



**Spearfish City Council**  
Regular Session Minutes  
June 7, 2021 12:00 p.m.

The Spearfish City Council met at 5:30 p.m. on Monday, June 7, 2021. Mayor Boke 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 Harmon, City Attorney McDonald, City Planner Watson, City Engineer Mathis, Finance Officer DeNeui, Public Works Director Kean, Parks and Recreation Director Ehnes, Public Safety Director Rotert, Human Resource Director Mathis and Fire Chief Ladson.

Mayor Boke corrected the agenda to state item 9C as the second reading of Ordinance 1347. Clark moved, Hourigan seconded and all voted to approve the corrected agenda. No potential conflicts of interest were declared.

**Public Comment** – At 5:30 p.m. a time for public comment was opened with no oral or written comments received.

**Consent Agenda** – Jacobs moved, Hodgs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve the consent agenda as follows:

- A. Approve the minutes of the City Council regular session dated May 17, 2021.
- B. Approve the minutes of the City Council special session dated May 21, 2021.
- C. Hire the following seasonal staff:

<u>Department/Name</u>	<u>Position</u>	<u>Wage</u>	<u>Effective Date</u>
<b>Parks Department:</b>			
Kody Koistinen	Parks, Rec. & Forestry summer laborer	\$ 12.25	6/8/2021
Jaxon Parker	Spectator rec laborer	\$ 12.25	5/25/2021
Jack Flesner	Cemetery summer laborer	\$ 12.25	6/7/2021
Boyd Sliper	Cemetery summer laborer	\$ 12.25	6/7/2021
Erin Rotert	Parks, Rec. & Forestry summer laborer	\$ 12.25	6/7/2021
Benjamin Parks	Parks, Rec. & Forestry summer laborer	\$ 12.25	6/7/2021
<b>Recreation &amp; Aquatics Center:</b>			
Justine Mitchell	WSI/Lifeguard	\$ 10.75	5/18/2021
Shelby Thurlow	Lifeguard	\$ 10.50	5/25/2021
Brady Umberger	Recreation customer service assistant	\$ 10.00	5/25/2021
Stella Marcus	Lifeguard	\$ 10.50	5/25/2021
Joseph Moore	Recreation customer service assistant	\$ 10.00	6/8/2021
Joni Hofere	Lifeguard	\$ 10.50	6/8/2021
Chloe Ryan	Wastewater treatment summer laborer	\$ 12.25	5/20/2021

- D. Hire Justin Stevens as (benefit eligible) street/solid waste supervisor, grade 17, step 1, \$24.57 per hour, effective 6/21/2021.
- E. Hire Brian Cavallero as (benefit eligible) solid waste operator, grade 12, step 1 \$19.19 per hour, effective 6/21/2021.

- F. Add Amber Kolbach to the parks, recreation & forestry volunteer list, Abby Krum to the library volunteer list and Makyah Seguin to the volunteer firefighter list.
- G. Approve a special on-sale wine license for Spearfish Creek Wine Bar for the Canyon Acoustic Series every Wednesday night beginning June 16<sup>th</sup> through August 4<sup>th</sup> from 6:00 p.m. to 8:30 p.m. at the City Park band shell.
- H. Approve a special on-sale liquor license for the Stadium Sports Grill for a wedding on June 19<sup>th</sup> from 4:00 p.m. to 11:30 p.m. at the Joy center.

### **Items from Visitors**

**Fees** – Members of Girl Scout Troop 7002 requested rental fees be waived for the band shell totaling \$20.00 for a humane society fundraising event on 7/31/2021. Jacobs moved, Rath seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to waive the fees.

**Fees** – Spearfish School District requested building, mechanical and plumbing permit fees totaling \$7,995.60 be waived for the mechanical systems upgrade project. Clark moved, Hodgs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to waive the fees.

**Band Shell** – Spread the Tunes' Zac Eixenberger stated the organization had raised roughly \$60,000 for the band shell project. Director Ehnes noted design and engineering plans are necessary to apply for grant funding for completion of the project. Hodgs moved, Jacobs seconded and all voted to approve the band shell design reimbursement agreement with Spread the Tunes. Klarenbeek moved, Jacobs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve the band shell design proposal with Interstate Engineering. Clark moved, Hodgs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve the band shell design proposal with Williams and Associates.

**Agreement** – Jason Ward requested to extend the Ward Water Trunkline Cost Recapture Agreement terms. Following discussions, Klarenbeek moved, Clark seconded and with Hourigan voting nay and all others voting aye, motion passed to deny the extension request.

**Jail** – Lawrence County Sheriff Brian Dean presented a review of the future jail project.

### **City Attorney**

**Agreement** – A public hearing was opened at 6:25 p.m. to consider a Private Hangar Ground Lease Agreement with Rath Aviation Services. No oral or written comments were received and the hearing was closed. Clark moved, Hodgs seconded and all voted to approve the agreement.

**Ordinance 1346** – Following discussions, Klarenbeek moved, Hodgs seconded and all voted to approve the first reading of Ordinance 1346 – An Ordinance to Create Licensing Provisions for Cannabis Establishments.

**Ordinance 1347** – Clark moved, Rath seconded and all voted to approve the second reading of Ordinance 1347 – An Ordinance Prohibiting the Smoking of Cannabis in Public Places. This ordinance will have a final consideration during the 6/21/2021 city council regular session.

### **Engineering**

**Change Order** – Hodgs moved, Jacobs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve construction change order 3 for the Jackson Boulevard Street & Utility Improvements Project – Phase 2, for an increase of \$44,534.59 and an additional 5 days added to the contract completion date to perform the additional work.

### **Finance**

**License** – A public hearing was opened at 6:33 p.m. to consider the application from Zac Eixenberger with Spread the Tunes for a special malt beverage license for the Canyon Acoustic Series every Wednesday night beginning June 16<sup>th</sup> through August 4<sup>th</sup> from 6:00 p.m. to 8:30 p.m. at the City Park band shell. No oral or written comments were received and the hearing was closed. Clark moved, Hourigan seconded and all voted to approve the license.

**License** – A public hearing was opened at 6:34 p.m. to consider the application from Robert Heckel with Iron Phnx, LLC for the transfer of a retail (on-sale) liquor license from Zbar located at 529 Main Street. No oral or written comments were received and the hearing was closed. Hodgs moved, Jacobs seconded and all voted to approve the license transfer.

### **Human Resources**

**Ordinance 1348** – Hodgs moved, Klarenbeek seconded and all voted to approve the first reading of Ordinance 1348 – An Ordinance Repealing the City of Spearfish Personnel Policy Manual and Adopting the 2021 City of Spearfish Personnel Policy Manual.

### **Planning and Zoning**

**Ordinance 1345** – Following discussions, Hodgs moved, Hourigan seconded and all voted to approve the first reading of Ordinance 1345 with the elimination of all types of cannabis establishments from the Central Core zoning district.

**Set Public Hearing** – Klarenbeek moved to not set a public hearing to vacate the south 33 feet of a section line easement; motion failed for lack of a second. Following discussions, Hodgs moved, Rath seconded and with Klarenbeek voting nay and all others voting aye, motion passed to set a public hearing for Monday, June 21, 2021 to vacate the south 33 feet of a section line easement located along the north boundary of Tract A of the Elkhorn Ridge Addition.

**Agreement** – Jacobs moved, Hourigan seconded and all voted to approve an encroachment agreement for 445 State Street for a parking space on the State Street Right of Way.

**Agreement** – Hourigan moved, Hodgs seconded and all voted to approve an encroachment agreement for 444 Main Street.

### **Public Works**

**Resolution 2021-20** – Jacobs moved, Hodgs seconded and all voted to approve Resolution 2021-20 as follows:

#### **RESOLUTION 2021-20**

**A RESOLUTION OF INTENT TO ENTER INTO A LAND LEASE AGREEMENT WITH  
THE SOUTH DAKOTA DEPARTMENT OF PUBLIC SAFETY FOR CERTAIN AIRPORT  
PROPERTY**

**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 South Dakota Department of Public Safety 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 June 21, 2021.

Dated this 7th day of June, 2021.

**CITY OF SPEARFISH**

By: \_\_\_\_\_  
Dana Boke, its Mayor

(Seal)

Attest:

\_\_\_\_\_  
Michelle DeNeui, Finance Officer

Adopted: June 7, 2021

Published: June 12, 2021

Effective: July 2, 2021

**Public Safety**

**Rates** – Hodgs moved, Jacobs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve the following hourly rates for seasonal wildland firefighters for wildland fire responses, effective 5/30/2021:

<b>Volunteer:</b>	<b>Position Qualification(s):</b>	<b>Highest Rate:</b>
Currently Red Carded Firefighters:		
Fetter, Charles	FFT1 (ENGBt)	\$21.68
Hover, William	ENGB, ICT5, FFT1	\$26.00
Hanzlik, Roger	FFT2	\$19.72
Heser, Seth	FFT2	\$19.72
Lewis, Glen	HEQB, FFT1	\$26.00
Kessler, Levi	FFT2	\$19.72
Pappas, Melissa	EMPF, FFT2	\$38.68
Pappas, Nick	FFT2	\$19.72
Paul, Jacob	FFT1	\$21.68
Reiners, Dylan	EMTF, FFT2	\$31.76
Schiller, Micah	FFT2	\$19.72

Seguin, Makyah	FFT2	\$19.72
Tadra, Tanner	FFT2	\$19.72
Ziegler, Adam	ENGB, FFT1	\$26.00
Ziegler, Brian	FFT2	\$19.72
Non-Carded Firefighters:		
Baker, Braden	RT-130 only	\$17.64
Baker, Dalton	RT-130 only	\$17.64
Cedillo, Miranda	RT-130 only	\$17.64
Daugherty, Pat	DRIV	\$21.68
Davis, Justin	RT-130 only	\$17.64
Deutschman, Nathan	DRCL	\$23.84
Draine, Gerald	DRCL	\$23.84
Earl, Brandon	DRCL	\$23.84
Geffre, Loni	DRIV	\$17.64
Hill, Bryan	RT-130 only	\$17.64
Jansevics, Jake	RT-130 only	\$17.64
Johannesen, Joel	RT-130 only	\$17.64
Korber, Ashley	RT-130 only	\$17.64
Ladson, Travis	DRCL	\$23.84
McClure, David	DRIV	\$21.68
McGuigan, Curtis	DRCL	\$23.84
Mead, Tommy	DRIV	\$21.68
Mullaney, Troy	RT-130 only	\$17.64
Thurmes, Joshua	DRIV	\$21.68
Walters, Trent	RT-130 only	\$17.64
Werner, Donald	RT-130 only	\$17.64
Werner, Kelli	RT-130 only	\$17.64

**Bill List** – Klarenbeek moved, Hodgs seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve the interim bill list dated May 28, 2021 as follows:

<b><u>VENDOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>
BLACK HILLS ENERGY	APRIL/MAY 2021 ELECTRICITY	\$ 13,519.86
SOUTH DAKOTA DENR	GA TANK STORMWATER FEE	\$ 100.00
		<u>\$ 13,619.86</u>

**Bill List** – Klarenbeek moved, Clark seconded and with Clark, Hodgs, Hourigan, Jacobs, Klarenbeek and Rath voting aye, motion passed to approve the bill list dated June 7, 2021 as follows:

<b><u>VENDOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>
A & L CONTRACTORS LLC	21 SCHEDULED STREET RPR PE2	\$ 67,617.14
ADVANCED ELEMENTS INC	BIG PROJECT STRUCTURE 41092079	\$ 639.50
ALLEGIANT EMERGENCY S	ONYX 13" PULL ON BOOT	\$ 1,109.91
AMAZON CAPITAL SERVICES	ROPPE RUBBER/VINYL MIX	\$ 8,615.47
BAKER & TAYLOR	CD PROCESSING	\$ 1,170.49

BECK'S NURSERY CORP	SCOOPS OF WILDFLOWER	\$	2,614.54
BLACK HILLS ENERGY	APRIL/MAY 2020 ELECTRICITY	\$	16,483.43
BHSU PRINTING CENTER	WATERBILL	\$	220.29
BLACK HILLS CHEMICAL CO	BUCKET RECTANGLE UTILITY	\$	284.33
BLACK HILLS GOLD SWIM	2021 ALLOCATION	\$	4,500.00
BLACK HILLS LIBRARY CONS	BYWATER KOHA & BAKER&TAYLER	\$	6,832.55
BLACK HILLS PSYCHOLOGY	CLINICAL INTERVIEW	\$	525.00
BLACKSTRAP INC.	ROAD SALT	\$	4,930.85
BOMGAARS SUPPLY INC	SHOP LIGHT	\$	1,210.35
BORDER STATES INDUSTRIES	PHOTOCTRL-FUSE-BUSH	\$	495.80
BROWN, HEATH G	NDS GREATPLAINS FIRE	\$	458.00
CASA	2021 ALLOCATION	\$	3,600.00
CASH-WA DISTRIBUTING CO	CONCESSION SUPPLIES	\$	711.30
CENGAGE LEARNING	BOOKS	\$	142.73
CHAIN SAW CENTER	PRESSURE WASHER	\$	1,262.54
SPEARFISH CHAMBER OF CO	2021 GRANT	\$	3,150.00
CLARK PRINTING CORP	NOTARY SEAL-ASH	\$	761.69
DIAS, GREGORY K	DIAS, GREGORY K	\$	228.24
CREEKSIDE DEVELOPMENT	APRIL 2021 TAX INCREMENT	\$	7,676.88
DC BOOTH SOCIETY INC	QUARTERLY ALLOCATION	\$	7,650.00
DONOVAN PLUMBING LLC	EVANS PARK BALL VALVE REPAIR	\$	666.89
DOWNTOWN BUSINESS	2021 ALLOCATION	\$	900.00
ELKHORN RIDGE @ FRAWLE	APRIL 2021 TAX INCREMENT	\$	111,441.44
PRINT PROMOTIONS PLUS LC	TAPE	\$	90.24
FASSBENDER PHOTO COLLEC	OPERATIONS GRANT 2021	\$	18,000.00
FASTENAL CO	FAST BIN-	\$	177.80
FEDEX	DCI LAB TO PD	\$	18.10
FELSBURG HOLT & ULLEVIG	JACKSON BLVD BRIDGE CONST	\$	1,292.84
FMG INC	EXIT 8 COMMUNITY PATH - 18C	\$	2,594.10
FOX, SHAWN	TRAINING VERMILLION	\$	74.00
VIEHAUSER ENTERPRISES	SINGLE SIDED KEY	\$	716.20
THE GLASS SHOP	INSULATED WINDOW UNITS	\$	1,915.57
GOOD SHEPHERD CLINIC	2021 ALLOCATION	\$	2,700.00
GREAT WESTERN TIRE INC	POW K TRL HWY 6 PLY	\$	2,482.96
GRIMMS PUMP SERVICE	GRACO SDP5 METER	\$	843.54
HARMON, MICHAEL	SEATTLE MEALS PER DIEM	\$	159.00
HAWKINS INC	HAWKINS INC	\$	2,327.54
HEISLER HARDWARE	CONDUIT	\$	1,388.69
HIGH PLAIN HERITAGE SCTY	QUARTERLY ALLOCATION	\$	17,325.00
HILLS PRODUCTS GROUP	CEDARTONE GROUND CONTACT	\$	139.80
JOLOVICH, CODY	NDS GREAT PLAINS COMPACT FIRE	\$	522.00
JONES CARTER	NDS GREAT PLAINS FIRE	\$	280.00
KANE, RACHEL	4/8 - 5/6 5O5 REFINING	\$	556.25
KNECHT HOME CENTER INC	SILICONE	\$	2,387.91
LAWRENCE COUNTY AUDIT	ELECTION 4-13-2021	\$	471.52

LAWRENCE COUNTY EQUALI	PICTOMETRY AERIAL- 2020 FLIGHT	\$	10,030.13
LINDSTAD'S ALIGNMENT/BR	UPPER BALL JOINT & ALIGN FRONT	\$	165.93
MATTHEWS OPERA HOUSE	QUARTELY ALLOCATION	\$	10,800.00
MURPHY PETROLEUM TRAN	USED OIL PICK UP FEE	\$	60.00
NEIGHBORHOOD HOUSING	2021 ALLOCATION	\$	3,600.00
NORTHERN HILLS VENTURES	MAR/APR SVC ADJ	\$	14,499.51
N HILLS COMMUNITY BAND	ANNUAL ALLOCATION	\$	270.00
ONE TIME VENDORS	RON FROSETH:CAMP REFUND	\$	270.00
PRECISION DYNAMICS CORP	1" SECURBANDS	\$	1,887.90
PETTY CASH	POSTAGE/WIRE/DARE/FUEL/REFUND	\$	235.29
POWELL, JACOB	4/8 - 5/6 5O5 REFINING	\$	156.25
WEST RIVER TRANSIT AUTHO	QUARTERLY ALLOCATION	\$	10,125.00
SCHREINER ENTERPRISES,	CONTRACTOR LICENSE RENEWAL	\$	293.55
QUIK SIGNS INC	BOULEVARD BANNER	\$	1,771.98
RAPID DELIVERY	COPY COUNTRY	\$	216.28
RCS CONSTRUCTION INC	SIGN REMOVAL ORCHARDS CREEK	\$	343,569.91
RDJ SPECIALTIES INC	BADGE STICKERS FIRE,EMT,PD	\$	905.92
RDO EQUIPMENT CO	TROUBLESHOOT GPS NET GSA	\$	674.30
REED, THERESA DAWN	REED, THERESA DAWN	\$	465.00
SACRISON ASPHALT INC	LIMESTONE AND TACK	\$	230.60
SCOTT, NIKOLAS	REFINING SCOTT	\$	386.25
SD DEPT OF HEALTH	BEAL	\$	30.00
SOUTH DAKOTA ONE CALL	APRIL 2021 MESSAGE FEES	\$	175.35
SDRS SPECIAL PAY PLAN	SPECIAL PAY PLAN FEE YOUNG	\$	45.00
SPEARFISH ECON			
DEVELOPMENT	2ND QTR ALLOCATION	\$	25,000.00
SIMON CONTRACTORS OF SD	1" ROADSTONE HERITAGE	\$	1,178.97
SCOTT RITSCHER DBA DNH	FLEX LIGHT	\$	75.00
SPEARFISH AMBULANCE SE	2021 ALLOCATION	\$	22,500.00
SPEARFISH AUTO SUPPLY	OIL FILTER DUP CHARGE	\$	3,267.17
PONDEROSA APTS INC	2021 ALLOCATION	\$	4,500.00
SPEARFISH SENIOR SERVICE	2021 ALLOCATION	\$	450.00
STEC'S INNOVATIVE SAFETY	REWARDS PROGRAM	\$	97.45
TEEN COURT	ANNUAL ALLOCATION	\$	2,250.00
THRALL, CARY A	ART CLASSES 4/14 & 4/28	\$	135.00
TRAFFIC CONTROL CORP	CAMERA AUTOSCOPE	\$	835.00
TRUGREEN CHEMLAWN	TRUGREEN CHEMLAWN	\$	8,366.00
TWO WHEELER DEALER CYC	BRONZE TUNE LUBE SUPPLIES SEAT	\$	195.00
TYLER TECHNOLOGIES INC	MONTHLY FEES	\$	166.00
US BANK	SALES TAX REVENUE BONDS	\$	145,448.68
CITY OF SPEARFISH	MAY 2021 W/S/G	\$	13,801.56
VICTIMS OF VIOLENCE	2021 ALLOCATION	\$	3,150.00
VOTROUBEK, PATRICK	VOTROUBEK, PATRICK	\$	1,414.00
WAMCO LAB INC	TOXICITY TESTS	\$	2,200.00
WELLS PLUMBING CORP	CREDIT FOR 1-1069209	\$	709.41

WESTERN DAKOTA TECHNICAL	6 CERTS	\$	900.00
WESTERN HILLS HUMANE SERVICES	2021 ALLOCATION	\$	8,700.00
INTEGRITY ACQUISITION	RACK	\$	630.00
WHITE'S QUEEN CITY	FIX RADIO-ELECTRICAL	\$	715.66
WOELBER EXCAVATING, LLC	SEWER MAIN ALLEY ELGIN/E DAKOTA	\$	8,035.73
ZANDSTRA CONSTRUCTION	SKY RIDGE DEVELOPMENT P1 PE 8	\$	115,516.80
		\$	<u>1,083,464.00</u>

There being no further business, Hodgs moved, Jacobs seconded and all voted to adjourn at 7:10 p.m.

Dated this 7th day of June 2021.

**CITY OF SPEARFISH**

By: \_\_\_\_\_  
Dana Boke, Mayor

**ATTEST:**

\_\_\_\_\_  
Michelle DeNeui, Finance Officer

Published once at the approximate cost of \_\_\_\_\_.