

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 5:30 p.m. on Monday, May 18, 2020 at the Community Center Theater. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Rhea Crane, Steve Keszler, Terry Keszler, David Martinson, Ronald Waterland and Beka Zerbst. Also, present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

Motion by Zerbst, second by Martinson and carried with all members present unanimously voting yes to approve the agenda.

Motion by Zerbst, second by S. Keszler and carried with all members present unanimously voting yes to go into executive session for two legal cases, three contracts and two personnel at 5:31 pm.

Motion by Waterland, second by Martinson to return to regular session at 6:31 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Mayor Carstensen declared May 17th – 23rd as EMS Week.
- Mayor Carstensen declared May 17th- 23rd as National Public Works Week.
- Planning and Zoning Minutes from May 5, 2020 Prelim

Announcements:

- Congratulations to the Brown High School Class of 2020.
- Flowers can be put on the graves at Bear Butte Cemetery starting this Wednesday and can remain there for two weeks after Memorial Day.
- The Camaro Rally and Ultra 100 has been cancelled.

City Manager Ainslie reported:

- Payroll Changes within Budget-
 1. Parks: Harvey Matz, seasonal \$12.00

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

- a. Consideration to approve minutes from the May 4, 2020 regular City Council meeting.
- b. Consideration to set a public hearing for June 1, 2020 for an SEL for Loud American for the Community Appreciation Picnic on August 26.
- c. Consideration to set a public hearing for June 1, 2020 for an SEL for Loud American for the Sturgis Motorcycle Rally - Aug 7-15, 2020.
- d. Consideration to authorize the Mayor to sign endorsement of CISS for Emergency Solutions Grant program.

Motion by Zerbst, second by Waterland and carried with all members present unanimously voting yes to approve the following claims:

WAGES – Ambulance \$23,109.41; Attorney \$4128.16; Auditorium \$197.43; Buildings \$1188.40; Cemetery \$2264.91; City Manager \$4671.54; Community Center \$7612.50; Finance Office \$8087.59; Fire Department \$225.71; Fleet \$6206.57; Human Resource \$5079.61; Library \$8981.29; Liquor \$9268.21; Mayor and Council \$3913.78; Parks \$10,237.49; Planning & Permitting \$9124.34; Police \$35,554.21; Rally \$8051.32; Recreation \$2593.78; Sanitary Service

\$15,432.54; Streets \$11,521.83; Wastewater \$8213.94; Water \$11,321.10; Federal Withholding \$15,662.96; FICA \$14,081.36.

GENERAL – Laura Abernathy, \$500.00, reimb; Allied Construction, \$183.00, refund; Baker & Taylor, \$80.90, sup; Marilyn Bates, \$78.83, sup; Bear Butte Water, \$131.95, util; Black Hills Chemical, \$1,006.34, sup; Black Hills Energy, \$12,082.86, util; Black Hills Occupational Medicine, \$120.00, prof fee; Black hills Rally & Gold, \$7,104.00, promo; Butler Machinery, \$2,099.33, rep; Chain Saw Center, \$39.05, sup; Diamond Roofing, \$151.50, refund; Double Star Computing, \$1,488.80, prof fee; Epic Outdoor Advertising, \$1,200.00, rent; ESO Solutions, \$695.25, prof fee; Frontier Glass, \$345.00, sup; Grocery Mart, \$70.39, sup; Ken Grosch, \$30.00, other; James Hale, \$30.00, other; HUB International Mountain States, \$6,571.20, ins; Ketel Thorstenson, \$17,212.91, prof fee; Lynn’s Dakotamart, \$28.07, sup; MasterCard, \$57,370.82, sup; Denise McGrath, \$50.00, refund; Meade County Auditor, \$10,767.34, other; MDU, \$5,150.61, util; National Arbor Day Foundation, \$25.00, travel; New Zeland Scenic Harley Tours, \$670.16, refund; Park Avenue Car Wash, \$22.40, sup; Petty Cash, \$192.30, good deeds; Powerplan, \$514.54, rep; Purchase Power, \$1,000.00, sup; Rally Point Shade, \$1,049.96, prof fee; Rapid Delivery, \$26.46, rep; Rockingtree Landscape, \$240.00, sup; Rushmore Office Supply, \$1,225.65, sup; Sacrison Paving, \$470.50, refund; Billy Schlosser, \$30.00, other; SD Secretary of State, \$30.00, ins; SD Secretary of State, \$60.00, ins; Tendaire Industries, \$495.77, rep; Tom’s T’s, \$1,186.30, prof fee; Town-n-country Plumbing, \$32.60, sup; Werlinger Auto Body Repair, \$3,690.45, rep.

SPECIAL SALES TAX – Black Hills Energy, \$33.46, util; MasterCard, \$453.29, util; MDU, \$17.05, uti.

CAPITAL IMPROVEMENT – Brosz Engineering, \$11,100.00; Fennell Design, \$1,048.25; Helms & Associates, \$19,338.37; Johnson Controls, \$3,996.58; MasterCard, \$47,474.10; Pete Lien & Sons, \$2,282.00; SD DENR, \$100.00

BUSINESS IMPROVEMENT DISTRICT – Karen Lynass, \$52.19, sup; MasterCard, \$2,728.17, sup.

LIQUOR – Arctic Glacier USA, \$72.20, resale; Badlands Distillery, \$300.00, resale; Black Hills Chemical, \$344.13, sup; Black Hills Security & Systems, \$134.85, other; Cash-Wa Distributing, \$1,086.76, resale; Cask & Cork, \$1,026.04, resale; Coca Cola, \$187.75, resale; Dakota’s Best Distributing, \$128.50, resale; Double Star Computing, \$12.50, prof fee; Fisher Beverage, \$9,347.09, resale; Johnson Western Wholesale, \$17,223.67, resale; MasterCard, \$4,410.19, pub; MDU, \$86.05, util; Okoboji Wines, \$441.00, resale; Pepsi Cola, \$155.00, resale; prairie Berry, \$675.00, resale; Quality Brands of the Black Hills, \$19,203.64, resale; Republic Beverage, \$13,537.34, resale; Rushmore Office Supply, \$849.76, sup; Southern Glazer’s of SD, \$4,884.54, resale; Tamarack, \$97.00, resale; True Brands, \$77.40, resale.

WATER – AAA collections, \$30.92, prof fee; Black Hills Energy, \$8,010.47, util; Core & Main, \$48,300.00, sup; Double Star Computing, \$196.88, prof fee; MasterCard, \$2,935.92, sup; MDU, \$207.95, util; Petty Cash, \$3.10, sup; Powerplan, \$14.22, rep; Sacrison Paving, \$6,440.06, rep; SD One Call, \$109.76, prof fee.

WASTEWATER – Black Hills Occupational Medicine, \$35.00, prof fee; Double Star Computing, \$12.50, prof fee; Flexible Pipe Tool Company, \$198.90, rep; MasterCard, \$2,174.74, prof fee; MDU, \$53.52, util Speedy Lube, \$45.49, sup.

SANITATION – Black Hills Energy, \$15.00, util; Black Hills Occupational Medicine, \$70.00, prof fee; Double Star Computing, \$12.50, prof fee; Holtz Industries, \$64.00, rep; Lynn’s Dakotamart, \$20.76, sup; MasterCard, \$11,644.52, sup; New Zeland Scenic Harley Tours, \$578.84, refund; Rapid Delivery, \$13.23, rep.

AMBULANCE – Black Hills Chemical, \$159.98, sup; Black Hills Energy, \$562.38, util; Double Star Computing, \$12.50, prof fee; Dr. Michael E Hogue, \$1,500.00, prof fee; Lynn’s Dakotamart, \$43.95, sup; MasterCard, \$4,450.35, sup; MDU, \$118.24, util; Dr. Joy Mueller, \$664.40, prof fee; Rushmore Office Supply, \$1,795.88, sup; SD Ambulance Association, \$425.00, prof fee; Warren Shaulis, \$25.00, prof fee; Stryker Sales Corp, \$1,498.96, sup.

Motion by Waterland, second by S. Keszler and carried with all members present unanimously voting yes to approve the following Malt Beverage License Renewals for 2020-2021 with the exception of Family Dollar #7146:

Retail (on-off sale) Malt Beverage & SD Farm Wine

1. 1337 Main LLC – 1073 Main St – regular
2. Jackson Winery and Vineyards LLC – Belle Joli Winery – 3951 Vanocker Canyon Rd – regular
3. Glen and Suzanne Bailey, LLC – Big Bertha’s Biker Bar - 1123 Main St – regular
4. Big D Oil Co – Big D Oil #46 – 2800 Junction Ave. - regular
5. Dvorak Convenience Stores, Inc. - BJ’s Country Store - 2640 Lazelle St – regular
6. Shawn Fischer – Boulder Canyon Station – 2715 Lazelle, Ste D - regular
7. CBH Cooperative – CBH Cooperative – 2030 Lazelle - regular
8. Charley’s Sturgis Classic Bike Event LLC – Charley’s - 947 Main Street - regular
9. Moyle Petroleum Co. – Common Cents Food Store #120 – 2421 S. Junction Ave - regular
10. MG Oil CO – Corner Pantry #6 Sturgis - 990 Lazelle - regular
11. Days End Campground Inc – Days End Campground - 2501 Avalanche Rd – regular
12. Joe DesJarlais Jr – DesJarlais Farms LLC – 1335 Ballpark – regular
13. Robert Tomkins – Dirty Dogs Roadhouse Inc – regular
14. Dolgen Midwest LLC – Dollar General Store #18409 – 1940 Lazelle - regular
15. Big Als Pizza Inc – Dominos Pizza – 1057 Main St – restaurant
- ~~16. Family Dollar #7146 – 2415 Lazelle – regular~~
17. Kenny Price – Fat Boys LLC – 1544 Lazelle – regular
18. Jim Mason – Gold Pan Pizza - 1133 Main St – regular
19. Kan-Meyer Inc – Grocery Mart – 2216 Junction - regular
20. Rick & Brandy Jacobs – Jacobs Auto Repair – 1412 Junction Ave - regular
21. Sheree D. Schriver – Jambonz Grill & Pub – 2214 Junction Ave. - restaurant
22. Mako Enterprises Inc – Kickstart Travel Center – 12998 Hwy 34 – regular
23. Hullinger Cuny LLC. – Kwik Mart – 2217 Junction Ave - regular
24. Lynn’s Inc – Lynn’s Dakotamart Sturgis – 1111 Lazelle - regular
25. Black Hills Pizza Hut Inc – Pizza Hut of Sturgis - 2249 Lazelle - regular
26. Old West Enterprises, LLC – Pizza Ranch of Sturgis – 2711 Lazelle St. - regular
27. Dvorak Convenience Stores Inc – Poker Alice Casino - 2640 Lazelle St - regular
28. Billy & Jason Fields – Rosco’s Steakhouse - 976 Lazelle - regular
29. Dungeon Bar, Inc – Royal Flush Casino & Sport Bar - 1030 Main St - regular
30. Shanghai Garden Inc – Shanghai Garden – 1541 Lazelle St. - restaurant
31. Lybeck’s Twenty-First Century Inc – Shenanigan’s Casino - 935 Main St – regular
32. KSLB & D Inc – Steel Pony Campground – 12997 SD Hwy 34 - regular
33. Jawbone Investments LLC – Stinger Saloon – 1102 Main St - regular
34. MAJR, LLC – Sturgis Coffee Company - 2275 Lazelle Street - restaurant
35. Sturgis Events LLC – Sturgis Events - 1231 Lazelle - regular
36. Sturgis RV Park, LLC – Sturgis RV Park, LLC – 1175 W Woodland - regular
37. Sturgis Strikers LLC – Sturgis Strikers – 910 1st Street - regular
38. Sturgis Wine Company LLC – Sturgis Wine Company – 1117 Main Street - regular
39. Key City Enterprises LLC – The Knuckle Saloon – 931 1st Street - regular
40. Morgan LLC – Total E’Clips Salon - 920 1st St – regular
41. David Stewart – Uncle Louie’s Diner – 1039 Main St - restaurant
42. BW Gas & Convenience Retail LLC – Yesway Store #1193 – 2350 Lazelle - regular

Motion by T. Keszler second by Martinson and carried with all members present unanimously voting yes to approve Resolution 2020-30 – Tree Lighting on December 3, 2020 and Parade of Lights Parade Route on December 4, 2020 and an open container on December 3-4, 2020.

RESOLUTION 2020-30

**RESOLUTION TO AUTHORIZE STREET CLOSURE FOR THE PARADE AND
USE OF THE HARLEY DAVIDSON POINT FOR
THE 2020 TREE LIGHTING CEREMONY WITH OPEN CONTAINER**

WHEREAS, the 2020 Tree Lighting Ceremony and Parade will be held in the City of Sturgis, on December 3rd and 4th; and

WHEREAS, the Tree Lighting Ceremony will be held at the Harley Davidson Point on December 3, 2020 from 6:00 pm to 8:00 pm, the open container ban will be lifted at the Plaza from 6:00 pm to 8:00 pm; and

WHEREAS, the Parade of Lights will be held on December 4, 2020 from 6:00 pm to 7:30 pm with the same parade route in year's past. There is no request to lift the open container during this event; and

WHEREAS, it is in the public interest to provide a safe venue for this special event; and

WHEREAS, the Police Department will block traffic at the intersections to keep the public safe; and

WHEREAS, the public event enhances visitors' experience and lead to additional sales tax generated; and

NOW, THEREFORE, BE IT RESOLVED as set forth herein that the City of Sturgis shall establish an alcoholic beverage open container area on December 3, 2020 from 6:00 pm to 8:00 pm at Harley Davidson Point. Open container is allowed by Section 3.02.20(C) of Sturgis City Ordinance and SDCL 35-1-5.5, for those persons legally possessing an alcoholic beverage in the authorized non-glass container and available for purchase from designated on-sale licensee.

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.

Dated this 18th day of May 2020.

Published: 05-26-2020

Effective: 06-16-2020

Motion by Martinson, second by Anderson and carried with all members present unanimously voting yes to approve Resolution 2020-28 – Community After Rally Picnic on August 26, 2020 for street closure and open container.

RESOLUTION 2020-28

**RESOLUTION TO CLOSE DESIGNATED STREETS AND PERMIT OPEN
CONTAINERS ON CERTAIN PUBLIC PROPERTY AND WITHIN CERTAIN
PUBLIC RIGHTS OF WAY FOR THE COMMUNITY AFTER RALLY PICNIC**

WHEREAS, the annual Community After Rally Picnic will be held in the City of Sturgis, August 26, 2020, and

WHEREAS, the City of Sturgis Rally and Events Department will close of Harley Davidson Way from Main Street to Lazelle Street from 12:00 pm until 9:00 pm; and

WHEREAS, the Police Department will be authorized to tow vehicles within the street closure area, starting August 21, 2019 after 2:00 pm.

WHEREAS, an open container area has been requested within a portion of the public property of the City of Sturgis from 5:00 pm to 12:00 midnight on August 26, 2020, and as authorized by Section 3.02.20(C) of Sturgis City Ordinance and SDCL 35-1-5.5, for those persons legally possessing an alcoholic beverage in the authorized non-glass container, bearing A logo and available for purchase from designated on-sale licensees, on that public property open to the public, within area bounded as follows:

- a. On the west, by the eastern 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
- b. On the south, by the north edge of the Sherman Street Right of Way between 4th Street and Middle Street, and
- c. On the east, by the western edge of the Middle Street Right of Way beginning at the intersection of Sherman Street and Middle Street 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, continuing west from Middle Street to Fourth Street on the south side of Lazelle Street, and
- d. On the north, continuing north to the intersection of Middle Street and the alley located between Lazelle Street and Dudley Street, and 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 along the south edge of Lazelle from Middle Street to Fourth Street, and
- e. Included in this Open Container area are the designated cross walks at the intersections of Main Street and Junction Avenue, Main Street and Middle Street, Lazelle Street and Junction Avenue, 1st Street, Harley Davidson Way and 3rd Street as they cross Lazelle Street, and also including the Right of Way area of Third Street, Harley Davidson Way, First Street, Main Street and Junction Avenue within these boundaries. This also includes the Harley Davidson Rally Point.

NOW THEREFORE IT IS HEREBY RESOLVED, as set forth herein that the City of Sturgis shall hereby close the City street to vehicular traffic and unauthorized parking between 12:00 pm until 9:00 pm August 26, 2020, and establish an open container area on August 26, 2020 from 5:00 pm to 12:00 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

Dudley Street from Middle Street to First Street, and including within this boundary the street area of Third Street, Harley-Davidson Way, 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.

Dated this 18th of May 2020.

Published: 05-26-2020

Effective: 06-16-2020

Motion by Martinson, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2020-29 – 1st Annual Sturgis Counts of the Cobblestone Rod Run on July 11, 2020 for a street closure and open container.

**RESOLUTION 2020-29
RESOLUTION TO AUTHORIZE STREET CLOSURE
AND OPEN CONTAINER BOUNDARY
FOR COUNTS OF THE COBBLESTONE RALLY**

WHEREAS, Counts of the Cobblestone Rally which will be held in the City of Sturgis on July 11, 2020, and

WHEREAS the following street closure was requested, Main Street from First Street to Third Street and Harley Davidson Way be closed from 2:00 pm to 5:00 pm, and

WHEREAS, an open container area has been requested within a portion of the public property of the City of Sturgis from 2:30 pm to 4:30 on July 11, 2020, and as authorized by Section 3.02.20(C) of Sturgis City Ordinance and SDCL 35-1-5.5, for those persons legally possessing an alcoholic beverage in the authorized non-glass container, bearing A logo and available for purchase from designated on-sale licensees, on that public property open to the public, within area bounded as follows:

- a. On the west, by the eastern 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
- b. On the south, by the north edge of the Sherman Street Right of Way between 4th Street and Middle Street, and
- c. On the east, by the western edge of the Middle Street Right of Way beginning at the intersection of Sherman Street and Middle Street 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, continuing west from Middle Street to Fourth Street on the south side of Lazelle Street, and
- d. On the north, continuing north to the intersection of Middle Street and the alley located between Lazelle Street and Dudley Street, and 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 along the south edge of Lazelle from Middle Street to Fourth Street, and

- e. Included in this Open Container area are the designated cross walks at the intersections of Main Street and Junction Avenue, Main Street and Middle Street, Lazelle Street and Junction Avenue, 1st Street, Harley Davidson Way and 3rd Street as they cross Lazelle Street, and also including the Right of Way area of Third Street, Harley Davidson Way, First Street, Main Street and Junction Avenue within these boundaries. This also includes the Harley Davidson Rally Point.

WHEREAS, The Police Department will be authorized to tow vehicles within the street closure area, starting at 6:00 am.

NOW, THEREFORE, BE IT RESOLVED that to accommodate the safe presentation of providing this special event, all streets closed would open by 6:00 p.m. and open container would go back into effect by 4:30 p.m.

Dated this 18th day of May 2020.

Published: 05-26-2020
Effective: 06-16-2020

Motion by Waterland, second by Crane and carried with all members present unanimously voting yes to approve an on/off sale Malt Beverage License and an on/off sale Wine License for La Risa Mexican Cuisine.

Motion by T. Keszler, second by Bachand and carried with Carstensen, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland & Zerbst voting yes, Anderson voting no, to table a variance request for street improvements for Dan Roe of 2150 Hurley Drive to allow time to identify other areas in town that would fit the variance request.

Motion by Martinson, second by Crane and carried with all members present unanimously voting yes to approve refinancing the Pioneer Bank Wastewater and Infrastructure Loans.

Ryan Klima and Hayley DeAngelis requested more information on the temporary license for their food truck. The Council explained that how the ordinance is written they can have a 30-day license for the food truck not including the 24 days of the Rally. If they want to continue, they would have to file for a variance to continue on beyond the 30 days. The Council did say they could have the extra eight days during Music on Main. The 30 days would be operating days.

Motion by T. Keszler, second by Crane and carried with all members present unanimously voting yes to table Resolution 2020-17 – Annexation of Murray Development Properties till the June 1, 2020 Council meeting.

Motion by Waterland, second by Bachand and carried with all members present unanimously voting yes to approve the Annexation and Development Agreement of Murray Development Properties.

Motion by Bachand, second by S. Keszler and carried with all members present unanimously voting yes to not approve a Quit Claim Deed for Jenter property (Bear Butte Creek).

Any other business:

There will be a virtual forum for the School Board Candidates on May 19th at 5:30 pm. All information for this can be found on the Chamber's media.

Motion by Waterland, seconded by S. Keszler and carried with all members present unanimously voting yes to adjourn the meeting at 7:54 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$