

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
NOVEMBER 19, 2007**

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

AGENDA

Councilperson Murphey moved to approve the agenda. Seconded by Councilperson Pischke, the motion unanimously carried.

MINUTES

Rex stated that there needs to be a clarification of the minutes for the section "...in conversations with Pelstar today, they are the exclusive developer in this area for Pamida and they will not work with anyone else to bring a Pamida in." and that "they" should be ".... Pamida will not work with anyone" Councilperson Murphey moved, with a second by Councilperson Pischke, to approve the minutes from the November 7th, 2007 Special meeting as clarified. The motion carried. Councilperson Boyer abstained.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, discussed the Westside Annexation Project muck problem. There is usually gravel close to the surface but there isn't any here. So the Change Order coming up is mostly due to the muck, excavation of the muck, and additional rock needed to stabilize. There is also a problem with the Highway bore since the muck is affecting that area also. The bore needs to be about 14 feet deep but it keeps collapsing. The alternatives would be an open highway cut or a route under the bridge in the creek which would require only about 4 to 5 feet of digging. DOT is also in favor of going under the bridge since the ground is not stable. The sewer line would have to be curved from one manhole to the other on each side of the creek. This could also cost less than the original bore. It comes down to less stress and less risk. Bob stated that it is hard to control a bore with the muck and that the sewer has to be at certain levels to work properly.

Rex Harris, Community Development Director, discussed the Planning Conference in Oacoma which was very good in addressing issues such as TIFs, junk, and resolutions to resolve the problems. He also attended the FEMA Grant Writing workshop in Deadwood with Mike Carter, County EMS Director, who will be updating the Community Plan before writing the PDM Plan.

The Deer Management Plan is proceeding with a public hearing to be scheduled probably next month; the 5th Street Project is probably resolved with a public hearing coming up next month as well and the Council will see the proposal prior to the public hearing. Councilperson Murphey discussed an article in the Hot Springs Star concerning aggressive deer which could pose a problem for our school age children and our citizens. He has been receiving a lot of calls about the deer; most do not want them killed but also understand that if we have to, then we have to.

Dave Ressler, Chamber Director, discussed a meeting held at the School today regarding the projected financial status for the next few years. There will be an open forum next Monday night at 6:30 p.m. Councilperson Boyer stated that they explained the formula and it had a lot of very good information.

Rex also mentioned that the County Commissioners have voted to not continue looking at the Elementary building as a possible solution to their space problems. They are the ones pressed for space but the City could have taken advantage of the space for our future growth.

SECOND READING – ORDINANCE #645 – SUPPLEMENTAL APPROPRIATIONS

Ordinance #645 – 2007 Supplemental Appropriations is additional budget authority due to the projects completed this year and additional expenses. The funding will be from additional revenues and reserves. There have been no changes since the first readings. Councilperson Schleining moved to adopt this Ordinance. Seconded by Councilperson Murphey, the motion unanimously carried with Councilperson Starr, Pischke, Murphey, Schleining, Culberson, and Boyer voting yes.

BROWN BAG LICENSE REQUEST

The 1881 Courthouse Museum submitted a request for a brown bag license for December 2nd from 2 p.m. to 4 p.m. at the Museum for the Friends of the Museum Reception. Councilperson Boyer moved to approve this request. Seconded by Councilperson Starr, the motion unanimously carried.

MAINLINE CONTRACTORS – CHANGE ORDER

Bob submitted Change Order #1 in the amount of \$50,061.79 for the Westside Annexation Project due to the ditching problems near the Creek. Bob did mention that with having to look at going through the creek;

there will be another change order to address those costs. Councilperson Murphey moved to approve this Change Order. Seconded by Councilperson Pischke, the motion unanimously carried.

FIRST 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 Boyer wondered if there was anything else it could be zoned for which Rex said no because of the Vet Clinic and French Creek Supply already existing there; this should have been done about a year ago. Councilperson Starr moved to adopt this Ordinance. Seconded by Councilperson Pischke, the motion unanimously carried.

FINAL PLATS

Rex submitted the final plat for SHS Development LLC. for the property described as Stone Hill Subdivision Plat of Lots 1 – 17 of Block 4 located in a portion of Tract Denver, Section 24, T3S R4E, and Section 19, T3S, R5E, BHM, Custer County, South Dakota. This is for the 17 lots on the south side of the New Sidney Park Road with one lot, Lot 17, being designated highway commercial. The rest of the lots are tentatively scheduled for affordable housing at a lesser price. There have been drainage issues due to the flow through Morningside subdivision, down Harbach Lane, and past Bradeen's place. Rex stated he did receive confirmation from the engineers that the flows have been reduced to less than the previous flows prior to the development. He also suggested that Mike work with the three landowners to work out details. Councilperson Culberson moved to approve this plat. Seconded by Councilperson Schleining, the motion unanimously carried.

Rex submitted the final plat for Michelle Hahn for the property described as Van Wie Subdivision Plat of Lots 1 – 2 of Van Wie Subdivision, formerly Van Wie Tract and Small Tracts Act No. 0270, all located in a portion of Tract A and B of HES 458, Section 32, T3S R5E, BHM, Custer County, South Dakota. Rex stated that this is a bad parcel since the Forest Service ROW was sold as part of the Small Tracts Acts which then created additional parcels but nothing was ever done. This is an old problem getting cleaned up and the Planning Commission recommends approval. Councilperson Boyer moved to approve this plat. Seconded by Councilperson Culberson, the motion unanimously carried.

Rex submitted the final plat for Jennial K. Martin for the property described as Pelstar Subdivision Plat of Lots 1 and 2 of Pelstar Subdivision of Lots 1 through 3 and the remaining Unplatted 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, Custer County, South Dakota. This property is the annexed and rezoned property which only includes two Tracts; Tract 1 is the Pamida property and Tract 2 is restaurant pad. We have made sure that there are easements and ROW enough to cover and they are in place. The Planning Commission recommends approval. Rex also stated that the remaining portion of the unplatted government lot was also rezoned along with this subdivision. Councilperson Boyer moved to approve this plat. Seconded by Councilperson Pischke, the motion unanimously carried.

DISCUSSION ITEMS

Councilperson Pischke wondered about the Pool Building being redone which Bob stated they just haven't gotten there but maybe this winter they could work on the plumbing since the pipes are drained.

Councilperson Schleining wondered about the entrance signs and Councilperson Boyer wondered about the budgeted amount. Christine stated that we did pursue having an additional entrance sign built but to no avail. Bob stated that outside painting is done for the year but those signs can be taken down and completed inside. Councilperson Murphey stated that the Improvement Committee was discussing improvements to the City's entrance with possibilities of having signs higher, more visible, and more thematic. Rex stated that DOT is willing to work with us on ROW occupations. Discussion was held on signs that use to be overhead coming down the hill which Rex agreed. Councilperson Pischke wondered about the School's entrance signs which have not been updated and are in need of repair or removal.

Councilperson Culberson wondered about other sign replacement which Bob stated could be done this winter when other things cannot be completed. Councilperson Culberson stated the County could help if poles needed replaced.

Rex stated that the YMCA Window Contract has been let to Carl Larsen Construction which he has been able to upgrade the quality and a lesser price.

CLAIMS

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

A&B Electric, Repair & Maintenance, \$155.04
Bituminous Paving, Paving Project, \$82954.76
BH Phones, Utilities, \$230
BH Power, Utilities, \$7753.39
Chadron Wholesale, Supplies, \$706.86
Coca-cola, Supplies, \$421.50
Custer Chamber of Commerce, Sales Tax Subsidy, \$16995.66
Custer Community Health, Sales Tax Subsidy, \$45213.41
Custer County Auditor, Travel & Conferences, Improvement Plan, \$1072.50
Custer County Market, Supplies, \$24.07
Custer Meals, 2007 Subsidy, \$2500
Custer True Value, Supplies, \$242.89
Dakota Backup, Professional Services, \$74.64
Eagle Sales, Supplies, \$6267.37
FourFront Design, Westside Annexation Project, \$11782.75
Fresh Start Convenience, Supplies, \$868.65
Golden West Technologies, Custer Cruisin, \$2014.58
HD Supply Waterworks, Supplies, \$114.50
Honeywell, Repair & Maintenance, \$4965.50
Jim Dandy Snack, Supplies, \$52.80
M&B Enterprises, Supplies, \$14
Mainline Contracting, Westside Annexation Project, \$132962.37
Moran USA, Supplies, \$53.34
Robert Morrison, Reimbursement, \$180
Northwest Pipe Fittings, Supplies, \$2.06
Okoboji Wines, Supplies, \$272.05
One Call Systems, Supplies, \$36
Petty Cash, Travel & Conferences, \$199.16
Prairie Berry, Supplies, \$240
Republic National Distributing, Supplies, \$9526.10
Sander Sanitation Service, Repair & Maintenance, Utilities, \$8078.39
SD State Exec. Mgmt, Utilities, \$35.58
Harold Stickney, Travel & Conferences, \$29.44
The Ice House, Supplies, \$150.41
Western Wholesale, Supplies, \$11822.55
Woods, Fuller, Shultz, & Smith, Custer Cruisin, \$986.02
American Linen, Repair & Maintenance, \$328.27
Beesley Law Office, Professional Services, \$2483.25
Custer Ambulance Service, Safety Equipment, \$206.22
Fisher Beverage, Supplies, \$4412
Golden West Companies, Utilities, \$662.44
Petty Cash, Travel & Conferences, Supplies, Licenses, \$578.14
Quill Corporation, Supplies, \$29.99
SD DENR, Travel & Conferences, \$20
Dakotacare, Health Insurance, \$5425.65
Carl Larsen Construction, YMCA Window Project, \$20000
Total Claims \$383,144.30

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 6:20 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor