

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
February 1<sup>st</sup>, 2016**

Mayor Jared Carson called to order the first meeting of the Common Council for the month of February, 2016 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Nielsen, Fischer, Herman and Schleining. City Attorney Chris Beesley was also present. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Heinrich moved, with a second by Councilperson Maciejewski, to approve the minutes from the January 19<sup>th</sup> regular council meeting and January 25<sup>th</sup> special meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**PUBLIC HEARING – CONVENTION CENTER LIQUOR LICENSE – CUSTER HOSPITALITY LLC**

Councilperson Herman moved to approve the retail on-sale conventions center liquor license for Custer Hospitality, LLC, contingent upon proof of insurance being provided once the license is in active use. Seconded by Councilperson Schleining, the motion unanimously carried.

**CUSTER COMMUNITY HEALTH SERVICES INC / REGIONAL HEALTH PRESENTATION**

Representatives from Custer Community Health Services Inc presented their proposal for a new healthcare facility.

**RESOLUTION #02-01-16A – CONTINUATION OF FINANCIAL SUPPORT TO HEALTHCARE SERVICES**

**RESOLUTION #02-01-16B – AUTHORIZING EXECUTION OF DEEDS TO ASSURE CONTINUATION OF HEALTHCARE SERVICES**

Councilperson Herman moved to table Resolution #02-01-16A, Continuation of Financial Support to Healthcare Services and Resolution #02-01-16B, Authorizing Execution of Deeds to Assure Continuation of Healthcare Services until a February 5<sup>th</sup> Special Council Meeting to allow time for the public to be notified. Seconded by Councilperson Fischer, the motion unanimously carried.

**RESOLUTION #02-01-16C – NULL & VOIDING PRIOR EASEMENT**

Councilperson Herman moved to approve Resolution #02-01-16C, Null & Voiding Prior Easement. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION 02-01-16C

RESOLUTION NULL AND VOIDING PRIOR VOIDED EASEMENT

WHEREAS, the Common Council of the City of Custer City previously adopted and filed Resolution 2-20-90E, approving the easement and right-of-way, and plat of such easement and right-of-way in the following real property:

Remainder of Tract W of Clark Placer M.S. No. 506,  
Section Twenty-Four (24), Township 3 South, Range 4 East of the  
Black Hills Meridian, Custer County, South Dakota.

AND WHEREAS, the Common Council of the City of Custer City thereafter adopted Resolutions in June 1990 declaring the easement on surrounding properties near the above-stated property null and void; however, such a Resolution was never formally filed on the above legal description; and

WHEREAS, a Resolution null and voiding such easement was never completed, another Resolution is required to be adopted declaring Resolution 2-20-90E null and void, and to be recorded in the office of the Custer County Register of Deeds;

THEREFORE IT IS HEREBY RESOLVED by the Common Council of the City of Custer City, that this Resolution #02-01-16C is hereby adopted, declaring Resolution 2-20-90E null and void, thereby voiding any easement and right-of-way granted thereunder on the real property described hereinabove.

Dated this 1<sup>sts</sup> day of February, 2016.

City of Custer City

S/Jared Carson, Mayor

ATTEST: Laurie Woodward, Finance Officer

**EXECUTIVE SESSION**

Councilperson Herman moved to go into and out of executive session for contract negotiations and potential litigation per SDCL 1-25-2(1-4) at 6:04 pm, with the Attorney, Finance Officer, members of Custer Community Hospital Services Inc Board Members and Regional Health Representatives present. Seconded by Councilperson Maciejewski, the motion unanimously carried. Council came out of executive session at 6:25 pm, with no action taken.

#### **TRAFFIC SIGNS ON NORTH THIRD STREET**

Councilperson Herman moved to approve the placement of speed limit & no truck signs in addition to 4-way stop signs at Clay Street & Third Street with the speed limit for North Third Street being set at 20 miles per hour. Seconded by Councilperson Maciejewski. Councilperson Herman moved to amend his motion, changing the no truck signs to no thru truck signs. Councilperson Fischer seconded the amended motion. The motion unanimously carried.

#### **COMBINE ELECTION AGREEMENT**

Councilperson Herman moved to approve the combine election agreement with Custer County for the June 7, 2016 election. Seconded by Councilperson Heinrich, the motion unanimously carried.

#### **2016 RECREATIONAL SERVICES AGREEMENT**

Councilperson Heinrich moved to approve the 2016 recreational services agreement with the Custer YMCA for \$27,500. Seconded by Councilperson Nielsen, the motion unanimously carried.

#### **2016 CONTRACT FOR FIRE PROTECTION SERVICES**

Councilperson Maciejewski moved to approve the 2016 contract for fire protection services with the Custer Volunteer Fire Department for \$30,500. Seconded by Councilperson Herman, the motion unanimously carried.

#### **BUG TREE REMOVAL QUOTE**

Councilperson Heinrich moved to approve the bug tree removal quote from Adam Boggs for \$3,930. Seconded by Councilperson Maciejewski, the motion unanimously carried.

#### **TRADE SHOW BOOTH**

Councilperson Maciejewski moved to approve the City having a 9x8 booth at the Custer Area Chamber Trade Show on March 5<sup>th</sup>. Seconded by Councilperson Nielsen, the motion unanimously carried.

#### **CUSTER CRUISIN APPOINTMENT**

Councilperson Maciejewski moved to approve the Mayor's appointment of Tony Gonsor as a voting member of the Custer Cruisin Committee and approve the Committee's appointment of Mr. Gonsor as Chairman. Seconded by Councilperson Herman, the motion unanimously carried. Tony Gonsor was previously a alternate on the Custer Cruisin Committee.

#### **EMPLOYEE RETIREMENT NOTICE**

Councilperson Fischer moved to approve the notice of retirement from John Dumire effective February 12, 2016 and thanked him for his service. Seconded by Councilperson Herman, the motion unanimously carried.

#### **CLAIMS**

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

##### 2015 Claims

Witt's Heating, Repair & Maintenance, \$450.00

Total 2015 Claims, \$450.00

##### 2016 Claims

Aflac, Insurance, \$612.75

Battle Mountain Humane Society, Animal Control Contract, \$800.00

Beesley Law Office, Professional fees, \$3,977.50

Black Hills Power and Light, Utilities, \$7,696.45

Butler Machinery, Supplies, \$208.10

Century Business Products, Supplies, \$105.97

Custer Crazy Horse, Appreciation, \$949.62

Custer Area Arts Council, Subsidy, \$1,000.00

Custer Do It Best, Supplies, \$14.30

Chamber of Commerce, Supplies, \$50.00

Chronicle, Publishing, \$316.53

Custer Industrial, Repair & Maintenance, \$12.85

DakotaCare, Insurance, \$8,812.32

Delta Dental, Insurance, \$164.80  
EFTPS, Payroll Taxes, \$14,229.86  
Fastenal, Supplies, \$433.52  
First Interstate Bank, Supplies, Utilities, \$1,376.61  
First Interstate Bank, Supplies, \$113.97  
First Interstate Bank TIF #1, Payment, \$5,434.04  
Joan Genovese, Custer Cruisin Refund, \$500.00  
I80 Equipment, Equipment, \$58,600.00  
Itron, Repair & Maintenance, \$731.31  
Scott Kellogg, Reimbursement, \$151.60  
Northwest Pipe Fittings Inc, Repair & Maintenance, \$322.30  
Petty Cash, Supplies, \$686.63  
Quill, Supplies, \$130.53  
Rebel Enterprises, Marketing, \$200.00  
Rebel Enterprises, Social Media, \$120.000  
Reindl Construction, Capital Improvements, \$2,632.50  
Sanitation Products Inc, Repair & Maintenance, \$918.00  
SD Federal Surplus Property, Equipment, \$15,000.00  
SD Dept of Criminal Investigations, Safety, \$43.75  
SD Retirement System, \$6,114.69  
Secretary of State, Supplies, \$125.00  
Shanklin's, Supplies, \$184.00  
Lance Stansbury, Reimbursement, \$59.81  
Supplemental Retirement, \$320.00  
Lisa Trana, Reimbursement, \$33.60  
Gaile Walker, Reimbursement, \$20.00  
Russell Dawson, Utility Refund, \$55.73  
Mayor & Council, \$4400.00  
Finance Department, \$10981.90  
Public Buildings, \$2482.88  
Planning Department, \$2904.68  
Public Works Department, \$9866.32  
Street Department, \$7172.98  
Parks Department, \$6821.10  
Water & Wastewater Department, \$8830.23  
Total 2016 Claims, \$186,718.73

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, briefly discussed the DOT Mt Rushmore Road project and wastewater treatment plant pump issue.

Laurie Woodward, Finance Officer, mentioned that January law enforcement numbers were available for review and that the office is preparing for the upcoming audit.

Elmer Claycomb, Part Time Interim Planning Administrator, introduced himself.

**COMMITTEE REPORTS**

Various committee reports were given.

**ADJOURNMENT**

With no further business, Councilperson Nielsen moved to adjourn the meeting at 6:55 p.m. Seconded by Councilperson Fischer, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Jared Carson  
Mayor