

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, November 21, 2011 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons, Clint Brengle, Joe DesJarlais, Marcia Johnston, Tim Potts, Dane Sundstrom, David Hersrud and Kelly Vasknetz. Also present City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Jamie McVay.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

Mayor Carstensen praised the Street Department for the snow removal over the weekend.

Mayor Carstensen thanked Mark Bishop for donating a flag to the Community Center to be used on the new memorial pole.

Mayor Carstensen congratulated Julie Moore-Peterson on being appointed to the SD Humanities Board of Directors.

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

Motion by DesJarlais second by Vasknetz and carried with all members voting yes to approve the minutes of the November 7, 2011 council meeting.

Motion by Brengle, second by Potts and carried with all members voting yes to approve the following claims with the exception – The Homeslice Group, \$4,750 advertising.

General –A & J Surplus, \$48.98, repair; All Traffic Solutions, \$1070.00, repair; Alverson, Alexandra, \$120.00, cc prog exp; Amcon, \$514.33, mdse for resale; BH Chemical, \$993.48, repair; BHP&L, \$11705.36, util; Boyer Trucks, \$234.24 repair; Briscoe, Sean, \$500.00 ins; Campbell Supply, \$1193.46, repair; CBH, \$4450.90, sup; Rally Dept Petty Cash, \$31.68 sup; Coca Cola, \$1072.60 mdse for resale; Dakota Backup, \$773.12, prof fees; Davidson, Dan, \$131.02 sup; Double Star Computing, \$3481.50, repair; Energy Laboratories, \$37.10, sup; Fedex, \$34.98, sup; First Interstate Bank, \$1433.77, misc; Force America, \$845.98 repair; Freeman Electric, \$51.02, repair; FSH Communications, \$120.00, util; Grotti, Drew, \$500.00, ins; Heiman Fire Equipment, \$1507.86, sup; Iverson Construction, \$4156.52, sup; J&L Services, \$285.00, repair; Johnston Hardware, \$340.70, sup; Knology, \$92.87 util; Knoe, Inc., \$126.54, repair; Martin, Adam, \$49.69, travel; Massa Berry Clinic, \$72.00, prof fees; Meade County Times-Tribune, \$701.12, pub; MDU, \$5923.28, util; Neve's Uniforms, Inc., \$846.35, sup; Newman Traffic Signs, \$265.52, sup; O'Reilly Auto Parts, \$325.22, rep; Owens Interstate Sales, \$867.62, sup; Pamida, \$140.85 sup; Pete Lien & Sons, \$856.75 sup; Peterson, Kahlie, \$60.00, cc prog exp; Pizza Hut, \$30.00, other; Prosser, Lynsey, \$60.00, cc prog exp; Public Safety Equipment Co., \$186.00, sup; Purchase Power, \$256.72, sup; Regional Health Physicians, \$111.00, prof fees; Richter's Tire & Exhaust, \$60.00, rep; Rushmore Office Supplies, \$83.88, sup; Sand Creek Printing, \$228.50, sup; SD Dept of Tourism, \$500.00, travel; Servall, \$433.04, sup; Short, Errin, \$60.00, CC prog exp; Spearfish Extinguisher Service, \$50.00, sup; Street Dept Petty Cash, \$2.62, rep; Sturgis Napa, 1273.53, rep; Subway, \$22.34, travel; Tom's T's, \$302.51, sup; Town-n-Country Plumbing, \$79.58, sup; Twilight Extinguisher, \$19.50, repair; Twilight First Aid & Supply, \$88.25, sup; Two Wheeler Dealer, \$499.39, sup; Walco International, \$26.05, sup; West Payment Center, \$93.49, prof fees.

Brick Project – Fedex, \$25.79, sup.

Ambulance - BHP&L, \$515.37 util; CBH, \$1511.42, sup; Dakota Backup, \$50.01, sup; DB Billing, \$1373.76, prof fees; Double Star Computing, \$58.13, prof fees; Holiday Inn Express, \$969.92, travel; Integrity Ford, \$809.92, repair; Interstate All Batteries, \$899.50, sup; Jacobsen Ford, \$308.18, repair; Massa Berry Clinic, \$71.00, prof fees; MDU, \$42.50, util; Nordstrom, Kari, \$374.03, travel; Peterson, Shawn, \$34.57, travel; Rapid City Regional Hospital, \$255.00, prof fees; Shaulis, Jama, \$21.79, travel; Siedschlaw, Robert, \$135.00, travel; Super & Motel, \$176.64, travel.

Mayor's Ride – First Interstate Bank, \$515.24, rent.

Capital Improvement – Rushmore Fencing, \$20486.45.

Liquor - Coca Cola, \$225.10, pop for resale; Double Star Computing, \$416.47, prof fees; Eagle Sales, \$15626.30 off sale beer; Fisher Beverage, \$10573.51, off sale beer; Johnson Western Wholesale, \$24981.71, off sale liquor; MDU, \$149.98, util; Prairie Berry, LLC, \$3339.00, off sale liquor; Republic Beverage Co., \$22905.99, off sale liquor; Schade Vineyard, Inc., \$648.00, off sale liquor; Servall Towel & Linen, \$190.58, sup; Tatiana's Import Beverages, \$29.60, off sale beer.

Water – BHP&L, \$4141.18, util; Dakota Backup, LLC, \$88.03, prof fees; Double Star Computing, \$152.09, prof fees; First Interstate Bank, \$6.84, travel; Knology, \$217.35, util; MDU, \$20.92, util; A&B Business, \$276.62, prof fees; Campbell Supply, \$127.94, sup; Cannataro, Joseph, \$34.11, refund; CBH, \$490.69, sup; Church of God of Prophecy, \$1.00, refund; Credit Collections Bureau, \$78.89, pub; Desert Diamond Industries, \$215.00, sup; Diesel Machinery, \$650.00, prof fee; Flowers by Rose, \$75.00, sup; Grimm's Pump Service, \$2919.54, sup; Hawkins, \$2015.70, prof fees; Hills Materials, \$101.87, repair; Johnston Hardware, \$9.29, sup; Light & Siren, \$274.02, sup; LPN Holding, LLC, \$3130.58, rep; Meade County Housing, \$46.50, refund; Meade County Times Tribune, \$59.78, pub; Midcontinent Testing Lab, Inc. \$129.00, prof fees; Oreilly Auto Parts, \$31.87, sup; Pamida, \$41.95, sup; Pete Lien & Sons, Inc. \$97.00, repair; Rushmore Office Supply, \$633.94, sup; Sacrison Paving, \$39657.60, repair; SD Assn of Rural Water, \$970.00, prof fee; Servall, \$11.24, repair; Simply Service Credit Union, \$33.63, refund; SD One Call, \$52.17, prof fees; Tom's T's, \$76.67, sup; Woltjer, Rena, \$72.70, refund.

Wastewater – A&J Surplus, \$406.31, repair; Campbell Supply, \$35.99, repair; Century Business Products, \$57.05, prof fees; City of Belle Fourche, \$24.45, other; Double Star Computing, \$43.34 prof fees; Force America, \$84.91, repair; G & H Distributing, \$19.80, repair; Jacks Heavy Equipment, Inc, \$121.41, repair; Owens Interstate Sales, \$225.44, repair; Pete Lien & Sons, Inc, \$51.25, repair; Sturgis Napa, \$239.88, sup; Truenorth Steel, \$93.40, rep.

Sanitation – A&B Welding, \$98.75, rep; BHP&L, \$11.00, util; City of Belle Fourche, \$15638.30, other; Double Star Computing, \$71.47, prof fees; G&H Distributing, \$158.19, rep; Godfrey Brake, \$797.26, rep; Inland Truck Parts, \$85.44, rep; Owens Interstate Sales, \$415.15, sup; Recovery Systems Co. \$4999.97, sup; Sturgis Napa, \$13.90, repair.

Community Center Children's Fund- Community Center, \$65.00, other.

Motion by DesJarlais, second by Hersrud and carried with Carstensen, DesJarlais, Johnston, Sundstrom, Vasknetz and Potts voting yes and Brengle abstaining to approve the claim – The Homeslice Group \$4,750.00, advertising.

Committee Report:

Gene Stock, City Parks and Recreation Director, reported that the Forestry and Parks Department has been working on a plan to control the mountain pine beetle. They are hoping that together with Meade County that they will be able to better control this.

City Manager Report:

Motion by Hersrud, second by Johnston and carried with all members voting yes to approve the following new hires: Consideration of New Hire: **Ambulance**- EMT-B-part-time-Tamara

Levique and Shelley Haupt-\$8.00. Change of Status: EMT-B – half-time-Michael Montanio-\$8.00. **Community Center**-Part-time Custodian – Howard Albrecht -\$7.25.

City Manager Daniel Ainslie reported that the City’s general fund expenditures were roughly 73% of budget to date with approximately 78% of the year completed.

City Manager Ainslie also gave an update on the Finance Office, which will be attending the Election Workshop in Rapid City in December. Work will continue on the annual report and training with the Caselle software.

Gene Stock briefed the council on the general activities that happen during the calendar year in the Parks and Cemetery Departments. The winter months are used for the repair and upkeep of the bleachers, picnic tables, etc. The spring and summer months are spent maintaining the various parks within the city and keeping the cemetery in order. Fall months are spent winterizing the city properties.

Aspen Grove Assisted Living Project approached the city with the request to waive the building permit fee.

City Manager Ainslie proposed that instead of waiving the building permit fee for the Aspen Grove Assisted Living Project, the fee be paid out of the Economic Development budget. Motion by Hersrud, second by Brengle with all members present voting yes to approve the expense of a building permit for Aspen Grove Assisted Living to be paid out of the Economic Development budget.

Motion by Brengle, second by Potts and carried with all members voting yes to set a public hearing date of December 19, 2011 for a public hearing for a petition to vacate a portion of Whitewood Service Road Right of Way.

Motion by Brengle, second by Vasknetz and carried with all members present voting yes to approve the Chamber of Commerce request for use of city property for the Parade of Lights for December 2, 2011.

Motion by Hersrud, second by Johnston and carried with all members present voting yes to approve second reading of Ordinance 2011-08—Title 7 – City Government – Chapter 7.02 – Wards – Section 7.02.01 – Ward Boundaries, Voting Precincts.

ORDINANCE 2011-08
TITLE 7
CITY GOVERNMENT
CHAPTER 7.02
WARDS
SECTION 7.02.01 – WARD BOUNDARIES, VOTING PRECINCTS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 9, Fire Prevention and Regulation, Section 9.03 – Fire Department, is hereby enacted as follows:

Chapter 7.02 WARDS

SECTIONS:

7.02.01: Ward Boundaries, Voting Precincts

7.02.01: WARD BOUNDARIES, VOTING PRECINCTS

The City is hereby divided into four wards, each of which shall consist of a voting precinct.

The First Ward shall be that portion of the City located north and west of the following described line:

Beginning at the intersection of the centerline of Lazelle Street and the Eastern City Boundary, thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Fifth Street, thence southerly along the centerline of Fifth Street to its conversion to Ball Park Road, thence southerly along the centerline of Ball Park Road to its intersection with the centerline of Farley Street, thence westerly along the centerline of Farley Street to its westerly extension to the City Boundary.

The Second Ward shall be that portion of the City located within the following description: Beginning at the intersection of the centerlines of Junction Avenue and Lazelle Streets, thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Fifth Street, thence southerly along the centerline of Fifth Street to its conversion to Ball Park Road, thence southerly along the centerline of Ball Park Road to its intersection with the centerline of Dolan Creek Road, thence southwesterly along the centerline of Dolan Creek Road to its intersection with the southern boundary of I-90, thence southeasterly along the southern boundary of I-90 to its intersection with the centerline of Junction Avenue, thence northerly along the centerline of Junction Avenue to its intersection with the centerline of Harmon Street, thence easterly along the centerline of Harmon Street to its intersection with the centerline of Davenport Street, thence northerly along the centerline of Davenport Street to its intersection with the centerline of Howard Street, thence westerly along the centerline of Howard Street to its intersection with the centerline of Junction Avenue, thence northerly along the centerline of Junction Avenue back to the point of beginning.

The Third Ward shall be that portion of the City located within the following description: Beginning at the intersection of the centerline of Lazelle Street and the East City Boundary Line, thence westerly along the centerline of Lazelle Street to its intersection with the centerline of Junction Avenue, thence southerly along the centerline of Junction Avenue to its intersection with the centerline of Howard Street, thence easterly along the centerline of Howard Street to its intersection with the centerline of Davenport Street, thence southerly along the centerline of Davenport Street to its intersection with the centerline of Harmon Street, thence westerly along the centerline of Harmon Street to its intersection with the centerline of Junction Avenue, thence southerly along the centerline of Junction Avenue to its intersection with the southern boundary of I-90, thence southeasterly along the southern boundary I-90 to its intersection with the East City Boundary Line, thence northerly along the City Boundary Line back to the point of beginning.

The Fourth Ward shall be that portion of the City located west and south of the following described line:

Beginning at the intersection of the centerline of Farley Street and its westerly extension to the West City Boundary Line, thence easterly along the centerline of Farley Street to its intersection with the centerline of Ball Park Road, thence southerly along the centerline of Ball Park Road to its intersection with the centerline of Dolan Creek Road, thence southwesterly along the

centerline of Dolan Creek Road to its intersection with the southern boundary of I-90, thence southeasterly along the southern boundary of I-90 to its intersection with the East City Boundary Line.

Dated this 21st day of November, 2011.

First reading: November 7, 2011

Second reading: November 21, 2011

Adopted: November 21, 2011

Published: December 7, 2011

Effective: December 27, 2011

Motion by Hersrud, second by Brengle and carried with all members present voting yes to approve second reading of Ordinance 2011-09 – Title 9 – Fire Prevention and Regulation-Chapter 9.03 – Fire Department.

ORDINANCE 2011-09
TITLE 9
FIRE PREVENTION AND REGULATION
CHAPTER 9.03
FIRE DEPARTMENT

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 9, Fire Prevention and Regulation, Section 9.03 – Fire Department, is hereby enacted as follows:

**CHAPTER 9.03
FIRE DEPARTMENT**

SECTIONS:

- 9.03.01: Establishment, Duties and Responsibilities
- 9.03.02: Officers
- 9.03.03: Selection and Term of Fire Chief and Assistant Fire Chiefs
- 9.03.04: Equipment and Care of Property
- 9.03.05: Insignia
- 9.03.06: Required Aid
- 9.03.07: Failure to Assist
- 9.03.08: Interference with the Department
- 9.03.09: Damaging Apparatus
- 9.03.10: Obedience to Officers and Police Powers
- 9.03.11: Deferred Compensation Program Established
- 9.03.12: Deferred Compensation Program Purpose
- 9.03.13: Program Eligibility Requirements
- 9.03.14: Program Funding and Investment
- 9.03.15: Program Disbursement of Deferred Compensation

9.03.01: ESTABLISHMENT, DUTIES AND RESPONSIBILITIES

There is hereby established and created a municipal Fire Department which may consist of not more than 50 members, including such members as may be employed by the City.

9.03.02: OFFICERS

The Department may include a Fire Chief, two Assistant Fire Chiefs, or such other officers as the City may approve upon recommendation of the Fire Chief and City Manager for the effective operation of the Fire Department.

9.03.03: SELECTION AND TERM OF FIRE CHIEF AND ASSISTANT FIRE CHIEFS

The City Council may, as recommended by the City Manager, hire a "Fire Chief" to oversee all or any portion of the Fire Department, Ambulance Service, Search & Rescue or Hazardous Materials response services agencies provided by the City. The "Chief" may, upon recommendation of the City Manager and approval of Council, have the authority to appoint two (2) Assistant Chiefs. Appointment and/or reappointment of said Assistants shall be in two (2) year increments, and in staggered terms. The names of the Assistant Chief(s) shall be presented for approval to the City Council at the first City Council meeting in May of each year.

9.03.04: EQUIPMENT AND CARE OF PROPERTY

The Fire Chief shall report to the City Council each year during budget review the status and condition of all equipment currently under the Fire Department's care. The City from time to time under the guidance of the Fire Chief may provide additional equipment which is required to maintain the City's ISO Rating and as needed to maintain efficiency and properly protect life and property from fire and other hazards.

All City owned equipment under the care of the Fire Department shall be maintained in a proper working manner consistent with industry standards.

All City owned equipment of the Fire Department shall be safely and conveniently housed in such places as may be designated by the City Council. Said places shall be heated during the winter season.

No person shall use any City owned fire apparatus or equipment for any private purpose, without first receiving approval from the Fire Chief and/or City Council, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Fire Department.

No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department.

9.03.05: INSIGNIA

Each member of the Fire Department shall be issued a badge designating his or her rank. Each member of the Fire Department driving a vehicle may be issued a suitable insignia to be attached to the vehicle or vehicles.

On the first day in June each member shall be issued a new ID card from the Fire Department stating that the individual is an accepted member of the Sturgis Fire Department.

No person may display any badge, card, sign, decal, license plate or similar items representing themselves as a Fire Department member unless authorized by the Fire Chief and/or City Council.

No person shall willfully impersonate themselves as a fire officer or a member of a fire department by wearing a cap, hat, badge, insignia or in any other way give the impression they are a member of the Fire Department.

9.03.06: REQUIRED AID

The Fire Chief or other member of the Fire Department may request the aid of any reasonable person, citizen, inhabitant or bystander, in conveying any engine, fire apparatus or other equipment to an emergency scene. Said individuals may also be requested to lend assistance at the emergency scene.

9.03.07: FAILURE TO ASSIST

No person present at or going to an emergency scene shall refuse upon command of the Fire Chief, Assistant Chief or person in charge, to render such assistance as may be requested, or to refuse to obey any lawful order of an officer in command or interfere with any member of the Fire Department who is on duty and engaged in an emergency.

9.03.08: INTERFERENCE WITH THE DEPARTMENT

No person shall willfully hinder or interfere with any City Officer or member of the Fire Department in the performance of his/her duty as a member of the Fire Department.

No unauthorized person shall willfully cut, deface, destroy, or injure any telecommunications wire, pole or signal box.

No unauthorized person shall ride upon or attempt to ride upon any emergency vehicle or fire apparatus of the Fire Department when responding to or returning from any emergency or in any way interfere with the work of the Department.

No person, not on official duty with the Fire Department, shall follow within 500 feet of any Emergency Vehicle.

9.03.09: DAMAGING APPARATUS

No person shall willfully damage any engine, or other equipment belonging or pertaining to the Fire Department.

9.03.10: OBEDIENCE TO OFFICERS AND POLICE POWERS

Any person present at an emergency scene shall be subject and obedient to the orders of the Fire Chief or such person in charge of the emergency scene. All regularly appointed members of the Fire Department, who are thereby wearing the insignia provided for in this Title, are hereby given the necessary special police powers for the purpose of enforcing provisions of this Title.

9.03.11: DEFERRED COMPENSATION PROGRAM ESTABLISHED

The City of Sturgis recognizes the unique contribution to the public safety system of the City of Sturgis provided by the Sturgis Volunteer Fire Department. The City further recognizes the need to encourage continued participation by and retention of trained volunteers by the Volunteer Fire Department to ensure the Department can respond to Fire and other service calls within the City. Accordingly, there is hereby established by the Sturgis City Council, as authorized by the South Dakota legislature, a Deferred Compensation Program for the eligible members of the Sturgis Volunteer Fire Department. Upon signature by both parties, the Deferred Compensation Program agreement shall be maintained on file in the City Finance Office.

9.03.12: DEFERRED COMPENSATION PROGRAM PURPOSE

The program is intended to help meet this need for retention and continued participation by establishing a modest financial contribution by the City to a special reserve fund within the City budget to permit eligible Volunteer Fire Department members to earn deferred compensation payment for 5 years or more of approved service to the combined benefit of the Sturgis Volunteer Fire Department and the City.

9.03.13: PROGRAM ELIGIBILITY REQUIREMENTS

The eligibility requirements to determine the qualification of a Department member for the Deferred Compensation Plan shall be those eligibility standards established in the Program Agreement currently in effect between the City and Sturgis Volunteer Fire Department. In the event the Fire Protection Contract Services should be terminated, ended or not renewed, any continuing obligation of the City for continuing the Deferred Compensation Program, notwithstanding the terms of this ordinance, shall terminate as well.

9.03.14: PROGRAM FUNDING AND INVESTMENT

By January 10th of each year in which the Fire Protection Contract between the Sturgis Volunteer Fire Department and the City of Sturgis is in effect, the Secretary of the SVFD shall provide to the City Finance Office written confirmation signed by the President of the Board of Directors of the SVFD, naming each Department members approved to participate in the program based on their service in the preceding calendar year. In addition, this list shall name all other active members for the preceding year, all Reserve members for the preceding year, all members that retired during the preceding year and all honorary members for the preceding year. Within 10 days of receipt of that written confirmation, the City shall transfer to the duly authorized fund for the Volunteer Fire Department Fire Deferred Compensation Program the amount of \$560.00 per approved Volunteer member. Thereafter the Program Investment Committee, consisting of the City Finance Officer, the President of the Board of Directors of the Volunteers or his/her designee, and the City Manager or his/her designee, shall meet quarterly to provide the City Finance Officer with their recommendation for the investment of those funds held in the Deferred Compensation Program fund. Any investment of those funds shall be governed by and subject to the restrictions on Municipal investment set out at SDCL 9-22-6 and the companion statutes.

9.03.15: PROGRAM DISBURSEMENT OF DEFERRED COMPENSATION

Any approved member of the SVFD, having completed a minimum of five years of approved service, shall be eligible to receive those funds and any earnings accrued thereon, upon the retirement of that member from the SVFD. Withdrawal and payment shall be made by the City Finance Office within 10 business days of written notification by SVFD secretary that the SVFD has accepted the

resignation of the retiring member, and confirming each of the years for which the retiring member had been approved as a participant in the Deferred Compensation Program, and further stating the total number of years of approved service provided by the retiring member for which payment is claimed by the retiring member. However, during the period of the first five (5) years of the operation of the Deferred Compensation Program, any member in good standing as of January 1, 2011 who may achieve 1, 2, 3, or 4 years of eligible service after January 1, 2012, and who shall retire between January 1, 2012 and December 31, 2015, shall be able receive payment of the Deferred Compensation Benefit calculated upon the approved years of service achieved by that retiring member after January 1, 2012.

Dated this 21st day of November, 2011.

First reading: November 7, 2011

Second reading: November 21, 2011

Adopted: November 21, 2011

Published: December 7, 2011

Effective: December 27, 2011

Motion by DesJarlais, second by Johnston and carried with Carstensen, Sundstrom, Johnston, Hersrud, DesJarlais, Potts and Vasknetz voting yes and Brengle abstaining to set a public hearing date of December 5, 2011 for a transfer of a Retail on-sale w/Sunday sales Liquor license from Si Senior, LLC to Phil Town Inn Inc, Phil Town Inn at 2431 S. Junction.

Motion by Johnston, second by Vasknetz and carried with Carstensen, Sundstrom, Johnston, Hersrud, DesJarlais, Potts and Vasknetz voting yes and Brengle abstaining to set a public hearing date of December 5, 2011 for renewal of the following Liquor and Wine licenses:

Package (off-sale) Liquor

1. City of Sturgis, dba Sturgis Liquor – 1075 Lazelle

Retail (on-sale w/Sunday Sales) Liquor

1. Chaffee-Bradley, LLC, dba Oasis Bar & Lounge – 1145 Main St
2. KSLB & D – DBA -Easy Riders Steakhouse – 888 Junction Ave.
3. Homeslice Management, LLC, dba Loud American Roadhouse – 1305 Main St
4. One Eyed Jacks Saloon of Sturgis Inc, dba One Eyed Jack's Saloon – 1304 Main St
5. American Legion Mead Post 33/ VFW Paha Sapa Post 2730 – 868 Main St.
6. Gunner's Lounge, LLC, dba Gunner's Lounge – 1006 Main St
7. Key City Enterprises-The Knuckle Saloon – 931 1st Street
8. Phil-Town Inn Inc., Phil Town Inn – 2431 S. Junction

Wine (on-off sale) License

1. Billy & Jason Fields, dba Rosco'z – 976 Lazelle
2. Fresh Start Convenience Store, Inc. – 2620 Lazelle St.
3. Dungeon Bar, dba Royal Flush Casino and Sports Bar – 1030 Main Street
4. Schmid Investments – Sidehack Saloon, dba Sidehack Saloon – 1027 Lazelle Street
5. Tom's T's, Inc.; dba – Sturgis Wine Company – 1117 Main Street
6. Willie Nillie Inc.; Willie Nillie – 2715 Lazelle Street
7. MAJR, LLC – dba – Sturgis Coffee Company – 2275 Lazelle Street
8. Sturgis Water Works Com LLC- DBA – JJ Davenport's Restaurant

Motion by Potts, second by Vasknetz and carried with Carstensen, DesJarlais, Hersrud, Sundstrom, Johnston, Potts and Vasknetz voting yes and Brengle abstaining to set a public hearing date of December 5, 2011 for a new wine license for Matthew Alan Goodine – Goodine's – 2214 Junction Ave. (Formerly Chive's)

Motion by Johnston, second by DesJarlais and carried with Carstensen, DesJarlais, Hersrud, Sundstrom, Johnston, Potts and Vasknetz voting yes and Brengle abstaining to set a public hearing date of December 5, 2011 for a restaurant malt beverage license for Matthew Alan Gooding – Goodine’s-2214 Junction Ave. (Formerly Chive’s).

This was the time set to consider the VFW Auxiliary to sell raffle tickets. No action taken therefore they may have the raffle.

DesJarlais introduced the following written resolution and moved its adoption:

**RESOLUTION 2011-35
A RESOLUTION DECLARING PROPERTY SURPLUS**

1. Police: Glock 36 – Serial number GKD 474 - .45 Caliber
2. Police: Glock 36 – Serial number GKD 475 - .45 Caliber
3. Police: Glock 36 – Serial number MKW866 - .45 Caliber

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.

Published: December 7, 2011

Effective: December 27, 2011

Hersrud 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 Brengle, second by Johnston and carried to approve first reading of Ordinance 2011-10- Amending Ordinance 2010-10 – Annual Appropriations for the Year 2011.

Any other business:

Motion by Brengle, second by Johnston and carried with all members voting yes to go into executive session at 7:10 p.m. for personnel, legal and contracts.

Motion by Brengle, second by Potts and carried with all members voting yes to come out of executive session at 7:20 p.m.

Motion by Brengle, second by Potts and carried with all members present voting yes to adjourn meeting at 7:20 p.m.

ATTEST: _____ APPROVED _____
 Jeanie Shyne, Deputy Finance Officer Mark Carstensen, Mayor

Published once at the total approximate cost \$