

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

President of the Council Tim Potts led everyone in the Pledge of Allegiance.

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

Announcements:

Councilor Potts announced that Mayor Carstensen and wife Heidi are proud parents of a baby boy named Carson.

Police Chief Bush and Assistant Chief VandeWater recognized Shannon and Leif Iverson for their act of heroism of saving two children from a burning house.

The Council congratulates Nicole Hodge for becoming a certified Police Officer.

Council DesJarlais has been working with the ABC program and children at the High School and Junior High level.

Informational Reports:

Brenda Vasknetz, Rally Director, gave an update on her Department:

- Have been working with the new Sponsorship Agent, Legends Sales and Marketing.
- Vasknetz reported that 85% of the City's property has been leased for this coming Rally.
- Working with a group to help bring entertainment to the High School property.
- A new venue, the 2nd Street Plaza, is being developed, working with Legends to get new clients to Sturgis.
- The City is working with Lakota Foods to promote "A Taste of South Dakota". This will be at the City of Riders Expo.
- Working directly with organizations that will be holding a special event.

Shawn Fisher, Ambulance Director, gave an update on her Department:

- The Ambulance Department has an opening for a full-time medic. Right now there are 25 EMT's on the roster.
- The Department has two standby crews at night.
- There is an EMT basic class being offered with 9 students and 7 of them being seniors from the High School.
- Calls for the year are at 255 and last year the calls were at 231.
- The ambulance has billed out \$1,052,000 for 2012.
- EMS week will be by May 19-25. The theme is "One Team One Mission".

City Manager Ainslie reported:

Sales tax update for the month of February- General Sales Tax was down 6% and the Gross Receipts tax (triple B) was down 29%.

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

Motion by Johnston, second by McVay and carried with all members present voting yes to approve the following claims with the exception of Johnston Hardware, \$41.99, supp:

Wages – Ambulance \$14,426.90; Attorney \$2884.62; Auditorium \$327.68; Buildings \$688.07; Cemetery \$1834.11; City Manager \$4708.83; Community Center \$9405.27; Finance Office \$8562.31; Fire Department \$1736.28; Human Resource \$2171.81; Library \$8791.35; Liquor \$4368.71; Mayor and Council \$3333.27; Parks \$10,435.03; Planning & Permitting \$3132.62; Police \$36,362.56; Rally \$3276.02; Recreation \$3028.66; Sanitary Service \$10,165.03; Streets \$9590.83; Wastewater \$7673.98; Water \$13,382.07; Federal Withholding \$15,015.67; FICA \$11,664.46.

General – A&B Business, \$247.37, supp; A&J Surplus, \$86.80, supp; Allegiant Emergency Services, \$877.34, supp; Amazon, \$772.86, supp; Amcon Distributing, \$475.91, merch for resale; American Legal Services, \$50.68, prof fee; Avaya, \$36.39, util; B&B Crane Service, \$4232.15, rent; Baker & Taylor, \$689.32, supp; Barrows Electric Service, \$85.71, repair; Bentz Equipment, \$44.57, repair; BH Chemical, \$690.51, supp; BH Power, \$1384.85, util; BH Rally & Gold, \$300.00, merch for resale; Border States Electric, \$400.08, repair; Jerry Burnham, \$2490.92, prof fee; Butte Electric, \$557.03, util; CBH Cooperative, \$210.60, supp; CCA Solutions, \$41.15, supp; City of Sturgis, Water Dept, \$1221.35, util; Community Center, \$30.00, other; Community Center Petty Cash, \$7.52, supp; Demco, \$167.11, supp; Double Star Computing, \$1403.90, prof fee; Ebsco Subscription Service, \$41.43, supp; Finance Office Petty Cash, \$67.60, travel; Gaylord Brothers, \$294.46, supp; Glover Investments, \$600.00, rental-rally; Great Western Tire Co, \$106.00, repair; H&H Industrial Tool, \$401.15, repair; Haggerty's Audio Visual, \$207.50, repair; Hillyard, \$63.80, supp; Interstate All Batteries Center, \$93.60, supp; Knecht Home Center, \$6.99, repair; Knology, \$2042.86, util; Midcontinent Communications, \$41.66, util; Northwest Parkway, \$4.05, travel-rally; Pizza Hut, \$20.00, other; Polar Engraving, \$375.00, merch for resale; Print Mark-et, \$918.36, publ; Progressive Business Publications, \$306.72, publ; Purchase Power, \$600.00, supp; Rushmore Office, \$51.33, supp; S&C Cleaning, \$2356.00, maint; Scottsdale Insurance, \$717.45, insur; SD Assn of Code Enforcement, \$50.00, travel; SD Building Officials Assn, \$75.00, travel; SD Dept of Transportation, \$413.00, prof fee; SD Library Network, \$3872.25, maint; SD State Historical Society, \$35.00, supp; Theodore Smith, \$30.00, other; Town-N-Country Plumbing, \$99.90, repair; Value Line Publishing, \$898.00, supp; Verizon, \$1879.30, util; West River Monument, \$250.00, other.

Special Sales Tax – Chamber of Commerce, \$8573.48, chamber; SEDC, \$7750.00, ind dev.

Capital Improvement – ESRI, \$1900.00, cap imp; SEDC, \$5000.00, cap imp.

Library Fund – Tec Furniture, \$5420.00, library furnishing.

Liquor – Cask & Cork, \$119.00, off sale liquor; City of Sturgis Water Dept, \$318.40, util; Double Star Computing, \$13.27, prof fee; Knology, \$147.95, util; Lynchburg Hardware, \$114.48, merch for resale; Print Mark-et, \$61.23, publ; Verizon, \$53.47, util.

Water – BH Power, \$299.90, util; Butte Electric, \$183.60, util; City of Sturgis Water Dept, \$91.35, util; Double Star Computing, \$1303.27, prof fee; Knology, \$125.83, util; Print Mark-et, \$61.23, publ; S&C Cleaning, \$310.00, maint; Verizon, \$230.63, util.

Wastewater – BH Power, \$2554.94, util; City of Sturgis Water Dept, \$27.38, util; Double Star Computing, \$13.27, prof fee; Print Mark-et, \$61.23, publ; S&C Cleaning, \$217.00, maint; Verizon, \$145.18, util.

Sanitary Service – Adams Machining, \$150.62, repair; BH Power, \$332.26, util; Butler Machinery, \$506.22, repair; Century Link, \$58.74, util; Double Star Computing, \$13.27, prof fee; Fastenal Co, \$125.79, repair; Finance Office Petty Cash, \$.60, supp; Print Mark-et, \$61.23, publ; S&C Cleaning, \$217.00, maint; Stern Oil, \$938.25, supp; Verizon, \$56.07, util.

Ambulance – Century Business, \$41.67, supp; City of Sturgis Water Dept, \$52.74, util; DB Billing, \$3702.91, prof fee; Double Star Computing, \$73.27, prof fee; Jacobsen Ford, \$1980.28, repair; Knology, \$87.19, util; Print Mark-et, \$61.23, publ; Purchase Power, \$126.76, supp; Regional Home Medical Equip, \$379.50, supp; Spearfish Ambulance Service, \$175.00, travel; Verizon, \$22.02, util.

Motion by Hersrud, second by McVay and carried with Hersrud, McVay, Potts, Sundstrom and DesJarlais voting yes, Johnston abstaining, to approve the claim for Johnston Hardware, \$41.99, supp.

Councilor DesJarlais had some concerns about allowing this Use on Review.

Mr. DeLudos was asked if he was going to sell ammunition and have gun powder. He replied that he had no plan to have gun powder on the premises and that he would not be selling ammunition right now but it may come to that (selling ammunition) if the business takes off, but right now just firearms.

Motion by McVay, second by Johnston and carried with Hersrud, McVay, Potts, Sundstrom and Johnston voting yes, DesJarlais voting nay, to approve the Use on Review for a home based business at 1309 Pine View Drive for Mario DeLudos-Sturgis Firearms LLC and will be reviewed in a year.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to approve a Special Events Alcoholic Beverage License for the Loud American for the Turkey Federation Banquet at the City Auditorium on March 22, 2013.

Motion by Johnston, second by Hersrud and carried with all members present voting yes to approve a Special Events Alcoholic Beverage License for the Loud American for the Lincoln Day Dinner at the City Auditorium on March 16, 2013.

Motion by McVay, second by Hersrud and carried with all members present voting yes to approve tabling the consideration to approve use of city property and street closure for the USA Pro Supermoto Race on September 14-15, 2013 to the March 18th meeting.

Motion by McVay, second by Johnston and carried with all members present voting yes to approve tabling the consideration to approve an addition to the legal description for the Off-sale Package Liquor License for Sturgis Liquor and potential additional site until the March 18, 2013 meeting.

Motion by DesJarlais, second by Hersrud and carried with all members present voting yes to approve the following payroll changes: Ambulance – Paramedic – Roy Goben – status change to part-time - \$12.00. Police – Patrol Officer – Wade Deuter – part-time \$18.28.

Motion by Hersrud, second by DesJarlais and carried with Hersrud, McVay, DesJarlais, Potts, and Sundstrom voting yes, Johnston abstaining, to approve the funding request to NeighborWorks for \$2000 for a home repair event.

Motion by McVay, second by Hersrud and carried with all members present voting yes to approve the advertising contract for Sturgis Liquor with Homeslice Consulting Corp.

McVay introduced the following written resolution and moved its adoption:

RESOLUTION 2013-16

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 Area Chamber of Commerce has submitted an application to conduct a public raffle within the City of Sturgis beginning on April 12, 2013 and continuing until January 10, 2014 at which time the lottery prizes will be awarded by a drawing at 10:00 pm at the Nite Owl Bar, Sturgis, on January 10, 2014, and

WHEREAS, the Sturgis Area Chamber of Commerce presented its application to conduct this lottery to the City Finance Office on February 25, 2013 and seeks to commence and seeks to begin to sell such raffle tickets on April 12, 2013, and

WHEREAS, the request of the Sturgis Area Chamber of Commerce 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 Area Chamber of Commerce 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 March, 2013.

Published: 03/13/2013

Effective: 04/02/2013

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.

Motion by DesJarlais, second by Johnston and carried with all members present voting yes to approve tabling the consideration for approval of second reading of Ordinance 2013-01 – Title 10 – Franchises to the March 18, 2013 meeting.

DesJarlais introduced the following written resolution and moved its adoption:

RESOLUTION 2013-17

A RESOLUTION OF INTENT TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Common Council of the City of Sturgis has been requested to designate the boundaries of a Downtown Business Improvement District as required in SDCL §9-55-7 in order to permit the City Manager to appoint a Business Improvement Board to provide recommendations to the Mayor and Council regarding a Downtown Business Improvement District;

BE IT RESOLVED, by the Common Council of the City of Sturgis as follows:

The boundary for the proposed Downtown Business Improvement District shall include 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.

A map showing the exterior boundaries of the Downtown Business Improvement District with the exceptions has been prepared and filed in the City Finance Office. A copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

That the Common Council of the City of Sturgis, South Dakota, shall meet in the County Commissioner's Chambers, 1300 Sherman Street, Sturgis, SD at 6:30 p.m., or as soon thereafter as the matter may be heard, on the 15th day of April 2013, to hear and consider the formation of this district and said assessments.

That the purpose of the District shall be to create a funding source for a portion or all of the future proposed public events, public activities, beautification efforts and promotion of the District as allowed by SDCL Ch. 9-55 which encourages economic development within the District.

That the estimated costs for the proposed public events, public activities, beautification efforts and promotion of the District is approximately \$35,000 per year. The assessment shall be paid by all non-residential property owners within the district. All property owners shall pay a rate of \$2 per linear foot of street frontage within the District. The total amount paid by each property shall be capped at \$600 per year.

That the proposed method of assessment is fair and equitable throughout the District.

Dated this 4th day of March 2013.

Adopted: March 4, 2013

Published: March 13, 2013

Effective: April 2, 2013

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

ORDINANCE 2013-05
AN ORDINANCE AMENDING TITLE 11– HEALTH AND SANITATION

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 11– Chapters 11.03.07 Rate for Use of Rubble Site, 11.03.09 Disposal of

Tires, 11.04.03 Rates, 11.04.04 Council Authority over Rates, 11.04.06 Container Regulations, and 11.04.07 Placement of Garbage Containers and Rubbish – Health and Sanitation is amended to read as follows:

11.03.07: RATES FOR USE OF RUBBLE SITE

Any person who has paid all current rates for the hauling of rubbish from within the City as set forth in this Chapter, shall upon presentation of a copy of the utility bill and proof of identity, be entitled to access to the Rubble Site for the purpose of depositing rubble originating from a residence or a commercial unit within the City, so long as the quantity of the rubble being hauled to the Rubble Site is a pickup load or a smaller trailer containing no more than 5 yards.

The fees for dumping material at the Rubble Site shall be a base rate of \$6.00 per yard, and the rate for containers shall be as follows:

CATEGORIES FEE

1 YARD	\$6.00	20 YARDS	\$120.00
2 YARDS	\$12.00	25 YARDS	\$150.00
3 YARDS	\$18.00	30 YARDS	\$180.00
4 YARDS	\$24.00	40 YARDS	\$240.00
5 YARDS	\$30.00	50 YARDS	\$300.00
6 YARDS	\$36.00	60 YARDS	\$360.00
7 YARDS	\$42.00	70 YARDS	\$420.00
8 YARDS	\$48.00	80 YARDS	\$480.00
9 YARDS	\$54.00	90 YARDS	\$540.00
10 YARDS	\$60.00	100 YARDS	\$600.00

The fees set forth above are based on container size, not by the amount of rubbish in said container. If the size of the container is not listed above, the size of the container shall be rounded up to the larger size as determined by City Public Works staff and the appropriate fee shall be paid on that size.

Mobile Home disposal may be permitted subject to inspection and acceptance by Public Works Director or his designee. No Mobile Home or similar prefabricated unit will be accepted for disposal if it contains household goods, clothing, trash, garbage or other hazardous or toxic items. The rate for disposal shall be \$15.00 per linear foot, including hitch length, tires will be charged separately in accordance with Section 11.03.09.

For convenience, punch cards shall be sold by the City, which shall allow the owner thereof to dump in quantities equal to the value of the categories hereinbefore set forth at said Rubble Site.

For the purpose of this Section, rubble and waste material originates at the place where it first becomes rubble or waste material.

It shall be unlawful to dump any rubble or waste material at the Rubble Site without paying the required fee as set forth herein.

The Rubble Site may be unlocked on Sundays or holidays provided the person requesting this service in writing shall pay to the City a fee to reimburse the City for its costs, in an amount to be determined

by the Public Works Director.

11.03.08: DISPOSAL OF SYRINGES OR MEDICAL WASTE PROHIBITED

No person shall deposit any syringe or other medical waste of any type in any garbage or trash container provided by the City under the terms of this ordinance.

11.03.09: DISPOSAL OF TIRES

Tires accepted for the Restricted Use of Solid Waste Facility shall be handled as follows:

- Type 1. \$3.00 each – Bicycle tires.
- Type 2. \$5.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.
- Type 3. \$10.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.
- Type 4. \$20.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.
- Type 5. \$40.00 each– Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

No tires larger than 24 inches inside diameter shall be accepted.

Tires must be sorted, paid for at the listed fee, and placed in the proper pile according to the City or its designee.

The City may no longer haul or accept tires in the refuse trucks. City sanitation dump trucks may pick up tires of Type 1, 2, and 3 within the City. Upon request by the resident, billing for said tire pick up shall be assessed on the resident's monthly sanitation utility bill sent by the Sturgis Water Department.

Chapter 11.04 COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH

SECTIONS:

- 11.04.01: Council May adopt System for Collection and Disposal
- 11.04.02: City Collection System
- 11.04.03: Rates
- 11.04.04: Council Authority Over Rates
- 11.04.05: Billing and Failure to Pay
- 11.04.06: Container Regulations
- 11.04.07: Placement of Garbage Cans and Rubbish
- 11.04.08: Accumulation of Garbage and Rubbish
- 11.04.09: Compulsory and Universal System
- 11.04.10: Hazardous or Toxic Waste Not to be Placed in Any Container for Collection
- 11.04.11: Sanitation Fee

- 11.04.12: Billing and Failure to Pay
- 11.04.13: Appeal Process

11.04.01: COUNCIL MAY ADOPT SYSTEM FOR COLLECTION AND DISPOSAL

The City Council shall have the power and duty to provide for the removal of garbage and rubbish by the system outlined in Section 11.04.09 or by developing a separate licensing procedure.

11.04.02: CITY COLLECTION SYSTEM

In lieu of issuing a license or licenses to collectors, the City Council is hereby authorized to purchase or rent the necessary equipment and employ the necessary personnel to collect and dispose of the garbage and rubbish found in the City and collects and retains the collection fees as hereinafter provided.

11.04.03: RATES

It is hereby determined that the following are reasonable and necessary charges to be levied, imposed and collected for said garbage and rubbish collection and disposal in order to provide proper sanitary control within the City.

Each unit in the City, regardless of the amount of garbage and rubbish placed for disposal, shall be charged the following sums per month for the collection and disposal of garbage and rubbish service provided pursuant to this Chapter:

	1 UNIT	2 UNITS	3 UNITS	4 UNITS	5 UNITS	6 UNITS	7 UNITS	8 UNITS
	90 GAL.	2 – 90 GAL.	3 – 90 GAL.	1 – 300 GAL.	2 – 300 GAL.	3 – 300 GAL.	4 – 300 GAL.	5 – 300 GAL.
TIMES PER WEEK								
1	\$10.30	\$20.60	\$30.90	\$30.90	\$61.80	\$92.70	\$123.60	\$154.50
2	\$20.60	\$41.20	\$61.80	\$61.80	\$123.60	\$185.40	\$247.20	\$309.00
3	\$30.90	\$61.80	\$92.70	\$92.70	\$185.40	\$278.10	\$370.80	\$463.50
4	\$41.20	\$82.40	\$123.60	\$123.60	\$247.20	\$370.80	\$494.40	\$618.00
5	\$51.50	\$103.00	\$154.50	\$154.50	\$309.00	\$463.50	\$618.00	\$650.00
6	\$61.80	\$123.60	\$185.40	\$185.40	\$370.80	\$556.20	\$650.00	\$650.00
7	\$72.10	\$144.20	\$216.30	\$216.30	\$432.60	\$648.90	\$650.00	\$650.00

The rates set forth above do not include a \$1.00 per residential account and \$3.00 per commercial unit surcharge for the purpose of providing recycling unit at selected locations within the city.

The Council may adjust the fee by resolution. Additional pick up service beyond the curbside household garbage tote pickup may be provided by the City. In the event such service is provided, the City may charge a fee commensurate to the costs associated with the service.

The City reserves the right to charge rates in excess of the rate classification set forth above, on an individual basis, depending on the volume of refuse, the difficulty of collection of the refuse and the containers used by the commercial unit for storage of refuse prior to collection.

Each multi-family unit or apartment house, where the structure housing the multi-family unit contains between one (1) and twenty-four (24) apartment units, shall be charged \$10.00 per unit, per apartment, per month, and each multi-family unit or apartment house containing twenty-five (25) units or more shall be charged \$7.40 per apartment, per month, and each multi-family unit or apartment house. The owner of the multi-family unit shall be responsible for paying the charges imposed herein for the whole unit.

The Council may by resolution annually approve an additional voluntary recycling fee or reduction to fund a curbside recycling program. Such a fee would be charged on a voluntary basis to pay for the additional curbside recycling service if and when the City offers such a program.

11.04.04: COUNCIL AUTHORITY OVER RATES

The City shall have the power in the annual budget ordinance to lower or raise the charges herein set forth.

11.04.05: BILLING AND FAILURE TO PAY

Any charges for services as provided for in the preceding Sections shall be paid with the City utility bill. The City shall not be obligated to collect and dispose of the garbage and rubbish from that unit until such time that all charges are paid up-to-date.

11.04.06: CONTAINER REGULATIONS

Solid waste containers shall be kept closed and all of the contents shall be protected so that the wind cannot blow out and scatter the contents over the streets, alleys or property within the City. All refuse shall be placed in garbage bags and the bags must be securely fastened at the opening, and all boxes and containers must be sealed in such a fashion that no refuse can fall, blow away, or leak out.

In the event that a commercial unit provides a dumpster container at its own expense, this dumpster shall be compatible with the garbage collection trucks used by the City.

Any person who feels that his commercial unit should not be required to have the sanitation totes as determined by the Public Works Director, shall have the right to appeal the decision of the Public Works Director to the City Manager and Council as provided in this Section 11.04.23 herein.

Garbage shall be placed in containers provided by the City and no family unit shall place garbage in any city provided container without having drained off the moisture and placed it in plastic garbage bags or wrapped it in paper to avoid odor and freezing to the garbage can. Ashes must be cold before being placed in any garbage container. All rubbish shall be placed in sufficiently strong containers to adequately hold and confine such waste materials. Sanitation workers shall not be responsible for picking up garbage which has been strewn about or not in proper containers.

11.04.07: PLACEMENT OF GARBAGE CONTAINERS AND RUBBISH

All garbage containers and rubbish shall be placed on the premises adjacent to an alley bordering on said premises so as to be accessible from the alley adjoining the premises. Where no alley is available, garbage containers and rubbish shall be placed at any other convenient location where the garbage collectors can get at it, but in no case shall any garbage truck be required to use any private driveway in collecting garbage and rubbish. Garbage and rubbish shall be placed for pick-up in a location adjacent to the public right of way so as to allow safe operation of City equipment.

Dated this 4th day of March, 2012.

First reading: February 19, 2013

Second reading: March 4, 2013

Adopted: March 4, 2013

Published: March 13, 2013

Effective: April 2, 2013

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

ORDINANCE 2013-06 AN ORDINANCE AMENDING TITLE 3– LICENSING AND REGULATION OF ALCOHOL, MALT BEVERAGES AND DRINKING ESTABLISHMENTS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that **Title 3 -Chapters 3.01.02 Definitions; 3.04.02 General Requirements and/or limitations; 3.04.06 Deck, Patio and Beer Garden Requirements – amended to read as follows:**

3.01.02: DEFINITIONS

A term that is defined in a specific section of this chapter is to be first given the meaning therein defined. If a term is not defined in a specific section the term is to be defined using the definitions below in this section. If a term is not defined in this section the term is to be given the meaning as defined in Title 35 of the South Dakota Codified Laws, SDCL. If a term is not provided for in the SDCL the term is to be given its plain and ordinary meaning.

ALCOHOLIC BEVERAGE: Any distilled spirits, wine, and malt beverages as defined in this chapter.

BAR: Any permanent installed counter within the restaurant area from which alcoholic beverages are regularly served to customers by a person employed by the facility and is tending bar or drawing or mixing or otherwise preparing alcoholic beverages for consumption within the facility.

BEER GARDEN: A designated area within the premises of a licensed on sale dealer, identified in the license application, adjacent to the permanent structure on the licensed premises, and separated and defined by the temporary or permanent barriers required by this Ordinance. A Beer Garden shall not include the area of a deck or patio as defined in this Ordinance, and the beer

garden may be covered or uncovered. The total area of a beer garden may not exceed the square footage of the ground floor footprint of the qualified, permanent structure located on the licensed premises.

3.04.02: GENERAL REQUIREMENTS AND/OR LIMITATIONS.

- A. All Federal, State and Local laws shall be complied with at all times.
- B. In the event a fight or civil disturbance occurs within the temporary drinking establishment where police are called to assist, the establishment shall temporarily cease selling of all malt beverage/alcohol, until the disturbance is under control and the Police Department of the City has granted permission to reestablish sales.
- C. Beverage cans, trash and other debris, which is collected during an event, shall be bagged and removed from the property on a daily basis to prevent the accumulation of pests and to deter unwanted smell as required by City Ordinance 11.04.
- D. It shall be unlawful for any person to permit illegal nudity, lewd or indecent acts, exhibitions, or any other behavior in violation of City Ordinance Chapter 12.10 and/or Chapter 12.11 to take place within their establishment.
- E. Any structure from which alcoholic beverages are sold or served shall be constructed in compliance with this ordinance and all City Building and/or Fire Codes, and other applicable Ordinances.
- F. It shall be unlawful for any person to allow the distribution, sale and/or consumption of malt beverage and/or alcohol by a minor in their establishment.
- G. No person who has been issued a license for alcoholic beverages under this Title may permit any illegal activity within the licensed premises or on adjoining property subject to the control of the licensee.
- H. No person who has been issued a malt beverage and/or alcohol license shall permit prostitution as prohibited by SDCL Chapter 22-23. In addition to the penalty set forth in this Title, any person who permits illegal prostitution to take place within their drinking establishment shall be subject to possible revocation or non-renewal of their malt beverage and/or alcohol license.

3.04.06: DECK, PATIO AND BEER GARDEN REQUIREMENTS.

Malt beverage and/or liquor shall only be served within a designated beer garden area as defined herein or upon decks and/or patios permanently connected to the structure of a drinking establishment. The requirements for service of alcohol within a beer garden or upon a permanent deck and/or patio for all times of the year shall be as follows:

- A. Any patio or beer garden shall be surrounded by a physical barrier, which is continuous with the exception of the exit and entrance points, and the deck and/or patio shall be surrounded by a 42" high continuous railing, or a comparable permanent barrier with the exception that the railing may have a break for approved ingress and egress points. One of the ingress or egress points shall be attached to the attached permanent structure.

- B. Any deck for which the traffic surface is not more than two (2) feet above grade shall have the 42” perimeter barrier meeting IBC requirements.
- C. Any patio shall be constructed of concrete, rock, asphalt or similar non-absorbent hard surface materials;
- D. Any deck shall be constructed as required by the Building Code adopted by the City of Sturgis.
- E. Any deck, patio or beer garden shall have a minimum of one entrance/exit, which has access to the structure to which it is attached; and
- F. Compliance with all applicable provisions of this Title.

Dated this 4th day of March, 2013.

First reading: 02/19/2013
 Second reading: 03/04/2013
 Adopted: 03/04/2013
 Published: 03/13/2013
 Effective: 04/02/2013

The following bids were received for two ambulances: Feld Fire- Demo-\$152,274; Demo 4X4 - \$170,000; new-\$162,110. North Central-new-\$153,393 (did not meet bid specs); Braun-new-\$170,857; M & T Fire-new-\$164,500; Rocky Mt. Emergency-\$167,732; Alligiant -\$132,000 (did not meet bid specs).

Motion by Johnston, second by Sundstrom and carried with all members present voting yes to approve accepting the bid for the demo 4X4 ambulance from Feld Fire for \$170,000.

Motion by McVay, second by DesJarlais and carried with all members present voting yes to approve accepting the bid for the new ambulance from Feld Fire for \$162,110.

Motion by Johnston, second by DesJarlais and carried with all members present voting yes to approve the 2012 Annual Financial Report.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to approve a transfer of Retail On-Off Sale Malt Beverage License from Leland Swanson to Moyle Petroleum-Common Cents at 2721 Junction.

Any other business:
None

Motion by DesJarlais, seconded by Johnston and carried with all members present voting yes to adjourn the meeting at 7:25 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$