

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, July 28, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Marcia Johnston, Tim Potts, Kelly Vasknetz (entered at 6:39 pm), and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: none.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

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

Announcements:

- The Mayor thanked all employees for their hard work during the upcoming Rally.
- The Mayor reminded everyone that Lazelle Street has the flashing 4 way stops, which is a regulated by the South Dakota Department of Transportation.

City Manager Ainslie reported:

- Sales tax update for the end of July-General Sales Tax and Capital Improvement Tax was up 49.2% for the month and the Gross Receipts Tax (triple B) was up 56% for the month. Year to date General Sales Tax and Capital Improvement Tax were up 3.2% and the Gross Receipts Tax (triple B) was up 16.8%.
- Additional equipment was requested by the White Plat Flat Trackers, which included a motor grader, sanding truck and wheel roller.

Motion by Bachand, 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 July 21, 2014 regular Council meeting.

Motion by Waterland, second by Johnston and carried with Anderson, Bachand, Bestgen, Hersrud, Johnston, Potts, and Waterland voting yes, Carstensen abstaining, to approve the following claims:

Wages – Ambulance \$34,054.32; Attorney \$2935.10; Auditorium \$495.11; Buildings \$1969.64; Cemetery \$3679.23; City Manager \$4290.05; Community Center \$9046.98; Finance Office \$9141.23; Fire Department \$338.75; Human Resource \$2208.94; Library \$7785.93; Liquor \$4749.84; Mayor and Council \$3391.63; Parks \$13,790.51; Planning & Permitting \$3637.12; Police \$35,681.33; Rally \$5350.29; Recreation \$3627.32; Sanitary Service \$11,895.59; Streets \$11,776.30; Wastewater \$7939.36; Water \$19,522.16; Federal Withholding \$19,926.86; FICA \$14,385.20.

General – 85 MPH Hats, \$605.00, refund vendor license; A&B Business, \$294.20, supp; Amazon, \$293.17, supp; American Legal Services, \$50.68, prof fee; Baker & Taylor, \$368.33, supp; Beyond Basil, \$11,148.50, supp; BH Power, \$18,511.75, util; Ben Bostrom, \$3750.00, prof fee; Eric Bostrom, \$3750.00, prof fee; Lisa Boyer, \$1200.00, travel-rally; Jerry Burnham, \$2500.00, prof fee; Change Banks, \$8000.00, other; Marc Craven, \$1500.00, prof fee; Cycling Soul, \$1500.00, publ-rally; Judy Duprel, \$103.60, other gen gov't; EB Communications, \$60.00, util; Ebsco Subscription Service, \$3296.48, supp; Faith Independent, \$34.00, supp; Grocery Mart, \$250.00, supp; Hillyard, \$898.48, supp; Rodell Hoppee, \$6000.00, rental-rally; KT Connections, \$1823.59, prof fee; Legends Sales, \$4500.00, prof fee; Anthony Lepore, \$775.00, prof fee; Maverick Publishing, \$51,500.00, publ; MB Tree & Landscape, \$275.00, other; Meade Co Housing, \$500.00, rental-rally; Medtech Wristbands, \$115.25, supp; Neve's Uniforms, \$85.98, supp; NFPA International, \$-165.00, other; Nitro Alley, \$3811.06, supp; Petty Cash, \$14.00,

supp; Pitney Bowes, \$359.87, rent; Pizza Hut, \$47.75, other; Purchase Power, \$1000.00, supp; Push-Pedal-Pull, \$375.00, repair; Runnings Farm & Fleet, \$543.24, equip; Rushmore Fencing Co, \$83.79, supp; Rushmore Office, \$287.37, supp; S&C Cleaning, \$3100.00, repair; Sam Erion Construction, \$10,560.10, prof fee; Schwans, \$40.28, merch for resale; Scott Peterson Motors, \$35.95, repair; SD Library Network, \$4032.25, repair; Speedy Lube, \$57.23, repair; Matthew Stewart, \$8000.00, prof fee; Swoop Productions, \$10,000.00, prof fee; Kaitlyn Vandwater, \$150.00, prog fee; Verizon, \$1619.86, util; Delaney Voight, \$150.00, prof fee; Kristie Wagner, \$2500.00, prof fee; West Payment Center, \$395.87, supp; Western Communications, \$211.50, supp; Wimactel, \$60.00, util; Wow! Business, \$3620.59, util; Eryn Zook, \$150.00, prof fee.

Special Sales Tax – Chamber of Commerce, \$8750.00, chamber; Sturgis Economic Dev Corp, \$9041.67, ind dev.

Revolving Fund Loan – Petty Cash, \$60.00, other.

Liquor – BH Power, \$1850.05, util; Johnston Western Wholesale, \$32,046.22, off sale liquor; KT Connections, \$140.08, prof fee; Verizon, \$53.55, util; Wow! Business, \$316.00, util.

Water – BH Power, \$4930.35, util; KT Connections, \$140.08, util; Petty Cash, \$17.19, supp; SD DENR, \$10.00, travel; Sturgis Econ Dev Corp, \$-3333.00, other; Verizon, \$221.41, util; Wow! Business, \$299.45, util.

Wastewater – Flexible Pipe Tool Co, \$44.85, supp; Jenner Equip, \$116.12, repair; KT Connections, \$140.08, util; Verizon, \$108.19, util.

Sanitary Service – 85 MPH Hats, \$245.00, refund vendor lic; BH Power, \$224.19, util; KT Connections, \$140.08, util; Verizon, \$80.87, util.

Ambulance – A&B Business, \$411.04, supp; BH Power, \$714.23, util; Buckle Tree, \$183.92, supp; Emergency Medical Products, \$911.80, supp; Grocery Mart, \$350.00, supp; Jones & Bartlett Learning, \$1571.62, prof fee; KT Connections, \$140.09, util; Kreisers, \$1364.69, supp; Moore Medical, \$404.94, supp; Purchase Power, \$32.99, supp; Spearfish Ambulance Service, \$112.00, travel; Verizon, \$194.20, util; Wow! Business, \$180.77, util.

Motion by Hersrud, second by Potts and carried with Carstensen, Anderson, Bachand, Bestgen, Johnston, Hersrud, and Potts voting yes, Waterland abstaining, to approve a Special Events license for the Dungeon Bar/Royal Flush at the Sturgis Fairgrounds at 1802 Ballpark for the White Plate Flat Trackers Half Mile Race.

Vasknetz entered at this time.

Motion by Waterland, second by Bachand and carried with all members present voting yes to approve a Use of City Property and Street Closure for the Oktoberfest (formerly known as Harvest Festival) and the Ag Appreciation Banquet on September 20th.

Potts introduced the following written resolution and moved its adoption:

RESOLUTION 2014 -41
RESOLUTION TO AUTHORIZE STREET CLOSURE OF MAIN STREET CORRIDOR
FOR FREE ADMISSION EVENT STURGIS SUPERMOTO RACE ENTERTAINMENT
AND EVENTS

WHEREAS, the Sturgis Supermoto Race will be held in the City of Sturgis, September 12, 2014 through September 14, 2014; and

WHEREAS, beginning on the evening of Friday, September 12 through Sunday, September 14 the City of Sturgis Rally and Events Department has scheduled no-admission special events and racing to be presented on Main Street between Middle Street and 4th Street and the surrounding side streets 1st, 2nd, and 3rd Street, and

WHEREAS, it is planned to construct the race track by city staff. Streets will be closed on Friday, September 12 at 12:00am.

WHEREAS, it is in the public interest to provide a safe venue for this no-admission special events to host the many tourists that are expected to attend.

WHEREAS, the public events that are held on this property enhance visitors' experience and lead to additional sales tax generated, sponsor and lease revenue, and

WHEREAS, The Police Department will be authorized to tow vehicles within the street closure area, starting September 12, 2014 at 2:00 a.m.

NOW, THEREFORE, BE IT RESOLVED that to accommodate the safe presentation of providing this special event, Main Street from Middle Street to 4th Street and 1st, 2nd, and 3rd Street shall be closed between 12:00 am Friday, September 12 through 7:00 am on Monday, September 15, 2014.

Dated this 28th day of July, 2014.

Published: 08-06-2014

Effective: 08-27-2014

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.

Potts introduced the following written resolution and moved its adoption:

RESOLUTION 2014- 42

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

WHEREAS, the Sturgis Mustang 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 Mustang Rally event in past years, and

WHEREAS, the Sturgis Mustang 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 Mustang 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 August 30, 2014 from 10:00 am to 7:00 pm on that public property open to the public, within area bounded as follows:

1. On the West by the east edge of the Right of Way of 4th Street, beginning at the intersection of 4th Street and Lazelle Street and continuing south to the intersection of 4th Street and Sherman Street, and
2. bounded on the East at the western edge of the Middle Street Right of Way beginning at the intersection of Sherman Street and Middle Street and continuing North to the intersection of Middle Street and the alley located between Lazelle Street and Dudley

- Street, except for an extension further East across the Middle Street Right of Way and along and including the entire Main Street Right of Way to a point two hundred eighty (280) feet East of the intersection of Main Street and Middle Street and
3. bounded to the South by a imaginary line lying 7' to the South of the North edge of the Sherman Street Right of Way between 4th Street and Middle Street and
 4. bounded to the North by the alley Right of Way located between Lazelle Street and Dudley Street and extending from the intersection of that alley and Middle Street across Junction Avenue and continuing to the intersection of that alley and the Right of Way for 1st Street, and further including the area within and between the Right of Way of 1st Street and 3rd Street that lies north of Lazelle Street and south of Bear Butte Creek, then continuing along the south edge of the Right of Way of Lazelle Street further west to the point of beginning.
 5. Included in this Open Container area are the designated cross walks at the intersections of Main Street and Junction, Lazelle Street and Junction, 1st Street, 2nd Street and 3rd Street and Lazelle Street, and also including the Right of Way area of Third Street, Second Street, First Street, Main Street and Junction Avenue within these boundaries.

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 August 30, 2014 at 2:00 a.m.

Dated this 28th day of July, 2014.

Published: 08-06-2014
Effective: 08-27-2014

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

Motion by Potts, second by Johnston and carried with all members present voting yes to approve the following payroll changes: **Water** – Meter Reader – Trudy Getz. **Police** – Rally Sergeant – Darrel Hatzenbuhler - \$20.50. **Photo Tower West** – Daniel Demmers - \$8.00. **Wastewater** – Wastewater Superintendent - Mike Plaggemeyer - \$2,120.08 bi-weekly. **Independent Contractor** – Rally – Tony Lepore – Volunteer (Dancing Cop). **Media Center** – Rally – Andrew Kocer - \$8.00. **Community Center** – Towel Attendant/Front Desk – Lori Hansen-Neisen - \$8.50. **Animal Shelter** – Technician – part-time – Katherine “Katie” Meirose - \$10.00.

Hersrud introduced the following written resolution and moved its adoption:

RESOLUTION 2014 – 43
A RESOLUTION TO SURPLUS AND 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:

Lot Z in a portion of Lot H3 of Tract B, a replat of lots 2 and 3; and in a portion of Lots H1, H2 and H3 of Lots 4-A and 4-B of Werdel and Hudson Subdivision; and in a portion of lots H1 and H2 of lot 4-C-R (Revised) of Werdel and Hudson Subdivision; and in a portion of Lot H2 of Lot 4; all in the NE1/4 of the SW1/4 in Section 15-Township 5 North-Range 5 East of the B.H.M., Meade County, South Dakota, according to the recorded plat thereof filed for record on January 27, 2009.

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 28th day of July, 2014.

Published: 08-06-2014
Effective: 08-27-2014

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

Motion by Johnston, second by Waterland and carried with all members present voting yes to approve authorizing the City Manager to sign the Software Maintenance & Support Agreement (Software Assurance) with Caselle, Inc.

Waterland introduced the following written resolution and moved its adoption:

RESOLUTION 2014 – 44
A RESOLUTION TO SURPLUS AND 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:

A parcel of land in Section 21 - Township 5 - Range 5 Lot 1

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 28th day of July, 2014.

Published: 08-06-2014

Effective: 08-27-2014

Hersrud seconded the motion for the adoption of the foregoing resolution Carstensen, Anderson, Bachand, Bestgen, Hersrud, Johnston and Waterland voting yes, Potts abstaining, and the resolution declared passed and adopted.

The following bids were received for the Middle Street Storm Drainage Project: Stanley Johnsen Concrete - \$299,693.80 and Ainsworth Benning Construction - \$317,174.77.

Motion by Hersrud, second by Bestgen and carried with all members present voting yes to approve the low bid from Stanley Johnsen for \$299,693.80 for the Middle Street Storm Drainage Project.

After much discussion, a motion was made by Johnston, second by Hersrud and was denied with Carstensen, Hersrud, Johnston and Potts voting yes and Anderson, Bachand, Bestgen, Vasknetz and Waterland voting nay, to approve Resolution 2014-45 – A Resolution to provide for the Closing of Public Right of Way and Permit Open Containers on a Certain Public Right of Way. The motion did not include the Open Container in a Public Right of Way.

Any other business:

None

Motion by Johnston, second by Waterland and carried with all members present voting yes to go into executive session for personnel and contracts at 8:39 pm.

Motion by Johnston, second by Hersrud and carried with all members present voting yes to return to regular session at 10:45 pm.

Motion by Bestgen, second by Waterland and carried with all members present voting yes to approve supplemental compensation to the City Manager for his role in the residential development occurring in the City.

Motion by Bachand, seconded by Potts and carried with all members present voting yes to adjourn the meeting at 10:46 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$