

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
JULY 6th, 2009**

Mayor Harold D. Stickney called to order the first regular meeting of the Common Council for the month of July, 2009 at 5:30 p.m. Present at roll call were Councilpersons Reetz, Starr, Schleining, Murphey, Pischke, Sutton, Chris Beesley, City Attorney, Bob Morrison, Public Works Director, Rex Harris, Community Development Director, and Laurie Woodward, Deputy Finance Officer. The Pledge of Allegiance was stated.

AGENDA

Councilperson Schleining moved, with a second by Councilperson Murphey, to approve the agenda. Councilperson Murphey requested the addition of the phone survey for the liquor store. Councilperson Murphey moved, with a second by Councilperson Sutton, to approve the agenda with the addition of the liquor store phone survey. The motion unanimously carried.

MINUTES

Councilperson Starr moved, with a second by Councilperson Sutton, to approve the minutes from the June 15th, 2009 Regular Meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD MEETING

Bob discussed that engineering work is being done on Wazi Lane, at the Wastewater Treatment Plant, and on some drainage ditch problems. Bob stated that his is working on his budget if anyone has anything for him.

Councilperson Schleining mentioned that the bridge on 8th street needs repairs. Bob explained to the council that according to the State, 8th Street is a County road however, the city maintains it and the bridge is on the federal bridge list to be repaired. Council requested that Bob send the county a letter regarding the condition of the bridge.

Councilperson Reetz expressed his concerns for the number of people in wheelchairs and the lack of sidewalk accessibility. He would like to see Bob look at his budget for this, so those individuals can use the sidewalks instead of the roads. Bob mentions that the Ordinance states that the sidewalks are the property owners responsibility. Rex mentions that their might be some grant money for sidewalks that we can look into.

Rex mentioned that he is going to the Regional DOT meeting that is coming up and will visit with them regarding the 8th Street bridge. Councilperson Schleining suggested taking pictures of the bridge with him to the meeting.

COMMUNITY ORGANIZATIONS – 2010 SUBSIDY REQUEST

Mike Chase, Custer Area Transportation Services, submitted the annual report and gave a summary of the history, budget, and who uses the bus. They would like to request \$5,000 which is a \$1,000 higher than last year. Barb Edwards asked Mike about the possibility of having a bus that runs out to the motels on the west side of the city and brings people downtown and takes them back to the motels. Mike said they have looked into that idea and right now driver shortage is a big issue, but they will continue looking into it.

WEAVE was unable to have someone make the presentation but they did leave a handout for everyone. They are requesting \$5,000 for next year which is the same as last year.

Patty Ressler, Custer Stampede and Custer Area Arts Council, submitted the annual report for the Custer Stampede and gave a summary of the plans for a chuck wagon dinner and street dance after the Buffalo Art Auction. The Arts Council has asked that their funds go to the Custer Stampede this year. They would like to request \$3,000 which is \$2,000 higher than last year.

The Mayor thanked everyone for coming and making their presentations.

SECOND READING ORDINANCE #666 – FIRE DISTRICT – TYPES OF BUILDINGS

This ordinance will allow the awnings to remain and allow them to be repaired. Councilperson Starr moved to adopt this ordinance. Seconded by Councilperson Schleining, the motion carried with Councilperson Sutton, Pischke, Murphey, Schleining, Starr and Reetz voting yes.

RESOLUTION #07-06-09A – GOVERNING BOARD CODE OF ETHICS

Councilperson Murphey moved, with a second by Councilperson Pischke to adopt Resolution 07-06-09A, Governing Board Code of Ethics. Councilperson Sutton wondered why we needed this resolution and the length of the resolution. Attorney Chris Beesley explained that this is a guideline for the Mayor and Council on certain procedures and how the City wants to conduct business. Councilperson Reetz gave the public a dissertation of why the code of ethics was being presented. The motion failed with Councilperson Reetz, Starr, Schleining and Sutton voting no and Councilpersons Murphey and Pischke voting yes.

RESOLUTION #07-06-09B – SURPLUS PROPERTY

Councilperson Starr moved to adopt Resolution #07-06-09B – Surplus Property, seconded by Councilperson Murphey. Councilperson Sutton asked that it be clarified as to where the property was going as the Resolution stated it going to the school. Councilperson Starr changed his motion to state, adopting Resolution #07-06-09B with the removal of Custer School District from the Resolution. Seconded again by Councilperson Murphey, the motion unanimously carried.

RESOLUTION NO. 07-06-09B

WHEREAS, the City of Custer City has certain personal property which is no longer necessary, useful, or suitable for municipal purposes; and

WHEREAS, SDCL 6-13 provides for the disposition of surplus government property by auction.

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer City, that the property on the attached Exhibit "A" is declared to be no longer necessary, useful, or suitable for municipal purposes and is to be sold as set forth SDCL 6-13 Sale of Surplus Property.

Dated this 6th day of July, 2009

CITY OF CUSTER CITY
s/Harold D Stickney, Mayor

Exhibit "A"

- 1 Jet Machine
- 1 John Deere 116 Riding Mower 36" cut M00116A315506
- 1 YA200 Master Mower 60" cut Wisconsin motor 2 cu
- 1 Thred A44 Matic Thread Machine Serial No 3178, 230 volts 3 phase FO 9603-8A-0022-P00001
- 36 Florescent light fixtures
- 1 1978 Chevy Step Van 20 6 cyl. CPT2583320047
- 1 ½ tool box
- 1 O'brien Rodder 66550 SaNB
- 2 Full Size pickup crossover tool boxes
- 2 Blue typewriters
- 1 S10 size crossover tool box
- 1 Blue Urinal
- 1 1 Porcelain sink
- 1 Paint striping machine, gas
- 1 7' Meyer snow plow lift only, no angle, lights
- 1 International cub cadet special 582 lawn tractor
- 1 Craftsman 44" cut 18 horsepower lawn mower with snow blade mower and the weights
- 1 Stihl cutoff saw parts

RESOLUTION #07-06-09C – TIF #4 PROJECT PLAN

Councilperson Murphey moved to approve Resolution #07-06-09C – TIF #4 Project Plan, seconded by Councilperson Schleining. Councilperson Starr stated that he was glad to see so many people in attendance. Councilperson Sutton stated his concerns about the citizens not knowing about the meeting and their options. He feels any action should be delayed until the citizens are made aware and can attend a meeting. It was expressed that for as long as this has been in the works the citizens should know it about and if they have concerns why aren't they at this meeting. The business owners expressed their concerns about any deadlines as they don't want to miss this opportunity and feel we need to move forward now with the project. Dave Ressler mentioned that they have 49 signatures of business that are in favor of this TIF. Questions were asked about the school still being included in the TIF. The public was made aware the amount projected for the TIF is now down to about \$900,000. Councilperson Murphey stated that he felt we have been working on this long enough and need to move forward with the plan, as the citizens and business owners will still have a chance to come when we start working on the plan and prioritizing the plan. The motion carried with Councilperson Pischke, Murphey, Schleining, Starr, and Reetz voting yes. Councilperson Sutton voted no.

RESOLUTION NO 07-06-09

RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER FOUR AS SUBMITTED BY THE CUSTER CITY PLANNING COMMISSION

WHEREAS the Council of the City of Custer City has determined that it is in the best interest of the City to implement plans which promote economic development and enhance the appearance of the City; and

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS there has been established Tax Increment District Number Four; and

WHEREAS the Project Plan submitted helps make this development feasible by assisting in the development of public improvements to serve the commercial core of Custer City; and

WHEREAS the Project Plan submitted will assist with the costs of sidewalk, installation of historical style lighting, landscaping, trash receptacles, benches, information signs, public art work, banner poles and other features that would improve the appearance and functionality of Mt. Rushmore Road corridor; and

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes these improvements; and

WHEREAS the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for Tax Increment District Four is economically feasible; and

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Custer City that the Tax Increment District Project Plan for Tax Increment District Number Four and is hereby, approved as submitted by the Custer City Planning Commission.

Dated at Custer City, Custer County, South Dakota, this 6th day of July 2009.

CITY OF CUSTER CITY

s/Harold D. Stickney, Mayor

FRENCH CREEK PARK USAGE & BROWN BAG LICENSE – NAJA SHRINERS

Councilperson Murphey moved to approve the usage of French Creek Park and the brown bag license for the NAJA Shriners on July 25, 2009. Seconded by Councilperson Pischke, the motion unanimously carried.

ALCOHOLIC BEVERAGE LICENSE AMENDMENT – VFW – TO INCLUDE LOT 2 & 3 OF BLOCK 9

Mayor Stickney informed the council that at the time the VFW renewed their liquor license they forgot to put the legal description of their newly acquired property on the license, so approval is needed to add their new property to their liquor license. Councilperson Schleining moved to approve the amendment to the VFW's liquor license to include lots 2 & 3 of block 9. Seconded by Councilperson Murphey, the motion unanimously carried.

CUSTER AREA ARTS COUNCIL – STREET CLOSURE REQUEST

The Custer Area Arts Council submitted a request to close 4th Street between Mt. Rushmore Road and Crook Street for the Custer Stampede Buffalo Art Auction on September 25th & 26th, 2009. Patty Ressler mentioned that port-a-pots were not mentioned in the request but she would like to have that be part of the motion. Councilperson Murphey moved to approve this request. Seconded by Councilperson Schleining, the motion unanimously carried.

GOLF COURSE BOARD QUESTIONS

Councilperson Starr told the council that one of the Golf Course Board members stopped by his office and visited with him regarding the questions he had regarding the Golf Course budget and clarified his questions for him.

LIQUOR STORE PHONE SURVEY

Councilperson Murphey discussion questions that he had came up with for the Liquor Store Phone Survey and mentioned that the price they gave him was for up to 3 questions. Councilperson Schleining requested that this be put on the July 13, 2009 General Government Committee Agenda and the July 20, 2009 Council agenda.

MONTHLY REPORTS

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

EMPLOYEE NEW HIRE

Councilperson Starr moved to approve the hiring of Gary Martin as Part Time Liquor Store Clerk at the Probation Step of \$9.00 per hour effective July 9, 2009. Seconded by Councilperson Pischke, the motion unanimously carried.

EMPLOYEE ANNUAL INCREASE

Councilperson Murphey moved to approved the annual increase for Kim Conwell to Step 6 at \$11.52 per hour effective July 1, 2009. Seconded by councilperson Starr, the motion carried. Councilperson Reetz voted no.

DISCUSSION ITEMS

Mayor Stickney informed the council of the information he received on the Black Hills Photographers Weekend and that he turn the information over to the Chamber of Commerce.

CLAIMS

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

- Advanced Engineering, Professional Fees, \$346.10
- AFLAC, Insurance, \$471.88
- Alltel, Utilities, \$504.58
- American Linen, Repairs & Maintenance, \$316.17
- Black Hills Badlands & Lakes, BID District Publishing, \$611.50
- BH Power & Light, Utilities, \$2670.11
- BH Power Equipment, Repairs & Maintenance, \$52.08
- Borrud Excavating, Supplies, \$478.63
- Buckhorn Surveying, Professional Fees, \$2282.50
- Butler Machinery, Repairs & Maintenance, \$402.43
- Castle Cleaning, Repairs & Maintenance, \$1440.00
- Cheryl Hadlock, Cemetery Maintenance, \$3690.83
- Culligan Water, Repairs & Maintenance, \$17.50
- Custer Chamber of Commerce, Supplies, \$127.68

Chronicle, Publishing, \$752.07
Custer County Treasurer, Law Enforcement, \$76729.50
Custer Do It Best, Supplies, \$2567.67
Custer Transportation, 2009 Subsidy, \$4000.00
Custer True Value, Supplies, \$812.34
D & B Communications, Repairs & Maintenance, \$204.08
Dakota Supply Group, Supplies, \$283.65
Dakotacare, Insurance, \$7045.62
Elk Canyon, Supplies, \$25.00
Enviromaster, Repairs & Maintenance, \$22.00
Fastenal, Supplies, \$177.84
First Western Bank, TIF Payment, \$485.41
French Creek Supply, Supplies, \$56.85
Golden West Companies, Utilities, \$886.86
Golden West Technologies, Professional Fees, \$140.00
Harvey's Lock, Repairs & Maintenance, \$850.00
Hawkins Chemical, Supplies, \$1915.26
HD Supply, Supplies, \$473.95
Hillyard, Supplies, \$181.46
Jenny's Floral, Supplies, \$36.30
K2 Masonry, Way Park Restrooms, \$637.76
Kellogg, Scott, Reimbursement, \$171.00
LAMAR, BID District Publishing, \$1200.00
Lawrence & Schiller, BID District Publishing, \$22147.23
Lynn Moran, Professional Fees, \$50.00
Lynn's Dakotamart, Supplies, \$27.69
Menards, Supplies, \$114.92
Moran USA, Supplies, \$129.23
Nelson's Oil & Gas, Supplies, \$1134.00
Newberg Lumber, Repairs & Maintenance, \$149.52
One Call System, Supplies, \$37.80
Overhead Door Company, Repairs & Maintenance, \$184.37
Petty Cash, Supplies, \$886.20
Power House, Repairs & Maintenance, \$143.08
Prairie Berry, Supplies, \$864.00
Quill, Supplies, \$65.76
Rapid City YMCA, Memberships, \$141.00
Rapid Delivery, Professional Fees, \$52.00
Tatiana's Import, Supplies, \$255.40
Thompson West, Professional Fees, \$170.00
USA Blue Book, Supplies, \$235.80
West River International, Repairs & Maintenance, \$696.52
Wright Express, Supplies, \$938.65
Ziolkowski, Geney, Animal Control Contract, \$992.00
SD Division of Criminal Invest, Supplies, \$20.00
Child Support Payment Center, \$315.52
Credit Collection Bureau, \$202.50
Delta Dental, Insurance, \$584.80
Federal Withholdings, \$5177.53
FICA, \$6851.47
Medicare, \$1602.37
SD Retirement System, \$6101.45
Supplemental Retirement System, \$105.00
Peters, Brad/Chris, Deposit Refund, \$50.00
Terrill, Jennifer, Deposit Refund, \$50.00
Julian, Mandi, Deposit Refund, \$50.00
Lewis Builders, Deposit Refund, \$50.00
Trusty, Lewis, Deposit Refund, \$50.00
Church, Frank, Deposit Refund, \$50.00
Rodgers, Aaron & Beth, Deposit Refund, \$50.00
Total Claims \$163795.42

5 MINUTES RECESS
EXECUTIVE SESSION

Councilperson Schleining moved to go into and out of a contract negotiation and personnel executive session at 7:15 p.m. Seconded by Councilperson Reetz, the motion unanimously carried. The session adjourned at 7:49 pm

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 7:50 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Deputy Finance Officer

Harold D. Stickney
Mayor