

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, September 21, 2020 at the Sturgis City Hall Council Meeting Room. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, 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 Waterland and carried with all members present unanimously voting yes to approve the agenda.

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

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

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning and Zoning minutes from September 9, 2020 (unapproved)

Announcements:

- The City finally received the surface water discharge permit from DENR after many years of working on it.
- Fall Cleanup will be October 5-9, 2020, have your items at the curb on your garbage day.
- City-wide garage sale will be October 3, 2020.
- Fall Festival Days/Oktoberfest will be held on September 25th and 26th.

City Manager Ainslie reported:

- a. Payroll Changes within Budget-
 1. Liquor Store: Michelle Hunt - Part-time Salesclerk, \$10
 2. Community Center: Grace Fogelman - Part-time Lifeguard, \$10.50
 3. Police: Dylan Goetsch - Day shift training Sergeant, \$25.16; Josh Whitford - Sergeant, \$25.39
 4. Ambulance: Courtney Walker - full time Paramedic, no wage change
 5. The sales tax update for General Sales Tax and Capital Improvement Tax for July collected in August was up 5.4% month over month and up 8.6% year over year. The Gross Receipts Tax (triple B) was down 4.3% month over month and down 3.8% year over year.

Motion by Crane, second by Zerbst and carried with all members present unanimously voting yes to approve the following items on the consent calendar with the exception of the removal of d:

- a. Consideration to approve minutes from the September 8, 2020 Regular City Council meeting.
- b. Consideration to set a public hearing for Monday, October 5, 2020 for a variance to hard surfacing requirements at 1506 W Farley St for SSD Properties, LTD (Noel Larson).
- c. Consideration to approve the Homeland Security grant application for police radios.
- d. ~~Preliminary Plat for Lot 1H Revised Hurley Subdivision O'Connor.~~

- e. Preliminary Plat for Lots 1-10 of Block 1, Lots 1-14 of Block 2, all of Block 3 of Trailhead Subdivision.

Motion by Bachand, second by T. Keszler and carried with Carstensen, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Anderson abstaining, to approve the Preliminary Plat for Lot 1H Revised Hurley Subdivision for O'Connor.

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

WAGES – Ambulance \$19,233.10; Attorney \$4125.27; Auditorium \$197.43; Buildings \$1188.40; Cemetery \$2521.60; City Manager \$4668.65; Community Center \$10,336.73; Finance Office \$8003.36; Fire Department \$494.72; Fleet \$6205.51; Human Resource \$5079.15; Library \$9484.89; Liquor \$5887.06; Mayor and Council \$3913.78; Parks \$11,734.00; Planning & Permitting \$8912.73; Police \$36,723.07; Rally \$8058.06; Recreation \$2872.29; Sanitary Service \$15,195.14; Streets \$11,513.09; Wastewater \$8195.58; Water \$12,519.06; Federal Withholding \$15,677.18; FICA \$14,019.95.

COMBINED CASH FUND – Jean Harlan, \$81.72, refund.

GENERAL – Baker & Taylor, \$98.88, sup; Baseline Surveying, \$75.00, other; Paula Basker, \$500.00, ins; Black Hills Chemical, \$3706.82, sup; Black Hills Energy, \$12798.70, util; Jennifer Bush, \$500.00, ins; Central States Mechanical, \$82.00, sup; Judd Crowser, \$500.00, ins; Dakota Extinguisher & Safety, \$24.00, sup; Double Star Computing, \$550.33, prof fee; Joyce Ehlers, \$500.00, ins; Tamera Even, \$80.00, sup; Genlantis, \$902.00, sup; Grocery Mart, \$434.93, sup; Interstate Engineering, \$6924.36, rep; Jake's Collision Repair, \$8333.61, rep; Lynn's Dakotamart, \$411.21, sup; MasterCard, \$57700.66, sup; Meade County Register of Deeds, \$180.00, other; MDU, \$1719.75, util; Northern Truck Equipment, \$15.49, rep; Brittney Ragels, \$500.00, ins; Rushmore Office Supply, \$16.50, sup; Christina Steele, \$500.00, ins; Sturgis Motorcycle Museum, \$2750.00, pub; Sturgis Volunteer Fire Dept, \$39.94, sup; The Knuckle Saloon, \$522.00, sup; U Drive Technology, \$275.01, util.

SPECIAL SALES TAX – MasterCard, \$453.29, util; MDU, \$39.77, util.

CAPITAL IMPROVEMENT – Complete Concrete, \$184610.64; Helms & Associates, \$18030.28; J&J Asphalt, \$4100.05; Johner & Sons, \$352259.98; Keller Williams, \$10000.00; Wheeler Lumber, \$3716.65.

BUSINESS IMPROVEMENT DISTRICT – Dakota Point Brewing, \$315.00, sup; MasterCard, \$1235.13, sup.

LIQUOR – Arctic Glacier, \$283.15, resale; Black Hills Chemical, \$57.98, sup; Cash-Wa Distributing, \$1117.60, resale; Cask & Cork, \$701.18, resale; Coca Cola, \$653.25, resale; Dakota's Best Distributing, \$925.45, resale; Desjarlais Farms, \$168.00, resale; Double Star Computing, \$2.81, prof fee; Fisher Beverage, \$14990.68, resale; Image Seller, \$5105.51, resale; Johnson Western Wholesale, \$12318.13, resale; MasterCard, \$5492.78, prof fee; MB Enterprises, \$100.20, resale; MDU, \$15.95, util; Okoboji Wines, \$263.00, resale; Pepsi, \$287.50, resale; Prairie Berry, \$1212.00, resale; Quality Brands of the Black Hills, \$20557.69, resale; Republic Beverage Company, \$18386.58, resale; Southern Glazer's of SD, \$10418.57, resale; Speedy Lube, \$64.49, sup.

WATER – AAA Collections, \$26.87, prof fee; Black Hills Chemical, \$433.00, sup; Black Hills Energy, \$4115.39, util; Black Hills Trails, \$2000.00, other; Core & Main, \$9715.26, sup; Double Star Computing, \$2.81, prof fee; G&H Distributing, \$105.84, sup; Hawkins, \$1371.00, sup; MasterCard, \$3968.34, sup; MDU, \$137.33, util; Powerplan, \$2507.50, rep; Speedy Lube, \$49.99, sup.

WASTEWATER – Black Hills Chemical, \$433.00, sup; Double Star Computing, \$2.81, prof fee; MasterCard, \$1131.20, sup; MDU, \$50.06, util.

SANITATION – Black Hills Chemical, \$433.00, sup; Black Hills Energy, \$15.00, util; City of Belle Fourche, \$43420.29, other; Bill Coacher, \$500.00, ins; Double Star Computing, \$2.81, prof fee; MasterCard, \$37171.36, rep; Tim Stumpf, \$500.00, ins.

AMBULANCE – Black Hills Chemical, \$100.00, sup; Central States Mechanical, \$82.01, sup; Double Star Computing, \$2.81, prof fee; Grocery Mart, \$345.96, sup; Henry Schein, \$768.50, sup; Image Trend, \$465.00, prof fee; Leavitt Heartland Insurance, \$300.00, ins; Lynn’s Dakotamart, \$133.71, sup; MasterCard, \$3221.85, sup; Medical Waste Transport, \$179.85, sup; MDU, \$30.40, util; Olson Towing, \$100.00, rep; Schwan’s, \$140.37, other.

Motion by Martinson, second by Zerbst and carried with all members present unanimously voting yes to approve Resolution 2020-46 – Open container and Street Closure request for Oktoberfest and Fall Festival September 26, 2020.

RESOLUTION 2020-46

RESOLUTION TO CLOSE DESIGNATED STREETS AND PERMIT OPEN CONTAINERS ON CERTAIN PUBLIC PROPERTY AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY FOR STURGIS FALL FESTIVAL

WHEREAS, the 7TH annual Sturgis Fall Festival formerly known as the Oktoberfest will be held in the City of Sturgis, September 26, 2020, and

WHEREAS, the City of Sturgis Rally and Events Department will close Main Street to Lazelle St and on Main Street from Harley Davidson Way to the First Interstate Bank drive through (same set up as Music on Main) for the Sturgis Fall Festival games and activities; and

WHEREAS, the Police Department will be authorized to tow vehicles within the street closure area, starting September 26, 2020 after 2:00 am.

WHEREAS, an open container area has been requested within a portion of the public property of the City of Sturgis from 10:00 am to 9:00 pm on September 26, 2020, and 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,

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.

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 10:00 am until 9:00 pm September 26, 2020, and establish an open container area on September 26, 2020 from 10:00 am to 9:00 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 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, nor any City Property not open to the public, and does not include any private property within the open container area.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

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 The Knuckle Saloon at Rally Point for the Fall Festival on September 26, 2020.

Motion by Waterland, second by Anderson and carried with all members present unanimously voting yes to approve the yearly renewal of the Malt Beverage License for La Risa Mexican Restaurant for 2020-2021.

Motion by Martinson second by Zerbst and carried with Carstensen, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Anderson abstaining, to approve Resolution 2020-65 - Plat of Tract A and Tract B of Marcotte Tract.

RESOLUTION 2020-65 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 City of Sturgis:

Plat of
Tract A and Tract B of Marcotte Tract.
Formerly Marcotte Tract. All Located in the SW1/4 of the NW1/4;
the SE1/4 of the NW1/4; AND the N1/2 of the NE1/4 of the SW1/4 of Section 16,
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 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by T. Keszler, second by S. Keszler and carried with all members present unanimously voting yes to table Resolution 2020-66 - Plat of 1A Revised and Lot 2 Revised in Block 1 of R&R Addition from Cindy Sinner, Milo & Debra Kolda.

Motion by T. Keszler, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2020-67 - Plat trading land between the City of Sturgis and Meade School District 46-1.

**RESOLUTION 2020-67
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 46-1 School and City of Sturgis:

Plat of
Lot 10 Revised of the SW1/4SE1/4
-And-
Southwest Sturgis Elementary School Lot Revised of the SW1/4SE1/4
(Formerly Lot 10 of the SW1/4SE1/4 and Southwest Sturgis Elementary School Lot of the SW1/4SE1/4)
Located in the SW1/4SE1/4, Section 9, T.5N., R.5E., B.H.M.,
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 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Martinson, second by Waterland and carried with all members present unanimously voting yes to approve Resolution 2020-53 - Creation of Tax Incremental District Number Sixteen.

**RESOLUTION 2020-53
CREATION OF TAX INCREMENTAL DISTRICT NUMBER SIXTEEN**

WHEREAS, the Common Council of the City of Sturgis deems it necessary to create a tax incremental district, pursuant to SDCL 11-9-5, to be designated as Tax Incremental District Number Sixteen (TID #16) and includes the real property as more particularly described herein; and

WHEREAS, the Council has reviewed and considered the recommendation provided to the Council by the Sturgis Planning and Zoning Commission; and

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9-8 for a tax incremental district; and

WHEREAS the Council finds that not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources; and

WHEREAS, the Council finds that the use of tax increment financing to promote this development is authorized by the statutes of the State of South Dakota; and

WHEREAS, the Council finds improvement of the area is likely to significantly enhance the value substantially of all the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Sturgis that the real property legally described below and known as Trailhead Loop (Bradley project) shall constitute the final boundaries of Tax Incremental District Number Sixteen (TID #16):

Lots 1-22 in Block 2 of Pine Acres Subdivision to the City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 6 on Page 118.

Lot A of Lot C-5 of Barry Subdivision, less the North 93.41' of the West 112' of the NW ¼ SE ¼ of Section 16, T5N, R5E, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 5 on Page 28.

The North 93.41' of the West 112' of Lot A of Lot C-5 in Barry Subdivision, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 12 on Page 60.

Lot B of C-5 of Barry Subdivision, Located in the NE ¼ SE ¼ of Section 16, T5N, R5E, BHM, City of Sturgis, Meade County South Dakota, as shown by the plat filed in Plat Book 12 on Page 60.

Lot D of the SE ¼ SE ¼ of Section 16, T5N, R5E, BHM, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 3 on Page 299.

Lots 1 and 2 of Barry Subdivision, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 26 Page 179.

BE IT FURTHER RESOLVED that said Tax Incremental District Number Sixteen, City of Sturgis, described above shall upon passage and publication be forwarded to the State of South Dakota Department of Revenue to set the aggregate assessed value pursuant to SDCL 11-9-20.

Dated at Sturgis, Meade County, South Dakota, and this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Martinson, second by Zerbst and carried with all members present unanimously voting yes to approve Resolution 2020-54 - Approving Project Plan for Tax Incremental District Number Sixteen.

RESOLUTION 2020-54
RESOLUTION APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT NUMBER SIXTEEN

BE IT RESOLVED by the Common Council of the City of Sturgis, as follows:

WHEREAS, the Common Council has established Sturgis Tax Incremental District Number Sixteen by Resolution 2020-53 on September 21, 2020; and

WHEREAS, the Common Council deems it in the best interests of the City to promote the creation of affordable housing developments within the City; and

WHEREAS, the Project Plan approval helps make such affordable housing development feasible by assisting with various public works improvements including streets, bicycle path, utility connections and earthwork within the tax increment district; and

WHEREAS, the use of tax increment financing to promote this development is authorized by the statutes of the State of South Dakota; and

WHEREAS, the lack of available affordable housing hinders workforce development within the community and the growth in customer base which in turn hampers economic growth and sales tax revenue growth within the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF STURGIS that the Project Plan for Tax Incremental District Number Sixteen be, and is hereby, approved as presented by the Sturgis Planning Commission.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Waterland, second by S. Keszler and carried with all members present unanimously voting yes to approve Resolution 2020-55 - Approving and Authorizing the signing of contracts for Private Development of Tax Incremental District Number Sixteen.

RESOLUTION 2020-55
RESOLUTION APPROVING AND AUTHORIZING
THE SIGNING OF CONTRACTS FOR PRIVATE DEVELOPMENT OF

TAX INCREMENTAL DISTRICTS NUMBER SIXTEEN

BE IT RESOLVED by the Common Council of the City of Sturgis, as follows:

WHEREAS, the Common Council has approved a project plan for Sturgis Tax Incremental District Number Sixteen by Resolution 2020-54 on September 21, 2020; and

WHEREAS, the approved Project Plans will stimulate development and economic growth throughout the community; and

WHEREAS, the use of tax increment financing to promote these developments are authorized by the statutes of the State of South Dakota; and

WHEREAS, to fully implement each project plan a Contract for Private Development of Tax Incremental District is required and that each Project Plan's associated Contract for Private Development was reviewed and available for public comment during the September 21, 2020 Council meeting.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF STURGIS that the associated Contract for Private Development of Tax Incremental District Number Sixteen are hereby approved by the Sturgis Common Council and that City Manager Daniel Ainslie is hereby authorized to sign each contract.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Bachand, second by S. Keszler and carried with all members present unanimously voting yes to approve Resolution 2020-56 - Creation of Tax Incremental District Number Eighteen.

RESOLUTION 2020-56

CREATION OF TAX INCREMENTAL DISTRICT NUMBER EIGHTEEN

WHEREAS, the Common Council of the City of Sturgis deems it necessary to create a tax incremental district, pursuant to SDCL 11-9-5, to be designated as Tax Incremental District Number Eighteen (TID #18) and includes the real property as more particularly described herein; and

WHEREAS, the Council has reviewed and considered the recommendation provided to the Council by the Sturgis Planning and Zoning Commission; and

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9-8 for a tax incremental district; and

WHEREAS the Council finds that not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources; and

WHEREAS, the Council finds that the use of tax increment financing to promote this development is authorized by the statutes of the State of South Dakota; and

WHEREAS, the Council finds improvement of the area is likely to significantly enhance the value substantially of all the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Sturgis that the real property legally described below and known as Gustafsen Senior Living shall constitute the final boundaries of Tax Incremental District Number Eighteen (TID #18):

Lot 1A of Lot A of Hurley Subdivision to the City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 23 on Page 72.

Lot B of Hurley Subdivision to the City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 21 on Page 324.

Lot 5H3 Revised of Hurley Subdivision, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 24 on Page 76.

Lot 6H of Hurley Subdivision to the City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 17 on Page 218.

Lot B of Lot 1 of Murray Tract #1, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T5N, R5E, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 20 on Page 115.

Lot H-1 (Vacated Right-of-Way adjacent to Lot A and Lot B of Lot 1, Murray Tract #1) Located in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T5N, R5E, BHM, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 20 on Page 114.

Lot 12, a portion of Murray Tract #1 lying in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T5N, R5E, BHM, City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 5 on Page 168.

Lot 12A of Murray Tract #1, located in the SW $\frac{1}{4}$ of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 12 on Page 27.

Lot 27 in Block 4 of Palisades Subdivision to the City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 22 on Page 261.

Lots 28-29 in Block 4 of Palisades Subdivision to the City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 23 on Page 71.

Lots 7, 10, and 11 of Hurley Subdivision, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat recorded in Plat Book 21 on Page 194.

Lots 8 and 9 of Hurley Subdivision, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T5N., R5E., B.H.M., of the City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 21 on Page 194.

Lot 5H1-ROE of Hurley Subdivision. Formerly Lots 5H1-A & 5H1-B of Hurley Subdivision, located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 16 T5N., R5E., B.H.M., City of

Sturgis, Meade County, South Dakota as shown on the plat filed in Plat Book 23 on Page 316.

Lot 5H2 Revised of Hurley Subdivision. Formerly Lot 5E12 and Lot 5H3 of Hurley Subdivision, located in the N1/2NW1/4 of Section 16 T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota as shown on the plat filed in Plat Book 24 on Page 76.

Remainder of Lot A-2 of Hurley Subdivision, located in the SE1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 21 on Page 153, and as corrected in the Affidavit of Correction recorded September 30, 2004, in Book 666 on Page 417; EXCEPTING therefrom Lot 7-16 of Hurley Subdivision, as shown on the plat filed in Plat Book 21 on Page 194; and EXCEPTING therefrom Lot 17 of Hurley Subdivision, as shown on the plat filed in Plat Book 23 on Page 92.

Lot 13 of Murray Tract #1, located in the SW1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 5 on Page 235.

Lot 13A of Murray Tract #1, located in the SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 12 on Page 27.

Lot 24N, a subdivision of Lot 24 of Murray Tract #1, located in the SW1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 19 on Page 85.

Lot 24S, a subdivision of Lot 24 of Murray Tract #1, located in the SW1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat recorded in Plat Book 19 on Page 85.

Lot 4 of Lot A of the SE1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 5 on Page 139 (sometimes referred to as Ferguson Subdivision).

Lot 5 located in the SE1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 8 on Page 50.

Lot 6 of Hurley Subdivision, located in the SE1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 13 on Page 10.

Lots 1 and 2 of Lot A of the SE1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 9 on Page 50 (sometimes referred to as Ferguson Plat).

Lot 3 of Lot A of the SE1/4SW1/4 of Section 9, T5N., R5E., B.H.M., City of Sturgis, Meade County South Dakota (sometimes referred to as Ferguson Subdivision), as shown on the plat filed in Plat Book 8 on Page 50.

Lot C-1 of Lot C of Symonds Subdivision in the City of Sturgis, Meade County, South Dakota, as shown by the plat filed in Plat Book 12 on Page 14.

Lot C-2 of Symonds Subdivision of Lot C in the SE1/4SW1/4 of Section 9 and the vacated portion of the Section Line between the NE1/4NW1/4 of Section 9, T5N., R5E., B.H.M., Meade County, South Dakota, as shown on the plat filed in Plat Book 12 on Page 14.

BE IT FURTHER RESOLVED that said Tax Incremental District Number Eighteen, City of Sturgis, described above shall upon passage and publication be forwarded to the State of South Dakota Department of Revenue to set the aggregate assessed value pursuant to SDCL 11-9-20.

Dated at Sturgis, Meade County, South Dakota, this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Zerbst, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2020-57 - Approving Project Plan for Tax Incremental District Number Eighteen with the corrections to Sections 13 and 14.

RESOLUTION 2020-57
RESOLUTION APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT NUMBER EIGHTEEN

BE IT RESOLVED by the Common Council of the City of Sturgis, as follows:

WHEREAS, the Common Council has established Sturgis Tax Incremental District Number Eighteen by Resolution 2020-56 on September 21, 2020; and

WHEREAS, the Common Council deems it in the best interests of the City to promote the creation of affordable housing developments within the City; and

WHEREAS, the Project Plan approval helps make such affordable housing development feasible by assisting with various public works improvements including streets, bicycle path, utility connections and earthwork within the tax increment district; and

WHEREAS, the use of tax increment financing to promote this development is authorized by the statutes of the State of South Dakota; and

WHEREAS, the lack of available affordable housing hinders workforce development within the community and the growth in customer base which in turn hampers economic growth and sales tax revenue growth within the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF STURGIS that the Project Plan for Tax Incremental District Number Eighteen be, and is hereby, approved as presented by the Sturgis Planning Commission.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Martinson, second by Zerbst and carried with all members present unanimously voting yes to approve Resolution 2020-58 - Approving and Authorizing the signing of contracts for Private Development of Tax Incremental District Number Eighteen.

**RESOLUTION 2020-58
RESOLUTION APPROVING AND AUTHORIZING
THE SIGNING OF CONTRACTS FOR PRIVATE DEVELOPMENT OF
TAX INCREMENTAL DISTRICTS NUMBER EIGHTEEN**

BE IT RESOLVED by the Common Council of the City of Sturgis, as follows:

WHEREAS, the Common Council has approved a project plan for Sturgis Tax Incremental District Number Eighteen by Resolution 2020-57 on September 21, 2020; and

WHEREAS, the approved Project Plans will stimulate development and economic growth throughout the community; and

WHEREAS, the use of tax increment financing to promote these developments are authorized by the statutes of the State of South Dakota; and

WHEREAS, to fully implement each project plan a Contract for Private Development of Tax Incremental District is required and that each Project Plan’s associated Contract for Private Development was reviewed and available for public comment during the September 21, 2020 Council meeting.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF STURGIS that the associated Contract for Private Development of Tax Incremental District Number Eighteen are hereby approved by the Sturgis Common Council and that City Manager Daniel Ainslie is hereby authorized to sign each contract.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Waterland, second by Martinson and carried with Carstensen, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Anderson abstaining, to approve Resolution 2020-59 - Surplus the Marcotte Property.

**RESOLUTION 2020-59
A RESOLUTION DECLARING PROPERTY SURPLUS**

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the 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 property.

The following property will be surplus with the legal description: Tract A and Tract B of Marcotte Tract. Formerly Marcotte Tract. All Located in the SW1/4 of the NW1/4; the SE1/4 of the NW1/4; and the N1/2 of the NE1/4 of the SW1/4 of Section 16, Township 5 North, Range 5 East, Black Hills Meridian, City of Sturgis, Meade County, South Dakota.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Waterland, second by Martinson and carried with Carstensen, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Anderson abstaining, to approve Resolution 2020-60 - Creation of Tax Incremental District Number Nineteen.

**RESOLUTION 2020-60
CREATION OF TAX INCREMENTAL DISTRICT NUMBER NINETEEN**

WHEREAS, the Common Council of the City of Sturgis deems it necessary to create a tax incremental district, pursuant to SDCL 11-9-5, to be designated as Tax Incremental District Number Nineteen (TID #19) and includes the real property as more particularly described herein; and

WHEREAS, the Council has reviewed and considered the recommendation provided to the Council by the Sturgis Planning and Zoning Commission; and

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9-8 for a tax incremental district; and

WHEREAS the Council finds that not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources; and

WHEREAS, the Council finds that the use of tax increment financing to promote this development is authorized by the statutes of the State of South Dakota; and

WHEREAS, the Council finds improvement of the area is likely to significantly enhance the value substantially of all the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Sturgis that the real property legally described below and known as the Marcotte Development shall constitute the final boundaries of Tax Incremental District Number Nineteen (TID #19):

Tract A-2 of Meade Subdivision, No. 1, formerly a portion of Tract A of Meade Subdivision No. 1, Section 16, T5N, R5E, B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 20 on Page 246.

Lot 1 of Lot 9A of Lot 9 in Block A of Pine Acres Subdivision, City of Sturgis, Meade County, South Dakota, as shown by the plat recorded in Plat Book 20 on Page 321.

Lot G-3-A, formerly a portion of Lot G-3, located in the NW ¼ SE ¼ of Section 16, T5N, R5E, B.H.M., Deadman Enterprises Subdivision, City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 10 on Page 71.

Lot 1 of Vista Estates Subdivision to the City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 21 on Pages 123-124.

Lot 22 of Vista Estates Subdivision, a portion of Lots G-3 and G-4, Block 9, and Lot 14, Block 7 of Deadman Enterprises Subdivision. All located in the E ½ of Section 16, T5N,

R5E, B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 21 on Pages 123-124.

Marcotte Tract, located in the S ½ NW ¼ and NE ¼ SW ¼ of Section 16, T5N, R5E, B.H.M., City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 23 on Page 171, and as amended by the Affidavit of Correction recorded on December 17, 2010 in Book 804 on Page 600.

BE IT FURTHER RESOLVED that said Tax Incremental District Number Nineteen, City of Sturgis, described above shall upon passage and publication be forwarded to the State of South Dakota Department of Revenue to set the aggregate assessed value pursuant to SDCL 11-9-20.

Dated at Sturgis, Meade County, South Dakota, this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Martinson, second by Waterland and carried with Carstensen, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Anderson abstaining, to approve Resolution 2020-61 - Approving Project Plan for Tax Incremental District Number Nineteen.

RESOLUTION 2020-61
RESOLUTION APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT NUMBER NINETEEN

BE IT RESOLVED by the Common Council of the City of Sturgis, as follows:

WHEREAS, the Common Council has established Sturgis Tax Incremental District Number Nineteen by Resolution 2020-60 on September 21, 2020; and

WHEREAS, the Common Council deems it in the best interests of the City to promote the creation of affordable housing developments within the City; and

WHEREAS, the Project Plan approval helps make such affordable housing development feasible by assisting with various public works improvements including streets, bicycle path, utility connections and earthwork within the tax increment district; and

WHEREAS, the use of tax increment financing to promote this development is authorized by the statutes of the State of South Dakota; and

WHEREAS, the lack of available affordable housing hinders workforce development within the community and the growth in customer base which in turn hampers economic growth and sales tax revenue growth within the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF STURGIS that the Project Plan for Tax Incremental District Number Nineteen be, and is hereby, approved as presented by the Sturgis Planning Commission.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Martinson, second by S. Keszler and carried with Carstensen, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Anderson abstaining, to approve Resolution 2020-62 - Approving and Authorizing the signing of contracts for Private Development of Tax Incremental District Number Nineteen.

RESOLUTION 2020-62
RESOLUTION APPROVING AND AUTHORIZING
THE SIGNING OF CONTRACTS FOR PRIVATE DEVELOPMENT OF
TAX INCREMENTAL DISTRICTS NUMBER NINETEEN

BE IT RESOLVED by the Common Council of the City of Sturgis, as follows:

WHEREAS, the Common Council has approved a project plan for Sturgis Tax Incremental District Number Nineteen by Resolution 2020-61 on September 21, 2020; and

WHEREAS, the approved Project Plans will stimulate development and economic growth throughout the community; and

WHEREAS, the use of tax increment financing to promote these developments are authorized by the statutes of the State of South Dakota; and

WHEREAS, to fully implement each project plan a Contract for Private Development of Tax Incremental District is required and that each Project Plan's associated Contract for Private Development was reviewed and available for public comment during the September 21, 2020 Council meeting.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF STURGIS that the associated Contract for Private Development of Tax Incremental District Number Nineteen are hereby approved by the Sturgis Common Council and that City Manager Daniel Ainslie is hereby authorized to sign each contract.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Motion by Waterland, second by Anderson and carried with all members present unanimously voting yes to approve Resolutions 2020-63 and Resolution 2020-64 - Collective Bargaining Agreements.

RESOLUTION 2020 - 63
A RESOLUTION AUTHORIZING CITY MANAGER AND MAYOR TO SIGN
A CONTRACT BETWEEN GENERAL DRIVERS & HELPERS UNION LOCAL #120
(AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS)
AND THE CITY OF STURGIS

WHEREAS the City of Sturgis desires to enter into a contract with General Drivers & Helpers Union Local #120 (Affiliated with the International Brotherhood of Teamsters) to define the employer-employee relationship which exists between the City and those employees covered by the Contract and to enter into a complete contract covering wages, rates of pay, hours or work, and other conditions of employment;

WHEREAS the General Drivers & Helpers Union Local #120 (Affiliated with the International Brotherhood of Teamsters) desires to enter into such Contract;

WHEREAS, the parties do hereby acknowledge that both parties have met, conferred, and negotiated in good faith regarding wages, hours and other terms and conditions of employment for the employees in said bargaining unit and that this Contract is the result of the unlimited right and opportunity afforded to each of the parties to make any and all demands and proposals with respect to the wages, rates of pay, hours of work and other conditions of employment with respect to the unit of employees covered hereby;

WHEREAS an agreement needs to be entered into between the parties due to the upcoming expiration of the existing Contract between the two parties; and

WHEREAS a copy of such Contract has been reviewed by both parties and staff fully supports entering into this Contract between the two parties.

NOW THEREFORE City Manager Daniel Ainslie and Mayor Mark Carstensen are hereby authorized to execute said Agreement for the above intended purposes.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

RESOLUTION 2020- 64
A RESOLUTION AUTHORIZING CITY MANAGER DANIEL AINSLIE AND MAYOR MARK CARSTENSEN A CONTRACT BETWEEN GENERAL DRIVERS & HELPERS UNION LOCAL #120 (AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS) AND THE CITY OF STURGIS

WHEREAS the City of Sturgis desires to enter into a contract General Drivers & Helpers Union Local #120 (Affiliated with the International Brotherhood of Teamsters)to define the employer-employee relationship which exists between the City and those employees covered by the Contract and to enter into a complete contract covering wages, rates of pay, hours or work, and other conditions of employment;

WHEREAS the General Drivers & Helpers Union Local #120 (Affiliated with the International Brotherhood of Teamsters) desires to enter into such Contract;

WHEREAS, the parties do hereby acknowledge that both parties have met, conferred, and negotiated in good faith regarding wages, hours and other terms and conditions of employment for the employees in said bargaining unit and that this Contract is the result of the unlimited right and opportunity afforded to each of the parties to make any and all demands and proposals with respect to the wages, rates of pay, hours of work and other conditions of employment with respect to the unit of employees covered hereby; and

WHEREAS an agreement needs to be entered into between the parties due to the upcoming expiration of the existing Contract between the two parties.

NOW THEREFORE City Manager Daniel Ainslie and Mayor Mark Carstensen are hereby authorized to execute said Agreement for the above intended purposes.

Dated this 21st day of September 2020.

Published: 09-29-2020

Effective: 10-20-2020

Any other business:

Robert Quinonez questioned the Council about them taking any action on the request he made at the July 20th Council meeting on re-mapping of the FEMA flood map. Mr. Quinonez had contacted Councilor Martinson and asked if there had been any action taken. City Manager Ainslie contacted Mr. Quinonez's engineer, Mike Toohey and had acquired two names of engineering firms that could do the study and asked for proposals for doing the re-mapping.

Paul Bisson and Amanda Anglin thanked the Council for approving the TIF's. This will be a great economic boost to the City.

Councilor Waterland said that the Marcotte property has been worked on for a long time and that it will be an excellent development.

Motion by Crane, second by S. Keszler and carried with all members present unanimously voting yes to go into executive session for personnel and contracts at 8:01 pm.

Motion by Martinson, second by Waterland to return to regular session at 8:35 pm.

Motion by T. Keszler, seconded by Bachand and carried with all members present unanimously voting yes to adjourn the meeting at 8:36 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$493.88.