

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
October 18<sup>th</sup>, 2010**

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

**AGENDA**

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

**MINUTES**

Councilperson Lipp moved, with a second by Councilperson Murphey, to approve the minutes from the October 4<sup>th</sup>, 2010 meeting with the last sentence under the Custer Community Health Board update being removed. The motion unanimously carried.

**CONFLICTS OF INTEREST**

Councilperson Starr stated he would be abstaining from the Permitted Conditional Use Request.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, gave the Council an update of where his projects stand. Bob is also putting information together for the five year plan. The wastewater treatment plant bridge bid opening will be in November with hopes that the project will be mostly complete this year.

Rex Harris, Community Development Director, mentioned that the Skywalk Trail is complete, Gordon Street should be graveled in the next week or so, and TIF #4 project should be out to bid around November 1<sup>st</sup>.

**PERMIT FOR TRANSFER STATION & QUESTIONS – TIM SANDERS**

The Council acknowledged receipt of a copy of the solid waste permit application for renewal of the Transfer Station Permit for Sander Sanitation for the site located east of Custer. Tim mentioned that the recycling numbers are up.

**RESOLUTION 10-18-10A – STREET VACATION BLOCK 27, RESOLUTION 10-18-10B – STREET VACATION BLOCK 34, RESOLUTION 10-18-10C –STREET VACATION BLOCK 134**

Councilperson Murphey moved to adopt Resolution 10-18-10A, 10-18-10B and 10-18-10C Street Vacations. Seconded by Councilperson Hattervig, the motion unanimously carried.

**RESOLUTION NO 10-18-2010A**

WHEREAS, the verified Petition and application of the owners of all real property adjoining the hereinafter described portion of a certain street in the City of Custer City, Custer County, South Dakota, praying that said portion of said street be vacated in order to resolve an encroachment issue relative to an existing structure, retain an orderly and uniform system of streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 23rd day of September 2010, and on the 30th day of September, 2010, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 18th day of October, 2010, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that that portion of the originally platted street of the City of Custer City, Custer County, South Dakota, described as follows:

The remainder of Mountain Avenue contiguous with Clay Street not vacated by the 1972 resolution, and the east/west alley contiguous with Lots 1 and 12 of Block 27 and contiguous with the previously vacated Mountain Avenue and the west City Limits line of the Original Town, now City of Custer;

be, and the same is, forever vacated, however all rights to maintain or establish utilities or subsequent easements shall be retained

Dated at Custer City, Custer County, South Dakota, this 18th day of October, 2010.

CITY OF CUSTER CITY

S/Mayor Harold D Stickney

**RESOLUTION NO 10-18-2010B**

WHEREAS, the verified Petition and application of the owners of all real property adjoining the hereinafter described portion of a certain street in the City of Custer City, Custer County, South Dakota, praying that said portion of said street be vacated in order to resolve an encroachment issue relative to an existing structure, retain an orderly and uniform system of streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 23rd day of September 2010, and on the 30th day of September, 2010, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 18th day of October, 2010, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that that portion of the originally platted street of the City of Custer City, Custer County, South Dakota, described as follows:

The north three (3) feet of the east/west alley contiguous with Lot 10, Block 34, of the Original Town, now City of Custer;

be, and the same is, forever vacated, however all rights to maintain or establish utilities or subsequent easements shall be retained

Dated at Custer City, Custer County, South Dakota, this 18th day of October, 2010.

CITY OF CUSTER CITY

S/ Mayor Harold D Stickney

#### **RESOLUTION NO 10-18-2010C**

WHEREAS, the verified Petition and application of the owners of all real property adjoining the hereinafter described portion of a certain street in the City of Custer City, Custer County, South Dakota, praying that said portion of said street be vacated in order to resolve an encroachment issue relative to an existing structure, retain an orderly and uniform system of streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 23rd day of September 2010, and on the 30th day of September, 2010, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 18th day of October, 2010, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that that portion of the originally platted street of the City of Custer City, Custer County, South Dakota, described as follows:

The north twenty-five(25) feet of Gordon Street contiguous with Lots 5, 6, and the West ½ (50 ft) of Second Street, Block 134, of the Original Town, now City of Custer;

be, and the same is, forever vacated, however all rights to maintain or establish utilities or subsequent easements shall be retained

Dated at Custer City, Custer County, South Dakota, this 18th day of October, 2010.

CITY OF CUSTER CITY

S/ Mayor Harold D Stickney

#### **FIRST READING ORDINANCE#677 – ANNUAL ELECTION**

Councilperson Starr moved to adopt Ordinance #677 Annual Election. Seconded by Councilperson Lipp, the motion unanimously carried.

#### **HEALTH INSURANCE RATES**

General Government Committee recommended renewing the current policy which includes a 15% increase. Councilperson Murphey moved to approve the health insurance renewal with the increase. Seconded by Councilperson Schleining, the motion unanimously carried.

#### **COUNCIL RETREAT (5 YEAR PLAN)**

Council agreed to schedule a council retreat day for November 13<sup>th</sup>, 2010 to work on the 5 year plan.

#### **PERMITTED CONDITIONAL USE REQUEST – SYLVIA MORRISON**

Sylvia Morrison would like to operate an adult and disabled care service out of her home at 147 North 3<sup>rd</sup> Street. Councilperson Schleining moved to approve the permitted conditional use request contingent upon Sylvia's compliance with all local, state and federal regulations and guideline rules. Seconded by Councilperson Murphey, the motion carried with Councilperson Hattervig, Lipp, Murphey and Schleining voting yes while Councilperson Starr abstained.

#### **CLAIMS**

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

5280 Consulting, Professional Fees, \$4000.00

A&B Electric, Repairs & Maintenance, \$542.64

Alexander Excavating, Professional Fees, \$260.00

ALSO, Repairs & Maintenance, \$108.46

Butler Machinery, Repairs & Maintenance, \$54.23

Black Hills Power & Light, Utilities, \$12250.76

Crum Electric Supply Co, Supplies, \$424.31

Custer Do It Best, Supplies, \$360.12

Custer True Value, Supplies, \$856.07

Culligan, Repairs & Maintenance, \$17.50

Chamber of Commerce, Sales Tax Subsidy, \$33627.75

Dakota Photography, Advertising, \$1500.00

Dakota Supply Group, Supplies, \$952.60

Fastenal, Supplies, \$163.03

French Creek Supply, Repairs & Maintenance, \$54.63

Golden West Technologies, Professional Fees, \$300.00

Hills Materials, Improvements, \$257.48  
Hawkins, Supplies, \$7611.72  
Hach, Supplies, \$218.29  
Jenniges Masonry, Improvements, \$25849.00  
Jenner Equipment, Supplies, \$48.73  
Lexis Nexis, Supplies, \$63.71  
Lawrence & Schiller, Professional Fees, \$2532.84  
L & A Welding, Repairs & Maintenance, \$64.42  
Lynn's Dakotamart, Supplies, \$18.00  
Meals Program, Subsidy, \$2500.00  
McGas Propane, Utilities, \$471.69  
Nelson's Oil & Gas, Supplies, \$710.40  
NASASP, Dues, \$39.00  
Olson's One Call, Supplies, \$11.00  
Pitney Bowes, Supplies, \$86.48  
Rapid Delivery, Water Testing, \$46.75  
S & B Motors, Supplies, \$751.40  
Sander Sanitation, Garbage Contract, Repairs & Maintenance, \$11522.61  
SD Municipal League, Conference, \$40.00  
SD State Executive Mgmt Finance, Utilities, \$37.57  
Stickney, Harold, Travel, \$66.60  
SRF Loan Payment, \$4639.68  
Unemployment, Insurance, \$10.23  
USDA Rural Development, Loan Payment, \$8910.00  
West Rive International, Repairs & Maintenance, \$133.26  
Wyss Associates, TIF #4, \$5182.50  
Total Claims \$127,295.46

**BREAK 6:50-6:55**

**EXECUTIVE SESSION**

Councilperson Lipp moved to go into and out of executive session at 6:55 due to contract negotiations and potential litigation with the Finance Officer, Rex Harris and Bob Morrison present. Seconded by Councilperson Murphey, the motion unanimously carried. The Council came out of executive session at 7:25 p.m. with no action taken

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:26 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Harold D. Stickney  
Mayor