

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
December 16<sup>th</sup>, 2013**

Mayor Gary Lipp called to order the second regular meeting of the Common Council for the month of December, 2013 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Kothe, Fischer, Herman, Schleining and Carole Boos, Assistant City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Hattervig moved, with a second by Councilperson Fischer, to approve the minutes from the December 2<sup>nd</sup>, 2013 regular meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, gave Council an update on current projects.

Rex Harris, Community Development Director, gave Council an update on phase one of the pre-disaster mitigation grant.

Laurie Woodward, Finance Officer, gave Council an update on claims in for payment.

**PUBLIC HEARING – SHOPKO WINE LICENSE**

Councilperson Hattervig moved to approve the wine license for Shopko. Seconded by Councilperson Heinrich, the motion unanimously carried.

**PUBLIC HEARING – INTERNATIONAL BUILDING CODE**

Council addressed concerns from the public regarding the International Building Code and the proposed ordinance for building permit fees.

**TIM SANDER – GARBAGE CONTRACT – RATE INCREASE**

Tim Sander discussed recycling with the Council and stated that he will continue to provide the recycling service at the transfer site. Tim Sander also provided Council with a proposal to load and haul the recyclable materials from the City's old dump site to Rapid City. Councilperson Schleining moved to approve the proposal for \$50 to load each box and \$200 to haul each box to Rapid City for the recyclable material at the old dump site with the City receiving the revenue from the recycling company. Seconded by Councilperson Herman, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Fischer, Herman and Schleining voting yes. Tim Sander also asked the Council to consider a ten percent rate increase in the garbage collection contract. The last increase was in 2009. The Council referred the rate increase to the General Government Committee for consideration.

**COMMUNITY HEALTH SERVICE INC UPDATE**

Dave Thom, Treasurer of Custer Community Health Services Inc & Veronica Schmidt, Chief Executive Officer of Custer Regional Hospital gave Council an update on the status of the hospital and clinic remodel project. They asked Council to give them time to continue reviewing options and to continue the support to the Custer Community Health Services Inc in 2014 per Resolution #7-19-10A. They thanked Council for their support and stated they are looking at 6-8 months to have the details for the project worked out.

**R. ROECK – PROPERTY MAINTENANCE**

Due to R. Roeck being unable to be present, this item was postpone to a later date.

**SECOND READING – ORDINANCE #744 – BUSINESS IMPROVEMENT DISTRICT ADMINISTRATIVE FEE**

Councilperson Herman moved to adopt Ordinance #744, Business Improvement District Administrative Fee. Seconded by Councilperson Kothe, the motion carried with Councilperson Heinrich, Kothe, Fischer, Herman, Schleining and Hattervig voting yes.

**FIRST READING – ORDINANCE #741 – INTERNATIONAL BUILDING CODE ADOPTION**

Councilperson Schleining moved to approve the first reading of Ordinance #741, International Building Code Adoption. Seconded by Councilperson Fischer, the motion unanimously carried.

**FIRST READING – ODINANCE #742 – BUILDING PERMIT FEES**

Councilperson Herman moved to approve the first reading of Ordinance #742, Building Permit Fees with the residential roofing fee being changed to \$25. Seconded by Councilperson Fischer, the motion unanimously carried.

**FIRST READING – ORDINANCE #743 – FIRE LIMITS**

Councilperson Schleining moved to approve the first reading of Ordinance #743, Fire Limits. Seconded by Councilperson Herman, the motion unanimously carried.

**RESOLUTION #12-16-13A – WRITE-OFFS**

Councilperson Herman moved to adopt Resolution #12-16-13A, Write-Offs. Seconded by Councilperson Fischer, the motion carried with Councilperson Kothe, Fischer, Herman, Schleining, Hattervig and Heinrich voting yes.

RESOLUTION NO. 12/16/2013A

WHEREAS, Book 3, Supplemental, Chapter 9-22-4 of the South Dakota Codified Law states every municipality may assign for collection any or all delinquent accounts receivable. After reasonable collection efforts, the governing body may determine that an account is non-collectible, and by formal action direct that the non-collectible amount be removed from the records and disclosed on that year's financial report. Evidence of the debt removed from the records by the formal action of the governing body shall be retained by the municipality to support possible subsequent collection of that debt.

WHEREAS, efforts have been made to collect these past due accounts receivable, and

WHEREAS, adequate time has elapsed to consider these accounts receivable delinquent and past due,

NOW THEREFORE BE IT RESOLVED that the following accounts be deemed non-collectible and removed from the records and disclosed on the 2013 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Terry Anderson	500980-06	\$ 85.87
Paul Coker	401480-02	\$ 99.28
Kasey Kendrick	200365-05	\$ 17.67
Canupa Mani	500790-05	\$ 560.61
Linda Wegrzyn	401860-10	\$ 92.01
	TOTAL	\$ 855.44

Signed this 16<sup>th</sup> day of December, 2013.

CITY OF CUSTER

S/GARY LIPP, MAYOR

**RESOLUTION #12-16-13B – INCIDENT INVESTIGATION REPORT**

Councilperson Herman moved to adopt Resolution #12-16-13B, Incident Investigation Report. Seconded by Councilperson Hattervig, the motion unanimously carried.

RESOLUTION # 12-16-13B

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 an Incident Investigation Report is necessary and desirable.

NOW THEREFORE BE IT RESOLVED that the Safety Manual is amended to include the attached exhibit A, Incident Investigation Report, as though set forth in full herein, and adopted by reference.

Dated this 16<sup>th</sup> day of December, 2013.

City of Custer City

S/Gary Lipp, Mayor

**PAGEANT HILL USE REQUEST & FIREWORKS REQUEST – CUSTER AREA ARTS COUNCIL**

Councilperson Heinrich moved to approve the Custer Area Arts Council request to use Pageant Hill and have fireworks on January 18, 2014 for the Bark Beetle Blues burning of the beetle. Seconded by Councilperson Fischer, the motion unanimously carried.

**AVAILABLE OFF-SALE LIQUOR LICENSE OPTIONS**

Councilperson Herman moved to approve advertising for bids for the available off-liquor license. Seconded by Councilperson Schleining, the motion unanimously carried.

**COST OF LIVING ADJUSTMENT**

Councilperson Herman moved to approve a 1.5 percent cost of living adjustment for the employees effective January 1<sup>st</sup>, 2014. Seconded by Councilperson Schleining, the motion carried with Councilperson Fischer, Herman, Schleining, Hattervig, Heinrich and Kothe voting yes.

**CLAIMS**

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

- Advanced Drug Testing, Safety, \$36.00
- ALSCO, Repair & Maintenance, \$220.10
- Black Hills Power & Light, Utilities, \$9709.12
- Boos Law Office, Professional Fees, \$1210.46
- Border States Electric, Repair & Maintenance, \$73.01
- Buckhorn Equipment, Rental, \$330.00
- Buckhorn Surveying, Professional Fees, \$3240.00
- Butler Machinery, Repair & Maintenance, \$95.85
- Century Business Products, Supplies, \$172.70

Culligan, Repair & Maintenance, \$18.50  
Chamber of Commerce, Sales Tax Subsidy, \$6730.18  
Chronicle, Publishing, \$192.67  
Custer County ROD, Filing Fees, \$270.00  
Custer Heating & Air, Repair & Maintenance, \$107.14  
Custer True Value, Supplies, \$834.89  
Dakota Pump Inc, Capital Improvements, \$26767.00  
Energy Lab, Professional Fees, \$75.00  
FourFront Design, Capital Improvements, Professional Fees, \$11294.62  
French Creek Supply, Supplies, \$534.78  
Golden West Technologies, Supplies, Professional Fee, \$1375.25  
Gunderson, Palmer, Nelson & Ashmore, Professional Fees, \$90.00  
Harris, Rex, Travel, \$66.60  
Hawkins, Supplies, \$20.00  
Hespen Excavating, Repair & Maintenance, \$3689.82  
Hills Materials, Capital Improvements, \$95766.23  
Honeywell, Repair & Maintenance, 6465.31  
Itron, Supplies, \$562.49  
Kellogg, Scott, Reimbursement, \$30.00  
Kone Inc, Repair & Maintenance, \$366.55  
McGas, Repairs & Maintenance, \$853.50  
McClellan, Bill, Safety, \$100.00  
NMN, LLC, Deposit Refund, \$100.00  
Northwest Pipe Fitting, Repair & Maintenance, \$25.38  
Petty Cash, Supplies, \$260.52  
Quill, Supplies, \$29.13  
Rapid Delivery, Professional Fees, \$64.80  
Rapid City Telco Federal Credit Union, Utilities, Travel, \$1810.41  
SRF Loan Payment, \$4639.68  
SD One Call, Supplies, \$16.80  
S & B Motors, Supplies, \$182.21  
Sander Sanitation, Garbage Collection Contract, \$13195.52  
SD DOT, Capital Improvements, \$52226.91  
SD DOT, Supplies, \$6400.00  
SD State Executive Management, Utilities, \$25.48  
Terracon, Capital Improvements, \$312.60  
USDA Loan Payment, \$8910.00  
Wright Express, Supplies, \$1204.22  
Novak, Andy & Darcy, Utility Deposit Refund, \$29.13  
Total Claims, \$260,730.56

**COMMITTEE REPORTS**

Various committee reports were given.

**EXECUTIVE SESSION**

Councilperson Fischer moved to go into and out of executive session for personnel, potential litigation and contract negotiation per SDCL 1-25-2 at 7:34 pm, with the Finance Officer, Public Works Director, Community Development Director and Assistant Attorney Carole Boos present. Seconded by Councilperson Herman, the motion unanimously carried. Councilperson Kothe left the session at 8:00 pm. Council came out of executive session at 8:29 pm, with no action taken.

**ADJOURNMENT**

With no further business, Councilperson Kothe moved to adjourn the meeting at 8:29 p.m. Seconded by Councilperson Herman, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Gary Lipp  
Mayor