

**CITY OF CUSTER CITY
CITY COUNCIL MINUTES
January 2, 2024 – City Hall Council Chambers
5:30 PM**

Call to Order - Roll Call - Pledge of Allegiance

Mayor Robert Brown called to order the meeting of the Common Council on January 2, 2024 at 5:32 pm. Present at roll call were Councilpersons Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker. Attorney Williams was present. The Pledge of Allegiance was stated.

Approval of Agenda

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

Declaration of Conflict of Interest

No conflicts of interest were stated.

Approval of Minutes

December 18, 2023 Regular Meeting and December 28, 2023 Special Meeting

Councilperson Nielsen moved, with a second by Councilperson Whittaker, to approve the minutes from the December 18th Regular Council Meeting and the December 28th Special Council Meeting. The motion unanimously carried.

Public Hearings

First Reading-Ordinance No. 906-A hearing to consider a request by owner to rezone the following properties to the Highway Commercial zone district. Such request to be considered for the following property described as:

KEUPP SUB-KITTY TR 2 (FORMERLY TR KITTY REVISED) SEC 26, T3 R4 (324 W MT RUSHMORE ROAD, PID # 004636)

The Council heard public comments. Councilperson Jenniges moved to deny Ordinance #906, rezoning property described as KEUPP SUB-KITTY TR 2 (FORMERLY TR KITTY REVISED) SEC 26, T3 R4 (324 W MT RUSHMORE ROAD, PID # 004636) to Highway Commercial. Seconded by Councilperson, Fischer, the motion carried with Councilperson Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker voting yes.

Public Comments (Not to include agenda related items, 3-minute max. per person, with total public comment period not to exceed 15 minutes)

Mike Tennyson shared that there would be an upcoming ribbon cutting for the Nursing Home.

145 Mt Rushmore Road Concerns (Broken Boot Dispensary) - Jan Gray

Jan Gray addressed the Council with his concerns regarding the property at 145 Mt Rushmore Road which he sold under contract for deed and is now the location of the Broken Boot Dispensary.

Ordinance and Resolutions

Second Reading-Ordinance No. 905-A hearing to consider a request to zone the following property to the Highway Commercial zone district. Such request to be considered for the following property described as:

GOVERNMENT LOTS 18, 19, & 22 AND BALANCE OF GOVERNMENT LOT 11, SECTION 23, T3S, R4E, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA (1019 N 5TH STREET, PID # 013703)

Councilperson Fischer moved to adopt Ordinance No. 905, zoning the following property to the Highway Commercial zone district: GOVERNMENT LOTS 18, 19, & 22 AND BALANCE OF GOVERNMENT LOT 11, SECTION 23, T3S, R4E, CUSTER CITY, CUSTER COUNTY, SOUTH

DAKOTA (1019 N 5TH STREET, PID # 013703). Seconded by Councilperson Ryan, the motion carried with Councilperson Jenniges, Ryan, Fischer, Nielsen, Whittaker and Pechota voting yes.

Second Reading-Ordinance No. 908-A hearing to consider a request to zone the following property to the Park zone district. Such request to be considered for the following property described as:

GOVERNMENT LOTS 7 & 12 AND N1/2 SE1/4 SW1/4 NW1/4 SEC 23 T3S R4E (25023 HIGHWAY 385/16, PID # 013701), SW1/4 SW1/4 NW1/4 SEC 23 T3S R4E (PID # 010806), S1/2 SE1/4 SW1/4 NW1/4 SEC 23 T3S R4E (PID # 010805), GOVERNMENT LOT 21 SEC 23 T3S R4E (PID # 010807)

Councilperson Ryan moved to adopt Ordinance No. 908, zoning the following property to the Park Zone District: GOVERNMENT LOTS 7 & 12 AND N1/2 SE1/4 SW1/4 NW1/4 SEC 23 T3S R4E (25023 HIGHWAY 385/16, PID # 013701), SW1/4 SW1/4 NW1/4 SEC 23 T3S R4E (PID # 010806), S1/2 SE1/4 SW1/4 NW1/4 SEC 23 T3S R4E (PID # 010805), GOVERNMENT LOT 21 SEC 23 T3S R4E (PID # 010807). Seconded by Councilperson Whittaker, the motion carried with Councilperson Ryan, Fischer, Nielsen, Whittaker, Pechota and Jenniges voting yes.

Resolution #01-02-24A - Designation of Official Newspaper

Councilperson Nielsen moved to adopt Resolution #01-02-24A - Designation of Official Newspaper. Seconded by Councilperson Whittaker, the motion unanimously carried.

RESOLUTION # 01-02-24A

A Resolution Designating the Official Newspaper for the City of Custer.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CUSTER, SOUTH DAKOTA that the Custer County Chronicle shall be and the same is hereby designated as the official newspaper of the City of Custer for the term of January 1, 2024, to December 31, 2024.

Dated this 2nd day of January 2024.

City of Custer City

S/Robert Brown, Mayor

ATTEST: Laurie Woodward, City Administrator/Finance Officer

Resolution #01-02-24B - Designating Administrative Official to Approve Raffles

Councilperson Fischer moved to adopt Resolution #01-02-24B - Designating Administrative Official to Approve Raffles. Seconded by Councilperson Whittaker, the motion unanimously carried.

RESOLUTION # 01-02-24B

A Resolution Designating Administrative Official to Approve Raffles

WHEREAS, SDCL 22-25-25 (7) state that the organizations authorized to conduct a bingo game or lottery, must give written notice of the time and place thereof to the governing body or designated administrative office of the municipality before conducting such.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Custer City, that the Custer City Administrator/Finance Officer, or Deputy Finance Officer in the City Administrator/Finance Officer's absence, is hereby authorized to approve written bingo game, lottery and raffle request that are allowed per SDCL 22-25-25.

Dated this 2nd day of January 2024.

City of Custer City

S/Robert Brown, Mayor

ATTEST: Laurie Woodward, City Administrator/Finance Officer

Resolution #01-02-24C - Depositories Listing

Councilperson Ryan moved to adopt Resolution #01-02-24C - Depositories Listing. Seconded by Councilperson Jenniges, the motion unanimously carried.

RESOLUTION # 01-02-24C

A Resolution Granting Authority to Invest Municipal Funds

WHEREAS, it has been determined by the Common Council of the City of Custer City, that it is in the best interest of the City of Custer City to invest all funds not immediately needed by the City of

Custer City for day-to-day operations; and

WHEREAS, the State of South Dakota, Department of Legislative Audit, has determined that the authority to invest City funds is a local Council decision and must be authorized each year.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Custer City, that the Custer City City Administrator/Finance Officer, or designee, is hereby authorized to invest any such City funds, that are not immediately needed for the day to day operation of the City, from the following list of depositories, at the best interest rate available and for the period of time determined to be the most beneficial to the City.

First Interstate Bank, Custer, SD

Black Hills Federal Credit Union, Custer, SD

Edward Jones, Custer, SD

SD Public Funds Investment Trust, Sioux Falls, SD

Sentinel Federal Credit Union, Custer, SD

Highmark Credit Union, Custer, SD

Dacotah Bank, Custer, SD

IT IS FURTHER RESOLVED, by the Common Council of the City of Custer City, that the City Administrator/Finance Officer, Deputy Finance Officer, Mayor, Council President and Council Vice President shall be authorized signers on accounts.

Dated this 2nd day of January 2024.

City of Custer City

S/Robert Brown, Mayor

ATTEST: Laurie Woodward, City Administrator/Finance Officer

Resolution #01-02-24D - Incidental Account

Councilperson Fischer moved to adopt Resolution #01-02-24D - Incidental Account. Seconded by Councilperson Whittaker, the motion unanimously carried.

RESOLUTION 01-02-24D

AUTHORIZATION OF CITY OF CUSTER INCIDENTAL DISBURSEMENT ACCOUNT

WHEREAS, the City of Custer, South Dakota recognizes the need for an incidental disbursement account in order to transact timely payments and reimbursements for specified transactions.

WHEREAS, SDCL 9-23-23 allows the City of Custer to establish an incidental account for advanced payments or for claims requiring immediate payment, not to exceed the specified amount established by the governing body.

WHEREAS, the City of Custer requires a detailed account of the expenditures from the incidental account shall be presented at regular intervals not to exceed one month with verified vouchers, itemized and supported by receipted bills or other information as general evidence of payment. All expenditures from this account shall be listed with other bills in the regular governing body proceedings with the bill list. All claims made on the incidental account require signatures of two officers of the city.

NOW THEREFORE BE IT RESOLVED, the City of Custer authorizes the City Administrator/Finance Officer to pay payroll and all regular monthly bills in a timely manner to avoid penalties and take advantage of discounts, prior to Council approval, with the bills being approved at each regular meeting.

AND NOW THEREFORE BE IT RESOLVED, the City of Custer authorizes the City Administrator/Finance Officer and staff to use the credit cards as needed.

Dated this 2nd day of January 2024.

CITY OF CUSTER

S/Robert Brown, Mayor

ATTEST: Laurie Woodward, City Administrator/Finance Officer

Resolution #01-02-24E - Wage Scale (COLA Applied)

Councilperson Jenniges moved to adopt Resolution #01-02-24E - Wage Scale (COLA Applied). Seconded by Councilperson Whittaker, the motion unanimously carried.

Resolution #01-02-24E

WHEREAS, the City of Custer City has previously adopted an Employee Wage Scale; and
WHEREAS, updating and amending of said Employee Wage Scale is necessary; and

WHEREAS, the salary schedule shall be adjusted yearly according to the COLA percentage (8% for 2024) approved by the Common Council and any position changes; and

WHEREAS, the Common Council of the City of Custer City has determined that the Employee Wage Scale be modified in accordance with the attached incorporated Employee Wage Scale, which is labeled exhibit "A" (on file in Finance Office);

NOW THEREFORE BE IT RESOLVED that the 2024 Employee Wage Scale is adopted and supersedes all previous Employee Wage Scales.

Dated this 2nd day of January 2024.

CITY OF CUSTER CITY

S/Robert Brown, Mayor

ATTEST: Laurie Woodward, City Administrator/Finance Officer

New Business

Letter of Support for the 2023 Building Resilient Infrastructure and Communities Funding - French Creek Flood Mitigation Scoping

Councilperson Whittaker moved to approve the letter of support for the 2023 Building Resilient Infrastructure and Communities Funding - French Creek Flood Mitigation Scoping and authorize the Mayor to sign. Seconded by Councilperson Pechota, the motion unanimously carried.

Approval of Cemetery Grave Digger

Councilperson Ryan moved to approve Dallas Alexander as the grave digger for the Custer City Cemetery, proof of insurance having been provided. Seconded by Councilperson Nielsen, the motion unanimously carried.

Presentation of Claims

1.2.24 Claims List

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

Vendor Name	Funds	Expense Classification	Amount
2023 Claims			
Black Hills Energy	100,300	Utilities	\$1,123.77
Custer Outdoor Shop	100	Return	\$300.00
GoldenWest Technologies	100	Professional Fees	\$5,800.34
			\$7,224.11
2024 Claims			
Custer County Treasurer	100	Law Enforcement Contract	\$106,250.00
Dacotah Bank	300	Loan Payment	\$8,337.63
East Custer Sewer District	400	Sewer Contract	\$2,000.00
GoldenWest Technologies	100,300,400	Repairs & Maintenance	\$1,179.40
NASASP	100	Dues	\$39.00
OnSolve	100	Renewal	\$1,823.26
SD DANR	400	Permit	\$1,500.00

SDML	100	Dues	\$2,335.75
SDML Work Compensation	100,300,400	Renewal	\$33,807.00
SRF Loan Payments	400	Loan Payment	\$15,477.11
Tyler Technologies	100,300,400,500	Repairs & Maintenance	\$22,438.84
USDA Forest Service	300,400	Permits	\$921.11
US Postal Service	300,400	Supplies	\$310.00
		TOTAL	\$196,419.10

Staff Discussion & Committee Reports

Various committee reports were given in addition to staff giving an update.

Possible Executive Session – Personnel (1&4), Proposed/Pending Litigation (3), & Contract Negotiations (3) (SDCL 1-25-2(1,2,3,4,5,6))

Councilperson Fischer moved to go into and out of executive session for personnel, proposed/pending litigation & contract negotiations per SDCL 1-25-2 (1,2,3,4,5,6) at 6:06 pm with City Attorney Williams, Public Works Supervisor and City Administrator/Finance Officer present. Seconded by Councilperson Jenniges, the motion unanimously carried. The City Planner joined the session at 6:12 pm. The Council came out of executive session at 6:19 pm, with no action taken.

New Business continued

Step Increase

Councilperson Ryan moved to approve a step increase for Hector Flores to Step 3 at \$24.81 per hour effective December 22, 2023 (\$26.80 effective January 1, 2024). Seconded by Councilperson Pechota, the motion unanimously carried.

Annual Wage Listing

Councilperson Jenniges moved to approve the annual wage listing as presented. Seconded by Councilperson Nielsen, the motion unanimously carried.
 Hourly: Zack Brown \$39.42, Lance Stansbury \$37.00, Gaile Walker \$34.08, Brian Raber \$32.80, Jonathan Jarboe \$31.18, Hector Flores \$26.80, Todd Waldron \$22.03, Schane Schuh \$22.57, Liliana Puente-Chavoyo \$22.69, Kim Conwell \$31.80, Lynnette Merritt \$31.81, Sydney Gramkow \$26.94, Rose Herman-Smith \$20.95, Tessah Behlings \$35.10, Scott Kellogg \$64.80 as needed
 Salary Positions:Laurie Woodward \$5,832 per pay period, Mayor \$1,846.80 monthly, Councilperson \$658.80 monthly, Planning Commission Members \$100 per meeting.

Adjournment

With no further business, Councilperson Jenniges moved to adjourn the meeting at 6:22 pm. Seconded by Councilperson Pechota, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
 City Administrator/Finance Officer

Robert Brown
 Mayor