

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, March 21, 2011 at the Sturgis Community Center. Present: Mayor Maury LaRue, Alderpersons Clint Brengle, Mark Carstensen, David Hersrud, Jamie McVay, Tim Potts and Kelly Vasknetz. City Manager Dave Boone and City Attorney Greg Barnier were present. Absent: Joe DesJarlais and Bernadette Usera

Mayor LaRue led everyone in the Pledge of Allegiance.

Announcements:

Mayor LaRue recognized the Varsity Boys basketball team for taking 5th place at State.

Mayor LaRue also recognized 4th grader Dawson Schieffer for his accomplishments in several dirt track championships including 2009 National Dirt Track Champion 50cc and 2011 Winter National Dirt Track Champion 65cc DTX and modified.

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

Motion by Brengle, second by Vasknetz and carried with all members voting yes to approve the minutes from the regular council meeting on March 7, 2011.

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

Wages – Ambulance \$11,365.77; Attorney \$2741.19; Auditorium \$387.58; Buildings \$1,601.87; Cemetery \$1,058.44; City Manager \$5,090.72; Community Center \$13,622.07; Community Development \$4,902.23; Finance Office \$8,460.24; Fire Department \$2097.03 Human Resource \$2060.00; Library \$9,142.41; Liquor \$4,121.05; Mayor and Council \$3,333.27; Parks \$11,104.27; Police \$32,845.32; Rally \$3,133.43; Sanitary Service \$9,892.36; Streets \$8,773.32; Wastewater \$9,003.16; Water \$13,301.77; Federal Withholding \$11,478.93; FICA \$14,657.57.

General – Bentz Equip, \$7.23, repair; Best Business Products, \$17.18, repair; BH Power, \$21,554.59, util; BH Truck, \$106.05, repair; Border States, \$1172.73, repair; Campbell Supply, \$549.13, supp; Caselle, \$1590.00, prof fee; CBH Coop, \$19,051.04, supp; Central Newspaper, \$395.00, publ-rally; Coca Cola, \$12.00, rental; Curt Corey, \$90.00, cc prog exp; Crescent Electric, \$498.62, supp; Dakota Backup, \$1381.04, prof fee; Dakota Radiator, \$1097.50, repair; Diesel Machinery, \$134.63, supp; Double Star Computing, \$4539.95, equip; Ecolab Pest, \$164.00, maint; Executive Business Communications, \$84.00 repair; First Interstate Bank, \$8154.35, travel, supp; FSH Communications, \$120.00, util; Johnston Hardware, \$278.96, supp; Lawson Products, \$455.00, repair; Brooke Lensegrav, \$60.00, cc prog exp; Cody Loftin, \$30.00, other; Lynn's Dakotamart, \$176.90, supp; Sheryl Martin, \$60.00, cc prog exp; Meade Co Times, \$290.34, publ; Menards, \$38.91, supp; MDU, \$12,064.42, util; Candy Morrell, \$3455.09, repair; Neve's Uniforms, \$302.24, supp; Occupational Health, \$309.01, prof fee; Office Depot, \$278.63, supp; O'Reilly Auto, \$156.01, supp; Owens Interstate, \$1414.14, repair; Pamida, \$383.51, supp; Park Ave Car Wash, \$200.00, supp; Powerplan, \$193.60, repair; Precision Installation, \$678.00, repair; Purchase Power, \$400.00, supp; Robert Sharp & Assoc, \$297.50, publ-rally; Rushmore Office, \$1565.48, supp; SD Building Officials, \$50.00, travel; SD Dept of Transportation, \$1140.00, supp; Servall, \$446.63, supp; Sheehan Mack, \$20.72, repair; Christina Steele, \$30.14, travel; Sturgis Community Center, \$12.00, supp; Sturgis Napa, \$592.86, repair; Subway, \$43.89, supp; Town N Country Plumbing, \$361.91, supp; Walco International, \$99.54, supp; Donald Whitehead, \$30.00, other.

Ambulance – Campbell Supply, \$33.36, supp; CBH Coop, \$1719.64, supp; Crescent Electric, \$498.62, supp; DB Billing, \$913.59, prof fee; MDU, \$449.58, util; Occupational Health, \$81.69, prof fee; Office Dept, \$134.99, supp; Regional Home Medical Equip, \$322.00, supp.

Capital Improvement – Campbell Supply, \$17.34, cap imp; Crescent Electric, \$9.11, cap imp; Stanley Johnsen Concrete, \$318,764.96, cap imp; Town N Country Plumbing, \$38.21, cap imp.

Liquor – BH Power, \$1796.49, util; BND Builders, \$2917.20, furniture; Campbell Supply, \$174.23, supp; Ecolab Pest, \$41.00, repair; Fisher Beverage, \$18.98, other; Lynn’s Dakotamart, \$19.05, supp; MDU, \$567.11, util; OReilly Auto Parts, \$13.28, repair; Pepsi Cola, \$181.60, pop for resale; Rushmore Office, \$696.99, supp; Servall, \$142.13, supp.

Water – BH Power, \$906.01, util; Caselle, \$1081.00, prof fee; Dakota Backup, \$175.47, prof fee; MDU, \$143.08, util; Candy Morrell, \$362.55, repair; Occupational Health, \$135.08, prof fee.

Wastewater – Alltel, \$148.43, util; City of Belle Fourche, \$30.46, other; First Interstate Bank, \$279.95, supp; Candy Morrell, \$238.18, repair; Occupational Health, \$38.92, prof fee; Owens Interstate, \$178.17, repair; Rushmore Communications, \$49.50, repair; Sturgis Napa, \$28.74, repair.

Sanitary Service – BH Power, \$11.00, util; BH Truck, \$350.96, repair; Campbell Supply, \$24.97, repair; City of Belle Fourche, \$12,691.12, other; Dakota Backup, \$68.26, prof fee; Dakota Radiator, \$680.68, repair; Candy Morrell, \$238.18, repair; Occupational Health, \$120.60, prof fee; OReilly Auto Parts, \$23.88, repair; Owens Interstate, \$441.95, sup; Sturgis Napa, \$233.47, repair.

Committee Reports:

None

City Manager Report:

- The 2010 Annual report has been sent out to the citizens of Sturgis.
- The Sturgis Liquor Store will be doing a soft opening on Friday, March 25th.

Motion by Potts, second by Carstensen and carried with all members voting yes to approve the following classification and wage increase: Police - Geody Vandewater – Promotion from Sergeant Class C to Lieutenant salaried position -\$1,980.77 per pay period.

At this time a second public hearing was held to discuss the Business License ordinance and the following people spoke:

- Paul Bisson – he is concerned about the excessive fee and feels it will hinder business in Sturgis.
- Bob Davis – he feels the whole thing should be thrown out and that the City should be paying someone to open a seasonal business in Sturgis. All costs and fees are going up and the last thing that businesses need is more paperwork or fees. Tax and regulate. He did thank the Council for keeping the communications open.
- Joseph Bryant – unnecessary license – the Secretary of State gives out licenses. Don’t need extra government regulations. The fee is ridiculous.
- Councilor Hersrud gave a brief description of what the Business license ordinance entails for the audience.
- Jack Hoel – concerned about variable zoning – this is not covered in this ordinance.
- Dave Wilson - \$600 discourages business; he is ok with the \$25.

Motion by McVay, second by Vasknetz and carried with all members voting yes to approve the use on review for a home daycare at 600 Deadwood Street for Jesse & Jenny Jensen.

Councilor McVay left the meeting at this time.

Motion by Potts, second by Hersrud and carried with Carstensen, Hersrud, LaRue, Potts and Vasknetz voting yes, Brengle abstaining to allow a Special Events license for Loud American Roadhouse for March 25, 2011 at the City Auditorium for the Turkey Federation Banquet.

A public hearing was held for a special events license for Boulder Canyon Convention Center. This request for a special events license dies for lack of motion.

Potts introduced the following written resolution and moved its adoption:

RESOLUTION 2011-08

A RESOLUTION TO ALLOW THE USE OF PUBLIC RIGHT OF WAY WITHIN THE CITY FOR A PUBLIC PURPOSE

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public Rights of Way within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

WHEREAS, the annual Sturgis Motorcycle Rally brings thousands of tourists to the Sturgis community in August of each year, many of whom are willing to support demonstrated charitable causes, and

WHEREAS, the Sturgis Area Chamber of Commerce has worked diligently for several years to invite many Rally tourists to support local charitable causes, as a demonstration of their appreciation of the Community of Sturgis for hosting the annual Sturgis Motorcycle Rally and to support the Rally, and

WHEREAS, the Sturgis Rally Charities Foundation, Inc is the Charitable organization which is the direct beneficiary of the annual Chamber of Commerce Rally Raffle, and the organization which in turn distributes all the proceeds it receives from the Chamber of Commerce Rally Raffle to charitable, education and other activities and organizations providing services and located within the Sturgis Community, and

WHEREAS, the Sturgis Rally Charities Foundation received approximately \$25,000.00 in the fall of 2010 as the net proceeds of the Chamber of Commerce motorcycle raffle conducted during the 2010 Sturgis Motorcycle Rally, and

WHEREAS, the City Council finds that there is no similar charitable foundation or raffle activity that provides such significant, direct and meaningful benefit to all elements of the Sturgis Community, and

WHEREAS, the Sturgis Area Chamber of Commerce has presented a request for the exclusive use of a portion of Third Street between Main and Lazelle during the 2011 Sturgis Motorcycle Rally to provide continued support for the Sturgis Rally Charities Foundation, and

WHEREAS, the request of the Sturgis Area Chamber of Commerce is for the use of a 12 by 90 foot portion to the public Right of Way of Third Street for the Chamber display of the Dirico Motorcycle that will be raffled, the display of up to 6 additional Dirico Motorcycles and to park a trailer for the storage of those Dirico motorcycles and related display material, and

WHEREAS, the area requested for this raffle activity by the Sturgis Area Chamber of Commerce will be subject to an agreement between the Chamber of Commerce Charitable Foundation and the Dirico Motorcycle company, approved by and filed with the City Finance Officer prior to the set up and

commencement of any raffle activities, confirming that sales will not take place in this special area designated for the benefit of the Sturgis Rally Charities Foundation.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that a 12 by 90 foot portion of the Public Right of Way of Third Street between Main and Lazelle shall be closed to the public from August 5th through August 14th, 2011 to allow the Sturgis Area Chamber of Commerce, under its agreement with the Dirico Motorcycle company, to conduct these raffle activities for the exclusive benefit of the Sturgis Rally Charities Foundation.

RESOLVED, this 21st of March, 2011.

Published: March 30, 2011

Effective: April 20, 2011

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

Bill Brown, owner of Central States Sanitation, and his Attorney were not present at the time that he was to speak, so a motion was made by Potts, second from Carstensen and carried with all members voting yes to temporarily table this agenda item - a. under New Business.

Fred Folsom, Kieffer Sanitation, was present to address any concerns that the Council might have on the five year Rally portable toilet contract that Kieffer was awarded for the years 2011-2015. Folsom acknowledged that there had been a clerical error made by the City in the bid specs, but Kieffer Sanitation has amended the clerical error and is ready, willing and able to perform at the contract price.

Motion by Hersrud, second by Potts and carried with all members voting yes to set a public hearing date of April 18, 2011 for use of City Property by the Sturgis Mustang Rally.

Motion by Carstensen, second by Potts and carried with all members voting yes to set a public hearing date of April 18, 2011 for a Special Events license for Sturgis Wine Co. at the Community Center on April 29th for Leadership Sturgis graduation.

Brengle introduced the following written resolution and moved its adoption:

RESOLUTION 2011-09

A RESOLUTION AUTHORIZING PARTICIPATION IN THE SOUTH DAKOTA RECREATIONAL TRAILS GRANT PROGRAM

WHEREAS, this resolution authorizes participation in the South Dakota Recreational Trails Grant Program for Construction of Additional Bike Path from end of Deadman Trail and Raccoon Road to First Avenue.

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Recreational Trails Program (RTP) to public bodies to aid in acquisition and maintenance of recreational trails.

NOW THEREFORE BE IT RESOLVED:

1. That City Manager is hereby authorized to execute and file an application on behalf of the City of Sturgis with the U.S. Department of Transportation Federal Highway Administration, through the State of

South Dakota State Parks, Department of Game, Fish, and Parks, for an RTP grant to aid financing the Deadman Trail Project for the City of Sturgis, South Dakota and its Citizens.

2. That City Manager of the City of Sturgis is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.

3. That the City of Sturgis shall provide a minimum of 20% of the total cost of the project by means of a monetary contribution; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the trail.

4. That the City of Sturgis shall dedicate for park and recreation purposes the use of the real property identified in the authorized application.

Dated this 21st day of March, 2011

Published: March 30, 2011

Effective: April 20, 2011

Vasknetz 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 Hersrud, second by Vasknetz and carried with Brengle, Hersrud, LaRue, Potts and Vasknetz voting yes and Carstensen abstaining to accept the only bid received of \$26,999 from Jacobsen Ford for a 2011 ¾ ton 4X4 crew/quad cab short box pickup.

Brengle introduced the following written resolution and moved its adoption:

RESOLUTION 2011-10

A RESOLUTION DECLARING PROPERTY SURPLUS

Finance: HP 1100 Laser Jet Printer-broken

APC Backup XS 9000

Public Works HP Printer-copier-scanner

Brother Intellie Fax Machine-Printer-Scanner-Copier

HP Scanner flatbed

HP Printer 845c

HP C3180 Printer

3 Keyboards & Mouse

3 Speakers

HP Computer

Compaq Computer

Noblis Computer

4 Monitors

Community

Center

Nautilus Leg Press

Precor Elliptical

IT

Linksys EtherFast 10/100 8-Port Workgroup Hub

Linksys EtherFast Cable/DSL VPN Router (with 4 port switch)

Liquor Store 30'x70' Building with furnace, AC, ductwork, light fixtures and ceiling tiles
Walk-in cooler-30x14-12 glass doors with 2 condensers and compressors
Gravity feed shelving for cooler
Lozier shelving for retail sales floor
2 – 4 drawer file cabinet
2 check out stands
1 corner office desk
1 – copier/printer
Microwave
Utility sink

Community
Development 1988 Ford Bronco 4X4
1988 Ford Taurus 4 door

Parks 42 used tires of various sizes
Electric IBM typewriter
Texas Instruments calculator
Bellsouth answering machine
Samsung cash register
Wooden computer desk
Wooden office desk
Metal office desk

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the personal property described above is hereby declared no longer necessary, useful or suitable for municipal purposes. It being advisable and in the best interest of the City to sell such personal property.

Dated this 21st day of March, 2011.

Published: March 30, 2011

Effective: April 20, 2011

Carstensen 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 Brengle, second by Vasknetz and carried with all members voting yes to take item a. under New Business - Portable Toilet Contract for Rally 2011-2015 – Bill Brown, off the table.

Bill Brown, owner of Central States Sanitation, discussed the bid process and made a request to the Council to re-bid the contract due to a material error in specifications. Mr. Brown said that he did not want to take the 2011 contract from Kieffer Sanitation, but would like to have the Council re-bid the contract in September. Brown said that when he was figuring the bid, that he took into consideration the 2015 Rally as it will be the 75th and he felt the Kieffer Sanitation did not take that into consideration. Mike Diedrich, Attorney for Bill Brown, requested a fair bid process from the Council as the bid process was flawed.

After hearing both sides, the Council will take this matter into executive session for contracts.

Any other Business:

The Boy Scouts and their leader were present as they were working on their Citizenship badges. They said that if the City ever needed their help, to give them a call.

The Scout leader commented that snow removal has been outstanding this year and that Code enforcement has been good.

Motion by Hersrud, second by Potts and carried with all members voting yes to go into executive session at 6:52 p.m. for contracts.

Motion by Vasknetz, second by Hersrud and carried with all members voting yes to come out of executive session at 8:38 p.m.

Motion by Hersrud, second by Carstensen and carried with all members voting yes to direct City Attorney Barnier to inform both parties involved with the Portable Toilet bid that it is the decision of the Council to affirm the bid award to Kieffer Sanitation for 2011-1015.

Mayor LaRue adjourned the meeting at 8:41 p.m.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED: _____
Maury LaRue, Mayor

Publish once at the total approximate cost

