

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
September 19<sup>th</sup>, 2011**

Mayor Gary Lipp called to order the second regular meeting of the Common Council for the month of September, 2011 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Fischer, Lampert, Herman, Schleining, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Schleining moved, with a second by Councilperson Heinrich, to approve the minutes from the September 6<sup>th</sup>, 2011 regular meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, gave an overview of projects that are taking place and an update on the bug trees.

Rex Harris, Community Development Director, gave Council an update on the downtown TIF project.

Laurie Woodward, Finance Officer, gave Council a brief report on the claims in for payment and financial status of projects in progress.

**SECOND READING – ORDINANCE #697 – WASTEWATER RATES**

Councilperson Lampert moved to adopt ordinance #697, Wastewater Rates. Seconded by Councilperson Hattervig, the motion carried with Councilperson Heinrich, Fischer, Lampert, Herman, Schleining and Hattervig voting yes.

**SECOND READING – ORDINANCE #698 – WATER RATES**

Councilperson Lampert moved to adopt ordinance #698, Water Rates. Seconded by Councilperson Heinrich, the motion carried with Councilperson Fischer, Lampert, Herman, Schleining, Hattervig and Heinrich voting yes.

**SECOND READING – ORDINANCE #699 – 2012 APPROPRIATION**

Donna Talley, Executive Director, and members of the WEAVE Board address Council in regards to WEAVE subsidy request being reduced to \$3,000 in the 2012 appropriations from the \$5,000 that was requested. Councilperson Schleining moved to change the WEAVE subsidy within the 2012 appropriation ordinance to \$4,000. Seconded by Councilperson Hattervig, the motion carried with Councilperson Hattervig, Heinrich, Fischer, Lampert, Herman and Schleining voting yes.

Councilperson Schleining moved to adopt ordinance #699, 2012 Appropriation, with the additional \$1,000 expenditure for WEAVE subsidy. Seconded by Councilperson Heinrich, the motion carried with Councilperson Lampert, Herman, Schleining, Hattervig, Heinrich and Fischer voting yes.

**RESOLUTION #9-19-11A – GIFTING POLICY**

Councilperson Herman moved to adopt resolution #9-19-11A, Personnel Manual Gifting Policy. Seconded by Councilperson Lampert, the motion unanimously carried.

RESOLUTION # 9-19-11A

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 09-05-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified regarding Policy #2 General Policies, 2.6 Gifts, Entertainment, and Favors, with the following and it shall read as follows:

2.6 Gift Policy

This policy applies to all City employees and elective and appointed officers.

- A. The City prohibits soliciting or receiving any retainer, gift, loan, money, entertainment, favor, discount, or other thing of monetary value from any person or entity that:
1. Was in fact given, solicited or received with the intention to give or obtain special consideration or influence as to any action by such employee or officer in his or her official capacity; or
  2. Would appear to a reasonable person to have been given, solicited or received with the intention to give or obtain special consideration of influence as to any action by such employee or officer in his or her official capacity; or

3. Is given to City employees or officers participating in quasi-judicial proceedings in which the giver is an interested person or a person acting on behalf of an interested person; or
  4. Is given to a City employee or officer who participates in contractual or regulatory decisions involving the giver of the gift or person solicited to make a gift. Other than:
    - a. Unsolicited advertising or promotional items valued at twenty-five dollars or less; or
    - b. Unsolicited perishable items placed in a common area where they are shared with coworkers.
- B. Unless prohibited in section A above, receipt of any of the following will not violate this policy;
1. Unsolicited gifts with nominal value or promotional value (aggregate value of less than twenty-five dollars from a single source in a calendar year or a single gift from multiple sources with a value of less than twenty-five dollars). The value of gifts given to an employee's or officer's family member or guest shall be attributed to the employee or officer for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member;
  2. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
  3. Unsolicited perishable items placed in a common area where they are shared with coworkers;
  4. Unsolicited food or beverages provided in any setting if the occurrence of such is sporadic, infrequent, and was not, nor has the appearance to be given or received with the intention to give or obtain special consideration or influence;
  5. Unsolicited food or beverages consumed at hosted receptions;
  6. Unsolicited admission to, and the cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; or
  7. Gifts accepted on behalf of the City and retained as City property.
- C. If a City employee or officer receives a gift that is in conflict of this policy, he or she shall return it to the giver with a written acknowledgement of the return and reference to this policy.

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

Dated this 19<sup>th</sup> day of September, 2011.

City of Custer City

S/Gary Lipp, Mayor

**USE OF ELEMENTARY SCHOOL BUILDING – YMCA – HAUNTED HOUSE**

Councilperson Herman moved to approve the YMCA's request to use the Elementary School Building, if the City owns the property, on October 28<sup>th</sup> and 29<sup>th</sup> to host a haunted house with setup taken place two weeks prior. Seconded by Councilperson Lampert, the motion unanimously carried.

**STATE WATER PLAN APPLICATION**

Councilperson Lampert moved to approve the application for the State Plan, to be sent to the state. Seconded by Councilperson Fischer, the motion unanimously carried.

**SHERMAN & PARK INTERSECTION RECONSTRUCTION CHANGE ORDER**

Councilperson Herman moved to approve the Sherman & Park intersection reconstruction change order for \$1,210. Seconded by Councilperson Lampert, the motion unanimously carried.

**BOOTHILL FOG SEAL COST SHARE**

Councilperson Herman moved to approve the city's share of the Boothill fog seal with Bituminous Paving at \$4,590.68. Seconded by Councilperson Hattervig, the motion unanimously carried.

**GORDON STREET PROPOSAL**

Councilperson Lampert moved to approve the proposal for Gordon Street extension asphalt paving and concrete items at \$76,544.50. Seconded by Councilperson Schleining, the motion unanimously carried.

**REQUEST TO BE ON AGENDA FORM**

Councilperson Herman moved to approve the request to be on agenda form. Seconded by Councilperson Schleining, the motion unanimously carried.

**FINAL PLAT – MARY LODGE SUBDIVISION**

Councilperson Hattervig moved to approve the final plat of Mary Lode Subdivision, Plat of Lots 1 and 2 of Tract A of Tract Tyndall of Lot 5 and Lot A of Lot 1, All of Lot 37. Seconded by Councilperson Herman, the motion unanimously carried.

## **TATTOO REGULATIONS**

Councilperson Herman moved to adopt the South Dakota Administrative Rules Article 44:12 Tattooing and Body Piercing, as they are amended. Seconded by Councilperson Lampert, the motion unanimously carried.

## **HEALTH INSURANCE RENEWAL**

Councilperson Lampert moved to accept the eight percent increase from Dakotacare for 2012 health insurance renewal. Seconded by Councilperson Herman, the motion unanimously carried.

## **2012 CHAMBER BUSINESS DIRECTORY AD**

Councilperson Herman moved to approve a half page ad in the 2012 Custer Area Chamber of Commerce Business and Membership Directory for \$685. Seconded by Councilperson Hattervig, the motion unanimously carried.

## **CITY HALL CLEANING**

Councilperson Lampert motioned to have a public works city employee do the cleaning at City Hall until such time as City Hall is moved to the Elementary School Building. Seconded by Councilperson Schleining, the motion unanimously carried.

## **CLAIMS**

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

AFLAC, Insurance, \$380.48  
ALSCO, Repairs & Maintenance, \$348.88  
Bituminous Paving, Chip Seal, \$83632.13  
Black Hills Power & Light, Utilities, \$6809.43  
Black Hills Power Equipment, Supplies, \$87.78  
Complete Concrete, TIF #4 Project, \$153816.70  
Custer Car Wash, Repair & Maintenance, \$5.00  
Custer Community Health Service, Sales Tax Subsidy, \$85520.31  
Custer County Market, Supplies, \$44.22  
Custer True Value, Supplies, \$1300.36  
DakotaCare, Insurance, \$7547.34  
Dakota Fence, Park Improvements, \$24989.00  
Fastenal, Supplies, \$101.22  
French Creek Supply, Supplies, \$10.98  
Hadlock, Cheryl, Professional Fees, \$3915.60  
Hawkins, Supplies, \$5340.00  
Hills Materials, Gravel, \$1575.89  
Lynn's Dakotamart, Supplies, \$23.22  
Mayer Plumbing, Repairs & Maintenance, \$1184.95  
Meierhenery Sargent, TIF #4 Project, \$5000.00  
Michael Todd & Company, Safety Equipment, \$429.00  
Newberg Lumber, Park & Rec project, \$2500.00  
Power House, Repair & Maintenance, \$779.11  
Quill, Supplies, \$79.16  
Rapid City Telco Federal Credit Union, Utilities, \$790.16  
SRF, Loan Payment, \$4639.68  
South Dakota One Call, Supplies, \$38.85  
S & B Motors, Supplies, \$295.55  
Sander Sanitation, Repairs & Maintenance, \$12032.72  
South Dakota Municipal League, Conference, \$400.00  
SD State Executive Management, Utilities, \$23.20  
Shovelhead, Capital Improvements, \$141851.95  
Thomson West, Supplies, \$174.00  
USDA, Loan Payment, \$8910.00  
Verizon Wireless, Utilities, \$429.12  
Wright Express, Supplies, \$487.19  
Wyss Associates, TIF #4 Project, \$9251.03  
Girard, Diane, Utility Deposit Refund, \$50.00  
Yates, Jarred, Utility Deposit Refund, \$10.37  
Total Claims \$564,804.58

**COMMITTEE REPORTS**

Various committee reports were given.

**BREAK 7:25-7:31**

**EXECUTIVE SESSION**

Councilperson Herman moved to go into and out of executive session for contract negotiation with the Attorney, Finance Officer, Community Development Director and Public Works Director present at 7:31 pm. Seconded by Councilperson Lampert, the motion unanimously carried. Council came out of executive session at 8:23 pm.

**ADJOURNMENT**

With no further business, Councilperson Herman moved to adjourned the meeting at 8:23 p.m. Seconded by Councilperson Lampert, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Gary Lipp  
Mayor