

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, April 19, 2021 at the Sturgis City Hall Council Meeting Room. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Rhea Crane, Kevin Forrester, Terry Keszler, David Martinson, Ronald Waterland and Beka Zerbst. Also present: City Manager Daniel Ainslie (by phone) and City Attorney Greg Barnier. Absent: None.

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

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

Motion by Crane, second by Waterland to return to regular session at 6:33 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning Commission Meeting minutes from April 6, 2021 – unapproved.
- Finance Officer Bueno presented the first quarter financials to the Council.

Councilor's Update:

Councilor Zerbst presented the updates on the following:

- Gold Star Family Memorial which will be placed here in Sturgis. This will be the first Gold Star Family Memorial in South Dakota.
- The proposed Sturgis aquatic park. This is a great project for our City and could be a legacy project.
- She thanked the 3 Councilors, Ron Waterland, Rhea Crane, and Terry Keszler which will be finishing their term in office and congratulated them on doing a fine job for the Citizens of the City.

City Manager Ainslie reported:

- The sales tax update for General Sales Tax and Capital Improvement Tax for February collected in March was up 12.4% month over month and year over year was up 13.5% The Gross Receipts Tax (triple B) was up 22.2% month over month and year over year up 26.5%.
- Payroll Changes within Budget-
 1. Police: Larissa Seumanutafa - Patrol Officer \$22.45.
 2. Rally & Events: Phillip Thomas - Rally Summer Seasonal \$11.00, \$12.00 during rally,

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

- a. ~~Council direction to begin investigation Document Management.~~
- b. Consideration to approve the minutes from April 5, 2021 regular Council meeting.
- c. Consideration to set a public hearing on May 3, 2021 for a Special Events License for Iron Horse Saloon at the Steel Pony Campground on August 5-15, 2021.
- d. Consideration to approve a Consumption Only Request for the Sturgis Public Library, private event, on May 21, 2021.

- e. Consideration to approve having the Mayor sign the SDDOT Transportation Alternative Agreement for the Boulder Canyon Bike Path.
- f. Consideration to set a public hearing on May 3, 2021 for Street Closure and Open Container for the Inaugural Salute to Our Heroes Fundraiser on May 29, 2021.
- ~~g. Consideration to set a public hearing for May 3, 2021 regarding a Special Events License for Fat Boys, LLC (Samson's Corner) on August 6-15, 2021.~~

Motion by Forrester, second by Keszler and carried with all members present unanimously voting yes to have staff investigate a Document Management system and to bring information back to the Council by June 7th.

Motion by Martinson, second by Keszler and carried with all members present unanimously voting yes to tabling to a future date the consideration to set a public hearing regarding a Special Events License for Fat Boys, LLC (Samson's Corner) on August 6-15, 2021.

Motion by Crane, second by Waterland and carried with all members present unanimously voting yes to approve the following claims with the addition of Sturgis Chamber (Mustang Rally) for \$2900 and Sturgis Ambulance \$7100:

WAGES – Ambulance \$23,241.64; Attorney \$4291.81; Auditorium \$202.88; Buildings \$1229.01; Cemetery \$2350.20; City Manager \$4850.13; Community Center \$14,099.48; Finance Office \$6690.39; Fire Department \$384.66; Fleet \$6376.52; Human Resource \$5290.12; Library \$9634.86; Liquor \$6604.82; Mayor and Council \$4021.42; Parks \$10,872.58; Planning & Permitting \$10,605.58; Police \$41,775.61; Rally \$8431.22; Recreation \$2895.78; Sanitary Service \$16,024.67; Streets \$12,040.87; Wastewater \$10,993.71; Water \$14,594.02; Federal Withholding \$16,935.47; FICA \$15,473.01.

COMBINED CASH FUND – Roxie Tetrault, \$50.00, refund.

GENERAL – Baker & Taylor, \$43.43, sup; Black Hills Energy, \$10942.58, util; Demco, \$294.42, sup; Double Star Computing, \$6143.69, prof fee; Julie Goetsch, \$100.00, ins; Grimm's Pump & Industrial, \$528.07, rep; Grocery Mart, \$141.08, sup; Ken Grosch, \$30.00, other; Integrated Technology & Security, \$3089.89, sup; Kaminsky, Sullenberger & Associates, \$350.00, travel; Ketel Thorstenson, \$3016.20, prof fee; Loud American, \$189.98, travel; Lowe Roofing, \$156.94, rep; Lynn's Dakotamart, \$149.81, sup; MasterCard, \$83638.41, sup; Meade County Auditor, \$9547.02, other; MDU, \$6860.76, util; Motionsoft, \$450.00, prof fee; Travis Parker, \$40.00, other; Julie Peterson, \$51.96, sup; Petty Cash, \$244.20, other; Postmaster, \$2500.00, sup; Purchase Power, \$500.00, sup; Richter's Tire & Exhaust, \$42.00, sup; RPM Machine, \$406.69, rep; SD Dept of Revenue, \$1.00, other; SD Govt Finance Office Assn, \$150.00, travel; SD Public Assurance Alliance, \$669.60, ins; Short Construction, \$9743.84, rep; SMRI, \$400000.00, other; Speedy Lube, \$41.74, sup; Sturgis Volunteer Fire Dept, \$475.00, travel; Task Force Tips, \$381.37, sup; Tom's T's, \$195.68, sup; U Drive Technology, \$329.01, util; Wolff's Plumbing & Heating, \$539.92, rep; Elizabeth Wunderlich, \$100.00, ins.

SPECIAL SALES TAX – Black Hills Energy, \$35.28, util; MasterCard, \$473.42, util; MDU, \$58.15, util; Sturgis Area Chamber of Commerce, \$2900.00, promo.

CAPITAL IMPROVEMENT – Complete Concrete, \$146628.98; Helm & Associates, \$22050.79; MasterCard, \$976.97; Pete Lien & Sons, \$1440.00.

BUSINESS IMPROVEMENT DISTRICT – Raymond King, \$225.00, refund; MasterCard, \$560.92, pub.

HOTEL OCCUPANCY TAX DISTRICT – Dakota Endurance, \$2000.00, other.

LIQUOR – Badlands Distillery, \$238.44, resale; Cash-Wa Distributing, \$2537.47, resale; Cask & Cork, \$1880.10, resale; Coca Cola, \$839.50, resale; Dakota's Best, \$391.45, resale; Double Star Computing, \$404.87, prof fee; Fisher Beverage, \$8151.43, resale; Johnson Western Wholesale, \$15549.14, resale; MasterCard, \$5197.51, prof fee; MB Enterprises, \$58.20, resale; MDU, \$179.11, util; Pepsi Cola, \$52.00, resale; Prairie Berry, \$474.00, resale; Quality Brands of

the Black Hills, \$20645.42, resale; Republic Beverage, \$17148.80, resale; Southern Glazer's of SD, \$5501.57, resale; Voss Distributing, \$96.20, resale.

WATER – AAA Collections, \$35.71, prof fee; Black Hills Energy, \$43.37, util; double Star Computing, \$700.20, prof fee; Flowpoint Environmental, \$2790.00, rep; MasterCard, \$8556.56, sup; MDU, \$264.59, util; Petty Cash, \$2.52, sup; South Dakota 811, \$265.44, prof fee.

WASTEWATER – Double Star Computing, \$307.83, prof fee; MasterCard, \$2312.04, rep; MDU, \$55.35, util.

SANITATION – City of Belle Fourche, \$26924.73, other; Double Star Computing, \$307.83, prof fee; Holtz Industries, \$275.00, rep; Lynn's Dakotamart, \$19.06, sup; MasterCard, \$6608.46, sup.

AMBULANCE – County Drug, \$34.58, sup; Double Star Computing, \$2185.45, prof fee; Diane Hendrickson, \$200.00, refund; Henry Schein, \$1638.00, sup; Leavitt Heartland Insurance Service, \$1029.00, ins; Lynn's Dakotamart, \$4.28, sup; MasterCard, \$11996.20, sup; MDU, \$118.18, util; Richter's Tire & Exhaust, \$214.45, rep; Sturgis Ambulance, \$7100.00.

Motion by Waterland, second by Anderson and carried with Carstensen, Anderson, Crane, Forrester, Martinson, Waterland and Zerbst voting yes, Keszler voting no and Bachand abstaining, to approve a Use on Review to operate a dog grooming and office business within a residential zone at 1547 Main Street for Antics, LLC (Tiffany Smith and Angie Olson).

Councilor Bachand asked Mr. Bohn if he plans on receiving or selling guns from his home or just clean guns. Mr. Bohn stated he might receive guns at his home, or he might sell a gun from his home.

Motion by Martinson, second by Waterland and carried with all members present unanimously voting yes to approve a Use on Review for an in-home Federal Firearms License (FFL) within a residential zone at 1616 Elk Court for Justin Bohn with the stipulation that there is no visible signage and sales tax is reported quarterly to the Finance Office.

Motion by Crane, second by Waterland and carried with all members present unanimously voting yes to approve a 15' variance to the front setback, a 19' variance to the rear, and a 2' variance to the side setbacks for a new manufactured home at 321 8th Street for Timothy and Kathy Hughes.

Motion by Waterland, second by Forrester and carried with all members present unanimously voting yes to approve a variance request for a 5' side yard setback on the west side of the property for a new 30'x40' garage at 1431 Main Street for Jonathon Brock.

Motion by Forrester, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2021-23 – Street Closure and Open Container for June 5, 2021 for the Sturgis Festival.

RESOLUTION 2021-23

RESOLUTION TO CLOSE DESIGNATED STREETS AND PERMIT OPEN CONTAINERS ON CERTAIN PUBLIC PROPERTY AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY FOR THE STURGIS AREA SCULPTURE UNVEILING

WHEREAS the Rally and Events Department will host an Artists Reception and Sturgis Art Sculpture Unveiling on June 3, 2021 starting at 6:00 pm lasting until 8:00 pm at Harley Davidson Rally Point; and

WHEREAS the Chamber of Commerce will be hosting multiple bands at Rally Point along with vendor booths on June 5, 2021 starting at 10:00 am to 8:00 pm; and

WHEREAS the Police Department will be authorized to tow vehicles within the street closure area, starting June 5, 2021 after 2:00 am; and

WHEREAS, the closure of the streets are, Main Street in front of the First Interstate Bank from the alley to Harley Davidson Way and Harley Davidson Way from Main Street to Lazelle Street; and

WHEREAS, an open container area has been requested within a portion of the public property of the City of Sturgis on June 3rd starting at 5:00 pm until 8:00 pm, and June 5th from 10:00 am to 6:00 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 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 2:00 am until 8:00 pm June 5, 2021, and establish an open container area on June 3rd starting at 5:00 pm until 8:00 pm, and June 5th from 10:00 am to 6:00 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 5th of April 2021.

Published: 04/27/2021

Effective: 05/18/2021

Motion by Waterland, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2021-24 - Street Closure on May 20, 2021 for the EMS 5K and movie night.

RESOLUTION 2021-24

RESOLUTION TO CLOSE DESIGNATED STREETS ON CERTAIN PUBLIC PROPERTY AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY FOR NATIONAL EMS WEEK

WHEREAS the Sturgis EMS will host a series of events throughout the week; and

WHEREAS, on May 20, 2021 the Sturgis EMS request that Harley Davidson Way from Main Street to Lazelle Street be closed from 4:30 pm until 10:pm to allow people to watch a movie; and

WHEREAS, on May 22, 2021 the Sturgis EMS is having a 5K run and Pancake feed as a fundraiser. They have requested that Harley Davidson Way from Main Street north to Lazelle Street be closed from 8:00 am until noon; and

WHEREAS the Police Department will be authorized to tow vehicles within the street closure area, starting May 20, 2021 from noon to 10 pm and on May 22, 2021 from 2:00 am to noon; and

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 on Harley Davidson Way to Main Street north to Lazelle Street on May 20, 2021 from 4:30 pm until 10:pm and on May 22, 2021 from 8:00 am until noon.

Dated this 5th of April 2021.

Published: 04/27/2021

Effective: 05/18/2021

City Engineer Liz Wunderlich gave a presentation on the permit process and procedures to have a Septic System within the City of Sturgis.

Discussion was held on having Open Container during the 2021 Sturgis Rally. This could bring much needed revenue for the Sturgis Rally Charities and it could be another stream of revenue for the City. Mayor Carstensen wanted to bring this to the public attention. Marsha Johnston, Sturgis Rally Charities, gave an update on all the money that has been donated over the past years. Councilor Zerbst commented that there will be a procedure of how the cups will be sold

during the Rally. There will be flexibility on how this is handled, and changes can be made immediately. Councilor Bachand was concerned about once we do this there is no going back. David Hersrud commended Sturgis Rally Charities for the fine job they have done over the years. He is in favor of having the Open Container during the Rally.

Mike Loos, Attorney for SMRi, was present and agreed with the Mayor that the options that was stated by the Mayor were spot on and it was good for the City Council to reach out so SMRi members and come to an agreement that is fair for both parties.

Motion by Waterland, second by Martinson and carried with all members present unanimously voting yes to approve termination of the Licensee Agreement with SMRi.

Motion by Martinson, second by Keszler and carried with all members present unanimously voting yes to reconsider and correct the minutes from April 5, 2021 and add Resolution 2021-25. Resolution 2021-25 was approved but the resolution was not inserted into the minutes.

RESOLUTION 2021-25
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 Sponsorship:

- a. 2020 Harley-Davidson FLHXS Road/Str: VIN 1HD1KRP16LB650878

Dated this 5th day of April 2021.

Published: 04-12-2021

Effective: 05-03-2021

Any other business:

- The Mayor would like to have future Councils look at Title 18 - Use-on-Reviews.
- Councilor Bachand thanked the three Councilors that will be leaving for their dedication to the community.
- Chief Vandewater told the Council that they are actively working on relocating the vultures.
- Clean-up week will be May 3-7.

Motion by Waterland, second by Crane and carried with all members present unanimously voting yes to go into executive session for personnel and contracts at 8:58 pm.

Motion by Waterland, second by Crane to return to regular session at 9:07 pm.

Motion by Keszler, seconded by Crane and carried with all members present unanimously voting yes to adjourn the meeting at 9:08 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$

License # _____

City of Sturgis
SPECIAL EVENTS
Alcoholic Beverage License Application

Business Name: Fat Boys LLC
Owner Name: Kenny Price
Address: 2205 Versailles CT
Telephone #: Henderson NV
Date of Event: 89074

Description of Event:
1544 Lazelle St, Sturgis SD
Samson's Corner
August 6-15, 2021

Location of Event (Street Address):
1544 Lazelle St
Map of premises where alcohol sales will occur
Yes
If separated from a non-alcohol site, how will you keep separate:
YES -- there will be a fence between the 5th Street Lots
and lot 21 with signage

Check which license you currently hold: Malt Beverage Liquor Wine
Check which license is requested for Special Event: Malt Beverage Liquor Wine
Do you own or lease this property? If leasing, please include copy of lease agreement.
Also Include:
 Proof of Insurance (ATTACH A VALID COPY OF CERTIFICATE OF INSURANCE OR LETTER FROM INSURER CONFIRMING THE POLICY IS IN PLACE NAMING THE CITY OF STURGIS AS AN ADDITIONAL INSURED FOR THE ACTIVITIES DESCRIBED IN THE SPECIAL EVENT APPLICATION.)
Waived
 \$100 per day fee for Liquor License. No. of Days _____ X \$100 = _____ Total
 \$ 50 per day fee for Malt Beverage License. No. of Days _____ X \$ 50 = _____ Total
 \$ 50 per day fee for Wine License. No. of Days _____ X \$ 50 = _____ Total
TOTAL AMOUNT DUE _____
 Copy of Current Valid Alcoholic Beverage License
Has applicant requested use of City property as part of license request? Yes No
 Copy of request attached
Signature _____ Date 4-13-21
BUSINESS OWNER OR CORPORATE OFFICER ONLY

OFFICE USE ONLY:
Notice of Hearing Published on _____
Public Hearing Held on _____
COUNCIL DECISION: Approved Disapproved

FAT BOYS INVESTMENTS LLC
FAT BOYS LLC
1544 LAZELLE ST
STURGIS, SD 57785

June 01, 2020

Dear FAT BOYS INVESTMENTS LLC

Below is your Retail On and Off Sale Malt Beverage license. It shall be valid only for the person in whose name it is issued and for the transaction of business at the location approved. The license shall be available for inspection.

A list of the approved alcohol training programs may be found at: <https://dor.sd.gov/businesses/taxes/alcohol/>

Website: <http://dor.sd.gov>

SD EPath: <http://dor.sd.gov/EPath>



Having made proper application therefore, and upon compliance with all applicable laws and regulations of the state of South Dakota, this license is hereby issued to the below named. This license remains the property of the state of South Dakota and while in possession of the person to whom issued, entitles the licensee to transact whatever business or activity is specified on this license, until this license expires or is cancelled.

<http://dor.sd.gov>

ISSUE DATE: 07/01/2020

EXPIRATION DATE: 06/30/2021

LICENSE NUMBER: RB-3737

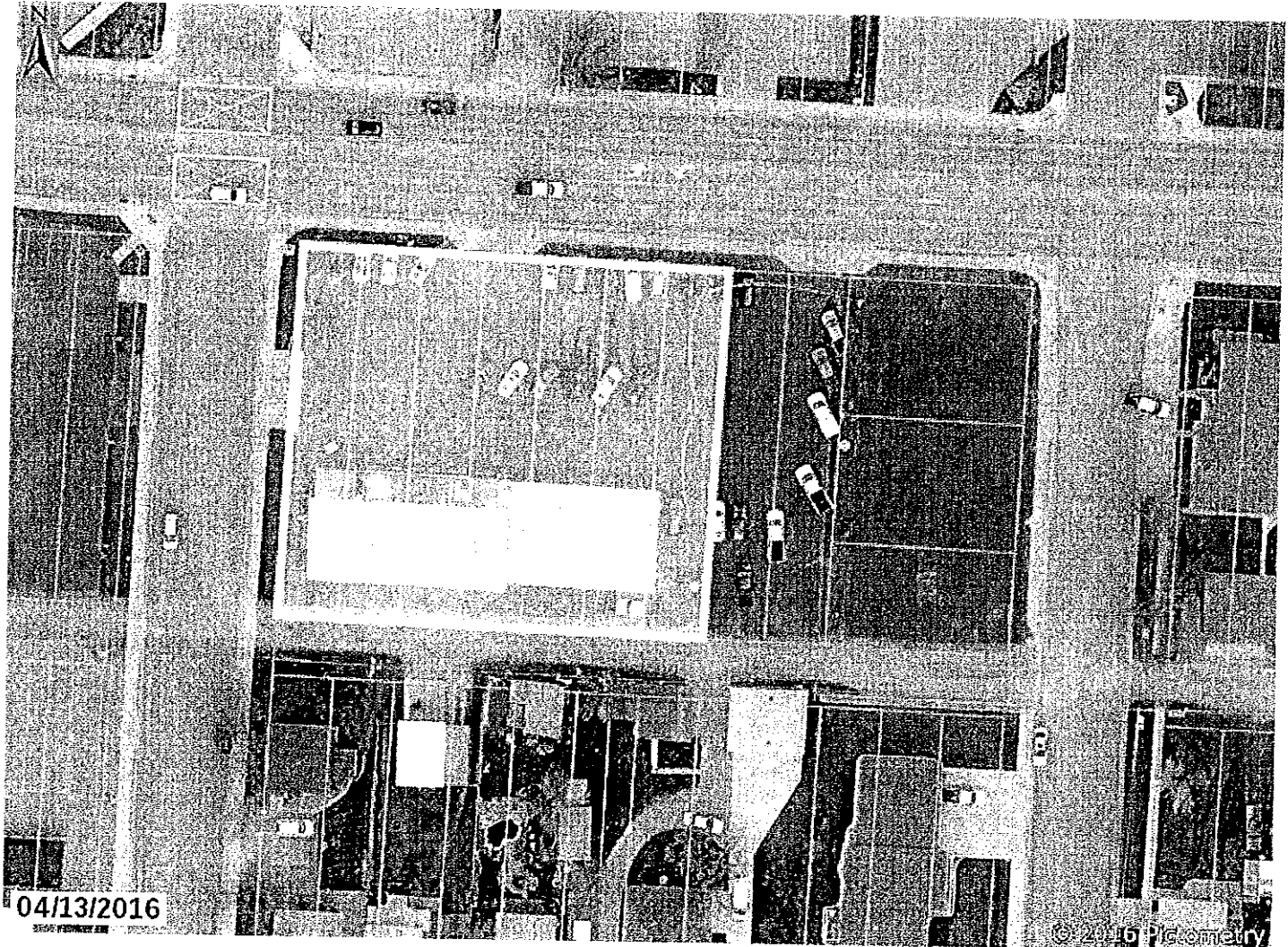
LICENSE TYPE: Retail On and Off Sale Malt Beverage

ISSUED TO:

FAT BOYS INVESTMENTS LLC
1544 LAZELLE ST
STURGIS, SD 57785

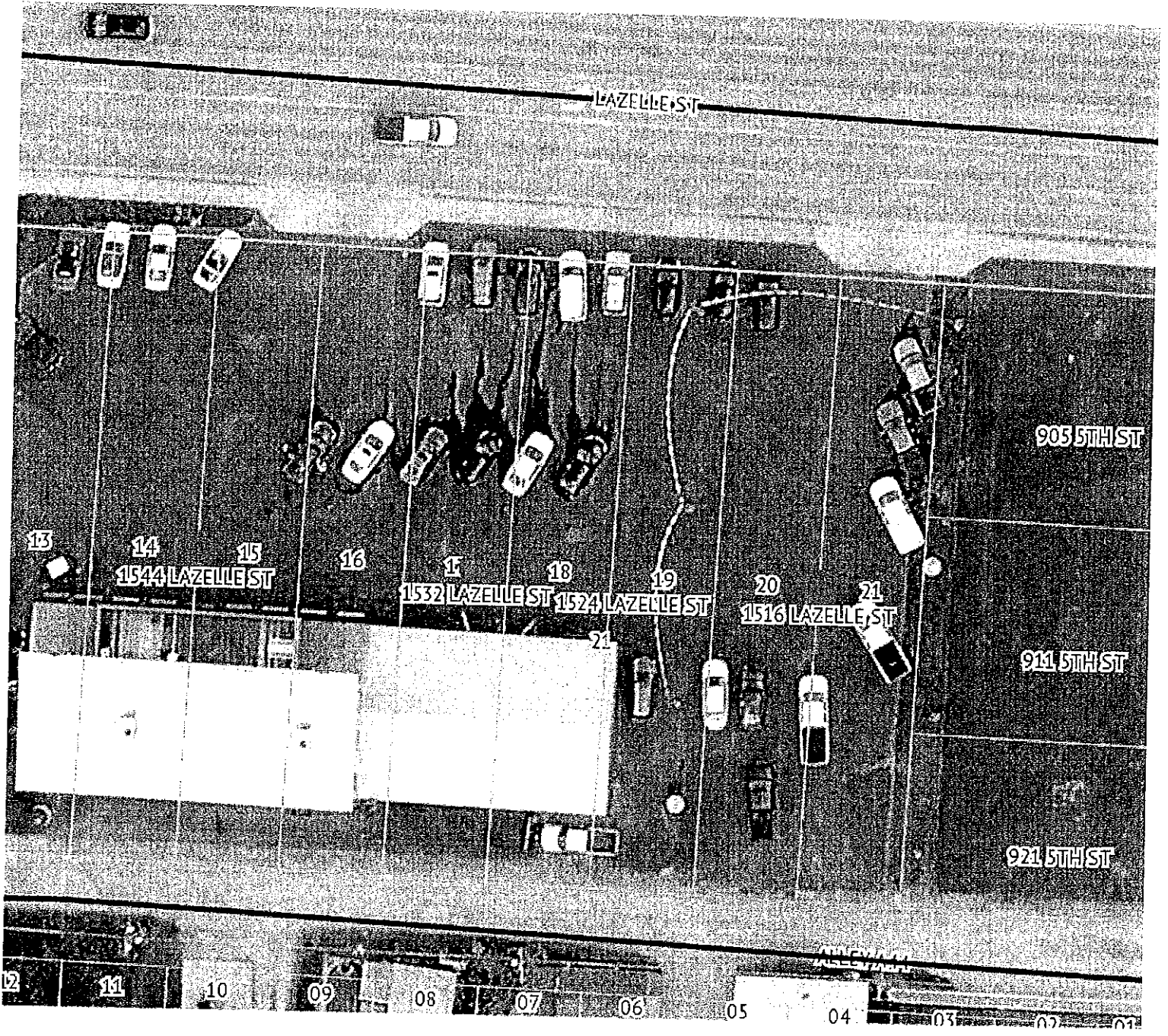
FAT BOYS LLC
1544 LAZELLE ST
STURGIS, SD 57785

Jim Terwilliger
Secretary of Revenue



04/13/2016

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LAZELLE ST

905 5TH ST

13

14
1544 LAZELLE ST

16

17
1532 LAZELLE ST

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1524 LAZELLE ST

19

20
1516 LAZELLE ST

21

911 5TH ST

921 5TH ST

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