

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
JUNE 6th, 2011**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of June, 2011 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Starr, Lipp, Murphey, Herman, Schleining, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Murphey moved, with a second by Councilperson Schleining, to approve the minutes from the May 16th, 2011 meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Councilperson Hattervig mentioned that he may have a conflict with the Conditional Use Permit.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, updated the Council on the status of the sewer line televising, WWTP bridge, Wazi Lane, drainage ditch, sanitary sewer study and the Montgomery and Sylvan Lake Road projects.

Rex Harris, Community Development Director, gave Council an update on the downtown TIF project, which may be extended a few days beyond June 15th for completion of the project. It was request that the business owners be contacted, to let them know about the delay.

MALT BEVERAGE LICENSE RENEWAL

The Council was presented with a renewal list of malt beverage license applications for this year. At this time there were 21 malt beverage licenses for renewal. Councilperson Starr moved to approve the applications as listed contingent upon taxes being paid and proof of insurance being provided for each licensee. Seconded by Councilperson Murphey, the motion unanimously carried.

2010 AUDIT PRESENTATION

Traci Hanson with Ketel Thorstenson presented the 2010 Audit and findings to Council. The Council thanked Traci for the presentation.

FIRST READING – ORDINANCE #690 – CITY TREES AND FOREST

Councilperson Lipp moved to approve the first reading of ordinance #690, city trees and forest. Seconded by Councilperson Herman, the motion unanimously carried.

FIRST READING – ORDINANCE #691 – BOND SCHEDULE

Councilperson Murphey moved to approve the first reading of ordinance #691, bond schedule. Seconded by Councilperson Hattervig, the motion unanimously carried.

RESOLUTION #6-6-11A – WRITE-OFFS

Councilperson Murphey moved to adopt Resolution #6-6-11A, Write-Offs. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION NO. 6-6-11A

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 2011 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Jason Hiermeier	201340-01	\$ 654.49
Sarah Hoff	500810-01	\$ 210.72
Robert Knecht	402090-10	\$ 126.31
Margie Yazzie	300285-01	\$ 337.97
	TOTAL	\$ 1329.49

Signed this 6th day of June, 2011.

ATTEST

CITY OF CUSTER

S/HAROLD D. STICKNEY, MAYOR

EXECUTIVE SESSION

Councilperson Murphey moved to go into and out of executive session at 6:33 p.m. for potential litigation and contract negotiations with the Finance Officer, Public Works Director, Community Development Director and members of East Custer Sewer District present. Seconded by Councilperson Lipp, the motion unanimously carried. Member of East Custer Sewer District left the executive session at 6:54 p.m. Kathy Fitzner joined the executive session at 6:54 p.m., left the executive session at 7:10 and rejoined again at 7:20. Council came out of executive session at 7:27 p.m.

THE ARTCRAFTER'S SIGN

Councilperson Herman moved to pay The Artcrafter's up to \$3,634.00 and for Attorney Beesley to draft an appropriate release. Seconded by Councilperson Murphey, the motion unanimously carried.

VARIANCE REQUEST

Denice Reindl and Maria Lyndoe presented Council with their plan for their concession trailer to be placed on Freeman's Electric property and requested that Council consider a variance to the City code to allow them to do so. Several members of the audience addressed the Council with their support to the request and some with their concerns for request.

BREAK 7:50-7:55

EXECUTIVE SESSION

Councilperson Schleining moved to go into and out of executive session at 7:55 pm for potential litigation with the Finance Officer, Public Works Director and Community Development Director present. Seconded by Councilperson Murphey, the motion unanimously carried. Council came out of executive session at 8:10 pm.

Mayor Stickney stated that the Community Development Director and Attorney will work together to determine if the Reindl/Lyndoe request meets the Custer City code.

CONDITIONAL USE PERMIT – RICHARD STUMPF

Richard Stumpf presented his plan for RV sites on his property located at 432 Washington Street, which is located in the floodplain, and request for a conditional use permit. R. Roeck expressed to Council with his concerns regarding the conditional use permit.

YOUTH HOUSE

Pastor Tom Opoien and Sue Studt, Church Council President, visited with Council about the Lutheran Fellowship congregation's decision to sell the Youth House and potentially offering the property to the City prior to listing with a realtor.

GATES PARK PLAYGROUND

Councilperson Herman moved to approve spending \$24,900 on a playground at Gates Park and to supplement the budget for this. Seconded by Councilperson Schleining, the motion carried with Councilperson Hattervig, Starr, Lipp, Murphey, Herman and Schleining voting yes.

EXECUTIVE SESSION

Councilperson Lipp moved to go into and out of executive session at 9:03 pm. for potential litigation with the Finance Officer, Public Works Director and Community Development Director present. Seconded by Councilperson Murphey, the motion unanimously carried. Council came out of executive session at 9:23 pm.

Councilperson Murphey moved to deny the conditional use permit for Lot 7,8 and 9 of Block 117, Richard Stumpf. Seconded by Councilperson Herman, the motion carried with Councilperson Starr, Lipp, Murphey, Herman and Schleining voting yes. Councilperson Hattervig abstained.

CHIP SEAL BIDS

Councilperson Murphey moved to accept the low bid from Bituminous Paving for asphalt surface treatment project at \$79,712.50. Seconded by Councilperson Herman, the motion carried with Councilperson Lipp, Murphey, Herman, Schleining, Hattervig and Starr voting yes.

DOWNTOWN TIF#4 PROJECT CHANGE ORDER

Councilperson Lipp moved to approve the change order for the Downtown TIF#4 project, which is for a change in lighting types for a total dollar amount of \$28,291.50. Seconded by Councilperson Hattervig, the motion carried with Councilperson Murphey, Herman, Schleining, Hattervig, Starr and Lipp voting yes.

FINAL PLAT – BOOTHILL RANCH SUBDIVISION

Councilperson Herman moved to approve the final plat of Lot 3R of Revised Block 2 of Boothill Ranch Phase 1, containing all of Lots 2 & 3 of Block 2, of Phase 1 for Shad & Amanda Karna. Seconded by Councilperson Lipp, the motion unanimously carried.

CONTRIBUTION TO DOWNTOWN TIF PROJECT

Councilperson Murphey moved to approve the Boyer's placement of a town square clock in the right-of-way outside of the Buglin Bull to be in line with the light poles. The clock will be purchased and maintained by the Boyer's as they will be the owners of the clock. Seconded by Councilperson Herman, the motion unanimously carried

CLAIMS

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

5280 Consulting, BID Advertising, \$4000.00
Active Interest Media, BID Advertising, \$4000.00
Advanced Drug Testing, Supplies, \$36.00

Alltel, Utilities, \$243.45
ALSCO, Repairs & Maintenance, \$228.24
Beesley Law Office, Professional Fees, \$1950.00
Birmingham Receipt Book, Supplies, \$353.00
BH Badlands & Lakes, BID Advertising, \$50.00
BH Power & Light, Utilities, \$6931.50
Border States Electric, Supplies, \$372.63
B Pro Inc, BID Advertising, \$145.75
Century Business Products, Supplies, \$122.88
Complete Concrete, Downtown TIF Project, \$312541.77
Credit Collections Bureau, \$202.50
Culligan, Repairs & Maintenance, \$40.50
Custer Do It Best, Supplies, \$326.20
Custer County Auditor, School Resource Officer, \$7330.31
Custer County Chronicle, Publishing, \$433.60
Custer Area Transportation, Subsidy, \$4000.00
Custer True Value, Supplies, \$1575.11
Dacotah Bank, TIF #2 payment, \$2488.73
Dacotah Bank, TIF #4 payment, \$21831.36
Dacotah Bank, TIF #4 payment, \$423313.84
Dacotah Bank, TIF #5 payment, \$23802.88
Dakotacare, Insurance, \$7417.37
Dakota Greens, Supplies, \$145.00
Delta Dental, Insurance, \$416.50
Energy Lab, Professional Fees, \$474.00
Environmental Equipment & Service, Repairs & Maintenance, \$156.14
Express Wireless, Supplies, \$ 29.68
Element, Supplies, \$60.34
EFTPS, Payroll Taxes, \$11662.40
FourFront Design, Capital Improvements, \$3621.12
Fastenal, Supplies, \$336.92
First Interstate Bank, TIF #1 payment, \$9179.01
First Interstate Bank, TIF #4 payment, \$21831.36
First Interstate Bank, TIF #4 payment, \$ 422854.25
First Interstate Bank, Supplies, \$40.90
Golden West Technologies, Professional Fees, \$160.00
Harvey's Lock & Security, Repairs & Maintenance, \$337.67
Hawkins, Supplies, \$4843.69
Hillyard, Supplies, \$321.70
Jenner Equipment, Repairs & Maintenance, \$84.98
Kadmas, Lee & Jackson, Capital Improvements, \$13549.39
Kellogg, Scott, Reimbursement, \$480.59
Kimball Midwest, Supplies, \$367.30
Lawrence & Schiller, BID Advertising, \$59228.00
Mayer Plumbing, Repairs & Maintenance, \$160.01
Michael Todd & Company, Safety Equipment, \$613.49
Marc, Supplies, \$359.50
Northern Tool & Equipment, Supplies, \$629.24
Northwest Pipe Fittings, Supplies, \$661.98
Paypal, Supplies, \$3.50
Petty Cash, Supplies, Travel, \$506.37
Pitney Bowes, Supplies, \$39.00
Power House, Repairs & Maintenance, \$771.20
Quill, Supplies, \$84.01
Rapid Delivery, Professional Fees, \$40.27
Rapid City Telco FCU, Utilities, \$784.86
S & B Motors, Supplies, \$298.31
Sanders Sanitation, Repairs & Maintenance, \$5144.03
SDAEP, Dues, \$30.00
SD Dept of Environment, Fees, \$600.00

SD Dept of Revenue, Malt Beverage License, \$3012.50
SD Retirement System, \$5580.71
Stickney, Harold, Travel, \$384.00
SD Supplemental Retirement Plan, \$100.00
Superior Lamp, Supplies, \$149.36
The Royal Company, Capital Improvements, \$1650.00
Team Lab, Supplies, \$5548.00
USA Bluebook, Safety Equipment, \$159.40
Wright Express, Supplies, \$1498.64
Wyss Associates, Capital Improvements, \$12643.98
YMCA, Memberships, \$76.00
Ziolkowski, Geney, Animal Control Contract, \$709.00
Mayor & Council, \$4200.00
Planner, \$4211.92
Finance Department, \$8825.48
Public Buildings, \$1936.00
Public Works Department, \$4880.56
Street Department, \$5989.36
Parks Department, \$8200.82
Water Department, \$6052.07
Wastewater Department, \$6810.52
Total Claims \$1,467,254.40

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 9:48 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Harold D. Stickney
Mayor