

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
March 3<sup>rd</sup>, 2014**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of March, 2014 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Kothe, Fischer, Herman and Schleining. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Heinrich moved, with a second by Councilperson Fischer, to approve the agenda with item 6d-Ordinance #747, Non-conforming lots, being changed from second reading to discussion. The motion unanimously carried.

**MINUTES**

Councilperson Hattervig moved, with a second by Councilperson Kothe, to approve the minutes from the February 18<sup>th</sup>, 2014 meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, gave Council an update on current projects and discussed sidewalk snow removal at City Hall.

Rex Harris, Community Development Director, gave Council an update on West Dam.

Laurie Woodward, Finance Officer, gave Council an update on year-end work, annual report, upcoming audit and claims in for payment.

**WATER CONSERVATION ORDINANCE – DAVID KAMIENSKI**

David Kamienski presented his concerns to Council regarding the way the City bills for water & sewer usage and how the water conservation credits are figured. Council decided to have the General Government Committee review the water conservation credit ordinance to see if there is a better way of figuring this credit.

**SECOND READING – ORDINANCE #739 – TRANSIENT MERCHANTS**

Councilperson Heinrich moved to adopt Ordinance #739, Transient Merchants. Seconded by Councilperson Fischer, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Fischer, Herman and Schleining voting yes.

**SECOND READING – ORDINANCE #748 – PARK & RECREATION BOARD**

Councilperson Schleining moved to adopt Ordinance #748, Park & Recreation Board. Seconded by Councilperson Kothe, the motion carried with Councilperson Heinrich, Kothe, Fischer, Herman, Schleining and Hattervig voting yes.

**NON-CONFORMING LOTS DISCUSSION**

Community Development Director, Rex Harris and Attorney, Chris Beesley updated Council on the non-conforming lots ordinance.

**RESOLUTION #03-03-14A – RECORDS MANAGEMENT**

Councilperson Fischer moved to adopt Resolution #03-03-14A, Records Management. Seconded by Councilperson Herman, the motion unanimously carried.

RESOLUTION NO. 03-03-14A

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, determined that the South Dakota Municipalities Records Retention and Destruction Schedule be established to set forth guidelines for the City of Custer;

WHEREAS, the State of South Dakota has established guidelines for said Schedule.

IT IS NOW THEREFORE RESOLVED, that the South Dakota Municipalities Records Retention and Destruction Schedule consisting of 232 pages, including 2010 Amendment, MUN-126 ~ Contracts and Agreements (attached hereto and incorporated herein) is hereby adopted;

IT IS FURTHER RESOLVED, that said Schedule shall be reviewed by the Finance Office yearly, and may be modified by Resolution.

Dated this 3<sup>rd</sup> day of March 2014.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

**PROCLAMATION – YOUTH ART MONTH**

Councilperson Herman moved to approve the Youth Art Month proclamation. Seconded by Councilperson Hattervig, the motion unanimously carried.

YOUTH ARTS MONTH

WHEREAS, art education contributes powerful educational benefits

to all elementary, middle and secondary students including the following;

- art education develops students' creative problem-solving and critical thinking abilities;
- art education teaches sensitivity to beauty, order, and other expressive qualities;
  - art education gives students a deeper understanding of multi-cultural values and beliefs;
- art education reinforces and brings to life what students learn in other subjects; and
  - art education interrelates student learning in art production, art history, art criticism, and aesthetics, and

WHEREAS our national leaders have acknowledged the necessity of including arts experiences in all students' education, THEREFORE, BE IT RESOLVED that support should be given to art teachers as they attempt to strengthen art education in their schools and communities. NOW, THEREFORE, it is proclaimed that March be observed as YOUTH ART MONTH.

All citizens are urged to take interest in and give full support to quality school art programs for children and youth.

NOW, THEREFORE, I Gary Lipp, Mayor of the Custer City do hereby proclaim March 2014 as Youth Art Month.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Custer City to be affixed this third day of March, Two Thousand and Fourteen.

CITY OF CUSTER CITY

S/Gary Lipp

#### **TEMPORARY STREET CLOSURE REQUEST – CUSTER YMCA**

Councilperson Heinrich moved to approve the Custer YMCA's request for temporary street closure of Sixth Street, Seventh Street, Eighth Street, Ninth Street and Tenth Street along Harney Street; Montgomery Street at the Mickelson Trail crossing; and Fifth Street at Harney Street contingent upon DOT approval and involvement from the Custer County Sheriff's Staff, to allow crossing for participants in the Splash & Dash event on July 26, 2014 and the Needles View Kids Triathlon event on August 16, 2014. Seconded by Councilperson Fischer, the motion unanimously carried.

#### **CHRONICLE 2014 PROGRESS EDITION**

Councilperson Schleining moved to approve a half page ad in the Chronicle 2014 Progress Edition for \$475. Seconded by Councilperson Heinrich, the motion unanimously carried.

#### **CUSTER COMMUNITY GARDEN AGREEMENT**

Councilperson Hattervig moved to approve the Custer Community Garden agreement contingent upon some changes to the plot rental section. Seconded by Councilperson Schleining, the motion unanimously carried.

#### **PROPOSAL FOR GEOTECHNICAL ENGINEERING FOR WEST DAM - TERRACON**

Councilperson Heinrich moved to approve the proposal for geotechnical engineering services with Terracon for West Dam for \$5,850, with section 6 of the contract being removed. Seconded by Councilperson Herman, the motion carried with Councilperson Kothe, Fischer, Herman, Schleining, Hattervig and Heinrich voting yes.

#### **LAGOON LINERS CONTRACT – RCS CONSTRUCTION**

Councilperson Herman moved to approve due to an emergency need, the lagoon liner supply and installation contract with RCS Construction for \$67,500 contingent upon approval of the Attorney, Mayor and Public Works Director. Seconded by Councilperson Heinrich the motion carried with Councilperson Fischer, Herman, Schleining, Hattervig, Heinrich and Kothe voting yes.

#### **CEMETERY CARETAKER AGREEMENT**

Councilperson Herman moved to approve the 2014 cemetery caretaker agreement with Cheryl Hadlock for \$24,924.35. Seconded by Councilperson Schleining, the motion carried with Councilperson Herman, Schleining, Hattervig, Heinrich, Kothe and Fischer voting yes.

#### **SURPLUS PROPERTY – LIQUOR STORE**

Councilperson Schleining moved to approve the surplus property list of liquor store items (list on file at City Hall) and appoint Steve Witt, Nina Nielsen and Dave Ressler to appraise the value of the surplus property and Christmas decorations which were previously surplused. Seconded by Councilperson Herman, the motion unanimously carried.

#### **ANNUAL REPORT**

Councilperson Fischer moved to acknowledge receipt of 2013 annual report. Seconded by Councilperson Herman, the motion carried with Councilperson Schleining, Hattervig, Heinrich, Kothe, Fischer and Herman voting yes.

## **CLAIMS**

Councilperson Herman moved, with a second by Councilperson Kothe, to approve the following claims.

The motion unanimously carried.

Avenet, Supplies, \$450.00  
Beesley Law Office, Professional Fees, \$1457.40  
Black Hills Power & Light, Utilities, \$3285.17  
Custer Do It Best, Supplies, \$6.81  
Chronicle, Publication, \$210.88  
Custer County Sheriff's Office, Animal Control Contract, \$600.00  
Custer Industrial, Supplies, \$398.28  
Custer Senior Center, Subsidy, \$4000.00  
Couch's Waterproofing, Repair & Maintenance, \$214.20  
Dakotacare, Insurance, \$9292.74  
Dacotah Bank, TIF #2 Payment, \$622.78  
Delta Dental, Insurance, \$564.10  
EFTPS, Taxes, \$13865.90  
FourFront, Capital Improvements, \$2733.00  
Fastenal, Supplies, \$332.45  
First Interstate Bank, TIF #1 Payment, \$1354.69  
First Interstate Bank, Supplies, \$110.00  
Frontier Photo, Supplies, \$132.00  
Hawkins, Supplies, \$3960.90  
Jenner Equipment, Repair & Maintenance, \$11.90  
Kellogg, Scott, Reimbursement, \$500.00  
Kimball Midwest, Supplies, \$765.13  
Michael Todd, Supplies, \$425.71  
Paypal, Supplies, \$246.76  
Petty Cash, Supplies, Travel, \$405.67  
Quill, Supplies, \$89.91  
RCS Construction, Capital Improvements, \$40994.82  
Southern Hills Fire, Safety, \$451.90  
SD Assoc of Rural Water, Dues, Conference, \$750.00  
SD Department of Revenue, Malt Beverage License, \$162.50  
SD Department of Revenue, Sales Tax, \$875.08  
SD Retirement, \$6085.38  
SD Supplemental Retirement, \$250.00  
YMCA, Membership, \$126.00  
Mayor & Council, \$4400.00  
Finance Department, \$9727.89  
Public Buildings, \$2506.11  
Planner, \$7088.56  
Public Works Department, \$9414.44  
Street Department, \$7209.42  
Parks Department, \$5497.01  
Water Department, \$5855.23  
Wastewater Department, \$3143.60  
Total Claims, \$150,574.32

## **COMMITTEE REPORTS**

Various committee reports were given.

## **EXECUTIVE SESSION**

Councilperson Fischer moved to go into and out of executive session for personnel, potential litigation and contract negotiation per SDCL 1-25-2 at 7:33 pm, without the Attorney, Finance Officer, Public Works Director, and Community Development Director present. Seconded by Councilperson Herman, the motion unanimously carried. Council came out of executive session at 8:28 pm, with no action taken.

## **ADJOURNMENT**

With no further business, Councilperson Kothe moved to adjourn the meeting at 8:28 p.m. Seconded by Councilperson Heinrich, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Gary Lipp  
Mayor