

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, December 3, 2018 at the Erskine Building. 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 Zerbst, second by S. Keszler and carried with all members present unanimously voting yes to approve the agenda.

Motion by S. Keszler, second by Waterland and carried with all members present unanimously voting yes to go into executive session for 1 legal case, 1 contract and 1 personnel at 6:00 pm.

Motion by T. Keszler, second by Martinson to return to regular session at 6:37 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Library Board – 11/7/18 minutes
- Planning Commission – 11/27/18 minutes

Announcements:

- The Sturgis Motorcycle Museum will be having their open house on Thursday, December 6th from 5:00-7:00 pm.
- The 40th Community Christmas Concert will be held on December 9th at the Community Center at 2:00 pm.
- Love Inc. will have a volunteer orientation on December 13th at 6:00 pm at Believer's Fellowship.
- The Ambulance crew will be having their annual Coyote Calling Contest on Friday and Saturday the 7th and 8th of December at the Loud American.
- The Special Election for the Fire and Ambulance Districts will be held on December 18, 2018.

City Manager Ainslie reported:

- Payroll Changes – within budget:
 1. Community Center Dept – Lifeguard – Gabriel Rambow - \$9.00.
 2. Liquor Store – Sales Clerk – Laurie Ott - \$13.00.

Motion by Crane, second by Martinson and carried with all members present unanimously voting yes to approve the following items on the consent calendar except for the removal of c:

- a. Consideration of minutes from the November 19, 2018 regular council meeting and the November 29, 2018 special council meeting.
- b. Consideration of setting a public hearing on December 17, 2018 for a Special Events License for The Oasis Bar at the Sturgis Liquor Store for the Holiday Open House on December 21, 2018.
- ~~c. Consideration of Adoption of the 2018 International Building Code (IBC) and the 2018 International Residential Code (IRC).~~
- d. Consideration of Resolution 2018-74 – Plat of Lot 1 Revised, Block 6 of Comstock's Addition for Scott and Rena Hymans at 709 and 715 12th St.

**RESOLUTION 2018-74
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 Scott A. Hymans and Rena M. Hymans:

Plat of Lot 1 Revised, Block 6 of Comstock's Addition to the City of Sturgis. Formerly the North ½ of Lots 1 thru 4, Lots 5 and 6 – AND – the S ½ of Lots 1 thru 4, Block 6 of Comstock's Addition to the City of Sturgis. All Located in the NW ¼ of the SW ¼ of the SW 1/4 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 3rd day of December, 2018.

Published: 12/07/2018

Effective: 12/28/2018

- e. Consideration of Resolution 2018-77 – Plat of Lot SMS, Block 12 of Comstock's Addition for Sturgis Meat Service – Ron and Jackie Gapp.

**RESOLUTION 2018-77
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 The Jacquelyn Gapp Family Trust, Land Owner Jacquelyn S. Gapp, Trustee:

Plat of Lot SMS, Block 12 of Comstock's Addition to the City of Sturgis. Formerly Lots 1-7, Block 12 Including the Abutting North Half of the Vacated Alley, the Abutting West Half of the Vacated 13th Street and the Vacated Portion of the Park Avenue Right-Of-Way, all of Comstock's Addition to the City of Sturgis. Located in the SW ¼ of the SW ¼ of the SW ¼ 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 3rd day of December, 2018

Published: 12/07/2018

Effective: 12/28/2018

- f. Consideration of Resolution 2018-76 – Plat of Park Lot 1 & Park Lot 2 in Block 1 of Hillview Subdivision for the City of Sturgis.

**RESOLUTION 2018-76
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 the City of Sturgis:

Plat of Park Lot 1 and Park Lot 2, Block 1 of Hillview Subdivision. Formerly a Portion of the Park Lot, Block 1 of Hillview Subdivision. All Located in the SE ¼ of the SE ¼ of the SE ¼ of Section 9, 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 3rd day of December, 2018

Published: 12/07/2018

Effective: 12/28/2018

Motion by Martinson, second by Zerbst and carried with all members present unanimously voting yes to approve the consideration to adopt the 2018 International Building Code (IBC) and the 2018 International Residential Code (IRC) with the stipulation that there will be some modifications done to Title 2.

Motion by Zerbst, second by Crane and carried with all members present unanimously voting yes to approve the following claims except for the removal of plat fee of \$90 for Peterson/Goodall:

WAGES – Ambulance \$24,535.70; Attorney \$3963.26; Auditorium \$189.74; Buildings \$1142.23; Cemetery \$2152.62; City Manager \$4485.53; Community Center \$10,005.85; Finance Office \$9106.04; Fire Department \$84.38; Human Resource \$6286.75; Library \$9318.81; Liquor \$5987.70; Mayor and Council \$3761.77; Parks \$10,663.40; Planning & Permitting \$8396.18; Police \$34,046.26; Rally \$7344.70; Recreation \$3292.44; Sanitary Service \$15,169.38; Streets \$11,582.15; Wastewater \$8688.21; Water \$12,001.56; Federal Withholding \$14,942.90; FICA \$13,856.79.

COMBINED CASH FUND – Dakota Territory Rentals, \$83.32, refund; EMT Assn, \$8,000.00; First Interstate Bank, \$2,000.00, ATM.

GENERAL – Bear Butte Valley Water, \$161.65, util; Black Hills Energy, \$3,439.62, util; Roger Burnham, \$3,500.00, prof fee; Central States Sanitation, \$450.00, rep; Chain Saw Center, \$433.95, sup; City of Sturgis Water Dept, \$1,972.62, util; Clark Electric, \$448.98, other; Dakota Extinguisher, \$24.00, rep; Dakota Party, \$53.82, other; Joyce Ehlers, \$515.00, ins; Jake's Collision Repair, \$82.50, rep; Lori Jeffery-Kirk, \$209.25, sup; Liberty Chevrolet, \$102.01, rep; Lighting Maintenance, \$11,366.75, rep; Loud American, \$500.00, other; Autumn Lyons, \$500.00, ins; MB Tree & Landscape, \$7,500.00; Meade County Register of Deeds, \$450.00, other; Nebraska Salt & Grain, \$2,041.01, rep; Park Avenue Car Wash, \$12.80 Petty Cash, \$46.00, other; Pheasantland Industries, \$511.57, sup; Purchase Power, \$500.00, sup; Ramkota Hotel, \$335.97, travel; Rossman Trucking, \$1,800.00, sup; S&C Cleaners, \$3,000.00, rep; Sturgis Motorsports, \$2,557.99, rep; Summit Signs, \$170.00, sup; The Knuckle Saloon & Steakhouse, \$500.00, other.

SPECIAL SALES TAX – Sturgis Area Chamber of Commerce, \$16,284.91; SEDC, \$8,500.00.

CAPITAL IMPROVEMENT – Acterra Group, \$166,120.34; Ainsworth Benning, \$929,250.14; Brosz Engineering, \$6,088.28; Fennell Design, \$20,929.00; Grangaard Construction, \$32,662.80.

BUSINESS IMPROVEMENT DISTRICT – Central States Sanitation, \$80.00, sup.

LIQUOR – Arctic Glacier, \$193.81, resale; Belle Joli Winery, \$210.00, resale; Cask & Cork, \$666.25, resale; City of Sturgis Water, \$295.50, util; Coca Cola, \$669.50, resale; Dakota's Best Distributing, \$31.75, resale; First Interstate Bank, \$5,000.00, ATM; Fisher Beverage, \$8,067.70, resale; Johnson Western Wholesale, \$28,795.29, resale; Nicole Main, \$794.74, ins; Okoboji Wines, \$283.00, resale; Pepsi, Cola, \$73.75, resale; Quality Brands of the Black Hills, \$15,448.95, resale; Republic Beverage, \$23,477.55, resale; Southern Glazer's of SD, \$3,046.81, resale; Weimer's Diner & Donuts, \$180.00, resale.

WATER – Black Hills Energy, \$7,727.24, util; City of Sturgis Water Dept, \$124.00, util; Hawkins, \$50.00, sup; Jake's Collision Repair, \$9,338.84, rep; Petty Cash, \$4.13, sup; SD Assn of Rural Water, \$1,225.00, prof fee.

WASTEWATER – Advanced Engineering, \$12,620.00, cap imp; American Engineering Testing, \$1,669.80, prof fee; Black Hills Energy, \$4,268.47, util; Dan Cass, \$250.00, ins;

SANITATION – Allstate Peterbilt of Rapid City, \$403.78, rep; Black Hills Energy, \$555.89, util; Butler Machinery, \$645.93, rep; Carlos Vega Roofing, \$45.00, refund; Dan Cass, \$250.00, ins; Century Link, \$58.42, util.

AMBULANCE – Arrow Manufacturing, \$339.00, rep; Best Buy Business, \$79.99, sup; Black Hills Energy, \$511.52, util; City of Sturgis Water Dept, \$83.56, util; ICS Software, \$395.00, prof fee; Image Trend, \$459.00, prof fee; Moore Medical, \$477.30, sup; Petty Cash, \$2.00, sup; Purchase Power, \$538.10, sup; Regional Health, \$1,712.64, sup.

The applicants, Gloria Peterson and Cheryl Goodall, have requested to withdraw their application for the public hearing for a Voluntary Development Agreement for Lots 1A and 1B, Block 1 of Glover's 3rd Addition.

Motion by Bachand, second by S. Keszler and carried with all members present unanimously voting yes to approve a Special Events License for the Oasis Bar on January 11, 2019 at the City Auditorium for the Taste of Sturgis Fundraiser and Meade Co Historical Society.

Motion by Martinson, second by T. Keszler and carried with all members present unanimously voting yes to approve second reading of Ordinance 2018-14 – Title 15 – Streets, Side Walks and Public Ways – 15.03 Snow and Ice Removal.

ORDINANCE 2018-14
AN ORDINANCE AMENDING TITLE 15 – STREETS, SIDE WALKS
AND PUBLIC WAYS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 15 – Streets, Side Walks and Public Ways – 15.03 Snow and Ice Removal – 15.03.02 Removal by Owner to be amended to read as follows:

TITLE 15
STREETS, SIDEWALKS, AND PUBLIC WAYS

Chapters:

- 15.01: General Provisions
- 15.02: Names and Numbering
- 15.03: Snow and Ice Removal
- 15.04: Miscellaneous Regulations
- 15.05: Construction and Maintenance of Sidewalks
- 15.06: Unlawful Obstruction and Use for Sidewalk Café and Vending

CHAPTER 15.03
SNOW AND ICE REMOVAL

SECTIONS:

- 15.03.01: Public Nuisance
- 15.03.02: Removal by Owner
- 15.03.03: Removal by City: Cost
- 15.03.04: Notice: Assessment
- 15.03.05: Filing of Assessment
- 15.03.06: Certification
- 15.03.07: Recovery of Cost of Removing Snow or Ice In Lieu of Assessment Against Property
- 15.03.08: Parking Prohibited on Designated Snow Removal Routes; Immediate Ticket and Tow Authorized
- 15.03.09: Director of Public Works Authority

15.03.02: REMOVAL BY OWNER

The owner or occupant of any building or any lot, parcel or plot of ground fronting or abutting on any sidewalk shall clear said sidewalk of snow or ice to the full width of the sidewalk within 15 hours after it has fallen or formed. Snow removal as required by this Title prohibits any person from placing or piling any snow within the public ROW of any street or alley after the City has plowed the street or alley. In addition, it is a violation of this ordinance for any person to place or pile snow onto the property of another without the owner's permission. Absentee owners are subject to this requirement and shall make arrangements for the removal of snow and ice accordingly.

Adopted this 3rd day of December, 2018.

First reading: 11-19-2018
Second reading: 12-03-2018
Adopted: 12-03-2018
Published: 12-07-2018
Effective: 12-28-2018

Motion by T. Keszler, second by Zerbst and carried with all members present unanimously voting yes to pass Resolution 2018-78 – Annexation of Schad Property and approve the Voluntary Development and Annexation Agreement.

RESOLUTION 2018-78
RESOLUTION FOR ANNEXATION OF RODERICK AND BELVA SCHAD
OLD STONE ROAD PROPERTY

WHEREAS, The Common Council of the City of Sturgis had prepared 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 the study which is attached and incorporated by this reference. A copy of the Annexation Study is available for public review at the Finance Office at City Hall; and

WHEREAS, the Annexation Study which has been prepared finds that certain contiguous territory described therein, and legally described in this resolution, should be annexed to and included within the boundaries of the City to provide for the orderly growth and development of the City; and

WHEREAS, the property subject to this Resolution is for property contiguous to a portion of the present boundary of the City of Sturgis and within the area where the growth of the City can be accommodated to provide for the orderly growth and development of the City; and

WHEREAS, Roderick and Belva Schad are the owners of property described by the Meade County Equalization office as parcel #11.15.13, located adjacent to the City of Sturgis and described in fuller detail below; and

WHEREAS, Roderick and Belva Schad have submitted a Petition for Annexation of the subject property, described below, and that Petition has been accepted by action of the Sturgis City Council.

WHEREAS, the area owned by Roderick and Belva Schad subject to this Resolution is shown as Remainder of Government Lot 2 and attached as Exhibit A and incorporated herein, and consists of platted non-agricultural territory as defined at SDCL 9-4-5 and 10-6-31, described as follows:

LEGAL DESCRIPTION:

Government Lot 2 of Section 15, also referred to by the Meade County Equalization Office as Parcel #11.15.13, of Township 5 North, Range 5 East of the Black Hills Meridian, City of Sturgis, Meade County, South Dakota; EXCEPTING therefrom Lot 2A, as shown on the plat filed in Plat Book 5 on Page 92; EXCEPTING therefrom 2 B, 2C, 2D, 2E, 2F, and 2G, as shown on the plat filed in Plat Book t on Page 222; and EXCEPTING therefrom Vernon Heights Estates Subdivision, as shown on the plat files in Plat Book 19 on Page 43; and EXCEPTING therefrom Vernon Heights Estate II Subdivision, as shown on the plat files in Plat book 21 on pages 85-87, together will all improvements and appurtenances thereon and subject to easements, reservations, restrictions, and covenants of record in the office of the Register of Deeds of Meade County, South Dakota, if any.

WHEREAS, approval of this resolution by the Meade County Commissioners is not required pursuant to SDCL 9-4-5 because no unplatted territory or agricultural land is proposed for annexation.

WHEREAS, the property described in the Schad Petition for Annexation fits within the following statutory criteria for annexation:

1. 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 consistent with the Annexation Study.
2. 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.
3. That the City has established a definite timetable upon which municipal services will be extended into the contiguous territory as described in the Annexation Study’ subject to the City’s policies and ordinances in accordance with South Dakota Codified Law.
4. That the approximate costs of the extended services to the residents in the described contiguous territory and to the City are set forth in detail in the Annexation Study subject to the City’s reasonable policies, ordinances, regulations, terms and conditions in accordance with South Dakota Codified Law.
5. That exclusions or irregularities in municipal boundary lines are not the result of arbitrariness but are based upon existing geographical features physical barriers, existing property boundaries, existing occupancies and uses, and existing city boundaries.
6. That there is reasonable present need, and demonstrable future need, for annexing the subject contiguous territory in accordance with the Annexation Study.
7. That there exists a community of interest between the contiguous territory and the City of Sturgis.

NOW, THEREFORE BE IT RESOLVED that as a result of the completed execution of the Voluntary Annexation and Development Agreement by the parties, approval of the Petition for Annexation and adoption of this Resolution for Annexation by the Sturgis City Council, the corporate limits of the City of Sturgis shall be and are hereby extended to include the above described property.

DATED this 3rd day of December, 2018.

Published: 12-07-2018

Effective: 12-28-2018

Any other business:

Councilor Waterland asked if we were still in negotiations with Peterson/Goodall on the Development Agreement for the Glover property. This will come to the Council in 2019.

Motion by T. Keszler, seconded by Anderson and carried with all members present unanimously voting yes to adjourn the meeting at 7:16 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$