

All City Council Meetings are recorded.

**CITY OF CUSTER CITY**  
**COUNCIL AGENDA**  
**December 3<sup>rd</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 – November 19<sup>th</sup>, 2018 Regular Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. Second Reading – Ordinance #815 – Designated Wetland Maintenance
  - b. First Reading – Ordinance #816 – 2018 Supplemental Budget Ordinance
  - c. Resolution #12-03-18A – Warranty Deed – Tract Clinic
  - d. Resolution #12-03-18B – Dissolving TIF #1 Financing District
  - e. Resolution #12-03-18C – Self-Assessment for Performance Review
  - f. Resolution #12-03-18D – Deed of Conveyance (Laptop)
  - g.
6. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
7. Old Business
  - a.
  - b.
8. New Business
  - a. 2019 Animal Control Contract – Battle Mountain Humane Society
  - b. Minor Plat – Tracts Raymond North and Raymond South
  - c. Minor Plat – Lot 18R and Tract 7R of Deer Ridge Subdivision
  - d. Minor Plat – Lot 20R and Lot 21R of Wittrock Subdivision
  - e. West Dam CLOMR & LOMR Application Submittal – Banner
  - f. Deer Management – Deer Processing – Top Pin Archery
  - g. Custer Cruisin Committee Appointment
  - h. Cost of Living Adjustment
9. Presentation of Claims –
10. Department Head Discussion & Committee Reports –
11. Possible Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
12. Adjournment

**REMINDERS**

- General Government Committee Meeting – December 10<sup>th</sup>, 2018 4:30 P.M.**  
**Planning Commission Meeting – December 11<sup>th</sup>, 2018 5:00 P.M.**  
**Regular City Council Meeting – December 17<sup>th</sup>, 2018 5:30 P.M.**  
**\*\*\*End of Year Regular City Council Meeting – December 28<sup>th</sup>, 2018 12:00 P.M.\*\*\***  
**Public Works Committee Meeting – January 7<sup>th</sup>, 2019 4:30 P.M.**  
**Regular City Council Meeting – January 7<sup>th</sup>, 2019 5:30 P.M.**  
**General Government Committee Meeting – January 14<sup>th</sup>, 2019 4:30 P.M.**  
**Planning Commission Meeting – January 15<sup>th</sup>, 2019 5:00 P.M.**  
**Regular City Council Meeting – January 22<sup>nd</sup>, 2019 5:30 P.M.**  
**Park & Recreation Committee Meeting – January 23<sup>rd</sup>, 2019 5:30 P.M.**

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



CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
November 19<sup>th</sup>, 2018

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

**AGENDA**

Councilperson Blom moved to approve the agenda. Seconded by Councilperson Arseneault, the motion unanimously carried.

**MINUTES**

Councilperson Nielsen moved, with a second by Councilperson Fischer, to approve the minutes from the November 5<sup>th</sup> regular council meeting and the November 9<sup>th</sup> special council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**PUBLIC HEARING – WINE LICENSE (2019) & MALT BEVERAGE LICENSE (TRANSFER)–AJ'S ORE CAR SALOON**

Councilperson Fischer moved to approve the malt beverage license transfer and 2019 wine license for AJ's Ore Car Saloon. Seconded by Councilperson Moore, the motion unanimously carried.

**PUBLIC HEARING – LIQUOR & WINE LICENSE RENEWALS**

The Council was presented with a renewal list of 27 liquor & wine license applications for the 2019 license period. Councilperson Nielsen moved to approve the applications as listed contingent upon property taxes being paid current and proof of insurance being provided. Seconded by Councilperson Blom, the motion unanimously carried.

**SECOND READING – ORDINANCE #812 – WATER RATES**

Councilperson Blom moved to adopt Ordinance #812, Water Rates. Seconded by Councilperson Fischer, the motion carried with Councilperson Blom, Nielsen, Fischer, Moore and Arseneault voting yes.

**SECOND READING – ORDINANCE #813 – WASTEWATER RATES**

Councilperson Nielsen moved to adopt Ordinance #813, Wastewater Rates. Seconded by Councilperson Blom, the motion carried with Councilperson Nielsen, Fischer, Moore, Arseneault and Blom voting yes.

**SECOND READING – ORDINANCE #814 – WATER OFF RATES**

Councilperson Fischer moved to adopt Ordinance #814, Water Off Rates. Seconded by Councilperson Moore, the motion carried with Councilperson Fischer, Moore, Arseneault, Blom and Nielsen voting yes.

**FIRST READING – ORDINANCE #815 – DESIGNATED WETLAND MAINTENANCE**

Councilperson Blom moved to approve Ordinance #815, Designated Wetland Maintenance. Seconded by Councilperson Nielsen, the motion unanimously carried.

**RESOLUTION #11-19-18A – POSITION DESCRIPTIONS (3 FINANCE OFFICE POSITIONS)**

Councilperson Moore moved to adopt Resolution #11-19-18A, Position Descriptions (3 Finance Office Positions). Seconded by Councilperson Arseneault, the motion unanimously carried.

**RESOLUTION # 11-19-18A**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 02-05-18B; and

WHEREAS, the Common Council of the City of Custer City has determined that the Finance Officer, Deputy Finance Officer and Account Receivable Clerk position description are in need of updating; and

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended to include the attached exhibit "A", Finance Officer, Deputy Finance Officer and Account Receivable Clerk Position Descriptions (3 pages each), as though set forth in full herein, and adopted by reference.

Dated this 19<sup>th</sup> day of November, 2018.

CITY OF CUSTER

S/Corbin Herman, Mayor

ATTEST Laurie Woodward, Finance Officer

**PUBLIC COMMENTS**

No public comments were received.

**EASEMENT & RIGHT-OF-WAY – LOT 1 OF TRACT BENNETT & A PORTION OF LOT 29 HOMESTEAD ADDITION – BELVA BENNETT**

Councilperson Fischer moved to approve the easement and right-of-way for Belva Bennett to maintain a garage which is located on the real property described as: Lot 1 of Tract Bennett and a portion of Lot 29 of

Homestead Addition and encroaches upon Summit Street by +/- 5 feet and the road easement by +/- 8.7 feet. Seconded by Councilperson Nielsen, the motion unanimously carried.

**CUSTER BARK PARK VOLUNTEER COMMITTEE REQUEST TO PARTNER WITH BHACF FOR 501(c)3 STATUS**

Councilperson Fischer moved to approve the Custer Bark Park Committee's request to partner with Black Hills Area Community Foundation (BHACF) and utilize its special project/fiscal sponsorship fund program to pay for its management fee, with the City paying the \$250 cost to utilize the program. Seconded by Councilperson Arseneault, the motion carried with Councilperson Moore, Arseneault, Blom, Nielsen and Fischer voting yes.

**WARRANTY DEED – TRACT HOSPITAL & TRACT CLINIC**

Councilperson Nielsen moved to accept the warranty deed for Tract Hospital and Tract Clinic from Regional Health Network Inc., subject to the specific restrictions contained in the deed and directed the Planning Administrator to work with the City Attorney to prepare the appropriate deed(s) for transfer of Tract Clinic to the County of Custer, for Custer County Search & Rescue purposes only, with a specific reversionary clause dictating that the real property contained therein shall revert to the City of Custer City in the event the property no longer is used for Search & Rescue purposes by the County, with the documents coming before the Council in December. Seconded by Councilperson Fischer. The motion was amended to state that Tract Clinic was to be used for Custer County Search & Rescue and/or Emergency Services. The motion unanimously carried.

**BURNING OF THE BEETLE REQUEST**

Councilperson Fischer moved to approve the Bark Beetle Blues Committee, Custer Area Arts Council and Custer Volunteer Fire Department joint request to use Pageant Hill on January 19, 2019 for the Burning of the Beetle Event and to have fireworks at the event on Pageant Hill, in addition the City will provide a place for Christmas trees to be dropped off and a port-a-pot on Pageant Hill. Seconded by Councilperson Moore, the motion unanimously carried.

**COUNCIL RECESS 5:52 – 5:56**

**EXECUTIVE SESSION**

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1-4) at 5:56 pm, with the Attorney, Public Works Director, Planning Administrator and Finance Officer present. Seconded by Councilperson Moore, the motion unanimously carried. Council came out of executive session at 6:04pm, with no action taken.

**EMPLOYEE LEAVE WITHOUT PAY REQUEST**

Councilperson Fischer moved to approve John Christie's leave without pay request for November 19<sup>th</sup>, 2018 through December 13<sup>th</sup>, 2018. Seconded by Councilperson Arseneault, the motion unanimously carried.

**EMPLOYEE RESIGNATION**

Councilperson Nielsen moved to accept Julie Harley's resignation effective December 14<sup>th</sup>, 2018 and thanked Julie for her years of service. Seconded by Councilperson Moore, the motion unanimously carried.

**EMPLOYEE INCREASE**

Councilperson Fischer moved to approve an increase for Lynnette Merritt to \$20.46 per hour effective November 19<sup>th</sup>, 2018, due to changes in job duties. Seconded by Councilperson Moore, the motion unanimously carried.

**CLAIMS**

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

Black Hills Chemical, Supplies, \$56.00  
Black Hills Energy, Utilities, \$13,326.28  
California State Disbursement, Deduction, \$53.19  
Culligan, Repairs & Maintenance, \$18.50  
Chamber of Commerce, Sales Tax Subsidy, \$22,052.12  
Custer Ace Hardware, Supplies, Repairs & Maintenance, \$792.86  
Dakota Green, Trees, \$2,696.25  
Discovery Benefits, Supplies, \$25.00  
Fastenal, Supplies, \$8.14  
First Interstate Bank, Supplies, \$207.20  
Freemans Electric, Supplies, \$98.40  
French Creek Supply, Supplies, \$648.99  
Hach, Repairs & Maintenance, \$75.56  
Hawkins, Supplies, \$6,370.09

Hespen Excavating, Repairs & Maintenance, \$2,961.47  
Imageall, Supplies, \$117.00  
Lynn's Dakotamart, Supplies, \$19.27  
McGas, Repairs & Maintenance, \$294.50  
Metering & Technology Solutions, Supplies, \$1,542.47  
Nielsen Enterprises, Repairs & Maintenance, \$845.57  
Northwest Pipe Fittings Inc, Repairs & Maintenance, \$652.90  
Pace, Supplies, \$670.36  
Promotion Physical Therapy, Safety, \$60.00  
Rapid Delivery, Professional Fees, \$64.70  
Rural Water Center, Supplies, \$200.00  
Servall, Supplies, \$165.42  
SD Department of Revenue, Sales Tax, \$1,055.07  
SD DCI, Supplies, \$43.25  
Bit Finance/ State Long Distance, Utilities, \$30.89  
USDA Loan Payment, \$8,910.00  
Wellmark BCBS, Insurance, \$13,836.75  
Total Claims \$77,898.20

**DEPARTMENT HEADS & COMMITTEE REPORTS**

Various committee reports were given in addition to updates from the department heads.

**ADJOURNMENT**

With no further business, Councilperson Moore moved to adjourn the meeting at 6:26 p.m. Seconded by Councilperson Blom, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



ORDINANCE NO. 815

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES CHAPTER 12.14 CITY TREES AND FOREST OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING, REPLACING, AND SUPERSEDING ALL PRIOR ORDINANCES OR AMENDMENTS, BY WHICH AMENDING AND SUPERSEDING SAID ORDINANCE AS FOLLOWS, TO WIT:

BE IT ORDAINED by the Common Council of the City of Custer City that section 12.14.080 be added as follows:

12.14.80 Designated Wetland Maintenance

The City shall review the total annual cost of maintenance for designated wetlands on an annual basis to assure for proper maintenance as set forth by Federal guidelines and to assure that funds are obtained to adequately maintain the designated wetlands.

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 3<sup>rd</sup> day of December, 2018.

City of Custer City

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

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

(SEAL)

First Reading: November 19<sup>th</sup>, 2018  
Seconding Reading: December 3<sup>rd</sup>, 2018  
Publication: December 12<sup>th</sup>, 2018

Vote:  
Arseneault:  
Moore:  
Nielsen:

Fischer:  
Blom:  
Whittaker:



ORDINANCE NO. 816  
SUPPLEMENTAL APPROPRIATION

An Ordinance Entitled Ordinance No. 816, a Supplemental Appropriation  
for the City of Custer City, South Dakota, for the Fiscal Year 2018.

WHEREAS, the budget adoption process was already completed when the additional budget items were implemented, it is necessary to make, approve, and adopt a supplemental appropriation ordinance for the fiscal year commencing January 1, 2018, to supplement certain funds established by the Appropriation Ordinance No. 794 for the fiscal year 2018:

THEREFORE, BE IT ORDAINED by the Common Council of the City of Custer City:

SECTION I: That in addition to the sums of money appropriated by said Appropriation Ordinance No. 794, the following sums shall be appropriated, to-wit:

<b>FUNDS DERIVED FROM</b>	
<b>GENERAL FUND:</b>	
Reserve Funds	\$11,200
State Grant Revenue	\$10,000
<b>WATER FUND:</b>	
Reserve Funds	\$37,000
<b>DEBT SERVICE TIF FUND:</b>	
Revenue	\$55,000
<b>PROMOTION FUND:</b>	
Revenue	\$10,000
<b>TOTAL SUPPLEMENTAL FUNDING</b>	<b>\$123,200</b>

<b>FUNDS EXPENDED THROUGH</b>	
<b>GENERAL FUND:</b>	
Mayor & Council - Beautification	\$5,500
Animal Control	\$1,700
Parks Department – Salary	\$2,000
Parks Department – Supplies	\$2,000
Economic Development Corp Subsidy	\$10,000
<b>WATER FUND:</b>	
Pump & Well Repair & Maintenance	\$10,000
Supplies	\$4,000
Pump & Well Supplies	\$17,000
Purification Supplies	\$6,000
<b>DEBT SERVICE TIF FUND:</b>	
TIF#2	\$10,000
TIF#4	\$20,000
TIF#5	\$25,000
<b>PROMOTION FUND:</b>	
Chamber Sales Tax Subsidy	\$10,000
<b>TOTAL SUPPLEMENTAL APPROPRIATION</b>	<b>\$123,200</b>

SECTION II: that no levy shall be made for any part of said \$123,200 from the 2018 funds here-in-above stated.

TRANSFERRING OF BUDGET FUNDS

FUNDS DERIVED FROM

GENERAL FUND:

100-4110-45900	Contingency	\$20,000
300-4330-41100	Salary	\$20,000
300-4330-41500	Health Insurance	\$6,000

FUNDS EXPENDED THROUGH

GENERAL FUND:

100-4312-41100	Salary	\$4,000
100-4312-42500	Repair & Maintenance	\$10,000
400-4312-42613	Street Light Supplies	\$6,000
300-4330-42680	Meters	\$20,000
300-4330-42631	Distribution Supplies	\$6,000

TOTAL BUDGET TRANSFER	\$46,000
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SECTION III: that all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION IV: that this ordinance, being an ordinance for the support of the municipal government and its existing public institutions, shall be in full force and effect immediately upon its passage and publication as provided by law.

SECTION V: that should any section or sections of this ordinance be declared invalid or unconstitutional by a Court of the last resort, the same shall not invalidate the remaining sections of this ordinance.

Dated this 17<sup>th</sup> day of December 2018.

CITY OF CUSTER CITY

ATTEST:

Corbin Herman, Mayor

Laurie Woodward  
Finance Officer

(SEAL)

First Reading: December 3, 2018  
Second Reading: December 17, 2018  
Publication: December 26, 2018

Vote:	
Fischer:	Nielsen:
Arseneault:	Moore:
Blom:	Whittaker:

RESOLUTION NO. 12-03-18A  
WARRANTY DEED

WHEREAS, the City of Custer City has certain property which is not held for public use or is about to be abandoned for public purposes; and

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

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer City, that it is advisable and in the best interest of the public that the following property is declared to be not held for public use or is about to be abandoned for public purposes and shall be transferred and conveyed to Custer County, as set forth in SDCL 6-5-2; Gratuitous Transfers of Property to Other Political Subdivisions or Nonprofit Corporations:

**Tract Clinic (formerly a portion of Lot E and Lot B Revised) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats, Page 137, in the office of the Register of Deeds, Custer County, South Dakota;**

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor or Council President is hereby authorized to execute this Resolution and Warranty Deed in accordance herewith, with the specific restriction that this property shall only be utilized for Custer County Search & Rescue and Emergency Services and no other use whatsoever or said property shall revert back to the City of Custer City, as stated in the Warranty Deed.

Dated this 3<sup>rd</sup> day of December, 2018.

CITY OF CUSTER CITY

ATTEST:

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

\_\_\_\_\_  
Laurie Woodward  
Finance Officer  
(SEAL)

PREPARED BY: Tim Hartmann  
Planning Administrator  
City of Custer City  
622 Crook Street  
Custer, SD 57730  
(605) 673-4824

WARRANTY DEED

THE CITY OF CUSTER CITY, a South Dakota Municipal Corporation, of 622 Crook Street, Custer, South Dakota, 57730, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey and warrant to CUSTER COUNTY, State of South Dakota, of 420 Mount Rushmore Road, Custer, South Dakota, 57730, all of their right, title and interest in and to the following described real estate:

**Tract Clinic (formerly a portion of Lot E and Lot B Revised) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats, Page 137, in the office of the Register of Deeds, Custer County, South Dakota;**

subject to covenants, easements, restrictions, reservations, and rights of way of record, if any, and further subject to the following covenants, easements, restrictions and reservations:

Healthcare Facilities are prohibited on the above described real property. As used in this Warranty Deed, "Healthcare Facilities" include, but are not limited to hospitals, clinics, ambulatory surgery centers, urgent or emergency care centers, and offices where healthcare services are provided by licensed or unlicensed healthcare providers and any structure, whether temporary or permanent, where healthcare services are either provided or are held out as being provided. No Healthcare Services may be provided on the real property described above. "Healthcare Services" include but are not limited to services provided (or traditionally provided) by licensed healthcare professionals. Such professionals include, non-exclusively, physicians, surgeons, dentists, optometrists, podiatrists, physician assistants, nurse practitioners, nurses, physical, occupational, speech and respiratory therapists, chiropractors, psychologists, mental health counselors, and alternative health providers. Healthcare Services also includes any service provided by a person, whether or not the person is licensed or required to be licensed, which purports to treat disease or deformity, or which purports to enhance the health or well-being of a person or which sells or rents health supplies, devices or equipment. The

restrictions contained in this paragraph are intended to benefit Grantor and its successors and shall run with the land.

This deed is further subject to the specific reversionary interest that in the event this property is no longer utilized for the purpose of operation of Custer County Search & Rescue or Emergency Services, such property shall revert back to the City of Custer City.

And, if any of the above conditions and reservations are not complied with, then at Grantor's option, exercisable by written notice to Grantee stating the nature of the breach or violation and further providing that if such breach or violation is not corrected within thirty (30) days of the date of receipt of the notice, then all right, title and interest in and to the real property and to any improvements thereon, together with the right of immediate possession thereof, will revert to and revert in Grantor and Grantor's assigns, as fully and completely as if this instrument had not been executed.

**EXEMPT FROM TRANSFER FEE SDCL § 43-4-22(2).**

DATED this \_\_\_\_\_ day of December 2018.

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

Attest: \_\_\_\_\_  
Laurie Woodward  
Finance Officer

(Seal)

State of South Dakota        )  
  ) ss.  
County of Custer                )

On this the \_\_\_\_\_ day of December, 2018, before me, the undersigned officer, personally appeared Corbin Herman, who acknowledged himself to be the Mayor, of the City of Custer City, a South Dakota Municipal Corporation, and that as such Mayor, being duly authorized to do so, executed the foregoing instrument for the purposes herein contained by signing his name on behalf of the City of Custer City as Mayor.

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

\_\_\_\_\_  
Notary Public, South Dakota

My Commission Expires:  
(SEAL)

CERTIFICATE OF REAL ESTATE VALUE [SDCL 7-9-7(4)]

COURTHOUSE USE ONLY

STATE OF SOUTH DAKOTA, COUNTY OF Custer

Book \_\_\_\_\_ Page \_\_\_\_\_

Ratio Card No \_\_\_\_\_

Seller(s) City of Custer City (605) 673-4824
Name Phone No.

Mailing Address 622 Crook Street Custer SD 57730
Street/Box No City State Zip Code

Buyer(s): Custer County (605) 673-8173
Name Phone No.

Mailing Address: 420 Mt Rushmore Road Custer SD 57730
Street/Box No City State Zip Code

NEW Address:
Street/Box No City State Zip Code

OWNER-OCCUPIED - THIS BOX TO BE COMPLETED BY BUYER ONLY
Property is currently classified as owner-occupied YES NO
Property will be occupied by buyer on 12/01/2018 (date) YES NO
Property will be principal residence of buyer on the above stated date YES NO
Do you own any other residential property in the United States? YES NO
These items are important to complete for property to continue to be classified as owner occupied for a lower property tax rate. (If yes - state location)

Legal Description (Please include the number of acres for unplatted properties)
Tract Clinic (formerly a portion of Lot E and Lot B Revised) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats. Page 137, in the office of the Register of Deeds, Custer County, South Dakota;

(1) Date of Instrument 12/03/18

(2) Type of Instrument:

Contract for Deed Warranty Deed Executor's Deed Mineral Deed
Quit Claim Deed Trustee's Deed Administrator's Deed Gift
Other (specify)

(a) Was this property offered for sale to the general public YES NO
(b) Relationship between buyer and seller? YES NO
(c) Was this property sold by owner Agent
(d) Actual Consideration Exchanged: \$0.00
(e) Adjusted price paid for real estate: \$
(actual consideration less amount paid for major items of personal property which are listed below)

List any major items of personal property and their value which were included in the total purchase price (i.e. furniture, inventory, crops, leases, franchises):

(4) Was there Buyer Financing YES NO If yes - items (a) below MUST be completed

(a) Type of Buyer Financing - check where applicable
Conventional Bank Loan Like Kind Exchange
Cash Sale Assumed mortgage
FHA, FmHA, SDHA Loan Farm Credit Service
Contract for Deed
Down Payment Monthly/Yearly Payment Interest Rate
No. of Payments Balloon Payment

(Signature of Seller, Buyer or agent of) (Date)

**RESOLUTION NO. 12-03-18B**  
**RESOLUTION TO DISSOLVE TAX INCREMENT FINANCING DISTRICT #1 AND**  
**ALLOCATE REMAINING FUNDS**

WHEREAS, the Common Council of the City of Custer City on June 21, 1999, created by resolution Tax Increment Financing District Number 1 of the City of Custer with boundaries designated as following described parcels of the Boot Hill Ranch Subdivision:

*Lots 1 and 2 of Block 1, and all of Blocks 6 and 8 of the Boot Hill Ranch Subdivision* [where Boot Hill Ranch Subdivision is described as follows: (formerly Tract X of Clark Placer M.S. 506, Tract F of Hall Placer M.S. 594, H.E.S. 326, Tract D of Government Lot 2 of Section 19, Government Lot 3 of Section 19, Tract A of NE1/4 SW1/4 less Lot R of Section 19, Tract A of Government Lot 4 of Section 19, and Tract C Revised of Government Lot 5 of Section 19, Tract Cullum less Tract A-1 of Government Lot 5 and the Ne1/4 SW1/4 of Section 199), all located in Government Lots 2, 3, 4, and 5 and the NE1/4 SW1/4 of Section 19, T3S, R5E, B.H.M. and in the SE1/4 of Section 24, T3S, R5E, B.H.M., Custer City, Custer County, South Dakota],

including any rights-of-way therein as well as any rights-of-way adjoining the above-described parcels.

WHEREAS, the creation of said Tax Increment District did significantly enhance the value of substantially all real property within the District; and

WHEREAS, per the Contract for Private Development for Tax Incremental District Number One, payment of final positive tax increment payment authorized in the Project Plan is defined as a portion of the total amount being assessed in the year 2017, and payable in the second one-half of the year 2018.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Custer City, that Tax Incremental Financing District Number 1 be dissolved in accordance with South Dakota Codified Law (SDCL) 11-9-46 and any money remaining be allocated as specified by SDCL 11-9-45 effective November 1, 2018.

Dated this 3<sup>rd</sup> day of December, 2018.

CITY OF CUSTER CITY

ATTEST:

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

\_\_\_\_\_  
Laurie Woodward  
Finance Officer  
(SEAL)



**RESOLUTION # 12-03-18C**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 02-05-18B; and

WHEREAS, the Common Council of the City of Custer City has determined that an employee performance evaluation is necessary and desirable; and

WHEREAS, the Common Council had determined that each department shall be given the option of the performance review form used.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended to include the attached exhibit "A", Self-Assessment for Performance Review, incorporated as if set forth in full herein, and adopted by reference.

Dated this 3<sup>rd</sup> day of December, 2018

\_\_\_\_\_  
City of Custer City  
Corbin Herman, Mayor

Attest: \_\_\_\_\_  
Laurie Woodward  
Finance Officer

(Seal)



### Self-Assessment for Performance Review

The questions below are designed to help you prepare for the appraisal session and receive maximum benefit from it. Think about your own personal performances, progress and plans for future improvement. Appraise yourself. When finished, this form should be submitted to the appropriate Supervisor and you should retain a copy of it.

Employee Name:

Position Title:

Department:

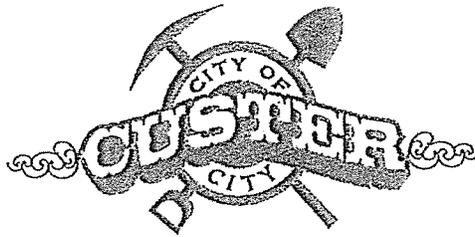
Date:

What do you feel your greatest win/success has been over the past 12 months? How do these align with the goals/objectives outlined in your last review?

List specific contributions you have made to your department and/or the City.

Describe any new goals, responsibilities, or additional challenges you have taken on since your most recent performance evaluation. Identify those that require additional decision-making, responsibility, accountability, or oversight of the work of other employees.

Identify what you like most about your current job. Why?



Identify the components of your job that you would like to change or eliminate. Why?

I would describe my daily management style in the following way:

My biggest day-to-day challenge is:

State two goals for the coming year and indicate how you plan to accomplish them.

My personal goals for the next three years are:

Please list the items you wish to discuss during your evaluation.

- 1.
- 2.
- 3.



Please list any additional comments and/or concerns you may have.

--

*Thank you for taking time to complete the Self-Assessment for Performance Review.*

Signature:	Date:
------------	-------

**RESOLUTION NO. 12-03-18D  
DEED OF CONVEYANCE**

WHEREAS, the City of Custer City has certain property which is not held for public use or is about to be abandoned for public purposes; and

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

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer City, that it is advisable and in the best interest of the public that the following property is declared to be not held for public use or is about to be abandoned for public purposes and shall be transferred and conveyed gratuitously to Custer County Mounties 4-H Club under the direction of South Dakota 4-H, a nonprofit corporation, as set forth in SDCL 6-5-2; Gratuitous Transfers of Property to Other Political Subdivisions or Nonprofit Corporations:

Laptop – HP ProBook 6560b Serial #4CZ1270SZD

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor or Council President is hereby authorized to execute this Resolution and Deed of Conveyance in accordance herewith, with the specific restriction that this property shall only be utilized for public purposes and accommodations and nonprofit purposes and no other use whatsoever.

Dated this 3<sup>rd</sup> day of December, 2018.

CITY OF CUSTER CITY

ATTEST:

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

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

(SEAL)



## 2019 Animal Control with City of Custer City

Parties: This agreement is entered into by and between the City of Custer, hereinafter referred to as "City" and Battel Mountain Humane hereinafter referred to as "Contractor".

Term and conditions: The term of this agreement shall commence January 1, 2019 and end December 31, 2019.

1. The City shall pay "Contractor" \$ 1,000.00 per month for services as an independent contractor for animal control services within the city limits of City of Custer.

"Contractor" shall be on call from 8:00 a.m. to 6:00 p.m. to respond to calls within the City of Custer City. In the event of an emergency and "Contractor" cannot be reached, the call shall be forwarded to the Custer County Sheriff's office to respond.

Discretion is given to "Contractor" for the enforcement of City Ordinances and State Laws; however "Contractor" does not have discretion when an animal has been quarantined or order impounded by a sworn law enforcement officer of the State of South Dakota, and shall follow South Dakota State Law.

"Contractor" shall compile and remit a monthly list of all calls in the city for each month to the Custer City Finance Officer on or before the 10<sup>th</sup> of the following month. The monthly list shall include the disposition of each incident.

Animals will be sheltered at B M H S. In the event such animal(s) is not claimed by its owner in 3 days, said animal shall become the property of "Contractor". The welfare for animals will be provided by "Contractor".

Fines and cost shall be charged to the offending animal owner as set forth in City Ordinances and any amendments thereto. "Contractor" shall review and be familiar with and shall carry out the obligations of the Animal Control Policy as adopted in Title 6 Chapter 6.04 and any amendments. Citation fees shall be issued by "Contractor" and the citation fee will be remitted to the City Finance Office, or "Contractor". Any monies collected by "Contractor" shall be remitted to the City Finance Office on or before the 10<sup>th</sup> of the following month. The City of Custer will provide a numbered citation book. Duplicate citations shall be remitted with all fees collected. The citation book in its entirety (both duplicate and unused tickets) shall be turned into the City Finance Office at year end.

"Contractor" will be responsible to provide all necessary equipment to snare loose animals and transport animals including vehicle cage. "Contractor" shall be further responsible to provide labor, common supplies, transportation, gasoline, a vehicle liability policy with limits of \$25,000 per person and \$50,000 per accident, a property liability policy with limits of \$25,000 and a general commercial liability policy of \$1,000,000 per occurrence and \$2,000,000 general aggregate, with the City being listed as additional insured.

"Contractor" is an Independent Contractor; at no time shall "Contractor" or any of their volunteers be considered to be an agent, servant, or employee of the City. The parties' also recognize that "Contractor" and their volunteers are not covered by any Workman's Compensation insurance carried by the City.

"Contractor" shall perform duties in a professional and humane manner. "Contractor" hereby agrees to hold the City of Custer, its officials, agents and employees, harmless from any incident from misuse of equipment, or "Contractor" negligence or intentional acts occurring in the performance of their duties and hereby agrees to indemnify the City for such.

Integration: The parties hereby understand and agree that this agreement represents the entire agreement of the parties. Any other oral communications or agreements shall not be binding upon the parties. Any and all changes or modification of this agreement shall be in writing and signed by both parties.

It is agreed that this agreement may be terminated by either party upon giving 30 days written notice to the other party of such intention to terminate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

**Attest:**

**City of Custer**

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

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

**Custer County Sheriff**

**"Contractor"**

\_\_\_\_\_  
Marty Mechaley, Sheriff

Toni Wagoner  
Signature

Toni A Wagoner  
Print Name and Title *President*



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

#### Staff Report

Request: Minor Plat, Tracts Raymond North and Raymond South  
Applicant: Rick and Connie Wellington  
Location: Approximately 0.7 miles North North/East of Custer. Near the int of Hwy 89 and Elk Valley Road  
Legal Desc.: Tract Raymond North and Tract Raymond South - See Plat for full legal  
Fee Paid: \$450.00  
Date Prepared: November 20<sup>th</sup>, 2018  
City Council Meeting: December 3<sup>rd</sup>, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a two-parcel subdivision that is not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. The proposed plat will divide the existing Revised Tract Raymond (42.87 acres) into two Tracts, Tract Raymond North (22.28 acres) and Tract Raymond South (20.58 Acres). The existing Revised Tract Raymond has an existing dwelling near the south boundary. Such dwelling has a private well and septic system. The proposed Tract Raymond North will remain of adequate size to support well and septic.

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

#### **COMPREHENSIVE PLAN**

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

#### **ROUTING SHEET RESPONSES**

CC ROD – Correction in legal description

CC Highway – No Concerns.

SDDOT – Access location work. Detailed email on file with Planning Administrator.

#### **ACCESS**

Existing access to the area is provided from SD Hwy 89 (Sylvan Lake Road) and Elk Valley Road. Pleasant Valley Rd.

Elk Valley Road is a 66' Public Access Easement.

Proposed Tract Raymond South is planned to retain its current access point. Proposed Tract Raymond North is proposed to be accessed directly from SD Hwy 89.

#### SDDOT Access Review

DOT personal has completed their access review and established an approved access location for proposed Tract Raymond North. The center line of this location is 160' south of the furthest North/West property corner of the property. Because access locations are limited, DOT has requested such location be noted on the plat. The surveyor has completed this request.

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

Minor redline corrections found during routing have been addressed by the surveyor.

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

The PC reviewed the minor plat at their November 13<sup>th</sup>, 2018 meeting. After some discussion mainly focused around the access location onto SD Hwy 89 and the location of the proposed lot line, Commissioner Harbach moved with a second by Commissioner Uhrich to recommend approval of the plat. Harbach's motion unanimously carried.

#### **SUMMARY AND STAFF RECCOMENDATION**

The proposed two lot subdivision has established access and appears to meet all other applicable City and County subdivision standards. Staff supports approval of the minor plat.

A PLAT OF  
**TRACT RAYMOND NORTH AND TRACT RAYMOND SOUTH OF CHARD SUBDIVISION**  
 (FORMERLY REVISED TRACT RAYMOND)  
 LOCATED IN THE SW 1/4 NE 1/4 AND THE SE 1/4 NW 1/4 OF SECTION 13, T3S, R4E,  
 BHM, CUSTER COUNTY, SOUTH DAKOTA

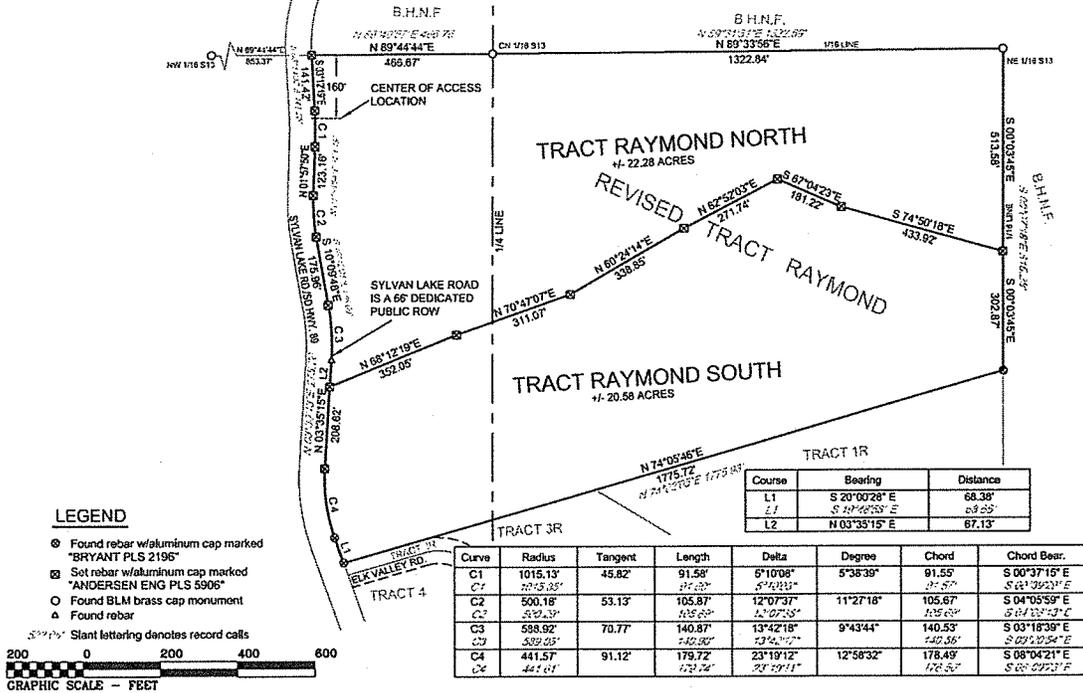
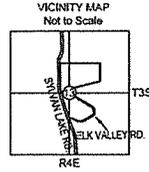
NOTE: See Book 12 of  
 Plats on Page 3 for plat of  
 Revised Tract Raymond.

NOTE: ELK VALLEY RD.  
 IS A 66' PUBLIC ACCESS  
 EASEMENT

NOTE: See Misc. Book  
 42M on page 65 for a Right  
 of Way Permit - OHJUG  
 Individual across Revised  
 Tract Raymond.

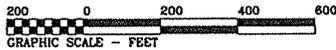
DATE SURVEYED  
 20 Sept. 2018

BASIS OF BEARING - GPS OBSERVATION  
 taken S 74°10'21" W 747.54' from the SE corner  
 of Tract Raymond South,  
 OPUS STATIC SOLUTION NAD83(2011)  
 LAT: 43°47'23.72834"  
 LONG: -103°35'09.06941"



**LEGEND**

- ⊙ Found rebar w/aluminum cap marked "BRYANT PLS 2196"
  - ⊙ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
  - Found BLM brass cap monument
  - ▲ Found rebar
- Slant lettering denotes record calls



Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	1015.13'	45.82'	91.58'	6°10'08"	5°36'39"	91.55'	S 00°37'15" E
C2	500.16'	53.13'	105.87'	12°07'37"	11°27'18"	105.67'	S 04°03'59" E
C3	588.92'	70.77'	140.87'	13°42'18"	9°43'44"	140.53'	S 03°18'39" E
C4	441.57'	91.12'	179.72'	23°19'12"	12°58'32"	178.49'	S 08°04'21" E

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF BOTH SIDES OF THE LOT LINES ARE NOT CONTROLLED BY THIS PLAT THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0400F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Custer County's Flood Ordinance.

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

**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 \_\_\_, 2018.

**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: \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 We, Constance Lee Wellington and Ricky Dale Wellington, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2018.

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 \_\_\_, 2018.  
 Director of Equalization of Custer County \_\_\_\_\_

**ACKNOWLEDGMENT OF OWNERSHIP**  
 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this \_\_\_ day of \_\_\_, 2018, before me, a Notary Public, personally appeared Constance Lee Wellington and Ricky Dale Wellington, known to me to be the person(s) described in the foregoing Instrument, and acknowledged to me that they signed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

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

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

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

OFFICE OF THE REGISTER OF DEEDS  
 Filed for record this \_\_\_ day of \_\_\_, 2018, at \_\_\_ o'clock \_\_\_ M., and recorded in Book \_\_\_ of Plats on page \_\_\_\_\_.  
 Custer County Register of Deeds \_\_\_\_\_

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

Drawn by DR	Date 10/12/2018	P.O. Box 446 Edgemont, SD 57735 (605)-682-5500
Approved by McB	Date 10/12/2018	andersenengineers@gwtc.net
Scale 1"=200'	Sheet 1 of 1	File Name: TR_RAYMOND_CHARD



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

#### Staff Report

Request: Minor Plat, Lot 18R and Tract 7R of Deer Ridge Subdivision  
Applicant: Gregg Warne  
Location: Approximately 2.7 miles West of Custer. Near the int of Deer Ridge Road and Buck Lane  
Legal Desc.: Lot 18R and 7R of Deer Ridge Subdivision - See Plat for full legal  
Fee Paid: \$125.00  
Date Prepared: November 20<sup>th</sup>, 2018  
City Council Meeting: December 3<sup>rd</sup>, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a lot line adjustment with two parcels that are not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. Individual wells and wastewater systems are available and serve the existing homes on the properties.

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

The plat is performing a lot line adjustment between the existing Lot 18 (20.00 acres) and Tract 7 (2.01 acres). Lot 18R is proposed to contain 18.04 acres and proposed Tract 7R will contain 4.00 acres.

#### **COMPREHENSIVE PLAN**

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

#### **ROUTING SHEET RESPONSES**

CC Highway – No Concerns  
CC ROD – Minor redline changes  
SDDOT – No concerns

#### **ACCESS**

Existing access to the area is provided from US Hwy 16 to Wind Dance Ranch Road to Deer Ridge Road. Deer Ridge Road and Buck Lane serve the current parcels.

Deer Ridge Road and Buck Lane are 66' Dedicated Public Right of Ways.

#### **SECTION LINE VACATION**

The section line rights of way that run east and west through the north ends of Proposed Lot 18R and Proposed Tract 7R was vacated by resolution filed Misc. Book 40 Page 693 Signed by the Custer County Commission on December 9<sup>th</sup>, 2003.

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

Minor redline corrections found during routing have been addressed by the surveyor.

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

The PC reviewed the minor plat at their November 13<sup>th</sup>, 2018 meeting. After some discussion Commissioner Uhrich moved with a second by Commissioner Hudson to recommend approval of the plat. Uhrich's motion unanimously carried.

#### **SUMMARY AND STAFF RECCOMENDATION**

The proposed plat is a lot line adjustment with no changes to access and no concern of inadequate water and waste water services to the parcels. Staff supports approval of the minor plat.

A PLAT OF  
**LOT 18R AND TRACT 7R OF DEER RIDGE SUBDIVISION**  
 (Formerly Lot 18 and Tract 7 of Deer Ridge Subdivision)  
 Located in the NW 1/4 of Section 5, T4S, R4E, and the SW 1/4 of Section  
 32, T3S, R4E, BHM, Custer County, South Dakota

NOTE: See Book 11 of Plats on Page 513 for plat of Lot 18.

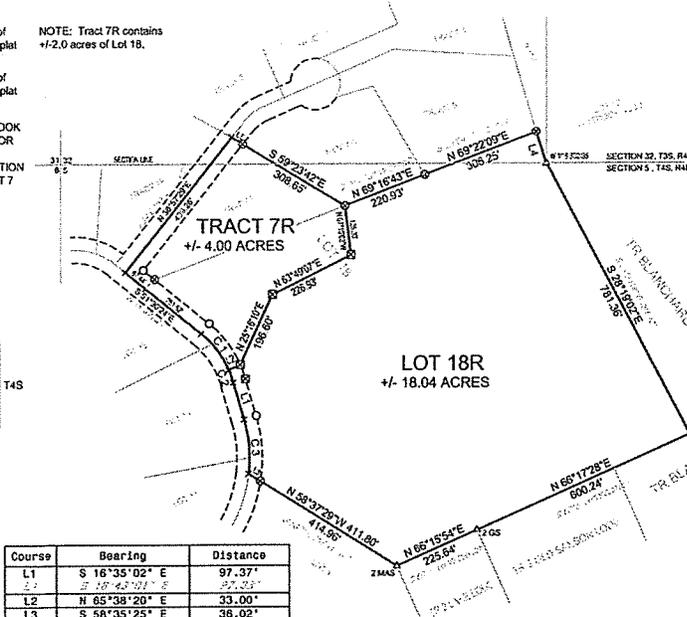
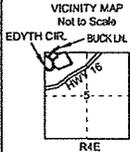
NOTE: Tract 7R contains +/-2.0 acres of Lot 18.

NOTE: See Book 11 of Plats on Page 600 for plat of Replat of Tract 7.

NOTE: SEE MISC. BOOK 40M ON PAGE 693 FOR THE RESOLUTION VACATING THE SECTION LINE ACROSS TRACT 7 AND LOT 18.

DATE SURVEYED  
 25 Sept. 2018

BASIS OF BEARING - GPS OBSERVATION taken S 33°07'15"W 1699.94' from the SE corner of LOT 18.  
 LAT: 43°43'57.03528"  
 LONG: -103°40'31.14887"



**LEGEND**

- ⊗ Set rebar with Al. cap marked "ANDERSEN PLS 2842"
- Found rebar without cap
- △ Found stone monument
- ⊙ Found rebar with Al. cap marked "BRYANT RLS 2196"
- x Angle point - not monumented

SCALE IN FEET  
 0 200 400

Course	Bearing	Distance
L1	S 16°35'02" E	97.37'
L2	N 65°13'20" E	33.00'
L3	S 58°35'25" E	36.02'
L4	S 18°23'19" E	84.19'
L5	S 59°23'11" E	33.35'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	247.54'	59.94'	117.61'	27°13'20"	23°08'46"	116.51'	S 37°58'21" E
C2	247.54'	16.84'	33.64'	7°47'09"	23°08'46"	33.61'	S 20°28'06" E
C3	346.45'	70.76'	139.61'	23°05'17"	16°32'17"	138.66'	S 04°54'58" E

**CERTIFICATE OF SURVEYOR**

I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.  
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.  
 Dated this \_\_\_ day of \_\_\_, 2018.

John D. McBride SDRLS No. 5906

**STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER**

The Greg L. Warne Trust, does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2018.

Greg L. Warne (TRUSTEE)

**ACKNOWLEDGMENT OF OWNERSHIP**

STATE OF SOUTH DAKOTA, COUNTY OF FALL RIVER

On this \_\_\_ day of \_\_\_, 2018, before me, the undersigned officer, personally appeared Greg L. Warne, Trustee of Greg L. Warne Trust, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that she executed the same in the capacity therein stated and for the purposes therein contained.  
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

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

STATE OF SOUTH DAKOTA, COUNTY OF CUSTER

We, Daniel D. Eisenbraun & Patricia T. Eisenbraun, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2018.

Daniel D. Eisenbraun

Patricia T. Eisenbraun

**ACKNOWLEDGMENT OF OWNERSHIP**

STATE OF SOUTH DAKOTA, COUNTY OF CUSTER

On this \_\_\_ day of \_\_\_, 2018, before me, a Notary Public, personally appeared Daniel D. Eisenbraun & Patricia T. Eisenbraun, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

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

**CERTIFICATE OF COUNTY 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 \_\_\_, 2018.

Director of Equalization of Custer County

**OFFICE OF THE REGISTER OF DEEDS**

Filed for record this \_\_\_ day of \_\_\_, 2018, at \_\_\_ o'clock \_\_\_ M, and recorded in Book \_\_\_ of Plats on page \_\_\_.

Custer County Register of Deeds

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

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0400F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Custer County's Flood Ordinance.

**WATER PROTECTION STATEMENT**

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

**CERTIFICATE OF HIGHWAY AUTHORITY**

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

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

**CERTIFICATE OF COUNTY TREASURER**

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.  
 Dated this \_\_\_ day of \_\_\_, 2018.

Custer County Treasurer

**RESOLUTION OF THE CITY COUNCIL**

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,  
**BE IT RESOLVED**, that said plat is hereby approved in all respects.  
 Dated at Custer, South Dakota this \_\_\_ day of \_\_\_, 2018.

**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.

Custer City Finance Officer

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

Drawn by DR	Date 10/11/2018	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500
Approved by JM	Date 10/11/2018	anderseneengineers@gwtc.net
Scale 1"=200'	Sheet 1 of 1	File Name: L18_DEER_RIDGE



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

#### Staff Report

Request: Minor Plat, Lot 20R and Lot 21R of Wittrock Subdivision  
Applicant: Dennis and Emelia Moulton  
Location: Approximately 1.9 miles West of Custer. Pilot Road  
Legal Desc.: Lot 20R and Lot 21R of Wittrock Subdivision - See Plat for full legal  
Fee Paid: \$125.00  
Date Prepared: November 20<sup>th</sup>, 2018  
City Council Meeting: December 3<sup>rd</sup>, 2018  
Prepared by Tim Hartmann, Planning Administrator

#### **GENERAL**

This plat is for a lot line adjustment with two parcels that are not within the city of Custer but is subject to review by the City under the City's extraterritorial jurisdiction. Individual wells and wastewater systems are available and serve the existing home on the proposed Lot 21R. The proposed Lot 20R will remain of adequate size to support a well and wastewater system. This lot line shift will establish more viable building sites on the proposed Lot 20R and allow the current property owner to assure the existing home and accessory structure are located on one common parcel.

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

The plat is performing a lot line adjustment between the existing Lot 20 (4.43 acres) and Lot 21 (4.73 acres). Lot 20R is proposed to contain 3.66 acres and proposed Lot 21R will contain 5.39 acres.

#### **COMPREHENSIVE PLAN**

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

#### **ROUTING SHEET RESPONSES**

SDDOT – No Concerns

#### **ACCESS**

Existing access to the area is provided from US Hwy 16 to Pilot Road. Parcels are approximately 0.3 miles north on Pilot Road.

Pilot Road is a 66' Public Access and Utility Easement.

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

Minor redline corrections found during routing have been addressed by the surveyor.

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

The PC reviewed the minor plat at their November 13<sup>th</sup>, 2018 meeting. After some discussion Commissioner Uhrich moved with a second by Commissioner Hudson to recommend approval of the plat. Uhrich's motion unanimously carried.

#### **SUMMARY AND STAFF RECCOMENDATION**

The proposed plat is a lot line adjustment presented to establish more viable building sites with potential future structures and shift a lot line away from an existing structure. Staff supports approval of the minor plat.

A PLAT OF  
**LOT 20R AND LOT 21R OF WITTRUCK SUBDIVISION NO. 2**  
 (FORMERLY LOT 20 AND LOT 21 OF WITTRUCK SUBDIVISION NO. 2)  
 LOCATED IN THE NW 1/4 SE 1/4 OF SECTION 32, T3S, R4E, BHM,  
 CUSTER COUNTY, SOUTH DAKOTA

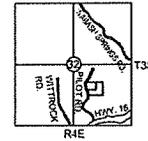
NOTE: See Book 12 of  
 Plats on Page 354 for plat  
 of WITTRUCK  
 SUBDIVISION NO. 2

NOTE: See Misc. book  
 42m on page 311 for a  
 Right of Way Permit -  
 OHVUG Individual.

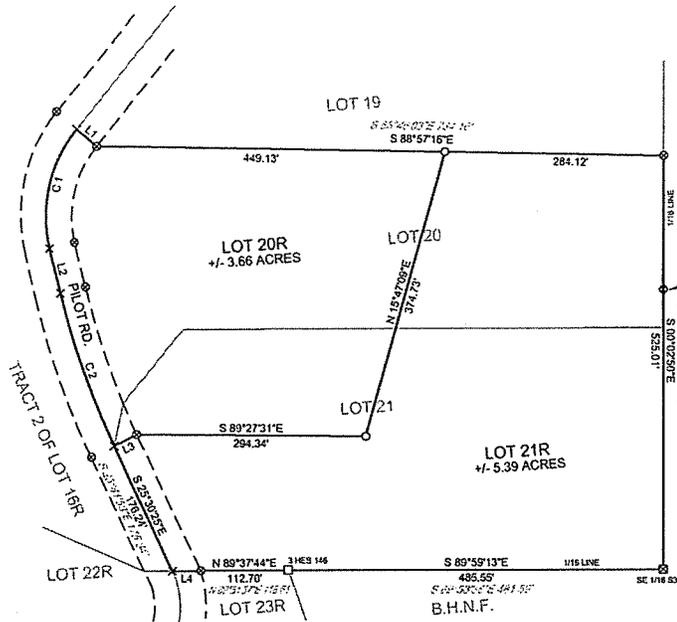
NOTE: See Misc. book  
 44m on page 261 for a  
 Electric Easement - OHVUG.

NOTE: PILOT RD. IS A 66'  
 WIDE PUBLIC ACCESS  
 AND UTILITY EASEMENT

VICINITY MAP  
 Not to Scale



DATE SURVEYED  
 5 Sept 2018

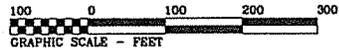


NOTE: FOUND REBAR WITH AL CAP  
 MARKED 'BUCKHORN PLS 4898' IN  
 07°02'34\"

**LEGEND**

- ⊠ Found BLM brass cap monument
- ⊙ Found rebar w/aluminum cap marked "BUCKHORN PLS 4898"
- Found stone monument
- △ Found "T" post
- Set rebar w/aluminum cap marked "ANDERSEN ENG. PLS 5906"
- × angle point not monumented
- 322.20'* Slant lettering denotes record calls

**BASIS OF BEARINGS - GPS OBSERVATION**  
 taken on the East ROW monument at the SW corner of Lot 21R  
 OPUS STATIC SOLUTION NAD83(2011)  
 LAT: 43°44'30.92708"  
 LONG: -103°39'55.67587"



Course	Bearing	Distance	Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
L1	S 89°20'11\"	34.37'	C1	174.00'	87.50'	102.87'	89°18'16\"	162.81'	8°12'28\"
L2	S 12°36'17\"	66.37'	C2	1000.00'	103.36'	206.87'	11°48'17\"	206.87'	8°19'42\"
L3	N 89°32'21\"	32.78'							
L4	N 89°34'44\"	36.23'							

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF BOTH SIDES OF THE LOT LINES ARE NOT CONTROLLED BY THIS PLAT THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0400F, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the County's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Custer County's Flood Ordinance.

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

**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 \_\_\_, 2018.

John D. McBride SDRLS No. 5906

**CERTIFICATE OF HIGHWAY AUTHORITY**

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

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

**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 \_\_\_, 2018.

Director of Equalization of Custer County

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

We, Dennis F. Moulton and Emelia M. Moulton, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.  
 Dated this \_\_\_ day of \_\_\_, 2018.

Dennis F. Moulton

Emelia M. Moulton

**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 \_\_\_, 2018.

Mayor

**ACKNOWLEDGMENT OF OWNERSHIP**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
 On this \_\_\_ day of \_\_\_, 2018, before me, a Notary Public, personally appeared Dennis F. Moulton and Emelia M. Moulton, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

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

**CERTIFICATE OF 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.

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 \_\_\_, 2018.

Custer County Treasurer

OFFICE OF THE REGISTER OF DEEDS

Filed for record this \_\_\_ day of \_\_\_, 2018, at \_\_\_ o'clock \_\_\_ M, and recorded in Book \_\_\_ of Plats on page \_\_\_.

Custer County Register of Deeds

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

Drawn by DR	Date 10/12/2018	P.O. Box 446 Edgemont, SD 57735 (605)-682-5500
Approved by McB	Date 10/12/2018	andersenengineers@gwic.net
Scale 1"=100'	Sheet 1 of 1	File Name: L20_WITTRUCK



Banner Associates, Inc.  
 2307 W 57th St, Ste 102  
 Sioux Falls, SD 57108  
 Tel 605.692.6342  
 Toll Free 855.323.6342  
 www.bannerassociates.com

November 15, 2018

Mr. Bob Morrison, Public Works Director  
 City of Custer  
 622 Crook Street  
 Custer, South Dakota 57730

RE: Custer West Dam – CLOMR & LOMR Application Submittal Fee

Dear Mr. Morrison:

As part of the preparation for proposed improvements to Custer West Dam, a CLOMR and LOMR review by the Federal Emergency Management Agency (FEMA) is required. A review is necessary on proposed improvements that affect the hydrologic or hydraulic characteristics of a flooding source or when proposed improvements are within a regulatory floodway. Custer West Dam is located within a regulatory floodway on French Creek and improvements to this structure will revise the hydraulic characteristics of this creek crossing.

Banner Associates has prepared the necessary information needed to submit an application for a Conditional Letter of Map Revision (CLOMR). The information will be sent to FEMA for review of the proposed conditions. FEMA requires an application and review fee on CLOMR submittals that are less than 50% federally funded. At this time, it is our understanding that the City of Custer will be funding more than 50% of the project. Banner has spoken with a FEMA representative on the fee structure and reimbursement of payment if the project does achieve more than 50% federal funds. Following construction of the proposed improvement, a LOMR application is required. The LOMR is a request for a Letter of Map Revision based on the as-built condition of the improvements. The LOMR application and review by FEMA will also require a fee.

Below is a table describing the FEMA review fees for the proposed dam improvement project.

Type of Request	Less than 50% Federally Funded	More than 50% Federally Funded
CLOMR – Based on New Hydrology, Bridge, Culvert, Channel or Combination Thereof	\$6,500 <sup>1</sup>	Free
LOMR – Based on As-Built Information Submitted as a Follow-up to a CLOMR	\$8,000 <sup>1</sup>	Free

<sup>1</sup>Fee will be reimbursed to applicant if project is greater than 50% Federally Funded

At this time, payment to FEMA for review of the CLOMR application is needed to proceed with the project. The CLOMR application will be submitted on FEMA's online application portal. The payment will need to be processed at the time of online submission. Please inform me when you are prepared to apply payment. FEMA will accept an e-check or credit card.



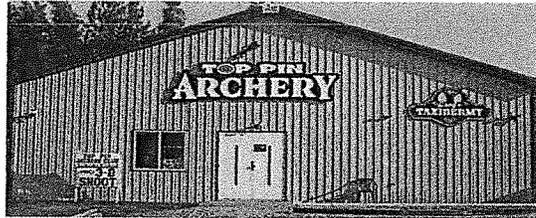
Page 2

Please contact me if you have questions regarding the requirements of this CLOMR submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "Weston J. Blasius". The signature is fluid and cursive, with a prominent initial 'W'.

Weston J. Blasius, PE  
Banner Associates, Inc.



**25086 Shamrock Road**  
**PO BOX 5063**  
**Custer, SD 57730**  
**1-605-673-5880**  
[tbmay@gwtc.net](mailto:tbmay@gwtc.net)

November 16, 2018

Tim Hartmann  
Planning Administrator, City of Custer  
622 Crook Street  
Custer, SD 57730

Dear Tim,

Per our conversation I am corresponding with you to state Top Pin's business understanding regarding the deer reduction program

First this reduction program will take place between December 1<sup>st</sup> and December 20<sup>th</sup>. Actual reduction will be done by local law enforcement. The deer will be brought in to the skinning shed field dressed.

Top Pin will provide the skinning, storage, grinding and bagging and local distribution service. General test specimens will be determined by the Game Fish and Parks. Top Pin has contacted Steve Griffin at the Rapid City Office of the Game Fish and Parks and provided your telephone number to him.

Top Pin in the past has provided ground venison to the Store House, The Food Pantry and Custer Community Action.

Due to the weather and the expense of heat to keep the animals from freezing we will be requesting Forty dollars (\$40) per animal.

If this is your understanding I await your response. Thanking you in advance for your consideration.

Sincerely,

Matthew T. May  
Top Pin Archery  
Cell: 605-673-1216



Aflac, Insurance, \$542.74  
Amazon.com, Supplies, \$965.31  
Apple Store, Supplies, \$3.18  
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00  
Black Hills Chemical, Supplies, \$38.36  
Black Hills Energy, Utilities, \$2,354.81  
Black Hills Area Community Foundation, Custer Dog Park, \$250.00  
Baymont Inn, Travel/ Conference, \$153.98  
Century Business Products, Supplies, \$165.82  
Collins Flags, Supplies, \$5,510.08  
Custer Do It Best, Supplies, Repair and Maintenance, \$134.40  
Chronicle, Publishing, \$340.58  
California State Disbursement, Deduction, \$53.19  
Custer Heating and Air Conditioning, Repairs and Maintenance, \$112.37  
Dacotah Bank ,TIF #2 Payment, \$18,236.18  
Dacotah Bank ,TIF #4 Payment, \$26,670.80  
Delta Dental, Insurance, \$254.20  
Discovery Benefits, Supplies, \$956.92  
EFTPS, Taxes, \$11,745.50  
Express Collections, Professional Fees, \$35.71  
Five Points Bank, TIF #5 Payment, \$20,694.23  
First Interstate Bank, TIF #4 Payment, \$26,646.03  
First Interstate Bank, TIF #1 Payment, \$22,437.08  
Golden West Telecommunications, Utilities, \$592.05  
Golden West Technologies, Repairs and Maintenance, \$673.50  
National Emergency Training Center, Travel/ Conference, \$126.52  
Northwest Pipe Fitting, Supplies, \$21.34  
PDF Complete, Supplies, \$91.34  
Petty Cash, Supplies, \$450.27  
Pizza Hut, Supplies, \$48.96  
Pitney Bowes, Supplies, \$48.69  
Quill, Supplies, \$88.95  
Regional Health Network, Deed, \$1.00  
Sanders Sanitation, Garbage Collection Contract, \$14,264.80  
SD Department of Revenue, License Transfer, \$75.00  
SD Retirement System, \$6,307.08  
Supplemental Retirement, \$500.00  
Verizon Wireless, Utilities, \$1,333.06  
Wright Express, Supplies, \$1,066.87  
YMCA, Membership, \$40.00  
Wise Richard, Utility Deposit Refund, \$10.54  
Finance Department, \$4,626.28  
Public Buildings, \$1,570.77  
Planning Department, \$6,571.06  
Public Works Department, \$3,015.25  
Street Department, \$9,538.85  
Cruisin Department, \$74.57  
Parks Department, \$3,551.75  
Water Department, \$12,344.30  
Wastewater Department, \$11,266.28  
Total Claims, \$217,600.55

