

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
November 5<sup>th</sup>, 2012**

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

**AGENDA**

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

**MINUTES**

Councilperson Hattervig moved, with a second by Councilperson Heinrich, to approve the minutes from the October 15<sup>th</sup>, 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 an update on a Green Project Grant for the Wastewater Treatment Plant, South 6<sup>th</sup> Street Sidewalk Project, and the bug tree marking.

Rex Harris, Community Development Director, gave Council an update on the deer count, pre-disaster mitigation grant and photogrammetric mapping.

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

**NUISANCE VIOLATION – BILL ANDERSON**

Bill Anderson addressed the Council regarding his concerns with the nuisance letter he received regarding the mowing of the street right-of-way adjacent to his property and drainage concerns. Councilperson Fischer moved to table any action on Mr. Anderson's concern until the next meeting to give the Public Works Director a chance to review the property. Seconded by Councilperson Heinrich, the motion unanimously carried.

**RESOLUTION #11-5-12A – SAFETY MANUAL – PROTECTIVE CLOTHING/EQUIPMENT**

Councilperson Hattervig moved to adopt Resolution #11-5-12A, Safety Manual Protective Clothing/Equipment. Seconded by Councilperson Kothe, the motion unanimously carried.

RESOLUTION # 11-05-12A

WHEREAS, the City of Custer City has previously adopted a Safety Manual; and

WHEREAS, updating and amending of said Employee Safety Manual was provided for in Resolution 07-16-12B; and

WHEREAS, the Common Council of the City of Custer City has determined that the Safety Manual be modified regarding Part 12 Personal Protective Equipment, Section Protective Clothing/Equipment with the following and it shall read as follows:

**PROTECTIVE CLOTHING / EQUIPMENT**

Where there is a danger of flying particles or corrosive materials, employees must wear protective goggles and/or face shields.

1. Employees are required to wear ANSI approved safety glasses in areas where there is a risk of eye injuries such as punctures, contusions or burns.
2. Employees are required to wear protective gloves, aprons, shields and other means provided in areas where they may be subject to cuts, corrosive liquids and/or harmful chemicals.
3. Hard hats must be worn in areas subject to falling objects, electrical hazards and at all times while at construction sites or outside the cab at a gravel pickup site.
4. When necessary employees must use the approved respirators that are provided for regular and emergency use. They must be maintained in sanitary condition and ready for use.
5. Report any defective equipment immediately to your supervisor.
6. ANSI Class II or Class III safety clothing shall be worn by employees working in the traffic way, Safety green clothing, such as shirts, shall be worn at all times by the Public Works employees.
7. Protective gloves, clothing, and face protection shall be worn while handling caustic or dangerous chemicals, while welding, handling batteries, and while changing mercury vapor lights.
8. For outdoor work in winter weather, layers of loose, warm, and fairly lightweight clothing is recommended.
9. Footwear: It is required that all public works personnel wear work type boots that are over the ankle (minimum of 6 inches high) with a predominantly leather upper, puncture resistant sole and slip resistant out sole. They may or may not be steel or composite toe boots. . Tennis shoes or low top shoes are not permitted without a doctor's order.
10. No shorts, tank tops or sandals are permitted.

11. Employees must always wear a shirt.
12. First-aid kits and their contents are to be maintained in a serviceable and usable condition.
13. The commercial or cabinet-type kits do not require all items to be individually wrapped and sealed, but only those which must be kept sterile. Items such as scissors, tubes of ointments with caps, or rolls of adhesive tape, need not be individually wrapped, sealed, or disposed of after a single use or application.
14. Where the eyes of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes shall be provided, within the work area. Flushing of the eyes requires flushing both eyes at the same time for 15 minutes with *lukewarm* water.

NOW THEREFORE BE IT RESOLVED that the Safety Manual is amended and superseded as adopted.

Dated this 5<sup>th</sup> day of November, 2012.

City of Custer City

S/Corbin Herman, Council President

**RESOLUTION #11-5-12B – DEED OF CONVEYANCE – AERATORS**

Councilperson Fischer moved to adopt Resolution #11-5-12B, Deed of Conveyance - Aerators. Seconded by Councilperson Hattervig, the motion unanimously carried.

RESOLUTION NO. 11-05-12B

DEED OF CONVEYANCE

WHEREAS, the City of Custer City has certain property which is not held for public use or is about to be abandoned for public purposes; and

WHEREAS, SDCL 6-5 provides for the disposition and transfer of government property to other political subdivisions or nonprofit corporations.

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer City, that it is advisable and in the best interest of the public that the following property is declared to be not held for public use or is about to be abandoned for public purposes and shall be transferred and conveyed gratuitously to the City of Box Elder, a political subdivision, for the cost of \$2,500.00 as set forth in SDCL 6-5-2; Gratuitous Transfers of Real Property to Other Political Subdivisions or Nonprofit Corporations:

Ten Aerators - Aeration Industries 7.5 hp Aire 02 Aspirator Aerators from the original Wastewater Treatment Plant

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor or Council President is hereby authorized to execute this Deed of Conveyance in accordance herewith, with the specific restriction that this property shall only be utilized for public purposes and accommodations and nonprofit purposes and no other use whatsoever.

Dated this 5<sup>th</sup> day of November, 2012.

CITY OF CUSTER CITY

S/Corbin Herman, Council President

**HVAC CONTROL SYSTEM PROPOSAL – COMMUNITY CENTER BUILDING**

Councilperson Schleining moved to accept the proposal from G & R Controls for upgrading the HVAC Control System at the Community Center Building east side for \$42,820. Seconded by Councilperson Heinrich the motion carried with Councilperson Hattervig, Heinrich, Kothe, Fischer and Schleining voting yes.

**PARADE REQUEST – CHAMBER OF COMMERCE**

Councilperson Heinrich moved to approve the parade request from the Chamber of Commerce for the Annual Custer Christmas Parade to be held on December 1, 2012 at 5:30 pm with line up on Washington Street and the parade going down Mt. Rushmore Road from Eighth Street to Fourth Street. Seconded by Councilperson Kothe, the motion unanimously carried.

**SURPLUS BACKHOE BIDS**

Councilperson Fischer moved to accept the bid from Blair Brothers for \$22,600.00 for the 1993 Caterpillar Extendahoe, which was declared surplus by the City. Seconded by Councilperson Hattervig, the motion unanimously carried.

**SD DOT MAINTENANCE & ENCROACHMENT AGREEMENT**

Councilperson Kothe moved to table the SD Department of Transportation Maintenance & Encroachment Agreement till after the December General Government Committee Meeting. Seconded by Councilperson Heinrich, the motion unanimously carried.

**CUSTODIAL MAINTENANCE POSITION ADVERTISEMENT**

Councilperson Schleining moved to approve advertising for the Custodial Maintenance Position to be filled. Seconded by Councilperson Heinrich, the motion unanimously carried.

**ENGINEERING GENERAL SERVICE DISCOUNT PROPOSAL**

Councilperson Heinrich moved to table the engineering general service discount proposal till the next meeting so changes can be worked out with the attorney. Seconded by Councilperson Fischer, the motion unanimously carried.

**WASTEWATER COLLECTION SYSTEM REPLACEMENT ENGINEERING PROPOSAL**

Councilperson Heinrich moved to table the wastewater collection system replacement engineering proposal till the next meeting. Seconded by Councilperson Hattervig, the motion unanimously carried.

**PHOTOGRAMMETRIC MAPPING**

Council tabled action on the photogrammetric mapping till a cost is received.

**BRUSH CHIPPER**

Councilperson Kothe moved to approve renting the Vermeer BC 1200XL Brush Chipper for one month at \$3,000. Seconded by Councilperson Fischer, the motion carried with Councilperson Heinrich, Kothe, Fischer, Schleining and Hattervig voting yes.

**EXECUTIVE SESSION**

Councilperson Schleining moved to go into and out of executive session for personnel, potential litigation and contract negotiation per SDCL 1-25-2 at 6:56 pm, with the Attorney, Finance Officer, Public Works Director and Community Development Director present. Seconded by Councilperson Kothe, the motion unanimously carried. Council came out of executive session at 7:09 pm, with no action taken.

**EMPLOYEE TERMINATION**

Councilperson Heinrich moved to approve termination of employee #1051 effective October 12, 2012. Seconded by Councilperson Kothe, the motion unanimously carried.

**CLAIMS**

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

5280 Consulting, Professional Fees, \$6000.00  
Ainsworth-Benning, Capital Improvements, \$7122.22  
Beesley Law Office, Professional Fees, \$2655.00  
Black Hills Power & Light, Utilities, \$8632.77  
Boos Law Office, Professional Fees, \$275.00  
Butler Machinery, Equipment, \$91362.00  
BPro, Advertising, \$75.00  
Black Hills Badlands & Lakes, Advertising, \$5856.00  
Century Business Products, Supplies, \$195.94  
Conwell, Kim, Reimbursement, \$156.12  
Custer Community Health Services, Sales Tax Subsidy, \$65895.06  
Custer Do It Best, Supplies, \$162.70  
Custer County Auditor, Mitigation, \$1251.00  
Chamber of Commerce, Other, \$175.00  
Chamber of Commerce, Sales Tax Subsidy, \$35020.59  
Custer County Chronicle, Publishing, \$611.17  
Custer County Chronicle, Advertising, \$2800.00  
Custer County, In Lieu Taxes, \$4842.55  
Custer School District, In Lieu Taxes, \$14690.87  
Custer Senior Center, Other, \$250.00  
Dakotacare, Insurance, \$8641.95  
Dakota Greens, Supplies, \$244.98  
Dakota Pump & Control, Repairs & Maintenance, \$10869.28  
Dakota Supply, Supplies, \$2053.06  
Days Inn, Travel, \$200.00  
Delta Dental, Insurance, \$432.40  
Dumire, John, Reimbursement, \$100.00  
Energy Lab, Professional Fees, \$35.00  
Element, Supplies, \$19.45  
EFTPS, Taxes, \$11626.28  
First Interstate Bank, Supplies, \$49.70  
First Interstate Bank, TIF Payment, \$2809.15  
First Western Insurance, Insurance, \$16706.00  
Golden West Technologies, Professional Fees, \$370.46  
GFOA, Dues, \$160.00  
HD Supply, Supplies, \$370.75  
Harris, Rex, Travel, Reimbursement, \$1114.35  
Hawkins, Supplies, \$3142.55  
Hillyard, Supplies, \$780.36  
Jenner Equipment, Repairs & Maintenance, \$86.21  
Kellogg, Scott, Reimbursement, \$298.06

LaMar, Adverting, \$6298.00  
Lawrence & Schiller, Advertising, \$5001.61  
MAC Construction, Capital Improvements, \$7515.00  
NASASP, Dues, \$39.00  
Northern Safety, Supplies, \$240.61  
Northwest Pipe Fitting, Supplies, \$7.62  
Paypal, Supplies, \$182.67  
Petty Cash, Supplies, \$437.73  
Pitney Bowes, Supplies, \$39.00  
Quill, Supplies, \$113.15  
Rancher's Feed & Seed, Utilities, \$2623.97  
Safety Benefits, Conference, \$195.00  
Sander Sanitation, Garbage Collection, \$13149.92  
State of SD, Sales Tax, \$817.30  
SD Retirement System, \$5445.30  
SD Supplemental Retirement, \$195.00  
USA Bluebook, Repairs & Maintenance, \$88.12  
Vanway Trophy, Supplies, \$75.00  
YMCA, Membership, \$123.00  
Ziolkowski, Geney, Animal Control, \$681.00  
Williams, Lucas, Utility Deposit Refund, \$13.87  
Mayor & Council, \$4200.00  
Finance Department, \$9110.54  
Planner, \$7026.08  
Public Works Department, \$5026.96  
Street Department, \$5867.65  
Parks Department, \$4974.40  
Water Department, \$6535.57  
Wastewater Department, \$6670.35  
Total Claims \$400,832.40

**COMMITTEE REPORTS**

Various committee reports were given.

**ADJOURNMENT**

With no further business, Councilperson Fischer moved to adjourned the meeting at 7:21 p.m. Seconded by Councilperson Heinrich, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Council President