

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, February 6, 2017 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Rod Bradley, Tony Dargatz, Steve Keszler and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Rhea Crane and David Martinson.

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

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

Motion by Bachand, second by Dargatz to return to regular session at 6:34 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- Larry Carpenter, Sturgis Alliance of Churches, thanked the Council for the City contribution for 2017.
- It is “February Free” at the Community Center this week; ½ price day-passes and get one month free if you sign up for a year membership.
- The next Council meeting will be held on Tuesday, February 21, 2017.
- Condolences to the DesJarlis Family on the loss of Joe.
- During the Tourism conference the Sturgis Brown High School Culinary students catered an event and received high praise for their meal.

Informational Reports:

- Library Board – 1/25/17 minutes

City Manager Ainslie reported:

- The sales tax update for General Sales Tax and Capital Improvement Tax for December collected in January for the end of the fiscal year 2016 was up 14 1/2% month over month and year over year it was down 9.4%, due to the Rally. Compared to budget we were down .035% or \$5800 for the year. The Gross Receipts Tax (triple B) year over year was down 10.6%. Non-rally it was up 4.9%. Compared to budget we were up 1.1% or \$4000.
- Payroll Changes – within budget:
 1. Volunteer Fire Dept – Volunteer Firefighters – Dravan Lensegrav, Dan Mayer – no wage.

Motion by Bradley, second by Bachand and carried with all members present voting yes to approve the following items on the consent calendar with the exception of the removal of e:

- a. Consideration to approve the minutes from the January 17, 2017 regular council
- b. Consideration to approve setting a public hearing for February 21, 2017 for Resolution 2017-09 & 2017-10 – Open Container & Closure of Street for Xtreme Dakota Bicycles Fat Tire Festival.
- c. Consideration to approve setting a public hearing for February 21, 2017 for a Use on Review for an in-home daycare at 2349 Palisades Loop for Rachel Snow

- d. Consideration to approve setting a public hearing for February 21, 2017 for a Variance for a side setback at 941 Lazelle St, for KSLB&D LLC dba Iron Horse Saloon.
- e. ~~Consideration to approve setting a public hearing for February 21, 2017 for a Variance for hard surface requirements at 1681 Joedy Street for Mountain View Care/Tammy Halverson.~~
- f. Consideration to approve setting a public hearing for February 21, 2017 for a Use on Review for an adult residential facility at 1681 Joedy Street for Mountain View Care/Tammy Halverson.
- g. Consideration to approve setting a public hearing for February 21, 2017 for a Variance for front yard and rear yard setbacks at 2030 Hill St for Dale Sherman.
- h. Consideration to approve setting a public hearing for February 21, 2017 for a Variance to allow RV Camping at 1805 Hill Street for Gary Baldwin.
- i. Consideration to approve setting a public hearing for February 21, 2017 for a Variance to the front and rear setback at 824 1st St for Sturgis Chiropractic.
- j. Consideration to approve setting a public hearing for February 21, 2017 for a Special Events License for The Knuckle Saloon at Harley-Davidson Rally Point Plaza on March 4, 2017 for Xtreme Dakota Bicycles Fat Tire Festival.
- k. Consideration to approve temporary and permanent easements for SD DOT.

Motion by Bradley, second by Bachand and carried with all members present voting yes to approve setting a public hearing for February 21, 2017 for a Variance for hard surface requirements at 1681 Joedy Street for Mountain View Care/Tammy Halverson.

Motion by Bachand, second by Waterland and carried with Anderson, Bachand, Bradley, Dargatz, Keszler and Waterland voting yes, Carstensen abstaining, to approve the following claims:

Wages – Ambulance \$25,841.85; Attorney \$3534.38; Auditorium \$199.79; Buildings \$1126.79; Cemetery \$2543.04; City Manager \$4377.25; Community Center \$10,996.56; Finance Office \$8313.14; Fire Department \$70.74; Human Resource \$6358.96; Library \$8874.10; Liquor \$7315.90; Mayor and Council \$3661.11; Parks \$8792.77; Planning & Permitting \$7499.63; Police \$43,195.73; Rally \$6883.21; Recreation \$3287.07; Sanitary Service \$15,891.21; Streets \$12,929.48; Wastewater \$9171.18; Water \$14,152.73; Federal Withholding \$20,836.59; FICA \$14,843.28.

Combined Cash Fund – Deb Schumaker Estate, \$94.62, water refund.

General – A&B Business, \$490.57, sup; Active911, Inc, \$281.00, membership; Amcon Distributing, \$287.85, merch for resale; American Legal Services, \$43.44, prof fee; Avaya, \$25.55, util; B&B Auto Salvage, \$352.00, repair; Baker & Taylor, \$18.50, sup; Baseline Surveying, \$1800.00, other; Bear Butte Valley Water, \$87.40, util; Black Hills APWA, \$20.00, prof fee; Black Hills Energy, \$18,761.02, util; Sean Briscoe, \$40.00, sup; Roger Burnham, \$2905.00, prof fee; Butte Electric, \$630.83, util; Mark Carstensen, \$224.17, travel; Caselle, \$2708.00, prof fee; Cedar Shore Resort, \$169.90, travel; Century Business Products, \$297.87, sup; City of Sturgis Water Dept, \$1499.23, util; Civic Plus, \$1542.07, prof fee; Dakota Battery & Electric, \$393.92, repair; Dakota Business Center, \$39.42, sup; Dakota Extinguisher, \$24.00, repair; Double Star Computing, \$300.00, prof fee; Emergency Communications Network, \$4893.00, publ; Frontier Precision, \$448.00, sup; Golden West Industrial, \$172.98, sup; Harvey's Lock Shop, \$10.50, sup; Hillyard, \$1365.54, sup; Holiday Inn Express, \$63.00, merch e-comm; Homeslice Media Group, \$4615.00, publ-rally; Jackson Lewis PC, \$81.00, prof fee; Susan Jansen, \$91.84, refund; KT Connections, \$1082.80, prof fee; Key City Glass, \$200.00, repair; Konstant and Klein Appraisals, \$600.00, prof fee; Adam Lewis, \$63.80, sup; Aaron Lukesh, \$30.00, other; Gary Meyer, \$59.58, sup; Mic-American Research, \$516.00, sup; Mobile Mini, \$202.96, sup; Nebraska Salt & Grain, \$6335.77, sup; Overdrive, \$3000.00, sup; Petty Cash, \$107.00, other; Pitney Bowes, \$345.48, rent; Casey Pond, \$35.00, refund; Postmaster, \$147.00,

sup; Print Mark-et, \$1160.38, publ; Public Safety Equip, \$25.48, sup; Purchase Power, \$500.00, sup; Quill Corp, \$55.98, sup; Ramkota Hotel, \$744.00, travel; Rapid Diesel Service, \$972.27, repair; Rasmussen Mechanical, \$3975.04, repair; Regional Health, \$79.00, prof fee; Richter's Tire, \$14.00, repair; Robert Sharp & Assoc, \$836.00, publ-rally; Rockingtree Floral, \$666.00, sup; Rodenburg Law Firm, \$700.00, prof fee; S&C Cleaners, \$3000.00, repair; SD AGA, \$370.00, travel; SD Arborist Assoc, \$55.00, travel; SD Building Officials Assn, \$75.00, travel; SD Law Review, \$33.02, sup; SD Municipal League, \$100.00, travel; SD Public Assurance Alliance, \$146,543.09, insurance; SD Dept of Revenue, \$75.00, license fee; SD State Archives, \$28.80, sup; Sturgis Volunteer Fire Dept, \$702.30, travel; Vast Business, \$1966.75, util; Verizon, \$2236.39, util; Wegner Auto, \$27,650.00, equip; West River Electric, \$799.18, util; Whisler Bearing, \$21.34, repair.

Special Sales Tax – Chamber of Commerce, \$9166.67, monthly payment; KBHB, \$500.00, city promo; Sturgis Economic Development, \$8333.33, monthly payment.

Capitol Improvement – Brosz Engineering, \$5905.00, imp; Buxton, \$32,500.00, cap imp; Fennell Design, \$4950.00, imp; Fourfront Design, \$816.20, imp.

Equipment Replacement Fund – Eddies Truck Sales, \$137,526.00, equip.

Liquor – 5-Star Audio-Video System, \$280.00, prof fee; Amcon, \$963.68, resale; Black Hills Energy, \$1872.37, util; Cask & Cork, \$153.33, resale; Century Business Products, \$2.59, sup; City of Sturgis Water Dept, \$277.87, util; Coca Cola, \$1259.50, resale; Dakota's Best Distributing, \$253.85, resale; First Interstate Bank, \$84.89, resale; Fisher Beverage, \$9068.39, resale; Johnson Western Wholesale, \$15,402.20, resale; KT Connections, \$98.44, prof fee; LPA Retail Systems, \$3040.00, prof fee; Mobile Mini, \$218.40, sup; Pepsi Cola, \$170.70, resale; Prairie Berry, \$744.00, resale; Print Mark-et, \$68.26, publ; Quality Brands of the BH, \$15,055.76, resale; Republic Beverage Co, \$26,538.37, resale; SD Public Assurance Alliance, \$23,936.56, insur; Southern Glazer's of SD, \$145.72, resale; Tour Ice, \$70.13, resale; Vast Business, \$290.49, util.

Water – Black Hills APWA, \$20.00, prof fee; Black Hills Energy, \$9743.90, util; Butte Electric, \$183.60, util; Century Business Prod, \$24.83, sup; City of Sturgis Water Dept, \$111.41, util; Copy Country, \$18.50, sup; Credit Collections Bureau, \$156.33, prof fee; Hawkins, \$1074.46, sup; HD Supply, \$27,604.06, sup; KT Connections, \$98.44, prof fee; Mobile Mini, \$101.48, sup; Northern Hills Electric, \$705.14, repair; Northwest Pipe, \$220.83, sup; Petty Cash, \$7.41, sup; Print Mark-et, \$68.26, publ; SD Public Assurance Alliance, \$21,265.32, insur; Vast Business, \$31.86, util; Verizon, \$213.92, util.

Wastewater – Advanced Engineering, \$5516.30, cap imp; Black Hills Energy, \$4075.16, util; G&H Distributing, \$91.94, sup; KT Connections, \$98.44, prof fee; Print Mark-et, \$68.26, publ; SD Public Assurance Alliance, \$14,447.09, insur; Verizon, \$140.77, util.

Sanitary Service – Black Hills Energy, \$462.12, util; Century Link, \$54.20, util; City of Belle Fourche, \$13,554.97, other; Eddies Truck Sales, \$13.09, repair; KT Connections, \$98.44, prof fee; Print Mark-et, \$68.26, publ; SD Public Assurance Alliance, \$22,707.87, insur; Verizon, \$37.77, util.

Ambulance – Active911 Inc, \$281.00, prof fee; Avera Education, \$515.00, prof fee; Black Hills Energy, \$635.63, util; Century Business Products, \$874.51, sup; Channing Bete Co, \$179.85, prof fee; City of Sturgis Water Dept, \$64.57, util; John Coyle, \$725.00, refund; Henry Schein, \$1604.14, sup; Image Trend, \$1068.00, prof fee; KT Connections, \$98.44, prof fee; Leavitt Heartland Insurance, \$1008.00, insur; Tom Price, \$5219.00, other; Print Mark-et, \$68.26, publ; SD Ambulance Assoc, \$600.00, travel; SD Public Assurance, Alliance, \$1190.90, insurance; Nicole Skouge, \$80.00, other; Vast Business, \$167.45, util; Verizon, \$341.19, util.

Motion by Bradley, second by Anderson and carried with all members present voting yes to approve Resolution 2017-11 – Resolution of Intent to Annex Glover's and Matthew's Properties.

**RESOLUTION 2017 - 11
RESOLUTION DECLARING INTENT TO EXTEND THE BOUNDARIES OF THE CITY
OF STURGIS BY ANNEXATION OF CONTIGUOUS TERRITORY AND SETTING THE
PUBLIC HEARING FOR MARCH 6, 2017**

WHEREAS, the Common Council of the City of Sturgis has conducted a study pursuant to SDCL 9-4-4.1 to determine the need for annexing contiguous territory and to identify the resources necessary to extend the municipal boundaries to the area described in a document entitled “2014 Annexation Study”. A map of the area subject to this Resolution is attached as Exhibit A and attached and incorporated herein by this reference. A copy of the Annexation Study is also available for public review at the City Finance Office at City Hall; and,

WHEREAS, the “2014 Annexation Study” (hereinafter referred to as the “Annexation Study”) recommends that certain contiguous territory described therein, and legally described in this resolution, be annexed to and included within the boundaries of the City to provide for the orderly growth and development of the City;

NOW, THEREFORE, BE IT RESOLVED the Common Council for the City of Sturgis hereby declares its intent to annex the following described territory and has made the following determinations:

1. The territory considered in this annexation contains acres platted non-agricultural territory as defined at SDCL 9-4-5 and 10-6-31, , and includes the following properties:

Legal Description(s):

- Lot 1 of Block 1 of Glover’s Third Addition, formerly the Remainder of Lot 4, located in the NE ¼ NW ¼, Section 15, Township 5 North, Range 5 East of the Black Hills Meridian, Meade County, South Dakota
- Lot 2 of Block 1 of Glover’s Third Addition, formerly the Remainder of Lot 4, located in the NE ¼ NW ¼, Section 15, Township 5 North, Range 5 East of the Black Hills Meridian, Meade County, South Dakota

2. That ample and suitable resources exist to accommodate the orderly growth and development of the described contiguous territory as evidenced by the City’s current provision of many of the City services to the area and as described in the Annexation Study.
3. That municipal utilities and a major street network are, and have been, considered in terms of the proposed boundary extension in accordance with the Annexation Study.
4. That the City has established a definite timetable upon which municipal services will be extended into the described contiguous territory in the Annexation Study subject to the City’s reasonable policies, ordinances, regulations, terms and conditions in accordance with South Dakota Codified Law. A summary of this timetable is as follows:

<u>Municipal Service</u>	<u>Estimated Delivery Schedule</u>
Street/Road Maintenance	Service to begin upon effective date of annexation.
Water Service and Sewer Service	City is currently providing services to proposed area.

Solid Waste Collection and Disposal	Service to begin upon effective date of annexation.
Fire and EMS Services	City is currently providing services to proposed area.
Police Protection Services	Service is currently provided to the proposed area.
Community Development, Building Inspection and Ordinance Enforcement	Service to begin upon effective date of annexation.
Community Center	City is currently providing services to the proposed area.
Library	City is currently providing services to the proposed area.

The procedure for submitting a petition for municipal services is as follows:

- a. The petition shall be a written document containing a description of the requested utility and the legal description of the land to be served by the described utility.
 - b. The petition shall be signed by the property owner or property owners making the request. It shall include the names and addresses of the requesting property owners. The petition need not be notarized.
 - c. The petition shall be submitted to the City of Sturgis at 1040 Harley-Davidson Way, Sturgis, South Dakota 57785.
5. That the approximate costs of the extended services to the residents and to the City in the contiguous territory are described in the Annexation Study subject to the City's reasonable policies, ordinances, regulations, terms and conditions in accordance with South Dakota Codified Law. A summary of these estimated costs is as follows:

<u>Improvement</u>	<u>Estimated Cost</u>
Street/Road Maintenance	No incremental costs, currently being provided to proposed area.
Sewer Service	No incremental costs, currently being provided to proposed area.
Solid Waste Collection/Disposal	Service provided at applicable rates.
Fire Department	No incremental costs, currently being provided to proposed area.
Police Department	No incremental costs, currently being provided to proposed area.
Community Development, Building Inspection and Ordinance Enforcement	No incremental costs, currently being provided to proposed area.
Community Center	No incremental costs anticipated.
Library	No incremental costs anticipated.

6. The estimated difference in tax assessment rate for the residents and property in the contiguous territory will be a net increase of \$7.167/\$1,000.
7. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city boundaries, existing geographical features, physical barriers, existing property boundaries, and existing occupancies and uses.
8. That there is reasonable present and demonstrable future need for annexing said contiguous territory in accordance with the Annexation Study.

9. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
10. That there exists a community of interest between the contiguous territory and the City of Sturgis.

NOW, THEREFORE BE IT FURTHER RESOLVED by the Sturgis City Council that the City Council does hereby set the following time and place for a public hearing on said annexation:

6:30 P.M. MARCH 6, 2017
1300 Sherman Street, 2ND Floor Meeting Room
Sturgis, South Dakota 57785

IT IS FURTHER RESOLVED that a true and correct copy of this Resolution, and notice of a public hearing on a Resolution of Annexation shall be sent to the Meade County Auditor and the affected landowners within the area to be annexed by certified mail and first class mail pursuant to the terms of South Dakota Codified Law.

DATED this 6th day of February, 2017.

Published: 02/15/2017

Effective: 03/06/2017

One bid was received from Rasmussen Mechanical Services for \$365,046.

Motion by Bradley, second by Dargatz and carried with all members present voting yes to approve the bid from Rasmussen Mechanical Services for \$365,046 for the Community Center Pool HVAC system.

Any other business:

None

Motion by Waterland, second by Bachand and carried with all members present voting yes to go into executive session for personnel and contracts at 7:20 pm.

Motion by Waterland, second by Dargatz to return to regular session at 7:52 pm.

Motion by Kessler, seconded by Dargatz and carried with all members present voting yes to adjourn the meeting at 7:53 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$