

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
FEBRUARY 22<sup>nd</sup>, 2011**

Mayor Harold D. Stickney called to order the second regular meeting of the Common Council for the month of February, 2011 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Starr, Lipp, Murphey, Herman, Schleining, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Starr moved, with a second by Councilperson Schleining, to approve the minutes from the February 7<sup>th</sup>, 2011 meeting. The motion unanimously carried. Councilperson Hattervig moved, with a second by Councilperson Murphey to approve the minutes from the February 17<sup>th</sup>, 2011 special meeting. The motion unanimously carried with Councilperson Starr abstaining.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**DEPARTMENT HEAD MEETING**

Bob Morrison, Public Works Director, informed the Council of issues with one of the wells. Public Works Committee meeting was rescheduled to March 2<sup>nd</sup>, 2011.

Rex Harris, Community Development Director, mentioned that the TIF#4 project contract has been delivered to the Contractor. After the 2010 census, Custer's population is now at 2,060.

**WINE LICENSE HEARING**

Councilperson Herman moved to approve the retail on-off sale wine license for Naked Winery Custer. Seconded by Councilperson Hattervig, the motion unanimously carried.

**GOLDEN WEST UPDATE**

Greg Oleson, Marketing Manager, along with Josh Fish, Custer Area Outside Plant Supervisor, gave the Council an update on Golden West services and projects in addition to answering any questions the Council had.

**VARIANCE REQUEST – DENICE REINDL & MARIA LYNDOE**

Maria & Troy Lyndoe asked Council's permission to place a mobile vending trailer on a piece of property they would be leasing. Discussion was held on the ordinances stating that it must be on a permanent foundation and have water and sewer in addition to a restroom. Council asked the Lyndoe's to provide the City with more information including a site plan and pictures of the trailer so that Planning Commission could act on the issue before the variance request would return to Council.

**SECOND READING – ORDINANCE #685 – SPECIAL MEETINGS**

Councilperson Herman moved to adopt ordinance #685, special meetings. Seconded by Councilperson Hattervig, the motion unanimously carried with Councilperson Hattervig, Starr, Lipp, Murphey, Herman and Schleining voting yes.

**SECOND READING – ORDINANCE #684 – WEEDS**

Councilperson Murphey moved to adopt ordinance #684, weeds. Seconded by Councilperson Hattervig, the motion unanimously carried with Councilperson Starr, Lipp, Murphey, Herman, Schleining and Hattervig voting yes.

**RESOLUTION #02-22-11A – PERSONNEL MANUAL**

Councilperson Murphey moved to adopt Resolution #02-22-11A, vehicle safety with the removal of the paragraph about independent contractors. Seconded by Councilperson Herman, the motion unanimously carried.

RESOLUTION # 2-22-11A

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, 2.23 Vehicle Safety Policy, with the following and it shall read as follows:

2.23 Vehicle Safety

City Owned Vehicles

1. Only authorized persons are to be passengers in a vehicle operated on City business. Authorized persons include customers, vendors, ~~and~~ fellow employees, Mayor and Council. Immediate family

members ~~should~~may only be included upon prior written approval ~~of managements from a department head or the Mayor.~~

2. City owned vehicles are provided for business related travel only. Personal use ~~And trips outside of the City are is~~ not allowed, ~~without approval of management~~

3. ~~All employee's shall advise their department head of~~ An employee's department head shall know of intended travel plans by way of an itinerary or other equivalent method, ~~—This also allows including~~ a means of contact during an emergency.

4. Employees who are assigned City vehicles are responsible for keeping the interior clean, reporting any vehicle problems or defects, and maintaining the vehicle according to the City policy.

~~5.—Employees not assigned City vehicles are not allowed to use one without prior management approval and must return the vehicle in the same conditions, reporting any problems to the assigned driver or management department head.~~

~~65.~~ A copy of each driver's Motor Vehicle Report (MVR) will be obtained annually or more frequently if the driver is under disciplinary probation or suspension.

~~7.—~~ The following MVR evaluation guidelines will be used for review in employment offers and annually reviewed for continued employment. If any of the following apply, disciplinary action may be taken.:

a. No more than three convictions for moving traffic violations within any 12-month period.

b. Conviction of any traffic violation that is defined as a class 1 misdemeanor serious by SDCL.

c. No DUI convictions in the last 5 years.

6. Any change in driver's license status must be reported immediately to the employee's supervisor, which may result in disciplinary actions.

~~87.~~ Drivers are responsible for promptly paying any and all tickets received while driving ~~the any city~~ vehicle.

~~98.~~ Employees shall complete a defensive driving course at least every two years. These classes help reduce the likelihood of being involved in a motor vehicle crash. Employees may be required by the Council to attend an additional DDC course whenever they deem the training to be necessary. This can be required even though the guidelines have not been exceeded.

Private Vehicle Usage - In addition to the above rules, employees driving their personal vehicle on City business are subject to the following:

1. All employees using their personal vehicle for City business on a regular basis will provide a Certificate of Insurance or photocopy of an insurance statement to show proof of insurance.

2. As required by state law, proof of insurance or financial responsibility must be carried in the vehicle at all times.

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

Dated this 22<sup>nd</sup> day of February, 2011.

City of Custer City

S/Harold D Stickney, Mayor

### **SIDEWALK HISTORY PROGRAM**

Councilperson Murphey stated that he would like to see a decision made on the sidewalk history program before the start of the Downtown TIF project, as it could be done at the same time. The 1881 Courthouse Museum would like to sponsor the project by doing the research into the history, but would need to know which buildings. Councilperson Herman moved to approve spending up to \$2,000 on supplies to do the project. Seconded by Councilperson Schleining the motion unanimously carried.

### **DOT PARTICIPATION IN TIF**

Councilperson Starr moved to approve the maintenance agreement with Department of Transportation and authorize the Mayor to sign the agreement. Seconded by Councilperson Murphey, the motion unanimously carried. Councilperson Schleining moved to have the City send Department of Transportation a letter for DOT to sign, stating that the City is allowed to have the attached banners, signs, or other appurtenances to the light poles that are currently being used or have been used in the past. Seconded by Councilperson Lipp, the motion unanimously carried.

### **RIGHT OF WAY OCCUPANCY PERMIT – BLOCK 19**

Councilperson Herman moved to approve the right-of-way occupancy permit for lot 3 of block 19. Seconded by Councilperson Starr, the motion unanimously carried.

### **FINAL PLAT – VAN WIE SUBDIVISION**

Councilperson Starr moved to approve the final plat for Van Wie Subdivision, Plat of Lots 1A and 2A of Lot 1. Seconded by Councilperson Murphey, the motion unanimously carried.

**LTRC PURCHASE**

Councilperson Starr moved to approve the Long Term Recreation Committees request to purchase three mini tennis set. Seconded by Councilperson Herman, the motion unanimously carried.

**WAZI LANE SEWER IMPROVEMENT BIDS**

Councilperson Herman moved to accept the bid from Howe Excavating of \$64,411.58 for the base bid and bid alternate 1 of the Wazi Lane Sanitary Sewer Improvement Project. Seconded by Councilperson Lipp, the motion unanimously carried with Councilperson Murphey, Herman, Schleining, Hattervig, Starr and Lipp voting yes.

**WWTP BRIDGE REPLACEMENT CHANGE ORDER**

Councilperson Lipp moved to accept the change order #1b for the Wastewater Treatment Plant Bridge Replacement project at a total price of \$37,550. Seconded by Councilperson Murphey, the motion unanimously carried with Councilperson Lipp, Murphey, Herman, Schleining, Hattervig and Starr voting yes.

**COMBINED ELECTION AGREEMENT**

Councilperson Starr moved to approve the combined election agreement with Custer School District. Seconded by Councilperson Herman, the motion unanimously carried.

**CLAIMS**

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

- 5280 Consulting, BID Board Professional Fees, \$4000.00
- Advanced Drug Testing, Safety Equipment, Supplies, \$72.00
- Alltel, Utilities, \$408.48
- American Solutions for Business, Supplies, \$2016.75
- AFLAC, Supplemental Insurance, \$393.38
- BH Badlands & Lakes, BID Board Advertising, \$4551.00
- Black Hills Power & Light, Utilities, \$9168.18
- BH Vision, Subsidy, \$10000.00
- Border States Electric, Repairs & Maintenance, \$323.71
- BH Mobile Extinguisher, Repairs & Maintenance, \$774.75
- Custer Community Health Services, Sales Tax Subsidy, \$29080.97
- Chamber of Commerce, Sales Tax Subsidy, \$4625.90
- Custer County Market, Supplies, \$15.98
- Custer True Value, Supplies, \$464.23
- Custer YMCA, Safety Equipment, \$280.00
- FourFront Design, Capital Improvements, \$4218.11
- Fastenal, Supplies, \$398.89
- French Creek Supply, Supplies, Repairs & Maintenance, \$86.72
- General Traffic Controls, Supplies, \$71.15
- Hach Company, Supplies, \$256.18
- Hawkins, Supplies, \$15.00
- Kellogg, Scott, Medical Reimbursement, \$35.00
- Lawrence & Schiller, BID Board Advertising, \$1384.89
- L&A Welding, Repairs & Maintenance, \$89.14
- Lynn's Dakotamart, Supplies, \$23.99
- McGas Propane, Repairs & Maintenance, \$319.00
- Michael Todd & Company, Repairs & Maintenance, \$946.76
- Nelson's Oil & Gas, Supplies, \$1072.61
- Pitney Bowes, Supplies, \$39.00
- Rapid City Journal, Capital Improvements, \$59.16
- Rapid City Telco FCU, Other, \$62.30
- SRF Loan Payment, \$4639.68
- South Dakota One Call, Supplies, \$8.40
- S & B Motors, Supplies, Repairs & Maintenance, \$1114.57
- Sander Sanitation, Garbage Collection Contract, \$11142.61
- SD Association of Rural Water, Travel & Conference, \$130.00
- SD Office of Tourism, BID Board Advertising, \$10000.00

USDA Rural Development, Loan Payment, \$8910.72  
WEAVE, Subsidy, \$3000.00  
Total Claims \$114,199.21

**EXECUTIVE SESSION**

Councilperson Hattervig moved to go into and out of executive session for contract negotiation and potential litigation at 6:53 with the finance officer, community development director, public works director and attorney present. Seconded by Councilperson Herman the motion unanimously carried. Council came out of executive session at 7:27 with no action taken

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:35 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Harold D. Stickney  
Mayor