

All City Council Meetings are recorded.

CITY OF CUSTER CITY
COUNCIL AGENDA
October 21st, 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 – October 7th, 2019 Regular Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
 - a. Vigilance Sculpture – Matt Fridell
 - b. Second Reading – Ordinance #827 – Construction Codes and Building Permits
 - c. First Reading – Ordinance #828 – Water Rates
 - d. First Reading – Ordinance #829 – Wastewater Rates
 - e. First Reading – Ordinance #830 – Water Off Rates
 - f. Resolution #10-21-19A – Land and Water Conservation Fund Grant
 - g.
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. Final Plat – Akers Subdivision
 - b.
 - c.
 - d.
 - 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(1,2,3,4,5))
12. Adjournment

REMINDERS

Public Works Committee Meeting – November 4th, 2019 4:30 P.M.
Regular City Council Meeting – November 4th, 2019 5:30 P.M.
General Government Committee Meeting – November 12th, 2019 4:30 P.M.
Planning Commission Meeting – November 12th, 2019 5:00 P.M.
Regular City Council Meeting – November 18st, 2019 5:30 P.M.
Park & Recreation Committee Meeting – November 19th, 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
October 7th, 2019**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of October 2019 at 5:30 p.m. Present at roll call were Councilpersons Blom, Whittaker, Fischer, Nielsen and Ryan. Attorney Beesley was also present. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Nielsen moved, with a second by Councilperson Ryan, to approve the minutes from the September 16th regular council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Councilperson Whittaker stated she had a conflict with the Lot A North and Lot B South minor plat. No other conflicts of interest were stated.

HOMETOWN HERO BANNER CHECK PRESENTATION – AMERICAN LEGION

The Custer American Legion present the City with a check for the Hometown Hero Banner project. Kathy Johnson gave an update on the Hometown Hero Banner project.

EXECUTIVE PROCLAMATION – WORLD HABITAT DAY

Councilperson Ryan moved to approve the executive proclamation for World Habitat Day. Seconded by Councilperson Nielsen, the motion unanimously carried. Shana Wilkey with Black Hills Habitat accepted the proclamation and said a few words.

EXECUTIVE PROCLAMATION

WHEREAS, more than 109,000 individuals lived below the poverty line in South Dakota in 2018, and 3500 affordable homes are needed in the Rapid City Area; and

WHEREAS, Black Hills Area Habitat for Humanity has served more than 570 individuals through affordable housing solutions, and will continue to address the lack of decent housing around the world while reducing environmental impact by recycling building materials through Habitat ReStores; and

WHEREAS, secure tenure not only facilitates opportunities for health improvement, civic engagement, investment and wealth accumulation, but also provides a source of dignity and respect and serves as a basis for the pursuit of other rights; and

WHEREAS, the United Nations General Assembly has declared the first Monday in October as World Habitat Day, a time to unite in a worldwide effort to promote policies to ensure adequate shelter for all. By raising awareness and advocating for universal decent housing, we can change the systems that reinforce poverty housing and make affordable homes a reality for all.

THEREFORE, BE IT RESOLVED that I, Corbin Herman, Mayor of the City of Custer, South Dakota, do hereby proclaim October 7th, 2019, as

World Habitat Day

and encourage all citizens of City of Custer City to work towards the elimination of inadequate housing.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Custer City this 7th day of October 2019.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

FIRST READING – ORDINANCE #827 – CONSTRUCTION CODES AND BUILDING PERMITS

Councilperson Fischer moved to approve Ordinance #827, Construction Codes and Building Permits, with section 15.08.100 title being changed to Certificates of Occupancy Required. Seconded by Councilperson Nielsen, the motion unanimously carried.

PUBLIC COMMENTS

No public comments were received.

SUMMER MUSIC EVENT REQUEST – VAN ARP

Van Arp presented his summer music events concept to Council. Council encouraged Van Arp to go to the Art Council to present his concept.

TEMPORARY MAINTENANCE AGREEMENT WITH EAST CUSTER SEWER DISTRICT

Councilperson Fischer moved to approve the temporary maintenance agreement with East Custer Sewer District for October 1st through December 31st for \$1,200 total. Seconded by Councilperson Nielsen, the motion unanimously carried.

BURNING BEETLE EVENT UPDATE – HANK FRIDELL

Hank Fridell gave Council an overview of the 2020 Burning Beetle Event. Councilperson Fischer moved to approve the usage of Pageant Hill on January 18th, 2020 for the Burning Beetle Event, having the Torch March from the High School Parking Lot using Bluebell Lane and Pine Street, use of the City's extra port-a-pots and trash cans and for the City to collect Christmas trees on Pageant Hill to be used as the site for the pyre. Seconded by Councilperson Blom, the motion unanimously carried.

Councilperson Whittaker left the meeting at 6:13 pm.

MINOR PLAT – LOT A NORTH AND LOT B SOUTH

Councilperson Nielsen moved to approve the minor plat for Lot A North and Lot B South Subdivision. Seconded by Councilperson Blom, the motion unanimously carried.

Councilperson Whittaker rejoined the meeting at 6:16 pm.

MINOR PLAT – CHILDERS TRACT AND WARNE TRACT N OF DEER RIDGE SUBDIVISION

Councilperson Nielsen moved to approve the minor plat for Childers Tract and Warne Tract N of Deer Ride Subdivision. Seconded by Councilperson Whittaker, the motion unanimously carried.

PLAT SIGNATURE– CUSTER ATHLETIC FIELD REVISED LOT C REVISED TRACT HOSPITAL AND TRACT S&R

Councilperson Fischer moved to authorize the Mayor to sign the Custer Athletic Field Revised, Lot C Revised, Tract Hospital Revised, Tract S&R plat on behalf of the City's property. Seconded by Councilperson Whittaker, the motion unanimously carried.

MINOR PLAT – CUSTER ATHLETIC FIELD REVISED LOT C REVISED TRACT HOSPITAL AND TRACT S&R

Councilperson Blom moved to approve the minor plat for Custer Athletic Field Revised, Lot C revised, Tract Hospital Revised, Tract S&R. Seconded by Councilperson Whittaker, the motion unanimously carried.

LIQUOR STORE WELL EXTERIOR REPAIR PROJECT CHANGE ORDER

Councilperson Whittaker moved to approve the change order for the Liquor Store Well exterior repair project for \$671.68. Seconded by Councilperson Blom, the motion carried with Councilperson Blom, Whittaker, Fischer, Nielsen and Ryan voting yes.

WIRELESS COMMUNICATION TOWER APPLICATION FEE REFUND

Councilperson Nielsen moved to refunding Overland Contracting Inc \$4,000 from the wireless communication tower application fee as they have chosen to not pursue the tower. Seconded by Councilperson Ryan, the motion carried with Councilperson Whittaker, Fischer, Nielsen, Ryan and Blom voting yes.

NEW HIRE

Councilperson Fischer moved to approve hiring Christopher Severin as Custodial Maintenance Worker at \$15.31 effective upon successful completion of background check, drug test and physical. Seconded by Councilperson Blom, the motion unanimously carried.

CLAIMS

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

A & B Electric, Repairs and Maintenance, \$622.51
Aflac, Insurance, \$746.47
Ainsworth Benning, Capital Improvements \$760.00
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00
Beesley Law Office, Professional Fees, \$2,544.00
Black Hills Energy, Utilities, \$2,812.62
California State Disbursement, Deduction, \$184.60
Century Business Products, Supplies, \$160.92
Chronicle, Supplies, \$1,011.50
Cloud Construction, Improvements, \$26,545.91
Custer Ambulance, TIF #1 Payment, \$27.19
Custer Area Economic Development, Subsidy, \$2,000.00
Custer County Treasurer, Law Enforcement Contract, TIF #1 Payment, \$94,119.09
Custer Do It Best, Supplies, Repairs and Maintenance, \$336.73

Custer School District, TIF #1 Payment, \$897.99
Dakota Pump Inc, Repairs and Maintenance, \$586.73
Delta Dental, Insurance, \$212.00
Dacotah Bank, TIF #2 Payment, \$1,485.53
Discovery Benefits, Supplies, \$6,240.38
Family Dollar, Supplies, \$57.51
Fastenal, Supplies, \$231.52
Five Points Bank, TIF #5 Payment, \$35,029.29
Full Source, Supplies, \$49.92
EFTPS, Taxes, \$20,818.30
Genpro Energy Solutions, Repair and Maintenance, \$510.00
Golden West Telecommunications, Utilities, \$521.38
Golden West Technologies, Professional Fees, \$762.50
Government Finance Officers Association, Travel and Conference, \$85.00
Green Owl Media, Professional Fees, \$156.00
Hawkins, Supplies, \$4,734.56
J & M Lawncare, Cemetery Caretaker Contract, \$5,000.00
Kellogg, Scott, Reimbursement, \$250.47
Imageall, Supplies, \$110.50
Lamonte's Auto Center, Repairs & Maintenance, \$1,265.88
Lawrance & Schiller, BID Board, \$5,724.80
Nelson's Oil & Gas, Supplies, \$696.62
Petty Cash, Supplies, \$550.77
Pitney Bowes, Supplies, \$48.69
Power House, Supplies, \$57.85
Quill, Supplies, \$298.49
Raber, Brian, Reimbursement, \$63.56
Ramkota Hotel, Travel and Conference, \$192.00
Rapid Delivery, Professional Fees, \$88.00
Sanders Sanitation, Supplies, \$14,101.88
Sanford Health, Supplies, \$125.00
SD Retirement System, \$9,540.72
Supplemental Retirement, \$1,005.00
State of SD, Sales Tax, \$1,109.02
Servall, Supplies, \$189.28
Shanklin's, Supplies, \$1,035.25
Simon Materials, Repairs & Maintenance, \$5,284.28
Bit Finance/State Long Distance, \$55.18
The Hartford, Insurance, \$64.12
Turbiville Industrial Electric Work, Repairs and Maintenance, \$1,724.83
Verizon Wireless, Utilities, \$422.53
Wellmark, Insurance, \$14,009.29
Wright Express, Supplies, \$1,149.19
YMCA, Contributions, Membership, \$292.00
Kahler, David, Utility Refund, \$208.05
Olson, Wayne, Utility Refund, \$6.85
Eriksson, Valter/Colleen, Utility Refund, \$50.00
Mayor & Council, \$4,532.00
Finance Department, \$4,245.68
Planning Department, \$6,861.22
Public Works Department, \$3,393.80
Street Department, \$8,671.88
Cruisin Department, \$148.96
Parks Department, \$4,218.30
Water Department, \$12,886.09

Wastewater Department, \$12,753.22

Total Claims, \$327,681.40

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 proposed litigation and contract negotiations per SDCL 1-25-2(1-5) at 6:43 pm, with the Attorney, Public Works Director, Planning Administrator and Finance Officer present. Seconded by Councilperson Ryan, the motion unanimously carried. Council came out of executive session at 7:13 pm, with no action taken.

ADJOURNMENT

With no further business, Councilperson Ryan moved to adjourn the meeting at 7:13 p.m. Seconded by Councilperson Whittaker, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

**CITY OF CUSTER CITY
BOARD OF ADJUSTMENT MEETING
October 7th, 2019**

Board Chairman Herman called to order the Board of Adjustment Meeting at 7:13 p.m. Present at roll call were Board Members Herman, Blom, Whittaker, Fischer, Nielsen and Ryan.

APPROVAL OF AGENDA

Board Member Nielsen moved, with a second by Board Member Whittaker, to approve the agenda. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

PUBLIC HEARING – SETBACK VARIANCE REQUEST – 216 N 9TH STREET, TRACT 1 BLOCK 50 SUBDIVISION

Board Member Whittaker moved to approve the variance request for Tract 1 of Block 50 subdivision which would allow a setback of 16 feet from the street right-of-way and the covered porch would be setback 8 feet from the street right-of-way. Seconded by Board Member Blom, the motion carried with Board Member Whittaker, Herman, Fischer, Nielsen, Ryan and Blom voting yes.

PUBLIC COMMENTS

No public comments were received.

ADJOURNMENT

With no further business, Board Member Herman moved to adjourn the meeting at 7:19 p.m. Seconded by Board Member Whittaker, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Board Chairman

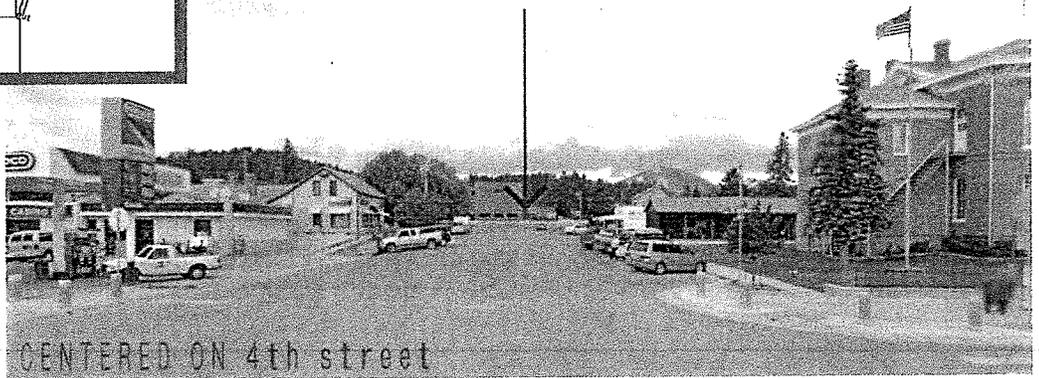
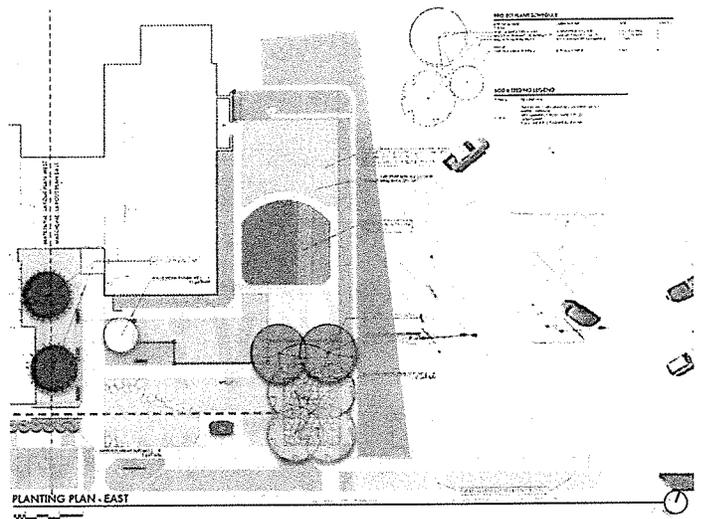
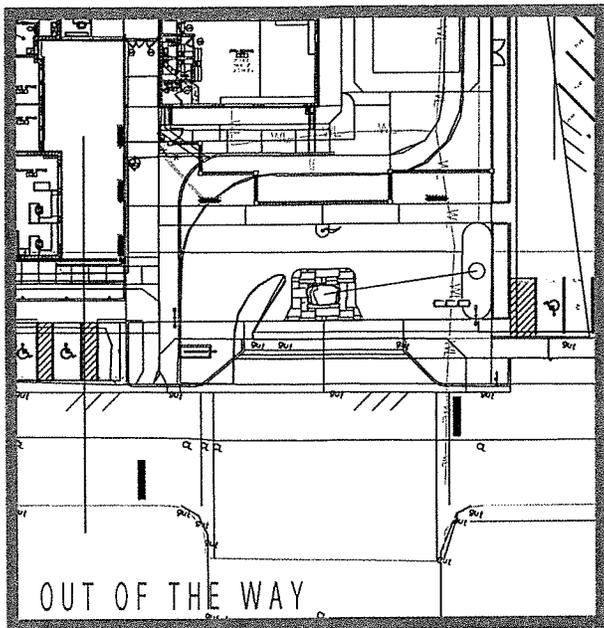


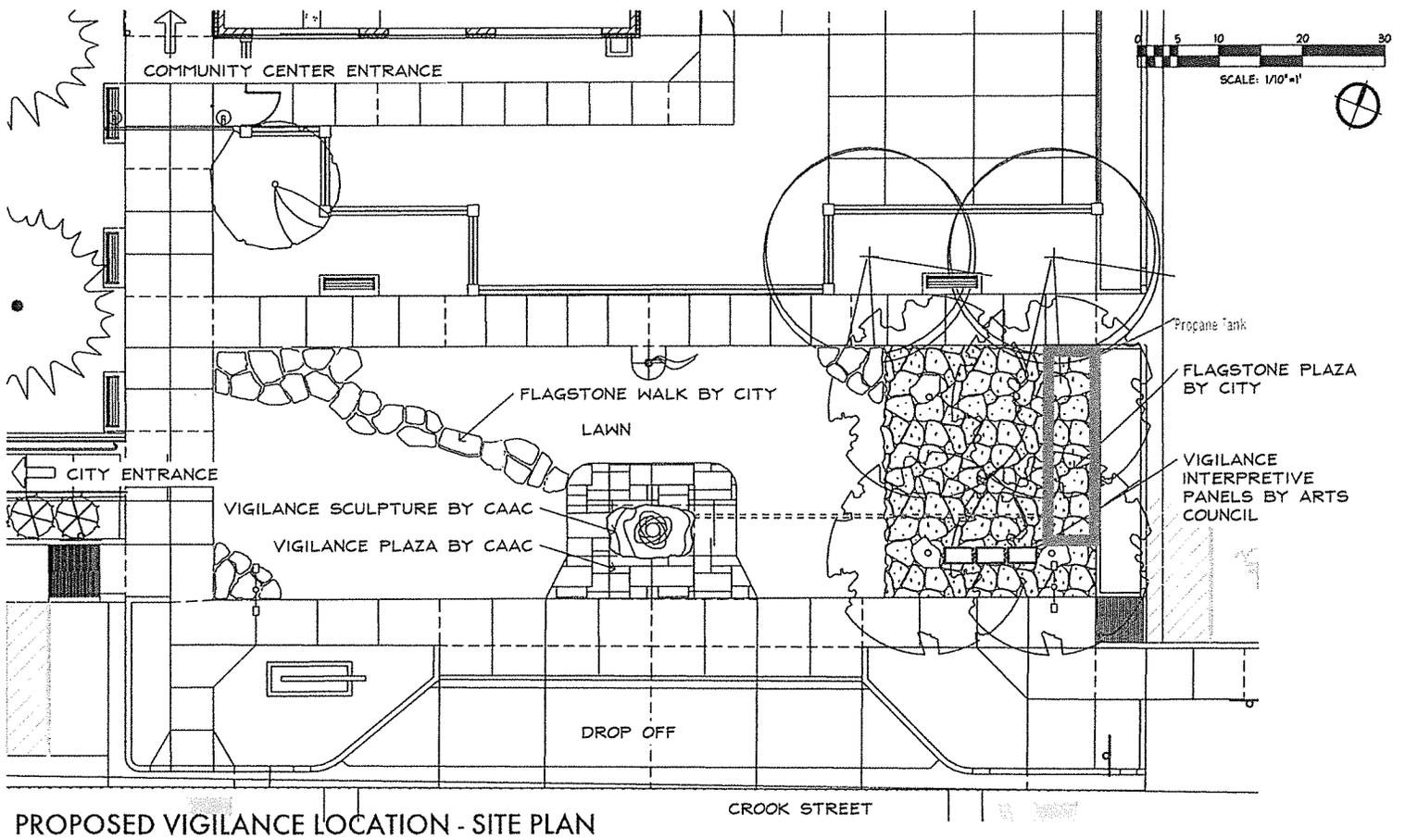
A new sculpture to commemorate burning beetle in custer

timeline

2019 november: begin construction.
foundation
sculpture

2020 january 18: dedication at burning beetle - light the first torch
later: community center construction
coordinate propane tank installation
after lawn installed, artist to install concrete plaza

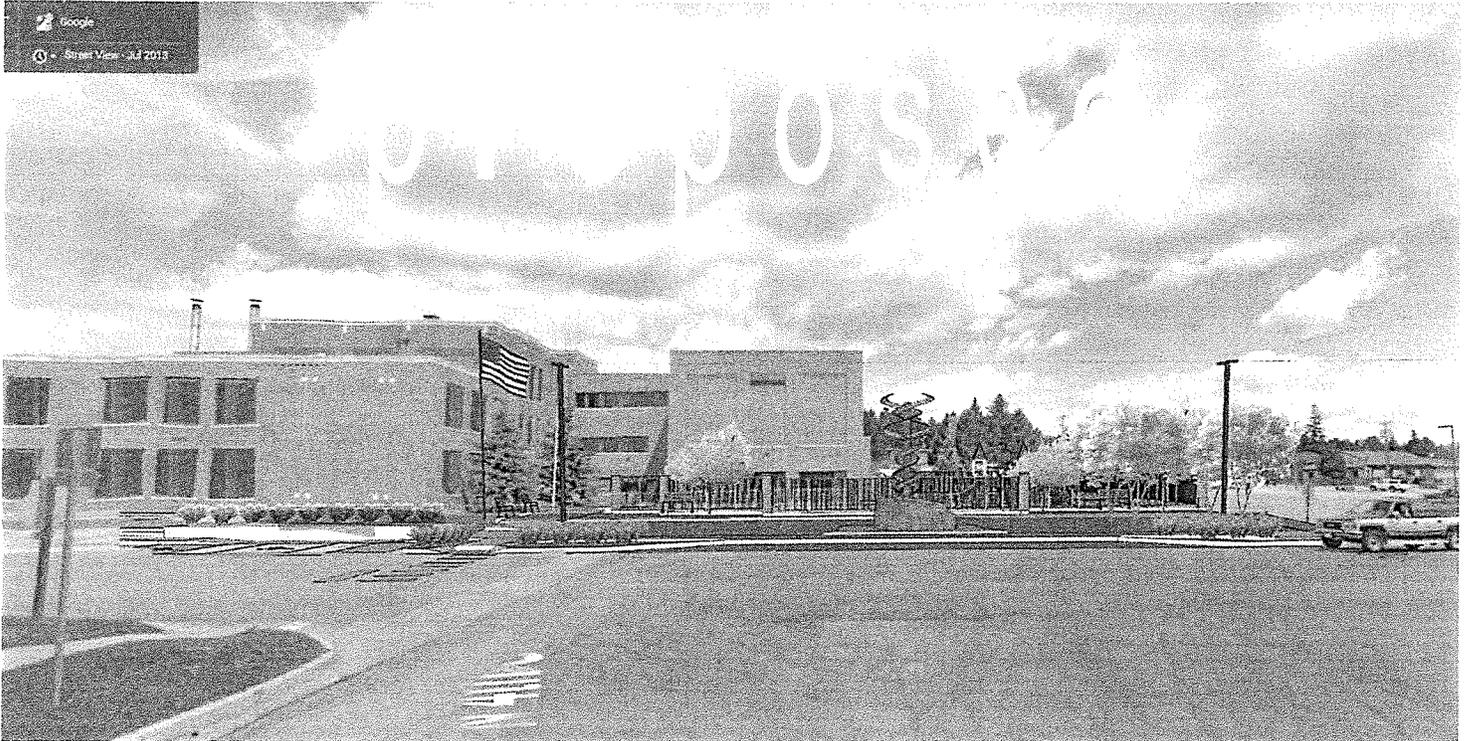




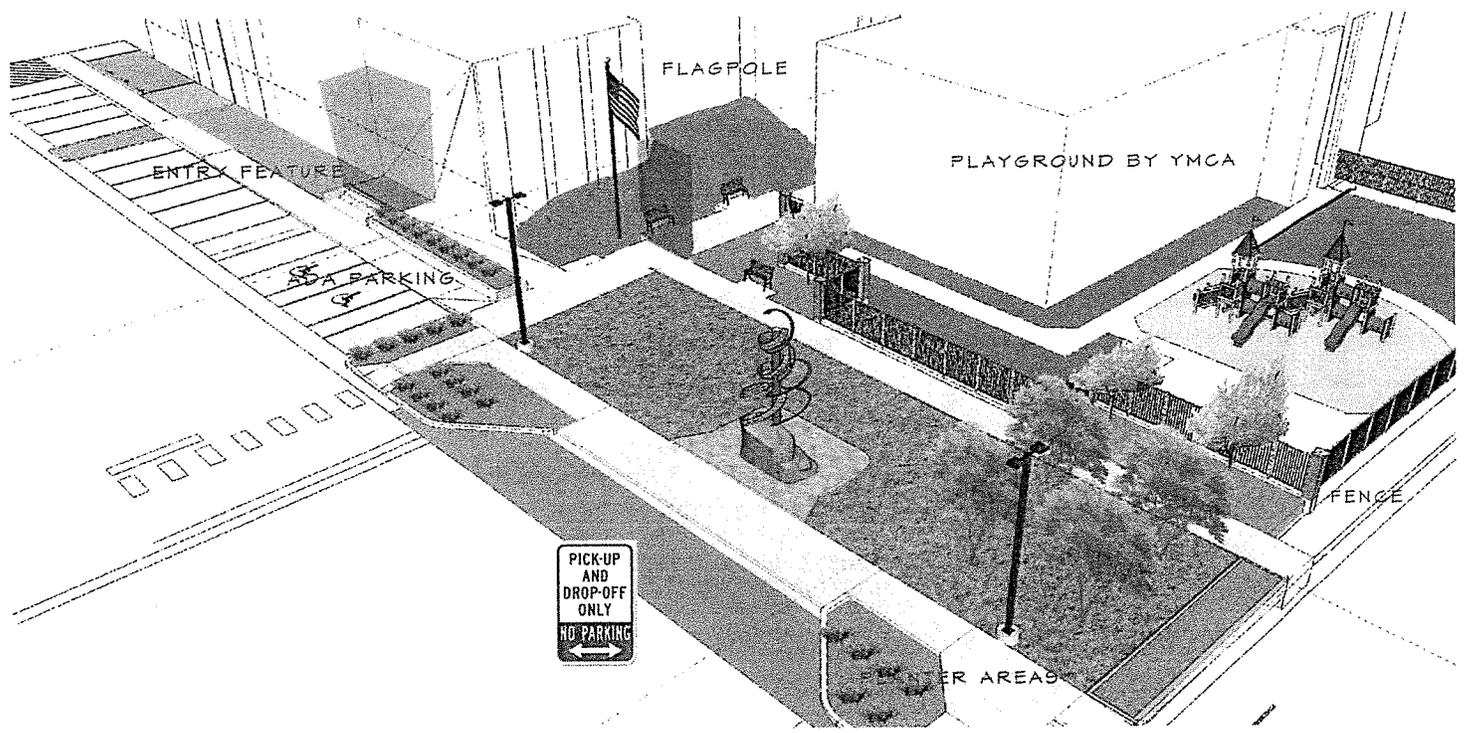
PROPOSED VIGILANCE LOCATION - SITE PLAN



looking up 4th street

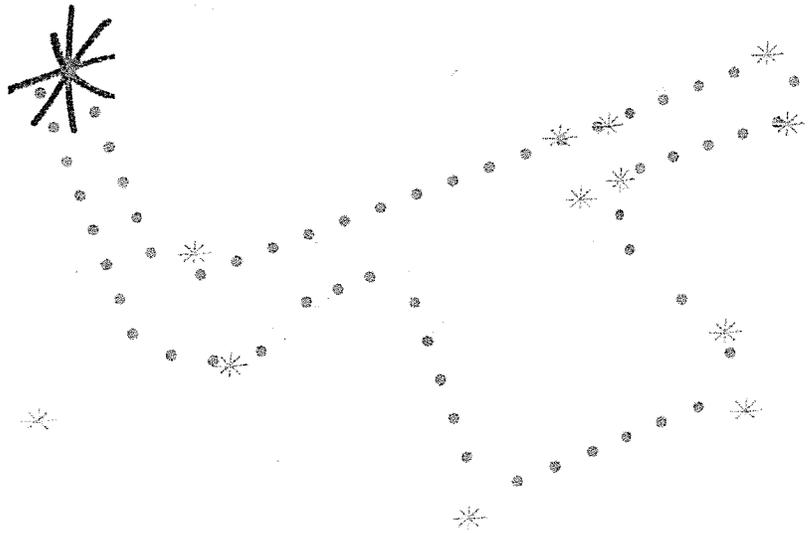


looking up 4th street



Aerial sketch

FITS WITH OTHER
COMMUNITY ART



ORDINANCE NO. 827

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 15 BUILDINGS AND CONSTRUCTION CHAPTER 15.04 CONSTRUCTION CODES AND CHAPTER 15.08 BUILDING PERMITS OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING AND SUPERSEDING SAID SECTIONS AS FOLLOWS, TO WIT:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CUSTER CITY THAT CHAPTER 15.04 AND CHAPTER 15.08 BE AMENDED AS FOLLOWS:

Chapter 15.04

CONSTRUCTION CODES

Sections:

- 15.04.010 International codes adopted.
- 15.04.012 Amendments to the International Residential Code.
- 15.04.020 Amendments to the International Building Code.
- 15.04.030 Violation.
- 15.04.040 Other remedies.

15.04.010 International codes adopted.

A. There is adopted by the city, that certain codes known as the 2018 International Residential Code for One- and Two-Family Dwellings chapters 1-24, 44 and appendices E, H, J & Q; the 2018 International Building Code and appendices C, G, I & J; the 2018 International Fire Code; the 2018 International Fuel Gas Code; and the 2018 International Existing Building Code , , as well as the adoption of basic fire protection code of the State of South Dakota, as amended; which above named codes shall be adopted by this reference as though fully set forth herein; and shall be further subject to future amendments and revisions thereof, which said amendments shall upon enactment become a part of this chapter without further resolution or ordainment on the part of the city. Specific local ordinances which modify said codes shall govern, but where local ordinances are silent the codes aforementioned shall govern and apply.

Any International Codes previously adopted by the Common Council of the City of Custer City and not herein-above specifically mentioned are hereby repealed.

15.04.012 Amendments to the International Residential Code. .

The following amendments to the International Residential Code for One- and Two-Family Dwellings adopted by section 15.04.010 are made and incorporated into the code:

Climate and Geographic Design Criteria

City of Custer, SD

Ground Snow Load	Wind Design	Seismic Design Category	Subject to Damage From			Winter design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temperature (Fahrenheit)
	Speed (mph)		Weathering	Frost Line Depth	Termite					
40 psf	115	A	Moderate	48"	Slight to Moderate	-7	Yes	NFIP	2000	41°

1. A. *IRC Chapter 1, Section R105.2 Work exempt from permit* is hereby amended to read as follows: Building Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grand authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following; One-story detached accessory structures, provided that the floor area does not exceed 160 square feet.
 2. Fences not over 7 feet height.
 3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
 5. Platforms, walks, and driveways not more than thirty (30) inches above grade and not over any basement or story below.
 6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
 7. Prefabricated swimming pools that are less than 24 inches deep.
 8. Swings and other playground equipment.
 9. Window awnings that supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
 10. Decks not exceeding 200 square feet in area, that are not more than 30" above grade at any point, are not attached to a dwelling, and do not serve as an exit door required by Section R311.4.
 11. Oil derricks.
 12. Temporary motion picture, television and theater stage sets and scenery.
 13. Siding, gutters, downspouts, and storm windows.
 14. Painting and/or any normal maintenance repairs.
 15. Construction of landscaping or patios.
 16. Temporary portable steps not exceeding fifty (50) square feet in dimension for mobile homes.
 17. Window replacement where the rough opening is not altered.
- B. *IRC Chapter 1, Section R112.3 Qualifications* is hereby amended to read as follows: the members of the board of appeals shall be the Common Council.
- B. *IRC Chapter 3, Section R302.5.1 Opening Protection* is hereby amended to read as follows: Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches thick, or 20-minute fire-rated doors.
- C. *IRC Chapter 3, Section R313.1 Townhouse automatic fire sprinkler systems and Section R313.2 One- and two-family dwelling automatic fire sprinkler systems* are hereby deleted.

D. *IRC Chapter 3, Section R313.1.1 Design and installation and Section R313.2.1* are hereby amended to read as follows: When installed, an Automatic residential fire sprinkler system shall be designed and installed in accordance with Section P2904 and NFPA 13D.

E. *IRC Chapter 4, Section 403.1.4.1 Exception 1.* Is hereby amended to read as follows: Frost protection of freestanding accessory structures with an area of 1000 square feet or less, of light-framed construction, with an eave height of ten (10) feet or less shall not be required.

F. *IRC Chapter 3, Section R302.13 Fire protection of floors* is hereby deleted.

G. *IRC Chapter 11, Section N1102.4.1.2 (R402.4.1.2) Testing* is hereby deleted.

H. *IRC Chapter 11, Section N1104.1 (R404.1) Lighting equipment (Mandatory).* Is hereby deleted in its entirety.

15.04.020 Amendments to the International Building Code.

The following amendments to the International Building Code adopted by section 15.040.010 are made and incorporated into the code:

A. *IBC Chapter 1, Section 105.2 Work exempt from permit* is hereby amended to read as follows: Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 160 square feet.
2. Fences not over seven (7) feet high.
3. Retaining walls that are not over four (4) feet in height measured from grade on the exposed side to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to one 1.
5. Platforms, walks, and driveways not more than thirty (30) inches above grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings that supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet in area, that are not more than 30" above grade at any point, are not attached to a dwelling, and do not serve as an exit door required by Section R311.4.
11. Oil derricks.
12. Temporary motion picture, television and theater stage sets and scenery.
13. Siding, gutters, downspouts, and storm windows
14. Painting and/or any normal maintenance repairs.
15. Construction of landscaping or patios.
16. Temporary portable steps not exceeding fifty (50) square feet in dimension for mobile homes.
17. Window replacement where the rough opening is not altered.

B. *IBC Chapter 1, Section 113.3 Qualifications* is hereby amended to read as follows: the members of the board

of appeals shall be the Common Council.

C. *IBC Chapter 3, Section 312 Utility and Miscellaneous Group U*, is hereby amended to read as follows:

**SECTION 312
UTILITY AND MISCELLANEOUS GROUP U**

312.1 General. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
- Barns
- Carports
- Fences more than 6 feet (1829 mm) in height
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers
- Camping Cabins

312.2 Camping Cabins. Camping cabins must have an egress window or door in each sleeping area, a smoke detector in each sleeping area, interior and exterior light, interior and exterior plug-ins, the unit number on each cabin, rodent protection, a fire extinguisher in each unit, and accessible units shall be provided as per Table 1107.6.1. (Ord. 756, 2014)

D. *IBC Chapter 27, Electrical*, is hereby deleted in its entirety.

15.04.030 Violation.

Any violation of this chapter shall be deemed a continuing violation for every twenty-four (24) hour period, and every twenty-four (24) hour period of non-compliance shall constitute a separate and distinct offense. (Prior code § 8-108)

15.04.040 Other remedies.

Nothing herein shall preclude the city from exercising any and all remedies available to the city under state law. (Prior code § 8-109)

Chapter 15.08

BUILDING PERMITS*

Sections:

- 15.08.010** Required-Exceptions-Permit Specifics.
- 15.08.020** Application.
- 15.08.030** Appeal.
- 15.08.040** International Building Code controlling.
- 15.08.050** Fees.
- 15.08.055** Carports.
- 15.08.060** Frost footings.
- 15.08.070** Violation.
- 15.08.080** Other remedies.
- 15.08.090** Metal raceway.
- 15.08.100** Certificates of zoning compliance for new, altered or nonconforming uses.

* Prior history: Prior code §§ 8-103--8-107.

15.08.010 Required-Exceptions–Permit Specifics.

A. Permits Required. Except as specified in Chapter 15.04 of this code , no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

B. Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

C. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

D. It shall be further unlawful to construct or alter any building that does not comply with the plans and specifications or detailed statement contained in the application for permit.

E. Construction for which a building permit has been issued shall be given one (1) year to complete. One (1) and only one (1) extension of one hundred eighty (180) days may be granted in the event that construction is not completed within one (1) year. In order to complete a project after an extension has once been granted, a new permit will be required, with a permit fee based on the amount of work remaining. The fee to extend a permit for an additional one hundred (180) days shall be set forth in the fee schedule as adopted by resolution.

eighty (180) days. (Ord. 786 (part), 2017; Ord. 742, 2014; Ord. 648 (part), 2008; Ord. 527, 2000; Ord. 526, 2000; Ord. 392 (part), 1993: prior code § 8-102)

15.08.020 Application.

A written application for such permit shall be made at city hall, signed by the owner of the land or lot upon which the building is situated or is to be situated, or by the owners agent. The application shall state the name and address of the owner of the land or lot upon which the building or improvement is situated or is to be

situated, the names and addresses of the architect, builder, electrician and plumber employed thereon, the lot and block numbers, and the name of the addition. The application shall also include two copies of adequate construction documents as requested by the Planning Administrator. Such documents may include a site plan, a statement of the nature and proposed use of such building or structure, a floor plan, building elevations, a foundation and wall detail and a sketch plan showing electric wiring and plumbing systems. Documents shall also give the length, width and height of the building, the number of rooms, the kind of material or materials used or to be used, and specifications for wiring and plumbing used in the construction or alteration. No building permit shall be issued until a the documentation stated in this section is filed with and approved by the planning administrator or designee. Should the application be in accordance with the terms of this chapter, the Planning Administrator shall, without delay, issue a permit as requested. If for any reason the Planning Administrator shall refuse to grant a permit, the administrator shall state in writing the reasons for such refusal. (Ord. 786 (part), 2017; Ord. 402 (part), 1993)

15.08.030 Appeal.

If the planning administrator or assigned designee refuses to issue a building permit, the refusal may be appealed to the Common Council. Their decision shall be final. (Ord. 786 (part), 2017; Ord. 402 (part), 1993)

15.08.040 International Building Code controlling.

In matters pertaining to building not covered by the ordinances of the city, the planning administrator, or assigned designee, shall be guided by the most current edition of the International Building Code. (Ord. 786 (part), 2017; Ord. 742, 2014; Ord. 402 (part), 1993)

15.08.050 Fees.

Fees shall be assessed as stated in a resolution adopted on an annual basis.

A. Plan Review Fees.

1. Plan review fees are included within the fees for building permits. The Planning Administrator shall have the option to require that up to twenty-five percent (25%) of the estimated permit fee may be required at the time the application is submitted. Further, such fees collected for plan review are not refundable, but will constitute part of the building permit fee when the fee is collected.

2. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged per the fee schedule as adopted by resolution.

B. Permit Fees.

1. The fee for each permit shall be as set forth in the fee schedule as adopted by resolution. The determination of value or valuation under any of the provisions shall be made by the planning administrator. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

2. There will be no fees charged for the occupancy or certificate of zoning compliance for all new structures or facilities.

3. Remodeling work shall be issued a permit and charged a fee based on the applicant's estimate of value of the work to be performed. The building official shall determine if the estimate is fair and reasonable.

C. Easement, Encroachment, and Street/Alley Vacation. The fee for each request brought before the planning department for easements, encroachments or right-of-way vacations shall be set in the fee schedule as

adopted by resolution.

D. Subdivision Fee. The fee for subdivision of real estate is set in the fee schedule as adopted by resolution. All subdivision fees shall be paid at the time of preliminary plat submittal. All recording fees at the Custer County register of deeds office shall be paid at that office, and the final plat will be submitted to the Custer County register of deeds once the city has approved and signed it.

E. Variance Fee. The fee for each variance request to any regulation of the city is as set forth in the fee schedule as adopted by resolution.

F. Permitted Conditional Use. The fee for each permitted conditional use is as set forth in the fee schedule as adopted by resolution.

G. Zoning Map Change or Zoning Text Change. The fee for each zoning map change or zoning text change is as set forth in the fee schedule as adopted by resolution.

H. Demolition Permit Fee. There shall be a charge to demolish any structure or facility. A permit must be obtained and fee paid as set forth in the fee schedule as adopted by resolution.

I. Flood Plain Development Permit Fee. All work in a designated flood area within the city requires a permit. The fee for the permit is as set forth in the fee schedule as adopted by resolution.

J. Sign Permit Fee. The fee for each new sign that is erected or installed shall be as set forth in the fee schedule as adopted by resolution, except where a sign or sign structure requires that a building permit be obtained, then the building permit fee shall be the sign permit fee. A change in the name of the commercial entity, a change in location or a change in the size of the sign, shall constitute a new sign.

K. Investigation Fees-Work Without a Permit.

1. Whenever any work for which a permit is required by the International Building Code has been commenced without first obtaining a permit, a special investigation shall be conducted before a permit may be issued for the work.

2. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required. The minimum investigation fee shall be the same as the minimum fee set forth in the fee schedule as adopted by resolution. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of the International Building Code nor from any penalty prescribed by law.

3. The planning administrator may authorize refunding of any fee paid hereunder that was erroneously paid or collected.

L. If a request for a special planning commission meeting is made, the cost shall be as set in the fee schedule as adopted by resolution.

M. Valuation for determining permit fees shall be based on the most recent "Building Valuation Data" as published in Building Standards, a publication of the International Conference of Building Officials. A public copy of the most recent "Building Valuation Data" table will be available from the city planning administrator's office. The "Building Valuation Data" has an adjustment factor for South Dakota valuations that will be used in determining new construction values. Building permit fees, roofing fees, and other inspection fees shall be as set forth in the fee schedule as adopted by resolution. (Ord. 786 (part), 2017; Ord. 764 (part), 2015; Ord. 742, 2014; Ord. 733, 2013; Ord. 721, 2012; Ord. 648 (part), 2008; Ord. 583, 2003; Ord. 509, 1999; Ord. 508 (part), 1999; Ord. 427, 1995; Ord. 413, 1994; Ord. 402 (part), 1993)

15.08.055 Carports.

All manufactured steel carport structures shall be erected and anchored according to manufacturers'

specifications. These structures shall also meet a minimum snow loading of forty (40) pounds per square foot.

Manufactured steel carports may be placed with setbacks of ten (10) feet to the back property line, six (6) feet on the side property lines, and twenty (20) feet to the front property line. This will apply to open-sided manufactured steel carports only. No wood structures with wood posts shall be allowed under this section of the code.

No carport that is sided will be allowed under this section and will fall under the applicable sections of the International Building Code/International Residential Code.

Prior to placement of a manufactured carport structure, the property owner shall apply for a special permit from the city building department. If granted, the fee for such permit shall be as set forth in the fee schedule as adopted by resolution. (Ord. 786 (part), 2017; Ord. 752, 2014)

15.08.060 Frost footings.

All construction that requires the use of frost footings shall have the frost footings constructed from ground level to a minimum depth of at least forty-eight (48) inches or to bedrock, whichever shall first occur. (Ord. 786 (part), 2017; Ord. 438, 1995)

15.08.070 Violation.

Any violation of this chapter shall be deemed a continuing violation for every twenty-four (24) hour period, and every twenty-four (24) hour period of noncompliance shall constitute a separate and distinct offense. (Ord. 786 (part), 2017; Prior code § 8-108)

15.08.080 Other remedies.

Nothing herein shall preclude the city from exercising any and all remedies available to the city under state law. (Ord. 786 (part), 2017; Prior code § 8-109)

15.08.090 Metal raceway.

A. All electrical wiring within the fire limits of the city that is intended as power conductors shall be installed in:

1. Metal raceways; or
2. Flexible metal raceways; or
3. Nonmetallic raceways encased in not less than two (2) inches of concrete.

B. Installation shall be in conformance with the requirements of the current National Electric Code as adopted by the State of South Dakota. Nothing in this section is intended to reduce the requirements of the National Electric Code or the requirements of the Wiring Bulletin of South Dakota. (Ord. 786 (part), 2017; Ord. 525, 2000)

15.08.100 Certificate of Occupancy Required.

A. It is unlawful to use or occupy or permit the use or occupancy of any building and/or premises, or part thereof created, erected, modified, altered or enlarged, in its use or structure, until a certificate of occupancy has been issued by the planning administrator, stating that the proposed use of the building or land conforms to the requirements of this title and the provisions of the International Codes as adopted by section 15.04.010 of this code.

B. A temporary certificate of occupancy may be issued by the planning administrator for the period of construction, alterations or partial occupancy of a building, pending its completion; provided that such portion or portions of the work covered by the permit shall be occupied safely..

C. Failure to obtain a certificate of occupancy shall be a violation of this title and punishable under provision of this title. (Ord. 786 (part), 2017; Ord. 557, 2002)

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 21st day of October 2019.

City of Custer City

Corbin Herman, Mayor

Attest: _____
Laurie Woodward, Finance Officer

(SEAL)

First Reading: October 7, 2019

Vote:

Seconding Reading: October 21, 2019

Moore:

Ryan:

Publication: October 30, 2019

Blom:

Nielsen:

Whittaker:

Fischer:

ORDINANCE NO. 828

An Ordinance entitled An Ordinance Amending Title 13 Public Services, Chapter 13.08. Section 13.08.010 A & B of the City of Custer City Municipal Code and amending, replacing, and superseding all prior ordinances or amendments, by which amending and superseding said Ordinance as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that section 13.08.010 be amended as follows:

13.08.010 Rates and charges.

There shall be charged by the city, effective for the January 2020 billing upon passage and publication of the ordinance codified in this chapter as provided by law, a charge for water services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms based upon the usage of water. The rates shall be as follows:

A. 1. Operation and Maintenance—Residential (Single Family).

Gallons Used	Water Charge
2,000 (minimum)	\$11.34

On amounts of water used over two thousand (2,000) gallons, add seven dollars and ninety-nine cents (\$7.99) per thousand gallons used to the water charge.

B. 1. Operation and Maintenance—Commercial and Multi Family.

Gallons Used	Water Charge
2,000 (minimum)	\$24.42

On amounts of water used over two thousand (2,000) gallons, add nine dollars and forty cents (\$9.40) per thousand gallons used to the water charge.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 4th day of November, 2019.

City of Custer City

Attest _____
Laurie Woodward, Finance Officer

Corbin Herman, Mayor

(SEAL)

First Reading: October 21st, 2019
Seconding Reading: November 4th, 2019
Publication: November 13th, 2019

Vote:
Ryan:
Moore:
Nielsen:

Fischer:
Blom:
Whittaker:

ORDINANCE NO. 829

An Ordinance entitled An Ordinance Amending Title 13 Public Services, Chapter 13.20. Section 13.20.130 of the City of Custer City Municipal Code and amending, replacing, and superseding all prior ordinances or amendments, by which amending and superseding said Ordinance as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that section 13.20.130 be amended as follows:

13.20.130 Rates and charges.

There shall be charged by the city, effective for the January 2020 billing upon passage and publication of the ordinance codified in this chapter as provided by law, a charge for wastewater services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms based upon the usage of water. The rates shall be as follows:

A. 1. Operation and Maintenance—Residential (Single Family).

Gallons Used	Wastewater Charge
2,000 (minimum)	\$23.33

On amounts of water used over two thousand (2,000) gallons, add two dollar and fifty-six cents (\$2.56) per thousand gallons used to the wastewater charge.

B. 1. Operation and Maintenance—Commercial and Multi Family.

Gallons Used	Wastewater Charge
2,000 (minimum)	\$27.39

On amounts of water used over two thousand (2,000) gallons, add seven dollars and forty-one cents (\$7.41) per thousand gallons used to the wastewater charge.

C. In addition to the charge for wastewater services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms, there shall be a surcharge for the services of the facilities financed.

1. Bond Redemption – 2012 SRF. The following surcharge is imposed pursuant to SDCL 9-40-15 to pay, redeem and discharge the 2012 SRF Loan in the amount of nine hundred twenty-five thousand nine hundred and nineteen dollars (\$925,919.00) until such loan is paid full. This charge shall be charged by the city, commencing with the June 2016 billing upon passage and publication of the ordinance codified in this chapter as provided by law.

	Monthly Fee Charged
Residential (Single-family), Commercial, and Multifamily	\$5.50

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 4th day of November, 2019.

City of Custer City

Attest _____
Laurie Woodward, Finance Officer

Corbin Herman, Mayor

(SEAL)

First Reading: October 21st, 2019
Seconding Reading: November 4th, 2019
Publication: November 13th, 2019

Vote:	Fischer:
Ryan:	Blom:
Moore:	Whittaker:
Nielsen:	

ORDINANCE NO. 830

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 13 PUBLIC SERVICES CHAPTER 13.24 WATER AND SEWER RATE CLASSIFICATIONS SECTION 13.24.060 SERVICE REDUCTION OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING, REPLACING, AND SUPERSEDING ALL PRIOR ORDINANCES OR AMENDMENTS, BY WHICH AMENDING AND SUPERSEDING SAID ORDINANCE AS FOLLOWS, TO WIT:

BE IT ORDAINED by the Common Council of the City of Custer City that section 13.24.60 be amended as follows:

13.24.60 Service Reduction

All residential and commercial customers whose home is not occupied for a period of thirty (30) consecutive days or more shall present a written request for water shut-off in order to have their water and wastewater bill reduced during said period. In order to reinstate water and wastewater service, the customer shall present a written request therefore, at which time the rate reduction will terminate. The following reduced rates will apply for residential customers: water charge – six dollars and ninety-two cents (\$6.92); bond charge – two dollars and sixty-eight cents (\$2.68); wastewater charge - seven dollars and eight-four cents (\$7.84). The following reduced rates will apply for commercial customers: water charge – eight dollars and thirty-one cents (\$8.31); bond charge – two dollars and sixty-eight cents (\$2.68); wastewater charge - ten dollars and forty-five cents (\$10.45).

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 4th day of November, 2019.

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: October 21st, 2019
Seconding Reading: November 4th, 2019
Publication: November 13th, 2019

Vote:
Ryan:
Moore:
Nielsen:

Fischer:
Blom:
Whittaker:

2020 UTILITY RATES - 2000 GALLON BASE

Single Family	1000 Gallons	2000 Gallons	3000 Gallons	4000 Gallons	5000 Gallons	6000 Gallons	7000 Gallons	8000 Gallons	9000 Gallons	10000 Gallons
Water	11.34	11.34	19.33	27.32	35.31	43.30	51.29	59.28	67.27	75.26
Water Bond	3.40	3.40	4.99	6.58	8.17	9.76	11.35	12.94	14.53	16.12
Wastewater	23.33	23.33	25.89	28.45	31.01	33.57	36.13	38.69	41.25	43.81
Sewer Bond	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Garbage	19.20	19.20	19.20	19.20	19.20	19.20	19.20	19.20	19.20	19.20
Garbage Tax	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
Total Residential Rate	64.02	64.02	76.16	88.30	100.44	112.58	124.72	136.86	149.00	161.14

7.99
1.59
2.56

Commercial & Multi Family	1000 Gallons	2000 Gallons	3000 Gallons	4000 Gallons	5000 Gallons	6000 Gallons	7000 Gallons	8000 Gallons	9000 Gallons	10000 Gallons	20000 Gallons
Water	24.42	24.42	33.82	43.22	52.62	62.02	71.42	80.82	90.22	99.62	193.62
Water Bond	3.40	3.40	4.99	6.58	8.17	9.76	11.35	12.94	14.53	16.12	32.02
Wastewater	27.39	27.39	34.80	42.21	49.62	57.03	64.44	71.85	79.26	86.67	160.77
Sewer Bond	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Total Commercial Rate	60.71	60.71	79.11	97.51	115.91	134.31	152.71	171.11	189.51	207.91	391.91

9.40
1.59
7.41

10000 Gallons	20000 Gallons
945.62	1885.62
159.22	318.22
753.57	1494.57
5.50	5.50
1863.91	3703.91

2020 UTILITY RATES INCREASE

<u>Single Family</u>	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000	
	Gallons										
Water	0.33	0.33	0.56	0.79	1.02	1.25	1.48	1.71	1.94	2.17	0.23
Water Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wastewater	0.68	0.68	0.75	0.82	0.89	0.96	1.03	1.10	1.17	1.24	0.07
Sewer Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garbage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garbage Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Residential Rate	1.01	1.01	1.31	1.61	1.91	2.21	2.51	2.81	3.11	3.41	
	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%

<u>Commercial & Multi Family</u>	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000	20000	
	Gallons											
Water	0.71	0.71	0.98	1.25	1.52	1.79	2.06	2.33	2.60	2.87	5.57	0.27
Water Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wastewater	0.80	0.80	1.02	1.24	1.46	1.68	1.90	2.12	2.34	2.56	4.76	0.22
Sewer Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Commercial Rate	1.51	1.51	2.00	2.49	2.98	3.47	3.96	4.45	4.94	5.43	10.33	
	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%

100000 Gallons	200000 Gallons
27.17	54.17
0.00	0.00
22.36	44.36
0.00	0.00
49.53	98.53
3%	3%

2020 UTILITY RATES - 2000 GALLON BASE

Single Family	1000 Gallons	2000 Gallons	3000 Gallons	4000 Gallons	5000 Gallons	6000 Gallons	7000 Gallons	8000 Gallons	9000 Gallons	10000 Gallons
Water	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Water Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Wastewater	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Sewer Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Garbage	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Garbage Tax	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Total Residential Rate	1.6%	1.6%	1.8%	1.9%	1.9%	2.0%	2.1%	2.1%	2.1%	2.2%

3%
0%
3%

Commercial & Multi Family	1000 Gallons	2000 Gallons	3000 Gallons	4000 Gallons	5000 Gallons	6000 Gallons	7000 Gallons	8000 Gallons	9000 Gallons	10000 Gallons	20000 Gallons
Water	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Water Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Wastewater	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Sewer Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Total Commercial Rate	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%

3%
0%
3%

100000 Gallons	200000 Gallons
3%	3%
0%	0%
3%	3%
0%	0%
3%	3%
0%	0%
3%	3%

RESOLUTION NO. 10-21-19A
Land and Water Conservation Fund Grant

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreation projects;

NOW THEREFORE BE IT RESOLVED:

1. That Mike Bender is hereby authorized to execute and file an application on behalf of the City of Custer City, South Dakota with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing Harbach Park Improvements Phase I for the City of Custer City, South Dakota and its Environs.

2. That Corbin Herman, Mayor is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application with is hereby authorized to be filed.

3. That the City of Custer City, South Dakota shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting Finance Officer of the City of Custer, South Dakota does hereby certify: That the attached Resolution is a true and correct copy of the Resolution, authorizing the filing of application with the National Park Service as regularly adopted at a legally convened meeting of the City Council duly held on the 21st day of October, 2019 and further that such Resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of October, 2019.

City of Custer City

Corbin Herman, Mayor

ATTEST:

Laurie Woodward
Finance Officer

(Seal)



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

Staff Report

Request: Final Plat, Akers Subdivision
Applicant: Mark Wendell
Location: East side of Stagg Road, at the intersection of Stagg Road and US HWY 16
Legal Desc.: Tract Wendell 3, Tract Wendell 4, Tract Effertz 1 and Tract 4
Date Prepared: October 17, 2019
City Council Meeting: October 21, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The Plat is for a lot line adjustment (non-subdivision) that is not within the corporate limits of the City of Custer but is subject to approval by the City under the 3-mile extraterritorial jurisdiction. Individual wells and wastewater systems serve the proposed Tract Wendell 4 and Tract Effertz 1. A well is installed on the proposed Tract Wendell 3. Access is from Stagg Road.

This plat will shift two lot lines involving the existing Tract Wendell 4 (40.00 acres), Tract Effertz (8.50 acres), Tract Wendell 1 (7.29 acres), and Lot 4 of Tract 1 (8.50 acres). Creating the proposed Tract Wendell 4, Tract Wendell 3, Tract 4 and Tract Effertz 1.

Note the plat under review is a lot line adjustment plat very similar to a recently filed plat but is presented as a preliminary plat rather than a minor plat. Per CMC no property involved or created by a minor plat shall be involved in a subsequent minor plat procedure for a period of one date from the filing of the original minor plat procedure. CMC 16.19.020

This property is in the county and has no zoning.

COMPREHENSIVE PLAN

The Comprehensive Plan identifies this area for Rural Residential development.

ACCESS

Existing access to the proposed Tract Wendell 4 and Tract Wendell 3 has been provided by Stagg Road.

The proposed Tract Effertz 1 and Tract 4 is accessed from Stagg Road, and then via a previously platted 50' Access Easement (Plat Book 9, page 193).

RECENT PREVIOUS PLAT IN THE AREA

A recent plat of the property was reviewed by the City and is filed in Plat Book 12 Page 776.

PREVIOUS ACTION BY THE PC & CC

Planning Commission reviewed the preliminary plat at their September 10th meeting and provided a recommendation off approval to the Council. The City Council then reviewed and approved the preliminary plat at their September 16th meeting. The Planning Commission then reviewed and recommended approval of the final plat at their October 8th meeting.

SUMMARY AND STAFF RECCOMENDATION

This plat is presented as a non-subdivision plat very similar to the recently approved plat. Staff supports approval by the City Council.

Black Hills Energy, Utilities, \$14,904.32
Black Hills Truck and Trailer, Supplies, \$22.26
California State Disbursement, Deduction, \$92.30
Culligan, Repair & Maintenance, \$18.50
Chamber of Commerce, Sales Tax Subsidy, \$7,852.41
Custer Ace Hardware, Supplies, Repairs & Maintenance, \$425.33
DGR Engineering, Professional Fees, \$11,964.50
Discovery Benefits, Supplies, \$30.00
French Creek Supply, Supplies, \$24.86
Golden West Technologies, Professional Fees, \$2,068.00
Hawkins, Supplies, \$6,383.43
Hillyard, Supplies, \$582.94
Imageall, Supplies, \$19.50
Jenner Equipment, Repairs & Maintenance, \$516.87
KLJ, Professional Fees, \$10,532.00
Lynn's Dakotamart, Supplies, \$179.86
Lamonte's Auto Center, Repairs & Maintenance, \$685.00
Lasting Impressions Unlimited, Supplies, \$44.00
Midcontinent Testing Labs, Professional Fee, \$800.00
Midco Diving, Repairs & Maintenance, \$1,937.76
Nelson's Oil & Gas, Supplies, \$1,006.88
Newman Signs, Supplies, \$356.50
Northwest Pipe Fittings, Supplies, \$2,535.22
Petty Cash, Supplies, \$90.00
Promotion Physical Therapy, Safety, \$60.00
SRF Loan Payment, \$15,577.11
Sanders Sanitation, Supplies, \$13,816.99
State of SD, Sales Tax, \$1,047.86
SD Division of Criminal Investigation, Safety, \$43.25
SD One Call, Supplies, \$130.20
Treetop Product, Supplies, \$2,286.38
USDA Loan Payments, \$8,910.00
Unemployment Insurance Division of SD, \$40.94
Total Claims, \$104,985.17

