

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
August 6th, 2012**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of August, 2012 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Kothe, Lampert, Herman, Schleining and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

Mayor Lipp asked that Big Rock Park Grant Notification be added to new business. Councilperson Lampert moved, with a second by Councilperson Schleining, to approve the agenda with the addition. The motion unanimously carried.

MINUTES

Councilperson Schleining moved, with a second by Councilperson Kothe, to approve the minutes from the July 16th, 2012 regular meeting, July 17th, 2012 special meeting and the July 30th, 2012 special meeting. The motion carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, gave Council an update on the projects he has been working on.

Rex Harris, Community Development Director, gave Council an update on how Custer Cruisin was going.

Laurie Woodward, Finance Officer, gave Council a brief report on the claims in for payment.

SECOND READING – ORDINANCE #720 – LAWN MAINTENANCE

Councilperson Herman moved to adopt Ordinance #720, Lawn Maintenance. Seconded by Councilperson Heinrich, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Lampert, Herman and Schleining voting yes.

SECOND READING – ORDINANCE #721 – FLOOD PLAIN DEVELOPMENT FEE

Councilperson Heinrich moved to adopt Ordinance #721, Flood Plain Development Fee. Seconded by Councilperson Lampert, the motion carried with Councilperson Heinrich, Kothe, Lampert, Herman, Schleining and Hattervig voting yes.

SECOND READING – ORDINANCE #722 – CAPITAL REPLACEMENT RESERVE FUND

Councilperson Heinrich moved to adopt Ordinance #722, Capital Replacement Reserve Fund. Seconded by Councilperson Schleining, the motion carried with Councilperson Kothe, Lampert, Herman, Schleining, Hattervig and Heinrich voting yes.

SECOND READING – ORDINANCE #723 – ALCOHOLIC BEVERAGE HOURS OF SALE

Councilperson Lampert moved to adopt Ordinance #723, Alcoholic Beverage Hours of Sale. Seconded by Councilperson Herman, the motion carried with Councilperson Lampert, Herman, Schleining, Hattervig, Heinrich and Kothe voting yes.

FIRST READING – ORDINANCE #724 – REPEALING GARBAGE RATE REDUCTION FOR WATER OFF ACCTS

Councilperson Lampert moved to approve the first reading of Ordinance #724, Repealing Garbage Rate Reduction for Water Off Accounts. Seconded by Councilperson Herman, the motion unanimously carried.

FIRST READING – ORDINANCE #725 – WASTEWATER BOND REDEMPTION RATE

Councilperson Hattervig moved to approve the first reading of Ordinance #725, Wastewater Bond Redemption Rate. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION #08-06-12A – SAFETY MANUAL – PROTECTIVE CLOTHING/EQUIPMENT

Councilperson Hattervig moved to adopt Resolution #08-06-12A, Safety Manual – Protective Clothing/Equipment. Seconded by Councilperson Kothe, the motion unanimously carried.

RESOLUTION # 08-06-12A

WHEREAS, the City of Custer City has previously adopted a Safety Manual; and

WHEREAS, updating and amending of said Employee Safety Manual was provided for in Resolution 07-16-12B; and

WHEREAS, the Common Council of the City of Custer City has determined that the Safety Manual be modified regarding Part 12 Personal Protective Equipment, Section Protective Clothing/Equipment, Paragraph 9 with the following and it shall read as follows:

PROTECTIVE CLOTHING/EQUIPMENT

9. Footwear: It is required that all public works personnel wear work type boots that are over the ankle (minimum of 6 inches high) with a predominantly leather upper, puncture resistant sole and slip resistant out sole. They may or may not be steel or composite toe boots. Tennis shoes or low top shoes are not permitted without a doctor's order.

NOW THEREFORE BE IT RESOLVED that the Safety Manual is amended and superseded as adopted.

Dated this 6th day of August, 2012.

City of Custer City
S/Gary Lipp, Mayor

RESOLUTION #08-06-12B – SAFETY MANUAL – INCIDENT/ACCIDENT INVESTIGATION

Councilperson Herman moved to adopt Resolution #08-06-12B, Safety Manual – Incident/Accident Investigation. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION # 08-06-12B

WHEREAS, the City of Custer City has previously adopted a Safety Manual; and

WHEREAS, updating and amending of said Employee Safety Manual was provided for in Resolution 07-16-12B; and

WHEREAS, the Common Council of the City of Custer City has determined that the Safety Manual be modified regarding Part 6 Incident/Accident Investigation with the following and it shall read as follows:

PART 6: INCIDENT/ACCIDENT INVESTIGATION

An incident/accident will not necessarily result in an injury or property damage. The goal of an incident/accident review is to prevent a recurrence.

1. An investigation into an incident/accident is not an attempt to place blame.
2. The investigation seeks only to ascertain the causes of an incident/accident and to suggest ways to eliminate any recurrence thereof.
3. The key to preventing incidents/accidents and the personal and economic losses that accompany them, is to evaluate the incident/accident and determine the root cause(s).
4. The City of Custer will track the incidents/accidents/near misses occurring on the job in a database and initiate action or training as needed. This benefits the City, our employees and the public.

All City employees are responsible for reporting incidents/accidents as soon as possible. Every incident/accident, regardless of the outcome, shall be reported in accordance with the following guidelines:

NEAR MISSES: Employees shall report near misses in writing to their supervisor. Remember that a near miss represents an opportunity to identify a hazard without the pain of someone being injured. Near miss reporting is crucial to the success of our incident/accident prevention efforts and our safety program.

FIRST AID INJURIES/ MEDICAL TREATMENT INJURIES: For minor or major injuries, fill out the First Report of Injury form and turn it in to your supervisor. We need to track even minor cuts and scrapes carefully in case they turn into more serious cases later, and to help identify potential hazards.

PROPERTY DAMAGE: If you are involved in an incident/accident that causes any property damage or vehicle damage, notify your supervisor as soon as possible. The First Report of Injury shall also be used for these situations if there are personal injuries from the vehicular damage.

The immediate Supervisor on duty, a member of the risk management committee and the individual involved in the incident/accident will make up the incident/accident investigation team. The incident/accident review process will be initiated after individuals involved have received proper medical attention and the incident/accident scene has been secured if necessary. In order to establish the facts, individuals involved in the incident/accident will be interviewed by the investigation team. Everyone's participation in this stage of the investigation is crucial in determining the causes of the incident/accident and eliminating future occurrences. .

The Risk Management Safety Coordinator and any other applicable sources will review the facts of the event and make recommendations for corrective action. Injured or involved parties are encouraged to participate in the review if they desire.

It is important to remember that not every incident/accident review will result in major changes to our system. As we continually strive to improve all aspects of our work processes, the safety personnel and management will track incident/accident causes and determine the best options for eliminating hazards.

NOW THEREFORE BE IT RESOLVED that the Safety Manual is amended and superseded as adopted.

Dated this 6th day of August, 2012.

City of Custer City
S/Gary Lipp, Mayor

RESOLUTION #08-06-12D – APPROVAL OF LWCF GRANT APPLICATION

Councilperson Herman moved to adopt Resolution #08-06-12C, Approval of LWCF Grant Application. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION NO. 08-06-12D

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreation projects;

NOW THEREFORE BE IT RESOLVED:

1. That Dirk Jablonski is hereby authorized to execute and file an application on behalf of the City of Custer City, South Dakota with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing Custer City Center Playground Equipment for the City of Custer City, South Dakota and its Environs.

2. That Gary Lipp, Mayor is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application with is hereby authorized to be filed.

3. That the City of Custer City, South Dakota shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting Finance Director of the City of Custer, South Dakota does hereby certify: That the attached Resolution is a true and correct copy of the Resolution, authorizing the filing of application with the National Park Service as regularly adopted at a legally convened meeting of the City Council duly held on the 6th day of August, 2012 and further that such Resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of August, 2012.

City of Custer City
S/Gary Lipp, Mayor

RESOLUTION #08-06-12C – FIRE BAN

Councilperson Herman moved to adopt Resolution #08-06-12D, Fire Ban. Seconded by Councilperson Heinrich, the motion unanimously carried.

Emergency Resolution 08-6-2012C

To Provide For Emergency Regulation of Fire Hazard in the City of Custer City

BE IT HEREBY RESOLVED BY THE Common Council of the City of Custer City that all open burning in the City of Custer City is hereby banned effective August 6, 2012. This resolution, in accordance with SDCL 9-33-1, prohibits open burning as follows:

RESTRICTIONS

Building, maintaining, attending or using a campfire or a coal or wood stove fire.

Smoking, except within an enclosed vehicle or building, a developed recreational site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.

Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: USDA Forest Service Standard 5100-1a [as amended]; OR appropriate Society of Safety Engineers [SAE] recommended practice J335 [b] and J350 [a].

Welding or operating acetylene or other torches with an open flame in an area other than a confined inflammable location.

EXCEPTIONS

Charcoal grill fires, petroleum fueled stoves, lanterns, or heating devices may be used provided such devices meet the fire underwriter's specifications for safety.

NOTE

This ban on open burning applies unilaterally to all State of South Dakota issued permits including burn barrels. Any violation of this resolution shall be subject to a fine of up to \$200.00.

IT IS FURTHER RESOLVED that this resolution, being necessary for the immediate preservation of the public peace, health or safety, shall take effect upon the passage and publication hereof, and will remain in force until rescinded.

Dated this 6th day of August, 2012.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

SHERIFF'S MONTHLY REPORT

The Council acknowledged the Sheriff's monthly reports for July 2012.

DOWNTOWN CHRISTMAS LIGHTS – CHRISTMAS LIGHTS COMMITTEE

Members of the Christmas Lights Committee addressed Council regarding the City purchasing some lighted wreaths to be placed on the light poles downtown. Councilperson Schleining moved to authorize the purchase of one lighted wreath for now to see how it will work. Seconded by Councilperson Herman, the motion unanimously carried.

RAFFLE REQUEST – CUSTER ROTARY CLUB

Councilperson Lampert moved to approve the raffle request from Custer Rotary Club for their annual fundraiser to be held August through December. Seconded by Councilperson Herman, the motion unanimously carried.

STREET CLOSURE REQUEST – TRACEY KELLEY

Councilperson Lampert moved to approve the street closure request from Tracey Kelley to close North Sixth Street from Crook Street south to the alley on August 16th, 2012 for their Annual Customer Appreciation Event and the Fire Department's use of the showmobile for the event. Seconded by Councilperson Heinrich, the motion unanimously carried.

STREET CLOSURE REQUEST – CHAMBER OF COMMERCE – STUDEBAKER CAR SHOW

Councilperson Hattervig moved to approve the request from the Custer Chamber to close South Sixth Street from Mt Rushmore Road to Washington Street on Sunday, September 2nd, 2012 for the Studebaker Car Show. Seconded by Councilperson Heinrich, the motion unanimously carried.

BIG ROCK PARK GRANT NOTIFICATION

Council was informed that notification was received that the City of Custer City has been awarded an \$80,000 Recreational Trails Program Grant to be used towards the Big Rock Park Skywalk Trail.

BREAK 7:05-7:13

2013 BUDGET

Council worked through the 2013 budget.

CLAIMS

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

- Advanced Drug Testing, Supplies, \$72.00
- American Planning Association, Dues, \$205.00
- A & B Electric, Repairs & Maintenance, \$183.60
- Ainsworth Benning, Capital Improvements, \$133848.00
- Ainsworth Benning, Capital Improvements, \$133325.23
- Beesley Law Office, Professional Fees, \$1800.00
- Biker Incite, Advertising, \$325.00
- Birmingham Receipt Book, Supplies, \$378.00
- Black Hills Power & Light, Utilities, \$10016.81
- Black Hills Power Equipment, Supplies, \$69.79
- Border States Electric, Supplies, \$409.95
- Bank Coffee House, Refund, \$300.00
- Carson Drug, Repairs & Maintenance, \$59.35
- Century Business Products, Supplies, \$267.67
- Custer Community Health Services, Sales Tax Subsidy, \$54799.23
- Custer Do It Best, Supplies, \$168.71
- Chamber of Commerce, Sales Tax Subsidy, \$27353.13
- Custer County Chronicle, Publishing, \$1189.25
- Custer State Park, Permit, \$50.00
- Custer True Value, Supplies, \$587.41
- Dacotah Bank, TIF #2 Payment, \$279.80
- Dakotacare, Insurance, \$8867.61
- Dakota Supply, Supplies, \$760.36
- Delta Dental, Insurance, \$432.40
- Energy Lab, Supplies, \$296.00
- EFTPS, Taxes, \$18983.56
- FourFront Design, Capital Improvements, \$12829.54
- Fastenal, Supplies, \$562.72
- Flexible Pipe Tool Company, Supplies, \$100.13
- Hach Company, Supplies, \$477.50
- Harris, Rex, Travel, \$62.90
- Hawkins, Supplies, \$8760.83
- Hills Materials, Supplies, \$1492.54
- Hillyard, Supplies, \$119.00
- Kellogg, Scott, Reimbursement, \$100.00
- Labcorp, Supplies, \$61.00
- Mac Construction, Capital Improvements, \$34849.53
- McGas Propane, Utilities, \$1822.16

Pamida, Supplies, \$59.99
Petty Cash, Supplies, \$565.45
Pitney Bowes, Supplies, \$39.00
Power House, Repairs & Maintenance, \$76.27
Prairie Hills Transit, Subsidy, \$4000.00
Quill, Supplies, \$220.03
Raven's Nest, Refund, \$40.00
Rapid Delivery, Supplies, \$75.60
Running's Supply, Clothing Allowance, \$229.60
Sander Sanitation, Repairs & Maintenance, \$245.00
SD Dept of Environment, Professional Fees, \$95.00
State of South Dakota, Sales Tax, \$852.95
SD Retirement, \$8497.75
Sign & Trophy, Supplies, \$14.25
SD Supplemental Retirement, \$292.50
Storehouse, Subsidy, \$1000.00
USA Bluebook, Supplies, \$148.50
Wright Express, Supplies, \$1851.62
YMCA, Membership, \$123.00
Ziolkowski, Geney, Animal Control Contract, \$735.00
Mayor & Council, \$4200.00
Finance Department, \$9152.78
Planner, \$6459.88
Public Works Department, \$5026.96
Street Department, \$6521.63
Parks Department, \$9925.46
Water Department, \$6512.02
Wastewater Department, \$6982.47
Total Claims \$530,208.42

EXECUTIVE SESSION

Councilperson Lampert moved to go into and out of executive session for personnel, potential litigation and contract negotiation per SDCL 1-25-2 at 8:08 pm, with the Attorney, Finance Officer, Public Works Director and Community Development Director present. Seconded by Councilperson Heinrich, the motion unanimously carried. Council came out of executive session at 8:36 pm, with no action taken.

COMMITTEE REPORTS

Various committee reports were given.

ADJOURNMENT

With no further business, Councilperson Kothe moved to adjourned the meeting at 8:46 p.m. Seconded by Councilperson Lampert, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor