

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, May 21, 2012 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Joe DesJarlais, Marcia Johnston, David Hersrud, Jamie McVay, Tim Potts, Kelly Vasknetz, Ron Waterland. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Dane Sundstrom.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- This is EMS week, there are many activities scheduled for the week.
- The Department of Transportation will not be changing Lazelle Street into 3 lanes prior to the Rally.

Informational Reports:

Public Works Director Randy Nohava gave an update on his Department:

- His crew will be pot hole patching and fixing curbs throughout the next few weeks.
- They will be cleaning up the weeds in the City right-of-way.
- They will be asphaltting Woodle Field parking lot and the east end of the Soccer Fields.
- There will be several streets that will have overlays this summer.

Rod Heikes, Community Center director, gave an update on her Department:

- The Community Center has 1200 members, which is up by 100 members.
- The center offers water and land aerobics, swimming lessons and the Summer Fun & Fitness day camp.
- There will be 2 basketball camps offered this summer.
- The Community Center will be celebrating their 20th anniversary and will be having a family event on August 25.
- City Manager Ainslie and Heikes have been working on a Master Plan for the Community Center.

City Manager Ainslie reported:

At the end of April, the 2012 budget is below the 33% mark. General Fund – 28.7%; Liquor Fund-21.2%; Water Fund-29.2%; Wastewater Fund-20%; Sanitation Fund-24.5% and Ambulance-24%.

Motion by Potts, second by DesJarlais and carried with all members voting yes to remove 6A-Approval of Agenda and add four seasonal parks positions to 9A-Payroll changes.

Motion by McVay, second by Johnston and carried with all members voting yes to remove 9H-Consideration to award low bid for Sturgis Water System Improvements Project-Phase 2.

Motion by Hersrud, second by McVay and carried with all members voting yes to approve the consent calendar after amendments.

Motion by Potts, second by McVay and carried with all members voting yes to approve the following claims with the exception of Mainline Contracting:

Wages – Ambulance \$11,514.63; Attorney \$2,884.62; Auditorium \$416.33; Buildings \$2,110.29; Cemetery \$2,382.57; City Manager \$4,928.83; Community Center \$12,404.21; Community Development \$5,202.07; Finance Office \$8,555.88; Fire Department \$3,186.62; Human

Resource \$2,121.81; IT \$; Library \$8,613.87; Liquor \$4,184.67; Mayor and Council \$3,333.27; Parks \$10,472.75; Police \$33,976.98; Rally \$3,250.50; Sanitary Service \$9,368.37; Streets \$8,341.87; Wastewater \$8,994.56; Water \$12,687.33; Federal Withholding \$14,689.77; FICA \$11,636.28.

General – A&B Business, \$487.41, supp; A&B Welding, \$1736.37, repair; A&J Surplus, \$360.00, repair; Laurie Adkins, \$240.00, cc prog exp; Mark Alley, \$16.23, travel; Assoc Pool Builders, \$2517.70, supp; Lane Barden, \$40.00, cc prog exp; Dusty Barker, \$30.00, other; Greg Barnier, \$56.19, travel; Bryan Beaulizu, \$160.00, cc prog exp; Beyond Basil, \$11,000.00, supp; BH Chemical, \$1832.04, supp; BH Power, \$20,366.01, util; BlackHills.com, \$125.00, util; Campbell Supply, \$393.16, supp; Caselle, \$516.39, prof fee; CBH Coop, \$3474.47, supp; CEASD, \$60.00, travel; Coca Cola, \$462.70, merch for resale; Community Center, \$45.00, other; Creative Product Sourcing, \$944.46, other; Dakota Backup, \$1189.16, prof fee; Dakota Battery, \$166.43, repair; Dakota Radiator, \$250.00, repair; Dish Network, \$18.08, util; Double Star Computing, \$1008.27, prof fee; Ecolab Pest, \$102.42, maint; First Interstate Bank, \$9259.53, supp; First Western Insurance, \$3997.50, insur; Foothills Seed, \$45.00, supp; Freeman Electric, \$108.05, repair; FSH Communications, \$120.00, util; G&R Controls, \$628.83, repair; Glover Investments, \$600.00, rental-rally; Godfrey Brake, \$352.27, repair; Hills Materials, \$481.40, repair; Ikon Office, \$202.65, supp; Integrity Heating, \$248.88, repair; Johnston Hardware, \$1106.28, supp; Ketel Thorstenson, \$2016.65, prof fee; Knology, \$274.51, util; Kone, \$126.54, repair; Kristen Legner, \$150.00, cc prog exp; Lighting Maintenance, \$7630.55, repair; Lynn's Dakotamart, \$83.44, supp; Marco, \$35.11, repair; Meade Co Times, \$1144.30, publ; Meade Co Times, \$670.03, publ; Menards, \$93.00, supp; MDU, \$7329.78, util; Motionsoft, \$450.00, prof fee; Motorola, \$4256.00, equip; Ben Mumm, \$157.36, supp; Neve's Uniforms, \$446.30, supp; Northwest Pipe Fittings, \$168.38, supp; O'Reilly Auto Parts, \$124.42, repair; Owens Interstate, \$392.26, repair; Pamida, \$228.59, supp; Pete Lien & Sons, \$509.25, supp; Pitney Bowes, \$241.12, rent; Print Mark-et, \$834.49, publ; Purchase Power, \$511.82, supp; Doug Quarve, \$52.63, travel; Rapid City Journal, \$36.00, cc prog exp; Rapid Delivery, \$45.60, repair; Rhomar Industries, \$640.52, supp; Robert Sharp & Assoc, \$2050.99, publ-rally; Rockingtree Floral, \$26.20, supp; Rushmore Fencing, \$31.67, repair; Bryan Satterwhite, \$30.00, other; SD Amateur Softball Assn, \$680.00, cc prog exp; SD Arborist Assoc, \$120.00, other; SD Federal Property, \$46.00, supp; SD Police Chiefs Assn, \$65.00, travel; Servall, \$534.67, supp; Christina Steele, \$43.15, travel; Sturgis Napa, \$391.08, repair; Subway, \$23.94, supp; Town-N-Country Plumbing, \$47.01, supp; Vanway Trophy, \$27.15, other; Ketura Veal, \$30.00, other; Matt Veal, \$30.00, other; Weimer's Diner, \$51.00, other; Wellmark Blue Cross, \$174.40, grp insur; West Payment Center, \$99.10, prof fee; West River International, \$525.12, repair; Western Communications, \$321.40, equip; Amanda Whelchel, \$40.00, cc prog exp; Zylstra Body, \$1175.22, repair.

Capital Improvement – Brosz Engineering, \$11,893.47, cap imp; Doug O'Bryan Contracting, \$49,161.15, cap imp; Freeman Electric, \$2200.00, cap imp; Wells Fargo Bank, \$350.00, agent fees.

Liquor – BH Chemical, \$47.99, supp; BH Power, \$1564.41, util; Coca Cola, \$390.00, pop for resale; Double Star Computing, \$13.34, prof fee; Eagle Sales, \$24,541.47, off sale beer; Ecolab Pest, \$98.03, repair; First Interstate Bank, \$249.97, supp; Fisher Beverage, \$12,286.24, off sale beer; Freeman Electric, \$336.79, repair; Johnson Western Wholesale, \$47,031.40, liquor; Lynn's Dakotamart, \$17.29, repair; M&B Enterprises, \$161.20, snacks for resale; MDU, \$81.02, util; Okoboji Wines, \$520.00, off sale liquor; Owens Interstate, \$22.98, repair; Pepsi Cola, \$161.60, pop for resale; Prairie Berry, \$1632.00, off sale liquor; Print Mark-et, \$55.63, publ; Republic Beverage, \$29,038.93, off sale liquor; Sand Creek Printing, \$172.86, supp; Servall, \$193.56, supp; Sturgis Mustang Rally, \$2141.30, off sale liquor; The Homeslice Group, \$5332.00, prof fee; Wellmark Blue Cross, \$9.60, grp insur.

Water – A&B Business, \$275.17, prof fee; BH Power, \$1126.20, util; Campbell Supply, \$25.01, supp; Caselle, \$373.94, prof fee; CBH Coop, \$744.93, supp; Cetec, \$24,364.75, prof fee; Credit Collections, \$7.40, prof fee; Dakota Backup, \$91.38, prof fee; Double Star Computing, \$88.33,

prof fee; Ecolab Pest, \$79.50, prof fee; Flowers by Rose, \$30.00, supp; G&H Distributing, \$101.42, supp; Hawkins, \$70.00, supp; HD Supply, \$2229.16, supp; Hersrud, \$142.22, repair; Jacobsen Ford, \$25,834.00, equip; Johnston Hardware, \$55.18, supp; Knology, \$45.06, util; cap imp; Meade Co Times, \$130.79, publ; Midcontinent Testing Lab, \$129.00, prof fee; MDU, \$31.76, util; Owens Interstate, \$29.98, supp; Pamida, \$82.74, supp; Postmaster, \$2000.00, supp; Print Mark-et, \$55.63, publ; Rushmore Office, \$302.02, supp; Servall, \$11.24, repair; SD One Call, \$91.02, prof fee; Wellmark Blue Cross, \$41.60, grp insur; Wells Fargo Bank, \$44.00, agent fee; Wells Fargo Corp Trust, \$19,129.14, prin,int.

Wastewater – A&B Welding, \$92.75, repair; A&J Surplus, \$27.30, repair; Campbell Supply, \$687.45, supp; Double Star Computing, \$13.33, prof fee; Fastenal Co, \$135.59, supp; Johnston Hardware, \$12.99, repair; Owens Interstate, \$252.51, supp; Print Mark-et, \$55.63, publ; Sturgis Napa, \$158.60, repair; Wells Fargo Bank, \$356.00, agent fee; Wells Fargo Corp Trust, \$154,772.11, prin,int.

Sanitary Service – BH Power, \$11.00, util; Campbell Supply, \$102.47, equip; City of Belle Fourche, \$15,327.39, other; Double Star Computing, \$13.33, prof fee; Fastenal Co, \$126.36, supp; Freeman Electric, \$77.92, repair; Northern Truck Equip, \$87.80, repair; Owens Interstate, \$42.50, supp; Print Mark-et, \$55.63, publ; Sturgis Napa, \$746.68, repair.

Ambulance – CBH Coop, \$1854.80, supp; Coca Cola, \$30.50, supp; Double Star Computing, \$13.34, prof fee; First Interstate Bank, \$238.18, travel; MDU, \$49.40, util; Occupational Health Network, \$30.00, Pamida, \$49.99, supp; Print Mark-et, \$55.63, publ; Sturgis Napa, \$19.36, supp; Wellmark Blue Cross, \$14.40, grp insur.

2002 Sewer Bond Fund – Wells Fargo Brokerage, \$29,250.67, prin,int.

Motion by Johnston, second by McVay and carried with Carstensen, DesJarlais, Johnston, Hersrud, McVay Vasknetz, and Waterland voting yes and Potts abstaining to approve the claim for Mainline Contracting, \$179,261.17.

During the public hearing for use of right-of-way by the Chamber, Roger Scheiman stated his concerns about allowing a vendor to use the right-of-way for sales other than a raffle or free bike parking. Mike Bachand stated his concerns about allowing the City, the Chamber or the Foundation to compete with private business.

Motion by McVay, second by Hersrud and carried with Carstensen, Johnston, Hersrud, McVay, Potts, Vasknetz, and voting yes and DesJarlais and Waterland voting no to approve the use of public right of way on 3rd & Main Street by the Sturgis Area Chamber of Commerce on August 3-11, 2012.

Motion by Vasknetz, second by Hersrud and carried with all members voting yes to approve a Special Event Permit by Thunder Road Ministries for a Kidz Zone in City Park during the rally from August 5-11, 2012.

Motion by DesJarlais, second by Waterland and carried with all members voting yes to approve a Special Event Permit by Sturgis Center for the Arts for a BAM Festival in City Park for July 7, 2012.

Motion by McVay, second by Johnston and carried with all members voting yes to approve a transfer of on-off sale Malt Beverage License from Broken Spoke (Melissa Penland) to Leland A Swanson which is at a different location.

Motion by Hersrud, second by Johnston and carried with all members voting yes to approve an addition to the location that is contiguous to the current legal description for an On-sale Liquor License for KSLB & D, Inc (Easy Rider).

Motion by Potts, second by McVay and carried with all members voting yes to approve a street closure by Sturgis Chamber for Wild West Days Parade on June 15, 2012.

During the public hearing for street closure and street closure for open container, Mike Bachand stated his concerns about closing streets for personal gain of others and not for the organization that is putting on the event.

Motion by Hersrud, second by Vasknetz and carried with all members voting yes to approve a street closure on June 16, 2012 which includes Main Street from Junction to 3rd Street for activities from 6:00 am to 1:30 am, and also the following resolution which describes the street closure for open container, on 1st Street only from Main to Lazelle, for Wild West Days activities.

RESOLUTION 2012- 18
A RESOLUTION TO PERMIT OPEN CONTAINERS ON CERTAIN PUBLIC
PROPERTY AND WITHIN CERTAIN PUBLIC RIGHTS OF WAY

WHEREAS the Sturgis Wild West Days and Rodeo is an event that brings many tourists to the City of Sturgis, and

WHEREAS the Sturgis Wild West Days and Rodeo is an event that is strongly supported this year by the Sturgis Chamber of Commerce, and

WHEREAS the Sturgis Chamber of Commerce has submitted a request that as part of a street dance held in conjunction with that celebration the City designate an open container area within a portion of the public Right of Way on First Street in the City of Sturgis, and

WHEREAS the request from the Sturgis Chamber of Commerce is within the authority granted to the City of Sturgis under state law; and

WHEREAS the Sturgis Chamber of Commerce has asked that the area to be designated as an open container area be limited to that portion of the public Right of Way of First Street between the intersection of First Street and Lazelle, and the intersection of First Street and Main, and

WHEREAS the Sturgis Chamber of Commerce also has requested that the City of Sturgis deliver concrete street barriers to this location to assist the Chamber in securing the designated open container, and

WHEREAS the Sturgis Chamber of Commerce has also requested that the City of Sturgis approve the additional use of steel cattle panels configured so as to allow access to the designated open container area only from that part of the Knuckle Saloon identified as an On-Sale licensed premises, and

WHEREAS the Sturgis Chamber of Commerce has also requested that the City of Sturgis approve the use of security personnel, knowledgeable in the laws of South Dakota regulating serving and consumption of alcoholic beverages, to be provided by the sponsors of the Wild West Days and Rodeo celebration, to maintain the designated open container area, and

NOW THEREFORE IT IS HEREBY RESOLVED as set forth herein that the City of Sturgis shall hereby establish an open container area, beginning on June 16, 2012 at 6:00 p.m. and concluding at 1:30 a.m. on June 17, 2012, contained within the public Right of Way bounded on the North by the intersection of First Street and Lazelle, and bounded on the South by the

intersection of First Street and Main. This area shall be marked and secured by the barricades and other conditions described herein, as well as clearly legible signs provided by the Sturgis Chamber of Commerce, stating that the barricades mark the boundary of the designated open container area. The designated open container area does not include any private property within the open container area not licensed to sell and serve alcoholic beverages.

Dated this 21st day of May, 2012.

Published: May 30, 2012

Effective: June 20, 2012

Motion by Hersrud, second by DesJarlais and carried with all members voting yes to approve the following payroll changes: Community Center Department – Fun & Fitness Coordinator – Beckie Geffre - \$7.75. Rally Temporary Auditorium Custodian – Diana Daniels & Yolanda Daniels - \$8.75/hr.; Rally Temporary Community Center Custodian – Patty Sanderson & Vicky Heimer - \$8.75/hr.; Rally Department – Rally Temporary Help – Luke Anderson, Kristine Hayes, Joyce Kaubisch, Krystal Christensen-Wiederrich - \$8.00/hr; Glenda Nedved, Judy Parsons, Myrna Rossow, Cynthia Scherer - \$8.25/hr; Merna Bye, Dawn McCarthy & Leona Zastrow - \$8.75/hr; Shirley Bierle - \$9.00/hr; Patty Barff, Kathy Dykstra, Phyllis Erfman & Beverly Johnson - \$9.25/hr; Julia Shyne - \$9.50/hr; Parks Department – Seasonal – Justin Krogstad & Jennifer Hall - \$7.50/hr; Charles “Bud” Rank-\$8.25/hr; Cemetery Department – Seasonal – Jose “Jess” Arguello-\$8.50/hr;

Motion by Potts, second by Waterland and carried with all members voting yes to enter into a agreement with Cole Hemmah to allow him to vend pre-package ice cream from a bike within the City right-of-way with the following requirements: provide an insurance policy, allow a criminal background check and apply for a temporary business license. This activity would not be allowed during the Rally.

Waterland introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-16
TO APPROVE OR DENY A PUBLIC LOTTERY**

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

WHEREAS, the Muscular Dystrophy Association has submitted a application to conduct a public raffle within the City of Sturgis beginning on August 3, 2012 and continuing until August 11, 2012 at which time the lottery prize will be awarded by a drawing on 3rd Street and Lazelle at 2:00 pm on August 11, 2012, and

WHEREAS, the Muscular Dystrophy Association presented its application to conduct this lottery to the City Finance Office on May 7, 2012 seeks to commence and seeks to begin to sell such raffle tickets on August 3, 2012, and

WHEREAS, the request of the Muscular Dystrophy Association to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the Muscular Dystrophy Association to conduct a public lottery/raffle in the City of Sturgis is hereby

 X **Approved**, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

 Denied, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 21st of May, 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.

Published: May 30, 2012

Effective: June 20, 2012

Johnston introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-17
TO APROVE OR DENY A PUBLIC LOTTERY**

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

WHEREAS, the Relay for Life Team (Lynn's Dakotamart) has submitted a application to conduct a public raffle within the City of Sturgis beginning on June 2, 2012 and continuing until August 17, 2012 at which time the lottery prize will be awarded at by a drawing at 9:00 pm at Sturgis Park on August 17, 2012, and

WHEREAS, the Relay for Life Team (Lynn's Dakotamart) presented its application to conduct this lottery to the City Finance Office on May 2, 2012 seeks to commence and seeks to begin to sell such raffle tickets on June 2, 2012, and

WHEREAS, the request of the Relay for Life Team (Lynn's Dakotamart) to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the Relay for Life Team (Lynn's Dakotamart) to conduct a public lottery/raffle in the City of Sturgis is hereby

 X **Approved**, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

_____ **Denied**, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 21st of May, 2012.

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

Published: May 30, 2012

Effective: June 20, 2012

Hersrud introduced the following written resolution and moved its adoption:

**RESOLUTION 2012-15
TO APPROVE OR DENY A PUBLIC LOTTERY**

WHEREAS, the City of Sturgis has by Ordinances enacted by the City Council limited the use of public lotteries within the city to public purposes intended to provide for the benefit and safety of the members of the community, balanced with the purpose to encourage commerce and the development of a healthy and robust business and community atmosphere, and

WHEREAS, the Sturgis Chamber of Commerce has submitted a application to conduct a public raffle within the City of Sturgis beginning at 8:00 a.m. on June 16 2012 and continuing until 11:30 p.m. on June 16, 2012 at which time the lottery prize will be awarded by a drawing at the street dance on First Street sponsored by the Chamber on the evening of June 16, 2012, and

WHEREAS, the Sturgis Chamber of Commerce presented its application to conduct this lottery to the City Finance Office on May 16, 2012 seeks to commence and seeks to begin to sell such raffle tickets on June 16, 2012, and

WHEREAS, the request of the Sturgis Chamber of Commerce to have approval to conduct this lottery has met all the requirements of City Ordinance, all the requirements of state law and has met all the administrative requirements of the City Finance Office in submitting its application,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Sturgis City Council that the application of the Sturgis Chamber of Commerce to conduct a public lottery/raffle in the City of Sturgis is hereby

 X **Approved**, with lottery ticket sales to be conducted at the stated times forth above and as stated in the terms of the lottery application, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are present.

_____ **Denied**, with no lottery sales to be permitted as requested, for the reason that the expected public benefits intended to be accomplished by the Lottery ordinance are not present.

RESOLVED, this 21st of May, 2012.

Published: May 30, 2012

Effective: June 20, 2012

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

Motion by Johnston, second by Hersrud and carried with all members voting yes to approve the Orientation Guide for New & Potential Council members.

The following bids were received:

Sand (Type A or B): Pete Lien & Sons-\$10.50/ton FOB Creston Pit; \$21.00/ton FOB Sturgis City Yard.

Concrete: Pete Lien & Sons-\$99.00/CY; Min. load charge (less than 3cy)-\$30.00 ea.

Asphalt: Sacrison Paving- \$60/ton; Sacrison Paving-Asphalt #1 installed over 100 tons per mobilization and at least 8 ft wide-\$99/ton; Sacrison Paving-Asphalt #2 installed under 100 tons per mobilization and less than 8 ft wide-\$170.00/ton.

1" Aggregate Base Course: LPN Holdings-\$8/ton; Pete Lien & Sons-\$8.35/ton; EKE Inc-\$7.75/ton.

3/8" Chips: Pete Lien & Sons-\$13.25/ton

Motion by DesJarlais, second by Johnston and carried with all members voting yes to award the bid for Sand to Pete Lien & Sons; Concrete to Pete Lien & Sons; Asphalt to Sacrison Paving; 1" Aggregate Base Course to EKE Inc.; and 3/8" Chips to Pete Lien & Sons.

The following bids were received for the Street Overlay & Paving Project: Hills Material Company-\$179,157.20; Sacrison Paving, Inc-\$192,592.92.

Motion by DesJarlais, second by Hersrud and carried with Carstensen, DesJarlais, Hersrud, Johnston, Waterland, Potts, and Vasknetz voting yes and McVay voting nay to award the bid for the Street Overlay & Paving Project to Hills Material Company.

City Manager Ainslie gave a power point presentation that answered some of the questions that were asked at the last Council meeting about construction of a recreational trail off of Otter Road. The City sent out 176 surveys to the neighborhood residents asking their thoughts on the proposed recreational trail. Of the 176 surveys, 59 were returned with 85% in favor of the trail and 15% was against the trail.

The following bids were received for the Concrete Bike Path Project: Nordic Woods Construction-\$64,900; Tru-Form Construction-\$34,500; Gustafson Builders-\$51,000; Iverson Construction-\$42,557; Scull Construction-\$79,900; North Star Construction-\$71,500; Ladner Excavating & Trenching-\$70,000; Complete Concrete-\$36,900.

Motion by DesJarlais, second by Johnston and carried with all members voting yes to award the bid for Concrete Bike Path Project to Tru-Form Construction.

Motion by Potts, second by Waterland and failed with Carstensen, DesJarlais, Johnston, Hersrud, McVay, Vasknetz and Waterland voting nay and Potts voting yes to award the bid for Concrete Recreational Path Project to Tru-Form Construction with the amendment to the original motion to have a change order to build a privacy fence along Dan Avery's property that is adjacent to the recreation trail and have the path empty out into the street.

Janeen Walker Norstegaard commented that the City has did a good job on establishing recreational trails and that instead of building privacy fences, the City should look into lighting the recreational trail.

Motion by Hersrud, second by Johnston and carried with all members voting yes to award the bid for Concrete Recreational Path Project to Tru-Form Construction with the amendment to the

original motion to have a change order to include the cul-de-sac that would empty into First Avenue.

Motion by DesJarlais, second by Johnston and carried with all members voting to yes approve first reading of Ordinance 2012-09, Title 14 Parks – 14.06.03 Pets and Animals.

Motion by DesJarlais, second by Waterland and carried with all members voting yes to approve first reading of Ordinance 2012-10, Title 32 Animals – 32.03.03, Dogs, Cats & Ferrets Running at Large.

Motion by Johnston, second by McVay and carried with all members voting yes to approve the Medical Director Service Agreement with Dr. Michael Hogue.

Any other business:
None

Motion by Hersrud, second by Waterland and carried with all members present voting yes to go into executive session for legal, personnel and contracts at 8:17 pm.

Motion by Waterland, second by Hersrud and carried with all members present voting yes to return to regular session at 8:51 pm.

Mayor Carstensen adjourned the meeting at 8:51 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$