

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
JULY 16, 2007**

Mayor Harold D. Stickney called to order the second regular meeting of the Common Council for the month of July, 2007 at 5:30 p.m. Present at roll call were Councilpersons Schleining, Culberson, Starr, Murphey, Boyer, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

Councilperson Schleining moved to approve the agenda. Seconded by Councilperson Starr, the motion unanimously carried.

MINUTES

Councilperson Murphey moved, with a second by Councilperson Culberson, to approve the minutes from the July 2nd, 2007 Regular meeting. The motion carried.

CONFLICTS OF INTEREST

No direct conflicts were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, discussed the status of the irrigation system which is under operation for the existing fields and the new fields still have to be disked and seeded.

Bob discussed the Sweeper Demo which turn out great. The small unit isn't much different than the one we have which wouldn't be gaining anything and it runs about \$100,000. The larger unit which is dustless, can be waterless for use in the winter, has a wider cut of 12 feet, ours is about 8 feet, and is faster; this one costs around \$200,000. Bob has also been discussing contracts for sweeping with DOT, maybe other cities, and maybe the Park as possible revenue sources. Councilperson Starr wondered what the life of the larger unit is, which Bob said is about 20 years; there are fewer parts for maintenance and repairs with only the fan being replaced at about 2000 hours. Bob also discussed keeping the older one to use for chip seal projects which would save wear and tear on the new one.

Bob mentioned the Pavement Project pre-construction meeting scheduled for tomorrow and that they are preparing for Gold Discovery Days and the Rally.

Rex Harris, Community Development Director, discussed the Cruisin vendors being down by 7 or 8 but that they don't want to just "fill" spaces with duplicates or "just" anything. Boss Hoss is interested in coming back but they don't want any costs involved. There should be some payment in order to be fair to all other vendors. The web cam should be ready this week if everything goes well.

Rex attended the preview STIP meeting held by BH Council of Local Governments and the projects in this area for 2008 will be the Mt. Coolidge project and the 5th Street mill and overlay project. Rex will be discussing with DOT that the City still wants to work on some things such as possible pavement of 3rd Street, possible help with obtaining grant money to do downtown cleanup projects, new traffic light controls and pedestrian lights, or routing traffic differently.

Rex also discussed the possible joint effort with the County to take care of the Airport since several agencies are not happy with its status. The County Commissioners have now put the Airport under the Emergency Management Office and the Airport Board will be in an advisory capacity. Mike Carter, Director, requested the City's participation by having Rex as part of the overseeing management. Councilperson Starr stated that there have been problems off and on for many years but nothing has changed. The only investment at this time will be Rex's time; the County has not requested money for expenses and there won't be any revenues for the City.

WINE LICENSE HEARING

The Council received the wine license application for Bank Coffee House Inc. d/b/a Steak 'N Ribs Place – Retail On-Sale Light Wine. Councilperson Murphey moved to approve this request. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION #07-16-07 FIRE HAZARD REGULATIONS

This Resolution is following along with the County since the moisture has dropped even further than before. However, it is not as restrictive as the County's. Councilperson Murphey moved to adopt Resolution #07-16-07. Seconded by Councilperson Schleining, the motion unanimously carried.

Resolution 07 06 2007

To Provide For Emergency Regulation of Fire Hazard in the City of Custer City

BE IT HEREBY RESOLVED BY THE Mayor of the City of Custer City that all open burning in the City of Custer City is hereby banned effective July 13, 2007. This resolution, in accordance with SDCL 9-33-1, prohibits the following:

RESTRICTIONS

Building, maintaining, attending or using a campfire or a coal or wood stove fire.

Petroleum fueled stoves, lanterns, or heating devices may be used provided such devices meet the fire underwriter's specifications for safety.

Smoking, except within an enclosed vehicle or building, a developed recreational site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.

Operating or using any internal combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: USDA Forest Service Standard 5100-1a [as amended]; OR appropriate Society of Safety Engineers [SAE] recommended practice J335 [b] and J350 [a].

Welding or operating acetylene or other torches with an open flame in an area other than a confined inflammable location.

NOTE

This ban on open burning applies unilaterally to all State of South Dakota issued permits including burn barrels.

IT IS FURTHER RESOLVED that this resolution becomes effective July 13, 2007 and will remain in force until rescinded.

Dated this 11th day of July, 2007

s/Harold D. Stickney, Mayor

RAFFLE REQUEST

The Custer Senior Citizen Center submitted a fundraising raffle request for July 11th to July 28th, 2007 at 3:00 p.m. Councilperson Culberson moved to approve this request. Seconded by Councilperson Starr, the motion unanimously carried.

STREET CLOSURE REQUEST

Robert Anderson, Vice President of Cool Pine Cruisers, submitted a request to close south 6th Street and the Chamber parking lot for their annual car show on Saturday July 28th from 6 to 3 pm. during Gold Discovery Days with proof of liability insurance. Councilperson Starr moved to approve their request. Seconded by Councilperson Culberson, the motion unanimously carried.

WESTSIDE ANNEXATION BID APPROVAL

Bob discussed the engineers not supplying estimates for the Westside Annexation Project in time for this meeting but after a short discussion, Councilperson Boyer moved to approve the request to receive bids for the Westside Annexation Utility Services Extension. Seconded by Councilperson Starr, the motion unanimously carried.

SHERIFF'S REPORT

The Council received, reviewed, and acknowledged the Sheriff's Department monthly written report for June 1st, 2007 through June 30th, 2007. Councilperson Starr commented that he's observed more patrols than every before which is good. Councilperson Schleining has had comments about how nice it is to have a presence in the downtown area from the foot patrols. Everyone agreed that Sheriff Wheeler is doing a great job.

USFS SERVICE ACCESS EASEMENT

Rex submitted the request to approve for Custer County the USFS Access easement for Stagecoach Crossing and Laramie Trail located in Stagecoach Crossing Subdivision, located in the NW ¼, NW ¼, of Section 22, T3S, R4E, BHM, Custer County, South Dakota. The Forest Service would like to use the easement for hauling logs but since there is a platted right-of-way, they will settle for having an easement laid over the right-of-way and then they will vacate the original easement. The Planning Commission and Rex recommend approval. Councilperson Murphey moved to approve. Seconded by Councilperson Culberson, the motion unanimously carried.

PUBLIC ACCESS EASEMENT VACATION

Rex submitted the request to approve for Larry and Jean Matthesen the Public Access easement Vacation for the property described as Lots A, B, And C of Lots 2 and 3 of Tract Golden Circle and Tract Matthesen of Terry Subdivision, of Terry Lode and Terry #1 Lode of MS 2039, located in the SE ¼ of Section 19, T3S, R5E, BHM, Custer County, South Dakota. This access was platted in 2003 but should have been a 30 foot private easement rather than a 60 foot public easement. The Planning Commission and Rex recommend approval. Councilperson Starr moved to approve. Seconded by Councilperson Murphey, the motion unanimously carried.

BH COUNCIL OF LOCAL GOVERNMENT AUTHORIZATION

Rex discussed and requested authorization for BH Council of Local Governments to contract with the developer for the proposed annexation project. Discussion was held on whether this is happening to fast and if the Council has all of the information needed. Rex stated that there is a Public Hearing scheduled for Monday night to see what the Community feels about this. The Council questioned a letter of intent and Rex stated the proposed timeline for construction and that there is an agreement with the property owner, the developer, and the City stipulating where costs would be and if the district is not passed, then it can be dissolved. Rex has also requested detailed numbers for the hearing. Discussion was held on the annexation issue and the fact that the infrastructure needs to be extended to that area for future extensions. Councilperson Boyer moved to have the \$7500 paid by the developer and that approval will be based upon the Planning Commission's decision to approve or not which is based upon the public hearing Monday night. Seconded by Councilperson Schleining, Councilperson Starr, Murphey, Schleining, and Boyer voted yes. Councilperson Culberson voted no. The motion carried.

CITY/COUNTY CAMPGROUND PROJECT

Councilperson Schleining discussed the proposed project to save Hazelrodt Picnic Ground as a joint project with the County. Rex discussed that the crews could take turns by month for the maintenance. EMS Director, Mike Carter, believes that there would be funding through the RAC Committee to handle any upgrading issues there might be. There would be a small cost to the City which is mostly in in-kind for trash pickup, restroom cleaning, and mowing, on the off times. The County road crew would do the road maintenance and the Sheriff's deputies would monitor the grounds on their patrol. The Mayor stated that this could be a cooperative effort to save a premier area. Bob discussed the actual time involved but wondered if the Forest Service has any log books to refer to. Councilperson Culberson stated he could not be supportive until he sees what benefit the city would gain and that it should be taken slower. Councilperson Starr wondered about insurance coverage. More information will be brought back to the Council.

2008 BUDGET DISCUSSION

Discussion was held on subsidy payments with an overview of other cities from across the State to see what they contribute to organizations. Discussion was held on the possibility of having a committee formed from among the organizations to fundraise as a group and then the City and County would contribute x dollars. The group would then decide on the distribution. Councilperson Murphey did not want to support this as it would be "ducking" the official's responsibilities. Discussion was held on the worthy causes but when and where does it stop for additional money each year. Also discussed was the contribution made to the Community by all the organizations which makes the Community better.

A summary of equipment was presented to show the status of the present equipment and discussion was held on a replacement timeline, and that should be before the equipment is totally gone.

DISCUSSION ITEMS

Councilperson Murphey mentioned going to the Elected Officials Workshop in Pierre which was very good and that we are doing very well since we are not joining others in the Attorney General's Office.

Councilperson Murphey also discussed having a meeting with Jason Petik, Hospital Administrator, and going over a power point presentation which has a lot of history regarding the Hospital Board and their progress. He also talked about Jason not being aware that the Council would like to move ahead on finding different funding options and that it shouldn't wait for another six years.

Councilperson Starr reminded everyone to review the list of projects discussed at the Retreat meeting and that they should be incorporated in the budget and put into the process.

CLAIMS

Councilperson Schleining moved, with a seconded by Councilperson Murphey, to approve the claims. The motion unanimously carried.

A&B Electric, Repair & Maintenance, \$264.44
American Linen, Repair & Maintenance, \$227.56
Beesley Law Office, Professional Services, \$1578.23
BH Power, Utilities, \$9856.64
Border States Electric, Supplies, \$33.39
Butler Machinery, Repair & Maintenance, \$1083.86
Castle Cleaning, Repair & Maintenance, \$900
Century Business, Supplies, \$67.19
Chadron Wholesale, Supplies, \$842.89
Coca-cola, Supplies, \$460.50
Culligan Water, Repair & Maintenance, \$123.50
Custer Area Arts Council, 2007 Subsidy, \$1000
Custer Chamber of Commerce, Sales Tax Subsidy, \$4782.08

Custer Community Health Systems, Sales Tax Subsidy, \$23646.81
Custer County Market, Supplies, \$22.50
Custer County Treasurer, Law Enforcement, \$75750
Dakota Backup, Professional Services, \$50.56
Diamond Vogel Paints, Supplies, \$1281.90
Eagle Sales of BH, Supplies, \$8155.48
Energy Lab, Testing Fees, \$25
Enviromaster, Supplies, \$22
Fisher Beverage, Supplies, \$8583.67
Fresh Start Convenience Stores, Supplies, \$1333.39
Golden West Companies, Utilities, \$658.53
Golden West Technologies, Repair & Maintenance, \$336.50
HD Supply Waterworks, Supplies, \$336.60
Jenny's Floral, Supplies, \$37.10
Jim Dandy Snack Food, Supplies, \$105.60
Sheila Johnson, Reimbursement, \$500
Kimball Midwest, Supplies, \$143.03
Lab Corp, Supplies, \$43
Lynn Moran, Professional Services, \$157.50
M&B Enterprises, Supplies, \$24.50
One Call Systems, Supplies, \$42
Power House, Repair & Maintenance, \$80.60
Prairie Berry, Supplies, \$576
Quill Corp., Supplies, \$143.60
Rapid City Journal, Subscription, \$180
Republic National Distributing, Supplies, \$9041.18
S&B Motor Parts, Supplies, \$195.05
Sander Sanitation Service, Utilities, \$7500.99
SD Public Assurance Alliance, Insurance, \$21508.49
SD State Executive Mgmt, Utilities, \$32.67
Harold Stickney, Travel & Conferences, \$43.78
The Ice House, Supplies, \$354.05
Thomson West, Supplies, \$170
Unemployment Insurance, \$177.96
Universal Publications, Advertising, \$150
Wellmark, Health Insurance, \$6688
Western Wholesale, Supplies, \$9420.28
Woodford Construction, Repair & Maintenance, \$398.34
Anderson Plumbing, Deposit Refund, \$5.29
Eric Lewis, Deposit Refund, \$1.58
Ken Knuppe, Deposit Refund, \$10
Total Claims \$199,153.81

EXECUTIVE SESSION

Councilperson Murphey moved to go into and out of an executive session due to possible contract negotiations and personnel at 7:20 p.m. Seconded by Councilperson Starr, the motion unanimously carried. The Department Heads left the session at 7:45 p.m. The session adjourned at 8:15 p.m.

Councilperson Schleining stated that they decided not to take any action on Ordinance #641 – Wage Scale. Councilperson Schleining moved to include a 3% cola in the 2008 budget. Seconded by Councilperson Culberson, the motion unanimously carried.

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 8:17 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor