

**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
February 3<sup>rd</sup>, 2020**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of February 2020 at 5:30 p.m. Present at roll call were Councilpersons Blom, Whittaker, Moore, Fischer, Nielsen and Ryan. Attorney Beesley was also present. The Pledge of Allegiance was stated.

**AGENDA**

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

**MINUTES**

Councilperson Nielsen moved, with a second by Councilperson Moore, to approve the minutes from the January 21<sup>st</sup> council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**RESOLUTION #01-06-2020A – STREET VACATION – BLOCK 41**

Councilperson Fischer moved to approve Resolution #01-06-2020A, Street Vacation Block 41. Seconded by Councilperson Blom, the motion unanimously failed.

**RESOLUTION #02-03-2020A – STREET VACATION – BLOCK 41**

Councilperson Fischer moved to adopt Resolution #02-03-2020A, Street Vacation Block 41. Seconded by Councilperson Nielsen, the motion unanimously carried.

Resolution #02-03-2020A

WHEREAS, the verified Petition and application of all owners of real property abutting the hereinafter described portion of certain alleys in Custer City, Custer County, South Dakota, praying that said portion of said streets and alleys be vacated in order to promote an orderly and uniform system of streets and alleys in the City of Custer, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the City Council of the City of Custer, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 15<sup>th</sup> day of January, 2020 and on the 22<sup>nd</sup> day of January, 2020, in the Custer County Chronicle, a legal newspaper printed and published in the City of Custer, Custer County, South Dakota, setting forth the 3<sup>rd</sup> day of February, 2020, at the hour of 5:30 o'clock, P.M. for hearing thereon.

NOW THEREFORE BE IT RESOLVED that the certain portion of the originally platted streets and alleys to the City of Custer, Custer County, South Dakota as shown on the attached Exhibit B and described as follows:

the area of Mountain Avenue contiguous to Lot 1 in Block 41, lying between the North line of Montgomery Street and the South line of the East/West alley and having a dimension of 12.5' x 150'.

all located in City of Custer City in Custer County South Dakota. Be, and the same is, forever vacated, subject to existent and future easements and right-of-way for public and private utilities.

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

Dated at Custer, Custer County, South Dakota, this 3<sup>rd</sup> day of February 2020.

CITY OF CUSTER

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**PUBLIC COMMENTS**

Gene Fennell mentioned that the Custer Economic Development Corporation is going to try having someone in attendance at various community meetings. No other public comments were received.

**CUSTER CRUISIN SOCIAL MEDIA AGREEMENT – GREEN OWL MEDIA**

Councilperson Blom moved to approve the Custer Cruisin social media contract with Green Owl Media for a total of \$2,808 for 2020. Seconded by Councilperson Moore, the motion carried with Councilperson Blom, Whittaker, Moore, Fischer, Nielsen and Ryan voting yes.

**SPECIAL USE PERMIT FOR WELL #9 AND WELL #10 – FOREST SERVICE**

Councilperson Moore moved to approve the Special Use Permit for Well #9 and Well #10 with the US Forest Service for an annual land use fee of \$300.68. Seconded by Councilperson Whittaker, the motion unanimously carried.

**REQUEST TO USE PAGEANT HILL – CHARLIE HUNSAKER & SAM PECHOTA**

Councilperson Fischer moved to approve Charlie Hunsaker & Sam Pechota's request to use Pageant Hill on June 13, 2020 for their wedding ceremony contingent upon proof of insurance being provided. Seconded by Councilperson Nielsen, the motion unanimously carried.

**CEMETERY CARETAKER BIDS**

Attorney Beesley presented his recommendation to reject all bids and request bids for a one-year contract period as it's in the best interest of the City. Councilperson Nielsen moved to reject all bids received for the Cemetery Caretaker and request bids for a one-year contract period. Seconded by Councilperson Blom, the motion unanimously carried.

**CLAIMS**

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

2019 Claim

Nielsen Enterprises, Repairs and Maintenance, \$13,920.00

Total 2019 Claim \$13,920.00

2020 Claims

ACES, Professional Fees, \$16,690.00

AFLAC, Insurance, \$820.92

ASFPM, Membership, \$165.00

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

Black Hills Energy, Utilities, \$2,690.78

Beesley Law Office, Professional Fees, \$3,002.50

Butler Machinery, Supplies, \$6,122.27

California State Disbursement, Deduction, \$92.30

Century Business Products, Supplies, \$87.85

Crazy Horse/Laughing Water Restaurant, Supplies, \$1,028.45

Custer Do It Best, Supplies, Repairs and Maintenance, \$42.40

Days Inn, Travel/Conference, \$308.00

Delta Dental, Insurance, \$212.00

Discovery Benefits, Supplies, \$1,453.06

EFTPS, Taxes, \$18,404.17

Fastenal, Supplies, \$50.82

Golden West Telecommunications, Utilities, \$519.04

Golden West Technologies, Professional Fees, \$762.50

Hach, Repairs and Maintenance, \$532.08

Hawkins, Supplies, \$122.00

Jenner Equipment, Repairs and Maintenance, \$1,210.58

Image All, Supplies, \$6.50

Kimball Midwest, Supplies, \$161.57

Petty Cash, Supplies, \$550.62

Pizza Hut, Supplies, \$61.00

Quill, Supplies, \$218.99

Rick Kothe, Reimbursement, \$93.41

Sanders Sanitation, Garbage Collection Contract, \$13,253.23

SD DENR, Travel/Conference, \$60.00

SDML, Travel/Conference, \$60.00

SD Retirement System, \$6,665.32  
Supplemental Retirement, \$670.00  
Vector, Supplies, \$200.00  
Wright Express, Supplies, \$832.36  
Wellmark, Insurance, \$13,769.51  
YMCA, Membership, \$84.00  
Mayor & Council, \$4,532.00  
Finance Department, \$4,376.30  
Public Building Department, \$2,497.44  
Planning Department, \$7092.94  
Public Works Department, \$10,807.57  
Street Department, \$7,173.39  
Cruisin Department, \$152.01  
Parks Department, \$4,530.85  
Water Department, \$24,382.40  
Wastewater Department, \$24,194.42  
Total 2020 Claims \$181,742.55

**DEPARTMENT HEADS & COMMITTEE REPORTS**

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

**BREAK 5:50 – 5:55**

**EXECUTIVE SESSION**

Councilperson Fischer moved to go into and out of executive session for proposed/pending litigation per SDCL 1-25-2(3) at 5:55 pm, with the Attorney, Planning Administrator and Finance Officer present. Seconded by Councilperson Ryan, the motion unanimously carried. Council came out of executive session at 6:21 pm, with no action taken.

**ADJOURNMENT**

With no further business, Councilperson Ryan moved to adjourn the meeting at 6:21 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor