

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, June 6, 2011 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Clint Brengle, Joe DesJarlais, David Hersrud, Jamie McVay, Tim Potts, Dane Sundstrom. Also present City Attorney Greg Barnier and Human Resource Coordinator Lisa Katzenstein. Absent: Kelly Vasknetz.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- Mayor Carstensen asked if anyone from the public would like to sit on the committee to hire a new City Manager; applications are available at the Finance Office.

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

Motion by DesJarlais, second by Hersrud and carried with all members voting yes to approve the minutes from the regular council meeting on May 16, 2011.

Motion by Brengle, second by Hersrud and carried with all members voting yes to approve the following claims with the exception of The Homeslice Group - \$4930.00 publ.

Wages – Ambulance \$24,369.91; Attorney \$5,482.38; Auditorium \$0; Buildings \$3,026.07; Cemetery \$1,998.28; City Manager \$15,576.55; Community Center \$27,024.05; Community Development \$9,806.03; Finance Office \$17,903.29; Fire Department \$4,160.21; Human Resource \$4,581.54; Library \$18,050.26; Liquor \$8,486.97; Mayor and Council \$7,126.47; Parks \$19,955.68; Police \$67,836.40; Rally \$6,268.18; Sanitary Service \$20,060.87; Streets \$16,399.72; Wastewater \$17,250.58; Water \$27,398.83; Federal Withholding \$29,671.45; FICA \$22,556.07.

Transfers Out – General Fund \$1,000; UDAG \$22,748.50; Liquor \$15,900.83; Wastewater \$20,891.42; Sanitation \$13,778.50; Special Sanitation \$4,858.42.

Transfers In – General Fund \$55,429.17; Revolving Loan Fund \$22,748.50; Sanitation - \$1000.00.

General – A&B Business, \$217.20, supp; A&B Welding, \$34.76, supp; Amazon, \$135.56, supp; Amcon, \$1121.85, merch for resale; Avaya, \$36.39, util; Baker & Taylor, \$968.60, supp; Kari Bates, \$65.03, refund; Bennett, Main & Gubbrud, \$54.44, other; BH Garage Doors, \$470.00, repair; BH Power, \$2123.45, util; BH Chemical, \$1746.04, supp; BH Harley Davidson, \$170.99, repair; Border States Electric, \$209.00, supp; Jerry Burnham, \$2418.36, prof fee; Butte Electric, \$571.65, util; CBH Cooperative, \$13,023.96, supp; Century Business Products, \$92.78, supp; Chain Saw Center, \$167.94, repair; Chamber of Commerce, \$1469.67, city promo; Clark Printing, \$354.80, supp; Community Center Petty Cash, \$61.96, supp; Curt Corey, \$234.00, cc prog exp; Council of State Governments, \$58.50, supp; Crossings, \$18.98, supp; Custom Cage, \$610.00, equip; Dakota Supply Group, \$88.59, supp; Wade Deuter, \$30.00, other; Dish Network, \$79.95, util; Door Security Products, \$75.00, repair; Beth Duffield, \$830.20, cc prog exp; Eddies Truck Sales, \$534.14, repair; EKE Inc, \$566.23, supp; Energy Lab, \$74.20, maint; Executive Business Communications, \$53.00, repair; Fedex, \$51.17, supp; Finance Ofc Petty Cash, \$85.64, supp; Flexible Benefits Dept, \$72.62, other; Foothills Seed, \$137.50, supp; Fry Communications, \$65.00, publ-rally; G&G Enterprises, \$240.00, merch for resale; G&R Controls, \$535.72, repair; Glover Investments, \$1800.00, rental; Golden West Tech, \$150.00, repair; Goldmine Enterprises, \$4364.25, merch for resale; Scott Hast, \$30.00, other; Hauff Mid-American Sports, \$524.00, cc prog exp; Hebron Brick, \$389.13, supp; Heiman Fire Equip, \$441.20, repair; Hills Materials, \$1804.72, supp; Ikon Office Solutions, \$202.65, prof fee; J&L Services, \$195.00, repair; Jerry's Refrigeration, \$83.25, repair; Johnston Hardware, \$826.78, repair; Knight Security, \$119.95, repair; Knology, \$2469.74, util; Kone, \$120.00, repair; Lcal Equip, \$916.50, repair; Ladner Excavating,

\$363.87, rent; Bev Lewis, \$150.00, sale of cem lots; Light & Sire, \$109.95, equip; Meade Co Auditor, \$2797.24, util; Candy Morrell, \$3311.09, repair; Motoring USA, \$4102.00, prof fee; Mystery Guild, \$32.46, supp; Neve's Uniforms, \$1712.21, supp; Newman Traffic Signs, \$920.64, supp; Pete Lien & Sons, \$32.23, supp; Pitney Bowes, \$132.00, rent; Print Mark-et, \$805.70, publ; Purchase Power, \$487.81, supp; PVP Communications, \$464.00, supp; Rapid City Journal, \$96.00, supp; Rapid Fire Protection, \$325.00, repair; Rockingtree Floral, \$837.43, other; Rushmore Office, \$295.92, supp; Sand Creek Printing, \$348.75, supp; Fred Schmidt, \$60.00, other; SD Federal Property, \$248.75, supp; SD Gov't Finance Office Assoc, \$867.00, travel; SD State Archives, \$28.80, supp; Servall, \$537.63, supp; Sturgis Jaycees, \$18.88, merch for resale; Sturgis Veterinary Hospital, \$352.20, prof fee; Subway, \$43.89, supp; Summit Signs, \$32.00, supp; Twilight First Aid, \$95.70, supp; Vanway Trophy, \$14.47, supp; Matt Veal, \$30.00, other; Verizon, \$2299.39, util; V-Twin Expo, \$2200.00, travel; West River Electric, \$366.85, util; Steve Westbrook, \$30.00, other; Western Door, \$656.56, repair; Donald Whitehead, \$30.00, other; James Williams, \$234.00, cc prog exp; Ziegler Building Center, \$113.76, supp.

Brick Project – CBH Cooperative, \$45.26, supp; Fedex, \$122.39, supp; Meade Co Times, \$27.92, prof fee.

Ambulance – BH Power, \$456.43, util; James Burnfield, \$294.40, amb chrg; Century Business Products, \$85.02, supp; DB Billing, \$2527.74, prof fee; Flexible Benefits Dept, \$7.70, other; Front Range Fire Apparatus, \$164.08, supp; Knology, \$101.85, util; Print Mark-et, \$57.55, publ; Purchase Power, \$43.12, supp; Regional Home Medical Equip, \$334.84, supp; Think! Toner & Ink, \$66.00, supp; Verizon, \$68.26, util.

Special Sales Tax – Chamber of Commerce, \$10,416.67, chamber; SEDC, \$10,416.67, indus dev.

Liquor – Amcon Disbributing, \$3810.78, cig for resale; Eagle Sales, \$20.75, other; Knology, \$164.12, util; Okoboji Wines, \$455.25, off sale liquor; One Way Service Pros, \$820.90, supp; Print Mark-et, \$57.55, publ; Sand Creek Printing, \$227.56, supp; Schade Vineyard, \$432.00, off sale liquor; Servall, \$188.62, supp; Tatiana's Import Beverages, \$59.20, off sale beer; Tour Ice, \$227.10, merch for resale; Verizon, \$53.87, util.

Water – BH Power, \$6431.98, util; Butte Electric, \$183.60, util; Finance Ofc Petty Cash, \$14.00, supp; Flexible Benefits Dept, \$6.88, other; Knology, \$166.25, util; Candy Morrell, \$362.55, maint; Pedersen Excavating, \$21,186.00, cap imp; Print Mark-et, \$57.55, publ; Verizon, \$345.50, util; Wells Fargo Bank, \$18,898.14, prin, int.

Wastewater – Alltel, \$150.44, util; American Highway Prod, \$3459.41, repair; BH Power, \$1965.96, util; Century Business Products, \$54.69, prof fee; City of Belle Fourche, \$57.06, other; Contractor's Supply, \$236.25, repair; Dakota Backup, \$68.42, prof fee; Candy Morrell, \$238.18, maint; Print Mark-et, \$57.55, publ; Robert Telkamp, \$89.55, repair; Verizon, \$163.30, util; Wells Fargo Bank, \$152,903.11, prin, int.

Sanitary Service – CBH Cooperative, \$815.84, supp; Century Business Productions, \$195.76, prof fee; City of Belle Fourche, \$14,930.05, other; Diesel Machinery, \$5718.24, repair; Fastenal Company, \$67.18, repair; Jenner Equipment, \$49.40, repair; Johnston Hardware, \$2.59, repair; McGas Propane, \$10.80, supp; Candy Morrell, \$238.18, maint; New Waste Concepts, \$24,867.75, supp; Northern Truck Equip, \$143.00, repair; Print Mark-et, \$57.59, publ; Qwest, \$55.39, util; Verizon, \$44.56, util.

Dare Trust – Tee's Plus, \$192.18, supp.

Motion by Potts, second by Hersrud and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to approve the Homeslice Group claim for \$ 4,930.00 publ.

Committee Report:

Councilor DesJarlais reported that the library is now offering TumbleBooks, an exciting new database of on-line, animated books for children, ages 4 through 10. It will be remotely accessible on the library blog and web site. The computers in the Children's Library will also be set up with direct access on the site. Over 230 children, tweens and teens have signed up to participate in the Summer Reading program. On June 28th, the library is hosting a special performance of "Doubleplay, from Bach to Beatles" on tuba and

flute at the Community Center theatre at 2:00. This is part of the summer reading program and is free to the public.

Councilor DesJarlais reported that the Forest Service and the Forestry Board had inspected the Davenport Dam property for bark beetle infestation. It will be a very difficult and expensive project to harvest these bug trees and will have to be done from the top. The Forest Service will continue to monitor this situation.

Management Team Report:

Motion by Brengle, second by McVay and carried with all members voting yes to approve the following new hires, wage increases and volunteers: **Library** – Circulation Librarian- Annette “Toni” Moore-\$11.01, Librarian Assistant-part-time-Krystal Christensen-Wiederrich-\$8.00. **Ambulance**-EMT-B-part-time-Mitch Carlson-\$8.00. **Parks**- Maintenance- Cody Nichols-\$8.00. **Cemetery**-Maintenance-Seasonal-Lucas Mack-\$7.50, Glenn Reimer-\$8.00. **Community Center**-Fun & Fitness-seasonal-Sam Bartels-\$8.00, Front Desk-part-time-Theresa Hinker-\$7.50. **Liquor**- Clerk-Sue Smith - \$8.00. **Wage change: Community Center**- Night/Weekend Supervisor-Leah Hinker-\$8.75, Adam Hosch and Jeremy Eckhart-\$9.25; Lifeguard-Rachel Moken, Rebecca Clausen, Nodia Lippert-\$8.00; Front Desk-Bennett Prosser and Jarret Fowler-\$7.75, Kristine Estes-\$7.50. **Parks**-Maintenance-Seasonal-April Finn-\$8.50 (Wage adjustment). **Volunteers:** Library – Roberta Freeman and Larissa Adam. Community Center- Larissa Adam. Parks-Megan Andersen, Nate Anderson, Brady Buchholz, Molly Buchholz, Mary Gruble, Taygen Johns, Jayci Lamphere, Caden Packer, Casey Packer, Cody Packer, Kaitlin Peterson, Karlee Peterson, Tara Reinert, Kristi Steffes and Jaron Stiegeimeier.

Public Works Director Randy Nohava reported that Sacrison Paving will start next week on the paving project. A schedule will be available sometime this week. Murray Addition repairs have been made.

Finance Officer Fay Bueno reported that overall sales tax is up 5% through May.

Motion by Hersrud, second by McVay and carried with all members voting yes to approve a zoning variance of a 3 foot setback for an attached garage for Paul and Jeanette Staley at 2622 Moose Drive.

Motion by Hersrud, second by Brengle and carried with all members voting yes to approve a zoning variance of a 7 foot front-yard setback for a double-wide mobile home, with stipulations, for Carolyn Bertalot at 3136 Vanocker Drive.

Motion by Brengle, seconded by Potts and carried with all members voting yes to approve the second reading of Ordinance 2011-03 – Title 2 – Temporary Structures.

ORDINANCE 2011-03
AN ORDINANCE AMENDING TITLE 2,
CONTRACTORS’ LICENSING AND CONSTRUCTION REGULATIONS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 2, – is hereby amended to read as follows:

- 2.01: General Provisions
- 2.02: Building Code and Construction Standards
- 2.03: Building Inspector and Building Permits
- 2.04: Licensing and Regulation of Construction Contractors
- 2.05: Licensing of Electrical Construction
- 2.06: Licensing of Plumbing Construction

- 2.07: Licensing and Regulation of Building and Structure Movers
- 2.08: Licensing and Regulation of Public Excavations
- 2.09: Revocation of Licenses
- 2.10: Fences
- 2.11: Erosion Control Regulations
- 2.12: Miscellaneous
- 2.13: Appeal Process

CHAPTER 2.01 GENERAL PROVISIONS

SECTIONS:

- 2.01.01: Scope and Purpose
- 2.01.02: Definitions for Title
- 2.01.03: Penalty

2.01.01: SCOPE AND PURPOSE

The purpose of this Title is to regulate the building of structures within the City and to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of all buildings, streets, sewer and water mains within the City. The purpose of the Title also includes setting forth the licensing requirements for certain contractors and adopting certain uniform codes and regulations for guidance in the area of construction.

2.01.02: DEFINITIONS FOR TITLE

ARSD: Administrative Rules of South Dakota

ASSISTANT BUILDING INSPECTOR: The Assistant Building Inspector shall be any person appointed to assist the Building Inspector with his duties as provided by this Title.

BEST MANAGEMENT PRACTICES (BMP'S): Control measures which reduce or prevent the discharge of pollutants (defined at ARSD 74:52:01:35) to waters of the State of South Dakota.

BUILDING CODE: The specific Building Code whether it be uniform or international adopted by the City of Sturgis.

BUILDING INSPECTOR: The Building Inspector shall be any person appointed to perform this duty as provided by this Title.

CLEARING: Any activity that causes the removal of the vegetative surface cover.

CODES: The current adopted addition of codes and ordinances adopted by the State of South Dakota and the city.

CONSTRUCTION: The act of construction including but not limited to, the rough framing, remodeling, shingling, siding, new construction, concrete, alteration, addition, repair or erection of buildings or structures, all construction required to possess a permit within the city.

CONSTRUCTION STANDARDS: The City approves specifications for the installation of streets, water, sewer and storm sewer improvements within the public right of way or established utility easements.

CONTRACTOR: Any contractor appropriately licensed as required by the City of Sturgis Ordinances.

DRAINAGE WAY: Any channel that conveys surface runoff throughout the City of Sturgis.

ELECTRICIAN: Any person who is licensed by the State of South Dakota and the City to perform electrical work which includes but is not limited to running conduit, installing wiring, terminating wiring, and installing electrical fixtures or motors.

EROSION CONTROL PLAN (ECP): A plan prepared for a specific site which dictates the specific measures and controls and their application sequence for the control of sediment and erosion on the site.

FINAL STABILIZATION: The return of a construction site to a finished condition in which all final improvements and vegetation has been placed and are functioning as planned in accordance with the Storm Water Pollution Prevention Plan and Erosion Control Plan submitted and approved for the site.

FLAME RETARDANT OR FLAME RESISTANT TARP: A tarp that has a physical marking or tag attached to it which shows that the tarp has been tested and declared flame resistant and/or flame retardant. Tarps not bearing this physical insignia shall not be considered Flame Retardant or Resistant.

GENERAL RESIDENTIAL CONTRACTOR: Any person who oversees and/or participates in the act of residential construction and/or excavation on property other than that owned and occupied by them as their primary residence and who is responsible for the final product.

GRADING PERMIT: A permit issued by the City of Sturgis for construction, excavation, grading, clearing and any other land disturbing activity.

LAND DISTURBING ACTIVITY: Any activity that involves grading, clearing, or the moving of topsoil, rock, or any other natural surface from a property.

MUNICIPALITY: Wherever the word "municipality" is used in the Uniform Building Code, it shall be held to mean the City of Sturgis, South Dakota.

NORMAL BUSINESS HOURS: 8:00 a.m. – 5:00 p.m. Monday through Friday, except days that are nationally recognized as a holiday.

PERIMETER CONTROLS: Erosion control measures that protect neighboring properties from storm water runoff and sedimentation.

PERMANENT STRUCTURE: A structure that is designed or intended for support, enclosure, shelter or protection of person or property. Said structure shall have a permanent roof that is supported by columns or walls and is maintained for 365 days a year and built in compliance with the Building Code for which the occupancy of the structure is being used.

PERMANENT BARRIER: A wall or fence which has been constructed as a permanent attachment to property and is a minimum 5'0" in height and has openings which are no larger than 4" in any direction.

PERMANENT BUSINESS: means a business use which is in physical operation and open to the public for a period equal to or greater than five (5) months from January 1 thru December 31 of the current year

and resides at a fixed location within the City of Sturgis, consistent with the requirements of Section 18.10.02 of the Sturgis City Ordinances.

PLUMBER: Any person who is licensed by the State of South Dakota and the City to perform plumbing work which includes but is not limited to gas piping, water and sewer piping, installation of plumbing fixtures, including water heaters and reparation of piping or plumbing fixtures.

RESIDENTIAL SUBCONTRACTOR: Any person who is engaged in the act of residential construction and/or excavation under supervision of a general contractor on property other than that owned and occupied by them as their primary residence. If the subcontractor is not under supervision of a general contractor, the subcontractor becomes the general contractor.

SD DENR: South Dakota Department of Environment and Natural Resources

STABILIZATION: The use of practice and methods that prevent exposed soils from eroding including but not limited to grass, trees, sod, mulch, or other materials which prevent erosion and assist the soil in the retention of moisture.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A plan prepared for and approved by the SD DENR required to obtain a Storm Water Permit for construction which disturbs more than 1 acre of land or Industrial activities having a Standard Industrial Code (SIC) between 20 – 39.

TEMPORARY BUSINESS: means a business use which is in physical operation and open to the public at one or more locations for a period less than five (5) months from January 1 thru December 31 of the current year even though the business may have a permanent or fixed location within the City of Sturgis. This period of operation excludes the period of the annual Sturgis Motorcycle Rally.

TEMPORARY STRUCTURE: Any vending stand, reviewing stand, canopy tent, Truck and Trailer with or without awning, or other miscellaneous structure which is intended for use on a temporary basis.

WATERCOURSE: Any body of water including, but not limited to, lakes, ponds, streams, and other bodies of water delineated by the City.

WATERWAY: A channel that directs surface runoff water to a watercourse or to a public storm drain.

WATERS OF THE STATE : All waters within the jurisdiction of the state of South Dakota, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, but not waste treatment systems, including treatment ponds, lagoons, or treated water distribution systems designed to meet the requirements of the Clean Water Act other than cooling ponds as defined by 40 C.F.R.:423.11 (m) (July 1, 1991)

2.01.03: PENALTY

Any violation of the provisions of this title is a Class 2 Misdemeanor punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or State law.

In addition to the general penalty as stated above, any cleanup required by the City for the removal of mud tracked onto the street from the site, extra cleaning of the storm sewers or drainage ways, etc., will

be charged to the permit holder at a rate of 1 and ½ times the normal equipment rates and labor rate for the City.

Failure to pay any applicable fees within thirty (30) days of said notice may result in the revocation of any and all outstanding permits and licenses held through the City.

In addition, any violation of the provisions of this Title may result in the revocation, suspension, or refusal to issue any license pursuant to any Section of the Title.

In addition, any person who commences any work toward erecting or constructing a building or structure or causes any alterations to an existing building or structure which requires a Building Permit under the terms of this Title before obtaining the necessary permit shall be subject to an administrative penalty fee, equal to eighty per cent (80%) of the amount of the permit fee required by this Title.

2.03.14: TEMPORARY STRUCTURE PERMIT REQUIRED

Temporary structures, such as vending stands, reviewing stands, canopies, tents, Trucks and Trailers with or without awnings, and miscellaneous structures may be erected in areas zoned Highway Service and General Commercial, provided that a special temporary structure permit is obtained for each temporary structure. Said permit shall be issued by the Building Inspector or his/her designee for a period not to exceed 30 days per location. This 30 day time frame shall include set up and tear down time.

For the purpose of this Section “location” shall be the site on which the temporary structure is first constructed or placed. A temporary structure may not be disassembled and reconstructed or moved to a different location on the same property or parcel of land, or an adjacent parcel of land, after an initial permit is issued for the structure.

No vendor, solicitor, temporary merchant or landowner shall begin to erect or allow the erection of a Temporary Structure, as defined in this chapter, for use during the Sturgis Motorcycle Rally more than seven (7) days prior to the beginning date of the temporary vending permit establishing the location of the temporary structure, or leave it erected more than four (4) days after the expiration of the temporary vending permit. Furthermore, the vendor, solicitor, temporary merchant or landowner shall be permitted to operate a temporary business from the temporary structure only during the specified dates of the temporary vending permit, and shall not be required to obtain a Temporary Structure permit so long as the business is in compliance with all other city ordinances, state and federal laws the vendor, solicitor, temporary merchant or landowner possesses a valid vending license issued by the City of Sturgis.

2.03.15: REQUIREMENTS FOR TEMPORARY STRUCTURES

The following requirements shall apply to all temporary structures, except those specifically exempted above.

The structural frame of all temporary structures shall be made of steel, aluminum, PVC or wood. If constructed of wood, the smallest wood member shall not be less than 2” by 4” in width.

1. Wood used for the interior and exterior skins of a temporary structure may be as follows: ½” plywood, ½” chipboard, or particleboard.
2. Wood, as defined above, may also be used for shelving temporary structure.

3. Tarps, which are utilized on temporary structures, which are occupied by temporary merchants, shall be flame retardant or flame resistant as defined in this Ordinance. All tarps not complying with this ordinance shall be removed.

B. All temporary structures shall be removed upon expiration of the time limit stated on the Temporary Structure permit.

C. If the structure is not removed by the expiration date stated on the permit, the City shall remove the structure without further notice to the owner and shall charge the cost of the removal to the owner. At the time the permit is issued, the Building Inspector or his designee shall provide the owner with a copy of this Ordinance. The owner or occupant of the temporary structure shall sign the permit, which will serve as an acceptance of service, which will constitute sufficient notice that the structure is not to be placed for more than 30 days. The City may bring action in magistrate or circuit court for the recovery of costs incurred for the removal of said structure or structures.

D. In the event that a structure erected pursuant to this Section is not removed by the expiration date and the City is forced to make repeated contacts with the owner of the property upon which the structure is erected or the individual who applied for the permit, the Building Inspector shall not issue subsequent permits under this Section to the owner of the property for the location unless the Building Inspector has reached an agreement with the owner of the property to assure the owner's future compliance with any temporary structures erected at that location.

E. Temporary structures or appendages thereof shall not be placed closer than 5'0" to any public alley. (Exception: When the property owner provides a permanent barrier which is a minimum height of 5'0" between the temporary structure and the public right of way, the temporary structure may be placed closer than 5'0" to the public right of way. No sales may be permitted through the permanent barrier.)

F. The permit hereinbefore described may be suspended or revoked if at any time the structure or its occupants are in violation of the Ordinances of the City of Sturgis or the laws of the State of South Dakota.

G. Temporary structures may not be used for housing permanent or seasonal businesses.

2.03.16: EXEMPT TEMPORARY STRUCTURES

The following temporary structures shall be exempt from the requirements set forth in the preceding Section.

A temporary structure being used for the purpose of a temporary office during a construction project;

A temporary structure being used for the purpose of a realty office in a new development;

Temporary storage buildings used in conjunction with a permanent retail or wholesale business or residence, provided that said structures meet the set back requirements for the zoning district in which they are placed; and shall not exceed 120 Sq. Feet.

Temporary storage buildings owned by a business that rents or sells them at one location to the general public.

In conjunction with a permanent business as defined herein, the permanent business shall be allowed one (1) Temporary Structure to be located on the property so long as it shall not to exceed 600 Square Feet.

Furthermore the business operating in or from the Temporary Structure shall be selling or vending items of like nature to which the permanent business sells or vends.

Dated this 6th day of June, 2011.

First reading: 05-16-2011

Second reading: 06-06-2011

Adopted: 06-06-2011

Published: 06-15-2011

Effective: 07-05-2011

This was the time and date set by application for a public hearing for a special events license for The Knuckle Saloon at the Sturgis Fairgrounds for the PRCA Rodeo on June 17-18 and 19. Motion by McVay, second by DesJarlais and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to approve the application for the special events license.

This was the time and date set by application for a public hearing for a special events license for the Boulder Canyon Convention Center for Black Hills Ultra Marathon Runner Banquet to be held on June 24th & 25th. Motion by McVay, second by Potts, motion failed with Hersrud and Sundstrom voting yes, Carstensen, DesJarlais, McVay and Potts voting nay and Brengle abstaining.

This was the time and date set by application for a public hearing for a special event license for the Boulder Canyon Convention Center for two wedding reception, one on June 11th and the other on June 18th. Motion by McVay, second by Potts and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to approve the application for the special event licenses.

This was the time and date set by application for a public hearing for a special event license for the Boulder Canyon Convention Center for SD Paraprofessionals Annual Conference to be held on June 8,9 and 10th . Motion by McVay, second by DesJarlais, with DesJarlais, Hersrud and Sundstrom voting yes, Carstensen, McVay and Potts voting nay and Brengle abstaining. No action was taken on this motion at this time as the vote count was 3-3-1.

The Council re-visited the request for a special events license for the Boulder Canyon Convention Center for SD Paraprofessionals Annual Conference to be held on June 8,9 and 10th and a second vote was taken, Hersrud made the motion, DesJarlais seconded the motion to approve the special events license for the Boulder Canyon Convention Center for SD Paraprofessionals Annual Conference to be held on June 8,9 and 10th with Hersrud, Potts and Sundstrom voting yes, Carstensen, DesJarlais and McVay voting nay and Brengle abstaining. No action was taken on this motion as the vote count was still 3-3-1. City Attorney Barnier will advise the Council on the outcome after he looks into the matter of the vote count.

This was the time and date set by application for a public hearing for use of City Property the Chamber of Commerce for the Main Street Arts Festival on June 25, 2011. Motion by Brengle, second by McVay and carried with all members voting yes to approve use of City property for the Chamber of Commerce.

This was the time and date set by application for a public hearing for the renewal of the following off-sale malt beverage licenses and on/off sale malt beverage licenses.

Package (off-sale)

1. Pamida Store Operating Co., LLC – Pamida, 2105 Lazelle
2. Rick & Brandy Jacobs – Jacobs Motor, 1412 Junction Ave
3. Nash Enterprises Inc – Kwik Mart, 2217 Junction Ave
4. Fresh Start Convenience Stores, Inc – Fresh Start Sturgis, 2620 Lazelle

5. Fresh Start Convenience Stores, Inc – Fresh Start Sturgis Conoco, 2350 Lazelle
6. Moyle Petroleum Co – Common Cents Food Store, 2421 Junction Ave
7. MG Oil Co – Corner Pantry #6, 990 Lazelle
8. Kan-Meyer Inc – Grocery Mart, 2216 Junction (This includes SD Farm Wine)
9. Farmers Union Oil Co – Cenex C-Store, 2030 Lazelle
10. Country Stores, Inc – BJ’s Country Store, 2640 Lazelle St 1
11. Mt. Rodney RV Park – 1175 W. Woodland Drive
12. Lynn’s Discount Foods – Lynn’s Dakotamart – 1111 Lazelle (This includes SD Farm Wine)

Retail (on-off) Sale

1. Shifter’s Holdings LLC – Shifter’s Café and Bar, 1025 Junction Ave
2. Sturgis Events LLC – Sturgis Events, 1231 Lazelle
3. Lybeck’s Twenty-First Century Inc – Shenanigan’s Casino, 935 Main St
4. Glen and Suzanne Bailey, LLC – Big Bertha’s Biker Bar, 1123 Main St
5. Buffalo Bills Bowling & Firehouse Saloon – 910 1st Street
6. Days End Campground Inc – Days End Campground, 2501 Avalanche Rd
7. Mike & Nancy Bachand – Mike’s Place, 1337 Main St
8. Rally Events Inc – REI, 1337 Main St
9. Jim Mason – Gold Pan Pizza, 1133 Main St
10. Norma & Wayne Weyer – Poker Alice Casino, Lot A of Lot X-1 of Lot X, Schnell’s Addition, 850 sq ft on SE corner of Building located on the above described lot
11. Schmid Investments-Side Hack Saloon LLC – Sidehack Saloon, 1027 Lazelle (This includes on/off sale SD Farm Wine)
12. Dungeon Bar, Inc – Royal Flush Casino & Sport Bar, 1030 Main St
13. Buffalo Bills Corp – Buffalo Bill’s Casino, 1544 Lazelle
14. Chives an American Bistro – 2214 Junction (This is also a name change, they will be a LLC)
15. Black Hills Pizza Hut of Sturgis – Pizza Hut of Sturgis, 2249 Lazelle
16. Tom’s T’s – Sturgis Wine Company – 1117 Main Street
17. Clayettna, Inc. dba Pizza Ranch, 2711 Lazelle Street
18. MAJR, LLC – Sturgis Coffee Company, 2275 Lazelle Street
19. Charley’s Sturgis Classic Bike Event – Charley’s, 947 Main Street
20. Melissa Penland – Broken Spoke Saloon, Inc. 905 Lazelle St.
21. Kan San 2 – 2715 Lazelle St. Suite B
22. Dennis Lovold & Paul Ullerich, LLP – Road Kill Café – 1333 Main St.
23. 3H Brothers – Temporary Insanity – 1012 Main St
24. Willie Nillie Inc. – Willie Nillie – 2715 Lazelle St. Suite D
25. Billy & Jason Fields – Rosco’z, 976 Lazelle
26. Main Street Grill (Bob’s Family Restaurant) 1039 Main Street

Mayor Carstensen asked if there were any character or location issues. Police Chief Bush said there were no character issues and Community Development director Rick Bush commented that 1333 Main Street had buildings that were in disarray and that he had been told that they were tearing these buildings down. Motion by McVay, second by Hersrud and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to approve the renewal of the Malt Beverage license for the year 2011-2012.

This was the time and date set by application for a public hearing for the Broken Spoke Saloon for a on/off sale wine license. Motion by Hersrud, second by Potts to approve the application for a wine license. After discussion on the condition of the structure, a motion was made by McVay, second by Potts and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to table this application until the next meeting in order to gather more information about the structure.

Motion by Potts, second by Hersrud and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to table the application for an on/off sale wine license from the Road Kill Café as there are questions about their structures.

A discussion was held with Paul Bisson and Tom Reddy about building an assisted living facility on Moose Drive. A feasibility survey was done in 1999 that recognized the need for this type of facility. Mr. Reddy describes himself as the person that brings all the players together to build these facilities. He has built approximately 25 facilities with 17 of these facilities being identical to what he is proposing for Sturgis. The facility would be 22000 square feet with 33 studio apartments available; they would provide 3 meals a day to their residents.

Hersrud introduced the following written resolution and moved its adoption:

RESOLUTION 2011 – 13
A RESOLUTION TO CONVEY REAL PROPERTY TO
STURGIS ECONOMIC DEVELOPMENT CORPORATION

WHEREAS the City of Sturgis is the owner of real property which is described as follows:

Lot 17 of Lot A-2 of Hurley Subdivision, located in the SE1/4 of the SW1/4, Section 9, T5N, R5E, B.H.M., City of Sturgis, Meade County, South Dakota

WHEREAS SEDC has made a request to the City of Sturgis to convey said property to SEDC pursuant to SDCL 9-27-36; and

WHEREAS the request from SEDC to the City of Sturgis is to provide support for economic development derived from the construction for a 33 bed assisted living facility on the above described property; and

WHEREAS the planned assisted living facility will have a projected construction cost of 3.5 million dollars: and

WHEREAS the planned assisted living facility will create approximately 20 jobs; and

WHEREAS the planned assisted living facility will start construction in the Fall of 2011; and

WHEREAS THE Greater Sturgis Lifecare Foundation, SEDC and Meade County are also providing financial support for the construction of this assisted living facility; and

WHEREAS pursuant to the above referred to statute the City has the power to convey real property to a non-profit local economic development corporation for authorized economic development purposes.

NOW THEREFORE as set forth herein it is hereby resolved that the Mayor of the City of Sturgis, Mark Carstensen, is hereby authorized to execute a deed consistent with Resolution conveying from the City of Sturgis to the Sturgis Economic Development Corporation the real property above described for the purposes set forth above and shall be authorized to convey by deed the above described property as provided for in this resolution.

Dated this 6th day of June, 2011.

Published: 06-15-11

Effective: 07-06-11

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

Bregle introduced the following written resolution and moved its adoption:

RESOLUTION 2011-12

A RESOLUTION OF THE CITY COUNCIL OF STURGIS IN SUPPORT OF MEADE COUNTY'S
ORDINANCE NO.36 ESTABLISHING SPECIAL ZONING AREAS

WHEREAS, the County Commission of Meade County, South Dakota, has adopted Ordinance No. 36- Establishing Special Zoning Areas, pursuant of the Jurisdiction of SDCL Chapter 11-2, 1967, as amended, of the South Dakota Statutes and which has been determined are necessary for the purpose of promoting the health, safety, morals, comfort, and general welfare, and conserving the values of the properties throughout the Special Zoning Areas, and lessening or avoiding undue congestion in the public street or highways; in securing safety from fire, negative environmental impacts and other dangers; to prevent overcrowding of land; to avoid undue concentration of population in non-serviceable areas; and to facilitate the adequate provision of transportation, water, sewerage, schools, open space and public improvements, all in accordance with the Meade County comprehensive plan.

WHEREAS, these regulations are a part of the Meade County planning and zoning program and are considered along with the County's Comprehensive Plan, and applicable County Ordinances. These Special Zoning Area regulations are in accordance with the Comprehensive Plan for Meade County which shall be in effect at the time of the adoption of these regulations. Said Comprehensive Plan encompasses planning goals and objectives, estimates of population growth, land use surveys, a land use plan, plans for roads and future roads, other transportation facilities, public service, and utilities.

WHEREAS, a planning goal of Meade County is to assist with continued development of Meade County utilizing adopted ordinances and this Special Zoning Area Ordinance, paramount among the Meade County's objectives are:

To recognize the importance of supporting the free market system including unrestricted competition and unrestricted market entry by producers, businesses and consumers.

To preserve residential neighborhoods and agricultural land;

To insure that new subdivision and commercial developments will not unduly interfere with accepted farming or ranching practices on adjacent land or create negative environmental impacts;

To make maximum use of existing growing areas; and

To discourage development in areas where desired services cannot be provided in a cost effective manner and the safety of citizens could be jeopardized due to the lack of fire protection, flood mitigation, law enforcement, and ambulance services.

Need for public services and facilities in both size and location that depends on the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement to the physical environment.

NOW THEREFORE BE IT RESOLVED by the Sturgis City Council that the City of Sturgis supports Meade County Ordinance No. 36 Establishing Special Zoning Areas; Furthermore the Sturgis City Council recognizes this to be in the best interest of the City of Sturgis as it provides to promote the health, safety, or general welfare of its citizens. Zoning ordinances recognize that people in a community live cooperatively and have certain responsibilities to one another. Land use regulations such as subdivision regulations are based on the premise that growth should comply with specific standards and proceed in an economically efficient, cohesive manner.

Dated this 6th day of June, 2011

Published: June 15, 2011

Effective: July 6, 2011

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

At this time a secret ballot, with the seven names that had applied for the Ward two seat, were cast. After the vote, a motion was made by Brengle, a second by Hersrud and carried with all members voting yes to approve the appointment of Marcia Johnston as the Ward two councilperson.

Motion by Brengle, second by Hersrud and carried with all members voting yes to approve the following Council sub-committees: Legal and Finance: Mayor Mark Carstensen, Clint Brengle, Tim Potts and Joe DesJarlais. Ordinance Committee: David Hersrud, Jamie McVay, Dane Sundstrom and Marcia Johnston. Sponsorship Committee: Mayor Mark Carstensen, Clint Brengle, Tim Potts, David Hersrud. City Manager Recruitment: Mayor Mark Carstensen, Tim Potts, Joe DesJarlais, Jamie McVay.

Motion by DesJarlais, second by Hersrud and carried with all members voting yes to approve the following Council Representatives on City Boards and Commissions: Department Head Staff Meeting: Mayor Mark Carstensen and Joe DesJarlais. Forestry Board: Joe DesJarlais. Joint Communications: Mayor Mark Carstensen and Joe DesJarlais. Library Board: Marcia Johnston. MUB: Kelly Vasknetz and Mayor Mark Carstensen (Backup). Parks Board-Mayor Mark Carstensen. Planning Commission: Joe DesJarlais and Dane Sundstrom.

Motion by Hersrud, second by McVay and carried with all members voting yes to approve the following Council Representatives on non-City Boards and Commissions: BH Council of Local Governments: Tim Potts and Proxy Fay Bueno. Chamber of Commerce: Tim Potts and David Hersrud. Motorcycle Museum: Marsha Johnston. Transportation: Marsha Johnston.

Motion by Hersrud, second by DesJarlais and carried with all members voting yes to approve the following appointments to Park and Forestry Boards: Parks: Dr. Tom Hermann, Bill McKee, Keith Smit, Janine Short. Forestry: Aaron Jordan, Bill McKee, Ken Meirose, Dean Rasmussen.

Motion by Hersrud, second by Potts and carried with all members voting yes to approve the first reading of Ordinance 2011-01 – Title 3 – Licensing and Regulation of Alcohol, Malt Beverages and Drinking Establishments.

Motion by Brengle, second by Potts and carried with all members voting yes to approve the following mid-year funding requests: Neighborhood Works-Group Project - \$3000; Sturgis BAM Festival - \$1500; Fairgrounds Centennial Birthday Celebration - \$400 contingent on having the liability insurance by June 15th.

Motion by Hersrud, second by Potts and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to set a public hearing date of July 5, 2011 for a transfer of name for an on/off sale wine license for Chives Bistro. (They will be an LLC.)

Motion by McVay, second by Potts and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts and Sundstrom voting yes and Brengle abstaining to set a public hearing date of July 5, 2011 for a transfer of a on/off sale malt beverage owned by Mike Bachand to Country Store, Inc. (BJ's)

Brengle introduced the following written resolution and moved its adoption:

RESOLUTION NO 2011-14

RESOLUTION AUTHORIZING AN APPLICATION FOR "INTERIM" FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Sturgis (the "City") has determined it is necessary to proceed with improvements to its Water System, including but not limited to remove and replace an existing well; upgrade another well facilities and booster pump, and replace drinking water lines in the city (the "Project"); and

WHEREAS, the City has determined that "interim" financial assistance will be necessary to undertake the Project and an application for "interim" financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event "interim" financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for "interim" financial assistance in an amount not to exceed \$3,615,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for "interim" financial assistance.
3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Sturgis, South Dakota, this 6th day of June 2011.

Published: June 15, 2011

Effective: July 6, 2011

McVay seconded the motion for the adoption of the foregoing resolution with Brengle, Carstensen, DesJarlais, Hersrud, McVay, and Sundstrom voting yes and Potts abstaining and the resolution was declared passed and adopted.

Motion by Brengle, seconded by McVay and carried with all members voting yes to authorize the Mayor to sign the agreement with the Department of Transportation for funds to repair Moose Drive.

Motion by Brengle, second by Potts and carried with all members voting yes to authorize the Mayor to sign the Billboard Lease Agreement with G.I., LLC.

Any other Business:

Mayor Carstensen read a proclamation that stated that June 20, 2011 will be designated "Ride to Work Day" for scooters and motorcycles.

Meade County will hold a public hearing on June 8th at 6:00 p.m. in regards to drilling permits in the county.

Becky Israelson told the Council that they are circulating petitions to change the form of government back to Aldermanic Mayor/Council. She would like to see a City Administrator hired and felt that the Mayor and Council are doing a good job.

Motion by Potts, second by Brengle and carried with all members voting yes to go into executive session at 8:08 p.m. for personnel.

Motion by McVay, second by Brengle and carried with all members voting yes to come out of executive session at 8:55 p.m.

Motion by Brengle, second by Potts and carried with Brengle, Hersrud, McVay, Potts and Sundstrom voting yes and Carstensen and DesJarlais voting nay to appoint Councilperson Jamie McVay to the SMRI Board.

Motion by Brengle, second by Carstensen and carried with all members voting yes to adjourn at 9:03 p.m.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED: _____
Mark C. Carstensen, Mayor

Publish once at the total approximate cost

