PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:00 p.m. on Monday, May 6, 2019 at the Erskine Building. 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 Waterland and carried with all members present unanimously voting yes to approve the agenda.

Motion by Waterland, second by S. Keszler and carried with all members present unanimously voting yes to go into executive session for two legal cases, two contracts and one personnel at 6:02 pm.

Motion by S. Keszler, second by T. Keszler to return to regular session at 6:40 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- MUB Board minutes -3/26/19
- Planning Commission 4/23/19

Announcements:

- Mayor Carstensen proclaimed May 5-11 as National Small Business Week.
- Mayor Carstensen proclaimed May 6 as Arbor Day.
- Mayor Carstensen proclaimed May 13-16 as Law Enforcement Torch Run for Special Olympics.
- Mayor Carstensen proclaimed May 19-25 as EMS Week.
- Mayor Carstensen proclaimed May 6-11 as Economic Development Week.
- The Green Thumb Gala at the Library will be May 6-10.
- A rabies clinic will be held on May 18 at Northern Hills Vet Clinic.
- The Letter Carrier Food Drive will be held on May 11.
- City wide cleanup is this week.

City Manager Ainslie reported:

- **a.** Finance Officer Bueno presented the 2019 1st Quarter Financials.
- **b.** Payroll Changes within budget:
 - 1. Street Department Street Sweeper Robert Walker \$16.25.
 - 2. Parks Department Seasonal Mackayla Fox \$10.50; Jacob Keffeler \$11.75.
 - 3. Wastewater Department PWD Seasonal Taylor Eby \$10.50.
 - 4. Cemetery Department Seasonal Kyle Cutts \$9.50.
 - 5. Community Center Dept Front Desk Attendant Olivia Jolley, Goldie O'Dell, Madison Karrels and 1 more TBD \$9.10.
 - 6. Recreation Dept Concessions Attendant/Adult Softball TBD \$9.10.

Motion by S. Keszler, second by Crane and carried with all members present unanimously voting yes to approve the following items on the consent calendar except for j:

- **a.** Consideration of minutes from the April 15, 2019 regular meeting.
- **b.** Consideration to set a public hearing for May 20, 2019 for a Special Events License for the Loud American at 1337 Main on August 2-10, 2019 during the Motorcycle Rally.

- **c.** Consideration to set a public hearing on May 20, 2019 for 2019-2020 Malt Beverage License Renewals.
- **d.** Consideration to set a public hearing on May 20, 2019 for a Retail On-Off Sale Wine & Cider License and a Retail On-Off Sale Malt Beverage & SD Farm Wine License for Family Dollar Stores at 2415 Lazelle St.
- e. Consideration to set a public hearing on May 20, 2019 for Resolution 2019-XX Street Closure for the 15th Annual Fulton Street Bash on August 3, 2019.
- **f.** Consideration to set a public hearing on May 20, 2019 for a Use on Review for yearround, drive thru coffee kiosk at 1102 Junction for Buddy Properties (Bob Bertolotto).
- **g.** Consideration to set a public hearing on May 20, 2019 for a Zoning Amendment for Park Land to Medium Density Residential Housing at Creekside Subdivision, Block 1, Lots 1-4 and from Park Land to RV Park/Campground for Lot 5 for City of Sturgis.
- **h.** Consideration to set a public hearing on May 20, 2019 for a Variance Request of a 5' variance to a 10' side setback to build a garage at 1441 Main for Brent Taylor.
- i. Consideration of Resolution 2019-30 Surplus and Convey Real Property to SEDC & Quit Claim Deed for Hillview Subdivision, Block 1, Park Lot 1-2.

RESOLUTION 2019-30

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 surplus and transfer the following described real property:

"Park Lot 1 and Park Lot 2, Block 1 of Hillview Subdivision. Formerly a Portion of the Park Lot, Block 1 of Hillview Subdivision. All Located in the SE ¼ of the SE ¼ of the SE ¼ of Section 9, Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota, as shown on the plat filed in PB 26 on Pages 195-196."

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 convey 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 6th day of May 2019.

Published: 05-13-2019 Effective: 06-03-2019

j. Consideration of a Use of City Property for the 4th Annual All Ford Car Show on May 19, 2019 at the City Park.

k. Consideration of a Use of City Property for the 2nd Annual Ft Meade Cavalry Days on June 22, 2019 at Barry Stadium.

Motion by Martinson, second by S. Keszler and carried with all members present unanimously voting yes to approve a Use of City Property for the 4th Annual All Ford Car Show on May 19, 2019 from 11:00 am to 4:00 pm at the Community Center front parking lot instead of the City Park.

Motion by Bachand, second by Anderson and carried with Anderson, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Carstensen abstaining, to approve the following claims:

WAGES – Ambulance \$25,499.60; Attorney \$4010.91; Auditorium \$194.72; Buildings \$1166.26; Cemetery \$2203.60; City Manager \$4543.63; Community Center \$10,096.20; Finance Office \$9986.70; Fire Department \$150.52; Human Resource \$6368.11; Library \$9083.61; Liquor \$5458.71; Mayor and Council \$3837.04; Parks \$11,038.50; Planning & Permitting \$8621.18; Police \$37,446.03; Rally \$7819.56; Recreation \$2810.37; Sanitary Service \$15,656.70; Streets \$12,693.56; Wastewater \$8900.06; Water \$13,372.80; Federal Withholding \$15,959.46; FICA \$14,525.87.

COMBINED CASH FUND – Jacquelin Fierro-Sullivan, \$9.83, refund.

GENERAL – 3E Electrical Engineering, \$175.00, rep; A & B Business, \$354.72, sup; A to Z Shredding, \$869.40, other; Adams-ISC, \$326.22, rep; Amazon, \$164.25, sup; Amick Sound, \$34.24, rep; Baker & Taylor, \$56.06, sup; Bear Butte valley Water, \$136.90, util; Black Hawk Fire Dept., \$40.00, travel; Black Hills Energy, \$16,317.80, util; Black Hills Rally & Gold, \$18.50, sup; Border States Electric, \$5,208.68, rep; Brick R Us, \$2,767.60, resale; Buckle Tree, \$203.39, sup; Roger Burnham, \$3,605.00, prof fee; Mark Carstensen, \$75.00, other; Caselle, \$6,967.55, prof fee; Central States Sanitation, \$100.00, rep; Century Link, \$296.76, util; Chain Saw Center, \$534.92, equip; City of Sturgis Water Dept, \$2,565.33, util; Dakota Extinguisher & Safety, \$24.00, sup; Data2 Corporation, \$268.72, sup; Double Star Computing, \$3,728.45, sup; Equipment Management Co, \$1,345.00, sup; Foothills Seed, \$175.00, rep; Foremost Equipment, \$1,980.00, equip; Jerred Hegstrom, \$310.98, sup; Hills Interiors, \$1,004.76, equip; Hilton Garden Inn, \$272.80, travel; ICMA, \$880.00, other; Interstate All Batteries Center, \$33.97, sup; Danielle Jones, \$184.15, other; Junction Avenue Floral & Gifts, \$50.00, sup; Kinkade Funeral Chapel, \$275.00, refund; Kor Management Services, \$300.00, travel; Liberty Chevrolet, \$89.19, sup; Lynn's Dakotamart, \$301.81, sup; Marco Technologies, \$89.55, rep; Kathleen Morrell, \$30.00, refund; Pete Lien & Sons, \$1,134.00, sup; Petty Cash, \$70.10, other; Pizza Hut, \$12.50, sup; Police Athletic League, \$150.00, other; Purchase Power, \$1,005.00, sup; Regional Health, \$220.00, ins; S&C Cleaners, \$8,226.05, rep; Sanitation Products, \$166.49, rep; Angie Scherer, \$33.45, sup; Scott Peterson Motors, \$24,653.00, equip; SD Dept of Revenue, \$2.00, other; SD Planners Assn, \$50.00, prof fee; SD Public Assurance Alliance, \$495.57, ins; Simon North Region SD, \$1,094.14, rep; Dave Smith, \$500.00, ins; Christina Steele, \$58.53, sup; Sturgis Ambulance, \$70.00, travel; Sturgis Rox, LLC, \$21,000.00, rent; Town-n-Country Plumbing, \$149.55, rep; Elizabeth Wunderlich, \$20.00, travel.

SPECIAL SALES TAX – Sturgis Area of Chamber, \$9,733.33; Sturgis Economic Development, \$8.500.00.

CAPITAL IMPROVEMENT – Ainsworth Benning Const, \$237,236.05; American Engineering Testing, \$1,239.75; Brosz Engineering, \$10,292.50; Fennell Design, \$9,226.10; Grangaard Construction, \$165,582.36; Grimm's Pump & Industrial, \$8,287.00; Meade County Equalization, \$3,500.00; Northern Technologies, \$723.14; Scull Construction, \$54,019.80.

BUSINESS IMPROVEMENT DISTRICT - Provim, \$50.00, pub.

HOTEL OCCUPANCY TAX DISTRICT – Lawrence & Schiller, \$7,483.56, other.

TIF #13 DOLAN CREEK – Dolan Creek LLC, \$5,646.86, other.

PERPETUAL MAINTENANCE – Kinkade Funeral Chapel, \$197.04, refund.

LIQUOR – Arctic Glacier USA, \$73.71, resale; Badlands Distillery, \$254.22, resale; Black Hills Energy, \$1,621.33, util; Cash-Wa Distributing, \$1,400.44, resale; Cask & Cork, \$552.73, resale; City of Sturgis Water Dept, \$308.31, utl; Coca Cola, \$618.50, resale; Dakota's Best Distributing, \$221.50, resale; Double Star Computing, \$100.16, prof fee; Fat Boys, \$186.00, resale; Fisher Beverage, \$12,307.64, resale; Johnson Western Wholesale, \$19,752.98, resale; MB Enterprises, \$168.90, resale; Travis Parker, \$150.00; pub; Pepsi, \$163.00, resale; Quality Brands of the Black Hills, \$19,792.97, resale; Republic Beverage, \$63,779.73, resale; Southern Glazer's of SD, \$2,146.95, resale.

WATER – Black Hills Energy, \$10,282.67, util; Buckle tree, \$91.52, sup; City of Sturgis Water Dept, \$138.33, util; Core & Main, \$576.23, sup; Credit Collections Bureau, \$141.49, prof fee; Double Star Computing, \$716.57, prof fee; G&H Distributing, \$102.54, rep; Grangaard Construction, \$2,500.00, refund; Hawkins, \$1,447.63, sup; Mahaffy Concrete, \$2,041.00, rep; Petty Cash, \$5.49, sup; Simon North Region SD, \$126.58, sup.

WASTEWATER – Black Hills Energy, \$2,903.62, util; Buckle Tree, \$28.69, sup; Double Star Computing, \$408.76, prof fee; Environmental Resource, \$167.81, prof fee; Quality Services, \$159.58, cap imp.

SANITATION – Allstate Peterbilt of Rapid City, \$172.79, rep; Black Hills Energy, \$330.48, util; Buckle Tree, \$67.15, sup; Century Link, \$58.60, util; Daz construction, \$60.00, refund; Diesel Machinery, \$41.82, rep; Double Star Computing, \$423.29, prof fee; Lynn's Dakotamart, \$7.98, sup; Regional Health, \$22.00, ins.

AMBULANCE – 3E Electrical Engineering, \$175.00, rep; A&B Business, \$188.28, sup; Black Hills Energy, \$580.96, util; City of Sturgis Water Dept, \$85.91, util; Concordance, \$1,675.80, sup; Double Star Computing, \$496.41, prof fee; Henry Schein, \$191.80, sup; Michael E Hogue, MD, \$500.00, prof fee; Image Trend, \$294.00, prof fee; Key City Glass, \$300.00, rep; Lynn's Dakotamart, \$58.54, sup; Richter's Tire & Exhaust, \$156.00, rep; SD board of Medical & Osteopath Exam, \$350.00, prof fee; Tom's T's, \$632.40, sup.

Motion by Martinson, second by Waterland and carried with all members present unanimously voting yes to approve a Special Events License for the Oasis Bar at the City Auditorium for History Day Social on June 14, 2019.

Motion by Waterland, second by T. Keszler and carried with all members present unanimously voting yes to approve a Special Events License for the Loud American Roadhouse at the Community Center for the Annual Camaro Rally Banquet on June 29, 2019.

Motion by S. Keszler, second by Crane and carried with all members present unanimously voting yes to approve a Special Events License for the Loud American Roadhouse at the City Auditorium for a wedding reception on June 1, 2019.

Motion by Waterland, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2019-31 – Street Closure, Open Container and Traffic Light Request for the Tatanka Mountain Bike Race on July 6, 2019. The traffic light at Ballpark Road and Junction Avenue will be used in accordance with this bike race, but the traffic light at Douglas Street and Junction Avenue will have a police officer present to negotiate traffic.

RESOLUTION 2019-31

RESOLUTION TO AUTHORIZE STREET CLOSURE AND OPEN CONTAINER OF HARLEY-DAVIDSON WAY AND HARLEY DAVIDSON RALLY POINT FOR THE 2019 TATANKA MOUNTAIN BIKE RACE

WHEREAS, the 2019 Tatanka Mountain Bike Race will be held in the City of Sturgis, July 6, 2019; and

WHEREAS, the following streets will be closed on Saturday, July 6th from 6:00 a.m. to 9:00 p.m. Harley Davidson Way from Main Street to the north alley between Main Street and Lazelle Street; the north side driving and parking areas of Main Street from the west side of Harley Davidson Rally Point to Junction Avenue; and

WHEREAS, open container will be allowed in the following area on Saturday July 6th from 12:00 p.m. to 9:00 p.m., Harley Davidson Rally Point and Harley-Davidson Way from Main Street north to the alley; and

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

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

NOW, THEREFORE, BE IT RESOLVED, The Police Department will be authorized to tow vehicles within the street closure area, starting July 6th, at 2:00 am; and

NOW, THEREFORE, BE IT RESOLVED that to accommodate the safe presentation of providing this special event, A street closure for the following area will take place on July 6th from 6:00 a.m. to 9:00 p.m. Harley Davidson Way from Main Street to the north alley between Main Street and Lazelle Street; the north side driving and parking areas of Main Street from the west side of Harley Davidson Rally Point to Junction Avenue; and

NOW, THEREFORE, BE IT RESOLVED as set forth herein that the City of Sturgis shall establish an alcoholic beverage open container area on Saturday July 6th from 12:00 p.m. to 9:00 p.m., Harley Davidson Point and Harley-Davidson Way from Main Street north to the alley. 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 6th day of May 2019.

Published: May 13, 2019 Effective: June 3, 2019

Motion by Martinson, second by Anderson and carried with all members present unanimously voting yes to approve a Special Events License for The Knuckle Saloon at H-D Way Plaza for the Mayor's Social for the Off-Road Rally on May 25, 2019.

Motion by Martinson, second by Zerbst and carried with all members present unanimously voting yes to approve Resolution 2019-33 – Street Closure and Open Container for the After-Rally Community Picnic on August 21, 2019.

RESOLUTION 2019-33 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 21, 2019, and

WHEREAS, the City of Sturgis Rally and Events Department will close of Harley Davidson Way from Main Street to Lazelle Street from 5:00 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 21, 2019, 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,

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.

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.

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 5:00 pm until 9:00 pm August 21, 2019, and establish an open container area on August 21, 2019 from 5:00 pm to 12:00 midnight 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 6th of May 2019.

Published: 05-13-19 Effective: 06-03-19

Motion by S. Keszler, second by T. Keszler and carried with all members present unanimously voting yes to approve a Special Events License for the Knuckle Saloon at H-D Rally Point for the After-Rally Community Picnic on August 21, 2019.

Motion by Crane, second by Waterland and carried with all members present unanimously voting yes to approve a request of a 10' variance to the 15' rear setback, and a 5' variance to the 35' front setback for SEDC and Chris Bergman of Scooptown Car Wash at Glovers 2nd Add, Lot J6.

Motion by T. Keszler, second by S. Keszler and carried with all members present unanimously voting yes to approve Resolution 2019-34 – Street Closure for the 3 on 3 Basketball Tournament on June 1, 2019.

RESOLUTION 2019 -34 RESOLUTION TO AUTHORIZE STREET CLOSURE FOR THE 3 ON 3 BASKETBALL TOURNAMENT STREET EVENT

WHEREAS, the Sturgis Community Center is sponsoring a 3 on 3 Basketball Tournament street event to be held in the City of Sturgis, June 1, 2019. This event is for the youth of Sturgis and the surrounding communities; and

WHEREAS, on Saturday, June 1st from 6:00 am to 9:00 pm there will be street closure on Harley Davidson Way from the North alley between Harley Davidson Rally Point and the Senior Citizen Center to Main Street and then from Main Street to the south alley between First Interstate Bank and their parking lot. The alleys will remain open to vehicle traffic; and

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

WHEREAS, the public event to be held will enhance visitors' experience and lead to additional sales tax generated revenue, and

WHEREAS, The Police Department will be authorized to tow vehicles within the street closure area, starting Saturday, June 1st at 2:00 am

NOW, THEREFORE, BE IT RESOLVED that to accommodate the safe presentation of providing this special event, beginning on Saturday, June 1st from 6:00 am to 9:00 pm there will be street closure on Harley Davidson Way from the North alley between Harley Davidson Rally Point and the Senior Citizen Center to Main Street and then from Main Street to the south alley between First Interstate Bank and their parking lot. The alleys will remain open to vehicle traffic

Dated this 6th day of May 2019.

Published: 05-13-2019 Effective: 06-03-2019

Mayor Carstensen declared a sine die, final adjournment of the 2018-2019 Council Session at 7:36 pm.

Mayor Carstensen called to order the new session.

City Attorney Barnier gave the Oath of Office to Mayor Mark Carstensen and Councilors Jason Anderson, Mike Bachand, Steve Keszler and David Martinson and a Certificate of Election was presented to each.

Moved by Crane to nominate David Martinson for President of the Council, second by Zerbst. Moved by T. Keszler to nominate Mike Bachand for President of the Council, second by Anderson. Nominations ceased. After counting ballots, David Martinson was declared President of the Council.

Motion by Waterland to nominate Terry Keszler for Vice President of Council, second by Bachand. Nominations ceased. Terry Keszler was declared Vice President of the Council.

Motion by Waterland, second by S. Keszler and carried with all members present unanimously voting yes to approve the following items on the consent calendar except for c:

- **a.** Authorize Bank Depositories First Interstate Bank, Wells Fargo Bank, First National Bank, Pioneer Bank and SD Public Fund Investment Trust.
- **b.** Authorize Signatories on Bank Accounts City Manager, Mayor, Council President, Finance Officer and Deputy Finance Officer.
- e. Designate Legal Newspaper as Black Hills Pioneer

After discussion of considering the Sturgis Chronicle for the legal newspaper over the Black Hills Pioneer, motion was made by Anderson, second by Martinson and carried with all members present unanimously voting yes to approve the Black Hills Pioneer as the designated legal newspaper.

Finance Officer Bueno presented the 2018 Annual Financial Report. Motion by Zerbst, second by Crane and carried with all members present unanimously voting yes to approve the 2018 Financial Annual Report.

Dale Olson, City Water Superintendent, presented the 2018 City Water Annual Report.

Any other business: None

Motion by Waterland, seconded by Crane and carried with all members present unanimously voting yes to adjourn the meeting at 8:10 pm.

ATTEST: ___

APPROVED___

Fay Bueno, Finance Officer

Mark Carstensen, Mayor

Published once at the total approximate cost of \$