

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, August 23, 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. Also present: City Manager Daniel Ainslie and City Attorney Mark Marshall. Absent: Beka Zerbst .

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

Motion by Sigman, second by Martinson and carried with all members present unanimously voting yes to go into executive session for three legal cases, one contract and one personnel at 6:00 pm.

Motion by Bachand, second by Anderson to return to regular session at 6:25 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- A thank-you letter from the Sturgis Area Chamber of Commerce was read by the Mayor thanking the Public Works Department for all their help.
- The After-Rally Community picnic will be held on August 25, 2021, from 5:00pm to 7:00 pm at Harley Davidson Plaza.
- City Hall is closed on Labor Day. The next Council meeting will be held on September 7th.
- The Mustang Rally will be held August 31st to September 6th.
- Deb Holland asked that if anyone in the City has projects that the United Way team could work on in September for the United Way Month of Caring, contact City Hall Finance office.
- Councilor Wilkerson thanked Chief Vandewater, and all the local police officers and the extra police officers for keeping us safe and doing a great job during the Rally.

City Manager Ainslie reported:

- The numbers for the Rally will be available in October.
- The sales tax update for General Sales Tax and Capital Improvement Tax for June collected in July was up 1.9% month over month and year over year 13.3%. The Gross Receipts Tax (triple B) was up 28% month over month and year over year up 44.7%.
- Payroll Changes – within budget:
 - a. Rally Department: Temporary Rally-Custodian – Abraham “Abe” Usera, Patricia “Patty” Usera - \$12.50; Event Cup Sales – Grace Fogelman - no change in wage; Brooke Janz and Emily Pi – PWD Rally wage.
 - b. Liquor Department: Liquor Store – Rally - Salesclerk - Jennessa Dempsey- \$13.00; Day Stocker - Griffin Davies - \$12.00; Skrewball Annex – Dionne Heilman and Laurie Hansen-Neisen - \$13.00.
 - c. Rally & Events – Tammy Even – Assistant Director - \$2.00 supervisory stipend; Lance Scherer – Brand Manager/Sponsorship – no change to wage.
 - d. Library Department: Cady Klynsmas – Librarian - \$14.34; Kathy Dykstra – Circulation Librarian - \$20.21; Volunteer - Francie Ruebel-Alberts.

Motion by Bachand, second by Anderson and carried with all members present unanimously voting yes to approve the following items with the exception of c & f on the consent calendar:

- a. Consideration to approve minutes from regular Council meeting on July 26, 2021, and the Special Council meeting on August 3, 2021.
- b. Consideration to approve the authorization of the execution of the agreement by the Mayor for the Airport Hangar Taxi-lane project.
- ~~c. Consideration to set a public hearing for September 7, 2021, for closure of streets and open container for the Criterium/Gravel Grinder bicycle race on October 2 and 3, 2021.~~
- d. Consideration to allow a Consumption Only Permit at Harley Davidson Rally Point on September 10, 2021, for the Off-Road Rally reception.
- e. Consideration to schedule a public hearing on Tuesday, September 7 for a Use on Review appeal from David Erfman (Hi-Plains Nutrition) of 1923 Arizona Avenue for an in-home animal nutrition business.
- ~~f. Consideration to schedule a public hearing on Tuesday, September 7 for a variance to the rear setback for new residential construction at 1035 7th Street for Todd and Janice Larson (JTS1 Properties LLC).~~
- g. Consideration to schedule a public hearing on Monday, September 20 for a variance to the side setback for a carport and variance to hard surfacing requirements for Jacob Eckhardt at 1403 Moose Trail.

Motion by Bachand, second by Forrester and carried with all members present unanimously voting yes to approve setting a public hearing for September 7, 2021, for closure of streets and open container for the Criterium/Gravel Grinder bicycle race on October 2 and 3, 2021.

Motion by Bachand, second by Martinson and carried with all members present unanimously voting yes to approve scheduling a public hearing on Tuesday, September 7 for a variance to the rear setback for new residential construction at 1035 7th Street for Todd and Janice Larson (JTS1 Properties LLC).

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

WAGES – Ambulance \$66,648.00; Attorney \$4087.72; Auditorium \$412.34; Buildings \$2464.60; Cemetery \$4756.61; City Manager \$9739.03; Community Center \$28,944.93; Finance Office \$13,637.31; Fire Department \$1851.02; Fleet \$15,082.32; Human Resource \$10,647.78; Library \$20,757.64; Liquor \$17,363.16; Mayor and Council \$8093.42; Parks \$26,208.96; Planning & Permitting \$21,343.43; Police \$89,832.93; Rally \$16,649.90; Recreation \$6585.75; Sanitary Service \$33,219.88; Streets \$24,251.81; Wastewater \$25,009.29; Water \$31,995.98; Federal Withholding \$39,531.64; FICA \$34,233.43.

COMBINED CASH FUND – K2B2, \$34.62, refund; Ronald & Melody Monson, \$81.95, refund.

GENERAL – Ascent Aviation Group, \$13990.21, sup; Avalara, \$104.50, prof fee; Baker & Taylor, \$333.89, sup; Elton Barden, \$100.00, prof fee; Bear Butte Valle Water, \$201.25, util; Big Deal Auto, \$7814.38, equip; Black Hills Chemical, \$5446.11, sup; Black Hills Energy, \$29910.63, util; Border States Electric, \$758.62, rep; Borns Group, \$412.16, sup; Nathan Botsford, \$5000.00, prof fee; Cash-Wa Distributing, \$743.30, resale; CB&B Aviation, \$262.55, sup; CBH, \$16547.68, sup; Century Link, \$337.26, util; City of Sturgis Water Dept, \$13503.91, util; Jerry Cole, \$100.00, ins; Dakota Extinguisher & Safety, \$203.00, rep; Dana's Plumbing, \$112.10, rep; Double Star Computing, \$1415.00, prof fee; Dustbusters Enterprises, \$6491.17, rep; Epic Outdoor Advertising, \$2660.00, rent; Goldmine International, \$903.43, other; Grimm's Pump & Industrial Supply, \$60.14, rep; Grossenburg Implement, \$3152.18, rep; Harlow's Bus Service, \$117.75, other; J&L Services, \$165.00, rep; Matthew Jacobs, \$133.42, travel; Ketel Thorstenson, \$1947.16, prof fee; Kevin Klug, \$150.00, prof fee; Kone, \$166.92, rep; Legendary

Electric, \$104.59, rep; Livegauge, \$5600.00, prof fee; Lynn's Dakotamart, \$298.97, sup; Marco Technologies, \$110.83, rep; Daniel Martinez, Jr, \$1500.00, prof fee; Mastercard, \$222476.68, sup; MB Tree & Landscape, \$400.00, other; Meade County Auditor, \$4905.73, other; MDU, \$2517.07, util; Motionsoft, \$900.00, prof fee; Northern Truck Equipment, \$71.29, rep; Office Shop, \$937.16, other; Petty Cas, \$124.48, sup; Purchase Power, \$500.00, sup; Mick Quaal, \$180.00, util; Race Wheels, \$600.00, other; Roger Frye's Paint & Supply, \$52.99, sup; Rushmore Office Supply, \$1712.07, sup; Sam Erion Construction, \$8925.00, prof fee; SD Wildlife Federation, \$30.00, sup; William Thomas, \$3000.00, prof fee; Corina Tibbitts, \$29.42, sup; Tom's T's, \$322.33, sup; U Drive Technology, \$424.26, util; United Way, \$80.00, other; Wild West Contracting, \$159.80, rep.

SPECIAL SALES TAX – Black Hills Energy, \$35.86, util; MasterCard, \$473.42, util; MDU, \$62.42, util.

CAPITAL IMPROVEMENT – A&L contractors, \$1810.41; All Aspects, Inc., \$2457.50; Baseline Surveying, \$1270.00; Black Hills Asphalt, \$5162.29; Fennell Design, \$5000.00; Interstate Engineering, \$17889.00; KLJ Engineering, \$2481.47; MAC Construction, \$1800.00; MasterCard, \$23784.20; North Star Construction, \$244936.53; Sturgis Area Arts Council, \$15000.00.

BUSINESS IMPROVEMENT DISTRICT – Legendary Electric, \$1482.19, sup; MasterCard, \$20055.16, sup; Terrasite, \$5000.00, other; Kris York, \$65.00, other.

REVOLVING FUND LOAN – Petty Cash, \$30.00.

EQUIPMENT REPLACEMENT FUND – Floyd's Truck Center, \$170794.00, equip.

TIF #12 HIDDEN ESTATES – Advanced Engineering & Environmental, \$10305.00.

LIQUOR – Arctic Glacier USA, \$2942.70, resale; Black Hills Chemical, \$2071.77, sup; Black Hills Energy, \$2325.90, util; Black Hills Rally & Gold, \$942.00, resale; Cash-Wa Distributing, \$14397.75, resale; Cask & Cork, \$3230.55, resale; CBH, \$144.63, sup; City of Sturgis Water Dept, \$402.51, util; Coca Cola, \$4754.50, resale; Contraband, \$336.00, resale; Dakota's Best, \$1975.00, resale; Desjarlais Farms, \$362.00, resale; Double Star Computing, \$88.44, resale; First Interstate Bank, \$5000.00, ATM; Fisher Beverage, \$42640.31, resale; Johnson Western Wholesale, \$76776.75, resale; MasterCard, \$6256.13, sup; MDU, \$18.17, util; Pepsi Cola, \$978.60, resale; Prairie Berry, \$624.00, resale; Quality Brands of the Black Hills, \$53549.69, resale; Republic Beverage, \$207377.92, resale; Rushmore Office Supply, \$173.09, sup; Sawyer Brewing, \$244.00, resale; Schade Vineyard, \$660.00, resale; Southern Glazer's of SD, \$27190.94, resale; Tamarack, \$48.00, resale; True Brands, \$589.85, resale; Voss Distributing, \$1604.20, resale.

WATER – Black Hills Energy, \$20305.62, util; City of Sturgis Water Dept, \$236.37, util; Core & Main, \$17150.51, sup; Credit Collections Bureau, \$51.72, prof fee; Dakota Supply Group, \$82.70, sup; Double Star Computing, \$665.94, prof fee; Hawkins, \$50.00, sup; MasterCard, \$5167.12, prof fee; MDU, \$139.49, util; Petty Cash, \$7.56, sup.

WASTEWATER – Advanced Engineering & Environmental, \$32620.69, cap imp; Black Hills Energy, \$3049.95, util; Double Star Computing, \$88.44, prof fee; MasterCard, \$1831.95, rep; MDU, \$51.76, util.

SANITATION – Black Hills Energy, \$30.00, util; CBH, \$90.00, util; Century Link, \$74.86, util; City of Belle Fourche, \$34188.50, other; Double Star Computing, \$88.44, prof fee; Lynn's Dakota Mart, \$26.19, sup; MasterCard, \$1639.90, sup.

AMBULANCE – AAA Collections, \$813.90, refund; Allied Healthcare Products, \$842.83, sup; Casey Baker, \$140.75, sup; Black Hills Energy, \$624.25, util; CBH, \$2505.39, sup; City of Sturgis Water Dept, \$475.86, util; CLIA Laboratory Program, \$180.00, prof fee; Dept of Veterans Affairs, \$2185.10, refund; Double Star Computing, \$88.44, prof fee; Shawn Fischer, \$179.98, sup; Harlow's Bus Service, \$117.75, other; Henry Schein, \$3093.69, sup; Image Trend, \$5291.50, prof fee; Lynn's Dakota Mart, \$37.98, sup; MasterCard, \$5388.24, sup; MDU, \$30.06, util; Rushmore Office Supply, \$73.00, sup.

Motion by Forrester, second by Jordan and carried with all members present unanimously voting yes to approve Resolution 2021-39 - Closure of Streets and Open Container for the Mustang Rally.

RESOLUTION 2021 - 39

**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;

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 September 4, 2021, from 5:00 am until 7:00 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 September 4, 2021, 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 September 4, 2021, 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 23rd day of August 2021.

Published: 08/30/2021

Effective: 09/20/2021

Motion by Sigman, second by Martinson and carried with Carstensen, Anderson, Forrester, Jordan, Martinson, Sigman and Wilkerson voting yes, Bachand voting no, to approve a Use on Review application for Nutrition Club-Tracy Handt to operate out of a temporary structure at 970 Main Street. The approval includes installation of the appropriate landing and steps.

Jessica Davies-Lyden was present to discuss having inclusive swings/equipment at all the parks in the City, especially Rose Park. The Council will gather information on implementing this project and work with staff on seeing what can be done. There is one disability swing at the 6th Street Park. Wherever these swings are installed it must be ADA compliant including the sidewalks.

Motion by Martinson, second by Wilkerson and carried with all members present unanimously voting yes to approve the school professional service contract with Meade 46-1 School District – School Resource Officer.

Motion by Sigman, second by Jordan and carried with all members present unanimously voting yes to approve the lease for joint use and cost sharing of Woodle Field.

Motion by Jordan, second by Martinson and carried with all members present unanimously voting yes to approve the lease of property next to the Wastewater Treatment Facility.

Motion by Martinson, second by Sigman and carried with all members present unanimously voting yes to approve first reading of Ordinance 2021-05 – Appropriation Budget for 2022.

Motion by Sigman, second by Jordan and carried with Carstensen, Anderson, Bachand, Forrester, Jordan, Martinson and Sigman voting yes, Wilkerson abstaining, to approve first reading of Ordinance 2021-06 – Title 39 Medical Cannabis.

Motion by Martinson, second by Anderson and carried with Carstensen, Anderson, Bachand, Forrester, Jordan, Martinson and Sigman voting yes, Wilkerson voting abstaining, to approve first reading of Ordinance 2021-07 - Title 18 Zoning – Medical Cannabis.

Any other business:

Public Works director Rick Bush announced that Department of Transportation will be doing a mill and overlay on Highway 34. Traffic will be reduced to one lane with delays of 15 to 20 minutes. They are to be done by October 30th.

Department of Lazelle is looking at a corridor planning study which includes Lazelle Street and is looking for input from the public. You can get information at www.lazellestreetcorridor.com.

Motion by Anderson, seconded by Forrester and carried with all members present unanimously voting yes to adjourn the meeting at 8:37 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$185.72.