

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
December 20<sup>th</sup>, 2010**

Mayor Harold Stickney called to order the second regular meeting of the Common Council for the month of December, 2010 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Starr, Lipp, Murphey, Herman and Schleining and Carole Boss, Assistant City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Lipp moved, with a second by Councilperson Murphey, to approve the agenda. The motion unanimously carried.

**MINUTES**

Councilperson Starr moved, with a second by Councilperson Schleining, to approve the minutes from the December 6<sup>th</sup>, 2010 meeting and the December 15<sup>rd</sup>, 2010 special meeting. The motion unanimously carried with Councilperson Herman abstaining for the December 6<sup>th</sup> minutes and Councilperson Schleining abstaining from the December 15<sup>th</sup> minutes.

**CONFLICTS OF INTEREST**

Councilperson Schleining stated that she will abstain from any action taken with the Custer Ministerial Alliance and the Food Bank Donation. Councilperson Starr stated that he will abstain from Ordinance #679, Contractor License. No other conflicts were stated.

**DEPARTMENT HEAD DISCUSSION**

Rex Harris, Community Development Director, updated Council on the status of projects Bob has been working on, as Bob Morrison, Public Works Director, was unable to attend the meeting. Rex mentioned to Council that with the earmark money gone, how the TIF bids come in will depend on how much of the project will be completed.

**SECOND READING – ORDINANCE #679 – CONTRACTOR LICENSE**

Councilperson Herman moved to table Ordinance #679, Contractor License, till the December 30<sup>th</sup> meeting to review the possibility of a penalty clause. Seconded by Councilperson Hattervig, the motion unanimously carried, with Councilperson Starr abstaining.

**SECOND READING – ORDINANCE #682 – SUPPLEMENTAL APPROPRIATION**

Councilperson Murphey moved to adopt Ordinance #682, Supplemental Appropriations for Fiscal Year 2010. Seconded by Councilperson Lipp, the motion carried with Councilperson Hattervig, Starr, Lipp, Murphey, Herman and Schleining voting yes.

**FIRST READING – ORDINANCE #681 – DELINQUENT ACCOUNT FEE**

Councilperson Starr moved to adopt the first reading of Ordinance #681, Delinquent Account Fee. Seconded by Councilperson Schleining, the motion unanimously carried.

**RESOLUTION #12-20-10A – UTILITY ACCOUNT WRITE-OFFS**

Councilperson Starr moved to adopt Resolution #12-20-10A, Utility Account Write-offs. Seconded by Councilperson Hattervig, the motion unanimously carried.

RESOLUTION NO. 12-20-10A

WHEREAS, Book 3, Supplemental, Chapter 9-22-4 of the South Dakota Codified Law states “every municipality may assign for collection any or all delinquent accounts receivable. After reasonable collection efforts, the governing body may determine that an account is non-collectible, and by formal action direct that the non-collectible amount be removed from the records and disclosed on that year’s financial report. Evidence of the debt removed from the records by the formal action of the governing body shall be retained by the municipality to support possible subsequent collection of that debt.”

WHEREAS, efforts have been made to collect these past due accounts receivable, and  
WHEREAS, adequate time has elapsed to consider these accounts receivable delinquent and past due,  
NOW THEREFORE BE IT RESOLVED that the following accounts be deemed non-collectible and removed from the records and disclosed on the 2010 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Janet Rhew	201380-03	\$ 83.54
Quinten Arp	501460-11	\$ 116.80
Laura Hadd	401540-03	\$ 152.45
Tara Williams	500310-04	\$ 103.72
Harrington Studio	402061-01	\$ 124.20
Theresa Nelson	401770-07	\$ 72.16
	TOTAL	\$ 652.87

Signed this 20<sup>th</sup> day of December, 2010.

CITY OF CUSTER

S/HAROLD D. STICKNEY, MAYOR

**RESOLUTION #12-20-10B – PERSONNEL MANUAL CHANGES**

Councilperson Hattervig move to adopt Resolution #12-20-10B, Personnel Manual Change to Telephone Policy. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION # 12-20-10B

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 09-05-95A; 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, with the following and it shall read as follows:

While personal phone calls are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Excessive personal calls during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make personal calls on non-work time where possible and to ensure that friends and family members are aware of the company's policy. Flexibility will be provided in circumstances demanding immediate attention.

Employees are not permitted to make personal long-distance telephone calls using the company's telephones, except in emergencies. Employees may place personal long-distance calls if they use their personal calling card or call collect.

1. Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phone. The company will not be liable for the loss of personal cellular phones brought into the workplace.

2. Personal Use of Company-Provided Cellular Phones

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.

3. Safety Issues for Cellular Phone Use

Employees are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees must pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees who are convicted with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

4. Camera Equipment

All camera equipped mobile devices must be turned off and put away in areas where employees have an expectation of privacy, such as restrooms, except in case of emergencies. All picture taking and videotaping is prohibited unless approved by city attorney.

Violations of this policy may lead to disciplinary action.

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

Dated this 20<sup>th</sup> day of December, 2010.

City of Custer City

S/Harold D Stickney, Mayor

**CHAMBER LEASE AGREEMENT**

Council reviewed the annual expenses relating to the Chamber building that the City pays. Council felt the Chamber should contribute more toward those expenses. Dave Ressler, Chamber Director, told the Council that his board could look at options however, it would take some time. Councilperson Herman moved to accept the lease agreement with the Chamber with changing the term to 1 year and increase the rent by \$60 a month to \$360, which would account for the increase in the electrical rates. This will give the City and Chamber time to work together on some options for the new lease. Seconded by Councilperson Schleining, the motion unanimously carried.

**PAY PHONE (BY CHAMBER) AGREEMENT**

Councilperson Starr moved to not renew the contract with Black Hills Phones for the pay phone by the Chamber of Commerce building for 2011. Seconded by Councilperson Herman, the motion unanimously carried.

**CUSTER MINISTERIAL ALLIANCE**

Councilperson Schleining gave Council an update on what the Custer Ministerial Alliance does as Council received a request for financial assistance. Councilperson Starr motioned to give the Custer Ministerial Alliance \$1,000 for financial assistance. Seconded by Councilperson Murphey, the motion unanimously carried, with Councilperson Schleining abstaining.

**SETBACK VARIANCE**

Councilperson Herman moved to approve the setback variance for Robert Catchpole, 215 North 3<sup>rd</sup> Street, Lot 5R of subdivision of lots 5 and 6 of block 36. This will allow construction of a garage with both garages being setback 6 feet from the rear property line. Seconded by Councilperson Hattervig, the motion unanimously carried.

**FOOD BANK DONATION (DEER MEAT)**

Rex gave Council an update on the deer harvest and the deer meat that was processed and donated to the Storehouse.

**ELEMENTARY SCHOOL BUILDING**

A brief discussion was held on the elementary school building. Mayor Stickney and Councilperson Murphey will be meeting with the County and the School in the coming weeks to discuss options. Councilperson Murphey stated he would like to see a 5 year plan of revenue and expenses for the elementary school building.

### **EMPLOYEE STEP INCREASE**

Councilperson Starr moved to approve the step increases for Gaile Walker to step 5 at \$16.73 effective December 19<sup>th</sup>, 2010, John Dumire to step 5 at \$17.23 effective December 19<sup>th</sup>, 2010, Kim Conwell to step 1 at \$12.10 effective December 20<sup>th</sup>, 2010, and Tim Wollaston to step 4 at \$17.31 effective December 25<sup>th</sup>, 2010. Seconded by Councilperson Schleining, the motion unanimously carried.

### **CLAIMS**

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

5280 Consulting, Professional Fees, \$4000.00  
BH Power & Light, Utilities, \$11438.83  
Custer County Market, Supplies, \$15.98  
Chris Supply, Repairs & Maintenance, \$27.50  
Crum Electric Supply, Repairs & Maintenance, \$358.50  
Chamber of Commerce, Sales Tax Subsidy, \$10654.25  
Dacotah Bank, TIF #2 Payment, \$1095.53  
Dacotah Bank, TIF #4 Payment, \$306.11  
Element, Supplies, \$99.92  
Energy Lab, French Creek Grant, \$1429.00  
First Interstate Bank, TIF #1 Payment, \$13286.01  
First Interstate Bank, TIF #2 Payment, \$306.11  
First Interstate Bank, Supplies, \$45.70  
French Creek Supply, Supplies, \$110.21  
FourFront Design, Professional Fees, \$1760.21  
Hillyard, Supplies, \$171.30  
Hills Materials, Capital Improvements, \$7207.52  
Hawkins, Supplies, \$10.00  
Harvey's Lock, Supply, \$75.00  
Jenny's Floral, Supplies, \$20.98  
Lawrence & Schiller, Advertising, \$460.00  
Lynn's Dakotamart, Supplies, \$4.49  
McClellan,Bill, Safety Equipment, \$100.00  
Nelson's Oil & Gas, Supplies, \$926.64  
Quality Auto Body, Repairs & Maintenance, \$1412.00  
Pitney Bowes, Supplies, \$500.00  
Quill, Supplies, \$336.88  
Rapid City Telco FCU, Utilities, Supplies, Travel, \$1333.53  
SD Dept of Revenue, Supplies, \$28.00  
Southern Hills Publishing, Advertising, \$2750.00  
Sander Sanitation, Garbage Collection Contract, \$11142.61  
State of SD, Sales Tax, \$840.71  
SD State Executive Mgmt, Utilities, \$31.99  
SD One Call, Supplies, \$30.45  
S & B Motors, Supplies, \$348.44  
Stickney, Harold, Travel, \$116.18  
SRF Loan Payment, \$4639.68  
USDA Rural Development Loan Payment, \$8910.00  
Winchester, Mary, Utility Deposit Refund, \$50.00  
Total Claims \$86,380.26

### **EXECUTIVE SESSION**

Councilperson Murphey moved to go into and out of executive session at 6:46 for personnel issues with the finance officer, community development director and the assistant attorney present. Seconded by Councilperson Schleining, the motion unanimously carried. Council came out of executive session at 6:55, with no action taken.

### **ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 6:55 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Harold D. Stickney  
Mayor