

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION**

**March 4<sup>th</sup>, 2013**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of March, 2013 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Kothe, Fischer, Herman, Schleining and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Hattervig moved, with a second by Councilperson Fischer, to approve the minutes from the February 19<sup>th</sup>, 2013 regular meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, gave Council an update on the Custer Community Center, rewriting of the Corrosion Control Treatment Plan and the bug tree marking.

Rex Harris, Community Development Director, gave Council an update on the various committee meetings that have taken place, West Dam project and status of the Comprehensive Plan.

Laurie Woodward, Finance Officer, gave Council a brief report on the claims in for payment, status of the audit and some figures were handed out.

**YOUTH ART MONTH EXECUTIVE PROCLAMATION**

Councilperson Schleining moved to approve the executive proclamation for Youth Art Month. Seconded by Councilperson Fischer, the motion unanimously carried.

City of Custer City  
From the Desk of the Mayor  
EXECUTIVE PROCLAMATION

WHEREAS, Art Education contributes powerful educational benefits to all elementary, middle and secondary students including the following;

- \*Art Education develops students' creative problem-solving and critical thinking abilities;
- \*Art Education teaches sensitivity and beauty, order, and other expressive qualities;
- \*Art Education gives students a deeper understanding of multi-cultural values and beliefs;
- \*Art Education reinforces and brings to life what students learn in other subjects; and
- \* Art Education interrelates student learning in art production, art history, art criticism, and aesthetics, and

WHEREAS, our national leaders have acknowledged the necessity of including art experiences in all students' education,

THEREFORE, BE IT RESOLVED that support should be given to art teachers as they attempt to strengthen art education in their schools and communities.

NOW, THEREFORE BE IT RESOLVED that I, Gary Lipp, Mayor of the City of Custer City, South Dakota, do hereby proclaim March 2013as

**YOUTH ART MONTH**

in the City of Custer City, SD, and I urge all citizens to take interest in and give full support to quality school art programs for children and youth.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

**PUBLIC HEARING – ORDINANCE #727 AND ORDINANCE #730**

Various comments were taken from the public on Ordinance #727, Lawn Maintenance and Ordinance #730, Snow and Ice Removal.

**FIRST READING – ORDINANCE #727 – LAWN MAINTENANCE AND ORDINANCE #730 – SNOW AND ICE REMOVAL**

Councilperson Fischer moved to table Ordinance #727, Lawn Maintenance and Ordinance #730, Snow and Ice Removal until the March 18<sup>th</sup> meeting. Seconded by Councilperson Herman, the motion unanimously carried.

**RESOLUTION #03-04-13A – QUIT CLAIM DEED – O'NEILL (1973)**

Councilperson Herman moved to approve Resolution #03-04-13A, Quit Claim Deed and authorize the mayor to sign the Quit Claim Deed. Seconded by Councilperson Fischer, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Fischer, Herman and Schleining voting yes.

**RESOLUTION NO.03-04-13A**

WHEREAS, this matter having been presented to the Common Council of the City of Custer City regarding one certain Contract for Deed executed between the City of Custer City and Kenneth O'Neill and Paula O'Neill, as husband and wife, dated 22<sup>nd</sup> day of August, 1973;

WHEREAS, said Contract for Deed agreed that the City of Custer City would, upon appropriate payment by the O'Neill's, convey Lot one (1) Block thirty nine (39) original town, now City of Custer City, Custer County, South Dakota to the O'Neill's, Grantees.

WHEREAS, it appearing to the satisfaction of the Council that said Contract has been paid in full by the O'Neill's, now therefore, the Common Council, hereby authorizes execution of the appropriate Quit Claim Deed from the City of Custer City, to Kenneth O'Neil of said property, and authorizes the Mayor to execute the attached Quit Claim Deed therefore.

Dated this 4th day of March, 2013.

S/Gary Lipp, Mayor

#### **FINAL PLAT – OFLP PROPERTIES**

Councilperson Hattervig moved to approve the final plat for OFLP Properties and Dennis Zellner. Seconded by Councilperson Kothe, the motion unanimously carried.

#### **RAFFLE REQUEST – CIVIL AIR PATROL, SOUTHERN HILLS RELAY FOR LIFE AND ZONTA CLUB**

Councilperson Schleining moved to approve the raffle requests from the Civil Air Patrol Crazy Horse Composite Squadron for a raffle to be held March 9<sup>th</sup>, 2013; Southern Hills Relay for Life for a raffle to be held March 1<sup>st</sup>, 2013 thru June 7<sup>th</sup>, 2013; and Zonta Club of the Southern Black Hills for a raffle to be held April 6<sup>th</sup>, 2013. Seconded by Councilperson Herman, the motion unanimously carried.

#### **STREET CLOSURE REQUEST – 1881 COURTHOUSE MUSEUM**

Councilperson Heinrich moved to table the 1881 Courthouse Museum street closure request till the next Council meeting for more information to be gathered. Seconded by Councilperson Kothe, the motion unanimously carried.

#### **BIG ROCK PARK BIDS**

Council tabled the Big Rock Park bids till the next meeting.

#### **CEMETERY CARETAKER AGREEMENT**

Councilperson Herman moved to approve the Cemetery Caretaker Agreement with Cheryl Hadlock for \$24,924.35 for 2013. Seconded by Councilperson Schleining, the motion carried with Councilperson Heinrich, Kothe, Fischer, Herman, Schleining and Hattervig voting yes.

#### **SEWER REHABILITATION PROJECT CONTRACT AMENDMENT - FOURFRONT**

Councilperson Herman moved to approve the Sewer Rehabilitation Project contract amendment with FourFront Design which stated they will be responsible for ensuring that all state and federal guidelines and regulations required are followed. Seconded by Councilperson Hattervig, the motion carried with Councilperson Kothe, Fischer, Herman, Schleining, Hattervig and Heinrich.

#### **CUSTER COUNTY HOUSING LEASE AGREEMENT**

Councilperson Hattervig moved to termination the lease with Custer County Housing and Redevelopment Commission effective April 30<sup>th</sup>, 2013. Seconded by Councilperson Heinrich, the motion unanimously carried.

#### **NEW HIRE**

Councilperson Herman moved to approve the hiring of Gordon (Bill) Kirsch for an Inter-Department Operator position at \$13.14 per hour effective March 14<sup>th</sup>, 2013, contingent upon pre-employment physical, drug testing and background check. Seconded by Councilperson Hattervig, the motion unanimously carried.

#### **2012 ANNUAL REPORT**

Councilperson Schleining moved to acknowledge the 2012 Annual Report. Seconded by Councilperson Kothe, the motion unanimously carried.

#### **CLAIMS**

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

A & B Electric, Repairs & Maintenance, \$68.49  
Beesley Law Office, Professional Fees, \$2780.00  
BH Urgent Care, Supplies, \$515.36  
Black Hills Power & Light, Utilities, \$2130.61  
Century Business Products, Supplies, \$231.15  
Certified Laboratories, Supplies, \$256.00  
Custer Do It Best, Supplies, \$50.14  
Custer County Chronicle, Publishing, \$308.11  
Custer Area Economic Development Corp, Subsidy, \$3000.00  
Dakotacare, Insurance, \$8654.29  
Deb's Printing, Supplies, \$89.90  
Delta Dental, Insurance, \$628.40  
Energy Lab, Professional Fees, \$35.00  
EFTPS, \$12412.25  
Fastenal, Supplies, \$140.79  
First Interstate Bank, TIF #1 Payment, \$2190.63  
Golden West Technologies, Professional Fees, \$519.00

Harris, Rex, Travel, \$33.30  
Hawkins, Supplies, \$5192.00  
Hillyard, Supplies, \$1180.48  
Kimball Midwest, Supplies, \$172.45  
L & A Welding, Supplies, \$20.10  
NR Rider Advertising, Publishing, \$1519.00  
Petty Cash, Supplies, \$366.91  
Quill, Supplies, \$972.25  
SD Assoc of Rural Water, Conference, \$300.00  
State of SD, Sales Tax, \$831.12  
SD Retirement System, \$5480.82  
Shanklin's, Supplies, \$173.70  
SD Supplemental Retirement, \$195.00  
Western Dakota Technical Inst, Supplies, \$84.80  
YMCA, Memberships, \$123.00  
Ziolkowski, Geney, Animal Control Contract, \$628.00  
Mayor & Council, \$4200.00  
Finance Department, \$9383.84  
Public Buildings, \$2089.26  
Planner, \$7019.63  
Public Works Department, \$9069.77  
Street Department, \$6019.67  
Parks Department, \$5212.63  
Water Department, \$3506.54  
Wastewater Department, \$3233.70  
Total Claims \$101,017.69

**COMMITTEE REPORTS**

Various committee reports were given.

**EXECUTIVE SESSION**

Councilperson Herman moved to go into and out of executive session for personnel, potential litigation and contract negotiation per SDCL 1-25-2 at 7:28 pm, with the Finance Officer, Public Works Director, Community Development Director and Attorney present. Seconded by Councilperson Fischer, the motion unanimously carried. Council came out of executive session at 7:43 pm, with no action taken.

**ADJOURNMENT**

With no further business, Councilperson Kothe moved to adjourn the meeting at 7:44 p.m. Seconded by Councilperson Herman, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Gary Lipp  
Mayor