

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
February 21st, 2012**

Mayor Gary Lipp called to order the second regular meeting of the Common Council for the month of February, 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

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

MINUTES

Councilperson Lampert moved, with a second by Councilperson Hattervig, to approve the minutes from the February 6th, 2012 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 a brief update on a few things he is working on.

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

DAVE BUSSKOHL – SIDEWALK SNOW REMOVAL POLICY

Dave Busskohl, property owner at 548 Mt Rushmore Road, addressed the Council with his concerns with the sidewalk snow removal policy. Council postponed any action on this issue till the next Council meeting, so that some more information maybe gathered.

HELEN FLORA – CUSTER CRUISIN SURVEY & VENDORS

Helen Flora addressed the Council regarding Custer Cruisin.

SECOND READING – ORDINANCE #712 - NUISANCES

Councilperson Herman moved to adopt Ordinance #712, Nuisances. Seconded by Councilperson Heinrich, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Lampert, Herman and Schleining voting yes.

FIRST READING – ORDINANCE #713 – DEAD ANIMAL

Councilperson Hattervig moved to approve the first reading of Ordinance #713, Dead Animal. Seconded by Councilperson Herman, the motion unanimously carried

FIRST READING – ORDINANCE #714 – PARKWAY MAINTENANCE

Councilperson Herman moved to approve the first reading of Ordinance #714, Parkway Maintenance. Seconded by Councilperson Lampert, the motion unanimously carried.

RESOLUTION #2-21-12A – SAFETY & RISK MANAGEMENT LOSS CONTROL PROGRAM

Councilperson Heinrich moved to adopt Resolution #2-21-12A, Safety & Risk Management Loss Control Program. Seconded by Councilperson Hattervig, the motion unanimously carried.

RESOLUTION NO. 02-21-12A
SAFETY AND RISK MANAGEMENT
LOSS CONTROL PROGRAM

WHEREAS, the City of Custer City is exposed to various liability risks and safety issues associated with providing services to our citizens;

WHEREAS, these risks and safety issues are most evident when incidents occur involving damage to property and injuries to personnel and our citizens; and

WHEREAS, the objective of our Safety and Risk Management Loss Control Program is to protect people and to preserve assets and revenues, the following policy has been prepared with this in mind:

1. We will identify sources of loss to our property, our employees and the general public.
2. We will evaluate the impact of loss in terms of frequency and severity.
3. We will make every effort to control the causes of loss by and through a specific written Action Plan prepared by each department responsible for actual day to day activities.
4. We will eliminate sources of loss by corrective action or through the transfer of risk.
5. Where possible, we will obtain coverage in such amounts and in such areas as will provide protection against catastrophic loss.

WHEREAS, it is the joint responsibility of the Safety and Risk Management Committee to see that the Safety and Risk Management Program is implemented in accordance with this Resolution; the Safety and Risk Management Committee shall be comprised of the Mayor, one municipal elected official, the risk management

coordinator and four municipal employees as noted below, all of whom are appointed by the Mayor every four years or as needed; and

NOW THEREFORE BE IT RESOLVED that the Safety and Risk Management Committee, consisting of the following initial representatives will meet quarterly and shall be responsible for development of a Safety and Risk Analysis and Loss Control Program for all departments of the City of Custer City, following the Guidelines for a Program of Safety and Risk Management and Loss Control and the Safety Manual and all recommendations by the workman's compensation, liability and property insurance:

Mayor
Appointed Councilperson
Risk Management Coordinator
Community Development/Public Works Technician
Public Works Inter-Departmental Operator
Public Works Inter-Departmental Operator
Deputy Finance Officer

NOW THEREFORE BE IT FURTHER RESOLVED that the Safety and Risk Management Loss Control Program is hereby enacted, and the Safety and Risk Management Committee is hereby appointed this 21st day of February, 2012.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

RESOLUTION #2-21-12B – HANDBOOK UPDATE ACKNOWLEDGEMENT

Councilperson Herman moved to adopt Resolution #2-21-12B, Handbook Update Acknowledgement. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION # 02-21-12B

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 9-5-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that acknowledgement of receipt of handbooks and any updates is necessary and desirable.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended to include the attached exhibit "A", Handbook Policy Update Acknowledgement of Receipt, as if set forth in full herein, and adopted by reference.

Dated this 21st day of February, 2012

City of Custer City

S/Gary Lipp, Mayor

RESOLUTION #2-21-12C - PROMOTIONS

Councilperson Hattervig moved to adopt Resolutions #2-21-12C, Promotions of the personnel manual. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION # 02-21-12C

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 09-05-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified regarding Policy #4 Recruitment and Selection, 4.14 Promotions, with the following and it shall read as follows:

4.14 Promotions

It is the policy of the city to promote from within when such promotion is in the best interest of the city. Such promotions are at the sole discretion of the city and are based upon an employee's qualifications and merit.

The recommendation to promote will be made by the department head in charge of such position. All recommendations to promote are subject to City Council approval.

The city reserves the right to announce and advertise any vacant position, even if there is a qualified employee who may be promoted. After reviewing all applicants, the city may choose to promote or hire from outside the department based upon the most qualified individual and the best interest of the city.

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

Dated this 21st day of February, 2012.

City of Custer City

S/Gary Lipp, Mayor

RESOLUTION #2-21-12D – CONDUCT / CONFLICT OF INTEREST

Councilperson Lampert moved to adopt Resolution #2-21-12D, Conduct / Conflict of Interest of the personnel manual. Seconded by Councilperson Herman, the motion unanimously carried.

RESOLUTION # 02-21-12D

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 09-05-95A; and

WHEREAS, the Common Council of the City of Custer City has determined that the Employee Personnel Manual Policy be modified regarding Policy #2 General Policies, 2.3 Conflicts of Interest, with the following and it shall read as follows:

2.3 Conduct:

All employees are responsible for providing their particular municipal services to the public in a courteous, polite manner. All employees are expected to maintain high standards of conduct and cooperation in their duties for the City. The City feels an individual accepts an additional responsibility to the community by accepting a position with the municipality and urges its employees to act accordingly.

The City expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the City. Employees must not use their position or the knowledge gained as a result of their position for private or personal advantage.

All employees must understand that because of their duties with the City, they may have access to confidential and proprietary information and that such information shall remain confidential. Confidentiality extends to information which may concern, but not be limited to, customers of the City, employees and councilpersons. Employees shall not seek, obtain or divulge information regarding confidential matters which is not necessary to the performance of their duties.

Policy #2 General Policies, 2.35 Conflict of Interest, with the following being added:

2.35 Conflict of Interest:

Any employee who believes he or she may have a conflict of interest involving any city matter shall remove themselves from any activities or discussion regarding said matter, and immediately report said conflict to his or her department head or mayor.

Policy #2 General Policies, 2.5 Conflict of Interest, with the section being removed from the Personnel Manual Policy.

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

Dated this 21st day of February, 2012.

City of Custer City

S/Gary Lipp, Mayor

RESOLUTION #2-21-12E – EXECUTION OF WARRANTY DEED

Councilperson Schleining moved to adopt Resolution #2-21-12E, Execution of Warranty Deed. Seconded by Councilperson Lampert, the motion unanimously carried.

RESOLUTION NO.02-21-12-E

AUTHORIZING EXECUTION OF WARRANTY DEED

WHEREAS, the Common Council for the City of Custer City previously entered into an Exchange Agreement with Gary Parsons, in April of 2010 regarding the Gordon Street exchange; and

WHEREAS, said Exchange Agreement was part of the construction of the Gordon Street extension, and was necessary in order to properly complete the same; and

WHEREAS, Gary Parsons has executed his Warranty Deed to the City; and

WHEREAS, the City in pursuance of finalizing the Gordon Street extension and the Gordon Street Exchange Agreement, has drafted and executed a Warranty Deed in accordance therewith, (a copy of which is attached hereto and incorporated herein by this reference as though set forth in full);

NOW THEREFORE BE IT IS HEREBY RESOLVED, that the Custer City Council approves execution of the attached Warranty Deed, to Gary Parsons, PO Box 980, Bowman, North Dakota 58623.

Dated this 21st day of February, 2012.

S/Mayor Gary Lipp

RESOLUTION #2-21-12F – FRAUD POLICY

Councilperson Heinrich moved to adopt Resolution #2-21-12F, Fraud Policy. Seconded by Councilperson Lampert, the motion unanimously carried.

RESOLUTION NO. 02-21-12F

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, determined that a Fraud Policy be established to set forth guidelines for the City of Custer;

WHEREAS, Custer City staff and Common Council have jointly established guidelines for said Plan.

IT IS NOW THEREFORE RESOLVED, that the City of Custer City Fraud Policy consisting of 3 pages, (attached hereto and incorporated herein) is hereby adopted;

Dated this 21th day of February 2012.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

EASEMENT VACATION – MARK HARTMAN

Councilperson Lampert moved with staff recommendation to approve the easement vacation for Ramsey Subdivision with secondary approval from the Custer County Commission. The motion died for a lack of a second.

ALCOHOLIC BEVERAGE OPERATING AGREEMENT

Councilperson Schleining moved to approve the alcoholic beverage operating agreement that removed the freight charges from the ten percent remittance. Seconded by Councilperson Herman, the motion unanimously carried.

BLACK HILLS HABITAT BUILD IN CUSTER

Councilperson Lampert moved to support Black Hills Area Habitat for Humanity's project of building a family residence at 1075 Homestead Drive. Seconded by Councilperson Schleining, the motion unanimously carried.

OPERATION BLACK HILLS CABIN AGREEMENT

Jeff Baird with Operation Black Hills Cabin gave an update on their progress. Councilperson Heinrich moved to approve the lease agreement with Operation Black Hills Cabin for a portion of Lot 2 of Tract Nursing Home 2 of Homestead Subdivision. Seconded by Councilperson Kothe, the motion unanimously carried.

INSTALLATION OF RADIO ANTENNA

Councilperson Hattervig moved to table the request to install a radio antenna on a city water tank, till the next meeting so more information can be gathered. Seconded by Councilperson Heinrich the motion unanimously carried.

SHERIFF'S MONTHLY REPORT

Council acknowledged the Sheriff's monthly reports for January.

FIRE DEPARTMENT AGREEMENT

Councilperson Lampert moved to approve the fire protection services agreement with the Custer Volunteer Fire Department for 2013, with \$30,500 being paid to the Fire Department for operation cost. Seconded by Councilperson Schleining, the motion unanimously carried.

BIG ROCK PARK LOOKOUT GEOTECHNICAL ENGINEERING PROPOSAL

Councilperson Heinrich moved to table the geotechnical engineering proposal for Big Rock Park Lookout till the next meeting. Seconded by Councilperson Lampert, the motion unanimously carried.

BLUEBELL & CANAL INTERSECTION AND 9TH STREET RECONSTRUCTION ENGINEERING

Councilperson Herman moved to accept the construction engineering proposal from FourFront Design for the Bluebell and Canal Intersection reconstruction project at \$11,265.00 and the 9th Street reconstruction project at \$9,132.00. Seconded by Councilperson Lampert, the motion unanimously carried.

4TH OF JULY REQUEST – CHAMBER OF COMMERCE

Councilperson Heinrich moved to approve the various request from the Chamber of Commerce for the Old Time Country Fourth celebration on July 3rd and 4th. The request includes use of Way Park, Harbach Park, the horseshoe pits, 4th Street next to Way Park, Washington Street, South 5th Street, the showmobile and a parade request for July 4th, with the parade going from 8th Street to 2nd Street. Seconded by Councilperson Kothe, the motion unanimously carried.

BUG TREE REMOVAL PROPOSAL

Councilperson Lampert moved to accept the proposal from Adam Boggs to remove the bug trees at the Golf Course and at 6th and Clay Street for \$4,688. Seconded by Councilperson Herman, the motion unanimously carried.

CLAIMS

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

5280 Consulting, BID Advertising, \$2000.00

AFLAC, Insurance, \$588.57

BPro, Advertising, \$125.00

Black Hills Power & Light, Utilities, \$965.79

Conwell, Kim, Reimbursement, \$21.32

Custer Car Wash, Repairs & Maintenance, \$43.50

Custer Regional Clinic, Other, \$87.00

Chamber of Commerce, Other, \$75.00

City of Rapid City, Conference, \$300.00

Dakotacare, Insurance, \$9477.23
Dakota Supply Group, Supplies, \$4317.70
Dale's Tire, Repair & Maintenance, \$132.60
Express Collections, Professional Fees, \$237.11
FourFront Design, Professional Fees, \$4419.49
Fastenal, Supplies, \$221.04
French Creek Supply, Supplies, \$206.76
Jenner Equipment, Supplies, \$141.54
Kellogg, Scott, Reimbursement, \$35.00
Kimball Midwest, Supplies, \$343.17
Knight Security, Repairs & Maintenance, \$384.00
Lawrence & Schiller, Advertising, \$6671.07
L&A Welding, Repair & Maintenance, \$214.30
Leo's Auto, Repair & Maintenance, \$37.35
Lynn's Dakotamart, Supplies, \$49.56
Lexis Nexis, Supplies, \$37.49
Pitney Bowes, Supplies, \$39.00
Quill, Supplies, \$137.45
Rapid City Telco Federal Credit Union, Utilities, \$971.42
Southern Hills Fire, Repairs & Maintenance, \$671.90
SRF Loan Payment, \$4639.68
South Dakota One Call, Supplies, \$12.60
Sander Sanitation, Garbage Collection Contract, \$12032.72
SD Assoc of Rural Water, Dues & Conference, \$845.00
SD State Executive Management Finance, Utilities, \$32.06
USDA Loan Payment, \$8910.00
US Forest Service, Permits, \$265.10
Verizon Wireless, Utilities, \$413.76
Weave, Subsidy, \$4000.00
Nuckles, Les, Utility Refund, \$15.00
VanWinkle, Rhonda, Utility Refund, \$ 2.00
Total Claims \$64,119.28

COMMITTEE REPORTS

Various committee reports were given.

ADJOURNMENT

With no further business, Councilperson Lampert moved to adjourned the meeting at 7:13 p.m. Seconded by Councilperson Herman, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor