

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS – PRE-COUNCIL MEETING  
November 15<sup>th</sup>, 2010**

Mayor Harold Stickney called to order the second pre-council meeting for the month of November, 2010 at 5:00 p.m. Present was Councilpersons Hattervig, Starr, Lipp, Murphey, Herman and Schleining and Chris Beesley, City Attorney.

Department Head discussion was held with no action taken.  
The meeting adjourned at 5:30 p.m.

**COUNCIL PROCEEDINGS- REGULAR SESSION  
November 15<sup>th</sup>, 2010**

Mayor Harold Stickney called to order the second regular meeting of the Common Council for the month of November, 2010 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Starr, Lipp, Murphey, Herman and Schleining and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Lipp moved, with a second by Councilperson Starr, to approve the agenda. The motion unanimously carried.

**MINUTES**

Councilperson Murphey moved, with a second by Councilperson Herman, to approve the minutes from the November 1<sup>st</sup>, 2010 meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**PUBLIC HEARING – LIQUOR LICENSES**

The Council was presented with the renewal list of liquor and wine license applications for 2011. At this time there were 14 liquor and wine licenses for renewal. Councilperson Schleining moved to approve the applications as listed as all the taxes have been paid and proof of insurance has been provided for each licensee. Seconded by Councilperson Hattervig, the motion unanimously carried.

**RESOLUTION #11-15-10A –PERSONNEL MANUAL CHANGE – TECHNOLOGY USAGE POLICY**

Councilperson Starr moved to adopt Resolution 11-15-10A, Personnel Manual Technology Usage Policy. Seconded by Councilperson Lipp, the motion unanimously carried.

RESOLUTION # 11-15-10A

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 09-05-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified regarding Policy #2 General Policies, 2.19 Internet Usage, with the following and it shall read as follows:

2.19 Technology Usage

The City of Custer provides access to a variety of technological equipment, including, but not limited to, a computer network (which includes network resources, e-mail and the Internet), cellular phones, cameras, and video cameras. These items (collectively, "technology resources") promote communication with people and access to resources both inside and outside the City's network. Technology equipment is provided for official City business purposes only. All users must adhere to the same code of professional ethics that governs all other aspects of City communications. Employees must read the following paragraphs and provide their signature to confirm acceptance of the terms herein for acceptable use of the City owned technology resources.

1. The City's technology resources and all data stored on such resources is the exclusive property of the City. Employees who use City technology resources have no expectation of privacy for any data or materials stored on such technology resources.
2. The City's technology resources should be used for official City business only. No technology resources should be used for personal communications, personal gain or advancement of individual views. Removal of City of Custer restricted data from City property is prohibited without supervisor knowledge. Employees should always ensure that the business information that is transmitted is accurate, appropriate, ethical, and lawful.
3. End users are prohibited from downloading, installing and/or operating unauthorized streaming media programs, applications and devices.
4. Computer games and unlicensed software may not be installed on City computers.
5. Employees may not use the City's Internet facilities to download entertainment software or games, or play games against opponents over the internet.
6. The City reserves the right to monitor and block access to all inappropriate Internet sites.
7. The City reserves the right to inspect any and all files stored in public or private areas of the City's computers and networks, cameras, and video cameras to assure compliance with this policy.

8. Any software or files downloaded via the Internet into the City network or any City computer becomes the property of the City.
9. The use of technology resources for harassment or other inappropriate behavior regarding race, color, creed, religion, sex, ancestry, national origin, age, or disability is prohibited.
10. Sexually explicit material may not be accessed, displayed, archived, stored, distributed, edited or recorded using City technology resources.
11. Use of any City computer or network resource for illegal activity is not permitted and the City will cooperate with any legitimate law enforcement investigation.
12. No employee may knowingly use City technology resources to download or distribute pirated software or data.
13. No employee may knowingly distribute viruses or bypass any virus or malware detection system in place.
14. Employees may download software directly related to conducting City business after obtaining Computer Services approval. Employees must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.
15. Employees with Internet access may not upload any software licensed to the City or data owned or licensed by the City without explicit authorization from Computer Services.
16. Employees will not allow the use of technology resources to interfere with the safe operation of vehicles or other equipment.
17. Use of instant messaging services is permitted only with Computer Services approval. Use of text messaging or SMS is prohibited on City cell phones.

The City of Custer reserves the right to change, modify, or discontinue any portion of this policy at any time. With the efficiencies and productivity that technology provides also comes the responsibility to use these resources in the responsible manner in which they were intended. I have read and understand the above Technology Usage Policy and understand violation of these rules may result in disciplinary action or even termination. Employees may also be held personally liable for any violation of this policy.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended and superseded as adopted.

Dated this 15<sup>th</sup> day of November, 2010.

City of Custer City

S/Harold D Stickney, Mayor

**RESOLUTION #11-15-10B – PERSONNEL MANUAL CHANGE – CPR/FIRST AID TRAINING**

Councilperson Herman moved to adopt Resolution 11-15-10B, Personnel Manual CPR/First Aid Training. Seconded by Councilperson Lipp, the motion unanimously carried.

**RESOLUTION # 11-15-10B**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 09-05-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified by adding section 2.27 CPR/First Aid Training to Policy #2 General Policies, and it shall read as follows:

**2.27 CPR/First Aid Training**

The City of Custer will require employees to complete a mandatory initial CPR/First Aid certification course. Future training will be mandatory in order for employees to keep their certification current. All such training and courses shall be at the City's expense. Two training dates will be offered for scheduling convenience, and will only be excused with a Leave Request Form signed by a supervisor or department head. If an employee fails to appear or does not successfully complete a scheduled training, they will be required to reimburse the city for the cost of the course and obtain certification at their own expense. Failure to comply with this policy may result in disciplinary action.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended and superseded as adopted.

Dated this 15<sup>th</sup> day of November, 2010.

City of Custer City

S/Harold D Stickney, Mayor

**RESOLUTION #11-15-10C – PERSONNEL MANUAL CHANGE – DONATING LEAVE TIME**

Councilperson Hattervig moved to adopt Resolution 11-15-10C, Personnel Manual Donating Leave Time. Seconded by Councilperson Starr. Councilperson Murphey moved to amend the motion to include with the changing of the wording in paragraph 3 of 7.11 to "off" instead of "out of". Seconded by Councilperson Lipp, the amendment carried. The motion to adopt Resolution 11-15-C with the wording change carried unanimously.

**RESOLUTION # 11-15-10C**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 09-05-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified by adding section 7.11 Donating Leave Time to Policy #7 Leaves of Absence, and it shall read as follows:

**7.11 Donating Leave Time**

If an employee has exhausted his/her sick and vacation leave due to an extended illness, other employees may donate sick or vacation leave to the employee to use as sick leave with the approval of the Mayor. The donation of hours will be hour for hour regardless of the pay rate of the employees involved in the donation.

The employee receiving the donated leave must have exhausted all of their leave and been off work for 40 hours, which could include going without pay, in order to qualify.

The employee donating time must have a balance of at least 40 hours of sick leave and 40 hours of vacation remaining after the donation.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended and superseded as adopted.

Dated this 15<sup>th</sup> day of November, 2010.

City of Custer City

S/Harold D Stickney, Mayor

**RESOLUTION #11-15-10D – PERSONNEL MANUAL CHANGE – EMPLOYEE COMPLAINT FORM**

Councilperson Schleining moved to adopt Resolution 11-15-10C, Personnel Manual Employee Complaint Form. Seconded by Councilperson Herman, the motion unanimously carried.

**RESOLUTION # 11-15-10D**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 09-05-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified by adding Exhibit "A", Employee Complaint Form to Appendix Eight;

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended and superseded as stated in Exhibit "A".

Dated this 15<sup>th</sup> day of November, 2010.

City of Custer City

S/Harold D Stickney, Mayor

**FIRST READING – ORDINANCE #678 – SIDEWALKS**

Councilperson Herman moved to adopt the first reading of Ordinance #678, Sidewalks. Seconded by Councilperson Schleining, the motion unanimously carried.

**FIRST READING – ORDINANCE #679 – CONTRACTOR REGISTRATION**

Council decided to table the first reading of Ordinance #679 until the next meeting.

**RECREATIONAL SERVICE AGREEMENT (YMCA)**

Council decided to table the recreation service agreement with the YMCA until next meeting.

**PARADE REQUEST – CHAMBER OF COMMERCE – CHRISTMAS PARADE**

Councilperson Lipp moved to approve the parade request for the Chamber of Commerce for the Christmas Parade to be held on Saturday, December 4<sup>th</sup> at 5:30 p.m; with the parade routine to begin at 8<sup>th</sup> Street and proceed down Mt. Rushmore Road to 4<sup>th</sup> Street for the tree lighting at Way Park. Seconded by Councilperson Herman, the motion unanimously carried.

**WOODLAND MEADOWS STREET LIGHT**

Bob stated that the City's cost of the placement of a street light at the entrance to Woodland Meadows would be the monthly electrical bill, and digging a trench for the placement of the power. Several Woodland Meadows residents spoke about the need for the street light. Councilperson Herman moved to place a street light at the entrance to Woodland Meadows, seconded by Councilperson Schleining. Councilperson Starr stated he wanted to make sure the residents wanted the street light, and whose responsibility it was to place the light, developer or City. Councilperson Herman, with a second by Councilperson Schleining moved to amend the motion to include that the light will be a standard street light pole, the motion unanimously carried. The motion to place a standard street light and pole at the entrance to Woodland Meadows carried with Councilperson Hattervig, Starr, Lipp, Murphey, Herman, and Schleining voting yes.

**BREAK 6:24 – 6:29**

**WWTP BRIDGE REPLACEMENT BIDS**

Councilperson Starr moved to accept the bid from Xcel Demo for \$212,555.50 and the bid alternate 1 for \$23,265.00, for a total cost of \$235,820.50 for the Wastewater Treatment Plant Bridge Replacement project. Seconded by Councilperson Herman, the motion carried with Councilperson Starr, Lipp, Murphey, Herman, Schleining, and Hattervig voting yes.

**EMPLOYEE RESIGNATION**

Councilperson Lipp moved to accept Ron Lancaster's resignation as he will be moving. Seconded by Councilperson Herman, the motion unanimously carried.

**EMPLOYEE STEP INCREASE**

Councilperson Starr moved to approve the Step Increase for Kirk Johnson to step 5 at \$16.33 effective November 14<sup>th</sup>, 2010. Seconded by Councilperson Schleining, the motion unanimously carried.

**CLAIMS**

Councilperson Starr moved, with a second by Councilperson Lipp, to approve the claims. The motion unanimously carried.

- A & B Electric, Capital Improvements, \$537.08
- AlSCO, Repairs & Maintenance, \$368.02
- Black Hills Power & Light, Utilities, \$10907.26
- Black Hills Mobil Extinguisher, Safety Equipment, \$164.00
- Crum Electric Supply, Capital Improvements, \$15.00
- Culligan, Repairs & Maintenance, \$17.50
- Custer Community Health Services, Sales Tax Subsidy, \$62987.45
- Custer Do It Best, Supplies, \$268.13
- Chamber of Commerce, Sales Tax Subsidy, \$21852.24
- Custer True Value, Supplies, \$1446.93
- Fastenal, Supplies, \$137.50
- French Creek Supply, Supplies, \$39.77
- GenPro, Repairs & Maintenance, \$225.00
- Hawkins, Supplies, \$2305.00
- Hills Materials, Capital Improvements, \$7696.20
- Honeywell, Repairs & Maintenance, \$5693.50
- Jenny's Floral, Supplies, \$34.00
- Kellogg, Scott, Reimbursement, \$100.00
- LabCorp, Supplies, \$150.25
- Lynn's Dakotamart, Supplies, \$18.00
- McGas Propane, Capital Improvements, \$188.20
- Nelson's Oil & Gas, Supplies, \$418.60
- Pamida, Supplies, \$89.99
- Quality Auto Body, Repairs & Maintenance, \$1508.00
- Rapid Delivery, Water Testing, \$46.75
- SRF Loan Payment, \$4639.68
- S & B Motors, Supplies, \$161.93
- Sanders Sanitation, Garbage Collection Contract, \$10932.61
- SD State Executive Management Finance, Utilities, \$22.05
- Simon Contractors, Capital Improvements, \$118311.04
- Superior Lamp, Repairs & Maintenance, \$605.37
- USDA Rural Development, Loan Payment, \$8910.00
- Wyss Associates, Downtown TIF#4, \$5213.75
- Zep Sales & Service, Supplies, \$1395.74
- Seiler, Steffen, Utility Deposit Refund, \$46.72
- Total Claims \$267,453.26

**DISCUSSION**

Councilperson Hattervig gave a summary of the meeting on Mountain Pine Beetles that he attended. Councilperson Lipp gave a summary of the Regional Health presentation that he and the Mayor attended.

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:08 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Harold D. Stickney  
Mayor