

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
COUNCIL AGENDA
July 16th, 2018 – 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 –July 2nd, 2018 Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
 - a. Dog Park Naming Contest – Lesa McDermott
 - b. First Reading – Ordinance #807 – Park, Recreation & Forestry Board
 - c. First Reading – Ordinance #808 – City Tree Board
 - 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.
 - c.
8. New Business
 - a. 2019 Law Enforcement Contract
 - b. Drainage System Request – Custer County
 - c. Committee Appointments
 - d. Employee Step Increase
 - e.
 - f.
9. Presentation of Claims –
10. Department Head Discussion & Committee Reports –
11. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
12. Harassment Video
13. 2019 Budget Work Session
14. Adjournment

REMINDERS

- Park & Recreation Committee Meeting – July 17th, 2018 6:30 P.M.
Public Works Committee Meeting – August 6th, 2018 4:30 P.M.
Regular City Council Meeting – August 6th, 2018 5:30 P.M.
General Government Committee Meeting – July 13th, 2018 4:30 P.M.
Planning Commission Meeting – July 14th, 2018 5:00 P.M.
Regular City Council Meeting – July 20th, 2018 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
July 2nd, 2018**

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

AGENDA

Councilperson Heinrich moved approve the agenda with the presentation of claims being moved to old business. Second by Councilperson Maciejewski, the motion unanimously carried.

MINUTES

Councilperson Arseneault moved, with a second by Councilperson Nielsen, to approve the minutes from the June 18th regular council meeting. The motion unanimously carried.

MOTION TO RECONSIDER THE VOTE ON SECOND READING OF ORDINANCE #805 CONDITIONAL USE PERMITS

Councilperson Nielsen made a motion to reconsider the second reading of Ordinance #805 – Conditional Use Permits, as she had received additional clarification on the ordinance from the attorney and staff. Seconded by Councilperson Fischer, the motion unanimously carried.

SECOND READING – ORDINANCE #805 CONDITIONAL USE PERMITS

Councilperson Nielsen moved to adopt Ordinance #805 - Conditional Use Permits. Seconded by Councilperson Blom, the motion carried with Councilperson Blom, Heinrich, Nielsen, Fischer, Maciejewski and Arseneault voting yes.

CLAIMS

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

Aflac, Insurance, \$542.74
AFSCME, Dues, \$86.14
Banner Associates Inc, Professional Fees, \$10,802.60
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00
Beesley Law Office, Professional Fees, \$2,851.25
Black Hills Energy, Utilities, \$2,829.28
Butler Machinery, Repair and Maintenance, \$5,281.64
California State Disbursement, Deduction, \$53.19
Century Business Products, Supplies, \$240.95
Claycomb Engineering, Professional Fees, \$100.00
Code Works, Professional Fees, \$2,862.62
Custer Economic Development, Subsidy, \$5,000.00
Chronicle, Publishing, \$331.44
Custer Do It Best, Supplies, \$100.08
Dacotah Bank, TIF #2 Payment, \$23,267.64
Dacotah Bank, TIF #4 Payment, \$18,273.85
Dak Generator Services, Repairs and Maintenance, \$537.12
Dakota Greens, Supplies, \$309.50
Delta Dental, Insurance, \$148.20
Discovery Benefits, Supplies, \$806.92
Edward Enterprises, Cemetery Caretaker Contract, \$4,571.43
EFTPS, Taxes, \$12,975.46
Fastenal, Supplies, \$931.32
First Interstate Bank, TIF #1 Payment, \$14,881.63
First Interstate Bank, TIF #4 Payment, \$18,273.86
First Interstate Bank, Supplies, \$62.05
Five Points Bank, TIF #5 Payment, \$20,694.23
Freemans Electric, Repairs and Maintenance, \$2,329.68
Hawkins, Supplies, \$1,449.77
Hills Toilet Service, Supplies, \$175.00
Jenner Equipment, Equipment, \$57,489.21
Lasting Impressions Unlimited, Supplies, \$41.00

Nelson's Oil & Gas, Supplies, \$1,499.75
Nielsen Enterprises, Gravel, \$4,956.30
Northwest Pipe Fittings, Supplies, \$201.95
Pace, Supplies, \$231.90
Petty Cash, Supplies, \$354.34
Power House, Supplies, \$130.91
Pitney Bowes, Supplies, \$500.00
Rock Solid Enterprises, Repairs and Maintenance, \$306.12
Sanders Sanitation, Garbage Collection Contract, \$13,957.24
SD Department of Environment and Natural Resources, Professional Fees, \$600.00
SD Department of Transportation, Professional Fees, \$1,805.41
SD Municipal League, Conference, \$50.00
Stansbury, Lance, Reimbursement, \$39.97
SD Retirement System, \$6,033.86
Supplemental Retirement, \$550.00
Warne Chemical & Equipment, Maintenance, \$5,434.00
Wellmark BCBS, Insurance, \$11,454.61
Wright Express, Supplies, \$1,531.38
CPA Properties LLC, Utility Deposit Refund, \$1.61
Duarte, Jenny/Pedro, Utility Deposit Refund, \$13.86
Kahler, David, Utility Deposit Refund, \$299.39
Mayor & Council, \$4,400.00
Finance Department, \$4,938.68
Public Buildings, \$2,702.40
Planning Department, \$6,966.98
Public Works Department, \$3,008.40
Street Department, \$7,666.95
Cruisin Department, \$105.59
Parks Department, \$6,793.48
Water Department, \$11,090.74
Wastewater Department, \$10,951.44
Total Claims, \$317,877.06

OATH OF OFFICE & COUNCIL PRESIDENT & VICE PRESIDENT

Councilperson Heinrich and Maciejewski were presented with plaques for their service.

Carrie Moore, Dixie Whittaker and Kris Blom took their Oath of Office for two-year terms as Councilmembers.

Councilperson Fischer moved to nominate Councilperson Nielsen for Council President. Seconded by Councilperson Arseneault, the motion unanimously carried. Councilperson Blom moved to nominate Councilperson Fischer for Council Vice President. Seconded by Councilperson Nielsen, the motion unanimously carried.

COMMITTEE APPOINTMENTS & ATTORNEY APPOINTMENTS

Councilperson Nielsen moved to approve the Mayor's appointment of Chris Beesley as City Attorney and Garland Goff as Assistant City Attorney. Seconded by Councilperson Blom, the motion unanimously carried. Attorney Beesley took his Oath of Office.

Councilperson Nielsen moved to approve the Mayor's appointment of Rick Hudson to the Planning Commission as the three-mile representative for a one-year term. Seconded by Councilperson Arseneault, the motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

PUBLIC HEARING – OFF SALE LIQUOR, MALT BEVERAGE, & WINE LICENSE – YESWAY

The Council was presented with license transfers for the BW Gas and Convenience Retail, LLC (Yesway) previously known as Fresh Start, off-sale liquor, malt beverage and wine licenses. Councilperson Fischer moved to approve contingent upon proof of insurance being provided and background checks. Seconded by Councilperson Arseneault, the motion unanimously carried.

BLACK HILLS CRUISIN PUBLICATION – CUSTER CHRONICLE

Kate Najacht presented the Black Hills Cruisin Publication to the Council. Councilperson Fischer moved to approve the placement of a full-page ad in the 2018 Black Hills Cruisin publication for \$675. Seconded by Councilperson Moore, the motion carried with Councilperson Whittaker, Nielsen, Fischer, Moore, Arseneault and Blom voting yes.

EXCEPTION TO CUSTER MUNICIPAL CODE 15.12 (FIRE LIMITS)- 544 MOUNT RUSHMORE RD

Planning Administrator Hartmann presented a brief summary of past transient use and temporary structure on the property at 544 Mt Rushmore Road. He also explained concerns including a fire limit concern pertaining to the structure not containing two-hour fire rated walls and some concerns brought forward to him by other citizens. Mian Hayat, representative for the property owner, presented and asked that the Council consider an exception for the temporary structure from the fire limits. Councilperson Arseneault moved to approve a one-time exception to the Custer Municipal Code Chapter 15.12 for the property located at 544 Mt Rushmore Road for summer of 2018 which allows them to keep the tent up until the transient merchant permit starts on July 20th, at which time the transient merchant permit will allow the tent to remain for the length of the permit, as established in the past. Councilperson Arseneault and Fischer amended their motion and second to include contingent upon proof of insurance being provided, the motion unanimously carried.

RESOLUTION #07-02-18A – GOVERNING BOARD CODE OF CONDUCT

Councilperson Nielsen moved to adopt Resolution #07-02-18A, Governing Board Code of Conduct. Seconded by Councilperson Blom, the motion unanimously carried.

RESOLUTION #7-02-18A

CITY OF CUSTER GOVERNING BOARD CODE OF CONDUCT

WHEREAS, it is the duty of the Common Council of City of Custer to ensure the efficient, fair and professional administration of city government and services;

WHEREAS, the Mayor and City Council are responsible for making policy decisions for the community, provide vision, direction and leadership to the community and the organizations;

WHEREAS, the City Council further represents the Community with other governmental entities and officials;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Custer City that in order to maintain and enhance public trust and confidence in our legal government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Custer, the members of the City Council dedicate themselves to the stewardship of the public trust and therefore embrace and adopt the following ideals and Code of Conduct:

Members of the governing board shall:

1. Recognize that the authority vests with the majority of the City Council when assembled in open meetings or executive meetings as authorized by law, that neither the mayor nor individual members of the City Council has legal status to bind the City of Custer, and that neither the Mayor nor an individual council member or a minority of the governing board may make decisions on behalf of the City of Custer unless expressly authorized by law and upon approval of the City Council;
2. Alderpersons serving on the Council for the first time shall attend the first (SDML) elected officials workshop held after their assumption of office, at the expense of the City;
3. Make informed decisions on matters brought before the City Council;
4. Recognize and adhere to the policy that it is the responsibility of the City Council and members of the governing board to plan, make, implement, appraise and enforce ordinances and policy and that it is not the responsibility of the members of the governing board to run the day-to-day operations of the City of Custer;
5. Observe federal laws, state laws, city ordinances and policies;
6. Respect the limited intent and scope of executive sessions as set forth in statute;
7. Shall not publicly disclose information received, discussed, or decided in executive session or in conference with legal counsel which is protected by the attorney/client privilege or has been confidentially disclosed at a meeting held subject to the provisions of SDCL 1-25-2, unless a

majority of the members of the City Council has authorized that disclosure or unless a disclosure is authorized by a court of competent jurisdiction.

8. Distinguish between personal views and those of the governing board when making public comments regarding City matters;
9. Present information to the governing board without distortion and accurately represent facts concerning City matters in direct or indirect public statements;
10. Maintain professional relationships in a manner which are free of vindictiveness, recrimination and harassment;
11. Avoid impropriety and the appearance of impropriety in his/her position as an elected official;
12. Refer all public complaints and personal criticisms to the appropriate administrative officer or appointed public official and only after inability to obtain resolution at the administrative level have the complaint or criticism discussed at a Council meeting;
13. Respect the legitimacy of the goals and interests of other members of the governing board and respect the rights of other members of the governing board to pursue goals and policies different from their own;
14. Respect, require and contribute to the maintenance of order and decorum in proceedings before the City Council;
15. Be honest, patient, dignified and courteous to those with whom he/she deals with in his/her official capacity;
16. Dispose promptly of the business of the City for which he/she is responsible and diligently discharge responsibilities;
17. To the maximum extent possible, inform the finance office by 1 p.m. on the Friday preceding a regularly scheduled Monday City Council meeting if the member of the governing board will not be in attendance at the City Council meeting;
18. Refrain from financial, personal, professional and business dealings that interfere with, are in conflict with or give the appearance of being in conflict with the proper performance of official duties;
19. Not exploit the City of Custer or use the office of Mayor or Council member for personal gain, for the gain of friends or supporters, or to promote political candidates or partisan political activities;
20. Not accept nor offer any gratuities, gifts, services or things of value that (a) impair professional judgment, (b) offer special advantage or benefit to any person or organization, or (c) provide a direct or indirect personal benefit.
21. Not commit any act of moral turpitude or gross immorality;
22. Not allow family, social or other relationships to inappropriately influence his/her decisions as a member of the governing board.
23. Regular attendance is expected; missing two consecutive meetings without appropriate reasons is not considered regular attendance;
24. Failure to comply with this Code of Conduct may result in sanctions up to and including expulsion.

This Code of Conduct behavior will govern members of the City Council. City Council members are encouraged to self-monitor their behavior and offer constructive recommendations to fellow Council members if necessary. As a member of the City Council, I accept these ideals and policies, and pledge to follow them in the interest and purposes for which our government has been established.

Dated this 2nd day of July 2018.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #07-02-18B – USDA RURAL DEVELOPMENT FINANCING FOR CUSTER COMMUNITY CENTER

Councilperson Nielsen moved to adopt Resolution #07-02-18B, USDA Rural Development Financing for Custer Community Center. Seconded by Councilperson Fischer, the motion unanimously carried.

RESOLUTION 7-02-18B

RESOLUTION OF GOVERNING BODY

WHEREAS, the United States Department of Agriculture Rural Development provides affordable funding to development essential community facilities in rural areas to public bodies to aid in the construction and/or improvements of such facilities;

WHEREAS, the City has considered funding opportunities for the Custer Community Center;

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized to sign an application on behalf of the City of Custer City with the Rural Development;

IT IS FURTHER RESOLVED the Finance Officer is hereby authorized and directed to furnish all needed information the above mentioned federal agencies may reasonably request in connection with the above authorized application, and to work with the Black Hills Council of Local Government on the submittal of such application.

Dated this 2nd day of July 2018.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #07-02-18C – PUBLIC COMMENT RULES

Councilperson Nielsen moved to adopt Resolution #07-02-18C, Public Comment Rules. Seconded by Councilperson Arseneault, the motion unanimously carried.

RESOLUTION 7-2-18C

PUBLIC COMMENT RULES

WHEREAS, the Custer City Council sets aside a period of time at every council meeting entitled Public Comments, at which time any citizen may address the Council; and

WHEREAS, it is appropriate for the city to have rules to govern Public Comments;

NOW THEREFORE BE IT RESOLVED, that the Custer City Council adopts the following rules for Public Comment;

1. Following the public hearings and public presentations of every meeting, fifteen minutes will be set aside to hear any citizen who wishes to address the Council.
2. No action will be taken during the meeting at which the item is presented; however, it may be placed on the agenda for a future meeting.
3. Each person must identify themselves by name and address.
4. Each person may speak about any item of concern.
5. Each person may speak for a maximum of three minutes.
6. Each person may exceed the three-minute limit only by unanimous consent of the Council after the first three minutes have expired.
7. At the end of the fifteen minutes, the public comments will be closed.
8. The Mayor may, at his or her discretion, interrupt or terminate any testimony if a citizen becomes unruly or disruptive.

Dated this 2nd day of July 2018.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

TEMPORARY ALLEY CLOSURE REQUEST- CUSTER VFW

Councilperson Nielsen moved to approve the Custer VFW's request to close the alley east of the VFW building at 721 Mt Rushmore Road on July 4th, 2018, for a fundraiser event. Seconded by Councilperson Blom, the motion unanimously carried.

CUSTER VOLUNTEER FIRE DEPARTMENT ANNUAL FIREFIGHTER'S DANCE REQUEST

Councilperson Blom moved to approve the request from the Custer Volunteer Fire Department for the Annual Firefighter's Dance during Gold Discovery Days to be held July 20th and 21st, 2018; which included street closure request for North Sixth Street between Crook Street and the south alley, use of the showmobile and a brown bag permit for July 21st. Seconded by Councilperson Arseneault, the motion unanimously carried.

REPLACEMENT SAND FOR VOLLEYBALL COURTS – PARK RECREATION AND FORESTRY BOARD

Steve Pischke, Park, Recreation and Forestry Board Chairman along with Jill Hohn presented information regarding the sand at the volleyball courts and a replacement option. Councilperson Fischer moved to approve the quote from Nielsen Enterprises to replace the sand at the volleyball courts for a cost

of \$8,750.00, with the project to be done by July 20th,2018. Seconded by Councilperson Blom, the motion carried with Councilperson Nielsen, Fischer, Moore, Arseneault, Blom and Whittaker voting yes.

PLANNING COMMISSION RESIGNATION

Councilperson Arseneault moved to accept Jerry Stites resignation from the Planning Commission. Seconded by Councilperson Nielsen, the motion unanimously carried.

PLANNING COMMISSION APPOINTMENTS

Councilperson Fisher moved to approve the Mayor's appointment of Joe Harbach to the Planning Commission with a term end date of November 1st, 2022 and Larry Maciejewski as a Planning Commission alternate with a five-year term. Seconded by Councilperson Moore, the motion unanimously carried.

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 6:00 p.m. Seconded by Councilperson Arseneault, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

ORDINANCE NO. 807

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 44 PARK AND RECREATION BOARD 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:

Chapter 2.44

PARK, ~~AND~~ RECREATION AND FORESTRY BOARD

Sections:

2.44.010 Park, ~~and~~ Recreation and Forestry Board

2.44.010 Park, ~~and~~ Recreation and Forestry Board

The purpose of the park, ~~and~~ recreation and forestry board shall be to serve as an advisory committee to assist in planning, establishing, improvement, upkeep, regulation and management of a system of public parks and parkways, and to facilitate a system of public recreation and playgrounds in and for the City of Custer. The park and recreation board shall also serve as the city tree board in accordance with chapter 12.14, City Trees and Forest. The park, ~~and~~ recreation and forestry board shall be governed by the following rules and regulations:

A. Composition. The voting portion of the park, ~~and~~ recreation and forestry board shall be composed of five regular members, plus one alternate member to act in the absence of any regular member, ~~five~~ of whom shall be residents of the city and 1 member shall reside outside the city limits but within the three-mile subdivision jurisdiction of the city. Non-voting advisory members, 1- Executive Director of the Custer Chamber of Commerce, 1- Executive Director of the Custer YMCA, 1- Custer School District Board Member, 1- Mile Hi Garden Club Member, 1- City of Custer Employee to serve as liaison and in the office of secretary., 1- Custer city Council Person.

B. Members not Elected Officer. The voting members of the park, ~~and~~ recreation and forestry board shall not hold any elective office in the government of the City of Custer or Custer School District or hold the executive director position with the Custer YMCA or Custer Chamber of Commerce.

C. Appointment. The members of the park, ~~and~~ recreation and forestry board shall be appointed by the mayor with the approval of the common council of the city, at its first regular meeting in August of each year, as necessary or needed.

D. Terms. Of the voting members appointed initially to the park, ~~and~~ recreation and forestry board, one member shall be appointed for one year, one for two years, one for three years, one for four years, one for five years, with the alternate member appointed for five years; thereafter each appointment shall be for ~~two~~ five years. Such appointees shall hold office until their successors are appointed and qualified. Non-voting members shall be appointed annually.

E. Vacancies. Any vacancy on the park, ~~and~~ recreation and forestry board shall be filled for the unexpired term of the member vacating such board in the same manner as is required for a regular appointment and shall also qualify for such position as is provided in this section.

G. Officers. At the first regular meeting of the park, ~~and~~ recreation and forestry board in ~~August~~ of each year, the board shall elect from its voting members a president and a vice-president, each of whom shall

serve until the first meeting of the board ~~in August~~ in August of the following year. The vice-president shall act in the absence or disability of the president. In case of death, resignation or retirement of an officer, a successor shall be elected at the board's next meeting.

H. Meetings. The park, ~~and recreation, and board~~ forestry board shall hold regular meetings at least once each month, and as many special meetings as it deems proper.

I. Quorum. Three voting members of the park, ~~and recreation~~ and forestry board shall constitute a quorum for the transaction of business.

J. Affirmative Action. An affirmative vote of at least three members of the park, ~~and recreation~~ and forestry board shall be necessary to authorize any action of the board.

K. Records--Reports. The secretary of the park, ~~and recreation~~ and forestry board shall keep a record of its proceedings and make such reports as may be required by the board. In the absence or inability of the secretary to act, the board may appoint a secretary pro tem to perform his or her duties. The records of the board kept by its secretary or copies of any such records, when duly certified by the secretary, shall be competent evidence of the proceedings of the board.

L. Powers and Duties Generally--Limitations. The park and recreation board shall have all of the powers and duties and be subject to limitations and enjoy those privileges and immunity as provided by state law (SDCL 9-38). Whenever the prior approval of the common council of the city is required, before the board can act, such prior approval shall be obtained.

M. Budgeted Funds. Budgeted amounts for park, ~~and recreation~~ and forestry board purposes shall be ~~combined in one account, pursuant to SDCL 1967, 9-38-90.3, as from time to time amended, 9-38-90.3.~~ The City shall set aside \$50,000 a year in a budget to be used by the park, recreation and forestry board.

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 6th day of August, 2018

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: July 16, 2018

Vote:

Second Reading: August 6, 2018

Fischer:

Whittaker:

Publication: August 15, 2018

Nielsen:

Blom:

Arseneault:

Moore:

ORDINANCE #808

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING Title 12 Streets, Sidewalks and Public Places, Chapter 12.14 City Trees and Forest, Sections 12.14.010 Definitions and 12.14.020 City Tree Board of the Custer City Municipal Code by said Ordinance, as follows, to wit:

12.14.010 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Board" is the City of Custer Park, ~~and Recreation and Forestry Board/Committee.~~

"City Tree Manager" shall mean the person employed, contracted, or appointed by the city who has direct responsibility for implementing and enforcing this chapter.

"Park trees" shall mean the trees, shrubs, bushes and all other woody vegetation on public lands.

"Pest" shall mean any organism, insect, rodent or other agent that damages or causes abnormal growth, disease or death of any tree, shrub, bush or woody vegetation.

"Street trees" shall mean trees, shrubs, bushes, and all other woody vegetation on lands lying within municipal or public rights-of-way.

12.14.020 City Tree Board

A. Establishment, composition, appointment. The City of Custer Park, ~~and Recreation and Forestry Board/Committee~~ is hereby designated as the City Tree Board, consisting of members appointed by the Mayor with the approval of the City Council.

B. Terms, compensation, organization.

(a) The terms of office of the board members are as established by the City Council, for a period of two years.

(b) Members of the Board shall serve without compensation.

(c) The Board shall choose its own officers and shall keep a journal of the proceedings. A quorum is required to do business.

(d) The board may appoint subcommittees or task forces to specifically address community forestry needs.

(e) The Public Works Director shall be the City's tree manager and also a member of the board.

C. Duties and responsibilities. The duties of the City Tree Board are as follows:

(a) The Board will study, investigate, counsel, and develop and annually update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official Comprehensive City Tree Plan for the City.

(b) The board, when requested by the City Council, shall consider, investigate, make findings, reports, and recommendations upon any special matter or question coming within the scope of its work.

(c) The City will celebrate Arbor Day annually, and encourage tree planning and care.

D. Review by council. The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board within thirty (30) days to the City Council who may hear the matter and make the final decision.

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 6th day of August, 2018

City of Custer City

Corbin Herman, Mayor

Attest _____
Laurie Woodward, Finance Officer
(SEAL)

First Reading: July 16, 2018
Seconding Reading: August 6, 2018
Publication: August 15, 2018

Vote:
Fischer: Whittaker:
Nielsen: Blom:
Arseneault: Moore:

**CITY OF CUSTER CITY, SOUTH DAKOTA
COUNTY OF CUSTER, SOUTH DAKOTA
LAW ENFORCEMENT AGREEMENT**

This Agreement, made and entered into this 16th day of July 2018, by and between the City of Custer City, South Dakota, hereinafter referred to as "City", the County of Custer County, South Dakota, hereinafter referred to as "County", and the Sheriff of Custer County, South Dakota, hereinafter referred to as "Sheriff",

WITNESSETH:

WHEREAS, the City, County, and Sheriff are desirous of arranging the terms and conditions for the performance of law enforcement within the jurisdiction of the City by the Sheriff.

TERM

The effective date of this Agreement shall be from January 1, 2019 through December 31, 2019.

CONSIDERATION

The City shall pay to the County for those law enforcement services described herein the sum of Three Hundred Seventy-Five Thousand Dollars (\$375,000.00) for the year 2019. The City shall prepay, on a quarterly basis, beginning January 2019 and each consecutive and successive quarter for a term of one (1) year.

SCOPE OF SERVICE

In addition to the Sheriff Department's normal duties as prescribed by SDCL, the following services as contracted for will be regularly performed within the boundaries of the City, in addition to a strong visibility and presence, shall include but not be limited to traffic enforcement, foot patrols, enforcement of vehicle and traffic related City Ordinances, animal control, deer management sharpshooters, intersection traffic control. Said primary patrol and enforcement duties shall only be performed by regular Custer County Deputies. Further, the Sheriff shall provide such services twenty-four (24) hours each day, for the duration of this contract.

The above-referenced services shall specifically exclude as a contract service hereunder:

- 1) the D.A.R.E. program;
- 2) all non-emergency/essential responses to calls outside the Municipal limits of Custer City;
- 3) regular administrative duties not associated with occurrences within the Municipal limits of Custer City; and.

RECORDS AND REPORTS

The Sheriff shall provide an accurate written description tracking and accounting of all calls handled as well as the duty schedule, and actual time worked in the month prior reported and responded to within and without the municipal limits to the City Council before the second meeting of each month. Further, the Sheriff or his designee shall attend regular City Council meeting quarterly, and any other meeting upon request by the City Council, to provide in-depth and knowledgeable information and input regarding law enforcement matters within the City, along with the written report of the month's activities.

The Sheriff shall provide to the City Council an accurate written annual report of the number of felony arrests; the number of dispatch calls broken down per category and whether or not a deputy responded; and the description and number of prisoners charged to the City.

Correspondence reference, requests, complaints, meetings, and contracts shall be reduced to writing and copied to the Custer County Board of Commissioners.

FACILITIES

All equipment and maintenance required by the Sheriff shall be the responsibility of the County and the Sheriff.

INSURANCE

It is hereby agreed that the County shall provide, through its public liability pool, liability insurance for the Sheriff's Department against false arrest and other related law enforcement service claims.

INDEMNIFICATION

The County hereby agrees to indemnify and hold the City harmless should the City be sued as a result of any negligent act or omission by the Sheriff's Department with respect to the Scope of Service of this agreement.

The City hereby agrees to indemnify and hold the County harmless should the County be sued as a result of any negligent act or omission by the City with respect to law enforcement issues.

DEFAULT

Failure of any party to perform as promised under this Agreement shall cause this Agreement to become void upon thirty (30) days written notice, certified mail, to the party deemed to have created the default. In the event that the default is not cured within said 30 day period, all sums paid by the City during the year the default occurred shall be refunded to the City on a pro-rata basis.

TERMINATION

This Agreement shall terminate, without cause, upon the written notice of any party to the other two parties by certified mail. Said notice shall be mailed no less than one hundred twenty (120) days prior to the effective termination date.

For the purpose of this contract, cause is defined as the financial proven inability to provide the resources to fulfill the terms of this contract, and/or to provide the funding for the consideration under this contract.

IN WITNESS WHEREOF, the parties have placed their signatures, the City of Custer City, South Dakota, on this Agreement to be signed by its Mayor and attested by its Finance Officer, and the seal of said Council to be affixed thereto and the County of Custer, its Sheriff, and by order of its Board of County Commissioners, has caused these presents to be subscribed by the chairman of the Board and the seal of said Board to be affixed thereto and attested by the Auditor of said Board, all of the day and year written below.

CUSTER COUNTY BOARD OF COMMISSIONERS

Chairman

Date

Custer County Sheriff

Date

ATTEST:

Custer County Auditor

Date

(SEAL)

COMMON COUNCIL OF CITY OF CUSTER

Corbin Herman, Mayor

Date

ATTEST:

Laurie Woodward, Finance Officer

Date

(SEAL)



CUSTER COUNTY

To: County Commissioners, Tracy Kelley, Mike Carter & Kim Kerkvliet

From: Rex Harris

Memo: New information forces philosophy change for solution.

July 2, 2018

Information received late Friday on the drainage system to the water storage tanks has dictated a change in philosophy. A sump and pump system outside of the elevator shaft was installed after construction was well underway and not shown on any of the drawings. We obtained this information from a copy of a letter sent to Bob Morrison, Public Works Director for the City of Custer sent to him on January 6, 2011. We have enclosed copies of this information. This system was installed to keep groundwater from entering the elevator shaft. It was routed to a roof drain port on the west side of the building. The pump was designed to transfer 14,000 to 20,000 gallons of water per day to the tanks on the south side of the building. The tanks were installed to collect roof drainage and not sized for a daily flow of that much water from the groundwater. When the outfall from the tanks was compromised and that water was no longer used for irrigation, it created hydrostatic pressure sufficient to force water into the interior of the building. We are not sure where it enters the basement but we must eliminate the problem regardless

It is important to keep in mind that we have approached this issue in a systematic manner. A project like this requires we go beyond the tenets of mitigation. It is imperative we don't merely return conditions back to an accepted norm. The accepted norm continues to impact the basement area (financially and structurally) as well as the optic the drainage portrays of the County facility.

This recommendation is a collaboration and consensus with contractors, staff, DOT, and Custer City public works personnel. We also believe this addresses the "green" concept utilized to procure the necessary funds for the original build. The original building specifications did not entertain the conditions of ground saturation that we are experiencing. It is believed the solution presented provides the necessary course of action. In addition, we have contacted SD DENR and were told no permit will be required to discharge the overflow water from the tanks. We have contacted DOT and have their permission to tap into their culvert at the intersection of 5th Street and Washington Street. We have discussed the route along Washington Street with Bob Morrison and he felt comfortable with it but he needed to get the route approved by the City Council.

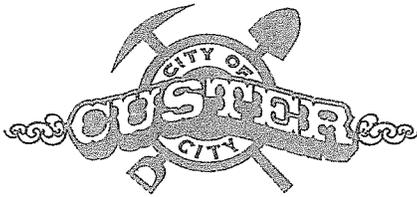


CUSTER COUNTY

Our plan is to restore the outlet pipe from the tanks and then run the pipe east to a culvert running in the 5th Street ROW and then cross beneath Washington Street to a channel flowing parallel with the New Veteran's Memorial and down to French Creek. This will provide positive year round flow away from the Courthouse. This eliminates the chance of slope failure on the south side of the Courthouse and the freezing potential in Washington Street when the pumps run in the winter. We can't control the pumping schedule of the groundwater. We will have spent several thousand dollars on basement clean up this year and more in years past. This should provide the safety margin required to prevent further flooding of the building and not allow flooding to Washington Street when the pumps kick on in the winter.

Rex Harris, Custer County Planning Director

Encl:



BOARDS AND COMMITTEE LIST

2018-2019

Planning Commission

Meets the Second Tuesday of Each Month

Jared Tennyson, (Chair) Term Ends 10/2/2022
Joe Uhrich, (V.Chair) Term Ends 7/2021
John Dvorak, Term Ends 1/2020
Joe Harbach, Term Ends 11/1/2022
Scott Olson, Term Ends 1/2/2022
Rick Hudson, (3 mile rep) Term Ends, 7/2019
Dixie Whittaker, Liaison - Non-voting
Larry Maciejewski, Alternate
Tim Hartmann, Planning Administrator

Public Works Committee

Meets the First Monday of Each Month at 4:00 pm

Sandy Arseneault
Kris Blom
Dixie Whittaker
Corbin Herman
Bob Morrison

Custer Community Health

Service Board Liaison

Corbin Herman

YMCA Board Liaison

Jeannie Fischer

Golf Course Board Liaison

Bob Morrison

Custer Area Transportation

Board Liaison

Dixie Whittaker

Chamber of Commerce Board Liaison

Corbin Herman

Black Hills Council Liaison

Tim Hartmann
Laurie Woodward, Alternate

General Government Committee

Meets the Second Monday of Each Month at 4:30 pm

Jeannie Fischer
Nina Nielsen
Carrie Moore
Corbin Herman
Laurie Woodward
Bob Morrison
Tim Hartmann

Park and Recreation Committee

Meets the Third Tuesday of Each Month at 5:30 pm

Steve Pischke, (Chair) Term Ends 8/2020
Warren Graham, (V. Chair) Term Ending 8/2020
Jenny Behlings, Term Ending 7/2021
Jamye Severyn, Term Ending 8/2020
Open Position, Term Ending 7/2021
Patty Lee, 3 mile Member Term Ending 7/2021
Kris Blom, Council Liaison, Non-Voting
Jared Carson, School Liaison
Rex Jorgenson, YMCA Liaison
Dave Ressler, Chamber Liaison
Mary Hoover, Garden Club Liaison
Staff - Lance Stansbury, Bob Morrison,
Laurie Woodward, Sydney Gramkow

Custer Cruisin Committee

Joe Bowden, Chairman
Tony Gonsor, Vice Chairmain
Cherish Baker
Roxanne Horkey
Dave Ressler, Chamber Liaison
Matt Fruse
FourFront Design Representative
Corbin Herman
Kim Conwell

Custer Arts Council

Carrie Moore

1881 Courthouse Museum Board Liaison

Nina Nielsen

BH Economic Development Liaison

Monty Karim

Ethics Committee

Jeannie Fischer

Nina Nielsen

Dixie Whittaker

Kris Blom, Alternate

Emergency Services Liaisons

Corbin Herman

Bob Morrison

Safety Committee

Corbin Herman

Nina Nielsen

Bob Morrison

Gaile Walker

John Christie

Kim Conwell

Sydney Gramkow

Black Hills Vision Liaison

Corbin Herman

Custer Fall River Waste Management Liaison

Sandy Arseneault

Custer Economic Development Corp Liaison

Corbin Herman

Custer County Housing Board

Nina Nielsen

Banner Associates Inc, Professional Fees, \$1,906.95
Black Hills Energy, Utilities, \$5,707.55
California State Disbursement, Deduction, \$53.19
Clark, Jeff, Safety, \$33.00
Code Works, Professional Fees, \$231.63
Culligan, Repairs and Maintenance, \$54.50
Custer Ace Hardware, Supplies, \$567.53
Chamber of Commerce, Sales Tax Subsidy, \$21,381.96
Custer County Auditor's, Professional Fees, \$846.42
Custer County Treasurer, Law Enforcement Contract, 93,750.00
Dakota Pump & Control, Repairs and Maintenance, \$18,499.02
Discovery Benefits, Supplies, \$25.00
Fastenal, Supplies, \$44.73
First National Bank, SRF Loan Payments, \$15,477.11
French Creek Supply, Supplies, \$356.35
Government Finance Officers Association, 2018 Renewal, \$160.00
Green Owl Media, Professional Fees, \$192.50
Golden West Telecommunications, Utilities, \$591.74
Golden West Technologies, Repairs and Maintenance, \$673.50
Hawkins, Supplies, \$ 6,121.54
Holiday Inn, Conference, \$495.00
Jenner Equipment, Supplies, \$259.17
Midcontinent Testing Labs, Professional Fees, \$504.00
Petty Cash, Supplies, \$88.35
Pitney Bowes, Supplies, \$48.69
Quill, Supplies, \$165.30
Rapid Delivery, Professional Fees, \$77.64
Reginal Health Network, Sales Tax Subsidy, \$50,988.48
S & B Motors, Supplies, \$46.83
SDML, Conference, \$50.00
Servall, Supplies, \$165.93
BIT Finance/ State Long Distance, Utilities, \$37.32
The Hartford, Insurance, \$64.12
Unemployment Insurance Division, \$287.27
United Way, Contributions, \$200.00
USDA Loan Payment, \$8,910.00
Verizon Wireless, Utilities, \$404.24
Wegner Auto Co, Equipment, \$28,967.00
Fish, Misty, Utility Refund, \$16.12
Total Claims \$258,449.68

