

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, September 19, 2011 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Joe DesJarlais, Marcia Johnston, Jamie McVay, and Dane Sundstrom. Also present City Attorney Greg Barnier. Absent: Clint Brengle, Tim Potts, David Hersrud, and Kelly Vasknetz.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

Mayor Carstensen proclaimed September 17-23, 2011 as "Constitution Week".

Motion by DesJarlais, second by Johnston and carried with all members voting yes to approve the agenda as written.

A motion was made by McVay, second by DesJarlais to approve the minutes from the September 6, 2011 regular meeting and the September 13, 2011 special meeting.

Motion by DesJarlais, second by McVay with all members voting yes to approve the following claims with the addition of Black Hills Power and Light for \$40,405.14.

Wages – Ambulance \$23,503.08; ; Attorney \$2,741.19; Auditorium \$705.52; Buildings \$2,519.56; Cemetery \$4,902.82; City Manager \$2,862.65; Community Center \$30,754.42; Community Development \$9,925.28; Finance Office \$11,841.20; Fire Department \$11,036.79; Human Resource \$2,290.77; Library \$8,103.38; Liquor \$11,456.40; Mayor and Council \$3,333.27; Parks \$16,527.39; Police \$271,227.56; Rally \$23,614.59; Sanitary Service \$13,101.46; Streets \$12,772.20; Wastewater \$13,074.94; Water \$14,626.01; Federal Withholding \$56,303.56; FICA \$37,058.19.

General – A&J Surplus, \$559.00, supp; Daniel Ainslie, \$648.46, travel; Assoc Supply Co, \$72.85, repair; Bentz Equip, \$126.31, repair; BH Chemical, \$2705.25, supp; BH Power, \$25,558.30, util; Fay Bueno, \$1000.00, grp insur; Campbell Supply, \$1295.12, supp; Caselle, \$1561.00, prof fee; CBH Coop, \$26,370.43, supp; Chamber of Commerce, \$185.00, other; Debbie Christensen, \$57.24, refund; City of Sturgis Water Dept, \$778.36, util; Coca Cola, \$4904.40, supp; Dakota Backup, \$675.29, prof fee; Dakota Steel, \$358.97, repair; Dan Davidson, \$100.37, supp; Delta Dental, \$98.06, grp insur; Wade Deuter, \$30.00, other; Ecolab Pest, \$169.00, maint; Energy Lab, \$55.65, maint; Hugo Estes, \$50.00, cc prog exp; Fedex, \$858.99, supp; First Interstate Bank, \$1947.82, travel, supp; First Western Insurance, \$50.00, prof fee; Freeman Electric, \$919.82, repair; FSH Communications, \$120.00, util; Glover Investments, \$3600.00, rental-rally; Gene Goff, \$30.00, other; Graffiti Solutions, \$89.00, supp; Drew Grotti, \$31.94, travel; Darrel Hatzenbuhler, \$25.75, travel; Hauff Mid-America Sports, \$125.60, cc prog exp; Hills Materials, \$87.24, repair; Hillyard, \$1318.25, repair; Holiday Inn Express, \$585.90, travel; Jacobs Auto Repair, \$647.52, supp; Johnston Hardware, \$388.89, supp; KNKL Radio, \$1500.00, publ-rally; Knology, \$252.41, util; Kristen Legner, \$225.00, cc prog exp; Loud American, \$52.00, supp; Lynn's Dakotamart, \$950.46, supp; MDU, \$4975.45, util; Motoring USA, \$200.00, supp; Neve's Uniforms, \$19.95, supp; Northwest Pipe Fittings, \$125.83, supp; Office of Fire Marshall, \$200.00, repair; O'Reilly Auto Parts, \$251.31, repair; Owens Interstate Sales, \$337.15, repair; Pamida, \$667.75, supp; Pete Lien & Sons, \$493.00, supp; Pitney Bowes, \$120.56, rent; Powerplus Electric, \$104.32, other; Print Mark-et, \$813.81, publ; Purchase Power, \$400.00, supp; Rapid Delivery, \$68.46, maint; Robert Sharp & Assoc, \$2326.20, publ-rally; Roger Frye's Paint & Supplies, \$162.45, supp; Rushmore Office, \$2278.27, supp; Sacrison Asphalt, \$438.90, supp; SD Municipal League, \$65.00, travel; SDLA Conference, \$535.00, travel; Servall

Towel, \$411.71, supp; Shooters Images, \$750.00, publ-rally; Spearfish Extinguisher, \$142.00, supp; Sturgis Motorsports, \$22.99, repair; Sturgis Pony League Baseball, \$75.00, contr; Subway, \$41.88, supp; Tour Ice, \$1394.00, supp; Town-N-Country Plumbing, \$14.99, supp; United Way, \$80.00, other; Bernadette Usera, \$69.91, supp; Samantha Vanhell, \$84.80, other; Brenda Vasknetz, \$500.00, grp insur; Walco International, \$35.69, supp; Wellmark Blue Cross, \$1271.44, grp insur; West Payment Center, \$93.49, pro fee; Zach Weyer, \$50.00, cc prog exp; Zylstra Body, \$65.00, repair.

Ambulance – BH Power, \$601.07, util; CBH Coop, \$2749.76, supp; Century Business, \$28.63, supp; Dakota Backup, \$48.34, supp; First Western Insurance, \$50.00, prof fee; Great Western Tire, \$128.81, supp; Interstate All Batteries Center, \$99.95, sup; Johnston Hardware, \$27.43, supp; Lynn's Dakotamart, \$5.09, supp; MDU, \$25.80, util; Print Mark-et, \$58.13, publ; Regional Home Medical Equip, \$744.03, supp.

Mayor's Ride – Rushmore Office, \$3.95, supp.

Special Sanitation – City of Belle Fourche, \$26,155.73, other; Owens Interstate, \$148.40, repair.

Liquor – Amcon, \$2718.23, cig for resale; BH Chemical, \$325.81, supp; BH Power, \$2032.96, util; Coca Cola, \$370.60, pop for resale; Eagle Sales, \$5261.25, off sale beer, Ecolab Pest, \$96.00, maint; Fisher Beverage, \$4761.72, off sale beer; Freeman Electric, \$78.14, repair; Johnson Western Wholesale, \$11,130.69, off sale liquor; M&B Enterprises, \$330.80, snacks for resale; MG Oil, \$251.05, malt bev refund; MDU, \$21.81, util; North Country Business, \$115.00, repair; One Way Service Pros, \$323.52, repair; Prairie Berry, \$873.00, off sale liquor; Print Mark-et, \$58.13, publ; Republic Beverage Co, \$17,627.89, supp; Rushmore Office, \$28.95, supp; Sand Creek Printing, \$1412.12, supp; Servall Towel, \$284.66, supp; Tour Ice, \$2280.30, merch for resale.

Water – BH Power, \$12,201.81, util; Caselle, \$1110.00, prof fee; City of Sturgis Water Dept, \$81.00, util; Dakota Backup, \$85.49, prof fee; Knology, \$69.52, util; MDU, \$18.20, util; Dale Olson, \$14.80, other water; Print Mark-et, \$58.13, publ.

Wastewater – A&J Surplus, \$188.25, repair; Campbell Supply, \$47.07, repair; City of Belle Fourche, \$27.30, other; Northwest Pipe Fittings, \$29.84, repair; Owens Interstate Sales, \$125.54, repair; Print Mark-et, \$58.13, publ.

Sanitary Service – BH Power, \$11.00, util; Campbell Supply, \$80.83, repair; CBH Coop, \$13.00, supp; City of Belle Fourche, \$6907.90, other; Eddies Truck Sales, \$359.71, repair; Freeman Electric, \$127.55, repair; Great Western Tire, \$300.00, supp; Orwak USA, \$526.00, supp; Owens Interstate, \$266.86, repair; Print Mark-et, \$58.13, publ.

Committee Reports:

Councilor Johnston reported that tonight at 7:00 p.m. is the "One Book South Dakota" group discussion of the book 'The Journey of Crazy Horse'. On Tuesday, September 20, 2011 the library will have their 3rd annual library card sign-up event from 3:00-5:30 p.m. There will be a kid's scavenger hunt, tours and prizes along with the card sign-up event. Wednesday, September 21, 2011 and Thursday, September 22, 2011 the Sturgis Elementary Kindergarten and third grade students will be visiting the library for programs and tours. A book sale will be taking place all week also. Rapid City Author Mark Haugen will be available to discuss and sign his new book "Joshua's Ladder" on September 27, 2011 at 5:30 p.m. Refreshments will be provided by the GFWC women's literary club.

Mayor Carstensen reported that Parks Director Gene Stock is looking at some pine beetle trees that need to be removed. Stock will report on the details next meeting. Carstensen also reported that Stock is putting together numbers for a Community Garden for the Park Board to review.

Management Team Report:

Deputy Finance Officer Ann Bertolotto reported that 61% of the General Fund budget has been spent and that 64.5% of the overall budget has been spent.

Public Works Director Randy Nohava updated the Council on the Water Department Management. The Management Team's recommendation was shared with the Municipal Utility Board by City Attorney Greg Barnier. It was decided that Dale Olson will be designated as the Interim Water Superintendent and Bev Johnson will continue to be in charge of daily office operations. Randy Nohava helped oversee the budget preparation and will provide other assistance as needed. The water project will be starting soon, so Nohava and Olson will be attending weekly construction meetings.

This was the time set for the public hearing for a revised request to use City property and street closure from the Chamber of Commerce for the Ag Appreciation Banquet & Street Dance to be held on September 24, 2011. Motion by McVay, second by Johnston and carried with all members voting yes to approve the use of City property and closure of Main St from west of Junction Ave. to Wells Fargo/ H O Anderson.

This was the time and date set by application for the public hearing for a special events license for Loud American Road House for the Ag Appreciation Banquet and street dance to be held September 24, 2011. Motion by McVay, second by Johnston and carried with all members voting yes to approve a special events license for Loud American Road House.

Gary Lippold came before the Council to present the debriefing of the 2011 Mustang Rally. They had 563 cars registered which would account for approximately 980 people. Of those 563 Mustangs, 207 were from South Dakota and 356 were from out of state. There were 25 states represented along with four Canadian provinces. Lippold commented that he visited with some people from Italy that planned their vacation around the Mustang Rally. Lippold reported on some of the changes that were done for the 2011 event. The biggest change was the relocation of the registration from the Armory to the Thunder Dome. This was due to the need for more space and efficiency. Lippold felt the open container went well and thanked the Council for their confidence in letting them try it. He spoke with law enforcement and they didn't have any problems. One thousand three hundred dollars was raised from the sale of the cups for the open container. Lippold thanked the Public Works Department and the Parks Department for all of their help. He thanked Ron Koan and Police Chief Jim Bush. A change that may have to be implemented beginning next year is adding a few more days to the event in order to complete the races in a timely manner.

Roger Schieman brought forth his concerns at this time regarding the Mustang Rally. He felt there were a few problems with the open container. Schieman also voiced his concerns with the burn outs during the parade.

Motion by DesJarlais, second by Johnston with all voting yes to approve a request from Sean and Christine Hollearn for a consumption only permit for October 1, 2011 at the Sturgis Auditorium for a wedding reception.

McVay introduced the following written resolution and moved its adoption:

RESOLUTION 2011-29

A RESOLUTION TO OBJECT TO AND DISPROVE PUBLIC RAFFLE

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public raffles 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, St. Francis of Assisi Catholic Church has submitted a application to conduct a public raffle within the City of Sturgis beginning on September 20, 2011 and continuing until October 9, 2011, at which time they would award the raffle prize in a drawing to be held on October 9, 2011 at 1049 Howard Street, Sturgis, SD.

WHEREAS, St. Francis of Assisi Catholic Church presented its application to conduct this raffle to the City Finance Office on September 13, 2011 and proposed to begin to sell (ask for donations) such raffle tickets on September 20, 2011, and

WHEREAS, the request from St. Francis of Assisi Catholic Church to conduct this public raffle has not met all the requirements of City Ordinance Title 25 or City Finance Office policy, in that applicant St. Francis of Assisi failed to provide 30 days minimum notice to the governing body of the City before the first day of proposed sale of raffle or lottery tickets, as the correct application was received in the City Finance Office on September 13, 2011 for sales proposed to begin in September 20, 2011.

WHEREAS, the request from St. Francis of Assisi Catholic Church to conduct this public raffle has not met all the requirements of state law SDCL 22-25-25, in that applicant failed to provide a minimum 30 day notice to the governing body, in that applicant St. Francis of Assisi failed to provide 30 days minimum notice to the governing body of the City before the first day of proposed sale of raffle or lottery tickets, as the correct application was received in the City Finance Office on September 13, 2011 for sales proposed to begin in September 20, 2011.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that for the foregoing reasons the application of St. Francis of Assisi to conduct a public raffle in the City of Sturgis is hereby objected to and Disproved , as provided for in SDCL 22-25-25(6).

RESOLVED, this 19th of September, 2011.

Published: September 28, 2011

Effective: October 20, 2011

The resolution failed for lack of a second. St. Francis of Assisi Church will be able to conduct a public raffle beginning September 20, 2011 through October 9, 2011.

Motion by McVay, second by DesJarlais with all voting yes to approve the following Mayoral appointments to the Revolving Loan Committee: Mark Carstensen, Marcia Johnston, Scott Sabers, Pat Kurtenbach, Cindy Griffin, Sam Mudlin, and Rick Bush. Daniel Ainslie will also be on this committee once he assumes the position as City Manager.

DesJarlais introduced the following written resolution and moved its adoption:

RESOLUTION 2011-28
A RESOLUTION AUTHORIZING LOAN EXTENSION

WHEREAS, the City of Sturgis made a loan to Western Door Company, Inc. from the City of Sturgis Revolving Loan Fund on June 28, 2004, and

WHEREAS, there was a balloon payment owing to the City of Sturgis by Western Door Company, Inc. under the terms of said loan on September 1, 2011 in the amount of \$15,896.45, and

WHEREAS, the City of Sturgis has agreed to extend the balloon payment date under the terms of said loan to September 1, 2012, as long as Western Door Company, Inc., continues to pay the monthly payments of \$482.80, timely, and does not become in default in any other manner, or in any way, under the terms of the Promissory Note and corresponding loan documents, and

BE IT RESOLVED upon the written acceptance of the terms of this Resolution by Western Door Company, Inc., the within and foregoing loan is hereby extended to become due, in full, on September 1, 2012.

Dated this 19th day of September, 2011.

Published: September 28, 2011

Effective: October 20, 2011

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

Motion by Johnston, second by Sundstrom with all members voting yes to authorize the Mayor to sign a billboard lease with Glover Investments.

Motion by McVay, second by Sundstrom to authorize the Mayor to sign a purchase agreement, subject to an appraisal, for potential rubble site property. City Attorney Greg Barnier recommended the matter be taken under advisement in Executive Session. Motion by DesJarlais, second by McVay and carried to table the authorization until after Executive Session.

Motion by Johnston, second by DesJarlais and carried to table the Sponsorship Contract.

There were no other matters to come before the Council.

Motion by DesJarlais, second by Johnston with all voting yes to enter into Executive Session at 7:02 p.m.

Motion by DesJarlais, second by Johnston with all voting yes to adjourn Executive Session.

Motion by McVay, second by DesJarlais with all voting yes to purchase parcel 20486 Avalanche Road for \$75,000; \$1000 less than assessed value and cash price closing in seven days, and to authorize Mayor Carstensen to sign a purchase agreement containing those terms.

The meeting was adjourned at 7:30 p.m. on a motion by McVay, second by Johnston and carried.

ATTEST: _____
Ann Bertolotto, Deputy Finance Officer

APPROVED: _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$154.82.