

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
OCTOBER 20th, 2008**

Mayor Harold D. Stickney called to order the second regular meeting of the Common Council for the month of October, 2008 at 5:30 p.m. Present at roll call were Councilpersons Sutton, Reetz, Pischke, Schleining, Murphey, Starr, 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

Councilperson Sutton moved, with a second by Councilperson Schleining, to approve the minutes from the October 6th, 2008 regular meeting. The motion carried.

CONFLICTS OF INTEREST

Councilperson Murphey stated that he would have a conflict with Item #7b and Councilperson Sutton and Pischke stated they would have a conflict with Item #6a.

DEPARTMENT HEAD MEETING

Bob Morrison, Public Works Director, handed out a one sheet list of completed projects which, if all completed projects were listed, it would take more than one sheet; then he handed out a list of winter projects which is not all inclusive but adds up to 3200 man hours; there is more than enough projects to be completed to have the additional personnel hired. Bob then mentioned taking a garbage truck off the route due to leaks and discussed the contract requirements with Sander's Sanitation whom attended the meeting. Councilperson Starr then discussed the recycling program, possibly buying roll-offs through a grant funding, and how the loads could be cleaner now than 10 years ago. Tim Sander discussed the recycling of cardboard, steel/tin, and glass; several ideas were discussed but no decisions were made. Tim wondered about the fuel surcharge that was in question and the Finance Officer stated they would get together on this issue later. Bob discussed the need to get the Disc Golf holes filled with cement by using a portable mixer; the Westside utilities will be completed as soon as the Martin Plat is approved this evening; Washington Street is coming along with a few minor changes, the compaction test are doing great, the parking diagram will be completed by the engineer, and the sidewalks will be completed to specs; we will have an estimate coming for the portions that were not included.

Rex Harris, Community Development Director, discussed the Downtown Business meeting scheduled for October 23 at 8 a.m. at City Hall so the Project Plan for TIF #4 can be drafted and sent to the Planning Commission. Discussion was held on the awnings which will have to be taken down according to DOT. Councilperson Pischke wondered about the new Liquor Store Plans which Rex stated the architect should have the information by the next meeting.

RESOLUTION #10-20-08A – USFS PROPERTY COOPERATION

Rex discussed the Congressional Delegation requesting the City's adoption of a Resolution discussing the difficult and cumbersome interworking of exchanging land between the USFS and other government entities. They would like to give us assistance, if possible, to better handle these situations. Along with land exchanges, the Resolution mentions the policy of the USFS not recognizing sections lines for access. Councilperson Reetz discussed a letter, from Mike Lloyd, USDAFS, suggesting items that could be included in the Resolution. Councilperson Sutton stated that some of their decisions are administrative and override the Federal Law. Councilperson Murphey mentioned an article in the paper about Montana have a case regarding opening a logging road for subdivision access. Rex stated the primary concern is the land acquisition for the Airport and that the FAA has funding to assist with that but the process is so long that the funding could be lost. The FAA has agreements with all other agencies except the Forest Service. Councilperson Starr moved to table this Resolution for revamping. Seconded by Councilperson Murphey, the motion carried with four voting yes. Councilperson Sutton and Pischke abstained.

RESOLUTION #10-20-08B – IDENTITY THEFT PREVENTION COMMITTEE

The General Government Committee recommended approval of establishing the Identity theft Prevention Committee. Councilperson Sutton moved to adopt this Resolution. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION NO. 10-20-08B

Identity Theft Administrator & Committee

WHEREAS, Section 114 of the Fair and Accurate Credit Transactions Act of 2003 (16 C. F. R. § 681.2) (FACTA) requires all municipalities that operate utilities to develop an Identity Theft Prevention Program; and

WHEREAS, the Program Administrator along with two additional people will make up the "Identity Theft Identification Committee".

NOW, THEREFORE BE IT RESOLVED THAT the City of Custer City hereby appoints the following individuals to the Identity Theft Prevention Committee with authority to develop, approve and implement an Identity Theft Prevention Program in compliance with (FACTA).

Program Administrator: Christine Redden, Custer City Finance Officer

Committee Person: Councilperson Ed Starr
Committee Person: Jim Lyons, Dakota Bank
Dated this 20th day of October, 2008
s/Harold D. Stickney, Mayor

GF&P – RECREATIONAL GRANT AGREEMENT

The Council received the Recreational Trails Program Grant Agreement from the GF&P Recreation Division for Phase 2 of the Big Rock Skywalk Nature Trail Extension in the amount of \$21,436. Councilperson Murphey questioned Item 9 which has to do with handicapped access. Councilperson Reetz moved to table this item until the next meeting. Seconded by Councilperson Pischke, the motion unanimously carried.

MICKELSON TRAIL COST SHARE PROPOSAL

Rex gave a summary of Washington Street going to the Railroad; then the Railroad gave it to GF&P which it should have reverted to the City as the previous owner; so GF&P gave it back to the City so we could finish the Street pavement. Since this eliminated a section of the Mickelson Trail, GF&P would like the City to cost share the reconstruction. Shannon Percy, GF&P Trails Program, stated the cost would be approximately \$10,000 to \$15,000 as a preliminary estimate and would request the cost share be 50-50. The Council wondered about a maintenance agreement which several other Cities were discussed and more information will be brought back.

SLASH PILE CONTRACT UPDATE

Rex updated the Council on the RAC Grant of \$10,000 which will be utilized through the Forest Service Contract probably in November. The remainder of the contract can be priced out with the one contractor available for these services or have the Fire Department burn the piles. With burning however, there will be three to five years re-vegetation program due to weeds and sterile soil. The logical option would be chipping since we could use the chips on the Disc Golf Trail, Skywalk Nature Trails, and then spread the remainder.

EMPLOYEE CHANGES

Councilperson Starr moved to authorize the change from temporary seasonal to full time for Ron Lancaster and Rebecca Caffee effective November 1st, 2008 to Step 1 on probation at the rate of \$12.76 per hour. Seconded by Councilperson Schleining, the motion unanimously carried.

Councilperson Murphey moved to approve the certification increase for John Dumire from \$14.21 to \$14.71. Seconded by Councilperson Pischke, the motion unanimously carried.

SDML WORKER'S COMP

The Council received the annual renewal for the SDML Worker's Comp Fund in the amount of \$23,496. Councilperson Starr requested a letter be sent to the Company regarding the modifier and wondering when that might be lowered. Councilperson Murphey moved to approve the renewal. Seconded by Councilperson Schleining, the motion unanimously carried.

HEALTH INSURANCE RENEWAL

The Council received a summary of the employee health insurance renewal with Dakotacare Insurance and the General Government Committee's recommendation to renew with the same plan. Councilperson Sutton moved to approve. Seconded by Councilperson Pischke, the motion unanimously carried.

CYLINDER CONTRACT

The Council received the 5 year Cylinder Deposit Agreement with A&B Welding for co2/argon. Discussion was held on doing it house but for safety, Bob recommended staying with this agreement. Councilperson Sutton moved to approve. Seconded by Councilperson Schleining, the motion unanimously carried.

3RD QUARTER LIQUOR STORE P&L

The Council received, reviewed, and acknowledged the 3rd Quarter Liquor Store P&L Report. Discussion was held on upgrading the software and the basic POS equipment.

FINAL PLATS

Rex presented the final plat for Jennial K. Martin for the property described as Rosse Subdivision, Plat of Tracts 1 and 2 of Rosse Subdivision of Lots 1 through 3 and the remaining Unplatted Portion of Government Lot 1, (Formerly Recorded as the E ½, SE ¼, NE ¼), Located in Section 27, T3S, R4E, BHM, City of Custer City, Custer County, South Dakota. Rex stated that this property was previously annexed and it will provide a utility easement for the City's water and sewer lines. Since we requested the easement, the City will pay the platting and filing fees. The Planning Commission recommends approval. Councilperson Sutton moved, with a second by Councilperson Schleining, to approve this plat. Councilperson Reetz discussed the final plat process, street authority, and signature requirements. Councilperson Sutton, Pischke, Schleining, Starr, and Reetz voted yes. Councilperson Murphey abstained.

Rex presented the final plat for Korczak's Heritage, Ruth Ziolkowski, for the property described as Original Town, Now City of Custer, Plat of Lots 1 and 2 of Ruth's Tract, (formerly Lot 12, Block 113; the South 60 feet of Lot 4 Block 117; the South 90 feet of Lot 5, Block 117; the South 90 feet of the West ½ of Lot 6, Block 117; the South 90 feet of the East ½ of Lot 6, Block 117; the South 60 feet of Vacated Gordon Street adjacent to Lot 12, Block 113; the North 50 feet of Vacated Gordon Street contiguous to Lot 4, Block 117; Vacated Gordon Street adjacent to Lots 5 and 6, Block 117 and adjacent to Lots 7 and 8, Block 118, less the Vacated Portion of Gordon Street commencing with a line 50 feet North of the North Lot Line of Lot 8 at the Western edge of Lot 8 tapering to a point

30 feet North of the North Lot Line of Lot 7; vacated 5th Street adjacent to the South 90 feet of the East ½ of Lot 6, Block 117, and adjacent to Lot 1, Block 114; Vacated 5th Street adjacent to Lot 12, Block 113, and Adjacent to Lot 7, Block 118.) All in the Original Town, now City of Custer City, Custer County, South Dakota. This is a cleanup plat for various pieces brought together and the utility easements have all been acknowledged. Discussion was held on access which has been handled with a separate access easement agreement. Councilperson Sutton moved to approve this plat. Seconded by Councilperson Schleining, the motion unanimously carried.

Rex presented the final plat for Dean Fitzler for the property described as WAGON WHEEL SUBDIVISION, PLAT OF LOTS 1 AND 2 OF REVISED LOTS 6 AND 7 OF WAGON WHEEL SUBDIVISION OF GRANITE REEF NO. 3 OF MINERAL SURVEY 2061, LOCATED In Section 31, T3s, R5e, B.H.M., Custer County, South Dakota. This is a lot line adjustment with good access. Discussion was held regarding the 3-mile Limit, the possible reduction, and that it will be discussed in the future. Councilperson Murphey moved to approve this plat. Seconded by Councilperson Pischke, the motion unanimously carried.

Rex presented the final plat for Curt Van Asperen for the property described as FERRIS SUBDIVISION, PLAT OF REVISED LOT 2 AND REVISED VAN ASPEREN TRACT OF LOT 2 AND VAN ASPEREN TRACT OF FERRIS SUBDIVISION OF JENSEN TRACT OF FERRIS HES 421 LESS LOT H-1, Located In The SW1/4, Section 20, T3S, R5E, B.H.M., Custer County, South Dakota. This is a lot line adjustment so that the drainfield and septic system can be on the same lot as the house. Councilperson Murphey moved to approve this plat. Seconded by Councilperson Pischke, the motion unanimously carried.

ROW PERMIT

Rex presented the ROW Permit request for Harvey & Kris Harrington for the property described as Lot 3 in Block 17, OT, Section 24, T3S, R4E, BHM, Custer City, Custer County, South Dakota. This is requested due to the existing building encroaching into the right-of-way by ½ a foot. Discussion was held on the right-of-way being DOT enforced by the City and that the garage in back is gone. Councilperson Starr moved to approve. Seconded by Councilperson Pischke, the motion unanimously carried.

DISCUSSION ITEMS

The Mayor mentioned that the BH Mayor's Luncheon will be held at Crazy Horse on October 23rd at noon and all of the Council is invited to attend. Also, the City Christmas Party will be held December 12th at the Bavarian and more details will be coming.

Discussion was held on the Deer Plan and that Jeff Prior, Guys with Knives, had submitted a proposal that should again be shared with the Council. Rex stated that the previous proposal was withdrawn when GF&P wouldn't allow archery; once the official count is completed and GF&P determines the kill number, we can address several of the options proposed. Also, the GF&P did allow December 1st as the start date. Councilperson Starr discussed the GF&P not having statistics from the number of deer killed by Mt. Lions so he urged everyone to report any killing that looks suspicious so they can have accurate stats. Councilperson Murphey mentioned that there is a condition that will kill deer which is not a disease and that is Grass Tetney.

Councilperson Starr discussed the need to have attendance at the DOT STIP meetings; that is the only way to have any input in the process. Rex discussed the request to reduce the speed limit on Mt. Rushmore Road but that DOT denied that request at this time; after a few years with the new businesses, they will again do a study.

Councilperson Starr discussed and had handouts for the Council to review information from the Municipal League Annual Conference; he stated that each Councilperson should especially read the State Law referrals as Attorney General, Larry Long, gave an excellent presentation on the subject. This handout should also be reviewed at the annual Council Retreat.

CLAIMS

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

A&B Welding, Rental, \$158.14

AFLAC, Insurance, \$388.08

Anderson Auto Sales, Equipment, \$80

BH Badlands Lakes Assoc., Professional Fees, \$7873.90

BH Power, Utilities, \$8195.94

Century Business Products, Supplies, \$137.47

Custer Chamber, Sales Tax Subsidy, \$24495.46

Custer Co Weed/Pest, Weed Spraying, \$2386.47

Custer Co. Chronicle, Publishing, \$2195

Custer Community Health Services, Sales Tax Subsidy, \$55333.85

Custer Do It Best, Supplies, \$981.29

Custer True Value, Supplies, \$1472.50

Dakotacare, Insurance, \$5197.68

Ed Starr, Travel & Conference, \$40.34

Fennell Design, Modernization, \$300

HD Supply, Repair & Maint., \$539.80

Hills Material, Supplies, \$546.33
JP Cooke Company, Supplies, \$49.49
Mannatec, Supplies, \$527.98
Mayer Plumbing, Repair & Maint., \$524.56
NASASP, Travel & Conference, \$39
One Call System, Supplies, \$32
Petty Cash, Supplies, Travel & Conference, \$365.86
Steve Pischke, Reimbursement, \$200.29
Power House, Repair & Maint., \$25.45
Rapid City Telco, Travel & Conference, Supplies, \$2833.54
Republic national Distributing, Supplies, \$8990.69
Sander Sanitation Service, Repair & Maint., Utilities, \$8867.91
SD State Executive Mgmt Finance, Utilities, \$21.58
Shanklin's of SD, Supplies, \$10
Signs by Mike Lewis, Supplies, \$3927
Harold Stickney, Travel & Conference, \$42.53
Superior Lamp, Supplies, \$417.35
Tatiana's Import Beverages, Supplies, \$152.20
USA Blue Book, Repair & Maint., \$540.45
Gaile Walker, Reimbursement, \$75
Wildcat Computers, Supplies, \$35
Ray Plaisted, Deposit Refund, \$5
Total Claims \$138,005.13

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 8:03 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor