

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
JULY 7, 2008**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of July, 2008 at 5:30 p.m. Present at roll call were Councilpersons Sutton, Reetz, Schleining, Murphey, Starr, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**OATH OF OFFICE**

Councilpersons Sutton and Reetz took the Oath of Office for their two-year terms.

**AGENDA**

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

**MINUTES**

Councilperson Schleining moved, with a second by Councilperson Murphey, to approve the minutes from the June 16<sup>th</sup>, 2008 regular meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, discussed the following items; the 4<sup>th</sup> of July went smooth with a lot of people in town and water usage being up over the weekend of the 4<sup>th</sup>; the irrigation to the new high school is installed but due to rain hasn't had to used yet; a water line on the Westside of the City has been leaking but a temporary line has been put in for a couple months until we replace the hydrant; and the Westside services are in but we are waiting for one place to get their meter in.

Rex Harris, Community Development Director, discussed the following items; the Liquor Store should be ready to go to bid this month; Washington Street design is completed so hopefully this month we will have SDGF&P comments and go to bid; Councilperson Starr wondered about the Liquor Store and the Water Plant being separate for flexibility for future; Councilperson Reetz questioned the parking plans for Washington Street which Rex stated the south side will be for RV parking with vehicle parking on the north side.

**SHERIFF'S DEPARTMENT**

Sheriff Wheeler discussed that there have been a few break-ins and he strongly urges locking and alarm usage if you have one. Sheriff Wheeler also discussed a Highway Safety Grant that they received this year for \$24,000 to use towards DUI overtime, sobriety checks and equipment. The Sherriff's Department also received \$49,000 for the grant for 2009 to use towards the same plus a speed sign with Custer State Park. Discussion was held on RV camping on public property, which is not allowed. The Sheriff also submitted the June Activity Report with no questions from the Council.

**SECOND READING ORDINANCE #654 – BID DISTRICT AMENDMENT**

Councilperson Starr moved to approve Ordinance #654. Seconded by Councilperson Schleining, the motion unanimously carried with Councilperson Starr, Murphey, Schleining, Reetz, and Sutton voting yes.

**ORGANIZATIONS PRESENTATIONS FOR 2009 BUDGET**

Ed Starr submitted the annual report for Custer All-Drug and gave an overview of things they have going. They have received a Stop Smoking Grant for 2009. Ed presented a overview of their budget and requested \$3,000 for 2009.

Patty Ressler submitted the annual report the Custer Area Arts Council. Patty gave an overview of what the Custer Area Arts Council is doing including Custer Stampede Buffalo Art Auction, Student Art Programming, Custer Characters Community Theater, and Theater Seat Program. They are requesting \$1,000 for 2009 to be used towards the Student Art Programming Initiative to be used as matching funds for the Children's theater to be held in spring 2009.

Custer Meals Program was unable to attend, and will attend at a later date.

**STREET CLOSURE REQUEST**

The Cool Pine Cruisers submitted a request for street closure for south 6<sup>th</sup> Street on July 26, 2008 from 5:30 am till 4 pm for the annual Gold Discovery Days Car Show. Councilperson Starr moved to approve this event. Seconded by Councilperson Murphey, the motion unanimously carried.

**RAFFLE REQUEST**

The Council received a raffle request from the Custer Senior Center to sell raffle tickets for two quilts during the Custer Cruisin' Motorcycle Rally. Councilperson Murphey moved to approve the raffle request. Seconded by Councilperson Schleining, the motion unanimously carried.

**RESOLUTION #07-07-08A VACATION ROW**

Rex stated this property is located at 10<sup>th</sup> Street and Harney Street. Rex stated the Planning Commission recommends approval. Councilperson Murphey moved to adopt Resolution #07-07-08A. Seconded by Councilperson Starr, the motion unanimously carried.

RESOLUTION NO 07-07-08A

WHEREAS, the verified Petition and application of the owner of real property abutting the hereinafter described portion of a certain street and alley in the City of Custer City, Custer County, South Dakota, praying that said portion of said street and alley be vacated in order to promote an orderly and uniform system of streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 11<sup>th</sup> day of June, 2008, and on the 18<sup>th</sup> day of June, 2008, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 7th day of July 2008, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that that portion of the originally platted street and alley of the City of Custer City, Custer County, South Dakota, described as follows:

A 5 feet area of 10th Street located contiguous to the west side of Lot 12; the south 20 feet of Harney St. contiguous to the north line of Lot 12 and the west 8 feet of Lot 11 and contiguous to the proposed 5 feet vacation on 10<sup>th</sup> St; The east/west alley contiguous to the south line of Lot 12, and contiguous to the proposed 5 feet vacation on Harney St., said alley being 30 feet of right of way, (the adjacent property owner to the south determined he wanted none of the alley); and the southerly 15 feet of the east west alley contiguous to the previously vacated alley contiguous to the west 8 feet of Lot 11, all part of original Block 60, Original Town, now City of Custer, however all rights to maintain or establish utilities or subsequent easements shall be retained;

Dated at Custer City, Custer County, South Dakota, this 7th day of July, 2008.

s/Harold D. Stickney, Mayor

#### **RESOLUTION #07-07-08B VACATION ROW**

Rex stated this property is located on Sherman Street and that there is nothing the city can use it for and it will enhance the setback of the property. Rex stated the Planning Commission recommends approval. Councilperson Murphey moved to adopt Resolution #07-07-08B. Seconded by Councilperson Starr, the motion unanimously carried.

#### **RESOLUTION NO 07-07-08B**

WHEREAS, the verified Petition and application of the owner of real property abutting the hereinafter described portion of a certain street in the City of Custer City, Custer County, South Dakota, praying that said portion of said street be vacated in order to promote an orderly and uniform system of streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 11th day of June 2008, and on the 18<sup>th</sup> day of June, 2008, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 7th day of July, 2008, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that that portion of the originally platted street of the City of Custer City, Custer County, South Dakota, described as follows:

A 25 feet by 150 feet area of Sherman Street located contiguous to the north side of Tract 1 of Lots 10, 11, and 12 of Block 80, Original Town, now City of Custer;

be, and the same is, forever vacated, however all rights to maintain or establish utilities or subsequent easements shall be retained.

Dated at Custer City, Custer County, South Dakota, this 7th day of July, 2008.

s/Harold D. Stickney, Mayor

#### **SURPLUS STREET SHOP PROPERTY**

Councilperson Starr moved to approved the surplus of the Street Shop property. Seconded by Councilperson Schleining. Discussion was held on whether to surplus the property with or without the buildings and if one bid should be for the buildings and one for the property. Discussion was also held on if the buildings could be moved and reused at the new street shop location. Councilperson Starr moved to rescind his motions with Councilperson Murphey seconding, until the council speaking with Ron Bradeen about the option of auctioning the property off.

#### **BROWN BAG REQUEST – SHRINE CLUB**

The Southern Hills Shrine Club submitted a request for a Brown Bag License to have a get-together in French Creek Park July 26<sup>th</sup>, during Gold Discovery Days. City Attorney Beesley expressed his concerns as far as liability insurance. Council tabled any action on this request until next council meeting.

#### **BROWN BAG REQUEST AND SHOWMOBILE USAGE REQUEST – CUSTER FIRE DEPARTMENT**

The Custer Volunteer Fire Department submitted a request for a Brown Bag License for July 26<sup>th</sup>, 2008 and use of the showmobile for July 25<sup>th</sup> and 26<sup>th</sup> for the annual Fireman's Ball during Gold Discovery Days. Council person Murphey moved to approve the usage of the showmobile. Seconded by Councilperson Schleining, the

motion unanimously carried. Councilperson Murphey moved to refer the brown bag license to general government committee to look at a policy on alcohol on public property. Councilperson Schleining seconded the motion. The motion failed with Councilperson Murphey voting yes and Councilperson Starr, Schleining Reetz, and Sutton voting no. After some discussion, Councilperson Starr moved to approve the Brown Bag permit for the Fireman's Ball. Seconded by Councilperson Sutton, the motion unanimously carried.

#### **FRESH START – REQUEST FOR CASINO**

Rex informed the council that he has sent Fresh Start a letter and Council was informed that this request is still at the General Government Committee.

#### **2009 BUDGET PROCESS**

The Council received, reviewed, and acknowledged the preliminary budgets for the water, wastewater, and Custer Cruising funds.

#### **LIABILITY INSURANCE QUOTES**

The Council was presented with quotes from First Western Insurance Agency and Hagan Benefits and the comparison of the two. First Western's quote of \$18,621 included commercial auto comp and collision. Councilperson Reetz moved to approve the First Western Insurance quote. Seconded by Councilperson Murphey, the motion unanimously carried. Paul DeHaan, First Western Insurance Agent, thanked the council and put the policy effective on July 7, 2008 at 7:00 pm.

#### **GENPRO CONTRACT**

Bob Morrison presented the contract for service to the generator at the Wastewater Treatment Plant with a 15% increase due the increase in cost of operations. Councilperson Schleining moved to approve the GenPro Contract. Seconded by Councilperson Starr, the motion unanimously carried.

#### **EQUIPMENT PURCHASE**

Councilperson Starr moved to approve the purchase of a 1989 International dump truck from Federal Surplus. Seconded by Councilperson Sutton, the motion unanimously carried.

#### **HOSPITAL BOARD REPORT**

The Council received, reviewed, and acknowledged the June Hospital Board Monthly Report with the May Operating Performance Summary.

#### **COUNCIL COMMITTEES & DESIGNATION OF PRESIDENT AND VICE PRESIDENT**

Mayor Stickney present the committee Appointments for 2008-2009.

#### **COMMITTEE APPOINTMENTS 2008-2009**

**Public Works – General** Harold Stickney, Mayor, Duane Murphey, Terry Reetz, Lee Sutton, Bob Morrison Karen Schleining – Council Alternate Includes Topics of: Street, Public Buildings, Planning Commission, Parks, Recreation, Liquor, Water, Wastewater, and Solid Waste

**General Government/Administration** Harold Stickney, Mayor, Karen Schleining, Steve Pischke, Ed Starr, Christine Redden, Duane Murphey – Council Alternate Includes Topics of: Finance, Legal, Sheriff, Public Safety, Animal Control, ADA, Personnel, Chamber of Commerce, and Medical.

#### **Other Committees & Liaisons:**

**BH Council** – Harold Stickney and Rex Harris **Chamber Liaison**– Terry Reetz **Hospital Liaison** – Christine Redden **Planning Liaison** – Duane Murphey **Waste Management** – Harold Stickney **YMCA Representative** Bob Morrison **Emergency Service** – Harold Stickney, Bob Morrison, and Rex Harris **Economic Development & Co. Housing** – Steve Pischke **RC & D Committee** – Christine Redden **1881 Museum** – Karen Schleining **Custer Area Transportation** – Christine Redden

Councilperson Sutton moved to appoint Councilperson Schleining as President. Seconded by Councilperson Starr, the motion unanimously carried. Councilperson Starr moved to appoint Councilperson Murphey as Vice President. Seconded by Councilperson Schleining, the motion unanimously carried.

#### **DEER MANAGEMENT ISSUE**

Discussion was held on the deer issues within the City and on the deer management plan. Councilperson Sutton expressed concerns about the people feeding the deer and that they are not being fined for doing so. Other discussion included when the harvesting would take place, who would be doing the shooting and the liability with it, where the meat will go and how it will be distributed, the cost with implementing a deer management plan and how other areas are handling the same issue.

#### **BRADEEN AUCTION SERVICE – SURPLUS PROPERTY**

Ron Bradeen visited with the Council regarding the street shop property to be surplus and the options of auctioning off the property versus sealed bids. Ron feels that the city could get a higher price from auctioning the property. Additional discussion was held on surplus the property with the buildings or without the buildings and as one tract or two tracts. The Council asked Ron to put together a proposal for the General Government Committee.

#### **DISCUSSION ITEMS**

Special Council meeting will be held on July 14<sup>th</sup> at 5:00 for the wage committee proposal public presentation. General Government Committee will meet following that meeting.

Rex informed the Council that TIF #4 project plan is available for them to review, as it is close to being completed and intentions are to have it ready for council approval on August 21<sup>st</sup>.

Councilperson Star discussion various city project and the status of them.

### **CLAIMS**

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

Mayor & Council, Wages, \$4250  
Community Development, Wages, \$3667  
Finance Dept., Wages, \$8572.10  
Public Works Dept., Wages, \$5917.27  
Street Dept., Wages, \$4460.96  
Parks Dept., Wages, \$2932.60  
Liquor Fund, Wages, \$3300.86  
Water Fund, Wages, \$4519.00  
Wastewater Fund, Wages, \$4861.15  
AFLAC, Insurance, \$388.08  
AGS Publishing, Advertising, \$200.00  
Alltel, Utilities, \$393.64  
Bituminous Paving, Repairs, \$132.06  
BH Power, Utilities, \$2926.99  
Castle Cleaning, Repairs & Maintenance, \$1460  
Century Business Products, Supplies, \$85  
Chadron Wholesale, Supplies, \$931.18  
Child Support Payment, \$314.54  
Cheryl Hadlock, Cemetery Maintenance, \$3583.33  
Coca-Cola, Supplies, \$444.90  
Culligan Water, Repair & Maintenance, \$30.50  
Chamber of Commerce, Advertising, \$200  
Chronicle, Advertising, \$438.71  
Custer County Treasurer, Law Enforcement, \$75225  
Custer Do It Best, Supplies, \$427.04  
Custer Meals Program, 2008 Subsidy, \$2500  
Custer Transportation, 2008 Subsidy, \$3000  
Custer Youth House, 2008 Subsidy, \$2000  
Dakotacare, Insurance, \$4726.29  
Delta Dental, Insurance, \$465  
EFTPS, Taxes, \$10267.12  
Elk Canyon, Training, \$25  
Energy Laboratories, Water Testing Fee, \$134.50  
Enviromaster, Supplies, \$22  
ESRI, Supplies, \$400  
Fiberglass Custom Products, Supplies, \$110  
French Creek Supply, Supplies, \$294.49  
Frontier Bar, License Refund, \$250  
Frontier Photo, Supplies, \$848  
Golden West Companies, Utilities, \$728  
Golden West Technologies, Professional Services, \$150  
Grimm's Pump & Industrial, Supplies, \$22.71  
Hach Company, Supplies, \$524.39  
Hawkins Chemicals, Supplies, \$5237.25  
HD Supply, Supplies, \$4688.28  
Hills Materials, Supplies, \$89.08  
Hillyard, Supplies, \$ 766.45  
Jenner Equipment, Supplies, \$591.65  
Kellogg, Scott, Reimbursement, \$57  
Mainline Contracting, Westside Utility Project, \$67295.48  
Mannatec, Supplies, \$1309.36  
Menards, Supplies, \$117.98  
Nelson Oil, Supplies, \$4039.20  
Quill, Supplies, \$86.66  
S&B Motors, Supplies, \$478.65

SD Department Revenue, License, \$125  
SDM&T Educational Programs, Training, \$350  
SD Retirement System, Remittance, \$4575.01  
Sign & Trophy, Supplies, \$56  
Supplemental Retirement, Remittance, \$105  
Thomson West, Supplies, \$183  
Unemployment, Taxes, \$109.71  
Warne Chemical, Supplies, \$268.70  
Ziolkowski, Geney, Animal Control Contract, \$790  
Lyle Reindl, Utility Refund, \$39.54  
Michaelyn Miexzkowski, Deposit Refund, \$50  
Jason Rosane, Deposit Refund, \$50  
Paul Hernandez, Deposit Refund, \$50  
Chad Borkowski, Deposit Refund, \$50  
Nancy Bogner, Deposit Refund, \$50  
Kristin Chase, Deposit Refund, \$50  
Dave Curry, Deposit Refund, \$50  
Sam Bishop, Deposit Refund, \$50  
Tom/Sheila Martin, Deposit Refund, \$50  
Phillip Greer, Deposit Refund, \$50  
Betty Cordill, Deposit Refund, \$50  
Jeraldean Estes, Deposit Refund, \$50  
Jessica Sides, Deposit Refund, \$50  
Total Claims \$248,456.41

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 8:35 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Deputy Finance Officer

Harold D. Stickney  
Mayor