

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
November 7th, 2011**

Mayor Gary Lipp called to order the first regular meeting of the Common Council for the month of November, 2011 at 5:30 p.m. Present at roll call were Councilpersons Hattervig, Heinrich, Fischer, Lampert, Herman, and Chris Beesley, City Attorney. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Hattervig moved, with a second by Councilperson Heinrich, to approve the minutes from the October 17th, 2011 regular meeting and October 31st, 2011 special meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, gave an overview of the projects that are taking place and the water and sewer treatment numbers.

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

Laurie Woodward, Finance Officer, gave Council a brief report on the claims in for payment and sales tax figures.

FIRST READING – ORDINANCE #700 – BODY PIERCING & TATTOOING ESTABLISHMENT

Councilperson Herman moved to approve the first reading of Ordinance #700, Body Piercing & Tattooing Establishments with the section on inspection stating that the state will handle inspections and the section on minors stating that a parent must be present or have signed a notarized consent form. Seconded by Councilperson Fischer, the unanimously motion carried.

SECOND READING – ORDINANCE #701 – PARK LAND DEDICATION

Councilperson Herman moved to adopt Ordinance #701, Park Land Dedication. Seconded by Councilperson Lampert, the motion carried with Councilperson Hattervig, Heinrich, Fischer, Lampert and Herman voting yes.

RESOLUTION #11-7-11A – ONE MILE JURISDICTION – PINE BEETLE TREES

Councilperson Lampert moved to adopt resolution #11-7-11A, One Mile Jurisdiction, Pine Beetle Trees. Seconded by Councilperson Herman, the motion unanimously carried.

RESOLUTION NO.11-7-11A

WHEREAS, the spread of the mountain pine beetle is of epidemic proportion in the Black Hills, including the area near Custer City; and

WHEREAS, the spread of the mountain pine beetles is devastating to the people, property, and environment of the City of Custer City and the surrounding area; and

WHEREAS, the speed and magnitude by which this infestation is growing makes it imperative that immediate action be taken to expedite the thinning and removal of the dead and diseased trees, so as to control the spread of the mountain pine beetles before the July/August 2012 hatch; and

WHEREAS, any further delay in permitting and contracting for these services will have an irreversible effect on the ecosystem of the Black Hills.

NOW THEREFORE BE IT RESOLVED, that the City of Custer City shall, pursuant to SDCL 9-29-1, exercise jurisdiction and prosecution of its ordinances relating to nuisances and trees infected by the mountain pine beetles within one mile of the corporate limits of the City of Custer City, in a joint effort with the County of Custer, State of South Dakota and the United States Forest Service;

NOW THEREFORE BE IT FURTHER RESOLVED, that this Resolution is necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions, and this Resolution shall take effect immediately upon passage and publication hereof.

Dated this 7th day of November, 2011.

S/Gary Lipp, Mayor

FENNELL DESIGN PROPOSAL

Councilperson Lampert moved to go into and out of executive session at 6:08 pm for contract negotiation with the Attorney, Finance Officer, Public Works Director, and Community Development Director present. Seconded by Councilperson Fischer, the motion unanimously carried. Gene Fennell joined the executive session at

6:23 p.m. Council came out of executive session at 7:40 pm. The Mayor stated that the City is in negotiation with Fennell Design which will be continued at the November 21st Council meeting.

BREAK 7:40-7:45

WAY PARK USE REQUEST – FARMER’S MARKET

Councilperson Herman moved to allow the Chamber use of Way Park every Saturday until 1 p.m. through the summer of 2012 for the Farmers Market, with the exception of special occasions such as Gold Discovery Days. Seconded by Councilperson, Heinrich, the motion unanimously carried.

CHAMBER LEASE AGREEMENT

Councilperson Hattervig moved to 2012 lease agreement with the Chamber of Commerce for the building located at 615 Washington Street. Seconded by Councilperson Fischer, the motion unanimously carried.

SHERIFF’S MONTHLY REPORTS

The Council received and acknowledged the Sheriff’s monthly reports for October.

OLD YOUTH HOUSE

Councilperson Herman moved surplus the old Youth House located at 134 South Sixth Street. Seconded by Councilperson Lampert, the motion unanimously carried. Councilperson Lampert moved to authorize the Mayor to appoint a appraisal committee to be made up of three freeholders and advertise for sealed bids for relocation or salvage of the house located at 134 South Sixth Street. Seconded by Councilperson Herman, the motion unanimously carried.

PARK & RECREATION BOARD REQUEST – BALLFIELD DIRT WORK

Councilperson Hattervig moved to approve the Park & Recreation Board spending up to \$5,000 to hire someone to do grading work and cleanup on the outfield of the Joint Use Ball field. Seconded by Councilperson Lampert, the motion carried with Councilperson Heinrich, Fischer, Lampert, Herman and Hattervig voting yes.

VEHICLE PURCHASE

Councilperson Herman moved to approve the purchase of a 2012 Dodge 1500 4x4 extended cab short box pickup from state bid for \$20,871. Seconded by Councilperson Hattervig, the motion carried with Councilperson Fischer, Lampert, Herman, Hattervig and Heinrich voting yes.

EMPLOYEE STEP INCREASE

Councilperson Lampert moved to approve the step increase for Kirk Johnson to step 5 at \$16.82 effective November 14, 2011. Seconded by Councilperson Herman, the motion unanimously carried.

CLAIMS

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

- ALSCO, Repairs & Maintenance, \$116.12
- A&B Electric, Repairs & Maintenance, \$346.80
- Beesley Law Office, Capital Improvements, \$64339.25
- Beesley Law Office, Professional Fees, \$2668.50
- Black Hills Power & Light, Utilities, \$28032.85
- Boos Law Office, Professional Fees, \$335.00
- Butler Machinery, Supplies, \$1368.50
- Bierschbach Equipment, Supplies, \$38.00
- Best Western, Travel, \$1635.00
- Century Business Products, Supplies, \$180.33
- Chris Supply, Repairs & Maintenance, \$79.50
- Credit Collections Bureau, \$202.50
- Culligan, Repairs & Maintenance, \$17.50
- Custer Do It Best, Supplies, Capital Improvements, \$14379.20
- Custer County Chronicle, Publication, \$337.33
- Custer County, In Lieu Taxes, \$5190.98
- Custer School District, In Lieu Taxes, \$14732.74
- Custer School District, Capital Improvements, \$1.00
- Custer True Value, Supplies, \$1027.72
- Couch’s Waterproofing, Repairs & Maintenance, \$4841.43
- Dakotacare, Insurance, \$8148.53
- Dakota Supply Group, Supplies, \$208.90
- Dale’s Tire, Supplies, \$790.00
- Delta Dental, Insurance, \$416.50
- Energy Lab, Professional Fees, \$898.00

EFTPS, Taxes, \$11594.93
FourFront Design, Professional Fees, \$8896.40
Fastenal, Supplies, \$45.59
First Interstate Bank, TIF #1, \$904.99
French Creek Supply, Supplies, \$158.47
Golden West Technologies, Professional Fees, \$270.00
HD Supply, Supplies, \$654.84
Harvey's Lock Shop, Repairs & Maintenance, \$438.40
Hawkins, Supplies, \$5673.24
Hills Materials, Capital Improvements, \$252197.80
Hillyard, Supplies, \$293.90
Jenny's Floral, Supplies, \$28.75
Leo's Auto, Repair & Maintenance, \$48.15
Morrison, Bob, Reimbursement, \$388.20
Nelson's Oil & Gas, Supplies, \$1596.00
Newman Traffic Signs, Supplies, \$157.70
Petty Cash, Supplies, \$556.07
Pitney Bowes, Supplies, \$39.00
Quill, Supplies, \$187.33
Rapid Delivery, Supplies, \$19.56
Rapid City Telco Federal Credit Union, Utilities, \$791.33
Southern Hills Title, Professional Fees, \$200.00
S & B Motors, Supplies, \$317.55
Safety Benefits, Conference, \$65.00
Sanitation Products, Repairs & Maintenance, \$272.34
Sander Sanitation, Repairs & Maintenance, \$105.00
State of SD, Sales Tax, \$788.37
SD Retirement, \$5464.90
SD Supplemental Retirement, \$120.00
Shovelhead Construction, Capital Improvements, \$120957.09
Verizon Wireless, Utilities, \$438.91
Witt's Heating & Cooling, Repairs & Maintenance, \$291.41
YMCA, Membership, \$120.00
Ziolkowski, Geney, Animal Control Contract, \$636.00
Edwards, Barb, Utility Refund, \$698.90
Total Claims \$565748.30

COMMITTEE REPORTS

Various committee reports were given.

EXECUTIVE SESSION

Councilperson Herman moved to go into and out of executive session at 8:26 pm for contract negotiation with the Attorney, Finance Officer, Public Works Director, and Community Development Director present. Seconded by Councilperson Lampert, the motion unanimously carried. Council came out of executive session at 8:55 pm. Councilperson Lampert moved to authorize the attorney to proceed with notice of termination of contract or lawsuit with East Custer Sewer District. Seconded by Councilperson Heinrich, the motion carried with Councilperson Lampert, Herman, Hattervig, Heinrich and Fischer voting yes.

ADJOURNMENT

With no further business, Councilperson Herman moved to adjourned the meeting at 9:02 p.m. Seconded by Councilperson Lampert, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Gary Lipp
Mayor