

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, October 4, 2010 at the Sturgis Community Center. Present: Mayor Maury LaRue, Alderpersons Joe DesJarlais, Mark Carstensen, David Hersrud, Tim Potts, Bernadette Usera and Kelly Vasknetz. City Manager Dave Boone and City Attorney Greg Barnier were present. Absent: Clint Brengle and Jamie McVay.

Mayor LaRue led everyone in the Pledge of Allegiance.

Announcements:

- Fall Clean-up is October 4-7.
- The Fire hall open house is October 13.
- Councilor DesJarlais received an e-mail thanking the council for all of the great improvements that have been done on the streets this year.

Motion by Potts, second by Hersrud and carried with all members voting yes to approve the agenda as written.

Motion by DesJarlais, second by Usera and carried with all members voting yes to approve the minutes from the regular council meeting on September 20, 2010.

Motion by Hersrud, second by Usera and carried with all members voting yes to approve the following claims:

Wages – Mayor and Council \$6,472.36; Attorney \$5000.00; Finance Office \$15,954.64; Human Resource \$4000.00; City Manager \$9,916.92; Buildings \$2,937.54; Community Development \$9,537.19; Rally \$6,021.79; Police \$66,477.71; Fire Department \$4,982.83; Streets \$13,500.29; Street Cleaning \$1,852.24; Cemetery \$1,853.98; Community Center \$24,436.15; Library \$15,539.91; Auditorium \$389.62; Parks \$22,072.92; Ambulance \$21,143.33; Liquor \$7,737.18; Water \$52,999.71; Wastewater \$16,895.11; Sanitary Service \$19,153.50; Federal Withholding \$23,9494.31; FICA \$44,973.02.

Transfers Out – General Fund \$47,556.42; UDAG \$22,748.50; Liquor \$17,689.25; Wastewater \$10,112.83; Sanitation \$19,753.67.

Transfers In – Parks \$46,556.42; General Fund \$47,555.75; Revolving Loan Fund \$22,748.50; Sanitation - \$1000.00.

General – A&B Business, \$328.19, repair; Laura Alyea, \$251.10, cc prog exp; Amazon, \$19.23, supp; Amcon, \$683.50, merch for resale; Wanda Anders, \$25.00, cc prog exp; Associated Supply Co, \$272.92, supp; Avaya, \$36.39, util; Baker & Taylor, \$154.78, supp; Best Business Products, \$25.10, repair; BH Badlands & Lakes, \$100.00, travel-rally; BH Power, \$1422.83, util; Jerry Burnham, \$2347.92, prof fee; CBH Coop, \$79.37, supp; Century Business Products, \$69.23, supp; Crossings, \$28.97, supp; Dakota Backup, \$568.93, prof fee; Dakota Tree Spraying, \$62.50, supp; Demco, \$90.07, supp; Dish Network, \$79.95, util; Beth Duffield, \$687.60, cc prog exp; El Paso Communication, \$33.83, repair-rally; Energy Lab, \$37.10, repair; Fedex, \$436.64, supp-rally; Fisher Sand, \$2795.28, supp; Freeman Electric, \$100.00, repair; Freemotion Fitness, \$208.21, repair; G&R Controls, \$206.63, repair; Hampton Inn/Deadwood, \$3000.00, supp-rally; Hauff Mid-America Sports, \$123.45, cc prog exp; Highsmith, \$76.69, supp; Hills Materials, \$1306.37, repair; Ikon Office Solutions-Chicago, \$747.05, supp; Ikon Office Solutions-Dallas, \$193.00, supp; Iverson Construction, \$100.00, rent; Jade Equipment, \$1962.79, repair; Johnston Hardware, \$11.32, supp; Kadrmars, Lee & Jackson, \$9008.78, econ dev; Peggy Kinney, \$166.67, grp insur; Knight Security, \$398.47, repair; Knology, \$2365.68, util; Lamar, \$2150.00, other; Kristen Legner, \$300.00, cc prog exp; McGas Propane, \$44.40, supp; Candy Morrell, \$3161.09, maint; Motoring USA-John Detrick, \$13,607.50, prof fee-rally; Mystery Guild, \$49.43, supp; Neve's Uniforms, \$228.95, supp;

Nitro Alley, \$3803.00, econ dev; Northern Hills Vet Clinic, \$60.00, pro fee; Office Depot, \$179.97, repair; Park Avenue Car Wash, \$200.00, supp; Pete Lien, \$127.51, supp; Pete Pi Jr, \$30.00, other; Pitney Bowes-finance, \$132.00, rent; Public Safety Equipment, \$41.96, supp; Purchase Power-finance, \$600.00, supp; Rushmore Office, \$557.84, supp; Science Fiction Book Club, \$34.46, supp; SD Dept of Health, \$3200.00, pro fee-rally; SD Municipal League, \$265.00, travel; Dalton Sherman, \$45.00, cc prog exp; Sturgis Napa, \$33.58, supp; Subway, \$43.89, supp-rally; T&M Studio, \$199.00, other-rally; Twilight First Aid, \$115.30, supp; Verizon, \$2115.70, util-rally; Walco International, \$50.79, supp; Donald Whitehead, \$30.00, other.

Park – BH Power, \$1225.14, util; John Rasch, \$500.00, grp insur; Verizon, \$110.45, util.

Ambulance – All Med, \$498.00, supp; BH Power, \$697.95, util; Century Business Products, \$153.96, supp; Dakota Backup, \$45.04, prof fee; Dakota Tree Spraying, \$62.50, supp; DB Billing, \$1575.23, prof fee; Knology, \$85.05, util; Verizon, \$138.94, util.

Special Sales Tax – Chamber of Commerce, \$9543.33, chamber; SEDC, \$9625.00, ind dev.

Capital Improvement – Brosz Engineering, \$24,471.60, cap imp; Hills Materials, \$12,000.00, cap imp; Sacrison Paving, \$126,159.90, cap imp; Stanley Johnsen Concrete, \$274,616.59, cap imp.

Bike Path – North Star Construction, \$60,504.01, cap imp.

TIF #9 – First Interstate Bank, \$453.96, other.

Liquor – Amcon, \$4480.24, snacks for resale; Eagle Sales, \$20,172.00, other; Fisher Beverage, \$9378.96, off sale beer; GBA, \$57,516.52, cap imp; Johnson Western Wholesale, \$22,934.41, off sale liquor; Knology, \$159.94, util; KZ Store Fixtures, \$5858.00, cap imp; North Country Business Products, \$2875.50, repair; Republic Beverage, \$14,628.26, off sale liquor; The Homeslice Group, \$3900.00, publ; TSP, \$22,644.64, cap imp.

Water – BH Power, \$11,173.99, util; Dakota Backup, \$85.07, prof fee; Ikon Office Solutions-Chicago, \$2.48, supp; Knology, \$119.32, util; Candy Morrell, \$362.55, maint; Verizon, \$283.51, util.

Wastewater – Ace Steel & Recycling, \$135.60, cap imp; Alltel, \$150.63, util; American Engineering Testing, \$1079.75, prof fee; BH Power, \$3243.76, util; Bierschbach Equip, \$1052.00, repair; Brosz Engineering, \$3330.00, cap imp; Energy Lab, \$1871.00, prof fee; Foothills Seed, \$102.50, cap imp; Peggy Kinney, \$166.67, grp insur; Ladner Excavating, \$106,761.54, cap imp; LPN Holdings, \$2069.12, repair; Candy Morrell, \$238.18, maint; Verizon, \$102.36, util; Virginia Rubber, \$96.26, repair; Waste & Recycling, \$49.00, publ; Wells Plumbing, \$811.86.

Sanitary Service – American Engineering Testing, \$2690.75, prof fee; Best Western Ramkota-Aberdeen, \$679.92, travel; Bill Coacher, \$29.32, travel; Dakota Backup, \$67.93, prof fee; Peggy Kinney, \$166.66, grp insur; Candy Morrell, \$238.18, maint; Qwest, \$61.57, util; SDSWMA, \$400.00, prof fee; Verizon, \$36.22, util.

Committee Reports:

- Councilor Usera reported that the Library staff estimates that on Saturday morning there were 60 to 70 children and parents that attended the first “Blue Ribbons for Meg,” story time, followed by pony rides in the bank parking lot. On the 16th, Randy Bender will read the next 2 chapters of the book, and then the participants will get a chance to make hand-cranked ice cream. Thursday is “Snowy Day” by Ezra Jack Keats – “Read for the Record Day”, a nationwide program to encourage everyone to set a new record reading the same book. The library is hosting a family story time from 3:30-4:30. Bob Davis is the featured artist for October.

City Manager Report:

- The City’s property tax rate has been reduced from \$7.63 per thousand to \$7.59 per thousand. This is the 5th consecutive year that the City’s tax rate has gone down. The City is becoming less reliant on property taxes.
- Sales Tax is 5% higher than last year at this time.

- The general fund budget is at 71% spent and the total budget is at 84.6%. Snow removal has 52% of the budget left. When you factor out the airport budget, this leaves the total budget spent at 77%. Debt service is almost 50% of the Capital Improvement budget.

Motion by Potts, second by Vasknetz and carried with all members voting yes to approve the following: Parks- Maintenance Tech (Half Time) – Donald Keil - \$11.17.

Motion by Hersrud, second by Potts and carried with all members voting yes to approve the variance for Romaine S. Kocer at 1907 Arizona Avenue to construct a patio cover with less than required rear yard setback.

Community Director Rick Bush gave an overview to the Council of why a citation was written by the building inspector for a non-conforming structure at 921 Woodland Court. The structure was identified to the Building Inspector, by the owner Isaac Almanza, as a storage shed but appeared to be used as a short-term rental residence. Bush said that there are several violations, because as built the structure did not meet code requirements for a residence. Those violations were listed individually in the report to Council.

Isaac Almanza was present to appeal the citation for a non-conforming structure at 921 Woodland Court. Almanza stated his case to the Council, explaining that he thought the structure could qualify as storage shed, while he did not dispute, that he had offered to rent the premises during the Rally. He also acknowledged that both the upper and lower level of the structure had lament flooring and included a bed and air conditioning unit. The Council stated they would discuss the matter in executive session, with a decision to be made after that.

Motion by Hersrud, second by Carstensen and carried with all members voting yes to approve first reading of Ordinance 2010-11 – A supplement to Ordinance 2009-14 – 2010 Budget.

Motion by Hersrud, second by DesJarlais and carried with all members voting yes to approve first reading of Ordinance 2010-12 – An ordinance providing for a surcharge for the Murray Addition.

Any other Business:

Councilor Usera commended the Sturgis Mustang Rally for the article that was in the Mustang Times magazine. The article had good things to say about the Mustang Rally and the Sturgis area.

Gene McPherson questioned the use of the alleys by the vendors during the Rally and also the closing of Second Street for motorcycle parking. McPherson asked that the alleys be kept opened for vehicles and that the City needs to reconsider closing Second Street, as it should be opened to all vehicles.

Michele Loobey-Gertsch, Chamber Director, introduced Stephanie Martin as Program Director for the Chamber.

Joanne Jewell was present to state her concerns on the Murray Addition project and to commend the City and Ladner Excavating for a job well done.

Mark Bishop thanked the Council for the great job on the survey.

Motion by Hersrud, second by Potts and carried with all members voting yes to go into executive session at 7:26 p.m. for legal advice.

Motion by McVay, second by Carstensen and carried with all members voting yes to come out of executive session at 9:19 p.m.

Motion by Hersrud, second by Carstensen and carried with all members voting yes that Council found that there was a violation of the ordinance as charged for a non-conforming structure, and denied the appeal by Isaac Almanza.

Motion by DesJarlais, second by Vasknetz and carried with all members voting yes that in addition to paying the fine owed, the landowner must terminate the continuing violation of the Ordinance. The remedy for the landowner is to remove the entire structure the property. In the alternative, the land owner may remove the second story and place a roof on the remaining portion of the structure and the second story be removed from the property. Such actions must be completed within 45 days of notification of the decision of the Council, or the continuing violation will be subjected to further fines and legal action.

Mayor LaRue adjourned the meeting at 9:29 p.m.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED: _____
Maury LaRue, Mayor

Please publish once at the total approximate cost

