

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
July 1st, 2019**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of July 2019 at 5:30 p.m. Present at roll call were Councilpersons Blom, Moore, Fischer, Nielsen and Arseneault. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Nielsen moved, with a second by Councilperson Blom, to approve the minutes from the June 17th regular council meeting. The motion carried with Councilperson Blom, Moore, Nielsen and Arseneault voting yes while Councilperson Fischer abstained.

SECOND READING – ORDINANCE #825 – GARBAGE COLLECTION

Councilperson Nielsen moved to adopt Ordinance #825, Garbage Collection. Seconded by Councilperson Blom, the motion carried with Councilperson Blom, Moore, Fischer, Nielsen and Arseneault voting yes.

CLAIMS

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

Aflac, Insurance, \$746.47

Ainsworth – Benning Construction, Capital Improvements, \$3,040.00

Audio Video Solutions INC, Supplies, \$864.13

Beesley Law Office, Professional Fees, \$1,965.00

Battle Mountain Humane Society, Animal Control Contract, \$1,000.00

Black Hills Chemicals, Supplies, \$102.96

Black Hills Energy, Utilities, \$2,500.47

California State Disbursement, Deductions, \$92.30

Century Business Products, Supplies, \$218.44

Custer Do It Best, Supplies, \$109.86

Dakota Greens, Supplies, \$141.08

Delta Dental, Insurance, \$169.80

Discovery Benefits, Supplies, \$1,476.92

EFTPS, Taxes, \$12,435.46

Evans Repairs, Repairs & Maintenance, \$419.00

Fastenal, Supplies, \$40.44

First Interstate Bank, Supplies, \$65.55

Government Finance Officers Association, Dues, \$160.00

Gramkow, Sydney, Reimbursement, \$88.62

Hach, Supplies, \$324.89

Hawkins, Supplies, \$9,679.41

Hewitt, Jeri, Reimbursement, \$175.00

ImageAll, Supplies, \$65.00

Itron, Repairs & Maintenance, \$855.53

J & M Lawncare, Cemetery Caretaker Contract, \$5,000.00

Ketel Thorstenson, Professional Fees, \$1,047.00

Lamonte's Auto Center, Repairs & Maintenance, \$807.19

McGas, Utilities, \$2891.67

Metering & Technology Solutions, Supplies, \$6,234.43

Midwest Paint Service, Repairs & Maintenance, \$10,048.47

Olson Towing, Nuisance, \$60.00

Nelson's Oil & Gas, Supplies, \$1,318.95

Pace, Supplies. \$278.72

Petty Cash, Supplies, \$425.56
Sanders Sanitation, Garbage Collection Contract, \$13,816.99
SD Association of Rural Water Systems, Repairs & Maintenance, \$100.00
SD Department of Revenue, License \$600.00
SDML, Travel and Conference, \$100.00
SD Retirement System, \$6,046.20
Supplemental Retirement, \$620.00
USA Bluebook, Repairs & Maintenance, Supplies, \$1,622.28
Wellmark BCBS, Insurance, \$12,754.93
Warne Chemical & Equipment, Repairs & Maintenance, \$5,787.21
Wright Express, Supplies, \$1,049.07
YMCA, Membership, \$42.00
Custer Sign Company, Utility Refund, \$15.16
Mayor & Council, \$4,532.00
Finance Department, \$4,160.31
Planning Department, \$7,361.22
Public Works Department, \$3,393.81
Street Department, \$8,265.67
Cruisin Department, \$148.96
Parks Department, \$6,995.19
Water Department, \$12,113.96
Wastewater Department, \$11,966.42
Total Claims, \$166,339.70

OATH OF OFFICE & COUNCIL PRESIDENT & VICE PRESIDENT

Councilperson Arseneault was presented with certificate for her service.

Mayor Corbin Herman, Councilperson Peg Ryan, Jeannie Fischer and Nina Nielsen took their Oath of Office for two-year terms.

Councilperson Fischer moved to nominate Councilperson Nielsen for Council President. Seconded by Councilperson Moore, the motion unanimously carried. Councilperson Nielsen moved to nominate Councilperson Fischer for Council Vice President. Seconded by Councilperson Moore, the motion unanimously carried.

ATTORNEY APPOINTMENTS

Councilperson Nielsen moved to approve the Mayor's appointment of Chris Beesley as City Attorney and Garland Goff as Assistant City Attorney. Seconded by Councilperson Blom, the motion unanimously carried. Attorney Beesley took his Oath of Office.

YEARLY APPOINTMENT OF PLANNING COMMISSION 3-MILE REPRESENTATIVE

Councilperson Nielsen moved to approve the Mayor's appointment of Rick Hudson to the Planning Commission as the three-mile representative for a one-year term. Seconded by Councilperson Moore, the motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

PUBLIC HEARING – RETAIL ON-OFF SALE MALT BEVERAGE (NEW) & RETAIL ON-OFF SALE WINE LICENSE (TRANSFER) – DAKOTA COWBOY

Councilperson Fischer moved to approve the retail on-off sale malt beverage license (new) and retail on-off sale wine license (transfer) for the Dakota Cowboy pending proof of insurance being provided. Seconded by Councilperson Nielsen, the motion unanimously carried.

CUSTER COUNTY HOUSING

Jerry Baldwin, Dennis Moulton and Matt Fridell, all Custer County Housing representatives, address the Council regarding their plans for land transfers that would assist Custer County Housing in providing more housing opportunities.

RESOLUTION #07-01-19A – GOVERNING BOARD CODE OF CONDUCT

Councilperson Fischer moved to adopt Resolution #07-01-19A, Governing Board Code of Conduct. Seconded by Councilperson Nielsen, the motion unanimously carried

RESOLUTION # 7-01-19A
CITY OF CUSTER GOVERNING BOARD CODE OF CONDUCT

WHEREAS, it is the duty of the Common Council of City of Custer to ensure the efficient, fair and professional administration of city government and services;

WHEREAS, the Mayor and City Council are responsible for making policy decisions for the community, provide vision, direction and leadership to the community and the organizations;

WHEREAS, the City Council further represents the Community with other governmental entities and officials;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Custer City that in order to maintain and enhance public trust and confidence in our legal government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Custer, the members of the City Council dedicate themselves to the stewardship of the public trust and therefore embrace and adopt the following ideals and Code of Conduct:

Members of the governing board shall:

1. Recognize that the authority vests with the majority of the City Council when assembled in open meetings or executive meetings as authorized by law, that neither the mayor nor individual members of the City Council has legal status to bind the City of Custer, and that neither the Mayor nor an individual council member or a minority of the governing board may make decisions on behalf of the City of Custer unless expressly authorized by law and upon approval of the City Council;
2. Alderpersons serving on the Council for the first time shall attend the first (SDML) elected officials workshop held after their assumption of office, at the expense of the City;
3. Make informed decisions on matters brought before the City Council;
4. Recognize and adhere to the policy that it is the responsibility of the City Council and members of the governing board to plan, make, implement, appraise and enforce ordinances and policy and that it is not the responsibility of the members of the governing board to run the day-to-day operations of the City of Custer;
5. Observe federal laws, state laws, city ordinances and policies;
6. Respect the limited intent and scope of executive sessions as set forth in statute;
7. Shall not publicly disclose information received, discussed, or decided in executive session or in conference with legal counsel which is protected by the attorney/client privilege or has been confidentially disclosed at a meeting held subject to the provisions of SDCL 1-25-2, unless a majority of the members of the City Council has authorized that disclosure or unless a disclosure is authorized by a court of competent jurisdiction.
8. Distinguish between personal views and those of the governing board when making public comments regarding City matters;
9. Present information to the governing board without distortion and accurately represent facts concerning City matters in direct or indirect public statements;
10. Maintain professional relationships in a manner which are free of vindictiveness, recrimination and harassment;
11. Avoid impropriety and the appearance of impropriety in his/her position as an elected official;
12. Refer all public complaints and personal criticisms to the appropriate administrative officer or appointed public official and only after inability to obtain resolution at the administrative level have the complaint or criticism discussed at a Council meeting;
13. Respect the legitimacy of the goals and interests of other members of the governing board and respect the rights of other members of the governing board to pursue goals and policies different from their own;
14. Respect, require and contribute to the maintenance of order and decorum in proceedings before the City Council;
15. Be honest, patient, dignified and courteous to those with whom he/she deals within his/her official capacity;
16. Dispose promptly of the business of the City for which he/she is responsible and

- diligently discharge responsibilities;
17. To the maximum extent possible, inform the finance office by 1 p.m. on the Friday preceding a regularly scheduled Monday City Council meeting if the member of the governing board will not be in attendance at the City Council meeting;
 18. Refrain from financial, personal, professional and business dealings that interfere with, are in conflict with or give the appearance of being in conflict with the proper performance of official duties;
 19. Not exploit the City of Custer or use the office of Mayor or Council member for personal gain, for the gain of friends or supporters, or to promote political candidates or partisan political activities;
 20. Not accept nor offer any gratuities, gifts, services or things of value that
 - (a) impair professional judgment, (b) offer special advantage or benefit to any person or organization, or (c) provide a direct or indirect personal benefit.
 21. Not commit any act of moral turpitude or gross immorality;
 22. Not allow family, social or other relationships to inappropriately influence his/her decisions as a member of the governing board.
 23. Regular attendance is expected; missing two consecutive meetings without appropriate reasons is not considered regular attendance;
 24. Failure to comply with this Code of Conduct may result in sanctions up to and including expulsion.

This Code of Conduct behavior will govern members of the City Council. City Council members are encouraged to self-monitor their behavior and offer constructive recommendations to fellow Council members if necessary. As a member of the City Council, I accept these ideals and policies, and pledge to follow them in the interest and purposes for which our government has been established.

Dated this 1st day of July, 2019.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #07-01-19B – CONFLICT OF INTEREST POLICY

Councilperson Nielsen moved to adopt Resolution #07-01-19B, Conflict of Interest Policy. Seconded by Councilperson Moore, the motion unanimously carried.

RESOLUTION # 07-01-19B

A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF CUSTER

WHEREAS, South Dakota Codified Laws (SDCL) section 1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforce a conflict of interest policy; and

WHEREAS, the City of Custer has received and anticipates to continue to receive dollars from the State of South Dakota either directly or through federal pass-through funds which will be subject to the statutory requirement that it enforce a conflict of interest policy; and

WHEREAS, the City of Custer deems it is in the best interest of the City to adopt this Conflict of Interest Policy for the Common Council and for all appointed officials of the City.

AND NOW THEREFORE BE IT RESOLVED, by the City of Custer, that there is hereby established the attached Conflict of Interest policy, consisting of 2 pages.

Dated this 1st day of July, 2019

CITY OF CUSTER

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

PUBLIC COMMENTS

No public comments were received.

GOLD DISCOVERY DAYS ADDITIONAL REQUEST – CHAMBER OF COMMERCE

Councilperson Nielsen moved to approve the Chamber of Commerce's request which included the Showmobile being setup on Washington Street parallel to Second Street on July 19th and being removed on the morning of the 20th; use of traffic cones for street closures; and Washington Street

between Second and Fourth Street being swept prior to Friday night. Seconded by Councilperson Moore, the motion unanimously carried

STUDEBAKER CAR SHOW – CHAMBER OF COMMERCE

Councilperson Nielsen moved to approve the Chamber of Commerce’s request to close South Sixth Street from Mt Rushmore Road to Washington Street on September 1st, 2019 for the Studebaker Car Show and use of the showmobile, with it being setup in the northwest corner of the Chamber parking lot. Seconded by Councilperson Blom, the motion unanimously carried.

SURPLUS MOWER & TRADE-IN ON PURCHASE OF NEW MOWER

Councilperson Fischer moved to approve surplusing a Exmark mower ModelLHP4417KA (serial #264747) and trading the mower in on a new Lazer Z 48 inch mower model LZE651GKA484A2 for \$6,759 after the \$1,000 trade-in value. Seconded by Councilperson Blom, the motion carried with Councilperson Moore, Fischer, Nielsen, Ryan and Blom voting yes.

DEPARTMENT HEADS & COMMITTEE REPORTS

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

EXECUTIVE SESSION

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1-4) at 6:32 pm, with the Attorney, Public Works Director, Planning Administrator and Finance Officer present. Seconded by Councilperson Moore, the motion unanimously carried. Council came out of executive session at 6:36pm, with no action taken.

EMPLOYEE STEP INCREASES

Councilperson Fischer moved to approve a step increase for Laurie Woodward to step 7 at \$72,105.36 effective May 1st, 2019. Seconded by Councilperson Blom, the motion unanimously carried.

ADJOURNMENT

With no further business, Councilperson Ryan moved to adjourn the meeting at 6:37 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor