

All City Council Meetings are recorded.

**CITY OF CUSTER CITY  
COUNCIL AGENDA  
September 21<sup>st</sup>, 2020 – 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 8<sup>th</sup>, 2020 Council Meeting and September 17<sup>th</sup>, 2020 Special Council Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. 2021 Custer Area Chamber Business & Membership Directory – Custer Chronicle
  - b. Resolution #09-21-20A – Certifying Delinquent Assessment
  - c. Second Reading – Ordinance #840 – Appropriation Ordinance Fiscal Year 2021
  - d. First Reading – Ordinance #841 – Code Adoption
  - e. Executive Proclamation – Chronicle
  - f. Executive Proclamation – Constitution Week
  - g. Executive Proclamation – Disabled American Veterans Day
  - h.
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. State Water Plan Application
  - b. Minor Plat – Lot 5R of Block 1 Bourassa Addition
  - c. Minor Plat – Nielsen Family Tract 1 & Nielsen Family Tract 2
  - d.
  - e.
9. Presentation of Claims -
10. Department Head Discussion & Committee Reports –
11. Possible Executive Session – Personnel (1&4), Proposed/Pending Litigation (3), & Contract Negotiations (3) (SDCL 1-25-2(1,2,3,4,5,6))
12. Adjournment

**REMINDERS**

**Public Works Committee Meeting – October 5<sup>th</sup>, 2020 4:00 P.M.  
Regular City Council Meeting – October 5<sup>th</sup>, 2020 5:30 P.M.  
Planning Commission Meeting – October 13<sup>th</sup>, 2020 5:00 P.M.  
General Government Committee Meeting – October 19<sup>th</sup>, 2020 4:00 P.M.  
Regular City Council Meeting – October 19<sup>th</sup>, 2020 5:30 P.M.**

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/798352197>

**You can also dial in using your phone.**

United States (Toll Free): 1 877 309 2073

United States: +1 (646) 749-3129

**Access Code:** 798-352-197

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 8<sup>th</sup>, 2020**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of September 2020 at 5:30 p.m. Present at roll call were Councilpersons Whittaker, Ryan, Pechota, Nielsen and Schilling. Present at roll call by phone was Councilperson Fischer.

**AGENDA**

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

**MINUTES**

Councilperson Nielsen moved, with a second by Councilperson Schilling, to approve the minutes from the August 17<sup>th</sup> Council Meeting and August 31<sup>st</sup> Special Council Meeting. The motion carried with Councilperson Ryan, Pechota, Nielsen, Schilling, Fischer and Whittaker voting yes.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**FIRST READING – ORDINANCE #840 – APPROPRIATION ORDINANCE FISCAL YEAR 2021**

Councilperson Fischer moved to approve Ordinance #840, Appropriate Ordinance for Fiscal Year 2021. Seconded by Councilperson Pechota, the motion carried with Councilperson Pechota, Nielsen, Schilling, Fischer, Whittaker and Ryan voting yes.

**RESOLUTION #09-08-20A – APPROVING AND ACCEPTING QUIT CLAIM DEEDS FOR TRACT HOSPITAL REVISED AND TRACT S&R**

Councilperson Nielsen moved to adopt Resolution #09-08-20A, Approving and Accepting Quit Claim Deed for Tract Hospital Revised and Tract S&R. Seconded by Councilperson Whittaker, the motion carried with Councilperson Nielsen, Schilling, Fischer, Whittaker, Ryan and Pechota voting yes.

**RESOLUTION NO. 09-08-20A**

A Resolution Approving and Accepting Quit Claim Deeds for Tract Hospital Revised and Tract S&R

WHEREAS, the City of Custer City has certain property which may be utilized to support Custer County Search and Rescue operations by allowing an expansion of their base in Custer City; and

WHEREAS, Custer Independent School District and Monument Health Network, Inc., a South Dakota Non-Profit Corporation, have certain property which is more appropriately incorporated within the adjacent property currently owned by City of Custer City; and

WHEREAS, all of such real estate can be seen on the Plat filed in the office of the Custer County Register of Deeds within Book 12 of Plats, Page 789; and

WHEREAS, SDCL 6-5 provides for the disposition and transfer of government property to other political subdivisions or nonprofit corporations.

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer City, that it is advisable for support of emergency response infrastructure that the following property is declared to be not held for use by the City of Custer City or is about to be abandoned for public purposes and shall be transferred and conveyed gratuitously to Custer County, a political subdivision of the State of South Dakota, for the purpose of an expansion and suitable headquarters for Search and Rescue operations as set forth in SDCL 6-5-2; Gratuitous Transfers of Real Property to Other Political Subdivisions or Nonprofit Corporations:

Tract S&R, containing all of Tract Clinic, and a portion of Tract Hospital, all located in the City of Custer, Custer County, State of South Dakota, as shown on the Plat filed in Book 12 of Plats, Page 789.

BE IT FURTHER RESOLVED that the mayor is hereby authorized to execute a Quit Claim Deed to Custer County for the previously referenced property in accordance herewith, with the specific restriction that this property shall only be utilized for public purposes and accommodations and nonprofit purposes and no other use whatsoever.

BE IT FURTHER RESOLVED that the common council of City of Custer City hereby accepts the associated quitclaim deeds executed by Custer Independent School District and Monument Health Network, Inc and the real estate associated with such.

Dated this 8<sup>th</sup> day of September, 2020.

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

Attest: Laurie Woodward Finance Officer

**PUBLIC COMMENTS**

Jason Ferguson invited everyone to the Chronicle's 140<sup>th</sup> Anniversary Celebration on Friday, September 11<sup>th</sup>.

**MINOR PLAT – LOT 1A, LOT 1B, LOT 1C, ZELENKA SUBDIVISION**

Councilperson Nielsen moved to approve the minor plat for Lot 1A, Lot 1B, Lot 1C, Zelenka Subdivision. Seconded by Councilperson Whittaker, the motion carried with Councilperson Schilling, Fischer, Whittaker, Ryan, Pechota and Nielsen voting yes.

**2021 ANIMAL CONTROL CONTRACT – BATTLE MOUNTAIN HUMANE SOCIETY**

Councilperson Fischer moved to approve the 2021 Animal Control Contract with Battle Mountain Humane Society at \$1,000 per month. Seconded by Councilperson Whittaker, the motion carried with Councilperson Fischer, Whittaker, Ryan, Pechota, Nielsen and Schilling voting yes.

**PHONE SYSTEM PROPOSAL – GOLDEN WEST TECHNOLOGIES**

Councilperson Whittaker move to accept the phone system proposal from Golden West Technologies for a price range of \$17,000 - \$19,000. Seconded by Councilperson Nielsen, the motion carried with Councilperson Whittaker, Ryan, Pechota, Nielsen, Schilling and Fischer voting yes.

**HEALTH INSURANCE POLICY FOR NOVEMBER & DECEMBER 2020**

Councilperson Fischer moved to approve the November & December 2020 health insurance policy and renewal options as presented. Seconded by Councilperson Whittaker, the motion carried with Councilperson Ryan, Pechota, Nielsen, Schilling, Fischer and Whittaker voting yes.

**CLAIMS**

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

A & B Electric, Repairs & Maintenance, \$153.00

AFLAC, Insurance, \$718.98

Amazon, Supplies, -\$144.64CR

Battle Mountain Humane Society, Animal Control Contract, \$1,000.00

Beesley Law Office, Professional Fees, \$1,993.00

Black Hills Energy, Utilities, \$16,174.75

Blocker and Wallace Service, Repairs & Maintenance, \$152.99

Buckskin Buffalo, Cruisin Refund, \$100.00

Butler Machinery, Supplies, \$636.12

Century Business Products, Supplies, \$268.76

Custer Do It Best, Supplies, Repairs & Maintenance, \$151.08

Custer Co Auditor, Supplies, Professional Fees, \$794.01

Chronicle, Publishing Fees, \$159.76

Dacotah Bank, Loan Payment, \$8,337.63

Delta Dental, Insurance, \$212.00

Discovery Benefits, Supplies, \$1,909.59

Display Sales, Supplies, \$226.00

East Custer Sewer District, Monthly Reimbursement, \$1,300.00

EFTPS, Taxes, \$17,224.58

Full Source, Supplies, \$56.74

General Lee Collection, Cruisin Refund, \$100.00

Global Equipment, Supplies, \$43.56

Golden West Telecommunications, Utilities, \$522.88

Golden West Technologies, Professional Fees, \$1,879.50

Green Owl Media, Professional Fees, \$1,170.00

Hawkins, Supplies, \$9,774.17

Imageall, Supplies, \$221.00

Inyo Pools, Repair & Maintenance, \$22.94

Jenner Equipment, Repairs & Maintenance, \$4,134.89

J & M Lawncare, Cemetery Caretaker Contract, \$5,250.00

Leo's Auto, Repairs & Maintenance, \$847.20

Log Me In Go to Meeting, Supplies, \$51.12

Mt View Baptist Church, Cruisin Refund, \$100.00

Nelson's Oil & Gas, Supplies, \$398.83

Newman Signs, Supplies, \$442.55  
Northern Tool and Equipment, Supplies, \$1,810.20  
Operation Black Hills Cabin, Donation, \$900.00  
Petty Cash, Supplies, \$509.93  
Pitney Bowes, Supplies, \$647.57  
Power House, Supplies, \$79.89  
Promotion Physical Therapy, Safety, \$120.00  
Quill, Supplies, \$1,405.20  
Rapid Delivery, Professional Fee, \$52.92  
Robb, Jonathan, Reimbursement, \$315.48  
S & B Motors, Supplies, \$16.98  
Sanders Sanitation, Garbage Collection Contract, \$21,964.58  
Servall, Supplies, \$141.24  
State of SD, Sales Tax, \$1,043.90  
SD Revenue, Supplies, \$150.00  
SD DCI, Licensing, \$43.25  
SDML, Travel and Conference, \$50.00  
SD Retirement System, \$8,713.42  
State Long Distance, Utilities, \$89.16  
Shanklins, Supplies, \$157.47  
Steele Collison, Repair & Maintenance, \$300.00  
Supplemental Retirement, \$1,005.00  
The Hartford, \$54.96  
Trausch Dynamics, Repairs & Maintenance, \$140.97  
Verizon Wireless, Supplies, \$455.56  
V – Twin Companies, Cruisin Refund, \$100.00  
Wellmark, Insurance, \$11,295.31  
Wright Express, Supplies, \$1,089.47  
WWC Supply, Supplies, \$77.78  
Mayor & Council, \$4,135.00  
Finance Department, \$6,622.20  
Planning Department, \$11,078.04  
Public Works Department, \$4,904.19  
Street Department, \$8,858.17  
Cruisin Department, \$245.56  
Parks Department, \$10,918.70  
Water Department, \$16,918.48  
Wastewater Department, \$17,967.42  
Total Claims \$210,760.99

**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 6:06 pm. Seconded by Councilperson Pechota, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- SPECIAL SESSION  
September 17<sup>th</sup>, 2020**

Mayor Corbin Herman called to order a special meeting of the Common Council for the month of September 2020 at 5:00 p.m. Present at roll call were Councilpersons Pechota and Schilling. Present remotely at roll call were Councilperson Ryan, Fischer and Nielsen. Councilperson Whittaker joined the meeting remotely at 5:02 pm

**PUBLIC HEARING – PROPOSED PAGEANT HILL BIKE TRAIL**

Charley Umbarger gave an overview of the concept for a Bike Park in Big Rock Park. Council then heard public comments. Additional discussion and potential action on the proposed idea of bike trails in Big Rock Park will take place at the October 5<sup>th</sup> City Council Meeting.

**ADJOURNMENT**

With no further business, Councilperson Pechota moved to adjourn the meeting at 6:13 p.m. Seconded by Councilperson Schilling, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



# Your Custer-area magazine!

## Everything you need to know about Custer, Custer County, and beyond!

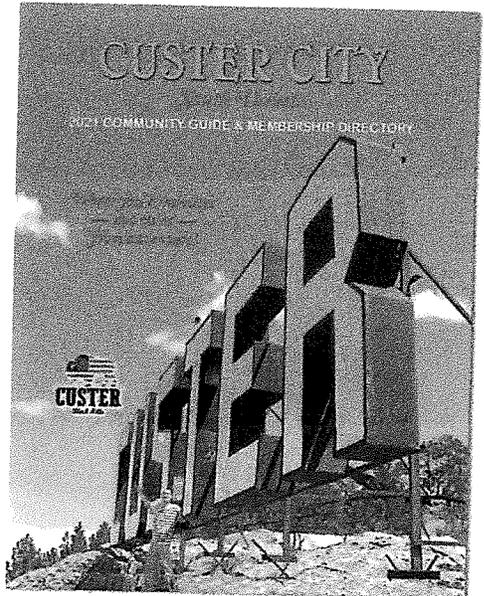


### 2021 Custer Area Chamber of Commerce Business and Membership Directory

Your Custer Area Chamber of Commerce & Visitors Bureau is producing the 2021 Chamber Business and Membership Directory with helpful features for chamber members, Custer visitors and potential residents. This beautiful, full-color directory will include great photography, a community profile, a calendar of special events, accommodations, attractions, restaurant listings and a complete categorical directory of all chamber members in full magazine-size layout.

We'll print 10,000 copies of this directory, which will be distributed to prospective visitors and residents who call our community seeking information about traveling to the region, or relocating their home or business to the Custer area. In addition, thousands of copies will be distributed at our Visitor Information Center and at chamber businesses such as local motels, restaurants and campgrounds. **This will be our primary economic development and business recruitment piece!**

If you'd like to distribute your message to thousands of potential customers who will visit Custer or are inquiring about living here, just give the folks at Southern Hills Publishing a call at 673-2217. Don't miss this opportunity. Thanks for your continued support.



Steve Olson  
Chamber President

Your ad comes alive with Augmented Reality app for an extra \$25!



### Advertising Rates Full-Color Ad

|                    |        |
|--------------------|--------|
| Full page ad       | \$1450 |
| Half page ad       | \$750  |
| Quarter page ad    | \$495  |
| One eighth page ad | \$350  |

Includes "click it" feature.

Premium pages are back page, inside front, inside back page, and page 3 and are an additional \$100.

**DEADLINE: Oct. 23, 2020**

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### For Space Reservations, Call Kate Najacht at 605-673-2217

or email Kate at [chroniclewriter2@gmail.com](mailto:chroniclewriter2@gmail.com) or Joshua at [custerads@gwtc.net](mailto:custerads@gwtc.net)

Southern Hills Publishing Inc. • PO Box 551 • 522 Mt. Rushmore Rd. • Custer, SD 57730



RESOLUTION #9-21-20A  
 RESOLUTION OF THE CITY COUNCIL  
 OF THE CITY OF CUSTER  
 CERTIFYING A DELINQUENT ASSESSMENT PURSUANT TO  
 SDCL 10-23-1.1

The City Council of the City of Custer, State of South Dakota does hereby assess and levy on and against the several lots and parcels of land described below the respective sums of money set against each lot or parcel.

This assessment is made to defray the cost of abating a nuisance as per SDCL 21-10-6.

The owners of said described lot or parcel have been noticed by certified mail return receipt requested and have failed to pay the amount of said described abatement.

| NAME OF OWNER<br>AMOUNT       | DESCRIPTION OF PROPERTY   |            |
|-------------------------------|---|------------|
| JAN CHARLES GRAY              | 139 MOUNT RUSHMORE ROAD<br>LOT 4 REVISED OF BLOCK 47 SUB<br>CUSTER, SOUTH DAKOTA<br>PARCEL #014860  | \$925.00   |
| JAN CHARLES GRAY              | 145 MOUNT RUSHMORE ROAD<br>EAST ½ OF LOT 5 AND ALL OF<br>LOT 6 IN BLOCK 47, PLUS 25'<br>OF VACATED 2 <sup>ND</sup> STREET<br>CUSTER, SOUTH DAKOTA<br>PARCEL #008341 | \$555.00   |
| ROBERT L. JOHNSON             | 950 HARNEY STREET<br>THE NORTH 98' OF LOT 7<br>AND THE EAST 40' OF THE<br>NORTH 98' OF LOT 8, ALL IN BLOCK 49<br>CUSTER, SOUTH DAKOTA<br>PARCEL #008362             | \$950.00   |
| FIRST BANK OF<br>SOUTH DAKOTA | 918 HARNEY STREET<br>LOT 10 OF BLOCK 49<br>CUSTER, SOUTH DAKOTA<br>PARCEL #008366   | \$980.00   |
|                               | TOTAL   | \$3,410.00 |

The City Finance Officer is directed to file this Resolution with the Custer County Auditor's Office to certify the delinquent assessment pursuant to SDCL 10-23-1.1.

Attest:

CITY OF CUSTER

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor

(SEAL)

I hereby acknowledge receipt of the Custer City Resolution Certifying Delinquent Assessment.

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Date

**This is an Appeal of the Snow Removal Fees for 139 and 145 Mt. Rushmore Rd., by the Property Owner, Jan Charles Gray.**

The fees being appealed are as follows:

| <u>Date</u> | <u>Address</u> | <u>Labor &amp; Equip</u> | <u>Admin fee</u> | <u>Violation</u> | <u>TOTAL</u> |
|-------------|----------------|--------------------------|------------------|------------------|--------------|
| 10-30-19    | 139MRR         | \$35                     | \$50             | \$100            | \$185        |
| 10-30-19    | 145MRR         | \$35                     | \$50             | \$100            | \$185        |
| 01-24-20    | 139MRR         | \$35                     | \$50             | \$100            | \$185        |
| 01-24-20    | 145MRR         | \$35                     | \$50             | \$100            | \$185        |
| 01-29-20    | 139MRR         | \$35                     | \$50             | \$100            | \$185        |
| 01-29-20    | 145MRR         | \$35                     | \$50             | \$100            | \$185        |
| 02-06-20    | 139MRR         | \$35                     | \$50             | \$100            | \$185        |
| 02-21-20    | 139MRR         | \$35                     | \$50             | \$100            | \$185        |
| Total Due   |                |                          |                  |                  | \$1480       |

When I purchased the Custer Motel in 1989, there were two parcels, one with the Motel, and some vacant land, and the other parcel, vacant land and a house. Again, 2 parcels for the entire small block, about 275 front feet-175 front feet for the Custer Motel and vacant land, and the remaining approximately 100 front feet.

In contemplating selling the Custer Motel, the about 25 or so feet of the vacant land attached to the Custer Motel were placed into a separate parcel (now 139 Mt. Rushmore Rd.), instead of being added to the now vacant-145 Mt. Rushmore Rd. (except for the old Radio Station building---the house previously there had been moved to the American Presidents Resort and refurbished).

This was the only way the City Planner at the time would allow the split of the vacant land. I wanted the small amount of vacant land to be attached to the other parcel (145 Mt. Rushmore Rd.), but according to the Planner that was not possible. This split was to make the vacant parcel viable for future development.

So, now I had 3 parcels, 109 Mt. Rushmore Road-The Custer Motel (about 150 feet), 139 Mt. Rushmore Rd., (about 25 feet), and 145 Mt. Rushmore Rd (about 100 feet), instead of two parcels of about 275 feet. The Custer Motel was sold last year, leaving 139 and 145 Mt. Rushmore Rd.

For the last several years a former Custer City Employee, and tenant of mine, Jerry was removing the snow. Jerry, a very good person, died in September, 2019.

After his death, another tenant of mine, backed up by J & M Lawn Maintenance were removing the snow. On the days in question when both 139 & 145 were cited, apparently there was a mix up and the snow wasn't removed. On the 2 days 139 Mt. Rushmore Rd. was cited, I believe there may have been an error. Why would someone clean the larger parcel (145) and not clean the other (139)?

Further, this sidewalk that I put in many years ago has been superseded by the sidewalk installed by the State. In many ways this sidewalk is not even used.

In any event, This means that for approximately 125 front feet (139 and 145 Mt. Rushmore Rd) I am being charged \$370, approximate \$3 a front foot. For 139 Mt. Rushmore alone (about 25 feet) it's about \$7 a foot.

I operated businesses in Custer from 1983 until 2013. At one point I was the largest lodging owner with 135 units-The American Presidents Resort, The All American Inn, the Custer Motel and the French Creek (where the Subway is today).Accordingly, my County taxes have ranged from \$80,000 a year to the current \$45,000 a year (even though none of these business are open).

Further, I pay about \$100 a month for water---and receive no water at 145 Mt. Rushmore Rd. and at the All American Motel (2 meters).

Therefore, I respectfully ask for the following action:

1. The Council is being asked to combine the two addresses, making the fine \$170 for the three days set forth, October 30, 2019, January 24, 2020, and January 29, 2020.
2. Further, The Council is being asked to remove the two fees for 139—about 25 feet)

Respectfully submitted,

  
Jan Charles Gray





Dear: City Council

I would like to start this letter with an introduction. I am Robert Johnson not to be confused with Hot Springs Citizens for Progress or Mark Castro. I am not them, their agent or representing them I am representing myself as owner of the property at 950 Harney Street Custer South Dakota. I have tried to resolve this issue with Tim Hartman who was very nice but refused to accept the city made a mistake. This is a short history as to what has gone on as observed by myself or relayed to me by the previous owners and occupants of my property. I have had only one day to respond to this issue because it has just been brought to me by the previous owner. I have only been able to get verbal advice from my attorney and not an official written response do to the multiple mistakes made by the city officials handling this issue. The reason I am addressing this and not the other parties mention below is because they have no legal stake or responsibility in this property nor did they prior to receiving the notice of invoice when it was delivered. To make this clear let me give you a short timeline to show you why I am asking the city council to cancel this invoice.

Hot Springs Citizens for Progress sold to Mark Castro the property on Feb or March of 2020. Chad Johnson who has items at the home in the garage and driveway and was allowed to keep these items there in return for paying the city monthly fees. Chad has been paying for the past few years from his personal account. This agreement was reached with Hot Springs Citizens and honored by both Mark Castro and myself. Chad Johnson has an address for these bills separate from the company address and is not owner or have any stake in this property nor responsibility. All statements for water and garbage was to be sent to his address not the companies, or Mark Castro since Mark never set up or changed the account. Mark Castro upon buying the building took over a verbal contract hiring the lawn care contractor Daniel Holtquist to cut and maintain the yard. The contract was starting the spring or April of 2020 at a monthly rate of 75.00 to be cut as much as necessary and continue until his arrival in June. David had been maintaining the yard since the summer of 2019 and was reported to be trustworthy by local references. David also maintained the rest of the shared lot owned by the neighbor and it was thought if the city failed to contact Mark then Crazy Horse would also get a notice and the contractor would deal with the lots at the same time if any issues arise.

The second week of May I was present when Mark called his contractor David, to verify he was maintaining the yard and everything was going ok. David the contractor told him he didn't have to cut the yard in April because it had been so dry but Mark demanded he cut it then anyway and continue until he arrived the end of June. I was also present on first week of June when Mark called again to make sure the property was done and told David he might arrive late to South Dakota do to the virus and to keep maintaining the property as agreed until further notice. He asked if he had been cut and was told it was wet and it would be done again the next day. The reason I am stating this is to show Mark was being proactive about the yard but had no information that anything was wrong from the city or his contractor. After sending David another check for another months maintenance Mark called to confirm the check had arrived and the lawn was taken care of. This was the middle of June when he was told, the yard was taken care of. Obviously it was done by the city and not his contractor.

I purchased the property in August 2020 with no knowledge of any issues or problems. When I went to register the deed in August there was a notice folded in a plastic bag tapped to the back door. When Mark sent people to check on the property they states there were no posts up to the time I purchased it in Mid-August. I had a separate person go and take photos of the property to make sure it was maintained but it must have been after the city had cut it. Photos of the house showed no post on the entry door. With the knowledge that David had said he was maintaining the

property and the photos I had received I only glanced at the attached letter that is found attached to the lower part of the back door when I arrived in mid-August. It was folded in quarters with nothing visible from the outside. At first I thought it was debris but it was taped to door window. I opened the letter folded inside the plastic bag I saw it was addressed to Hot Springs Citizens for Progress. It stated the yard had to be mowed and gave a list of lawn people. Knowing Mark's contractor had taken care of it I didn't think any more of it. First it was never addressed to Mark Castro anywhere on the notice or Chad Johnson the person whose vehicles were on the property. Hot Springs had no legal obligation to the property after the transfer of title in March and shouldn't have received any notices. I had already filed the deed and became legal owner of the property, since the yard was being maintained and addressed to an owner who had sold the property in March three months prior to the notice I had no reason to accept this as a legal notice. As legal owner I called David and told him the yard was too high and he wasn't maintaining it to my satisfaction. It wasn't out of control but wasn't well maintained as I saw in the photos previously. I verified with him that he had cut the yard but had not done it lately and he had received payment to maintain it. He returned the check for that month's maintenance stating he was about to cut it again when I had arrived and I hired another contractor. It never occurred to me that the city had done anything to the property prior to my involvement. No notice or invoice was ever given to Mark Castro. When I arrived home I gave Mark the notice and he forwarded it to Hot Springs Citizens for Progress. Only a few days later on September 1, Mark received a notice of unpaid invoice with his address but to Hot Springs Citizens for Progress and an invoice with only the address and name of Hot Springs Citizens on it. Both the original notice and the invoice were addressed to Hot Springs Citizens and not Mark Castro. The letter he received only had his name in the address part of the letter and clearly shows it was meant for Hot Springs. Under the "to" section of the letter it states Hot Springs Citizens for Progress not Mark Castro. Please look at the attached and you can clearly see this isn't legally addressed to Mark Castro but instead the previous owner. Also only the notice of past invoice had his name in the address portion of the letter. Nowhere on the original notice or invoice does Mark Castro appear. Mark naturally forwarded this to Hot Springs who informed him later that the invoice was for work to the yard of the property during his ownership. At no time was Mark Castro ever sent a notice of violation or given a chance to correct an issue with his yard. As far as he was concerned his yard was being maintained properly.

This is where it affects me, I have only one day to prepare this letter and state my side. I am a new owner of a property that is at risk of being attached for work that wasn't legally done. What my attorney has said is that the city failed to notify the legal owner of record and give him 15 days to abate the issues. The proof is in the first notice left at the door and the invoice that doesn't carry Mark's name. It wasn't until the work had been completed and the invoice was past due that the city made any effort in contacting the legal owner. When I called Tim at city hall he kept telling me he legally notified the owner by posting a notice on the door. By your own codes any notice must be addressed to the owner not previous owners. I contacted Hot Springs Citizens who told me they had canceled the post office box long before the notice and any mail sent would have been returned. I notified Chad Johnson the person paying the utilities on the property and he never received notice either. To sum this up after this long letter, if the city had correctly notified Mark Castro at any time the issue would have been resolved. Since he wasn't legally notified he isn't responsible for the cost of work illegally done to his property. I, buying the property, am not responsible unless the city can show the notice and receipt of notice sent to Mark Castro prior to the work being done. I ask that you cancel this charge because of an administrative error making it not legally executed. No amount of notices sent to a previous owner make this notice legal or binding. The city must notify legal owners prior to action being taken not just act then expect the owners to pay. As a new owner I ask you please release me from this debt. The city violated its own laws by contracting work on private property and didn't follow city code when they failed to notify the owner of a problem prior to taken action. I am committed to maintaining this property and hope to be released from what I consider an extremely high charge for cutting a yard.

My attorney wants me to note to you that the city is required to give notice to the owner of said property prior to taken action. No notice was given so the owner of record or present owner if sold after action has occurred is not legally responsible. If the council wants it can check the deeds and verify Mark Caster did own the property solely and his address was clearly stated on the deed during the whole month of June. No notice or attempt to notify him was made by the city.

*Robert Johnson*



**APPROPRIATION ORDINANCE NO. 840  
FISCAL YEAR 2021**

**CUSTER CITY, SOUTH DAKOTA**

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021,  
AND ENDING DECEMBER 31, 2021, AND LEVYING THE PROPERTY TAX IN THE YEAR 2021.

Section I: BE IT ORDAINED BY THE COMMON COUNCIL OF CUSTER CITY, SOUTH DAKOTA that  
the following sums are appropriated to meet the obligations of the municipality.

|   | <b>General Fund</b> | <b>BID<br/>Fund</b> | <b>Debt<br/>Service TIF<br/>Fund</b> | <b>Promotion<br/>Fund</b> | <b>Cemetery<br/>Fund</b> |
|---|---------------------|---------------------|--------------------------------------|---------------------------|--------------------------|
| <b>Governmental Funds</b>   |                     |                     |                                      |                           |                          |
| 410 General Government  |                     |                     |                                      |                           |                          |
| 411 Legislative   | 112,550             |                     |                                      |                           |                          |
| 411.5 Contingency   | 30,000              |                     |                                      |                           |                          |
| 413 Election  | 1,200               |                     |                                      |                           |                          |
| 414 Financial Administration<br>(Finance & Attorney)              | 186,950             |                     |                                      |                           |                          |
| 419 Other<br>(Public Bldgs, Planner)                              | 550,505             |                     |                                      | 45,500                    |                          |
| <b>Total General Government</b>                                   | <hr/> 881,205       |                     |                                      |                           |                          |
| 420 Public Safety<br>(Public Safety, Law Enforcement, Fire Dept.) | 444,500             |                     |                                      |                           |                          |
| 430 Public Works  |                     |                     |                                      |                           |                          |
| 431 Highway & Streets<br>(Engineering, Public Works, Streets)     | 1,298,420           |                     |                                      |                           |                          |
| 437 Cemetery  | 41,050              |                     |                                      |                           |                          |
| <b>Total Public Works</b>   | <hr/> 1,783,970     |                     |                                      |                           |                          |
| 440 Health & Welfare  |                     |                     |                                      |                           |                          |
| 444 Humane Society  | 12,560              |                     |                                      |                           |                          |
| 447 Hospital  | 347,000             |                     |                                      |                           |                          |
| <b>Total Health &amp; Welfare</b>                                 | <hr/> 359,560       |                     |                                      |                           |                          |
| 450 Culture & Recreation  |                     |                     |                                      |                           |                          |
| 451 Recreation<br>(Cruisin, Rec., Swimming)                       | 134,790             |                     |                                      |                           |                          |
| 452 Parks   | 1,191,900           |                     |                                      |                           |                          |
| <b>Total Culture &amp; Recreation</b>                             | <hr/> 1,326,690     |                     |                                      |                           |                          |
| 465 Economic Development<br>(Promoting the City)                  | 42,000              |                     |                                      |                           |                          |
|   |                     | 145,000             |                                      | 208,000                   |                          |
| 470 Debt Service  |                     |                     | 255,000                              |                           |                          |
| <b>TOTAL 2021 APPROPRIATIONS</b>                                  | <b>4,393,425</b>    | <b>145,000</b>      | <b>255,000</b>                       | <b>253,500</b>            |                          |
| Committed for Capital Replacement<br>Ordinance #722               |                     |                     |                                      |                           |                          |
| <b>TOTAL APPROPRIATIONS &amp;<br/>ACCUMULATIONS</b>               | <b>4,393,425</b>    | <b>145,000</b>      | <b>255,000</b>                       | <b>253,500</b>            |                          |

The following designates the fund or funds that money derived from the following sources is applied to.

|                                      | <b>General Fund</b> | <b>BID Fund</b> | <b>Debt Service TIF Fund</b> | <b>Promotion Fund</b> | <b>Cemetery Fund</b> |
|--------------------------------------|---------------------|-----------------|------------------------------|-----------------------|----------------------|
| <b>Governmental Funds</b>            |                     |                 |                              |                       |                      |
| Unassigned Fund Balance/Cash Applied | 1,247,874           | -               | -                            | -                     | -                    |
| 310 Taxes                            | 2,713,500           | 145,000         | 255,000                      | 252,500               |                      |
| 320 Licenses and Permits             | 69,500              |                 |                              |                       |                      |
| 330 Intergovernmental Revenue        | 4,000               |                 |                              |                       |                      |
| 335 State Shared Revenue             | 97,001              |                 |                              |                       |                      |
| 340 Charges for Goods and Services   | 8,550               |                 |                              |                       |                      |
| 345 Health (Animal Control)          | 200                 |                 |                              |                       |                      |
| 346 Culture & Recreation (Cruisin)   | 4,200               |                 |                              |                       |                      |
| 348 Cemetery                         | 4,500               |                 |                              |                       | 7,000                |
| 350 Fines and Forfeits               | 600                 |                 |                              |                       |                      |
| 360 Miscellaneous Revenue            | 24,500              |                 |                              | 1,000                 | 500                  |
| 368 Liquor Operating Agreement       | 200,000             |                 |                              |                       |                      |
| 390 Other Sources                    | 19,000              |                 |                              |                       |                      |
| <b>TOTAL MEANS OF FINANCE</b>        | <b>4,393,425</b>    | <b>145,000</b>  | <b>255,000</b>               | <b>253,500</b>        | <b>7,500</b>         |

|                                | <b>Water Fund</b> | <b>Sewer Fund</b> | <b>Solid Waste Fund</b> |
|--------------------------------|-------------------|-------------------|-------------------------|
| <b>Proprietary Funds</b>       |                   |                   |                         |
| Beginning Unrestricted Cash    | 670,000           | 240,000           | 205,000                 |
| Estimated Revenue              | 638,200           | 667,700           | 197,300                 |
| <b>Total Available</b>         | <b>1,308,200</b>  | <b>907,700</b>    | <b>402,300</b>          |
| Less Appropriations (Expenses) | 888,945           | 1,822,585         | 209,500                 |

|  |                |                 |                |
|--|----------------|-----------------|----------------|
| Less Facility Replacement per<br>ORD 603 | -              | 58,360          | -              |
| ESTIMATED SURPLUS                        | <u>419,255</u> | <u>-914,885</u> | <u>192,800</u> |

Section II: Summary of 2021 Appropriations

|                           |                    |
|---------------------------|--------------------|
| Enterprise Funds          | 2,921,030          |
| Governmental Funds        | <u>5,046,925</u>   |
| Total 2021 Appropriations | <u>\$7,967,955</u> |

Section III: That there is hereby levied upon all taxable property within the said City of Custer for the purpose of providing funds to meet the expenses and liabilities of said City, as hereinbefore set forth for the fiscal year of 2021 a tax sufficient to raise the following amounts, to wit:

|                      |                 |
|----------------------|-----------------|
| For the General Fund | \$945,000       |
| For Opt Out          | <u>\$64,000</u> |
| TOTAL LEVY           | \$1,009,000     |

Section IV: The City Finance Officer is hereby authorized and directed to certify said tax levy to the County Auditor of Custer County, State of South Dakota, to the end that the same may be spread and assessed as provided by law.

Dated this 21<sup>st</sup> day of September 2020.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer  
(SEAL)

Corbin Herman, Mayor

First Reading: September 8<sup>th</sup>, 2020  
Second Reading: September 21<sup>st</sup>, 2020  
Publication: September 30<sup>th</sup>, 2020

Vote:

|          |            |
|----------|------------|
| Fischer: | Schilling: |
| Nielsen: | Ryan:      |
| Pechota: | Whittaker: |



622 Crook Street  
Custer, SD 57730

Laurie Woodward  
Finance Officer

Phone: (605) 673-4824  
Fax: (605) 673-2411

September 21, 2020

Custer County Auditor  
420 Mt. Rushmore Road  
Custer, South Dakota 57730

Re: 2021 Tax Levy Request

Dear Auditor,

I hereby certify the following to reflect the levy request for taxes collected in the year 2021 for the City of Custer City, pursuant to Ordinance No. 840:

|                      |             |
|----------------------|-------------|
| For the General Fund | \$940,000   |
| For Opt Out          | \$ 69,000   |
|                      | <hr/>       |
| Total Levy Request   | \$1,009,000 |

The City has chosen to bank the 1.70% CPI.

Thank you,

Laurie Woodward  
Finance Officer  
Custer City

I hereby acknowledge receipt of the Custer City 2021 tax levy request.

\_\_\_\_\_  
County Auditor

\_\_\_\_\_  
Date

ORDINANCE NO. 841

AN ORDINANCE AMENDING TITLE 1 GENERAL PROVISIONS, CHAPTER 1.01 CODE ADOPTION OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING, REPLACING AND SUPERSEDING ALL PRIOR ORDINANCES OR AMENDMENTS, AS FOLLOWS:

Chapter 1.01  
CODE ADOPTION

Sections:

- 1.01.010 Adoption
- 1.01.020 Title – Citation – Reference
- 1.01.030 Reference Applies to All Amendments
- 1.01.040 Title, Chapter and Section Heading
- 1.01.050 Reference to Specific Ordinances
- 1.01.060 Ordinance Passed Prior to Adoption of this Code
- 1.01.070 Effect of Code on Past Actions and Obligations
- 1.01.080 Constitutionality
- 1.01.090 References to Prior Code
- 1.01.100 Violations – Liability of Corporations

**1.01.010 Adoption**

There is adopted the “Custer Municipal Code,” as compiled, edited and published by ~~Beek Publishing Company, Seattle, Washington~~ American Legal Publishing Corporation of Cincinnati, Ohio. Any and all supplements to the “Custer Municipal Code” of the City of Custer, South Dakota as submitted by American Legal Publishing Corporation are hereby also adopted to the “Custer Municipal Code”. Such supplement shall be deemed published as of the day of its adoption and approval by the Common Council of the City of Custer. the Custer City Finance Officer or designee is hereby authorized and ordered to insert such supplement into the “Custer Municipal Code” on file in the Office of the Finance Officer.

**1.01.020 Title – Citation – Reference**

This code shall be known as the “Custer Municipal Code” and it shall be sufficient to refer to said code as the “Custer Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Custer Municipal Code.” References may be made to the titles, chapters, sections and subsections of the “Custer Municipal Code” and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

**1.01.030 Reference Applies to All Amendments**

Whenever a reference is made to this code as the "Custer Municipal Code" or to any portion thereof, or to any ordinance of the city, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

**1.01.040 Title, Chapter and Section Heading**

Title, chapter and section heading contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

**1.01.050 Reference to Specific Ordinance**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

**1.01.060 Ordinances Passed Prior to Adoption of this Code**

The last ordinance included in this code was Ordinance 462, passed March 19, 1996. The following ordinances, passed subsequent to Ordinance 462, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance No. 463, No. 464, No. 465, No. 466, No. 467, and No. 468.

**1.01.070 Effect of Code on Past Actions and Obligations**

The adoption of this code does not affect prosecutions for ordinances violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinances.

**1.01.080 Constitutionality**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**1.01.090 References to Prior Code**

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code.

**1.01.100 Violations - Liability of Corporations**

For a violation of this code or any other ordinance of the city which, by nature, does not require intent exercisable only by natural persons, a corporation may be fined or punished by appropriate penalties in addition to any punishment provided for its agents who violate this code or other ordinance while acting as the agents.

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 5<sup>th</sup> day of October, 2020.

City of Custer City

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

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

(SEAL)

First Reading: September 21<sup>st</sup>, 2020  
Seconding Reading: October 5<sup>th</sup>, 2020  
Publication: October 14<sup>th</sup>, 2020

Vote:  
Ryan:                   Fischer:  
Pechota:               Schilling:  
Nielsen:               Whittaker:



## EXECUTIVE PROCLAMATION

WHEREAS, Honoring the 100<sup>th</sup> anniversary of Disabled American Veterans

WHEREAS, Disabled American Veterans (DAV) was founded by World War I veterans on September 25, 1920, and was chartered by an Act of Congress on June 17, 1932; and

WHEREAS, in 2020, DAV celebrates 100 years of serving veterans of the Armed Forces, their families and survivors, and communities; and

WHEREAS, DAV is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity; and

WHEREAS, DAV accomplishes this by ensuring veterans and their families have access to full range of benefits available to them, by fighting for the interests of America's injured heroes, and by educating the public about the needs of veterans transitioning back to civilian life; and

WHEREAS, DAV provides free, professional assistance to veterans and their families in obtaining benefits and services provided by the United States Department of Veterans Affairs and other agencies; and

WHEREAS, DAV also provides outreach concerning its programs and services to the American people generally, and to disabled veterans and their families specifically; and

WHEREAS, DAV represents the interests of disabled veterans, their families, their widowed spouses, and their orphans before the federal government, as well as state and local governments; and

WHEREAS, DAV has fought tirelessly for equal access to critical VA caregiver benefits and services for severely disabled veterans of all generations, resulting in legislation to expand eligibility to those injured prior to September 11, 2001 as part of the VA MISSION Act; and

WHEREAS, DAV co-presents the National Disabled Veterans Winter Sports Clinic and National Disabled Veterans TEE Tournament; has organized the nationwide DAV Transportation Network to provide free transportation for veterans to VA medical appointments; operates an active Charitable Service Trust funding the needs of local providers assisting at-risk local veterans; has built an active volunteer corps offering thousands of hours of service to our veterans and communities; offers veterans transitioning military member and spouses access to employers through its nationwide job fair program; provides emergency assistance to veterans in need through the DAV Disaster Relief Program; and operates the Jesse Brown Memorial Youth Scholarship program to contribute to the lives of young Americans;

NOW, THEREFORE, I, Corbin Herman, Mayor of Custer City of the State of South Dakota, do hereby proclaim September 25, 2020 as

### Disabled American Veterans Day

in Custer City and commend its observance to all citizens.

CITY OF CUSTER CITY

ATTEST:

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

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

(SEAL)



City of Custer City  
From the Desk of the Mayor

EXECUTIVE PROCLAMATION

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2020, marks the two hundred and thirty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Corbin Herman, Mayor of Custer City of the State of South Dakota, do hereby proclaim September 17<sup>th</sup> through September 23<sup>rd</sup>, 2020 as

CONSTITUTION WEEK

in Custer City and encourage all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

ATTEST:

CITY OF CUSTER CITY

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

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

(SEAL)



City of Custer City  
From the Desk of the Mayor

EXECUTIVE PROCLAMATION

WHEREAS, the first edition of the Chronicle was published September 11, 1880, in Custer by its first editor; and

WHEREAS, current owners, Charley and Norma Najacht, have owned and operated the Chronicle since December of 1999; and

WHEREAS, Chronicle publisher Charley Najacht who follows a long line of Chronicle newspaper publishers, along with Norma continue to publish the Chronicle in addition to the Hill City Prevailor and Winner Advocate newspapers weekly; and

WHEREAS, the Custer County Chronicle is the official legal newspaper for Custer City, Custer County, towns of Pringle, Buffalo Gap, Fairburn and Hermosa and also the Custer and Elk Mountain School Districts; and

WHEREAS, the Custer County Chronicle has survived competition, fires, floods, droughts, economic ups and downs; and

WHEREAS, the Chronicle has had tens of thousands of subscribers spanning multiple generations; and

WHEREAS, the Chronicle is the oldest continuously-operated newspaper and business in the Southern Black Hills.

NOW, THEREFORE, I, Corbin Herman, Mayor of Custer City, of the State of South Dakota, do hereby proclaim Friday, September 11<sup>th</sup>, 2020 as a

Day to Celebrate 140 Years of the Chronicle

and encourage all citizens to join me in recognizing the Chronicle and its Owner's for their years of serving this community and beyond.

ATTEST:

CITY OF CUSTER CITY

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

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

(SEAL)





September 18, 2020

Andy Bruels, P.E., Engineering Manager  
SD DENR  
Joe Foss Building  
523 E. Capitol Ave.  
Pierre, SD 57501-3182

Dear Andy,

Attached to this letter please find the original signed copy of a State Water Plan Application being submitted under the October 1, 2020 application deadline for the City of Custer's *Wastewater Treatment System Upgrades and New Force Main* project.

The engineering facilities plan for this project is currently on file with your office. The engineering cost estimate included in this State Water Plan Application has changed somewhat from what was included in that facilities plan (refer to new cost documentation attached).

Although phasing is likely with this project, this initial State Water Plan Application reflects the entire project. *(A preliminary phasing schedule has been prepared by the engineer and attached as an informational item).* It was decided that the best approach was to currently submit a SWP Application for the entire project as what specifically will be included in each future phase is a bit fluid at present time. Submittal of this current State Water Plan Application will allow the City – once it has defined the first phase scope with certainty - to proceed with pursuing funding for the first phase of the project. It is understood then, that after Phase I, future SWP Applications reflecting only remaining project work will be needed for subsequent phases.

If you have questions or require further information, please give me a call.

Thanks,

A handwritten signature in black ink that reads "Bill Lass".

Bill Lass, Senior Planner

Encl.

Cc: City of Custer  
Trent Bruce, P.E. – DGR Engineering  
Dana Foreman, P.E. - KLJ



## State Water Plan Application

|  |  |                          |  |                         |              |            |       |              |       |              |       |              |                     |
|--|--|--------------------------|--|-------------------------|--------------|------------|-------|--------------|-------|--------------|-------|--------------|---------------------|
| Applicant:<br>City of Custer<br><br>Address:<br>622 Crook St.<br>Custer, SD 57730<br><br>Phone Number:<br>605-673-4824 | <table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; border-bottom: 1px solid black;">Proposed Funding Package</td> </tr> <tr> <td style="text-align: right; padding-right: 20px;">Projected State Funding</td> <td style="text-align: right; border-bottom: 1px solid black;">\$12,450,400</td> </tr> <tr> <td style="text-align: right; padding-right: 20px;">Local Cash</td> <td style="text-align: right; border-bottom: 1px solid black;">_____</td> </tr> <tr> <td style="text-align: right; padding-right: 20px;">Other: _____</td> <td style="text-align: right; border-bottom: 1px solid black;">_____</td> </tr> <tr> <td style="text-align: right; padding-right: 20px;">Other: _____</td> <td style="text-align: right; border-bottom: 1px solid black;">_____</td> </tr> <tr> <td style="text-align: right; padding-right: 20px;"><b>TOTAL</b></td> <td style="text-align: right; border-bottom: 1px solid black;"><b>\$12,450,400</b></td> </tr> </table> | Proposed Funding Package |  | Projected State Funding | \$12,450,400 | Local Cash | _____ | Other: _____ | _____ | Other: _____ | _____ | <b>TOTAL</b> | <b>\$12,450,400</b> |
| Proposed Funding Package   |  |                          |  |                         |              |            |       |              |       |              |       |              |                     |
| Projected State Funding  | \$12,450,400   |                          |  |                         |              |            |       |              |       |              |       |              |                     |
| Local Cash   | _____  |                          |  |                         |              |            |       |              |       |              |       |              |                     |
| Other: _____   | _____  |                          |  |                         |              |            |       |              |       |              |       |              |                     |
| Other: _____   | _____  |                          |  |                         |              |            |       |              |       |              |       |              |                     |
| <b>TOTAL</b>   | <b>\$12,450,400</b>  |                          |  |                         |              |            |       |              |       |              |       |              |                     |

**Project Title:** Custer Wastewater Treatment System Upgrades and New Force Main

**Description:** (Include present monthly utility rate.)

The project will upgrade the City's sanitary sewer wastewater treatment facility (WWTF) and construct a new force main with discharge to French Creek. The City has a gravity sewer collection system with discharge to its WWTF via an interceptor line. The collection system runs east along Hwy.16 to the WWTF located north on Spring Place. A discharge force main runs from the WWTF to the discharge point on Flynn Creek. Due to age of the WWTF/force main, extensive improvements are needed. Specific project activities are many and fall within 3 areas: (1)Many improvements to the WWTF including upgrades to: control building HVAC & electric repair, standby generator & ATS replace, SCADA system, misc. pond structure changes, transfer pumps, piping & valve replace, etc. (2)Upgrades to discharge pumps & valves & a new 3.5-mile force main (discharge to French Creek south of Stockade Lake), (3)Addition of a submerged attached growth reactor (SAGR) (.75MGD design flow), SAGR standby generator, SAGR blower & building, U/V disinfection & building. Project may be phased (see attached) but this SWP covers entire project. Sewer rates are based on water use & for 5K gal.'s are: \$31.01 single-family & \$49.62 multi-family/commercial. There is a Sewer Reserve Fund. (See eng. plan on file with DENR.)

**The Applicant Certifies That:**

I declare and affirm under the penalties of perjury that this application has been examined by me and, to the best of my knowledge and belief, is in all things true and correct.

|   |           |      |
|---|-----------|------|
| Corbin Herman, Mayor                            |           |      |
| Name & Title of Authorized Signatory<br>(Typed) | Signature | Date |

## Professional Consultants

**Application Prepared By:** Black Hills Council of Local Governments

Contact Person: William Lass, Senior Planner

Mailing Address: 730 E. Watertown St., Suite 102

City, State, and Zip: Rapid City, SD 57701

Telephone Number: 605-394-2681

Fax: \_\_\_\_\_

Email address: wlass@tie.net

**Consulting Engineering Firm:** DGR Engineering

Contact Person: Trent Bruce, PE

Mailing Address: 2909 E. 57th St.

City, State, and Zip: Sioux Falls, SD 57108

Telephone Number: 605-339-4157

Fax: \_\_\_\_\_

Email address: trent.bruce@dgr.com

**Legal Counsel's Firm:** Beesley Law Office

Contact Person: Chris Beesley, Attorney

Mailing Address: 428 Mt. Rushmore Road

City, State, and Zip: Custer, SD 57730

Telephone Number: 605-673-4181

Fax: \_\_\_\_\_

Email address: bees@gwtc.net

## State Water Plan Application Information

Infrastructure projects requesting placement on the State Water Facilities Plan must provide a completed preliminary engineering report with this application and should be ready for construction within two years. Additionally, for drinking water projects complete the Drinking Water Project Eligibility and Priority Point Self-Assessment sections.

Watershed projects requesting placement on the State Water Facilities Plan must provide a completed watershed assessment report with this application and should be ready for implementation within two years.

Projects that are large, costly water projects that are requesting significant state cost share participation may be recommended for placement on the State Water Resources Management System. These projects are necessary for the needs and general welfare of the people of South Dakota.

City of Custer, SD

WWTF Improvements Summary

Engineer's Opinion of Probable Construction Costs - Preliminary Design

9/17/2020

Phase I

|                             |                    |
|-----------------------------|--------------------|
| Construction Cost           | \$4,306,500        |
| Contingency (15%)           | \$646,000          |
| Non-Construction Cost       | \$1,295,000        |
| <b>Phase 1 Project Cost</b> | <b>\$6,247,500</b> |

Phase 2

|                             |                    |
|-----------------------------|--------------------|
| Construction Cost           | \$4,164,700        |
| Contingency (15%)           | \$625,000          |
| Non-Construction Cost       | \$575,000          |
| <b>Phase 2 Project Cost</b> | <b>\$5,364,700</b> |

Phase 3

|                             |                  |
|-----------------------------|------------------|
| Construction Cost           | \$633,200        |
| Contingency (15%)           | \$95,000         |
| Non-Construction Cost       | \$110,000        |
| <b>Phase 3 Project Cost</b> | <b>\$838,200</b> |

Total Project Cost

|                           |                     |
|---------------------------|---------------------|
| <b>Total Project Cost</b> | <b>\$12,450,400</b> |
|---------------------------|---------------------|

City of Custer, SD

Phase 1 WWTF Improvements

Engineer's Opinion of Probable Construction Costs - Preliminary Design

9/17/2020

| Item No.                     | No. of Units | Description   | Unit cost   | Total Cost  |
|------------------------------|--------------|---|-------------|-------------|
| 1                            | 6%           | Mobilization (including bonding, insurance, etc.), % of construction cost | L.S.        | \$ 230,000  |
| <b>SAGR Treatment System</b> |              |   |             |             |
| 2                            | 1            | SAGR Equipment incl. Controls, lump sum                                   | \$1,000,000 | \$1,000,000 |
| 3                            | 1            | SAGR Equipment Installation, lump sum                                     | \$175,000   | \$175,000   |
| 4                            | 24,800       | SAGR Dirtwork, per yd <sup>3</sup>  | \$5.00      | \$124,000   |
| 5                            | 1,750        | Rock Excavation, per yd <sup>3</sup>                                      | \$250       | \$437,500   |
| 6                            | 1,450        | Wall Framing and Sheathing, per lin. ft.                                  | \$35.00     | \$50,800    |
| 7                            | 12,100       | Uniform Graded Clean Rock Media, per yd <sup>3</sup>                      | \$45.00     | \$544,500   |
| 8                            | 1,600        | Insulating Wood Chips, per yd <sup>3</sup>                                | \$18.00     | \$28,800    |
| 9                            | 97,500       | Non-Woven Geotextile (8 oz), per sq. ft.                                  | \$0.25      | \$24,400    |
| 10                           | 56,500       | HDPE Liner (60mil), per sq. ft.   | \$1.50      | \$84,800    |
| 11                           | 1,200        | Blower Building, incl. Electrical/HVAC/Plumbing, per sq. ft.              | \$200       | \$240,000   |
| 12                           | 1            | SAGR Aeration Piping, lump sum  | \$25,000    | \$25,000    |
| 13                           | 1            | SAGR Influent Splitter Structure, lump sum                                | \$7,500     | \$7,500     |
| 14                           | 1            | SAGR Transfer Piping and Valves, lump sum                                 | \$42,600    | \$42,600    |
| 15                           | 4            | SAGR Transfer Manholes, per ea.   | \$5,000     | \$20,000    |
| 16                           | 770          | 6" PVC SAGR Inlet Force Main, per lin. ft.                                | \$30.00     | \$23,100    |
| 17                           | 1            | Air Release Manhole, per ea   | \$5,000     | \$5,000     |
| 18                           | 1,300        | Fencing, per lin. ft.   | \$25.00     | \$32,500    |
| 19                           | 1            | Site Grading for Drainage, lump sum                                       | \$15,000    | \$15,000    |
| 20                           | 1            | SAGR Aesthetic Buffer, lump sum   | \$15,000    | \$15,000    |
| <b>UV Treatment System</b>   |              |   |             |             |
| 21                           | 1            | UV Equipment, lump sum  | \$120,000   | \$120,000   |
| 22                           | 1            | UV Equipment Installation, lump sum                                       | \$55,000    | \$55,000    |
| 23                           | 625          | UV Building incl. Electrical/HVAC/Plumbing, per sq. ft.                   | \$200       | \$125,000   |
| 24                           | 550          | 8" PVC Outfall, per lin. ft.  | \$40.00     | \$22,000    |
| 25                           | 2            | Outfall Manholes, per ea  | \$5,000     | \$10,000    |

| Item No.                             | No. of Units | Description   | Unit cost | Total Cost |
|--------------------------------------|--------------|---|-----------|------------|
| <b>Control Building Modification</b> |              |   |           |            |
| 26                                   | 1            | Control Building Electrical/SCADA/Controls Improvements, lump sum | \$90,000  | \$90,000   |
| 27                                   | 1            | Control Building HVAC Improvements, lump sum                      | \$90,000  | \$90,000   |
| 28                                   | 1            | Influent Level Transducer Replacement, lump sum                   | \$2,000   | \$2,000    |
| 29                                   | 1            | Door and OH Door Replacement                                      | \$20,000  | \$20,000   |
| 30                                   | 1            | Standby Generator incl. ATS, lump sum                             | \$250,000 | \$250,000  |
| <b>Miscellaneous</b>                 |              |   |           |            |
| 31                                   | 1            | Effluent Bypass Pumping, lump sum                                 | \$50,000  | \$50,000   |
| 32                                   | 1            | Compliance w/ SWPPP, lump sum                                     | \$5,000   | \$5,000    |
| 33                                   | 600          | Salvage & Place Topsoil, per yd <sup>3</sup>                      | \$5.00    | \$3,000    |
| 34                                   | 1            | Seeding, Fertilizing, Mulching, lump sum                          | \$10,000  | \$10,000   |
| 35                                   | 1            | Utility Services, lump sum  | \$40,000  | \$40,000   |
| 36                                   | 420          | Asphalt Replacement, per ton                                      | \$150     | \$63,000   |
| 37                                   | 900          | Curb and Gutter Replacement, per lin. ft.                         | \$30      | \$27,000   |
| 38                                   | 165          | Gravel Surfacing, per ton   | \$30.00   | \$5,000    |
| 39                                   | 5%           | SRF Costs (AIS & DBW), % of construction costs                    | \$194,000 | \$194,000  |

Construction Costs

|                                   |       |                    |
|-----------------------------------|-------|--------------------|
| Construction Subtotal             |       | \$4,306,500        |
| Contingency, % of Const. Subtotal | 15.0% | \$646,000          |
| <b>Total Construction Costs</b>   |       | <b>\$4,952,500</b> |

Non-Construction Costs

|                                     |      |                    |
|-------------------------------------|------|--------------------|
| Engineering (Preliminary)           |      | \$60,000           |
| Engineering (Design and Bidding)    |      | \$945,000          |
| Engineering (Construction)          |      | \$200,000          |
| Material Testing                    |      | \$50,000           |
| Administration/Legal                | 0.5% | \$40,000           |
| <b>Total Non-Construction Costs</b> |      | <b>\$1,295,000</b> |

**Total Phase 1 Project Cost** **\$6,247,500**

City of Custer, SD

Phase 2 - Transfer and Effluent Lift Station/Force Main and Control Building Improvements

Engineer's Opinion of Probable Construction Costs - Preliminary Design

9/17/2020

| Item No.           | No. of Units | Description   | Unit cost | Total Cost  |
|--------------------|--------------|---|-----------|-------------|
| 1                  | 6%           | Mobilization (including bonding, insurance, etc.), % of construction cost | %         | \$250,000   |
| <b>Transfer LS</b> |              |   |           |             |
| 2                  | 1            | Bypass/Temporary Pumping, lump sum  | \$20,000  | \$20,000    |
| 3                  | 4,320        | 12" DR18 PVC (open cut) - Remove and Replace, per lin. ft.                | \$75.00   | \$324,000   |
| 4                  | 200          | 12" DR18 PVC (directional boring or pipe bursting), per lin. ft.          | \$145.00  | \$29,000    |
| 5                  | 2            | 12"x12"x12" tee, per ea.  | \$1,600   | \$4,000     |
| 6                  | 2            | Reducer (12" - 8"), per ea.   | \$1,250   | \$2,500     |
| 7                  | 4            | 12" Plug Valve, per ea.   | \$4,000   | \$16,000    |
| 8                  | 2            | 12" Check Valve, per ea.  | \$6,000   | \$12,000    |
| 9                  | 1            | Magnetic Flow Meter, per ea.  | \$3,000   | \$3,000     |
| 10                 | 1            | Pipe Supports, lump sum   | \$1,000   | \$1,000     |
| 11                 | 4            | 12" 90° Elbow (LS), per ea.   | \$1,100   | \$4,400     |
| 12                 | 4            | 12" 90° Elbow (FM), per ea.   | \$1,100   | \$4,400     |
| 13                 | 4            | 12" 45° Elbow, per ea.  | \$1,300   | \$5,200     |
| 14                 | 4            | 12" - 11.25° elbow, per ea.   | \$1,000   | \$4,000     |
| 15                 | 5            | 12" - 22.5° elbow, per ea.  | \$1,100   | \$5,500     |
| 16                 | 1            | Site Restoration, lump sum  | \$20,000  | \$20,000    |
| 17                 | 1            | Lift Station Electrical, lump sum   | \$80,000  | \$80,000    |
| 18                 | 3            | Lift Station Pumps, per ea.   | \$125,000 | \$375,000   |
| 19                 | 1            | Lift Station Valve Vault, lump sum  | \$30,000  | \$30,000    |
| 20                 | 1            | Modification to Wet Well, lump sum  | \$5,000   | \$5,000     |
| 21                 | 1            | Guide Rails and Casting on Existing Wet Well, lump sum                    | \$5,000   | \$5,000     |
| <b>Effluent LS</b> |              |   |           |             |
| 22                 | 1            | Temporary/Bypass Pumping, lump sum  | \$30,000  | \$30,000    |
| 23                 | 15,000       | 12" DR18 PVC (open cut) - New, per lin. ft.                               | \$70.00   | \$1,050,000 |
| 24                 | 2,500        | 12" DR18 PVC (directional boring), per lin. ft.                           | \$145.00  | \$362,500   |
| 25                 | 600          | 18" Casing Pipe - for Stream and Road Crossings, per lin. ft.             | \$100.00  | \$60,000    |
| 26                 | 770          | Rock Excavation along Hwy 16, per yd <sup>3</sup>                         | \$250.00  | \$192,500   |
| 27                 | 1            | Headwall outfall structure, lump sum                                      | \$25,000  | \$25,000    |
| 28                 | 2            | 12"x12"x12" tee, per ea.  | \$1,600   | \$3,200     |

| Item No.             | No. of Units | Description  | Unit cost | Total Cost |
|----------------------|--------------|--|-----------|------------|
| 29                   | 4            | Reducer (12" - 8"), per ea.                          | \$1,250   | \$5,000    |
| 30                   | 2            | Reducer (12" - 10"), per ea.                         | \$1,500   | \$3,000    |
| 31                   | 4            | 12" Plug Valve, per ea.                              | \$4,000   | \$16,000   |
| 32                   | 2            | 12" Check Valve, per ea.                             | \$6,000   | \$12,000   |
| 33                   | 1            | Flow Meter, per ea.                                  | \$1,200   | \$1,200    |
| 34                   | 6            | 12" 90° Elbow (LS), per ea.                          | \$1,000   | \$6,000    |
| 35                   | 6            | 12" 90° Elbow (FM), per ea.                          | \$1,000   | \$6,000    |
| 36                   | 6            | 12" 45° Elbow, per ea.                               | \$1,200   | \$7,200    |
| 37                   | 10           | 12" - 11.25° elbow, per ea.                          | \$800     | \$8,000    |
| 38                   | 10           | 12" - 22.5° elbow, per ea.                           | \$1,100   | \$11,000   |
| 39                   | 2            | 12"x6" Tee, per ea.                                  | \$1,700   | \$3,400    |
| 40                   | 2            | Air Release Valve and manhole, per ea.               | \$15,000  | \$30,000   |
| 41                   | 1            | Pipe Supports, lump sum                              | \$2,500   | \$2,500    |
| 42                   | 7            | Replace gravel driveway, per ea.                     | \$2,000   | \$14,000   |
| 43                   | 12           | Replace asphalt driveway, per ea.                    | \$7,400   | \$88,800   |
| 44                   | 4,400        | Gravel Surfacing on Lower French Creek Road, per ton | \$30.00   | \$132,000  |
| 45                   | 1            | Road Repair, lump sum                                | \$100,000 | \$100,000  |
| 46                   | 1            | Site Restoration, lump sum                           | \$50,000  | \$50,000   |
| 47                   | 1            | Traffic Control, lump sum                            | \$5,000   | \$5,000    |
| 48                   | 2            | Cleanouts, per ea.                                   | \$12,000  | \$24,000   |
| 49                   | 1            | Lift Station Electrical, lump sum                    | \$190,000 | \$190,000  |
| 50                   | 2            | Lift Station Pumps, per ea.                          | \$170,000 | \$340,000  |
| <b>Miscellaneous</b> |              |  |           |            |
| 51                   | 5%           | SRF Costs (AIS & DBW), % of construction costs       | \$186,400 | \$186,400  |

Construction Costs

|                                   |       |                    |
|-----------------------------------|-------|--------------------|
| Construction Subtotal             |       | \$4,164,700        |
| Contingency, % of Const. Subtotal | 15.0% | <u>\$625,000</u>   |
| <b>Total Construction Costs</b>   |       | <b>\$4,789,700</b> |

Non-Construction Costs

|                                     |      |                  |
|-------------------------------------|------|------------------|
| Engineering (Construction)          |      | \$520,000        |
| Material Testing                    |      | \$25,000         |
| Administration/Legal                | 0.5% | <u>\$30,000</u>  |
| <b>Total Non-Construction Costs</b> |      | <b>\$575,000</b> |

**Total Phase 2 Project Cost** **\$5,364,700**

City of Custer, SD

Phase 3 - Golf Course Lift Station Improvements

Engineer's Opinion of Probable Construction Costs - Preliminary Design

9/17/2020

| Item No.                            | No. of Units | Description   | Unit cost | Total Cost       |
|-------------------------------------|--------------|---|-----------|------------------|
| 1                                   | 6%           | Mobilization (including bonding, insurance, etc.), % of construction cost | %         | \$35,000         |
| <b>Golf Course FM</b>               |              |   |           |                  |
| 2                                   | 5,600        | 8" DR18 PVC (slip lining), per lin. ft.                                   | \$75.00   | \$420,000        |
| 3                                   | 2            | 8"x8"x8" tee, per ea.   | \$1,600   | \$3,200          |
| 4                                   | 1            | Reducer (6" - 8"), per ea.  | \$1,000   | \$1,000          |
| 5                                   | 2            | 8" Plug Valve, per ea.  | \$3,500   | \$7,000          |
| 6                                   | 1            | 8" Check Valve, per ea.   | \$5,500   | \$5,500          |
| 7                                   | 1            | Flow Meter, per ea.   | \$3,000   | \$3,000          |
| 8                                   | 1            | Pipe Supports, lump sum   | \$1,000   | \$1,000          |
| 9                                   | 3            | 8" 90° Elbow (LS), per ea.  | \$900     | \$2,700          |
| 10                                  | 5            | 8" 45° Elbow, per ea.   | \$900     | \$4,500          |
| 11                                  | 4            | 8" - 11.25° Elbow, per ea.  | \$800     | \$3,200          |
| 12                                  | 3            | 8" - 22.5° Elbow, per ea.   | \$800     | \$2,400          |
| 13                                  | 15           | Concrete for any new thrust blocks, per ea.                               | \$400     | \$6,000          |
| 14                                  | 3            | Air Release Valve and manhole, per ea.                                    | \$15,000  | \$45,000         |
| 15                                  | 1            | Site Restoration, lump sum  | \$50,000  | \$50,000         |
| <b>Miscellaneous</b>                |              |   |           |                  |
| 16                                  | 4            | Existing Pond Structures Rehabilitation, per ea.                          | \$4,000   | \$16,000         |
| 17                                  | 5%           | SRF Costs (AIS & DBW), % of construction costs                            | \$27,700  | \$27,700         |
| <b>Construction Costs</b>           |              |   |           |                  |
| Construction Subtotal               |              |   |           | \$633,200        |
| Contingency, % of Const. Subtotal   |              |   |           | 15.0% \$95,000   |
| <b>Total Construction Costs</b>     |              |   |           | <b>\$728,200</b> |
| <b>Non-Construction Costs</b>       |              |   |           |                  |
| Engineering (Construction)          |              |   |           | \$85,000         |
| Material Testing                    |              |   |           | \$15,000         |
| Administration/Legal                |              |   |           | 0.5% \$10,000    |
| <b>Total Non-Construction Costs</b> |              |   |           | <b>\$110,000</b> |
| <b>Total Phase 3 Project Cost</b>   |              |   |           | <b>\$838,200</b> |



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 5R of Block 1, Bourassa Addition  
Applicant: Samuel Smolnisky  
Location: Shenandoah Drive, off Park Ave road.  
Legal Desc.: Lot 5R of Block 1, Bourassa Addition - See Plat for full legal  
Parcel #s (Currently): 010864 & 010865  
Fee Paid: \$150.00  
Date Prepared: August 25, 2020  
Planning Commission Meeting: September 15, 2020  
City Council Meeting: September 21, 2020  
Prepared by Tim Hartmann, Planning Administrator

### **GENERAL**

This plat is for a non-subdivision plat intended to incorporate two existing lots into one and eliminate an interior lot line. This incorporation will allow the interior lot line to be eliminated and therefore not be considered in setbacks for any new construction and will allow for accessory structures to be constructed on the large single lot.

This property is within Custer City and is zoned Residential. The proposed plat does have City water and sewer services available.

Access to the proposed parcel is primarily provided from South 11<sup>th</sup> Street on the North of the parcel, and additionally could be accessed from Shenandoah Drive from the South.

### **ROUTING SHEET RESPONSES**

SDDOT – No Comments

### **COMPREHENSIVE PLAN**

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

### **STAFF RECCOMENDATION**

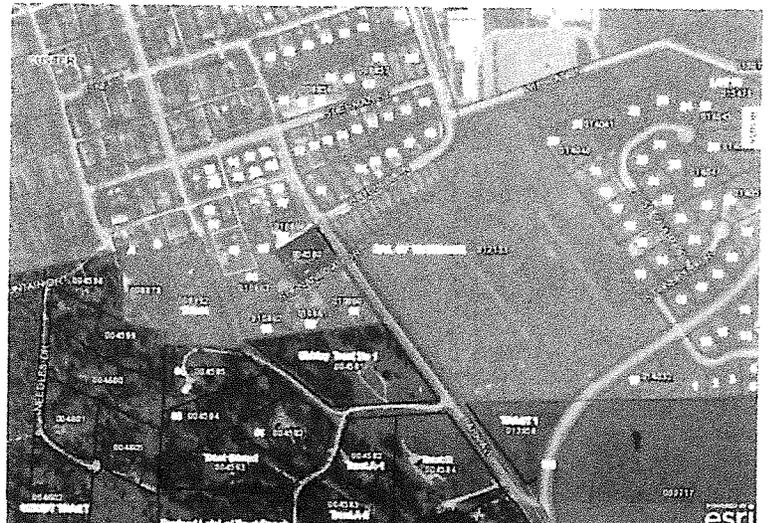
Staff supports a recommendation of approval to the Council for approval of this minor plat.

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

PC reviewed this plat at their Sept 15<sup>th</sup> meeting. Draft excerpt from such meeting minutes is below.

- a. Minor Plat – A Plat of Lot 5R or Block 1, Bourassa Addition Planning Administrator gave a summary and explanation of the plat. A brief discussion was held. After the discussion, Commissioner Moore moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Moore, Uhrich, Mills, Johnson, Olson and all voting yes.

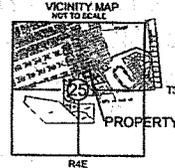
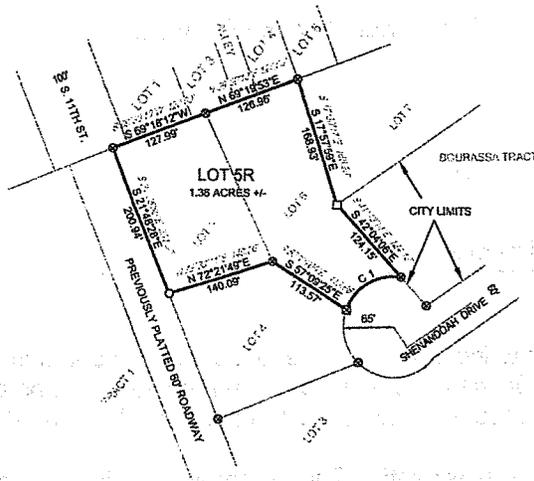
Staff supports approval of the minor plat by the Council.



A PLAT OF  
**LOT 5R OF BLOCK 1 BOURASSA ADDITION, LOCATED IN GOVT.  
 LOT 1 OF SECTION 25, T3S, R4E, BHM, CITY OF CUSTER, CUSTER  
 COUNTY, SOUTH DAKOTA**  
 FORMERLY LOT 5 & LOT 6

NOTE: See Book 11 of  
Plats on Page 733 for plat  
of Bourassa Addition.

NOTE: THE UTILITY EASEMENT  
CENTERED ON THE LOT LINE BETWEEN  
OLD LOTS 5 AND 6 IS VACATED WITH  
THIS PLAT.

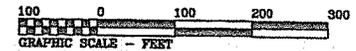


**BASIS OF BEARING - GPS OBSERVATION**  
 Taken S 41°56'16\"E 44.90' from the SE corner of  
 LOT 5R  
 OPUS STATIC SOLUTION NAD83(2011)  
 LAT: 43°45'41.23332\"  
 LONG: -103°35'9.04074\"

**LEGEND**

- Found rebar w/aluminum cap marked  
"ANDERSEN ENG PLS 5905"
  - Found rebar w/aluminum cap marked  
"PROPERTY CORNER"
  - Found rebar
  - Found rebar w/aluminum cap marked  
"BRYANT LS 2196"
- Stant lettering denotes record calls

| Curve | Radius | Tangent | Length | Delta     | Degree    | Chord  | Chord Bear.    |
|-------|--------|---------|--------|-----------|-----------|--------|----------------|
| C1    | 65.00' | 53.16'  | 69.12' | 78°33'38" | 68°08'50" | 82.30' | S 58°34'56\" W |
| C2    | 65.00' | 53.10'  | 69.13' | 78°33'45" | 68°08'50" | 82.30' | S 58°34'56\" W |



NOTE: 10 FEET EACH SIDE OF REAR  
AND SIDE LOT LINES ARE RESERVED  
FOR UTILITY EASEMENTS. IF BOTH  
SIDES OF THE LOT LINES ARE NOT  
CONTROLLED BY THIS PLAT 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.

**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 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 \_\_\_, 2020.

John D. McBride SDRLS No. 5906

**CERTIFICATE OF HIGHWAY AUTHORITY**

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

Highway Authority \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

We, Samuel G. Smolnisky, AKA Sam Smolnisky, and Nora Smolnisky, AKA Nora Olson, do hereby certify that we  
 are the owners of the within described lands and that the within plat was made at our direction for the purposes  
 indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and  
 erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2020.

Samuel G. Smolnisky (AKA Sam Smolnisky)

Nora Smolnisky (AKA Nora Olson)

**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 \_\_\_, 2020.

Director of Equalization of Custer County

**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 \_\_\_, 2020.

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 \_\_\_, 2020.

Custer City Finance Officer

**ACKNOWLEDGMENT OF OWNERSHIP**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this \_\_\_ day of \_\_\_, 2020, before me, a Notary Public, personally appeared Samuel G. Smolnisky,  
 AKA Sam Smolnisky, and Nora Smolnisky, AKA Nora Olson, known to me to be the person(s) described in the  
 foregoing instrument, and acknowledged to me that they signed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires \_\_\_\_\_

**CERTIFICATE OF COUNTY TREASURER**

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the  
 within described lands are fully paid according to the records of this office.  
 Dated this \_\_\_ day of \_\_\_, 2020.

Custer County Treasurer

**OFFICE OF THE REGISTER OF DEEDS**

Filed for record this \_\_\_ day of \_\_\_, 2020, 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 Scientists*

|                    |                   |   |
|--------------------|-------------------|---|
| Drawn by<br>RW     | Date<br>8/13/2020 | P.O. Box 448<br>Edgemont, SD 57735          |
| Approved by<br>McB | Date<br>8/13/2020 | (605)662-5500<br>andersenengineers@awic.net |
| Scale<br>1"=100'   | Sheet<br>1 of 1   | File Name:<br>L5_BOURASSA_ADD               |



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, Nielsen Family Tract 1 & Nielsen Family Tract 2  
Applicant: Anthony & Connie Tye and Wildwood, LLC  
Location: Hazelrodt Cutoff, approximately 1.5 miles SE of Custer City  
Legal Desc.: Nielsen Family Tract 1 & Nielsen Family Tract 2 - See plat for full legal.  
Parcel #s: 005391 & 005392  
Fee: \$150.00  
Date Prepared: August 24, 2020  
Planning Commission Meeting: September 15, 2020  
City Council Meeting: September 21, 2020  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a lot line adjustment that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The proposed lot line adjustment will vacate the lot line of what currently creates Lot 1 and will create the proposed Nielsen Family Tract 1 and Nielsen Family Tract 2. Private wells and septic systems serve the parcels.

#### **WELLS AND SEPTICS**

This property has 2 wells and 2 septic systems currently established. One of the septic systems serves multiple cabins. Staff visited the property on September 1<sup>st</sup> to research the location of existing wells and septic's in relationship to the new property lines around proposed Nielsen Family Tract 2. The South lot line of such tract was shifted further south from the original submittal to assure proper setback from an existing septic and drain field for the cabins.

#### **COMPREHENSIVE PLAN**

The comprehensive plan identifies this area as countryside residential.

#### **ROUTING SHEET RESPONSES**

SDDOT – No comments

#### **ACCESS**

Access to the property is gained from Hazelrodt Cutoff. The existing access point to Hazelrodt Cutoff will remain. A 30' wide private easement will serve the proposed Nielsen Family Tract 2 parcel. Both proposed lots then have access directly to Hazelrodt Cutoff. No note has been placed on the plat to vacate the 50' Public Access on the West side of Proposed Nielsen Family Tract 1.

#### **SUMMARY AND STAFF RECOMMENDATION**

Staff supports a recommendation of approval to the Council.

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

PC reviewed this plat at their Sept 15<sup>th</sup> meeting. Draft excerpt from such meeting minutes is below.

- a. Minor Plat – A Plat of Nielsen Family Tract 1 & Nielsen Family Tract 2 Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the location of the property and the location of the septic system near the cabins. After the discussion, Commissioner Moore moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Hudson, Moore, Uhrich, Mills, Johnson, and Olson all voting yes.

Staff supports approval of the minor plat by the Council.

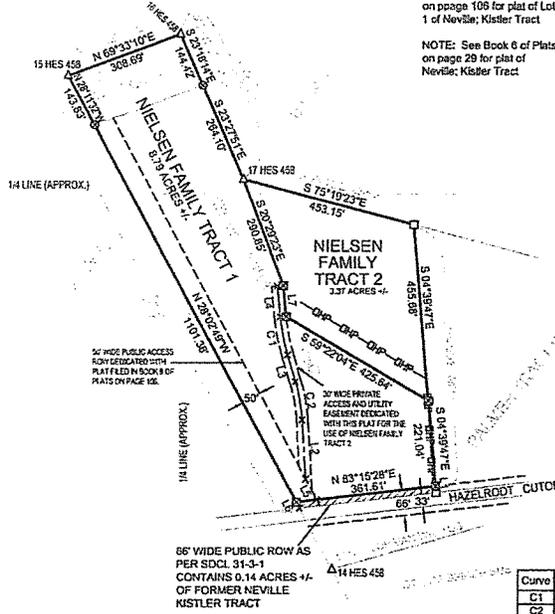


A PLAT OF

NIELSEN FAMILY TRACT 1 & NIELSEN FAMILY TRACT 2, LOCATED IN SECTION 32, T3S, R5E, BHM, CUSTER COUNTY, SOUTH DAKOTA FORMERLY NEVILLE; KISTLER TRACT (LESS LOT 1 OF NEVILLE; KISTLER TRACT) AND LOT 1 OF NEVILLE; KISTLER TRACT

NOTE: See Book 9 of Plats on page 108 for plat of Lot 1 of Neville; Kistler Tract

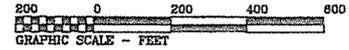
NOTE: See Book 6 of Plats on page 29 for plat of Neville; Kistler Tract



LEGEND

- ⊠ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5905"
- ⊙ Found rebar w/aluminum cap marked "BRYANT LS 2196"
- Found aluminum cap marked "PROPERTY CORNER"
- △ Found stone monument
- × Angle point not monumented
- Stant lettering denotes record calls
- OHP— Overhead Power Line

**BASIS OF BEARING - GPS OBSERVATION**  
 taken S 60°50'11"E 535.65' from the NW corner of Nielsen Family Tract 1.  
 OPUS STATIC SOLUTION NAD83(2011)  
 LAT: 43°44'45.18146"  
 LONG: -103°32'55.20980"



| Course | Bearing       | Distance |
|--------|---------------|----------|
| L1     | S 04°39'47" E | 16.51'   |
| L2     | N 03°15'14" W | 153.50'  |
| L3     | N 16°24'00" W | 72.60'   |
| L4     | S 05°16'46" E | 80.00'   |
| L5     | N 26°02'49" W | 79.23'   |
| L6     | S 23°02'45" E | 17.71'   |
| L7     | S 05°16'46" E | 80.00'   |

| Curve | Radius  | Tangent | Length | Delta     | Degree    | Chord  | Chord Bear.   |
|-------|---------|---------|--------|-----------|-----------|--------|---------------|
| C1    | 513.61' | 50.00'  | 99.69' | 11°07'14" | 11°09'20" | 99.53' | S 10°50'23" E |
| C2    | 433.63' | 50.00'  | 99.56' | 13°08'46" | 13°12'14" | 99.34' | S 09°49'37" 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 \_\_\_, 2020.

John D. McBride SDRLS No. 5906

STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER

Wildwood, LLC, 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 herein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2020.

Cornie Tye, member, Wildwood, LLC.

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER  
 On this the \_\_\_ day of \_\_\_, 20\_\_\_, before me, the undersigned officer, personally appeared Cornie Tye, who acknowledged herself to be a member of Wildwood, LLC, a corporation, and that she, as such member, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as a member.  
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public My commission expires

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

We, Anthony G. Tye & Cornie R. Tye, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2020.

Anthony G. Tye

Cornie R. Tye

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER  
 On this the \_\_\_ day of \_\_\_, 20\_\_\_, before me, a Notary Public, personally appeared Anthony G. Tye & Cornie R. Tye, known to be to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.  
 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 \_\_\_, 2020.

Director of Equalization of Custer County

OFFICE OF THE REGISTER OF DEEDS  
 Filed for record this \_\_\_ day of \_\_\_, 2020, at \_\_\_ o'clock \_\_\_ M., and recorded in Book \_\_\_ of Plats on page \_\_\_

Custer County Register of Deeds

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF THE LINE ABUTS 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. 46033C0425F, effective date: Jan. 6, 2012.

WATER PROTECTION STATEMENT

Pursuant to SDCL 11-3-6.1 and 11-3-6.2, 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

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 \_\_\_, 2020.

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 \_\_\_, 2020.

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 \_\_\_, 2020.

Custer City Finance Officer

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

|                    |                   |  |
|--------------------|-------------------|--|
| Drawn by<br>RW     | Date<br>8/11/2020 | P.O. Box 446<br>Eggemont, SD 57735<br>(605)462-5500<br>andersenengineers@gwc.net |
| Approved by<br>McB | Date<br>8/11/2020 |  |
| Scale<br>1"=200'   | Sheet<br>1 of 1   | File Name:<br>HES_458  |



605 Creative Co, BID Board, \$4,000.00  
Black Hills Urgent Care & Occupational Medicine, Safety, \$255.00  
Black Hills Energy, Utilities, \$13,494.91  
Code Works, Professional Fees, \$322.40  
Complete Concrete, Repairs & Maintenance, \$5,750.00  
Core & Main, Repairs & Maintenance, \$108.18  
Culligan, Repairs & Maintenance, \$18.50  
Chamber of Commerce, Sales Tax Subsidy, \$42,869.78  
Custer Ace, Supplies, Repairs & Maintenance, \$323.33  
Discovery Benefits, Supplies, Medical Reimbursement, \$1,527.00  
Fastenal, Supplies, \$36.18  
First Interstate Bank, Supplies, \$77.03  
French Creek Supply, Supplies, Repairs & Maintenance, \$710.91  
Hach, Repairs & Maintenance, \$230.85  
KLJ, Capital Improvements, \$809.79  
Lynn's Dakotamart, Supplies, \$34.24  
Matthew Bender/Lexis Nexis, Supplies, \$117.43  
McDonnell, Chantel, BID Board, \$1,000.00  
Metering & Technology Solutions, Supplies, \$3,497.94  
Midcontinent Testing Labs, Professional Fees, \$564.00  
Northwest Pipe Fittings, Supplies, \$1,831.86  
Pace, Supplies, \$634.80  
Quality Services, Capital Improvements, \$2,000.00  
Regional Health Network, Sales Tax Subsidy, \$90,021.18  
State of SD, Sales Tax, \$1,156.19  
SD DOT, Capital Improvements, \$12,716.78  
USA Bluebook, Repairs & Maintenance, \$264.56  
Total Claims \$184,372.84

