

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
MAY 16<sup>th</sup>, 2011**

Mayor Harold D. Stickney called to order the second regular meeting of the Common Council for the month of May, 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 Lipp moved, with a second by Councilperson Herman, to approve the agenda. The motion unanimously carried.

**MINUTES**

Councilperson Murphey moved, with a second by Councilperson Herman, to approve the minutes from the May 2<sup>nd</sup>, 2011 meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts were stated.

**DEPARTMENT HEAD DISCUSSION**

Bob Morrison, Public Works Director, updated the Council on the status of the Wazi Lane sewer, WWTP bridge and Sherman Street & Park Avenue projects. Bob stated he would have something back to Council at the next meeting regarding the Gates Park playground.

Rex Harris, Community Development Director, gave Council an update on the downtown TIF project.

**CONDITIONAL USE PERMIT – OPERATION BLACK HILLS CABIN**

Jeff and Pat Baird of Operation Black Hills Cabin is requesting they be allowed to place a weekly vacation cabin on a portion of this lot to be enjoyed by wounded/disabled military veterans. Councilperson Lipp moved to approve the Conditional Use Permit for lot 2 of tract nursing home 2 of homestead subdivision. Seconded by Councilperson Schleining, the motion unanimously carried.

**RULES AND REGULATIONS – R. ROECK**

Roeck asked Council if he could use the south side of French Creek Campgrounds property for tent sites. Roeck is to show Rex the area and then they will work it out. Attorney Beesley stated he would like to be kept informed of the status of the request as Rex and Roeck work things out.

**SECOND READING – ORDINANCE #686 – REMOVING SECTIONS 9.12.040, 10.08.100 AND 10.08.220**

Councilperson Starr moved to adopt ordinance #686, removing sections 9.12.040 failing to obtain license when required, 10.08.100 slow driving and 10.08.220 prudent driving. Seconded by Councilperson Herman, the motion unanimously carried.

**SECOND READING – ORDINANCE #688 – IMPROPER USE OF TURNING SIGNALS**

Councilperson Starr moved to adopt ordinance #688, improper use of turning signals. Seconded by Councilperson Hattervig, the motion unanimously carried.

**SECOND READING – ORDINANCE #689 – BOND SCHEDULE**

Councilperson Murphey moved to adopt ordinance #689, bond schedule. Seconded by Councilperson Herman, the motion unanimously carried.

**RESOLUTION #5-16-11A – COMMUNITY TREE PROGRAM AND TREE CITY USA**

Councilperson Lipp moved to adopt Resolution #5-16-11A, Community Tree Program and Tree City USA, with the change of Arbor Day being May 16<sup>th</sup>. Seconded by Councilperson Herman, the motion unanimously carried.

RESOLUTION NO. 05-16-11A

RESOLUTION ESTABLISHING A COMMUNITY TREE PROGRAM AND AUTHORIZING THE CITY TO APPLY FOR TREE CITY USA DESIGNATION

NOW, THEREFORE, BE IT RESOLVED AND RESOLVED BY THE CITY OF CUSTER AS FOLLOWS:

Objectives of Community Forestry Program and Tree City USA designation:

1. Provide a framework for action/s to improve the City of Custer's tree and park program. The City's public parks, golf course, Mickelson Trail corridor and other public ways can be enhanced through a community forestry program.
2. Provide access to educational assistance.
3. Enhance public image.
4. Increase citizen pride in community.
5. Provide access to financial assistance from the State and other sources.

Recommended actions by the City Council:

It is moved by Councilperson Lipp, seconded by Councilperson Herman to establish a Community Tree Program and apply for Tree City USA designation as follows:

- 1) Tree Board or Department - The City of Custer's Park and Recreation Board/Committee is designated responsibility and authority to oversee the community tree program. The Public Works Department is the department with responsibility for implementing the community forestry program in cooperation with volunteers and other interested entities.

- 2) Community Tree Ordinance - A community tree ordinance is recommended for review by the City Attorney and subsequent presentation and adoption by the City of Custer when ready.
- 3) Community Forestry Program Budget and Plan -
  - a. \$2/capita for tree care is included within the "Parks" item of the 2011 City budget. Actual tree care expenses will be tracked separately. Qualifying expenses are shown in paragraph six herein.
  - b. An annual work plan will be developed by the Public Works Director.
  - c. A City of Custer Tree Management Plan will be developed by volunteers in cooperation with the Public Works Director.
- 4) Arbor Day observance and Mayor's Proclamation - Monday, May 16 at 4:00 pm at a location along the Mickelson Trail.
- 5) Grants and Financial Assistance - The City Council authorizes the Park and Recreation Board/Committee to apply for grants and other financial assistance to supplement the City budget in support of the Community Forestry Program.
- 6) Qualifying Tree Care Expenses

The following expenses for public tree care can be counted towards meeting the \$2 per capita requirement:

<ul style="list-style-type: none"> <li>• city workers' salaries (or % thereof if tree care is only a portion of job)</li> <li>• contract work</li> <li>• tree board salary if applicable</li> <li>• tree purchases</li> <li>• watering</li> <li>• fertilizing</li> <li>• insect control</li> <li>• staking</li> <li>• mulching</li> <li>• dead tree removal</li> <li>• stump removal</li> <li>• pruning by city employees</li> <li>• leaf and brush pick-up</li> <li>• biomass recycling</li> </ul>	<ul style="list-style-type: none"> <li>• survey or inventory expenses</li> <li>• computer inventory software</li> <li>• equipment purchases</li> <li>• equipment rental</li> <li>• equipment maintenance</li> <li>• Arbor Day program</li> <li>• prizes for Arbor Day contests</li> <li>• tree care conferences and workshops attended by city workers</li> <li>• memberships in and donations to tree organizations</li> <li>• public education materials</li> <li>• administrative time</li> <li>• insurance</li> </ul>
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NOW THEREFORE BE IT RESOLVED that the City shall establish a Community Tree Program and authorize the City to apply for Tree City USA Designation.

Dated this 16<sup>th</sup> day of May, 2011

City of Custer City

S/Harold D. Stickney, Mayor

**GOLD DISCOVERY DAYS COMMITTEE REQUEST**

Councilperson Hattervig moved to approve the Gold Discovery Days Committee's request to use Harbach Park and grass area next to volleyball courts on July 22<sup>nd</sup>, Harbach Park on July 23<sup>rd</sup>, Washington Street between 7<sup>th</sup> and 8<sup>th</sup> Street for July 22<sup>nd</sup>, Washington Street from 6<sup>th</sup> Street through 8<sup>th</sup> Street and 7<sup>th</sup> Street from Washington Street to north alley on July 23<sup>rd</sup>, 7<sup>th</sup> Street between Mt. Rushmore Road and Crook Street for the evening of July 22<sup>nd</sup>, Way Park and parking area west of park for July 22<sup>nd</sup> through July 24<sup>th</sup>, Disc Golf Course on July 24<sup>th</sup>, and closure of all streets intersecting with Mt. Rushmore Road from 2<sup>nd</sup> Street to 9<sup>th</sup> Street and use of the City lot behind Lynn's for the parade on July 23<sup>rd</sup>. Seconded by Councilperson Lipp, the motion unanimously carried.

**DRAINAGE CHANNEL BIDS**

Councilperson Lipp moved to accept the low bid for the drainage channel project between 5<sup>th</sup> and 9<sup>th</sup> Streets from Shovelhead Construction for \$399,741.00. Seconded by Councilperson Hattervig, the motion unanimously carried.

**ENGINEERING OF 9<sup>TH</sup> STREET AND BLUEBELL & CANAL STREET**

Councilperson Herman moved to proceed with engineering for 9<sup>th</sup> Street and Bluebell & Canal Street with South 9<sup>th</sup> Street and sidewalks on Canal Street being included in the engineering. Seconded by Councilperson Murphey, the motion unanimously carried.

**COMPLETION OF GORDON STREET**

Rex Harris informed the Council that he has requested prices for the work needed to complete the Gordon Street extension project.

**LIQUOR STORE SIGN REPAIRS**

Councilperson Starr moved to approve paying for the liquor store sign repairs with the understanding that any further expenses will be the tenant's responsibility. Seconded by Councilperson Schleining, the motion unanimously carried.

**EMPLOYEE STEP INCREASE**

Councilperson Herman moved to approve the wage increase for Bill McClellan to Step 9 at \$20.18 effective 5/19/11. Seconded by Councilperson Starr, the motion unanimously carried

### **CLAIMS**

Councilperson Starr moved, with a seconded by Councilperson Lipp, to approve the claims. The motion unanimously carried. Councilperson Schleining asked that the Museum keep a spreadsheet of their expenses and any money not expensed be returned to the City.

1881 Courthouse Museum, Long Term Recreation, \$1451.60  
Advanced Drug Testing, Supplies, \$72.00  
AFLAC, Supplemental Insurance, \$393.38  
ALSCO, Repairs & Maintenance, \$228.98  
Black Hills Power & Light, Utilities, \$10223.24  
Best Western, Travel, \$277.97  
Caffee, Rebecca, Safety Equipment, \$149.07  
Culligan, Repairs & Maintenance, \$17.50  
Custer Car Wash, Repairs & Maintenance, \$33.25  
Custer Community Health Services, Sales Tax Subsidy, \$29579.29  
Chamber of Commerce, Sales Tax Subsidy, \$3711.27  
Custer County, In Lieu Taxes, \$5190.98  
Custer School District, In Lieu Taxes, \$14732.74  
Custer True Value, Supplies, \$694.67  
Dakota Greens, Supplies, \$361.93  
Energy Lab, Professional Fees, \$46.50  
Fastenal, Supplies, \$46.30  
FourFront Design, Professional Fees, \$1662.38  
French Creek Supply, Supplies, \$191.23  
Golden West Technologies, Professional Fees, \$1660.00  
Hadlock, Cheryl, Cemetery Caretaker, \$3915.60  
Hawkins, Supplies, \$3048.25  
Honeywell, Repairs & Maintenance, \$5978.00  
Howe Well Drilling & Excavating, Capital Improvements, \$15554.50  
LabCorp, Supplies, \$126.50  
L&A Welding, Repairs & Maintenance, \$44.62  
Lynn's Dakotamart, Supplies, \$19.80  
Mick's One Stop, Repairs & Maintenance, \$468.95  
Morrison, Bob, Reimbursement, \$115.80  
Motion Industries, Supplies, \$40.66  
Nelson's Oil & Gas, Supplies, \$1800.00  
Pamida, Supplies, \$15.00  
Pitney Bowes, Supplies, \$156.97  
Quill, Supplies, \$5.39  
Rapid Delivery, Professional Fees, \$19.56  
Rushmore Black Hills Gold, Supplies, \$110.00  
SRF Loan Payment, \$4639.68  
South Dakota One Call, Supplies, \$32.55  
Sander Sanitation, Garbage Collection Contract, \$12032.72  
SD State Executive Management, Utilities, \$44.01  
USDA Rural Development, Loan Payment, \$8910.00  
USA Bluebook, Supplies, \$150.98  
Xcel Demo, Capital Improvements, \$58484.95  
Ziolkowski, Geney, Animal Control Contract, \$671.00  
Baldwin, Jerry, Utility Deposit Refund, \$35.67  
McPeak, Makayla, Utility Deposit Refund, \$8.00  
Sundquist, Gloria, Utility Deposit Refund, \$8.00  
Total Claims \$187,0161.47

### **BREAK 6:40-6:45**

### **EXECUTIVE SESSION**

Councilperson Schleining moved to go into executive session for contract negotiations and potential litigation at 6:45 with Attorney Chris Beesley, Finance Officer Laurie Woodward, Public Works Director Bob Morrison and Community Development Director Rex Harris present. Seconded by Councilperson Lipp, the motion unanimously carried. Council came out of executive session at 6:57pm, with no action taken.

Councilperson Murphey moved to go into executive session for contract negotiations at 7:03 with Attorney Chris Beesley, Finance Officer Laurie Woodward, Community Development Director Rex Harris, Public Works Director Bob Morrison and East Custer Sewer District Members present. Seconded by Councilperson Starr, the motion unanimously carried. Council came out of executive session at 7:41 pm with no action taken.

**ADJOURNMENT**

With no further business, Mayor Stickney adjourned the meeting at 7:42 p.m.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Harold D. Stickney  
Mayor