

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
DECEMBER 1st, 2008**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of December, 2008 at 5:33 p.m. Present at roll call were Councilpersons Sutton, Reetz, Murphey, Starr, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

Councilperson Murphey moved to approve the agenda with the addition of Grant Acceptance as item #8d and the submission of questions regarding the proposed Custer City Amphitheatre under item #6b. Seconded by Councilperson Starr, the motion unanimously carried.

MINUTES

Councilperson Sutton moved, with a second by Councilperson Starr, to approve the minutes from the November 17th, 2008 regular meeting. The motion carried. Councilperson Reetz abstained.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD MEETING

Bob Morrison, Public Works Director, discussed the response from DOT regarding our signage for the 20 mph speed limit. When a speed limit changes from one to another, each change is to be posted. Discussion was held on the potential cost, possible regulatory signs in place of speed limits, streets needing to be more restricted, and this item will go the General Government Committee. Bob also mentioned the Public Works Committee discussion on a Source Water Protection District and having someone come to discuss this issue. Councilperson Reetz discussed the Coffin Pit property and that it needs to be surveyed, as well as finishing the clean up, to make it ready for sale; this will also go to the General Government Committee.

Rex Harris, Community Development Director, stated the NAPA Store owners are having the roof replaced and cleaning up the other problems with periodic updates. The Kleiman House was previously stated to be structurally sound by an engineer; the owner has several different ideas. Councilperson Reetz wondered about getting a stated plan, a new engineer's assessment, and discussion on potential condemnation.

LIQUOR LICENSE & OPERATING AGREEMENT RENEWAL

Councilperson Sutton moved, with a second by Councilperson Murphey, to approve the Liquor License Applications and Operating Agreements as listed. Discussion was held on the various requirements met such as taxes paid, the Sheriff having no problems, sting operations and the penalties for failing, and our requirements for the businesses to have training. The motion unanimously carried.

RESOLUTION #12-01-08A

The Mayor stated that this Resolution is for support of the concept of an amphitheatre and that there will be a public hearing held December 15th during the regular Council meeting. Attorney Beesley discussed the Committee meeting where a lot of the good questions submitted have been discussed. Linda and Loren Mohr discussed their concerns with the potential amphitheatre and what problems they already face with just one holiday; also what is the rush; there needs to be more time spent on the whole issue. Dee Scraggs questioned using the portable stage rather than a permanent one and then discussed the need for the Hill as the neighborhood children play there daily. Karol Bennett stated that other areas where discussed but this seemed like a win win situation with the natural amphitheatre and underutilized property. Councilperson Sutton moved, with a second by Councilperson Murphey, to adopt Resolution #12-01-08A Resolution of Support. Councilperson Starr and Murphey voted yes. Councilperson Sutton and Reetz voted no. The Mayor voted yes breaking the tie vote. The motion carried. Councilperson Murphey stated that the Council wants input about the project but also alternatives such as recreation development on the Hill.

RESOLUTION NO. 12-01-08A

Resolution of Support

WHEREAS, the Custer Breakfast Club has proposed the development of a portion of Pageant Hill which encompasses a natural amphitheatre and could be known as the Custer City Amphitheatre; and

WHEREAS, the Custer Breakfast Club is a 501(c)3 organization comprised of a small group of civic minded business and professional women who would like to enhance the economic, cultural, and social centers in Custer City; and

WHEREAS, the Custer Breakfast Club envisions enhancing the area by attracting tourists to our evening settings, providing opportunities for the area businesses, and delivering reasonably priced quality professional and exclusive performances to compliment other established summer events; and

WHEREAS, the City of Custer City Common Council will hold a public hearing to gather the Community's input and to progress at a rate that will allow sufficient time to clarify and establish the best provisions for the Community.

NOW, THEREFORE BE IT RESOLVED that the City of Custer City Common Council hereby supports the concept of the proposed Custer City Amphitheatre for the purpose of enhancing the Community as well as the economic and cultural social events.

Dated this 1st day of December, 2008

s/Harold D. Stickney, Mayor

RESOLUTION #12-01-08B

Councilperson Starr moved to adopt Resolution #12-01-08B – Amending Resolution #09-27-07. Seconded by Councilperson Murphey, the motion unanimously carried.

RESOLUTION NO. 12-01-08B
AMENDING RESOLUTION 09-27-2007
ANNEXING REAL PROPERTY

WHEREAS, A typographical error occurred in the legal description of Resolution 09-27-2007 for the annexation of real property, and

WHEREAS, annexation of the corrected hereinafter described real property is in the best interest of the City of Custer, now therefore

BE IT HEREBY RESOLVED that the following described real property legal description shall read:
Lots 1, 2, and 3 of SE1/4 NE1/4 and the E1/2 SE1/4 NE1/4 less Lot H-1 and H-2, Section 27, T3S, R4E, BHM, Custer County, South Dakota.

Dated at Custer City, Custer County, South Dakota, this 1st day of December, 2008.

s/Harold D. Stickney
Mayor

FIRST READING ORDINANCE #659 – SUPPLEMENTAL APPROPRIATIONS

The Council received and discussed the reasons for the Supplemental Appropriations Ordinance for the Year 2008. Discussion was also held on the Hospital Subsidy and the Council, as well as the Hospital Board, receiving current financials for the Clinic. Councilperson Murphey moved to adopt Ordinance #659. Seconded by Councilperson Starr, the motion unanimously carried.

SLASH PILE CONTRACT UPDATE

Councilperson Reetz requested the presence of Joe Harbach at the next meeting to discuss the Forest Service Contract. Rex discussed the Forest Service chipping project being bid out to a minority contractor who has sublet to Baker Timber Products which means that Baker will already be mobilized here which would save the City mobilization costs; they will submit a proposal to complete the City's portion of the clean up.

HOSPITAL BOARD MONTHLY REPORT

The Council received, reviewed, and discussed the progression of Regional Health to discuss future plans with the Hospital Board which is held up at this point due to new positions at Regional.

MERIT INCREASES

The Finance Officer requested the merit increase for Laurie Woodward to Step 7 \$16.47 per hour effective December 8th, 2008. Bob requested the merit increase for Dan Harbison to Step 1 Off Probation at \$13.40 per hour effective December 8th, 2008. Councilperson Starr moved to approve these increases. Seconded by Councilperson Reetz, the motion unanimously carried.

SD DEPT. OF PUBLIC SAFETY – CONTRACT CANCELLATION

The Council received the Notice of Contract Cancellation from the SD Dept. of Public Safety which is to have the Driver's License Renewal here in City Hall. The Finance Officer has had discussions with the County Auditor which is where the Licensing will go. The computer connection costs more here, where the connections are already established at the County due to Job Service using the Pine Room. The Council acknowledged the Cancellation of the Contract.

GRANT ACCEPTANCE – EQUIPMENT SAFETY

Bob submitted the Grant Acceptance for the Confined Space Safety Equipment in the amount of \$856. Councilperson Sutton moved to accept this grant. Seconded by Councilperson Murphey, the motion unanimously carried.

DISCUSSION ITEMS

The Mayor discussed the meeting with Jim Sach's, Moyle Petroleum, regarding the gas prices in Custer versus Hill City or Rapid City. Jim was the only response received and stated that he was glad we wrote the letter; he will be monitoring Custer's prices more closely and apologizes for the inconsistency. The Mayor also summarized the response he received from the PUC Commission.

Councilperson Starr had a short discussion on the possibility of having wind turbines placed in town and wondered if the Council should look at this possible issue. This item will go to the General Government Committee.

CLAIMS

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

Mayor & Council, Wages, \$4200
Community Development, Wages, \$3906.26
Finance Dept., Wages, \$9325.95
Public Works, Wages, \$6494.62
Street Dept., Wages, \$5492.10
Parks Dept., Wages, \$11325.48
Liquor Fund, Wages, \$3779.29

Water Fund, Wages, \$5229.45
Wastewater Fund, Wages, \$3438.58
AFLAC, Insurance, \$477.80
Alltel, Utilities, \$417.93
American Linen, Repair & Maint., \$159.91
Beesley Law Office, Professional Fees, \$3360
BH Power, Utilities, \$1581.80
Castle Cleaning, Repair & Maint., \$530
Century business Products, Supplies, \$222.20
City of Sturgis, Custer Cruisin, \$1000
Culligan Water, Repair & Maint., \$24
Custer Chronicle, Publishing, \$353.25
Custer County Treasurer, In Lieu of Tax, \$5146.39
Custer School District, In Lieu of Tax, \$15242.90
Dakotacare, Insurance, \$7897.63
Ed Starr, Reimbursement, \$28.38
Fennel Design, Liquor Store, \$3965
First Western Bank, TIF Payment, \$16189.13
Golden West, Utilities, \$728
Guys With Knives, Professional Fees, \$45
Hach Company, Supplies, \$158.89
Independent Audit Services, Professional Fees, \$4500
Scott Kellogg, Reimbursement, \$118
McKie Ford, Supplies, \$53.43
Nelson's Oil & Gas, Supplies, \$1335
Okoboji Wines, Supplies, \$195.22
Petty Cash, Travel & Conference, Supplies, \$776.43
Prairie Berry, Supplies, \$544
Quill Corp., Supplies, \$59.03
Rapid City Telco, Travel & Conference, Supplies, \$1205.02
Rapid City YMCA, Memberships, \$106
Harold Stickney, Travel & Conference, \$43.61
Tatiana's Import Beverages, Supplies, \$38.50
Geney Ziolkowski, Animal Contract, \$693
James Neil, Deposit Refund, \$50
Alfred Heinrich, Deposit Refund, \$50
Child Support Payment Center, \$315.52
Delta Dental, \$558
Federal Withholding, \$5190.62
FICA, \$6446.64
Medicare, \$1507.68
SD Retirement, \$6017.84
Total Claims \$140,523.48

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 6:55 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor