

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, June 16, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud (arrived at 7:29), Marcia Johnston, Tim Potts, and Kelly Vasknetz. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Ron Waterland.

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:

- There will be a Public Safety outreach meeting for the public on June 18th at 7:00 pm at the Community Center in the Meade Room.
- Congratulations to Elvira Bender for being Custodian of the Year for the SD Custodian Engineers Group. Bender is a custodian for the Community Center
- Mayor Carstensen proclaimed June 20, 2014 as Sherry Scudder Day.

City Manager Ainslie reported:

- The budget numbers for the end of May 2014 are as follows: General Fund is at 37%; SST 65.9%; Capital Imp 57.3%; Capital Replacement 43.8%; Liquor 29.1%; Water 33.9%; Wastewater 35.9%; Sanitation 39.5% and Ambulance 44.6%.
- Public Works Department is asking that all residents that are using sump pumps drain them into their yards or into the storm water system.

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

- a. Approve the minutes from the June 2, 2014 regular Council meeting.
- b. Approve the minutes from the June 9, 2014 special Council meeting.
- c. Approve Use of City property by Meade County for their annual Food Bank fundraiser on July 23, 2014 (20 x 40 tent, 20 picnic tables, and associated labor). (*Annual event.*)
- d. Approve Use of City property by BAM for the BAM Festival held July 12, 2014 in the City Park (Park Shelters, 20 x 40 tent, 30 x 60 tent, crowd panels, Bike Path, and associated labor). (*Annual event.*)
- e. Approve Use of City Park by Thunder Road Ministries for the daily Kidz Zone events August 4th through August 9th, 2014. (No other property requests.) (*Annual event.*)
- f. Approve Use of City Property for the Black Hills Endurance Tatonka 100 (ultramarathon) on June 28th and 29th (20 x 40 tent, crowd control panels, standby Ambulance, and associated labor). (*Annual event.*)
- g. Set public hearing for July 7, 2014 for a Special Events Liquor License for the Knuckle Saloon at the City of Riders Motorcycle Expo during the Sturgis Motorcycle Rally on August 1, 5, 7, and 13, 2014.

Motion by Johnston, second by Bachand and carried with all members present voting yes to approve the following claims with the exception of: **General** - Johnston Hardware, \$195.27, supp; **Revolving Fund Loan** - Cetec, \$7047.02, other; **Water** - Cetec, \$15,921.60, prof fee;

Johnston Hardware, \$13.45, supp; **Wastewater** - Johnston Hardware, \$13.98, supp; **Ambulance** - Johnston Hardware, \$118.43, supp;

Wages – Ambulance \$29,713.63; Attorney \$2935.10; Buildings \$814.40; Cemetery \$3046.88; City Manager \$4294.56; Community Center \$8881.93; Finance Office \$9196.09; Fire Department \$1575.74; Human Resource \$2208.94; Library \$8534.72; Liquor \$4775.98; Mayor and Council \$3391.63; Parks \$13,286.07; Planning & Permitting \$3638.60; Police \$35,507.16; Rally \$4211.83; Recreation \$3485.19; Sanitary Service \$13,092.86; Streets \$9803.86; Wastewater \$8488.80; Water \$14,998.28; Federal Withholding \$17,764.01; FICA \$13,504.48.

General – A&B Business, \$653.14, supp; Laurie Adkins, \$240.00, prof fee; Amcon, \$372.38, merch for resale; Amick Sound, \$328.30, repair; AT&T, \$1762.87, util; Elton Barden, \$180.00, prof fee; Greg Barnier, \$485.77, prof fee; BH Chemical, \$1447.41, supp; BH Garage Doors, \$182.50, repair; BH Power, \$23,986.94, util; Buckle Tree, \$430.31, supp; Butte Electric, \$497.61, util; Campbell Supply, \$778.78, supp; Caselle, \$527.99, prof fee; CBH, \$15,512.39, supp; Century Business, \$88.84, supp; Chain Saw Center, \$714.24, equip; Chamber of Commerce, \$50.00, supp; City of Sturgis Water Dept, \$2711.65, util; Coca Cola, \$1105.50, merch for resale; Corbon Shooting Complex, \$155.00, supp; Dakota Backup, \$289.57, prof fee; Dakota Battery, \$94.11, repair; Dakota Spray Equipment, \$120.00, repair; Digital Throttle, \$250.00, publ-rally; Double Star Computing, \$795.59, prof fee; Ecolab Pest, \$395.98, repair; Fedex, \$87.16, supp; First Interstate Bank, \$3408.12, travel; Norman Fitzpatrick, \$110.50, refund; Glover Investments, \$600.00, rental-rally; Grimm’s Pump, \$28.97, repair; Ken Grosch, \$30.00, other; Heartland Paper, \$5.82, supp; Hersrud, \$332.69, repair; Hills Materials, \$281.12, repair; J&L Services, \$460.00, repair; Ketel Thorstenson, \$17,445.95, prof fee; Lakorr, \$760.00, supp; Lynn’s Dakotamart, \$372.30, supp; Marco, \$46.55, repair; MB Tree & Landscape, \$650.00, other; Meade Co Auditor, \$6658.69, other; Meade Co Times, \$881.68, publ; Midcontinent Communications, \$42.44, util; MDU, \$5809.64, util; Motionsoft, \$450.00, prof fee; Neve’s Uniforms, \$95.00, supp; Northwest Pipe Fittings, \$227.90, supp; O’Reilly Auto Parts, \$229.22, supp; Owens Interstate Sales, \$360.75, repair; Pete Lien & Sons, \$175.00, repair; Petty Cash, \$129.02, other; Dane Pi, \$30.00, other; Power House, \$718.40, equip; Print Mark-et, \$991.78, publ; Purchase Power, \$621.49, supp; Rapid City Journal, \$49.80, publ; Rasmussen Mechanical Services, \$206.35, repair; Robert Sharp & Assoc, \$1920.15, publ-rally; Rushmore Office, \$1286.10, supp; Sacrison Asphalt, \$244.20, supp; SD National Guard, \$3000.00, other; Servall Towel, \$425.28, repair; Shopko, \$202.41, supp; Sturgis Motorsports, \$17.98, supp; Sturgis Napa, \$828.14, repair; Sturgis Volunteer Fire Dept, \$27.81, supp; Town-N-Country Plumbing, \$120.09, supp; Brenda Vasknetz, \$1000.00, grp insur; Warne Chemical, \$467.50, supp; West Payment center, \$127.24, prof fee; West River Electric Assn, \$418.46, util; White’s Canyon Motors, \$535.70, repair; Wimactel, \$60.00, util; Wow! Business, \$152.01, util.

Capital Improvement – Brosz Engineering, \$3855.00, bldg; Community Partners Research, \$5000.00, imprv.

Revolving Fund Loan – Brosz Engineering, \$1585.00, other.

Liquor – Arctic Glacier, \$382.74, merch for resale; AT&T, \$54.53, util; BH Chemical, \$64.89, repair; BH Power, \$1660.51, util; Campbell Supply, \$18.99, repair; Cask & Cork, \$366.66, off sale liquor; Century Business, \$1.12, supp; City of Sturgis Water Dept, \$281.01, util; Coca Cola, \$575.90, pop for resale; Double Star Computing, \$21.88, prof fee; Eagle Sales, \$18,024.80, off sale beer; Ecolab Pest, \$103.07, repair; Epic Products, \$221.28, merch for resale; First Interstate Bank, \$170.93, supp; Fisher Beverage, \$7858.07, off sale beer; Johnson Western Wholesale, \$26,436.97, pop for resale; M&B Enterprises, \$160.90, snacks for resale; MDU, \$62.52, util; Pepsi Cola, \$306.00, pop for resale; Prairie Berry, \$993.00, off sale liquor; Print Mark-et, \$66.12, publ; Republic Beverage Co, \$15,367.19, off sale liquor; Rushmore Office, \$887.74, supp; Schade Vineyard, \$360.00, off sale liquor; Servall Towel, \$154.65, supp; The Homeslice Group, \$5192.00, publ.

Water – AT&T, \$262.90, util; BH Power, \$2100.29, util; Brosz Engineering, \$1715.00, prof fee; Buckle Tree, \$163.19, supp; Butte Electric, \$183.60, util; Campbell Supply, \$268.40, supp;

Caselle, \$382.34, prof fee; CBH, \$1336.49, supp; Century Business, \$27.64, supp; City of Sturgis Water Dept, \$117.85, util; Dakota Backup, \$2123.54, prof fee; Brad Deutsch, \$52.86, supp; Double Star Computing, \$21.88, prof fee; DXP Enterprises, \$429.36, supp; Ecolab Pest, \$305.00, prof fee; Hawkins, \$1528.20, supp; HD Supply Waterworks, \$2704.10, supp; Hills Materials, \$2141.30, supp; Meade Co Times, \$28.43, publ; Midcontinent Testing Lab, \$138.00, prof fee; MDU, \$84.90, util; Neil Murray, \$13.77, supp; O'Reilly Auto Parts, \$180.48, supp; Pete Lien & Sons, \$253.00, supp; Petty Cash, \$17.57, Print Mark-et, \$66.12, publ; Rushmore Office, \$48.90, supp; Scarison Paving, \$1593.20, supp; SD Assn of Rural Water, \$625.00, prof fee; SD DENR, \$2200.00, prof fee; SD One Call, \$78.81, prof fee; Servall, \$11.86, supp; Shopko, \$64.52, supp.

Wastewater – A&J Surplus, \$462.82, repair; AT&T, \$105.45, util; Bauer North America, \$1035.00, repair; BH Power, \$3882.45, util; Buckle Tree, \$71.35, supp; Campbell Supply, \$18.96, repair; CBH, \$44.98, repair; City of Sturgis Water Dept, \$20.62, util; Double Star Computing, \$21.88, prof fee; Energy Lab, \$940.00, prof fee; First Interstate Bank, \$475.94, repair; Frontier Precision, \$247.00, repair; G&H Distributing, \$485.10, supp; Joe Hopson, \$107.50, other; Owens Interstate Sales, \$34.01, supp; Print Mark-et, \$66.12, publ; SD Assn of Rural Water, \$75.00, travel; Sturgis Napa, \$20.52, repair; Tom's T's, \$253.13, supp.

Sanitary Service – A&J Surplus, \$34.00, repair; AT&T, \$77.55, util; BH Power, \$11.50, util; Buckle Tree, \$247.22, supp; Butler Machinery, \$1772.09, repair; Campbell Supply, \$409.63, repair; CBH, \$2665.86, supp; Century Business Leasing, \$195.76, prof fee; Double Star Computing, \$21.88, prof fee; Great Western Tire, \$156.00, supp; Jenner Equip, \$74.91, repair; Owens Interstate Sales, \$685.61, supp; Print Mark-et, \$66.12, publ; Sturgis Napa, \$200.15; Repair; Tom's T's, \$253.12 uniforms.

Ambulance –Black Hills Garage Doors, \$182.50, repairs; Campbell Supply, \$12.66, supp; CBH Cooperative, \$2628.96, supp; Century Business Products, \$23.15, Supp; City of Sturgis Water Dept, \$140.41, util; Coca Cola Bottling, \$31.25, supp; Dale's Tire, \$446.12, supp; Double Star Computing, \$156.88, prof fees; First Interstate Bank, \$819.84, supp & travel; Interstate All Batteries Center, \$21.20, supp; Kreislers, Inc. \$602.39, supp; Lynn's Dakotamart, \$406.03, supp; Med-Tech Resource, \$1477.66, supp; MDU, \$101.19, util; Pizza Ranch, \$77.49, supp; Print Mark-et, \$66.12, publ; Purchase Power, \$47.85, supp; Richter's Tire, \$100.00, repair; Rushmore Office, \$207.12, supp; Scott Peterson Motors, \$1346.32, repair; Shopko, \$134.73, supp; Spearfish Ambulance Service, \$264.00, travel; Sturgis Napa, \$40.08, supp; Wow! Business, \$84.06. util.

Motion by Potts, second by Bestgen and carried with Carstensen, Anderson, Bachand, Bestgen, Potts and Vasknetz voting yes, Johnston abstaining, to approve the following claims: **General** - Johnston Hardware, \$195.27, supp; **Water** - Johnston Hardware, \$13.45, supp; **Wastewater** - Johnston Hardware, \$13.98, supp; **Ambulance** - Johnston Hardware, \$118.43, supp:

Motion by Bachand, second by Vasknetz and carried with Carstensen, Anderson, Bachand, Bestgen, Johnston and Vasknetz voting yes, Potts abstaining, to approve the following claims: **Revolving Fund Loan** - Cetec, \$7047.02, other; **Water** - Cetec, \$15,921.60, prof fee.

Motion by Vasknetz, second by Johnston and carried with all members present voting yes to approve a rezone from highway service to campground for Silas Grinstead – Days End Campground.

Motion by Potts, second by Johnston and carried with all members present voting yes to approve a Use on Review for Gwendolyn Eixenberger for a daycare at 714 Lazelle Street.

Motion by Johnston, second by Bachand and carried with all members present voting yes to approve a Use on Review for Indian Motorcycle to place a 40x60 temp (tent) structure at 2106 Lazelle Street.

Motion by Potts, second by Bachand and carried with all members present voting yes to approve a special events license for Key City Enter/dba Knuckle Saloon on June 28, 2014 at Indian Motorcycle grand opening, 2106 Lazelle Street.

Motion by Bachand, second by Bestgen and carried with all members present voting yes to approve a Use of City Property (street closure) for Sturgis Camaro Rally on June 26, 2014 and approval of Resolution 2014-36 "A Resolution to Permit Open Containers on Certain Public Property and Within Certain Public Rights of Way".

RESOLUTION 2014- 36

RESOLUTION TO PERMIT OPEN CONTAINERS ON CERTAIN PUBLIC PROPERTY AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY

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

WHEREAS, the City of Sturgis has supported the Sturgis Camaro Rally event past year, and

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

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

NOW THEREFORE IT IS HEREBY RESOLVED, as set forth herein that the City of Sturgis shall hereby establish an open container area on June 28, 2014 from 10:00 am to 7:00 pm on that public property open to the public, within area bounded on the West by the east edge of the Right of Way of 4th Street, bounded on the East by the west edge of the Right of Way of Junction Avenue, bounded on the South by the north edge of the Right of Way of Sherman Street, and bounded on the north by the south edge of the Right of Way of Lazelle Street, and including within this boundary the street area of Third Street, Second Street, First Street and Main Street. This area shall be marked by city barricades with clearly legible signs, provided by the organizers and consistent with the limitations of this Resolution, stating that the barricade marks the boundary of the open container area. The open container area does not include the City Library, nor any City Property not open to the public, and does not include any private property within the open container area. The Police Department will be authorized to tow vehicles within the street closure area, starting June 28, 2014 at 2:00 a.m.

Dated this 16th day of June, 2014.

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Effective: 07/16/2014

Motion by Potts, second by Johnston and carried with all members present voting yes to approve a Use on Review for Loud American for a temporary tent at 1321 Main Street from July 3 to August 10, 2014.

Motion by Johnston, second by Anderson and carried Carstensen, Anderson, Bestgen, Johnston, Potts, and Vasknetz voting yes, Bachand voting no, to approve the following payroll changes: Volunteer Fire Dept – Volunteer Firefighters – Cory Nelson, Ryan Krogstad. (*Work comp and liability coverages only.*) Parks Seasonal: TBD – 2 positions (\$7.50 or \$8.00). Parks

Seasonal Office: Jennifer Porterfield (\$8.50). Cemetery Seasonal: TBD – 1 position (\$7.50 or \$8.00). Part-time Paramedic: Stephanie Seaburg (\$17.00; \$15.00 while on orientation). Rally Seasonal Office: Tammy Bohn - \$10.50 (part-time to cover shifts). Public Works Seasonal: Chris Wheeler, Andrew Stricklund, and Matthew Sundberg- \$8.00. Temporary Rally Employees Photo Tower Attendants: Patty Barff - \$9.50; Merna Bye - \$9.00; Elizabeth Bertolotto - \$8.00; Merna Bye - \$9.00; Kristine Hayes - \$8.25; Dawn McCarthy - \$9.00; Open Shifts (3) - \$8.00. Registration Attendants: Phyllis Erfman - \$9.50; Cherlyn Leach-Valadez - 8.25 Info Booth Attendants: Kathy Dykstra - \$9.25; Beverly Johnson - \$9.25; Julia “Judy” Shyne - \$9.75; MacKenzie Wagner - \$8.00; Leona Zastrow - \$9.00; Open positions (2) - \$8.00. Parking Attendants: Emily Bertolotto - \$8.00 (VIP) ; Jackson Peterson - \$8.00. (Daily); Cynthia Scherer - \$8.50. (Daily) Media Center: Joyce Kaubisch - \$8.25. VIP Tent Host: Terry Maxwell - \$8.00. Rally Assistant: Brandon Jones - \$10.00. Temporary Rally Custodians (Community Center): Diana Daniels - \$9.00; Yolanda Daniels - \$9.00; Michael Huber - \$8.75; Devon Kremer - \$8.75; Abraham Usera - \$8.75; Patricia Usera - \$8.75; Open positions (3) - \$8.50. Increase wages for all current Part-time Community Center staff to \$8.75 for the Rally period only (July 28th through August 10th). Increase wages for all seasonal Public Works staff to \$10.00 for the Rally period only (July 28th through August 10th). Temporary Rally Vendor Inspectors (Planning & Permitting): Sheila Aspen - \$10.50; Dayna Boesen - \$10.50; Jason Overstreet - \$10.00; Susan Overstreet - \$10.50; Jennifer Parrow - \$10.00; Stacey Ross - \$10.50; Connie Snow - \$10.00; Jamalee Stone - \$10.50. Temporary Rally Tattoo Inspectors (Planning & Permitting): Darcie Dennard - \$12.50; Beckie Geffre - \$12.50; Erin Williams - \$12.50; Open position (1) - \$12.50. Consideration to approve the 2014 Vendor Inspection Bonus Incentive program.

Public Works Director Rick Bush gave a power point presentation on the storm water problems on Pine View Drive and on 1st Avenue. Discussion was held on how to fix these storm water problem areas and how to fund these projects. As we fix these storm water problems it can create more problems downstream. The best scenario would be to start from the creek and work backwards through all the problem areas. There has been talk about having retention ponds in certain areas. The Council asked Bush to come back with a cost estimate on putting in a cement pan on Pine View Drive.

Director Bush gave an update on the storm water project on Middle Street and Dudley Street.

Hersrud enters meeting at this time.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to authorize the Mayor to sign the 3 Mile Platting Jurisdiction Agreement with Meade County.

Hersrud introduced the following written resolution and moved its adoption:

**RESOLUTION 2014-37
RESOLUTION APPROVING PLAT**

WHEREAS, the statues of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for City of Sturgis for Robin L. Zebroski f/k/a Robin L. Temple:

Plat of Lot HJ-1 and HJ-2 of HJ Subdivision, Formerly Lot HJ of HJ Subdivision, Located in the S1/2 N1/2 NE1/4SW1/4 of Section 9, T5N, R5E, B.H.M., City of Sturgis, Meade County, South Dakota.

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Published: 06/25/2014

Effective: 07/16/2014

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.

Anderson introduced the following written resolution and moved its adoption:

RESOLUTION 2014-38
RESOLUTION APPROVING PLAT

WHEREAS, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Murray Development Corporation:

Plat of Lot A Revised, Lot FR1 and Lot G Revised of Pine Glenn Subdivision AND The Revised Dedicated Public R.O.W. of Glennridge Court. Formerly Lot A, Lot G and Lot F Revised of Pine Glenn Subdivision and Tract C of Murray Addition No. 2. All located in the SE1/4 SE1/4 of Section 8 and the NE1/4 NE1/4 of Section 17, T.5N. R.5E. B.H.M., Meade County, South Dakota

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 16th day of June 2014.

Published: 06/25/2014

Effective: 07/16/2014

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.

Motion by Potts, second by Vasknetz and carried with Carstensen, Anderson, Johnston, Hersrud, Potts and Vasknetz voting yes, Bachand and Bestgen voting no, to approve second reading of Ordinance 2014-09 – Title 3 – Licensing and Regulations of Alcohol, Malt Beverage and Drinking Establishments.

ORDINANCE 2014-09

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 Licensing and Regulation of Alcohol, Malt Beverages and Drinking Establishments – Chapter 3.01 – General Provisions, Section 3.01.02 – Definitions; Chapter 3.02 – Licensing and Sales of Malt Beverages, Section 3.02.08: Classification and Fees required for Alcoholic Beverage, Malt Beverage, Wine Licenses and Renewals, 3.02.09: Special Event License Requirements, 3.02.10: Consumption Only Permit, 3.02.18: Consuming, Blending, Possessing Alcoholic Beverages in Public Places – Disposal of Containers of Alcoholic Beverages Restricted; Chapter 3.03 Full Service, On Sale and Malt Beverage Restaurant License, Section 3.03.10: Scope of Restaurant Malt Beverage License is amended to read as follows:

TITLE 3

LICENSING AND REGULATION OF ALCOHOL, MALT BEVERAGES AND DRINKING ESTABLISHMENTS

Chapters:

- 3.01: General Provisions
- 3.02: Licensing and Sales of Malt Beverages
- 3.03: Full Service, On Sale and Malt Beverage Restaurant License
- 3.04: Structure Requirements, On Sale Establishments

CHAPTER 3.01

GENERAL PROVISIONS

SECTIONS:

- 3.01.01: Scope and Purpose
- 3.01.02: Definitions
- 3.01.03: Penalty

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.

EVENT: An organized occurrence or happening lasting four (4) or more consecutive days or where the City provides extraordinary services, including but not limited to sanitation services, law enforcement or traffic control. This definition does not apply to a Special Event license described below.

SPECIAL EVENT LICENSE: For purposes of obtaining a Special Event on-sale license, a special event within the municipality is defined as an event or activity to be conducted within the City by a generally recognized:

- a. civic organization with an active chapter located within the City,

- b. charitable organization with an active chapter located within the City,
- c. educational organization with an active chapter located within the City,
- d. fraternal organization with an active chapter located within the City,
- e. veterans' organization with an active chapter located within the City,
or one of the following events or activities within the City to be conducted by a licensee already holding an on-sale license issued by the City pursuant to SDCL 35-4-2(4), (12), or (16):
 1. wedding reception
 2. a private family gathering
 3. an event sponsored by or for the benefit of a recognized non-profit organization
 4. an event hosted at a hotel-convention facility having at least 75 beds for guests at the facility and with kitchen and dining facilities on site capable of providing meals in a convention hall facility with seating for at least 300 guests, which special event is projected by the applicant to bring at least 50 out of town guests to the motel convention facility.

To obtain the Special Event license, the applicant shall submit an applications stating their qualifications for a Special Event license on a form consistent with the requirements of SDCL 35-4-124, and providing all additional information required by the City Finance Office to meet the requirements of this ordinance. A Special Event license may only be issued to a current Sturgis license holder only for the same class of license previously issued to the licensee by the City of Sturgis.

CHAPTER 3.02 LICENSING AND SALES OF ALCOHOL AND MALT BEVERAGES

SECTIONS:

- 3.02.01: License Required for Sale of Alcoholic or Malt Beverage
- 3.02.02: Wholesale License Fee
- 3.02.03: Submission of Invoices and Assessment of Fees
- 3.02.04: Delivery and Sale Required Within City
- 3.02.05: Consequences for Failure to Timely Pay City
- 3.02.06: Maintenance of Records and Inspection by Dealer
- 3.02.07: Limitation of One License per Location
- 3.02.08: Classification and Fees required for Alcoholic Beverage, Malt Beverage, Wine Licenses and Renewals
- 3.02.09: Special Event License Requirements
- 3.02.10: Consumption Only Permit
- 3.02.11: Hours of Operation
- 3.02.12: Authorized Number of On Sale Malt Beverage Licenses
- 3.02.13: Off or On Sale Sales on Sunday or Memorial Day Pursuant to Statute
- 3.02.14: Action by Council
- 3.02.15: Character Requirements for License
- 3.02.16: Area Limited
- 3.02.17: Kegs of Malt Beverage – Retail Sale – Records
- 3.02.18: Consuming, Blending, Possessing Alcoholic Beverages in Public Places – Disposal of Containers of Alcoholic Beverages Restricted
- 3.02.19: Open Containers Permitted Upon Approval
- 3.02.20: Weapons Prohibited on Premises Where Sold
- 3.02.21: Annual Review of Licenses
- 3.02.22: Annual Review of Applications
- 3.02.23: Sales with License Only

- 3.02.24: Additional Fee for Video Lottery Machine Holders
- 3.02.25: Traffic in Alcoholic Beverages Prohibited
- 3.02.26: Persons under Twenty-One Barred from On-Sale Premises
- 3.02.27: Violation as Ground for Revocation or Suspension of License – Multiple Licenses

3.02.08: A.

7. Off-sale malt beverage and off-sale South Dakota wine package dealer: an off-sale malt beverage package dealer who also keeps for sale or sells wines produced pursuant to SDCL chapter 35-12 for consumption off the premises where sold	\$225	\$225
8. Wine retailers, being both package dealers and on-sale dealers	\$500	\$500
Special Event Licenses	Initial Fee	Renewal Fee
9. Special malt beverage or on- sale wine license (non-profit, civic, charitable or fraternal organizations only) For the period from three days before the official start of the annual Motorcycle Rally until three days after the end of the annual Motorcycle Rally the daily fee for any license issued shall be \$100.00. For all other dates the daily fee for such license issued shall be \$50.00.	\$50.00/\$100.00 per day per type of beverage up to 15 consecutive days	N/A
10. Special off-sale wine dealers license (Fair Board, public, civic, charitable, educational or fraternal organization in conjunction with special event within city, selling licensed South Dakota wines only. For the period from three days before the official start of the annual Motorcycle Rally until three days after the end of the annual Motorcycle Rally the daily fee for any license issued shall be \$100.00.-For all other dates the daily fee for such license issued shall be \$50.00	\$50.00 / \$100.00 per day per type of beverage up to 15 consecutive days	N/A
11. Special malt beverage retailer and/or on-sale wine retailer license (community playhouse for non-profit organization in conjunction with a theatrical production only) For the period from three days before the official start of the annual Motorcycle Rally until three days after the end of the annual Motorcycle Rally the daily fee for any license issued shall be \$100.00. For all other dates the daily fee for such license issued shall be \$50.00	\$50.00 / \$100.00 per day per type of beverage up to 15 consecutive days	N/A
12. Special on-sale liquor dealer license. (Public, civic, charitable, educational or fraternal organization in conjunction with special event within city, selling licensed on-sale liquor.) For the period from three days before the official start of the annual Motorcycle Rally until three days after the ^{end} of the annual Motorcycle Rally the daily fee for any license issued shall be \$200.00. For all other dates the daily fee for such license issued shall be \$100.00	\$100.00 / \$200.00 per day per type of beverage up to 15 consecutive days	N/A

B. An off-sale license may be authorized for premises where the sale of liquor constitutes less than 40% of the gross business transacted on the premises, provided that:

3.02.9: SPECIAL EVENT LICENSE REQUIREMENTS:

A. A special malt beverage retailer's license may be issued in conjunction with a special event, as defined at Section 3.01.02 herein, within the City to any qualified civic, charitable, educational, fraternal, or veterans organization or any qualified licensee licensed pursuant to SDCL §35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant;

B. A special on-sale wine retailer's license may be issued in conjunction with a special event, as defined in Section 3.01.02 herein, within the City to any qualified civic, charitable, educational, fraternal, or veterans organization or any qualified licensee licensed pursuant to SDCL §35-4-2(4), (6), or (12) or SDCL Ch. 35-12 in addition to any other licenses held by the special events license applicant;

C. A special on-sale license may be issued in conjunction with a special event, as defined in Section 3.01.02 herein, within the City to any qualified civic, charitable, educational, fraternal, or veterans organization or any qualified licensee licensed pursuant to SDCL §35-4-2(4), (6), or (16) in addition to any other licenses held by the special events license applicant; or

D. A special off-sale package wine dealer's license may be issued in conjunction with a special event, as defined in Section 3.01.02 herein, within the City to any qualified civic, charitable, educational, fraternal, or veterans organization or any qualified licensee licensed pursuant to SDCL §35-4-2(3), (5), (12), (17A), or (19) or SDCL Ch. 35-12 in addition to any other licenses held by the special events license applicant. A special off-sale package wine dealer licensee may only sell wine manufactured by a farm winery that is licensed pursuant to chapter 35-12.

E. The daily fee for each special event malt beverage retailer's license, special event on-sale wine retailer's license, or special event off-sale package wine dealer's license that is issued for the period from three days before the official start of the annual Motorcycle Rally until three days after the end of the annual Motorcycle Rally for any such license issued shall be \$100.00. For all other dates the daily fee for any such license issued shall be \$50.00. The daily fee for each special event on-sale liquor license that is issued for the period from three days before the official start of the annual Motorcycle Rally until three days after the end of the annual Motorcycle Rally shall be \$200.00. For all other dates the daily fee for any such license issued shall be \$100.00.

F. A public hearing is required before approval and issuance of any license under this section.

G. Any licenses issued pursuant to this section may be issued for a period of time established by the city council not exceeding fifteen (15) consecutive days.

H. Any non-profit licensee under this section may not be issued more than five (5) Special Event Licenses for a total of fifteen (15) days during a single calendar year.

I. This license may be issued pursuant all additional requirements of SDCL § 35-4-124, including the procedural regulations adopted by a Resolution of the Council.

3.02.10: CONSUMPTION ONLY PERMIT:

- A. The fee for this permit is five dollars (\$5.00) per day.
- B. This permit allows the applicant to provide alcoholic beverages free of charge during the applicant's rental of the City Auditorium.
- C. The application permit must be completed and filed with the Finance Office at least thirty (30) days prior to the first day of rental of a facility described above, and must be accompanied by a signed Rental Agreement and other documents required by City Policy.
- D. The applicant must be at least twenty-one (21) years of age and provide an acceptable form of identification, together with a signed Hold Harmless Agreement.
- E. This permit allows, with City Council's approval, the consumption of any alcoholic beverages on the City Auditorium property or by an individual or a nonprofit corporation within the City. The length of the brown bag permit may not exceed twenty-four (24) hours. Hours of consumption may not exceed those permitted for on-sale licensees.
- F. The applicant must have at least \$1,000,000 in liability insurance coverage for the Permit. A statement from applicant's insurance carrier confirming coverage for the proposed site and naming the City of Sturgis as co-insured shall be provided with the application or it will be denied as an incomplete application.

3.02.18: CONSUMING, BLENDING, POSSESSING ALCOHOLIC BEVERAGES IN PUBLIC PLACES; DISPOSAL OF CONTAINERS CONTAINING ALCOHOLIC BEVERAGES RESTRICTED.

- A. It is unlawful for any person to consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from the on-sale dealer.
- B. It is unlawful for any person to consume any alcoholic beverages in any public place, other than upon the premises of a licensed on-sale dealer.
- C. For the purposes of this section, the term "public place" means any place, whether in or out of a building, commonly and customarily open to or used by the general public, and any street, or highway.
- D. Exceptions to this subsection are provided for in Section 4-14 of this chapter.
- E. Any person violating the provisions of this section is guilty of a Class 2 misdemeanor.

**CHAPTER 3.03
FULL-SERVICE ON SALE AND MALT BEVERAGE RESTAURANT LICENSES**

SECTIONS

- 3.03.01: Scope and Purpose
- 3.03.02: Definitions Applicable to this Chapter
- 3.03.03: Annual Reports
- 3.03.04: License Renewals

- 3.03.05: Only Retail, On-Sale Service Permitted
- 3.03.06: Full-Service Restaurant License Fees
- 3.03.07: Registry of Full-Service Restaurant On-sale Licensees
- 3.03.08: Issuance of new Full-Service Restaurant Licenses restricted
- 3.03.09: Requirements for Restaurant Malt Beverage License
- 3.03.10: Scope of Restaurant Malt Beverage License
- 3.03.11: Status of Existing Restaurant Holding On-Sale License

3.03.10: SCOPE OF RESTAURANT MALT BEVERAGE LICENSE.

A Restaurant Malt Beverage License shall authorize the restaurant to sell malt beverages from its premises or as authorized by a Special Event license.

Dated this 16th day of June, 2014.

First reading: 06-02-2014
Second reading: 06-16-2014
Adopted: 06-16-2014
Published: 06-25-2014
Effective: 07-16-2014

Motion by Bestgen, second by Bachand and carried with all members present voting yes to approve first reading of Ordinance 2014-10 – Title 32 – Animals.

Hersrud left meeting.

The following bids were received for repairs to the storage pond at the lagoons: Zandstra Construction - \$401,467; Quinn Construction-\$415,253.25; and Mainline Contracting - \$444,323.90.

Motion by Bachand, second by Bestgen and carried with all members present voting yes to award the low bid to Zandstra Construction for Wastewater Treatment Pond 4 repairs (erosion control).

Hersrud reenters meeting.

The following bids were received for 2014 Chip and Seal program: Hills Material Company - \$189,721.37 and Bituminous Paving Inc. - \$126,540.16.

Motion by Potts, second by Hersrud and carried with all members present voting yes to award the low bid for 2014 Chip and Seal program to Bituminous Paving Inc.

Motion by Potts, second by Johnston and carried with all members present voting yes to approve using the facade improvement program outside the downtown Business Improvement District (BID).

Any other business:

Scout Master John Gerberding reported to the Council that his son will be doing an Eagle Scout project out at the Ft. Meade softball fields by fixing the dugouts on two fields. He had spoken with Park's director Stock and the City was going to take care of the materials for these projects. There should be more Eagle Scout projects happening throughout the City as there are more young men getting their Eagle badge.

Mayor Carstensen had a constituent talk to him about barking dogs and the enforcement of this nuisance and if the City could change their enforcement on this.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to go into executive session for personnel and contracts at 9:11 pm.

Motion by Anderson, second by Hersrud and carried with all members present voting yes to return to regular session at 10:10 pm.

Motion by Johnston, seconded by Vasknetz and carried with all members present voting yes to adjourn the meeting at 10:10 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$