

All City Council Meetings are recorded.

**CITY OF CUSTER CITY  
COUNCIL AGENDA**

January 22<sup>th</sup>, 2019 – City Hall Council Chambers  
5:30 P.M.

1. Call to Order - Roll Call - Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes – January 7<sup>th</sup>, 2019 Regular Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. Second Reading – Ordinance #817 – Water Conservation Credit
  - b. Second Reading – Ordinance #818 – Fire Safety Regulations
  - c. Resolution #1-22-19A – Tobacco-Free Park Policy
  - d.
  - e.
6. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
7. Old Business
  - a.
  - b.
8. New Business
  - a. Gold Discovery Days Request – Chamber of Commerce
  - b. Street Vacation Reduced Fee – Ronni Calvird
  - c. Ducks Unlimited Flags – Duck Unlimited Committee
  - d. Custer Community Center Financing – Toby Morris, Dougherty & Company
  - e. Letter of Intent – Dougherty & Company
  - f. Resolution #01-22-19B – Reimbursement Resolution
  - g.
  - h.
9. Presentation of Claims –
10. Department Head Discussion & Committee Reports –
11. Possible Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
12. Adjournment

**REMINDERS**

**Public Works Committee Meeting – February 4<sup>th</sup>, 2019 4:30 P.M.**  
**Regular City Council Meeting – February 4<sup>th</sup>, 2019 5:30 P.M.**  
**General Government Committee Meeting – February 11<sup>th</sup>, 2019 4:30 P.M.**  
**Planning Commission Meeting – February 12<sup>th</sup>, 2019 5:00 P.M.**  
**Regular City Council Meeting – February 19<sup>th</sup>, 2019 5:30 P.M.**  
**Park & Recreation Committee Meeting – February 20<sup>th</sup>, 2019 5:30 P.M.**

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.



**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
January 7<sup>th</sup>, 2019**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of January 2019 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, with a second by Councilperson Nielsen, to approve the agenda. The motion unanimously carried.

**MINUTES**

Councilperson Nielsen moved, with a second by Councilperson Blom, to approve the minutes from the December 17<sup>th</sup> regular council meeting and the December 28<sup>th</sup> special council meetings. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**EXECUTIVE PROCLAMATION – AMERICAN LEGION CUSTER POST #46 CENTENNIAL YEAR**

Councilperson Arseneault moved to approve the executive proclamation for American Legion Custer Post #46 Centennial Year. Seconded by Councilperson Fischer, the motion unanimously carried.

**CITY OF CUSTER, SOUTH DAKOTA  
PROCLAMATION TO ESTABLISH 2019 AS  
CUSTER POST #46, AMERICAN LEGION, CENTENNIAL YEAR**

WHEREAS, The American Legion has been a staunch advocate for veterans and their families since 1919; and

WHEREAS, The American Legion was founded on the four pillars of care for veterans, a strong national defense, Americanism, and children and youth; and

WHEREAS, The American Legion has played a leading role in initiatives and breakthroughs that have affected the lives of Americans in every community, from U.S. Flag Code to the GI Bill; and

WHEREAS, Custer Post #46 has fulfilled the Legion's Congressionally chartered mission since July 28<sup>th</sup>, 1919 through programs such as, Honor Guard, Department of Veterans Affairs Oversight and Support, Veterans Service, Veterans Relief Poppy Program, Veterans Graves Registration, Veterans Graves Decoration, National Security, Blood Drives, Flag Education, Community Service Awards, Patriotic Events, Legislative Action, Boys State, Girls State, Student Oratory Program, Youth Trooper Academy, High School Rodeo Americanism, School Awards, Veterans in the Classroom, Scouting Support, Public Relations; and

WHEREAS, Custer Post #46 and the American Legion are celebrating their centennials in 2019;

NOW, THEREFORE, I, Corbin L. Herman, Mayor of the City of Custer, South Dakota do hereby proclaim 2019 as "Custer Post #46, American Legion, Centennial Year."

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the Custer City on this 7<sup>th</sup> day of January 2019.

City of Custer City

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**FIRST READING – ORDINANCE #817 – WATER CONSERVATION CREDIT**

Councilperson Nielsen moved to approve Ordinance #817, Water Conservation Credit. Seconded by Councilperson Fischer, the motion unanimously carried.

**FIRST READING – ORDINANCE #818 – FIRE SAFETY REGULATIONS**

Councilperson Fischer moved to approve Ordinance #818, Fire Safety Regulations. Seconded by Councilperson Nielsen, the motion unanimously carried.

**RESOLUTION #01-07-19A – PERSONNEL MANUAL**

Councilperson Whittaker moved to adopt Resolution #01-07-19A, Personnel Manual. Seconded by Councilperson Moore, the motion unanimously carried.

**RESOLUTION # 01-07-19A**

WHEREAS, the Common Council of 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 said Employee Personnel Manual Policy should be modified.

IT IS NOW THEREFORE RESOLVED that the Employee Personnel Manual, consisting of 128 pages (attached hereto and incorporated herein), is amended as stated in the attached.

IT IS FURTHER RESOLVED, that said Personnel Manual may be subject to modification as requested by staff or required by circumstances and approved by Council.

Dated this 7<sup>th</sup> day of January 2019

City of Custer

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

**RESOLUTION #01-07-19B – SAFETY MANUAL**

Councilperson Nielsen moved to adopt Resolution #01-07-19B, Safety Manual. Seconded by Councilperson Blom, the motion unanimously carried.

RESOLUTION NO. 01-07-19B

WHEREAS, the Common Council of the City of Custer City has previously adopted a Safety Manual; and

WHEREAS, updating and amending of said Safety Manual was provided for in Resolution #07-16-12B; and

WHEREAS, the Common Council of the City of Custer City has determined that said Safety Manual should be reviewed, modified and adopted.

IT IS NOW THEREFORE RESOLVED, that the City of Custer City Safety Manual consisting of 74 pages, (attached hereto and incorporated herein) is hereby adopted;

IT IS FURTHER RESOLVED, that said Safety Manual shall be subject to modification as requested by staff or required by circumstances; and shall be reviewed annually and may be modified with Council approval.

Dated this 7<sup>th</sup> day of January 2019.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #1-07-19C – WAGE SCALE (COLA APPLIED)**

Councilperson Arseneault moved to adopt Resolution #1-07-18C, Wage Scale (COLA applied). Seconded by Councilperson Fischer, the motion unanimously carried.

Resolution #01-07-19C

WHEREAS, the City of Custer City has previously adopted an Employee Wage Scale; and

WHEREAS, updating and amending of said Employee Wage Scale is necessary; and

WHEREAS, the salary schedule shall be adjusted yearly according to the COLA percentage (3% for 2019) approved by the Common Council; and

WHEREAS, the Common Council of the City of Custer City has determined that the Employee Wage Scale be modified in accordance with the attached incorporated Employee Wage Scale, which is labeled exhibit "A";

NOW THEREFORE BE IT RESOLVED that the 2019 Employee Wage Scale is adopted and supersedes all previous Employee Wage Scales.

Dated this 7<sup>th</sup> day of January 2019.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #1-07-19D – DEPOSITORIES LISTING**

Councilperson Fischer moved to adopt Resolution #1-07-19D, Depositories Listing. Seconded by Councilperson Nielsen, the motion unanimously carried.

RESOLUTION # 01-07-19D

A Resolution Granting Authority to Invest Municipal Funds

WHEREAS, it has been determined by the Common Council of the City of Custer City, that it is in the best interest of the City of Custer City to invest all funds not immediately needed by the City of Custer City for day to day operations; and

WHEREAS, the State of South Dakota, Department of Legislative Audit, has determined that the authority to invest City funds is a local Council decision and must be authorized each year.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Custer City, that the Custer City Finance Officer, or designee, is hereby authorized to invest any such City funds, that are not immediately needed for the day to day operation of the City, from the following list of depositories, at the best interest rate available and for the period of time determined to be the most beneficial to the City.

First Interstate Bank, Custer, SD  
Black Hills Federal Credit Union, Custer, SD  
Edward Jones, Custer, SD  
SD Public Funds Investment Trust, Sioux Falls, SD  
Sentinel Federal Credit Union, Custer, SD  
Highmark Credit Union, Custer, SD  
Dacotah Bank, Custer, SD

Dated this 7<sup>th</sup> day of January, 2019.

City of Custer City

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #1-07-19E – INCIDENTAL DISBURSEMENT ACCOUNT**

Councilperson Whittaker moved to adopt Resolution #1-07-19E, Incidental Disbursement Account. Seconded by Councilperson Blom, the motion unanimously carried.

**RESOLUTION 01-07-19E**

**AUTHORIZATION OF CITY OF CUSTER INCIDENTAL DISBURSEMENT ACCOUNT**

WHEREAS, the City of Custer, South Dakota recognizes the need for an incidental disbursement account in order to transact timely payments and reimbursements for specified transactions.

WHEREAS, SDCL 9-23-23 allows the City of Custer to establish an incidental account for advanced payments or for claims requiring immediate payment, not to exceed the specified amount established by the governing body.

WHEREAS, the City of Custer requires a detailed account of the expenditures from the incidental account shall be presented at regular intervals not to exceed one month with verified vouchers, itemized and supported by receipted bills or other information as general evidence of payment. All expenditures from this account shall be listed with other bills in the regular governing body proceedings with the bill list. All claims made on the incidental account require signatures of two officers of the city.

NOW THEREFORE BE IT RESOLVED, the City of Custer authorizes the Finance Officer to pay payroll and all regular monthly bills in a timely manner to avoid penalties and take advantage of discounts, prior to Council approval, with the bills being approved at each regular meeting.

AND NOW THEREFORE BE IT RESOLVED, the City of Custer authorizes the Finance Officer and staff to use the credit cards as needed.

Dated this 7<sup>th</sup> day of January, 2019.

City of Custer City

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**PUBLIC COMMENTS**

Hank Whitney gave Council an update on the Custer Bark Park fundraising. No other public comments were received.

**MINOR PLAT – OZUM TRACT OF BLOCK 125**

Councilperson Fischer moved to approve the minor plat for Ozum Tract of Block 125. Seconded by Councilperson Blom, the motion unanimously carried

**MINOR PLAT – PLAT OF SCHNELLER TRACT REVISED AND OMODT TRACT**

Councilperson Nielsen moved to approve the minor plat for Plat of Schneller Tract Revised and Omodt Tract. Seconded by Councilperson Whittaker, the motion unanimously carried

**DESIGNATION OF OFFICIAL NEWSPAPER**

Councilperson Fischer moved to designate the Custer County Chronicle as the City's official newspaper. Seconded by Councilperson Whittaker, the motion unanimously carried

**DESIGNATION OF ADMINISTRATIVE OFFICIAL TO APPROVE RAFFLES**

Councilperson Whittaker moved to approve designating the Finance Officer and the Deputy Finance Officer, in the Finance Officer's absence, to approve raffle request. Seconded by Councilperson Blom, the motion unanimously carried.

**COMBINED ELECTION AGREEMENT – CUSTER SCHOOL DISTRICT**

Councilperson Nielsen moved to approve the combined election agreement with Custer School District for the June 5<sup>th</sup>, 2019 election. Seconded by Councilperson Moore, the motion unanimously carried.

**2019 CHAMBER LEASE AGREEMENT**

Councilperson Nielsen moved to approve the 2019 Chamber of Commerce lease agreement for \$500 per month. Seconded by Councilperson Blom, the unanimously motion.

**OLD TIME COUNTRY FOURTH OF JULY CELEBRATION REQUEST – CHAMBER OF COMMERCE**

Councilperson Moore moved to approve the Chamber of Commerce request for the Old Time Country Fourth of July Celebration, July 2-4, 2019. The request includes usage of Way Park (July 3-4), use of the Showmobile (July 2-4) with placement of the Showmobile on Fourth Street next to Way Park, parade request (July 4<sup>th</sup>) with the parade being on Eighth Street proceeding down Mt Rushmore Road to Second Street with the Parade line up on Washington Street, flag-raising ceremonies (July 4<sup>th</sup>) at the Veteran's Memorial and use of city's 3 large tents, trash cans, picnic tables, traffic barriers and water key. Seconded by Councilperson Fischer, the motion unanimously carried.

**2019 RECREATION SERVICE AGREEMENT WITH YMCA**

Councilperson Whittaker moved to approve the 2019 recreational services agreement with the Custer YMCA for \$29,000. Seconded by Councilperson Nielsen, the motion carried with Councilperson Blom, Whittaker, Nielsen, Fischer, Moore and Arseneault voting yes.

**CUSTER CRUISIN SOCIAL MEDIA CONTRACT – GREEN OWL MEDIA**

Councilperson Nielsen moved to approve the Custer Cruisin social media contract with Green Owl Media for a total of \$3,432 for 2019. Seconded by Councilperson Whittaker, the motion carried with Councilperson Whittaker, Nielsen, Fischer, Moore, Arseneault and Blom voting yes.

**APPROVAL OF CEMETERY GRAVE DIGGER**

Councilperson Fischer moved to approve Dallas Alexander Construction as the grave digger for the Custer City Cemetery contingent upon proof of insurance being provided. Seconded by Councilperson Whittaker, the motion unanimously carried.

**ANNUAL WAGE LISTING**

Councilperson Moore moved to approve the Annual Wage Listing as presented. Seconded by Councilperson Whittaker, the motion unanimously carried.

Scott Kellogg	\$32.24	Lance Stansbury	\$22.51	Jeri Hewitt	\$22.81
Gaile Walker	\$22.81	Brian Raber	\$20.37	John Christie	\$17.92
Rick Kothe	\$15.82	Jeff Clark	\$15.82	Sydney Gramkow	\$16.91
Lynnette Merritt	\$21.07	Kim Conwell	\$18.62		

Salaried positions:

Bob Morrison	\$78,435.12
Laurie Woodward	\$69,332.08
Tim Hartmann	\$55,872.55
Mayor	\$1,442 monthly
Councilpersons	\$515 monthly
Planning Commission members	\$50 per meeting

**CLAIMS**

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

**2018 Claims**

Dacotah Bank, TIF #2 Payment, \$1,441.88  
Dacotah Bank, TIF #4 Payment, \$54.62  
Dacotah Bank, TIF #4 Payment, \$195.38  
First Interstate Bank, TIF #4 Payment, \$54.62  
Black Hills Energy, Utilities, \$281.49  
Kimball Midwest, Supplies, \$175.78

Bit Finance/ State Long Distance, Utilities, \$28.69  
Verizon Wireless, Utilities, \$418.48  
Wright Express, Supplies, \$41.30  
Total Claims \$ 2,692.24

2019 Claims

Custer County Treasurer, Law Enforcement Contract, \$93,750.00  
ESRI, Membership, \$400.00  
Itron, Supplies, \$822.61  
NASASP, Dues, \$39.00  
SDML Worker Comp, Insurance, \$71,455.00  
SD Department of Natural Recourses, Permit, Certification, \$2,596.00  
SD Building Officials Association, Dues, \$50.00  
SD Association of Code Enforcement, Dues, \$40.00  
SD Municipal League, Dues, Travel & Conference, \$2,048.42  
SDML Street Maintenance, Dues, \$35.00  
SD Human Resources Association, Dues, \$50.00  
SD GFOA, Dues, \$70.00  
SD Association of Rural Water, Travel & Conference, \$675.00  
SDWWA, Certification, \$30.00  
Tyler Technologies, Repair and Maintenance, \$15,671.37  
The Hartford, Insurance, \$63.62  
USDA Forest Service, Permit, \$443.49  
US Postal Service, Supplies, \$225.00  
Wellmark, Insurance, \$14,795.26  
Total Claims \$149,259.77

**DEPARTMENT HEADS & COMMITTEE REPORTS**

Various committee reports were given in addition to department heads giving an update.

**ADJOURNMENT**

With no further business, Councilperson Whittaker moved to adjourn the meeting at 6:05 p.m.  
Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



ORDINANCE #817

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING Title 13 Public Services, Chapter 13.08 Water Service Rates and Charges by adding sections 13.08.020 Water Conservation Credit to the Custer City Municipal Code by said Ordinance as follows, to wit:

13.08.020 Water Conservation Credit

All customers who use less than two thousand (2,000) gallons of water each month of the calendar year shall receive a water conservation credit for the following year. This would be reflected per usage and billing procedures of the city, which bills for the previous months' usage. In accordance therewith, such credit would be determined by the City in January each year and would become effective on the February billing for January's usage. The credit shall consist of the sum of \$36.00 for the calendar year.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 7<sup>th</sup> day of January 2019

City of Custer City

\_\_\_\_\_  
Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 7, 2019

Seconding Reading: January 22, 2019

Publication: January 30, 2019

Vote:

Nielsen:

Fischer:

Moore:

Blom:

Whittaker:

Arseneault:



ORDINANCE NO. 818

An Ordinance entitled An Ordinance Amending Title 8 Health and Safety, Chapter 8.08 Fire Safety Regulations of the City of Custer City Municipal Code and amending, replacing, and superseding all prior ordinances or amendments, by which amending, and superseding said Ordinance as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that chapter 8.08 be amended as follows:

Chapter 8.08

FIRE SAFETY REGULATIONS

Sections:

- 8.08.010 Obstructing fire hydrant.
- 8.08.020 Driving over fire hose.
- 8.08.030 Right-of-way.
- 8.08.040 Definition of fire apparatus.
- 8.08.050 Vehicles to draw to the curb.
- 8.08.060 Alarms.
- 8.08.070 Hydrants.
- 8.08.080 Consent necessary to work on alarms.
- 8.08.090 Permit required for burning.
- 8.08.100 Outdoor recreation open burning
- 8.08.110 Open burning Fire Ban

**8.08.010 Obstructing fire hydrant.**

No person shall erect or place any obstruction, nor pile any goods or other things within fifteen (15) feet of a fire hydrant or plug. (Prior code ' 10-409)

**8.08.020 Driving over fire hose.**

No vehicle shall be driven over any fire hose nor against any fire apparatus. No member of the fire department shall run any fire truck over any hose or against any apparatus in service unless same is necessary in the performance of duty. (Prior code ' 10-410)

**8.08.030 Right-of-way.**

It shall be the duty of all persons to give any fire truck coming to or from a fire alarm the right-of-way. (Prior code ' 10-411)

**8.08.040 Definition of fire apparatus.**

"Fire apparatus," as used in this chapter, shall include fire trucks, hose carts, ladder wagons or ladder trucks and vehicles carrying members of the fire department, which vehicles must display the insignia or sound the bell or siren of the city fire department. No driver of any vehicle carrying such bell or siren shall permit such bell or siren to be sounded within the city except for responding

to fire alarms. (Prior code ' 10-412)

**8.08.050 Vehicles to draw to the curb.**

Immediately upon the approach of any fire apparatus going to a fire all vehicles including bicycles, shall draw as near as possible to the curb and remain standing until such fire apparatus shall have passed. (Prior code ' 10-413)

**8.08.060 Alarms.**

It is unlawful for any person to deface, injure or tamper with any fire alarm, telegraph box, telephone box or wire, or any apparatus used or connected therewith, or in any manner to open or give any fire alarm except in case of fire. (Prior code ' 10-415)

**8.08.070 Hydrants.**

It is unlawful for any person to unscrew or remove any cap of any water hydrant, or in any way interfere with such hydrant, except in such manner as provided by an ordinance or regulations of the fire department. (Prior code ' 10-416)

**8.08.080 Consent necessary to work on alarms.**

It is unlawful for any person to loosen or in any way change or remove any installation belonging to, used or connected with a fire alarm without having first obtained consent of the chief of the fire department for that purpose. (Prior code ' 10-417)

**8.08.090 Permit required for open burning.**

The starting of a fire within the city limits is prohibited, unless a burn permit to do so is first obtained from the Chief or a designated official of the fire department for the city (outdoor recreational open burning exempt per section 8.08.100). "Fire," as used in this section, means any fire to burn, brush, grass, stubble, whether in a spark proof incinerator or otherwise. (Ord. 279, 1983: prior code ' 10-500)

**8.08.100 Outdoor recreational open burning**

Within the Custer City limits a burn permit is not required for outdoor recreational open fires on private land or developed recreation sites with established outdoor fireplaces that meet the State of South Dakota Wildland Fire Department of Agriculture Division regulations for minimum acceptable safety requirements for outdoor fireplaces, form #AG-DOF-216/89, and as amended. These guidelines will apply to outdoor fireplaces, fire pots, chimineas, salamanders, and charcoal grills.

**8.08.110 Open burning fire ban**

All open burning, including recreational, shall become prohibited any time weather conditions become unfavorable or declared unsafe by the City Council, or the Fire Department.

All open burning will be prohibited when the National Weather Service predicts a red flag warning, fire weather watch or warning, wind watch or warning, or forecasts the fire danger to be in the extreme category for the southern Black Hills area. A violation of this section is a class 2 misdemeanor. Any person who violates this section is liable for civil damages for all injuries and suppression costs caused by the fire.

It is illegal to burn materials, including: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than those necessary to start the fire), cardboard, treated wood, construction/demolition debris, metal, any other substance (other than natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors when burned.

A property owner or their agents; and property occupants are responsible for complying with all local, state and federal laws while conducting burning pursuant to the chapter.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 7<sup>th</sup> day of January 2019

City of Custer City

---

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 7, 2019

Seconding Reading: January 22, 2019

Publication: January 30, 2019

Vote:

Nielsen:

Fischer:

Moore:

Blom:

Whittaker:

Arseneault:



RESOLUTION 1-22-19A

WHEREAS, the Custer City Council is committed to the quality of life for all residents; and

WHEREAS, tobacco products are unhealthy and detrimental to the health of others; and

NOW THEREFORE BE IT RESOLVED, that the Custer City Council adopts the attached one-page Tobacco-Free Park Policy.

Dated this 22<sup>nd</sup> day of January, 2019.

CITY OF CUSTER CITY

\_\_\_\_\_  
Mayor Corbin Herman

ATTEST:

\_\_\_\_\_  
Laurie Woodward, Finance Officer

(SEAL)

# Tobacco-Free Parks Policy Tobacco-Free Parks Policy

## Policy Statement

The City of Custer is committed to the quality of life for all residents. Therefore, we believe that:

1. Tobacco product use in proximity of children, youth, and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of others.
2. Tobacco products when consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and wildlife and causing a litter problem.
3. As parents, leaders and officials, we are thought of as role models, and the use of tobacco products around youth has a negative effect on their lifestyle choices.

## Tobacco-Free Facilities

The City of Custer does not allow the use of tobacco products on City-owned parks, playgrounds and facilities where youth activities (under 18 years old) take place.

(Facilities include parks, skateboard park, pools, ballfields, etc.).

## Compliance Procedures

The emphasis on enforcing the Tobacco-Free park policy is through voluntary compliance:

1. Signs will be posted at City-owned parks.

## Definition of Terms

**Youth Activities:** Activities in which the intended participants are those under 18 years of age.

**Tobacco products are defined as:** chewing tobacco, cigarettes, cigarillos, cigars, electronic cigarettes, hookah, snuff, and snus.

**Use of tobacco products is defined as:** any use of the above products on designated City-owned facilities where youth activities are in commencement.

## Violation of the Policy

1. Any park patron at a City-owned park has the right to ask a tobacco-user to extinguish or dispose of his or her tobacco product.
2. If person does not abide by the policy, a complaint form may be filed with the City of Custer.
3. Any person found violating this policy may be subject to immediate ejection from the park for the remainder of the day.

RECEIVED

January 17, 2019

JAN 17 2019

To the City of Custer:

CITY OF CUSTER

Per our meeting from January 14, 2019, I am clarifying details for the proposed changes to Gold Discovery Days.

Washington Street closed from 8<sup>th</sup> to 2<sup>nd</sup> Street. It will be single lane between Dacotah Bank and 5<sup>th</sup> (right turn out of drive thru only with access to 5<sup>th</sup>). Phil Abernathy at Dacotah Bank has agreed to these terms.

I did forget to mention at the meeting that we would need Washington closed starting at 5:00 p.m. On Thursday, July 18<sup>th</sup>, in order for carnival, craft fair, bed races and band area to be set up.

**Carnival:**

It would be on Washington streets between 8<sup>th</sup> and 6<sup>th</sup>. The rides would be on Washington and the campers/trailers would park on 7<sup>th</sup>. No open container allowed. This area would still house the volleyball, basketball, stick horse races, etc...

**Arts/Crafts:**

Arts and Crafts would be between 5<sup>th</sup> and 4<sup>th</sup>. There is need for electric for 8 vendors in this area. Open Container would start at the corner of 5<sup>th</sup> Street.

**Bed Races/Dance and Car Show:**

This would be on Washington between 4<sup>th</sup> and 2<sup>nd</sup>. The bed races and dance would occur on Friday with the car show on Saturday. This would be an open container area that would allow access to both The Custer Beacon and Mt Rushmore Brewery.

**Open Container:**

This would be Friday, July 19 from Noon to Midnight and Saturday, July 20<sup>th</sup> from 10:00 a.m. To 7 p.m. To coincide with the arts/crafts booth. People would have access to both the above mentioned bars as well as a beer tent in place in the section of Washington. Beer would be purchased by sponsors for the tent and the Chamber is purchasing 16 ounce plastic cups. This will allow of the sale of beer or wine in these cups only. No hard liquor, bottles or cans allowed. EVERYONE will be carded and wrist banded in order to drink in the open container area, no matter what the age.

**Parade Changes:**

Lining up the parade on Pageant Hill. The parade would start coming straight out of Pageant Hill onto 9<sup>th</sup>, to Gordon, onto 8<sup>th</sup> to Mt Rushmore. We will end on 4<sup>th</sup> street. The parade will exit off Mt Rushmore going North on 4<sup>th</sup> Street. I was hoping to be able to paint line-up areas like we do on the football field to line the parade.

There will be plenty of advertising and maps drawn to display all these changes. I am also waiting for a quote for port-a-potties and garbage from Sanders regarding the extra

we will need.

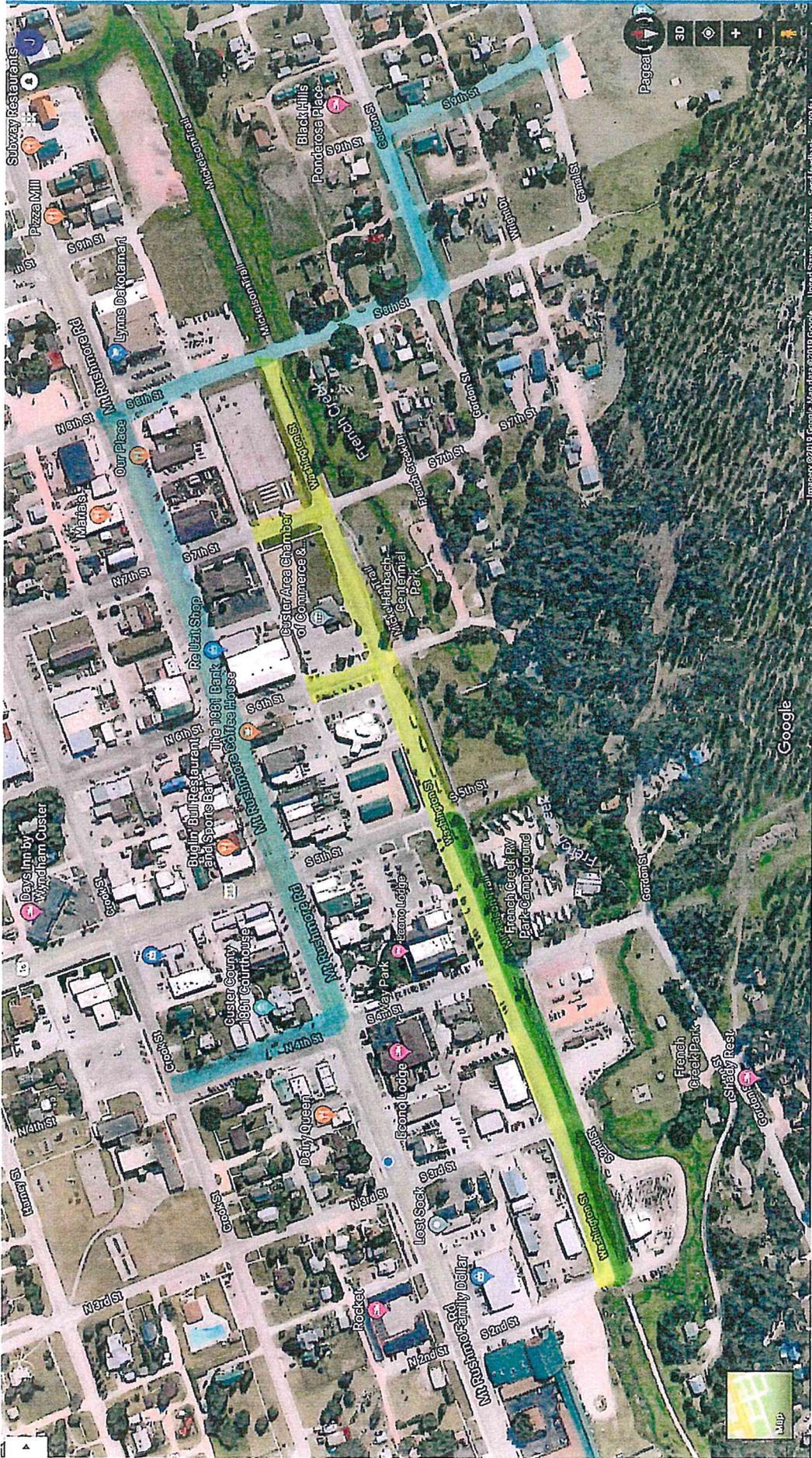
Washington Street from 2<sup>nd</sup> to 4<sup>th</sup> could open Saturday at 7:00 p.m. Otherwise the rest of Washington would need to remain closed until the vendors and carnival are taken down.

The things that I didn't specifically address on Monday are as follows:

- Closing Washington Street Thursday night at 5 p.m.
- Wine as part of the open container as it was mentioned to me that not everyone likes beer. But I believe that goes with the beer/wine license.
- Spray painting the lines for parade.
- We will also provide security.
- Parking will have to be on side streets, old elementary, Pageant Hill. Similar to parking during the 4<sup>th</sup> of July.

Thank you for your time and consideration.

Amy L. Bailey  
Gold Discovery Days Committee  
Chamber Board Member



- Open Containers  
 Friday Noon - Midnight  
 Saturday 10 a.m. - 7 p.m.  
 1 Beer tent (sponsored)  
 Tap beer only by purchasing  
 a cup from Chamber

Parade Route

Closed Street

Open Containers



Tim Hartmann

---

**From:** Calvird, Ronni A <RCALVIRD@amfam.com>  
**Sent:** Wednesday, January 9, 2019 11:50 AM  
**To:** Tim Hartmann  
**Subject:** vacated street right of way

Good afternoon

After speaking with the planning administrator I would like to address the small 25 X 25 property at the corner of Pine St and 10<sup>th</sup> St due to a possible oversight with the previous vacation of the street right of way. I would request a reduced fee of \$100.

Thank you

Ronni  
Ronni Calvird Agency, Inc  
rcalvird@amfam.com

American Family Insurance Company | American Family Life Insurance Company | American Family Mutual Insurance Company, S.I. | American Standard Insurance Company of Ohio  
American Standard Insurance Company of Wisconsin | Home Office - 6000 American Parkway | Madison, WI 53783

Permanent General Assurance Corporation | Permanent General Assurance Corporation of Ohio | The General Automobile Insurance Company, Inc. DBA The General® | Home Office - 2636  
Elm Hill Pike | Nashville, TN 37214 wholly owned subsidiaries of American Family Mutual Insurance Company, S.I.

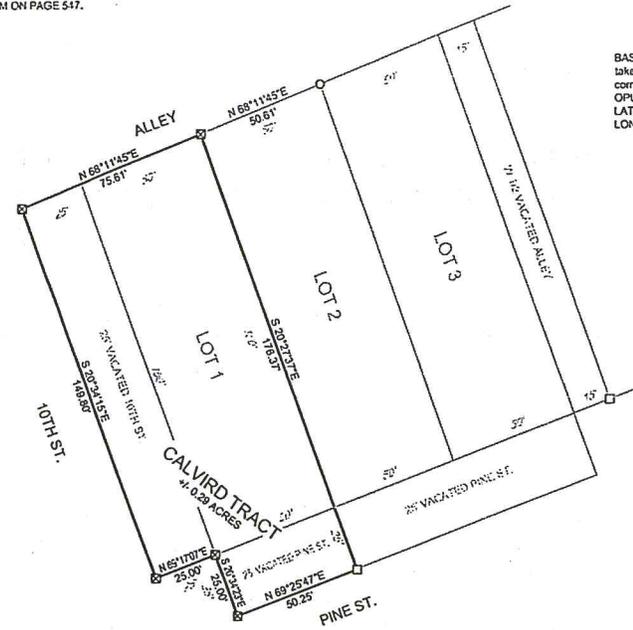
If you do not want to receive commercial messages from American Family in the future please [Unsubscribe](#).

If you are not the intended recipient, please contact the sender to cancel delivery to this e-mail. Any attachments are not included.

A PLAT OF  
**CALVIRD TRACT OF BLOCK 89, CUSTER CITY, CUSTER COUNTY,  
 SOUTH DAKOTA**  
 (FORMERLY LOT 1, BLOCK 89 THE N 25' OF PINE STREET AND THE E  
 25' OF 10TH ST. CONTIGUOUS TO LOT 1)

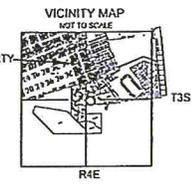
NOTE: See Book 10 of  
 Plats on Page 350 for a  
 Map of Custer City.

NOTE: FOR THE  
 RESOLUTION VACATING  
 PORTIONS OF 10TH ST.  
 AND PINE ST. SEE MISC.  
 BOOK 34M ON PAGE 547.



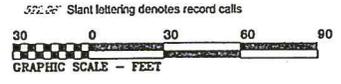
DATE SURVEYED  
 7 Nov. 2018

BASIS OF BEARING - GPS OBSERVATION  
 taken N 88° 40' 23" W 3215.73' from the NW  
 corner of Calvird Tract.  
 OPUS STATIC SOLUTION MARD83(2011)  
 LAT: 43° 45' 32.02837"  
 LONG: -103° 36' 09.50318"



**LEGEND**

- Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- Found rebar w/aluminum cap marked "BRYANT PLS 2196"
- Found Iron pipe



No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0114F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Custer City's Flood Ordinance.

**WATER PROTECTION STATEMENT**  
 Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

**CERTIFICATE OF SURVEYOR**  
 I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.  
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.  
 Dated this \_\_\_ day of \_\_\_, 2018.

**CERTIFICATE OF HIGHWAY AUTHORITY**  
 It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.  
 Date: \_\_\_\_\_  
 Highway Authority \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 I, Ronni Calvird, do hereby certify that I am the owner of the within described lands and that the within plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2018.

**CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION**  
 I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.  
 Dated this \_\_\_ day of \_\_\_, 2018.  
 Director of Equalization of Custer County \_\_\_\_\_

**ACKNOWLEDGMENT OF OWNERSHIP**  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this \_\_\_ day of \_\_\_, 2018, before me, a Notary Public, personally appeared Ronni Calvird, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

**RESOLUTION OF THE CITY COUNCIL**  
 Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,  
**BE IT RESOLVED**, that said plat is hereby approved in all respects.  
 Dated at Custer, South Dakota this \_\_\_ day of \_\_\_, 2018.

Notary Public \_\_\_\_\_  
 My commission expires \_\_\_\_\_

Mayor \_\_\_\_\_  
**CERTIFICATE OF CITY FINANCE OFFICER**  
 I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the \_\_\_ day of \_\_\_, 2018.  
 Custer City Finance Officer \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**  
 I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.  
 Dated this \_\_\_ day of \_\_\_, 2018.

OFFICE OF THE REGISTER OF DEEDS  
 Filed for record this \_\_\_ day of \_\_\_, 2018, at \_\_\_ o'clock \_\_\_ M, and recorded in Book \_\_\_ of Plats on page \_\_\_.

Prepared by  
**ANDERSEN ENGINEERS**  
*Land Surveyors, Professional Engineering, & Environmental Consultants*

Drawn by DR	Date 11/15/2018	P.O. Box 446 Edgemont, SD 57735
Approved by McB	Date 11/15/2018	(605)-662-5500 andersenengineers@gwic.net
Scale	Sheet	File Name:

RESOLUTION

WHEREAS, the verified Petition and application of owners of real property abutting the hereinafter described area of Pine Street and 10th street located contiguous to the south of lots 1, 2, 3, 4, 5, and 6 of block 89 and to the west of lot 1 of block 89 in the City of Custer City, Custer County, South Dakota, praying that the hereinbefore described area of Pine Street and 10th street be vacated in order to promote an orderly and uniform system of streets and alleys in the City of Custer, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the City Council of the City of Custer, Custer, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 1st day of August 1990 and on the 8th day of August 1990, in the Custer County Chronicle, a legal newspaper printed and published in the City of Custer, Custer County, South Dakota, setting forth the 20th day of August 1990 at the hour of 8:15 o'clock, P.M. for hearing thereon.

NOW THEREFORE BE IT RESOLVED that that area of Pine Street located to the south of Lots 1, 2, 3, 4, 5, and 6 of Block 89 and the area of 10th street located to the west of Lot 1 of Block 89, of the originally platted streets and alleys of the City of Custer, Custer County, South Dakota, described as follows:

The North 25 Feet of Pine Street located contiguous to Lots 1, 2, 3, 4, 5, and 6 of Block 89 and the east 25 feet of 10th Street located contiguous to lot 1 of Block 89, all in Custer City, Custer County, South Dakota, subject to existent future easements and rights-of-way for private and public utilities,

be, and the same is forever vacated.

IT IS FURTHER RESOLVED that this Resolution is made upon the express condition that the Petitioners are responsible for the propriety of the proceedings including the Petition, consent of the adjoining property owners, and compliance of the said proceedings with the statutes of the State of South Dakota and the ordinances of the City of Custer City and the limitations thereof, and Petitioners by the acceptance of this Resolution agree to assume the liability, if any of the City of Custer occasioned by the reading of this resolution and the use and occupancy of the subject property by the Petitioners.

Dated at Custer, Custer County, South Dakota, this 30 day of August, 1990

CITY OF CUSTER

James C. Wright  
Mayor

ATTEST  
CITY OF CUSTER  
Mrs. C. Bennett  
Finance Officer  
(seal)

ACCEPTANCE OF RESOLUTION

The undersigned Petitioners hereby accept the terms and conditions of the foregoing Resolution this 20 day of August 1990.

STATE OF SOUTH DAKOTA, COUNTY OF CUSTER-SS D 090  
Filed this 24 Day of Sept 1990 At 11:50 o'clock A M  
BOOK 34 OF Miss PAGE 547  
J. H. Anderson  
Register of Deeds

Earl Deets  
Earl Deets

Bruce French  
Bruce French

Margaret W. Wiley  
Margaret Wiley

Donald H. Herrmann  
Donald H Herrmann

Hazel Herrmann  
Hazel Herrmann

Alvis Walker  
Alvis Walker



Custer Ducks Unlimited Flag Proposal

The Custer Chapter of Ducks Unlimited would like to request the display of DU Flags again this year for 10 days prior to our banquet. The display of flags prior to our 2018 banquet was a great help with raising awareness for our fundraising event. The event raised nearly \$31,000 with a net profit of \$20,500 for the DU mission. Of the expenses approximately \$3,000 was spent into the Custer economy for a one-night event. Since 1985 DU has spent over 100 million dollars conserving nearly 700,000 acres of habitat benefiting 900 species of wildlife and people in South Dakota. DU has conserved 14.4 million acres of habitat in North America benefiting wildlife, people and clean water.

The 2019 Custer DU banquet date is not confirmed yet as the facility is undergoing some remodeling. The event will be late March or early April. We will let you know as soon as possible when the date is confirmed.

Thank you for your consideration of our request.



Jeff Heidelberg and Paul DeHaan

Custer DU Committee

605-763-4208 or 605-517-0208

RECEIVED

JAN 16 2019

CITY OF CUSTER



# DOUGHERTY & COMPANY LLC

January 3, 2019

Laurie Woodward  
Finance Officer  
City of Custer  
622 Crook Street  
Custer, SD 57730-1608

Dear Laurie:

The City of Custer, SD (the "City") is aware of the "Municipal Advisor Rule" of the Securities and Exchange Commission (effective July 1, 2014) and the underwriter exclusion from the definition of "municipal advisor" for a firm serving as an underwriter for a particular issuance of municipal securities.

The City wishes to engage Dougherty & Company LLC as the underwriter for the Annual Appropriation Lease Financing, Series 2019 (the "Bonds") that the City currently anticipates issuing. As an underwriter, Dougherty & Company LLC may provide advice to the City on the structure, timing, terms, and other similar matters concerning the Bonds.

It is the City's present intention that Dougherty & Company LLC underwrite the Bonds, subject to satisfaction of applicable procurement laws, formal approval by the City, finalizing the structure of the Bonds and the execution of a mutually agreed upon bond purchase agreement. While the City presently engages Dougherty & Company LLC as the underwriter for the Bonds, this engagement letter is preliminary in nature. It is nonbinding and may be terminated by either the City or Dougherty & Company LLC. Furthermore, this engagement letter does not restrict the City from entering into the proposed or any other municipal securities transaction with any other underwriters or selecting an underwriting syndicate that does not include Dougherty & Company LLC.

Sincerely,

Tobin J. Morris  
DOUGHERTY & COMPANY LLC

**RECEIPT ACKNOWLEDGED BY THE CITY OF CUSTER, SD**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



### 2018 Claims

Black Hills Energy, Utilities, \$13,265.05  
Chamber of Commerce, Sales Tax Subsidy, \$4,956.05  
Discovery Benefits, Supplies, \$27.00  
Hawkins, Supplies, \$20.00  
Home Slice Media Group, Digital Adverting/ Bid Board, \$319.50  
State of SD, Sales Tax, \$1,598.54  
SD One Call, Supplies, \$159.43  
Unemployment Insurance Division of SD, \$27.65  
Total Claims \$20,373.22

### 2019 Claims

1881 Courthouse Museum, Subsidy, \$7,500.00  
Butler Machinery, Supplies, \$1,950.24  
California State Disbursement, Deductions, \$53.19  
Custer Ministerial Alliance, Subsidy, \$1,000.00  
Code Works, Professional Fees, \$684.50  
Custer Area Arts Council, Subsidy, \$2,000.00  
Custer YMCA, Training, \$280.00  
Clark, Jeff, Reimbursement, \$101.26  
Dakota Pump, Supplies, \$588.50  
Metering & Technology Solutions, Supplies, \$3,669.94  
Midcontinent Testing Labs, Professional Fees, \$549.40  
Morrison, Bob, Reimbursement, \$122.48  
Nelson's Oil & Gas, Supplies, \$1,999.75  
Northwest Pipe Fittings, Inc, Supplies, \$354.54  
Pace, Supplies, \$571.66  
Petty Cash, Supplies, \$444.40  
Pitney Bowes, Supplies, \$500.00  
Rapid City Journal, Supplies, \$406.50  
SRF Loan Payments, \$15,477.11  
SD DENR, Travel and Conference, \$30.00  
Stansbury, Lance, Reimbursement, \$33.98  
USDA Loan Payment, \$8910.00  
Vector Print and Design, Supplies, \$99.98  
Walker, Gaile, Reimbursement, \$319.95  
Wendell, Mark/ Elena, Utility Refund, \$30.93  
Total Claims \$47,678.31

