

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, March 6, 2017 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Rod Bradley (by phone), Rhea Crane, Tony Dargatz, Steve Keszler, David Martinson and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

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

Motion by Dargatz, second by Crane and carried with all members present voting yes to go into executive session for two legal cases and four contracts at 6:02 pm.

Motion by Waterland, second by Anderson to return to regular session at 6:30 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Martinson, second by Keszler and carried with all members present voting yes to approve the following Rally contracts for Allstate, EJ Cole, Anheuser-Busch. Reinhart Racing shall be approved when in final form and approved by City attorney.

At this time Councilor Bradley joined the meeting by phone.

Announcements:

- Kiwanis will be having their Hobo Stew fundraiser on March 12th.
- The Alliance of Churches will have a Potato Feed fundraiser on March 13th.
- The Ambulance service is having a Blood Drive on March 8th.
- Time change is on March 12th. Fire Department asks that you change your batteries in your smoke detectors.
- Congratulations to the Sturgis wrestling team for 3rd place at the State Tournament.
- Cory Brink reported that the Xtreme Bike Event held this last weekend at the Harley Davidson Point was a success and they had good attendance for the first year. They want to thank the City of Sturgis for their help in making this a successful event.

Informational Reports:

- Katie Ceroll, Matt Snyder and Shannon Perry, South Dakota Game, Fish & Parks, gave a power point presentation on the Spearfish Canyon and Bismarck Lake Projects. This presentation will be on the City website.
- Planning Commission – Minutes 12/6/16 and 2/7/17
- Library Board – Minutes 2/27/2017

City Manager Ainslie reported:

- Payroll Changes – within budget:
 1. Community Center – Lifeguard part-time – Joclyn Zook - \$9.25; Seth Papenfuss - \$9.00
- 2016 Rally Profit and Loss Report. This report will be on the City website.

Motion by Waterland, second by Bachand and carried with all members present voting yes to approve the following items on the consent calendar:

- a. Consideration to approve the minutes from the February 21, 2017 regular council meeting
- b. Consideration to approve setting a public hearing for March 20, 2017 for a Zoning Variance for a rear setback for Sturgis Point Realty LLC (Mark Abeln with Abeln & Associates) at 1940 Lazelle Street for a new commercial retail store

Motion by Bradley, second by Crane and carried with all members present voting yes to approve the following claims:

WAGES – Ambulance \$25,760.92; Attorney \$3534.38; Auditorium \$185.93; Buildings \$1112.93; Cemetery \$2399.42; City Manager \$4453.48; Community Center \$11,356.35; Finance Office \$8897.84; Fire Department \$386.02; Human Resource \$6392.92; Library \$8804.48; Liquor \$6036.13; Mayor and Council \$3661.11; Parks \$8049.75; Planning & Permitting \$7484.95; Police \$38,105.27; Rally \$6820.14; Recreation \$3989.15; Sanitary Service \$15,346.32; Streets \$12,112.96; Wastewater \$8745.27; Water \$13,294.31; Federal Withholding \$19,305.96; FICA \$14,232.81.

COMBINED CASH FUND – First Interstate Bank, \$4,000.00.

GENERAL – A&B Business, \$576.89, sup; A&J Surplus, \$17.20, sup; Adams-ISC, \$277.13, rep; Allegiant Emergency Services, \$1,955.25, rep; Amazon, \$127.96, sup; Amcon Distributing, \$412.08, resale; American Legal Services, \$43.44, pro fee; Avaya, \$25.55, util; Baker & Taylor, \$884.81, sup; Bear Butte Valley Water, \$92.35, util; Black Hills Energy, \$14,925.33, util; Blackstrap, \$1,963.84, sup; Border States Electric, \$17.84, rep; Buckle Tree, \$1,595.19, sup; Roger Burnham, \$2,863.60, prof fee; Butte Electric, \$573.64, util; Caselle, \$1,479.00, prof fee; Century Business Products, \$230.83, sup; City of Sturgis Water Dept, \$1,717.30, util; Clark Printing, \$226.80, sup; Culligan of the Black Hills, \$51.00, sup; Dakota Business Center, \$99.77, rep; DEMCO, \$384.15, sup; Double Star Computing, \$1,226.50, prof fee; Sara Doud, \$55.00, refund; Evo Systems, \$3,200.00, prof fee; Fedex, \$1,104.04, sup; Great Western Tire, \$1,196.10, rep; Ken Grosch, \$30.00, other; Holiday Inn Express, \$1,526.00, e-comm; Inland Truck Parts, \$204.40, rep; J&L Services, \$80.00, rep; KT Connections, \$1,082.80, prof fee; Lawson Products, \$188.60, rep; Adam Lewis, \$61.92, sup; Light & Siren, \$1,397.71, rep; Aaron Lukesh, \$60.00, other; Meade County Auditor, \$10,753.00, other; Meade County Times Tribune, \$329.19, pub; Chad Moyers, \$30.00, other; National Arbor Day Foundation, \$15.00, travel; Natl Assn of School Resource Officers, \$40.00, other; Nebraska Salt & Grain, \$4,479.81, sup; Neve's Uniforms, \$176.85, sup; Michael Ollerich, \$399.11, other; Petty Cash, \$51.64, other; Postmaster, \$75.00, sup; Powerplan, \$221.65, rep; Print Mark-et, \$1,160.38, pub; Purchase Power, \$500.00, sup; Rapid City Journal, \$299.03, sup; Rasmussen Mechanical Services, \$642.92, rep; Rodenburg Law Firm, \$741.40, prof fee; S&C Cleaners, \$3,000.00, rep; Michaela Schaefer, \$40.00, refund; Lance Scherer, \$23.00, travel; SD Division of Motor Vehicles, \$31.00, other; Sirche Finger Print Laboratory, \$86.10, sup; Sturgis Motorsports, \$109.98, rep; Subway, \$211.00, sup; Taste of Home, \$12.98, sup; Twilight First Aid & Safety, \$87.70, sup; Uline, \$104.20, sup; Vast, \$701.47, util; Verizon, \$2,147.85, util; Weimer's Diner & Donuts, \$71.60, other; West River Electric, \$741.79, util; Zerox business Services, \$795.00, other.

SPECAIL SALES TAX – Chamber of Commerce, \$9,166.67; Meade County Treasurer, \$1,623.91; Sturgis Economic Development, \$8,333.33.

LIQUOR – Black Hills Energy, \$2,041.61, util; Cask & Cork, \$128.50, resale; Century Business Products, \$2.47, sup; City of Sturgis Water Dept, \$277.87, util; Coca Cola, \$592.00, resale; Dakota's Best Distributing, \$482.88, resale; Double Star Computing, \$47.50, prof fee; Fisher Beverage, \$4,510.00, resale; Johnson Western Wholesale, \$5,982.61, resale; KT Connections, \$98.44, prof fee; LPA Retail Systems, \$1,350.00, prof fee; Okoboji Wines, \$263.00, resale; Pepsi Cola, \$158.45, resale; Print Mark-et, \$68.26, pub; Quality Brands of the Black Hills, \$7,516.07, resale; Republic Beverage Co, \$17,014.98, resale; Republic Beverage, \$116.05, resale; Southern Glazer's of SD, \$308.31, resale; Tour Ice, \$86.13, resale.

WATER – Black Hills Energy, \$42.81, util; Buckle Tree, \$470.96, sup; Butte Electric, \$183.60, util; Century Business Products, \$46.61, sup; City of Sturgis Water Dep., \$111.41, util; Credit Collections bureau, \$217.81, prof fee; Double Star Computing, \$92.50, prof fee; Carmen Flint, \$781.44, other; Hawkins, \$332.50, sup; HD Supply Waterworks, \$617.40, sup; Heavy Constructors, \$44,350.68, cap imp; Cathy Hostutler, \$781.44, other; KT Connections, \$98.44, prof fee; Petty Cash, \$5.22, sup; Print Mark-et, \$68.26, pub; Rasmussen Mechanical Services, \$727.29, rep; Vast, \$31.86, util; Verizon, \$283.18, util.

WASTEWATER – Black Hills Energy, \$3,328.35, util; Buckle Tree, \$745.36, sup; City of Sturgis Water Dep., \$20.86, utl; Double Star Computing, \$32.50, prof fee; KT Connections, \$98.44, prof fee; PKG contracting, \$59,121.01, cap imp; Postmaster, \$75.00, sup; Powerplan, \$59.15, rep; Print Mark-et, \$68.26, pub; Verizon, \$139.31, util.

SANITATION – Adams-ISC, \$97.62, rep; Buckle Tree, \$1,297.19, sup; Century Business Products, \$334.38, prof fee; Century Link, \$54.62, util; Double Star Computing, \$32.50, prof fee; Eddies Truck Sales, \$98.23, rep; Great Western Tire Co, \$533.10, sup; KT Connections, \$98.44, prof fee; Postmaster, \$75.00, sup; Print Mark-et, \$68.26, pub; Rapid Delivery, \$12.65, rep; Verizon, \$37.77, util.

AMBULANCE – AmericInn Lodge & Suites, \$349.96, travel; City of Sturgis Water Dept, \$94.54, util; Double Star Computing, \$32.50, prof fee; Flowers by Rose, \$33.50, sup; Henry Schein, \$106.40, sup; KT Connections, \$98.44, sup; Kreisers, \$957.60, sup; Print Mark-et, \$68.26, pub; Purchase Power, \$209.78, sup; Scott Peterson Motors, \$579.98, rep; Verizon Wireless, \$344.09, util.

After much discussion and input from the attorney’s involved and the parents that have children at this day care, the following two motions were made:

Motion by Bradley to deny the Use on Review for an in-home daycare and have a 45 day period to change the convents at 2349 Palisades Loop for Rachel Snow. Motion died due to a lack of a second.

Motion by Waterland, second by Martinson with Anderson, Bachand, Carstensen, Crane, Dargatz, Keszler, Martinson and Waterland voting yes and Bradley voting no and carried to approve the use on review for Rachael Snow at 2349 Palisades Loop for a 6 month period, with the hope that the daycare owner can come in to compliance with the convents of her subdivision.

Motion by Waterland, second by Bachand and carried with all members present voting yes to approve the Use on Review for an adult residential facility at 1681 Joedy Street for Mountain View Care/Tammy Halverson subject to hard surfacing a parking lot and a handicap ramp being installed in 6 months.

Motion by Crane, second by Keszler and carried with all members present voting yes to approve second reading of Ordinance 2017-01 – Title 32 – Animals: Hobby Beekeeping.

ORDINANCE 2017-01
AN ORDINANCE AMENDING TITLE 32–ANIMALS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 32 –Animals –Chapter 32.05 Hobby Beekeeping be amended to read as follows:

CHAPTER 32.05
HOBBY BEEKEEPING

Section

- 32.05.01- Scope and Purpose.
- 32.05.02- Definitions.
- 32.05.03- Compliance with All Applicable Laws.
- 32.05.04- Required Location of Hives.
- 32.05.05- Apiary Management.
- 32.05.06- Colony Densities
- 32.05.07- Nuisance Prohibited.
- 32.05.08- City Not Liable
- 32.05.09- Liability
- 32.05.10- Penalties

32.05.01 SCOPE AND PURPOSE:

The City of Sturgis recognizes the unique role bees play in maintaining the growth of the wide variety of plant species present in the Sturgis community. To balance the interests of those persons who desire to keep bees with those who might find unregulated bee keeping activities and the unrestricted presence of bees’ offensive, the City now adopts this ordinance.

32.05.02 DEFINITIONS:

The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter:

- A. **APIARY.** Any place where one or more colonies of bees are kept.
- B. **BEES.** Any “life” stage of the common honeybee, *Apis mellifera L*, or any other species of bees which is allowed in South Dakota by SDCL Chapter 38-18.
- C. **COLONY.** The bees in any hive, including queens, workers and drones.
- D. **HIVE.** Any frame hive, box hive, box, barrel, log gum, skep or any other container or combinations of such containers which may be used as a domicile for bees, with a total size not to exceed 36 inches wide, 36 inches deep and 78 inches high.
- E. **BEEKEEPER.** A person who engages in hobby beekeeping within the City.
- F. **HOBBY BEEKEEPING.** The activities associated with keeping, controlling, harboring, and/or maintaining one or more colonies of bees within city limits.

32.05.03 COMPLIANCE WITH ALL APPLICABLE LAWS.

Beekeepers shall register each hive and apiary they own, possess or manage within the City as required by SDCL Chapter 38-18. Beekeepers shall comply with all applicable federal and state laws, including but not limited to those provisions found within SDCL Chapter 38-18, South Dakota Administrative Rules Article 12:41, and city ordinances, including any applicable zoning regulations.

32.05.04 REQUIRED LOCATION OF HIVES.

- A. **PROXIMITY TO RESIDENCES.** No person shall establish or maintain any hive or keep any bees on the premises within 15 feet of any dwelling. This restriction does not apply to residences occupied by a beekeeper residing on the same lot where the hive is located.
- B. **HIVE PLACEMENT.** All hives shall be placed appropriately on the lot so as to inhibit access to the hive from adjacent properties and to prevent interference with the movements of people on adjacent property or in the public right-of-way. Hives shall not be placed within any setback applicable to the zoning district as found in Title 18. Hives shall not be placed within any drainage easement on the property. In addition, the front of the hive shall face away from the nearest property line, sidewalk, and/or right-of-way, whichever is closest. However, the “facing” requirement shall not be applicable if

sufficient screen exists, as described in subsection C below, between the hive and the closest property line, side walk or right-of-way.

- C. *SCREENING*. Hobby beekeepers are encouraged to use screening which meets or exceeds accepted industry standards between the hive and neighboring lots, sidewalks and/or rights-of-way, such as fences, hedges, walls or similar barriers to inhibit interference between bees and persons on adjacent sidewalks, rights-of-way and property.

32.05.05 APIARY MANAGEMENT:

A beekeeper shall:

- A. Provide an adequate and convenient source of water at all times to the bees on the property on which the apiary is located, to prevent bees from congregating at other water sources where they may come into contact with humans and animals and the water shall be maintained so as not to become stagnant; and
- B. Maintain and manage such hives so as not to create a nuisance; and
- C. Ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

32.05.06 COLONY DENSITY:

In addition to the location requirements set forth above, it shall be unlawful to keep more than one colony in a hive on any tract, lot, or parcel within the City. However, if the perimeter of the lot on which one or more hives are placed permits all hives to be located at least 100 feet from all property lines, the maximum number of hives which may be placed on that lot shall not exceed the number permitted by SDCL 38-18-3 and by Article 12:41 of the Administrative Rules of the South Dakota Department of Agriculture. For each two colonies authorized above, there may be maintained upon the same tract one nucleus colony as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony with 30 days after the date it is acquired.

32.05.07 NUISANCE PROHIBITED:

Notwithstanding complete compliance with the requirements of this chapter, it shall be unlawful for any person to keep any colony or colonies in such a manner, or bees of such a disposition, as to cause any unhealthy condition, interfere with the normal use and enjoyment of private property by residents and domestic animals, interfere with the normal use and enjoyment of public property by persons within the community or which in any manner constitutes a nuisance to others. Public nuisances under this Section shall be subject to the Code Enforcement provision of Title 36 of City Ordinances, or may be abated in accordance with the provisions in Title 12, Title 18 and state law. If a colony is found to be a nuisance, the hobby beekeeper must relocate or destroy all hives, at the beekeeper's expense, within a maximum of 30 days of a final determination that a nuisance exists.

32.05.08 CITY NOT LIABLE:

The City shall not be liable for any damage to bees, hives, colonies, or hobby beekeeping operations resulting from the City's use of spray to kill pests or weeds, or other legal use of the same, on public rights-of-way, public property, and city property or in other approved areas.

32.05.09 LIABILITY:

The owner of the property upon which the hive and/or colony is located and the owner of the bees on the property shall share equally in the responsibility to ensure the bees and hive are maintained in an acceptable manner. The responsibility described herein shall include payment for any

damages suffered by a third party. Compliance with all applicable state statutes and rules shall be evidence of such compliance.

32.05.10 PENALTIES:

The City may utilize any action available under the law to address violations of this chapter, including but not limited to the following:

- A. Any person violating this chapter shall be subject to the general penalty provision of SDCL 22-6-2. In addition, the City may seek to enjoin the actions of any person or operation which violate the provisions of this chapter.
- B. The City may enforce penalties for violation of this chapter under the provision of Title 36, of Sturgis City Ordinances.
- C. If there is an immediate threat to public safety as a result of any violation of this chapter, the City shall have the authority to remove or re-locate the hive or colony which is the source of the threat. In addition where such a threat to public safety exists, the City may direct and require the beekeeper of said hive or colony to destroy and/or relocate said hive or colony at the beekeeper’s expense. The term “threat to public safety” shall include but is not limited to a circumstance when there is a colony not residing in a hive structure intended for beekeeping; or a dangerous swarm of bees that poses an immediate risk to the safety of humans; or a colony residing in a man-made hive which is not properly registered as require by SDCL Chapter 38-18 or which, by virtue of its apparent condition, appears abandoned by a beekeeper.

Dated this 6th day of March, 2017.

First reading: 02-21-17

Second reading: 03-06-17

Adopted: 03-06-17

Published: 03-15-17

Effective: 04-06-17

Motion by Waterland, second by Anderson and carried with all members present voting yes to revise Resolution 2017-12 – Resolution Extending the Boundaries of the City of Sturgis to only include the Glover property and to continue the public hearing until the next meeting on April 3, 2017.

Motion by Crane, second by Martinson and carried with all members present voting yes to approve Resolution 2017-13 – Resolution of Intent to Establish a Hotel Occupancy Fee.

RESOLUTION NO. 2017-13

RESOLUTION OF INTENT TO ESTABLISH A HOTEL AND MOTEL BUSINESS IMPROVEMENT DISTRICT AND OCCUPANCY TAX

WHEREAS, the City of Sturgis has observed the positive results of the activities of the Sturgis Downtown Business Improvement Board, established pursuant to SDCL Chapter 9-55 as amended, and the City of Sturgis believes further tourism development funding can be obtained by adopting a Resolution of Intent to establish a Hotel and Motel Business Improvement District and impose a hotel and motel room occupancy tax on the transient guests of hotels and motels within the City of Sturgis; and

WHEREAS, it appearing to the City of Sturgis that if the proposed district were created the revenue received from lodging guests would fund the following public projects and activities from January 1, 2017 through December 31, 2017. The purpose of the projects shall be to develop

and market tourism events and promotions which will help to improve the businesses located within the district area.

Projected revenue of \$50,000 budgeted as follows:

\$ 50,000	Development and Marketing
\$ 50,000	Total Budget

NOW THEREFORE, BE IT RESOLVED by the City of Sturgis that the City hereby declares its intent to establish a separate Hotel and Motel Business Improvement District, with the boundaries of Hotel and Motel Business Improvement District to be in zones GC-1, GC-2, and HS-1 within the City limits of Sturgis, and any annexations thereto, including but not limited to the following listed lodging establishments, and any such establishments not listed but which currently exist or which are established in the future within such boundaries, shall automatically become a part of this district and be included within such boundaries, but excluding any bed and breakfast or legal camping establishments.

Best Western	2431 South Junction Avenue
Holiday Inn Express	2721 Lazelle Street
Days Inn	2630 Lazelle Street
Super 8	2600 Whitewood Service Road
Junction Inn	1802 Junction Avenue
South Pine Motel	1051 Park Street

BE IT FURTHER RESOLVED that the City of Sturgis declares its intent to establish a separate Hotel and Motel occupancy tax levy to be imposed on transient guests staying in rooms in the above-listed hotels and motels or lodging establishments. The amount of the tax shall be Two Dollars (\$2.00) per occupied room per night. This method for raising revenue shall be fair and equitable.

The total estimated or proposed costs for the above projects and activities is projected to be Fifty Thousand Dollars (\$50,000), to be paid from the revenue generated by this hotel and motel room occupancy tax of (\$2.00) per occupied room per night upon rooms rented to transient guests by lodging establishments, to fund some or all of the above projects and activities; and

BE IT FURTHER RESOLVED that a hearing shall be held before the Sturgis City Council on Monday, the 17th day of April, 2017 at 5:00 p.m. or soon thereafter, at the Erskine Building located at 1300 Sherman Street, in the City of Sturgis, to consider the establishment of a Hotel and Motel Business Improvement District and the adoption of an Occupancy Tax of Two Dollar (\$2.00) per occupied room per night, to be paid by transient guests staying in rooms at the above lodging establishments.

The City Finance Officer shall give notice of this hearing by mailing a complete copy of this Resolution of Intent to each owner and user of space in all lodging establishments or hotel or motel businesses located within the boundaries of the proposed Hotel and Motel Business Improvement District at least thirty (30) days prior to the public hearing.

Dated this 6th day of March, 2017.

Published: 03-15-2017
Effective: 04-05-2017

Any other business:
None

Motion by Keszler, second by Dargatz and carried with all members present voting yes to go into executive session for personnel and contracts at 9:08 pm.

Motion by Waterland, second by Bachand to return to regular session at 9:38 pm.

Motion by Waterland, seconded by Crane and carried with all members present voting yes to adjourn the meeting at 9:39 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$