

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
DECEMBER 7TH, 2009**

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

AGENDA

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

MINUTES

Councilperson Starr moved, with a second by Councilperson Schleining, to approve the minutes from the November 16th, 2009 regular meeting and the November 17th and 23rd special meetings. The motion unanimously carried with Councilperson Pischke abstaining from the November 16th minutes and Councilperson Reetz abstaining from the November 23rd minutes.

CONFLICTS OF INTEREST

No conflicts were stated.

DEPARTMENT HEAD MEETING

Bob mentioned the various projects that his crew has been working on including holiday decorations and signs. The water main abandonment appears to be done. Bob stated that they have found various sources of water loss and repaired them so now the water loss had drop significantly.

Rex mentioned that Jack with Buckhorn Surveying is almost done with the TIF #4 surveying and the Gordon Street surveying.

LIQUOR LICENSE HEARING

Councilperson Murphey moved, with a second by Councilperson Ressler, to approve the Liquor License Applications as listed. It was mentioned that all the taxes have been paid and that the Bank Coffee House will renew at later date. The motion unanimously carried.

BROWN BAG REQUEST & RAFFLE REQUEST – CHAMBER OF COMMERCE

The Chamber requested Brown Bag Licenses and Raffle Request for the following 2010 Mixers: January 14th – Premier Family Eyecare, February 11th – Dacotah Bank, March 20th – Vineyard Black Hills, April 8th – Wayback Inn at Stonemeadow, May 20th – Black Hills Community Foundation, September 30th – Holiday Inn Express, October 7th – Golden Circle Tours and Sliver Creek Food Productions, November 4th – Compassionate Care, December 9th – Fennel Design, Inc.. Councilperson Murphey moved, with a second by Councilperson Pischke, to approve the mixers and raffle request for these dates. The motion unanimously carried.

FIRST READING ORDINANCE #671 – SUPPLEMENTAL APPROPRIATIONS

Councilperson Schleining moved to adopt Ordinance #671 with a second by Councilperson Pischke. Discussion was held on the parks department going over budget with the Way Park Restrooms and other projects. The motion unanimously carried.

RESOLUTION #12-07-09A – CODE OF CONDUCT

Councilperson Murphey moved to adopt Resolution 12-7-09A, with a second by Councilperson Ressler. Discussion was held on a couple changes to be made and new Council members receiving a copy and signing an acknowledgement form. Councilperson Reetz stated he would like to have his attorney look at this resolution first. Councilperson Starr expressed a few concerns he had about the resolution. It was stated that the attorney is working on policies & procedures for this. The motion carried with Councilperson Ressler, Murphey, Schleining and Pischke voting yes and Councilperson Starr and Reetz voting no.

RESOLUTION 12-7-09A

CITY OF CUSTER GOVERNING BOARD CODE OF CONDUCT

WHEREAS, it is the duty of the Common Council of City of Custer to ensure the efficient, fair and professional administration of city government and services;

WHEREAS, the Mayor and City Council are responsible for making policy decisions for the community, provide vision, direction and leadership to the community and the organizations;

WHEREAS, the City Council further represents the Community with other governmental entities and officials;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Custer City that in order to maintain and enhance public trust and confidence in our legal government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Custer, the members of the City Council dedicate themselves to the stewardship of the public trust and therefore embrace and adopt the following ideals and Code of Conduct:

Members of the governing board shall:

1. Recognize that the authority vests with the majority of the City Council when

- assembled in open meetings or executive meetings as authorized by law, that neither the mayor nor individual members of the City Council has legal status to bind the City of Custer, and that neither the Mayor nor an individual council member or a minority of the governing board may make decisions on behalf of the City of Custer unless expressly authorized by law and upon approval of the City Council;
2. Alderpersons serving on the Council for the first time shall attend the first (SDML) elected officials workshop held after their assumption of office, at the expense of the City;
 3. Make informed decisions on matters brought before the City Council;
 4. Recognize and adhere to the policy that it is the responsibility of the City Council and members of the governing board to plan, make, implement, appraise and enforce ordinances and policy and that it is not the responsibility of the members of the governing board to run the day-to-day operations of the City of Custer;
 5. Observe federal laws, state laws, city ordinances and policies;
 6. Respect the limited intent and scope of executive sessions as set forth in statute;
 7. Shall not publicly disclose information received, discussed, or decided in executive session or in conference with legal counsel which is protected by the attorney/client privilege or has been confidentially disclosed at a meeting held subject to the provisions of SDCL 1-25-2, unless a majority of the members of the City Council has authorized that disclosure or unless a disclosure is authorized by a court of competent jurisdiction.
 8. Distinguish between personal views and those of the governing board when making public comments regarding City matters;
 9. Present information to the governing board without distortion and accurately represent facts concerning City matters in direct or indirect public statements;
 10. Maintain professional relationships in a manner which are free of vindictiveness, recrimination and harassment;
 11. Avoid impropriety and the appearance of impropriety in his/her position as an elected official;
 12. Refer all public complaints and personal criticisms to the appropriate administrative officer or appointed public official and only after inability to obtain resolution at the administrative level have the complaint or criticism discussed at a Council meeting;
 13. Respect the legitimacy of the goals and interests of other members of the governing board and respect the rights of other members of the governing board to pursue goals and policies different from their own;
 14. Respect, require and contribute to the maintenance of order and decorum in proceedings before the City Council;
 15. Be honest, patient, dignified and courteous to those with whom he/she deals with in his/her official capacity;
 16. Dispose promptly of the business of the City for which he/she is responsible and diligently discharge responsibilities;
 17. To the maximum extent possible, inform the finance office by 1 p.m. on the Friday preceding a regularly scheduled Monday City Council meeting if the member of the governing board will not be in attendance at the City Council meeting;
 18. Refrain from financial, personal, professional and business dealings that interfere with, are in conflict with or give the appearance of being in conflict with the proper performance of official duties;
 19. Not exploit the City of Custer or use the office of Mayor or Council member for personal gain, for the gain of friends or supporters, or to promote political candidates or partisan political activities;
 20. Not accept nor offer any gratuities, gifts, services or things of value that (a) impair professional judgment, (b) offer special advantage or benefit to any person or organization, or (c) provide a direct or indirect personal benefit.
 21. Not commit any act of moral turpitude or gross immorality;
 22. Not allow family, social or other relationships to inappropriately influence his/her decisions as a member of the governing board.
 23. Regular attendance is expected; missing two consecutive meetings without appropriate reasons is not considered regular attendance;
 24. Failure to comply with this Code of Conduct may result in sanctions up to and including expulsion.

This Code of Conduct behavior will govern members of the City Council. City Council members are encouraged to self-monitor their behavior and offer constructive recommendations to fellow Council members if necessary. As a member of the City Council, I accept these ideals and policies, and pledge to follow them in the interest and purposes for which our government has been established.

Dated this 7th day of December, 2009.

CITY OF CUSTER CITY

ATTEST

s/Mayor Harold D. Stickney

PUBLIC COMMENT

Lee Sutton addressed the Council on various topics including that the Council needs to make peace with each other, he feels more deer permits should have been issued, an audit should be done to clear things up with the Liquor Store, and mentioned various items with the TIF.

COMMUNITY ASSESSMENT

Chamber Director Dave Ressler gave the council a brief overview of the community assessment that will be taking place and that the Chamber is looking to cost share the remaining \$4,500 left after the grant. Councilperson Schleining moved to approve up to \$1,500 on the City's behalf towards the community assessment. Seconded by Councilperson Murphey, the motion unanimously carried.

WAZI LANE WATER & SEWER IMPROVEMENTS

Bob presented the council with a map of Wazi Lane that showed different options for water and sewer improvements along with the cost for each option. Bob also mentioned that going under the creek plays a part in the high cost. Discussion was held on whether this is a project the City should take on now. The current sewer drainage and water quality was discussed. Council decided to continue this to the next meeting.

EAST CUSTER SEWER RATE

Bob recommended the rate for East Custer Sewer be 1.25 times the current City rate because we don't maintain their system. Discussion was held on what would be a fair average to use for residential gallons and the rate to go with those gallons, since only commercial gallons are metered. It was asked if the City could meter the residential gallons going into our system. It was stated that the sewage drains into our main at various locations throughout the East Custer District and it would cost a lot to meter that. The attorney stated to change the contract amount we don't have to rewrite the whole contract but if we changed other things within the contract we would need to do a new contract. Councilperson Murphey stated that his main concerns are that we receive back payments, the City not lose any money treating their sewer, and we help make sure they have a strong board. Council decided to continue this to the next meeting.

BLACK HILLS POWER & LIGHT RATE INCREASE

Mayor Stickney asked the council if they would like him to send a letter to the PUC regarding BH Power and Lights rate increase. Councilperson Starr moved to approve the Mayor sending a letter to the PUC stating the hardships this increase will have on the people. Seconded by Councilperson Reetz, the motion unanimously carried.

BASKETBALL HOOPS FOR YMCA

Councilperson Ressler moved to approve the purchase of the basketball hoops. Seconded by Councilperson Murphey, the motion unanimously carried.

EMPLOYEE MERIT INCREASE

Councilperson Starr moved to approved the merit increase for Dan Harbison to step 2 at \$14.36 effective 12/8/09. Seconded by Councilperson Pischke, the motion unanimously carried.

MONTHLY REPORTS

The Council received and acknowledged the Hospital Board monthly report .

Councilperson Reetz mentioned how nice the Parade of Lights and tree lighting was and mention a few of the things that Barb and Greg Edward and their employees at the Gold Pan and Frontier have done for the holidays. He also mentioned that Matt Brown has talked about having some events around turkey hunting season.

CLAIMS

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

Mayor & Council, Wages, \$4250.00
Community Development, Wages, \$4120.16
Finance Office, Wages, \$20347.02
Public Works, Wages, \$6014.48
Street Dept., Wages, \$5121.60
Parks Dept., Wages, \$11906.95
Liquor Fund, Wages, \$3294.90
Water Dept., Wages, \$5597.36
Wastewater Dept., Wages, \$3436.80
A & B Electric, Bldg Improvements, \$391.68
Advanced Drug Testing, Professional Fees, \$481.50
AFLAC, Insurance, \$426.28
Alltel, Utilities, \$517.22
American Linen, Repairs & Maint., \$316.17
Beesley Law Office, Professional Fees, \$3050.00
Black Hills Phones, Utilities, \$50.00
Black Hills Power & Light, Utilities, \$6237.36
Buckhorn Surveying, Professional Fees, \$6000.00

Castle Cleaning, Professional Fees, \$530.00
 Century Business Products, Supplies, \$185.85
 Coca-Cola, Supplies, \$178.00
 Conoco, Supplies, \$27.32
 Culligan Water Inc, Repairs & Maint., \$17.50
 Custer Business Solutions, Supplies, \$61.00
 Custer Chronicle, Publishing, \$439.48
 Custer Do It Best, Supplies, Repairs & Maint., \$270.66
 Custer True Value, Supplies, Bldg Improvements, \$1338.26
 Dakotaland Autoglass, Repairs & Maint., \$80.12
 Delta Dental, Insurance, \$519.80
 Eagle Sales, Supplies, \$4097.65
 Enviromaster, Supplies, \$22.00
 Fastenal, Supplies, \$13.62
 First Western Bank, TIF Payment, \$17470.30
 Fischer Beverage, Supplies, \$2580.25
 French Creek Supply, Supplies, \$252.00
 Golden West Companies, Utilities, \$887.85
 Golden West Technologies, Repairs & Maint. & Professional Fees, \$315.00
 Graphics Plus, Supplies, \$43.00
 Great Western Tires, Repairs & Maint., \$1556.36
 Harbison, Dan, Reimbursement, \$135.00
 Hartman Construction, Repairs & Maint, \$2300.00
 Hills Materials, Repairs & Maint, \$1333.20
 Hillyard, Supplies, \$277.64
 Independent Audit, Audit, \$1500.00
 Jenny's Floral, Supplies, \$34.00
 Kellogg, Scott, Reimbursement, \$757.00
 Lamont Morrow, Repairs & Maint, \$247.00
 Lancaster, Ron, Reimbursement, \$100.00
 Lynn's Dakotamart, Supplies, \$25.96
 Nelson's Oil & Gas, Supplies, \$381.00
 Newberg Lumber Co, Supplies, \$80.64
 Northland Securities, TIF Improvements, \$5000.00
 Okoboji Wines, Supplies, \$458.00
 One Call System, Supplies, \$19.95
 Pitney Bowes, Supplies, \$126.50
 Quill Corporation, Supplies, \$284.55
 Rapid Delivery, Professional Fees, \$8.80
 Redden, Chris, Professional Fees, \$752.50
 Republic National, Supplies, \$5379.78
 SD Dept of Transportation, Supplies, \$12400.00
 Stickney, Harold, Travel, \$71.78
 Tatiana's Import, Supplies, \$145.50
 The Ice House, Supplies, \$48.00
 Witt's Heating, Repairs & Maint, \$106.08
 Wright Express, Supplies, \$737.66
 Ziolkowski, Geney, Animal Contract, \$707.00
 Keller, Jeremiah, Utility Refund, \$50.00
 Kolund, Lynn, Utility Refund, \$57.74
 Landgrebe, Jody, Utility Refund, \$5.60
 Credit Collections Bureau, \$202.50
 Federal Withholdings, \$7823.37
 FICA, \$7733.47
 Medicare, 1808.58
 SD Retirement System, \$5372.11
 Supplemental Retirement, \$80
 Total Claims \$168,996.41

DISCUSSION ITEMS

Councilperson Reetz ask that the General Government Committee to move fast with a recommendation for the Liquor Store exit strategy.

General Government will meeting Monday December 14th at 4:00 pm

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 7:08 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Harold D. Stickney
Mayor