

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, February 4, 2013 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons: Joe DesJarlais, Marcia Johnston, Tim Potts, Kelly Vasknetz and Ronald Waterland (by phone). Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: David Hersrud, Dane Sundstrom, and Jamie McVay,

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Potts, second by DesJarlais and carried with all members present voting yes to approve the amended agenda adding 9a – Citizens Request – Maynard Rude.

Announcements:

Mayor Carstensen read a thank you that was received from the Meade County Senior Center and the Greater Sturgis Area Transportation Committee for money received from the City.

Mayor Carstensen proclaimed that February 7 thru 14, 2013 will be Congenital Heart Defect Awareness week.

Councilor DesJarlais added that he and his wife have been a part of the American Heart Association and the Mended Little Heart program from the inception of the program.

Informational Reports:

Greg Barnier, City Attorney gave an update on his activities in the past quarter:

- He has been very active working with the three committees: Sponsorship, Legal and Finance, and Ordinance.
- Sponsorship Committee has been very active with the transition between the former Sponsorship agency and bringing on the new Sponsorship Agency. There have been several drafts of the new Sponsorship agreement worked on and hopefully have the final draft presented to Council soon.
- Ordinance Committee has been working on the downtown ordinances for several months. Title 10, Franchises has taken more time than expected.
- Legal and Finance Committee looks at elements that come out of the other committees that need to be discussed.
- Working with Department Heads is a large part of the job and varies from month to month on what he works on.

Rod Heikes, Community Center Director gave an update on his Department:

- Early in January, a promotion to increase membership was done, which brought in 36 new members and 63 renewal memberships with a total of 1100 members.
- The Community Center have several programs going on which includes: boys basketball, youth dance, land and water aerobics, Zumba, women's volley ball, indoor soccer and traveling basketball.
- New programs are being introduced: swing dance lessons, boxing fitness class and a Frisbee clinic.
- Events coming up are the SBC basketball tournament, the Northern Hills Ag Fest sponsored by the Chamber, two banquets, register for baseball and softball.

City Manager Ainslie gave a power point presentation on the 2012 budget year end. The ending numbers for 2012 showed that the City decreased costs by not replacing employees when they left, auctioned surplus equipment, increased insurance deductibles, reduced travel, equipment purchases and overtime, and paid royalty and charity payments on Rally Sponsorship income, not all income. The revenue was enhanced by increased enforcement for the rubble site, increasing the Special Sanitation rates, eliminated exemptions from vendor fees, the surplus auction and through agreements on Woodle Field and the Badger Clark deal. With these changes the City's financial situation has improved.

Motion by DesJarlais, second by Vasknetz and carried with all members present voting yes to approve the consent calendar, which included ratifying the Mayor's signature on the Temporary Construction Easement with Department of Transportation for project NH 0034 (00) 35.

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

Wages – Ambulance \$13,766.56; Attorney \$2,884.62; Auditorium \$186.08; Buildings \$688.07; Cemetery \$1,964.48; City Manager \$4,741.41; Community Center \$9,106.25; Finance Office \$8,552.72; Fire Department \$1,685.36; Human Resource \$2,171.81; Library \$8,846.20; Liquor \$4,365.72; Mayor and Council \$3,333.27; Parks \$9,612.43; Planning & Permitting, \$3,141.62; Police \$36,623.41; Rally \$3,273.87; Recreation \$2,798.27; Sanitary Service \$9,783.55; Streets \$8,489.91; Wastewater \$8,007.00; Water \$12,769.05; Federal Withholding \$14,602.55; FICA \$11,398.62.

General – A&B Business, \$309.67, supp; Amazon, \$84.45, supp; Amcon Distributing, \$204.29, merch for resale; American Assn of Code Enforcement, \$75.00, prof fee; APWA-Black Hills Branch, \$20.00, prof fee; Armstrong Extinguisher, \$535.00, supp; Avaya, \$36.39, util; Avtech, \$120.00, util; Baker & Taylor, \$27.64, supp; Best Western Ramkota, \$912.85, travel; BH Council of Local Gov't, \$1722.50, other; BH Tent & Awning, \$16.00, supp; BH Occupational Medicine, \$436.00, prof fee; BH Power, \$1461.33, util; Jerry Burnham, \$2490.92, prof fee; CCI Solutions, \$1307.20, minor equip; Century Business Products, \$112.85, supp; Community Center, \$15.00, other; Crum Electric, \$418.00, supp; Double Star Computing, \$898.90, prof fee; EB Communications, \$252.00, repair; Fedex, \$67.24, supp; Freeman Electric, \$249.69, supp; Kami Funell, \$25.00, refund; G&H Distributing, \$44.54, supp; G&R Controls, \$3676.16, repair; Gaylord Brothers, \$178.02, supp; Hersrud, \$62.89, repair; Hillyard, \$983.60, repair; Howard Johnston Ocoma, \$143.98, travel; Interstate All Batteries, \$313.45, supp; Jerry's Refrigeration, \$313.93, repair; KT Connections, \$118.50, repair; Knology, \$2093.28, util; Long Rider Books, \$355.92, supp; Meade Co Auditor, \$2940.09, util; Menards, \$21.98, repair; Midcontinent Communications, \$42.21, util; Miracle Recreation Equip, \$20.00, repair; Nada, \$99.00, supp; Neve's Uniforms, \$946.63, supp; Polar Engraving, \$336.00, merch for resale; Pool & Spa Center, \$171.05, repair; Powerplan, \$344.20, repair; Public Safety Equip, \$24.23, supp; Rasmussen Mechanical Services, \$32.47, repair; S&C Cleaning, \$2356.00, maint; Scottsdale Insurance, \$540.60, insur; SD Arborist Assoc, \$120.00, other; The Library Store, \$36.90, supp; Town-N-Country Plumbing, \$124.90, repair; Twilight, \$70.85, repair; Verizon, \$1911.27, util; Zylstra Body, \$65.00, repair.

Special Sales Tax – BH Power, \$328.00, city promo; Chamber of Commerce, \$8573.48, chamber; SEDC, \$7750.00, ind dev.

Capital Improvement – Brosz Engineering, \$5592.08, cap imp.

Revolving Fund Loan – Brosz Engineering, \$270.00, other.

Library Fund – Gaylord Brothers, \$404.50, lib furnish.

Liquor – Barney's Signs, \$1446.43, publ; Century Business Products, \$.83, supp; Double Star Computing, \$13.27, prof fee; Freeman Electric, \$51.02, repair; Knology, \$148.78, util;

Lynchburg Hardware, \$565.39, merch for resale; M&B Enterprises, \$98.00, snacks for resale; North Country Business Products, \$844.81, prof fee; Verizon, \$53.47, util.

Water – BH Power, \$326.09, util; Century Business Products, \$3.21, supp; Double Star Computing, \$23.27, prof fee; Knology, \$125.83, util; S&C Cleaning, \$310.00, maint; Verizon, \$232.55, util.

Wastewater – BH Power, \$2517.93, util; Double Star Computing, \$213.27, prof fee; Print Market, \$85.24, publ; S&C Cleaning, \$217.00, maint; Verizon, \$143.35, util.

Sanitary Service – BH Power, \$402.37, util; Century Business Leasing, \$195.76, prof fee; Century Link, \$56.68, util; Diesel Machinery, \$1978.01, repair; Double Star Computing, \$278.27, prof fee; S&C Cleaning, \$217.00, maint; Verizon, \$98.71, util.

Ambulance – Crum Electric, \$418.00, supp; Double Star Computing, \$618.27, prof fee; Emsar, \$1294.34, repair; Knology, \$102.87, util; Verizon, \$24.16, util.

Mr. Maynard Rude and his son Lee was present to talk with the Council about some code enforcement issues. Mr. Ainslie said that the code enforcement issues, which consisted of inoperable commercial vehicles parked on a vacant lot which was not hard surfaced, have been taken care of in the past week. The other issue was if there was a use on review connected to this property. This property changed owners several times throughout the past years. After discussion, Mr. Rude will apply for a use on review for this property.

Motion by DesJarlais, second by Vasknetz and carried with all members present voting yes to approve the following payroll changes: Parks: Parks Maintenance Tech 2 – Jared Schmit – \$11.85; Volunteers Board Members for Community Garden (for worker comp purposes) – Cristen Kuno, Kelly Huisenga, Jeri Robinson, Rich Deever – no wage. Streets: Heavy Equipment Operator – Jacob Stumpf – no wage change – transfer to streets from sanitation. Sanitation: Sanitation Operator – TBA – wage pending; Rubble Site Operator – Tim Stumpf – \$11.85. Water: Water Clerk – Kathy Bulau – no wage change; benefits/wages are split between water/wastewater/sanitation. Water Superintendent – Dale Olson - \$61,025.14 (\$2,347.12 per pay period).

Vasknetz introduced the following written resolution and moved its adoption:

**RESOLUTION 2013-08
TO APPROVE OR DENY A PUBLIC LOTTERY**

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries 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 St. Aloysius Catholic Cemetery Association has submitted a application to conduct a public raffle within the City of Sturgis beginning on February 22, 2013 and continuing until March 22, 2013 at which time the lottery prize will be awarded by a drawing at 7:00 pm at St. Francis Church Hall on March 22, 2013, and

WHEREAS, the St. Aloysius Catholic Cemetery Association presented its application to conduct this lottery to the City Finance Office on January 22, 2013 and seeks to commence and seeks to begin to sell such raffle tickets on February 22, 2013, and

WHEREAS, the request of the St. Aloysius Catholic Cemetery Association to have approval to conduct this lottery has met all the requirements of City Ordinance, all the

requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the St. Aloysius Catholic Cemetery Association to conduct a public lottery/raffle in the City of Sturgis is hereby

 X Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

 Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 4th day of February, 2013.

Published: 02-13-2013
Effective: 03-05-2013

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

DesJarlais introduced the following written resolution and moved its adoption:

**RESOLUTION 2013-09
TO APPROVE OR DENY A PUBLIC LOTTERY**

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries 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 Sturgis Motorcycle Museum has submitted a application to conduct a public raffle within the City of Sturgis beginning on March 1, 2013 and continuing until August 10, 2013 at which time the lottery prize will be awarded at by a drawing at 2:00 pm at 999 Main Street on March 22, 2013, and

WHEREAS, the Sturgis Motorcycle Museum presented its application to conduct this lottery to the City Finance Office on January 29, 2013 and seeks to commence and seeks to begin to sell such raffle tickets on March 1, 2013, and

WHEREAS, the request of the Sturgis Motorcycle Museum to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the Sturgis Motorcycle Museum to conduct a public lottery/raffle in the City of Sturgis is hereby

X Approved, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

 Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 4th day of February, 2013.

Published: 02-13-2013

Effective: 03-05-2013

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

Motion by Waterland, second by Johnston and carried with all members present voting yes approve the Community Garden board, rules, application and to continue support for the 2013 Community Garden project.

Motion by Johnston, second by Vasknetz and carried with all members present voting yes to approve the Marketing Agreement with Legends Sales & Marketing, subject to any technical modifications and final review as approved by the City Attorney, and to ratify the termination of the previous Sponsorship Agreement.

Motion by DesJarlais, second by Waterland and carried with all members present voting yes to approve tabling second reading of Ordinance 2013-01 – Title 10 – Franchises to the February 19th meeting.

Motion by DesJarlais, second by Johnston and after discussion all members present voted nay to table the second reading of Ordinance 2013-03 – Title 18, Article 5, Section 15 -Downtown Overlay District. Motion did not carry.

A recess was taken at 8:10 pm; the regular session continued at 8:21 pm.

Mr. Ken Meirose an employee of Black Hills Power who expressed his concern that there has been many times that a Black Hills Power crew had been called out to the downtown area to an emergency electrical failure and that future events could be far worse. Having buildings inspected would help alleviate these occurrences.

Motion by Johnston, second by Vasknetz and carried with all members present voting yes to approve the following changes to Ordinance 2013-03 – Title 18, Article 5, Section 15 -Downtown Overlay District,.18.5.15.05, to strike the following sentence in both paragraphs *“No property shall need to be inspected more than once every two years”* and add the following sentence in both paragraphs *“Once a property has been inspected as required by this ordinance and found to be in compliance, and any subsequent temporary occupancy from year to year is unchanged, then no further inspection is required as a result of the temporary occupancy.”*

Motion by Johnston, second by DesJarlais and carried with all members present voting yes to approve second reading of the amended Ordinance 2013-03 – Title 18, Article 5, Section 15 - Downtown Overlay District.

ORDINANCE 2013-03

AN ORDINANCE AMENDING TITLE 18– ZONING

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 18–Article V, Section 15 Downtown Overlay District is added to read as follows:

**Title 18
Article V**

Section 15- Downtown Overlay District

- 18.5.15.01: General Description
- 18.5.15.02: Boundaries
- 18.5.15.03: Design Guidelines
- 18.5.15.04: Permit Process
- 18.5.15.05: Change of Occupancy and Temporary Vending Permits
- 18.5.15.06: Demolition Permit
- 18.5.15.07: Permitted Uses

18.5.15.01 General description.

The Downtown District Overlay Zoning is added as an overlay district to the existing zoning and signage for this area. All provisions of the underlying district zoning are applicable. In instances where the Downtown Overlay Zoning District requirements or allowances contradict the underlying zoning district or signage regulations, the Downtown District Overlay Zoning shall be controlling. When a building or feature identified within this overlay or within the underlying zoning district is replaced, the replacement shall conform to the regulations.

This district is intended to preserve and enhance the unique character of the area the district encompasses by establishing special standards that address aesthetics, access, site development, screening, landscaping, and parking.

18.5.15.02 Boundaries.

The Downtown Overlay District is generally located within the following boundaries:

1. Property located north of Sherman Street to and including properties fronting Lazelle, on the east properties fronting Middle Street and to the west, properties fronting 4th Street.

18.5.15.03 Design Guidelines.

1. General Building Design

The architecture of buildings in this zone should generally reflect an urban main street quality. While variations in architectural style and interest will be accommodated, the built environment should be developed to a human scale and encourage pedestrian circulation.

- a. The following general building design criteria apply to development within this zone:

- i. Buildings within the same development complex or setting should consistently use colors, materials, textures, patterns, and rhythms found with other buildings in the complex.
 - ii. The perceived mass of a building should be broken down by using building façade articulation, variations in roof forms, mass and void techniques, modification of textures and colors, deep set windows, wide building arcades, the accenting of building entries, and the use of building focal points or vertical accents. All elevations of the building should express consistent architectural detailing and character.
 - iii. Development design should encourage walking and biking rather than driving between businesses.
2. Awning and Arcade Design
 - a. Sign lettering and/or logos should comprise no more than 30% of the total exterior surface of an awning or canopy, and shall be included in the calculation of the allowable sign area. Existing awnings or canopies that exceed this requirement may remain until they are replaced.
 - b. Awnings may be provided along the entire frontage of commercial buildings. Marquees are encouraged where appropriate.
 - c. Awnings or canopies shall be hung above the display window space at least 8-10 feet above the public walkway with a minimum 8-foot vertical clearance. They may extend 6-8 feet over the walkway from the building's face.
3. Fenestration
 - a. Buildings should meet the ground with a solid base treatment that creates a visual transition from sidewalk to building wall.
 - b. Windows shall not be opaque.
 - c. Building entrances should be defined for ease of use. Weather protection features are also encouraged.
 - d. Display windows on the ground floor of retail and commercial buildings shall be the predominant surface on the first story. New commercial construction should provide a minimum of forty percent of the first floor wall surface in windows that face the street.
4. Building Materials
 - a. Structures' facades should consist of durable and natural appearing materials.
 - b. The use and design of materials in the composition of structures shall consider pedestrian level durability.
5. Building Massing and Articulation
 - a. Flexibility in the division of larger buildings into smaller tenant spaces should be considered in the design and articulation of storefront modules.
 - b. Facades should be well composed and articulated with a variety of materials and forms.
 - c. Cornice lines, accent bands and other façade elements can create interesting shadow effects, contributing to the visual interest of a facade.
 - d. Building entrances should be designed in a manner which breaks up the building mass and aids in pedestrian orientation.
 - e. Building forms should be articulated by varying roof heights and wall planes. Long, unbroken volumes and large, unarticulated wall and roof planes are not appropriate.
 - f. The layout of primary buildings and outlot buildings should be varied to achieve an interesting visual environment.
6. Multiple-story taller buildings may be acceptable where compatible with adjoining uses and designed to minimize the appearance of building bulk and mass. This can be accomplished

through upper story setbacks, changes in building materials, and the articulation of building details.

7. Signage

- a. Sign design for the Downtown Overlay District is not based on a specific theme or style, but rather should be an extension of the primary building quality and aesthetics.
- b. Wall signs should be integrated to appear part of the building façade.
- c. When there are multiple tenants for commercial uses, all signs should be consistent and architecturally integrated in the form of size, shape, color, materials, lighting, and placement.
- d. Visible raceways and transformers for individual letters are discouraged.
- e. In general, signs should enhance the visual interest and remain subordinate to the overall character of the downtown area.
- f. Wall signs should be located on the upper portion of the first floor storefront and should be centered within an area uninterrupted by doors, windows, or architectural details.
- g. Sign mounting brackets and support structures should match other fixture materials used on the façade of the building.
- h. To convey a subtle appearance, the use of back-lit or reverse channel letters with halo illumination rather than internally-lit signs are encouraged.
- i. Façade mounted fin signs should be perpendicular to the facade of the building and at least 8 feet above the sidewalk. The outside edge must be at least 2 feet from the curb line, and no more than 4 feet from the face of the building.
- j. Window signs should be limited to 25% coverage of the window area, including temporary and "sale" signs. Seasonal window displays and seasonal lighting may exceed this coverage for a maximum of sixty days. Internally illuminated flashing signs in windows are prohibited.
- k. Wall mounted signs located above the store front area, or signage should be integrated into the design of the facade, taking on characteristics of the scale, lines and features of the façade.
- l. For two story buildings a horizontal transition element should be utilized between the first floor and upper stories. Typically, this is a location for signage, canopies or awnings. The detail should break the plane of the wall surfaces and create a frame for the first floor storefront design.

8. Parking Lots.

- a. Surface parking lots should ideally not create significant gaps along the street and sidewalk. Any surface lot in the district should:
 - i. Use landscaping, trees, colonnades or other construction to maintain the line formed by buildings along the sidewalk.
 - ii. Make sure there is adequate perimeter landscaping that is high enough to screen but low enough to let people feel safe.
 - iii. Interior landscaping should especially include shade trees.
 - iv. Provide adequate direction and information signs for motorists.
 - v. Lots should be hard surfaced (asphalt, concrete)
 - vi. Parking lots fronting Main Street are allowable as long as they directly service an adjoining business and do not represent a majority of the landowner's holding. Curb cuts into the parking area from Main Street would be allowable to allow vehicular ingress into the parking area.
- b. Any newly developed or improved open space accessible to the public should generally:
 - i. Create a comfortable and interesting place to rest.

- ii. Let people clearly know it's there and that it's accessible.
- iii. Provide plenty of seating (about one linear foot for every 30 square feet of paved open space).
- iv. Have enough lighting to create a safe nighttime environment.
- v. Use fountains or other water features.
- vi. Incorporate public art.

9. Landscaping

- a. For the sake of visual continuity, large shade trees should be planted in the right-of-way every 25 feet to 35 feet along the curblin in order to create a continuous canopy.
- b. A mix of ornamental and shade trees can be planted outside the right-of-way for both shade and visual variety.

10. Lighting

- a. Lighting of building facades or the use of architectural lighting that results in hot spots on a building wall is highly discouraged.
- b. The use of bollard lighting for pedestrian pathways and parking areas is encouraged and is preferable to lights mounted on walls, posts or standards.

11. Access, Parking and Circulation

- a. Provide walkways adjacent to roadways, but separate from the curb whenever possible with landscaping, a bicycle lane, or on-street parking.
- b. All multi-family dwelling units shall provide a minimum of 1 off street parking space per dwelling unit. For multi-family dwelling units of 5 and above, there shall be additional spaces for guest parking as provided in the following chart:

<i>Dwelling units</i>	<i>Guest Parking Spaces</i>
5-7	1
8-11	2
12-15	3
16-19	4
20-23	5
24-27	6
28 +	1 additional space per dwelling unit.

12. Open Space and Amenities

- a. Outdoor common areas including hardscape plazas, green spaces, water features and play areas are desirable elements and should be treated as visual and functional focal points.
- b. The use of public art is encouraged.
- c. Integrate plazas and other spaces of varying scales to provide rest, relaxation and outdoor dining opportunities for shoppers and other visitors. Spaces should be conveniently positioned adjacent to walkways and buildings.
- d. Site features should be varied in color, pattern and texture within a coordinated palette that relates to the building architecture. High quality materials and finishes should be used throughout.
- e. Where practical, benches, water fountains and waste receptacles should be visually and functionally coordinated with the overall site design. The location of waste receptacles should be provided as part of the development plan.

13. Screening

- a. Utility cabinets and pedestals should be located where they can be screened from view.
- b. They should not be located within a landscaping island in a parking lot where they are subject to vehicle damage. Consideration should be given to accessibility for required service and maintenance of such facilities.
- c. Dumpsters should be fully screened from view with durable building materials that are coordinated with the overall building design.
- d. Rooftop mechanical equipment shall be screened by architectural elements and painted to match the color of the roof.
- e. Where feasible, loading, service and equipment areas should not be visible from public roadways or parking areas.
- f. Outdoor storage areas should be located behind or beside buildings and be shielded from view of the street.

14. Mixed-Use Development

- a. Mixed use development is highly encouraged, specifically providing commercial retail on the street level and residential/office uses on second and higher stories.
- b. The residential portion of a mixed use building should incorporate typical residential features such as porches and balconies that offer façade articulation and transparency.
- c. Residential balconies should be recessed and not overhang above the public right of way.
- d. Additions should be designed so as not to obscure, alter or destroy the character of the original building when viewed from a public right-of-way.

15. Setbacks

- a. All new construction shall have lot coverage of at least (50%) of the lot area.
- b. All new buildings constructed are encouraged to have set backs of at least 10 feet from the street right of way.
- c. All new buildings should be setback from alleyways at least 25 feet to allow for parking.

16. Snow removal areas

- a. For any multi-family dwelling of 3 or more units, a snow removal area shall be designated that will not interfere with the normal requirements for parking, sight triangles or landscaping.

17. Garbage collection areas

- a. For any multi-family dwelling of 3 or more units, a garbage collection area shall be designated. The designated garbage area must be screened.

18.5.15.04 Permit Process

- a. All proposed developments within this zoning overlay district shall apply for a building permit through the City Building Inspections Office. The plan review shall include the proposed development's consistency with the guidelines established in this Ordinance. If the City staff believes that the project is insufficient, the project will be referred to the Planning and Zoning Commission for approval. If the project does not receive approval from the Planning and Zoning Commission, the developer may appeal the denial to the City Council.

18.5.15.05 Change of Occupancy and Temporary Vending Permits

- a. Effective January 1, 2014 all structures located within the Downtown Overlay District shall be inspected to show the structure meets all State electrical and

plumbing requirements whenever a change of occupancy as defined in the 2006 International Building Code occurs or when a temporary vending permit is requested for any area within the structure. Any deficiencies found that threaten the safety of occupants shall be rectified in accordance with State electrical and plumbing code requirements before a certificate of occupancy may be issued for a change in use or before a Temporary Vending Permit may be issued. Once a property has been inspected as required by this ordinance and found to be in compliance, and any subsequent temporary occupancy from year to year is unchanged, then no further inspection is required as a result of the temporary occupancy. This requirement shall not apply to an application for a Temporary Vending Permit for areas completely outside of the building.

- b. Effective January 1, 2014 all structures located within the Downtown Overlay District shall be inspected, by the City Building Official or designee of made by the City Manager, whenever a change of occupancy occurs or a Temporary Vending Permit is requested, to ensure compliance with the requirements of the 2006 International Building Code and that the structure meets all for structural and mechanical requirements. Any deficiencies found that threaten the safety of occupants shall be rectified before a certificate of occupancy may be is issued for a change in use or before a temporary vending license may be is issued. Once a property has been inspected as required by this ordinance and found to be in compliance, and any subsequent temporary occupancy from year to year is unchanged, then no further inspection is required as a result of the temporary occupancy. All property owners shall apply for a review at least 30 days prior to a certificate of occupancy permit or temporary vending permit is desired to be issued. This requirement shall not be necessary if the Temporary Vending Permit is requested for an area completely outside of the building.

18.5.15.06 Demolition Permit

Before a demolition permit is authorized within the overlay district, the applicant shall also apply for a building permit for a replacement building that complies with this title. If construction is not completed within 18 months, no temporary vending permit(s) shall be issued for the entire property until construction is completed.

18.5.15.07 Permitted Uses

- a. Residential units, either single family or multifamily shall be permitted uses within the district. The design of new buildings should coincide with the standards previously described. Residential units shall be allowed on the upper levels throughout the district. Ground floor units shall be allowed on Main Street between Middle and Junction and on Main Street between 2nd and 4th.
- b. Automotive, Motorcycle, ATV, etc. dealerships shall be conditionally permitted uses within the district. All proposed dealerships shall have adequate parking and off street and off alley service area.

Dated this 4th day of February, 2013

First reading: 01-22-2013

Second reading: 02-04-2013

Adopted: 02-04-2013

Published: 02-13-2013

Effective: 03-05-2013

Motion by Waterland, second by Vasknetz and carried with all members present voting yes to approve second reading of Ordinance 2013-04 – Title 31 – Licensing of Temporary Businesses – 31.02.03.2 – Application; 31.02.03.3 - Fee and Duration of License.

ORDINANCE 2013-04

AN ORDINANCE AMENDING TITLE 31– LICENSING OF TEMPORARY BUSINESSES BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 31–Chapters 31.01.02 Definitions; 31.02.03.2 Application; 31.02.03.3 Fee and Duration of License is amended to read as follows:

31.01.02 Definitions

A. Vendor: For the purpose of this Section, a vendor is any person, firm, corporation, partnership or association not having an operating place of business for at least 5 months throughout the year within the City who, in conjunction with an event of more than four (4) consecutive days within any twelve (12) day time span, engages in temporary or transient business in the City selling or displaying goods, wares, merchandise or services, or a permanent business person, firm or corporation which is located within the City limits who, for more than four (4) consecutive days within any twelve (12) day time span, is selling or displaying such goods, wares, merchandise or services, away from his/her or its usual operating place of business and who, for the purpose of carrying on such business, hires, leases, or occupies any room, building, structure, or space for the exhibition or sale of such goods, wares, merchandise, or services. The person, firm or corporation so engaged shall not be relieved from the provisions of this Section by reason of association with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or auctioneer.

31.02.03.2 Application

To obtain a license, a vendor shall file, in the office of the City Finance Officer, a verified application stating his or her name, and residence, description and identification of the place in which he or she proposes to do business, dates of operation, name, address, phone number and e-mail address of property owner where business will take place and, the description of the goods he or she intends to handle. Applicant's South Dakota State sales tax number shall be included as part of the application. A South Dakota State Department of Health license, when required for applicant's business, shall also be presented at the time of application.

Starting January 1, 2014, all property owners shall submit a map of the proposed vendor configuration. Each temporary vendor shall submit a copy of this map, acknowledged by the property owner or his/her representative, along with the temporary vendor permit application. The map submitted by the temporary vendor shall indicate the vendor location.

31.02.03.3 Fee and Duration of License

A) A temporary business shall pay a Temporary Vendor License fee of Four Hundred Seventy-Five (\$475.00) and a Special Sanitation Fee at the rate established and required by Title 11 of Sturgis City Ordinances for each twelve (12) consecutive day period, or portion thereof, in any calendar year.

This fee shall include all sanitation charges. The Finance Officer shall note on the license the time period for which it is effective.

A business may purchase only two (2) vendor licenses per location per twelve (12) month period. Starting January 1, 2014 each vendor shall pay a fee of \$500 plus \$0.66 per square foot occupied (the total per square foot fee shall be rounded to the nearest \$5). This will replace both the Temporary Vendor License fee and the Special Sanitation fee. The total per square foot fee calculation shall be capped at 3,000 square feet per vendor, per location. A second twelve (12) day permit may be purchased for \$500. The per square foot fee is not assessed for the second twelve (12) day permit. Vendors exempted as defined in Section 31.02.03.5 shall only have to pay a \$225 Special Sanitation fee. All other vendors who are not exempt and do not occupy a single identifiable locations shall be responsible for paying a \$700 vendor fee.

Dated this 4th day of February, 2013.

First reading: 01-22-2013

Second reading: 02-04-2013

Adopted: 02-04-2013

Published: 02-13-2013

Effective: 03-05-2013

Motion by Vasknetz, second by DesJarlais and carried with all members present voting yes to approve use of city property for the Flattrack Motorcycle Race at the fairgrounds on June 30, 2013.

Any other business:

None

Motion by Potts, seconded by Johnston and carried with all members present voting yes to adjourn the meeting at 8:53 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$354.56.