

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
December 19th, 2011**

Mayor Gary Lipp called to order the second regular meeting of the Common Council for the month of December, 2011 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Fischer, Lampert, Herman, Schleining and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Lampert moved, with a second by Councilperson Fischer, to approve the minutes from the December 5th, 2011 regular meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, gave Council a brief update on a few things he's been working on including Flynn Creek special use permit, source water protection, Community Center and Mountain Pine Beetle trees.

Rex Harris, Community Development Director, gave Council an update on the deer management program and nuisance ordinance enforcement.

Laurie Woodward, Finance Officer, gave Council a brief report on the claims in for payment.

SECOND READING – ORDINANCE #703 - REDISTRICTING

Councilperson Heinrich moved to adopt Ordinance #703, Redistricting. Seconded by Councilperson Schleining, the motion carried with Councilperson Hattervig, Heinrich, Fischer, Lampert, Herman and Schleining voting yes.

SECOND READING – ORDINANCE #704 – STREETS/SIDEWALKS

Councilperson Hattervig moved to adopt Ordinance #704, Streets and Sidewalks Generally. Seconded by Councilperson Heinrich, the motion carried with Councilperson Heinrich, Fischer, Lampert, Herman, Schleining and Hattervig voting yes.

SECOND READING – ORDINANCE #706 – SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2011

Councilperson Herman moved to adopt Ordinance #706, Supplemental Budget for Fiscal Year 2011. Seconded by Councilperson Fischer, the motion carried with Councilperson Fischer, Lampert, Herman, Schleining, Hattervig and Heinrich voting yes.

SECOND READING – ORDINANCE #707 – TRANSIENT MERCHANT

Councilperson Lampert moved to adopt Ordinance #707, Peddling and Transient Merchant. Seconded by Councilperson Heinrich, the motion carried with Councilperson Lampert, Herman, Schleining, Hattervig, Heinrich and Fischer voting yes.

FIRST READING – ORDINANCE #708 – MICROBREW 10%

Councilperson Schleining moved to approve the first reading of Ordinance #708, Microbrew Ten Percent. Seconded by Councilperson Lampert, the motion unanimously carried.

FIRST READING – ORDINANCE #709 – WATER CONSERVATION

Councilperson Herman moved to approve the first reading of Ordinance #709, Water Conservation. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION #12-19-11A – VACATION – BLOCK 6

Councilperson Herman moved to adopt Resolution #12-19-11A, Street Vacation Block 6. Seconded by Councilperson Lampert, the motion unanimously carried.

RESOLUTION NO 12-19-2011A

WHEREAS, the verified Petition and application of the owners of all real property adjoining the hereinafter described portion of a certain street and alley in the City of Custer City, Custer County, South Dakota, praying that said portion of said street and alley be vacated in order to eliminate encroachment of a garage into said street and alley, retain an orderly and uniform system of streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 23rd day of November 2011, and on the 30th day of November, 2011, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 19th day of December, 2011, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that a portion of the originally platted street of the City of Custer City, Custer County, South Dakota, described as follows:

The South Twenty-five (25) feet of Montgomery Street contiguous with Lots 7, 8 and 9, Block 6 and the East Two (2) feet of the North/South Alley from the north line of the east/west alley contiguous with Lot 9 of Block 6, to the North Line of the vacated portion of Montgomery Street, of the Original Town, now City of Custer;

be, and the same is, forever vacated, however all rights to maintain or establish utilities or subsequent easements shall be retained.

Dated at Custer City, Custer County, South Dakota, this 19th day of December, 2011.

CITY OF CUSTER CITY

S/Mayor Gary Lipp

RESOLUTION #12-19-11B – WRITE-OFFS

Councilperson Hattervig moved to adopt Resolution #12-19-11B, Write-Offs. Seconded by Councilperson Lampert, the motion unanimously carried.

RESOLUTION NO. 12/19/11B

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 2011 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Christopher Bertsch	402020-04	\$283.34
CJ Redden	402100-22	\$191.96
Himrich Dental Clinic	201140-00	\$327.19
Charles Boyles	402100-21	\$140.27
George Brown	401930-00	\$238.98
Lorae Getz Cox	401110-01	\$113.83
Roseellen Hamaker	401770-09	\$ 78.69
John Miller	300690-02	\$ 7.88
Jessica Noem	401860-07	\$ 14.47
Duane Smoker	Misc Receivable	\$140.00
	TOTAL	\$1536.61

Signed this 19 day of December, 2011.

CITY OF CUSTER

S/GARY LIPP

COMP PLAN REVIEW

The Comprehensive Plan Public Meeting will be held on January 17, 2011.

WAY PARK USE REQUEST – CHAMBER OF COMMERCE

Councilperson Herman moved to approve the Chamber of Commerce request to use Way Park on February 11, 2012 for a Valentine’s Day on Ice event. Seconded by Councilperson Heinrich, the motion unanimously carried.

BROWN BAG REQUEST – CHAMBER OF COMMERCE

Councilperson Herman moved to approve the brown bag request from the Chamber of Commerce for the Valentine’s Day on Ice event to be held February 11, 2012 at Way Park. Seconded by Councilperson Heinrich, the motion unanimously carried.

SHERIFF’S MONTHLY REPORTS

Sheriff Wheeler updated the Council on a few things happening at the Sheriff’s Office including their move to the new building, extra patrol by the school and the highway safety grant they received. Council acknowledged the Sheriff’s monthly report for November.

TOPO SURVEY – BUCKHORN SURVEYING

Councilperson Lampert moved to approve bid from Buckhorn Surveying for a TOPO survey at the Community Center property for \$4,500. Seconded by Councilperson Herman, the motion carried with Councilperson Herman, Schleining, Hattervig, Heinrich, Fischer and Lampert voting yes.

EXECUTIVE SESSION

Councilperson Schleining moved to go into and out of executive session at 6:23 pm for personnel matters with the Attorney, Finance Officer, Public Works Director, Public Works Supervisor and Community Development Director present. Seconded by Councilperson Lampert, the motion unanimously carried. Council came out of executive session at 6:56 pm., with no action taken.

CLAIMS

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

5280 Consulting, Professional Fees, \$6000.00
AFLAC, Insurance, \$588.57
A&B Electric, Repairs & Maintenance, \$91.80
Black Hills Badlands & Lakes, Advertising, \$4633.00
Black Hills Power & Light, Utilities, \$16544.31
Laughing Water Restaurant, Appreciation Dinner, \$1672.00
Chamber of Commerce, Sales Tax Subsidy, \$9275.79
Custer True Value, Supplies, \$1663.44
Dale's Tire, Repairs & Maintenance, \$4327.16
French Creek Supply, Repairs & Maintenance, \$43.05
Golden West Technologies, Professional Fees, \$270.00
Hach Company, Supplies, \$149.79
Hawkins, Supplies, \$15.00
Hillyard, Supplies, \$52.17
Kellogg, Scott, Reimbursement, \$10.00
Lawrence & Schiller, Advertising, \$2922.18
Lynn's Dakotamart, Supplies, \$52.45
Merritt, Lynnette, Reimbursement, \$500.00
Pamida, Supplies, \$62.21
Pitney Bowes, Supplies, \$88.48
Quill, Supplies, \$370.31
Rapid Delivery, Professional Fees, \$9.78
Rapid City Telco Federal Credit Union, Utilities, Supplies, \$1474.17
SRF Loan Payment, \$4639.68
SD One Call, Supplies, \$12.60
S & B Motors, Supplies, \$336.34
Sander Sanitation, Garbage Collection Contract, \$12032.72
SD DOT, Supplies, \$5415.00
SD State Executive Management, Utilities, \$21.79
Shanklin's, TIF #4 Capital Improvements, \$816.00
Thomson West, Supplies, \$85.50
USDA Loan Payment, \$8910.00
USA Bluebook, Supplies, \$498.11
Verizon Wireless, Utilities, \$428.04
Wright Express, Supplies, \$1605.76
Total Claims \$85,617.20

COMMITTEE REPORTS

Various committee reports were given.

ADJOURNMENT

With no further business, Councilperson Herman moved to adjourned the meeting at 7:37 p.m. Seconded by Councilperson Lampert, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor