

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
December 15<sup>th</sup>, 2014**

Mayor Gary Lipp called to order the second meeting of the Common Council for the month of December, 2014 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Kothe, Fischer, Herman, Schleining and Attorney Chris Beesley. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Fischer moved, with a second by Councilperson Kothe, to approve the agenda, with the name on the Conditional Use Permit being changed to John Stahl. The motion unanimously carried.

**MINUTES**

Councilperson Heinrich moved, with a second by Councilperson Maciejewski, to approve the minutes from the December 1st regular council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, gave Council an update on current projects and mentioned the bug tree removal status.

Erik Karlson, Planning Administrator, gave Council an overview of things he has been working on.

**LETTER OF COMMITMENT IN CUSTER COUNTY HAZARD MITIGATION PLAN – MIKE CARTER**

Mike Carter, Custer County Emergency Management Director, presented Council with a letter of commitment as participating jurisdiction in the Custer County Hazard Mitigation Plan and addressed Council's questions. Councilperson Fischer moved to approve the letter of commitment in the Custer County Hazard Mitigation Plan and authorize the Mayor to sign the letter. Seconded by Councilperson Maciejewski, the motion unanimously carried.

**FIRST READING – ORDINANCE #758 – PLANNING COMMISSION COMPOSITION**

Councilperson Herman moved to approve Ordinance #758, Planning Commission Composition. Seconded by Councilperson Heinrich, the motion unanimously carried.

**FIRST READING – ORDINANCE #759 – ADMINISTRATION AND PERSONNEL**

Councilperson Schleining moved to approve Ordinance #759, Administration and Personnel. Seconded by Councilperson Kothe, the motion unanimously carried.

**FIRST READING – ORDINANCE #760 – OCCUPANCY OF CAMPING TRAILER**

Councilperson Herman moved to approve Ordinance #760, Occupancy of Camping Trailer. Seconded by Councilperson Heinrich. After some discussion, the motion and second was withdrawn. Councilperson Herman moved to refer Ordinance #760 to the General Government Committee for further review. Seconded by Councilperson Heinrich, the motion unanimously carried.

**FIRST READING – ORDINANCE #761 - VARIANCE FEE**

Councilperson Heinrich moved to approve Ordinance #761, Variance Fee. Seconded by Councilperson Maciejewski, the motion unanimously carried.

**RESOLUTION #12-15-14A – QUIT CLAIM DEED (CUSTER SCHOOL DISTRICT)**

Councilperson Heinrich moved to table Resolution #12-15-14A, Quit Claim Deed (Custer School District) until the January Meeting. Seconded by Councilperson Kothe, the motion unanimously carried.

**RESOLUTION #12-15-14B – SUPPORT FOR PENNY INFRASTRUCTURE SALES TAX**

Councilperson Maciejewski moved to adopt Resolution #12-15-14B, Support for Penny Infrastructure Sales Tax. Seconded by Councilperson Schleining, the motion unanimously carried.

**RESOLUTION #12-15-14B**

WHEREAS, House Bill No. 1198 was introduced to the State of South Dakota Legislative Assembly in 2010; and

WHEREAS, the South Dakota Municipal League will be asking the Legislature to allow Municipalities to adopt a penny for infrastructure+tax; and

WHEREAS, this would allow municipalities to specify a project, a dollar amount needed, and the years the penny of sales tax would begin and end, before being voted on by the voters; and

WHEREAS, once the year or dollar amount is reached, the tax could not be renewed without another vote of the citizens; and

NOW, THEREFORE, it is hereby resolved that the City of Custer supports a local option of an additional penny of municipal sales tax, with the approval of our voters, for specific infrastructure projects;

AND BE IT FURTHER RESOLVED that the City of Custer urges the legislature's support of such municipal sales tax.

City of Custer City

S/Gary Lipp, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #12-15-14C – PERSONNEL MANUAL CHANGES (HOURS OF WORK & LEAVE OF ABSENCE)**

Councilperson Maciejewski moved to adopt Resolution #12-15-14C, Personnel Manual Changes (hours of work & leave of absence). Seconded by Councilperson Heinrich, the motion unanimously carried.

**RESOLUTION # 12-15-14C**

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 #5 Hours of Work consisting of 4 pages and Policy #7 Leave of Absence consisting of 7 pages (attached hereto and incorporated herein) is hereby adopted;

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

Dated this 15<sup>th</sup> day of December, 2014.

City of Custer City

S/Gary Lipp, Mayor

Attest: Laurie Woodward, Finance Officer

**CONDITIONAL USE PERMIT – JOHN STAHL**

Councilperson Herman moved to approve the conditional use permit for John Stahl at 1007 Harney Street with the use of the structure being for a boarding house, which would change the classification to residential requiring sprinkler system be installed. Seconded by Councilperson, Schleining, the motion unanimously carried.

**FINAL PLAT – BEAVER LAKE CAMPGROUND SUBDIVISION**

Councilperson Herman moved to approve the Beaver Lake Campground Subdivision final plat for Max & Cindy Hammer. Seconded by Councilperson Kothe, the motion unanimously carried.

**PLANNING COMMISSION APPOINTMENT**

Councilperson Herman moved to approve the Mayor's appointment of John Dvorak the Planning Commission for a 5 year term. Seconded by Councilperson Fischer, the motion unanimously carried.

**2015 CHAMBER OF COMMERCE LEASE AGREEMENT**

Councilperson Heinrich moved to approve the 2015 Chamber of Commerce Lease Agreement for \$360 per month. Seconded by Councilperson Kothe, the motion unanimously carried.

**OLD TIME COUNTRY FOURTH CELEBRATION REQUEST – CHAMBER OF COMMERCE**

Councilperson Herman moved to approve the Chamber of Commerce request regarding the Old Time Country Fourth of Celebration to be held July 3<sup>rd</sup> . 4<sup>th</sup>, 2015, which included use of Way Park, use of the Showmobile, flag-raising ceremonies and request for parade to start at Eight Street & precede down Mt Rushmore Road until Second Street. Seconded by Councilperson Kothe, the motion unanimously carried.

**2015 RECREATIONAL SERVICES AGREEMENT (YMCA)**

Councilperson Maciejewski moved to approve 2015 Recreational Service Agreement with the Custer YMCA for \$22,500 and take the letter requesting an increase in the contract amount to General Government Committee. Seconded by Councilperson Heinrich, the motion unanimously carried.

**SHERIFF'S MONTHLY REPORT**

Councilperson Fischer moved to acknowledge the Sheriff's monthly reports for November 2014. Seconded by Councilperson Herman, the motion unanimously carried.

**COST OF LIVING ADJUSTMENT**

Councilperson Schleining moved to approve a 3% cost of living adjustment effective January 1<sup>st</sup>, 2015. Seconded by Councilperson Fischer, the motion carried with Councilperson Maciejewski, Heinrich, Kothe, Fischer, Herman and Schleining voting yes.

**CLAIMS**

Councilperson Herman moved, with a second by Councilperson Kothe, to approve the following claims. The motion carried unanimously.

AFLAC, Insurance, \$608.85

BH Urgent Care, Safety, \$283.00

Black Hills Power & Light, Utilities, \$11818.16

Buckhorn Surveying, Professional Fees, \$4500.00

Christie, John, Safety, \$60.00

Culligan, Repair & Maintenance, \$18.50

Custer Car Wash, Repair & Maintenance, \$19.75

Chamber of Commerce, Sales Tax Subsidy, \$7843.83  
Custer County Highway Department, Capital Improvements, \$14334.96  
Custer True Value, Repairs & Maintenance, Supplies, \$714.55  
Dakota Industrial Hygiene, Repair & Maintenance, \$200.00  
Debo Printing, Supplies, \$25.00  
Fastenal, Safety, \$185.87  
Fennell Design, Capital Improvements, \$4189.15  
First Interstate Bank, Supplies, \$63.75  
French Creek Supply, Supplies, \$53.28  
Goldenwest Technologies, Professional Fees, \$379.00  
Hawkins, Supplies, \$4326.54  
Honeywell, Repair & Maintenance, \$4802.94  
Jenner Equipment, Repair & Maintenance, \$74.64  
Kellogg, Scott, Reimbursement, \$67.39  
Kimball Midwest, Supplies, \$233.88  
L&L Insulation, Capital Improvements, \$4890.00  
Lynn Dakotamart, Supplies, \$41.19  
Paypal, Supplies, \$303.22  
Rancher Feed & Supply, Utilities, \$3674.88  
Rapid Delivery, Professional Fees, \$57.00  
SRF Loan Payment, \$16697.52  
S&B Motors, Supplies, \$153.83  
Sander Sanitation, Garbage Collection Contract, \$14482.58  
Servall, Repairs & Maintenance, \$208.26  
SD Assoc of Rural Water, Repair & Maintenance, \$450.00  
State of SD, Sales Tax, \$932.77  
SD Executive Management Finance Office, Utilities, \$13.62  
SD One Call, Supplies, \$11.55  
Tall Grass Landscape, Professional Fees, \$1020.00  
USDA Loan Payment, \$8910.00  
Vanway Trophy, Supplies, \$11.00  
Wright Express, Supplies, \$1546.06  
Witt Heating & Air, Repair & Maintenance, \$73.44  
Wall, Monica, Utility Deposit Refund, \$11.81  
Pizza Works, Utility Refund, \$166.24  
Simoneau, Tracy, Utility Deposit Refund, \$33.78  
Bricker, Shirley, Utility Deposit Refund, \$33.78  
Sweet, Nicole, Utility Deposit Refund, \$33.78  
Total Claims, \$108,559.35

**COMMITTEE REPORTS**

Various committee reports were given.

**EXECUTIVE SESSION**

Councilperson Herman moved to go into and out of executive session for personnel, proposed litigation and contract negotiation per SDCL 1-25-2 at 6:38 pm, with the Attorney, Public Works Director and Finance Officer present. Seconded by Councilperson Fischer, the motion unanimously carried. The Planning Administrator joined the session at 6:46 pm. Council came out of executive session at 6:59 pm, with no action taken.

**ADJOURNMENT**

With no further business, Councilperson Kothe moved to adjourn the meeting at 7:01 p.m. Seconded by Councilperson Herman, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Gary Lipp  
Mayor