

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
September 3rd, 2013**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of September, 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 Fischer moved, with a second by Councilperson Schleining, to approve the minutes from the August 19th, 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 current projects.

Rex Harris, Community Development Director, didn't have anything for discussion.

Laurie Woodward, Finance Officer, gave Council an update on financial and budget information.

FIRST READING – ORDINANCE #736 – 2014 APPROPRIATION ORDINANCE

Councilperson Schleining moved to approve the first reading of Ordinance #736, 2014 Appropriation Ordinance. Seconded by Councilperson Herman, the motion unanimously carried.

FIRST READING – ORDINANCE #737 – PROHIBITING THE THEFT OF CITY TRASH COLLECTION SERVICE

Councilperson Hattervig moved to approve the first reading of Ordinance #737, Prohibiting the Theft of City Trash Collection Service. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION #09-03-13A – STREET VACATION – BLOCK 7

Councilperson Herman moved to adopt Resolution #09-03-13A, Street Vacation Block 7. Seconded by Councilperson Kothe, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Fischer, Herman and Schleining voting yes.

RESOLUTION NO 09-03-2013A

WHEREAS, the verified Petition and application of the owners of all real property adjoining the hereinafter described portion of a certain alley in the City of Custer City, Custer County, South Dakota, praying that said portion of said alley be vacated in order to resolve an encroachment issue relative to an existing structure, retain an orderly and uniform system of streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, 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 26th day of June 2013, and on the 3rd day of July, 2013, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 15th day of July, 2013, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that that portion of the originally platted alley of the City of Custer City, Custer County, South Dakota, described as follows:

The east five (5) feet of the North/South alley contiguous with Lot 9, Block 7, of the Original Town, now City of Custer;

be, and the same is, forever vacated, however all rights to maintain or establish utilities or subsequent easements shall be retained

Dated at Custer City, Custer County, South Dakota, this 15th day of July, 2013.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

RESOLUTION #09-03-13B – CERTIFYING A DELINQUENT ASSESSMENT ROLL

Councilperson Heinrich moved to adopt Resolution #09-03-13B, Certifying a Delinquent Assessment Roll. Seconded by Councilperson Hattervig, the motion carried with Councilperson Heinrich, Kothe, Fischer, Herman, Schleining and Hattervig voting yes.

RESOLUTION #09-03-13B

RESOLUTION OF THE CITY COUNCIL

OF THE CITY OF CUSTER

CERTIFYING A DELINQUENT ASSESSMENT PURSUANT TO

SDCL 10-23-1.1

The City Council of the City of Custer, State of South Dakota does hereby assess and levy on and against the several lots and parcels of land described below the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of abating a nuisance as per SDCL 21-10-6.

The owners of said described lot or parcel have been noticed by certified mail return receipt requested and have failed to pay the amount of said described abatement.

NAME OF OWNER	DESCRIPTION OF PROPERTY	AMOUNT
DAVID WILLIAMS	ALL OF BLOCK 130 & LOTS 4-5-6-7-8 OF BLOCK 131 CUSTER, SOUTH DAKOTA	\$4,505.00
DANIEL D MOORE MERRI K MOORE	SOUTH 63' OF LOT 10, SOUTH 75' OF LOT 11, SOUTH 87' OF LOT 12, BLOCK 14 CUSTER, SOUTH DAKOTA	\$1,330.00
KASEY W KENDRICK	LOT 4 BLOCK 26 PLUS 25' OF VACATED LINCOLN STREET CUSTER, SOUTH DAKOTA	\$709.70
WILLIAM S MURNER ARLOWEEN J MURNER	LOT 1 & 2 BLOCK 17 CUSTER, SOUTH DAKOTA	\$95.00
HOT SPRINGS CITIZENS FOR PROGRESS	NORTH 98' OF LOT 7 AND EAST 40' OF NORTH 98' OF LOT 8 BLOCK 49 CUSTER, SOUTH DAKOTA	\$293.18
	TOTAL	\$6,932.88

The City Finance Officer is directed to file this Resolution with the Custer County Auditor's Office to certify the delinquent assessment pursuant to SDCL 10-23-1.1.

CITY OF CUSTER
S/Gary Lipp, Mayor

FINAL PLAT – 13PL008 – CRYSTAL PINES AT ROCKY KNOLLS – ROGER & LOIS SIETSMA

Councilperson Herman moved to approve the final plat, 13PL008 – Crystal Pines at Rocky Knolls for Roger & Lois Sietsma. Seconded by Councilperson Schleining, the motion carried with Councilperson Kothe, Fischer, Herman, Schleining, Hattervig and Heinrich voting yes.

SOUTH 6TH STREET SIDEWALK QUOTE

Councilperson Fischer moved to send a letter to the property owners at 548 Mt Rushmore Road stating that they have until October 15th to have the sidewalk on the east side of the property installed with it meeting city code. Seconded by Councilperson Heinrich, the motion unanimously carried.

SOUTH 4TH STREET CHANGE ORDER

No action was taken on the South 4th Street change order at this time.

REMOTE READ HANDHELD UPGRADE

Councilperson Herman moved to approve the quote from Dakota Supply Group for a new handheld reader and software at \$8,100. Seconded by Councilperson Heinrich, the motion carried with Councilperson Fischer, Herman, Schleining, Hattervig, Heinrich and Kothe voting yes.

HEALTH INSURANCE RENEWAL

Councilperson Herman moved to accept the 7.40% increase from Dakotacare for 2014 health insurance renewal. Seconded by Councilperson Kothe, the motion carried with Councilperson Herman, Schleining, Hattervig, Heinrich, Kothe and Fischer voting yes.

CLAIMS

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

- AFLAC, Insurance, \$544.99
- Beesley Law Office, Professional Fees, \$2850.00
- Birmingham, Supplies, \$379.00

Black Hills Power & Light, Utilities, \$3047.73
Century Business Products, Supplies, \$239.83
Custer Do It Best, Supplies, \$31.39
Custer County Chronicle, Publishing, \$245.38
Dakotacare, Insurance, \$8654.29
Delta Dental, Insurance, \$506.95
Durham Automotive, Repair & Maintenance, \$391.85
Enstad, Terisa, Refund, \$33.00
EFTPS, Taxes, \$13060.05
First Interstate Bank, Supplies, \$59.40
Golden West Technologies, Professional Fees, \$101.25
Hawkins, Supplies, \$3815.27
Leo's Auto, Repairs & Maintenance, \$177.88
Lynn's Dakotamart, Supplies, \$69.69
McGas Propane, Utilities, \$23400.00
Paypal, Supplies, \$319.67
Petty Cash, Supplies, Professional Fees, \$624.84
Pitney Bowes, Supplies, \$61.19
Quill, Supplies, \$152.32
RSH, Inc, Supplies, \$800.00
Rossknecht, Professional Fees, \$2500.00
State of SD, Sales Tax, \$908.88
SD Retirement System, \$5661.62
Shanklin's Supplies, \$84.00
SD Supplemental Retirement, \$195.00
YMCA, Membership, \$123.00
Ziolkowski, Geney, Animal Control Contract, \$650.00
Mayor & Council, \$4400.00
Finance Department, \$9700.38
Public Buildings, \$2112.26
Planner, \$6786.84
Public Works Department, \$9589.50
Street Department, \$6705.35
Parks Department, \$5278.56
Water Department, \$3538.64
Wastewater Department, \$3026.60
Total Claims \$120,826.60

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 6:22 pm, with the Finance Officer, Public Works Director, Community Development Director and Attorney Chris Beesley 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 adjourned the meeting at 6:54 p.m. Seconded by Councilperson Heinrich, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor