

All City Council Meetings are recorded.

**CITY OF CUSTER CITY  
COUNCIL AGENDA  
April 16<sup>th</sup>, 2018 – 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 – April 2<sup>nd</sup>, 2018 Meeting
4. Declaration of Conflict of Interest
5. Public Presentations - Public Hearings – Public Comments
  - a. Public Hearing – New Malt Beverage & Wine License – Legal Description Transfer – Custer Hospitality
  - b. Public Hearing – New Malt Beverage & SD Farm Wine License – Cullum's Camping Adventure
  - c. Public Hearing – Ordinance #802 – Residential District
  - d. Public Hearing - Ordinance #803 – Zoning, Rezoning & Zoning Ordinance Amendments
  - e. Public Hearing – Ordinance #804 - Variances
  - f. Public Hearing – Ordinance #805 – Conditional Use Permits
  - g. Public Hearing – Ordinance #806 – Board of Adjustment
  - h. Executive Proclamation – Wildland Awareness Month
  - i.
6. Old Business
  - a.
  - b.
7. New Business
  - a. Minor Plat – Plat of Lot 7R & 8R of Block 6
  - b. Final Plat – Stone Hill Subdivision
  - c. Push Your Limits Run Request – Custer YMCA
  - d. Wreaths Across America – Brock Hoagland
  - e. Employee Step Increases
  - f.
  - g.
8. Presentation of Claims –
9. Department Head Discussion & Committee Reports –
10. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2)
11. Adjournment

**REMINDERS**

**Park & Recreation Committee Meeting – April 17<sup>th</sup>, 2018 5:30 P.M.  
Public Works Committee Meeting – May 7<sup>th</sup>, 2018 4:30 P.M.  
Regular City Council Meeting – May 7<sup>th</sup>, 2018 5:30 P.M.  
Planning Commission Meeting – May 8<sup>th</sup>, 2018 5:00 P.M.  
General Government Committee Meeting – May 14<sup>th</sup>, 2018 4:30 P.M.  
Regular City Council Meeting – May 21<sup>st</sup>, 2018 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  
April 2<sup>nd</sup>, 2018**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of April 2018 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Nielsen, Fischer, Blom and Arseneault. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Fischer moved to approve the agenda with the Executive Proclamation and Run Crazy Horse Marathon request being moved to the first items under public presentations. Second by Councilperson Blom, the motion unanimously carried.

**MINUTES**

Councilperson Arseneault moved, with a second by Councilperson Blom, to approve the minutes from the March 19<sup>th</sup> regular council meeting. The motion unanimously carried. Councilperson Nielsen moved, with a second by Councilperson Maciejewski, to approve the minutes from the March 19<sup>th</sup> Board of Equalization meeting. The motion unanimously carried, with Councilperson Maciejewski, Heinrich, Nielsen, Blom and Arseneault voting yes, while Councilperson Fischer abstained.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**EXECUTIVE PROCLAMATION – NATIONAL SERVICE RECOGNITION DAY**

Mayor Herman present the Executive Proclamation for National Service Recognition Day.

Proclamation  
CUSTER, South Dakota

*WHEREAS*, The Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities across the country to recognize the impact of service on the Mayor's Recognition Day for National Service on April 3, 2018; and

*WHEREAS*, The Black Hills Senior Companion Program provides healthy older adults part-time stipendiary opportunities to render supportive assistance to individuals requiring assistance completing various daily tasks necessary to maintaining independence, such as grocery shopping, meal preparation, light housekeeping, and providing transportation to doctor's appointments; and

*WHEREAS*, The Black Hills State University's Retired Senior Volunteer Program engages people age 55 and older, in a diverse range of service activities, such as food bank and congregate meal assistance, entertainment, services to hospitals, nursing homes, blood banks, and veterans organizations as well as 25 new volunteers for the Meals on Wheels Program which became part of RSVP in October 2017, and a wide variety of volunteer activities throughout Custer's non-profit; and

*WHEREAS*, Last year, in the Custer area, these programs provided volunteer opportunities for citizens totaling approximately 659 hours of service to the community at large.

*NOW, THEREFORE*, I, Corbin Herman, Mayor of the City of Custer, do hereby proclaim April 2, 2018, as

National Service Recognition Day

Dated this 2<sup>nd</sup> day of April, 2018

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**RUN CRAZY HORSE MARATHON REQUEST – EMILY WHEELER**

Emily Wheeler, with Run Crazy Horse Marathon, presented her request for temporary street closure request to Council. Councilperson Fischer moved to approve the temporary street closure and permission to stop traffic for runners on the Mickelson Trail crossings of Montgomery Street, Harney Street, Crook Street, Mt Rushmore Road, Eighth Street, Seventh Street and Fourth Street on October 7<sup>th</sup>, 2018 from approximately 9 am to 11:30 am for the Run Crazy Horse Marathon, contingent upon DOT approval. Motion seconded by Councilperson Nielsen. Councilperson Fischer amended her motion to include South Sixth Street in the temporary street closure request. Councilperson Nielsen seconded the amendment, the motion unanimously carried.

**PUBLIC HEARING & FIRST READING – ORDINANCE #802 – RESIDENTIAL DISTRICT**

Councilperson Maciejewski moved to approve Ordinance #802, Residential District. Seconded by Councilperson Nielsen, the motion unanimously carried.

**PUBLIC HEARING & FIRST READING – ORDINANCE #803 – ZONING, REZONING & ZONING ORDINANCE AMENDMENTS**

Councilperson Fischer moved to approve Ordinance #803, Zoning, Rezoning & Zoning Ordinance Amendments. Seconded by Councilperson Blom, the motion unanimously carried.

**PUBLIC HEARING & FIRST READING – ORDINANCE #804 – VARIANCES**

Councilperson Nielsen moved to approve Ordinance #804, Variances. Seconded by Councilperson Heinrich, the motion unanimously carried.

**PUBLIC HEARING & FIRST READING – ORDINANCE #805 – CONDITIONAL USE PERMITS**

Councilperson Maciejewski moved to approve Ordinance #805, Conditional Use Permits. The motion was seconded by Councilperson Blom. After public comments and discussion, the motion unanimously carried.

**PUBLIC HEARING & FIRST READING – ORDINANCE #806 – BOARD OF ADJUSTMENT**

Councilperson Nielsen moved to approve Ordinance #806, Board of Adjustment. Seconded by Councilperson Maciejewski, the motion unanimously carried.

The Council will be holding a second public hearing for the Ordinances on April 16<sup>th</sup> with second reading for the ordinances scheduled for a special council meeting on April 23<sup>rd</sup> at 5:30 pm.

**DOWNTOWN HANGING BASKETS**

Councilperson Fischer moved to allow the placement of the hanging baskets downtown this summer. Seconded by Councilperson Nielsen, the motion unanimously carried.

**CLAIMS**

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

A & B Welding, Supplies, \$133.99  
AE2S, Professional Fees, \$431.75  
American Solutions for Business, Supplies, \$2,047.18  
AFLAC, Insurance, \$588.92  
AFSCME Council 65, Dues, \$86.14  
Battle Mountain Humane Society, Animal Control Contract, \$1000.00  
Beesley Law Office, Professional Fees, \$1,202.50  
Ben Meadows, Trees, \$67.88  
Black Hills Energy, Utilities, \$2,902.29  
Black Hills Towing, Supplies, \$200.00  
Butler Machinery, Supplies, \$125.50  
Century Business Products, Supplies, \$208.88  
Custer Dolt Best, Supplies, Repair and Maintenance, \$763.26  
California State Disbursement, Deductions, \$53.19  
Delta Dental, Insurance, \$148.20  
Discovery Benefits, Supplies, \$856.92  
Edwards Enterprises, Cemetery Caretaker Contract, \$5,333.33  
ESRI, Supplies, \$400.00  
EFTPS, Taxes, \$13,982.05  
Fastenal, Supplies, \$871.62  
Kellogg, Scott, Reimbursement, \$111.79  
KLJ, Professional Fees, \$7,600.00  
Lamote's Auto Center, Repairs and Maintenance, \$1,864.00  
Lighting Maintenance Co, Repairs and Maintenance, \$1,316.83  
Northwest Pipe Fittings Inc, Supplies, \$348.00  
Petty Cash, Supplies, \$326.77  
Pitney Bowes, Supplies, \$500.00  
Power House, Supplies, \$99.72  
Sander Sanitation, Garbage Collection Contract, \$13,422.54  
SDML, Conference, \$30.00  
SD Retirement System, \$6,585.96  
Stansbury, Lance, Reimbursement, \$124.99  
Supplemental Retirement, \$620.00  
Wellmark, Insurance, \$11,519.05  
WesDak Welding & Diesel LLC, Repair and Maintenance, \$230.00

Mayor & Council, \$4,400.00  
Finance Department, \$5,767.71  
Public Buildings, \$2,778.41  
Planning Department, \$6,953.98  
Public Works Department, \$3,210.42  
Street Department, \$10,665.02  
Cruisin Department, \$85.59  
Parks Department, \$3,633.44  
Water Department, \$12,050.28  
Wastewater Department, \$11,772.57  
Total Claims, \$137,420.67

**DEPARTMENT HEADS & COMMITTEE REPORTS**

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

**ADJOURNMENT**

With no further business, Councilperson Arseneault moved to adjourn the meeting at 6:50 p.m.  
Seconded by Councilperson, Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



ESTABLISHMENT	LICENSE	TAXES PAID	AGREEMENT	INSURANCE	10% DUE TO CITY	VIDEO LOTTERY
CUSTER HOSPITALITY LLC	NEW MB	YES	YES	5/2018		
	NEW WINE	YES	YES	5/2018		
	TRANSFER OF LEGAL ON CONVENTION CENTER LICENSE					

NOTICE OF PUBLIC HEARING UPON APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGES

Notice is hereby given that the City Council of the City of Custer City, Custer County, South Dakota will hear and consider the following for the sale of malt beverage and wine at a meeting of the City Council to be held on the 16<sup>th</sup> day of April 2018, in the Council Chambers of City Hall in said City at 5:30 p.m. of said day. Application to be considered for renewal pursuant to SDCL 35-4 is as follows:

Custer Hospitality LLC - Retail (On-Off Sale) Malt Beverage  
Custer Hospitality LLC - Retail (On-Off Sale) Wine

Any person or persons interested either for or against the granting of any such application may appear at the time and place above stated. Individuals needing assistance, pursuant to the Americans with Disabilities Act should contact the City Finance Officer no less than 24 hours prior to this meeting to make necessary arrangements.

Dated this 29<sup>th</sup> day of March 2018.

/s/Lynnette Merritt  
Accounts Receivable

Custer County Chronicle - Please Publish April 4<sup>th</sup>. 2018

ESTABLISHMENT	LICENSE	TAXES PAID	AGREEMENT	INSURANCE
CULLUM'S CAMPING ADVENTURES	NEW MB	YES	YES	5/2018
DBA CUSTER CRAZY HORSE				

NOTICE OF PUBLIC HEARING UPON APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGES

Notice is hereby given that the City Council of the City of Custer City, Custer County, South Dakota will hear and consider the following for the sale of malt beverage at a meeting of the City Council to be held on the 16<sup>th</sup> day of April 2018, in the Council Chambers of City Hall in said City at 5:30 p.m. of said day. Application to be considered for renewal pursuant to SDCL 35-4 is as follows:

Cullum's Camping Adventure DBA Custer Crazy Horse Campground - Retail (On-Off Sale) Malt Beverage and SD Farm Wine

Any person or persons interested either for or against the granting of any such application may appear at the time and place above stated. Individuals needing assistance, pursuant to the Americans with Disabilities Act should contact the City Finance Officer no less than 24 hours prior to this meeting to make necessary arrangements.

Dated this 28<sup>th</sup> day of March 2018.

/s/Lynnette Merritt  
Accounts Receivable

Custer County Chronicle - Please Publish April 4<sup>th</sup>, 2018

ORDINANCE NO. 802

An Ordinance entitled an Ordinance Amending Chapter 17.12 Residential District, of the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.12 Residential District be amended as follows:

Chapter 17.12  
RESIDENTIAL DISTRICT (R)

Sections:

- 17.12.010 Intent
- 17.12.020 Definitions
- 17.12.030 Permitted principal uses and structures
- 17.12.040 Permitted accessory uses and structures
- 17.12.050 Permitted conditional uses
- 17.12.060 Prohibited uses and structures
- 17.12.070 Home Occupations
- 17.12.080 Restrictions and requirements

17.12.010 Intent.

The intent of the residential district (R) is to provide for residential uses of varying types and other compatible land uses in a pleasant and stable environment. (Ord. 432 (part), 1995)

17.12.020 Definitions.

“Boardinghouse” means any structure in which one or more rooms are rented by one or more people with a shared common area, lodging and meals may be provided for paying or nonpaying guests.

“Home Occupation” means the conducting of a business in a residential structure. The home occupation is an accessory practice and customarily non-residential use conducted within or administered from a portion of the primary home or its accessory structures.

“Long Term Rental” means the rental of any structure, or any portion of any structure, located within the residential zoning district on long term monthly or yearly basis, for lodging or sleeping purposes for more than thirty (30) consecutive calendar days. For the purpose of this definition, structures shall include all housing types including detached single-family residences, lofts, apartments, guest cottages and cabins, condominiums, duplexes, triplexes, townhomes, and multifamily dwellings.

“Multiple Family Dwelling” means two (2) or more separate housing units that exist on a single lot or tract. The housing units are contained within one or more structures. Multiple Family Dwellings include but are not limited to apartments, duplexes, triplexes, quadplexes, condominiums, guest cottages and cabins, and multiple single-family dwellings.

“Short-term rental” means the rental of any structure, or any portion of any structure to any one party, entity or individual, on a nightly or day-to-day basis for lodging or sleeping purposes for less than thirty (30) consecutive calendar days. Such rental to any party, entity or individual for less than thirty (30) consecutive days shall be considered transient in nature. For the purpose of this definition, structures shall include all housing types including detached single-family residences, lofts, apartments, guest cottages and cabins, condominiums, duplexes, triplexes, townhomes, and multifamily dwellings.

“Single family dwelling” means a structure in which one (1) housing unit is contained within the structure. The structure exists on one common lot. The unit shall provide complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Townhouse” means a structure constructed with a continuous roof and foundation containing two (2) or more attached dwelling units in which each unit extends from the foundation to roof with open space on at least two sides. Each separate unit exists on individually platted townhouse lots separated by a common lot line and a common separation wall between each unit.

17.12.030 Permitted principal uses and structures.

The following principal uses and structures shall be permitted in residential districts (R):

- A. Single family dwellings
- B. Townhouse
- C. Manufactured homes in accordance with section 17.40 of this code
- D. Long Term Rentals
- E. Home Occupations in compliance with section 17.12.070 of this code. (Ord. 432 (part), 1995)

17.12.040 Permitted accessory uses and structures.

The following accessory uses and structures shall be permitted in residential districts (R):

- A. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within space limits of this district. No accessory structure shall be built, erected, or constructed prior to the establishment of the principal structure. (Ord. 432 (part), 1995)

17.12.050 Permitted conditional uses.

After the provisions of this title relating to permitted conditional uses have been fulfilled, the city council may permit as permitted conditional uses in residential districts (R):

- A. Boardinghouses, and short-term rentals;
- B. Multiple-family dwelling;
- C. Churches, synagogues and temples;
- D. Colleges and universities;
- E. Convalescent, nursing and rest homes;
- F. Home occupations not complying with the guidelines as defined in section 17.12.070 of this code.;
- G. Governmental services;
- H. Commercial Horticultural uses and the raising of crops that exceed 192 square feet;
- I. Medical and other health facilities;
- J. ~~Mobilehomes under conditions prescribed in Section 1208 of the Custer City comprehensive plan of this title;~~
- J. Mobile home court in accordance with Section 17.36 of this code.
- K. Childcare, Nursery, primary, intermediate and secondary schools;
- L. Public recreational and park facilities;
- M. Utility substations. (Ord. 434 (part), 1995; Ord. 432 (part), 1995)

17.12.060 Prohibited uses and structures.

All other uses and structures which are not specifically permitted or not permissible as permitted conditional uses shall be prohibited from the residential district.

Home occupations in which the home occupation utilizes more than twenty-five (25) percent of the total area of the lot, tract, or parcel in which the home occupation is located shall be prohibited.

17.12.070 Home Occupations

Home occupations shall be permitted in the residential zone, provided the home occupation complies clearly and obviously with the following requirements:

- A. Such use must be incidental and subordinate to the main use or dwelling unit for residential purposes.
- B. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to a person's normal senses while upon the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation nor shall any storage of materials or equipment be permissible outside the dwelling or structure(s).
- D. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate

to its use for residential purposes by its occupants and shall utilize not more than twenty-five (25) percent of the total structure area of the property.

E. All parking is limited to off street parking only.

#### 17.12.0680 Restrictions and requirements.

All structures, land and uses in the residential district (R) shall be in compliance with the following restrictions and requirements:

A. Minimum Lot Requirements. The minimum lot area per single-family dwelling unit shall be seven thousand five hundred (7,500) square feet. The minimum lot width shall be fifty (50) feet. Exception: Dwellings on small lots. Where there is an existing recorded lot which does not meet the minimum lot area requirement, and said lot is not contiguous with other lots under the same ownership, a single-family dwelling may be maintained, continued, constructed or reconstructed provided that one (1) side yard shall not be less than four feet (4) and the sum of the side yards shall not be less than ten feet (10), and provided that all other requirements, except lot size are met.

B. Minimum Yard (Setback) Requirements. There shall be a front yard of not less than a depth of ~~twenty-five (25) thirty (30) feet.~~ There shall be a rear yard of not less than a depth of twenty-five (25) feet. Each side yard shall not be less than a depth of six (6) feet. Unattached buildings of accessory use may be permitted to allow a rear yard depth of not less than twelve (12) feet. Accessory structures shall comply with the standard front and side yard setback requirements. **All setbacks shall be measured from the platted property line.**

C. Minimum Dwelling Size. The minimum single-family dwelling size shall not be less than six hundred (600) square feet.

Exception: New dwellings on small lots. Where there is an existing recorded lot which does not meet the lot area requirements (seven thousand five hundred (7500) square feet) and said lot is not contiguous with other lots under the same ownership, a single-family dwelling may be permitted to be constructed with a minimum dwelling size not less than four hundred (400) square feet.

D. Maximum Height. The height of all buildings and structures shall not exceed thirty-five (35) feet.

E. Townhouse Requirements

1. Proposed individual townhouse lot line(s) for a townhouse shall be submitted on a site plan and approved prior to issuance of a building permit. Following the start of construction, the final location of individual townhouse lots shall be determined and platted.

2. In order to permit openings in exterior walls, each townhouse structure and its appendage and projections shall have a minimum six-foot setback from individual lot lines which are not common to other individual lots, unless approved otherwise in a planned development or in a use on review permit.

3. Townhouses shall have a six-foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations.

4. Lot Size. The minimum lot area per townhouse unit shall be five thousand (5,000) square feet if the unit shares one (1) common wall. The minimum lot area per townhouse unit shall be two thousand five hundred (2500) square feet if the unit contains two (2) common walls. There shall be no minimum lot size of a townhouse development lot or an individual townhouse lot. However, all applicable setback, density and open space requirements of this chapter must be met.

5. Minimum Yard (Setback) Requirements. There shall be a front yard of not less than a depth of twenty-five (25) feet. There shall be a rear yard of not less than a depth of twenty-five (25) feet. Each side yard not containing a common townhouse lot line shall not be less than six (6) feet. Unattached buildings of accessory use may be permitted to allow a rear yard depth of not less than twelve (12) feet. Accessory structures shall comply with the standard front and side yard setback requirements. All setbacks shall be measured from the platted property line.

6. Minimum Unit Size. The minimum unit size shall not be less than six hundred (600) square feet.

7. Maximum Height. The height of all townhouse units shall not exceed thirty-five (35) feet.

8. Open Space Requirements. Individual townhouse lots shall have land area in addition to the area upon which the structure is built. Each individual townhouse lots shall have a minimum of four hundred (400) square feet of open space. Open space does not include driveways, parking or service areas

- F. Sanitation. All occupied structures shall be connected to municipal sewer and water facilities.  
G. Off-Street Parking. Off street parking shall be provided per the following.  
1. Single Family Dwelling – One (1) parking space  
2. Townhouse – One (1) parking space per unit.  
3. Short Term Rental – On Street parking shall be prohibited.  
(Ord. 434 (part), 1995: Ord. 432 (part), 1995)

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

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Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: ~~January 16, 2018~~

Vote:

Second Reading: ~~February 5, 2018~~

Arseneault: ~~Absent~~

Maciejewski: ~~Yes~~

Publication: ~~February 14, 2018~~

Heinrich: ~~Yes~~

Nielsen: ~~Yes~~

Fischer: ~~Absent~~

Blom: ~~Yes~~

ORDINANCE NO. 803

An Ordinance entitled an Ordinance Amending Chapter 17.44 Zoning Board of Adjustment, of the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.44 Zoning Board of Adjustment be amended as follows:

**Chapter 17.44**

**17.44 Zoning, Rezoning, and Zoning Ordinance Amendments**

**Sections**

**17.44.010 Previous Code Repealed**

**17.44.020 Definition of Terms**

**17.44.030 Purpose**

**17.44.040 Zoning Amendments Application and Fees**

**17.44.050 Procedures for Review of an Application**

**17.44.060 Considerations for Approval or Denial**

**17.44.070 Protests to a Proposed Zoning Ordinance**

**17.44.040 Procedures for review of an Application**

**17.44.050 Considerations for Approval or Denial**

**17.44.10 Previous Code Repealed**

Pursuant to SDCL 11-4, Custer Municipal Code 17.08.040(E) is repealed and all zoning ordinances shall only be adopted or renewed by procedures set by codified law or ordinance.

**17.44.020 Definition of Terms**

The definitions set forth in SDCL 11-6-1 shall be applicable to Title 17 of the Custer City Municipal Code.

**17.44.030 Purpose**

The purpose of this section shall be to provide a process and procedure for review of requests for a new zoning ordinance, a change to the current official zoning ordinances or a change to the official zoning map of the City of Custer City. Adoption of a zoning ordinance shall be completed by the City Council with recommendation from the Planning Commission.

#### 17.44.040 Zoning Amendments Application and Fees

- A. Applications: any person, firm, or corporation may apply for a change or amendment to the zoning by completing an application provided by the City and returned to the Planning Administrator. The completed application shall illustrate:
1. The current zoning district in which the property is currently located.
  2. The current and proposed use of the area included in the proposed zoning.
  3. The current zoning and use of the land directly adjacent to and contiguous to the area included in the application.
- B. Fees: Upon filing any application for a change or amendment to the zoning of the city, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

#### 17.44.050 Procedures for Review of an Application

The following shall be the procedures used after the application and the required fees have been submitted to the Planning Administrator:

- A. The Planning Administrator shall review the completed zoning application and determine if approval of the application would be contrary to the intent of the zoning of the city of Custer or negatively affect the continuity of the official zoning map of the city. Additionally, any application not containing and/or addressing all the information required in 17.44.020(A), shall be rejected, and returned to the applicant, along with the fees and the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application to the Planning Commission in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. The Planning Administrator shall also present a report indicating the Planning Administrators recommendation concerning the approval of the application. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
- a. Notice of the Planning Commission public hearing shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the zoning application is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the City Council is completed. The sign shall comply with SDCL 11-4-4.4.
    - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners of the property to be zoned or

rezoned and all property owners within two hundred and fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the proposed zone or rezone. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administrator shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.

- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the City Council meeting.
- C. After reviewing the application, the Planning Commission shall make recommendations to the City Council to approve or deny the application.
- D. Following the Planning Commission meeting, City Council shall review the zoning application in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
- a. After recommendation is made by the Planning Commission, notice of the City Council public hearing shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the zoning application is requested and must be posted no less than ten (10) days prior to the date of the City Council meeting and must remain posted until final action by the City Council is completed. The sign shall comply with SDCL 11-4-4.4.
    - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners of the property to be zoned or rezoned and all property owners within two hundred fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the proposed zone or rezone. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administrator shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
    - iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the City Council meeting.

- E. The City Council shall issue its decision after consideration of review criteria set forth in section 17.43.050 of this code, Planning Administrator recommendation, Planning Commission recommendation, and all public input.

#### **17.44.060 Considerations for Approval or Denial**

Generally, the approval of any zoning ordinance shall be in harmony with the general purposes and intent of the zoning ordinance and official zoning map. The following are considerations the City Council and Planning Commission may use in determining the approval or denial of a zoning ordinance:

- A. The following conditions shall be met for all ordinances involving the rezoning of a currently zoned property or properties.
  - a. The zoning amendment shall be necessary because of substantially changed or changing conditions of the area.
  - b. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effect result from the amendment.
  - c. The proposed amendment shall be consistent with any large development plans in the area being zoned as well as not in conflict with the comprehensive plan of the city.
- B. The proposed zoning ordinance shall be consistent with the intent of the zoning ordinances of the city.
- C. The proposed zoning ordinance shall be consistent with the official zoning map of the city and refrain from creating discontinuity with the official zoning map.

#### **17.44.070 Protests to a Proposed Zoning Ordinance**

Any protests to a proposed zoning ordinance shall follow the following guidelines:

- A. Any written protests to a proposed ordinance must be filed with the Finance Officer and it must be signed by at least forty (40) percent of the owners of equity in the lots included in any proposed district and the lands within two hundred fifty (250) feet from any part of the proposed district. Any written protest must be filed before the date the ordinance becomes effective pursuant to SDCL 9-19-7.
- B. For purposes of determining who is an owner of equity for a written protest, a corporation is construed to be a sole owner, and if parcels of land are in the name of more than one (1) person, ownership representation is in proportion to the number of signers who join in the petition in relation to the number of owners.
- C. If a written protest has been filed correctly, the ordinance does not become effective unless the ordinance is approved by two-thirds of the City Council.
- D. The protest provisions of this section do not apply to any ordinance regulating or establishing flood plain areas.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

---

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes



## ORDINANCE NO. 804

An Ordinance entitled an Ordinance Adding Chapter 17.48 Variances to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.48 Variances be added as follows:

### Chapter 17.48

#### Variances

##### Sections

**17.48.010 Purpose**

**17.48.020 Variance Application and Fees**

**17.48.030 Procedure for Review of an Application**

**17.48.040 Considerations for Approval or Denial**

**17.48.050 Variances to b Non-Transferable**

**17.48.060 Appeals**

**17.48.070 Invalidation of an Approved Variance**

**17.48.080 Reapplication after a Denial**

##### **17.48.010 Purpose**

The purpose of a variance is to allow a deviation from the strict application of the Zoning Ordinances in relation to physical conditions whereby a literal enforcement of the provisions of the zoning ordinance would result in an unnecessary hardship for a property owner. This section shall provide a process and procedure for review of application for a variance. The Board of Adjustment shall approve or deny a variance to the zoning ordinance based on consideration of the review criteria set forth in section 17.48.040 of this code, Planning Administrator recommendation, Planning Commission recommendation, and all public input.

##### **17.48.020 Variance Application and Fees**

- A. Applications: any person, firm, or corporation may apply for a variance. If such person, firm, or corporation is acting as an authorized agent, written authorization consenting to the application shall be provided by the property owner. An application shall be provided by the City and returned to the Planning Administrator. The completed application along with all supporting documentation shall be submitted to the Planning Administrator at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting and shall illustrate:
- a. That special conditions and circumstances exist, which are peculiar to the land, structure, or building involved and, which are not applicable to other lands, structures, or buildings in the same zoning district;

- b. That a literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning ordinance;
- c. that the special conditions and circumstances do not result from the actions of the applicant;
- d. that the granting of the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district; and
- e. that the grounds for the application is not based on nonconforming uses of neighboring lands, structures, or buildings in the same district.

B. Fees: Upon filing any application for a variance, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

#### **17.48.030 Procedures for Review of an Application**

The following shall be the procedures used after an application for a variance and the required fees have been submitted to the Planning Administration:

- A. The Planning Administrator shall review the completed variance application and determine if granting the variance would be contrary to the public interest. Additionally, any application not containing and/or addressing all the information required in 17.48.020(A), shall be rejected, and returned to the applicant, along with the fees and the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application to the Planning Commission in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. The Planning Administrator shall also present a report indicating the Planning Administrators recommendation concerning the approval of the application. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
  - a. Notice of the Planning Commission public hearing shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the zoning application is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the City Council is completed. The sign shall comply with SDCL 11-4-4.4.
    - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners of the property to be zoned or rezoned and all property owners within two hundred fifty (250) feet,

exclusive of rights of way and any properties under the same ownership, from any part of the proposed zone or rezone. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administrator shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.

- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the City Council meeting.
- C. After reviewing the application, the Planning Commission shall make recommendations to the Board of Adjustment to approve, approve with conditions, or deny the application.
- D. Following the Planning Commission recommendation, Board of Adjustment shall review the variance application in a public hearing at the next available scheduled meeting in coordination with the appropriate public notifications. At the public hearing, any interested person shall be given a full, fair, and complete opportunity to be heard.
- a. After recommendation is made by the Planning Commission, notice of the Board of Adjustment public hearing shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administrator and posted by the Planning Administrator. The sign must be posted in plain public view at the property where the variance is requested and must be posted no less than ten (10) days prior to the date of the Board of Adjustment meeting and must remain posted until final action by the Board of Adjustment is completed. The sign shall comply with SDCL 11-4-4.4.
    - ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners within two hundred fifty (250), exclusive of rights of way and any properties under the same ownership, from any part of the property being considered for a variance. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
    - iii. The Planning Administration will publish legal notice in the local newspaper at least ten (10) days prior to the Board of Adjustments meeting.

- E. The Board of Adjustment shall issue its decision after consideration of review criteria set forth in section 17.48.040 of this code, Planning Administrator recommendation, Planning Commission recommendation, and all public input. A variance shall be considered approved if the application receives an affirmative vote by two-thirds majority of present voting members of the Board of Adjustment. As a condition of approval, the Board of Adjustment may impose, consistent with the general purpose of the zoning ordinance, appropriate conditions and safeguards to any variance granted.

#### **17.48.040 Considerations for Approval or Denial**

Generally, the granting of any variance shall be in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or be in conflict with the comprehensive plan for development. The following are considered by the Planning Commission and Board of Adjustment for the determination of the approval or denial of a variance:

- A. If the physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the ordinance were to be carried out;
- B. that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district;
- C. that the conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use;
- D. that variances shall not be granted to allow conditional uses, nor uses otherwise excluded from the particular district in which requested;
- E. that the granting of the variance will not be detrimental to the public welfare or injurious to other people or property in the area in which the property is located, detrimental effects include but are not limited to impairment of an adequate supply of light and air to adjacent property, negative effect to the flow of vehicle and pedestrian traffic in the public streets, increase the danger of fire;
- F. that because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

#### **17.48.050 Variance to be Considered Valid**

A variance which has been approved by the Board of Adjustment shall be considered valid for only the property, item, subject, topic or issue in which the variance was approved upon

#### **17.48.060 Appeals**

Appeals of a decision of the Board of Adjustment may be taken to the Custer County Circuit Court by any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the City, aggrieved by any decision of the Board of Adjustment, in the manner and form provided by the statutes of the State of South Dakota, in such cases made and provided.

**17.48.070 Invalidation of an Approved Variance**

Any order of the Board of Adjustment granting a variance may be declared invalid by the Board of Adjustment unless substantially completed within two (2) years from the date of such order. The Planning Administrator shall notify the property owner of record upon invalidation of a variance.

**17.48.080 Reapplication after a Denial**

No applicant requesting a Variance whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Board of Adjustment or the Circuit Court shall reapply again before the expiration date of one (1) year from the date of the final action concerning the application. The reapplication for a Variance shall be processed in the same manner as a new application for a Variance.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

\_\_\_\_\_

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes



## ORDINANCE NO. 805

An Ordinance entitled an Ordinance Adding Chapter 17.52 Conditional Use Permits to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.52 Conditional Use Permits be added as follows:

### Chapter 17.52 Conditional Use Permits

#### Sections

**17.52.010 Purpose**

**17.52.020 Conditional Use Application and Fees**

**17.52.030 Procedure for Review of an Application**

**17.52.040 Considerations for Approval or Denial**

**17.52.050 Appeals of a Decision of the Planning Commission**

**17.52.060 Amendments to a Conditional Use Permit**

**17.52.070 Reapplication after a Denial**

**17.52.080 Conditional Use Permit to be Non-Transferable**

**17.52.090 Expiration of a Conditional Use Permit**

**17.52.100 Annual Review of Conditional Use Permits**

**17.52.110 Suspension or Revocation of Conditional Use Permits**

#### **17.52.010 Purpose**

Within each zoning district, there are certain uses that are permitted as a conditional use. These listed conditional uses under each district are illustrative of those, which the Planning Commission may approve temporarily, permanently or approve for a specific time interval. Additionally, other conditional uses may be allowed, which are not listed, provided they are not contrary to the overall intent of the Chapter 17 of the Custer Municipal Code.

#### **17.52.020 Conditional Use Application and Fees**

- A. Applications: any person, firm, or corporation may apply for a Conditional Use Permit. If such person, firm, or corporation is acting as an authorized agent, written authorization consenting to the application shall be provided by the property owner. An application shall be provided by the City and returned to the Planning Administrator. The completed application along with all supporting documentation shall be submitted to the Planning Administrator at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting and shall illustrate:

1. A written request pertaining to the proposed use;

2. a complete legal description of the property, maps identifying the property, any diagrams of the property; and
3. a site plan that shall include the following information:
  - a. The proposed land uses and any specific services to be offered;
  - b. all property lines and dimensions of the lot(s);
  - c. the adjacent land use;
  - d. the existing and proposed structures, dimensions, and location of all facilities (i.e. pump stations, gas tanks, etc.);
  - e. the proposed and existing improvements, including septic systems, drain fields, wells, cistern systems, parking and roads;
  - f. the proposed and existing signs and their locations;
  - g. the relationship of the proposed development to the surrounding area.

B. Fees: Upon filing any application for a Conditional Use Permit, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

#### **17.52.030 Procedure for Review of an Application**

The following shall be the procedures used after an application for a conditional use and the required fees have been submitted to the City:

- A. The Planning Administrator shall review the completed conditional use application and determine if granting the conditional use would be contrary to the criteria set forth in section 17.52.040 of this code. Additionally, any application not containing and/or addressing all the information required in 17.52.020, shall be rejected, and returned to the applicant with the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application along with his/her recommendation concerning the granting of a Conditional Use Permit. The application and recommendation shall be presented in a public hearing at the next regularly scheduled Planning Commission meeting. At the meeting, any interested person shall be given a full, fair, and complete opportunity to be heard.
  - a. After the application is added to the Planning Commission agenda, notice of the application shall be given by sign, mail, and newspaper.
    - i. Sign: A sign will be furnished by the Planning Administration and posted by the Planning Administration. The sign must be posted in plain public view at the property where the conditional use is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the

Planning Commission is completed. The sign shall comply with SDCL 11-4-4.4.

- ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners within two hundred fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the property being considered for a Conditional Use Permit. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the Planning Commission's meeting.

C. The Planning Commission shall approve or deny the application following a review of the application in accordance with the requirements set forth in section 17.52.040 of this code. The findings of the Planning Commission shall be documented in a written statement that includes the following;

- a. An explanation of whether the criteria listed in section 17.52.040 of this code has or has not been met. If certain criteria do not apply, an explanation of why it does not comply shall also be provided.
- b. A voting record of the Planning Commission and the date of the Planning Commission's action. This information may be included within the regular meeting minutes of the Planning Commission.
- c. If the action is to deny the application, the reasons for such action shall be stated in the minutes of the meeting and a specific reference shall be made to the requirements not met.

#### **17.52.040 Considerations for Approval or Denial**

Generally, the granting of any Conditional Use shall be in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or be in conflict with the comprehensive plan for development. The following are considerations the Planning Commission may use in determining the approval or denial of a Conditional Use Permit, and supporting documentation may be requested:

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided;

- B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
- D. The proposed use shall be in compliance with all other ordinances.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
- I. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

**17.52.050 Appeals of a Decision of the Planning Commission**

The Planning Commission's action taken on a conditional use permit may be appealed to the Board of Adjustment by any person aggrieved by the decision. The appeal shall be completed using the procedure set forth in section 17.56 of this code.

**17.52.060 Amendments to a Conditional Use Permit**

Amendments to a Conditional Use Permit shall be processed in the same manner as required for a standard Conditional Use Permit.

**17.52.070 Reapplication after a Denial**

No applicant requesting a Conditional Use Permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning Commission shall reapply again before the expiration date of six (6) months from the date of the final action on the petition. The reapplication for a Conditional Use Permit shall be processed in the same manner as a new application.

**17.52.080 Conditional Use Permit to be Non-Transferable**

A Conditional Use Permit which has been approved by the Planning Commission is non-transferable and shall be considered valid for only the property and permitted conditional use in which the Permit was approved upon.

#### **17.52.090 Expiration of a Conditional Use Permit**

A Conditional Use Permit which has been approved by the Planning Commission shall expire by limitation and become null and void if;

- A. A transfer of ownership occurs with the property in which the Conditional Use Permit has been granted.
- B. The building, work, or use authorized by such permit is not commenced within one year from the date of the approval. Upon written request to the Planning Administrator and prior to the Conditional Use Permit's expiration date, a one-year time extension for the permit may be granted by the Planning Administrator, subject to the following conditions:
  - a. There was no public objection presented during the public hearing process for the original permit; and
  - b. The land uses for the surrounding properties have not significantly been altered since the original approval date for the permit.

#### **17.52.100 Annual Review of Conditional Use Permits**

The Planning Commission may, at their discretion, require the person requesting a Conditional Use Permit provide the commission a written annual report, onsite review, or that the person requesting the permit attend a Planning Commission meeting, or all the above, on each anniversary date of the approval of the Conditional Use Permit. The annual report, onsite review, or attendee at a commission meeting shall update the commission on the permit holder's compliance with the terms, requirements, and conditions stipulated in the approval of the permit.

#### **17.52.110 Suspension or Revocation of Conditional Use Permits**

If the Planning Administrator finds that at any time that the terms, conditions, or requirements of the Conditional Use Permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Planning Administrator shall report this fact to the permittee, landowner, and/or operator, and the Board of Adjustment. The Board of Adjustment may, after conducting a public hearing, of which the permittee, landowner, and/or operator shall be notified, revoke the permit for failure to comply with the terms, conditions, or requirements of the permit.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

---

Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes

## ORDINANCE NO. 806

An Ordinance entitled an Ordinance Adding Chapter 17.56 Board of Adjustment to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.56 Board of Adjustment be added as follows:

### Chapter 17.56 Board of Adjustment

#### Sections

#### **17.56.010 Created or Continued**

#### **17.56.020 Establishment, Membership, and Powers**

#### **17.56.030 Powers**

#### **17.56.040 Rules**

#### **17.56.050 Legal Advisor**

#### **17.56.010 Created or Continued**

There is hereby created or continued the Board of Adjustment.

#### **17.56.020 Establishment and Membership**

The members of the Board of Adjustment shall be the Mayor and Common Council. The Mayor shall appoint, subject to the approval of the Common Council, a first and second alternate. If a member of the Board of Adjustment is unable to consider an issue due to absence or conflict of interest, the first alternate, or second alternate, in turn, shall serve in the absent members place. The first and second alternate shall be appointed for a term of three (3) years. The alternates may serve two (2) consecutive terms. Vacancies shall be filled for the unexpired term of any alternates whose term becomes vacant. Each alternate shall be a resident of the City of Custer. Members shall serve without compensation for their duties.

#### **17.56.030 Powers**

The Board of Adjustment shall have jurisdiction over all matters specifically authorized by codified law or ordinance and shall exercise all powers conferred to in by law or ordinance.

#### **17.56.040 Rules**

The Board of Adjustment shall adopt and be governed by rules and procedures kept on file in the office of the Planning Administrator.

#### **17.56.050 Legal Advisor**

The City Attorney shall be the legal advisor for the Board of Adjustment.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 5<sup>th</sup> day of February, 2018.

City of Custer City

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

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: January 16, 2018

Vote:

Second Reading: February 5, 2018

Arseneault: Absent

Maciejewski: Yes

Publication: February 14, 2018

Heinrich: Yes

Nielsen: Yes

Fischer: Absent

Blom: Yes

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

**EXECUTIVE PROCLAMATION**

*WHEREAS, wildfires threaten the environmental, economic, and social well-being of South Dakota's communities while challenging firefighter's efforts to protect life and property; and*

*WHEREAS, wildfire suppression costs represent only a small portion of overall economic impacts and do not reflect the total cost of catastrophic fires; and*

*WHEREAS, residents have the responsibility to recognize the high risk of wildfire and institute safe and early evacuation plans, increase their home's resistance to wildfire, and create fire adapted communities to increase the safety and survivability of the public and emergency personnel; and*

*WHEREAS, Wildfire Awareness Month is an important opportunity for South Dakota's communities and fire service agencies to reduce the risk of wildfire, increase firefighter safety, and enhance public safety and awareness through education on fire safety, preparation, and prevention.*

*THEREFORE, BE IT RESOLVED, that the City of Custer supports the month of May 2018 as South Dakota Wildfire Awareness Month; and*

*THEREFORE, BE IT RESOLVED that the theme for this year, "One Less Spark, One Less Wildfire" is a call for the residents of the City of Custer to educate themselves and to take action to reduce the wildfire threat to their homes and help their community move toward becoming a fire adapted community and*

*Adopted this 16<sup>th</sup> day of April 2018.*

*ATTEST:*

*CITY OF CUSTER CITY*

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

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

*(SEAL)*





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

### Staff Report

Request: Minor Plat, Lots 7R & 8R of Block 6  
Location: Intersection of Montgomery Street and N 6<sup>th</sup> Street, Custer SD  
Property Address: 247 N 6<sup>th</sup> Street  
Date Prepared: April 12, 2018  
City Council Meeting: April 16, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a non-subdivision that is within the corporate limits of the City of Custer. The proposed plat combines, into two common parcels, the area of Lots 7,8 & 9 and 25' of vacated Montgomery Street and 2 feet of vacated North South Alley contiguous to Lot 9. The proposed plat eliminates all existing interior lot lines as well as incorporates the street vacations into the common parcels to allow for building setbacks to be calculated from the new platted property lines. City utilities will serve the parcel.

#### **EXISTING PARCEL DESCRIPTIONS**

The proposed plat officially plats, into two separate parcels, the currently described North 50' of Lots 7,8,9 plus the south 25' of Montgomery Street contiguous to Lots 7,8 & 9 and 2' of the N/S alley contiguous to Lot 9 (Proposed Lot 7R). The second lot will include the South 100' of Lots 7,8,9 plus the east 2' of the N/S alley contiguous to Lot 9 (Proposed Lot 8R).

#### **RIGHT OF WAY VACATION**

A portion of Montgomery Street and the North South alley contiguous to the property contained in this plat has been vacated by Resolution #12-19-2011A. Vacation includes the South 25' of Montgomery Street contiguous to lots 7,8&9 and the east 2' of the N/S alley contiguous to lot 9.

It was the owners understanding that a 10' utility easement was retained contiguous to Montgomery Street. Resolution #12-19-2011A does not specifically designate that easement. The owner has agreed to create such easement with this plat to provide clarity that the 10' Utility easement does exist.

#### **COMPREHENSIVE PLAN**

The comprehensive plan identifies this area as suburban residential.

#### **ROUTING SHEET RESPONSES**

SDDOT – No Concern

#### **ACCESS**

Access is gained to the area by the surrounding rights of ways of Block 6, including Montgomery Street, North 6<sup>th</sup> Street and the interior alley ways.

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

Planning Commission reviewed the minor plat for Lot 7R & 8R of Block 6 at the April 10, 2018 meeting. Commissioner Uhrich moved, with a second by Commissioner Dvorak to recommend approval of the minor plat by Council. Such motion unanimously carried.

#### **STAFF RECOMMENDATIONS**

Staff supports approval by the Council of the proposed plat







**PLAT OF  
LOT 7R AND 8R OF BLOCK 6  
(formerly Lots 7, 8, and 9 of Block 6 and Vacated Street and Alley)  
ALL LOCATED IN SECTION 23, T3S, R4E B.H.M.  
ORIGINAL TOWN OF CUSTER, CUSTER COUNTY, SOUTH DAKOTA.**

**CERTIFICATE OF OWNERSHIP**

State of South Dakota  
County of Custer S.S.

I, Gene A. Fennel and Linda K. Fennel, do hereby certify that we are the owners as shown and described hereon; that the survey was done at our request for the purpose indicated hereon; that we do hereby approve the survey and within plot of said land; and that the development of this land shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations.

By: \_\_\_\_\_  
Gene A. Fennel, Owner

By: \_\_\_\_\_  
Linda K. Fennel, Owner



**CERTIFICATE OF SURVEYOR**

State of South Dakota  
County of Custer S.S.

I, David Lee Vliem, Registered Land Surveyor No. 9951 in the State of South Dakota, do hereby certify that at the request of the owners listed hereon, I have surveyed the tract of land shown, and to the best of my knowledge and belief, the within plot is a representation of said survey. Easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

In witness whereof, I have hereunto set my hand and seal.

David Lee Vliem, Registered Land Surveyor Date: \_\_\_\_\_

**ACKNOWLEDGMENT OF OWNERSHIP**

State of South Dakota  
County of Custer S.S.

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared Gene A. Fennel and Linda K. Fennel, known to me to be the persons described in the foregoing instrument and acknowledged to me that they signed the same.

In witness whereof, I have set my hand and seal.

NOTARY PUBLIC: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**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 \_\_\_\_\_, 2018.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Finance Officer of the City of Custer

**RESOLUTION OF THE CITY COUNCIL**

Whereas there has been presented to the city council of Custer, South Dakota, the within plot of the above described lands, and it appearing to the council that said plot conforms to the existing plats of said city, that the streets set forth therein conforms to the system of streets of this 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 plot and the survey thereof have been executed according to law, now therefore, BE IT RESOLVED, that said plot is hereby approved in all respects.

Dated at Custer this \_\_\_\_ day of \_\_\_\_\_, 2018.

Mayor \_\_\_\_\_ Finance Officer \_\_\_\_\_

**CERTIFICATE OF HIGHWAY AUTHORITY**

The location of the proposed lot lines with respect to the Highway or Street as shown hereon is hereby approved. Any approaches or access to the Highway or Street will require additional approval.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Highway or Street Authority

**CERTIFICATE OF COUNTY TREASURER**

I, Treasurer of Custer County, do hereby certify that all taxes which are liens upon the within described lands are fully paid according to the records of my office.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

**CERTIFICATE OF 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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Director of Equalization of Custer County

Approved: \_\_\_\_\_

**CERTIFICATE OF REGISTER OF DEEDS**

State of South Dakota  
County of Custer S.S.

Filed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock  
\_\_\_\_ M. in Document # \_\_\_\_\_.

Fee: \$ \_\_\_\_\_

\_\_\_\_\_  
Custer County Register of Deeds





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

### Staff Report

Request: Final Plat, Stone Hill Subdivision  
Applicant: SHS Development, LLC  
Location: Intersection of Bluebell Lane and Park Avenue, Custer SD  
Legal Desc.: Balance of Tract Denver in Sec. 25, T3S, R4E  
Date Prepared: April 12, 2018  
City Council Meeting: April 16, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a subdivision that is within the corporate limits of the City of Custer. City utilities are in and serve the 2 parcels. The area is currently part of the Stone Hill Subdivision, Balance of Tract Denver. This plat has been submitted to create two lots for a two-unit townhome, the center lot line is located on the common wall of the townhome.

Construction on the townhome is near completion, and the survey has been conducted to assure the center lot line location.

#### **COMPREHENSIVE PLAN**

The comprehensive plan identifies this area as suburban residential.

#### **ROUTING SHEET RESPONSES**

SDDOT – No concerns  
CC ROD – No concerns

#### **ACCESS**

The townhome will have frontage toward Bluebell Lane. Access to the structure is directly from Bluebell Lane.

#### **REVISIONS TO PRELIMINARY PLAT**

~~Custer Municipal Code Chapter 17.12.040(P)(4) requires townhouses shall have a six-foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations. This requirement applies and shall be added to the plat. Complete~~

~~Exterior lot line easements may also be investigated further with the Planning Department and applicant to assure the most appropriate easement on each exterior lot line. Complete~~

#### **LOT SIZE REQUIREMENTS**

Custer municipal code section 17.12.060(A)(1) addresses lot size requirements and density. The proposed plat appears to meet all requirements.

#### **PREVIOUS ACTION BY PLANNING COMMISSION & CITY COUNCIL**

Planning Commission members reviewed the preliminary plat at the November 14, 2017 meeting. After some discussion Commission member Stites moved, with a second by Commission member Dvorak to recommend Council approve the preliminary plat contingent upon addition of a 6' exterior maintenance easement being added along the common lot line and all other easements clarified. These items have been addressed. Motion unanimously carried.

City Council reviewed the preliminary plat at the March 19, 2018 meeting. A motion was made to approve the preliminary plat. Motion unanimously carried.

Planning Commission reviewed the final plat at the March 10, 2018 meeting. A motion was made to recommend approval of the final plat by Council. Motion unanimously carried.

#### **STAFF RECOMMENDATIONS**

Staff recommends to the Council approval of the final plat. No subdivision concerns exist, and all special townhome requirements appear to be met.



# STONE HILL SUBDIVISION

A PLAT OF LOTS 1A AND 1B OF BLOCK 1, LOCATED IN A PORTION OF TRACT DENVER, NE 1/4 SECTION 25, T3S, R4E, BHM, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

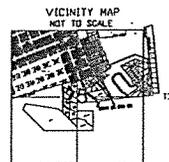
SEE BOOK 12 OF PLATS ON PAGE 222 FOR PLAT OF TRACT DENVER.

A 6' WIDE UTILITY & DRAINAGE EASEMENT IS RESERVED ALONG THE INSIDE OF LOT LINES WITH THE EXCEPTION OF THE LOT LINE COMMON TO LOTS 1A AND 1B.

A 6' WIDE EXTERIOR MAINTENANCE AGREEMENT IS RESERVED ALONG THE LOT LINE COMMON TO LOTS 1A AND 1B.

A 18' WIDE UTILITY & DRAINAGE EASEMENT IS RESERVED ALONG THE INSIDE OF ALL EXTERIOR LINES TO TRACT DENVER.

NOTE: THE EASEMENT LINES SHALL BE LENGTHENED OR SHORTENED AS REQUIRED TO CONFORM TO EXISTING EASEMENT AND/OR PROPERTY LINES.

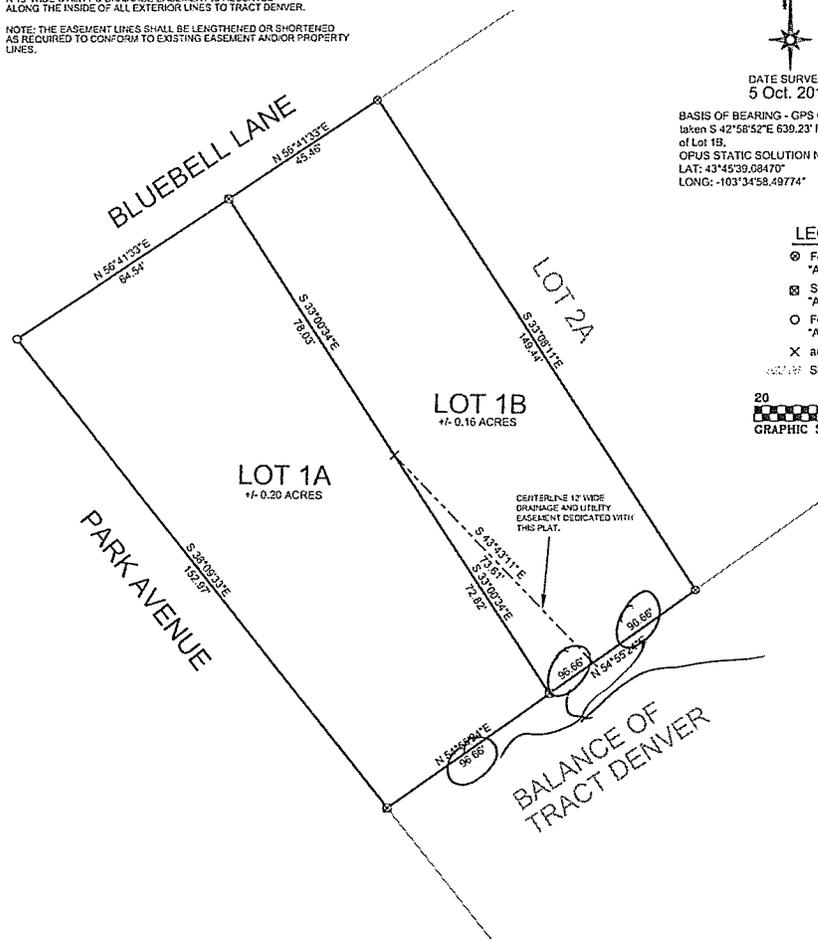
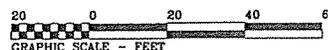


DATE SURVEYED  
5 Oct. 2017

BASIS OF BEARING - GPS OBSERVATION taken S 42°56'52"E 639.23' from the SE corner of Lot 1B,  
GPS STATIC SOLUTION NAD83(2011)  
LAT: 43°45'39.6847"  
LONG: -103°34'58.49774"

### LEGEND

- ⊗ Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
- ⊗ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- Found rebar w/aluminum cap marked "ADVANCED ENG."
- × angle point not monumented
- slant lettering denotes record calls



### 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 \_\_\_, 2017.

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.  
Date: \_\_\_\_\_

Highway Authority

### 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 \_\_\_, 2017.

Director of Equalization of Custer County

### STATE OF SOUTH DAKOTA, COUNTY OF CUSTER

SHS Development, 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 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 \_\_\_, 2017.

Mike Tennyson (member)

### 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 \_\_\_, 2017.

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 \_\_\_, 2017.

Custer City Finance Officer

### 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 \_\_\_, 2017.

Custer County Treasurer

### OFFICE OF THE REGISTER OF DEEDS

Filed for record this \_\_\_ day of \_\_\_, 2017, at \_\_\_ o'clock \_\_\_ M., and recorded in Book \_\_\_ of Plats on page \_\_\_.

Custer County Register of Deeds

Prepared by <b>ANDERSEN ENGINEERS</b> <i>Land Surveyors, Professional Engineers, &amp; Environmental Consultants</i>		
Drawn by DR	Date 10/16/2017	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 andersonengineers@gwic.net
Approved by MCB	Date 10/16/2017	
Scale 1"=20'	Sheet 1 of 1	File Name: L1_STONE_HILL_PLAT



CUSTER CITY COUNCIL MEETING

NAME: Connie Tye PHONE #: 673 5134  
ADDRESS: 444 Crook St Custer SD 57730

MEETING DATE: \_\_\_\_\_

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):

YMCA Fundraiser. Foot Race.  
See attached sheets -  
long course - start on trail mm# 49.6 to  
6th of Harbock - to the Skywalk to Needles Dr.  
to 11th to Mickelson Spur to Mickelson trail  
to the track exit. Short course starts and stops  
@ the trail - course is otherwise the same.

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.):

Fundraiser for youth membership & sports program  
scholarships.

June 9th

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):

no

SIGNATURE Connie Tye DATE 12 Apr 18

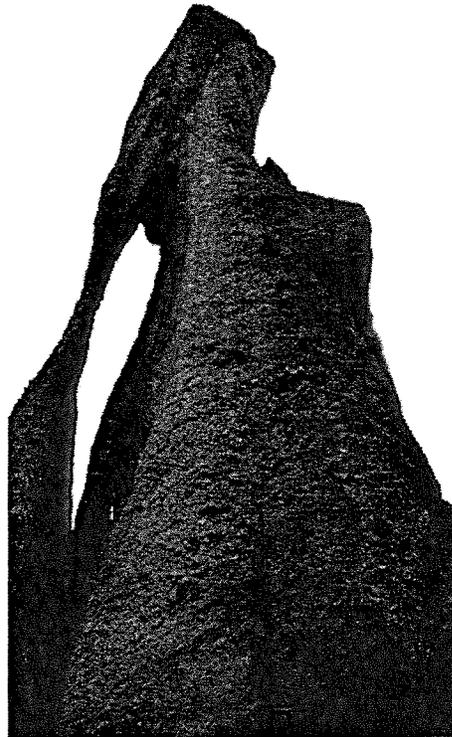
This form must be returned to the Finance Office by noon on the Wednesday preceding a regular scheduled meeting.



FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

# PUSH YOUR LIMITS

## Needles View Dash CUSTER YMCA



Make plans to join us for the Custer YMCA's Inaugural Needles View Dash on Saturday, June 9, 2018! 12K and 5K options. Register online or at the Custer YMCA. The 12K starts at the Mountain Trailhead. The 5K starts at the CHS Sports Complex. Run along the beautiful Mickelson Trail to Harbach Park and tackle the Custer Skywalk stairs. Prizes awarded to the top three places in each race. For More Information, Contact the Custer YMCA.

### Entry Fees:

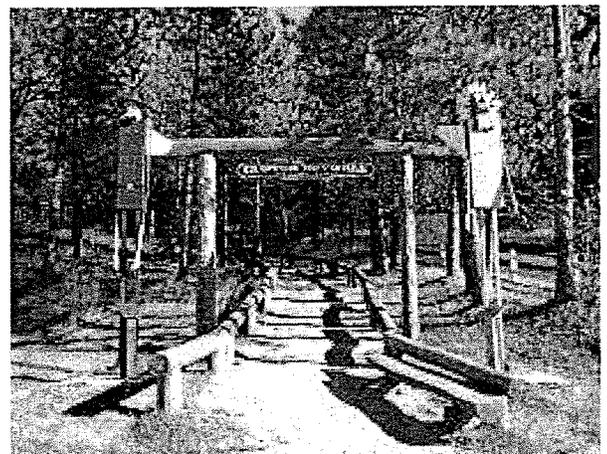
- Short Course:** \$15 by May 1st
- Long Course:** \$25 by May 1st
- AFTER MAY 1ST, PRICE INCREASES \$10 FOR BOTH DISTANCES**
- Race Day Registration:** 6:30 a.m. - 7 a.m.

**WHEN: SATURDAY, 9 JUNE 2018**

**TIME: 7 a.m. Start**

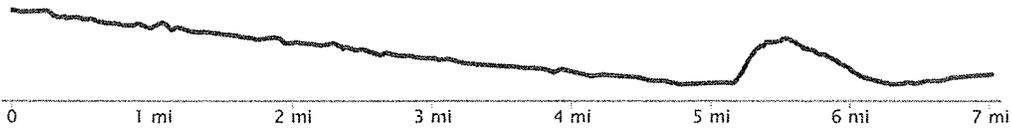
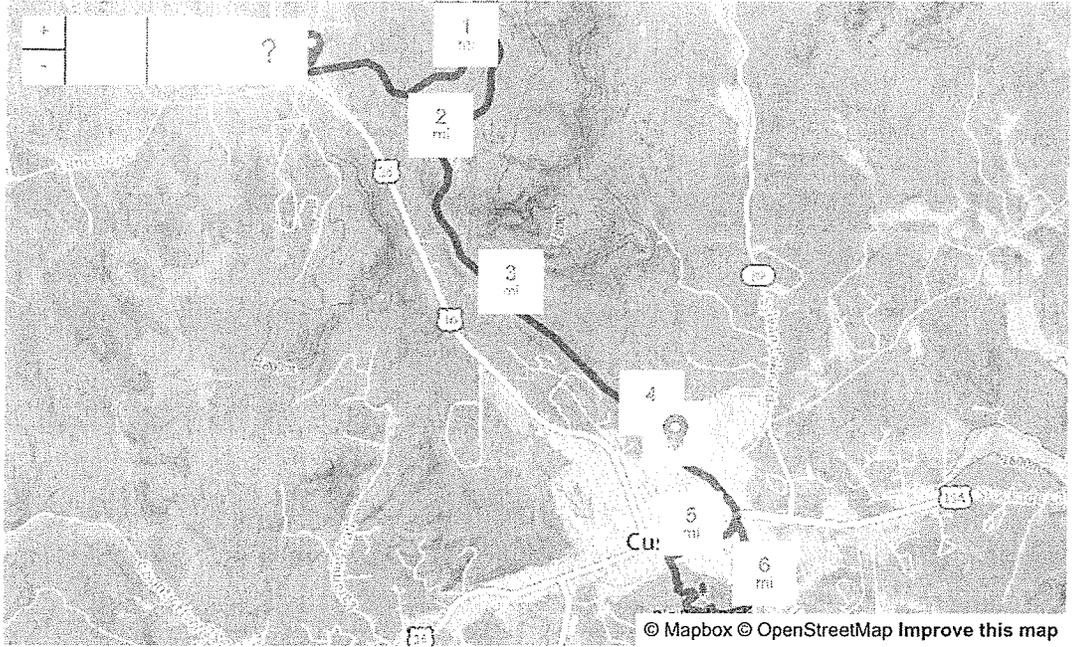
**LOCATION: VARIES**

Mickelson Trail  
Custer, SD 57730  
Custer YMCA: 605-673-5134  
<http://www.rcymca.org/>  
[connie@rcymca.org](mailto:connie@rcymca.org)



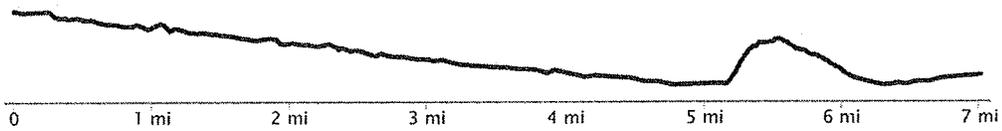
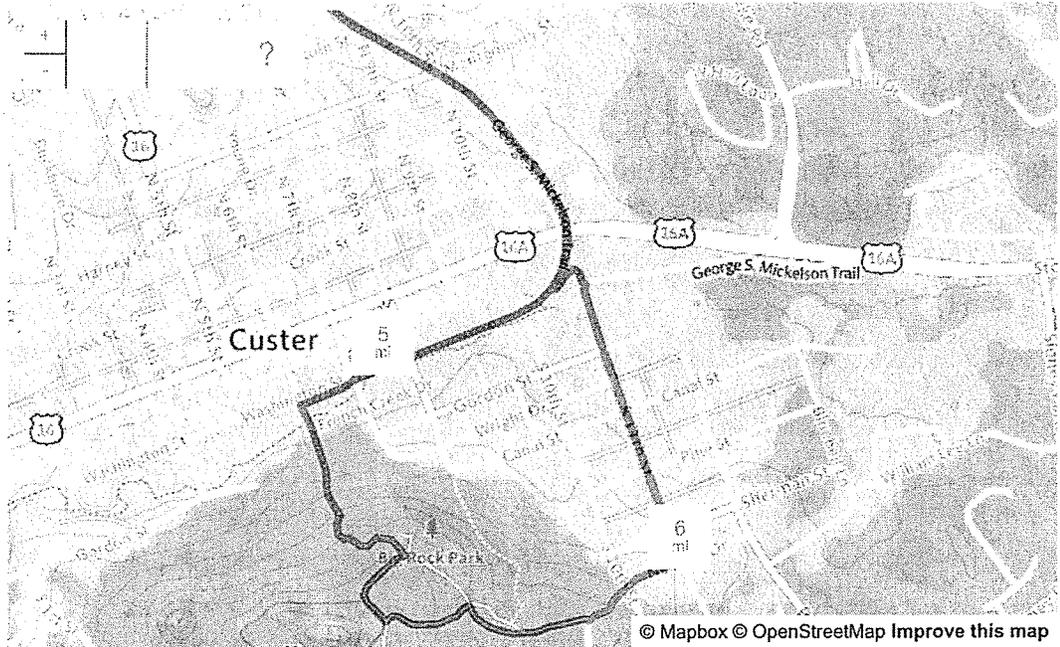
# Needles View 7 Miler Long Course (7.01 mi)

From Heritage Village Mickelson Trail to Harbach Park to Custer Skywalk to Needles View Dr to 11th St to the Mickelson Trail Spur to the Mickelson Trail to the Track Exit off the Trail.



# Needles View 7 Miler Long Course (7.01 mi)

From Heritage Village Mickelson Trail to Harbach Park to Custer Skywalk to Needles View Dr to 11th St to the Mickelson Trail Spur to the Mickelson Trail to the Track Exit off the Trail.



Special Event Permit – South Dakota Game, Fish and Parks

DATE ISSUED: 04/12/2018

PERMIT #: 194

Contact Information

Event Organizer: Connie Tye
Sponsoring organization (if applicable): Custer YMCA
Address: 644 Crook St
City: Custer State: SD Zip: 57730
Email: Connie@rcymca.org
Primary Phone Number: 605-673-5134
Secondary Phone Number: --
On site contact person: Connie Tye
On site contact phone: 605-517-0403

Event Details

Event Name: Needles View 12K/5K Dash
Event Type: Other
Date(s) of event: 06/09/2018 to 06/09/2018
Hours of event:
Location Name: Mickelson Trail
County: Custer
Body of water:
Launch site:
Weigh-in site:

Specific area within location:

12K: Mountain Trailhead to Harbach Park up to the lookout, to Needles Dr, to 11th St to the Mickelson Trail Spur to the Mickelson Trail and ending at the CHS Sports Complex (track & football field).

Detailed description of event or activity:

I would like access to the restroom at the Mountain Trailhead.

Estimated number of attendees: 50

Estimated attendee vehicles:

- Boats:
Cars / Pickups:
Snowmobiles /
ATVs:
Bicycles:
Motorcycles:
Other:
Other Vehicle
Type

Estimated number of event staff: 15

Fee charged to attendees:

[Empty box for fee charged to attendees]

Any special services or facilities needed:

One-day event park entrance licenses requested:

**Fishing Tournament Details**

Fish species counted for tournament scoring:

Fishing Tournament Format:

Other Format Description (if applicable):

If harvested, will the fisherman retain possession or donate the fish to a charitable organization?

Charitable Organization(s):

1. Organization Name:

Corporate ID Number:

Contact Person:

Contact Number:

Intended use of donated fish (may not be sold or bartered):

Storage location and address (must be public storage - not at a private residence):

2. Organization Name:

Corporate ID Number:

Contact Person:

Contact Number:

Intended use of donated fish (may not be sold or bartered):

Storage location and address (must be public storage - not at a private residence):

3. Organization Name:

Corporate ID Number:

Contact Person:

Contact Number:

Intended use of donated fish (may not be sold or bartered):

Storage location and address (must be public storage - not at a private residence):

Signed By Event Organizer: Connle Tye Date: 3/14/2018 3:25:29 PM

**REVIEW AND APPROVAL**

**Additional Requirements**

The Event Organizer is responsible for providing the indicated requirements to the Department Site Manager within the timeframe indicated for each.

- Commercial General Liability Insurance - submitted with application
- Liability Waivers - example submitted with application; completed forms required 5 days after the event
- Site Responsibilities Checklist - for Event Organizer's Information and use
- One-day event park entrance license fee - required 15 days prior to the event
- The following provisions apply:

**Current Status:**

**Update Additional Requirements**

<u>Contact Name</u>	<u>Contact Title</u>	<u>Contact Phone #</u>	<u>Tier</u>	<u>Approved</u>	<u>Approved Date</u>	<u>Comments</u>
Bob Schneider	Parks & Rec Division Assistant Director	605.773.3391	Tier 1	True	4/9/2018 7:55:59 AM	
Dana Garry-Reiprich	Park Manager	605.584.3896	Tier 1	True	4/6/2018 9:01:59 AM	Any participants that are running outside of city limits will need to have a daily or annual pass. These can be purchased after the run when the numbers are known. You will have access to the Mountain Trailhead restroom.
Shannon Percy	District Park Supervisor	605.584.2739	Tier 1		3/14/2018 3:27:55 PM	
Bob Schneider	Parks & Rec Division Assistant Director	605.773.3391	Tier 2		3/14/2018 3:28:21 PM	



REQUEST TO BE ON AGENDA  
CUSTER CITY COUNCIL MEETING

RECEIVED

MAR 21 2018

CITY OF CUSTER

NAME: Brock Hoagland PHONE #: 673-4016

ADDRESS: P.O. Box 164, Pringle

MEETING DATE: April 16<sup>th</sup>, 2018

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):

Authorization for VFW 3442 to hold Wreaths Across America ceremony at city cemetery.

**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.):

Place wreaths on veteran graves.  
3<sup>rd</sup> Saturday in December

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 March 21, 2018

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



A & B Welding, Supplies, \$104.60  
American Legal Publishing, Professional Fees, \$926.00  
Black Hills Energy, Utilities, \$13,385.70  
Code Works, Professional Fees, \$530.24  
Culligan, Repair & Maintenance, \$18.50  
Custer Car Wash, Supplies, \$36.75  
Chamber of Commerce, Sales Tax, \$5,025.44  
Chronicle, Publishing Fees, \$839.72  
Custer County Treasurer, Law Enforcement Contract \$93,750.00  
Custer True Value, Supplies, Repair & Maintenance, \$582.27  
California State Disbursement, Deduction, \$53.19  
Discovery Benefits, Supplies, \$25.00  
French Creek Supply, Supplies, Repair and Maintenance, \$415.31  
First Interstate Bank, Supplies, \$61.25  
First Interstate Bank, Supplies, Repair and Maintenance, \$4,820.80  
Green Owl Media, Professional Fees, \$165.00  
Goldenwest Telecommunications, Utilities, \$610.58  
Goldenwest Technologies, Professional Fees, \$673.50  
Hawkins, Supplies, \$25,204.37  
Jenner Equipment, Repair and Maintenance, \$805.85  
Kimball Midwest, Supplies, \$1,654.79  
Kone, Professional Fees, \$947.88  
Lamonte's Auto Center, Repairs, \$2,646.30  
Lynn's Dakotamart, Supplies, \$46.29  
Matthew Bender and Company, Supplies, \$50.00  
Midcontinent Testing Labs, Professional Fees, \$108.00  
Nelson's Oil and Gas, Supplies, \$785.52  
Northwest Pipe Fittings INC, Supplies, \$947.98  
Petty Cash, Fees, \$68.72  
Pitney Bowes, Supplies, \$48.69  
Quill, Supplies, \$177.04  
Pace, Fees, \$251.89  
Rapid Delivery, Professional Fees, \$77.64  
Regional Health Network, Sales Tax Subsidy, \$31,052.36  
SRF Loan Payments, \$15,477.11  
S & B Motors, Supplies, Repairs and Maintenance, \$150.14  
Servall, Supplies, \$248.77  
SD Executive MGMT Finance Office, Utilities, \$32.58  
Shanklin's, Supplies, \$131.98  
SD One Call, Supplies, \$51.45  
State of SD, Sales Tax, \$1,030.23  
SD DCI, \$43.25  
The Harford, Insurance, \$64.12  
USDA Loan Payments, \$8,910.00  
Vector Design Print and Tech, Supplies, \$32.52  
Verizon Wireless, Utilities, \$467.51  
Wesdak Welding and Diesel LLC, Supplies, \$123.76  
Wright Express, Supplies, \$761.25  
Total Claims \$214,421.84

