



City Council Meeting
AGENDA

DATE: Wednesday, March 25, 2026
TIME: Regular Meeting - 6:30 PM
PLACE: Council Chambers - City Hall, 1040 Harley-Davidson Way, Sturgis SD
Page

1. CALL TO ORDER SPECIAL MEETING OF THE CITY COUNCIL

2. APPROVAL OF THE AGENDA

3. PLEDGE OF ALLEGIANCE

4. EXECUTIVE SESSION

- 4.1. a. Pursuant to SDCL 1-25-2 (1), Personnel:
- b. Pursuant to SDCL 1-25-2 (3), Legal:
- c. Pursuant to SDCL 1-25-2 (4), Contracts:
- d. Pursuant to SDCL 1-25-2 (5), Marketing:
- e. Pursuant to SDCL 1-25-2 (6), Security:

5. RESUME OPEN MEETING

- 5.1. Return to Open Session

6. NON-AGENDA MATTERS THAT MAY COME BEFORE THE COUNCIL

To address the City Council, please stand behind the front table and state your name clearly into the microphone for the public record. Please keep your comments respectful and complete your comments in three minutes or less. If you are unable to approach the podium due to a physical limitation, a portable microphone will be provided.

- 6.1. Non-agenda matters that may come before the Council

7. REPORTS

- 3 - 9 7.1. Consideration of Setting a Special Election to Fill the Vacancy in the Office of Mayor
[Agenda Item Report - Pdf](#)
- 10 7.2. Discussion of Filling the Vacancy in the Office of Mayor by Appointment Pending the June 2, 2026 Special Election
[Agenda Item Report - Pdf](#)

8. ADJOURN

9. ADA ACCOMMODATION

If you desire to attend this public meeting and are in need of special accommodations (including participation by telephone), please notify the Finance Office by 10am on the day of the meeting so that appropriate auxiliary aids and services may be coordinated. The Finance Office can be reached at (605) 347-4422, option 1.

City Council STAFF REPORT



Meeting Date: Special City Council - Mar 25 2026

Agenda Item: Consideration of Setting a Special Election to Fill the Vacancy in the Office of Mayor

Prepared By: Aaron Jordan, City Administrator

BACKGROUND INFORMATION:

A vacancy now exists in the office of Mayor. Under SDCL § 9-13-14.2, a municipality may fill a mayoral vacancy by special election if it proceeds under a qualifying pre-vacancy ordinance, and Sturgis Code § 30.10(C)-(D) sets out the City's notice and petition procedures for doing so. If the Council sets the special election for June 2, 2026, the City can satisfy the governing notice, petition-circulation, petition-filing, and publication deadlines.

DISCUSSION:

Setting a special election would allow the voters to choose who serves the remainder of the unexpired mayoral term. If the Council chooses this path, the Finance Officer will need to proceed immediately with the required notice and election timeline. Under the City's current election cycle, there does not appear to be a timing-based impediment to holding a special mayoral election on June 2, 2026.

RECOMMENDATION:

Set a special mayoral election for Tuesday, June 2, 2026, and direct staff to proceed with all required notices, petition deadlines, and publication steps under state law and City ordinance.

ATTACHMENTS:

[Mayor Forrester Resignation Letter-260323](#)

[Public Memo Concerning a Vacancy in the Office of Mayor - FINAL - 3-24-26](#)

Approved By:

Aaron Jordan, City Administrator

Status:

Approved - Mar 24 2026



OFFICE OF THE MAYOR
1040 HARLEY-DAVIDSON WAY
STURGIS, SD 57785
605.347.4422 | STURGIS-SD.GOV

March 23, 2026

Tony Dargatz

President of the Sturgis City Council
1040 Harley-Davidson Way
Sturgis, SD 57785

Members of the Sturgis City Council, City Administrator Jordan and all city staff, and especially all the residents of Sturgis, I am writing this letter to let everyone know my condition has progressed to the point I will be resigning from my position as Mayor of Sturgis effective with this letter. I planned to work for the citizens of Sturgis in this role as long as I was able to, and the time has come for me to make this decision in the best interests of Sturgis, the place we all call home.

I feel good about the progress we have made and the amount accomplished since I became mayor in October 2024. I am truly thankful for all the support shown to me, the city council, and city staff during this time.

There is still plenty of work to do and things to accomplish as Sturgis becomes the place we all want it to be. I believe Rod Bradley is a good fit to fill the role going forward, and I would like to see him finish my term as Mayor of Sturgis for the next two years.

It has been a true honor for me to serve as your mayor.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Forrester', written in a cursive style.

Kevin Forrester

Memorandum Concerning a Vacancy in the Office of Mayor

To: Sturgis City Administrator; Sturgis Mayor Pro Tempore; Sturgis City Council

From: Eric Davis, City Attorney

Date: March 24, 2026

Sturgis Mayor Kevin Forrester resigned from the office of mayor on March 23, 2026. Pursuant to SDCL § 9-14-22, City Administrator Jordan requested the opinion of the City Attorney regarding the legal effect of that resignation and the City's resulting duties in connection with a vacancy in the office of mayor.

This memorandum identifies the governing law, applies that law to the immediate vacancy in the office of Mayor, and outlines the statutory roadmap for how the City Council should proceed concerning: (1) the role of the mayor pro tempore, (2) the appointment of a mayor, and (3) the setting of a special election.

Applicable Law

- [SDCL § 9-8-2](#) provides that a vacancy in the office of mayor “must be filled by appointment by a majority vote of all the aldermen, as soon as practicable after the vacancy occurs.” The same statute further provides that, until the vacancy is filled, “the powers and duties of mayor are executed by the mayor pro tempore.”
- [SDCL § 9-8-13](#) provides that the mayor pro tempore “shall perform the duties of the mayor,” but may not appoint, employ, or remove appointive officers without council approval.
- [SDCL § 9-13-14.2](#) provides that a municipality may, “by ordinance enacted prior to the vacancy, require” that a vacancy in the office of mayor “be filled by a special election[.]” The statute also establishes the required notice and nominating-petition procedures and provides that no special election may be held less than ninety days before the annual municipal election.
- [Sturgis Code § 30.10](#) is the City's local ordinance governing vacancies in the office of mayor or city council and the procedures for a special election.

- [Sturgis Code § 30.02](#) provides that the mayor is elected “for a term of three (3) years.” Mayor Forrester was elected at the April 8, 2025 regular municipal election, took the oath of office on May 5, 2025, and serves until his successor is elected and qualified at the next regular mayoral election in 2028, to be held in either June 2028 or November 2028 as to be determined by the Council.
- [SDCL § 9-13-1](#) (recently amended) provides that municipal elections “must be held each year on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November,” and that the governing body “shall establish the date of the annual election by January fourteenth of the election year.”

Immediate Effect of a Mayoral Vacancy

If the office of mayor becomes vacant, two things happen immediately under state law.

1. First, SDCL § 9-8-2 requires that the vacancy “must be filled by appointment” and that the appointment be made “as soon as practicable after the vacancy occurs.” The Council therefore has an immediate legal duty to act and fill the office.
2. Second, SDCL § 9-8-2 provides that, until the vacancy is filled, “the powers and duties of mayor are executed by the mayor pro tempore.” Under SDCL §§ 9-8-12 and 9-8-13, that means the president of the council begins performing the duties of mayor immediately when the vacancy becomes effective, and if the president is unavailable, the vice president serves.

Those statutes preserve continuity of government, but they do not eliminate the Council’s separate duty to fill the vacancy. The mayor pro tempore is an immediate temporary bridge, not a substitute for appointment of a mayor.

Required Roadmap for the Council

1. The mayor pro tempore acts immediately.

As soon as a vacancy becomes effective, the mayor pro tempore begins exercising the powers and duties of mayor under SDCL §§ 9-8-2, 9-8-12, and 9-8-13. In effect, the mayor pro tempore’s role is brief and interim, and it continues only until the Council appoints a mayor.

2. The Council must appoint a mayor as soon as practicable.

Under SDCL § 9-8-2, the vacancy “must be filled by appointment by a majority vote of all the aldermen, as soon as practicable after the vacancy occurs.” The Council therefore should place the appointment on the agenda of the next available regular or properly noticed special meeting and act promptly.

3. The Council may set a special election.

Sturgis Code § 30.10 provides a basis for the Council to set a special election under SDCL § 9-13-14.2. A special election does not replace the need for a prompt appointment. The appointment keeps the office functioning immediately, and the special election provides a later vote of the electorate on who will serve the remainder of the mayor's unexpired term.

4. Any special election must be legally authorized and follow the statutory procedures.

SDCL § 9-13-14.2 and Sturgis Code § 30.10 require the City to follow the statutory notice and nominating-petition procedures. Under those provisions, the finance officer must publish notice that a vacancy exists, that the vacancy will be filled by special election, the date of the election, and the time and place for filing nominating petitions. The notice must be published once each week for two consecutive weeks beginning at least sixty days before the special election. Nominating petitions may not be circulated more than sixty days before the special election and must be filed at least thirty days before the special election.

The Council must also account for the statutory timing limits. Under current SDCL § 9-13-14.2, no special election may be held less than ninety days before the annual municipal election. Beginning July 1, 2026, amended SDCL § 9-8-2 will also provide that "[a] special election may not be held if the vacancy in the office of the mayor occurs within the twelve months preceding the regular election for the office of the mayor." Neither is applicable here, and based on the City's current election cycle, there is no timing-based legal impediment to conducting a special mayoral election.

Role of the Mayor Pro Tempore

The role of the mayor pro tempore is limited but important. Under SDCL § 9-8-2, the mayor pro tempore executes the powers and duties of mayor only "until the vacancy is filled." Under SDCL § 9-8-13, the mayor pro tempore "shall perform the duties of the mayor," but may not appoint, employ, or remove appointive officers without council approval.

The Council therefore should not leave the office vacant and simply rely on the mayor pro tempore for an extended period while delaying the required appointment. The statutes contemplate immediate continuity through the mayor pro tempore and prompt formal action by the Council to fill the vacancy.

Length of the Appointment and Length of Any Specially Elected Successor's Service

SDCL § 9-8-2 currently provides that the appointment is made "to serve until the office is filled by election for the unexpired term at the next annual municipal election." Beginning July 1, 2026, [2026 House Bill 1030](#), § 8 revises that language so that the appointee serves until the

office is filled “for the unexpired term at the next regular election.” The same statutory language means that any person later elected to fill the vacancy serves only the unexpired term, not a new full term.

There is no regular mayoral election in 2026 or 2027. Mayor Forrester’s current term runs through 2028. The next regular City Council election cycle is in 2027, but the next regular election for the office of mayor is in 2028.

Historically, municipal elections in Sturgis were held in April. [SDCL § 9-13-1](#) now requires municipal elections to be held in either June or November, as selected by the governing body. Because the Council has not yet set whether the next regular mayoral election in 2028 will occur in June or November, the exact month in which an appointed or specially elected mayor’s service would end cannot yet be stated with certainty. That uncertainty does not change the controlling point: if the Council later sets a special election and a successor is elected, that specially elected mayor would serve only the balance of the current term until the next regular mayoral election in 2028.

What Changes on July 1, 2026

Beginning July 1, 2026, 2026 House Bill 1030, § 8 amends SDCL § 9-8-2 to provide that a mayoral vacancy “must be filled by a motion supported by a majority vote of all the aldermen” made at a meeting held “as soon as practicable after the vacancy occurs.” That amendment makes the current statutory structure even clearer.

The same amendment further provides that the appointed person serves until the office is filled for the unexpired term at the next “regular election or by special election as provided in § 9-13-14.2.” That confirms the Legislature’s intended structure: continuity of government first, with a possible later special election if the statutory prerequisites are satisfied.

2026 House Bill 1030, § 8 also adds a timing limit by providing that “[a] special election may not be held if the vacancy in the office of the mayor occurs within the twelve months preceding the regular election for the office of the mayor.” That is not implicated here.

2026 House Bill 1030, § 22 also amends SDCL § 9-13-14.2 to update its wording from the older “annual municipal election” language to the current regular-election framework while preserving the special-election mechanism and the detailed notice requirements.

These July 1 amendments do not change the present conclusion that the Council must appoint promptly if a vacancy occurs now. Instead, they reinforce that conclusion and make the Legislature’s policy direction more explicit.

Recommendation

Considering the vacancy in the office of Mayor, the Sturgis City Council should proceed in the following order:

1. Recognize that the mayor pro tempore begins exercising the duties of mayor immediately upon the vacancy.
2. Place the appointment of a mayor on the agenda of a regular or properly noticed special meeting and fill the vacancy by majority vote of all aldermen as soon as practicable.
3. Consider proceeding under Sturgis Code § 30.10 and SDCL § 9-13-14.2 to set a special election and follow the required notice and petition procedures.
4. At the appropriate time required by SDCL § 9-13-1, establish whether the next regular mayoral election in 2028 will occur in June or November so the City knows when any specially elected successor's service for the unexpired term will end.

City Council
STAFF REPORT



Meeting Date: Special City Council - Mar 25 2026

Agenda Item: Discussion of Filling the Vacancy in the Office of Mayor by Appointment Pending the June 2, 2026 Special Election

Prepared By: Aaron Jordan, City Administrator

BACKGROUND INFORMATION:

Under SDCL § 9-8-2, a vacancy in the office of Mayor “must be filled by appointment by a majority vote of all the aldermen, as soon as practicable after the vacancy occurs.” The same statute provides that, until the vacancy is filled, the powers and duties of Mayor are executed by the mayor pro tempore. Any person appointed as Mayor must meet the statutory qualifications for appointment to municipal office.

DISCUSSION:

The Council may appoint any qualified person to serve as Mayor pending the June 2, 2026 special election. If the Council appoints a current alderman, that person may not continue to hold both offices at the same time, because SDCL § 9-14-16 prohibits a mayor or alderman from holding another municipal office while serving in that office. In that event, the alderman’s seat would become vacant and would need to be addressed separately under the governing vacancy statutes. If the Council appoints someone other than a current alderman, that person would serve as interim Mayor until a successor is elected at the June 2 special election and qualifies for office.

State law requires the Council to appoint a Mayor as soon as practicable, but what is practicable depends in part on the process the Council chooses to use. If the Council wants a streamlined process, the April 6, 2026 regular meeting may be practicable. If the Council wants to solicit applications and conduct interviews, a later meeting may be more realistic.

RECOMMENDATION:

Establish appointment process and give direction on candidate solicitation, required materials, timing, interviews, and whether current aldermen should be considered.

Approved By:
Aaron Jordan, City Administrator

Status:
Approved - Mar 24 2026