

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
April 15<sup>th</sup>, 2019**

Council President Nina Nielsen called to order the second meeting of the Common Council for the month of April 2019 at 5:30 p.m. Present at roll call were Councilpersons Blom, Whittaker, Fischer, Moore and Arseneault. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Fischer moved, with a second by Councilperson Arseneault, to approve the minutes from the April 1<sup>st</sup> regular council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**PUBLIC HEARING – LICENSE TRANSFERS (RESTAURANT LICENSE, RETAIL ON-OFF SALE WINE & CIDER LICENSE, RETAIL ON-OFF SALE MALT BEVERAGE & SD FARM WINE LICENSE) – WR HOSPITALITY LLC**

Councilperson Blom moved to approve the restaurant license, retail on-off sale wine & cider license and retail on-off sale malt beverage & SD farm wine license transfers for WR Hospitality LLC contingent upon proof of insurance being provided. Seconded by Councilperson Whittaker, the motion unanimously carried.

**FIRST READING – ORDINANCE #822 – MEETINGS, ASSEMBLIES AND PARADES**

Councilperson Blom moved to approve Ordinance #822, Meetings, Assemblies and Parades. Seconded by Councilperson Moore, the motion unanimously carried.

**FIRST READING – ORDINANCE #823 – TAXIS (REMOVAL)**

Councilperson Fischer moved to approve Ordinance #823, Removing Taxis Regulations. Seconded by Councilperson Whittaker, the motion unanimously carried.

**RESOLUTION #04-15-2019A – FEE SCHEDULE**

Councilperson Whittaker moved to adopt Resolution #04-15-2019A, Fee Schedule. Seconded by Councilperson Fischer, the motion unanimously carried.

RESOLUTION NO. 04-15-2019A

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, determined that a Fee Schedule be established to set forth fees for the City of Custer;

WHEREAS, Custer City staff and Common Council have jointly established guidelines for said fees.

IT IS NOW THEREFORE RESOLVED, that the City of Custer City Fee Schedule consisting of 13 pages, (attached hereto and incorporated herein) is hereby adopted;

IT IS FURTHER RESOLVED, that said Schedule shall be subject to modification as requested by staff or required by circumstances; it is further resolved that schedule shall be reviewed by the Common Council annually and may be modified to insure appropriate fees.

Dated this 15<sup>th</sup> day of April 2019.

CITY OF CUSTER CITY

S/ Nina Nielsen, Council President

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #04-15-2019B – PERSONNEL MANUAL – VEHICLE SAFETY**

Councilperson Blom moved to adopt Resolution #04-15-2019B, Personnel Manual Vehicle Safety. Seconded by Councilperson Whittaker, the motion unanimously carried.

RESOLUTION # 4-15-2019B

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 01-07-19A; 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, 2.23 Vehicle Safety, with the following and it shall read as follows:

2.23 Vehicle Safety

City Owned Vehicles

1. Only authorized persons are to be passengers in a City vehicle and such vehicle shall only be operated for City business. Authorized passengers include contractors, vendors, fellow

employees, Mayor and Council. Immediate family members may only be allowed to be passengers upon prior written approval from a department head or the Mayor. All authorized non-employee passengers must sign a waiver prior to riding in a City owned vehicle.

2. City owned vehicles are provided for business related travel only, and personal use is not permitted. City owned vehicles are not to be used for employee transportation to or from employee personal residence.

3. All employees shall advise their department head prior to intended travel plans by way of an itinerary or other equivalent method, including a means of contact during an emergency.

4. Employees who are assigned City vehicles are responsible for keeping the interior clean, reporting any vehicle problems or defects, and maintaining the vehicle according to the City policy. Employees not assigned City vehicles must return the vehicle in the same conditions, reporting any problems to the assigned driver or department head.

5. A copy of each driver's Motor Vehicle Report (MVR) will be obtained annually or more frequently if the driver is under disciplinary probation or suspension. The following MVR evaluation guidelines will be used for review in employment offers and annually reviewed for continued employment. If any of the following apply, disciplinary action may be taken.

- a. Three or more convictions for moving traffic violations within any 12-month period.
- b. Conviction of any traffic violation that is defined as a class 1 misdemeanor by SDCL.
- c. No DUI convictions in the last 5 years.

6. Any change in driver's license status must be reported immediately to the employee's supervisor, which may result in disciplinary actions.

7. Drivers are responsible for promptly paying any and all tickets received while driving any city vehicle.

8. Employees shall complete a defensive driving course at least every two years. These classes help reduce the likelihood of being involved in a motor vehicle crash. Employees may be required by the Council to attend an additional DDC course whenever they deem the training to be necessary. This can be required even though the guidelines have not been exceeded.

Private Vehicle Usage - In addition to the above rules, employees driving their personal vehicle on City business are subject to the following:

1. All employees using their personal vehicle for City business will provide a Certificate of Insurance or photocopy of an insurance statement to show proof of insurance.

2. As required by state law, proof of insurance or financial responsibility must be carried in the vehicle at all times. (Resolution #5-19-14C, Resolution #2-22-11A)

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

Dated this 15<sup>th</sup> day of April, 2019

City of Custer City

S/Nina Nielsen, Council President

Attest: Laurie Woodward, Finance Officer

#### **RESOLUTION #04-15-2019C – DAKOTA RESOURCES FINANCING**

Councilperson Arsenault moved to adopt Resolution #04-15-2019C, Dakota Resources Financing. Seconded by Councilperson Moore, the motion unanimously carried.

#### RESOLUTION 4-15-2019C

#### RESOLUTION OF GOVERNING BODY

WHEREAS, the United States Department of Agriculture Rural Development and Dakota Resources have partner;

WHEREAS, USDA has named Dakota Resources as a "re-lender" of \$10 million in federal funds to help spur economic development opportunities in South Dakota communities;

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized to sign an application on behalf of the City of Custer City with the Dakota Resources;

IT IS FURTHER RESOLVED the Finance Officer is hereby authorized and directed to furnish all needed information the above-mentioned agencies may reasonably request in connection with the above authorized application, and to work with the Black Hills Council of Local Government on the submittal of such application.

Dated this 15<sup>th</sup> day of April, 2019.

City of Custer City  
S/Nina Nielsen, Council President  
ATTEST: Laurie Woodward, Finance Officer

**GRACE OF THE PINES – BARB ALMICH**

Barb Almich gave a presentation regarding the services provided by Grace of the Pines Hospice which serves the Southern Black Hills.

**PUBLIC COMMENTS**

No public comments were received.

**CONSTRUCTION MANAGER AT RISK CONTRACT – AINSWORTH BENNING CONSTRUCTION (JOURNEY GROUP)**

Councilperson Fischer moved to approve the construction manager at risk contract with Journey Group Companies dba Ainsworth Benning Construction at the cost of \$15,200 for preconstruction fee and 4.25% cost of work as presented at the time of RFP presentation. Seconded by Councilperson Arsenault, the motion carried with Councilperson Blom, Whittaker, Fischer, Moore and Arsenault voting yes.

**APPROVAL OF ELECTION WORKERS**

Councilperson Blom moved to approve Betty Schmaltz (superintendent), Judith Lacey and Ronnie Lacey as election workers for the June 4<sup>th</sup> election for Ward III Councilperson. Seconded by Councilperson Whittaker, the motion unanimously carried.

**ANNUAL REPORT**

Councilperson Whittaker moved to acknowledge the 2018 annual report. Seconded by Councilperson Blom, the motion unanimously carried.

**CLAIMS**

Councilperson Fischer moved, with a second by Councilperson Blom, to approve the following claims. The motion unanimously carried.

A & B Welding, Supplies, \$110.55  
American Legal, Professional Fees, \$1,193.00  
ASFPM, Training, \$50.00  
Black Hills Energy, Utilities, \$5,505.60  
Butler Machinery, Supplies, \$338.98  
California State Disbursement, Deductions, \$53.19  
Certified Laboratories, Supplies, \$577.93  
Christie, John, Reimbursement, \$121.40  
Culligan, Repair & Maintenance, \$18.50  
Custer Car Wash, Repair & Maintenance, \$26.50  
Custer Ace Hardware, Supplies, Repairs & Maintenance, \$374.76  
Chamber of Commerce, Sales Tax Subsidy, \$4,861.17  
Chronicle, Publishing, \$676.39  
Custer County Treasurer, 2<sup>nd</sup> Quarter Law Enforcement Contract, \$93,750.00  
Discovery Benefits, Supplies, \$27.00  
Fastenal, Supplies, \$559.63  
First National Bank, SRF Loan Payment, \$15,477.11  
French Creek Supply, Supplies, \$549.34  
Golden West Telecommunications, Utilities, \$586.63  
Golden West Technologies, Professional Fees, \$748.50  
Green Owl Media, Professional Fees, \$156.00  
Hawkins, Supplies, \$5,546.47  
Jenner Equipment, Repairs & Maintenance, \$750.08  
Kone, Repairs & Maintenance, \$995.28  
Kimball Midwest, Supplies, \$68.44  
Leo's Auto Repair, Repairs, \$20.00  
Lexis Nexis, Supplies, \$55.44  
Lynn's Dakotamart, \$12.79  
Metering & Technology Solutions, \$797.92  
Midcontinent Testing Labs, Professional Fees, \$115.00  
Mayer Plumbing, Repairs & Maintenance, \$420.00  
Pitney Bowes, Supplies, \$48.69

Rapid Delivery, Professional Fees, \$39.69  
Regional Health Network, Sales Tax Subsidy, \$29,897.78  
S & B Motors, Supplies, \$14.99  
Servall, Supplies, \$165.42  
SD Department of Revenue, License, \$150.00  
SD Secretary of State, Annual Report, \$60.00  
Bit Finance/State Long Distance, \$37.13  
The Hartford, Insurance, \$63.62  
Unemployment Insurance Division of SD, \$687.48  
USDA Loan Payments, \$8,910.00  
Verizon Wireless, Utilities, \$417.01  
Vista Print, Supplies, \$321.42  
Total Claims \$175,356.83

**DEPARTMENT HEADS & COMMITTEE REPORTS**

Various committee reports were given in addition to department heads giving an update.

**ADJOURNMENT**

With no further business, Councilperson Whittaker moved to adjourn the meeting at 6:10 p.m.  
Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Nina Nielsen  
Council President