

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
December 3<sup>rd</sup>, 2018**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of December 2018 at 5:30 p.m. Present at roll call were Councilpersons Blom, Whittaker, Nielsen, Fischer, Moore and Arseneault. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Blom moved to approve the agenda. Seconded by Councilperson Whittaker, the motion unanimously carried.

**MINUTES**

Councilperson Nielsen moved, with a second by Councilperson Fischer, to approve the minutes from the November 19<sup>th</sup> regular council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**SECOND READING – ORDINANCE #815 – DESIGNATED WETLAND MAINTENANCE**

Councilperson Fischer moved to adopt Ordinance #815, Designated Wetland Maintenance. Seconded by Councilperson Nielsen, the motion carried with Councilperson Blom, Whittaker, Nielsen, Fischer, Moore and Arseneault voting yes.

**FIRST READING – ORDINANCE #816 – 2018 SUPPLEMENTAL BUDGET ORDINANCE**

Councilperson Nielsen moved to approve Ordinance #816, 2018 Supplemental Budget Ordinance. Seconded by Councilperson Blom, the motion unanimously carried.

**RESOLUTION #12-03-18A – WARRANTY DEED – TRACT CLINIC**

Councilperson Nielsen moved to adopt Resolution #12-03-18A, Warranty Deed – Tract Clinic. Seconded by Councilperson Arseneault, the motion unanimously carried.

RESOLUTION NO. 12-03-18A  
WARRANTY DEED

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 to Custer County, as set forth in SDCL 6-5-2; Gratuitous Transfers of Property to Other Political Subdivisions or Nonprofit Corporations:

Tract Clinic (formerly a portion of Lot E and Lot B Revised) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats, Page 137, in the office of the Register of Deeds, Custer County, South Dakota;

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor or Council President is hereby authorized to execute this Resolution and Warranty Deed in accordance herewith, with the specific restriction that this property shall only be utilized for Custer County Search & Rescue and Emergency Services and no other use whatsoever or said property shall revert back to the City of Custer City, as stated in the Warranty Deed.

Dated this 3<sup>rd</sup> day of December, 2018.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #12-03-18B – DISSOLVING TIF #1 – FINANCING DISTRICT**

Councilperson Fischer moved to adopt Resolution #12-03-18B, Dissolving TIF#1 Financing District. Seconded by Councilperson Blom, the motion unanimously carried.

RESOLUTION NO. 12-03-18B

RESOLUTION TO DISSOLVE TAX INCREMENT FINANCING DISTRICT #1 AND ALLOCATE REMAINING FUNDS

WHEREAS, the Common Council of the City of Custer City on June 21, 1999, created by resolution Tax Increment Financing District Number 1 of the City of Custer with boundaries designated as following described parcels of the Boot Hill Ranch Subdivision:

*Lots 1 and 2 of Block 1, and all of Blocks 6 and 8 of the Boot Hill Ranch Subdivision* [where Boot Hill Ranch Subdivision is described as follows: (formerly Tract X of Clark Placer M.S. 506. Tract F of Hall Placer M.S. 594, H.E.S. 326, Tract D of Government Lot 2 of Section 19, Government Lot 3 of Section 19, Tract A of NE1/4 SW1/4 less Lot R of Section 19, Tract A of Government Lot 4 of Section 19, and Tract C Revised of Government Lot 5 of Section 19, Tract Cullum less Tract A-1 of Government Lot 5 and the Ne1/4 SW1/4 of Section 199), all located in Government Lots 2, 3, 4, and 5 and the NE1/4 SW1/4 of Section 19, T3S, R5E, B.H.M. and in the SE1/4 of Section 24, T3S, R5E, B.H.M., Custer City, Custer County, South Dakota],

including any rights-of-way therein as well as any rights-of-way adjoining the above-described parcels.

WHEREAS, the creation of said Tax Increment District did significantly enhance the value of substantially all real property within the District; and

WHEREAS, per the Contract for Private Development for Tax Incremental District Number One, payment of final positive tax increment payment authorized in the Project Plan is defined as a portion of the total amount being assessed in the year 2017, and payable in the second one-half of the year 2018.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Custer City, that Tax Incremental Financing District Number 1 be dissolved in accordance with South Dakota Codified Law (SDCL) 11-9-46 and any money remaining be allocated as specified by SDCL 11-9-45 effective November 1, 2018.

Dated this 3<sup>rd</sup> day of December 2018.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #12-03-18C – SELF-ASSESSMENT FOR PERFORMANCE REVIEW

Councilperson Blom moved to adopt Resolution #12-03-18C, Self-Assessment for Performance Review. Seconded by Councilperson Whittaker, the motion unanimously carried.

RESOLUTION # 12-03-18C

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 02-05-18B; and

WHEREAS, the Common Council of the City of Custer City has determined that an employee performance evaluation is necessary and desirable; and

WHEREAS, the Common Council had determined that each department shall be given the option of the performance review form used.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended to include the attached exhibit "A", Self-Assessment for Performance Review, incorporated as if set forth in full herein, and adopted by reference.

Dated this 3<sup>rd</sup> day of December 2018

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #12-03-18D – DEED OF CONVEYANCE (LAPTOP)

Councilperson Fischer moved to adopt Resolution #12-03-18D, Deed of Conveyance (Laptop). Seconded by Councilperson Moore, the motion unanimously carried.

RESOLUTION NO. 12-03-18D

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 Custer County Mounties 4-H Club under the direction of South Dakota 4-H, a nonprofit corporation, as set forth in SDCL 6-5-2; Gratuitous Transfers of Property to Other Political Subdivisions or Nonprofit Corporations:

Laptop – HP ProBook 6560b Serial #4CZ1270SZD

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 3<sup>rd</sup> day of December 2018.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**PUBLIC COMMENTS**

No public comments were received.

**CHRISTMAS PARADE RESCHEDULE – CUSTER CHAMBER OF COMMERCE**

Councilperson Fischer moved to approve the Custer Chamber of Commerce request to reschedule the Annual Christmas Parade for Thursday, December 6<sup>th</sup> at 5:30 pm. Seconded by Councilperson Arseneault, the motion unanimously carried.

**2019 ANIMAL CONTROL CONTRACT – BATTLE MOUNTAIN HUMANE SOCIETY**

Councilperson Moore moved to approve the 2019 Animal Control Contract with Battle Mountain Humane Society at \$1,000 per month. Seconded by Councilperson Whittaker, the motion unanimously carried.

**MINOR PLAT – TRACTS RAYMOND NORTH AND RAYMOND SOUTH**

Councilperson Fischer moved to approve the minor plat for Tracts Raymond North and Raymond South. Seconded by Councilperson Nielsen, the motion unanimously carried.

**MINOR PLAT – LOT 18R AND TRACT 7R OF DEER RIDGE SUBDIVISION**

Councilperson Nielsen moved to approve the minor plat for Lot 18R and Tract 7R of Deer Ridge Subdivision. Seconded by Councilperson Blom, the motion unanimously carried.

**MINOR PLAT – LOT 20R AND LOT 21R OF WHITTRICK SUBDIVISION**

Councilperson Nielsen moved to approve the minor plat for Lot 20R and Lot 21R of Wittrock Subdivision. Seconded by Councilperson Blom, the motion unanimously carried.

**WEST DAM CLOMR & LOMR APPLICATION SUBMITTAL - BANNER**

Councilperson Fischer moved to approve the CLOMR & LOMR application submittal fees of \$14,500 for the West Dam Project as submitted by Banner. Seconded by Councilperson Whittaker, the motion carried with Councilperson Whittaker, Nielsen, Fischer, Moore, Arseneault and Blom voting yes.

**DEER MANAGEMENT – DEER PROCESSING – TOP PIN ARCHERY**

Councilperson Whittaker moved to approve Top Pin Archery's quote of \$40 per deer for processing the deer management deer. Seconded by Councilperson Nielsen, the motion carried with Councilperson Nielsen, Fischer, Moore, Arseneault, Blom and Whittaker voting yes.

**CUSTER CRUISIN APPOINTMENT**

Councilperson Fischer moved to approve the Mayor's appointment of Michael Francis to the Custer Cruisin Committee. Seconded by Councilperson Moore, the motion unanimously carried.

**COST OF LIVING ADJUSTMENT**

Councilperson Fischer moved to approve a 3% cost of living adjustment for all employees effective January 1<sup>st</sup>, 2019. Seconded by Councilperson Nielsen, the motion unanimously carried.

**CLAIMS**

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

Aflac, Insurance, \$542.74

Amazon.com, Supplies, \$965.31

Apple Store, Supplies, \$3.18

Battle Mountain Humane Society, Animal Control Contract, \$1,000.00

Black Hills Chemical, Supplies, \$38.36

Black Hills Energy, Utilities, \$2,354.81

Black Hills Area Community Foundation, Custer Dog Park, \$250.00

Baymont Inn, Travel/ Conference, \$153.98

Century Business Products, Supplies, \$165.82

Collins Flags, Supplies, \$5,510.08

Custer Do It Best, Supplies, Repair and Maintenance, \$134.40

Chronicle, Publishing, \$340.58

California State Disbursement, Deduction, \$53.19  
Custer Heating & Air Conditioning, Repairs and Maintenance, \$112.37  
Dacotah Bank, TIF #2 Payment, \$18,236.18  
Dacotah Bank, TIF #4 Payment, \$26,670.80  
Delta Dental, Insurance, \$254.20  
Discovery Benefits, Supplies, \$956.92  
EFTPS, Taxes, \$11,745.50  
Express Collections, Professional Fees, \$35.71  
Five Points Bank, TIF #5 Payment, \$20,694.23  
First Interstate Bank, TIF #4 Payment, \$26,646.03  
First Interstate Bank, TIF #1 Payment, \$22,437.08  
Golden West Telecommunications, Utilities, \$592.05  
Golden West Technologies, Repairs and Maintenance, \$673.50  
National Emergency Training Center, Travel/ Conference, \$126.52  
Northwest Pipe Fitting, Supplies, \$21.34  
PDF Complete, Supplies, \$91.34  
Petty Cash, Supplies, \$450.27  
Pizza Hut, Supplies, \$48.96  
Pitney Bowes, Supplies, \$48.69  
Quill, Supplies, \$88.95  
Regional Health Network, Deed, \$1.00  
Sanders Sanitation, Garbage Collection Contract, \$14,264.80  
SD Department of Revenue, License Transfer, \$75.00  
SD Retirement System, \$6,307.08  
Supplemental Retirement, \$500.00  
Verizon Wireless, Utilities, \$1,333.06  
Wright Express, Supplies, \$1,066.87  
YMCA, Membership, \$40.00  
Wise Richard, Utility Deposit Refund, \$10.54  
Mayor & Council, \$4,400.00  
Finance Department, \$4,626.28  
Public Buildings, \$1,570.77  
Planning Department, \$6,571.06  
Public Works Department, \$3,015.25  
Street Department, \$9,538.85  
Cruisin Department, \$74.57  
Parks Department, \$3,551.75  
Water Department, \$12,344.30  
Wastewater Department, \$11,266.28  
Total Claims, \$222,000.55

**DEPARTMENT HEADS & COMMITTEE REPORTS**

Various committee reports were given in addition to updates from the department heads.

**ADJOURNMENT**

With no further business, Councilperson Whittaker moved to adjourn the meeting at 6:09 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor