

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
COUNCIL AGENDA
June 18th, 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 4th, 2018 Meeting and June 11th, 2018 Meeting
4. Declaration of Conflict of Interest
5. Public Presentations - Public Hearings – Public Comments
 - a. Second Reading - Ordinance #805 Conditional Use Permits
 - b. Resolution #06-18-18A - Structures on Tract Hospital and Tract Clinic
 - c. Executive Proclamation - Regional Health Care Day
 - d.
 - e.
6. Old Business
 - a.
 - b.
 - c.
7. New Business
 - a. Final Plat – Plat of Tract 1 and 2 Revised of Big Rock Subdivision, Schneller Tract, and Brouillard Tract
 - b. AmeriCorps NCCC North Central Region Project
 - c. Combined Election Agreement
 - d. City Attorney Contract
 - e.
8. Presentation of Claims –
9. Department Head Discussion & Committee Reports –
10. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
11. Adjournment

REMINDERS

- Park & Recreation Committee Meeting – June 19th, 2018 6:30 P.M.
Public Works Committee Meeting – July 2nd, 2018 4:30 P.M.
Regular City Council Meeting – July 2nd, 2018 5:30 P.M.
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.**

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
June 4th, 2018**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of June 2018 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, 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 Heinrich moved, with a second by Councilperson Maciejewski, to approve the minutes from the May 21st council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

PUBLIC HEARING – RESOLUTION #06-04-18A – RIGHT-OF-WAY VACATION – LOTS 1, 2 & 3 OF BLOCK 125

Public hearing was held for the right-of-way vacation. Councilperson Fischer moved to adopt Resolution #06-04-18A, Right-of-way Vacation for Lots 1, 2 & 3 of Block 125. Seconded by Councilperson Maciejewski, the motion unanimously carried.

FIRST READING – ORDINANCE #805 – CONDITIONAL USE PERMITS

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

Councilperson Arseneault joined the meeting at 5:43 pm.

RESOLUTION #06-04-18B – TRACT CLINIC

Councilperson Maciejewski adopt Resolution #06-04-18B, Tract Clinic. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION #06-04-18B

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 dated February 5, 2016, consisting of two pages, is attached hereto, and by this reference, is incorporated herein as though set forth in full;

WHEREAS, the new hospital and clinic facility has now been completed, and Regional Health Network, Incorporated is currently in the process of deeding said real properties back to the City of Custer City;

WHEREAS, Tract Clinic (formerly a portion of Lot E and all of lot B Revised) located in the SW1/4 of section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the plat filed in Book 4 of Plats, Page 137, is specifically referenced in Resolution #02-01-16B dated February 5, 2016;

WHEREAS, the County of Custer, State of South Dakota, has requested that the City of Custer City execute a deed granting said Tract Clinic to Custer County Search and Rescue, pursuant to SDCL 9–27-36, said deed to contain a specific restriction prohibiting the use of the property for healthcare facilities;

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Custer City, South Dakota that upon receipt of, and approval of, an agreement executed by the Commission of the County of Custer, South Dakota that said County shall utilize such Tract Clinic solely for the purposes of operation of Custer County Search and Rescue, containing the specific restriction hereinabove noted, and with a specific reversionary clause back to the City of Custer City, in the event that the County of Custer determines to utilize such Tract Clinic for any purpose other than for Custer County operations;

IT IS FURTHER RESOLVED, that the Mayor is authorized to execute a deed for Tract Clinic to the County of Custer in accordance with the terms of this Resolution.

Dated this 4th day of June, 2018.

City of Custer City

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer
RESOLUTION #06-04-18C – WRITE-OFF'S

Councilperson Heinrich moved to adopt Resolution #06-04-18C, Write-off's. Seconded by Councilperson Maciejewski, the motion unanimously carried.

RESOLUTION NO. 06/04/18C

WHEREAS, Book 3, Supplemental, Chapter 9-22-4 of the South Dakota Codified Law states "every municipality may assign for collection any or all delinquent accounts receivable. After reasonable collection efforts, the governing body may determine that an account is non-collectible, and by formal action direct that the non-collectible amount be removed from the records and disclosed on that year's financial report. Evidence of the debt removed from the records by the formal action of the governing body shall be retained by the municipality to support possible subsequent collection of that debt."

WHEREAS, efforts have been made to collect these past due accounts receivable, and

WHEREAS, adequate time has elapsed to consider these accounts receivable delinquent and past due,

NOW THEREFORE BE IT RESOLVED that the following accounts be deemed non-collectible and removed from the records and disclosed on the 2018 Financial Report.

| NAME: | ACCOUNT #: | AMOUNT: |
|----------------|------------|------------------|
| Ben Kruger | 500420-11 | \$ 123.10 |
| Wanda Haaheim | 200740-04 | \$ 66.39 |
| Brandon Hubler | 200740-04 | \$ 66.39 |
| Marsha Redday | 100055-06 | \$ 105.28 |
| TOTAL | | <u>\$ 361.16</u> |

Signed this 4th day of June, 2018.

CITY OF CUSTER

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

RESOLUTION #05-21-18A – FEE SCHEDULE

Councilperson Heinrich moved to adopt Resolution #05-21-18A, Fee Schedule. Seconded by Councilperson Fischer, the motion unanimously carried.

RESOLUTION NO. 06-04-18A

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, determined that a Fee Schedule be established to set forth fees for the City of Custer;

WHEREAS, Custer City staff and Common Council have jointly established guidelines for said fees.

IT IS NOW THEREFORE RESOLVED, that the City of Custer City Fee Schedule consisting of 13 pages, (attached hereto and incorporated herein) is hereby adopted;

IT IS FURTHER RESOLVED, that said Schedule shall be subject to modification as requested by staff or required by circumstances; it is further resolved that schedule shall be reviewed by the Common Council annually and may be modified to insure appropriate fees.

Dated this 4th day of June 2018.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

DRAINAGE EVALUATION & DESIGN SERVICES PROPOSAL - ACES

Councilperson Heinrich moved to table the drainage evaluation & design services proposal from ACES due to possible future partnership with South Dakota Department of Transportation. Seconded by Councilperson Maciejewski, the motion unanimously carried.

BRYDEN DRIVE & ALLEY PROJECT – DESIGN & CONSTRUCTION MANAGEMENT SERVICES PROPOSAL – ACES

Councilperson Heinrich accept the proposal from ACES for design & construction management services for Bryden Drive & Alley Project options for \$7,800. Seconded by Councilperson Nielsen, the motion unanimously carried.

APPLICATION FOR FOURTH OF JULY FIREWORKS – CUSTER VOLUNTEER FIRE DEPARTMENT

Councilperson Fischer moved to approve the application for outdoor display of fireworks for the Custer Volunteer Fire Department's Fourth of July fireworks display at Pageant Hill. Seconded by Councilperson Blom, the motion unanimously carried.

STUDEBAKER CAR SHOW STREET CLOSURE REQUEST – CHAMBER OF COMMERCE

Councilperson Blom moved to approve the Chamber of Commerce's request to close South Sixth Street from Mt Rushmore Road to Washington Street on September 2nd, 2018 for the Studebaker Car Show. Seconded by Councilperson Arseneault, the motion unanimously carried.

PLANNING COMMISSION APPOINTMENT

Councilperson Maciejewski moved to approve Mayor Herman's appointment of Scott Olson to the Planning Commission with a term end date of January 2nd, 2022. Seconded by Councilperson Blom, the motion unanimously carried.

EMPLOYEE STEP INCREASE

Councilperson Arseneault moved to approve a step increase for Julie Harley to step 4 at \$21.16 per hour effective May 18th, 2018. Seconded by Councilperson Blom, the motion unanimously carried.

CLAIMS

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

AE2S, Professional Fees, \$759.50

AFLAC, Insurance, \$588.92

AFSCME, Dues, \$129.21

Battel Mountain Humane Society, Animal Control Contract, \$1000.00

Black Hills Energy, Utilities, \$3,080.61

Century Business Products, Supplies, \$189.74

Custer of Commerce, Supplies, \$36.00

Custer Do It Best, Supplies, Repairs & Maintenance, \$327.06

California State Disbursement, Deductions, \$53.19

Dacotah Bank, TIF #2 Payment, \$2,094.29

Dacotah Bank, TIF #4 Payment, \$9,310.38

Discovery Benefits, Supplies, \$1,360.38

Delta Dental, Insurance, \$148.20

Edward Enterprises, Cemetery Caretaker Contract, \$4,571.43

EFTPS, Taxes, \$19,417.42

Fastenal, Supplies, \$454.84

First Interstate Bank, TIF #4 Payment, \$9,310.37

First Interstate Bank, TIF #1 Payment, \$2,094.29

First Western Insurance, Supplies, \$50.00

Golden West Telecommunications, Utilities, \$562.62

Golden West Technologies, Professional Fees, \$673.50

Honeywell, Materials Contract, \$7,208.22

International Code Council, Dues, \$135.00

Mid-American Research Chemical, Supplies, \$311.00

Petty Cash, Supplies, \$525.14

Pitney Bowes, Supplies, \$48.69

Quill, Supplies, \$277.93

RCS Construction, Professional Fees, \$13,683.86

Sanders Sanitation, Garbage Collection Contract, \$13,957.24

SD Association of Rural Water, Conference, \$200.00

SD Retirement System, \$9,447.46

Supplemental Retirement, \$930.00

SD Department of Revenue, Supplies, \$150.00

SD Secretary of State, Supplies, \$30.00

The Hartford, Insurance, \$64.12

Vector Design and Tech, Supplies, \$314.57

Verizon Wireless, Utilities, \$465.23

Warne Chemical & Equipment, Supplies, \$245.10

Wellmark BCBS, Insurance, \$11,519.05

Wright Express, Supplies, \$1,194.22
YMCA, Pool & Recreation Contract, \$43,500.00
Mayor & Council, \$4,400.00
Finance Department, \$8,832.03
Public Buildings, \$4,078.94
Planning Department, \$9,809.26
Public Works Department, \$4,699.95
Street Department, \$11,741.47
Cruisin Department, \$137.72
Parks Department, \$7,140.93
Water Department, \$17,995.64
Wastewater Department, \$17,540.40
Total Claims, \$246,795.12

DEPARTMENT HEADS & COMMITTEE REPORTS

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

ADJOURNMENT

With no further business, Councilperson Arseneault moved to adjourn the meeting at 6:27 p.m. Seconded by Councilperson, Blom, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- SPECIAL MEETING
June 11th, 2018**

Mayor Corbin Herman called to order a special meeting of the Common Council at 4:30 p.m. Present at roll call were Councilpersons Maciejewski, Nielsen, Fischer, and Arseneault. The Pledge of Allegiance was stated.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

ELECTION CANVASS

Council reviewed the election poll book, tally sheet and election board recap sheet, which balanced. Councilperson Arseneault moved to approve the official canvass which stated the votes for Ward I Councilperson were Dixie Whittaker with 93 and Larry Maciejewski with 58; and Ward II Councilperson were Carrie Moore with 136 and Alfred Heinrich with 61. Seconded by Councilperson Nielsen, the motion unanimously carried.

ADJOURNMENT

With no further business, Councilperson Maciejewski moved to adjourn the meeting at 4:45 p.m. Seconded by Councilperson Arseneault, the motion carried unanimously.

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~~

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.

Mayor Corbin Herman

Attest: _____
Laurie Woodward
Finance Officer

(Seal)

RESOLUTION #02-01-16B

A RESOLUTION TO AUTHORIZE THE MAYOR AND FINANCE OFFICER TO EXECUTE DEEDS TO ASSURE THE CONTINUATION OF HIGH QUALITY HEALTHCARE SERVICES WITHIN THE CITY OF CUSTER

WHEREAS, the City of Custer has previously transferred certain real property located within the City of Custer to Custer Community Health Services, Incorporated; and

WHEREAS, the deeds transferring the property to Custer Community Health Services, Incorporated contain a requirement for Custer Community Health Services, Incorporated to continue to use the property for health care purposes, or the property shall revert to the City of Custer; and

WHEREAS, the City of Custer has been informed that the challenges inherent in the evolving healthcare environment are having the effect of forcing consolidation among healthcare providers; and

WHEREAS, Regional Health Network, Incorporated has indicated its willingness to construct a new hospital and clinic facility within the City of Custer to replace the outdated hospital and clinic facilities which are currently in place; and

WHEREAS, Custer Community Health Services, Incorporated has determined the continuation of high quality healthcare services, including the construction of new facilities to replace the existing outdated facilities, can best be assured by merging its operations with Regional Health Network, Incorporated; and

WHEREAS, the existing deed restrictions would create uncertainty within the chain of title following the merger of Custer Community Health Services, Incorporated and Regional Health Network, Incorporated; and

WHEREAS, the execution of new deeds would alleviate the potential ambiguity within the chain of title; and

WHEREAS, the Custer Common Council has determined that it continues to be in the best interest of the community to continue to support high quality health care services in the City of Custer following the merger of Custer Community Health Services, Incorporated into Regional Health Network, Incorporated.

NOW, THEREFORE, BE IT RESOLVED by the Custer Common Council that the City of Custer supports the merger of Custer Community Health Services, Incorporated into Regional Health Network, Incorporated; and

BE IT FURTHER RESOLVED by the Custer Common Council that the Mayor and Finance Officer are authorized to execute deeds granting the full fee simple interest without restriction in the property described as

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

to Custer Community Health Services, Incorporated, with the understanding that upon completion of the construction of a new hospital and clinic facility, the existing structures on these parcels will be demolished,

the property returned to green space and conveyed back to the City of Custer by Regional Health Network, Inc. as successor in interest to Custer Community Health Services, Inc., with a restriction prohibiting the use of the property for healthcare facilities; and

BE IT FURTHER RESOLVED by the Custer Common Council that the Mayor and Finance Officer are authorized to execute deeds granting a fee simple interest, subject to a reversionary interest in the City of Custer City in the event the parcels are not used for healthcare purposes in the property described as

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

LOT C, formerly a portion of City Park, located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, South Dakota as shown on the Plat filed in Book 1 of Plats, Page 155; and

LOT F, formerly a portion of City Park, in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 1 of Plats, Page 155; and

TRACT NURSING HOME (formerly a portion of Lot E) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer City, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats, Page 137 and Book 10 of Plats, Page 215, Excepting therefrom Tract Ambulance of Health Care Subdivision of Tract Nursing Home, as shown on the plat filed in Book 12 of Plats, Page 303; and

TRACT AMBULANCE, of Health Care Subdivision of Tract Nursing Home of Lot E located in the SW1/4 of Section 24, Township 3 South, Range 4 East B.H.M., City of Custer City, Custer County, South Dakota as shown on the Plat filed in Book 12 of Plats, Page 303,

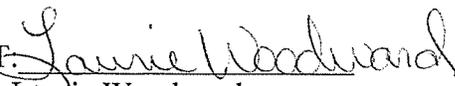
to Custer Community Health Services, Incorporated.

Dated this 5th day of February, 2016.

CITY OF CUSTER



Mayor Jared Carson

ATTEST: 
Laurie Woodward
Finance Officer



City of Custer City
From the Desk of the Mayor
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.

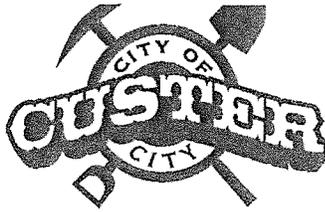
ATTEST:

CITY OF CUSTER CITY

Laurie Woodward, Finance Officer

Corbin Herman, Mayor





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

Staff Report

Request: Final Plat, Plat of Tract 1 & 2 Revised of Big Rock Subdivision, Schneller Tract, and Brouillard Tract
Applicant: John Schneller
Location: 25173 Tooth Acres Trail and Neighbors
Legal Desc.: See Plat
Prepared: June 14, 2018
City Council Meeting: June 18, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat falls within the 3-mile extraterritorial limit and is contiguous to city limits on the north property lines of Proposed Tract 2 Revised and Proposed Tract 1 Revised. The proposed plat is a non-subdivision plat that will perform a lot line adjustment involving 5 existing parcels becoming 4 new parcels. Proposed Schneller Tract and Tract 2 Revised are currently served by private wells and septic systems. Should services be needed, proposed Tract 1 Revised and Brouillard Tract would also be served by private wells and septic systems.

COMPREHENSIVE PLAN

The plat is within the area projected as Suburban Residential on the Comprehensive Plan. The Comprehensive Plan recommends a density of 0.33 to 5 dwelling units per acre for Suburban Residential.

ROUTING SHEET RESPONSES

SDDOT – no comments

CC Planning & ROD – Various corrections and changes. (incorporated to redline version)

ACCESS

All access to the proposed parcels is planned to remain as currently established. Access to each parcel is as follows.

Proposed Schneller Tract

Park Avenue to Rose Place, Rose Place to Moss Rock Lane, Moss Rock Lane to Tooth Acres Trail, Tooth Acres Trail to proposed Schneller Tract

Proposed Brouillard Tract

S 10th Street to Needles Drive, Needles Drive to proposed Brouillard Tract

Proposed Tract 1 Revised

S 10th Street to Needles Drive, Needles Drive to Custer Mountain Drive, 30' access easement from Custer Mountain Drive across neighboring Govt. Lot 8 to proposed Tract 1 Revised

Proposed Tract 2 Revised

S 10th Street to Needles Drive, Needles Drive to Custer Mountain Drive (Custer Mountain Drive serves Proposed Tract 2 through a 30' Easement across Govt. Lot 8, an existing road through Big Rock Park and a 66' Right of Way across the neighboring Tract 1.)

ANNEXATION CONSIDERATIONS

The plat is contiguous to the city limits on the north property line of proposed Tracts 1 & 2 Revised being contiguous to the southern municipal boundaries of Custer.

Resolution 06-17-02B addresses city policy on annexation of any area contiguous to the incorporated limits of the City.

PREVIOUS ACTION BY PLANNING COMMISSION & CITY COUNCIL

The Planning Commission reviewed a plat involving portions of the area at the November 14, 2017 meeting. That plat involved a 5-parcel subdivision of HES 525 as well as a lot line adjustment with the neighboring Tract 2 of Big Rock Subdivision. It was determined that the additional lots being added within the subdivision would require road upgrades to the roads approaching the subdivision including Rose Place, Moss Rock Lane and Tooth Acres Trail. A need to establish public access across the neighboring NE4SE4SW4 of Sec 25 T3 R4 was also discussed. The Planning Commission then tabled such plat until public access was granted.

Planning Commission reviewed this preliminary plat at the May 8th meeting. Some discussion was held concerning the non-subdivision plat and the portions of such plat contiguous to city limits. After the discussion a motion was made to recommend approval of the preliminary plat by the City Council with a recommendation to not annex the property included in the plat. The motion was also contingent upon all items presented in the red line correction plat being addressed. The motion unanimously carried.

***all items in the red line plat have been addressed 5/16/18*

City Council reviewed and approved the preliminary plat at the May 21st, 2018 meeting. Planning Commission reviewed the final plat at the June 12th, 2018 meeting. A motion was made to recommend approval of the final plat as presented, with a recommendation to not annex the property included in the plat. The motion unanimously carried.

STAFF RECCOMENDATIONS

The proposed plat is presented as a non-subdivision. Access and water and sanitary facilities are planned to remain as currently established into the existing parcels. Do to the nature of the plat staff supports approval of the final plat by the Council. Staff does not recommend annexation of the property.

**A PLAT OF TRACT 1 REVISED AND TRACT 2
REVISED OF BIG ROCK SUBDIVISION, SCHNELLER
TRACT, AND BROUILLARD TRACT**
CONTAINING ALL OF H.E.S. 525, TRACT 1 AND TRACT 2 OF BIG ROCK
SUBDIVISION, GOVT. LOT 11, AND TRACT H OF M.S. NO 2152, LOCATED IN W 1/2
OF SECTION 25 AND THE SE 1/4 OF SECTION 26, ALL IN T3S, R4E, BHM, CUSTER
COUNTY, SOUTH DAKOTA

CERTIFICATE OF SURVEYOR

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

John D. McBride SDRLS No. 5906

STATE OF _____ COUNTY OF _____

We, Kirby D. Brouillard & Bonnie L. Brouillard, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of _____, 2018.

Kirby D. Brouillard

Bonnie L. Brouillard

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

John L. Schneller

ACKNOWLEDGMENT OF OWNERSHIP
STATE OF _____ COUNTY OF _____

On this ___ day of _____, 2018, before me, a Notary Public, personally appeared Kirby D. Brouillard & Bonnie L. Brouillard, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires _____

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
On this ___ day of _____, 2018, before me, a Notary Public, personally appeared John L. Schneller, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires _____

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority _____ Date: _____

STATE OF _____ COUNTY OF _____

We, Gary S. Hirt and Nancy A. Hirt, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of _____, 2018.

Gary S. Hirt

Nancy A. Hirt

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
Dated this ___ day of _____, 2018.

Director of Equalization of Custer County

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
On this ___ day of _____, 2018, before me, a Notary Public, personally appeared Gary S. Hirt and Nancy A. Hirt, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires _____

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
Dated this ___ day of _____, 2018.

Custer County Treasurer

STATE OF _____ COUNTY OF _____

We, Robert W. Duncan and Susan M. Duncan, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of _____, 2018.

Robert W. Duncan

Susan M. Duncan

RESOLUTION OF THE CITY COUNCIL

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

Mayor

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
On this ___ day of _____, 2018, before me, a Notary Public, personally appeared Robert W. Duncan and Susan M. Duncan, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires _____

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of _____, 2018.

Custer City Finance Officer

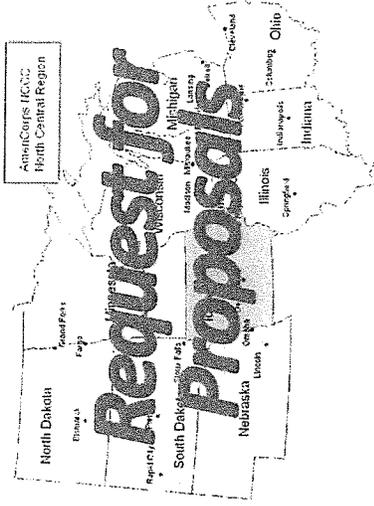
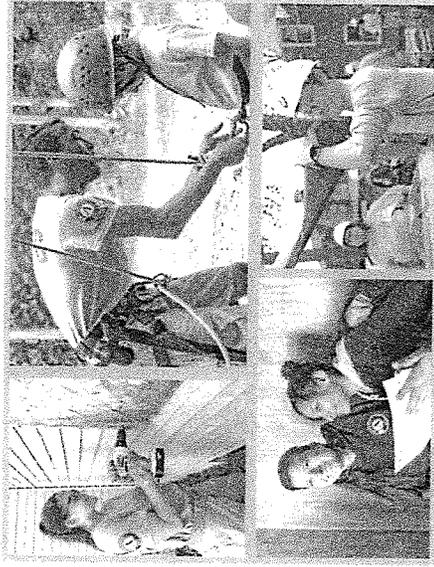
OFFICE OF THE REGISTER OF DEEDS
Filed for record this ___ day of _____, 2018, at _____ o'clock ___ M., and recorded in Book _____ of Plats on page _____.

Custer County Register of Deeds

ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering & Environmental Scientists

| | | |
|--------------------|-------------------|--|
| Drawn by DR | Date 2/22/2018 | P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 |
| Approved by McB | Date 2/23/2018 | andersenengineers@pwtc.net |
| Scale 1"=200' | Sheet 2 of 2 | File Name: HES_525_2018 |

AmeriCorps NCCC North Central Region



Strengthening communities and developing
leaders through direct, team-based national and
community service.

Class XXIV, 2018

We are requesting proposals for team-based community service projects, typically lasting 6-8 weeks, that focus on at least one of our five main service areas:

- disaster services, energy conservation, environmental, infrastructure improvement, and urban and rural development.

| DATES FOR 2018 | | |
|-------------------------|------------------|-----------------|
| Available Project Dates | Concept Form Due | Application Due |
| Rd 1: Mar 12- Apr 27 | Nov 27, 2017 | Jan 2, 2018 |
| Rd 2: May 7- June 28 | Jan 16, 2018 | Feb 26, 2018 |
| Rd 3: July 13- Aug 30 | Mar 23, 2018 | May 4, 2018 |
| Rd 4: Sept 12- Nov 1 | May 22, 2018 | July 3, 2018 |

Step 1 is to complete a Concept Form. Upon review, potential sponsors will be invited to submit a full application or contacted for more information.

For more information or to request a Concept Form or Application, please contact your state's representative listed below:

| | |
|--|---|
| MN, ND, SD, WI Alana Svensen Huits Assistant Program Director 319-472-9664 ext. 19 asvensen@cns.gov | IL, IN, MI, OH Jeff Moeur Assistant Program Director 319-472-9664 ext. 49 jmoeur@cns.gov |
| IA, NE Jody Burns Deputy Region Director for Programming 202-409-6556 jburns@cns.gov | |

www.nationalservice.gov/programs/ameriCorps/ameriCorps-nccc
AmeriCorps NCCC North Central Region
1004 G Ave, Vinton, IA 52349

- Project Sponsor Provides:**
- Project supplies and materials
 - Technical support and direction
 - Schedule of work
 - Meals*
 - Lodging (if further than an hour from Vinton, IA)**

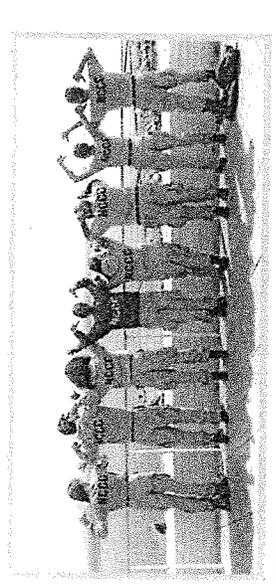
- NCCC Provides:**
- Meals*
 - Lodging (if less than an hour from Vinton, IA)**
 - Transportation
 - Basic Personal Protective Equipment



*For cities more than an hour from NCCC's Vinton, IA campus, access to a kitchen is required if meals are not provided. The team will purchase and cook their own food.

**Lodging may be basic, e.g. local camps, churches, park cabins, vacant school facilities, youth hostels, YMCA/YWCA facilities, vacant apartments in public housing facilities, college campuses, military facilities, state and local park facilities, etc.

---There is no direct fee for service.---



What is AmeriCorps NCCC and How Can We Help?

AmeriCorps National Civilian Community Corps (NCCC) is a federal team-based national service program for men and women between the ages of 18 and 24. Corps Members serve a full-time, ten-month term, working on projects to meet community needs in five main service areas: disaster services, energy conservation, environment, infrastructure improvement, and urban and rural development.

The North Central Region is requesting proposals for community service projects. Those eligible to apply are nonprofit organizations, government entities (federal, state, or local), educational institutions, community-based organizations, neighborhood associations, Native American Tribal Councils, and faith-based organizations.

Corps Members are

men and women who are:

- Recruited nationally and are from different social, cultural, socioeconomic, and educational backgrounds. They are 18 – 24 with varying education levels ranging from working on their High School Equivalency to College graduates.
- Assigned to a team of approximately 8-12 members who are supervised by a Team Leader and overseen by a Unit Leader responsible for a total of seven teams.
- Provided one 15 passenger van per team with fuel covered by AmeriCorps NCCC.
- Trained in leadership, team building, diversity, service-learning, disaster response, and much more!
- Insured by the Federal Tort Claims Act & Federal Employees' Compensation Act.

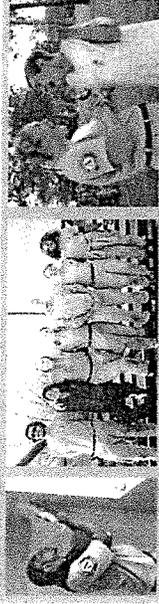
Criteria for Good Projects:

Projects Must...

- Address compelling community needs.
- Have clearly stated and well-planned tasks which ensure timely availability of materials, tools, technical expertise, and sponsor support.
- Provide opportunities for members' growth and development that includes orientation and training.
- Involve the community throughout the project including local volunteer support.
- Have a plan for sustainability after AmeriCorps NCCC members complete their work.

Examples of What Teams Can Do:

- Help build and refurbish homes for low-income citizens
- Support after-school or STEAM programs and other activities for youth
- Provide immediate assistance with national disaster relief/recovery
- Construct wheelchair ramps and assemble playgrounds
- Develop recycling programs
- Create nature trails and make park improvements
- AND MUCH, MUCH MORE!!



NCCC and Natural & Other Disasters

Part of our program's focus is assisting in the area of disaster. This includes disaster preparedness, response, recovery, and mitigation.

Greater consideration will be given to projects with a large disaster emphasis.

Preparedness includes actions such as planning, organizing resources, training, and improving operational capabilities. Sample projects include:

- Disaster and safety education programs
- Disaster simulations to test community preparedness and identify gaps in support
- Identifying resources and support networks for organizations that respond to disasters

Response includes activities during or after the disaster to get people immediate help to meet their basic needs. Sample projects include:

- Staffing shelters, emergency phone banks, and donation distribution centers
- Conducting needs assessments
- Wildland firefighting

Recovery focuses on restoring the disaster-damaged area to its previous state. Sample projects include:

- Home repair post-disaster
- Clean-up of public lands
- Re-establishing infrastructure (e.g. boardwalks, park shelters, etc.)

Mitigation attempts to reduce the loss of life and property by avoiding or lessening the impact of future disasters. Sample projects include:

- Installing storm shelters
- Removing fuel from wildfire-prone areas
- Restoration of natural habitat that protects people from hazards (e.g. green spaces along rivers)

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 2018 City Referred Ordinance election with the General 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.

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 November 6th, 2018, which is the date of the regular general 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.

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. There shall be kept a separate poll book and recapitulation sheet for each entity. Each entity shall perform the Official Canvass of their respective election returns.

Dated this 18th day of June, 2018 in Custer, South Dakota. _____
Corbin Herman, Custer City Mayor

Dated this 18th day of June, 2018 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)

**CUSTER CITY ATTORNEY PROPOSAL
&
CONTRACT**

Chris Beesley, Attorney at Law, on behalf of Beesley Law Office, P.C. agrees to act as the Custer City Attorney in return for the agreement of the City of Custer City, by and through the Custer City Council in accordance with the terms of this Contract.

1. Attorney Beesley will provide accurate legal advice, investigate factual situations, recodify and streamline municipal ordinances, prosecute violations, and negotiate contracts as directed by the Custer City Council.

2. Custer City shall pay Attorney Beesley the sum of \$800.00 (Eight Hundred Dollars) as and for retainer each month, for attendance at regular City Council meetings, and to include two hours each month for legal services performed by Attorney Beesley, with all additional services billed and paid at the rate of **\$125.00 per hour**. In the event Council reaffirms and extends this contract in June 2019, through June 2020, Attorney Beesley's charges will be **\$140.00 per hour**.

3. Attorney Beesley will bill and Custer City will pay for any and all costs incurred on the City's behalf per the State per diem rate, with the exception of gas for travel, as it is covered in mileage.

4. Attorney Beesley will bill and Custer City will pay mileage in accordance with IRS regulations for each and every mile driven by him in connection with Custer City business, but will not charge for his travel time.

5. Bills will be submitted at the end of each month and paid within two weeks thereafter.

6. Any and all services hereinabove-mentioned to be performed by City Attorney Chris Beesley may be performed by an Assistant City Attorney, with the same terms and conditions, upon approval by Council.

7. The duration of this contractual fee arrangement is from and including **July 1, 2018**, to and including **June 30, 2020**.

8. This constitutes the complete agreement of the parties and is a final expression of all of the terms agreed upon by both.

Dated this _____ day of _____, 2018.

BEESLEY LAW OFFICE, P.C.

Chris Beesley
Attorney at Law
428 Mt. Rushmore Rd.
Custer, SD 57730
605-673-4181 Phone
605-673-2624 Fax

Dated this _____ day of _____, 2018.

Mayor Corbin Herman
On behalf of the City of
Custer City, by and through
its City Council as authorized
by vote.

(SEAL)

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, \$6970.68
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, \$1,158.00
State of SD, Sales Tax, \$1,028.50
State of SD, Sales Tax, \$1,080.52
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, \$8,909.99
Kahler, David, Utility Refund, \$62.04
Total Claims \$181,193.82

