

## 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, July 30, 2012 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Joe DesJarlais, David Hersrud, Marcia Johnston, Dane Sundstrom, and Ronald Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Kelly Vasknetz, Jamie McVay and Tim Potts.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

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

### Announcements:

- Mayor Carstensen commented on the passing of Maury LaRue and asked for a moment of silence.
- Councilor Johnston reported that her niece that is at the Olympics will have her first round on August 10<sup>th</sup> between 2:00-4:00 am. The only way to watch her will be via internet and will have to sign up with the cable provider that you use. If anyone wants more information, they can call Councilor Johnston at their business.
- There will opening ceremonies for the 2012 Rally on Friday, August 3<sup>rd</sup> at noon at Tom T's on Main Street.
- On August 18<sup>th</sup> the Community Center will be celebrating their 20<sup>th</sup> birthday with kids activities from noon to 5:00 pm and the barbeque will be from 5:00-7:00 pm.
- Mike Bachand thanked Gene Stock for his work on keeping the Parks and Cemetery in such good shape.

### Informational Reports:

Gene Stock gave an update on his Department:

- The staff has been helping with all of the events this summer.
- They have been cleaning up the storage areas for the Park.
- They are still doing quite a lot of mowing, watering of flowers and trees.
- Several irrigation systems have been repaired this year.
- They just finished landscaping around the Liquor Store.

Chief Bush gave an update of his Department:

- Updated the Council on the number of calls that his department has received since January.
- He had 13 reserve police officers graduate this spring.
- They have applied for a Highway Safety grant, which will provide a camera system, a radar system and 8 portable breath testers.
- Received grant money from ABC to allow the officers to set up check points for DUI.
- After the Rally they will be hiring for the Animal Shelter position.

City Managers Report:

- The 2<sup>nd</sup> cent sales tax is up 2.8% compared to last year and the 3<sup>rd</sup> cent is up 7.5%.

Motion by Waterland, second by Johnston and carried with all members voting yes to approve the consent calendar.

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

**Wages** – Ambulance \$13,962.01; Attorney \$2,884.62; Auditorium \$169.34; Buildings \$2,091.21; Cemetery \$2,543.85; City Manager \$4,725.34; Community Center \$14,706.61; Community Development \$4,912.92; Finance Office \$8,662.21; Fire Department \$4,261.65; Human Resource \$2,121.81; IT \$; Library \$8,569.06; Liquor \$4,678.43; Mayor and Council \$3,333.27; Parks \$17,939.42; Police \$35,628.96; Rally \$4,529.28; Sanitary Service \$9,202.63; Streets \$7,506.74; Wastewater \$8,271.01; Water \$14,375.16; Federal Withholding \$16,304.36; FICA \$12,895.17.

**General** – A&B Business, \$219.94, supp; Adams Machining, \$138.93, repair; Laurie Adkins, \$140.00, cc prog exp; Amazon, \$91.83, supp; Baker & Taylor, \$137.06, supp; Lane Barden, \$120.00, cc prog exp; Dusty Barker, \$30.00, other; Bryan Beaulizu, \$140.00, cc prog exp; Richard Bell, \$161.25, refund mayor's ride; Ann Bertolotto, \$9.68, supp; Beyond Basil, \$11,143.00, supp; BH Power, \$3040.64, util; Browns Engine Repair, \$79.00, repair; Jerry Burnham, \$2490.92, prof fee; CEASD, \$20.00, travel; Century Business, \$159.16, prof fee; Chain Saw Center, \$143.94, supp; City of Rapid City, \$5200.00, rental-rally; Community Center Petty Cash, \$31.75, cc prog exp; Corbon Law Enforcement, \$499.00, equip; Curtis Joe Records, \$3800.00, prof fee; Cycle Siren, \$832.00, repair; Dakota Spray Equipment, \$41.40, repair; Dakota Supply Group, \$284.40, repair; Diamond Vogel Paints, \$455.04, supp; Diesel Machinery, \$455.02, repair; DW Management, \$1400.00, prof fee; EBSCO Subscription Service, \$3302.59, repair; Fedex, \$1028.09, supp; Foothills Seed, \$53.00, supp; Fry Communications, \$89,744.72, publ-rally; Ft Meade Veterans Admin, \$339.15, supp; G&G Enterprises, \$280.00, merch for resale; Glover Investments, \$3000.00, rental-rally; Goldmine Enterprises, \$559.25, other; Jeff Guss, \$161.25, refund mayor's ride; Hebron Brick, \$50.55, cc prog expe; Hillyard, \$690.24, supp; Hunsleys Tint, \$100.00, supp; Knology, \$1973.28, util; Locks by Bernie, \$10.00, repair; Maverick Publishing, \$1000.00, publ-rally; Michelle McAuley, \$80.00, cc prog exp; Meade Co Auditor, \$1894.54, other; Mid America Books, \$149.16, supp; MDU, \$1025.22, util; Candy Morrell, \$3311.09, maint; Motionsoft, \$450.00, prof fee; Motoring USA, \$23,280.59, prof fee; Northern Comfort, \$800.00, prof fee; P&P Enterprises, \$90.00, other; Dane Pi, \$30.00, other; Pitney Bowes, \$180.58, supp; Purchase Power, \$400.00, supp; Rapid City Journal, \$36.00, publ; Rapid Diesel Service, \$255.20, repair; Rasmussen Mechanical Services, \$680.78, repair; Regional Health Physicians, \$18.00, prof fee; Richard Rezac, \$200.00, rally rentals; Rockingtree Landscape, \$207.50, supp; Rushmore Office, \$457.39, supp; Sacrison Asphalt, \$245.40, supp; Sam Erion Construction, \$9105.10, prof fee; Sand Creek Printing, \$278.00, publ-rally; SD Library Network, \$3558.00, repair; SD State Archives, \$28.80, supp; SD Wildlife Federation, \$20.00, supp; Signpro, \$37.50, supp; Signs Now, \$141.64, supp; Christina Steele, \$2800.00, prof fee; Sturgis Harley Davidson, \$10.00, other; Sturgis Liquor, \$19.14, supp; Swoop Productions, \$7500.00, prof fee; Vanway Trophy, \$517.85, cc prog exp; West Payment Center, \$387.60, supp; Donald Whitehead, \$60.00, other.

**Special Sales Tax** – Chamber of Commerce, \$10,666.67, chamber; SEDC, \$8333.33, ind dev.

**Capital Improvement** – Brosz Engineering, \$8192.00, cap imp; Doug O'Bryan Contracting, \$38,285.89, cap imp; SD Dept of Transportation, \$35,209.58, cap imp.

**Revolving Fund Loan** – Brosz Engineering, \$360.00, other.

**Liquor** – Amcon Distributing, \$1960.55, cig for resale; Cask & Cork, \$317.00, off sale liquor; Doubleup LLC, \$360.00, merch for resale; M&B Enterprises, \$110.20, snacks for resale; MDU, \$13.33, util; North Country Business Products, \$195.00, supp; Regional Health Physician, \$18.00, prof fee; Schade Vineyard, \$432.00, off sale liquor.

**Water** – A&B Business, \$.16, supp; BH Power, \$12,574.44, util; Dorsey & Whitney, \$5000.00, cap imp; Knology, \$314.20, util; Mainline Contracting, \$31,003.11, prof fee; MDU, \$12.97, util; Candy Morrell, \$362.55, maint.

**Wastewater** – Dakota Supply Group, \$647.64, repair; Fastenal Company, \$31.49, repair; Flexible Pipe Tool Co, \$1830.00, repair; Candy Morrell, \$238.18, maint; Rushmore Communication, \$889.00, prof fee; USA Blue Book, \$33.53, repair.

**Sanitary Service** – A&B Business, \$1.49, supp; BH Power, \$183.38, util; Diesel Machinery, \$224.72, repair; Key City Glass, \$110.00, repair; MG Oil, \$157.11, supp; Candy Morrell, \$238.18, maint; Northwest Peterbilt Co, \$106.92, repair; Rushmore Communication, \$889.00, prof fee.

**Ambulance** – BH Power, \$588.23, util; Dale’s Tire, \$783.68, supp; DB Billing, \$970.38, prof fee; Knology, \$85.82, util; MDU, \$16.97, util; Regional Home Medical Equip, \$334.24, supp; Richter’s Tire, \$90.00, repair.

Motion by Hersrud, second by DesJarlais and carried with all members voting yes to table the transfer of a on/off sale malt beverage license from Dennis Lovold, Russ Ullerich and Dusty Ullerich, Emporium of Design, LLC, (Road Kill Café) to Joseph Lupo – The Sturgis Trading Post, LLC to the Council meeting on August 20, 2012.

Motion by DesJarlais, second by Waterland and carried with all members voting yes to approve the use of City property, closure of street, for the Mustang Rally on September 1, 2012.

DesJarlais introduced the following written resolution and moved its adoption:

**RESOLUTION 2012- 37**  
**A RESOLUTION TO PERMIT OPEN CONTAINERS ON CERTAIN PUBLIC PROPERTY AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY**

WHEREAS the Sturgis Mustang Rally is an event that brings many tourists to the City of Sturgis and the surrounding area, and

WHEREAS the City of Sturgis has supported the Sturgis Mustang Rally event in past years, and

WHEREAS the Sturgis Mustang Rally organizers have requested a designation of an open container area within a portion of the public property of the City of Sturgis, and

WHEREAS the request from the Sturgis Mustang Rally is permitted under the authority of state law;

NOW THEREFORE IT IS HEREBY RESOLVED as set forth herein that the City of Sturgis shall hereby establish an open container area on September 1, 201 from 10:00 am to 7:00 pm on that public property open to the public, within area bounded on the West by the east edge of the Right of Way of 4<sup>th</sup> Street and bounded on the East at a point two hundred eighty (280) feet East of the intersection of Main Street and Middle Street, and including at the intersection of Main Street and Junction Avenue only the designated east/west pedestrian crosswalk, and from that intersection extending North along Junction Avenue to the southern edge of the alley between Dudley Street and Lazelle Street at its intersection with Junction Avenue, and continuing west from that intersection to the intersection of that alley and First Street, and further including the area between First Street and Third Street that is North of Lazelle Street and South of the creekbed, and then extending from this northern boundary line South to the north edge of the Right of Way of Sherman Street, including on Lazelle Street only the designated pedestrian crosswalks at each street intersection with Lazelle Street, and including within this boundary area the street area of Third Street, Second Street, First Street, Junction Avenue, and Main Street. This area shall be marked by city barricades with clearly legible signs, provided by the organizers and consistent with the limitations of this Resolution, stating that the barricade marks the boundary of

the open container area. The open container area does not include the City Library, nor any City Property not open to the public, and does not include any private property within the open container area.

Dated this 30th day of July, 2012.

Published: August 1, 2012

Effective: August 21, 2012

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

Motion by Hersrud, second by Johnston and carried with all members voting yes to approve the transfer of an on/off sale malt beverage license from Buffalo Bill Corp., Kenny Price to Sturgis Strikers, LLC – Barbara E. Hagman.

Motion by DesJarlais, second by Hersrud and carried with Carstensen, DesJarlais, Hersrud, Sundstrom and Waterland voting yes and Johnston abstaining to approve the following payroll changes: Ambulance Department – Paramedic Part-time – Ben Leonard - \$12 regular, \$14 rally; EMT-B Part-time – Chris Starr, Clint Walker - \$8 regular, \$10 rally. Auditorium – Temp Custodian – Bob Tipton - \$8.50. Community Center Department – Front-desk Part-time – Danielle Johnston, Lauren Fowler - \$7.25 regular, \$8.50 rally; Temporary Rally – Mike Abell - \$8.50, Erin Short - \$8.75, Nodia Lippert - \$8.75. Liquor Store – Temporary Rally – Larry Pollard - \$8.00. Rally Department – Temporary Rally – Laura Swanson - \$8.00, Joe Nedved - \$8.25, Eddie Wagner-\$8.00, Branden Jones - \$8.25.

Motion by Waterland, second by Johnston and carried with all members voting yes to approve Use of City Property-Fairgrounds for Half Mile Jackpine Gypsie Rally Races on August 8, 2012.

Motion by Waterland, second by Hersrud and carried with all members voting yes to approve the second reading of Ordinance 2012-14 – Title 18-Article V-Planned Unit Developments.

**ORDINANCE 2012-14**  
**AN ORDINANCE AMENDING TITLE 18 – ZONING – ARTICLE V-**  
**SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL OR**  
**TO ALL DISTRICTS**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 18 –Article V – Supplementary Regulations applying to a specific, to several or to all Districts is hereby amended to read as follows:

**ARTICLE V**  
**SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL**  
**OR TO ALL DISTRICTS**

**SECTION 1 - DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW**

In order to accomplish the general purpose of this Ordinance, it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development or because the effects of such uses cannot definitely be foreseen.

The following uses shall be subject to compliance with the regulations in this section and with the procedure for authorizing uses permitted on review as set forth in Article VII, Section 4.

A. PLANNED UNIT DEVELOPMENT:

1. GENERAL DESCRIPTION: The regulations established in this sub-section are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Planned Development areas thus established would be characterized by a unified building and site development program, open space for recreation and the provision for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified, provided that overall population densities do not exceed the densities of specific residential districts.

A planned unit development, occupying one (1) acres or more, shall be permitted in the General Residential (GR) 1 and (GR) 2 Districts, the Single Family Residential/Office Commercial District and the General Commercial District.

2. PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES:

The following uses are permitted:

- a. Single-family detached dwelling.
- b. Two-family dwelling and semi-detached dwelling.
- c. Multiple-family and attached dwellings.

The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the District or Districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, commercial use and street right-of-way from the gross development area. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.

- d. Commercial Uses.

For each one hundred (100) dwelling units in the development plan, one (1) acre may be set aside for the following commercial uses:

- (1) Food markets including specialty foods such as:
  - (a) Bakery goods
  - (b) Delicatessen goods
  - (c) Meat market
- (2) Drug stores or fountains including:
  - (a) Book and reading matter
  - (b) Stationery
  - (c) Tobacco
  - (d) Vanity goods
  - (e) Pharmacy
- (3) Bakeries whose products are sold only at retail and on the premises

- (4) Banks
- (5) Barber shops and/or beauty shops
- (6) Cleaning and pressing collection stations
- (7) Gift shops
- (8) Self-service laundries
- (9) Service or filling stations
- (10) Shoe repair and shoeshine services
- (11) Professional and business offices
- (12) Name plate and sign, as regulated in Article V, Section 8
- (13) Accessory buildings and uses customarily incidental to the above

uses

e. Educational uses

f. Community facilities uses such as churches and other religious institutions and non-profit clubs such as country clubs, swimming and/or tennis clubs.

### 3. RECREATIONAL USES:

The amount of land set aside to provide for permanent usable open space and recreational use may be up to fifteen (15) percent of the gross development area. For good cause, this requirement may be met by a Recreation Payment in Lieu contained in the Development Agreement, or waived by the City. A Recreation Payment in Lieu is a payment by the developer, proportionate to the value of the land that would meet the recreational use standard of this chapter, set forth in the development agreement, and intended for use by the City to develop and maintain the recreation facilities available to the residents of the City of Sturgis. Recreation uses may include a community center, a golf course, a swimming pool, or parks, playgrounds, recreational trail, bike path or other public recreational uses. Any structure involved in such uses shall have a twenty five (25) foot setback from all property lines.

### 4. AREA REGULATIONS:

All building setbacks from street right-of-way lines and from the periphery of the project shall be subject to the approval of the governing body.

### 5. DEVELOPMENT AGREEMENT:

Before the modification of the zoning requirements sought by the applicant for a Planned Unit Development may be approved, the applicant/developer shall submit a fully executed Development Agreement for consideration and review by Planning and Zoning Board, and approval by the City Council.

6. OFF-STREET PARKING: As regulated in Article V, Section 5.

### 7. ADMINISTRATIVE PROCEDURE FOR A PLANNED UNIT DEVELOPMENT:

In addition to the administrative requirements set forth in Article VII, a Planned Unit Development shall not be permitted until the following conditions have been complied with:

There shall have been filed with the governing body a written application for approval, which application shall be accompanied with the following information and documents:

a. The application must be accompanied by an overall development plan showing the use or uses, dimensions and locations of proposed sites and other open spaces with such other pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance. The applicant shall obtain written comments on the proposed development plan from the Fire Department, South Dakota Department of Water and Natural Resources, all utility companies, Building Inspector and Recreation department and submit these with the applications.

The proposed development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of South Dakota.

b. The governing body shall review the conformity of the proposed development and shall recognize principles of civic design, land use planning and site planning. The governing body may impose conditions regarding layout, circulation and performance of the proposed development and may require that appropriate deed restrictions be filed.

c. The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.

d. The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood and must provide standards of open space and areas for parking adequate for the occupancy proposed. It must include provisions for recreation areas to meet the needs of the anticipated population.

e. This proposed development may contain commercial and professional uses as an integral part of a residential development. Such uses shall be planned and gauged primarily for the service and convenience of residents and people working within, although not residents of the Planned Development and shall be authorized only to the extent that such uses are not available to the residents in reasonable proximity.

f. Upon the abandonment of a particular project authorized under the section or upon the expiration of three years from the authorization hereunder of a Planned Development which has not been then completed or commenced and an extension of time for completion granted the authorization shall expire and the land and structures thereon may be used without such approval for any other lawful purpose permissible within the size, height and area district in which the Planned Development is located.

g. A Development Agreement, prepared with language confirming that all of the foregoing representations, plans and requirements for the Planned Unit Development are accepted by the applicant/developer, and signed by the applicant/developer and an authorized City official.

h. After the Development Agreement is signed and the Planned Unit Development project is approved by the City Council, a plat of the Development as finally approved shall be recorded and shall show building lines, common land, streets, easements and other applicable features required by the Ordinance regulating the subdivisions of land. No building permit shall be issued until a final plat of the proposed Development is approved and recorded.

Dated this 30th day of July, 2012.

First reading: 07-16-12  
Second reading: 07-30-12  
Adopted: 07-30-12  
Published: 08-01-12  
Effective: 08-21-12

Motion by Johnston, second by Waterland and carried with all members voting yes to authorize the City Manager to sign the Badger Clark sales agreement with Northern Hills Drug and Alcohol.

Motion by Hersrud, second by Sundstrom and carried with all members voting yes to authorize the City Manager to sign the Four Front Design downtown revitalization agreement.

Motion by Johnston, second by Hersrud and carried with all members voting yes to authorize the City Manager to sign the Motoring USA contract addendum.

Waterland introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-36**

**A RESOLUTION AUTHORIZING CITY MANAGER DANIEL AINSLIE TO EXECUTE AND FILE A GRANT APPLICATION WITH THE NATIONAL PARK SERVICE, THROUGH THE STATE OF SOUTH DAKOTA**

**WHEREAS**, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreation projects;

**NOW, THEREFORE BE IT RESOLVED** that Daniel Ainslie, Sturgis City Manager is hereby authorized to execute and file an application on behalf of the City of Sturgis with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish, and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing Starline Park for the City of Sturgis South Dakota and its Environs.

That Daniel Ainslie, Sturgis City Manager 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.

That the City of Sturgis shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

Dated this 30<sup>th</sup> day of July, 2012.

Published: August 1, 2012  
Effective: August 21, 2012

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

Any other business:

Mike Bachand had concerns about the transfer of location for the on-sale liquor license for Loud American.

Motion by Waterland, seconded by DesJarlais and carried with all members voting yes to go into executive session for legal at 7:53 pm.

Motion by Sundstrom, seconded by Johnston and carried with all members voting yes to adjourn the meeting at 8:14 pm.

Mayor Carstensen adjourned the meeting at 8:14 pm.

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

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$237.05