

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
May 18th, 2020**

Mayor Corbin Herman called to order the second meeting of the Common Council for the month of May 2020 at 5:30 p.m. Present at roll call were Councilpersons Moore and Nielsen. Present at roll call by phone were Councilperson Whittaker, Fischer, Blom and Ryan. The Pledge of Allegiance was stated.

AGENDA

Councilperson Ryan moved, with a second by Councilperson Moore, to approve the agenda. The motion carried with Councilperson Nielsen, Moore, Whittaker, Fischer, Blom and Ryan voting yes.

MINUTES

Councilperson Nielsen moved, with a second by Councilperson Ryan, to approve the minutes from the May 4th Council Meeting. The motion carried with Councilperson Moore, Whittaker, Fischer, Blom, Ryan and Nielsen voting yes.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

COVID-19 ORDINANCE & RESOLUTION REVIEW, BUSINESS REQUEST FOR COMPLIANCE MODIFICATION AND GENERAL COVID-19 UPDATE

Councilperson Nielsen moved to approve the following business request for compliance modification to Ordinance #836, Resolution #04-28-20A and Resolution #05-04-20A. Seconded by Councilperson Ryan, the motion carried with Councilperson Whittaker, Fischer, Blom, Ryan, Nielsen and Moore voting yes.

*Custer Hospitality (Holiday Inn Express & Suites and Comfort Inn & Suites), 8 occupants in the pool area, no furniture and proper cleaning.

*Custer Hospitality (Buffalo Ridge Camp Resort), 12 occupants in the larger pool and 6 occupants in the smaller pool, no furniture and proper cleaning.

*Living Outreach Church, 60% of the chairs in sanctuary spread out, grouped and 6ft spacing between rows; 10 people in the lower level of the church; 10 people in each room of the children's ministry building.

*Southern Hills Bible Church, utilizing every other row of seating and maintain 6 feet of separation between family units.

*Begging Burro, Mt Rushmore Brewing Company and Pounding Fathers, maximum of 90 people at each establishment while maintaining the 6 feet separation.

RESOLUTION #05-18-20A – EXTENDING RESOLUTION #04-28-2020A AND RESOLUTION #05-04-2020A

Councilperson Fischer moved to adopt Resolution #05-18-20A, Extending Resolution #04-28-2020A and Resolution #05-04-2020A – Declaring a Public Health Emergency and Limiting Public Gatherings. Seconded by Councilperson Moore, the motion carried with Councilperson Fischer, Blom, Ryan, Nielsen, Moore and Whittaker voting yes.

Resolution #05-18-2020A

Resolution Extending Resolution #04-28-2020A and Resolution #05-04-2020A Declaring a Public Health Emergency and Limiting Public Gatherings

Whereas, the Custer City Council adopted Emergency Ordinance #836, Declaring a Public Health Emergency and Limiting Public Gatherings on April 2nd, 2020; and

Whereas, Ordinance #836 became effective on April 9th, 2020 at 12:00 am, after publication; and

Whereas, the emergency ordinance allows the City Council to amend by resolution Ordinance #836 regarding public gatherings and public movements it deems necessary to address the current public health emergency; and

Whereas, Resolution #04-28-20A and Resolution #05-04-20A were previously adopted amending Emergency Ordinance #836;

Now Therefore Be It Resolved that Resolution #04-28-20A and Resolution #05-04-20A are extended based on the Custer Community's seasonal nature of its recreational, business and visitation demographics as follows;

Be It Further Resolved that this Resolution shall only extend Resolution #04-28-20A and Resolution #05-04-20A until July 1, 2020, therefore amending Emergency Ordinance #836 as specifically stated herein, and all other terms and conditions of Resolution #04-28-20A and Resolution #05-04-20A shall remain in effect until further notice.

Be It Further Resolved this Resolution shall remain in full force and effect until July 1, 2020, unless otherwise repealed, modified, or extended.

Be It Further Resolved, by the City of Custer City, that due to the fact a national and statewide emergency has been declared and one of the primary recommendations to combat this emergency is to practice social distancing and limiting person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health and safety of the City of Custer City and shall be effective immediately upon publication thereof.

Dated this 18th day of May, 2020.

City of Custer City

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

PUBLIC HEARING – RETAIL ON-OFF SALE MALT BEVERAGE & SD FARM WINE LICENSE TRANSFER AND RETAIL ON-OFF SALE WINE & CIDER LICENSE TRANSFER – CUSTER OUTDOOR SHOP DBA SOUTH DAKOTA OUTDOOR SHOP

Councilperson Nielsen moved to approve the retail on-off sale malt beverage & SD farm wine and retail on-off sale wine & cider license transfers for the Custer Outdoor Shop DBA South Dakota Outdoor Shop contingent upon proof of insurance being provided. Seconded by Councilperson Ryan, the motion carried with Councilperson Blom, Ryan, Nielsen, Moore, Whittaker and Fischer voting yes.

PUBLIC HEARING – MALT BEVERAGE LICENSE RENEWALS

Council was presented with a renewal list of malt beverage license applications for the July 1st, 2020 – June 30th, 2021 license period. The list included 29 malt beverage license applications for renewal. Councilperson Ryan moved to approve the applications received contingent upon proof of insurance being provided and property taxes being paid. Seconded by Councilperson Nielsen, the motion carried with Councilperson Ryan, Nielsen, Moore, Whittaker, Fischer and Blom voting yes.

SECOND READING – ORDINANCE #837 – CABLE TV FRANCHISE AGREEMENT – GOLDEN WEST

Councilperson Moore moved to adopt Ordinance #837, Cable TV Franchise Agreement with Golden West. Seconded by Councilperson Blom, the motion carried with Councilperson Nielsen, Moore, Whittaker, Fischer, Blom and Ryan voting yes.

PUBLIC COMMENTS

No public comments were received.

VARIANCE TO TRANSIENT MERCHANT PERMIT ORDINANCE – SOUTH DAKOTA OUTDOOR SHOP

After some discussion regarding a variance to the transient merchant permit ordinance and the possibility of allowing six 4-day permits, Council requested that the South Dakota Outdoor Shop apply for a transient merchant permit per the ordinance.

PLACEMENT OF BUFFALO ART ALONG MT RUSHMORE ROAD – CUSTER AREA ARTS COUNCIL

Councilperson Fischer moved to approve the Custer Area Arts Council's request to place 9 of Colleen Hennessy's buffalo along Mt Rushmore Road. Seconded by Councilperson Moore, the motion carried with Councilperson Moore, Whittaker, Fischer, Blom, Ryan and Nielsen voting yes.

MINOR PLAT – LOT 15R AND LOT 18R OF TOMPKINS SUBDIVISION

Councilperson Ryan moved to approve the minor plat of Lot 15R and Lot 18R of Tompkins Subdivision. Seconded by Councilperson Whittaker, the motion carried with Councilperson Whittaker, Fischer, Blom, Ryan, Nielsen and Moore voting yes.

SUBDIVISION VARIANCE REQUEST – WHEELER TRACT NORTH AND WHEELER TRACT SOUTH

Councilperson Blom moved to approve the subdivision variance for the 25' Private Access Easement accessing Wheeler Tract South. Seconded by Councilperson Whittaker, the motion carried with Councilperson Fischer, Blom, Ryan, Nielsen, Moore and Whittaker voting yes.

PRELIMINARY PLAT – WHEELER TRACT NORTH AND WHEELER TRACT SOUTH

Councilperson Fischer moved to approve the preliminary plat of Wheeler Tract North and Wheeler Tract South with a recommendation that a note be added to the final plat noting that Wheeler Tract South is restricted from future subdivision with the access as provided. Seconded by Councilperson Nielsen, the motion carried with Councilperson Blom, Ryan, Nielsen, Moore, Whittaker and Fischer voting yes.

HARBACH PARK BRIDGE ENGINEERING PROPOSAL - KLJ

Councilperson Ryan moved to approve the amendment to Harbach Park Phase 1 for preliminary & design engineering for prefabricated pedestrian bridge not to exceed \$16,500. Seconded by Councilperson Blom, the motion carried with Councilperson Ryan, Nielsen, Moore, Whittaker, Fischer and Blom voting yes.

Attorney Beesley left the meeting at 6:38 pm.

CITY ATTORNEY CONTRACT – BEESLEY LAW OFFICE

Councilperson Nielsen moved to approve the City Attorney Contract with Beesley Law Office for July 1, 2020 through June 30, 2022 with a monthly retainer of \$800 and an hourly rate of \$140 per hour. Seconded by Councilperson Ryan, the motion carried with Councilperson Nielsen, Moore, Whittaker, Fischer, Blom and Ryan voting yes.

EMPLOYEE TERMINATION

Councilperson Ryan moved to approve the termination of Christopher Severin effective May 5th, 2020. Seconded by Councilperson Moore, the motion carried with Councilperson Moore, Whittaker, Fischer, Blom, Ryan and Nielsen voting yes.

CLAIMS

Councilperson Nielsen moved, with a second by Councilperson Moore, to approve the following claims. The motion carried with Councilperson Whittaker, Fischer, Blom, Ryan, Nielsen and Moore voting yes.

ACES, Professional Fees, \$1,854.00
American Solutions for Business, Supplies, \$2,033.62
Black Hills Energy, Utilities, \$15,296.01
California State Disbursement, Deduction, \$115.38
Culligan, Repairs and Maintenance, \$56.50
Chamber of Commerce, Sales Tax Subsidy, \$5,033.84
Chronicle, Publishing, \$1,151.23
Custer Ace, Supplies, Repairs & Maintenance, \$377.47
Dacotah Bank, TIF # 2 Payment, \$4,243.44
Discovery Benefits, Supplies, \$27.00
Display Sales, Supplies, \$483.04
First Interstate Bank, TIF # 4 Payment, \$4,924.01
French Creek Supply, Supplies, Repairs and Maintenance, \$151.95
Green Owl Media, Professional Fees, \$234.00
Itron, Repairs and Maintenance, \$855.53
Lynn's Dakotamart, Supplies, \$41.94
Metering & Technology Solutions, Supplies, \$4,408.15
Midcontinent Testing Lab, Professional Fees, \$266.00
Morrison, Bob, Reimbursement, \$102.11
Northwest Pipe Fittings, \$4,791.01
Rapid Delivery, Professional Fees, \$79.38
Regional Health Network, Sales Tax Subsidy, \$38,044.32
Simon Materials, Repairs and Maintenance, \$1,843.90
Servall, Supplies, \$27.14
State of SD, Sales Tax Payable, \$1,070.78
SD DOT, Professional Fees, \$40,030.23
SD Division of Criminal Investigation, Municipal License, \$53.50
Bit Finance/ State Long Distance, \$34.92
The Rock Room and Garden, Refund, \$5.42
Wright Express, Fuel, \$776.89
Total Claims \$ 128,412.71

DEPARTMENT HEADS & COMMITTEE REPORTS

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

ADJOURNMENT

With no further business, Councilperson Moore moved to adjourn the meeting at 6:50 p.m. Seconded by Councilperson Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor