

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
JANUARY 22, 2008**

Mayor Harold D. Stickney called to order the second regular meeting of the Common Council for the month of January, 2008 at 5:30 p.m. Present at roll call were Councilpersons Starr (5:34), Pischke, Murphey, Schleining, Culberson, Boyer, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Murphey moved to approve the agenda. Seconded by Councilperson Pischke, the motion unanimously carried.

**MINUTES**

Councilperson Culberson moved, with a second by Councilperson Schleining, to approve the minutes from the January 7<sup>th</sup>, 2008 regular meeting. The motion carried.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, discussed trying to get quotes for concrete and asphalt crushing. He is also working on water rights applications and will bring these to the Public Works Committee for input on important issues. The advertisement for Cemetery Care is out and will have the results for the second meeting in February. He will be trying to coordinate with the DOT 5<sup>th</sup> Street project to replace the waterline across 5<sup>th</sup> and Crook. Also the pump at the Sewer Treatment plant is fatigued so we will be sending that in for repairs and we do have a spare to replace it. Stone Hill will be coming on line about the same time which will be good since the lines will be drained; better than running 1100 gals per minute if the line gets hit. Councilperson Pischke wondered about burn piles since we have snow which Bob stated they are working on getting to those. The Mayor commented that another permit request had been turned down due to not enough snow.

Rex Harris, Community Development Director, mentioned the DOT hearing coming up on the 30<sup>th</sup> and everyone should attend since this is for the 5<sup>th</sup> Street Project.

Rex read a letter from Pelstar, Pamida Development, stating they will request TIF District #3 be dissolved since they are no longer purchasing the property west of town. However, they are working on another site in town contingent upon another TIF district. They are working with BH Council of Local Governments, Blaise Emerson, for the proposal request. They are still planning on coming to this Community. Discussion and questions thrown around were the new location, downsizing the store, interest rates being down, rescinding the TIF District #3, how much infrastructure in the last one, less infrastructure required in town, lower TIF request coming, and lower revenues for repayment. As soon as we get the new proposal, a lot of the questions should be answered.

**SETBACK VARIANCE**

Rex presented the request from Roger Johnson for a setback variance for the Rollie Johnson property described as S. 50' of Lot 7 & 8 Block 98, Original Town, Custer City, Custer County, South Dakota. Roger wants to remove the old house and build new. By giving this variance, it will tie the neighborhood together along 9<sup>th</sup> Street and the Planning Commission recommends approval. Councilperson Murphey moved to approve this variance. Seconded by Councilperson Pischke, the motion unanimously carried.

**ORDINANCE #647 – GARBAGE RATE**

The Mayor discussed the reason for Ordinance #647 which is due to the request presented by Sander Sanitation for a \$1 increase per household per month since the tipping fees have gone up at the Edgemont Landfill since the Landfill did capitol improvements. Councilperson Culberson moved to approve Ordinance #647. Seconded by Councilperson Schleining, the motion unanimously carried.

**ORDINANCE #648 – PLANNING FEES**

Rex discussed the previous discussion of changing fees either to impact fees or by just raising all various fees; it was decided to raise fees and not have impact fees. The first change is to institute a fine for building without a permit; this is \$1000 which is a wakeup call for the contractors. Other fees discussed were platting and re-platting, variances, vacations, subdivision, conditional use, zoning changes, demolition, moving, flood plain variances or changes, signs, and building permits. Councilperson Boyer was concerned about the lower end homes having to pay an increase in a building permit fee which Rex stated they haven't changed that much for the lower end but this structure evens out the higher end homes that previously were paying less per \$1000. Discussion was held on comparables from other cities which Rex stated we would be higher but this increase does cover costs involved with plan reviews and all the various inspections. Councilperson Culberson moved to approve this Ordinance. Seconded by Councilperson Murphey, the motion unanimously carried.

**ORDINANCE #649 – SUPPLEMENTAL APPROPRIATIONS**

This Ordinance gives spending authority for the new Liquor Store building which was actually budgeted last year. Councilperson Murphey moved to approve Ordinance #649. Seconded by Councilperson Schleining, the motion unanimously carried.

**RESOLUTION #01-22-08A – RENTAL RATES**

Bob discussed this annual review of City fees for equipment rental, tap fees, and other various charges to reflect actual cost recovery and our rates are comparable to other communities. Councilperson Starr moved to adopt Resolution #01-22-08A. Seconded by Councilperson Murphey, the motion unanimously carried.

**RESOLUTION NO. 01-22-08A**

WHEREAS, the City of Custer City, Custer County, South Dakota, from time to time uses city equipment and provides other services at varying rates; and

WHEREAS, the City of Custer City, Custer County, South Dakota, deems it necessary to specify the rates for use of equipment and services.

IT IS NOW THEREFORE RESOLVED, that the City of Custer City amends Resolution No. 03-19-07, and does hereby set the following rates for the use of equipment and services:

**CITY EQUIPMENT RATES**

Per Hour When Available

Operator Included

Bobcat - Skid Steer	\$ 65.00
Large Patrol	\$125.00
Back Hoe	\$ 75.00
Loader	\$110.00
Dump Truck (Large)	\$ 75.00
Dump Truck (Small)	\$ 60.00
Plow Truck	\$ 75.00
Sander	\$ 75.00
Sweeper	\$100.00
Cherry Picker	\$ 75.00
Packer	\$ 50.00
Jet Machine	\$ 75.00
Steamer	\$ 50.00
Thawing Machine	\$ 50.00
Pump - 6"	\$ 50.00
Saw	\$ 50.00
Water Truck (Plus Cost for Water)	\$ 75.00
Vacuum Trailer	\$ 75.00

Per Hour When Available

Operator Not Included

Compressor	\$ 25.00
Soil Tamper	\$ 50.00
Trash Pump	\$ 25.00

The Director of Public Works is to be contacted 24 hours prior to any projected use of equipment. The minimum rate charged will be at a one-hour rate fee and the Director will approve the area of use. Equipment is available only upon the condition that no other rentals are available privately and that an emergency exists.

**WATER TAP FEE**

1 Inch	\$ 300.00
1 1/2 Inch	\$ 600.00
2 Inch	\$1200.00
Over 2 Inch	Determined by Director of Public Works. Note: past action of the City Council is a tap over 2", the cost is equivalent to the sewer tap fee.

**SEWER TAP FEE**

Residential	\$300.00
Commercial	Fee is based on an average consumption for type of business, per Custer Municipal Code 13.24.020.

**SPECIAL SEWER ASSESSMENT**

Residential	)	If connecting to an area where a new
Commercial	)	sewer main was installed in 1990, there
Home Commercial	)	is a special assessment fee, pursuant
		to Custer Municipal Code 13.12.040 (C).

**MISCELLANEOUS**

Water Meters & ERT Radio Module	
3/4 Inch	\$ 425.00
1 Inch	\$ 615.00

1 1/2 Inch	\$ 975.00	
2 Inch	\$1200.00	
Over 2 Inch	To be determined.	
Water Meters Without ERT		
3/4 Inch	\$ 205.00	
1 Inch	\$ 360.00	
1 1/2 Inch	\$ 710.00	
2 Inch	\$ 910.00	
Over 2 Inch	To be determined.	
ERT Radio Module	\$ 225.00	
Meter Freeze Plates:		
3/4 Inch	\$ 15.00	
1 Inch	\$ 20.00	
Check Valve:		
3/4 Inch	\$ 40.00	
1 Inch	\$ 40.00	
City Map Copies:		
Large	\$ 2.00	
Small (11" x 17")	\$ .50	
Copies - Black & White	\$ .15	
- Color	\$ .25	
Fax:		
Send (Per Sheet)	\$ 1.00	
Receive (Over One Page)	\$ .15	
Research (Per Hour)		
Time involved by City Employee to research information, time which exceeds 15 minutes	\$ 30.00	
Labor (Per Hour)	\$ 30.00	
Overtime Rate	\$ 45.00	
Cemetery Grave Site		
Single	\$ 200.00	
Double	\$ 350.00	
Baby	\$ 50.00	
Cremations	\$ 100.00	
Perpetual Care per Site	\$ 100.00	
Monument Permit	\$ 25.00	

Dated this 22<sup>nd</sup> day of January 2008.

City Of Custer City

s/Harold D. Stickney, Mayor

**RESOLUTION #01-22-08B – EMPLOYEE MANUAL UPDATE**

This Resolution is present due to IRS requirements regarding employee cell phone use being taxable income. Everyone agreed that this should not be needed but since it is a requirement they will go along with it. Bob requested the amount accessed be one set amount rather than fluctuating based on minutes. Councilperson Schleining moved to adopt Resolution #01-22-08B. Seconded by Councilperson Pischke, the motion unanimously carried.

**RESOLUTION # 01-22-08B**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 07-24-06; and

WHEREAS, the Common Council of the City of Custer City has determined that Employee Personnel Manual Policy be modified regarding Policy #2 General Policies, 2.20 Telephone Policy, Item #2 with the following and it shall read as follows:

According to the IRS, any personal phone calls made on a City paid cell phone are classified as personal income. Therefore, the Finance Office will provide a copy of your cell phone bill and it will be the employee's responsibility to highlight personal calls and/or text messages on the monthly bill, return the copy to the Finance

Office, and reimburse the City for the cost of personal calls and/or text messages on a pro rata share of the monthly charge.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended and superseded as adopted.

Dated this 22<sup>nd</sup> day of January, 2008

City of Custer City

s/Harold D. Stickney, Mayor

**RESOLUTION #01-22-08C – WESTSIDE ANNEXATION**

This Resolution is finalizing the annexation at the time of substantial completion of the Westside Utility Project. This is in accordance with the Annexation Agreements. Councilperson Murphey moved to adopt Resolution #01-22-08C. Seconded by Councilperson Culberson, the motion unanimously carried. Councilperson Boyer wondered when we would be annexing the Golf Course which Rex stated can be done after this is completed. Councilperson Starr also wondered about letting other people in that area know that they could request annexation.

RESOLUTION NO. 01-22-08C

RESOLUTION ANNEXING REAL PROPERTY

WHEREAS, the following listed properties have submitted a Petition for Annexation to the City Council pursuant to South Dakota Codified Law 9-4-1 in the form of an Annexation Agreement; and

WHEREAS, said petitioner constitute not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of such territory sought to be annexed to the City of Custer City; and

WHEREAS, said property is contiguous to the boundary of the City of Custer City; and

WHEREAS, by virtue of said petition for annexation, said owners are agreeing to be subject to all of the rules, regulations, and ordinances of the City of Custer City; and

WHEREAS, annexation of the hereinafter described real property is in the best interest of the City of Custer, now therefore

BE IT HEREBY RESOLVED that the following described real properties:

Charles N. Bergeron & Darlene G. Bergeron – Lot 6 and N1/2 of Lot 7 of Sheehan Subdivision of Sheehan Tract in SW1/4NW1/4 of Section 26, T3S, R4E, BHM, Custer County, South Dakota;

James V. Aman & Freda M. Aman – Tract Keupp, located in Government Lot 3 and the NW1/4SW1/4 of Section 26, T3S, R4E, BHM, Custer County, South Dakota;

Billie R. Kratzmeyer and Connie L. Kratzmeyer – Lot A of Tract Ollem of Haserodt Placer MC #548 located in Government Lot 3 of Section 26, T3S, R4E, BHM, Custer County, South Dakota;

David G. Hatton & Caroline F. Hatton, Co-Trustees, & Elizabeth Phillips, Successor Trustee of the Hatton Family Trust – Lot B of Tract Ollem of Haserodt Placer MC #548 located in Government Lot 3 Section 26, T3S, R4E, BHM, Custer County, South Dakota less Lot H-2 of Lot B of Tract Ollem and Less Lot P1 of Lot B of Tract Ollem;

Flintstone Bedrock City, Inc. – Tract M being a portion of Gov't Lots 3 and 4 and NW1/4S1/4 and NE1/4SW1/4 of Section 26, T3S, R4E, BHM, Custer County, South Dakota Less Lots H1;

Black Hills Pizza Hut, Inc. – Tract Morris of Tract Bowden of Tract A located in SE1/4NE1/4 Section 27, T3S, R4E, BHM, Custer County, South Dakota less Lot H1 of Tract Morris and Tract Turner of Tract A located in the SE1/4NE1/4 of Section 27, T3S, R4E, BHM, Custer County, South Dakota Less Lot H1 of Tract Morris;

Frontier Bar & Lounge, Inc. – Lot 1 of Frontier Subdivision of Tract Reedy being a portion of Tract Bowden located in SE1/4NE1/4 Section 27, T3S, R4E, BHM, Custer County, South Dakota;

Rick & Wanda Wheeler – Kohler Tract #1 NE1/4 of Section 27, T3S, R4E, BHM, Custer County, South Dakota;

Dawn Gibeau – Lot 5 of Sheehan Subdivision which is a portion of Sheehan Tract located in the SW1/4NW1/4 of Section 26, T3S, R4E, BHM, Custer County, South Dakota;

is contiguous to the existent municipal boundaries is hereby annexed to the City of Custer City and hereafter located within the corporate limits of the City of Custer City.

Dated at Custer City, Custer County, South Dakota, this 22<sup>nd</sup> day of January, 2008.

CITY OF CUSTER CITY

s/Harold D. Stickney, Mayor

**BROWN BAG LICENSE & RAFFLES**

The Custer Chamber of Commerce requested a Brown Bag License for their Mixer to be held February 28<sup>th</sup> at the Super 8 Motel. The Junior Class Parents Post Prom Committee requested permission to sell raffle tickets for prizes until April 19<sup>th</sup>. The Beta Sigma Phi would like to sell raffle tickets as a fundraiser for Relay for Life until June 2008. Ducks Unlimited will be selling fundraising raffle tickets until February 9<sup>th</sup>. Councilperson Culberson moved to approve these requests. Seconded by Councilperson Murphey, the motion unanimously carried.

**1881 MUSEUM REQUESTS – OLD TIME COUNTRY FAIR**

The 1881 Museum submitted a request for the Old Time Country Fair July 4<sup>th</sup> through the 6<sup>th</sup> street closure, Way Park usage, and waiving of the transient merchant fee. Concerns were discussed on whether or not fees should be waived and if so, for what purpose or organizations. Also, Way Park will be reconstructed at some point, which could greatly impact the Fair. It was suggested that this be referred to General Government Committee with Sandy Ackerman and Tanya Olson invited for their input. Everyone agreed.

### **STREET LIGHT REQUESTS**

Bob reported the quote from BH Power for the Street Light at 10<sup>th</sup> & Needles is no cost for installation and the base rate of \$10.75 per month as all other lights are charged. Councilperson Murphey moved to approve the installation of the street light. Seconded by Councilperson Schleining, the motion unanimously carried.

The second request is for a light at the Woodlawn Meadows Mobile Home Park, but the quote for installation is \$3230 due to a transformer needing to be installed. We could charge for future taps if someone else needed to use it. Councilperson Starr believes the landowners need to be poled as to the impact of a light and then stated that the lights can be baffled to direct the light more efficiently. Also a policy and procedure should be set up since more and more requests come up. Rex stated that DOT does not think there is a safety issue at this intersection. It was also discussed as to whether the landowner should pay since that is a private road access or if this is a City request. Discussion was also held on the cost and how it is figured. The Mayor recommended this item to the General Government Committee.

### **SD DOT CONTRACT**

This contract presented by SD DOT covers Financial, Signals, Sidewalks, Maintenance, and Encroachments. There are several changes that involve DOT installing but we maintain and repair, new limits on signs which would include Christmas decorations and he plowing has changed. They say that these are Custer's Streets but then we can't do anything with them and they won't address safety issues and concerns. Comments were made that things are not good in Pierre and that we should not sign the contract since this contract is not mutually beneficial. It was determined that the Mayor, Rex, Bob, and Chris Beesley would talk to DOT about the changes and get things ironed out.

### **FOURFRONT DESIGN – CONTRACT AMENDMENT #2**

Bob discussed this amendment which is for the additional work to go under the bridge for the Westside Utility Project. Councilperson Boyer moved to approve this Amendment. Seconded by Councilperson Pischke, the motion unanimously carried.

### **PAVING PROJECT – FINAL REVIEW & PAYMENT**

Bob discussed the final amount for the contract coming in \$37,794.48 less than the bid price. Councilperson Schleining questioned holding any amount back for finish up and warranty which there was no retainage with this payment. Councilperson Schleining moved to withhold the final amount of \$14,472.27 and final acceptance until the project is finished. Seconded by Councilperson Pischke, the motion unanimously carried.

### **MONTHLY REPORTS**

The Hospital Monthly Board Report for the January meeting was received, reviewed, and acknowledged by the Council. Discussion was held on the new capitol budgets, the Boards discussion of goals, funding, and the Clinic capitol expansion. The Council did request a listing from the Hospital of all the capitol improvements that been completed.

### **LIQUOR STORE P&L 4<sup>TH</sup> QUARTER**

The Council received, reviewed, and acknowledged the 4<sup>th</sup> quarter Liquor Store report along with an annual comparison for the past five years.

### **MAYOR APPOINTMENTS**

The Mayor appointed Tim Behlings and Ann Sandvig to the Planning Commission for a three-year term. The Mayor also appointed David Powers to the LRT Committee.

### **DISCUSSION ITEMS**

The Mayor mentioned the various letters received regarding the deer population in town which they are all requesting a reduction program.

The Mayor also mentioned that the Chairman of the County Commissioners discussed the County building a new building in the Courthouse parking lot. He wanted to know if the City wanted to rent space which the Mayor stated we didn't think so; the Council agreed. Discussion was held on the Sheriff's building and what would happen to them.

The Mayor also discussed a presentation at the BH Vision meeting by a Professor from the School of Mines regarding water availability. The Council is interested in this presentation also.

The Mayor summarized the meeting with the School Board which went very well with Sheriff Wheeler, one Deputy, the Mayor, and Christine attending. Dr. Creal also helped the Board fund the Resource Officer for one year at 1/3 cost for each entity.

### **CLAIMS**

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

2007:

Bituminous Paving, Paving Project, \$14472.27  
BH Power, Utilities, \$10977.16  
Border States Electric, Supplies, \$589.04  
Culligan Water, Repair & Maintenance, \$13  
Dakota Backup, Professional Services, \$1.84  
Frontier Photo, Supplies, \$285.15  
Mayer Plumbing, Repair & Maintenance, \$8649.50  
SD Dept. Transportation, Supplies, \$2984.50  
Unemployment Ins., \$38.30  
Whisler Bearing, Repair & Maintenance, \$14.71  
Witt's Heating, Repair & Maintenance, \$171.36  
Wood, Fuller, Shultz & Smith, Professional Services Custer Cruisin, \$245  
Total \$38,441.83

2008:

Mayor & Council, Wages, \$4200  
Community Development, Wages, \$3535.86  
Finance Dept, Wages. \$8741.98  
Public Works Dept, Wages, \$5865.27  
Street Dept, Wages, \$4376.78  
Parks Dept, Wages, \$3688.29  
Liquor Fund, Wages, \$3652.04  
Water Dept, Wages, \$4345.15  
Wastewater, Wages, \$4356.56  
3-D Specialists, Supplies, \$2474.52  
A&B Electric, Repair & Maintenance, \$369.14  
AFLAC, Insurance, \$388.08  
Alltell, Utilities, \$378.42  
American Public Works, Dues, \$220  
Avenet, Web Page, \$396  
BH Phones, Utilities, \$50  
Blackhills.com, Custer Cruisin, \$120  
Border States Electric, Supplies, \$97.89  
Century Business Products, Supplies, \$43.31  
Courthouse Museum, 2008 Subsidy, \$6500  
Custer Chamber, Sales Tax Subsidy, \$7960.23  
Custer Chronicle, Publishing, \$38  
Custer Comm. Health System, Sales Tax Subsidy, \$20662.94  
Custer Co. Treasurer, Law Enforcement, \$75225  
Custer Food Pantry, 2008 Subsidy, \$1500  
Custer Gas Service, Supplies, \$13.21  
Dakotacare, Insurance, \$4110.46  
Dales Tires, Repair & Maintenance, \$2420  
Days Inn, Travel & Conferences, \$211.96  
Enviromaster, Supplies, \$22  
First Western Bank, TIF Payment, \$391.46  
Gov't FO Assoc., Dues, \$70  
Hach Company, Supplies, \$233.11  
Hawkins Chemical, Supplies, \$3761.40  
HD Supply, Supplies, \$6352.88  
Incode, Repair & Maintenance, \$8229  
Kirk Johnson, Reimbursement, \$100  
Scott Kellogg, Reimbursement, \$154  
Kimball Midwest, Supplies, \$190.55  
Knight Security, Repair & Maintenance, \$360  
L&A Welding, Supplies, \$33.41  
Michael Todd, Supplies, \$85.97  
Municipal Street Maint., Dues, \$35  
Northern Tool & Equipment, Supplies, \$382.34  
Petty Cash, Supplies, Travel & Conferences, \$86.60  
Pitney Bowes, Supplies, \$500  
Prairie Berry, Supplies, \$1050.25

Quill Corp., Supplies, \$323.73  
Sander Sanitation, Utilities, \$7789.69  
SD Assoc. of Environment, Dues. \$40  
SD DENR, Cert. Renewals, \$72  
SD Human Resource, Dues, \$25  
SDML, Dues, \$120  
SD Municipal Liquor, Dues, \$25  
SD Secretary of State, Trademark, \$100  
SD Water & Wastewater Assoc., Dues, \$20  
Sewer Equipment, Repair & Maintenance, \$612.04  
Harold D. Stickney, Travel & Conferences, \$34.04  
USA Blue Book, Supplies, \$93.91  
Tim & Deb Carr, Deposit Refund, \$100  
Kunj Inc, Deposit Refund, \$100  
Darren Fischer, Deposit Refund, \$50  
Janet Wellington, Deposit Refund, \$50  
Child Support Payment Center, \$314.54  
Federal Withholding, \$3782.14  
FICA, \$5233.43  
Medicare, \$1223.92  
SD Retirement, \$4994.49  
Total Claims \$213,082.99

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:30 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden  
Finance Officer

Harold D. Stickney  
Mayor