

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
COUNCIL AGENDA
March 20th, 2017 – 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 – March 6th, 2017 Minutes
4. Declaration of Conflict of Interest
5. Department Head Discussion
 - Public Works Director – General Discussion
 - Finance Officer – General Discussion
6. Public Presentations - Public Hearings
 - a. Second Reading – Ordinance #788 – Planning Commission Composition
 - b. First Reading – Ordinance #789 – Vacation Home Rental License
 - c. Resolution #03-06-17A – Alley Vacation – Block 48
 - d. Resolution #03-20-17A – Acknowledging that the City's has Water & Wastewater Emergency Plans
 - e.
7. Old Business
 - a.
 - b.
8. New Business
 - a. Wreaths Across America Request – Brock Hoagland
 - b. Easement for the Life of Structure – 13 Lincoln Street
 - c. 2017 Pool Management Contract – Custer YMCA
 - d. Telsa Rally Street Closure, Showmobile & Brown Bag Request – Custer Chamber of Commerce
 - e. Gold Discovery Days Street Closure, Park Usage, Showmobile, Parade Request – Custer Chamber of Commerce
 - f. Community Garden Agreement
 - g.
9. Presentation of Claims –
10. Committee Reports –
11. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2)
12. Adjournment

REMINDERS

Board of Equalization Meeting – March 20th, 2017 4:30 P.M.

Park & Recreation Committee Meeting – March 21st, 2017 5:30 P.M.

Public Works Committee Meeting – March 27th, 2017 5:00 P.M.

Regular City Council Meeting – April 3rd, 2017 5:30 P.M.

General Government Committee Meeting – April 10th, 2017 4:00 P.M.

Planning Commission Meeting – April 11th, 2017 7:00 P.M.

Regular City Council Meeting – April 17th, 2017 5:30 P.M.

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
March 6th, 2017**

Mayor Jared Carson called to order the first meeting of the Common Council for the month of March, 2017 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Nielsen, Fischer, Blom and Schleining. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Nielsen moved, with a second by Councilperson Schleining, to approve the minutes from the February 21st regular council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Councilperson Nielsen stated that she would have a conflict with the Custer County Housing & Redevelopment Commission request. No other conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, mentioned that the public works staff has been working at the Community Center building and are preparing for the Custer Sign project.

Laurie Woodward, Finance Officer, mentioned that the Board of Equalization meeting will take place on March 20th at 4:30 pm.

PUBLIC HEARING – MALT BEVERAGE & WINE LICENSE – SKOGEN KITCHEN

Councilperson Heinrich moved to approve the retail on-off sale malt beverage and retail on-off sale wine licenses for Skogen Kitchen contingent upon proof of insurance being provided. Seconded by Councilperson Schleining, the motion unanimously carried.

RESOLUTION #03-06-17A – ALLEY VACATION – BLOCK 48

Councilperson Maciejewski moved to table Resolution #03-06-17A - Alley Vacation, Block 48, to allow for the legal description to be fixed. Seconded by Councilperson Blom, the motion unanimously carried.

PUBLIC HEARING – SNOW REMOVAL – MATTHEW MAHUTGA PROPERTY

Ramona Flaig, representative for Matthew C. Mahutga addressed the Council regarding the snow removal and the bills for such, at 430 Mt Rushmore Road which is owned by the estate of Michael C. Mahutga, for which Matthew C. Mahutga is the personal representative. Kim Conwell, Custer City Planning/Public Works Technician also spoke regarding the snow removal at that address.

EXECUTIVE SESSION

Councilperson Schleining moved to go into and out of executive session for potential litigation per SDCL 1-25-2(1-4) at 6:00 pm, with the Attorney and Finance Officer present. Seconded by Councilperson Fischer, the motion unanimously carried. Council excused themselves to a back room. Council came out of executive session and returned to the Council Chambers at 6:14 pm.

Councilperson Maciejewski moved to grant the remove one of the snow removal abatements based on administrative error for a reduction of \$185, with the remaining due being \$1,295. Seconded by Councilperson Heinrich, the motion carried with Councilperson Maciejewski, Heinrich, Nielsen and Blom voting yes, while Councilperson Fischer and Schleining voted no.

RESOLUTION #03-06-17B – CUSTER COUNTY PRE-DISASTER MITIGATION PLAN

Councilperson Schleining moved to adopt Resolution #03-06-17B, Custer County Pre-Disaster Mitigation Plan. Seconded by Councilperson Maciejewski, the motion unanimously carried.

CUSTER CITY COUNCIL

RESOLUTION #03-06-17B

RESOLUTION ADOPTING THE CUSTER COUNTY PRE-DISASTER MITIGATION PLAN

WHEREAS, the Custer County Pre-Disaster Mitigation Plan has been prepared in accordance *with The Disaster Relief Act of 2000 and 44 CFR 206.1*; and

WHEREAS, the City of Custer has been afforded the opportunity to participate, comment, and provide input in the plan content and mitigation strategies; and

WHEREAS, the City of Custer concurs with the mitigation strategies and solutions for each disaster impacting the community and citizens; and

WHEREAS, the City of Custer agrees to annually review and comment on progress in achieving mitigation goals identified in the Plan and affecting its jurisdiction.

NOW THEREFORE BE IT RESOLVED by the Custer City Council that it adopts the Custer County Pre-Disaster Mitigation Plan as the jurisdiction's mitigation management plan, and resolves to participate in the accomplishments of the actions therein.
Adopted this 6th day of March, 2016 at the regular meeting of the Custer City Council.

CITY OF CUSTER

S/Jared Carson, Mayor

ATTEST: Laurie Woodward, Finance Officer

SECOND READING – ORDINANCE #785 – ALCOHOL, MALT BEVERAGE & DRINKING ESTABLISHMENTS

Councilperson Maciejewski moved to adopt Ordinance #785, Alcohol, Malt Beverage & Drinking Establishments. Seconded by Councilperson Fischer, the motion carried with Councilperson Maciejewski, Heinrich, Nielsen, Fischer, Blom and Schleining voting yes.

FIRST READING – ORDINANCE #788 – PLANNING COMMISSION COMPOSITION

Councilperson Maciejewski moved to approve Ordinance #788, Planning Commission Composition. Seconded by Councilperson Nielsen, the motion unanimously carried.

PROGRESS EDITION – CUSTER CHRONICLE

Councilperson Heinrich moved to approve the placement of a half page ad in the Custer Chronicle 2017 Progress edition for \$500. Seconded by Councilperson Blom, the motion carried with Councilperson Heinrich, Nielsen, Fischer, Blom, Schleining and Maciejewski voting yes.

ASPHALT SURFACE TREATMENT BIDS

Councilperson Heinrich moved to accept the bid from Bituminous Paving for the 2017 asphalt surface treatment project with the bid price of \$42,529.50 (\$3.25/unit) for CRS-2P Asphalt Emulsion, \$44,190.00 (\$90.00/unit) for cover aggregate and \$9,202.50 (\$2.25/unit) for CSS-1h fog seal for total of \$95,922.00. Seconded by Councilperson Blom, the motion carried with Councilperson Nielsen, Fischer, Blom, Schleining, Maciejewski and Heinrich voting yes.

Councilperson Nielsen excused herself from the Council Room.

REQUEST FOR ADDITIONAL FUNDS – CUSTER COUNTY HOUSING & REDEVELOPMENT COMMISSION

Councilperson Schleining moved to approve the request from Custer County Housing & Redevelopment Commission for an additional \$1,715 above their \$2,000 that was budgeted for 2017 subsidy. Seconded by Councilperson Fischer. After discussion, the motion failed with Councilperson Fischer, Blom, Schleining, Maciejewski, and Heinrich voting no.

Councilperson Nielsen returned to the Council Room.

USE AGREEMENT - YMCA

Councilperson Heinrich moved to approve the 2017 use agreement with the YMCA for the Custer Community Center gym. Seconded by Councilperson Nielsen, the motion carried unanimously.

CEMETERY CARETAKER BIDS

Councilperson Schleining moved to approve the Cemetery Caretaker bid from Edwards Enterprises for \$24,999.98. Seconded by Councilperson Fischer, the motion unanimously carried.

ANNUAL REPORT

Councilperson Fischer moved to acknowledge the 2016 annual report. Seconded by Councilperson Maciejewski, the motion unanimously carried.

CLAIMS

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

AFLAC, Insurance, \$660.28
Battle Mountain Humane Society, Animal Control Contract, \$800.00
Beesley Law Office, Professional Fees, \$3,027.50
Black Hills Energy, Utilities, \$8,348.73
BPRO, Advertising, \$150.00
Calamity Jane, Supplies, \$44.00
Century Business Products, Supplies, \$146.14
Code Works, Inspections Fees, \$8,800.60
Chronicle, Publishing, \$201.05
Custer True Value, Supplies, \$433.25
Dakota Bank, TIF #4 Payment, \$18.25

Deb's Printing, Supplies, \$10.00
Delta Dental, Insurance, \$444.60
EFTPS, Taxes, \$14,647.43
Fastenal, Safety Equipment, \$52.25
First Interstate Bank, TIF #4 Payment, \$18.25
First Interstate Bank, Supplies, Travel, \$185.69
Genpro, Repair & Maintenance, \$495.00
Golden West Telecommunications, Utilities, \$608.54
Golden West Technologies, Professional Fees, \$1,729.00
Green Owl Media, Advertising, \$270.00
Scott Kellogg, Reimbursement, \$310.70
Leo's Auto Repair, Repair & Maintenance, \$20.00
Michael Todd & Company, Supplies, \$398.48
Petty Cash, Supplies, Travel, \$400.77
Pitney Bowes, Supplies, \$48.69
Quill, Supplies, \$30.58
Rebel Enterprises, Advertising, \$400.00
Southern Hills Fire & Safety, Safety, \$905.25
Servall, Repair & Maintenance, \$149.88
SD Association of Rural Water, Dues, \$1,085.00
SD DENR, Conference, \$20.00
SD Dept of Revenue, License, \$150.00
SD Retirement System, \$6,301.15
Supplemental Retirement, \$375.00
The Hartford, Insurance, \$68.70
US Department of Treasury, Deductions, \$142.65
Verizon Wireless, Utilities, \$464.88
Vernon Manufacturing, Repair & Maintenance, \$57.50
Wellmark, Insurance, \$10,585.01
Mayor & Council, \$4,400.00
Finance Department, \$11,439.10
Public Buildings, \$2,637.13
Planning Department, \$4,909.86
Public Works Department, \$10,264.30
Street Department, \$7,248.43
Parks Department, \$3,442.81
Water Department, \$9,207.07
Wastewater Department, \$5,345.81
Total Claims, \$121,899.31

COMMITTEE REPORTS

Various committee reports were given.

ADJOURNMENT

With no further business, Councilperson Blom moved to adjourn the meeting at 6:55 p.m. Seconded by Councilperson Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Jared Carson
Mayor

ORDINANCE NO. 788

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.32 PLANNING COMMISSION, SECTION 2.32.020 COMPOSITION OF THE CITY OF CUSTER CITY MUNICIPAL CODE. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CUSTER CITY THAT SECTION 2.32.020 COMPOSITION OF THE CITY OF CUSTER CITY MUNICIPAL CODE IS AMENDED AS FOLLOWS:

2.32.020 Composition.

The city planning commission/zoning board of adjustment shall consist of not less than ~~six (6)~~ five (5) and not more than ~~nine (9)~~ regular voting members, appointed by the mayor and confirmed by city council, who are qualified by knowledge or experience to act in matters pertaining to the development and administration of a city comprehensive plan and adjuncts. Membership may include a temporary member who shall reside outside of city limits but within the three (3) mile subdivision jurisdiction of the city (SDCL 11-6-4.1), who shall only vote on matters within that three (3) mile jurisdiction. The mayor or one (1) member of the city council shall be a non-voting member of the commission. The mayor may also appoint two (2) additional voting members to serve as alternates who are entitled to vote only in place of an absent member. All voting members of the planning commission shall be resident electors within the jurisdiction served and shall not hold any elective office within the jurisdiction served.

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 20th day of March, 2017

City of Custer City

Jared Carson, Mayor

Attest _____
Laurie Woodward, Finance Officer

(SEAL)

First Reading: March 6, 2017

Second Reading: March 20, 2017

Publication: March 29, 2017

Vote:

Schleining:

Heinrich:

Fischer:

Maciejewski:

Blom:

Nielsen:

ORDINANCE NO. 789

An Ordinance entitled an Ordinance Amending Title 5 Business Licenses and Regulations of the City of Custer City Municipal Code and amending, replacing, and superseding all prior ordinances or amendments, by which amending and superseding said Ordinance as follows, to wit:

Chapter 5.07

VACATION HOME RENTAL LICENSE

Sections:

- 5.07.010 Purpose and applicability
- 5.07.020 Definitions
- 5.07.030 License required
- 5.07.040 Application
- 5.07.050 Standard license conditions and additional conditions
- 5.07.060 Local contact person
- 5.07.070 Violation and administrative penalties

5.07.010 Purpose and applicability

The purpose of this Chapter is to document the procedures and regulations that govern the application for, and the issuance and implementation of a license for the operation of any vacation home rental use within the City. In addition, the purpose of this Chapter is to provide a license system and to impose operational requirements to minimize the potential adverse impacts. This section does not apply to bed & breakfast establishments, lodging establishments and nonprofit organizations.

All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in this code or by South Dakota Codified Law.

5.07.020 Definitions

For the purposes of this chapter:

“Applicant” means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium who seeks or seek approval of a vacation rental permit under the authority of this Chapter.

“Authorized agent” means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, licensee or authorized agent.

“Licensee” means the person to whom a vacation rental license is issued pursuant to this Chapter.

“Local contact person” means a local property manager, owner or local individual, who resides or has a primary place of business located within the Custer area, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this ordinance in a timely manner.

“Owner” means the person or entity that holds legal or equitable title to the private property.

“Vacation home rental” means a short term rental in which a private dwelling is rented, leased or furnished in its entirety to the public on a daily or weekly basis for a charge, for more than 14 days in a calendar year, and

where the dwelling is not also occupied by an owner or manager during the time of rental. Monthly rental properties are not included in this chapter.

5.07.030 License Required

No owner of a vacation home rental may rent that unit for overnight lodging without a valid vacation home rental license for the unit issued pursuant to this chapter. A separate license is required for each vacation home rental. The license requirements of this chapter are in addition to any other permit or licensing requirements including those of the State of South Dakota. The license must be issued only to the owner of the vacation home rental. The license shall be valid only to the person to whom it was issued and it shall not be subject to sale, assignment or transfer, voluntary or involuntary. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of their agent to comply with this chapter is non-compliance by the owner. The City Council designee is authorized to prescribe forms and procedures for the processing of licenses under this chapter.

5.07.040 Application

An application for a vacation home rental license must be filed with, and approved by, the City before use of the property as a vacation home rental. License applications for properties presently used as vacation homes rental must be filed within 90 days of the effective date of this ordinance upon forms provided by the city and must contain the following information and be signed by the owner:

- A. The name, address and telephone number of the owner of the vacation home rental for which the license is issued.
- B. The name, address and telephone number of the local contact person for the owner of the vacation home rental.
- C. The number of bedrooms, approximate total heated square footage in the vacation home rental and the maximum number of overnight occupants.
- D. A diagram or photograph of the premises showing on-site assigned parking spaces in garages, driveways or other parking areas.
- E. Evidence of valid South Dakota sales tax license issued by the South Dakota Department of Revenue.
- F. Evidence of valid South Dakota lodging establishment license
- G. Acknowledgement that the owner, agent and local contact person have read and agree to abide by all regulations pertaining to the operation of a vacation home rental.
- H. Other information the City or City Council's designee deems reasonably necessary to administer this chapter.
- I. Liability insurance covering the use of the unit as a rental property.

An application for a vacation home rental license must be accompanied by an initial fee established by resolution. Licenses and fees required by this chapter are in addition to any license, permit or fee required under any other chapter of the Custer Municipal Code.

An issued license is valid for one calendar year and may be renewed by the payment of an annual renewal fee established by resolution, only if there have been no changes, as previously granted, which would affect the conditions of the license as required. If there have been changes that would affect the condition of the license, the owner must remit a new application with their renewal fee. If the annual renewal fee is not paid when due, the license will be cancelled. An owner may reinstate the license upon paying the reinstatement fee established by resolution.

After the initial issuance of the vacation home rental license, it shall be renewed annually by June 1st.

5.07.050 Standard license conditions and additional conditions

All permits issued pursuant to this chapter are subject to the following standard conditions:

- A. Each bedroom shall contain the minimum square feet, have an emergency exit and a minimum ceiling height in accordance with the current International Residential Code.
- B. The owner must use best efforts to assure that the occupants or guest of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of the Custer City Municipal Code or any state law pertaining to noise or disorderly conduct.
- C. Each vacation home rental must have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - a. The name of the agent, local contact person or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit;

- c. The location of on-site and assigned parking spaces and special information related to seasonal snow removal and emergency vehicle access;
- D. Vacation home rentals shall not have lighted signs on the property.

The City Council or designee has the authority to impose additional conditions on any license in the event of any violation of the conditions of the license or the provisions of this chapter subject to compliance with the procedures set forth in Custer Municipal Code.

5.07.060 Local contact person

Each owner of a vacation home rental shall designate a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner may designate themselves as the local contact person. The local contact person is required to reside or have their primary place of business within the Custer area and respond in a timely manner to the location after being notified by law enforcement or city official of an existence of a violation of this chapter or any other provisions of the municipal code, state law or any situation requiring immediate remedy or attention.

5.07.070 Violation and administrative penalties

Vacation Home Rentals must comply with applicable state laws and regulations, including provisions in South Dakota Codified Law Chapter 34-18 and all Custer Municipal Codes.

Any licensee violating this chapter or any municipal code or state law may be subject to license suspension or revocation upon written notice and hearing on such violation. Any false or misleading information supplied in the application process may also be considered a violation of this chapter.

The City Council may suspend or revoke any vacation home rental license and the City Council designee may refuse to issue a license, for any of the following grounds:

1. Failure to adhere to applicable regulations or laws;
2. Concerns expressed to the City about the operation of the vacation home rental, including but not limited to; parking issues, noise complaints, safety concerns, calls for service to the Law Enforcement or similar complaints;
3. Fraudulent or willful misrepresentation in the application for or in obtaining a license;
4. Commission, or permitting, aiding, or abetting of any unlawful activity in the vacation home rental; or
5. Conduct or practices detrimental to the public's health, safety or welfare.

The City Council designee may immediately suspend any vacation home rental license if he or she has reason to believe than unlawful activity is occurring at the vacation home rental or if immediate action is necessary to ensure the public's health, safety and welfare. In other cases, the City Council designee shall provide notice of the intent to suspend a vacation home rental license and the reasons for the suspension by first class mail to the license holder and registered agent or local contact person's address on record with the City. If notice is provided, no suspension shall occur until fourteen days have lapsed since the mailing of the notice.

Anyone aggrieved by the City Council designee action taken to issue, revoke or suspend a license, or by the City Council designee's refusal to issue, revoke, or suspend a permit, may appeal the decision to the City Council. A written notice of appeal shall be filed with the City Council designee within seven working days of the action taken. The City Council designee shall timely notify the license holder of the date and time of the Council hearing at which the appeal will be heard.

The penalties for violations of this chapter are as follows:

1. For the first violation within any 12-month period, the penalty is a written notice of violation;
2. For the second violation within any 12-month period, the penalty is a second written notice of violation and a public hearing scheduled with the City Council, and possible suspension not to exceed 30 days.
3. For the third violation within any 12-month period, the penalty is a public hearing scheduled with the City Council and possible license suspension for a period not to exceed 60 days.
4. For a fourth, or more, violation within any 12-month period, the penalty may be possible license revocation.

In addition to any administrative actions or remedies authorized by this section, a violation of this section shall be subject to the City's general penalty provisions in section 1.12.010. Such penalties include, but are not limited to, operating without a permit and failing to comply with applicable state law.

Public hearings shall be scheduled within 60 days from the violation.

~~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 3rd day of April, 2017.

City of Custer City

Jared Carson, Mayor

Attest _____
Laurie Woodward, Finance Officer

(SEAL)

First Reading: March 20, 2017

Seconding Reading: April 3, 2017

Publication: April 12, 2017

Vote:

Schleining: Yes

Heinrich: Yes

Fischer: Yes

Maciejewski: Yes

Nielsen: Yes

Blom: Yes

Resolution #03-06-2017A

WHEREAS, the verified Petition and application of all owners of real property abutting the hereinafter described area of North/South Alley between Lots 3 & 4, Block 48 in Custer City, Custer County, South Dakota, praying that the West 10 feet of the Alley, contiguous Lot 3 located in Block 48, be vacated in order to promote an orderly and uniform system of streets and alleys in the City of Custer, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the City Council of the City of Custer, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 15th day of February, 2017 and on the 22nd day of February, 2017, in the Custer County Chronicle, a legal newspaper printed and published in the City of Custer, Custer County, South Dakota, setting forth the 6th day of March, 2017, at the hour of 5:30 o'clock, P.M. for hearing thereon.

NOW THEREFORE BE IT RESOLVED that that area of the West 10 feet of the North/South Alley contiguous to Lots 3 and 4 in Block 48, of the originally platted streets and alleys to the City of Custer, Custer County, South Dakota described as follows:

The west 10 feet (W 10') of the north/south alley located in Block 48 contiguous to Lot 3 and contiguous to the previously vacated portion of the east/west alley contiguous to Lots 1, 2, and 3, from the southeast corner of Lot 3 to the northeast corner of the previously vacated east/west alley, said area having a total dimension of 10 feet by 160 feet (10' x 160')

all located in City of Custer City in Custer County South Dakota, subject to existent and future easements and right-of-way for public and private utilities,

be, and the same is, forever vacated.

IT IS FURTHER RESOLVED that this Resolution is made upon the express condition that the Petitioners are responsible for the propriety of the proceedings including the Petition, consent of adjoining property owners, and compliance of the said proceedings with the statutes of the State of South Dakota and the ordinances of the City of Custer City and the limitations thereof, and Petitioners by acceptance of this Resolution agree to assume the liability, if any, of the City of Custer occasioned by the reading of this Resolution and the use and occupancy of the subject property by the Petitioners.

Date at Custer, Custer County, South Dakota, this 20th day of March, 2017.

ATTEST:

CITY OF CUSTER

Laurie Woodward, Finance Officer

Jared Carson, Mayor

(SEAL)

ACCEPTANCE OF RESOLUTION

The undersigned Petitioners hereby accept the terms and conditions of the foregoing Resolution this ____ day of _____, 20__.

Titleholder,

Titleholder,

Titleholder,

Titleholder,

RESOLUTION 03-20-17A

A RESOLUTION ACKNOWLEDGING THAT THE CITY OF CUSTER HAS AN EMERGENCY RESPONSE PLAN FOR WATER AND WASTEWATER

WHEREAS, preparing an emergency response plan is an essential part of managing a drinking water and wastewater system; and

WHEREAS, the City of Custer recognizes the importance of maintaining up-to-date plans of the treatment facility and distribution system; and

WHEREAS, the Emergency Response Plan has been developed based on the utility's vulnerability assessment and may also include other specific response incidents that require immediate action to remediate; and

WHEREAS, the City recognizes that an Emergency Response Plan is a highly sensitive document that must be maintained as confidential. Accordingly, it must be stored in a secure location.

AND NOW THEREFORE BE IT RESOLVED, by the City of Custer, that it be acknowledged that Public Works Department has completed a Vulnerability Assessment and Emergency Response Plan for both the water and wastewater systems and that the documents are confidential.

Dated this 20th day of March, 2017.

CITY OF CUSTER

ATTEST:

Jared Carson, Mayor

Laurie Woodward, Finance Officer

(SEAL)

REQUEST TO BE ON AGENDA

CUSTER CITY COUNCIL MEETING

RECEIVED

MAR 07 2017

NAME: Brock Hoagland PHONE #: 673-4044 CITY OF CUSTER

ADDRESS: 12562 ~~Gate~~ Beaver Creek Rd, Custer

MEETING DATE: March 20

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

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

Approve wreaths Across America for city cemetery
in December

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

Honor veterans graves

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

SIGNATURE Brock J Hoagland DATE 3/7/17

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

Prepared By:
Gerald M. Baldwin
Attorney at Law
Box 31
Custer, SD 57730
(605) 673-3331
C17-0009

EASEMENT FOR THE LIFE OF STRUCTURE

AGREEMENT dated this _____ day of _____, 2017, between
CITY OF CUSTER, a South Dakota municipal corporation, of 622 Crook St., Custer, SD 57730
(hereinafter referred to as "Grantor"); and ELDON L. KNUDSON and GAIL KNUDSON
(hereinafter referred to as "Grantees").

In consideration of One Dollar and other valuable consideration, Grantor does hereby
grant to Grantees an Easement to run with the land upon the following described real
property:

*The Alley contiguous to Lot 3, in Block 27, Original Town, now City of Custer City, Custer
County, South Dakota.*

For the benefit of Grantees' real property described as:

*The East 1/2 of Lot 2 and all of Lot 3, located in Block 27, in the Original Town, now City of Custer
City, Custer County, South Dakota.*

Said Easement being limited to permitting the presently existing encroachment of the
house onto Grantor's property by +/- 6.8 feet, as shown on the attached "House Location
Survey".

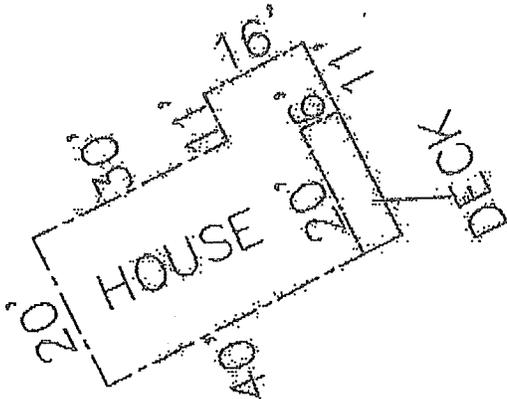
This Easement shall remain in effect only for so long as the house shall exist, and at
such time as the house is removed or destroyed, this Easement shall terminate, and any new
construction shall be within the lot limits of Grantees' property.

This Easement shall be binding upon and to the benefit of the parties hereto, and
their respective heirs, successors, and assigns.

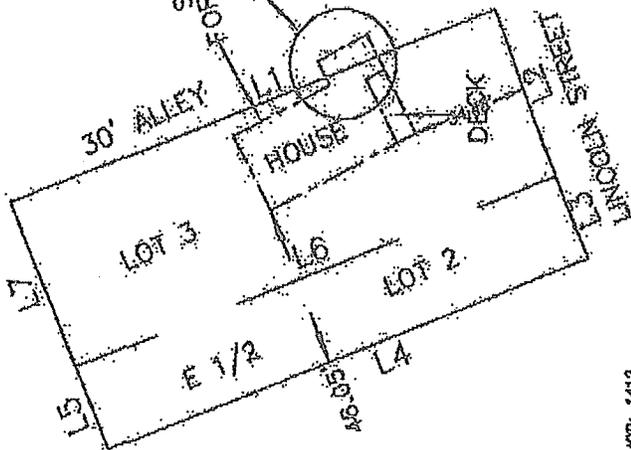
HOUSE LOCATION: 13 LINCOLN STREET
EAST 25' OF LOT 2, AND ALL OF 3 BLOCK 27
CITY OF CUSTER, SOUTH DAKOTA

INSET "A"

NUM	BEARING	DISTANCE
L1	N20°35'13"W	150.01'
L2	N68°58'08"E	50.00'
L3	N68°58'07"E	25.00'
L4	N20°35'13"W	150.01'
L5	N68°58'07"E	25.00'
L6	N20°35'13"W	150.01'
L7	N68°58'07"E	50.00'



SEE INSET "A" FOR HOUSE DETAILS
SEE INSET "B" FOR ENCROUCHMENT DETAILS

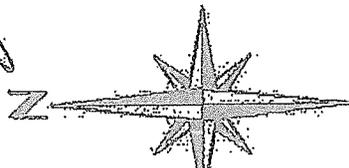
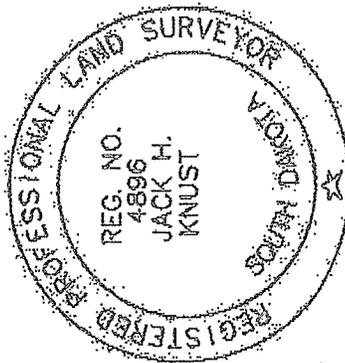


Statement of surveyor
I, Jack H. Knust, Registered
Land Surveyor No. 4896 of the
State of South Dakota, do hereby
state that being so authorized,
I made the house location on
the land shown and described
hereon and that I personally
supervised and state that in
the best of my knowledge and
beliefs, that in all things
is true and correct

in witness whereof, I have
hereunto set my hand and seal
this 19th day of January
2017

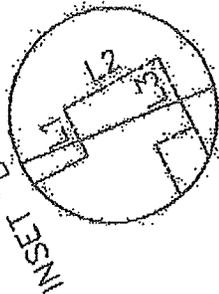
Jack H. Knust

BUCKHORN SURVEYING INC.
By Jack H. Knust
Registered Land Surveyor



NUM	BEARING	DISTANCE
L1	S63°30'38"W	5.13'
L2	S26°31'04"E	16.00'
L3	N63°30'38"E	6.80'

SCALE 1" = 50'
PREPARED BY:
JACK H. KNUST, L.S.
BUCKHORN SURVEYING INC.
25003 LEYSON LOOP
CUSTER, SOUTH DAKOTA 57730
(605) 673-5466



POOL MANAGEMENT AND BATH HOUSE CONTRACT

THIS AGREEMENT is made by and between the City of Custer City, hereafter designated as City, and the YMCA of Rapid City, hereinafter designated as YMCA, for the purpose of contracting for the operation and management of the Custer City Swimming Pool and appurtenant facilities hereinafter designated as the "Pool". The City does hereby agree that YMCA shall manage the Custer Municipal Swimming Pool and appurtenant facilities, being described as follows, to wit:

LOTS FOUR (4), FIVE (5), AND SIX (6), BLOCK
THIRTY-FIVE (35), ORIGINAL TOWN, NOW THE CITY OF CUSTER
CITY, CUSTER COUNTY, SOUTH DAKOTA.

Under the terms and conditions as follows:

1. TERM.

The term of this agreement shall be from the date of June 1, 2017 to August 20, 2017, subject to renewal upon terms and conditions of a mutual agreement of the parties hereto.

2. Independent Contractor Status

The YMCA in the performance of its duties under this Agreement shall occupy the position of an independent contractor with respect to the City. Nothing contained herein shall be construed as making the parties hereto partners or joint ventures, nor, except as expressly provided herein, construed as making the YMCA an agent or employee of the City.

3. CITY'S OBLIGATION.

The Owner, City of Custer City, agrees:

- A. To provide to the YMCA the management, operation, and control of the swimming pool and appurtenant facilities for the term hereof, and under the terms and conditions as herein provided;
- B. To provide necessary water, electricity and propane at no cost to the YMCA for the operation of the swimming pool and bathhouse;
- C. To make capital improvements and repairs as are reasonably necessary. Capital improvements are hereby agreed to mean items affixed permanently or for an extended term to the premises and normally construed as major repairs or replacement items;
- D. To place the pool in fully operational and safe condition prior to June 11, 2017, unless otherwise negotiated;
- E. To provide for the maintenance, repair, purchasing of supplies, chemicals and pool water testing which are directly related to the operation of the physical pool systems, and allow the YMCA use of the automatic pool cleaning apparatus;
- F. To pay the sum of \$16,000.00 to YMCA on or before June 8, 2017, to be used by Lessee for operation of said facility;

4. YMCA'S RESPONSIBILITIES.

YMCA agrees:

- A. To operate the Custer City swimming pool, and appurtenant facilities for the entire term commencing on the 1st day of June, 2016, and ending on the 20th day of August, 2017, subject to change upon mutual agreement of the parties hereto;
- B. To collect necessary fees and charges for the use of said swimming pool facility, and to regulate the use thereof by those having paid appropriate charges therefore, said fees and charges as per attached Exhibit A;
- C. To provide duly certified lifeguards and other personnel as is reasonably necessary to operate said facility;
- D. To pay all expenses of the operation of bathhouse of said facility including labor, and any and all current operation costs, excluding expenses referred to in above section 3B;
- E. To take all reasonable precautions during working hours to avoid any claim, demand, liability, or responsibility of any nature whatsoever due to or arising from the operation of the said swimming pool facility in a negligent, careless, or reckless manner. If damage occurs at said swimming pool facility outside the hours of operation, and the YMCA is not found to be negligent, the City will be responsible for expenses incurred;
- F. To provide the City with monthly reports as to the financial operation of said facility and additional expenditures, including capital expenditures necessary for the continued use and maintenance of said facility;
- G. At the termination of this Agreement, return said facility and all appurtenant properties and equipment to the City in as good or better condition as at the commencement of this lease agreement, reasonable wear and tear only excepted, and to repair or replace all properties and/or

equipment for which it is determined that the YMCA is responsible for due to negligent, careless, or reckless conduct;

- H. To ensure the proper cleanliness and grooming of the facilities and grounds, i.e. pool area, dressing rooms, restrooms, and lawn areas. Further, to provide proper care and watering of lawn areas as directed by the City, including mowing of the lawn area.
- I. To provide a policy of public liability insurance (minimum limit of \$2,000,000.00 per occurrence) covering said facility, and to name the City as an additional insured party thereunder and such policy shall contain a thirty (30) day notice prior to cancellation, with the City named as an additional notice party, on or before June 1, 2017.

Dated this _____ day of _____.

CITY OF CUSTER CITY

ATTEST:

Jared Carson, Mayor

Laurie Woodward
Finance Officer

YMCA of RAPID CITY

(SEAL)

By: _____
Director

STATE OF SOUTH DAKOTA)
COUNTY OF CUSTER)

On this ____ day of _____, _____, before me, the undersigned, personally appeared _____ who acknowledged _____ (him/her)self to be the _____ of the YMCA of Rapid City, and that _____ (he/she) as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by _____ (him/her)self as _____.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary: _____

My Commission Expires: _____

(Seal)

EXHIBIT A

2017 POOL FEES

Daily Pass

Children under 3	Free
Youth Non-Members	\$3.00
Adult Non-Members	\$45.00
Family Non-Members	\$10.00

Monthly Pass

Youth	\$40.00
Adult	\$40.00
Family	\$60.00



March 14, 2017

Mayor and Council Members,

The Custer Area Chamber of Commerce would like to request a street closure for our May 19th Tesla Road Trip Rally. The closure would be for 6th Street south of Mt. Rushmore Road (keeping the alleys open), and Washington Street from 6th Street to 8th Street (this is to provide rides in Teslas).

We would also like to request the use of the Show Mobile to be placed on the south end of 6th Street next to Washington Street facing north; picnic tables to be moved to the middle of 6th Street for seating, and four trash cans.

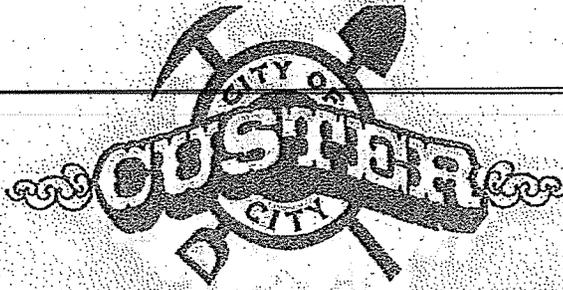
The Teslas will be located in the Chamber parking lot and in the Dacotah Bank parking lot surrounding the event. Dacotah Bank has been contacted and agreed to let us use their parking lot again this year.

The next part of this request is for a brown bag permit. This event will also include a Chamber Mixer on 6th Street from 5pm-7pm and will include a band and food. We would love to see you there.

If you have any questions please feel free to contact me.

Respectfully,

Dolsee Davenport
Chamber of Commerce Office Manager & Events Coordinator



622 Crook Street
Custer, SD 57730

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

Application for a Special Alcoholic Beverage License

This application is for a special malt beverage retailers license, a special retail on-sale wine license, special malt beverage license by current licensee, or special permit for alcohol on public property (brown bag permit) in conjunction with a special event to any public, civic, charitable, educational, fraternal, or veterans organization to be held in the City of Custer for a period not to exceed 15 consecutive days.

Date of application: 3/14/17

Name of Business or Organization: Custer Area Chamber of Commerce

Address: 615 Washington St., Custer, SD 57730

List three (3) officers, directors or responsible persons from this organization and their address:

Dave Ressler, 615 Washington St.

Dolsee Davenport, 615 Washington St.

Dawn Murray, 615 Washington St.

Type of license applying for: Brown Bag

Location or place of event and physical address: South 6th St from Mt. Rushmore Rd. to Washington St.

Date(s) and description of event: May 19, 2017, Mixer & Tesla Rally

Proposed time or hours of operation of the event: 5 p.m. - 7 p.m.

Approximate or projected number of people who may attend: 150-200 people

Will persons under age of 21 be allowed to attend? yes, with a parent

If so, describe in detail the plan and method of statutory barriers or separation which will be used:

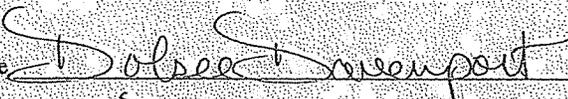
PROOF OF INSURANCE ATTACHED

CERTIFICATION: The undersigned applicants certify under penalties of perjury, by law provided that all statements herein are true and correct; that the said applicants comply with all of the statutory requirements for this class of license being applied for and in addition agree to permit agents of the City of Custer access to the licensed premises and records as provided in SDCL 35-2-2.1, and agree that this application shall constitute a contract between applicants and the City of Custer entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of SDCL Title 35, as amended.

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT: If any alcoholic or malt beverages are involved in the use of the City's property or premises, the applicant hereby agrees to maintain liquor liability insurance with a limit of not less than \$2,000,000 per incident. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two times the occurrence limit herein. Such insurance shall add the City, its officials, agents, its employees and volunteers, as additional insured's, and a Certificate of Insurance shall be attached to this application and delivered to the City's Finance Officer.

That in all cases, the applicant agrees to use and possess the property or premises hereby rented or leased to it by the City, in accordance with all applicable federal, state, county and local rules and regulations. Further, the applicant hereby states that it shall hold harmless and indemnify the City, its officials, agents, its employees and volunteers from any and all loss, injury, damages, and/or death, of any kind or type whatsoever that may be occasioned by the applicant using the City's property or premises.

Signed this 14 day of March 2017

Signature 
DOLSEE DAVENPORT

APPROVAL BY CITY OF CUSTER – Notice of hearing was published on _____
Public hearing on the application was held _____, not less than seven (7)
days after official publication. The Custer City Council, by majority vote, recommends the approval and
granting of this license and certifies that requirements as to location and suitability of the premises and
applicant have been reviewed and conform to the requirements of local and South Dakota law.

Date Council Approved: _____

Finance Officer: _____

Fee collected with this application \$ _____



March 14, 2017

Dear Mayor and Custer City Council Members,

The Custer Area Chamber of Commerce would like to request a street closure for the following:

Friday July 21st, 2017

- North 6th Street from the alley to Crook Street (Street Dances)
- South 6th from Mt. Rushmore Road to Washington Street, keeping the alley open (Bed Races)
- Washington Street from 6th Street to 8th Street (Youth Activities)
- South 7th Street from Mt. Rushmore Road to Washington Street (Youth Activities)
- Use of Way Park (Arts & Crafts Festival)
- South 4th Street, only the east half of 4th to allow motel access still but not thru traffic (Arts & Crafts Festival)

Saturday July 22nd, 2017

- North 6th Street from the alley to Crook Street (Street Dances)
- South 6th Street from Mt. Rushmore Road to Washington Street, keeping the alley open (Car Show)
- Washington Street from 6th Street to 8th Street (Youth Activities)
- South 7th Street from Mt. Rushmore Road to Washington Street (Youth Activities)
- Use of Way Park (Arts & Crafts Festival)
- South 4th Street, only the east half of 4th to allow motel access still but not thru traffic (Arts & Crafts Festival)

Sunday July 23rd, 2017

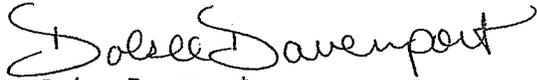
- Use of Way park (Vineyard of the Black Hills Church Service)
- South 4th Street, only the east half of 4th to allow motel access still but not thru traffic (Arts & Crafts Festival)

We would like to request permission to hold the Annual Gold Discovery Days Parade on Saturday, July 22nd at 10 AM. The parade entries will line up on Crook Street; the parade will start on 8th Street by Lynn's Dakotamart, then proceed west on Mt. Rushmore Road to 1st Street.

We also would like to request the Show Mobile set up on North 6th Street parallel to Crook Street and on the north end. We would need this for Friday the 21st and Saturday the 22nd.

Thank you for your consideration!

Sincerely,



Dolsee Davenport
Office Manager & Events Coordinator
Custer Area Chamber of Commerce
ddavenport@custersd.com
605-673-2244

CUSTER COMMUNITY ORGANIC GARDEN AGREEMENT

Custer Community Garden adheres to organic gardening techniques, which are methods that are people, plant animal, and environmentally friendly for the health and well being of all. No herbicides, non-organic pesticides, non organic fertilizer, or any other chemicals or preservatives, may be used at any time in the garden. The City of Custer reserves the right ~~to control noxious weeds on pathways and unused plots as deemed necessary. Failure to follow these regulations will result in forfeiture of your garden plot without refund.~~ to control noxious weeds on pathways and unused plots as deemed necessary. Failure to follow these regulations will result in forfeiture of your garden plot without refund.

Organic gardening information and resources are available at the Custer County Library.

Plot Rental: The annual garden plot rental fee is \$25.00 for a 20'x20' (400 square feet) plot. Plot rental starts on April 1st and gardeners who want to keep their same plot must rent it prior to April 30th to ensure they get last year's plot. The plot rental fee is good for one year (April 1st to March 31st). First time plot rental will be limited to 1 plot per household until May 1st. Renters who had two plots the previous year will be allowed to re-rent their same second plot. After May 1st, all plots not yet rented shall be available as second plots. Garden plot rental is limited to two plots per household. Garden plots will be protected by a gated six-foot security fence. Do not give out garden gate combinations without permission from the City. If you are the last person to leave the garden, please lock both gates.

Water: Water will be provided by the City of Custer. Renter to provide adequate hose and sprinkler for their own garden site and must water themselves. Renters must be present while watering. (Future plot rent will be determined by water usage).

Gardening: Gardeners must be actively working in their plot by the first day of summer or the plot will be forfeited to someone on the waiting list. Plot holders promise to devote reasonable amounts of time to the maintenance and improvement of the plot throughout the gardening season. All paths and plots must be kept free of grass, weeds, trash etc. by the plot holders. Please do not let your plants creep into the aisles or into your neighbor's plot. Any fertilization, mulching, etc. is the responsibility of the renter. Please keep your plot free of noxious weeds at all times. Custer City staff may contact you with a warning if you allow noxious weeds (i.e. Canadian thistle) to grow over 8" high on your plot. After 2 warnings about noxious weeds and renter persists in allowing rampant growth of noxious weeds, said renter will lose his/her plot.

Harvesting: Crops must be harvested once they are mature. If you do not feel that you can use everything, there are food banks and senior citizens who could use extra vegetables. If you want someone to work your plot or pick your vegetables while you are away, please give them a signed note. By November 1st, all dead plants, weeds, and stakes must be removed from your plot and compost materials may be placed in compost pile. The compost pile is only for the use of the Community Gardeners and should only be used for compost, yard waste, or wood chips, no trash shall be deposited therein. All trash shall be removed from plot and garden area; garbage cans are provided for your convenience. Tires, concrete blocks, landscaping fabric, or other structures used for landscaping are permitted within the garden plot; however, you are responsible for their removal if you do not plan to

~~rent your plot the subsequent year. Failure may result in a deposit fee for such for such abandoned~~
material.

Release of Liability: The City of Custer will be free of any and all liability for acts of vandalism, destructive storms, insect infestations, or any other loss or claim that occurs in connection with use of the garden. No stealing of anything is permitted. Should it become known that you have taken anything such as vegetables, tools, hoses, plants, etc., you will lose your plot immediately and will not be permitted to return.

Any rule added to this agreement must be approved by the majority of the City of Custer Common Council. Any conflicts among gardeners may be reported to the City for resolution.

Document revised XXXXXXXXXX