

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
November 3rd, 2014**

Council President Corbin Herman called to order the first meeting of the Common Council for the month of November, 2014 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Kothe, Fischer, Schleining and Attorney Chris Beesley. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Maciejewski moved, with a second by Councilperson Kothe, to approve the minutes from the October 20th regular council meeting. The motion carried with Councilperson Maciejewski, Kothe, Fischer and Schleining voting yes, while Councilperson Heinrich abstained.

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 mentioned that SD Rural Water found some leaks with their high tech leak detector.

Erik Karlson, Planning Administrator, let Council know that he has been reading up on the codes and ordinances.

Laurie Woodward, Finance Officer, mentioned that sales tax for September was up 19.35% over September 2013, while total sales tax received year to date is up 8.85% over last year.

PUBLIC HEARING – WINE & MALT BEVERAGE LICENSE TRANSFER – BITTER ESTERS

Councilperson Fischer moved to approve the wine & malt beverage license transfer for Bitter Esters Brewhouse contingent upon property taxes being paid and proof of liquor liability being provided. Seconded by Councilperson Maciejewski, the motion unanimously carried.

SECOND READING – ORDINANCE #756 – IBC CHAPTER 3 SECTION 312 AMENDED

Councilperson Schleining moved to adopt Ordinance #756, IBC Chapter 3 Section 312 Amended. Seconded by Councilperson Kothe, the motion carried with Councilperson Maciejewski, Heinrich, Kothe, Fischer and Schleining voting yes.

SECOND READING – ORDINANCE #757 – SUPPLEMENTAL BUDGET

Councilperson Maciejewski moved to adopt Ordinance #757, Supplemental Budget. Seconded by Councilperson Fischer, the motion carried with Councilperson Heinrich, Kothe, Fischer, Schleining and Maciejewski voting yes.

RESOLUTION #11-03-14A – AMENDMENT TO EAST CUSTER SEWER DISTRICT AGREEMENT

Councilperson Heinrich moved to adopt Resolution #11-03-14A, Amendment to East Custer Sewer District Agreement. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION #11-3-14A

AMENDMENT TO EAST CUSTER SEWER DISTRICT

RESOLUTION #22-19-13D, SEWAGE TREATMENT AGREEMENT

Whereas, the City of Custer City and East Custer Sewer District entered into a sewage treatment agreement which Council approved and enacted through Resolution #12-5-11B.

Whereas, East Custer Sewer District recently enacted Resolution 12-04, changing the boundaries of the District to exclude certain territory from the District.

Whereas, exhibit "A" of Resolution #12-5-11B, setting forth the boundaries of the District, has thereby been changed in accordance with East Custer Sewer District Resolution #12-04.

Whereas, the City of Custer City has recently upgraded the aerators at the Wastewater Treatment Plant thereby incurring additional expense, of which a portion shall be assessed to East Custer Sewer District.

Whereas, treatment of sewage for the District in accordance with the terms set forth herein is approved, and the execution of this contract is duly authorized by Resolution hereinafter set forth, and

Whereas, by Resolution of the Board of Trustees hereinafter set forth, treatment of the District's sewage by the City is hereby approved and the execution of this contract is duly authorized;

Now therefore, in consideration of the foregoing and mutual agreements hereinafter set forth,

Now therefore, exhibit "A" East Custer Sewer & Water District Map prepared 12/7/12, shall be replaced with the revised exhibit "A" attached hereto.

Now therefore, the following section of Resolution #2-19-12D Sewage Treatment Agreement shall be amended as follows:

A. The City Agrees:

3. (Rates) The City shall charge each member of the District on a monthly basis at a rate of 1.15 times the rate as stated in section 13.20.130 of the Custer Municipal Code in accordance with section 13.20.140 of the Custer Municipal Code, as the same may be amended. In addition, the District shall pay thirty percent of the City Sewer Bond Redemption Fee times 1.15 for each member of the District on a monthly basis, for the assessment on aerator upgrades at the Wastewater Treatment Plant.

Each residential member shall be charged a standard 4,000 gallons usage per month.

In Witness Whereof the acting Mayor of the City of Custer City, South Dakota, and the President of the Board of Trustees of the East Custer Sanitary Sewer and Water District, have hereunto subscribed their names on the date and year hereinbefore mentioned.

Be It Resolved that the Agreement herein written is duly authorized and the terms and conditions thereof are hereby approved.

City of Custer

S/Corbin Herman, Council President

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #11-03-14B – DEED OF CONVEYANCE (CHRISTMAS LIGHTS)

Councilperson Schleining moved to adopt Resolution #11-03-14B, Deed of Conveyance (Christmas Lights). Seconded by Councilperson Kothe, the motion unanimously carried.

RESOLUTION NO. 11-3-14B

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 Crazy Horse Memorial Foundation, a nonprofit corporation, as set forth in SDCL 6-5-2; Gratuitous Transfers of Property to Other Political Subdivisions or Nonprofit Corporations:

40 Shooting Star Christmas Lights

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 3rd day of November, 2014.

CITY OF CUSTER CITY

S/Corbin Herman, Council President

Attest: Laurie Woodward, Finance Officer

PARADE REQUEST – CHAMBER OF COMMERCE

Councilperson Heinrich moved to approve the parade request from the Chamber of Commerce for the Annual Custer Christmas Parade to be held on December 6th at 5:30 pm with the parade line up on Washington Street and the parade starting on 8th Street then proceeding West on Mount Rushmore Road to Way Park. Seconded by Councilperson Maciejewski, the motion unanimously carried.

PERPETUAL PUBLIC EASEMENT – MATT HESPEN

Councilperson Fischer moved to table the perpetual public easement until the next Council meeting. Seconded by Councilperson Schleining, the motion unanimously carried.

VEHICLE PURCHASES

Councilperson Heinrich moved to approve ordering three 2015 half ton 4x4 extended cab short box pickups off state bid at \$25,306 each and to be paid for from the 2015 budget. Seconded by Councilperson Maciejewski, the motion carried with Councilperson Kothe, Fischer, Schleining, Maciejewski and Heinrich voting yes.

SOUTH 6TH STREET CHANGE ORDER #2

Councilperson Maciejewski moved to approve change order #2 for the South Sixth Street project with a credit amount of \$4,366.25. Seconded by Councilperson Fischer, the motion unanimously carried.

NEW HIRE

Councilperson Schleining moved to approve hiring Julie Harley as Inter-Department Operator effective November 17th at \$14.71 per hour contingent upon pre-employment screening. Seconded by Councilperson Heinrich, the motion unanimously carried.

CLAIMS

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

Adams Machining, Supplies, \$866.75
ALSCO, Repair & Maintenance, \$331.13
American Planning Association, Dues, \$219.00
Battle Mountain, Animal Control Contract, \$800.00
Beesley Law Office, Professional Fees, \$2491.50
Boos Law Office, Professional Fees, \$393.75
Century Business Products, Supplies, \$133.96
Custer Regional Clinic, Safety, \$18.00
Custer Do It Best, Supplies, \$122.30
Chronicle, Publishing, \$665.90
Custer Industrial, Supplies, \$230.10
Custer Sign Company, Repair & Maintenance, \$220.00
Dakoatcare, Insurance, \$8659.73
Delta Dental, Insurance, \$466.60
Energy Lab, Professional Fees, \$1258.00
EFTPS, Taxes, \$11654.13
FourFront Design, Capital Improvements, \$1713.75
First Interstate Bank, Supplies, \$54.80
First Interstate Bank, TIF#1 Payment, \$823.12
First Interstate Bank Credit Card, Utilities, Supplies, Travel, \$1242.06
HD Supply, Supplies, \$153.23
Hawkins, Supplies, \$5035.90
Hills Materials, Capital Improvements, \$83339.35
Hewitt, Jeri, Safety Equipment, \$100.00
Nelson Oil & Gas, Supplies, \$806.57
Northwest Pipe Fitting, Repair & Maintenance, \$3254.35
PayPal, Supplies, \$244.30
Petty Cash, Supplies, \$429.99
Quill, Supplies, \$58.45
Safety Benefits, Conference, \$195.00
State of SD, Sales Tax, \$1073.95
SD Division of Criminal Investigation, Safety, \$87.50
SD Retirement System, \$5101.48
Supplemental Retirement, \$270.00
YMCA, Memberships, \$126.00
Markings, BT & Vicky, Utility Deposit Refund, \$1.49
Mayor & Council, \$4400.00
Finance Department, \$9727.89
Public Buildings, \$2218.40
Planning Department, \$2920.00
Public Works Department, \$9298.64
Street Department, \$6021.77
Parks Department, \$3072.81
Water Department, \$5757.21
Wastewater Department, \$3253.48
Total Claims, \$179,312.34

COMMITTEE REPORTS

Various committee reports were given.

ADJOURNMENT

With no further business, Councilperson Kothe moved to adjourn the meeting at 6:04 p.m. Seconded by Councilperson Heinrich, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Council President