

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
JANUARY 5th, 2009**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of January, 2009 at 5:30 p.m. Present at roll call were Councilpersons Sutton, Reetz, Murphey, Starr, Schleining, Pischke, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

Councilperson Schleining moved, with a second by Councilperson Pischke, to approve the agenda. Councilperson Murphey requested moving item 6c to 6a. The motion unanimously carried.

MINUTES

Councilperson Murphey moved, with a second by Councilperson Reetz, to approve the minutes from the December 31st, 2008 year-end meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD MEETING

Bob Morrison, Public Works Director, discussed the Wellhead Protection District and having a meeting with SD DENR next week to discuss the grant application requirements. Water usage is under 100,000,000 for the first time. We are at 18% loss which one year ago, we were at 45% to 50% loss. Our goal is 15% loss which means we have to find a leak that is running approximately 8,000 gals per day. Now that we have the valves in place to isolate blocks, we are able to find even the smaller leaks. Bob also stated it has been suggested that the West Dam Fishing Dock be made into a rock pier; he is checking on the costs and availability of suitable rock.

Rex Harris, Community Development Director, mentioned that subdivisions and plats are down even though this time of year is slow anyway. He also mentioned that the construction plans for the Liquor Store are in and available for the Council's viewing. We will be getting bid prices on the HVAC and Electrical and then we will go to bid on the rest of the construction.

PUBLIC HEARING – PROPOSED AMPHITHEATRE

The Mayor thanked the 50 plus people for attending the meeting and requested their statements be kept to three minutes and to give their names and addresses.

Diane Trithart, French Creek Bed & Breakfast & the Custer Breakfast Club – The Club came up with this idea when the City was talking about making Big Rock Park a multi-use park and they thought this idea would help the City. They also researched other areas that have Amphitheatres in residential areas which work well with no problems. Sara Bishop also handed out packets of support letters for the Council's review.

Joy Comstock – 833 Canal Street – This is a great idea and benefit to Custer along with boosting the economy. We just don't want it on Pageant Hill; we don't want alcohol sold in a family use area.

Bill Delaney – 1025 Gordon Street – Bill grew up near Pageant Hill and we just want it left alone and to stay the same.

Ashley Bishop – 11013 Needles Drive – They decided to purchase a home here because they fell in love with Pageant Hill and the area. She is concerned about all factors and that their privacy would be gone.

Dee Scragg – 404 S. 10th Street – She is concerned with having to look at the permanent structures all the time and that the sledding hill would be gone; the kids use the Hill a lot.

Terry Marsick – West of Town – She discussed that places change all the time and that Custer doesn't have much for young people or socializing for the adults; this would be a family orientated event that could benefit the town.

Elma Duchateau – 747 Montgomery Street – She lives across town but something like this would affect the whole town; alcohol, drugs, and more work for the Sheriff's Office. Just what type of concerts are they talking about?

Joe Uhrich – 1203 Canal Street – What about the parking? The School theatre holds 714 people which means the parking lot is full; the School property is alcohol, tobacco, and drug free; what about all the garbage cleanup; there are other places such as Flintstones Showbarn, the Fort, and these all have the facilities built.

Bruce French – 1011 Pine Street – Pageant Hill doesn't need attractions or to draw people there; it already serves its purpose.

Rudy Anderson – 630 Lincoln Street – This is a great concept but just not on Pageant Hill. What about the liability issue? We like having a green area in town.

Lorraine Besmer – 1006 Needles Drive – She is 100% in favor of the project and it's a great concept. Businesses need to have growth to survive. We can put up with a little traffic and noise for ten concerts a year.

Sharon Hanson – Sidney Park Road – There were free concerts offered last year and there are several places in the area that have folded that offered live music. Custer needs a year around pool for all to enjoy.

Jim Hattervig – 36 Pine Street – No one will say who the concerts are and the Chronicle is saying that concerts would be until midnight.

Tom Nelson – 1015 Gordon Street – He is for the concept and doesn't like the negative statements that were answered at the informational meetings. The Club will be responsible for all the costs and traffic would be

controlled. The Brown Bag would be to sell and keep alcohol within the fenced area. The concerts are geared for 35 to 80 year olds. It was also suggested that everything could be made temporary. This would be a great asset to the Community.

Joe Speckels – 316 3rd Street – He discussed using Flintstones and the Showbarn which already has all the facilities, seats up to 500 people indoors, no alcohol allowed, located where the tourists are, or talk to the Fort.

Caroline Medina – 1042 Canal Street – She lives across the Street and just doesn't want the noise.

Isabelle Hanson – She stated she has seen a lot of changes over the years but what about the outdoor elements, it's impractical.

Mike Burgraff - He discussed being in the entertainment business which is tough. But there have been a lot of amphitheatres and civic centers in residential area; Rochester, MN, has one which holds 5 to 10,000 people. They all worried about the same things as you are but nothing happened. The Community takes part and enjoys right along with the visitors.

Later in the meeting, discussion was held on making a decision; the Council unanimously agreed with the concept. Councilperson Sutton moved to deny the use of Pageant Hill but encouraged the Club to seek another local site. Seconded by Councilperson Murphey, the motion unanimously carried.

CRAIG BOBZIEN – USFS UPDATE

Craig introduced Jeff Tolmack, Acting District Ranger for Hell's Canyon District, and he is based out of Newcastle, WY. Lynn Coland will be here March 1st but until then, Jeff will handle all the calls.

Craig also mentioned that they are still in their design phase to consolidate all 4 office buildings into one at the top of the hill. Along with that, is the selling of the 100 acres within the City. He would like input as to whether or not the City has zoning plans or if they are interest in the property for a bypass. He will be making a decision later on and would like the input. Discussion was held on the property access routes along with the City's consideration of purchasing enough for right-of-way.

Another item for input would be the motorized trail system. In March, the draft impact statement will be released and if Custer has connections to other areas or communities, he would need to hear those thoughts very soon.

Bob mentioned setting up a Committee for the Wellhead Protection District and if there would be a Representative from the Forest Service. Craig requested a letter outlining all the pertinent information which will help them designate a representative.

The Mayor thanked Craig for coming, the introduction, and wanting to work with the City.

TIM SANDER – SANDER SANITATION SERVICE – TIPPING FEES & RECYCLING

Tim discussed the Custer/Fall River Solid Waste District increasing the Tipping Fees beginning January 1st. He has been receiving a 20% discount for paying cash but that will be going away April 1st. Due to the increase in fuel, insurance, maintenance, etc., he is requesting an increase to the contract for \$15.20 per household. Nearby communities are paying anywhere from \$14 to \$18 per household. Also, the County residential rate is close to \$10 higher which gives a potential of county residents dumping trash in the City's dumpsters. Councilperson Schleining stated that this item should go to General Government Committee next Monday.

Tim discussed and offered to set aside two roll-offs at the transfer site for recycling; this way, the roll-offs could be monitored for contaminants. One would be strictly for newspapers with no other types of paper allowed. The other would be for household plastics (no plastic pipes etc.) and fairly clean aluminum and tin cans. Cardboard will definitely continue which they hauled 700 tons last year. The transportation of the roll-offs would be at no cost when it's in connection with other transports.

Tim discussed working on plans to hook up to City sewer for the holding tank; it would only be about 400 feet to the Boot Hill main. Bob stated he has been looking at needing the amount of gallons, what type of water, and setting fees for industrial strength sewage.

Tim also has been looking at a truck scale which is something needed in Town but so far the cost is too extensive. He wondered if a partnership for grants could work with the City. Councilperson Schleining stated that Pacer would sell their platform scale cheap but a pit would have to be built.

RESOLUTION #01-05-09 – ANNUAL DEPOSITORY LISTING

Councilperson Starr moved to adopt Resolution #01-05-09 Annual Depository Listing. Seconded by Councilperson Pischke, the motion unanimously carried. Councilperson Reetz questioned the amount of investments and the placement.

FIRST READING ORDINANCE #660 – SPEED LIMITS & U-TURNS

After the General Government and Public Works Committee and Attorney Beesley's review, Councilperson Starr questioned the wording of the speed restrictions around the schools; he felt it was confusing. Bob stated that this is the wording from the State Law and Attorney Beesley stated he will check further for clarification for the second reading. Councilperson Starr moved to adopt Ordinance #660. Seconded by Councilperson Murphey, the motion unanimously carried.

CENTURY BUSINESS – COPIER PURCHASE

The Finance Officer submitted the information received from Century Business Products regarding upgrading the present copier to a new one which would cost \$6000 after the trade-in. Councilperson Schleining moved to approve this purchase. Seconded by Councilperson Sutton, the motion unanimously carried.

SIMON CONTRACTORS – CHANGE ORDER #2

Bob and Rex submitted Change Order #2 for the Washington Street Pavement Project which will increase the project by \$43,118.25. Councilperson Reetz wondered about the amount of increase which Bob stated the contract was based on estimated tonnage and then there was additional sidewalks, and additional curb and gutter for drainage. Councilperson Murphey moved to approve this Change Order. Seconded by Councilperson Pischke, the motion unanimously carried.

PRELIMINARY & FINAL MINOR PLAT

Rex presented the Preliminary and Final Plat for Gary Pokorney for the property described as Plat of Lots A and B of Pokorney Subdivision of Lot 1 of Tract A of HES 138, Located in the NE ¼ and the SE ¼ of Section 33, T3S, R4E, BHM, Custer County, South Dakota. This Plat will subdivide the property for a family member and access is good. Councilperson Starr moved to approve this plat. Seconded by Councilperson Reetz, the motion unanimously carried.

OFFICIAL NEWSPAPER DESIGNATION

Councilperson Murphey moved to designate the Custer County Chronicle as the City's Official Newspaper. Seconded by Councilperson Schleining, the motion unanimously carried.

BH PLAYHOUSE – DONATION REQUEST

Mike Burgraff, Executive Director of the BH Playhouse, discussed the upcoming season, their business plan, funding, begging for donations, and the support they give to the Custer Community. He stated that they had spent \$20,000 in construction supplies alone; this amount does not include the day-to-day supplies. He is requesting a donation from the City with no stated amount; any and all would be appreciated. Discussion was held on the other organizations having to have their requests in before the budgets are set; so this item will go to the General Government Committee.

ADVANCED ENGINEERING - ANNUAL CONTRACT

Bob submitted the Annual Statement of Fees Agreement which sets out what charges will be for any small projects. Councilperson Reetz moved to approve this annual contract. Seconded by Councilperson Murphey, the motion unanimously carried.

ANNUAL WAGE LISTING

Discussion was held on the COLA raise, the employees being worth the increase, and that next year will be looked at very closely. Councilperson Schleining moved to approve the Annual Wage Listing as presented. Seconded by Councilperson Murphey, the motion unanimously carried.

Laurie Woodward \$17.13	Lynnette Merritt \$15.29	John Gilliland \$14.73
Wanda Gramkow \$18.82	Billy McClellan \$18.47	John Dumire \$15.76
Jeri Hewitt \$15.77	Gaile Walker \$15.77	Scott Kellogg \$20.85
Kirk Johnson \$14.90	Tim Wollaston \$16.32	Daniel Harbison \$13.94
Rebecca Caffee \$13.27	Ron Lancaster \$13.27	Carl Anderson \$11.45
Kim Conwell \$11.18		
Salaried positions:		
Bob Morrison \$2300.20	Rex Harris \$1985.08	Christine Redden \$2146.85

DISCUSSION ITEMS

Councilperson Starr wondered if Bob could get more information on the cellulose plant starting up near Hill City. The Mayor stated that this Company is from Upton and they have had some interest in Custer also.

Councilperson Reetz wondered about shooting within City limits which it was stated that Ordinance #646 amended the previous code. Then he discussed another Resolution to amend the number of deer which it was stated that Resolution 09-02-08B stated "...up to 150 deer..." so there wasn't a need for another resolution. Councilperson Reetz wondered about an article in the paper which Jason stated Rex had already given a story.

CLAIMS

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

- AFLAC, Insurance, \$471.88
- American Public Works, Dues, \$226
- Black Hills Vision, 2009 Subsidy, \$10000
- Dakotacare, Health Insurance, \$6783.46
- Delta Dental, Insurance, \$26.80
- Golden West, Utilities, \$725.48
- Golden West Technologies, Professional Fees, \$140
- SD GFOA, Dues, \$70
- Itron, Repair & Maint., \$573.77
- Scott Kellogg, Reimbursement, \$69
- SD Municipal Street Maint., Dues, \$35

Pitney Bowes, Supplies, \$500
SD Airport Mgmt, Dues \$25
SD Code Enforcement, Dues, \$40
SD Building Officials, Dues, \$50
SD DENR, Professional Fees, \$1602
SD Human Resources, Dues, \$25
SD Municipal League, Dues, \$1192.29
SD Liquor Assoc., Dues, \$25
SD Retailers Assoc., Dues, \$150
SD Tourism Conference, Travel & Conference, \$150
USPO, Supplies, \$180
Visitor Industry Alliance, Travel & Conference, \$15
Harry Johnston, Deposit Refund, \$50
Jennifer Fisher, Deposit Refund, \$50
Wayne Brown, Deposit Refund, \$50
Wayne Eirich, Deposit Refund, \$50
SD Municipal League, Work Comp, \$23496
Total Claims \$46,771.68

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 8:07 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor