

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
April 20th, 2020**

Mayor Corbin Herman called to order the second meeting of the Common Council for the month of April 2020 at 5:30 p.m. Present at roll call were Councilpersons Moore, Fischer and Ryan. Present at roll call by phone were Councilperson Nielsen, Whittaker and Blom. The Pledge of Allegiance was stated.

AGENDA

Councilperson Ryan moved, with a second by Councilperson Moore, to approve the agenda. The motion carried with Councilperson Fischer, Ryan, Nielsen, Whittaker, Blom and Moore voting yes.

MINUTES

Councilperson Ryan moved, with a second by Councilperson Moore, to approve the minutes from the April 6th Council Meeting. The motion carried with Councilperson Ryan, Nielsen, Whittaker, Blom, Moore and Fischer voting yes.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

COVID-19 ORDINANCE REVIEW AND GENERAL COVID-19 UPDATE

Council listened to public comments and discussed COVID-19 and Ordinance #836. A Special Council Meeting will be held next week to discuss possible amendments to the Ordinance.

PUBLIC HEARING – MALT BEVERAGE & SD FARM WINE AND WINE & CIDER LICENSE – WILD SPRUCE MARKET

Councilperson Fischer moved to approve the malt beverage & SD Farm Wine and Wine & Cider License for the Wild Spruce Market pending proof of insurance being provided. Seconded by Councilperson Ryan, the motion carried with Councilperson Nielsen, Whittaker, Blom, Moore, Fischer and Ryan voting yes.

SOCIO-ECONOMIC ANALYSIS FOR WASTEWATER TREATMENT FACILITY IMPROVEMENTS – DRG ENGINEERING

Trent Bruce with DGR Engineering presented the draft Socio-Economic Analysis for Wastewater Treatment Facility Improvements.

RESOLUTION #04-20-2020A – FEDERAL FAMILIES FIRST CORONAVIRUS RESPONSE ACT ADDITION TO PERSONNEL MANUAL

Councilperson Fischer moved to adopt Resolution #04-20-2020A, Federal Families First Coronavirus Response Act Addition to Personnel Manual. Seconded by Councilperson Moore, the motion carried with Councilperson Whittaker, Blom, Moore, Fischer, Ryan and Nielsen voting yes.

RESOLUTION # 04-20-20A

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

WHEREAS, the Federal Families First Coronavirus Response Act (FFCRA) provides eligible employees with Emergency Paid Sick Leave (EPSL) and Expanded Family and Medical Leave (EFMLA) for those affected by the COVID-19 pandemic; and

WHEREAS, the Common Council of the City of Custer City has determined that in addition to the Employee Personnel Manual Policy, FFCRA documents should be adopted.

IT IS NOW THEREFORE RESOLVED that the Federal Families First Coronavirus Response Act (FFCRA) documents consisting of 9 pages (attached hereto and incorporated herein), is adopted and attached to the Employee Personnel Manual Policy.

IT IS FURTHER RESOLVED, that said FFCRA documents shall be temporary for a period of April 1, 2020 through December 31, 2020 and may be subject to modification as federal guidance and regulations change.

Dated this 20th day of April 2020

City of Custer City

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

PUBLIC COMMENTS

No public comments were received.

SENIOR CLASS BANNER REQUEST – CHS 2020 SENIOR GRADUATION COMMITTEE

Councilperson Moore moved to approve the CHS 2020 Senior Graduation Committee request to hang banners of each graduating student from May 1st through May 20th. Seconded by Councilperson Whittaker, the motion carried with Councilperson Blom, Moore, Fischer, Ryan, Nielsen and Whittaker voting yes.

FARMER'S MARKET REQUEST – CHAMBER OF COMMERCE

Councilperson Fischer moved to approve the Chamber of Commerce request to use Way Park on Saturday's from 8am through 1pm, from June through October, except for Gold Discovery Days weekend, for the Farmer's Market. Seconded by Councilperson Ryan, the motion failed with Councilperson Moore, Fischer, Ryan, Nielsen, Whittaker and Blom voting no. Council asked that the request include the Farmer's Market plan to operating within COVID-19 guidelines.

DOWNTOWN HANGING BASKETS REQUEST – CHAMBER OF COMMERCE

Councilperson Whittaker moved to allow the placement of the hanging baskets downtown this summer. Seconded by Councilperson Nielsen, the motion carried with Councilperson Fischer, Ryan, Nielsen, Whittaker, Blom and Moore voting yes.

POOL MANAGEMENT CONTRACT WITH YMCA

Councilperson Ryan moved to approve the YMCA Director moving forward with hiring up to 3 returning Life Guards for the pool, with the anticipation that the pool will open and if it doesn't then the YMCA and City will jointly share the 3 employees as summer employees through August 23rd at only the cost of the wages versus the \$16,000 pool management contract, in addition the payment of the \$16,000 to the YMCA for the pool management will be postponed and only paid after an official decision is made on whether the pool will open for 2020. Seconded by Councilperson Blom, the motion carried with Councilperson Ryan, Nielsen, Whittaker, Blom, Moore and Fischer voting yes.

ANNUAL REPORT

Councilperson Nielsen moved to acknowledge the 2019 annual report. Seconded by Councilperson Whittaker, the motion carried with Councilperson Nielsen, Whittaker, Blom, Moore, Fischer and Ryan voting yes.

CLAIMS

Councilperson Nielsen moved, with a second by Councilperson Whittaker, to approve the following claims. The motion carried with Councilperson Whittaker, Blom, Moore, Fischer, Ryan and Nielsen voting yes.

Ainsworth – Benning Construction, Capital Improvements, \$760.00

A & B Welding, Supplies, \$110.55

Advanced Drug Testing, Safety, \$138.00

Banner Associates, Professional Fees, \$4,229.40

Black Hills Energy, Utilities, \$14,669.06

Black Hills Gravel, Supplies, \$375.75

California State Disbursement, Deductions, \$92.30

Culligan, Repair & Maintenance, \$18.50

Chamber of Commerce, Sales Tax Subsidy, \$6,304.37

Custer Ace Hardware, Supplies, Repairs & Maintenance, \$1,679.62

Discovery Benefits, Supplies, \$27.00

First Interstate Bank, Supplies \$79.52

French Creek Supply, Supplies, \$1,162.70

Go Daddy, Professional Fees, \$19.35

Golden West Telecommunications, Utilities, \$519.04

Golden West Technologies, Professional Fees, \$755.50

Grainger, Repairs & Maintenance, \$2,059.11

Kone, Professional Fees, \$1,045.08

Lynn's Dakotamart, Supplies, \$28.76

Lawrence & Schiller, BID Board Advertising, \$11,646.47

McDonnell, Chantel, BID Board Advertising, \$1,100.00

McMaster-Carr, Repairs and Maintenance, \$198.78

Midcontinent Testing Labs, Professional Fee, \$115.00

Northwest Pipe Fittings, Supplies, \$91.92

Nelson's Oil & Gas, Supplies, \$1,602.15

Pace, Supplies, \$509.85

Plumb Dog Services, Repairs & Maintenance, \$122.45

Power House, Supplies, \$136.34

Quill, Supplies, \$283.89

Rapid Delivery, Supplies, \$79.38

Regional Health Network, Sales Tax Subsidy, \$31,788.55

Servall, Supplies, \$189.28

SD DENR, Travel/ Conference, \$30.00
State of SD, Sales Tax, \$1,031.44
SD Secretary of State, Professional Fees, \$50.00
SD One Call, Supplies, \$120.75
Bit Finance/State, Utilities, \$41.41
Unemployment Insurance Division, \$481.38
United Electric, Repair & Maintenance, \$32.36
Verizon Wireless, Utilities, \$420.55
Total Claims \$84,145.56

EXECUTIVE SESSION

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1,4) at 6:23 pm, with the Public Works Director (by phone), Planning Administrator (by phone) and Finance Officer present. Seconded by Councilperson Moore, the motion carried with Councilperson Blom, Moore, Fischer, Ryan, Nielsen and Whittaker voting yes. Council came out of executive session at 6:30 pm, with no action taken.

STEP INCREASE

Councilperson Fischer moved to approve a step increase for Rick Kothe to Step 3 at \$18.37 effective April 23rd, 2020. Seconded by Councilperson Moore, the motion carried with Councilperson Moore, Fischer, Ryan, Nielsen, Whittaker and Blom voting yes.

Councilperson Ryan moved to approve a step increase for Jeff Clark to Step 3 at \$20.44 effective April 23rd, 2020. Seconded by Councilperson Fischer, the motion carried with Councilperson Fischer, Ryan, Nielsen, Whittaker, Blom and Moore voting yes.

ADJOURNMENT

With no further business, Councilperson Ryan moved to adjourn the meeting at 6:33 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

**CITY OF CUSTER CITY
BOARD OF ADJUSTMENT MEETING
April 20th, 2020**

Board Chairman Herman called to order the Board of Adjustment Meeting at 6:35 p.m. Present at roll call were Board Members Herman, Moore, Fischer, Ryan, Nielsen, Whittaker and Blom.

APPROVAL OF AGENDA

Board Member Fischer moved, with a second by Board Member Ryan, to approve the agenda. The motion carried with Board Member Herman, Moore, Fischer, Ryan, Nielsen, Whittaker and Blom voting yes.

PUBLIC HEARING – APPEAL OF DENIED CONDITIONAL USE PERMIT REQUEST – 265 DESPERADO LANE – SHORT TERM RENTAL

Kevin Houtwed, Appellant, addressed the Board by video conference regarding his conditional use permit request. Other parties were present by phone and provided public comment.

Board Member Moore moved to uphold the February 11th, 2020 decision made by the Custer City Planning Commission and deny the short-term rental conditional use permit request for the property located at 265 Desperado Lane. Seconded by Board member Ryan, the motion failed with Board Member Nielsen, Fischer, Blom and Whittaker voting no and Board members Moore and Ryan voting yes.

PUBLIC COMMENTS

No public comments were received.

ADJOURNMENT

With no further business, Board Member Ryan moved to adjourn the meeting at 7:24 p.m. Seconded by Board Member Fischer, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Board Chairman