

All City Council Meetings are recorded.

**CITY OF CUSTER CITY  
COUNCIL AGENDA  
October 7<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 – September 16<sup>th</sup>, 2019 Regular Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. Hometown Hero Banner Check Presentation – American Legion
  - b. Executive Proclamation – World Habitat Day
  - c. First Reading – Ordinance #827 – Construction Codes and Building Permits
  - d.
6. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
7. Old Business
  - a. Summer Music Event Request – Van Arp
  - b. Temporary Maintenance Agreement with East Custer Sewer District
8. New Business
  - a. Bark Beatle Event Update – Hank Fridell
  - b. Minor Plat – Lot A North and Lot B South
  - c. Minor Plat – Childers Tract and Warne Tract N of Deer Ridge Subdivision
  - d. Plat Signature - Custer Athletic Field Revised Lot C Revised Tract Hospital Revised and Tract S&R
  - e. Minor Plat – Custer Athletic Field Revised Lot C Revised Tract Hospital Revised and Tract S&R
  - f. Liquor Store Well Exterior Repair Project Change Order
  - g. Wireless Communication Tower Application Fee Refund
  - h. New Hire
  - i.
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**

- Planning Commission Meeting – October 8<sup>th</sup>, 2019 5:00 P.M.  
General Government Committee Meeting – October 15<sup>th</sup>, 2019 4:30 P.M.  
Park & Recreation Committee Meeting – October ????  
Regular City Council Meeting – October 21<sup>st</sup>, 2019 5:30 P.M.  
Public Works Committee Meeting – November 4<sup>th</sup>, 2019 4:30 P.M.  
Regular City Council Meeting – November 4<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  
September 16<sup>th</sup>, 2019**

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

**AGENDA**

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

**MINUTES**

Councilperson Ryan moved, with a second by Councilperson Whittaker, to approve the minutes from the September 3<sup>rd</sup> regular council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**SECOND READING – ORDINANCE #826 – APPROPRIATION ORDINANCE FISCAL YEAR 2020**

Councilperson Nielsen moved to approve Ordinance #826, Appropriation Ordinance Fiscal Year 2020. Seconded by Councilperson Moore, the motion carried with Councilperson Blom, Whittaker, Moore, Fischer, Nielsen and Ryan voting yes.

**PUBLIC COMMENTS**

Kathy Johnson gave Council an overview of the Hometown Hero Banner project. No other public comments were received.

**SUMMER MUSIC EVENT REQUEST – VAN ARP**

Councilperson Fischer moved to table the summer music event request until the October 7<sup>th</sup> Council Meeting. Seconded by Councilperson Ryan, the motion unanimously carried.

**PRELIMINARY PLAT – AKERS SUBDIVISION**

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

**MINOR PLAT – HENDRICKSON SUBDIVISION**

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

**2020 CHAMBER LEASE AGREEMENT**

Councilperson Fischer moved to approve the 2020 Chamber of Commerce lease agreement for \$500 per month with the Chamber providing their own janitorial supplies. Seconded by Councilperson Whittaker, the motion carried with Councilperson Whittaker, Moore, Fischer, Nielsen, Ryan and Blom voting yes

**LAW ENFORCEMENT CONTRACT WITH CUSTER COUNTY**

Councilperson Blom moved to approve the law enforcement contract with Custer County, with a term of five years (2020-2025) and each year having an annual increase of ten thousand dollars over the previous year with 2020 cost being \$385,000. Seconded by Councilperson Whittaker, the motion carried with Councilperson Moore, Fischer, Nielsen, Ryan, Blom and Whittaker voting yes.

**2020 ANIMAL CONTROL CONTRACT – BATTLE MOUNTAIN HUMANE SOCIETY**

Councilperson Moore moved to approve the 2020 Animal Control Contract with Battle Mountain Humane Society at \$1,000 per month. Seconded by Councilperson Blom, the motion carried with Councilperson Fischer, Nielsen, Ryan, Blom, Whittaker and Moore voting yes.

**TEMPORARY MAINTENANCE AGREEMENT WITH EAST CUSTER SEWER DISTRICT**

The Public Works Director explained East Custer Sewer District's need for assistance with maintenance of their system. Councilperson Fischer moved to approve entering into negotiations with East Custer Sewer District Board for potentially entering into a temporary maintenance agreement, which will come back to the Council for approval. Seconded by Councilperson Ryan, the motion unanimously carried.

**HEALTH INSURANCE RENEWAL / POLICY**

Councilperson Nielsen moved to approve the 2020 health insurance policy and renewal options as presented. Seconded by Councilperson Whittaker, the motion unanimously carried.

**PARADE REQUEST – CUSTER HIGH SCHOOL HOMECOMING**

Councilperson Moore moved to approve the Custer School District Homecoming Parade request for October 4<sup>th</sup>, with the parade starting at Fifth & Montgomery Street proceeding south on Fifth Street then turning east on Mt Rushmore Road & proceeding until Eighth Street; contingent upon DOT approval which has been applied for. Seconded by Councilperson Whittaker, the motion unanimously carried.

**CLAIMS**

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

Amazon, Supplies, \$885.24  
Ainsworth – Benning Construction, Capital Improvements, \$1,600.00  
Black Hills Energy, Utilities, \$16,669.04  
California State Disbursement, Deductions, \$92.30  
Culligan, Repair & Maintenance, \$18.50  
Chamber of Commerce, Sales Tax Subsidy, \$44,869.90  
Chronicle, Publishing, \$258.77  
Custer Ace Hardware, Supplies, Repairs & Maintenance, \$478.50  
Discovery Benefits, Supplies, \$27.00  
Dollar General, Supplies, \$33.65  
First Interstate Bank, Supplies \$66.20  
French Creek Supply, Supplies, \$30.14  
Full Source, Supplies, \$49.92  
Galls, Supplies, \$56.43  
Golden West Telecommunications, Utilities, \$521.38  
Golden West Technologies, Professional Fees, \$762.50  
Hawkins, Supplies, \$2,171.35  
Jenner Equipment, Repairs & Maintenance, \$2,190.35  
Kimball Midwest, Supplies, \$116.01  
Lasting Impressions Unlimited, Supplies, \$176.00  
Lynn's Dakotamart, Supplies, \$68.05  
Mathew Bender & Co, Supplies, \$100.43  
Merritt, Lynnette, Reimbursement, \$25.00  
Midcontinent Testing Labs, Professional Fee, \$746.00  
Pace, Supplies, \$353.17  
Pizza Hut, Supplies, \$108.55  
Piney Bowes, Supplies, \$48.69  
Quill, Supplies, \$404.27  
Riverside Pumps, Supplies, \$273.37  
Rapid Delivery, Supplies, \$66.15  
Regional Health Network, Sales Tax Subsidy, \$77,566.88  
Simon Materials, Supplies, \$655.74  
Sanders Sanitation, Supplies, \$45.00  
Servall, Supplies, \$283.92  
SDML, Travel & Conference, \$300.00  
Bit Finance/State Long Distance, \$48.70  
The Hartford, Insurance, \$64.12  
USDA Loan Payments, \$8,910.00  
USA Bluebook, Supplies, \$161.55  
Verizon Wireless, Utilities, \$421.28  
Woodward Laurie, Reimbursement, \$480.00  
YMCA, Membership, Supplies, \$2,542.00  
Total Claims \$164,746.05

**DEPARTMENT HEADS & COMMITTEE REPORTS**

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

**ADJOURNMENT**

With no further business, Councilperson Ryan moved to adjourn the meeting at 6:10 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



RECEIVED  
OCT 01 2019  
CITY OF CUSTER

REQUEST TO BE ON AGENDA  
CUSTER CITY COUNCIL MEETING

NAME: KATHLEEN JOHNSON PHONE #: 334-462-6030

ADDRESS: 221 S. 9th St Custer SD.

MEETING DATE: 7 Oct 5:30

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

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

I would like to get a photo with the  
American Legion presenting a check to  
the city council for the Custer Chronicle  
check is for the Home Town Heros  
Project

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

See Above

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

\_\_\_\_\_

SIGNATURE [Signature] DATE 10/1/2019

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



City of Custer City  
From the Desk of the Mayor

**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.

ATTEST:

CITY OF CUSTER CITY

\_\_\_\_\_  
Laurie Woodward  
Finance Officer

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

(SEAL)



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; ~~International Energy Conservation Code, International Wildland Urban Interface Code, and the 2018 International Existing Building Code~~ International Code Council Performance Code for Buildings and Facilities, International Green Construction Code, and appendixes thereto, as well as the adoption of basic fire protection code of the State of South Dakota, as amended; the adoption of the South Dakota State Plumbing Code, as amended; and the state of South Dakota Electrical Code, as amended which above named codes shall be adopted by ~~this~~ the reference as though ~~if~~ 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.

~~B. Any International Codes previously adopted by the Common Council of the City of Custer City and not herein-above specifically mentioned are hereby repealed. International Building Code (IBC) 2012 adopted. That certain code known as the International Building Code, 2012 Edition, and appendixes thereto, is hereby adopted by the city, and the printed copyrighted copy of such Code, which is on file in the office of the building official of the city, is adopted and incorporated as fully as if set out at length herein. Such Codes shall be enforced by the building official of the city. (Ord. 741, 2014; Ord. 392 (part), 1993; prior code § 8-101)~~

**15.04.012** Amendments to the International Residential Code, IBC Chapter 3, Section 312 Utility and Miscellaneous Group U ~~Amended.~~

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

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

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:

1. 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.*

~~15.04.020 — Uniform Code for the Abatement of Dangerous Buildings adopted.~~

~~— There is adopted by the city that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, 1976 Edition, promulgated, proved and published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, as from time to time amended, a copy of which is adopted by this reference as if fully set forth in this chapter, and a copy of said code shall be on file in the office of the city finance officer. (Prior code § 8-110)~~

**15.04.030 Violation.**

Any violation of this chapter shall be deemed a continuing violation for every twenty-four (24) hour period, that the guilty party fails to comply 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 subsection B of this code section,~~ 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. Work Exempt from Permit. A building permit shall not be required for the following:~~

- ~~1. One story, detached, accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty (120) square feet;~~
- ~~2. Fences not over seven (7) feet high;~~
- ~~3. Oil derricks;~~
- ~~4. Movable cases, counters and partitions not over five (5) feet, nine (9) inches high;~~
- ~~5. Platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below;~~
- ~~6. Painting, papering and similar finish work;~~
- ~~7. Temporary motion picture, television and theater stage sets and scenery;~~
- ~~8. Window awnings supported by an exterior wall of Group R, Division 3, and Group M occupancies when projecting not more than fifty four (54) inches;~~
- ~~9. Prefabricated swimming pools accessory to a Group 4, Division 3 occupancy in which the pool walls are entirely above the adjacent grade, and if the capacity does not exceed five thousand (5,000) gallons.~~

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.

~~C. Notwithstanding the foregoing provisions, no permit shall be required for siding, shingling, painting or any normal maintenance repairs, or for the construction of landscaping or patios; or for temporary portable steps not exceeding fifty (50) square feet in dimension for mobile homes; or for any situations exempted from permit requirements in the International Building Code.~~

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.

~~A fee of twenty-five dollars (\$25.00) will be charged to extend the permit for an additional one hundred 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 lessee, or by the owners agent, of either.~~ 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, and a sketch showing a floor plan, building elevations, a foundation and wall detail and a sketch plan showing and electric wiring and plumbing systems. ~~Documents shall also give the greatest 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 site plan 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 ~~city planning commission and~~ 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, ~~but up to twenty-five dollars (\$25.00) of the permit fee may be collected at the time the application is submitted.~~ 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.~~ ~~made.~~ 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 ~~one (1) identification sign license and 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, and includes a study and review of the preliminary plat, a study and review of the final plat, and recording the final plat.~~ Each in-city lot shall also be assessed a fee as set forth in the fee schedule, ~~to be paid into general fund for the development and maintenance of stormwater mitigation, parks, and roads.~~ 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~~ made 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 ~~thirty (30)~~ 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, 2012 IBC code section 406 to include 406.3.1 through 406.3.5.

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 ~~that the guilty party fails to comply,~~ 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 Certificates of zoning compliance for new, altered or nonconforming uses.**

A. It is unlawful to use or occupy or permit the use or occupancy of any building and/or premises, or both, or part thereof hereafter created, erected, modified, changed, converted or wholly or partly altered or enlarged, in its use or structure, until a certificate of occupancy zoning compliance shall have been issued ~~therefor~~ 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. No permit for erection, alteration or moving of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this title upon completion of the work.~~

~~B.C. A temporary certificate of occupancy zoning compliance 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.~~ that the temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

~~D. The planning administrator shall maintain a record of certificates of zoning compliance.~~

~~C.E. Failure to obtain a certificate of occupancy zoning compliance 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 21<sup>st</sup> 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:

REQUEST TO BE ON AGENDA  
CUSTER CITY COUNCIL MEETING

NAME: Van Arp PHONE #: 673-4090

ADDRESS: 25574 Veterans Tr.

RECEIVED

MEETING DATE: Oct. 7, 2019

SEP 10 2019

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

CITY OF CUSTER

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

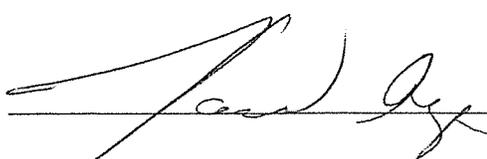
Possible funding for summer events in downtown Custer + Showmobile for 6/24-6/25/2020 + 8/21-8/22/2020 and sixth st. closed from Mt Rushmore Rd to alley, on 6/24-6/25; Washington St. Closed at 5th St. on 8/21-8/22

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

Promote music in Custer in 2020; there will be further plans presented to increase traffic in Custer

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

\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE  DATE 9/10/19

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



## TEMPORARY MAINTENANCE AGREEMENT

This Agreement for the temporary maintenance, is entered into as of the 1st day of October, 2019, by and between the City of Custer City, South Dakota, hereinafter referred to as the "City" and the East Custer Sanitary Sewer District, Custer, South Dakota, hereinafter referred to as the "District."

This agreement shall not supersede or replace the Sewage Treatment Agreement dated November 21<sup>st</sup>, 2016 between the City and District. This agreement is entered into due to the districts current hardship with filling the position of someone to handle the maintenance responsibilities for the District.

The terms of this agreement shall be for three months concluding on December 31, 2019.

Per the November 21<sup>st</sup>, 2016 agreement Section B, Subsection 2 (Maintenance) the District is responsible for the maintenance. This temporary agreement will allow the City to provide such maintenance for the District temporarily for a cost of \$1,200 total, to be paid in three monthly installments due with the monthly sewage treatment bill.

Replacement of any equipment, jetting and any maintenance exceeding general maintenance may be billed to the District at the cost set per the City's Fee Schedule, attached hereto as Exhibit "A" (consisting of 13 pages) incorporated herein by this reference.

General maintenance for purposes of this agreement, shall include but not be limited to:

- \*Checking the lift stations and provide maintenance if needed
- \*Assist with questions regarding the system

The District shall maintain all current contact information with the City.

The District shall continue to maintain all liability for their lift stations, lines, customers and board members. The District shall hold harmless the City from and against any and all cost, expenses, liabilities, losses, damages, suits actions, fines and penalties, claims or demands of any kind asserted by or on behalf of any person or government authority arising out of or in anyway connected with the operation of the District, during the period of this Temporary Maintenance Agreement.

If the District wants to terminate this temporary maintenance agreement with the City, they shall notify the City in writing and the remaining payment may be prorated.

Be It Resolved that this agreement herein written is duly authorized and the terms and conditions thereof are hereby approved.

City of Custer

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

ATTEST:

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

East Custer Sanitary Sewer District

\_\_\_\_\_  
President, East Custer Sewer District

ATTEST:

\_\_\_\_\_  
Secretary, East Custer Sewer District

REQUEST TO BE ON AGENDA  
RECEIVED  
CUSTER CITY COUNCIL MEETING  
SEP 20 2019

NAME: HANK FRIDELL CITY OF CUSTER PHONE #: 605 440 1405 / 673 2991

ADDRESS: 2500 N Tanglewood Dr

MEETING DATE: OCTOBER 7<sup>TH</sup>

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

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

UPDATE ON BURNING ~~BEETS~~ BEETLE EVENT, APPROVAL  
TO USE PAYCANT HALL - EVENT DATE JAN 18, 2020

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

BURNING BEETS COMMUNITY EVENT.

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

\_\_\_\_\_

SIGNATURE Hank Fridell DATE SEPT 20, 19

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





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

### Staff Report

Request: Minor Plat, Lot A North and Lot B South  
Applicant: Dustin and Jennifer Graf  
Location: Approximately 1.0-mile North North/West of Custer. Hwy 16/385, Custer Limestone Road, Mica Ridge Road  
Legal Desc.: Lot A North and Lot A South - See Plat for full legal  
Fee Paid: \$450.00  
Date Prepared: September 5, 2019  
City Council Meeting: October 7, 2019  
Prepared by Tim Hartmann, Planning Administrator

### **GENERAL**

This plat is for a two-parcel subdivision that is not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will divide the existing Replat of Lot A (4.75 acres) into two Lots, Lot A North (2.42 acres) and Lot B South (2.33 acres). The existing Replat of Lot A has a dwelling with accessory structures on the north end of the property. All will be located on the proposed Lot A North. Such dwelling has a private well and septic system. The proposed Lot A South does not have any water or sewer services established but will remain of adequate size to support well and septic.

The area is in the county and therefore has no zoning.

### **COMPREHENSIVE PLAN**

The land use section of the Comprehensive Plan identifies this area as Rural Residential.

### **ROUTING SHEET RESPONSES**

CC Planning – Minor redline corrections and Chickadee Lane discussion.

### **ACCESS**

Existing access to the area is provided from US Hwy 16/385, Custer Limestone Road, and Mica Ridge Road.

Mica Ridge Road is a 66' Public Access Easement. Half of such easement is shared by the property as Mica Ridge Road continues through the property.

The proposed Lot A North also has a 33' Private Access Easement for Chickadee Lane adjacent to the North property line. Per Custer County Ordinance #2 Private Access Easements are intended to serve only 1 parcel. Because Chickadee Lane currently serves 3 parcels, the applicant has agreed to grant Public Access for the portion of Chickadee Lane that crosses the property being platted at this time.

Access to the proposed Lot A North is planned to remain as established. The proposed Lot A South is preferred to be access directly from Mica Ridge Road.

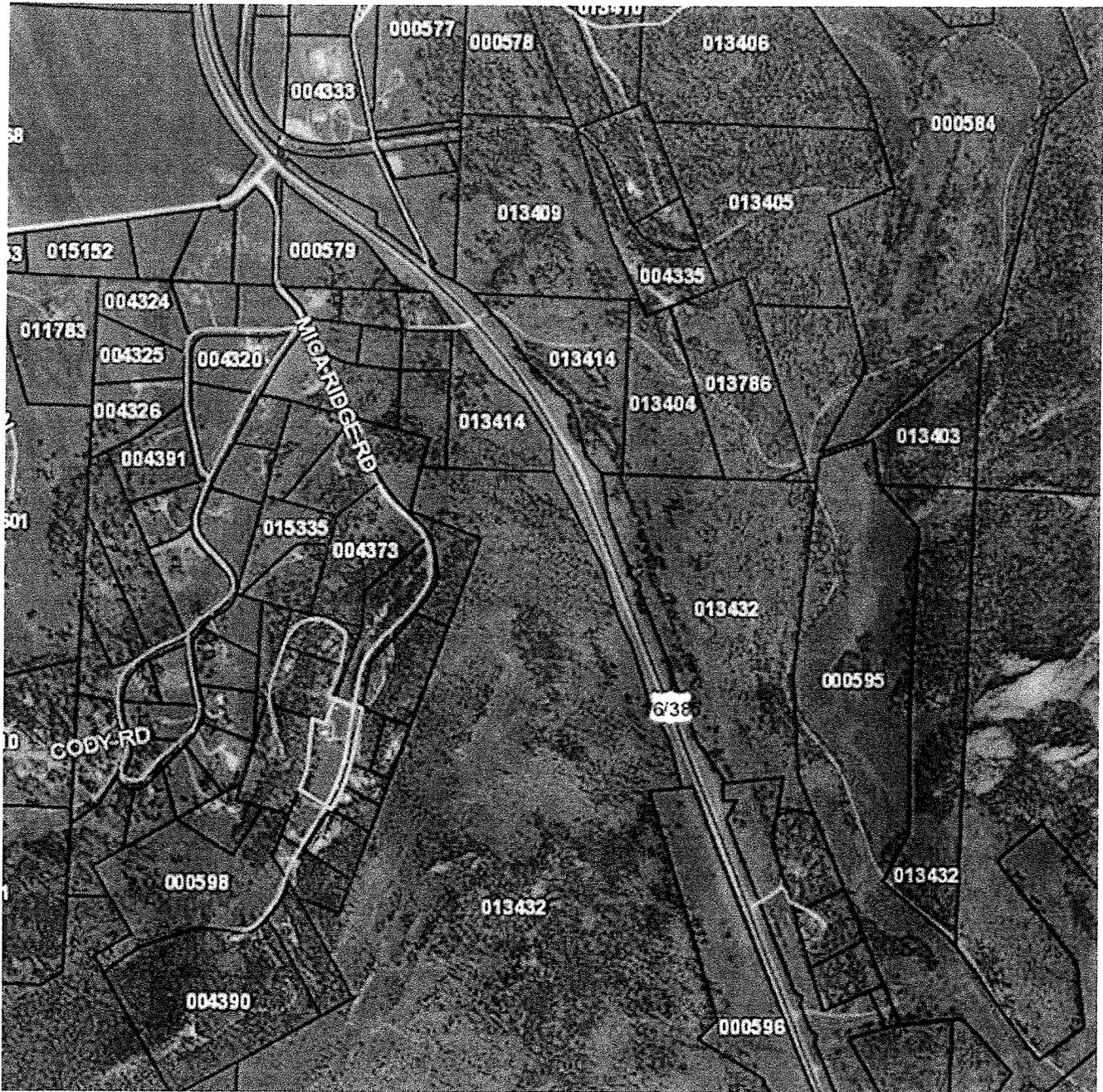
### **PREVIOUS ACTION BY THE PLANNING COMMISSION**

The Planning Commission reviewed and discussed this plat at their September 10<sup>th</sup> meeting. Discussion included but was not limited to location of the property, the Chickadee Lane easement, and structures on the property. After the discussion Commissioner Uhrich moved, with a second by Commissioner Johnson to recommend approval of the minor plat by the Council. Uhrich's motion carried unanimously.

### **STAFF RECOMMENDATION**

Staff supports approval of the minor plat by the Council.





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GODY RD

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013432

013432

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000596





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

### Staff Report

Request: Minor Plat, Childers Tract and Warne Tract N of Deer Ridge Subdivision  
Applicant: Gregg Warne  
Location: Approximately 2.7 miles West of Custer. Near the int of Deer Ridge Road and Buck Lane  
Legal Desc.: Childers Tract and Warne Tract N of Deer Ridge Subdivision - See Plat for full legal  
Fee Paid: \$150.00  
Date Prepared: September 27, 2019  
City Council Meeting: October 7, 2019  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a lot line adjustment with two parcels that are not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will perform a lot line adjustment between the existing Lot 18R (18.04 acres) and Lot 13 (3.96 acres), creating the proposed Warne Tract North (17.00 acres) and the proposed Childers Tract (5.04 acres). The property owners have agreed to such lot line adjustment due to topography of the land and in order to establish more desirable access to the proposed Childers Tract.

Individual wells and wastewater systems are available and serve the existing homes on the properties.

The area is in the county and therefore has no zoning.

#### **COMPREHENSIVE PLAN**

The land use section of the Comprehensive Plan identifies this area as Rural Residential.

#### **ROUTING SHEET RESPONSES**

CC Planning – Minor redline corrections.

#### **ACCESS**

Existing access to the area is provided from US Hwy 16 to Wind Dance Ranch Road to Edyth Circle. Edyth Circle serves the current parcels.

Edyth Circle is a 66' Dedicated Public Right of Ways.

Both parcels will retain their public access to Edyth Circle. This plat will also dedicate a private access easement for the proposed Childers Tract across the Proposed Warn Tract North. The existing access to the structure on the proposed Childers Tract is steep and difficult to utilize in the winter months.

#### **SECTION LINE VACATION**

The section line rights of way that run east and west through the north end of the proposed Warne Tract North was vacated by resolution filed in Misc. Book 40 Page 693 Signed by the Custer County Commission on December 9<sup>th</sup>, 2003.

#### **PREVIOUS PLAT IN THE AREA**

The plat filed in plat book 12 page 741, filed on December 4, 2018 performed a lot line adjustment with the existing Lot 18R and Tract 7R to the N, N/W. The proposed plat is adjusting a southern lot line of the existing Lot 18R to provide more desirable access to the existing Lot 13.

#### **PREVIOUS ACTION BY THE PLANNING COMMISSION**

The Planning Commission reviewed and discussed this plat at their September 10<sup>th</sup> meeting. Discussion included but was not limited to the topography of the parcels, the addition of the private access easement, and the recent plat in the area. After the discussion Commissioner Uhrich moved, with a second by Commissioner Hudson to recommend approval of the minor plat by the Council. Uhrichs motion carried unanimously.

**SUMMARY AND STAFF RECCOMENDATION**

This plat is presented to shift the proposed lot line change to better match topography and grant a private access easement to the proposed Childers Tract as existing access is rather steep and ineffective in the winter months. Staff supports approval for the minor plat.

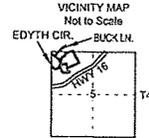
(2)  
9/5/19

A PLAT OF  
**CHILDERS TRACT AND WARNE TRACT NORTH OF DEER  
 RIDGE SUBDIVISION, LOCATED IN THE NW1/4 OF SECTION 5,  
 T4S, R4E, AND THE SW1/4 OF SECTION 32, T3S, R4E, B.H.M.,  
 CUSTER COUNTY, SOUTH DAKOTA**  
 Formerly Lots 13 and 18R of Deer Ridge Subdivision

NOTE: For a plat of Lot 13,  
 see Book 11 of plats on  
 page 492.

NOTE: For the resolution  
 vacating the section line  
 across Lot 18R, see Misc.  
 Book 40M on page 593.

NOTE: For a plat of Lot  
 18R of Deer Ridge  
 Subdivision, see Book 12  
 of Plats on page 741.

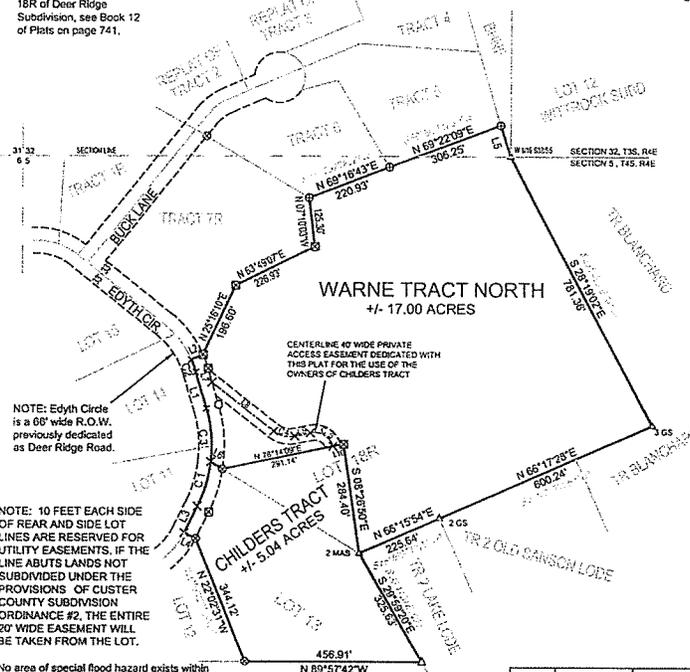


DATE SURVEYED  
 12 Aug. 2019

BASIS OF BEARING - GPS OBSERVATION  
 taken S 08°35'23"E 817.64' from the SW corner  
 of Childers Tract.  
 LAT: 43°43'57.63528"  
 LONG: -103°40'31.14887"

**LEGEND**

- ⊗ Set rebar w/aluminum cap marked "ANDERSEN PLS 5906"
- ⊗ Found rebar w/aluminum cap marked "BRYANT LS 2196"
- ⊗ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
- △ Found stone monument
- Found rebar without cap
- × angle point not monumented
- Slant lettering denotes record calls



NOTE: Edyth Circle is a 68' wide R.O.W. previously dedicated as Deer Ridge Road.

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF THE LINE ADJUTS LANDS NOT SUBDIVIDED UNDER THE PROVISIONS OF CUSTER COUNTY SUBDIVISION ORDINANCE #2, THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0400F, effective date: Jan. 6, 2012.

Course	Bearing	Distance
L1	S 16°35'02" E	97.37'
L2	N 65°38'20" E	33.00'
L3	N 26°34'56" E	75.84'
L4	S 63°25'04" E	33.00'
L5	S 18°23'19" E	64.19'
L6	S 58°35'25" E	36.08'
L7	S 16°35'02" E	36.99'
L8	S 51°52'47" E	203.73'
L9	N 78°16'14" E	41.35'
L10	N 78°14'09" E	27.94'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	346.45'	60.88'	120.73'	19°57'55"	16°32'17"	120.12'	N 16°24'12" E
C2	247.54'	16.84'	33.64'	7°47'09"	23°08'45"	33.61'	S 20°28'06" E
C3	346.45'	70.74'	139.57'	23°04'54"	16°32'17"	138.63'	S 04°53'41" E
C4	66.27'	30.80'	57.66'	49°50'59"	86°27'28"	55.86'	S 76°48'16" E
C5	50.00'	45.98'	74.37'	85°13'06"	114°35'30"	67.70'	S 59°07'13" E

**CERTIFICATE OF SURVEYOR**  
 I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.  
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.  
 Dated this \_\_\_ day of \_\_\_, 2019.

John D. McBride SDRLS No. 5906

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 I, Cynthia S. Childers, do hereby certify that I am the owner of the within described lands and that the within plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2019.

Cynthia S. Childers

**ACKNOWLEDGMENT OF OWNERSHIP**  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this \_\_\_ day of \_\_\_, 2019, before me, a Notary Public, personally appeared Cynthia S. Childers, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public  
 My commission expires \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 The Greg L. Warne Trust, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2019.

Greg L. Warne [TRUSTEE]

**ACKNOWLEDGMENT OF OWNERSHIP**  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this \_\_\_ day of \_\_\_, 2019, before me, the undersigned officer, personally appeared Greg L. Warne, Trustee of Greg L. Warne Trust, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that she executed the same in the capacity therein stated and for the purposes therein contained.  
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public  
 My commission expires \_\_\_\_\_

**CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION**  
 I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.  
 Dated this \_\_\_ day of \_\_\_, 2019.

Director of Equalization of Custer County

**OFFICE OF THE REGISTER OF DEEDS**  
 Filed for record this \_\_\_ day of \_\_\_, 2019, at \_\_\_ o'clock \_\_\_ M, and recorded in Book \_\_\_ of Plats on page \_\_\_.

Custer County Register of Deeds

**WATER PROTECTION STATEMENT**  
 Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

**CERTIFICATE OF HIGHWAY AUTHORITY**  
 It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.  
 Highway Authority \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**  
 I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.  
 Dated this \_\_\_ day of \_\_\_, 2019.

Custer County Treasurer

**RESOLUTION OF THE CITY COUNCIL**  
 Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,  
**BE IT RESOLVED**, that said plat is hereby approved in all respects.  
 Dated at Custer, South Dakota this \_\_\_ day of \_\_\_, 2019.

Mayor \_\_\_\_\_  
**CERTIFICATE OF CITY FINANCE OFFICER**  
 I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the \_\_\_ day of \_\_\_, 2019.

Custer City Finance Officer

Prepared by  
**ANDERSEN ENGINEERS**  
*Land Surveyors, Professional Engineering, & Environmental Consultants*

Drawn by DR	Date 8/22/2019	P.O. Box 446 Edgemont, SD 57735
Approved by McS	Date 8/23/2019	(605)-662-5500 andersenengineers@gwic.net
Scale 1"=200'	Sheet 1 of 1	File Name: L13_DEER_RIDGE_2019





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

### Staff Report

Request: Minor Plat, South West Summit Street Area, Old City Park  
Applicant: Custer City and Custer County  
Location: N/E Corner of the Original City  
Legal Desc: A plat of Custer Athletic Field Revised, Lot C Revised, Tract Hospital Revised, Tract S&R - See plat for full legal.

Date Prepared: October 3, 2019

City Council Meeting: October 7, 2019

Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

City and County are working to complete property line adjustment work involving 5 existing parcels near the South West area of Summit Street. One of the main objectives with this project is to expand the existing Tract Clinic (the new headquarters of Custer County Search and Rescue) to create a larger building envelope for such operations and create a closed campus with other nearby emergency services, the Custer Ambulance Service. The proposed Tract S&R on the Southeast edge of the plat meets such needs of the County.

The next objective of this plat is to address some of the small "slivers" of property cut from adjacent parcels by the Summit Street Right of Way. With this plat, the City property (currently Lot D and Tract Hospital) would incorporate the nearby small piece of the existing Lot C to the West and the long slender piece of The Balance of Custer Athletic Field to the North. This will also help to address a structure and property line issue with the garage structure located near the North West corner of the existing Tract Hospital.

Council should note that the mylar has been signed by all involved property owners, showing their consent to this plat.

#### **COMPREHENSIVE PLAN**

The land use section of the Comprehensive Plan identifies this area as Suburban Commercial and Public.

#### **CURRENT PARCELS AND OWNERSHIP**

Tract Clinic, 0.467 Acres – Custer County  
Tract Hospital, 4.065 Acres – Custer City  
Lot D Formerly City Park, 2.946 Acres – Custer City  
Lot C Formerly City Park, 2.155 Acres – Regional Health Network, Inc  
The Custer Athletic Field, 11.94 Acres – Custer School District

#### **ROUTING RESPONSE**

CC ROD – No Concerns.  
SDDOT – No Concerns  
City Legal – Working on deed review.

#### **ACCESS & EASEMENTS**

Access to the area is provided by Montgomery Street to the South, Summit Street through the area, and Grunewaldt Drive through the existing Custer Athletic Field.

Some utility easements are present.

**PREVIOUS ACTION BY THE PLANNING COMMISSION AND COUNCIL**

**Sketch plan – approved by PC and CC**

Planning Commission - February 12, 2019

City Council – February 19, 2019

The Planning Commission then reviewed and discussed the minor plat at their May 14, 2019 meeting. Discussion included but was not limited to specifics of lot line changes, property ownership, Summit Street alignment and current zoning of the parcels. After the discussion, a motion was unanimously passed to recommend approval of the plat.

**SUMMARY AND STAFF RECCOMENDATION**

This plat is presented by City staff to address several things (see general) with multiple entities involved. Staff feels this plat is the first step in potential redevelopment of the property and development of emergency services campus. Staff strongly supports approval by the Council.

**Timeline Notes**

Custer County Commis – July 10, 2019

Regional Health – August 23, 2019

Custer School Dist – September 9, 2019

# CUSTER ATHLETIC FIELD REVISED, LOT C REVISED, TRACT HOSPITAL REVISED, AND TRACT S&R, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

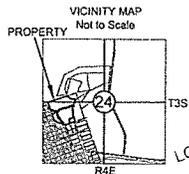
## FORMERLY THE BALANCE OF CUSTER ATHLETIC FIELD, LOT C, LOT D, TRACT HOSPITAL, AND TRACT CLINIC

NOTE: FOR A PLAT OF CUSTER ATHLETIC FIELD SEE BOOK 10 OF PLATS ON PAGE 225

NOTE: FOR A PLAT OF LOTS C AND D SEE BOOK 1 OF PLATS ON PAGE 155.

NOTE: FOR A PLAT OF TRACT HOSPITAL AND TRACT CLINIC SEE BOOK 4 OF PLATS ON PAGE 137.

NOTE: FOR A PLAT OF REVISED TRACT GREEN AND REVISED TRACT BROWN SEE BOOK 12 OF PLATS ON PAGE 65.



NOTE: FOR A POWERLINE RIGHT OF WAY PERMIT FOR LOT C, SEE MSG. BOOK 38M ON PAGE 37.

NOTE: FOR A POWERLINE RIGHT OF WAY PERMIT FOR LOT C AND TRACT HOSPITAL, SEE MSG. BOOK 32M ON PAGE 481.

DATE SURVEYED  
21 March 2019



No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 480300113F and 480300114F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Custer City's Flood Ordinance.

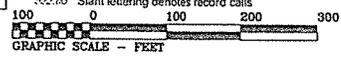
**WATER PROTECTION STATEMENT**  
Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

Curve	Radius	Target	Length	Delta	Delta	Chord	Chord Bear.
C1	105.49	51.07	95.05	51°31'26"	34°18'50"	81.80	S 45°01'05" E
C2	205.52	205.52	0.00	0°00'00"	0°00'00"	0.00	
C3	85.49	30.52	58.63	36°17'42"	67°01'14"	57.40	S 36°51'55" E
C4	194.63	102.54	108.73	35°33'31"	29°26'18"	181.44	S 40°59'43" E
C5	74.43	24.43	50.00	35°33'31"	26°41'43"	200.00	S 40°59'43" E
C6	214.62	113.00	206.14	35°33'31"	26°41'43"	200.00	S 40°59'43" E
C7	217.83	107.29	199.39	32°29'42"	20°18'11"	192.50	S 14°24'51" W
C8	318.96	162.58	318.96	0°00'00"	0°00'00"	0.00	
C9	217.83	107.29	199.39	32°29'42"	20°18'11"	192.50	S 14°24'51" W
C10	318.96	162.58	318.96	0°00'00"	0°00'00"	0.00	
C11	516.46	257.23	516.46	0°00'00"	0°00'00"	0.00	
C12	160.32	80.16	160.32	0°00'00"	0°00'00"	0.00	
C13	271.72	135.86	271.72	0°00'00"	0°00'00"	0.00	
C14	15.37	17.74	28.76	55°59'55"	356°48'11"	23.74	S 28°53'33" E
C15	84.32	42.16	78.92	47°50'25"	62°43'55"	78.91	S 43°59'13" W
C16	421.64	210.82	421.64	0°00'00"	0°00'00"	0.00	
C17	84.32	42.16	78.92	47°50'25"	62°43'55"	78.91	S 43°59'13" W
C18	318.96	159.48	318.96	0°00'00"	0°00'00"	0.00	
C19	516.46	257.23	516.46	0°00'00"	0°00'00"	0.00	
C20	334.36	167.18	334.36	0°00'00"	0°00'00"	0.00	

Course	Bearing	Distance
L1	S 78°49'52" E	50.86
L2	S 65°22'58" W	50.09
L3	S 65°22'58" W	66.11
L4	N 00°00'00" W	108.48
L5	N 00°00'00" W	78.90
L6	N 00°00'00" W	58.52
L7	N 51°28'07" E	24.23
L8	N 51°28'07" E	24.23
L9	S 20°33'37" E	28.50
L10	N 19°12'52" E	31.88
L11	S 19°12'52" E	31.88
L12	S 20°33'37" E	28.50

### LEGEND

- ⊗ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- ⊗ Set nail in asphalt
- ⊗ Found rebar w/aluminum cap marked "BUCKHORN PLS 4896"
- ⊗ Found rebar w/plastic cap marked "BUCKHORN PLS 4896"
- ⊗ Found rebar w/aluminum cap marked "BRYANT PLS 2195"
- ⊗ Found rebar w/aluminum cap marked "BRYANT PLS 4896"
- ⊗ Found rebar w/aluminum cap marked "AAE PLS 6014"
- △ Found iron rod
- ⊗ Found iron bolt
- ⊗ Found rebar
- ⊗ Angle point not monumented
- Slant lettering denotes record calls



**RESOLUTION OF THE CITY COUNCIL**  
Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the described land set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,  
**BE IT RESOLVED**, that said plat is hereby approved in all respects.  
Dated at Custer, South Dakota this \_\_\_ day of \_\_\_\_\_, 2019.

Mayor \_\_\_\_\_  
CERTIFICATE OF CITY FINANCE OFFICER  
I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2019.

**CERTIFICATE OF SURVEYOR**  
I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.  
IN WITNESS WHEREOF, I hereunto set my hand and official seal.  
Dated this \_\_\_ day of \_\_\_\_\_, 2019.

John D. McBride SDRLS No. 5906

OFFICE OF THE REGISTER OF DEEDS  
Filed for record this \_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_ o'clock \_\_\_ M, and recorded in Book \_\_\_ of Plats on page \_\_\_\_\_.  
Custer County Register of Deeds

**Prepared by**  
**ANDERSEN ENGINEERS**  
*Land Surveyors, Professional Engineering & Environmental Consultants*

Drawn by DR	Date 4/16/2019	P.O. Box 446 Edgemont, SD 57735 (605) 682-5500
Approved by McB	Date 4/16/2019	andersenengineers@gmail.com
Scale 1"=100'	Sheet 1 of 2	File Name: OLD_HOSPITAL_CUSTER

A PLAT OF  
**CUSTER ATHLETIC FIELD REVISED, LOT C REVISED, TRACT HOSPITAL REVISED, AND  
 TRACT S&R, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA**  
 FORMERLY THE BALANCE OF CUSTER ATHLETIC FIELD, LOT C, LOT D, TRACT HOSPITAL, AND TRACT CLINIC

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 Regional Health Network, Inc., does hereby certify that it is the owners of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 Custer County, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 In witness whereof we hereby set our hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Faulette Davidson  
 CEO, Regional Health Network, Inc.

ACKNOWLEDGMENT OF OWNERSHIP  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared Faulette Davidson, who acknowledged herself to be the CEO of Regional Health Network, Inc., a corporation, and that she, as such CEO being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as CEO.  
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

\_\_\_\_\_  
 Jim Lintz (Board of Commissioners Chairman)

ACKNOWLEDGMENT OF OWNERSHIP  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared Jim Lintz, who acknowledged himself to be the Chairman of the Custer County Board of Commissioners, and that he, as such Board Chairman being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the County by himself as Board Chairman.  
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

\_\_\_\_\_  
 Notary Public  
 My commission expires \_\_\_\_\_

\_\_\_\_\_  
 Notary Public  
 My commission expires \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 The City of Custer, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 In witness whereof we hereby set our hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

CERTIFICATE OF HIGHWAY AUTHORITY  
 It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.  
 \_\_\_\_\_ Date: \_\_\_\_\_  
 Highway Authority

\_\_\_\_\_  
 Corbin Herman (Mayor)

ACKNOWLEDGMENT OF OWNERSHIP  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared Corbin Herman, who acknowledged himself to be the Mayor of the City of Custer, and that he, as such Mayor being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the City by himself as Mayor.  
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION  
 I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.  
 Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Notary Public  
 My commission expires \_\_\_\_\_

CERTIFICATE OF COUNTY TREASURER  
 I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.  
 Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Custer County Treasurer

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 Custer School District 16-1, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 In witness whereof we hereby set our hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Jared Carson, School Board President  
 Custer School District 16-1

ACKNOWLEDGMENT OF OWNERSHIP  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself to be the School Board President of Custer School District 16-1, and that he, as such Board President being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the School by himself as Board President.  
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

\_\_\_\_\_  
 Notary Public  
 My commission expires \_\_\_\_\_

 Prepared by <b>ANDERSEN ENGINEERS</b> <i>Land Surveyors, Professional Engineering, &amp; Environmental Consultants</i>		
Drawn by DR	Date 4/16/2019	P.O. Box 446 Edgemont, SD 57735
Approved by McB	Date 4/16/2019	(605)-662-5500 andersonengineers@gwic.net
Scale 1"=100'	Sheet 2 of 2	File Name: OLD_HOSPITAL_CUSTER

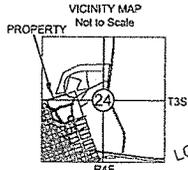
# CUSTER ATHLETIC FIELD REVISED, LOT C REVISED, TRACT HOSPITAL REVISED, AND TRACT S&R, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

## FORMERLY THE BALANCE OF CUSTER ATHLETIC FIELD, LOT C, LOT D, TRACT HOSPITAL, AND TRACT CLINIC

NOTE: FOR A PLAT OF CUSTER ATHLETIC FIELD SEE BOOK 10 OF PLATS ON PAGE 225.

NOTE: FOR A PLAT OF TRACT HOSPITAL AND TRACT CLINIC SEE BOOK 4 OF PLATS ON PAGE 137.

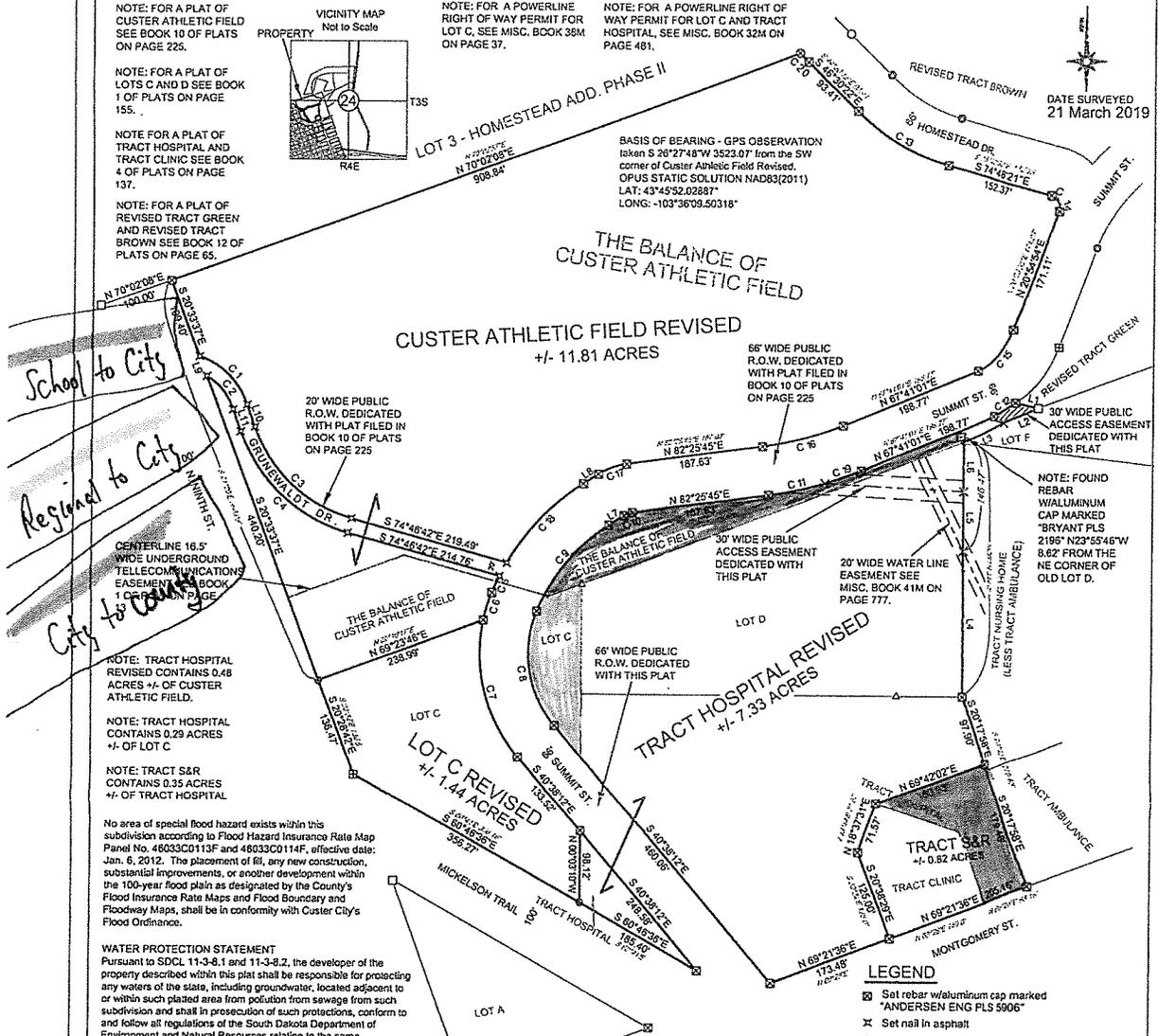
NOTE: FOR A PLAT OF REVISED TRACT GREEN AND REVISED TRACT BROWN SEE BOOK 12 OF PLATS ON PAGE 65.



NOTE: FOR A POWERLINE RIGHT OF WAY PERMIT FOR LOT C, SEE MISC. BOOK 38M ON PAGE 37.

NOTE: FOR A POWERLINE RIGHT OF WAY PERMIT FOR LOT C AND TRACT HOSPITAL, SEE MISC. BOOK 32M ON PAGE 481.

DATE SURVEYED  
21 March 2019



NOTE: TRACT HOSPITAL REVISED CONTAINS 0.48 ACRES +/- OF CUSTER ATHLETIC FIELD.

NOTE: TRACT HOSPITAL CONTAINS 0.29 ACRES +/- OF LOT C

NOTE: TRACT S&R CONTAINS 0.35 ACRES +/- OF TRACT HOSPITAL

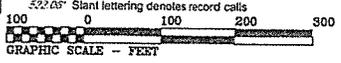
No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 4833C0113F and 4833C0114F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Custer City's Flood Ordinance.

**WATER PROTECTION STATEMENT**  
Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	150.49	93.02	93.02	93°37'26"	54°18'50"	61.85	S 45°01'43" E
C2	85.49	30.52	58.63	39°17'42"	87°01'14"	57.49	S 39°51'55" E
C3	184.69	102.34	180.73	55°33'51"	29°26'18"	181.44	S 46°59'43" E
C4	214.67	113.62	206.14	33°33'51"	39°41'43"	200.68	S 48°49'43" E
C5	118.86	12.38	24.75	4°26'44"	17°37'48"	24.74	S 24°27'06" W
C6	118.86	19.86	39.02	10°23'01"	26°18'11"	39.02	S 17°01'00" W
C7	217.83	101.22	190.39	52°26'42"	26°16'11"	192.50	S 14°34'31" E
C8	118.86	92.78	168.58	82°51'45"	37°24'12"	158.35	N 00°12'23" W
C9	232.96	80.36	156.62	30°14'56"	22°30'00"	153.18	N 30°51'12" E
C10	28.61	8.33	12.46	24°37'18"	200°15'54"	12.30	N 69°51'11" E
C11	516.48	39.73	78.31	8°54'07"	11°13'28"	78.23	N 77°58'40" E
C12	100.32	16.62	37.08	13°19'07"	35°44'18"	37.00	N 61°15'00" E
C13	271.73	74.37	145.18	30°36'43"	21°03'08"	143.49	S 59°28'33" E
C14	15.81	17.74	26.78	85°28'55"	358°45'17"	23.74	S 28°52'33" E
C15	34.22	41.82	78.80	47°55'25"	60°44'25"	78.81	S 43°59'12" W
C16	444.88	57.51	114.38	14°44'40"	12°37'28"	114.60	S 75°32'23" W
C17	64.81	20.82	41.20	24°57'08"	60°33'26"	40.38	S 69°57'11" W
C18	318.58	16.90	158.92	27°06'41"	17°37'48"	149.82	S 43°52'20" E
C19	516.48	28.05	52.56	5°50'33"	11°13'28"	52.03	N 70°36'21" E
C20	334.26	8.36	16.72	2°51'49"	17°07'33"	16.72	S 48°25'06" E

Course	Bearing	Distance
L1	S 78°40'25" E	30.81
L2	S 78°40'25" E	27.15
L3	S 68°22'39" W	60.09
L4	S 68°22'39" W	66.17
L5	S 68°22'39" W	108.69
L6	N 00°00'00" W	68.52
L7	N 57°26'00" E	24.42
L8	N 57°26'00" E	24.42
L9	N 20°33'37" E	28.56
L10	S 19°12'30" E	31.88
L11	S 19°12'30" E	31.88
L12	S 21°12'30" E	31.88

- LEGEND**
- ⊗ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
  - ⊗ Set nail in asphalt
  - ⊗ Found rebar w/aluminum cap marked "BUCKHORN PLS 4895"
  - ⊗ Found rebar w/plastic cap marked "BUCKHORN PLS 4896"
  - ⊗ Found rebar w/aluminum cap marked "BRYANT PLS 2196"
  - ⊗ Found rebar w/aluminum cap marked "BRYANT PLS 4896"
  - ⊗ Found rebar w/aluminum cap marked "AE PLS 6014"
  - ⊗ Found iron rod
  - ⊗ Found iron bolt
  - ⊗ Found rebar
  - ⊗ Angle point not monumented



**RESOLUTION OF THE CITY COUNCIL.**  
Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore, BE IT RESOLVED, that said plat is hereby approved in all respects.  
Dated at Custer, South Dakota this \_\_\_ day of \_\_\_\_\_, 2019.

Mayor \_\_\_\_\_  
CERTIFICATE OF CITY FINANCE OFFICER  
I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2019.

**CERTIFICATE OF SURVEYOR**  
I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.  
IN WITNESS WHEREOF, I hereunto set my hand and official seal.  
Dated this \_\_\_ day of \_\_\_\_\_, 2019.

John D. McBride SDRLS No. 5906

OFFICE OF THE REGISTER OF DEEDS  
Filed for record this \_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_ o'clock \_\_\_ M., and recorded in Book \_\_\_ of Plats on page \_\_\_\_\_.  
Custer County Register of Deeds

Prepared by  
**ANDERSEN ENGINEERS**  
*Land Surveying, Professional Engineering, & Environmental Consultants*

Drawn by DR	Date 4/16/2019	P.O. Box 446 Edgemont, SD 57735
Approved by McB	Date 4/16/2019	(605)-662-5500 andersenengineers@gwic.net
Scale 1"=100'	Sheet 1 of 2	File Name: OLD_HOSPITAL_CUSTER



**CLOUD CONSTRUCTION, LLC**

143 Harney St.  
Custer, SD 57730  
515-450-4684  
casmith89@gmail.com

**INVOICE 1134**

**DATE 09/30/2019 TERMS Net 15**

**BILL TO**

City of Custer-Siding Project  
622 Crook St  
Custer 57730 United States  
Structural Repair Well House 3

ACTIVITY	QTY	RATE	AMOUNT
<b>Additional Labor</b> Labor/Time to consult with various steel building engineers/welders/contractors and determine a proper fix and then execute a fix for damaged NW corner of building.	5.75	95.00	546.25T
<b>Materials</b> Steel channel for repair and miscellaneous hardware.	1	112.00	112.00T
		SUBTOTAL	658.25
		TAX (2.041%)	13.43
		TOTAL	671.68
		<b>TOTAL DUE</b>	<b>\$671.68</b>





## Planning Department

City of Custer City  
622 Crook Street  
Custer, SD 57730

Phone (605) 673-4824  
Fax (605) 673-2411  
timh@cityofcuster.com

October 2, 2019

Re: Refund Fee, Wireless Communication Tower Application #46156

City staff received a Wireless Communication Tower Application, supporting documentation and fee on 3/21/19. Per the Fee Schedule such application constitutes a \$5,000.00 fee. AT&T has since withdrawn such application. **Staff is recommending a refund of \$4,000.00 of such fee.** (retaining \$1,000.00 for costs incurred by the City.)

Costs incurred by the City include

- \$200.00 – Primary agenda item on the September 11<sup>th</sup>, 2018 Planning Commission agenda
- Staff time including preliminary research, mapping, meeting prep, meetings and general administration of such permit app.

## Tim Hartmann

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**From:** Curtis Walter <curtis.walter@powderriverdev.com>  
**Sent:** Monday, September 23, 2019 11:56 AM  
**To:** Tim Hartmann  
**Subject:** AT&T Proposed Tower Facility - Custer, SD - AT&T would like to withdraw its application

Tim,

As per our discussion today, AT&T has decided to withdraw its application for a new communications facility in the City of Custer City.

Please refund any unused portion of the \$5,000 Wireless Communication Tower Permit Fee. Please make the check out to Overland Contracting Inc., since they wrote the original check. Mail any check or documents to my address listed below.

It has been a pleasure working with you on this project. Please let me know if you need anything further.

**Curt Walter**  
2897 Lake Vista Dr NW  
Rochester, MN 55901  
(507) 951-7151  
[curtis.walter@powderriverdev.com](mailto:curtis.walter@powderriverdev.com)



**From:** Tim Hartmann [mailto:timh@cityofcuster.com]  
**Sent:** Thursday, April 11, 2019 11:36 AM  
**To:** Curtis Walter <curtis.walter@powderriverdev.com>  
**Subject:** AT&T Proposed Tower Facility - Custer, SD

[EXTERNAL]

Good morning Curt,

I have begun staff review of the application and supporting documentation for the proposed AT&T monopole structure here in Custer.

I would like to request additional information and feedback specific to section K. (1) of Custer Municipal Code 17.42.060. Per such referenced section, with application for a new tower a written report demonstrating meaningful efforts to secure shared use of an existing structure is needed while processing a request such as this. Due to the close proximity of the existing structure located on Tract Matt of Homestead Subdivision, information more specific to efforts to share use of such tower will be applicable to AT&T and Powder River Development Services application.

Please note, I have received correspondence from Mr. Tom Hamlin regarding site selection of the proposed tower. Thank you for such correspondence. This does provide us with information and data regarding the desire to expand services toward the East side of Custer, and some of the increases in coverage and connectivity such service expansion in the area may provide, but does not specify any efforts to secure a collocation on the nearby structure approximate 0.5 miles to the East/Southeast.

Reference Custer Municipal Code Section 17.42.060. K (1)

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, \$26.86  
Custer Area Economic Development, 2019 Subsidy, \$2,000.00  
Custer County Treasurer, Law Enforcement Contract, TIF #1 Payment, \$94,114.50  
Custer Do It Best, Supplies, Repairs and Maintenance, \$336.73  
Custer School District, TIF #1 Payment, \$886.83  
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, \$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 and Well Being, 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, \$327,665.32