

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
March 1st, 2010**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of March, 2010 at 5:30 p.m. Present at roll call were Councilpersons Pischke, Starr, Murphey, Reetz, and Schleining. The Pledge of Allegiance was stated. Councilperson Ressler and Attorney Lynn Moran joined the meeting.

AGENDA

Councilperson Schleining 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 February 16th, 2010 meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

DEPARTMENT HEAD MEETING

Bob Morrison, Public Works Director, mentioned that they have been having trouble with water lines and culverts freezing. The people who had spaces in the community garden last year have till April 1st to reserve the same space they had last year at the same cost of \$25. After that time the spaces will be opened up to anyone. Bob stated that his crew had been looking into some possible problems with the Flynn Creek discharge line.

Rex Harris, Community Development Director, mentioned that the next Long Term Recreation Committee meeting will be March 16th at which time the Community Assessment Health and Wellness group will also meet.

STATEMENT OF VALUES

Councilperson Reetz stated that he felt we should hold off on a decision till this goes to committee. It was stated that the renewal date is April 1st. Councilperson Murphey moved to approve the statement of values. Seconded by Councilperson Starr, the motion unanimously carried. The public works committee will discuss the statement of values at their next meeting and bring any recommendations back to Council at which time changes can be made if Council decides to.

RESOLUTION #3-1-10A – EMPLOYEE PERSONNEL MANUAL AMENDMENT

Councilperson Reetz questioned the word confidential and its meaning and stated that he doesn't think we should restrict the council so they cannot access the personnel records. Attorney Lynn Moran stated that the employees need to know that their personnel files are confidential and that their information is safe. Councilperson Murphey moved to adopt Resolution #3-1-10A employee personnel manual amendment. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION # 03-1-10A

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 #2 General Policies, 2.15 Personnel Records, with the following and it shall read as follows:

It is the policy of the city to maintain accurate and updated information on each municipal employee in its personnel files. The personnel file may include the following, but will not include any information contained in the confidential file listing (see policy 2.8):

- Personal data sheet
- Letters of commendation
- Payroll deduction authorizations
- W-4 form
- Leave and absence slips
- Disciplinary actions
- Termination or discharge record
- Previous positions held with the city and rate of pay
- Work hour records
- Overtime records
- Performance appraisals

The finance officer shall be responsible for maintaining all personnel records. In the absence of the finance officer, his/her designee shall assume responsibilities for such personnel records.

All employee records are confidential. Such records shall be accessible only to the individual employee, and the employee's supervisor, except that the Common Council may gain access there to solely for the purpose of any decision affecting the individual employees status, by a vote of two-thirds of the Council.

The employee or his/her representative shall have reasonable access to his/her personnel records upon request to the finance officer. The file will be made available to the employee's representative only upon express written authorization by the employee.

No written incident report or records of disciplinary action shall be placed in an employee's personnel file unless the city first advises the employee of its intent to enter such document into the file and affords him/her an opportunity to read and sign such material. Signing does not imply agreement, only that the contents have been made known to or discussed with the employee.

The employee shall have the express right to submit a letter of rebuttal to his/her file regarding any information contained in his/her file that is in dispute.

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

Dated this 1st day of March, 2010.

s/Harold D. Stickney, Mayor

RESOLUTION #3-1-10B – 2010 CENSUS

Councilperson Starr moved to adopt Resolution #3-1-10B in support of the 2010 Census with the change of the date on the resolution. Seconded by Councilperson Murphey, the motion unanimously carried.

RESOLUTION # 03-01-10B

A Resolution in support of and partnership with the 2010 Census

WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provide a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS our organization is committed to ensuring every resident is counted;

WHEREAS more than \$400 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data, including health care, community development, housing, education, transportation, social services, employment and much more;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS the 2010 Census creates hundreds of thousands of jobs across the nation;

WHEREAS every Census Bureau worker takes a lifetime oath to protect confidentiality. And the Census Bureau ensures that the data identifying respondents or their household not be released or shared for 72 years;

WHEREAS a united voice from business, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census;

Now, therefore, BE IT RESOLVED that our organization:

1. Supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation.
2. Asks its affiliates and membership to work together to achieve an accurate and complete count.
3. Encourages people in our community to participate in events and initiatives that will raise the overall awareness of the 2010 Census and increase participation among all populations.

Dated this 1st day of March, 2010.

s/Mayor Harold D. Stickney

EAGLE SCOUT RECOGNITION

The Mayor informed the Council that the Custer area had three people recognized for becoming Eagle Scouts. One of them being Alexander Heaton from Custer. Mayor Stickney read the letter to the council that he wrote commending Alexander on his accomplishment.

SCHOOL WARNING SIGNS

The current school warning signs tend to be ignored. These new LED school sign would say when flashing and have a dual flashing LED strip set near the top and bottom that would increase awareness of the school zone. It was also mentioned that the south sign need to be moved further south due to the elementary school crossing area. The cost would be around \$5,000 for two signs. The school and the sheriff's office have both stated that they would be in favor of these signs. Council suggested we talk to DOT about the signs and the possibility of helping with the cost and that we should ask the school to contribute to the cost also. This item will be brought back to the next Council meeting.

BILLBOARDS

Rex mentioned that Attorney Chris Beesley had stated that the billboards can only be removed if the City would buy the business. Several years ago the same issue went to court and the sign owner won against the City, so they are legal. Rex stated that we can leave the sign ordinance as it is to restrict these types of signs however these current signs will have to be allowed to stay. Councilperson Starr stated that we should ask the owner how much it would cost the City to have him remove the signs just so the City would know what the dollar amount would be.

NEW HIRE

This is for a new permanent part time employee at the Liquor Store due to the previous part time employee quitting. Councilperson Murphey moved to approve hiring Dana Krosch as permanent part time Liquor Store Clerk at \$9.00 hour effective 2/26/10. Seconded by Councilperson Pischke. Councilperson Reetz stated that he would rather see the City cut the hours at the Liquor Store versus hiring another part time employee. Councilperson Starr asked Laurie to bring a breakdown of the sales by hours for the Liquor Store to the next General Government Committee meeting. The motion carried with Councilperson Pischke, Starr, Ressler, Murphey and Schleining voting yes and Councilperson Reetz voting no.

MONTHLY REPORTS

The Council received and acknowledged the Hospital Board monthly report and the Sheriff's January Reports. Councilperson Ressler presented the information on Hospital Board monthly report.

CLAIMS

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

5280 Consulting, BID District, \$4000.00
Advanced Drug Testing, Safety Equipment, \$108.00
Alltel, Utilities, \$433.32
AFLAC, Insurance, \$426.28
Beesley Law Office, Professional Fees, \$1818.44
Black Hills Power & Light, Utilities, \$1977.61
Custer County Chronicle, Publishing, \$490.27
Custer Business Solutions, Supplies, \$24.95
Custer Food Pantry, Subsidy, \$1500.00
Custer Area Arts Council, Subsidy, \$1000.00
Custer Senior Center, Subsidy, \$4000.00
Cask & Cork, Supplies, \$22.30
Castle Cleaning, Repair and Maintenance, \$450.00
Custer Regional Medical Clinic, Professional Fees, \$18.00
Dakotacare, Insurance, \$8006.92
Fastenal, Supplies, \$302.44
Gunderson, Palmer, Nelson, Professional Fees, \$270.00
Johnson, Kirk, Safety Equipment, \$79.49
Johnson, Kirk, Reimbursement, \$81.20
Ketel Thorstenson, Professional Fees, \$1142.00
Kellogg, Scott, Reimbursement, \$50.00
Kimball Midwest, Supplies, \$516.45
L & A Welding, Supplies, \$161.60
Lancaster, Ron, Reimbursement, \$32.50
Lawrence & Schiller, Professional Fees, \$1489.53
Motoring USA, Publishing, \$570.00
Mobridge Candy, Supplies, \$130.00
Notary Law Institute, Supplies, \$15.50
One Call, Supplies, \$7.35
Petty Cash, Supplies, 280.05
Pitney Bowes, Supplies, \$126.50
Prairie Berry, Supplies, \$438.00
Quill, Supplies, \$116.88
Republic Beverage, Supplies, \$787.90
Russell & Miller, Supplies, \$29.10

Rapp Sales Company, Repairs & Maintenance, \$24.30
Sander Sanitation, Garbage Collection, \$11292.61
SD Association of Rural Water, Travel & Conference, \$720.00
SD Tourism Dept, BID District, \$550.00
USA Blue Book, Supplies, \$232.98
Wyss Associates, TIF #4, \$5016.25
Wagner, Kristy, Professional Fees, \$800.00
YMCA, Memberships, \$113.00
Ziolkowski, Geney, Animal Control, \$708.00
Boots, Ray, Utility Refund, \$50.00
Murphy, Kevin, Utility Refund, \$100.00
Gaston, Tom, Utility Refund, \$50.00
Credit Collections, \$202.50
Delta Dental, Insurance, \$410.50
Federal Withholdings, \$4530.72
FICA, \$6451.04
Medicare, \$1535.71
SD Retirement System, \$6032.44
Supplemental Retirement, \$55.00
Mayor & Council, Wages, \$4200.00
Community Development, Wages, \$4089.26
Finance Department, Wages, \$8745.46
Public Works Department, Wages, \$6558.80
Street Department, Wages, \$5468.82
Parks Department, Wages, \$6713.02
Liquor Department, Wages, \$6270.86
Water Department, Wages, \$5499.20
Wastewater Department, Wages, \$6229.56
Total Claims \$123,999.60

2008 AUDIT REVIEW

Councilperson Starr moved to put the 2008 Audit Review on the March 15th Council meeting agenda. Seconded by Councilperson Pischke, the motion unanimously carried.

DISCUSSION

The Council recognized the success of the Cold Discovery Days event and efforts of Cheyanne Bailey for organizing all of it.

It was mentioned that Monday March 15th at 4:00 would be the Board of Equalization Meeting.

BREAK 7:00

EXECUTIVE SESSION

Councilperson Schleining moved to go into and out of executive session at 7:05 due to personnel and potential litigation with the Finance Officer present. Seconded by Councilperson Murphey, the motion unanimously carried. Rex Harris and Christine Redden joined the executive session at 7:11. The session adjourned at 7:18 with no action taken.

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 7:18 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Harold D. Stickney
Mayor