

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:00 p.m. on Monday, November 2, 2015 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, Rod Bradley, Tony Dargatz, Adam Martin, and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: David Hersrud.

Motion by Bachand, second by Bestgen and carried with all members present voting yes to approve the agenda.

Motion by Bestgen, second by Dargatz and carried with all members present voting yes to go into executive session for two legal cases, one personnel and one contract at 6:00 pm.

Motion by Bestgen, second by Martin and carried with all members present voting yes to return to regular session at 6:33 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

### Announcements:

- The Library Consortium is up and running which includes Rapid City, Spearfish and Sturgis.
- The Community Center is doing a member promotion this week; bring a can of food and receive a free day pass.
- The Ambulance Department has received several awards and grants this past weeks. Congratulations to the Department.
- Councilor Anderson thanked The Life Spring Wesleyan Church for holding the “Family Fun Night” Halloween party at the Community Center. It was a great success.

### Informational Reports:

- City Manager Ainslie gave an update on the 2015 Rally Expenses and Revenues and the additional cash that was generated from the Rally.
- Library Board Minutes – 9/23/15
- Park Board Minutes – 9/15/15, 9/21/15

### City Manager Ainslie reported:

- The sales tax update for General Sales Tax and Capital Improvement Tax for September collected in October was up 18.7% for the month to date and year to date it was up 21.7% and the Gross Receipts Tax (triple B) was up 49.8% for the month to date and up 22.2% year to date.
- Payroll Changes – within budget: Recreation – Seasonal Employee – Referee – Olivia Jolley, Cain Fritz, Paul Witcraft, Gage Bush, Ashley Johnson, Gable Gillette and Dillon Loper - \$20.00 per game. Community Center – Part-time – Lifeguard – Cody Loring - \$9.50. Water – Water Operator- passed CDL – Kyle Stumpf - \$13.10. Ambulance – EMT – Derek Swain - \$10.00 Orientation/\$12; Paramedic – Cindy Weber \$15.00 Orientation/\$17.00. Police – Patrol Officer – Jameson “Jamie” Overvold - \$17.74; Patrol Officer – Dylan Siscoe – promotion to Class B from Class A - \$20.50.

Motion by Waterland, second by Martin and carried with all members present voting yes to approve the following items on the consent calendar with the removal of f:

- a. Consideration to approve the minutes from the October 19, 2015 regular council meeting.

- b. Consideration to approve setting a public hearing on November 16<sup>th</sup> for Brad & Kim Ware at 1617 Elk Ct. for a 5' variance (zero setback) to the side yard setback for a covered car port without a building permit.
- c. Consideration to approve setting a public hearing on November 16<sup>th</sup> for Ricky Engle at 1227 Boulevard St. for a 5' variance to the side setback for the purpose to construct a covered walkway from his garage to the property line.
- d. Consideration to approve setting a public hearing on November 16<sup>th</sup> for renewal of the Wine/Liquor Licenses for 2016.
- e. Consideration to approve setting a public hearing on November 16<sup>th</sup> for a name change on a Malt beverage license from Country Stores Inc. to BJ's Country Store Sturgis, owner Dvorak Convenience Stores, Inc.
- ~~f. Consideration to approve setting a public hearing on November 16<sup>th</sup> for a vacation of an alleyway located in Blocks C and BC, Glover's First Addition. The petition to vacate is made by Steve DeRouchy.~~

A discussion was held on vacation of alleyway located in Blocks C & BC, Glover's First Addition for Steve DeRouchy. Motion by Martin, second by Dargatz and carried with all members present to approve setting a public hearing for November 16, 2015.

Motion by Martin, second by Waterland and carried with all members present voting yes to approve the following claims:

**Wages** – Ambulance \$28,835.55; Attorney \$3530.42; Auditorium \$175.41; Buildings \$1027.54; Cemetery \$1474.59; City Manager \$4720.30; Community Center \$9068.39; Finance Office \$8296.99; Fire Department \$336.87; Human Resource \$2726.80; Library \$8275.66; Liquor \$4962.18; Mayor and Council \$3450.94; Parks \$10,544.96; Planning & Permitting \$4438.45; Police \$34,388.06; Rally \$17,752.29; Recreation \$3608.09; Sanitary Service \$14,748.72; Streets \$12,137.18; Wastewater \$8136.48; Water \$11,859.89; Federal Withholding \$20,581.38; FICA \$14,164.57.

**Combined Cash Fund** – First Interstate Bank, \$3,000.00, ATM.

**General** – A & B Business, \$547.28, sup; Amazon, \$87.64, sup; Amcon, \$371.23, resale; American Legal Services, \$50.68, prof fee; Avaya, \$36.39, utilities; Baker & Taylor, \$514.89, sup; Twyla Barden, \$1,050.00, prof fee; Barrows Electric, \$79.97, sup; Big Top Toys, \$315.00, sup; Black Hills Garage Doors, \$115.00, rep; BHP, \$14,633.19, utilities; Jerry Burnham, \$2,543.75, prof fee; City of Sturgis Water, \$3,371.22, utilities; Country Inn & Suites, \$275.97, travel; Dakota Business Center, \$93.67, rep; Demco, \$37.51, sup; Double Star Computing, \$5,617.75, prof fee; EB Communications, \$64.00, sup; Epic Outdoor Advertising, \$1,100.00, rent; FEDEX, \$91.92, sup; Doug Ficken, \$36.00, refund; Foothills Seed, \$56.00, sup; G&H Distributing, \$89.62, sup; Geospatial Training Services, \$460.50, sup; Golden West Industrial Supply, \$318.24, sup; Grimm's Pump & Industrial Supply, \$622.65, rep; Hawkins, \$202.00, sup; Rod Heikes, \$500.00, ins; Hillyard, \$691.92, sup; J&L Services, \$280.00, sup; Jenner Equipment, \$1,825.23, rep; Kinkade Funeral Chapel, \$150.00, refund; Legends Sales & Marketing, \$133,772.00, prof fee; Lighting Maintenance, \$2,795.88, rep; Lynn's Dakotamart, \$37.08, resale; Meade County Times Tribune, \$1,196.66, pub; Gary Meyer, \$29.16, sup; Miracle Recreation Equipment, \$556.36, rep; Neve's Uniforms, \$431.65, sup; Newkirk's Ace Hardware, \$119.98, sup; Charlie Nonhof, \$32.78, travel; Park Avenue Car Wash, \$40.00, sup; Party Time Plus, \$7,183.77, sup; Petty Cash, \$2.00, sup; Pitney Bowes, \$345.48, rent; Prairie Wind BG, \$314.80, rep; Rasmussen Mechanical Services, \$1,087.04, rep; Rockingtree Floral, \$31.50, sup; Rockingtree Landscape, \$56.25, sup; Safety Benefits, \$260.00, travel; Sand Creek Printing, \$180.00, sup; SD Dept of Tourism, \$675.00, other; Signs Now, \$322.40, sup; SMRI, \$49,379.80, other; Sturgis Motorsports, \$22.80, rep; Sturgis Mustang Rally, \$75.00, refund; Town-n-Country Plumbing, \$140.28, sup; Turbiville Industrial, \$12.10, rep; Vast Business, \$2,350.51, utilities; Verizon, \$2,106.55, utilities; Warne Chemical, \$332.00, rep; Weimer's Diner & Donuts, \$31.20,

sup; Wells Plumbing, \$24.65, rep; West Payment Center, \$133.60, prof fee; Michelle Williamson, \$70.00, refund; Wimactel, \$60.00, utilities.

**Special Sales Tax** – Chamber of Commerce, \$9,166.67; SEDC, \$9,666.67.

**Capital Improvement** – Dakota Research Service, \$2,200.00, Foothills Seed, \$75.00; Iverson Construction, \$34,782.65; Knecht Home Center, \$93.93.

**Business Improvement District** – Chamber of Commerce, \$400.00, sup; Downtown Sturgis Foundation, \$3,702.66, sup; J&L Services, \$545.00, sup; Short Construction, \$4,936.80, sup; The Knuckle Saloon, \$300.00, sup.

**TIF #11 SPM** – Muth Electric, \$7,396.41, other.

**Liquor** – Amcon Distributing, \$536.00, resale; BHP, \$2,042.43, utilities; BH Rally & Gold, \$166.00, resale; Cask & Cork, \$202.00, resale; City of Sturgis Water, \$258.79, utilities; Double Star Computing, \$248.21, prof fee; Eagle Sales, \$18,613.09, resale; Fat Boys, \$232.50, resale; Tom Ferguson, \$364.65, resale; Fisher Beverage, \$8,648.22, resale; Golf Skor, \$395.00, pub; Johnson Western Wholesale, \$30,177.13, resale; M&B Enterprises, \$242.60, resale; Mobile Mini, \$124.26, rep; Okoboji Wines, \$1,140.50, resale; Prairie Berry, \$2,346.00, resale; Republic Beverage, \$31,146.05, resale; RGIS, \$1,035.96 prof fee; Richter's Tire & Exhaust, \$237.46, rep; VAST, \$162.85, util.

**Water** – Advanced Engineering & Environmental, \$107.00, prof fee; APWA, \$179.00, prof fee; Armstrong Extinguisher Service, \$25.00, pro fee; BHP, \$1,023.54, utilities; Campbell Supply, \$470.58, sup; CBH, \$544.08, sup; City of Sturgis Water, \$117.69, utilities; Double Star Computing, \$248.21, prof fee; Grocery Mart, \$5.22, sup; Hawkins, \$2,668.28, sup; HD Supply Waterworks, \$563.74, sup; Steve Hoelzen, \$50.00, refund; Jill LaPlante, \$50.00, refund; Loud American, \$113.00, sup; Bill McClintick, \$47.17, refund; Meade County Times Tribune, \$35.53, prof fee; Midcontinent Testing Lab, \$1,413.00, prof fee; Northwest Pipe Fittings, \$1,264.12, sup; O'Reilly Auto Parts, \$23.99, rep; Petty Cash, \$94.13, prof fee; Vic Rodriguez, \$50.00, refund; Rushmore Office Supply, \$39.98, sup; SD One Call, \$84.00, prof fee; Servall Towel & Linen, \$11.86, sup; Shopko, \$32.97, sup; VAST, \$138.78, utilities; Verizon, \$240.55, utilities.

**Wastewater** – Advanced Engineering, \$4,383.40, prof fee; BHP, \$4,452.47, utilities; Chain Saw Center, \$223.20, rep; City of Sturgis Water, \$21.67, utilities; Double Star Computing, \$248.21, prof fee; Neil Murray, \$12.02, travel; Sanitation Products, \$174.70, re; SD DENR, \$10.00, travel; Verizon Wireless, \$155.43, utilities; Whisler Bearing, \$102.42, rep.

**Sanitation** – Double Star Computing, \$248.21, prof fee; Kieffer Sanitation, \$370.00, other; Verizon, \$53.99, utilities.

**Ambulance** – Barrows Electric, \$79.97, sup; BH Garage Doors, \$35.00, sup; BH Health Care System, \$525.00, refund; City of Sturgis Water, \$114.37, utilities; Double Star Computing, \$308.21, prof fee; Emergency Medical Products, \$230.00, sup; Fire Pro, \$69.00, rep; Kreisers, \$251.48, sup; Rockingtree Landscape, \$56.25, sup; Spearfish Ambulance, \$46.00, prof fee; VAST, \$128.10, utilities; Verizon, \$302.26, utilities.

Motion by Anderson, second by Martin and carried with all members present voting yes to approve second reading of Ordinance 2015-13 – Title 3 – Licensing & Regulation of Alcohol, Malt Beverage and Drinking Establishments-authorizing more than one off-sale municipal facility in city limits.

### **ORDINANCE 2015-13**

#### **AN ORDINANCE AMENDING TITLE 3– LICENSING & REGULATION OF ALCOHOL, MALT BEVERAGE AND DRINKING ESTABLISHMENTS**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 3 –Licensing & Regulation of Alcohol, Malt Beverage and Drinking Establishments –

Chapter 3.02 – Licensing and Sales of Malt Beverages; Section 03.02.13 – Authorized Numbers of Off Sale Liquor Licenses amended to read as follows:

Chapters:

- 3.01: General Provisions
- 3.02: Licensing and Sales of Malt Beverages
- 3.03: Full Service, On Sale and Malt Beverage Restaurant License
- 3.04: Structure Requirements, On Sale Establishments

**CHAPTER 3.02  
LICENSING AND SALES OF ALCOHOL AND MALT BEVERAGES**

SECTIONS:

- 3.02.01: License Required for Sale of Alcoholic or Malt Beverage
- 3.02.02: Wholesale License Fee
- 3.02.03: Submission of Invoices and Assessment of Fees
- 3.02.04: Delivery and Sale Required Within City
- 3.02.05: Consequences for Failure to Timely Pay City
- 3.02.06: Maintenance of Records and Inspection by Dealer
- 3.02.07: Limitation of One License per Location
- 3.02.08: Classification and Fees required for Alcoholic Beverage, Malt Beverage, Wine Licenses and Renewals
- 3.02.09: Special Event License Requirements
- 3.02.10: Consumption Only Permit
- 3.02.11: Hours of Operation
- 3.02.12: Authorized Number of On Sale Malt Beverage Licenses
- 3.02.13: Authorized Number of Off Sale Liquor Licenses
- 3.02.14: Off or On Sale Sales on Sunday or Memorial Day Pursuant to Statute
- 3.02.15: Action by Council
- 3.02.16: Character Requirements for License
- 3.02.17: Area Limited
- 3.02.18: Kegs of Malt Beverage – Retail Sale – Records
- 3.02.19: Consuming, Blending, Possessing Alcoholic Beverages in Public Places – Disposal of Containers of Alcoholic Beverages Restricted
- 3.02.20: Open Containers Permitted Upon Approval
- 3.02.21: Weapons Prohibited on Premises Where Sold
- 3.02.22: Annual Review of Licenses
- 3.02.23: Annual Review of Applications
- 3.02.24: Sales with License Only
- 3.02.25: Additional Fee for Video Lottery Machine Holders
- 3.02.26: Traffic in Alcoholic Beverages Prohibited
- 3.02.27: Persons under Twenty-One Barred from On-Sale Premises
- 3.02.28: Violation as Ground for Revocation or Suspension of License – Multiple Licenses

**3.02.13: AUTHORIZED NUMBER OF OFF SALE LIQUOR LICENSES**

In Recognition of the authority granted by the legislature under SDCL 35-4-10, the Council has authorized the issuance of two Off-Sale license for the sale of distilled spirits within the City of Sturgis. Both such licenses shall continue to be held by the City of Sturgis.

Dated this 2<sup>nd</sup> day of November, 2015.

First reading: 10-19-2015  
Second reading: 11-02-2015  
Adopted: 11-02-2015  
Published: 11-11-2015  
Effective: 12-02-2015

Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve second reading of Ordinance 2015-14 – Title 13 – Offenses and Regulations – Archery Hunting on BLM Land.

**ORDINANCE 2015-14**  
**AN ORDINANCE AMENDING TITLE 13 OFFENSES AND REGULATIONS**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 13– Offense and Regulation – Section 13.04 – Public Safety; Chapter 13.04.05 — Hunting within the City Limits be amended to read as follows:

**CHAPTER 13.04**  
**PUBLIC SAFETY**

SECTIONS:

- 13.04.01: Carrying, Discharging Firearms
- 13.04.02: Concealed Weapons
- 13.04.03: Carrying: Persons Under 18
- 13.04.04: Reckless Discharge Prohibited
- 13.04.05: Hunting Within the City Limits

**13.04.05: HUNTING PROHIBITED WITHIN CITY LIMITS**

No person shall be allowed to hunt within city limits. However, subject to the rules and regulations of the United States Government and consistent with the purposes of Federal Land Policy and Management Act of 1976 governing the administration of the public lands, archery only hunting is permitted where required by federal regulation on land owned by or under the control of the United States government and located inside the Sturgis city limits.

Dated this 2<sup>nd</sup> day of November, 2015.

First reading: 10-19-2015  
Second reading: 11-02-2015  
Adopted: 11-02-2015  
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Effective: 12-02-2015

Motion by Martin, second by Bradley and carried with Carstensen, Anderson, Bestgen, Bradley, Dargatz, Martin, Waterland voting yes, Bachand voting no, to approve first reading of Ordinance 2015-16 – Supplement to the 2015 Appropriations.

Motion by Anderson, second by Bestgen and carried with all members present voting yes to approve first reading of Ordinance 2015-17 – Title 31 – Licensing of Temporary Businesses.

Any other business:  
None

Motion by Martin, second by Bradley and carried with all members present voting yes to go into executive session for legal, personnel and contracts at 7:33 pm with no action anticipated.

Motion by Bestgen, second by Anderson and carried with all members present voting yes to return to regular session at 8:46 pm.

Motion by Waterland, seconded by Bestgen and carried with all members present voting yes to adjourn the meeting at 8:48 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

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