

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
July 7th, 2014**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of July, 2014 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Kothe, Fischer, Herman and Schleining. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Hattervig moved, with a second by Councilperson Kothe, to approve the minutes from the June 16th regular council meeting. The motion unanimously carried.

GOLD DISCOVERY DAYS REQUEST

Councilperson Schleining moved to the Gold Discovery Days request to close the east side of South Fourth Street between Mt Rushmore Road and the south alley making it a one way road going south for July 25th . July 27th, 2014. Seconded by Councilperson Herman, the motion unanimously carried.

OATH OF OFFICE & COUNCIL PRESIDENT & VICE PRESIDENT

Councilperson Corbin Herman and Larry Maciejewski took their Oath of Office for two-year terms.

Councilperson Schleining nominated Councilperson Herman for Council President. Seconded by Councilperson Fischer, the motion unanimously carried. Councilperson Fischer nominated Councilperson Schleining for Council Vice President. Seconded by Councilperson Kothe, the motion unanimously carried.

Councilperson Herman moved to appoint Chris Beesley as City Attorney and Carol Boos as Assistant City Attorney. Seconded by Councilperson Maciejewski, the motion unanimously carried.

Council also acknowledged the Board & Committee appointments.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, gave Council an update on current projects.

Laurie Woodward, Finance Officer, gave Council an update on sales tax figures and the status of the SRF sewer loan.

PUBLIC HEARING – RETAIL ON-OFF SALE MALT BEVERAGE LICENSE – E & N Custom T's LLC

Councilperson Herman moved to approve the retail on-off sale malt beverage license for E & N Custom T's LLC contingent upon proof of insurance being provided, taxes being paid, all terms of the operating agreement being satisfied and all South Dakota codified laws being satisfied . Seconded by Councilperson Fischer, the motion unanimously carried.

BID BOARD PRESENTATION – BRIAN BOYER

Brian Boyer gave Council a presentation on the history of the BID Board and what they have been doing for marketing.

SECOND READING – ORDINANCE #751 – COMMERCIAL REFUSE COLLECTIONS

Councilperson Schleining moved to adopt Ordinance #751, Commercial Refuse Collections. Seconded by Councilperson Kothe, the motion carried with Councilperson Maciejewski, Kothe, Fischer, Herman and Schleining voting yes.

SECOND READING – ORDINANCE #752 - CARPORTS

Councilperson Fischer moved to adopt Ordinance #752, Carports. The motion was seconded by Councilperson Herman. After discussion, Councilperson Fischer and Herman retracted their motion and moved to table the second reading to allow for more research. The motion then unanimously carried.

FIRST READING – ORDINANCE #753 – ALCOHOLIC BEVERAGES ESTABLISHMENTS

Councilperson Herman moved to table the first reading of Ordinance #753, Alcoholic Beverages Establishments. Seconded by Councilperson Fischer, the motion unanimously carried.

RESOLUTION #07-07-14A – NON-COLLECTIBLE ACCOUNTS

Councilperson Herman moved to adopt Resolution #07-07-14A, Non-Collectible Accounts. Seconded by Councilperson Schleining, the motion carried with Councilperson Kothe, Fischer, Herman, Schleining and Maciejewski voting yes.

RESOLUTION NO. 7/7/14

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 2014 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
James Ankeney	401540-07	\$ 356.30
Darren Fischer	501390-02	\$ 522.40
Karen Holloway	500990-02	\$ 119.95
Jennifer Terrill (NSF Charge)	3894-2011	\$ 15.00
Darren Fischer	3894-2011	\$ 15.00
	TOTAL	\$1028.65

Signed this 7th day of July, 2014.

ATTEST:

CITY OF CUSTER

S/GARY LIPP, MAYOR

RESOLUTION #07-07-14B – SAFETY MANUAL – CHIPPER

Councilperson Herman moved to adopt Resolution #07-07-14B, Safety Manual - Chipper. Seconded by Councilperson Maciejewski, the motion unanimously carried.

RESOLUTION # 07-07-14B

WHEREAS, the City of Custer City has previously adopted a Safety Manual; and

WHEREAS, updating and amending of said Employee Safety Manual was provided for in Resolution 07-16-12B; and

WHEREAS, the Common Council of the City of Custer City has determined that the Safety Manual be modified regarding Part 13 Motorized Equipment and Power Tools, Section Chipper with the following and it shall read as follows:

CHIPPER

Disposal of unwanted trees and limbs can be disposed of or be made into mulch with this machine.

1. Read manual before operating.
2. Inspect equipment before operating.
 - ❖ Maintenance and repair is essential for safety.
3. Only use machine for wood, bark, limbs, brush and undergrowth.
4. Foreign materials such as stones, nails, sweepings, etc., shall not be fed into the chipper. Inspect the material to be chipped before work begins.
5. Wear proper PPE. Employees shall wear personnel protective clothing appropriate to the work location and conditions including but not limited to hand, hearing, eye and head protection.
 - ❖ Other workers in the area must also wear required PPE.
 - a. Wear wraparound safety glasses or goggles for eye protection.
 - b. Wear close fitting clothing.
 - c. Wear tight fitting gloves.
 - d. Avoid jewelry such as rings, wristwatches, necklaces or bracelets.
 - e. Confine long hair.
 - f. Wear a hard hat.
6. Survey area for persons or obstacles before positioning machine on the jobsite.
 - A. Working surface of feed table must be a minimum of 24+above ground when feeding material.
 - B. During operation, the chipper should stay hitched to the towing vehicle
 - C. The brush chipper may be operated while unattached to the towing vehicle if:

- a. Machine is parked on a level surface.
 - b. Tongue is supported by blocking.
 - c. Wheels are securely chocked.
 - d. Do not feed wood in chipper larger than a 6+diameter.
7. If operating along a road, properly warn and divert motor vehicle and pedestrian traffic.
 - a. Use all necessary signs, cones, and flag persons needed for the work situations.
 8. Access panels for maintenance and adjustments shall be closed and secured prior to operation of brush chippers.
 9. Chipper blades should be tight and clear of any debris before the engine is started.
 10. Disengage the clutch before starting the chipper.
 11. Arms, legs and tools shall not be used to clear the chute.
 - a. Use a wood object to push short material through.
 12. Keep everyone away from discharge area while cutter disc is turning.
 13. Direct discharge chute away from people.
 14. Never operate brush chipper with the feed table removed.
 15. Feed material only from side of feed table.
 16. Never climb onto feed table.
 17. Keep away from rotating feed rollers and blades.
 18. Feed bar should be checked every 10 hours of operation or daily.
 19. The engine should be turned off when the chipper is not in use or is unattended.
 20. Gasoline powered equipment shall be refueled only after it has been stopped and cooled.
21. The work area of the chipper shall be protected from traffic and from the public.

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

Dated this 7th day of July, 2014.

City of Custer City

S/Gary Lipp, Mayor

STREET CLOSURE REQUEST – CHAMBER

Councilperson Fischer moved to approve the street closure request for the Chamber of Commerce for South Sixth Street from Mt Rushmore Road to Washington Street, keeping the alley open, on Saturday July 26th for the Gold Discovery Days Car Show and on August 31st for the Studebaker Car Show. Seconded by Councilperson Herman, the motion unanimously carried.

INMAN PARK MASTER PLAN CONTRACT

Councilperson Herman moved to delay the Inman Park project until a later date and for Tallgrass Landscape to stop work on the Inman Park Master Plan with the remaining dollars from the contract being applied to another project. Seconded by Councilperson Schleining, the motion unanimously carried.

DOWNTOWN FLAGS – STAYING UP DURING THE SUMMER

Councilperson Kothe moved to approve the downtown flags staying up during the summer months. Seconded by Councilperson Maciejewski, the motion unanimously carried.

FLOODPLAIN ADMINISTRATIVE SERVICES – CLAYCOMB ENGINEERING

Councilperson Herman moved to approve the floodplain administrative services fees with Claycomb Engineering. The motion was seconded by Councilperson Fischer. After some discussion, Councilperson Herman and Fischer withdrew their motion as Council would like to request a contract from Claycomb Engineering.

SOUTH SIXTH STREET CONSTRUCTION OBSERVATION & ADMINISTRATIVE SERVICES PROPOSAL

Councilperson Maciejewski moved to table the proposal for construction observation and administrative services for South 6th Street reconstruction project with FourFront Design. Seconded by Councilperson Kothe, the motion unanimously carried.

CURB & GUTTER QUOTE – JENNIGES MASONRY

Councilperson Schleining moved to approve the quote from Jenniges Masonry for curb & gutter along with a ADA ramp by the log building for \$6,700. Seconded by Councilperson Herman, the motion carried with Councilperson Herman, Schleining, Maciejewski, Kothe and Fischer voting yes.

DUMP TRUCK & PICKUP PURCHASE

Councilperson Herman moved to approve the purchase of a 1996 IH 2554 Dump Truck and 2007 Ford F-150 Extended Cab 4x4 pickup from SD Property Management. Seconded by Councilperson Fischer, the motion carried with Councilperson Schleining, Maciejewski, Kothe, Fischer and Herman voting yes.

SHERIFF'S MONTHLY REPORTS

Councilperson Fischer moved to acknowledge the Sheriff's monthly reports for June. Seconded by Councilperson Kothe, the motion unanimously carried.

AMENDMENT TO RESOLUTION #06-16-14B – PLANNING ADMINISTRATOR JOB DESCRIPTION

Councilperson Kothe moved to amend Resolution #06-16-14B, Planning Administrator Job Description to include: must possess a valid South Dakota driver's license or have the ability to obtain one. Seconded by Councilperson Maciejewski, the motion unanimously carried.

PLANNING ADMINISTRATOR WAGE

Councilperson Schleining moved to set the starting wage for the Planning Administrator position at \$45,000. Seconded by Councilperson Herman, the motion carried with Councilperson Maciejewski, Kothe, Fischer, Herman and Schleining voting yes.

EMPLOYEE STEP INCREASE

Councilperson Fischer moved to approve the step increase for John Cotner to step 1, off probation, at \$13.84 effective July 6, 2014. Seconded by Councilperson Kothe, the motion unanimously carried.

EMPLOYEE RESIGNATION

Councilperson Herman moved to accept the resignation of Mike Packer effective June 26, 2014. Seconded by Councilperson Fischer, the motion unanimously carried.

CLAIMS

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

AFLAC, Insurance, \$572.84
Beesley Law Office, Professional Fees, \$2885.50
Black Hills Power & Light, Utilities, \$6048.79
Black Hills Power Equipment, Supplies, \$36.94
Century Business Products, Supplies, \$92.97
Custer Do It Best, Supplies, \$114.43
Chronicle, Publishing, \$542.18
Custer County Sheriff's Office, Animal Control Contract, \$600.00
Custer County Treasure, Law Enforcement Contract, \$87176.00
Custer Industrial, Supplies, \$142.76
Custer True Value, Supplies, \$1319.48
Custer Weed & Pest, Trees, \$3078.50
Dacotah Bank, TIF #2 Payment, \$13016.97
Dakotacare, Insurance, \$9032.39
Dacotah Bank, TIF #4 Payment, \$19280.04
Debo Printing, Supplies, \$286.15
Delta Dental, Insurance, \$564.10
Energy Labs, Supplies, Professional Fees, \$598.00
EFTPS, Taxes, \$19492.50
First Interstate Bank, TIF #1 Payment, \$13668.06
First Interstate Bank, TIF #4 Payment, \$19280.03
First Interstate Bank, Supplies, \$51.70
Frontier Photo, Supplies, \$120.00
Golden West Technologies, Professional Fees, \$224.48
Governmental FO Association, Dues, \$160.00
Hawkins, Supplies, \$5244.55
Hills Materials, Asphalt Patching, Chip Seal, Supplies, \$129828.16.
Hillyard, Supplies, \$954.34
Jenner Equipment, Trees, \$80.88
Leo's Auto, Repair & Maintenance, \$146.38
Mayer Plumbing, Repair & Maintenance, \$232.25
McGas, Repair & Maintenance, \$270.30
Marc, Supplies, \$215.25
MPH Industries, Repair & Maintenance, \$225.29
Mt View Baptist Church, Refund, \$100.00
Nelson's Oil & Gas, Supplies, \$1447.53

PayPal, Supplies, \$274.11
Petty Cash, Supplies, Travel, \$564.30
RDO, Repair & Maintenance, \$2669.31
Sander Sanitation, Garbage Collection Contract, \$14482.58
SD Dept Revenue, License, \$225.00
SD Dept Revenue, Sales Tax, \$948.35
SDML, Conference & Travel, \$187.00
SD Retirement, \$8740.55
State Property Management, Machine & Equipment, \$13450.00
Supplemental Retirement, \$480.00
The Crossroads, Travel, \$153.98
USA Bluebook, Supplies, \$188.56
YMCA, Membership, \$126.00
Mayor & Council, \$4400.00
Finance Department, \$9727.88
Public Buildings, \$2228.80
Planning Department, \$7141.09
Public Works Department, \$9374.45
Street Department, \$6202.73
Parks Department, \$5381.77
Water Department, \$5544.18
Wastewater Department, \$3057.63
Total Claims, \$432,678.01

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 7:29 pm, with the Attorney, Public Works Director and Finance Officer. Seconded by Councilperson Fischer, the motion unanimously carried. Council came out of executive session at 8:01 pm, with no action taken.

2015 BUDGET WORK SESSION

Council worked on the 2015 budget.

ADJOURNMENT

With no further business, Councilperson Kothe moved to adjourn the meeting at 9:35 p.m. Seconded by Councilperson Maciejewski, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor