

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
March 5<sup>th</sup>, 2012**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of March, 2012 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Kothe, Lampert, Herman, Schleining and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Hattervig moved, with a second by Councilperson Lampert, to approve the minutes from the February 21<sup>st</sup>, 2012 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 a brief update on a few things he is working on.

Rex Harris, Community Development Director, gave Council an update on the comprehensive plan along with a few other things.

Laurie Woodward, Finance Officer, gave Council a brief report on the claims in for payment and follow-up to a few items Council had taken action on.

**SECOND READING – ORDINANCE #713 – DEAD ANIMAL**

Councilperson Schleining moved to adopt Ordinance #713, Dead Animal. Seconded by Councilperson Herman, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Lampert, Herman and Schleining voting yes.

**SECOND READING – ORDINANCE #714 – PARKWAY MAINTENANCE**

Councilperson Hattervig moved to adopt Ordinance #714, Parkway Maintenance. Seconded by Councilperson Heinrich, the motion carried with Councilperson Heinrich, Kothe, Lampert, Herman, Schleining and Hattervig voting yes.

**CUSTER CRUISIN SURVEY**

Councilperson Schleining moved to go into and out of executive session at 5:50 pm with the attorney present for potential litigation and contract negotiations. Seconded by Councilperson Herman, the motion unanimously carried. Council came out of executive session at 6:20 pm. Member of the audience addressed the Council regarding Custer Cruisin. Councilperson Schleining moved to have the Custer Cruisin vendors moved to South 6<sup>th</sup> Street and open the spaces to all vendors that meet the standards as set forth by the Custer Cruisin Committee. Seconded by Councilperson Hattervig, the motion carried with Councilperson Kothe, Herman, Schleining, Hattervig and Heinrich voting yes while Councilperson Lampert voted no.

**RESOLUTION #03-05-12A – GARBAGE COLLECTION CONTRACT**

Councilperson Lampert moved to adopt Resolution #3-5-12A, Garbage Collection Contract. Seconded by Councilperson Herman, the motion carried with Councilperson Lampert, Herman, Schleining, Hattervig, Heinrich and Kothe voting yes.

RESOLUTION 03-05-12A  
CONTRACT  
FOR THE CUSTER CITY

RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL

WHEREAS, the City of Custer City, (hereinafter City) entered into a Contract for the Custer City Residential Solid Waste Collection and Disposal consisting of 17 pages, incorporated herein by this reference, on the 2nd day of April, 2007, with Sander Sanitation, hereinafter called Contractor, executing the Agreement on May 1st, 2007;

WHEREAS, said Contract provided for a renewal thereof for a period of an additional five years upon the same terms and conditions;

WHEREAS, the parties have agreed to extend the terms and provisions of said Contract;

WHEREAS, it is specifically understood and agreed that this Contract is binding upon the City if, and only if, each year's financial obligations are approved and authorized by the governing body then holding office. If at any time during the life of this contract, the governing body of the City shall fail or refuse to approve or authorize the funds due hereunder for the following City fiscal year, then this Contract shall terminate at the end of the fiscal year for which funds were approved and authorized. Such a termination shall be without penalty to the City;

NOW THEREFORE IT IS HEREBY RESOLVED that said original Contract for the Custer City Residential Solid Waste Collection and Disposal, incorporated herein, is hereby extended for a period of five years, upon the same terms and conditions except for the minor revisions noted below, to commence May 1st, 2012, and remain in full force and effect for a period of five years, to May 1st, 2017.

REVISIONS:

- \*The number of residential units is averaged at 802 units monthly.
- \*The rate per residential unit per month is \$15.20 (Fifteen dollars and twenty cents).
- \*City Operation Accounts shall consist of:
  - \*City Hall - One 300 gallon container - once per week
  - \*Street Shop - Three 300 gallon containers - once per week
  - \*Swimming Pool Facility - One 90 gallon container – once per week May through August.
  - \*Chamber of Commerce Building – One 90 gallon container – once per week
- \*General liability insurance shall be maintained in at least the limit of \$2,000,000 per occurrence, \$1,000,000 aggregate.
- \*Transfer site shall be open to residents at least six hours per day during, two days per week and four hours on Saturday.

NOW THEREFORE IT IS FURTHER RESOLVED, the Contractor is granted the sole and exclusive right for said time period within the geographic area described in the Contract Specifications and shall furnish all personnel, labor, equipment, trucks, and all other items necessary to provide refuse collection, removal, and disposal services as specified and to perform all of the work called for and described in the Contract Documents;

Dated this 5th day of March, 2012.

S/Gary Lipp, Mayor

**DAVE BUSSKOHL – SIDEWALK SNOW REMOVAL POLICY**

Councilperson Lampert moved to waive the bill for snow removal at 548 Mt Rushmore Road dated February 13, 2012 and consider it their warning. Seconded by Councilperson Schleining, the motion unanimously carried.

**EASEMENT VACATION – MARK HARTMAN**

Councilperson Lampert moved to renew consideration of his prior motion on the easement vacation for Ramsey Subdivision and to approve the easement vacation with the approval of the Custer County Commissioners. Seconded by Councilperson Hattervig, discussion was held on the vacation. The motion carried with Councilperson Schleining, Hattervig, Kothe and Lampert voting yes, while Councilperson Herman and Heinrich voted no.

**BIG ROCK PARK LOOKOUT GEOTECHNICAL ENGINEERING PROPOSAL**

Councilperson Herman moved to approve the Big Rock Park lookout geotechnical engineering proposal from Terracon for \$3,993.20 for the complete project. Seconded by Councilperson Heinrich, the motion carried with Councilperson Schleining, Hattervig, Heinrich, Kothe, Lampert and Herman voting yes.

**INSTALLATION OF RADIO ANTENNA**

Councilperson Herman moved to approve the agreement with Peter Burkett and Mark Hartman for placement of an amateur radio antenna on top of one the city's water tanks. Seconded by Councilperson Lampert the motion unanimously carried.

**SHERIFF'S MONTHLY REPORT**

Council acknowledged the Sheriff's monthly reports for February.

**SOUTH 5<sup>TH</sup> STREET ENGINEERING**

Councilperson Schleining moved to approve the engineering proposal for South 5<sup>th</sup> Street reconstruction from FourFront Design for \$12,690.00. Seconded by Councilperson Lampert, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Lampert, Herman and Schleining voting yes.

**RAFFLE REQUEST – REALTORS FOR KIDS**

Councilperson Heinrich moved to approve the raffle request from Realtors for Kids for their raffle to be held March 30<sup>th</sup>, 2012 thru September 30<sup>th</sup>, 2012. Seconded by Councilperson Lampert, the motion unanimously carried.

**CEMETERY CARETAKER CONTRACT**

Councilperson Herman moved to accept to the 2012 cemetery caretaker contract with Cheryl Hadlock for \$24,198.40. Seconded by Councilperson Hattervig, the motion carried with Councilperson Heinrich, Kothe, Lampert, Herman, Schleining and Hattervig voting yes.

**PROGRESS EDITION**

Councilperson Schleining moved to approve the city placing a half page ad in the Custer Chronicle Progress Edition for \$425.00. Seconded by Councilperson Herman, the motion carried with Councilperson Kothe, Lampert, Herman, Schleining, Hattervig and Heinrich voting yes.

**ANNUAL REPORT**

Councilperson Herman moved to accept the 2011 Annual Report. Seconded by Councilperson Heinrich, the motion unanimously carried.

**CLAIMS**

Councilperson Herman moved, with a seconded by Councilperson Lampert, to approve the claims. The motion carried with Councilperson Lampert, Herman, Schleining, Hattervig, Heinrich and Kothe voting yes. American Legal Publishing, Professional Fees, \$1981.00  
Avanet, Supplies, \$450.00

Beesley Law Office, Professional Fees, \$3052.50  
Black Hills Power & Light, Utilities, \$7757.72  
Buckhorn Surveying, Capital Improvements, \$4500.00  
Caffee, Rebecca, Reimbursement, \$100.00  
Century Business Products, Supplies, \$254.02  
Custer Community Health Service, Sales Tax Subsidy, \$28377.75  
Custer Do It Best, Supplies, \$53.23  
Chamber of Commerce, Sales Tax Subsidy, \$3809.52  
Custer County Chronicle, Publishing, \$591.41  
Custer True Value, Supplies, \$1041.73  
Dacotah Bank, Investment, \$150000.00  
Dale's Tire, Repair & Maintenance, \$1313.36  
Delta Dental, Insurance, \$432.40  
Energy Lab, Professional Fees, \$35.00  
EFTPS, Taxes, \$11917.42  
Fastenal, Supplies, \$38.91  
GenPro, Repairs & Maintenance, \$109.49  
Hawkins, Supplies, \$2211.00  
Hewitt, Jeri, Safety Equipment, \$100.00  
Highmark FCU, Investment, \$100025.00  
Hillyard, Supplies, \$247.60  
Kellogg, Scott, Reimbursement, \$65.00  
Petty Cash, Supplies, Travel, \$495.31  
Quill, Supplies, \$57.47  
State of SD, Sales Tax, \$758.99  
SD Department of Transportation, Professional Fees, \$234.46  
SD Retirement, \$5784.79  
SD Supplemental Retirement, \$207.50  
YMCA, Memberships, \$123.00  
Ziolkowski, Geney, Animal Control Contract, \$651.00  
Mayor & Council, \$4200.00  
Finance Department, \$9076.87  
Planner, \$7089.08  
Public Works Department, \$5466.16  
Street Department, \$6336.34  
Parks Department, \$7131.22  
Water Department, \$6056.24  
Wastewater Department, \$7033.71  
Total Claims \$379,166.20

**COMMITTEE REPORTS**

Various committee reports were given.

**ADJOURNMENT**

With no further business, Councilperson Kothe moved to adjourned the meeting at 7:20 p.m. Seconded by Councilperson Herman, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Gary Lipp  
Mayor