

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
November 17<sup>th</sup>, 2014**

Mayor Gary Lipp called to order the second meeting of the Common Council for the month of November, 2014 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Kothe, Fischer, Herman, Schleining and Attorney Chris Beesley. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Heinrich moved, with a second by Councilperson Schleining, to approve the minutes from the November 3<sup>rd</sup> regular council 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 current projects and mentioned that the state water inspection went well. Bob also gave an overview of the Safety Conference that he attended.

Erik Karlson, Planning Administrator, gave Council an overview of the GIS Conference that he attended.

Laurie Woodward, Finance Officer, discussed with Council a date for the Council end-of-year meeting, which was set for December 30<sup>th</sup> at 4:00 pm and the joint Planning Commission & General Government Committee meeting to discuss non-conforming lots which was set for December 9<sup>th</sup> at 6:00 pm.

**RESOLUTION #11-17-14A – PERPETUAL PUBLIC EASEMENT**

Councilperson Schleining moved to adopt Resolution #11-17-14A, Perpetual Public Easement. Seconded by Councilperson Herman, the motion unanimously carried.

**RESOLUTION NO.11-17-14A**

WHEREAS, Matt Hespen has presented to the Common Council of the City of Custer a request for a perpetual public easement from the City of Custer;

WHEREAS, a perpetual public easement for right-of-way from the City of Custer City would allow public access as shown in attached exhibit %A+, incorporated herein by this reference as though set forth in full;

WHEREAS, it appears to the satisfaction of the Council that said perpetual public easement is in the best interest of the community;

NOW THEREFORE, it is resolved that the Common Council hereby authorizes execution of the attached perpetual public easement, exhibit %A+, from the City of Custer City, and authorizes the Mayor to execute said easement.

Dated this 17th day of November, 2014.

S/Gary Lipp, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #11-17-14B – WRITE-OFFS**

Councilperson Fischer moved to adopt Resolution #11-17-14B, Write-Offs. Seconded by Councilperson Kothe, the motion carried with Councilperson Maciejewski, Heinrich, Kothe, Fischer, Herman and Schleining voting yes.

**RESOLUTION NO. 11/17/14**

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 2014 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
David Williams	Bug Trees	\$ 740.00
Ronald Kline	Oper Agree	\$ 3494.14
Robert Abbey	200950-06	\$ 212.88
Sarah Andros	600570-11	\$ 109.34
Aaron Palmer	500590-02	\$ 151.47

June Pierce	401830-03	\$ 63.49
Brittany Wilson	501740-05	\$ 142.62
TOTAL		<u>\$ 4913.94</u>

Signed this 17<sup>TH</sup> day of November, 2014.

CITY OF CUSTER

S/Gary Lipp, Mayor

Attest: Laurie Woodward, Finance Officer

**FINAL PLAT – DLB SUBDIVISION**

Councilperson Herman moved to approve the DLB Subdivision final plat for David & Lisa Brown and Nancy & John Gausman contingent upon the Planning Commission recommendations for a tract name correction & the Forest Service easement being noted along with all signatures being acquired. Seconded by Councilperson Fischer, the motion unanimously carried.

**VARIANCE REQUEST – CJS INVESTMENTS**

Councilperson Herman moved to approve CJS Investments, LLC variance request for the setback requirements with the understanding that any buildings replaced in the future will need to comply with the setback requirements. Seconded by Councilperson Schleining, the motion unanimously carried.

**FINAL PLAT - CJS INVESTMENTS**

Councilperson Herman moved to approve the Custer Lumber Industrial Site Subdivision final plat for CJS Investments, LLC contingent upon signatures being acquired on the plat. Seconded by Councilperson Schleining, the motion unanimously carried.

**VARIANCE REQUEST - TIM PETERSON**

Councilperson Herman moved to approve Tim Peterson's variance request for a two rail wooden fence placed on city right-of-way at 530 North Third Street. Seconded by Councilperson Fischer, the motion unanimously carried.

**NAMING OF ALLEY**

Councilperson Herman moved to approve the naming of the alley between Mt Rushmore Road and Crook Street from Mountain Avenue to Fourth Street, with the name being Rosse Lane. Seconded by Councilperson Heinrich, the motion unanimously carried.

**QUIT CLAIM DEED – HOMESTEAD ADDITION PHASE II**

Councilperson Schleining moved to table the quit claim deed until the next Council meeting. Seconded by Councilperson Heinrich, the motion unanimously carried.

**ANIMAL CONTROL AGREEMENT**

Councilperson Heinrich moved to approve the animal control agreement for 2015 with Battle Mountain Humane Society for \$800 per month. Seconded by Councilperson Schleining, the motion unanimously carried.

**SHERIFF'S MONTHLY REPORT**

Councilperson Herman moved to acknowledge the Sheriff's monthly report for October. Seconded by Councilperson Kothe, the motion unanimously carried.

**CLAIMS**

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

- AE2S, Professional Fees, \$1087.75
- AFLAC, Insurance, \$536.05
- BH Urgent Care, Supplies, \$208.00
- Black Hills Power & Light, Utilities, \$15053.64
- Code Works, Professional Fees, \$268.59
- Culligan, Repair & Maintenance, \$18.50
- Chamber of Commerce, Sales Tax Subsidy, \$15452.38
- Custer True Value, Supplies, \$1067.85
- Dacotah Bank, TIF #4 Payment, \$16.12
- Express Collections, Professional Fees, \$49.24
- First Interstate Bank, TIF#1 Payment, \$562.09
- First Interstate Bank, TIF#4 Payment, \$16.12
- French Creek Supply, Supplies, \$146.78
- Golden West Technologies, Professional Fees, \$379.00
- Hawkins, Supplies, \$20.00
- Leo's Auto Repair, Repair & Maintenance, \$690.88
- Northwest Pipe Fittings, Repair & Maintenance, \$3063.72
- Petty Cash, Supplies, Travel, \$98.68
- Quill, Supplies, \$146.81
- RHS Inc, Supplies, \$600.00
- Rapid Delivery, Professional Fees, \$34.20

SRF Loan Payment, \$4639.68  
S&B Motors, Supplies, \$73.64  
Sander Sanitation, Garbage Collection Contract, \$14482.58  
Sander Sanitation, Repair & Maintenance, \$140.00  
Servall, Repair & Maintenance, \$69.42  
SDML, Conference, \$50.00  
SD Executive Management Finance Officer, Utilities, \$13.78  
SD One Call, Supplies, \$31.50  
Steele Collision, Repair & Maintenance, \$361.56  
USDA Loan Payment, \$8910.00  
Wright Express, Supplies, \$1324.61  
Brown, Carissa, Utility Deposit Refund, \$28.38  
Poole, Amanda, Utility Deposit Refund, \$31.29  
Miller, Ryan, Utility Deposit Refund, \$2.52  
Total Claims, \$69,675.36

**COMMITTEE REPORTS**

Various committee reports were given.

**EXECUTIVE SESSION**

Councilperson Herman moved to go into and out of executive session for personnel, proposed litigation and contract negotiation per SDCL 1-25-2 at 6:27 pm, with the Attorney, Public Works Director, Planning Administrator and Finance Officer present. Seconded by Councilperson Schleining, the motion unanimously carried. Council came out of executive session at 6:53 pm, with no action taken.

**ADJOURNMENT**

With no further business, Councilperson Kothe moved to adjourn the meeting at 6:57 p.m. Seconded by Councilperson Heinrich, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Gary Lipp  
Mayor