

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:35 p.m. on Monday, March 17, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, Marcia Johnston, Tim Potts, and Ronald Waterland (by phone). Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: David Hersrud and Kelly Vasknetz.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

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

Announcements:

- Councilor Bestgen reported that the Sturgis High School girls received 4th place in the State Basketball Tournament and the boys will be playing next Thursday in the State Tournament. There will be a sendoff for them at 7:00 a.m. out at the High School.
- SD Housing is looking for a house to paint and repair in Sturgis. The applications are at City Hall.
- Mayor Carstensen reminded everyone that when there is 4 or more inches of snow predicted that citizens must move their cars off of the snow route or they will be ticketed and towed.
- The Mayor received phone calls from citizens thanking the City for cleanup of the building at Exit 32.
- Mayor Carstensen read the proclamation for National Service Recognition Day.
- Councilor Potts congratulated Habitat for Humanity for bringing a new home to Sturgis.

City Manager Ainslie reported:

- The budget numbers for the end of February 2014 are as follows: General Fund is at 18%; SST 18%; Capital Imp 13.7%; Equip Replacement 23.4%; Liquor 7.4%; Water 14.4%; Wastewater 12.7%; Sanitation 24.4% and Ambulance 21%.

Motion by Bachand, second by Johnston and carried with all members present voting yes to approve the following items on the consent calendar:

- a. Consider approval of the minutes from the March 3, 2014 regular council meeting.
- b. Consideration to approve a public hearing on April 7, 2014 for a special events license for the Sidehack Saloon at the Sturgis Armory on 4/11/14 for the Chamber Annual Banquet.
- c. Consideration to ratify approval of sponsorship and lease contracts.
- d. Consideration to approve a public hearing on March 31, 2014 for a zoning amendment and plat for Scott Peterson Motors.

Motion by Johnston, second by and carried with all members present voting yes to approve the following claims with the exception of: **General** - Johnston Hardware, \$501.22, supp; **Water** - Johnston Hardware, \$66.61, supp; **Wastewater** - Johnston Hardware, \$14.99, supp; **Ambulance** - Johnston Hardware, \$53.01, supp. (This motion was dropped).

Motion by Johnston, second by Bachand and carried Anderson, Bachand, Bestgen, Johnston, Potts and Waterland voting yes, Carstensen abstaining, to approve the following claims with the addition of **Ambulance** - Page, Wolfberg & Wirth, \$2610.00, prof fee, and exception of: **General**

- Johnston Hardware, \$501.22, supp; **Water** - Johnston Hardware, \$66.61, supp; **Wastewater** - Johnston Hardware, \$14.99, supp; **Ambulance** - Johnston Hardware, \$53.01, supp.

Wages – Ambulance \$26,583.84; Attorney \$2935.10; Buildings \$814.40; Cemetery \$2350.93; City Manager \$4298.76; Community Center \$9570.54; Finance Office \$8988.09; Fire Department \$1681.39; Human Resource \$2208.94; Library \$8566.00; Liquor \$5250.48; Mayor and Council \$3391.63; Parks \$13,691.31; Planning & Permitting \$3646.50; Police \$37,511.74; Rally \$3392.99; Recreation \$3159.56; Sanitary Service \$12,268.57; Streets \$8508.16; Wastewater \$7660.16; Water \$13,963.42; Federal Withholding \$17,514.09; FICA \$13,121.72.

General – A&B Business, \$300.29, supp; A&J Surplus, \$765.26, repair; Aker Woods, \$2045.44, other; Amcon, \$138.70, merch for resale; Assoc Supply Co, \$3798.38, supp; AT&T Mobility, \$1679.87, util; Avaya, \$36.39, util; BH Chemical, \$865.61, supp; BH Power, \$23,555.08, util; Butte Electric, \$499.43, util; Caselle, \$527.99, prof fee; CBH Coop, \$15,867.98, supp; Central Parts Warehouse, \$590.92, repair; Century Business, \$102.90, supp; Chain Saw Center, \$191.53, supp; City of Sturgis Water Dept, \$1367.05, util; Coca Cola, \$881.25, merch for resale; Dakota Backup, \$226.30, prof fee; Diesel Machinery Inc, \$174.50, supp; Dot.krom, \$2025.00, publ-rally; Double Star Computing, \$3666.50, supp; Ecolab Pest, \$185.42, maint; First Interstate Bank, \$5226.73, travel; Freeman Electric, \$413.14, repair; Gemplers, \$134.10, supp; Glover Investments, \$600.00, rental-rally; Great Western Tire, \$706.10, supp; Hillyard, \$78.10, supp; J&L Services, \$60.00, repair; Jacobs Auto Repair, \$470.00, supp; Jenner Equip, \$1855.24, repair; Legends Sales & Marketing, \$4500.00, prof fee; Lynn’s Dakotamart, \$90.83, supp; Marco Inc, \$24.27, maint; Meade Co Auditor, \$7969.15, other; Menards, \$360.88, supp; MDU, \$11,656.81, util; Motionsoft, \$450.00, prof fee; O’Reilly Auto Parts, \$355.02, repair; Owens Interstate Sales, \$586.15, supp; Petty Cash, \$57.95, supp; Pizza Hut, \$107.23, other; Power House, \$20.52, repair; Public Safety Equipment Co, \$259.48, equip; Purchase Power, \$453.27, supp; Rapid City Journal, \$184.80, publ; Renegade Classics, \$1500.00, rally lease refund; Robert Sharp & Assoc, \$1000.50, publ; Rushmore Office, \$833.36, supp; Schwans, \$36.37, merch for resale; Scott Peterson Motors, \$39.95, repair; Scott Peterson Motors, \$27,912.91, equip; Scottsdale Insurance, \$2500.00, insur; SD Building Officials Assn, \$75.00, travel; SD Dept of Revenue, \$24.00, other; SD Municipal League, \$345.00, travel; Servall, \$359.52, maint; Shopko, \$162.34, supp; Lee Smith, \$9.36, supp; Speedy Lube, \$57.23, maint; Christina Steele, \$25.00, grp insur; Sturgis Motorsports, \$184.14, supp; Sturgis Napa, \$854.19, repair; Taser International, \$712.86, supp; The Public Safety Store, \$2629.00, equip; Time Equipment Rental, \$437.92, repair; Geody Vandewater, \$142.53, travel; Verizon, \$158.54, util; Wellmark Blue Cross Blue Shield, \$250.00, other; West Payment Center, \$121.18, prof fee; West River Electric Assn, \$550.64, util; Wimactel, \$60.00, util; Wow! Business, \$589.14, util; Zambelli Fireworks Mfg, \$2000.00, prof fee.

Special Sales Tax – Zambelli Fireworks Mfg, \$5000.00, city promo.

Capital Improvement – Dakota Sealants, \$1765.31, bldg; Owens Interstate Sales, \$1709.93, bldg; Poly John Enterprises, \$10,416.24, equip.

Liquor – Arctic Glacier USA, \$113.35, merch for resale; AT&T Mobility, \$54.53, util; BH Security, \$240.00, other; BH Power, \$1639.41, util; Cask & Cork, \$86.00, off sale liquor; Century Business Products, \$1.10, supp; City of Sturgis Water Dept, \$261.41, util; Coca Cola, \$459.00, pop for resale; Double Star Computing, \$12.50, prof fee; Eagle Sales, \$7885.56, off sale beer; Ecolab Pest, \$103.07, maint; First Interstate Bank, \$196.57, repair; Fisher Beverage, \$7428.57, off sale beer; Johnson Western Wholesale, \$15,249.80, off sale liquor; MDU, \$412.21, util; Republic Beverage Co, \$23,822.65, off sale liquor; Rushmore Office, \$501.44, supp; Schade Vineyard, \$120.00, off sale liquor; Servall, \$152.85, supp; The Homeslice Group, \$4660.00, publ.

Water – A&B Business, \$294.57, supp; A&J Surplus, \$42.28, supp; AT&T Mobility, \$222.11, util; Batteries Plus, \$544.50, supp; BH Power, \$687.15, util; Butte Electric, \$183.60, util; Caselle, \$382.34, prof fee; CBH Coop, \$617.14, supp; City of Sturgis Water Dept, \$115.40, util; Coldwell Banker, \$50.00, refund; Credit Collections Bureau, \$17.80, prof fee; Dakota Backup, \$1659.53, prof fee; Double Star Computing, \$162.50, prof fee; First Interstate Bank, \$-18.86, travel;

Hawkins, \$40.00, supp; Lynn's Dakotamart, \$3.99, supp; Meade Co Times, \$97.21, publ; MDU, \$494.31, util; Owens Interstate, \$12.04, supp; Charles Paul, \$31.27, refund; Rushmore Office, \$7.26, supp; SD Assn of Rural Water, \$175.00, travel; Servall, \$17.79, supp; Shopko, \$11.26, supp; SD One Call, \$26.64, prof fee; Sturgis Economic Development Corp, \$36,666.67, other; Sturgis Napa, \$6.92, supp; Town-N-Country Plumbing, \$14.95, supp; Twenterprises, \$556.00, maint.

Wastewater – AT&T Mobility, \$113.55, util; BH Urgent Care, \$55.00, prof fee; City of Sturgis Water Dept, \$22.28, util; Double Star Computing, \$47.50, prof fee; First Interstate Bank, \$420.07, travel; Owens Interstate, \$427.87, supp; Sturgis Napa, \$43.13, repair; Subway, \$60.00, travel; Verizon, \$46.66.

Sanitary Service – AT&T Mobility, \$77.55, util; BH Power, \$11.50, util; CBH Coop, \$3464.79, supp; Century Business Leasing, \$195.76, prof fee; City of Belle Fourche, \$13,482.54, other; Double Star Computing, \$47.50, prof fee; Eddies Truck Sales, \$4417.27, repair; Fastenal Co, \$.56, supp; Hersrud, \$81.63, repair; Owens Interstate, \$106.49, supp; Sturgis Napa, \$39.71, repair.

Ambulance – Best Buy, \$-809.98, supp; CBH Coop, \$2115.42, supp; Century Business, \$30.52, supp; City of Sturgis Water Dept, \$65.00, util; Coca Cola, \$31.25, repair; Dale's Tire, \$680.42, supp; Diesel Machinery Inc, \$174.50, supp; Double Star Computing, \$182.45, prof fee; Ecolab Pest, \$35.00, supp; First Interstate Bank, \$1403.15, supp; Jones & Bartlett Learning, \$96.75, prof fee; Lynn's Dakotamart, \$34.78, supp; MDU, \$505.18, util; Owens Interstate, \$9.20, supp; Regional Home Medical Equip, \$308.00, supp; Richter's Tire, \$67.96, repair; Rockingtree Floral, \$22.00, supp; Rushmore Office, \$93.63, supp; Julie Schmidt, \$25.00, grp insur; Scott Peterson Motors, \$1221.15, repair; SD Dept of Public Safety, \$12.00, supp; Shopko, \$98.84, supp; Sturgis Napa, \$618.41, supp; Verizon, \$22.02, util; Wow! Business, \$81.40, util.

Motion by Potts, second by Bestgen and carried with Carstensen, Anderson, Bachand, Bestgen, Potts and Waterland voting yes, Johnston abstaining, to approve the following claims: **General** - Johnston Hardware, \$501.22, supp; **Water** - Johnston Hardware, \$66.61, supp; **Wastewater** - Johnston Hardware, \$14.99, supp; **Ambulance** - Johnston Hardware, \$53.01, supp.

Motion by Potts, second by Bestgen and carried with all members present voting yes to approve a package off-sale malt beverage license for Key City Enterprises – The Knuckle Brewing Co at 931 1st St/918 2nd St.

Motion by Bestgen, second by Bachand and carried with Anderson, Bachand, Bestgen and Waterland voting yes and Carstensen, Johnston and Potts voting no to deny a Conditional Use on Review for Chris Kubes at 1905 Park Ave to replace a car port roof.

Motion by Potts, second by Johnston and carried with all members present voting yes to approve the following payroll changes: Ambulance Dept – EMT-B – Katie O'Bryan - \$12.00 (\$10 until orientation done). Police Dept – Sergeant – Drew Grotti - \$23.89, Dylan Siscoe - \$21.21; Patrol Officer – Mark Alley - \$20.53, Wade Deuter - \$19.21. Community Center – Lifeguard – Samantha Day - \$7.75. Wastewater Dept – Wastewater Operator – Harley Jacobs - \$15.98.

Motion by Bestgen, second by Johnston and carried with Carstensen, Anderson, Bachand, Bestgen, Johnston, and Waterland voting yes, Potts abstaining, to approve the Economic Development Loan Programs with SEDC with the following change of terms: 15 years on real estate collateral and 10 years on any other collateral. The loans will be set at a maximum of \$100,000 per loan, but the Council will be open to exceptions presented by SEDC.

Public Works Director Rick Bush presented a PowerPoint presentation of the Snow and Ice Control Plan. This plan will be on the City's website.

One bid was received for cell phone service. It was from Verizon – see bid packet for prices. Motion by Potts, second by Johnston and carried with all members present voting yes to award the bid for cell phone service to Verizon.

One bid was received from Diesel Machinery Inc., dba DMI for \$52,450.00. Motion by Potts, second by Johnston and carried with all members present voting yes to approve the bid from DMI for a 2003 TD-25H Dresta Crawler Tractor undercarriage replacement and authorize the City Manager to sign all paperwork necessary.

Waterland introduced the following written resolution and moved its adoption:

RESOLUTION 2014 – 17
A RESOLUTION TO CONVEY REAL PROPERTY TO
STURGIS ECONOMIC DEVELOPMENT CORPORATION

WHEREAS, the City of Sturgis is the owner of certain real property which is no longer necessary, useful or suitable for municipal purposes; and

WHEREAS, it is deemed advisable and in the best interest of the City of Sturgis to transfer the following described real property:

Murray Tract #1 Lot 61R. Parcel ID 01.19.61R

WHEREAS, SEDC (Sturgis Economic Development Corporation, a not for profit organization) has made a request to the City of Sturgis to convey said property to SEDC pursuant to SDCL 9-27-36 for expansion of the Community Economic base ; and

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

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

Dated this 17th day of March, 2014.

Published: 03-26-2014

Effective: 04-16-2014

Anderson 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 Potts and carried with all members present voting yes to approve Prairie Hills Transit's request for additional funding of \$18,000 for a new bus. This will be taken out of contingency.

After much input and discussion from citizens and bar owners, a motion was made by Bestgen, second by Johnston and carried with all members present voting yes to approve second reading of Ordinance 2014-06 – Title 13 – Offenses and Regulations.

ORDINANCE 2014-06
AN ORDINANCE AMENDING TITLE 13– OFFENSES AND REGULATIONS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 13 Offenses and Regulations– Chapter 13.02 – Offenses - Section 13.02.11: Noise Regulation and Limitation is amended to read as follows:

TITLE 13
OFFENSES AND REGULATIONS

Chapters:

- 13.01: General Provisions
- 13.02: Offenses
- 13.03: Minors
- 13.04: Public Safety
- 13.05: Offenses to Property
- 13.06: Gambling and Swindling

CHAPTER 13.01
GENERAL PROVISIONS

SECTIONS:

- 13.01.01: Scope and Purpose
 - 13.01.02: Definitions
 - 13.01.03: Penalty
-

CHAPTER 13.02
OFFENSES

- 13.02.01: Disorderly Conduct
- 13.02.02: Disorderly Assembly
- 13.02.03: Causing or Engaging in Riot
- 13.02.04: Resisting, Assisting to Resist, Escaping from or Assaulting an Officer
- 13.02.05: Impersonating an Officer
- 13.02.06: Lurking about Premises
- 13.02.07: Hindering or Molesting Passerby
- 13.02.08: Playing in Streets
- 13.02.09: Trespass and Unauthorized Use of Property
- 13.02.10: Open Containers
- ~~13.02.11: Use of Mechanical and Electronic Sound Amplification Devices~~
- 13.02.11: Noise Regulation and Limitation
- 13.02.12: Motorcycle and Automobile Dynamometers
- 13.02.13: Pedestrian Interference and Aggressive Solicitation

~~**13.02.11: USE OF MECHANICAL AND ELECTRONIC SOUND AMPLIFICATION DEVICE**~~

~~No person shall project their voice, or any type of sound, through a sound amplification device so as to disturb the public peace or decorum or to use such device to incite others to violate the Ordinances of the City or the statutes of the State of South Dakota, or to use such device in uttering profane, obscene, indecent or threatening language.~~

13.02.11: NOISE REGULATION AND LIMITATIONS

A. The purpose and intent of this section is to protect, preserve and promote the health, safety, welfare, peace, quiet and tranquility for the citizens of the city and persons or visitors frequenting the city through the reduction, control and prevention of noise which is disruptive and constitutes an annoyance to such citizens and persons. The city recognizes and acknowledges the topography of the city and that businesses are located primarily along the streets and highways which travel through the bottom of the valley of the city and that sound and noise rising from such highways and streets is easily heard and echoes above such streets and alleys to the surrounding area where most of the citizens of the city reside. The city acknowledges and recognizes that the Sturgis Rally has created a certain business environment which now dominates the business community of the city. This environment has also greatly increased the number of visitors and tourists visiting the city and greatly increased both vehicle traffic and pedestrian traffic and general noise level on the streets and sidewalks of the city.

B. General Restrictions:

1. A person or property owner may not:
 - (1) Make or permit any disruptive noise or use sound equipment in public or outside between 2:00 a.m. and 8:00 a.m.;
 - (2) Operate construction equipment, tools or conduct construction activities between ten (10) p.m. and six (6) a.m.; or
 - (3) Operate sound equipment in a vehicle causing any disruptive noise or a discernable vibration twenty (20) feet from the vehicle.
2. In addition to the specific prohibitions outlined in subsection A, it is unlawful for any person to make, continue, or cause to be made or continued any loud or unusual noise so as to disturb the peace of the public, any neighborhood, any business operation, family, lawful assembly of persons or a person by committing any act or acts of disturbance within the limits of the city. (Animal noise, see also subsection 32.03.10 of City Ordinances.)
3. Excessive Vehicle Noise and Dynamic Engine Braking:
It is unlawful for any person within the city limits of the City to make, or cause to be made, loud or disturbing or offensive noise with any mechanical devices operated by compressed air and used for purposes of assisting braking such as Dynamic Engine Braking Devices. (Commonly referred to as “Jake” brake; see also subsection 16.02.25 of City Ordinances regarding Exhibition Driving, or subsection 16.03.06 of City Ordinances regarding Noise Regulation and Muffler Cut-out.)

C. Requirements for Use of Outdoor Sound Amplification Equipment:

As provided in this chapter, any person, partnership, association, corporation or business desiring to use or operate any loudspeaker, public address system or other sound amplifying equipment outdoors, or indoors but designed to project the sound outdoors in violation of 13.02.11 B, shall not be permitted. This chapter shall not apply to the following:

1. Authorized parades such as High School Homecoming.
2. The activities and events of the Sturgis Motor Cycle Rally but only for the seven days of the “Official Rally dates” and three (3) day before and three (3) days after those dates, and only during the hours of 8:00 am to 2:00 am.
3. Other Events as allowed by the City in approving a Special Event application, for

- the times and dates established by the City.
4. Athletic games or contests such as football games, softball games, baseball games, soccer games, rodeos, bicycle races, and other similar events;
 5. Performances, shows or entertainment presented to the general public, in compliance with all City Ordinances, on private property.
 6. Emergency vehicles and for emergency purposes such as police, fire and ambulance sirens or warning devices and loudspeakers used in connection with crimes, disasters or emergencies;
 7. An employee of a governmental entity engaged in the employee's official duty;
 8. A person operating a bell for or participating in a scheduled religious worship activity.

Dated this 17th day of March, 2014.

First reading: 02-03-2014

Second reading: 03-17-2014

Adopted: 03-17-2014

Published: 03-26-2014

Effective: 04-16-2014

The following four elements are included as part of the minutes and were discussed during the Ordinance Committee meeting on March 7, 2014 between the bar owners and the committee.

1. The Knuckle radio broadcasting to the outside of that premises will be shut off at 11:00 pm.
2. The volume on all other exterior speakers at licensed premises will be reduced at 11:00 pm.
3. If two or more sound complaints are received by law enforcement on a business establishment in one evening, law enforcement will visit the establishment and notify the management of the complaints. (A ticket can be issued as needed in the judgment of the officer).
4. If Law enforcement and City staff continue to receive complaints, the Council may exercise its authority to further revise Title 13 to address such complaints.

Motion by Waterland, second by Bestgen and carried with all members present voting yes to approve first reading of Ordinance 2014-07 – Title 7 – General Government.

Councilor Bachand asked that it be written in the minutes that the Council will hold a public forum at least quarterly to talk about City issues.

Any other business:

David Fisher commented on the decision that was made by the Council on the Conditional Use on Review for Chris Kubes.

Mayor Carstensen asked that the Council and Staff work on the storm water drainage issues.

Motion by Bachand, second by Anderson and carried with all members present voting yes to go into executive session for personnel and contracts at 9:45 pm.

Motion by Bestgen, second by Johnston and carried with all members present voting yes to return to regular session at 11:36 pm.

Motion by Johnston, second by Bestgen and carried with all members present voting yes to approve an addendum to the Maverick Publishing contract.

Motion by Bestgen, second by Anderson and carried with Anderson, Bachand, Bestgen, Johnston, Potts voting yes, Carstensen abstaining, to approve transferring the western Exit 32 Lot to SEDC in accordance to a development agreement which shall require the construction of a trailhead with parking for at least 20 vehicles, a community way finding sign, payment for half the cost of streetlights along south Junction between I 90 and Pine View Drive.

Motion by Potts, seconded by Bestgen and carried with all members present voting yes to adjourn the meeting at 11:37 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$365.47.