

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
DECEMBER 21ST, 2009**

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

AGENDA

Councilperson Murphey moved, with a second by Councilperson Pischke, to approve the agenda. Council discussed moving new business item 8.h 2009 Audit Proposals to the first item in new business due to the number of people in attendance for that item. Councilperson Murphey amended his motion to approve the agenda with the change of moving item 8.h to the first item in new business. Seconded by Councilperson Pischke, the motion unanimously carried.

MINUTES

Councilperson Murphey moved, with a second by Councilperson Starr, to approve the minutes from the December 7th, 2009 meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Councilperson Schleining stated that she would have a conflict with the Food Pantry Donation and would be doing the presentation but would abstain from voting. No other conflicts were stated.

DEPARTMENT HEAD MEETING

Bob discussed the Source Water Protection Meeting that was held with five community people in attendance along with five state employees. This is a county wide project and people in attendance were asked to bring recommendations back. They are planning to have another meeting. Bob mentioned the change in weather that is suppose to be coming our way.

Rex stated that the deer harvest has been finished for the year with 100 deer being harvested. Some of the meat has been donated to the Food Pantry with the possibility of more to still be donated. Rex stated that the deer harvest went really smooth this year. Rex also mentioned that he has the preliminary survey information on the downtown TIF.

SECOND READING ORDINANCE #671 – SUPPLEMENTAL APPROPRIATIONS

Councilperson Schleining moved to approve Supplemental Appropriations Ordinance #671, seconded by Councilperson Ressler. Councilperson Reetz questioned why some of these funds needed to be supplemented. Laurie explained the reasons for some of the funds being supplemented and where the money for this supplement was coming from. The motion unanimously carried.

RESOLUTION 21-21-09A – EMPLOYEE MANUAL UPDATE

Mayor Stickney explained that this change is to coincide with our insurance providers policy. Councilperson Pischke moved to approve Resolution 12-21-09A. Seconded by Councilperson Murphey, the motion unanimously carried.

RESOLUTION # 12-21-09A

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 07-24-06; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified regarding Policy #3 Employee Classifications, 3.1 Definitions, Part-time Employee with the following and it shall read as follows:

An employee who is employed by the city to work at least 20 hours but less than 40 hours per week on a regular basis and has completed his/her employee-in-training period.

BENEFITS:	Vacation Leave:	Prorated to hours worked
	Sick Leave:	Prorated to hours worked
	Holiday Pay:	Prorated to hours worked
	Health Insurance:	30 hours or more City pays in full Less than 30 hours no benefit
	Life Insurance:	30 hours or more City pays in full Less than 30 hours no benefit
	Personal Emergency Leave:	Prorated to hours worked
	Short Term Disability:	Prorated to hours worked
	SD Retirement System:	Participating

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

Dated this 21st day of December, 2009

S/Harold D. Stickney, Mayor

RESOLUTION 12-21-09B – NON-COLLECTIBLE UTILITY ACCOUNTS

Council received the listing of the utility accounts that are to be taken off the books but not our listing; these have already been processed through Small Claims Court. Councilperson Murphey moved to approve Resolution 12-21-09B. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION NO. 12-21-09 B

WHEREAS, Book 3, Supplemental, Chapter 9-22-4 of the South Dakota Codified Law states “every municipality may assign for collection any or all delinquent accounts receivable. After reasonable collection efforts, the governing body may determine that an account is non-collectible, and by formal action direct that the non-collectible amount be removed from the records and disclosed on that year’s financial report. Evidence of the debt removed from the records by the formal action of the governing body shall be retained by the municipality to support possible subsequent collection of that debt.”

WHEREAS, efforts have been made to collect these past due accounts receivable, and
WHEREAS, adequate time has elapsed to consider these accounts receivable delinquent and past due,
NOW THEREFORE BE IT RESOLVED that the following accounts be deemed non-collectible and removed from the records and disclosed on the 2009 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Charles Fadness	401580-09	\$ 39.02
Kevin Thomson	400640-00	\$ 21.02
	TOTAL	\$ 60.04

Signed this 21st day of December, 2009.

S/Harold D. Stickney, Mayor

WAZI LANE WATER & SEWER IMPROVEMENTS

Councilperson Reetz mention the Golf Board will be meeting and discussing this item. Council decided to have this item brought back to Council after January 1st.

EAST CUSTER SEWER RATE

Brief discussion was held on whether we can make changes to the contract or if having the contract completely rewritten would be better. Council decided to have this item brought back to Council after January 1st.

It was decided to have the seconded meeting in January on January 25th due to the January 18th being a holiday and there being council people gone for a quorum on January 19th.

2009 AUDIT PROPOSALS

Mayor Stickney made a statement regarding the 2009 audit proposals that mentioned the following points 1) whomever does the audit must be accredited by the State, as the current auditor is; 2) The current auditor has performed the audit for the city for the last 4 years; 3) the amount bid by the current auditor, Ben Elliott, is within the \$7,000 budgeted for 2010; 5) In a budgetary shortfall it may not be wise to spent \$3,750 more to get the same job done this year and maybe we should budget more for the next budget and then look at switching auditors.

Councilperson Starr moved to accept the Ketel Thorstenson 2009 Audit Proposal for a 4 year contract, seconded by Councilperson Schleining. Councilperson Starr mentioned that we received 5 audit proposals. Councilperson Murphey stated he didn’t feel we should be supplementing the budget for this when we have a qualified bid within the budgeted amount. Councilperson Murphey also mentioned that someone that knows the office procedures and software can usually do the audit in less time than a new auditor.

Larry VanZetten mentioned that the proposal is a 1 year contract for 4 years. He also stated that he talked to Deane Dayton and Deane stated that he felt to get a quality audit for a 2nd class municipality it would take 200 hours. Larry would recommend Ketel Thorstenson for the 2009 audit.

Fran Himrich questioned when the audit would be complete. She stated that she feels the new auditor would help them learn the facts about the liquor stores. Shefeels a new auditor would be well worth it.

Lee Sutton stated he feels the council should accept the Ketel Thorstenson proposal. He feels an audit by someone not tied to the City in the past would be good.

Laurie mentioned that she spoke with Ketel Thorstenson and they would have the draft to the City by April 30th and present to the Council on May 3rd for the same price of \$9,750 that they proposed. They also would complete an audit of the Liquor Store to be complete by the same date at an additional cost. Laurie will find out an estimate cost for completing an audit on the Liquor Store and present it at the December 30th meeting.

Councilperson Starr rescinded his motion and Councilperson Schleining her second. Councilperson Starr moved to accept the 1 year 2009 audit proposal by Ketel Thorstenson for \$9,750 to be delivered by April 30th. Seconded by Councilperson Schleining, the motion unanimously carried.

FINAL PLAT – NESTLE ROCK SUBDIVISION

Rex presented the information on this plat, which the Planning Commission recommended for approval. Councilperson Starr moved to approve the Nestle Rock Subdivision final plat. Seconded by Councilperson Pischke, the motion unanimously carried.

FINAL PLAT – LUCERO SUBSIDIVISION

Rex presented the information on this plat, which the Planning Commission recommended for approval. Councilperson Murphey moved to approve the Lucero Subdivision final plat with the Planning Commission recommendations. Seconded by Councilperson Starr, the motion unanimously carried.

8TH STREET BRIDGE

Mayor Stickney mentioned that the county would like to turn the 8th Street bridge ownership over to the City. Bob stated that the City would take ownership of the bridge after it is fixed. The county is asking for a statement from the City as to which option they would like to see done, whether it be to repair the bridge at an estimated cost of \$136,360 or to replace it with box culvert at an estimated cost of \$238,975. This would come from the 2012 funds and is an 80/20 match with the State Bridge Fund. Councilperson Murphey moved to have the Mayor write a letter of support to the County stating that the City is in agreement that the box culvert option is what they would like to have done. Seconded by Councilperson Starr, the motion unanimously carried.

CUSTER MINISTERIAL ALLIANCE DONATION

Councilperson Schleining mentioned some of the projected for the holidays that the Custer Ministerial Alliance has been working on. It was mention that the Ministerial Alliance should put in their request for subsidy when the other organization make request for the budget. Karen will let them know the process and find out how much they are short for this year and report back to council..

FOOD PANTRY DONATION

Councilperson Schleining made a presentation on behalf of the Food Pantry. Various other organization have made donations to the Food Pantry and due to those donations they now have enough money to purchase the building. In order to open they have to do \$18,000 to \$20,000 of remodeling on the inside. Councilperson Schleining asked for a donation of \$10,000 to help with the renovations of the building. Councilperson Murphey moved to approve a donation of \$10,000 to the Food Pantry. Seconded by Councilperson Starr, the motion unanimously carried with Councilperson Schleining abstaining.

EMPLOYEE MERIT INCREASES AND NEW HIRE

The Mayor mentioned that the three employees are doing a great job and that the new hire was a great choice. Councilperson Ressler moved to approve the wage increases for Gaile Walker to Step 4 at \$16.24 effective 12/19/09, John Dumire to Step 4 @ \$16.24 effective 12/19/09, Tim Wollaston to Step 3 at \$16.81 for time in parks and \$18.81 for time at the liquor store effective 12/25/09 and the hiring of Lisa Steever as Deputy Finance Officer effective 12/14/09 at Step 1 – Probation at \$13.66. Seconded by Councilperson Pischke, the motion unanimously carried.

ELECTION DATE

Councilperson Murphey moved to approve the agreement for a combine election with the county to be held on June 8th, seconded by Councilperson Pischke. The motion unanimously carried.

Dave Coppess spoke to the council about the time frame that it has taken to get to this point with the Liquor Store. He also expressed his opinion on someone outside the city circulating a petition even though it is legal.

Councilperson Reetz asked the attorney how a petition can override the two motions that were made regarding the Liquor Store. The attorney stated that the petition does override the two motions regarding the closure of the Liquor Store and that once the petition was filed the Liquor Store can't be acted on until after the election.

CLAIMS

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

5280 Consulting, Professional Fees, \$4000.00

Alltel, Utilities, \$527.83

Black Hills Truck & Trailer, Repairs & Maint., \$70.07

Cask & Cork, Supplies, \$398.00

Chadron Wholesale, Supplies, \$405.00

Custer Chamber of Commerce, Sales Tax Subsidy, \$13067.65

Custer Co. Chronicle, BID Advertising, \$2650.00

Custer Community Health Services, Sales Tax Subsidy, \$18216.83

Dakotacare, Insurance, \$7841.04

Energy Laboratories, Testing Fees, \$34.00

Enviromaster, Supplies, \$22.00

Grimm's Pump, Supplies, \$1204.51

Gunderson, Palmer, Goodsell, Professional Fees, \$9518.89

Hach Company, Supplies, \$120.67

Harbison, Daniel, Reimbursement, \$357.54

Harris, Rex, Travel, \$33.30

Hartman Construction, YMCA Building, \$6400.00

Hawkins Chemical, Supplies, \$10.00

Jenniges Masonry, Disc Golf, \$1224.00

Kellogg, Scott, Reimbursement, \$57.00

Lawrence & Schiller, Professional Fees, \$989.00

Lawson Products, Supplies, \$85.88

Mobridge Candy, Supplies, \$35.50

Okoboji Wines, Supplies, \$92.00

Pitney Bowes, Supplies, \$500.00
Prairie Berry, Supplies, \$729.00
Rapid City YMCA, Memberships, \$110.00
Sander Sanitation, Utilities, \$11292.61
Sanitation Productions, Repairs & Maint., \$461.92
SD State Executive Management, Utilities, \$19.98
SEMS Technologies, Professional Fee, \$49.95
Stickney, Harold, Travel, \$79.18
Western Wholesale, Supplies, \$5910.79
Chamber of Commerce, Supplies, \$150.00
Petty Cash, Supplies, Travel, Safety Equip, \$416.84
SD Dept Revenue, License, \$25.00
Van Arp, Professional Fees, \$200.00
Bradeen, Ron, Utility Refund, \$13.00
Total Claims \$87,318.98

DISCUSSION ITEMS

Mayor Stickney mentioned that Senator Johnson will be stopping in Custer on January 6th. He will be taking a windshield tour of Custer and the Mayor and Rex plan to visit with him about the stimulus program. Councilperson Starr asked that January 6th be posted as a public meeting since several of the Council members plan on attending the windshield tour.

Councilperson Starr questioned the handicap parking system and the requirements. He mentioned he would like a cost analysis on various options.

BREAK 7:20

EXECUTIVE SESSION

Councilperson Murphey moved to go into and out of executive session at 7:28 p.m. due to personnel with the Finance Officer present. Seconded by Councilperson Pischke, the motion unanimously carried. The session adjourned at 7:47 p.m., with no action taken.

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 7:47 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Harold D. Stickney
Mayor