

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 2, 2010 at the Erskine Building. Present: Mayor Maury LaRue, Alderpersons, Clint Brengle, Mark Carstensen, Joe DesJarlais, David Hersrud, Jamie McVay, Tim Potts, Bernadette Usera and Kelly Vasknetz. Also present City Attorney Greg Barnier and Human Resource Coordinator Lisa Katzenstein. Absent: None

Mayor Maury LaRue led everyone in the Pledge of Allegiance.

Announcements:

- Mayor LaRue thanked Meade County for letting the Council use their meeting room.
- Councilor DesJarlais thanked TJ Tranchell, Meade County Times' reporter, for his press coverage these past months and wishes him well in his new endeavors.

Motion by Hersrud, second by Usera and carried with all members voting yes to approve the agenda as written.

Motion by DesJarlais, second by Usera and carried with all members voting yes to approve the minutes from the regular council meeting on April 18, 2011 and the minutes from the Emergency Special meeting held on April 21, 2011.

Motion by Brengle, second by Carstensen and carried with all members voting yes to approve the following claims with the exception of the Homeslice Group \$6475.00, publ.:

**Wages** – Ambulance \$10,997.44; Attorney \$2741.19; Auditorium \$0; Buildings \$1,592.45; Cemetery \$977.60; City Manager \$5,121.14; Community Center \$13,753.19; Community Development \$4,906.86; Finance Office \$8,414.59; Fire Department \$2028.76; Human Resource \$2060.00; Library \$9,136.05; Liquor \$4,534.63; Mayor and Council \$3,333.27; Parks \$10,504.78; Police \$31,714.68; Rally \$3,203.15; Sanitary Service \$9,762.06; Streets \$8,119.91; Wastewater \$8,431.64; Water \$13,391.88; Federal Withholding \$11,240.40; FICA \$14,298.43.

**Transfers Out** – General Fund \$1,000; UDAG \$22,748.50; Liquor \$15,900.83; Wastewater \$20,891.42; Sanitation \$13,778.50; Special Sanitation \$4,858.42.

**Transfers In** – General Fund \$55,429.17; Revolving Loan Fund \$22,748.50; Sanitation - \$1000.00.

**General** – A&B Business, \$288.23, maint; Amazon, \$101.53, supp; Amcon Distributing, 145.11, merch for resale; Argus Leader, \$307.80, supp; Avaya, \$36.39, util; Baker & Taylor, \$159.98, supp; Cady Barden, \$90.00, cc prog exp; Greg Barnier, \$1352.84, travel; Amanda Barrows, \$15.00, cc prog exp; Wayne Berglund, \$90.00, cc prog exp; Bierschbach Equipment, -\$3.60, supp; BH Power, \$2068.14, util; BH Badlands & Lakes, \$40.00, travel-rally; BH Pioneer, \$150.00, supp; BND Builders, \$696.66, repair; Jerry Burnham, \$2418.36, prof fee; CBH Coop, \$121.52, supp; Century Business, \$87.28, supp; Chain Saw Center, \$19.99, supp; Chamber of Commerce, \$1848.67, publ-rally; City of Sturgis Petty Cash, \$15.79, other; Council of State Governments, \$58.50, supp; Crescent Electric, \$279.12, supp; Crossroads Hotel, \$64.99, other; Teena Denny, \$70.84, refund, Dish Network, \$79.95, util; Garland Dobler, \$120.00, cc prog exp; Double Star Computing, \$3622.00, supp; Kathy Dykstra, \$68.54, supp; Energy Lab, \$55.65, maint; Fry Communications, \$65.00, publ; Graffiti Solutions, \$89.00, supp; Kelli Grubl, \$15.00, cc prog exp; Holiday Inn Express, \$50.00, other; Jacobs Auto Repair; \$532.32, repair; Jenner Equipment, \$141.54, supp; Knology, \$2192.40, util; McLeod's Printing, \$116.63, other; Meade Co Auditor, \$2799.78, util; MidAmerica Books, \$118.41, supp; Candy Morrell, \$3311.09, maint; Mystery Guild, \$18.98, supp; North Central Supply, \$120.00, supp; Pennington Co Emergency, \$150.00, travel; Pete Lien & Sons, \$6222.04, supp; Pitney Bowes, \$132.00, rent; Print Mark-et, 292.14, publ; Public Safety Equipment, \$512.99, supp; Purchase Power, \$200.00, supp; Anjaliisa Raisanen, \$21.00, supp; John

Rasch, \$8.44, travel; Rushmore Office, \$71.97, supp; Science Fiction Book Club, \$14.98, supp; SD Sheriff's Assoc, \$60.00, travel; Sturgis Community Center, \$31.50, other; Subway, \$43.89, supp; Tessa Tierney, \$15.00, cc prog exp; Tom's T's, \$283.12, supp; Value Line Publishing, \$898.00, supp; Geody Vandewater, \$50.30, supp; Brenda Vasknetz, \$7.62, supp; Verizon, \$3442.80, util; Adam Weisz, \$8.12, travel; Wellmark Blue Cross, \$1271.44, grp insur; Steve Westbrook, \$30.00, other; Western Door, \$9.00, repair; Donald Whitehead, \$30.00, other; Ziegler Building, \$56.88, supp.

Brick Project – Bikers Pocket Guide, \$700.00, publ; Diamond Yard Bricks, \$2265.00, merch for resale; Fedex, \$28.52, supp; Pete Lien & Sons, \$25.63, Dwight Tindall, \$80.00, sale of bricks.

**Ambulance** – Berkley Risk Administrators, \$711.00, ambul chrg; BH Power, \$512.10, util; Crescent Electric, \$279.12, supp; DB Billing, \$717.69, prof fee; Knology, \$83.69, util; Physio-Control, \$53,529.50, equip; Print Mark-et, \$20.87, publ; Verizon, \$68.26, util.

**Special Sales Tax** – Chamber of Commerce, \$10,416.67, chamber; SEDC, \$10,416.67, ind dev.

**Capital Improvement** – Crescent Electric, \$411.94, cap imp; Rushmore Fencing, \$1502.41, cap imp.

**Library** – Freeman Electric, \$600.00, repair.

**Liquor** – Amcon Distributing, \$1123.28, cigarettes for resale; BH Security, \$216.00, repair; Cask & Cork, \$105.00, off sale liquor; Dakota Supply Group, \$102.96, repair; Eagle Sales, \$1812.95, off sale beer; Executive Business Communications, \$353.00, repair; Fisher Beverage, \$23.94, off sale beer; Knology, \$166.19, util; Print Mark-et, \$20.87, publ; Republic Beverage Co, \$999.63, off sale liquor; Verizon, \$53.61, util.

**Water** – BH Power, \$6942.73, util; Knology, \$179.40, util; Candy Morrell, \$362.55, maint; Print Mark-et, \$20.87, publ; Verizon, \$362.81, util.

**Wastewater** – Alltel, \$151.31, util; American Highway Production, \$356.98, repair; Bierschbach Equipment, \$257.40, repair; BH Power, \$2117.99, util; Cretex Concrete, \$232.00, repair; Candy Morrell, \$238.18, maint; Parson Environmental, \$2046.76, repair; Print Mark-et, \$20.87, publ; USA Blue Book, \$1236.44, quip; Verizon, \$156.15, util.

**Sanitary Service** – Butler Machinery, \$25.50, repair; Century Business, \$20.53, prof fee; Dakota Steel, \$227.00, equip; Kelly Inn, \$420.00, travel; Candy Morrell, \$238.18, maint; New Deal Tire, \$10,433.25, other; Print Mark-et, \$20.87, publ; Qwest, \$60.38, util; Street Dept Petty Cash, \$3.78, supp; Verizon, \$52.24, util.

**DARE Trust** – Sturgis Booster Club, \$325.00, other.

Motion by Hersrud, second by Potts and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts, Usera and Vasknetz voting yes and Brengle abstaining to approve The Homeslice Group, \$6475.00, publ.

#### Committee Reports:

Councilor DesJarlais reported that the Forestry Board will be in attendance for the Arbor Day celebration on May 5<sup>th</sup> at 1:00 p.m. to plant trees at the Pony Field.

Councilor Usera reported that the Green Thumb gala party will be Friday the 6<sup>th</sup> of May at 5:00 p.m. with the final bidding on the plants will end at 5:30 p.m. Refreshments will be served and the new Mayor will announce the winning bids. Last week Amazon and Overdrive announced that they are currently working on a collaboration to allow library downloads to the Kindle. They expect that their contract negotiations will be final sometime this year. Library Staff have been busy planning the Summer Reading programs for children, tweens, and teens. Sign up will start as soon as school is out.

#### Management Team Report:

Motion by DesJarlais, second by McVay and carried with all members voting yes to approve the following new hires– Ambulance – part-time EMT-I – Nellie Isaacs-\$8.00, Paramedic-Roy Goben-\$12.00. Seasonal New Hires: Rally: Assistant- Julie Nelson-\$10.25; Parks- Maintenance-Abbey

Brennick-\$7.75, Christopher Salcedo, Edgar Scriptor and April Finn-\$8.00, Troy Finn-\$8.25, Britton (Brit) Porterfield-\$8.75; Cemetery-Maintenance-Elizabeth Bertolotto-\$7.75.

- Sales tax- Year-to date we have collected \$728,225 compared to 2010 which was at \$716,336. We are up 1.5%
- The General Fund budget is at 24%, while the total budget is setting at 19% spent.
- The overlay project bids came in \$26,000 under budget and money saved will be used for a drainage project. After this project is done, 98% of the streets in Sturgis will be paved.

This was the time and date set by application for a public hearing for a request from Tracy and Maggie Palmer, 1844 Pine Street for a zoning variance for a less than required side yard setback for a porch. There being no questions asked nor discussion a motion was made by Brengle, second by McVay and carried with all members voting yes to approve the application for a less than required side yard setback for the Palmers.

This was the time and date set by application for a public hearing for a request from Stacy Hannah for a use on review for a home daycare at 2305 Blue Bell Drive There being no questions asked nor discussion a motion was made by DesJarlais, second by Vasknetz and carried with all members voting yes to approve the application for this home day care.

This was the time and date set by application for a public hearing for a request for a transfer of location for a retail on-sale liquor license for KSLB & D, Inc. There being no questions asked nor discussion a motion was made by Hersrud, second by McVay and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts, Usera and Vasknetz voting yes and Brengle abstaining to approve the request.

This was the time and date set by application for a public hearing for a street closure and special events license for the Loud American for two street dances to be held on June 10th and July 8th. There being no questions asked nor discussion a motion was made by Hersrud, second by McVay and carried with Carstensen, DesJarlais, Hersrud, LaRue, McVay, Potts, Usera and Vasknetz voting yes and Brengle abstaining to approve the request.

There being no questions asked nor discussion a motion was made by Hersrud, second by Usera and carried with all members voting yes to approve the second reading of Ordinance 2011-02 – Title 18 – Article 18– Business Licenses.

ORDINANCE 2011-02  
AN ORDINANCE AMENDING TITLE 18, ADDING ARTICLE 10 –  
BUSINESS LICENSES

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 18, is hereby amended to add Article 10, Business Licenses, to read as follows:

TITLE 18  
ARTICLE X  
BUSINESS LICENSES

SECTIONS:

- 18.10.01: Purpose
- 18.10.02: Definitions
- 18.10.03: License Required
- 18.10.04: Application-Issuance of Business License

- 18.10.05: Fee/ Term
- 18.10.06: Denial/ Revocation
- 18.10.07: Denial-Applicant right to appeal
- 18.10.08: Posting/ Inspection
- 18.10.09: Change of Location
- 18.10.10: Transfer
- 18.10.11: Prohibited Business Locations
- 18.10.12: Exemptions
- 18.10.13: Multiple Businesses
- 18.10.14: Same Business- Multiple Locations
- 18.10.15: Penalty

18.10.01: PURPOSE.

The purpose of the Business License is to provide an additional protection to the citizens and visitors of the City of Sturgis from fraud and misrepresentation; to ensure compliance with City ordinances; to administer proper land use, quality development and zoning in accordance with the Comprehensive Plan and to provide a database to define and monitor the progress of the local economy.

18.10.02: DEFINITIONS.

“BUSINESS” Means any activity, trade, calling, profession, or occupation, whether sole proprietorship, partnership, corporation, limited liability company or other recognized entity, which regularly provides delivery of products and/or services from an address or other location(s) within the corporate limits of the City of Sturgis. Business includes “home occupations” which involve the sale of goods or services as described in this definition.

A. “Permanent Business” means a business use which occurs for a period equal to or greater than five (5) months from January 1 thru December 31 of the current year in which the license is being applied for at a fixed location within the City of Sturgis. A “Permanent Business” may erect and utilize one Temporary Structure for their business operations from May through September each year. The primary method to determine the duration of operation shall be a review of Sales Tax reports.

B. “Temporary Business” means a temporary business use that occurs for a period less than five (5) months from January 1 thru December 31 of the current year in which the license is being applied for, even though the licensee may have a permanent or fixed location within the City of Sturgis. This definition does not include any business activities or operation during the Rally Period.

C. “Business Establishment” means a permanent business operating and open to the public at a fixed location within the City of Sturgis, and that is in compliance with Title 18-City of Sturgis Zoning Ordinance and Title 2- City of Sturgis Contractor’s licensing and Construction Regulations.

“Person” means any person, firm, corporation, association, partnership, venture, society, club, association, organization, or group of individuals carrying on business within the corporate boundaries of the city of Sturgis and that is not deemed exempt by this Title.

“Event” An organized occurrence or happening lasting four (4) or more consecutive days or where the City provides extraordinary services, including but not limited to sanitation services, law enforcement or traffic control.

“Rally Period” That period of time in the year which the business license is valid that excludes the Seven (7) published and official days of the Sturgis Motorcycle Rally, the Seven (7) days prior to and Four (4) days preceding the official date.

18.10.03: License Required.

No person, whether subject to the payment of tax or not, shall engage in any business within the city limits without first obtaining and being a holder of a valid and current business license pursuant to the provisions of this chapter.

18.10.04: Application-Issuance of Business License.

A. Application for a permanent business or temporary business license shall be made on the application form provided by the City of Sturgis and submitted to the City of Sturgis Finance Officer.

B. The business license application shall include all of the following information and such other information as the City deems reasonably necessary:

1. Name of Business
2. Name of applicant
3. Complete Street and mailing address of business location.
4. A brief description of the nature of the business.
5. Type of business entity. If the business is a corporation or limited liability company, the state where formed and the statutory agent’s name and address.
6. A list of any chemicals or hazardous materials or hazardous waste which will be used or stored by the business.
7. The name of the person in charge of the business and their contact information including email address. If the emergency contact is different than the person in charge of the business, the applicant shall supply the name and contact information for an individual who can be called in case of an emergency. This should be a telephone number that will be answered twenty-four (24) hours a day.
8. Number of employees both full time and part time.
9. If the business specified in this title is subject to a health or sanitary certification, the applicant shall produce such certificate or permit as part of the application.
10. State or local sales tax identification number.

C. The City Finance Officer, prior to issuance of a business license to any applicant, shall, with the assistance of the Community Development Department, determine that the location of the business as submitted by the applicant, is properly zoned for the conduct of the business for which the license is sought; provided, however that it is the duty of the applicant to assure that the location of the proposed business complies with all the zoning and all other ordinances of the city, in the event that it fails to so comply, any license issued, granted or approved by the city shall be null and void, and the city shall not be liable for loss, claim or damages whatsoever by reason of the applicant or the business for which a

license was issued failing to comply with said ordinances, and regardless of whether a business license was in fact issued.

D. After receipt of a completed application and the license fee, the city finance officer shall review the application and, except as otherwise provided issue or deny the license within 5 working days after receipt of the completed application.

E. Nothing in this chapter shall prevent the City Finance Officer or other city official from requiring the applicant to provide any information necessary to ascertain whether the application is, or will be, in compliance with all city ordinances or state laws.

#### 18.10.05: Fee/ Term.

A. Fee: Unless otherwise provided by this chapter, the required license fee for a Permanent Business License shall be at no cost.

B. All Temporary Businesses as defined in this Chapter, the required license fee for a Temporary Business License shall be \$25.00 per year not including the Rally Period, which is nonrefundable, whether or not the application is later denied. Temporary Vending licenses and Fees during the Rally period shall be governed separately by Title 31.02.03.

C. Term: Unless otherwise provided by this chapter, all licenses shall be for a period of one calendar year, beginning January 1st of each year and expiring the following December 31st, excluding the Rally Period.

D. Upon receipt of a written statement attesting to the loss, theft or destruction of an otherwise valid license, the Finance Officer shall reissue a license for the duration of the original license term upon receipt of a \$10.00 fee.

#### 18.10.06: Denial/ Revocation.

A. Compliance with any other code and zoning provisions. The City Finance Officer shall not issue a City business license, and any license so issued shall be void and subject to immediate revocation by the city, to any person, firm or entity which operates or proposes to operate or conduct any business in violation of any city ordinance or State and Federal Laws. In addition, the City Finance Officer may deny any application for a business license where the applicant is not in compliance with all city ordinances or state statutes, as now or later amended.

#### 18.10.07: Denial- Applicant right to appeal.

Any applicant denied a license by the City Finance Officer under this Chapter shall be entitled to have said decision reviewed by the City Manager. 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:

An aggrieved person shall first file a written request for review with the City Finance Officer setting forth the basis for which he or she believes the City Finance Officer's decision to be in error. The writing shall also include the person's name and mailing address.

Upon receipt of a written request for review, the City Finance Officer shall review his or her decision and mail a written response to the aggrieved person within twenty (20) days.

If the aggrieved person is not satisfied with the decision of the City Finance Officer following review, he or she may file a notice of appeal with the Finance Office. There shall be a one hundred dollar (\$100.00) fee assessed for filing an appeal, which shall be paid to the Finance Office at the time of filing the notice of appeal.

Upon receipt of a notice of appeal, the Finance Officer shall notify the City manager.

After notification of the City Manager by the Finance Officer, the Appeal shall follow the Appeal provision of Title 36, Code Enforcement.

#### 18.10.08: Posting – Inspection.

A business license shall be conspicuously posted at the business for which it was issued, and shall be produced for inspection upon the request of any authorized city official; provided, however, that when the licensee has no permanent place of business, such person must either carry or attach and conspicuously display the license on any personal property which is an integral part of the business, and must produce the license for inspection upon request of any authorized city official.

#### 18.10.09: Change of Location.

A business that possesses a current business license shall notify the City of Sturgis Finance Officer in writing of any change of address within ten (10) days of the change of address. There will be no fee associated with a change of address if the change occurs between January 1 and December 31, of the current year the business license is valid for.

#### 18.10.10: Transfer.

No license issued under the provisions of this Chapter shall be transferable or assignable; provided that in the event of death of licensee, the surviving spouse, estate, or heir may operate the business under the existing license for the remaining term of the license. In the event of the sale, transfer, conveyance or gift of a business, the new owner shall be required to apply for and obtain a license for the duration of the license period, prior to commencing to conduct business in the city.

#### 18.10.11: Prohibited Business Locations.

No person shall conduct business within the City of Sturgis in any structure or area where conducting such business is prohibited by law, by the City of Sturgis Zoning Ordinance, by applicable building code or applicable fire code. No business as defined in Section 18.10.02 shall use any location within the public Right-of-Way or in areas of the sight triangle that are determined to be a safety concern. Unless said business holds a valid permit for a sidewalk café and/or vending, issued by City of Sturgis in accordance with Title 15.06 Sidewalk Café and Vending.

#### 18.10.12: Exemptions.

A business license shall not be required when:

A. A garage or yard sale, providing that it does not last longer than 72 hours in any 30 consecutive day time period(s).

B. Any business otherwise licensed under City Ordinance, Federal or State law that precludes requiring a business license for the business.

C. Sales where the proceeds are to be used exclusively for religious, charitable or benevolent purposes. Written proof of charitable, non-profit status as declared by the IRS (i.e. 501(c) (3) documentation must be presented during application.

D. Sales to wholesale or retail merchants, by sample, for future delivery made by representatives or established wholesalers or manufacturers.

E. The sales of fruits, vegetables or farm or garden products in their natural state.

F. The distribution of goods for which there is no charge.

1. All persons, firms or corporations distributing goods or performing a service for which there is no charge, shall be required to register with the City Finance Officer, their name, address, location of said distribution or service and goods which he/she or it is distributing or service which they are performing.

G. Sales by youth age 15 years and under selling lemonade and like items and incidentals thereto from property from which they reside.

#### 18.10.13: Multiple Businesses.

Any person engaged in two (2) or more separate businesses operating at the same physical location and which are under the same ownership, shall be required to obtain one license for the main permanent business and for each subsequent business's at that location, but shall only be charged one (1) license fee.

#### 18.10.14: Same Business-Multiple Locations.

Any person conducting the same business at two (2) or more permanent locations shall be required to obtain a separate license for each place of business.

#### 18.10.15: Penalty.

Any violation of the provisions of this Title is a Class 2 Misdemeanor punishable by a maximum fine of four hundred dollars (\$400.00) and/or incarceration in the County jail for a period not to exceed thirty (30) days. In lieu of a Class 2 Misdemeanor any violation of this Title shall be subject to Title 36 Code Enforcement at the option of the City.

In addition, any person holding a license under this Title who is found to be in violation of any provisions of this Title shall face the possibility of revocation or non-renewal of any license.

Dated this 2nd day of May, 2011.

First reading: 04-18-11

Second reading: 05-02-11

Adopted: 05-02-11

Published: 05-11-11

Effective: 06-01-11

Motion by Brengle, second by DesJarlais and carried with all members voting yes to approve the Management Team Designation team letter. In reference to the letter, a payroll change for the

Management team was made on page two which consisted of \$1000.00 per month for each team member (Bueno, J. Bush, Katzenstein and Nohava).

Councilor DesJarlais asked that an explanation be made on what a use-on-review was. Mayor LaRue explained that a use-on-review is associated with certain zoning districts which allows certain uses only upon review, i.e. a day care in a residential zoned area are allowed upon review from the Planning and Zoning and the City Council.

Councilor Usera thanked TJ Tranchell for his reporting of the news. She expressed that she enjoyed her time as a Councilor and joked with the remaining Council about getting in touch with their feminine side.

At this time, Councilor Usera made a motion, a second was made by Vasknetz to give free and clear deed of the Francis Case property to the Meade 46-1 School District. City Attorney Barnier commented on giving away property. Property must first be designated as surplus as the first step in the transfer or sale of City Property. An amended motion was made by Usera, second by Vasknetz and carried with all members voting yes, to refer this issue to committee so it can be dealt with.

Mayor LaRue declared a sine die, final adjournment of the 2010-2011 Council session, with all members voting yes.

Councilor Hersrud thanked Councilor Usera for her hard work these past 4 years and thanked Mayor LaRue for his leadership and that it was an honor and privilege to work with him.

Mayor elect Carstensen presented Council Usera with an appreciation plaque and an appreciation clock to Mayor LaRue.

City Attorney Barnier gave the Oath of Office to Mayor Mark Carstensen and Councilor Dane Sundstrom.

Mayor Carstensen came out of sine die with a call to order of the 2011-2012 Council session. Roll Call was taken.

Moved by Potts to nominate Clint Brengle for President of the Council, second by Hersrud to accept that nomination and that nominations cease. The motion carried with all members voting yes to cast a unanimous ballot for Clint Brengle for Council President.

Moved by Vasknetz to nominate Tim Potts for Vice President of the Council, second by McVay. It was also moved by Hersrud to nominate Joe DesJarlais for Vice President of the Council, second by Brengle to accept this nomination. At this time nominations ceased. A paper ballot was cast and Tim Potts was declared Vice President of the Council.

Motion by Brengle, second by DesJarlais and carried with all members voting yes to continue the appointment of Greg Barnier as City Attorney.

Motion by Potts, second by Vasknetz and carried with all members voting yes to continue the appointment of Fay Bueno as Finance Officer.

Motion by Brengle, second by McVay and carried with all members voting yes to approve the following Library Board members: Terry Hermann, Bruce McFarland, Ken Howell, Cathie Anderson, Kaye Back, Bob Mechling, Kristi "Cricket" Palmer.

Motion by Brengle, second by Hersrud and carried with all members voting yes to approve the following bank depositories: First Interstate Bank, Wells Fargo Bank and First National Bank and SD Public Funds Investment Trust.

Motion by DesJarlais, second by Vasknetz and carried with all members voting yes to approve the following signatories of the bank account: Mark Carstensen, Clint Brengle, Tim Potts, Fay Bueno, Jeanie Shyne and Ann Bertolotto.

Motion by Hersrud, second by McVay and carried with all members voting yes to approve the City's legal newspaper at Meade County Times.

Motion by McVay, second by DesJarlais and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts, Sundstrom and Vasknetz voting yes and Brengle abstaining to set a public hearing date of May 16, 2011 for a special events license for Loud American Roadhouse at the City Auditorium on May 28, 2011 for an Anniversary Party.

Motion by McVay, second by Potts and carried with Carstensen, DesJarlais, Hersrud, McVay, Potts, Sundstrom and Vasknetz voting yes and Brengle abstaining to set a public hearing date of June 6, 2011 for a street closure for the Knuckle Saloon for Hot Crusin' Night Car Show on June 18, 2011.

Motion by McVay, second by Potts and carried with all members voting yes to approve the selection process for Ward 2 Council person.

Motion by DesJarlais, second by Hersrud and carried with all members voting yes to approve the City Manager Job description.

The following bids were received for the 2011 Sturgis Street Overlay & Paving Project:

1. Sacrison Paving - \$477,477.00
2. J & J Asphalt - \$542,225.50
3. Hills Material - \$528,915.85
4. Simon Contractor - \$616,560.00

Motion by Brengle, second by DesJarlais and carried with all members voting yes to approve the low bid from Sacrison Paving of \$477,477.00.

Motion by McVay, second by Vasknetz and carried with all members voting yes to set a public hearing date of June 6, 2011 for a zoning variance of a 3 foot setback for a attached garage for Paul and Jeanette Staley at 2622 Moose Drive.

Motion by Brengle, second by DesJarlais and carried with all members voting yes to set a public hearing date of June 6, 2011 for a zoning variance of a 7 foot front-yard setback for a double-wide mobile home for Carolyn Bertalot at 3136 Vanocker Drive.

Any other Business:  
None

Motion by DesJarlais, second by Hersrud and carried with all members voting yes to go into executive session at 7:25 p.m. for legal.

Motion by McVay, second by Brengle and carried with all members voting yes to come out of executive session at 8:05 p.m.

Mayor Carstensen adjourned the meeting at 8:05 p.m.

May 2, 2011

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED: \_\_\_\_\_  
Mark C. Carstensen, Mayor

Publish once at the total approximate cost

