

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
February 16<sup>th</sup>, 2010**

Mayor Harold D. Stickney called to order the second regular meeting of the Common Council for the month of February, 2010 at 5:30 p.m. Present at roll call were Councilpersons Reetz, Murphey, Ressler, Pischke, and Councilperson Starr by phone and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Ressler moved, with a second by Councilperson Murphey, to approve the minutes from the February 1<sup>st</sup>, 2010 meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

Councilperson Starr stated that he would abstain from voting on the Cold Discovery Days.

**DEPARTMENT HEAD MEETING**

Bob Morrison, Public Works Director, mentioned that the statues that will be place at the entrance to the skywalk trail have been repainted and look really good. Bob is hoping to have the preliminary designs for the new shop building and cost for the next Public Works Committee meeting. Bob also stated that the current packer needs to be replaced, however he has enough in his budget for it.

Rex Harris, Community Development Director, stated that he didn't have anything other than the items on the agenda.

**MICHAEL ENGELHART – ZONING LAW**

Michael Engelhart addressed the council with his concerns regarding nonconforming lots with in the City. Michael tired to purchase a home however could not get the financing due to the lot being nonconforming and the City's policy stating that they could not rebuild if something happen to the house. There appears to be a few nonconforming lots in the City, Michael feels the City needs to be aware of this issue and the effects it can have on people wishing to purchase homes that sit on nonconforming lots. Discussion was held on grandfathering some of these lots in. Council decided that this should be referred to the Planning Commission to come up with a solution. The Mayor thanked Michael for bringing this issue to the Council's attention.

**EXECUTIVE PROCLAMATION – ROTARY DAY**

Mayor Stickney read the following executive proclamation proclaiming February 23<sup>rd</sup> as Rotary Day.

City of Custer City  
From the Desk of the Mayor  
EXECUTIVE PROCLAMATION

WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois USA, is the world's first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary club members comprised of professional and business leaders in over 33,000 clubs in 200 countries and geographic areas; and

WHEREAS, the Rotary motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary in 1985 launched Polio Plus and spearheaded efforts with the World Health Organization, U.S. Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, To date, Rotary has contributed nearly US\$850 million and countless volunteer hours to the protection of more than two billion children in 122 countries; and

WHEREAS, Rotary has raised US\$100 million towards a \$200 million challenge grant from the Bill & Melinda Gates Foundation for a total of US\$335 million; and

WHEREAS, These efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and

WHEREAS, In addition, rotary has played a major role in decisions by donor governments to contribute over \$4 billion to the effort; and

WHEREAS, Rotary is the world's largest privately-funded source of international scholarships and promotes international understanding through scholarships, exchange programs and humanitarian grants; and

WHEREAS, about 40,000 students from 130 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

WHEREAS, Rotary's Group Study Exchange program has helped more than 67,000 young professionals explore their career fields in other countries; and

WHEREAS, 7,000 secondary-school students each year experience life in another country through Rotary's Youth Exchange program; and

WHEREAS, there are over 34 Rotary club members in the Custer Rotary Club which sponsor service projects to address such critical issues as poverty, health, hunger, illiteracy and the environments in their local communities, and abroad.

NOW, THEREFORE, I, Harold D. Stickney, Mayor of Custer City, of the State of South Dakota, do hereby proclaim 23 February, as Rotary Day in Custer City, and encourage all citizens to join me in recognizing Rotary International for its more than 105 years of service and the Custer Rotary Club for its more than 75 years of service to improving the human condition in local communities around the world.

CITY OF CUSTER CITY

S/Harold D. Stickney, Mayor

**EXECUTIVE PROCLAMATION – DATING VIOLENCE AWARENESS MONTH**

Mayor Stickney read the following executive proclamation for dating violence awareness and prevention month.

City of Custer City

From the Desk of the Mayor

**EXECUTIVE PROCLAMATION**

WHEREAS, Dating violence is a reality for many young people, and an issue that many are unaware of; and

WHEREAS, One in three young people are affected by physical, sexual, or verbal dating violence, with one in five in a serious relationship reporting having been slapped, pushed, hit, threatened, or coerced by a partner, and breakups can be a time of even greater risk even when a relationship was never physically abusive; and

WHEREAS, Young people can choose better relationships when they understand that healthy relationships are based on respect, and learn to identify early warning signs of an abusive relationship; and

WHEREAS, Elimination of dating violence must be achieved through cooperation of individuals, organizations, and communities; and,

WHEREAS, Dating Violence Awareness Month provides and excellent opportunity for citizens to learn more about preventing dating violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims:

NOW, THEREFORE, I Harold D. Stickney, Mayor of the Custer City of South Dakota, do hereby proclaim February 2010 as

**DATING VIOLENCE AWARENESS MONTH**

in South Dakota, and I urge all citizens to recognize and continue to work for justice and compassion for all victims of dating violence.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Custer City to be affixed this sixteenth day of February in the year of our Lord Two Thousand and Ten.

CITY OF CUSTER CITY

S/Harold D. Stickney, Mayor

**STATEMENT OF VALUES**

The Council decided to place this on the March 1<sup>st</sup> Council agenda at which time Council will present their recommendations.

**RESOLUTION #2-16-10A – EMPLOYEE PERSONNEL MANUAL AMENDMENT**

Councilperson Ressler moved to adopt Resolution #2-16-10A Employee Personnel Manual Amendment. Seconded by Councilperson Pischke. Discussion was held on who has the right to access the employee's personnel file and whether the resolution should say decision making authority versus Common Council. Councilperson Ressler

withdrew her motion and Councilperson Pischke his second. Attorney Beesley will look into this and report back to Council.

### **RESOLUTION #2-16-10B – EMPLOYEE PERSONNEL MANUAL AMENDMENT**

Councilperson Starr moved to adopt Resolution #2-16-10B Employee Personnel Manual Amendments. Seconded by Councilperson Pischke, the motion unanimously carried.

#### **RESOLUTION # 02-16-10B**

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 #6 Compensation, 6.6 Benefits, 6.6.1 Health Insurance and 6.6.3 Life Insurance with the following and it shall read as follows:

##### **6.6.1 Health Insurance**

Except as otherwise provided, the City will provide all full time employees and part-time employees with health insurance coverage as determined by the City Council. The City will pay the employee portion of the premium cost for the full time employee. Dependent coverage and premium cost will be the responsibility of the employee. The insurance coverage will begin the first day of the month following their employment date.

##### **6.6.3 Life Insurance**

The City will provide all full-time employees a group life insurance policy as determined by the City Council.

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified regarding Policy #2 General Policies, 2.1 Organizational Code of Conduct, with the following and it shall read as follows:

##### **2.1 Organizational Code of Conduct**

The City and its employees must, at all times, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violations of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their superior, who, if necessary, will seek further legal advice.

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified regarding Policy #2 General Policies, 2.11 Sexual Harassment, and section title shall read as follows:

##### **2.11 Workplace Harassment**

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

Dated this 16<sup>th</sup> day of February, 2010.

S/Harold D. Stickney, Mayor

### **WASTEWATER TREATMENT PLANT BRIDGE**

Bob stated that the flood plan analysis is almost complete and that the elevations need to be completed and final design of the bridge needs to be approved. The rough costs estimate for 16' wide bridge using twin 3'x7' box culverts is \$140,000. Bob will have something for the next Public Works Committee meeting.

### **CROOK STREET CHIP SEAL PROJECT**

Bob stated that the specifications and measurements are ready for bids. Bob is planning to bid the Crook Street chip seal project the same time as the 8<sup>th</sup> & Crook Street intersection in hopes of getting a better price. The surveying for the intersection should be complete this week and then review plans will be hopefully 1 to 2 weeks.

### **WAZI LANE WATER & SEWER IMPROVEMENTS**

Bob stated that the purpose of this project was to protect the water source and that the City owned Golf Course is now in City limits and has a septic system operating next to West Dam. The estimated cost to run the sewer south on Wazi Lane to within 400 feet of the Club House is \$64,000. The cost to hook up the Club House would be \$8,000 to \$12,000 depending on the elevations and digging conditions. Council discussion if any residents further down Wazi Lane would be annexed in and hooked up to the sewer. Since this wasn't included in the 2010 budget, Council decided to make this a high priority in the 2011 budget.

### **COLD DISCOVERY DAYS**

Council was presented with the schedule of events for the Cold Discovery Days to be held February 26<sup>th</sup>-28<sup>th</sup> and the Certificate of Insurance for the event. Councilperson Ressler moved to approve the Cold Discovery Days event to be held February 26<sup>th</sup>-28<sup>th</sup> and the use of the City facilities on February 27<sup>th</sup> and 28<sup>th</sup>. Seconded by Councilperson Murphey, the motion unanimously carried.

### **CEMETERY MAINTENANCE CONTRACT**

The Council received the Cemetery Maintenance Contract with the proposed amount from Cheryl Hadlock to return. The amount requested was \$22,809.35, which included a 3% increase from last year. Bob stated that the City has received a lot of complements on the great job the Hadlocks have done. The 2010 budget has \$23,700 budgeted for the cemetery maintenance contract. Councilperson Murphey suggested we offer the contract as the same rate at last year.

Councilperson Ressler moved to accept the contract with the 3% increase which would make the 2010 contract amount at \$22,809.35. Seconded by Councilperson Pischke, the motion unanimously carried.

#### **UTILITY WORK VEHICLE BIDS**

Bob recommended approval in purchasing of a 2010 Bobcat 5600 Toolcat for \$33,770.00 from Jenner Equipment, which was the only bid that we received. Bob also recommended purchase of the following attachments; tiltable device, snow blower, power attachment, snow blade, bucket, mower, and rotary cutter for \$16,628. The total for everything would be \$50,398, while \$60,000 was budget for this purchase. Councilperson Murphey moved to approve the purchasing of the 2010 Bobcat 5600 Toolcat and the attachments that Bob recommended for a total of \$50,398. Seconded by Councilperson Ressler, the motion unanimously carried.

#### **RETREAT FACILITATOR**

The Mayor stated that he had visited with Kristi Wagner about facilitating the Council Retreat and she said she would do it for \$800 for 8 hours. Councilperson Ressler stated that she felt Kristi would be good as she is aware of the needs of the area as she is involved with the community assessment that is taking place. Councilperson Ressler moved to approve paying Kristi Wagner \$800 to facilitate the Council Retreat to be held on February 27<sup>th</sup>. Seconded by Councilperson Pischke, the motion unanimously carried.

#### **CLAIMS**

Councilperson Murphey moved, with a seconded by Councilperson Pischke, to approve the claims. The motion carried. Councilperson Starr abstained.

A&B Welding, Repairs & Maintenance, \$26.00  
Adams Machining & Welding, Repairs & Maintenance, \$831.99  
Advanced Drug Testing, Professional Fees, \$36.00  
Al Cornella Refrigeration, Repair & Maintenance, \$796.27  
American Linen, Repairs & Maintenance, \$284.68  
Birmingham Letterhead, Supplies, \$338.00  
Black Hills Phones, Utilities, \$50.00  
Black Hills Power & Light, Utilities, \$10005.20  
Butler Machinery, Supplies, \$138.34  
Chadron Wholesale, Supplies, \$618.42  
Coca-Cola, Supplies, \$141.00  
Culligan Water, Repair & Maintenance, \$17.50  
Custer Car Wash, Repair & Maintenance, \$4.25  
Custer Do It Best, Supplies, Repairs & Maintenance, \$171.40  
Custer True Value, Supplies, Safety Equipment, \$491.08  
Custer Youth House, Subsidy, \$2000.00  
Eagle Sales, Supplies, \$1949.50  
Energy Lab, Professional Fees, \$34.00  
First Interstate Insurance, Insurance, \$50.00  
Fisher Beverage, Supplies, \$2426.43  
French Creek Supply, Supplies, Repair & Maintenance, \$605.05  
Golden West Companies, Utilities, \$889.40  
Golden West Technologies, Supplies, Professional Fees, \$4730.00  
Hach Company, Machine & Equipment, \$1736.95  
Hawkins Chemical, Supplies, \$3276.20  
Kellogg, Scott, Reimbursement, \$39.00  
Lynn's Dakotamart, Supplies, \$45.44  
Mobridge Candy, Supplies, \$71.00  
Moran USA, Supplies, \$132.53  
Nelson's Oil & Gas, Supplies, \$1032.00  
Overhead Door Company, Repairs & Maintenance, \$92.25  
Prairie Berry, Supplies, \$420.00  
Rapid City Telco FCU, Travel & Conference, \$556.90  
Rapid City YMCA, Memberships, \$226.00  
Rapid Delivery, Professional Fees, \$8.80  
Republic National, Supplies, \$3362.92  
S & B Motor, Supplies, Repairs & Maintenance, \$970.14  
SD State Executive Mgmt, Utilities, \$28.52  
SEMS Technologies, Professional Fees, \$49.95  
Signs By Mike Lewis, Supplies, \$150.96  
Stickney, Harold, Travel & Conference, \$192.13  
The Ice House, Supplies, \$38.40  
Western Wholesale, Supplies, \$7234.88

Woodward, Laurie, Travel & Conference, \$33.30  
Zep Manufacturing, Supplies, \$1322.43  
Custer Business Solutions, Supplies, \$35.00  
L & A Welding, Supplies, \$55.42  
SD State Treasure, Unclaimed Property, \$153.61  
Chamber of Commerce, Sales Tax Subsidy, \$4526.75  
Custer Community Health Service, Sales Tax Subsidy, \$26774.61  
First National Bank, SRF Loan Payment, \$4639.68  
Petty Cash, Supplies, Small Claims, \$48.98  
USDA Rural Development, Loan Payment, \$8910.00  
Fadness, Arley, Utility Refund, \$50.00  
Total Claims \$92,849.26

**2008 AUDIT REVIEW**

Councilperson Ressler moved to table this till the March 1<sup>st</sup> meeting so Council has a chance to look over the hand out that Christine Redden presented them. Seconded by Councilperson Reetz, the motion unanimously carried.

Councilperson Starr left from the meeting.

**DISCUSSION**

Mayor Stickney read the letter that he had written to Senator Johnson after the Senator could not make the trip to Custer for a windshield tour due to the weather. The Mayor then mentioned that Matt Varilek with Senator Johnson office had called and encouraged the City to put in a federal appropriation request to help with the downtown TIF. Senator Johnson is hoping to make a trip to Custer in March or April.

**BREAK 7:14**

**EXECUTIVE SESSION**

Councilperson Murphey moved to go into and out of executive session at 7:21 due to potential litigation and personnel with the Finance Officer, Rex Harris and Christine Redden present. Seconded by Councilperson Ressler, the motion unanimously carried. Rex Harris and Christine Redden left the executive session at 7:36. The session adjourned at 7:56 with no action taken.

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:57 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Harold D. Stickney  
Mayor