

City of Riders



City Manager

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Council Report

November 7, 2014

Daniel Ainslie, City Manager

Consideration of Approval of the First Reading of Title 6 Cemetery

Background

For several years, the rates for cemetery lots and services have been set by ordinance. The actual rate included in the ordinance specifically identifies the rate as inclusive of all applicable sales tax. Recently, the State sales tax has increased from 6.0% to 6.5%. This effectively has meant that the City is losing an addition 0.5% of the sales charge.

Discussion

The Ordinance draft presented changes all rates charged. It restates the rates charged as the amount the City previously collected at the start of the year and states that all applicable sales tax will be added.

In addition, some additional minor changes were made, these include:

1. The Cemetery Sexton of the Cemetery is appointed by the City Manager not the Mayor to be consistent with the City Manager form of Government
2. All references to the Parks Director were changed to the Cemetery Sexton to ensure it is consistent with the City Personnel framework
3. Makes mention of the written cemetery policies in addition to the rules in the title will be enforced by the Cemetery Sexton or his or her designee
4. Changed the office where the lots will be sold from "Finance Office" to the Office designated. In the future this is an item that may be facilitated by a different office

Budget Impact

There is minimal impact on the City's budget. In the near future, the City will conduct a fee survey of surrounding cemeteries to ensure that our fee structure is consistent with the Black Hills region.

Recommendation

This proposed amendments will help to ensure the long term sustainability of the cemetery and ensures that its operations are consistent with the Council goals.

Approved:	 Daniel Ainslie, City Manager
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**TITLE 6
CEMETERY**

Chapters:

- 6.01: General Provision
- 6.02: Administration and Finances
- 6.03: Interment and Disinterment
- 6.04: General Rules, Regulations, and Provisions

**Chapter 6.01
GENERAL PROVISION**

SECTIONS:

- 6.01.01: Scope and Purpose
- 6.01.02: Definitions
- 6.01.03: Penalty

**Chapter 6.02
ADMINISTRATION AND FINANCES**

SECTIONS:

- 6.02.01: Power and Responsibility of the City in relation to the Bear Butte Cemetery
- 6.02.01: Administration
- 6.02.03: Fiscal Management
- 6.02.04: Procedure for the Sale of Cemetery Lots
- 6.02.05: Purchaser to Agree
- 6.02.06: Reclaiming and Resale of Lots by the City of Sturgis
- 6.02.07: Restrictions on the Resale of Lots
- 6.02.08: Records

6.02.02: ADMINISTRATION

The officials who shall have the duties with regard to the care, operation and maintenance of the Bear Butte Cemetery are as follows:

- A. Cemetery Manager: The ~~City Manager~~ ~~mayer~~ shall appoint a Cemetery Manager who may also be the City Finance Officer. The Cemetery Manager shall be in charge of the sale of all Cemetery lots, the receipt and disposition of all fees or money gifts or deposits, the establishment and

control over all Cemetery funds, the issuance of Certificates of Purchase, and the issuance of all burial removal permits. Said Manager shall keep a complete set of records as required in the Title. Said Manager shall be responsible for the enforcement of the provisions of the Title, and he or she shall perform all other applicable duties as set forth in Sturgis City Ordinances.

- B. ~~Parks Superintendent~~director Cemetery Sexton: The ~~Parks Superintendent~~director Cemetery Sexton shall be in charge ~~the actual supervisor~~ of all work done at the Cemetery, and he or she shall see that said work is done in conformance with the regulations herein provided. Said ~~Parks Superintendent~~director Cemetery Sexton shall be in charge of all interments and disinterments and shall carry out his or her responsibilities and all regulations related thereto which are herein provided.
- C. Certificates of Purchase: Shall be issued for no other purpose than the burial of human dead.

6.02.04 PROCEDURE OF THE SALE OF CEMETERY LOTS

Any person desiring to purchase a Cemetery lot or lots shall do so by paying the required fee to the City office determined by the City Manager ~~City Finance Officer~~ for such lot or lots desired. The lots in such Cemetery shall be sold according to the plans and specifications on file in the City Finance Office. The cost of any lot shall be paid in full by check or cash. Upon the full payment of the required fee for the sale of a lot or lots, the City ~~Finance Officer~~ shall issue to the purchaser a receipt, know as a Certificate of Purchase, which shall entitle said purchaser to all the right and responsibilities herein provided, but shall not give title to said purchaser of said lot or lots.

The selling price, ~~including tax~~, of all lots shall be as follows (plus all applicable sales tax):

	<u>Administration</u>	<u>Perpetual Care</u>	<u>Totals</u>
ADULT	\$ 175.00 <u>85.50</u>	\$ 140.00 <u>8.40</u>	\$ 315.00 <u>33.090</u>
INFANT	\$ 40.00 <u>2.40</u>	\$ 85.00 <u>90.10</u>	\$ 125.00 <u>32.50</u>
CREMATION	\$ 40.00 <u>2.40</u>	\$ 85.00 <u>90.10</u>	\$ 125.00 <u>32.50</u>

No burial shall be permitted in any lot until the purchase price and perpetual care has been fully paid to the City.

(6.02.04 replaced effective 3/4/09, Ordinance 2009-03)

Chapter 6.03
INTERMENT AND DISINTERMENT

SECTIONS:

- 6.03.01: Interments, Etcetera, Subject to State Law Also
- 6.03.02: No Interments or Disinterments until full Compliance with Laws
- 6.03.03: Limitations upon Interment
- 6.03.04: Multiple Cremains
- 6.03.05: Application for Permit for Interment
- 6.03.06: Supervision by Cemetery [Superintendent Sexton](#)
- 6.03.07: No Removal of Body without Lawful Authority
- 6.03.08: Adequate Notice to be given
- 6.03.09: Disinterment
- 6.03.10: Disinterment By Order of Court or Coroner
- 6.03.11: Graves
- 6.03.12: Cremated Remains to be Disposed of Pursuant to State Law
- 6.03.13: Memorials: Control by [Superintendent Cemetery Sexton](#)
- 6.03.14: Memorial Maintenance
- 6.03.15: Cemetery may Correct Placement Errors
- 6.03.16: Funerals in Charge of Licensed Funeral Directors

6.03.03: LIMITATIONS UPON INTERMENT

All interments in lots shall be restricted to members of the immediate family, or relatives of the owners or purchaser thereof, unless a notarized, written document from the lot owner or their heirs stating their wishes to the contrary is filed with the City Finance Officer.

Only one body shall be allowed in each grave except in the event where permission is obtained from the [City Manager or designee Parks Superintendentdirector](#) of the City. No adult cremains shall be allowed in an infant lot.

6.03.04: MULTIPLE CREMAINS

The number of cremains per lot shall be at the discretion of the [City Manager or designee Parks Superintendentdirector](#). Any memorial for multiple interments must be flush with the ground.

The charges, ~~including tax~~, for opening and closing are as follows (plus all applicable sales tax):

- A. Adult grave: \$275.00~~91.50~~

- B. Infant grave: \$~~75.00~~^{9.50}
- C. Cremation grave: \$~~75.00~~^{9.50}

Fees, ~~including tax~~, for weekend and holiday grave opening and closing are as follows (plus all applicable sales tax):

- A. Adult grave: \$~~310.00~~^{28.60}
- B. Infant grave: \$~~100~~^{6.00}
- C. Cremation grave: \$~~100~~^{6.00}

A statement of fees for opening and closing graves, and for other services as herein provided, shall be delivered to the funeral director in charge of the funeral on or before the 15th day of the month following the funeral and the fees set in said billing shall be paid to the City by the funeral director on or before the 30th day of the month. If the application is found to be in order, the City Finance Officer may issue said permit. In the absence of said City Finance Officer, the City Deputy Finance Officer may issue said permit. No grave shall be dug without said permit being first issued and record made thereof. Any person may make said application only when the lot owner or purchaser has given his permission for interment, and said applicant must be able to furnish proof of such permission to the City Finance Officer or funeral director at the time the application is made.

**6.03.06: SUPERVISION BY ~~PARKS~~ SUPERINTENDENT/DIRECTOR
CEMETERY SEXTON**

All graves shall be dug by or under the supervision of the Cemetery Sexton Parks Superintendent/Director, but only after a burial permit, as provided above, has been properly secured.

6.03.09 DISINTERMENT

Any lot owner or purchaser or next of kin of the deceased desiring a disinterment must make proper application for a permit to do so to the State of South Dakota and to the City Finance Officer and shall pay the proper charges for such disinterment. The charges, ~~including tax~~, are as follows (plus all applicable sales tax):

Weekday:

- A. Adult grave: \$~~350~~^{71.00}
- B. Infant grave: \$~~125~~^{32.500}
- C. Cremation grave: \$~~125~~^{32.050}

Weekends and Holidays:

- A. Adult grave: \$~~400~~^{24.00}
- B. Infant grave: \$~~175~~^{85.050}
- C. Cremation grave: \$~~175~~^{85.050}

No disinterment shall be made and no permit issued, except as otherwise provided, until such fees are fully paid. Disinterment shall be made only by the ~~Parks Superintendent~~Director Cemetery Sexton and only upon presentation of the required permit from the City Finance Officer. No permit for the removal of any body shall be issued except upon presentation of the written permission of the lot owner or next of kin of the deceased, unless otherwise herein provided or otherwise provided by state law. The requirement herein as to written permission of the lot owner or next of kin and the payment of the proper charges shall not be required where such disinterment is made by reason of the failure of the purchaser of a lot under contract to complete payment therefore, and the City has elected to remove any body to a single grave lot as permitted by such contract of purchase.

(6.03.09 replaced effective 3/4/09, Ordinance 2009-03)

6.03.11: GRAVES

Graves shall be located at least 6 inches within the lot boundaries as follows:

	<u>Adult Graves</u>	<u>Infant Graves</u>	<u>Cremains</u>
<u>Lot Size:</u>	5' X 10'	3' X 5'	Within designated lot
<u>Opening:</u>	42" X 8'	Container Size	Container Size
<u>Depth:</u>	5' - 5 1/2'	2 1/2' - 3'	2 1/2' - 3'

The grade established shall be on the level with surrounding or adjoining graves and compliance with the grade of all lots shall be determined by the ~~Parks Superintendent~~Director Cemetery Sexton. No person four (4) years of age and over shall be buried in the Cemetery, unless the casket is enclosed in a concrete or steel container commercially manufactured and with a durability approved by the ~~Parks Superintendent~~Director. No wooden, fiberglass or non-durable containers shall be allowed for any aged person.

6.03.13: MEMORIALS: CONTROLLED BY ~~PARKS DIRECTOR~~ CEMETERY SEXTON

Any memorial or marker intended to be erected or placed on any grave or lot shall first be approved by the ~~Parks Superintendent~~Director Cemetery Sexton as to the size, location on lot, foundations, and kind of stone to be used, and all such memorials, their erection, materials, and placement, must be in conformance with this chapter or with any rules or regulations hereafter established by the Common Council. All memorials shall have at least a 4" wash on all sides. All memorials placed as foot markers shall be flush with the ground. Surface vaults and ledgers will not be allowed in any new section that is developed.



Chapter 6.04

GENERAL RULES, ~~REGULATIONS,~~ AND REGULATIONS, AND PROVISIONS

SECTIONS:

- 6.04.01: Hours
- 6.04.02: Walking on Lots Lawns Prohibited
- 6.04.03: Injury to Trees, Shrubs and Memorials
- 6.04.04: Vehicles
- 6.04.05: Children Under Twelve
- 6.04.06: Scattering of Rubbish Prohibited
- 6.04.07: Proper Conduct for Sacred Place
- 6.04.08: Planting or Removal of Trees and Shrubs Prohibited Without Permission
- 6.04.09: Authority to Remove Harmful Trees or Shrubs
- 6.04.10: Enclosures, Hedges, Grave Guards Prohibited
- 6.04.11: Vases – Regulations
- 6.04.12: Other Materials Placed on Graves
- 6.04.13: City not Responsible for Articles Left
- 6.04.14: Illegal to Remove Lawfully Placed Material
- 6.04.15: Curbing and Crushed Rock or Quartz
- 6.04.16: Duty of ~~Parks director~~ Cemetery Sexton to Enforce

6.04.08: PLANTING OR REMOVAL OF TREES AND SHRUBS PROHIBITED WITHOUT PERMISSION

No trees or shrubs shall be planted in or removed from any lot, walk or lawn space without permission of the ~~Parks Superintendent~~ director Cemetery Sexton.

6.04.09: AUTHORITY TO REMOVE HARMFUL TREES OR SHRUBS

In the event any tree or shrub or curbing situated on any lot shall become harmful to any adjacent lot or become unsightly or inconvenient, the ~~Parks Superintendent~~ director Cemetery Sexton shall have the authority to cause the removal of the same.

6.04.12: OTHER MATERIALS PLACED ON GRAVES

Any flag or other decoration, funeral design, cut flowers and/or any other item placed on lots, graves or trees may be removed by the ~~Parks Superintendent~~ Cemetery Sexton or his or her designee director when the same becomes unsightly or interferes with maintenance.

Any flowers and/or decorations for Memorial Day shall be removed within two (2) weeks following the holiday.

6.04.16: DUTY OF PARKS DIRECTOR CEMETERY SEXTON TO ENFORCE

It shall be the expressed duty of the ~~Parks Superintendent~~director Cemetery Sexton to cause the provisions of this Title and any supplemental written policies to be enforced.

6.04.17: GRAVE REPAIR AND MAINTENANCE

Anyone planning to make improvements on lots or gravesites shall receive written permission from the ~~Parks Superintendent~~director Cemetery Sexton before the project is started.

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Finance

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Council Report

November 7, 2016

Fay Bueno

2016-08 Supplemental Appropriations Ordinance – First Reading

Background/History

This will supplement the 2016 budget:

General Fund:

- **Mayor and Council (\$30,000)** Annexation Study, Dolan Creek Study, Kiwanis Food Pantry Utilities and Publishing.
- **Finance (\$15,500)** Audit (Liquor Store and Ambulance; Travel (Liquor Store) and Wages – Senior Accountant
- **Planning and Permitting (\$16,500)** Wages
- **Sponsorship (\$115,000)**
- **Dispatch (\$70,000)** the city is contractually obligated to pay 44% of the total costs of dispatch. The software that was purchased exceeded the projected amount.
- **Airport (\$5,000)** Purchase of snow removal equipment

Capital Improvements – (\$500,000) Main Street Project

Equipment Replacement – (\$253,219) in the original budget the source of revenue is from transfers and with this supplement the source will be from sales tax.

TIFD #11 SPM – (\$260,000) – Anna Street storm drainage project (included in TIF development plan)

Discussion

By law we cannot exceed the budget that is adopted by the Council, so a supplemental ordinance is prepared to make sure this does not happen. If the budget should have an overage there will be a finding in the Audit.

Budget Impact

This ordinance is necessary to comply with SDCL 9-21-9, so that we do not exceed budget amounts.

Recommendation

Staff recommends approving first reading of this ordinance.

Approved:	 _____ Daniel Ainslie, City Manager
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ORDINANCE 2016-08

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-09
ANNUAL APPROPRIATIONS FOR THE YEAR 2016
OF THE CITY OF STURGIS, MEADE COUNTY, SOUTH DAKOTA**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota, that ordinance 2015-09 is amended so that the following amounts are hereby appropriated to meet the obligation of the municipality for the year 2016.

General Fund 101	
Mayor and Council	
4111-4220 Prof. Fees	\$25,000
4111-4230 Publishing	\$2,000
4111-4260 Supplies	\$1,000
4111-4280 Utilities	<u>\$2,000</u>
Total	\$30,000
Finance	
4142-4111 Wages	\$5,500
4142-4220 Prof. Fees	\$8,000
4142-4270 Travel	<u>\$2,000</u>
Total	\$15,500
Planning & Permitting	
4196-4111 Wages	\$16,500
Sponsorship	
4198-42200 Prof. Fees	\$80,000
4198-42300 Publishing	\$25,000
4198-42400 Rental	<u>\$10,000</u>
Total	\$115,000
Police	
4211-42200 Prof. Fees	\$10,782
Dispatch	
4218-4290 – Other (Software)	\$30,000
Airport	
4350-424340 – Machinery & Equipment	<u>\$5,000</u>
Total for General Fund	\$222,782
Source of Funding: Unappropriated cash, additional new revenue and donations.	
Capital Improvements	
212-4330 – Improvements	\$964,000
Source of Funding: Unappropriated cash and additional new revenue	
Equipment Replacement	
The following transfers from General Fund will be decreased by:	
Finance	\$2,142
City Manager	\$1,785
Planning & Permitting	\$3,571
Rally	\$2,142
Streets	\$44,776
Parks	<u>\$25,816</u>
Total for General Fund	\$80,232
General Fund Administration fees will increase:	
Wastewater	\$37,836
Water	\$28,847
Sanitation	\$104,697
Liquor	<u>\$1,607</u>

Total for increase in GF Admin fees	\$172,987
Equipment Replacement transfers will decrease by:	
Wastewater	\$37,836
Water	\$28,847
Sanitation	\$104,697
Liquor	<u>\$1,607</u>
Total for decrease in Equipment Replacement transfers	\$172,987
 Sales Tax changes:	
General Fund Sales Tax will decrease	(\$253,219)
Equipment Replacement Fund will increase	\$253,219

Adopted this _____ day of November, 2016.

City of Sturgis

Mark Carstensen, Mayor

ATTEST:

Fay Bueno, Finance Officer

First reading:
Second reading:
Adopted:
Published:
Effective:

City of Riders

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Council Report

November 7, 2016

Fay Bueno

2016-09 Supplemental Appropriations Ordinance for 2017 – First Reading

Background/History

This will supplement the 2017 budget:

General Fund: This will decrease the transfer expenses out of Finance, City Manager, Planning & Permitting, Rally, Streets and Parks. \$88,600

Wastewater, Water, Sanitation and Liquor: This will increase the General Fund Administration Fee but decrease the transfers out of these enterprise funds. \$175,133

Equipment Replacement – in the original budget the source of revenue is from transfers and with this supplement the source will be from sales tax. \$253,219

Sales Tax – It will decrease in General Fund and increase in Equipment Replacement Fund

Storm Sewer Fund – This will be eliminated \$76,000

Water Fund – This funds expenses will be increased by \$76,000

Discussion

By law we cannot exceed the budget that is adopted by the Council, so a supplemental ordinance is prepared to make sure this does not happen. If the budget should have an overage there will be a finding in the Audit.

Budget Impact

This ordinance is necessary to comply with SDCL 9-21-9, so that we do not exceed budget amounts.

Recommendation

Staff recommends approving first reading of this ordinance.

Approved:

Daniel Ainslie, City Manager

ORDINANCE 2016-09

AN ORDINANCE AMENDING ORDINANCE NO. 2016-07
ANNUAL APPROPRIATIONS FOR THE YEAR 2017
OF THE CITY OF STURGIS, MEADE COUNTY, SOUTH DAKOTA

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota, that ordinance 2016-07 is amended so that the following amounts are hereby appropriated to meet the obligation of the municipality for the year 2017.

General Fund 101

The following General Fund transfers will decrease by:

Finance	\$2,207
City Manager	\$1,839
Planning & Permitting	\$3,678
Rally	\$2,060
Streets	\$52,226
Parks	<u>\$26,590</u>
Total for General Fund	\$88,600

General Fund Administration fees will increase:

Wastewater	\$38,971
Water	\$31,230
Sanitation	\$103,277
Liquor	<u>\$1,655</u>
Total for increase in GF Admin fees	\$175,133

Equipment Replacement transfers will decrease by:

Wastewater	\$38,971
Water	\$31,230
Sanitation	\$103,277
Liquor	<u>\$1,655</u>
Total for decrease in Equipment Replacement transfer	\$175,133

Sales Tax changes:

General Fund Sales Tax will decrease	(\$263,733)
Equipment Replacement Fund will increase	\$263,733

Equipment Replacement Fund

219-9000-43400 – Machinery & Equipment	\$263,733
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The following Fund will be eliminated:

618 – Storm Sewer	\$76,000
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Water Fund Expenses will be increased by:

602-4330-4111 – Wages	\$42,811
602-4330-4210 – Insurance	\$600
602-4330-4250 – Repairs	\$16,000
602-4330-4260 – Supplies	\$9,000
602-4330-4270 – Travel	\$1,000
602-4330-4290 – Other	<u>\$6,589</u>
Total for Water Fund	\$76,000

Adopted this _____ day of November, 2016.

City of Sturgis

Mark Carstensen, Mayor

ATTEST:

Fay Bueno, Finance Officer

First reading:
Second reading:
Adopted:
Published:
Effective: