

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, March 19, 2012 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Clint Brengle, David Hersrud, Marcia Johnston, Jamie McVay, Tim Potts, Dane Sundstrom and Kelly Vasknetz. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Joe DesJarlais.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- Councilor Johnston reported that her niece Paige McPhearson will be going to the Olympics and also there is a chance that Les Sigman will be going.
- The Mayor announced that the Arbor Foundation declared the City of Sturgis Tree City USA for the 29th year.
- The “New Harmonies” exhibit is on display at the library.

Informational Reports:

Finance Officer Bueno updated the Council on her Department:

- Finance staff will be going through the records stored at the auditorium and organizing what is there and what can be destroyed.
- Staff will be doing quarterly liquor inventory in April.
- The 2011 audit will be done the week of May 7th.
- We will be doing refresher training on “Dashboard” for the Department heads.
- The election will be held on April 10th and absentee voting will begin on March 26th. You can register to vote through March 26th.

Park Director Gene Stock updated the Council on his Department:

- The Parks Department is working with all the recreational groups getting ready for their outdoor activities.
- They are cleaning up the Cemetery and setting new monuments.
- Staff is working on Rally events.
- They are helping with the Community Garden project.
- There are several other projects they are working on which includes landscaping at the Lions Club Park, concession/bathrooms at the Legion Field, phase 2 of the Deadman Trail project.

City Manager Ainslie reported:

- The 2012 budget, as of the end of February, is at 17% of the expenditures and is within budget. All funds are at budget or below.
- A hearing was held for the Lazelle Street project with the Department of Transportation last week. The DOT will be resurfacing Lazelle Street and are looking at making Lazelle Street a three lane highway instead of five lanes. There will be a trial run in May with the three lanes and will change it back to five lanes during the Rally.
- The final figures for the 2011 Rally shows that there was a \$391,584.76 net deposit into City funds. The estimated sales tax collected was \$194,477.55.

Motion by Brengle, second by Johnston and carried with all members voting yes to approve the consent calendar.

Motion by Potts, second by Brengle and carried with all members voting yes to approve the following claims with the exception of Johnston's Hardware Hank, \$558.58, supplies; Cetec Engineering \$21,309.50, professional fee; Hersrud, \$436.81, repair; and The Homeslice Group \$5422.00, publishing.

Wages – Ambulance \$13,902.47; Attorney \$2,884.62; Auditorium \$174.76; Buildings \$2,103.65; Cemetery \$1,036.31; City Manager \$4,702.14; Community Center \$13,464.05; Community Development \$5,206.01; Finance Office \$8,694.78; Fire Department \$2,668.81; Human Resource \$2,121.81; Library \$8,682.38; Liquor \$4,315.00; Mayor and Council \$3,333.27; Parks \$10,913.29; Police \$37,657.79; Rally \$3,264.91; Sanitary Service \$10,633.38; Streets \$8,569.68; Wastewater \$9,263.80; Water \$11,473.73; Federal Withholding \$14,732.82; FICA \$11,778.38.

General – A&B Welding, \$74.52, supp; A&J Surplus, \$302.90, supp; Accursource, \$134.50, prof fee; Alexandra Alverson, \$45.00, cc prog exp; Cady Barden, \$45.00, cc prog exp; Barrows Electric, \$45.92, repair; Todd Bartells, \$208.88, com ctr refund; BH Chemical, \$1802.71, supp; BH Power, \$21,082.09, util; Buckle Tree, \$504.46, supp; Campbell Supply, \$557.13, supp; CBH Coop, \$12,161.94, supp; Coca Cola, \$1528.35, merch for resale; Community Center, \$110.00, other; Custom Cage, \$630.00, equip; Dakota Backup, \$806.99, prof fee; Dakota Supply Group, \$130.20, repair; Double Star Computing, \$6951.84, prof fee; Ecolab Pest, \$169.00, maint; Emergency Services Marketing, \$12.40, other; Energy Lab, \$55.65, maint; Fastenal Company, \$24.57, repair; First Interstate Bank, \$3644.50, supp; First Western Insurance, \$40.00, insur; Freeman Electric, \$5892.63, repair; FSH Communications, \$120.00, util; Glover Investments, \$600.00, rental-rally; Integrity Sheet Metal, \$995.52, repair; J&L Services, \$40.00, repair; Jacobsen Ford, \$11.50, repair; Knecht Home Center, \$124.30, supp; Knology, \$85.06, supp; Alexis Lemmel, \$80.00, cc prog exp; LPN Holdings, \$4180.26, supp; Lynn's Dakotamart, \$78.01, supp; Marco, \$31.89, maint; Massa Berry Clinic, \$141.00, prof fee; Meade Co Auditor, \$2853.04, util; Meade Co Times, \$295.05, publ; Menards, \$14.99, supp; MDU, \$10,299.86, util; Motionsoft, \$450.00, prof fee; Neve's Uniforms, \$2327.34, supp; North Central Supply, \$273.00, repair; Occupational Health Network, \$484.45, prof fee; Office Depot, \$204.50, supp; O'Reilly Auto Parts, \$345.20, repair; Owens Interstate Sales, \$822.31, repair; Pamida, \$117.52, supp; Pitney Bowes, \$370.56, supp; Powerplan, \$218.53, repair; Print Mark-et, \$869.04, publ; Public Safety Equipment, \$10,990.00, equip; Purchase Power, \$400.00, supp; Rapid City Journal, \$36.00, cc prog exp; Rapid Delivery, \$48.90, maint; Rockingtree Landscape, \$75.00, maint; Rushmore Office, \$1063.99, supp; Sand Creek Printing, \$80.00, repair; SD Federal Property Agency, \$59.00, supp; Servall Towel, \$431.13, supp; Sturgis Cycle Hut, \$250.00, zoning refund; Sturgis Napa, \$1613.68, repair; The Sharpening Shop, \$56.00, repair; Town-N-Country Plumbing, \$78.53, repair; Twilight First Aid, \$181.35, supp; Tanner Urbaniak, \$80.00, cc prog exp; Walco International, \$26.05, supp; West Payment Center, \$99.10, prof fee; Western Dakota Insurance, \$67.00, insur; Chase Williamson, \$20.00, cc prog exp; Zylstra Towing, \$310.50, repair.

Capital Improvement – Brosz Engineering, \$4789.36, cap imp; Doug O'Bryan Contracting, \$55,869.21, cap imp.

Liquor – Amcon, \$3147.95, cig for resale; BH Chemical, \$31.94, supp; BH Power, \$1618.20, util; Cask & Cork, \$624.00, off sale liquor; Coca Cola, \$241.30, pop for resale; Double Star Computing, \$26.66, prof fee; Eagle Sales, \$18,548.74, off sale beer; Ecolab Pest, \$96.00, maint; Fisher Beverage, \$11,938.15, off sale beer; Johnson Western Wholesale, \$32,146.07, off sale liquor; Massa Berry Clinic, \$18.00, prof fee; MDU, \$348.80, util; Occupational Health Network, \$30.00, prof fee; Pepsi Cola, \$201.10, pop for resale; Prairie Berry, \$1080.00, off sale liquor; Print Mark-et, \$57.94, publ; Republic Beverage, \$17,387.30, off sale liquor; Rushmore Office, \$167.99, supp; Sand Creek Printing, \$296.73, supp; Schade Vineyard, \$351.00, off sale liquor; Servall Towel, \$195.11, supp; Tour Ice, \$71.60, merch for resale.

Water – A&B Business, \$281.91, prof fee; A&B Welding, \$65.30, supp; APWA-BH Branch, \$40.00, prof fee; Robert Bender, \$22.20, refund; BH Power, \$1451.51, util; Buckle Tree, \$136.50, supp; Campbell Supply, \$66.29, supp; CBH Coop, \$586.14, supp; Credit Collections Bureau, \$116.09, supp; Dakota Backup, \$91.97, prof fee; Double Star Computing, \$61.61, repair; Fastenal, \$25.13, supp; First Interstate Bank, \$-49.98, supp; G&H Distributing, \$80.03, supp; Hawkins, \$440.25, supp; HD Supply Waterworks, \$513.58, supp; Johnston Hardware, \$.99, supp; Meade Co Times, \$24.19, publ; Midco Diving & Marine Services, \$2099.00, repair; Midcontinent Testing Lab, \$129.00, prof fee; MDU, \$114.13, util; Occupational Health Network, \$225.53, prof fee; OReilly Auto Parts, \$3.69, supp; Pamida, \$58.43, supp; Pete Lien, \$51.25, repair; Print Mark-et, \$57.94, publ; Rushmore Office, \$98.22, supp; Rustic Woodcrafts, \$75.00, supp; SD Assn of Rural Water, \$300.00, prof fee; SD Public Assurance Alliance, \$252.16, insur; SEDC, \$40,000.00, other; Servall Towel, \$11.24, supp; SD One Call, \$39.96, prof fee; Sturgis Napa, \$226.36, supp; TW Enterprises, \$87,967.15, equip; Weston Engineering, \$8552.99, equip.

Wastewater – Buckle Tree, \$213.77, supp; Campbell Supply, \$69.98, repair; City of Belle Fourche, \$27.84, other; Dakota Backup, \$86.35, prof fee; Double Star Computing, \$26.66, prof fee; Occupational Health Network, \$46.66, prof fee; Owens Interstate, \$294.10, repair; Print Mark-et, \$57.94, publ; Sturgis Napa, \$59.99, repair.

Sanitary Service - A&J Surplus, \$289.70, repair; Adams Machining, \$2099.15, repair; BH Power, \$11.00, util; Buckle Tree, \$386.18, supp; Campbell Supply, \$141.88, repair; CBH Coop, \$3991.55, supp; Century Business, \$195.76, prof fee; City of Belle Fourche, \$13,538.92, other; Double Star Computing, \$26.66, prof fee; Fastenal, \$374.47, repair; First Interstate Bank, \$80.10, repair; Johnston Hardware, \$13.57, repair; Occupational Health Network, \$46.66, prof fee; Owens Interstate, \$240.97, repair; Print Mark-et, \$57.94, publ; Sanitation Products, \$136.56, repair; Sturgis Napa, \$593.20, repair.

Ambulance – CBH Coop, \$1300.28, supp; Dakota Backup, \$50.14, supp; First Interstate Bank, \$1000.00, supp; Lynn's Dakotamart, \$35.28, supp; Massa Berry Clinic, \$18.00, prof fee; MDU, \$350.02, util; Occupational Health Network, \$30.00, prof fee; Print Mark-et, \$57.94, publ; Regional Home Medical Equip, \$258.00, supp; Rushmore Office, \$305.87, supp; Sturgis Napa, \$.13, supp.

Motion by Brengle, second by Johnston and carried with Brengle, Carstensen, Johnston, Hersrud, McVay, Sundstrom and Vasknetz voting yes and Potts abstaining to pay the following claim: Cetec Engineering, \$21,309.50, professional fee.

Motion by Johnston, second by McVay and carried with Brengle, Carstensen, Johnston, McVay, Potts, Sundstrom and Vasknetz voting yes and Hersrud abstaining to pay the following claim: Hersrud, \$436.81, repairs.

Motion by Potts, second by McVay and carried with Brengle, Carstensen, Hersrud, McVay, Potts, Sundstrom and Vasknetz voting yes and Johnston abstaining to pay the following claim: Johnston's Hardware Hank, \$558.58, supplies.

Motion by Potts, second by Hersrud and carried with Carstensen, Hersrud, Johnston, McVay, Potts, Sundstrom and Vasknetz voting yes and Brengle abstaining to pay the following claim: The Homeslice Group \$5422.00, publishing.

Motion by McVay, second by Vasknetz and carried with Carstensen, Hersrud, Johnston, McVay, Potts, Sundstrom and Vasknetz voting yes and Brengle abstaining to approve a Special Events liquor license for Loud American for March 23, 2012 for the Turkey Federation Banquet at the auditorium.

Motion by Brengle, second by McVay and carried with all members voting yes to approve a rear and side yard variance for Richard and Eunice Peck at 721 Lazelle Street for a garage.

Motion by Hersrud, second by Brengle and carried with all members voting yes to approve the following payroll changes: Community Center – Lifeguard – Sally Clement-\$8.00 – annual increase; Fun & Fitness Coordinator – Bethany Jensen - \$8.00 –replacement. Water Department – Water Superintendent – Dale Olson – same wage- no longer interim; Water Supervisor – Brad Deutsch - \$21.33 – promotion; Water Operator – Judd Crowser – same wage – change in job responsibilities. Ambulance – Paramedic – Anni Lukesh - \$12.00 – part-time; Paramedic –Jason Hartman - \$12.00 – part-time; Paramedic – Shelley Haupt - \$12.00 – part-time. Public Works Department – Director of Public Works-Randy Nohava-\$2,558.42-no longer providing coaching to Water Superintendent.

In consideration of Ordinance 2012-05 Title 11, Jack Hoel stated that he would like to have the Council increase the sanitation fee by \$50.00, but decrease the vendor fee \$50.00, so the total fee would continue to be \$600.

Motion by Brengle, second by Johnston and carried with all members voting yes to amend second reading of Ordinance 2012-05 Title 11 – Health and Sanitation – Section: 11.04.21 and 11.04.23- Appeal Process to read “The fee of \$225.00 shall be imposed for access up to five (5) totes” in the wording of the ordinance.

Motion by McVay, second by Brengle and carried with all members voting to approve second reading of Ordinance 2012-05 Title 11 – Health and Sanitation – Section: 11.04.21 and 11.04.23- Appeal Process.

ORDINANCE 2012-05
AN ORDINANCE AMENDING TITLE 11 - Health and Sanitation –Sections: 11.04.21-
Special Sanitation Fee; 11.04.23 – Appeals process.

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 11 –Health and Sanitation- Sections: 11.04.21 and 11.04.23 is hereby amended to read as follows:

11.04.21: SPECIAL SANITATION FEE

A sanitation fee in the amount of Two Hundred Twenty-Five Dollars (\$225.00) shall be imposed and collected for additional garbage and public collection disposal and for the provision of the temporary sanitation services to all temporary vendors within the City during any special event of over four (4) days in duration, unless specifically exempted from payment under the language of the Temporary Vendor License requirements set out in Title 31, Sturgis City Ordinances.

The fee of \$225.00 shall be imposed for access up to five (5) refuse “totes”. An additional fee of \$425.00 shall be imposed for access to six (6) to ten (10) refuse totes; a fee of \$600.00 shall be imposed for access to eleven (11) to fifteen (15) refuse totes; a fee of \$750.00 shall be imposed for access to sixteen (16) to twenty (20) refuse totes, and a fee of \$900.00 shall be imposed for access to more than 20 refuse totes. Beginning January 1, 2013 the fees stated herein shall increase to \$235.00, \$435.00, \$610.00, \$760.00 and \$910.00 respectively. Beginning January 1, 2014 the fees stated herein shall increase to \$245.00, \$445.00, \$620.00, \$770.00 and \$920.00 respectively.

The number of additional refuse totes required for each property during a special event shall be determined by the Public Works Director or his/her designee. A property owner may dispute the determination and request a review of that determination by the Public Works Director within 72 hours of delivery of the additional totes to the property by providing a written objection and any supporting documentation to the City Finance Office. The City Manager will review the complaint and provide a written decision to the property owner within 5 days. If the property owner still disputes the fee for the additional refuse totes, the remedy for the property owner is to submit a formal appeal as provided for at Section 11.04.23 herein.

Material permitted to be disposed of in these totes does not include disposal of any tires, inner tubes or similar items. Vendors that have paid the Special Sanitation Fee set forth above can request disposal of used tires at the time the Vendor permit and Special Sanitation Fee is paid by paying for 1/2 of the total expected tire disposal cost, calculated at the following rate per tire:

Type 1 - \$4.00 each – Bicycle tires.

Type 2 - \$5.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.

Type 3 - \$11.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.

Type 4 - \$22.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.

Type 5 - \$42.00 each-- Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter

No tires larger than 24 inches inside diameter shall be accepted. Tires must be sorted, paid for at the listed fee, and placed in the proper pile according to the directions of the Public Works director or his designee.

Billing for said tire pick up shall be sent to both the Vendor and the property owner. Any tire disposal so arranged but not paid in full within 45 days after the end of the annual motorcycle rally shall be assessed to the property owner's monthly sanitation/utility bill sent by the Sturgis Water Department and subject to collection by the City of Sturgis by any means authorized by city Ordinance or state law.

Tires which are left on private property and not removed within 7 days of the end of the annual motorcycle rally, or for which full payment for removal as set forth above has not been received, shall be removed by City personnel and the following fees assessed to the property owner for such removal:

Type 1 - \$5.00 each – Bicycle tires.

Type 2 - \$7.00 each – Vehicle and motorcycle tires for rim size 17 inches or smaller.

Type 3 - \$12.00 each – Tires larger than 17 inches inside diameter and up to 20 inches inside diameter.

Type 4 - \$25.00 each-- Tires larger than 20 inches inside diameter and up to 22.5 inches inside diameter.

Type 5- \$45.00 each-- Tires larger than 22.5 inches inside diameter and up to 24 inches inside diameter.

For any tire larger than 24" left on public or private property and picked up by public Works or other authorized City personnel to avoid the existence of a trash nuisance, the handling and disposal fee shall be \$150.00 or the actual disposal cost to the City, whichever is greater. Billing for all tires picked up by City employees shall be assessed at these rates on the property owner's resident's monthly sanitation/utility bill sent by the Sturgis Water Department.

In addition to being required to pay the Special Sanitation Fee provided for herein, trash piled upon or next to a refuse tote may constitute a nuisance in violation of Title 12 of Sturgis ordinances, and the property owner may be subject to prosecution for any such violation under Ordinance Title 12, or under the Administrative Code Violation provisions of Ordinance Title 36.

The owner of each establishment set forth below shall pay the sanitation fee prescribed above for the sanitation provided by the City during any special event of over four (4) days duration. Said fee shall be added to the next utility billing following the special event as shown by the records of the Sturgis Water Department. The fee prescribed is for a maximum twelve (12) day period. Said fee shall be imposed and collected from the following establishments, unless specifically exempted from payment by the language of ordinance Title 31:

- A. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty (30) persons or less. (License Type 150)
- B. Food service establishment licensed under the statutes and regulations of the South Dakota State Department of Health with a seating capacity of thirty-one (31) persons or more. (License Type 150)
- C. Food service establishment which is not required to be licensed under the statutes and regulations of the South Dakota State Department of Health. (License Type 150)
- D. Establishments licensed pursuant to SDCL 35-4-2 (16) or SDCL 34-4-11, selling On-Sale Malt Beverages. (License Type 150)
- E. Establishments licensed pursuant to SDCL 35-4-2(17) selling Off-Sale or packaged Malt Beverages. (License Type 150)
- F. On-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(4). (License Type 150)
- G. Off-Sale Liquor establishment licensed pursuant to SDCL 35-4-2(3). (License Type 150)
- H. Temporary campground licensed by the State of South Dakota. (License Type 150)
- I. Business establishment not required to purchase a transient merchant's license required under The Sturgis City Ordinances where property has been modified and goods or services are provided in addition to or different from what is normally sold from property (food service establishment will be regulated under Section 1, 2, and 3). Fee is for each separate sales or service activity. (License Type 150)
- J. Any non-profit organization which sells raffle tickets or lottery tickets except those non-profit organizations established for religious, charitable or benevolent purposes as set forth in Section 501 of the Internal Revenue Code. An exception shall only apply to those non-profit organizations that can prove qualifications under Section 501, compliance with the notice provisions of SDCL 22-25-25(6), and which are identified as exempt from this fee by the language of Title 31, Temporary Vendor License.

This Special Sanitation fee shall be imposed for any other activity including, but not limited to, musical shows, demonstrations, or productions with two or more showings or sessions held during any event of over four (4) days in duration and not provided for above.

The sanitation rates set forth above shall be imposed regardless of whether the business is operated on a “not for profit” basis or otherwise.

11.04.23: APPEAL PROCESS

Any person aggrieved by a decision of the Building Inspector or Public Works Director made under this Chapter shall be entitled to have said decision reviewed by the Building Inspector or Public Works Director. In the case of an appeal of the Special Sanitation Fee imposed under 11.04.21 herein, the review shall be by the City Manager as stated therein. If after review the said person is unsatisfied, he or she may appeal the decision to the City Council. The process shall be as follows:

- A. An aggrieved person shall first file a written request for review with the Building Inspector or Public Works Director setting forth the basis for which he or she believes the Building Inspector’s or Public Works Director’s decision to be in error. The writing shall also include the person’s name and mailing address. There shall be a One Hundred Dollar (\$100.00) fee assessed for filing an appeal, which shall be paid to the Engineering and Inspections Office at the time of filing the written request for review.
- B. Upon receipt of a written request for review, the Building Inspector or Public Works Director shall review his or her decision and mail a written response to the aggrieved person within twenty (20) days.
- C. If the aggrieved person is not satisfied with the decision of the Building Inspector or Public Works Director following review, he or she may file a notice of appeal with the Finance Officer.
- D. Upon receipt of a notice of appeal, the Finance Officer shall notify the City Council and a public meeting shall be held within thirty (30) days after the date said appeal was filed. The City Council shall provide notice to the person specifying the time, date, and location of the hearing.
- E. The City Council may notify the aggrieved person of its decision following the hearing; however, the Council shall issue a written decision to the person within twenty (20) days of the hearing. The Council may affirm or reverse the decision of the Building Inspector or Public Works Director.

Dated this 19th day of March, 2012.

First reading: 3-5-12

Second reading: 3-19-12

Adopted: 3-19-12

Published: 3-28-12

Effective: 4-18-12

Councilor Potts asked about the raffles under \$2000. He asked if there was a way to exempt the raffles that are under \$150. City Attorney Barnier explained that all raffles are considered gambling under State Law.

Christine Paige-Diers, Director of the Sturgis Motorcycle Museum, had questions on Ordinance 2012-06 – Lotteries, specifically about 25.02.02 – Who May Conduct and also about 25.02.04 - Application Fee.

Motion by Brengle, second by Johnston and carried with all members voting yes to approve first reading of Ordinance 2012-06 – Title 25 – Lotteries – in its entirety.

Councilor Brengle asked which groups would Ordinance 2012-07 – Title 31 – Licensing of Temporary Businesses affect. City Manager Ainslie said display only, photographers, bike wash vendors, information vendors.

Motion by McVay, second by Johnston and carried with all members voting yes to approve first reading of Ordinance 2012-07 – Title 31 – Licensing of Temporary Businesses – in its entirety.

Motion by Hersrud, second by Johnston and carried with all members voting yes to approve first reading of Ordinance 2012-08 – Title 3 - Licensing and Regulation of Alcohol, Malt Beverages and Drinking Establishments-Chapter 3.03 – Full-Service on Sale and Malt Beverage Restaurant Licenses.

Hersrud introduced the following written resolution and moved its adoption:

Resolution 2012-07
City of Sturgis Surface Transportation Improvement Program (STIP)
Removal of Projects

WHEREAS, the City of Sturgis has been designated by the State of South Dakota Department of Transportation (SDDOT) as an urban area eligible for Federal Aid and SDDOT funds; and

WHEREAS, the City has developed a long range plan for maintenance and expansion of its existing street system; and

WHEREAS, the City of Sturgis Common Council, in compliance with the SDDOT guidelines relative to the development of Federal Aid and SDDOT standards, previously submitted a priority list for its urban system street projects; and

WHEREAS, the City of Sturgis desires to update and modify its priority list to reflect necessary changes in the City's needs; and

NOW THEREFORE BE IT RESOLVED that the City of Sturgis Common Council proposes the removal of the following projects:

East Sherman Street from Junction Ave. to Nellie Street, P 7670 (8) PCEMS 5179 with an estimate of \$300,000.

Vanocker Road from Sales Ring Road to Pine View Road, P 7699(3) PCEMS 5174 with an estimated cost of \$400,000.

Dated this 19th day of March, 2012

Published: March 28, 2012

Effective: April 18, 2012

Brengle seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

Brengle introduced the following written resolution and moved its adoption:

RESOLUTION 2012-08
A RESOLUTION DECLARING PROPERTY SURPLUS

1. Bersa Thunder .380 cal Semi auto ser # 601861
2. Davis industries .32 Cal Derringer ser # 248370
3. Trailsman 66 .22 cal 8 shot rev Ser # K7603
4. Winchester 70 .243 Cal Bolt action Ser # 391843
5. Remington 582 .22 cal Bolt action Ser # 1109811
6. Fratelli Tanfaglio E15 .22 Cal rev Ser # TC84947
7. Jennings J22 .22 Cal semi auto Ser # 357414
8. Makarov 9mm Semi Auto Ser # AKB5121

BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STURGIS that the personal property described above is hereby declared surplus and to be disposed of as described by SDCL 23A-37-13 and 23A-37-10. It being advisable and in the best interest of the City to sell such personal property.

Dated this 19th day of March 2012.

Published: March 28, 2012

Effective: April 18, 2012

Potts seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

Brengle introduced the following written resolution and moved its adoption:

RESOLUTION 2012-10
A RESOLUTION AUTHORIZING CITY MANAGER DANIEL AINSLIE TO SIGN A RIGHT OF WAY PERMIT AGREEMENT WITH THE STATE OF SOUTH DAKOTA

WHEREAS the City of Sturgis developed and built the Deadman Bike Path with financial assistance through a grant from the South Dakota Department of Game, Fish and Parks, and

WHEREAS the Deadman Bike Path as designed and constructed crosses a portion of the right of way for Interstate 90, and

WHEREAS the use or occupancy of any dedicated state highway Right of Way in South Dakota requires an agreement with the state Department of Transportation, and

WHEREAS the City of Sturgis and state Department of Transportation have had staff prepare a Use of Right of Way Permit to formally recognize that long term use of a limited portion of the right of way of Interstate 90 for this beneficial purpose,

NOW, THEREFORE, it is hereby **RESOLVED** that Daniel Ainslie, Sturgis City Manager, is hereby authorized to sign and execute that Use of Right of Way Permit on behalf of the City of Sturgis.

Dated this 19th day of March, 2012.

Published: March 28, 2012

Effective: April 18, 2012

McVay seconded the motion for the adoption of the foregoing resolution with all members voting yes and the resolution as declared passed and adopted.

The following bids were received for the Moose Drive reconstruction project:

Johner & Sons - \$242,212.50; Ainsworth Benning, Inc. - \$252,260.25; Hills Materials Co- \$256,633.80; Sacrison Paving, Inc. - \$273,273.00; Short Construction-\$298,314.55; Simon Contractors of SD - \$343,968.10.

Motion by Brengle, second by Johnston and carried with all members voting yes to award the bid for the Moose Drive reconstruction project to Johner & Sons for \$242,212.50.

Motion by McVay, second by Hersrud and carried with all members voting yes to reject the only bid that was received for internet service from SDN Communications and to request new proposals for telephone and internet services.

Motion by Hersrud, second by Vasknetz and carried to approve the Annual Financial Report for 2011 submitted by Finance Officer Bueno.

Any other business:

None

Motion by Johnston, second by Brengle and carried with all members present voting yes to go into executive session for personnel and contracts at 7:39 pm.

Motion by McVay, second by Brengle and carried with all members present voting yes to return to regular session at 8:07 pm.

Motion by Brengle, second by Johnston and carried with all members voting yes to convene the public hearing at 8:07 pm for Ordinance 2012-04 – Title 19 – Subdivision of Land. The following were present: City Manager Ainslie, City Attorney Barnier, Finance Officer Bueno and Community Development Director Bush. No one else was present in the audience.

Motion by Hersrud, second by Johnston and carried with all members voting yes to return to regular session at 8:10.

Motion by McVay, second by Brengle and carried to adjourn the meeting at 8:10 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$279.69.