

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 5:59 p.m. on Monday, December 21, 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 Waterland, second by Dargatz and carried with all members present voting yes to go into executive session for two legal cases, two contracts and 1 personnel at 5:59 pm.

Motion by Waterland, second by Bradley and carried with all members present voting yes to return to regular session at 6:28 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- Garbage pickup for this Friday (December 25) and next Friday (January 1) will be the Thursday before each of these days.
- The Mayor presented a check (\$2966) to Jerrid Goebel for Toys for Tots. The money was collected during the City's Christmas Party.
- Assistant Chief Geody Vandewater and the Police Reserves presented to the Mayor a shadow box and a thank you for the monies that are given to the Reserves from the Mayor's Ride.
- Councilor Anderson thanked the Police Department for their help during the Toys for Tots collections.

Informational Reports:

- Library Board minutes – 12/2/15
- Planning Commission minutes – 9/9/15, 10/6/15, 12/9/15

City Manager Ainslie reported:

- The budget numbers for the end of November 2015 are as follows: General Fund is at 88%; SST 96 %; Capital Improvement 95%; Liquor 99%; Water 97%; Wastewater 92 %; Sanitation 96% and Ambulance 85%. The overall budget is an 89%.

Motion by Martin, second by Waterland and carried with all members present voting yes to approve items **a., b and e** and remove **c and f** for discussion and to add the stipulation on item **d.** that the punch list must be completed before the plat is filed:

- a. Consideration to approve the minutes from the December 7, 2015 regular council meeting.
- b. Consideration to approve write-off of checks written in 2014.
- ~~e. Consideration to approve account write-offs for Utility Billing.~~
- d. Consideration to approve Resolution 2015-71 – plat for Sharaf 2 Properties, LLC., Canyon View Estates. **A punch list must be completed before the plat will be filed.**

**RESOLUTION 2015-71
RESOLUTION APPROVING PLAT**

WHEREAS, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Sharaf 2 Properties, LLC

Plat of Lots 2A, 2B, 3A, 3B, 4A, 4B, 5, 6, 7, 8, 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B and 14 of Canyon View Estates Formerly Lot 1B of the NE 1/4 of Section 21, Located in the NE 1/4 NE 1/4 of Section 21, Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 21st day of December, 2015.

Published: January 6, 2016

Effective: January 27, 2016

- e. Consideration to approve Resolution 2015-72 – plat for Jon Mattson, Mattson Ranch Estates.

**RESOLUTION 2015-72
RESOLUTION APPROVING PLAT**

WHEREAS, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Jon Mattson – Mattson Ranch Estate.

Plat of Lot 1 and Well Lot of Mattson Ranch Estates, Located in Government Lot 2 (NW1/4 of NE1/4) of Section 3, T.5N., R.5E., Black Hills Meridian, Meade County, South Dakota.

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 21st day of December, 2015.

Published: January 6, 2016

Effective: January 27, 2016

~~f. Consideration to set a public hearing for January 4, 2016 for 3 variances for Phil-Town Inn/Guy Edwards at 2431 Junction Ave.~~

Motion by Waterland, second by Bachand and carried with all members voting yes to approve account write offs for Utility billing for 2015.

Motion by Waterland, second by Bestgen and carried with all members voting yes to approve setting a public hearing for January 4, 2016 for 3 variances for Phil-Town Inn/Guy Edwards at 2431 Junction Ave.

Motion by Waterland, second by Bradley and carried with Anderson, Bachand, Bestgen, Bradley, Dargatz, Martin, and Waterland present voting yes and Carstensen abstaining to approve the following claims:

Wages – Ambulance \$31,441.28; Attorney \$5910.70; Auditorium \$168.83; Buildings \$1873.12; Cemetery \$1271.84; City Manager \$7249.50; Community Center \$9197.98; Finance Office \$9449.83; Fire Department \$306.09; Human Resource \$2720.28; Library \$8173.17; Liquor \$6964.27; Mayor and Council \$3450.94; Parks \$12,750.43; Planning & Permitting \$4397.68; Police \$37,128.14; Rally \$4285.99; Recreation \$5637.89; Sanitary Service \$16,671.58; Streets \$13,567.16; Wastewater \$10,737.77; Water \$14,378.06; Federal Withholding \$22,081.46; FICA \$15,170.06.

GENERAL– A&B Business, \$300.46, sup; Adams-ISC, \$542.00, rep; Baker & Taylor, \$47.04, sup; Ann Bertolotto, \$1,000.00, ins; Black Hills & Badlands Tourism, \$1,984.00, travel; BH Chemical, \$474.99, sup; BH Harley Davidson, \$265.58, rep; BHP, \$13,939.66, utilities; BH Rally & Gold, \$745.50, resale; Blackhills.com, \$120.00, rep; Blackstrap, \$3,998.22, sup; Tammy Bohn, \$500.00, ins; Brosz Engineering, \$2,050.00, prof fee; Buckle Tree, \$17.44, sup; Butler Machinery, \$721.00, rep; Campbell Supply, \$1,547.13, rep; Mark Carstensen, \$150.00, other; CBH, \$8,674.49, sup; Central Parts Warehouse, \$421.58, rep; Chain Saw Center, \$153.55, rent; Coca Cola, \$855.40, sup; Creative Product Sourcing, \$1,921.38, other; Diesel Machinery, \$1,645.61, rep; Double Star Computing, \$2,707.46, prof fee; Ecolab Pest Eliminator, \$355.98, rep; Epic Outdoor Advertising, \$1,100.00, rent; FEDEX, \$24.87, e-comm; First Interstate MasterCard, \$4,724.39, sup; Freeman’s Electric, \$26.62, rep; G&G Enterprises, \$129.00, resale; Governor’s Inn, \$170.00, travel; Hampton Inn, \$596.00, travel; Heiman Fire Equipment, \$13,260.15, equip; Hills Materials, \$493.37, sup; Holiday Inn Express, \$150.00, other; J&L Services, \$120.00, sup; Jack’s Heavy Equipment, \$1,049.88, rep; KT Connections, \$774.00, sup; Peg Kinney, \$165.00, ins; Lacal Equipment, \$88.65, rep; Lawson Products, \$80.05, rep; Leavitt Heartland Insurance, \$296.00, ins; Harvey Matz, \$739.35, ins; Meade County Times Tribune, \$932.19, pub; Midcontinent Communications, \$41.65, utilities; Mobile Mini, \$96.56, sup; MDU, \$6,997.18, utilities; Ben Mumm, \$762.80, ins; Neve’s Uniforms, \$934.78, sup; Northern Hills Vet, \$55.79, prof fee; Brad Olson, \$181.80, ins; O’Reilly Auto Parts, \$515.83, rep; Owens Interstate Sales, \$354.87, rep; Pizza Hut, \$115.25, sup; Powerplan, \$363.79, rep; Print Mark-et, \$1,167.32, pub; Public Safety Equipment, \$179.96, rep; Rapid City Journal, \$87.80, pub; Rasmussen Mechanical Services, \$103.72, rep; Regional Health, \$25.00, sup; Regional Health Network, \$100.00, ins; Robert Sharp & Associates, \$836.00, pub; Rockingtree Landscape, \$225.00, sup; SD Dept of Corrections, \$212.31, other; Serval Towel & Linen, \$396.54, rep; Shopko, \$494.39, sup; Speedy Lube, \$34.31, rep; Stan Houston Equipment, \$289.99, sup; Christina Steele, \$500.00, ins; Sturgis Ambulance, \$1,500.00, other; Sturgis VFD, \$216.97, travel; T&M Studio, \$263.00, other; The Knuckle Saloon, \$1,725.00, other; Tom’s T’s, \$153.00, sup; Town-n-Country Plumbing, \$11.60, sup; Tom Trigg, \$51.68, travel; Twilight First Aid, \$43.10, sup; Vanway Trophy, \$222.26, other; Vast Business, \$607.15, utilities; West Payment Center, \$271.96, sup; Wimactel, \$60.00, utilities; Z&L Dust Control, \$1,434.88, sup.

CAPITAL IMPROVEMENTS – Affordably Creative Engineering Services, \$10,966.00; Campbell Supply, \$32.57.

BUSINESS IMPROVEMENT DISTRICT – BHP, \$247.53, utilities; Campbell Supply, \$60.05, sup; MDU, \$13.00, utilities; Vast Business, \$308.65, utilities.

TIF #11 SPM – Brosz Engineering, \$207.19, resale.

LIQUOR – Arctic Glacier, \$207.19, resale; Coca Cola, \$699.60, resale; Double Star Computing, \$128.96, prof fee; Eagle Sales, \$13,219.85, resale; Ecolab Pest Eliminator, \$107.00, rep; First Interstate MasterCard, \$497.99, pub; Fisher Beverage, \$7,188.25, resale; Johnson Western Wholesale, \$19,523.47, resale; Harriet Lolley, \$96.00, resale; MDU, \$140.67, utilities; Okoboji Wines, \$422.50, resale; Pepsi Cola, \$193.35, resale; Prairie Berry, \$1,008.00, resale; Print Mark-et, \$68.67, pub; Republic Beverage, \$15,356.33, resale; Serval Towel & Linen, \$157.66, sup; The Homeslice Group, \$5,092.00, pub; Valiant Vineyard, \$240.00, resale.

WATER – Advanced Engineering & Environmental, \$350.00, prof fee; Babco Valves, \$535.28, sup; BHP, \$10,627.67, utilities; Buckle Tree, \$59.79, sup; Campbell Supply, \$112.09, sup; CBH, \$456.37, sup; Credit Collections Bureau, \$17.31, prof fee; Dakota Hardware, \$7.86, sup; Double Star Computing, \$128.96, prof fee; Farmers Supply, \$2,506.71, rep; First Interstate MasterCard, \$84.88, ins; Freeman’s Electric, \$41.66, sup; G&H Distributing, \$8.83, sup; Great Western Tire, \$509.60, sup; Grocery Mart, \$5.46, sup; Hach, \$240.79, sup; Hawkins, \$3,816.12, sup; HD Supply Waterworks, \$3,354.43, sup; Menard’s, \$63.96, sup; Midcontinent Testing Lab, \$138.00, prof fee; Mobile Mini, \$48.28, sup; MDU, \$185.26, utilities; Print Mark-et, \$68.67, pub; Richter’s Tire & Exhaust, \$132.49, rep; Rushmore Office Supply, \$146.06, sup; SD DENR, \$44.00, prof fee; SD One Call, \$64.96, prof fee; Serval Towel & Linen, \$11.86, sup; Shopko, \$38.23, sup; Weston Engineering, \$8,470.91, rep.

WASTEWATER – Advanced Engineering & Environmental, \$8,984.35, prof fee; Campbell Supply, \$8.97, sup; Dakota Supply Group, \$209.33, rep; Double Star Computing, \$128.96, prof fee; Flexible Pipe Tool Company, \$3,104.00, rep; Peg Kinney, \$170.00, ins; Lawson Products, \$80.05, rep; Owens Interstate Sales, \$17.98, rep; Print Mark-et, \$68.67, pub; USA Blue Book, \$31.64, sup.

SANITATION – Allstate Peterbilt, \$25.34, rep; BHP, \$389.26, utilities; Campbell Supply, \$554.18, rep; CBH, \$585.75, sup; Century Business Products, \$104.08, prof fee; City of Belle Fourche, \$17,705.50, other; Bill Coacher, \$105.00, ins; Dakota Battery & Electric, \$509.35, rep; Double Star Computing, \$128.96, prof fee; First Interstate MasterCard, \$106.34, ins; Kieffer Sanitation, \$769.50, sup; Peg Kinney, \$165.00, ins; Lawson Products, \$80.05, rep; Owen’s Interstate Sales, \$414.52, rep; Print Mark-et, \$68.67, pub.

AMBULANCE – BH Chemical, \$299.88, sup; BHP, \$659.74, utilities; Campbell Supply, \$4.99, sup; CLIA Laboratory, \$150.00, prof fee; Coca Cola, \$62.52, sup; Dataform, \$303.00, sup; Double Star Computing, \$128.96, prof fee; First Interstate MasterCard, \$1,167.48, sup; Foothills Home Medical, \$81.00, sup; Image Trend, \$504.00, prof fee; Nellie Isaacs, \$192.50, travel; MDU, \$193.19, utilities; North Central Ambulance, \$6,840.00, rent; Owen’s Interstate Sales, \$422.26, rep; Print Mark-et, \$68.67, pub; Richter’s Tire & Exhaust, \$88.99, rep; Rockingtree Floral, \$55.00, sup; Shopko, \$23.27, sup.

Motion by Bestgen, second by Bachand and carried with Anderson, Bachand, Bestgen, Carstensen, Dargatz, Martin, and Waterland voting yes and Bradley abstaining to approve a 10’ variance to the rear setback along the alley for the Knuckle Brewing Company to expand their brewing room.

Motion by Bestgen, second by Waterland and carried with all members present voting yes to approve a special events license for the Loud American for a retirement party at the City Auditorium on January 22, 2016.

Motion by Anderson, second by Bestgen and carried with Anderson, Bestgen, Bradley, Carstensen, Dargatz, Martin, and Waterland voting yes and Bachand abstaining to approve a 5' side yard variance (zero setback) for a roof to be built over an existing walkway that runs next to detached garage for Ricky Engle at 1227 Boulevard Street.

Motion by Waterland, second by Anderson and carried with Anderson, Bestgen, Bradley, Carstensen, Dargatz, Martin, and Waterland voting yes and Bachand voting no to approve second reading of Ordinance 2015-16 – Title 11- Health and Sanitation Rates.

ORDINANCE 2015-16

AN ORDINANCE AMENDING TITLE 11–HEALTH AND SANITATION

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 11 –Health and Sanitation –Chapter 11.04 – Collection and Disposal of Garbage and Rubbish – Section 11.04.03 - Rates; Chapter 11.05 – Sewers- Section 11.05.31 – Sewer Use Charge be amended to read as follows:

Chapters:

- 11.01: General Provisions
- 11.02: Health Officer
- 11.03: Rubble Site and Dumping
- 11.04: Collection and Disposal of Garbage and Rubbish
- 11.05: Sewers
- 11.06: Regulation of Tattoo Parlors
- 11.07: Regulation of Body Piercing Establishments
- 11.08: Disposal of Waste Materials Generated by Vendors

SECTIONS:

- 11.04.03: Rates
- 11.05.31: Sewer Use Charges

11.04.03: RATES

It is hereby determined that the following are reasonable and necessary charges to be levied, imposed and collected for said garbage and rubbish collection and disposal in order to provide proper sanitary control within the City.

Each new residential property within the City limits shall have a onetime charge of \$100 for a 90 gallon garbage tote. Each new commercial property within the City limits shall have a onetime charge of \$335 for a 300 gallon garbage tote. This is for the initial container, after which if the garbage tote gets accidentally damaged the City shall replace the garbage tote with another container of the same size.

Each unit in the City, regardless of the amount of garbage placed for disposal, shall be charged a fee per month for the collection and disposal of garbage service provided pursuant to this Chapter

A separate recycling fee will be charged for a residential account and a commercial unit for the purpose of providing the recycling units at selected locations within the city.

The fees are set by the Council by resolution during the yearly budgeting process and may be adjusted at that time. Additional pick up service beyond the curbside household garbage tote pickup may be provided by the City. In the event such service is provided, the City may charge a fee commensurate to the costs associated with the service.

The City reserves the right to charge rates in excess of the rate classification on an individual basis, depending on the volume of refuse, the difficulty of collection of the refuse and the containers used by the commercial unit for storage of refuse prior to collection.

Each multi-family unit or apartment house fees, will be included in the yearly rate resolution. The owner of the multi-family unit or apartment house shall be responsible for paying the charges for the whole unit.

The Council may by resolution annually approve an additional voluntary recycling fee or reduction to fund a curbside recycling program. Such a fee would be charged on a voluntary basis to pay for the additional curbside recycling service if and when the City offers such a program.

11.05.31: SEWER USE CHARGES

These fees are set by the Council during the yearly budgeting process by resolution and may be adjusted at that time.

If water service to a property is shut off, the monthly availability fee will still be charged to that account. . This fee shall not be charged to accounts that are used solely for irrigation purposes. The Council may adjust the fee during the yearly budgeting process by resolution. The Commercial availability fee shall be determined based on the water line size that feeds the property.

The sewer charge for commercial and institutional units shall be billed to the owner or operator of the commercial or institutional property based upon the size of domestic water lines.

In addition each commercial or institutional account shall be assessed a usage fee based upon water usage.

In addition to the required tap fees described in Section 11.05 within this chapter, a supplemental development sewer tap fee shall be required for all accounts established within the following described areas located within Section 22, the Davenport Ranch.

The NW ¼ of the NW ¼ NE ¼ of the NW ¼, And SW ¼ of the NW ¼ in Section 22, TWP, Range 5 North, Twp 5 East Black Hills Meridian, in Meade County.

The applicant for the building permit shall be responsible to pay an additional \$3,000 tap fee per sewer account. That Supplemental development sewer tap fee shall be paid to the City before the building permit may be issued by the Building Official.

Whenever the BOD concentration exceeds 200 mg/l or the suspended solids concentration exceeds 250 mg/l based on a twenty-four (24) hour sampling period, flow-proportioned composite sample the sewage use fee shall be increased. The incremental charge shall be calculated based on the incremental cost incurred by the City.

WEEK								
1	11.37	22.74	34.11	34.11	68.22	102.33	136.44	170.55
2	22.74	45.48	68.22	68.22	136.44	204.66	272.88	341.10
3	34.11	68.22	102.33	102.33	204.66	306.99	409.32	511.65
4	45.48	90.96	136.44	136.44	272.88	409.32	545.76	682.20
5	56.85	113.70	170.55	170.55	341.10	511.65	682.20	716.31
6	68.22	136.44	204.66	204.66	409.32	613.98	716.31	716.31
7	79.59	159.18	238.77	238.77	477.54	716.31	716.31	716.31

WHEREAS, the following chart shows the 2016 fees for Recycling:

RESIDENTIAL RECYCLING 5% increase over 2015 - \$1.10

COMMERCIAL RECYCLING (chart below) – 5% increase over 2015

UNIT AMT	1	2	3	4	5	6	7	8
90 GAL	3.31	6.62	9.93					
300 GAL				13.24	16.55	19.86	23.17	26.48

WHEREAS, the following chart shows the 2016 fees for Water and Sewer:

WATER USAGE (no change) Residential - \$2.45/1,000 gal; Commercial - \$2.75/1,000 gal.

RESIDENTIAL SEWER 3 % increase over 2015 - \$25.88

**COMMERCIAL SEWER (chart below) 3% increase over 2015 -\$30.68 allows 9,000 gal,
.56/1000 gal over 9,000 gal.**

Line Size # Units Wtr Base 2015 Wtr Base 2016 Surcharge Sewer 2015 Sewer 2016

5/8" – 1"	1	11.34	11.34	9.18	29.79	30.68
1 ¼"	2	22.68	22.68	18.36	59.58	61.36
1 ½"	3	34.02	34.02	27.54	89.37	92.04

2"	4	45.36	45.36	36.72	119.16	122.72
3"	6	68.04	68.04	55.08	178.74	184.08
4"	8	90.72	90.72	73.44	238.32	245.44

WHEREAS, the following chart shows the 2016 Availability for Sewer and Water (no change):

Availability Fees – unit 1 2 3 4 6 8

Meter Size	<=1"	1 ¼"	1 ½"	2"	3"	4"
Water Avail	\$17	\$34	\$51	\$68	\$102	\$136
Sewer Avail	\$18	\$36	\$54	\$72	\$108	\$144

NOW, THEREFORE, the Common Council of the City of Sturgis does hereby adopt the foregoing charges starting January 1, 2016.

Adopted this 21st day of December, 2015.

Published: 01-06-16
Effective: 01-27-16

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

ORDINANCE 2015-17

AN ORDINANCE AMENDING TITLE 31–LICENSING OF TEMPORARY BUSINESSES

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 31 –Licensing of Temporary Businesses –Chapter 31.01 – Section 31.01.02 Definitions; Chapter 31.02 – Licensing and Regulations of Vendors, Peddlers, Solicitors, Transient Businesses, Trades and Merchants - Section 31.02.03.01 – Vendor License Required; Section 31.02.03.04 – Fee and Duration of License; Section 31.02.03.07 – Exemptions from the Vendor License Fee be amended to read as follows:

**TITLE 31
LICENSING OF TEMPORARY BUSINESSES**

CHAPTERS:

31.01: General Provisions

31.02: Licensing and Regulation of Vendors, Peddlers, Solicitors, Transient Businesses, Trades and Merchants.

**LICENSING AND REGULATION OF VENDORS, PEDDLERS, SOLICITORS,
TRANSIENT BUSINESSES, TRADES AND MERCHANTS**

SECTIONS:

31.02.01: Sales and Marketing within the Right of Way

31.02.02: Peddling in Parks

31.02.03: Licensing of Vendors, Peddlers, Solicitors, Transient Businesses, Trades and Merchants

31.02.03.01: Vendor License Required

31.02.03.02: Application

31.02.03.03: Property Vending Map

31.02.03.04: Fee and Duration of License

31.02.03.05: Issuance

31.02.03.06: Prohibition of Sale of Glass Beverage Containers and Products

31.02.03.07: Exemptions from the Vendor License Fee

31.02.03.08: Refund Fee for Transient Merchant License

31.02.03.09: Required Documentation of Sales Activities

31.01.02: DEFINITIONS

A) **VENDOR:** For the purpose of this Section, a vendor is any person, firm, corporation, partnership association, business, service provider or retailer as defined by SDCL10-45-1, or operating as a retailer as defined in SDCL10-45-1, and not exempt as defined in Subsection 31.02.03.07 herein, not operating throughout the year within the City and which, in conjunction with an event of more than four (4) consecutive days within any twelve (12) day time span, engages in temporary or transient business in the City selling or displaying goods, wares, merchandise or services, including automated teller services, or a permanent business person, firm or corporation which is located within the City limits who, for more than four (4) consecutive days within any twelve (12) day time span, is selling or displaying such goods, wares, merchandise or services, away from its or its usual operating place of business and who, for the purpose of carrying on such business, hires, leases, or occupies any room, building, structure, or space for the exhibition or sale of such goods, wares, merchandise, or services. The person, firm or corporation so engaged in business as defined by SDCL 45-10-1, or operating as a retailer as defined in SDCL 45-10-1, unless exempt as defined in Subsection 31.02.03.07 herein, shall not be relieved from the provisions of this Section by reason of association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer.

**31.02.03: LICENSING OF VENDORS, PEDDLERS, SOLICITORS, TRANSIENT
BUSINESSES, TRADES AND MERCHANTS**

31.02.03.01 Vendor License Required

Any firm, person, or corporation which intends to operate a temporary business as set forth in the definition of Vendor in this Title within the corporate limits of the City of Sturgis in conjunction with an event of more than four (4) consecutive days within any twelve (12) day time span shall be required to purchase a vendor license for each structure, stand, tent, vehicle, booth, location or place which is used by such merchant for the sale or distribution of goods. The person so engaged shall not be relieved from the provisions of this Section by reason of association with any local operating business, dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local

dealer, trader, merchant, auctioneer or business. The vendor license must be posted in each individual vendor location during operation.

31.02.03.04 Fee and Duration of License

- A) A temporary business shall pay a Vendor License fee based on location and size of the overall vending area as set forth below together with the Special Sanitation Fee at the rate established and required by Title 11 of Sturgis City Ordinances for each twelve (12) consecutive day period, or portion thereof, in any calendar year. The combined fee shall be paid at the Finance Office at the time the application is submitted for approval. The Finance Officer shall note on the license the time period for which it is effective. A business may purchase only two (2) vendor licenses per location per twelve (12) month period.
- B) The license fee for each vending area, for payment of both the Vendor License fee and the Special Sanitation fee, shall be as follows:
 - 1. Vending area of 100 square feet or less, \$560.00
 - 2. ATM machine/equipment, area of 25 square feet or less, \$100.00
 - 3. Vending area of 101 to 400 square feet, \$850.00
 - 4. Vending area of 401 to 800 square feet, \$1000.00
 - 5. Vending area of 801 to 1200 square feet or less, \$1200.00
 - 6. Vending area of more than 1200 square feet, \$1500.00

Each vending area separated by a distance of three (3) feet or more from another vending area shall be subject to a separate license fee. Regardless of any shared resources, expenses or any corporate affiliation or other cooperative business activities, each temporary business shall be required to obtain a separate temporary business license.

31.02.03.07 Exemptions from the Vendor License Fee

The exemptions to the requirement to purchase a vendor license are stated in paragraphs A through G below. Regardless of any shared resources, expenses, corporate affiliation or relationship, other cooperative business activities, or any contract or agreement between businesses, each temporary business shall be required to obtain a separate business vendor license. Each vending area separated by a distance of three (3) feet or more from another vending area shall be required to obtain a separate license fee.

All Sale, display, marketing or similar activities that are not specifically described within the following definitions shall not qualify for an exemption from the Vendor License fee.

- a) Sales where the applicant has demonstrated by verifiable documentation that the proceeds are to be used exclusively for religious, charitable or benevolent purposes. Written proof of such religious, charitable, or benevolent non-profit status as declared by the IRS (i.e. 501(c) (3) documentation) and compliance with the notice provisions of SDCL 22-25-25(6) when required, must be presented when the application is submitted.
- b) Sales to wholesale or retail merchants, by sample, for future delivery made by representatives or established wholesalers or manufacturers.
- c) The sales of fruits, vegetables or farm or garden products in their natural state.
- d) Sales by youth age 15 years and under of lemonade and like items and incidentals occurring at and within the boundaries of property at they reside, shall be exempt from the Temporary Vendor License and Special Sanitation fees.
- e) Parking lots on private property, when Vendor License application states that parking of vehicles is the only sales or marketing activity to be conducted on the premises identified in

the Vendor application, shall be exempt from the Temporary Vendor License and Special Sanitation fees.

- f) A business which has submitted a complete application as required by subsection 31.02.03.02 of this Title which shall include:
 - 1) Copies of applicants South Dakota sales tax returns for the location within the City at which the Vendor seeks exemption, and
 - 2) Proof documenting that applicant has paid aggregate municipal sales tax since January 1st of the calendar year for which the Vendor permit application is submitted, and that such tax payments by applicant equal or exceed the amount of the combined Vendor license and Special Sanitation fees which applicant would otherwise be required to pay under subsection 31.02.03.04 (B) above, and
 - 3) Verification by applicant that it also operates in all other respects in compliance with all state and federal laws and local ordinances,

Then that applicant is exempt from payment of the Vendor license and Special Sanitation fee required by Subsection 31.02.03.04.

- g) An automated teller service(s) provided by a bank or credit union, licensed by the State of South Dakota, through equipment located upon its own business premises.

Dated this 21st day of December, 2015.

First reading: 11-2-2015

Second reading: 12-21-2015

Adopted: 12-21-2015

Published: 01-06-2016

Effective: 01-27-2016

Motion by Bachand, second by Bestgen and carried with all members present voting yes to approve Resolution 2015-69 – Supplement for contingency transfers, Insurance and Grant Supplements.

**RESOLUTION 2015-69
SUPPLEMENTAL APPROPRIATIONS
CONTINGENCY TRANSFERS
INSURANCE AND GRANT SUPPLEMENTS
2015 FISCAL BUDGET**

WHEREAS, it appears that there will be insufficient funds in the 2015 Budget, to carry out the indispensable functions of government. It is proposed that the following Supplemental Contingency Transfer Appropriations and Insurance and Grant supplements be adopted. This will become effective immediately upon passage.

CONTINGENCY:

FROM: 101-41100-42910 Contingency – \$77,80

TO: Mayor & Council – 101-4111-42200 - Professional Services - \$12,000 (Dolan Creek drainage)

Attorney: 101-4141-41100 Wages - \$3000 (outside attorney cost and payout of vacation)

Buildings: 101-4192-42500 Repairs - \$4,000 (Repairs to HVAC at City Hall)

Special Sales Tax: 211-9000-46530- \$800 (promotion)

Capital Improvements: 212-9000-43300 - \$35,000 (Lighting engineering for the Auditorium and Community Center and HD Rally Point Engineering)

TIFD #11 SPM: 329-9000-42900- \$23,000 (Anna Street Proj. and Vanocker lighting)

INSURANCE: Police: 101-4211-42500 Repairs and Maintenance - \$1,849.00

Police: 101-4211-42500 Repairs and Maintenance - \$800.00

Streets: 101-4311-42500 Repairs and Maintenance - \$2690.27

GRANTS: Police: 101-4211-43400 Machinery and Equipment - \$5,564.00

Dated this 21st day of December 2015.

Published: 01-06-16

Effective: Immediately

Motion by Bradley, second by Bestgen and carried with all members present voting yes to authorize the City Manager to sign a parking lease agreement with Maverik, Inc.

Motion by Bradley, second by Dargatz and carried with all members present voting yes to approve the Sturgis Volunteer Fire Department Contract.

Any other business:

Councilor Bestgen announced that he will be permanently moving out of Ward 4 and will vacate his seat when a new Councilperson has been chosen. He anticipates this will be in January.

Motion by Martin, second by Waterland and carried with all members present voting yes to go into executive session for personnel and contracts at 7:33 pm.

Motion by Waterland, second by Anderson and carried with all members present voting yes to return to regular session at 8:56 pm.

Motion by Martin, seconded by Bestgen and carried with all members present voting yes to adjourn the meeting at 8:57 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$