

All City Council Meetings are recorded.

**CITY OF CUSTER CITY**  
**COUNCIL AGENDA**  
**January 6<sup>th</sup>, 2020 – 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 – December 30<sup>th</sup>, 2019 End of Year Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. First Reading – Ordinance #834 – Zoning Pleasant Acres 2<sup>nd</sup> Addition Lots F, G, H, I, J, K
  - b. Resolution #01-06-20A – Street Vacation – Block 41
  - d. Resolution #01-06-20B – Wage Scale (COLA applied)
  - e. Resolution #01-06-20C – Depositories Listing
  - f. Resolution #01-06-20D – Incidental Disbursement Account
  - g.
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. Minor Plat – Gleiter Tract and Gregg Tract
  - b. Designation of Official Newspaper
  - c. Designation of Administrative Official to Approve Raffles
  - d. Approval of Cemetery Grave Digger
  - e. 2020 Recreational Services Agreement with YMCA
  - f. Combined Election Agreement – Custer County
  - g. Annual Wage Listing
  - h. Modified Retirement Date Notification
  - i. Part Time Public Works Director
  - j.
9. Presentation of Claims -
10. Department Head Discussion & Committee Reports –
11. Possible Executive Session–Personnel(1&4), Proposed Litigation(3), & Contract Negotiations(3) (SDCL 1-25-2(1,2,3,4,5,6))
12. Adjournment

**REMINDERS**

- General Government Committee Meeting – January 13<sup>th</sup>, 2020 4:00 P.M.**  
**Planning Commission Meeting – January 14<sup>th</sup>, 2020 5:00 P.M.**  
**Regular City Council Meeting – January 21<sup>st</sup>, 2020 5:30 P.M.**  
**Park & Recreation Committee Meeting – January 22<sup>nd</sup>, 2020 5:30 P.M.**  
**Public Works Committee Meeting – February 3<sup>rd</sup>, 2020 4:30 P.M.**  
**Regular City Council Meeting – February 3<sup>rd</sup>, 2020 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- SPECIAL MEETING  
December 30th, 2019**

Council President Nina Nielsen called to order a special meeting of the Common Council at 5:32 p.m. Present at roll call were Councilpersons Whittaker, Nielsen, Moore, Fischer and Ryan. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Fischer moved to approve the agenda. Seconded by Councilperson Moore, the motion unanimously carried.

**MINUTES**

Councilperson Ryan moved, with a second by Councilperson Moore, to approve the minutes from the December 16<sup>th</sup> regular council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**PUBLIC COMMENTS**

No public comments were received.

**WASTEWATER FACILITY PLAN**

Councilperson Moore moved to approve the final Wastewater Facility Plan and authorize submittal to Department of Natural Resources (DENR). Seconded by Councilperson Ryan, the motion unanimously carried.

**CLAIMS**

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

AFLAC, Insurance, \$823.28  
Amazon, Supplies, \$113.09  
Ainsworth Benning, Professional Fees, \$3,040.00  
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00  
Beesley Law Office, Professional Fees, \$1,640.00  
Black Hills Energy, Utilities, \$2,567.72  
California State Disbursement, Deductible, \$92.30  
Carson Drug, Supplies, \$91.79  
Clark, Jeff, Reimbursement, \$150.00  
Century Business Products, Supplies, \$268.89  
Code Works, Professional Fees, \$323.50  
Culligan Water, Repairs and Maintenance, \$18.50  
Custer Ambulance District, TIF #1 Payment, \$13.08  
Custer Car Wash, Repair and Maintenance, \$12.20  
Custer Regional Health, Safety, \$147.00  
Custer Do It Best, Supplies, Repair and Maintenance, \$58.89  
Custer County Auditor, Supplies, \$5,921.27  
Custer County Chronicle, Publishing, \$607.63  
Custer County Treasurer, TIF #1 Payment, \$177.46  
Custer School District, TIF #1 Payment, \$375.72  
Custer Ace Hardware, Supplies, Repairs and Maintenance, \$531.86  
Dacotah Bank, TIF #2 Payment, \$279.32  
Days Inn, Travel and Conference, \$157.00  
Delta Dental, Insurance, \$212.00  
Discovery Benefits, Supplies, \$1,801.92  
EFTPS, Taxes, \$12,439.42  
Fastenal, Supplies, \$55.86  
Fennel Design, Professional Fees, \$9,148.45  
First Interstate Bank, TIF #4 Payment, Supplies, \$231.20  
French Creek Supply, Repairs and Maintenance, \$193.08  
Full Source, Supplies, \$54.61  
Golden West Telecommunications, Utilities, \$521.80  
Golden West Technologies, Supplies, Professional Fees, \$762.50  
Green Owl Media, Professional Fees, \$156.00  
Hawkins, Supplies, \$4,759.10  
Hespen Excavating, Repair & Maintenance, \$2,908.20

Image All, Supplies, \$6.50  
International Code Council, Supplies, \$77.90  
Jenner Equipment, Repair and Maintenance, \$174.40  
Lasting Impressions Unlimited, \$24.00  
Lynn's Dakotamart, Supplies, \$29.32  
Nelson's Oil & Gas, Supplies, \$282.34  
Pace, Supplies, \$456.20  
Petty Cash, Supplies, \$311.92  
Pitney Bowes, Supplies, \$147.57  
Quill, Supplies, \$60.97  
Kothe, Rick, Reimbursement, \$38.06  
Rapid Delivery, Professional Fees, \$39.69  
Scott, Brett, Reimbursement, \$199.87  
Sanders Sanitation, Garbage Collection Contract, \$13,816.99  
Servall, Supplies, \$189.28  
SD DOT, Professional Fees, \$1,046.84  
SD Retirement System, \$6,577.18  
Bit Finance/ State Long Distance, Utilities, \$52.92  
Shanklin's, Supplies, \$223.50  
Supplemental Retirement, \$670.00  
Thomson Reuters-West, Supplies, \$69.62  
Verizon Wireless, Utilities, \$423.08  
Vista Print, Supplies, \$132.57  
Wright Express, Supplies, \$1,273.33  
Williams Law, Professional Fees, \$686.00  
Weathercraft CO Scottsbluff, Partial Refund, \$25.00  
YMCA, Contribution, Membership, \$234.00  
Tillinghast, David/Rita, Utility Refund, \$63.01  
Mayor & Council, \$4,532.00  
Finance Department, \$4,286.47  
Public Buildings, \$2,598.87  
Planning Department, \$7,311.22  
Public Works Department, \$3,393.80  
Street Department, \$7,869.03  
Cruisin Department, \$148.97  
Parks Department, \$4,517.99  
Water Department, \$12,724.46  
Wastewater Department, \$12,608.63  
Total Claims, \$138,978.14

**ADJOURNMENT**

With no further business, Councilperson Ryan moved to adjourn the meeting at 5:36 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Nina Nielsen  
Council President

ORDINANCE NO. 834

AN ORDINANCE AMENDING CUSTER CITY MUNICIPAL CODE, TITLE 17 ZONING BY REZONING CERTAIN PROPERTIES FROM HIGHWAY COMMERCIAL TO RESIDENTIAL ZONING DISTRICT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CUSTER CITY, SOUTH DAKOTA THAT TITLE 17 CHAPTER 17.12 RESIDENTIAL DISTRICT OF THE CUSTER MUNICIPAL CODE BE AMENDED BY REZONING THE FOLLOWING PROPERTIES FROM HIGHWAY COMMERCIAL TO RESIDENTIAL ZONING DISTRICT, AND THE SAME SHALL BE SUBJECT TO THE PROVISIONS OF CHAPTER 17.12:

PLEASANT ACRES 2<sup>ND</sup> ADDITION, LOTS F, G, H, I, J, K, (formerly Lots A through C of Pleasant Acres 2<sup>nd</sup> Addition) LOCATED IN THE NE 1/4, SECTION 25, T3S, R4E, B.H.M., CITY OF CUSTER, CUSTER COUNTY, SOUTH DAKOTA;

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. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions

Dated this 21<sup>st</sup> day of January 2020.

CITY OF CUSTER CITY

ATTEST:

Corbin Herman, Mayor

Laurie Woodward  
Finance Officer

(SEAL)

First Reading: January 6<sup>th</sup>, 2020  
Seconding Reading: January 21<sup>st</sup>, 2020  
Publication: January 29<sup>th</sup>, 2020

Vote:  
Fisher: Nielsen:  
Ryan: Moore:  
Blom: Whittaker:





Planning Department  
622 Crook Street  
Custer, SD. 57730  
Phone: 673-4824 Fax: 673-2411  
e-mail: timh@cityofcuster.com

#### Staff Report

Request: Zoning Request, Lots F Through J of Pleasant Acres 2<sup>nd</sup> Addition  
Applicant: Schriener Investments, L.L.C.  
Legal Desc.: Lots F Through J of Pleasant Acres 2<sup>nd</sup> Addition  
Fee Paid: \$400.00  
Date Prepared: January 2, 2020  
City Council Meeting: January 6, 2020  
Prepared by Tim Hartmann, CFM Planning Administrator

#### **GENERAL**

These parcels are a part of the Pleasant Acres 2<sup>nd</sup> Addition located near the intersection of Canal and Bluebell Lane. The former Lots A, B, and C were recently re-platted to Lots F, G, H, I and J. Per Custer City's zoning map the parcels are currently zoned Highway Commercial. The applicant now wishes to rezone the properties to Residential as they continue to prep such for marketable residential home sites.

The area would infill the residential neighborhood to the West and South, South/West. Some Commercially zoned property does exist to the north across French Creek.

#### **COMPREHENSIVE PLAN**

The land use study of the 2031 Comprehensive Plan shows this area as Suburban Residential. The Commission did also discuss the area on our draft land use plan in conjunction with the comp plan rewrite, and plan to show these parcels as residential.

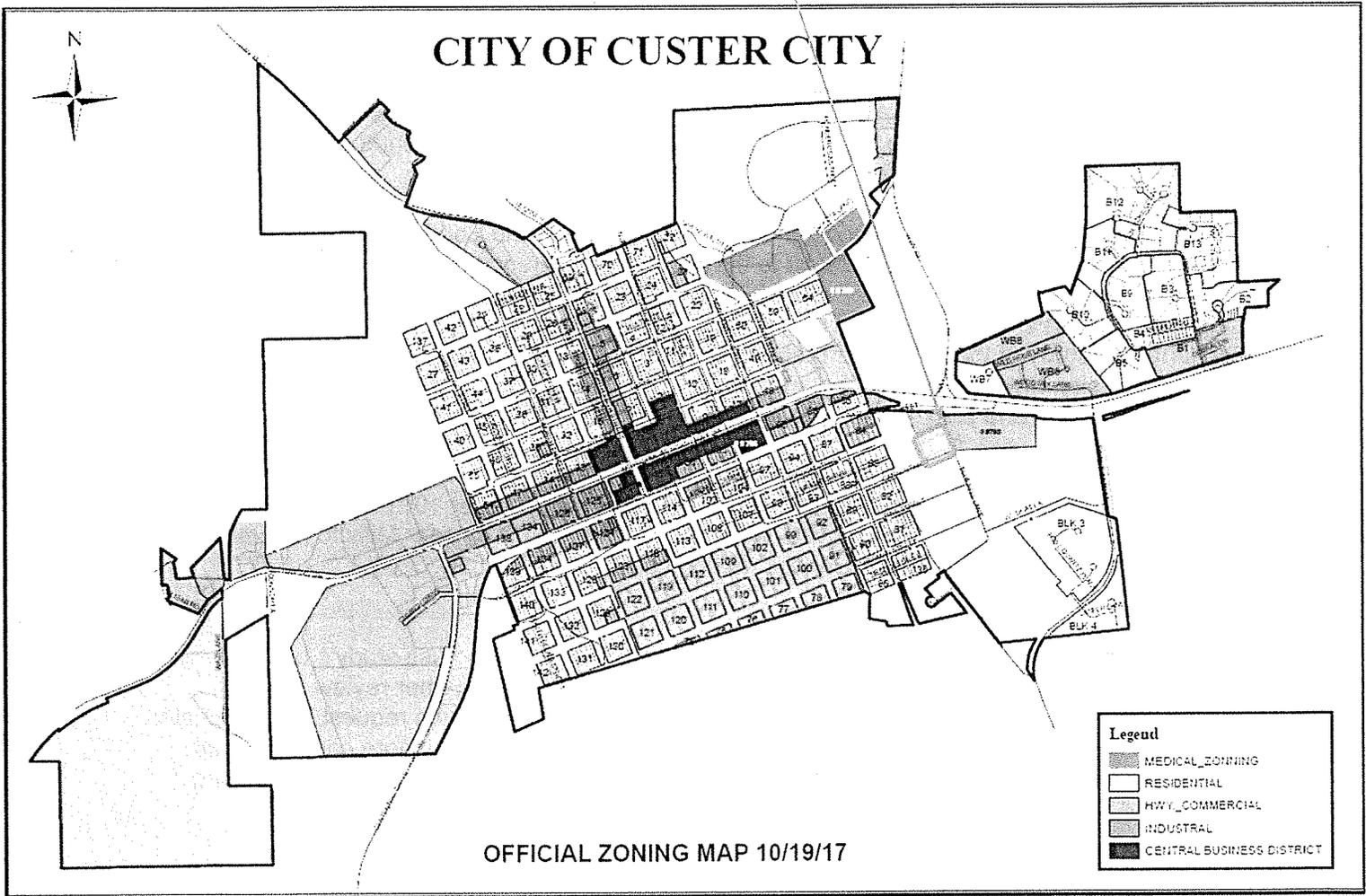
#### **PREVIOUS ACTION BY THE PLANNING COMMISSION**

Planning Commission reviewed the zoning request at their December 10<sup>th</sup> meeting. After a brief discussion Commissioner Uhrich moved, with a second by Commissioner Mills to recommend approval of the re-zoning request. Uhrich's motion carried unanimously.

#### **CONSIDERATIONS**

Staff feels the zoning request is consistent with current and draft land use study's of the comp plan, and the proposed zone is a more fitting use of the area. Upon further review of CMC 17.44.060, Considerations for approval or denial, approval for the zoning request is appropriate. The plan is consistent with owners planned developments, seems to be more consistent with the zoning intent of the City, and will create positive continuity with the area and surrounding zoning and uses.

Rezoning Request – Lots F, G, H, I, &  
J (Formerly Lots A-C)



Tim Hartmann

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**From:** dthom@gwtc.net  
**Sent:** Thursday, December 5, 2019 2:26 PM  
**To:** Tim Hartmann  
**Subject:** Re-zoning request

Tim: Thank you for the assistance on the phone re the Shriner's application for re-zoning in the Pleasant Acres addition. It makes sense to me that those lots would be zoned Residential rather than Commercial. And, if the intent is to allow for more residential construction, it is consistent with the community need for more housing, particularly near the school.

Thank you for the opportunity to comment.

Dave Thom  
1219 Pine Street  
Custer, SD





Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 25 day of November, 20 19.

[Signature]  
Signed

Shane Schoriner  
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Pennington

Subscribed and sworn before me this the 25<sup>th</sup> day of November, 20 19.

[Signature]  
Notary Signature

Kale R. McNaboe  
Notary Name Printed



2-4-21  
Commission Expires

Prepared by:  
Tim Hartmann  
Planning Administrator  
City of Custer  
622 Crook St  
Custer, SD 57730

## Resolution #01-06-2020A

WHEREAS, the verified Petition and application of all owners of real property abutting the hereinafter described portion of certain alleys in Custer City, Custer County, South Dakota, praying that said portion of said streets and alleys 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 County, 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 18<sup>th</sup> day of December, 2019 and on the 24<sup>th</sup> day of December, 2019, in the Custer County Chronicle, a legal newspaper printed and published in the City of Custer, Custer County, South Dakota, setting forth the 6<sup>th</sup> day of January, 2020, at the hour of 5:30 o'clock, P.M. for hearing thereon.

NOW THEREFORE BE IT RESOLVED that that certain portion of the originally platted streets and alleys to the City of Custer, Custer County, South Dakota as shown on the attached Amended Exhibit A and described as follows:

That area of Mountain Avenue contiguous to Lot 1 Block 41. Said street vacation lying between the North line of Montgomery Street and South line of the East/West alley and having a dimension of 12.5' by 150';

and the West 75' of the East/West alley contiguous to Lot 1, the East ½ of Lot 2, Lot 12, and the East ½ of Lot 11, all in Block 41. Said street vacation having a dimension of 75' by 30';

and the North 30' of Montgomery Street contiguous to Lot 1, Lot 2, and Lot 3, all in Block 41. Said street vacation lying between the east line of Mountain Avenue and the West line of the North/South alley (Belair Dr.) and having a dimension of 30' by 150'.

all located in City of Custer City in Custer County South Dakota. Be, and the same is, forever vacated, subject to existent and future easements and right-of-way for public and private utilities.

Prepared by:  
Tim Hartmann  
Planning Administrator  
City of Custer  
622 Crook St  
Custer, SD 57730

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 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 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 6<sup>th</sup> day of January 2020.

ATTEST:

CITY OF CUSTER

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

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

(SEAL)

Prepared by:  
Tim Hartmann  
Planning Administrator  
City of Custer  
622 Crook St  
Custer, SD 57730

ACCEPTANCE OF RESOLUTION

The undersigned Petitioners hereby accept the terms and conditions of the foregoing Resolution this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Craig and Rebecca Black

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA )

) ss.

COUNTY OF CUSTER )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned officer, personally appeared **Craig and Rebecca Black**, known to me or satisfactorily proven to be the persons whose names is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein container.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

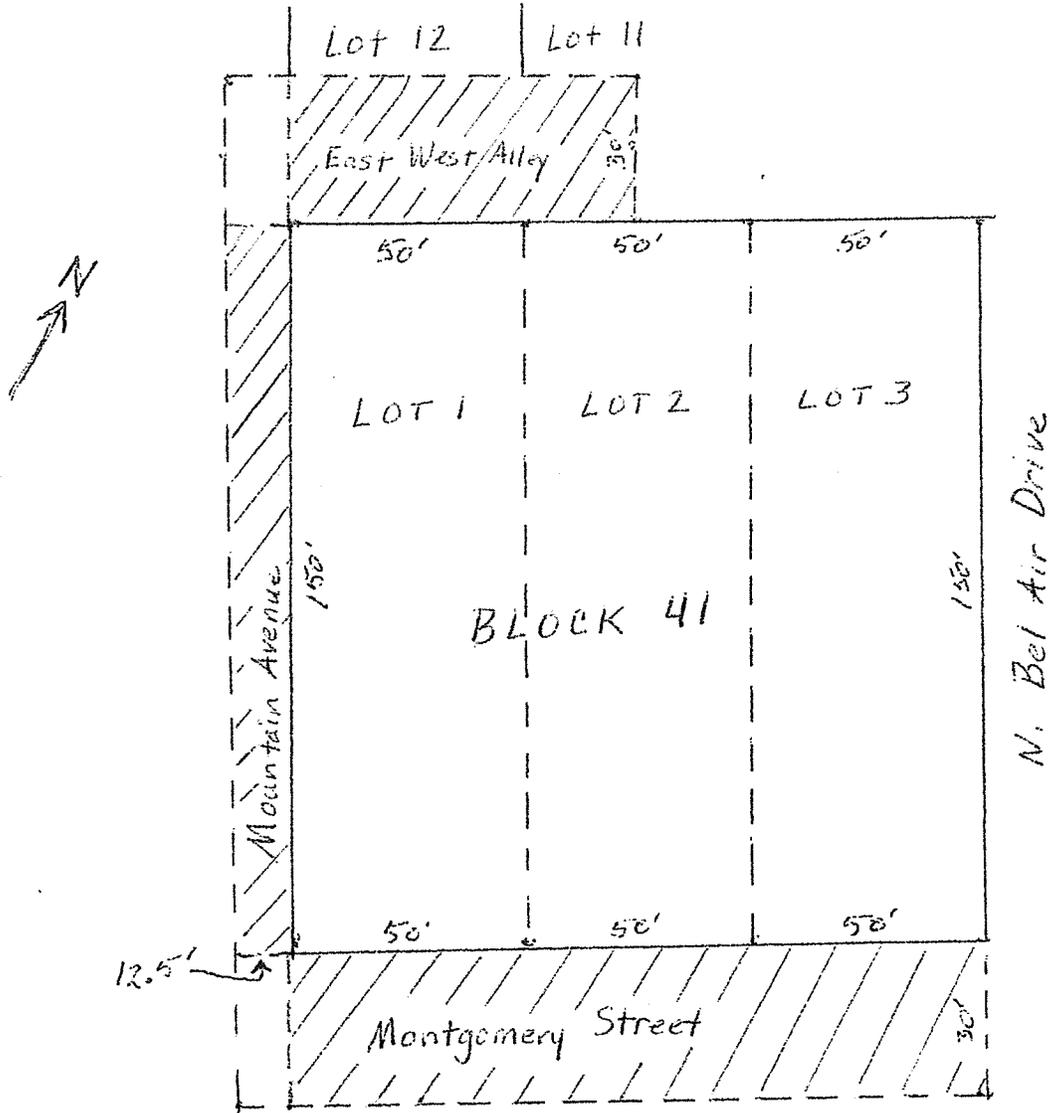
\_\_\_\_\_  
Notary Public-South Dakota

(SEAL)

My Commission Expires: \_\_\_\_\_

# AMENDED EXHIBIT "A"

## LOTS 1-3 IN BLOCK 41, CITY OF CUSTER, SOUTH DAKOTA



### REQUEST TO VACATE

The 12.5' by 150' section of Mountain Avenue located contiguous to Lot 1, Block 41; the West 30' by 75' section of East/West Alley contiguous to Lot 1, the West half of Lot 2, Lot 12, and the West half of Lot 11, Block 41; the North 30' by 150' section of Montgomery Street contiguous to Lots 1, 2, 3 in Block 41.



Planning Department  
622 Crook Street  
Custer, SD. 57730  
Phone: 673-4824 Fax: 673-2411  
e-mail: timh@cityofcuster.com

### Staff Report

Request: Vacation of a portion of Mountain Ave, Montgomery St, and the E/W Alley, Block 41  
Applicant: Craig and Rebecca Black  
Location: See Information Below and attached "Exhibit"  
Fee: \$400.00  
Date: January 2, 2020  
City Council Meeting: January 6, 2020  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

The applicant has requested by application and petition to vacate a portion of Mountain Avenue, Montgomery Street, and the East West alley, all adjacent to or within Block 41. Per the applicants petition, they have requested the vacation of the 12.5' by 150' section of Mountain Avenue located contiguous to Lot 1, Block 41; the West 30' by 75' section of East/West Alley contiguous to Lot 1, the West half of Lot 2, Lot 12, and the West half of Lot 11, Block 41; the North 30' by 150' section of Montgomery Street contiguous to Lots 1,2,3.

Should such street vacations be granted, it would be in the applicant's interest and would need to be incorporated within a plat if such was to be used for consideration of building permitting setbacks.

#### **PUBLIC HEARING**

A Public Hearing will be held at the next available City Council meeting in conjunction with the appropriate public notifications.

#### **PREVIOUS ACTION BY THE PLANNING COMMISSION**

The PC reviewed the street vacation request at their December 10<sup>th</sup> meeting. Discussion was held mainly concerning the specifics of the area to be vacated, potential access use of the area to be vacated and the areas of intersection left behind in the vacation request. After the discussion, Commissioner Uhrich moved with a second by Commissioner Mills to recommend approval of the street vacation by the Council. Uhrich's motion carried with 3 members voting yea and 1-member voting nay.

#### **SUMMARY & STAFF RECOMMENDATIONS**

Staff has some concerns and does not support the petition as presented. Such concerns relate to the proposed street vacations and potential development of the land to the West. Although affected by topography staff does feel retainage of the East/West Right of Ways is important due to unknown development plans of the property to the West. Perhaps a larger concern, staff also does not support leaving the remaining portions of Rights of Way in the intersections of Mountain Avenue and Montgomery Street and Mountain Avenue and the East West alley. I believe that failure to vacate such, should the request be approved, would not promote an orderly and uniform system of public streets and alleys.

Staff could support a vacation of the portion of Mountain Avenue directly adjacent to the West line of Lot 1 Block 41. (width of Mountain Avenue x 150'.)



**Resolution #01-06-20B**

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 2020) 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 2020 Employee Wage Scale is adopted and supersedes all previous Employee Wage Scales.

Dated this 6<sup>th</sup> day of January 2020.

CITY OF CUSTER CITY

ATTEST:

Corbin Herman, Mayor

Laurie Woodward  
Finance Officer

(SEAL)

WAGE SCALE - 20 YEAR SCALE - EFFECTIVE 1/1/2020											
	STEP 1:	STEP 2:	STEP 3:	STEP 4:	STEP 5:	STEP 6:	STEP 7:	STEP 8:	STEP 9:	STEP 10:	
	OFF PROBATION 6 MONTHS	AFTER 52 WEEKS	AFTER 52 WEEKS	AFTER 52 WEEKS	AFTER 104 WEEKS	AFTER 104 WEEKS	AFTER 104 WEEKS	AFTER 156 WEEKS	AFTER 156 WEEKS	AFTER 156 WEEKS	
POSITION:	STARTING:										
PUBLIC WORK SUPERVISOR	\$23.65	\$24.15	\$24.87	\$25.62	\$26.39	\$27.18	\$28.27	\$29.40	\$30.57	\$33.07	
PUBLIC WORKS WORKING FOREMAN	\$18.64	\$19.14	\$19.72	\$20.31	\$20.92	\$21.55	\$22.41	\$23.30	\$24.24	\$26.21	
WATER DEPARTMENT OPERATOR	\$15.77	\$16.27	\$16.76	\$17.26	\$17.78	\$18.31	\$19.04	\$19.81	\$20.60	\$22.28	
WASTEWATER MAINTENANCE WORKER	\$15.77	\$16.27	\$16.76	\$17.26	\$17.78	\$18.31	\$19.04	\$19.81	\$20.60	\$22.28	
WASTEWATER FINANCE OFFICER	\$16.90	\$17.40	\$17.92	\$18.46	\$19.02	\$19.59	\$20.37	\$21.18	\$22.03	\$23.83	
WASTEWATER ACCOUNT RECEIVABLE CLERK	\$16.29	\$16.79	\$17.30	\$17.82	\$18.35	\$18.90	\$19.66	\$20.44	\$21.26	\$23.00	
WASTEWATER W & PLANNING TECHNICIAN	\$15.77	\$16.27	\$16.76	\$17.26	\$17.78	\$18.31	\$19.04	\$19.81	\$20.60	\$22.28	
WASTEWATER ARK LABORER - SEASONAL	\$12.55	\$13.05	\$13.44	\$13.84	\$14.26	\$14.68	\$15.27	\$15.88	\$16.52	\$17.86	
WASTEWATER ART TIME RECEPTIONIST	\$12.35	\$12.85	\$13.24	\$13.63	\$14.04	\$14.46	\$15.04	\$15.64	\$16.27	\$17.60	
WASTEWATER WASTEWATER OPERATOR											
MUST MEET CERTIFICATION CLASS OF CUSTER FACILITIES TO QUALIFY ON PAY SCHEDULE FY2018 SCHEDULE IS WATER TREATMENT CLASS 1, WATER DISTRIBUTION CLASS 2,											
WASTEWATER COLLECTION CLASS 2, AND/OR WASTEWATER TREATMENT CLASS 2											
POSITION:	STARTING:	STEP 1:	STEP 2:	STEP 3:	STEP 4:	STEP 5:	STEP 6:	STEP 7:	STEP 8:	STEP 9:	STEP 10:
	OFF PROBATION	AFTER 52	AFTER 52	AFTER 52	AFTER 52	AFTER 104	AFTER 104	AFTER 104	AFTER 156	AFTER 156	AFTER 156
	6 MONTHS	WEEKS	WEEKS	WEEKS	WEEKS	WEEKS	WEEKS	WEEKS	WEEKS	WEEKS	WEEKS
Public Works Director	\$58,989.31	\$61,917.78	\$63,775.31	\$65,688.57	\$67,659.23	\$69,689.01	\$72,476.57	\$75,375.63	\$78,390.65	\$81,526.28	\$84,787.33
Finance Officer	\$55,039.96	\$57,791.95	\$59,525.71	\$61,311.48	\$63,150.83	\$65,045.35	\$67,647.17	\$70,353.05	\$73,167.18	\$76,093.86	\$79,137.62
Planning Administrator	\$53,211.94	\$55,872.54	\$57,548.72	\$59,275.18	\$61,053.43	\$62,885.04	\$65,400.44	\$68,016.45	\$70,737.11	\$73,566.60	\$76,509.26
Mayor	\$1,485.00	Per Month									
Councilmembers	\$530.00	Per Month									

Certifications = \$1.00 per

RESOLUTON # 01-06-20C

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 6<sup>th</sup> day of January, 2020.

City of Custer City

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

ATTEST:

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



**RESOLUTION 01-06-20D**

**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 6<sup>th</sup> day of January, 2020.

**CITY OF CUSTER**

ATTEST:

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

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

(SEAL)





Planning Department

622 Crook Street

Custer, SD. 57730

Phone: 673-4824

Fax: 673-2411

e-mail: [timh@cityofcuster.com](mailto:timh@cityofcuster.com)

### Staff Report

Request: Minor Plat, Gleiter Tract and Gregg Tract  
Applicant: Gregg Warne  
Location: Approximately 2.8 miles West of Custer. Near the int of Pleasant Valley Road & Wind Song Valley Road  
Legal Desc.: Gleiter Tract of Pleasant Valley Ranch Sub and Gregg Tract See Plat for full legal  
Fee Paid: \$450.00  
Date Prepared: January 2, 2020  
City Council Meeting: January 6, 2020  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a subdivision plat that is not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will divide the existing Tract Warne (64.20 acres) into two Tracts, Gleiter Tract (5.00 acres) and Gregg Tract (59.21 acres).

The area is in the county and therefore has no zoning.

#### **COMPREHENSIVE PLAN**

The land use section of the Comprehensive Plan identifies this area as Rural Residential.

#### **ROUTING SHEET RESPONSES**

SDDOT – No comments

CC Planning – Discussion and minor redline changes.

#### **ACCESS**

Existing access to the area is provided from US Hwy 385, Pleasant Valley Rd, and Windsong Valley Rd.

Pleasant Valley Road is a Public Access serving numerous properties as it continues south. Windsong Valley Road is a Public Access serving properties to the west before it dead ends.

#### **REGULATORY FLOODPLAIN**

A portion of the proposed Gregg Tract do have regulatory floodplain present. The presence of the flood hazard has been noted on the plat and any development within such special flood hazard area would be subject to Custer Countys flood damage prevention regulations.

#### **PREVIOUS ACTION BY PLANNING COMMISSION**

The Planning Commission reviewed the minor plat at their December 10<sup>th</sup> meeting. After some discussion mainly concerning the location of the property to be divided, the adjacent public rights of way and easements, and any structures on the property, Commissioner Mills moved, with a second by Commissioner Olson to recommend approval of the minor plat by the Council. Mills motion carried unanimously.

#### **SUMMARY AND STAFF RECOMMENDATION**

The proposed parcels appear to have adequate access directly onto the existing roads. The proposed parcels will also remain of adequate size and dimension to support private well and septic systems if needed. Staff supports approval of the minor plat by the Council.





RECEIVED

DEC 09 2019

CITY OF CUSTER

Banner Associates, Inc  
2307 W 57th St, Ste 102  
Sioux Falls, SD 57108  
Tel 605.692.6342  
Toll Free 855.323.6342  
www.bannerassociates.com

December 3, 2019

Laurie Woodward, Finance Officer  
Bob Morrison, City Engineer  
City of Custer  
622 Crook Street  
Custer, South Dakota 57730

RE: Contract Proposal (Amendment 4)  
West Dam (Gates Park) Reconstruction, FEMA CLOMR Additional Data Requests  
Custer, South Dakota

Dear Ms. Woodward:

Banner Associates, Inc. is submitting this Letter of Amendment to our original contract to provide additional Engineering Services for the Gates Park - West Dam and Spillway Project. The additional work tasks requested to be performed are summarized below.

**Additional Services**

- FEMA Conditional Letter of Map Amendment (CLOMR) - Our manhour estimates for the CLOMR were based on fees from previous CLOMR submittal projects that included one additional data request. Due to the effective FEMA map being outdated and inaccurate, additional revisions to the hydraulic model and mapping were required to meet FEMA's additional data requests. The additional effort is listed below:
  - Project Engineer – 42 hrs @ \$106/hr = \$4,452
- Revised Contract Completion Date: **December 15, 2019**
- Total Not to Exceed Amount for above (Amendment Four): **\$4,452.00 plus applicable taxes**

**APPROVAL**

If this letter amendment/agreement meets with your approval, please sign and date and return one copy to Banner Associates. Please do not hesitate to contact our office if you have any questions.

Note: The updated billing rate sheet for 2019 is included with this amendment.



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Respectfully submitted,

Banner Associates, Inc.  
Rich Uckert, PE  
Sioux Falls Office Manager

Cc: Weston Blasius, Project Engineer

ACKNOWLEDGEMENT OF ACCEPTANCE

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2019

For: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

AN ACT

ENTITLED, An Act to revise certain provisions concerning the notice given to municipalities and counties for bingo games and lotteries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 22-25-25 be amended to read as follows:

22-25-25. The game, bingo, as defined in § 22-25-23, or lottery, as defined in § 22-25-24, may not be construed as gambling or as a lottery within the meaning of § 22-25-1, if:

- (1) The bingo game or lottery is conducted by a bona fide congressionally chartered veterans' organization; a religious, charitable, educational, or fraternal organization; a local civic or service club; a political party; a volunteer fire department; a local industrial development corporation as defined in § 5-14-23; or a political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota;
- (2) The proceeds therefrom do not inure to the benefit of any individual;
- (3) No separate organization or professional person is employed to conduct the bingo game or lottery or assist therein;
- (4) No compensation of any kind in excess of the state minimum wage per hour or sixty dollars, whichever is greater, in value is paid to any person for services rendered during any bingo session in connection with the conduct of the bingo game or in consideration of any lottery. However, the provisions of this subdivision do not apply to games or lotteries conducted in connection with any of the following events: a county fair conducted pursuant to § 7-27-3, the state fair conducted pursuant to chapter 1-21, or a civic celebration recognized by resolution or other similar official action of the governing body of a county, municipality, or village;

- (5) No prize in excess of two thousand dollars is awarded at any one play of bingo;
- (5A) The actual value of any lottery prize is stated before any chances for the lottery are sold.  
A lottery prize of a stated amount of dollars in value may be given to a person who sells a winning lottery ticket or share as long as the winning lottery ticket or share is selected at random;
- (6) The organizations authorized under subdivision (1) of this section, before conducting a bingo game or before selling any chances for a lottery give thirty days' written notice of the time and place thereof to the governing body or designated administrative official of the county or municipality in which it intends to conduct the bingo game or lottery, and the governing body does not pass a resolution objecting thereto. However, any organization that conducts a lottery and tickets or shares for such lottery are sold state-wide shall provide written notice of such lottery pursuant to this subdivision only to the secretary of state and to the governing body where the drawing for such lottery is held. A municipality pursuant to § 9-29-5 may by ordinance prohibit within the municipality the sale of lottery tickets or shares for such lottery issued pursuant to this section; and
- (7) No organization authorized to conduct a bingo game or lottery under subdivision (1) of this section may enter into any lease or agreement with any other person or organization to provide equipment or services associated with the conduct of a bingo game or lottery. However, this subdivision does not apply to any lease or agreement with a distributor licensed pursuant to §§ 22-25-28 to 22-25-51, inclusive, to provide bingo or lottery equipment and supplies.

## RECREATIONAL SERVICES AGREEMENT

YMCA of Rapid City (YMCA) on behalf of the Custer YMCA enters into the following agreement with the City of Custer (City):

### PURPOSE

YMCA and City agree that the YMCA will serve as the primary recreational provider for Custer to provide recreational activities for its residents. The primary location of the Custer YMCA will be the Grace Coolidge Memorial Log Building located at 644 Crook Street (the facility).

### INDEPENDENT CONTRACTOR STATUS

The YMCA in the performance of its duties under this Agreement shall occupy the position of an independent contractor with respect to the City. Nothing contained herein shall be construed as making the parties hereto partners or joint ventures, nor, except as expressly provided herein, construed as making the YMCA an agent or employee of the City.

### DUTIES OF THE YMCA

For purposes of this agreement, the YMCA agrees to:

1. Conduct recreational, social and leadership activities designed for Youth Development, Healthy Living and Social Responsibility for the residents of Custer;
2. Provide YMCA employees and volunteers to conduct and supervise the programs administered by the YMCA. The hiring, supervising and evaluating of employees and volunteers shall be determined solely by the YMCA;
3. Provide training of all YMCA employees and volunteers. The types of training and the times in which training shall be given shall be determined solely by the YMCA;
4. Ensure compliance of YMCA employees and volunteers with YMCA Child Abuse Prevention Policies, which includes meeting criminal background check standards as determined by the YMCA on all employees and volunteers;
5. Pay for the utilities, including electricity, propane, water and sewer for the facility;
6. Provide for and pay for all necessary safety and fire inspections;
7. Provide general cleanliness and aesthetic appearance of facilities and grounds belonging to City and managed by the YMCA;
8. Provide recreational equipment to facilitate the programs. The YMCA owns this equipment throughout the term of this Agreement and following termination of this Agreement. The YMCA has a reasonable time to remove such equipment following termination of this Agreement;
9. Manage and schedule certain recreational facilities belonging to the City, which includes, but is not limited to, baseball, softball and soccer fields;
10. Submit a report of Custer YMCA finances, programs offered, participation and future outlook to the City prior to June 1 of each year;
11. Conduct participant registration for YMCA programs. All fees are to be determined solely by the YMCA;

12. Provide sponsored YMCA memberships for those who meet the qualifications of requiring financial assistance as determined by the YMCA.

### **DUTIES OF THE CITY**

For purposes of this agreement, the City agrees to:

1. Provide the YMCA the Grace Coolidge Memorial Log Building located at 644 Crook Street for use as its center of operation;
2. Make capital improvements and repairs as are reasonably necessary. Capital improvements are agreed to mean items affixed permanently or for an extended term to the premises and normally construed as major repairs or replacement items;
3. Allow YMCA signage to be placed on the facility located at 644 Crook Street and temporary YMCA signage at any other area that YMCA programs are being administered;
4. Provide major maintenance and repair of the facility to ensure a safe environment and janitorial services;
5. Promote the YMCA as the primary recreational provider for the City;
6. Pay the sum of Twenty-Nine Thousand Dollars (\$29,000) to the YMCA on or before July 1, 2020, which is to be used by the Custer YMCA for the operation of Custer YMCA programs and activities. This sum may be adjusted annually as mutually agreed upon by the City and YMCA.

### **INSURANCE**

Each party agrees to maintain a policy of liability insurance in the amount of not less than two million dollars (\$2,000,000) per occurrence for their separate responsibilities regarding operation and maintenance of the Custer YMCA. Each party shall provide a copy of said policy to the other party, naming the other party as an additional insured.

The parties further agree to assume all risk and liability for, and agree to indemnify and hold harmless the other party, its agents, sub-contractors, and its employees from all damages arising out of their separate responsibilities regarding operation and maintenance of the facility & programs caused by its negligence, its agents, sub-contractors, or employees negligence.

### **COMPLIANCE**

Both parties agree to comply with all applicable ordinances, statutes and regulations imposing a duty upon a party.

### **TERM OF AGREEMENT**

The term of this Agreement is from January 1, 2020 until December 31, 2020. The Agreement will automatically renew upon the same terms and conditions, except for the payment amount unless terminated in writing by either party. This agreement may be terminated at any time by either party with Ninety (90) days advance notice.

AMENDMENT

This agreement may be amended in writing by mutual consent and signed by the parties to this agreement.

CITY OF CUSTER CITY:

ATTEST:

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

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

\_\_\_\_\_  
Date

(SEAL)

YMCA OF RAPID CITY:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name & Title

STATE OF SOUTH DAKOTA     )  
COUNTY OF CUSTER         )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ who acknowledged \_\_\_\_\_ (him/her)self to be the \_\_\_\_\_ of the YMCA of Rapid City, and that \_\_\_\_\_ (he/she) as such \_\_\_\_\_ being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by \_\_\_\_\_ (him/her)self as \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary:

My Commission Expires: \_\_\_\_\_

(Seal)



COMBINED ELECTION AGREEMENT  
CUSTER CITY AND CUSTER COUNTY

This agreement is entered into between Custer City, hereinafter referred to as the "City", and Custer County, hereinafter referred to as the "County", both governmental subdivisions of the State of South Dakota, for the purpose of conducting a combined election as provided under the provisions of SDCL 12-2-5, in the event an election is necessary on behalf of the City.

With the approval of the Custer County Board of Commissioners, this is an agreement to combine the 2020 City election with the State Primary Election. The Custer County Auditor's Office will conduct said election in those city wards. The City authorizes the staff of the County Auditor's Office to handle and tabulate the automated City ballots in those city wards and to forward the returns to the appropriate City Official. In the event the City utilizes paper ballots for the City's election, it shall be the responsibility of the City to tabulate the City ballots in the City wards and forward the returns to the appropriate City official.

**EFFECTIVE DATE:** This agreement shall become effective on the date that all parties have signed the agreement.

**PURPOSE:** It is the purpose of this agreement for the parties to conduct their individually required elections in one combined election. The combined election will be held on June 2<sup>nd</sup>, 2020, which is the date of the regular primary election. Elections are being combined in an effort to save tax dollars on the cost of individually conducted elections and to encourage a better voter turnout.

**COST SHARING:** The parties to this agreement shall share the costs of the combined election as set forth herein:

Each Governmental entity shall publish and pay for its own required notices. The cost of the publication for the test of the automatic tabulating system will be the expense of the County.

The County shall lay out the ballot form from the certified form provided by the City unless paper ballots are provided by the City.

The City will provide paper ballots, if necessary, to the County. The County agrees to charge, and the City agrees to pay, for the total cost of any additional items required to conduct the election, such as ballots, ballot set-up costs, poll books, recapitulation sheets, and etc. provided by the County.

**ABSENTEE BALLOTS:** Absentee ballots shall be available at the Office of the County Auditor for voters in the wards of Custer City who wish to vote absentee.

**CANVASSING OF THE VOTE:** On the night of the election, the County shall record the unofficial canvass of the automated ballots. If the City utilizes paper ballots, the City shall record the unofficial canvass. There shall be kept a separate poll book and recapitulation sheet for each entity. The City shall be responsible for collecting their ballots, poll books, and any other miscellaneous supplies from the County Auditor as soon as possible following the election. Each entity shall perform the Official Canvass of their respective election returns.

Dated this 6<sup>th</sup> day of January, 2020 in Custer, South Dakota. \_\_\_\_\_  
Corbin Herman, Custer City Mayor

Dated this 6<sup>th</sup> day of January, 2020 in Custer, South Dakota. \_\_\_\_\_  
Laurie Woodward, Custer City Finance Officer

(SEAL)

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018 in Custer, South Dakota. \_\_\_\_\_  
Custer County Commissioners Chairman  
SDCL 9:13:37

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018 in Custer, South Dakota. \_\_\_\_\_  
Terri Cornelison, Custer County Auditor

(SEAL)



Scott Kellogg	\$33.21	Lance Stansbury	\$24.11
Gaile Walker	\$23.50	Rick Kothe	\$17.84
Jeff Clark	\$17.84	Brian Raber	\$21.61
Brett Scott	\$20.88	Chris Severin	\$15.77
Lynnette Merritt	\$21.70	Sydney Gramkow	\$17.94
Kim Conwell	\$19.18		

Salary Positions:

Bob Morrison	\$80,788.30	Laurie Woodward	\$74,268.52
Tim Hartmann	\$59,275.18		

Mayor \$1,485 monthly

Councilperson \$530 monthly

Planning Commission Members \$50 per meeting



Robert G. Morrison

836 ½ Crook Street, Custer SD 57730 . (605)-673-5116 . [rgm2708@outlook.com](mailto:rgm2708@outlook.com)

December 17, 2019

RE: Change of retirement date

Custer City Mayor and City Council  
622 Crook Street  
Custer SD 57730

Dear Mayor and City Council:

Due to unforeseen circumstances I must change my retirement date from January 31, 2020 to January 17, 2020.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. G. Morrison', followed by a long horizontal line extending to the right.

Robert G. Morrison



2019 Claims

Discovery Benefits, Supplies, \$500.00  
Black Hills Energy, Utilities, \$5,556.30  
Pace, Supplies, \$323.91  
Verizon Wireless, Utilities, \$423.08  
Total Claims \$ 6,803.29

2020 Claims

Custer County Treasurer, Law Enforcement Contract, \$96,250.00  
Golden West Technologies, Professional Fees, \$774.60  
Honeywell, Repairs and Maintenance, \$7,352.39  
Itron, Supplies, \$855.52  
NASASP, Dues, \$39.00  
Nielsen, Nina, Refund, \$100.00  
Onsolve, Safety, \$1,500.00  
Rapid City Journal, Supplies, \$542.99  
SRF Loan, Loan Payment, \$15,477.11  
SDML Worker Comp, Insurance, \$17,690.00  
SD Department of Natural Resources, Permit, Certification, \$2,632.00  
SD Building Officials Association, Dues, \$50.00  
SD Association of Code Enforcement, Dues, \$40.00  
SD Municipal League, Dues, Travel & Conference, \$2,041.55  
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, \$500.00  
SDWWA, Certification, \$30.00  
The Hartford, Insurance, \$64.12  
Tyler Technologies, Repair and Maintenance, \$16,415.38  
USDA Loan Payment, \$8,910.00  
USDA Forest Service, Permit, \$1,148.99  
US Postal Service, Supplies, \$235.00  
Wellmark, Insurance, \$13,769.51  
Total Claims \$193,376.45

