

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, July 29, 2019 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Rhea Crane, Steve Keszler, Terry Keszler, Ronald Waterland and Beka Zerst. Also, present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: David Martinson.

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

Motion by T. Keszler, second by Zerst and carried with all members present unanimously voting yes to go into executive session for one legal case, three contracts and one personnel at 6:00 pm.

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

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning & Zoning June 16, 2019 Unofficial Minutes

Announcements:

- Finance Office will be moving to the Community Center on August 12, 2019.
- August 21st will be the Community Picnic.
- The next Council meeting will be August 19th, 2019.
- The Farmer's market will start back up on August 17th.
- Congratulations to Jason Anderson on his top finish on the Regional Bike Race during Music on Main.
- Congratulations to Shawn Fisher on being 2019 Ms. Mount Rushmore USA ambassador for South Dakota.

City Manager Ainslie reported:

- Payroll Changes – within budget:
 1. Rally & Events: Survey Facilitator-Katherine Carstensen-Zerst - \$13.00.
 2. Liquor Store: Parking Lot Attendant-Maximus Bartlett - \$10.00; Stocker/Parking Lot Attendant-Jason Chalmers - \$10.00; Sales Clerk-Mary Thompson - \$11.00; Sales Clerk-Curt Corey - \$11.00.
 3. Community Center: Lifeguard-Jon Schuster - \$10.50; Front Desk Attendant/Concessions-Leah Hosch \$10.50.
 4. Police Reserves: Volunteers-Eryn Schlotte, Michael Conqueringbear, James Hale, Anthony Spencer, Ryan Fitzpatrick, Dustin Odegard, Gabriel Izaguire, Ken Grosch.
- Finance Officer Bueno presented the 2nd Quarter 2019 Financials.

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

- a. Consideration to approve minutes from the July 15, 2019 regular meeting.
- b. Consideration of Resolution 2019-52 – Plat of Lot 47R and Lot 52R of Murray Tract #1 for Tim Anderson of 1727 Meadowlark Drive.

**RESOLUTION 2019-52
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 Timothy Anderson:

Plat of Lot 47R and 52R of Murray Tract #1 Formerly Lots 47 and 52 of Murray Tract #1 Located in the NW1/4 of Section 9, T5N, R5E, B.H.M. in the 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 29th day of July 2019.

Published: 08-06-2019

Effective: 08-27-2019

~~e. Consideration of Resolution 2019-54 — Plat of Lot 1R, Lot 3, and Lot 4 of Meade 46-1, Sturgis Brown High School, East Campus Subdivision for Meade School District.~~

d. Consideration Resolution 2019-53 – Declaring Property Surplus.

**RESOLUTION 2019-53
A RESOLUTION DECLARING PROPERTY SURPLUS**

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the personal property described below is hereby declared surplus and to be disposed of as described by SDCL 6-13-1. It is being advisable and in the best interest of the City to sell/trade/dispose of such personal property.

Rally & Events

1. 2019 Harley-Davidson Road Glide Motorcycle VIN:1HD1KTP30KB626671

Dated this 29th day of July 2019.

Published: 08-06-2019

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e. Consideration of a Consumption Permit for VIP Sponsor Social at City Hall Balcony on August 5, 2019

- f. Consider of a Consumption Permit for Vendor Social at City Hall Balcony on August 8, 2019
- g. Consideration to set public hearing for August 19, 2019 for an Amendment to TIF #11.

Motion by Anderson, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2019-54 – Plat of Lot 1R, Lot 3, and Lot 4 of Meade 46-1, Sturgis Brown High School, East Campus Subdivision for Meade School District.

**RESOLUTION 2019-54
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 Meade School District 46-1:

Plat of Lot 1R, Lot 3 and Lot 4 of Meade 46-1, Sturgis Brown High School, East Campus Subdivision. Formerly Lot 1 of Meade 46-1, Sturgis Brown School, East Campus Subdivision. All located in Section 1, Section 2, Section 11 and Section 12 of Township 5 North Range 5 East, Black Hills Meridian, a Portion of the 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.

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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:

WAGES– Ambulance \$41,465.70; Attorney \$8121.45; Auditorium \$387.24; Buildings \$2330.32; Cemetery \$6050.31; City Manager \$9186.89; Community Center \$18,925.66; Finance Office \$16,460.53; Fire Department \$500.90; Human Resource \$9993.34; Library \$18,340.09; Liquor \$11,206.52; Mayor and Council \$7674.08; Parks \$25,819.02; Planning & Permitting \$18,539.47; Police \$80,623.92; Rally \$20,604.62; Recreation \$9507.79; Sanitary Service \$34,075.95; Streets \$27,982.42; Wastewater \$21,696.31; Water \$18,562.96; Federal Withholding \$33,297.29; FICA \$29,450.14.

COMBINED CASH FUND – Ray & Wendy Anderson, \$3.35, refund; Jeff Dufek, \$81.52, refund; Daniel Hagen, \$8.13, refund; Bradley & Alesha Limbo, \$166.77, refund; Kristen Sabers, \$13.35, refund; Mary Wood-Fossen, \$81.52, refund.

GENERAL – A&B Business, \$376.92, sup; A to Z Shredding, \$92.20, other; A-1 Mechanical, \$165.00, rep; Ainsworth Benning Construction, \$1,024.23, util; Amazon, \$50.97, sup; Baker &

Taylor, \$410.42, sup; Elton Lane Barden, \$175.00, prof fee; Black Hills Energy, \$11,641.27, util; Black Hills Family Practice, \$120.00, prof fee; Black Hills Occupational Medicine, \$30.00, prof fee; Black Hills Rally & Gold, \$56.00, resale; Jared Blake, \$8,500.00, prof fee; Buckle Tree, \$4,828.30, other; Roger Burnham, \$3,605.00, prof fee; Cadillac Jacks, \$330.00, sup; Central States Sanitation, \$440.00, rep; Century Glass Company, \$21.29, sup; Chain Saw Center, \$711.37, equip; Construction Industry, \$425.00, prof fee; Dakota Extinguisher & Safety, \$24.00, rep; Charles Duarte, \$2,400.00, prof fee; Ear/Insta-Mold, \$468.76, sup; Tamera Even, \$35.38, travel; Faith Independent, \$39.00, sup; Floyd's Truck Center, \$369.90, rep; Genpro Energy Solutions, \$180.12, REP; Goldmine International, \$702.00, other; David Alan Graham, \$1,500.00, prof fee; Don Hackett, \$175.00, prof fee; Harvey's Lock Shop, \$1,392.00, equip; Emylee Hincey, \$100.00, prof fee; Britnee Hendryx, \$3,000.00, prof fee; Whey Jennings, \$5,000.00, prof fee; Jones Birdsong LLP, \$2,785.00, sup; Ketel Thorstenson, \$2,000.00, prof fee; Kevin Klug, \$275.00, prof fee; Knecht Home Center, \$54.98, sup; Darryl Knight, \$700.00, sup; Leads on Line, \$1,488.00, prof fee; Legendary Electric, \$179.39, rep; Liberty Chevrolet, \$61.03, rep; Loud American, \$100.00, resale; Lowe Roofing, \$37.00, sup; Mont Madison, \$10,200.00, prof fee; Joe Martin, \$100.00, prof fee; MDU, \$4.69, util; Motionsoft, \$450.00, prof fee; Park Avenue Car Wash, \$22.80, sup; Petty Cash, \$72.40, other; Public Safety Equipment Company, \$207.84, rep; Rally Point Shade, \$1,999.92, rep; Ramkota Hotel, \$102.00, travel; Rapid Diesel Service, \$36.33, rep; Don Rourke, \$100.00, prof fee; Rushmore Office Supply, \$623.38, sup; S&C Cleaners, \$6,500.00, rep; SD National Guard, \$3,000.00, other; SD Public Assurance Alliance, \$306.68, ins; Sherwin-Williams, \$181.60, sup; Simon North Region SD, \$828.43, rep; Sturgis Harley Davidson, \$16.20, other; Swank Motion Pictures, \$500.00, prof fee; Tom's T's, \$104.25, sup; Transource Truck & Equipment, \$80.36, rep; Twilight First Aid & Safety, \$281.79, sup; U Drive Technology, \$267.00, prof fee; West Payment Center, \$494.89, prof fee; Western Communications, \$510.00, sup; Zeona Road, \$4,800.00, prof fee.

SPECIAL SALES TAX – Lawrence & Schiller, \$8,993.41, promo; Sturgis Area Chamber of Commerce, \$9,333.33; SEDC, \$8,500.00.

CAPITAL IMPROVEMENT – Baseline Surveying, \$1,070.00; Clarke Electric & Comm Cabling, \$1,356.97; North Star Construction, \$35,888.08; Rushmore Office Supply, \$920.00; Sacrison Paving, \$30,451.45; SD Dept of Transportation, \$8,500.00.

BUSINESS IMPROVEMENT DISTRICT – Central States Sanitation, \$200.00, sup; Legendary Electric, \$594.40, sup; Mineral Palace Hotel, \$1,161.20, sup; Rushmore Office Supply, \$319.70, sup.

HOTEL OCCUPANCY TAX DISTRICT – David-Jacobs Publishing Group, \$4,245.00; Lawrence & Schiller, \$4,551.18.

REVOLVING FUND LOAN – Legend Suspension, \$75,000.00.

TIF#12 DOLAN CREEK – First Interstate Bank, \$1,683.07, other.

LIQUOR – Arctic Glacier USA, \$396.99, resale; Black Hills Energy, \$1,696.50, util; Black Hills Rally & Gold, \$342.00, resale; Boulder Canyon Country Club, \$1,000.00, pub; Cash-Wa Distributing, \$3,287.44, resale; Cask & Cork, \$889.99, resale; Coca Cola, \$4,774.30, resale; Dakota's Best Distributing, \$1,302.15, resale; Fisher Beverage, \$14,128.54, resale; Johnson Western Wholesale, \$20,039.40, resale; MB Enterprises, \$302.30, resale; Okoboji Wines, \$440.00, resale; Pepsi Cola, \$433.00, resale; Prairie Berry, \$867.00, resale; Quality Brands, \$17,799.79, resale; Republic Beverage, \$84,732.33, resale; Rushmore Office Supply, \$665.07, sup; Southern Glazer's of SD, \$1,977.20, resale; Valiant Vineyard, \$132.00, resale; World of Coffee, \$709.30, resale.

WATER – Amick Sound, \$34.24, rep; Bierschbach Equipment, \$432.00, rep; Black Hills Energy, \$6,302.89, util; Core & Main, \$846.00, sup; Credit Collections Bureau, \$21.63, prof fee; Dakota Pump & control, \$441.84, rep; G&H Distributing, \$79.94, rep; Midcontinent Testing Lab, \$170.00, prof fee; Petty Cash, \$.61, sup; Rushmore Office Supply, \$107.74, sup; Twilight First Aid & Safety, \$116.09, sup; Wells Plumbing, \$129.76, rep.

WASTEWATER – Midcontinent Testing, \$2,267.00, prof fee; Rushmore Office Supply, \$123.98, sup; Simon North Region SD, \$233.58, rep.

SANITATION – Black Hills Energy, \$219.48, util; Holtz Industries, \$642.00, rep; Petty Cash, \$20.00, other.

AMBULANCE – A&B Welding, \$510.28, sup; Concordance, \$1,315.20, sup; Henry Schein, \$4,331.84, sup; Michael Hogue, MD, \$500.00, prof fee; Image Trend, \$5,093.83, prof fee; Infinity Diesel, \$1,680.03, rep; Liberty Chevrolet, \$629.54, rep; Lynn’s Dakotamart, \$14.99, sup; Medical Waste Transport, \$160.95, other; My Place, \$94.10, travel; Rushmore Office Supply, \$49.58, sup; Stryker Sales Corp, \$891.31, sup.

Motion by Anderson, second by Bachand and carried with all members present unanimously voting yes to approve transfer of a Retail On-Off Sale Malt Beverage & SD Farm Wine License and a Retail On-Off Sale Wine & Cider License from Wanda’s Kitchen to Robert Tompkins dba Dirty Dogs Roadhouse LLC at 1025 Junction.

Motion by Bachand, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2019-55 - Approving a street closure and lifting the open container law for the 13th Annual Sturgis Mustang Rally.

RESOLUTION 2019 - 55

A RESOLUTION TO CLOSE STREETS TO CREATE AN SHOW AND SHINE AREA, AND TO PERMIT OPEN CONTAINERS ON CERTAIN PUBLIC PROPERTY AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY

WHEREAS, the Sturgis Mustang Rally is an event that brings many tourists to the City of Sturgis and the surrounding area, and

WHEREAS, the City of Sturgis has supported the Sturgis Mustang Rally event in past years, and

WHEREAS, the Sturgis Mustang Rally organizers have requested a designation of an open container area within a portion of the public property of the City of Sturgis, and

WHEREAS, the request from the Sturgis Mustang Rally is permitted under the authority of state law;

NOW THEREFORE IT IS HEREBY RESOLVED that any banner to be installed by Sturgis Pubic Works staff shall be delivered in to the Public Works Department on Dudley Street by Friday, August 21st in condition suitable for installation on Monday, August 26th, and

IT IS HEREBY FURTHER RESOLVED as set forth herein that the City of Sturgis shall close certain streets to the public for a limited period of time to establish a Show and Shine event area on August 30th, 2019, from 2:00 am until 8:00 pm, on the public streets as follows:

- a. On Main Street, beginning at the east edge of the Right of Way of 4th Street, and continuing east to intersection of Main Street and Junction Avenue, and resuming on the East side of Junction Avenue and continuing to the intersection of Main street and Middle street, and
- b. On First Street, between its intersection with Lazelle Street and south to its intersection with Sherman Street, and
- c. On Harley-Davidson Way, between its intersection with Lazelle Street and south to its intersection with Sherman Street, and

- d. On Third Street, between its intersection with the alley south of Lazelle Street and then south to its intersection with Sherman Street, and

IT IS HEREBY FURTHER RESOLVED that the Sturgis Police Department will be authorized to ticket and tow illegally parked vehicles within that street closure area starting August 30, 2019 at 2:00 a.m. through 8:00 p.m. and

IT IS HEREBY FURTHER RESOLVED as set forth herein that the City of Sturgis shall establish an alcoholic beverage open container area on August 31, 2019 from 10:00 am to 8:00 pm, 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 designated cup that is available for purchase from any 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 on

- 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.

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, any City Property not open to the public, and does not include any private property within the open container area.

Dated this 29th day of July 2019.

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City Manager Ainslie reported to the Council that the two bridges, one on Sly Street and one on Blanche Street will be repaired by North Star Construction with the estimate for Sly Street at \$19,029 and Blanche Street at \$102,325 with the City purchasing the culverts at \$55,847 for

Blanche Street bridge. They should be done with Sly Street bridge around the 1st of September and Blanche Street bridge by the middle of September if weather permits.

Motion by Zerbst, second by S. Keszler and carried with all members present unanimously voting yes to approve Helms and Associates as the Airport Engineering Consultant.

City Manager Ainslie presented the 2020 budget to the Council. First reading will be on August 19, 2019 and second reading will be on September 3, 2019. The 2020 budget will be posted on the City's website.

Any other business:

Bonnie Alberts inquired about the alley at the Iron Horse Inn and noise down in that area. The Mayor said that the alley will not be closed this year.

Motion by Crane, seconded by T. Keszler and carried with all members present unanimously voting yes to adjourn the meeting at 7:46 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$200.05.