

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
OCTOBER 5TH, 2009**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of October, 2009 at 5:30 p.m. Present at roll call were Councilpersons Murphey, Schleining, Pischke, Ressler, Starr, Chris Beesley, City Attorney, Bob Morrison, Public Works Director, Rex Harris, Community Development Director, and Christine Redden, Finance Officer. The Pledge of Allegiance was stated.

AGENDA

Councilperson Ressler moved, with a second by Councilperson Pischke, to approve the agenda. The motion unanimously carried.

MINUTES

Councilperson Starr moved, with a second by Councilperson Schleining, to approve the minutes from the September 21st and September 28th, 2009 meetings. The motion unanimously carried.

EXECUTIVE SESSION

Councilperson Murphey moved to go into and out of an executive session at 5:34 p.m. due to personnel grievances. Seconded by Councilperson Schleining, the motion unanimously carried. The session adjourned at 6:00 p.m. with no action taken.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD MEETING

Bob discussed the State Bid Roster being on the internet and he will be recommending purchases at the next meeting. They have a Ford F150 4x4 ½ ton for \$17,763 and a Chevy Colorado 4x4 for \$17,955; the mileage isn't too far apart so. The Crew has been working on the well house at West Dam, winterizing the parks and irrigation equipment, and finishing the Mt. Rushmore Road water main shutoff project which will be completed after the Econo Lodge closes. Councilperson Ressler and others commented that the Crew did a phenomenal job on the snow removal especially since it was a surprise.

Rex stated they have sent three or four letters regarding code enforcement and all parties are complying.

VACATION HEARINGS

Rex presented and gave an overview of the hearing notices for the vacation of properties described as follows: The north/south alley contiguous with Lot 3 and Lot 4 of Block 64, Original Town of Custer City, SD, and the north 30 feet of Harney Street contiguous with Lots 4, 5, 6, 15, and 16 of Block 64, OT Custer City, SD; The north/south alley contiguous with Lot 9, Tract B, and Tract C, and Lot 10 of Block 94, Original Town, Custer City, SD; The north/south alley contiguous with Lot 9 and Lot 10 of Block 95, Original Town, Custer City, SD. Rex stated the Planning Commission has approved all three and he and Bob would not recommend these if there was any chance of using those areas. Councilperson Schleining wondered if there were any utilities in the ROW which Rex stated there was only one but the City does retain all utility easements. Councilperson Starr said this is good because those properties become taxable. Councilperson Starr moved, with a second by Councilperson Pischke, to approve these vacations as presented. The motion unanimously carried.

FIRST READING ORDINANCE #668 – WATER & BOND RATES

The Council received the Ordinance for the new water and bond rates as adopted through the 2010 budget process. Councilperson Starr moved, with a second by Councilperson Murphey, to approve Ordinance #668. The motion unanimously carried.

FIRST READING ORDINANCE #669 – SEWER RATES

The Council received the Ordinance for the new sewer rates as adopted through the 2010 budget process. Councilperson Murphey moved, with a second by Councilperson Pischke, to approve Ordinance #669. The motion unanimously carried.

EXECUTIVE PROCLAMATION

The Mayor presented his Executive Proclamation regarding awareness for Habitat for Humanity and declaring October 5th, 2009 as World Habitat Day.

GORDON STREET EXTENSION PROJECT

Rex reported that he has not received the requested written confirmations as of this meeting. Harley Noem and Shannon Percy from the GF&P were in attendance and discussed their need to have an agreement, have a copy of the construction plans, and assurance with the 4% grade for the Trail crossing. Rex thanked them as now he has the parameters needed for the agreement.

LIQUOR STORE ITEMS

Christine presented and the Council acknowledged the 3rd quarter P&L for the Liquor Store with the sales being up 14.7% and the gross profit was up 6.8% over the same quarter in 2008. There were additional expenses for labor and the year end costs for insurance, comp, and unemployment were now shown instead of at the end of the year. Year to date the Store has a profit of \$39,109 and for the entire year of 2008 it was \$32,018; \$7,000 increase with fourth quarter left to go. Also, discussed was the amount of sales tax brought into the General Fund which is \$13,782 so far.

RESOLUTION #09-21-09 MITIGATION MANAGEMENT PLAN

After a short discussion, Councilperson Schleining moved, with a second by Councilperson Pischke, to adopt Resolution #09-21-09. The motion unanimously carried.

CUSTER CITY
CUSTER CITY COUNCIL
RESOLUTION #09-21-09
RESOLUTION ADOPTING THE CUSTER COUNTY MULTI-HAZARD
MITIGATION MANAGEMENT PLAN

WHEREAS, the Custer County Multi-Hazards Mitigation Management Plan has been prepared in accordance with *The Disaster Relief Act of 2000, Public Law 106-390 and 44 CFR 206.1*; and
WHEREAS, the City of Custer has been afforded the opportunity to participate, comment, and provide input in the plan content and mitigation strategies; and

WHEREAS, the City of Custer concurs with the mitigation strategies and solutions for each hazard impacting the community and citizens; and

WHEREAS, the City of Custer agrees to annually review and comment on progress in achieving mitigation goals identified in the Plan and affecting its jurisdiction.

NOW THEREFORE BE IT RESOLVED by the Custer City Council that it adopts the Custer County Multi-Hazards Mitigation Management Plan as the jurisdiction's mitigation management plan, and resolves to participate in the accomplishments of the actions therein.

Adopted this 5th day of October, 2009 at the regular meeting of the Custer City Council.

s/Custer City Mayor

MOLD INSPECTION

Rex updated the Council on one of the building owner not wanting to participate in the mold inspection. Rex will be contacting the owner of the other building in town and see if they want to participate. Councilperson Starr mentioned keeping good notes so we can create a policy for future issues.

RECYCLING PROPOSAL – KEEP HOT SPRINGS BEAUTIFUL

The Council received a request from Keep Hot Springs Beautiful Association requesting support from the outlying communities to join in the recycling effort. The Mayor stated that this request had also been presented to the Solid Waste District and they did not vote to contribute; also the group had stated they would disband if they had not received any word by September 30th. Councilperson Starr discussed three of entities that were on the request list are already receiving money from our taxpayers so this would once again be triple taxation and that's not good. The Mayor complimented Councilperson Starr on his contribution to getting Custer's program started. This request died for lack of motion.

CITY HALL REMODEL

The Mayor discussed the first design from Fennel Design which was rather extensive but Rex changed it to the present view and it will save on costs. The General Government Committee recommended approval of this project for next year where this project is budgeted. Councilperson Schleining moved to approve this remodeling project. Seconded by Councilperson Murphey, the motion unanimously carried.

RESIDENTIAL PARKING PROBLEM

Discussion was held on the Public Works Committee working on this issue as well as the handicap parking issue. They have options to discuss at their next meeting October 26th.

FOURFRONT DESIGN – CONTRACT AMENDMENT

Bob presented the requested Contract Amendment from FourFront Design. The reason for the amendment is the hydrology data from FEMA has required quite a bit more time because it has to be manually inputted into their software. Bob stated that they would continue with the Project but would like consideration for the additional labor not included in the original contract. Councilperson Starr wondered if they give a credit to the contract if it would take them less time. Bob stated they usually do a "not to exceed figure". Councilperson Murphey moved, with a second by Councilperson Ressler, to deny this request. The motion unanimously carried.

SCHOOL OF MINES – MEDAL PROGRAM

The Mayor discussed the School of Mines Medal Program and having nationwide recognition of the School. Discussion was held on this donation not being budgeted and even though it is a noble cause, there are other needs to be addressed. The request died for lack of motion.

RECORDS DESTRUCTION LIST

The Council received the Records Destruction List for items that are past the scheduled destruction date. Councilperson Starr moved to approve this listing. Seconded by Councilperson Murphey, the motion unanimously carried.

DISCUSSION ITEMS

Rex reported that the Parks Committee is looking at a structure at Gates Park to house recreation equipment. They now have a sketch and we will be getting cost estimates. They are also looking at the fields by the High School and working with the School on the master plan which includes additional facility items such as parking.

CLAIMS

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

Mayor & Council, Wages, \$4250
Community Development, Wages, \$6155.24
Finance Office, Wages, \$14834.56
Public Works, Wages, \$9021.72
Street Dept., Wages, \$7920.16
Parks Dept., Wages, \$18039.20
Liquor Fund, Wages, \$5144.90
Water Dept., Wages, \$8421.36
Wastewater Dept., Wages, \$5219.64
Credit Collections, \$202.50
Delta Dental, \$584.80
Federal Withholding, \$4464.46
FICA, \$6558.05
Medicare, \$1533.73
SD Retirement, \$6181.77
Pattie Schultz, Deposit Refund, \$50
Phill Randall, Deposit Refund, \$100
Pamida, Deposit Refund, \$100
Robin Penrick, Deposit Refund, \$50
Les McClanahan, Deposit Refund, \$50
Gray Hagen, Deposit Refund, \$50
Edward Jones, Investment, \$500,000
AFLAC, Insurance, \$471.88
Alltel, Utilities, \$507.25
BH Phones, Utilities, \$50
BH Power, Utilities, \$6427.15
Cask & Cork, Supplies, \$272
Castle Cleaning, Professional Fees, \$880
Century Business, Supplies, \$120.92
Culligan, Repair & Maint., \$17.50
Custer County Treasurer, Law Enforcement, \$76729.50
Custer County Chronicle, Publishing, \$2944.10
Custer Do It Best, Supplies, Repair & Maint., \$124.59
Dakota Supply, Supplies, Repair & Maint., \$986.26
Elk Canyon, Supplies, \$25
Enviromaster, Supplies, \$22
Fastenal, Supplies, \$143.38
Fisher Beverage, Supplies, \$5969.75
FourFront Design, Professional Fees, \$392.48
Golden West, Utilities, \$886.02
Graphics Plus, Supplies, \$76.21
Cheryl Hadlock, Professional Fees, \$3690.83
Hawkins Chemical, Supplies, \$6078.95
HD Supply, Supplies, \$1262.32
Jeri Hewitt, Reimbursement, \$100
Hillyard, Supplies, \$311.92
K2 Masonry, Curb, \$2040.82
Scott Kellogg, Reimbursement, \$164
Lynn's Dakotamart, Supplies, \$10.86
Petty Cash, Supplies, Travel & Conference, Fees, \$325.49
Quill, Supplies, \$219.51
Rapid Delivery, Supplies, \$26.40
Tatiana's Import Beverage, Supplies, \$89.60
Olson Design, Professional Fees, \$1035
Water Environment Federation, Travel & Conference, \$95
Western Dakota Technical, Fees, \$355
Wright Express, Supplies, \$1151.23
YMCA, Memberships, \$110
Geney Ziolkowski, Animal Contract, \$751
Total Claims \$713,796.01

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 6:46 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor