

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
March 20th, 2017**

Mayor Jared Carson called to order the second meeting of the Common Council for the month of March, 2017 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Nielsen, Fischer, Blom and Schleining. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Nielsen moved, with a second by Councilperson Blom, to approve the minutes from the March 6th regular council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Mayor Carson stated that he would have a conflict with the First Reading of Ordinance #789 . Vacation Home Rental License. No other conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, mentioned that the public works staff has been working on spring projects and are preparing for Cleanup Days which are May 5th and 6th.

Laurie Woodward, Finance Officer, mentioned that the auditors have completed their on-site work and plan to present in May.

SECOND READING – ORDINANCE #788 – PLANNING COMMISSION COMPOSITION

Councilperson Schleining moved to adopt Ordinance #788, Planning Commission Composition. Seconded by Councilperson Nielsen, the motion carried with Councilperson Maciejewski, Nielsen, Fischer, Blom and Schleining voting yes.

Mayor Carson left the meeting and Council President took over the meeting.

FIRST READING – ORDINANCE #789 – VACATION HOME RENTAL LICENSE

Councilperson Maciejewski moved to approve Ordinance #789, Vacation Home Rental License. Seconded by Councilperson Nielsen. Public comments were heard. After discussion, the motion failed with Councilperson Nielsen, Fischer, Blom and Maciejewski voting no.

Mayor Carson rejoined the meeting.

RESOLUTION #03-06-17A – ALLEY VACATION – BLOCK 48

Councilperson Nielsen moved to adopt Resolution #03-06-17A, alley vacation in Block 48. Seconded by Councilperson Fischer, the motion unanimously carried.

Resolution #03-06-2017A

WHEREAS, the verified Petition and application of all owners of real property abutting the hereinafter described area of North/South Alley between Lots 3 & 4, Block 48 in Custer City, Custer County, South Dakota, praying that the West 10 feet of the Alley, contiguous Lot 3 located in Block 48, be vacated in order to promote an orderly and uniform system of streets and alleys in the City of Custer, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the City Council of the City of Custer, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 15th day of February, 2017 and on the 22nd day of February, 2017, in the Custer County Chronicle, a legal newspaper printed and published in the City of Custer, Custer County, South Dakota, setting forth the 6th day of March, 2017, at the hour of 5:30 o'clock, P.M. for hearing thereon.

NOW THEREFORE BE IT RESOLVED that that area of the West 10 feet of the North/South Alley contiguous to Lots 3 and 4 in Block 48, of the originally platted streets and alleys to the City of Custer, Custer County, South Dakota described as follows:

The west 10 feet (W 10q) of the north/south alley located in Block 48 contiguous to Lot 3 and contiguous to the previously vacated portion of the east/west alley contiguous to Lots 1, 2, and 3, from the southeast corner of Lot 3 to the northeast corner of the previously vacated east/west alley, said area having a total dimension of 10 feet by 160 feet (10qx 160q)

all located in City of Custer City in Custer County South Dakota, subject to existent and future easements and right-of-way for public and private utilities, be, and the same is, forever vacated.

IT IS FURTHER RESOLVED that this Resolution is made upon the express condition that the Petitioners are responsible for the propriety of the proceedings including the Petition, consent of adjoining property owners, and compliance of the said proceedings with the statutes of the State of South Dakota and the ordinances of the City of Custer City and the limitations thereof, and Petitioners by acceptance of this Resolution agree to assume the liability, if any, of the City of Custer occasioned by the reading of this Resolution and the use and occupancy of the subject property by the Petitioners.

Date at Custer, Custer County, South Dakota, this 20th day of March, 2017.

CITY OF CUSTER

S/Jared Carson, Mayor

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #03-20-17A – ACKNOWLEDGING THAT THE CITY HAS WATER & WASTEWATER EMERGENCY PLAN

Councilperson Schleining moved to adopt Resolution #03-20-17A, acknowledging that the City has Water & Wastewater Emergency Plans. Seconded by Councilperson Nielsen. Councilperson Schleining moved to amend her motion to state approved contingent upon the wording %and stored in a secure location+being added to the last paragraph. Seconded by Councilperson Blom, the motion unanimously carried.

RESOLUTION 03-20-17A

A RESOLUTION ACKNOWLEDGING THAT THE CITY OF CUSTER HAS AN EMERGENCY RESPONSE PLAN FOR WATER AND WASTEWATER

WHEREAS, preparing an emergency response plan is an essential part of managing a drinking water and wastewater system; and

WHEREAS, the City of Custer recognizes the importance of maintaining up-to-date plans of the treatment facility and distribution system; and

WHEREAS, the Emergency Response Plan has been developed based on the utility's vulnerability assessment and may also include other specific response incidents that require immediate action to remediate; and

WHEREAS, the City recognizes that an Emergency Response Plan is a highly sensitive document that must be maintained as confidential. Accordingly, it must be stored in a secure location.

AND NOW THEREFORE BE IT RESOLVED, by the City of Custer, that it be acknowledged that Public Works Department has completed a Vulnerability Assessment and Emergency Response Plan for both the water and wastewater systems, that the documents are confidential and stored in a secure location.

Dated this 20th day of March, 2017.

CITY OF CUSTER

S/Jared Carson, Mayor

ATTEST: Laurie Woodward, Finance Officer

WREATHS ACROSS AMERICA REQUEST – BROCK HOAGLAND

Councilperson Fischer moved to allow the VFW Post 3442 to place wreaths on the veteran's graves in the Custer Cemetery in December with the wreaths to be removed from the graves in January as part of Wreaths Across America. Seconded by Councilperson Blom, the motion unanimously carried.

EASEMENT FOR THE LIFE OF STRUCTURE – 13 LINCOLN STREET

Councilperson Fischer moved to approve the easement for the life of structure at 13 Lincoln Street and authorize the Mayor to sign the document contingent upon the attorney's review and property owner's signature. Seconded by Councilperson Blom, the motion unanimously carried.

2017 POOL MANAGEMENT CONTRACT – CUSTER YMCA

Councilperson Nielsen moved to approve the 2017 pool management contract with the Custer YMCA for \$16,000. Seconded by Councilperson Fischer, the motion carried with Councilperson Maciejewski, Nielsen, Fischer and Blom voting yes, while Councilperson Schleining voted no.

TELSA RALLY REQUEST – CHAMBER OF COMMERCE

Councilperson Fischer moved to approve the Chamber of Commerce request for the Tesla Road Trip Rally on May 19th, 2017 which included street closure request for South Sixth Street from Mt Rushmore Road to Washington Street, keeping alley open; Washington Street from Sixth Street to Eighth Street; request to use the

showmobile and have it placed on South Sixth Street; use of the picnic tables and placement of them on the street; and a brown bag permit from 5pm . 7pm. Seconded by Councilperson Blom, the motion unanimously carried.

GOLD DISCOVERY DAYS REQUEST – CHAMBER OF COMMERCE

Councilperson Schleining moved to approve the Chamber of Commerce request for Gold Discovery Days which includes street closures for North Sixth Street from Crook Street south to the alley (7/21-7/22); Washington Street from Sixth Street to Eighth Street (7/21-7/22); South Seventh Street from Washington Street to the Mt Rushmore Road (7/21-7/22); South Fourth Street from Mt Rushmore Road to the south alley on only the east side of the street (7/21-7/23); South Sixth Street from Mt. Rushmore Road to Washington Street, keeping alley open (7/21-7/22); use of Way Park (7/21-7/23); use of the showmobile ((7/21-7/22); and parade to be held July 22rd at 10:00 am with line up on Crook Street, then proceeding west on Mt Rushmore Road from Eighth Street to First Street. Seconded by Councilperson Maciejewski, the motion unanimously carried.

COMMUNITY GARDEN AGREEMENT

Councilperson Maciejewski moved to approve the Community Garden agreement to be signed by those that rent a garden space. Seconded by Councilperson Nielsen, the motion unanimously carried.

CLAIMS

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

A&B Electric, Repair & Maintenance, \$244.80
A&B Welding, Supplies, \$98.00
Black Hills Energy, Utilities, \$7,978.04
Culligan, Repair & Maintenance, \$18.50
Custer County, Rental, \$30.00
Chamber of Commerce, Sales Tax Subsidy, \$4,690.62
Custer Senior Center, Subsidy, \$4,000.00
Fastenal, Supplies, \$191.41
First Interstate Bank, Supplies, \$113.30
French Creek Supply, Supplies, Repair & Maintenance, \$303.21
Grimm's Pump, Repair & Maintenance, \$123.80
Gunderson, Palmer, Nelson & Ashmore, LLP, Professional Fees, \$36.00
Hawkins, Supplies, \$20.00
Itron, Supplies, \$790.99
KLJ, Professional Fees, \$4,918.45
Lynn's Dakotamart, Supplies, \$15.98
Nelson's Oil & Gas, Supplies, \$898.92
Northwest Pipe Fittings, Repair & Maintenance, \$447.71
O'Connor Company, Repair & Maintenance, \$625.00
Paypal, Supplies, \$277.50
Petty Cash, Travel, \$93.07
Pitney Bowes, Supplies, \$500.00
Quality Auto Body, Repairs & Maintenance, \$156.00
Rancher's Feed & Supply, Utilities, \$1,155.75
Rapid Delivery, Professional Fees, \$51.75
S&B Motors, Supplies, \$93.78
Sander Sanitation, Garbage Collection Contract, \$13,405.82
SD Executive MGMT Finance Office, Utilities, \$19.86
State of SD, Sales Tax, \$1,147.12
Trana, Lisa, Travel, \$59.81
USDA Loan Payments, \$8,910.00
Walker, Gaile, Supplies, \$150.00
Wright Express, Supplies, \$881.58
YMCA, Membership, \$40.00
Sweere, Janice, Utility Deposit Refund, \$61.63
Total Claims, \$52,548.40

COMMITTEE REPORTS

Various committee reports were given.

EXECUTIVE SESSION

Councilperson Schleining moved to go into and out of executive session for contract negotiations per SDCL 1-25-2(1-4) at 6:58 pm, with the Attorney, Public Works Director and Finance Officer present. Seconded by Councilperson Fischer, the motion unanimously carried. Councilperson Maciejewski left the Council Meeting at 7:00 pm. Council came out of executive session at 7:45 pm, with no action taken.

ADJOURNMENT

With no further business, Councilperson Blom moved to adjourn the meeting at 7:45 p.m. Seconded by Councilperson Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Jared Carson
Mayor