

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
July 18th, 2016**

Mayor Jared Carson called to order the second meeting of the Common Council for the month of July, 2016 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Nielsen, Fischer, Blom and Schleining. City Attorney Chris Beesley was also present. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Schleining moved, with a second by Councilperson Heinrich, to approve the minutes from the June 6th regular council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Mayor Carson and Councilperson Maciejewski stated they would have a conflict with the alley closure request from the American Legion and VFW. No other conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, mentioned that the Public Works crew will be working on a sidewalk & curb replace project on the west side of town. The upcoming Gold Discovery Days Parade was discussed.

Elmer Claycomb, Interim Planning Administrator, gave Council an overview of things that he has been working on.

Laurie Woodward, Finance Officer, mentioned that June sales tax was up 15.27% from last June and mentioned that the Community Service projects with the FFA kids went good.

ATTORNEY APPOINTMENTS & OATH OF OFFICE

Councilperson Maciejewski moved to approve the appointment of Chris Beesley as the City Attorney and Garland Goff as Assistant City Attorney. Seconded by Councilperson Heinrich, the motion unanimously carried. Attorney Beesley took his Oath of Office.

PUBLIC HEARING – VACATION OF STREET RIGHT-OF-WAY – GREWAL LODGING INC

No public comments were received for the vacation of street right-of-way for Grewal Lodging Inc property located in Block 140.

CUSTER COUNTY HOUSING COMMISSION PRESENTATION

Matt Fridell, Custer County Housing & Redevelopment Commission Secretary, presented Council with information regarding the Commission's success, financial situation and their request for subsidy.

RESOLUTION #07-18-16A – GOVERNING BOARD CODE OF CONDUCT

Councilperson Fischer moved to adopt Resolution #07-18-16A, Governing Board Code of Conduct. Seconded by Councilperson Nielsen, the motion unanimously carried.

RESOLUTION 7-18-16A

CITY OF CUSTER GOVERNING BOARD CODE OF CONDUCT

WHEREAS, it is the duty of the Common Council of City of Custer to ensure the efficient, fair and professional administration of city government and services;

WHEREAS, the Mayor and City Council are responsible for making policy decisions for the community, provide vision, direction and leadership to the community and the organizations;

WHEREAS, the City Council further represents the Community with other governmental entities and officials;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Custer City that in order to maintain and enhance public trust and confidence in our legal government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Custer, the members of the City Council dedicate themselves to the stewardship of the public trust and therefore embrace and adopt the following ideals and Code of Conduct:

Members of the governing board shall:

1. Recognize that the authority vests with the majority of the City Council when assembled in open meetings or executive meetings as authorized by law, that neither the mayor nor individual members of the City Council has legal status to bind the City of Custer, and that neither the Mayor nor an individual council member or a minority of the governing board may make decisions on behalf of the City of Custer unless expressly authorized by law and upon approval of the City Council;

2. Alderpersons serving on the Council for the first time shall attend the first (SDML) elected officials workshop held after their assumption of office, at the expense of the City;
3. Make informed decisions on matters brought before the City Council;
4. Recognize and adhere to the policy that it is the responsibility of the City Council and members of the governing board to plan, make, implement, appraise and enforce ordinances and policy and that it is not the responsibility of the members of the governing board to run the day-to-day operations of the City of Custer;
5. Observe federal laws, state laws, city ordinances and policies;
6. Respect the limited intent and scope of executive sessions as set forth in statute;
7. Shall not publicly disclose information received, discussed, or decided in executive session or in conference with legal counsel which is protected by the attorney/client privilege or has been confidentially disclosed at a meeting held subject to the provisions of SDCL 1-25-2, unless a majority of the members of the City Council has authorized that disclosure or unless a disclosure is authorized by a court of competent jurisdiction.
8. Distinguish between personal views and those of the governing board when making public comments regarding City matters;
9. Present information to the governing board without distortion and accurately represent facts concerning City matters in direct or indirect public statements;
10. Maintain professional relationships in a manner which are free of vindictiveness, recrimination and harassment;
11. Avoid impropriety and the appearance of impropriety in his/her position as an elected official;
12. Refer all public complaints and personal criticisms to the appropriate administrative officer or appointed public official and only after inability to obtain resolution at the administrative level have the complaint or criticism discussed at a Council meeting;
13. Respect the legitimacy of the goals and interests of other members of the governing board and respect the rights of other members of the governing board to pursue goals and policies different from their own;
14. Respect, require and contribute to the maintenance of order and decorum in proceedings before the City Council;
15. Be honest, patient, dignified and courteous to those with whom he/she deals with in his/her official capacity;
16. Dispose promptly of the business of the City for which he/she is responsible and diligently discharge responsibilities;
17. To the maximum extent possible, inform the finance office by 1 p.m. on the Friday preceding a regularly scheduled Monday City Council meeting if the member of the governing board will not be in attendance at the City Council meeting;
18. Refrain from financial, personal, professional and business dealings that interfere with, are in conflict with or give the appearance of being in conflict with the proper performance of official duties;
19. Not exploit the City of Custer or use the office of Mayor or Council member for personal gain, for the gain of friends or supporters, or to promote political candidates or partisan political activities;
20. Not accept nor offer any gratuities, gifts, services or things of value that (a) impair professional judgment, (b) offer special advantage or benefit to any person or organization, or (c) provide a direct or indirect personal benefit.
21. Not commit any act of moral turpitude or gross immorality;
22. Not allow family, social or other relationships to inappropriately influence his/her decisions as a member of the governing board.
23. Regular attendance is expected; missing two consecutive meetings without appropriate reasons is not considered regular attendance;
24. Failure to comply with this Code of Conduct may result in sanctions up to and including expulsion.

This Code of Conduct behavior will govern members of the City Council. City Council members are encouraged to self-monitor their behavior and offer constructive recommendations to fellow Council members if necessary. As a member of the City Council, I accept these ideals and policies, and pledge to follow them in the interest and purposes for which our government has been established.

Adopted: Dated this 18th day of July, 2016.

CITY OF CUSTER

S/Jared Carson, Mayor

Attest: Laurie Woodward, Finance Officer

HOLD HARMLESS AGREEMENT FOR CHUCKING LOGS ON CITY PROPERTY

Councilperson Nielsen moved to table the hold harmless agreement for chucking logs on City property for further legal review. Seconded by Councilperson Blom, the motion unanimously carried.

FINAL PLAT FOR LOT 1R OF ROCKY KNOLLS ESTATES SUBDIVISION & LOT 4R OF CRYSTAL PINES AT ROCKY KNOLLS (WELTON)

Councilperson Fischer moved to table the final plat for Lot 1R of Rocky Knolls Estates Subdivision & Lot 4R of Crystal Pines at Rocky Knolls until the signed plat is received. Seconded by Councilperson Maciejewski, the motion unanimously carried.

FINAL PLAT FOR LOTS 1 AND 2 OF LOT 31A OF HOMESTEAD ADDITION (PROPST)

Councilperson Maciejewski moved to approve the final plat for Lot 1 and 2 of Lot 31A of Homestead Addition for Karl & Katherine Propst, including a variance to the subdivision improvement standards for street improvements to allow the street to remain consistent with the adjacent street. Seconded by Councilperson Nielsen, the motion unanimously carried.

FINAL PLAT, REZONING & VARIANCE REQUEST FOR BLAINE SUBDIVISION PHASE 2 AND REVISED LOT 2 OF JACKL SUBDIVISION

Councilperson Schleining moved to approve the final plat, rezoning and variance request for Blaine Subdivision Phase 2 for Joseph Jackl with the following stipulations: 1) the variance request to eliminate the street improvements called for by the subdivision ordinance being approved, requiring only the install a roadside drainage ditch and culverts as necessary to control storm water; 2) Lot BR be zoned highway commercial and the remainder of Blaine Subdivision Phase 2 and Revised Lot 2 of Jackl Subdivision be zoned residential; and 3) the drainage improvements shall be constructed or a performance guarantee posted prior to recording of the final plat. Seconded by Councilperson Fischer, the motion unanimously carried.

PROPANE QUOTES

Councilperson Heinrich moved to approve the quote from McGas for 20,000 gallons of propane at \$0.93 per gallon (total \$18,600). Seconded by Councilperson Schleining, the motion carried with Councilperson Maciejewski, Heinrich, Nielsen, Fischer, Blom and Schleining voting yes.

ALLEY CLOSURE REQUEST – AMERICAN LEGION/VFW

Councilperson Nielsen moved to approve the American Legion and VFW's request to close the alley east of the VFW building at 721 Mt Rushmore Road from July 22, 24, 2016. Seconded by Councilperson Heinrich, the motion unanimously carried. Councilperson Maciejewski and Mayor Carson left the room for the discussion and action on this item with Council President Schleining taking the chair for this agenda item.

ENGINEERING QUOTES FOR WATER UPGRADES

Council was in agreement that the Public Works Director should seek engineering quotes for water upgrades as described by the Public Works Director. The quotes will be brought to Council for official action.

BLACK HILLS ECONOMIC DEVELOPMENT COMMITTEE APPOINTMENT

Councilperson Schleining moved to approve the Mayor's appointment of Monni Karim to the Black Hills Economic Development Committee. Seconded by Councilperson Fischer, the motion unanimously carried.

COMMITTEE REPORTS

Various committee reports were given.

EXECUTIVE SESSION

Councilperson Fischer moved to go into and out of executive session for personnel, proposed litigation and contract negotiations per SDCL 1-25-2(1-4) at 6:44 pm, with the Attorney, Public Works Director and Finance Officer present. Seconded by Councilperson Nielsen, the motion unanimously carried. Council came out of executive session at 7:03 pm, with no action taken.

EMPLOYEE STEP INCREASE

Councilperson Fischer moved to approve the step increases for Lance Stansbury to step 5 (off probation) at \$17.01 per hour effective July 25th, 2016. Seconded by Councilperson Nielsen, the motion unanimously carried.

CLAIMS

Councilperson Schleining moved, with a second by Councilperson Heinrich, to approve the following claims with an additional voucher being held until further information is received from the vendor. The motion unanimously carried.

A&B Electric, Repair & Maintenance, \$628.08
Aeration Industries, Repair & Maintenance, \$2717.90
Banner Associates Inc, Professional Fees, \$26953.76
Battle Mountain Humane Society, Animal Control Contract, \$800.00
Black Hills Power & Light, Utilities, \$11970.98
Culligan, Repair & Maintenance, \$18.50
Chronicle, Publication, \$671.60
Custer True Value, Repair & Maintenance, Supplies, \$1106.43
Diamond Vogel, Repair & Maintenance, \$90.00
Fastenal, Supplies, \$59.96
French Creek Supply, Supplies, \$264.63
Frontier Photo, Supplies, \$780.00
Golden West Technologies, Professional Fees, Supplies, \$2324.00
Hadlock, Cheryl, Cemetery Caretaker Contract, \$4166.67
Hawkins, Supplies, \$6079.77
Hillyard, Supplies, \$834.89
Holiday Inn, Travel, \$305.85
Kimball Midwest, Supplies, \$554.96
LaMonte'S Auto Center, Repair & Maintenance, \$2459.28
Lynn's Dakotamart, Supplies, \$43.07
McGas, Utilities, \$1394.86
Midcontinent Testing Lab, Professional Fees, Supplies, \$518.00
Morrison, Robert, Travel, \$193.20
Nelson's Oil & Gas, Supplies, \$1141.16
Petty Cash, Supplies, Travel, \$78.00
Pool & Spa Center, Repair & Maintenance, \$286.50
Rapid Delivery, Professional Fees, \$72.48
Runnings, Supplies, \$56.97
Rapid Fire Protection, Repair & Maintenance, \$390.00
S&B Motors, Supplies, \$74.52
Sander Sanitation, Garbage Collection Contract, \$13136.63
Sander Sanitation, Repair & Maintenance, \$105.00
Servall, Repair & Maintenance, \$157.84
SD Municipal League, Conference, \$50.00
SD Executive Management Finance Office, Utilities, \$18.72
SD One Call, Supplies, \$162.75
Shanklin's, Supplies, \$60.00
SRF Loan Payment, \$15477.11
USDA Loan Payment, \$8910.00
Unemployment Insurance, \$479.90
Wright Express, Supplies, \$1010.58
Wollaston, Tim, Supplies, \$57.48
Woodward, Laurie, Travel, \$37.80
YMCA, Membership, \$128.00
YMCA, Recreation Contract & Pool Contract, \$43500.00
Thompson, Brad/Jodi, Utility Deposit Refund, \$50.00
Total Claims, \$150,377.83

2017 BUDGET WORK SESSION

Council had a work session for the 2017 budget.

ADJOURNMENT

With no further business, Councilperson Blom moved to adjourn the meeting at 7:32 p.m. Seconded by Councilperson Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Jared Carson
Mayor