

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
AUGUST 3rd, 2009**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of August, 2009 at 5:30 p.m. Present at roll call were Councilpersons Reetz, Starr, Murphey, Pischke, Chris Beesley, City Attorney, Bob Morrison, Public Works Director, Rex Harris, Community Development Director, and Christine Redden, Finance Officer. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Murphey moved, with a second by Councilperson Pischke, to approve the minutes from the July 20th, 2009 regular meeting. Councilperson Reetz, Murphey, and Pischke voted yes. Councilperson Starr voted no. The motion carried.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD MEETING

Bob discussed the Rally is going well; no problems. Bob let everyone know that last week there was a report that Laughing Water Creek was running high with no rain so he investigated and there was a stock dam that let loose; it was odorous for a time. This is another part that will be worked into the drainage project since the water was over Montgomery Street. Council wondered about the Camper RV and if it had been moved. Bob stated that there is a new owner who was supposed to be down this week with parts; if not, next week it will be tagged and taken care of.

Rex discussed Custer Cruisin having more vendors this year than the last two. Rex stated that the vendors are up one time and then down the next but at the end of week, they will know and with the traffic, it should be a good Rally. Also, typically, the merchants are happy.

Councilperson Pischke mentioned that there needs to be two Disc Golf pads tweaked; one is pointed in the wrong direction and the other is tipped wrong. Rex discussed the need to re-pour these two pads due to the designer not being on site when they were laid out. Although, by the time we were done, the cost was significantly lower than the estimate. Councilperson Pischke stated the course is open and they have a better map now.

MAYOR'S DISCUSSION

The Mayor informed everyone that Councilperson Sutton, Ward 2, had turned in his resignation effective July 31st, 2009 due to personal reasons which the Mayor did accept; we will be making an appointment to fill the vacant position.

The Mayor stated there would be a new policy for all project concerns from the Council; they would be put into writing on the project form, given to the Mayor, and the Mayor will then coordinate with the Department Heads; they can't have seven bosses.

COURTHOUSE BUILDING PRESENTATION

David Green, Custer County Planning Director, just wanted to let the Council and citizens know that there is an August 18th vote on the Courthouse Building project and that it is a very important vote. He summarized the various portions of the project and stated there are informational flyers available, there will be several informational meeting held (that schedule in this week's Chronicle and on the County website), and you may contact himself or Linda Nelson, County Auditor, if you have questions. He stated that there is: 1. a need for space, upgrading ADA, environmental concerns, health, and safety; 2. Multiple facilities cost more so this way they can reduce down to one building; and 3. the payment will be covered by the tax dollars that are already being generated; no increase in taxes; and this is a rare one-time funding opportunity which they do not want to miss out on. Completion is estimated to be 14 to 18 months if the vote passes. Discussion was held on the Sheriff's building and how it being destroyed would be approached so the street could be opened up. The Mayor thanked David for coming and discussing the issue.

SUBSIDY REQUESTS 2010

Donna Talley, WEAVE Executive Director, summarized the activities for the Shelter and discussed the cut in funding due to not having a shelter in Fall River County along with other federal grants funds. Christine brought up that the General Government Committee had been approached and is recommending an additional \$1000 to go towards the cost of a formal audit so that the Organization could apply for other additional funding; this would lessen the need from the City and County. Donna stated that she is also talking to the County for the other portion. They are requesting the same amount as this year which is \$5000. Councilperson Reetz moved to approve the request of an additional \$1000 this year. Seconded by Councilperson Starr, the motion unanimously carried.

The Council received a request from the 211 Help Line Center which has been established in the Northern Hills and they would like to spread out to the Southern Hills. Their request is for \$2000 for 2010. The Council requested their attendance at the next meeting to find out more information.

WAY PARK – FIRE WISE – OLSON DESIGN PROPOSAL

Tonya Olson, Olson Design, discussed the Proposal to oversee the Way Park /Fire Wise Project so it could be completed before the RAC Grant runs out. She would be available to help if there were changes needed to be implemented along the way so they would flow into the entire design. She also stated she would be able to coordinate volunteers to do the planting so the City crews could do other projects. She has worked on choosing plants, and would order them, that are fire, deer, and drought resistant. Councilperson Starr wondered if we had received the money yet which Rex stated this is a reimbursement grant. Bob discussed the Park project being taken out of the TIF which the Public Works Committee recommended bringing this back to Council. Councilperson Murphey stated that the Fire Wise project was an approved plan. Rex stated that most of the \$10,000 would cover the project; there would be other possible landscaping in the future. Councilperson Starr stated that we should be full speed ahead to get this done so he made a motion, with a second by Councilperson Murphey, to approve this proposal. It was mentioned that there is a \$500 donation from the 4-H to do signage for all the different plants and another \$1000 from another source. Councilperson Reetz would like to see the proposal implemented but wondered if we should contract this out. Rex stated there is the RAC Grant for the development; we had looked at this in the TIF but if we make adjustments, then the TIF that is underfunded, could do better; the City crew can do the small amount of prep work which would take out the sidewalks and sod; we can't do this if we go to bid, we will lose the RAC Grant due to time constraints. Bob stated that he agreed with Rex, the most expense would be in the planting time and possible the curbing. Tonya mentioned that the plants would not be the expensive part but that the irrigation system would be the largest portion; this needs to be done first so that all the planting isn't ruined by having to be dug up in the future. Rex stated that it was never the plan to have the City put in the irrigation system. Councilperson Murphey stated there are two things, we don't want to lose the Grant and the frost is coming. Bob estimated the demo work to take one day at most. The vote was taken and carried unanimously.

BLOCK PARTY – STREET CLOSURE REQUEST

Jon Dahlstrom submitted a request to close North 6th Street from Crook to the Alleyway south for a Block Party for all businesses in that section. This will be open to their clients and they are not serving alcohol. Bob stated there wasn't a problem and that the alleyway would be kept clear for emergency vehicles. Councilperson Starr moved to approve this request. Seconded by Councilperson Murphey, the motion unanimously carried.

RESOLUTION #08-03-09A - LIQUOR STORE CLOSURE

The Council received a copy of the Mayor's Veto action on the Liquor Store Closure along with Resolution #08-03-09A. Councilperson Starr moved, with a second by Councilperson Reetz, to table this Resolution. Discussion ensued regarding the State Statue which states the Council will take action at the meeting following the Veto and that reconsideration would have to be held. Councilperson Starr stated this is ironic to have two Council members gone on this night. Attorney Beesley stated the telephone call-in option was mentioned but chosen not to be used. Councilperson Starr withdrew his motion due to the State Law. Attorney Beesley suggested that the Council go ahead and vote on this. Councilperson Starr moved, with a second by Councilperson Reetz, to adopt Resolution #08-03-09A. Councilperson Starr and Reetz voted yes. Councilperson Murphey and Pischke voted no. The motion did not carry. The Mayor stated that, with Council concurrence, he would like to see an election set for the Liquor Store issue which would be held in conjunction with the June Primary. Councilperson Starr stated he would like to see this item voted on by six members of the Council.

RESOLUTION #08-03-09B – LIQUOR STORE SURVEYS

The Council received a copy of the Mayor's Veto action on the Liquor Store Survey along with Resolution #08-03-09B. Discussion was held on clarification of the Resolution wording. Councilperson Starr stated that if there was a survey completed, he thought it should be closer to the election. Councilperson Murphey stated that we should get the survey completed now; if it is overwhelming one way or the other, we wouldn't have to have an election. On the other hand, if it was so so, then we could proceed with the election. Councilperson Reetz moved, with a second by Councilperson Murphey, to adopt this Resolution. Councilperson Starr and Reetz voted yes. Councilperson Murphey and Pischke voted no. The motion did not carry. Councilperson Reetz wondered about hearing comments from the citizens in attendance. Councilperson Murphey stated that if there was new information, then we could hear it, but otherwise not; we're tired of hearing the same information over and over. Dave Coppess did comment that he is in favor of the election and it should be pursued. Attorney Beesley stated that the Council already agreed to wait until there were six members to vote on the election.

EMPLOYEE MERIT INCREASE

Councilperson Starr moved to approve the merit increase for Jeri Hewitt to Step 4 \$16.24 per hour effective August 7th, 2009. Seconded by Councilperson Pischke, the motion unanimously carried.

DISCUSSION ITEMS

The Council was presented with a sales tax comparison from 2006 thru 2009 based on the same timeframe for payments received from the State. We are up 2.15% over last year at this same time.

Mike Nielsen wondered if there couldn't be something done with Crook Street since it has become quite the cycle route; it's a safety issue. Bob stated that he would look at what could be done with a temporary setup.

The Council received a copy of the Auction Statement which Bob stated we received \$3,247.65 for the surplus equipment sold July 22nd, 2009. He did hold back on the old jetter as another smaller community might be able to use it.

The Council was given a packet of information regarding the SDML Annual Conference October 6th thru 9th in Watertown and SDPAA Workmen's Comp Board Election.

The Mayor mentioned a letter received from USD complimenting our Finance Officer on completing the Municipal Clerks School which took a three year commitment.

CLAIMS

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

AFLAC, Insurance, \$471.88
Beesley Law Office, Professional Fees, \$2820
Bierschbach Equipment, Supplies, \$158
Black Hills Power, Utilities, \$3420.65
Cask & Cork, Supplies, \$748.30
Castle Cleaning, Repair & Maint., \$880
Century Business, Supplies, \$93.70
Coca-cola, Supplies, \$390
Custer Chronicle, Publishing, \$1304.25
Custer County, Election Supplies, \$25.90
Custer Do It Best, Supplies, \$555.81
Custer Regional Medical Clinic, Testing, \$20
Dakota Supply Group, Repair & Maint., Supplies, \$508.65
Fastenal, Supplies, \$386.13
First Western Bank, TIF Payment, \$1953.24
FourFront Design, Professional Fees, \$15596.60
Gunderson, Palmer, Goodsell, & Nelson, Professional Fees, \$576
Hawkins Chemical, Supplies, \$5193.10
HD Supply Waterworks, Supplies, \$1705.46
Hillyard, Supplies, \$370.23
Jim Dandy Snack Foods, Supplies, \$57
Scott Kellogg, Reimbursement, \$171
Lamar, Publishing, \$1200
Lynn Moran, Professional Fees, \$50
McGas Propane, Utilities, \$595.24
McBride Candy, Supplies, \$66
Okoboji Wines, Supplies, \$215.80
Petty Cash, Supplies, Fees, \$312.19
Power House, Repair & Maint., \$48.14
Prairie Berry, Supplies, \$258
Quill Corporation, Supplies, \$167.24
Rapid City YMCA, Memberships, \$141
Shawn Dargie, Refund, \$25
Sign & Trophy/Westex, Supplies, \$15.25
Signs by Mike Lewis, Supplies, \$147.90
Harold Stickney, Travel & Conference, \$41.44
Summit Signs & Supply, City Recreation, \$37.70
Tatiana's Import Beverages, Supplies, \$554.90
Western Wholesale, Supplies, \$3184.75
Wright Express, Supplies, \$1253.57
Geney Ziolkowski, Animal Contact, \$800
Rock Orphans, Custer Cruisin, \$800
Laura Hadd, Deposit Refund, \$100
Wayne/Maria Graves, Deposit Refund, \$50
Sandra Cutshall, Deposit Refund, \$50
Matthew/Vanes Brunner, Deposit Refund, \$50
David Myers, Deposit Refund, \$13
Total Claims \$47,583.02

EXECUTION SESSION

Councilperson Starr moved to go into and out of an executive session due to potential litigation, contract negotiation, and personnel at 6:53 p.m. Seconded by Councilperson Murphey, the motion unanimously carried. The session adjourned at 7:30 p.m. with no action taken.

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 7:31 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor