

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:01 p.m. on Monday, October 1, 2018 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Terry Keszler, David Martinson, Ronald Waterland and Beka Zerbst. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Rhea Crane and Steve Keszler.

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

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

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

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning Commission – 9/11/18 minutes
- Library Board – 8/29/18 minutes
- Hotel Bid Board – 8/28/18 minutes
- MUB Board – 8/28/18 minutes

Announcements:

- Mayor Carstensen proclaimed October 1, 2018 as World Habitat Day.
- City offices will be closed on October 8, 2018 for Native American Day.
- There will be a Fire/Ambulance district information meeting held on October 2nd at 6:30 pm at the Community Center. Tentatively, the County Commissioners will be voting on the Fire/Ambulance District election on October 25th.
- October 1-5 will be City clean-up week.
- US Poet Laureate, Tracy K. Smith, will be at the Library on October 6th from 9:00 am-11:00 am.

City Manager Ainslie reported:

- Payroll Changes – within budget:
 1. Ambulance Service – EMT-B – Ranni Hopkins, Parker Peterson, Seth Goodro, Alexis Iverson, Jarrod VanDewater - \$12.00 (\$8.85 during orientation).
 2. Recreation Dept – Referee – Mason Kaitfors - \$20 per game (k-2 grade), \$25 per game (3-6 grade).

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

- ~~a. Consideration of minutes from the September 17, 2018 regular council meeting.~~
- b. Consideration of setting a public hearing on October 15, 2018 to Vacate a portion of Park Ave to fix building encroachment on ROW for Ron and Jackie Gapp – Sturgis Meat Service – at 2350 Park Avenue.
- c. Consideration of setting a public hearing on October 15, 2018 for a Special Events License for the Knuckle Saloon at the Community Center for the Library & Arts Council Author Presentation and Reception on October 19, 2018.

- d. Consideration of Resolution 2018-61 – Plat for Jenter Properties LLC, Lots 2-5, 9-11 & 12, Revised of Jenter Subdivision.

**RESOLUTION 2018-61
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 Jenter Properties, LLC, George W. Jenter:

Plat of Lots 2 Revised, 3 Revised, 5 Revised, 9 Revised and 12 Revised-A of Jenter Subdivision. Formerly Lots 2, 3, 4, 5, 9, 10, 11 and 12 Revised of Jenter Subdivision. All Located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, 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 1st day of October, 2018.

Published: 10-06-2018

Effective: 10-27-2018

- e. Consideration of Resolution 2018-60 – Plat for Jenter Properties LLC, Lot 5, Block 1 of Jenter-Wilburn-Chaffee Addition.

**RESOLUTION 2018-60
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 Jenter Properties, LLC, George W. Jenter:

Plat of Lots 5A and 5B, Block 1 of Jenter-Wilburn-Chaffee Addition, City of Sturgis. Formerly Lot 5, Block 1 of Jenter-Wilburn-Chaffee Addition, City of Sturgis. All Located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, 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 1st day of October, 2018.

Published: 10-06-2018

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- f. Consideration of setting a public hearing on October 15, 2018 for the lease of Romey Street.
- g. Consideration of Resolution 2018-62 – Plat of Lots 43-44, Block 21 of McMillians Eastern Addition at 1015 Nellie Street for Sam Mudlin.

**RESOLUTION 2018-62
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 Sam A. Mudlin:

Plat of Lot 43R and Lot 44R, Block 21 of McMillan's Eastern Addition to the City of Sturgis. Formerly Lots 43 and 44, Block 21 of McMillan's Eastern Addition to the City of Sturgis. All Located in the SW ¼ of the NE ¼ of the NW ¼ of Section 10, 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 1st day of October, 2018.

Published: 10-06-2018

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- a. Motion by Martinson, second by Zerbst and carried with all members present unanimously voting yes to approve the minutes from the September 17, 2018 regular council meeting with the correction of: The mill levy for property taxes for 2018 payable in 2019 will be approximately 6.3083. ~~drop by .6%. Last year the mill levy dropped by .7% for a reduction of .13% in two years.~~

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

WAGES – Ambulance \$25,501.60; Attorney \$3940.75; Auditorium \$200.13; Buildings \$1152.62; Cemetery \$2017.50; City Manager \$4463.02; Community Center \$9805.17; Finance Office \$9180.51; Fire Department \$159.80; Human Resource \$6197.81; Library \$9247.45; Liquor \$6335.65; Mayor and Council \$3761.77; Parks \$11,344.08; Planning & Permitting \$8383.35; Police \$37,481.51; Rally \$8037.25; Recreation \$2586.00; Sanitary Service \$15,057.94; Special Sales Tax \$1923.08; Streets \$11,969.66; Wastewater \$8716.59; Water \$12,290.81; Federal Withholding \$15,961.97; FICA \$14,421.19.

COMBINED CASH FUND – Willem & Lori Fahrenbruck, \$95.63, refund; First Interstate Bank, \$2,000.00; Douglas Pelton, \$13.38, refund.

GENERAL – A&B Business, \$382.62, sup; Affordable Flowers, \$200.00, other; Animal Control Training Services, \$790.00, travel; Dustin Barnes, \$60.00, other; Shawn Barrows, \$5,000.00, contract; BH Energy, \$15,693.34, util; BH Pioneer Weekly Pro, \$459.79, pub; Brosz Engineering, \$13,860.00, other; Roger Burnham, \$3,500.00, prof fee; City of Sturgis Water Dept, \$8,976.17, util; Dave Fischer Memorial, \$565.00, donation; Double Star computing, \$1,531.80, prof fee; Max Fjelstad, \$157.95, refund; Nicolis Forbes, \$30.00, other; Ken Grosch, \$30.00, other; Harvey's Lock Shop, \$3.50, sup; Hotel By God Dust, \$3,000.00, sup; Jake's Collision repair, \$2,829.50, rep; Lori Jeffery-Kirk, \$218.75, other; Ketel Thorstenson, \$500.00, prof fee; Scott Lensegrav, \$1,500.00, contract; Liberty Chevrolet, \$90.00, rep; Light & Siren, \$1,571.00, equip; Marco Technologies, \$63.17, sup; Motionsoft, \$450.00, prof fee; Petty Cash, \$29.67, sup; Purchase Power, \$500.00, sup; Quick Signs, \$36.00, sup; Richter's Tire & Exhaust, \$92.00, sup; S&C Cleaners, \$3,000.00, rep; Kevin Spotted Horse, \$40.00, cemetery; Lti-Co, \$458.64, equip; Sturgis Volunteer Fire Dept, \$7,418.40, contract; T&M Studio, \$187.00, other; The Knuckle Saloon, \$436.00, other; Titan Machinery, \$294.65, sup; Tom's T's, \$809.00, sup; tow Tec Towing, \$150.00, sup; Twilight First Aid & Safety, \$148.74, sup; West Payment Center, \$166.00, prof fee.

SPECIAL SALES TAX – Sturgis Area Chamber of Commerce, \$3,775.33; Sturgis Economic Development, \$8,500.00.

CAPITAL IMPROVEMENT – Ainsworth Benning Construction, \$307,732.16; American Engineering Testing, \$1,139.00; Archaeological Research, \$3,809.94; Bridger Construction, \$1,178.57; Fennell Design, \$13,882.25; Iverson Construction, \$1,369.00; North Star Construction, \$39,474.75.

BUSINESS IMPROVEMENT DISTRICT – Jackpine Gypsies, \$10,000.00, sup; Loud American, \$100.00, sup; Autumn Lyons, \$202.85, sup; The Knuckle Saloon, \$100.00, sup.

LIQUOR – Arctic Glacier, \$363.13, resale; Badlands Distillery, \$135.00, resale; Black Hills Chemical, \$129.12, resale; Cash-Wa Distributing, \$848.00, resale; City of Sturgis Water, \$298.02, util; Coca cola, \$375.50, resale; Dakota's Best Distributing, \$144.75, resale; Double Star Computing, \$992.55, sup; First Interstate Bank, \$5,000.00; Fisher Beverage, \$8,735.30, resale; Johnson Western Wholesale, \$15,567.49, resale; Okoboji Wines, \$54.50, resale; Pepsi Cola, \$60.00, resale; Quality Brands, \$8,693.91, resale; Republic Beverage, \$43,752.03, resale; Schade Vineyard, \$132.00, resale; Southern Glazer's of SD, \$1,578.66, resale.

WATER – Black Hills Energy, \$655.69, util; City of Sturgis Water, \$126.52, util; Core & Main, \$5,936.34, sup; Credit Collections Bureau, \$20.71, prof fee; Cory Debroyckere, \$100.00, refund; Double Star Computing, \$12.50, prof fee; Hawkins, \$2,131.71, sup; Hurco Technologies, \$1,233.48, rep; Petty Cash, \$8.85, sup.

WASTEWATER – Advanced Engineering & Environmental, \$10,000.00, cap imp; Double Star Computing, \$12.50, prof fee.

SANITATION – Black Hills Energy, \$224.19, util; City of Belle Fourche, \$43,657.65, other; Double Star Computing, \$12.50, prof fee; Jay Johnson, \$33.95, travel.

AMBULANCE – Calypso, \$91.70, refund; City of Sturgis Water, \$317.96, util; Double Star Computing, \$12.50, prof fee; Ft Meade VA Hospital, \$2,175.00, refund; H&S Uniforms and Equipment, \$400.00, sup; Henry Schein, \$551.08, sup; Image Trend, \$654.00, prof fee; Jones & Bartlett Learning, \$437.92, sup; Medical Waste Transport, \$138.74, other; Petty Cash, \$6.00, sup; Regional Health, \$124.30, sup; Halli Schulz, \$36.16, sup; SDEMSEA, \$1,260.00, travel; Summit Signs & Supply, \$525.00, rep; Dr. Natalie Tymkowych, \$1,666.67, prof fee; Western Communications, \$106.00, sup.

Motion by Waterland, second by Martinson and carried with all members present unanimously voting yes to approve a Special Events License for the Loud American at the Armory on October 13, 2018 for a wedding reception.

Motion by Anderson, second by Zerbst and carried with Carstensen, Anderson, T. Keszler, Martinson, Waterland and Zerbst voting yes, Bachand voting no, to approve a Special Events License for the Loud American at Harley-Davidson Rally Point on November 29, 2018 for the Tree Lighting Ceremony.

Motion by Martinson, second by Anderson and carried with Carstensen, Anderson, T. Keszler, Martinson, Waterland and Zerbst voting yes, Bachand voting no, to approve a Special Events License for the Loud American at the Community Center on October 12, 2018 for the Kiwanis Club’s Governor’s visit.

Motion by T. Keszler, second by Zerbst and carried with all members present unanimously voting yes to approve second reading of Ordinance 2018-13 – Title 18 –Zoning - Chapter 18.05.09 – GC1-General Commercial District with the typo corrections.

ORDINANCE 2018-13
AN ORDINANCE AMENDING TITLE 18 – ZONING

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 18 – Zoning – Title 18.05.09 – GC-1 General Commercial District to be amended to read as follows:

TITLE 18.05.09
GC-1-GENERAL COMMERCIAL DISTRICT

(A) DEFINITION:

This district is for personal and business services including general retail business.

(B) PERMITTED USES:

1. Retail establishments, also manufacturing of food or beverages or the manufacturing of goods for retail sales on the premises and distributed to other locations.
2. Drinking and/or dining establishments.
3. Service and repair establishments, excluding automotive, motorcycle & truck repair.
4. Personal service establishment.
5. Medical offices.
6. Motel and hotels.
7. Offices.

8. Financial institutions.
9. Private clubs or lodges.
10. Newspaper printing firms or print shops.
11. Churches.
12. Commercial recreational structures such as, theaters, bowling alleys, poolrooms, but not including miniature golf courses, driving ranges and similar uses.
13. Temporary retail business that operate as transient or temporary merchants.
 - (a) The following items, which are related to the above temporary business, shall not protrude beyond the property line into the public right of way.
 - (1) Canopies, signs, overhangs, anchors, guide wires or any item similar in nature.
 - (2) Merchants which are temporary in nature shall not be permitted to erect a tent, canopy, shelter or similar structure which is closer than 5'-0" to the property line which abuts a public right of way.
 - (3) Exception: garbage cans, planters, temporary signs, which are approved by the Planning and Permitting Department and/or canopies, which are approved by city council.

(C) USES PERMITTED ON REVIEW:

1. Auditoriums, libraries, art galleries, public and private schools and other public oriented buildings.
2. Any other store/shops for retail trade or for rendering personal, professional or business services which do not produce more noise, dust, odor, vibration, blast or traffic than those enumerated under permitted uses.
3. Dwellings and/or Congregate residences.

When the Uniform Building Code requires the structure to be protected by a fire suppression system, the above requirements will be enforced in addition to those requirements dictated by the code.

The property owner shall be required to comply with all building department requirements prior to obtaining a certificate of occupancy from the building official.

(D) AREA REGULATIONS:

The following requirements shall apply to all uses permitted in this district except as provided in Article V, Section 4.

1. FRONT YARD: A front yard of not less than twenty-five (25') shall be required in all cases.
2. SIDE YARD: A side yard of not less than ten (10') is required unless a commercial district abuts a residential zoned area. In such case side yards shall not be less than twenty-five (25') feet. (This section also applies to corner lots.)
3. REAR YARD: Where a commercial building is to be serviced from the rear, there shall be provided an alley way, service court, rear yard or combination thereof, neither of which shall be less than thirty (30) feet in depth. Exclusive of any public R.O.W. the depth of a rear yard for which the building is not serviced from the rear, shall be not less than fifteen (15) feet exclusive of the public R.O.W.

EXCEPTION: The above listed front and side-yard setback requirements will not be applicable for permanent structures which are located on Main Street between Middle Street and Fourth Street or located on the south side of Lazelle Street between Junction and Fourth Street or on the north side of Sherman Street between Junction and Fourth.

(A) TEMPORARY STRUCTURES:

1. Temporary structures shall not be placed closer than 5'-0" of any rear property line abutting any public right of way.
2. No appendage such as overhangs, canopies, and supports, guide wires, poles, posts, stakes, signs, etc. may be placed closer than 5'-0" of any public R.O.W. to the rear of the structure.
3. The City Manager, Chief of Police or the building official or their designees shall have the power to order the temporary structure or any portion of it, which is in violation of this section, to be removed immediately.
4. Any violation of this section shall be considered a class 2 misdemeanor for each day in violation.
5. LOT WIDTH: Each lot shall have a width abutting the street of not less than fifty (50) feet.
6. LOT AREA: In no case shall there be a lot area of not less than 7,000 sq. ft.
7. MAXIMUM LOT COVERAGE: Permanent main and accessory buildings shall cover not more than 75% of the total lot area.

(E) HEIGHT REGULATIONS:

No building shall be constructed more than four & one-half (4 ½) stories or 50 feet in height.

(F) OFF STREET PARKING:

1. As regulated in Article V, sections 5 and 7.
2. All areas utilized for vehicle travel and/or parking shall be hard surfaced material.

(G) FLOOD PLAIN REQUIREMENTS:

Any building constructed within this district, on lots located within flood plain areas as shown on the city's firm map, shall also be subject to the provisions and requirements contained in the city's floodplain ordinance included in Article VIII.

(H) LANDSCAPING:

Landscaping shall be installed as per Title 18, Article IX.

Adopted this 1st day of October, 2018.

First reading: 09-17-2018

Second reading: 10-01-2018

Adopted: 10-01-2018

Published: 10-06-2018

Effective: 10-27-2018

Motion by Anderson, second by T. Keszler and carried with Carstensen, Anderson, T. Keszler, Martinson, Waterland and Zerbst voting yes, Bachand voting no, to approve first reading of Ordinance 2018-11 – Supplemental Appropriations.

The following bid was received for the Public Works Administrative building: Shanon Vasknetz-\$25,160. Motion by Waterland, second by T. Keszler and carried with all members present

unanimously voting yes to approve the bid of \$25,160 from Shanon Vasknetz for the Public Works Administrative building and have the City Manager sign all documents.

Any other business:

Councilor Waterland commended the school for a great Homecoming parade.

Motion by Zerbst, seconded by Martinson and carried with all members present unanimously voting yes to adjourn the meeting at 7:35 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$