

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
COUNCIL AGENDA
July 2nd, 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 – June 18th, 2018 Minutes
4. Old Business
 - a. Motion to Reconsider the vote on Second Reading of Ordinance #805 Conditional Use Permits
 - b. Second Reading – Ordinance #805 Conditional Use Permits
5. Oath of Office – Council Members
6. Council President & Vice President and Attorney & Assistant Attorney Appointments – Attorney Oath of Office
7. Yearly Appointment of Planning Commission 3-mile representative
8. Declaration of Conflict of Interest
9. Public Presentations - Public Hearings - Public Comments
 - a. Public Hearing – Off Sale Liquor, Malt Beverage & Wine License Transfers – Yesway (Previously Fresh Start)
 - b. Black Hills Cruisin Publication - Custer Chronicle
 - c. Exception to Custer Municipal Code 15.12 (Fire Limits) –544 Mount Rushmore Road
 - d. Resolution #07-02-18A – Governing Board Code of Conduct
 - e. Resolution #07-02-18B – USDA Rural Development Financing for Custer Community Center
 - f. Resolution #07-02-18C – Public Comment Rules
10. New Business
 - a. Temporary Alley Closure Request - VFW
 - b. Custer Volunteer Fire Department Annual Firefighter's Dance Request
 - c. Replacement Sand for Volleyball Courts – Park Recreation and Forestry Board
 - d. Planning Commission Resignation
 - e. Planning Commission Appointments
11. Presentation of Claims –
12. Department Head Discussion & Committee Reports –
13. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
14. Adjournment

REMINDERS

- General Government Committee Meeting – July 9th, 2018 4:30 P.M.
Planning Commission Meeting – July 10th, 2018 5:00 P.M.
Regular City Council Meeting – July 16th, 2018 5:30 P.M.
Park & Recreation Committee Meeting – July 17th, 2018 5:30 P.M.
Public Works Committee Meeting – August 6th, 2018 4:30 P.M.
Regular City Council Meeting – August 6th, 2018 5:30 P.M.**

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
June 18th, 2018**

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

AGENDA

Councilperson Nielsen moved to approve the agenda. Second by Councilperson Blom, the motion unanimously carried.

MINUTES

Councilperson Fischer moved, with a second by Councilperson Nielsen, to approve the minutes from the June 4th council meeting and June 11th special council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

SECOND READING – ORDINANCE #805 – CONDITIONAL USE PERMITS

Councilperson Maciejewski moved to adopt Ordinance #805 - Conditional Use Permits. Seconded by Councilperson Fischer, the motion failed with Councilperson Maciejewski and Fischer voting yes while Councilperson Nielsen and Blom voted no.

RESOLUTION #06-18-18A – STRUCTURES ON TRACT HOSPITAL AND TRACT CLINIC

Councilperson Nielsen moved to adopt Resolution #06-18-18A - Structures on Tract Hospital and Tract Clinic. Seconded by Councilperson Fischer, the motion unanimously carried.

RESOLUTION #06-18-18A

WHEREAS, the City of Custer City had previously agreed with Regional Health Network, Incorporated, that certain real estate located in the City of Custer City as more fully described in Resolution #02-01-16B dated February 5, 2016, would be conveyed back to the City of Custer City by Regional Health Network, Incorporated, upon completion of the construction by Regional Health Network, Incorporated, of a new hospital and clinic facility;

WHEREAS, Resolution #02-01-16B requires that prior to conveying the real property back to the City of Custer City, Regional Health Network, Incorporated will demolish all structures on the property;

WHEREAS, the Common Council has determined that retention of the structure on Tract Clinic and the garage structure located on the North West corner of Tract Hospital may be beneficial to the city of Custer and that the structure on Tract Clinic and the garage structure located on the North West portion of Tract Hospital shall be released from the portion of Resolution #02-01-16B requiring Regional Health Network, Incorporated demolish all structures on the property;

IT IS HEREBY RESOLVED, by the Common Council of the City of Custer City that Regional Health Network, Incorporated is authorized to refrain from demolishing the structure on Tract Clinic and the garage structure located in the northwest portion of Tract Hospital prior to conveying such real property to the City of Custer City;

Dated this 18th day of June 2018.

City of Custer City

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

EXECUTIVE PROCLAMATION – Regional Health Care Day

Mayor Herman presented the executive proclamation for Regional Health Care Day. Councilperson Blom moved to approve the executive proclamation for Regional Health Care Day. Seconded by Councilperson Nielsen, the motion unanimously carried.

EXECUTIVE PROCLAMATION

WHEREAS, the Custer Community Hospital was dedicated Dec 9th, 1962;

WHEREAS, in 1962 the Founding Hospital Committee consisted of 5 members;

WHEREAS, the first baby was delivered on Dec 27th, 1962;

WHEREAS, the last addition on the Custer Community Hospital was completed in 1986, making it an 11-bed critical access hospital;

WHEREAS, the Custer Community Hospital was bought by Regional Health in 1993 and later became known as Custer Regional Hospital;

WHEREAS, Custer Regional Hospital added the Assisted Living Center in 1999 to enhance continuum of care;

WHEREAS, Custer Regional Hospital acquired operation of the nursing home in 2001, making them a well-round healthcare campus;

WHEREAS, the groundbreaking celebration for the new Custer Regional Hospital and Clinic was held Oct 27th, 2016;

WHEREAS, the new Regional Health Custer Hospital and Clinic opened doors for business on Monday April 30th, 2018.

THEREFORE, BE IT RESOLVED, that I Corbin Herman, Mayor of City of Custer City, South Dakota, do hereby proclaim June 19th, 2018 to be

Regional Health Care Day

in the City of Custer City, SD, and I urge all citizens to celebrate Regional Health Care Day. Further, I encourage all citizens to embrace the health care that has been offered in our community for the past 56 years and celebrate the future of healthcare for our community.

Adopted this 18th day of June 2018.

City of Custer

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

FINAL PLAT – PLAT OF TRACT 1 REVISED AND 2 REVISED OF BIG ROCK SUBDIVISION SCHNELLER TRACT AND BROUILLARD TRACT

Councilperson Fischer moved to approve the final plat of Tract 1 Revised and 2 Revised of Big Rock Subdivision, Schneller Tract and Brouillard Tract. Seconded by Councilperson Blom, the motion unanimously carried.

AMERICORP NCCC NORTH CENTRAL REGION – PROJECT

Councilperson Blom moved to approve submitting the AmeriCorps application for a September 12th, 2018 through November 1st, 2018 project in cooperation with Custer State Park. Seconded by Councilperson Nielsen, the motion unanimously carried.

COMBINED ELECTION AGREEMENT

Councilperson Nielsen moved to approve the combined election agreement with Custer County for the November 6th, 2018 election. Seconded by Councilperson Blom, the motion unanimously carried.

CITY ATTORNEY CONTRACT

Councilperson Maciejewski moved to approve the City Attorney Contract with Chris Beesley for July 1, 2018 through June 30th, 2020 with a monthly retainer of \$800 and a hourly rate of \$125 per hour through June 2019, then increasing to \$140 per hour through June 2020. Seconded by Councilperson Nielsen, the motion unanimously carried.

CLAIMS

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

Beesley Law Office, Professional Fees, \$2,717.50
Black Hills Chemical, Supplies, \$249.90
Black Hills Energy, Utilities, \$13,177.26
Black Hills Power Equipment, Supplies, \$166.59
California State Disbursement, Deductions, \$53.19
Culligan, Repairs & Maintenance, \$18.50
Chamber of Commerce, Sales Tax Subsidy, \$13,252.19
Chronicle, Publishing, \$728.60
Custer Fire Department, Promotion, \$30,500.00
Custer True Value, Supplies, Repairs & Maintenance, \$889.48
Davenport, Dolsee, BID Board, \$5,000.00
Discovery Benefits, Supplies, \$27.00
Fastenal, Supplies, \$91.39
French Creek Supply, Supplies, Repairs & Maintenance, \$77.54
Green Owl Media, Professional Fees, \$181.50
Gunderson, Palmer, Nelson & Ashmore, LLP, Professional Fees, \$351.00
Hawkins, Supplies, \$7,856.70
Home Slice Media Group, Digital Adverting/ BID Board, \$23,019.52
Itron, Repairs & Maintenance, \$822.63
Jenner Equipment, Repair & Maintenance, \$103.76

Ketel Thorstenson, Professional Fees, \$1,067.94
Kimball Midwest, Supplies, \$118.04
KLJ, Professional Fees, \$900.00
LabCorp, Safety, \$279.00
Lasting Impressions Unlimited, Supplies, \$77.00
Lynn's Dakotamart, Supplies, \$25.60
Metering & Technology, Supplies, \$6,970.68
Midcontinent Testing Labs, Professional Fees, \$493.00
Northwest Pipe Fittings Inc, Repairs & Maintenance, \$1,007.87
Petty Cash, Supplies, \$204.90
Rapid Delivery, Professional Fees, \$51.76
Regional Health Network, Sales Tax Subsidy, \$36,397.67
BIT Finance/ State Long Distance, Utilities, \$77.66
State of SD, Sales Tax, \$3,267.02
Servall, Supplies, \$165.02
Simon Materials, Repairs & Maintenance, \$4,372.00
Toby Brusseau BID Board, \$16,000.00
USA Bluebook, Repairs & Maintenance, \$1,462.38
USDA Loan Payment, \$8,910.00
Kahler, David, Utility Refund, \$62.04
Total Claims \$181,193.83

DEPARTMENT HEADS & COMMITTEE REPORTS

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

ADJOURNMENT

With no further business, Councilperson Blom moved to adjourn the meeting at 5:54 p.m. Seconded by Councilperson, Fischer, the motion unanimously carried.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

ORDINANCE NO - 805

An Ordinance entitled an Ordinance Adding Chapter 17.52 Conditional Use Permits to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.52 Conditional Use Permits be added as follows:

Chapter 17.52

Conditional Use Permits

Sections

17.52.010 Purpose

17.52.020 Conditional Use Application and Fees

17.52.030 Procedure for Review of an Application

17.52.040 Considerations for Approval or Denial

17.52.050 Appeals of a Decision of the Planning Commission

17.52.060 Amendments to a Conditional Use Permit

17.52.070 Reapplication after a Denial

17.52.080 Conditional Use Permit to be Non-Transferable

17.52.090 Expiration of a Conditional Use Permit

17.52.100 Annual Review of Conditional Use Permits

17.52.110 Suspension or Revocation of Conditional Use Permits

17.52.010 Purpose

Within each zoning district, there are certain uses that are permitted as a conditional use. These listed conditional uses under each district are illustrative of those, which the Planning Commission may approve temporarily, permanently or approve for a specific time interval. Additionally, other conditional uses may be allowed, which are not listed, provided they are not contrary to the overall intent of the Chapter 17 of the Custer Municipal Code.

17.52.020 Conditional Use Application and Fees

- A. Applications: any person, firm, or corporation may apply for a Conditional Use Permit. If such person, firm, or corporation is acting as an authorized agent, written authorization consenting to the application shall be provided by the property owner. An application shall be provided by the City and returned to the Planning Administrator. The completed application along with all supporting documentation shall be submitted to the Planning Administrator at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting and shall illustrate:

1. A written request pertaining to the proposed use;

2. a complete legal description of the property, maps identifying the property, any diagrams of the property; and
3. a site plan that shall include the following information:
 - a. The proposed land uses and any specific services to be offered;
 - b. all property lines and dimensions of the lot(s);
 - c. the adjacent land use;
 - d. the existing and proposed structures, dimensions, and location of all facilities (i.e. pump stations, gas tanks, etc.);
 - e. the proposed and existing improvements, including septic systems, drain fields, wells, cistern systems, parking and roads;
 - f. the proposed and existing signs and their locations;
 - g. the relationship of the proposed development to the surrounding area.

B. Fees: Upon filing any application for a Conditional Use Permit, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

17.52.030 Procedure for Review of an Application

The following shall be the procedures used after an application for a conditional use and the required fees have been submitted to the City:

- A. The Planning Administrator shall review the completed conditional use application and determine if granting the conditional use would be contrary to the criteria set forth in section 17.52.040 of this code. Additionally, any application not containing and/or addressing all the information required in 17.52.020, shall be rejected, and returned to the applicant with the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application along with his/her recommendation concerning the granting of a Conditional Use Permit. The application and recommendation shall be presented in a public hearing at the next regularly scheduled Planning Commission meeting. At the meeting, any interested person shall be given a full, fair, and complete opportunity to be heard.
 - a. After the application is added to the Planning Commission agenda, notice of the application shall be given by sign, mail, and newspaper.
 - i. Sign: A sign will be furnished by the Planning Administration and posted by the Planning Administration. The sign must be posted in plain public view at the property where the conditional use is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the

Planning Commission is completed. The sign shall comply with SDCL 11-4-4.4.

- ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners within two hundred fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the property being considered for a Conditional Use Permit. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the Planning Commission's meeting.

C. The Planning Commission shall approve or deny the application following a review of the application in accordance with the requirements set forth in section 17.52.040 of this code. The findings of the Planning Commission shall be documented in a written statement that includes the following;

- a. An explanation of whether the criteria listed in section 17.52.040 of this code has or has not been met. If certain criteria do not apply, an explanation of why it does not comply shall also be provided.
- b. A voting record of the Planning Commission and the date of the Planning Commission's action. This information may be included within the regular meeting minutes of the Planning Commission.
- c. If the action is to deny the application, the reasons for such action shall be stated in the minutes of the meeting and a specific reference shall be made to the requirements not met.

17.52.040 Considerations for Approval or Denial

Generally, the granting of any Conditional Use shall be in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or be in conflict with the comprehensive plan for development. The following are considerations the Planning Commission may use in determining the approval or denial of a Conditional Use Permit, and supporting documentation may be requested:

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided;

- B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
- D. The proposed use shall be in compliance with all other ordinances.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations.
- J. The proposed use shall maintain appropriate commercial liability insurance.
- K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

17.52.050 Appeals of a Decision of the Planning Commission

The Planning Commission's action taken on a conditional use permit may be appealed to the Board of Adjustment by any person aggrieved by the decision. The appeal shall be completed using the procedure set forth in section 17.56 of this code.

17.52.060 Amendments to a Conditional Use Permit

Amendments to a Conditional Use Permit shall be processed in the same manner as required for a standard Conditional Use Permit.

17.52.070 Reapplication after a Denial

No applicant requesting a Conditional Use Permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning Commission shall reapply again before the expiration date of six (6) months from the date of the final action on the petition. The reapplication for a Conditional Use Permit shall be processed in the same manner as a new application.

17.52.080 Conditional Use Permit to be Non-Transferable

A Conditional Use Permit which has been approved by the Planning Commission is non-transferable and shall be considered valid for only the property and permitted conditional use in which the Permit was approved upon.

17.52.090 Expiration of a Conditional Use Permit

A Conditional Use Permit which has been approved by the Planning Commission shall expire by limitation and become null and void if;

- A. A transfer of ownership occurs with the property in which the Conditional Use Permit has been granted.
- B. The building, work, or use authorized by such permit is not commenced within one year from the date of the approval. Upon written request to the Planning Administrator and prior to the Conditional Use Permit's expiration date, a one-year time extension for the permit may be granted by the Planning Administrator, subject to the following conditions:
 - a. There was no public objection presented during the public hearing process for the original permit; and
 - b. The land uses for the surrounding properties have not significantly been altered since the original approval date for the permit.

17.52.100 Annual Review of Conditional Use Permits

The Planning Commission may, at their discretion, require the person requesting a Conditional Use Permit provide the commission a written annual report, onsite review, or that the person requesting the permit attend a Planning Commission meeting, or all the above, on each anniversary date of the approval of the Conditional Use Permit. The annual report, onsite review, or attendee at a commission meeting shall update the commission on the permit holder's compliance with the terms, requirements, and conditions stipulated in the approval of the permit.

17.52.110 Suspension or Revocation of Conditional Use Permits

If the Planning Administrator finds that at any time that the terms, conditions, or requirements of the Conditional Use Permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Planning Administrator shall report this fact to the permittee, landowner, and/or operator, and the Board of Adjustment. The Board of Adjustment may, after conducting a public hearing, of which the permittee, landowner, and/or operator shall be notified, revoke the permit for failure to comply with the terms, conditions, or requirements of the permit.

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 18th day of June 2018.

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: June 4, 2018

Second Reading: June 18, 2018

Publication: ~~June 27, 2018~~

~~Vote:~~

~~Arseneault: Absent~~ _____ ~~Maciejewski: Yes~~

~~Heinrich: Yes~~ _____ ~~Nielsen: Yes~~

~~Fischer: Absent~~ _____ ~~Blom: Yes~~

ESTABLISHMENT	LICENSE	TAXES PAID	AGREEMENT	INSURANCE
YESWAY	TRANSFER	YES	6/2018	PENDING
YESWAY	TRANSFER	YES	6/2018	PENDING
YESWAY	TRANSFER	YES	6/2018	PENDING

Black Hills Cruisin' 2018 SPECIAL EDITION

Featuring
all local stories
and photos!

10,000
copies
printed!



A total of 10,000 18th Annual Custer Cruisin' special editions will be printed under the BLACK HILLS CRUISIN' magazine name the end of July for distribution in the Southern Black Hills and Rapid City. It will be out in plenty of time for this year's big rally August 3-12 and features lots more activities in all of our towns. You won't want to miss out on this great issue. It is distributed in area motels, restaurants and campgrounds. Also available online at www.myblackhillscountry.com.

Events planned so far are the annual Fall River Freedom Ride Poker Run Aug. 6 in Hot Springs, Annual Custer Mayor's Ride Aug. 7 and Veterans' Appreciation Day and Poker Run Aug. 9th in Custer. There will be more as we get closer to the actual event.

DEADLINE IS MONDAY, JULY 16.

Black Hills Cruisin' Magazine Advertising Rates

<u>Full Page</u>	<u>1/2 Page</u>	<u>1/4 Page</u>	<u>1/8 Page</u>
\$675	\$475	\$260	\$160
10" wide x 9.5" tall	10" wide x 4.667" tall or 4.937" wide x 9.5" tall	4.937" wide x 4.667" tall 10" wide x 2.25" tall	4.937" wide x 2.25" tall
All ads are in full color!	All ads are in full color!	All ads are in full color!	All ads are in full color!

We'll be happy to compose your ad for you AT NO EXTRA CHARGE. All camera ready ads should be supplied on a CD or e-mailed to custerads@gwtc.net in the appropriate size at 200 dpi. Acceptable formats are JPG or PDF files.

For Space Reservations, Call Joshua or Darrell at 605-673-2217

or email Joshua at custerchronicle@gwtc.net or Darrell at custerads@gwtc.net

or Call Kate 605-673-2217 or email chroniclewriter2@gmail.com

Southern Hills Publishing Inc. • PO Box 551 • 522 Mt. Rushmore Rd. • Custer, SD 57730

RESOLUTION 7-2-18A

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.

Adopted: Dated this 2nd day of July, 2018.

Signature

Print Name

Date

CITY OF CUSTER CITY

ATTEST: _____

Laurie Woodward, Finance Officer
(SEAL)

Mayor Corbin Herman

City of Custer Code of Ethics

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

Corbin Herman, Mayor

ATTEST:

Laurie Woodward
Finance Officer

RESOLUTION 7-2-18C

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.

Passed, approved and adopted this 2nd day of July, 2018.

CITY OF CUSTER CITY

Mayor Corbin Herman

ATTEST:

Laurie Woodward, Finance Officer

(SEAL)

REQUEST TO BE ON AGENDA
CUSTER CITY COUNCIL MEETING

RECEIVED
JUN 19 2018
CITY OF CUSTER

NAME: VFW Aux. of Custer Post 3442 PHONE #: 5170287
ADDRESS: 12234 Harper Lane, Custer

MEETING DATE: _____

Council meets on the 1st and 3rd Monday of each month, however if such date follows on a holiday Council will meet the following day.

ACTION REQUESTED (Give a brief summary of the action you would like the Council to take):

Closure of N/Southally between Mt. Rushmore and W/East alley
on July 4, 2018 9am to 3pm -

REASONS FOR ACTION (Give a detailed account for the reasons you feel the Council should take the above action. Please state the history behind the request and as much information supporting your request as you can. Attach additional sheets if necessary.):

For Non-Profit fundraiser - Hot Dog sale on 4th of July
9 AM. - 3pm

Have you visited with any staff or committees regarding your request, please state who (General Government Committee, Public Works Committee, Planning Commission, Community Development Director, Public Works Director, Finance Officer):

Tim H. & Sydney G.

SIGNATURE Ze E. Bernick-Yellin DATE 6/19/18

This form must be returned to the Finance Office by noon on the Wednesday preceding a regular scheduled meeting.

Custer Volunteer Fire Department

P.O. Box 823
Custer, South Dakota 57730-0823

(605) 673-4080
Fax (605) 673-4088
E-Mail: custervfd@gwtc.net

May 2, 2018

City of Custer
622 Crook Street
Custer, SD 57730

Attn: Mayor Corbin Herman

Re: Firefighter's Street Dance

Dear Mayor Herman,

The Custer Volunteer Fire Department is planning on holding our annual Firefighter's Dance during Gold Discovery Days. The dates of the dance are July 20th and 21st, 2018. The dance will be held again this year as a street dance. Like previous years, we are asking permission to use 6th Street between Crook St. and the alley to the South.

The plan is to have Friday night dance as a family night with no alcohol allowed.

The Saturday night dance, we are requesting a brown bag license for the purpose of the dance. We will not be selling refreshments, however people attending the dance will be allowed to carry in their own refreshments.

This is a time that Custer High School host class reunions and this gives the classes a place to gather and visit. There will be security to assure there are not problems.

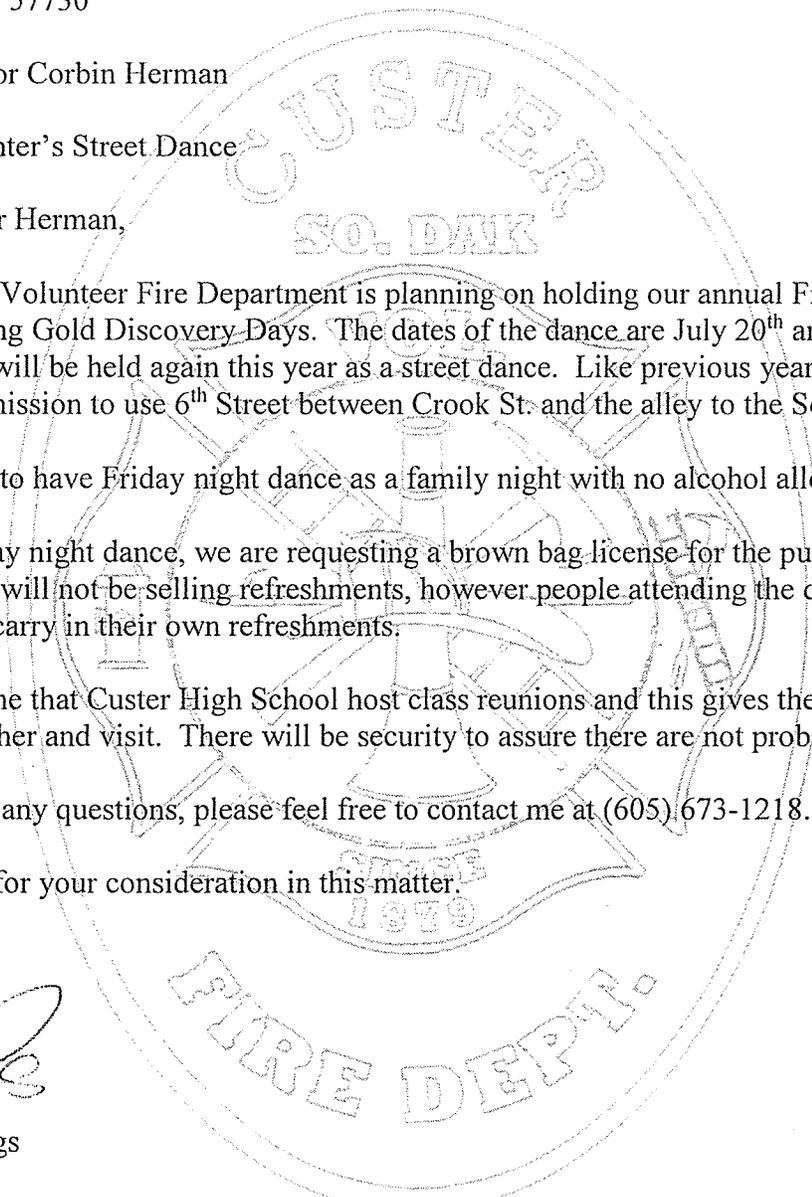
If you have any questions, please feel free to contact me at (605) 673-1218.

Thank you for your consideration in this matter.

Sincerely,



Joel Behlings
Fire Chief



Custer Volunteer Fire Department

P.O. Box 823
Custer, South Dakota 57730-0823

(605) 673-4080
Fax (605) 673-4088
E-Mail: custervfd@gwtc.net

May 2, 2018

City of Custer
622 Crook Street
Custer, SD 57730

Attn: Mayor Corbin Herman

Re: Firefighter's Street Dance

Dear Mayor Herman,

The Custer Volunteer Fire Department is planning on holding our annual Firefighter's Street Dance During Gold Discovery Days. The dates of the dance are July 20th and 21st, 2018.

As in the years past, we are requesting to reserve the Show Mobile for the purpose of the dance.

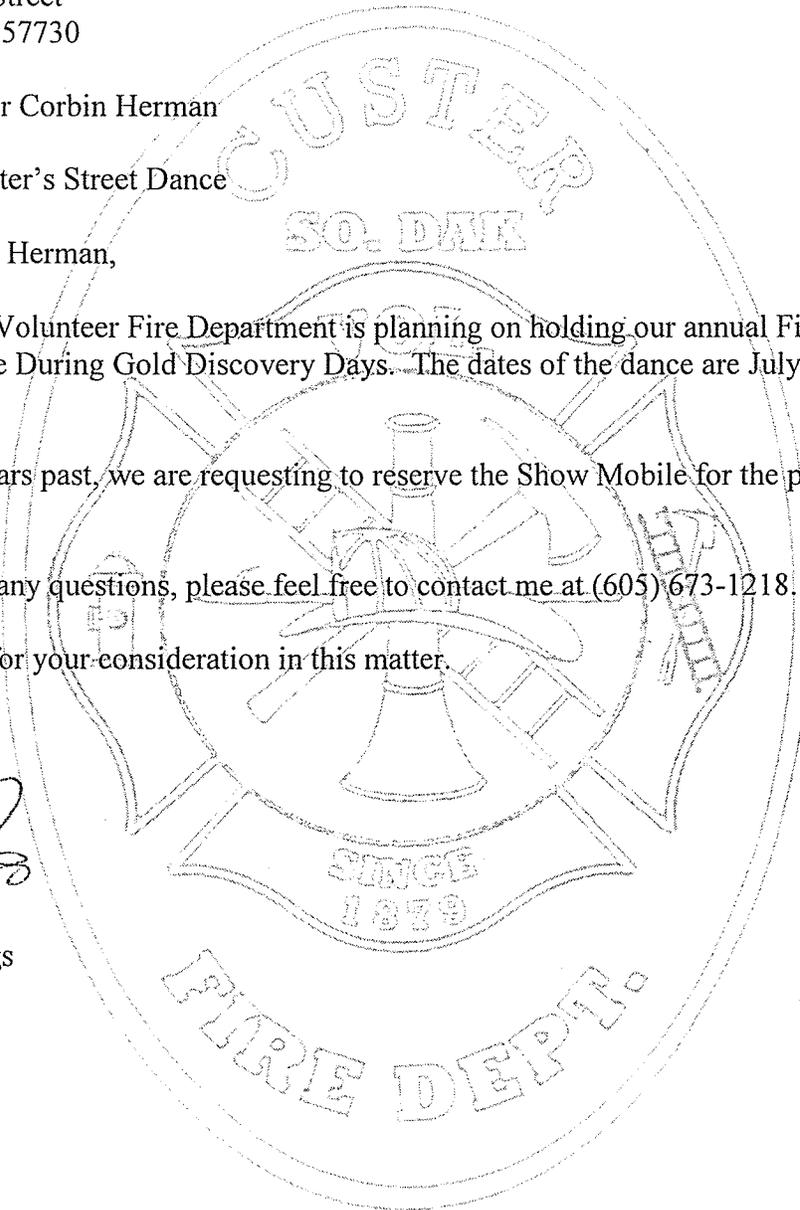
If you have any questions, please feel free to contact me at (605) 673-1218.

Thank you for your consideration in this matter.

Sincerely,



Joel Behlings
Fire Chief





RECEIVED
JUN 22 2018
CITY OF CUSTER

622 Crook Street
Custer, SD 57730

Phone: (605) 673-4824
Fax: (605) 673-2411

Application for a Special Alcoholic Beverage License

This application is for a special malt beverage retailers license, a special retail on-sale wine license, special malt beverage license by current licensee, or special permit for alcohol on public property (brown bag permit) in conjunction with a special event to any public, civic, charitable, educational, fraternal, or veterans organization to be held in the City of Custer for a period not to exceed 15 consecutive days. ****If applying for a Brown Bag Permit, there shall be NO exchange of money!****

Date of application: May 2, 2018

Name of Business or Organization: Custer Volunteer Fire Department Inc.

Address: 616 Crook Street, Custer, SD 57730

List three (3) officers, directors or responsible persons from this organization and their address:

Joel Behlings - Fire Chief - P.O. Box 823

Bill Bell - 1st Assistant Chief - P.O. Box 823

Matt Spring - 2nd Assistant Chief - P.O. Box 823

Type of license applying for: Brown Bag License

Location or place of event and physical address: North 6th Street - BTW Crook Street and the Alley to the South

Date(s): Saturday July 21, 2018

DESCRIPTION OF EVENT: Firefighter's Street Dance

Proposed time or hours of operation of the event: 8:00 p.m. - Midnight

Approximate or projected number of people who may attend: 300 ?

Will persons under age of 21 be allowed to attend? No

If so, describe in detail the plan and method of statutory barriers or separation which will be used:

If there is a flyer advertising your event, please attach it to this application

RECOMMENDATION

That the Parks, Recreation and Forestry Board be allowed, to cost share with Custer City, replacement sand for the volleyball courts, which are located east of the Chamber building. The total cost of the sand is \$8,750.00 with half of this amount being paid out of the Parks, Recreation and Forestry Budget.

06/26/2018

To: Parks, Recreation and Forestry Board

Subject: Purchase of new sand for the volleyball courts.

At last week's Parks, Recreation and Forestry Board (PR&F) meeting, though we did not have a quorum, we did some "information sharing" on replacing the sand at the volleyball court. To refresh everyone's memory what I presented is that it would take approximately 500 tons of sand at a cost of \$17.50 a ton for a total cost of \$8,750.00 delivered to Custer. Our proposal would be to cost share this with Custer City with PR&F paying half. It is hoped that this can be pulled off by Gold Discovery Days, July 20-22nd.

It appears as if everyone is on board with this proposal so Monday afternoon Warren and I met with Bob Morrison and Laurie Woodward to discuss it. Bob expressed some concerns that, due to the weather, his crew is behind on already scheduled projects so it may not happen by Gold Discovery Day. He also asked if the contractor, Mark Nielson, might be able to remove the existing sand, which he can do. In addition Bob wasn't sure if the City could pay for the project since this an unscheduled expense.

What I need from the voting members of PR&F is approval of the below recommendation so that I can get this topic on the next City Council agenda which is July 2nd. So, if you please, respond to this email if you are FOR or AGAINST spending PR&F funds to be used to replace the sand at the volleyball courts. Thank you, and please try to respond by Thursday so Laurie can get us on the agenda.

Steve Pischke

RECOMMENDATION

That the Parks, Recreation and Forestry Board be allowed to cost share with Custer City the cost of replacement sand for the volleyball courts which are located east of the Chamber building. The total cost of the sand is \$8,750.00 with half of this amount being paid out of the Parks, Recreation and Forestry Budget.

Tim Hartmann

From: Jerry Stites <jerry@westernhillsaviation.com>
Sent: Tuesday, June 26, 2018 7:10 PM
To: Mayor
Cc: 'Jerad Tennyson'; Tim Hartmann
Subject: Resignation

Corbin, I have decided after 2 ½ years to give up my seat on Commission. I have appreciated the opportunity to serve our Community. Jerry Stites

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, \$240.94
Claycomb Engineering, Professional Fees, \$100.00
Code Works, Professional Fees, \$2,862.62
Custer Economic Development, Subsidy, \$5,000.0
Chronicle, Publishing, \$330.84
Custer DoIt 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, Charges, \$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, Supplies, \$57,489.21
Lasting Impressions Unlimited, Supplies, \$41.00
Nelson's Oil & Gas, Supplies, \$1,499.75
Nielsen Enterprises, Supplies, \$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, \$5,787.21
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, \$318,229.66