

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, June 17, 2019 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson (6:25 pm), 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 Crane, second by Martinson and carried with all members present unanimously voting yes to approve the agenda.

Motion by S. Keszler, second by Waterland and carried with all members present unanimously voting yes to go into executive session for two legal cases, two contracts and one personnel at 6:01 pm.

Motion by T. Keszler, second by Waterland to return to regular session at 6:36 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Library Board – 4/24/19 minutes
- Planning Commission – 6/4/19 minutes

Announcements:

- There will be a retirement party for Dale Olson on Friday the 21st from noon to 3:00.
- The Sturgis Arts Council will be performing “Annie” Thursday thru Monday at the Community Center.
- The City Library will be presenting the Star Dome Planetarium at the Community Center on Friday.
- Calvary Days and the Lion’s Club Fishing Derby will be this coming weekend.

City Manager Ainslie reported:

- The sales tax update for General Sales Tax and Capital Improvement Tax for April collected in May was up 13.9% month over month and up 6.6% year over year. The Gross Receipts Tax (triple B) was down 29% month over month and down 6.8% year over year.
- Payroll Changes – within budget:
 1. Police Dept – Part-time Records Assistant/Receptionist – Becky Merwin – \$13.25; Rally Employees – see wage sheet; School Resource Officer – Benny Page - \$22.28.
 2. Community Center Dept – Lifeguard – Isabel Castillo - \$10.50.
 3. Streets/Sanitation/Wastewater Depts – Administrative Assistant – Ann Bertolotto - \$25.36.

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

- a. Consideration of minutes from the June 3, 2019 regular meeting
- ~~b. Consideration to set a public hearing on July 1, 2019 for Resolution 2019 XX – Open Container at H-D Rally Point on July 12, 2019 from 4:30-6:00 pm for the Rumble at Rally Point (AAU Wrestling Tournament).~~

- c. Consideration of Resolution 2019-43 – To Nominate a SDPAA Board Member.

**RESOLUTION 2019-43
A RESOLUTION TO NOMINATE SDPAA BOARD MEMBER**

WHEREAS, the South Dakota Public Assurance Alliance has given notice that it will be holding an election for open positions on its Board of Directors;

WHEREAS, the South Dakota Public Assurance Alliance requires that a prospective member be nominated by their governing body to act as a representative on behalf of the entity;

NOW, THEREFORE BE IT RESOLVED that Sturgis Common Council hereby nominates employee Lisa Katzenstein to enter the election for a seat to serve on the South Dakota Public Assurance Alliance Board of Directors on behalf of the City of Sturgis.

Dated this 17th day of June 2019.

Published: 06-25-2019

Effective: 07-16-2019

- d. Consideration of Resolution 2019-45 – Plat of Lot 26R & 31R in Block 22 of McMillan’s Eastern Addition for Sam Mudlin of 716 Sherman.

**RESOLUTION 2019-45
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 the Sam A. Mudlin:

Plat of Lot 26R and Lot 31R, Block 22 of McMillan’s Eastern Addition
To the City of Sturgis.

Formerly Lots 26, 27 and the West 15’ of Lot 28 AND the East 10’ of Lot 28, Lot 29, Lot 30 and Lot 31, Block 22 of McMillan’s Eastern Addition to The City of Sturgis.

Located in the NE ¼ of the NW ¼ and the SE ¼ of the NW ¼ of Section 10, 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 17th day of June 2019.

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- e. Consideration of the CMAR Agreement Amendment for the Sturgis Water Resource Recovery Facility.
- f. Consideration of the 2019-2020 Professional Services Agreement with Meade School District.
- ~~g. Consideration to set a public hearing on July 1, 2019 for Resolution 2019-XX – Street Closure of Harley-Davidson Way on July 20, 2019 for Black Hills Black Top Tourney.~~

Motion by Martinson, second by T. Keszler and carried with all members present unanimously voting yes to approve setting a public hearing on July 1, 2019 for Resolution 2019-XX – Open Container at H-D Rally Point on July 12, 2019 from 4:30-6:00 pm for the Rumble at Rally Point (AAU Wrestling Tournament).

Motion by Waterland, second by T. Keszler and carried with all members present unanimously voting yes to approve setting a public hearing on July 1, 2019 for Resolution 2019-XX – Street Closure of Harley-Davidson Way on July 20, 2019 for Black Hills Black Top Tourney.

Motion by Waterland, second by Crane and carried with all members present unanimously voting yes to approve the following claims with the addition of Finance Petty Cash:

WAGES – Ambulance \$23,758.97; Attorney \$4027.86; Auditorium \$193.58; Buildings \$1165.12; Cemetery \$2370.70; City Manager \$4560.58; Community Center \$9397.02; Finance Office \$9350.83; Fire Department \$19.58; Human Resource \$6291.79; Library \$9109.09; Liquor \$5836.20; Mayor and Council \$3837.04; Parks \$12,659.39; Planning & Permitting \$9402.52; Police \$38,812.49; Rally \$7564.37; Recreation \$2817.57; Sanitary Service \$15,675.05; Streets \$12,974.28; Wastewater \$10,311.74; Water \$13,204.33; Federal Withholding \$16,256.92; FICA \$14,790.47.

COMBINED CASH FUND – First Interstate Bank, \$4,000.00, ATM; Elaina O'Brien, \$15.43, refund.

GENERAL – A&B Welding, \$5.10, sup; A&J Surplus, \$71.85, sup; Adams-ISC, \$1,148.00, rep; Affordable Flowers, \$489.52, sup; Affordable Tire & Alignment, \$36.50, sup; Baker & Taylor, \$67.19, sup; Elton Lane Barden, \$200.00, prof fee; Twyla Barden, \$700.00, prof fee; Black Hills Energy, \$12,855.59, util; Black Hills Family Practice, \$120.00, prof fee; Black Hills Library consortium, \$4,939.59, rep; Black Hills Pioneer, \$797.51, pub; Cash-Wa Distributing, \$818.05, resale; Chain Saw Center, \$49.82, rep; Carsey Clement, \$2,525.00, prof fee; Core & Main, \$1,604.16, sup; Culligan of the Black Hills, \$116.00, sup; Double Star Computing, \$1,400.10, prof fee; G&H Distributing, \$102.54, sup; Grimm's Pump & Industrial Supply, \$474.25, rep; Grocery Mart, \$14.76, sup; Don Hackett, \$150.00, prof fee; Emylee Hincey, \$50.00, prof fee; Hillyard, \$359.21, sup; Jenner Equipment, \$50.64, sup; Jim's Auto Salvage, \$20.00, rep; Kevin Klug, \$350.00, prof fee; Legendary Electric, \$401.79, sup; Loud American, \$76.33, sup; Lynn's Dakotamart, \$235.18, sup; Marco Technologies, \$99.59, rep; MasterCard, \$65,297.95, sup; Matfactor, \$247.25, sup; Meade County Auditor, \$21,024.87, other; Meade County Register of Deeds, \$90.00, other; MDU, \$5,300.82, util; Motionsoft, \$450.00, prof fee; O'Reilly Auto Parts, \$131.98, rep; Petty Cash, \$160.11, other; Powerplan, \$72.12, rep; Public Safety Equipment, \$25.98, sup; Purchase Power, \$500.00, sup; Push, Pedal-Pull, \$3,105.28, other; Rapid Diesel Service, \$1,816.68, rep; SD Public Assurance Alliance, \$187.09, ins; SD Supplemental Retirement, \$45.00, other; Speedy Lube, \$208.08, sup; Sturgis ATV and Small Engine, \$150.31, rep; Sturgis Motorsports, \$109.99, sup; Tom's T's, \$135.30, sup; Town-N-Country Plumbing, \$355.30, sup; Twilight First Aid & Safety, \$153.52, sup; Universal Athletic, \$2,473.29, sup; West Payment Center, \$166.00, prof fee; Western Communications, \$8.00, equip; Elizabeth Wunderlich, \$29.97, sup.

SPECIAL SALES TAX – Black Hills Energy, \$36.59, util; MasterCard, \$444.54, util; MDU, \$37.09, util.

CAPITAL IMPROVEMENT – Baseline Surveying, \$2,165.00; Brosz Engineering, \$20,060.30; Copy Country, \$10.00; Fennell Design, \$6,345.75; Grimm’s Pump & Industrial, \$7,773.16; Push-Pedal-Pull, \$29,653.38; Scull Construction, \$136,531.57; Uline, \$1,257.62.

BUSINESS IMPROVEMENT DISTRICT – MasterCard, \$3,901.06, pub; Petty Cash, \$900.00, sup.

HOTEL OCCUPANCY TAX DISTRICT – MasterCard, \$5,796.83, other.

TIF #12 DOLAN CREEK – A&J Surplus, \$301.35; Summit Signs & Supply, \$151.25.

LIQUOR – Arctic Glacier, \$175.50, resale; Black Hills Pioneer, \$480.00, pub; Cash-Wa Distributing, \$971.15, resale; Cask & Cork, \$502.24, resale; Coca Cola, \$571.25, resale; Dakota’s Best Distributing, \$101.75, resale; Double Star Computing, \$30.32, prof fee; Fat Boys, \$318.00, resale; First Interstate Bank, \$5,000.00, ATM; Fisher Beverage, \$9,418.73, resale; Johnson Western Wholesale, \$22,837.21, resale; Lynn’s Dakotamart, \$8.84, resale; MasterCard, \$5,779.07, sup; MDU, \$77.30, util; Okoboji Wines, \$220.00, resale; Pepsi Cola, \$177.75, resale; Prairie Berry, \$663.00, resale; Quality Brands, \$13,445.05, resale; Republic Beverage, \$30,661.06, resale; Southern Glazer’s, \$6,296.61, resale; True Brands, \$47.94, resale; Valiant Vineyard, \$132.00, resale.

WATER – Amick Sound, \$34.24, rep; Black Hills Energy, \$1,734.37, util; Double Star Computing, \$1,323.68, prof fee; Grocery Mart, \$14.49, rep; Hawkins, \$40.00, sup; Lynn’s Dakotamart, \$5.49, sup; MasterCard, \$3,178.67, rep; MDU, \$185.54, util; Petty Cash, \$9.15, sup; SD DENR, \$2,200.00, other; Speedy Lube, \$121.22, rep; Summit Companies, \$25.00, sup; Vanway Trophy & Award, \$10.05, sup;

WASTEWATER – Double Star Computing, \$219.54, prof fee; Lynn’s Dakotamart, \$20.92, sup; MasterCard, \$761.71, sup; McPherson Propane, \$51.21, rep; MDU, \$55.19, util; SD DENR, \$50.00, other; SD Public Assurance Alliance, \$1,372.03, ins.

SANITATION – A&B Welding, \$106.39, sup; A&J Surplus, \$315.93, rep; BH Energy, \$15.00, util; City of Belle Fourche, \$28,115.11, other; Double Star Computing, \$198.60, sup; Inland Truck Parts, \$147.68, rep; Lynn’s Dakotamart, \$26.24, sup; MasterCard, \$5,893.08, sup; Powerplan, \$79.04, rep.

AMBULANCE – A&B Welding, \$1,034.36, sup; Double Star Computing, \$51.26, prof fee; Lynn’s Dakotamart, \$366.11, sup; MasterCard, \$5,140.98, util; MDU, \$124.99, util; Stryker Sales Corp, \$445.18, prof fee; Tom’s T’s, \$217.60, sup.

Motion by Martinson, second by Waterland and carried with Carstensen, Anderson, Crane, S. Keszler, T. Keszler, Martinson and Waterland voting yes, Bachand and Zerbst voting no, to approve a transfer of location for the Package off-sale Liquor License for the City of Sturgis Liquor Annex to a small portion of the northwest corner of Harley Davidson Way.

Motion by Crane, second by Martinson and carried with Carstensen, Anderson, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Bachand voting no, to approve a special events license for Oasis Bar (PSI Enterprises) at H-D Rally Point on August 2-10, 2019 for Harley-Davidson and Rally Department promotions.

Motion by Zerbst, second by Martinson and carried with Carstensen, Anderson, Crane, S. Keszler, Martinson and Zerbst voting yes, Bachand, T. Keszler and Waterland voting no, to approve Resolution 2019-44 – Open Container for Rally Opening Ceremony at H-D Rally Point on August 2, 2019.

RESOLUTION 2019-44
RESOLUTION FOR OPEN CONTAINER FOR THE OPENING CEREMONY AND ENTERTAINMENT DURING THE RALLY

WHEREAS, the 79th Annual Sturgis Rally will be held on August 2nd thru the 11th; and

WHEREAS, a Resolution for Street Closure was passed by the City Council on June 3, 2019 for the 79th Annual Sturgis Rally; and

WHEREAS, the City has hired entertainment for the opening ceremonies that will be held at Harley Davidson Rally Point on Friday, August 2nd opening day of the annual Sturgis Motorcycle Rally; and

WHEREAS, the City is requesting open container on August 2, 2019 from 2:00 pm to 6:00 pm on Harley Davidson Way from Lazelle Street to Sherman Street and Main Street west at the west end of Rally Point to east of the Fireside Lounge on both sides of the street and Harley Davidson Rally Point.

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 as set forth herein that the City of Sturgis shall establish an alcoholic beverage open container area on Friday August 2nd from 2:00 p.m. to 6:00 p.m., on Harley Davidson Way from Lazelle Street to Sherman Street and Main Street west at the west end of Rally Point to east of the Fireside Lounge on both sides of the street. 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 it must be in an authorized Commemorative cup.

This area shall be marked by city barricades with clearly legible signs, provided by the City and consistent with the limitations of this Resolution, stating that the barricade marks the boundary of the open container area.

Dated this 17th day of June 2019.

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Motion by Bachand, second by Martinson and carried with all members present unanimously voting yes to approve a Variance Request from Terry Olson (Lamar Outdoor Advertising) to the maximum size allowance (14'X48') for a billboard at 170 Old Stone Road.

Motion by Anderson, second by Waterland and carried with all members present unanimously voting yes to approve a Variance Request from Tracy Palmer for a 5' variance to the 10' rear setback in install a garage addition at 1844 Pine St.

Motion by Bachand, second by Crane and carried with all members present unanimously voting yes to approve a Use on Review from Tammy Iverson (Rev-It-Up Espresso) to operate a year-round drive-up coffee kiosk at 2703 Lazelle.

Any other business:

- Councilor Anderson would like to see different event cups from time to time.
- City Manager Ainslie read a letter from Mark and Marlene Krenn asking the City to ban fireworks.

- Jerry Lolley asked the Council why the City does not recognize the Sturgis Titan Baseball tournament that is going on this week? He also asked why there was not more advertising on the dedication of the “Eagle” at Harley Davidson Rally Point.
- Bill Cissell, Sturgis Chronicle, voiced his opinion on fireworks. He also thought the Council had directed staff to find out how to make his newspaper the legal paper.
- Palmer Dahl voiced his opinion on Bear Butte Creek and what the flow of the creek is going to do to the new Public Works Campus.

Motion by T. Keszler, second by Bachand and carried with all members present unanimously voting yes to go into executive session for personnel and contracts at 8:05 pm.

Motion by S. Keszler, second by T. Keszler to return to regular session at 8:53 pm.

Motion by Anderson, seconded by Waterland and carried with all members present unanimously voting yes to adjourn the meeting at 8:53 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$