

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
May 19th, 2014**

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

AGENDA

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

MINUTES

Councilperson Fischer moved, with a second by Councilperson Schleining, to approve the minutes from the May 5th regular council meeting and the May 9th special council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, gave Council an update on current projects and a few upcoming events that will take place.

Mike Packer, Temporary Interim Community Development Director, updated Council on what he has learning and is working on.

Laurie Woodward, Finance Officer, gave Council an update on the claims in for payment and mentioned the upcoming budget process.

PUBLIC HEARING – MALT BEVERAGE LICENSE RENEWALS & NEW RETAIL ON-OFF SALE MALT BEVERAGE & SD FARM WINE LICENSE FOR BAKER'S BAKERY

The Council was presented with a renewal list of malt beverage license applications for this year. At this time there were 24 malt beverage licenses for renewal and 1 new retail on-off sale malt beverage & SD Farm wine license for Baker's Bakery. Councilperson Herman moved to approve the applications as listed contingent upon taxes being paid, proof of insurance being provided, 10% percent remittance being paid current and TAM training list being provided. Seconded by Councilperson Heinrich, the motion unanimously carried.

EXECUTIVE PROCLAMATION - MENTAL HEALTH AWARENESS MONTH (recognition of Mike Pahl)

Mayor Lipp read the Executive Proclamation for Mental Health Awareness Month. Behavior Management Systems presented Mike Pahl with a Community Service Award.

City of Custer City
From the Desk of the Mayor
EXECUTIVE PROCLAMATION

WHEREAS, Mental Health Wellness and Recovery is a relevant social concern for millions of adults, adolescents, children and families; and

WHEREAS, recovery is possible through appropriate medical, social and culturally responsive support services; and

WHEREAS, individuals and families living with mental health concerns share with all community members a right to fair and equitable practices and community processes in the pursuit of education, housing, and employment; and

WHEREAS, all stakeholders and community members can participate in efforts to effectively address and support the delivery of culturally responsive services and supports; thereby reducing recovery times, hospitalizations, and relapses; and

WHEREAS, the commitment must begin at the local community level to increase awareness, replace misinformation, and eliminate stigma about mental illness and to promote the understanding that people living with mental illness can and do lead productive and satisfying lives; and

WHEREAS, the responsibility rests with all community constituents to help ensure mental health services are available to all who need them.

THEREFORE, BE IT RESOLVED that I, Gary Lipp, Mayor of the City of Custer, South Dakota, do hereby proclaim May 2014 as "Mental Health Awareness Month" and encourages all citizens to promote the restoration of mental wellness in the community.

Mental Health Awareness Month in the City of Custer, SD

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Custer City to be affixed this 19th day of May in the year of our Lord Two Thousand and Fourteen.

CITY OF CUSTER CITY

S/Gary Lipp

RESOLUTION #05-19-14A – DEED OF CONVEYANCE (COPIER)

Councilperson Fischer moved to adopt Resolution #05-19-14A, Deed of Conveyance (Copier). Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION NO. 5-19-14A

DEED OF CONVEYANCE

WHEREAS, the City of Custer City has certain property which is not held for public use or is about to be abandoned for public purposes; and

WHEREAS, SDCL 6-5 provides for the disposition and transfer of government property to other political subdivisions or nonprofit corporations.

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer City, that it is advisable and in the best interest of the public that the following property is declared to be not held for public use or is about to be abandoned for public purposes and shall be transferred and conveyed gratuitously to the 1881 Custer County Courthouse Museum, a nonprofit corporation, as set forth in SDCL 6-5-2; Gratuitous Transfers of Property to Other Political Subdivisions or Nonprofit Corporations:

Kyocera KM-C3232E Copier

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor or Council President is hereby authorized to execute this Resolution and Deed of Conveyance in accordance herewith, with the specific restriction that this property shall only be utilized for public purposes and accommodations and nonprofit purposes and no other use whatsoever.

Dated this 19th day of May, 2014.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

RESOLUTION #05-19-14B – SCRAP MATERIALS

Councilperson Herman moved to adopt Resolution #05-19-14B, Scrap Materials. Seconded by Councilperson Fischer, the motion unanimously carried.

RESOLUTION NO. 5-19-14B

WHEREAS, the City of Custer City public works department regularly collects solid waste or by-products, recyclable materials, and scrap materials; (hereinafter ~~such materials~~); and

WHEREAS, at times such materials have value, although often only slight value; and

WHEREAS, it would be in the best interest of the City of Custer to sell or transfer such materials without the formality required of SDCL 6-13, for the disposition of surplus property; and

WHEREAS, SDCL 34A-6-63.1 allows such disposal.

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer, that the Finance Officer shall be authorized to sell or transfer all such excess materials to any interested party. The City Council may attempt to identify additional prospective buyers and negotiate the conditions of such transactions with prospective buyers, including price, delivery, transport, quantity, and length of contract, to obtain the price or conditions most advantageous to the governing body, all as allowed by SDCL 34A-6-63.1. No City Council member or other officer of the municipality may purchase or acquire the materials described in this resolution unless such materials are available for sale to, or acquisition by the general public.

Dated this 19th day of May, 2014.

CITY OF CUSTER CITY

S/Gary Lipp, Mayor

RESOLUTION #05-19-14C – PERSONNEL MANUAL CHANGE (VEHICLE SAFETY)

Councilperson Hattervig moved to adopt Resolution #05-19-14C, Personnel Manual Change (Vehicle Safety). Seconded by Councilperson Herman, the motion unanimously carried.

RESOLUTION # 5-19-14C

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, fellow employees, Mayor and Council. Immediate family members may only be included upon prior written approval from a department head or the Mayor.

2. City owned vehicles are provided for business related travel only, and personal use is not permitted. City owned vehicles are not to be used for employee transportation to or from employee personal residence.

3. All employees shall advise their department head prior to intended travel plans by way of an itinerary or other equivalent method, 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. Employees not assigned City vehicles must return the vehicle in the same conditions, reporting any problems to the assigned driver or department head.

5. 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.

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. Three, or more convictions for moving traffic violations within any 12-month period.

b. Conviction of any traffic violation that is defined as a class 1 misdemeanor 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 action.

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

8. 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 Council deems 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 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 19th day of May, 2014.

City of Custer City

S/Gary Lipp, Mayor

FINAL PLAT – BEAR ROCK SUBDIVISION

Councilperson Herman moved to approve the Final Plat for Bear Rock Subdivision South ½ Tract Bear Rock contingent upon payment being received. Seconded by Councilperson Hattervig, the motion unanimously carried.

FINAL PLAT – FADLEY SUBDIVISION

Councilperson Hattervig moved to approve the Final Plat for Fadley Subdivision Tracts 1 and 2 HES 322 and Tract 37 of Diamond E Subdivision. Seconded by Councilperson Herman, the motion unanimously carried.

FINAL PLATS – TRAILS END SUBDIVISION (PLAT FOR TRACT 9 AND PLAT FOR TRACT 10)

Councilperson Herman moved to approve the Final Plat for Trails End Subdivision Lots A & B of Tract 9 and Final Plat of Trails End Subdivision Lots A & B of Tract 10. Seconded by Councilperson Schleining, the motion unanimously carried.

SEWER REHAB PROJECT CHANGE ORDERS

Councilperson Heinrich moved to approve change order #4 and #5 for the Sewer Rehabilitation Project with change order #4 being for an increase of \$2,995.00, change order #5 being for an increase of \$8,451.00 and a total of 4 additional working days. Seconded by Councilperson Fischer, the motion carried with Councilperson Hattervig, Heinrich, Kothe, Fischer, Herman and Schleining voting yes.

PONTOON BOAT

Councilperson Herman moved to approve the purchase of a 612 Aluma-Sport Hotwoods Pontoon Boat for \$4,799.00 and a 612 Aluma-Sport trailer for \$1,100.00 to be used at the sewer lagoons. Seconded by Councilperson Schleining, the motion carried with Councilperson Heinrich, Kothe, Fischer, Herman, Schleining and Hattervig voting yes.

FIRE DEPARTMENT REQUESTS

Councilperson Heinrich moved to approve the Custer Volunteer Fire Department's request to use Pageant Hill on July 4th, 2014 for fireworks; to use the Showmobile on July 25th & 26th, 2014 for the Fireman's Ball; to close North Sixth Street between Crook Street and the alley to the south for the Fireman's Ball; and for a brown bag license for July 26th, 2014 for the Fireman's Ball. Seconded by Councilperson Kothe, the motion unanimously carried.

SHERIFF'S MONTHLY REPORT

Councilperson Herman acknowledged the Sheriff's monthly report for April 2014. Seconded by Councilperson Fischer, the motion unanimously carried.

SEVEN DAY WORK WEEK SCHEDULE

Councilperson Heinrich moved to approve the seven day work week schedule that was presented. Seconded by Councilperson Fischer, the motion unanimously carried.

JOB DESCRIPTION TASK FORCE UPDATE

The Job Description Task Force will start meeting next week to review the Community Development Director and Planning & Public Works Department Technician job descriptions.

EMPLOYEE TEMPORARY WAGE INCREASE

Councilperson Herman moved to approve a temporary wage increase for Kim Conwell to \$17.00 per hour to be back dated till April 17, 2014 and remain in effect until the Building/Planning Department position is filled. Seconded by Councilperson Fischer, the motion carried with Councilperson Kothe, Fischer, Herman, Schleining, Hattervig and Heinrich voting yes.

CLAIMS

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

5280 Consulting, Professional Fees, \$3530.00
American Legal Publishing, Publishing, \$1496.00
BH Urgent Car, Safety, \$25.00
Black Hills Power & Light, Utilities, \$5163.74
Butler Machinery, Repair & Maintenance, \$156.18
CEASD, Conference, \$80.00
Century Business, Machine & Equipment, \$8663.74
Culligan, Repair & Maintenance, \$18.50
Chamber of Commerce, Sales Tax Subsidy, \$5098.11
Custer County, In Lieu Taxes, \$5054.45
Custer Industrial, Repair & Maintenance, \$172.00
Custer School District, In Lieu Taxes, \$15585.23
Dakota Greens, Trees, \$672.00
Dakota Supply Group, Capital Improvements, \$368.74
Fastenal, Safety Equipment, \$368.61
French Creek Supply, Supplies, \$341.06
Golden West Technologies, Professional Fees, \$1500.00
Governmental Finance Officer Association, Conference, \$150.00
Hadlock, Cheryl, Professional Fees, \$4154.06
Harris, Rex, Reimbursement, \$261.00

Kellogg, Scott, Reimbursement, \$52.74
Leos Auto, Repair & Maintenance, \$425.37
Lawrence & Schiller, Advertising, \$80000.00
Northwest Pipe Fitting, Repair & Maintenance, \$2422.11
Quill, Supplies, \$210.18
RCS Construction, Capital Improvements, \$318,864.56
Rapid Delivery, Professional Fees, \$45.60
Rapid City Telco FCU, Supplies, Travel, Utilities, \$1686.66
SRF Loan Payment, \$4639.68
SD One Call, Supplies, \$46.20
SD Dept of Revenue, Malt Beverage License, \$3500.00
S & B Motors, Supplies, \$399.56
Sander Sanitation, Garbage Collection Contract, \$14482.58
SD HR Association, Travel, \$100.00
SD Executive Management, Utilities, \$19.57
Shanklin, Supplies, \$140.00
USDA Loan Payment, \$8910.00
USA Bluebook, Safety Equipment, \$1292.90
Wright Express, Supplies, \$1440.98
Sasser-Goehner, Molly, Utility Deposit Refund, \$5.82
Total Claims, \$491,542.93

COMMITTEE REPORTS

Various committee reports were given.

ATTORNEY BEESLEY LEFT THE MEETING AT 6:36 P.M.

FIVE YEAR PLAN WORK SESSION

Council worked on the Five Year Plan for 2015-2019.

ADJOURNMENT

With no further business, Councilperson Kothe moved to adjourn the meeting at 8:13 p.m.
Seconded by Councilperson Herman, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor