

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:03 p.m. on Monday, October 21, 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 Waterland, second by Zerbst and carried with all members present unanimously voting yes to approve the agenda.

Motion by Crane, second by S. Keszler and carried with all members present unanimously voting yes to go into executive session for two legal cases, four contracts and one personnel at 6:03 pm.

Motion by Waterland, second by T. Keszler to return to regular session at 6:31 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Planning and Zoning Minutes from September 4, 2019

Announcements:

- The Kiwanis Food Drive will be November 2nd. There will be no blue bags this year.
- If you live on a priority snow routes and there are more than 4" of snow predicted you must remove your car from the street.

City Manager Ainslie reported:

- a. The sales tax update for General Sales Tax and Capital Improvement Tax for August collected in September was up 3.2% month over month and up 4.6% year over year. The Gross Receipts Tax (triple B) was up 1.7% month over month and down .2% year over year.
- b. Finance Officer Bueno presented the Third Quarter Financials.
- c. City Manager Ainslie presented the Third Quarter Budget update.
- d. Payroll Changes within Budget -
 1. Library-Marty Hanson, volunteer; Sierra Frazier-Riggs – Adult Outreach and Programing Librarian - \$13.05.
 2. Community Center-Javon Kaier, front desk attendant \$9.10.
 3. Recreation-Mariah Overweg, cheer coach volunteer; Alissa Hopkins, cheer coach volunteer; Myranda Werlinger, cheer coach volunteer.
 4. Public Works-Donovan Coonrad-Heavy Equipment Operator (Streets) \$15.12, Michael Kautz-Heavy Equipment Operator (Streets) \$15.88, Johnathan Zimmiond (Parks) \$13.57, David Gilbert (Water) \$15.88.

Motion by T. Keszler, second by Bachand and carried with all members present unanimously voting yes to approve a. and c. and remove d. as this does not need to be acted upon right now.

Discussion will be held on b:

- a. Consideration to approve minutes from the October 7, 2019 regular council meeting.
- ~~b. Consideration to adopt the Downtown Statue Policy.~~
- c. Consideration to authorize the Mayor's signature on an application and for the City to approve an abatement of property taxes for Lot 3 Section 5 (Sundstrom property).

- ~~d. Consideration to reject bids for 7th Street crossing and Woodland Drive emergency repairs. No action needed on this item. FEMA has extended the time for bids.~~

Motion by T. Keszler, second by Bachand and carried with all members present unanimously voting yes to approve adopting the Downtown Statue Policy with the following addition: The total number of motorcycle artwork shall not exceed more than two of the legacy artwork at any time.

Motion by Waterland, second by Anderson and carried with Anderson, Bachand, Crane, S. Keszler, T. Keszler, Martinson, Waterland and Zerbst voting yes, Carstensen abstaining, to approve the following claims:

WAGES – Ambulance \$20,075.46; Attorney \$4026.76; Auditorium \$193.70; Buildings \$1165.24; Cemetery \$2210.92; City Manager \$4559.48; Community Center \$9646.03; Finance Office \$7093.70; Fire Department \$92.09; Human Resource \$4963.57; Library \$9298.95; Liquor \$5545.34; Mayor and Council \$3837.04; Parks \$10,460.27; Planning & Permitting \$8892.82; Police \$36,650.31; Rally \$8409.12; Recreation \$2637.81; Sanitary Service \$15,840.50; Streets \$11,517.03; Wastewater \$9200.49; Water \$9321.87; Federal Withholding \$14,920.45; FICA \$13,421.32.

GENERAL – A&B Welding, \$149.15, sup; Daniel Ainslie, \$100.00, refund; Allied Construction, \$373.00, refund; Amazon, \$189.12, sup; Americinn Lodge & Suits, \$104.90, travel; Animal Health International, \$13.18, sup; Architectural Specialties, \$2,962.84, sup; Baker & Taylor, \$823.65, sup; Black Hills Chemical, \$1,588.47, sup; Black Hills Energy, \$13,077.20, util; Black Hills Pioneer, \$1,060.39, pub; Black Hills Truck & Trailer, \$158.34, rep; Builders Supply Co, \$33.61, sup; Mark Carstensen, \$150.00, other; Cash-Wa Distributing, \$241.71, resale; Chain Saw Center, \$153.65, rep; Commtech, \$45.00, rep; Double Star Computing, \$1,429.34, prof fee; Roger & Janet Easton, \$185.50, refund; G&H Distributing, \$37.33, rep; Grocery Mart, \$100.16, sup; Hebron Brick, \$32.94, sup; Junction Avenue Floral & Gifts, \$25.50, sup; Lawson Products, \$176.78, sup; Legendary Electric, \$1,118.36, sup; Liberty Chevrolet, \$120.90, rep; Loud American, \$66.00, sup; Lynn's Dakotamart, \$108.85, sup; Marco Technologies, \$91.78, rep; MasterCard, \$76,933.23, sup; Matfactor, \$273.20, rep; Meade County Auditor, \$4,475.68, other; MDU, \$2,803.26, util; Nartec, \$335.26, sup; Northern Truck Equipment, \$5,864.00, rep; O'Reilly Auto Parts, \$4.49, sup; Park Avenue Car Wash, \$23.20, sup; Petty Cash, \$194.00, sup; Purchase Power, \$500.00, sup; Rushmore Office Supply, \$917.19, sup; Sacrison Asphalt, \$181.20, sup; Simon North Region SD, \$5,095.22, sup; Dave Smith, \$500.00, ins; Speedy Lube, \$260.36, sup; Sturgis Motorsports, \$221.95, other; Swenson Plumbing, \$153.00, rep; Tom's T's, \$101.98, sup; Town-n-Country Plumbing, \$91.24, sup; Twilight First Aid & Safety, \$152.92, sup; Weimer's Diner & Donuts, \$18.00, sup; Weis Fire & Safety Equipment, \$1,589.27, sup; West Payment Center, \$166.00, prof fee; Elizabeth Wunderlich, \$500.00, ins; Z&S Dust Control System, \$4,121.37, rep.

SPECIAL SALES TAX – Black Hills Energy, \$39.97; MasterCard, \$444.54; MDU, \$29.32.

CAPITAL IMPROVEMENT – Fennell Design, \$2,246.25; MasterCard, \$469.97; Northern Industries, \$115,516.00.

BUSINESS IMPROVEMENT DISTRICT – MasterCard, \$223.63.

TIF #12 DOLAN CREEK – Berschback Equipment, \$290.00; Simon North Region SD, \$566.52.

LIQUOR – Arctic Glacier USA, \$105.30, resale; Black Hills Chemical, \$113.96, resale; Black Hills Pioneer, \$110.00, pub; Cash-Wa Distributing, \$1,201.33, resale; Cask & cork, \$911.25, resale; Coca cola, \$530.00, resale; Dakota's Best Distributing, \$185.00, resale; Double Star Computing, \$12.50, prof fee; First Interstate Bank, \$5,000.00, ATM; Fisher Beverage, \$4,904.45, resale; Johnson Western Wholesale, \$4,383.78, resale; Lynn's Dakotamart, \$10.05, sup; MasterCard, \$5,197.67, prof fee; MB Enterprises, \$223.90, resale; MDU, \$30.24, util; Pepsi

Cola, \$149.75, resale; Quality Brands, \$10,463.70, resale; Republic Beverage, \$21,748.37, resale; Rushmore Office Supply, \$834.85, sup; Southern Glazer's of SD, \$224.46, resale.

WATER – Black Hills Pioneer, \$22.64, pub; Double Star Computing, \$1,846.50, sup; Lynn's Dakotamart, \$7.98, rep; MasterCard, \$1,672.76, sup; Midcontinent Testing Lab, \$400.00, prof fee; MDU, \$145.39, util; Petty Cash, \$18.63, sup; SD One Call, \$122.08, prof fee; Summit Co, \$20.00, sup; Town-n-Country Plumbing, \$2.10, sup.

WASTEWATER – Advanced Engineering & Environmental, \$202,246.00, cap imp; Dakota Redi-Mix, \$157,184.09, cap imp; Double Star Computing, \$174.75, prof fee; MasterCard, \$945.77, sup; Midcontinent Testing Lab, \$599.00, prof fee; MDU, \$51.84, util; Simon North Region SD, \$225.83, rep; Vulcan Industries, \$358.00, sup.

SANITATION – Affordable Tire & Alignment, \$311.82, sup; Allstate Peterbilt of Rapid City, \$43.86, rep; City of Belle Fourche, \$23,671.52, other; Double Star Computing, \$174.75, prof fee; Lawson Products, \$176.79, sup; MasterCard, \$55,221.82, sup; Pete Lien & Sons, \$393.00, sup; Speedy Lube, \$39.73, sup; SWANA, \$223.00, prof fee.

AMBUALNCE – A&B Welding, \$309.74, sup; Arrow Manufacturing, \$223.91, rep; Chris Supply, \$31.48, rep; Double Star Computing, \$72.50, prof fee; Lynn's Dakotamart, \$51.48, sup; MasterCard, \$8,660.43, sup; MDU, \$35.76, util; Rushmore Office Supply, \$31.25, sup; Tom's T's, \$9.40, sup; UMBC, \$75.00, prof fee.

Motion by Crane, second by Zerbst and carried with all members present unanimously voting yes to approve a 7' variance to the 10' rear setback to install a 16X20' addition to the existing garage for Michael Kretzschmar at 1343 Meade Avenue.

Motion by Waterland, second by Martinson and carried with all members present unanimously voting yes to approve a Malt Beverage and SD Farm Wine license for the Sturgis Brewing Company LLC at 600 Anna Street.

Motion by T. Keszler, second by Zerbst and carried with all members present unanimously voting yes to have the Mayor sign an agreement to use State fuel tax funds generated by fuel sales from the Sturgis Municipal airport to fully purchase a fuel transfer tank for the Sturgis Municipal Airport.

Motion by Martinson, second by Anderson and carried with all members present unanimously voting yes to approve signing a Right-of-Entry Permit for the Corps of Engineers to survey Bear Butte Creek.

Motion by Zerbst, second by Crane and carried with all members present unanimously voting yes to approve second reading of Ordinance 2019-11 – Title 30 – City Beautification and Regulation of Advertising.

ORDINANCE 2019-11

AN ORDINANCE AMENDING TITLE 30 – CITY BEAUTIFICATION AND REGULATION OF ADVERTISING

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 30 – City Beautification and Regulation of Advertising – Chapter 30.02 – Provisions Applicable to All Signs – Section -30.02.01 – Permit Exception; Section: 30.02.05 - Clearance, Size, Height and Projection; Section 30.02.06 - Prohibited Signs in General; 30.02.07- Signs Prohibited in Certain Districts; 30.02.14 - LED Signs; 30.02.15 - Standards for All Illuminated and Electronic Message Signs; Chapter 6.03 – On Premise Signs- Section: 30.03.03 - On-Premises Signage Requirements; 30.03.04 - Portable “Daily Specials” Signs; Chapter – 30.04 –

Billboard and Off Premises Signs – Section: 30.04.03 - Billboards Permitted Only in Billboard Overlay District; 30.04.04 - Off-Premises Signs; 30.04.05 - Off-Premises Signs; 30.04.09 - Size and Distance Restrictions amended to read as follows:

TITLE 30
CITY BEAUTIFICATION AND REGULATION OF ADVERTISING

Chapters:

- 30.01: General Provisions
- 30.02: Provisions Applicable to All Signs
- 30.03: On Premise Signs
- 30.04: Billboard and Off Premises Signs
- 30.05: Appeals Process

CHAPTER 30.01
GENERAL PROVISIONS

SECTIONS:

- 30.01.01: Scope and Purpose
- 30.01.02: Definitions
- 30.01.03: Administration of Title
- 30.01.04: Enforcement
- 30.01.05: Filing a Sign Complaint
- 30.01.06: Penalty

CHAPTER 30.02
PROVISIONS APPLICABLE TO ALL SIGNS

SECTIONS:

- 30.02.01: Permit Exemption
- 30.02.02: Permit and Fees Required
- 30.02.03: Permit Durations
- 30.02.04: Design and Construction Standards
- 30.02.05: Clearance, Size, Height and Projection
- 30.02.06: Prohibited Signs in General
- 30.02.07: Signs Prohibited in Certain Districts
- 30.02.08: Nonconforming Signs
- 30.02.09: Temporary Signs
- 30.02.10: Rally Period Temporary Signs
- 30.02.11: Banners Over Public Right of Way
- 30.02.12: Community Events
- 30.02.13: Video Signs
- 30.02.14: LED Signs
- 30.02.15: Standards for All Illuminated and Electronic Message Signs
- 30.02.16: Commercial Advertising Upon Vehicles Pursuant to Section 16.02.26

30.02.01: PERMIT EXEMPTION

The following signs shall be exempt from the permitting requirements of this Title:

- A. Governmental regulatory, pedestrian or vehicle direction or regulation, directional, traffic, information and warning signs; governmental agency flags, emblems and insignia, all no larger than an area of two square feet; and also, temporary signs placed for the purposes of public safety, or temporary signs placed by the government for information regarding events within the Community;
- B. Commemorative plaques placed by recognized historical agencies and commissions;
- C. Instructional or identification signs not larger than an area of two (2) square feet, such as parking information located on private property;
- D. Directional signs entirely on the private premises where the activity described is located. Directional signs under this provision shall not exceed five (5) square feet in area;
- E. Temporary political signs, not exceeding thirty-two (32) square feet provided they are removed within one (1) week after the election or within 90 days of being placed, whichever occurs first, and are not placed within the public right-of-way. Political signs that are in excess of said size are in violation and subject to enforcement. Political signs or that are placed within the public-right-of way are in violation of this Title and may be removed by the Building Inspector or designee without notice;
- F. One construction sign shall be allowed per legal building site ~~lot~~. The sign shall not exceed 32 square feet in area, and shall not be erected until a building permit has been issued;
- G. Window signs covering up to 25% of the area per window, unless otherwise required by state law or City Ordinance;
- H. Flags of any nation or political subdivision flown with a total pole height not to exceed twelve (12) feet, with a maximum number of five (5) poles and unsupported flags per premises;
- I. Signs located within the interior of a building;
- J. Signs identifying Public or private institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural, religious or recreational in nature and located in a zoning district that does not otherwise provide for on-premises signage may display on-premises signs. However, such sign or part thereof shall not contain a commercial advertising message;
- K. Signs containing the words “Donated By”, “Sponsored By”, or other similar language depicting that a certain bench or other item beneficial to the community was donated by a certain organization, business or person. The size of such indication shall be proportionate based upon the location where it is placed and shall not be unreasonably large, and in no event may exceed four (4) square feet;
- L. Any sign not exceeding thirty-two (32) square feet in area, identifying a construction site, a development or advertising the sale of property within a subdivision that is located on some portion of the subdivision being advertised for sale;

- M. Any non-illuminated “for sale” sign or “for rent” sign of a reasonable size advertising the sale, rental or lease of the residential premises on which the sign is located, but in no event may it exceed eight (8) square feet;
- N. Nameplates located upon single-family, two family and multi-family, dwellings, or on a commercial or industrial structure;
- O. Any non-illuminated sign not exceeding forty-eight (48) square feet in area advertising or identifying the construction or development of any lot more than one hundred (100) square feet in area;
- P. Any sign not exceeding nine (9) square feet in area identifying a public park, playground or historical monument.

30.02.05: CLEARANCE, SIZE, HEIGHT AND PROJECTION

The following provisions shall apply to all signs, whether exempt or non-exempt, on premises or off premises, located within the City:

No part of any wall or projection sign that is attached to a building shall be erected to a height greater than such building, unless the building and sign design and construction are approved in writing by an architect or engineer qualified to make said approval. In no event; shall any sign exceed the maximum height allowed by Sturgis City Ordinance Title 18 within the zoning district;

No sign shall be located closer than five (5) feet to any public right of way and shall be subject to the visual restrictions set forth herein;

Signs attached to awnings, canopies or marquees shall maintain a minimum vertical clearance of seven (7) feet;

No roof signs shall project above the roofline upon which they are attached, unless the building and sign design and construction are approved in writing by an architect or engineer. In no event; however, shall any sign exceed the maximum height allowed by Sturgis City Ordinance Title 18 within the zoning district;

Any sign located in the General Commercial District may extend over a public sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case shall the sign extend more than ten (10) feet over the public sidewalk. All signs within said district must maintain a minimum vertical clearance of seven (7) feet above the sidewalk;

Any sign located in the General Commercial District, Retail Commercial District, Highway Service District, and Office Commercial Single-Family Residential District shall be placed at least five (5) feet from any property line and are subject to the visibility restrictions set forth herein;

No sign shall obstruct visibility within the first six (6) feet of vertical height within a traffic site triangle. A twenty-five (25) foot site triangle is required on both sides of an access-way formed by the intersection of the access-way and a public right-of-way. A thirty (30) foot site triangle is required at a corner formed by the intersection of two or more public right-of-ways;

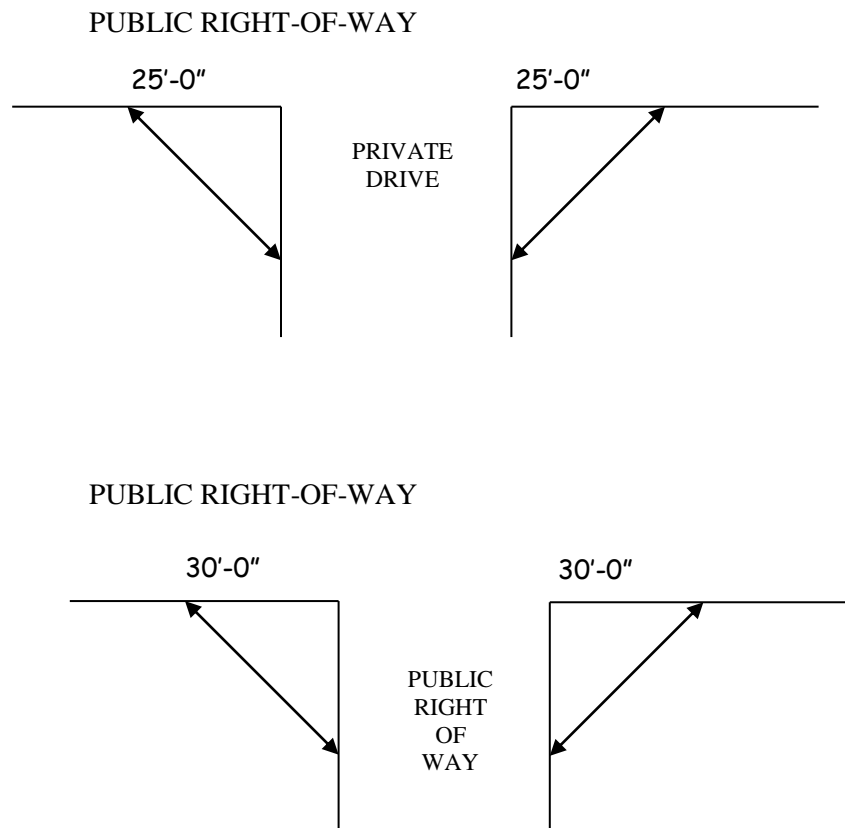
Inflatable signage cannot be erected within ten (10) feet of the public right-of-way and must be tethered securely with cables, tie downs or tether lines, which shall not be located within, on or across any public right of way or public property. Such signs shall be secured in such a manner if deflated that no part of the sign will be within any public right of way or public property, nor in any manner interfere with the use and operation of utility lines, antennas, or towers.

Signs located within twenty-five (25) feet of a public street intersection shall not exceed two and one half (2.5) feet tall if the sign rests directly on the ground or is attached to a foundation on the ground. If supported by a post(s) or pole(s) it shall have a minimum vertical clearance of ten (10) feet above the crown of the roadway, per Figure 3.

Signs and awnings that extend out from an exterior wall over a public sidewalk shall maintain a minimum vertical clearance of seven (7) feet and shall not materially impede adjacent parking or street traffic.

The height of a sign that is not attached to a building shall not exceed thirty-five (35) feet above grade to the highest portion of the sign and shall not include filled grade beneath the sign to increase sign height.

Examples:



30.02.06: PROHIBITED SIGNS IN GENERAL

The following signs, whether intended as permanent or temporary are prohibited within the limits of the City, except as otherwise provided by this Ordinance.

- A. Signs located within or encroaching on a public-right-of-way, including signs extending beyond a property line;
- B. Signs that constitute pedestrian or vehicular traffic hazard;
- C. Off-premises signs not located within the areas identified in 30.04.04;
- D. Signs that could be confused with any governmental regulatory, directional or warning sign;
- E. Abandoned signs;
- F. Signs not in compliance with this ordinance;
- G. A home occupation sign not authorized by the Use on Review for that home occupation;
- H. Signs attached to any public property or utility infrastructure without permission, including but not limited to the following: power poles, street light poles, traffic signs, fire hydrants or any public building;
- I. Signs that interfere with traffic signs or signals;
- J. Permanent signs attached to or supported by a vehicle;
- K. Blank signs;
- L. Tethered, airborne devices that may be blown or moved or located within the required setback;
- M. Signs incorporating noise, blasts, vibration or dust;
- N. A non-transit sign attached to, or painted on, a motor vehicle, the principal purpose of which is to serve as a stationary advertising device without permit from the City as authorized by City policy. A logo or business name on a motor vehicle or on equipment shall not be prohibited unless the motor vehicle or equipment is being used as a stationary advertising device;
- O. Projecting signs, except pedestrian-oriented signs that do not exceed 8 square feet;
- P. On premises roof signs;
- Q. Signs that emit sound, odor, visible matter or which are similar to traffic control signs or signals and which advertise words such as "Stop," "Go," "Danger," "Warning"; or signs that obstruct the vision of traffic control signs or signals or lights in the public right-of-way.

30.02.07: SIGNS PROHIBITED IN CERTAIN DISTRICTS

In addition to the general prohibitions contained in subsection 30.02.06 of this Title, electronic signs or digital billboards shall be prohibited in all zoning districts except the following districts:

- A. General Commercial
- B. Highway Service
- C. Billboard Overlay Districts
- D. Single Family Residential/Office

Any LED or video sign allowed within a district shall be subject to the restrictions and regulations set forth within this title.

No sign may contain any flashing, intermittent or moving lights, unless otherwise unless otherwise permitted by this Title.

30.02.14: LED SIGNS

Permanent LED signs shall be subject to applicable requirements of this ordinance and shall only be permitted in General Commercial and Highway Service Districts. Permanent LED signs shall

only be used as on-premise signs and are subject to the restrictions and regulations set forth within this Title.

No LED sign shall exceed a maximum of one hundred (100) square feet for each face or a total of two hundred (200) square feet for the entire sign and the sign shall contain a maximum of two (2) faces.

Any person may apply for a permit to be issued by the Building Inspector or designee for use of an LED sign as a temporary sign in connection with a special event, including the Sturgis Motorcycle Rally. Said permit shall be requested in writing to the Planning & Permitting Office prior to the first day of the Sturgis Motorcycle Rally or other special event. Temporary LED signs may be conditionally allowed during the Sturgis Motorcycle Rally or other special event in General Commercial, Retail Commercial and Highway Service Districts.

In determining whether to issue a permit pursuant to this Section for a temporary LED sign, the Building Inspector or designee shall consider traffic safety, general safety of the public and any other concerns expressed by the Building Inspector or Sturgis Police Department. The City Manager shall have the authority to demand removal of any approved temporary LED sign that after the permit is issued is determined by the Chief of Police or the Building Inspector to be a hazard to the safety of traffic or the general public or a public nuisance.

No permit application shall be considered for a temporary LED sign to be used during the Sturgis Motorcycle Rally until the applicant has paid a permit fee of Three Hundred Dollars (\$300.00). In the case of removal of a temporary LED sign by the City, due to violation of this Title, said fee shall not be refunded.

30.02.15: STANDARDS FOR ALL ILLUMINATED AND ELECTRONIC MESSAGE SIGNS

The following are the standards for illuminated and electronic message signs:

- A. No such illuminated sign shall interfere with the traveled way of streets or obscure traffic signs or devices.
- B. All electronic message signs shall revert immediately to a black screen if the sign malfunctions.

CHAPTER 30.03 ON PREMISES SIGNS

SECTIONS:

- 30.03.01: Application
- 30.03.02: Maintenance, Removal and Repair Responsibility
- 30.03.03: On-Premises Signage Requirements
- 30.03.04: Portable "Daily Specials" Signs
- 30.03.05: Enforcement of On-Premise Sign Regulations

30.03.03: ON-PREMISES SIGNAGE REQUIREMENTS

On-premises signs, where permitted, shall be regulated by the requirements of this section and of the City Ordinances.

- A. The owner of an on-premises sign shall not sell advertising on such sign or otherwise enter into contracts which allow the sale of advertising of products or services not available for purchase on the parcel in which the sign is located.
- B. A property where an on-premises sign is permitted may have both on-premises ground and on-premises wall signs.
- C. Electronic message centers are allowed which incorporate varying message display technology; through either manual means, or by use of a digital, plasma, or LCD display, or other similar technology
- D. The maximum area of an on-premises sign authorized by this subsection is 800 square feet unless otherwise indicated within this title.

30.03.04: PORTABLE “DAILY SPECIAL” SIGNS

Business shall be allowed portable signs in the form of a sandwich board or other similar design to be used for advertisement of daily specials, events or services of the business. Said sign may be set out each day upon the opening of the business and shall be removed from the outside of the premises upon the end of business hours each day. Any sign used pursuant to this Section shall be approved by the Building Inspector or designee and shall comply with all of the following:

- A. The sign shall be no more than sixteen (16) square feet in size, unless located within the General Commercial District;
- B. The sign shall be of a sufficient weight and structure to assure it will stay in place and not be moved by the wind or other natural element;
- C. In the General Commercial District only, where the setback makes it impossible for a business to place the sign on the property of the business, one portable sign may be placed in the public right away subject to the Building Inspector or designee’s authority to control the specific location within the public right away to assure pedestrian and vehicular safety. Said sign shall be a maximum of nine (9) square feet in size.
- D. Due to the increase in pedestrian traffic during the Sturgis Motorcycle Rally, any sign authorized by this Section to be within the public right of way shall not be used seven days prior to the official start of the Sturgis Motorcycle Rally or during the Sturgis Motorcycle Rally each year.

CHAPTER 30.04 BILLBOARDS AND OFF PREMISES SIGNS

SECTIONS:

- 30.04.01: Application
- 30.04.02: Inventory List
- 30.04.03: Billboards Permitted Only in Billboard Overlay District
- 30.04.04: Digital Off Premises Billboards
- 30.04.05: Off-Premises Signs
- 30.04.06: Billboard and Off-Premises Permits
- 30.04.07: Billboard and Off Premises Sign Fee Schedule
- 30.04.08: Billboard Inventory and Color Restrictions
- 30.04.09: Size and Distance Restrictions
- 30.04.10: Maintenance
- 30.04.11: Alterations or Relocations
- 30.04.12: Annual Inventory Fee

30.04.13: Enforcement for Billboards and Off-Premises Sign

30.04.03: BILLBOARDS PERMITTED ONLY IN BILLBOARD OVERLAY DISTRICT

Billboards shall only be allowed by permit in the areas of the City shown as Billboard Overlay District. BB-1 and as identified as BB-1 on the Zoning Map on file at the City Finance Office.

30.04.04: DIGITAL OFF PREMISES BILLBOARDS

New digital billboards may be permitted, and conforming static billboards may be converted to digital billboards for use in those billboards overlay districts where billboards are permitted, subject to all applicable regulations pertaining to billboards. All digital billboards (new or converted) shall also conform to the following additional regulations:

Digital billboards shall display static images for a period of at least six (6) seconds before instantaneously transitioning to another static image.

30.04.05: OFF-PREMISES SIGNS

This type of sign is to meet a standard to preserve and protect overall landscape quality as well as scenically sensitive areas and promote the safety of those using the public right of ways. Off premises signs must follow the same rules as governmental and regulatory signs. An off-premises sign may only include the name of the destination, logo and directions. No commercial advertising message shall be allowed. Prohibited off-premise signage includes roof tops, projecting and hanging signs, awnings and under canopies. Each sign may have a maximum of three (3) square feet per business included on the sign with a sign maximum of twelve square feet in size and signs with more than one sign face per direction may be allowed only with a use on review. No part of the off-premises sign face or structure will be allowed to exist in or overlap into the required side or rear yard setbacks.

A conditional use permit is required for each off-premises sign, in addition to a sign permit and prior to a sign permit or any building permit being issued, approval of the conditional use permit must be obtained:

- A. Approval of a conditional use permit is required any time a new off-premises sign is erected, or a structural alteration as defined by this code is made to an existing off-premises sign prior to a sign permit being issued.
- B. Approval of a conditional use permit is required for the conversion of an on-premises sign to an off-premises sign and prior to issuance of a sign permit.
- C. Off-premises signs for for-profit entities shall only be allowed within Highway Service and General Commercial zones or within one block of an interstate exit or another highway entrance into the City.
- D. Off-premises signs for non-profit, educational or institutional businesses or services shall be allowed within any zone at the discretion of the Planning and Zoning Commission and the City Council.
- E. A maximum of two off-premise signs per block are allowable.

Size, height and spacing regulations for off-premises signage shall meet the requirements of subsection 30.02.05 as well as the applicable provision of Building Code.

The conditional use permit shall be approved by the Planning Commission and is reviewed annually by the Planning Commission.

30.04.09: SIZE AND DISTANCE RESTRICTIONS

Any billboard located within the BB-1 Billboard Overlay District shall not exceed fourteen feet (14') by forty-eight feet (48') with a maximum height of forty-five feet (45'), including all supports and aprons. There shall be a maximum of four billboard faces allowed for each structure, each face not to exceed the size and height restrictions in this section. Said faces must be placed opposite of each other at the same height facing opposite directions.

A billboard shall not be erected within a minimum of five hundred (500) foot radius of an existing billboard. Five hundred (500) feet is the minimum distance that must exist between signs. Said distance must exist between signs in all directions. A longer distance may be required based upon safety factors related to the size and/or density of the signs. An Off-premises sign as permitted under this Title shall not be subject to these distance requirements.

Whenever dimensions of a sign are specified, they shall include panels, frames, supporting structures and all parts of the sign. In cases where parts of the advertisement extend beyond the rectangular or other shaped face of the sign, the method of measuring shall be to enclose the entire sign into the closest geometric shape and the measurements of that shape shall constitute the average square footage of the sign.

Adopted this 21st day of October 2019.

First reading: 10-07-2019

Second reading: 10-21-2019

Adopted: 10-21-2019

Published: 10-29-2019

Effective: 11-19-2019

Motion by Zerbst, second by T. Keszler and carried with all members present unanimously voting yes to approve Resolution 2019-65 – Approve the Special Assessment Roll for the Davenport Ranch Utility Extension Project.

RESOLUTION 2019-65

RESOLUTION TO APPROVE THE SPECIAL ASSEMENT ROLL FOR THE DAVENPORT RANCH UTILITY EXTENSION PROJECT

WHEREAS, the City of Sturgis entered into a development agreement with Kathryn Martel and Martha Ward, operating as DAVENPORT RANCH DEVELOPMENT, on May 2, 2013, and

WHEREAS, the development agreement allowed for the annexation of approximately 80 acres of undeveloped land into the City of Sturgis, and

WHEREAS, as an incentive in negotiating that Annexation and Development Agreement, the City of Sturgis agreed to let bids and pay the up-front costs for construction of full capacity water and sewer mains to serve the annexation area in order to help some of the property sell faster to developers, and

WHEREAS, the Davenport Utility Extension project consisted of planning, design and construction of sewer and water mains with sufficient capacity to serve the entire projected development needs of the entire areas subject to the Annexation and Development Agreement, and to connect that infrastructure with the City water and sewer systems, and

WHEREAS, the materials for the project are those materials specified in the plan on file at the Finance Office for sewer and water pipe, connector joints, valves, aggregate and all other items described in the plan for the Davenport Ranch Utility Extension Project, which was for construction of 2,475 feet of water and sewer utility infrastructure, and

WHEREAS, the Annexation and Development Agreement between Kathryn Martel and Martha Ward, operating as DAVENPORT RANCH DEVELOPMENT, and the City of Sturgis provided that if the property was not actively marketed by Davenport Ranch at the agreed upon price, that the public funds used for construction of the Davenport Ranch Utility Extension Project would be repaid by Ms. Katherine Martel and Ms. Martha Ward to the City of Sturgis, and

WHEREAS, at some time after the Utility Extension contract was awarded, Davenport Family Real Estate became the successor in interest to Davenport Ranch Development as the owner of the subject property, and

WHEREAS, that in addition to the full payment of \$379,505.23 to Rapid Construction, the City of Sturgis paid project engineering costs of \$31,040.00, electrical service installation costs to Black Hills Power & Light of \$60,558.64 and natural gas service installation costs to Montana - Dakota Utilities of \$5,694.30 for a total cost of the Davenport Ranch Utility Extension Project of \$476,798.17, and

WHEREAS, the Davenport Ranch Utility Extension Project resulted in construction of approximately 2,475 feet of sewer and water lines for a total front footage figure of 4,950 feet and connected to the City of Sturgis utility system for the special benefit of Davenport Family Real Estate property, and

WHEREAS, the plans and significant specification for the Davenport Ranch Utility Extension project are now available for public review at the Finance Office during business hours, and

WHEREAS, that since the completion of the Davenport Ranch Utility Extension Project in about September of 2014, one parcel of the property consisting of approximately one acre was sold and has been developed, and

WHEREAS, the Davenport Family Real Estate property, which abuts the Utility Extension Project on both sides of the improvement, now has front footage of 3,562 lineal feet adjoining the improvements, and

WHEREAS, the Meade County Office of Equalization records indicate that the assessed value of the property in 2013, prior to construction of the Davenport Ranch Utility Extension Project, was about \$268 per acre, and

WHEREAS the records of the Meade County Office Equalization show the 2016 assessed value of parcel # 01.49.03, served by the completed Utility Extension Project, was \$166,965 for 7.66 acres, or \$21,796 per acre, based on its condition in 2015, and

WHEREAS the records of the Meade County office Equalization show the 2016 assessed value of parcel # 01.49.02R, served by the completed Utility Extension Project, was \$777,475 for 35.613 acres, or \$21,839 per acre, based on its condition in 2015, and

WHEREAS the records of the Meade County office Equalization show the 2017 assessed value of the land for the one lot which has been developed after the Davenport Utility Extension Project, # 01.19.021, is \$43,560 for .98 acre, based on its condition in 2016, and

WHEREAS, Davenport Family Real Estate, LLC has a portion of Lot 2R and a portion of Equalization Parcel #11.22.12, consisting of 30.76 acres, listed for sale at \$758,019.00 or roughly \$24,643.00 per acre, and

WHEREAS, on October 2, 2018 a qualified developer made a cash purchase offer of \$1,400,000.00 with no buyer contingencies for lots 2R and Lot 3, consisting of 43.3 acres, or roughly \$32,332.26 per acre, to close within 31 days, and

WHEREAS, Davenport Family Real Estate refused that full-price cash offer for a portion of two parcels which both adjoin the Davenport Utility Extension Project, and

WHEREAS the Davenport Utility Extension Project is a local improvement as described in SDCL 9-43-75, and

WHEREAS this local improvement project provides a special benefit to the adjoining property as described in SDCL 9-43-76, and

WHEREAS, the City of Sturgis spent public funds for construction of the Davenport Ranch Utility Extension Project for the purpose of providing needed utility services to Davenport Family Real Estate land to assist the owner in selling the property in “developer-ready” condition, and also to obtain a measurable increase in the property tax base of the City of Sturgis, and

WHEREAS, the Sturgis City Council has recognized the more general benefit of the Davenport Ranch Utility Extension project to the City and previously determined that, consistent with SDCL 9-43-82, the cost of constructing those improvements not subject to a special assessment will be paid for by the City in the amount of \$133,706.33, and

WHEREAS, upon completion of the public hearing held during its meeting on October 7, 2019 the Sturgis City Council has approved the special assessment roll filed for the Davenport Ranch Utility Extension Project, including that it shall be paid in annual installments for a period not to exceed five (5) years, and

WHEREAS, upon completion of the public hearing held during its meeting on October 7, 2019 the Sturgis City Council has approved the special assessment roll on file and that the unpaid balance of the special assessment for the Davenport Ranch Utility Extension Project shall accrue interest at the rate of 6% annually, with no penalty for pre-payment.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Sturgis City Council has considered and now approves the Davenport Ranch Utility Extension Project Special Assessment Roll to establish the special assessment and the payment plan of annual installments as stated in that Special Assessment Roll and in this Resolution, and

IT IS HEREBY FURTHER RESOLVED that Sturgis City Council has considered and approved that the payment plan for the Davenport Ranch Utility Extension Project Special

Assessment Roll annual installment payments shall be payable to the county treasurer under Plan One, as provided in SDCL 9-43-102.

Dated this 21ST day of October 2019.

Published: 10-29-2019

Effective: 11-19-2019

Motion by Crane, second by Waterland and carried with all members present unanimously voting yes to approve the recommendation from Downtown BID Board and Arts Council to approve placement of potential statue on 4th and Main on public right-of-way.

Motion by Bachand, second by S. Keszler and carried with all members present unanimously voting yes to deny a contract with KLD&B, LLC d/b/a Iron Horse Saloon for a vacation of the alley but to pursue a closure of the alley for nine days during the Rally and no parking on Dudley Street so that there can be two-way travel during the Rally.

Any other business:

Bernie Usera and Palmer Dahl had questions about the four Governor homes behind the Community Center.

Motion by T. Keszler, second by Zerbst and carried with all members present unanimously voting yes to go into executive session for personnel and contracts at 8:31 pm.

Motion by Martinson, second by Crane to return to regular session at 8:53 pm.

Motion by Bachand, seconded by Waterland and carried with all members present unanimously voting yes to adjourn the meeting at 8:54 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$444.44.