

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
May 15<sup>th</sup>, 2017**

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

**AGENDA**

Councilperson Fischer moved to approve the agenda. Second by Councilperson Nielsen, the motion unanimously carried.

**MINUTES**

Councilperson Maciejewski moved, with a second by Councilperson Blom, to approve the minutes from the May 1<sup>st</sup> regular council meeting. The motion carried with Councilperson Maciejewski, Nielsen, Fischer, Blom and Schleining voting yes while Councilperson Heinrich abstained.

**CONFLICTS OF INTEREST**

Councilperson Maciejewski stated he would have a conflict with the Pageant Hill Usage Request and Freeholder Committee for Surplus Property or Property Exchange. No other conflicts of interest were stated.

**HAROLD STICKNEY – DONATION OF PICTURE TO CITY**

Former Mayor Harold Stickney presented Mayor Carson and the City with a Paul Horsted picture that he would like to donate to the City. The City will display the picture in the Council Chamber.

**PUBLIC HEARING – MALT BEVERAGE LICENSE RENEWALS**

The Council was presented with a renewal list of malt beverage license applications for the July 1<sup>st</sup>, 2017 . June 30<sup>th</sup>, 2018 license period. At this time there were 21 malt beverage licenses for renewal. Councilperson Schleining moved to approve the applications. Seconded by Councilperson Fischer. Councilperson Schleining amended her motion to approve all applications as listed contingent upon taxes being paid and proof of insurance being provided. Seconded by Councilperson Fischer, the motion unanimously carried.

**PUBLIC HEARING – MALT BEVERAGE LICENSE (RENEWAL WITHOUT SD FARM WINE) –  
BAKER'S BAKERY**

Councilperson Fischer moved to approve the retail on-off sale malt beverage license for Baker's Bakery contingent upon taxes being paid current and proof of insurance being provided. Seconded by Councilperson Nielsen, the motion unanimously carried.

**PUBLIC HEARING – RETAIL ON-OFF SALE MALT BEVERAGE LICENSE & RETAIL ON-OFF SALE  
WINE LICENSE – SWAN SONG LLC DBA DENIAL SD**

Councilperson Heinrich moved to approve the retail on-off sale malt beverage license & retail on-off sale wine license for Swan Song LLC dba Denial SD. Seconded by Councilperson Schleining, the motion unanimously carried.

**RESOLUTION #05-15-17A – ANNEXATION – LOT 2 of BAUER-2 TRACT OF SAXTON SUBDIVISION**

Councilperson Maciejewski moved to adopt Resolution #05-15-17A, Annexation of Lot 2 of Bauer-2 Tract of Saxton Subdivision. Seconded by Councilperson Blom. Councilperson Maciejewski moved to amend his motion to include the addition of % hereby annexed to the City of Custer City and hereafter located within the corporate limits of the City of Custer City" after the legal description. Seconded by Councilperson Blom, the motion unanimously carried.

RESOLUTION NO. 05-15-17A  
RESOLUTION ANNEXING REAL PROPERTY

WHEREAS, Paradise Land Company, LLC has submitted a Petition for Annexation to the City Council pursuant to South Dakota Codified Law 9-4-1; and

WHEREAS, said petitioners constitute not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of such territory sought to be annexed to the City of Custer City; and

WHEREAS, said property is contiguous to the boundary of the City of Custer City; and

WHEREAS, by virtue of said petition for annexation, said owners are agreeing to be subject to all of the rules, regulations, and ordinances of the City of Custer City; and

WHEREAS, annexation of the hereinafter described real property is in the best interest of the City of Custer, now therefore

BE IT HEREBY RESOLVED that the following described real property:

LOT 2 OF BAUER-2 TRACT OF SAXTON SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 27, T3S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA, is hereby annexed to the City of Custer City and hereafter located within the corporate limits of the City of Custer City

Dated at Custer City, Custer County, South Dakota, this 15<sup>th</sup> day of May, 2017.

CITY OF CUSTER CITY

s/Jared Carson, Mayor

ATTEST: Laurie Woodward, Finance Officer

**PUBLIC HEARING & FIRST READING – ORDINANCE #790 – ZONING OF LOT 2 OF BAUER-2 TRACT OF SAXTON SUBDIVISION**

Councilperson Schleining moved to approve Ordinance #790, Zoning of Lot 2 of Bauer-2 Tract of Saxton Subdivision. Seconded by Councilperson Nielsen, the motion unanimously carried.

**CUSTER BID BOARD PRESENTATION**

Brad Murdoc+Jurgensen with HomeSlice Media Group present the Custer BID Board 2017 marketing campaign.

**CUSTER CHAMBER OF COMMERCE PRESENTATION**

Dave Ressler with the Custer Area Chamber of Commerce gave a overview of the Chamber activities and contributions to the community.

**HOUSING STUDY – HOUSING INITIATIVE TEAM**

Phil Abernathy and Gene Fennell with Custer Economic Development Corporation asked the City to help fund a housing study through the South Dakota Housing Development Authority with Custer Economic Development Corporation applying for a grant for half the cost and the County & City splitting the other half of the cost. Councilperson Schleining moved to approve contributing \$1,875 towards a housing study for the Custer Community. Seconded by Councilperson Maciejewski, the motion carried with Councilperson Maciejewski, Heinrich, Nielsen, Fischer, Blom and Schleining voting yes.

**SECOND READING – ORDINANCE #789 – ZONING**

Councilperson Fischer moved to adopt Ordinance #789, Zoning. Seconded by Councilperson Schleining, the motion carried with Councilperson Heinrich, Nielsen, Fischer, Blom, Schleining and Maciejewski voting yes.

**CUSTER COMMUNITY CENTER CHILD CARE WING RENOVATIONS BID**

Councilperson Maciejewski moved to reject the one bid received which was from Scull Construction, for the Custer Community Center child care wing renovations projects. Seconded by Councilperson Blom, the motion carried with Councilperson Nielsen, Fisher, Blom, Schleining, Maciejewski and Heinrich voting yes.

**2018 LAW ENFORCEMENT CONTRACT**

Councilperson Maciejewski moved to approve the 2018 law enforcement contract with Custer County for \$375,000. Seconded by Councilperson Nielsen, the motion carried with Councilperson Fischer, Blom, Schleining, Maciejewski, Heinrich and Nielsen voting yes.

Councilperson Maciejewski excused himself from the meeting at 6:32.

**PAGEANT HILL USAGE REQUEST – TIM WICKS**

Councilperson Nielsen moved to approve Tim Wicks request to use Pageant Hill on July 21, 2017 for a class reunion gathering from noon until dusk. Seconded by Councilperson Schleining. After some discussion on whether they would be using the whole park or the area by the shelter, Councilperson Nielsen amended her motion to state the Pageant Hill area by the shelter. Seconded by Councilperson Schleining, the motion unanimously carried.

Councilperson Maciejewski returned to the meeting at 6:37.

**CUSTER VOLUNTEER FIRE DEPARTMENT ANNUAL FIREFIGHTER'S DANCE REQUEST**

Councilperson Fischer moved to approve request from the Custer Volunteer Fire Department for the Annual Firefighters Dance during Gold Discovery Days to be held July 21<sup>st</sup> and 22<sup>nd</sup>, 2017; which included street closure request for North Sixth Street between Crook Street and the south alley, use of the showmobile and a brown bag permit for July 22<sup>nd</sup>. Seconded by Councilperson Heinrich, the motion unanimously carried.

**FOURTH OF JULY FIREWORKS PERMIT - CUSTER VOLUNTEER FIRE DEPARTMENT**

Councilperson Heinrich moved to approve the application for outdoor display of fireworks for the Custer Volunteer Fire Department's Fourth of July fireworks display at Pageant Hill. Seconded by Councilperson Nielsen, the motion unanimously carried.

**FINAL PLAT – LOTS A & B OF ST. GERMAINE SUBDIVISION**

Councilperson Maciejewski moved to approve the final plat of Lots A & B of St. Germaine Subdivision. Seconded by Councilperson Blom, the motion unanimously carried.

**FINAL PLAT – LOT A OF BLOCK 48**

Councilperson Maciejewski moved to approve the final plat of Lot A of Block 48 with the construction of sidewalks as recommended by the Public Works Department and Planning Staff. Seconded by Councilperson Blom, the motion unanimously carried.

**SIDEWALK PROJECT ENGINEERING PROPOSAL - KLJ**

Councilperson Schleining moved to approve KLJ as the design consultant for the Transportation Alternatives Grant Project that includes a sidewalk from Eleventh Street to Bluebell Lane, with the engineering proposal estimate at \$67,875. Seconded by Councilperson Blom, the motion unanimously carried.

**VECTOR SEWER CLEANER QUOTE – SANITATION PRODUCTS**

Councilperson Heinrich moved to approve the Vector 2100 Plus Sewer Cleaner quote based upon NJPA pricing contract #022014-FSC at \$377,312. Seconded by Councilperson Nielsen, the motion carried with Councilperson Fischer, Blom, Schleining, Maciejewski, Heinrich and Nielsen voting yes.

**WATER SYSTEM IMPROVEMENT BIDS**

Councilperson Heinrich moved to accept the base bid from RCS Construction for water system improvements at \$535,000. Seconded by Councilperson Blom, the motion carried with Councilperson Blom, Schleining, Maciejewski, Heinrich, Nielsen and Fischer voting yes.

Councilperson Maciejewski excused himself from the meeting at 6:50.

**FREEHOLDER COMMITTEE FOR SURPLUS PROPERTY / PROPERTY EXCHANGE**

Councilperson Fischer moved to approve the Mayor's appointment of Ramona Flaig, Craig Walz and Corbin Herman to a freeholder committee to appraise the value of land the City may look at surplus. Seconded by Councilperson Heinrich, the motion unanimously carried.

Councilperson Maciejewski returned to the meeting at 6:54.

**CLAIMS**

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

A & B Electric, Repair & Maintenance, \$572.48

All Flags LLC, Supplies, \$30.55

American Legal Publishing, Professional Fees, \$871.00

Black Hills Energy, Utilities, \$11,663.93

Code Works, Professional Fees, \$232.62

Culligan, Repair & Maintenance, \$63.50

Chamber of Commerce, Sales Tax Subsidy, \$6,340.51

Chronicle, Publishing, \$1,047.25

Custer Hospitality LLC, Advertising, \$162.07

Custer True Value, Supplies, Repair & Maintenance, \$793.86

French Creek Supply, Supplies, Repair & Maintenance, \$234.90

First Interstate Bank, Supplies, \$68.60

Green Owl Media, Professional Fees, Advertising, \$277.50

Hach, Supplies, \$393.21

Hills Materials, Gravel, \$5,390.30

Home Slice Media Group, Advertising, \$7,000.00

Iron Outfitters DBA Sander Sanitation, Garbage Collection Contract, \$13,405.82

Scott Kellogg, Reimbursement, \$220.41

KLJ, Professional Fees, \$1,595.00

Lasting Impressions Unlimited, Supplies, \$88.00

Lynn's Dakotamart, Supplies, \$15.98

McGas, Utilities, \$60.78

Midcontinent Testing Labs, Professional Fees, \$108.00

Petty Cash, Travel, \$119.38

PACE, Supplies, \$242.92

Paypal, Supplies, \$30.00

Rapid Delivery, Professional Fees, \$50.60

Regional Health Network, Sales Tax Subsidy, \$36,566.27  
S&B Motors, Supplies, \$97.33  
Sanders Sanitation, Capital Improvements, \$731.57  
Servall, Repair & Maintenance, \$134.42  
State of SD, Sales Tax, \$1,103.47  
SD Dept of Revenue, Licenses, \$3,425.00  
SD Dept of Criminal Investigation, Supplies, \$43.75  
SD Municipal League, Conference, \$25.00  
SD Executive MGMT Finance Office, Utilities, \$18.70  
USDA Loan, \$8,910.00  
Wright Express, Supplies, \$859.47  
YMCA, Membership, \$40.00  
Dakota Cowboy 2, Utility Deposit Refund, \$3.66  
Dakota Cowboy 2, Utility Deposit Refund, \$3.66  
Total Claims, \$103,041.47

**DEPARTMENT HEADS & COMMITTEE REPORTS**

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

Council took a break from 7:07-7:10

**EXECUTIVE SESSION**

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1-4) at 7:10 pm, with the Attorney, Public Works Director and Finance Officer present. Seconded by Councilperson Schleining, the motion unanimously carried. Council came out of executive session at 7:26 pm, with no action taken.

**EMPLOYEE STEP INCREASE**

Councilperson Schleining moved to approve the step increase for Julie Harley to step 3 at \$18.58 per hour effective May 18<sup>th</sup>, 2017. Seconded by Councilperson Fischer, the motion unanimously carried.

**TEMPORARY PUBLIC WORKS DEPARTMENT WORKING FOREMAN**

No action taken.

**ADJOURNMENT**

With no further business, Councilperson Blom moved to adjourn the meeting at 7:27 p.m. Seconded by Councilperson Heinrich, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Jared Carson  
Mayor