

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 19, 2013 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Joe DesJarlais, David Hersrud, Marcia Johnston, Jamie McVay, Tim Potts, Dane Sundstrom, , Kelly Vasknetz and Ronald Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

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

Announcements:

Councilor DesJarlais gave an update on ABC and their activities which include applying for funding to prevent underage drinking and a grant for an after school program for K-3. Two members become certified for training at Brown High School.

Councilor Potts wanted to thank the Fire Department for their prompt response on the house fire last Monday and to thank the neighbor that got the children out of the house.

Informational Reports:

City Manager Ainslie reported on the Planning and Permitting Department:

- Housing Development in Sturgis over the past years yielded an average of 11 new units per year. The National average for housing in a city of our size development is 25 new units. In order for Retailers to look at Sturgis to develop new businesses, the City would need to try to get closer to the National average. There are several contractors that are considering new housing developments in Sturgis over the next few years.
- There have been several variance requests brought to the Council and they should see more of these requests over the next months.
- Code Enforcement has been enforcing snow removal on sidewalks the past few months.

Julie Moore Peterson, Library Director gave an update on the Library:

- The Library will be working on digital preservation of the obituary index and scanning historic photos and documents on the info-router.
- Reviewing and updating library policies.
- Computer classes are being offered on specific programs and for individual needs.
- The Library's Kindle is now available for limited 5-day check out.
- Started compiling the State's Public Libraries Annual Report.
- Upcoming events: Annual quilt show, book discussion with Tracy Kidder, civic conversation program with Humanities Scholar Joyce Jefferson and the Green Thumb Gala.

City Manager Ainslie reported:

A power point presentation was given on the 2012 Goal which includes 8 basic categories and more than forty 2013 Goals that staff will be working on in 2013.

Motion by Potts, second by Hersrud and carried with all members present voting yes to remove and discuss 7a and 7c from the consent agenda.

Motion by Waterland, second by Johnston and carried with all members present voting yes to approve 7b, 7d and 7e on the consent agenda.

Motion by Potts, second by McVay and carried with all members present voting yes to amend the minutes from February 4, 2013 to add the testimony from Mr. Ken Meirose, an employee of Black Hills Power, who expressed his concern that there have 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 Waterland, second by McVay and carried with all members present voting yes to set a public hearing date of March 18, 2013 for a use on review for King Cavalier II/King of the Mountain for residential use of 2nd floor of building located at Lot C2-B in the industrial park from 3-1-13 to 2-28-2015.

Motion by Potts, second by Waterland and carried with all members present voting yes to approve the following claims with the exception of Cetec, \$59,864.40, prof fee; RCS Construction, \$124,812.05, cap imp; TTG Enterprises, \$7829.09, cap imp; Hersrud, \$39.97, Johnston Hardware, \$87.78, supp; Johnston Hardware, \$209.20, supp; Johnston Hardware, \$17.67, supp; Jacobsen Ford, \$41.35, repair.

Wages – Ambulance \$13,265.30; Attorney \$2,884.62; Auditorium \$323.12; Buildings \$688.07; Cemetery \$1,822.84; City Manager \$4,881.08; Community Center \$8,711.27; Finance Office \$8,614.14; Fire Department \$1,747.77; Human Resource \$2,171.81; Library \$8,747.63; Liquor \$4,198.11; Mayor and Council \$3,333.27; Parks \$10,031.91; Planning & Permitting \$3,132.62; Police \$33,520.60; Rally \$3,278.80; Recreation \$3,061.21; Sanitary Service \$9,742.90; Streets \$8,504.63; Wastewater \$7,645.65; Water \$13,428.30; Federal Withholding \$14,153.88; FICA \$11,165.46.

General - A&B Business, \$105.03, supp; A&B Welding, \$188.21, supp; A&J Surplus, \$232.58, repair; Amcon, \$258.73, merch for resale; American Legal Services, \$101.36, prof fee; Assoc Supply Co, \$2581.87, supp; Dusty Barker, \$30.00, other; BH Chemical, \$854.81, supp; BH Occupational Medicine, \$422.00, prof fee; BH Power, \$23,189.77, util; Butte Electric, \$581.70, util; Campbell Supply, \$463.35, supp; Caselle, \$527.99, prof fee; CBH Cooperative, \$12,890.09, supp; City of Sturgis Rally Petty Cash, \$10.00, travel; City of Sturgis Water Dept, \$1130.04, util; Coca Cola, \$864.20, merch for resale; Crum Electric, \$235.12, supp; Dakota Backup, \$1630.49, prof fee; EB Communications, \$84.00, repair; Ecolab Pest, \$371.42, maint; First Interstate Bank, \$2822.50, supp; FSH Communications, \$60.00, util; General Traffic Controls, \$1263.70, repair; Grimm's Pump Service, \$63.07, repair; Hauff Mid-America Sports, \$249.50, supp; Hillyard, \$611.34, supp; Ben Holstlaw, \$30.00, other; Industrial Electric, \$180.00, supp; J&L Services, \$40.00, repair; Jack's Heavy Equip, \$382.94, repair; Ketel Thorstenson, \$533.30, prof fee; Knology, \$312.69, util; Kone, \$133.11, repair; Legends Sales & Marketing, \$1743.81, travel-rally; Lynn's Dakotamart, \$166.78, supp; Marco Inc, \$18.99, maint; Meade Co Auditor, \$3037.94, util; Meade Co Times, \$705.16, publ; MDU, \$6862.59, util; Motion Industries, \$69.49, repair; Motionsoft, \$900.00, prof fee; Nat'l Assn of School Resource Officers, \$40.00, supp; Neve's Uniforms, \$495.68, supp; O'Reilly Auto Parts, \$223.39, repair; Owens Interstate Sales, \$1109.99, supp; Pete Lien & Sons, \$23.00, supp; Pitney Bowes, \$120.56, rent; Power House, \$56.24, repair; Print Mark-et, \$920.09, publ; Rapid City Journal, \$37.80, publ; Rasmussen Mechanical Services, \$4887.93, maint; Rushmore Office, \$1574.65, supp; SD Police Chiefs Assn, \$355.00, travel; Servall, \$421.50, supp; Shopko Hometown, \$74.44, supp; Christina Steele, \$250.45, travel-rally; Sturgis Napa, \$722.72, repair; TASC-Client Invoices, \$1123.30, grp insur; Turbiville Industrial Electric, \$50.00, repair; Weimer's Diner, \$54.00, other; West Payment Center, \$113.97, prof fee; West River Electric, \$621.45, util; Western Dakota Insurance, \$117.00, insur.

Capital Improvement – Meade Co Title, \$842.00, cap imp.

Liquor – BH Occupational Medicine, \$-18.00, prof fee; BH Power, \$1631.73, util; Carroll's Appliance, \$89.90, repair; Cask & Cork, \$280.50, off sale liquor; City of Sturgis Water Dept, \$56.06, util; Coca Cola, \$385.10, pop for resale; Eagle Sales, \$24,736.56, off sale beer; Ecolab Pest, \$98.03, maint; First Interstate Bank, \$84.79, repair; Fisher Beverage, \$12,715.91, off sale beer; Freeman Electric, \$200.00, repair; Johnson Western Wholesale, \$31,002.92, off sale liquor; Lynchburg Hardware, \$323.67, repair; Lynn's Dakotamart, \$21.77, repair; MDU, \$312.93, util; One Way Service Pros, \$115.00, repair; Pepsi Cola, \$257.20, pop for resale; Prairie Berry, \$1962.00, off sale liquor; Print Mark-et, \$61.34, publ; Republic Beverage Co, \$30,216.61, off sale liquor; Rushmore Office, \$281.33, supp; Sand Creek Printing, \$355.91, supp; Schade Vineyard, \$480.00, off sale liquor; Servall, \$304.80, supp; TASC-Client Invoices, \$61.60, grp insur; The Homeslice Group, \$2732.00, publ; Tour Ice, \$71.60, merch for resale.

Water – A&B Business, \$577.15, prof fee; BH Power, \$7720.52, util; BH Windshield Repair, \$50.00, repair; Butte Electric, \$183.60, util; Campbell Supply, \$52.51, supp; Caselle, \$382.34, prof fee; CBH Cooperative, \$592.40, supp; City of Sturgis Water Dept, \$86.33, util; Dakota Backup, \$222.34, prof fee; EB Communications, \$84.00, prof fee; Ecolab Pest, \$58.30, prof fee; First Interstate Bank, \$118.01, travel; Good Construction, \$350.00, repair; Grocery Mart, \$7.72, supp; Hach Co, \$155.70, supp; Hawkins, \$3389.48, supp; Brian Jones, \$106.10, refund; Knology, \$34.55, util; Roman Kuzyk, \$257.19, refund; Mainline Contracting, \$630.00, repair; Meade Co Times, \$48.73, publ; Midcontinent Testing Lab, \$265.00, prof fee; MDU, \$95.58, util; Print Mark-et, \$1250.40, supp; Rushmore Office, \$144.62, supp; SEDC, \$40,000.00, other; Servall, \$16.86, repair; Shopko Hometown, \$55.93, supp; SD One Call, \$19.98, prof fee; Sturgis Roadhouse, \$186.18, refund; TASC-Client Invoices, \$129.29, grp insur; Town-N-Country Plumbing, \$14.83, supp; Weimer's Diner, \$60.00, supp; JD & Michelle Williams, \$550.00, refund.

Wastewater – Campbell Supply, \$79.53, repair; City of Belle Fourche, \$29.13, other; City of Sturgis Water Dept, \$19.40, util; Owens Interstate Sales, \$210.65, supp; Print Mark-et, \$61.34, publ; Sturgis Napa, \$54.48, repair; TASC-Client Invoices, \$62.94, grp insur.

Sanitary Service – A&B Welding, \$10.23, repair; BH Power, \$11.00, util; Butler Machinery, \$640.61, repair; Campbell Supply, \$132.32, repair; CBH Cooperative, \$486.90, supp; Century Business, \$56.14, prof fee; City of Belle Fourche, \$15,262.84, other; Dakota Backup, \$90.86, prof fee; Owens Interstate, \$264.01, supp; Print Mark-et, \$61.34, publ; Sturgis Napa, \$15.33, repair; TASC-Client Invoices, \$124.58, grp insur.

Ambulance – BH Occupational Medicine, \$129.00, prof fee; BH Power, \$590.74, util; CBH Cooperative, \$1848.49, supp; Century Business, \$37.73, supp; City of Sturgis Water Dept, \$43.23, util; Coca Cola, \$49.50, supp; Crum Electric, \$235.13, supp; Dakota Backup, \$103.27, supp; Ecolab Pest, \$35.00, supp; First Interstate Bank, \$760.21, prof fee; Hero 247.com, \$1386.00, supp; Jones & Bartlett Learning, \$794.00, travel; MDU, \$312.33, util; Print Mark-et, \$61.34, publ; Purchase Power, \$10.19, supp; Rushmore Office, \$394.45, supp; Sturgis Napa, \$59.31, supp; TASC-Client Invoices, \$135.49, grp insur; Western Dakota Insurance, \$103.00, insur.

Motion by McVay, second by Waterland and carried with DesJarlais, McVay, Sundstrom, Vasknetz and Waterland voting yes and Carstensen, Hersrud, Johnston and Potts abstaining to approve the following claims: Cetec, \$59,864.40, prof fee; RCS Construction, \$124,812.05, cap imp; TTG Enterprises, \$7829.09, cap imp; Hersrud, \$39.97, Johnston Hardware, \$87.78, supp; Johnston Hardware, \$209.20, supp; Johnston Hardware, \$17.67, supp.; Jacobsen Ford, \$41.35, repair.

Motion by Waterland, second by Hersrud and carried with all members present voting yes to approve tabling the Use on Review for a home based business at 1309 Pine View Drive for Mario DeLudos-Sturgis Firearms LLC until March 4, 2013 meeting.

Motion by Johnston, second by Vasknetz and carried with all members present voting yes to approve the following payroll changes: Ambulance: Paramedic Part-time –Aaron Mitchell - \$12.00. Community Center: Volunteer – Jared Loftus – no wage; Referee – Cady Barden - \$20/game.

David Noonan requested that the Council do something about the piles of pigeon droppings along the sidewalks underneath the railroad crossing.

Motion by Waterland, second by DesJarlais and carried with all members present voting yes to approve spending up to \$2000 on a chain link type or mesh fence to the underside of the railroad overcrossing on 7th and Sherman Street.

Motion by Potts, second by Hersrud and carried with all members present voting yes to approve tabling second reading of Ordinance 2013-01 – Title 10 – Franchises until the March 4th meeting.

Dale Hansen, Dean Kinney and Mike Bachand would like to have more information on the changes to Title 3 prior to the next Ordinance committee meeting and the second reading. Mike Bachand addressed his concerns on Title 3.

Motion by DesJarlais, second by Waterland and carried with all members present voting yes to approve first reading of Ordinance 2013-06 Title 3 – Licensing & Regulation of Alcohol, Malt Beverage and Drinking Establishments.

Motion by McVay, second by Hersrud and carried with all members present voting yes to approve first reading of Ordinance 2013-05 - Title 11 – Health & Sanitation.

Motion by Potts, second by McVay and carried with all members present voting yes to include the wording “through calendar year 2013” to each Resolution 2013-10 through 2013-14.

Mike Bachand addressed the council on the following resolutions and his concerns.

Motion by Potts, second by DesJarlais and carried with all members present voting yes to strike *Sturgis Hills & Plains Park* from Resolution 2013-10.

Johnston introduced the following written resolution and moved its adoption:

RESOLUTION 2013 - 10
A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN
PROPERTY LEASE AGREEMENTS (RALLY)

WHEREAS, individuals, businesses, non-profit organizations, and other entities desire to lease space (both indoor and/or outdoor) at the Sturgis Community Center, Sturgis Auditorium, Sturgis Liquor Store, and Sturgis Fairgrounds for the Sturgis Motorcycle Rally;

WHEREAS, the City Council has approved the lease of the above listed properties;

WHEREAS, City policy requires leasing entities to sign a property lease agreement with the City outlining the lease requirements for both parties;

WHEREAS, the Sponsorship Committee, City Manager and staff review said leases to ensure compliance with the City's property management strategy and to ensure City's ability to meet all logistical considerations outlined in the lease before recommending it be approved;

WHEREAS, promptly responding to lease proposals presented by Legends Marketing by signing them when acceptable will enable Legends to work more effectively for the City;

NOW THEREFORE, City Manager Daniel Ainslie is hereby authorized to execute said lease agreements for the above intended purposes through calendar year 2013.

Dated this 19th day of February, 2013.

Published: 02-27-2013

Effective: 03-19-2013

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

DesJarlais introduced the following written resolution and moved its adoption:

RESOLUTION 2013 - 11
A RESOLUTION AUTHORIZING SIGNATURES TO SIGN
LEASE AND RENTAL AGREEMENTS (NON RALLY)

WHEREAS, individuals, businesses, non-profit organizations, sport organizations, and other entities desire to lease space at the Sturgis Community Center and Sturgis Auditorium for events, meetings, games, and other gatherings, both public and private;

WHEREAS, individuals, businesses, non-profit organizations, sport organizations, and other entities desire to lease ball fields and sporting facilities for events, games, and other gatherings;

WHEREAS, City policy requires leasing entities to sign a lease agreement and associated documents with the City for any use of City property and/or facilities;

WHEREAS, promptly responding to lease proposals presented by such groups, by signing them when they are consistent with policies set by the council, will enable City staff to work more effectively with those groups;

NOW THEREFORE, City Manager Daniel Ainslie or, on his behalf, Community Center Director Rod Heikes is hereby authorized to execute said lease agreements and associated documents for the above intended purposes through calendar year 2013.

Dated this 19th day of February, 2013.

Published: 02-27-2013

Effective: 03-19-2013

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

Johnston introduced the following written resolution and moved its adoption:

RESOLUTION 2013 - 12
A RESOLUTION AUTHORIZING SIGNATURES TO SIGN
SPONSORSHIP AGREEMENTS

WHEREAS, the City of Sturgis desires to enter into contract with business and non-profit entities for the purpose of sponsorship of the Sturgis Motorcycle Rally;

WHEREAS, the City of Sturgis has contracted with a sponsorship agency to solicit sponsorship opportunities on the behalf of the City;

WHEREAS, the City's sponsorship agency will bring forward contracts under the instruction and guidance of the City's Sponsorship Committee;

WHEREAS, the Sponsorship Committee, City Manager and staff will review said contracts to ensure compliance with overall sponsorship strategy and to ensure City's ability to meet all logistical considerations outlined in the contract;

WHEREAS, promptly responding to lease proposals presented by Legends Marketing by signing them when acceptable will enable Legends to work more effectively for the City;

NOW THEREFORE, Mayor Mark Carstensen or, if he is unavailable, City Manager Daniel Ainslie are hereby authorized to execute said sponsorship contracts for the above intended purposes through calendar year 2013.

Dated this 19th day of February, 2013.

Published: 02-27-2013

Effective: 03-19-2013

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

Hersrud introduced the following written resolution and moved its adoption:

RESOLUTION 2013 - 13
A RESOLUTION AUTHORIZING SIGNATURES TO SIGN
SPECIAL EVENT REQUESTS

WHEREAS, individuals, businesses, non-profit organizations, sport organizations, and other entities desire to use City facilities and/or property for the promotion of special events that provide financial, educational, and/or cultural benefit to the City of Sturgis;

WHEREAS, the promoters may request the use of City staff or other City resources to assist with the set-up, tear-down and/or production of the special event;

WHEREAS, City policy requires all event promoters to submit documents to the City outlining the details of their event and to make request for the use of City property and to make request for any special accommodations, permits, and/or licenses that may be required for the successful promotion of their event;

WHEREAS, City policy requires that these event promoters sign lease or rental agreements with the City for the use of any City property;

WHEREAS, promoters must follow-up with designated City staff after the special event in order to communicate deficiencies that must be remedied prior to the City's approval of any future events on City property;

WHEREAS, promptly responding to proposals for special events that have been held the previous year, by signing any lease or other required documents when acceptable with the City, the policy will enable City staff to work more effectively to provide those event's benefits to the City;

NOW THEREFORE, City Manager Daniel Ainslie or Mayor Mark Carstensen is hereby authorized to execute said lease agreements and associated City documents for any non first year special events through calendar year 2013.

Dated this 19th day of February, 2013.

Published: 02-27-2013

Effective: 03-19-2013

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

Potts introduced the following written resolution and moved its adoption:

RESOLUTION 2013 - 14
A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN
EASEMENTS FOR CONSTRUCTION ON CITY PROPERTY

WHEREAS, the City is frequently requested to authorize a temporary easement for construction on or across City property;

WHEREAS, such easements are requested for a period of time during which the construction can reasonably be expected to be completed;

WHEREAS, once the time period has established, the easement is extinguished;

WHEREAS, the individual, company or entity often has presented the City with a request for such an easement when the proposed work is scheduled to begin before the request, it can be submitted for Council approval at a regularly scheduled Council meeting;

WHEREAS, City staff is required to thoroughly review the terms of the easement and determine that such a temporary easement is in the best interest of the City before recommending approval to the City Manager and Council;

WHEREAS, promptly responding to construction easement requests consistent with the development policies of the City, by having them signed by the City Manager, will enable and allow the City to more effectively support development within the City;

NOW THEREFORE, City Manager Daniel Ainslie is hereby authorized to sign such temporary easements for construction on or across City property through calendar year 2013.

Dated this 19th day of February, 2013.

Published: 02-27-2013

Effective: 03-19-2013

Vasknetz 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 2013-15
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 SD Chapter of the National Wild Turkey Federation has submitted a application to conduct a public raffle within the City of Sturgis beginning on March 22, 2013 and continuing until March 22, 2013 at which time the lottery prizes will be awarded by drawings from 5:00 pm to 10:00 pm at the Sturgis City Auditorium, 1019 Main, on March 22, 2013, and

WHEREAS, the SD Chapter of the National Wild Turkey Federation presented its application to conduct this lottery to the City Finance Office on February 13, 2013 and seeks to commence and seeks to begin to sell such raffle tickets on March 22, 2013, and

WHEREAS, the request of the SD Chapter of the National Wild Turkey Federation 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 SD Chapter of the National Wild Turkey Federation 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 19th day of February, 2013.

Published: 2-27-2013

Effective: 3-19-2013

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

The following bid was received for a 2013 Police 4-Door Pursuit rated Sedan AWD: Jacobsen Ford-Sturgis - \$26,490.00.

Motion by Hersrud, second by Johnston and carried with DesJarlais, Vasknetz, Hersrud, Johnston, Waterland, McVay, Sundstrom, and Potts voting yes, Carstensen abstaining, to award bid to Jacobsen Ford-Sturgis for a 2013 police patrol vehicle.

The following two bids were received for 2013-2015 well monitoring: American Engineering Testing, Inc. - \$18,324.00; Leggette, Brashers & Graham, Inc. - \$22,218.00.

Motion by McVay, second by Waterland and carried with all members present voting yes to award bid from American Engineering Testing for 2013-2015 Well Monitoring and authorize the City Manager to sign the contract.

Motion by McVay, second by Waterland and carried with all members present voting yes to approve the Downtown Plaza Design agreements with Four Front Design, Inc. This will include the surveying, the master plan for the area and different sections of the project and the construction documents of Phase 1 of the Downtown Plaza.

Motion by Hersrud, second by DesJarlais and carried with all members present voting yes to approve the new billing amounts for the Sturgis Ambulance Service.

Any other business:

Mike Bachand would like a power point presentation explaining the 2013 Rally.

Motion by Waterland, second by Johnston and carried with all members present voting yes to go into executive session for personnel and contracts at 8:25 pm.

Motion by Potts, second by Sundstrom and carried with all members present voting yes to return to regular session at 9:06 pm.

Mayor Carstensen adjourned the meeting at 9:06 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$