

All City Council Meetings are recorded.

**CITY OF CUSTER CITY**  
**COUNCIL AGENDA**  
May 20<sup>th</sup>, 2019 – 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 – May 6<sup>th</sup>, 2019 Regular Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. Public Hearing – Wine & Cider License – Pizza Works
  - b. Public Hearing – Malt Beverage & SD Farm Wine License Renewals
  - c. First Reading – Ordinance #824 – Removing Section 17.45 and 17.46
  - d.
  - e.
6. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
7. Old Business
  - a.
  - b.
8. New Business
  - a. Application for Fourth of July Fireworks – Custer Volunteer Fire Department
  - b. 5k Run Request – Girl Scouts Troop 71110
  - c. New Hires
  - d. Employee Step Increases
  - e.
  - f.
9. Presentation of Claims –
10. Department Head Discussion & Committee Reports –
11. Possible Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
12. Adjournment

**REMINDERS**

- Park & Recreation Committee Meeting – May 21<sup>st</sup>, 2019 5:30 P.M.**  
**Public Works Committee Meeting – June 3<sup>rd</sup>, 2019 4:30 P.M.**  
**Regular City Council Meeting – June 3<sup>rd</sup>, 2019 5:30 P.M.**  
**General Government Committee Meeting – June 10<sup>th</sup>, 2019 4:30 P.M.**  
**Planning Commission Meeting – June 11<sup>th</sup>, 2019 5:00 P.M.**  
**Regular City Council Meeting – June 17<sup>th</sup>, 2019 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  
May 6<sup>th</sup>, 2019

Council President Nina Nielsen called to order the first meeting of the Common Council for the month of May 2019 at 5:30 p.m. Present at roll call were Councilpersons Blom, Whittaker, Fischer, Moore and Arseneault. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Fischer moved, with a second by Councilperson Moore, to approve the agenda. The motion unanimously carried.

**MINUTES**

Councilperson Blom moved, with a second by Councilperson Whittaker, to approve the minutes from the April 15<sup>th</sup> regular council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**PUBLIC HEARING – MALT BEVERAGE & SD FARM WINE AND WINE & CIDER LICENSE – FAMILY DOLLAR #27144**

Councilperson Fischer moved to approve the malt beverage & SD farm wine and wine & cider license for Family Dollar #27144 contingent upon proof of insurance being provided. Seconded by Councilperson Whittaker, the motion unanimously carried.

**2018 AUDIT PRESENTATION**

Shelley Goodrich with Ketel Thorstenson, LLP presented the 2018 audit. Councilperson Fischer moved to accept the 2018 audit as presented. Seconded by Councilperson Blom, the motion unanimously carried.

**CUSTER CHAMBER OF COMMERCE PRESENTATION**

Dolsee Davenport and Dawn Murray presented an overview of the Custer Area Chamber of Commerce activities and contributions to the community.

**CUSTER BID BOARD PRESENTATION**

Marcel Wahlstrom, BID Board President introduced Erin Weinzettel and Laura Mitchell with Lawrence & Schiller who presented the Custer BID Board 2019 marketing campaign.

**SECOND READING – ORDINANCE #822 – MEETINGS, ASSEMBLIES AND PARADES**

Councilperson Blom moved to adopt Ordinance #822, Meetings, Assemblies and Parades. Seconded by Councilperson Whittaker, the motion carried with Councilperson Blom, Whittaker, Fischer, Moore and Arseneault voting yes.

**SECOND READING – ORDINANCE #823 – TAXIS (REMOVAL)**

Councilperson Moore moved to adopt Ordinance #823, Removing Taxis Regulations. Seconded by Councilperson Blom, the motion carried with Councilperson Whittaker, Fischer, Moore, Arseneault and Blom voting yes.

**RESOLUTION #05-06-2019A – DOG PARK**

Councilperson Fischer moved to adopt Resolution #05-06-2019A, Dog Park. Seconded by Councilperson Moore, the motion unanimously carried.

Resolution #5-6-2019A

WHEREAS, in the fall of 2017 Mr. Lane Arthur presented ideas to construct a Dog Park within the City in conjunction with his Custer High School Senior project; and

WHEREAS, Custer City Parks, Recreation and Forestry Board and Custer City Council decided that the area of property currently under the ownership of Custer City located at the South East corner of Washington Street and 11<sup>th</sup> Street would be an appropriate location for such park; and

WHEREAS, the "Bark Park" committee has completed a design and layout of such park, and conducted fundraising to fund the construction of said park; and

WHEREAS, the "Bark Park" committee will complete construction of such park with assistance from volunteers and City Staff; and

WHEREAS, park space within Custer City is a benefit to citizens and visitors of the area for the public recreation opportunities provided, and park space is an appropriate use of a Flood Hazard Zone.

NOW THEREFORE BE IT RESOLVED that, pursuant to SDCL 9-45-1, that area of Lots 10, 9, 8, 7, 13, 14 and a portion of Lot 11, all in Block 84 plus a portion of Washington Street adjacent to said Lots

shall hereby be dedicated as the Custer Bark Park. Such area shall be used for dog park use, including fenced dog areas, parking area, shelters, watering station and additional green space.

NOW THEREFORE BE IT FURTHER RESOLVED upon completion of such park the City of Custer shall incorporate the park within its park system and assume ownership and responsibility for maintenance and upkeep of such park.

NOW THEREFORE BE IT FURTHER RESOLVED the conceptual design as presented by Black Hills Blue Pine Design Inc. is hereby approved and City staff is directed to assist in the physical layout of such design in conjunction with municipal guidelines, property lines, safe routes to school project, location of public utilities and special flood hazard requirements.

Dated this 6<sup>th</sup> day of May, 2019.

City of Custer

S/Nina Nielsen, Council President

ATTEST: Laurie Woodward, Finance Officer

**RESOLUTION #05-06-2019B – PERSONNEL MANUAL – CUSTODIAL MAINTENANCE WORKER**

Councilperson Whittaker moved to adopt Resolution #05-06-2019B, Personnel Manual Custodial Maintenance Worker. Seconded by Councilperson Blom, the motion unanimously carried.

**RESOLUTION # 05-06-19B**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and  
WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 1-07-19A; and

WHEREAS, the Common Council of the City of Custer City has determined that the Custodial Maintenance Worker position description is necessary and updated.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended to include the attached exhibit "A", Custodial Maintenance Worker Position Description, as though set forth in full herein.

Dated this 6<sup>th</sup> day of May, 2019

City of Custer City

S/Nina Nielsen, Council President

Attest: Laurie Woodward, Finance Officer

**EXECUTIVE PROCLAMATION – ARBOR DAY**

Councilperson Arseneault moved to approve the executive proclamation for Arbor Day. Seconded by Councilperson Moore, the motion unanimously carried.

City of Custer City

From the Desk of the Mayor

**EXECUTIVE PROCLAMATION**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, Corbin Herman, Mayor of the City of Custer City, South Dakota, do hereby proclaim May 13<sup>th</sup>, 2019 to be

**ARBOR DAY**

in the City of Custer City, SD, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands. Further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

City of Custer City  
S/Corbin Herman  
ATTEST: Laurie Woodward, Finance Officer

**EXECUTIVE PROCLAMATION – FIREFIGHTER**

Councilperson Moore moved to approve the executive proclamation for Bill Bell. Seconded by Councilperson Whittaker, the motion unanimously carried.

City of Custer City  
From the Desk of the Mayor  
**EXECUTIVE PROCLAMATION**

WHEREAS, on behalf of the City of Custer, we wish to extend our sincere condolences over the passing of Bill Bell on March 18th, 2019; and

WHEREAS, Bill gave so much devotion to our community and our community has sustained a great loss in his passing; and

WHEREAS, Bill served 31 years with the Custer Volunteer Fire Department; and

WHEREAS, in addition to serving on the Custer Volunteer Fire Department, Bill served in various leadership roles including First Assistant Chief and spent hours mentoring new firefighters; and

WHEREAS, Bill spent hundreds of hours training firefighters across the state as a state certified instructor; and

WHEREAS, Bill made a positive impact on everyone with whom he came into contact with and was a truly a remarkable and memorable firefighter and community member that will greatly be missed.

THEREFORE, BE IT RESOLVED that I, Corbin Herman, Mayor of the City of Custer City, South Dakota, along with the members of the City Council, in recognition of Bill Bell's many contributions to the Custer Community and its citizens, hereby express our deep appreciation for his dedication and extend to his family and friends our sincere sympathy upon his passing.

City of Custer City  
S/Corbin Herman  
ATTEST: Laurie Woodward, Finance Officer

**PUBLIC COMMENTS**

Lane Arthur thanked the Council for their support of the dog park. No other public comments were received.

**MINOR PLAT – BLOCK 82 SUBDIVISION**

Councilperson Arseneault moved to approve the minor plat for Block 82 Subdivision. Seconded by Councilperson Blom, the motion unanimously carried.

**MINOR PLAT – HENDERSON SUBDIVISION**

Councilperson Whittaker moved to approve the minor plat for Henderson Subdivision. Seconded by Councilperson Blom, the motion unanimously carried.

**BID MARKETING CONTACT – LAWRENCE & SCHILLER**

Councilperson Moore moved to approve the BID marketing contract with Lawrence & Schiller for 2019 not to exceed \$114,000. Seconded by Councilperson Whittaker, the motion carried with Councilperson Fischer, Moore, Arseneault, Blom and Whittaker voting yes.

**BID SOCIAL MEDIA CONTACT – CHANTEL MCDONNELL**

Councilperson Whittaker moved to approve the BID social media contract with Social Talk for \$4,700. Seconded by Councilperson Moore, the motion carried with Councilperson Moore, Arseneault, Blom, Whittaker and Fischer voting yes.

**CLAIMS**

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

Aflac, Insurance, \$766.73  
Amazon, Supplies, \$17.02  
Arbor Day Foundation, Supplies, \$200.00  
ASFPM, Supplies, \$80.00  
Beesley Law Office, Professional Fees, \$1,391.50  
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00  
Black Hills Energy, Utilities, \$10,322.90  
California State Disbursement, Deductions, \$184.60  
Century Business Products, Supplies, \$542.21

Code Works, Professional Fees, \$696.90  
Custer Do It Best, Supplies, \$103.12  
Chronicle, Publishing, \$1,135.04  
Custer Chamber, Conference, \$80.00  
Dacotah Bank, TIF #2 Payment, \$1,062.51  
Dacotah Bank, TIF #4 Payment, \$4,862.44  
Delta Dental, Insurance, \$254.20  
Discovery Benefits, Supplies, \$2,065.38  
Eddies Truck Center, Supplies, \$38.24  
EFTPS, Taxes, \$18,142.80  
Fastenal, Supplies, \$607.82  
First Interstate Bank, TIF #4 Payment, \$4,862.44  
First Interstate Bank, Supplies, \$60.35  
Golden West Telecommunications, Utilities, \$587.19  
Golden West Technologies, Supplies, Professional Fees, \$762.50  
Hawkins, Supplies, \$7,929.52  
J & M Lawncare, Cemetery Caretaker Contract, \$5,000.00  
Inyopool, Repairs and Maintenance, \$809.97  
International Code Council, Annual Dues 2019, \$135.00  
Ketel Thorstenson, 2019 Audit, \$12,774.50  
KLJ, Professional Fees, \$3,264.00  
Midcontinent Testing Labs, Professional Fees, \$1,731.40  
Nelson's Oil & Gas, Supplies, \$1,222.91  
Pace, Supplies, \$370.65  
Petty Cash, Supplies, \$568.29  
Pitney Bowes, Supplies, \$97.38  
Quill, Supplies, \$240.36  
Riverside Pumps, Supplies, \$343.42  
Simons Materials, Repairs & Maintenance, \$3,619.63  
Sanders Sanitation, Garbage Collection Contract, \$13,816.99  
SD Department of Revenue, Supplies, \$75.00  
State of SD, Sales Tax, \$1,080.33  
SD DCI, Professional Fees, \$26.75  
SD Public Assurance Alliance, Insurance, \$44,206.14  
SD Retirement System, \$9,454.12  
SD One Call, Locates, \$19.95  
Supplemental Retirement, \$930.00  
Verizon Wireless, Utilities, \$417.01  
Wright Express, Supplies, \$1,001.12  
Wellmark, Insurance, \$14,028.20  
Wesdak Welding, Repairs & Maintenance, \$857.50  
WEAVE, Subsidy, \$5,000.00  
YMCA, Membership, Contributions \$240.00  
Mayor & Council, \$4,532.00  
Finance Department, \$7,170.51  
Public Buildings, \$3,713.92  
Planning Department, \$10,907.02  
Public Works Department, \$4,649.87  
Street Department, \$12,191.94  
Parks Department, \$5,397.18  
Water Department, \$17,826.31  
Wastewater Department, \$17,364.42  
Total Claims, \$262,950.92

**DEPARTMENT HEADS & COMMITTEE REPORTS**

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

**EXECUTIVE SESSION**

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1-4) at 6:44 pm, with the Public Works Director, Planning Administrator and Finance Officer present. Seconded by Councilperson Moore, the motion unanimously carried. Planning Administrator Hartmann left the executive session at 6:50 pm. Council came out of executive session at 6:55 pm, with no action taken.

EMPLOYEE STEP INCREASES

Councilperson Moore moved to approve a step increase for Rick Kothe to step 2 at \$17.32 per hour effective April 23<sup>rd</sup>, 2019. Seconded by Councilperson Fischer, the motion unanimously carried.

Councilperson Blom moved to approve a step increase for Jeff Clark to step 2 at \$17.32 per hour effective April 23<sup>rd</sup>, 2019. Seconded by Councilperson Moore, the motion unanimously carried.

Councilperson Fischer moved to approve changing Tim Hartmann's wage scale increase date to April 29<sup>th</sup> and approve a step increase for Tim Hartmann to step 3 at \$57,548.72 effective April 29<sup>th</sup>, 2019. Seconded by Councilperson Arseneault, the motion unanimously carried.

ADJOURNMENT

With no further business, Councilperson Whittaker moved to adjourn the meeting at 6:57 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Nina Nielsen  
Council President



ESTABLISHMENT	LICENSE	TAXES			10% VIDEO	
		PAID	AGREEMENT	INSURANCE	DUE TO CITY	LOTTER Y
PIZZA WORK	NEW - WINE AND CIDER	✓	✓	✓	X	X



ESTABLISHMENT	LICENSE	TAXES PAID	AGREEMENT	INSURANCE	10% DUE TO CITY	VIDEO LOTTERY
AJ'S	RB-2429	✓	✓	✓	✓	✓
BAKER'S BAKERY	RB-24103	✓	✓	✓	✓	
BAVARIAN INN	RB-26324					
BEGGING BURRO	RB-21628	✓	✓	✓	✓	
BH BURGER AND BUN	RB-20219	✓	✓	✓	✓	
BUGLIN BULL - WR HOSPITALITY	NEW	✓	✓	✓	✓	
CALAMITY JANE WINERY	RB-21213	✓	✓	✓	✓	
COMMON CENTNS - MOYLE	RB-2158	✓	✓	✓	✓	✓
CORNER PANTRY - MG OIL	RB-3616	✓	✓	✓	✓	✓
CUSTER BEACON	RB-25467	✓	✓	✓	✓	
CUSTER CRAZYHORSE CAMPGROUND	RB25466	✓	✓	✓	✓	
BUFFALO RIDGE CAMP RESORT	RB25106	✓	✓	✓	✓	
CUSTERWOLF, LLC	RB-20021	✓	✓	✓	✓	
DENIAL SD	RB-24102	✓	✓	✓	✓	
DOLLAR GENERAL STORE #18364	RB-25468	✓	✓		✓	
FAMILY DOLLAR	NEW	✓	✓	✓	✓	
FRONTIER BAR	RB-18955	✓	✓	✓	✓	✓
MAC'S	RB-24967	✓	✓	✓	✓	
MT RUSHMORE BREW	RB-22953	✓	✓	✓	✓	
PIZZA HUT	RB-2436	✓	✓	✓	✓	
PIZZA MILL	RB-21140	✓	✓	✓	✓	
PIZZA WORKS	RB-25469	✓	✓	✓	✓	
ROCKY KNOLLS GOLF COURSE	RB-2431	✓	✓	✓	✓	
SAGE CREEK GRILLE	RB-2255	✓	✓	✓	✓	
SKOGEN KITCHEN	RB-23800	✓	✓	✓	✓	
THE ROCK ROOM & GARDEN	RB-21183	✓	✓	✓	✓	
YESWAY #1173	RB-2178	✓	✓	✓	✓	

LICENSE CODES

RB ~ ON - OFF SALE MALT BEVERAGE



ORDINANCE NO. 824

AN ORDINANCE ENTITLED AN ORDINANCE REMOVING TITLE 17 ZONING, CHAPTER 17.45 VARIANCES AND CHAPTER 17.46 CONDITIONAL USES OF THE CITY OF CUSTER CITY MUNICIPAL.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CUSTER CITY THAT THE CUSTER MUNICIPAL CODE BE AMENDED BY REPEALING THE ENTIRETY OF CUSTER MUNICIPAL CODE CHAPTER 17.45 VARIANCES AND CHAPTER 17.46 CONDITIONAL USES.

Dated this 20<sup>th</sup> day of May, 2019

City of Custer City of Custer City

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

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

(SEAL)

First Reading: May 20, 2019

Vote:

Seconding Reading: June 3, 2019

Moore:

Arseneault:

Publication: June 12, 2019

Nielsen:

Whittaker:

Fischer:

Blom:



APPLICATION FOR OUTDOOR DISPLAY OF FIREWORKS/PYROTECHNIC SPECIAL EFFECTS

Applicant instructions: This application must be completed and returned at least 15 days prior to date of display.

Name of applicant (Sponsoring Organization): City of Custer, South Dakota

Address of applicant: PO Box 823, 616 Crook Street, Custer, South Dakota 57730

Name of authorized agent of applicant: Pyrotechnic Display, Inc.

Address of agent: 9405 River Road SE, Clear Lake, MN 55319

Telephone number of agent: 320-743-6496 Ext. 1

Date of display: July 4, 2019 Time of display: about 9:45pm

Location of display: Pageant Hill Park, 8<sup>th</sup> & Canal Street, Custer, SD - please see attached site map

Manner and place of storage of fireworks/pyrotechnic special effects prior to display: \_\_\_\_\_

Delivery and storage in truck on day of display

Type & number of fireworks/pyrotechnic special effects to be discharged: \_\_\_\_\_

1.3G product - up to 5 inch aerial shells and Multi-Shot Box Items & Candles

This display be conducted under the direct supervision of a pyrotechnic operator.

Name of supervising operator: Jason Rausch

Required attachments. The following attachments must be included with this application:

1. Proof of a bond or certificate of insurance in amount of at least \$ 5,000,000.00.
2. A diagram of the grounds at which the display will be held. This diagram (drawn to scale or with dimensions included) must show the point at which the fireworks/pyrotechnic special effects are to be discharged; the location of ground pieces; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained
3. Names and ages of all assistants that will be participating in the display. Josh Flavin, 28

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions, if any: \_\_\_\_\_

I understand and agree to comply with all provisions of this application, MN Statute 624.20 through 624.25, MN State Fire Code, National Fire Protection Association Standard 1123 (2006 edition), applicable federal law(s) and the requirements of the issuing authority, and will ensure that the fireworks/pyrotechnic special effects are discharged in a manner that will not endanger persons or property or constitute a nuisance.

Signature of applicant (or agent): Bucky Hansen Date of application: April 16, 2019

Signature of Fire chief: [Signature] Date: 5/8/19

Printed name of above official: Joel Behlings Phone: 605-673-1218

Signature of issuing authority: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name of above official: \_\_\_\_\_ Phone: \_\_\_\_\_



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/16/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

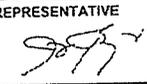
PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME:		
	PHONE (A/C, No, Ext): 216-658-7100	FAX (A/C, No):	
INSURED Pyrotechnic Display Inc. 8450 W. St. Francis Road Frankfort IL 60423	E-MAIL ADDRESS:		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Axis Surplus Ins Company		
	INSURER B: Everest Indemnity Insurance Co		
	INSURER C: MN WC Assigned Risk Plan		
	INSURER D: Everest Denali Insurance Company		16044
INSURER E:			
INSURER F:			

COVERAGES      CERTIFICATE NUMBER: 1961933695      REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC			S18ML00006-181	9/30/2018	9/30/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$
D	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			S18CA00006-181	9/30/2018	9/30/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE  DED      RETENTION \$			EAU733983	9/30/2018	9/30/2019	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	MNAR0000019718-9 (MN)	9/30/2018	9/30/2019	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.  
DISPLAY DATE: July 4, 2019  
LOCATION: Custer, South Dakota  
ADDITIONAL INSURED: City of Custer, South Dakota; Custer Volunteer Fire Department, Incorporated

<b>CERTIFICATE HOLDER</b>  City of Custer Attn: Mr. Joel Behlings PO Box 823, 616 Crook Street Custer SD 57730	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  

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Pyrotechnic Display, Inc.  
Site inspection Form

SEE PACKET FOR  
CONTACT  
INFORMATION

Customer Name: CUSTER, SD  
Site address and name if applicable: PAGEANT HILL PARK  
5th AND CANAL ST  
Site contact person (day of display): CUSTER, SD

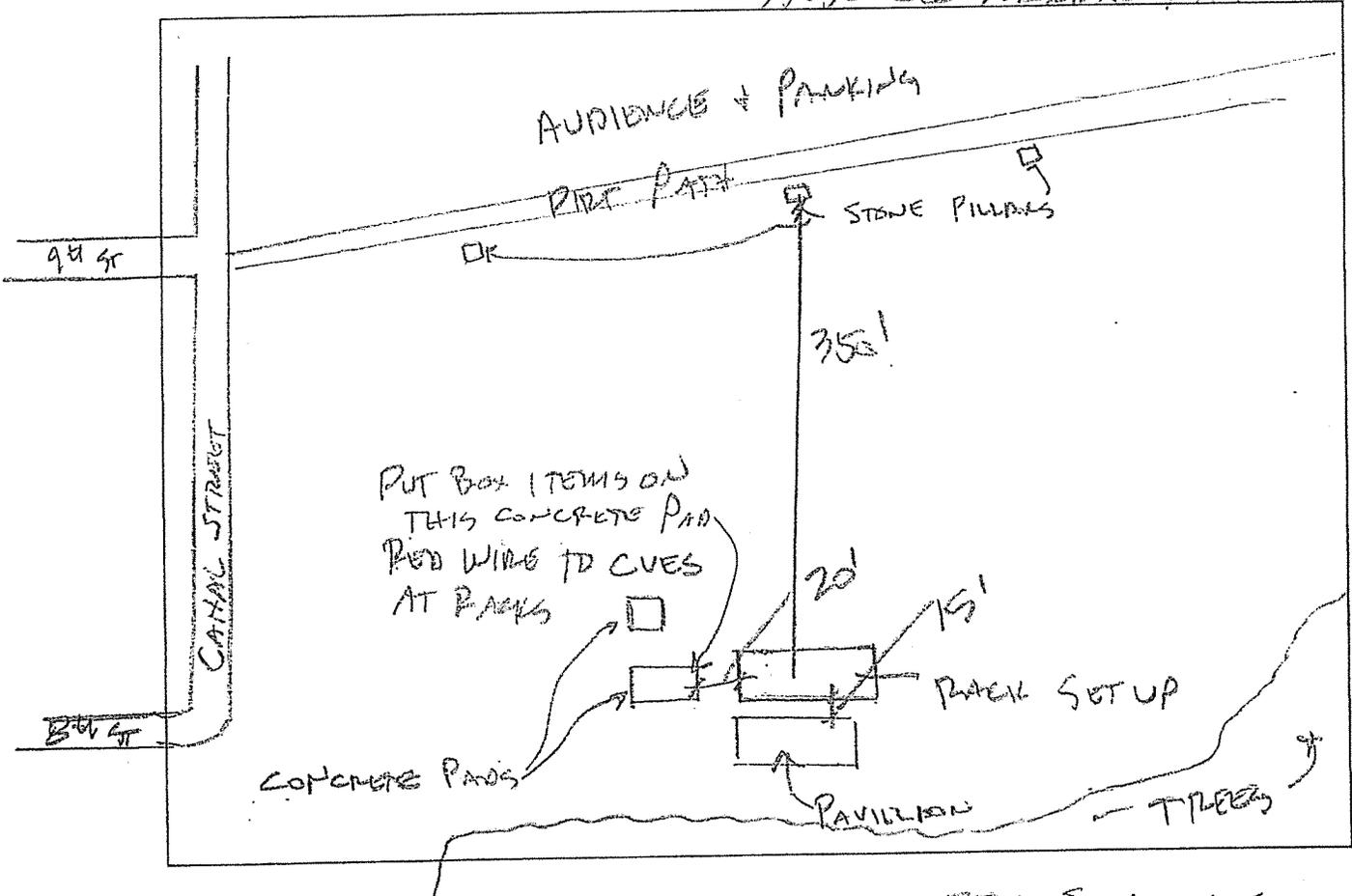
↳ Mayor Gary Wipp

Site Diagram: (See Example below). When diagramming the shooting location, mark area where low level products shall be placed. Make sure your measurements include the following distances:

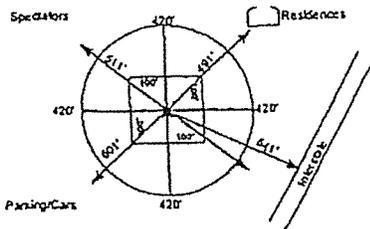
- A. Spectators
- B. Parking
- C. Residences
- D. Commercial Buildings

Maximum size shell based on measurements taken: 5"

ALSO SEE AERIAL PHOTO



Example



Directions to site: SEE SEPARATE  
ROUTE SHEET.

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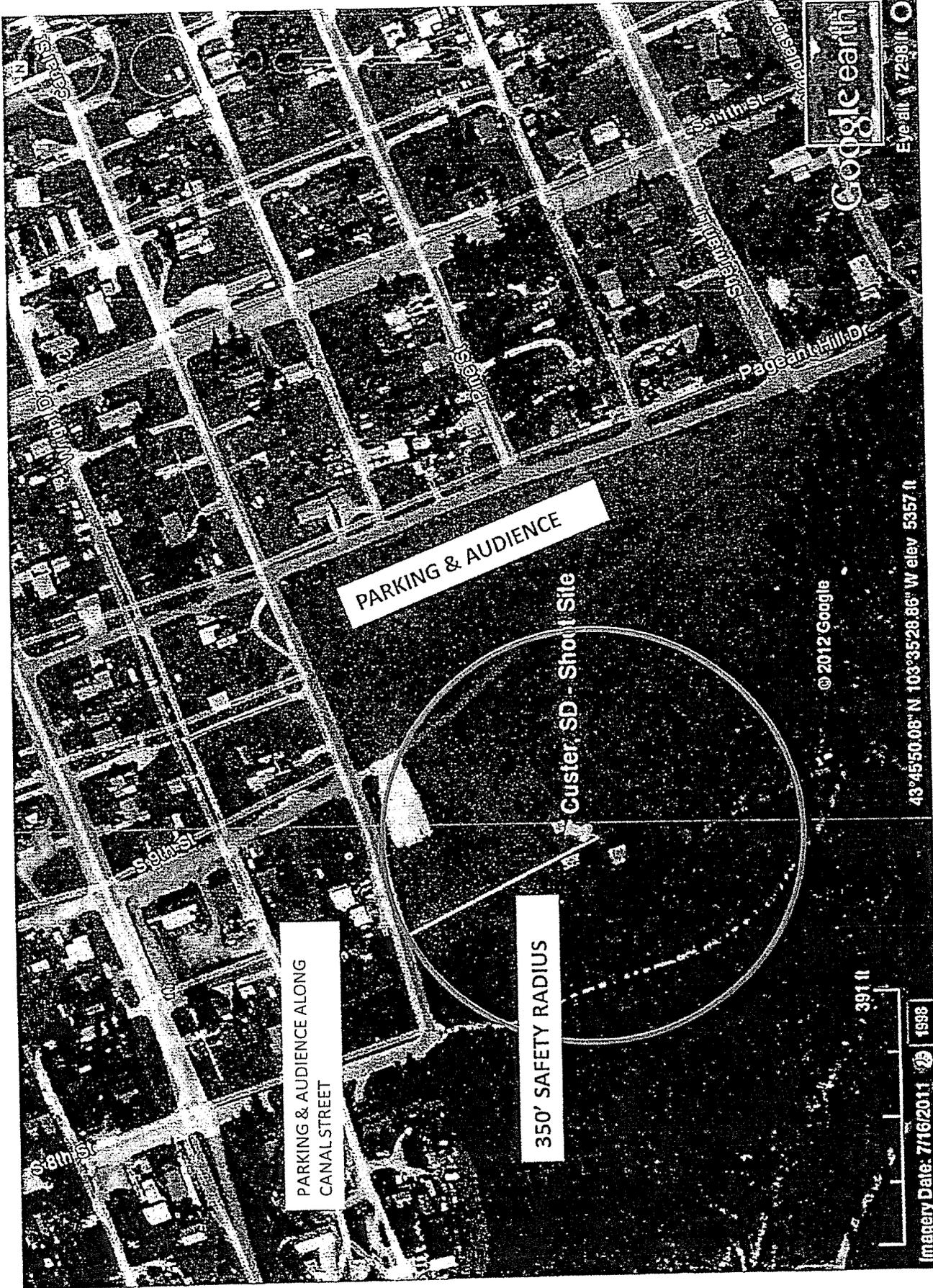
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Signature of person completing form:  
Date : \_\_\_\_\_

D. Nowak



PARKING & AUDIENCE ALONG  
CANAL STREET

PARKING & AUDIENCE

350' SAFETY RADIUS

Custer, SD - Show Site

391 ft

Imagery Date: 7/16/2011 1998

© 2012 Google

43°45'50.08" N 103°35'28.86" W elev 5357 ft

Google Earth

Eye Alt: 7299 ft

**PYROTECHNIC DISPLAY, INC.  
FIREWORKS DISPLAY AGREEMENT**

This agreement is entered into this 15th day of November, 2018 between Pyrotechnic Display, Inc., a Minnesota Corporation with offices in Clear Lake, Minnesota, ("Pyrotechnic") and city of City of Custer of the City of Custer, State of South Dakota ("Customer"), for the purchase of a fireworks display. ("Agreement")

**SECTION 1 FIREWORKS DISPLAY**

Pyrotechnic agrees to furnish for the Customer 1 fireworks display(s), as per the specifications agreed to and made part of this Agreement, on the evening of July 4, 2019 ("Fireworks Display").

**SECTION 2 CONTRACT PRICE**

In consideration for the Fireworks Display, Customer agrees to pay Pyrotechnic the sum of \$10,300.00 (Ten thousand three hundred and 00/100 dollars) includes sales tax. A service fee of 1.5% per month shall be added to the Contract Price, or any portion of the Contract Price due, if it is not paid within 15 days of the date payment becomes due under this Agreement.

**SECTION 3 MATERIALS AND SERVICES**

Pyrotechnic shall be responsible for providing inventory meeting the specifications for the Fireworks Display, and the services of an operator who will be responsible for preparing and conducting the Fireworks Display. Pyrotechnic shall prepare a final design prior to the Fireworks Display, and the exact specifications will be supplied to the Customer after the final design, upon request.

**SECTION 4 INSURANCE**

Pyrotechnic Display, Inc. shall obtain a Public Liability and Property Damage and Workers Compensation Insurance. Those entities/individuals listed on the certificate of insurance shall be deemed an additional insured per this contract.

**SECTION 5 LOCATION**

Customer shall be responsible for providing a suitable location for the Fireworks Display. Customer shall cooperate with Pyrotechnic to ensure that the site is suitable for the Fireworks Display, and Pyrotechnic shall have the right to reject a proposed site for lack of accessibility, fire or other safety reasons.

In addition to providing the location, Customer shall be responsible for:

- Providing an appropriate staging area, and a minimum spectator setback of 350 feet.
- Providing for the staging area to be roped off or otherwise clearly marked as off limits to unauthorized personnel.
- Searching the fallout area at first light following a nighttime display.
- Providing security, police and fire protection, to ensure 1) that the staging area and the surrounding setback area will be free from unauthorized persons, and 2) the safety of people in or around the display location.

**SECTION 6 WEATHER RELATED POSTPONEMENT AND CANCELLATION.**

Customer acknowledges that the Fireworks Display will be provided so long as weather, and weather related conditions, including but not limited to drought and fire risk, permit. In the event of a postponement of the Fireworks display, Customer shall be responsible for payment based on the schedule below, which shall be due within 30 days of the date agreed to in Section 1. If Customer does not reschedule the Fireworks Display within the twelve-month period, an additional 30% of the Contract Price shall be due from the Customer for damages and expenses relating to the cancellation.

If customer chooses to postpone or cancel the Fireworks Display for any reason, customer shall be responsible for payment of the Contract Price based on the schedule below, which shall be due within 15 days of the date agreed to in Section 1. In the case of postponement or cancellation, Customer shall pay, as an additional fee, the following percentage of the Contract Price.

- At any time prior to the scheduled date of the Fireworks Display, 5% of the Contract Price.
- At any time on the scheduled date for the Fireworks Display, 20% of the Contract Price
- After the commencement of the Fireworks Display, where Pyrotechnic's operator has not determined that the postponement is necessary for weather or weather related circumstances, 100% of the Contract Price.

The Customer agrees to pay any and all collection costs, including reasonable attorney's fees and court costs incurred by Pyrotechnic Display, Inc. in the collection or attempted collections of any amount due under this agreement and invoice.

**SECTION 7 ENTIRE AGREEMENT**

This Contract and the Fireworks Exhibition and Display Program constitutes the entire agreement between the parties hereto, and there are no other understandings, either oral or written, regarding to the subject matter hereof. The parties hereto do mutually and severally guarantee terms, conditions, and payments of this contract, these articles to be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

**PYROTECHNIC DISPLAY, INC.  
FIREWORKS DISPLAY AGREEMENT**

**NOTE: Any changes without Pyrotechnic Display, Inc. approval will cancel agreement.**

**NOTE: This agreement will be withdrawn if not accepted within 45 days.**

IN WITNESS WHEREOF, the undersigned executed this Contract by and through their authorized representatives whose names appear below.

Signed on: 12-14, 2018

Signed on: 11/16, 2018

PYROTECHNIC DISPLAY, INC.

CUSTOMER:

BY: Dale M. Nowak

BY: Joel Behlings

Its duly authorized agent, who represents  
he/she has full authority to bind the  
customer.

NAME: Dale M. Nowak  
(PLEASE TYPE OR PRINT)

NAME: Joel Behlings, Fire Chief  
(PLEASE TYPE OR PRINT)

ITS: Display Sales and Design

ITS: Custer Volunteer Fire Department

Pyrotechnic Display, Inc.  
9405 River Road SE  
Clear Lake, MN 55319  
Telephone: (800) 507-9074, Ext. 1

Address: 616 Crook Street / P.O. Box 823  
City/State: Custer, SD  
Zip Code: 57730  
Telephone: (605) 673 - 4080 - Office 605-673-1218 Cell  
Email: custervfd@goldenwest.net

Laurie Woodward

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From: Kathy Young <kathyyoung926@gmail.com>  
Sent: Wednesday, May 8, 2019 8:51 AM  
To: Laurie Woodward  
Subject: girl scout Cookie Rush 5k - Girl Scouts Troop 71110

Good morning Laurie,

My name is Kathy Young and Mary Lappe said she had visited with someone about our plans to have a 5k run fundraiser and that it needs to be approved by the city council. Our hope is to have the event on Saturday 8-24-19 with the run starting at 9 am. We would like to hold the event at Harbaugh Park. The race would start there and run East of town on the trail crossing 8th St. and then Sidney Park Rd, and turn around at Spring Pl road and run back to the Park for the 3.1 mile race. We hope to get donations for door prizes and prizes for placing in age categories. While results are being configured we plan to do a free 1/2 mile kids fun run but hope to not cross any roads for that. Let me know if there is any other information that you need? Thanks so much.

Kathy

Will be stopping traffic at 8<sup>th</sup> Street.



Black Hills Occupational Medicine, Safety, \$250.00  
Black Hills Energy, Utilities, \$13,177.62  
California State Disbursement, Deductions, \$92.30  
Code Works, Professional Fees, \$75.75  
Culligan, Repair & Maintenance, \$18.50  
Custer Ace Hardware, Supplies, Repairs & Maintenance, \$599.53  
Chamber of Commerce, Sales Tax Subsidy, \$6,509.91  
Dakota Greens, Supplies, \$319.96  
Discovery Benefits, Supplies, \$1,042.00  
First Interstate Bank, Supplies, \$54.35  
French Creek Supply, Supplies, \$224.82  
Green Owl Media, Professional Fees, \$165.49  
Hawkins, Supplies, \$176.25  
Kellogg, Scott, Reimbursement, \$74.53  
Ketel Thorstenson, Professional Fees, \$3,500.00  
Kimball Midwest, Supplies, \$341.32  
KLJ, Professional Fees, \$9,970.50  
North American Truck and Trailer, Repairs & Maintenance, \$22.26  
NBS Calibrations, Repairs & Maintenance, \$193.00  
Pace, Supplies, \$325.17  
Pennington Title, 449 N 4<sup>TH</sup> ST, Custer, Overpayment, \$384.73  
Petty Cash, Supplies, \$126.92  
Rapid Delivery, Professional Fees, \$68.45  
Regional Health Network, Sales Tax Subsidy, \$38,221.25  
Simons Materials, Supplies, \$8,282.33  
SD Association of Rural Water Systems, Travel & Conference, \$250.00  
SD Department of Revenue, Malt Beverage License/ Renewals, \$4,050.00  
SD Secretary of State, Sales Tax, \$1,100.60  
Bit Finance/State Long Distance, \$52.09  
The Hartford, Insurance, \$63.62  
USDA Loan Payments, \$8,910.00  
Volin, Delores, Utility Refund, \$6.50  
Total Claims \$98,649.75

