

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
February 6th, 2012**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of February, 2012 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Kothe, Lampert, Herman, Schleining and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Hattervig moved, with a second by Councilperson Lampert, to approve the minutes from the January 17th, 2012 regular meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, gave Council a brief update on a few things he is working on.

Rex Harris, Community Development Director, gave Council an update on the flood mitigation project he has been working on.

Laurie Woodward, Finance Officer, gave Council a brief report on the claims in for payment and sales tax figures.

TIM SANDERS – GARBAGE COLLECTION CONTRACT UPDATE

Tim Sanders gave the Council an update on the recycling program including the tons hauled in 2011. Tim also stated that he doesn't see any need for increase in price right now for the garbage collection contract which will need to be renewed May 1st, 2012. General Government Committee will review the current contract and look at renewing the contract for five years.

HILL CITY ARTS COUNCIL – WORLDFEST

Corey Tomovick, Executive Director, and Lesta Turchen, Vice President, of the Hill City Arts Council, addressed the Council regarding the Worldfest program and the impact it has on the area children. The Hill City Arts Council is seeking sponsorship for the Worldfest program. The General Government Committee will review the request at their next meeting.

MICK'S ONE STOP, BUGLIN BULL – OPERATING AGREEMENTS

Brian Boyer, Michelle Kline and Barb Edwards address the Council with their concerns regarding the operating agreements ten percent remittance and request for change in the remittance. General Government Committee will review the ten percent remittance at their next meeting.

HELEN FLORA – CUSTER CRUISIN

Councilperson Schleining moved to go into and out of executive session at 6:27 pm for personnel matters and potential litigation with the Attorney, Finance Officer, Helen Flora and Virginia Flora present. Seconded by Councilperson Herman, the motion unanimously carried. The Community Development Director joined the session at 6:30 pm. Council came out of executive session at 6:42 pm.

Helen Flora addressed the Council with her concerns regarding the Custer Cruisin event. Various business owners also addressed the Council.

SECOND READING – ORDINANCE #711 – SIDEWALK SNOW REMOVAL

Councilperson Hattervig moved to adopt Ordinance #711, Sidewalk Snow Removal. Seconded by Councilperson Lampert, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Lampert, Herman and Schleining voting yes.

FIRST READING – ORDINANCE #712 – NUISANCES

Councilperson Lampert moved to approve the first reading of Ordinance #712, Nuisances. Seconded by Councilperson Herman, the motion unanimously carried.

FIRST READING – ORDINANCE #713 – ANIMAL CONTROL

Councilperson Heinrich moved to approve the first reading of Ordinance #713, Liability for Animal Death. Seconded by Councilperson Lampert, the motion failed with Councilperson Hattervig, Heinrich, Kothe, Herman and Schleining voting no, while Councilperson Lampert voted yes.

RESOLUTION #2-6-12A AND RESOLUTION #2-6-12B – VOIDING PRIOR VOIDED EASEMENTS

Councilperson Lampert moved to adopt Resolutions #2-6-12A and #2-6-12B, Voiding Prior Voided Easements. Seconded by Councilperson Kothe, the motion unanimously carried.

RESOLUTION 02-06-12A

RESOLUTION NULL AND VOIDING PRIOR NULL VOIDED EASEMENT

WHEREAS, the Common Council of the City of Custer City previously adopted and filed Resolution 2-20-90F, approving the easement and right-of-way, and plat of such easement and right-of-way in the following real property:

Spring Subdivision, Tract 1 of Tract W of Clark Placer M.S. No. 506,
Section Twenty-Four (24), Township 3 South, Range 4 East of the
Black Hills Meridian, Custer County, South Dakota.

AND WHEREAS, the Common Council of the City of Custer City thereafter adopted Resolution 6-4-90H declaring the above-stated resolutions null and void; however, said resolution was never formally filed; and WHEREAS, Resolution 6-4-90H is not available at the present time at the Custer City offices in a format able to be filed at the Custer County Register of Deeds, thus requiring another resolution be adopted declaring Resolution 2-20-90F null and void, and to be recorded in the office of the Custer County Register of Deeds; THEREFORE IT IS HEREBY RESOLVED by the Common Council of the City of Custer City, that this Resolution #02-06-12A is hereby adopted, declaring Resolution 2-20-90F null and void, thereby voiding any easement and right-of-way granted thereunder.

Dated this 6th day of February, 2012.

S/Gary Lipp, Mayor

RESOLUTION 02-06-12B

RESOLUTION NULL AND VOIDING SEWER EASEMENT

WHEREAS, the Common Council of the City of Custer City previously adopted and filed Resolution 2-20-90E, approving the easement and right-of-way, and plat of such easement and right-of-way in the following real property:

Tract 2 of Spring Subdivision in M.S. No. 506, in the South Half of
Section Twenty-Four (24), Township 3 South, Range 4 East of the
Black Hills Meridian, Custer County, South Dakota.

AND WHEREAS, the Common Council of the City of Custer City thereafter adopted Resolution 6-5-90I declaring the above-stated resolutions null and void; however, said resolution was never formally filed; and WHEREAS, Resolution 6-5-90I is not available at the present time at the Custer City offices in a format able to be filed at the Custer County Register of Deeds, thus requiring another resolution be adopted declaring Resolution 2-20-90D and Resolution 2-5-90I null and void, and to be recorded in the office of the Custer County Register of Deeds;

THEREFORE IT IS HEREBY RESOLVED by the Common Council of the City of Custer City, that this Resolution #01-17-12D is hereby adopted, declaring Resolution 2-20-90D and Resolution 2-5-90I null and void, thereby voiding any easement and right-of-way granted thereunder.

Dated this 6th day of February, 2012.

S/Gary Lipp, Mayor

RESOLUTION #2-06-12C – RATES

Councilperson Herman moved to adopt Resolution #2-06-12C, Rates, with the removal of per hour on the snow removal and lawn maintenance fine. Seconded by Councilperson Hattervig, the motion unanimously carried.

RESOLUTION NO. 02-6-12C

WHEREAS, the City of Custer City, Custer County, South Dakota, from time to time uses city equipment and provides other services at varying rates; and

WHEREAS, the City of Custer City, Custer County, South Dakota, deems it necessary to specify the rates for use of services and fees.

IT IS NOW THEREFORE RESOLVED, that the City of Custer City amends Resolution No. 09-20-10B, and does hereby set the following rates for the use of services and fees:

CITY EQUIPMENT RATES

Per Hour When Available

Operator Included

Skid Steer/Tool Cat with Bucket	\$ 85.00
Skid Steer Attachment	\$ 20.00
Large Patrol	\$135.00
Back Hoe	\$110.00
Loader	\$120.00
Dump Truck (Large)	\$100.00
Dump Truck (Small)	\$ 80.00
Plow Truck	\$ 90.00
Sander	\$ 80.00
Sweeper	\$120.00
Cherry Picker	\$ 80.00
Jet Machine	\$100.00
Saw (Cutoff, Chain, Concrete)	\$ 75.00

Water Truck (Plus Cost for Water)	\$ 80.00
Vacuum Trailer	\$ 80.00
Mower	\$ 80.00

Per Hour When Available
Operator Not Included

Compressor	\$ 50.00
Soil Tamper	\$ 50.00
Trash Pump	\$ 25.00
Pump - 6"	\$ 50.00
Diseased Tree Abatement (per hour)*	\$100.00

*includes saw, fell tree, chunk, and delimb only no cleanup

Minimum one hour

The Director of Public Works is to be contacted 24 hours prior to any projected use of equipment. The minimum rate charged will be at a one-hour rate fee and the Director will approve the area of use. Usage of any equipment other than between the hours of 7 am and 4 pm on Monday through Friday will be at the rate of time and a half (1.5). Equipment is available only upon the condition that no other rentals are available privately and that an emergency exists.

WATER TAP FEE

1 Inch	\$ 300.00
1 1/2 Inch	\$ 600.00
2 Inch	\$1200.00
Over 2 Inch	Determined by Director of Public Works.

Note: past action of the City Council is a tap over 2", the cost is equivalent to the sewer tap fee.

SEWER TAP FEE

Residential	\$300.00
Commercial	

Fee is based on an average consumption for type of business, per Custer Municipal Code 13.24.020.

SPECIAL SEWER ASSESSMENT

Residential)	If connecting to an area where a new sewer main was installed in 1990, there is a special assessment fee, pursuant to Custer Municipal Code 13.12.040 (C).
Commercial)	
Home Commercial)	

MISCELLANEOUS

Water Meters & ERT Radio Module	
3/4 Inch	\$ 425.00
1 Inch	\$ 615.00
Over 1 Inch	To be determined.
Lawn Water Meters without ERT	
Rent (1 summer)	\$ 25.00
Purchase	\$ 100.00
ERT Radio Module	\$ 225.00
Meter Freeze Plates:	
3/4 Inch	\$ 15.00
1 Inch	\$ 20.00
Check Valve:	
3/4 Inch	\$ 40.00
1 Inch	\$ 40.00
Snow Removal on Private Property Fine*	\$ 100.00
Lawn Maintenance on Private Property Fine*	\$ 100.00

*These Fees are in addition to the equipment and labor charges.

City Map Copies:	Full Color	
42x60	\$15.00	\$ 7.00

24x36	\$10.00	\$	5.00
11x 17	\$2.00	\$	2.00
Copies - Black & White		\$.15
- Color		\$.25
Fax:			
Send and Receive (First Page)		\$	1.00
(Over One Page)		\$.15
Research (Per Hour)			
Time involved by City Employee to research information, time which exceeds 15 minutes		\$	30.00
Labor (Per Hour)		\$	30.00
Overtime Rate		\$	45.00
Cemetery Grave Site			
Single		\$	422.00
Double		\$	572.00
Baby		\$	272.00
Cremations		\$	322.00
Perpetual Care per Site		\$	212.00
Monument Permit		\$	25.00
Tattooing Establishment Registration		\$	75.00
Body Piercing Establishment Registration	\$ 100.00		
Tattooing & Body Piercing Establishment Registration		\$	175.00

Dated this 6th day of February 2012.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

RAFFLE REQUEST – COMMUNITY CHURCH

Councilperson Hattervig moved to approve the raffle request for the Custer Community Church “Stitching in Faith” raffle to be held February 10th thru July 4th. Seconded by Councilperson Schleining, the motion unanimously carried.

YMCA LEASE AGREEMENT

Councilperson Heinrich moved to approve the one year lease agreement with the YMCA. Seconded by Councilperson Kothe, the motion unanimously carried.

YMCA RECREATIONAL SERVICES AGREEMENT

Councilperson Lampert moved to approve the one year recreational services agreement with the YMCA. Seconded by Councilperson Hattervig, the motion unanimously carried.

VARIANCE REQUEST – RICHARD STUMPF

Councilperson Schleining moved to approve the variance request for Richard Stumpf for Lots 7, 8 and 9 of Block 117. Seconded by Councilperson Herman, the motion unanimously carried.

EASEMENT VACATION – MARK HARTMAN

Councilperson Herman moved to approve the easement variance for Mark Hartman for Ramsey Subdivision. Seconded by Councilperson Schleining. After some discussion, Councilperson Herman and Schleining both moved to withdraw the motion. The easement vacation will be tabled till the next council meeting.

BREAK 7:52 – 7:57

BLUEBELL & CANAL STREET & 9TH STREET BID/ENGINEERING

Councilperson Heinrich moved to approve proceeding with the bidding process for the Bluebell and Canal Street intersection project and the South 9th Street project. Seconded by Councilperson Schleining, the motion unanimously carried.

RECORDS MANAGEMENT LIST

Councilperson Lampert moved to approve the records management list for destruction. Seconded by Councilperson Heinrich, the motion unanimously carried.

TEMPORARY PARK EMPLOYEE POSITION

Councilperson Herman moved to approve advertising for a temporary seasonal park employee. Seconded by Councilperson Lampert, the motion unanimously carried.

CLAIMS

Councilperson Herman moved, with a seconded by Councilperson Lampert, to approve the claims. The motion unanimously carried.

Advanced Drug Testing, Supplies, \$72.00
ALSCO, Repairs & Maintenance, \$291.88
American Public Works Association, Dues, \$40.00
Beesley Law Office, Professional Fees, \$2530.00
Billion Auto, Equipment, \$20971.00
Black Hills Power & Light, Utilities, \$13982.19
Black Hills Power Equipment, Supplies, \$1483.87
Boos Law Office, Professional Fees, \$183.00
Century Business, Supplies, \$222.33
Culligan, Repair & Maintenance, \$17.50
Custer Community Health Services, \$26583.69
Custer Do It Best, Supplies, \$42.09
Chamber of Commerce, Sales Tax Subsidy, \$4622.77
Chronicle, Publishing, \$764.80
Custer County Market, Supplies, \$17.97
Custer True Value, Supplies, \$533.26
Custer Senior Center, Subsidy, \$4000.00
Dakotacare, Insurance, \$7136.48
Dakota Supply Group, Supplies, \$781.91
Days Inn, Travel, \$263.96
Delta Dental, Insurance, \$522.60
Energy Lab, Professional Fees, \$35.00
Express Collections, Professional Fees, \$119.34
EFTPS, Taxes, \$17215.43
Fastenal, Supplies, \$242.17
Fennell Design, Capital Improvements, \$14290.00
First Interstate Bank, Supplies, \$52.65
Golden West Technologies, Professional Fees, \$1230.00
Gunderson, Palmer, Nelson, Professional Fees, \$90.00
Harris, Rex, Travel, \$33.30
Hawkins, Supplies, \$2891.25
Johnson, Kirk, Safety Equipment, \$100.00
Itron, Supplies, \$645.39
Knight Security, Repairs & Maintenance, \$384.00
Labcorp, Supplies, \$126.50
L&A Welding, Repairs & Maintenance, \$43.26
Menards, Repairs & Maintenance, \$149.00
NDRPA, Conference, \$100.00
Nelson's Oil & Gas, Supplies, \$1106.67
Northwest Pipe Fitting, Supplies, \$478.50
Pamida, Supplies, \$44.69
Petty Cash, Supplies, Travel, \$479.46
Pitney Bowes, Supplies, \$39.00
Quill, Supplies, \$98.02
Rancher's Feed & Supply, Utilities, \$2010.35
S & B Motors, Supplies, \$757.06
SDAEP, Dues, \$75.00
SD Dept of Environment & Natural Resources, Conference, \$10.00
State of SD, Sales Tax, \$814.87
SD Retirement System, \$8508.96
Sign & Trophy, Supplies, \$25.00
State Fire Marshal, Repairs & Maintenance, \$60.00
SD Supplemental Retirement Plan, \$255.00
Share Corporation, Repairs & Maintenance, \$212.92
Wright Express, Supplies, \$1092.87
YMCA, Membership, \$126.00
Ziolkowski, Geney, Animal Control Contract, \$722.00
Mayor & Council, \$4200.00

Finance Department, \$13573.13
Planner Department, \$10407.48
Public Works Department, \$7320.84
Street Department, \$9704.82
Parks Department, \$10720.29
Water Department, \$8940.54
Wastewater Department, \$10093.86
Total Claims \$214,687.92

COMMITTEE REPORTS

Various committee reports were given.

EXECUTIVE SESSION

Councilperson Lampert moved to go into and out of executive session at 8:20 pm for personnel matters with the Attorney and Finance Officer present. Seconded by Councilperson Herman, the motion unanimously carried. Council came out of executive session at 8:35 pm.

EMPLOYEE STEP INCREASES

Councilperson Lampert moved to approve the step increase for Bob Morrison to step 10 at \$65,350.71 effective January 1, 2012 and the step increase for Rex Harris to step 6 at \$56,397.71 effective January 1, 2012. Seconded by Councilperson Heinrich, the motion carried with Councilperson Heinrich, Kothe, Lampert, Herman, Schleining and Hattervig voting yes.

ADJOURNMENT

With no further business, Councilperson Herman moved to adjourned the meeting at 8:37 p.m. Seconded by Councilperson Lampert, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor