

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
DECEMBER 3, 2007**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of December, 2007 at 5:30 p.m. Present at roll call were Councilpersons Pischke, Murphey, Boyer, Culberson, Schleining, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Murphey moved to approve the agenda with the amendment of adding the Custer Improvement Committee Update. Seconded by Councilperson Pischke, the motion unanimously carried.

**MINUTES**

Councilperson Murphey moved, with a second by Councilperson Pischke, to approve the minutes from the November 19<sup>th</sup>, 2007 Regular meeting. The motion carried.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, discussed the Westside Annexation Project muck problem as well as the bore needing to be about 14 feet deep but it keeps collapsing. The decision has been made that we will be going under the bridge in the creek; if the bore had failed, we would have been liable at a cost of \$300 per foot. DOT is in favor of going under the bridge and has signed the paperwork. Bob will also be applying for a 404 Permit from the Army Corp of Engineers; they are slow but maybe we could have it in a week. This will delay the project some but we'll still be okay. Councilperson Culberson wondered about applying under the general permit. Bob stated that it's still better to do the application process and be approved.

Bob mentioned that Frosty had been taken from Way Park but has been found; a business turned him in when they found him at their door Monday morning. There is still a Pine Tree decoration missing so if anyone sees it, just let us know.

The Mayor had Bob discuss the sanding problem at the Medical Facilities which traditionally worked when our crew was out. But with the liability issue coming to light, we will no longer be able to do that. Bob has notified them and will have a letter going out tomorrow.

Bob also mentioned that he will be going to Pierre for a meeting with the State Water Rights Staff so we can discuss Custer's future water rights needs; he also has a hearing to attend on Wednesday.

Rex Harris, Community Development Director, discussed the great Saturday Christmas Parade and the Tree Lighting for our Charlie Brown Christmas. He thanked everyone for all their help and coming together with team effort.

Rex stated that the Main Street Camera is now working great. Golden West had to change their design because of the band width; the Chamber or City websites have access for the public. The YMCA Window project will be started as soon as the windows come in which should be next week; the ones coming in are a high quality at a reduced cost. RFP's have also been sent out to three different companies for the work on Washington Street; and the fee schedule revisions should be ready for General Government Committee review next week.

**LIQUOR LICENSE PUBLIC HEARING**

The Council received the following applications for Liquor License renewal:  
City of Custer City – Hilltop Corporation - Retail On-Sale Convention Center Liquor  
City Of Custer City – Municipal Liquor Store – Package Off-Sale Liquor  
City Of Custer City – Lynn's Dakotamart Inc. – Package Off-Sale Liquor  
City of Custer City – Elk Canyon Steakhouse & Buglin' Bull Sports Pub – Retail On-Sale Liquor  
City Of Custer City – Gold Pan Saloon – Retail On-Sale Liquor  
City of Custer City - Chief Restaurant - Retail On-Sale Light Wine  
City Of Custer City – The Captain's Table – Retail On-Sale Liquor  
City Of Custer City – Kenneth Kuper VFW Post– Retail On-Sale Liquor  
City Of Custer City – Sage Creek Grille – Retail On-Sale Light Wine  
City Of Custer City – Dark Horse Steak-n-Brew – Retail On-Sale Light Wine  
City Of Custer City – Custer County Market – Package Off-Sale Liquor

Councilperson Boyer moved to approve these licenses as listed. Seconded by Councilperson Culberson, the motion unanimously carried. The Mayor mentioned that Mike Tennyson has not renewed the one convention license so it is now open.

**SECOND READING – ORDINANCE #644 – ZONING CHANGE**

Ordinance #644 – 2007 Highway Commercial Zoning Change is for the property described as Lots 1 through 3 and the Remaining Unplatted, Platted Portion of Government Lot 1 (Formerly Recorded as the

E1/2, SE1/4, NE1/4), located in Section 27, T3S, R4E, BHM, City of Custer City, Custer County, South Dakota AND Tract Stoddard of Tract B of Saxton Subdivision, located in the E1/2, NE1/4, Section 27, T3S, R4E, BHM, City of Custer City, Custer County, South Dakota This is for Tract Stoddard and the newly annexed property for the Pamida development. Councilperson Murphey moved to adopt this Ordinance. Seconded by Councilperson Pischke, the motion unanimously carried with Councilperson Pischke, Murphey, Schleining, Culberson, and Boyer voting yes.

#### **GOLDEN WEST - CABLE**

Jody Bielmaier, Golden West, presented the changes in the Cable TV which has more channels and more options. She handed out new channels pamphlets and discussed the new pricing. Rick Reed discussed that the local channels will be by fiber from Rapid City. He also stated that the changes would December 18<sup>th</sup> and that the HD has changed a lot. The Basic rate didn't change but there are other changes to be fair everyone; approximately 18% were adjusted. Jody stated that a letter has gone out to the HD subscribers and another letter will be issued to all participants. Bob wondered about the Smart Packs and if everyone has to sign up for them. They said yes, everyone has to as they are not allowed to change accounts. Councilperson Boyer wondered about local service to Hill City since there will be fiber running that direction. They said not at this time. The Mayor thanked them for coming and sharing the updates.

#### **DEER MANAGEMENT PLAN & SURVEY RESULTS**

Rex discussed the deer management plan in the draft stage which is in the process of being typed. The newspaper survey came out with 69 for and 31 against a harvesting program. When we did the deer count, we are at 23 deer per mile which is 5 to 6 times higher than any other community who is looking at a program. Terry Reitz discussed the need to have public input into the plan and wondered who was writing it. Rex stated that he is doing the draft which is based on other cities and will be approved by the GF&P. Rex was also questioned on a buffer zone around the City and if harvesting will be done outside the City limits. Rex stated that both of those issues will be addressed in the plan. Betty Fagler questioned the deer count with both counts being the same deer. Rex stated they probably are but the count was based on an average not a total. She also stated that we have invaded their migration pattern so they don't have the same amount of room anymore. Terry also stated that there needs to be more public meetings and the Council should take comments on the plan before it's finalized. Another thing in the plan would be to not publish the kill areas or the shooters. Councilperson Boyer stated that the problem stems from 3<sup>rd</sup> and 4<sup>th</sup> generation deer which have been raised in town so they don't know anything different. The Council decided to set another hearing for December 17<sup>th</sup> at 7 p.m. after the regular Council meeting.

#### **5<sup>th</sup> STREET DOT PROJECT UPDATE**

Rex discussed the various proposals submitted to DOT for the 5<sup>th</sup> Street Project which DOT did not take into account and is not willing to work with those. The Custer Improvement Committee decided to not recommend anything. They didn't want to jeopardize the Washington Street project. DOT did mention striping so that may help out some. Rex discussed the concept of a left turn lane up and down at Lincoln Street as this a safety hazard area. Presently, the road will stay the same on the east side but the west side will have one lane down to Harney; there will be parking from Harney to Mt. Rushmore Road. Terry questioned if DOT has discussed a "bypass" road which Rex stated is probably not going to happen due funding. Rex also mentioned that there have been personnel changes within DOT which didn't help. The Improvement Committee is going forward with their other ideas. Councilperson Schleining wondered about sidewalks which are not part of the plan except for the ADA handicap accessible ramps at the corners; there might be a turn lane added by the Forest Service.

#### **ROW OCCUPANCY PERMIT – BH POWER**

BH Power submitted a ROW Occupancy Permit for Tract Nursing Home Located in the SW ¼ Section 24, T3S, R4E, BHM, Custer City, Custer County, South Dakota, for the new UG Powerline & Pad Mtd Equipment. Councilperson Boyer moved to approve this ROW permit. Seconded by Councilperson Culberson, the motion unanimously carried. Attorney Beesley discussed future chargers for easements or occupancy or at least to participate in the benefits. Councilperson Boyer commented that if it is install underground, no charge, but if it's overhead, then we need to charge.

#### **MONTHLY REPORTS**

The Council received, reviewed, and acknowledged the Hospital Board's November report with some discussion on the problems with the write-off amounts. Changes have been made and the Board is working on the term planning process.

#### **EMPLOYEE WAGE**

Christine requested the annual merit increase for Laurie Woodward to Step 6 \$14.61 per hour effective 12-07-07 as she is a very good employee. Christine also requested the correction of Randy Schumacher's wage which was missed advertised. It should be \$10.00 per hour. Councilperson Schleining

moved to approve the increase and the correction. Seconded by Councilperson Murphey, the motion unanimously carried.

### **LIQUOR STORE EXPANSION**

Rex presented draft drawings of proposed layouts of the Liquor Store property along with an expansion on the Water Treatment Plant building. The layouts are to the eastside of the property which is the only way the layouts would work. The Mayor discussed the General Government Committees views with not relocating the Store, no remodeling as the building doesn't lend itself to that, and not to lease from another company. Rex mentioned that the first plan also includes a wine lounge and two areas for future expansion or leasing options to other businesses. The second plan allows for no future expansion, relocation of the bulk water sales, and to have trees and landscaping. The third plan allows for 3 20 ft' wide expansion areas which maximizes lease space and it doubles the Store size as well as triples the display area, plus the wine lounge. Councilperson Culberson wondered about a wine lounge which Rex stated it is a nice high end display area with chairs, fireplace, and you can have wine tasting events. The Mayor stated that wine sales across the country have increased while beer sales are down. More discussion was held on moving the bulk water sales which Bob thought there could only be two other locations; one possibly at the Street Shop or one out by West Dam. Everyone agreed that this should be a very nice looking building and keeping the area nice. Councilperson Culberson wondered what our next step is which Rex stated he has a volunteer to do conceptual drawings which can go to General Government with some good numbers. Discussion was held on the design which could be rock work 3 feet up, log with peaked roofs, landscaping, and maybe have a mining look to them.

### **CUSTER IMPROVEMENT COMMITTEE**

Matt Fridell commented that the Custer Improvement Committee's first recommendation is to change the Liquor Store since it is one of the main entrances into town. They are also recommending that there be less curb cuts along the Main Street. They would like to improve the pedestrian walking area which leads to the next recommendation of having a second Mickelson Trail Spur going out to West Dam. In the summer the population at the west end of the City increases greatly so this would be a nice way to enhance their visit. The Mayor thanked Matt for coming and for the Committee's hard work and caring about the Community.

### **CLAIMS**

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

Mayor & Council, Wages, \$4250  
Community Development, Wages, \$3562.22  
Finance Department, Wages, \$8531.27  
Public Works Department, Wages, \$5576  
Street Department, Wages, \$4032.99  
Parks Department, Wages, \$3252.21  
Liquor Fund, Wages, \$3414.02  
Water Fund, Wages, \$3965.50  
Wastewater Fund, Wages, \$4235.71  
AFLAC, Insurance, \$375.18  
Alltel, Utilities, \$347.77  
Bituminous Paving, Paving Project, \$28810.59  
BH Power, Utilities, \$1615.49  
Cedar Shore, Travel & Conferences, \$149.90  
Conoco, Supplies, \$13.15  
Culligan, Repair & Maintenance, \$123.50  
Custer business Enterprise, Supplies, \$89.90  
Custer Chamber, Travel & Conferences, \$75  
Custer Chronicle, Publishing, \$1071.85  
Custer Do It Best, Supplies, \$269.01  
Energy Laboratories, Fees, \$25  
Enviromaster, Supplies, \$22  
First Western, TIF District, \$2201.46  
Golden West, Utilities, \$662.44  
Golden West Technologies, Custer Cruisin, \$2014.59  
Hawkins Chemicals, Supplies, \$3287.75  
Holiday Inn, Travel & Conferences, \$139.90  
Kadrmass, Lee & Jackson, Paving Project, \$30605.53

Kimball Midwest, Supplies, \$310.34  
Lynn Moran, Professional Services, \$450  
Mainline Contracting, Annexation Utility Project, \$63298.28  
Menards, Supplies, \$42.48  
Lynnette Merritt, Reimbursement, \$500  
Nelson's Oil & Gas, Utilities, \$2559.72  
Northwest Pipe Fittings, Supplies, \$169.92  
Petty Cash, Supplies, Travel & Conferences, Fees, \$368.53  
Quill Corporation, Supplies, \$156.81  
Rapid City YMCA, Memberships, \$67  
Schade Vineyard, Supplies, \$96  
SD Dept. of Revenue, Fees, \$26  
SD Municipal League, Supplies, \$10  
Harold Stickney, Travel & Conferences, \$123.98  
Superior Lamp, Supplies, \$991.89  
Geney Ziolkowski, Animal Contract, \$724  
French Creek Supply, Supplies, \$396.21  
Custer Co. ROD, Fees, \$252  
Child Support Payment Center, \$314.54  
Federal Withholding, \$3501.89  
FICA, \$4950.96  
Medicare, \$1166.83  
SD Retirement, \$4618.27  
Gary Rath, Deposit Refund, \$50  
Claude Smith, Deposit Refund, \$50  
John Simmons, Deposit Refund, \$28.76  
Courtney De Neui, Deposit Refund, \$17.72  
Hespen Excavating, Deposit Refund, \$49.98  
Total Claims \$198,012.04

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:30 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden  
Finance Officer

Harold D. Stickney  
Mayor