

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
JUNE 1st, 2009**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of June, 2009 at 5:30 p.m. Present at roll call were Councilpersons Sutton, Reetz, Murphey, Schleining, Lynn Moran, Assistant City Attorney, Bob Morrison, Public Works Director, Rex Harris, Community Development Director, and Christine Redden, Finance Officer. The Pledge of Allegiance was stated.

AGENDA

Councilperson Murphey moved, with a second by Councilperson Schleining, to approve the agenda. Councilperson Sutton requested the addition of Dr. Himrich regarding a Liquor Store Presentation. Councilperson Murphey amended his motion, with Councilperson Schleining amended the second, to approve the agenda with the addition of Dr. Himrich. The motion unanimously carried.

MINUTES

Councilperson Schleining moved, with a second by Councilperson Murphey, to approve the minutes from the May 18th, 2009 Regular Meeting, May 18th, 2009 Special Meeting, and the May 26th, 2009 Special Meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD MEETING

Bob discussed the Community Garden and having it just about ready to go for Memorial Day weekend and everyone seems to be happily working the garden spots. There are about two left out of a total of 42 plots.

Bob discussed the Way Park Bathroom Project which is close to the completion date of today. One week should do it for the inside with the electrical completed, finishing the walls so the plumbers can get in, and making sure it's handicapped accessible. Also the inside is being set up so, if needed, it can be pressure washed. Councilperson Murphey commented on the great stain color; with a little weathering, it should match Dr. Flick's Cabin.

The Showmobile has been painted and minor repairs completed so it's ready to go for the summer. The Chamber, with the use of the VFW property, will be having free entertainment on Tuesday and Thursday nights from 6 p.m. to 8 p.m.

Bob mentioned that with the new DOT Agreement which provides that they will paint all parking strips downtown; the crew will be getting to the side streets as soon as possible depending on the weather and the list priority. Councilperson Reetz questioned Bob about the Bathroom Project taking away from other projects and whether or not Bob hired others to do some of the projects. Bob stated that the projects get prioritized as needed and we continue to work on all the projects as we go. As far as hiring others, sometimes it could be good and other times it's not; by the time you supervisor, our crew could do it and save money along the way.

Rex discussed the Star Academy kids coming June 6th about 8 to 9 a.m. to work on the Disc Golf Course and if anyone would like to assist, please join us.

Rex stated that the Public Hearing for TIF District #4 will be held June 22nd at 7 p.m. We will be taking comments from the public at the Special Planning Commission Hearing. The downtown Businesses had a meeting a few months ago and submitted their thoughts on the draft plan so there shouldn't be many changes. With the financing, we should be able to do about \$1 million worth of work which is Phase I.

SECOND READING ORDINANCE #665 – WIRELESS TELECOMMUNICATIONS FACILITIES

The Mayor requested a motion to table this until the next meeting with full Council present. The Mayor introduced David Green, Custer Co. Planner, who wrote their Ordinance which ours mirrors. David stated he had not read this Ordinance but that it is to control development and good for the citizens to have control. This Ordinance is written for a 400 ft. tower which also requires four other companies to use the one tower; the City may want to have shorter ones. Rex stated that this Ordinance has worked well for the County. Councilperson Murphey so moved to table this Ordinance. Seconded by Councilperson Reetz, the motion unanimously carried.

BROWN BAG LICENSE & SHOWMOBILE USAGE

The Custer Fire Dept submitted a request to have a Brown Bag License for their annual Fireman's Ball during Gold Discovery Days July 24th and 25th at the County Courthouse parking lot; July 25th would be the only night for the alcohol. They would also request the use of the Showmobile for both nights. Councilperson Murphey moved to approve this Brown Bag request and the usage of the Showmobile. Seconded by Councilperson Schleining, the motion unanimously carried

CHAMBER STREET CLOSURE

The Chamber of Commerce submitted a request to close Washington Street between 6th and 7th Street for the 2009 Overdrive Car Show on Friday June 12th, 2009 from 11 a.m. to 2 p.m. Dave Ressler, Chamber Director, stated that there are 57 cars coming which more than doubled from last year. Bob stated there isn't a problem, everything's good. Councilperson Schleining moved to approve this request. Seconded by Councilperson Murphey, the motion unanimously carried.

RESOLUTION ## 06-01-09 – GOVERNING BOARD CODE OF CONDUCT

The Mayor requested to table this item until we have full Council. Councilperson Murphey moved to table. Seconded by Councilperson Reetz, the motion unanimously carried.

VINYL MURAL DISCUSSION

Rex discussed the vinyl murals in places like Huron and that there is one that will be put on the side of a building here in town; it will be attached to the building and it's not specific advertising but would have a slogan. There isn't anything specific in the code but did want to make the Council aware of this prior to seeing it installed. It will have old west pictures such as Wild Bill and Calamity Jane. Councilperson Murphey wondered about the definition of banner and the durability. Rex stated it's fine; it will be 17ft by 6 ft much like a huge billboard but will require less maintenance, won't fade and it will last longer as long as it's mounted correctly.

LIQUOR STORE PETITION EXPLANATION

Christine was requested to provide information regarding the petitions submitted to the Office to have a City vote on whether or not the City should stay in business. She provided an example of the proper petition and showed how the one submitted was incorrect. Also, the example petitions showed how the question was not in resolution form. Councilperson Reetz questioned how it was not legal when individuals gave their signatures. Councilperson Murphey stated that the substance of the question did not make sense. Attorney Moran stated that these are mutually exclusive terms and possibly they meant to say something else; but it needed to state one way or the other. She also stated that the City could do an election and that the petition could also be redone; however, the Council wouldn't have to take any action on a petition of this type. Councilperson Murphey stated the Council approved up to \$1000 for the phone survey so why would we do an election. Barb Edwards stated that the City is trying to get more input by doing the survey rather than having less by doing an election. Councilperson Murphey stated that the name of the Survey Company is The Professional Group and it will take three to four weeks to get it done once they start. Councilperson Reetz questioned that there is legal crux; there was an attempt to put this item to a vote but it went sour; what about the legalities. Attorney Moran once again stated that the resolution should have been for a vote and the verbiage was incorrect. The Council already has the information and Council may consider how many signed the petitions

DR.HIMRICH – LIQUOR STORE PRESENTATION

Dr. Ed Himrich addressed the Council regarding the Liquor Store/Water Treatment Plant Project and handed out some questions that he has thought about and would like to know the answers too. The Council requested him to read the letter and Councilperson Schleining stated that the Liquor Store would not be shut down during construction. The Mayor thanked Dr. Himrich for coming and that we would respond to his questions.

AWNINGS – FIRE CODE – FIRE MARSHALL

Councilperson Reetz questioned why Tim Behlings, Fire Marshall, has not attended the Council meeting yet because he wanted this issue finalized. Rex stated it is a conflict with scheduling and that the Fire Marshall wanted to do a total rewrite of the code but Tim would be busy for about a month. We could temporarily revise the Code and then do the rest at a later date. Rex also stated that no one has been detained, they can fix all of them; they just can't tear them down because then they wouldn't be allowed to reconstruct. Councilperson Reetz stated that we should just drop the whole Fire Code, leave the awnings up, and relieve the problem. Rex stated that future Council or DOT can change their minds but it would be very foolish to drop the Code. Councilperson Murphey stated that we have already approved leaving the awnings in place, no one has been hassled, and so what's the problem. Councilperson Reetz stated that he thought the businesses would be more at ease. Councilperson Murphey requested this issue be brought back with Beesley here. Councilperson Reetz moved to authorize Beesley to present and amend the ordinance for the next meeting. Seconded by Councilperson Schleining, the motion unanimously carried.

SURVEY COMPANY NAME

Councilperson Reetz stated that the Council should know the name of the Company that will be performing the survey. Councilperson Murphey stated it is The Professionals Group and Tom Livermont is the contact person.

MONTHLY REPORTS

The Council received, reviewed, and acknowledged the Hospital Board Monthly Report for May.

PARKS & RECREATION BOARD APPOINTMENT

The Mayor, with concurrence of Council, appointed Lisa Steever to the Parks and Recreation Board whom will be replacing Corbin Herman who has resigned due to his new employment.

ENGINEERING PROPOSAL - BRIDGE

Bob discussed and handed out to the Public Works Committee members the engineering proposal for the Wastewater Treatment Plant bridge replacement and they scheduled a Public Works Committee meeting for June 8th at 4:30 p.m.

ANIMAL CONTROL CONTRACT

Councilperson Reetz questioned why we are not signing an annual contract with Geney Ziolkowski, the present Animal Control Officer; the County signed a contract until the end of the year so we should too. The Mayor questioned what the advantage would be. Councilperson Reetz stated that he didn't know of any; maybe a little security. Discussion was held regarding looking at a different officer, how long the animals are kept, the three days the City pays for and euthanasia. Councilperson Schleining recommending sending this item back to the General Government Committee.

Christine stated that when this was bid out last November, there were no proposal received so the Council decided to do a month to month contract; it was approved by Geney and the Council on December 15th, 2008.

DISCUSSION ITEMS

Discussion was held on the Way Park Statues needing to be painted, whether they should be moved to the Chamber, staying for the Fire Wise Park, contacting the Arts Council to see if they would like to participate, and taking them down this year until they are fixed for next year.

Dave Ressler mentioned that the Governor would be coming to the State Game Lodge in Custer State Park June 2nd at 5 p.m.

CLAIMS

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

Mayor & Council, Wages, \$4200
Community Development, Wages, \$3970.16
Finance, Wages, \$10032.52
Public Works, Wages, \$6485.84
Street Dept., Wages, \$5673.30
Parks Dept., Wages, \$11502.11
Liquor Fund, Wages, \$3639.19
Water Fund, Wages, \$5483.95
Wastewater Fund, Wages, \$3615
A&B Electric, Way Park, \$677.38
AFLAC, Insurance, \$471.88
Alltel, Utilities, \$712.11
Beesley Law Office, Professional Fees, \$4671.44
BH Power, Utilities, \$2016.13
BH Power Equipment, Repair & Maint, \$195.06
Carl Larsen Construction, Log Bldg, \$3914.90
Castle Cleaning, Repair & Maint., \$650
Century Business, Supplies, \$202.54
Cheryl Hadlock, Cemetery, \$3690.84
Culligan Water, Repair & Maint., \$17.50
Custer Chronicle, Publishing, \$2967.59
Custer Co. Treasurer, In Lieu Tax, \$5038.62
Custer Do It Best, Supplies, \$847.91
Custer School District, In Lieu Tax, \$14853.32
Dakota Supply Group, Repair & Maint., \$81.02
Energy Lab, Supplies, \$76.16
Enviromaster, Supplies, \$22
Fennell Design, Liquor Store Design, \$5035
First Western Bank, TIF Payment, \$16410.72
Gunderson, Palmer, Goodsell & Nelson, Professional Fees, \$864.08
Hach Company, Supplies, \$247.36
Hartman Construction, Way Park Bathroom, \$10710
HD Supply Waterworks, Supplies, \$974.51
Jenny's Floral, Supplies, \$45
Kirk Johnson, Reimbursement, \$100
Scott Kellogg, Reimbursement, \$146
Lawrence & Schiller, BID District Publishing, \$37095.84
Lynn Moran, Professional Fees, \$1750
Mannatec, Supplies, \$22
Menards, Supplies, \$924.63
Moran USA, Supplies, \$144.59
Nelson's Oil & Gas, Supplies, \$1410
Northwest Pipe, Fittings, Supplies, \$456.30
Pacer Corporation, Supplies, \$192.06
Petty Cash, Supplies, Travel & Conference, \$316.17
Power House, Repair & Maint., \$123.90
Prairie Berry, Supplies, \$693
RCS Construction, Equipment, \$10440
Rapid City YMCA, Memberships, \$141
Chris Redden, Reimbursement, Travel & Conference, \$332.50

S&B Motor Parts, Supplies, \$849.26
Harold Stickney, Travel & Conference, \$66.26
Tatiana's Import Beverages, Supplies, \$157.70
Teresa Fink, Professional Fees, \$255
Thompson Publishing Group, Supplies, \$129
Time Rental, Repair & Maint., \$319.55
USA Blue Book, Repair & Maint, \$184.51
Geney Ziolkowski, Animal Control Contract, \$681
Child Support Payment Center, \$315.52
Credit Collections Bureau, \$202.50
Delta Dental Insurance, \$584.80
Federal Withholding, \$4603.92
FICA, \$6567.32
Medicare, \$1535.89
SD Retirement, \$6201.88
Susan Duigan, Deposit Refund, \$50
Tanner Woodford, Deposit Refund, \$50
Total Claims \$207,027.24

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 7:00 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor