

**CITY OF CUSTER CITY**  
**COUNCIL PROCEEDINGS- REGULAR SESSION**  
**April 3<sup>rd</sup>, 2017**

Mayor Jared Carson called to order the first meeting of the Common Council for the month of April, 2017 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Nielsen, Fischer, Blom and Schleining. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Maciejewski moved, with a second by Councilperson Nielsen, to approve the minutes from the March 20<sup>th</sup> regular council meeting and March 20<sup>th</sup> board of equalization meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

Councilperson Maciejewski stated that he would have a conflict with the Custer Area Economic Development Corporation's Hospital Building Proposal. No other conflicts of interest were stated.

**DEPARTMENT HEAD DISCUSSION**

Elmer Claycomb, Interim Planning Administrator, gave an overview of what the Planning Commission has been working on.

Bob Morrison, Public Works Director, mentioned the kindness rock project that the school is going to be doing with the place of the rocks being in Way Park. Mr. Morrison also mentioned that the wastewater treatment plant had a submersible pump quite working.

Laurie Woodward, Finance Officer, mentioned that February sales tax was up 0.30% from last year.

**EXECUTIVE PROCLAMATION – NATIONAL SERVICE RECOGNITION DAY**

Mayor Carson read and Council acknowledged the executive proclamation for National Service Recognition Day.

Executive Proclamation  
Custer, South Dakota  
Office of the Mayor

WHEREAS, The Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities across the country to recognize the impact of service on the Mayor's Recognition Day for National Service on April 4, 2017; and

WHEREAS, for over 15 years the Black Hills Foster Grandparent Program connected people 55 and older to volunteer opportunities with children. Foster Grandparents assisted children in the areas of literacy, cultural practices, cognitive development and more. The individualized tutoring, mentoring and nurturing provided by Foster Grandparents helped thousands of struggling children achieve great academic, social and emotional gains; and

WHEREAS, The Black Hills Senior Companion Program provides healthy older adults part-time stipendiary opportunities to render supportive assistance to individuals requiring assistance completing various daily tasks necessary to maintaining independence, such as grocery shopping, meal preparation, light housekeeping, and providing transportation to doctor's appointments; and

WHEREAS, The Black Hills State University's Retired Senior Volunteer Program engages people age 55 and older, in a diverse range of service activities, such as tutoring and mentoring, elderly meal delivery, food bank and congregate meal assistance, entertainment, services to hospitals, nursing homes, blood banks, and veteran's organizations and a wide variety of volunteer activities throughout Sturgis non-profit; and

WHEREAS, The AmeriCorps VISTA Program supports community efforts to overcome poverty by recruiting and managing community volunteers, raising funds, and helping to manage a variety of projects such as development of urban gardens, development of volunteer plans for local nonprofits, and the development of marketing strategies for local nonprofits, thereby providing better services to low-income individuals and communities; and

WHEREAS, Last year, in the Custer area, these programs provided volunteer opportunities for citizens totaling approximately 2100 hours of service to the community at large.

NOW, THEREFORE, I, Jared Carson, Mayor of the City of Custer, do hereby proclaim April 4, 2017, as

National Service Recognition Day

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Custer this 3<sup>rd</sup> day of April 2017.

CITY OF CUSTER

S/Jared Carson, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #04-03-17A – ESTABLISHING FAIR MARKET VALUE OF FULL-SERVICE RESTAURANT ON-SALE LICENSE**

Councilperson Schleining moved to adopt Resolution #04-03-17A, establishing fair market value of full-service restaurant on-sale license. Seconded by Councilperson Maciejewski, the motion unanimously carried.

RESOLUTION 04-03-17A

**A RESOLUTION ESTABLISHING THE FAIR MARKET VALUE OF FULL-SERVICE RESTAURANT ON-SALE LICENSES**

WHEREAS, South Dakota Codified Law (SDCL) 35-4-111 which authorized the issuance of additional on-sale licenses to full-service restaurants subject to certain conditions;

WHEREAS, pursuant to the authority established by SDCL 35-4-111, the City of Custer adopted Ordinance No. 785 which implemented the provisions of the full-service restaurant on-sale license;

WHEREAS, SDCL 35-4-116 requires that any municipality adopting such ordinance shall charge at least one dollar for each person residing within the municipality as measured by the last preceding decennial federal census;

WHEREAS, SDCL 35-1-117 requires any municipality intending to authorize the issuance of such licenses to establish the fair market value of the full-service restaurant on-sale license by using the documented value of the arm's length transactions, less the value of any real or personal property included in the transaction, between January 1, 2003 and January 1, 2008; and

WHEREAS, the City of Custer has received documentation indicating the value attributed to the sale of the on-sale license by the parties involved in that transaction has exceeded the minimum price required by SDCL 35-4-116.

AND NOW THEREFORE BE IT RESOLVED, by the City of Custer, that the fee for a full-service on-sale restaurant license is hereby established, pursuant to SDCL 35-4-116 at \$25,000.00.

Dated this 3<sup>rd</sup> day of April, 2017.

CITY OF CUSTER

S/Jared Carson, Mayor

ATTEST: Laurie Woodward, Finance Officer

Councilperson Maciejewski left the meeting at 5:47 pm

**CUSTER AREA ECONOMIC DEVELOPMENT CORPORATION'S HOSPITAL BUILDING PROPOSAL**

Councilperson Fischer moved to table the Custer Area Economic Development Corporation's hospital building proposal until the next Council Meeting. Seconded by Councilperson Nielsen, the motion unanimously carried.

Councilperson Maciejewski rejoined the meeting at 5:49 pm

**SOLID WASTE COLLECTION & DISPOSAL BID**

Councilperson Maciejewski moved to accept the Solid Waste Collection & Disposal bid from Sander Sanitation Service Inc for \$16.72 per unit and \$350 per month for City collection containers. Seconded by Councilperson Nielsen, the motion carried with Councilperson Maciejewski, Nielsen, Fischer, Blom and Schleining voting yes.

**WATER SYSTEM IMPROVEMENTS – PERMISSION TO BID**

Councilperson Maciejewski moved to approve going out for bid for the main and kelly water plant modifications project. Seconded by Councilperson Fischer, the motion unanimously carried.

**DOT TRANSPORTATION ALTERNATIVES GRANT AGREEMENT**

Councilperson Schleining moved to approve the South Dakota Department of Transportation - Transportation Alternatives (TA) agreement for extending a pedestrian path from the intersection of Eleventh St and the Mickelson Trail to the Custer School Complex on Bluebell Lane (project number P TAPR(23) PCN 062Q). Seconded by Councilperson Blom, the motion carried with Councilperson Nielsen, Fischer, Blom, Schleining and Maciejewski voting yes.

**PRELIMINARY PLAT & DEVELOPMENT AGREEMENT – SAXTON SUBDIVISION**

Councilperson Fischer moved to authorize the Mayor to sign the development agreement for Saxton Subdivision with the modification in section F regarding fire hydrant. Seconded by Councilperson Nielsen, the motion unanimously carried.

**CLAIMS**

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

AFLAC, Insurance, \$660.28  
AFSCME Council 65, Dues, \$106.61  
Battle Mountain Humane Society, Animal Control Contract, \$800.00  
Beesley Law Office, Professional Fees, \$3,150.00  
Black Hill Energy, Utilities, \$2,234.25  
Black Hills Power Equipment, Supplies, \$78.40  
Century Business Products, Supplies, \$284.69  
Custer Do It Best, Supplies, \$68.84  
Custer County Housing, Subsidy, \$2,000.00  
Custer Area Economic Development Corp, Subsidy, \$5,000.00  
Custer County Treasurer, Law Enforcement Contract, \$80,000.00  
Dakota Bank TIF#2 Payment, \$1,264.61  
Dakota Fence, Supplies, \$518.00  
Dakota Supply Group, Supplies, \$198.86  
Delta Dental, Insurance, \$444.60  
Eledlights.com, Supplies, \$1,382.00  
EFTPS, Taxes, \$14,732.09  
Fastenal, Supplies, \$306.79  
First Interstate Bank, Utilities, \$958.89  
First Interstate Bank, Supplies, \$60.65  
First Interstate Bank, Supplies, Training, \$621.13  
First Interstate Bank TIF#1 Payment, \$2,645.31  
Garland Goff Attorney, Professional Fees, \$262.50  
Golden West Telecommunications, Utilities, \$608.54  
Golden West Technologies, Professional Fees, \$2,505.39  
Hawkins, Supplies, \$3,801.19  
Hillyard, Supplies, \$202.68  
Scott Kellogg, Reimbursement, \$680.43  
Ketel Thorstenson, Audit, \$1,000.00  
Nelson's Oil & Gas, Supplies, \$683.93  
O'Connor Company, Repair & Maintenance, \$176.00  
Pace, Supplies, \$92.73  
Pay Pal, Supplies, \$218.63  
Petty Cash, Travel, Supplies, \$867.19  
Pitney Bowes, Supplies, \$48.69  
Power House, Repair & Maintenance, \$117.37  
Quill, Supplies, \$41.51  
Ramkota- Pierre, Travel, \$203.98  
Rapid City Journal, Supplies, \$1,545.64  
Regional Health Network, Sales Tax Subsidy, \$26,593.49  
State of SD, Sales Tax, \$982.74  
SDML, Conference, \$105.00  
SD Public Assurance Alliance, Insurance, \$39,358.45  
SD Retirement System, \$6,290.98  
SD State Treasurer, Unclaimed Property, \$82.12  
Supplemental Retirement, \$375.00  
The Hartford, Insurance, \$68.70

Verizon Wireless, Utilities, \$462.89  
Wellmark, Insurance, \$10,585.01  
Susan Metz, Utility Deposit Refund, \$15.83  
Baker & Little, Utility Deposit Refund, \$100.00  
Ben Baum, Utility Deposit Refund, \$100.00  
Amazing Spaces LLC, Utility Deposit Refund, \$50.00  
Tom Loomer, Utility Deposit Refund, \$50.00  
Beth & Christopher Rota, Utility Deposit Refund, \$100.00  
Della Martinez, Utility Deposit Refund, \$50.00  
Mayor & Council, \$4,400.00  
Finance Department, \$11,491.88  
Public Buildings, \$2,637.12  
Planning Department, \$5,202.28  
Public Works Department, \$10,174.99  
Street Department, \$7,100.87  
Parks Department, \$3,440.80  
Water Department, \$9,462.42  
Wastewater Department, \$5,264.95  
Total Claims, \$275,118.22

**COMMITTEE REPORTS**

Various committee reports were given.

**EXECUTIVE SESSION**

Councilperson Schleining moved to go into and out of executive session for personnel, proposed litigation and contract negotiations per SDCL 1-25-2(1-4) at 6:21 pm, with the Attorney, Public Works Director and Finance Officer present. Seconded by Councilperson Blom, the motion unanimously carried. Council came out of executive session at 6:48 pm, with no action taken.

**EMPLOYEE STEP INCREASE**

Councilperson Schleining moved to approve the step increases for David Warfel to step 2 at \$15.99 per hour effective April 13<sup>th</sup>, 2017. Seconded by Councilperson Fischer, the motion unanimously carried.

**PLANNING ADMINISTRATOR POSITION**

No action was taken.

**ADJOURNMENT**

With no further business, Councilperson Blom moved to adjourn the meeting at 6:49 p.m. Seconded by Councilperson Schleining, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Jared Carson  
Mayor