

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
APRIL 20<sup>th</sup>, 2009**

Mayor Harold D. Stickney called to order the second regular meeting of the Common Council for the month of April, 2009 at 5:30 p.m. Present at roll call were Councilpersons Sutton, Reetz, Murphey, Schleining, Pischke, Starr, Chris Beesley, 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 Pischke, to approve the agenda. The motion unanimously carried.

**MINUTES**

Councilperson Sutton moved, with a second by Councilperson Starr, to approve the minutes from the April 13<sup>th</sup>, 2009 Regular meeting. The motion unanimously carried.

**CITIZEN REMOVAL**

After Brad Kennel raised several questions and made several derogatory remarks along with the use of profanity, Councilperson Murphey called the Sheriff's Department to remove Brad from the Council chambers. The situation was handled by Rex who escorted Brad out of the building.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**DEPARTMENT HEAD MEETING**

Bob discussed the general plans for the Way Park Bathroom with censors to turn lights on and the specs should be done soon; the pump that was pulled from the Well last week and parts are ordered and on their way; the swimming pool is also being worked on with several repairs each spring; eventually all the pipes will be properly replaced. Councilperson Reetz wondered if the Bathroom specifications would be used on other bathroom projects; this could save time in the long run. Bob stated that they could be and with these specs, there shouldn't be any wastefulness on the materials.

Rex discussed the next Council meeting with Blaise Emerson and Toby Morris for the TIF #4 financial plan. Once the financial planning is finalized, then the Project Plan will be brought forward to the Planning Commission, the Council, and of course the public. Councilperson Reetz requested a schedule for the TIF Project. He also wondered if the lighting manufacturer would come and do the placement of the lighting. Rex stated that could potentially occur; the architect would be able to address this.

Rex discussed the three or four buildings that are having problems and suggested hiring an environmental or structural engineer to determine the integrity of those buildings. Rex stated that he has contacted the owners but we haven't had any real action; we need to move on these projects. Councilperson Reetz wondered about condemnation, using the historical building codes, and fix up or demolish which is paid by the City; Rex stated yes. Barb Edwards wondered if this was necessary due to legalities which Rex stated it was.

**SECOND READING ORDINANCE #663 – SUPPLEMENTAL APPROPRIATIONS FOR 2009**

The Council received the Supplemental Appropriations Ordinance for 2009 due to moving the Custer Cruisin budget to the General Fund and the previously approved equipment for the Sewer Fund coming in this year instead of last year. Councilperson Murphey moved, with a second by Councilperson Sutton, to approve Ordinance #663. The Finance Officer stated that these ordinances were added to the agenda in error; they need to have a ten day period between readings. Councilperson Murphey withdrew his motion and Councilperson Sutton withdrew his second.

**LANDSCAPE ARCHITECTURAL AWARD – TIF #4**

Rex discussed the Landscape Architectural Request for Qualifications for TIF #4 which the Public Works Committee recommended Weiss & Associates. Rex requested the authorization to negotiate the scope and price. The other two companies were Dream Design and Design Works. Councilperson Reetz questioned doing this before the Project Plan is in place. Councilperson Sutton moved to authorize Rex to negotiate the scope and price. Seconded by Councilperson Murphey, the motion carried. Councilperson Reetz and Schleining voted no. Rex stated that the overall scope of the Plan has already been seen; now the finalization would set how much or how little we can go. The price is for the Company's services, not the Project.

**ELECTION CANVASS**

The Mayor relinquished the meeting over to Council President Schleining. President Schleining then reviewed the Election Board Recap Sheet, the Poll Book, and the Duplicate Tally Sheet and all balanced. The official canvass stated the votes for Harold D. Stickney 288 and Terry Reetz 152. President Schleining then turned the meeting over to the Mayor.

**GOLDEN WEST COMMUNICATIONS – CAMERA COSTS**

Rex discussed the broad band changes that have been made to the web camera which so far everyone has agreed that it is acceptable the way they have it now. It may not be quite the speed as previous but very workable with the quality being the same. This would cut the costs to just about half which is around \$150 per month. There are four different entities that may share in the costs. Councilperson Starr wondered how many hits it receives. Dave Ressler, Chamber Director, stated last year there were 1.5 million hits; if the system goes down,

their phones start ringing; they even had a call from Australia. John Murphey wondered why we were spending money on this which it was stated that it was done for economic development for the Community. Dave stated that this is the way the world runs now and it's been great having this here.

### **COMMUNITY GARDEN**

The Mayor discussed the results from the Survey which is now at 26 people who are interested and the site will be at West Dam. Bob discussed setting up a committee to set the rules, regulations, and so on. At this point we have more requests than space. There will be approximately 36 spots that are 20x20; we may do them in 40x40 squares and then break them down. Councilperson Murphey wondered if the City was subsidizing this and if so, should the County residents pay a different amount. Bob stated with the initial cost, the City is subsidizing but then we can spread the start up over several years. The fencing can be put in for approximately \$800 to \$900 and he is still working on the spigots. Questions on pesticides were brought up, but Bob stated that would be another item for the committee to discuss. Dave Coppess commented that City residents should have the first option and then open it up to the County residents.

### **FRENCH CREEK WATER PROJECT – PARTNER WITH DENR**

Bob presented the additional information requested and discussed the proposed partnership with SD DENR to do a study on French Creek as it has been designated as oxygen impaired. The cost would be in-kind through administration for \$320 this year and then \$1500 in lab testing fees for the West Dam sludge next year. Councilperson Murphey moved, with a second by Councilperson Sutton, to agree to be the sponsor on this project. The motion carried unanimously.

### **LIQUOR STORE/WATER TREATMENT PLANT BID AWARD**

The Mayor stated that since there has been an increase in the questions about the liquor store/water plant construction project, we will delay this for 30 days, take the time to schedule a public hearing, and then we will do a phone survey. Councilperson Murphey discussed the Company from Sioux Falls who would charge \$750 for a 3 question or less survey based on 10% of 1600 people registered to vote. Discussion was held on the issue of staying in business then we need to build a new store or if not a new store, then we need to get out of the business. Barb Edwards discussed the 10% operating agreement the City has with each alcoholic beverage license and how that is a disadvantage for the businesses. Could there be compensation to the other businesses? Discussion was held on the bid price, being careful of that low and what will be missed, the survey, a vote, where the money is, where the money could go, and the mis-information that had been out in the public. It was decided to schedule the Public Hearing May 12<sup>th</sup> and it will tentatively be scheduled at the Courthouse Annex Pine Room if it is available.

### **ENGINEERING PROPOSAL DRAINAGE AWARD**

Bob presented the additional information requested and further discussed the proposals received for the engineering on the storm water drainage project. Bob stated that this is presented in Phases since it will be big dollars out of the General Fund. Councilperson Murphey moved, with a second by Councilperson Schleining, to authorize Bob to negotiate with FourFront and not to exceed \$24,000 which would even include the Phases. Discussion was held on which tasks, the base, the phases after the base, from 5<sup>th</sup> Street to 9<sup>th</sup> Street, and if all goes well, we can go further than the base. Councilperson Murphey amended his motion, with an amended second by Councilperson Schleining, to approve 1, 2, and 3 phases. The motion unanimously carried.

### **WINTER PROJECTS UPDATE**

Bob presented the Council the winter project completion listing and discussed various items. Bob also mentioned that there was a recall on 26 fire hydrants which meant they needed to be identified and repaired; we will be paid for the labor and parts. Councilperson Reetz wondered about bringing the list to Public Works Committee to prioritize these items.

### **YMCA POOL CONTRACT**

The Council received the 2009 Pool Contract with the YMCA for the amount of \$14,000. Bob stated they are working on the repairs, we do mow the lawn, and the umbrellas came in so they will be put out again. Councilperson Starr moved to approve this contract. Seconded by Councilperson Reetz, the motion unanimously carried.

### **DISCUSSION ITEMS**

Dave mentioned the Spring Fling coming up on May 7<sup>th</sup> at Crazy Horse with a cost \$15 for all you can eat and the Governor's Office of Tourism will be there also.

Councilperson Murphey mentioned that the SDML District 9 Dinner being hosted here in Custer will be Wed April 22<sup>nd</sup> starting at 6 p.m.; think about getting period style clothing.

Councilperson Starr mentioned his Comp Plan presentation at the Custer Senior Center, which was previously cancelled, will be held May 12<sup>th</sup> at noon.

Information was given to the Council regarding sales tax for the three months of this year in comparison to 2008 and a listing of municipal alcohol licensing cities. Councilperson Starr requested a list of the towns that have liquor stores.

### **CLAIMS**

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

A&B Electric, Repair & Maint., \$81.60

Alice Hagenlock, Professional Fees, \$165

American Legal Publishing, Professional Fees, \$657  
BH Community Economic Development, \$100  
BH Power, Utilities, \$896.39  
Custer Business Solutions, Supplies, \$5.95  
Custer Chamber of Commerce, Sales Tax Subsidy, \$4282.56  
Custer Community Health Systems, Sales Tax Subsidy, \$24058.04  
Custer Do It Best, Supplies, \$90.14  
Dakotacare, Insurance, \$6576.30  
Fastenal, Supplies, \$45.48  
First Western Insurance, Insurance, \$32594  
International Code Council, Travel & Conference, \$100  
Janet Serino, Professional Fees, \$165  
Jim Dandy Snack, Supplies, \$114  
Mannatec, Supplies, \$409.47  
Menards, Supplies, \$74.97  
Pat Hattervig, Professional Fees, \$165  
Petty Cash, Supplies, \$248.29  
Republic National Distributing, Supplies, \$9232.67  
Sander Sanitation, Utilities, Repair & Maint., \$10847.55  
Western Wholesale, Supplies, \$6061.74  
Dan & Fran Winkler, Deposit Refund, \$4.34  
Taco Johns, Deposit Refund, \$85.71  
Total Claims \$97,061.20

**EXECUTIVE SESSION**

Councilperson Sutton moved to go into and out of an executive session due to contract negotiations and personnel at 6:55 p.m. Seconded by Councilperson Schleining, the motion unanimously carried. A short break was taken and then the session started. Christine was requested to attend the meeting at 7:10 p.m. The session adjourned at 7:22 p.m. with no action taken.

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:22 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden  
Finance Officer

Harold D. Stickney  
Mayor