

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:02 p.m. on Monday, July 20, 2020 at the Sturgis City Hall Council Meeting Room. 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 Waterland, second by Martinson and carried with all members present unanimously voting yes to approve the agenda.

Motion by Crane, second by Martinson and carried with all members present unanimously voting yes to go into executive session for two legal cases, three contracts and two personnel at 6:03 pm.

Motion by Waterland, second by Martinson to return to regular session at 6:32 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning Commission Minutes (unofficial) from July 7, 2020

Announcements:

- Mayor Carstensen read the Sturgis Motorcycle Museum and Hall of Fame Proclamation and a check of \$20,000 was presented to the museum's director, Emma Gavin.
- Mayor Carstensen read the ESGR Statement of Support for 2020.

City Manager Ainslie reported:

- Payroll Changes within Budget-
 1. Police: Reserves-William Coshow, Alora Murray, Tristin Redleaf, Henry Roy Ullrich, Charles Kaiser, Travis Parker-Volunteers; Dylan Goetsch, Sergeant \$24.82; Kurt Pickard-Patrol Officer \$21.56.
 2. Fire: Tristan Zook, Kaleb Zook, Davron Lensgrav, Lee Stroschine, Mark Bruch, Cory Nelson-Temporary Fire Fighter July 3-4, 2020 \$15.00.
 3. Fleet Maintenance: Joshua Rumore-Superintendent \$2,211.54/pay period.
 4. Water: Brandt Agar – Wastewater Operator - \$22.71 per hour.

Motion by Bachand, second by Martinson and carried with all members present unanimously voting yes to approve the following items on the consent calendar with the exception of the removal of b:

- a. Consideration to approve minutes from July 6, 2020 regular City Council meeting.
- ~~b. Consideration to approve Resolution 2020-43 – Plat of Tract A of Bestgen Subdivision for All Aspects Surveying, Inc.~~
- c. Consideration to approve Resolution 2020-42 – Plat of 5A and 5B of Hurley Subdivision-Dan Roe.

**RESOLUTION 2020-42
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 Dan and Trisha Roe:

Plat of Lot 5A and Lot 5B of Hurley Subdivision. Formerly Lot 5H3 Revised of Hurley Subdivision. All located in the NW ¼ of the NE ¼ of the NW ¼ of Section 16, Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota

WHEREAS, said plat meets the requirements of the statutes.

WHEREAS, that the municipality approves the plat, and that the written certification of the City’s approval will be affixed to the plat, by the Mayor.

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

Dated this 20th day of July 2020.

Published: 07-28-2020

Effective: 08-18-2020

- d. Consideration to set public hearing for August 24, 2020 for variance request to allow accessory structure in front setback at 533 7th St for Adam Kuntz.
- e. Consideration of Resolution 2020-38 – Election workers wages.

RESOLUTION 2020- 30
A RESOLUTION SETTING THE COMPENSATION FOR ELECTION BOARD

WHEREAS, the compensation for the election board must be set,

NOW THEREFORE BE IT RESOLVED that the members of the election board, made up of three persons, will be paid \$12.00 an hour and the superintendent will receive \$15.00 an hour. Two persons to clean during the election at \$9.75 an hour.

Dated this 20th day of July 2020.

Published: 07-28-2020

Effective: Immediately

- f. Consideration to set a public hearing for July 27, 2020 for a Resolution approving a street closure and lifting the open container law for the 14th Annual Sturgis Mustang Rally.

Motion by Waterland, second by Bachand and carried with all members present unanimously voting yes to approve Resolution 2020-43 – Plat of Tract A of Bestgen Subdivision for All Aspects Surveying, Inc.

RESOLUTION 2020-43
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 Renae Schaeffer, Trustee for the Steve Bestgen Trust:

PLAT OF TRACT A OF BESTGEN SUBDIVISION, BEING A PORTION OF THE SW1/4SW1/4 OF SECTION 32, T6N, R5E, B.H.M. AND GOVERNMENT LOT 3, GOVERNMENT LOT 4 AND THE SW1/4NW1/4, LYING NORTH AND WEST OF THE AVALANCHE ROAD RIGHT-OF-WAY, SECTION 5, T5N, R5E, B.H.M., EXCEPTING THEREFROM THE WEST STURGIS 4TH. ADDITION, MEADE COUNTY, SOUTH DAKOTA.

WHEREAS, said plat meets the requirements of the statutes.

WHEREAS, that the municipality approves the plat, and that the written certification of the City's approval will be affixed to the plat, by the Mayor.

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

Dated this 20th day of July 2020.

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Motion by Waterland, second by S. Keszler and carried with all members present unanimously voting yes to approve the following claims with the addition for change bank for \$2000 for liquor store:

WAGES – Ambulance \$44,040.05; Attorney \$8269.08; Auditorium \$394.72; Buildings \$2376.66; Cemetery \$6780.23; City Manager \$9355.84; Community Center \$19,643.76; Finance Office \$16,011.76; Fire Department \$365.56; Fleet \$7902.32; Human Resource \$10,726.17; Library \$17,929.49; Liquor \$12,977.97; Mayor and Council \$7827.56; Parks \$28,492.70; Planning & Permitting \$18,603.08; Police \$74,760.16; Rally \$16,545.28; Recreation \$5644.13; Sanitary Service \$32,085.62; Streets \$23,007.50; Wastewater \$16,373.58; Water \$18,767.80; Federal Withholding \$31,523.94; FICA \$28,527.02.

GENERAL – Elton Lane Barden, \$300.00, prof fee; Black Hills Chemical, \$5,523.69, sup; Black Hills Energy, \$13,673.55, util; Black Hills Library Consortium, \$4,939.59, rep; Black Hills Occupational Medicine, \$150.00, prof fee; Sean Briscoe, \$500.00, ins; Fay Bueno, \$500.00, ins; Burge Concrete & Masonry, \$14,473.70, rep; Butler Machinery, (\$22.28); Cash-Wa Distributing, \$288.64, sup; Chain Saw Center, \$708.50, prof fee; Culligan of the Black Hills, \$64.00, sup; Double Star Computing, \$967.89, sup; Grocery Mart, \$107.64, sup; Ken Grosch, \$30.00, other; Emylee Kay Hency, \$150.00, prof fee; Interstate Engineering, \$8,314.88, FEMA; J&J Asphalt, \$190.20, sup; Loud American, \$300.00, refund; Lynn's Dakotamart, \$151.12, sup; MasterCard, \$100,242.72, sup; MB Tree & Landscape, \$250.00, other; McLeod's Printing & Office Supply, \$594.75, other; Meade County Auditor, \$9,645.59, other; Montana Dakota Utilities, \$2,960.99, util; Park Avenue Car Wash, \$43.75, sup; Petty Cash, \$109.33, sup; Powerplan, \$275.30, rep; PSI Enterprises, \$6,000.00, resale; Purchase Power, \$500.00, sup; Race Wheels Consulting, \$1,400.00, other; Ramaker & Associates, \$1,800.00, prof fee; RHS, \$840.00, rep; Rushmore Office Supply, \$7,935.00, sup; Sacrison Paving, \$3,558.46, sup; Billy Schlosser, \$60.00, other; SD Police Chiefs Assn, \$135.00, other; Sherwin-Williams, \$1,545.60, sup; Ryan Smith, \$3,000.00, travel; Speedy Lube, \$67.08, sup; The Corner Station, \$20.30, sup; Town-n-Country Plumbing, \$90.82, sup; Van Diest Supply Co, \$3,632.00, sup; Vanway Trophy & Award, \$71.40, other; Kayla Walker, \$40.00, refund.

SPECIAL SALES TAX – Black Hills Energy, \$30.13, util; MasterCard, \$453.29, util; Montana Dakota Utilities, \$47.32, util.

CAPITAL IMPROVEMENT – A&L contractors, \$49,475.20; Helms & Associates, \$4,290.36; Interstate Engineering, \$1,021.00; MasterCard, \$1,621.10.

BUSINESS IMPROVEMENT DISTRICT – Jasper John Juliano, \$1,500.00, prof fee; Lynn’s Dakotamart, \$9.73, sup; MasterCard, \$6,630.59, pub; Sturgis Economic Development Corp, \$1,000.00, reimb; John L. Victory, \$1,200.00, prof fee.

REVOLVING FUND LOAN – Petty Cash, \$30.00, other.

LIQUOR – Arctic Glacier, \$765.32, resale; Black Hills Chemical, \$75.00, sup; Cash-Wa Distributing, \$1,266.71, resale; Cask & cork, \$678.79, resale; Chang Bank, \$2,000.00; Coca Cola, \$1,023.75, resale; Dakota’s Best Distributing, \$171.80, resale; Fisher Beverage, \$14,813.55, resale; Johnson Western Wholesale, \$16,476.79, resale; MasterCard, \$5,995.71, prof fee; Montana Dakota Utilities, \$18.70, util; Okoboji Wines, \$274.00, resale; Pepsi Cola, \$306.00, resale; Quality Brands of the Black Hills, \$28,287.67, resale; Republic Beverage, \$6,684.28, resale; Schade Vineyard, \$324.00, resale; Southern Glazer’s of SD, \$8,705.00, resale.

WATER – AAA Collections, \$175.21, prof fee; American Water Works Assn, \$334.00, prof fee; Black Hills Energy, \$31.18, util; Core & Main, \$2,983.40, sup; Double Star Computing, \$1,183.38, sup; G&H Distributing, \$52.92, sup; MasterCard, \$2,090.69, sup; Montana Dakota Utilities, \$157.37, util; Northern Hills Electric, \$1,903.18, rep; Petty Cash, \$3.10, sup; Postmaster, \$80.00, sup; SD One Call, \$109.76, prof fee; West River Lawn & Snow, \$2,112.50, rep.

WASTEWATER – Black Hills Energy, \$4,134.06, util; Hawkins, \$124.76, rep; MasterCard, \$1,985.72, sup; Montana Dakota Utilities, \$59.36, util; PKG Contracting, \$581,930.10, cap imp; Postmaster, \$80.00, sup; Yourmembership.com, \$399.00, sup.

SANITATION – Black Hills Chemical, \$1,154.99, sup; Black Hills Occupational Medicine, \$30.00, prof fee; Butler Machinery, \$90.29, rep; City of Belle Fourche, \$27,244.48, other; ET Sports, \$60.99, sup; Lynn’s Dakotamart, \$19.48, sup; MasterCard, \$2,417.00, sup; Postmaster, \$80.00, sup.

AMBULANCE – Lynn’s Dakotamart, \$5.79, sup; MasterCard, \$8,503.49, prof fee; Montana Dakota Utilities, \$36.64, util.

Motion by Crane, second by Waterland and carried with all members present unanimously voting yes to approve Resolution 2020-37 – Annexation Petition.

**RESOLUTION 2020-37
RESOLUTION ON ANNEXATION OF THE SMITTY PROPERTY**

WHEREAS, Smitty, LLC has filed a Petition for Annexation with the City of Sturgis; and

WHEREAS, said Petition states Smitty, LLC owns at least $\frac{3}{4}$ of the total value of the property, and that Smitty, LLC constitutes $\frac{3}{4}$ or more of the registered voters residing within the boundaries of the property requested to be annexed; and

WHEREAS, said real property set forth in the Petition is contiguous to the City of Sturgis; and

WHEREAS, the current land use is platted but undeveloped land with the resulting residential density being very low; and

WHEREAS, the proposed land use will be three single family residences.

NOW THEREFORE BE IT RESOLVED that upon such approval that the following described real property shall be annexed to the City of Sturgis:

Lot B of Wheeler Heights Estates, Meade County, South Dakota,
as shown by the plat filed in Plat Book 23 on Page 13.

Lot S in the N ½ N ½ NE ¼ of Section 21, T5N, R5E, BHM,
Meade County, South Dakota, as shown by the plat filed in Plat Book 14 on Page 2.

Dated this 20th day of July 2020.

Published: 07-28-2020

Effective: 08-18-2020

Motion by Waterland, second by Zerbst and carried with all members present unanimously voting yes to approve Resolution 2020-39 – SD CARES Grant and Local Government COVID Recovery Fund Reimbursement Agreement.

RESOLUTION 2020-39

A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS WITH THE STATE OF SOUTH DAKOTA FOR THE RECEIPT OF CARES ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the “CARES Act”), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the City of Sturgis recognizes that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, the City of Sturgis recognizes that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, the City of Sturgis seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, the City of Sturgis recognizes that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for the City of Sturgis most recently approved as of March 27, 2020, and other expenses delineated in the guidance provided by the State of South Dakota and the United States Treasury; and

WHEREAS, the City of Sturgis recognizes that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Sturgis that the City Manager of Sturgis may execute any and all documents as required by the State in order to receive CARES Act funds.

IT IS FURTHER RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the City budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020 or as delineated in the guidance provided by the State of South Dakota and the United States Treasury.

IT IS FURTHER RESOLVED that the City will not request reimbursement from the State under the CARES Act for costs for which the City previously received reimbursement, or for which the City has a reimbursement request pending before another source.

Approved and adopted this 20th day of July 2020.

Published: 07-28-2020

Effective: 08-18-2020

Motion by S. Keszler, second by Zerbst and carried with all members present unanimously voting yes to approve authorizing the City Manager to sign the Department of Justice COPS Grant Funding for a second resource officer for Meade School District.

After much discussion a motion was made by Bachand, second by Martinson and failed with Bachand and Martinson voting yes and Anderson, Carstensen, Crane, S. Keszler, T. Keszler, Waterland and Zerbst voting no to table the purchase of Downtown Event Center property with Option until September 7, 2020.

Motion by Waterland, second by Zerbst and carried with Anderson, Carstensen, Crane, Martinson, Waterland and Zerbst voting yes and Bachand, S. Keszler and T. Keszler voting no to approve a purchase agreement for a Downtown Events Center at 1219 Main Street contingent that there is a commercial appraisal, an environmental review and a building inspection of the property. There is also a \$10,000 refundable escrow deposit that will be made.

Motion by Crane, second by S. Keszler and carried with Carstensen, Anderson, Bachand, Crane, S. Keszler, T. Keszler, Waterland and Zerbst voting yes, Martinson not present for voting, to approve the Black Hills Trails Agreement.

City Engineer, Liz Wunderlich, gave a presentation on FEMA flood mapping process regarding for neighborhoods and properties. Describing the process, the cost and when the mapping is done.

Resident Robert Quinonez owner of 1125 Junction Avenue read a statement regarding re-mapping of the FEMA flood map. There was a packet presented from Mr. Quinonez to the Council that talked about mapping issues that effects Mr. Quinonez property and other Sturgis landowners. Their engineer found discrepancies of in the FEMA flood map elevation data. He asked that the Council expedite a new flood map study.

Any other business:

None

Motion by S. Keszler, second by Crane and carried with all members present unanimously voting yes to go into executive session for personnel and contracts at 9:20 pm.

Motion by T. Keszler, second by Crane to return to regular session at 10:09 pm.

Motion by S. Keszler, seconded by Anderson and carried with all members present unanimously 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 \$