

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
APRIL 16, 2007**

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

**AGENDA**

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

**MINUTES**

Councilperson Schleining moved, with a second by Councilperson Pischke, to approve the minutes from the April 2<sup>nd</sup>, 2007 Regular meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, stated that since the weather has broke and it is nicer out, the contractors should hopefully be coming this week to start their finish up work. Along with that, the Crew has started work on the Cemetery so it can be ready for Memorial Day.

The Westside Annexation is progressing with a meeting with the engineers tomorrow to finalize the loose ends. Bob has been trying to personally contact each owner but that has been difficult.

As a reminder, Clean Up Weekend is May 4<sup>th</sup> & 5<sup>th</sup> and the Fire Department is planning the Street washing for Friday morning. The Mayor suggested that they wash all the way down to the stop light at 8<sup>th</sup> Street. Bob also discussed getting the Street sweeper out and going again. He has also been checking on new sweepers which would drastically cut down on the amount of dust created; maybe there will be demos and see what the price is. Councilperson Schleining wondered about the sidewalks from one end of town to the other, which Bob stated they had done that but then the snow came again; it is on the list.

Rex Harris, Community Development Director, discussed a meeting with Phil Lampert and Ruth Ziolkowski regarding their interest in City utilities and possible annexation. The meeting went great and we will continue future talks

Rex stated he has not received anything back from the School regarding the irrigation equipment proposal. The School Board did not attempt to discuss this issue at their last meeting due to other issues that evening. We will have to have the grading Contractor come in to finish up and then we will have to figure out how to do the seeding; we can't just have a dust bowl.

Rex has discovered some issues regarding subdivisions of lots within the City limits. There have been some lot splits recorded through deeds but then the property becomes illegal for the City specifications. This could mean that houses cannot be occupied and they may even have to be torn down. Rex stated he will be notifying all attorneys and realtors that they have to file plats for any subdivisions of property. Apparently, some attorneys and realtors have been telling people that it's okay to do it by deed and that is not the case.

Rex also discussed the letters being sent regarding livestock, feeding, and big messes.

**WAY PARK USAGE REQUEST**

After checking with the Insurance Company, Jim Frank's request to use Way Park on Tuesday nights at 7:00 pm throughout the summer for a Magic Banjo Show will need to have liability coverage and hold harmless agreement. Councilperson Culberson moved to approve this event contingent upon insurance coverage and the hold harmless agreement. Seconded by Councilperson Schleining, the motion unanimously carried. Councilperson Starr brought up the question as to the number of picnic tables available in the parks and that this should be considered as an upgrade.

The Council thanked Bob for his crew's work on the new trash can holders' downtown and that they look very good.

**FIRST READING ORDINANCE #642 COMBINED ELECTIONS & CAMPAIGN SIGNAGE**

The Council received Ordinance #642 addressing the ability to combine with the county elections and the public display of campaign material signage and how long before it needs to be taken down. Councilperson Culberson moved to approve Ordinance #642. Seconded by Councilperson Schleining, the motion unanimously carried.

**LBG WELL SITE RECONNAISSANCE PROPOSAL**

Bob presented a proposal from Leggette, Brashears & Graham, Inc. for Well Site Reconnaissance within a 10 mile radius of Custer. They will be studying the ground water by using maps, pre-existing structures, and just looking at good possible sites. This is the same Company that previously completed the State's Petroleum Relief Fund hydrology study on water flow for this area. The Mayor stated that this is a

necessary study to find what's out there for our future development and the cost estimate maximum is \$2000. Councilperson Starr moved to approve this contract. Seconded by Councilperson Pischke, the motion unanimously carried.

**RESOLUTION #04-16-07 – BRIDGE REINSPECTION**

Bob submitted the biannual SD Department of Transportation Resolution for the City's adoption to have the State hire NJS Engineering for the bridge inspection program. This is for federal funding which is an 80/20 match program. Councilperson Culberson moved to adopt Resolution #04-16-07. Seconded by Councilperson Starr, the motion unanimously carried.

#04-16-07

Bridge Reinspection Program Resolution  
For Use with SDDOT Retainer Contracts

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of Custer is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City of Custer requests SDDOT to hire NJS Engineering (Consulting Engineers) for the inspection work. SDDOT will secure federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City of Custer will be responsible for the required 20% matching funds.

There are a total of 4 bridges in the City of Custer that require inspection.

Dated this 16<sup>th</sup> day of April, 2007, at City Of Custer, South Dakota.

s/Harold D. Stickney, Mayor

**BROWN BAG LICENSE REQUEST – CHAMBER MIXER**

The Custer Chamber of Commerce submitted a request for a Brown Bag License for the 1881 Courthouse Museum on May 17<sup>th</sup> and for the Readers' Retreat Bookstore on May 31<sup>st</sup>. Councilperson Schleining moved to approve these requests. Seconded by Councilperson Pischke, the motion unanimously carried.

**LBG PROPOSALS – FUTURE WATER REQUIREMENTS**

Bob presented the proposals from Leggette, Brashears & Graham, Inc. to conduct studies for future water requirements. After future review, Bob would like to table action on this agreement to see what information may be obtained from the first study; the scope of the study may change with additional information. Bob will also be in contact with the Engineer this week for further discussion. Also, if the City Staff can supply most of the information regarding increase in demand, that would save some dollars. However, if we have to look for grant money, a formal study will have to be compiled.

**FINAL PLAT – CUSTER LUMBER INDUSTRIAL SITE SUBDIVISION**

Rex presented the final plat for Matt Hespen for the property described as Custer Lumber Industrial Site Subdivision, Plat of Lots 1 and 2 of Tract Talbot, (includes portions of Blocks 62 and 63, all vacated alleys, vacated Park Avenue, vacated Mt. Rushmore Road and vacated Crook Street) All Located in Section 24, T3S, R4E, BHM, City Of Custer City, Custer County, South Dakota. Rex discussed the layout of both lots and stated that Lot 2 would eventually be incorporated into a new subdivision; but this give access with no problems. The Planning Commission and Rex recommend approval. Councilperson Culberson moved to approve this plat. Seconded by Councilperson Starr, the motion unanimously carried.

**1<sup>ST</sup> QUARTER LIQUOR STORE REPORT**

The Council received, reviewed, and acknowledged the 1<sup>st</sup> Quarter Report for the Liquor Store. Discussion was held on the inventories which have improved and in general, the increase in expenses.

**NATIONAL LEAGUE OF CITIES – ANNUAL MEMBERSHIP**

The Council received and discussed the membership billing for the National League of Cities and decided that for the cost, we are not receiving a return. Councilperson Schleining moved, with a second by Councilperson Starr, to approve this bill. The vote was zero yes and 5 no. The motion was unanimously denied.

**CRAZY HORSE DONATION – PROJECT APPROVAL**

The General Government Committee brought forth a recommendation to give the \$5,000 Crazy Horse Donation money to the Air Service Task Force Committee which will be used in conjunction with the Governor's Program and the money will be matched 100%. This money will be cooperatively spent to market the entire Black Hills. Councilperson Schleining moved to approve this donation. Seconded by Councilperson Culberson, the motion unanimously carried.

## **HABITAT FOR HUMANITY DONATION**

The General Government Committee brought forth a recommendation to give \$1,000 to the 2007 Habitat for Humanity Project. Discussion was held on having a line item budget for future projects. Councilperson Schleining moved to approve this donation. Seconded by Councilperson Pischke, the motion unanimously carried. Discussion was held on the permit application and applying the donation or issuing a check. Chris stated that issuing a check is cleaner bookkeeping. Councilperson Culberson discussed being hit up cold for a donation; there needs to be more information brought forth earlier so the Council has time to consider the request. Councilperson Starr discussed being contacted by a constituent who did not like the Council donating tax dollars; it was up to the people to decide who they wanted to donate too.

## **WAGE INCREASE**

The General Government Committee recommended the merit increase to Step 3 \$11.48 per hour for Jerry Hewitt and Gaile Walker effective April 16, 2007. Councilperson boyer moved to approve this increase. Seconded by Councilperson Pischke, the motion unanimously carried.

## **DISCUSSION ITEMS**

The Mayor discussed Duane Murphey being appointed to the Planning Commission at their last meeting and this is due to the resignation of Councilperson Scherer.

Councilperson Starr wondered about several items as follows:

The status of the Golden West letter, which the Mayor stated will be going out soon.

Road paving project status, which Bob stated the Engineers have the corrections and concerns after a lengthy meeting them. It shouldn't be too long before hearing back.

Councilperson Starr wondered if there have been any curfew infractions, which everyone agreed that no news is good news. The curfew was put into place to assist Law Enforcement with certain situations.

Councilperson Starr wondered about the weed spraying. Bob stated that most of spraying is done by the County Weed Department and he will be contacting them soon.

Custer Cruisin report by Councilperson Culberson who stated everything is good so far. There has been discussion on a camera system for the downtown area which could have several options. More information is being gathered.

Duane Murphey, Councilperson Elect, stated that the District 9 meeting held in Edgemont was very good and they did a great job. The Mayor discussed possibly hosting the District 9 meeting in 2009.

Jerry Hale discussed whether or not Inman Park could be burned off this year as in past years. It was much better when it was burned. Councilperson Boyer also stated it would be nice if they did French Creek again. Bob stated that the City does not burn but the Fire Department did; he will contact them for this year. Councilperson Culberson wanted everyone to recognize the Fire Department for this as most other ones do not; it does help the City and the Community.

## **CLAIMS**

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

American Linen, Repair & Maintenance, \$199.97

BH Air Task Force, Donation, \$5000

BH Power, Utilities, \$9133.68

Chadron Wholesale, Supplies, \$528.81

Coca-cola Bottling, Supplies, \$184

Culligan Water, Repair & Maintenance, \$123.50

Custer Chamber of Commerce, Sales Tax Subsidy, \$6547.12

Custer Community Health System, Sales Tax Subsidy, \$40763.72

Custer County Treasurer, Law Enforcement, \$75750

Custer True Value, Supplies, \$284.17

Eagle Sales of BH, Supplies, \$4916.75

Enviromaster, Supplies, \$22

Fisher Beverage, Supplies, \$3671.17

French Creek Supply, Supplies, Repair & Maintenance, \$116.18

Fresh Start Convenience Stores, Supplies, \$816.64

Golden West Companies, Utilities, \$673.42

Hawkins Chemical, Supplies, \$4032.63

Honey well, Repair & Maintenance, \$191.07

Hughes Electric, Civil Defense Siren, \$213.62

Scott Kellogg, Reimbursement, \$30

M&B Enterprises, Supplies, \$35

Mayer Plumbing, Repair & Maintenance, \$256.65  
Duane Murphey, Reimbursement, \$25.60  
National League of Cities, Membership, \$495  
One Call Systems, Supplies, \$28.60  
Petty Cash, Travel & Conferences, Supplies, \$147.08  
Quill Corporation, Supplies, \$258.25  
Rapid City Journal, Publishing, \$26.22  
S&B Motor Parts, Supplies, \$165.24  
SD ST. Executive Mgmt Finance, Utilities, \$26.24  
Harold Stickney, Travel & Conferences, \$25.60  
The Ice House, Supplies, \$35.04  
Wellmark, Insurance, \$5799  
Western Wholesale, Supplies, \$7864.95  
Zep Manufacturing Company, Supplies, \$1199.68  
Henrietta Hartley, Deposit Refund, \$34.84  
Total Claims \$169,126.44

**EXECUTIVE SESSION**

Councilperson Schleining moved to go into and out of an executive session due to possible litigation and possible contract negotiations at 6:45 p.m. Seconded by Councilperson Starr, the motion unanimously carried. The session adjourned at 7:45 p.m. with no action taken.

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:46 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden  
Finance Officer

Harold D. Stickney  
Mayor