

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 17, 2021 at the Sturgis City Hall Council Meeting Room. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Kevin Forrester, Aaron Jordan, David Martinson, Dean Sigman, Angela Wilkerson and Beka Zerbst. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

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

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

Motion by Zerbst, second by Forrester to return to regular session at 6:01 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning Commission minutes from May 4, 2021-unapproved
- MUB minutes from March 23, 2021

Announcements:

- The Mayor presented a check for \$15,000 from the Challenge for Charities gala to the Sturgis Rally Charities.
- This week is EMS week in Sturgis with several activities going on throughout the week.
- It is also Public Works Week. If you see a Public Works employee thank them for all their hard work.
- The Green Thumb Gala at the Library is going on this week and the silent auction will end at 4:30 pm on Friday the 21st.

Councilor Bachand gave the update on the following items: Gold Star Memorial- it looks like the monument will be placed at the Harley Davidson Rally Point facing Harley Davidson Way. SMRi is dissolving and the City is branding their own marks and a reveal was done on May 13th of the new brand. We have 4 new Councilors. The City is moving forward on getting a RFQ for the Lakeside Park project.

City Manager Ainslie reported:

- a. The sales tax update for General Sales Tax and Capital Improvement Tax for March collected in April was up 16% month over month and year over year was up 14.5%. The Gross Receipts Tax (triple B) was up 61% month over month and year over year up 38.2%.
- b. Payroll Changes within Budget-
 1. Parks: Johnathan Zimmiond - Parks Maintenance Tech - classification change to Operator \$17.71.
 2. Police: Tucker Bedford – Patrol Officer - \$22.45
 3. Ambulance: Samuel Morgen-Frankfort - Paramedic \$17.00 (\$15.00 on orientation); Bailey Bauer - EMT-B \$12.00 (\$10.00 on orientation).
 4. Ambulance Service Wage Rates

5. The following people will be re-appointed to the Downtown Board: Mark Bruch, Robin Baldwin, Jeremy Vliem, Jessica Schmahl and Rosemary Roth.
6. Spring Clean up costs: Labor and equipment costs \$17,640. There was 110 loads of rubble, 29 loads of metal and 14 loads of branches. We checked with several other cities in the area, and no one picks up at the curb during Clean-up week.

Motion by Anderson, second by Zerbst and carried with all members present unanimously voting yes to approve the following items on the consent calendar with the exception to remove k:

- a. Consideration to approve the minutes from the May 3, 2021 regular Council meeting.
- b. Consideration to approve signing the CRRSA Grant paperwork for the Airport Corona Virus Response Grant Program for the Sturgis Municipal Airport.
- c. Consideration to set a public hearing for June 7, 2021 for a Use on Review to operate an at-home, part-time motorcycle repair business at 2120 Moose Drive for Exit 32 Fit Shop (Brandon Anderson).
- d. Consideration to set a public hearing for June 7, 2021 for a variance request to the side setback for a new 14x19.1' carport at 1930 Arizona Avenue for Laverne Paul.
- e. Consideration to approve a fence taller than 6'0" at Trailhead Subdivision for PSI Family LLLP (Rod Bradley).
- f. Consideration to set a public hearing for June 7, 2021 for a SEL for Knuckle Saloon for the Jack Daniels Rally Tent at 1201 Lazelle St. on August 7 – 13, 2021.
- g. Consideration to set a public hearing for June 7, 2021 for a SEL for Knuckle Saloon for Music on Main on June 16, 2021 at 919 Harley Davidson Way.
- h. Consideration to set a public hearing for June 7, 2021 for a SEL for Knuckle Saloon for the Camaro Rally Mixer on June 24, 2021 at 919 Harley Davidson Way.
- i. Consideration to set a public hearing on June 7, 2021 for a SEL for Knuckle Saloon for Music on Main on July 7, 2021 at 919 Harley Davidson Way.
- j. Consideration to set a public hearing on June 7, 2021 for a Consumption Only Permit for the City of Sturgis on August 9 and 12, 2021 at 1040 Harley Davidson Way for the Sturgis Motorcycle Rally VIP Social and Sturgis Motorcycle Rally Vendor Social.
- ~~k. Consideration to set a Joint Public Hearing with the Planning Commission on June 7, 2021 regarding consideration of a temporary ordinance for local Medical Cannabis establishments.~~
- l. Consideration to set a public hearing on June 7, 2021 for a street closure and open container (June 24-26, 2021) and Police Escort (June 25-27, 2021) for the Camaro Rally.
- m. Consideration to set a public hearing on May 24, 2021 for a street closure and open container for Music on Main on June 2, 9, 16, 23, 30 and July 7, 14, 21, 2021.
- n. Consideration to set a public hearing for May 24, 2021 for a SEL for the Oasis for Music on Main on June 2, 23 and July 14, 2021 at 919 Harley-Davidson Way.
- o. Consideration to authorize a transfer of funds from the General Fund to the Ambulance Fund for previously approved purchase and remount of an ambulance.

Motion by Forrester, second by Martinson and carried with all members present unanimously voting yes to approve setting a Joint Public Hearing with the Planning Commission on June 7, 2021 regarding consideration of a temporary ordinance for local Medical Cannabis establishments.

Motion by Martinson, second by Anderson and carried with all members present unanimously voting yes to approve the following claims:

WAGES – Ambulance \$22,837.83; Attorney \$4306.42; Auditorium \$202.88; Buildings \$1229.01; Cemetery \$2351.15; City Manager \$4864.74; Community Center \$13,326.16; Finance Office \$6653.44; Fire Department \$634.60; Fleet \$6381.46; Human Resource \$5254.73; Library \$9641.20; Liquor \$6690.60; Mayor and Council \$4021.42; Parks \$10,879.75; Planning &

Permitting \$10,319.87; Police \$43,658.24; Rally \$8398.32; Recreation \$2877.15; Sanitary Service \$16,275.35; Streets \$11,970.48; Wastewater \$10,823.31; Water \$14,526.61; Federal Withholding \$18,959.79; FICA \$16,621.21.

COMBINED CASH FUND – First Interstate Bank, \$2000.00, ATM.

GENERAL – 3E Electrical Engineering, \$175.00, rep; Ascent Aviation Group, \$19818.73, sup; Baker & Taylor, \$325.81, sup; Twyla Barden, \$875.00, travel; Bear Butte Valley Water, \$131.95, util; Black Hills Chemical, \$3976.74, sup; Black Hills energy, \$11941.49, util; Black Hills Family Practice, \$120.00, prof fee; CBH, \$8478.76, sup; Central States Sanitation, \$100.00, rep; Core & Main, \$1677.24, sup; Culligan of the Northern Hills, \$122.50, sup; Door Security Products, \$121.17, rep; Double Star Computing, \$802.14, prof fee; Epic Outdoor Advertising, \$1200.00, rent; Grocery Mart, \$74.62, sup; Hills Interiors, \$790.45, equip; Ella Johnson, \$1000.00, scholarship; Legendary Electric, \$513.30, rep; Lighting Maintenance, \$3505.96, rep; LMK Sturgis, \$30000.00, rent; Lynn’s Dakotamart, \$179.87, sup; Marco Technologies, \$105.55, rep; MasterCard, \$95262.55, sup; Meade County Auditor, \$11226.14, other; Meade County Treasurer, \$150.00, reimb; MDU, \$5843.76, util; Northern Truck Equipment, \$2522.84, sup; Elisabeth Ortiz, \$1000.00, scholarship; Scott Paramo, \$905.00, rep; Travis Parker, \$30.00, other; Pete Lien & Sons, \$461.50, sup; Petty Cash, \$300.00, other; Pressure Services, \$217.39, rep; Purchase Power, \$500.00, sup; Rushmore Office Supply, \$1091.68, sup; SD Division of Motor Vehicles, \$4.00, other; SD Municipal Attorney Assn, \$18.00, travel; Skyline Paintless Dent Repair, \$5845.50, other; Sturgis Tire Pros, \$185.00, sup; Town-n-Country Plumbing, \$22.00, rep; U Drive Technology, \$329.01, util; WTP Service, \$4260.00, prof fee; Kris York, \$65.00, prof fee.

SPECIAL SALES TAX – Black Hills Energy, \$34.24, util; Lawrence & Schiller, \$39379.45, promo; MasterCard, \$473.42, util; MDU, \$50.13, util; Pyrotechnic Display, \$13200.00, promo; Sturgis Area Chamber of Commerce, \$5405.00, promo.

CAPITAL IMPROVEMENT – Bierschbach Equipment, \$2857.35; Helms & Associates, \$18352.13; Nohava’s Custom Construction, \$13900.00; Sturgis Volunteer Fire Dep, \$16470.89.

BUSINESS IMPROVEMENT DISTRICT – Badlands National Park, \$100.00, prof fee; Mark Bruch, \$492.58, sup; Bureau of Land Management, \$115.00, sup; Downtown Sturgis Foundation, \$15000.00; MasterCard, \$3129.45, sup; Rockingtree Floral, \$264.00, sup.

HOTEL OCCUPANCY TAX DISTRICT – Sturgis Area Arts Council, \$2000.00, other; Sturgis Stingrays Swim Team, \$9000.00, other.

LIQUOR – Arctic Glacier, \$52.50, resale; Black Hills Chemical, \$376.27, rep; Boneyard Bloody Blend, \$725.97, resale; Cash-Wa Distributing, \$2168.38, resale; Cask & Cork, \$1642.78, resale; CBH, \$124.94, resale; Coca Cola, \$448.50, resale; Dakota’s Best, \$1388.20, resale; Double Star Computing, \$60.32, prof fee; Fisher Beverage, \$7745.42, resale; Johnson Western Wholesale, \$21959.16, resale; MasterCard, \$5581.66, pub; MDU, \$134.83, util; Okoboji Wines, \$770.00, resale; Pepsi Cola, \$171.00, resale; Prairie Berry, \$150.00, resale; Quality Brands of the Black Hills, \$17199.12, resale; Republic Beverage Co, \$25413.15, resale; Rushmore Office Supply, \$145.98, sup; Southern Glazer’s of SD, \$8901.09, resale; Strawbale Winery, \$474.09, resale; True Brands, \$504.06, resale; Voss Distributing, \$193.00, resale.

WATER – Black Hills Energy, \$2716.67, util; Double Star Computing, \$30.32, prof fee; Hawkins, \$35.00, sup; Key City Glass, \$200.00, rep; MasterCard, \$4477.62, sup; MDU, \$217.03, util; Petty Cash, \$2.52, sup; Sacrison Paving, \$12382.50, rep.

WASTEWATER – Double Star Computing, \$30.32, prof fee; Norman Fitzpatrick, \$410.00, rep; Flexible Pipe Tool Co, \$125.70, rep; FMG Engineering, \$975.00, prof fee; MasterCard, \$1861.60, sup; MDU, \$49.17, util; Mike Plaggemeyer, \$17.71, travel; Rushmore Office Supply, \$4.50, sup; Sturgis ATV & Small engine, \$30.04, rep; Sturgis Tire Pros, \$18.50, rep.

SANITATION – Black Hills Energy, \$15.00, util; CBH, \$2832.60, sup; Double Star Computing, \$30.32, prof fee; Holtz Industries, \$726.00, rep; Lynn’s Dakotamart, \$18.36, sup; MasterCard, \$16726.50, rep; West Tire & Alignment, \$169.00, sup.

AMBULANCE – 3E Electrical Engineering, \$175.00, rep; Arrow Manufacturing, \$242489.00, equip; Butte County Ambulance, \$200.00, refund; CBH, \$1749.58, sup; Door Security Products, \$121.18, rep; Double Star Computing, \$221.57, prof fee; Image Trend, \$960.00, prof fee; MasterCard, \$21486.71, sup; MDU, \$105.99, util; Rushmore Office Supply, \$22.00, sup; Tom’s T’s, \$2784.75, prof fee.

Motion by Forrester, second by Zerbst and carried with all members present unanimously voting yes to approve the 2021-2022 Malt Beverage License Renewals.

Retail (on-off sale) Malt Beverage & SD Farm Wine

1. 1337 Main LLC – 1073 Main St – regular
2. Jackson Winery and Vineyards LLC – Belle Joli Winery – 3951 Vanocker Canyon Rd – regular
3. Glen and Suzanne Bailey, LLC – Big Bertha’s Biker Bar - 1123 Main St – regular
4. Big D Oil Co – Big D Oil #46 – 2800 Junction Ave. – regular
5. Big Rig RV Park – 3333 Dolan Creek Rd - regular
6. Dvorak Convenience Stores, Inc. - BJ’s Country Store - 2640 Lazelle St – regular
7. Shawn Fischer – Boulder Canyon Station – 2715 Lazelle, Ste D - regular
8. CBH Cooperative – CBH Cooperative – 2030 Lazelle - regular
9. Charley’s Sturgis Classic Bike Event LLC – Charley’s - 947 Main Street - regular
10. Moyle Petroleum Co. – Common Cents Food Store #120 – 2421 S. Junction Ave - regular
11. MG Oil CO – Corner Pantry #6 Sturgis - 990 Lazelle - regular
12. Days End Campground Inc – Days End Campground - 2501 Avalanche Rd – regular
13. Joe DesJarlais Jr – DesJarlais Farms LLC – 1335 Ballpark – regular
14. Robert Tomkins – Dirty Dogs Roadhouse Inc – regular
15. Dolgen Midwest LLC – Dollar General Store #18409 – 1940 Lazelle - regular
16. Big Als Pizza Inc – Domino’s Pizza – 1057 Main St – restaurant
17. Family Dollar #7146 – 2415 Lazelle - regular
18. Kenny Price - Fat Boys LLC – 1544 Lazelle – regular
19. Jim Mason – Gold Pan Pizza - 1133 Main St – regular
20. Kan-Meyer Inc – Grocery Mart – 2216 Junction - regular
21. Rick & Brandy Jacobs – Jacobs Auto Repair – 1412 Junction Ave - regular
22. Mako Enterprises Inc – Kickstart Travel Center – 12998 Hwy 34 – regular
23. Hullinger Cuny LLC. – Kwik Mart – 2217 Junction Ave – regular
24. Lisa Cress – La Risa Mexican Cuisine – 748 Lazelle – restaurant
25. Lynn’s Inc – Lynn’s Dakotamart Sturgis – 1111 Lazelle - regular
26. Black Hills Pizza Hut Inc – Pizza Hut of Sturgis - 2249 Lazelle - regular
27. Old West Enterprises, LLC – Pizza Ranch of Sturgis – 2711 Lazelle St. - regular
28. Dvorak Convenience Stores Inc – Poker Alice Casino - 2640 Lazelle St – regular
29. Sheree D. Schriver – Red’s Grill & Pub – 2214 Junction Ave. - restaurant
30. Billy & Nancy Fields – Rosco’s Steakhouse - 976 Lazelle - regular
31. Dungeon Bar, Inc – Royal Flush Casino & Sport Bar - 1030 Main St - regular
32. Shanghai Garden Inc – Shanghai Garden – 1541 Lazelle St. - restaurant
33. Lybeck’s Twenty-First Century Inc – Shenanigan’s Casino - 935 Main St – regular
34. KLD & B Inc – Steel Pony Campground – 12997 SD Hwy 34 - regular
35. Jawbone Investments LLC – Stinger Saloon – 1102 Main St – regular
36. Sturgis Brewing Company – 600 Anna Street - regular
37. MAJR, LLC – Sturgis Coffee Company - 2275 Lazelle Street - restaurant
38. Sturgis Events LLC – Sturgis Events - 1231 Lazelle - regular
39. Sturgis RV Park, LLC – Sturgis RV Park, LLC – 1175 W Woodland - regular
40. Sturgis Strikers LLC – Sturgis Strikers – 910 1st Street - regular
41. Sturgis Wine Company LLC – Sturgis Wine Company – 1117 Main Street - regular

42. Key City Enterprises LLC – The Knuckle Saloon – 931 1st Street - regular
43. Morgan LLC – Total E’Clips Salon - 920 1st St – regular
44. David Stewart – Uncle Louie’s Diner – 1039 Main St - restaurant
45. BW Gas & Convenience Retail LLC – Yesway Store #1193 – 2350 Lazelle - regular

Motion by Zerbst, second by Jordan and carried with all members present unanimously voting yes to approve a Special Events License for Fat Boys, LLC (Samson’s Corner) on August 6-15, 2021.

Motion by Martinson, second by Wilkerson and carried with all members present unanimously voting yes to approve a Special Event License for the Oasis at Harley-Davidson Way Rally Point for August 6-14, 2021.

Motion by Martinson, second by Zerbst and carried with all members present unanimously voting yes to approve Resolution 2021-28 – Open Container during the 2021 Sturgis Motorcycle Rally.

RESOLUTION 2021 -28
A RESOLUTION TO PERMIT MALT BEVERAGE AND WINE
OPEN CONTAINERS ON CERTAIN PUBLIC PROPERTY
AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY

WHEREAS, the City of Sturgis Motorcycle Rally is one of the nation’s largest events, drawing hundreds of thousands of visitors each year to the State of South Dakota and focusing that attention on the Black Hills, and,

WHEREAS, the City of Sturgis Motorcycle Rally is the single largest event contributor to the State of South Dakota’s General Fund and Tourist Fund as well as to numerous hotels, casinos, restaurants, gas stations and other businesses located throughout the State of South Dakota; and,

WHEREAS, the City of Sturgis is the host of the annual City of Sturgis Motorcycle Rally and has a particular responsibility to help ensure a successful event which continues to draw hundreds of thousands of visitors to the State of South Dakota; and,

WHEREAS, numerous events and tourist destinations throughout the United States makes use of an open container area in order to allow for responsible outdoor malt beverage and wine consumption; and,

WHEREAS, one of the highest catalysts for interactions between Sturgis law enforcement and attendees is unlawful open container and the City seeks to reduce unnecessary interactions to the greatest degree possible; and,

WHEREAS, the City of Sturgis Motorcycle Rally must continue to evolve in order to ensure that it remains a competitive and relevant destination throughout the summer period to help ensure the profitability of numerous businesses throughout the region and the State of South Dakota; and,

WHEREAS, the request from numerous landowners and business owners for a designated Open Container area is permitted under the authority of state law;

IT IS HEREBY RESOLVED as set forth herein that the City of Sturgis shall establish a malt beverage and wine open container area beginning on August 6th, 2021 and continuing through August 15, 2021, to commence each day at 10:00 a.m. and to conclude each day at 10:00

p.m. as authorized by Section 3.02.20(C) of Sturgis City Ordinance and SDCL 35-1-5.5, those persons legally possessing a malt beverage and/or wine in the authorized non-glass container, bearing the logo of the City of Sturgis Motorcycle Rally and wearing a wrist band issued by the City of Sturgis notating that the individual has been checked for being 21 years of age or older, may do so on that public property open to the public, within area bounded as follows:

1. Beginning on the west, along the western edge of the Right of Way of 7th Street, beginning at the intersection of 7th Street and Williams Street and continuing south to the intersection of 7th Street and Main Street, and
2. From Main Street and 7th Street continuing east on the northern edge of Main Street to 4th Street and Main Street; and
3. From Main Street and 4th Street south on the western edge of 4th Street to Sherman Street; and
4. From 4th Street and Sherman Street then East along the northern edge of Sherman Street to the intersection with the eastern edge of Lot 34, Block 3 of Ft. Meade Addition, then North along the east edge of lot 34 to the alley, then East along the southern edge of the alley, across Middle Street, to a point 280 feet East of the intersection of Middle Street and that alley; and
5. From that point then north along the eastern lot line of the Vet's Club property to the North side of Main Street, then West along the northern edge of Main Street to the intersection of Main Street and Middle Street; and
6. From that intersection then North along the eastern edge of Middle Street across Lazelle Street to the intersection with Dudley Street; and
7. From the intersection of Middle Street and Dudley Street West along the northern edge of Dudley Street across Junction Avenue to the intersection with First Street; and
8. From that intersection, North along the western edge of First Street to a point 220 feet north of that intersection, and then due West along an imaginary line to a point immediately adjacent to the eastern edge of the US Postal Service property; and
9. From that point then due South to a point at the southeast corner of the US Postal Service property, and from that point then due West to Kinship Street; and
10. Then proceeding North along the eastern edge of the Kinship Street to the intersection with Williams Street; and
11. Then proceeding West along the northern edge of William Street to the point of beginning at the Intersection with 7th Street.
12. Included in this Open Container area are the designated cross walks at the intersections of Main Street with Middle Street, Junction Avenue, First Street, Harley Davidson Way, Third Street and Fourth Street within these boundaries.
13. Not included in the area are the cross walks at the intersections of Lazelle Street and Junction Avenue, First Street, Harley Davidson Way, Third Street and Fourth Street within these boundaries.

This area shall be marked by clearly legible signs, provided by the City and consistent with the limitations of this Resolution, stating that the sign 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 17th day of May 2021.

Published: 05-25-2021

Effective: 06-15-2021

Motion by Zerbst, second by Jordan and carried with all members present unanimously voting yes to approve a Special Event License for the Knuckle Saloon at Harley-Davidson Way Rally Point on May 29, 2021 for Salute to the Heroes Celebration.

Motion by Sigman, second by Forrester and carried with all members present unanimously voting yes to approve a Special Event License for the Knuckle Saloon at Harley-Davidson Way Rally Point on June 3, 2021 for the Art Walk.

Christina Steele, Public Information Officer researched 15 various software companies for a Tracker & Workflow System Module for the City. The four products that are suggested to have a committee look at is Municode, BoardDocs Pro, iCompass and EvoGov. The following people will meet and review the four products suggested: Beka Zerbst, Kevin Forrester, Aaron Jordon and Mike Bachand. The City staff will be Christina Steele, Lisa Katzenstein and Fay Bueno.

Motion by Anderson, second by Zerbst and carried with all members present unanimously voting yes to approve tabling to the June 7, 2021 meeting the adoption of the 2021 Building Codes (IBC & IRC) and 2018 International Fire Code.

The following bids were received for the Hangar Taxi-lane Expansion: North Star Construction: Base bid-\$214,437.76; Alternate bid - \$53,296.87; MainLine Construction-Base bid-\$346,254.05, Alternate bid-\$61,706.15.

Motion by Bachand, second by Wilkerson and carried with all members present unanimously voting yes to approve accepting the low base bid (\$214,437.76) and alternate bid (\$61,706.15) from North Star Construction for the 2021 Airport Hangar Taxi-lane project and have staff sign all documents for this project.

Motion by Martinson, second by Sigman and carried with all members present unanimously voting yes to approve first reading of changes to Ordinance 2021-03 – Title 26 - Downtown BID.

City Engineer Liz Wunderlich gave an update on the reconstruction of the 7th Street bridge. The project has been fully designed. The proposed hydraulics have been analyzed and are acceptable to FEMA. The new project scope was submitted to FEMA for funding by March 5, 2021. FEMA has not responded as of yet if the project will be funded. The total project cost was estimated to be \$876,512.66 as of February 2, 2021. The City is currently pursuing a hazard mitigation grant from FEMA to pay 75% of the costs of construction of the new crossing.

Dwight Griffiee was present to ask questions on the 7th Street bridge project.

Any other business:

- Judy Harwood was present to thank the Council and Police Department for the actions that have been taken to get rid of the vultures on Junction Avenue. The police continue to work on this problem.

Motion by Martinson, seconded by Anderson and carried with all members present unanimously voting yes to adjourn the meeting at 8:32 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$