

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, November 15, 2010 at the Sturgis Community Center. Present: Mayor Maury LaRue, Alderpersons Clint Brengle, Joe DesJarlais, Mark Carstensen, David Hersrud (arrived at 6:36 p.m.), Jamie McVay (arrived at 6:37 p.m.), Tim Potts, Bernadette Usera. City Manager Dave Boone and City Attorney Greg Barnier were present. Absent: Kelly Vasknetz

Mayor LaRue led everyone in the Pledge of Allegiance.

Announcements:

- The Community Center will be offering free use of the facility from November 18-28.

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

Motion by DesJarlais, second by Carstensen and carried with all members voting yes to approve the minutes from the regular council meeting on November 1, 2010.

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

**Wages** – Mayor and Council \$3,236.18; Attorney \$2500.00; Finance Office \$8,041.74; Human Resource \$2000.00; City Manager \$4,948.83; Buildings \$1,492.85; Community Development \$4,781.02; Rally \$3,011.30; Police \$30,762.29; Fire Department \$2,450.45; Streets \$5,705.72; Street Cleaning \$927.68; Cemetery \$970.22; Community Center \$13,174.83; Library \$8,676.89; Auditorium \$199.27; Parks 10,312.03; Ambulance \$10,060.65; Liquor \$3,958.10; Water \$12,800.70; Wastewater \$8,194.98; Sanitary Service \$9378.33; Federal Withholding \$11,493.11; FICA \$21,794.34.

**General** – A&B Welding, \$5.44, supp; A&J Surplus, \$30.44, repair; Ace Hardware, \$22.58, supp; Greg Barnier, \$21.20, supp; Barrows Electric, \$30.61, repair; Ann Bertolotto, \$73.37, travel; BH Power, \$20,929.21, util; Bierschbach Equip, \$94.00, supp; Budget Signs, \$980.00, econ dev; Butte Electric, \$658.83, util; Campbell Supply, \$298.26, repair; CBH Coop, \$12,488.06, supp; Central Air Heating, \$4506.00, accts rec; Century Business, \$99.83, supp-rally; Chain Saw Center, \$60.00, repair; Coca Cola, \$578.25, rental-rally; Dakota Backup, \$113.58, supp; Dana Schulz Construction, \$943.50, econ dev; Dan Davidson, \$206.20, travel; Ecolab Pest, \$415.50, repair; ED Roehr Safety Products, \$916.03, supp; Energy Lab, \$18.55, repair; Fedex, \$71.60, supp; First Interstate Bank-cr card, \$1926.79, travel; Freeman Electric, \$5525.00, econ dev; Freemotion Fitness, \$174.19, repair; FSH Communications, \$120.00, util; G&R Controls, \$1052.60, repair; Glover Investments, \$600.00, rental-rally; Hills Materials, \$2265.90, repair; Johnston Hardware, \$157.18, supp; Key City Glass, \$60.00, repair; Knology, \$103.32, util; Kone Inc, \$920.00, repair; Lynn's Dakotamart, \$142.14, supp-rally; McGas Propane, \$424.80, supp; Meade Co Times, \$475.18, publ; Menards, \$76.20, supp; Montana Assn of Registered Land, \$130.00, prof fee; MDU, \$1373.49, util; Motion Industries, \$551.17, repair; Motoring USA-John Detrick, \$450.00, prof fee-rally; Neve's Uniforms, \$857.60, supp; Occupational Health, \$40.00, prof fee; O'Reilly Auto Parts, \$20.96, repair; Joel Ortiz, \$30.00, other; Owens Interstate Sales, \$214.75, repair; Pamida, \$122.87, supp; Pete Lien, \$3094.90, repair; Print Mark-et, \$694.73, publ; Public Safety Equip, \$21.98, supp; Rapid City Journal, \$199.00, publ; Rapid Delivery, \$37.60, repair; Rushmore Office, \$969.25, supp; Fred Schmidt, \$30.00, other; SD Dept of Rev, \$170.00, other; SDSPLS, \$100.00, prof fee; Servall, \$404.53, Jeanie Shyne, \$500.00, grp ins; Sturgis Napa, \$1058.33, supp; Subway, \$322.07, supp; West River Electric, \$511.76, util; West River International, \$217.54, supp; Whisler Bearing, \$171.94, repair.

**Park** – BH Power, \$41.21, util; Campbell Supply, \$663.01, repair; Chain Saw Center, \$34.25, repair; First Interstate Bank-cr card, \$110.65, repair; Hersrud, \$37.99, repair; J&L Services, \$150.00, repair;

Jacobsen Ford, \$18.25, repair; Johnston Hardware, \$5.30, supp; Lynn's Dakotamart, \$33.01, other; MDU, \$97.82, util; Owens Interstate Sales, \$132.48, supp; Print Mark-et, \$63.16, publ; Rockingtree Floral, -\$19.90, supp; Sturgis Napa, \$9.38, supp; Town-N-Country Plumbing, \$16.47, supp.

**Brick Project** – Diamond Yard Bricks, \$1809.00, merch for resale; Rockingtree Floral, \$342.36, supp.

**Ambulance** – Alliance Medical, \$2327.74, supp; CBH Coop, \$1039.19, supp; Dakota Backup, \$45.64, supp; Ecolab Pest, \$47.50, supp; First Interstate Bank-cr card, \$78.00, supp; Knology, \$18.76, util; Medicare Part B, \$66.86, ambul chrg; MDU, \$48.26, util; Pearson Education, \$1591.47, supp; Print Mark-et, \$63.16, publ; Regional Home Medical Equip, \$210.00, supp; Nicole Skouge, \$101.84, supp; Sturgis Napa, \$5.39, supp.

**Capital Improvement** – Brosz Engineering, \$27,446.58, cap imp; Nordic Woods Construction, \$4651.20, cap imp; Sacrison Paving, \$60,050.85, cap imp; West Plains Engineering, \$3540.68, cap imp.

**Citizen Corps Police Grant** – Nevel's Uniforms, \$47.90, supp.

**Capital Projects** – Rushmore Office, \$538.00, cap imp.

**Liquor** – BH Power, \$1050.54, util; Coca Cola, \$289.70, pop for resale; Eagle Sales, \$7855.43, off sale beer; Ecolab Pest, \$41.00, repair; First Interstate Bank-cr card, \$719.10, travel; Fisher Beverage, \$2405.37, off sale beer; Johnson Western Wholesale, \$13,590.38, off sale liquor; Harriet Lolley, \$21.00, merch for resale; MDU, \$12.40, merch for resale; Pepsi Cola, \$333.20, pop for resale; Print Mark-et, \$63.16, publ; Republic Beverage, \$3423.93, off sale liquor; Rushmore Office, \$178.99, supp; Sand Creek Printing, \$147.85, supp; SD Dept of Revenue, \$25.00, supp; Servall, \$64.75, supp; Tour Ice, \$154.55, merch for resale.

**Water** – BH Power, \$581.07, util; Butte Electric, \$183.60, util; First Nat'l Bank in Sioux Falls, \$19,819.66, agent fee; Ladner Excavating, \$17,419.97, cap imp; MDU, \$22.49, util; Print Mark-et, \$63.16, publ.

**Wastewater** – Alltel, \$68.25, util; Brosz Engineering, \$2890.00, cap imp; Campbell Supply, \$77.04, cap imp; First Interstate Bank-cr card, \$208.71, cap imp; First Nat'l Bank of Sioux Falls, \$160,359.09, int; Foothills Seed, \$102.50, cap imp; Johnston Hardware, \$20.98, cap imp; Ladner Excavating, \$17,584.66, cap imp; Northwest Pipe Fittings, \$1497.85, cap imp; O'Reilly Auto Parts, \$38.58, repair; Print Mark-et, \$63.16, publ; Sturgis Napa, \$663.58, repair.

**Sanitary Service** – BH Power, \$11.00, util; CBH Coop, \$2578.10, supp; City of Belle Fourche, \$14,801.26, other; Johnston Hardware, \$11.96, supp; Owens Interstate, \$649.44, supp; Print Mark-et, \$63.16, publ; Sturgis Napa, \$409.37, repair.

**Sewer Bond** – Wells Fargo Bank-Minneapolis, \$30,969.31, int.

#### Committee Reports:

- Council member Usera reported that the "Harry Potter's World Events" this week at Library includes a magic themed story hour after school on Wednesday. Kids from the Sturgis Center for the Arts after school program will assist with magic tricks. On Saturday, the local chapter of the Society of Creative Anachronism will perform at the library's "Medieval Fair". The Library will be participating at the Holiday Open House on the 18<sup>th</sup>.

#### City Manager Report:

- The City is working with three potential retail prospects.
- Sales tax is up 8% year-to-date.
- The concrete paving is done at the airport and they are working on the lighting.
- The Liquor Store structure is up and they will start with the wall sheeting this week.
- The Murray Addition project is complete and about 50% of the landowners are hooked up.
- The VIPs delivered the snow removal ordinance to all that would be affected by the new ordinance.

Motion by DesJarlais , second by Usera and carried with all members voting yes to approve the following: Promotion: Police – Assistant Chief - Adam Martin – \$56,650  
New Hire – Patrol Officer – Tommie Derby - \$16.07; Sanitation-Cary Schmidt - \$11.17.

Motion by Hersrud , second by Carstensen and carried with all members voting yes to approve second reading of Ordinance 2010-13 – amending Title 15 – Streets, Sidewalks, and Public ways – 15.03.08 – unlawful parking on designated snow removal routes; immediate ticket and tow authorized.

**ORDINANCE 2010-13**  
**REVISED ORDINANCE AMENDING TITLE 15 – CHAPTER 15.03, SECTION 15.03.08 AND 15.03.09**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota, that Title 15, Chapter 15.03, Section 15.03.08 – Unlawful Parking on Designated Snow Removal Route; Immediate Ticket and Tow Authorized and Section 15.03.09 – Director of Public Works Authority, shall be added and will read as follows:

**15.03.08: UNLAWFUL PARKING ON DESIGNATED SNOW REMOVAL ROUTES;  
IMMEDIATE TICKET AND TOW AUTHORIZED.**

To facilitate prompt snow removal, it shall be unlawful for any vehicle to be parked on any designated Snow Removal Route within the City at any time within 24 hours of a forecast by the National Weather Service, as reported on the City of Sturgis website Weather Link, of an expected snowfall of at least 4 inches or more within the City of Sturgis. Any vehicle parked on a Snow Removal Route within that 24 hour period and before City employees have cleared the street curb to curb shall be subject to an immediate citation for a parking violation until the street has been cleared curb to curb. In addition, any vehicle tagged in violation of this Ordinance may be towed immediately after being tagged. The Penalty for such violation is as set forth in Section 15.01.03 of this Ordinance, and the owner, in addition such penalty, shall also be required to pay the cost of towing and removal of the vehicle to an authorized location.

The designated Snow Removal Routes are as follows:

- A. JUNCTION AVENUE
- B. LAZELLE STREET
- C. DOUGLAS STREET from the intersection with THIRD STREET to the intersection with NELLIE STREET.
- D. NELLIE STREET from the intersection with DOUGLAS STREET to the intersection with LAZELLE STREET.
- E. MAIN STREET from the intersection with MIDDLE STREET to the Intersection with FOURTH STREET.
- F. FIRST STREET from the intersection with SHERMAN STREET to the intersection with LAZELLE STREET.
- G. SECOND STREET from the intersection with SHERMAN STREET to the intersection with Lazelle Street.
- H. THIRD STREET from the intersection with SHERMAN STREET to the intersection with LAZELLE STREET.
- I. FOURTH STREET from the intersection with SHERMAN STREET to the intersection with LAZELLE STREET.

This provision shall not limit the separate authority to issue a citation as provided for at 16.05.08.

### **15.03.09: DIRECTOR OF PUBLIC WORKS AUTHORITY**

The Director of Public Works shall consult with the Chief of Police and City Manager and, consistent with the authority of SDCL 9-30-2 and SDCL 9-10-13, is authorized and empowered to determine and establish Designated Snow Removal Routes upon any street or highway within the city, or any part thereof. The designation of any Snow Removal Routes by the Director of Public Works for each Snow Removal Route shall be conspicuously posted on each block along said route.

Dated this 15th day of November, 2010.

First reading: 11-1-10

Second reading: 11-15-10

Adopted: 11-15-10

Published: 11-24-10

Effective: 12-15-10

Motion by Potts, second by Brengle and carried with all members voting yes to approve street closure for Parade of Lights on December 3, 2010.

Motion by Brengle, second by McVay and carried with all members voting yes to approve authorizing the Mayor to sign the revised Airport Hanger Lease Agreement for Area D3 for a 66'X40' hanger with Ron Waldroy.

Motion by Hersrud, second by DesJarlais and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts and Usera voting yes and Brengle abstaining to approve first reading of Ordinance 2010-14- Title 3 – Licensing and Regulation of Alcohol, Malt Beverages and Drinking Establishments.

Motion by Hersrud, second by Usera and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts and Usera voting yes and Brengle abstaining to approve a special events license for the Sturgis Wine Company for November 18, 2010 for the Holiday Open House.

Bryan Carter and Roger Call, owners of the Knuckle Saloon, asked the Council to reconsider how they give out special event licenses. They felt that it would be unfair to their business and any other business that carries a liquor license to issue these special events licenses to anyone except those that already carry a liquor license. They stated that they have made a large investment in purchasing their liquor license, they have well trained employees and that there would be no consequences to the business that gets a special event licenses if they would break the law.

Motion by Potts, second by Hersrud to consider the special events licenses for Boulder Canyon Convention Center. After discussion the following motion was made.

Motion by McVay, second by Hersrud to consider each special event license application from Boulder Canyon Convention Center separately.

- a. On the first application, a motion was made by Potts and a second was made by Hersrud to allow this application to be for the 27<sup>th</sup> of November until 2:00 a.m. on the 28<sup>th</sup>. Roll call was taken and Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts and Usera voted yes and Brengle abstained. This motion passed 7 yes, 1 abstention.
- b. On the second application for December 4<sup>th</sup>, a roll call was taken and Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts and Usera voted yes and Brengle abstained. This motion passed 7 yes, 1 abstention.

- c. On the third application for December 18<sup>th</sup>, a roll call was taken and Carstensen, DesJarlais, Hersrud, LaRue, Potts and Usera voted yes, McVay voted nay and Brengle abstained. This motion passed 6 yes, 1 nay and 1 abstention.
- d. On the fourth application for December 31<sup>st</sup> and January 1<sup>st</sup>, Usera made a motion to allow the application to be on the 31<sup>st</sup> of December until 2:00 a.m. on the 1<sup>st</sup>. This motion died for lack of a second. A roll call was taken on the original application and DesJarlais, LaRue and Usera voted yes, Carstensen, Hersrud, McVay, Potts voted nay and Brengle abstained. This motion failed 3 yes, 4 nays, and 1 abstained.

Brengle introduced the following written resolution and moved its adoption:

**RESOLUTION 2010-38  
DECLARING THE OPINION OF  
THE STURGIS CITY COUNCIL  
CONCERNING THE SDDOT INTENT TO ABANDON RECONSTRUCTION OF LAZELLE  
ST./HWY-34 FOR MILL AND OVERLAY**

**WHEREAS**, the afore mentioned roadway is a part of the transportation infrastructure of the City of Sturgis, and Sturgis is the county seat of Meade County, and  
**WHEREAS**, this section of roadway has been designated by the city, county and state DOT as the truck route from high ways 79 and 34 through Sturgis to Interstate 90, and  
**WHEREAS**, this roadway is being increasingly used by over-width commercial vehicles and is a safety concern for the city and county law enforcement officials, and  
**WHEREAS**, the DOT has been aware that this roadway does not meet its own criteria for safety of connectivity of traffic through the corporate city limits, and  
**WHEREAS**, the corrective action contemplated by the DOT began in February of 2002, and subsequent listing of that reconstruction mitigation appearing on the STIP in \_\_\_\_\_ as a part of the 5 year plan, and  
**WHEREAS**, any further delay by the DOT in the implementing the corrective action needed to meet DOT minimum standards for traffic safety will only continue and increase these unsafe highway conditions, and  
**WHEREAS**, the City of Sturgis has acted in reliance upon the Corrective Action Plan(?), established by the DOT 8 years ago, by developing a financial plan to meet the City's responsibility for participation in that reconstruction project, and  
**WHEREAS**, the City of Sturgis for its part has encumbered itself by bonding for replacement of water line infrastructure to coincide with the reconstruction of Lazelle St./ 34.  
**THEREFORE:** the Common Council of the City of Sturgis would request *urges* that the SD DOT recognize the priority of traffic and pedestrian safety addressed by the corrective action plan and choose that original DOT project plan in place of the temporary mill and overlay solution (in favor of the original DOT solution) to bring the roadway into full compliance (make the roadway compliant) with DOT safety standards and allow the city to participate with its upgrades of infrastructure.  
**PASSED** by the city council of the City of Sturgis this 15th day of November, 2010.

Published: November 24, 2010  
Effective: December 15, 2010

Usera seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution was declared passed and adopted.

Motion by McVay, second by DesJarlais and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts, and Usera voting yes and Brengle abstaining to set a public hearing date of December 6, 2010 for a transfer of location from 1337 Main Street (Chives-Sheree Schriver) to 2214 Junction (Jambonz) for the wine (on-off sale) license for Chives.

Motion by Carstensen, second by Potts and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts, and Usera voting yes and Brengle abstaining to set a public hearing date of December 6, 2010 for a restaurant malt beverage license for Chives (Sheree Schriver) located at 2214 Junction (Jambonz).

Motion by Hersrud, second by Usera and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts, and Usera voting yes and Brengle abstaining to set the public hearing date of December 6, 2010 for renewal of the following off-sale liquor license, on-sale liquor licenses and on/off sale wine licenses:

**Package (off-sale) Liquor**

a. City of Sturgis, dba Sturgis Liquor – 1075 Lazelle

**Retail (on-sale w/Sunday Sales) Liquor**

- a. Chaffee-Bradley, LLC, dba Oasis Bar & Lounge – 1145 Main St
- b. Buffalo Bill's Corp, dba Buffalo Bill's Bowling & Firehouse – 910 1<sup>st</sup> St
- c. Homeslice Management, LLC, dba Loud American Roadhouse – 1305 Main St
- d. One Eyed Jacks Saloon of Sturgis Inc, dba One Eyed Jack's Saloon – 1304 Main St
- e. American Legion Mead Post 33/ VFW Paha Sapa Post 2730 – 868 Main St.
- f. Si Senior, LLC – 2431 Junction Ave
- g. Gunner's Lounge, LLC, dba Gunner's Lounge – 1006 Main St
- h. Key City Enterprises-The Knuckle Saloon – 931 1<sup>st</sup> Street

**Wine (on-off sale) License**

- a. Billy & Jason Fields, dba Rosco'z – 976 Lazelle
- b. Julie Olson, dba Olde Worlde Café & Bookery – 1543 Lazelle
- c. Dungeon Bar, dba Royal Flush Casino and Sports Bar – 1030 Main Street
- d. Schmid Investments – Sidehack Saloon, dba Sidehack Saloon – 1027 Lazelle Street
- e. Tom's T's, Inc.; dba – Sturgis Wine Company – 1117 Main Street
- f. Willie Nillie Inc.; Willie Nillie – 2715 Lazelle Street
- g. MAJR, LLC – dba – Sturgis Coffee Company – 2275 Lazelle St
- h. Wheeler Farms – 2709 Lazelle Street
- i. Chives – Sheree Schriver - 2214 Junction Ave

Any other Business:

Michelle Looby-Gertsch reminded everyone that the Holiday Open House will be Thursday the 18<sup>th</sup> of November.

Motion by Hersrud, second by Potts and carried with all members voting yes to go into executive session at 7:20 p.m. for personnel.

Motion by McVay, second by Usera and carried with all members voting yes to come out of executive session at 8:20 p.m.

Mayor LaRue adjourned the meeting at 8:20 p.m.

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

APPROVED: \_\_\_\_\_  
Maury LaRue, Mayor

Please publish once at the total approximate cost

