

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
July 6th, 2020**

Council President Nina Nielsen called to order the first meeting of the Common Council for the month of July 2020 at 5:30 p.m. Present at roll call were Councilpersons Ryan, Moore, Nielsen and Fischer. Present at roll call by phone was Councilperson Whittaker who due to technical difficulties could not voice vote on first few items.

AGENDA

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

MINUTES

Councilperson Fischer moved, with a second by Councilperson Ryan, to approve the minutes from the June 15th Council Meeting and June 22nd Special Council Meeting. The motion unanimously carried.

SECOND READING - ORDINANCE #839 – EXTENDING PROVISIONS OF COVID ORDINANCE #836 & RESOLUTIONS UNTIL SEPTEMBER 1ST

Councilperson Ryan moved to adopt Ordinance #839, Extending Provisions of COVID Ordinance #836 & Resolutions. Seconded by Councilperson Moore, the motion failed with Councilperson Ryan, Moore, Nielsen and Fischer voting no. Councilperson Whittaker didn't vote.

SECOND READING – ORDINANCE #838 -BOND SCHEDULE

Councilperson Moore moved to adopt Ordinance #838, Bond Schedule. Seconded by Councilperson Ryan, the motion carried with Councilperson Moore, Nielsen, Fischer and Ryan voting yes. Councilperson Whittaker didn't vote.

CLAIMS

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

AFLAC, Insurance, \$718.98
Amazon, Supplies, \$24.42
Anderson Auto Sales, Repairs, \$8.99
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00
Beesley Law Office, Professional Fees, \$3,260.00
Bituminous Paving, Capital Improvement, \$110,002.75
Black Hills Chemical, Supplies, \$204.79
Black Hills Energy, Utilities, \$3,579.24
Carson Drug, Supplies, \$161.86
Calamity Jane Winery & Mercantile, Supplies, \$954.07
Century Business Products, Supplies, \$160.79
Code Works, Professional Fees, \$267.57
Core & Main, Repairs & Maintenance, \$524.12
Custer Ambulance Service, Safety, \$189.00
Chronicle, Publishing Fees, \$975.78
Custer Do It Best, Supplies, Repairs & Maintenance, \$20.49
Dacotah Bank, TIF #2 & TIF # 4 Payments, Loan Payment, \$51,559.00
Dakota Greens, Supplies, \$175.73
Delta Dental, Insurance, \$212.00
Discovery Benefits, Supplies, \$1,273.06
East Custer Sewer District, Reimbursement, \$134.43
EFTPS, Taxes, \$11,768.63
Fastenal, Supplies, \$495.70
First Interstate Bank, TIF # 4 Payment, \$22,925.10
Golden West Telecommunications, Utilities, \$517.84
Golden West Technologies, Professional Fees, \$755.50
GFOA, Supplies, \$159.00
Gaulke, Doug, Refund, \$200.00
Green Owl Media, Professional Fees, \$234.00
Hawkins, Supplies, \$8,669.53

J & M Lawncare, Cemetery Caretaker Contract, \$5,250.00
Kimball Midwest, Supplies, \$87.55
KLJ, Professional Fees, \$7,994.44
Log Me In Go to Meeting, Supplies, \$51.12
Lamonte's Auto Center, Repairs, \$4,419.92
Lasting Impressions Unlimited, Supplies, \$81.25
McGas, Prepaid Contract, \$34,470.00
Nelson's Oil & Gas, Supplies, \$233.84
Northern Tool & Equipment, Supplies, \$12.98
Northwest Pipe Fittings, Supplies, \$1,575.91
Petty Cash, Supplies, \$446.83
Promotion Physical Therapy, Safety, \$60.00
Quill, Supplies, \$119.45
Red Shed Smoke House, Cruisin Refund, \$945.00
Sanders Sanitation, Garbage Collection Contract, \$13,253.23
State of SD, Sales Tax, \$1,066.10
SD DOT, Capital Improvement, \$46,028.96
Stansbury, Lance, Reimbursement, \$61.93
SD Retirement System, \$5,811.58
Supplemental Retirement, \$670.00
The Hartford, Insurance, \$54.96
Verizon Wireless, Supplies, \$437.01
Warne Chemical, Supplies, \$477.50
Walker, Gaile, Reimbursement, \$175.00
Woodward, Laurie, Supplies, \$19.60
Wright Express, Supplies, \$956.90
Wellmark, Insurance, \$11,295.31
YMCA, Membership, Pool Agreement, \$10,043.00
Boggs, Adam, Utility Refund, \$64.02
Sandstrom, David, Utility Refund, \$50.00
Mayor & Council, \$4,665.00
Finance Department, \$4,414.81
Planning Department, \$6,998.02
Public Works Department, \$2,546.80
Street Department, \$6,307.39
Cruisin Department, \$153.44
Parks Department, \$6,888.78
Water Department, \$13,064.71
Wastewater Department, \$11,947.75
Total Claims \$424,332.46

OATH OF OFFICE & COUNCIL PRESIDENT & VICE PRESIDENT

Councilperson Moore was presented with a plaque for her service.

Councilperson Todd Pechota took his Oath of Office for a two-year term.

Councilperson Fischer moved to nominate Councilperson Nielsen for Council President. Seconded by Councilperson Ryan, the motion unanimously carried. Councilperson Nielsen moved to nominate Councilperson Fischer for Council Vice President. Seconded by Councilperson Ryan, the motion unanimously carried.

ATTORNEY APPOINTMENTS

Councilperson Fischer moved to approve the appointment of Chris Beesley as City Attorney and Terri Williams as Assistant City Attorney. Seconded by Councilperson Ryan, the motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

PUBLIC HEARING – RETAIL ON-OFF SALE MALT BEVERAGE & SD FARM WINE AND RETAIL ON-OFF SALE WINE & CIDER LICENSE – WICKED ESPRESSO LLC

Councilperson Fischer moved to approve the retail on-off sale malt beverage & SD farm wine and retail on-off sale wine & cider license for Wicked Espresso LLC contingent upon proof of insurance and SD sales tax number being provided. Seconded by Councilperson Ryan, the motion carried with Councilperson Ryan, Pechota, Nielsen, Fischer and Whittaker voting yes.

RESOLUTION #07-06-20A – GOVERNING BOARD CODE OF CONDUCT

Councilperson Fischer moved to adopt Resolution #07-06-20A, Governing Board Code of Conduct. Seconded by Councilperson Ryan, the motion carried with Councilperson Pechota, Nielsen, Fischer, Whittaker and Ryan voting yes.

RESOLUTION # 7-06-20A

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 6th day of July, 2020.

CITY OF CUSTER CITY

S/Nina Nielsen, Council President

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #07-06-20B – CONFLICT OF INTEREST POLICY

Councilperson Pechota moved to adopt Resolution #07-06-20B, Conflict of Interest Policy. Seconded by Councilperson Ryan, the motion carried with Councilperson Nielsen, Fischer, Whittaker, Ryan and Pechota voting yes.

RESOLUTION # 07-06-20B

A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF CUSTER

WHEREAS, South Dakota Codified Laws (SDCL) section 1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforce a conflict of interest policy; and

WHEREAS, the City of Custer has received and anticipates to continue to receive dollars from the State of South Dakota either directly or through federal pass-through funds which will be subject to the statutory requirement that it enforce a conflict of interest policy; and

WHEREAS, the City of Custer deems it is in the best interest of the City to adopt this Conflict of Interest Policy for the Common Council and for all appointed officials of the City.

AND NOW THEREFORE BE IT RESOLVED, by the City of Custer, that there is hereby established the attached Conflict of Interest policy, consisting of 2 pages.

Dated this 6th day of July, 2020.

CITY OF CUSTER

S/Nina Nielsen, Council President

ATTEST: Laurie Woodward, Finance Officer

EXECUTIVE PROCLAMATION – PATRICIA (FINNY KRUEGER) SECHSER DAY

Councilperson Ryan moved to approve the executive proclamation for Patricia (Finny Krueger) Sechser Day on July 12th, 2020 which is on file in the Finance Office. Seconded by Councilperson Pechota, the motion carried with Councilperson Fischer, Whittaker, Ryan, Pechota and Nielsen voting yes.

PUBLIC COMMENTS

Hank Whitney gave a brief update on the Bark Park and mask wearing due to COVID.

GOLD DISCOVERY DAYS REQUEST

Councilperson Fischer moved to approve the Chamber of Commerce's street closure request for Washington Street from Eighth Street to Second Street, with a single lane between Dacotah Bank and Sixth Street and South Fourth Street being left open for traffic. Washington Street from Sixth Street to Fourth Street to be closed from Thursday, July 16th through Sunday, July 19th; from Fourth Street to Second Street being closed Saturday, July 18th; and Eight Street to Sixth Street & South Seventh Street from the alley south of Mt Rushmore Road to Washington Street being closed from Monday, July 13th through Tuesday, July 21st. Carnival campers/trailers to be allowed to park in the Custer Community Center parking lot from Monday, July 13th through Monday, July 21st. Seconded by Councilperson Ryan, the motion carried with Councilperson Nielsen, Fischer, Whittaker, Ryan and Pechota voting yes. Councilperson Fischer moved to approve the Chamber of Commerce parade route of lining up on Pageant Hill then proceed out of Pageant Hill onto 9th Street to Gordon Street, onto 8th Street to Mt Rushmore Road then proceeding west on Mt Rushmore Road until 4th Street, exiting onto North 4th Street. Parade will be Saturday, July 18th at 10:00 am. Seconded by Councilperson Pechota, the motion carried with Councilperson Fischer, Whittaker, Ryan, Pechota and Nielsen voting yes

DOT – PERMIT TO OCCUPY RIGHT OF WAY – CUSTER CRUISIN

Councilperson Ryan moved to approve the DOT permit to occupy the right-of-way for the Custer Cruisin parking, which included closing the two center lanes on Mt Rushmore Road from Fifth Street to Eighth Street for motorcycle parking, curbside parking restrictions at intersection of Mt Rushmore Road and Fifth Street to provide for wider turning space and vehicle parking only on east side of Fifth Street from Mt Rushmore Road north for approximately 100 feet. Seconded by Councilperson Fischer, the motion carried with Councilperson Whittaker, Ryan, Pechota, Nielsen and Fischer voting yes.

MINOR PLAT – LOT 18 OF BLOCK 1, STONE HILL SUBDIVISION

Councilperson Pechota moved to approve the minor plat for Lot 18 of Block 1 Stone Hill Subdivision. Seconded by Fischer, the motion carried with Councilperson Ryan, Pechota, Nielsen, Fischer and Whittaker voting yes.

HARBACH PARK CULTURAL RESOURCES INVENTORY PROPOSAL – QUALITY SERVICES

Councilperson Ryan moved to approve the quote from Quality Services Inc. for Harbach Park Cultural Resources Inventory with a cost estimate of \$1,000. Seconded by Fischer, the motion carried with Councilperson Pechota, Nielsen, Fischer, Whittaker and Ryan voting yes.

RECORDS MANAGEMENT DESTRUCTION LIST

Councilperson Ryan moved to approve the records management destruction list as presented and on file in the Finance Office, pending SD Records Management and SD Archives approval. Seconded by Councilperson Pechota, the motion carried with Councilperson Nielsen, Fischer, Whittaker, Ryan and Pechota voting yes.

DEPARTMENT HEADS & COMMITTEE REPORTS

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

EXECUTIVE SESSION

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1 & 4) at 6:15 pm, with the Mayor (by phone), Part Time Public Works Director, Planning Administrator and Finance Officer present. Seconded by Councilperson Ryan, the motion unanimously carried. Council came out of executive session at 6:23pm, with no action taken.

NEW HIRES – CUSTODIAL MAINTENANCE WORKER & PUBLIC WORKS DIRECTOR

Councilperson Ryan moved to approve hiring Joshua Hewett as Custodial Maintenance Worker at \$15.77 per hour effective June 27th, 2020 pending successful competition of background check and hiring Brian Raber as Public Works Director at \$58,969.31 per year effective July 7th, 2020. Seconded by Councilperson Pechota, the motion carried with Councilperson Whittaker, Ryan, Pechota, Nielsen and Fischer voting yes.

ADJOURNMENT

With no further business, Councilperson Pechota moved to adjourn the meeting at 6:25 pm. Seconded by Councilperson Ryan, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Nina Nielsen
Council President