

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 16, 2019 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 Martinson, second by T. Keszler and carried with all members present unanimously voting yes to approve the agenda.

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

Motion by Martinson, second by T. Keszler to return to regular session at 6:26 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning Commission Minutes from August 13, 2019.

Announcements:

- Mayor Carstensen read the following Resolution bestowing the Medal of Honor to Mike and Kathy Elliott in memory of their parents Al and Laverne Elliott. A motion was made by T. Keszler, second by Zerbst and carried with all members present unanimously voting yes to approve Resolution 2019-63 – Declaring Al & Laverne Elliott Day.

**RESOLUTION 2019-63
A RESOLUTION BESTOWING THE STURGIS MEDAL OF HONOR
IN MEMORY OF AL AND LAVERNE ELLIOTT**

WHEREAS, the Elliott family moved to Sturgis in 1953, after reading a story about the Black Hills in Life Magazine. Al transferred to the VA and was the Chief of Medical Administration until his retirement in 1980; and

WHEREAS, Laverne graduated from Black Hills Teachers College, beginning her career teaching kindergarten in Deadwood. After which she taught first grade in Sturgis where she continued to teach until her retirement in 1988; and

WHEREAS, Laverne was publicly recognized for her work in the classroom when she was named Meade 46-1 Teacher of the Year in 1981, also serving on the Governor's Education Task Force. Laverne was very active in the Sturgis Area Arts Council, Fort Meade History Museum, St. Thomas Episcopal Church, Delta Kappa Gamma and PEO; and

WHEREAS, Al was also an active member of the Sturgis community, serving on the Board of Directors of the Sturgis Titans and was involved in the Basin League Baseball Association. Al was also active in Naja Shrine, Scottish Rite Masons, Rotary, Optimist Club and served on the Vestry at St. Thomas Episcopal Church. Al also continued to serve his country as an active member of the Air Force Reserves from which he retired with the rank of Lt. Colonel, and continued to serve for many years after his retirement as a volunteer in Retired Affairs at Ellsworth Air Force Base; and

WHEREAS, Al died in 1992 at the age of 81 and Laverne died in 2018 at the age of 94, leaving

a legacy to the community of Sturgis; and

WHEREAS, Al and Laverne Elliott's community contributions continue through endowments with funds directed to the Sturgis Area Arts Council, Ft Meade Museum, First Responders Fund, Arts and Literacy Fund and the Sturgis Public Library; and

WHEREAS, a onetime grant was given for remodeling and furnishings to the Sturgis Public Library children's area to be named the Albert and Laverne Elliott Children's Learning Center.

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that Mike and Kathy Elliott shall be bestowed the City of Sturgis Medal of Honor in memory of Al and Laverne Elliott.

Dated this 16th day of September 2019.

Published: 09-24-2019

Effective: Immediately

- Mayor Carstensen proclaimed September 17, 2019 Al and Laverne Elliott Day.

Mayor Carstensen called a recess at 6:37 pm.

Back in regular session at 6:55 pm.

- The City-wide garage sale will be September 21st.
- The City-wide Clean-up will be October 7-11.
- Meade 46-1 Homecoming will be September 20th.
- The non-profit applications for the City are due on September 20th.

City Manager Ainslie reported:

- The sales tax update for General Sales Tax and Capital Improvement Tax for July collected in August was up .13% month over month and up 5% year over year. The Gross Receipts Tax (triple B) was down 3.6% month over month and down 1.4% year over year.
- Payroll Changes within Budget
 1. Ambulance: Tanner Urbaniak-Paramedic change to Part-Time (PRN) no change in wage
 2. Community Center: Teresa Jensen-Front Desk \$9.10/hour.

Motion by Waterland, second by S. Keszler and carried with all members present unanimously voting yes to approve the following items on the consent calendar except f:

- a. Consideration to approve minutes from the September 3, 2019 regular council meeting.
- b. Consideration to set a public hearing for October 7, 2019 to consider and approve, or amend, the Assessment Roll for reimbursement of construction costs paid by the City for the Davenport Ranch Utility Extension Project.
- c. Consideration of Resolution 2019-62 – Plat of Lot 12A in Block 5 of Potter's First Addition from Ruth Ann Sprague of 1705 Cedar Street.

**RESOLUTION 2019-62
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 Ruth Ann Sprague:

PLAT OF LOT 12A, BLOCK 5 OF POTTER'S FIRST ADDITION
CITY OF STURGIS, MEADE COUNTY, SOUTH DAKOTA
FORMERLY LOTS 7 THOROUGH 12 AND THE NORTH ½ OF THE VACATED
ALLEY IN BLOCK 5 OF POTTER'S FIRST ADDITION,
LESS RAILROAD RIGHT OF WAY

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 16th day of September 2019.

Published: 09-24-2019

Effective: 10-15-2019

- d. Consideration of Resolution 2019-59 - To Surplus City Property

**RESOLUTION 2019-59
A RESOLUTION DECLARING PROPERTY SURPLUS**

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

Public Works

- a. 1986 Chevy Truck – 1GBS7D4E9GU120107

Dated this 16th day of September 2019.

Published: 09-24-2019

Effective: 10-15-2019

- e. Consideration to set a public hearing for October 7 to approve a transfer of Malt Beverage License from Tamarack Inc. DBA as Total E'Clips Salon to Baylee White/Morgan LLC DBA as Total E'Clips Salon.

~~f. Consideration of Resolution 2019-61 – Utility Rates for 2020.~~

Motion by Waterland, second by Martinson and carried with Carstensen, Anderson, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Bachand voting no, to approve Resolution 2019-61 - Utility Rates for 2020.

**RESOLUTION 2019-61
RESOLUTION REGARDING THE MUNICIPAL UTILITY RATES
FOR THE CITY OF STURGIS**

WHEREAS, the City of Sturgis has adopted through Ordinance 11.04.04 and 11.05.31, which authorize the City of Sturgis to annually review the municipal garbage, sewer and water utility rates; and

WHEREAS, the City of Sturgis continues to face ongoing inflationary price increases for electricity, natural gas, fuel, and tipping rates, as well as increase in health insurance and other operating costs; and

WHEREAS, the City of Sturgis has made a concerted effort to reduce ongoing operational costs in both its municipal utility funds as well as in all other areas of the City budget; and

WHEREAS, despite these reductions in costs, ongoing fixed costs continue to rise at a rate that exceeds most inflationary indexes.

WHEREAS, the following chart will show the 2020 fees for Garbage collections:

GARBAGE – 3% increase over 2019

	1 UNIT	2 UNITS	3 UNITS	4 UNITS	5 UNITS	6 UNITS	7 UNITS	8 UNITS
	90 GAL	2 – 90 GAL	3 – 90 GAL	1 – 300 GAL	2 – 300 GAL	3 – 300 GAL	4 – 300 GAL	5 – 300 GAL
TIMES PER WEEK								
1	12.30	24.60	36.90	36.90	73.80	110.70	147.60	184.50
2	24.60	49.20	73.80	73.80	147.60	221.40	295.20	369.00
3	36.90	73.80	110.70	110.70	221.40	332.10	442.80	553.50
4	49.20	98.40	147.60	147.60	295.20	442.80	590.40	738.00
5	61.50	123.00	184.50	184.50	369.00	553.50	738.00	774.79
6	73.80	147.60	221.40	221.40	442.80	664.20	774.79	774.79
7	86.10	172.20	258.30	258.30	516.60	774.79	774.79	774.79

WHEREAS, the following chart shows the 2020 fees for Recycling:

RESIDENTIAL RECYCLING - 3% increase over 2019 - \$1.18

COMMERCIAL RECYCLING (chart below) – 3% increase over 2019

UNIT AMT	1	2	3	4 1 - 300	5 2 - 300	6 3 - 300	7 4 - 300	8 5 - 300
90 GAL	3.58	7.16	10.74					
300 GAL				14.32	17.90	21.48	25.06	28.64

WHEREAS, the following chart shows the 2020 fees for Water and Sewer:

WATER USAGE: Base Rate 3% increase over 2019

Gallons of Water (no change): Residential - \$2.52/1,000 gal; Commercial - \$2.83/1,000 gal.

RESIDENTIAL SEWER - 3% increase over 2019 - \$28.01

**COMMERCIAL SEWER (chart below) - 3% increase over 2019 –
\$33.20 allows 9,000-gal, .60/1000 gal over 9,000 gal.**

WASTEWATER FACILITY SURCHARGE - \$17.63 (no change)

MURRAY ADDITION WASTEWATER SURCHARGE - \$25.00 (no change)

Line Size	# of Units	Wtr Base 2019	Wtr Base 2020 3% increase	Wtr Surcharge (no change)	Sewer 2019	Sewer 2020 3% increase
5/8" – 1"	1	11.91	12.27	9.18	32.23	33.20
1 ¼"	2	23.82	24.54	18.36	64.46	66.40
1 ½"	3	35.73	36.81	27.54	96.69	99.60
2"	4	47.64	49.08	36.72	128.92	132.80
3"	6	71.46	73.62	55.08	193.38	199.20
4"	8	95.28	98.16	73.44	257.84	265.60

WHEREAS, the following chart shows the 2020 Availability for Sewer and Water:

Availability Fees – (no change)

# of UNITS	1	2	3	4	6	8
Meter Size	<=1"	1 ¼"	1 ½"	2"	3"	4"
Water Avail	\$17	\$34	\$51	\$68	\$102	\$136
Sewer Avail	\$18	\$36	\$54	\$72	\$108	\$144

NOW, THEREFORE, the Common Council of the City of Sturgis does hereby adopt the foregoing charges starting January 1, 2020.

Adopted this 16th day of September 2019.

Published: 09-24-2019

Effective: 10-15-2019

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

WAGES – Ambulance \$24,543.28; Attorney \$5443.83; Auditorium \$200.70; Buildings \$1930.04; Cemetery \$2360.50; City Manager \$7865.03; Community Center \$10,085.07; Finance

Office \$9426.68; Fire Department \$23.13; Human Resource \$7192.83; Library \$8778.04; Liquor \$5638.38; Mayor and Council \$3837.04; Parks \$12,613.68; Planning & Permitting \$11,023.43; Police \$49,517.86; Rally \$11,902.27; Recreation \$2999.36; Sanitary Service \$19,470.75; Streets \$14,287.36; Wastewater \$12,433.38; Water \$10,625.33; Federal Withholding \$22,565.29; FICA \$16,956.24.

COMBINED CASH FUND – First Interstate Bank, \$2,000.00.

GENERAL – A&B Business, \$201.04, rep; A&B Welding, \$100.33, sup; A&J Surplus, \$127.21, sup; Amick Sound, \$131.33, rep; Armark Educational Services, \$20,714.79, sup; Arctic Glacier, \$293.28, resale; Baker & Taylor, \$554.92, sup; Baymont Inn & Suites, \$2,262.00, resale; Bear Butte Valley Water, \$151.75, util; Black Hills Chemical, \$4,613.01, sup; Black Hills Energy, \$16,457.05, sup; Black Hills Occupational, \$30.00, prof fee; Black Hills Pioneer, \$504.95, pub; Randy Brennick, \$30.00, other; Century Link, \$319.24, util; Chain Saw Center, \$696.56, rep; Chris Supply, \$11.85, sup; City of Sturgis Water Dept, \$4,768.12, util; Culligan of the Black Hills, \$116.00, sup; Deere Credit, \$57,403.46, cap imp; Epic Outdoor Advertising, \$3,060.55, sup; Fastenal Company, \$110.70, sup; G&H Distributing, \$32.21, rep; Leo Getsgo, \$135.00, refund; Grocery Mart, \$63.09, sup; Hillyard, \$31.42, sup; Jeremy Janssen, \$569.00, refund; Jenner Equipment, \$694.72, rep; KNKL Radio, \$1,500.00, prof fee; Legendary Electric, \$327.81, rep; Kevin Lindgren, \$10.00, refund; Lock & fixit, \$30.00, rep; Lynn's Dakotamart, \$462.44, sup; MasterCard, \$40,455.46, sup; Matfactor, \$270.70, rep; Matthew Bender & Co., \$110.43, sup; MB Tree & Landscape, \$400.00, prof fee; Meade County Auditor, \$19,514.86, other; Meade County Register of Deeds, \$270.00, other; MDU, \$1,975.20, util; Motionsoft, \$450.00, prof fee; North Star Construction, \$104,753.60, rep; O'Reilly Auto Parts, \$171.07, sup; Park Avenue Car Wash, \$5.60, sup; Powerplan, \$3,367.60, rep; Precision Carpet Contractors, \$650.00, rep; Rapid City Journal, \$542.99, sup; Rapid Fire Protection, \$744.90, rep; Richter's Tire & Exhaust, \$158.99, sup; Rushmore Office Supply, \$1,045.78, sup; Safety Benefits, \$130.00, travel; Billy Schlosser, \$30.00, other; Speedy Lube, \$132.92, sup; St Francis Alter Society, \$540.00, other; Summit Signs & Supply, \$6.50, sup; TASC, \$1,637.46, ins; The Knuckle Saloon & Steak House, \$325.00, sup; Traf-O-Teria System, \$227.00, sup; Truenorth Steel, \$55,847.04, rep; U Drive Technology, \$2,610.00, util; West Payment Center, \$166.00, prof fee; Wires R Us, \$4,650.19, sup; Xtreme Dakota Bicycles, \$49.78, sup.

SPECIAL SALES TAX – Black Hills Energy, \$41.01, util; MasterCard, \$444.54, util; MDU, \$28.84, util.

CAPITAL IMPROVEMENT – A&L Contractors, \$42,635.22; Brosz Engineering, \$7,445.00; Gotcha Covered, \$664.20; Iverson Construction, \$1,964.27; MasterCard, \$22.58; Scull Construction, \$78,841.97; The Moving Guys, \$5,345.00.

BUSINESS IMPROVEMENT DISTRICT – Bureau of Lan Management, \$3,294.00, sup; DRT Racing, \$8,000.00, prof fee; Jami Lynn, \$750.00, prof fee; MasterCard, \$1,287.93, sup; Perfect Wave Production, \$406.67, sup; Simpsons Printing, \$147.00, pub; Vanway Trophy & Award, \$26.50, sup.

TIF #11 SPM – MasterCard, \$8,000.00, other; Rockingtree Floral, \$179.95, other; Simon North Region SD, \$487.89, other.

LIQUOR – Arctic Glacier, \$183.99, resale; Black Hills Chemical, \$160.94, sup; Cash-Wa Distributing, \$1,128.33, resale; Cask & Cork, \$710.05, resale; City of Sturgis Water Dept, \$315.87, util; Coca Cola, \$582.75, resale; Dakota's Best Distributing, \$126.00, resale; First Interstate Bank, \$5,000.00, ATM; Fisher Beverage, \$8,259.20, resale; Johnson Western Wholesale, \$22,967.76, resale; Lynn's Dakotamart, \$3.22, resale; MasterCard, \$4,919.72, pub; MDU, \$16.50, util; Panacea Meadery, \$180.00, resale; Pepsi Cola, \$149.50, resale; Quality Brands of the BH, \$13,883.82, resale; Republic Beverage, \$25,077.34, resale; Rushmore Office Supply, \$985.19, sup; Southern Glazer's of SD, \$2,953.00, resale; TASC, \$121.68, ins.

WATER – Russell Abernathy, \$500.00, ins; American Water Works Assn, \$324.00, prof fee; Black Hills Energy, \$2,058.67, util; Black Hills Pioneer, \$22.64, pub; City of Sturgis Water Dept, \$430.89, util; Brad Deutsch, \$500.00, ins; G&G Distributing, \$102.54, sup; Hach Co, \$134.83,

sup; Hawkins, \$179.02, sup; MasterCard, \$2,085.76, sup; MDU, \$152.28, util; Rushmore Office Supply, \$32.08, sup; SD One Call, \$108.64, prof fee; TASC, \$162.24, ins.

WASTEWATER – Advanced Engineering & Environmental, \$183,860.00, cap imp; Affordable Tire & Alignment, \$638.64, sup; Black Hills Energy, \$2,390.20, util; Fastenal Co, \$10.05, sup; Flexible Pipe, \$19.50, rep; MasterCard, \$355.83, rep; MDU, \$52.79, util; TASC, \$121.68, ins.

SANITATION – Affordable Tire & Alignment, \$27.50, sup; Amick Sound, \$34.24, sup; Black Hills Chemical, \$750.00, sup; Black Hills Energy, \$15.00, util; Butler Machinery, \$134.84, rep; Century Link, \$60.23, util; Enviro Shield Products, \$1,146.32, sup; Godfrey Brake Service, \$6.84, rep; Inland Truck Parts, \$35.44, rep; Lynn’s Dakotamart, \$14.98, sup; MasterCard, \$2,742.47, sup; Powerplan, \$99.51, rep; TASC, \$293.40, ins; West Tire & Alignment, \$56.54, sup.

AMBULANCE – A&B Welding, \$493.06, sup; Black Hills Energy, \$50.93, util; City of Sturgis Water Dept, \$445.79, util; Grocery Mart, \$8.29, sup; Henry Schein, \$329.35, sup; Humana Health Care Plans, \$324.42, refund; Lynn’s Dakotamart, \$63.58, sup; MasterCard, \$2,272.74, sup; Medical Waste Transport, \$138.75, other; MDU, \$30.71, util; Richter’s Tire & Exhaust, \$1,350.41, rep; Rushmore Office Supply, \$52.25, sup; Safety Benefits, \$65.00, travel; TASC, \$76.38, ins; United Health Care, \$49.98, refund.

Motion by Anderson, second by Crane and carried with all members present unanimously voting yes to approve Resolution 2019-60 - Open Container and Street Closure during the 2019 Oktoberfest on September 21, 2019.

RESOLUTION 2019-60

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

WHEREAS, the 6th annual Oktoberfest will be held in the City of Sturgis, September 21, 2019, and

WHEREAS, the City of Sturgis Rally and Events Department will close of Harley Davidson Way from Main Street to Lazelle Street from 10:00 am until 9:00 pm; and

WHEREAS, the Police Department will be authorized to tow vehicles within the street closure area, starting September 21, 2019 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 21, 2019, 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 21, 2019, and establish an open container area on September 21, 2019 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 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 16th of September 2019.

Published: 09-24-2019
Effective: Immediately

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 for the Booster Club Dueling Piano Fundraiser at the Sturgis Armory on November 15, 2019.

Motion by Martinson, second by Crane and carried with all members present unanimously voting yes to approve a Special Events License for the Loud American for Oktoberfest at Rally Point September 21, 2019.

Motion by Waterland, second by S. Keszler and carried with all members present unanimously voting yes to approve a transfer of Malt Beverage License from Bob's Family Restaurant to Uncle Louie's.

Motion by Crane, second by Zerbst and carried with all members present unanimously voting yes to approve a conditional Use on Review from Nadine Bueno (Baby Sharks) to operate an in-home daycare at 309 Sherman Street.

Motion by Bachand, second by Martinson and carried with all members present unanimously voting yes to approve second reading of Ordinance 2019-09 – Title 6 – Cemetery with correction to 6.3.08 of anybody to any body.

ORDINANCE 2019-09

AN ORDINANCE AMENDING TITLE 06 – CEMETERY

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 6 – Cemetery – Chapter 6.02 – All Sections – Administration and Finances; Chapter 6.03 – Sections: 6.03.01: Interments and Disinterment, Subject to State Law; 6.03.04: Application for Permit for Interment; 6.03.07: Adequate Notice to Be Given; 6.03.08: Disinterment; 6.03.09: Disinterment by Order of Court or Coroner; 6.03.15: Licensed Funeral Directors in Charge of Funeral. Chapter 6.04 – General Rules, Regulations and Provisions: 6.04.01: Hours amended to read as follows:

**TITLE 6
CEMETERY**

Chapters:

- 6.01: General Provisions
- 6.02: Administration and Finances
- 6.03: Interment and Disinterment
- 6.04: General Rules, Regulations, and Provision

**Chapter 6.02
ADMINISTRATION AND FINANCES**

SECTIONS:

- 6.02.01: Power and Responsibility of the City for the Bear Butte Cemetery
- 6.02.02: Administration
- 6.02.03: Fiscal Management
- 6.02.04: Procedure for the Sale of Cemetery Lots
- 6.02.05: Purchaser to Agree
- 6.02.06: Reclaiming and Resale of Lots by City
- 6.02.07: Restrictions on the Resale of Lots
- 6.02.08: Records

**6.02.01: POWER AND RESPONSIBILITY OF THE CITY FOR THE BEAR BUTTE
CEMETERY**

The Sturgis Park Board under the authority of the Sturgis Common Council shall be responsible for making recommendations for the Bear Butte Cemetery with the following guidelines under the authority of SDCL 9-12-18:

1. That the City shall always provide and continue a “Perpetual Care Fund” for the perpetual care of said Cemetery.

2. That the money in said fund shall be used only for maintenance and expansion of Cemetery facilities and land.
3. That the City staff will care for, maintain and operate said Cemetery.

6.02.02: ADMINISTRATION

The officials who shall have the duties with regard to the care, operation and maintenance of the Bear Butte Cemetery are as follows:

- A. Cemetery Manager: The City Manager shall appoint a Cemetery Manager who may also be another City Employee. The Cemetery Manager shall be in charge of the sale of all Cemetery lots, the receipt and disposition of all fees or money gifts or deposits, the establishment and control over all Cemetery funds, the issuance of Certificates of Purchase, and the issuance of all burial, and burial removal, permits. Said Manager shall keep a complete set of records as required in the Title. Said Manager shall work with the City Manager to ensure enforcement of the provisions of the Title, and shall perform all other applicable duties as set forth in Sturgis City Ordinances.
- B. Certificates of Purchase: Shall be issued for no other purpose than the burial of human dead.

6.02.03: FISCAL MANAGEMENT

The Cemetery Perpetual Care Fund shall be managed by the City Finance Officer and invested in accordance with the adopted investment policy of the City of Sturgis. The Perpetual Care Fund shall consist of all monies received for Perpetual Care.

6.02.04: PROCEDURE FOR THE SALE OF CEMETERY LOTS

Any person desiring to purchase a Cemetery lot, or lots shall do so by paying the required fee to the City office determined by the City Manager for such lot or lots desired. The lots in such Cemetery shall be sold according to the plans and specifications on file in the City Finance Office. The cost of any lot shall be paid in full by credit card, check or cash. Upon the full payment of the required fee for the sale of a lot or lots, the City shall issue to the purchaser a receipt which shall entitle said purchaser to all the rights and responsibilities herein provided but shall not give title to said purchaser of said lot or lots.

The selling price of all lots shall be as follows (plus all applicable sales tax):

	<u>Lot Fee</u>	<u>Perpetual Care</u>	<u>Total Fee</u>
ADULT	\$275	\$185	\$460
INFANT	\$55	\$85	\$140
CREMATION	\$55	\$100	\$155

No burial shall be permitted in any lot until the purchase price and Perpetual Care has been fully paid to the City.

6.02.05: PURCHASER TO AGREE

The purchaser of any lot does by his/her purchase agree to abide by all provisions of all laws and ordinances of this State and City in force at any time relating to the Cemetery, including all amendments hereafter adopted, and all rules and regulations adopted in connection with said Cemetery. Any purchaser of any lot does by his/her purchase agree that no transfer shall be made of said lot, or any part thereof, to any other person without the approval of the City Finance Officer after first offering said property to the City as hereinafter provided.

6.02.06: RECLAIMING AND RESALE OF LOTS BY CITY

The City shall have the right to discontinue all rights granted to a purchaser of any lot after a period of 20 years from the date of sale thereof, should the City Finance Officer upon investigation determine that the purchaser or owner thereof has not used said lot, or any part thereof, or that such owner is deceased and that such lot will not likely be used as a burial place for the owner or any members of his/her family. In the event that any such lot is to be reclaimed, inquiry shall be made to ascertain the names and addresses of such deceased owner or heirs, and notice shall be given to such person, by mail, of the intention of the City to reclaim said property. Whether any heirs of such deceased owner or purchaser are located or not, the original cost of said lot shall be held in trust by the City until such time as proof satisfactory to the City is made by the heirs of such deceased owner of the right to such proceeds, or for 10 years, whichever occurs first. In case no heir of said deceased owner is located, then the amount of the original cost shall be delivered to the Secretary of State as unclaimed property.

6.02.07: RESTRICTIONS ON RESALE OF LOTS

If the owner or approved purchaser of any lot, on which no burial has taken place, desires to sell the same, he or she shall inform the City Finance Officer of his/her desire to sell, whereupon the City shall have an option for 30 days thereafter to purchase said property on the basis of the regular selling price by the City of lots in the same section or block. If such option is not exercised by the City, said owner or purchaser may then sell to any other person, however, no lot shall be sold for a price greater than that originally paid to the City for said lot. No transfer or assignment of any lot, or interest therein, shall be valid without the consent of the City Finance Officer. No person shall buy or sell any lot within the Cemetery for purposes of speculation. In the event any lot is purchased by the City, pursuant in this Section, the City Finance Officer shall ascertain that the owner has clear ownership before such purchase is made.

6.02.08: RECORDS

In addition to all of the records required to be kept by the laws of the State of South Dakota relating to cemeteries, burials and removal of dead, etc., the following records shall be kept by the City Finance Officer or his or her appointee.

- A. A complete plat or map of the Cemetery, showing the exact location of said Cemetery, and describing or indicating all sections, lots, interments, etc., of said Cemetery, and all other information as may be required by law or ordinance;
- B. A complete record of all lots that have been sold and all subsequent approved purchases issued and the names and addresses of all purchasers;
- C. A complete record of all burial permits issued, fees paid, and the names and addresses of all persons purchasing said permits;

- D. A complete record of all disinterments made, and fees paid therefore;
- E. A book, furnished and owned by the City, known as the Burial Record Book, in which shall be recorded the deceased's age and the date and cause of his/her death, and number of the lot and block of his/her burial, copies of burial or removal permits, and all other information which may be required by law or ordinance, or which the City Finance Officer deems important; and
- F. Any other records which the City Finance Officer shall deem important or necessary.

Chapter 6.03 INTERMENT AND DISINTERMENT

SECTIONS:

- 6.03.01: Interments and Disinterment, Subject to State Law
- 6.03.02: Limitations upon Interment
- 6.03.03: Multiple Cremains
- 6.03.04: Application for Permit for Interment
- 6.03.05: Supervision
- 6.03.06: No Removal of Body without Lawful Authority
- 6.03.07: Adequate Notice to Be Given
- 6.03.08: Disinterment
- 6.03.09: Disinterment by Order of Court or Coroner
- 6.03.10: Graves
- 6.03.11: Cremated Remains to Be Disposed of Pursuant to State Law
- 6.03.12: Approved Memorial or Marker
- 6.03.13: Memorial Maintenance
- 6.03.14: City may Correct Placement Errors
- 6.03.15: Licensed Funeral Director in Charge of Funerals

6.03.01: INTERMENTS, DISINTERMENT, SUBJECT TO STATE LAW

Interments and disinterments are also subject to the laws of this State, and nothing in this Chapter shall conflict with said laws, and such regulations herein provided are in addition to, and supplementary or included in, the said laws of the State of South Dakota. No interment or disinterment of any body shall be permitted in any lot until full compliance is made with all laws and ordinances regarding burials then in force. The purpose of this Chapter is to give the City control over interments and disinterments in the Bear Butte Cemetery.

6.03.04: APPLICATION FOR PERMIT FOR INTERMENT

All burials shall be performed by an excavation contractor licensed by the City of Sturgis. The excavation contractor shall be selected and identified by the licensed funeral director in the application submitted for the permit. The City shall not select or notify the contractor but will provide the limits of the lot. The City will provide final grading and seeding following burials.

No grave shall be dug without said permit being first issued and record made thereof. Any person may make application only when the lot owner or purchaser has given his permission for interment and said applicant must be able to furnish proof of such permission to the City Finance Officer or funeral director at the time the application is made. If the application is found to be in

order, the City Finance Officer may issue said permit. In the absence of said City Finance Officer, the City Deputy Finance Officer may issue said permit. A statement of fees for services as herein provided shall be delivered to the funeral director in charge of the funeral on or before the 15th day of the month following the funeral and the fees set in said billing shall be paid to the City by the funeral director on or before the 30th day of the month.

6.03.07: ADEQUATE NOTICE TO BE GIVEN

The right is reserved by the City Finance Officer to require at least 24 hour written notice prior to any interment and at least one week's notice prior to any approved disinterment or removal unless it is by a court order.

6.03.08 DISINTERMENT

Any lot owner or purchaser or next of kin of the deceased desiring a disinterment must make proper application for a permit to do so to the State of South Dakota and to the City Finance Officer and shall pay the proper charges for such disinterment. The applicant for disinterment shall also select an excavation contractor licensed by the City and pay the cost of having the contractor complete the disinterment and restoration of the grave site. The charges for marking and final grading following disinterment is \$100.00.

No disinterment shall be made, and no permit issued, except as otherwise provided, until such fees are fully paid. No permit for the removal of any body shall be issued except upon presentation of the written permission of the lot owner or next of kin of the deceased, unless otherwise herein provided or otherwise provided by state law.

6.03.09: DISINTERMENT BY ORDER OF COURT OR CORONER

The City Finance Officer is the only person authorized to permit the opening of graves, unless otherwise provided by State Law and with the following exceptions:

- A. When the Cemetery is directed to make a disinterment by the order of a Court of competent jurisdiction and a certified copy of such Order has been filed with the City Finance Officer.
- B. When the County Coroner directs the disinterment for the purpose of holding an inquest and has filed with the City Finance Officer his/her signed authorization to release the body to himself/herself or his/her lawful agents, the disinterment must be completed by the Coroner or his/her lawful agents.

6.03.15: LICENSED FUNERAL DIRECTOR IN CHARGE OF FUNERALS

Any funeral within the Cemetery shall be under the charge and direction of a licensed funeral director.

Chapter 6.04 GENERAL RULES, REGULATIONS, AND PROVISIONS

SECTIONS:

6.04.01: Hours

6.04.02: Walking on Lots and Lawns Prohibited

- 6.04.03: Injury to Trees, Shrubs and Memorials
- 6.04.04: Vehicles
- 6.04.05: Children Under Twelve
- 6.04.06: Scattering of Rubbish Prohibited
- 6.04.07: Proper Conduct for Sacred Place
- 6.04.08: Planting or Removal of Trees and Shrubs Prohibited Without Permission
- 6.04.09: Enclosures, Hedges and Grave Guards Prohibited
- 6.04.10: Vases – Regulations
- 6.04.11: Other Materials Placed on Graves
- 6.04.12: City not Responsible for Articles Left
- 6.04.13: Illegal to Remove Lawfully Placed Material
- 6.04.14: Curbing and Crushed Rock or Quartz
- 6.04.15: Grave Repair and Maintenance

6.04.01: HOURS

The Cemetery will be open April 1 to October 1 from 8 :00 o’clock a.m. until 8:00 o’clock p.m. and October 2 to March 31 from 9:00 o’clock a.m. until 5:00 o’clock p.m.

Adopted this 16th day of September 2019.

First reading: 09-03-2019

Second reading: 09-16-2019

Adopted: 09-16-2019

Published: 09-24-2019

Effective: 10-15-2019

Motion by Waterland, second by Martinson and carried with all Carstensen, Anderson, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Bachand voting no, to approve first reading of Ordinance 2019-08 – Title 3 - Alcohol, Malt Beverages and Drinking Establishments with the following changes: Malt Beverage and Farm Wine licenses from 25 to 30; number of Special Events Licenses from 37 to 40 and the correction in 3.02.12 of the square feet 1.200 to 1,200.

Any other business:

Councilor Martinson thanked City Attorney Barnier for his work on the ordinances.

Motion by Zerbst, seconded by Anderson and carried with all members present unanimously voting yes to adjourn the meeting at 8:06 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$403.79.