

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, October 18, 2021, at the Sturgis City Hall Council Meeting Room. Present: Mayor Mark Carstensen, Alderpersons Mike Bachand, Kevin Forrester, Aaron Jordan, David Martinson, Dean Sigman, Angela Wilkerson and Beka Zerbst. Also present: City Manager Daniel Ainslie and City Attorney Mark Marshall. Absent: Jason Anderson.

Motion by Zerbst, second by Wilkerson and carried with all members present unanimously voting yes to approve the agenda.

Motion by Martinson, second by Sigman and carried with all members present unanimously voting yes to go into executive session for four legal cases, four contracts and two personnel at 6:01 pm.

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

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Informational Reports:

- Library Board minutes from September 29, 2021 (unapproved)
- Planning Commission minutes from October 5, 2021 (unapproved)

Announcements:

- Mayor Carstensen recognized the SDML Hall of Fame employees: Dan Cass, Kathy Dykstra, Chief Scott Lensegrav, Doyle Schaefer, and Doug Wagner.
- Presentation of the 2021 Rally donation checks.

Mayor's Ride – SVFD - \$7500

Fire Station Parking Lot - \$7500

Police Reserves - \$6000

Sturgis Ambulance - \$7500

Love Inc. Sturgis - \$2500

Animal Shelter - \$2500

United Way – employee match- \$2000

Mayor's Pub Crawl – Ambulance Fund - \$1820

Director's Ride – Colorado Captain Charity - \$250

Director's Ride – Sturgis Outdoor Recreation - \$938

Tattoo & Beard - Sturgis Rally Charities - \$275

Legendary 5k – Sturgis Outdoor Recreation \$1500

Sponsorship – Sturgis Rally Charities - \$10395

Sponsorship – Sturgis Charities Endowment - \$62400

Open Container cup sales – Sturgis Rally Charities - \$17600

Open Container cup sales – Sturgis Charities Endowment - \$62400

Sturgis Liquor Bourbon Raffle – Sturgis Rally Charities - \$7500

Sturgis Liquor Bottle Engraving – Sturgis Brown Scholarships - \$2600

Jack Daniel's Challenge Coins – Sturgis Brown Scholarships - \$10000

The Alliance of Churches will be doing their annual Chili feed on Monday October 25th from 4:30 to 6:30 pm at the Community Center.

City Manager Ainslie reported:

- a. Recognition of Officer Tanner Weaver for his success in using “stop sticks” to stop a potential dangerous and life-threatening pursuit.
- b. The sales tax update for General Sales Tax and Capital Improvement Tax for August collected in September was up 13.5% month over month and year over year 15.1%. The Gross Receipts Tax (triple B) was up 20.3% month over month and year over year up 33.3%.
- c. KPI report for September will be on the City website.
- d. 81st Annual City of Sturgis Motorcycle Rally Financial Report was given.
- e. Payroll – within budget:
 1. Library – Donia Sichler – Assistant Library Director - \$22.00.
 2. Ambulance – Maxwell Hanna – Paramedic - \$21.00 off orientation (\$19.00 on orientation); EMT-B – Sierra Morrison, Nathaniel Peay, Kristi Rosenlund and Bryson Kool - \$15.00 (\$13.00 on orientation).
 3. Police - Autumn Lyons – Animal Control Officer - \$20.86.

Motion by Zerbst, second by Jordan and carried with all members present unanimously voting yes to approve the following items on the consent calendar with the exception of the removal of b:

- a. Consideration to approve minutes from regular Council meeting on October 4, 2021.
- ~~b. Consideration to approve the Sturgis Rally Charities Professional Service agreement.~~
- c. Consideration to approve Resolution 2021-47 – Plat for Devorah A. Lopez.

**RESOLUTION 2021-47
RESOLUTION APPROVING PLAT**

WHEREAS, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Devorah A. Lopez:

SURVEY PLAT OF
TRACT 1 OF GOVERNMENT LOT 1 & GOVERNMENT LOT 2
AND
TRACT 2 OF GOVERNMENT LOT 1
FORMERLY: GOVERNMENT LOT 1 AND A PORTION OF GOVERNMENT LOT 2
ALL LOATED IN: SE1/4 OF SE1/4 OF SECTION 36, T6N, R5E, BHM.
MEADE COUNTY, SOUTH DAKOTA.

WHEREAS, said plat meets the requirements of the statutes.

WHEREAS, that the municipality approves the plat, and that the written certification of the City’s approval will be affixed to the plat, by the Mayor.

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved as provided herein.

Dated this 18th day of October 2021.

Effective: 11-15-2021

- d. Consideration to set a public hearing on 11/1/2021 for a Use on Review for William and Bob Lippold for a dwelling in Highway Service zone.

Motion by Sigman, second by Forrester and carried with all members present unanimously voting yes to approve the Sturgis Rally Charities Professional Service agreement with the change of Treasurer to Brenda Sabers in the agreement.

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

WAGES – Ambulance \$35,678.43; Attorney \$5819.23; Auditorium \$202.70; Buildings \$1228.83; Cemetery \$2349.51; City Manager \$4460.27; Community Center \$12,817.79; Finance Office \$6668.00; Fire Department \$273.71; Fleet \$6706.26; Human Resource \$4900.26; Library \$8734.34; Liquor \$6811.99; Mayor and Council \$4046.71; Parks \$11,023.02; Planning & Permitting \$10,262.22; Police \$43,015.39; Rally \$8648.69; Recreation \$2867.67; Sanitary Service \$16,379.25; Streets \$11,983.78; Wastewater \$11,703.74; Water \$14,546.15; Federal Withholding \$18,455.38; FICA \$16,432.72.

GENERAL – Laura Abernathy, \$50.00, prof fee; Baker & Taylor, \$365.48, sup; Paula Basker, \$100.00, ins; Bear Butte Valley Water, \$191.35, util; Black Hills Chemical, \$2359.43, sup; Black Hills Energy, \$14590.76, util; Border States Electric, \$105.25, rep; CBH, \$8153.39, sup; Central States Sanitation, \$420.00, rep; City Service Valcon, \$12623.26, sup; County Drug, \$333.70, ins; Devon Crowe, \$50.00, prof fee; Deadwood VFW, \$2000.00, other; Parker Derouchey, \$30.00, other; Double Star Computing, \$576.25, prof fee Electrical Engineering & Equipment, \$80.00, rep; Epic Outdoor Advertising, \$1200.00, rent; Godfrey Brake Service, \$90.10, rep; Grossenburg Implement, \$244.72, rep; Kevin Klug, \$100.00, prof fee; Legends Sales & Marketing, \$17400.00, prof fee; Light & Siren, \$870.00, rep; Love Inc of the Black Hills, \$2500.00, other; Lynn's Dakotamart, \$22.55, other; MasterCard, \$72747.99, sup; MDU, \$3358.58, util; Motionsoft, \$450.00, prof fee; Northern Truck Equipment, \$104.78, rep; Travis Parker, \$30.00, other; Powerplan, \$234.10, rep; Purchase Power, \$500.00, sup; Rally Point Shade, \$1049.96, prof fee; Rushmore Office Supply, \$231.32, sup; Sacrison Asphalt, \$93.60, sup; SD Planners Association, \$80.00, prof fee; Kayleen Selfridge, \$50.00, prof fee; Sheraton Hotel, \$139.00, travel; Speedy Lube, \$63.73, sup; Sturgis Police Reserves, \$6000.00, other; Sturgis Rally Charities Foundation, \$28270.00, other; Sturgis Volunteer Fire Dept, \$7500.00, other; United Way, \$2000.00, other; Visible Difference Janitorial, \$2250.00, prof fee; Zach Weyer, \$150.00, prof fee.

SPECIAL SALES TAX – Black Hills Energy, \$41.31, util; Lawrence & Schiller, \$11993.58, promo; MasterCard, \$473.42, util; MDU, \$79.86, util.

CAPITAL IMPROVEMENT – Helms & Associates, \$2310.15; MasterCard, \$42380.73; Rushmore Office Supply, \$12368.00; SD Dept of Transportation, \$93.11.

BUSINESS IMPROVEMENT DISTRICT – Glenn Bailey, \$750.00, other; Black Hills Energy, \$20.00, util; CBH, \$277.45, sup; City of Sturgis Water Dept, \$64.73, util; Lynn's Dakotamart, \$14.97, sup; MasterCard, \$11201.06, sup; MDU, \$8.25, other; Rushmore Office Supply, \$81.69, sup; Tom's T's, \$784.75, sup.

HOTEL OCCUPANCY TAX DISTRICT – Lawrence & Schiller, \$11330.91, other.

LIQUOR – Arctic Glacier USA, \$121.50, resale; Black Hills Chemical, \$354.62, sup; Cash-Wa Distributing, \$1343.80, resale; Cask & Cork, \$754.02, resale; CBH, \$132.70, rep; Coca Cola, \$638.50, resale; Dakota's Best, \$464.00, resale; Desjarlais Farms, \$252.00, resale; Double Star Computing, \$38.75, prof fee; Fisher Beverage, \$10217.00, resale; Johnson Western Wholesale, \$23195.23, wholesale; MasterCard, \$7104.16, sup; MDU, \$27.57, utilities; Pepsi Cola, \$138.00, resale; Prairie Berry, \$600.00, resale; Quality Brands of the Black Hills, \$21313.15, resale; Republic Beverage Co, \$9491.15, resale; Rushmore Office Supply, \$73.99, sup; Sawyer Brewing,

\$126.00, resale; Schade Vineyard, \$132.00, resale; Southern Glazer's of SD, \$2643.61, resale; Voss Distributing, \$60.80, resale.

WATER – Aspen Estates, \$158.88, refund; Black Hills Energy, \$3130.12, util; Core & Main, \$141.03, sup; Double Star Computing, \$38.75, prof fee; MasterCard, \$4801.81, rep; MDU, \$155.70, util.

WASTEWATER – Aspen Estates, \$166.12, refund; Black Hills Energy, \$2842.28, util; CBH, \$20.00, sup; Double Star Computing, \$1040.93, pro fee; Lynn's Dakotamart, \$28.09, sup; MasterCard, \$7884.35, cap imp; MDU, \$56.16, util; Rushmore Office Supply, \$31.11, sup; Speedy Lube, \$115.97, sup.

SANITATION – Black Hills Energy, \$15.00, util; CBH, \$4288.80, sup; Double Star Computing, \$38.75, prof fee; Lynn's Dakotamart, \$22.27, sup; MasterCard, \$11820.24, rep; Speedy Lube, \$50.49, sup.

AMBUALNCE – Black Hills Energy, \$79.20,util; CBH, \$2542.14, sup; Double Star Computing, \$38.75, prof fee; Electrical Engineering & Equipment, \$80.00, rep; Henry Schein, \$284.08, sup; Ketel Thorstenson, \$2362.00, prof fee; Lynn's Dakotamart, \$-11.99; MasterCard, \$7889.26, sup; MDU, \$35.97, util; Rushmore Office Supply, \$4.69.

Motion by Martinson, second by Sigman and carried with all members present unanimously voting yes to approve Resolution 2021-45 - Amendment to TIF #18.

**RESOLUTION 2021-45
AMENDMENT OF TAX INCREMENTAL
DISTRICT NUMBER EIGHTEEN**

WHEREAS, the Common Council of the City of Sturgis created Tax Incremental District #18 on September 21, 2020, through the adoption of Resolution 2020-56; and,

WHEREAS, the Project has been delayed due to a redesign of the ventilation and several rooms in response to the COVID 19 pandemic increased material costs: and

WHEREAS, the issues causing delay have been resolved and the project is now ready to proceed; and

WHEREAS, the TIF Amendment includes a revision to the anticipated assessed value of the senior living facility, and in addition, the developer committed to build 3 townhomes (a total of 6 residential units) fronting Fergusson Drive; and

WHEREAS, the increased valuation will allow the funding from the TIF used for public infrastructure projects to increase by \$250,000; and

WHEREAS, the principal member of the development formed a new LLC which, as recognized in the TIF Amendment, will complete the development; and

WHEREAS, the Common Council of the City of Sturgis deems it necessary to amend tax incremental district, pursuant to SDCL 11-9-18, to accommodate the revisions necessary to complete the project; and,

WHEREAS, the Amended Tax Incremental District Number Eighteen (TIF #18) will include the same property and tax base more particularly described herein; and

WHEREAS, the Council has reviewed and considered the recommendation provided to the Council by the Sturgis Planning and Zoning Commission; and

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9-8 for a tax incremental district; and

WHEREAS, the Council finds that not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources and that the total amended project value is less than 35% of the original project plan project value; and

WHEREAS, the Council finds that the use of tax increment financing to promote development is authorized by the statutes of the State of South Dakota; and

WHEREAS, the Council finds improvement of the area is likely to significantly enhance the value substantially of all the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED that said Tax Incremental District Number Eighteen, City of Sturgis, shall upon passage and publication be amended and be forwarded to the State of South Dakota Department of Revenue.

Dated this 18th day of October 2021.

Published: 10-25-2021

Effective: 11-15-2021

Discussion regarding potential amendments to Title 18 – Zoning, Use on Review and Variances changes- Notices would be sent to property owners and residents within 250’ of subject property. Notices can be returned with comments, there will be no voting.

Zoning Changes – Modifies voting to require 60% approval of landowners within 250’ of the subject parcel must in writing consent. Voting is by weighted based upon square footage of the parcel. If the 60% is not met the applicant may appeal to the City Council.

Discussion regarding potential amendments to Title 18 – Zoning, Camping in Residential Zones changes: removing section from Title 18 and put in Title 11 Health and Sanitation. Reenforces the Preexisting Non-conforming uses end once a parcel miss camping use for a year or ownership is transferred to another party. Maximum number of days camping is authorized has been clarified to XX days within a calendar year.

Discussion regarding potential amendments to Title 13 – Nuisance, Noise Changes: Establishes a “Quiet Time” where amplified sound is prohibited throughout the year. Several times were discussed for Sunday through Thursday and Friday and Saturday. Establishes a “Quiet Time” where amplified sound is prohibited during the 10 days of the Rally and 3 days before the Rally starts. Times were discussed.

Any other business:

None

Motion by Martinson, seconded by Zerbst and carried with all members present unanimously voting yes to adjourn the meeting at 9:12 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$160.31.