUBLIC SAFETY	TELETYPE SERVICE 7/1-12/31 PD	\$3,090.00
SOUTH DAKOTA ONE CALL	MESSAGE FEES JULY	\$212.10
SD PARKS AND RECREATION AS	REGISTRATION FEES PARK EMPL	\$160.00
SPEARFISH ECON DEVELOPMENT	QUARTERLY ALLOC 22	\$17,500.00
SIMON CONTRACTORS OF SD IN	CLEAN LIMESTONE	\$172.00
JASON NELSON	LIGHTBAR-ANTENNA-MIC-FUSE	\$8,273.19
SPEARFISH AUTO SUPPLY	PAINT MARKERS	\$13.83
STRUCTURAL DYNAMICS, LLC	SPORTS PLEX-SKY RIDGE	\$1,449.25
SUPERIOR SANITATION LLC	JULY RENTAL OF RESTROOMS	\$704.00
SYSCO FOOD SERVICES OF MT	REC CENTER CONCESSIONS	\$529.43
T & W APPLIANCE	TROUBLESHOOTING LABOR REC	\$103.49
TRUGREEN CHEMLAWN	WEED CONTROL CITY AREAS	\$13,537.66
TYLER TECHNOLOGIES INC	UTILITIES/PROJECT 10/22-7/23	\$11,233.86
SD DEPARTMENT OF LABOR & R	BENEFIT CHARGES	\$4,168.04

US BANK	SALES TAX REV-ADMIN FEES	\$500.00
WALMART CAPITAL ONE	COFFE FOR WWTP	\$545.30
WALNO, REECE	LET BASIC TRAINING	\$1,142.12
INTEGRITY ACQUISITION LLC	OIL-AIR FILTERS- BAL TIRES	\$1,109.64
WOELBER EXCAVATING, LLC	INSTALL NEW SHUT OFF VALVE	\$4,081.64
ZIMMERMAN, TYLER	BOOT REIMBURSEMENT	\$100.00
	TOTAL	<u><u>\$2,971,341.22</u></u>

August 2022 Salary Expense & Credit Card Fees

	<u>Gross</u>		<u>Gross</u>		
	<u>Wages/Benefits</u>		<u>Wages</u>	<u>Benefits</u>	
Mayor/Council	\$8,553.28	1.02%	\$7,945.48	\$607.80	1.15%
City Administrator	19,860.13	2.36%	16,128.01	3,732.12	2.34%
City Attorney	11,121.50	1.32%	9,190.40	1,931.10	1.33%
Finance	32,764.36	3.89%	26,491.20	6,273.16	3.84%
Human Resources	9,445.32	1.12%	7,732.80	1,712.52	1.12%
Gov't Bldgs	16,234.72	1.93%	12,577.67	3,657.05	1.82%
Engineering	28,510.67	3.39%	23,128.85	5,381.82	3.35%
Public Safety Admin	24,175.36	2.87%	19,274.08	4,901.28	2.79%
Police	136,250.49	16.19%	106,608.83	29,641.66	15.45%
Fire	14,020.16	1.67%	12,309.80	1,710.36	1.78%
Bldg Inspection	21,402.33	2.54%	17,009.61	4,392.72	2.47%
Streets & Snow	54,431.20	6.47%	44,054.44	10,376.76	6.39%
Cemetery	13,381.09	1.59%	11,590.41	1,790.68	1.68%
Animal Control	4,221.52	0.50%	3,100.80	1,120.72	0.45%
Recreation/Aquatic	122,689.70	14.58%	109,345.60	13,344.10	15.85%
Parks	53,681.14	6.38%	45,027.00	8,654.14	6.53%
Library	31,179.82	3.70%	25,025.27	6,154.55	3.63%
Plan & Zone	15,158.44	1.80%	13,103.64	2,054.80	1.90%
Motor Pool	16,573.50	1.97%	13,978.08	2,595.42	2.03%
Wildland Fire	27,248.07	3.24%	23,561.30	3,686.77	3.42%
Police Comm	38,060.81	4.52%	28,466.33	9,594.48	4.13%
SAFER Grant	7,476.68	0.89%	5,692.06	1,784.62	0.83%
Water	22,653.73	2.69%	17,918.69	4,735.04	2.60%
Electric Production	17,612.29	2.09%	14,225.25	3,387.04	2.06%
Sewer	21,232.12	2.52%	16,826.84	4,405.28	2.44%
WWTP	34,460.45	4.09%	27,761.35	6,699.10	4.02%
Solid Waste	25,901.55	3.08%	20,197.02	5,704.53	2.93%
Campground	13,291.94	1.58%	11,551.26	1,740.68	1.67%
Totals	<u>\$841,592.37</u>	<u>100.00%</u>	<u>\$689,822.07</u>	<u>\$151,770.30</u>	<u>100.00%</u>
Banking Fees July	27.01				
Credit Card Fees July	<u>\$12,826.60</u>				
Grand Total	<u><u>\$854,418.97</u></u>				

Public Works Director Broyles noted a public meeting will be scheduled for an update the Sandstone Hills Street Repair & Sanitary Sewer Upsize Project. Notices will be posted by the end of this week on the date, time, and location of the meeting. Assistant Public Works Director McMahon noted parts for the Young Well are available so crews will begin working on the repair. The repair should be completed by end of September.

There being no further business, Hourigan moved, Rath seconded and all voted to adjourn at 6:15 p.m.

Dated this 6th day of September, 2022.

CITY OF SPEARFISH

By: _____
John Senden, Mayor

Attest:

Michelle DeNeui, Finance Officer

Published once at the approximate cost of _____.