

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in special session starting at 6:00 pm. on Tuesday, November 26, 2019 at City Library – Community Room, 1040 Harley-Davidson Way. 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, City Attorney Barnier. Absent: None.

The meeting was called to order at 6:00 pm

Mayor Carstensen led everyone in the Pledge of Allegiance.

Motion by T. Keszler, second by S. Keszler and carried with all members present voting yes to unanimously approve the agenda.

City Manager Ainslie explained the process of involuntary annexation.

Motion by Waterland, second by Zerbst and carried with all members present voting yes to unanimously approve Resolution 2019-68 – Intent for Annexation of Oak Acres.

**RESOLUTION 2019-68**

**RESOLUTION OF INTENT FOR ANNEXATION OF OAK ACRES**

**WHEREAS**, The Common Council of the City of Sturgis has 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’

**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 for 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**, Rand T. and Gayla J. Williams are the owners of property described by the Meade County Equalization office as parcels #11.64.04 and 11.64.06, located adjacent to the City of Sturgis and described in fuller detail below, and

**WHEREAS**, the area owned by Rand T. and Gayla J. Williams subject to this Resolution is 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:**

Lot G.H.1 of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 7, Township 5 North, Range 5 East of the Black Hills Meridian, Meade County, South Dakota, as shown on the plat filed in plat Book 8 on Page 128; EXCEPTING, therefrom Lot G.H.1-A, as shown on the plat filed in Plat Book 9 on Page 24.

-AND-

Lot G.H.1 of the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 8, Township 5 North, Range 5 East of the Black Hills Meridian, City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 8 on Page 129 (a portion of which lies in the City of Sturgis, as set forth in Resolution of Annexation recorded in Book 487 on Pages 978-986.

**WHEREAS**, Annexation Study on file for the subject property also contains the following information demonstrating the basis 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. A summary of these estimated costs is as follows:

<b><u>Improvement</u></b>	<b><u>Estimated Cost</u></b>
Street/Road Maintenance	Less than \$1,000 projected annually per maintained mile on Lazelle Street, and \$1,000 annually for snow removal.
Water Service	No incremental costs, area is currently served with water. Water services will be provided at the applicable rates charged for in town water service.
Sewer Service	No incremental costs, area is currently served.
Solid Waste Collection/Disposal	Service provided at applicable rates.
Fire/Ambulance Department	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Police Department	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Community Development, Building Inspection and Ordinance Enforcement	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Community Center	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Library	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.

5. The estimated difference in tax assessment rate for the residents and property in the contiguous territory will be a net increase of 0.006309 for Non-Agricultural property.
  6. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
  7. 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.
  8. That there is reasonable present need, and demonstrable future need, for annexing the subject contiguous territory in accordance with the Annexation Study.
  9. That there exists a community of interest between the contiguous territory and the City of Sturgis.
- NOW, THEREFORE BE IT FUTHER RESOLVED by the Sturgis City Council that the City Council does hereby set the following time and place for a public hearing on said annexation:

**6:00 P.M. November 26, 2019**

**STURGIS CITY COUNCIL MEETING**

**1040 Harley-Davidson Way, Elliot Family Meeting Room**

**Sturgis Public Library**

**Sturgis South Dakota, 57785**

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

Dated this 26<sup>th</sup> day of November 2019.

Published: 12-13-19

Effective: 01-03-20

Discussion was held with the landowner and a motion was made by Anderson, second by Crane and carried with Anderson, Carstensen, Crane, S. Keszler, T. Keszler, Martinson and Waterland voting yes and Bachand and Zerbst voting no to approve Resolution 2019-69 – Intent for Annexation of Henrichsen Property.

**RESOLUTION 2019-69**  
**RESOLUTION OF INTENT FOR ANNEXATION OF HENRICHSEN 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’

**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 for 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**, Carole Henrichsen is the owner of property described by the Meade County Equalization office as parcel #11.10.341, located adjacent to the City of Sturgis and described in fuller detail below, and

**WHEREAS**, the area owned by Carole Henrichsen subject to this Resolution is 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:**

Lot P.W.-1, formerly a portion of the SE1/4SW1/4 of Section 10, Township 5 North, Range 5 East of the Black Hills Meridian, Meade County, South Dakota, as shown on the plat filed in Plat book 8 on Page 41

**WHEREAS**, the Annexation Study on file for the subject properties also contains the following information demonstrating the following reasons 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. A summary of these estimated costs is as follows:

<b>Improvement</b>	<b>Estimated Cost</b>
Street/Road Maintenance	Less than \$1,000 projected annually per maintained mile, and less than \$1,000 annually for snow removal.
Water Service	Area is not currently served; future water service can be provided at a projected cost of approximately \$100,000 per city block. Costs to be recovered via special assessments against the benefited properties. Water services will be provided at the applicable rates charged for in town water service.
Sewer Service	Area is not currently served; future sewer services can be provided at a projected cost of approximately \$75,000 per city block. Sewer service will be provided at the applicable rates charged for in town sewer service. Costs to be recovered via special assessments against the benefited properties.
Solid Waste Collection/Disposal	Service provided at applicable rates.
Fire/Ambulance Department	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Police Department	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Community Development, Building Inspection and Ordinance Enforcement	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Community Center	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.
Library	No incremental costs, currently being provided consistent with City policies and practices to proposed annexation area.

5. The estimated difference in tax assessment rate for the residents and property in the contiguous territory will be a net increase of 0.006309 for Non-Agricultural property
6. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
7. 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.
8. That there is reasonable present need, and demonstrable future need, for annexing the subject contiguous territory in accordance with the Annexation Study.
9. That there exists a community of interest between the contiguous territory and the City of Sturgis.
- NOW, THEREFORE BE IT FUTHER RESOLVED by the Sturgis City Council that the City Council does hereby set the following time and place for a public hearing on said annexation:

**6:00 P.M. November 26, 2019**

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**Sturgis South Dakota, 57785**

IT IS FURTHER RESOLVED, that a true and correct copy of this Resolution, and notice of a public hearing on a Resolution of Annexation shall be sent to the Meade County Auditor and the affected

landowners within the area to be annexed by certified mail and first-class mail pursuant to the terms of South Dakota Codified Law.

Dated this 26<sup>th</sup> day of November 2019.

Published: 12-13-19

Effective: 01-03-20

After much discussion with landowners a motion was made by Martinson, second by S. Keszler and failed with Anderson, Carstensen and Anderson voting yes and Bachand, Crane, S. Keszler, T. Keszler, Martinson and Waterland voting no to approve Resolution 2019-70 – Intent for Annexation of Pine Glenn Subdivision.

Other items discussed:

- None

Motion by T. Keszler seconded by Crane and carried with all members present voting yes to adjourn the meeting at 6:54 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$